

In the Council Chambers of the Municipal Building held on Wednesday, May 19, 1993 at 7:30 P.M. with Council President Hopkins presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
MAY 19, 1993

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

ROLL CALL

Council President Hopkins gave the agenda summation.

AGENDA SUMMATION

There were no minutes for approval.

MINUTES FOR  
APPROVAL  
MESSAGES FROM  
COUNCILMEMBERS

Hopkins welcomed new Councilmember Pizzo. Sherman noted the taste of chocolate and the smell of lilacs as particularly nice. Councilmembers recognized Sherman's birthday.

Miller welcomed Pizzo to the Council.

Service welcomed Pizzo and commented on past projects she has worked on with Pizzo. She thanked the organizers of Bookquest which encourages young people to read. Service then passed on a message regarding parking safety in the Elm Heights area and how a problem related to ambulances had come up just this past week and how it was appropriate, and fortunate that the council had expanded restricted parking into that area.

Pizzo thanked those responsible for bringing him to the Council, and thanked the Council for a warm welcome. Pizzo also promised to work hard to do what he can for the community and his constituency.

Cole welcomed Pizzo to the Council and thanked Public Works for correcting some road problems that existed in Fritz Terrace.

White commented on the development at Kinser Pike and the Bypass. He has visited the site and noted it's relative safety and compliance with the conditions of approval regarding the development.

Kiesling announced that on the following Saturday there would be officials giving out information on recycling at the local grocery stores and encouraged people to stop and talk with them. Kiesling also welcomed Pizzo to the Council.

Hopkins read a Proclamation from the Mayor's office announcing that Bloomington will celebrate National Public Works Week.

Ted Rhinehart, Director of Public Works, listed the events planned for Public Works Week and the display at College Mall of the various types of municipal equipment and machinery.

MESSAGES FROM  
CITY OFFICES

Tim Mueller, Director of Planning, presented an update on the implementation of the Growth Policies Plan at the request of Council President Hopkins. In the report Mueller noted the diligence with which his department had been monitoring the Wal-Mart, Service Merchandise and Marsh sites. Mueller said that staff and consultants were working on the new Zoning Ordinance. The current draft of the Zoning Ordinance is only that, a draft and the public should be mindful of this. The plan at the moment is to move to implementation by looking for recommendations in the fundamental policy areas. Mueller discussed each specific task and project, which were as follows: Reactive Plan Implementation, Residential Redirection, Erosion Control Ordinance, Code Enforcement Division, City/County Cooperation, Affordable Housing, Pre-Application Development Review Process, Parks and Greenspaces, Pedestrian and Bicycle Pathways, Zoning Code Revision, Problem Industrial Uses, Core Neighborhood Protection, Neighborhood Capital Improvement Activities, Residential Enhancement Plans,

Long Range Transportation Plan, Master Thoroughfare Plan, Downtown Parking, Circulation and Design Plan, Historical Districts, GIS Systems, Urban Forestry Ordinance, Parking Permits Zones, Karst Management Plan, Monitoring and Annual Report, TIF Districts, Westside Annexations, Enterprise Zone, and Utilities Extension Policy. Mueller said that a main priority is establishing a timetable for completion of these projects. Mueller then went into more detail in regard to the new Zoning Ordinance. He showed a simplified flow chart for the approval process of the new Zoning Ordinance. The chart was then discussed as a process. A zoning policies memorandum was issued by the consultants, this memorandum was then given to a citizens advisory committee. This memorandum was then reviewed by the Plan Commission and the Commission took the fundamental recommendations of the advisory committee into account. The Plan Commission met in sub-quorum meetings following the committee meetings and called for a full Plan Commission meeting on April 19. At the meeting on April 19 the Commission decided that the committee's recommendations would be made part of the zoning policies report. From this point the zoning Policies Report was to be given to the Common Council. Mueller then gave to the Council the finished report and noted that the next step of the process was to begin writing the ordinance text and maps. Annotated texts and maps should be presented at the July 8, 1993 Plan Commission meeting. After the Plan Commission reviews the texts and maps a presentation will be given to the Council. The first draft of the Zoning Ordinance should be out by early October. At that point, the Ordinance will be handed over to the Approving authorities, i.e.- Plan Commission and Common Council. The process for approval states that the Commission draft the ordinance and that the Council adopt it, however, the Planning staff would like the councilmembers to be active in the process, in order to produce an early consensus. Mueller and Councilmember Hopkins have appointed a committee of the Council to achieve this end. The Council committee will consist of Councilmembers Hopkins, Sherman, Service, and Cole. This committee had it's first meeting, and the committee will continue to meet regularly. Mueller discussed several controversial issues covered by the citizens advisory committee. Mueller answered several questions from the Council.

It was moved and seconded that Regina Miller be nominated Vice-President of the Council replacing John Fernandez. White stated that he would not support the nomination of Miller, noting his long standing concern of a high ethical standard for city employees and elected officials. Councilmember Miller was elected Council Vice-President by a voice vote, with White voting no.

ELECTION OF  
VICE PRESIDENT

Frank Batavick was appointed to the Telecommunications Council filling Terri Simanton's unexpired term.

BOARD APPOINTMENT

It was moved and seconded that Ordinance 93-21 be introduced and read by title only. Clerk Williams read the ordinance by title only. It was moved and seconded that Ordinance 93-21 be adopted. The synopsis and committee recommendation of 4-0-2 was given.

LEGISLATION FOR  
SECOND READING/  
VOTE  
ORDINANCE 93-21

Bill Riggert, City Engineer, showed diagrams of the areas to be affected. The timing of the signal light was discussed. The number of parking spots to be

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removed and those remaining were discussed.

The ordinance received a roll call vote of Ayes:9  
Nays:0.

It was moved and seconded that Ordinance 93-15 be introduced and read by title only. Clerk Williams read the ordinance by title only. It was moved and seconded that Ordinance 93-15 be adopted. The synopsis and committee recommendation of 3-1-2 was given.

ORDINANCE 93-15

Tim Mueller described the proposed development. He noted that the Growth Policies Plan calls for urbanization in this area. He noted that the compatibility of this development is something of a judgement call and compatible, in this case does not mean identical to surrounding areas. The planning staff determined that this development does fit into the fabric of the area and commented on the environmental soundness of the project. Mueller noted many similar projects for comparison. He cited several traffic counts and discussed the traffic concerns. It was determined by looking at traffic statistics and the density of the project that traffic would be at acceptable levels after the project is completed. Mueller said that several Notice of Zoning signs had been placed and subsequently removed from the site. A comparison of densities was made with Gentry Estates.

Mike Probst, representing the petitioner, described the aesthetic issues and goals of the project architecturally and the landscaping that would improve the scenic corridor. He said they would seriously look at splitting the four-plexes into duplexes to achieve a better market value. Regarding St. Rd. 446 he has been told by INDOT that the road has a high level of service with 1990 traffic figures of about 4,840 trips per day and even projecting these figures forward there is not cause for concern.

There will be a sidewalk on one side of the main road into the development but not the smaller cul de sacs. The four-plexes that are going to be split will be angled to each other to create a variety of directions and therefore a more pleasing appearance.

Jay Galyan, a nearby resident, was very disturbed at comments made last week by Hopkins that he did not understand the attitude of property owners that they are entitled to control the development of land outside their property. He strongly stated that he felt that they did have the right to express their concerns and opinions. He went on to say that the proposed development is not compatible with the rest of the area, and that the actual density is closer to 7 units/acre when streets, detention pond and natural preservation are taken into consideration. This is more than twice the density of Gentry Estates and the rest of the surrounding land is zoned RE which is half acre or greater sized lots. He asked only that the council consider reducing the density to a more acceptable level.

This has been presented as a transition area similar to other condos in Bloomington. The difference is that they are all surrounded by already developed land before any transition type housing was proposed. In this case there is only one development and that is Gentry Estates and that is a half a mile away. He presented a petition signed by all of the property

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owners, except one, opposing the high density of this project. He also showed slides of other condo developments as well as the traffic on St.Rd. 446.

Hopkins, not recalling precisely what he said last week, said he did not intend his remarks to be interpreted in that way and that he did say that he did not think that neighbors could always control what happens. They are entitled to input and many views must be balanced and taken into consideration. He apologized for any misunderstanding.

Susie Williams said that the density is just too high for this area and she had questions about the number of stories that each of the units would have.

Alan Baxter also raised comments about the traffic and the density. He also raised the question of the complete lack of playgrounds for children in the development. He asked if the fence along the south of the property would be left in place. Baxter then explained his regards concerning the speed of the traffic, not just its frequency.

Kenneth Craig discussed examples of times when the public had changed developments by attending and speaking at public hearings. He speculated on the future of development in the area.

Bill Roberts raised the question of whether anybody had plans to put a road through his property.

Hopkins informed him that nobody could force him to sell his land.

Kenneth Craig inquired if there was a 30 ft. buffer around the property.

Mueller said there was such a buffer.

Carolyn Evans expressed her regret over the development and thanked the petitioner for preserving the house that stood on the site.

Steve Rumble, petitioner, discussed his history of developments and organizations which he belongs to. He noted his attention to environmental concerns and neighbor input. He noted the speed of expansion towards this area as the development from the city continues to grow. He said that the development fits long term Master Plan goals. He explained his willingness to break apart the four-plexes into duplexes making the development look less multi-family. He showed pictures of an architecturally similar development. The intended market was covered. Rumble said that the development was not designed with children in mind. The buffers are not entirely worked out yet. Rumble intends to move the home on the site to another smaller lot. No plans currently exist to extend the road stub, it is simply there to so if a neighbor wishes to develop their property, then they may do so. In response to questions it was noted that some units would have second stories to make the project more architecturally attractive.

Miller said that the house currently on the site used to be a dance hall for soldiers during World War II. She thanked the petitioner for his consideration in

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dividing the four-plexes. She inquired about the amount the prices of the homes would be raised if the number of homes was reduced to 35.

Steve Ruple said to do this would probably make the project financially unfeasible.

Sherman commented that he thought the petition in question was well planned and thought out.

Kiesling asked Mueller if the development was consistent and compatible.

Mueller said yes, compatible does not mean identical.

Kiesling asked if accel\decel lane would be required.

Mueller said the Plan Commission had made no decision on that topic yet. He also said that a permit for this would be required from the state, and that anything the Plan Commission did would be subject to state approval.

Kiesling reminded everyone that this is a scenic corridor and that it should remain so.

Swain complimented Ruple on his presentation and encouraged the petitioner to use a natural buffer instead of a privacy fence on the perimeter of the property.

Miller said she would watch the development closely.

Hopkins hoped that the public comments would have an impact on the final design of the development.

The ordinance received a roll call vote of 7-1(Cole)-1(Pizzo)

It was moved and seconded that the following ordinance be introduced and read by title only before the Common Council for first reading by the Clerk. Clerk Williams read the ordinance by title only. Appropriation Ordinance 93-04 To Specially Appropriate from the General Fund which was Not Otherwise Appropriated (Community Health Center Grant)

LEGISLATION FOR  
FIRST READING  
APP. ORD. 93-4

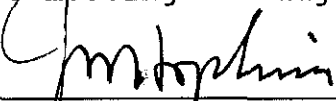
It was moved and seconded that no meeting be held the following week. The next meeting to be held on June 2, 1993.

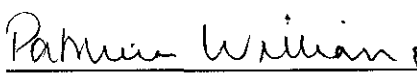
There were no petitions from the public.

PUBLIC INPUT

The meeting was adjourned at 10:05 P.M.

AGENDA

  
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Jack W. Hopkins, Pres.  
Bloomington Common Council

  
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Patricia Williams, Clerk  
City of Bloomington

Approved June 2, 1993