

City of Bloomington Common Council

Legislative Packet

03 September 2014 Regular Session

For legislation and material regarding Ordinances 14-15 and 14-16 & Resolutions 14-14 and 14-16 please consult the 27 August 2014 Legislative Packet.

All other material contained herein.

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City of Bloomington Indiana

City Hall 401 N. Morton St. Post Office Box 100 Bloomington, Indiana 47402



Office of the Common Council

(812) 349-3409 Fax: (812) 349-3570

email: council@bloomington.in.gov

To: Council Members From: Council Office

Re: Weekly Packet Memo Date: August 29, 2014

Packet Related Material

Memo Agenda Calendar Notices and Agendas:

• Notice of Joint Plan Commission and Common Council Joint Work Session on Tuesday, September 2nd at 5:00 pm in the McCloskey Room – *Note Change in Location – Topic: Development of the ONB properties on East Kirkwood Avenue*

Legislation for Second Reading:

• Res 14-16 To Approve an Update to the City of Bloomington's Americans With Disabilities Act (ADA) Transition Plan

Contact: Vince Caristo at 349-3473 or caristov@bloomington.in.gov

- Ord 14-15 An Ordinance to Amend Ordinance 01-04, Establishing the McDoel Conservation District, Ordinance 08-04, Establishing the Prospect Hill Conservation District and Title 8 of the Bloomington Municipal Code Entitled "Historic Preservation and Protection" Re: Exempting Changes in Paint Color from the Certificate of Appropriateness Requirement, Re-titling Maps and Amending the Municipal Code to Reflect the Full Historic District Status of these Districts Contact: Lisa Abbott, 349-3401 or abbottl@bloomington.in.gov
- Res 14-14 To Designate an Economic Revitalization Area, Approve the Statements of Benefits, and Authorize Periods of Abatement for Real Property Improvements and Personal Property Re: Properties at 304 W. Kirkwood Avenue (Elmore Y Orrego, LLC, Petitioner)

and

Ord 14-16 To Designate an Economic Development Target Area (EDTA) - Re: Property Located at 304 W. Kirkwood Avenue and Identified by the Monroe County Parcel ID Numbers 013-08290-00, 013-44860-00, 013-44850-00, 013-08300-002300 (Elmore Y Orrego, LLC, Petitioner)
Contact: Danise Alano-Martin, 349-3477 or alanod@bloomington.in.gov

Please see the <u>Council Weekly Legislative Packet</u> Issued for the August 27, 2014 Regular Session and Committee of the Whole for the Legislation and Related Information and Summaries

Legislation and Background Material for First Reading:

- Ord 14-17 To Amend Title 20 of the Bloomington Municipal Code Entitled "Unified Development Ordinance" (Revising the Definition of "Standardized Business" Under BMC 20.11.020 [Defined Words])
 - o Certification (6-0);
 - o Memo to Council, Director of Planning and Transportation
 - Letter in Support from Jim Murphy, President, and Ron Walker, Vice President, Commercial Real Estate, CFC Properties

Contact: Tom Micuda, 349-3423 or micudat@bloomington.in.gov

Minutes from Regular Session:

• August 27, 2014

Memo

Four Items Ready for Second Reading and One Ordinance Ready for First Reading at the Regular Session on Wednesday, September 3rd

There are four items ready for second readings next Wednesday following last week's Committee of the Whole discussion. Those items and the related information can be found online as indicated above. In addition, there is one ordinance ready for first reading which is included in this packet and summarized herein.

First Readings:

Item One – Ord 14-17 (Amending Title 20 [Unified Development Ordinance] to Revise the Definition of Standardized Business

Ord 14-17 amends Title 20 (Unified Development Ordinance) by narrowing who would be regulated by the standardized business ordinance recently approved with the adoption of Ord 14-05 in June of this year. Recall that this spring, the Council heard a proposal to require standardized restaurants locating or expanding within the Courthouse Square and University Village Overlay District of the City's downtown to be reviewed by the Board of Zoning Appeals as a conditional use under a series of criteria. One of the purposes of the ordinance was to mitigate the loss of community character that accompanies the "sameness" (in the form of signs, logos, exterior design, and other standardized features) that standardized businesses project on the streetscapes in these valued and protected areas.

With this in mind, the Council made changes that broadened the scope of <u>who</u> would be regulated to include standardized businesses in general, but narrowed <u>what</u> would be regulated to the visual effect of these enterprises on the relevant district. Late in its deliberations, the Council narrowed who would be regulated by exempting businesses that were "located in such a manner to be devoid of any building frontage visible from the street."

Ord 14-17 takes this one step further by removing business/professional offices located above the ground floor from the definition of standardized business. This would keep service enterprises, for example, affiliated with, and displaying logos from, business networks from having to undergo this review.

Please note that the Plan Commission considered this amendment on its consent agenda and passed it by a vote of 6-0.

Please also note a letter from Jim Murphy, President, and Ron Walker, Vice President, Commercial Real Estate, of CFC Properties indicating CFC's support of this change is included in the packet.

NOTICE AND AGENDA BLOOMINGTON COMMON COUNCIL REGULAR SESSION 7:30 P.M., WEDNESDAY, SEPTEMBER 03, 2014 COUNCIL CHAMBERS SHOWERS BUILDING, 401 N. MORTON ST.

- I. ROLL CALL
- II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: August 27, 2014 Regular Session

- **IV. REPORTS** (A maximum of twenty minutes is set aside for each part of this section.)
 - 1. Councilmembers
 - 2. The Mayor and City Offices
 - 3. Council Committees
 - 4. Public*
- V. APPOINTMENTS TO BOARDS AND COMMISSIONS
- VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS
- 1. <u>Resolution 14-16</u> To Approve an Update to the City of Bloomington's Americans With Disabilities Act Transition Plan

Committee Recommendation: Do Pass 9 - 0 - 0

2. Ordinance 14-15 An Ordinance to Amend Ordinance 01-04, Establishing the McDoel Conservation District, Ordinance 08-04, Establishing the Prospect Hill Conservation District, Ordinance 11-05, Establishing the Garden Hill Conservation District and Title 8 of the Bloomington Municipal Code Entitled "Historic Preservation and Protection" – Re: Exempting Changes in Paint Color from the Certificate of Appropriateness Requirement, Re-titling Maps and Amending the Municipal Code to Reflect the Full Historic District Status of These Districts

Committee Recommendation: Do Pass 9 - 0 - 0

3. <u>Resolution 14-14</u> To Designate an Economic Revitalization Area, Approve the Statements of Benefits, and Authorize Periods of Abatement for Real Property Improvements and Personal Property - Re: Properties at 304 W. Kirkwood Avenue (Elmore Y Orrego, LLC, Petitioner)

Committee Recommendation: Do Pass 5 - 0 - 4

Am 01: Do Pass 1-4-4

4. Ordinance 14-16 To Designate an Economic Development Target Area (EDTA) – Re: Property Located at 304 W. Kirkwood Avenue and Identified by the Monroe County Parcel ID Numbers 013-08290-00, 013-44860-00, 013-44850-00, 013-08300-002300 (Elmore Y Orrego, LLC, Petitioner)

Committee Recommendation: Do Pass 5 - 0 - 3

VII. LEGISLATION FOR FIRST READING

1. Ordinance 14-17 To Amend Title 20 Of The Bloomington Municipal Code Entitled "Unified Development Ordinance" (Revising the Definition of "Standardized Business" Under BMC 20.11.020 [Defined Words])

VIII. ADDITIONAL PUBLIC COMMENT* (A maximum of twenty-five minutes is set aside for this section.)

- IX. COUNCIL SCHEDULE
- X. ADJOURNMENT

Posted & Distributed: 29 August 2014

^{*} Members of the public may speak on matters of community concern not listed on the agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak



Tuesday,

pm

4:00

City of Bloomington Office of the Common Council

To **Council Members** From Council Office

Weekly Calendar - 01 - 06 September 2014 Re

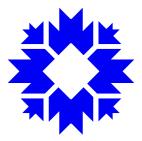
01 September Monday,

02 September

Labor Day - CITY OFFICES CLOSED

Bloomington Community Farmers' Market, Madison St. between 6th and 7th

5:00	pm	Common Council and Plan Commission Joint Work Session, McCloskey					
Wednesday, 03 September							
12:00	pm	Bloomington Urban Enterprise Association, McCloskey					
2:00	pm	Hearing Officer, Kelly					
5:30	pm	Commission of Hispanic and Latino Affairs, McCloskey					
7:30	pm	Common Council Regular Session, Council Chambers					
	-						
Thur	sday,	04 September					
9:00	am	Community Develop Block Grants Informational Meeting, McCloskey					
4:00	pm	Bloomington Digital Underground Advisory Council, McCloskey					
5:30	pm	Commission on the Status of Women, McCloskey					
	•	•					
Friday.		05 September					
12:00	pm	Council-Staff Internal Work Session, Council Library					
	•						
Saturday,		06 September					
8:00	am	Bloomington Community Farmers' Market, Showers Common, 401 N Morton St.					



City of Bloomington Office of the Common Council

NOTICE

COMMON COUNCIL AND PLAN COMMISSION JOINT WORK SESSION

To discuss the potential development of what are known as the Old National Bank properties located at the following addresses: 210 East Kirkwood Ave., 306 East Kirkwood Ave., 111 North Lincoln St., and 315 East 4th St.

TUESDAY, 02 SEPTEMBER 2014 5:00 p.m. McCloskey Room (#135) CITY HALL, 401 N. MORTON

Because a quorum of the Council and/or the Plan Commission may be present, this meeting may constitute a meeting of the Council as well as of the Commission under the Indiana Open Door Law.

This statement is provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Thursday, 28 August 2014 Revised for Room Change: Friday, 29 August, 2014

ORDINANCE 14-17

TO AMEND TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "UNIFIED DEVELOPMENT ORDINANCE"

(Revising the Definition of "Standardized Business" Under BMC 20.11.020 [Defined Words])

- WHEREAS, on June 11, the Common Council adopted <u>Ordinance 14-05</u>, which created a Conditional Use process for the review of Standardized Businesses in the Courthouse Square and University Village Overlay Districts in the Commercial Downtown zoning district; and
- WHEREAS, the clearly stated purpose of the Conditional Use process adopted by the Common Council was to regulate visual impacts associated with the architecture, scale, building façades, and signage displays of standardized businesses; and
- WHEREAS, the visual impacts associated with ground floor standardized retail and office uses are clearly much more significant than upper-story business and professional offices, which have very limited signage allotments and negligibly affect building facades, architecture, or scale; and
- WHEREAS, the Plan Commission has considered this case, ZO-22-14, and made a positive recommendation in favor of amending the definition of Standardized Business to remove upper-story offices from the required Conditional Use process;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Section 20.11.020, entitled "Defined Words", shall be amended by revising the definition of "Standardized, Business" to read as follows:

"Business, Standardized: Any type of commercial establishment, not including business/professional offices located above the ground floor and any commercial businesses located in such a manner as to be devoid of any building frontage which is visible to a street, located in the Courthouse Square Overlay and University Village Overlays, which are required by contractual or other arrangement or affiliation to offer or maintain standardized services, merchandise, menus, employee uniforms, trademarks, logos, signs, or exterior design."

SECTION 2. If any section, sentence, chapter or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any other section, sentence, chapter, provision or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, with approval of the Mayor, and after any required waiting and/or notice periods under Indiana law.

County, Indiana, upon this day	on Council of the City of Bloomington, Monroe, 2014.
	DARRYL NEHER, President Bloomington Common Council
ATTEST:	
REGINA MOORE, Clerk	_

City of Blo	E .			
PRESENT	ED by me to the Mayor of the City of Bl	oomington, Monroe Co	ounty, Indiana, upon	
this	day of	, 2014.		
REGINA M	OORE, Clerk			
City of Bloo	omington			
SIGNED an	d APPROVED by me upon this da	y of	, 2014.	
		MARK KRUZ	ZAN, Mayor	
		City of Bloom	ington	

SYNOPSIS

Ordinance 14-17 proposes a minor amendment to the recently approved Standardized Business Ordinance (Ordinance 14-05). This amendment revises the definition of Standardized Business to remove upper-story business and professional offices from the Conditional Use review process required for proposed ground floor retail and office uses within the Courthouse Square and University Village Overlay Districts.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 14-17 is a true and complete copy of Plan Commission Case Number ZO-22-14 which was given a recommendation of approval by a vote of 6 Ayes, <u>0</u> Nays, and <u>0</u> Abstentions by the Bloomington City Plan Commission at a public hearing held on August 4, 2014.

Date: August 11, 2014		Thomas B. Micuda, Secretary Plan Commission						
Received by the Common Council of Regina Moore, City Clerk	Office this/		_, 2014.					
Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #						
Type of Legislation:								
Appropriation Budget Transfer Salary Change Zoning Change New Fees	End of Program New Program Bonding Investments Annexation	Penal Ordinance Grant Approval Administrative Change Short-Term Borrowing Other						
If the legislation directly affects Cit	y funds, the followin	g must be completed by the City Controller:						
Cause of Request:								
Planned ExpenditureUnforseen Need		Emergency Other						
Funds Affected by Request:								
Fund(s) Affected Fund Balance as of January 1 Revenue to Date Revenue Expected for Rest of year Appropriations to Date Unappropriated Balance Effect of Proposed Legislation (+/-)	\$ \$ \$ \$ \$	\$ \$ \$ \$ \$						
Projected Balance	\$	\$						
Signature of Controller								
Will the legislation have a major im	npact on existing City	appropriations, fiscal liability or revenues?						
Yes	No							
If the legislation will not have a ma	jor fiscal impact, exp	lain briefly the reason for your conclusion.						
If the legislation will have a major f and include factors which could lead (Continue on second sheet if necess	iscal impact, explain l to significant additic ary.)	briefly what the effect on City costs and revenues onal expenditures in the future. Be as specific as po	will be ossible.					

FUKEBANEI ORD=CERT.MRG

Memo to the Common Council:

To: Members of the Common Council

From: Tom Micuda, Planning and Transportation Director

Date: August 11, 2014

Re: Minor Amendment to Standardized Business Ordinance

Ordinance 14-17 corrects an omission to the recently approved Standardized Business Ordinance (Ordinance 14-05). During the final City Council hearing on the ordinance as well as in a subsequent letter to the Planning and Transportation Department, it was brought to staff's attention that the adopted definition of Standardized Business was broad enough so that upper story business and professional office users would have to undergo the same Conditional Use process as first story retail and office uses.

Since it's very clear that upper story office uses do not possess any potential to create the same aesthetic concerns presented by first floor standardized retail and office uses, a minor amendment to the definition of Standardized Business was developed by staff and favorably supported by the Plan Commission to exempt upper story business and professional offices from the definition of Standardized Business. The amended definition is as follows:

Business, Standardized: Any type of commercial business establishment, not including business/professional offices located above the ground floor and any commercial businesses located in such a manner as to be devoid of any building frontage which is visible to a street, located in the Courthouse Square Overlay and University Village Overlays, which are required by contractual or other arrangement or affiliation to offer or maintain standardized services, merchandise, menus, employee uniforms, trademarks, logos, signs, or exterior design.

PLAN COMMISSION ACTION: The Commission voted 6-0 as part of its consent agenda to forward the amendment to the Common Council with a positive recommendation.

RECOMMENDATION: Staff recommends that the Common Council approve Ordinance 14-17 (Plan Commission Case # ZO-22-14).



Date: August 29, 2014

CFC PROPERTIES

320 W. EIGHTH ST., SUITE 200
P.O. BOX 729
BLOOMINGTON, IN 47402-0729 U.S.A.
PHONE: 812.332.0053 FAX: 812.333.4680
WWW.CFCINCORPORATED.COM

Darryl Neher, President, City of Bloomington Common Council City of Bloomington 401 N. Morton Street, Suite 110 Bloomington, Indiana 47402

Re: Support for Ordinance 14-17 to Amend Ordinance 14-05

Dear Common Council President Neher,

On behalf of CFC Properties, we are writing to offer our support for the passage of Ordinance 14-17, which will amend Ordinance 14-05, the Standardized Business Ordinance. We greatly appreciate the Common Council's support to exempt business and professional offices located above the ground floor (upper-floor, non-retail businesses) from the definition of a standardized business.

As we've stated in previous correspondence, we are deeply concerned about the impact of Ordinance 14-05, as it is presently written, on business and professional offices in the Courthouse Square and University Village Overlay Districts. Without an amendment, these valuable employers, which are vital contributors to Bloomington's economy and prosperity, could potentially be classified as "standardized". Such "standardized" employers might be companies that the City of Bloomington helped to recruit or assist in order to induce them to locate and hire staff in our downtown. These employers typically pay above the area's median wage and their employees tend to patronize other downtown businesses.

Applying the standardized business definition to such employers will send a negative, unwelcome and unsupportive message to the very types of employers our entire community has worked so hard to recruit and nurture. We also believe that including such businesses in the original Ordinance was probably not the intent of the standardized business legislation.

We support Ordinance 14-17 because it will exempt upper floor, non-retail employers from the definition of a standardized business and we hope that after careful consideration, the Common Council will believe the amendment to be appropriate and will move to pass the Ordinance.

Thank you for considering our support of Ordinance 14-17. We can be available to speak directly to this matter at the September Council meetings. In the meantime, feel free to contact us at (812) 332-0053 if you wish to speak with us regarding this letter.

Sincerely,

James E. Murphy, President

CFC Properties

Ron Walker, Vice President, Commercial Real Estate

CFC Properties

In the Council Chambers of the Showers City Hall on Wednesday, August 27, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL REGULAR SESSION August 27, 2014

Roll Call: Ruff, Sturbaum, Sandberg, Granger, Neher, Mayer, Rollo, Volan, Spechler,

ROLL CALL

Absent: None

Council President Neher gave the Agenda Summation.

AGENDA SUMMATION
APPROVAL OF MINUTES

The minutes for the Special Sessions of March 12, 2014 and Regular Sessions of March 26, 2014 and July 2, 2014 were approved by a voice vote.

REPORTS

Marty Spechler said he had been asked if he planned to run for reelection in next year's municipal election. He said he felt that people should focus on this year's election and the important positions that were in play. He said it was wrong to divert attention from the November election and there'd be plenty of time after that for politics. COUNCIL MEMBERS

Steve Volan said he had talked with Dave Rollo about conducting joint constituent meetings. He said they planned one at 6:30 pm on Thursday, September 4th at the Bloomingfoods at Elm Heights. He welcomed anyone from council districts 4 or 6 to come ask questions and learn about city council issues.

Dave Rollo asked people to come to the meeting, to bring questions and comments about the city budget or infrastructure.

Tim Mayer noted the passing of Al Ruesink, a professor at IU. Mayer said he worked with Ruesink in the Green Acres Neighborhood Association, and that he would be missed.

Mayer also welcomed new residents to the City of Bloomington and asked that they drive carefully while they enjoy the community.

Dorothy Granger announced a Non-Lethal Deer Conflict Management Forum at 6:30 to 8 pm on Tuesday, September 9th at the Convention Center. She said representatives from the Humane Society of the United States would be present and invited folks to hear what they had to say.

Susan Sandberg reminded folks of the upcoming Labor Day Weekend that annually honored workers. She also noted it was the annual Fourth Street Arts Festival and invited people to an upcoming Cardinal Stage production of "1776."

Chris Sturbaum noted he'd been challenged in the recent viral ALS fundraising 'Ice Bucket Challenge' by a carpenter. He said ALS research had raised \$94.3M since it started. He said he had made his donation, made a challenge to anyone who was watching the council meeting. He then announced that this meeting recording would be his video, and then proceeded to douse himself with a huge glass of water and ice. The stunned audience applauded.

Rollo added an additional comment about Professor Ruesink and said he knew him in graduate school and admired his work. He also mentioned the passing of Professor James Goodson, an advocate for birds in Griffy woods and had most recently made statements to the council on their behalf. Rollo extended sympathies to the families of these men.

Darryl Neher noted that on Saturday, September 6th at 11:00 am in the McCloskey Room, he would be holding a constituent meeting for District 5.

There was no report from the mayor or city offices at this meeting.

There were no reports from council committees at this meeting.

Marc Haggarty said he was not really pleased with the council's work, their communication with the public and with him specifically. He said public comments were often limited and often the issues were never addressed. He said IU was over- represented on the council, on boards and commissions and in government.

There were no appointments to Boards or Commissions at this meeting.

There was no legislation for action in this segment of the meeting.

Ordinance 14-15 An Ordinance to Amend Ordinance 01-04,
Establishing the McDoel Conservation District, Ordinance 08-04,
Establishing the Prospect Hill Conservation District, Ordinance 11-05,
Establishing the Garden Hill Conservation District and Title 8 of the
Bloomington Municipal Code Entitled "Historic Preservation and
Protection" – Re: Exempting Changes in Paint Color from the
Certificate of Appropriateness Requirement, Re-titling Maps and
Amending the Municipal Code to Reflect the Full Historic District
Status of these Districts

Ordinance 14-16 To Designate an Economic Development Target Area (EDTA) – Re: Property Located at 304 W. Kirkwood Avenue and Identified by the Monroe County Parcel ID Numbers 013-08290-00, 013-44860-00, 013-44850-00, 013-08300-002300 (Elmore Y Orrego, LLC, Petitioner)

There was no public comment at this portion of the meeting.

Dan Sherman, Council Attorney/Administrator, noted that there was a letter that had been requested from the council, and noted the appropriateness of a motion to allow that letter to be written and signed by the president of the council.

It was moved and seconded that the council authorize President Neher to sign a letter on behalf of the council that endorsed the Bean Blossom Bicentennial Conservation Area. Volan read the draft letter and gave his reasoning for making the exception to the normal process of the council.

It was moved by Rollo and seconded by Granger that the letter that was proposed be amended by adding a sentence (to be drafted by Rollo) reflecting the ecological diversity of the area.

The motion to amend the letter received a roll call vote of Ayes: 9, Nays: 0.

The motion to authorize Neher to sign the letter as amended for the entire council received a roll call vote of Ayes: 9, Nays: 0.

The meeting was adjourned at 8:03 pm.

APPROVE: ATTEST:

TITEST

• The MAYOR AND CITY OFFICES

COUNCIL COMMITTEES

PUBLIC

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND READING AND RESOLUTIONS

LEGISLATION FOR FIRST READING

Ordinance 14-15

Ordinance 14-16

PUBLIC COMMENT

COUNCIL SCHEDULE

ADJOURNMENT

Darryl Neher, PRESIDENT Bloomington Common Council

Regina Moore, CLERK City of Bloomington