

In the Council Chambers of the Showers City Hall held on Wednesday, June 5, 1996 at 7:30 PM with Council President Sherman presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
JUNE 5, 1996

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

ROLL CALL

Council President Sherman gave the agenda summation.

AGENDA SUMMATION

The minutes of May 1, 1996 were not approved at this time.

APPROVAL OF MINUT

Pierce reminded people that parking in Handicapped Parking spaces may be a "quick stop" solution to trying to find a parking space but it seriously affects people who really need to use them.

MESSAGES FROM
COUNCILMEMBERS

Service gave the upcoming theater report at the Waldron and 3rd Street Park.

Cole wished MCCSC children a happy summer and thanked all teachers for the great job they do.

Kiesling commended the people from Bloomington who participated in the "Stand for Children" demonstration in Washington D.C. last week and people from all over the country who were there.

Banach reported on the recent Northwood Neighborhood Association meeting and thanked the Police Dept and Parks and Rec for sending representatives to that meeting.

Sherman announced the Bloomington POPS event on the 4th of July and said that Deputy Mayor McNamara would report on it at his place on the agenda.

Mayor Fernandez announced the launching the Youth Conservation Corp that will be structured through Parks and Rec incorporating the existing Project BreakAway program and use it as a pilot for the conservation programs for 12-14 year olds, working in our parks doing a variety of forestry programs. Secondly, he thanked all the golfers who took part in the Senior Nutrition Food program as a way of raising money for this program.

MESSAGES FROM
THE MAYOR

Deputy Mayor McNamara informed the entire viewing community and council about the Bloomington POPS celebrating the 4th of July at Armstrong Stadium with picnics, music and fireworks.

It was moved, seconded and approved by a voice vote that Jim Williams be appointed to the Telecommunications Council. Sherman thanked everyone who

APPOINTMENT TO
TELECOMMUNICATION
COUNCIL

It was moved and seconded and approved by a voice vote that the following appointments be made to the Housing Trust Fund Advisory Board:

APPOINTMENTS TO
HOUSING TRUST
FUND BOARD

Banking Representative	Lon Stevens
Housing Representative (non-profit)	Jeff Stone
Social Service Rep.	Toby Strout
Low/Moderate Inc Rep.	Cheryl Damron

It was moved and seconded that Resolution 96-7 be introduced and read by title only by the Clerk. Deputy Clerk Jenny Byrd read the legislation by title only. It was moved and seconded that Resolution 96-7 be adopted. The synopsis was given. This is a legally advertised public hearing.

LEGISLATION FOR
SECOND READING/
VOTE
RESOLUTION 96-7

Doris Sims, Redevelopment Director, said this is confirming resolution for Resolution 96-6 passed by the council for a ten year period of abatement for the

property located at 526 North Morton. She stated the figures as provided for in the Statement of Benefits and tax schedules for abatement. The 10 year abatement was approved because there has been no growth in this area except for the Showers Complex. This structure has been vacant for a number of years. Housing in the downtown area is important. The site is included in a downtown TIF district and the particulars of that designation was discussed. The additional tax revenues from the improvements will go into that designated fund.

Mayor Fernandez observed that there is general agreement on the proposed use for this particular project and the BZA also supports that use as well. So the question is not about land use, but about tax abatement. Tax abatements are not direct expenditures from the general fund, nor do they shift tax burdens to other property owners, but an abatement on the value of the improvements. It's an incentive to encourage developers to do something for the benefit of the community. And this is the tool to revitalize and benefit the entire downtown and almost every new project in this general area has had a tax abatement. The big question is always, "but for the abatement, would the development happen?"

David Ferguson, petitioner, said this property is determined to certainly be run down and the area, in general, dominated by institutional uses of various kinds. The building needs to be razed and something put there that we all want. Downtown housing just is not happening, there are a few big projects, and getting rid of this junk building will allow something nice. This project will not happen without tax abatement. Three years abatement won't work. There are no infrastructure costs for the city with this project. Despite all the attention and development in the downtown, housing and downtown units have diminished. Housing is lost in little ways and so the bigger pictures have to be considered. The Master Plan does not require parking in the downtown and recognizing the downtown as an urban, walking environment and having to provide a parking lot could add as much as \$80/month per unit. He noted the various projects that he and his partners have been involved in, most happily, the Cantol Wax Building has finally received the various state approvals necessary to proceed with renovations. They have met with 5 architects regarding this project and they are excited about being involved. The New Orleans discussion are pretty much over blown, it was just suggested by way of a comparison concept. The building design will be done by local architects. There will be no vinyl or concrete block facing Morton Street.

Kiesling asked what variances the BZA granted. Ferguson said inclusion in the Downtown Development Overlay as well as side set back variances. It is somewhat confusing, because the first floor is commercial and there are no side setback requirements and the building can be flush with the property line, however, the residential setback as required because of the housing nature of the usage. Ferguson said the drawings show brick and limestone on the street and alley sides of the building.

Service asked about the phrase "as depicted" and asked what the small brick-like sketches meant. Ferguson said that they made it very clear to Lynn Friedmyer that neither brick or limestone would be used on the east or north side. Service asked for something written pertaining to what the building material will be on Morton and the alley. She thought the stone and brick should be on all sides and she was concerned that Ferguson would not make a written commitment to the things he said he would do.

Mike Carmin, representing adjacent property owners Ed and Mary Ellen Farmer, said the Downtown Overlay was not a variance, it is an overlay and a conditional use. The side yard set back was the variance. He said the BZA tapes and

minutes reflect passage of the petitioners request using the phrase "building materials as depicted" and the materials to be used were brick and limestone ONLY, at the BZA and he said he didn't know what might have been talked about outside the meeting. And, there were no qualifiers that they were only talking about 2 of 4 walls. The east side is a legitimate consideration and the east side will be seen from College Avenue. He also raised concerns about parking for these units, He thought there were a lot of issues involved with this decision.

Talisha Coppock, Commission for Bloomington Downtown, spoke in favor of the project and for the 10 year abatement.

Service did not agree with the argument that this is a distressed area with little or no growth potential. That could have been an argument 5 years ago but things have changed tremendously in this area and if this development doesn't happen maybe we will get something better. The compatibility concept is important and a lot of effort was put into maintaining the historic aspect of this (the Showers Building) building and restoration. Housing is important in the downtown and if the developer had not wanted to waive the low housing element in the housing, it might have outweighed some of the existing "debts" in the project. Almost all of the new downtown housing has displaced and removed low income housing and replaced it with parking or high end housing. This is the wrong project for this location and if this projects hinges on tax abatement then the wise thing to do would be to deny the abatement and let another project come forward.

Banach said that while this is a high quality project, there are a number of concerns about this proposal; namely some of the specifics required in our own tax abatement guidelines are missing. The affordable housing component has not had enough time to develop in the Morton St area. He did not wish to vote NO on this project because it is a good one but this is a real Catch 22, but he could not support a 10 year abatement. He said he would abstain.

Cole supported the project but thought affordable modern building materials, and not necessarily brick and limestone, would be the strongest way to proceed in order to create a building that has integrity and can be seen from all four sides.

Sabbagh thought this building would impact the difficult downtown parking problems and also thought that the guidelines were not being followed. A lot of money has been invest in this area, \$8.2 million dollars have been spent on the City Hall Showers Complex and that has been abated and Showers is the cornerstone that will create that development.

Pizzo thought that this is basically a tax abatement, as well as housing and we are here to do what we can to encourage what we think is right for Bloomington and to increase the downtown housing stock and that aspect is being satisfied with this abatement request.

Sherman said this is a reconfirmation resolution and did not understand why this debate is going on. Nothing has changed since the original approval and he was concerned with what could be constructed on this site, that would not require specific approvals. Waiting for better could be a "pie in the sky" kind of thing.

Service said that at the last discussion, several of the councilmembers vote were contingent on some change or movement by the developer. There has been no change or movement on the part of the developer regarding the plans for this site.

It was moved and seconded that the Statement of Benefits be amended to state; that the building face on Morton Street shall be composed mostly of brick and

limestone and the south side shall be also be brick and limestone.

Service thought this was still an abdication of our responsibility of what the other two sides will look like and we're saying they don't count and that all we care about is what is facing our city hall. We should be getting something better.

Dan Sherman said this an amendment offered by the petitioner and does not require a separate motion and vote by the council.

Service moved that the other sides be added to the motion. There was no second.

Young asked about the east side and if it would be split face block and not smooth concrete block. Ferguson said they had no problem with that.

The resolution received a roll call vote of Ayes:6, Nays:2 (Service, Pierce), Abstain:1 (Banach).

The council took a brief recess.

It was moved and seconded that Ordinance 96-13 be introduced and read by title only by the Clerk. Clerk Jenny Byrd read the legislation by title only.

ORDINANCE 96-13

It was moved and seconded that Ordinance 96-13 be adopted. The synopsis and committee recommendation of Do-Pass: 5-2 Amendment A

Do-Pass: 1-2-4 Amendment B

Toni McClure, Planning Dept. described the 1.35 ac tract located at West 6th Street and Hopwell. The project is made up of three separate parts: Building A has 5 efficiency units for HIV/AIDS residents, Building B has 8 efficiency units to be occupied by clients of the South Central Mental Health Association; and Area C will be 4 buildings with 3 units in each condo unit (Alternative A). The petitioner would guarantee that the units would sell for the first time for \$65,000 with a recordable commitment to that effect and if the petitioner sold the property to someone else for future development, that person would be bound to the \$65,000 maximum price limit until or unless they returned to the council for approval. Improvements include the widening of 6th St. to 19 feet, sidewalks along the southside and fix the fenced detention pond, with improvements made by us or by the developer so that water from this site will not drain into the existing pond. Plans for Ritter Street improvements include drainage improvements on the north side of the street including enclosing some of the open ditch areas, and widening the street to accommodate two lanes of traffic and a south side sidewalk. It would not be the normal 31 feet wide street improvement because it would cut into people's yards too much. Proposed improvements to the 5th St./Adams corridor were detailed in earlier meetings and the streets will not be closed for extended periods of time during the construction. The 12 condo units result in a density of 25 dwelling units, 18 1/2 dwelling units per acre. If D.U.E. are applied that results in 17 units with 12.6/acre. The other scenario, which is Alternative B, involves Bldg A and B as described earlier, except that Bldg C would be 5 SF lots rather than the 12 condo units without proposing a road (6th St) with cul de sacs all the other improvements and components of the project would remain the same. The only difference would be that the petitioner could not commit to the \$65,000 maximum selling price with this configuration due to increased construction costs per unit (about \$12,000 per unit). The construction cost is simply less with attached units, rather than detached structures. In terms of master plan compliance, this project is in compliance. It is a residential enhancement project area and there is not a specific land use classification except to note that it is a special area requiring special care.

Kiesling asked about concrete commitments to improvements in the area. McClure said yes, they were not determined at the time of the Plan Commission hearings but since that time it has been determined that there are the funds to do what we want to do. Kiesling was concerned about the whole area in general and especially the area that was fenced by Westinghouse. McClure said that Redevelopment put that fence up when the detention pond was installed because water might reach a level of up to 3 feet. The house at the end of Hopewell will be removed (actually on 6th Street).

Cole asked about a letter that was sent by David Walter costing out some of the possible improvements to the area. Clean open drainage ditches and excavation of same ditches, install a fabric and stone in those ditches to control erosion, another drainage under 5th St and if construction occurs, consider two laning Ritter Street in order to accommodate the increased traffic. And what about driveways?. McClure said that while those sound like worthwhile projects, she has no authorization to expend city monies. Driveway entrances are improved if we do a project on a street, but we don't do the entire driveway.

Doris Sims said that, regarding the suggested list, some can be taken care of now, but other things, like street widening would have to go through the '97 Capital City funding process. The detention pond will have to be re-engineered to control the flow of water in and out of that pond.

Tim Henke said that every neighborhood improvement should not be approved at this meeting tonight, and he hoped to be involved with Engineering when those plans are determined. There are drainage, traffic and access problems to work on and they already exist, they aren't caused by this particular proposal. Buildings A and B are technically multi-family, however they will look like SF homes and will generate the same kind of neighborhood presence.

Steve Smith said this is an appropriate transitional plan compatible with the surrounding sites and will enhance the entire area.

David Carrico, Mental Health Center, said the need for access housing for out patient clients has shrunk over the years and this facility is desperately needed.

John Lease, developer, commended the council for providing the amount of affordable housing that is being developed in the community. He pledged to keep the construction costs down to a level, that people will really be able to afford the units. The energy efficient project will be completed in about 7 months. Cole clarified that John was talking about Alternative Plan A. He said that Alternative Plan B would cost about \$75,000/unit.

Kiesling was bothered by the density of the town houses.

Laramie Wilson was concerned about the proximity of the project to the Illinois Central/Spring Street/Swallow Hole test sites (PCB) has been fenced by Westinghouse as a protective measure and areas that are not fenced do experience run offs from these PCB areas and those run offs have been verifiably dye traced all the way to the Vernal PK area. These were fenced in the first placed because of mpm of 1100 - 1400 and resulted in the fences going up. She thought the city had a higher level of responsibility in approving this project because of the PCB concerns and has an obligation to investigate further before this project is approved. She said the one soil sample that was taken was insufficient and this project will do nothing to further the safety concerns of this community. She went on to say that after a meeting with a Jane and Pat Martin (potential buyers of the land) and after they verified PCB related facts, they made the

decision not to buy the land from Tim Henke. This is a worthy project in need of another safer location.

William Baus, President of the Near West Side Neighborhood Association, asked that his letter of concerns be entered into the record and thought this spot zoning would set a precedent and if Alternative A is approved there will be others to follow.

David Walter, representing the 6th and Ritter Neighborhood Association, said that there is a \$1.8m of infrastructure improvements and investment in this 4 block area. The problem is wages paid to workers in this community, not the affordability of available housing. This is a land use and density question and Plan A has almost four times the density of surrounding neighborhoods and Plan B is much lower for a 7.4 units/acre density. Both plans give us Buildings A and B which we all agree are needed by the community, but why have we not spent more time looking at Plan B? It simply fits better with the rest of the area.

Jill Williams, Project Find Director, spoke in support of the project.

Steve Smith talked about storm water drainage in the area and said that there are several watersheds in the area adjacent to this site from the NW as well as the SW. These were tested before the city bought it for the detention basin and neither watersheds cross into this building site. PCB testing was also done by Bynum and Fanyo prior to finalizing this project's plans.

Tim Henke expressed confidence in the testing process that has occurred for this site. The west side has a lot of problems and this development can be a renewal for this entire area. If we want affordable housing, then we must support and agree to the necessary density.

Cole did not agree with the use of the term "infill" noting that infill suggested that everything was pretty much in place in surrounding areas and this development is the final touch; she also talked about PUD and the allowed and much discussed acreage required (3 acres). She said she was not in favor of this project, but she did support Alternative Plan B as preferable and one that the community can live with. Cole also thought that there were a lot of unresolved issues with this project and especially the fact that the Plan Commission was so split on this request.

Cole moved and it was seconded that Amendment #1, namely Alternative Plan B be considered: that would allow Parcel C to be divided into 5 SF lots.

Pizzo said that if we attempt to alter this ordinance, we are losing site of the opportunity to build affordable housing.

Kiesling said that Plan B would allow for the integrity of the neighborhood to be maintained and while she is a proponent of attached housing, this site is just not right for this density.

Pierce said that at the Plan Commission hearing there was little or no discussion about Plan B, that Plan A was voted on and then they went right on to Plan B. He thought Plan B had less adverse impact on the neighborhoods.

Service said this development includes a lot of supportable needs that Plan A contains, rather than Plan B.

Cole did not think that this little tiny area needs to be forced to address three

major issues in the community. Over 100 people urged the council to protect the neighborhoods and honor the existing zoning in the Hopewell area. Large infill projects will not protect the integrity of neighborhoods. This neighborhood IS affordable.

Young said that we stand by our commitments to the neighbors and the density will create increased traffic and the Spring Street environmental concerns that were not addressed by the Environmental Commission.

Cole asked why the Environmental Commission did not review this petition and Toni McClure said they did not have any concerns or questions about the plan.

Amendment #1 (Plan B) received a roll call vote of Ayes:4, Nays:5 (Banach, Sherman, Pizzo, Sabbagh, Service). Amendment #1 failed.

It was moved and seconded that Amendment #2 (Plan A) be introduced;

Banach said that this is the first affordable housing project we have seen this year and he supported Plan A.

Amendment #2 (Plan A) received a roll call vote of Ayes:6, Nays:3 (Kiesling, Cole, Pierce).

Kiesling said she was disturbed that guidelines that we have worked very hard to refine have been ignored with this petition.

Service reminded the council that just this week we determined social service funding allocations and we now have this opportunity to provide real physical differences in the community, namely housing.

Pierce said there are important land use issues here, but there are also important policy issues and why a zoning code determined that a PUD should be at least 3 acres. He said he has not supported high density proposals on the east side of town and he did not feel, that in good conscience, he could then support them on the west side either.

Pizzo supported the proposed plan and the quality of the project.

Young agreed with Pizzo and added that MF zoning was almost ignored during the zoning ordinance discussion but collectively we will do better if we can understand the changing nature of the community's needs.

Sabbagh iterated the various high densities the council has approved in the last 6 months and said the whole thing has to be viewed on the larger scale.

Cole thanked the neighbors for staying with this project and that any number of good things have come from concerns raised. There will be changes to this area and it will improve a lot of issues for the neighborhood. She thanked David Walter for doing almost a "sub area" plan for the neighborhood. She also thanked Matt Pierce for standing up for the same standards for the west side as well as the east side.

Sherman said this project contains a lot of things that he thought was important and that a lot of compromises were made and a lot was given up to get what he thought was more important. If land use is the only distinction then we never get a chance to make a decision based on what is really important to us.

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The ordinance, as amended, received a roll call vote of Ayes: 6, Nays:2 (Pierce, Cole), Abstain: 1 (Kiesling).


There was no legislation for First Reading but the council will meet next week to consider resolutions that will be introduced at that time.

FIRST READINGS

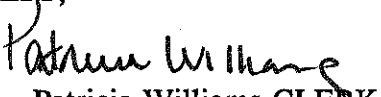
There were no messages from the public.
The meeting was adjourned at 11:00 PM.

PUBLIC INPUT
ADJOURNMENT

APPROVE;


Patricia Cole, Vice-President
Bloomington Common Council

ATTEST;


Patricia Williams, CLERK
City of Bloomington