



City of Bloomington Common Council

Legislative Packet

Special Session

23 June 2010

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402

812.349.3409

council@bloomington.in.gov
<http://www.bloomington.in.gov/council>



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- **Notice of Cancellation** of Committee of the Whole on June 23rd

Reports from the Mayor

- **Annual Tax Abatement Report**
 - Memo from Danise Alano, Director of the Department of Economic and Sustainable Development; Report
Contact: Danise Alano at 349-3418 or alanod@bloomington.in.gov

Minutes from Regular and Special Sessions:

- **Special Session to Consider Amendments to the Unified Development Ordinance** (occurring on the evenings of July 8th, July 15th, July 29th, August 5th and September 16th, 2009)
- **Regular Session** on March 24, 2010

Memo

Special Session on Wednesday, June 23rd to Consider Tax Abatement Report – No Committee of the Whole

The Council canceled the Committee of the Whole scheduled for next Wednesday, but will still meet to approve some minutes (including the series of meetings last summer that comprised the Special Session to consider amendments to the Unified Development Ordinance) and to act on the *Annual Tax Abatement Report*. The materials associated with those actions are included in this packet.

Reports from the Mayor – Annual Tax Abatement Report

Danise Alano, Director of the Department Economic and Sustainable Development, is scheduled to present the *Annual Tax Abatement Report* to the Council next Wednesday night at a Special Session. As you may recall, this Special Session was added to the Annual Schedule in 2010 in order to give the department more time to prepare the *Report*. Unless you disagree with this scheduling, we will continue to hold this extra meeting in future years.

Each year statute requires recipients of tax abatements to file CF-1 forms with the legislative body showing whether the project is providing the benefits which were promised at the time the petitioner sought the abatement. Due to a recent change in State law, the deadline for submitting CF-1s for improvements to real estate and for the installation of new manufacturing equipment are now all on the same date (May 15th).

Danise gathers and reviews the CF-1s, files her report with the Economic Development Commission and presents its recommendations to the Council in time for the Council to pursue statutory procedures to terminate abatements, should the underlying circumstances justify that decision. This year, the *Report* recommends that all recipients be found in substantial compliance.

The *Report* is to the Economic Development Commission and Common Council and summarizes the status of the active and recently-inactive tax abatement projects. It is attached to this packet and includes a(n):

- Introduction to Tax Abatements (pages 1-5);
- Table of Contents (pages 6-7);
- One sheet summary of each project which is often accompanied by photos (pages 8-67);
- List of six abatements that have expired (page 68);
- List of one projects that is still in progress (page 69);
- List of four projects where not all of the CF-1s have been received (page 70);
and
- Summary of the economic impact of these projects (page 71-74).

My memo below briefly explains tax abatements, summarizes the process for reviewing these projects and highlights some projects that were previously discussed by the Council or that may not have fully met their targets this year. *Please note that the Meeting Memo for next week's Regular Session will offer the Council an order for your deliberations as well as a menu of motions from which to choose.*

Tax Abatement – A Reduction in Property Tax Liability for Properties Not Susceptible to Normal Growth and Development

Tax abatements are a reduction of tax liability on real and personal property that applies to increased assessed valuation due to new investment. (I.C. 6-1.1-12.1 et seq.) Prior to awarding a tax abatement, the Council must make a determination (in the form of designating an Economic Revitalization Area [ERA] and, in some cases, an Economic Development Target Area [EDTA]) that the site would not develop under normal market conditions. Although this is a difficult determination to make, it serves as a check on the abatement and as a way providing that these incentives will be used for investments would not otherwise occur. Please note that the period of abatement may run from 1 to 10 years and the amount of the abatement is determined by a sliding scale that runs from 100% to 0%.

Typical Commitments - Standard of Review (Substantial Compliance)

Along with making a determination regarding the distressed nature of the site, statute requires the Council to find that the benefits asserted by the petitioner are reasonable and probable and, in totality, justify the granting of the abatement. These benefits are found in the Application and Statement of Benefits and typically relate to:

- the amount of investment (as measured by the estimated assessed valuation of the improvements);
- the number of jobs retained and created by the project, and the size of the resulting payroll;
- the number of affordable dwelling units that have been set aside for low-to-moderate income households. (*Please note that these units are usually in the form of subsidized rental units, but may include owner-occupied housing.*);
- other goals specified in the tax abatement guidelines such as:
 - encouraging housing in the downtown area (which has grown from encouraging owner-occupied units to supporting some projects with market-rate rental units);
- other policies of the City such as:
 - following the West Kirkwood Corridor Plan;
 - implementing the Growth Policies Plan; or
 - rehabilitating a historic property in accordance with Secretary of Interior standards.
- other benefits such as:
 - the use of higher quality materials or

- o a commitment to provide a certain level of indigent care.

Please note that Danise Alano has worked with the Economic Development Commission to revise the Tax Abatement Guidelines and intends to submit revisions to the Council later this year.

The Annual Tax Abatement Report gives the Council an opportunity to review projects in order to determine whether they are in substantial compliance with the commitments made at the time of the abatement. The Council must act within 45 days of the deadlines for filing the CF-1s if it intends to exercise its power to rescind a tax abatement.

As noted above, the Council may rescind the tax abatement and terminate the deduction only if it finds that the property owner has not substantially complied with the commitments made at the time of the abatement.

According to statute, the decision to terminate the tax deduction should be made only when you conclude the tax payer has not made reasonable efforts to meet its commitments and was not prevented from complying with the terms of the abatement due to factors beyond its control.

Report Recommends Substantial Compliance for All Projects

The *Report* recommends that all of the projects be found in compliance with the terms of their abatement. The following chart covers projects with some issues previously discussed by the Council and some issues possibly raised by the CF-1s:

<u>Report</u>	<u>Tax Payer</u>	<u>Site/Name of Project</u>	<u>Legislation</u>
Page 26	Hopewell Renewal	1400 West 6 th Street	<u>Res 96-14</u>

Issue: This project had three components: an apartment building for persons with HIV/AIDS, an apartment building for persons with mental disabilities, and 12, 2-story attached town homes for first-time home buyers. Up until last year, all of the project, except for 8 of the duplexes, was complete and compliant. The remaining duplexes have now been built, but the CF-1s have not been received and the status of the tenants as first-time home buyers has not been confirmed.

<u>Report</u>	<u>Tax Payer</u>	<u>Site/Name of Project</u>	<u>Legislation</u>
Page 27	Morton Street Properties (formerly Hirons Investments, LLC)	555 North Morton Street	<u>Res 99-13</u>

Issue: This property was purchased by Solution Tree in 2008 and is occupied by Solution Tree, Hirons and CallNet. The property owner committed to invest at least \$2.7 million in the renovation, retain 48 positions and create 30-40 new ones. The *Report* indicates that the project exceeded investment estimates (\$3.9 million), retained the 48 positions, and created 48 new jobs.

Page 31	Landmark Medical, LLC	550 Landmark Avenue (Landmark Business Center)	<u>Res 99-27</u>
Page 64	Rogers Property Management, LLP (IMA East)	2605 East Creek's Edge Drive	<u>Res 06-02</u>

Issue: The benefits of these projects included the construction of new medical facilities, the retention of 285 existing jobs (271 at Landmark and 14 at Creek's Edge), the creation of 165 new jobs (121 at Landmark and 44 at Creek's Edge), and the provision of uncompensated health care to indigent community members. The *Report* indicates these Projects more than met the investment, job, payroll and indigent care targets. The latter amounted to over \$2.5 million at Landmark and over \$240,00 at Creek's Edge in 2009 along with a significant amount of other donated services.

Page 33	Metropolitan Printing, Inc	720 South Morton Street	<u>Res 99-31</u>
---------	-----------------------------------	-------------------------	------------------

Issue: The property owner intended to invest a total of \$2.475 million for improvements in real estate and the acquisition of new manufacturing equipment and to create six to eight new jobs. The total investment exceeded projections. However, the property owner was unable to create new jobs and, in fact, reduced the work force from 55 to 31 employees. The *Report* found the property owner was making good-faith efforts to meet these commitments given trying market conditions.

Page 35 **B & L Sheet Metal and Roofing** 1301 N. Monroe St.

Res 99-41

Issue: This property owner intended to invest \$220,000 in real estate, \$183,000 in machinery and add 10 new jobs to the 33-employee operation. While the investment targets were met or exceeded, it appears that the overall work force this year is 40, which amounts to increase of 7 rather than 10 new positions. The material attached to the CF-1 indicates that “total employment levels were down ... as a result of the slow down in the economy, but are expected to come back as construction demand improves.”

Page 39 **Lockerbie** 500 N. Walnut St.

Res 01-02

Issue: This project was intended to be a downtown, owner-occupied residential project. While the developer invested more than was estimated in the project, the *Report* does not indicate whether the units are owner-occupied. In the past, Alano has mentioned that it would be difficult to exclude properties occupied of children who rented from their parents while attending IU. She also has mentioned problems defining the concept of “owner-occupied” when attempting to draft a memorandum of understanding for an other downtown project a few years ago.

Page 45 **Marlin Real Estate Holdings, LLC (formerly Richland Development Group)** 1600 West Bloomfield Road

Res 02-22

Issue: This property changed ownership a few years ago. Danise Alano ascertained that ProLogic (which took over the coupon business), an accountant, a dentist and a real estate office occupy the space. The initial property owner committed to invest \$3.7 million in the project, retain 30 positions, and create 30 new positions. The *Report* indicates that the investment estimate and number of jobs retained were met, but that the actual number of new jobs is not quite at the estimate. In that regard, 27 of 30 new positions have been created.

Expired Tax Abatements (Page 68)

Cantol Wax Building 21 N. Washington Street

Res 91-31

CFC, Inc. Showers Plaza at 320 East 8th Street

Res 94-17

CFC, Inc.	Max Fulk/East House at 417 & 421 West 6 th Street	<u>Res 98-10</u>
Rono Corp/ RC One LP	901 South Rogers Street	<u>Res 99-28 & 29</u>
Printpack, Inc.	303 North Curry Pike	<u>Res 99-35</u>
Bloomington Paint and Wallpaper	1150 South Walnut Street	<u>Res 04-03</u>

Unfinished Projects (Page 69)

The Report indicates that one project is still in progress. The owner of that property has no obligation to file the CF-1 form until the project is assessed and they are ready and willing to claim the deduction.

<u>Tax Payer</u>	<u>Site/Type of Abatement</u>	<u>Legislation</u>
Woolery Ventures, LLC	2200 W Tapp Road <i>Real Estate</i>	<u>Res 04-01</u>

Update: Danise Alano indicates that the property owner is seeking Recovery Act funds through Monroe County to continue this project.

CF-1s Not Received (Page 70)

The *Report* indicates that the following property owners did not file a CF-1:

<u>Report</u>	<u>Tax Payer</u>	<u>Site/Name of Project</u>	<u>Legislation</u>
Page 10	Madison Park Homeowners Assoc	300 & 400 Block of S. Madison Street	<u>Res 91-18</u>
Page 26	Hopewell Renewal	1400 Block of West 6 th Street	<u>Res 96-14</u>
Page 60	Habitat for Humanity	1010, 1014 & 1026 W. 14 th Street	<u>Res 05-09</u>

Issue: These are all either condominium or affordable, single family housing projects where the individual owners must file the CF-1. It isn't unusual for them to forget to file a CF-1 or file an incomplete CF-1. This is particularly so in regard to affordable housing projects.

Non-Compliance

None

Economic Impacts

As a result of past requests from the Council, the *Report* provides some economic impacts of the tax abatements, including the amount of investment (\$139.3 million), number of jobs retained (407) and created (716), and size of the payroll for newly created jobs (\$35.5 million). In future years, Danise is hoping to present figures regarding the amount of abated taxes if those figures can be garnered with sufficient accuracy.

Recent Changes in State Law Offer Tax Abatements within the City Without Review by the Common Council

The *Report* evaluates current tax abatement projects authorized by the City of Bloomington, but does not address two other forms of tax abatement within the City that are generally not reviewed by the Common Council. These tax abatement programs were recently enacted by the State Legislature. The first was a temporary program that offered abatements from March of 2005 to March of 2007. These offered a 3- year, graduated Investment Deduction (IC 6-1.1-12.4) for redevelopment, development or rehabilitation of real property and the purchase of personal property that creates or retains employment in areas outside of TIF districts and Certified Technology Parks. The second is tied to our Urban Enterprise Zone (which, at this time, is set to expire in 2017) and offers a 100% deduction of taxes for a period of either five or ten years for eligible investments within an Enterprise Zone for the purchase, construction and rehabilitation of buildings as well as the purchase and retooling of equipment. (I.C. 6-1.1-45) You may recall that the Council does, in fact, review a subset of the latter abatements which also fall within one of our TIF districts.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL SPECIAL SESSION
7:30 P.M., WEDNESDAY, JUNE 23, 2010
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR:

Special Session to consider
Amendments to the Unified
Development Ordinance (occurring
on July 8th, July 15th, July 29th,
August 5th and September 16th
of 2009

Regular Session on March 24, 2010

IV. REPORTS FROM THE MAYOR

1. Annual Tax Abatement Report

Asked to attend: Danise Alano, Director of Economic and Sustainable Development

IX. ADJOURNMENT



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

To: Council Members
From: Council Office
Re: Calendar for the Week of June 21-June 26, 2010

Monday, June 21, 2010

12:00 noon Bloomington Entertainment and Arts District Advisory Committee, McCloskey
5:00 pm Farmers' Market Advisory Council, Parks Room 250
5:30 pm Bicycle and Pedestrian Safety Commission, Hooker Room

Tuesday, June 22, 2010

8:30 am Jack Hopkins Social Service Grants Technical Assistance Meeting, McCloskey
4:00 pm Bloomington Community Farmers' Market, Madison St, Between 6th & 7th St
5:00 pm Utilities Service Board, Board Room, 600 E Miller Dr
5:15 pm Solid Waste Management District Citizens Advisory Committee, McCloskey
5:30 pm Bloomington Public Transportation Corporation, Public Transportation Center, 130 W Grimes Lane
5:30 pm Board of Public Works, Council Chambers

Wednesday, June 23, 2010

10:00 am Metropolitan Planning Organization Technical Advisory Committee, McCloskey
4:00 pm Dr. Martin Luther King Jr. Birthday Commission, McCloskey
6:30 pm Metropolitan Planning Organization, Citizens Advisory Committee, McCloskey
7:30 pm Common Council Special Session, Council Chambers

Thursday, June 24, 2010

10:30 am County Address Coordination Meeting, McCloskey
5:30 pm Board of Zoning Appeals, Council Chambers

Friday, June 25, 2010

12:00 noon Economic Development Commission, Hooker Room
12:00 noon Common Council Internal Work Session, McCloskey

Saturday, June 26, 2010

8:00 am Bloomington Community Farmers' Market, Showers Common, 401 N. Morton

Posted and Distributed: Friday, June 18, 2010



City of Bloomington
Office of the Common Council

NOTICE OF CANCELLATION

THE COMMON COUNCIL
COMMITTEE OF THE WHOLE DISCUSSION
SCHEDULED FOR
23 JUNE 2010
HAS BEEN CANCELLED.

THE COUNCIL WILL STILL MEET FOR A
SPECIAL SESSION
AT THAT TIME IN THE
COUNCIL CHAMBERS, 401 N. MORTON STREET.

Dated and Posted: Friday, June 18, 2010

401 N. Morton Street • Bloomington, IN 47404

City Hall

Phone: (812) 349-3409 • Fax: (812) 349-3570

www.bloomington.in.gov/council
council@bloomington.in.gov



Memorandum

To: City of Bloomington Common Council
CC: Regina Moore, Dan Sherman
From: Danise Alano, Director of Economic & Sustainable Development
Date: June 18, 2010
Re: 2009 Tax Abatement Activity Summary

Attached please find the 2009 Activity Summary of Tax Abatements for your acceptance. The Economic Development Commission accepted the report in their meeting on June 9, 2010 and recommended it be forwarded to the City of Bloomington Common Council.

The summary is intended to provide a comprehensive description of the Council's abatement portfolio, relative to new real estate development, historic rehabilitation projects, affordable housing and job creation.

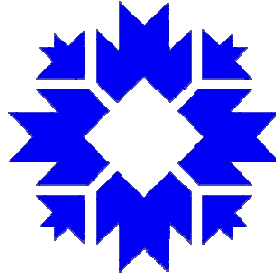
Each year, property owners receiving a tax abatement must file a Compliance with Statement of Benefits (CF-1) with the City Clerk (as well as the County Auditor). The CF-1 provides an update of the status of the abated project (whether real estate property or personal property, or both) and allows the Common Council to review the actual values of the investment/improvement to the property with the value of the investment/improvement estimated on the original Statement of Benefits Form (SB-1). If the project included new job creation then the property owner may also list job creation and salary information.

The CF-1 provides a snapshot of the project and the abatement criteria and is therefore limited in that it does not necessarily show real growth or fluctuations in activity throughout a year or from year to year.

I look forward to presenting this report to you with additional background and details at the June 23, 2010 City Council agenda.

Tax Abatement Program

Activity Summary

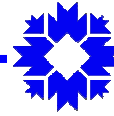


Report to
Common Council
June 23, 2010
**Economic Development
Commission**



Tax Abatements

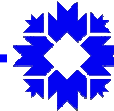
- IC 6-1.1-12.1
- Real and personal property
- Reduction of tax liability **on added assessed value (AV) only**
- All or part of **new** assessed value exempted from paying property tax
- Sliding scale from 100% to **no** exemption on the new AV



Real Property Schedule

Year of Deduction	1	2	3	4	5	6	7	8	9	10
1 Year Deduction	100%									
2 Year Deduction	100%	50%								
3 Year Deduction	100%	66%	33%							
4 Year Deduction	100%	75%	50%	25%						
5 Year Deduction	100%	80%	60%	40%	20%					
6 Year Deduction	100%	85%	66%	50%	34%	17%				
7 Year Deduction	100%	85%	71%	57%	43%	29%	14%			
8 Year Deduction	100%	88%	75%	63%	50%	38%	25%	13%		
9 Year Deduction	100%	88%	77%	66%	55%	44%	33%	22%	11%	
10 Year Deduction	100%	95%	80%	65%	50%	40%	30%	20%	10%	5%

IC 6-1.1-12.1-4



Personal Property Schedule

Yrs	1	2	3	4	5	6	7	8	9	10	11
1	100%										
2	100%	50%									
3	100%	66%	33%								
4	100%	75%	50%	25%							
5	100%	80%	60%	40%	20%						
6	100%	85%	66%	50%	34%	25%					
7	100%	85%	71%	57%	43%	29%	14%				
8	100%	88%	75%	63%	50%	38%	25%	13%			
9	100%	88%	77%	66%	55%	44%	33%	22%	11%		
10	100%	90%	80%	70%	60%	50%	40%	30%	20%	10%	

IC 6-1.1-12.1-4.5



Tax Abatements

- Tool under city/town control
- Private investment, job creation
- Increase tax base
- City of Bloomington focus, historically:
 - Capital investment (↑ AV)
 - New jobs/retained jobs
 - Historic property rehabilitation
 - Affordable housing; downtown housing
 - Community service



Table of Contents

Page 10	Madison Park Homeowners Association (Madison Park Condominiums), Various at 300- and 400-block S. Madison St.
Page 17	East Third Street Properties, Inc. , Various Miller Dr. and Highland Ave.
Page 20	Habitat for Humanity , 410, 412, 414 N. Hay Street
Page 24	CFC, Inc. , 200-216 S. Madison – Bicycle Apartments
Page 26	Hopewell Renewal , Various 1400-block W. 6 th St.
Page 27	Morton Street Properties, LLC , 555 North Morton Street
Page 29	Ferguson, Seeber and Cassady (KP Building), 114-116 N. Walnut St.
Page 31	Landmark Medical, LLC (Landmark Business Ctr), 550 Landmark Ave.
Page 33	Metropolitan Printing, Inc. , 720 S. Morton St.
Page 35	B & L Sheet Metal & Roofing , 1301 N. Monroe St.
Page 37	Mary & Daniel P. Friedman (Omega Building), 252 N. Walnut St.
Page 39	Lockerbie Court Condominiums, LLC , 500 N. Walnut St.
Page 41	All Natural Properties , 1403, 1405 W. 6 th St.
Page 44	Renaissance Rentals, LLC , 3068 – 3090 Covenanter Drive
Page 45	Marlin Real Estate Holdings (MRHC, LLC) , 1600 Bloomfield Rd.
Page 48	Kirkwood & Madison, LLC (Formerly CFC, Inc.), 314 W. 4 th Street
Page 51	B & L Rentals, LLC , 612 & 614 W. Kirkwood
Page 52	B & L Rentals, LLC , 718, 720 & 722 W. Kirkwood

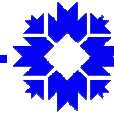


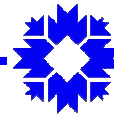
Table of Contents

Page 55 **Richard Dean Groomer**, 1000 W. Kirkwood Ave.
Page 59 **Cook Pharmica, LLC**, 1300 S. Patterson Dr.
Page 60 **Habitat for Humanity**, 1010,1014,1026 W. 14th Street
Page 62 **Habitat for Humanity**, 1034 W. 14th Street
Page 64 **Rogers Property Management, LLP (IMA East)**, 2605 E. Creek's Edge
Page 67 **Evergreen Village**, Various Property Owners, Susie Street/Rockport Rd.



Madison Park Condominiums





Madison Park Condominiums



Department of Economic & Sustainable Development



Madison Park Homeowners Association (Madison Park Condominiums)
401-413 S. Madison; 351-365 S. Madison; 332-348 S. Madison
Resolution: 91-18

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 10 years

Estimated New Investment: \$1,800,000
Estimated New Employment: NA
Estimated New Salaries: NA
Benefits: Construction of 16 two-bedroom garden and 16 two-bedroom town house condominiums

*Some of these units are expired and some are still under the abatement.

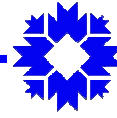
Compliance

Summary: The project is complete as of 11/30/1999 and all units are occupied.

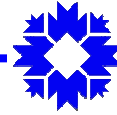
Actual New Investment: \$1,431,124
Actual New Employment: NA
Actual New Salaries: NA
Current Assessed Value:

Remarks: Although approved in 1991 for a 10-yr abatement, one building in this project is still within the abatement term because construction was divided into three phases over a period of eight years. Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 10 of 10.

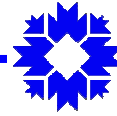


**East Third Street Properties, Inc.
Affordable Rental Homes**

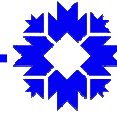


**East Third Street Properties, Inc.
Affordable Rental Homes**



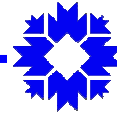


**East Third Street Properties, Inc.
Affordable Rental Homes**

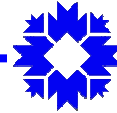


**East Third Street Properties, Inc.
Affordable Rental Homes**



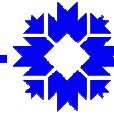


**East Third Street Properties, Inc.
Affordable Rental Homes**



**East Third Street Properties, Inc.
Affordable Rental Homes**





East Third Street Properties, Inc.
1239, 1249, 1251 Miller Dr. & 1721, 1725, 1731 Highland Ave.
Resolution: 95-03

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 10 years

Estimated New Investment: \$450,000
Estimated New Employment: NA
Estimated New Salaries: NA

Benefits: 1721, 1725, 1731 Highland Ave. is low income housing through HOME program.

Compliance

Summary: The project is complete and the units are occupied by income-eligible renters. HAND verified compliance

Actual New Investment: NR
Actual New Employment: NA
Actual New Salaries: NA

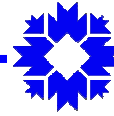
Current Assessed Value:
Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 9 of 10 and 10 of 10 due to completion dates.

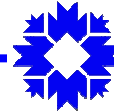


Habitat for Humanity





Habitat for Humanity



Habitat for Humanity
410, 412, 414 N. Hay Street
Resolution: 95-11

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 10 years

Estimated New Investment: \$87,000
Estimated New Employment: NA
Estimated New Salaries: NA
Benefits: Construction of standard single family homes.

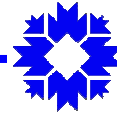
Compliance

Summary: The project is complete and all homes were sold to low-income families. HAND verified compliance.

Actual New Investment: \$105,000
Actual New Employment: NA
Actual New Salaries: NA
Current Assessed Value:

Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

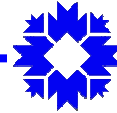
This abatement is in year 8 of 10.



Bicycle Apartments
Affordable and Market-Rate Apartments



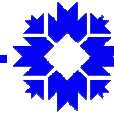
Department of Economic & Sustainable Development



Bicycle Apartments
Affordable and Market-Rate Apartments



Department of Economic & Sustainable Development



**Bicycle Apartments
Affordable and Market-Rate Apartments**



**CFC, Inc. – Bicycle Apartments
200-216 S. Madison St.
Resolution: 95-30**

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 10 years

Estimated New Investment: \$1,195,000
Estimated New Employment: 40
Estimated New Salaries: \$576,000
Benefits: 66 efficiencies and 12 one bedroom apartments including 1 office and 1 laundry/maintenance unit.

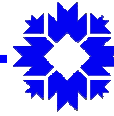
Compliance

Summary: The project is complete and most units are occupied. HAND verified affordability compliance.

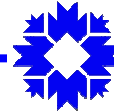
Actual New Investment: \$1,400,191
Actual New Employment: 40
Actual New Salaries: \$576,000 (temporary)

Current Assessed Value: \$1,232,200
Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 9 of 10.



Hopewell Renewal



Hopewell Renewal (various owners)
1400-block W. 6th Street
Resolution: 96-14

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 10 years

Estimated New Investment: \$1,145,000
Estimated New Employment: NA
Estimated New Salaries: NA
Benefits: Construction of 2 new apartments- one for people with HIV/AIDS and the other for people with emotional disabilities; and construction of 6 structures with 12 two-story attached town homes for first-time homebuyers.

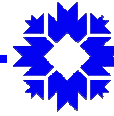
Compliance

Summary: The project is partially complete. The two apartment buildings are currently occupied as intended, and four town homes are occupied by first-time homebuyers.

Actual New Investment: NR
Actual New Employment: NA
Actual New Salaries: NA
Current Assessed Value:

Remarks: The homeowners are receiving a tax abatement. In previous years, the built portion of the site was used as intended.

This abatement is between 9 of 10 and 10 of 10 due to completion dates.**



Morton Street Properties
555 North Morton Street (formerly Hirons Investments, LLC)
Resolution: 99-13

Statement of Benefits
Type: Real Estate Improvements
Length of Abatement: 10 years

Compliance
Summary: The project is complete.

Estimated New Investment: \$2,700,000
Estimated New Employment: 30
Estimated New Salaries: NA
Benefits: Renovation of existing 20,000 sqft buildings, an 8,000 sqft new construction, parking space for 100 vehicles and landscaping.

Actual New Investment: \$3,900,000
Actual New Employment: 70
Actual New Salaries: \$3,696,000
Current Assessed Value: \$2,404,200
Remarks: Morton Street Properties purchased the building in 2008. Solution Tree (the new owner), Hirons, and CallNet all occupy the space.

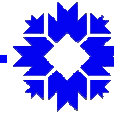
Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 8 of 10



KP Building
Mixed Use, Historic Renovation





Ferguson, Seeber & Cassady
114-116 N. Walnut (KP Building)
Resolution: 99-20

Statement of Benefits

Type: Real Property Improvements
Length of Abatement: 10 years

Estimated New Investment: \$500,000
Estimated New Employment: NA
Estimated New Salaries: NA
Benefits: Refurbish the Fraternal Lodge Building into 10 apartments for the price of \$500,000.

Compliance

Summary: The project is complete. The renovation of the building is complete and occupied.

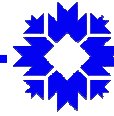
Actual New Investment: \$500,000
Actual New Employment: NA
Actual New Salaries: NA
Current Assessed Value:
Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 10 of 10.



Landmark Business Center
Internal Medicine Associates





Landmark Medical, LLC
550 Landmark Avenue (Landmark Business Center)
Resolution: 99-27

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 10 years

Compliance

Summary: The project is complete. In 2009, the Center provided \$2,580,008 and SIRA provided \$1,900,000 in uncompensated health care; \$6,407 in staffing support for indigent health care; \$212,094 in donated services to high school athletes; and \$149,184 in donated services to incoming IU athletes. In addition, IMA physicians and nurse practitioners have volunteered 543 hours in providing support to VIM.

Estimated New Investment: \$9,231,231
Estimated New Employment: 121
Estimated New Salaries: \$6,900,000
Benefits: New Outpatient Treatment facility for internal Medicine Associates (IMA), SIRA, and INC.

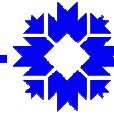
Actual New Investment: \$12,000,000
Actual New Employment: 192
Actual New Salaries: \$8,533,600
Current Assessed Value: \$10,055,000
Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 9 of 10.



Metropolitan Printing Service





Metropolitan Printing Service
720 S. Morton Street
Resolution: 99-31

Statement of Benefits

Type: Real Estate Improvements & New Manufacturing and Equipment

Length of Abatement: 10 years

Estimated New Investment:

RE \$225,000

PP \$2,250,000

Estimated New Employment: 6-8

Estimated New Salaries: \$137,280

Benefits: 6- color 40" Komori printing press and pre-press equipment required, new press pit, new HVAC, and electrical improvements.

Compliance

Summary: The project is complete. The company has struggled in recent years and has lost employment. They do not expect to meet their estimated employment goals during the term of the abatement.

Actual New Investment:

RE \$225,000

PP \$2,522,686

Actual New Employment: 0

Actual New Salaries: 0

Current Assessed Value:

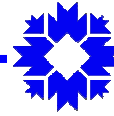
Remarks: Actual investment has exceeded estimates. Additional employees have not been hired. The property owner is making a good faith effort to meet the abatement estimates and staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 8 of 10.



B & L Sheet Metal & Roofing





B & L Sheetmetal & Roofing
1301 N. Monroe St.
Resolution: 99-41

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 10 years

Estimated New Investment:

RE \$220,000
PP \$183,000

Estimated New Employment: 10

Estimated New Salaries: \$250,000

Benefits: Improvements on building and real estate.

Compliance

Summary: The project is complete and actual investment and hiring continues to exceed estimates.

Actual New Investment:

RE \$220,000
PP \$228,520

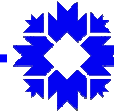
Actual New Employment: 7

Actual New Salaries: \$1,019,551

Current Assessed Value:

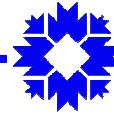
Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 6 of 10.



Omega Building
Mixed Use, Market-Rate Apartments





Mary & Daniel P. Friedman
252 N. Walnut Street (Omega Building)
Resolution: 00-07

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 10 years

Compliance

Summary: The project is complete and the residential portions are occupied.

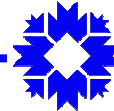
Estimated New Investment: \$2,100,000
Estimated New Employment: 1
Estimated New Salaries: \$10,000-\$13,000

Actual New Investment: \$2,100,000
Actual New Employment: NA
Actual New Salaries: NA
Current Assessed Value: \$2,069,100

Benefits: Construction of four-story mixed-use building on downtown vacant lot. Building contains 13 apartments and two commercial spaces.

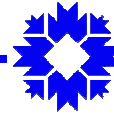
Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 9 of 10.



Lockerbie Court Condominiums, LLC
Market-Rate, Condominium Units





Lockerbie Court Condominiums, LLC
500 N. Walnut Street
Resolution: 01-02

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 10 years

Estimated New Investment: \$2,700,000
Estimated New Employment: 1
Estimated New Salaries: \$10,000
Benefits: New 4 story brick and limestone building constructed downtown with 17 residential condominium units and parking garage.

Compliance

Summary: The project is complete and the building is occupied.

Actual New Investment: \$4,400,000
Actual New Employment: NA
Actual New Salaries: NA
Current Assessed Value:

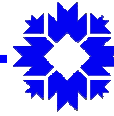
Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 9 of 10.



All Natural Properties, Inc.





All Natural Properties, Inc.
1403, 1405 W. 6th Street
Resolution: 01-06

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 10 years

Estimated New Investment: \$140,000
Estimated New Employment: NA
Estimated New Salaries: NA
Benefits: Construction of two downtown 3-bedroom, 2-bath, affordable housing units that are set aside for low-to-moderate income renters for 20 years.

Compliance

Summary: The project is complete and both units are occupied by low-income renters. HAND verified compliance.

Actual New Investment: \$176,000
Actual New Employment: NA
Actual New Salaries: NA
Current Assessed Value:

Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 6 of 10



Renaissance Rentals, LLC





Renaissance Rentals, LLC



Renaissance Rentals, LLC

3068 – 3090 Covenanter Drive

Resolution: 02-18

Statement of Benefits

Type: Real Estate Improvements

Length of Abatement: 10 years

Estimated New Investment: \$520,322

Estimated New Employment: NA

Estimated New Salaries: NA

Benefits: Construction of 12-unit apartment building with 11 affordable, handicapped accessible unit.

Compliance

Summary: The project is complete and the affordable units are occupied by low-income renters. HAND verified compliance.

Actual New Investment: NR

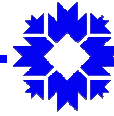
Actual New Employment: NA

Actual New Salaries: NA

Current Assessed Value:

Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 6 of 10.



Marlin Real Estate Holdings (MRHC,LLC)
(Formerly Richland Development Group) 1600 Bloomfield Road
Resolution: 02-22

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 10 years

Estimated New Investment: \$3,350,000
Estimated New Employment: 30
Estimated New Salaries: \$11/hr (approx. \$686,400)

Benefits: Construction of a 26,000 square foot corporate office building.



Compliance

Summary: The project is complete and all units are occupied.

Actual New Investment: NR
Actual New Employment: 27
Actual New Salaries: \$35/hr (approx. \$509,600)

Current Assessed Value:

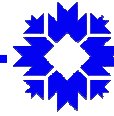
Remarks: The building is now occupied by ProLogic Redemption Solutions, a dental office, a real estate office and an accountant. ProLogic intends to grow its coupon redemption business in this location.

This abatement is in year 6 of 10.



The Kirkwood
Market-Rate Apartments





**The Kirkwood
Market-Rate Apartments**



Kirkwood & Madison, LLC (The Kirkwood)
314 W. 4th Street
Resolution: 03-02

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 10 years

Estimated New Investment: \$12,000,000

Estimated New Employment:
3 permanent, 130 temporary

Estimated New Salaries:
\$71,000 permanent,
\$6,000,000 temporary

Benefits: Construction of 59 unit residential apartments downtown with underground parking.

Compliance

Summary: The project is complete and all units are occupied.

Actual New Investment: \$15,100,000

Actual New Employment: 3

Actual New Salaries: \$131,000

Current Assessed Value: \$7,786,900

Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 6 of 10.



B & L Rentals



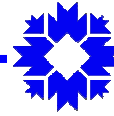
Department of Economic & Sustainable Development



B & L Rentals



Department of Economic & Sustainable Development



B & L Rentals, LLC
 612 & 614 W. Kirkwood
 Resolution: 03-21

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 10 years

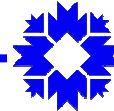
Estimated New Investment: \$155,000
Estimated New Employment: 2
Estimated New Salaries: \$40,000
Benefits: Construction of a 2 story building with office, 2 bed room apartments, and a detached garage.

Compliance

Summary: The project is complete and both the units are occupied.

Actual New Investment: \$230,000
Actual New Employment: 2
Actual New Salaries: \$180,000 with commission
Current Assessed Value: \$155,500
Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 7 of 10.



B & L Rentals, LLC
 718, 720 & 722 W. Kirkwood
 Resolution: 03-22

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 10 years

Estimated New Investment: \$100,000
Estimated New Employment: NA
Estimated New Salaries: NA
Benefits: Renovation of Queen Anne 2 story housing with 3 apartments in the West Kirkwood ERA.

Compliance

Summary: The project is complete.

Actual New Investment: \$100,000
Actual New Employment: NA
Actual New Salaries: NA
Current Assessed Value:
Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 6 of 10.



Richard Dean Groomer



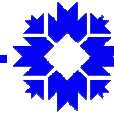
Department of Economic & Sustainable Development



Richard Dean Groomer



Department of Economic & Sustainable Development



Richard Dean Groomer
1000 W. Kirkwood
Resolution: 03-27

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 10 years

Compliance

Summary: The project is complete.

Estimated New Investment: \$60,000
Estimated New Employment: 5
Estimated New Salaries: NA

Actual New Investment: \$67,250
Actual New Employment: 5
Actual New Salaries: NA

Benefits: Construction of a 2,100 square foot one-story building to be used as commercial space. The project is in the West Kirkwood ERA.

Current Assessed Value: \$161,800
Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 5 of 10.



Cook Pharmica



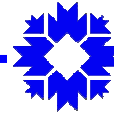


Cook Pharmica



Cook Pharmica





Cook Pharmica
1300 S. Patterson Dr.
Resolution: 04-08

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement:
 RE 10 years
 PP 10 years

Compliance

Summary: Real estate and equipment improvements are complete.

Estimated New Investment:

RE \$19,000,000
 PP \$17,200,000

Actual New Investment:

RE \$45,662,506
 PP \$37,996,461

Estimated New Employment: 200

Estimated New Salaries: \$9,455,920

Benefits: Renovation of "Building 2" at the Indiana Enterprise Center. This 430,000 sq ft building was built in 1965. Renovation of exterior and 100,000 sq. ft. of interior for use by a new company to develop and research in contract pharmaceuticals.

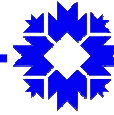
Actual New Employment: 302

Actual New Salaries: \$18,879,433

Current Assessed Value: \$19,901,782

Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

The RE abatement is in year 4 of 10.
 The PP abatement is in year 3 of 10.



Habitat for Humanity
1010, 1018, 1026 W. 14th St.
Resolution: 05-09

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 5 years

Compliance

Summary: The houses are complete and occupied.

Estimated New Investment: \$174,000

Estimated New Employment: NA

Estimated New Salaries: NA

Benefits: Construction of three 1,200 square foot 3-bedroom homes to be sold to low-income families.

Actual New Investment: \$180,600

Actual New Employment: NA

Actual New Salaries: NA

Remark: The project is in substantial compliance.



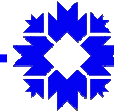


Habitat for Humanity



Department of Economic & Sustainable Development

61



Habitat for Humanity
1034 W. 14th Street
Resolution: 05-11

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 5 years

Estimated New Investment: \$160,000
Estimated New Employment: NA
Estimated New Salaries: NA
Benefits: Construction of standard single family homes.

Compliance

Summary: The project is complete and all homes were sold to low-income families. HAND verified compliance.

Actual New Investment: NR
Actual New Employment: NA
Actual New Salaries: NA

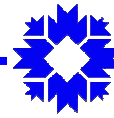
Current Assessed Value:

Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year

Department of Economic & Sustainable Development

62



IMA East
 2605 East Creek's Edge Drive
 Resolution 06-02



Rogers Property Management, LLP
 IMA East (2605 E. Creek's Edge Drive)
 Resolution: 06-02

Statement of Benefits

Type: Real Estate Improvements
Length of Abatement: 10 years

Estimated New Investment: \$4,021,250
Estimated New Employment: 44
Estimated New Salaries: NA

Benefits: Construction of an outpatient treatment facility for Internal medicine Associates (IMA, INC). Petitioner targets a minimum of \$200,000 in uncompensated services to the community annually over the next 10 years.

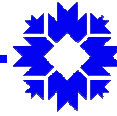
Compliance

Summary: The project is complete. In 2009, the Center provided \$243,582 in uncompensated health care; \$6,407 in staffing support for indigent health care; \$212,094 in donated services to high school athletes; and \$149,184 in donated services to incoming IU athletes. In addition, IMA physicians and nurse practitioners have volunteered 543 hours in providing support to VIM.

Actual New Investment: \$9,000,000
Actual New Employment: 50
Actual New Salaries: \$625,138

Current Assessed Value:
Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 4 of 10.

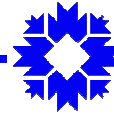


Evergreen Village



Evergreen Village

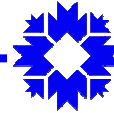




Evergreen Village
Various Property Owners
Resolution: 06-13

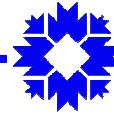
Statement of Benefits**Type:** Real Estate Improvements**Length of Abatement:** 5 years**Estimated New Investment:** \$1,919,791**Estimated New Employment:** NA**Estimated New Salaries:** NA**Benefits:** The 12 housing units will be LEED certified and affordable, with a 30 year affordability covenant.Compliance**Summary:** 12 houses are built; 9 have been sold to income-qualified homeowners.**Actual New Investment:** \$1,966,977.25**Actual New Employment:** NA**Actual New Salaries:** NA**Current Assessed Value:****Remarks:** Staff recommends a finding of substantial compliance with the Statement of Benefits.

These abatements are in year 1 of 5.



Expired Abatements in 2009

<u>Res. 91-31</u>	Cantol Wax Building, 211 N. Washington St.
<u>Res. 94-17</u>	CFC, Inc. (Showers Plaza), 320 W. 8th St.
<u>Res. 98-10</u>	CFC, Inc., 417, 421 W. 6th St. – Max Fulk/East House
<u>Res. 99-28 & 99-29</u>	Rono Corp/RC One LP, 901 S. Rogers St.
<u>Res. 99-35</u>	Printpack, Inc., 303 N. Curry Pike
<u>Res. 04-03</u>	Bloomington Paint & Wallpaper, 1150 S. Walnut Street



Projects still in progress...

Res. 04-01 **Woolery Ventures, LLC, 2200 W. Tapp Road**



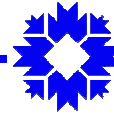
CF-1s Not Received

Res. 91-18 **Madison Park Homeowners Association (Madison Park Condominiums)**, Various at 300- and 400- block S. Madison St.

Res. 96-14 **Hopewell Renewal**, Various 1400- block W. 6th St.

Res. 05-09 **Habitat for Humanity**, Various, 1010, 1014, 1026 W. 14th St.

Res. 05-11 **Habitat for Humanity**, 1042 W. 14th St.



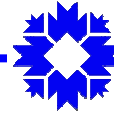
Economic Impacts

Progress toward new jobs/salary estimates

Category	Proposed New Jobs	Actual New Jobs*	Proposed New Salaries	Actual New Salaries*
Commercial	446	653	17,429,600	33,263,322
Mixed-Use	3	2	50,000	180,000
Totals	449	655	\$17,479,600	\$33,443,322

*Figures exclude temporary jobs and corresponding salaries from construction.

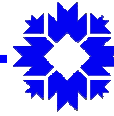
*Actual new salaries also excludes unknown salary information from business leasing space in mixed-use developments or nonreported information.



Economic Impacts

Progress toward new real and personal property investment estimates

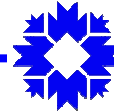
Category	Proposed New Investment (RE)	Actual New Investment (RE)	Proposed New Investment (PP)	Actual New Investment (PP)
Commercial	38,807,481	71,074,756	19,633,000	40,747,667
Mixed-Use	2,755,000	2,830,000	0	0
Totals	\$41,562,481	\$73,904,756	\$19,633,000	\$ 40,747,667



Economic Impacts

Total Real and Personal Property Investment

<u>Category</u>	<u>Actual New Investment</u>
Residential	24,679,292.25
Commercial (RE)	71,074,756
Commercial (PP)	40,747,667
Mixed-Use	2,830,000
Totals	\$139,331,715.25



Economic Impacts

Figures calculated from all active abatements*

<u>Category</u>	<u>Actual New Investment</u>	<u>Actual Retained Jobs</u>	<u>Actual New Jobs</u>	<u>Actual New Salaries**</u>
Residential	24,679,292.25	0	43	707,000
Commercial	111,822,423	407	653	33,263,322
Mixed-Use	2,830,000	0	2	180,000
Totals	\$139,331,715.25	407	698	\$34,150,322

Actual New Salary Avg: \$48,926

*Excludes temporary jobs and corresponding salaries from construction.

**Excludes unknown salary information from business leasing space in mixed-use or other developments.



Thank You!

COMMON COUNCIL SPECIAL SESSIONS SERIAL MEETINGS TO CONSIDER AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE. MEETINGS SCHEDULED July 8, 2009, July 15, 2009, July 29, 2009, August 5, 2009, September 16, 2009

UDO Session 1 -- July 8, 2009

In the Council Chambers of the Showers City Hall on Wednesday, July 8, 2009, at 7:30 pm with Council President Andy Ruff presiding over a Special Session of the Common Council.

ROLL CALL: Piedmont-Smith, Mayer, Ruff, Rollo, Satterfield, Sandberg, Sturbaum, Wisler
Members Absent: Volan

AGENDA SUMMATION

Council President Ruff gave the Agenda Summation

MOTION: It was moved and seconded that Ordinance 09-12 be introduced and read by the Clerk by title and synopsis only.

ACTION: The motion was approved by a voice vote.

Clerk Moore read the ordinance by title and synopsis.

ORDINANCE 09-12 TO AMEND TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, "UNIFIED DEVELOPMENT ORDINANCE"(Amendments to the Text and Maps as a Result of a Periodic Review of the Title)

MOTION: It was moved and seconded that Ordinance 09-12 be adopted.

ACTION: The motion was approved by a voice vote.

MOTION: It was moved and seconded that the Schedule for Consideration of Ordinance 09-12 (as it was submitted in the weekly packet) be approved, and also moved to authorize staff to revise it to reflect actions of the Council.

Council Attorney/Administrator Dan Sherman noted that the ordinance brought forward several dozen amendments from the Plan Commission. He said the special session meetings were scheduled over a period of four nights, with an additional night to be added if necessary. Dates given for the meetings were July 8, July 15, July 29 and August 5, 2009. Sherman told council members their deadlines for any revisions they might want to have included in the series of special sessions.

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

MOTION: It was moved and seconded that the procedures for consideration, the manner of consideration of each motion and limit of comment presented to the council be approved.

Dan Sherman said that this action would affirm the schedule, recognize the order in which the council would handle each motion, and allowed time for questions, as well as public and council comments. He added that public comment would be limited to five minutes for each motion, and that the council could change the procedure through action.

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

MOTION: It was moved and seconded that the Council adopt the list of amendments on the schedule that begin with UDO-001 and end with UDO-061 with the understanding that UDO-023 and UDO- 043 had been revised and distributed to the Council, and that UDO-025, UDO-027, and UDO-044 would not be included in this group of amendments. This included the following:

- UDO-001 Rooming house – adds asterisk.
- UDO-002 Establishes parking setback from *proposed* rather than *existing* right of way or easement in IG/QY districts.
- UDO-003 Pitched roof exception – extends to Third Street.
- UDO-004 Defines "proposal" as it relates to projects within the CD zoning district
- UDO-005 Adds one PUD final plan change that may be approved by Planning Director.
- UDO-006 Adds missing restrictions on accessory structures in multifamily zoning districts.
- UDO-007 Provides for some variation in sidewalk/tree plot designs.
- UDO-008 Requires connector paths to link developments to multi-use trails.
- UDO-009 Makes reduction of bike parking discretionary rather than automatic in CD zoning district.
- UDO-010 Clarifies calculation of amount of bicycle parking.

- UDO-011 Clarifies height and accessory status of communication facilities in CD district.
- UDO-012 Prohibits driveway design where driveway is parallel to street.
- UDO-013 Requires entrance & drive design to be paved (like parking areas).
- UDO-014 Requires conservation easements for wetland buffer areas.
- UDO-015 Corrects UDO reference.
- UDO-016 Clarifies fence height maximum & calculation of decorative features.
- UDO-017 Corrects typographic error.
- UDO-018 Corrects statutory reference.
- UDO-019 Makes landscaping of buffer yards separate from general landscaping requirements.
- UDO-020 Planting requirements – increases canopy tree requirements and makes interior requirements consistent.
- UDO-021 Clarifies landscaping requirement.
- UDO-022 Clarifies parking lot island and bump-out location and function.
- UDO-023 Clarifies outdoor storage and merchandizing requirements.
- UDO-024 Adds omitted requirement for maximum parking lot slope.
- UDO-026 Corrects omission regarding parallel parking dimensions.
- UDO-028 Allows back-out parking on non-arterial streets in Core Neighborhoods.
- UDO-029 Clarifies setback for recreational equipment.
- UDO-030 Establishes same setback for detached and attached carports.
- UDO-031 Corrects statutory reference.
- UDO-032 Adds cross-references for exceptions to off-premises signs.
- UDO-033 Clarifies requirements for changeable copy on freestanding signs.
- UDO-034 Prohibits external illumination of temporary signs.
- UDO-035 Corrects section heading for multifamily signage.
- UDO-036 Creates wall signage allowance for multi-tenant non-residential centers.
- UDO-037 Clarifies minimum lot frontage requirements for freestanding signs.
- UDO-038 Corrects word usage in reference to drive-through bays.
- UDO-039 Clarifies exemption regarding temporary containers used for charitable purposes.
- UDO-040 Corrects setback error for conservation subdivisions.
- UDO-041 Clarifies permitted activities within conservation/preservation easements.
- UDO-042 Requires public street frontage for new residential lots.
- UDO-043 Clarifies requirement for installation of no parking signs.
- UDO-045 Exempts construction of small accessory structures from events that end status as a non-conforming use in non-residential and multifamily properties.
- UDO-046 Requires developer to list bike rack model type.
- UDO-047 Requires petitioner to list scientific name of landscape species.
- UDO-048 Corrects typographical error under subdivision control.
- UDO-049 Defines start and duration of timing of final plat.
- UDO-050 Clarifies effect of withdrawal of demolition delay application.
- UDO-051 Requires submission of complete application before Demolition Delay waiting period begins.
- UDO-052 Adds basketball courts and batting cages to definition of recreational equipment.
- UDO-053 Clarifies change from one residential use to another and adds abandonment as a change in use.
- UDO-054 Adds “florist” to class of use table in definitions.
- UDO-055 Establishes depth of projection from wall to definition of wall sign.
- UDO-056 Changes definition of impound vehicle storage to include both inside and outside storage.
- UDO-057 Conforms erosion and storm water regulations to Title 10 of the BMC.
- UDO-058 Corrects references to Bicycle and Pedestrian Plan.
- UDO-059 Resolves conflict between temporary use and structure provisions for temporary signs.
- UDO-060 Corrects definition of outpatient care facility.
- UDO-061 Clarifies definition of basement to establish when it constitutes a “story”.

ACTION: The motion to adopt the list of amendments above received a roll call vote of Ayes: 8, Nays: 0.

Councilmember Sandberg wanted to clarify that the amendments were bundled together because they contained only minor corrections, and it was noted that they were.

Director of Planning Tom Micuda gave a short presentation regarding the amendments. He said the department began working on updating the Unified Development Ordinance (UDO) after it was passed in February 2007. Updates included grammatical corrections, clarifications, and additional wording. Micuda said that 95 amendments to the UDO were proposed to the Plan Commission, but that 85 of those amendments were adopted and forwarded to the City Council.

Micuda identified the different kinds of amendments to be discussed. He said amendments UDO-001-024, 026, 028-043, and UDO-045-061 required a single motion to adopt. He noted that there could be discussion and/or action on any individual amendments not adopted with the amendment bundle. Micuda said there were to be individual motions on map amendments UDO-062 and UDO-063, and on text amendments UDO-065 through UDO-071. Micuda stated the Plan Commission recommended adoption of the bundled amendments through a single motion.

Councilmember Wisler said that he had questions regarding some of the amendments in the bundle. He asked how UDO-008, requiring connector paths to link developments to multi-use trails, differed from current UDO legislation. Tom Micuda said the current legislation required those adjacent to a public park, school or commercial destination to have connector paths. Micuda explained that this amendment specified that multi-use trails also needed connector paths attached to them. Micuda said that the language of 'multi-use trails' was being added in order to avoid potential issues with developers in the future.

Wisler asked if UDO-012, prohibiting driveway design where a driveway was parallel to street, was not addressed in the current UDO. Micuda said amendment UDO-012 was added for clarification purposes. He noted that wraparound driveways had been proposed in the past, but they were contrary to the City's building forward ordinance. Micuda said this amendment specifically restricted site plans from that type of setup.

Wisler inquired about UDO-034, which would prohibit external illumination of temporary signs. He asked if temporary signs currently had illumination restrictions. Micuda said that the current lighting code did not address external illumination. He added that if temporary signs were given external illumination, it looked as though they were more permanent. Wisler asked if the amendment would prohibit all kinds of lighting attached to temporary signage. Micuda said it would depend on the source of the light.

Councilmember Satterfield asked if UDO-023, clarifying outdoor storage and merchandizing requirements, was addressing a past problem. Micuda said the problem was largely regarding box retail users, who often left 'temporary' storage on their property for long periods of time. The new code language would create a line between those who actually used space temporarily and those who needed to find a more permanent solution for storing items.

Councilmember Rollo asked for clarification on UDO-013, requiring entrance and drive design to be paved (like parking areas). Micuda said the amendment addressed a cross-referencing problem, making the entrance and drive section relate better with the parking section of the code. He noted it applied to multi-family and commercial zoned properties. Rollo asked if the Environmental Commission had concerns about the amendment, to which Micuda replied that they did not.

Satterfield referenced UDO-006, which would add missing restrictions on accessory structures in multifamily zoning districts. He asked whether or not multifamily units were to be limited in the amount of accessory structures (i.e. carports) they could have. Micuda said the primary purpose of the amendment was to include language regarding multifamily zones, which already existed for single family zones. He said the amendment only dealt with the number, size, and architectural compatibility of enclosed accessory structures.

Satterfield asked Planning Director Micuda if UDO-038, correcting word usage in reference to drive-through bays, would apply to banks. Micuda noted that the amendment only corrected word usage that already applied to the Commercial General Zoning District, and allowed one drive-through bay per each business. Satterfield expressed concern that banks which wanted more than one drive-through bay weren't able to build in the Commercial General Zoning District.

Councilmember Wisler said he was concerned that UDO-034, prohibiting external illumination of temporary signs, was too vague. He wondered if another amendment was needed to clarify UDO-034, or if a council member should divide the question to consider UDO-034 separately from the rest of the bundle. Councilmember Piedmont-Smith said that she felt the definition of external illumination was straightforward. Micuda described some scenarios in which the definition might seem less clear.

Councilmember Sandberg said she was comfortable not dividing the question, because she also felt the definition of external illumination was straightforward.

Councilmember Satterfield asked Micuda if he would support amending UDO-038, to allow banks to add more drive-through bays. He said he would not support that action in that particular zoning district, and that UDO-038 wasn't able to make such changes. He reiterated that the current amendment only clarified the wording from a previously existing ordinance. The amendment stated that each business could in fact have more than one drive-through window, but was only allowed one bay.

Councilmember Piedmont-Smith noted that there were banks within the Commercial General Zoning District that had multiple bays. They were allowed to operate using multiple bays because they existed before the ordinance went into effect.

Councilmember Wisler asked Micuda to further explain UDO-046, requiring a developer to list their bike rack model type. Micuda said sometimes development review staff dealt with petitioners who didn't provide enough information to determine if bicycle rack requirements were being met. Micuda added that the amendment would ensure that petitioners provided this information in the future.

MOTION: It was moved and seconded to divide the question to consider amendment UDO-034 separately from the rest. UDO-034 – Prohibits external illumination of temporary signs.

ACTION: The motion was approved by a roll call vote of Ayes: 6, Nays: 2 (Sandberg, Piedmont-Smith).

Councilmember Satterfield thanked all who had worked on the UDO amendments. He said he would look at the ordinance which specified that a business could only have one drive-through bay in the Commercial General Zoning District, and might take action to change that in the future.

ACTION: The motion to adopt the group of amendments enumerated above was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that consideration of amendment UDO-034 be postponed until August 5, 2009.

ACTION: The motion to postpone consideration of amendment UDO-034 until August 5, 2009 was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that UDO-062 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-062 – Map amendment – rezones remaining part of the Highpoint PUD from PUD to DC/DEO.

UDO-062 Map Amendment - Rezones remaining part of the Highpoint PUD from PUD to CD/DEO.

This amendment changes the zoning map to revise the zoning boundary of the former Highpoint PUD at 11th and Walnut Streets. Under the previous zoning ordinance, the area in question was zoned PUD. When the new zoning map was adopted, the entire PUD area should have been zoned Commercial Downtown (CD) with a Downtown Edges Overlay (DEO). The adopted map left a small portion of the original PUD, and this amendment will correct that error by changing that remainder to match the zoning of the rest of the Highpoint property.

It was moved and seconded that UDO-062 be adopted.

Josh Desmond, Assistant Director of Planning, said that before the UDO was adopted under the previous zoning map, there were two small PUDs (Planned Unit Development) in the downtown district. Desmond outlined UDO-062, noting that the easternmost portion of the former Highpoint PUD had been mistakenly left out when the remainder of PUD was rezoned to CD (Commercial Downtown) under the UDO in 2007. He said the Plan Commission proposed to rezone a small section of land from PUD to CD/DEO (Downtown Edge Overlay).

ACTION: The motion to adopt UDO-062 was approved by a roll call vote of Ayes: 7, Nays: 0 (Rollo was out of the room)

MOTION: It was moved and seconded that UDO-063 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-063 – Map amendment – Rezones Basswood area property from IN to RM.

UDO-063 Map Amendment – Rezones Basswood area property from IN to RM. This amendment changes the zoning map designation for a 1.76 acre property located east of Basswood Apartments, south of Twin Lakes Sports Park, and north of property currently zoned Residential Multifamily (RM). This property was zoned multifamily between 1973 and 2007, but was improperly rezoned to Institutional (IN) as part of the UDO zoning map update. The reason this rezoning occurred is because the City's GIS did not show the 1.76 property as a parcel of record. However, records provided by the owner indicate that this property was a privately owned lot of record and not part of Twin Lakes Sports Park. As a result, staff recommends rezoning this lot back to multifamily, in this case Residential Multifamily (RM). The purpose of the amendment is to allow the aggregation of the 1.76 acre tract with the 2.44 acre tract to the south. This will allow for a small multifamily development to occur in the future.

It was moved and seconded that UDO-063 be adopted.

Director of Planning Tom Micuda said that UDO-063 corrected a map error. Micuda noted that GIS (geographical information system) maps currently did not reflect the existence of this parcel. He said it was mistakenly left out of the 2007 zoning map and should not have been included with IN (Institutional) zoning for Twin Lakes, because it was owned by an individual. The Plan Commission proposed rezoning from IN to RM (Residential Multifamily).

ACTION: The motion to adopt UDO-063 was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that UDO-065 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-065 -- Prohibits primary pedestrian entrance in CD district to be off an alley.

UDO-065 Prohibits primary pedestrian entrance in CD district to be off an alley. This amendment prohibits developments in the Commercial Downtown zoning district from having primary pedestrian

entrances located off alleyways. The purpose of this amendment is to ensure that primary pedestrian entry points are located on building facades that face public streets.

It was moved and seconded that UDO-065 be adopted.

Tom Micuda said the code already specified that pedestrian entries be provided along any building façade that fronted a street. He said that at least one entry per building needed to be designated as the primary pedestrian entry. Micuda noted that the current code didn't include where the primary pedestrian entry should not be located.

Micuda said that a problem arose when Hotel Indigo project proposed that the primary pedestrian entrance be in what was technically an alleyway. He said the amendment allowed for a pedestrian entrance to be located adjacent to an alleyway, but not the primary pedestrian entrance. He said waivers would be considered for the rare properties located on half-lots, where there was no entry that fronted a street.

Councilmember Sturbaum inquired about how a building which had an alley beside it might be affected by the language in this amendment. Micuda clarified that buildings with corner entries would not be prohibited.

Councilmember Mayer asked if the B-Line Trail was considered an alley, to which Micuda said it was not.

Councilmember Wisler asked Micuda to specify how the amendment would, if at all, affect an existing alley entrance of a space which was being rented for a use separate to other parts of the building. Micuda said the code was only relevant for new construction and building additions. They discussed further the issues related to the Hotel Indigo project.

Councilmember Mayer gave an example of offices he'd seen downtown with their main entrance located off an alley. Micuda said he wanted to stress that the primary entrance of a building received the bulk of pedestrian traffic and had certain architectural features. He said all this amendment did was designate where the City would typically like that entrance to be located on a building. Micuda added that Plan Commission would deal with individual discrepancies through a waiver process.

Councilmember Piedmont-Smith asked if only one primary pedestrian entrance was required for buildings with more than one tenant. Micuda said having more than one pedestrian entrance was fine, but one was the minimum allowed per building.

Councilmember Sturbaum noted that there would never be a rule that perfectly covered every scenario. He said it was wise to have an amendment such as this which addressed most scenarios and had have a flexible system to deal with oddities, rather than the other way around.

Councilmember Wisler stated that he felt differently. He said he thought the amendment was creating more opportunities for confusion, and that he hoped it wasn't sending the wrong message to businesses downtown.

Piedmont-Smith thanked staff for bringing the amendment forward, said it would be good for the community, and that she supported it.

Councilmember Rollo said that while he encouraged creative usage of alleyways, he also supported the amendment.

ACTION: The motion to adopt UDO-065 was approved by a roll call vote of Ayes: 7, Nays: 1 (Wisler).

MOTION: It was moved and seconded that UDO-066 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-066 -- Clarifies "masonry" materials to be used in residential projects.

UDO-066 Clarifies "masonry" materials to be used in residential projects. UDO-066 was adopted by the Plan Commission. It would revise the list of materials allowed for residential dwellings constructed in single family and multifamily zoning districts by specifying the types of materials typically characteristic of a masonry product. Currently, the UDO does not clarify this term, and this has created questions as to what specific materials are permitted.

It was moved and seconded that UDO-066 be adopted.

Josh Desmond, Assistant Director of Planning, said that the sole purpose of UDO-066 was to clarify the City's definition of the word "masonry." The new language included 'split face block and ground face block.' Desmond noted the Plan Commission had adopted this amendment unanimously.

Councilmember Mayer asked if the language included 'concrete', to which Desmond replied it did not.

Wisler asked if concrete was omitted intentionally. Desmond said concrete was typically used in foundations and therefore was not relevant to include for most masonry projects. Desmond noted that if someone wanted to make an entire building out of concrete in the future, they could go through a variance process.

Sturbaum asked if there had been many residential structures made with smooth face concrete block. Tom Micuda responded that ground face block was more typical, and was generally used as an accent piece on a building.

Mayer asked what types of materials the Planning Department hoped to exclude by changing this language in the code. Micuda said the language was more for clarification than exclusionary purposes. Mayer said he was concerned that the language hadn't included more energy efficient materials. Micuda noted that if the council wanted to go beyond the amendment they certainly could. He said as time went on, the amendment would be updated to address newer types of housing materials used.

Councilmember Satterfield said he was concerned that passing the amendment would result in more variances than were warranted. He wondered if a better idea would be to include materials that the City did not want to see used on buildings. Micuda responded that he did not anticipate the number of variances would increase due to the changes made in UDO-066.

Council members and Micuda discussed procedural details regarding the proposal of amendments which would involve the Planning Department with regards to this language change.

Councilmember Ruff asked whether the word 'masonry' would continue to be undefined if the amendment failed. Micuda said that it would be. Assistant City Attorney Patti Mulvihill added that when there was confusion over the meaning of a word in the City code, the dictionary was typically consulted as a reference. The dictionary's definition of the word 'masonry' encompassed the use of some materials that the City wasn't comfortable with, which brought about the clarification proposed in the amendment.

Ruff asked Councilmember Rollo for his input on the amendment's potential impact on green building. Rollo said that LEED certified buildings used various sustainable materials, and that he felt the amendment might be restrictive to that end.

Micuda said the Plan Commission had not considered the type of discussion which was brought up by the council, and that the department would add more inclusive language to the amendment if the council directed them to do so. Micuda said the danger in creating a materials list was that it specified usable items but not the way in which they would be assembled. He cautioned that materials could come together in any number of ways, which didn't guarantee they would be aesthetically pleasing.

Several council members expressed that they wanted to see the word 'masonry' reexamined, and expanded to include other materials. Dialogue between Council Attorney/Administrator Dan Sherman, the council and Micuda resulted in the proposal that this happen, and they revisit the amendment later in the series of UDO sessions.

MOTION: It was moved and seconded that UDO-066 be postponed to August 5, 2009.

ACTION: The motion to postpone UDO-066 until August 5, 2009 was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that UDO-067 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-067 – Allows additions to single family attached and detached structures to have flat roofs.

UDO-067 Allows additions to single family attached and detached structures to have flat roofs. This amendment would allow the use of flat roofs, rather than pitched roofs, for additions to single family residential structures. Currently, all single family residential structures, including additions, are required to use pitched roofs. Flat roofs have been requested for several recent home additions, and are becoming a more common practice.

It was moved and seconded that UDO-067 be adopted.

MOTION: It was moved and seconded that a last sentence be added to this amendment that such allowed flat roof additions be limited to not greater than fifteen percent of the gross floor area of the original structure.

Councilmember Piedmont-Smith introduced the amendment to UDO-067 by saying that its intent was to allow for fluidity within neighborhoods by negating the possibility of large flat roofs.

Planning Department Director Tom Micuda said the Plan Commission supported UDO-067, which specified scale limitations instead of the current general language regarding flat roofs. He urged council members to support it as well.

Councilmember Rollo asked Piedmont-Smith what her concern was regarding flat roofs. She responded that flat roof additions would not fit in with the historical context of older neighborhoods.

Micuda and council members discussed several flat roof addition scenarios in relation to percentage allotments.

Bloomington resident Michelle Cole said she encouraged council members to change the allotted flat roof percentage from fifteen to twenty, as it allowed more proportional porch space.

Scott Tibbs said he was a Bloomington homeowner who was concerned with the message of the amendment. He said passing it would indicate that nine council members felt they knew what was best for the thousands of homeowners in the area. He encouraged the amendment be passed without the percentage restriction, or with a revised restriction for flat roofs.

Councilmember Rollo noted that he understood and had sympathy for the intent of the amendment, however he would vote against it because it restricted innovative ideas such as rooftop gardens.

Councilmember Wisler said his concern was for smaller homes that would have very limited addition space based on the fifteen percent proposal. He said he felt that those who owned smaller homes might not have the means to endure a lengthy variance process that would be required to expand further. Wisler added that it was too restrictive and that he would vote no on this amendment.

Councilmember Sturbaum said he would support changing the language to read twenty instead of fifteen percent. He said it was important for neighbors to attend public hearings to discuss home additions if they had input they wanted known.

The council unanimously agreed to a friendly amendment which changed the language to read that flat roof additions be limited to not greater than twenty percent of the gross floor area of the original structure, instead of fifteen.

Councilmember Mayer noted that he would have supported the amendment when it said fifteen percent, but would not support it when flat roof additions were capped at twenty percent of the gross floor area of an original structure.

Councilmember Piedmont-Smith reiterated that she felt the amendment was important in order to preserve the character of neighborhoods. She echoed Councilmember Sturbaum's comments, saying those with innovative ideas could use a waiver process and would have a public hearing in which neighbors could weigh in on a proposed addition. Piedmont-Smith said she would appreciate the support of her colleagues for this amendment.

ACTION: The motion to adopt the amendment to UDO-067 received a roll call vote of Ayes: 3 (Sandberg, Piedmont-Smith, Sturbaum, Nays: 5 (Rollo, Wisler, Ruff, Satterfield, Mayer) and thus failed.

Tom Micuda said he was comfortable in supporting UDO-067, even without its failed amendment. He said he had received public input both in favor and against UDO-067.

Larry Jacobs said that adobe style homes were becoming more popular, and often had flat roofs. He asked the council to consider these types of homes when voting on UDO-067.

Sturbaum expressed concern over the legislation's purpose without the amendment limiting flat roof addition sizes.

Councilmember Satterfield said he sympathized with the failed amendment's intent, but noted problems he said were associated with flat roofs. He said he would support UDO-067 and let the public build accordingly.

Wisler said he thought UDO-067 was a step in the right direction and that innovative houses shouldn't have to go through a waiver process but should be encouraged outright.

Mayer said that due to Bloomington's significant rainfall each year, flat roofs in the area tended to be problematic. He noted, however, that he thought homeowners should be allowed the creativity they wanted with their homes.

Ruff added that he also appreciated the intent of the failed amendment to UDO-067, but wasn't comfortable restricting homeowners from building in potentially energy efficient ways.

ACTION: The motion to adopt the original UDO-067 was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that UDO-068 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-068 – Clarifies that LEED-NC guidelines used in the UDO are periodically updated by United States Green Building Council.

UDO-068 Clarifies that LEED-NC guidelines used in the UDO are periodically updated by USGBC.

This amendment changes UDO references to Leadership in Energy and Environmental Design (LEED) guidelines in both Chapter 5 (Development Standards) and Chapter 7 (Design Standards). The purpose of the amendment is to clarify that LEED guidelines are updated regularly by the United States Green Building Council.

It was moved and seconded that UDO-068 be adopted.

Tom Micuda said that the sole purpose of UDO-068 was to change the way the Leadership in Energy and Environmental Design (LEED) guidelines were referenced in the code. Instead of saying it enforced a certain version of LEED, the code would say it enforced whatever the newest version was.

Councilmember Piedmont-Smith said she supported the amendment.

ACTION: The motion to adopt UDO-068 was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that UDO-069 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-069 – Revises list of landscaping to add native species and prohibit certain invasive species.

UDO-069 Revises list of landscaping to add native species and prohibit certain invasive species UDO-069 received a positive recommendation from the Plan Commission and completely revises the landscaping tables of the UDO to reflect input received from both the Senior Environmental Planner and the Environmental Commission. Specifically, the modifications to the tables are designed to promote the planting of native species and to update the lists of prohibited invasive species. CCL-009 clarifies which cultivars of the flowering crabapple tree are suitable and which are unsuitable for planting in the City's Planning jurisdiction.

It was moved and seconded that UDO-069 be adopted.

Tom Micuda said UDO-069 was lengthy in terms of words, but simple in its intention. He said they had worked with the Environmental Commission on the amendment and that they also supported it.

Councilmember Satterfield asked Councilmember Rollo for his input as to why poison ivy was considered an invasive species. Rollo said it was a native species prohibited because of the nuisance it caused.

Michelle Cole said she believed she found a typographical error in UDO-069 in regards to Flowering Crabapple trees.

Piedmont-Smith asked why Flowering Crabapple was allowable as a street tree even though it was listed as having unfavorable characteristics. Micuda responded that he would have to clarify with others not present at the meeting before he could answer the question fully.

Council discussion resulted in the idea to push back further conversation on UDO-069 to allow more time for its contents to be reviewed.

MOTION: It was moved and seconded that UDO-069 be postponed to August 5, 2009.

ACTION: The motion to postpone UDO-069 to August 5, 2009 was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that UDO-070 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-070 – Allows window signs on upper floors but counts such signs towards sign allotment.

UDO-070 Allows window signs on upper floors but counts such signs towards sign allotment. This amendment would differentiate the way window signs are treated for ground floor windows and windows on stories above the ground floor. The UDO currently exempts all window signs from permit requirements provided that they do not cover more than 25% of any window pane. The amendment would maintain the same 25% area restriction for all window signs, but would require any window signage displayed on upper story windows to count toward the overall wall signage allotment for the use, and to be subject to sign permit requirements. This change is proposed in order to provide window signage opportunities for upper story businesses without causing a proliferation of such signage.

It was moved and seconded that UDO-070 be adopted.

Josh Desmond, Assistant Director of Planning, explained that UDO-070 was created to address signage issues for downtown businesses on upper levels of buildings. Desmond said the amendment proposed a permit process so such businesses were able to advertise themselves better using their windows.

Piedmont-Smith asked if, without the amendment, window signage on upper floors was prohibited. Desmond said that was the case.

Larry Jacobs, from the Chamber of Commerce, said the organization encouraged council members to pass UDO-070.

Councilmembers Wisler and Ruff noted they would support the amendment.

ACTION: The motion to adopt UDO-070 was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that UDO-071 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-071 – Allows only attached wall signs and sandwich board signs outside of right-of-way along the B-Line trail.

UDO-071 Allows only attached wall signs and sandwich board signs outside of right-of-way along the B-Line trail This amendment would provide clear standards for signage along the B-Line trail, specifically within the Commercial Downtown (CD) zoning district. The amendment would prohibit freestanding signage along the trail and limit signage to wall signs attached to buildings. It would also permit sandwich board signs along the trail provided that they are placed outside of the trail right-of-way

It was moved and seconded that UDO-071 be adopted.

Desmond said that the B-Line trail had opened a new frontage for businesses downtown. He explained the amendment prohibited freestanding signage along the trail and would limit signage to wall signs attached to buildings. He also said it would permit sandwich board signs along the trail, provided they were placed outside of the trail right-of-way.

Wisler asked for distinctions which separated the B-Line trail from a street. Desmond said that if the set back on a street was fifteen feet or more, a business could have a sign at the front of their building, but that this was not the case for the trail.

Tom Micuda said it was the amendment's intent to avoid free sign clutter along the trail.

Councilmember Sturbaum said he felt that having regulations near the B-Line trail would not hurt businesses and would create a uniform look on the path.

ACTION: The motion to adopt UDO-071 was approved by a roll call vote of Ayes: 7, Nays: 1 (Wisler)

MOTION: It was moved and seconded to recess the meeting and reconvene on July 15th, immediately after the Regular Session meeting, scheduled for 7:00 pm.

ACTION: The motion was approved by a voice vote.

The meeting was recessed at 10:37 pm

In the Council Chambers of the Showers City Hall on Wednesday, July 15, 2009, at 10:02 pm with Council President Andy Ruff presiding over a reconvened Special Session of the Common Council.

Roll Call: Piedmont-Smith, Ruff, Rollo, Satterfield (left meeting at 11:13), Sandberg, Sturbaum, Wisler
Members Absent: Mayer

MOTION: It was moved and seconded that UDO-075 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-075 – Converts density from units per acre to bedrooms per acre.

UDO-075 Converts density from units per acre to bedrooms per acre; Creates a weighting system that encourages efficiencies and 1-bedroom units and discourages 4-bedroom and 5-bedroom units. CCL-010 was prepared on behalf of Councilmember Volan in order to replace UDO-075, which was adopted by the Plan Commission. It would change the calculation of residential density in the UDO to create a weighting system that would encourage efficiency and 1-bedroom units but discourage 4-bedroom and 5-bedroom units. The weighting system proposed by Councilmember Volan is modeled after an existing weighting system in the UDO called dwelling unit equivalents (DUEs). This proposal revises the DUE system by increasing the weights (incentives) for efficiencies and one-bedroom units while creating first-time weighting (a disincentive) for 4-bedroom and 5-bedroom units. UDO - 075, which converts the UDO's unit-per-acre calculation of density into bedroom densities, also achieves a similar goal. However, Councilmember Volan's proposal increases the weighting system.

It was moved and seconded that UDO-075 be adopted.

MOTION: It was moved and seconded that UDO-075 be moved to August 5, 2009, for consideration.

Councilmember Volan said he was working with the Plan Commission to adjust wording in the amendment, and that they required more time to finish that process.

ACTION: The motion to move consideration of UDO-075 to the August 5, 2009 session was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that UDO-034 (Prohibits Eternal Illumination of Temporary Signs) and UDO-069 (Revises List of Landscaping to Add Native Species and Prohibit certain Invasive Species) be moved from consideration on August 5, 2009, to July 29, 2009.

It was noted that the motion was due to an already full schedule on August 5. Director of Planning Tom Micuda said that the amendments had already been discussed and the changes made, so they would presumably not require much of the council's time on July 29.

ACTION: The motion to move the consideration of UDO-034 and UDO-069 to July 29, 2009 was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that UDO-077 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-077 – Reduces void to solid ratio on first floor facades in all Downtown Overlay districts.

It was moved and seconded that UDO-077 be adopted.

UDO-077 Reduces void to solid ratio on first floor facades in all Downtown Overlay districts. On July 15, 2009, the original version of this amendment (UDO-077) was adopted by the Council. The Council passed the amendment with the caveat that the amendment could be brought back before the body with an additional amendment; specifically with a new amendment regarding the void-to-solid percentage standards for facades facing the B-Line Trail. In order to extend the policy rationale of UDO-077 to the B-Line Trail, CCL-011 requires a void-to-solid percentage of 60% of the wall/façade areas of the first floor façades/elevations facing the B-Line Trail within the following overlay districts: Courthouse Square, Downtown Core, Downtown Edges, Downtown Gateway and Showers Technology Park.

Josh Desmond, Assistant Director of Planning, said it was the department's intent to reduce the amount of waiver requests received through implementing UDO-077. He showed examples of downtown buildings which requested lower void-to-solid percentages, and were approved by the Plan Commission. Desmond said that since many waivers were approved, it made sense to lessen the burden on staff by allowing the percentages to be lower outright.

Councilmember Sturbaum said he wondered if the amendment properly addressed issues relating to the B-Line Trail.

Director of Planning Tom Micuda said that the void to solid ratio on first floor facades only addressed the B-Line Trail as it went through the downtown. He said they had yet to develop a plan for buildings where the trail extended away from that area.

Micuda said the void to solid percentage had been calculated in relation to street presence, and he supported and idea that Sturbaum suggested, that sixty percent might be more appropriate for buildings facing the B-Line Trail.

Councilmember Volan questioned why the City would consider low void to solid ratios for buildings, when in his opinion, downtown buildings with higher percentages were better looking. Micuda responded that most of the downtown buildings were retail oriented. He said lowering the ratios allowed for more first floor flexibility in buildings that might be used for residential use.

Councilmember Wisler asked Micuda if it was his experience that waiver requests for void to solid percentage usually had to do with what was architecturally possible, rather than intended usage by a developer. Micuda responded that it varied by situation.

Councilmember Volan said he understood the intent of UDO-077, but didn't like the message he felt it represented, discouraging retail space on the first floor of buildings downtown. He said he would vote against the amendment.

Wisler said that the downtown had an abundance of vacant retail spaces. He said it wasn't realistic for developers to anticipate future demand, but that they needed to act according to the realities of the current economy. Wisler said he supported UDO-077.

Volan noted that if the downtown was built without considering future retail space, than there certainly wouldn't be room for it to be there later. He encouraged council members to vote against the amendment.

Councilmember Piedmont-Smith said she agreed with the intention of UDO-077 and that she believed the current void to solid regulations were too stringent.

Sturbaum proposed that the B-Line Trail be included in the amendment with regulations in place for buildings directly facing it, and Planning Director Micuda concurred.

ACTION: The motion to adopt UDO-077 was approved by a roll call vote of Ayes: 7, Nays: 1 (Volan)

MOTION: It was moved and seconded to allow for an amendment to UDO-077 on August 5, 2009.

ACTION: The motion to allow for an amendment to UDO-077 on August 5, 2009 was approved by a roll call vote of Ayes: 8, Nays: 0

MOTION: It was moved and seconded that UDO-079 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-079—Adds architectural design requirement along arterial streets.

UDO-079 Adds architectural design requirement along arterial streets. This amendment would strengthen the architectural design requirements for new multifamily and nonresidential buildings on parcels located along primary arterial streets. Specifically, the amendment addresses such issues as void-to-solid percentage, building materials, and the definition of pedestrian entries.

It was moved and seconded that UDO-079 be adopted.

Josh Desmond, Assistant Director of Planning, introduced the amendment as one which looked to include more architectural design requirements for certain buildings.

Councilmember Volan asked staff if there were examples of buildings which would have been the inspiration for this amendment. Planning Director Micuda said there was a proposed hotel project which had met current building requirements, but had structural features the City hadn't liked. Micuda noted that the project coordinator wasn't willing to change a design characteristic if it didn't have to, and therefore UDO-079 was introduced to address such matters for other projects in the future.

Jack Baker, member of the Plan Commission, discussed the hotel project that Micuda had referenced. He said that the design looked like a monopoly piece but the builders were satisfied with that, because it gave their chain of hotels a cohesive appearance. He said another building with a similar design would have been built downtown, except that it was subject to certain restrictions. Baker said the Plan Commission had agreed that the design changes made for a better looking structure. He noted that the amendment would set standards signifying that bland building designs weren't acceptable in Bloomington, and that he had come to the meeting in support of it.

Wisler noted that he wasn't comfortable with the council regulating aesthetics of buildings outside of the downtown, and that he would vote against the amendment.

Sandberg said she had no problem regulating aesthetics and that many other cities did this in order to assure quality buildings were built in their communities. She noted that there were many choices for builders within the regulations, and that she supported the amendment.

Rollo said he saw the issue not in terms of aesthetics but in terms of durability. He stated that it was important that the community's buildings be lasting, and that he would vote for the amendment.

Volan said he was sympathetic to Councilmember Wisler's feeling that regulating aesthetics could be a slippery slope, but noted he also had concern for the durability of buildings.

ACTION: The motion to adopt UDO-079 was approved by a roll call vote of Ayes: 7, Nays: 1 (Wisler)

MOTION: It was moved and seconded that UDO-080 be postponed for consideration until July 29, 2009.

ACTION: The motion to postpone was approved by a roll call vote of Ayes: 5 (Wisler, Sandberg, Piedmont-Smith, Ruff, Sturbaum), Nays: 2 (Rollo, Volan) (Satterfield had left meeting)

MOTION: It was moved and seconded that CCL-001 (UDO-074) be read by the Clerk by title and synopsis only.

ACTION: The motion to introduce received a roll call vote of Ayes: 6, Nays: 1 (Rollo).

The clerk read the title of CCL-001 (UDO-074) – Promotes Sustainable Development Practices

CCL-001 (UDO-074) Promotes Sustainable Development Practices This amendment would increase the number of sustainable development projects in Bloomington. Because it is not legally permissible to regulate the interior design of buildings through zoning regulations, this amendment proposes a series of site design regulations outside the building envelope to increase the sustainability of nonresidential and multifamily projects. **CCL-001** Councilmember Piedmont-Smith proposed to reintroduce UDO-074 and amend it with CCL-001. This amendment makes two changes to UDO-074. The first changes the general entrance and drive standards by increasing the maximum driveway widths from 28 to 34 feet for drives onto arterial or collector streets. The second changes the general parking standards by offering a menu of best management practices regarding the surface material of parking lots rather than only require the use of a percentage of permeable pavement.

It was moved and seconded that CCL-001 (UDO-074) be adopted.

Councilmember Piedmont-Smith introduced the item, saying that it directed the Plan Commission to look kindly on proposals which would promote sustainable development practices. She said the amendment had a menu of materials for developers to choose from in making parking lots more environmentally friendly, along with incentives for doing so. Piedmont-Smith noted that the Plan Commission had voted against this by a narrow margin, but she said the legislation she brought forth had addressed the areas of concern.

Director of Planning Tom Micuda noted that staff strongly supported the amendment, with its revisions, and urged the council to support it as well.

Councilmember Wisler asked for clarification on the menu section of the amendment.

MOTION: It was moved, seconded, and agreed to by unanimous consent that "or" be added after the semicolon in section (a) in 20.05.069 PK – 01

ACTION: The motion to make the above mentioned change was approved by a roll call vote of Ayes: 7, Nays: 0.

MOTION: It was moved and seconded that CCL-001 (UDO-074) be adopted as amended.

Plan Commissioner Jack Baker said he supported the amendment before, but did so even more strongly with the updated language.

ACTION: The motion to adopt CCL-001 (UDO-074) was approved by a roll call vote of Ayes 6, Nays: 1 (Wisler).

MOTION: It was moved and seconded that CCL-002 (UDO-076) be read by the Clerk by title and synopsis only.

ACTION: The motion to introduce received a roll call vote of Ayes: 3 (Wisler, Sandberg, Piedmont-Smith), Nays: 4 (Rollo, Ruff, Volan, Sturbaum). Since it was after 10:30 and there were not 6 votes to introduce the legislation, the meeting effectively ended.

President Ruff announced that the meeting would be recessed and reconvened on July 29th at 7 pm.

The meeting was recessed at 11:43 p.m.

for approval

In the Council Chambers of the Showers City Hall on Wednesday, July 29, 2009, at 7:05 pm with Council President Andy Ruff presiding over a reconvened Special Session of the Common Council.

Roll Call: Mayer, Ruff, Rollo, Satterfield, Sandberg, Sturbaum, Wisler, Volan (arrived at 7:45 pm)
Members Absent: Piedmont-Smith

MOTION: It was moved and seconded that UDO-080 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-080 – Adds requirements for some areas now exempt from riparian buffer zones – which she said was moved to this meeting by a vote on July 15, 2009.

UDO-080 Adds requirements for some areas now exempt from riparian buffer zones This amendment would regulate the width of riparian buffers as well require certain environmental best management practices in instances where typical Streamside, Intermediate, and Fringe zone riparian buffers cannot be used. This amendment is recommended by the Environmental Commission, who expressed concern that there were no standards for situations where the UDO's typical riparian buffer requirements could not be applied.

It was moved and seconded that UDO-080 be adopted.

Director of Planning Tom Micuda outlined the amendment by saying that developments were currently required to provide three 25 foot wide tiers of buffers along riparian areas, and platted lots less than one acre only had to provide a streamside buffer. He said UDO-080 specified that new developments must also provide two best management practices from the following list: use of one-hundred percent native vegetation; permeable pavement for at least fifty percent of all on-site parking areas; biofiltration swales; rain gardens; or a fifty percent vegetated roof.

Councilmember Wisler asked if single family homes were exempt from this requirement, to which Micuda responded that this would only affect a small number of new multi-family and commercial developments.

Councilmember Rollo thanked the Environmental Commission for bringing the amendment forward, noting that stream quality was important for the community.

Councilmember Ruff said he too felt keeping streams clean was crucial and that this legislation would be beneficial in maintaining Bloomington's water quality.

ACTION: The motion to adopt UDO-080 was approved by a roll call vote of Ayes: 7, Nays: 0 (Volan had not yet arrived)

MOTION: It was moved and seconded that CCL-002 (UDO-076) be read by the Clerk by title and synopsis only. The clerk read the title and synopsis of CCL-002 (UDO-076) – Restricts use of EIFS and other building materials on facades facing streets in the CD district -- which she said was revised on July 15th to reflect the changes in the amendment.

CCL-002 (UDO-076) Restricts use of EIFS and other building materials on facades facing streets in CD district. This amendment restricts the use of EIFS as a building material in the Commercial Downtown zoning district. Specifically, the amendment adds EIFS as a prohibited primary and secondary building material to multiple downtown overlay districts. EIFS would still be allowed for usage on building trim, cornices, and other architectural features. The amendment also restricts the use of vinyl, wood, cementitious siding, precast concrete, and highly reflective building materials. **CCL-002** modifies UDO-076 which was not adopted by the Plan Commission. It restricts the use of EIFS as a building material in the Commercial Downtown zoning district. Specifically, the amendment adds EIFS as a prohibited primary and secondary building material to multiple downtown overlay districts. The amendment also restricts the use of vinyl, cementitious siding, and highly reflective building materials in some districts. Lastly, it makes the application of this rule uniform throughout the Commercial Downtown zoning district by including all four sides of the building. This amendment is intended to improve the quality of buildings in the CD district.

It was moved and seconded that CCL-002 (UDO-076) be adopted.

Councilmember Sturbaum introduced the legislation by saying that EIFS was currently not allowed as a primary building material in the downtown Commercial District (CD). He said CCL-002 clarified *primary* as not only the front, but the three other sides of a building as well. Additionally, CCL-002 specified that EIFS may not be used as a secondary building material in the downtown. Sturbaum said the amendment would discourage people from coming to Bloomington with the intent to profit from its large student population by building cheaply made apartments, etc. He expressed that it was important to keep the community's integrity intact and not allow buildings to be made with materials that would deteriorate in a short time.

Planning Director Tom Micuda said that staff did not support the amendment. He noted that while they didn't want to see EIFS used as a primary first floor material, they would like to have it kept on a menu of materials

builders could choose from for other parts of a building. Micuda said that he reviewed building proposals his office had received since the UDO was passed in 2007, and hadn't found many projects which looked to incorporate EIFS in their structures.

Micuda noted that the danger in creating a list of what materials were or were not acceptable was that a box was created which tended to make buildings look very similar. He said that the Plan Commission was concerned the amendment was too restrictive.

Councilmember Satterfield asked for clarification about what made up EIFS, and what its principle problems were. Micuda responded that Exterior Insulation and Finishing System (EIFS) had been around since the 1970s and was a synthetic building material of varying consistencies. He said EIFS had a foam layer, installation with a coating on top of it. Micuda said complaints with EIFS were generally that it chipped when impacted, as well as issues with moisture seeping into it. He noted that various trade journals had different opinions about the material.

Councilmember Sturbaum added that EIFS was certainly not a material that was made to last more than 25 years. He noted that it was not a sustainable practice to allow buildings which had expiration dates.

Councilmember Mayer asked for clarification on the other types of materials besides EIFS that were listed as being limited in this amendment. Micuda responded that Mayer was pointing out one challenge with creating lists. Builders could interpret vinyl, for example, to mean any configuration of vinyl products and Planning staff would have to discuss whether or not a particular material could be used based on the intention of the list. Micuda addressed the amendment's limitation on highly reflective materials. He said this usually referred to glossy-type steel material.

Councilmember Sandberg asked if EIFS was a low cost building option that could be necessary in some builders' minds due to the current economic crisis. Councilmember Sturbaum and Planning Director Micuda both acknowledged that EIFS was a low cost material. Micuda stated that if builders didn't have the EIFS option, there were several other lower cost materials that could still be considered.

Councilmember Rollo asked Micuda if the use of EIFS had increased over the last few decades in Bloomington, and Micuda said he thought it had.

Councilmember Wisler asked about other reasons besides cost that EIFS would be selected as a material for use. Sturbaum emphasized that the cost benefit was a major reason for use. Micuda added that EIFS had benefits in its weight, came in various colors, and could provide a seamless look to a building façade.

Wisler had questions about EIFS in regards to its inability to release moisture. Sturbaum, owner of a construction company, explained how the material trapped moisture and caused problems for buildings.

Councilmember Volan asked Tom Micuda what the differences were between stucco and EIFS. Micuda said that while they had a similar look, EIFS was a synthetic material, while stucco was considered a natural material. Sturbaum added that EIFS was plastic-based, while stucco was cement-based.

Councilmember Satterfield asked Micuda, since he did not recommend adopting the amendment, what the Plan Commission would prefer to see happen. Micuda responded that they would like to see the existing ordinance stay in effect with its existing restrictions. He reiterated his concern with creating restrictive lists.

Councilmember Sturbaum noted that there were also problems if lists of acceptable materials were not created. He said he advocated for this amendment because he didn't want to see inadequate materials on buildings inhabiting Bloomington's downtown.

Councilmember Ruff asked for clarification about materials in terms of the current ordinance as opposed to the proposed amendment. Sturbaum and Micuda explained that restrictions were already in place regarding primary materials, but the amendment didn't allow for EIFS or vinyl to be used as secondary materials on a building.

Jack Baker, Plan Commissioner, said that some on the commission weren't comfortable with the material list being proposed in CCL-002. He noted, however, that he agreed with Councilmember Sturbaum that EIFS wasn't a durable material. Baker said he was largely in favor of the amendment, but thought it could use a little tweaking.

Larry Jacobs, with the Chamber of Commerce, said the amendment had been changed many times and was confusing. He said he felt it was creatively prohibitive and that the chamber wanted to see the status quo remain as it was.

Councilmember Wisler said that he understood the concern over the durability of EIFS. He said he believed, however, that its use as a secondary material wouldn't lead to buildings crumbling. Wisler said he would vote against the amendment.

Sturbaum said it wasn't a complicated amendment. He noted the importance of these regulations so materials on all sides of buildings downtown were considered and not just the fronts of them. Sturbaum spoke on his experience in construction and restoration and said it caused him to advocate for the longevity of buildings, which is why he sponsored this amendment.

Councilmember Rollo noted that in his research of EIFS, he found there were many lawsuits nationwide involving it. He said the downtown deserved quality, durable materials and he would support the amendment.

Councilmember Sandberg said she would also support the amendment. She noted that the case had been made that durability and longevity of buildings in the downtown would be strengthened by CCL-002.

Satterfield said he understood Sturbaum's points about EIFS not being a durable material, and noted that he didn't care for the material either. Satterfield added that he would like to see the ordinance stay as it was until staff and council members could agree about how they'd like to proceed. Therefore, he said he wouldn't support the amendment.

Councilmember Volan said the council must set standards for the buildings they'd like to see populate Bloomington in order to fulfill high expectations they had for the community. He said it would be inappropriate to not support an amendment which would insure Bloomington's buildings would last the test of time. Volan gave an example of an obviously damaged downtown building made with EIFS. He said he was happy to support the amendment and hoped others would as well.

Councilmember Mayer said he wanted to see City staff and council members come together on the amendment, and further clarify some of the materials on the list.

Ruff said he shared some concerns of staff and council, but was convinced that there were other materials that could be used in place of EIFS, and would support the amendment.

ACTION: The motion to approve CCL-002 (UDO-076) was approved by a roll call vote of Ayes: 5 (Rollo, Sandberg, Ruff, Volan, Sturbaum, Nays: 2 (Wisler, Satterfield), Abstain 1 (Mayer)

MOTION: It was moved and seconded that UDO-081 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-081 – Reduces buffer yard requirements.

UDO-081 Reduces buffer yard requirements. This amendment adjusts the table and requirements for Buffer Yards. Specifically, it reduces the additional setback needed to fulfill the buffer yard regulation for each of three types of buffers. Planning staff has observed that the UDO, as currently written, requires excessively large buffers. This amendment also eliminates the incongruous requirement for developments proposed in residential zoning districts to provide buffers against more intense zoning districts.

It was moved and seconded that UDO-081 be adopted.

Assistant Director of Planning Josh Desmond explained that the UDO, as currently written, required excessively large buffers between properties. Desmond said that based on the City's current situation, UDO-081 was proposed to reduce the additional setback by several feet to fulfill the buffer yard regulation for each of three types of buffers. He said this amendment would be helpful for both Planning staff and developers. Desmond noted that at times the responsibility of creating buffers fell on those building homes that were near commercial properties. He said staff felt the responsibility should be on the more intense property to create such buffers. Desmond noted the Plan Commission unanimously approved UDO-081.

ACTION: The motion to adopt UNO-081 was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that CCL-013 (UDO-083) be read by the Clerk by title and synopsis only. The clerk read the title of CCL-013 (UDO-083) – Converts minimum to maximum parking in non-residential, multifamily and affordable single family developments. This amendment combines UDO-083, UDO-025, UDO-027, UDO-044.

CCL-013 (UDO-083) Converts minimum to maximum parking in non-residential, multifamily and affordable single family developments. This amendment revises the Parking Standards of the UDO to convert the minimum parking requirements of the ordinance into maximum parking requirements. The purpose of this amendment is to reduce the amount of off-street parking provided for all nonresidential, multifamily, and single family developments. Additionally, this amendment has been revised to encompass overlapping changes to parking and entrance and drive standards which were adopted by the Plan Commission in Amendments 25, 27, and 44. **Plan Staff offered CCL-013 as an amendment to UDO-083.** It incorporates UDO-025 (Clarifies calculation of car dealer parking), UDO-027 (Allows stacked parking for MF garages), and UDO-044 (Clarifies when parking setback, impervious surface, and entrances/drive requirements are necessary for non-conforming properties).

It was moved and seconded that CCL-013 (UDO-083) be adopted.

Planning Director Tom Micuda said that the City had been operating under a range parking scale for the last two and a half years. Micuda outlined CCL-013 as converting minimum to maximum parking in specified locations and reducing parking ratios by fifteen percent. He said this proposal was an increasing trend with ordinances around the country, created incentives for walking, biking, and transit use, and that it would decrease the number of parking variances the Planning Department needed to allow.

Micuda gave an example of how CCL-013 would be put into affect. He said that for a 100 bedroom multifamily project, the amendment would insure one parking space per bedroom, instead of the 115 spaces that would currently be allotted for such a project. Exceptions to the amendment would include single-family residential uses, multifamily projects in Residential Core Districts, and Multifamily homes in the downtown. Micuda explained that UDO-025, UDO-027, UDO-044 had all been incorporated into CCL-013.

Councilmember Satterfield asked what potential problems might arise by decreasing parking allotments. Micuda responded that churches might not have enough parking for functions under this amendment, but they could apply for variances. His added that some office spaces might have discrepancies and should provide data to show why it's necessary that they have more spaces than the maximum allotted.

Satterfield expressed concern that builders may not know who their tenants will be when they build, and therefore wouldn't know how much parking was necessary for them. Micuda said that in the current economic climate, not many were building without knowing who or what kind of business would be occupying a space.

Councilmember Wisler asked for more information regarding the handling of churches if they didn't have enough parking spaces to fit their need. Micuda said they could apply for a variance, distribute parking overflow to nearby appropriate areas, or there was the possibility the ordinance could be updated to make accommodations, should the need become overwhelming.

Councilmember Volan asked for clarification on the exception of single-family residential uses for the amendment. Micuda said that because single-family homes had any number of parking needs, there wasn't a certain amount of parking spaces allowed that could be pinpointed as working for most single-family residential situations.

Buff Brown, of Bloomington Transportation Options for People (BTOP), said that the U.S. parking minimums adopted in the 1950s were not adopted in Europe and that had become the fundamental difference in regards to carbon footprints. He said that Europe's transportation system was more efficient. Brown said he felt this amendment was a baby step in the right direction, given that some cities in Indiana had three times the amount of parking spaces as they had people. He advocated for a halt on the building of new parking spaces around Bloomington.

Citizen Michelle Cole thanked staff for their work on the amendment. She said she thought it would make a positive difference in the town.

Councilmember Wisler said he was thrilled to see the elimination of parking minimums. He noted, however, that he was concerned about the impact on churches and entertainment venues. He said he thought there should be incentives for shared parking. Wisler said he would vote for the amendment.

Volan said he also believed the amendment was a positive one. He spoke in general about parking issues, and said there were too many parking spaces in the city. Volan noted he would like to see a comprehensive plan to change parking that would go beyond the actions of the current amendment.

ACTION: The motion to adopt CCL-013 (UDO-083) was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that UDO-025, UDO-027, UDO-044 be denied because they have all been incorporated into CCL-013.

ACTION: The motion to deny UDO-025, UDO-027, UDO-044 was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that UDO-085 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-085 – Adds or changes parking requirements for preschools, outdoor storage and brewpubs.

UDO-085 Adds or changes parking requirements for preschools, outdoor storage, and brewpubs. This amendment would create a parking requirement for the "school, preschool" use to correct an omission in the UDO. It also lowers the parking requirement for "brewpubs" to better reflect that such uses are largely devoted to production space. The amendment also revises the standard for "outdoor storage" uses to make it more consistent with similar uses in the UDO.

It was moved and seconded that UDO-085 be adopted.

Assistant Director of Planning Josh Desmond explained that brewpubs in the past had been treated like other restaurants in terms of their parking regulations. He said this amendment accounted for the fact that brewpubs had extra workers making the beverages on-site and therefore required additional parking spaces. Desmond said the changes to storage space and preschool parking addressed oversights from the current ordinance.

Councilmember Mayer asked if the amendment addressed preschools in residential districts, to which Desmond said it would, because it was grouped by usage and not by district.

ACTION: The motion to adopt UDO-085 was approved by a roll call vote of Ayes: 7, Nays: 0 (Sturbaum out of room).

MOTION: It was moved and seconded that UDO-086 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-086 – Defines and adds parking requirements for “outdoor retail.”

UDO-086 Defines and adds parking requirements for “outdoor retail This amendment adds a definition and parking requirement for the land use “retail, outdoor”. The UDO currently lists “retail, outdoor” as a permitted primary use of a site in certain zoning districts, but does not provide a definition or parking requirement as is done for all other listed uses.

It was moved and seconded that UDO-086 be adopted.

Josh Desmond said that UDO-086 corrected the omission of a parking standard and definition for outdoor retail.

ACTION: The motion to adopt UDO-086 was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that UDO-088 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-088 – Relaxes restrictions on size and duration of political signs to conform to case law.

UDO-088 Relaxes restrictions on size and duration of political signs to conform to case law. This amendment would change the area allotment for political signs as well as remove the restrictions on how long such signs may be displayed. The maximum area of a political sign would change from five square feet to thirty-two square feet. The current requirement for political signs to be removed within seven days of the subject event would be eliminated. This amendment is being proposed in response to recent situations in other Indiana communities with political sign regulations similar to those that exist now in the UDO. The general legal direction from those situations is that political signs should not be more restricted in size or display period than other signs allowed in a given zoning district. The proposed change to an area of thirty two square feet would accomplish this goal. Further, the removal of the display period restriction would allow such signs to be displayed year-round. Many signs expressing political speech are not related to a specific event or election so would not fit within the existing regulation.

It was moved and seconded that UDO-088 be adopted.

Assistant Director of Planning Josh Desmond explained that the legislation was in response to the idea that the City had no more right to restrict the size of political signage than they did any other type of signage. The amendment would also allow signs to be displayed for indefinite periods of time. He said that the Plan Commission did pass UDO-088 unanimously, but were not happy to do so. They did it based on legal guidance involving similar cases around the state.

Councilmember Sturbaum asked if, under UDO-088, he would be allowed to put a 32 foot sign in his front yard and change what was said on it whenever he wanted. Patty Mulvihill, Assistant City Attorney, said that one could essentially do that with political messages protected under the first amendment. She said that legal cases throughout the state and country had set precedence for this issue, and the City was virtually guaranteed to lose if they fought against the signage increase court.

Councilmember Volan asked for more clarification as to what constituted a political sign, and Mulvihill responded that that if there was a complaint about a sign, the City would have to examine the specific case and make a judgment call.

Councilmember Rollo asked if the cases which set precedence were undergoing an appeal process. Mulvihill said that some cases were ongoing.

Councilmember Satterfield asked if the council was being asked to vote whether or not their political signs were allowed to be displayed year-round, and if that was a conflict of interest. Mulvihill assured him it was okay to vote on this item.

Michelle Cole, citizen, said that she felt the measure was not a good one, but understood the legal reasons it might be enacted.

Councilmember Sandberg said she hoped that just because people could put up big signs, they would not. She said she would support it upon the recommendation of the Plan Commission.

Councilmember Wisler said that although he would probably see things he didn't like as a result of UDO-088, it was a no-brainer to vote in favor of it because it was freedom of speech and was protected.

Councilmember Mayer said he didn't like the direction that the country was headed as far as legislation like this, but felt that he must support UDO-088 because of the decisions that had been made by the courts. Mayer said although he felt uncomfortable about it, he would vote yes.

Councilmember Sturbaum said he felt UDO-088 was bogus. He said that UDO-088 restricted free speech and the Supreme Court had made the wrong decision on this. He said he would not support it.

Councilmember Volan said he had no qualms about supporting UDO-088 because the evidence presented showed that it was an action that needed to be taken.

Councilmember Rollo said he had concerns about the vagaries between commercial and political speech.

Councilmember Ruff said he didn't have a problem voting on this item and was comfortable with the action being taken.

ACTION: The motion to adopt UDO-088 was approved by a roll call vote of Ayes: 7, Nays: 1 (Sturbaum).

MOTION: It was moved and seconded that UDO-089 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-089 – Changes restrictions on 'reader board' signs to conform to case law.

ACTION: The motion to introduce the amendment (council rule re: introduction of legislation after 10:30 pm) received a roll call vote of Ayes: 6, Nays: 2 (Ruff, Mayer)

UDO-089 Changes restrictions on "reader board" signs to conform to case law. This amendment would eliminate the restriction of electronic reader board signs to the display of time and temperature information only. Recent national court cases have established that such restrictions on message are unconstitutional. Sign regulations may restrict the time increments for which messages may be displayed, but cannot restrict the actual message.

MOTION: It was moved and seconded that UDO-089 be adopted.

Assistant Director of Planning Josh Desmond explained that electronic reader board signs in Bloomington were currently only allowed to display the time and temperature. He said that court findings nationwide had been that this was a restriction of free speech. Desmond said UDO-089 would eliminate the restriction of what could be on electronic reader board sign messages in Bloomington.

Councilmember Volan said he would support the amendment.

ACTION: The motion to adopt UDO-089 was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded to move deliberation of UDO-078, UDO-077, UDO-094 and CCL-003 (UDO-082) to the end of the special session meeting scheduled for August 5, 2009.

ACTION: The motion to make the above change in the deliberation schedule was approved by a roll call vote of Ayes: 7, Nays: 0, Abstain: 1 (Satterfield)

MOTION: It was moved and seconded to recess the meeting at this point.

ACTION: The motion received a roll call vote of Ayes: 4 (Ruff, Sturbaum, Satterfield Mayer), Nays: 4 (Rollo, Wisler, Sandberg, Volan) and therefore the failed.

MOTION: It was moved and seconded that CCL-006 (UDO-034) be read by the Clerk by title and synopsis only.

ACTION: The motion to introduce CCL-006 (UDO-034) received a roll call vote of Ayes: 5, Nays: 3 (Ruff, Sturbaum, Mayer).

The clerk read the title of CCL-006 (UDO-034) – Prohibits external illumination of temporary signs.

CCL-006 (UDO-034) Prohibits external illumination of temporary signs. This amendment would prohibit externally illuminated temporary signs. Internally illuminated temporary signs would still be permitted. The installation of external lighting equipment makes it more likely that a temporary sign would become permanent, whereas a temporary sign with an internal illumination mechanism is much easier to remove at the required time. In addition, it is very difficult to enforce light-shielding requirements when the lighting equipment is only temporary and likely to be gone by the time enforcement action can be initiated. *CCL-006 Plan Staff submitted CCL-006 to include definitions of “externally illuminated” and “internally illuminated” signs in order to address concerns raised by the Council.*

It was moved and seconded that CCL-006 (UDO-034) be adopted.

MOTION: It was moved and seconded that CCL-009 (UDO-069) be read by the Clerk by title and synopsis only.

ACTION: The motion to introduce CCL-009 (UDO-069) received a roll call vote of Ayes: 4 (Rollo, Wisler, Sandberg, Volan), Nays: 3 (Ruff, Sturbaum, Mayer), Abstain: 1 (Satterfield) and therefore failed.

MOTION: It was moved and seconded to recess the meeting and reconvene on August 5th after a Regular Session at 7 pm.

ACTION: The motion was approved by a voice vote.

The meeting was recessed at 11:14 p.m.

for approval

In the Council Chambers of the Showers City Hall on Wednesday, August 5, 2009, at 7:40 pm with Council President Andy Ruff presiding over a reconvened Special Session of the Common Council.

Members Present: Piedmont-Smith, Mayer, Ruff, Rollo, Satterfield, Sandberg, Wisler (left at 11:00), Volan
Members Absent: Sturbaum

MOTION: It was moved and seconded that CCL-009 (UDO-069) be read by the Clerk by title and synopsis only. The clerk read the title of CCL-009 (UDO-069) – Revises list of landscaping to add native species and prohibit certain invasive species.

CCL-009 (UDO-069) Revises list of landscaping to add native species and prohibit certain invasive species.

UDO-069 received a positive recommendation from the Plan Commission and completely revises the landscaping tables of the UDO to reflect input received from both the Senior Environmental Planner and the Environmental Commission. Specifically, the modifications to the tables are designed to promote the planting of native species and to update the lists of prohibited invasive species. CCL-009 clarifies which cultivars of the flowering crabapple tree are suitable and which are unsuitable for planting in the City's Planning jurisdiction. *Plan Staff submitted CCL-009 in order to clarify which cultivars of "flowering crabapple" trees were permitted and which were of poor characteristics.*

It was moved and seconded that CCL-009 (UDO-069) be adopted.

Director of Planning Tom Micuda said that CCL-009 was a minor revision involving the categorization of a plant species.

Councilmember Rollo thanked the Environmental Commission for their work in distinguishing the types of plant species that might be harmful for Bloomington's environment.

Councilmember Volan expressed gratitude to staff for all their hard work this and other amendments of the evening.

Councilmember Piedmont-Smith thanked citizen Michelle Cole for bringing the initial error of the amendment to the council's attention.

ACTION: The motion to adopt CCL-009 (UDO-069) was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that UDO-090 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-090 – Restricts seasonal sale of fireworks to CA districts and clarifies length seasonal sales are permitted.

UDO-090 Restricts seasonal sale of fireworks to CA districts and clarifies length seasonal sales are permitted This amendment would revise UDO requirements for the seasonal sales of fireworks. It is intended to provide further protection from the threat of fireworks accidents. The amendment would further restrict the locations where such sales are permitted, requiring that such sales be confined to the Commercial Arterial (CA) zoning district. This restriction would apply to seasonal vendors that set up specifically for the sale of fireworks, not to permanent commercial establishments that may sell fireworks as a seasonal product among their normal inventory. This amendment would also clarify language regarding the length of time for which a seasonal sale may be permitted.

It was moved and seconded that UDO-090 be adopted.

Assistant Director of Planning Josh Desmond said the amendment would restrict where fireworks could be sold in Bloomington and clarify the language of the length of time for which a seasonal sale may be permitted.

Councilmember Wisler asked about the reason for selecting a certain district where the fireworks might be sold. Planning Director Tom Micuda said that a plan commissioner had been concerned with the safety issues of temporary fireworks stands and wanted to confine them to one permissive area of town, the Commercial Arterial (CA) zoning district.

Councilmember Wisler said he was not in support of the amendment.

ACTION: The motion to adopt UDO-090 was approved by a roll call vote of Ayes: 7, Nays: 1 (Wisler)

MOTION: It was moved and seconded that UDO-091 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-091 – Adds maximum suburban parent tract size for Suburban Subdivision type.

UDO-091 Adds maximum suburban parent tract size for Suburban Subdivision type This amendment would modify the “Minimum Parent Tract” requirement for the Suburban Subdivision type found in Chapter 20.06 of the Unified Development Ordinance. Specifically, it would change the “Minimum Parent Tract” to a “Maximum Parent Tract”, and make that maximum tract smaller than the minimum parent tract requirements for the other subdivision types. This would result in a significant reduction in the number of Suburban Subdivisions created in Bloomington, and would make it far more likely that future residential subdivisions would be either Traditional Subdivisions or Conservation Subdivisions.

It was moved and seconded that UDO-091 be adopted.

Assistant Director of Planning Josh Desmond said the amendment’s aim was to encourage more Traditional and Conservation Subdivisions, as opposed to Suburban Subdivisions in Bloomington. Suburban Subdivisions would be allowed for lots less than three acres under UDO-091.

Councilmember Rollo asked if there was a way for developers to get around this three acre restriction for Suburban Subdivisions, to which he was told they would have to go through a waiver process.

Councilmember Volan asked for more information about the waiver process, to which Tom Micuda responded that it would be a difficult process in this instance because the City wouldn’t approve anything that was counterproductive to their overall goal for Planning.

Councilmember Wisler asked what the reason was for three acres being the point at which Suburban Subdivisions were cut off. Micuda said that three acres seemed to be the appropriate minimum at which Traditional Subdivisions could be built, as it was a large enough space to allow for alleys and mixed use areas.

Councilmember Piedmont-Smith said she thought the amendment was a good one.

Volan said that he would have liked to see Suburban Subdivisions erased as an option, but he said the least that could be done would be to restrict their development.

Councilmember Mayer thanked staff for their work on the amendment and said it made sense.

Rollo said he was glad there would be more restrictions on Suburban Subdivisions.

Wisler said he was torn about the amendment, but appreciated the spirit of it.

Councilmember Ruff said that he appreciated the amendment in limiting Suburban Subdivisions, as they tended to be contradictory to the ambiance of the city. He said he’d gladly support it.

ACTION: The motion to adopt UDO-091 was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that UDO-092 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-092—Requires more detail for models accompanying downtown development proposals.

UDO-092 Requires more detail for models accompanying downtown development proposals This amendment would require greater detail to be provided on the models that must accompany downtown development proposals. Since the existing model requirement was enacted, several models have been submitted for use during Plan Commission deliberations. These models have used a variety of materials, scales, and levels of detail to capture the look and feel of the proposed development. In some cases, Plan Commission members felt that the models lacked sufficient detail to provide a good representation of the project. This amendment will ensure that future models provide clear representation of façade surface materials, including color.

It was moved and seconded that UDO-092 be adopted.

Assistant Director of Planning Josh Desmond explained that current downtown development proposals must be accompanied by either a digital or 3-D model in order to demonstrate what the construction would look like. Desmond noted that over the years, the models had been inconsistent in that some did not adequately display the materials that would be used on siding. He said Plan Commission members felt some models lacked sufficient detail to provide a good representation of the project. This amendment would ensure that future models provided clear representation of façade surface materials, including color.

Councilmember Volan asked how many proposals this would affect. Tom Micuda said that there had been 12 proposals in the last two years and UDO-092 would have affected most of them.

Councilmember Sandberg asked who was building these models. Micuda said the models were typically created by the developer’s in-house staff.

Plan Commissioner Jack Baker noted that the amendment would be helpful for plan commissioners. He added that he had been an engineer for many years and relied on accurate depictions of buildings to help him make decisions as a commissioner.

Wisler stated that he felt this amendment was overkill in terms of regulating the models. He said that mandating that the models show color and also scale other nearby buildings was more than was necessary from developers, especially since the City didn't regulate the color of buildings.

Volan said he was happy the amendment had come forward and was sure including this as part of the proposal process would help the look of the downtown and help the public to understand what a potential building would look like.

Councilmember Piedmont-Smith said she believed adding color and better detailed siding on building models would be helpful to her in determining if a structure would be an appropriate one to incorporate into the downtown.

ACTION: The motion to adopt UDO-092 was approved by a roll call vote of Ayes: 7, Nays: 1 (Wisler)

MOTION: It was moved and seconded that UDO-095 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-095 – Defines certain urban agricultural activities and imposes special conditions on community gardens in residential zones.

UDO-095 Defines certain urban agricultural activities and imposes special conditions on community gardens in residential zones This amendment responds to input the Planning Department has received concerning perceived UDO restrictions on agricultural activities. While the UDO doesn't specifically restrict what are commonly known as urban agricultural activities, there has been concern expressed that these activities could be considered impermissible due to the lack of specificity in the ordinance. In response, various food growing activities have been listed and defined under two use categories. The first use category is identified as urban agriculture. This land use is being proposed as a permitted accessory use in the RE, RS, RC, RM, and RH zoning districts. Additionally, another land use activity, community gardens, has been defined and listed as a permitted primary use in all zoning districts subject to special conditions.

It was moved and seconded that UDO-095 be adopted.

Planning Director Tom Micuda said there was concern over how urban agriculture was approached in relation to zoning districts. He noted that the current code didn't address anything besides backyard gardens, but said it was important to update this, as it would be relevant in the coming decades. Micuda said UDO-095 laid out a definition for urban agriculture, and would permit community gardens in all residential zoning districts. He said Bloomington would be ahead of other cities with this measure.

Councilmember Wisler asked if a person would be allowed to have a community garden on the same lot as their home. Tom Micuda said they would be permitted to do that.

Councilmember Mayer asked if there were restrictions as to how close a community garden could be to a City right-of-way. Micuda said the gardens weren't to be any closer to right-of-ways than any other structure. He also noted they weren't to obstruct drainage easements.

Councilmember Rollo and Tom Micuda talked about removing the word "backyard" from the amendment, as it appeared to exclude front and side yards.

MOTION: It was moved and seconded that the word "backyard" be struck from the definition of Urban Agriculture.

Jami Scholl, with the My Edible Eden company, spoke about the perks of gardening. She also said that there could be potential dangers if people grew their food near where they had chemically treated their lawns.

David Parkhurst said that he grew his own vegetables but was looking to grow more to donate to the food pantry. He said that he hoped the amendment passed, and noted that his garden was in his side yard so he supported striking the word "backyard" from the language.

ACTION: The motion to amend UDO-095 by striking the work 'backyard' was approved by a roll call vote of Ayes: 8, Nays: 0.

John Galuska said he wanted to stress that urban agriculture was something that had been working for people worldwide. He expressed hope for Bloomington's expansion of urban agriculture, and praised the local farmer's market.

Jami Scholl added that she had done research on gardening in France, and that it was possible for aesthetically pleasing landscaping to include vegetables. She said people had produced their own food throughout history and she looked forward to it becoming a more prominent practice in Bloomington.

Ann Kreilkamp said that she ran a community garden and that the amendment would encourage others to do the same, and she hoped it passed.

Plan Commissioner Jack Baker said that the commission was pleased the amendment had come forward. He noted that Bloomington had many gardens already but the amendment would expand the practice a bit more.

Michelle Cole expressed support for the amendment. She encouraged the council to consider expanding community gardens to districts beyond residential districts.

Peter Bane noted that he was on the Peak Oil Task Force, and applauded the council for addressing urban agriculture. He said the legislation was important, but added that it would probably need to evolve over the years.

Councilmember Volan noted he would support the amendment.

Councilmember Mayer thanked John Galuska and Jami Scholl for being instrumental in bringing the issues addressed in the amendment to the attention of the council.

Councilmember Satterfield said gardens were positive because people could begin eating natural foods again instead of much of the processed foods found in stores. He said he was concerned about people maintaining their gardens, however, he believed the amendment was going in the right direction.

Councilmember Ruff thanked Plan Commissioner Baker for his input during public comment. He said he would enthusiastically support the amendment.

It was moved and seconded that UDO-095 be adopted as amended.

ACTION: The motion to adopt UDO-095 as amended was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that CCL-004 (UDO-093) be read by the Clerk by title and synopsis only. The clerk read the title of CCL-004 (UDO-093) – Requires grading permit for single family lots which have not been part of a larger grading plan.

CCL-004 (UDO-093) Requires grading permit for single family lots which have not been part of a larger grading plan. UDO-093 was requested by the Environmental Commission and would eliminate an exemption in the Unified Development Ordinance that allows land-disturbing activity on single-family lots without the prior receipt of a grading permit. The purpose of the current language in the UDO is to streamline the process for property owners who wish to secure a building permit or simply remove a diseased tree. In this case, a streamlined process makes sense because disturbance limits and tree removal restrictions have often been determined during the issuance of a detailed grading permit covering the lot as part of a larger subdivision. However, the unintended consequence of this exemption is that, on two occasions, owners of single-family lots have been able to remove trees without any regulation from the City. The proposed amendment would still allow the current exemption as long as a previous grading permit has been issued addressing land disturbing activity for the single-family lot.

CCL-004 amends UDO-093 which was not adopted by the Plan Commission. Changes to UDO-093 include: 1) identifying 'tree removal' as an activity that can be regulated through the site plan review process, 2) identifying certain tree removal activities that are exempt from review, and 3) identifying other tree removal activities which require Certificates of Zoning Compliance, site plan review, and compliance with the tree preservation standards of the UDO.

It was moved and seconded that CCL-004 (UDO-093) be adopted.

Councilmember Piedmont-Smith said this had been brought to her attention by the Environmental Commission, with the goal of restricting the unnecessary removal of trees. She said this would ensure that those without diseased trees or invasive species would need to adhere to zoning compliance regulations.

Tom Micuda added that the ordinance currently addressed development issues, but not precursors, such as folks cutting down trees in anticipation of development. Micuda noted that the amendment would allow his department to regulate this type of scenario.

Councilmember Mayer asked Micuda what the process would be for someone who wanted to clear trees to allow sunlight to grow a vegetable garden. Micuda said in that case a citizen would need to get a certificate for zoning compliance.

Ruff asked whether a homeowner would need to contact the City before removing a tree limb hanging over their house, to which Micuda responded they would not.

Micuda noted that there were an unlimited number of tree removal scenarios, and that the law couldn't perfectly apply to each one. He said that many cases were judgment calls and would need to be looked at individually in conjunction with the code. Micuda added that variances were always a possibility.

Councilmember Sandberg asked if the Planning Department had seen many requests for the removal of trees for the purpose of putting solar panels on roofs of houses. Micuda said that although he anticipated that to become a more frequent situation somewhere in the future because of the energy benefits, it was not currently an issue.

Michelle Cole said that although she was for the protection of tree canopy, she wondered if the amendment was broadening government involvement too much. Cole said she felt single tree removal shouldn't be considered in the ordinance.

Plan Commissioner Jack Baker said the amendment was much clearer compared to the first draft the commission saw, and that he was in support of it now for that reason.

Councilmember Volan said that the amendment addressed a problem he had previously come across. He noted that a citizen in his district had once cut down trees to put a modular home in their yard, and said he appreciated that CCL-004 wouldn't allow trees be cut down so arbitrarily.

Councilmember Piedmont-Smith thanked staff for their effort on this amendment. She noted that some might have concerns regarding government intervention with tree removal. Piedmont-Smith added that the City had an obligation to maintain the tree canopy and protect trees that needed to stay in place for a variety of reasons, which is why they felt it was necessary for citizens to contact the Planning Department before beginning demolition. She said many times there would probably not be an issue, and citizens could continue on with the tree removal.

Councilmember Ruff said he had shared concerns that the amendment could seem too interfering on the part of government. He then noted that on approval of some site plans, the City had vowed to protect certain trees, and stressed that they needed to honor that commitment.

ACTION: The motion to adopt CCL-004 (UDO-093) was approved by a roll call vote of Ayes: 6, Nays: 1 (Wisler), Abstain: 1 (Mayer).

MOTION: It was moved and seconded that CCL-008 (UDO-066) be read by the Clerk by title and synopsis only. The clerk read the title of CCL-008 (UDO-066) – Clarifies “masonry” materials to be used in residential projects.

CCL-008 (UDO-066) Clarifies “masonry” materials to be used in residential projects. UDO-066 was adopted by the Plan Commission. It would revise the list of materials allowed for residential dwellings constructed in single family and multifamily zoning districts by specifying the types of materials typically characteristic of a masonry product. Currently, the UDO does not clarify this term, and this has created questions as to what specific materials are permitted.

It was moved and seconded that CCL-008 (UDO-066) be adopted.

Josh Desmond, Assistant Director of Planning, reminded council that the amendment had been brought to them at an earlier UDO meeting. He noted that as the result of council concern, staff had added additional language to allow for some sustainable substances to be permitted under the category of acceptable masonry materials. He noted that the current amendment would also allow staff some discretion in approving materials not on the list, should a suitable case present itself. Desmond said that the materials list would need to be updated over time to stay current with the evolution of new and acceptable masonry materials.

Councilmember Wisler asked if EIFS would be an example of a material staff would allow even though it wasn't on the materials list. Tom Micuda said it would probably not be permitted, based on council discussion of its negative attributes.

Plan Commissioner Jack Baker talked about the different types of concrete block materials. He reiterated that EIFS was not a durable material.

Councilmember Wisler said he liked the current materials list better than the previous one presented to them, and he would vote in favor of the amendment.

ACTION: The motion to adopt CCL-008 (UDO-066) was approved by a roll call vote of Ayes: 8, Nays: 0.

MOTION: It was moved and seconded that CCL-007 be read by the Clerk by title and synopsis only. The clerk read the title of CCL-007 – Allows banks to have up to three drive-through bays in the DC district.

CCL-007 - Allows banks to have up to three drive-through bays in CG district. This change was sponsored by Councilmember Satterfield and amends UDO-038 to allow banks to have up to three (3) drive-through bays when located in the Commercial General (CG) zoning district. Currently, banks, like other drive-through uses, are limited to a single bay for vehicle transactions. Since patrons of banks typically conduct a large number of transactions using personal vehicles, this allowance for additional drive-through bays is more reflective of how this particular land use functions. *The effect of CCL-007 is to amend UDO-038 and not create a new, Council-initiated amendment to the UDO.*

It was moved and seconded that CCL-007 be adopted.

Councilmember Satterfield said he felt bank drive-throughs were an important asset to the community for many reasons. He said he thought one drive-through bay would be an appropriate allotment for a restaurant within the CG district, but that banks should be an exception. He noted the amendment would allow banks to have up to three bays in this district.

Tom Micuda reminded the council that the original amendment's purpose was to clarify that a business was allowed one drive-through bay, but could have multiple windows in conjunction with that bay. The amendment didn't seek to reduce the amount of bays allowed, but it did bring up concerns from Councilmember Satterfield regarding the amount of drive-through bays that banks were currently able to have in that district.

Micuda noted that the City maintained rules for drive-through bays as well as gas station pumps because they wanted to have some say in site plans to ensure the structures would fit in with surrounding buildings and landscape. He said that staff understood why the current amendment was proposed, but recommended the council not adopt it because they believed the current bay restrictions were acceptable.

Councilmember Volan talked about bank hours of operation in relation to drive-through bays. He said he had a negative experience with his bank's drive-through when he was carless but needed to make a transaction. He said the drive-through was still open but the walk-in entrance was closed late in the day and he wasn't permitted to make his transaction.

Councilmember Wisler asked Councilmember Satterfield why he wanted the amendment to accommodate banks specifically. Satterfield said he believed for that industry in particular there were safety issues involved, as well as practical use concerns tied into drive-throughs.

Volan said he sympathized with Satterfield's intent with the amendment; however he reiterated that he wouldn't support it because he didn't feel drive-throughs accommodated pedestrians adequately.

Councilmember Rollo noted that given the fact no banks had requested variances for additional drive-through bays and been turned down, he wasn't sure that CCL-007 was necessary.

Councilmember Piedmont-Smith said she would not support the amendment because she felt the variance process would be effective in dealing with banks' drive-through bays. She noted that variances also allowed the Planning Department the chance to make site-plan suggestions, which often enhanced the overall look of a property.

Councilmember Ruff said he understood Satterfield's logic with the amendment. He added that he didn't want to encourage unnecessary driving, but the reality was that people often used drive-through windows at banks. He said he didn't think more people would drive to the bank as a result of the amendment, but rather this would accommodate the need that already existed.

Wisler said he was a little uncomfortable that the amendment was specific to one industry, but didn't believe a waiver process would be the best way to address this situation either. He said that too often it was assumed that people knew about and would go through a variance process, when most people actually tried to just abide by the legislation.

Councilmember Mayer said he supported the amendment, as it would potentially help to disperse traffic congestion in and around bank parking lots.

ACTION: The motion to adopt CCL-007 was approved by a roll call vote of Ayes: 6, Nays: 2 (Piedmont-Smith, Volan).

MOTION: It was moved and seconded that CCL-010 (UDO-075) be read by the Clerk by title and synopsis only.

ACTION: Since the motion was moved after 10:30 pm, it needed a majority of council members to approve the introduction. Motion to introduce CCL-010 (UDO-075) received a roll call vote of Ayes: 7, Nays: 1 (Piedmont-Smith)

The clerk read the title of CCL-010 (UDO-075) – Converts density from units per acre to bedrooms per acre; creates a weighting system that encourages efficiencies and 1-bedroom units and discourages 4-bedroom and 5 bedroom units.

CCL-010 (UDO-075) Converts density from units per acre to bedrooms per acre; Creates a weighting system that encourages efficiencies and 1-bedroom units and discourages 4-bedroom and 5-bedroom units. CCL-010 was prepared on behalf of Councilmember Volan in order to replace UDO-075, which was adopted by the Plan Commission. It would change the calculation of residential density in the UDO to create a weighting system that would encourage efficiency and 1-bedroom units but discourage 4-bedroom and 5-bedroom units. The weighting system proposed by Councilmember Volan is modeled after an existing weighting system in the UDO called dwelling unit equivalents (DUEs). This proposal revises the DUE system by increasing the weights (incentives) for efficiencies and one-bedroom units while creating first-time weighting (a disincentive) for 4-bedroom and 5-bedroom units. UDO - 075, which converts the UDO's unit-per-acre calculation of density into bedroom densities, also achieves a similar goal. However, Councilmember Volan's proposal increases the weighting system.

It was moved and seconded that CCL-010 (UDO-075) be adopted.

Councilmember Volan, who sponsored the amendment, said it was inspired by a planned development which did not end up being built at 16th and Walnut Streets. He said the developer wanted to build three and four bedroom units, and had requested several variances from the City. Volan said neighbors were opposed to the multitude of variances and to the density.

Volan said he was proposing CCL-010 because he had found that homes with several bedrooms per unit were typically responsible for creating too much noise in a neighborhood, and the impact of lower bedroom count units was significantly less. He noted that this was a concern for those in his district, and therefore he wanted to update the UDO. Volan said that the proposed changes to the ordinance would make it more likely that future development projects would feature lower bedroom count dwelling units, thereby reducing noise problems.

Tom Micuda explained that there were some differences between Councilmember Volan's amendment and the UDO amendment proposed by staff. He said that while staff's plan and Volan's plan both gave disincentives for four and five bedroom units, they differed in their approach. Staff proposed to change the code's language from 'units per acre' to 'bedrooms per acre,' while Micuda noted that Volan's plan was more complicated and would require more code changes. He added that they hadn't had time to discuss either proposal at Plan Commission.

Micuda then presented a document which gave examples of how densities would be calculated under the respective proposals. He explained that with the staff's plan, there could be 45 one bedroom units allotted per acre, and with Volan's weighted system plan, 60 one bedroom units per acre.

Councilmember Volan added that CCL-010 would reward developers for building quieter units by allowing them more bedrooms overall and therefore more potential profit. He said that staff's recommendation (UDO-075) reduced a developer's right to bedrooms across the board. He noted that his idea was based on system that the City had used in its code for many years.

Councilmember Satterfield asked Tom Micuda his opinion on whether a developer would likely rather build a few bigger units or a lot of smaller ones. Micuda said his instinct was that a developer might be more interested in the idea of the many small units. He clarified that efficiency apartments were the same as studio apartments.

Volan said he didn't believe the UDO-075 proposal discouraged larger units, and characterized CCL-010 as the quieter unit amendment.

Councilmember Piedmont-Smith wondered if the proposals were relying too heavily on speculation as to what size units developers might decide build, to which Volan said he believed his plan would direct developers towards building smaller units.

Larry Jacobs, of the Chamber of Commerce, said he didn't know what the correct solution might be, but made the point that units with more inhabitants could share one light for many people, whereas individual units would use one light for each person.

Citizen Sarah Ryterband said she was confused by the language used to describe the plans. She said it appeared that Volan's plan would increase density, though he had said it would not.

Councilmember Sandberg said she would be supporting UDO-075. She said she had attended Housing and Neighborhood Development (HAND) meetings, and believed there was a public need for smaller unit options. Sandberg said she wasn't as concerned about which technique was used to accomplish those options, but would vote for the staff's preference because she felt it was their realm of expertise.

Councilmember Rollo said Larry Jacobs' comment regarding light bulbs and sustainability was noteworthy. He said, from that perspective, neither plan was substantially more energy efficient.

Councilmember Satterfield said he would support CCL-010 because he hadn't heard strong enough opposition from staff against the amendment's intent to make him believe it was not a good idea.

Volan said he wanted to address public comment, noting that the best form of efficiency was the verticality of a building, not how many light bulbs it used. He said that New York City was a prime example, because if you dispersed its amount of apartments into a suburban setting, it would take up all of New England. He added that a unit which had five bedrooms would not only use a common area light bulb, but would use five additional light bulbs for the bedrooms. Volan said that on the other hand, an efficiency or studio apartment's bedroom was the same room as its kitchen and therefore would require less light bulb energy.

Councilmember Mayer thanked staff for explaining the differences in the two amendment proposals.

Councilmember Ruff said he would support Volan's amendment, because he believed his colleague had presented a good case.

ACTION: The motion to adopt CCL-010 (UDO 075) was approved by a roll call vote of Ayes: 5, Nays: 2 (Sandberg, Mayer) *Wisler left at 11:00 pm before this vote was taken

MOTION: It was moved and seconded to recess this meeting and continue it after the Regular Session scheduled for September 16, 2009.

The motion to recess at this point in the agenda received a roll call vote of Ayes: 5 (Sandberg, Piedmont-Smith, Ruff, Satterfield, Mayer), Nays: 2, (Rollo, Volan) *Wisler left the meeting before this vote was taken

The meeting was recessed at 11:55 p.m.

In the Council Chambers of the Showers City Hall on Wednesday, September 16, 2009, at 8:40 pm with Council President Andy Ruff presiding over a reconvened Special Session of the Common Council.

Roll Call: Piedmont-Smith, Ruff, Rollo, Satterfield, Sandberg, Sturbaum, Wisler, Mayer, Volan

MOTION: It was moved and seconded that UDO-094 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-094 – Defines “primary” and “secondary” exterior finish materials.

UDO-094 Defines “primary” and “secondary” exterior finish materials. This amendment provides a definition of the terms “primary exterior finish material” and “secondary exterior finish material”. Chapter 20.03 of the UDO currently places restrictions on the use certain exterior finish materials based on whether they are “primary” or “secondary”, but no specific definition of those terms is provided in Chapter 20.11. “Primary exterior finish material” refers to materials that cover more than 20% of the exterior surface area (except for windows, doors, building trim, cornices, and similar architectural features). “Secondary exterior finish materials” refers to materials that cover no more than 20% of said area.

It was moved and seconded that UDO-094 be adopted.

Assistant Director of Planning Josh Desmond said the amendment was brought forward to clarify what constituted a primary material for a building and what was a secondary material, as current code did not explicitly state these definitions. He said this clarification would be helpful for staff in making certain decisions. Desmond noted that under the amendment, material covering more than twenty percent of a building façade would be considered a primary external finish material, while materials covering less than that percentage of a façade were classified as secondary exterior finish materials.

Councilmember Wisler inquired about how planning staff had dealt with the lack of primary and secondary clarification up until the present. Planning Director Tom Micuda said that staff had been interpreting on a case by case basis.

Plan Commissioner Jack Baker said he voted for UDO-094 in his commission meeting, and recommended that council did the same.

ACTION: The motion to adopt UDO-094 was approved by a roll call vote of Ayes: 9, Nays: 0.

MOTION: It was moved and seconded that CCL-011 (UDO-077) be read by the Clerk by title and synopsis only. The clerk read the title of CCL-011 (UDO-077) – Reduces void to solid ratio on first floor facades in all Downtown Overlay districts.

CCL-011 (UDO-077) Reduces void to solid ratio on first floor facades in all Downtown Overlay districts. On July 15, 2009, the original version of this amendment (UDO-077) was adopted by the Council. The Council passed the amendment with the caveat that the amendment could be brought back before the body with an additional amendment; specifically with a new amendment regarding the void-to-solid percentage standards for facades facing the B-Line Trail. In order to extend the policy rationale of UDO-077 to the B-Line Trail, CCL-011 requires a void-to-solid percentage of 60% of the wall/façade areas of the first floor facades/elevations facing the B-Line Trail within the following overlay districts: Courthouse Square, Downtown Core, Downtown Edges, Downtown Gateway and Showers Technology Park.

It was moved and seconded that CCL-011 (UDO-077) be adopted.

Councilmember Sturbaum, amendment sponsor, said the legislation simply extended the language of UDO-077 to be inclusive of the areas surrounding the B-Line Trail.

Tom Micuda said planning staff recommended adoption of the amendment. He noted that the revision would only affect new buildings and building additions that would face the B-Line Trail.

Councilmember Piedmont-Smith asked why it was proposed that the void-to-solid percentage be the same along the whole trail. Micuda said it was an attempt to cater to bicyclists and pedestrians.

Sturbaum asked Micuda if the amendment addressed buildings that would face areas where the B-Line Trail would extend in the future. He said that it did only if a proposed building was within an overlay district already subject to the void-to-ratio requirements.

Plan Commissioner Jack Baker noted that he supported the amendment. He said he foresaw the trail’s use expanding quite a bit, and added that some projects were beginning to materialize near it.

Councilmember Volan said he had initially voted against UDO-077, but would support the amendment because it increased void-to-solid ratios on buildings facing the B-Line Trail.

Sturbaum said regulations such as this one on buildings facing the trail would aesthetically enhance the trail experience.

Councilmember Rollo thanked those who had brought the amendment forward.

ACTION: The motion to adopt CCL-011 (UDO-077) was approved by a roll call vote of Ayes: 9, Nays: 0.

MOTION: It was moved and seconded that UDO-078 be read by the Clerk by title and synopsis only. The clerk read the title of UDO-078 – Prohibits residential uses on the ground floor along key corridors.

UDO-078 Prohibits residential uses on the ground floor along key corridors. This amendment would require the provision of ground-floor nonresidential space along certain key corridors within the Commercial Downtown (CD) zoning district. This amendment would apply within the four downtown overlay districts that do not already require ground floor nonresidential uses, and would ensure that each identified street frontage provides nonresidential uses. It would also require that at least 50% of the ground floor area of any building along the identified streets be utilized by nonresidential uses.

It was moved and seconded that (UDO-078) be adopted.

Councilmember Sturbaum sponsored the amendment, which was not approved by the Plan Commission. He said this measure was important because it would ensure buildings in certain areas of the downtown provided nonresidential uses and it required that at least fifty percent of any building's ground floor along identified streets be utilized by nonresidential uses. Sturbaum noted that this would improve the feel of a street, as passersby would have more than locked doors to look at on street level. He added that the amendment's targeted areas were part of the downtown where businesses should be, but apartment buildings were too often being constructed without the possibility of a mixed-commercial use option on the ground floor.

Assistant Director of Planning Josh Desmond noted that many areas of the downtown did not currently have regulations in place for developers in regards to what uses must be incorporated in their building plans. He presented a map of downtown overlays, and explained that the proposed change would affect corridors of the city center as opposed to entire overlay districts. Desmond said staff did not recommend adopting the amendment because due to the current economy commercial spaces could be hard to fill and, therefore, if required, might stay vacant for long periods of time.

Sturbaum reiterated that mixed use was crucial in the downtown, and if many developers had their way, the center would be full of dormitory type buildings. He said the City needed to take action to ensure future businesses had the opportunity to locate there.

Councilmember Piedmont-Smith said she recalled the Plan Commission having received waiver requests for adjusting uses within downtown buildings. Micuda said this had been the case, but the requests were not ones which altered storefronts on ground floors.

Piedmont-Smith asked if there were other alternatives to storefronts that were already in the UDO in order for a building to not appear stagnant at street level. Sturbaum asserted that, while there were alternatives, nothing compared to the ability to create an interactive space for the community within a building. Tom Micuda added that certain architectural features and void-to-solid ratios were already written into the code and would help enhance buildings aesthetically at ground level.

Micuda expressed concern that the amendment would bring about lots of waiver requests with uncertain outcomes, but said the legislation's goal was a shared one. Sturbaum added that if the objective was to avoid waivers, they could simply not make legislation and no waivers would be necessary. Instead, Sturbaum said it was important to be proactive to achieve the end the City wanted to see in the long term.

Councilmember Ruff asked why the Plan Commission had voted against the policy change if the development community hadn't been very vocal in their opposition to it. Sturbaum speculated that some on the commission were conservative minded and didn't want to push a progressive amendment on the public.

Plan Commissioner Jack Baker said he had probably initially voted against UDO-078, but had decided that it was a good idea to require these commercial spaces and said there was always a waiver process if there was an extenuating circumstance for why a particular building should not follow the statute.

Councilmember Wisler said he appreciated the intent of the amendment, but cited the current economic situation and his general acceptance of residential-only buildings in the downtown as reasons he would not vote in favor of it.

Councilmember Satterfield said he felt the amendment might be too strict in terms of regulations for developers.

Councilmember Volan stated that if the Plan Commission was concerned with too many waivers on a project, they should tell the developer no and not worry about accommodating each request. He said he agreed with

Sturbaum's resolve that the City require from developers the types of buildings they wanted to see in Bloomington.

Councilmember Piedmont-Smith said she voted no on the amendment at the Plan Commission and she would vote the same way again. She said the reality of the economy was that there were several site-plans that had been recently approved but which hadn't gone forward because of lack of funding. Piedmont-Smith also noted concern that developers might be discouraged by the policy of UDO-078 and not propose projects in the downtown as a result.

Sturbaum asserted that developers weren't at the meeting in opposition because they were largely content with the way the City had been handling building regulations in recent years. He said developers would prefer to not have any restrictions, and recalled an era when they would have packed the Council Chambers on nights when building policy was being considered. Sturbaum said they must be doing something right. He urged his colleagues to consider the long term positive effects of this amendment.

Councilmember Mayer said he understood Sturbaum's vision, but echoed concerns that the current economic climate wouldn't allow the proposed commercial spaces to fill up. He added that he had lived over businesses and there were noises and smells involved with that which hadn't been pleasant.

Councilmember Sandberg said she was on the fence because she had heard good arguments for both sides, but was inclined to vote no.

Volan said he loved residing in the downtown, with all its noises. He noted there were also many conveniences to living in that environment. He said the amendment was not iron clad, and was a negotiation not a demand from the City.

Sturbaum reiterated the importance of the amendment. He asserted that it was smart to have the rule in place so developers couldn't take advantage of the fact that there wasn't anything stopping another dormitory-type building from going up. Sturbaum said it was better to grant waivers when necessary, than to not have any control at all in terms of a building's uses.

Councilmember Ruff added that downtowns were crucial portions of local economies.

Councilmember Rollo said his colleagues had made some compelling arguments, and he'd support the amendment.

ACTION: The motion to adopt UDO-078 was approved by a roll call vote of Ayes: 5 (Rollo, Sandberg, Ruff, Volan, Sturbaum), Nays: 4 (Wisler, Piedmont-Smith, Satterfield, Mayer).

MOTION: It was moved and seconded that CCL-003 (b) (UDO-082) be read by the Clerk by title and synopsis only. The clerk read the title of CCL-003 (b) (UDO-082) – Requires landscaping be installed when buildings are demolished unless a development plan is approved.

CCL-003 (b) (UDO-082) Requires landscaping be installed when buildings are demolished unless a development plan is approved. CCL-003(b) amends UDO-082 which was not adopted by the Plan Commission. It would add a new requirement for demolition permits. Specifically, any request for a demolition permit would be required to provide a post-demolition plan for the site that could include turf grass, other ground cover, trees/shrubs, or planters. Once the demolition has been completed, the post-demolition landscape plan would have to be implemented as shown on the approved plan. A site could only be released from this requirement if the demolition permit is accompanied by a proposed development plan that is submitted to the Planning Department to initiate the review process. Note CCL-003(b) differs from CCL-003(a) in regard to the treatment of lots greater than one-half acre. Specifically, it requires a 10-ft wide planting area along all property lines bordering a public street, whereas CCL-003(a) requires that planting area only along the street in front of where the demolition occurred.

It was moved and seconded that CCL-003 (b) (UDO-082) be adopted.

Planning Director Tom Micuda said that the amendment came about because there were several sites in Bloomington which housed buildings that were then demolished, but left undeveloped without a plan for rebuilding. He said the amendment had gone through several phases of revisions. Micuda noted this would regulate non-family zoned properties facing a street. He asserted that those seeking to demolish this type of building would need to apply for a permit, and would have 180 days to complete the process. They would be required to provide some type of landscaping on the property during that time, or propose a new site plan. Micuda said eventually landscaping would be required if a site plan wasn't executed.

He laid out landscaping requirements for lots greater and less than half-acres. Micuda noted that CCL-003 (b) would require a 10-ft wide planting area along all property lines bordering a public street. He said that staff-supported CCL-003(a) differed in that it required a planting area only along the street in front of where the

demolition occurred. Micuda noted there would likely be some objections from some wanting to do demolition, but added that the intent of the regulations was public good.

Councilmember Rollo asked the penalty for non-compliance, and Micuda responded that it could result in a \$2500 per day fine.

Councilmember Piedmont-Smith inquired about which office issued demolition permits. Micuda said it was the Monroe County Building Department, and the City Planning Department also signed it.

Councilmember Sturbaum asked how the City would become involved if someone chose not to do demolition on an unkempt building in order to avoid the proposed maintenance regulations. Assistant City Attorney Patty Mulvihill responded by saying that the City would inspect a building to determine if it was structurally unsound. If it was simply an eyesore, legally nothing could be done. She said the City could order a building be sealed or repaired, but ordering it to be demolished could only happen if it was structurally unsound beyond the ability to repair.

Councilmember Mayer wondered, under the provisions of CCL-003 (b), if demolition sites would have to be landscaped if there was already vegetation on an area of the lot. Micuda responded that staff might direct them that landscaping in a certain area might not be necessary in that case.

Sturbaum questioned what could be done for sites that had been vacant and unmaintained for years. Micuda said that there were ordinances that would apply to require site owners to keep up with clearing weeds and patching sidewalks. He said it was a matter of the City actively enforcing these code requirements. It was noted that old properties were grandfathered and this amendment would only affect current and future projects.

Councilmember Volan asked other council members to elaborate why they supported a specific version of CCL-003 over another. Piedmont-Smith said she didn't have a rationale other than she felt CCL-003 (a) was sufficient. Sturbaum said he felt CCL-003 (b) was more specific, but he was happy to see either of them passed.

Jack Baker, Plan Commissioner, said the amendment was important for the community regardless of which version the council passed.

Michelle Cole said she felt the amendment was a good one.

Councilmember Wisler said he thought imposing an extra expense on those considering demolition would cause many of them to not want to proceed with it and would only lead to more vacant buildings.

Councilmember Sturbaum said property owners had a responsibility to maintain their land if for no other reason than for the surrounding neighbors.

Councilmember Rollo said he would support the amendment.

It was agreed upon by the council that they preferred to support version CCL-003 (a) and therefore would all vote against CCL-003 (b).

ACTION: The motion to adopt CCL-003 (b) was defeated by a roll call vote of Ayes: 0, Nays: 8 (Ruff out of room).

MOTION: It was moved and seconded that CCL-003 (a) (UDO-082) be read by the Clerk by title and synopsis only. The clerk read the title of CCL-003 (a) (UDO-082) – Requires landscaping be installed when buildings are demolished unless a development plan is approved.

CCL-003 (a) (UDO-082) Requires landscaping be installed when buildings are demolished unless a development plan is approved. CCL-003(a) amends UDO-082 which was not adopted by the Plan Commission. It would add a new requirement for demolition permits. Specifically, any request for a demolition permit would be required to provide a post-demolition plan for the site that could include turf grass, other ground cover, trees/shrubs, or planters. Once the demolition has been completed, the post-demolition landscape plan would have to be implemented as shown on the approved plan. A site could only be released from this requirement if the demolition permit is accompanied by a proposed development plan that is submitted to the Planning Department to initiate the review process.

It was moved and seconded that CCL-003(a) (UDO-082) be adopted.

ACTION: The motion to adopt CCL-003(a) (UDO-082) was approved by a roll call vote of Ayes: 6, Nays: 2 (Satterfield, Wisler). (Ruff out of room).

MOTION: It was moved and seconded that CCL-014a be read by the Clerk by title and synopsis only. The clerk read the title of CCL-014a – Assembles Amendments into Two Attachments and Returns the Ordinance to the Plan Commission for its Response.

CCL-14a Assembles Amendments into Two Attachments, Amends CCL-007 (UDO-038) and Arranges for the Return of the Ordinance to the Plan Commission. This amendment would reassemble the amendments adopted by the Council into two attachments. The first would include amendments favored by the Plan Commission and adopted by the Common Council without change. The second would include all other amendments forwarded by the Plan Commission (with either a positive, negative, or no recommendation) and subsequently approved or amended by the Council. This amendment would also amend the posture of CCL-007 so that it amends UDO-038 rather than introduce a Council-initiated amendment to the UDO. The latter would require a review of by the Plan Commission independent of the other amendments attached to Ord 09-12 which is unnecessary because CCL-007 does, in fact, amend UDO-038. Lastly, this amendment authorizes the Council Administrator/Attorney to prepare the necessary documents for consideration of the changes to this ordinance by the Plan Commission under I.C. 36-7-4-607 (e) and (f).

It was moved and seconded that CCL-014a be adopted.

Council Attorney Dan Sherman said that CCL-014a was necessary because council needed to send all the UDO changes back to the Plan Commission for review, and this action separated the amendments council and staff had agreed upon from those where they had not.

Councilmember Volan asked what the Plan Commission's options were when they received the bundle of amendments. Sherman said they could issue a report within 30 days accepting the amendments, they could do nothing and then the amendments would take effect after 45 days, or they could reject some of the amendments and council would have to reaffirm their action.

Volan said he didn't like that the amendments would be divided up to make it easier for Plan Commission to reject, and he did not support CCL-014a.

Councilmember Piedmont-Smith said she felt it was important to have transparency in government and would support the amendment.

Councilmember Mayer thanked Planning and Council staff for their work on all the amendments.

Councilmember Sturbaum also thanked staff for their hard work.

ACTION: The motion to adopt CCL-014a was approved by a roll call vote of Ayes: 7, Nays: 2 (Volan, Wisler).

MOTION: It was moved and seconded that Ordinance 09-12 as amended be adopted.

Piedmont-Smith expressed thanks and said she believed her colleagues all shared appreciation for staff's work on amendments.

Volan said the UDO Special Sessions had taken a very long time and hoped in the future they could be more time efficient.

Mayer acknowledged and thanked Plan Commissioners.

Councilmember Wisler said he would vote no on Ordinance 09-12, as there were many amendments he had voted against within it.

Councilmember Ruff thanked City staff and the public for input throughout the sessions.

ACTION: Ordinance 09-12 as amended received a roll call vote of Ayes: 8, Nays: 1 (Wisler).

The meeting was adjourned at 11:33 p.m.

In the Council Chambers of the Showers City Hall on Wednesday, March 24, 2010 at 7:30 pm with Council President Isabel Piedmont-Smith presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
March 24, 2010

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler

ROLL CALL

Council President Piedmont-Smith gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to approve at this session.

APPROVAL OF MINUTES

Mike Satterfield reported that there were blooms on the trees and he was very happy about it!

REPORTS:
COUNCILMEMBERS

Craig Brenner, Special Projects Coordinator for the Community and Family Resources Department and liaison to the Commission on the Status of Black Males, introduced David Hummons, chair of the commission, to give a brief oral report on the commission's activities. He also introduced Rashawn Ray, the 2010 winner of the Outstanding Black Male Leader of Tomorrow Award from the Commission. Ray spoke briefly.

MAYOR and CITY OFFICES

Lisa Abbott, Director of the Housing and Neighborhood Development Department, announced that the city's Consolidated Plan 2010-2015 had been posted for public comment until April 12, 2010. She noted that the Outline Plan was available, also. She encouraged the council members to look at the plans, and noted that it would be forwarded to the Federal Housing and Urban Development Agency for their review. She said the final version would be used by agencies whose applications for federal grants needed to be consistent with HUD requirements. Volan asked if it was the plan for Community Development Block Grants, to which Abbott clarified that the plan looked at those grants and also the Home Investment Partnership Program Funds. She said that emergencies services grants and other funding looked to this plan.

Rick Dietz, Information Technology Director, informed the council about the city's progress in responding to Google's Fiber for Communities project. Bloom 4 Fiber was developed to respond to the proposal by GOOGLE to build out fiber to bring high speed fiber optics to every home and business in a community. He gave the parameters of GOOGLE's offer and part of the city's response application. Danise Alano, Economic and Sustainability Development Director, said she was happy to work on this project as the residents and businesses in our community could make good use of the capacity that GOOGLE offered. She said a strong IT structure could create jobs, and that the Bloomington Technology Partners and the health care industry could benefit from this project in ways we might not yet be able to envision. Dietz asked for nominations from entities in the community for the city's response and gave the website.

Volan asked about the deadline for the proposal, to which Dietz said that the city's filing would be in before the deadline of Friday, March 26, 2010. Dietz said he didn't know how many communities would be chosen.

Wisler asked if there was a URL from GOOGLE to explain just what they were proposing. Dietz suggested using the GOOGLE search engine to look for fiber for communities. He noted that ISP's could use their structure for providing service similar to a Utility.

Andy Ruff, MPO Policy Committee Member reported on data from the Indiana Department of Transportation that he had recently received. He showed projections of increase in traffic from 1995 to 2025. He said the decrease in traffic at points along the bypass between 2005 and 2007 was about 35% of the projection for that period. He said it was critical that the project be done right as it would have a huge impact on community character. He said sectioning and isolating some areas of the community combined with six or more lanes in intersections may have negative impacts on pedestrian and bicycle use of the road. He said careful interpretation of the data and careful planning was critical, and that he asked INDOT to be sure that this data was correct.

COUNCIL COMMITTEES

John Keyes, from the US Census Bureau, said that recruitment of workers would be ending the next day. He thanked the mayor and his staff for their help in allocating space for testing in City Hall, and thanked many people by name from around the city and county for their help in recruiting workers. He gave special thanks to Steve Volan, who he called Census Showman of the Year, for his work with the IU students in creating a video highlighting the importance of the census. He thanked Andy Ruff, who sent emails that resulted in about 200 people taking the application test, and called him Census Promoter. He presented them with little engraved trophies.

PUBLIC INPUT

Gabe Rivera spoke about ending the drug war in this country. He complained about actions against his work.

Elizabeth Venstra, president of Bloomington Transportation Options for People, thanked Ruff for his presentation. She read a few sentences from a recent US Department of Transportation policy statement on bicycle and pedestrian accommodations. She said that the bypass project would adversely affect bicyclists and treat the car as the dominant and almost only mode of transportation.

David R Grubb spoke of the pollution problems in the county. He said there were still hot spots in some areas that needed to be removed.

Sarah Ryterband thanked Ruff for reviewing what he presented to the MPO Policy committee about the bypass project. She said that the design speed for the bypass was 70 mph, and although it was more than what would normally be posted, even 55 mph would be hard to imagine on that road. She said pedestrians, bicyclists, and those with accessibility issues would have a hard time crossing the road. She said safety was a concern with a widened road and more lane changing, and hoped that the council would take whatever steps they could to stop the bypass widening.

Ann Krielkamp said she lived near the bypass and noted that crossing Third Street was terrifying at this point before widening and couldn't imagine what it would be like to have a wider road there.

It was moved and seconded that Jack Kahn, Alice Oestrich, Julie Hill, and Sophia Hauserman be appointed to the Commission on Aging.

BOARD AND COMMISSION APPOINTMENTS

The nominations were approved by a voice vote.

It was moved and seconded that Mike Allen be appointed to the Bloomington Digital Underground Advisory Commission.

The nomination was approved by a voice vote.

It was moved and seconded that Resolution 10-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Do Pass recommendation of 9-0.

It was moved and seconded that Resolution 10-02 be adopted.

Vickie Renfrow, said there had been a problem with the effluent filter basins at the Dillman Waste Water Treatment Plant and that it needed to be fixed as quickly as possible. She said this would cost about \$670,000. She added that the Sewage Works Bonds were issued in 2006 for sewer lining projects and projects at the Dillman Plant, but that the projects were done for less than expected, and that there was money left over. She said that at this point, the money could now be used for other projects as long as they were similar to the projects originally proposed. She said that a preliminary engineering report was prepared and along with this resolution would be forwarded to the State Revolving Fund for approval.

Piedmont-Smith asked about the State Revolving Fund and Renfrow said that it was a loan fund that is a conduit for federal dollars for projects that relate to water quality. She said that the interest rates were lower and that even though it was sometimes a more cumbersome process, it was worth it in savings.

Resolution 10-02 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 10-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Do Pass recommendation of 8-0-1.

It was moved and seconded that Ordinance 10-05 be adopted.

Daniel Grundmann, Director of Employee Services, explained the various sections of the ordinance. He noted that the Job Evaluation Committee reviewed many more job descriptions than were listed in this ordinance. He said that many job descriptions didn't change in the committee and that many more job description changes didn't even come to the committee because the changes were not significant enough to warrant grade changes. He said that he wanted the council to be able to put into perspective the changes in this ordinance within the framework of the big picture of fluidity and adjustments that were done to job descriptions in the whole organization.

He itemized all the changes in this ordinance with specific reference to changes in job description, recommended changes in title, classification and compensation, with a reference to overall fiscal impact. He also noted that category one would be monitored for possible necessary line item transfers and additional appropriations for each change.

There were no public comments on this ordinance.

Mayer noted for citizens watching the meeting that there had been a Committee Of The Whole meeting where this ordinance was discussed thoroughly, and said that there might not be a lot of discussion at this meeting because of that.

Volan said that he had decided to vote against the ordinance. He said he was surprised that his statements at the committee meeting regarding one section of this ordinance, that of the Parking Enforcement Officers, was so begrudged. He said he felt that the most valuable parking in Bloomington was on streets which were not metered or attended for a full 24 hours a day, and that the garages, which he felt were not prime parking spaces, were metered and attended all the time. He pondered the question that if the garage enforcement was so successful, why not

LEGISLATION FOR SECOND READING

Resolution 10-02 Resolution of the City of Bloomington, Indiana Regarding the Use of Surplus Bond Proceeds

Ordinance 10-05 To Amend Ordinance 09-14 Which Fixed 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 2010 - Re: Positions in the Legal, Parks and Recreation, and Public Works (Administration, Fleet, Street, and Parking Enforcement) Departments and the Council Office (Revised)

have it be replicated in other areas of town where parking is being used at 100% capacity, including areas of yellow curbs and alleys. He said the policy was backwards and that this indicated to him that the administration was serious about garages, but not serious about streets. He said meters should be transferred from garages to meters on the streets around the square, and giving away the spaces in the garages for free. He said he disagreed with that part of the ordinance, and wanted to make sure that his disagreement was understood. He reiterated that he wanted to see an increase in parking enforcement, but that there had to be a change in policy first.

Wisler said he agreed with Volan regarding misplaced priorities in parking, but said this ordinance was a question of staffing that was driven by financial concerns. He said that it had been shown that the city collects revenue when the garages are staffed. He said that the council hadn't acted to change the policy about on-street parking, but in the meantime, the city should not forgo making the best of the situation at this point. He said he had some concerns about changes that would lead to pay increases in tough times, but had been convinced that the changes would be more than self financing, and that a few who had changed their roles should be recognized.

Ordinance 10-05 received a roll call vote of Ayes: 8, Nays: 1 (Volan).

There was no legislation for introduction at this meeting.

LEGISLATION FOR FIRST READING

David R Grubb spoke again about the need for mitigating pollution and the effect of not doing so on wildlife.

PUBLIC INPUT

Gabe Rivera spoke again about ending the drug war and his upcoming restraining order.

Michelle Cole said the counts in Ruff's presentation were enlightening and that intersections should be recounted. She said that the Community Orchard initiative had had an amazing response from the community with planning, finance, administration and bylaws committee already formed. She encouraged the development of a community of technologists which she said was needed to help with the recruitment of more and similar workers for technology jobs that have a high wage and low impact on the environment. She said that in the spirit of creating a sense of community Envisage Technologies was hosting a Geek Dinner on April 5th.

The meeting was adjourned at 9:15 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Isabel Piedmont-Smith PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington