

# **City of Bloomington Common Council**

## **Legislative Packet**

**Wednesday, 08 August 2018  
Regular Session and  
Committee of the Whole<sup>1</sup>**

### **Other Meetings:**

#### **Public Safety Local Income Tax (PS-LIT) Committee**

- **Tuesday, 07 August 2018 at 12:00 pm in Council Chambers**

*For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*

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<sup>1</sup>Anticipate cancellation of the Committee of the Whole Meeting

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**City of  
Bloomington  
Indiana**



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**To: Council Members**  
**From: Council Office**  
**Re: Weekly Packet Memo**  
**Date: 3 August 2018**

**Packet-Related Material**

**Regular Session and Committee of the Whole - 8 August 2018**

**Memo**

**Agenda – *Motion to Cancel Committee of the Whole anticipated***

**Notices - *None***

**Reports - *None***

**Legislation - *None (See below)***

**Minutes**

**- *for approval on August 8<sup>th</sup>***

- 22 June 2018 (Regular Session)

**- *for approval at a later date after review by the Council***

Meetings of Special Session to Adopt Unified Development Ordinance (UDO) in 2006

- 27 November 2006
- 28 November 2006
- 29 November 2006
- 04 December 2006
- 07 December 2006
- 11 December 2006
- 13 December 2006
- 14 December 2006

*Note: In anticipation of the Council consideration of a new UDO, expected in 2019, the City Clerk has prepared minutes for the meetings comprising the Special Session in 2006 where the current UDO was under consideration by the Council.*

*The minutes for the above meetings have not been previously submitted to the Council and will need to be approved sometime in the coming months. They are included in this packet, but do not appear on the agenda, because they are lengthy and it is anticipated that the Council will need time to review them before considering a motion to approve them. Council leadership may be inquiring about when the Council might be ready to consider their approval.*

*In addition and for the sake of providing a complete record of those deliberations, the minutes from the 20 December 2006 meeting of that Special Session, which have already been approved, are included as well.*

**Legislation for Second Reading and Resolutions** -- *None*

**Legislation for First Reading** -- *None*

**Wednesday – 8 August 2018**

**End of Summer Recess - Regular Session and Committee of the Whole are Scheduled  
– Suggest that Committee of the Whole be Cancelled**

The Council is scheduled to end its Summer Recess next Wednesday by holding a Regular Session followed by a Committee of the Whole. However, there are no pieces of legislation ready for consideration this Legislative Cycle and, for that reason, the Council should entertain a motion under the Regular Session – Council Schedule to cancel the Committee of the Whole.

**Other Meetings Next Week**

Please know that the Public Safety Local Income Tax (PS LIT) Committee of the Monroe County LIT Council will be meeting on Tuesday, August 7<sup>th</sup> at noon in the Council Chambers to make recommendations regarding use of PS LIT revenues in 2019.

**Reminder – Departmental Budget Hearings**

**The Departmental Budget Hearings are scheduled for Monday, August 20<sup>th</sup> through Thursday, August 23<sup>rd</sup>**

**AGENDA  
BLOOMINGTON COMMON COUNCIL  
REGULAR SESSION AND COMMITTEE OF THE WHOLE  
COUNCIL CHAMBERS, SHOWERS BUILDING, 401 N. MORTON ST.**

**REGULAR SESSION 6:30 P.M., WEDNESDAY, 08 AUGUST 2018**

- I. ROLL CALL**
- II. AGENDA SUMMATION**
- III. APPROVAL OF MINUTES FOR:**    *22 June 2018 -- Regular Session*
- IV. REPORTS** (A maximum of twenty minutes is set aside for each part of this section.)
  - 1. Councilmembers**
  - 2. The Mayor and City Offices**
  - 3. Council Committees**
  - 4. Public\***
- V. APPOINTMENTS TO BOARDS AND COMMISSIONS**
- VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**  
*None*
- VII. LEGISLATION FOR FIRST READING**  
*None*
- VIII. ADDITIONAL PUBLIC COMMENT\*** (A maximum of twenty-five minutes is set aside for this section.)
- IX. COUNCIL SCHEDULE**  
*Anticipated motion to cancel the Committee of the Whole currently scheduled to immediately follow this meeting.*
- X. ADJOURNMENT**

*(Previously scheduled to immediately follow the Regular Session)*

**COMMITTEE OF THE WHOLE**

*(Cancellation of the Committee of the Whole anticipated -- see Council Schedule above)*

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

*Auxiliary aids for people with disabilities are available upon request with adequate notice.  
Please call (812) 349 - 3409 or e-mail [council@bloomington.in.gov](mailto:council@bloomington.in.gov).*

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, June 27, 2018 at 6:31pm with Council President Dorothy Granger presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
June 27, 2018

Roll Call: Ruff, Sturbaum, Chopra, Piedmont-Smith, Granger, Volan, Sandberg, Sims, Rollo  
Members Absent: None

ROLL CALL [6:31pm]

Council President Dorothy Granger gave a summary of the agenda.

AGENDA SUMMATION [6:32pm]

Councilmember Susan Sandberg moved and it was seconded to approve the minutes of September 5, 2012. The motion was approved by voice vote.

APPROVAL OF MINUTES [6:32pm]

September 5, 2012 (Regular Session)  
June 13, 2018 (Regular Session)

Sandberg moved and it was seconded to approve the minutes of June 13, 2018. Councilmember Isabel Piedmont-Smith mentioned a small change that had been made to the minutes. The motion was approved by voice vote.

Granger thanked Council Vice-President Isabel Piedmont-Smith for helping with leadership duties while Granger was out of the country.

REPORTS

- COUNCIL MEMBERS [6:33pm]

Councilmember Dave Rollo spoke about the resignation of United States Supreme Court Justice Anthony Kennedy.

Councilmember Allison Chopra thanked those who had been working on road maintenance projects.

Jacqui Scanlan, Development Services Manager, gave an interim report on Affordable Dwelling Units (ADUs). She explained that the initial report signaled that the lot size requirements might be deterring ADU projects.

- The MAYOR AND CITY OFFICES [6:39pm]

Councilmember Chris Sturbaum asked whether the addition to an existing structure was a factor in the granting of projects.

Scanlan answered that a property had to meet the minimum lot size in order for an ADU to be granted.

Piedmont-Smith asked if all three ADU projects were approved by the Bloomington Zoning Appeals (BZA) and how many went to the hearing officer.

Scanlan answered that all three were approved by the BZA and that none went to the hearing officer.

Councilmember Steve Volan asked for clarification on the number of ADU projects and the location of the proposed ADU project.

Scanlan answered that there were three approved projects and one slated for review by the BZA in July. The project up for review was located in Bryan Park.

Beth Rosenbarger, Bicycle and Pedestrian Coordinator, gave an update on the Transportation Plan.

Rollo asked if the bicycle and pedestrian plans would be put into the larger City Transportation Plan.

Volan asked when the Transportation Plan would come to Council for review.

Rosenbarger explained that the Plan was slated for Council review in August.

Volan asked for verification on positive feedback from the public concerning parking meters.

Rosenbarger confirmed that the feedback regarding parking meters was positive.

Piedmont-Smith moved and it was seconded to postpone the Land Use Committee (LUC) report until discussion of Ordinance 18-13. The motion was approved by voice vote.

Deborah Myerson spoke about housing costs in Monroe County.

Marilyn Burris spoke in favor of the Indiana Center for Recovery.

Kathy Baker-Heckard spoke favorably of her son's experience with the Indiana Center for Recovery.

There were no appointments to boards or commissions.

Volan moved and it was seconded that Resolution 18-10 be introduced and read by title and synopsis only. The motion was approved by voice vote. City Clerk Nicole Bolden read the legislation by title and synopsis.

Volan moved and it was seconded that Resolution 18-10 be adopted.

Brian Payne, Assistant Director Small Business Development, presented the legislation.

Councilmember Jim Sims asked how the units designated as affordable would be chosen.

Payne explained that the agreement with the developer did not specify which 16 units had to be affordable.

Sims asked if the developer would only make one type of unit, such as a studio, as affordable and not designate other types of units.

Payne said that was a possibility but that the developer had indicated that the affordable housing was not about the number of beds designated affordable, but instead about what made sense for the market.

Volan asked if Payne could clarify his statement on affordable housing being more about the market instead of the number of beds.

Payne said the precedent from previous agreements was to make the affordable housing adhere to units instead of beds. He said there would be 31 units in the project including 15 studio apartments.

- The MAYOR AND CITY OFFICES (*cont'd*)

- COUNCIL COMMITTEES  
Vote to postpone LUC report until later that evening [6:52pm]

- PUBLIC [6:53pm]

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

#### LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:45pm]

Resolution 18-10 – To Confirm Resolution 18-09 Which Designated an Economic Revitalization Area, Approved a Statement of Benefits, and Authorized Periods of Abatement for Real Property Improvements – Re: Property Located at 1107 West 3<sup>rd</sup> Street and Identified by the Monroe County Parcel ID Number 53-08-05-200-044.00-009 (Milestone Ventures, LLC, Petitioner)

#### Council Questions:

Resolution 18-10 (cont'd)

Rollo asked if the project included two-bedroom apartments.

Payne thought the development included 15 studio units, eight one-bedroom units, five two-bedroom units, and three three-bedroom units. He said the developer should be consulted about exact numbers.

Rollo asked if individual affordability and family affordability were both taken into consideration.

Payne said his department thought affordability should be prioritized for both families and individuals. Payne said this development was already aggressive in the affordability demand to the developer.

Councilmember Andy Ruff asked if staff considered the possibility that the developer would make units with less space affordable instead of units with more beds to increase profits.

Payne said that the agreement was that after year 31 of the development, the developer would have the flexibility to shift the affordability measure from bed count to unit. He said that the department had considered the difference in affordability between bed count and unit. Payne spoke against postponement of the resolution because the deadline for the project's federal grant application would be due before the date of the next council meeting.

Ruff clarified that he had hoped that staff had thought through the bed count versus unit affordability measure when it came to the specific project.

Vauhxx Booker said the city should be wary of what precedents they set and asked the Council to be mindful in the future.

Public Comment:

Sandberg emphasized the importance for the Council to recognize the deadline for the project and consider the bed count affordability measure for the first 30 years of the particular development.

Council Comment:

Rollo said it was important for some of the larger units to be affordable and said it would be better if affordability could be offered for two of the five two-bedroom units.

Sturbaum emphasized that the affordable housing crisis was felt nationwide and urged councilmembers to use caution when considering making changes to the resolution.

Granger said the development plan needed to consider bedroom count instead of unit count.

Volan said if the developer used unit count instead of bed count after year 31, the development would only be at 35.7% affordability while it was pledged to be at 50% affordability. He said that if there were two two-bedroom units included in the affordable housing pledge, it would raise the affordability to 40.4% overall.

Chopra said she fully supported the project and did not think the Council should propose amendments because the developer was not present.

Sims said he supported the project but was concerned about the 50% affordability pledge.

Sandberg said she would not support an amendment and thought the Council would get in the way of it's own interests.

Rollo moved and it was seconded that Amendment 01 to Resolution 18-10 be adopted.

Amendment 01 to Resolution 18-10

Amendment 01 Synopsis: This amendment is sponsored by Rollo and requires that in years 31-99, at least 2 of the 2-bedroom units shall be affordable.

Piedmont-Smith asked Payne if the developer had been contacted about the amendment or the possible postponement of the resolution.

Council Questions:

Payne said that he had not yet contacted the developer that night and Councilmembers had told Economic and Sustainable Development that the developer was not needed at that night's meeting.

Piedmont-Smith moved and it was seconded to postpone consideration of Resolution 18-10 until after the Council considered Ordinance 18-12. The motion was approved by voice vote, Ayes: 6, Nays: 3 (Sturbaum, Chopra, Sandberg), Abstain: 0.

Vote to Postpone Consideration of Resolution 18-10. [7:58pm]

Volan moved and it was seconded that Ordinance 18-12 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation for Amendment 01 of Ayes: 8, Nays: 0, Abstain: 0 and the committee do-pass recommendation for Ordinance 18-12 as amended of Ayes: 9, Nays: 0, Abstain: 0.

Ordinance 18-12 – To Amend Title 2 (Administration and Personnel) of the Bloomington Municipal Code – Re: Adding Chapter 2.86 (Prohibitions Associated with the Use of the Critical Incident Response Team Armored Rescue Vehicle)

Volan moved and it was seconded that Ordinance 18-12 be adopted.

Ruff presented the legislation to the Council.

Chopra asked how the committee that worked on the resolution wrote the legislation

Council Questions:

Granger answered that the committee did not attempt to micromange but wanted to ensure the vehicle was not used for an unintended purpose in the future.

Piedmont-Smith moved and it was seconded that Amendment 01 to Ordinance 18-12 be adopted.

Amendment 01 to Ordinance 18-12

Amendment 01 Synopsis: This amendment revises 2.86.030(a)(2) to remove the word "non-violent" preceding "public demonstrations" and makes minor corrections to the ordinance's numbering scheme.

Cathi Crabtree spoke in support of the amendment.

Public Comment:

There was no Council comment.

Council Comment:

The motion to adopt Amendment 01 to Ordinance 18-12 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 01 to Ordinance 18-12 [8:08pm]

Cathi Crabtree spoke about the need to balance protecting both public servants and the community.

Public Comment:

Vauhxx Booker asked for the Council to codify more oversight into the legislation.

Ashley Pirani relayed concerns from local parents about the truck being present around children.



Ruff asked Police Chief Mike Diekhoff what would be included in monthly data reports about the use of the truck.

Ordinance 18-12 (cont'd)  
Council Comment:

Diekhoff said that the data would include a synopsis of the scenario and a description of who was involved, including demographics of the individuals involved.

Sandberg asked if Diekhoff could detail the training officers would undergo.

Diekhoff said police officers in Indiana were required to have 24 educational training hours, but Bloomington officers had on average over 100 hours on various topics. He said training would include topics like de-escalation and implicit bias.

Sandberg asked what consequences a BPD officer would receive if shown to act out aggressively.

Diekhoff said an investigation, including reviewing body camera footage, would take place and the officer could be terminated.

Volan said that it was important for citizens to engage with the Council when legislation was debated and urged more public input.

Sims said the Council disagreed on a few items concerning the ordinance but that it agreed keeping the community safe was top priority.

Piemont-Smith said it was a good piece of legislation that the Council had promised a few months earlier. She noted the importance of the legislation, especially in light of mistrust of city government within the community. She reiterated that the truck was not authorized by the Council and that the ordinance would restrict in the code the ways in which the truck could be used.

Chopra said it was important to balance the community's safety with police officer's safety.

The motion to adopt Ordinance 18-12 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Ordinance 18-12 as amended [8:52pm]

Rollo moved and it was seconded that Amendment 01a to Amendment 01 to Resolution 18-10 be adopted.

Amendment 01a to Amendment 01 to Resolution 18-10

Amendment 01 Synopsis: This amendment is sponsored by Cm. Rollo and requires that in years 31-99, two of the 2- or 3-bedroom units shall be affordable.

Sims asked how the amendment would affect the developer's plans.

Council Questions:

Payne said that it would not deter the developer from going forward.

Chopra asked if the petitioner supported the amendment.

Payne said that the petitioner was willing to accept the amendment

There was no public comment.

Public Comment:

Rollo thanked the petitioner and staff for being flexible with a late amendment.

Council Comment:

Piedmont-Smith said that the amendment was a way to achieve more affordable housing.

Granger said she would abstain from voting because she was uncomfortable with the amendment and wanted to see more affordable housing in terms of beds.

The motion to adopt Amendment 01a to Amendment 01 to Resolution-10 as amended received a roll call vote of Ayes: 7, Nays: 0, Abstain: 2 (Granger, Sandberg).

Volan thanked staff and the petitioner for their willingness to support the revision to the legislation. He said procedure mattered and the Council needed to be mindful of the potential for changes.

The motion to adopt Amendment 01 as amended to Resolution 18-10 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 2 (Granger, Sandberg).

There was no public comment.

The motion to adopt Resolution 18-10 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Volan moved and it was seconded that Ordinance 18-13 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 2, Nays: 0, Abstain: 1.

Volan moved and it was seconded that Ordinance 18-13 be adopted.

Amelia Lewis, Planning and Transportation, presented the legislation.

Volan presented the Land Use Committee report. He said the Committee focused on landscaping issues and speed limits on Short Street.

Mark Cornett presented on behalf of the developer. He said the public benefit of the PUD included the increase of street safety with the connection of Short Street and an increase in density in a core neighborhood within an existing structure.

Jeff Fanyo presented on behalf of the developer considering the development of the Short Street bike path.

Chopra asked if price and affordability was discussed in the Land Use Committee report.

Piedmont-Smith said that both topics were discussed and it was noted in the report that there were ongoing negotiations between the administration and the developer.

Chopra asked if the administration had decided anything about affordability.

Lewis said a decision had not yet been made.

Chopra asked if the square footage and price of homes in the PUD had been determined.

Cornett said the six house types would be a variety of sizes. He said that negotiations with the city were ongoing, but the most recent offer to the City was to have two of the houses be priced at 80% median income for a family of four, or around \$220,000. He related the developer's concerns about homeowner association fees.

## Resolution 18-10 (cont'd)

Vote on Amendment 01a to Amendment 01 to Resolution 18-10 [9:01pm]

Council Comment:

Vote on Amendment 01 as amended to Resolution 18-10 [9:03 pm]

Public Comment:

Vote on Resolution 18-10 as amended [9:05pm]

Ordinance 18-13 – To Add a Residential Single Family (RS) Zoned Parcel and Make Other Amendments to a Planned Unit Development (PUD) District Ordinance and Approve the Associated Preliminary Plan – Re: 2005 S. Maxwell Street and 1280 & 1325 E. Short Street (Loren Wood Builders, Petitioner)

Council Questions:

Rollo asked Cornett if the developer would consider extending the sidewalk or if staff would consider a crosswalk.

Cornett said there was no right-of-way at the proposed crossing, which would add difficulty to the project.

Lewis said Planning and Transportation did not feel it was necessary to install a crosswalk because it was a low-traffic road.

Rollo said with the additional PUD traffic, the area would no longer be low-traffic.

Volan asked if there were plans for residents carrying large items from the community parking lot to their homes.

Cornett explained that the development had discussed providing carts for residents to tote items.

Granger asked if there had been feedback from the Bloomington Montessori school.

Lewis said that the Montessori Director asked that the children crossing the street be considered.

Rollo asked if the PUD or UDO required native plants in the landscaping.

Lewis said that it was not required to have only native planting.

There was no public comment.

Ordinance 18-13 (cont'd)

Public Comment:

There was no council comment.

Council Comment:

Piedmont-Smith moved and it was seconded that Reasonable Condition 01 to Ordinance 18-13 be adopted.

Reasonable Condition 01 to Ordinance 18-13

Volan asked if a speed limit sign was enough to control traffic on Short Street.

Council Questions:

Cornett said a speed hump would help with traffic. He advocated for a school zone.

Loren Wood spoke in favor of making the area a school zone.

Public Comment:

Volan said he would advocate for a school zone in the Short Street area.

Council Comment:

Sturbaum said that traffic calming devices would be evaluated over time and could be revisited in the future.

The motion to adopt Reasonable Condition 01 to Ordinance 18-13 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Reasonable Condition 01 to Ordinance 18-13 [10:17pm]

Sturbaum moved and it was seconded that Reasonable Condition 02 to Ordinance 18-13 be adopted.

Reasonable Condition 02 to Ordinance 18-13

Piedmont-Smith asked if there would be sufficient trees on the development if Reasonable Condition 02 were approved.

Council Questions:

Lewis said yes.

Mark Cornett said that the property would include a community garden and the type of trees should be considered.

Public Comment:

Volan asked Cornett what change could be made to ensure the correct trees were on the property.

Council Comment:

Cornett said Evergreen trees would not be conducive for the garden.

Lewis said the Bloomington Municipal Code required Evergreen trees but staff would accept an amendment that would waive the Evergreen tree requirement.

Ordinance 18-13 (cont'd)

Volan moved and it was seconded that Amendment 01 to Reasonable Condition 02 of Ordinance 18-13 be adopted.

Amendment 01 to Reasonable Condition 02 to Ordinance 18-13

The motion to adopt Amendment 01 to Reasonable Condition 02 to Ordinance 18-13 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Chopra).

Vote on Amendment 01 to Reasonable Condition 02 to Ordinance 18-13 [10:32pm]

Volan moved and it was seconded that Reasonable Condition 02 as amended to Ordinance 18-13 be adopted.

The motion to adopt Reasonable Condition 02 as amended to Ordinance 18-13 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Reasonable Condition 02 as amended to Ordinance 18-13 [10:33pm]

Rollo moved and it was seconded that Reasonable Condition 03 to Ordinance 18-13 be adopted.

Reasonable Condition 03 to Ordinance 18-13

Chopra asked what a forb was.

Council Questions:

Rollo explained it was a type of perennial flower plant.

There was no public comment.

Public Comment:

Chopra said she did not understand why the conditions were not already considered.

Council Comment:

The motion to adopt Reasonable Condition 03 to Ordinance 18-13 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Reasonable Condition 03 to Ordinance 18-13 [10:36pm]

There was no public comment.

Public Comment:

Piedmont-Smith said she was pleased to see the development move ahead.

Council Comment:

Sturbaum said the common space was a great way to use the land.

Volan said he appreciated the non-parking centric design of the single-family development.

Sandberg said all types of housing must be built to combat the housing crisis and that the development was one type.

Ruff said he was supportive of the project but that population growth needed to be taken into consideration when building housing.

The motion to adopt Ordinance 18-13 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Ordinance 18-13 [10:46pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST  
READING

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT

Council Attorney Dan Sherman reminded councilmembers that July recess would begin after the meeting and conclude with an Internal Work Session on July 27, 2018 at noon.

COUNCIL SCHEDULE [10:46pm]

The meeting was adjourned at 10:47pm.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_ day of \_\_\_\_\_, 2018.

APPROVE:

ATTEST:

\_\_\_\_\_  
Dorothy Granger, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

For Approval

The following sets of minutes are from the 2006 Special Sessions which discussed the UDO and have not been approved by the Council.

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Monday, November 27, 2006 at 6:00pm with Council President Chris Sturbaum presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
November 27, 2006

Roll Call: Wisler, Gaal, Rollo, Sturbaum, Sabbagh, Volan, Ruff (was present but out of the room)  
Members Absent: Mayer, Diekhoff

ROLL CALL  
[6:03pm]

Council President Chris Sturbaum gave a summary of the agenda.

AGENDA SUMMATION [6:04pm]

Sturbaum moved and it was seconded to adopt a revised procedure and schedule.

ANNOUNCEMENT OF SCHEDULE

Council Attorney Dan Sherman read the motion for Council consideration of Ordinance 06-24. Sherman read the revised schedule with notes regarding deadlines for submission of amendments.

Motion for Common Council  
Consideration Ord 06-24  
[6:06pm]

The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Sturbaum encouraged the presenters to start on Chapter 1 of the Unified Development Ordinance (UDO), Basic Provisions. The presenters were Patricia Bernens, City Attorney; Josh Desmond, Assistant Planning Director; and Tom Micuda, Planning Director. Micuda stated that the purpose for the meeting was to give an overview of the first four chapters of the UDO. Micuda opened with Chapter 20.01.

Micuda stated that the amendments added focused language about zoning and subdivisions. He summarized the rules of interpretation and made a statement about transition rules regarding previous ordinances and the new ordinance to be considered. He outlined the base Zoning Districts, the Overlay Zoning Districts, and the establishment of Planned Unit Developments (PUDs). He mentioned the official zoning map, which was complicated by the interpretation of zoning district boundaries. He stated that the powers and duties belonged to the Common Council, Plan Commission, Board of Zoning Appeals, and Planning Department staff. He mentioned planning documents, including the Growth Policies Plan (GPP), Sub-area Plans, Downtown Vision & Infill Strategy Plan, and the Thoroughfare Plan. He stated that the Plan being used was the same as the plan from 1995 but the UDO combined language about zoning and subdivisions.

Chapter 20.01: Basic Provisions  
[6:15pm]

Councilmember Brad Wisler asked about conflicts and inconsistency.

Micuda stated that if two or more provisions of the UDO were in conflict, the more restrictive provision would apply.

Wisler asked if Bloomington had experienced such a conflict with the current zoning ordinance and asked for examples.

Micuda could not give a relevant example or think of a time something like that occurred.

Wisler asked if the interpretation was the same as in the current ordinance.

Micuda answered that it was the same.

Council Questions:

Sturbaum asked if the regard to which the Growth Policies Plan was held had changed.

Micuda responded that the relationships were the same.

Micuda stated that the Plan Commission felt very comfortable with the Plan it had put together.

There was no public comment.

Public Comment:

Micuda explained that Chapter 2 covered the different zoning district layouts. He stated that each of the zoning district layouts included district intent, permitted/conditional uses, development standards, additional standards indices, and illustrative graphics. He said that the number of districts was reduced from 20 to 15 by eliminating the airport district, consolidating industrial districts, and simplifying residential districts. He showed points of emphasis, which were implementing GPP recommendations, mixed-uses, building-forward design, and impervious surface coverage. Micuda stated the types of districts that were to be kept.

Chapter 20.02: Zoning Districts  
[6:28pm]

Councilmember Steve Volan asked about car lots used for car display in commercial districts.

Council Questions:

Micuda answered that vehicle sales located in a Commercial Arterial (CA) district needed a particular variance to operate in the district.

Volan asked if buyers could set up a business in privately owned buildings zoned as institutional. He specifically referenced Old Northeast near Woodlawn.

Micuda responded that if the private party wanted to do anything to the property, it was likely that the changes would not match the code. Those situations would have to be dealt with by the Planning Department on a case by case basis.

Volan asked if the private parties could apply to change the zoning.

Micuda said they could, or they could apply for a use variance.

Volan asked if the new districts accounted for people who owned properties by the Eastland Plaza/College Mall areas and decided they wanted to develop parking lots (gray field development). He asked if the districts prevented that kind of development and which district would allow the development.

Micuda responded that they did not set up a zoning district to specifically enable that kind of development but would consider the package of variances those kinds of developers would bring. The CA zoning district would allow it.

Volan asked if it would be a good idea to develop a zoning district before a developer did.

Micuda said perhaps within the next code update. No private developers had approached the city on it.

Volan encouraged the Planning Department to think about those kinds of developments being made by the city before private developers did.

Wisler asked what the rationale was for not including a professional/general office in the institutional district.

Micuda responded that despite the best attempt to zone institutional property for existing government facilities, vacant land was zoned as institutional property and bought by people who wanted to run private businesses/offices. He said staff did not think that was how such land should be used.

Wisler asked what would happen if the university wanted to use institutional land to have university offices but part of the building was also privately-owned offices. He wondered if that would require a rezone or a variance.

Micuda stated that it would not be a change of use. The office would have to be very unusual for the university to need a variance.

Wisler said that the Council previously talked about an amendment to include single-family dwellings in non-residential zoning districts, which was passed. He asked what that meant for someone who had a single-family dwelling, which would now be zoned in a commercial designation.



Micuda said that the amendment allowed such properties to be considered conforming to the rules of the ordinance, so they could add on to their property so long as they met the set-back requirements. The amendment allowed for those kinds of projects and did not need a variance.

Wisler asked if there was a study check to see if there were any conflicts with single-family dwellings and those zones.

Micuda responded that he would have to check but he did not think so.

Wisler asked if legally, a general rule was considered over a specific rule and if a recent rule was considered over a prior rule, regarding the rules of interpretation.

Bernens responded that there was not a perfect system, but one would have to consider the legislative intent.

Councilmember Chris Gaal asked if the box for additional development standards was intended to be all inclusive.

Micuda said it was intended to help the user find their district and learn what they needed to build a single family home. The guide was meant to be user friendly and on par with the ordinance.

Sturbaum asked how the proposal treated a trailer park and if individual residents were notified.

Micuda said the owner of the facility would be notified and encouraged to talk to the residents.

Sturbaum asked if special provisions in the language were needed to accommodate the peculiar relationship trailer owners had in a trailer park because they did not own the land.

Micuda said there was nothing in the ordinance that said the individuals needed to be notified of changes in addition to the park owner.

Sturbaum asked if it would be an appropriate time to consider an amendment that would do that.

Bernens said that it might be better to discuss that at a later date, but she was sure Sherman now had that issue on a list of future topics. She said they needed to think about issues of notice as to not create a legal issue.

Sturbaum asked how sexually-oriented businesses should be handled.

Bernens responded that they would need to look into that.

Micuda then said he would talk about that in Chapter 5.

Councilmember Dave Rollo asked if the public would be in greater agreement with the new document.

Micuda responded that they anticipated that the public would have more certainty of land use with the new document.

Wisler asked about convenience stores with gas having permission in a few of the new districts. He asked if there was any other permitted use for a gas station without a convenience store.

Micuda said that issue came up in the Plan Commission and the use 'gas station' did get added into the new document. In the CA district, 'gas station' was a permitted use and in the CG (Commercial general) district it was a permitted use with restrictions on design.

Wisler asked if there was any discussion of gas station use being moved into the new industrial district.

Micuda said there was not.

Wisler asked why gas use was not in industrial as to not force heavy trucks into town. Chapter 20.02 (cont'd)

Micuda stated that there were design challenges outside of a PUD process to allow a gas station into the business park district. He said that the city would rather have those projects come in on a case-by-case basis. He thought there was not enough land in industrial for it.

Wisler then asked if there were any new uses created in a similar scenario.

Micuda said he would have to get back to him on that.

Wisler asked if list of permitted uses would cover the gambit of conceivable uses for a property.

Micuda responded that the intent of the ordinance was to try to cover all known possible land uses. He stated that about every two years, a developer would propose an idea that was not covered. There was a procedure to categorize that unusual use, or not classify it and deal with it via a variance or PUD.

Wisler asked if there were any uses the consultant brought up that Bloomington did not include in its uses.

Micuda said he could not answer but that there was not anything unusual that the consultant suggested to add to the list.

There was no public comment.

Public Comment:

Micuda stated that Chapter 3 covered the downtown overlay district. He stated that the downtown plan gave general guidelines. He said that Planning's task was to take guidance from the plan and make real zoning regulations. He said they developed an overlay approach by mapping the downtown district into six distinct overlays. The overlays dictated specific issues; such as height, density, parking, set-backs, and design standards. Chapter 3 covered the topics of district intent, review process, review standards, effect on uses, development standards, architectural standards, and design guidelines.

Chapter 20.03: Overlay Districts  
[7:24pm]

Micuda stated that the proposed review process for building height would be that the staff would review projects that were within the minimum and maximum height restrictions for a district. The Plan Commission would then review all projects that had a height outside of the maximum or minimum height requirements. Essentially, the staff would review small buildings and the Plan Commission would review tall buildings. Micuda then covered the uses, density, and height restrictions of each of the overlays.

Micuda discussed the Plan Commission's review process. He stated that the following points triggered review: deviation from permitted/conditional use lists, deviation from development standards, deviation from architectural standards, and other special triggers listed in the review process section. The Plan Commission's review was to be guided by the Downtown Vision and Infill Strategy Plan.

Councilmember David Sabbagh asked if he could hypothetically put up an 80-foot building in District V without trouble.

Council Questions:

Micuda said not necessarily and explained that each district had a height restriction.

Sabbagh said he was concerned about the height limitations. His understanding was that downtown land was more expensive than suburban land and that wanting to urbanize downtown meant going vertical and not horizontal. He said it seemed severe.

Micuda did not think so. The height limitation only restricted who (staff vs. Plan Commission) reviewed the project, not whether the building would or would not be approved.

Sabbagh mentioned that would add to the cost of development because a developer would have more meetings to go to.

Micuda said that developers already had to attend a public hearing, so it would not add to the cost.

Sabbagh asked for clarification on what "facing the courthouse" meant.

Micuda said facing the courthouse referred to buildings on the immediate four streets plus corner properties, such as the Trojan Horse building.

Sabbagh asked if buildings outside of that description had a larger possible height range.

Micuda said yes.

Sabbagh asked if that would discourage taller buildings within the core.

Micuda said he thought it would only improve good architectural standards for building compatibility with the downtown plan. He reiterated that the height standards only specified whether staff or the Plan Commission would review the plan.

Gaal asked why there was a change in density measurement from units to bedrooms. He was concerned that Bloomington had a lot of students moving downtown. He said the Council wanted to round out Bloomington's demographics by having other groups live downtown.

Micuda said that there was not a loophole created by changing units per acre to bedrooms per acre.

Gaal said that some people thought moving students downtown was a good thing and some argued that the city should promote other demographic groups moving downtown. He asked if there were other policies in the UDO that could promote that idea.

Micuda said the UDO was neutral and the Planning Department encouraged developers to market toward non-student demographics.

Wisler asked if 25 feet was intended to be two stories.

Micuda said yes and that 25 feet encompassed two stories of residential and commercial buildings.

Wisler asked why the UDO did not say that all one story buildings had to be reviewed in order to stop large façades being built on top of single stories.

Micuda said that Planning had restricted the kinds of façades that could be added onto a building.

Wisler asked if the "facing the courthouse" rule was defined anywhere in the UDO.

Micuda said it was in Chapter 12, the definition section.

Sturbaum asked if there was an amendment stating that the four corners were facing the courthouse.

Micuda said that it was on page 12 of Chapter 12 and was not in the initial version, but was amended to clarify the definition of Courthouse Square.

Wisler asked if the "facing the courthouse" rule broke at the property line or the structure.

Micuda said that that definition referred to the buildings.

Wisler asked if there was a definition of building in the document.

Micuda said yes, and that those rules only dealt with building height.

Wisler asked if, by the definition, the Trojan Horse building was a separate building from Uptown.

Micuda said yes.

Wisler asked if the Tech Park overlay was identical to the Tech map. Chapter 20.03 (cont'd)

Micuda said no, those overlays came about as a result of the Downtown Plan process.

Volan asked Gaal if he could elaborate on what other issues he thought might arise in the downtown area.

Gaal said he thought the Smallwood project was about two stories too high and it had created a situation where Bloomington needed to balance the student population downtown with other demographic groups.

Volan then asked which chapters were most relevant to Gaal's concerns.

Micuda responded that it was Chapter 3.

Rollo stated that he thought balance was important. He asked if there had been an attempt to grapple with the question via a census.

Micuda said that the city had a market analysis based on census data and interviews. National trends showed that people were interested in living downtown. Consultants said that it could be reasonably expected that other demographics would move downtown. The consultant also said not to approach the problem through zoning.

Rollo stated that to balance those groups was difficult when some groups had different needs. He wondered if it would be better to have some kind of metric to measure relevant demographics.

Sabbagh said that Bloomington had student housing downtown because Indiana University was close to downtown. It was important that downtown be a center for jobs for young professionals.

Micuda said that there should be both options for those who want to live downtown and those who work downtown. The only thing that would fix the issue was more restrictive controls on density, which he said he would not advocate. More projects would have to go through more public hearings and new documents and plans would have to be made with regards to balancing demographics. He thought the UDO document was not ready to deal with density regarding demographics.

Sturbaum mentioned that the tall buildings required more oversight. He said that they wanted to get the "strike zone" (threshold requirements) correct in order to avoid a system where nothing got reviewed. He thought that the Council and Planning needed to decide what limits they were comfortable with. His personal preference was that the threshold should come down a bit.

Micuda said that, depending on where the building was downtown, a mixed-use development between 3 and 5 stories must get reviewed.

Sturbaum said he would like to see more of those projects go to the Plan Commission. Sturbaum said that Bloomington did not have a scarcity of land and had a lot of parking lots and too small buildings. He wanted to dispel the myth that Bloomington did not get enough projects. He said that the city had to be careful about the big project that could kill off other projects. He thought it was appropriate to have more review and discretion.

Volan asked Sturbaum how the city could encourage the kind of development it wanted to see. Volan thought the city had to ask for or incentivize the kinds of buildings it wanted. He did not see how putting more restrictions on a building encouraged the kinds of buildings the city wanted. It only discouraged the kinds it did not want.

Chapter 20.03 (cont'd)

Sturbaum replied to Volan that developers were encouraged to throw within the "strike zone" because those projects were not required to be reviewed and that acted as an incentive.

Volan posed a hypothetical where the city wanted to jumpstart condos for retirees. He asked if the city should offer the idea to developers.

Sturbaum thought that was the way it was handled. The Council assumed the market would determine what was to be built.

Volan said he asked a more philosophical question.

Sturbaum said that there was an amendment that was coming that dropped heights from 55 feet to 40 feet in University Village, from 60 feet to 50 feet in the Downtown Core, and the Courthouse square all went down to 40 feet.

Micuda said that the amendment Sturbaum described was brought forward by Gaal and had a close vote of 6-4 at the Plan Commission. However, Planning decided not to lower the heights. He said that they had a lot of faith in the standards, which was why they had a large "strike zone." He said that they understood the vote would probably come up again.

Rollo asked if 45 feet was 4 stories.

Micuda said yes, but it could also be a 3 story mixed-use building.

Gaal asked Micuda his opinion of promoting mixed-residential uses.

Micuda said that inclusion of a single purpose statement might be helpful but it probably would not go as far as the city might think.

Gaal thought that there was a public policy goal for mixed-demographic arrangements that could benefit downtown and different groups. He asked if an amendment to eliminate the parking requirement south of downtown would affect demographic groups or favor students.

Micuda said he did not think it would be the sole factor in the development of a project. A condo would want to include parking for its residents, but would not be a determinant in the type of market there.

There was no public comment.

Public Comment:

Sabbagh thought the Council was fixated on residential development downtown. He said it should be focusing on office buildings downtown. He thought the heights were workable, but for the extended area around downtown, the UDO might make it more difficult for building offices in that area. He thought it would hurt the vibrancy of downtown.

Council Comments:

Sturbaum said that the city had a lot of trust in the ordinance but that it should put more trust in the Plan Commission. He chose to trust the Plan Commission and its ability to interpret the guidelines.

Rollo agreed with Sturbaum that promoting density downtown was good. He thought that taller structures would be a good opportunity for the public to have input on the downtown. He thought it was smart to have greater review.

Micuda said that the Planned Unit Development (PUD) section was a process instead of a set of standards. Chapter 4 discussed the process of PUDs. There was a qualifying standards section, which had a proposed minimum area for a PUD of five acres. PUDs would not be allowed within the CD district. The PUD District Ordinance/Preliminary Plan would require a neighborhood meeting prior to submitting an application. The plan would also consider a PUD abandoned if no final plan was approved within three years. The final plan would be reviewed by the Plan Commission unless designated to staff. Micuda stated that Planning kept the abandonment clause at three years. If no permits were obtained within three years the PUD was considered abandoned. The big changes in the PUD section were the inclusion of the public benefit language, changing the abandonment consideration to two years versus 18 months, and increasing public neighborhood meetings regarding the PUDs. Sabbagh asked if abandonment went to the Plan Commission.

Micuda said that if a PUD had not been acted on after a two-year period, the commission could act to rescind the PUD. He said it was up to the Commission and the Council what action would be taken.

Rollo asked what the motivation was to increase the PUD acreage from three to five acres. Council Questions:

Micuda said that there was creative potential that was not able to grow in an area of three acres. Bloomington had not had many PUDs under three acres. Micuda said that if a developer had a unique project for a smaller PUD, the developer could apply for a waiver and tell the commission why the project deserved a waiver. The commission and the Council had to agree that a smaller PUD had a legitimate purpose. Therefore the Council had control over the outcome.

Rollo asked if PUDs were labor intensive for the Planning staff.

Micuda said yes.

Sturbaum asked if the Plan Commission waiver for a smaller PUD size was an amendment.

Micuda said that the information about the waiver was added after the original draft was released.

Sturbaum said that the waiver could make a very small PUD, but that they needed to trust the Plan Commission and Council.

Micuda said that an example of a PUD that was less than three acres was the renewal of Hopewell PUD. The developer sought a waiver for a smaller PUD.

Sturbaum asked about the success of that process.

Micuda replied that the outcome was mixed but Planning thought the developer had a legitimate reason for a smaller PUD in that case.

Rollo asked if the waiver required public notification, such as a posted sign on the property about waiving the current zoning for the PUD.

Micuda said that a legal notice to the different property owners and a posted sign about the PUD was required. He had not thought about adding the waiver into the signs. He said that Planning could build it into the notification for the residents.

Wisler asked if there were properties that were PUDs that previously had a more specific designation.

Micuda said no, all staff did was take the old PUDs and carry them forward onto the new map.

Wisler asked if any PUDs had expired.

Micuda said that they never expired unless action was taken to rescind them. There were a couple of PUDs that went past their time but they were not considered expired.

There was no public comment.

Public Comment:

The meeting went into recess at 8:55pm.

RECESS

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVE:

ATTEST:

\_\_\_\_\_  
Dorothy Granger, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

For Approval

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Tuesday, November 28, 2006 at 6:00pm with Council President Chris Sturbaum presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
November 28, 2006

Clerk's Note: On November 27, 2006, the Common Council called to order a Special Session, which began the Council's consideration of Ordinance 06-24 to be completed over a series of meetings. Please refer to the minutes from that meeting for a description of the motion made in regard to the consideration of Ordinance 06-24.

Roll Call: Wisler, Gaal, Rollo, Sturbaum, Ruff, Sabbagh, Volan  
Members Absent: Mayer, Diekhoff

ROLL CALL [6:09pm]

Council President Chris Sturbaum gave a summary of the agenda.

AGENDA SUMMATION  
[6:09pm]

Tom Micuda (Planning Director) introduced Chapter 20.05: Development Standards. He stated it was the longest chapter of the Unified Development Ordinance (UDO). The chapter governed site plan review and stated the standards for development. Micuda highlighted the significant changes to the new document. He stated there was nothing regarding affordable housing in the previous UDO document and the updated UDO attempted to make affordable housing projects easier to complete.

Chapter 20.05: Development  
Standards [6:10pm]

Micuda explained that the alternative transportation standards section covered sidewalks, side paths, bicycle lanes, multi-use trails, connector paths, transit facilities, and bicycle parking. The ordinance laid out standards for those facilities. It codified recommendations of the Alternative Transportation and Greenways System Plan and construction standards for bicycle and pedestrian facilities, while also increasing bicycle parking requirements. It also added public transit stop standards.

Micuda explained the environmental standards section and outlined requirements of development on steep slopes, water features, wetlands, places of forest conservation, and floodplains. Green development incentives were added and were based on LEED Green Building standards from the U.S. Green Building Council. Incentives included building setback reductions and residential density increases. Landscaping standards generally required the same amount of landscape planting as the existing ordinance. Stronger requirements for parking lot landscaping and buffer yards were added. The new document established minimum parking requirements for all uses.

Sexually oriented businesses were permitted within the Commercial Arterial (CA) and Industrial General (IG) zones but they must be established at least 500 feet away from places of worship, schools, daycare centers, parks, libraries, residential districts, large-scale multi-tenant non-residential centers, and other sexually oriented businesses.

For signage, temporary signs had display periods of 90 days total, with special event provisions. Non-residential signs had separate provisions for wall and freestanding sign allotments. Pole signs were prohibited, and there would be reduced signage allotments in the Commercial Limited (CL) zoning district. Downtown signage would have no freestanding signs except under limited circumstances and would have a greater allowance for projecting signs than the existing zoning ordinance.



Rollo asked if there were any amendments regarding environmental sensitivity as a result of the City of Bloomington Environmental Inventory.

Micuda said no.

Rollo asked for clarification on an approved amendment for exemption for parcels less than one acre from the proposed 75 foot riparian buffer.

Micuda said the amendment proposed originally dealt with platted lots of one acre or less and there was a compromise to reduce it to half an acre. The idea was that a platted lot for a subdivision had created a certain property right. There was an expectation that someone would be able to develop that land because it was subdivided. The concern was that if there was a lot that was an acre in size, created by subdivision, 75 foot buffers on either side would render a lot unbuildable. A person with a viable project would not be able to develop there. Micuda supported the amendment.

Rollo said it seemed that the effect would be small but there could be many of those lots along a riparian corridor, increasing the impact. He asked if there were examples of those lots and where they would be concentrated regarding streams or riparian areas.

Micuda replied that he did not have examples but could collect them.

Rollo asked how close to a stream could something be built if it was exempt from the 75 foot requirement.

Micuda explained that it depended on the location of the stream. If there was a stream on the back of the lot, there was a 25 foot building set-back. If a stream was in the middle of the lot, a building could not interfere with the stream but might be close in proximity.

Rollo asked for more description on steep slopes.

Micuda answered that there may be 50% development in land sloped between 12% and 18%. Areas with highly erodible soils, adjacent to slopes of 18% or greater, adjacency to water resources, or adjacent to other environmental features like karst were given additional preservation priority over other areas.

Rollo confirmed that previous erosion control measures would be kept in place.

Micuda said yes.

Rollo asked about compliance with emphasizing native plants.

Micuda responded that Planning staff conducted initial inspections of properties and checked plant lists. They did not conduct follow up inspections of plant growth and health.

Rollo stated that the city should be planning for a future of energy scarcity. He asked if there were other incentives Planning could implement in regards to native plants.

Micuda said they struggled with that area because incentives have been limited to zoning. Planning was not read to make it a mandatory part of the code because it was a relatively new concept. He believed it would become mandatory in later codes.

Rollo said he was disappointed in the lack of urgency of the United States to become energy efficient.

Sabbagh asked for help understanding the affordable housing provisions. He wanted to know the qualifications of an affordable housing project and if there were ways to ensure that it truly was an affordable housing project.

Micuda said that developers started with the Housing and Neighborhood Development Department (HAND) and HAND would verify projects as affordable housing.

Sabbagh asked what happened if a developer initially started an affordable housing project and ended up not following the agreement.

Chapter 20.05: Development Standards (*cont'd*)  
Council Questions:

Micuda acknowledged that was an issue HAND and Planning had faced before. He explained that the affordable housing programs had various time restrictions associated with them including how long the housing had to be affordable. Presumably someone would indicate through HAND what the program was and staff would know, based on that program, what the time limitation was.

Sabbagh indicated that he liked the idea of incentives and waivers if it was an affordable housing project. He asked for Micuda's opinion of them.

Micuda said Planning took variances that were normally granted for affordable housing and put them into the ordinance because the projects benefitted the community.

Sabbagh asked if the Federal Emergency Management Agency (FEMA) had to approve work in the floodplain.

Micuda replied that any work in the floodplain would be regulated by FEMA, the Department of Natural Resources, and the local government.

Gaal commended the Plan Commission's work with the 170 amendments. However, he thought the Plan Commission made a mistake with bicycle covered parking. He asked if Class 1 was a stored area where bicycles would be locked and Class 2 was covered storage.

Micuda said Class 2 included both open air and covered storage.

Gaal asked why bicycle parking requirements were eliminated in the UDO when the original UDO had requirements for Class 1 and Class 2 covered bicycle parking.

Micuda explained that the Plan Commission deleted the requirement for a development with more than 64 bedrooms to have  $\frac{1}{4}$  of bicycle facilities be Class 1 lockers. The Plan Commission kept the covered bike parking in the ordinance but took the locker storage out.

Sturbaum asked if that would have been 4 lockers out of 64.

Micuda said yes. He clarified that the Plan Commission took the provision out because of cost.

Gaal said the public policy position was that the city was trying to encourage bicycling. He thought a requirement for covered parking was absolutely essential.

Volan asked why the UDO only gave a single car parking space to biking.

Micuda said he would not be opposed to increasing the number of parking spaces allotted to bicycles.

Volan said he did not understand why there was a restriction given to bicycle parking.

Micuda said he was okay with striking the language.

Volan asked if there were any unintentional consequences of striking the language.

Micuda replied that it would be unclear if there was required parking or non-required parking.

Volan said he did not agree with required car parking as a whole.

Micuda suggested drafting an amendment over the issue.

Volan asked if there was a requirement of 100 feet between blade signs.

Micuda said the spacing requirements between projecting signs increased from 50 feet to 100 feet through an amendment.

Volan asked if there was also a requirement that allowed one blade sign per business storefront.

Micuda said the requirement was one projecting sign per tenant.

Volan asked if there was a conflict between tenants that were less than 100 feet from each other and each having a blade sign.

Micuda said yes.

Volan asked why the spacing was increased from 50 feet to 100 feet.

Micuda said it was part of an overall discussion on the amount of signs that the Commission thought was appropriate for the downtown. Some people thought the signs were an eclectic addition to downtown and others felt that they detracted from the historic character. The amendment drafted was an attempt to restrict area, projection, and numbers of blade signs.

Volan asked if there were rules about putting messages on awnings.

Micuda answered that awnings were allowed as a projection and they could be used for signage. They were considered to be part of a wall allotment.

Volan asked if the awning could exceed the allotment given to signage.

Micuda said the awning could exceed the allotment but the sign itself or the lettering would have to conform to the rule.

Volan clarified that it was the lettering on the awning that mattered. He asked how a business that used a color scheme specific to the store and matched the awning and lettering to that color scheme would be handled.

Micuda said he had encountered that situation before. The letters made it a sign and the area of the letters was what was calculated.

Volan asked to clarify the rules on total square footage of signage. He said that before, it could be 10% of a building's total façade and asked if the new rule would be 1 square foot per lineal feet, per façade.

Micuda said the allotment was 1.5 square feet, which was an increase for downtown signs.

Volan asked who said it was \$20,000 to build bicycle lockers.

Micuda said Jim Murphey from CFC gave that number, but included land cost. The locker cost was a small percentage of that cost and the rest was land.

Volan asked for Micuda's opinion on the cost of a parking space inside a parking garage.

Micuda estimated \$15,000 per space.

Wisler asked if the \$15,000 estimate for a parking space included land cost.

Micuda said he did not know but had heard that number.

Volan agreed that he thought it was \$15,000.

Wisler asked if the reason staff was reducing the number of required number of spaces for an affordable housing project was because it would have less demand for parking or because it would be a financial incentive to create affordable housing.

Micuda said one of the most used variances was to reduce parking by two spaces per unit down to one. He explained that people who lived in affordable housing had less disposable income and fewer vehicles, so one parking space per unit seemed to fit well with those projects.

Wisler asked if it had worked as an incentive.

Micuda said it had worked as an incentive but it was not the most important incentive. It was less infrastructure cost for the development because there was less stone surface needed for a parking spot.

Wisler asked if the green development incentives were all about density and set-backs, and if there were any reasons there was not a similar parking incentive for a green development.

Micuda indicated that one of the sustainable development practices that was eligible for incentives was for significantly reduced parking with increased bicycle parking. He said in that case it was considered a sustainable development practice that would enact incentives if it went further than what the code required.

Wisler asked if that also included bicycle parking.

Micuda said the bicycle and car parking were linked together.

Wisler asked if logos or elements that were not letters, but part of an image or brand, counted as letters in regards to signage restrictions.

Micuda replied that logos counted toward signage.

Wisler asked about elements of a logo that were included in the actual façade of the building.

Micuda asked for an example.

Wisler suggested a logo that was part of the stone structure of the building.

Micuda said yes because there was a broad definition of what a sign was.

Wisler asked what the reasoning was to have three types of buffers rather than increasing it to 75 feet.

Micuda said a tiered buffer approach, where each portion of the buffer had a different function, was a common way of dealing with riparian areas. He explained that each buffer had different purposes and requirements.

Wisler asked how that applied if a stream formed a property line and there was a development adjacent to it.

Micuda said if there was a stream on a property line, there should be one buffer on the development side of the stream.

Wisler asked if the land owner needed any buffer requirements if a neighbor had a stream.

Micuda said there did not need to be a buffer in that case.

Sturbaum asked if, for green development, one of each of the groups of four was chosen, if there was a 25% increase in density and set-back requirements.

Micuda said yes.

Sturbaum asked if a 75% increase in density in multi-use zones was considered a big incentive and if it was expected to work.

Micuda said Planning wanted to catch people's attention. He said the area of green development was new in the field, and when developers propose a project, Planning wanted to incentivize sustainability.

Sturbaum said the twelve options did not seem equal and it was possible to pick the easiest six incentivizing projects in order to avoid doing affordable housing, since it was the hardest of the twelve. He suggested making affordable housing more incentivized or mandatory. He wanted to make the 15% affordable housing goal achievable.

Micuda asked for ideas on how to amend it.

Sturbaum thought it must include the affordable housing component to qualify by adding a sub-note for level two.

Micuda said he was intrigued with Sturbaum's idea. However, he pointed out that by making those changes it would make a policy decision that that one element was more important than all others. He thought it would disincentive the others because it was now a mandate.

Rollo asked how mandating affordable housing would be a disincentive to others.

Micuda thought it created a dual purpose regulation. He pictured a developer not wanting to meet an affordable housing mandate and moving into the conventional development.

Rollo thought incentives should be provided but he did not want to exclude possibilities because of a mandate.

Micuda said he wanted to work with Sturbaum more but he suggested making such changes to the affordable housing section instead of Chapter 5.

Sturbaum asked for explanation on the lighting standards.

Micuda said his goal for lighting standards was to reduce the foot candle casting from three candles. It would give Planning more control to modify the lighting of existing home owners.

Sturbaum asked if there was anything to help neighbor-to-neighbor issues.

Micuda said there was a "light trespass" initiative that helped.

Sturbaum asked if an officer would come with a light meter.

Micuda said yes.

Volan said he would like the representative from Stahl Furniture to speak and asked for an explanation on having a tent sale for longer than 30 days.

Micuda said temporary retail was allowed for 15 days and a permit was required.

Volan asked Ty Osbourne with Stahl Furniture to speak to the regulation.

Osbourne said he ran a tent sale for 25 years and never had an issue with a permit or a limited time frame. When he realized the problem, he said he obtained a 15-day permit. He wanted to renew the permit and found out he could not. He encountered a fine that cost \$2,000. He explained that his company needed the tent sale to survive and at the time he could not stop the tent sale because he had furniture on order for the remainder of the sale. He thought tax-paying businesses should have a tent sale.

Volan asked the dates of the tent sale.

Osbourne said it ran from the last weekend in July to the first weekend in September. It was around 35-40 days.

Volan asked if Osbourne wanted an ordinance that allowed tent sales for that length of time. He asked if Osbourne knew of any other businesses that had tent sales longer than 15 days.

Osbourne said yes to both.

Volan asked for Micuda's opinion on the situation.

Micuda said the permit requirement had been on the books since 1973. Planning enforcement was more active than it had been in the past. Planning did a lot of complaint-driven enforcement and did contact businesses in advance so they would have time to comply. Micuda said temporary sales displaced customer parking, blocked drives or public right-of-way. That was why Planning enforced the permit. Micuda did not oppose an increase in days for the permit. He warned that businesses and people would take advantage of the longer time.

Volan asked Osbourne where his tent sale was located.

Osbourne explained that it was in his parking lot and did not take space away from any other businesses.

Sturbaum asked Micuda what kind of provisions were available for a variance.

Micuda said possibly a zoning variance, though practical difficulty would have to be claimed. He thought it would be problematic to claim practical difficulty for a tent sale.

Sturbaum asked if an exemption process could be created.

Micuda suggested not creating an exemption process. He suggested looking into extending the days allotted for the permit after consulting businesses. He said another angle would be to separate out the term tent sale from temporary retail use.

Sturbaum asked if there was a review to consider if a business was blocking the right-of-way and if that kept the businesses from obtaining a 15-day permit.

Micuda said businesses submitted a sketch of where the activity would occur.

Sturbaum asked if Planning would allow for a temporary renewal if businesses were in compliance with the rules.

Chapter 20.05: Development Standards (*cont'd*)

Micuda said that would be possible with an inspection to see if there were changes with the original layout.

Wisler asked if a traditional annual sale could be considered a seasonal sale and have the sale exemptions as a seasonal sale.

Micuda asked if Patricia Bernens, city attorney, wanted to comment.

Bernens said she was not sure of the answer to Wisler's question but would look into it.

Wisler said the logic between a traditional annual sale and a seasonal sale seemed similar to him.

Bernens said she understood but that the logic with seasonal sales was that it was self-limiting in terms of the time it was likely to go on.

Wisler asked if it was possible to only renew so long as the merchant was the property owner or long-term lessor as to eliminate every vacant lot from becoming a flea market.

Bernens thought it would be better to approach it from being associated with non-temporary businesses at those locations.

Ruff asked how far Bloomington was on the light pollution to dark skies spectrum.

Micuda said Bloomington was well over half way to the dark skies area. The proposed lighting section added significant regulation whereas previously there was almost no regulation.

Ruff asked how Bloomington's new lighting standards compared to other college towns.

Micuda did not know because he used models from non-college communities.

Wisler asked how the lighting rules effected areas with intended night-time use.

Micuda said outdoor recreational facilities were subject to the ordinance.

Wisler asked if flood lights were permitted.

Micuda said that flood lights had to comply with the requirements.

Ruff asked if there were special provisions made for sandwich board signs in the downtown area.

Micuda said yes.

Ruff asked Micuda to summarize the changes made to sandwich board sign regulation.

Micuda said the only change was to add the CL zoning district as an eligible area for sandwich board signs.

Volan thought Chapter 5 was the most significant chapter in the ordinance. He was encouraged by the inclusion of an affordable housing section. He was concerned with how parking was handled throughout and said that the requirements for parking spaces seemed arbitrary. He wanted to emphasize alternative transportation and planned to submit several amendments regarding parking. Overall he wanted to reduce the maximum parking required.

Council Comments:

Rollo liked the emphasis on LEED standards and promoting energy efficiency. He wanted to fund incentives for such projects and also encourage affordable housing.

Wisler was pleased with green development and affordable housing initiatives but was concerned with making the affordable housing incentive a requirement with green development. He thought both would be too cumbersome. He wanted to make riding bicycles more plausible.

Chapter 20.05: Development Standards (*cont'd*)

Sturbaum believed it was feasible to require both affordability and sustainability with higher density and wanted to work with councilmembers to come to an agreement.

Volan wanted to introduce an amendment to eliminate the 100 feet requirement between blade signs. He thought the 100 feet rule was unfair and unnecessary. He also thought covered parking would make a difference in how often people rode bicycles.

Sabbagh thought having incentives upfront for affordable housing was a good idea. He mentioned that affordable housing was easier when developers did not have to pay for the price of land.

Ruff agreed with Volan that covered parking for bicycles was important.

Gaal believed ensuring bicycle and alternative transportation use was one of the most important things that the Council was doing.

Micuda presented Chapter 6. There were four subdivision types outlined and all subdivisions were to conform to one of the four types, unless authorized by the Plan Commission. The Conventional Subdivision (CV) was allowed in all residential zoning districts, had mandatory open space depending on the number of lots (10%-20%), had cul-de-sac length standards, and had requirements for the following: alternative transportation, right-of-way, street width, on-street parking, and tree plots. The Conservation Subdivision (CS) was allowed in the RE and RS zoning districts, had a five-acre minimum tract size, required 50% open space, and had reductions in lot area and width. The Traditional Subdivision (TD) was allowed in Residential and Commercial zoning districts, had a three-acre minimum tract size, required 5% open space, prohibited cul-de-sacs, had reductions in lot area, and included setbacks. That subdivision type had increases in impervious surface coverage and density. The Commercial/Industrial Subdivision (CI) was allowed in Nonresidential zoning districts, had no minimum tract size, and had requirements for alternative transportation, right-of-way, street width, and tree plots.

Chapter 20.06: Subdivision Regulations [8:12pm]

Rollo asked why traditional forms in CS were not encouraged. He suggested including a grid pattern to encourage density but also to accommodate green space.

Council Questions:

Micuda said the density came out very similar in CS and TD. He said CS mostly dealt with a constrained parcel. Karst and trees were typically constrained by topography. If someone had a property that was environmentally constrained but had the ability to do something grid-like, Planning would not turn them away if the topography was conducive to it.

Rollo asked if there was an amendment for cul-de-sacs.

Micuda said it did not pass.

Rollo asked what the reasoning was to keep the cul-de-sacs.

Micuda said planners did not like cul-de-sacs, but the option was available to make a cul-de-sac if the property had constraints. The constraints were usually environmental.

Rollo felt that Bloomington was susceptible to post-war winding roads in land with no reason. He feared that the standard was to have a grid pattern that was full of cul-de-sacs.

Micuda said it was a question of whether there should be a code that assumed it might be necessary or a code which excluded them and forced people to ask for them.

Wisler asked if it was a requirement that a TD had mixed-use, or if it was simply allowed that they were mixed-use.

Micuda said Planning did not feel it was appropriate to automatically build in mixed-use so that the neighborhoods could be involved in decisions on how land was used.

Volan asked if existing neighbors had the ability to override the developers if the developers were not building something that the neighbors wanted.

Micuda said the rights deferred to the developers.

Volan was concerned about discouraging mixed-use.

Micuda said that would be situational.

Volan said for a CS option, there was a possibility that a neighboring subdivision did not want connectivity. He asked if that neighborhood had protection from connectivity if one road was called for by the Council.

Micuda said the default was that the connection would occur and a lack of connectivity must be justified. He said it was further covered in Chapter 7.

Volan asked where the mixed-use subdivisions were.

Micuda said TD was considered a mixed-use subdivision option. He thought it was important to remember that a lot of the properties were not subdivided. Mixed-use development was encouraged in any of these parcels and Planning did want to create a subdivision option that was oriented toward mixed-use.

Volan asked if CI had potential for housing.

Micuda said housing was an option in all districts.

Wisler asked if a developer had a right to retail or office space on a property where the developer already owned land and wanted TD with mixed-use. Wisler asked how the developer would be approved for retail on that kind of property.

Micuda envisioned that the developer would come forward and propose a project in a parallel path. Developers would understand that they would need to obtain approvals from the Plan Commission and the Council.

Wisler asked if it was possible then to have the retail part turned down, making the proposal CS instead of TD via the process.

Micuda said the developer would still have the option to do higher density residential throughout the property if the use was not deemed acceptable by the surrounding residential.

Wisler said he was concerned that the policy said the city was promoting mixed-use and then certain retail projects would be turned down. He stated the importance of predictability and asked if the policy increased or decreased predictability.

Micuda said it increased the predictability because the layout of the subdivision and the basic design principles of the subdivision were within the ordinance. They were not in the existing ordinance. Planning was giving people set options to choose from and the argument for building use approval into the ordinance made it a predictable path. The alternative outcome was that there would be a room full of people who had residential zoning and were not able to influence the outcome because there was no discretion. Residents who lived there already would potentially disagree with the developer's plan.



Wisler clarified that there was no change in the use issue.

Micuda stated there was no change in the use issue, but all the design associated with the subdivision would need a package of variances in addition to the use.

Wisler asked if the process would be simpler for that type of development.

Micuda said the process was easier.

Volan asked what the need was to have a CS.

Micuda said it was an option because there were developers who would not have properties that were significantly environmentally constrained. They would have another option, and Planning thought that was important. Planning was concerned people would take the conventional route but recognized that not every property was alike and options were necessary.

Rollo asked if Micuda thought TD was highly disorienting when it contained multiple cul-de-sacs and snake-like winding drives, discouraged connectivity and encouraged sprawl. Rollo wanted to discourage that type of development and encourage green development.

Micuda said the incentives for green development were in CS and a developer had the option to set aside space and build up density. Planning wanted to see how other subdivision types were used through implementation of the ordinance.

Eve Corrigan wanted the Council to promote alternative transportation.

Public Comment:

Buff Brown agreed with Eve Corrigan.

Volan emphasized that Bloomington was a city and thought Chapter 6 encouraged development like a suburb. He wanted to introduce an amendment to eliminate CV and another to rename 'alternative transportation' to 'traditional transportation'.

Council Comments:

Sabbagh said he liked the chapter and was pleased to be emphasizing connectivity.

Rollo asked if Sabbagh wanted to join him in denouncing cul-de-sacs.

Sabbagh said he did not support cul-de-sacs but thought Micuda's definition of cul-de-sacs made sense. He would not want to completely eliminate cul-de-sacs because he thought some were probably needed.

Micuda presented Chapter 7. He said it consisted of the design standards for the subdivision types. The definition of easement had been broadened. Environmental standards required the placement of easements for certain environmental features and some environmental features were required to be placed in common areas. Chapter 7 also concerned the submittal of facilities plans and had an illustration of all environmental preservation/conservation easements, common areas, and commonly-owned detention/retention ponds. It outlined special requirements for residential subdivisions that included more than 75 lots or 20 acres as well as the need to have a centrally-located common area. Chapter 7 described on-street parking standards, including the dimensions, striping, and signage standards for on-street parking created as part of a subdivision. It set open space standards, pedestrian network standards and cul-de-sac standards. Chapter 7 addressed street and right-of-way standards and sustainable development incentives.

Chapter 20.07: Design Standards [9:06pm]

Rollo asked if common garden space was a potential option to set aside for common green space.

Micuda said yes.

Chapter 20.07: Design Standards  
(cont'd)

Council Questions:

Volan asked why there was not a Chapter 8.

Micuda explained that Chapter 8 was purposefully left blank in case there would be a policy issue the city wanted to put forward at a later time.

Sturbaum asked if Planning helped associations maintain the common spaces over time.

Micuda said associations had dissolved for whatever reason and there was an amendment for it. In a situation where an association dissolved, the city still had recourse in dealing with individual owners in taking care of those spaces.

Sturbaum asked if that meant the money originally allocated to the association went to the city for maintenance.

Micuda said there probably were not funds available.

Bernens said if the city had to go in and do maintenance and incurred costs, the city recovered it from them. The city would maintain spaces only if they needed to from a public safety point of view.

Sturbaum asked if the cost would be split amongst the parties involved.

Bernens said yes.

Buff Brown encouraged the city to become more sustainable. He believed the UDO created sprawl, which he opposed.

Public Comment:

Sabbagh thanked the staff for the time they put in.

Council Comments:

The meeting went into recess at 9:22pm.

RECESS

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_ day of \_\_\_\_\_, 2018.

APPROVE:

ATTEST:

\_\_\_\_\_  
Dorothy Granger, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Monday, November 29, 2006 at 6:00pm with Council President Chris Sturbaum presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
November 29, 2006

Clerk's Note: On November 27, 2006, the Common Council called to order a Special Session, which began the Council's consideration of Ordinance 06-24 to be completed over a series of meetings. Please refer to the minutes from that meeting for a description of the motion made in regard to the consideration of Ordinance 06-24.

Roll Call: Wisler, Diekhoff, Gaal, Rollo, Sturbaum, Mayer, Ruff, Sabbagh, Volan  
Absent: None

ROLL CALL  
[6:15pm]

Council President Chris Sturbaum gave a summary of the agenda.

AGENDA SUMMATION  
[6:16pm]

Tom Micuda, Planning Director, stated that Chapter 8 was purposefully left blank.

Micuda explained that Chapter 9 codified procedures for determining when a lot, site, or structure must come into compliance with the standards of the Unified Development Ordinance (UDO). The chapter also discussed nonconforming lots, sites or structures.

Chapter 20.09: Nonconforming Lots, Sites, Structures and Uses  
[6:16pm]

Councilmember Brad Wisler asked if a change in use of property required the property's sign to be changed.

Council Questions:

Micuda said a use of property change did not require a change in signage. It did require compliance with parking, sidewalks, and other site improvements.

Wisler asked if that was an example of limited compliance.

Micuda said yes.

Wisler asked if there were any triggers that required signage compliance other than an actual change to the sign.

Micuda said that there were changes in Indiana's code regarding signage. He said that alterations to the sign in any way was a compliance trigger for the sign, but not for the site.

Wisler asked if that would include restoration of a sign.

Micuda said repairs were not a compliance trigger.

Councilmember Dave Rollo asked what happened if a structure received damage in a floodplain because of a rising river and the owners wanted to do repairs.

Micuda said that natural disasters were accounted for. The owner would have to raise the structure above the floodplain and it would require a permit process.

Councilmember Tim Mayer asked about the Department of Natural Resources' (DNR) hydrology requirements.

Micuda said there was a specific downstream flood elevation that could not be exceeded.

Mayer asked what happened to a business's sign if a used car lot turned into a donut shop.

Micuda explained that the code said to remove the pole sign and replace it with a ground sign.

Patricia Bernens, City Attorney, said that state law said municipalities were not allowed to require modification to a lawful nonconforming sign without compensating the owner.

There was no public comment.

Public Comment:

Micuda stated that Chapter 10 outlined procedural requirements for all processes and permits related to the UDO, which included applications, public notice, hearing procedures, pre-application requirements, schedule of fees, and commitments. Petitions could be considered a site plan review, a development standards variance, a use variance, conditional use, and an amendment to the zoning map. Subdivision control required preliminary platting, final platting, and waivers and modifications. He said that Chapter 10 also addressed permits, including certificates of zoning compliance, demolition delays, grading permits, certificates of occupancy, sign permits, and temporary use permits. Other processes included in the chapter were easements, surety standards, administrative interpretations, administrative appeals, and amendments to ordinances.

Chapter 20.10: Processes, Permits, and Fees [6:30pm]

Councilmember Steve Volan asked if Chapter 10 represented the integration of other ordinances.

Council Questions:

Micuda said it represented the integration of zoning ordinance procedures, subdivision ordinance procedures, and standard rules and procedures that the Plan Commission and the Board of Zoning Appeals had.

Volan asked to clarify if a permit was required for any sign.

Micuda said that a political or protest sign did not require a permit.

Wisler asked for more detail about demolition delay and how it worked.

Micuda said in 2005 the City initiated a demolition delay ordinance. Demolition delay occurred when a structure was to be fully or partially demolished and was rated by a historic survey to be outstanding, notable, or contributing. The Historic Preservation Commission reviewed applications and determined whether the structure needed protection.

Wisler asked when that happened.

Micuda said the review by the Historic Preservation Commission was triggered by an application for a Demolition Permit. It would also be triggered by a pre-application conference. Those happened about five to six weeks before a petition went to a hearing.

Wisler asked if there were any current applications for demolition that were being delayed.

Micuda said no. He said there were only about 10-15 cases of full or partial demolition in the last two years.

Wisler asked what the Planning and Transportation department did if it became aware of a situation that warranted the process.

Micuda said that when the application came to Planning or the pre-application conference began, Planning had a three-day period where it notified the Historic Preservation Commission.

Rollo asked about grading permits and if Bloomington previously had pre-construction conferences.

Micuda said the requirement was added in 1998 in the Soil Erosion Ordinance and amended in 2001.

Rollo stated that he was glad it was in the new UDO. He asked if there was enough staff to ensure compliance.

Micuda said there were three staff members in charge of compliance. Micuda said there was an increase in staffing.

Rollo asked if Rick Alexander still inspected sites.

Micuda said that he oversaw engineering aspects of inspections.

Rollo asked about the extension process and if the Engineering Department consulted with the environmental planner on the site. He wondered if the Environmental Commission should be consulted in those cases.

Micuda said he would need to investigate further regarding consultations. He also said he would not want to increase the role of the Planning Department in the process.

Mayer asked how a developer got to the point where the Historic Preservation Commission would look at the developer's plan and would tell the developer what they must adhere to with a demolition delay.

Bernens said that the Historic Preservation Commission did not approve plans, but it decided if it wanted to pursue a historical designation of the property. If the Historic Preservation Commission agreed that a plan fit the historical nature of the property, the developer must stick with that plan.

Mayer wanted to know if the Historic Preservation Commission could withhold designation if it did not like the design.

Bernens said that the ordinance did not allow the Historic Preservation Commission to do that unless they did by designation. She said that was not a change from the existing ordinance and the change was that if the Historic Preservation Commission disliked a design, the recourse was to initiate a designation on that property that would trigger a design review process requiring a permit to make a change to the exterior. She said her understanding was that owners who went to the Historic Preservation Commission for advice usually appreciated the suggestions made.

Mayer said that his concern was that the Historic Preservation Commission might use that to control a certain aesthetic or limit design possibilities.

Bernens said there was a balance and limitation in how the Historic Preservation Commission approached those situations.

Wisler asked if it was possible for the Historic Preservation Commission to say it would pursue designation if a plan was not changed.

Bernens said it was possible.

Wisler wanted to know how era was defined.

Micuda said it was easy to determine a property's era based on information from the Housing and Neighborhood Development Department and Historic Preservation staff who were trained to do that kind of evaluation.

Wisler asked Sturbaum what it meant when a property received designation from the Historic Preservation Commission and how it affected a plan.

Sturbaum said the Historic Preservation Commission did not want anything on a historic property that did not fit the character of the area. He said the Historic Preservation Commission used national standards to make recommendations to owners.

Wisler then asked if the Historic Preservation Commission had absolute control after designation happened.

Sturbaum said yes.

Wisler asked if it had to be an entire neighborhood that was designated.

Sturbaum said it could be an individual site.

Wisler asked if the Council had final say.

Sturbaum said the Council had the power to turn down designation.

Sturbaum asked if Chapter 10 covered modeling.

Micuda said yes. He said the Plan Commission approved an amendment for the downtown zoning district that required modeling for site plans.

Sturbaum asked if the Plan Commission wanted a model or a video.

Micuda said it could be either one or both.

Sturbaum asked what part of the code would cover over-occupancy.

Chapter 20.07: Design Standards  
(cont'd)

Micuda said Chapter 10 covered certificates of occupancy. Chapter 9 covered non-conforming uses.

Bernens said that HAND provided an occupancy permit that had a maximum number on it different from the zoning maximum.

Volan said he did not realize that the amendment said that the Plan Commission could ask for a 3-D model. He asked if it required the modeler to show surrounding properties.

Micuda said that was not specified in the ordinance. He said that Planning had always required that surrounding properties be shown.

There was no public comment.

Public Comment:

Micuda explained that the Enforcement and Penalties section of the UDO added penalties for illegal demolition, added tree removal remediation requirements, increased maximum fines for violations, increased fines for "repeat offenders", and clarified the process for enforcement.

Chapter 20.11: Enforcement and Penalties [7:11pm]

Mayer asked if a tree that was cut down would have to be replaced with the same kind of tree.

Council Questions:

Micuda said it would need to be on the city's plant list and of the same species. He said the tree would need to have a similar amount of canopy coverage.

Mayer asked if the tree had to go in the exact same place upon being replaced.

Micuda said that if there was the opportunity to plant in a better location that avoided power lines, it would be possible to move the location so long as it was as close to the original spot as possible.

Rollo asked what the fine was if a grove of six high quality, protected caliper trees were removed.

Bernens thought that would equal six violations subject to \$2,500 each.

Rollo asked if high quality trees would be evaluated separately.

Bernens said yes.

Rollo wanted to remove the incentives for removing high quality trees just by being able to replace them. He asked if it was allowed to cut the drip line, essentially killing the tree.

Micuda said that was not allowed. He said that there was an amendment made by the Plan Commission that had been. It said a person could not cut beyond ten feet of the drip line.

Rollo asked for clarification on the standards for replacing a tree in the same place.

Micuda said that it might be difficult to plant a tree in an existing tree line or stand. The staff did not intend to make it so developers could remove trees that were inconvenient to their plans and plant them elsewhere on the property.

Rollo wanted the language to be more stringent so that trees could be better protected. He asked about the penalty for erosion and for explanations about the remediation for removing sediment.

Micuda said that a violator was responsible for remediation, which could include restoration.

Rollo asked if state agencies would come into play.

Micuda said yes.

Wisler asked if the penalties for trees only began when an environmental standard was violated. He asked how often specific trees or groups of trees were protected versus a percentage of canopy.

Micuda said that with the existing ordinance there was no canopy percentage mentioned but that in an approved site plan, the developer would be told which trees needed protection. He said it was the removal of the protected trees that would trigger violations, not other trees that had been approved for removal.

Wisler asked if the current ordinance stated that all site plans mentioned which trees needed protection.

Micuda said it did.

Wisler asked if specific trees would make up the appropriate percentage for required canopy.

Micuda said that the way the ordinance was set up was to preserve a certain amount of vegetation while the developer was given allowances to preserve specific trees to make up that percentage.

Wisler asked if it was possible for a plan to be approved with no specific trees being flagged and only a requirement that a certain percentage be protected.

Micuda said no, Planning would always designate certain trees on the site that needed to be preserved. He said that specimen trees needed to be specified and to have a no disturbance area made around them.

Sturbaum asked how much CVS was fined for removing a tree it was not supposed to remove.

Micuda said CVS was fined \$500 and was required to replace the tree by providing the biggest possible caliper tree on that location.

Sturbaum asked if the caliper would be split amongst several trees if the tree were 100 years old.

Micuda said yes.

Sturbaum asked for an explanation about demolition delay fines.

Bernens said that a two year moratorium, plus fines, and a requirement for correction to the extent possible was possible.

Micuda said that one could be fined \$2,500 per day until the violation was corrected.

Volan asked what the fine would be for CVS under the new ordinance.

Micuda said it would be \$2,500.

Bernens said it probably still would have been \$500 because the construction company fixed the problem quickly and was remorseful.

Volan asked if the city could make a company stop work until the problem was rectified.

Micuda said yes.

Isabel Piedmont from the Environmental Commission was concerned about enforcement of environmental provisions and the awareness of the provisions by homeowners. She wanted repeat violator provisions.

Public Comment:

Micuda said the Plan Commission had approved an amendment to consider certain violators repeat offenders and subject them to appropriate fines and recourse. He said that homeowners were considered liable for the removal of trees in the same way that developers were.

Rollo asked if there was a better way to communicate to homeowners and Homeowner's Associations about the easements.

Council Questions:

Micuda said that it was required to post signs of easement areas.

Wisler asked what mechanisms were in place to make subsequent homeowners aware of trees that were to be protected in perpetuity.

Micuda said that the easements were a record of the property, part of the recorded plats, part of the physical documents the homeowner received, and there would be a physical sign.

Wisler asked if there was a process for removal of a protected tree if it became threatening in any way.

Micuda said the homeowner would need written approval from Planning.

Councilmember David Sabbagh asked how people were notified of a fine.

Micuda said that the City sent notice to the owner, the operator, and all parties involved with the property.

Sabbagh asked how the mail was sent.

Micuda said regular mail or certified mail.

Micuda presented Chapter 12. He explained that the Planning Department consolidated all definitions into a single chapter and it included the definitions for all the uses listed in Chapter 2 and illustrative graphics for certain terms. The chapter was meant to cover the gaps in definitions from the previous ordinance.

Mayer asked if auto repair was defined in the chapter.

Micuda said the definition was under vehicle repair.

Mayer asked if auto lube was defined.

Micuda said that was under oil change facility.

Councilmember Chris Gaal asked if the definitions were simply defined or if the definitions referred to another plan's definitions.

Micuda said that the Plan contained both. Planning had added terms associated with alternative transportation and then referred to the Alternative Transportation and Greenways Plan.

Gaal then asked if the ordinance was on the same level as the Alternative Transportation and Greenways Plan.

Micuda said yes and that it was also on par with the Master Thoroughfare Plan.

Rollo asked about a definition for invasive species.

Micuda said invasive species was defined on page 20.

Sturbaum asked how accessory dwelling units were defined even though they were removed from the plan. He asked if anything had been changed when someone had a legitimate request for an accessory dwelling unit.

Micuda said nothing had changed. One would need to request a use variance approval from the Board of Zoning Appeals. The Plan Commission would need to review the use variance.

Sturbaum asked if a definition needed to be made or if it was up to staff discretion.

Micuda said he thought it would need to be up to staff discretion.

There was no public comment.

Chapter 20.07: Design Standards  
(cont'd)

Chapter 20.12: Definitions  
[7:48pm]

Council Questions:

Public Comment:



Micuda said the proposed zoning map had fifteen zoning districts, six downtown overlay districts, and significant land under Planned Unit Development (PUD) designation. Changes in zoning were minimized.

Appendix: Zoning Maps [7:59pm]

Rollo asked about a violation of a riparian area on the Howard Young site.

Council Questions:

Micuda said he had walked the property and believed it had been remediated but wanted to investigate further before he could tell Rollo the status of the situation.

Rollo asked about the corner of Henderson Street and Hillside Drive. He wanted to know if the property owner was notified of the zoning change.

Micuda said the individual property owner was not notified but zoning maps were made available.

Wisler asked if there were any amendments made in the northwest quadrant.

Micuda said no.

Wisler asked where the lines were defined.

Micuda said most of the lines were drawn at property lines.

Wisler asked for the reasoning behind where the line was drawn from the business park zone to single family zone at the area north of Kinser Pike.

Micuda said the lot patterns were larger and different from the rest in that zone, which made it difficult to cut on the property lines.

Wisler asked if that area could be subdivided.

Micuda said that would be contradictory to the purpose of the area, which was for businesses.

Wisler asked how to propose an amendment to a map.

Micuda said Wisler should give Planning and the Council office his idea and they would create a map amendment form for him.

Wisler asked if Lower Cascades Park was zoned as Commercial Arterial.

Micuda said yes.

Piedmont was concerned with the change in zoning for the Howard Young property.

Public Comment:

Doug Horn, President of the Old Northeast Downtown Neighborhood Association, asked for a section of his neighborhood to be rezoned because it was adjacent to Indiana University.

Gaal commented that zones were to reflect what was on the ground and that spot zoning was not a typical practice. He said Planning had to deal with some extremely complicated areas.

Council Comment:

Volan thanked Doug Horn and Chris Gaal for their comments.

Wisler asked if there was privately owned multi-family property.

Micuda said yes.

Wisler asked if a change in ownership changed zoning in any way.

Micuda said that change in ownership did not force the property to conform to the zone.

Rollo thanked the staff for all of their work.

Dan Sherman, Council Attorney, reviewed the Council schedule.

COUNCIL SCHEDULE [8:46pm]

The meeting went into recess at 8:56 p.m.

RECESS

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVE:

ATTEST:

\_\_\_\_\_  
Dorothy Granger, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

For Approval

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Monday, December 4, 2006 at 6:00pm with Council President Chris Sturbaum presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
December 4, 2006

Clerk's Note: On November 27, 2006, the Common Council called to order a Special Session, which began the Council's consideration of Ordinance 06-24 to be completed over a series of meetings. Please refer to the minutes from that meeting for a description of the motion made in regard to the consideration of Ordinance 06-24.

Roll Call: Wisler, Diekhoff, Gaal, Rollo, Sturbaum, Mayer, Ruff, Sabbagh, Volan  
Absent: None

ROLL CALL [6:06pm]

Council President Chris Sturbaum gave a summary of the agenda.

AGENDA SUMMATION [6:07pm]

It was moved and seconded that Ordinance 06-24 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Regina Moore read the legislation by title and synopsis.

INTRODUCTION OF ORDINANCE  
[6:09PM]

Councilmember Tim Mayer moved and it was seconded that Ordinance 6-24 be adopted.

Ordinance 06-24 - To Repeal and Replace Title 20 of the Bloomington Municipal Code Entitled, "Zoning", Including the Incorporated Zoning Maps, and Title 19 of the Bloomington Municipal Code, Entitled "Subdivisions"

Patricia Bernens, City Attorney, explained the ordinance and its implications for the city.

Councilmember Steve Volan made a statement regarding a potential financial conflict with the ordinance. He stated that he was the owner of a downtown business called Cinemat. He mentioned that he also was a sponsor for some amendments that would affect downtown businesses. He believed he was capable of voting fairly but would recuse himself if his interests were in direct conflict of a vote.

CONSIDERATION OF  
AMENDMENTS

It was moved and seconded to adopt Amendment 05.

Amendment 05 [6:16pm]

Sturbaum said the amendment attempted to stop certain buildings from being torn down in the National Register District.

Sturbaum asked if the Planning Department had any objections to the amendment.

Council Questions:

Tom Micuda, Planning Director, said no. He said that the amendment aligned with the original Unified Development Ordinance (UDO) that Planning had created. He explained that the Plan Commission originally combined state and federal designated properties to incentivize developers. The drawback was that the state did not restrict one from demolishing a structure. He said that the Plan Commission was comfortable with Sturbaum's amendment.

Councilmember Brad Wisler asked Sturbaum if his main concern was people taking advantage of the tax credit to demolish a building.

Sturbaum said no. He did not think there was sufficient public good to grant the use variances.

Wisler asked why someone would pursue state designation and not a local designation.

Sturbaum said that developers could receive tax credits for the rehabilitation if it became a commercial property. He thought the community would have no control over how the property would be treated over time.

Wisler asked if the original intent was to get people to pursue local designation.

Councilmember Andy Ruff asked Micuda if he was supportive or neutral on the amendment.

Amendment 05 (cont'd)

Micuda said he supported it.

Marjorie Hudgens, Chairman of the Bloomington Historic Preservation Commission (HPC), spoke in favor of the amendment.

Janine Butler, member of the HPC, spoke in favor of the amendment.

Patrick Murray from the Prospect Hill Neighborhood Association spoke in favor of the amendment.

Public Comment:

Steve Wyatt from Bloomington Restorations spoke in favor of the amendment.

Sandy Clothier, member of the HPC, spoke in favor of the amendment.

Jan Sorbey, member of Bloomington Restorations Board, spoke in favor of the amendment.

Sarah Clemenger spoke in favor of the amendment.

Jenny Southern from the Elm Heights Neighborhood Association spoke in favor of the amendment.

Volan asked for examples of a change of use that residents would not like.

Council Comment:

Hudgens said she was afraid a house would be torn down to build a high-rise building.

Sturbaum said that a developer could ask the Board of Zoning Appeals (BZA) for a much higher density in a single-family zone.

Wisler asked if developers had to go to the BZA to approve a change of use.

Micuda said yes.

Sturbaum said developers could modify a building's exterior and make it not historic if the amendment did not pass.

Wisler asked if developers could still apply for a change of use without local designation and be approved even if the amendment passed.

Micuda said normally developers would apply for a variance for non-residential use in a residential district.

Wisler asked what the difference in the process was.

Micuda said an approval by the BZA for re-use was less discretionary and easier to get than getting a use variance approval.

The motion to adopt Amendment 05 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 05 [6:48pm]

It was moved and seconded to adopt Amendment 01.

Amendment 01 [6:49pm]

Sturbaum explained that the amendment lowered the height threshold that triggered review so that the Plan Commission would review more proposed developments.

Volan asked how tall the Louis building downtown was.

Council Questions:

Micuda said it was three stories and 50 feet.

Volan asked what the height limitation in University Village was.

Micuda said under Sturbaum's amendment it was 40 feet, but in the unamended UDO it was 55 feet.

Councilmember David Sabbagh asked Sturbaum if 40 feet was an arbitrary number.

Amendment 01 (cont'd)

Sturbaum said that the predominant size of buildings in Bloomington were around two stories high, which translated to roughly 40 feet. He wanted buildings higher than that to have more consideration to make sure they would fit with the character of Bloomington.

Sandy Clothier spoke in support of the amendment.

Public Comment:

Mike Snapp spoke against the amendment.

Jenny Southern spoke in support of the amendment.

Jan Sorbey spoke in support of the amendment.

Jim Murphey spoke against the amendment.

Sarah Clemenger spoke in support of the amendment.

Margaret Fetty spoke against the amendment.

John Lawrence spoke in support of the amendment.

Bill Hayden spoke in support of the amendment.

Greg Bowman spoke against the amendment.

Christy Steele spoke against the amendment.

Ruff asked about the conflicts and consistencies between the Growth Policies Plan (GPP) and the UDO.

Council Questions:

Micuda said that details such as the height thresholds that triggered staff review versus Plan Commission review were so specific that they would not show up in the GPP. He said that a height requirement would not conflict with the GPP.

Ruff then asked what the GPP would guide towards with the issue of height requirements.

Micuda said the GPP would recommend an urban downtown with taller buildings to meet goals of higher density.

Ruff asked what would change procedurally with public input.

Micuda said the costs and time costs would be on the side of the developer regarding a public hearing process versus a staff review.

Ruff then asked how the public would benefit.

Micuda said the benefit of a Plan Commission review was that the public would be more involved and knowledgeable about the downtown area.

Councilmember Dave Rollo asked if the Smallwood development was reviewed by BZA or the Plan Commission.

Micuda said both reviewed Smallwood.

Sturbaum asked if the previous plan for Smallwood had problems when it faced the BZA.

Micuda said it did not have a complete hearing because it was withdrawn.

Rollo asked Micuda about the height and aesthetics of the first Smallwood plan.

Micuda said the original plan had a very different architecture.

Rollo asked if the first proposal brought Smallwood up to Morton Street.

Micuda said yes.

Councilmember Chris Gaal asked what the differences in review were between the Plan Commission and BZA.

Micuda said the Plan Commission did a limited site plan review and the BZA's review was broader in scope.

Wisler asked if there were objective criteria for figuring out the context of allowing a taller building in the review process.

Micuda said that the evaluation of the site plan by the staff was subjective. The staff looked at the project in terms of proportion to the surrounding area. If a project was a close call in the review process, staff submitted it for public review.

Ruff asked how Smallwood would have been handled with the proposed amendment versus without the amendment.

Micuda said that regardless of the sizes in the amendment and outside of it, Smallwood would have been submitted to the Plan Commission because of its height and other design issues.

Ruff asked Micuda to imagine Smallwood were in the thresholds of the new UDO and Sturbaum's amendment.

Micuda said if it exceeded either threshold, it required Plan Commission review.

Ruff asked what the height of Fountain Square Mall was.

Micuda said it was 52 feet.

Ruff asked about the conflicting ideas from the public commenters. He wanted to know which scenario was true with regards to the idea that some people thought the amendment would price small businesses out of the downtown and some people thought taller buildings would be cheaper.

Micuda said if there were more allowances and an expectation of being able to build very high, the appraisals would have expectations of higher costs.

Wisler asked if the Plan Commission would review all aspects of a project that met all requirements but height, or if it would only review the height.

Micuda said that he expected the Plan Commission to focus on height.

Sturbaum asked if Micuda had ever seen the Plan Commission and the Planning Department staff disagree on any issues.

Micuda said yes.

There was no public comment.

Public Comment:

Wisler said he wanted to discourage sprawl and encourage business owners to build in the downtown. He was afraid the amendment sent a mixed message about compact urban form.

Council Comment:

Gaal said that the downtown was a key public space and he thought there was an inherent value for having further public review. He was in favor of the amendment.

Rollo said he supported the amendment and wanted more public review.

Sabbagh believed downtown needed to be a major employment center and should grow taller. He was against the amendment and thought the heights were arbitrary. Amendment 01 (cont'd)

Volan said he fundamentally disagreed with the amendment but would vote in favor of it because he believed in high public involvement.

Ruff thought there was a tradeoff between a slightly better public process and negatively influencing downtown vitality.

Mayer talked about the benefits of review by the Plan Commission. He was in favor of more scrutiny and supported the amendment.

Sturbaum thought increasing public review would reduce the polarity between developers and neighborhoods.

The motion to adopt Amendment 01 received a roll call vote of Ayes: 6, Nays: 3 (Wisler, Sabbagh, Ruff), Abstain: 0. Vote on Amendment 01 [8:33pm]

It was moved and seconded that Amendment 06 be adopted. Amendment 06 [8:48pm]

Gaal explained that the amendment was a measure to promote alternative transportation and protect alternative transportation from the elements. Gaal wanted to lower the threshold of the amount of bedrooms required for each Class 1 and Class 2 bicycle parking facility. He said staff supported the amendment.

Sabbagh asked what triggered the requirements in the amendment.

Council Questions:

Micuda stated that a building with 64 or more bedrooms must comply with adding Class 1 and Class 2 facilities according to the amendment.

Sabbagh asked for the definition of a Class 1 unit.

Micuda said it was the secure facility, such as a locker or a closed locked room.

Sabbagh asked how many units a 64 bedroom building would require.

Micuda said a 120 room multi-family project would require 20 bicycle spaces, ten of which needed to be covered and 5 of which had to be a locked and secured facility.

Sabbagh asked if the building would require covered automobile parking.

Micuda said that was the choice of the developer.

Sabbagh asked how a developer would build an enclosure.

Micuda said it would presumably be a separate structure and it would likely go with enclosed car parking already included with the structure.

Sabbagh said he did not want to put up metal sheds in the downtown area for bicycles.

Micuda said that would not be likely.

Wisler asked what the rationale for 64 bedrooms was.

Micuda said it was dealing with the issue of proportional cost.

Sturbaum asked how many bicycles fit in one locker.

Micuda said four.

Wisler asked if there would be installation of pre-manufactured bicycles lockers or on-site construction of facilities.

Amendment 06 (cont'd)

Micuda said there would be dual-purpose use of enclosed car parking and pre-manufactured bicycle lockers.

Wisler then asked if the price Micuda generated was for the pre-manufactured lockers included shipping and installment.

Micuda said yes.

Jim Murphey spoke against the amendment.

Public Comment:

Bill Hayden spoke in favor of the amendment.

John Lawrence spoke in favor of the amendment.

Margaret Fetty spoke against the amendment.

Jan Sorbey spoke in favor of the amendment.

Rollo asked if Planning had done any cost comparisons between car parking downtown and Class 1 bicycle parking. He thought that a developer could fit a lot of bikes in a space meant for one car and that idea might possibly offset the cost for the developer.

Council Comment:

Micuda said his analysis was not detailed, but if a car space in a parking garage cost about \$15,000 and it cost \$2500 to park four bicycle in a car space, then one bicycle space would cost roughly \$600.

Rollo stated that he supported the amendment.

Mayer stated that he supported the amendment and spoke about the wear and tear on buildings that occurred when people took bicycles in and out of them.

Volan said he was in support of the amendment because he wanted to see more bicycling and fewer cars in Bloomington.

Wisler agreed with the vision of moving toward more bicycling in Bloomington but had a fundamental disagreement with mandated covered parking provided by developers.

Gaal stated that the area his amendment affected was multi-family residential zones and non-residential zones.

Ruff was in favor of the amendment because he thought it was an incentive for riding bicycles.

The motion to adopt Amendment 06 received a roll call vote of Ayes: 8, Nays: 1 (Wisler), Abstain: 0.

Vote on Amendment 06 [9:41pm]

It was moved and seconded to postpone the introduction of Amendment 02 until Monday, December 11, 2006. The motion received a roll call vote of Ayes: 8, Nays: 1 (Diekoff), Abstain: 0.

Vote to postpone introduction of Amendment 02 [9:42pm]

It was moved and seconded to adopt Amendment 03.

Amendment 03 [9:43pm]

Sturbaum explained that the amendment was meant to create more interaction between people using the B-Line trail and the businesses located on the trail.

Micuda said that the Plan Commission relaxed the amount of necessary entry points to the trail because businesses, like multi-business buildings, preferred a single access point, where others were better designed to put in a designated entrance to the trail.



Sturbaum asked what a multi-business building could do if the amendment passed and it had a good argument to only have one access point instead of one for each business.

Amendment 03 (cont'd)  
Council Questions:

Micuda said it could go to the Plan Commission and then it would be up to the Plan Commission's discretion.

Mayer asked if the Plan Commission had any conversations about security. He said that it might not make sense to have more than one entrance to certain buildings whereas it would make more sense for other businesses to have separate entrances.

Micuda said there was public discussion on specific buildings needing internal rather than external access from the building to the trail. He said he was not sure if that was concerning security or building layout.

Sturbaum asked if it was cheaper to put in one entrance or four entrances.

Micuda said it would probably be cheaper to put in one entrance but that it would depend on the building.

Sturbaum asked if the standard should be at the lowest common denominator or set at what the Council wanted for the trail and let developers ask the Plan Commission for a variance.

Micuda said there would be different opinions on what the trail should look like in terms of access.

Wisler asked how many ground level tenants there were in the Bunger and Robertson building.

Sabbagh said there were four.

Wisler asked how many entrances there were to the building.

Sabbagh said there were two.

Wisler said he thought it would make more sense for the amendment to require that a building have as many entrances to the trail as it did to a street or parking lot.

Micuda said that the ordinance did not require multiple entrances for a street. He said the impact of the amendment was that a building could have more entrances to the trail than it could on the side facing the street.

Sabbagh asked Sturbaum why he only thought about retail buildings and not offices.

Sturbaum said that an office building could go to the Plan Commission and it would grant that building a variance.

Sabbagh thought it should be the other way around. He said that office buildings wanted absolute security.

Sturbaum said that the Plan Commission would understand that.

Christy Steele spoke against the amendment.

Public Comment:

Jim Murphey spoke against the amendment.

Jan Sorbey said spoke in favor of the amendment.

Volan asked Sturbaum what the difference between Amendment 03 and Amendment 04 were.

Council Comment:

Sturbaum said that Amendment 03 was for the trail and Amendment 04 was for the downtown.

Wisler said that for the trail to be successful, retailers and offices needed to want to be near it. He was worried it would be a hassle to develop there.

Sabbagh thought the amendment would discourage diversity in buildings and the town and offices would have to sacrifice security.

Amendment 03 (cont'd)

Ruff said he appreciated Sturbaum's enthusiasm to make the trail attractive and useable. He said he was concerned with not taking into consideration what the future uses would be of certain offices and buildings.

Mayer said he thought the business use should determine the access to the trail.

Rollo said that if the trail itself was attractive that it would attract pedestrian use.

Sturbaum said as a preservationist, he had a long-term view of the buildings. He said the buildings would be along the trail for a long time and certain businesses would not be in those buildings forever. He said the amendment was about future-proofing the trail.

Volan said there were unfounded fears about businesses moving to the mall or the west side. He said if that were true, there would be no downtown. He said he did not see a need for the amendment.

The motion to adopt Amendment 03 received a roll call vote of Ayes: 1 (Sturbaum), Nays: 8, Abstain: 0. FAILED. Vote on Amendment 03 [10:21pm]

It was moved and seconded to adopt Amendment 04.

Amendment 04 [10:22pm]

Sturbaum said the amendment was for the downtown and required one door per façade.

Micuda said there were buildings in the downtown that occupied corner lots but did not have pedestrian entrances on both street frontages. He said those buildings still worked architecturally so the writers of the UDO struggled with requiring businesses to provide more entrances. The Plan Commission determined that one entrance was necessary per 66 feet. The staff's original language was to have a pedestrian entrance per street frontage.

Gaal asked if Micuda used Talbot's as an example at the Plan Commission.

Council Questions:

Micuda said that he used Scholar's Inn Bakehouse as an example.

Rollo asked if there was any input from emergency service people on the amount of entrances per building.

Micuda said no.

Mayer asked about security for retailers with only one worker present at a time and two entrances. He noted that shop lifting and theft would be a heightened security threat with two entrances. He also said that adding more doors would increase energy use in terms of heat and air-conditioning.

Micuda said there was not a specific discussion about that at the Plan Commission. He said there were specific uses that did not lend themselves well to having more than one entrance, such as a restaurant or a bank.

Ruff asked if the door had to be open during hours of operation.

Amendment 04 (cont'd)

Micuda said that it had to have an inviting look and a function.

Ruff asked if the amendment would commit businesses to use the entry point that way.

Micuda said he could see building owners stating that they did not want the side entrance but could achieve the look necessary to make it inviting to pedestrians.

Ruff asked how staff would react to that.

Micuda said that the Plan Commission would have to waive the necessity for a second access point.

Jim Murphey spoke against the amendment.

Public Comment:

Christy Steele spoke against the amendment.

Sturbaum agreed with the public comment and would not support his amendment.

Council Comment:

Gaal said that he opposed the idea when it came to the Plan Commission.

The motion to adopt Amendment 04 received a roll call vote of Ayes: 0, Nays: 9, Abstain: 0. FAILED.

Vote on Amendment 04 [10:36pm]

It was moved and seconded that Amendment 15 be adopted.

Amendment 15 [10:37pm]

Sturbaum said the amendment was to allow businesses to conduct longer periods of temporary retail activity.

There was no public comment.

Public Comment:

Volan said the way he was reading the amendment was that one could put up a tent sale for 45 days, take it down, and then put the tent up again for another 45 day period.

Council Comment:

Sturbaum interjected and said a business owner could only do it once per year.

Mayer thanked Mr. Osbourne for bringing the issue to the attention of the Council.

The motion to adopt Amendment 15 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 15 [10:39pm]

The meeting went into recess at 10:40pm.

RECESS

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVE:

ATTEST:

\_\_\_\_\_  
Dorothy Granger, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Thursday, December 7, 2006 at 6:00pm with Council President Chris Sturbaum presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
December 7, 2006

Clerk's Note: On November 27, 2006, the Common Council called to order a Special Session, which began the Council's consideration of Ordinance 06-24 to be completed over a series of meetings. Please refer to the minutes from that meeting for a description of the motion made in regard to the consideration of Ordinance 06-24.

Roll Call: Wisler, Diekoff (arrived late), Gaal, Rollo, Sturbaum, Mayer, Ruff, Sabbagh, Volan  
Members Absent: None

ROLL CALL  
[6:03pm]

Council President Chris Sturbaum gave a summary of the agenda.

AGENDA SUMMATION [6:03pm]

It was moved and seconded that Amendment 08 be adopted.

CONTINUED CONSIDERATION OF  
AMENDMENTS [6:02pm]

Councilmember Dave Rollo explained that the Unified Development Ordinance (UDO) stated that if a tree were removed, it must be replaced by a tree of the same aggregate caliper size. He felt the existing language would incentivize people to remove trees and simply replace them in other parts of the land plot. He said the goal of his amendment was to protect the trees.

Amendment 08 [6:04pm]

Sturbaum asked about the ability of a developer to build within five feet of the drip line of a tree.

Council Questions:

Rollo said originally there was no area intended for protection.

Tom Micuda, Planning Director, said the Plan Commission amended the UDO to protect a tree ten feet from its drip line.

Sturbaum confirmed with Micuda that if someone took a tree out that the person could not then build a development in its place.

Micuda said that was correct and explained that the individual would need to replace the tree in that space, unless there was a mitigating circumstance.

Councilmember Andy Ruff asked what happened when the area beneath the tree incurred enough damage that the tree would be killed if it was replanted.

Micuda said that the amendment did not address that specific issue. He did say that there was a process to make an in-house assessment of the situation by the Planning staff which, if necessary, would be followed up with enforcement.

Ruff asked if the situation would be enforced the same way the amendment treated the removal of a tree.

Micuda said most likely that the replacement would occur later because the tree would need to be removed first. He said it would require a legal agreement between Planning, Legal, and the developer who damaged the tree.

Ruff asked if the amendment could be used as the guidelines for replacement of such a tree.

Micuda said yes.

Councilmember Chris Gaal asked if Planning staff had any objections to the amendment.

Micuda said staff strongly supported the amendment.

Councilmember Tim Mayer asked if developers knew when they were in violation of something during the development process.

Micuda said yes.

Mayer asked if developers were cited at the time an inspector saw that vehicles were parked on or over the line of demarcation for a drip line.

Micuda said yes.

Councilmember Brad Wisler asked if it was harder to replace a tree if there was a root structure left behind by a removed or damaged tree.

Micuda said if a tree was removed the roots were usually removed with it.

Wisler created a scenario where a tree was broken and knocked over by heavy equipment and the roots were left in the ground. He asked Micuda if the developer would have to plant elsewhere or dig the roots out and replace the tree on site.

Micuda said the tree would probably be removed entirely and replaced on site.

Wisler was concerned that the cost would fall on the developer.

Micuda said the UDO protected cases of accidental damage against fines. He stated that the developer was to incur the cost of the removal and replacement of the tree.

Wisler asked if the per day fee would continuously accrue as the replacement of the tree was taking place or only if the replacement process had not begun.

Patricia Bernens, City Attorney, said it would be considered on a case by case basis.

Mike Goodwin, member of the Environmental Commission, spoke in favor of the amendment.

Amendment 08 (cont'd)

Public Comment:

The motion to adopt Amendment 08 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0 (Diekoff absent).

Vote on Amendment 08 [6:21pm]

It was moved and seconded to adopt Amendment 12.

Amendment 12 [6:22pm]

Volan explained that the amendment incorporated goals from the Growth Policies Plan (GPP). He said that the Conventional Subdivision hampered Bloomington from meeting its goals in the GPP.

Ruff asked how many Conventional Subdivisions or portions of subdivisions there were in the city and county that had not been built out yet.

Council Questions:

Micuda said he did not have an exact number but there was probably a significant number. He said in the city none of the zones had gone through the subdivision process yet.

Ruff asked if there were a lot of subdivisions in the county ready to be built out.

Micuda said yes.

Wisler asked if the Conventional Subdivision was the only type of subdivision allowed cul-de-sacs.

Micuda said that the Conservation and Conventional Subdivision types allowed for cul-de-sacs.

Wisler asked if there were any planning policies that would call for the need to continue building cul-de-sacs.

Micuda said there were three reasons developers chose to build cul-de-sacs: the market, the environment, and previous development patterns.

Amendment 12 (cont'd)

Wisler asked if the amendment would eliminate the only option for developers to build cul-de-sacs and if it would affect the property values of undeveloped property.

Micuda said the amendment would affect undeveloped property values but that the amendment did not eliminate the Conservation Subdivision option.

Wisler asked if the difference between the Conservation Subdivision and Conventional Subdivision reduced the amount of developable land.

Micuda said that the Conservation model was set up to raise density depending on how the developer used the 50% open space rule.

Wisler asked if there were incentives for developing a Traditional Subdivision.

Micuda said yes.

Rollo asked if the Conservation Subdivision type and the Traditional Subdivision type were most in line with the GPP.

Micuda asked the Council to look at the entire ordinance as a balance of the GPP goals instead of focusing on three subdivision types. He said that most of the subdivision projects done in Bloomington were of the Conventional Subdivision type. He said if the Council got rid of that option it would be a major change in policy and all projects would have to meet the Traditional or Conservation Subdivision requirements. He said it would be difficult for all properties to comply with that.

Rollo thought the Conventional Subdivision model was not in line with the GPP. He asked which development types Bloomington would see more of in the future.

Micuda said more developments would be in the conventional style but staff was trying to change the percentage of traditional and conservation styles to be higher than zero.

Mayer asked what would happen to a parcel of land that best fit the conventional model.

Micuda said in a Planned Unit Development (PUD) situation the developer would need to get zoning approval. The developer had the option to file for one of the other two types or file for waivers at the discretion of the Plan Commission.

Councilmember Steve Volan asked what had been the smallest request for a subdivision the Planning staff had dealt with in the past.

Micuda said the smallest was a two lot subdivision of 8,000 square feet.

Volan mentioned there was no tract size and asked if it was the case that developers could subdivide however they saw fit.

Micuda said there was no tract size because in a small plot of land it would be hard to meet all the necessities of traditional design into a subdivision.

Volan asked if staff had in mind how the market developed on the ground when they wrote that part of the UDO.

Micuda said it was less about market but was about keeping all properties in a lot of different configurations in mind. He said that Planning wanted to push the market in the direction of the traditional and conservation models but not dictate the market's decisions.

Volan asked if the amendment prevented a developer from creating a Conventional Subdivision.

Micuda said no.

Volan asked if a Conventional Subdivision could be achieved through variance.

Micuda said yes.

Volan asked if the Traditional Subdivision required mixed-use.

Micuda said it encouraged mixed-use but in residential areas a developer would have to seek use approval separately.

Volan asked if a developer could build a residential only subdivision under the traditional model.

Micuda said yes.

Volan asked if existing Conventional Subdivisions could be retrofitted with a modest amount of commercial buildings.

Micuda said it would have to be neighborhood-driven but the commercial buildings would be built on the edges of neighborhoods and not in the middle of them.

Wisler asked if Volan had a problem with cul-de-sacs because of density issues.

Volan said his problem was with cul-de-sacs connectivity not density.

Isabel Piedmont spoke in favor of the amendment.

Public Comment:

Rollo thanked Volan for bringing the amendment forward. He felt that the amendment worked to further the intent of the GPP.

Council Comments:

Wisler said Volan's intent was good but he thought that if the conventional model was eliminated limits it might create sprawl.

Ruff said Volan's amendment was bold and agreed that the Council needed to uphold the GPP goals. He said that the conventional model was still available via PUD and variance.

Volan said that Bloomington still had large parcels of land in the city. He emphasized the ability to build conventional subdivisions via PUD and variance.

Councilmember David Sabbagh said that he did not understand why the Council would want to limit diversity. He said that a lot of people liked those subdivisions and that families with small children liked cul-de-sacs. He mentioned that he lived in a Conventional Subdivision and he liked it.

Mayer said that the UDO was to be adopted for the city limits and if the amendment was approved, development would continue to grow outside of the city.

Sturbaum said that what the Council was doing was abrupt and asked Micuda which parcels of land the amendment would impact.

Micuda said that staff had two procedural concerns about the amendment. He said that if the amendment passed there would be two districts in the code that did not have a subdivision option and there would be no option for properties under three acres. He said there were not a lot of big parcels of developable land left but the ones available for subdivision were the Huntington Property, the Susanne Young Property, and PUD land in the Southwest.

Volan thought cul-de-sacs created sprawl.

Sturbaum said he was not comfortable with the amendment because of the unintended consequences the amendment would create.

Rollo said that if the amendment passed the Plan Commission still had the ability to say something about it.

Amendment 12 (cont'd)

The motion to adopt Amendment 12 received a roll call vote of Ayes: 3 (Rollo, Ruff, Volan), Nays: 6, Abstain: 0. FAILED.

Vote on Amendment 12 [7:27pm]

It was moved and seconded to adopt Amendment 13.

Amendment 13 [7:28pm]

Volan said he objected to the name of the Conventional Subdivision and thought that it represented a suburban form.

Mayer did not think the Conservation Subdivision was suburban because suburban areas were the areas around the city and not within.

Council Questions:

Volan said big university areas were suburban areas and the cities grew up and around the suburban university areas. He questioned why Bloomington believed it only had one center.

Rollo said that suburbia denoted a certain kind of look that was found in the Conventional Subdivision, which included unconnected streets and winding roads. He said that the Traditional and Conservation Subdivisions were qualitatively different.

Volan said that he did not have a problem with the Conservation Subdivision model.

Rollo said that he liked Volan's clarification of the term suburban.

Wisler asked which models would provide the most units for a development with a lot of density.

Micuda said the Conservation Subdivision was designed to be an even trade between conserved space and density.

Mayer asked which neighborhoods Volan considered the suburbs.

Volan said any neighborhood which matched the grid pattern of the Conventional Subdivision.

Sturbaum asked if the order of subdivisions in the UDO book would change if the amendment passed.

Micuda said that staff had not set the order of the subdivisions to be alphabetical.

Volan asked why the Conventional Subdivision type was listed first in the book.

Micuda said that was done because the Conventional Subdivision was the type people were more familiar with.

There was no public comment.

Public Comment:

Sturbaum said he was going to support the amendment.

Council Comments:

Rollo said that nomenclature was important.

The motion to adopt Amendment 13 received a roll call vote of Ayes: 5, Nays: 4 (Diekhoff, Gaal, Mayer, Sabbagh), Abstain: 0.

Vote on Amendment 13 [7:41pm]

It was moved and seconded to adopt Amendment 07.

Amendment 07 [7:42pm]

Rollo explained that the amendment was to prevent cul-de-sacs in the Conservation and Conventional Subdivisions unless approved by the Plan Commission. He said the amendment would promote connectivity and mitigate traffic. He said cul-de-sacs proved to be a danger when it came to emergency vehicles.



Sabbagh asked if Rollo was preventing cul-de-sacs completely in the Conservation Subdivision. Amendment 07 (cont'd)

Rollo said yes.

Sabbagh asked if cul-de-sacs would be prevented unless approved by the Planning Commission.

Rollo said that was correct.

Sturbaum asked what staff thought of the amendment.

Micuda thought it was unnecessary to make the provision for the Conservation Subdivision regarding the Plan Commission because Chapter 10 of the UDO already involved the Plan Commission. Micuda then said that the amendment originally went to the Plan Commission and was voted down.

Sabbagh asked for clarification on the amendment's purpose.

Micuda said that, in both subdivisions, cul-de-sacs would not be allowed and a developer would need to apply for a waiver to the Planning Commission to get a cul-de-sac approved.

Rollo asked if cul-de-sacs were sometimes unavoidable in the Conservation Subdivision type due to environmental factors.

Micuda said yes.

Mayer asked if staff supported the amendment.

Micuda said staff preferred to keep the language in the UDO.

Sturbaum asked if it would be easier to understand if the amendment mirrored the failed Plan Commission amendment.

Micuda suggested to either write the language exactly the same as the failed Plan Commission amendment or delete the language about needing the Plan Commission's approval.

Bernens said she preferred deleting the part about Plan Commission approval.

Gaal asked about the analysis staff conducted regarding cul-de-sac approval.

Micuda said that the staff-level review looked at environmental reasons for why connectivity could not occur and if connectivity was feasible. He said the staff process was informal and staff made a recommendation to the developer regarding cul-de-sacs.

Gaal asked if the developer would need to get a waiver to build a cul-de-sac if there was a situation where connectivity was not possible.

Micuda said yes and the new process would make the Plan Commission more involved.

There was no public comment.

Public Comment:

Wisler said he disagreed with the amendment and thought it would disincentive development

Council Comments:

Rollo supported the amendment and supported connectivity.

Ruff said he supported the amendment.

Sabbagh thought the discouragement of cul-de-sacs should stay at the staff level.

Sturbaum wanted cul-de-sac approval to be a formal process.

Mayer suggested postponing the vote on the amendment until Monday, December 11<sup>th</sup> to give the staff and sponsor more time to work on the language of the amendment.

Amendment 07 (cont'd)

Rollo said he was supportive of a motion to postpone the vote until Monday.

Dan Sherman, Council Attorney, suggested moving the discussion of Amendment 07 to Wednesday, December 13<sup>th</sup>.

It was moved and seconded to postpone Amendment 07 until December 13<sup>th</sup>. The motion was approved by voice vote.

Vote to postpone Amendment 07  
[8:08pm]

It was moved and seconded to adopt Amendment 11.

Amendment 11 [8:08pm]

Wisler explained the amendment was the first step in promoting alternative and flexible fuels in Bloomington.

Volan asked if the amendment itself called for clean gas stations or just allowed any gas station.

Council Questions:

Wisler said there were restrictions within the business park so the amendment would not allow a truck stop to appear.

Micuda said he would introduce a friendly amendment to make sure that all gas station buildings in the business park district met the design standards of the surrounding buildings. He said the amendment currently did not distinguish between a clean station and a standard station.

Wisler added that there were restrictions on the conditional use. He asked if four pumps were the limit for the business park.

Micuda said the amendment classified convenience store with gas as a permitted use but that there must be special conditions with the conditional use. He said it was different than a standard conditional use and there were six special conditional uses for that kind of convenience store regarding pumps and repair work. He mentioned there was no language regarding clean stations.

Mayer said that the amendment seemed premature. He asked about landscaping requirements.

Wisler said that if they did not create an incentive for clean stations that they would only get more dirty stations.

Gaal commended Wisler on his idea but said it was too specific. He thought that a clean gas station was beyond the special conditions provided in the amendment and the business park.

Micuda said he could address the scale and architecture of the amendment but not the clean station issue. He said it needed to be defined and be made a use to be added to the ordinance.

Gaal said it seemed like a complicated idea that needed more time.

Wisler said he wanted to tie strict provisions to the incentives in the amendment. He said he would be open to Micuda's idea of creating clean station as a separate use, although he was not sure it was necessary.

Amendment 11 (cont'd)

Volan said there should be an amendment that defined clean gas station. Volan asked Wisler if he had any examples of cities that defined clean gas station.

Wisler said he had several examples of cities that had adopted strict limitations regarding it but nothing defined clean station. He said there was language out there to construct it.

Rollo said a week was not enough time to figure out a separate land use.

Micuda recommended not to tackle the issues by landscaping and signage. He said he would rather define clean station and permit it as a land use.

Mayer said the city was already trying to limit the pumps at a gas station and he wondered if they would have to provide alternative fuel pumps in addition to normal gas pumps.

Wisler said in order for the clean station to be economically viable it would need to provide regular fuel too.

Ruff asked about the research behind Wisler's statement about high gas prices sucking money out of the local economy.

Wisler said that bigger chains could buy gas at a lower price and make a profit but the smaller gas stations had to sell the gas at a cost to them. He said that the local store was not making money because the prices were high.

Rollo asked if it would be acceptable to Wisler to change the Convenience Store with Gas to Convenience Store with E85.

Wisler said he was amenable to that change.

Sturbaum asked about changing the name of the use.

Micuda said it was possible but the term needed to be defined as a land use.

Sturbaum asked what would happen if someone wanted to create a clean station in the areas listed in the amendment.

Micuda said a clean gas or convenience store would be allowed in the areas where gas or convenience stores were permitted.

Sturbaum asked how one would build a Clean Convenience Store with Gas.

Micuda said a developer would ask for a use variance.

Mayer asked if Wisler was trying to create an incentive for people to develop clean gas stations with his amendment.

Wisler said yes.

Volan said that Council needed to introduce a new amendment that defined clean station.

Rollo suggested postponing the amendment.

It was moved and seconded to postpone Amendment 11 until Wednesday, December 13<sup>th</sup>. The motion was approved by voice vote.

Vote to postpone Amendment 11  
[8:51pm]

It was moved and seconded to adopt Amendment 10.

Amendment 10 [8:52pm]

Wisler said the concept behind the amendment was similar to Amendment 11 except that clean stations were not required. He stated the purpose of Amendment 10 was to divert trucking traffic to the industrial section of Bloomington.

Rollo asked why Convenience Stores with Gas was stricken.

Micuda said that the amendment added two uses to the district.

Rollo asked if the topic had ever been addressed before.

Micuda said no.

Rollo asked why there would be any compelling reasons not to allow the use. He was concerned about environmentally-sensitive land.

Micuda showed the Council the pockets of industrial land on a UDO map and said he did not think they were environmentally sensitive.

Rollo said the amendment would allow for gas stations around core neighborhoods.

Micuda said that the two areas closest to core neighborhoods already had all of the land spoken for.

Gaal asked if the sexually-oriented businesses were only allowed in the Industrial General zones.

Micuda said that sexually-oriented businesses were permitted in two zones, IG and Commercial Arterial.

Gaal wondered if allowing Convenience Store with Gas would open the door to retail of all kinds in the IG zones, such as sexually-oriented businesses.

Micuda said the reason there was not a lot of retail types allowed in the IG zones was that the land needed to be designated for industrial uses. He thought if retail uses were allowed then there would be petitions for more in the district.

Gaal said he was concerned about the limited space allowed for industrial uses.

Micuda said there would be a minor impact since gas stations took up very little space.

There was no public comment

Public Comment:

Wisler said the amendment would allow for more convenience stores, which could serve the surrounding residential areas. He thought that the amendment would promote sustainability as well.

Council Comments:

Sabbagh said he was voting in favor of the amendment.

Volan said he did not see any harm in the amendment.

Rollo said he agreed with Volan.

The motion to adopt Amendment 10 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Vote on Amendment 10 [9:10pm]

It was moved and seconded to adopt Amendment 14.

Amendment 14 [9:11pm]

Volan said the amendment encouraged 3-D modeling and was motivated by Smallwood Plaza.

Gaal asked if the amendment was only for new development downtown and only discretionary for PUDs. He asked who decided if a PUD was discretionary.

Council Questions:

Volan said it was at the discretion of the Plan Commission.

Gaal asked if the Plan Commission decided whether the model was computer or physical.

Volan said he did not think of that. He said for preservation and for public viewing the 3-D fly-around model should be chosen to ensure the preservation of a public record.

Gaal said that it was at the discretion of the Plan Commission to decide whether the model was computer rendered or physical and asked if Micuda agreed.

Micuda said the way the ordinance was written made it so either option was acceptable. Micuda said that he did not think the ordinance needed to be rewritten to specify whether the model should be physical or computer generated. He said that could be worked out via conversations between the developer, Planning staff, and the Plan Commission.

Volan agreed with Micuda.

Gaal asked if it was up to the petitioner to decide.

Micuda said yes.

Gaal asked if staff had any reason to oppose the amendment.

Micuda wanted the term fly-around image to be defined.

Volan said he was happy to accept a friendly amendment.

Rollo thought it was a good idea to provide context to development proposals. He asked Micuda if he saw the city using GIS like Google Maps to see the scale of building heights in future proposals.

Micuda said that there were companies that were paid to do computer renderings of entire communities. He said that, depending on how developers wanted to pay, they could ask for a community initiative to pay for the rendering of an entire community.

Mayer asked if Planning was providing wording for the definition of fly-around image.

Micuda said he gave his suggestion and if Volan liked it he could use it.

Mayer asked about the different kinds of film available.

Micuda said a video recording, whether sophisticated or crude, of the 3-D model would be given to the Planning Department to archive.

Mayer said that video was a dying technology.

Volan said that if the term were digital video, that would solve the problem.

Mayer asked about AVI film file.

Volan said that he did not want to specify a format but that digital video was fine.

Micuda said no one needed to specify a standard. He said a videoed archive worked well and he would let the Council be specific about what it wanted.

Amendment 14 (cont'd)

Sabbagh asked how much a 3-D model cost.

Micuda said that a sophisticated model could cost five figures but it could also be done for less than \$1,000.

Sabbagh was worried the Plan Commission would not want the cheaper model and would demand the more expensive model.

Micuda was not concerned about that and said that technology got better and cheaper over time. He said the development community and Plan Commission evolved together.

Volan said he included physical models in the amendment specifically for small developments in the downtown to keep costs low.

Gaal asked what the staff and Commission would do if one of nine Plan Commissioners decided he or she did not like the given model and wanted something more expensive.

Micuda said that the staff would argue that the more expensive model was not necessary for the Commission to make a decision and would rely on the majority vote of the Commission.

Gaal argued that the language in the amendment was unclear.

Micuda said that the discretion was up to the Planning staff and the Plan Commission was to take their recommendations.

Mayer said he would be more comfortable if they could define the model in order to keep costs down. He said he would introduce it as a friendly amendment to the amendment.

Volan said he would accept it. He asked Sturbaum how he would react to Mayer's friendly amendment.

Sturbaum said that material issues could be dealt with using 2-D drawings. Sturbaum said he would define Volan's model as a massing model so when it needed to be simple it could be.

Volan said he was not sure about using the term massing model because he was in favor of showing more detail. He asked Sturbaum if he was open to showing the surrounding buildings in mass only and then the building in question in detail.

Mayer said the surrounding buildings were required in the elevations and that while he did not agree with the term massing model, he agreed that it would be adequate.

Sturbaum said that mechanicals could be included on mass models. He also said the bigger the project the less likely it would be an amateur Styrofoam massing model.

Volan asked what language he would propose.

Sturbaum suggested adding the term massing model showing mechanicals.

Volan asked about windows and doorways.

Sturbaum did not think that was necessary.

Volan asked for staff's opinion.

Micuda thought the Council was making the topic too complicated and thought vague language was acceptable. Micuda said that if the Council wanted to specify the language it should use the term massing model and have the developer show detail on the proposed buildings but not the surrounding buildings.

Wisler said he would abstain on the vote for the amendment because his company offered the kinds of graphic design services described in the amendment. He asked if Volan intended the animation to be video or for all angles to be seen with the phrase computer animation.

Volan said his intention was to keep the projects low-tech so someone with little money could create a physical model and video record the result.

Wisler said he would replace the term animated with computer-generated in his amendment.

Amendment 14 (cont'd)

Ruff asked how the amendment compared to what other cities the same size as Bloomington had done.

Micuda said that Carmel, Indiana had a model for an entire corridor done by a company and the municipality kept the file for developers to use when they wanted to propose a project in the corridor in the future. He said it was not an unusual requirement.

Volan introduced a friendly amendment to change computer-animated to computer-generated, and to change fly-around moving picture image to digital video archive file showing the physical image in 360 degrees.

Chris Cochran spoke against the amendment.

Public Comment:

Christy Steele spoke against the amendment.

Volan said he included the physical model option in the amendment to offset concerns about cost.

Council Comments:

Ruff said he appreciated the public's concerns but thought that the amendment was flexible enough for architect to afford the modeling.

Sturbaum said he was going to support the amendment.

The motion to adopt Amendment 14 received a roll call vote of Ayes: 6, Nays: 2 (Mayer, Sabbagh), Abstain: 1 (Wisler).

Vote on Amendment 14 [9:52pm]

Sherman suggested that the Council reconsider the motion to postpone Amendment 07.

It was moved and seconded to reconsider the motion to postpone Amendment 07. The motion received a roll call vote of Ayes: 8, Nays: 1 (Sabbagh), Abstain: 0.

Vote to reconsider the motion to postpone Amendment 07 [9:59pm]

It was moved and seconded to adopt Amendment 07.

Amendment 07 [10:05pm]

The motion to adopt Amendment 07 received a roll call vote of Ayes: 7, Nays: 2 (Wisler, Sabbagh), Abstain: 0.

Vote on Amendment 07 [10:07pm]

The meeting went into recess at 10:07pm.

RECESS

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVE:

ATTEST:

\_\_\_\_\_  
Dorothy Granger, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Thursday, December 11, 2006 at 6:00pm with Council President Chris Sturbaum presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
December 11, 2006

Clerk's Note: On November 27, 2006, the Common Council called to order a Special Session, which began the Council's consideration of Ordinance 06-24 to be completed over a series of meetings. Please refer to the minutes from that meeting for a description of the motion made in regard to the consideration of Ordinance 06-24.

Roll Call: Wisler, Diekoff (left at 7:15pm), Gaal, Rollo, Sturbaum, Mayer (left at 10:20pm), Ruff, Sabbagh (left at 10:20pm), Volan (arrived at 9:15pm)  
Members Absent: None

ROLL CALL  
[6:06pm]

Council President Chris Sturbaum gave a summary of the agenda.

AGENDA SUMMATION [6:06pm]

Dan Sherman, Council Attorney, explained the process regarding written objections to the Unified Development Ordinance (UDO). He also gave a summary of the objections previously submitted.

HEARING ON WRITTEN  
OBJECTIONS TO THE UDO  
[6:08pm]

There was no public comment.

Public Comment:

Tom Micuda, Planning Director, and Patricia Bernens, City Attorney, gave the presentation. Sexually-oriented businesses were defined as a specific land use and were restricted to the Industrial General and Commercial Arterial districts. No such business could be within 500 feet of a church, school, daycare center, park, library, residential zoning district, and any other sexually-oriented business.

SPECIAL FINDINGS IN REGARD TO  
THE REGULATION OF SEXUALLY  
ORIENTED BUSINESSES  
[6:10pm]

Bernens stated that sexually oriented material was a form of speech protected by the First Amendment. She said that government could not ban it but could place restrictions on it based on the time, place, and manner of speech as long as it was done in a content-neutral manner. She discussed federal constitutional regulations regarding zoning for sexually-oriented businesses.

Councilmember Dave Rollo asked if some of the existing sexually-oriented businesses would not be allowed where they were at that time.

Council Questions:

Bernens said yes but clarified that the businesses would be grandfathered in because of the regulation.

Rollo asked what happened if a grandfathered business closed.

Bernens said that if there was no intention to continue the business then that use would not be allowed to resume.

Rollo asked about book stores that sold sexually-oriented books.

Bernens said sexually-oriented material had to be the predominant kind of items sold at the store.

Councilmember Andy Ruff asked if other similar communities were doing the same thing.

Bernens said more communities were moving towards the zoning approach that was proposed as opposed to creating red light districts.

Sturbaum asked if it would be appropriate to add cemeteries to the list of spaces sexually-oriented businesses could not be near.

Bernens said she could see his reasoning but that it was difficult to come up with enough locations sexually-oriented businesses could be near to meet the constitutional requirements.



It was moved and seconded to adopt Amendment 23.

CONTINUED CONSIDERATION OF AMENDMENTS

Micuda explained the amendment corrected textual errors in the UDO.

Amendment 23 [6:30pm]

Rollo asked who recommended the additional plants to the “do not plant” list.

Council Questions:

Micuda said Linda Thompson, Senior Environmental Planner, and Kelly Boatman of the Environmental Commission did.

Councilmember Brad Wisler asked Micuda to talk about the specifics of the change of use table.

Micuda said that Planning staff proposed to cross out some of the land uses. The table was meant to identify equivalent or similar uses for ones that had eliminated.

Wisler asked what happened to Category 8.

Micuda said Category 8 was crossed out because staff felt that the uses in Category 8 needed more attention.

Wisler asked about change of ownership.

Micuda said that change of use dictated site plan compliance as opposed to change of ownership.

Wisler asked why staff removed Convenience Store with Gas, Drive-Through, and Theater from Category 6.

Micuda said they took the three uses out because they had difficult site plan challenges and staff wanted to make sure there were site plan reviews for all of those uses.

Travis Vinsaw, City of Bloomington Plan Commission, said he did not want to take single-family off of Column 8 of the use table.

Public Comment:

Rollo said the Brazilian water weed should be added to the “do not plant” list and offered a friendly amendment.

Council Comments:

Wisler asked if Brazilian water weed was a common weed.

Rollo explained that Brazilian water weed had been a problem for the Department of Natural Resources in Griffy Lake the past few years and that it was for sale in some aquatic nurseries. He said it was very expensive to remove.

It was moved and seconded to adopt Amendment 01 to Amendment 23.

Amendment 01 to Amendment 23

The motion to adopt Amendment 01 to Amendment 23 received by a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on Amendment 01 to Amendment 23 [6:54pm]

Sherman asked for clarification on the type of plant.

Rollo said it was an invasive aquatic plant.

Micuda said that staff would consult their environmental planner to see which category the plant would go in.

The motion to adopt Amendment 23 as amended received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on Amendment 23 as amended [6:56pm]

It was moved and seconded to adopt Amendment 24.

Amendment 24 [6:56pm]

Bernens explained that the amendment was drafted by the Legal Department and clarified language in several parts of the UDO.

There was no public comment.

Public Comment:

The motion to adopt Amendment 24 received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0 (Diekhoff left at 7pm, Mayer out of room). Vote on Amendment 24 [7:03pm]

It was moved and seconded to adopt Amendment 26. Amendment 26 [7:04pm]

Micuda explained that the amendment modified a map of a Planned Unit Development (PUD). 13 acres of the PUD in question were to be absorbed into a country club and the rest were zoned as RS.

Wisler asked how the owners of the country club and the church in the PUD in question felt about the rezoning. Council Questions:

Micuda said he had not reached out to them. He said he did not think that either group would want to execute the PUD.

Rollo asked if the small parcel to the north was developable. Micuda said a small portion of it might be developable but some of it was unusable. It functioned as a yard for the church.

There was no public comment. Public Comment:

The motion to adopt Amendment 26 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. Vote on Amendment 26 [7:09pm]

It was moved and seconded to adopt Amendment 27. Amendment 27 [7:09pm]

Micuda explained that the amendment rezoned a parcel of land from RH to RM because it had not been developed and had a low density.

Rollo asked if the rezoning would increase traffic activity on the street and wondered if the street had reached its traffic capacity. Council Questions:

Micuda explained that the rezoning would lessen density.

Councilmember Tim Mayer asked if Bloomington Transit served that area.

Micuda said no because the parcel needed to be annexed by the city.

Sturbaum asked if the entire portion of the parcel was anticipated to be annexed.

Micuda said that staff was considering it.

Councilmember David Sabbagh asked if that area was part of the five-year annexation plan.

Micuda said yes.

Rollo asked what the road in the commercial area would connect to.

Micuda said Kimball Way and Business Park would be linked if the city was able to improve the right-of-way. He said it was possible to have several linkages in the rezone.

There was no public comment. Public Comment:

The motion to adopt Amendment 27 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. Vote on Amendment 27 [7:18pm]

It was moved and seconded to adopt Amendment 16.

Amendment 16 [7:19pm]

Councilmember Chris Gaal said the purposed of the amendment was to promote diversity of demographics in the Commercial Downtown area. Micuda said that staff was in favor of the amendment.

Wisler asked when the statements of purpose had the most impact.

Council Questions:

Micuda said staff and the Legal Department would always be cautious of how purpose statements were used.

Wisler asked if the statement could create a new point of authority in the UDO.

Micuda said no.

Sturbaum asked if some projects would get favorable treatment with special variances if it furthered the goal of diversity in the downtown.

Micuda said yes.

Eve Corrigan spoke in favor of the amendment.

Public Comment:

Gaal said the language for the amendment came from the downtown plan.

Council Comments:

The motion to adopt Amendment 16 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 16 [7:30pm]

It was moved and seconded to adopt Amendment 29.

Amendment 29 [7:46pm]

Micuda explained that the amendment required an entrance per 66 feet of property on the B-Line trail.

Sabbagh asked what kind of uses Sturbaum envisioned along the trail.

Council Questions:

Sturbaum said he expected the trail to develop much like the downtown.

Sabbagh was worried the amendment focused too much on retail businesses and did not take professional buildings into account.

Sturbaum said the professional buildings would have the option to waive the requirement by speaking with the Plan Commission.

Sabbagh was not in favor of adding more meetings.

Sturbaum thought it was better to set the default for entrances on the trail at a higher limit rather than a lower limit.

Sabbagh said he was concerned about the amendment for certain types of uses.

Rollo asked where the standard for 200 feet per building entrance came from.

Micuda said it was a compromise constructed by the Plan Commission based on one of its amendments. The original proposal was for one entrance per tenant, which was defeated.

Rollo asked if the entrance would always be accessible or if it was possible to lock the entrance.

Micuda said the accessibility of the building and the hours of operation would be controlled by the owner.

Rollo asked if a building could meet the 66-foot requirement and leave an additional door locked most hours.

Micuda said yes as long as it was open during some part of the day for pedestrian use.

Gaal asked what staff thought of the amendment.

Amendment 29 (cont'd)

Micuda said he believed that 200 feet between entrances was too much and thought one entrance per tenant was too restrictive. He felt that 66 feet was a good compromise.

Gaal asked if the back of the Showers building would be along the trail.

Micuda said yes.

Sturbaum asked Micuda to speak on the process a developer would need to complete to opt out of the extra entrances.

Micuda said that if building owners proposed fewer entrances, the Planning staff would tell them that they were at a deviation with the UDO and the Plan Commission would determine whether the deviation was acceptable as part of the site plan review.

Sturbaum asked if Parks and Recreation would be involved in the process.

Micuda said yes.

Travis Fincel, City of Bloomington Plan Commission, spoke against the amendment.

Public Comment:

Jim Murphey, President of CFC, spoke against the amendment.

Buff Brown spoke in favor of the amendment.

Eve Corrigan spoke in favor of the amendment.

Gaal asked Sturbaum to comment on the numbers of 100-132 feet being suggested by staff and the public.

Council Comment:

Sturbaum said he thought 66 feet was the right number. He said that 66 feet would make the trail lively. He said exceptions could always be made by going through the site review and variance process via the Plan Commission.

Wisler said the process would be discouraging for developers to build on the trail and would be confusing. He said that the B-Line trail was being over engineered.

Mayer said the cost of real estate should determine the number of entrances a building had.

Gaal said he wanted to legislate for the rule instead of the exception.

Sabbagh said that the amendment did not leave room for creativity.

Ruff said he hesitated to support the amendment because he wanted to see the trail develop more organically.

Gaal asked if he would support the amendment if the limit were for 100 feet rather than 66.

Ruff said he thought 100 feet might be arbitrary.

Gaal asked about 132 feet.

Ruff said he would support the amendment if it were amended to 132 feet.

Ruff said that if a developer wanted to modify what the Council set, it could be dealt with on a case by case basis.

The motion to adopt Amendment 29 received a roll call vote of Ayes: 4, Nays: 3 (Wisler, Ruff, Sabbagh), Abstain: 0. FAILED. Vote on Amendment 29 [8:54pm]

It moved and it was seconded to adopt Amendment 02.

Amendment 02 [8:55pm]

Sturbaum said that the amendment mandated a ten foot set-back on the B-Line trail. He thought the city would have to get rid of green space to provide for businesses without a set-back in place. He mentioned that owners could apply for a variance through the Plan Commission if they had a reason to be directly on the trail.

Micuda said that the Planning staff originally proposed the set-back allocated through the amendment, but the Plan Commission revised the set-back to say that at least 70% of the building could go up to the property edge so that there would be 30% space left to create plaza space within a property. He was skeptical of the Plan Commission's proposal because he thought developers would want to be able to build up to the property line to utilize as much space as possible due to the high cost of real estate.

Mayer asked if a developer would have to ask for encroachment if the developer built to the property line and wanted outdoor seating.

Council Questions:

Micuda said yes and approval would need to come from the Board of Public Works and the Parks and Recreation Department.

Mayer asked if the Council could pass an ordinance that would not allow encroachments at all. He thought encroachment had gotten out of control with outside seating in the downtown and wanted better means of control against it.

Micuda thought that language belonged in the Bloomington Municipal Code instead of the UDO.

Sabbagh asked if a developer could seek approval from the Plan Commission if the developer wanted to build to the property line and the amendment passed.

Micuda said it was the same process as asking the Plan Commission for any kind of variance.

Rollo asked if any structure was allowed in the set-back area without a variance from the Plan Commission.

Micuda said that the Plan Commission would have to approve a deviation from the 10 foot set-back line if the Council adopted the amendment.

Rollo asked if there were any set-backs for vegetation for the trail.

Micuda said no. He said landscaping could be planted up to the property line.

Ruff asked Rollo if he thought the B-Line would accommodate rail use.

Rollo was not sure if it could accommodate a rail but he did not want to make it impossible.

Ruff said that if a trail with a rail were to exist next to one another, there would need to be more space.

Rollo said that he agreed with Mayer that they should not allow any encroachment onto the city's right of way.

Micuda said that there was a stretch of the B-Line between 6<sup>th</sup> Street and 7<sup>th</sup> Street where the city's ownership shrank dramatically from 60 feet to 22 feet. He said other than that the ownership of the city was 60 feet in the downtown area.

Rollo said that the city owned the rail bed but asked about the rail bed south of the city.

Micuda said he would get back to him with an answer.

Amendment 02 (cont'd)

Volan asked about a taller building that had the base built to set-back requirements but the top was built with an overhang.

Micuda said the set-back would be for the entirety of the building so no overhang could occur. He mentioned that as a building got taller it would have to be set back even further at a certain maximum height.

Volan said that the amendment did not require the set-back, it just required Plan Commission approval.

Micuda clarified that the amendment set the base standard at ten feet back from the right-of-way line.

Christy Steele, Greater Bloomington Chamber of Commerce, spoke against the amendment.

Public Comment:

Jim Murphey spoke against the amendment.

Travis Fincel, City of Bloomington Plan Commission, spoke against the amendment.

Eve Corrigan spoke in favor of the amendment.

Volan asked staff for an approximate width of Kirkwood Avenue between Walnut Street and Washington Street.

Council Comments:

Micuda said it was 82 feet for the property and the street was 48 feet.

Volan asked if buildings would have to relocate because of the trail or if they would be grandfathered.

Micuda said that some buildings in the corridor between 6<sup>th</sup> and 7<sup>th</sup> Street were the only ones in question.

Volan asked if there was a retailer who would only want an entrance on the trail and not on the street as well.

Jim Murphey said that was possible.

Volan asked what percent of a lot a building was built on in the downtown.

Murphey said 100%.

Volan asked if the city could put in sidewalks in the right of way.

Micuda said dual paths had been contemplated.

Wisler said that he was glad that they were talking about the possibility of rail but he did not want to use the UDO to make the trail of lesser value.

Rollo said he did not anticipate using eminent domain for the properties in question. He said if a building was built up to the property line it would pose problems for a future rail. He said he supported the amendment.

Ruff said he would have preferred a measure of six or seven feet rather than ten but that he was going to support the amendment.

Sabbagh said that whether the amendment passed or not he felt that the Plan Commission's original compromise was the right decision. He also stated he was not going to introduce his amendment. He was worried about suppressing creativity and said he was going to vote no.

Mayer said he agreed that the Plan Commission had the right idea with its original 70%/30% plan. He said he liked canyon effect.

Gaal said that eminent domain was not an issue. He said that the best public policy was the amendment on the floor.

Volan apologized for leaving earlier. He thought the public viewed the canyon effect negatively. He said the amendment would make development less predictable but he believed the set-back was better.

Amendment 02 (cont'd)

Sturbaum said he did not want to give away the city's green space.

The motion to adopt Amendment 02 received a roll call vote of Ayes: 5, Nays: 3 (Wisler, Mayer, Sabbagh), Abstain: 0 (Volan arrived at 9:15pm). Vote on Amendment 02 [10:04pm]

It was moved and seconded to adopt Amendment 25.

Amendment 25 [10:05pm]

Micuda explained that the properties in the area affected by the amendment were analyzed to consider which zone fit the area best. He said the Planning Department saw that a majority of the properties in the area were owned by Indiana University (IU) and were zoned institutional. The minority of properties were privately owned and all of them were overwhelmingly multi-unit or split between multi-unit and single-unit properties. He said the Planning Department recommended leaving the RM zoning in place.

Volan asked why the area was zoned institutional instead of residential when IU bought the properties to house people.

Council Questions:

Micuda said it could be zoned residential. He said when the dominant ownership of an area was an institutional entity the area would be zoned to reflect that ownership.

Volan compared the situation to if Bloomington Hospital bought properties for people to live in. He asked if those properties would still be zoned institutional.

Micuda said that when Bloomington Hospital had bought properties for its campus in the past, the city had zoned it institutional.

Volan said none of those properties were for long term residential use.

Micuda said that the hospital did own some life-estate properties.

Volan said he was trying to make a distinction. He said that IU housed people on its property for long-term use. Even though the properties he was referring to were in an area which was all residential, the area was vastly zoned as institutional. He asked why houses were not spot zoned.

Micuda said Planning did not spot zone the area because there was a distinct pattern happening. He agreed that zoning institutional in the area was not a perfect approach.

Volan asked what staff thought about the way the public in the Old Northeast neighborhood felt about zoning.

Micuda said there was an argument they made about seeing a loss of structures with RM zoning versus RC zoning. He said his only counter argument was that some of the area had protection via either designation or demolition delay review.

Volan asked if the city would have saved the bricks on Fess Avenue if the the state had ownership of all the properties.

Micuda said that the city owned the streets.

Volan asked if IU owned 7<sup>th</sup> and 10<sup>th</sup> Street.

Micuda said IU owned the streets within its campus proper but not the streets in question in the area being considered in the amendment.

Volan asked if the state could take ownership of the streets by eminent domain.

Bernens said they could but could not envision a situation in which it would.

There was no public comment.

Amendment 25 (cont'd)  
Public Comment:

Volan said District 6 was his district and thought the entire district would be Residential Core. He said he trusted the judgement of the residents of the Old Northeast neighborhood.

Council Comments:

Rollo said he also trusted the judgement of the residents of the Old Northeast neighborhood. He thanked Volan for crafting the amendment.

Sturbaum said he liked the amendment and that the neighborhood suggested it.

The motion to adopt Amendment 25 received a roll call vote of Ayes: 4, Nays: 2 (Wisler, Gaal), Abstain: 0 (Mayer and Sabbagh left at 10:20). FAILED. Vote on Amendment 25 [10:23pm]

The meeting went into recess at 10:24pm.

RECESS

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVE:

ATTEST:

\_\_\_\_\_  
Dorothy Granger, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

FOR APPROVAL



In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Thursday, December 13, 2006 at 6:00pm with Council President Chris Sturbaum presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
December 13, 2006

Clerk's Note: On November 27, 2006, the Common Council called to order a Special Session, which began the Council's consideration of Ordinance 06-24 to be completed over a series of meetings. Please refer to the minutes from that meeting for a description of the motion made in regard to the consideration of Ordinance 06-24.

Roll Call: Wisler, Diekoff, Rollo (arrived late), Sturbaum, Ruff, Sabbagh, Volan  
Absent: Gaal, Mayer

ROLL CALL  
[6:01pm]

Council President Chris Sturbaum gave a summary of the agenda.

AGENDA SUMMATION [6:03pm]

It was moved and seconded to adopt the amended agenda. The motion was approved by voice vote.

Vote on Amended Agenda  
[6:04pm]

It was moved and seconded to adopt Amendment 21.

CONTINUED CONSIDERATION  
OF AMENDMENTS

Volan stated that the term "alternative transportation" implied that pedestrians, public transit riders, and cyclists were somehow not equal to automobile drivers. It suggested that those forms of transportation were secondary to cars. He believed that changing the terminology would reduce the use of cars as the primary form of transportation for Bloomington citizens. He said he heard two objections about changing the terminology. The first was that it was a pain to change. The second was that it might eliminate certain types of funding Bloomington received for using the term. He said that Tom Micuda, Planning Director, assured him the funding issue was not a problem.

Amendment 21 [6:05pm]

Micuda said that it was a non-regulatory amendment. He said he did a google search for alternative transportation and traditional transportation. He said that alternative transportation received far more hits than traditional transportation. His only concern was that alternative transportation was the preferred term for those types of transportation in the trade. He said he would prefer this amendment not be adopted but he understood why it was being brought forward.

Rollo asked Volan if he was suggesting that the Council purge the term alternative transportation entirely from the Unified Development Ordinance (UDO) and replace it with traditional transportation. He said that he was concerned about what would happen when someone would search via the web about alternative transportation, as people commonly did.

Council Questions:

Volan said that his intent was not to confuse the issue but to simply use the right nomenclature. He said he would support a friendly amendment to change the amendment to read "traditional transportation, formerly known as alternative transportation" in key spots of the UDO.

Rollo asked Micuda to comment on this.

Amendment 21 (cont'd)

Micuda said that it could be handled in a chapter heading and in the definitions section. He would not recommend putting the phrase throughout the text.

Diekhoff asked how long the original term had been used.

Micuda said he was sure it had been the most commonly-used term for non-automotive transportation for the last eight to ten years.

Wisler asked if the term was intended to refer to any and all transportation that was not motorized vehicles.

Micuda listed several definitions that described different types of transportation in the UDO that were listed as alternative transportation.

Wisler asked if those terms under alternative transportation referred to walking, cycling, and riding the bus.

Micuda said yes.

Wisler thought that riding the bus and light rail were not traditional transportation and thought that down the road there would be issues with Volan's term.

Jim Rosenbarger, Bicycle and Pedestrian Commission member, said he appreciated the amendment. He preferred to use specific terms for each kind of transportation. He agreed that the term alternative transportation made users of those kinds of transportation feel secondary. **Public Comment:**

Buff Brown also said he appreciated the amendment. He said he would like the term to be changed to preferred transportation.

Amy Enman said the amendment was a progressive step forward.

Eve Corrigan said she agreed with Enman and Brown.

Steve Forest supported the amendment. He talked about rail and bus transportation. He mentioned horse-drawn busses.

Rollo thought that it was an important amendment. He agreed with Volan that the nomenclature of the UDO mattered. He talked about reduction of oil use. He struggled with the term traditional versus alternative and thought including both would create an oxymoron. He said that communities needed to share terms and that there was a historical value in the term alternative transportation. He was going to vote no on the amendment but he would like to keep looking at the topic and see if better terminology could be found. **Council Comments:**

Diekhoff said he appreciated the amendment but he thought that it would make the UDO more confusing. He felt it would jeopardize grant funding.

Wisler echoed Diekhoff. He was concerned that traditional transportation was not the right term.

Ruff agreed with the public comment that the term should be preferred transportation. He agreed with the previous comments by the Council regarding the term traditional transportation. Although he thought it was not the best term, he agreed it was a good starting point and said he would support the amendment.

Amendment 21 (cont'd)

Sturbaum said he liked the notion of the amendment but he thought the term was confusing. He told the supporters of the term to use it as an educational measure. He said he was not going to support the amendment.

Volan said there was no potential for grant funding to be threatened. He realized the amendment was not going to pass but urged the Council to consider his idea and the public supporters the next time the Council decided to subsidize cars. He then listed all the ways he believed Bloomington subsidized cars.

The motion to adopt Amendment 21 received a roll call vote of Ayes: 2 (Ruff, Volan), Nays: 5, Abstain: 0. FAILED.

Vote on Amendment 21  
[6:45pm]

Sturbaum allowed Volan to speak about why he was not going to introduce Amendment 18 and Amendment 19.

Amendment 18 and Amendment 19

Volan said the amendments would introduce a maximum cap on parking throughout the city. He said the amendments needed to be part of a larger package of legislation to improve parking in Bloomington. He suggested introducing a shuttle, creating more covered bike parking, and introducing parking cash-out, which would involve giving raises to employees and charging them to park. He said that there needed to be a comprehensive plan for parking. He then talked about the Walker parking study, which was upcoming. He said he was not going to introduce the amendments because it was not the right time and apologized to any public members who came to speak on behalf of his parking-related amendments.

It was moved and seconded that Amendment 11a be adopted.

Amendment 11a [6:53pm]

Wisler explained his revised amendment. The update required that a convenience store with gas offer alternative fuel at 50% of its pumps, thus creating a "clean" gas station.

Micuda said that the goal he had in working with Wisler was to define "clean" gas station, which allowed them to update the amendment to require 50% of pumps offer alternative fuel. He said that all issues regarding design of the stations had been dealt with and staff was comfortable with the amendment.

Rollo asked about ethanol and how it was reflected in the definition.

Council Questions:

Micuda said that his research did not cover how much of ethanol was a blend. He said that a friendly amendment could be introduced to deal with ethanol blends.

Wisler asked Rollo if his concern was that someone would offer a 5% ethanol blend.

Rollo said yes.

Wisler said he would be willing to accept a friendly amendment to make the amendment say "majority ethanol blend." Rollo said he would accept that and introduced it as a friendly amendment.

Amendment 11a [cont'd]

It was moved and seconded to introduce Amendment 01 to Amendment 11a.

Amendment 01 to Amendment 11a

Wisler asked if pure ethanol was now under question.

Micuda said certainly not in his opinion. Everyone agreed that 100% ethanol was a majority and would not be affected by the friendly amendment.

There was no public comment.

Public Comment:

Micuda thanked Wisler for letting him collaborate on the amendment. He said he enjoyed researching the field of alternative energy and that Bloomington was on the cutting edge with the idea.

Council Comments:

The motion to adopt the Amendment 01 to Amendment 11a received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 01 to Amendment 11a [7:02pm]

Sturbaum invited Council questions on the amendment itself now that it was amended.

Council Questions:

Rollo asked Micuda if he had found other communities that already employed something like Wisler's amendment to the UDO.

Micuda said he did not find any ordinances but what he did find was an alternative fuel station locator and articles about communities thinking about the idea. He said Bloomington was out in front in terms of the ordinance.

Sturbaum confirmed with Micuda that the requirement for the stations existing in the Business Park was that they offer alternative fuel at 50% of their stations.

Micuda said yes.

The motion to adopt Amendment 11a as amended received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 11a as amended [7:04pm]

Sturbaum said that Amendment 29 would be on the agenda for December 14, 2006.

COUNCIL SCHEDULE

The meeting went into recess at 7:30pm.

RECESS

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVE:

ATTEST:

\_\_\_\_\_  
Dorothy Granger, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Thursday, December 14, 2006 at 6:00pm with Council President Chris Sturbaum presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
December 14, 2006

Clerk's Note: On November 27, 2006, the Common Council called to order a Special Session, which began the Council's consideration of Ordinance 06-24 to be completed over a series of meetings. Please refer to the minutes from that meeting for a description of the motion made in regard to the consideration of Ordinance 06-24.

Roll Call: Wisler, Diekoff, Gaal (arrived late), Rollo, Sturbaum, Mayer, Ruff (arrived late), Sabbagh, Volan  
Members Absent: None

ROLL CALL [6:00pm]

Council President Chris Sturbaum gave a summary of the agenda.

AGENDA SUMMATION [6:01pm]

It was moved and seconded to adopt Amendment 09.

CONTINUED CONSIDERATION OF  
AMENDMENTS

Councilmember Dave Rollo presented the amendment.

Amendment 09 [6:02pm]

Tom Micuda, Planning Director, said that staff supported the amendment and that the Plan Commission originally exempted small parcels less than half an acre in size from needing a buffer. He said that staff agreed it was better to have some buffer than no buffer at all from water features.

Rollo asked if all future subdivisions would obviate the need for the amendment.

Council Questions:

Micuda said the amendment would only affect established lots. He said new subdivisions would already have the 75-foot buffer in place.

Rollo asked how many lots it would apply to.

Micuda said he did not have an exact number but he believed it was a small number of lots.

Councilmember Brad Wisler asked what the smallest width of an existing platted lot was.

Micuda said there were some 25-foot platted lots that were usually joined with others to make a 50-foot platted lot.

Wisler was concerned with someone not being able to build a home they wanted on a small lot.

Micuda did not see that as a potential consequence of the amendment. He said there might be a scenario where a water feature was located on a bad spot on the lot and it would warrant a petition for a variance at the Board of Zoning Appeals.

Mike Litwin, Environmental Commission, spoke in favor of the amendment.

Public Comment:

Councilmember Tim Mayer said there was a lot in Green Acres that had a water feature running through it but that the Utilities Department was dealing with it.

Council Comment:

Rollo thanked the Planning staff and the Environmental Commission for their help.

The motion to adopt Amendment 09 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 09 [6:13pm]

It was moved and seconded to adopt Amendment 22.

Rollo said his intent with the amendment was to balance density with strong incentives for building green structures while also promoting affordable housing. He recommended postponing the vote on the amendment until December 20 due to the complicated nature of it.

Micuda said the amendment added a sustainable development goal that focused on exceptional use of energy efficient resources. Staff also reduced the density incentive from 75% to 50%. The amendment also included a waiver of fees in the affordable housing section.

Mayer asked if a development had to be within a quarter of a mile of one or more of the listed amenities in the transportation section. Council Questions:

Micuda said yes.

Mayer thought a quarter of a mile was restrictive and was worried about developable land.

Rollo said a quarter of a mile was the most practical.

Sturbaum asked if the amendment focused on sustainability.

Micuda said yes and explained that the name of the amendment was only green because the staff ran out of terms to use in the Unified Development Ordinance (UDO).

Sturbaum asked if there were any incentives to develop a percentage of affordable housing elsewhere in the UDO.

Micuda said, under Chapter 5 of the UDO, developers who enrolled in affordable housing programs were entitled to fee waivers, reduced set-backs, and reduced lot sizes.

Sturbaum asked if that rose to the level of a 75% or 25% density increase.

Micuda said that he did not know.

Sturbaum thought it was too easy for developers to opt out of affordable housing initiatives.

Micuda mentioned the affordable housing incentives in Chapter 5.

Sturbaum said he did not want affordable housing to be optional.

Rollo said his amendment led to a balanced system.

Rollo asked about the expenditure difference between affordable housing and a green incentive of grass roofs.

Micuda said he did not know if the two projects were exactly equivalent for receiving 75% density.

Sturbaum said he did not think the amendment was balanced.

Wisler confirmed that there was a section of the UDO that dealt with affordable housing.

Micuda said yes.

Wisler asked if developers saw affordable or green housing as the best incentive.

Micuda said, they preferred whichever incentive gave them the highest dollar amount.

Wisler asked Sturbaum if he wanted to amend the amendment.

Sturbaum said that competition between green and affordable development was inevitable if they were set up for the same incentives. He said he thought that the 25% and 50% reward should be more difficult to get.

Wisler said that he thought affordable housing would be a more attractive option if it was separate from green housing.

Rollo said that his original intention was to add the incentives to the affordable housing section of the UDO and keep the two separate. He said that affordable housing was already incentivized and the section was supposed to be about green development.

Sturbaum asked if affordable housing was originally in the amendment.

Amendment 22 (cont'd)

Micuda said that affordable housing was a menu option in the amendment that passed in the Plan Commission. He said the reason why affordability was separated out to the higher level of density was because the Council decided it was to be done for the common good of the community.

Rollo thought the affordable housing component was competitive in his amendment.

Heather Reynolds, Vice Chair of the Environmental Commission, spoke in favor of the amendment.

Public Comment:

Isabel Piedmont, Chair of Environmental Commission, spoke in favor of the amendment.

Wisler thanked Micuda for his work.

Council Comment:

Councilmember Steve Volan said that older housing was affordable housing.

Sturbaum thought the affordable housing section of the UDO was meagre and that the levels of the amendment were too easy to achieve. He asked if 100% density was too much to do as an incentive if someone did an affordable housing project which met all the other requirements of the amendment regarding green building.

Micuda said that one solution he would recommend to Sturbaum and Rollo was to increase the requirements for each level of density incentives and to isolate affordable housing for the top bonus.

Rollo thanked the Environmental Commission for its recommendations and Micuda and his staff for their work. Rollo said he thought his amendment deserved some debate and changes. He wanted the amendment to be balanced with the Council's goals and the needs of the city. He asked to postpone the vote on the amendment until December 20, 2006.

Wisler said that he would recommend the word commercial be struck from the amendment regarding the locations of schools and parks since they were not commercial areas.

It was moved and seconded to postpone Amendment 22 until December 20, 2006. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to postpone Amendment 22  
[7:25pm]

It was moved and seconded to adopt Amendment 20.

Amendment 20 [7:25pm]

Volan said the amendment was about projecting signs.

Mayer asked if a store owner be able to go before the Board of Zoning Appeals and appeal for a sign if there was a business with a projecting sign on a block and the second store wanted one.

Council Questions:

Micuda said yes.

Councilmember Andy Ruff asked how long a typical block was.

Micuda said 275 feet.

Ruff asked how many businesses could have a sign.

Volan said maybe three.

Ruff asked how many signs there could be if the amendment passed.

Volan said one every 50 feet. He said ideally it would allow every business to have a sign.

Ruff asked what the reasoning was to have a sign every 50 feet and why it was then changed to a sign every 100 feet.

Micuda said staff proposed 50 feet of spacing based on the idea that projecting signs was desirable to merchants. The Plan Commission had concerns that there should be restrictions regarding projecting signs and proliferation with signs.

Ruff asked if merchants from downtown said they did not want those kinds of signs.

Micuda said that the downtown business community liked the original plan better than the Plan Commission's revisions.

Ruff asked Volan why his amendment only addressed spacing and not the size of signs.

Volan said he thought it was at least one thing he could fix easily.

Ruff asked about the likelihood of a business getting a variance for a projecting sign.

Micuda said that it was a case-by-case basis.

Wisler asked how big the Buskirk-Chumley Theater sign was.

Micuda said he did not know but it was the biggest projecting sign example he could think of.

Wisler asked how far it was from Ladyman's Cafe.

Micuda said 100 feet.

Wisler confirmed with Micuda that it was not possible for Ladyman's to put up a projecting sign.

Micuda said that was correct.

Wisler asked about an example where individual tenants in a large building might start putting up projecting signs if the amendment passed.

Micuda said that was a good example to think of when considering the amendment.

Sturbaum asked how all the current blade signs in the downtown originally got there and about the process the owners had to go through to get them.

Micuda said they were approved by the Board of Public Works (BPW) upon recommendation by the Planning Department regarding how they fit in the downtown.

Sturbaum asked if the signs were modified by the BPW.

Micuda said no but there was discussion on modifications for individual signs.

Sturbaum asked if the Planning Department would see signs first and then the signs would be directed to BPW.

Micuda said yes.

Sturbaum asked if people would be asking for larger signs more frequently if the amendment failed.

Micuda said that, because the sign area and projection limits were tight, he expected that occasionally there would be a request for a variance but that it was hard to tell what the business community would do.



Mayer asked whether plans for signs went before the Board of Public Works was because projecting signs were in the public right of way.

Micuda said yes.

Mayer said that it was important to stress that projecting signs were encroaching on the public right of way.

Volan asked what the city was concerned with regarding signs projecting into the public right of way. He asked if there was a concern that a sign might fall down.

Micuda thought that was one reason.

Volan asked if there would be any change in the process for getting a sign because of his amendment.

Micuda said no.

Christy Steele, Greater Bloomington Chamber of Commerce, spoke in favor of the amendment.

Public Comment:

Volan spoke against objections to signs downtown.

Council Comment:

Councilmember Chris Gaal thought that the review process had value in itself. He said that the signs in the downtown were better products because of the process and blade sign downtowns should be limited.

Ruff said he appreciated he staff's position and what came from the Plan Commission. He felt the signs were something that merchants deserved by right and was in support of the amendment.

Mayer said during the discussion of the UDO there had been a lot of talk about public right to review what Bloomington looked like. He felt the City also had a right to exercise discretion about the signs in the downtown. He opposed the amendment.

Wisler said he understood the concern about clutter in the downtown and supported the amendment.

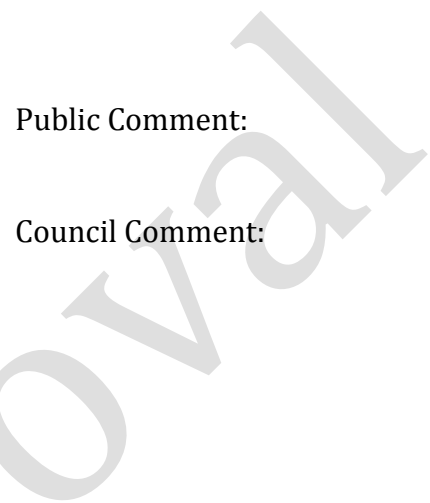
Rollo said he liked blade signs but he was concerned about a potential arms race for signs in the downtown.

Sturbaum said he watched the Plan Commission talk about the topic. He said it went from not allowing blade signs to allowing them subject to more review.

Volan said that there had been blade signs on the square since its beginnings. He then gave several examples and said a sign was essential for business. He said the amendment did not prevent review or change the size of signs.

Mayer said that the amendment was a regressive action.

The motion to adopt Amendment 20 received a roll call vote of Ayes: 3 (Wisler, Ruff, Volan), Nays: 6, Abstain: 0. FAILED. Vote on Amendment 20 [8:19pm]



It was moved and seconded to adopt Amendment 17.

Amendment 17 [8:20pm]

Ruff presented the amendment and explained that Indiana Code allowed the Council to make final decisions on Planned Unit Developments (PUDs).

Councilmember David Sabbagh asked Ruff if he could give an example of a change the Council could make to a PUD frontage road.

Council Questions:

Ruff recalled a PUD where the Council wanted to see a connector path to an adjacent park. When the PUD went to Plan Commission that part was left out and he said that the PUD had to go back to the Plan Commission. He said there was an additional cost to the petitioner and to the city.

Dan Sherman, Council Attorney, said the amendment would allow the Council three powers when considering PUD ordinances: conditioning the issuance of a certificate of zoning compliance, imposing reasonable conditions, and requiring a written guarantee for the completion of the project. He said a PUD must be considered by the Council in the same way the Council considered a map amendment or a rezone.

Sturbaum asked if the law was contradictory.

Sherman said yes and that the two conditions would have to be reconciled.

Sturbaum asked how the Council could impose reasonable conditions without amending the PUD.

Sherman said it would work if the Plan Commission and Council were not in conflict.

Ruff said that the Council could envision a scenario coming up, an environmental area they wanted to protect for example, that was not addressed by the Plan Commission. He asked if that example could be added to a PUD provided it did not conflict with the Plan Commission.

Sherman said if the Plan Commission simply looked over an area needing protection and it did not impose a serious economic burden on the petitioner then it could be done with a reasonable condition.

Sturbaum asked if the Council could change a PUD measure it disagreed with that had already been approved by the Plan Commission.

Sherman said yes.

Sturbaum asked if there was any amending power at that stage.

Sherman said that was in direct conflict with what the Plan Commission recommended.

Wisler asked Sherman if he would advise the Council on its authority in PUD cases.

Sherman said that he shared that responsibility with Patricia Bernens, city attorney.

Wisler asked if they were comfortable with it.

Bernens said they were.

Wisler asked about the ability to eliminate conditions imposed by the Plan Commission.

Sherman it would be a close call.

Wisler asked how much legal authority the amendment really let the Council have.

Sherman said that the Council would be able to get assurances from PUD developers rather than good faith efforts.

Amendment 17 (cont'd)

Wisler asked if that would work the same as the amendment procedure.

Sherman said it should be in writing. He said to treat it like an amendment.

Mayer said he was concerned the amendment would create a bad planning process for the Council.

Sherman said that PUDs inherently were dangerous due to their flexibility.

Gaal said that there was inherent value on voting up or down on a PUD but in other cases there was good reason for being able to impose conditions before passing it. He wanted to hear more discussion on the procedure.

Sherman said that there were examples he could think of where the Council could have gotten written agreements from property owners but in other cases an amendment of the PUD would have been the only way to proceed.

Volan confirmed with Sherman that in some cases the old procedure of voting down a PUD and turning it back to the Plan Commission would still be necessary, even if the amendment passed.

Sherman said yes.

Sturbaum asked Bernens about imposing reasonable conditions for petitioners.

Bernens said her concern was whether the condition would constitute an amendment to the PUD or not. She was not concerned that the petitioner would be affected rather than the public. She said the process was not simple and that the amendment process would invite more legal challenges.

Mayer asked if the mayor had the power to veto PUDs.

Bernens said yes.

Sturbaum asked if that was something the mayor could do for any decision the Council made.

Bernens said yes, but by statute the Council could take that power away.

Volan asked if the Council had the power to take away the mayor's veto power regarding a PUD in the same way the Council could use an amendment to change a PUD.

Bernens said it was true of zoning changes.

Micuda said that there was a case regarding Kinser Pike where the Council approved a PUD and it was vetoed by the mayor.

Volan asked Ruff and Sherman if they were actually talking about amending PUDs and if not, why they were using the word amend.

Sherman said he referred to the word amend based on the powers that would be authorized in the amendment.

Volan asked if it would impose reasonable conditions.

Sherman said yes.

Volan said that they were having trouble defining reasonable conditions.

Micuda said the Council only had the ability to accept, reject, or through an amendment, impose reasonable conditions.

Volan asked how the Council could impose reasonable conditions without amending.

Micuda said it would require a written commitment and it would be added to the PUD. He said it was procedurally like an amendment.

Amendment 17 (cont'd)

Volan confirmed that the Council could not subtract a commitment.

Micuda said that was the guidance Sherman was giving.

Ruff said that if the Council were to remove something from the PUD it would be removing something proposed by the Plan Commission. If the Council were to add to a PUD it would be adding something that was not previously addressed.

Wisler asked about a hypothetical situation where three Council members supported a PUD the way it arrived to Council and one member wanted to add a restriction supported by the rest of the Council, leading to the PUD failing. He asked if the Council could go back and pass the PUD in its original form.

Sherman said that during the same meeting the Council could reconsider and it would have to be a motion from the prevailing side.

Sturbaum asked if the Council could remove small, reasonable parts of a PUD brought to them.

Sherman said yes.

Mayer asked if staff supported the amendment.

Micuda said they did not oppose the amendment.

Sabbagh asked if the Council could put the city in risk for litigation based on the amendment.

Micuda said it was possible if the Council did not listen to legal and planning recommendations.

There was no public comment.

Public Comment:

Volan said he was ambivalent about the amendment.

Council Comment:

Rollo said he supported the amendment.

The motion to adopt Amendment 17 received a roll call vote of Ayes: 7, Nays: 2 (Wisler, Sabbagh), Abstain: 0. Vote on Amendment 17

The meeting went into recess at 9:24pm.

RECESS

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_ day of \_\_\_\_\_, 2018.

APPROVE:

ATTEST:

\_\_\_\_\_  
Dorothy Granger, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

The following minutes for December 20, 2006  
have been approved, but are included to  
complete the set of 2006 UDO minutes

In the Council Chambers of the Showers City Hall on Wednesday, December 20, 2006 at 7:30 pm with Council President Chris Sturbaum presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
December 20, 2006

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Sturbaum gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Timothy Mayer wished everyone Happy Holidays and a Prosperous and Healthy New Year.

REPORTS:  
COUNCILMEMBERS

Mayor Mark Kruzan lauded Plan Director Tom Micuda for shepherding the process of developing and adopting the Unified Development Ordinance. He presented Micuda with a shirt embellished with the name Tom Mic-UDO.

MAYOR and CITY OFFICES

Human Rights Commission Chair, Jeff Harlig, presented the 2006 Human Rights Award to Lillian Casillas, Director of the Latino Cultural Center at Indiana University. Harlig outlined Casillas' dedication to the Latino community, her activities in the community as well as the university while working quietly and behind the scenes to insure that all the community's residents are valued.

COUNCIL COMMITTEES  
• Human Rights Commission  
Award

It was moved and seconded to approve this tribute to Gaal. The motion was approved by a voice vote.

• Tribute to Chris Gaal

Dan Sherman was asked to read a tribute to Chris Gaal, who was attending his last council meeting. Gaal had been elected to be the County Prosecutor in the November election.

Chris Sturbaum said Gaal had been quietly effective in communicating to the different members of the council. Sturbaum said Gaal's example of civil communication among council members set that bar very high, and that that he'd make good use of this quality in his next position.

Mayer said he had thoroughly enjoyed working with Gaal in the past seven years, thanked him for his work on the council, and said he would be missed.

Andy Ruff said he didn't know Gaal before the 1999 campaign, but would miss him as they had served together. Ruff noted that there had sometimes been communication problems with the previous administration but that Gaal had worked tirelessly in his two years as president to facilitate discussion and productive engagement during that time. Ruff said it would be difficult without Gaal, but that he would do great things for the community as Prosecutor.

Dave Rollo said that he did know Gaal before he became a council member in 1999. He added that they had worked on several community issues together, but they never had really disagreed until they both sat on the council together. He said that he appreciated Gaal's ability to focus and narrow debate, and that ability would be missed.

Mike Diekhoff noted that he would still be working closely with Gaal in his new position, and thanked him for bringing people together, even in disagreement.

David Sabbagh related a story of Chris working with him on the Patriot Act Resolution and working out wording on the 'whereas' clauses to the benefit of all. He alluded to Gaal's personal life, noted that Gaal had been smiling continually, and wished him luck with his new family and job.

Steve Volan noted that Gaal best represents the character of this community with the way he approaches public policy. He wished Gaal luck in his new endeavor.

Brad Wisler teased that, as having been on the council two months, he had had fewer disagreements with Gaal than the other council members. He thanked him for his help with his own transition to the council and hoped that Gaal's transition to the Prosecutor's office would be smooth as well.

Mayor Kruzan, noting that he had never had a disagreement with Gaal, said that his leaving the council would be a huge loss for city government. He noted Gaal put community interests ahead of personal ones, was the moderating influence within the council and with the administration. He added that Gaal had helped put the good name back into 'liberalism' by showing that government can serve the people and improve the human condition. He noted that Gaal was all 'round good guy.

Kruzan noted that Gaal's work in bicycling and B-Line Trail alternative transportation advocacy was well known. He added that for that fact he was announcing that bike racks on the B-Line Trail would be labeled with a plaque that would read: "These bike racks are dedicated to the spirit and enthusiasm of councilmember Chris Gaal who helped shape the development of the B-Line trail for generations to enjoy."

Gaal said it was an honor to serve with the council members, that he had learned a lot and had been challenged with the number of issues that had come up in the last seven years. He noted that with the B-Line Trail, the UDO, the Growth Policies Plan and the Zoning Ordinance updates he felt that he had now come full circle around the issues he started with. He thanked city staff for their relationships with the council and with him, and said Susan Sandberg would do a great job sitting in his seat. He said he would now continue to work with the city to enhance public safety in the community.

Sturbaum presented Gaal with a framed copy of the tribute.

David Grubb said 'bah humbug.' He added that he would like to see passenger trains go through here from Louisville and Cincinnati.

PUBLIC INPUT

There were no appointments to boards and commissions at this meeting.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Ordinance 06-26 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Ordinance 06-26 be adopted.

LEGISLATION FOR SECOND READING

Ordinance 06-26 To Authorize the Issuance of Bonds by the Monroe County Redevelopment Commission Pursuant to IC 36-7-14-3.5

Clint Merkel, Community Development Director with the Monroe County Commissioners Office, requested approval for issuance of bonds for the construction of the Indiana Life Sciences Education and Training Institute. He explained that the city had annexed a portion of the Westside Tax Increment Financing District and therefore needs to

Ordinance 06-26 (Cont'd)

approve the issuance of bonds with regard to the TIF district. He read a statement from the county's financial advisor nothing that the issuance of the bonds payable from the TIF revenues would not have any impact, positive or negative, on any amount of money to be received by the City of Bloomington. Merkel said that the project would actually have a positive impact on the city's residents as education and training needed to fill several hundred new jobs created by new biotech firms in the area would be provided at this facility.

Iris Kiesling, member of the Board of Commissioners asked for the council support for this ordinance, adding that it would benefit area businesses and citizens who need work.

Jim Tolen, fourteen year member of the Monroe County Redevelopment Commission and current Vice President of the Commission, said that there had been excellent growth opportunities on the west side of town. He said he was enthusiastic about the creation of the life sciences institute which would benefit Westside employers in the industry. He asked for unanimous support for the ordinance.

Barry Lessow, president of the Monroe County Redevelopment Commission thanked the council for their support of this endeavor that would prepare for work in a continually growing sector of the economy. He offered his congratulations to Gaal and Sandberg, and wished all happy holidays.

Sabbagh said this was a wonderful project and was happy that the city would participate. He voiced his support.

Rollo noted that lots of industry has left the county, and that this was a good response to that flight. He said that the institute would benefit many in their effort to qualify for a good paying job while establishing Monroe county as a leader in this field.

Sturbaum said it was a good example of cooperation between the city and county.

Ordinance 06-26 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 06-25 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Ordinance 06-25 be adopted.

Pete Giordano, Director of the Community and Family Resources Department, requested the reauthorization of the Commission and to remove the sunset provision in the Code. He noted that the commission was created in 2001 to analyze and address the conditions and underlying problems faced by black males. He noted the commission was reauthorized in 2003 for a second three year period, and it was now requesting a further and permanent reauthorization as required by the enabling legislation.

Giordano introduced David Hummons, Chair of the Commission on the Status of Black Males, who reviewed some of the commissions work and findings in their work of enhancing the prospect of black males being successful in society. Hummons told of the Commission's He spoke of a town hall meeting entitled "Race, School Discipline and Criminal Justice" which uncovered a disproportion of problems in school discipline. He this activity lead to a partnership with the MCCSC to create a Commission on Human Understanding and Diversity to address this process of suspensions, expulsions, and other

Ordinance 06-25 To Amend Chapter 2.23 of the Bloomington Municipal Code Entitled "Community and Family Resources Department" in Order to Establish the Commission on the Status of the Black Males as a Permanent Commission.



problems of discipline. Hummons announced the "Men of Color" Leadership Conference to be held at IU in February 2-3, 2007, and reported that the Commission was working with the school system to bring 55-85 black male students to the conference for workshops, inspiration and encouragement.

Hummons answered a question from Rollo by noting that their main emphasis was currently on high school students, but that they would work with younger children in the future. In answering a question from Sturbaum, Hummons gave the size and composition of the commission.

Sturbaum noted that then newly elected Governor Daniels had made a mistake early in his tenure by stating that the citizen commissions should be reviewed and disbanded. Sturbaum noted that commissions extended the power and effectiveness of government with their work, and noted that the Commission on the Status of Black Males was a solid commission.

Sabbagh said it was disappointing that the Commission on the Status of Black Males had a sunset provision in its enabling legislation and said it was time that this be removed.

Ordinance 06-25 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 06-27 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Ordinance 06-27 be adopted.

Ordinance 06-27 To Vacate A Public Parcel - Re: Right-of-Way Running North /South Along the East Side of 111 South Grant Street (Trinity Episcopal Church - Rectors and Wardens, Petitioners

Ordinance 06-27 received a roll call vote of Ayes: 9, Nays: 0.

*This portion of the agenda was a continuation of the Special Session being held by the Council to consider what is known as the Unified Development Ordinance.*

**Hearing On Written Objections To The Unified Development Ordinance (UDO) Pursuant To I.C. 36-7-4-606(C)(3)**

It was moved and seconded to reconsider Amendment #23.

MOTION TO RECONSIDER AMENDMENT #23 To Ordinance 06-24 (UDO)

The motion to reconsider Amendment #23 received a roll call vote of Ayes: 9, Nays: 0.

To Make Technical Corrections – Plan Staff Submitted By: Tom Micuda, Director of Planning Anticipate Motion to Reconsider in Order to Add Cemeteries to List of Uses to be Separated from Sexually Oriented Businesses

It was moved and seconded to add cemeteries to list of uses to be separated from sexually oriented businesses.

MOTION TO AMEND AMENDMENT #23

The motion to amend Amendment #23 received a roll call vote of Ayes: 9, Nays: 0.

Amendment #23 received a roll call vote of Ayes: 9, Nays: 0.

MOTION TO ACCEPT AMENDMENT #23 AS AMENDED.

It was moved and seconded to adopt Amendment #29.

MOTION TO RECONSIDER AMENDMENT #29 TO Ordinance 06-24 (UDO) To Establish Minimum Required Entrances along the B-Line Trail Sponsor: Sturbaum

The motion to reconsider Amendment #29 received a roll call vote of Ayes: 7, Nays: 2 (Wisler, Sabbagh)

It was moved and seconded to amend the amendment to extend the distance to 100 feet and change the word "property" to "building" frontage.

MOTION TO AMEND AMENDMENT #29

The motion to amend Amendment #29 received a roll call vote of Ayes: 9, Nays: 0.

Amendment #29 received a roll call vote of Ayes: 7, Nays: 2 (Wisler, Sabbagh)

MOTION TO ACCEPT AMENDMENT #29 AS AMENDED

Motion to continue discussion on Amendment #22 postponed from earlier in the consideration of Ordinance 06-24 received a roll call vote of Ayes: 9, Nays: 0.

MOTION TO CONTINUE DISCUSSION ON AMENDMENT #22 TO Ordinance 06-24 (UDO). To Modify the LEED and Affordable Housing Components in Green Development Standards Sponsor: Rollo

Motion to consider an item not on the agenda received a roll call vote of Ayes: 9, Nays: 0.

MOTION TO CONSIDER ITEM NOT ON THE AGENDA.

It was moved and seconded to adopt Amendment #30.

MOTION TO ADOPT AMENDMENT #30 TO Ordinance 06-24 (UDO).

Amendment #30 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 06-24 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis. She noted that this portion of the meeting was actually a continuation of the Special Session called to consider the UDO. It was moved and seconded that Ordinance 06-24 be adopted.

Ordinance 06-24 To Repeal and Replace Title 20 of the Bloomington Municipal Code Entitled, "Zoning", Including the Incorporated Zoning Maps, and Title 19 of the Bloomington Municipal Code, Entitled "Subdivisions"

Ordinance 06-24 as amended received a roll call vote of Ayes: 7, Nays: 2 (Wisler, Sabbagh).

As this was the last meeting of the year, there was no legislation for introduction.

LEGISLATION FOR FIRST READING

PUBLIC INPUT

The meeting was adjourned at 11:55 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Chris Sturbaum, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington



City of Bloomington  
Office of the City Clerk

CLERK'S CERTIFICATE

STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF MONROE     )

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the December 20, 2006 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I  
hereunto set my signature as Clerk of  
the City of Bloomington on the date  
set forth below, 2016.

Nicole Bolden  
City Clerk  
City of Bloomington, Indiana

Date: 15 June 2016

The attached copy of the minutes for the December 20, 2006 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the 15 day of June, 2016.

Andy Ruff  
President, Bloomington Common Council  
City of Bloomington, Indiana