In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, November 9, 2016 at 7:41pm, with Council President Andy Ruff presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
November 9, 2016

Roll Call: Sturbaum, Mayer, Sandberg, Ruff, Volan, Rollo
Absent: Granger, Piedmont-Smith, Chopra

ROLL CALL
[7:41pm]

Council President Andy Ruff gave a summary of the agenda.

AGENDA SUMMATION
[7:42pm]

It was moved and seconded that Ordinance 16-20 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Stephen Lucas read Ordinance 16-20 by title and synopsis, giving the committee Do Pass recommendation of 0-1-7.

LEGISLATION FOR THIRD READING AND RESOLUTIONS
[7:42pm]

It was moved and seconded that Ordinance 16-20 be adopted.

Ordinance 16-20 – To Amend the Zoning Maps from Residential High-Density Multifamily (RH) to Planned Unit Development (PUD) as well as Approve a District Ordinance and Preliminary Plan – Re: 405 E. 17th Street (RCR Properties, LLC, Petitioner)
[7:43pm]

Mayor John Hamilton presented the administration's position on the proposed ordinance and explained his reasons for supporting it, which included the need for additional student housing at appropriate locations. He stressed the significance of affordable housing to him and the administration, and explained the importance of the proposed project to affordable housing strategies.

Eric Greulich, Zoning Planner, summarized a number of new details of the project that had developed since the Council's last consideration of the matter. He detailed plans for angled parking to help facilitate commercial or retail space planned for the development. He displayed renderings provided by the Petitioner, which illustrated certain aspects of the planned design and layout of the project. He provided additional information regarding the parking garage design and the allocation of spaces within it, specifically noting the spaces that would be reserved for guests. He said City staff and the Plan Commission had considered the site and project carefully. Greulich went over the considerations taken into account by staff and the Plan Commission when considering such a project, including project location, surrounding land uses, concerns voiced by members of the public, the location of student housing, and public transportation connectivity. He explained that developers had historically inquired about locations for high-density student-oriented developments that would be appropriate, but there were very few suitable sites for such developments throughout the City. He noted that the proposed location, however, would be appropriate for that type of project.

Council Questions:

Councilmember Dave Rollo asked Greulich to elaborate on what constituted an optimal location for student housing.

Greulich said the location in question was optimal because it was immediately adjacent to bus stops, a sidewalk system and side paths that were close and that connected to campus. He said the location was optimal because it was well-connected, adequately and easily served by existing IU and Bloomington bus routes. He pointed out that no other location immediately adjacent to campus with the same space and connectivity was available. He said the proposed location was optimal because it was already zoned and developed with student housing from 17th Street to Dunn Street, adding that its isolation and ability mitigate its impacts also played in its favor as well.

Ordinance 16-20 (*cont'd*)

Rollo inquired about access to goods and services for residents, asking where the nearest grocery store was located.

Greulich pointed out the Marsh grocery store located on the bypass, about a mile away.

Rollo asked whether there was a lack of sidewalks or any other pedestrian infrastructure in the area that would discourage pedestrians or prevent people from walking to get what they need.

Greulich described the various sidewalk and side path projects that had been completed in the area by the City and by IU. Greulich said a side path had just been completed on 17th Street to Dunn Street, and hoped it would be completed along the east side of Dunn Street to complete the side path grid in the area. He said the City was working to extend side paths and to install sidewalks, hoping to complete the sidewalk and side path system along the entire 17th Street corridor. He said the proposed project would help install a great deal of that side path along 17th Street and would help install new sidewalks along all public streets involved in the project.

Councilmember Chris Sturbaum asked what City staff had heard from IU about a side path on the east side of Dunn Street.

Greulich said the City had communicated to IU that it would like a side path at that location, but IU had indicated it was not something that was going to happen immediately. Greulich said topography concerns might be the cause, along with cost, but the City had certainly made its desire known. Greulich said the City would continue to pressure IU about the project.

Sturbaum asked to display the rendering of proposed 18th Street parking, and asked Greulich to expand on the request from Council to add parking for the planned commercial space. He asked how much parking would actually be gained by adding angled parking and what would be lost as far as sidewalk width and green space.

Greulich said he had spoken with Andrew Cibor, Transportation and Traffic Engineer, and Cibor did not see any issues with adding the angled parking spaces. Greulich said adding angled parking would add about three spaces, as opposed to parallel parking, due to the short section that would be modified. He said it would add some easily-accessible spaces right in front of the commercial spaces.

Sturbaum clarified that changing from parallel parking to angled parking would only add a couple of parking spots.

Greulich said yes, and went over the previous site plan, providing additional information about the parking layout.

Sturbaum asked whether there was continued parallel parking beyond the area being discussed.

Greulich said yes, more parallel parking would be located on the north and south side of 18th Street, all the way to Grant Street.

Sturbaum asked what aesthetic impact the angled parking would have on the project.

Greulich said there might be some trees and greenspace that would have to be removed.

Sturbaum asked Greulich where the additional commercial space would be located.

Greulich explained the design drawings, which displayed such space.

Ordinance 16-20 (*cont'd*)

Councilmember Susan Sandberg asked Mayor Hamilton whether the City had good data regarding issues of crime, vandalism, and trash in the area as those issues currently existed, and whether City staff had any projections about those issues if the proposed project moved forward.

Mayor Hamilton said he did not have such data on hand, but would be happy to make any complaints received available to the Council, as the City was committed to transparency.

Sandberg said the Council would need to be able to justify its decision to neighbors, and wanted to respond to neighbors' concerns and even help improve quality of life.

Mayor Hamilton said the City was committed to improving the quality of life for residents and committed to responding to any problems. He said the project not only involved the improvement of physical space, but would bring increased oversight by management, all of which would occur as transparently as possible.

Councilmember Steve Volan asked Greulich what redevelopment could occur at the property by right under the current zoning.

Greulich said the property was zoned for 15 units per acre, and since the property was about six acres, 90 units would be allowed.

Volan asked what Dunn Hill's current bed count was.

Greulich said 328.

Volan asked whether the property owners would be able to redevelop by right and build 328 bedrooms simply because there were already 328 on the property.

Greulich said they could not do that with three-bedroom units, but they could do so with one- or two-bedroom units by utilizing DUEs, but the property was already over density.

Volan clarified that, if the property were redeveloped, the density would not be grandfathered in and the property owners would have to do a PUD to get the density they already had.

Greulich said correct.

Volan asked why the zoning had not been changed between the time the property was built and then, and why the area was under-zoned.

Greulich said, other than downtown zoning, the City did not have any zoning more dense than 15 units per acre.

Volan asked whether it was the opinion of planning staff that the proposed density was appropriate despite the fact that the zoning said it was not appropriate.

Greulich explained the purpose of a PUD, which allows for creating a specific plan for a location while analyzing all of the unique characteristics that might warrant whatever deviations from the code being requested. He said the process gave the Council and the Plan Commission the ability to customize design a site plan for a site. He said the PUD process was meant to be utilized when the City wanted to do something that fell outside the current zoning. Greulich said that, short of creating a brand new zoning district, which was something not envisioned by the Growth Policies Plan, the PUD process was the only process available for the project.

Volan asked if Brownstone Terrace, Terra Trace, or some other property that wanted to redevelop would have to get a PUD to try to get the density that they already had.

Greulich said he did not know if those locations were over density, and said although they might have some aspects that did not meet current City regulations they might be close to 15 units per acre.

Ordinance 16-20 (*cont'd*)

Ruff asked whether the City had a goal to provide high-density student housing in its guiding documents.

Greulich said he did not think the words student housing appeared anywhere, but high- density did, specifically in the GPP, thought typically for the downtown area. He said there were some zoning districts and zoning areas zoned for 15 units per acre where they envisioned primarily student residents, and other portions of the with zoning of 15 units per acre that were not specifically oriented toward student housing. He said the City did not have any student-oriented zoning districts, thought that was something that could be discussed with the Master Plan.

Ruff said one reason he was asking was that, in the Plan Commission findings that the Council had received, a finding stated that the PUD met the purposes of the City by providing a high-density student-oriented housing project immediately adjacent to IU, and Ruff did not know if that language was lifted straight out of a guiding document.

Greulich said no, the language was not taken word for word from any guiding document, but added that there was a desire and a need for that kind of housing, as students made up a third of the City's population, and they needed to acknowledge that reality and plan for it.

Rollo asked whether there was any consideration by planning staff or the administration regarding the longevity of the proposed structure and whether its use would be adaptable for other uses in the future.

Greulich said the petitioners would certainly argue the building was being built to last for decades. He said the use of durable materials throughout much of the project would provide durability. He noted that many of the existing structures may have had exteriors that looked alright, but it was the interiors that had taken the abuse. He added that there were a range of houses and buildings involved with the petition, not just apartments, and suggested that the petitioners could comment more on the matter.

Rollo asked whether it would be a good time to introduce proposed reasonable conditions.

Ruff said suggested allowing the petitioners to comment before introducing them.

Ruff asked whether the Plan Commission looked at the impact of the project on surrounding neighborhoods.

Greulich explained how City staff and the Plan Commission went about considering project.

Ruff clarified his question and then invited Petitioner to make comments.

Petitioner comments:

Michael Carmen, attorney for Petitioner, introduced himself and other representatives of the Petitioner. He provided context for the project, comparing the beds per acre of the proposed project to the beds per acre count of the recent Chocolate Moose project and to Smallwood, explaining that the proposed project was more dispersed, as the proposed project covered six acres, which meant fewer beds per acre than the other mentioned projects. He noted some of the ways that the project differed from the other mentioned projects, and said the proposed project was better thought of as being oriented around 18th Street, rather than 17th Street and the Garden Hill neighborhood.

Ordinance 16-20 (*cont'd*)

Will Kreuzer introduced himself and provided additional information regarding the proposed retail space. He addressed items that were raised at the previous meeting, and were raised by neighbors. First, he pointed out that some of the retail space and angled parking had been reoriented to make some commercial areas that would be immediately across from the retail building on the north side of 18th Street. He said the challenge with the site was the grading. He displayed a slide showing the 18th Street and Dunn Street rendering, and described the layout and grade of the area. He noted some of the layout had been redesigned, along with the parking, to make it more pedestrian friendly. He said the other idea with angled parking was to add more parking, which was important to patrons of retail stores. He noted that those added spaces might not work due to grading, or if they did not comply with ADA requirements, so the design was in flux. Second, he mentioned the parking garage and Council's suggestion to add visitor parking in the garage. He said it was a good idea and he discussed the access points to the garage, which he hoped would address one concern with traffic flow voiced by neighborhood residents.

Dan Hronkowsky introduced himself and said he thought the dialogue surrounding the project had been good, but thought there had been too much emphasis on the negative aspects of project. He said the project was a product of its context and location, as it was close to available transit, IU's campus, the street grid, and located on a large lot. He wanted to recognize the creative architecture, and said he was proud of the work done with City planning staff. He mentioned the underlying zoning, and said it was a tremendous task for any planning staff to develop a zoning ordinance. He thought that a staff's full effort and attention was never put on an individual lot until that lot got to the PUD state, so the best approach by zoning staff when it original made a zoning determination might not have a direct connotation to current a lot's context. He noted it would not be legal to only allow undergraduate student to live in the housing, though due to location, he expected they would likely get a large tenant base of undergraduate students. He said they were working in other markets where graduate and professional housing was mandated by code, and they took certain approaches in those markets to comply. He mentioned that, to increase longevity, they had included more brick than normal, and would use it to define some of the architecture. He discussed the adaptability of the building and said he was available for questions.

Additional Council Questions:

Councilmember Tim Mayor asked for clarification about the ingress and egress to the parking garage, asking if that would be a physical curb barrier.

Kreuzer said there would be a triangle median, so a person could only turn in from one direction and turn out from one direction.

Sturbaum asked whether the angled parking was elevated in a way that helped the grade of the parking, or if they were stuck with the grade.

Kreuzer said it was just a function of the parallel spots and was there to prevent people from running into the back of a parked car.

Sturbaum asked for clarification on the grade issues for parking.

Hronkowsky said there was substantial grade change throughout the site, and displayed a rending with an illustration of the grade. He explained the design challenges posed by the grading at the site.

Sturbaum and Hronkowsky had additional discussion about the design of parking spots, bump outs, and the challenges posed by the grading of the site.

Ordinance 16-20 (*cont'd*)

Sturbaum asked how likely it was that the angled parking would be included if the Council approved the project, because he was in favor of that feature.

Hronkowsky said that it would depend on the leasability of the retail stores located there, and said Kreuzer could provide additional information.

Kreuzer said the concern was that the existing road slope was 8%, but to satisfy onstreet handicapped spaces, you needed a maximum slope of 2%. He said if retail was located there, they would need to put handicapped spaces as close as possible. He said if they could do the angled parking they would. He went over some challenges they might face with the angled parking, and said the Petitioner could keep the Council or planning staff involved.

Sturbuam asked whether it might be possible to narrow the street to allow for more sidewalk space in front of the proposed commercial area.

Greulich said the City would control what would happen in that space as it was a public right-of-way, and the City could continue to work with the Petitioner to accomplish whatever needed to happen.

Sturbaum asked whether the Petitioner would verbally commit to add the angled parking, unless it proved impossible.

Kreuzer said yes, the Petitioner was committed to doing that.

Rollo asked for a reminder of the proposed bicycle parking and storage.

Greulich said, given the number of bedrooms proposed, Petitioner would have to provide covered spaces for half of the bicycle parking, and out of that half, one fourth would have to be long-term bicycle storage. He said Petitioner had committed to at least that, if not more.

Rollo asked if that was required by code.

Greulich said yes.

Volan asked for an explanation of the displayed rendering, asking which parts were commercial space.

Hronkowsky noted the commercial spaces on the rendering.

Volan asked how much square footage was included in that space.

Hronkowsky said each space was 1,200 square feet.

Volan asked Hronkowsky to describe the other adjacent spaces denoted on the rendering.

Hronkowsky said the referenced spaces were different components of the common space program that were normally included in similar facilities, such as the leasing and management office, lobby and forum space, mail and package room, and community study rooms.

Volan asked what the vision was for the terrace area.

Hronkowsky said it created a plaza, which made it feel like home base for that building.

Volan asked whether there would be chairs and tables in that area.

Hronkowsky said there might be, particularly if there were retail users, and added that the area might have potted landscape elements and casual lounge seating.

Volan asked whether that area was approachable by foot or if a person would have to walk around a distance to get to the entrance.

Hronkowsky described the location of the entrance from various points on the rendering, and said it might be possible to provide a shortcut to the entrance via stairs.

Ordinance 16-20 (*cont'd*)

Mayer asked whether there would be a set-aside space for recycling and dumpster containers.

Greulich said yes, the Petitioner had committed to that.

Sturbaum asked about other projects Petitioner had completed, and the proximity of those projects to residential neighborhoods. He asked whether there were any parallel developments with similar residential proximity, and asked Petitioner to describe them and how they worked out.

Hronkowsky said the location of the proposed project was in what he called a transitional zone, which was something in between the downtown area and a more vehicular-oriented location. He said the most similar project they had completed was near the University of Maryland. There, they had used some step-downs to mitigate some issues, which came out of the work done with City staff and neighborhood groups.

Sturbaum asked what social issues they had experienced with other projects near neighborhoods.

Hronkowsky said they had not had any issues with that other development. He said, like that project, the proposed project had its activity drawn away from the neighborhood and noted that all activity would be controlled by onsite management.

Sturbaum asked for some examples of their rules and the discipline that might go along with violations.

Hronkowsky provided an example from another development, where a resident threw a water balloon from a balcony and was evicted. He noted that when the rules were enforced, word of mouth spread quickly, and residents then followed the rules.

Reasonable Condition 01 for Ordinance 16-20

It was moved and seconded to introduce Reasonable Condition 01. Rollo provided background on the condition, reading the condition and synopsis in full.

Rollo said the condition addressed several considerations, including enhancing ecological diversity, encouraging the use of natural species, and prohibiting invasive species. He noted those considerations were very important to the Environmental Commission, and the Petitioner found the condition acceptable.

Greulich noted City staff was fine with the condition.

Vote on Reasonable Condition 01 for Ordinance 16-20

Reasonable Condition 01 received a roll call vote of Ayes: 6, Nays 0.

Reasonable Condition 02 for Ordinance 16-20

It was moved and seconded to introduce Reasonable Condition 02. Rollo provided background on the condition, reading the condition and synopsis in full.

Hronkowsky pointed out that the Petitioner would have expected the synopsis to reference 18th Street instead of Dunn Street, as the expanded retail would face 18th Street.

Rollo asked for clarification from Council Attorney Daniel Sherman.

Sherman said that as long as the right number and signage was placed at both entrances, that was what was called for in the condition.

Rollo asked whether the Council needed to make an amendment.

Sherman said the qualifications did not change the outline of the condition.

Reasonable Condition 02 for Ordinance 16-20 (*cont'd*)

Sturbaum asked whether there was adequate parking, and, if it provided to be over-parked, could they overlap the parking or would there be a gate between public parking and reserved parking.

Hronkowsky said they would have more knowledge about retailers by the time the parking gate was installed. He said that if there was a known need and they would not fall below the requirement for residential parking, they could move the gate. He also mentioned that the stadium parking lot could be available for visitors as a backup.

Sturbaum asked whether the gate would require a card and whether it would be a permanent structure.

Hronkowsky said yes, and provided additional detail on the intended function of the gate.

Vote on Reasonable Condition 02 for Ordinance 16-20

Reasonable condition 02 received a roll call vote of Ayes: 6, Nays 0.

Reasonable Condition 03 for Ordinance 16-20

It was moved and seconded to introduce Reasonable Condition 03. Mayer provided background on the condition, reading the condition and synopsis in full.

Hronkowsky said the Petitioner actually had a graduate and professional marketing plan for a different project. They had the specific text from that plan and they were willing to use tactics that might cater to the graduate and professional tenant.

Council Questions:

Volan asked how the condition would be enforced.

Sherman said violating the condition would be a zoning violation.

Volan asked who would enforce it and how often.

Greulich said it would be a difficult condition to enforce, as it could be subjective.

Volan asked whether Petitioner planned to have a separate lease for each bedroom.

Hronkowsky said leases would be by the bed, and the difference he saw between undergraduate and graduate students was typically the unit type each preferred, with graduate students typically renting one- or two-bedroom units.

Volan asked about the number of each unit type included in the project.

Greulich said the possible unit count was 22 studios, 23 one-bedroom units, 73 two-bedroom units, 33 three-bedroom units, and 114 four-bedroom units.

Volan asked how Petitioner would market the units to non-undergraduate residents.

Hronkowsky said the research had shown there was a need for undergraduate housing, and they were not committing to rent any certain percentage of the property to non-undergraduate tenant. They were committing to the marketing approach, and he described some of the marketing approaches they might take. He said the unit type counts were reflective of their interpretation of the need in the market.

Volan asked on what data they were relying to come up with their interprettation.

Hronkowsky said they relied on broad reaching data, including recent comps and technical subscriptions, which provided a high level of detail on market behavior, rental rates, and occupancy rates.

Ordinance 16-20 (*cont'd*)
Public Comment:

Julia Dodson asked whether attracting a diverse tenant mix meant only attracting a diverse student tenant mix, or whether it would be open to other tenants.

Ruff noted that the public comment portion was not an opportunity for back and forth dialogue with the Council, but was an opportunity for members of the public to make a comment.

Council Comment:

Volan said he appreciated the intent behind the reasonable condition, but it would be unenforceable. He said the design of the project did not lend itself to the diversity the Council wanted, so he would not support the condition.

Ruff said even if the condition was difficult to enforce, he did not see the downside in voting for it. He said he was not sure if graduate students would be able to afford the rent, but some might.

Sandberg said it was a good intent, and anytime you can attract to an older student resident, it would be a good thing to attempt to do. Not something she would expect to see metrics on.

Mayer said he did not think the developer would refuse any tenant, but the idea was that the complex would be open to any citizen that could pay the rent. He said he would appreciate support for the condition as a way to reinforce what the developer was saying they were already planning to do.

Vote on Reasonable Condition 03 for Ordinance 16-20

Reasonable condition 02 received a roll call vote of Ayes: 5, Nays 1 (Volan).

The Council returned to discussion of the ordinance as amended by the reasonable conditions.

Public Comment:

Phil Worthington spoke against the PUD.

Carrie Slough spoke against the PUD

Jon Lawrence voiced concerns about the longevity of the buildings and the impact on the Garden Hill neighborhood.

Bob Baird spoke against the PUD.

Amanda Dosser spoke in favor of the PUD

Mark Cornett asked councilmembers to consider the context and scale of the project, and said it was concerning.

Margaret Greischar spoke against the PUD and displayed a number of pictures depicting an incident involving a student who ran through the Garden Hill neighborhood shooting at people and things, hitting her property.

Julia Dodson noted the amount of foot traffic that went through the Garden Hill neighborhood, and said she was not aware of any neighborhood meetings that had been held where residents could voice concerns, and would have liked that.

Kevin Haggerty said his comments were contained in a letter he had provided to the Council.

Tim Ellis spoke in favor of the PUD.

Ordinance 16-20 (*cont'd*)
Council Comment:

Rollo said he was sensitive to the neighborhood concerns, while also recognizing that the project was an improvement, though it came with an increase in density. He thought the City should provide added oversight to protect the neighborhood, the first step of which would be adding a parking zone with enforcement officers. But it would also include increased police patrols. He said no one should be beset with type of activity that had been described by the neighbors. He said the dilemma was that IU would continue to expand, and that expansions were externalized to the community. He noted that the City could not compel IU to build housing, so what they were experiencing was reactionary. But, he said, the City could guide development, and that development should be adjacent to the university, which the proposed project was. He said putting student housing on the periphery would tax city services and roads, increase traffic, increase demand for public transportation, and increase sprawl. He said the City did need to attend to neighborhood concerns, noting there could be negative impacts either from increased density of student housing but also from integrating student housing into neighborhoods. He said it was a balancing act. He also understood that the Petitioner had committed to a substantial contribution to affordable housing, which was a huge benefit to the community. He said he would vote yes, but would commit to appropriations related to increased security in the neighborhood to help decrease any negative activity that might occur as a consequence of the density that was already there and that would be added to the area.

Sturbaum said he appreciated the Garden Hill neighborhood as well, as he had voted to help it become a historic district. He also remembered a previous neighborhood that had been torn down south of the stadium. He said they could not move the stadium back to where it used to be, and they could not put zoning in place back in the 1970s when many of the buildings at issue were built. He said the City could not undo the stresses the neighborhood already had, thought they could try to preserve it and down-zone it. He said he lived on the west side near Prospect Hill, and they had not had any trouble with the bicycle apartments that had been built. He said other dense apartment complexes had not had the kind of effects people thought they might. But he understood that people walking through Garden Hill was a problem. He said every neighborhood had its own problems, and the City could not make them all go away. He thought the project was appropriate and realistic. He said the zoning was put in place during a different context, and that neighborhoods always had to defend their borders. He said the proposed project would have a clear border on 17th Street. He said the residents would have plenty of parking and it did not think it would have the kinds of problems imagined. He said the City could not undo the current situation, but it could start getting demand met for apartments, which would relieve demand for rental properties in the neighborhoods, and would help increase values of homes over time. He apologized to the neighborhood, but said he would support the project.

Sandberg said everyone on the Council came from a neighborhood, so they understood the issues faced by neighborhoods. She said they understood that growth and market pressures could put a strain on neighborhoods. She noted that the City was dealing with a market pressure for housing. She said City officials had to consider and ensure that students were living in appropriate locations, with enhanced management and places where they could contain themselves would not bump into neighborhoods. She was also

Ordinance 16-20 (*cont'd*)

concerned with workforce and affordable housing. She said when the City could approve a project like the one proposed, it helped provide supply and relieved demand in the neighborhoods. She said the amount of money that would be contributed to the newly-developed housing fund was huge. She pointed out that IU was the City's biggest employer, that the City and University respect each other and each other's master plans, and that they help each other meet the strains each felt. She said she was concerned about safety and livability as well, and said the City had an obligation to ensure that complaints were dealt with. She encouraged communication and voicing expectations to new tenants. She said she remembered hearing about Ms. Greischar's experience with the student, and apologized that Ms. Greischar's had to endure such an experience, noting that no one would want that. But, she said, that kind of experience could not be blamed on a project like the one proposed. She acknowledged that a number of IU students did not always behave their best, but said there were many remarkable, responsible IU students. She said there was enough of a balance of the public good in the proposal that she would vote yes, but reassured neighborhoods experiencing any issues that they would receive help from the City.

Volan said Smallwood allowed other developments up College Avenue to be bigger than non-student citizens would have liked. He said the new parking garage being built on Morton Street was justified by reference to Smallwood. He said non-students, including councilmembers, had heard constituent complaints about the size of the developments. He acknowledged that the City did have to face the fact that there was a need for housing, but disagreed with the nature of the proposed development. He said the project was enormous, as it was the largest collection of bedrooms under one management proposed to the City since zoning was adopted. He said it would justify additional development at the same scale. The City could trade density for other benefits to the neighborhood or to the City as a whole. He said the Mayor's Office had negotiated the affordable housing dollars, but it did so based on an assumption that the bulk of the project was acceptable. He said 270 or up to 320 bedrooms would have been developable by right. If the project were exceptionally appropriate, then it should be desirable enough that anyone would want to consider living there. He said the Mayor had mentioned the substantial enhancements the project would have, but any new project would improve the old and dilapidated buildings. Volan mentioned multimodal improvements, and said if those improvements were exceptionally appropriate, there would have been half the parking, given the huge parking lot across the street with bus lines nearby. He said the commercial spaces included in the project were a drop in the bucket compared to another recent PUDs. He thought more commercial space in the area would help reduce traffic, as people leaving a game would find store fronts in the development as a destination. He compared the included commercial space and the Petitioner's contribution to affordable housing to other recent developments. Volan commented on the unreliability of enrollment data from IU, due to enrollment data including high school students taking AP credits. He said that Census data was more reliable, and estimated that IU had grown by about 300-400 students per year. He asked where the housing for non-student population growth was being built, saying Garden Hill used to be just such a place. He said the Mayor had also mentioned the east side and south side with single-family neighborhoods, but asked whether Garden Hill was not the same kind of neighborhood.

Ordinance 16-20 (*cont'd*)

Volan said the apologies coming from councilmembers were cold comfort to the neighborhoods who have had to live with the issues described. Volan wondered whether there was no other building type that the community could imagine for students other than dorms. He said if the Petitioner really wanted diversity of tenants, the Petitioner would lease units, not bedrooms. He said none of his comments were a reflection on the worthiness of the developer or local partners. He thought it was a good idea to have a local landlord and good that the City had a say in how housing for students was built. But he said that Garden Hill should not have to pay the price for the rest of the City's convenience. He said that a project did not have to be in a neighborhood to have an impact on the neighborhood. He said Smallwood might be too big, but at least it was located downtown and it had an entire floor of commercial space. He said if the new proposal had more commercial space, it might serve the entire surrounding area. Volan said Garden Hill had asked why the City had not asked IU to build more dorms, as IU certainly had the land for it. Volan said another question worth asking was whether IU had ever asked the community for more student housing. Volan wondered why IU was assuming the City would accommodate that need. He said that in Washington D.C., colleges had enrollment caps and needed permission from the city to increase enrollment. He said IU could certainly cap its enrollment if it wanted to, but asked why IU would ever build dorms if it could get someone else to build them instead. Volan said there was no mixed-use on campus, because campus was not built like a city. He said he had no doubts that CA Ventures or Regency were good at managing dorms, but would rather see them manage property where students were treated like adults. He said there was a need for housing, but the project came at too high a cost, and letting the property owners redevelop by right would not include the same problems.

Mayer said, up until four years ago, he had lived in a student neighborhood for 41 years, so he knew of what the Garden Hill neighbors spoke. He said when the Council was faced with a PUD, it must work with the tools that the UDO provided, and, considering the 9-0 recommendation from the Plan Commission, there was a lot to think about. He said that despite the concerning density, there would be sufficient parking, onsite supervision, opportunity for retail, and environmentally-friendly landscaping. He understood the neighborhood's concerns. He said he had owned properties next to his house, and had gotten to know many students. He said he had very few negative experiences and did not like to see students vilified.

Ruff said it was a difficult issue, and a big and important project. He said there were many good things, but also serious downsides. He said it was great that the developers were interested in making such a large investment in Bloomington, which he appreciated. He commended Michael Carmin for his work. He disagreed that the project was so big because the lot was so big, saying it was simply a big project, and said that the examples Carmin had used to put the proposal in context also demonstrated that projects like the one proposed could be precedent setting. He said it would have implications down the road, so the Council needed to be careful about what it said was desirable. He said he did not know if the scale, with that level of density, was something there was widespread community agreement on, which was why he had asked about whether such housing was called for in the City's guiding documents. He pointed out it was not, and there was not consensus

on the issue, with room for legitimate disagreement. Ruff said the sheer scale of the project and the precedent it would set concerned him. He said he believed the Petitioner knew what it was doing, as it had many other projects around the country, but he was not sure if the proposal was Bloomington enough. He said it was too big, too much, not the right mix, and did not feel like Bloomington. He said he had been asked why other developments were allowed to be built, and he answered that he did not have a say in those decisions, explaining that if he had had a say, he would not have voted for those. Having said those thing, Ruff pointed out that he had a role in the project being proposed, and said he would not feel consistent if he voted for the project. He said the City should not feel compelled to accept the first proposal that came along, despite the many good aspects of the proposed project. He said he would have to vote no.

Sturbaum clarified what the Council was voting on. He said it would take five councilmembers to kill the project. If the vote was 4-2, the Council would only defeat the reasonable conditions it had passed. It would then default to the Plan Commission's recommendation. The Council either had to vote 5-1 to kill the project, or 5-1 to keep the reasonable conditions in place. Sturbaum asked Sherman to confirm that that was the case.

Sherman said Sturbaum had given a good summary of the kinds of outcomes that were possible. He said it would take five to say yes, and five to say no. If there were no majority either way, the Plan Commission recommendation would go into effect that weekend.

Sturbaum added that the proposal had been through many people. He said he did not love it, but it had come to the Council. He said the Council could either kill it, keep it, or slightly modify it with the reasonable conditions.

Volan asked Sherman to elaborate.

Sherman said it was a PUD, and under statute, the Council had 90 days in order to act. There were three possible outcomes: to vote five in favor, five against, or fail to have a majority either way. If the Council failed to achieve a majority, then the recommendation of the Plan Commission would take effect, which in that case was a positive recommendation.

Ruff said that because the reasonable conditions were so reasonable, the Petitioner seemed to be on board with them, and he did not get the sense that the Petitioner's agreement was the result of arm twisting or pressure, he would stick with his no vote and just assume that the conditions would be followed.

Rollo asked Sherman whether the Council would have any assurance that the conditions would be meet if the reasonable conditions were not passed, asking if the conditions could be enforced.

Sherman said the Petitioner would not be compelled to enact those conditions.

Ordinance 16-20 (*cont'd*)

Rollo said he hoped the conditions would be fulfilled and hoped the Council would approve the petition and asked councilmembers to consider what a no vote meant.

Sturbaum said, considering the tools available to the Council, he did not feel it was fair to disregard all of the good-faith work done by people involved by not going with the reasonable conditions.

Volan reminded Sturbaum of his deciding vote for the Renwick project in 2004, which he gave because he had negotiated that people would be able to hang clothes. Volan said Sturbaum had also inspired Volan to say no, as the City then got better projects. Volan thought it was ironic that Sturbaum believed the only tool available to the Council was a stick of dynamite. He thought the Council should rethink the proposed project and the PUD process as a whole.

Ruff said that, given that a no vote from him would do nothing but prevent the reasonable conditions from being enforced and would not affect anything else, it made sense for him to vote yes.

Vote to adopt Ordinance 16-20 as changed
[10:38pm]

The motion to adopt Ordinance 16-20 as changed received a roll call vote of Ayes: 5, Nays: 1 (Volan).

Ordinance 16-21 – To Vacate A Public Parcel – Re: A 50-Foot by 120-Foot Segment of North Grant Street Located South of 18th Street and East of 1313 North Grant Street (RCR Properties, LLC, Petitioner)
[10:39pm]

It was moved and seconded that Ordinance 16-21 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Lucas read Ordinance 16-21 by title and synopsis, giving the committee Do Pass recommendation of 3-1-4.

It was moved and seconded that Ordinance 16-21 be adopted.

Greulich presented the ordinance, briefly detailing the location of the right-of-way at issue, and explaining that staff had contacted adjacent utility companies, and there were no objections to this portion of the right-of-way being vacated.

Petitioner Comment:

Carmin explained the intended use of the space if the right-of-way was vacated.

Council Questions:

Ruff asked in what ways the project would be impacted if the request was not granted

Greulich said it would involve a redesign for the portion of the building that would extend into the right-of-way. He noted that as the right-of way-only served the property in question, the continued presence of it did not add anything to the public good. He said it did not extend all the way through and the removal of it would allow it to function as shown.

Ruff asked whether it would be publicly accessible.

Greulich said there would be a public easement through the site available to all.

Sturbaum asked for additional detail on an item in the rendering.

Greulich explained it was a brick paver system.

Council Comment:

Volan said if you restore the grid pattern, you get better traffic, and connectivity was the issue. He said the Council had an opportunity to negotiate Grant Street extending all the way through the project to better mimic an urban design. He said there was no reason cars could not go through the space at a low rate of speed, if it were designed correctly.

Rollo said he valued bicycle and pedestrian traffic, which would be enhanced by the greenbelt. He saw the trade-off as including a demonstrated public benefit.

Ordinance 16-21 (*cont'd*)

Ruff said he tended to agree with Volan that the City should have negotiated an extension of Grant Street, but offered a comparison to the pedestrian walkway on 7th Street near the IU auditorium, which he said he might like if not for the fact that it forced all bus traffic onto 10th Street and 3rd Street. Since the proposal did not create the same problem, he would vote for it.

The motion to adopt Ordinance 16-21 received a roll call vote of Ayes: 5, Nays: 1 (Volan).

Vote to adopt Ordinance 16-21 [10:47pm]

The meeting was adjourned at 10:48pm.

ADJOURNMENT

APPROVE:

Andy Ruff, PRESIDENT
Bloomington Common Council

ATTEST:

Nicole Bolden, CLERK
City of Bloomington