

On March 21, 1995 Kiesling called the continuation of the March 6, 1995 meeting to order.

MARCH 21, 1995

It was moved and seconded that the agenda be amended to move Amendment #2 forward on the agenda.

The motion received a roll call vote of Ayes:7, Nays:1 (Cole was out of chambers)

It was moved and seconded that Amendment # 1, dealing with Compatibility Review be considered. Service said the maps of the areas in question were ready and should clarify the neighborhoods involved. The reason for introducing this amendment was because of the Master Plan's often-discussed principle of "conserving community character", for which the Plan recommended some sort of compatibility review process for development. This proposal was a limited and refined version of the compatibility review process which is used in many communities today. It would affect the downtown, the entry corridors and the core neighborhoods, which were selected because issues of compatibility would affect the community as a whole, and because they are identified with by the whole community. It is limited to proposals which need approval by a planning and zoning body, and is not to delay development proposal but is simultaneous with the staff review. It is to provide technical expertise and neighborhood advice and is advisory only. The conservation of community character was an overwhelming part of the Plan and has had little implementation so far. Service read the proposal.

AMENDMENT #1
COMPATIBILITY
REVIEW

Sherman asked for information as to the criteria to be used. Service said a specific list was removed, so the focus would be on the relation to the adjacent area and such issues as setback, mass, orientation, etc. would be considered.

Bonnell said that Service's revision had responded to their concerns, which had been vague terms and a specific mapping of the areas subject to this. He pointed out the areas on the map. Bonnell said staff had concerns with possible conflicts of compatibility issues and basic zoning requirements such as height and setback requirements. He recommended that those terms be removed. The Plan Commission was not in favor of this amendment.

Cole asked for specific information as to the areas covered on the map.

Bonnell described the outlines, by streets, of the areas covered.

Sherman asked why was this limited to only permits needing review.

Service said it was a compromise, and intended to apply to developments having a larger impact on a neighborhood than a by-right single family house project.

Jeff Brantley of Positive Progress, said they should be working to reduce the length of the development approval process. The removal of the standards from the other draft made it very vague and difficult to understand the impact. He did not think the developers needed advice and that it would not reduce controversy. This really creates another level of bureaucracy and promotes unpredictability.

Chris Sturbaum said this would help neighborhoods have a voice in the process and avoid late night emergency meetings. Neighborhoods deserve to be treated as full participants in the process and have input on development early on. The purpose of this is to make good development more likely, not less.

Bill Finch, representing CFC, said they did not support the amendment. No one knows what this amendment does, even though it is not a design review. It is

difficult to tell what issues will be looked at if landscaping, setbacks, height, etc. are already covered in the Zoning Ordinance. This will increase the cost of housing and involves enormous discretion as it is too vague.

Ric Zabriskie of the Plan Commission said the Plan Commission vote was 7-2 against this process. This proposal has had little discussion and is not typical of the way we do things, i.e. by committee and much public discussion. He said that subarea plans will do same thing as Compatibility Review, allowing a neighborhood to come in and say they have special needs. Neighborhoods can do this on a strictly volunteer basis.

Talisha Coppock of the Commission for Downtown said this was another stumbling block and could be an economic disincentive to development downtown.

Bob Dunn of Remax Real Estate said he was not in favor saying it was difficult to say what was compatible and what was not.

Greg Raisman said he didn't think we should be speaking just about design compatibility but also about use compatibility. He cited figures about affordable housing, and said that developers use that as a scare tactic to prevent providing amenities such as bike racks.

Mike Probst said he had experience with such a commission in South Carolina, and that without responsibility, authority can get out of hand.

Peter Dvorak questioned the timing of the review, saying he thought it would slow down the approval process. He also objected to the fact there was no criteria for judgement.

Bill Sturbaum spoke in favor, saying he saw nothing in the Zoning Ordinance which was conserving of small town character which was a highly valued trait of Bloomington. This is the only attempt to do this, and it is only enabling legislation to draw up guidelines.

Jim Tolen was not in favor and found aspects of this to be troublesome, giving power to a small group of people. He read parts of the Growth Policies Plan, saying the Plan was for guidance in setting up regulatory procedures and managing development.

Gene Fritz spoke in support, having been a planning board chairman in another community for five years, and said he knew that this concept works. It is advisory only and it helps the Plan Commission make good decisions. It helped tremendously when development came into the older section of town. These planning decisions will affect the town for 20-50 years and should not be rushed through.

Richard Katz didn't think this amendment was needed, and that it was micromanagement.

Eric Stolberg, builder and land developer, urged non-support of this amendment. The development process is very lengthy and we don't need another step in the process.

Susan Fernandes said that older neighborhoods do not have the protection of the covenants and restrictions that subdivisions do; the Plan promised protection for the older neighborhoods. She said this was a communication tool between parties who are now highly polarized and could give a lot of good information.

Steve Howard of the Chamber of Commerce said they objected to this on several bases: no standards, another step in the process, and there is no clear accountability.

Barbara Wolf, president of the Elm Heights Neighborhood Association, supported the amendment and said that many of the objections to this come from people who do not live in the areas under question. We were promised protection and it is not in the Zoning Ordinance. Our neighborhoods are critical components of our economic growth.

Bill Brown, developer, said this adds a layer of bureaucracy that industries would not like when a company looks at Bloomington to re-locate. This would discourage industries from coming to Bloomington, and said not to pass it.

Michael Conner, president of the near-westside neighborhood association, said his association supports this as they are concerned with compatibility issues in zoning changes.

Ben Beard, developer, asked for clarification of the aspects to be considered under this process, the participation of the public, and of the timing of the review. He asked for alternative methods for testing this out, i.e. form a foundation to test this out, and he also wanted to know about how this was done in other communities.

Frank Edmonson, board member of Elm Heights neighborhood, said he was a conservative who was strongly for this amendment.

Marc Cornett said this was a way to talk about site specific issues that are not covered in the Zoning Ordinance. This gives the neighborhood a chance to respond and to "plug in" to the process.

Steve Conrad from the Elm Heights neighborhood said that the people he has heard from are very diverse but all are in favor of this. He asked how they were going to carry out the promise to conserve community character in the Plan. Someone (unidentified woman) urged them to vote against the amendment.

Jim Billingsley said government was to protect property; this takes away all property rights and is communistic. This is an evil and tyrannical scheme to usurp liberty.

Pam Lohman said this has been called vague but it proposes a process for establishing criteria for judgment and that criteria must be passed by the Plan Commission. Then there will be predictability for the developer and for the subarea plans as well.

Susan Elkins, landlord, was not in favor as she thought it would add more layers to the approval process.

Norman Deckard, developer, said this was unnecessary as the Zoning Ordinance makes everything compatible because its zoned that way.

Jim Bohrer, representing the Apartment Owners Association, said the biggest problem with this was the lack of predictability and asked what criteria would be used, because the Zoning Ordinance regulated all of the necessary categories.

Kiesling suggested some sunset review process if the amendment passed and Service said that was all right with her. The words, "This section will be reviewed by the Common Council one year after adoption of the criteria by the Council." were added as a friendly amendment.

Service said some questions need answering: the process will be similar to the Historic Commission; the assertion that this was disapproved before is incorrect, as it was never discussed in the Master Plan Advisory Task Force; as to predictability in development approval, this is not a principle of the Plan - conserve community character is a major principle. This is enabling legislation and will only allow this to be tried.

Swain said most of these amendments were last minute legislation and this one especially was rejected by the Plan Commission. He did not think that neighborhood character would be enhanced by this. He read a section of the Zoning Ordinance saying that the building setback would be that of the dominant portion of the block.

Cole said that the Council is making decisions for the look of Bloomington for the next 20 years and the community needs to start talking about how it wants to look. We need to build well and to make buildings compatible with each other. Neighborhoods need to have a channel to be heard in these issues.

Hopkins said that this is not a scary amendment as it is advisory, and the Council will approve the criteria which will be used by the review board. We do need to more closely at development proposals.

White said this is another level of redundant government regulation and the planning staff is already overburdened. His neighbors are telling him they are losing property value from downzoning. This will make development proposals more costly and time consuming to get through the process.

Bonnell said there were many promises in the Plan, in which design review appears twice, but not in the community character section. There were many ways that the suggestions in the Plan are being implemented, and downzoning residential neighborhoods is one of them. He went on to name others.

Service said that commissions aren't all bad and cited the Environmental Commission as a good one.

Bonnell was disappointed with this amendment as he doesn't know what it will do and he wanted to hear what the criteria would be. There are other ways to fight for your neighborhood.

Pizzo said he had not been convinced as to the specific purpose of the commission, and felt that the forms of input were already available. He didn't understand why this would be a substitute for any existing process.

Kiesling said that scenic corridors were left out of the ordinance. She felt we should give this a try and it is not an overburdening of process.

Amendment #1 received a roll call vote of Ayes:4, Nays:5 (Swain, Bonnell, White, Sherman, and Pizzo). The amendment failed.

It was moved and seconded that Amendment #2 be considered: Service explained that this amendment takes the treatment of off premise signs (bill boards) back to the status found in the current Zoning Ordinance. This grandfathers existing billboards but does not allow any new ones. The proposed zoning ordinance allows billboards to be removed from their current location and erected on another location, with BZA approval. She said she was opposed to this because this maintains the number of billboards and creates a bad impression of our community. It will give the appearance of even more signs being added.

AMENDMENT #2
OFF PREMISE
SIGNS
(BILLBOARDS)

Mueller said the current code prohibits off premise signs and all existing ones are grandfathered. One proposal by Hoosier Outdoor was to allow re-locating billboards as a by-right permit. The Plan Commission approved relocation of existing billboards as a conditional permit.

Bonnell asked Mueller to point out the zones on the map where billboards are allowed by-right; which he did.

Sherman asked about the criteria for judging re-location requests and said it was problematic.

Dave Rogers representing Hoosier Outdoor Advertising said this was a compromise and they felt it was valuable for the community. They were sensitive to the fact that some people did not like billboards and said the ones on the highway met the state's spacing requirements. They envisioned a partnership between the City and the billboard company, and this would open the opportunity for cooperation.

Leo Hickman, owner-manager of Hoosier Outdoor Advertising, gave a history of his family and their business. He spoke of all of the public service work they do, and of the landscaping he has done in the last five years. He wanted them to know that he doesn't want to put up litter on a stick, i.e. visual pollution. He asked them to leave the conditional use in the provision.

Cole asked Hickman if this meant he could not increase the number of signs.

Bill Sturbaum said that the proposal to allow billboards to be moved was another example of the continuing decline in the standards of the proposed ordinance as compared with the current ordinance, as currently, billboards are prohibited. He said we have no inventory of billboards now and how will we know what is the total now.

Jim Bohrer said that off premises signs do serve a useful purpose and tourism is a significant industry here.

Swain asked if he had any local competitors. Hickman named a few.

Service said tourism is a significant industry and that is why we need this now, as we want to promote tourism. She said this was not harming the Hoosier Outdoor business.

Hopkins said he agreed that this weakens the existing ordinance.

Sherman said the old ordinance was a good one and billboards would diminish over time. He would like to see a reduction built into the process.

Bonnell said while he would support reducing the number of billboards on Highway 37, he would not support this amendment.

Jim Bohrer, representing the Apartment Owners Association, said the biggest problem with this was the lack of predictability and asked what criteria would be used, because the Zoning Ordinance regulated all of the necessary categories.

Kiesling suggested some sunset review process if the amendment passed and Service said that was all right with her. The words, "This section will be reviewed by the Common Council one year after adoption of the criteria by the Council." were added as a friendly amendment.

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Swain said most of these amendments were last minute legislation and this one especially was rejected by the Plan Commission. He did not think that neighborhood character would be enhanced by this. He read a section of the Zoning Ordinance saying that the building setback would be that of the dominant portion of the block.

Cole said that the Council is making decisions for the look of Bloomington for the next 20 years and the community needs to start talking about how it wants to look. We need to build well and to make buildings compatible with each other. Neighborhoods need to have a channel to be heard in these issues.

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Kiesling said that scenic corridors were left out of the ordinance. She felt we should give this a try and it is not an overburdening of process.

Amendment #1 received a roll call vote of Ayes:4, Nays:5 (Swain, Bonnell, White, Sherman, and Pizzo). The amendment failed.

White said that he supported the compromise in the proposed zoning ordinance.

Kiesling asked staff which standards are in the current ordinance as to height or size. Mueller responded with those numbers.

Amendment #2 received a roll call vote of Ayes:4 Nays: 5 (Swain, Pizzo, Cole, White, Bonnell). The amendment failed.

Hopkins asked for a vote on adjournment since it was after 10:20 PM. A roll call vote was taken and it was decided Ayes:7, Nays:2 (Swain and Hopkins).

It was moved and seconded that Amendment #49 be considered. Bonnell explained that this was intended to increase green space in parking lots and set backs, by prohibiting mulch and increasing the vegetative value required.

AMENDMENT #49
GREEN SPACE IN
PARKING LOTS

Mueller said that there needed to be specific mention of parking lot islands. Several amendments in wording were discussed.

Bill Finch of CFC said they supported it.

Amendment #49 received a roll call vote of Ayes:9, Nays:0.

It was moved and seconded that Amendment #35 be considered. Hopkins said this amendment, at the suggestion of the Environmental Commission, increased the percentage of parking lot vegetative coverage from 3% to 6%. The EC researched local existing lots and made a convincing case that the proposed ordinance was too lenient in its requirements. He said he was personally interested in this amendment because of the disappointment with the outcome of the Wal-Mart parking lot.

AMENDMENT #35
INCREASE OF
VEGETATIVE COVER
IN PARKING LOTS

Mueller said the staff tried to strike a balance in the current proposal.

Sherman asked Mueller how this requirement measured up against other cities. Mueller said that in cities known for their attractiveness, their parking lot green areas are bigger than either three or six percent and either measure would not put us in the forefront. Mueller then presented a slide show of local parking facilities and explained their relation to the proposed requirements.

Patty Werner with the Environmental Commission made a slide presentation showing local lots and their percentage of coverage.

Gene Fritz strongly supported this amendment and said that his former community had stricter requirements, even specifying the size of tree to be planted.

Norm Deckard said the addition of islands made it very difficult, and proposed a 4% increase.

Chris Sturbaum said we wanted to avoid another Wal-mart.

Gene Fritz also suggested that they add a requirement to replace vegetation that dies. Mueller said there were size and replacement provisions in the proposed code.

Amendment #35 received a roll call vote of Ayes:9, Nays:0.

Kiesling announced the regular Council meeting the next evening. The meeting was continued until March 27. (Recessed @ 11:50 pm)