



City of Bloomington Common Council

Legislative Packet

Wednesday, 09 November 2016

Committee of the Whole *to be immediately followed by a* **Special Session**

For legislation and background material regarding Ordinance 16-41 and Ordinance 16-42 please consult the [02 November 2016 Legislative Packet](#).

For legislation and background material regarding Ordinance 16-20 and Ordinance 16-21 please consult the [21 September 2016 Legislative Packet](#).

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812.349.3409
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Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Discussion at the Committee of the Whole on Wednesday, November 9th (Found in the Weekly Council Legislative Packet issued for the 02 November 2016 Regular Session)

- **Ord 16-42** To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Amending BMC 2.04.050 (Regular Meetings) and BMC 2.04.255 (Committees – Scheduling) to Start Common Council Regular Sessions and Committees of the Whole an Hour Earlier - at 6:30 p.m.
Contact: Cm. Chopra at 812-349-3409 or chopraa@bloomington.in.gov
Dan Sherman at 812-349-3409 or shermand@bloomington.in.gov
- **Ord 16-41** To Establish the Housing Development Fund
Contact: Philippa Guthrie at 812-349-3547 or guthrip@bloomington.in.gov
Thomas Cameron at 812-349-3557 or cameront@bloomington.in.gov

Legislation for Consideration at the Special Session immediately following the Committee of the Whole next Wednesday (Initial Materials Found in the Packet Issued for the 21 September 2016 Regular Session)

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

Additional Material – Reasonable Conditions:

- RC 01 (Sponsor: Cm. Rollo) – possible condition regarding the planting of native species – *forthcoming*
- RC 02 (Sponsor: Cm. Piedmont-Smith)– requires that at least 32 spaces in the garage be set aside for patrons and visitors – *enclosed*.
 - *Please note that this number may be reduced to 31 spaces based upon a communication received from petitioner on Friday*
- RC 03 (Sponsor: Cm. Mayer – possible condition regarding promotion of facility to graduate as well as under-graduate students – *forthcoming*.

Additional Material – Email from Residents for inclusion in the Packet:

- Email sent to Council Office from Kevin Haggerty;
- Email in response to previous email from Bob Baird to Kevin Haggerty

Contact: Eric Greulich at 812-349-3423 or greulice@bloomington.in.gov

- **Ord 16-21** To Vacate A Public Parcel - Re: A 50-Foot by 120-Foot Segment of North Grant Street Located South of 18th Street and East of 1313 North Grant Street (RCR Properties, LLC, Petitioner)

Contact: Christy Langley at 812-349-3423, langleyc@bloomington.in.gov

Memo

Two Ordinances for Discussion at the Committee of the Whole and Two Ordinances Ready for Third Reading at the Special Session Immediately Following it on Wednesday, November 9th

There are two meetings next week with a Committee of the Whole immediately followed by a Special Session. There are two ordinances ready for discussion at the Committee of the Whole and two ordinances ready under Third Reading at the Special Session. Except as noted below, the legislation, associated materials, and summaries can be found in other packets as indicated above.

Special Session

Ord 16-20 (Dunnhill PUD) – Reasonable Conditions

The two ordinance to be considered at the Special Session would approve the Dunnhill Planned Unit Development (Ord 16-20) and vacate a portion of North Grant Street (Ord 16-21) associated with that PUD. Both ordinances were postponed from the Regular Session on October 19th to this Special Session.

Please note that Council members have expressed interest in imposing some reasonable conditions on this PUD. As noted in the list of legislative items (*above*) these include:

- RC 01 (Sponsor: Cm. Rollo) – possible condition regarding the planting of native species – *forthcoming*
- RC 02 (Sponsor: Cm. Piedmont-Smith)– requires that at least 32 spaces in the garage be set aside for patrons and visitors – *enclosed*.
 - *Please note that this number may be reduced to 31 spaces based upon a communication received from petitioner on Friday; and*
- RC 03 (Sponsor: Cm. Mayer – possible condition regarding promotion of facility to graduate as well as under-graduate students – *forthcoming*.

Please let Dan and Stacy Jane know as soon as possible if you have any other conditions in mind so that they can be prepared and circulated well before the meeting on Wednesday.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
COMMITTEE OF THE WHOLE AND SPECIAL SESSION
7:30 P.M., WEDNESDAY, NOVEMBER 09, 2016
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

COMMITTEE OF THE WHOLE

Chair: Susan Sandberg

1. Ordinance 16-42 – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” –Re: Amending BMC 2.04.050 (Regular Meetings) and BMC 2.04.255 (Committees – Scheduling) to Start Common Council Regular Sessions and Committees of the Whole an Hour Earlier – at 6:30 p.m.

Asked to attend: Allison Chopra, Councilmember District III, Sponsor

2. Ordinance 16-41 – To Establish the Housing Development Fund

Asked to attend: Philippa Guthrie, Corporation Counsel
Thomas Cameron, Assistant City Attorney

(to be immediately followed by a)

SPECIAL SESSION

I. ROLL CALL

II. AGENDA SUMMATION

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

IV. LEGISLATION FOR THIRD READING AND RESOLUTIONS

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

Regular Session October 19, 2016 Action:
Committee Recommendation:

Postpone to: November 09, 2016
Do Pass: 0-1-7

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

Regular Session October 19, 2016 Action:
Committee Recommendation:

Postpone to: November 09, 2016
Do Pass: 3-1-4

V. COUNCIL SCHEDULE

VI. ADJOURNMENT

*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.

Posted and Distributed: November 04, 2016



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

To Council Members
From Council Office
Re Weekly Calendar – 07 November -12 November 2016

Monday, 07 November

12:00 pm Affordable Living Study Group, McCloskey
4:30 pm Plat Committee, Kelly
5:00 pm Redevelopment Commission, McCloskey
5:30 pm Plan Commission, Chambers

Tuesday, 08 November

Election Day-City Offices Closed

Wednesday, 09 November

12:00 pm Bloomington Urban Enterprise Association, McCloskey
5:00 pm Bloomington Arts Commission, McCloskey
5:30 pm Commission on the Status of Black Males, Hooker Conference Room
7:30 pm Common Council Committee of the Whole, Chambers

Thursday, 10 November

12:00 pm Housing Network, McCloskey
5:00 pm Bloomington Historic Preservation Commission, McCloskey

Friday, 11 November

Veteran's Day-City Offices Closed

Saturday, 12 November

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

*Auxiliary aids for people with disabilities are available upon request with adequate notice. Please contact the applicable board or commission or call (812) 349-3400.

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

Additional Material – Reasonable Conditions

- RC 01 (Sponsor: Cm. Rollo) – possible condition regarding the planting of native species – *forthcoming*
- RC 02 (Sponsor: Cm. Piedmont-Smith)– requires that at least 32 spaces in the garage be set aside for patrons and visitors – *enclosed*.
 - *Please note that this number may be reduced to 31 spaces based upon a communication received from petitioner on Friday)*
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Additional Material – Email from Residents for inclusion in the Packet

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- Email in response to previous email from Bob Baird to Kevin Haggerty

***** Reasonable Conditions Form *****

Ordinance #: 16-20
Reasonable Condition #: 02
Submitted By: Cm. Piedmont-Smith, District V
Date: November 1, 2016

Proposed Reasonable Condition:

1. The parking garage, which is located on the west side of Parcel A, shall include at least 32 visitor parking spaces with signage posted at the main entrance of the development and also at the garage entrance on 18th Street pointing visitors to those garage parking spaces.

Synopsis

This Reasonable Condition (02) is sponsored by Cm. Piedmont-Smith. It requires that at least 32 visitor parking spaces be made available in the site's parking garage and that signage be posted at the main entrance of the development and also at the garage entrance on 18th Street which point visitors to those garage parking spaces. This reasonable condition will decrease the parking burden on the surrounding streets and neighborhoods by providing at least 32 parking spaces in the parking garage for non-resident visitors of the project. Due to the increased parking ratio of this development as compared to other CA Venture projects, the removal of 32 parking spaces from the set of spaces assigned to residents should not have a negative effect on resident parking. Instead, this requirement will provide guests of residents and customers of potential future commercial uses in the main building facing Dunn St. with parking.

10/5/15 Committee Action: None
10/19/15 Regular Session Action: None
11/9/16 Regular Session: Pending

(November 1, 2016)

From: **Haggerty, Kevin M**
Date: Thu, Nov 3, 2016 at 9:48 PM
Subject: For the Common Council packet, 11/9/2016 meeting
To: council@bloomington.in.gov

A Message From The Garden Hill Neighborhood Association (GHNA)

First, let me say what we aren't - 1) We aren't anti-development. 2) We aren't anti-student. 3) We aren't anti-IU.

1) We aren't anti-development. We have worked closely with two developers (Tim Henke, the Friedmans) to ensure that development or redevelopment resulted in structures that are consistent with existing homes in Garden Hill. A third developer (Chris Bomba) decided to restore a home rather than demolish it and build anew.

2) We aren't anti-student. Some of us who bought our homes were IU students when we moved here in the 1980's. Garden Hill was predominantly owner-occupied at that time. There are always a few problem houses (very loud parties at all hours, trash overflowing onto the street or sidewalk), or apartments developed by Bob Shaw, or the Elkins brothers. But most of the bad behavior we have observed is on the part of non-residents passing through during IU athletic events or heavy party weekends.

3) We aren't anti-IU. Many current home owners graduated from IU, and/or work(ed) for IU.

We appreciate the support of the Mayor's office and Common Council in establishing some kind of neighborhood parking zone, but we agree with Council, and the developer, that this issue is separate from the Dunnhill project. We are adamantly opposed to any attempt to link them.

The developer agreed to meet with GHNA representative Kerry Slough, on the condition that the meeting occur in City Hall immediately before the Council meeting of 10/19/2016. We don't consider the offer to have been made in good faith, for a couple of reasons.

* Other developers agreed to a sit down meeting with the GHNA in one of our homes, well in advance of any Council meeting that would have heard the issue. We observe that the developer of the proposed PUD at Henderson and Hillside not only sat down with representatives of the Bryan Park Neighborhood Association and city officials, but agreed to make some changes. This project is dwarfed by the massive scale of the Dunnhill PUD.

* At a Council meeting previous to 10/19/2016, the developer expressed absolute unwillingness to compromise, even on something easy to do, like address Councillor Piedmont-Smiths concerns re permeable surfaces. It's evident that the developers have never had a backup plan in the event that their proposal to build another Smallwood was rejected. This absolute unwillingness to compromise is, in itself, very troubling, reflecting as it does the assumption that the project would meet with temporary resistance from the Plan Commission and Common Council, followed by the traditional rubber stamp. Along the way, the Planning Department has assumed the role of unabashed advocate for the developers.

The developers' unwillingness to spend a penny on even minor redesign stands in stark contrast to their offer of \$1 million to an as yet non-existent housing fund in order to get approval.

Regarding the offer of \$1 million - This is not a solution to the problem of ensuring that new construction reserve some units for affordable housing. If anything, it worsens the situation. In the present context, the offer by the developer is indistinguishable in any practical sense from open bribery, a naked quid pro quo. At the other extreme, in future projects the city might be seen as practicing a form of extortion. In between lies an endless gray area susceptible to abuse by both parties in the negotiation.

If the city accepts this Dunnhill quid pro quo without lengthy deliberation and a clear understanding of the ramifications, it may well be opening a very large can of worms. At this point, the process is inherently flawed. Independent of the other reasons for rejecting Dunnhill or postponing a vote, we believe this is a sufficient basis per se on which to vote no, or vote for a delay.

Among those other reasons for rejection - the project is far out of scale. It will only result in further stress on our Historic District, and most importantly, will establish a precedent for further extremely high density development in the immediate area. We understand that student housing has been overdeveloped downtown, but before putting a Smallwood across from our Historic District, let's slow down and get a Common Council policy in place to address standards for assessing PUDs. Just because each PUD is a one-off, that's no reason for Council not to formulate consistent policies, something analogous to the design guidelines for our historic districts but with focus and detail appropriate to a PUD.

Everything should be on the table - development location, density, affordable housing, infrastructure needs, the changing tax base, the use of TIF districts and tax abatements... we believe the Dunnhill project is at or near the center of these issues, all of which will have wide ranging, long term impacts on our city. Let's slow down and get it right.

And finally, IU has ample space across from the football stadium to construct new dorms. Send the message that the city is under no obligation to approve a PUD which is by everyone's admission an IU dormitory. Any vote to accept or reject the current Dunnhill proposal should be delayed until a comprehensive approach to such development can be formulated.

Among recent IU remodeling or new construction of student housing are the new dorms at 10th and Union, the new apartments at 3rd and Union, the renovation of all four wings of Read Center, and the repurposing of Memorial Hall and Goodbody Hall as student housing.

In other words, IU has the money, and will respond to market forces when given the chance.

Thank you for reading,

GHNA

Please address correspondence to Kevin Haggerty

From: **Bob Baird**

Date: Fri, Nov 4, 2016 at 12:35 AM

Subject: Re: For the Common Council packet, 11/9/2016 meeting

To: Kevin M Haggerty

Bravo, Kevin, you raise very salient points, congruent with my own. Bloomington's Common Council (which I covered as a *Daily Student* reporter in the '60s, during the Hooker administration) has become a curious body, espousing grandiose and international causes without minding the store of community harmony and livability. Each neighborhood and historic district nowadays has to fend for itself, against onslaught, deterioration and destruction, and to keep focus on livability and civility in a community too well known as "party city."

As I've mentioned in hearings before the Council re: Dunn Hill, I'm not a dullard who doesn't like to have fun, but recognize when enough is enough. Intense, concentrated student populations have been shown to breed social problems that appear in police blotters as assaults, drug arrests and missing persons. Libertine Bloomington should be beyond that, yet developers continue to treat students as children who should be herded into monstrous compounds where their individuality is lost. "Give them a pool area to congregate and perhaps a green area to jog and walk their dog." Pathetic urban design, in my estimation.

Yes, Kevin, these out-of-town developers continue to show arrogance, difference and outright antagonism. After I reminded the Council recently that "the naked gunman" had accosted one of our homeowners with gunfire, the developers' legal counsel commented inflammatorily that we were accusing the developers of fostering rapists. Quite a leap there for any credible attorney.

Yes, Mayor Hamilton's low-cost housing interjection is a travesty, bordering on extortion and bribery. No low-cost housing is proposed in this dormitory complex, and his assertion that this is "the right place" for such a development is beyond the pale. In spread-out Bloomington, most any Realtor could offer a prime site where this kind of development would be welcomed. But not at 17th and Dunn.

We recognize that most city councilpersons don't live where they can witness colorful puke in front of their domiciles on active weekends, vandalism and destruction to homes and personal property, including vehicles, irrepressible party noise of loud music and pubescent, shrill chatter interlaced with vulgarities and obscenities. We would like to be protected from these base abuses.

It does seem that most city councilpersons live in suburban environments where they don't have to deal with these "irregularities." We in Garden Hill respect the historic, architectural integrity we live in. No one, except maybe you, can take that away from us. Please, don't dare!

Respectfully,

Bob Baird

Bob Baird

*Landscape Gardener & Designer
Nursery Salesperson
Indiana Master's Horticulturist
Merit Award, Wellman Shade Garden,
Perennial Plant Association, 2008
Columnist, 'Natural Expressions'*