

In the Council Chambers of the Municipal Building held on Wednesday, March 22, 1995 at 7:30 P.M. with Council President Kiesling presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
MARCH 22, 1995

Roll Call: Sherman, Swain, Pizzo, Kiesling, Hopkins, White, Bonnell. Absent: Cole, Service.

ROLL CALL

Kiesling gave the agenda summation. There were no minutes for approval.

AGENDA SUMMATION

Sherman welcomed spring and the current ongoing zoning ordinance discussion that has been a good one. Swain reminded everyone about the upcoming Volunteer Recognition Awards evening.

MESSAGES FROM THE
COUNCILMEMBERS

Bonnell recognized the Stonebelt facility for the effort they make to employ and place special people and he named Crane, Sunrise Publications, McDonalds, IU Credit Union, Kerasotes, K&W Products, Macris, Dennys, St Pauls Catholic Center, JoAnn Fabrics, Hall Signs, Pizza Express and the Gap. He also recognized the issuance of a building permit in one day by whatever city departments that had to approve it and he commended Ted Rhinehart for a job well done.

He also talked about tax abatement guidelines that determine granting the abatement by what the salary level is. He also urged grocery stores to sell trash stickers 24 hours a day.

Kiesling reported on an Indiana Closeup program talking about good salaries and programs for employees. She also reported on the National League of Cities meetings that she attended last week.

White also attended the NLC meeting and reported on the rather different atmosphere in Washington and it is time to take a new look at how things have been done in the past. I-69 funding that would be funded with the \$18 billion dollars in the trust fund and not add to annual deficit. \$20 million in I-69 projects has already been appropriated by the feds to the state and that needs to be used. Budget recisions of 8% for funds like CDBG is part of a new congress that is diving right in and making cuts and he tried to impress upon them that Bloomington really uses those monies well. Crime bill revisions and direct block grants directly to cities is a good one. Kiesling said the big concern is that we are not really dealing with the deficit.

Mayor Allison commended city staff for planning and engineering permit improved processing. She also presented the council with a City Flag (finally!) She introduced the new Parks Director, Steve Wolper and he spoke briefly.

MESSAGES FROM THE
MAYOR

There were no appointments to boards or commissions.

It was moved and seconded that Ordinance 95-16 be introduced and read by title only. Clerk Williams read the ordinance by title only.

LEGISLATION FOR
SECOND READING/VOTE
ORDINANCE 95-16

It was moved and seconded that Ordinance 95-16 be adopted. The synopsis was given.

Lynne Friedmeyer said that this is an updated petition is for an earlier PUD approved in 1984 for Ruth Kivett-Burns that allows for 1) better parking for the business zoned tract and 2) a 60,000 sqft corporate office that has been highly desired and hoped for in the Growth Policy Plan for this area.

Steve Smith outlined the history of the tract and said that with General Acceptance Corp we have the start of a very nice business park for the area. The amendment is

page 2

basically to take an acre out of the residential area and rezone it for business. The primary access is via Acuff Rd and the terraced parking lot will be very attractive.

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

It was moved and seconded that Ordinance 95-9 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 95-9

It was moved and seconded that Ordinance 95-9 be adopted. The synopsis was given.

Lynne Friedmeyer identified the tract and referred to the ordinance synopsis as a good overview of the proposed amendment to increase the size of the original development by about 4 acres to essentially "clean" up the boundary lines in order to use the land more efficiently. The original outlot access will remain the same after discussions with adjacent property owners. In the future there will be a traffic light when the warrants for one are sufficient. All manufacturing uses have been deleted from the list of approved uses except printing and research and the added one, a day care center. The conditions of approval were read into the record and are attached to the original ordinance. She also reviewed the access to/from W. 3rd St. which cuts through the LandMark/EuDaly buildings and is designed to be a link between Bloomfield and Third St at some point in the future. It is not part of the approval tonight. She compared the internal access to the "interior access roads" that travels along College Mall Road and other parts of the mall rather than multiple cuts along the main road. It was hoped that the right in/right out turns would be better engineered than the Service Merchandise in/out cut on the east side.

Swain asked about the TIF funding and boundaries for the area and Lynne said that she thought the TIF district goes around the development/road.

Steve Smith talked about the marketing needs and possibilities for the site and road realignments to accommodate narrow and curved parts of the existing road.

Doug Jones, representing Rogers Group, said the TIF issue was discussed early in the proposed plan and said that the area (in yellow on the map) to the west is not in the city at this time. It was annexed last year and when it comes in the tax revenues will go into the TIF fund for the buildings in that area. A discussion took place about the various accesses to different building lots and how the internal roads would interconnect. Jones said that the IDOT would be having public hearings in April regarding Third St. realignments, 4 laning it and finally getting rid of that "Bermuda Triangle" at Adams & Third St and all in all there will be a lot of redevelopment with private and public money in this area.

Swain asked about the convenience store and Jones said it was not exactly lined up at this time, but that the person who is interested is a long time local store operator. Swain was concerned about the frequent amendments to the original plan and hoped that the project would soon begin to take shape.

Bill Sturbaum expressed concern about traffic turns and urged that right turn only be allowed on Third Street.

page 3

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

It was moved and seconded that Ordinance 95-14 be introduced and read by title only. Clerk Williams read the ordinance by title only. ORDINANCE 95-14

It was moved and seconded that Ordinance 95-14 be adopted. The synopsis was given.

Nancy Hiestand described the property at Rogers & Third Street (Frosted Foods site). The project will require the purchase of an additional half block for parking. This is not the final site plan but is a good example of some of the problems with adaptive reuse planning. BZA approval will be necessary for several variances.

The building complies with the Historic Designation Committee criteria and this kind of industrial architectural structure is similar to other community projects that are being scrutinized for adaptive reuse by property owners. The house on the corner is scheduled for demolition and will be used for parking. The project has also been approved for tax abatement. The designation will allow the petitioner to apply for Federal tax credits and local designation will allow the petitioner to petition for parking and use variances that would not be allowed in the BG zone.

Duncan Campbell, representing the petitioner, reviewed the history of the building, the designation process to date, meetings with neighborhood residents and the effort to make the building adaptable by today's standards. He said that the historic application does not include the house/site on the corner that the city currently owns and that it will be demolished. Currently the city plans a turning radius for that corner and it has been agreed that the project will be allowed to encroach on city property so that parking can be provided.

Chris Sturbaum spoke in favor of the designation and commended the petitioner for working with the neighborhood and showing concern in a friendly, positive manner and for their efforts to work together to make this a better project.

Dee McEntire, Historic Committeemember, said this is a good example of a project made better because of the historic designation aspect of the plan.

Michael Conner also spoke in support of the project.

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

It was moved and seconded that Ordinance 95-20 be introduced and read by title only. Clerk Williams read the ordinance by title only. ORDINANCE 95-20

It was moved and seconded that Ordinance 95-20 be adopted. The synopsis was given.

Nancy Hiestand said that this ordinance recodifying our current code is required by the new zoning ordinance meeting federal and state criteria. The Fort Wayne, IN document is the working basis for this ordinance. A lot of confusion stems from the fact that the length of the document seems to suggest that there are more changes than actually take place. A lot of the accustomed processes will be streamlined. She showed schematic charts of the current as well as the new processes. Several major benefits are shortening the time for approval process from 60 to 30 days and the removal of paint color review or that the owner could request

exemption from restricted colors. She highlighted various section changes, especially demolition provisions/permits and public notice, conservation district concept that is simply a phase of historic designation and is designated and notified in exactly the same manner and is less regulatory because properties are only regulated for demolition, moving the structure or construction of a new principal building. This means that modifications to existing historic buildings within a Conservation District do not require a Certificate of Non-Conforming Use. This is a phase for after the 3 year anniversary the district would be considered to be elevated to Historic District status. There was concern that this was automatic, that the only prevention of that elevation was a majority of owners not to object in writing. Many people thought that was not fair and the committee has agreed to an amendment to allow for another council hearing at the 3 year anniversary to decide the fate of the district. The committee is aware of community concern and has accepted 8 friendly amendments. Over the last three years, the committee has had 5-6 requests for designation all at the request of the owners and mostly for business or industrial properties, many involving adaptive reuse. Not since Prospect Hill has there been a residential designation and that district is successful and property values are elevated.

Mark DiLossi, Director of Historic Landmarks Assoc of Indiana, credited the city's planning staff for the thoughtful and careful document. There are 32 Historic Committee throughout the state of which Bloomington is one. This ordinance allows us to become a Certified Local Government which is a federal program that allows the city to apply for monies to 1) update survey of eligible buildings 2) developing design guidelines for historic district 3) acquisition and restoration of historic buildings and 4) monies can be used to hire staff. He said that the Landmark Association was founded in 1960 by Eli Lilly and offers free services and advice to communities and individuals and also provides a revolving loan and matching fund allowances to communities and individuals who request it.

Michael Flory said that the amendments are the result of taking with various community members regarding concerns and questions about the designation process.

It was moved and seconded that Amendments 1-8 be introduced. The amendments basically deal with definitions and said list is attached to approved ordinance. This segment of the audio is almost inaudible due to excessive room/tape noise.

Bonnell raised various questions related to the ordinance and Hiestand said that a number of questions asked are right out of state statute. She also said that the statutes generally address guidelines.

Amendment #1 addresses Fair Market Value.

Amendment #2 addresses Reasonable Return.

Amendment #3 amends 8.08.01 030

Amendment #4 stating that the commission must act on a application within 30 days unless applicant agrees to an extension or application will be granted. Also demolition and building permits are covered by this section.

Amendment #5 amends 8.12.010 (b) dealing with permit and certificate provisions.

Amendment #6 amends 8.16.020 (b) dealing with violations and fines.

Amendment #7 amends 8.08.010 (b) dealing with the establishment of the district and council review at the 3 year anniversary.

Amendment #8 amends 8.04.010 (c) Committee composition, appointments and terms of voting commission.

Amendment #9 amends 8.02.02 interested party (3) should read Historic Preservation Commission and deletes the City Planning Dept. Amendment #9 was not seconded and therefore will not be considered at this time.

Bill Finch, representing CFC, Inc., agreed to the amendments and thanked everyone for their time and effort.

Peter Dvorak thought in #2 reasonable return is not actually defined and thought some of the ordinance criteria and record requests for the property owner were excessive. Swain said that #2 deletes the need for all the documents called for in the original ordinance and therefore this concern has been addressed in the amendment.

Duncan Campbell didn't support the amendment dealing with reasonable return and he said that the major challenges to preservation law have been on the basis of hardship not because there was hardship, but because they did not want to comply with the other various regulations. It is in some cases more expensive to follow preservation guidelines and the intent of the original ordinance was to provide commission members with high criteria that will create criteria for hardship not based on a land appraisal figure. This tries to provide a reasonable definition of "hardship".

Mark DiLossi agreed with Campbell's point. Hopkins said he thought we were still mixing economic hardship and economic return. DiLossi said they are linked but different. Each situation is different and historic designation for Union Station is different from a house in Bloomington. Sherman suggested that the hardship should be defined as the structure not the petitioners individual money that is held elsewhere. Hiestand suggested that this ordinance was trying to generate objective criteria to actually protect the board decisions. After talking with CFC, Inc., it was understood that there is a question of privacy when are we looking into private financial matters, and by what measures do we look at the property itself separate from other financial considerations. That is the crux of the matter. Swain thought that was what #6 was addressing.

Sherman moved and Swain seconded the motion that Amendment #2 be tabled.

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

Amendments #1 through #8, excluding #2 received a roll call vote of Ayes:7, Nays:0.

Jeff Brantley, Positive Progress, raised concerns about the process, the actions of a non-elected, non-accountable board, and the need for more time before we rush into this.

Jim Murphy, CFC., had a map and questions about a west side district that is being proposed and wondered how the individual property owners would be affected.

Hiestand said that the map that Murphy has is a proposed National Register District, not a local district and is not on any agenda as a proposed conservation district. These are two separate things.

She showed a map of the local districts in Bloomington

and they do not follow the lines of national districts. She used the North Washington National Register District as an example of a large area but there are only 4 structures within that district that are locally designated. It is not a process of one designation following the other at all. This is a serious misconception that occurs again and again.

DiLossi also said that the two processes are very different. National registry allows for tax credit provisions and there is no local review for national register designation. Anything can be done to that property, vinyl siding, tearing it down, whatever, even though it is on the national register.

An extensive discussion continued regarding national/local designations and what can be done at each level. The bottom line is that changes can be made to their own individual property even if it is on the national register.

Dee McEntire said that the earlier discussion of west side proposal is a vision to provide a stimulus to development and opportunity to take advantage of state tax credits and this aspect alone can be an incentive. He thought it actually happening is probably a fantasy. The Historic Commission has no interest in people getting designations that don't want it. No one has ever been forced to have a designation and no one has ever suffered because of it. If a person buys a property that is already designated then they are bound why whatever restrictions apply just as they would for any other covenants that might exist in a neighborhood.

Sherman thanked Dee for the presentation and the comments that "hit the nail on the head".

Jim Billingsley expressed his concerns about the ordinance.

Cynthia Brubaker, a Historic Designation committee spoke in support of the ordinance.

Bill Sturbaum also supported the ordinance and noted that this complies clearly with the Master Plan.

Clerk Williams said that many people have called about this legislation and expressed concern about their particular properties.

It was moved and seconded that the ordinance be tabled. The motion to table received a roll call vote of Ayes:6, Nays:1 (Hopkins).

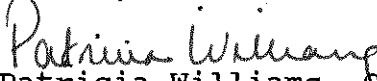
There was no legislation for first reading.
There were no comments from the public.
The meeting was adjourned at 11:50 P.M.

FIRST READINGS
PUBLIC COMMENTS
ADJOURNMENT

APPROVE;


Iris Kiesling, President
Bloomington Common Council

ATTEST;


Patricia Williams, CLERK
City of Bloomington