

In the Council Chambers of the Municipal Building held on Wednesday, June 6, 1990, at 7:30 P.M. with Council President Kiesling presiding over a Regular Session of the Common Council. COMMON COUNCIL
JUNE 6, 1990
REGULAR SESSION

Roll Call: Regester, Hitchcox, Foley, Olcott, Kiesling, Fernandez, Service, Hogan. Absent: White. ROLL CALL

Kiesling gave the agenda summation. AGENDA SUMMATION

The minutes of May 16, 1990 were approved by a voice vote. APPROVAL OF
MINUTES

Mayor Allison eulogized Pat Patterson, Public Works Director who died very suddenly last week, highlighting all the points of his career and the wonderful contributions he has made to our city over the almost 20 years he served his community. All over our community there are monuments to Pat. MESSAGES FROM
THE MAYOR

Olcott said that what we are doing here will be more difficult without Pat. Regester said he was a diplomat, a friend and the stable factor in so many meetings and decisions. Hitchcox said that he was always available to help people solve their problems. Foley thanked the Mayor for her comments. He said that so many things on the westside speak to what he did for the city and the legacy he left us. Hogan thought of Pat as a friend and he would be terribly missed. Service said that often we don't appreciate people when they are with us every day and only after they are gone we notice the tremendous gaps they leave in our lives and that we need to appreciate each other more. Clerk Williams expressed the pleasure of Eric and Scott coming in and out of the building from the Boys Club. Saunders said she will remember Pat's patience in explaining city issues to her as a new employee. Kiesling said that Pat was involved in so many projects that involve so many of us and he will be truly missed. MESSAGES FROM
COUNCILMEMBERS

Fernandez thanked everyone who participated in the recent Child Care Policy Forum and noted that they will be meeting again on June 12 at the Chamber of Commerce Conference room.

Service announced vacancies on the Utilities Service Board, the Public Transportation Corporation and the Human Resources Commission.

Kiesling said that there would be a fundraiser for the Community Kitchen this Saturday at the Regester Garage and she commended Kroger and Rumpke for getting together on the recycling with plastic bags collected at each store and recycling bins at each store.

It was moved and seconded that Resolution 90-19 be introduced and read by title only. Clerk Williams read the resolution by title. RESOLUTION 90-19

It was moved and seconded that Resolution 90-19 be adopted.

This resolution is necessary because state law has changed since the original resolution granting tax abatement was passed in 1985. This resolution indicates Common Council approval of the statement of benefits for RCA Thomson.

Linda Williamson said that the area was designated in 1985 and the statement of benefits requirement reflects a recent state law change.

She said that RCA will spend \$5.5 million for new equipment with a tax saving of \$230,000 over the next five years.

The resolution received a roll call vote of Ayes:8,
Nays:0.

It was moved and seconded that Ordinance 90-21 be introduced and read by title only. Clerk Williams read the ordinance by title. ORDINANCE90-21

It was moved and seconded that Ordinance 90-21 be adopted. The synopsis, committee report and recommendation of Do-Pass 4-0-2 was read.

Tim Mueller described the site on the west side of Business 37 on the north side of town. There is a combination of urban and rural floodway zonings on the property. Urban allows development and fill; the rural designation does not allow development or fill. Floodplain zoning overlays a pattern of RE zoning with a couple of ML spots scattered over the area. This is a contradictory zoning pattern that cannot sustain itself over a period of time. RE and floodplain are mutually exclusive; you can't build a residence in a floodway so this sets us up for a proposition for future change allowing for some beneficial, non-residential land use. The front part would change from RF to UF and zoned BL and that will be the part in which fill will be concentrated. The rest will stay RE and RF. The PCD will extend to the entire part of the site that will be used. The net developable area (out of 17 acres total) is 9.9 acres. The petitioner would like to divide the property into three parcels, relocating the Boat Quarters (currently on Kinser pike and the By-Pass) on the southernmost three lots. All would be served by a single access point on S.R. 37 with decel and accel lanes as well as the passing blister that is currently there. With each development plan approval that occurs a right will be retained to upgrade the passing blister and accel/decel lanes as necessary for volumes involved with the proposed use.

Plan Commission spent a lot of time discussing appropriate development for this corridor, especially in view of the fact that this will be an area discussed in the master plan. Screening will take care of the storage problem to the rear of the lot and landscaping in the front and 20 display pads as part of a total design will be part of the complete concept. The list of permitted uses is quite short with office and research industry, funeral service, hotel and motel and marine sales. Many other commercial uses were weeded out. Furniture and appliance stores greater than 7500 sq. ft. were allowed.

Conditions for approval include: Landscaping and rear storage plans, decel/accel lanes, trees and brush will be preserved (along the stream bank), stable plan for the cut and fill areas and regulate outdoor storage screening as well as public access along the creek if such a need should arise from the comprehensive plan update.

Steve Smith, representing Steve Smith the petitioner said a plan was developed that would set a good precedent for the entire area with only 13 permitted uses, aesthetically acceptable with architectural features subject to approval as well as landscaping requirements are all subject to the plan commission's approval.

The petitioner was available for questions.

Kiesling asked how rural and urban floodplain status is determined. Mueller said they were created by a judgment call when floodplain zoning was amended in 1978 to meet state and federal standards. The state and federal standards made no distinction. We chose locally to be a little more stringent than the state

and the feds setting the rural floodway in which we wanted to discourage fill. Urban was selected for areas committed to urban development by one factor or another and by virtue of infrastructure and future development possibilities.

Service said this is THE entryway to Bloomington and many of the considerations we had when we discussed Acuff Rd. some time ago are even more relevant for this particular request. This is an improvement over the old Y&W but it would be better to wait until the master plan is in place considering the importance of the plan.

Fernandez said this plan, as approved by the Plan Commission, carried the stipulation that any new ideas or procedures that come out of the master plan will be incorporated into any future stages of this development.

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

It was moved and seconded that Ordinance 90-22 be introduced and read by title only. Clerk Williams read the ordinance by title. ORDINANCE 90-22

It was moved and seconded that Ordinance 90-22 be adopted. The synopsis and committee report of Do-Pass 5-1 was given.

Tim Mueller described the tract on the west side of Walnut St and south side of Country Club. It contains mixed zonings with a rural floodplain overlay. Rezoning would change rural to urban floodway to allow fill and development. 10 acres would be developed. The site of the farm house is still zoned historic so part of the transaction would be to remove that designation. The front of the property is zoned RL and is inappropriate from today's perspective and even more inappropriate is the ML south of the RL all the way to the north line of the subdivision. ML is left in place would have allowed a very extensive list of uses, so in effect much of the site is zoned for the type of development the petitioner is proposing. Finally the outlot is zoned BA on the corner occupied by the White House Flower Shop and it is a complication to the thorough fare plan. The proposed plan would be a shopping center with outlots on the front, a pair of accesses, one on Country Club and one to Walnut and no other direct access to the streets. Parking would be on the east end and the building area to the west and in an L-shaped manner. DNR is still reviewing the plan and the actual building area may be smaller depending on their recommendation. Because of the steep grades a site profile was requested and as it turned out the cut is not severe at all.

The traffic proposal is good and fits well with the Walnut Street project. Country Club access will be aligned with the Walnut Street complex and it will be widened east to Walnut St. A bonus is a left turn lane for the existing shopping center.

Some road work will be temporary until the Walnut Street project is done, because of road grades on Country Club. Sidewalks are proposed by the petitioner and when we look at plans it may be possible to do some trading as we have done with other projects. The Walnut St. project is budgeted with some sidewalks and we may be able to apply the developer's sidewalk obligation offsite and in some other area to develop some other pattern that's incomplete.

Permitted uses are broad, too small for a supermarket or discount store but a full range of office and retail

is included.

Fernandez asked about the Plan Commission point about preserving trees on site. Mueller said cut and fill procedures are subject to DNR approval and Plan Commission approval, as well as preservation of trees along the creek and effective erosion control and restoration measures for cut and fill areas and the parking area to retain the character of the site, public pedestrian or bike paths rights of way will be reserved as well. All the ML area has been included in the PCD and the only thing deleted is the liquor store use in the outlot section of the plan.

Fernandez asked about street improvement timing. Mueller said it would be the developer's responsibility and it would have to be operational when the center opens. The county part of Country Club would be at the county's discretion and the Walnut St section depends on the flow of federal funds.

Dan Nubecker, representing the petitioner, said this is a good plan, better than what the existing zoning allows and which are being deleted from the existing proposal and the traffic improvements improve and solve some long standing problems with that intersection.

Olcott praised Wininger's projects in our community.

Service said she was disappointed in the behavior of the city on this issue as the historic designation on the recently removed house was totally ignored. (McConnell house with a historic designation). The city is becoming very NOW oriented and the house that was removed was a remnant of what was a very important part of what was our way of life. The McConnell sisters saw what was happening in the area and turned to the city for help in preserving their homestead and the city agreed with them. The city caved in to developers and the house was removed. This does not reflect well on the city to do much in the way of long term thinking.

Fernandez in part defended the Plan Commission's decision and said that the deliberation was seriously debated because not all of the property owners were notified of the historic designation request. Because of this legal detail a court ruling in favor of a developer might simply allow a developer to tear down the house without any concern for the designation and proceed with his plan. Encroaching development in surrounding areas would also most certainly affect the house.

By moving the house, there was the commitment made to save the house and it was never the intent to ignore or destroy the historic designation significance.

Mueller said we do take the historic designation seriously and we approach it seriously and this particular house was definitely in a bad situation and reasonable people could quarrel with the issue and that was the only reasons for deviating from our usual stance on designated historic properties. It does not suggest a trend or a willingness to do it again.

Service said she was not questioning motives, but just that the city came down on the wrong side of this issue.

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

It was moved and seconded that the following ordinances be introduced and read by title only by the Clerk for

first reading before the Bloomington Common Council.
Clerk Williams read the ordinances by title.
Ordinance 90-23 To Amend Chapter 2.21 of the BMC
Entitled "Department of Law".
Ordinance 90-24 To Amend Title 15 of the BMC Entitled
"Vehicles and Traffic".
Ordinance 90-25 To Amend the Outline Plan re: 4373 W.
Gifford Rd. (Gary Walls, Petitioner).

LEGISLATION FOR
FIRST READING
ORD. 90-23
ORD. 90-24
ORD. 90-25

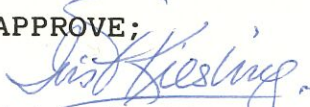
There were no petitions or communications.

PETITIONS

The meeting was adjourned at 8:55 P.M.

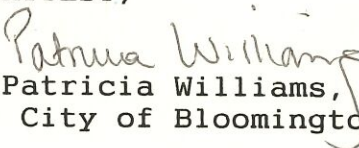
ADJOURNMENT

APPROVE;



Iris Kiesling, President
Bloomington Common Council

ATTEST;



Patricia Williams, CLERK
City of Bloomington