

In the Council Chambers of the Municipal Building held on Wednesday, February 21, 1990 at 7:30 P.M. with Council President Kiesling presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR
SESSION
FEBRUARY 21,
1990

Roll Call: Register, Young, Foley, Olcott, White, Hogan, Service, Hogan. Absent: Fernandez.

ROLL CALL

Kiesling gave the agenda summation.

AGENDA
SUMMATION

The minutes of January 17, 1990 and February 7, 1990 were corrected by Kiesling and passed by a voice vote.

APPROVAL OF
MINUTES

Olcott said E911 is moving along slowly with some county officials' support.

MESSAGES FROM
COUNCILMEMBERS

White said that the H-T misquoted his activities in Indianapolis regarding an alleged committee appearance and testimony about the collective bargaining bill. White said the only meeting he attended regarding the topic was an IACT meeting and no appearances were made before a House or Senate committee. The big concern is that the bill mandates things that local government must do, and he disagrees with that concept. Home Rule is an important concept and allows municipalities to make decisions by its own legislative body. The opt in/opt out amendment is a reasonable proposal and White said he could support that amendment to the bill.

The Hoosierfest Committee, CFC and Commission for Bloomington Downtown is sponsoring an event to recognize our student leaders who help with community events, particularly in the downtown area.

Service wished our Sister City in Nicaragua a Happy Election and John Fernandez a safe election observation in Posoltega. She also congratulated CFC for moving the house on 7th Street (behind the Presbyterian church) and their recognition of the importance of the historic designation. She suggested that this is a rather marked contrast with another developer who is proposing a particular development on the south side of town and has not shown the same consideration for an important historical house in that tract of land.

Kiesling thanked Mr. D's for carrying paper bags that can be used for yard waste and are recyclable.

Tim Mueller introduced several City Plan Commissioners who have followed several planning proposals from Bloomington Vendors and wanted to speak to the Council.

REPORTS FROM
CITY OFFICES

Tom Swafford, President of the Commission, discussed the RH classification and the several RH infill projects around town and the many problems with RH zoning. The issue before the Plan Commission is existing RH zoning in places like Hillside and Kinser Pike. This designation has outlived its usefulness. While no one is here tonight speaking about the proposed rezoning on N. Jackson it is an area with many elderly people and we must represent them the best way we can. He urged the Council to vote against RH zoning. We don't need more RH and to add a blank RH zone sends a signal to developers that if they don't like what the Plan Commission does then come to the Common Council.

Joe Hoffmann, Plan Commission member, seconded Swafford's comments and said that the Plan Commission as a group feels strongly that it (RH) should not expand unless absolutely necessary. RH was recently amended and that was simply to make it more palatable where it already exists and that is all it was designed to do. Expansion of RH elsewhere in the city was never intended. If

someone were to come before us with a proposal that could not be done any other way, it would present a difficult situation, but to approve RH zoning not because a specific project requires it but because the developer wants to have it for some future purpose, unknown and unspecified, is setting a precedent of the worse kind. He urged the Council to consider very carefully the proposal and keep in mind the upcoming master plan community review process.

Mike Davis urged everyone to attend the Bloomington Tomorrow session on March 3, 1990 at Fountain Square. The public is encouraged to participate. He reported that the recently formed Bicycle Commission is up and running and already formulating a survey on people's attitudes on bicycle concerns. The 1990 census is up and running full speed with I.U. and the City both involved in concurrent plans to make it all work. Last spring the pre-census report told us that Bloomington had 39,000 housing units. We did a check on the number they gave us and came up with 1200 more than the census told us we had. This is a matter of great concern to us and since we did challenge the results of the pre-census report; it preserves any legal challenge we may have later on. We will have a report later this month. The City, I.U.S.A, Panhellenic Association will all be working together to make sure everyone knows they must fill out the forms. There will be daily press conferences detailing each area affected by a correct, accurate count. CFC is donating buttons, the Student Foundation and I.U. Press have donated flyers, Hoosier Outdoor Advertising has donated 5-6 billboards, Coach Mallory has done a TV spot for Channel 3. The Utilities Department will have a message on our utility bills, Cool 1370 will allow Mike to be the Cool Man for the Day, Economy Printing is donating signs for buses and elsewhere. The amount per person over a 10 year span is about \$2,000 per person. So fifty people who are missed would mean the loss of a lot of money to our community. He presented the Council with an update from the legislature.

REPORTS FROM
MAYOR'S OFFICE

It was moved, seconded and approved by a voice vote the following appointments to Boards and Commissions. With the exception of Redevelopment, USB and M.C. EDC, all appointments are for two years. Redevelopment and M.C. EDC are one year appointments, and USB is a four year appointment.

APPOINTMENTS
TO BOARDS/
COMMISSIONS

Animal Control Commission	Susan Wintsch
Historic Designation	Rosemary Miller
HQAB	Susie Hamilton
Human Rights	George Foster
	Mary Ellis
Environmental	Kevin Komisarcik
	Chris Maron
	Laura Trout
	George Heise
Redevelopment	Patricia Gross
	David Walter
Telecommunications	Kevin Klein
	Susan Eastman
	Terri Simanton
Traffic Commission	Pip Chamberlain
	Bill Somers
Utilities Service Board	John Kissell
Monroe County Economic Development Commission	Jim Register

It was moved and seconded that Resolution 90-6 be introduced and read by title only. Clerk Williams read the resolution.
It was moved and seconded that Resolution 90-6 be adopted. The synopsis and committee report was given. Do-Pass 6-1.

LEGISLATION
FOR SECOND
READING/FINAL
VOTE

RESOLUTION
90-6
(WEST CORRIDOR
STUDY)

Pat Patterson said this assessment of the west corridor is necessary because the old studies identified alternative corridors from Rogers to Fess for east-west traffic. This new review identifies the phases for future improvement. This would take us to a point where we could begin design improvements. This study will also provide an opportunity to consult with Beam, Longest and Neff regarding issues related to the west corridor. Local funding and other considerations can be reviewed in relation to the corridor.

Foley thanked everyone for their input and assistance on the west side traffic problems.

Hogan questioned the spending of \$50,000 on this environmental impact study when it will be 1995 before we can think about doing anything to that road and we are concerned about the bond issue and all the priorities that are stacked up against it and we are spending this amount of money on something that is so far out as a project.

Paul Schneller said it is remarkable that we are spending \$50,000 on this and have allocated only \$60,000 for a master plan process for the entire city.

Hogan said other areas are in just as bad a shape and \$50,000 would buy a lot of asphalt.

Olcott said we have to have the studies if we want monies from the state or federal government-it's as simple as that. We have had these studies in place before and we got to the top of the list when it comes time for outside funding assistance.

The resolution received a roll call vote of Ayes:7, Nays:1 (Hogan).

It was moved and seconded that Ordinance 90-5 be introduced and read by title only. Clerk Williams read the ordinance by title.

It was moved and seconded that Ordinance 90-5 be adopted. The synopsis and committee report were given. Do-Pass 5-2.

ORDINANCE
90-5
(E. 10th
REZONE)

Tim Mueller described the tract under discussion, 100 acres on the north side of E. 10th St. just east of the Woodbridge III project. The zoning surrounding the site is mixed. There is a portion of RH-RL east of the major ravine, only a portion of which is flat. Under our zoning they are entitled to build the number of units permitted on the ground on a per acre basis even if it has to be concentrated on the flat parts of the site. East of the ravine is RS, RE on the bulk of the site and RS/PUD on the rest specifically for an attached housing project for the elderly. That presumably will never happen as that market was tapped by the Meadowood complex. If home sites were pushed into the slopes perhaps 80 units could be built. Plan have been submitted including a school site as well as excluding the school site. When questions arose regarding the impact of 300+ living units on the school population the developer responded by offering the dedication of a free 12 acre school site to the school corporation. The project involves spreading the density over the entire site rather than concentrating it in one corner. Major discussions took place regarding traffic patterns and the decision to route traffic on 10th St. rather than out on Russell Road. It is a spacious plan with a lot of green space and a density of under 4 units per acre averaging in the free spaces. There is minimal disturbance on sloping areas thus minimizing siltation and erosion. The building will be on the uphill side of the slopes and demonstrates the intent to limit the cut and

fill to the area that will actually be built upon. Only small segments of development will be approved, completed and then the next phase will be approved, completed, etc. There would be 314 units if the school is included and 306 if the school is not part of the plan. The MCCSC will have three years to decide if they wish to pursue the school project. Sidewalks would be constructed on all frontages, right of way dedication for the thoroughfare plan plus an additional large dedication in case the state ever wanted to straighten out 10th Street, storm water detention that would double as siltation control basin in the ravine.

Service asked about fire trucks accessing slope-sided units. Mueller said this is taken into consideration in the review process making sure that turning radii and parking arrangements are conducive in getting all types of vehicles into the project.

Jeff Fanyo, engineer for the developer, discussed special aspects of this PUD. The clustering of homes with, in some cases a football field length between clusters is an important characteristic of this development, creating a wonderful open space for everyone to enjoy. The developer will pick up the cost of the waterline. Up to 5 lift stations will be eliminated and a gravity flow sewer will accommodate a Meadowpark lift station and the two gravity lift stations on the south side of the track with the potential to carry the load. Every detail has been thought out, erosion control, the land for the school site and the water/sewer lines.

Olcott asked about Park Ridge East water pressure improvements. Fanyo said that by providing larger sized pipes the amount of friction is reduced and friction is what reduces pressure.

Young asked about time phases and Fanyo said if one phase a year was done, it would be a 10 year plan. Chances are there would be more than one phase a year, but that depends upon the economy.

Public comment was offered by the following individuals and a brief synopsis of their comments follows.

Robert Larue discussed traffic counts.

Steve Halkovic showed slides of the site.

Mary Jane Gormley discussed Grandview neighborhood concerns.

Susan Hollis urged the Council to wait for the master plan and was concerned about people cutting through Grandview subdivision.

Dan Jank asked that the beauty of the area be maintained and the need to wait for the master plan.

Clancy Clements suggested a park in the area.

Gary Pawles also discussed the master plan process and the sensitive nature of the area.

Also speaking were Gabriel Lyman and Harry Hollis.

Richard Martin discussed trading infrastructure for density and the need to preserve the watershed and the fact that holding ponds in the watershed have not been approved anywhere else in the Lake Griffy area and he questioned the developer's premise that housing for older people is the right direction. Martin said the population is getting younger not older.

Tom Zeller also spoke about environmental concerns and traffic counts on 10th St. and green space.

Hogan asked about giving land to the city for parks.

Olcott said he has gone that route numerous times. whenever a developer has a tract of land he has nothing else to do with it he suggests giving it to the city. We then have to maintain it and be responsible for it. It

just doesn't work.

Jeff Fanyo responded to concerns by saying is that this land will be developed by someone and it isn't a question of whether it stays greenspace or gets developed. He felt his plan was well thought out and has been the result of numerous public hearings and input. The developer will put infrastructure improvements on S.R.45 that benefits everyone. He disputed some of Steve Halkovic's slides and what they actually depicted. (Mr. Halkovic later disagreed with Fanyo and remained firm about what he took pictures of). Fanyo also said that the RH would only allow 3 unrelated adults in one dwelling so it will not become an overcrowded student area. He said that the water retention pond policy (prohibiting them) is unknown to him and in fact are used quite frequently throughout the city.

Parks are an option that are being held open and still under discussion with members of the planning staff. If the school doesn't want the land they will pursue the idea with the parks board.

Young asked Mueller about the entrance/exit. Mueller said it is the best spot, looking worse than it really is and it does meet applicable standards. Modifications will be made as the development proceeds. A dog leg would be another alternative and that is not desirable.

Fanyo also discussed capacity in the new force main system and access will be provided with no cost to existing homeowners.

Mueller said that it is illegal for the city to attempt to regulate price even if we could. It would not be a basis to deny a project that came along and differed from any representations made to date. Basically it's a taboo area and land use is the determining factor.

Kiesling reminded everyone that the Council can only vote on the issue as presented and cannot be amended on the Council floor.

Judy Wagner also discussed the Grandview intersection and traffic concerns associated with 10th St.

Regester asked about accel and decel lanes and if they will improve site distance and visibility. Fanyo said yes.

Service said she would vote against this "two lane buggy lane" out there as she consistently votes against high density in this area. It isn't the right spot for this development.

Kiesling thought the Lake Griffy watershed area has not been properly addressed. The area is most fragile and deserves more serious consideration. She thanked all persons involved for trying to do a good job. But she is still concerned about siltation, water supply and watershed protection and therefore will not vote for this proposal.

Regester asked if we vote on something that alters the access at Grandview, does that alter the approval from the Plan Commission or can we go from there to development plan. Mueller said the Council has the discretion to approve or deny, not to modify. That is a general statute that really doesn't envision the PUD process and there is probably a grey area where a small amount of interpretation may be available. Something this significant would not be within the Council's discretion and suggested that it might be the Council's intent to afford the commission development plan flexibility on the specific location of that access point. Mueller thought that was a pretty minor objective and that there is no hard position to connect it all to Grandview.

White said he is willing to listen to anyone and until any

hour and occasionally it does change minds. The input is important. He also suggested that there is the conception that we never met a development we didn't like. We have down zoned property to protect it, Ivy Tech was passed but so many restrictions were put on the developer that nothing has happened out there, the RH zone was reworked last year, revised and improved as a result of citizen input. He encouraged people to participate in the budget process. Often we go for days without any input from the public during those meetings. One issue discussed is highway planning and we need your input.

Fanyo agreed to move the access point anywhere anyone wants it. They are not tied to the current plan in any manner.

Olcott said that T intersections don't work and they haven't worked in other areas either. Olcott also said that Bloomington is in the Top Ten in retirement communities in the entire country.

The ordinance received a roll call vote of Ayes:5, Nays:3 (Service, Kiesling, Foley). Register asked that the minutes of this meeting be made available to members of the Plan Commission (if desired).

It was moved and seconded that Ordinance 90-6 be introduced and read by title only.. Clerk Williams read the ordinance by title.
It was moved and seconded that Ordinance 90-6 be adopted. The synopsis and committee report was given. Do-Pass 3-4.

ORDINANCE
90-6
(N. JACKSON
REZONE)

Tim Mueller described the tract involved. It is 2.7 acres that is currently zones RS. The request is for RH. Most projects approved over the last ten years have been in a PUD format in the RS zone. The surrounding zoning is clearly mixed. The staff concern, generating a negative recommendation from the staff and Plan Commission, isn't so much the concept of multifamily residential in relation to our current policy. This isn't a single family situation or would it be appropriate to extend the business to this area, so some form of multifamily is a reasonable use. Our concern is one of policy and there is a daily request for upgrading of permissable landuse for multifamily landuse in the form of variances or rezoning requests. In general there is rather broad community dissatisfaction with some of the multifamily development that we have seen in recent years. As a consequence we are saying no a lot more often than we used to in some of these infill areas in the center of town. More often we bargain for more compatible land use such as the one on 14th St between Walnut and Dunn St. We do not want messages going out that the Plan Commission can be by-passed and the request can just go to the Council. The RH zone for all practical purposes is obsolete and those projects are largely infill projects and cited only one actually zoned to accommodate RH. One is Fountain Park on E.10th St. (Phase II and it never developed as such.)

Timber Ridge is another rezone andd it was a change from BA to RH and that project did become a problem. Varsity Villa is also an RH problem that we all live with. He enumerated various other problems associated with RH zones. RH does not permit any bargaining chips for the city. It is the least restrictive zone and in essence we are forced to accept the developer's plan. The PUD format should not cost more. The process is the same. THE key difference is the very general outline plan that is not fully engineered and detailed. We aren't that concerned about the two acres in this area or with the 55 units it would accomodate. It is a policy question and we are more concerned about the policy implications with people we

deal with daily.

Pete Dunn said RH does leave a lot of latitude, but last summer the Plan Commission decided to tighten up RH, requiring side and back yards. This is a project that is controlled by the landowner, not individual condo owners. This project will have less density than the other units that surround it. There is a need for housing for the average worker in Bloomington, everything cannot be built on the eastside. The intention is not to resell this to anyone. Dunn said his daughter owns part of this project and she is going to be here to see it through. A PUD does cost more to engineer and plan. A storm sewer is already in the area as well as water and sanitary sewer, infrastructure, with all outlets on Jackson St.

Monica Kroener a nearby property ^{owner} ~~unit~~ opposed the development. She agreed the area needs development and attention but not this particular plan and certainly not a deliberate RH rezone. She presented the Council with pictures of the area as it currently exists with trees cut down and a very overcrowded business parking lot for the car tow and repair shops in the area.

Jean Patton thought that in view of the decision regarding a rezone request that passed earlier, she expressed surprise at the Council's inconsistency in allowing the east 10th St. development and denying this request.

Dee Vincent (Pete Dunn's daughter) said that she would continue her fathers desire to provide affordable housing for people who need it.

John VanMeter also spoke in favor of the development. He said he lives in the neighborhood and Pete Dunn is always there and Pete will develop it; it will be nice and something we can all be proud of.

Foley said he would support the petitioner's request. Affordable housing is a major issue on the west side. This is trying to be interpreted as a major policy precedent. This is a unique situation and consideration. Economic development is needed in this area. Dunn's intentions are honorable.

Regester commended Dunn for his interest in the area and willingness to develop the area. However, the exact same project could be built with a PUD that would not contradict recent policy toward rezoning and development.

Service had no problem with not supporting the proposal. There is no plan, and we cannot have one set of rules for Monroe County natives who are friendly and different rules for people who have not been here for quite so long. Policies must apply across the board. The land was cleared without the proper permits and Mr. Dunn certainly understands and knows the proper procedure. A PUD affords more control over what is done.

Hogan said that we all want a quality development in that area and PUD's do not offer automatic quality development. What Mr. Dunn wants to do is known to all of us and he has a good building track record. The recent tightening up of the RH zone will take care of any problems that might occur. Hogan said he hated to see something stifled for a matter of policy or the bureaucratic procedure of how we are going to do something. If we want to get rid of the RH zone, then lets get rid of the RH zone.

White said he would agree with Service about the long range concerns on this question. He said he hoped that this type of development would continue but that it (RH)

is here forever once it is rezoned. He hoped that it would come back as a PUD.

Olcott said he wanted the area cleaned up, the cars are unsightly they should be shielded or moved somewhere else, but that he also approved the general plan. Kiesling said she would like to see a definite plan before we go ahead and approve the rezone request.

The ordinance received a roll call vote of Ayes: 4, Nays:4 (Kiesling, White, Service, Register). The motion was denied.

It was moved and seconded that the following ordinances be introduced and read by title only for first reading by the Clerk. Clerk Williams read the ordinances by title.
Ordinance 90-8 To Amend Section 2.11.060 of the Bloomington Municipal Code Entitled "Rose Hill Cemetery Regulations".
Ordinance 90-9 To Transfer Appropriations within the General Fund.

LEGISLATION
FOR FIRST
READING

Richard Martin clarified his earlier remarks regarding the average age in Monroe County by the year 2020 will be 25.2 years of age, making us the youngest county in the state. Olcott said we are still recognized as a retirement community. He talked about the Council's refusal to reject rezoning requests despite public comment. It doesn't seem to matter if the public comments or remains silent. He also talked about the public hearings regarding the master plan and he asked the Councilmembers to contact Plan Commission members, pointing out that we still don't know what we are buying or what the plan will actually look like.

PETITIONS

The meeting was finally adjourned at 11:45 P.M.

ADJOURNMENT

APPROVE:

Iris Kiesling

Iris Kiesling, President
Bloomington Common Council

ATTEST:

Patricia Williams

Patricia Williams, CLERK
City of Bloomington.