

In the Council Chambers of the Showers City Hall at a meeting held on Wednesday, June 18, 1997 at 7:30 pm with Pam Service, Parliamentarian acting as Presiding Officer.

COMMON COUNCIL
REGULAR SESSION
JUNE 18, 1997

Roll Call: Banach, Young, Mayer, Service, Sabbagh, Pierce. Absent: Cole, Sherman, Pizzo.

ROLL CALL

Service gave the Agenda Summation.

AGENDA SUMMATION

The minutes of May 21, 1997 and June 4, 1997 were approved by a voice vote.

APPROVAL OF MINUTES

Young complimented the university on the newly installed fountain that is in front of the IU School of Music's newly renovated Auer Hall. He also referred to a recent mailing to councilmembers from a 'disgruntled' company representative who was not a successful Utility Department bid recipient.

MESSAGES FROM
COUNCILMEMBERS

Service discussed her frustration with the most recent Positive Progress billboards around the county attacking planning and zoning efforts in the community and again announced upcoming Shakespeare in the Park productions.

Service also announced that the draft amendments to the Erosion Control Ordinance are almost complete and the final proposals will be coming before the Common Council sometime in September.

MESSAGES FROM
COUNCIL COMMITTEES

Brenda Brummett Kirk, spoke on behalf of her father, Alonso Brummett and the seven month sewer project that has been ongoing on their Moores Pike property. She discussed the destruction that the project has created and she asked the council to intervene in the matter. Her father was told that the project would only take two weeks and the destruction and inconvenience over the last seven months has been terrible.

PUBLIC INPUT

It was moved, seconded and approved by a voice vote that Tony Fehenbacher and Gilbert Saunders be appointed to the Housing Quality Appeals Board and that Katie Grove be appointed to the Commission on the Status of Women.

APPOINTMENTS TO
BOARD & COMMISSIONS

It was moved and seconded that Resolution 97-5 be introduced and read by title only. Clerk Williams read the legislation by title only.

It was moved and seconded that Resolution 97-5 be adopted. The synopsis was given.

LEGISLATION FOR
SECOND READING/VOTE
RESOLUTION 97-5

Mayer gave a brief report regarding the committee and selection process for the 20 applications that were received from various social service organizations for this funding source. All the proposals were good and worth of merit and the decisions were very difficult. An important criteria was the provision that a one time infusion of funding for a capital project/proposal would be an important element toward their effort and success.

Banach commended the committee for the difficult decisions that they made and Mayer said arriving at a formula for distribution was also a difficult process.

Funding agreements detailing the amount of money awarded and any conditions regarding that approval are attached to the original resolution.

The resolution received a roll call vote of Ayes:5, Nays:0. (Young was out of chamber)

It was moved and seconded that Ordinance 97-20 be introduced and read by title only. Clerk Williams read the ordinance by title only. It was moved and seconded that Ordinance 97-20 be adopted. The synopsis and committee recommendation of Do-Pass 6-0 was given.

ORDINANCE 97-20

It was moved and seconded that the ordinance be amended to include the provision that the meters in parking lots will accept coinage for less than a one hour time provisions.

Service asked about the comp time provision. Jack Davis, Parking Enforcement Manager, said that Saturday enforcement officers did receive time and one half comp time and like other departments, there will be an opportunity for the officers to make up comp time with other small office jobs if the Saturday enforcement is discontinued.

The amendment received a roll call vote of Ayes:5, Nays:0
The ordinance, as amended, received a roll call vote of Ayes: 5, Nays:0.

It was moved and seconded that Ordinance 97-18 be introduced and read by title only. Clerk Williams read the ordinance by title only. It was moved and seconded that Ordinance 97-18 be adopted. The synopsis and committee recommendation of Do-Pass 5-0-1 was given.

ORDINANCE 97-18

To Micuda, Planning Department, described the proposal for Parcel D of the Woolery Farm PUD originally approved in 1994. This amendment to the original plan would allow for Convalescent and Rest Home use. The parcel is 6 ac and approved for 16 MF units (medium density residential) and will utilize 3.4 ac of the site. He discussed the low traffic and parking requirements. Staff utilized the Dwelling Unit Equivalency (DUE) process and determined that it was an acceptable use. The project also meets the minimum open space requirement and would continue to do so, if the whole project was retrofitted to accommodate other uses, if this use was not successful. The use issues, impact issues, and design and architectural details will be considered at the time the final plans are submitted. Landscaping as well as the site orientation will also be evaluated at that time and all these issues will be addressed by staff and if they are deficient, the plan can go back to the Plan Commission for full plan commission approval.

Mayer asked if the DUE process required the developer to "meet a higher standard" than that which is laid out in the master plan. He said that the master plan very specifically addresses the desire to conceal parking from major thoroughfares and here we have two major roads and a developer who is increasing the density and we are not requiring him to meet the basic criteria of our master plan. Micuda said the DUE is a numerical practice in our zoning districts. He said Mayer was addressing the character of the PUD and this particular plan. This question of parking was considered and in weighing the factors, it was determined that the parking would act as a buffer, to transition the building, that there would be berming, mounding and landscaping to take these concerns into consideration. The Tapp Rd elevation will have a standard front elevation that will look like the Adams Street face. The Plan Commission delegated this issue to the staff with the provision that they be taken very seriously and if there is dispute on any of the issues that it be returned to the Plan Commission. Orienting the parking and the entrance to the rear is a legitimate issue.

Sabbagh reviewed the original request for 10 units/acre and this amendment will allow 3.4 ac to have 48 potential units, which is about 14 units/acre. If the DUE is applied, it is about 18 units/3.4 ac or a little over 5 units/acre. So the DUE would bring this below the 10 unit/acre density. Sabbagh said the impact of this amendment is not that great. Micuda said that overall sight impacts on Tapp Rd this is less of an impact; if you look at visual impact it is a larger building footprint with a monolithic parking lot that is larger than one required by a MF project.

Bill Riggert and Laurie North, representing the petitioner, were available to answer questions.

Mayer asked Riggert if the building could be repositioned in order to move the parking. Riggert said that had been discussed by the petitioner and it was felt that a larger buffer was necessary between the living units and Tapp Road noise. If the building was repositioned, they would lose the ability to expand to the west, if desired or needed in the future. Also building an access road further west would increase development costs and that is always "key" to a project.

The ordinance received a roll call vote of Ayes:6, Nays:0.

It was moved and seconded that Ordinance 97-19 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 97-19

It was moved and seconded that Ordinance 97-19 be adopted. The synopsis and committee recommendation of Do-Pass 3-0-2.

Young said that he mentioned last week that he was concerned that he might have a potential possible semi-conflict of interest that gets a little involved and he then read a statement, stating that his father has sold this property to the petitioner and he (Young) has no financial interest in that sale, he does not have a financial stake in the outcome of this amendment and feels that he can participate in an objective and fair way in the discussion of this ordinance in the public interest despite potential possible conflict of interest.

Tom Micuda, reviewed the site location and said that the petitioner wishes to amend the plan for parcel G and subdivide 2.5 ac tract on the northern side of G to facilitate the same land use as in the previous. It will have 42 assisted living units on 2.5 ac of land with a density of 16.8 units/acre. The density is slightly higher and the background density of the current tract is lower than the Tapp Rd development. Density is the key issue. These are efficiency units and applying the DUE equals 14 three bedroom units. In terms of impacts this is really about 5.6 unit/acre density of development. He talked about various density impacts. There will be 27 parking spaces, 21 for occupants and 6 spaces for staff. Again 15 three bedroom units would require 45 parking spaces, so the DUE requires far less parking than the regular MH requirements. There is available land for additional parking if these units were converted to straight efficiency apartments without the senior age restriction/provision.

Open Space will be calculated at a 44% provision and there is a heavily wooded drainage area through the south end of the property. Again the parking is located on the eastern side of the project in order to provide a traffic and safety buffer, especially as the rest of the development occurs. Flipping the building and parking area would be difficult because of the preservation needs of the wooded ravine. This will continue to be evaluated and will come before the Plan Commission again, at their request, and will be thoroughly evaluated again.

Sabbagh reviewed the original plan density of 6 units/acre and on this small parcel, 42 units/ on 2.5 acre which is 16.88 units/ acre. He thought this was a much larger density impact than what was proposed on the Woolery tract.

Micuda talked about parking and traffic impacts as well as drainage patterns and problems. It will be similar and the petitioner will be obligated to meet the letter of the Municipal Code as to how much run off can be generated. He agreed that there is concern about visual impact, PUD character, probably more unbroken parking along Sare Rd than we might have with a MF project and it's more of an aesthetic issue rather than substantive issue and staff is concerned about final plans as well

Mayer said there are concerns and he said that the original plan for the entire tract called for 631 total units overall for residential usage. Mayer asked as these shifts are taking place, does someone have their eye on the 631 total units. Micuda said we should be careful because it is fundamental to the staff, that of meeting our criteria and standards and these very large developments almost always, due to constraints, come in with less density.

Don Hastings, Planning Director, said that they are beginning a computer tracking process that will link up the PUD development data base to the building permit data base that will be available to determine the number of units constructed as well as calculate the actual density as well.

Steve Smith, representing the petitioner, said that this request is actually less impact than the current zoning for this tract and it represents a mix of housing stocks. This amendment is necessary because the assisted care senior units are not currently addressed in the code. He talked about the building setback requirements. The master plan/zoning code said that the building set back is 10 ft less than the parking set back set back, so if the building is in the front, instead of parking, then you get 10ft of more usable space. If the parking is located "up there" then there are additional landscaping requirements. This site has some natural restrictions like the ravine and slope that dictate the plan we have. They will continue to work with the Plan Department and this plan will go back to the Plan commission for final approval. The DUE is there because the impact of smaller units is less than larger three bedroom units. The impact is also lessened because this project is intended for the over 85 senior citizen who is not out and about very much and certainly not on their own. So there is less traffic during the day as well as peak traffic hours. He repeated the reduced parking needs that the DUE requires. This project also has more open space that can protect the ravine, better aesthetic controls, fewer driveways and have fewer impacts in general.

Sabbagh asked if the build out would not happen as quickly if we maintained the current plan. Smith said this would be built quickly and all at once but they have been working on options for development of this parcel and parcels immediately to the south as possibly two story attached, duplexes or fourplexes.

Pat Williams asked how large the units are and if they are all the same size. Smith said the efficiency unit is 360 sqft. Williams asked about the average time of residency for these units and that they seem very small. Discussion continued regarding one bedroom units being added to the plan and Smith said that would then reduce the overall number of allowed units.

Service said that she would not be voting for this amendment because she did not support the original proposal because the plan insisted on placing the commercial components of the plan along Jackson Creek. If Parcel G

does not go in, it would be possible to place the commercial there.

The ordinance received a roll call vote of Ayes:4, Nays:2 (Service, Sabbagh). Service said that President Pizzo has said that he will consider a motion to re-consider this ordinance at the July 2, 1997 meeting. Five votes are needed to approve or deny a petition and this vote of 4-2 is essentially a No Action vote.

It was moved and seconded that the following legislation be introduced and read by title only by the Clerk. Clerk Williams read the legislation by title only for First Reading before the Common Council

LEGISLATION FOR FIRST
READING
ORDINANCE 97-22
ORDINANCE 97-23

Ordinance 97-22 To Create the Bloomington Industrial Development Commission and Establish an Industrial Development Fund (Amends Chapter 2.30 of the BMC Regarding Statutory Boards and Commissions)
Ordinance 97-23 To Amend Ordinance 96-33 Which Fixes the Salaries for Appointed Officers and Employees for the Year 1997 (Adding Entry Level Zoning Officer in the Plan Department.

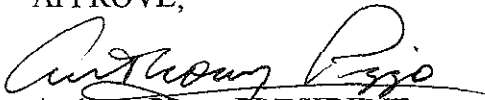
There were no petitions from the public.

PUBLIC INPUT

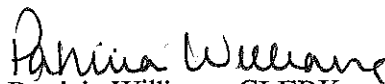
The meeting was adjourned at 9:05 PM

ADJOURNMENT

APPROVE;


Anthony Pizzo, PRESIDENT
Bloomington Common Council

ATTEST;


Patricia Williams, CLERK
City of Bloomington