

CITY OF BLOOMINGTON



APRIL 4, 2011 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

**CITY OF BLOOMINGTON
PLAN COMMISSION AGENDA
April 4, 2011 @ 5:30 p.m.**

❖ **City Hall Council Chambers, #115**

ROLL CALL

MINUTES TO BE APPROVED: March 7, 2011

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

- [Presentation of Planning Department's 2010 Annual Report](#)

APPROVAL OF CONSENT AGENDA:

**SP-31-09 ERL-9 (Horizons Apartments)
626 N. Morton St.**

Site plan approval to allow an 18-month extension to a previously approved site plan.
(Case Manager: James Roach) Staff note: If item pulled from consent agenda, it will be heard between SP-03-11 and PUD-05-11.

PETITION WITHDRAWN:

**PUD-27-10 IEC, LLC (McDoel Station)
1140 S. Morton St.**

Preliminary plan amendment to the Thomson PUD to allow mixed-use development on Tract C.

PETITIONS CONTINUED TO MAY 9, 2011:

**PUD-31-10 Car Don & Associates
2410 E Moores Pike**

PUD preliminary plan amendment to allow construction of a senior living development within the Renwick PUD.

(Case Manager: Patrick Shay)

**PUD-02-11 Bloomington Cooperative Plots Eco-Village
415½ N. Spring St.**

Rezone to Planned Unit Development from Residential Single-Family to allow development of a cooperative housing project.

(Case Manager: Patrick Shay)

**PUD-05-11 McDoel Business Center
301 W. Patterson Dr.**

Amendment to parcel E of the Thomson PUD to amend the list of uses. A waiver of the required 2nd hearing is requested.

(Case Manager: Eric Greulich)

PETITIONS:

**SP-03-11 ERL-10 (Morton Mansions)
532 N. Morton St.**

Site plan amendment to convert 1st floor commercial space in the "Morton Mansions" building to residential space.

(Case Manager: James Roach)

**UV-06-11 Gerald Sowders
1461 W. Bloomfield Rd.**

PC recommendation to the BZA re: Use Variance to allow outdoor storage within a Commercial Arterial zoning district.

(Case Manager: Patrick Shay)

End of Agenda

***Next Plan Commission hearing scheduled for May 9, 2011*

Last updated: 3/31/2011



2010 Annual Report

City of Bloomington Planning Department





A Message from the Director

The City of Bloomington Planning Department provides a wide variety of professional community planning services to the citizens of Bloomington. Between on-going development administration duties and a variety of special studies and projects, the Department remained exceptionally busy throughout 2010. This Annual Report documents the accomplishments of the Department during 2010 and sets a course for continued progress in 2011. I'd like to highlight some of the Department's notable accomplishments from 2010 (many more are detailed throughout this Report):

- The Department completed an update to the Unified Development Ordinance to conform with new floodplain standards issued by FEMA.
- The MPO Complete Streets Policy received the 2010 Outstanding MPO Project award from the American Planning Association-Indiana Chapter.
- The Department issued 668 Certificates of Zoning Compliance, including 56 for new single family home construction, 16 for new commercial construction, and 224 permits for signage.
- The Department processed 23 Plan Commission cases, 7 Plat Committee cases, 22 Board of Zoning Appeals cases, and 21 Hearing Officer cases.
- The Department sent 411 notices of zoning violation to property owners and resolved 393 of these violations before year's end, including the collection of over \$21,600 in fines.
- Department staff spoke at or led at least fifteen community education events, professional conferences, Indiana University classes, and other venues.
- The Department conducted a Bike Light Campaign, in conjunction with the Parks and Police Departments, that distributed 60 front and rear lights to cyclists riding without them.
- The Department completed the City Public Facilities Report, a comprehensive analysis of key city services and infrastructure that will guide future planning and zoning decisions.

The Planning Department is on track for another productive year in 2011. Despite the uncertain economy, development petitions and permits continue to flow into our office. A number of special planning projects are also on tap, as outlined later in this report. My staff and I look forward to working with our citizens, elected officials, and community partners to keep Bloomington moving forward in 2011.

Thomas B. Micuda, AICP

About This Report

This Report has been prepared for the City of Bloomington, the boards and commissions that play a role in local planning, and the following elected officials:

Mayor

Mark Krusan

Common Council

Susan Sandberg,

President

Andy Ruff,

Vice President

Tim Mayer,

Parliamentarian

Isabel Piedmont-Smith

David Rollo

Mike Satterfield

Chris Sturbaum

Steve Volan

Brad Wisler

City Clerk

Regina Moore



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Planning Department Staff Profile

The Planning Department has a total of 15 staff positions, including 13 professional planners and 2 administrative staff. The chart on the following page illustrates the current organizational structure of the Planning Department. Two new staff members were added to the Department at the end of 2010. The title of one of those positions, Transportation Planner, was changed to Bicycle and Pedestrian Coordinator to more accurately describe the work done by that staff person. Currently, 7 of the 13 professional planners in the Department have achieved certification from the American Institute of Certified Planners (AICP), a recognized mark of skills and experience in the planning profession.

Several staff members within the department have additional certifications and professional memberships in their fields of expertise. Raymond Hess, AICP, and Vince Caristo are both Certified League Cycling Instructors with the League of American Bicyclists. Vince Caristo is also a member of the Association of Pedestrian and Bicycle Professionals. Linda Thompson is a National Wildlife Federation Habitat Steward and a member of the National Association of Environmental Professionals. Scott Robinson is a member of the Urban Land Institute.



First Row (from left): Lynne Darland, Tom Micuda, Carmen Lillard, Nate Nickel; Second Row (from left): Jane Weiser, Josh Desmond, Patrick Shay; Third Row (from left): Vince Caristo; James Roach, Linda Thompson; Back Row (from left): Eric Greulich, Russell White, Katie Bannon, Scott Robinson, Raymond Hess.

The Planning Department staff provides direct support or plays a coordination role with the following boards, commissions, and organizations:

Common Council

Plan Commission

Board of Zoning Appeals

Plat Committee

Hearing Officer

Environmental Commission

Bicycle & Pedestrian Safety Commission

MPO Policy Committee

MPO Technical Advisory Committee

MPO Citizens Advisory Committee

Utilities Service Board

Downtown Bloomington, Inc.

Platinum Biking Task Force

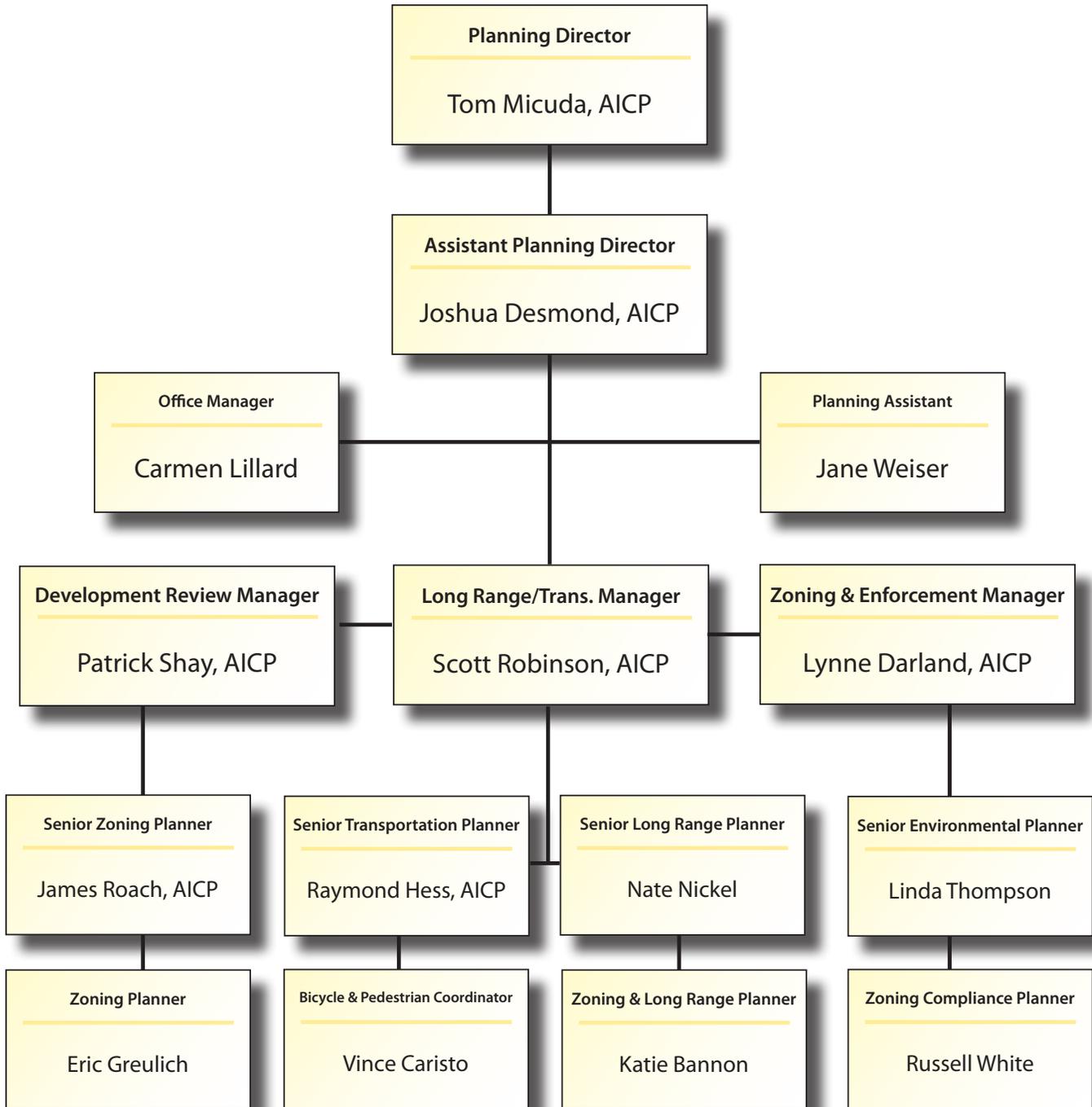
Development Review Committee

Safe Routes to School Task Force

Historic Preservation Commission



Organizational Chart





Appointed Officials

The Planning Department provides direct staff support to the Plan Commission, Plat Committee, Board of Zoning Appeals and Hearing Officer. Staff prepares detailed reports for all petitions that come before these bodies and presents those reports at public hearings. The method by which members are appointed to these boards and commissions is defined by State statute.

Plan Commission

The Plan Commission is comprised of eleven citizens appointed by various City and County elected officials. The Plan Commission makes decisions regarding land use and development through review of subdivisions and site plans. It advises the City Council on rezoning requests, planned unit developments (PUD), and amendments to the text of the Unified Development Ordinance. The Plan Commission also advises the City Council on changes to the Growth Policies Plan.

Members	Appointed By
Jack Baker, <i>President</i>	The Mayor
Milan Pece, <i>Vice President</i>	County Commissioners
Scott Burgins	The Mayor
Susan Fernandes	Board of Public Works
Adrian Reid	City Engineer (ex-officio)
Joe Hoffmann	Board of Parks Commissioners
Tom Seeber	The Mayor
Chris Smith	The Mayor
Isabel Piedmont-Smith, Council Member	Common Council
Travis Vencel	County Commissioners
Pat Williams	The Mayor

Plat Committee

The Plat Committee is a three-member committee made up of one Plan Commission member, one Planning Department staff member, and one Engineering Department staff member. The Plat Committee makes final decisions on certain subdivisions of land. The Committee was established in 1995 in order to streamline the approval process and reduce the Plan Commission's workload.

Members	Appointed By
Rick Alexander	Engineering Department
Lynne Darland, AICP	Planning Department
Adrian Reid	Plan Commission
Eli Eccles, <i>Alternate</i>	Engineering Department
Scott Robinson, AICP, <i>Alternate</i>	Planning Department
Chris Smith, <i>Alternate</i>	Plan Commission



Appointed Officials (Cont.)

Board of Zoning Appeals

The Board of Zoning Appeals (BZA) is a five-member board made up of citizens appointed by several City and County governing bodies. The Board of Zoning Appeals hears and makes final decisions on requests for variances from development standards. The Board also hears petitions and makes decisions on use variances and conditional uses.

Members	Appointed By
Milan Pece, <i>President</i>	Plan Commission
Sue Aquila, <i>Vice President</i>	The Mayor
Barre Klapper	The Mayor
Patrick Murray	Common Council
Tom Seeber	The Mayor, from the Plan Commission
Jenny Southern, <i>Alternate</i>	The Mayor

Hearing Officer

The Hearing Officer is a Planning Department staff member appointed by the Plan Commission. The Hearing Officer reviews and makes final decisions on certain conditional uses and variances from development standards. The Hearing Officer was established in 1995 to streamline the variance and conditional use review process.

Hearing Officer	Appointed By
Lynne Darland, AICP	Plan Commission
Scott Robinson, AICP, <i>Alternate</i>	Plan Commission



Appointed Officials (Cont.)

Environmental Commission

The Environmental Commission (EC) is an advisory body composed of local citizens appointed by the Mayor and the Common Council, and is provided with a budget by the Planning Department. The Environmental Commission provides information and recommendations on environmental matters to the Plan Commission, City Council, and other City departments and agencies, as well as to the public.

Members	Appointed By
Phaedra Pezzullo, Co-Chair	Common Council
Michael Tosick, Co-Chair	Common Council
Beth Smith, Secretary/Treasurer	The Mayor
Regina DiLavore, Staff Coordinator	The Mayor
Carrie Albright	The Mayor
Diane Henshel	Common Council
Chaim Julian	The Mayor
Diane Jung	The Mayor
Kriste Lindberg	The Mayor
Michael Litwin	The Mayor
Robert McCrea	Common Council
<i>Vacant</i>	Common Council

2010 PLANNING DEPARTMENT ANNUAL REPORT

Programs & Activities



DEVELOPMENT REVIEW
ZONING ENFORCEMENT
ENVIRONMENTAL PLANNING
LONG RANGE PLANNING
TRANSPORTATION PLANNING
METROPOLITAN PLANNING ORGANIZATION



Development Review 2010

The Development Review staff reviews all development petitions for the City of Bloomington to ensure their compliance with the Unified Development Ordinance (UDO). This includes all building, signage, occupancy, and grading permits. Staff also reviews development petitions and presents them to the Plan Commission, Plat Committee, Board of Zoning Appeals, Hearing Officer, and Common Council. These petitions include subdivisions, rezoning requests, site plans, conditional uses and variances. In addition, staff serves customers daily at the office's front counter and over the phone by answering zoning and land use questions.

2010 Activities and Accomplishments

Plan Commission and Plat Committee

Development Review staff presented a total of 23 petitions to the Plan Commission in 2010. The majority of these petitions (15 of 23) were requests for site plan approval or PUD final plan approvals. Planning staff presented 7 cases to the Plat Committee in 2010, all of which were approved. The Plat Committee hears petitions related to preliminary and final plat approvals as well as requests for vacation of plats or parts of plats. The chart on the following page illustrates the breakdown of the types of petitions filed in 2010.



Development Review 2010 (Cont.)

Out of the 30 petitions considered by the Plan Commission and Plat Committee in 2010, the greatest number were for site plan approvals.

Types of Petitions Filed to the Plan Commission and Plat Committee	Approved	Denied	Withdrawn	Total
Preliminary plan	0	0	0	0
Final plat approval	2	0	0	2
Site plan approval	11	0	1	12
Preliminary and final plat	4	0	0	4
Use variance recommendation to BZA	1	0	0	1
Site plan approval and use variance recommendation	1	0	0	1
Preliminary plat and use variance recommendation	1	0	0	1
PUD amendment	0	0	0	0
PUD final plan	3	0	0	3
Rezone	0	1	0	1
Final plan and preliminary plat	1	0	0	1
Final plan and final plat	1	0	0	1
Final plan; final and preliminary plat	1	0	0	1
UDO approval/amendments	1	0	0	1
GPP plan amendment/update	0	0	0	0
Resolution	1	0	0	1
Time extension	0	0	0	0
Staff level review	0	0	0	0
Total number of petitions filed	28	1	1	30



Development Review 2010 (Cont.)

Plan Commission and Plat Committee Cases

The number of petitions reviewed by Planning staff and presented to the Plan Commission peaked in 2007 with 40 petitions. Since then, the number of petitions has declined in response to the weakened economic climate. In 2010, 23 petitions were filed, the lowest number since 2006. The number of Plat Committee cases in 2010 was 7. Plat Committee cases peaked in 2005 with 25 petitions.

Plan Commission Cases	2005	2006	2007	2008	2009	2010
Petitions approved (or a positive recommendation to BZA)	8	16	40	33	24	21
Petitions denied (or a negative recommendation to BZA)	0	0	0	2	1	1
Petitions withdrawn	1	1	0	2	3	1
Petitions with no recommendation	0	0	0	0	1	0
Total number of petitions filed	9	17	40	37	29	23

Plat Committee Cases	2005	2006	2007	2008	2009	2010
Petitions approved	22	15	5	12	11	7
Petitions denied	0	0	0	0	0	0
Petitions withdrawn	3	0	1	1	0	0
Total number of petitions filed	25	15	6	13	11	7



Development Review 2005-2010

The distribution of the types of cases filed for the Plan Commission and Plat Committee has varied significantly each year; however, site plan approvals have typically been the most common type of petition filed. This is due to the ordinance change in 2007 requiring downtown projects to be reviewed by the Plan Commission via the site plan approval process.

Types of Petitions Filed to the Plan Commission and Plat Committee	2005	2006	2007	2008	2009	2010
Preliminary plan	1	0	0	1	0	0
Final plat approval	12	8	6	5	3	2
Site plan approval	0	1	18	24	11	12
Preliminary and final plat	13	7	2	9	6	4
Use variance recommendation to BZA	1	0	5	7	11	1
Site plan approval and use variance rec.	0	0	0	0	0	1
Preliminary plat and use variance rec.	0	0	0	0	0	1
PUD amendment	1	1	4	2	3	0
PUD final plan	10	8	11	6	0	3
Rezone	0	3	1	1	2	1
Final plan and preliminary plat	0	6	3	1	0	1
Final plan and final plat	0	0	0	0	0	1
Final plan; final and preliminary plat	0	0	0	0	0	1
UDO approval/amendments	0	1	1	0	1	1
GPP plan amendment/update	2	0	1	0	0	0
Resolution	0	0	0	0	1	1
Time extension	0	0	0	0	2	0
Staff level review*	6	3	6	6	2	0
Total number of petitions filed	40	35	52	56	40	30

*Petitions filed for staff level review did not go to a board or commission for approval and are not counted toward the total number of petitions filed.



Development Review 2005-2010 (Cont.)



The Board of Zoning Appeals considers requests for variances and conditional use permits.

Board of Zoning Appeals and Hearing Officer Cases

The Development Review staff regularly presents cases to the Board of Zoning Appeals (BZA) and the Hearing Officer. The BZA hears and decides upon applications for development standard variances from the Unified Development Ordinance, conditional use permits (a land use that is permitted in a particular zoning district only if certain conditions are met), and use variance requests (a request to allow a use that is not permitted by right in a particular zoning district). The Hearing Officer has the ability to make decisions on certain variance and conditional use requests that do not require a full BZA review.

In 2010, 22 petitions were filed with the Board of Zoning Appeals. Of these 22 cases, 18 were approved, 1 was withdrawn by the petitioner, and 3 were denied.

A total of 21 petitions were filed with the Hearing Officer in 2010. Of these petitions, 18 were approved, and 3 were withdrawn by the petitioner.

The majority of petitions heard by the Board of Zoning Appeals and the Hearing Officer in 2010 were requests for variances from development standards. These made up 79% of all petitions. Please refer to the chart below for a complete breakdown of the types of petitions filed.

Types of Petitions Filed to the BZA and Hearing Officer in 2010	Approved	Denied	Withdrawn	Total
Development standards variance, or package of variances	30	2	2	34
Use variance	1	0	0	1
Conditional use	3	0	2	5
Administrative appeal	0	1	0	1
Use Variance and Development Standards Variance	2	0	0	2
Variance from Temporary Use Standards	0	0	0	0
Total number of petitions filed	36	3	4	43



Development Review 2005-2010 (Cont.)

The number of cases that Planning staff reviewed and presented to the Board of Zoning Appeals declined from 2005 through 2008 and then generally stabilized in 2009 and 2010. The number of Hearing Officer cases grew steadily from 2006 through 2008. It then dropped back to approximately 2006 levels in 2009 and 2010.

Board of Zoning Appeals (BZA) Cases	2005	2006	2007	2008	2009	2010
Petitions approved by BZA	21	27	18	9	16	18
Petitions denied by BZA	2	1	3	3	1	3
Petitions withdrawn by petitioner	6	3	3	5	6	1
Total number of petitions filed	29	31	24	17	23	22

Hearing Officer Cases	2005	2006	2007	2008	2009	2010
Petitions approved by Hearing Officer	23	19	28	36	17	18
Petitions denied by Hearing Officer	0	0	0	0	0	0
Petitions withdrawn by petitioner	2	1	2	5	1	3
Total number of petitions filed	25	20	30	41	18	21



Development Review 2005-2010 (Cont.)

The most common type of petition filed to the Board of Zoning Appeals or Hearing Officer is for a variance from development standards. The amount of petitions filed for a development standards variance dropped nearly in half from 2008 to 2009, thus bringing down the total number of petitions filed to its lowest in the last five years. In 2010, the number of development standards variance petitions rose to 34 from 24 in 2009.

Types of Petitions Filed to the BZA and Hearing Officer	2005	2006	2007	2008	2009	2010
Development standards variance, or package of variances	30	28	43	43	24	34
Use variance	9	7	2	7	7	1
Conditional use	12	14	5	4	4	5
Administrative appeal	0	0	1	1	1	1
Use Variance and Development Standard Variance	3	2	3	3	4	2
Variance from temporary use standards	0	0	0	0	1	0
Total number of petitions filed	54	51	54	58	41	43



Permit Review 2010

Permit Review

Planning staff reviews a wide variety of permit applications, ranging in type from building permits for new residential or commercial structures to temporary signage permits. Each permit application is reviewed for compliance with the Unified Development Ordinance (UDO). The applicant is issued a Certificate of Zoning Compliance (CZC) if the application meets UDO standards. The department issued a total of 668 CZCs in 2010.

Residential Building Permit Review

Thirty-two percent of the total CZCs issued in 2010 were for single family residences. Of these 216 CZCs, 26% were for new construction (down from 45% in 2008), and 62% were for remodeling or additions to existing single family structures (up from 45% in 2008). Staff also reviewed building and remodel permit applications for attached single family residences and multifamily residential projects.

Single Family Residential	CZCs Issued
New construction	56
Remodel	79
Addition	54
Accessory Structure	26
Relocation	1

Attached Single Family Residential (Duplex)	CZCs Issued
New construction	13
Remodel	5
Addition	1

Multifamily Residential (Apartments, Condominiums)	CZCs Issued
New construction	3
Remodel	5
Accessory Structure	1



Permit Review 2010 (Cont.)



Three CZCs for new multi-family construction were issued in 2010.

Commercial Building Permit Review

Staff reviewed permit applications for commercial sites, including new construction and remodeling. Of the CZCs issued for commercial sites, 78% were related to remodeling of existing buildings, up from 68% in 2008.

Commercial	CZCs Issued
New construction	16
Remodel	100
Addition	12
Accessory structure	1

Sign Permit Review

Within the City of Bloomington, signage is required to meet the standards set forth in the Unified Development Ordinance, and must receive a sign permit. Staff issued CZCs for 224 sign permit applications in 2010.

Signage	CZCs Issued
Permanent sign	129
Sandwich board sign	17
Temporary sign	78

Additional Permit Review

In addition to reviewing the permit applications noted previously, staff reviewed permit applications for a variety of other proposed changes to sites, including demolition of structures, grading of land, placement of cell towers and establishment of temporary uses.

Other Permits Reviewed by Staff	CZCs Issued
Demolition	29
Grading - commercial	21
Grading - multifamily residential	0
Occupancy (<i>change in use</i>)	6
Other - remodel	0
Cell tower	5
Temporary occupancy (<i>temporary use</i>)	10

Permit Review 2005-2010

Permit Review

The number of Certificates of Zoning Compliance (CZC) issued by the Planning Department gradually rose each year from 2005 (761 CZCs) to 2008 (827 CZCs). The number of CZCs issued then fell substantially in 2009 and 2010 to 637 and 668, respectively.

Residential Building Permit Review

Permit applications for new construction of single family residential structures have fallen each year since 2005, with a dramatic 50% decline from 2008 to 2009. This precipitous drop corresponded with the weakest period in the economic downturn. While the number of permits receiving CZCs for additions to single family residential structures has also fallen over the last four years, the number of remodels has grown steadily.

The number of CZCs issued for new construction of attached single family residential structures significantly dropped from 2007 to 2008 and again in 2009 and 2010.



Staff reviews building permit applications to ensure compliance with the UDO.

Single Family Residential	CZCs Issued					
	2005	2006	2007	2008	2009	2010
New construction	174	140	144	128	65	56
Remodel	49	49	59	60	71	79
Addition	80	67	67	65	53	54
Accessory Structure	30	28	44	27	17	26
Relocation	2	1	0	1	0	1

Attached Single Family Residential (Duplex)	CZCs Issued					
	2005	2006	2007	2008	2009	2010
New construction	42	48	50	23	10	13
Remodel	1	1	1	1	1	5
Addition	1	2	1	2	0	1

Multifamily Residential	CZCs Issued					
	2005	2006	2007	2008	2009	2010
New construction	5	9	4	11	4	3
Remodel	0	0	4	4	2	5
Addition	1	2	0	0	0	0
Accessory Structure	0	1	0	1	0	1



Permit Review 2005-2010 (Cont.)



Certificate of Zoning Compliance

Application #: C10-074
 Date: Tuesday, February 16, 2010
 Property Address: 2504 E. 37th St. - Little Caesars Perry 47301
 Zoning: CA
 Proposed Use: Commercial - Permanent Signage

The attached plans have been reviewed for compliance with applicable provisions of Title 20, Bloomington Unified Development Ordinance, and conformance with the terms of any approvals which have been granted under authority of the Ordinance. The Planning Department finds the plans to be in compliance.

As submitted
 With modifications or conditions as follows:

1. This permit approves new wall signs (including 30 sq. ft.) and one tenant panel (including 10 sq. ft.), as submitted.
2. No temporary signage is approved with this permit. Any temporary signage requires a separate temporary sign permit.
3. Window signage shall not exceed twenty-five percent (25%) of the glass area of any individual window pane. (DMC: 20-07-07(a), 8.5)
4. Signs that have intermittent blinking, flashing, or fluttering lights, including any device which has a changing light intensity, brightness of color, or gives such illusion, including amber lights, are prohibited. (DMC: 20-05-07B (1)(a))
5. Signet address must be displayed on the front of the building in Arabic numerals no less than eight (8) inches in height.

This Certificate of Zoning Compliance pertains only to the attached plans and the specific use proposed, coverly as submitted and approved. This Certificate does not constitute the issuance of any required permit nor exempt the property from compliance with any other requirements.

[Signature]
 Rachel Johnson, MPP
 Long Range Planner
 City of Bloomington
 Planning Department

1 N. Morton Street • Bloomington, IN 47404 City of Bloomington Phone: (317) 340-3423 • Fax: (317) 340-3320
 www.bloomington.in.gov
 email: planning@bloomington.in.gov

Commercial Building Permit Review

CZCs issued for new construction of commercial buildings has also declined since 2008. The number of CZCs issued for remodels has remained about the same from 2006 to 2010.

Commercial	CZCs Issued					
	2005	2006	2007	2008	2009	2010
New construction	17	26	24	26	14	16
Remodel	67	95	103	99	107	100
Addition	12	11	12	12	8	12
Accessory structure	4	7	10	11	8	1

Sign Permit Review

The number and type of sign permits issued in 2010 remained relatively unchanged from previous years. The total number of permits issued was slightly above 2009 numbers.

Signage	CZCs Issued					
	2005	2006	2007	2008	2009	2010
Permanent sign	111	129	118	129	121	129
Sandwich board sign	7	6	9	15	13	17
Temporary sign	57	76	79	98	86	78
Total sign permits issued	175	211	206	242	220	224

In 2010, 129 permanent sign permits were issued.

Zoning Enforcement

The Zoning Enforcement staff is charged with ensuring that properties throughout Bloomington are in compliance with the rules set forth in the Unified Development Ordinance. The zoning enforcement staff inspects development sites to address signage, landscaping, erosion control, occupancy of buildings and conditions of development approvals. They also respond to citizen complaints and inquiries, and administer enforcement actions with written warnings, tickets, or, as a final option, legal action.

2010 Activities and Accomplishments

Zoning Violation Notifications

Zoning Enforcement staff responded to numerous inquiries and complaints from the public concerning zoning violations in 2010. As a result, staff sent 411 notifications to tenants and property owners regarding zoning violations. These included violations of environmental standards, parking on unimproved surfaces, and failure to comply with development standards. The chart below shows a breakdown of the types of violations issued from 2008 to 2010. Staff will continue work in 2011 to resolve all violations that were not resolved by the end of 2010.



Temporary signs are prohibited within the right-of-way.

Unified Development Ordinance Violations	Issued in 2008	Resolved in 2008	Issued in 2009	Resolved in 2009	Issued in 2010	Resolved in 2010
Temporary signage without permit	115	114	116	114	137	137
Parking on unimproved surface	63	63	58	55	48	48
Permanent signage without permit	27	27	29	27	24	24
Temporary use without a permit	0	0	3	3	4	4
Change of use without a certificate of zoning compliance (CZC)	3	3	5	3	3	3
Illegal land use	3	3	4	1	6	6
Operation of home occupation without CZC	3	3	6	5	6	6
Failure to obtain a CZC	6	6	4	3	2	2
Failure to comply with CZC	17	17	11	9	30	27
Failure to comply with development standards	108	108	81	76	85	78
Violation of environmental standards	9	9	3	2	1	1
Parking on unimproved surface tickets	70	66	89	73	65	57
UDO violation totals	424	419	409	371	411	393



Zoning Enforcement (Cont.)



City Ordinance does not permit cars to be parked in grass yards. Zoning enforcement staff issue warnings or fines to property owners who fail to comply with this regulation.

Fines Issued for Zoning Violations

When a property owner fails to correct a zoning violation after a Notice of Zoning Violation letter has been issued, the owner is provided with a final time frame in which to bring the site into compliance before fines are issued. If the owner still fails to correct the violation, fines are officially issued. As a last measure, staff may forward the case to the City Legal Department for further action. In 2010, nineteen cases were sent to the Legal Department. Of these, the City filed suit on seven. The remainder were resolved prior to litigation.

The Planning Department issued fines totaling \$26,100 for zoning violations in 2010. Of the fines issued, \$21,600 was collected before year's end. All fines collected go to the City's general fund. The chart below breaks down the fines issued and collected annually by the Planning Department from 2008 to 2010.

Unified Development Ordinance Violations	Fines Issued (2008)	Fines Collected (2008)	Fines Issued (2009)	Fines Collected (2009)	Fines Issued (2010)	Fines Collected (2010)
Temporary signage without permit	\$4,350	\$4,250	\$6,900	\$6,200	\$10,400	\$8,900
Parking on unimproved surface	\$260	\$260	\$100	\$100	\$0	\$0
Permanent signage without permit	\$250	\$250	\$1,000	\$1,000	\$250	\$250
Change of use without a certificate of zoning compliance (CZC)	\$0	\$0	\$0	\$0	\$0	\$0
Illegal land use	\$0	\$0	\$0	\$0	\$2,500	\$0
Operation of home occupation without CZC	\$0	\$0	\$0	\$0	\$0	\$0
Failure to obtain a CZC	\$500	\$500	\$0	\$0	\$500	\$500
Failure to comply with CZC	\$250	\$250	\$750	\$750	\$9,000	\$9,000
Failure to comply with development standards	\$2,700	\$2,700	\$0	\$0	\$200	\$100
Violation of environmental standards	\$0	\$0	\$0	\$0	\$0	\$0
Parking on unimproved surface tickets	\$3,760	\$3,760	\$4,550	\$3,750	\$3,250	\$2,850
TOTAL	\$12,070	\$11,970	\$13,300	\$11,800	\$26,100	\$21,600

Zoning Enforcement (Cont.)

Illegal Signage Removal

Zoning Enforcement staff also worked continuously throughout the year to rid City rights-of-way of illegal temporary signage. These signs can cause safety hazards by hindering the visibility of drivers, pedestrians and bicyclists. In 2010, staff removed 1,407 illegal signs from City rights-of-way (89 more than in 2009).

Billboard Inventory

Since 1987, Zoning Enforcement staff has performed an annual billboard inventory to track compliance with the City's strict off-premise sign standards. This detailed inventory helps planners to keep the number of billboards in check, and prevents illegal billboards from appearing within the City's Planning jurisdiction. The number of billboards within the City's jurisdiction and some areas now under County jurisdiction has declined from 111 billboards in 1987 to 46 billboards in 2010.

Stop Work Orders

Stop Work Orders are issued to sites where significant zoning violations are occurring, such as vegetation clearing that is not permitted. When a Stop Work Order is issued, all work being performed on the site must come to a halt, and no work can occur until the violation is remedied and written permission to proceed is obtained from the Planning Department. Enforcement staff issued five Stop Work Orders in 2010. All five of the stop work orders resulted in resolution of the violations and were subsequently lifted.

Certificates of Occupancy

The Monroe County Building Department requires that a Certificate of Occupancy be obtained prior to a building or structure being occupied in order to ensure all regulations have been met and the site is safe for its inhabitants. A final Certificate of Occupancy is issued for a property in the City's Planning Jurisdiction only when the Planning Department has verified that all required site work is complete. A Temporary Certificate of Occupancy may be issued to a site when the majority of construction is completed. In 2010, staff issued 28 recommendations for Temporary Occupancy and 13 recommendations for Final Occupancy to the Building Department.

Video Recording Commercial Corridors

Every year, Zoning Enforcement staff videotapes the commercial corridors in order to track signage and landscape compliance along the street frontages. These recordings allow planners to note any changes over time. Staff has been recording the corridors periodically for the past seven years. These main corridors include, but are not limited to, portions of: State Road 37, 45/46 Bypass, College Avenue, Walnut Street, 2nd Street, 3rd Street, Kirkwood Avenue, 17th Street, College Mall Road, Sare Road, Winslow Road, Tapp Road, and the Grimes/Patterson corridor.



Builders are required to install appropriate erosion control measures.



Environmental Planning

The City's Senior Environmental Planner works with the Environmental Commission on several of its Committees. These include:

- Steering Committee
- Budget Committee
- Current Planning Committee
- Greenhouse Gas Reduction
- Greenspace Inventory
- Lawns for Life
- Water
- Deer Population
- Education
- Green Building
- Bloomington Toxics
- Food Service Waste
- MLK Day

The Senior Environmental Planner reviews development proposals and enforces City ordinances to ensure environmental protection. Staff also coordinates the efforts of the Environmental Commission (EC), provides project management on City projects with environmental significance, supervises environmental interns and SPEA Service Corps Fellows, and evaluates and implements City environmental regulations and policies.

2010 Activities and Accomplishments

Environmental Commission Memos to Boards and Commissions

The Senior Environmental Planner works with the Environmental Commission's Planning Committee both in the office and the field to review environmental aspects of proposed development petitions. In 2010, staff prepared 18 memorandums to the Plan Commission with the EC's suggestions for improving the environmental attributes of the plans for various petitions under review.

Environmental Planning Projects

Bloomington in Bloom Landscape Makeover

In addition to serving on the Environmental Effort Committee for Bloomington in Bloom, Linda Thompson spearheaded a front-yard makeover for a Habitat for Humanity house. The Housing and Neighborhood Development (HAND) Department was tasked with the makeover project as part of Bloomington's efforts in the America in Bloom competition. With help from the HAND and Planning Departments, the curb appeal of an entire house frontage was transformed from an unpainted and barren space to a beautifully landscaped front porch, driveway, and outdoor landscape rooms, all in a style that suited the homeowner. Bloomington won its Population Category award as well as the Urban Forestry Award from the America in Bloom competition.

Natural Landscaping

Environmental Planning staff assisted HAND inspectors with determining if certain yards could be classified as "naturally landscaped" or, conversely, whether the yards were in violation of the City's weed ordinance. This involved site visits to identify the species of plants that were growing in the yards. Ten such sites were inspected during 2010, about half of which were found to be in violation of the City's weed ordinance.

Environmental Commission Intern and Service Corps Fellows

The EC and Planning Department were aided by the work of an Intern and two Service Corps Fellows from Indiana University's School of Public and Environmental Affairs. The Intern and Fellows focused their work on greenspace analysis for the City, tracking environmental commitments, and providing information to the public regarding sound environmental practices.

Environmental Planning (Cont.)

Greenspace Report Update and Expansion

The Environmental Commission's Greenspace Report was expanded and updated to include greenspaces in the entire county. The Report was digitized and added to the City's GIS map. The report will be used to track changes in greenspace over time and to guide policy decisions.

Environmental Commitment Database

In 2010, Service Corps Fellows began creating a database which will contain all of the environmental commitments made by developers during the planning and approval phases of petitions. The database will be added to the City's GIS and will allow staff to track compliance with environmental commitments. Additionally, the database and GIS layer will track the location and distribution of features such as biofiltration swales and street trees.

Lasagna Gardening Brochure

A Lasagna Gardening brochure was created for distribution with the Lawns for Life initiative. Lasagna Gardening is a no-dig, no-till method of gardening developed by layering different organic materials that eventually decompose to become rich planting soil. It is also sometimes called sheet composting. Lawns for Life is a campaign that uses education and example to increase the number of lawns that do not use synthetic pesticides or fertilizers.

2010 Greenhouse Gas Emissions Reducing Action Items Summary Report and Recommendations for Future Steps

The 2010 Greenhouse Gas Emissions Reducing Action Items Summary Report & Recommendations for Future Steps was completed in 2010. The 2010 update reevaluated the priority of action items and updated action items that have been completed or are already in progress. The action items provide direction to both the City of Bloomington government and the Bloomington community.

Toxics Report for Bloomington, Indiana

The *Toxics Report for Bloomington, Indiana* was drafted in 2010 and will be completed in 2011. The report compiles toxics data collected from scattered and varied technical sources and presents it in a single report that is understandable to a laymen reader. The report will be used to help the City prioritize ways to reduce any potential hazards from toxic substances.

Food Waste Reduction Fact Sheets

Environmental Planning staff researched and created two fact sheets about polystyrene containers being disposed of in the carry-out food industry. One of the fact sheets addresses school cafeteria waste reduction, and the other addresses restaurant carry-out service waste reduction. Both will be distributed in 2011.



Food waste reduction fact sheets encourage using reusable take out containers instead of polystyrene.



Long Range Planning



Staff gathered information on City facilities and services, such as those provided by the Utilities Department, to create the City Public Facilities Report.

The Long Range Planning staff is responsible for developing, implementing, evaluating, and revising comprehensive planning activities for the City of Bloomington. A key aspect of long range planning is the community comprehensive plan, known in Bloomington as the Growth Policies Plan. The Growth Policies Plan defines many of the comprehensive planning activities for the Long Range Planning Division. In addition, the Division is also responsible for Neighborhood and Sub-Area Plans, Interagency Coordination (e.g. Indiana University, Monroe County), and works as liaisons on several community boards and commissions.

2010 Activities and Accomplishments

City Public Facilities Report

Planning Department staff completed the City Facilities Report and formally presented it to the Plan Commission as an informational item on October 11, 2010. The City Facilities Report is based upon guidance contained in the 2002 Growth Policies Plan. The purpose of this document is to provide a comprehensive summary of current City of Bloomington facilities, the municipal services that are connected with these facilities, and future facility needs. A total of six City of Bloomington departments, plus the City's transportation network (for both motorized and non-motorized facilities), were analyzed for this report.

The City Facilities Report provides the Plan Commission and City Council with municipal facility and service delivery information that can be integrated into the planning and zoning approval process. This will help to ensure that ideal levels of City services continue to be provided into the future, without interruption.

2010 United States Census - Complete Count Committee

Planning Department staff participated in the Bloomington-Monroe County Complete Count Committee (CCC). The CCC was a joint effort between the City of Bloomington and Monroe County Government that had the goal of improving the local response rate to the 2010 Census. The CCC worked very closely with personnel from both the U.S. Census Bureau and a wide range of community groups. The CCC developed and implemented a local comprehensive outreach and awareness campaign for the 2010 Census. Despite surveys being received during Indiana University's Spring Break, the participation rate in the City of Bloomington increased from 69% in the 2000 Census to 72% in the 2010 Census.

Long Range Planning (Cont.)

SPEA Fellowship Program

The Planning Department participates in the Indiana University School of Public and Environmental Affairs (SPEA) Fellowship Program. The goal of the Fellowships is to allow SPEA graduate students the opportunity to enhance their leadership and management skills while supporting the strategic objectives of the agency to which they are assigned. The Planning Department currently has three SPEA Fellows; one is assigned to Long Range Planning and two to the Environmental Commission. The SPEA Fellows work part-time around their class schedules and assist Planning staff with a number of research assignments and on-going projects.

During 2010, the Long Range SPEA Fellow worked on a number of projects for the Planning Department. These included collecting data to track trends regarding bicycle ridership, administering in-person surveys on the B-Line Trail, and assisting with the City's Bicycle Friendly Business application and the renewal of Bloomington's Bicycle Friendly Community designation, both through the League of American Bicyclists. The Fellow also updated the Google map of bicycle parking locations in downtown Bloomington.

Historic Preservation Commission

Planning Department staff are assigned to the Historic Preservation Commission (HPC) in a liaison capacity. They regularly attend meetings in order to provide the HPC with planning guidance, zoning expertise and general information. Outside of this standing commitment, Long Range staff assisted in several on-going HPC special projects.

Downtown Preservation Plan Update

The HPC formed a subcommittee in April, 2010 to begin the process of updating its Downtown Preservation Plan. Originally drafted in 1998, this document serves as the strategic plan for downtown historic preservation activities. Many of the goals and objectives of the 1998 plan have now been achieved. The update process will allow for a new Downtown Preservation Plan to be developed, which will then provide the HPC with a fresh set of historic preservation goals and strategies for downtown Bloomington. Planning Department staff has been providing technical expertise and assistance to this subcommittee.



The Long Range Planning SPEA Fellow updated an interactive Google Map inventory of downtown bicycle parking.



Long Range Planning (Cont.)



One of the 2010 Neighborhood Improvement Grants was awarded to the Bryan Park Neighborhood Association to build a bridge across the creek in Bryan Park.

Garden Hill Conservation District Proposal

Staff worked closely with both Housing and Neighborhood Development (HAND) Department staff and neighborhood residents during the conservation district proposal for Garden Hill. A conservation district is a form of local historic district that affects only the moving, demolition, or new construction of a principal or accessory structure. The Garden Hill conservation district process spanned over a year, with Planning staff assisting during neighborhood input workshops and public information meetings. Staff also provided zoning knowledge and planning guidance to the neighborhood subcommittee that was tasked with developing design guidelines that accompany the conservation district proposal. The Historic Preservation Commission approved the conservation district in February 2011. It will now go to the City Council for a final decision at a future date in 2011.

Neighborhood Improvement Grants

Neighborhood Improvement Grants are City funds that are provided for nontraditional capital projects that have a community-wide benefit. Typical projects that have been awarded grants in the past include historic sidewalk rehabilitation, public art, neighborhood signage, and park improvements. The program is administered by the HAND Department and funding recommendations are made by a public Neighborhood Improvement Grant Council. A Planning Department staff member has a permanent seat on the Neighborhood Improvement Grant Council. In 2010, a total of \$48,727.82 in grant funding was awarded to the following groups' projects: Bloomington Housing Authority for the construction of a shelter and bicycle rack at the community building; Blue Ridge Neighborhood Association for painting and tuck-pointing of a neighborhood entrance sign and entryway landscaping; and the Bryan Park Neighborhood Association to install a pedestrian bridge at Bryan Park. These projects are all expected to be completed in 2011.

Transportation Planning

The Transportation Planning staff works to improve the transportation system in Bloomington by planning for bicycle and pedestrian routes and for new and improved roads. Staff provides short and long range transportation analysis and reviews all current development petitions to ensure that transportation needs are adequately met. The staff also assists in the development of corridor studies and roadway projects and works with Bloomington Transit to improve bus routes. Finally, the staff assists the Bloomington/Monroe County Metropolitan Planning Organization (BMCMPPO), an intergovernmental transportation policy group that manages transportation project funding for the Bloomington Urbanized Area.

2010 Activities and Accomplishments

College Mall Pedestrian Accessibility Study

Transportation Planning staff completed a pedestrian accessibility study for the College Mall area. The study area includes College Mall, Eastland Plaza, and the Jackson Creek Shopping Center, as well as the street network that accesses these areas. The goals of the study are to better understand the existing conditions and travel patterns for pedestrians in the College Mall area and to provide a blueprint for making the area more pedestrian-friendly. The study consists of a detailed inventory of existing conditions and a series of recommendations for improving the pedestrian environment within the City rights-of-way. The study was finalized and presented to the Bloomington Bicycle and Pedestrian Safety Commission and Plan Commission in 2010 and is available on the Planning Documents Clearinghouse webpage (<http://bloomington.in.gov/clearinghouse>). The City plans to implement the recommendations of the study in the coming years.

Council Sidewalk Committee

Planning staff provides technical and administrative support to the Council Sidewalk Committee. In 2010, staff used an objective project prioritization tool to evaluate 36 sidewalk project requests based on proximity to transit routes, residential density, Pedestrian Level of Service, and Walk Score. The Committee finds this tool very helpful as they evaluate numerous sidewalk projects against the limited funding available.

Bicycle and Pedestrian Safety Commission

Planning staff provides support to the biweekly meetings of the Bicycle and Pedestrian Safety Commission. Staff presents development proposals and the Commission reviews them for bicycle and pedestrian usability and friendliness. Other initiatives and directives, such as the College Mall Pedestrian Accessibility Study described above, originate with the Bicycle and Pedestrian Safety Commission as well.



In the College Mall area, pedestrians often have to cross large parking lots without sidewalks to reach their destinations. The College Mall Pedestrian Accessibility Study provides a blueprint for making the area more pedestrian friendly.



Transportation Planning (Cont.)



The Bloomington Platinum Task Force was formed in 2010 to plan how the City can achieve a platinum designation from the League of American Bicyclists by 2016.

Bicycle Ridership and Bicycle Rack Counts

In 2010, Planning staff expanded the bicycle count program with the help of dedicated volunteers. Bicycle counts were conducted at 31 intersections in April, late September, and early October. Those conducting the counts recorded the number of bicyclists entering the intersection and the gender of the bicyclists. Staff and volunteers logged 190 hours of count data. A better understanding of bicycle and pedestrian volumes will help the City to identify trends and allocate resources more effectively. Additionally, the City's counts will contribute to a national effort known as the Bicycle and Pedestrian Documentation Project. Planning staff has regularly performed bike rack usage counts at downtown bike rack locations since the spring of 2009. A report based on these bicycle ridership and bicycle rack counting efforts will be available in the spring of 2011. The analysis from this report will establish baseline bicycle use in order to track trends in bicycling.

Bicycle Friendly Community and Bicycle Friendly Business Designations

Planning staff's 2010 application to the League of American Bicyclists resulted in Bloomington's designation as a Bicycle Friendly Community at the silver level. This marks the first time the City has improved its ranking since obtaining bronze distinction in 2003. Staff also submitted for the first time an application for City Hall to be designated as a bicycle friendly business. The League of American Bicyclists awarded a silver designation to City Hall because of support and incentives offered to employees such as showers, lockers, covered bike parking, and gift certificates to those who ride to work 12 days/month. These noteworthy designations acknowledge the dedication and ongoing efforts of City staff to improve active transportation options for citizens. They also directly correlate to Bloomington's commitment to livability, sustainability, and wellness for citizens and visitors alike.

Bloomington Platinum Bicycling Task Force

On May 12, 2010, the Bloomington Common Council created the Bloomington Platinum Biking Task Force to assess Bloomington's strengths and weaknesses in regard to bicycling, and to plan how the City can achieve a platinum Bicycle Friendly Community designation from the League of American Bicyclists by 2016. Planning staff provides support to the Task Force and is guiding them through a year-long process to develop a report detailing how Bloomington can achieve this ambitious goal. The Planning Department also created a team made up of personnel from numerous City Departments, "Team Platinum". Team Platinum's charge is to determine how to implement measures that come out of the Platinum Bicycling Task Force. A final report by the Task Force is expected in the fall of 2011. More information is available on the Task Force's website: http://bloomington.in.gov/Bloomington_Platinum_Biking_Task_Force.

Transportation Planning (Cont.)

Bloomington Bikes Week

Every year Planning staff partners with Parks and Recreation to promote, organize, and encourage participation in Bloomington Bikes Week events. Bloomington Bikes Week is held in May and is part of a national effort to encourage people to try bicycling as a means of transportation. Events include bicycle education classes for children and adults and incentives for people to bike to work or to their place of worship.

Bike Light Campaign

In June, staff from the Planning, Police, and Parks & Recreation Departments as well as Bloomington Bicycle Club volunteers partnered to give away over 60 free front and rear lights to bicyclists riding at night without them. Cyclists were educated on bicycle safety and rules of the road while the lights were installed on the bikes. The lights were purchased from local bike shops with the generous support of the Bloomington Bicycle Club.

State Road 37 Pedestrian Bridge Feasibility and Location Analysis

Planning staff submitted a competitive proposal for a senior engineering capstone class from Rose-Hulman Institute of Technology to analyze bicycle and pedestrian crossing options across State Road 37. The study evaluated State Road 37 crossing locations and provided recommendations on the options that proved to have the highest cost-benefit ratio and best alternative for bicyclists and pedestrians. The study area included the railroad underpass just south of W. 3rd St. to the railroad crossing just north of Whitehall Crossing Blvd. The study was initiated in 2009 and completed in April 2010. It is available for download on the Planning Documents Clearinghouse (<http://bloomington.in.gov/clearinghouse>).



Planning staff installed front and rear lights to the bikes of cyclists riding at night without them.



Metropolitan Planning Organization



The BMCMPPO awarded Highway Safety Improvement Program funds to the City of Bloomington and Monroe County to upgrade signs to meet new federal standards for readability and retro-reflectivity.

The City of Bloomington Planning Department serves as the administrative body for the Bloomington/Monroe County Metropolitan Planning Organization (BMCMPPO). The BMCMPPO coordinates transportation planning activities in a 57 square mile area which includes Bloomington, Ellettsville, and parts of Monroe County. The BMCMPPO transportation planning process unfolds through numerous long range and short range initiatives. The BMCMPPO must foster interagency coordination through various committees and regularly update several core documents to meet the requirements set forth by the Indiana Department of Transportation and the Federal Highway Administration.

2010 Activities and Accomplishments

Committee Support

Pursuant to the Operational Bylaws, the Planning Department provides staff support to the BMCMPPO. As a regional planning body, the BMCMPPO is the conduit through which coordination of various transportation organizations occurs. Planning staff is responsible for dissemination of information, packet production and distribution, and ensuring that the Committees are well supported. Staff supports this coordination through the following committees:

Policy Committee

The Policy Committee approves all projects, plans, and policies of the MPO and is comprised of elected and appointed officials representing the local public agencies and stakeholders. Planning staff coordinated and facilitated seven meetings of the Policy Committee in 2010.

Technical Advisory Committee

The Technical Advisory Committee (TAC) provides technical review and recommendations on projects, plans, and policies and is comprised of staff members representing local public agencies and stakeholders. Planning staff coordinated and facilitated nine meetings of the TAC in 2010.

Citizens Advisory Committee

The Citizens Advisory Committee (CAC) provides citizen input and recommendations on projects, plans, and policies and is comprised of interested citizens. Planning staff coordinated and facilitated nine meetings of the CAC in 2010.

Planning Initiatives

As required by Federal legislation, the BMCMPPO must carry out the transportation planning process through numerous long range and short range planning initiatives. The BMCMPPO undertook a number of transportation planning initiatives during 2010, as detailed below.

Metropolitan Planning Organization (Cont.)

Transportation Improvement Program [FY 2010-2013]

The Transportation Improvement Program (TIP) is a short-term capital improvement plan that identifies road, bicycle/pedestrian, and transit projects that will use federal funding within the next four fiscal years. The TIP includes projects from all local public agencies as well as the Indiana Department of Transportation. Eligible projects can generally be funded with up to 80% of federal funds. The BMCMPPO programmed over \$90 million worth of local projects in the TIP between fiscal years 2010 and 2013. The TIP was amended five times in 2010. Funding was allocated to such projects as the Atwater and Henderson Street intersection improvement and the Jackson Creek Trail, and to operational costs for Bloomington Transit and Rural Transit.

Unified Planning Work Program [FY 2011-2012]

The Unified Planning Work Program (UPWP) is an annually updated document that identifies the planning activities of the BMCMPPO, including the responsibilities of the BMCMPPO staff and any studies or educational efforts to be undertaken during the fiscal year. A federal planning grant funds 80% of the annual UPWP budget. The UPWP for fiscal years 2011 and 2012 was adopted in June 2010 and has a budget totaling \$666,280. These funds helped the Planning Department foster intergovernmental coordination, manage the daily operations of the BMCMPPO, and develop and maintain core documents. It also helped fund special studies like Bloomington Transit's Grimes Lane Operations Facility Study. Planning staff produces quarterly progress reports on work accomplished as outlined in the UPWP. These reports are provided to INDOT, in order to receive reimbursements, and to the committees of the BMCMPPO.

2030 Long Range Transportation Plan Re-adoption

The 2030 Long Range Transportation Plan (LRTP) is the long term planning document that the BMCMPPO must develop and maintain. The LRTP was set to expire in early 2011, and staff led an effort to re-adopt the existing document. This will allow the BMCMPPO to procure funding, gather data, and engage the public in a complete overhaul of the LRTP. To this end, a Task Force made up of representatives from each of the BMCMPPO committees was created to help steer the update of the next LRTP. The BMCMPPO is committed to adopting a new LRTP by the end of 2013.

Safe Routes to School (SRTS) Task Force

The Safe Routes To School (SRTS) program provides grant funding for projects that provide safe ways for children to walk and bike to school. Grant awards are made by the State for infrastructure improvements and educational programs. The BMCMPPO partnered with Bloomington Hospital to facilitate the Monroe County SRTS Task Force. The biggest accomplishment of the Task Force in 2010 was organizing International Walk to School Day in October at seven schools in Monroe County. This event encourages students and parents to try active transportation options to get to school. The hope is the experience is enjoyable enough to become routine and provide long-term environmental, health, and economic benefits to students, parents, and the community.



BMCMPPO staff partnered with Bloomington Hospital to facilitate that Monroe County Safe Route to School Task Force.



Metropolitan Planning Organization (Cont.)



The results of the East 10th Street Mobility Study were presented to the public in March 2010.

Public Participation Plan Amendment

Staff initiated a process to update the BMCMPPO's Public Participation Plan (PPP) in 2010. The impetus for this amendment was an identified need to allow the BMCMPPO to make administrative modifications to documents, primarily the Transportation Improvement Program (TIP). The new process would allow the BMCMPPO Director and Policy Committee chair to approve fairly inconsequential changes to existing projects and documents without presenting it the Committee. The amendment is expected to be adopted in 2011.

Crash Reports

Every year the BMCMPPO is expected to develop a crash report which analyzes accident data from law enforcement agencies. The BMCMPPO produced two crash reports for both calendar years 2008 and 2009 which will help keep the production of the 2010 Crash Report on schedule for 2011. The Crash Reports can be used to help inform policy makers on where improvements can be made to maximize safety. The crash reports are available on the BMCMPPO's Clearinghouse webpage: http://bloomington.in.gov/documents/viewDocument.php?document_id=5547

Highway Safety Improvement Program

The Highway Safety Improvement Program (HSIP) provides funding to improve the transportation network at locations that experience safety problems. The Indiana Department of Transportation annually allocates approximately \$175,000 in HSIP funding for the BMCMPPO to program. The BMCMPPO amended its HSIP guidelines in 2010 to expand the list of eligible projects to include low-cost, system-wide programmatic projects which have demonstrated safety benefits and are cost effective (i.e. new guardrails, traffic signal upgrades, etc.). As a result, the BMCMPPO was able to award HSIP funds in 2010 to both the City of Bloomington and Monroe County to upgrade warning, regulatory, and guide signs to meet new federal standards for readability and retro-reflectivity.

The 10th Street Mobility Study

The 10th Street Mobility Study was a joint effort of Indiana University, the City of Bloomington, and the BMCMPPO to evaluate current and future transportation conditions for all modes of travel along the 10th Street corridor. The study made recommendations for improvements that would address mobility issues along this major thoroughfare. The study was completed in 2010 after public workshops and presentations were made. More information about the study is available online at: http://bloomington.in.gov/10th_Street_Mobility_Study

2010 PLANNING DEPARTMENT ANNUAL REPORT

Special Projects



PRESENTATIONS & COMMUNITY EDUCATION
UNIFIED DEVELOPMENT ORDINANCE

Special Projects



The “Learn to Ride” class teaches basic bicycling skills and important safety lessons to children.

Presentations and Community Education

Planning Department staff worked throughout the year to educate and inform the community about City Planning projects and initiatives. Staff members are frequently invited to make presentations in classrooms and at conferences.

MPO Conference Presentation

Raymond Hess and Josh Desmond were part of a panel discussion on Complete Streets at the Annual MPO Conference held in September in Jeffersonville, Indiana. The presentation focused on how three different MPOs across the State are implementing Complete Streets policies.

Indiana University Guest Lectures

Tom Micuda, Josh Desmond, Scott Robinson, and Raymond Hess all visited Indiana University classes throughout the year to discuss city planning with students. Staff guest-lectured in classes at the School of Public and Environmental Affairs and the Kelley School of Business.

Learn to Ride

Raymond Hess taught a “Learn to Ride” bicycle class to twenty children in May 2010. The three hour class teaches basic bicycling skills and important safety lessons to children ages 4 through 10.

Traffic Skills 101 Bicycle Safety Class

Raymond Hess conducted a Traffic Skills 101 class to six adult students in August 2010. The class is a rigorous nine-hour curriculum produced by the League of American Bicyclists which teaches rules of the road, hazard avoidance, vehicular cycling principles, and other safety practices for cycling.

American Planning Association - OKI Regional Planning Conference

Josh Desmond spoke at the OKI (Ohio-Kentucky-Indiana) Regional Planning Conference of the American Planning Association in October 2010 in Indianapolis. He was part of a panel discussion on Active Community Living, highlighting the efforts of the City of Bloomington to keep its citizens active and healthy through bicycle and pedestrian programs and investments.

Complete Streets Testimony

Raymond Hess testified before the Indiana Legislature’s Committee on Roads and Transportation in January 2010 on House Bill No. 1182, which would have established statewide Complete Streets legislation.

Road School

Raymond Hess and Josh Desmond gave a presentation about the BMCMPPO’s Complete Streets Policy at Purdue Road School in March 2010 in West Lafayette, Indiana.

Special Projects (Cont.)

American Planning Association - IN Chapter Spring Conference

Scott Robinson and Josh Desmond accepted the “Outstanding Project 2010” award from the Indiana Chapter of the American Planning Association in March 2010 for the BMCMPPO Complete Streets Policy.

Bloomington Bicycle Club’s Annual Reception

Raymond Hess gave a presentation on “Bicycle Safety” at the Bloomington Bicycle Club’s Annual Reception in March 2010. The presentation focused on the common causes of bicycle crashes and how they can be avoided.

Safe Routes to School Statewide Workshop

Raymond Hess gave a presentation on the success of the Monroe County Safe Routes to School Task Force at a statewide workshop in Indianapolis on August 30, 2010. The workshop was organized by the Health by Design Coalition to start a statewide Safe Routes to School Partnership and to help localities learn from one another on best practices throughout the State.

Healthy Community Workshop

Raymond Hess was a featured panelist at the Healthy Community Workshop in Evansville on October 19, 2010. He, along with other presenters including national expert Mark Fenton, spoke about various initiatives to encourage active transportation.

Citizens’ Academy

Tom Micuda was a guest speaker at the Citizens’ Academy, a course administered through the Housing and Neighborhood Development Department to encourage civic involvement.

Biofiltration Tour

Linda Thompson partnered with Monroe County government to conduct a presentation and tour of local biofiltration basins, commonly called rain gardens. The all-day class described what a rain garden is, how they function, and how someone may create their own. The class included introductory information regarding the water cycle, watersheds and drainage problems, recommended native plants, and how to build your own rain garden.

Green Building Tour

Linda Thompson worked with the Environmental Commission and the U.S. Green Building Council (USGBC) Indiana Chapter South Central Branch to organize and conduct a “green building” teaching tour. The tour highlighted local green building efforts which illustrated various ways to improve energy efficiency and environmental sustainability in buildings to homeowners and builders. Profits were given to the local branch of the USGBC, with additional funds given to Southern Indiana Renewable Energy Network (SIREN) to sponsor their energy-saving initiatives.



Green Building Tour attendees examine photovoltaic panels on the roof of Middle Way House

Special Projects (Cont.)



The Planning Post Newsletter is published three times a year.

Aurora High School Environmental Planning Lecture

Linda Thompson presented an invited lecture to the students of Aurora High School focused on what an Environmental Planner does on the job. The interactive lecture described how urban land use is planned, what tools are used, and the impact cities have on the environment. The description also included the many sub-disciplines within planning.

Planning Post Newsletter

The Planning Department continued to produce the Planning Post in 2010. The newsletter, which is produced three times a year, recaps the Department’s latest projects, discusses recent development approvals, and provides information on City Planning in general. The free newsletter is distributed to over 100 subscribers via online distribution. In addition to saving paper and postage, the digital format allows readers to link from information presented in the newsletter to other related documents on the internet. Thus, the reader is able to easily find more in-depth background information on every article.

Unified Development Ordinance Floodplain Standards Update

FEMA finalized their update to the flood insurance maps for Bloomington and adopted them on December 17. In order for Bloomington’s UDO standards to remain valid, they had to be updated to reference the new maps. This change in the floodplain maps also resulted in many additional calls from the public inquiring about their property and base flood boundaries.

2010 PLANNING DEPARTMENT ANNUAL REPORT

2011 Goals



2011 DEPARTMENT GOALS



2011 Department Goals

In addition to the on-going duties and activities described previously, the Planning Department intends to take on a wide variety of special projects during 2011. The following list provides an overview of some key goals for the Department.

Growth Policies Plan Update

The Planning Department will initiate the process to update the Growth Policies Plan (GPP) in 2011. The GPP update will be a multi-year project. Tasks to be undertaken in 2011 include background data collection, meetings with Plan Commissioners and City Departments, and starting a community visioning process.

Long Range Transportation Plan Update

MPO staff began the process of creating a new Long Range Transportation Plan (LRTP) in fall 2010. Like the GPP, this will be a multi-year project that goes beyond 2011. Anticipated milestones include on-going meetings with the LRTP Task Force, peer community research, data collection, and community visioning.

Expanded Downtown TIF Master Plan

An expansion of the Downtown TIF district to include 48 additional acres of land northwest of City Hall was completed in 2010. The next step is to develop a Master Plan, which will provide a vision and guidance for the redevelopment of this key area of downtown Bloomington. Goals for 2011 include: 1) issuing an RFQ for consultant services, selecting a consultant to perform the work, securing 12 acres in the TIF currently owned by Indiana University, and initiating early master planning efforts. This project is a partnership with multiple City departments and will also go beyond 2011.

Platinum Biking Task Force Report

In 2010, the City Council passed a resolution directing the City to become a Platinum-rated Bicycle Friendly Community by 2016 as designated by the League of American Bicyclists. To that end, the City Council's resolution directed the formation of a task force designed to make recommendations on how this goal can be accomplished. The task force began their meetings in 2010 and will conclude the process with a report to the Council during fall 2011. Planning staff is providing support for the task force and will be heavily involved in the creation and implementation of this report.

2011 Department Goals (Cont.)

UDO Amendment: Green Development Incentives

The UDO already contains incentives designed to increase the amount of sustainable development in Bloomington. Although the amount of sustainable development practices has increased, the ordinance incentives haven't proven to be effective. Goals for this update include: 1) reviewing green building ordinances nationally, 2) drafting the proposal and seeking input, and 3) going through the Plan Commission/City Council review process to adopt the amendments. Staff anticipates adoption of amendments by the 4th quarter of 2011.

UDO Amendment: Urban Agriculture

The UDO was amended in 2009 to allow both urban agriculture as well as community gardens. However, techniques for encouraging and regulating urban farming activities are evolving. The Planning Department would like to update the urban agriculture provisions in the UDO to address emerging trends. Steps in this update process include: 1) reviewing local urban agriculture ordinances as well as programs nationally, 2) drafting the proposal and seeking input, and 3) going through the Plan Commission/City Council review process to adopt the amendments. Staff anticipates adoption of amendments by the 3rd quarter of 2011.

Switchyard Master Plan

Although this project will be led by the Parks Department, Planning staff will be heavily involved in several components of the study. In addition to creating a parks plan for the City's acreage, the plan will address elements that pertain to Planning Department activities. These include: 1) redevelopment of key surrounding sites, particularly along Morton Street and Walnut Street, 2) multimodal connections to the new park space, and 3) possible affordable housing opportunities near the new park space.

Complete Annual Billboard Inventory

The Department completes an inventory of all existing billboards within the City's planning jurisdiction on an annual basis. This allows the City to track the gradual removal of these structures over time. The 2011 inventory update will be completed early in the year.

Complete Annual Scenic and Gateway Sign Corridor Video Inventory

Another signage inventory that the Department maintains is a video that documents existing signage along scenic and gateway corridors throughout Bloomington. This inventory provides a baseline for tracking signage changes, which is especially helpful in enforcement cases regarding illegally installed signage. The 2011 video update will be completed early in the year.



2011 Department Goals (Cont.)

Revise Public Hearing Filing Fees

Filing fees are required for all petitions filed with the Planning Department for public hearings, such as with the Plan Commission or Board of Zoning Appeals. It has been nearly twenty years since these filing fees have been updated. Planning Staff will work with the Plan Commission and the Board of Zoning Appeals to adopt a revised fee structure that better reflects the modern cost of processing these petitions.

Successfully Complete MPO Certification Process

The Bloomington/Monroe County MPO is required to function according to standards provided by Federal law, working in cooperation with local partners as well as the Indiana Department of Transportation and Federal Highway Administration. Every four years the MPO must go through a certification process that documents the organization, function, programs, and results of the MPO. This process ensures that all MPO operations are consistent with Federal mandates. The MPO will complete its required certification in 2011.

MPO Annual Documents

The MPO will complete its required annual documents by the end of the Fiscal Year (June 30). This includes the Unified Planning Work Program (UPWP) and the Transportation Improvement Program (TIP). The MPO will also complete the 2010 Crash Report, providing important data that influences the implementation of safety projects within the MPO area. In addition, the MPO will make updates to its Public Participation Plan to enable more efficient TIP amendments.

Professional Development

Planning Department staff will continue to develop their skills and knowledge through a variety of professional development opportunities throughout 2011. Staff will attend the American Planning Association national conference in Boston, the APA-Indiana Chapter spring and fall conferences, the Annual MPO Conference in Indianapolis, Purdue Road School, and a variety of in-house “webinar” training courses.

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
Location: 626 N. Morton Street**

**CASE #: SP-31-09
DATE: April 4, 2011**

**PETITIONER: ERL-9, LLC
601 N. College Ave., Suite 1A**

**CONSULTANT: Studio Three Design
8604 Allisonville Rd., Suite 330, Indianapolis**

REQUEST: The petitioners are requesting an extension to an approved site plan to allow the construction of a 64-bedroom apartment building.

REPORT: The petitioners received site plan approval in November of 2009. The Plan Commission approved a construction time period of 19 months. This period expires on June 9, 2011. The petitioner still intends to construct the approved building, but will not be able to complete their permit applications prior to the expiration of the site plan. At this time they are requesting an additional 18 months from their original expiration date to initiate construction. They are not seeking any amendments to the site plan. All terms and conditions of the original approval would remain in effect.

BICYLCE AND PEDESTRIAN SAFETY COMMISSION RECOMMENDATIONS: The Bloomington Bicycle and Pedestrian Safety Commission (BPSC) has made 1 recommendation concerning this development.

1. The commission recommends granting the extension but asking the owner to immediately construct the planned sidewalk improvements.

Staff response: Sidewalk construction requirements are usually tied to the construction of buildings. Reconstruction of the sidewalk was required with the 2009 Site Plan, but hasn't been implemented because no building has been built. The construction of the building itself is what triggers the sidewalk construction. Until the building is being built, no new sidewalk is required. Furthermore, if a sidewalk is constructed immediately, it would likely be severely damaged by building construction, if not removed completely. If the building is never built and the City finds in the future that the existing sidewalk is in an inadequate state of repair, the Public Works Department can require the repair of the sidewalk through BMC 12.04.010 .

CONCLUSION: Staff has not identified any factors that would lead to a different recommendation on this project. The proposal has not changed nor have any of the standards used to review the petition.

RECOMMENDATION: Based on the written findings above, staff recommends that SP-31-09 be reapproved with the following conditions. These conditions are the same as the original approval, except for a new expiration date in Condition #7.

1. Final street lighting plan and all right-of-way encroachments must be approved by the Board of Public Works. Street lighting shall be full cut-off, fully shielded, pedestrian scale lighting.
2. Final City Utilities Department approval is required before release of any permits.
3. The proposed building must be constructed utilizing the same materials and architectural details as shown in the submitted elevations.
4. The north-south alley to the east of this building shall be paved and improved to the standards of the City Engineering Department.
5. Removal of existing City street trees and new tree planting shall be coordinated with the City's Urban Forester. This shall include obtaining a tree work permit prior to tree removal and providing the salvaged wood from the trees to the City.
6. Per the petitioner's commitment at the October 5th Plan Commission hearing, if mechanical ventilation is found to be necessary for the lower level parking garage, such ventilation will not be located on the east side of the building.
7. The site plan will expire December 9, 2012, per the provisions of BMC 20.09.120(e)(8).

MEMORANDUM

TO: MEMBERS OF THE PLAN COMMISSION

FROM: VINCE CARISTO/BICYCLE AND PEDESTRIAN COORDINATOR
Planning Dept. liaison to the Bloomington Bicycle and Pedestrian Safety Commission

RE: 10th & COLLEGE HORIZONS

DATE: March 28, 2011

At its regular meeting on March 21, 2011, the Bicycle and Pedestrian Safety Commission (BPSC) reviewed the request to extend this site plan approval for 18-months. They are concerned an extension will delay important improvements to the deteriorating brick sidewalk adjacent to the property on N. Morton St.

RECOMMENDATIONS

The commission recommends granting the extension but asking the owner to immediately construct the planned sidewalk improvements.

MEMORANDUM

Date: 3 November, 2009
To: Bloomington Plan Commission
From: Bloomington Environmental Commission
Through: Linda Thompson, Senior Environmental Planner
Subject: SP-31-09 Tenth and College Horizons, site plan approval

This memorandum contains the Environmental Commission's (EC) input and recommendations regarding the site plan for SP-31-09, Tenth and College Horizons, a 41-unit, 64-bed apartment complex within the Downtown Commercial District (CD) and the Downtown Core Overlay (DCO) District. The petitioner is requesting approval of a 4-story building with waivers from void/solid ratio, window proportions, and façade materials regulations. The plan is for infill development on land that is currently permeable, covered by grass, gravel and several trees, and thus providing some ecological services.

The EC is pleased that the petitioner is allocating space within the building design to accommodate residential recycling. Lack of recycling services is the number one complaint that the EC receives from apartment dwellers in Bloomington. Recycling has become an important norm that has many benefits in energy and resource conservation. Recycling is thus an important contributor to Bloomington's environmental quality and sustainability and it will also increase the attractiveness of the apartments to prospective tenants.

ISSUES OF SOUND ENVIRONMENTAL DESIGN:

1.) GREEN BUILDING:

The EC recommends that the developer commit to green building practices rather than stating that they will simply review the potential for such practices. The built environment (sometimes referred to as gray infrastructure) impacts health, economy, ecological services, and the overall quality of life, as recognized by the City of Bloomington's commitment to green building.

Given this plan will result in a surface that is 100% impervious, it leaves little opportunity for preserving or enhancing any green infrastructure, or permeable, vegetated space that supports functioning ecosystems and associated services (e.g. climate control, aesthetic enrichment) that impact health, economy, and the overall quality of life. Extra effort, therefore, should be made to incorporate green building practices that reduce the development's carbon footprint and promote healthy indoor and outdoor environments.

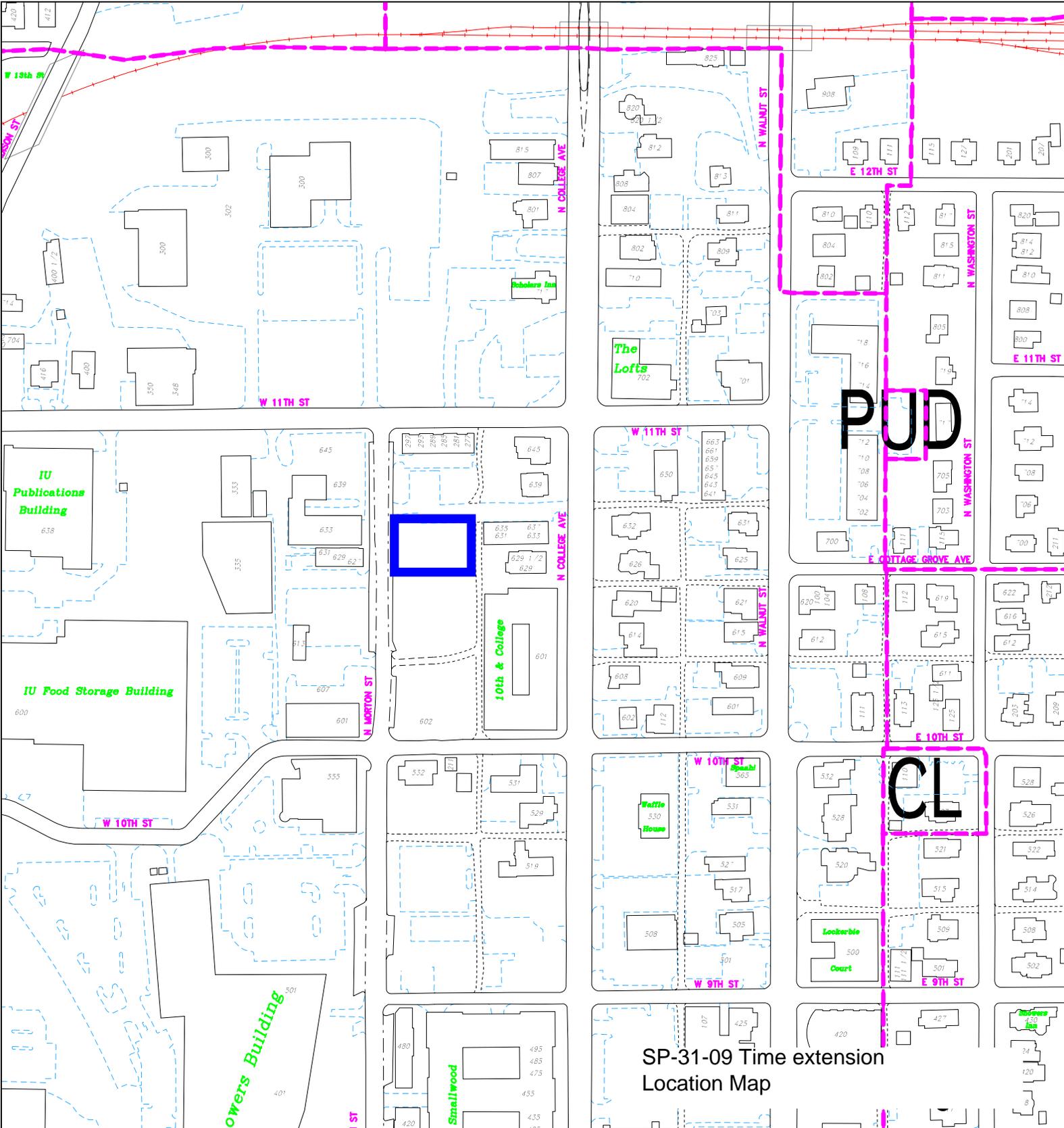
2.) CONVERTIBLE, PEDESTRIAN-FRIENDLY DESIGN:

Although first floor commercial space is not required by code, the EC believes this building should be designed and constructed to allow the first floor area to be converted into commercial space. The UDO states that “space on the first floor of downtown buildings should be commercial with residential uses on the second floor and above.” The intent is that development should incorporate pedestrian-oriented design that will enhance the central business district. The EC would like to ensure the building can accommodate this change in use if the commercial demand on downtown grows. Such “commercial banking” allows our city to maintain the flexibility to achieve a mixed-use, pedestrian-friendly goal for the future, rather than locking the core of our city into single-use apartment complexes.

Mixed-use, pedestrian-friendly design promotes a walkable city, which translates into less oil depleted, less greenhouse gas emissions produced, cleaner air and a quieter, safer city. All of these benefits help Bloomington to fulfill commitments to reduce our greenhouse gas emissions and conserve fuel, as mandated by the Mayors’ Climate Protection Agreement and City Council resolutions that support the Kyoto Protocol and recognizes and plans for peak oil.

EC RECOMMENDATIONS:

- 1.) The petitioner should make a commitment to apply green building practices to create a high performance, low carbon-footprint structure.
- 2.) The petitioner should develop creative solutions for planning for first floor convertible commercial space.



SP-31-09 Time extension
Location Map



March 8, 2011

City of Bloomington Planning Department
P.O. Box 100
Bloomington, IN 47402

Attn: Mr. James Roach

RE: Tenth and College Horizons Apartments extension for construction start-up.

PETITIONERS STATEMENT

Dear Mr. Roach

Studio 3 Design is pleased to submit the attached apartment development, "Tenth & College Horizons" for Plan Commission review. The follow document has been prepared in order to request an extension to our timeline for starting construction. The original Plan Commission approval requires that construction be started by May 5th, 2011.

We are requesting an 18 month extension taking project start-up out to November 2013. While the project is still a viable desire for the owner, the current market and economic atmosphere make getting the project started at this time unrealistic.

Below is the original submittal for the 10th & College Horizons project- issued on Oct. 26th 2009 and Approved on November 9th, 2009 for your reference.

<u>Apartment Types</u>	<u>Count</u>	<u>Beds</u>
1 Bedroom Flat	28 Units	28 Beds
2 Bedroom Flat	08 Units	16 Beds
4 Bedroom Flat	05 Units	20 Beds
	<hr/>	<hr/>
	41 Units	64 Beds

Property density allows for a max of 66 beds on this site.

Non-Residential space

Retail space is not required at this location and has not been provided as part of this submittal. The building is located mid block on Morton street and is not ideally suited for retail. This approach falls in line with the apartment building directly to the north of the project site at Morton and Eleventh Street. As with the eleventh street project, we have provided walk up apartment units at the street level to encourage a more urban feel to the street front.

Parking Counts

Required parking for 64 beds.	41 spaces
Level 1 parking garage	24 spaces
Level 2 parking garage	08 spaces
Street parking	05 on Morton
<hr/> Total on-site	37 spaces
Bus line deduct	(06) based on 15% deduct
<u>Total required parking</u>	<u>35 spaces</u>

Total spaces that count toward requirement 37 spaces

Project Location

The project is located between 10th and 11th streets on Morton Street. The surrounding land use includes an apartment complex (Tenth and College Village) across an alley to the South, an apartment building (Tyler Curry's building) to the North with a empty lot between the two sites), an office building and a single home residence across the alley to the East, and Morton street to the West. The lot is currently being used for surface parking as well as a temporary construction staging area for the "Tenth and College Village" project.

Project Concept

Tenth and College Horizons is an exciting new apartment development for Bloomington's downtown. The project is focused primarily on the creation of smaller units for a more affordable downtown living experience. The design takes a simple shape for building efficiency and stacks the building over a full lower level parking deck and a partial second level parking area. Within the core of the "donut" shape, a second level plaza has been created with all apartments from level two upward opening onto it. All exterior walkways have been sized large enough to serve as the primary path to each unit as well as gathering areas overlooking the central courtyard.

Building Scale / Massing / Articulation

The Morton Street elevation forms the primary facade for the project and has been articulated to meet local requirements and building code. A cast stone base lines Morton Street and wraps the building on the North and South facades. Two shades of brick accentuate the building massing along Morton Street and wrap the North and South ends of the building. Building code does not allow for relieving angles to be installed on wood structures for the support of masonry, as such, we have transitioned to a cementitious panel product to create the cap for the building. This same material is introduced in vertical bands at window zones to further articulate the facade and provide relief both vertically and horizontally to the building massing.

The overall feel of the building is intended to take on a more modern edge that is complimentary to the Tenth & College Village project to the South. We have taken the same color pallet and smooth and rough cast stone introduced on the Village project and reversed their usage. The building base will be a smooth textured base taken to a water table level above the lobby level. Brick colors are reversed with the balcony alcoves given a deeper recessed feel through the use of a deep red brick and the primary vertical plains of the building accented with a green/brown brick.

Balcony zones along Morton Street create 4' to 5' continuous recessed pockets between a rhythm of strong vertical façades. The corner unit at the intersection of the alley and Morton street is articulated with a cement panel and glass projection that helps stair step the façade back toward the entrance.

The main level along Morton is comprised of walk-up units with entry porches that are protected by the balconies above. Lighting and a simple railing define the entry for each of the four units entered off of Morton Street.

The building entrance breaks the rhythm of vertical towers with a change in material, the use of storefront system and a large covered canopy area. Lighting, address stone and pavement changes also serve to articulate the entrance.

A pattern of large windows detailed with simple heads and sills wrap the building. A rich palette of building materials divide the four level street front apartments vertically into three (3) distinct zones; base, body and cap. The articulation of the building elements carries onto the streetscape, low level landscaping, street trees set in grates, free standing post lighting and the incorporation of salvaged brick pavers work together to enhance the development's curb appeal and reinforce the facilities human scale along Morton Street. The overall streetscape will form a continuation of the Village streetscape and complete the transformation of the east side of Morton Street.

Window detailing:

In several areas, windows have been ganged together to obtain the best natural lighting possible for the interior of apartment living spaces. The issue of providing the UDO requested proportions or the windows has been addressed through the incorporation of a vertical mullion between each window unit allowing for the rectangular units to be grouped together to create the best possible natural interior lighting.

Parking Access

Parking access is from the East – West alley on the South side of the property. The alley has been shown widened to 20 feet to allow for two-way traffic in and out of the garage entrance. The alley steps back to 12' in width past the garage entrance to encourage traffic flow to move primarily between Morton and the garage entry and not back toward the rear alley.

The garage level can be accessed by pedestrians from a sidewalk along the alley, from the building lobby or from either of the main stair towers and elevator. Pedestrian warning systems will be incorporated into the project to promote safety at the garage entrance. Elements include the use of bollards at the sidewalk where it terminates at the drive as well as an option to include a stop sign within the garage prior to pulling out into the alley.

A second level parking area for (8) cars has been created at the NE corner of the site. The natural grade of the alley allows for the creation of an entry point onto the second level at this corner. The alley on this side has been maintained at the 12' width with the garage entrance and parking arranged to encourage entrance and exit to head toward Morton street.

Streetscape

A steady rhythm of (3) old fashioned street lamps located between grated trees set in a hard-scaped sidewalk and a pattern of brick pavers enhance the curb appeal and charm of the development. Where possible, additional landscaping and spots for bike racks have been provided. Additional landscaping is shown in planter beds along the base of the building to pick-up on and continue the streetscape rhythm established by the Village project.

Site Accessibility

Pedestrians can enter the site at grade off of Morton Street, from the South alley stair, through a gated entrance at the SE corner of the site and via the upper deck parking entrance off the North alley. Three of the four site access points allow for an accessible entry path to the buildings elevator core.

Pedestrian Building / Site Entrances

There is one primary building entrance for pedestrians and (3) secondary entrances.

The primary building entrance is located on Morton Street. This entrance provides an elevator to all levels, as well as a connection to the Garage. The Second building entrance is located off of the South alley at the buildings main stair and provides an accessible path to the building elevator and garage, as well as a stair up to all levels of the facility. Both of these entrances provide an accessible means of entry/exit from the building.

On level 2, the plaza level, an accessible entry/exit to the building's plaza can be accessed from the North alley. This entrance provides a convenient path for residents on bikes to ride into the plaza and park under covered walkways. This entry/exit point also provides an accessible path to the elevator core for access throughout the building.

On Level 2, a code required exit stair is provided off of the plaza in the SE corner. This provides an additional means of egress from the plaza. This location will be secured via gated entrance at Plaza level.

Building Heights

The site slopes approximately 17' feet with a low point at the SW corner (Morton and alley) and a high point at the NE corner (alley to alley intersection). The building sets its main level in relation to the low point on the site to allow for accessible entrances into the building lobby.

The project is a 4 story structure (garage, plus 3 levels of apartments). The attached elevations provide target points for the various parapet heights along the façades as measured from the garage floor. Building heights are within the context of the surrounding buildings and up to 4 stories lower than its neighbor (Smallwood). The back of the building (east alley) is held down to three levels above the parking deck. A slightly recessed material change for portions of the 4th level cap also serves to change the feel and articulation of the building mass and lessen its impact to the street front.

Building Materials

Cast stone, multiple colors of brick and smooth cementitious panels with clear anodized metal reveals form the palette for the West street facade. These materials wrap the north and south ends of the building. The North, South and East alley and interior court façades are clad in varying textures and colors of cementitious plank siding with entry zones articulated with the same panel treatment as the primary facades. The overall palette comes together to form a rich and inviting atmosphere with a modern feel.

Internal plaza:

The internal plaza / building core has been developed with an urban feel- multiple levels of decks and walkways open onto one another and provide an atmosphere that promotes the feeling of being part of a community within the development. Fluorescent lit internal mazes of hallways have been abandoned in favor of creating open air passages to each apartment with the opportunity to see and interact with your neighbors.

The main plaza deck (located on level 2) is being developed as a site activity zone and will most likely incorporate a hard-scaped plaza with spaces for tables and chairs, barbeque grills and gaming areas and gatherings. A second plaza zone on level 3 will incorporate additional seating and gathering space for the tenants.

Bike Storage/ Parking

An effort has been made to make the facility "bike friendly" through the incorporation of bike parking focused around building entry points for the convenience of the residents. The majority of bike parking is covered by either building canopies or overhead walkways.

(6) Covered Visitor spaces will be provided at the buildings main entrance. A secured bike room is provided in the upper level garage for a min. of (6) Class 1 bike space.

(6) Additional spaces are provided in "U" shaped racks located on the upper plaza area providing for a **total of 18** spaces to meet UDO standards.

Environmental Commission Considerations

The developer is interested in providing a building that is sensitive to the concerns of today's built environment. As such, we are reviewing the incorporation of the following into the project:

- Reuse of salvaged brick pavers from the sidewalk along Morton Street.
- "Green friendly" building materials- inclusion of products that incorporate recycled materials- primary example being carpeting products.
- Energy efficient windows with low-E glazing
- White reflective roofing membrane for energy conservation
- Energy star appliances where applicable

Void to Solid Ratio

The building has been developed in an area that does not require non-residential functions along the first level. The windows and unit entrances are scaled with respect for the residential nature of the facility. Along the street front, transoms have been added to the windows to maximize the natural lighting with-in the units and increase the percentage of void to solid massing. The building entrance changes from a residential scale to a commercial scale with the use of storefront glazing across the width of the entrance.

Current guidelines suggest a target void to solid of 70% for the first level. The current design provides a void to solid of 57.6% along Morton Street. The upper level void to solid ratio's average 59.8% of void area along the Morton street front.

Build to Line

The project meets the intent of the UDO with the building (including balcony projections) at the build to line on Morton Street. The building entrance sets back from the build-to line approx 10' to accentuate the entrance. The building sets a min of 12 feet back from the south build-to line to allow for an increased drive width in the alley and a comfortable spacing between buildings. At the North and East Alleys, the building runs within a foot of the line.

Stormwater Detention

The project has anticipated the need for ground water detention on site. A concrete vault or large underground pipes will be provided under the entrance drive of the parking garage. Storm water will be collected from roofs and plaza areas and temporarily detained in the underground storage area. An aqua-swirl will be provided at a collection point for the storm water prior to it being discharged into the city storm water collection system.

Trash Removal

Trash removal has been provided off of the South alley. The grade will be leveled at this location to assist in the roll-out of trash containers on pick-up days.

Water Service & Meter Pit

The project will connect to the main along Morton Street. A master meter will be installed outside of the City R/W off the South alley and will house the necessary meters and fire apparatus. The PIV connection will be installed at this location. A separate Siamese connection will be back fed from the meter pit and provided near the corner of Morton Street and the Alley for easy Fire Department access. No new mains are anticipated to be installed to provide service for the project.

Grease Pit

No retail space has been provided as part of this project. As such, no grease pit will be installed as part of the project

Move-In/ Move-Out & Delivery Access to the Site

Access to the site is anticipated to occur along Morton Street and along the North and South alleys.

Sewer Service

The project will connect to the city sewer mains at a minimum of two (2) locations. Each location will be made to the existing City sewer main rounding down Morton Street. All connections will be lateral connections with standard patching of the street as required. No new mains will need to be installed to provide service for the project.

Private Utilities

Duke Energy and Ameritech/SBC will provide for the service needs of the development. We anticipate the placement of one transformer at the Southeast corner of the site along the alley. A junction box for the phone lines to feed the development will also be in this area.

Working with our neighbors

Through-out the design process we have made an effort to reach out and not only listen too, but address concerns that have been voiced by our neighbors. As such we have made the following adjustments:

- Eliminated all 5th floor components in their entirety.
- Removed all exterior balconies along the east and north alley and limited the south alley to one location – mid way up the alley.
- Limited the unit types on the east alley to 1 and 2 bedroom units.
- Changed the alley width back to 12' at the east end and only widened it up to the garage entrance at the West end of the South alley. This was done to encourage traffic flow to be between Morton St. and the garage entrances.
- Relocated mechanical ventilation of the lower level garage to discharge to the north vs. the east and provided punched openings to maintain passive air flow in the garages in place of additional mechanical ventilation.
- Focused walkways and activity inward.
- Relocated our code required building exits to the far NE and SE corners of the site to limit the amount of pedestrian traffic walking down the stretch of alley behind our neighbors to the east.
- Maintained building heights along the east to a perceived three story building. (This is lower than the previously approved Morton St. Condo's at this same location)

General Comments

- The site is zoned for its proposed use.
- The neighbor in question uses the property adjacent to the proposed development as a rental, not a private residence.
- Alley building heights are within UDO guidelines
- The voluntary modifications made were never required, but provided in the spirit of being a good neighbor.

Thank you again for the opportunity to submit this project for review. We are excited about moving forward with the project and look forward to obtaining your comments. Please contact me with any additional questions.

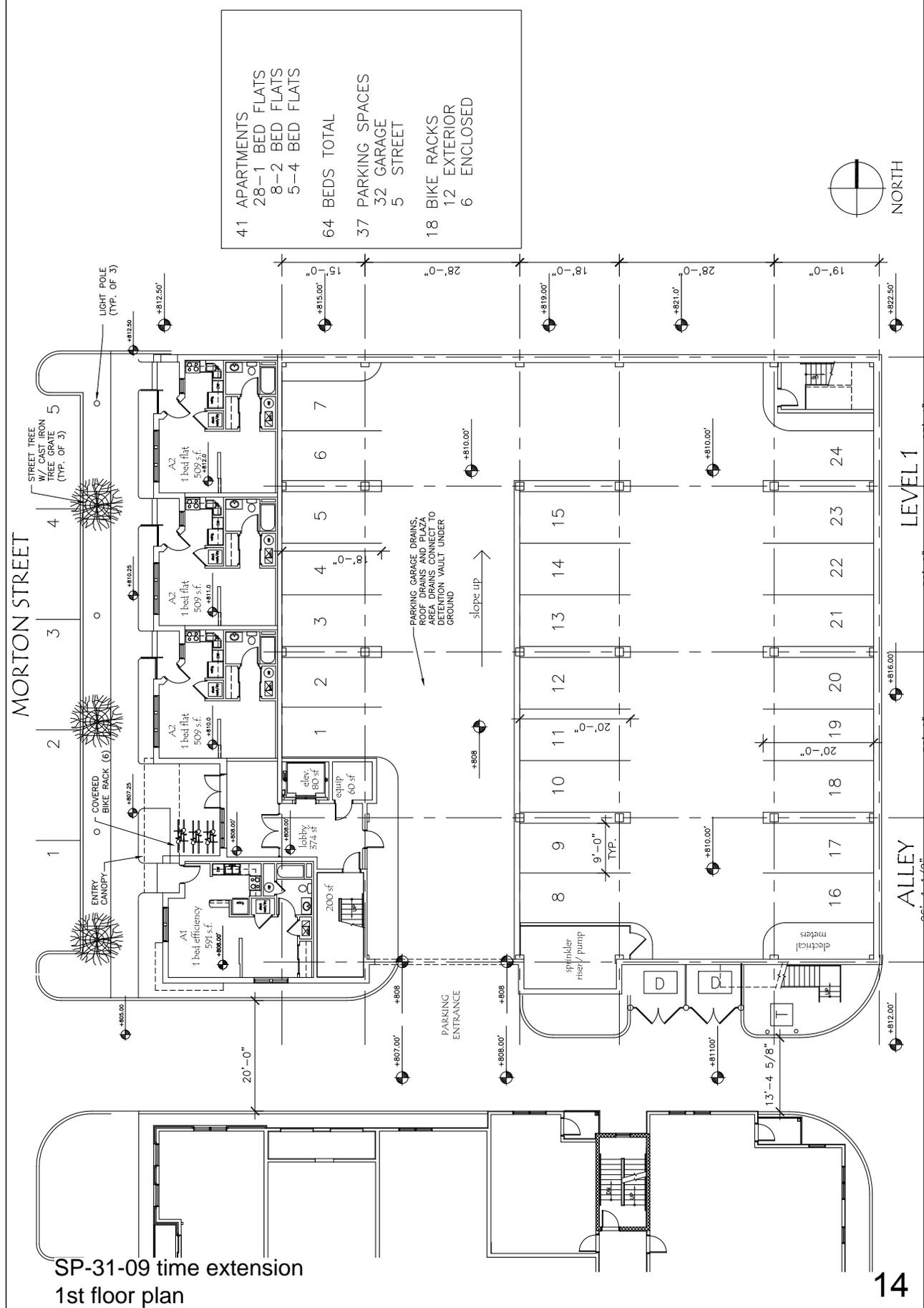
Respectfully submitted,

STUDIO 3 DESIGN, INC.

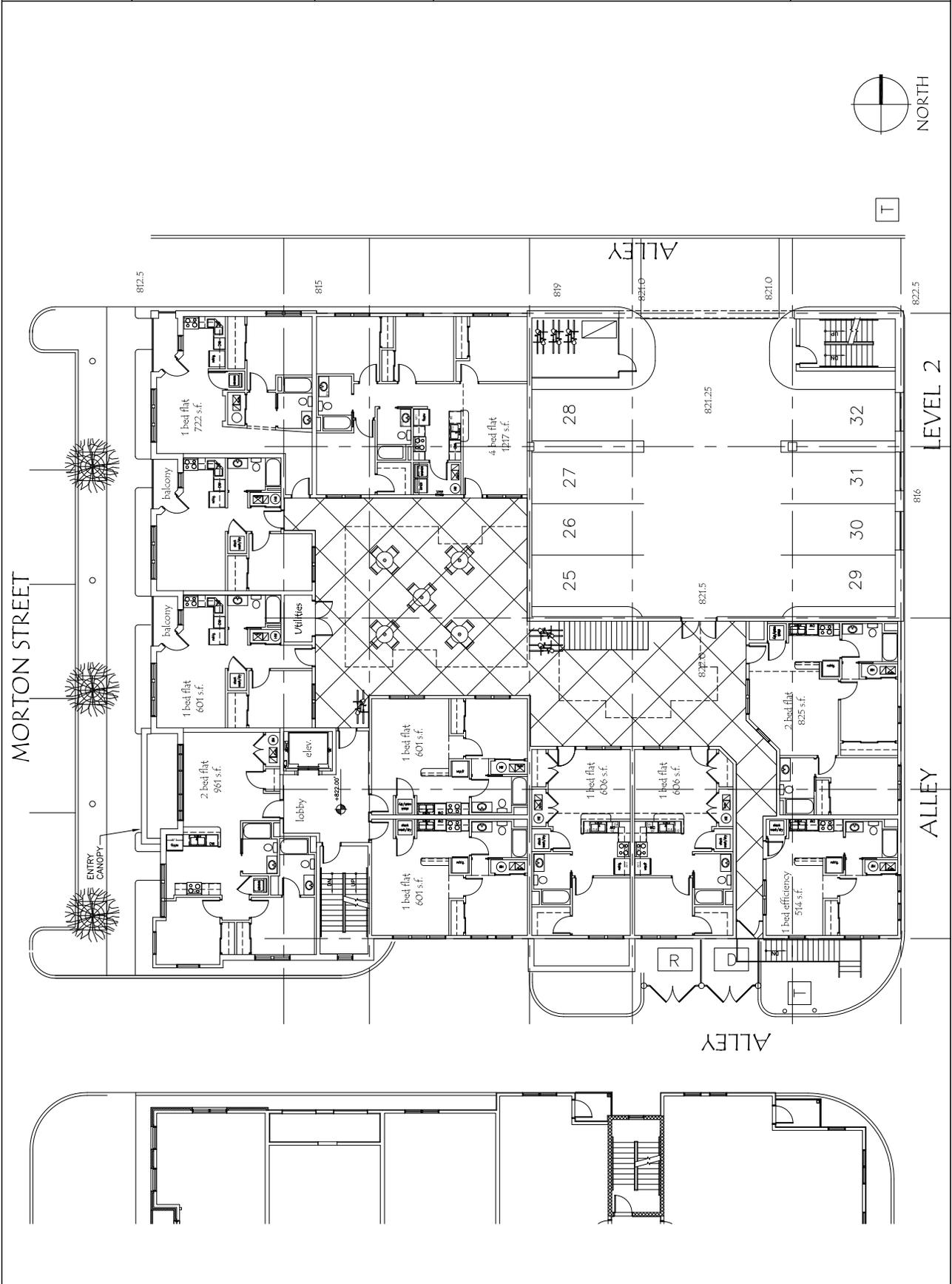


TIMOTHY W. COVER, RA

41 APARTMENTS
28-1 BED FLATS
8-2 BED FLATS
5-4 BED FLATS
64 BEDS TOTAL
37 PARKING SPACES
32 GARAGE
5 STREET
18 BIKE RACKS
12 EXTERIOR
6 ENCLOSED



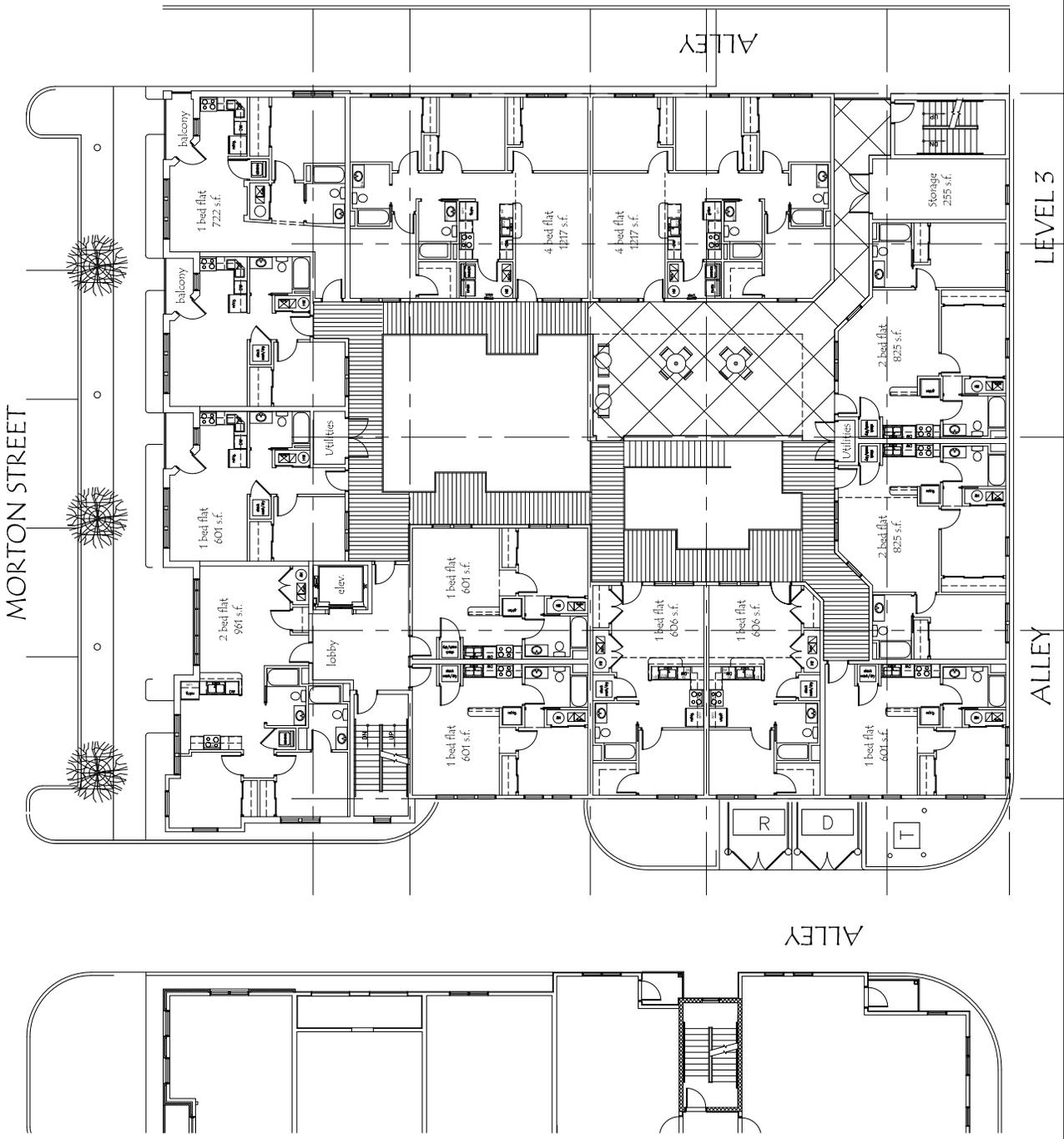
SP-31-09 time extension
 1st floor plan



SP-31-09 time extension
 2nd floor plan



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SP-31-09 time extension
 3rd floor plan



Tenth & College Horizons

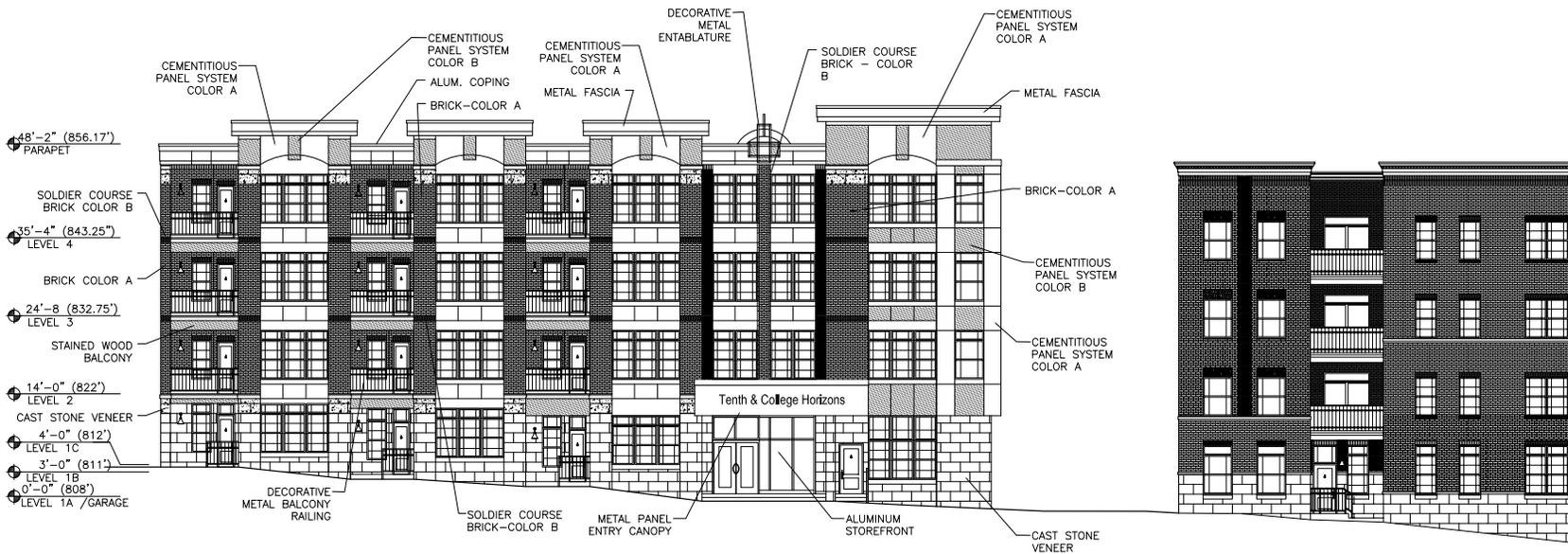
WEST ELEVATION - MORTON STREET

Bloomington, Indiana
October 26, 2009

ERL-9, LLC



SP-31-09 time extension
Color elevation

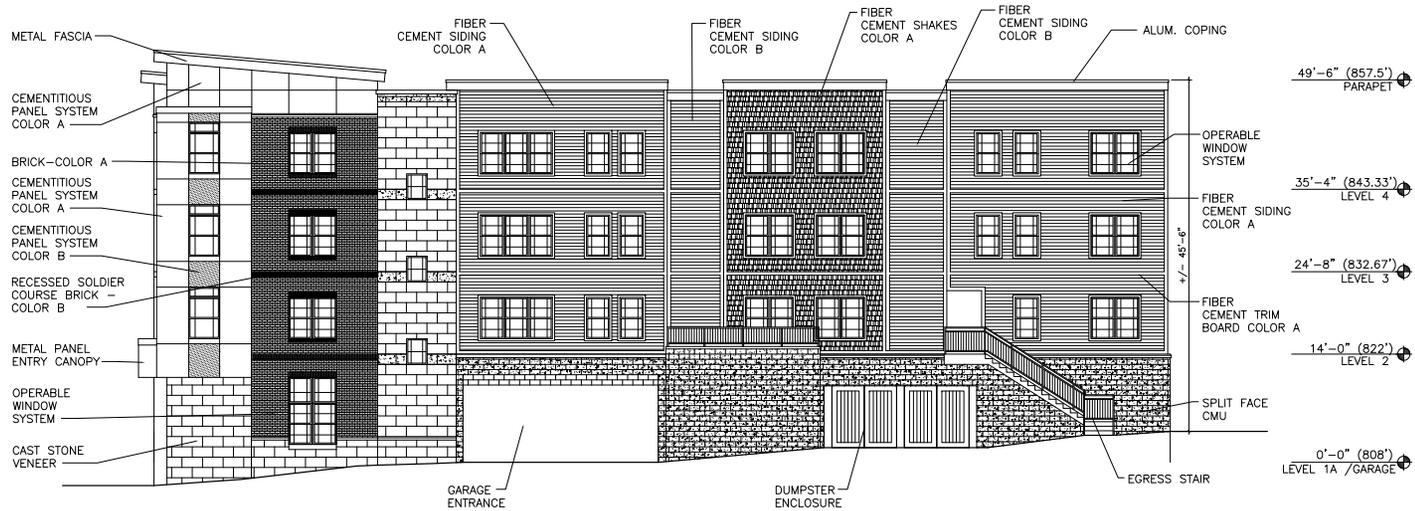


WEST ELEVATION (MORTON STREET)

SCALE: 1/16"=1'-0"

SHEET NUMBER		A6	
SHEET DESCRIPTION		EXTERIOR ELEVATIONS	
PROJECT NO.	09040	DATE	10-26-09
ERL-9, LLC		Tenth & College Horizons	
		Bloomington, Indiana	
		<small>317.555.1000 FAX 317.572.1238 8504 Allison Road, Suite 300 Indianapolis, IN 46250</small>	

SP-31-09 time extension
Morton/west elevation



SOUTH ELEVATION (ALLEY)

SCALE: 1/16"=1'-0"

SHEET NUMBER

A7

SHEET DESCRIPTION

EXTERIOR ELEVATIONS

PROJECT NO.

09040

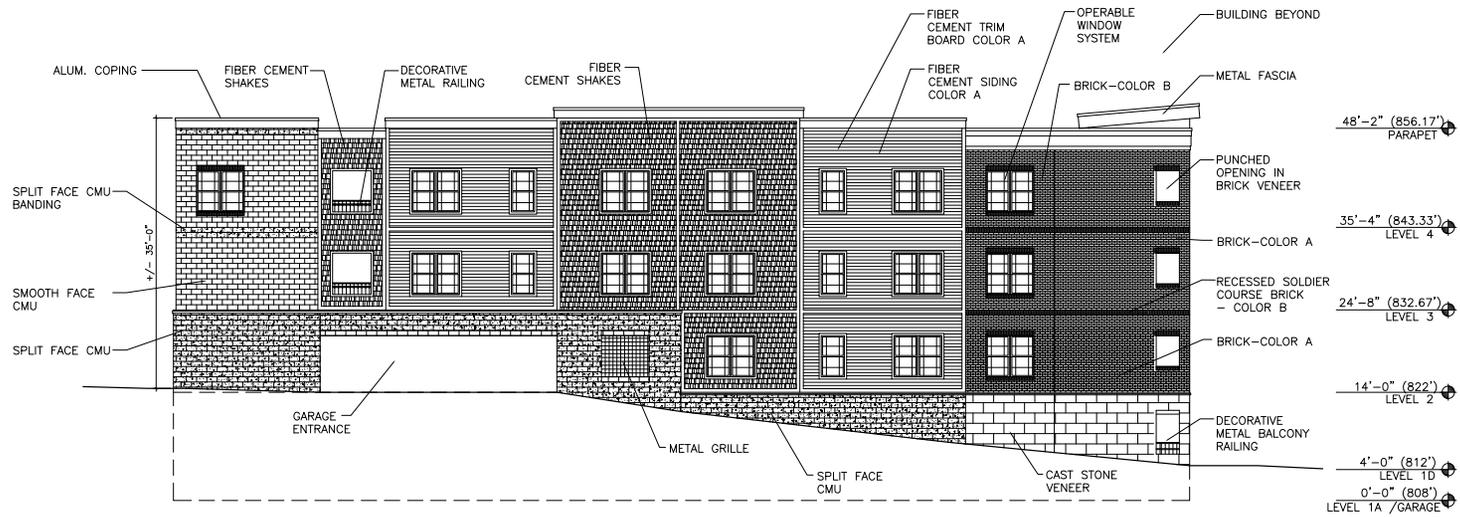
DATE

10-26-09

ERL-9, LLC

Tenth & College Horizons

Bloomington, Indiana



NORTH ELEVATION (ALLEY)

SCALE: 1/16"=1'-0"

SHEET NUMBER

A9

SHEET DESCRIPTION

EXTERIOR ELEVATIONS

PROJECT NO.

09040

DATE

10-26-09

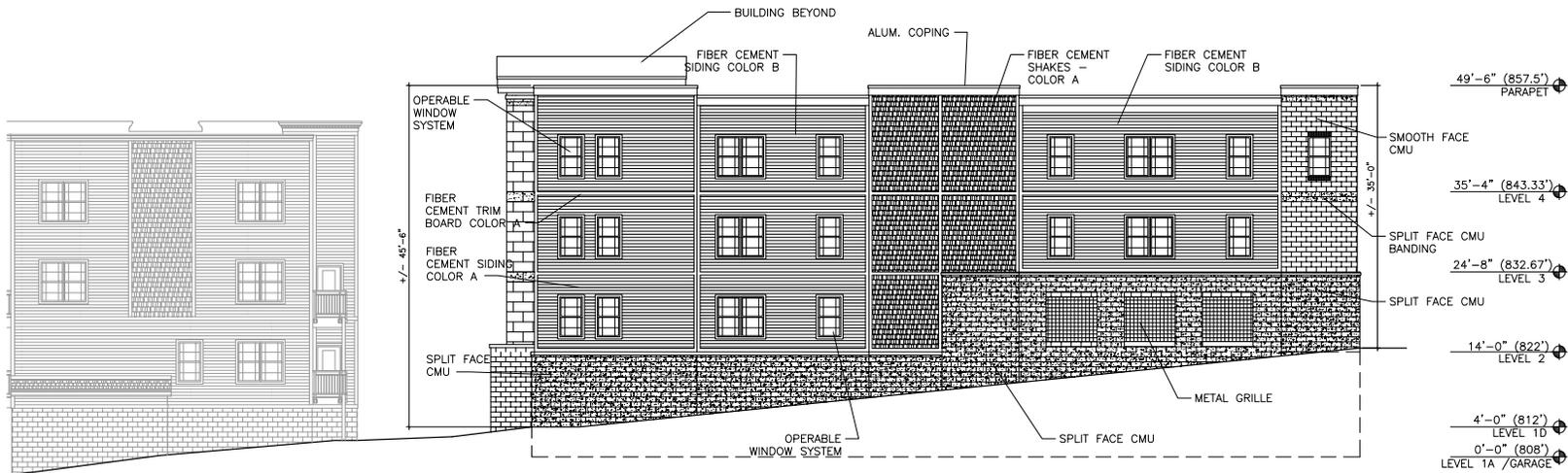
ERL-9, LLC

Tenth & College Horizons

Bloomington, Indiana

STUDIO THREE DESIGN
 317.585.1000 FAX 317.572.1238
 8504 Allison Road, Suite 300 Indianapolis, IN 46250

SP-31-09 time extension
 North/alley elevation



EAST ELEVATION (ALLEY)

SCALE: 1/16"=1'-0"

SHEET NUMBER

A8

SHEET DESCRIPTION

EXTERIOR ELEVATIONS

PROJECT NO.

09040

DATE

10-26-09

ERL-9, LLC

Tenth & College Horizons

Bloomington, Indiana

STUDIO THREE DESIGN
 317.595.1000
 8504 Allison Road, Suite 300, Indianapolis, IN 46250
 317.572.1238
 8504 Allison Road, Suite 300, Indianapolis, IN 46250

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
Location: 626 N. Morton Street**

**CASE #: SP-31-09
DATE: November 9, 2009**

**PETITIONER: ERL-9, LLC
601 N. College Ave., Suite 1A**

**CONSULTANT: Studio Three Design
8604 Allisonville Rd., Suite 330, Indianapolis**

REQUEST: The petitioner is requesting site plan approval in order to build a 64 bedroom apartment building.

Area:	0.38 Acres
Zoning:	CD/DCO
GPP Designation:	Downtown
Existing Land Use:	Vacant
Proposed Land Use:	Multi-family Residential
Surrounding Uses:	Southeast – Mixed use (10 th and College)
	South –Village @ 10 th & College apartments
	West – Offices
	North – Vacant
	East – Single Family & offices

REPORT SUMMARY: The subject property is located on the east side of N. Morton Street, between W. 10th Street and W. 11th Street. The property is made up of 2 platted lots totaling 0.38 acres. The property is currently vacant. It is bound on the north, south and east by platted alleys. The property is surrounded by residential uses to the northeast and east, the recently completed Village at 10th and College building to the south, the mixed use 10th and College building to the southeast, office uses to the west and southwest and a vacant lot to the north. The property slopes from the northeast to the southwest with 18 feet of grade difference between these two points. The property is zoned Commercial Downtown (CD) and is within the Downtown Core Overlay (DCO).

A project was last reviewed for this property by the Plan Commission in 2007. On November 5th of that year the Plan Commission approved a 5-story, 65 foot tall, 60 bedroom, condominium project (case #SP-30-07), proposed by ERL-7, LLC.

This is the second hearing for this petition. At the first hearing on October 5, 2009, the Plan Commission voted 4-2 to approve the site plan. Plan Commissioners stated concern about the height of the building, the number of 5-bedroom apartments and a portion of blank wall on the 5th floor. Because the vote did not gain a majority of the Plan Commission members, the petition was automatically continued to the November hearing.

Since the first hearing, the petitioner has made the following changes to the project:

- Removed 2 bedrooms
- Reconfigured the units and bedrooms to eliminate all 5-bedroom units
- Removed the partial 5th floor from the building

The petitioner is now proposing to construct a 64 bedroom apartment building on this property. The proposed building would have a mix of 1, 2 and 4 bedroom units, with a total of 41 units and 37 parking spaces. Unlike the last building approved on this site, construction of this building would not necessitate the vacation of the existing east-west alley between this property and the Village at 10th and College building to the south. Access to most units is provided from an interior courtyard, similar to the one constructed at the Village at 10th and College building.

Plan Commission Site Plan Review: Two aspects of this project require that the petition be reviewed by the Plan Commission, per BMC 20.03.090. These aspects are as follows:

- The project is adjacent to a residential use (mixed-use 10th and College building to the southeast and residential uses to the east, northeast and south)
- The project proposes four waivers to the standards in BMC 20.03.120 and 20.03.130

SITE PLAN REVIEW

Parking: Within the Downtown Core, the UDO sets a minimum parking development standard for a 64 bedroom building at 41 parking spaces. This number can be reduced down to 35 spaces due to proximity to a bus line. The proposal includes 32 spaces within two levels of a parking garage and 5 spaces on Morton Street, for a total of 37 spaces.

Bicycle Parking: A 64 bedroom multi-family development requires 11 bicycle parking spaces. At least 3 of these spaces must be covered spaces and at least 3 spaces must be “Class I” bicycle storage. The petitioner proposes that 6 bicycle parking spaces be located within a secure bicycle room on the second floor, 6 spaces will be provided adjacent to the main entrance and an additional 6 spaces will be provided within the interior courtyard. The proposed 18 spaces exceed the minimum UDO requirement.

Materials: The majority of the building is clad in brick and cast stone. The first floor is comprised mostly of cast stone, while upper levels are clad in two colors of brick and cementitious panels. The petitioner proposes that the rear and sides of the building, along the alleys, be clad in split faced concrete block and cementitious siding, with two areas of smooth faced block along stair towers. The cornice on the 4th floor parapet is proposed to be built up cementitious panels. A waiver is required to allow the split faced block, smooth faced block and cementitious siding and panels.

Material Waiver-20.03.130(b)(4)(A)(ii): A waiver from the standards of the UDO is required to allow cementitious siding and smooth and split faced block to be used as primary exterior finish materials for the building. The Downtown Vision and Infill

Strategy Plan (hereafter referred to as “Downtown Plan”) provides guidance on building materials in Guidelines 3.10 through 3.12. Guideline 3.10 states that materials should appear similar to those used traditionally and that masonry is preferred for new construction. Guideline 3.11 states that “New materials may be considered” as long as they appear similar to traditional materials, are detailed to express human scale, have demonstrated durability and avoid large expanses of featureless siding. Cementitious panels are used only on the upper reaches of the building, for the parapet cornice, to give material relief around the window bays. Planning staff also believes that the use of concrete block and cementitious siding on the east, south and north sides is appropriate because these areas are not readily visible from the street. On the north and south sides of the building, brick and cast stone wraps around the corner and is included in the first building module before switching to siding and block approximately 27 feet back from the right-of-way. Smooth faced block is used in very limited areas for the stair towers. This block will be painted and will be given relief with bands of split faced block.

Residential Density: The property is 16,566 square feet in area, or approximately 0.38 acres. The petition is for 64 bedrooms, or 168 bedrooms per acre. This density is below the 180 bedrooms per acre development standard of the CD/DCO. The chart below compares other similar multi-story apartment buildings in the downtown area.

Smallwood Plaza	415 N. College Ave.	702 beds	359 beds/acre
The Mercury	202 N. Morton St.	84 beds	195 beds/acre
Kirkwood Place (Not yet built)	120 E. Kirkwood	33 beds	174 beds/acre
Petition	626 N. Morton Street	64 beds	168 beds/acre
10 th and College	601 N. College Ave.	123 beds	161 beds/acre
Washington St. Townhouses	240 N. Washington St.	32 beds	160 beds/acre
Village at 10 th and College	602 N. Morton Street	116 beds	152 beds/acre
Big O Building (Not yet built)	340 S. Walnut Street	45 beds	150 beds/acre
The Omega	252 N. Walnut St.	30 beds	150 beds/acre

The following chart compares the proposed density to the current UDO and the upcoming residential density calculation changes to the UDO. The current UDO allows 68 bedrooms on a property of this size in the CD/DCO, while the changes to the UDO will allow 22.8 dwelling unit equivalents.

Unit type	Number	Current UDO	Upcoming UDO
5 bedrooms	0 units	0 beds	0 DUEs
4 bedrooms	5 units	20 beds	7.5 DUEs
2 bedrooms	8 units	16 beds	5.28 DUEs
1 bedroom	28 units	28 beds	7 DUEs
Total	41 units	64 beds	19.78 DUEs
Maximum		68 bedrooms	22.8 DUEs

Height: The height of the proposed building varies because of the differing number of stories at different points in the building and because of an 18-foot change in grade from the northeast corner of the property to the southwest corner. The building is 4-stories tall. Along Morton St. there is a 7 foot change in grade, with the high point to the north. The highest part of this building on the street frontage is 51'4" and the shortest part is 48', as measured from the lowest point of the grade, the southwest corner. When measured from Morton St. immediately in front of the building, heights range from 51'4" to 46'.

Height Waiver-20.03.120(b)(2): A waiver from the architectural standard of the UDO is required to allow a height of more than 50 feet. The Downtown Plan, in the intent for the Downtown Core area (Pg. 2-5) states that "parcels in the Downtown Core Character Area can accommodate taller structures and should be encouraged when they are designed to reflect the traditional scale of buildings at the street level and are articulated into modules that are compatible with the traditional design context." Guideline 3.9 recommends that new buildings "maintain the perceived building scale of two to four stories in height." It goes on to state that "if a building must be taller, consider stepping upper stories back from the main façade." The proposed building is 4-stories, as recommended by the Downtown Plan. Staff finds that the addition 1'4" allow for an appropriate sized parapet and is caused by the change in grade along the street. The building still maintains the recommended 4-story height.

Step back: BMC 20.03.130(c)(3) requires that any building over 45 feet in height step back the portion over 45 feet a minimum of 15 feet from the front build-to-line. At the tallest, this building is 51'4". There is no proposed step back from the 6'4" above 45 feet.

Building Height Step Back Waiver-20.03.130(c)(3): A waiver from the minimum stepback height architectural standard of the DCO is required to allow portions of the building to be as tall as 51'4" feet without a step back. Much of the justification for this waiver has already been discussed in dealing with the height waiver. Guideline 3.9 recommends that new buildings "maintain the perceived building scale of two to four stories in height." It goes on to state that "if a building must be taller, consider stepping upper stories back from the main façade." The Downtown Plan does not give a recommended height for the step back, but instead recommends step backs for buildings over 4 stories. The proposed building is 4 stories tall. The additional height is necessary due to the change in grade on the property and the proposed parapet.

Window Design: The DCO requires windows that are at a minimum 1:1.5 portion of width to height. Several window openings on the front of the building are of a proportion that is closer to 1:0.72 because the openings are wider than they are tall.

Window Design Waiver-20.03.130(b)(3)(C): A waiver from the standards of the UDO is required to allow windows that are less than 1:1.5. The Downtown Plan's recommendations of upper story windows (guidelines 3.13-3.14) call for windows with a vertical emphasis and trim that aligns with adjacent traditional buildings.

While the overall window openings do not meet the required ratio, the individual windows within a grouped set of 3 windows will meet the requirement, These windows allow for increased sunlight into the units and add visual interest to the building. Although the windows could be modified to meet the guidelines, staff finds it appropriate to allow some flexibility in design to achieve more variety in building façades and allow a more modern design.

Streetscape: Pedestrian scale lighting is proposed on Morton St. in accordance with the DCO. The DCO also requires a minimum 5 foot wide concrete sidewalk. Existing along Morton St. is a historic brick sidewalk. The petitioner proposes to re-create this brick sidewalk by reusing the existing bricks. This sidewalk would match the brick sidewalk design used at the adjacent Village at 10th and College building.

There are two existing, mature Sugar Maple street trees along Morton St. While these trees are in good health, construction of the building and rebuilding of the sidewalk and curbs are likely to severely damage their root systems. According to Lee Huss, the City's Urban forester, Sugar Maples typically do not perform well in urban areas due to poor compacted soils, road salts, heat and drought intolerance. The large tree plot and open area to the east has enabled both trees to grow to maturity. With this petition, both of these trees would be removed and replaced with new trees within tree grates. Removal of these trees was also approved with the previous petition, SP-30-07.

Entrances: The proposal includes one main building entrance onto Morton St. and three individual unit entrances at street level. The main building entrance on Morton Street will include a façade recess, canopy, building name and address. In addition, bike racks for visitors are provided near entrances.

Void-to-solid Percentage: The DCO sets a minimum upper story void-to-solid architectural standard at 20%. The petition contains approximately 60% void-to-solid. The DCO also sets a minimum first floor void-to-solid at 70%, "consisting of display windows, entries and doors." The building as proposed contains approximately 58% void on the first floor. This void percentage is made up of pedestrian scale doors and large residential windows.

Void-to-solid Waiver-20.03.130(b)(2)(A): A waiver from the architectural standard of the UDO is required to allow portions of the first floor to have less than 70% void area. The need for this waiver is driven by the fact that the first floor is entirely residential. A 70% void-to-solid ratio would be typically seen on buildings with retail storefronts, not those with residential uses on the first floor. First floor retail uses are not required in the DCO. While the Downtown Plan does not specifically address a first floor void-to-solid ratio, it does recommend that new buildings incorporate a base, middle and cap, with the base including "large display windows, kickplates below windows, sign band, and building entrance." This building includes all of these elements and incorporates changes in color and materials to distinguish the base from the middle of the building.

Utilities: Water and sanitary sewer service are available in Morton Street. Stormwater will be detained using underground detention under the parking garage and treated using a stormwater hydrodynamic grit separator, such as the “Aqua-Swirl” brand product. Stormwater and utility plans have been submitted to the City Utilities Department and are under review.

Neighbor Comments: Staff has spoken with the immediately adjacent homeowner to the east on several occasions. Her primary concerns are that the height of the building will place her yard in shadow for longer periods than the current development patterns, that garage ventilation grills will create undue noise, pedestrian traffic in the alleys, noise from the interior courtyard, and the location of dumpsters. Staff notes that no mechanical ventilation of the garage is proposed on the east or south sides of the building. At the first hearing, the petitioner’s representative committed that if mechanical ventilation is found to be necessary to meet building codes it will be on the north side of the building, not the east. Staff also notes that the building’s height, as measured immediately next to the neighbor’s property is 45’6” feet. This is 4’6” less than the maximum allowed in the DCO and approximately 6” less than the previously approved building on this site, SP-30-07.

ENVIRONMENTAL COMMISSION RECOMMENDATIONS: The Bloomington Environmental Commission (EC) has made 3 recommendations concerning this development.

- 1.) The petitioner should make a commitment to apply green building practices to create a high performance, low carbon-footprint structure.

Staff response: The petitioner has committed to reuse of the bricks from the existing brick sidewalk, use of products that contain recyclable materials (most likely carpeting), use of a reflective roof, Low-E windows and Energy Star certified appliances. These features are all above and beyond UDO requirements.

- 2.) The petitioner should develop creative solutions for planning for first floor convertible commercial space.

Staff response: While additional commercial spaces would be desirable, neither the current UDO nor the upcoming UDO amendments would require first floor commercial space at this location.

Developer Track Record: Developer Elliot Lewis is the principle behind ERL-9, LLC. Other recent projects completed by this petitioner include the 10th and College building, the 4th and Indiana building, the remodeling of the Odd Fellows Building and the recently completed Village at 10th and College. There are no outstanding zoning violations associated with these developments.

Conclusions: The Planning Department staff finds that the petition satisfies many of the requirements of the Unified Development Ordinance, including use, density and parking. While some parts of the petition do not meet the standards of the DCO, the requested

waivers are appropriate based on the merits of proposal, its compatibility with surrounding buildings and compliance with the recommendations of the Downtown Plan.

RECOMMENDATION: Based on the written findings above, staff recommends approval of SP-31-09, and all associated waivers, with the following conditions.

1. Final street lighting plan and all right-of-way encroachments must be approved by the Board of Public Works. Street lighting shall be full cut-off, fully shielded, pedestrian scale lighting.
2. Final City Utilities Department approval is required before release of any permits.
3. The proposed building must be constructed utilizing the same materials and architectural details as shown in the submitted elevations.
4. The north-south alley to the east of this building shall be paved and improved to the standards of the City Engineering Department.
5. Removal of existing City street trees and new tree planting shall be coordinated with the City's Urban Forester. This shall include obtaining a tree work permit prior to tree removal and providing the salvaged wood from the trees to the City.
6. Per the petitioner's commitment at the October 5th Plan Commission hearing, if mechanical ventilation is found to be necessary for the lower level parking garage, such ventilation will not be located on the east side of the building.

From:
Karen Baldner
629 N.College Ave
Bloomington, IN 47404
e-mail: kbaldner@iupui.edu
phone: (812) 336-5413

September 22, 2009

Re: Elliot Lewis's proposed development "**Gardens of Tenth & College**" on North Morton Street

Dear Elliot Lewis and Developers of "Gardens of tenth & College",

I am the property owner to the immediate east of the proposed project and would like to voice a few concerns about the plan as it is currently proposed.

- The currently proposed **height** and structure of the building would block off several hours of afternoon sunlight from my property. In the winter months this could extend to half of the afternoon. Aside from the quality of life factor this also provides for a problem with ice management during the winter months. Because of the permanent shadow cast on the south side of my property through the "10th and College" building I am already experiencing extensive freezing up of my drive way during the deep winter months. With the western sun blocked off during the cold winter months the back entrance to my home would be in jeopardy of freezing up in a similar way jeopardizing my own and my tenants safety.

I am opposed to the currently proposed height of the building and would like to see development without the additional fifth level.

- I am concerned about the proposed **air ventilation grills** for the second level garage. They are proposed for the east wall of the building on the north/south alley level. Even if they were not directly pointed at my property their location is close enough to emit fumes and noise towards my property. If these vents are planned in any way to be like the one on the west wall of the 10th & College building I would find them unacceptable. The said vent has a large motorized fan behind it that is incredibly loud. Noise pollution of this sort would jeopardize the well-being of everyone living in my house my tenants included.

Any jeopardy to the safety and comfort of my tenants affects my ability to maintain a stable environment for my own rental business.

- I am concerned about the foot traffic from the proposed **entrance/exit stairwell** on the south-east corner of the project. The new "10th & Morton" building has an entrance/exit at approximately the same location and the increase in noise and activity is noticeable. Of course, a lot of it is currently from tenants using the dumpster located on the building site. But the experience is indicative of how the future may look.

I would like to suggest to limit the proposed door to an exit only. Or to any other solution that would minimize traffic.

- I am concerned about the location of the **trash containers** on the south side of the building. The planned location is in approximately the same place where the portable toilet for the current construction site is located. It is close to the south/west corner of my property and emitted the most horrible stench all summer long. I do not wish to continue this situation on a permanent level from a trash container. In addition I would not want to listen to frequent trash collectors near my property. Could the developers find location for the trash containers that is less intrusive to the well-being of adjacent neighbors?

- The designs show an **inner court yard** to the proposed building with balcony walkways that frame the inside of this court yard as entrances to the inner apartments. I am concerned that this layout will create noise exaggeration that would affect my property. The concrete produces an echo to any sound made in such an enclosed area, an experience I am already making with the new "10th & Morton" building and on occasion when wild parties spill out into the inner balconies of the "10th & College" building.

This is an issue that may even affect tenants within the building itself.

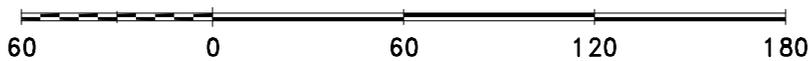
I hope the points brought to your attention here can find your sincere consideration.

Best regards,
Karen Baldner



SP-31-09 Time extension
2010 Aerial Photo

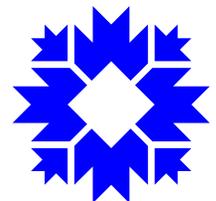
By: roachja
7 Aug 09



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 60'

PETITIONER: ERL-10, LLC
601 N. College Ave., Suite 1A

CONSULTANT: Studio Three Design
8604 Allisonville Rd., Suite 330, Indianapolis

REQUEST: The petitioner is requesting site plan approval to convert ground floor non-residential space into residential use.

Area:	0.20 Acres
Zoning:	Commercial Downtown/Downtown Core Overlay
GPP Designation:	Downtown
Existing Land Use:	Mixed use, vacant commercial and multi-family residential
Proposed Land Use:	Multi-family residential
Surrounding Uses:	Northeast – Mixed-use (10 th and College) North – Village @ 10 th & College apartments West – Offices South – Vacant East – Office, retail

REPORT SUMMARY: The subject property is located at the southeast corner of W. 10th Street and N. Morton Street. The property is a 0.2 acre platted lot that contains a 4-story mixed use multi-family and commercial building called “Morton Mansions”. This building was approved by the Plan Commission on April 5, 2010 (SP-08-10) and was occupied in August of 2010. The property is bordered on the east by a platted alley and is surrounded by commercial or multi-family uses on all sides. Properties to the north and northeast are multi-family and mixed use buildings also owned by the petitioner. The property is zoned Commercial Downtown (CD) and is within the Downtown Core Overlay (DCO).

The petitioner proposes to convert the approximately 1,200 square feet of non-residential space on the first floor of the building to a single 3-bedroom apartment. This space has been vacant since the building was finished in August of 2010. This petition would increase the unit count from 15 to 16 units, but would stay within the maximum density permitted on the property.

The petitioner argues that they have made considerable effort to lease the commercial space in the 11 months since approval. They have also had difficulty keeping commercial space leased at their nearby building, at a more attractive location for commercial tenants at the “10th and College” building. The petitioner states that traffic counts on Morton are low and parking is limited at this location,

making commercial use difficult. This location is at the far northern limit of the area where first floor non-residential space is required.

The UDO requires that buildings in this area of the Downtown Core Overlay be constructed with 50% non-residential space on the first floor. The petitioner received a waiver with the original site plan approval to reduce the amount of non-residential space to 24%. This petition would drop the first floor non-residential percentage from 24% to 0% and requires the waiver to be amended. Also requested is an amendment to the previously approved parking waiver to allow for a further reduction.

Plan Commission Site Plan Review: One aspect of this project require that the petition be reviewed by the Plan Commission, per BMC 20.03.090.

- The petition includes two amended waivers to the standards in BMC 20.03.120 and 20.03.130

SITE PLAN REVIEW

Residential Density: The property is approximately 0.2 acres in area. This petition would increase the bedrooms from 30 to 33 bedrooms and the unit count from 15 to 16 units. The DCO allows for 60 units per acre, or 12 units on this property. The currently proposed density, once DUEs are applied, is 10.98 DUEs or 54.9 DUEs per acre. This new density is below the maximum density of the DCO.

Ground floor non-residential: In 2010, the Plan Commission approved a partial waiver from the first floor non-residential space percentage requirement. This approved a reduction from 50% to 24%. The petitioner now proposes to look at this space as “convertible space” and immediately convert it to residential use. This drops the first floor non-residential space percentage from 24% to 0%. An amended waiver is required.

Ground Floor Non-residential Space Waiver-20.03.120(e)(2): The 2005 Downtown Vision and Infill Strategy Plan (hereafter referred to as “Downtown Plan”) includes several design guidelines concerning first floor uses. Design guideline 3.18 recommends that a ground floor level of a building encourage pedestrian activity through features related to commercial use, such as seating, storefronts, recessed entrances and display windows. While this petition would still include large display windows, those windows would look into private residential space and would not encourage pedestrian activity.

This property is in an area that includes a mix of residential and office uses, including office uses on the 2 opposite corners of this intersection and further north on Morton St. New retail and restaurant uses are located on the Smallwood Plaza block to the south. Office uses are also found on

the west side of Morton Street at the Showers complex as well as between 11th and 10th Streets. Additional residential units planned by the petitioner at the “Horizons” building, the buildings under construction near 11th and College and the “Morton North” project will add to the pedestrian traffic in the area.

Staff finds that the proposal is not consistent with the UDO or the policies of the Downtown Plan.

Parking: The building contains 12 off-street parking spaces, 11 spaces within the garage and 1 surface space. The minimum off-street parking requirement for the 33 bedrooms proposed with this amendment is 16. With the previous site plan, the Plan Commission approved a waiver to reduce parking on this property from the previously required 13 spaces to 12 spaces. The petitioner is proposing to maintain the existing 12 parking spaces instead of providing the required 16 spaces. An amended waiver is required.

Parking Waiver-20.03.120(c)(2): Should the Plan Commission chose to approve the non-residential percentage waiver, a finding must be written for this waiver also. Staff notes that The Downtown Plan (Pg.4-13) recommends 0.8 spaces per bedroom. The existing building provides 0.4 spaces per bedroom, while the proposed changes would drop the parking to 0.36 spaces per bedroom. A lower ratio may be supported by on-street spaces on nearby streets, an established pedestrian network, and reduced need due to the two nearby bus lines. The chart below compares other similar multi-story apartment buildings near this building.

<i>Project</i>	<i>Bedrooms</i>	<i>On-site parking/ Off-site parking</i>	<i>Ratio Total spaces/ bedroom</i>	<i>Adjacent on-street parking</i>
10 th and College 601 N. College Ave.	123	76/8	0.68	5
9 North (under construction) 508 N. College Ave.	54	35/0	0.65	4
Village @ 10 th & Morton 602 N. Morton St.	116	65/0	0.56	10
Horizons (not built) 626 N. Morton St.	64	32/0	0.50	5
5 North Townhouses 644 N. Morton Street	24	10/0	0.42	1
Petition	33	12/0	0.36	0
Station 11 (under construction) 701 N. College Ave.	73	45/12	0.27	4
Omega Properties 639 & 645 N. College	34	9/0	0.25	4

DEVELOPER TRACK RECORD: Developer Elliot Lewis is the principle behind ERL-10, LLC. Other recent projects completed by this petitioner include the 10th and College building, the 4th and Indiana building, the remodeling of the Odd Fellows Building and the “Village at 10th and College” building. The “Horizons” building was approved in 2009 but has not yet been built. An extension of this site plan approval is also on the agenda for this meeting.

CONCLUSIONS: Staff finds the proposed changes to be contrary to established City policies. This petition, while maintaining the space as convertible, would create no pedestrian interest at the street level on either Morton Street or 10th Street. The entire street frontage would consist of parking garage and windows into residential spaces. The petitioner has already been granted the ability to develop less than the 50% ground floor non-residential space required by the UDO. Staff finds that the petitioner’s request is not consistent with the UDO or the Downtown Plan.

RECOMMENDATION: Based on the written findings above, staff recommends denial of SP-03-11.

MEMORANDUM

TO: MEMBERS OF THE PLAN COMMISSION

FROM: VINCE CARISTO/BICYCLE AND PEDESTRIAN COORDINATOR
Planning Dept. liaison to the Bloomington Bicycle and Pedestrian Safety Commission

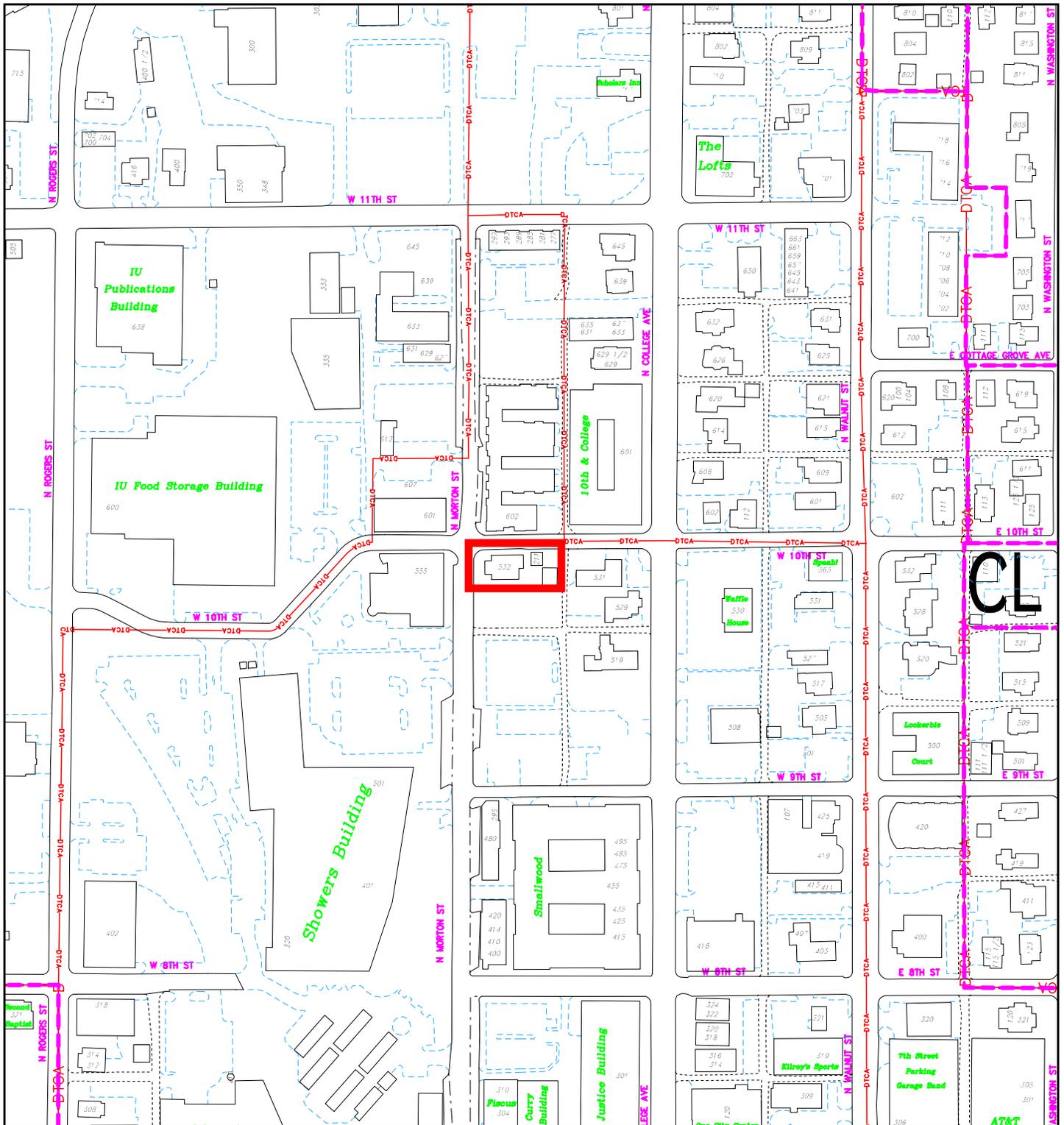
RE: MORTON MANSIONS

DATE: March 28, 2011

At its regular meeting on March 21, 2011, the Bicycle and Pedestrian Safety Commission (BPSC) reviewed the request to remove 1,230 square feet of commercial space from the ground floor of this building. The following comments summarize their discussion:

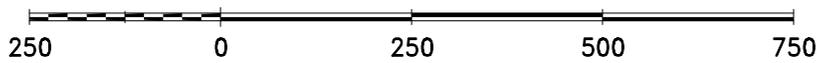
Commercial activity and safety

The BPSC would like to see the City uphold its plan for this downtown area and not approve the reduction of commercial space to 0%. Commercial activity at this location will attract a great number and variety of users to this corridor, which will improve safety in the neighborhood by providing more "eyes on the street". Commercial activity at this downtown location may also induce bicycle and pedestrian activity originating from nearby residential buildings and neighborhoods, which would improve bicycle and pedestrian safety in the area by increasing their numbers.



SP-03-11
Location Map

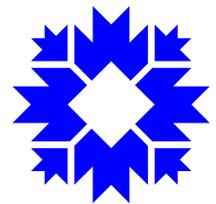
By: roachja
1 Mar 10



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 250'



March 8, 2011

City of Bloomington Planning Department
 P.O. Box 100
 Bloomington, IN 47402

Attn: Mr. James Roach

RE: Morton Mansions Retail Space Conversion

PETITIONERS STATEMENT

Dear Mr. Roach

Studio 3 Design is pleased to submit the attached apartment development, "Morton Mansions" for Plan Commission review. The following document outlines the project scope and addresses comments received to date regarding the project. Please take time to review and contact us with any additional questions.

<u>Apartment Types</u>	<u>Count</u>	<u>Beds</u>
1 Bedroom Flat	8 Units	08 Beds
2 Bedroom Flat	3 Units	06 Beds
4 Bedroom Flat	4 Units	16 Beds
3 Bedroom flat (NEW)	1 unit	03 beds
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	16 Units	33 Beds

Property density:

Site: 66' x 132' = .2 acres
 60 apartments/ acre= 30 apartments or **12 units allowed**

1 bed .25 units x 8 = 2.00 units
 2 bed .66 units x 3 = 1.98 units
 4 bed 1.5 units x 4 = 6.00 units
3 bed 1.0 units x 1 = 1.00 units

10.98 units provided (12 units permitted)

Retail conversion to 3 bed apartment unit.

Retail space is required at this location and was originally provided. The building is located at the SE corner of Tenth and Morton streets. The UDO suggest 50% of the first floor area be non-residential use. The project originally provided a retail are of 1,206 sf equating to a total of 24% of the gross level 1 area. A waiver was requested and granted to be under the 50% requirement.

The owner has attempted to lease this retail space for the past year with little success. Plan lay-outs have been produced for a wine bar, a yoga studio, a frozen yogurt shop, Fuzzy's Taco shop and two different office use clients. In each case, the client pulled out of the deal based on financing and or location. The owner has marketed the space aggressively both in efforts and in cost yet a vacant corner remains.

We are requesting the ability to use this corner as convertible space with the intent being to create a three bedroom unit in the current empty space. The unit build-out would not alter the exterior façade or entrances in any way. Windows would receive blinds to match the apartment unit directly across the street at the 10th and College Village apartment community.

Parking Counts

Required parking for 33 beds	15 spaces
Level 1 parking garage	11 spaces
<u>Level 1 on site parking</u>	<u>01 spaces</u>
Total on-site	12 spaces

Bus line: Project is located on the Bloomington Bus line with a stop ideally suited for this site. We feel that this should be taken into consideration as a reasonable justification for granting a parking waiver for 3 parking spaces.

Site Sign:

A Building sign currently exist at the NE corner of the building. This sign was initially allowed as part of a mixed use development. We are requesting that the sign be allowed to remain should the waiver be granted to eliminate the requirement for retail at this location and allow for an additional apartment to be created. The addition of the apartment will make the facility a 100% multi-family building.

Respectfully submitted,



STUDIO 3 DESIGN, INC
TIMOTHY W. COVER, RA



James Roach <roachja@bloomington.in.gov>

Morton Mansions - Retail Space

erlewis@aol.com <erlewis@aol.com>

Mon, Mar 21, 2011 at 9:42 PM

To: micudat@bloomington.in.gov, roachja@bloomington.in.gov, tcover@studio3design.net, tritman@gilliatte.com

To: Tom Micuda & Jim Roach

From: Elliot Lewis / Morton Mansions

Date: March 21, 2011

Re: Morton Mansions

As a follow-up to previous discussions, it has been extremely difficult to attract retail prospects to Morton Mansions. We have tried so many ways to entice businesses to lease the 1st floor retail space at Morton Mansions. From concepts to leasing incentives, none of succeeded.

In conjunction with our architect, we have prepared the following colored rendering floor plans at our expense for:

- 1.) various office configurations from a Wells Fargo wealth Management company to our neighbor to the west, Solution Tree, to computer businesses to other general businesses;
- 2.) various chain restaurants from self serve yogurt concepts to Mexican concepts; &
- 3.) various wine bar concepts.

We have had conversations with several potential local and out of town operators with all of the above renderings with no luck over the last year. There has been a considerable amount of time, money and effort spend on soliciting and meeting with numerous potential tenants and real estate brokers, all of which produced nothing.

The retail space has been listed in the MLS (Multiple Listing Service) for a year with limited inquiries. Most of the prospects have come from us initiating contact with local operators and the business community generally. Signs in the windows have yielded very few leads because of the limited drive by and pedestrian traffic on Morton.

The location of Morton and 10th Street is not very good. Traffic counts are low and parking is limited. There are no retail businesses close by. If a retailer would open, there is no traffic from next door on either side nor from across the street. It is a retail dead end.

There is also a glut of space so potential tenants have lots of choices in better located spots.

It has also been extremely difficult to keep the retail space at TENTH & COLLEGE leased. This is a much better location on the heavily traveled College Avenue, but it is several blocks from the square where everyone wants to locate. We have 1,500 square feet that has not enjoyed a consistent tenant since the building opened in 2004. And, 4,500 square feet of retail space is utilized by the management company for offices and amenities. Without such use, there would be more unleased space.

Another critical component is that the Morton Mansions' space of 1,200 square feet sits on the last lot of the Downtown Overlay Zone where some retail is required. I doubt this space would even lease in a boom economy, let alone in a recession. It is a good thought that retail would extend this far from downtown, but it is not practical or realistic. The time has come to reevaluate this particular location and allow residential use for the space. It would also help from a safety standpoint to have residents occupying the space versus having it be vacant. Lights and activity can do much to deter mischief and more.

Respectfully submitted,

Elliot Lewis, owner

DEVELOPER

ERL-10, LLC

7-14-2010

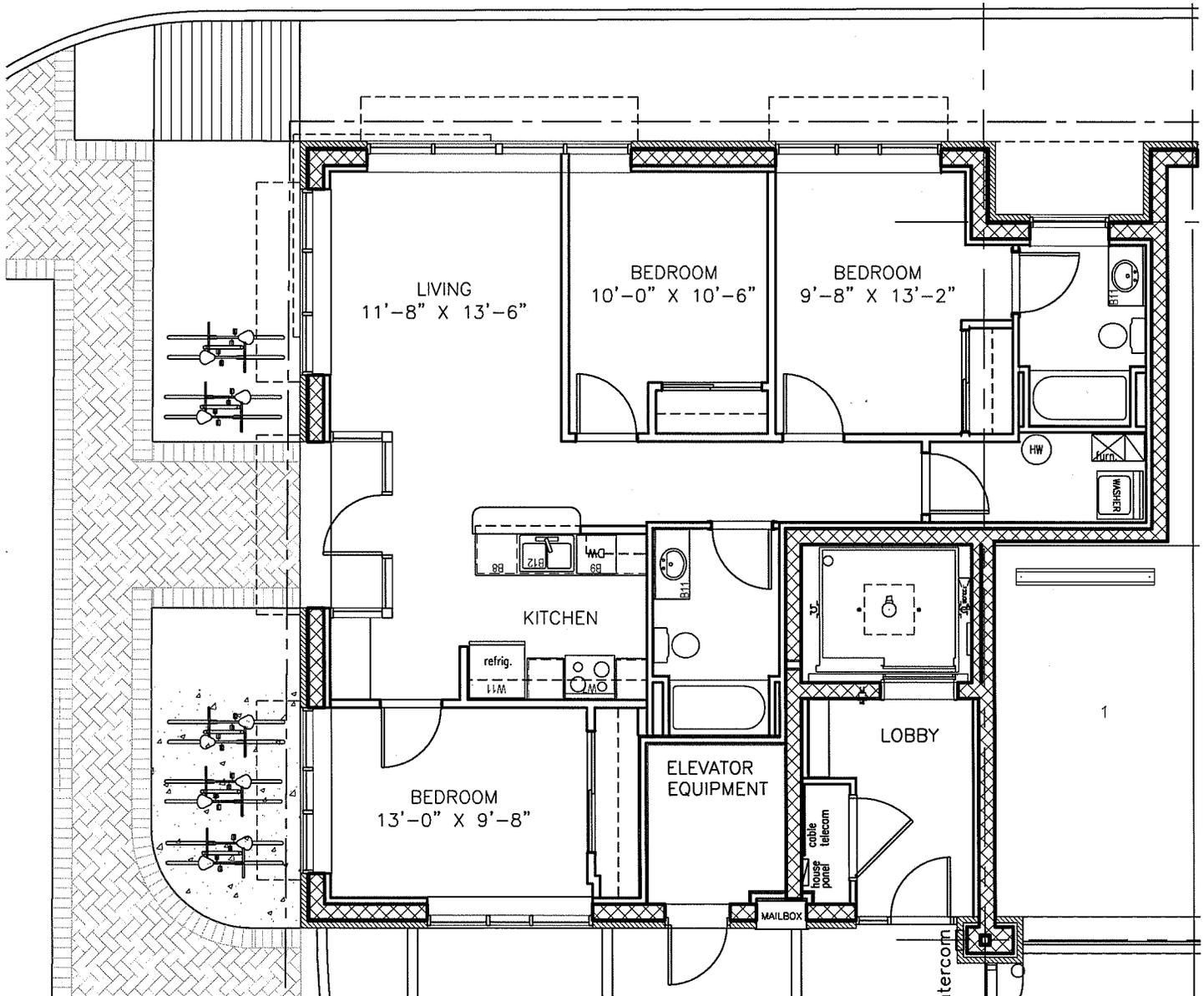
MORTON MANSIONS

a TENTH & COLLEGE Property

Bloomington, IN



architecture — interior design
www.studio3design.net
317 595 1000 main 317 572 1236 fax
8604 Allisonville Road, Suite 330 Indianapolis, IN 46250



BEDROOMS: 3
BATHROOMS: 2

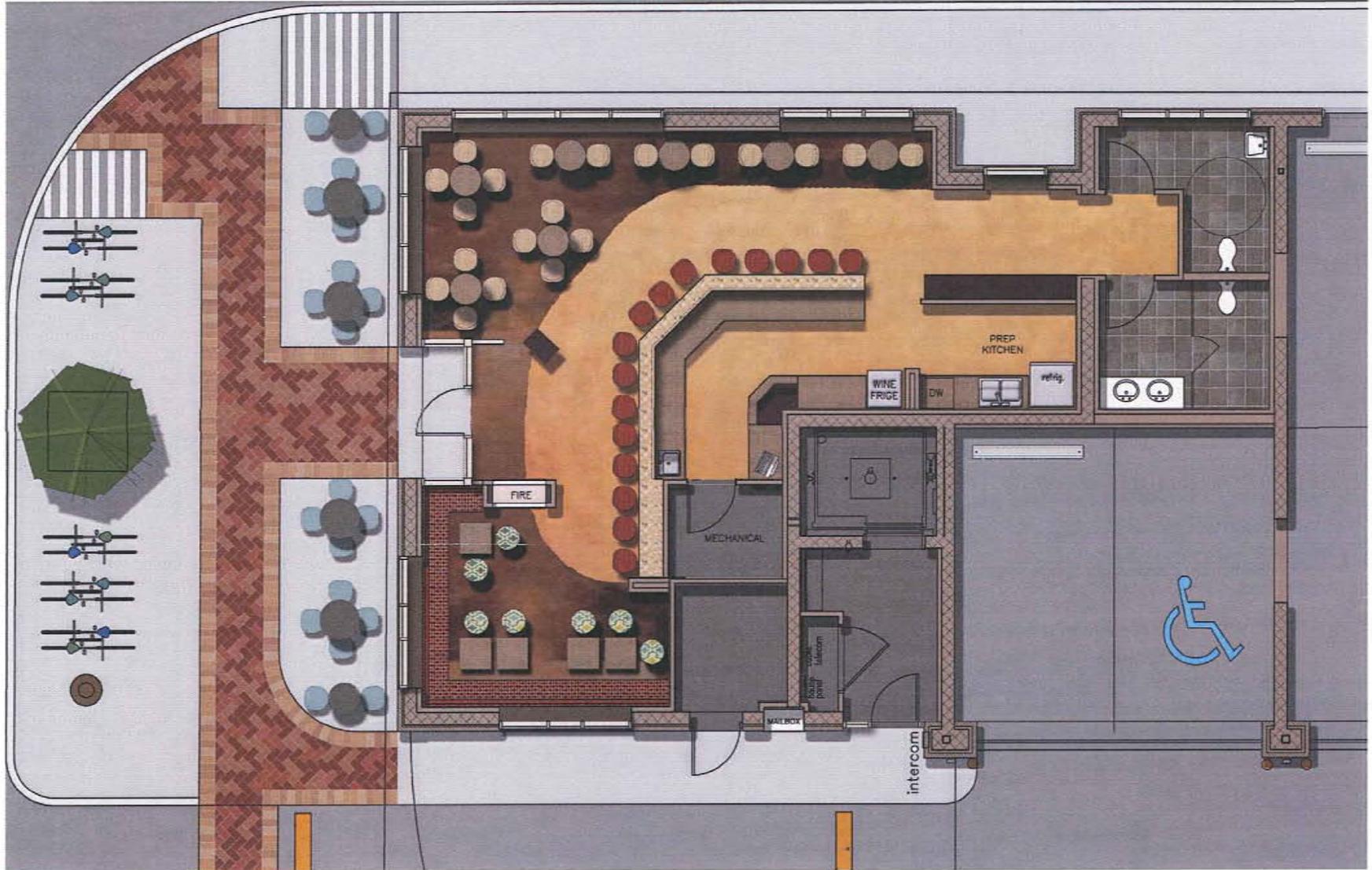
LOCATION: LEVEL 1

SQ. FT.= 1206

3 BEDROOM APARTMENT FLOOR PLAN

1/8" = 1'-0"

SP-03-11, Proposed floor plan

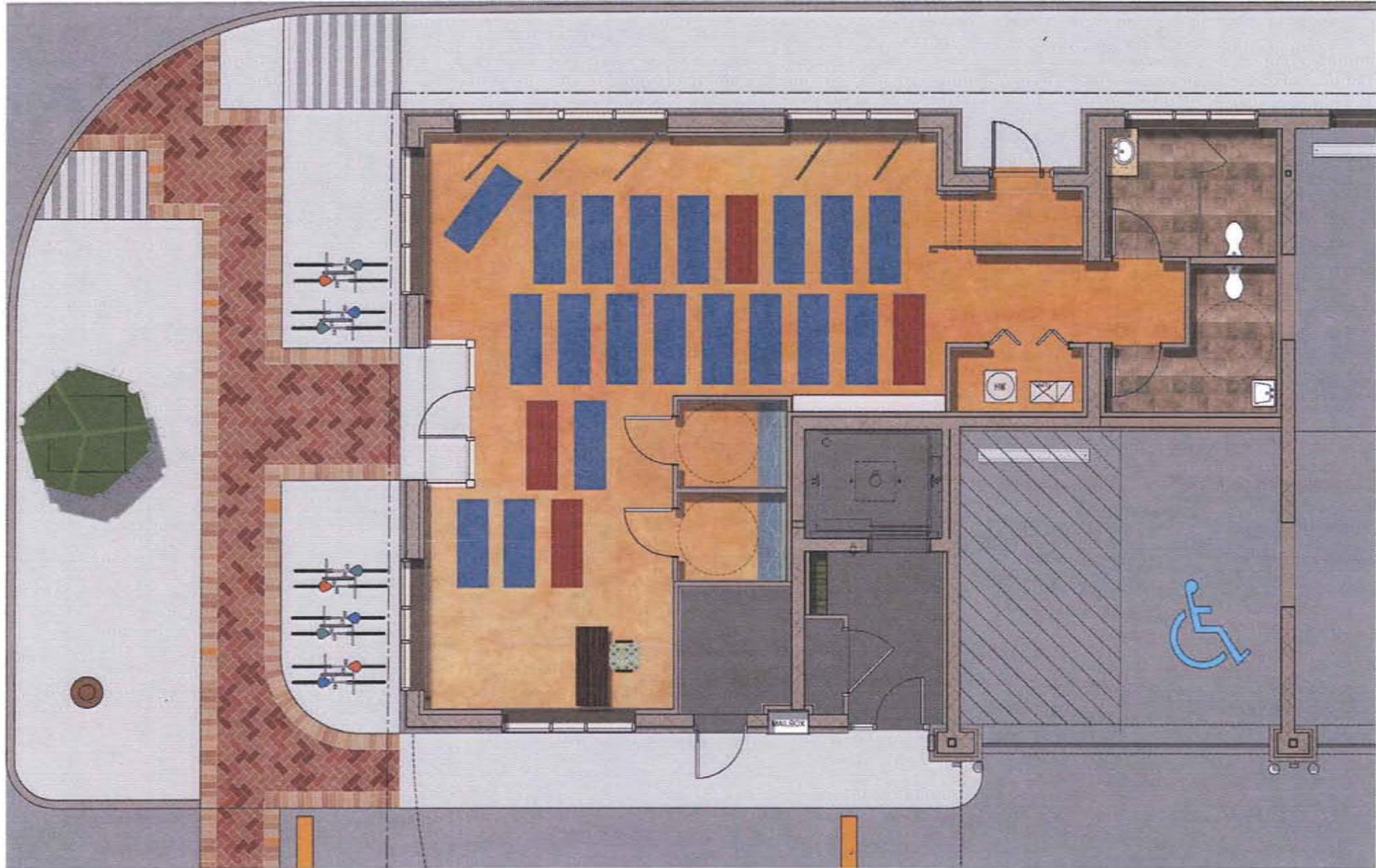


INOTECA_Wine Bar
1,325 sq. ft.
seating = 75

Bloomington, Indiana

**STUDIO
THREE
DESIGN**

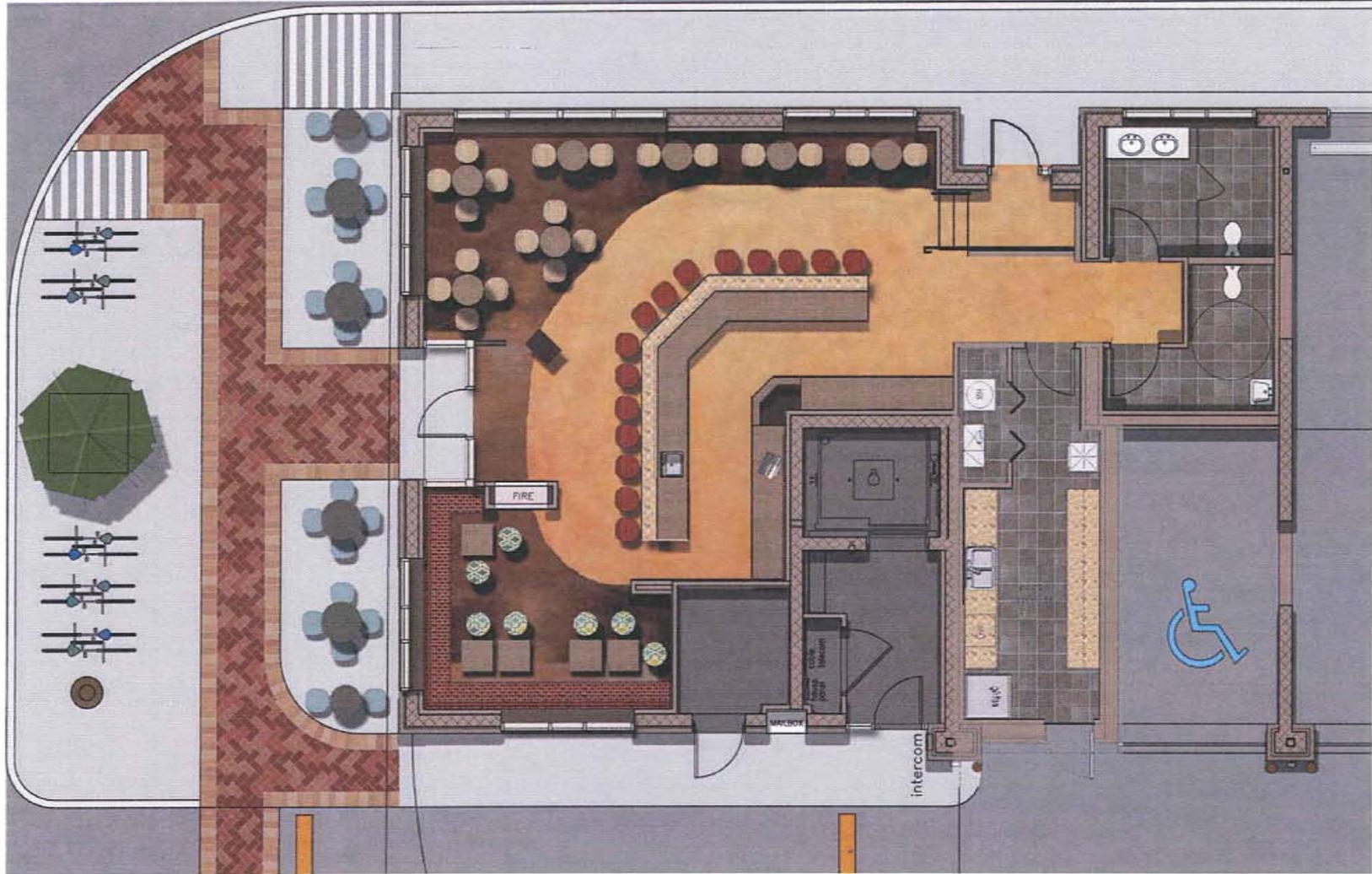
www.studiothree.com
www.studiothreedesign.net
317 595.1000 main 317 572.1238 fax
1024 Allisonville Road, Suite 330 Indianapolis, IN 46250



YOGA STUDIO
 1,463 sq. ft.
 capacity: 25 + 1 instructor
 Bloomington, Indiana



architecture — interior design
 www.studiodesign.net
 317.595.1000 main 317.572.1236 fax
 8504 Allisonville Road Suite 330 Indianapolis, IN 46240



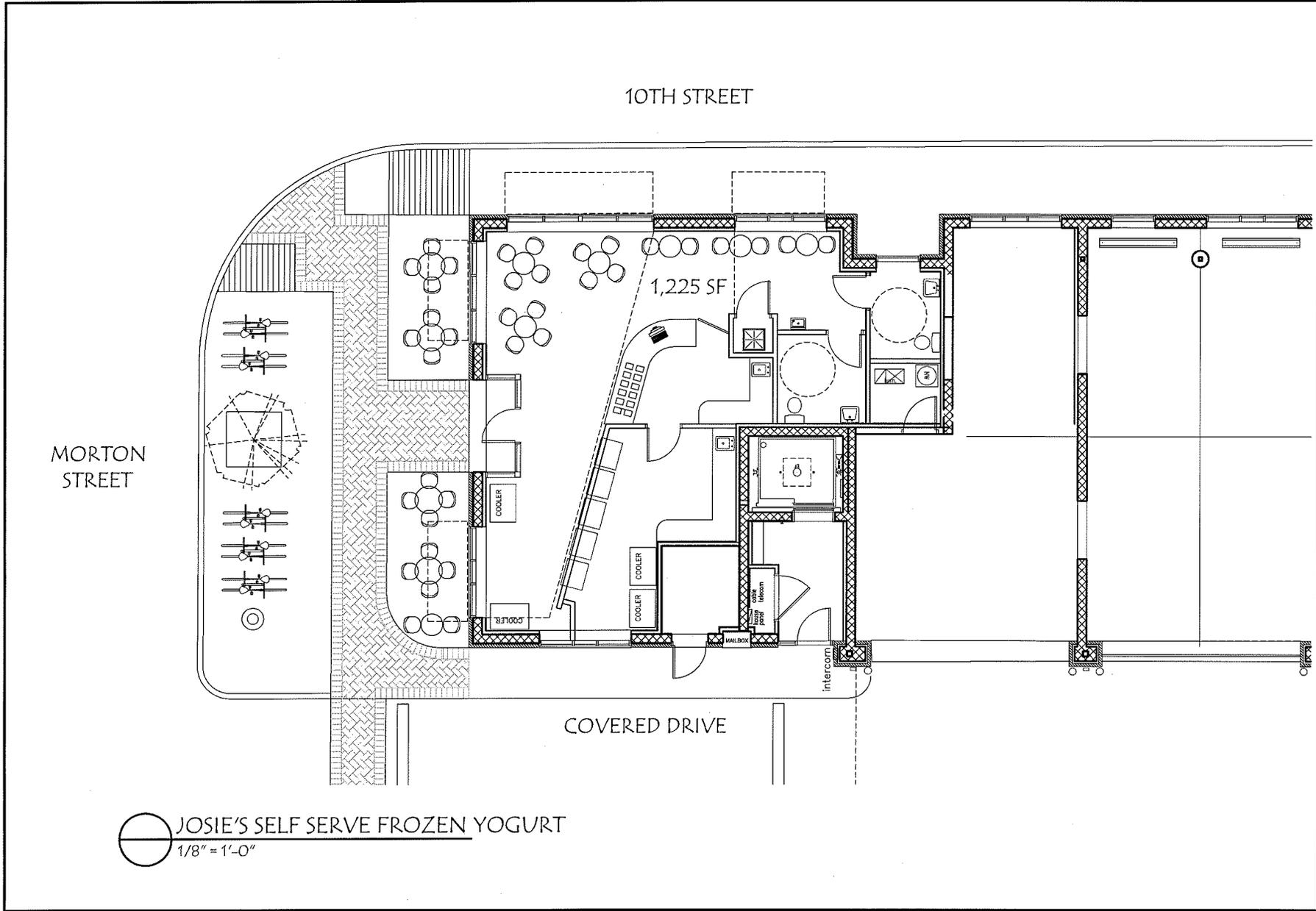
STARBUCKS WINE / COFFEE BAR

1,655 sq. ft.
seating = 74

Bloomington, Indiana

**STUDIO
THREE
DESIGN**

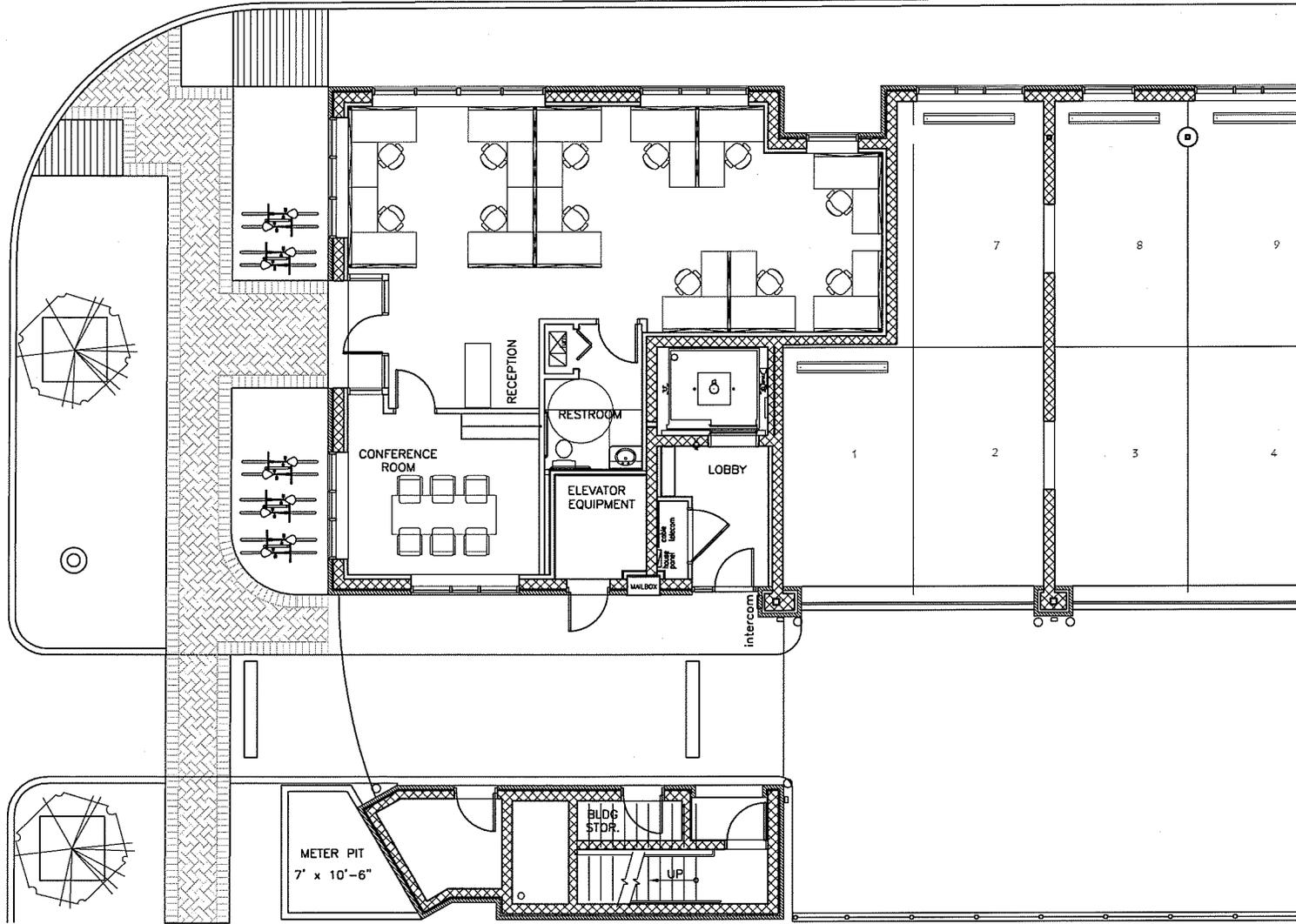
architecture — interior design
www.studiothreedesign.com
317 595.1000 main 317 572.1236 fax
804 Altaville Road, Suite 330 Indianapolis, IN 46250




JOSIE'S SELF SERVE FROZEN YOGURT
 1/8" = 1'-0"

 STUDIO THREE DESIGN <small>Architectural & Interior Design 8501 Alton Road, Suite 350, Indianapolis, IN 46250 317.896.0000 (local) 317.872.1240 (fax) www.studiodesign.com</small>	ERL-10, LLC Morton Mansions Bloomington, Indiana		PROJECT NO. 10025	DATE 6-29-10	SHEET DESCRIPTION JOSIE'S	SHEET NUMBER

MORTON STREET



OFFICE LAYOUT
 1/8" = 1'-0"

1206 S.F. RETAIL SPACE

**STUDIO
 THREE
 DESIGN**

ARCHITECTS • INTERIOR DESIGNERS
 177 E. 12TH ST. SUITE 200
 BLOOMINGTON, IN 47404

ERL-10, LLC
 Morton Mansions
 Bloomington, Indiana

PROJECT NO.
 10025
 DATE
 11-10-10

SHEET DESCRIPTION
 OFFICE
 LAYOUT

SHEET NUMBER



SP-03-11
Coffee shop elevation



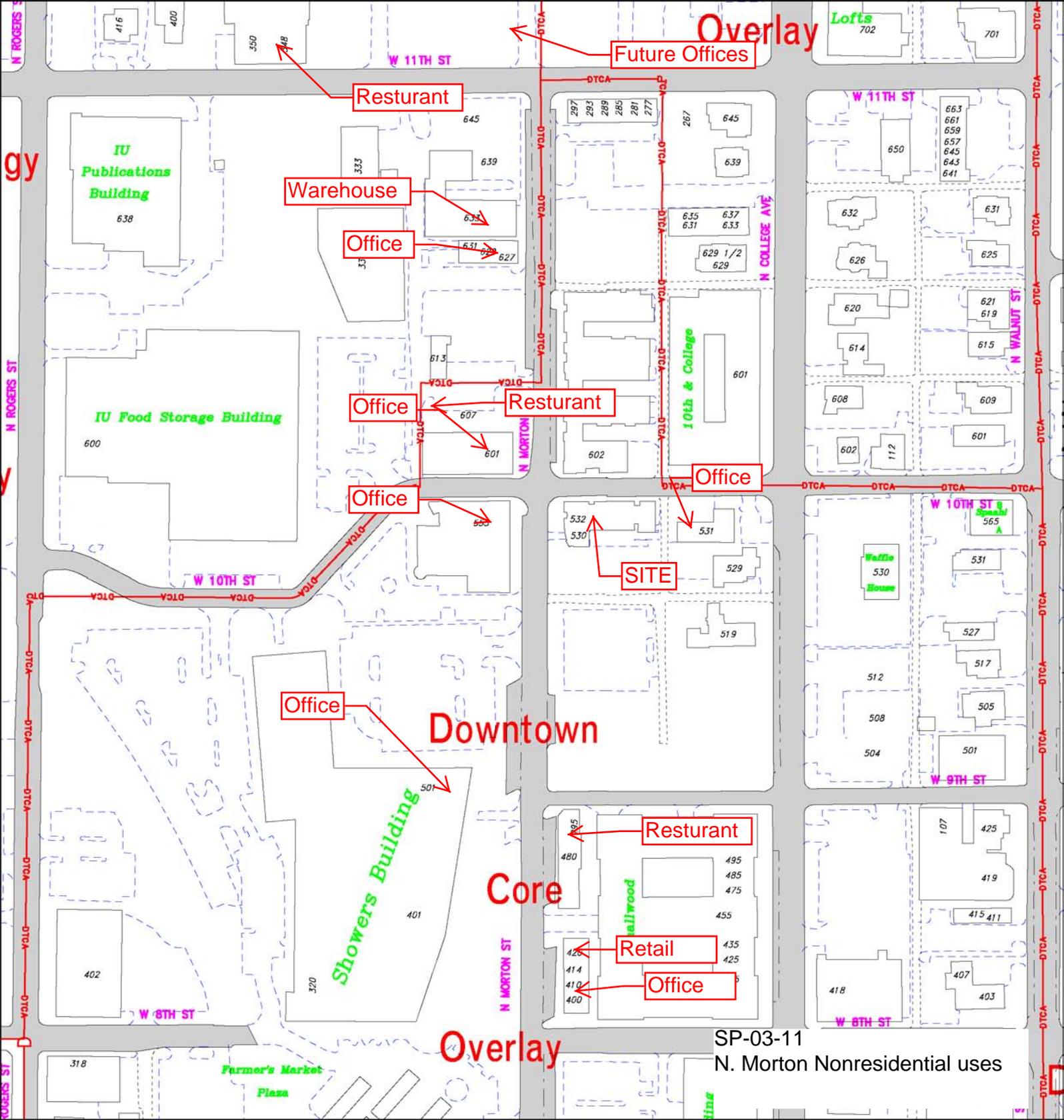
SP-03-11
Existing building
Looking southwest from 10th Street



SP-03-11
Existing building
Looking east from 10th & Morton intersection



SP-03-11
Existing building
Looking northeast from Morton Street



Overlay

Future Offices

Resturant

Warehouse

Office

Office

Resturant

Office

SITE

Office

Downtown

Core

Resturant

Retail

Office

Overlay

SP-03-11

N. Morton Nonresidential uses

Lofts
702

IU
Publications
Building
638

IU Food Storage Building
600

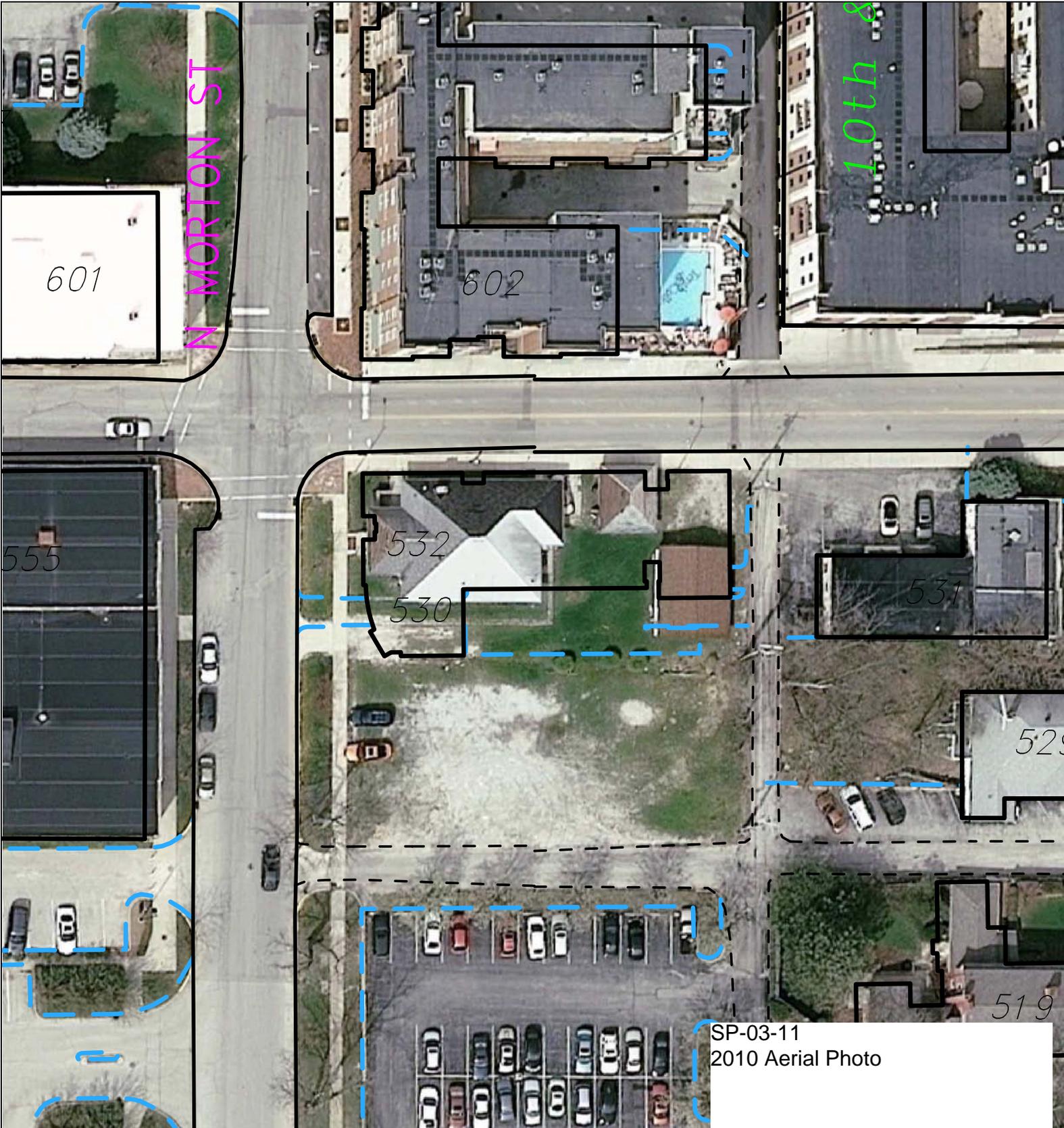
Showers Building
401

10th & College
601

Waldo
530
House

Sullivanwood
435

Farmer's Market
Plaza



601

N MORTON ST

602

10th &

555

532

530

531

529

519

SP-03-11
2010 Aerial Photo

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
2011**

**CASE #: UV-06-11
DATE: April 4,**

Location: 1461 W. Bloomfield Road

PETITIONER: Sowders Landscaping
1461 W. Bloomfield Rd, Bloomington, IN

REQUEST: The petitioner is requesting a use variance recommendation to allow an expansion to an outdoor storage area within the Commercial Arterial (CA) zoning district.

Area:	~2.5 Acres
Zoning:	CA
GPP Designation:	Community Activity Center & Urban Residential
Existing Land Use:	Landscaping with Outdoor Storage
Proposed Land Use:	Landscaping with Outdoor Storage
Surrounding Uses:	East – Single Family South – Single Family West – Commercial & Office North – Single Family and Commercial

PROPERTY HISTORY: The Growth Policies Plan (GPP) designation and zoning designation for the property in question, a 2.5 acre parcel in the 1400 block of W. Bloomfield Road, has been revised many times over the past 20 years. The property itself is an aggregation of several lots that have been in the same control for many years. The southeastern lot (Lot 16 of the Embich subdivision) has been zoned differently than the remainder to the property since 1973. Staff has developed the following timeline to provide a history for GPP and zoning classifications associated with this property:

- 1973: Lot 16 was zoned Single Dwelling Residential (RS) and the remainder of the property was zoned Business Arterial (BA) by the 1973 Zoning Ordinance
- 1991: The 1991 GPP designated both properties as well as all surrounding properties as a Residential Enhancement Area.
- 1995: The property was rezoned with the front lots being zoned Limited Commercial (CL) and Lot 16 as Single Dwelling Residential (RS3.5).
- 2002: Due to the large lot sizes and frontage on an arterial roadway, the GPP update designated the front properties as Commercial Activity Center (CAC) and Lot 16 as Urban Residential.
- 2007: To reflect the CAC designation, the front property was zoned Commercial Arterial (CA). With the adoption of the current UDO, the City made an effort to minimize properties with split zoning. Since the bulk of the property was zoned for non-residential use, Lot 16 was also zoned CA.

The property received a use variance in 1995 to allow for a gravel outdoor storage yard. The user at that time was an asphalt contractor. Due to the split zoning in place at that

time, the outdoor storage request did not encroach onto the RS lot and created a “notch” in the outdoor storage yard. The petitioner at that time agreed to create a landscaped buffer and construct a board fence to screen the storage area (see attached commitment from 1995 BZA case).

REPORT: The petitioner purchased the property in 2006 and later located his landscaping business to this location and continued the use of the outdoor storage yard. The business has been successful and the petitioner is now seeking a new use variance approval to allow for the construction of a new 3-sided storage building that would be open to the north toward the storage yard. This would allow for more covered storage that would be accessible to loading equipment in the storage yard. The new building would essentially fill in the “notched” area. The proposed building would be a pole structure similar to the existing building to the north.

Although the building may create a more effective buffer to the outdoor storage area by creating a physical barrier that could help buffer the visual and noise impacts of the business, it would also expand the use of the property and bring the outdoor storage use approximately 45 feet closer to the adjacent single family home. These impacts will be further discussed with the use variance criteria reviewed by the Board of Zoning Appeals.

GROWTH POLICIES PLAN: The Plan Commission’s review of this request is focused on the proposal’s compliance with the GPP. The property has two designations, Urban Residential (Lot 16) and Community Activity Center (CAC). There are two ways to view the designations for this property. The first is a direct reading of the Urban Residential designation that states that:

- *Single family residential development is the primary land use activity for this category...*
- *Develop sites for predominantly residential uses; however, incorporate mixed residential densities, housing types, and nonresidential services where supported by adjacent land use patterns.*

With this guidance in mind, the strictest reading of the GPP would not support the encroachment of the non-residential use onto the southeastern lot.

The second reading of the GPP recognizes that a comprehensive plan is a fluid document that is policy guidance and less site specific than the regulatory nature of the UDO. The UDO was developed with the policies of the GPP in mind and seeks to implement them in a site specific manner. With the development of the UDO, the City made a conscious effort to minimize the amount of split zoning. Several properties were rezoned to reflect ownership and use consistency. This property is one such property. The rezoning of this property was done with the knowledge of the GPP designation, yet the non-residential zoning was deemed to be appropriate. In effect, the 2007 zoning of the property altered the CAC line to include this property. Some of the policies of the CAC that guide this property include:

- *The Community Activity Center is a mixed commercial node, larger in scale and*

higher in intensity than the Neighborhood Activity Center.

- *The primary land use in the CAC should be medium scaled commercial retail and service uses*
- *Like Neighborhood Activity Centers, Community Activity Centers should be located within or very near to existing developed neighborhoods.*

If the Plan Commission agrees with the application of the Community Activity Center designation on the entire property, then staff finds the proposed expansion of an existing non-residential use to be appropriate. However, even though the use may be appropriate, the impacts and site planning of that use are still of concern and will be reviewed with the use variance review before the BZA.

NEIGHBORHOOD INPUT: Staff has received one call of support and one letter from three neighbors outlining the history of the property and strong concerns and opposition to the proposed expansion. This letter has been included in your packet.

BLOOMINGTON ENVIRONMENTAL COMMISSION: The EC reviewed the petition and offered a recommendation regarding a specific buffer plan prior to the BZA meeting. Staff is in full agreement with this recommendation and will work with the petitioner to develop a more detailed plan prior to the BZA meeting.

BLOOMINGTON BICYCLE AND PEDESTRIAN SAFETY COMMISSION: The BBPSC reviewed this petition and offered no comments regarding GPP compliance, but did include site planning recommendations that will be incorporated into the BZA review.

CONCLUSION: Ultimately, staff finds that the proposed use is consistent with the GPP. However, staff has concerns regarding other use variance criteria reviewed by the BZA, most specifically that the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Staff will continue to work with the petitioner and the surrounding neighbors to analyze these impacts in making a recommendation to the BZA.

RECOMMENDATION: Staff recommends forwarding UV-06-11 to the Board of Zoning Appeals with a favorable Growth Policies Plan recommendation.

MEMORANDUM

Date: March 24, 2011
To: Bloomington Plan Commission
From: Bloomington Environmental Commission
Through: Linda Thompson, Senior Environmental Planner
Subject: UV-06-11, Sowders Landscaping

This memorandum contains the Environmental Commission's (EC) thoughts regarding a Plan Commission recommendation to the Board of Zoning Appeals (BZA) concerning a request for a Use Variance. The petitioner is requesting the use of outdoor storage in a Commercial Arterial Zoning District. The storage is intended to be a three sided structure to cover soil, mulch, and equipment. No fertilizers or pesticides are to be stored in the structure.

1.) LANDSCAPE PLAN:

The UDO states in 20.05.105 that outdoor storage shall be "screened with an eight (8) foot tall solid fence or wall and shall be landscaped so as to mitigate the appearance and impact of the proposed storage usage." The EC recommends that the petitioner be required to plant a landscape buffer along the three closed sides of the storage facility to buffer it from neighboring lots. The petitioner should submit a landscape buffer plan to the Planning Department for approval prior to the BZA hearing.

EC Recommendations:

1. The petitioner shall submit a landscape buffer plan for the area around the storage facility to buffer its appearance from neighboring lots.

MEMORANDUM

TO: MEMBERS OF THE PLAN COMMISSION

FROM: VINCE CARISTO/BICYCLE AND PEDESTRIAN COORDINATOR
Planning Dept. liaison to the Bloomington Bicycle and Pedestrian Safety Commission

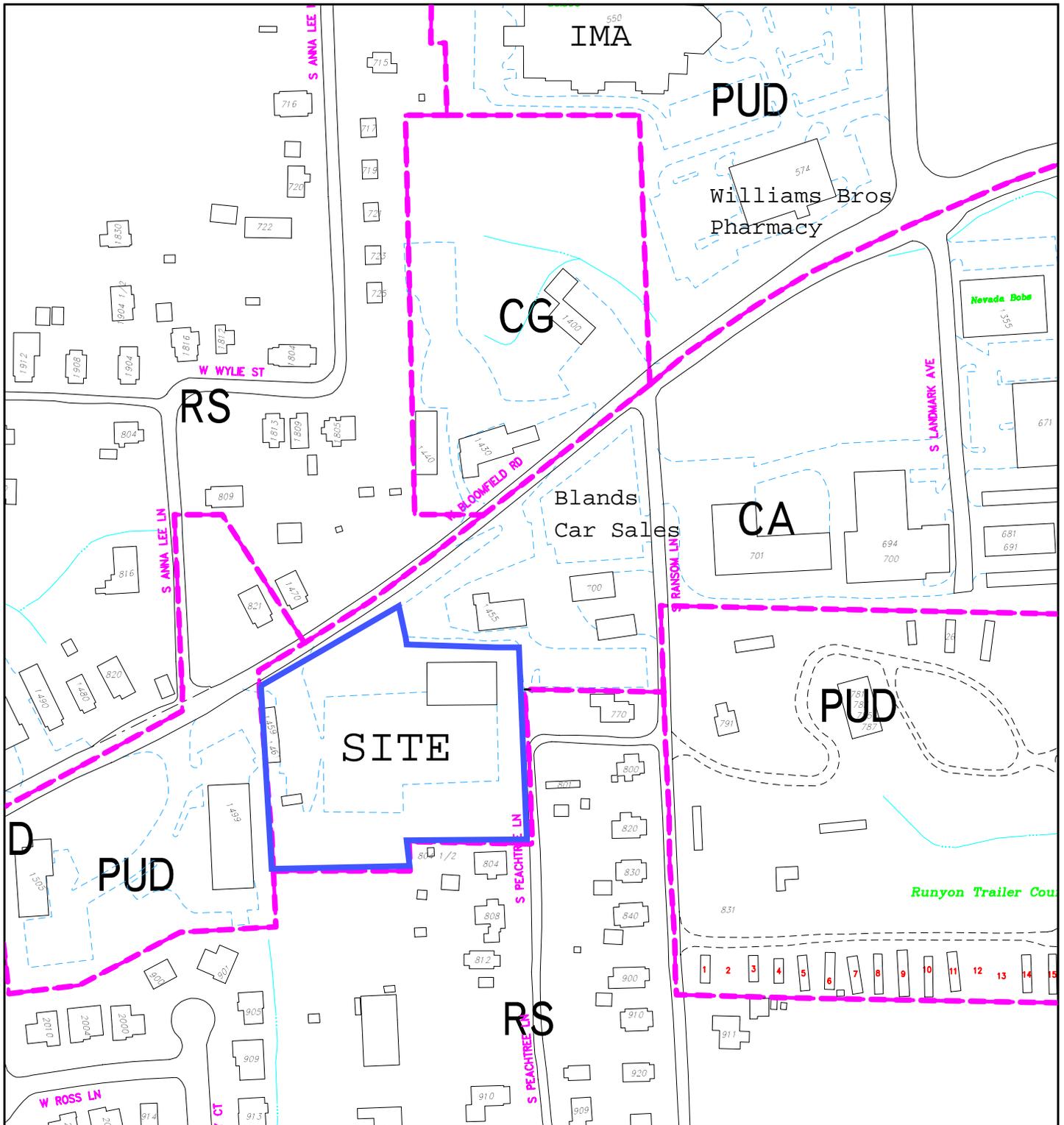
RE: SOWDERS LANDSCAPING

DATE: March 28, 2011

The Bicycle and Pedestrian Safety Commission (BPSC) reviewed the request for a Use Variance to allow outdoor storage at the Sowders Landscaping property. The BPSCS made no recommendations regarding the compliance of this Use Variance request with the GPP. However, they made several specific suggestions on how the entrance to this property on Bloomfield Rd could be improved for pedestrian safety and accessibility:

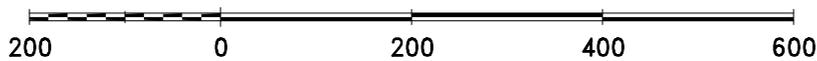
Improvements for pedestrian safety and accessibility

- The width of the entrance is unusually long, and could be shortened to reduce the size of the conflict zone for pedestrians.
- The surface of the parking lot could be improved between the area that connects both sidewalk ramps.
- The sidewalk ramps could be improved to meet ADA guidelines.

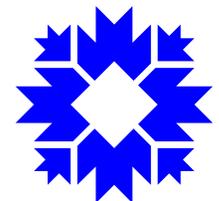


UV-06-11(PC) UV-09-11 (BZA) SOWDERS LANDSCAPING
 LOCATION/ZONING/LAND USE MAP
 PLAN COMMISSION, BZA

By: shapp
 11 Mar 11



City of Bloomington
 Planning



Scale: 1" = 200'

For reference only; map information NOT warranted.

Sowers Landscaping, Inc.

2150 South Curry Pike
Bloomington, IN 47403

Petitioner's Statement of 1461 West Bloomfield Road

Sowers Landscaping, Inc. currently operates its company headquarters from 1461 West Bloomfield Road. The area in question is in the back of the lot and faces a small group of houses. Currently there is a fence in the back of our property which borders this residential lot. I am asking for a Use Variance to allow us to erect a three-sided outdoor storage building within the Commercial Arterial zoning district; in effect filling in the notched area. In addition, the fence will be moved so that a fenced buffer will still be in place. I feel that this change will provide a better aesthetic and business use of the property.

Regarding the Findings of Fact (pursuant to IC 36-7-4-918.4):

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community because the area in question is in the back of the property and will not affect the general look of the property as seen from Bloomfield Road. Our company has taken great pride and steps to make the property a visual asset.
2. The use and value of the area adjacent to the property included in the Use Variance will not be affected in a substantially adverse manner. I believe the improved aesthetic and buffering will not decrease the value of the adjoining property.
3. The need for the Use Variance arises from some condition peculiar to the property itself, an expansion of our existing storage yard.
4. The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if they are applied to the subject property. The business is limited by not being able to make full use of the lot. The southern part of the lot would need septic and electric to make it useable for a residence.
5. The growth of the Use Variance does not interfere substantially with the goals and the objectives of the Growth Policies Plan but the proposal would make this part of the lot go with the rest of the parcel and the proposed building would make a better buffer.

Submitted by Gerald Sowers, President



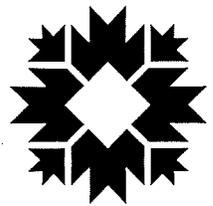
UV-06-11 (PC) SITE PLAN
 UV-09-11 (BZA)

By: shayp
 21 Feb 11

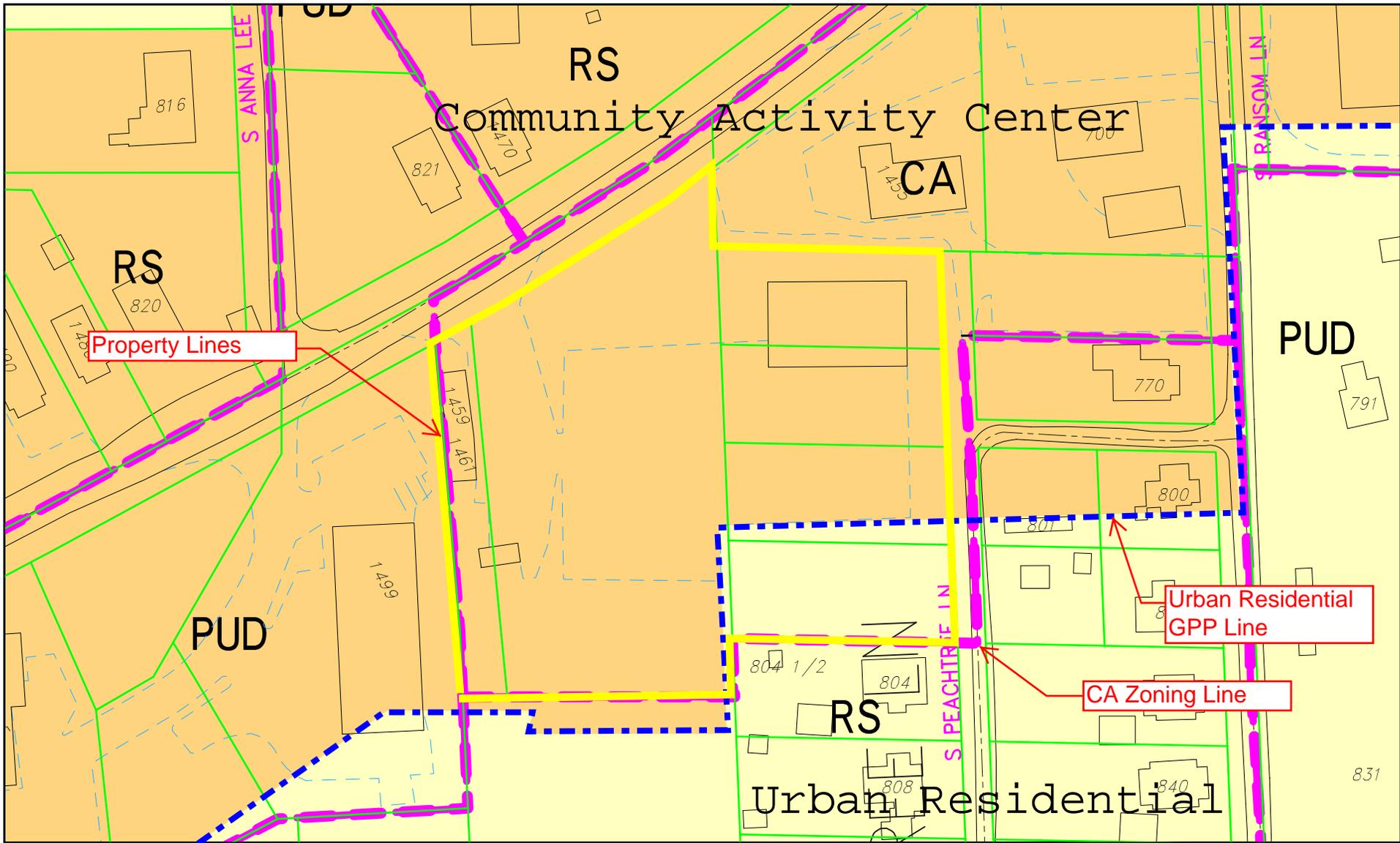


For reference only; map information NOT warranted.

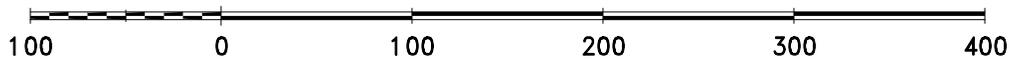
City of Bloomington
 Planning



Scale: 1" = 60'



By: shayp
11 Mar 11



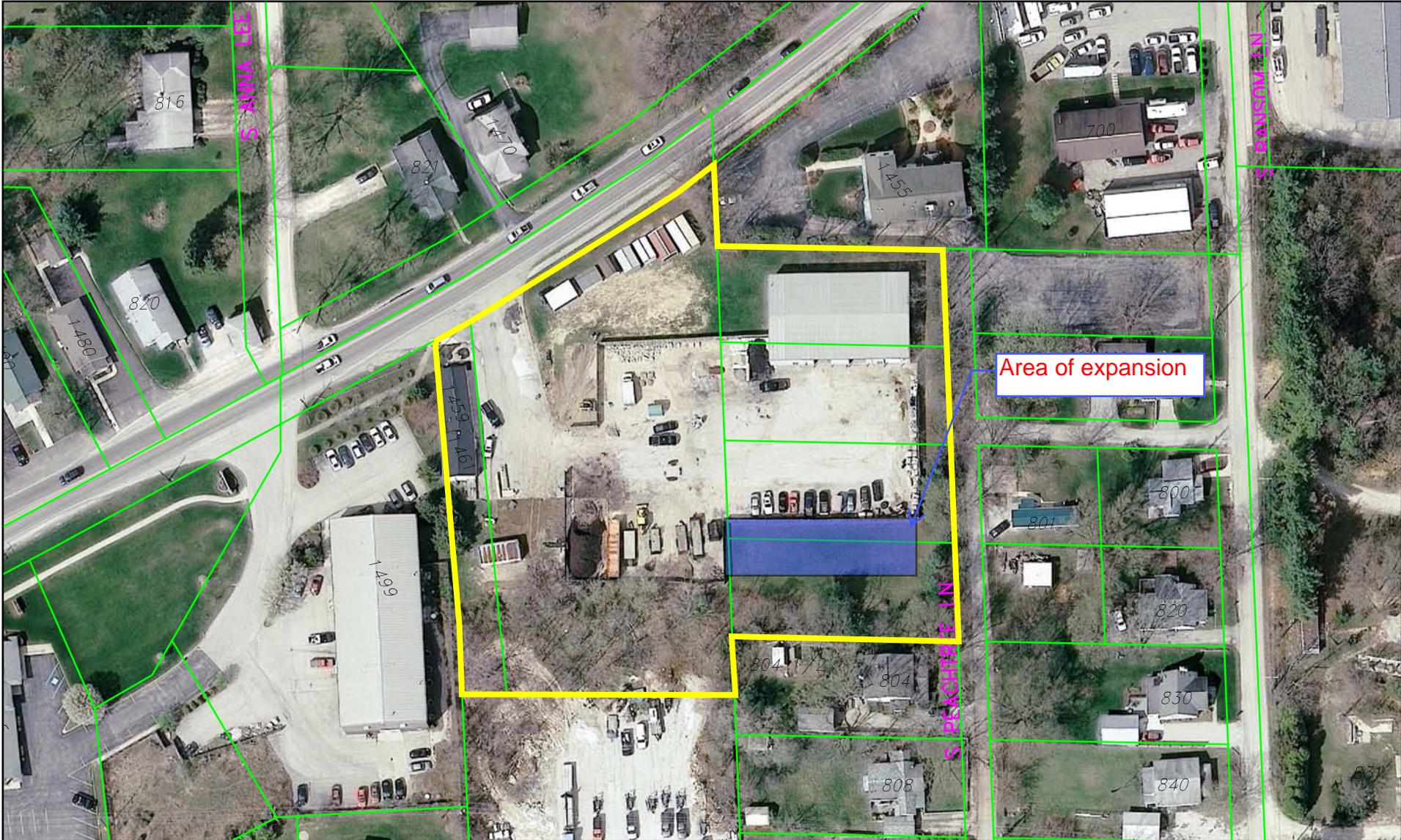
For reference only; map information NOT warranted.



City of Bloomington
Planning

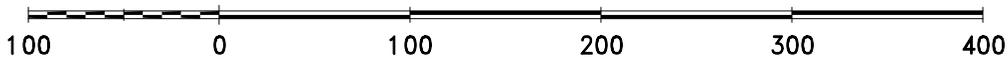


Scale: 1" = 100'



Area of expansion

By: shayp
11 Mar 11



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 100'

1.00
CK

235 361 RECORDED
A.M. P.M. 2:33

LENTZ, INCORPORATED
1461 WEST BLOOMFIELD ROAD

OCT 11 1995

514765 STATEMENT OF COMMITMENT

Jim Wheeler
RECORDER MONROE CO.. IN

To satisfy the conditions of the City of Bloomington Board of Zoning Appeals (BZA) established under BZA Case No. UV-59-95 approved by the BZA on September 28, 1995 and to bring the Lentz's, 1461 West Bloomington Road, property into compliance with respect to the City of Bloomington Zoning Ordinance as applied, Lentz, Inc., will implement the following improvements on or before November 27, 1995 unless otherwise noted:

- The site shall satisfy the new landscape code. The trees planted on the perimeter of the site must meet code requirements for size. At a minimum six 2" caliper street trees will be placed along Bloomfield Road. Additional buffering near the neighborhood consisting of seventeen - 6' height evergreen trees will be placed along the east and south property lines to supplement the existing tree lines.
- Grade, seed, and mulch the areas disturbed during the construction of the sidewalk along Bloomfield Road.
- Construct 10' height wooden screening fence along the west edge of a portion of Lot 15 and Lot 16 of the Embich Subdivision and along the "CL" line which has been determined to be 100 feet north of the north face of the Syfert House. The fence architecture shall be as depicted and approved by the BZA.
- Construct 8' height wooden screening fence around the balance of the gravel parking and storage area.
- Grade, seed, and mulch the portion of Lot 15 and Lot 16 of the Embich Subdivision that is located north of the Syfert Property and lies outside the fence line described above. This work shall be completed on or before October 15, 1995.
- Pave the Bloomfield Road entrance and parking area adjacent to the Lentz Office Building with asphalt.
- Pave the "Employee and Light Equipment" parking area within the fence line.
- The gravel used for the fenced in parking/storage area shall be #53's.

All work will be performed in accordance with the plans entitled "Compliance Site Plan for Lentz Asphalt" and the City of Bloomington Zoning Ordinance.

RECEIVED
OCT 19 1995
By *Blaxing*

ALAN SYFERT
804 S. Peachtree Lane
Bloomington, IN 47403
(812) 339-3687

March 28, 2011

Bloomington Planning Department
Bloomington Plan Commission—04/04/2011 hearing
Board of Zoning Appeals—04/21/2011 hearing

Re: Sowders Landscaping Use Variance
1461 W. Bloomfield Road, Bloomington, IN 47403

I am writing this letter on behalf of myself and two of my neighbors in order to strongly object to the above-referenced use variance. We own and occupy modest single family residences adjacent to the Sowders property and we are identified below:

Alan Syfert
804 S. Peachtree Lane
Bloomington, IN 47403
30 year resident
South neighbor

Clifford Freeman
830 Ransom Lane
Bloomington, IN 47403
50+ year resident
East neighbor

Anita Walter
770 Ransom Lane
Bloomington, IN 47403
27 year resident
East neighbor

We have each made substantial improvements to our homes over the years. We have carefully maintained them, as well as our surrounding lawns and gardens. We all have decks or patios behind our homes where we used to enjoy spending time outdoors. Unfortunately, over the last several years we have been denied the quiet enjoyment of our properties and have suffered substantial loss in our quality of life and property values as a direct result of the continued growth of the Sowders “family” of businesses on this site.

BRIEF HISTORY

When I first moved here in 1981 there were four (4) vacant lots to the North of my house. The lots had mature trees on hedgerows and had never been developed. It was over 300 feet from my property line to the rear wall of the Jehovah's Witness Church (today Plastic Surgery Associates of Southern Indiana) which was fronted on Bloomfield Road. The short lane I live on (Peachtree) was incredibly quiet and little used since there were only a handful of houses on the street.

In the mid-late 1980's Ray Ruppel, who owned the lots beside me and a contiguous parcel with frame building on West Bloomfield Road, began to cut down trees and clear the property lines. He eventually graded and seeded the lots and offered them for sale along with the Bloomfield Road tract, constituting just over 2 acres.

In 1989 I decided to completely remodel and enlarge my home. I was concerned about potential development on the lots beside me. In meetings with Chris Spiek I reviewed zoning maps and was assured that the lot and a half next to me were zoned single family residential. In reliance on the fact that the worst that could go in next door was a new residence, I went ahead with the remodel, at no small expense.

In June, 1990 Walter Lentz purchased the 2+ acres from Ruppel. As I soon discovered, he owned an asphalt/paving business that he planned to relocate to this site. In short order he erected a huge pole barn style structure on the northernmost lot, its back facing the church, with three (3) 18 foot bays facing my residence. Many dump trucks, pavers and assorted heavy equipment eventually made their way on site.

The dust and noise from these trucks and their construction equipment was quite a shock to our neighborhood. In the summer they wanted to get started before the heat of day, so these things were firing up well before sunrise. My only consolation was that they were several hundred feet away from my home.

Within a year or so Walter Lentz died of a heart attack and he left the business to his sons. In short order, they started moving their equipment over

toward my property line -- eventually parking their dump trucks within 20 feet of our bedroom windows!

Complaints to the Planning department culminated in a BZA hearing (UV-59-95) in August of 1995. The Lentzes sought a use variance to allow building trades with outdoor storage and a paving variance.

The case was ultimately resolved by compromise. Lentz was granted certain variances but was required to record a STATEMENT OF COMMITMENT, binding on all subsequent owners, to erect a 10 foot high fence, at least 100 feet North of my residence and an 8 foot board fence overall around his operation. 6 foot tall evergreens were also to be planted as a buffer along the residential borders to the South and East. The single family residential designation of the lot and a half beside me was validated and I was encouraged that the Staff Findings pointed out that the 1995 Zoning Ordinance rezoned this parcel CL to allow existing uses to remain, "but in the future encourage more neighborhood serving uses".

The Lentz brothers basically complied with the Commitment requirements. Unfortunately they proceeded to cut off the lowest 3 feet of the evergreen buffer within several years of planting in order to run their riding mowers more easily around the trees. Several of the pines next to my property line consequently never developed and either died, or today are only barren scrubs. The board fence has also been crushed in several places by trucks backing into it or materials being dumped upon it. Several boards are also down.

The Lentz boys weren't the greatest businessmen and they sold their Bloomfield Road property to Sowders Landscaping in January, 2006.

DÉJÀ VU 2011

When they purchased the subject property in January, 2006, Sowders Landscaping was charged with notice of the existing zoning ordinance and the 1995 Lentz Commitment. They obviously were prepared to purchase the property and use it subject to the existing zoning and despite the mandated restrictions. Undoubtedly those restrictions and limits on use played a role in determining the purchase price that they ultimately paid for the property.

While I did not meet the Sowders initially, they seemed like polite and responsible neighbors. They cut and maintained their grass lot beside my home and gradually began to incorporate what was apparently primarily a lawn cutting service onto the site. While the pickup trucks and trailers that they used to transport their mowers were diesel, they were a far cry from the monster dump trucks that the Lentzes had been using. Lawn mowers were being run for transport, loading and maintenance, but overall the noise impact on the residential neighbors was tolerable in comparison to what we had been subjected to by the prior owners, the Lentzes.

Unfortunately for their residential neighbors, over the last several years the situation at Sowders Landscaping has changed dramatically. The core business was obviously successful and they have expanded and morphed into **SOWDERS TREE SERVICE**, **SOWDERS SNOW REMOVAL**, and, most ominously, **SOWDERS HARDSCAPE**. It is now a year-round, 7 day-a-week operation.

The tremendous growth of their business has dramatically increased equipment activity on site and it has necessitated the need for more space for storage of materials and equipment--thus the Sowders' instant request for variance.

When I first received the Notice of Public Hearing two weeks ago, I was stunned to find that Sowders wanted to expand operations onto the 100 foot zone (one and a half lots) beside my home. Undoubtedly this area was zoned single family residential as confirmed at the 1995 BZA hearings...."Not So" according to Planning Staff. The February, 2007 UDO apparently "administratively" rezoned that lot to CA, to match the zoning of the bulk of the tract.

Apparently the stroke of a pen, without any input from a tax-paying resident, could destroy one's lifetime investment in his home. We spent decades building something in a supposed "residential enhancement district", only to be told that we had wasted our time and money. So what--- Better luck next time in our retirement?

The expansion of the Sowders operation was gradual, but it is now in full bloom. On site I have identified dump trucks, front-loaders, lift trucks, backhoes, flatbed trucks, chipper truck w/ bucket lift, diesel pickups, trailers, mechanized screener, commercial mowers, chain saws and power-washers. They have constructed large limestone block bins to store and sell mulch and assorted graded stone and gravel products. The Sowders now run a smaller-scale operation of the big businesses selling stone and mulch, much like those located off North 37 in Johnson County and on the South side of Indianapolis in industrial districts. All of this is now being run right here, off of West Second Street, within the city limits, and with little regard to the rights or concerns of residential neighbors.

With their business zoning designation, the Sowders operate seven (7) days a week. We're not talking about a doctor's office, a retail business, or a professional office that is running 9-5 during the week here. We're talking about heavy equipment and diesel trucks running before sun-up until after sun-down on some days. They must have at least 3 times the number of vehicles that the Lentzes ever had with their asphalt business. Dusk to dawn, neighbors are subjected to the idling sound of multiple diesel engines before they roar away; the screeches, squeals and grinding of heavy construction equipment being operated on the lot; the crash of stone being dumped into metal truck beds or dumped on site; and the drag of graders as they smooth out the gravel that has been displaced by the heavy equipment use. Near sundown it is not uncommon to hear the annoying buzz of a chainsaw or the blast from a power washer cleaning off equipment. If you just dropped someone into this area without any knowledge of what was going on, they would swear that they were standing next to a construction site or an industrial operation. We are subjected to this abuse every day in homes where we have lived for decades

It always amazed me that the Lentz asphalt company got out of having to pave their lots using the argument that their equipment would just tear it up. Sowders current operation disturbs an incredible amount of dust from the crushed stone lot they operate on. On dry windy days massive clouds of dust rise up from the site and blow into our homes through open windows. Our cars, decks, furniture and siding are covered in layers of gravel dust.

As a consequence of the noise and dust, we are generally reduced to keeping windows nearest to the Sowders operation closed through most of the year. Air conditioning has replaced cross ventilation in our homes. Quiet weekend mornings having breakfast on our deck, listening to and watching the birds, hanging clothes on our clothesline, and relaxing with the paper are seldom possible. At any moment (and there have been plenty of them) a diesel roar will bring us back to our sad reality. Even more galling is when the trucks are running in the service bays (facing us) and the employees deem it necessary to blast an FM station loud enough through a stereo system so that they can hear it as they work on their equipment! This is like an echo chamber reflecting the noise outward toward us,, and our little three-quarter inch board fence provides a scant buffer. You know that there is a noise problem when at 200 feet away you can hear workers yelling over their equipment in order to be heard by each other. Vibrations emanating from some of this equipment will frequently rattle stained glass pieces hanging in windows on my North wall.

CONCLUSION

If possible, my neighbors will appear to speak against the proposed variance and answer questions on the scheduled hearing dates. It seems clear that this “use variance”, in reality, is nothing more than a request to “expand a use”. It is apparent that converting the “residential lot” adjacent to my home to permit outdoor storage of heavy duty equipment and stone materials will only exacerbate the serious problems that I have identified in this letter. More storage space = more stone = more heavy duty equipment moving stone = more problems for residential neighbors = lost property values + loss of enjoyment of residential property.

In reviewing the purpose of Use Variances, UDO Chapter 20.09.140 (a) (2) states:

To provide a mechanism to approve those that will not be contrary to the public interest, where owing to special conditions, literal enforcement of the UDO will result in unnecessary hardship, and so that the spirit of the Unified Development Ordinance shall be observed and substantial justice done.
(Underlined emphasis supplied)

I suppose that you could twist the emphasized terms above almost any way that would suit your argument, but in reality Sowders Landscaping/Snow Removal/Tree Service/Hardscape purchased this piece of property with full knowledge of the restrictions attached to it. Over the past year they decided to creatively enhance their property fronting on Bloomfield Road with elaborate stone creations and plantings that look great and effectively advertise their business. Great idea, but they voluntarily reduced the area that they could use for material storage within their existing plan. The Bloomfield Road frontage is one of the most heavily trafficked areas in the city, and no one could complain about storage requested in that area. Sowders simply decided that they would cleverly advertise their business on Bloomfield Road and cram their planned expansion down on the residential neighbors out back.

I fail to see the special conditions or unnecessary hardship under these circumstances that could justify a Use Variance here. "Substantial justice" mentioned in the ordinance would seem to favor the innocent residential neighbors and tend toward denial of the variance under these circumstances.

UDO Chapter 20.09.140 (e) (2) provides that a variance may be granted if the use and value of the area adjacent to the property will not be affected in a substantially adverse manner.

I sincerely hope that this letter has informed you of the devastating impact that the expanded operation of the Sowders businesses has had upon the daily lives of its residential neighbors. It should be obvious that expanding this use will only further reduce property values and the quality of life in our neighborhood.

I am assuming that everyone who is in a position to decide this issue is familiar with sound and decibel levels. Checking online I have seen that front-end loaders, backhoes and dump trucks operate at an approximate sound level of 90 decibels. For reference, a garbage truck operates at approximately 97 decibels. Please consider the sound that that loud garbage truck puts out once a week in front of your house for 30 seconds versus the regular equipment noise volume that we are being subjected to 7 days per week. Decibel levels decrease over distance. Approving this variance will only move the noise source closer and increase decibel levels to which we are exposed.

UDO Chapter 20.09.140 (e) (3) provides that a variance may be granted if the need for the Use Variance arises from some condition peculiar to the subject property itself.

Again, Sowders took title to this property in January, 2006 subject to existing zoning and prior recorded commitments. There is no possible condition identified, peculiar to this property that could justify the use variance requested.

Attached to this letter are several photos which may help you to visualize the current conditions out here.

I would also note that I saw the following logo painted on a Sowders truck on site:

SOWDERS HARDSCAPE & LANDSCAPE
“We Will Rock Your World”

From the neighbors’ perspective that unfortunately says it all.....

Alan Syfert

Clifford Freeman

Anita Walter















SOWDERS LANDSCAPE & LAWNCARE

INSTALLATION & MAINTENANCE

812-330-0336

812-327-7914

Sowers Land

INDIANA TR895R



Stark's Home & Landscape Services