passed 9-0

ORDINANCE 12-03

TO AMEND THE PLANNED UNIT DEVELOPMENT (PUD) DISTRICT ORDINANCE AND PRELIMINARY PLAN FOR TRACT E OF THE THOMSON PUD
- Re: 1525 S. Rogers Street
(NSSX Properties, LLC - Warehouse Community Center, petitioner)

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning", including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled "Subdivisions", went into effect on February 12, 2007; and

WHEREAS, the Plan Commission has considered this case, PUD-28-11, and recommended that the petitioner, NSSX Properties, LLC (Warehouse Community Center), be granted an amendment to the PUD district ordinance and preliminary plan approval to amend the list of uses within Tract E of the Thomson PUD. The Plan Commission thereby requests that the Common Council consider this petition;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the PUD District Ordinance and the list of permitted uses be amended for the property located at 1525 S. Rogers Street. The property is further described as follows:

Tract 1

A part of the Northeast quarter of the Northeast quarter of Section 8, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows:

Beginning at a point which is 220.5 feet South and 37.0 feet west of the Northeast corner of the aforesaid quarter-quarter, said point being 7 feet West of the West right-of-way of the Monon Railroad and on the South line of the property deeded to A. Helton Pauley and John L. and Lucretia H. Shirley, thence South, over and along a line 7 feet West and parallel to the West right-of-way line of the Monon Railroad, for a distance of 580.0 feet, thence East for a distance of 7 feet, and to the West right-of-way of the Monon Railroad, thence South, over and along the West right-of-way line of the Monon Railroad, for a distance of 222.5 feet, thence West for a distance of 218.9 feet and to the East right-of-way of the Illinois Central Railroad, thence North 31 degrees and 16 minutes West, over and along the East right-of-way of the Illinois Central Railroad for a distance of 933.7 feet, and to the centerline of South Rogers Street, thence North, over and along the centerline of South Rogers Street, for a distance of 7 feet, thence East, over and along the South line of the property deeded to A. Helton Pauley and John L. and Lucretia H. Shirley, for a distance of 697.5 feet, and to the place of beginning.

Tract 2

A parcel of land located in the Northeast Quarter of the Northeast Quarter of Section 8, Township 8 North, Range 1 West of the Second Principal Meridian, Monroe County, Indiana, more particularly described as follows:

Beginning at a point which bears South 31 degrees 16 minutes East a distance of 250 feet from a point which is 7 feet south, as measured along the Center line of Rogers Street, of the intersection of the north line of the Arrow Construction Company land, formerly owned by Mary Burke, deceased, and said center line of Rogers Street; thence South 58 degrees 44 minutes West a distance of 15 feet; thence South 31 degrees 16 minutes East a distance of 500 feet; thence North 58 degrees 44 minutes East a distance of 15 feet; thence North 31 degrees 16 minutes West a distance of 500 feet to the point of beginning, containing an area of 7500 square feet, more or less.

SECTION 2. This amendment to the District Ordinance and the Preliminary Plan shall be approved as attached hereto and made a part thereof.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 1st day of FEBRUARY, 2012.

TIM MAYER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of FEBRUARY, 2012.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 2ND day of FEBRUARY, 2012.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance would amend the list of permitted uses, development standards, and the floodplain ordinance for this portion of Tract E of the Thomson PUD as well as approve a new preliminary plan to redevelop an existing warehouse building on this tract.

Note: On February 1, 2012, the Council adopted Reasonable Condition (RC) – 01, by a vote of 9 - 0, which required Plan Staff to review and approve a supplemental site plan for the outdoor stage on the northeast side of the building prior to its construction.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 12-03 is a true and complete copy of Plan Commission Case Number PUD-28-11 which was given a recommendation of approval by a vote of 8 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on December 5, 2011.

Date: December 12, 2011

Thomas B. Micuda, Secretary
Plan Commission

Received by the Common Council Office this 12TH day of DECEMBER, 2012.

Regina Moore, City Clerk

Appropriation Ordinance # _____

Fiscal Impact Statement Ordinance # _____

Resolution # _____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure ___ _____ ___ Emergency _____
Unforseen Need _____ Other _____

Funds Affected by Request:

Fund(s) Affected		
Fund Balance as of January 1	$	$
Revenue to Date	$	$
Revenue Expected for Rest of year	$	$
Appropriations to Date	$	$
Unappropriated Balance	$	$
Effect of Proposed Legislation (+/-)	$	$
Projected Balance	$	$

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No _____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

FUKEBANEI ORD=CERT.MRG

Interdepartmental Memo

To: **Members of the Common Council**
From: **Eric Greulich, Zoning Planner**
Subject: **Case # PUD-28-11**
Date: **December 12, 2011**

Attached are the staff report, petitioner's statements, maps, and exhibits which pertain to Plan Commission Case # PUD-28-11. The Plan Commission heard this petition at its December 5, 2011 meeting and voted 8-0 to send this petition to the Common Council with a favorable recommendation.

REQUEST: The petitioner is requesting a preliminary plan amendment to amend the list of uses within Tract E of the Thomson Planned Unit Development.

SITE INFORMATION:

Lot Area:	8.56 Acres
Current Zoning:	Planned Unit Development (Thomson PUD)
GPP Designation:	Employment Center
Existing Land Use:	Warehouse/Offices
Proposed Land Use:	Community Center
Surrounding Uses:	North – Single Family (McDoel Gardens neighborhood) & Industrial South – Warehouse/Semi-tractor storage East – B-Line Trail, Commercial and Residential West – Irving Materials

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REPORT: The petition site is located on Tract E of the Thomson PUD and has been developed with a 200,000 sq. ft. warehouse. The property is surrounded by industrial uses to the west, south, and north with the McDoel neighborhood also to the north and the B-Line Trail/Switchyard property to the east. The property has several large trees on the south side of the property along the West Branch of Clear Creek. The floodplain of the West Branch of Clear Creek and Clear Creek encroaches along the west, south, and east sides of the property. The building itself is not located in the floodplain.

The petitioner is seeking approval to allow the redevelopment of a portion of Tract E of the Thomson Planned Unit Development also known as the Indiana Enterprise Center. This PUD was created in 1998 by the City to help guide future redevelopment of the Thomson Consumer Electronic site that had recently closed. The intent of this PUD was to recognize the former industrial use of the property and create incentives to redevelop this area with employment and ancillary uses.

Since that time, the PUD has slowly developed to reuse several existing buildings (Cook Pharmica, Indiana Warehouse, Schulte) and construct new buildings such as The McDoel Building (Sweetgrass, Clendening Johnson & Bohrer), Best Beers, Social Security, and two medical office buildings. Several

public investments have also been made to the area, including street construction within the PUD, streetscape improvements along Rogers St, and riparian buffer improvements, all designed to help promote development in the area. Additional public improvements in the area include the recently completed Phase 2 of the B-Line Trail that runs along the east side of this property. Additional improvements and plans for the recently acquired Switchyard property are being developed through a master plan process being conducted by the City.

The petitioner is requesting to amend the list of uses for this property, located within Tract E, to allow for a new community center. In addition to allowing a community center, the proposed list of uses has also been expanded to allow retail, office, and recreational uses within the building or on the property. Also requested is preliminary plan approval of the community center including a 214 space parking lot and related site improvements. Final plan approval has been requested to be delegated to Staff. The Plan Commission was supportive of both requests and has proposed a condition of approval delegating final site plan approval to Staff.

With this petition there would be substantial improvements to the interior and exterior of the building. Exterior building improvements would consist of new siding and finishing materials on all four sides, the addition of a tower structure on the west side of the building, and construction of a theatre and fly loft on the east side of the building. Additional site improvements include installing parking and landscaping, as well as the installation of rain gardens to provide stormwater quality and detention requirements. A permit from the Department of Natural Resources for any work within the floodplain is required prior to the issuance of a grading or building permit.

The building would be used as a community center with a wide range of services and amenities. Interior features include a 1,500 seat theater/place of worship, approximately 30,000 sq. ft. of office space, skateboard park, bocce ball court, soccer court, basketball court, climbing wall, day care center, and several retail spaces. An outdoor patio area is being created around the retail spaces on the southeast corner of the building facing the B-Line trail. An outdoor stage is proposed on the east side of the building facing the B-Line trail that is connected to and extends from the internal stage to provide an opportunity for events utilizing the adjacent park property.

Growth Policies Plan: This property is located within the Employment Center land use category of the Growth Policies Plan (GPP). The GPP states that Employment Centers should be located in close proximity or contain commercial and housing opportunities to minimize the traffic generated by their employment base. (page 37)

The GPP also notes that Employment Centers should include "supporting commercial uses" and the commercial uses should be "integrated within an employment center [and be] at a scale that services the employment center but does not generate significant additional business from the community at large." (page 37)

The GPP specifically notes that "former Thomson property" is an important site for redevelopment. (page 21) The GPP's "McDoel Switchyard Subarea" states that the City should "promote mixed-use development adjacent to the rail corridor that encourages retail services, new housing opportunities, and recreational amenities." It goes on to recommend that "In order to beautify the trailway, [the City should] explore redevelopment opportunities of industrial sites along the Morton Street corridor." (page 66)

PUD PRELIMINARY PLAN REVIEW ISSUES:

Permitted Uses: The approved PUD anticipated that Tract E would be developed with mostly industrial or office uses. Therefore, the 1998 permitted use list included a narrow range of industrial uses. Because this PUD was adopted under the previous zoning ordinance, the list of permitted uses does not match the current UDO use names. The petitioner has worked with Staff to develop a use list using the current UDO use names that includes a wider range of commercial uses. The use list included with this petition would replace the list of uses originally approved in the PUD for this property. The list of proposed permitted uses was chosen to avoid potential conflict with the adjacent single family residences as well as to fit with the future park. The Plan Commission required a condition of approval that places a maximum cap on the amount of overall retail space within the building. The maximum amount of retail space in the building, or for an individual future use, would be 20,000 sq. ft. The specific retail uses that would be subject to this limitation have been identified on the use list.

Development Standards: The development standards used in the original PUD for height, bulk, density, and setbacks were either the existing conditions or the applicable development standard set forth in the PUD for that use, whichever is the lesser. Since some of the uses and zoning districts used in the Thomson PUD are no longer present in the UDO, the petitioner is updating and expanding this section for this property specifically. The Plan Commission approved the development standards of the Commercial General (CG) district for this property, unless stated otherwise in the preliminary plan.

ROW Dedication: With this petition, the Plan Commission required that 40' of right-of-way be dedicated along Rogers Street. A 5' wide concrete sidewalk and street trees were required by the Plan Commission as well.

Floodplain: This property is at the confluence of two floodplains that come together at the south end of the property. The floodplain of Clear Creek runs along the east side of the property and the floodplain of the West Branch of Clear Creek is to the south and west. The PUD anticipated redevelopment of the areas within the floodplain and required that all necessary local, state, and federal permits be obtained prior to work within the floodplain. A previous approval was granted to allow an even larger parking lot than proposed by this petition. That parking lot was never constructed.

Floodplain Ordinance: With this PUD amendment it is also necessary to include new language and updates to the floodplain development regulations for the PUD. Until the entire UDO can be updated so that PUD requirements are consistent with the State's model floodplain ordinance, the State of Indiana Department of Natural Resources has recommended that we include the attached language to this petition to address missing language from the UDO concerning how floodplain disturbance should be regulated in PUD's. The attached exhibit contains language based on the state's model floodplain code that will allow the PUD amendment to conform to both local and state codes. This language has been approved by DNR.

SITE DESIGN/PUD FINAL PLAN REVIEW ISSUES:

Stormwater: The petitioner has submitted drainage and utility plans to City of Bloomington Utilities for review. The only major increase of impervious surface coverage on the property will be from the new parking area on the south side of the property. The petitioner is proposing several interior rain gardens to provide stormwater quality improvements and detention requirements.

Signage: The petitioner has proposed sign limitations for exterior wall signs. No box signs are allowed for external signage. In addition, external illumination for wall signs will be prohibited. All wall signs must be internally illuminated or utilize back-lit lettering.

Architecture: The petitioner is proposing to refinish the entire exterior of the building on all four sides. New siding and finishing will be installed and will consist of limestone, brick, horizontal and vertical corrugated metal with split face block around the foundation. A list of allowable exterior materials has been proposed in the preliminary plan.

Parking: The Thomson PUD recognized the constraints on this property in regards to the large warehouse building and adjacent creeks and floodplain. The petitioner has worked with staff to provide a 25' riparian buffer from the top of the bank of the creek and the adjacent parking. The petitioner has designed a parking area that provides a total of 214 parking spaces on the site. Of those 214, 28 spaces are for compact cars and are 8' wide rather than the required 9' wide. Permeable pavers will be utilized for 43 of the parking spaces to reduce stormwater detention requirements and improve water runoff quality. The petition will also be utilizing buses to provide transportation for special events. In addition, the petitioner has contacted some of the adjacent property owners about the possibility of leasing parking spaces when necessary.

Height: The standard height for the CG districts is 50 feet. The petitioner is proposing to amend this limit to allow for a 55' tower on the west side of the building and a 74' tall flyloft for the theatre on the east side of the building. The Plan Commission supported the proposed height for the flyloft and the tower shown on the west side of the building.

Impervious Surface Coverage: The property will have approximately 78% impervious surface coverage after development. This is above the CG zoning district standard, but completely consistent with the 1998 preliminary plan.

Landscaping: The Thomson PUD specifically stated that "due to the necessity to gain every available parking space on this parcel, landscaping opportunities will be limited. Perimeter parking lot landscaping/screening shall be installed where feasible, given site constraints. Parking lot landscaping code requirements are waived, given site constraints." The petitioner has submitted a landscape plan that places as much landscaping as possible around the site. In addition, the petitioner has taken Staff's recommendation to install additional landscaping between the parking area and the B-Line spur to the west.

CONCLUSION: Staff is supportive of the proposed use and modifications proposed. Staff finds the redevelopment of this property will greatly improve the look of the building and property from the B-Line trail. Leveraging the B-Line trail as an economic development tool is an extremely important goal for the City.

RECOMMENDATION: The Plan Commission voted 8-0 to send this to the Common Council with a favorable recommendation and the following conditions:

1. Final plan approval is delegated to Staff level.
2. A permit from IDNR is required prior to issuance of any staff level final plan approval.
3. This approval pertains to the reuse of the existing building and minor additions as submitted only. Any new construction on this parcel must go back to the Plan Commission for PUD review.
4. This property shall be referred to as Tract E(a) for the purpose of this amended PUD District Ordinance.
5. The document titled "Rules for the Special Flood Hazard Areas within Tract E(a) of the Thomson area Planned Unit Development" shall be included as a part of the PUD District Ordinance.
6. Approval of this District Ordinance amendment specifically permits the depicted building additions and parking within the floodway subject to the standards of the "Rules for the Special Flood Hazard Areas within Tract E(a) of the Thomson area Planned Unit Development" document.

BLOOMINGTON PLAN COMMISSION **CASE #: PUD-28-11**
FIRST HEARING STAFF REPORT **DATE: November 7, 2011**
LOCATION: 1525 S. Rogers Street

PETITIONER: Warehouse Community Center
1525 S. Rogers Street, Bloomington

COUNSEL: Michael L. Carmin
400 W. 7th Street, Bloomington

REQUEST: The petitioner is requesting a preliminary plan amendment to amend the list of uses within Tract E of the Thomson Planned Unit Development. Also requested is a PUD Final Plan approval.

SITE INFORMATION:

Lot Area:	8.56 Acres
Current Zoning:	Planned Unit Development (Thomson PUD)
GPP Designation:	Employment Center
Existing Land Use:	Warehouse/Offices
Proposed Land Use:	Community Center
Surrounding Uses:	North – Single Family (McDoel Gardens neighborhood) & Industrial South – Warehouse/Semi-tractor storage East – B-Line Trail, Commercial and Residential West – Irving Materials

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REPORT: The petition site is located on Tract E of the Thomson PUD and has been developed with a 200,000 sq. ft. warehouse. The property is surrounded by industrial uses to the west, south, and north with the McDoel neighborhood also to the north and the B-Line Trail/Switchyard property to the east. The property has several large trees on the south side of the property along the West Branch of Clear Creek. The floodplain of the West Branch of Clear Creek and Clear Creek encroaches along the west, south, and east sides of the property. The building itself is not located in the floodplain.

The petitioner is seeking approval to allow the redevelopment of a portion of Tract E of the Thomson Planned Unit Development also known as the Indiana Enterprise Center. This PUD was created in 1998 by the City to help guide future redevelopment of the Thomson Consumer Electronic site that had recently closed. The intent of this PUD was to recognize the former industrial use of the property and create incentives to redevelop this area with employment and ancillary uses.

Since that time, the PUD has slowly developed to reuse several existing buildings (Cook Pharmica, Upland/Indiana Warehouse, Schulte) and construct new buildings such as The McDoel Building (Sweetgrass, Clendening Johnson & Bohrer), Best Beers, Social Security, and two medical office buildings. Several public investments have also been made to the area, including street

construction within the PUD, streetscape improvements along Rogers St. and riparian buffer improvements, all designed to help promote development in the area. Additional public improvements in the area include the recently completed Phase 2 of the B-Line Trail that runs along the east side of this property. Additional improvements and plans for the recently acquired Switchyard property are being developed through a master plan process being conducted by the City.

The petitioner is requesting to amend the list of uses for this property, located within Tract E, to allow for a new community center. In addition to allowing a community center, the proposed list of uses has also been expanded to allow retail, office, and recreational uses within the building or on the property. Also requested is final plan approval of the community center including a 213 space parking lot and related site improvements.

With this petition there would be substantial improvements to the interior and exterior of the building. Exterior building improvements would consist of new siding and finishing materials on all four sides, the addition of a tower structure on the west side of the building, and construction of a theatre and fly loft on the east side of the building. Additional site improvements include installing parking and landscaping, as well as the installation of rain gardens to provide stormwater quality and detention requirements. A permit from the Department of Natural Resources for any work within the floodplain is required.

The building would be used as a community center with a wide range of services and amenities. Interior features include a 1,500 seat theater/place of worship, approximately 30,000 sq. ft. of office space, skateboard park, bocce ball court, soccer court, basketball court, climbing wall, day care center, and several retail spaces. An outdoor patio area is being created around the retail spaces on the southeast corner of the building facing the B-Line trail. An outdoor stage is proposed on the east side of the building facing the B-Line trail that is connected to and extends from the internal stage to provide an opportunity for events utilizing the adjacent park property.

Growth Policies Plan: This property is located within the Employment Center land use category of the Growth Policies Plan (GPP). The GPP states that Employment centers should be located in close proximity or contain commercial and housing opportunities to minimize the traffic generated by their employment base. (page 37)

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amenities." It goes on to recommend that "In order to beautify the trailway, [the City should] explore redevelopment opportunities of industrial sites along the Morton Street corridor." (page 66)

PUD PRELIMINARY PLAN REVIEW ISSUES:

Permitted Uses: The approved PUD anticipated that Tract E would be developed with mostly industrial or office uses. Therefore, the 1998 permitted use list included a narrow range of industrial uses. Because this PUD was adopted under the previous zoning ordinance, the list of permitted uses does not match the current UDO use names. The petitioner has worked with Staff to develop a use list using the current UDO use names that includes a wider range of commercial uses. The use list included with this petition would replace the list of uses originally approved in the PUD for this property. The list of proposed permitted uses was chosen to avoid potential conflict with the adjacent single family residences as well as to fit with the future public park on the CSX property.

Development Standards: The development standards used in the original PUD for height, bulk, density, and setbacks were either the existing conditions or the applicable development standard set forth in the PUD for that use, whichever is the lesser. Since some of the uses and zoning districts used in the Thomson PUD are no longer present in the UDO, the petitioner is updating and expanding this section for this property specifically. With this petition, the development standards on this property would be those of the CG district, unless stated otherwise in the preliminary plan.

ROW Dedication: With this petition, there would be 40' of right-of-way dedicated along Rogers Street. A 5' wide concrete sidewalk and street trees are required as well.

Floodplain: This property is at the confluence of two floodplains that come together at the south end of the property. The floodplain of Clear Creek runs along the east side of the property and the floodplain of the West Branch of Clear Creek is to the south and west. The PUD anticipated redevelopment of the areas within the floodplain and required that all necessary local, state, and federal permits be obtained prior to work within the floodplain. A previous approval was granted to allow an even larger parking lot than proposed by this petition. That parking lot was never constructed.

SITE DESIGN/PUD FINAL PLAN REVIEW ISSUES:

Stormwater: The petitioner has submitted drainage and utility plans to City of Bloomington Utilities for review. The only major increase of impervious surface coverage on the property will be from the new parking area on the south side of the property. The petitioner is proposing several interior rain gardens to provide stormwater quality improvements and detention requirements.

Signage: The petitioner has proposed sign limitations for exterior wall signs. No box signs are allowed for external signage. In addition, external illumination for

wall signs will be prohibited. All wall signs must be internally illuminated or utilize back-lit lettering.

Architecture: The petitioner is proposing to refinish the entire exterior of the building on all four sides. New siding and finishing will be installed and will consist of limestone, brick, horizontal and vertical corrugated metal with split face block around the foundation. A list of allowable exterior materials has been proposed in the preliminary plan.

Parking: The Thomson PUD recognized the constraints on this property in regards to the large warehouse building and adjacent creeks and floodplain. The petitioner has worked with staff to provide a 25' riparian buffer from the top of the bank of the creek and the adjacent parking. The petitioner has designed a parking area that provides a total of 213 parking spaces on the site. Permeable pavers will be utilized for 43 of the parking spaces to reduce stormwater detention requirements and improve water runoff quality. The petition will also be utilizing buses to provide transportation for special events. In addition, the petitioner has contacted some of the adjacent property owners about the possibility of leasing parking spaces when necessary.

Height: The standard height for the CG districts is 50 feet. The petitioner is proposing to amend this limit to allow for a 55' tower on the west side of the building and a 74' tall flyloft for the theatre on the east side of the building. Staff requests guidance from Plan Commissioners on whether this proposed height increase is appropriate in a location that is approximately 70' from the B-Line Trail.

Impervious Surface Coverage: The property will have approximately 78% impervious surface coverage after development.

Landscaping: The Thomson PUD specifically stated that "due to the necessity to gain every available parking space on this parcel, landscaping opportunities will be limited. Perimeter parking lot landscaping/screening shall be installed where feasible, given site constraints. Parking lot landscaping code requirements are waived, given site constraints." The petitioner has submitted a landscape plan that places as much landscaping as possible around the site. Staff would recommend additional landscaping between the parking area and driveway on the west side of the property to buffer the view from Rogers Street and a future B-Line trail spur.

QUESTIONS FOR PLAN COMMISSION/GUIDANCE FOR SECOND HEARING:

1. **Uses** – Does the Plan Commission agree with the list of permitted uses that has been submitted for this parcel? Should there be a cap on the maximum amount of space for an individual retail space?
2. **Architecture** – Is the proposed architecture appropriate? Does the Plan Commission have concerns regarding the height of the building and specifically the theater flyloft?

3. **Final Plan** – Should final plan approval be given now or delegated to Staff?

PRELIMINARY CONCLUSIONS: Overall staff is supportive of the proposed use and modifications proposed. Staff finds the redevelopment of this property will greatly improve the look of the building and property from the B-Line trail. Leveraging the B-Line Trail as an economic development tool is an en extremely important goal for the City.

RECOMMENDATION: Staff recommends forwarding this petition to the required second hearing.

MEMORANDUM

Date: October 27, 2011

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Through: Linda Thompson, Senior Environmental Planner

Subject: PUD-28-11: Warehouse Community Center

This memorandum contains the Environmental Commission's (EC) recommendations regarding a request to amend the list of acceptable uses in Parcel E of the Thomson Area Planned Unit Development (PUD), and also a request for Final Site Plan approval. The EC recommends denial of these requests for many reasons. Below, please find listed the major reasons for the EC's decision.

1.) The entire site outside of the building's foundation sits within a Special Flood Hazard Area, specifically a floodway, based on the Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Maps (DFIRM), which restricts the uses allowed by the City of Bloomington Indiana, the Indiana Department of Natural Resources, and the Federal Emergency Management Agency.

2.) A Construction Within a Floodway Permit has not yet been granted by the DNR. Additionally, a specific PUD District Ordinance for development in a floodplain (the rules for what can and cannot be done within the floodplain in Tract E(a) of the Thomson PUD), has not yet been approved by DNR and FEMA. Furthermore, after DNR and FEMA approval, the Bloomington City Council will also have to approve the PUD District Ordinance. To approve this Final Site Plan now, which may go through changes from multiple organizations or possibly not get state or local approval at all, does not seem prudent.

3.) The EC is opposed to allowing the petitioner to clear-cut a wooded floodplain in order to construct a parking lot. The site affords no room for any type of tree replacement ratio to make up for all those removed for the parking. The warehouse is sufficiently large enough to create parking inside of it. If the requested new uses cannot accommodate indoor parking and must have the parking in the floodplain, then the EC recommends denial of the use amendment.

4.) No investigations for hazardous substances or history of this aging factory/warehouse have been provided for this Brownfield Site. The EC has no knowledge of what sort of activities or storage has occurred throughout the years here, and believe a Phase 1 Environmental Site Assessment (ESA) Report (in accordance with American Society for Testing (ASTM) "Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process" E 1527-05) should be conducted before any uses can be determined. The purpose of an ESA is to conduct due diligence activities to determine the presence or likely

presence of any hazardous substances or petroleum products on the property, inside the building, outside, in groundwater, etc that indicate an existing release, a past release, or a material threat of a release, and to determine if the site is a Brownfield Site. A Brownfield Site is defined as real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant (Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) as amended). The allowed uses could be limited dependant on what is found and what level of potential cleanup is required.

EC RECOMMENDATION:

The EC recommends denial of the Site Plan and denial of the PUD Amendment if the Site Plan remains as it is.

PUD PRELIMINARY PLAN AMENDMENT AND FINAL SITE PLAN STATEMENT

Petition

NSSX Properties, LLC ("Petitioner") petitions for preliminary plan amendment to the Thomson PUD and final Site Plan approval for redevelopment of the real estate at 1525 S. Rogers Street ("Real Estate").

Current Use

The Real Estate is an existing warehouse building with associates parking located on 8.5 acres.

Current Zoning

The Real Estate is a part of Parcel E, Thomson PUD. Permitted uses in the Thomson PUD Plan for Parcel E are limited and generally relate to industrial uses.

Petitioner's Use

Petitioner intends to remodel and renovate the existing warehouse building to a community center with additional mixed uses.

Changed Conditions

The major part of the Thomson PUD is located west of Rogers Street. Parcel E is east of Rogers Street. Parcel E and surrounding areas are not developing or being redeveloped for industrial uses. The area south of the Real Estate remains existing warehouse facilities primarily used in past years for a trucking, warehousing and transportation center. North of the Real Estate is the property recently acquired and remodeled by Community Kitchen. North of the Community Kitchen are mixed uses, including a recently developed commercial building with a restaurant. East of the Real Estate is the B-Line Trail and east of the trail is a large parcel owned by Parks & Recreation. The redevelopment of properties east of Rogers Street, particularly with the creation of the B-Line Trail, are tending to mixed uses more consistent with a Commercial Arterial Zone.

Petitioner's Redevelopment of the Warehouse

Petitioner will remodel and redevelop the warehouse building into a covered mall type arrangement allowing for interior offices, recreational uses, community center uses, restaurant and other compatible uses. Petitioner will preserve and adapt the existing warehouse building for the mixed commercial and related uses. The project will be known as The Warehouse. Petitioner proposes to reserve the core character of the building as a warehouse in the selection of exterior materials and preserving most of the existing roof line and exterior features. The existing building and site conditions limit and restrict opportunities to redesign the site. The Real Estate is bordered on the south by an existing stream. On the east is the B-Line Trail and on the west is the Rogers Street right-of-way.

Adaption of the existing building will include raising the height of a portion of the roof line on the existing building to accommodate the interior modifications for a mall design and pedestrian corridor and a proposed stage and recreational area.

PUD Amendments

1. Permitted Uses: The following list of permitted uses is extracted from the table of permitted uses for Commercial General Zone (omitting or deleting selected permitted uses in the CG zone deemed incompatible for this location). + =**indicates retail uses subject to the maximum size restriction**

- antique sales +
- apparel and shoe sales +
- art gallery
- artist studio
- arts/crafts/hobby store +
- assisted living facility
- bank/credit union
- banquet hall
- barber/beauty shop
- bicycle sales/repair +
- billiard/arcade room
- bookstore +
- bowling alley
- brewpub +
- business/professional office
- cellular phone/pager services +
- community center
- computer sales +
- convenience store (without gas) +
- copy center +
- day-care center, adult
- day-care center, child
- drugstore +
- dry-cleaning service
- dwelling, upper floor units
- fitness center/gym
- fitness/training studio
- florist +
- gift shop/boutique +
- government office
- government operations (non-office)
- grocery/supermarket
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- hardware store +
- health spa
- jewelry shop +

- library
- license branch
- lodge
- miniature golf
- museum
- music/media sales +
- musical instrument sales +
- nursing/convalescent home
- park
- pet grooming
- pet store +
- photographic studio
- place of worship
- police, fire or rescue station
- radio/TV station
- recreation center
- research center
- restaurant
- restaurant, limited service
- retail, low-intensity +
- school, preschool
- school, primary/secondary
- school, trade or business
- shoe repair
- skating rink
- social service
- sporting goods sales +
- tailor/seamstress shop
- tanning salon
- theater, indoor
- theater, outdoor
- video rental +

2. Design Standards: Adopt the Commercial General zoning district design and development standards as applicable to the Real Estate, except as follows:

a. Building height. The 50-foot maximum building height increased to 74 feet for a portion of the roofline of the existing building and tower structure as depicted on Petitioner's Development Plan.

b. Riparian Buffer to be 25 feet measured from the top of the stream bank closest to the Real Estate.

c. Exterior Finish Building Materials shall consist of limestone, masonry or brick, painted steel, cedar or other wood materials, and glass block. Split face cmu is restricted for use on exposed foundation walls. Synthetic stucco is restricted for use in sign face/panel areas.

d. Signs. No box signs will be permitted. No exterior illumination exclusive for signs. Sign letters to be internally illuminated or backlit lettering.

NSSX Properties, LLC is the owner of the real estate located at 1525 S. Rogers Street, described as:

Tract 1

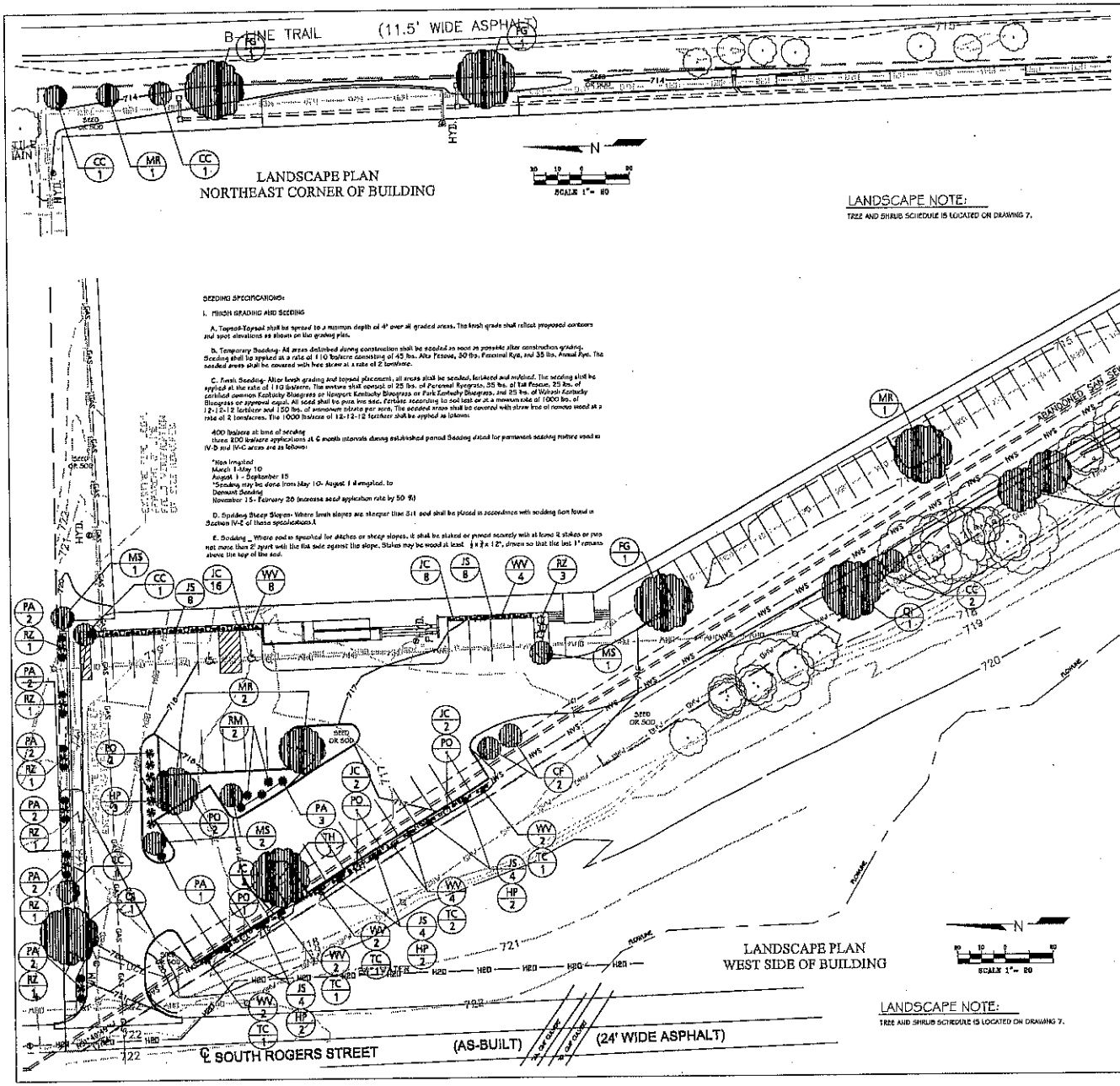
A part of the Northeast quarter of the Northeast quarter of Section 8, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows:

Beginning at a point which is 220.5 feet South and 37.0 feet west of the Northeast corner of the aforesaid quarter-quarter, said point being 7 feet West of the West right-of-way of the Monon Railroad and on the South line of the property deeded to A. Helton Pauley and John L. and Lucretia H. Shirley, thence South, over and along a line 7 feet West and parallel to the West right-of-way line of the Monon Railroad, for a distance of 580.0 feet, thence East for a distance of 7 feet, and to the West right-of-way of the Monon Railroad, thence South, over and along the West right-of-way line of the Monon Railroad, for a distance of 222.5 feet, thence West for a distance of 218.9 feet and to the East right-of-way of the Illinois Central Railroad, thence North 31 degrees and 16 minutes West, over and along the East right-of-way of the Illinois Central Railroad for a distance of 933.7 feet, and to the centerline of South Rogers Street, thence North, over and along the centerline of South Rogers Street, for a distance of 7 feet, thence East, over and along the South line of the property deeded to A. Helton Pauley and John L. and Lucretia H. Shirley, for a distance of 697.5 feet, and to the place of beginning.

Tract 2

A parcel of land located in the Northeast Quarter of the Northeast Quarter of Section 8, Township 8 North, Range 1 West of the Second Principal Meridian, Monroe County, Indiana, more particularly described as follows:

Beginning at a point which bears South 31 degrees 16 minutes East a distance of 250 feet from a point which is 7 feet south, as measured along the Center line of Rogers Street, of the intersection of the north line of the Arrow Construction Company land, formerly owned by Mary Burke, deceased, and said center line of Rogers Street; thence South 58 degrees 44 minutes West a distance of 15 feet; thence South 31 degrees 16 minutes East a distance of 500 feet; thence North 58 degrees 44 minutes East a distance of 15 feet; thence North 31 degrees 16 minutes West a distance of 500 feet to the point of beginning, containing an area of 7500 square feet, more or less.



GENERAL SITE NOTES

1. THE CONTRACTOR SHALL LOCATE ALL UTILITIES AND VERIFY SITE CONDITION INFORMATION ON DRAWINGS PRIOR TO STARTING WORK. PROMPTLY REPORT ANY DISCREPANCIES OR DEVIATIONS FROM THE INFORMATION SHOWN ON THE PLAN TO DESIGNER AND OWNER. THE OWNER IS NOT RESPONSIBLE FOR UNAUTHORIZED CHANGES OR EXTRA WORK REQUIRED TO CORRECT UNREPORTED DISCREPANCIES.

2. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIAL IN QUANTITIES AND CONDITIONS SUFFICIENT TO COMPLETE THE PLANTING AS SHOWN ON THE LANDSCAPE PLAN. PLANT MATERIAL QUANTITIES SHOWN ON PLAN TAKE PRECEDENCE TO THOSE ON THE PLANT LIST.

3. ALL PLANT MATERIAL SHALL CONFORM TO ANSI Z 60-1996 AND CURRENT ASSOCIATION OF AMERICAN NURSERYMEN STANDARDS. NO PARK GRADE MATERIAL SHALL BE ACCEPTED.

4. SPECIMEN SIZES INDICATED ON PLANT SCHEDULE ARE MINIMUM ACCEPTABLE SIZES. LARGER SPECIMENS MAY BE UTILIZED.

5. ALL PLANTING MASSES TO BE CONTAINED WITHIN MULCH BEDS AND RECEIVE 4" THICK SHREDDED HARDWOOD MULCH OVER WEED BARRIER. ALL TREES OUTSIDE PLANTING BED AREAS SHALL RECEIVE A 5' MIN. DIAMETER MULCH RING AT BASE.

6. ALL LANDSCAPED AREAS NOT MULCHED SHALL BE SEEDED OR SODDED AS INDICATED, UNLESS NOTED OTHERWISE. ALL OTHER AREAS DISTURBED, GRADED OR OTHERWISE MODIFIED BY NEW CONSTRUCTION SHALL RECEIVE 6" OF TOP SOIL AND SEED. SEE SPECIFICATIONS FOR SEEDING REQUIREMENTS.

7. ALL PLANT MATERIAL SHALL HAVE THE SAME RELATIONSHIP TO FINISH GRADE AS THE PLANT'S ORIGINAL GRADE PRIOR TO DIGGING. ALL PLANTS SHALL BE SET PLUMB, UNLESS NOTED OTHERWISE, IT IS THE CONTRACTORS OPTION TO STAKE TREES. HOWEVER, IT SHALL REMAIN THE CONTRACTOR'S RESPONSIBILITY TO ASSURE PLANTS REMAIN PLUMB UNTIL THE END OF CONTRACTED GUARANTEE PERIOD.

8. ALL PLANTINGS SHALL BE THOROUGHLY WATERED DURING THE FIRST 24 HOUR PERIOD AFTER PLANTING TO ENSURE ALL AIR POCKETS ARE REMOVED AROUND ROOT BALL.

9. CONTRACTOR IS RESPONSIBLE FOR WATERING AND MAINTAINING PLANT MATERIAL UNTIL TIME OF ACCEPTED ESTABLISHMENT.

10. ALL PLANTING BED EDGES TO BE SPADE CUT UNLESS SPECIFIED WITH MOW STRIP OR OTHER INSTALLED EDGING.

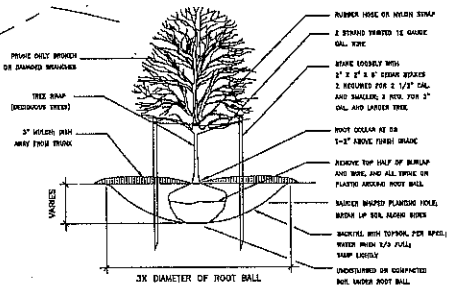
11. PLACE BIODEGRADABLE STRAW BLANKET NORTH AMERICAN GREEN S150BN OR APPROVED EQUAL ON SLOPES OF OR EXCEEDING 3:1 OR AS OTHERWISE INDICATED OR DIRECTED BY ENGINEER.

12. COORDINATE LANDSCAPE PLAN WITH ALL WATER QUALITY AND EROSION CONTROL MEASURES.

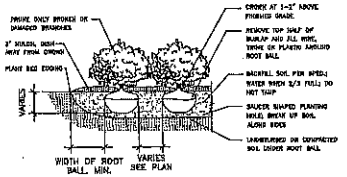
13. IF OWNER REQUESTS, PLANTS SHALL BE STAKED AND/OR FIELD-LOCATED BY DESIGNER WITH CONTRACTOR. FINAL LOCATIONS OF TREES SHOULD BE ADJUSTED IF NEEDED TO AVOID OVERHEAD AND UNDERGROUND UTILITIES.

14. ANY PLANT MATERIAL SUBSTITUTIONS INSTALLED WITHOUT APPROVAL FROM DESIGNER AND/OR OWNER SHALL BE REPLACED AT CONTRACTORS EXPENSE.

15. ALL PLANTING MATERIALS, REGARDLESS OF SIZE SPECIFIED, SHALL BE OF SIZES THAT COMPLY WITH THE CITY OF BLOOMINGTON UNIFORM DEVELOPMENT ORDINANCE SECTION 20.05.052, LANDSCAPING STANDARDS.



1/6 SHADE TREE PLANTING DETAIL



2/6 SHRUB PLANTING DETAIL

Bledsoe Riggert Guerrettaz
LAND SURVEYING • CIVIL ENGINEERING
2901 West Tapp Road
Bloomington, IN 47403
P: 812.330.1877
F: 812.330.1807

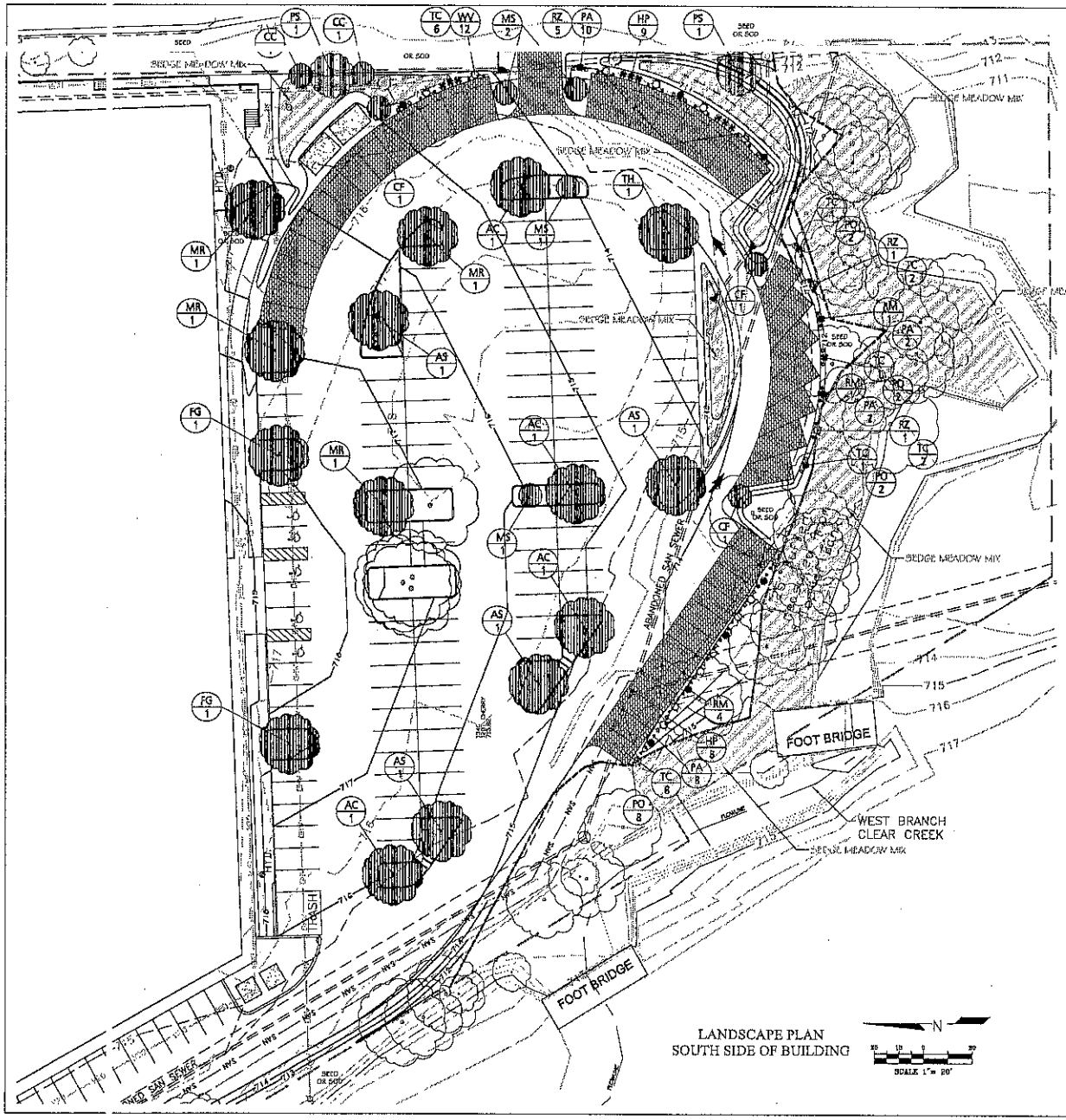
The Warehouse by The Family Center
1525 South Rogers Street
Bloomington, Indiana

SURVEYED BY:
DRAWN BY: GLR
CHECKED BY:
DATE: OCT. 2011

LANDSCAPE PLAN

SHEET 8 OF 13

PROJECT NO. 6671



LANDSCAPE PLAN
SOUTH SIDE OF BUILDING

TREE / SHRUB SCHEDULE

AC	ACCOLADE CHERRY	PRUNOPHORUS CHEVENNE	8 1/2" CALIPER	B & B	4
AS	ACER GRANDIDENTUM	SHRUB MAPLE	2 1/2" CALIPER	B & B	4
CC	COTTONS COCOSHUA	SHORE DRIZ	1 1/2" CALIPER	B & B	5
CF	CUPHUS PLUMOSA	FLANGING DOGWOOD	1 1/2" CALIPER	B & B	5
FG	FAGUS GRANDIFOLIA	AMERICAN BEECH	2 1/2" CALIPER	B & B	5
MR	MAGNOLIA STELLATA MAIDEN STONE	ROWN STONE MAGNOLIA	2 1/2" CALIPER	B & B	6
MS	MALUS SPECIOSA	FLOWERING CRAB APPLE	1 1/2" CALIPER	B & B	7
PS	PRUNUS SERRULATA	SHIRE PINK	1 1/2" CALIPER	B & B	4
QU	QUERCUS MUHLENBERGIA	SPRUCE OAK	2 1/2" CALIPER	B & B	8
RM	TAXUS CANADENSIS	CANADIAN HEMLOCK	1 1/2" CALIPER	B & B	2
RY	SCIENTIFIC NAME - SYNTHESIS	COMMON NAME	SIZE	CONDITION	# OF PLANTS
PP	PHOTOPHOTOS CANADENSIS DOGWOOD	CANADIAN HYDRANGEA	3/4" HOOKS	B & B	26
JC	JUNIPERUS CHINENSIS VAN GOLF	CHINESE JUNIPER	5 GALLON	CONTAINER	30
JS	JUNIPERUS CHINENSIS "SPEARMINT"	SPEARMINT JUNIPER	5 GALLON	CONTAINER	20
PA	PICEA ARIES	BLUE ASPEN SPRUCE	5 GALLON	CONTAINER	30
PO	PHOTOPHOTOS DELAVAYOUS	MINERVA	5 GALLON	CONTAINER	31
RM	RHODODENDRON MANNAIS	ROSEBAY RHODODENDRON	5 GALLON	CONTAINER	6
RZ	RHODODENDRON NOVA ZEMBLA	NOVA ZEMBLA RHODODENDRON	5 GALLON	CONTAINER	16
TC	TAXUS CUSPIDATA CAPITATA	LITHOSPHERE	5 GALLON	CONTAINER	27
WV	WEIGELA VARIEGA	CARDIUM SHRUB	5 GALLON	CONTAINER	34

SEDGE MEADOW SEED MIX

GRASSES & SEDGES: oz./acre

1 Carex comosa (Bristly Sedge)
1 Carex cristatella (Crested Sedge)
5 Carex frankii (Frank's Sedge)
2 Carex hystericina (Porcupine Sedge)
2 Carex lurida (Lurid Sedge)
1.5 Carex stipata (Awl Fruited Sedge)
1 Carex tribuloides (Pointed Oval Sedge)
4 Carex vulpinoidea (Fox Sedge)

64 Elymus virginicus (Virginia Wild Rye)
4 Glyceria striata (Fowl Manna Grass)
4 Leersia oryzoides (Rice Cut Grass)
4 Panicum virgatum (Switchgrass)
0.5 Scirpus atrovirens (Dark Green Bulrush)
2 Spartina pectinata (Prairie Cordgrass)

FORBES: oz./acre

2 Angelica atropurpurea (Angelica)
2 Asclepias incarnata (Swamp Milkweed)
1 Aster lirnus (Shining Aster)
1 Aster novae-angliae (New England Aster)
1 Aster puniceus (Swamp Aster)
1 Aster umbellatus (Flat-topped Aster)
1 Boltonia latisquama (False Aster)
3 Cassia hebecarpa (Wild Sienna)
2 Eupatorium perfoliatum (Boneset)
2 Helenium autumnale (Autumn Sneezeweed)
2 Liatris spicata (Dense Blazing Star)
.25 Lobelia cardinalis (Cardinal Flower)
.25 Lobelia siphilitica (Great Blue Lobelia)
.5 Mimulus reingens (Monkey Flower)
1 Penstermon digitalis (Foxglove Beardtongue)
1 Pycnanthemum virginianum (Mountain Mint)
3 Rudbeckia fulgida speciosa (Showy Black-eyed Susan)
4 Rudbeckia hirta (Black-eyed Susan)
3 Rudbeckia subtomentosa (Sweet Black-eyed Susan)
2 Silphium integrifolium (Rosinweed)
2 Silphium perfoliatum (Cupplant)
2 Silphium terebinthinaceum (Prairie Dock)
1 Solidago patula (Swamp Goldenrod)
2 Solidago riddellii (Riddell's Goldenrod)
2 Verbena hastata (Blue Vervain)
2 Vernonia fasciculata (Smooth Ironweed)
1 Veronicastrum virginicum (Culver's Root)
1 Zizia aurea (Golden Alexanders)

Bledsoe Riggert Guerrettaz
LAND SURVEYING • CIVIL ENGINEERING
1351 West Tapp Road
Bloomington, Indiana 47403
P: 812-336-8077
F: 812-336-0017

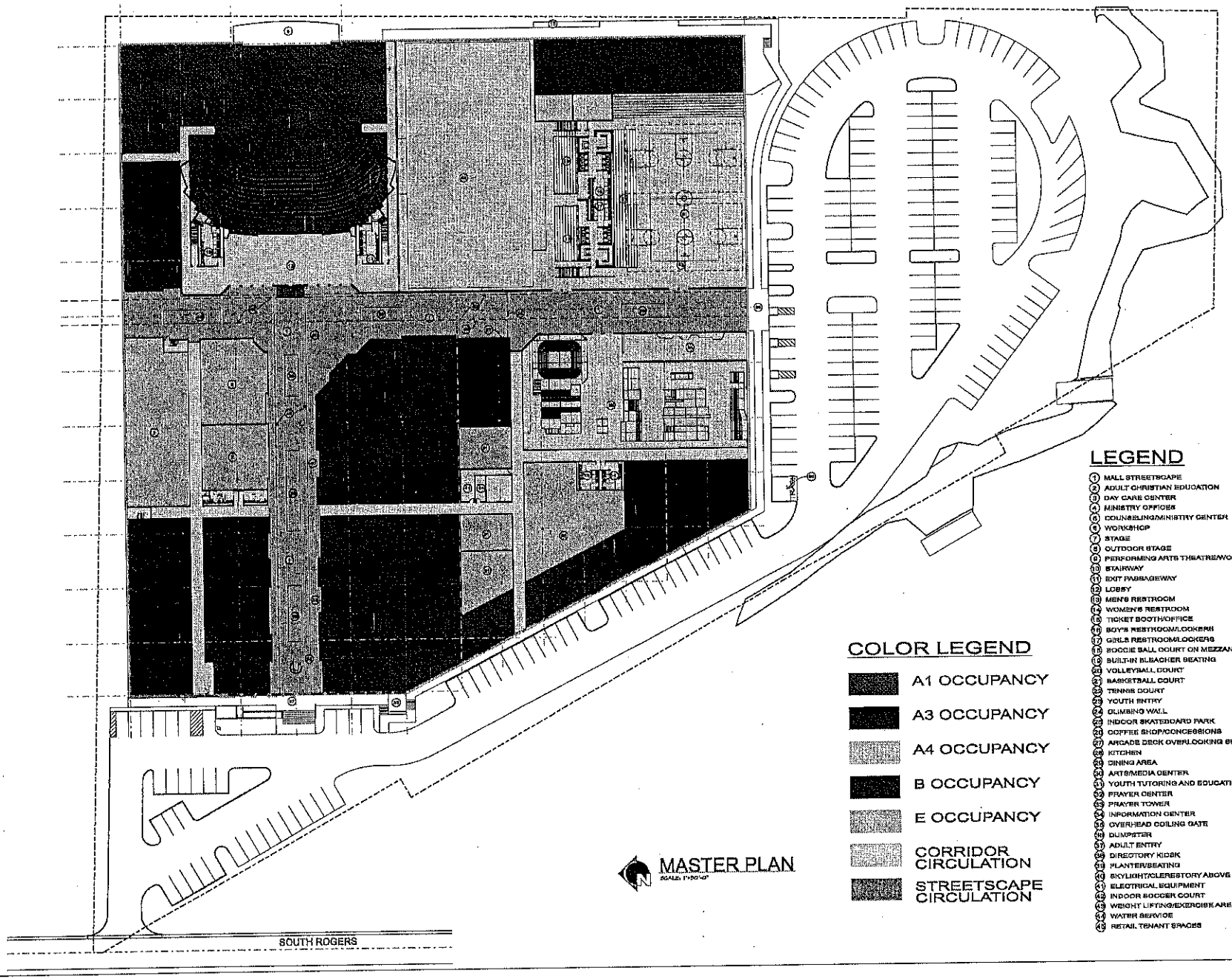
The Warehouse
by
The Family Center
1525 South Rogers Street
Bloomington, Indiana

SURVEYED BY:
DRAWN BY: G.L.K.
CHECKED BY:
DATE: OCT. 2012

LANDSCAPE PLAN

SHEET 9 OF 13

PROJECT NO. 6671



MASTER PLAN

COLOR LEGEND

- A1 OCCUPANCY
- A3 OCCUPANCY
- A4 OCCUPANCY
- B OCCUPANCY
- E OCCUPANCY
- CORRIDOR CIRCULATION
- STREETSCAPE CIRCULATION

LEGEND

1. MALL STREETSCAPE
2. ADULT CHRISTIAN EDUCATION
3. DAY CARE CENTER
4. MINISTRY OFFICES
5. COUNSELING/MINISTRY CENTER
6. WORSHIP
7. STAGE
8. OUTDOOR STAGE
9. PERFORMING ARTS THEATRE/WORSHIP CENTER
10. STAIRWAY
11. EXIT PASSAGEWAY
12. LOBBY
13. MEN'S RESTROOM
14. WOMEN'S RESTROOM
15. TICKET BOOTH/OFFICE
16. BOY'S RESTROOM/LOCKERS
17. GIRLS RESTROOM/LOCKERS
18. BOCCIE BALL COURT ON MEZZANINE LEVEL
19. BUILT-IN BLEACHER SEATING
20. VOLLEYBALL COURT
21. BASKETBALL COURT
22. TENNIS COURT
23. YOUTH ENTRY
24. CLIMBING WALL
25. INDOOR SKATEBOARD PARK
26. COFFEE SHOP/CONCESSIONS
27. ARCADE DECK OVERLOOKING SKATEBOARD PARK
28. KITCHEN
29. DINING AREA
30. ARTS/MEDIA CENTER
31. YOUTH TUTORING AND EDUCATION CLASSROOM
32. PRAYER CENTER
33. PRAYER TOWER
34. INFORMATION CENTER
35. OVERHEAD COILING GATE
36. DUMPSTER
37. ADULT ENTRY
38. DIRECTORY KIOSK
39. PLANTER/SEATING
40. SKYLIGHT/CLERESTORY ABOVE
41. ELECTRICAL EQUIPMENT
42. INDOOR SOCCER COURT
43. WEIGHT LIFTING/EXERCISE AREA
44. WATER SERVICE
45. RETAIL TENANT SPACES

ARCHITECTURAL DESIGN STUDIO
INCORPORATED
P.O. BOX 456
NASHVILLE, IN 47448
812.988.2202 VOICE
812.988.2202 FAX

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DESIGN

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REVISIONS
- △ ADDED EXIT 11.19.09
- △ EDITED MALL 11.19.09

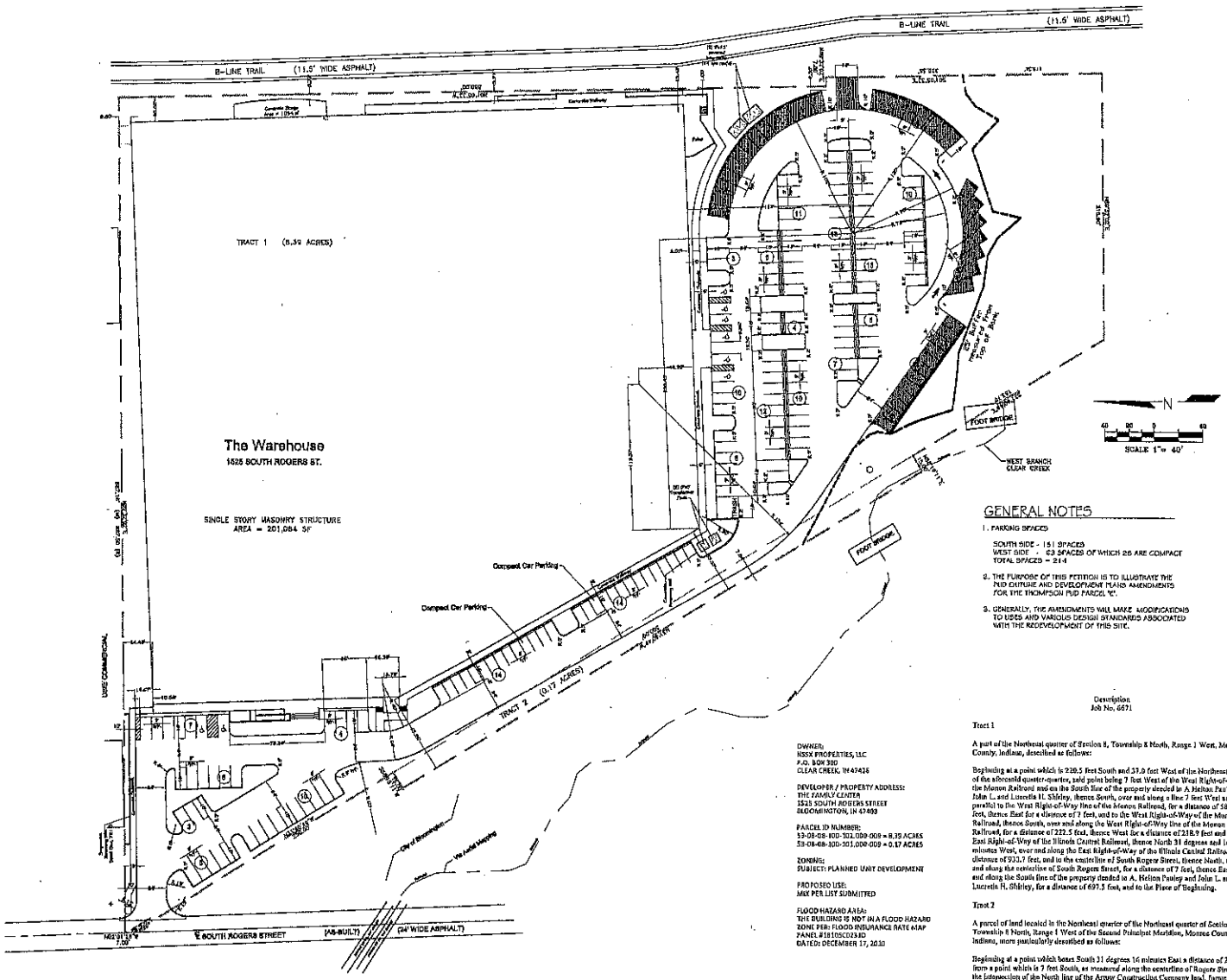
The Warehouse by the Family Center

1525 South Rogers Street, Bloomington, Indiana

COMMISSION
2009.01

DRAWN BY B. Pardue
CHECKED BY B. Pardue
ISSUE DATE 05.17.09

A1



GENERAL NOTES

1. PARKING SPACES

   SOUTH SIDE - 151 SPACES
   WEST SIDE - 63 SPACES OF WHICH 26 ARE COMPACT
   TOTAL SPACES = 214

2. THE PURPOSE OF THIS PETITION IS TO ILLUSTRATE THE PUD OUTLINE AND DEVELOPMENT PLANS AMENDMENTS FOR THE THOMPSON PUD PARCEL "C".

3. GENERALLY, THE AMENDMENTS WILL MAKE MODIFICATIONS TO USES AND VARIOUS DESIGN STANDARDS ASSOCIATED WITH THE REDEVELOPMENT OF THIS SITE.

OWNER:
NSSX PROPERTIES, LLC
P.O. BOX 300
CLEAR CREEK, IN 47426

DEVELOPER / PROPERTY ADDRESS:
THE FAMILY CENTER
1525 SOUTH ROGERS STREET
BLOOMINGTON, IN 47403

PARCEL ID NUMBER:
53-08-08-100-301.000-009 = 8.39 ACRES
53-08-08-100-301.000-009 = 0.17 ACRES

ZONING:
SUBJECT: PLANNED UNIT DEVELOPMENT

PROPOSED USE:
MIX PER LIST SUBMITTED

FLOOD HAZARD AREA:
THE BUILDING IS NOT IN A FLOOD HAZARD
ZONE PER: FLOOD INSURANCE RATE MAP
PANEL #18105C0233D
DATED: DECEMBER 17, 2010

Description
Job No. 6671

Tract 1

A part of the Northeast quarter of Section 8, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows:

Beginning at a point which is 220.5 feet South and 37.0 feet West of the Northeast corner of the aforesaid quarter-quarter, said point being 7 feet West of the West Right-of-Way of the Monon Railroad and on the South line of the property deeded to A. Helton Pauley and John L. and Lucretia H. Shirley, thence South, over and along a line 7 feet West and parallel to the West Right-of-Way line of the Monon Railroad, for a distance of 580.0 feet, thence East for a distance of 7 feet, and to the West Right-of-Way of the Monon Railroad, thence South, over and along the West Right-of-Way line of the Monon Railroad, for a distance of 222.5 feet, thence West for a distance of 218.9 feet and to the East Right-of-Way of the Illinois Central Railroad, thence North 31 degrees and 16 minutes West, over and along the East Right-of-Way of the Illinois Central Railroad for a distance of 933.7 feet, and to the centerline of South Rogers Street, thence North, over and along the centerline of South Rogers Street, for a distance of 7 feet, thence East, over and along the South line of the property deeded to A. Helton Pauley and John L. and Lucretia H. Shirley, for a distance of 697.5 feet, and to the Place of Beginning.

Tract 2

A parcel of land located in the Northeast quarter of the Northeast quarter of Section 8, Township 8 North, Range 1 West of the Second Principal Meridian, Monroe County, Indiana, more particularly described as follows:

Beginning at a point which bears South 31 degrees 16 minutes East a distance of 250 feet from a point which is 7 feet South, as measured along the centerline of Rogers Street, of the Intersection of the North line of the Arrow Construction Company land, formerly owned by Mary Burke, deceased, and said center line of Rogers Street; thence South 58 degrees 44 minutes West a distance of 15 feet; thence South 31 degrees 16 minutes East a distance of 500 feet; thence North 58 degrees 44 minutes East a distance of 15 feet; thence North 31 degrees 16 minutes West a distance of 500 feet to the Point of Beginning, containing an area of 7500 square feet, more or less.

Bledsoe Riggert Guerrettaz
LAND SURVEYING · CIVIL ENGINEERING
1351 West Tapp Road
Bloomington, Indiana 47403
P: 812-336-6577
F: 812-336-0617

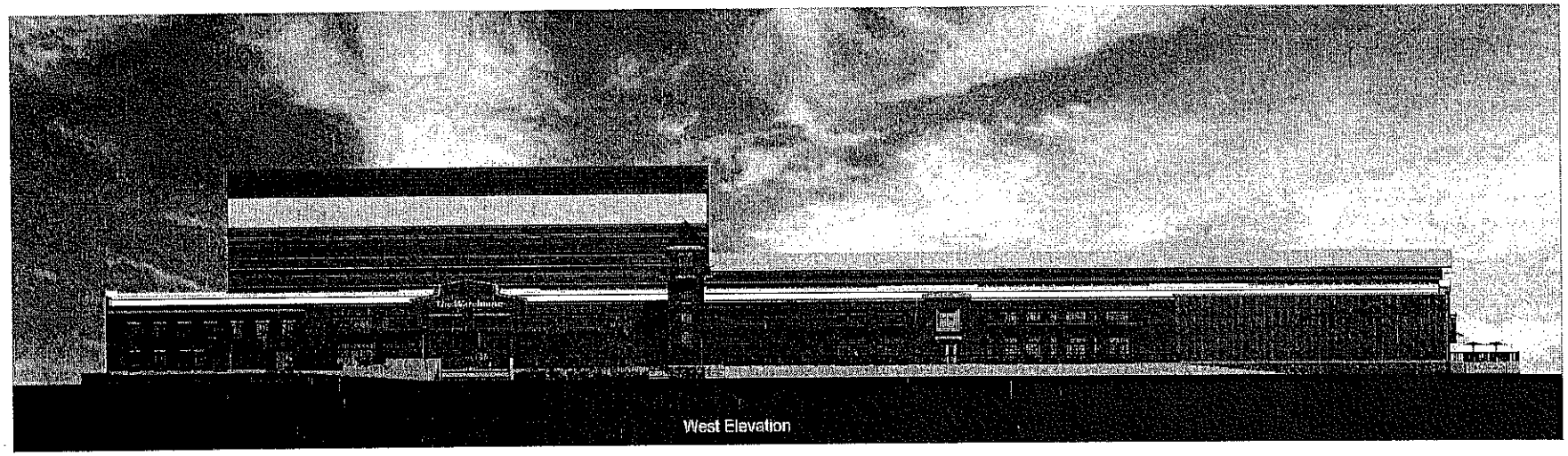
The Warehouse
by
The Family Center
1525 South Rogers Street
Bloomington, Indiana

SURVEYED BY:
DRAWN BY: DLK
CHECKED BY:
DATE: OCT. 2011

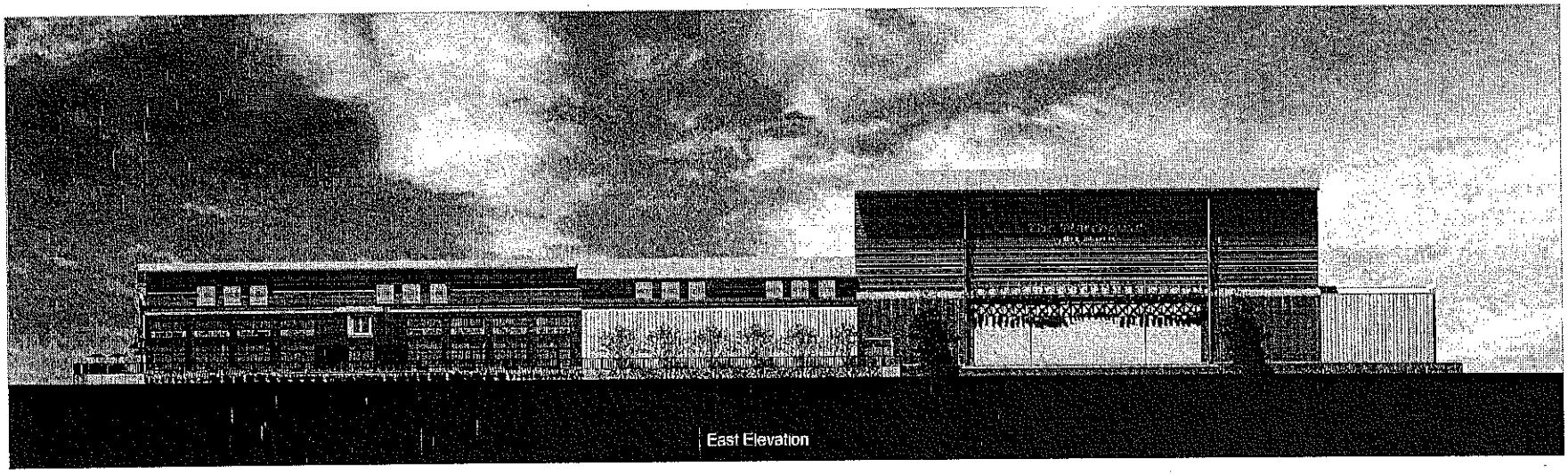
SITE PLAN

SHEET 3 OF 13

PROJECT NO. 6671



West Elevation



East Elevation

ARCHITECTURAL
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812.988.2203 VOICE
812.988.2282 FAX

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REVISIONS

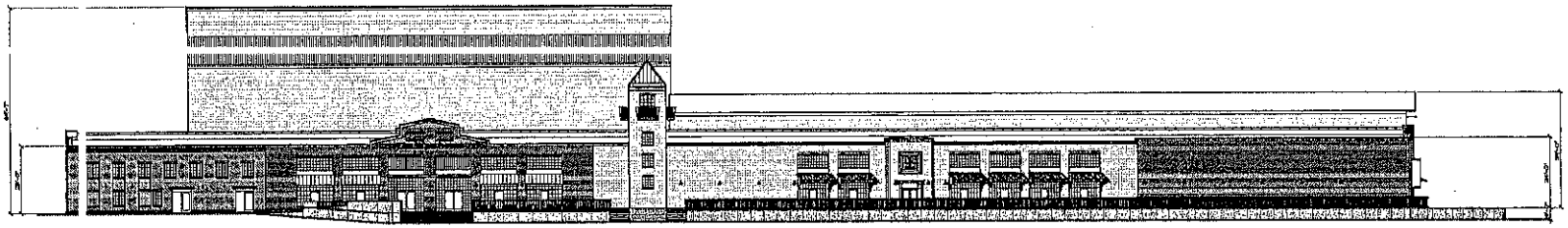
The Warehouse
by the Family Center

1225 South Rogers Street, Bloomington, Indiana

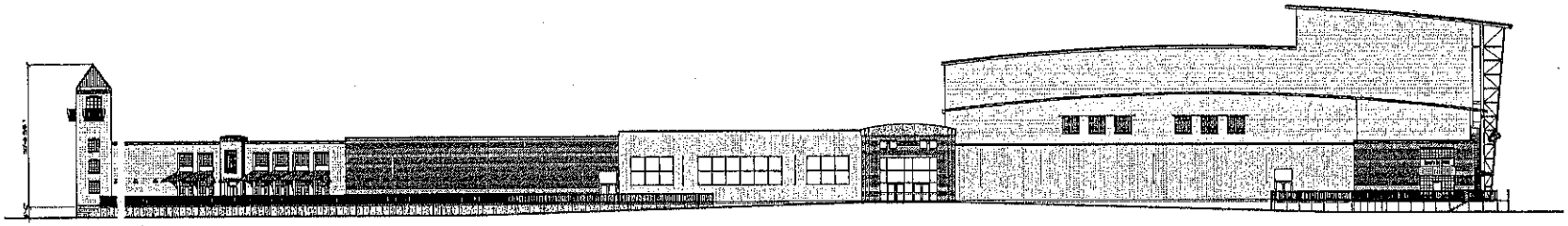
COMMISSION
2009.01

DRAWN BY B. Perdue
CHECKED BY B. Perdue
ISSUE DATE

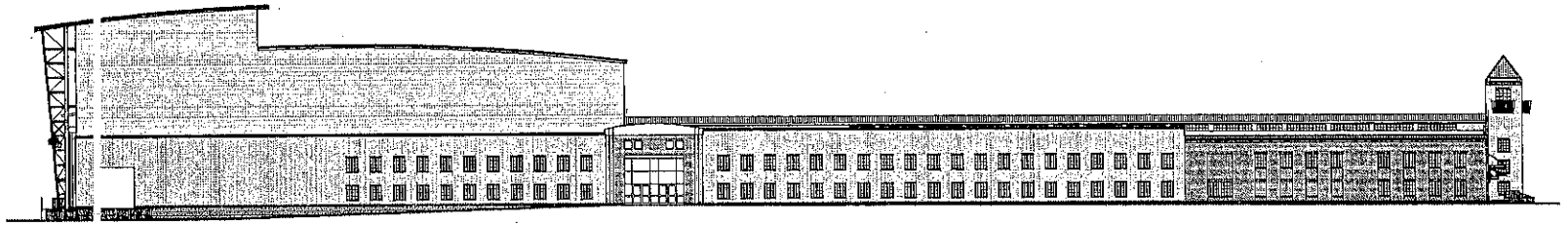
A2



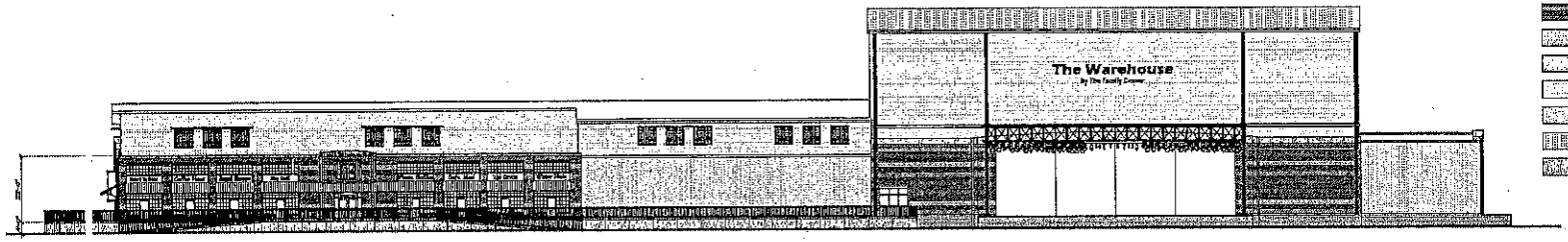
WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION

- BRICK COLOR A
- BRICK COLOR B
- BRICK COLOR C
- SPLIT FACE BLOCK
- LIMESTONE TRIM
- HORIZONTAL CORRUGATED METAL SIDING
- VERTICAL CORRUGATED METAL SIDING
- METAL ROOFING
- EXPOSED CONCRETE

ARCHITECTURAL DESIGN STUDIO
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The Warehouse by the Family Center

1525 South Rogers Street, Bloomington, Indiana

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A3

The Warehouse
by the Family Center

1525 South Rogers Street, Bloomington, Indiana

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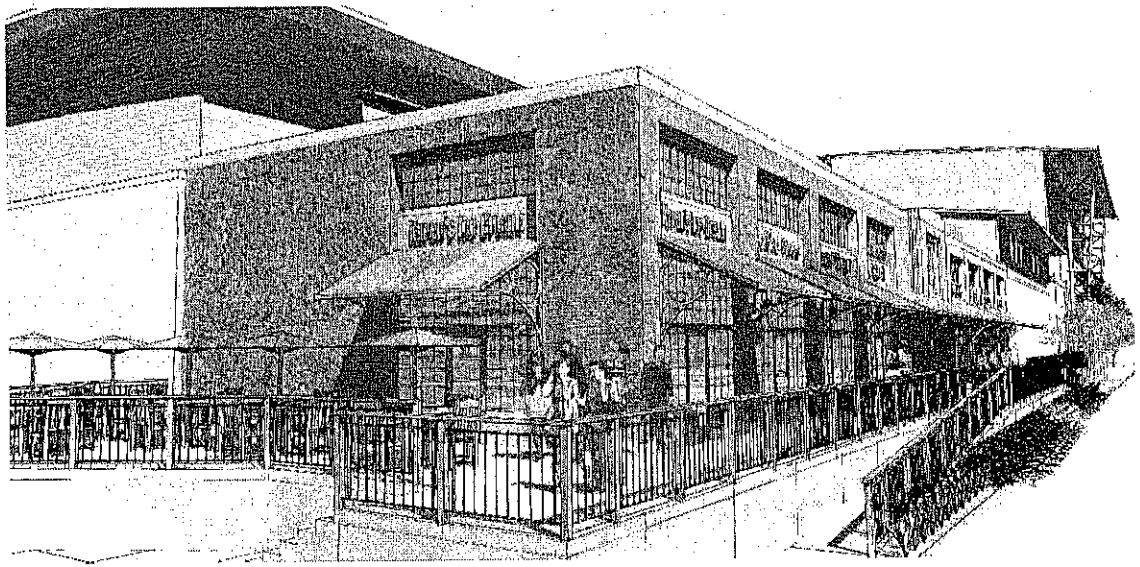
A2

Main Entry Looking Southeast



Retail Spaces Along Trail Looking Northwest

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A4

RULES FOR THE SPECIAL FLOOD HAZARD AREAS WITHIN TRACT E(a) OF THE THOMSON AREA PLANNED UNIT DEVELOPMENT
PUD District Case number PUD-28-11, Ordinance number _____
1525 South Rogers Street

Article 1. Statutory Authorization, Findings of Fact, Purposes, and Objectives.

Section A. Statutory Authorization.

The City of Bloomington, Indiana Unified Development Ordinance (UDO) is adopted by the City pursuant to its authority under the laws of the State of Indiana, The Bloomington Municipal Code (BMC), Indiana Code IC 36-7-4 and IC 14-28-4, and all other applicable authorities and provisions of Indiana statutory and common law. Therefore, the City of Bloomington, Indiana hereby adopts the following floodplain management regulations for the Thomson Area, Tract E(a) Planned Unit Development through Amendment PUD-28-11.

Section B. Findings of Fact.

(1) The flood hazard areas of Tract E(a) of the Thomson Area PUD are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose.

These floodplain regulations are being adopted in conjunction with a PUD Preliminary Plan Amendment within the Thomson Area PUD. This amendment will allow for new development of a building addition, stage, stairways, and parking lots within the floodway on Tract E(a) of the Thomson Area PUD. Development of this portion of the Tract will also include a remodel, including height increase, to a commercial building that appears to be out of the floodplain of Clear Creek.

The purpose of this PUD district ordinance is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,

(6) Make federally subsidized flood insurance available for structures and their contents in the PUD district by fulfilling the requirements of the National Flood Insurance Program.

Section D. Objectives.

The objectives of this PUD district ordinance are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;

(6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;

(7) To ensure that potential property owners are notified that this land is in a special flood hazard area.

Article 2. Definitions.

Unless specifically defined below, words or phrases used in this PUD district ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

A zone means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.
Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)
Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.
Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.
Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.
Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

Accessory structure (appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood Elevation (BFE) means the elevation of the one-percent annual chance flood.

Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Building - see "Structure."

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development means any man-made change to improved or unimproved real estate including but not limited to:
(1) construction, reconstruction, or placement of a structure or any addition to a structure;
(2) installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
(3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
(4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
(5) mining, dredging, filling, grading, excavation, or drilling operations;
(6) construction and/or reconstruction of bridges or culverts;

(7) storage of materials; or
(8) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Elevated structure means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

Elevation Certificate is a FEMA form for recording a certified statement that verifies a structure's elevation information. Elevation Certificates can only be completed by a licensed land surveyor, engineer, or architect who is licensed by the State of Indiana to perform such functions. Elevation Certificates must be on file with the City of Bloomington, Indiana for every structure within the SFHA that has been constructed or substantially improved since July 28, 1972.

Encroachment means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction means any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

Five-hundred year flood (500-year flood) means the flood that has a 0.2 percent chance of being equaled or exceeded in any year.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Flood Prone Area means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

Flood Protection Grade (FPG) is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see "Freeboard")

Floodplain means the channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this PUD district ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Floodproofing (dry floodproofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Floodway is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe is the portions of the floodplain lying outside the floodway.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship (as related to variances of this PUD district ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The City of Bloomington, Indiana, Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic structure means any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Increased Cost of Compliance (ICC) means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the Thomson Area PUD ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Letter of Map Amendment (LOMA) means an amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR) means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F) means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means the lowest of the following:
(1) the top of the lowest level of the structure;
(2) the top of the basement floor;
(3) the top of the garage floor, if the garage is the lowest level of the structure;
(4) the top of the first floor of a structure elevated on pilings or pillars;
(5) the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
a). the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls having a total net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,
b). such enclosed space shall be usable solely for the parking of vehicles and building access.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map amendment means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Map panel number is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Market value means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) of 1929 as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-hundred year flood (100-year flood) is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one percent annual chance flood. See "Regulatory Flood".

One-percent annual chance flood is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

Participating community is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Physical Map Revision (PMR) is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Planned Unit Development (PUD) is a large-scale unified development approved under the provisions of Chapter 20.04: Planned Unit Development Districts of the Unified Development Ordinance. Generally a Planned Unit Development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and/or required open space to the regulations established in any district of the Unified Development Ordinance. A planned development requires approval through a zoning map amendment. The uses and standards expressed in the PUD District Ordinance constitute the use and development regulations for the Planned Unit Development site in lieu of the regulations for a standard zoning district.

Post-FIRM construction means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

Pre-FIRM construction means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Probation is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Public safety and nuisance, anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle means a vehicle which is
(1) built on a single chassis;
(2) 400 square feet or less when measured at the largest horizontal projections;
(3) designed to be self-propelled or permanently towable by a light duty truck; and
(4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regular program means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 3. Section B of this PUD ordinance. The "Regulatory Flood" is also known by the terms "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

Section 1316 is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Special Flood Hazard Area (SFHA) means those lands within the jurisdictions of the City of Bloomington, Indiana subject to inundation by the regulatory flood. The SFHAs of the Thomson Area PUD are generally identified as such on the Monroe County, Indiana and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated December 17, 2010. These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO.

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing,

grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

Suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Variance is a grant of relief from the requirements of this PUD district ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with this PUD district ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation means the height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Zone means a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

Zone A means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM, and are all subject to mandatory flood insurance purchase requirements.

Zone B, C, and X means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

Zone X means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Article 3. General Provisions.

Section A. Lands to Which This Ordinance Applies.

This ordinance shall apply to all SFHAs and known flood prone areas within the jurisdiction of Tract E(a) of the Thomson Area PUD District.

Section B. Basis for Establishing Regulatory Flood Data.

This PUD district ordinance protection standard covers the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

(1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of Tract E(a) of the Thomson Area PUD shall be delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Monroe County, Indiana and Incorporated Areas and the corresponding FIRM prepared by the Federal Emergency Management Agency and dated December 17, 2010.

(2) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of Tract E(a) of the Thomson Area PUD, delineated as an "A Zone" on the Monroe County, Indiana and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated December 17, 2010, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

(3) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and floodway fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

Section C. Establishment of Floodplain Development Permit.

A Floodplain Development Permit, Building Permit, Grading Permit, or any other local, state, or federal permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities or land disturbing activities in areas of special flood hazard.

Section D. Compliance.

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this PUD district ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions.

This PUD district ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

Section F. Discrepancy between Mapped Floodplain and Actual Ground Elevations.

(1) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

(2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(3) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

Section G. Interpretation.

In the interpretation and application of this ordinance all provisions shall be:
(1) Considered as minimum requirements; and

(2) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section H. Warning and Disclaimer of Liability.

The degree of flood protection required by this PUD district ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the City of Bloomington, Indiana, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

Section I. Penalties for Violation Within Tract E(a) of the Thomson PUD.

Failure to obtain a Final PUD Plan and all applicable local, state, and federal permits in the SFHA, or failure to comply with the requirements of them or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Unified Development Ordinance (UDO) for the City of Bloomington, Indiana. All violations shall be punishable according to the rules in Title 20 of the UDO.
(1) A separate offense shall be deemed to occur for each day the violation continues to exist.

(2) The City of Bloomington, Indiana shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(3) Nothing herein shall prevent the City of Bloomington, Indiana from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Article 4. Administration.

Section A. Designation of Administrator.

The City of Bloomington, Indiana has appointed The Planning Director or his/her designee to administer and implement the provisions of this PUD district ordinance and is herein referred to as the Floodplain Administrator.

Section B. Permit Procedures.

Application for a PUD Final Plan shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

(1) Application stage.

a). A description of the proposed development;
b). Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
c). A legal description of the property site;
d). A site development plan showing existing and proposed development locations and existing and proposed land grades;
e). Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;
f). Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed, and;
g). Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) Construction stage.
Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification on a FEMA Elevation Certificate form of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this PUD district ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

(1) Review all floodplain development permits to assure that the permit requirements have been satisfied;

(2) Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;

(3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to this PUD district ordinance, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)

(4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;

(5) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;

(6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this PUD district ordinance.

(7) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community;

(8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures;

(10) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed;

(11) Review certified plans and specifications for compliance.

(12) Stop Work Orders

a). Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this PUD district ordinance shall immediately cease.
b). Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(13) Revocation of Permits

a). The floodplain administrator may revoke a permit or approval, issued under the provisions of this PUD district ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
b). The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

(14) Other Enforcement and Penalties
In addition to the contents of this PUD district ordinance, all enforcement procedures and penalties described in the UDO, Chapter 20.10 Enforcement and Penalties, shall apply to this PUD district ordinance.

(15) Inspect sites for compliance. For all new and/or substantially improved buildings constructed in the SFHA, inspect before, during and after construction. Authorized City of Bloomington, Indiana officials shall have the right to enter and inspect properties located in the SFHA.

Article 5. Provisions for Flood Hazard Reduction.

Section A. General Standards.

In all SFHAs and known flood prone areas the following provisions are required:

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(2) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the Flood Protection Grade (FPG);

(3) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(4) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;

(5) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(7) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this PUD district ordinance shall meet the requirements of "new construction" as contained in this ordinance;

(8) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further, extended, or replaced;

(9) Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.

a). The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located;
b). Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled;
c). The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water;
d). The fill or structure shall not obstruct a drainage way leading to the floodplain;
e). The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water;
f). The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement; and,
g). Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a

certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.

(10) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

Section B. Specific Standards.

In the SFHAs of Tract E(a) of the Thomson Area PUD, the following provisions are required:

(1) In addition to the requirements herein this PUD district ordinance, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

a). Construction or placement of any new structure having a floor area greater than 400 square feet;
b). Addition or improvement made to any existing structure:
(i) where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land);
(ii) with a previous addition or improvement constructed since the community's first floodplain ordinance.
c). Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred;
d). Installing a travel trailer or recreational vehicle on a site for more than 180 days.
e). Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
f). Reconstruction or repairs made to a repetitive loss structure.

(2) **Residential Construction.** New construction or substantial improvement of any residential structure (or manufactured home) shall be prohibited in a floodway.

(3) **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards herein. Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

a). A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure

design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth herein).
b). Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(4) **Elevated Structures.** New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG. Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

a). provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area); and
b). all openings shall be located entirely below the BFE; and
c). the bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and
d). openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and
e). openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device; and
f). access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
g). the interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and
h). the interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade; and
i). where elevation requirements exceed 6 feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy.

(5) **Structures Constructed on Fill.** A residential or nonresidential structure may be constructed on permanent land fill in accordance with the following:

a). The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method;
b). The fill shall extend at least ten feet beyond the foundation of the structure before sloping below the FPG;

c). The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical;
d). The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties; and
e). The top of the lowest floor including basements shall be at or above the FPG.

(6) **Standards for Manufactured Homes and Recreational Vehicles.** Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

a). The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;

(i) outside a manufactured home park or subdivision;

(ii) in a new manufactured home park or subdivision;

(iii) in an expansion to an existing manufactured home park or subdivision; or

(iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.
b). The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.
c). Manufactured homes with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section B. 4.
d). Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
e). Recreational vehicles placed on a site shall either:

(i) be on site for less than 180 days; and,

(ii) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(iii) meet the requirements for "manufactured homes" as stated earlier in this section.

Section C. Standards for Subdivision Proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.

(5) All subdivision proposals should minimize development in the SFHA and/or limit density of development permitted in the SFHA.

(6) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

Section D. Critical Facility.

Construction of new critical facilities should be located outside the limits of the SFHA. Construction of new critical facilities may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities within the SFHA.

Section E. Standards for Identified Floodways.

Located within SFHAs are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential.

If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met.

The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot. For all projects involving channel modifications or fill (including levees) the City of Bloomington, Indiana shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

Section F. Standards for Identified Fringe.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Article 5 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

Section G. Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes.

(1) Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Article 5 of this ordinance have been met.

(2) Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this PUD district ordinance have been met.

(3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

Section H. Standards of Flood Prone Areas.

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per Article 5. Section A (1) through (10).

Article 6. Variance Procedures.

Section A. Designation of Variance and Appeals Board.

Because this document is a Planned Unit Development District Ordinance, the Plan Commission as established by the City of Bloomington, Indiana shall hear and decide appeals and requests for variances from requirements of this PUD district ordinance. If an appeal or variance is granted to a Petitioner, the rule change shall be manifested through a PUD District Ordinance amendment.

Section B. Duties of Variance and Appeals Board.

The Plan Commission shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the Plan Commission may appeal such decision to the Board of Zoning Appeals.

Section C. Variance Procedures.

In passing upon such applications, the Plan Commission shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

(1) The danger of life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3) The importance of the services provided by the proposed facility to the community;

(4) The necessity to the facility of a waterfront location, where applicable;

(5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(6) The compatibility of the proposed use with existing and anticipated development;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,

(10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Section D. Conditions for Variances.

(1) Variances shall only be issued when there is:

a). A showing of good and sufficient cause;
b). A determination that failure to grant the variance would result in exceptional hardship; and,
c). A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(2) No variance for a residential use within a floodway may be granted.

(3) Any variance granted in a floodway will require a permit from the Indiana Department of Natural Resources.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

(6) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest

floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(7) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

Section E. Variance Notification.

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and;

(2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

Section F. Historic Structures.

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design or the structure.

Section G. Special Conditions.

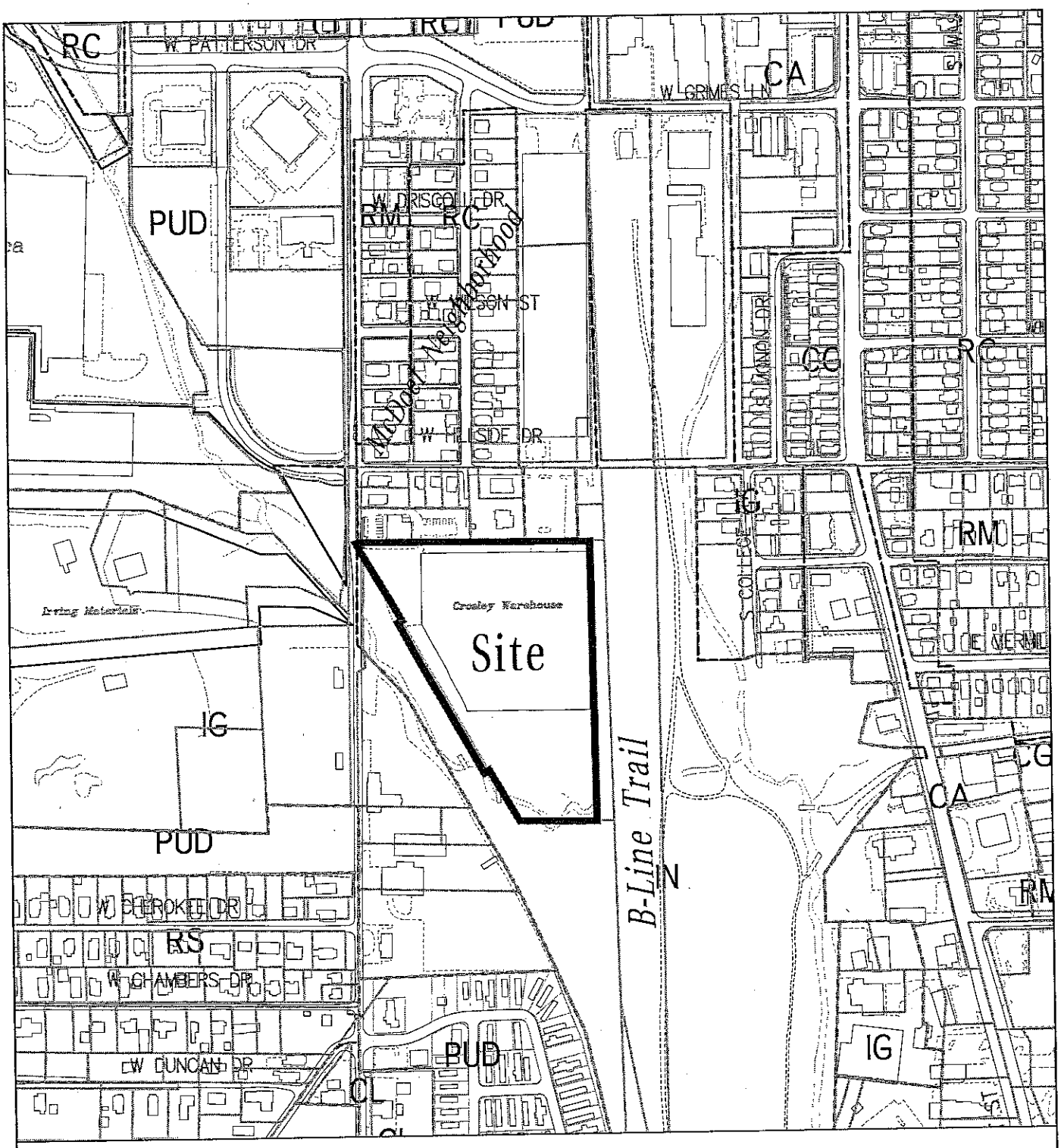
Upon the consideration of the factors listed herein, and the purposes of this PUD district ordinance, the Plan Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Article 7. Severability.

If any section, clause, sentence, or phrase of this Tract E(a) of the Thomson Area PUD Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this PUD district ordinance.

Article 8. Effective Date.

This ordinance shall take effect upon its passage by the City of Bloomington Indiana, Common Council.



PUD–28–11 Warehouse Community Center

1525 S Rogers Street

Plan Commission

Site Location, Zoning, Parcels, Land Use

By: greulice

3 Nov 11

400 0 400 800 1200

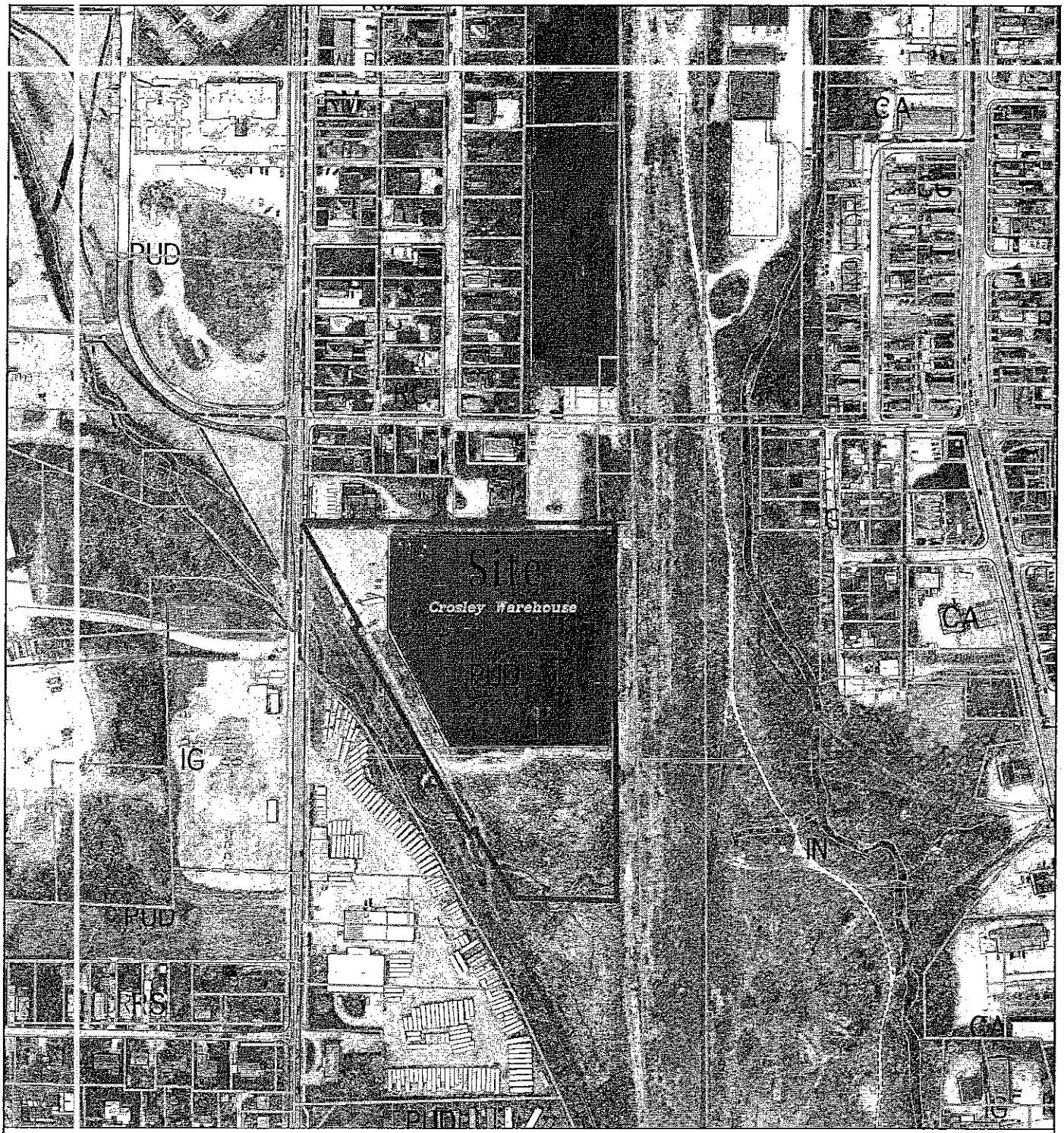
N

City of Bloomington
Planning

Scale: 1" = 400'

For reference only; map information NOT warranted.

ATTACHMENTS FOR ORD 12-03



PUD-28-11 Warehouse Community Center

1525 S Rogers Street

Plan Commission

2010 Aerial Photograph

By: greulice

3 Nov 11

300 0 300 600 900

N

City of Bloomington
Planning

Scale: 1" = 300'

For reference only; map information NOT warranted.