

AGENDA
COMMON COUNCIL
REGULAR SESSION
JANUARY 6, 1982, 7:30 P.M.
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. MESSAGES FROM COUNCILMEMBERS
- IV. MESSAGES FROM THE MAYOR
- V. APPOINTMENTS TO BOARDS AND COMMISSIONS
- VI. PETITIONS AND COMMUNICATIONS
- VII. LEGISLATION FOR DISCUSSION/VOTE - SECOND READINGS
 1. Resolution 82-1 To Authorize Investment of Funds by the City Controller
 2. Ordinance 81-104 To Amend Zoning Maps
re: NW corner of Sare and E. Rogers Road as a PUD (Bloomington Development Corporation)
Tabled at December 16, 1981, Council meeting
- VIII. INTRODUCTION OF ORDINANCES FOR FIRST READING
 1. Ordinance 82-2 To Amend the 1982 Salary Ordinance for Appointed Officers and Employees to Create the Position of Downtown Economic Development Director in the Redevelopment Department
 2. Appropriation Ordinance 82-1 To Specially Appropriate From the Depreciation Fund of the Water Utility Expenditures Not Otherwise Appropriated of the City of Bloomington
 3. Ordinance 82-4 To Amend Section 20.13.01.07 of the Bloomington Municipal Code, entitled "Approval of Outline Plan"
 4. Ordinance 82-3 To Amend Zoning Maps
re: 901 N. Smith Road from BL to BG (Huffman)
 5. Ordinance 82-5 To Amend Chapter 12.20 of the Bloomington Municipal Code, Entitled "Thoroughfare Plan"
- IX. MINUTES FOR APPROVAL: December 16, 1981
- X. ADJOURNMENT

In the Common Council Chambers of the Municipal Building held on January 6, 1982, with Council President Murphy presiding over a regular session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
JANUARY 6, 1982

Councilmembers present: Allison, Towell, Olcott, Morrison Murphy, Porter, Service, Hogan and Dilcher

ROLL CALL

Council President Murphy read the agenda summation,

AGENDA SUMMATION

Allison reported that she had listened to the "Officer Friendly" Program given at the local school by Officer Graft of the Bloomington Police Department. The program covers safety, shop lifting and vandalism, the last being of special interest because of the problem in the parks. The program is excellent, and Officer Graft invites the other councilmembers to attend.

MESSAGES FROM
COUNCIL MEMBERS

She also commented on the establishment of a city-county cooperation committee and hoped that this indicates an awareness by the county that half of their taxpayers and constituents live in the city.

Porter wished the I.U. Basketball team success this year.

Murphy stated that his main goal as president this year was to continue to improve the quality of life in Bloomington, through working and communication with fellow members of the council. He closed by praising his predecessor, Al Towell.

There were no messages from the Mayor.

MAYOR'S MESSAGE

Utilities Service Board. Dilcher moved to re-appoint Steve Hogan. Allison seconded. Passed by acclamation. Plan Commission. Service moved to appoint Allison. Towell seconded. Passed by acclamation.

APPOINTMENTS TO BOARDS
AND COMMISSIONS.

Appointments to Standing Council Committees:
Planning and Economic Development- Lloyd Olcott, Chairperson.
Social, Administrative and Environmental-Pam Service, Chairperson and liaison to the EQCC.
Public Safety and Utilities-John Porter, Chairperson.

UTILITIES
PLAN COMMISSION
PLANNING AND ECON DEV
SOCIAL, ADMIN, ENVIR
PUBLIC SAFETY
SUNSET
DOWNTOWN
OPERATION CITY BEAUTIFUL
REDISTRICTING

Appointments to Special Committees.
Sunset Review: Pat Murphy, Steve Hogan, and Kathy Dilcher.
Downtown: Lloyd Olcott and Pam Service.
Operation City Beautiful: Tomi Allison.

Redistricting Committee-The Council has the responsibility to re-district city council districts by the next city election in 1983. Murphy will request that the Democrat and Republican Chairpersons submit five names each. Two from each party will be chosen by the Council. Murphy will appoint one, for a total of five members.

No petitions or communications.

PETITIONS AND
COMMUNICATIONS

Olcott moved and Morrison seconded a motion to introduce and read Resolution 82-1 by title only.

SECOND READINGS:
RESOLUTION 82-1,
To Authorize Investment of funds by the City Controller

Clerk Williams read Resolution 82-1 by title only.

Olcott moved and Morrison seconded a motion to adopt Resolution 82-1. Dilcher read the legislative synopsis.

John Goss, Controller, stated that investment of funds last year resulted in earnings of \$1,789,125 for the city, which were the highest earnings ever and a major savings. These funds are invested weekly at different local banks, at the bank offering the highest current interest rates. He praised Deputy Controller Barbara Cox for the management of this program and also announced the fact that she would be leaving soon, to be replaced by Betty Merriman from the Redevelopment Department.

Olcott complimented the Controller's Office on a good program.

Olcott moved and Morrison seconded that Ordinance 81-104 be read, introduced and read by title only.
Olcott moved, Morrison seconded that Ordinance 81-104 be adopted.
Dilcher read the legislative synopsis.

ORDINANCE 81-104
To amend Zoning re:
NW corner Sare & E.
Rogers as a PUD

Tim Mueller, Director of Planning, began by giving some background on PUDs, pointing out that according to the PUD ordinance, the Council can approve something other than single family development without requesting a change in zoning. The ordinance allows up to 8 units per acre, but there is no obligation to approve this development or to go to the maximum density.

This site is located at the northwest corner of Sare and Rogers Roads, abutting the Spicewood development to the north and west, with vacant land across Rogers and Sare to the south and east, zoned RE (residential estate). The property was previously platted as a single family subdivision, Spicewood II, Section 6, but was not built. This approval involves not only approving the development plan but also securing vacation of the stub of Buttonwood Lane, and also the vacation of the existing plat. These vacations will follow as separate matters on another agenda.

The original PUD plan submitted has been modified, resulting in the elimination of the unit up in the NW corner, the reduction by one of the number of units against the back (north) lot line abutting Spicewood, the reduction of the total number of units from 58 to 54, and an increase in the setbacks. The total acreage is 10.8, and the density is 5 units per acre; by comparison, single family plats with large lots might be platted at 2.5-3 units an acre.

The plan involves mostly duplex condominiums, with a few clusters of four plexes. It will be serviced by a private drive loop off of Rogers, with no street connection with Spicewood, and interior sidewalks on one side of the loop street. There are accel and decel lanes on Rogers but no passing blister. The Plan Commission required sidewalks along Rogers but voted to defer construction of sidewalks along Sare Road. No sidewalks were required on Sare from Spicewood, but are required from the new Spicewood section on Rogers.

Originally, Spicewood itself was approved as a PUD, involving a commercial corner surrounded by apartment sites. However, the single family homes proved very marketable, so the PUD was rescinded in 1977 and the area was re-platted for single family homes. The Planning staff feels that this current proposal represents a reasonably good landuse for this area, and gives a favorable recommendation for approval of the outline plan and for PUD designation of this project. A number of details may be deferred to the development plan stage, i.e. the matter of sidewalks along Sare, and a drainage plan.

Much of the neighbors concern focused on the buffering at the north property line. Mueller then showed preliminary sketches from the developer of 'typical' screening treatment, which the neighbors had found unacceptable since it would not mature into a total screen for some years.

Allison asked if a sidewalk along Rogers would go in at the time of development. Mueller affirmed this and said that as other projects to the west are developed, sidewalks will be required also, so there is a potential for sidewalks along Rogers going west at least to the creek. Allison asked why sidewalks were deferred on Sare, as that area is also developed. Mueller said that the deferral was based on the fact that the existing Spicewood development had not been required to have sidewalks. Also, currently children from Spicewood are bussed to Rogers School.

Morrison asked about the re-zoning of the 11 acres west of this project. Mueller replied that they are petitioning for a PUD of 80 units of condos, with a proposed density of 7.1 units per acre.

Olcott asked if that 11 acres was in the city. Mueller said no.

Morrison asked how these projects related to Howard Young's proposal on Sare Road. Mueller said that Young's proposal was for a large,

200 acre PUD with mixed residential types at a density of 5 units per acre. Morrison commented on the impact of this density on the traffic on Sare Road. Mueller said 5 units per acre is not that high of a density, i.e. Sherwood Green is about 10 units per acre, Fountain Park is 20 units per acre.

Hogan had a question regarding the maximum density of a PUD zone overlaying an RS zone. Mueller said if development were pushed to the limit in an RS zone, with no topographic constraints, the maximum density would peak at 4.5 units per acre. The maximum for a PUD in an RS zone is 8 units, RL is 10, RH is 20. Hogan asked if a PUD is put into an RS zone, does it mean an effective density of 8 units per acre. Mueller said it does, but there is no obligation to approve that density.

Porter asked when this property was platted and if it was at the same time as the rest of Spicewood. Mueller said it was platted as single family in 1977, changed from the original PUD designation.

Service stated that the Plan Commission had deferred sidewalks on Sare because it was slated for improvement. Now that Sare has been downgraded, she asked if sidewalks should be required now.

Allison stated a concern about the density in this area and the traffic capability of the roads, and asked if the Plan Commission was also concerned with these issues. Mueller said there was an awareness of the changing housing market and also a definite concern about development impacts, i.e. on schools, traffic, etc. Also, it makes sense, he said, to encourage development in areas where improvements are already expected, such as on Rogers and Sare. Allison asked about the large amount of open land zoned RS and RE in this particular area and if there is an ultimate capacity for an area. Mueller replied that there is consideration of the capacity of an area, and also that there was a considerable amount of open land in other parts of the city.

Frank Barnhart, attorney for the petitioner, Bloomington Development Corporation, gave a presentation. He gave a brief background and noted the changes in the original plan; from 58 to 54 units, from 25 to 24 structures and redesign of the siting and landscape plans, especially at the back lot line.

Mr. Charles Steele, landscape architect for the developer, presented further sketches of minimum landscape standards for a typical unit.

Mr. Barnhart said that originally no sidewalks were proposed because of uncertainty as to the final elevations of Sare and Rogers. It was determined that the elevation of Rogers would not change much, and sidewalks were included. The future elevation of Sare is less clear, but the developer is willing to do whatever the city specifies.

He went on to detail the advantages of this type of PUD-condo development. First, the developer has presented exhibits of minimum standards for structures and landscaping, which is not required with subdivisions. Second, the ratio of children in the area will actually decrease, as the resident ratio in condo units is lower than in a subdivision, i.e. 2 people for condos and 3-4 in subdivisions, with the difference primarily being children. He also noted the large investment by Bloomington Development in the adjacent property and that they were also concerned with not impairing the value of the neighboring property.

He then introduced Al Oak of Paul I. Cripe, Inc., a civil engineer, who showed a site plan of the development. Oak noted originally the drainage plan was set up for a greater density, so no problems are anticipated.

Allison asked about buffering to the west. Mr. Oak said the natural topography, a ravine, would serve as a good transition buffer.

Olcott asked about the amount of square feet on the ground floor of a unit, and the number of stories. Barnhart replied that it varied from 1000 to 1500 square feet and some units will be multiple stories in back.

Allison asked about the Rogers and Sare rights-of-way, and the potential for internal sidewalks. Barnhart said r.o.w.s were 80' for Sare, 100' for Rogers, with the standard accel-decel lane. As to internal sidewalks, he said that Bloomington Development still owns lots 119, 120, and 121 in Spicewood III, and has agreed that an easement for internal sidewalks would be made available to join this area to the road through Spicewood III. They have also obtained a reservation of an easement along the N.W. corner of this 10.8 acres for a pathway type sidewalk joining this with Spicewood III immediately to the west.

Ed Applegate, attorney for the Spicewood remonstrators, stated that Bloomington Development Corporation has been very cooperative. He asked if this company would follow through on the total project and would the restrictions be the same if the development were sold. Barnhart replied that it would be sold, but these restrictions would remain in force. Applegate referred to Howard Young's project and other PUDs in the area and asked what the overall plan was for the area, originally planned as single family. He asked the Council to consider the neighbors and the esthetic value of the existing neighborhood. He said the owners of Spicewood II were shown a plat of this area as zoned single family. He questioned the timing of the project and the installation of the buffering, sidewalks and landscaping.

Towell asked Applegate the actual position of his clients, and if they oppose the project. Applegate said yes, they oppose it, one reason being that they have no assurance that the project won't be sold. Towell asked if their objections were met, would the project be acceptable. Applegate stated that residents do not want the project, but if it goes through, these questions should be asked by the Council.

Morrison asked how a construction time frame could be promised if Bloomington Development Corporation is going to sell it, and also about their investment plan. Barnhart replied that the time frame depended on the market. If the market remains poor, the project should take about 10 years; if it improves, as they believe likely, then it would be from 3-5 years.

Ted Cluett, president of the Spicewood Association, said their basic concern is that if a zoning change takes place and development will not happen very quickly, then why change the zoning now? He asked the Council to consider the fact that 855 units have been planned in one year in this area. The Council should take a look at growth in these areas, as once the zoning is changed, it is locked in.

Dr. Tom Middleton, Spicewood resident, was concerned with the increase in population and traffic impacts on the country roads in the area, and also with the installation and maintenance of area roads.

Karl Briley, Spicewood resident, wanted to know what would happen if out of the four condo projects in the area, some did not sell. Would the builder then be back for apartment re-zoning?

Judy Ille, Spicewood resident, asked where children would play and referred to a project in Columbus. Barnhart replied that that density was much higher than on this project.

Service asked about the timing of the installation of the landscape buffers. Barnhart replied he assumed it would go in as each unit goes in, as in standard subdivisions. Mueller stated that as to the timing of improvements, it is the responsibility of the Plan Commission to address any special considerations to be incorporated in a development plan.

Once a plan is approved, another control is in occupancy permits from the Engineering Department. The development plans will be reviewed in public hearings and the Commission can specify a development schedule. Since much concern has been expressed, Mueller said he will see to it that the Commission gives the development plan serious consideration.

Hogan questioned the protection zoning is supposed to give a property owner, if a PUD can be overlaid on a single family zone. He was concerned with the whole PUD policy matter. He was also concerned with installing perimeter sidewalks at the beginning of the development, and internal walks for school children. He asked Mueller if there was a way the city could address the matter of hazardous county roads. He asked Barnhart who would follow through on the promises made by the development company. Barnhart responded that the Plan Commission had already given notice that the commitments must be guaranteed by the Bloomington Development Corporation, as well as the future owner, and that Bloomington Development Corporation has acquiesced to that.

Hogan asked Mueller if it was the right time to ask the developer to make commitments lasting through the building stages. Mueller said that if the outline plan as presented now was changed by the Council, then the developer has to consent in writing to these changes before the Council's approval is effective. Hogan asked how the responsibility for these requirements is transferred to the builder when the property is sold. Mueller said that once approved in this form, it is enforceable by the city. Hogan requested that the Council require the landscaping buffer to the north be executed immediately at the outset of development if possible. Also that sidewalks be executed when the project began.

At this point, there was a five minute recess.

Morrison said that the Council needed a policy on re-zoning. An important question also is the responsibility for maintaining Sare Road.

Service agreed a policy is needed, but she didn't see anything unacceptable about this type of residential development, as it is close in style and value to their neighbors. She said that in terms of development approval, each individual development should be looked at separately. She commented on the fact that any development increases traffic, and said sidewalks were needed on Sare Road, both for adults and children.

Hogan asked about the provision of play space in this type of development. Mueller replied that the ordinance has such a provision, but it is not much used because the Parks Department does not want to maintain a lot of scattered small parks. Oak, the engineer, showed the site plan, and indicated that there was a large amount of green space available.

Hogan moved for an amendment to the outline plan:

1. That the stub of Buttonwood Lane be cleaned up, grassed, and sidewalks and curbs repaired when it is vacated.
2. That the screening on the North side of the property be put in at the beginning of construction.
3. That the sidewalks around the perimeter of the property from Buttonwood Lane on, be put in at the beginning of construction.

He also requested a verbal commitment from the developer that he would not come in with further PUD requests in the other undeveloped sections of Spicewood.

Allison asked that Hogan's amendment stop after the third point, and that he add the one regarding PUD re-zoning for a later vote. She seconded Hogan's amendments 1, 2, and 3.

Porter asked if the Buttonwood vacation would come before the Council. Mueller said it would.

Barnhart agreed to #1 of the amendment as stated, and asked for clarification of #2, i.e. if it was regarding the screen planting only, or also foundation planting. Hogan replied it does not include foundation plantings, just screen planting at the north property line. Barnhart said they could not run sidewalks south from Buttonwood Lane on Sare Road, as the developer no longer owns that property. Hogan specified that sidewalks around the entire perimeter of the development be built at the start of construction. The amendment passed 9-0.

Hogan asked the developer for a verbal commitment that the developer would not request PUD rezoning for the undeveloped sections of Spicewood, i.e. Sections III, IV, V. Barnhart said they were not authorized to give this assurance, however, some lots in Spicewood III and IV have been sold, so that re-zoning should not happen in III and IV. There are also no plans for it in V, but he couldn't make that promise.

Hogan stated concern for his constituents and a desire for commitment from the developer that he would not ask for re-zoning of the rest of Spicewood. Mueller said the Council can impose this and the Board of this corporation can accept it or not. If they accept it, it will be binding.

Murphy asked for a legal opinion. Komoroske, Council attorney, replied that she felt that this would be an improper imposition at this time, as the plan before the Council did not include this property. Towell added that he thought it would be totally unenforceable.

Hogan moved an amendment to seek a commitment in writing from the developer that he will not seek re-zoning of Sections III, IV, and V, for other than what it is presently platted for. Olcott seconded. The amendment failed 3 Ayes, 6 Nays. (Nays: Porter, Murphy, Dilcher, Olcott, Service, Towell)

Ordinance 81-104 was passed as amended, 6 Ayes, 3 Nays. (Nays: Murphy, Hogan, Porter)

Olcott moved and Morrison seconded a motion to read the following ordinances by title only. Clerk Williams read each by title only and Dilcher read the synopses.

FIRST READINGS

1. Ordinance 82-2 To Amend the 1982 Salary Ordinance for Appointed Officers and Employees to Create the Position of Downtown Development Director in the Redevelopment Dept. ORD. 82-2

2. Appropriation Ordinance 82-1 To Specially Appropriate From the Depreciation Fund of the Water Utility Expenditures Not Otherwise Appropriated of the City of Bloomington. APP. ORD 82-1

3. Ordinance 82-4 To Amend Section 20.13.01.07 of the Bloomington Municipal Code, entitled "Approval of Out-Line Plan" ORD. 82-4

4. Ordinance 82-3 To Amend Zoning Maps re: 901 N. Smith Road from EL to BG (Huffman) ORD. 82-3

5. Ordinance 82-5 To Amend Chapter 12.20 of the Bloomington Municipal Code, Entitled "Thoroughfare Plan" ORD. 82-5

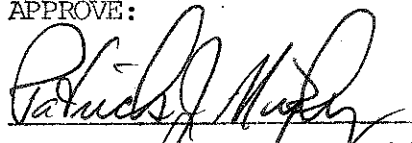
Olcott moved and Morrison seconded a motion to approve the minutes of December 16, 1981. Motion carried unanimously.

MINUTES FOR APPROVAL
12/16/81

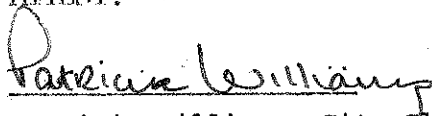
The meeting was then adjourned at 10:30 p.m.

MINUTES APPROVED this day of February, 1982.

APPROVE:


Patrick J. Murphy, President
Bloomington Common Council

ATTEST:


Patricia Williams, City Clerk