City of Bloomington Indiana

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

Office of the Common Council
(812) 349-3409
Fax: (812) 349-3570
email: council@bloomington.in.gov

To: Council Members
From: Council Office
Re: Weekly Packet Memo
Date: January 28, 2005

Packet Related Material

Memo
Agenda
Calendar

Notices and Agendas:

None

Reports – from Committees:

Sidewalk Report

- Report; Summary of Recommendations; Estimates and Aerials; History of Funding

Contact: Chris Sturbaum at 349-3409 or sturbauc@bloomington.in.gov
Dan Sherman at 349-3562 or shermand@bloomington.in.gov

Legislation for Final Action:

Res 05-01 To Approve the Certified Technology Park Agreement between the City, the Redevelopment Commission and the Indiana Department Of Commerce

(Please see the packet distributed for the January 26, 2005 Committee of the Whole for the legislation, summary, and background material.)

Contact: Ron Walker at 349-3534 or walker@bloomington.in.gov

Legislation and Background Material for First Reading:

Ord 05-04 To Amend the Bloomington Zoning Maps from IL/IS to CG - Re: 1615 W. 3rd Street (Kenneth Nunn, Petitioner)

- Zoning Map; Topographical Maps of the Area; Certification (8 – 0); Memo from James Roach, Senior Zoning Planner; Staff Report for January 10, 2005 and December 6, 2004 Plan Commission meetings; Recommendation from the Bicycle and Pedestrian Safety Commission; Letter from Petitioner; Recordable Commitments; Excerpts from the Growth Policies Plan

Contact: Jim Roach at 349-3527 or roachja@bloomington.in.gov

Ord 05-05 To Vacate a Public Parcel - Re: A Right-of-Way Located at 600 West 6th Street Which Runs North /South Between 6th Street and 7th Street and Fairview Street and Jackson Street (Fairview United Methodist Church, Petitioner)

- Maps of the Surrounding Area and Adjacent Property; Photographs; Memo from Lynne Friedmeyer, Zoning and Enforcement Manager; Petition;

Letter from Petitioner; Letters to and Responses from Utilities; Approval from the Board of Public Works; Excerpts from the Growth Policies Plan

Contact: Lynne Friedmeyer at 349-3529 or friedmel@bloomington.in.gov

Ord 05-06 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District - Re: "The Garton Farm" at 2820 - 2920 East 10th Street (Bloomington Restorations, Inc., Petitioner)

- Map of the District; Report; Photos of the Six Buildings; Nomination for National Register of Historic Places

Contact: Nancy Hiestand at 349-3507 or hiestann@bloomington.in.gov

Ord 05-07 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District - Re: "The Fleener Building" at 112 East 3rd Street (Bloomington Historic Preservation Commission, Petitioner)

- Map; Report from Nancy Hiestand, Housing Coordinator; Photographs of Buildings; Article on "Hot Tomale" Joe from the IDS and Photo from History of Bloomington 1818 – 1968; Letter from Representative of Property Owner Indicating Opposition to Designation

Contact: Nancy Hiestand at 349-3507 or hiestann@bloomington.in.gov

Minutes from Regular Session:

None

Memo

One Resolution and One Report Ready for Final Action and Four Ordinances Ready for Introduction at the Regular Session on February 2nd, 2005

There is a resolution and report ready for final action and four ordinances ready for first reading at your Regular Session next week. The resolution, **Res 05-02**, which approves the Certified Technology Park agreement, can be found in the packet prepared for the January 26th meeting. The sidewalk report, which is from the **Council Sidewalk Committee**, and the four ordinances, which include a rezone for Ken Nunn (**Ord 05-04**), a vacation of right-of-way for Fairview United Methodist Church **(Ord 05-05)** and two historic designations (**Ord 05-06** – The Garton Farm – and **Ord 05-07** – The Fleener Building) are summarized below and included with this material.

Committee Reports - Sidewalk Report for 2005

The Council Sidewalk Committee has submitted its 2005 Report to the full Council for approval next week. The report and accompanying record of recommendations, project summaries, and history of funding are all included in this packet. The Committee consists of four council members appointed by the President of the Council and includes council members Diekhoff, Mayer, Rollo, and Sturbaum. It is helped by personnel from the Public Works, Engineering, Planning, HAND, Parks and Recreation, Clerk and Council departments. (Please see the Report for the names of these persons – who make the work of this Committee possible.)

The Committee meets and makes recommendations to the full Council regarding the allocation of Alternative Transportation Fund monies. These monies are surplus revenue from the City's residential neighborhood parking program. After meeting three times over December and January it made the following recommendations:

1. Allocate the $185,000 of Alternative Transportation Funds appropriated in 2005 in the following manner:

$185,000	**Annual Appropriation**
- $15,000	**Traffic Calming**
$170,000	**Sidewalk Projects**

2. Use unspent and unencumbered Alternative Transportation Funds from previous years in the following manner:

$148,400	**Balance in ATF**
- $135,242.68	**Sidewalk Projects**
$12,975.32	**Reserve**

3. Fund the following projects:

2004 Proposals

- **Sidewalk on Nancy Street from Ruby Lane to Marilyn Drive (west side) - $45,627.52**
- **Sidewalk on Jefferson Street from 7th to 8th Street (east side) - $114,000**
- **Sidewalk on Winfield Road from Fairoaks Lane to existing Sidewalk south of Rechter Road (east side) - $27,000 for labor**

- **with cost of materials (approximately $18,096) being contributed by the developer of the Renwick PUD (Wininger/Stolberg)**

2005 Proposals

- **Sidewalk on Maxwell Lane from Clifton Sidepath to High Street (north side) - $65,175**

- **Sidewalk on Queens Way from Chelsea to Sussex (south side) - $35,729**

- **Design of sidewalk on Marilyn from Nancy Street to High Street (south side) - $11,497,54**

- **Design for sidewalk on Roosevelt from 4th to 5th Street (east side) - $6,395.62**

Note: *The 2006 Committee intends to meet in mid-September 2005 in order to make recommendations regarding 2006 projects by mid-January. This schedule will help the Engineering Staff begin work on the design of these projects over the winter months and hopefully, will result in the completion of more projects the year in which they are funded.*

First Readings

Item One - Ord 05-04 – Rezoning 2.45 Acres of Land at 1615 West 3rd Street from IL/IS to CG (Ken Nunn Petitioner)

Ord 05-04 would grant a request from Ken Nunn to rezone five lots at 1615 West 3rd Street from Limited Industrial with a Special Industrial Overlay (IL/IS) to General Commercial (CG) with the addition of some recordable commitments. The following summary is based upon a memo, staff reports, and background provided by James Roach in the Plan Department.

Site. These five lots occupy approximately 2.45 acres on the south side of West 3rd Street across from Westplex Avenue. All five lots are vacant and, as a whole, drop 26 feet from the north to the south with fill dirt on the north and a drain way and a few scattered trees on the south.

History of Zoning and Surrounding Uses. These lots were zoned General Manufacturing from 1973 to 1995 when, as part of the remapping of the City, they

were rezoned Limited Industrial with a Special Industrial Overlay (IL/IS). The acreage is surrounded by Commercial Arterial and PUD zoned land on the north side of 3rd Street, IL/IS zoned land on east and south (the former Rogers Building Supplies site), and a small commercial parcel of IL/IS land as well as the Landmark PUD on the west.

GPP – CAC and Subarea Plan. The Growth Policies Plan designated the property along West 3rd, Patterson Drive, and South Adams as a Community Activity Center (CAC) and examined this and the surrounding area in the Adams Street/Patterson Drive Subarea Plan.

The CAC is the City's mid-level commercial center which is expected to draw cars from throughout the community, but still attract pedestrians from nearby areas. With that in mind, the GPP recommends that we:

- locate CACs at intersections of collector or arterial streets in order to provide access for cars without overwhelming the facilities for pedestrians;
- require good access to public transit and connections to the greenways system;
- limit commercial, retail and services uses to a medium scale;
- place any residential uses on second floors, in the center of the development, and away from the traffic corridors;
- place buildings close to, but separate sidewalks from roadways, and carefully plan parking – all in order to optimize pedestrian usage of the site;
- offer more intense residential or commercial uses in order to gain more open space; and
- restrict street cuts; and
- bury utilities.

The Adams Street/Patterson Drive Subarea largely consists of underdeveloped or underutilized commercial properties which should see a better quality of site planning as well as more and diverse services with development or redevelopment. The portions of the Subarea Plan most relevant to this site recommend that we:

- encourage diverse, medium scaled commercial retail and services uses;
- conveniently locate commercial uses so that they serve employment uses;
- tightly control access onto West 3rd Street;
- augment landscaping, provide greenspace, place buildings near the roadway;

- connect pedestrian ways between West 3rd and Bloomfield Road; and
- seek additional storm water detention.

Rezoning from IL/IS to CG. The developer sought CA zoning in order to develop it himself or market it to others for that purpose. The Plan Commission favored commercial over the existing manufacturing uses and concluded the site was too small to offer the mix of uses and site plan options that might warrant a Planned Unit Development. However, it recommended the more restrictive General Commercial (CG) zoning in order to reduce the amount of traffic that would be expected to visit the site. According to James Roach's memo, "CG zoning allows for all the same uses a CA with the exception of some drive-through uses, outdoor retail uses (such as automobile sales), kennels, mini-warehouses and cellular telephone towers." *(Please see the comparison of the two districts after the staff report for the first hearing in the background material.)*

Bicycle and Pedestrian Safety Commission (BPSC) Memo The BPSC made a number of recommendations that have been largely incorporated into the commitments.

Recordable Commitments. The developer agreed to record the following commitments regarding the development of this parcel:

Architecture. No buildings on the property shall have:
- any metal exterior metal siding;
- more than 30% of the exterior siding in vinyl or smooth-face concrete on sides visible from 3rd Street;
- a roof with less than a 4-in-12 pitch.

Access. There will be:
- one principal access to 3rd Street, which shall be aligned with Westplex Avenue; and
- the possibility of a right-out access to be decided with approval of the plan.

Building Forward Design. The developer will construct at least 40% of the building frontage at the setback line along West 3rd Street with the parking for those buildings placed away from the street.

Streetscape: The developer will:
- replace and relocate the existing sidewalk,

- provide pedestrian access to buildings along the street;
- install additional street trees, dedicate greenspace, install foundation landscaping consistent with entrance corridor plans.

Dedication of Right-of-Way. The developer agrees to dedicate an additional 5 feet of right-of-way to be consistent with the Master Thoroughfare Plan and do so prior to the approval of any site plans.

Easements. The developer will:

- dedicate drainage and utility easement and conservation area on the southern portion of the site;
- plot and re-plat or record in site plan the existing sewer line; and
- dedicate cross access to adjacent sites to the east and west.

Enforcement History of the Developer. The report for the first hearing at the Plan Commission noted that this owner has developed two sites in relation to his law firm and that there were some zoning violations at the site of his new offices that were all corrected expeditiously.

Recommendation. After a hearing on December 6, 2004 and January 10, 2005, the Plan Commission voted 8 – 0 – 0 to recommend approval of this rezone request on the condition that the developer must:

- sign, notarize, and record the commitments within one month of Council approval and these commitments are binding upon subsequent owners of the property;
- dedicate the additional 5' of right-of-way along 3rd Street prior to the approval of any site plans;
- include a commitment to provide pedestrian entrances to the building along 3rd Street *(Commitment D – Completed)*;
- include a commitment to provide cross access easement along the main drives and connection points to adjacent properties *(Commitment F – Completed)*;
- include references to the zoning ordinance as advised by Tricia Bernens, City Attorney, which shall be approved by City Legal prior to recording *(Completed)*.

Item Two - <u>Ord 05-05</u> – Vacating an Alley Between 6th and 7th Street for the Fairview United Methodist Church

<u>Ord 05-05</u> would vacate a 300-foot alley at the request of the Fairview United Methodist Church at 600 West 3rd Street. The alley runs in a north/south direction between 6th and 7th and just west of the church building.

<u>General Procedure Vacation Procedures</u>

Vacations of right-of-ways are governed by specific statutory procedures. Those procedures are found at I.C. 36-7-3-12 et seq. and begin with the petitioner filing an application with the Council. The Clerk must assure that owners of property abutting the right-of-way are notified by certified mail of the proposed action and must also advertise the hearing where the public can offer its comments and objections against the ordinance to the Council (February 16, 2005). According to statute, the grounds for remonstration are limited to questions of access and the orderly development of the area. In the event the ordinance is adopted by the Council, then the Clerk must file a copy of to the County Recorder (for recording) and County Auditor.

In Bloomington, we begin with a pre-petition application submitted to the Planning Department. Staff reviews the request and notifies all the utility services, emergency services, and the Board of Public Works of the proposed action. After receiving the responses and evaluating the proposal in terms of local criteria, they prepare a report and an ordinance for the Council Office. The City Clerk then assures that an ad is placed in the paper and that the abutting property owners have been notified. Please note that the vacation of a right-of-way or easement extinguishes the City's interest in the property and has the effect of splitting the right-of-way between the adjacent owners.

The following paragraphs summarize the application of the local criteria to these proposals as presented in reports and background material provided by Lynne Friemeyer, Zoning and Enforcement Manager.

Petition

David Walter, architect, has submitted the petition on behalf of the church. The church has put up a gate (without objection from the Board of Public Works) and closes it while the children play in the playground, which is across the alley from the church building. The church would also like to consider the redesign of the northern entrance and the correction of grade and drainage issues sometime in the future.

Description of Vacated Property. This ordinance would vacate:

> The 12-foot alley way located at 600 West 6th Street, which runs for approximately 300 feet in a north /south direction between 6th Street and 7th Street and Fairview Street and Jackson Street.

Please note that there is a legal description of these right-of-ways set forth in the ordinance.

Current Status - Access to Property. The alley runs through the parking lot of the church which has "paved and maintained (it) for a very long time." In that regard, the church has occupied the site since 1924.

Necessity for Growth

Future Status (Utilities) – I.C. 36-7-3-16 protects utilities who occupy or use all or part of the public way from losing their rights upon the vacation of the alley way unless they choose to waive those rights. A number of utility services have services in the alley and want special accommodations, which the church has agreed to provide (per report). In particular, SBC Ameritech, Cinergy, Insight Communications, and Vectren have either lines or gas mains there and want easements. They also request that the church to pay for all relocation costs. The City of Bloomington Utilities also has a 12-inch water main there and wants an additional 8 feet of easement on the west (a total of 20 feet) in order to access the line for repairs. Please note that the police and fire departments do not object to this vacation.

Private Utilization - The church would own the alley way after the vacation and seeks this action in order to control access to the drive during church activities (including use of the playground by the children), "consider" the redesign of the north entrance to the building, and address drainage issues. The report indicates that the church does not intend to build over it and will use it as a drive when not closed for certain church functions.

Compliance with regulations – The report indicates that all utilities will remain in place and lie within a new easement. It also notes that the drainage improvements must be approved by the Utility department.

Relation to City Plans – This site is within the Core Residential Area where the GPP encourages steps to upgrade and underground utilities in order preserve the capacity of aging utilities and recommends the installation of urban amenities at the time of their installation.

Approvals and Recommendation

The staff report found that the right-of-way is not needed for public access and that its intended use complied with the zoning ordinance, and favors the vacation.

Item Three and Four - Amending Title 8 (Historic Preservation and Protection) in Order to Designate the Daisy Garton Farm (Ord 05-06) and the Fleener Building (Ord 05-07) as Historic Districts

The third and fourth ordinances to be introduced on Wednesday evening amend Title 8 of the BMC by establishing two new historic districts within the City. Please note that the first, **Ord 05-06** (Daisy Garton Farm), is with the consent of the property owner, and the second, **Ord 05-07** (The Fleener Building), is not.

Historic Preservation Ordinances

Before describing those districts, the next few paragraphs provide a brief overview of the Title 8 regarding Historic Preservation and Protection. The provisions of that title conform to state law (I.C. 36-7-11 et seq.) and are intended to protect historic and architecturally-worthy properties that either impart a distinct aesthetic quality to the city or serve as visible reminders of our historic heritage. These provisions are intended to:

- insure the harmonious and orderly growth and development of the City;
- maintain established, but endangered neighborhoods;
- enhance property values and attract new residents; and
- ensure the viability of the traditional downtown area and to enhance tourism.

The Historic Preservation Commission is authorized to make recommendations to the Council regarding the establishment of historic districts. Once those districts are established, the Commission promulgates rules and procedures for reviewing changes to the external appearance of these properties. The review takes the form of either granting or denying certificates of appropriateness for the proposed changes.

The code provides for various levels of historic designations, areas, and ratings which largely correspond to various levels of protection. There are two forms of

designations. The first form is the conservation district, which is a less intrusive and occasional, interim designation (initially for three years), and the second is the full historic district. Within each district, properties may be divided into primary or less-regulated secondary areas. Each property within a district may be rated as either outstanding, notable, contributing, or noncontributing, according to its significance.

According to the code, the Historic Preservation Commission must hold a public hearing and submit a map and report to the Council. The map identifies the district and the report explains the designation in terms of the criteria set forth in the ordinance. The criteria address the historic or architectural importance of the property. Along with the recommendation, the Commission may impose interim protection on the district that remains in effect until the Council acts on the designation and protects the property from exterior alteration.

Item Three – The Garton Farm

Ord 05-06 would designate the 11.08 acre Daisy Garton farmstead and its six buildings as a historic district and rate the property as "outstanding." Daisy Garton died in 2002 and donated the property to Bloomington Restoration Inc. (BRI), which has sought the designation as part of a plan to preserve the farm as a museum and in accordance with BZA approval.

The farm appears as an "outstanding" property in all three historic surveys which were completed in 1976, 1986, and 2001. It is listed in the state register and was eligible for listing on the national register (nomination attached). Institutional, commercial and residential uses surround and have encroached upon the farm so that the 82 acre farm was reduced to 20 acres by 1991 and 11 acres today. The Commission has submitted a map and report which recommends its designation under the historic as well as architecturally-worthy criteria.

Historic Criteria

John Henry Hinkle and Laura Ann Rawlins settled on 40 acres of land at this site in 1887. Over the years they added another 40 acres, built numerous structures (many of which remain today), raised cows and chickens, and operated a blacksmith shop. Their only son, Henry Ernest Hinkle, lived in a cottage on the property with his wife and children. He grew potatoes and sold bulbs and flowers to local floral shops. His daughter Daisy moved into the main house in 1943 with her husband, Joseph Nathan Garton and lived there until her death in 2002. She and Joseph were music professors. For these reasons, the Commission found that the property:

- has significant value as part of the agricultural heritage of the city and is associated with persons who played a significant role in local history; and
- exemplifies our cultural, economic and social heritage.

Architectural Criteria

The farmstead includes a two-story farmhouse (1892), small "blacksmith shop" (1901), cottage (1910), garage (1920), main barn (1928, when additions were also made to the farmhouse), and "grain crib" (undated). The farmhouse was built in a T-formation and then modified with the addition in 1928. The exterior trim is ornamented in the Queen Anne style and the interior holds many of the original features including wide plank pine floors, quarter sawn oak woodwork, interior shutters, pocket doors and built-in cabinets. Seen together with the cottage and main gambrel led barn and other outbuildings, this property still resembles the rural farm setting it portrayed 75 years ago. With this in mind, the Commission found that the property:

- contains architectural features that are endanger of being lost;
- represents an established and familiar visual feature of the neighborhood of the city; and
- exemplifies the distinctive architectural style of the built environment of a particular era of the community's history.

Item Four – The Fleener Building

Ord 05-07 would designate the "Fleener Building" at 112 East 3rd Street as a historic property and rate it as a "contributing" structure. Please note that the Commission has proposed designating this property over the owner's objection and that the City has received a letter from the owner, Phelps Properties, LLC, indicating an intent to challenge the designation.

The Fleener Building appears as a contributing structure on the 2001 Historic Survey under the section regarding scattered sites (#155-055-90067). The Commission has submitted a map and report which recommends its designation under the historic as well as architecturally worthy criteria.

Historic Criteria

Joseph Burl Fleener built this brick commercial building in 1928. It housed retail uses on the first floor and apartments on the second floor. The retail uses included his

wife's beauty salon, various restaurants, and then Modern Cleaners for almost 50 years (from 1948 to 2000). Mr. Fleener was better known as "Hot Tamale" Joe and earned the name by selling hot tamales on Kirkwood Avenue from the depression until he died in 1966 (see the attached article on his life and death). Given these facts, the Commission found that the building exemplifies part of the cultural, economic, and social heritage of the community.

Architecturally Worthy Criteria

This building "is one of three very similar brick commercial buildings built in the 1920's that remain in Bloomington," all of which have retail uses on the first floor and apartments on the second floor. The others include the S.P. Mitchell Building at the south west corner of Walnut and Hillside and the Mitchell Brothers Building at 406-08 South Walnut. They share some architectural features of the era that include: a square front attached to a bow truss roof; four columns (or piers) that divide the front into three spaces and are capped with limestone; and largely symmetrical alignment of windows with ornamental "brows" above them. Some of these features have been replicated in the new Bloomington Paint and Wallpaper building at Walnut and Grimes and the CFC building at 6th and Rogers. Given these facts the Commission found that the building:

- contains architectural features that are endanger of being lost;
- represents an established and familiar visual feature of the neighborhood of the city; and
- exemplifies the distinctive architectural style of the built environment of a particular era of the community's history.

Rating as Contributing Structure

The Commission rated this building as a "contributing" structure, which is the third of four classifications. This rating means the building is at least 40 years old, but does not meet the criteria of the higher ratings of "outstanding" or "notable." Buildings with the rating "are important to the density and continuity of the area's historic fabric."

NOTICE AND AGENDA FOR
COMMON COUNCIL, REGULAR SESSION
7:30 P.M., WEDNESDAY, FEBRUARY 2, 2005
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 NORTH MORTON

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: None

IV. REPORTS FROM:
1. **Council Members**
2. **The Mayor and City Offices**
3. **Council Committees**
   - **Report from Sidewalk Committee for 2005**
4. **Public**

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING

1. Res 05-01 To Approve the Certified Technology Park Agreement Between the City, the Redevelopment Commission and the Indiana Department of Commerce

Committee Recommendation: Do Pass 9 – 0 – 0

VII. LEGISLATION FOR FIRST READING

1. Ord 05-04 To Amend the Bloomington Zoning Maps from IL/Is to CG – Re: 1615 West 3rd Street (Ken Nunn, Petitioner)

2. Ord 05-05 To Vacate a Public Parcel - Re: A Right-of-Way Located at 600 West 6th Street Which Runs North/South Between 6th Street and 7th Street (Fairview United Methodist Church, Petitioner)

3. Ord 05-06 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District - Re: "The Garton Farm" at 2820 - 2920 East 10th Street (Bloomington Restorations, Inc., Petitioner)

4. Ord 05-07 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District - Re: "The Fleener Building" at 112 East 3rd Street (Bloomington Historic Preservation Commission, Petitioner)

VIII. PRIVILEGE OF THE FLOOR (This section of the Agenda is limited to a maximum of 25 minutes. Each speaker is allotted 5 minutes.)

IX. ADJOURNMENT

Posted and Distributed: January 28, 2005

City of
Bloomington
Indiana

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

Office of the Common Council
(812) 349-3409
Fax: (812) 349-3570
e-mail: council@bloomington.in.gov

To: Council Members
From: Council Office
Re: Calendar for the Week of January 31- February 4, 2005
Date: January 28, 2005

Monday, January 31, 2005

4:00 pm Black History Month Reception, McCloskey

Tuesday, February 1, 2005

1:30 pm Development Review Committee, McCloskey
7:30 pm Telecommunications Council, Council Chambers

Wednesday, February 2, 2005

12:00 pm Urban Enterprise Association, McCloskey
2:00 pm Hearing Officer, Kelly
7:30 pm Common Council, Regular Session, Council Chambers

Thursday, February 3, 2005

4:00 pm Digital Underground Advisory Committee, McCloskey
7:00 pm Prospect Hill Neighborhood Plan, Hooker Room

Friday, February 4, 2005

There are no meetings scheduled for today.

Report of the Common Council Sidewalk Committee
February 2, 2005

Committee Members and Staff

The Committee moved its deliberations from the spring to the fall in order to fund projects in the same year they will be completed. For this reason, the members of the Council Sidewalk Committee (Committee) in 2004 were the same as in 2005 and the members of the 2006 Committee will meet in September of 2005 and make their recommendations in early 2006. The members of the 2005 Committee were appointed by the President of the Council and included:

- Mike Diekhoff, District 3
- Tim Mayer, At-Large
- David Rollo, District 4
- Chris Sturbaum, District 1 (Chair)

The committee members were assisted by the following persons:

Council Office
Dan Sherman, Council Administrator/Attorney
Stacy Jane Rhoads, Assistant Administrator
Clerk's Office
Regina Moore, City Clerk
Public Works
Julio Alonso, Director
Justin Wykoff, Manager of Engineering Services
Planning
Patrick Shay, Development Review Manager
Tiffany Strait, Senior Transportation Planner
HAND
Bob Woolford, Housing Coordinator
Parks and Recreation
Steve Cotter, Natural Resources Manager

Schedule and Topics of Meetings

The Committee met three times in 2004 and 2005 before making its recommendations. Here is a brief overview of those meetings (the minutes of which are available in the Council Office):

December 9, 2004 at 1:00 p.m. in the Council Library to:

- Elect a Chairperson (Chris Sturbaum);
- Request the Council Office to make a record of the meetings;
- Confirm procedures established in 2004 for 2005 (and pick up where the Committee left off in August with the addition of new proposals submitted by October 6, 2004)
- Review 2004 allocations and projects;
- Review funding for 2005 (which includes a portion of the $185,000 budgeted for Alternative Transportation in 2005 and a recommendation to use of unspent funds from previous years);
- Discuss sidewalk standards (in particular the installation of tree plots and ramps);
- Review proposed projects that build upon previously-funded ones; and
- Review proposed projects without previous contribution of Alternative Transportation funds.

January 12, 2005 at noon in the McCloskey Room to:

- Review progress of 2004 projects after the close of the year;
- Review expenditures ($14,000.13), encumbrances ($54,399.66), and unspent funds ($106,600.21) in 2004;
- Begin recommendations:
    - Fund $186,627.52 for 2004 projects
        - with $133,000 coming from the balance of the Alternative Transportation Fund;
        - with $53,627.52 coming from the 2005 allocation, and
        - leaving $116,372.48 for other projects in 2005 and a balance of $15,400 in the ATF;
- Continue to review proposals that build upon previous funding;
- Continue to review proposals without history of previous funding; and
- Discuss outstanding issues including role of City of Bloomington Utilities in funding some projects and the role of Public Works in

providing sidewalks for neighborhoods adversely affected by new development.

January 19, 2005 at noon in the McCloskey Room to:

- Continue to review proposals and make recommendations for allocating the remaining $116,372.48 (and decided to recommend using $2,424.68 from the $15,400 reserve to complete the list);
- Discuss the disparity between sidewalk requests and funding and possible sources for future funding;
- Approve the minutes from the December 9, 2004 and January 12, 2005 meetings and delegate the approval of the minutes for the current meeting to the President after review and comment by members;
- Submit the Sidewalk Report to the Council on February 2, 2005; and
- Meet in mid-September to begin the 2006 deliberations.

Highlights of Committee Deliberations

Continuation of 2004 Deliberations

On August 4, 2004 the Committee decided to take advantage of its deliberations over the summer and pick up its work in early fall after assembling a list of proposed sidewalks from council members and staff. This meant that the Committee did not need to revisit the sidewalk inventory and projects, criteria for funding or solicitation procedures.

Alternative Transportation Fund - 2005

The Committee makes recommendations regarding the use of the Alternative Transportation Fund (ATF), which is funded primarily by surplus revenues from the Neighborhood Parking Program (BMC 15.37.160). Please see the recommendations below for information regarding the 2005 allocations and fund balances.

Review of Proposals

The Committee reviewed the status of 2004 allocations and recommended renewed funding for three projects - Nancy Street, Jefferson Street, and Winfield Road. It then reviewed new proposals that built upon previous

funding and recommended fully funding two – Maxwell Lane and Queens Way – funding the design costs for one – Marilyn Drive - and not funding two – South Walnut and Jefferson Street (between 3rd and 5th). Lastly, it reviewed new proposals with no history of prior funding and recommended funding the design costs for one – Roosevelt Street – and not funding three – North Maple (which will be constructed with the help of HAND and DPW), Montclair and North Kinser Pike.

Committee Recommendations:

After three meetings the Committee made the following Recommendations:

1. Allocate the $185,000 of Alternative Transportation Funds appropriated in 2005 in the following manner:

$185,000	**Annual Appropriation**
- $15,000	**Traffic Calming**
$170,000	**Sidewalk Projects**

2. Use unspent and unencumbered Alternative Transportation Funds from previous years in the following manner:

$148,400	**Balance in ATF**
- $135,242.68	**Sidewalk Projects**
$12,975.32	**Reserve**

3. Fund the following projects:

2004 Proposals

- **Sidewalk on Nancy Street from Ruby Lane to Marilyn Drive (west side) - $45,627.52**

- **Sidewalk on Jefferson Street from 7th to 8th Street (east side) - $114,000**

- **Sidewalk on Winfield Road from Fairoaks Lane to existing Sidewalk south of Rechter Road (east side) - $27,000 for labor**

- **with cost of materials (approximately $18,096) being contributed by the developer of the Renwick PUD (Wininger/Stolberg)**

2005 Proposals

- **Sidewalk on Maxwell Lane from Clifton Sidepath to High Street (north side) - $65,175**

- **Sidewalk on Queens Way from Chelsea to Sussex (south side) - $35,729**

- **Design of sidewalk on Marilyn from Nancy Street to High Street (south side) - $11,497,54**

- **Design for sidewalk on Roosevelt from 4th to 5th Street (east side) - $6,395.62**

Note: *The 2006 Committee intends to meet next in mid-September 2005 in order to make recommendations regarding 2006 projects by mid-January. This schedule would help the Engineering Staff begin work on the design of these projects during the winter months and will, hopefully, result in the completion of more projects the year in which they are funded.*

Council Sidewalk Committee Recommendations for 2005 Regarding Use of Alternative Transportation Funds (February 2, 2005)

Renew Funding for 2004 Projects

Sidewalk on Nancy Street from Ruby Lane to Marilyn Drive (west side) This project would continue the Near South East Sidewalk Initiative from where it stops on Ruby Lane one block south to Marilyn Drive. A further sidewalk for one block on Marilyn Drive *(see below for further recommendations)* and another sidewalk for one block on Southdowns Drive between Jordan Avenue and Mitchell Street would complete the missing links along this Green Ways route.

Cost: $45,627.52

Jefferson Street from 7th to 8th Street (east side – with curb on west side) This project begins work on one of the two sidewalk / storm water projects the Committee has considered for Green Acres. These projects are on East 5th Street (from the deadend east of Overhill to Union Street) and on Jefferson Street (from 3rd to 10th streets). Approximately, $56,000 has been invested in sidewalk and storm water design for these two projects. The projects can be constructed in phases, but have not received the necessary storm water funding. This one-block project starts at the northern end where extensive storm water work is not required. The original estimate of $64,000 did not include curbing on the west side of the street. Please note that the Committee considered, but chose not to fund another link on Jefferson from 3rd to 5th Street, which also did not include significant storm water costs. It was broken into two phases and had an estimated cost of $279,000.

Cost: $114,000

Winfield Road from Fairoaks Lane to the Existing Sidewalk South of Rechter Road (east side) - Winfield Road is directly north of the proposed roundabout on Moores Pike, which will serve as the single northern vehicular access point for the Renwick PUD. Wininger/Stolberg will install some sidewalks north of the PUD and has agreed to contribute the cost of materials for the sidewalk on Winfield Road between Fairoaks Lane to the existing sidewalk south of Rechter Road.

Cost: **$27,000 for labor (from ATF), and approximately $18,096 for materials (provided by Wininger/Stolberg)**

Fund Projects which Build upon Previously Funded Projects

Sidewalk on Queens Way from Chelsea to Sussex (south side) - Queens Way is directly east of the single eastern vehicular access to the Renwick PUD. The developer will install a sidewalk on the south side of Queens Way from the new development to Monclair Avenue. The Committee received estimates for installing sidewalks the rest of the way to High Street ($83,700), funded the first leg between Montclair and Sussex last year, and is recommending money for the second leg this year.

Cost: **$35,729**

Sidewalk on Maxwell Lane from Clifton Sidepath to High Street (north side) – Since 1999, the Committee has funded sidewalks on Maxwell Lane between Henderson and High Street. The first project was north of Bryan Park and ran from Henderson Street to Manor Road and connected to an existing sidewalk that runs to Jordan Avenue. The second project connected a sidewalk on Sheridan with the Clifton sidepath. This project would connect the latter sidewalk to High Street. The Committee recommended that a cross walk be placed on High Street (to connect with an existing sidewalk) and that sidewalk be placed to preserve trees, if that isn't possible, include a tree plot.

Cost: **$65,175**

Design of sidewalk on Marilyn from Nancy Street to High Street (south side) – This project follows upon the first recommendation in this report and would begin completion of the western end of what's known as the Southeast Neighborhood Initiative. This initiative began with a petition from the neighborhood and was included in the Greenways Plan. It will eventually connect the walking/biking lane on Southdowns / Jordan with sidewalks at Covenanter / High Street. The City has already completed a sidewalk from Mitchell / Southdowns to Ruby / Nancy Street, and the first recommendation in this report funds the sidewalk on Nancy Street from Ruby to Marilyn Drive. This one-block project is estimated at $155,216 and the

recommendation would fund the design costs and give staff an opportunity to determine whether there are storm water costs that might be borne by CBU. One more leg on Southdowns from Jordan to Mitchell would complete this initiative.

Cost: $11,497.54

Fund New Project

Design for sidewalk on Roosevelt from 4th to 5th Street (east side)
This is a new project that would complement new private development on Roosevelt that will make it a through-street and include a sidepath on 4th Street. The estimate for the project is $86,340 and this recommendation funds the design costs.

Cost: $6,395.62

Decline to Fund Certain Previously Funded Initiatives

5th Street from Overhill to Dead End

This is part of a multi-year, multi-departmental initiative proposed by Councilmember Mayer in 2002 that would provide sidewalks and storm water infrastructure from the east end of 5th Street to Union. In 2002 the Council approved $28,832 for a comprehensive study of the area. That study estimated the sidewalk component at about $101,887 and the storm water component of this project at about $200,000. This segment covers the very east end of the project which, as the down slope portion of the project, must be done first in order to handle the water flow created by the other phases of the project. Further progress on this project must await funding from the storm water utility.

Walnut Street from Hoosier Street to Legends Bar & Grill and from CBU Drive to the National Guard Armory (west side)

In 2003, at the request of Councilmember Sabbagh, the Committee looked at funding sidewalks along South Walnut Street from Bank One (Winslow/ Tapp) to Rhorer Road/Gordon Pike. It funded the first leg to Pinewood Drive that year, which provided a sidewalk for most of the residents on the west side of the street which connected with the retail node at Winslow and

Tapp Road. The next leg of the project would extend south to Legends Bar and Grill at cost of $65,967.

Encourage, But Don't Fund Projects Funded By Other Sources

Maple Street from 15th to 17th Street The Committee sought estimates for sidewalks on Maple Street from 15th to 17th at the request of Jane Goodman. There is a sidewalk on most of the west side and a steep slope on the east side that made the entire project quite expensive ($280,000). However, staff thought ramps at 15th Street and filling in the gaps on the west side would cost about $23,297. HAND will pay for materials and Public Works will provide the labor and finish it before the end of 2005.

Decline to Fund Certain New Proposals

Montclair from Queens Way to 150 feet south of Wimbleton (east side) The Committee sought estimates for this stretch of Montclair at the request of Jim Sherman who indicated that property owners might be willing to contribute towards materials. The Committee considered the total cost of the project ($134,751.52) and its commitment to complete Queens Way, and decided not to fund this project. It also discussed how the City might meet the need for sidewalks created by new development.

North Kinser Pike from Acuff Road to the end of residential properties to the north (west side) The Committee sought an estimate for the northern most stretch of North Kinser at the request of Councilmember Banach. After considering the costs ($339,908) and benefits (only 9 properties would likely use the sidewalk at this point), the Committee decided to fund other projects.

City of Bloomington
Engineering

By: wykoffj
13 Jul 04

100 0 100 200 300

N

Scale: 1" = 100'

For reference only; map information NOT warranted.

Nancy Street Sidewalk

Ruby Lane to Marilyn Drive - West Side

Item	Quantity	Unit	Unit Price	Total Price
Mobilization and Demobilization	1	EA	$4,000.00 / EA	$4,000.00
B Borrow for Structural Backfill		CYS	$26.00 / CYS	
Bituminous Base		Ton	$30.00 / Ton	
Bituminous Material for Tack		Ton	$105.00 / Ton	
Bituminous Overlay (2" x 12')		LF	$5.42 / LF	
Bituminous Surface	40	Ton	$37.00 / Ton	$1,480.00
Bituminous Surface Milling		SYS	$2.00 / SYS	
Brick Pavers		SF	$8.50 / SF	
Casting, Adjust to Grade	1	EA	$500.00 / EA	$500.00
Casting, Storm Inlet/Manhole	3	EA	$1,800.00 / EA	$5,400.00
Cement Concrete Pavement 7"	660	SF	$4.50 / SF	$2,970.00
Comp. Agg. No. 53		Ton	$10.00 / Ton	
Compacted Agg. for Base		Ton	$16.80 / Ton	
Compacted Agg. for Shoulder		Ton	$13.25 / Ton	
Concrete Curb and Gutter		LF	$18.00 / LF	
Concrete Curb, Type B	370	LF	$15.00 / LF	$5,550.00
Construction Sign, Type A	6	EA	$50.00 / EA	$300.00
Excavation, Common	64	CYS	$18.00 / CYS	$1,152.00
Sodding	233	SYS	$5.00 / SYS	$1,165.00
Guard Rail, w-beam, 6'-3" spc.		LF	$48.00 / LF	
Perforated Pipe, Plastic 6"		LF	$3.00 / LF	
Reinforcing Steel - Epoxy		CYS	$0.60 / CYS	
Right of Way		SF	$2.50 / SF	
Roadway Loop, Cable 1C/14		LF	$0.45 / LF	
Roadway Loop, Saw and Seal		LF	$11.00 / LF	
Roll Curb		LF	$16.00 / LF	
Sidewalk, 4'		LF	$15.00 / LF	
Sidewalk, 5'	370	LF	$22.00 / LF	$8,140.00
Stop Signs		EA	$150.00 / EA	
Storm Sewer, 12"	310	LF	$25.00 / LF	$7,750.00
Storm Sewer, 18"		LF	$30.00 / LF	
Storm Sewer, 24"		LF	$35.00 / LF	
Storm Sewer, 36"		LF	$40.00 / LF	
Street Signs		EA	$100.00 / EA	
Street Trees		EA	$150.00 / EA	
			Subtotal:	$38,407.00
			Additional 10%:	$3,840.70
			Design:	$3,379.82
			Total Estimate:	$45,627.52

JEFFERSON ST

By: mccluret
17 Sep 04

100 0 100 200 300

N

City of Bloomington
Public Works

Scale: 1" = 100'

For reference only; map information NOT warranted.

BID SUMMARY

This Bid Summary Sheet shall be completed and submitted with all other Bid Documents.

The Lump sum cost to complete PW 2004-40, Jefferson St. Sidewalk is:

One hundred-thirteen Thousand three hundred-forty dollars. 75 Cents ($ 113,340 .75)

All work shall be completed within 45 calendar days from date of the Notice to Proceed.

Any and all Subcontractors to be employed shall be listed below:

SUBCONTRACTORS	ADDRESS	TYPE OF WORK
none		

Jefferson Sidewalk

Supplemental Unit Prices

For
Additions/Deductions

Item #	Description	Price Each	Unit
1	Topsoil	14.50 CYS	TON
2	Casting, Adjust to grade	175.00	EA
3	Tree Removal, 6" - 10"	375.00	EA
4	Tree Removal, 12" - 24"	650.00	EA
5	Rock Removal	120.00	CY
6	Common Excavation	9.00	CY
7	Curb, Concrete – 20" Standing Curb	20.50	LF
8	Sidewalk, Concrete 4"	29.50	SY
9	Driveway, Concrete, 6"	49.00	SY
10	Ramp, Concrete 6"	49.00	SY
11	Driveway Asphalt	2.50	SF
12	Asphalt Wedging	44.00	TON
13	Pavement Repair (city specification)	120.00	SY
14	Sidewalk Plate & Structure		EA
15	Mulched Seeding	2.25	SY
16	Sodding	3.50	SY
17	Trees, Northern Red Oak, 2"-3" Cal.	280.00	EA
18	B-Barrow Fill	9.50	TON
19	12" N-12 Pipe	25.00	LF
20	15" N-12 Pipe	28.00	LF
21	18" N-12 Pipe	30.00	LF
22	24" N-12 Pipe	34.50	LF
23	4" pvc pipe	5.00	LF
24	4" pvc elbow	5.00	EACH
25	4" pvc Clean out	7.50	EACH
26	Curb Inlet w/manhole base	1350.00	EA
27	Yard Inlet and Casting	850.00	EA

- **All prices shall reflect complete installation as shown on the plans or stated in the specifications. (Example: Sidewalk includes stone bedding, excavation, Asphalt Pathway includes stone, base, surface and backfill, excavation, etc.)**

City of Bloomington
Engineering

By: wykoffj
13 Jul 04

100 0 100 200 300

N

Scale: 1" = 100'

For reference only; map information NOT warranted.

Winfield Road Sidewalk

Fairoaks Lane to Existing Sidewalk to the North along East Side of Winfield Road

Item	Quantity	Unit	Unit Price	Total Price
Mobilization and Demobilization	1	EA	$4,000.00 / EA	$4,000.00
B Borrow for Structural Backfill		CYS	$26.00 / CYS	
Bituminous Base		Ton	$30.00 / Ton	
Bituminous Material for Tack		Ton	$105.00 / Ton	
Bituminous Overlay (2" x 12')		LF	$5.42 / LF	
Bituminous Surface		Ton	$37.00 / Ton	
Bituminous Surface Milling		SYS	$2.00 / SYS	
Brick Pavers		SF	$8.50 / SF	
Casting, Adjust to Grade		EA	$500.00 / EA	
Casting, Storm Inlet/Manhole	4	EA	$1,800.00 / EA	$7,200.00
Cement Concrete Pavement 7"		CYS	$4.50 / SF	
Comp. Agg. No. 53	54	Ton	$10.00 / Ton	$540.00
Compacted Agg. for Base		Ton	$16.80 / Ton	
Compacted Agg. for Shoulder		Ton	$13.25 / Ton	
Concrete Curb and Gutter		LF	$18.00 / LF	
Concrete Curb, Type B	360	LF	$15.00 / LF	$5,400.00
Construction Sign, Type A	6	EA	$50.00 / EA	$300.00
Excavation, Common	60	CYS	$18.00 / CYS	$1,080.00
Sodding	264	SYS	$5.00 / SYS	$1,320.00
Guard Rail, w-beam, 6'-3" spc.		LF	$48.00 / LF	
Perforated Pipe, Plastic 6"		LF	$3.00 / LF	
Reinforcing Steel - Epoxy		CYS	$0.60 / CYS	
Right of Way		SF	$2.50 / SF	
Roadway Loop, Cable 1C/14		LF	$0.45 / LF	
Roadway Loop, Saw and Seal		LF	$11.00 / LF	
Roll Curb		LF	$16.00 / LF	
Sidewalk, 4'		LF	$15.00 / LF	
Sidewalk, 5'	360	LF	$22.00 / LF	$7,920.00
Stop Signs		EA	$150.00 / EA	
Storm Sewer, 12"		LF	$25.00 / LF	
Storm Sewer, 18"	340	LF	$30.00 / LF	$10,200.00
Storm Sewer, 24"		LF	$35.00 / LF	
Storm Sewer, 36"		LF	$40.00 / LF	
Street Signs		EA	$100.00 / EA	
Street Trees		EA	$150.00 / EA	
			Subtotal:	$37,960.00
			Additional 10%:	$3,796.00
			Design:	$3,340.48
			Total Estimate:	$45,096.48

Maxwell Lane

(Clifton Sidepath to High Street)

By: wykoffj

11 Jan 05

100 0 100 200 300

N

City of Bloomington
Engineering

Scale: 1" = 100'

For reference only; map information NOT warranted.

Maxwell Lane Sidewalk

Clifton Sidepath to High Street

Item	Quantity	Unit	Unit Price	Total Price
Mobilization and Demobilization	1	EA	$5,000.00 / EA	$5,000.00
B Borrow for Structural Backfill	30	CYS	$47.00 / CYS	$1,410.00
Bituminous Base		Ton	$30.00 / Ton	
Bituminous Material for Tack		Ton	$105.00 / Ton	
Bituminous Overlay (2" x 12')		LF	$5.42 / LF	
Bituminous Surface	30	Ton	$37.00 / Ton	$1,110.00
Bituminous Surface Milling		SYS	$2.00 / SYS	
Brick Pavers		SF	$8.50 / SF	
Casting, Adjust to Grade		EA	$500.00 / EA	
Casting, Storm Inlet/Manhole	5	EA	$1,800.00 / EA	$9,000.00
Cement Concrete Pavement 7"		SF	$4.50 / SF	
Comp. Agg. No. 53	70	Ton	$10.00 / Ton	$700.00
Compacted Agg. for Base		Ton	$16.80 / Ton	
Compacted Agg. for Shoulder		Ton	$13.25 / Ton	
Concrete Curb and Gutter		LF	$18.00 / LF	
Concrete Curb, Type B	370	LF	$17.00 / LF	$6,290.00
Construction Sign, Type A	4	EA	$50.00 / EA	$200.00
Excavation, Common	130	CYS	$18.00 / CYS	$2,340.00
Saw Cut (Pavement)	350	LF	$2.20 / LF	$770.00
Retaining Wall		SF	$15.00 / SF	
Perforated Pipe, Plastic 6"		LF	$3.00 / LF	
Clearing Right of Way	1	EA	$2,400.00 / EA	$2,400.00
Right of Way		SF	$2.50 / SF	
Nursery Sodding	400	SYS	$6.00 / SYS	$2,400.00
Topsoil	40	Ton	$18.00 / Ton	$720.00
Roll Curb		LF	$12.00 / LF	
Sidewalk, 4'		LF	$15.00 / LF	
Sidewalk, 5'	350	LF	$22.00 / LF	$7,700.00
Stop Signs		EA	$150.00 / EA	
Storm Sewer, 12"	350	LF	$25.00 / LF	$8,750.00
Storm Sewer, 18"		LF	$30.00 / LF	
Storm Sewer, 24"		LF	$35.00 / LF	
Storm Sewer, 36"		LF	$40.00 / LF	
Street Signs		EA	$100.00 / EA	
Street Trees	6	EA	$250.00 / EA	$1,500.00
			Subtotal:	$50,290.00
			Additional 20%:	$10,058.00
			Design:	$4,827.84
			Total Estimate:	$65,175.84

E QUEENS WAY
S SUSSEX DR
SUSSEX CT
2119
2201
2207
2213
2219
2225
2231
2303
2114
2204
2212
2218
1902
1903
1906
1907
1910
1911
1912
1913

Queens Way

Sussex Drive to Chelsey Court

Item	Quantity	Unit	Unit Price	Total Price
Mobilization and Demobilization	1	EA	$4,000.00 / EA	$4,000.00
B Borrow for Structural Backfill		CYS	$26.00 / CYS	
Bituminous Base		Ton	$30.00 / Ton	
Bituminous Material for Tack		Ton	$105.00 / Ton	
Bituminous Overlay (2" x 12')		LF	$5.42 / LF	
Bituminous Surface		Ton	$37.00 / Ton	
Bituminous Surface Milling		SYS	$2.00 / SYS	
Pedestrian Bridge (20 feet)		EA	$10,000.00 / EA	
Casting, Adjust to Grade		EA	$500.00 / EA	
Casting, Storm Inlet/Manhole		EA	$1,800.00 / EA	
Cement Concrete Pavement 7"	660	SF	$4.50 / SF	$2,970.00
Comp. Agg. No. 53	114	Ton	$10.00 / Ton	$1,140.00
Compacted Agg. for Base		Ton	$16.80 / Ton	
Compacted Agg. for Shoulder		Ton	$13.25 / Ton	
Concrete Curb and Gutter		LF	$18.00 / LF	
Concrete Curb, Type B	500	LF	$15.00 / LF	$7,500.00
Construction Sign, Type A	8	EA	$50.00 / EA	$400.00
Excavation, Common		CYS	$18.00 / CYS	
Sodding	365	SYS	$5.00 / SYS	$1,825.00
Guard Rail, w-beam, 6'-3" spc.		LF	$48.00 / LF	
Perforated Pipe, Plastic 6"		LF	$3.00 / LF	
Reinforcing Steel - Epoxy		CYS	$0.60 / CYS	
Right of Way		SF	$2.50 / SF	
Roadway Loop, Cable 1C/14		LF	$0.45 / LF	
Roadway Loop, Saw and Seal		LF	$11.00 / LF	
Roll Curb		LF	$16.00 / LF	
Sidewalk, 4'		LF	$15.00 / LF	
Sidewalk, 5'	470	LF	$22.00 / LF	$10,340.00
Stop Signs		EA	$150.00 / EA	
Storm Sewer, 12"		LF	$25.00 / LF	
Storm Sewer, 18"		LF	$30.00 / LF	
Storm Sewer, 24"		LF	$35.00 / LF	
Storm Sewer, 36"		LF	$40.00 / LF	
Street Tree Removal	1	EA	$1,000.00 / EA	$1,000.00
Street Trees	6	EA	$150.00 / EA	$900.00
			Subtotal:	$30,075.00
			Additional 10%:	$3,007.50
			Design:	$2,646.60
			Total Estimate:	$35,729.10

Marilyn Drive Sidewalk

(Nancy Street to High Street)

By: wykoffj

11 Jan 05

150 0 150 300 450

N

City of Bloomington
Engineering

Scale: 1" = 150'

For reference only; map information NOT warranted.

Marilyn Drive

Nancy Street to High Street

Item	Quantity	Unit	Unit Price	Total Price
Mobilization and Demobilization	1	EA	$5,000.00 / EA	$5,000.00
B Borrow for Structural Backfill	70	CYS	$47.00 / CYS	$3,290.00
Bituminous Base		Ton	$30.00 / Ton	
Bituminous Material for Tack		Ton	$105.00 / Ton	
Bituminous Overlay (2" x 12')		LF	$5.42 / LF	
Bituminous Surface	60	Ton	$37.00 / Ton	$2,220.00
Bituminous Surface Milling		SYS	$2.00 / SYS	
Brick Pavers		SF	$8.50 / SF	
Casting, Adjust to Grade		EA	$500.00 / EA	
Casting, Storm Inlet/Manhole	10	EA	$1,800.00 / EA	$18,000.00
Cement Concrete Pavement 7"	3500	SF	$4.50 / SF	$15,750.00
Comp. Agg. No. 53	75	Ton	$10.00 / Ton	$750.00
Compacted Agg. for Base		Ton	$16.80 / Ton	
Compacted Agg. for Shoulder		Ton	$13.25 / Ton	
Concrete Curb and Gutter		LF	$18.00 / LF	
Concrete Curb, Type B	750	LF	$17.00 / LF	$12,750.00
Construction Sign, Type A		EA	$50.00 / EA	
Excavation, Common	350	CYS	$18.00 / CYS	$6,300.00
Saw Cut (Pavement)	850	LF	$2.20 / LF	$1,870.00
Retaining Wall		SF	$15.00 / SF	
Perforated Pipe, Plastic 6"		LF	$3.00 / LF	
Clearing Right of Way	1	EA	$4,000.00 / EA	$4,000.00
Right of Way		SF	$2.50 / SF	
Nursery Sodding	850	SYS	$6.00 / SYS	$5,100.00
Topsoil	140	Ton	$18.00 / Ton	$2,520.00
Roll Curb		LF	$12.00 / LF	
Sidewalk, 4'		LF	$15.00 / LF	
Sidewalk, 5'	728	LF	$22.00 / LF	$16,016.00
Stop Signs		EA	$150.00 / EA	
Storm Sewer, 12"	700	LF	$25.00 / LF	$17,500.00
Storm Sewer, 18"	240	LF	$30.00 / LF	$7,200.00
Storm Sewer, 24"		LF	$35.00 / LF	
Storm Sewer, 36"		LF	$40.00 / LF	
Street Signs		EA	$100.00 / EA	
Street Trees	6	EA	$250.00 / EA	$1,500.00
			Subtotal:	$119,766.00
			Additional 20%:	$23,953.20
			Design:	$11,497.54
			Total Estimate:	$155,216.74

Roosevelt Street

(4th Street to 5th Street)

By: wykoffj

11 Jan 05

100 0 100 200 300

N

City of Bloomington
Engineering

Scale: 1" = 100'

For reference only; map information NOT warranted.

Roosevelt Street

4th Street to 5th Street (East Side)

Item	Quantity	Unit	Unit Price	Total Price
Mobilization and Demobilization	1	EA	$5,000.00 / EA	$5,000.00
B Borrow for Structural Backfill	30	CYS	$26.00 / CYS	$780.00
Bituminous Base		Ton	$30.00 / Ton	
Bituminous Material for Tack		Ton	$105.00 / Ton	
Bituminous Overlay (2" x 12')		LF	$5.42 / LF	
Bituminous Surface	50	Ton	$37.00 / Ton	$1,850.00
Bituminous Surface Milling		SYS	$2.00 / SYS	
Brick Pavers		SF	$8.50 / SF	
Casting, Adjust to Grade		EA	$500.00 / EA	
Casting, Storm Inlet/Manhole	6	EA	$1,800.00 / EA	$10,800.00
Cement Concrete Pavement 7"	1980	SF	$4.50 / SF	$8,910.00
Comp. Agg. No. 53	80	Ton	$10.00 / Ton	$800.00
Compacted Agg. for Base		Ton	$16.80 / Ton	
Compacted Agg. for Shoulder		Ton	$13.25 / Ton	
Concrete Curb and Gutter		LF	$18.00 / LF	
Concrete Curb, Type B	453	LF	$15.00 / LF	$6,795.00
Construction Sign, Type A	6	EA	$50.00 / EA	$300.00
Excavation, Common	152	CYS	$18.00 / CYS	$2,736.00
Saw Cut (Pavement)	420	LF	$2.20 / LF	$924.00
Retaining Wall		SF	$15.00 / SF	
Perforated Pipe, Plastic 6"		LF	$3.00 / LF	
Reinforcing Steel - Epoxy		CYS	$0.60 / CYS	
Right of Way		SF	$2.50 / SF	
Nursery Sodding	460	SYS	$6.00 / SYS	$2,760.00
Topsoil	60	Ton	$18.00 / Ton	$1,080.00
Roll Curb		LF	$12.00 / LF	
Sidewalk, 4'		LF	$15.00 / LF	
Sidewalk, 5'	413	LF	$22.00 / LF	$9,086.00
Stop Signs		EA	$150.00 / EA	
Storm Sewer, 12"	400	LF	$25.00 / LF	$10,000.00
Storm Sewer, 18"	110	LF	$30.00 / LF	$3,300.00
Storm Sewer, 24"		LF	$35.00 / LF	
Storm Sewer, 36"		LF	$40.00 / LF	
Street Signs		EA	$100.00 / EA	
Street Trees	10	EA	$150.00 / EA	$1,500.00
			Subtotal:	$66,621.00
			Additional 20%:	$13,324.20
			Design:	$6,395.62
			Total Estimate:	$86,340.82

2005 SIDEWALK COMMITTEE RECOMMENDATIONS -- FUNDS & PROJECTS

			ALLOCATIONS	APPROPRIATIONS	ENCUMBRANCES	OTHER
Beginning Balance			**$185,000**	**$148,400**		
Traffic Calming			$15,000	$0		
Reserve			$0	$15,400		
Available Funds			$170,000	$133,000		
Applied to 2004 Projects			$53,627.52	$133,000		
Applied to 2005 Projects (below)			$116,372.48	$0		
Total monies after funding			$0	$15,400		
2005 PROJECTS		Estimated Cost				
● Maxwell Lane from Clifton Sidepath to Hillside (north side)		$ 50,290				
	C	$ 10,058				
	D	$ 4,827				
	Total ►	$ 65,175	$ 65,175			
● Marilyn from Nancy Street to High Street (south side)		$119,766				
	C	$ 23,953				
	D	$ 11,497				
	Total ►	$155,216.74	$ 11,497			
● Maple Street between 15th and 17th Street including stretch on west side just south of 17th Street and about half of the east side just north of 15th Street		$ 17,597				HAND to provide materials; Public Works to provide design & construction
	Ramp	$ 5,700				
	Total ►	$23,297				
● Roosevelt from 4th to 5th Street (east side)		$66,621				
	C	$13,324.20				
	D	$ 6,395.62				
	Total ►	$86,340.82	$ 6,395.62			
● Queens Way from Chelsea to Sussex (south side)						
	Total ►	$35,729	$35,729			
TOTAL MONIES FUNDED	**$118,797.16**		**$116,372.48**	**$133,000 +$2,424.68 (reserve)**		
BALANCE			**$0**	**$12,975.32 (reserve)**		

2004 SIDEWALK COMMITTEE RECOMMENDATIONS -- FUNDS & PROJECTS

			2004			2005			2005		
		OUTSIDE SOURCES	ATF ALLOCATIONS			ATF ALLOCATIONS			ATF APPROPRIATIONS		
Beginning Balance			$175,000			$185,000			$148,400		
			SPENT	ENCUMBERED	REVERTED	TO SPEND	ENCUMBERED	RESERVED	TO SPEND	ENCUMBERED	RESERVED
											$15,400
Traffic Calming			$2.834.70	$12,000		$15,000					
Design & Acquisition Fees			$11,165.43	$5,539.40							
2004 Projects						$53,627.52			$133,000		
	Estimated Cost										
10th Street for 350 feet West of Grandview (south side)	$24,870.26			$24,870.26							
Nancy Street from Ruby Lane to Marilyn Drive (west side)	$45,627.52										
Jefferson Street between 7th and 8th (east side)	$113 - **$114,000**										
Winfield Road from Fairoaks Lane to Existing Sidewalk just south of Rechter Road (east side)	$45,096 **= $27,000**	$18,096 Wininger Stolberg									
Queens Way from Montclair Avenue to Chelsey Court (south side)	$11,990			$11,990							
TOTAL	**$186,627.52**		**$14,000.13**	**$54,399.66**	**$106,600.21**	**$68,627.52**			**$133,000**		
REMAINING FUNDS					**$106,600.21**	**$116,372.48**					**$15,400**

2003				
Type of Project/Site	**Estimated Cost**	**ATP Allocation**	**Other Funding**	**Comments**
Sidewalk Project - East 5th Street from 1 block east of Overhill (deadend) to Overhill.	$255,596.00	$52,597.00	Recommendation was contingent upon the availability of storm water funds.	On 6/18/03, the Council approved the Committee recommendation to allocate $52,597 contingent upon the availability of storm water funds.
Sidewalk Project - 10th Street for 350 feet west of Grandview Drive (south side)	$43,975.00	$43,975.00		
Sidewalk Project - Walnut Street from Bank One (Country Club/Winslow) to Hoosier Street (west side)	$104,354.00	$63,427.00		On 6/2/03 the Committee recommended allocating the remaining funds ($63,427) to this project and discussed ways to reduce its cost.
Total:		**$159,999.00**		

2002				
Type of Project/Site	**Estimated Cost**	**ATP Allocation**	**Other Funding**	**Comments**
Sidewalk Project - Southdowns from Jordan and along the north side of Circle and Ruby lane to Nancy Street.	$148,000.00	$108,731.00	$39,000.00	The original estimate was for a sidewalk on the north side of the street, but the Engineering staff and neighborhood preferred south side at estimated cost of $129,000 (and an additional $19,000 for the leg from Jordan to Mitchel). On 6/19/02 the Council allocated $59,547 for this project and, as noted below, on 12/18/02, the Council voted to shift $49,184 from the East 2nd Street project to this one as well. On May 8, 2003 the Greenways group agreed to fund the remaining $39,000.
Design for sidewalk and storm water project - Jefferson Street from East 3rd to East 10th Street.	$27,840.00	$27,840.00		
Design for sidewalk and stormwater project - East 5th Street from 1 block east of Overhill to Union.	$28,832.00	$28,832.00		
Streetscape Plan - East 2nd from High Street to College Mall Road.	$49,184.00	$0.00		On 12/18/02 the Common Council voted to shift these funds ($49,184) to the Ruby Lane project (above)
Sidewalk design - East Allen from Lincoln to Henderson Street	$4,000 - $8,000	$7,400.00		
Total:	**about $160,000**	**$172,803.00**		

1996 - 2001

2001

Site	Cost
Maxwell Ln - Henderson to Manor Rd	$2,607.85
N. Kinser - BHSN to Ridgefield	$395.00
Winslow Road	$27,000.00
Hillsdale Drive	$34,752.70
Parkridge Road	$22,990.00
N Dunn - 45/46 to Tammarack	$74,746.70
Maxwell Ln - Sheridan to Clifton	$10,700.00
Sare Road	$275.00
Clifton MUP - Maxwell to 1st	$1,532.75
Grimes - Henderson to Woodlawn	
Total 2001	**$175,000.00**

2000

Site	Cost
Maxwell Ln - Henderson to Manor Rd	$29,516.54
Hillsdale - 3rd to 5th	$21,000.00
Hillsdale - 5th to 7th	$24,885.00
Parkridge - Cambridge to Shefield	$29,800.00
N Kinser - BHSN to Ridgefield	$46,960.53
Clifton MUP	
Sare Road	$14,860.00
Total 2000	**$167,022.07**

1999

Site	Cost
Maxwell Ln - Henderson to Manor	$145,105.57
3rd & Union	$4,186.43
Atwater - Mitchell to High	$708.00
Clifton MUP	
Total 1999	**$150,000.00**

1998

Site	Cost
Kinser - Marsh to Skyline	$19,456.88
Covenantor - High to Nota	$14,548.08
Atwater - Mitchell to High	$430.04
Kirkwood I - Walnut to Grant	$115,565.00
Parkridge	
Total 1998	**$150,000.00**

1997

Site	Cost
7th - Bryan to Hillsdale	$18,052.65
2nd - Walnut to Basswood	$1,900.00
Willow Manor	$5,408.00
Atwater	$9,281.25
S Walnut Sanitation and Animal	$2,658.75
6th St	$3,363.40
17th & Kinser	$3,600.00
Ramps	$24,000.00
Parkridge east Park	$10,000.00
downtown lights	$10,000.00
RR xings (sidewalks on 7th & 8th)	$10,000.00
signals 10th & Fee - 2nd & rogers	$10,000.00
Road Markings	$20,514.50
Total 1997	**$128,778.55**

1996

Site	Cost
7th - Bryan to Hillsdale	$81,264.97
Ramps	$28,800.03
Traffic Calming	$38,035.00
Total 1996	**$148,100.00**

ORDINANCE 05-04

TO AMEND THE BLOOMINGTON ZONING MAPS FROM IL/IS TO CG
Re: 1615 W. 3rd Street
(Kenneth Nunn, Petitioner)

WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning", including the incorporated zoning maps, and Title 21, entitled "Land Use and Development;" and

WHEREAS, the Plan Commission has considered this case, ZO-34-04, and recommended that the petitioner, Kenneth Nunn, be granted a rezone of the property located at 1615 W. 3rd Street from Limited Industrial with the Special Industrial Overlay to General Commercial. 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 I. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.07 of the Bloomington Municipal Code, the property located at 1615 West 3rd Street be rezoned from Limited Industrial with the Special Industrial Overlay (IL/IS) to General Commercial (CG), including certain binding zoning commitments which shall be recorded with the Monroe County Recorder. The property is further described as follows:

A part of Lots 4 thru 8 in Lake View Park Addition, a subdivision of seminary lots 139, 140, 141, and 142, in the City of Bloomington, Indiana as shown by the plat recorded in plat cabinet B, envelope 42, in the office of the Recorder of Monroe County, Indiana, being more particularly describes as follows:

Commencing at a brass monument marking the Northwest corner of Section 5 Township 8 North, Range 1 West Monroe County, Indiana; thence South 88 degrees 58 minutesa17 seconds East along the north line of said section for a distance of 220.60 feet; thence South 01 degrees 31 minutes 59 seconds West along the west line of lot 4 in said Lake View Park Addition for a distance of 44.82 feet to the south right-of-way of 3rd Street to a rebar with cap stamped Sna marking the Point of Beginning; thence South 88 degrees 57 minutes 34 seconds East along the south right-of-way of 3rd Street for a distance of 367.58 feet to a rebar with cap stamped SNA; thence South 01 degrees 30 minutes 45 seconds East along the east line of lot 8 in said Lake View Addition for a distance of 186.89 feet to a chiseled x in concrete; thence North 88 degrees 59 minutes 43 seconds West for a distance of 73.50 feet to a chiseled x in concrete; thence South 01 degrees 31 minute 59 seconds East along the east line of lot 7 in said Lake View Addition for a distance of 70.00 feet to a mag nail; thence North 88 degrees 59 minutes 43 seconds West for a distance of 294.00 feet to a rebar with cap stamped Bledsoe Tapp; thence North 01 degrees 31 minutes 59 seconds West along the west line of lot 4 in said Lake View Addition for a distance of 257.21 feet to the Point of Beginning, containing 2.45 acre more or less.

SECTION II. 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 _____ day of _____, 2005.

_____
ANDY RUFF, 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 _____ day of _____, 2005.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2005.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance rezones approximately 2.45 acres of vacant property at 1615 West 3rd Street from Limited Industrial (IL) with the Special Industrial Overlay (IS) to General Commercial (CG). This petition also includes a binding zoning commitment concerning site planning assurances that will be recorded with the Monroe County Recorder.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 05-04 is a true and complete copy of Plan Commission Case Number ZO-34-04 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 January 10, 2005.

Date: January 18, 2005

Thomas B. Micuda, Secretary
Plan Commission

Received by the Common Council Office this 18th day of JANUARY, 2005.

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	$	$

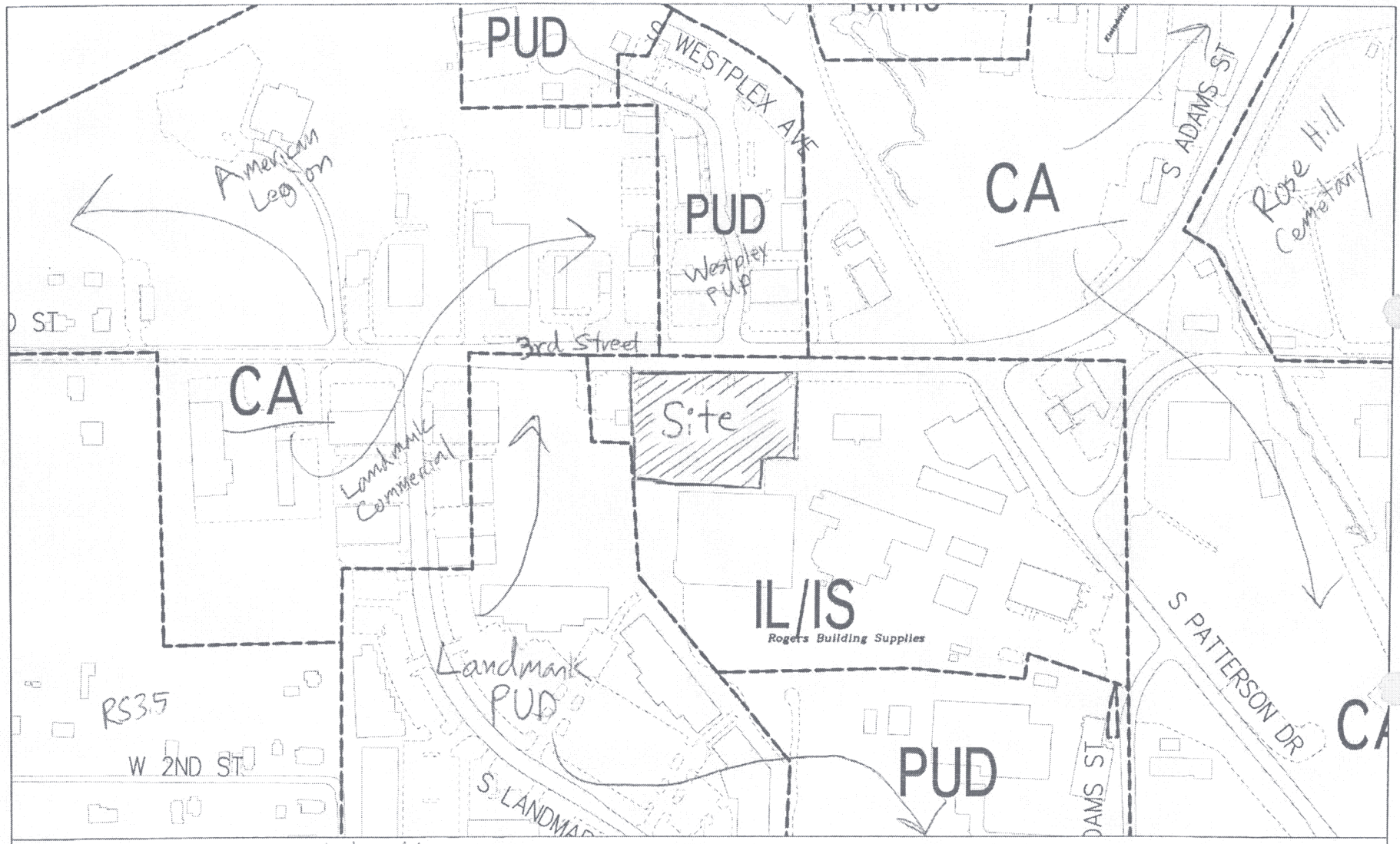
Signature of Controller

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.)



Location, Zoning and Land Use

20-34-04

By: roachja

1 Dec 04

300 0 300 600 900 1200

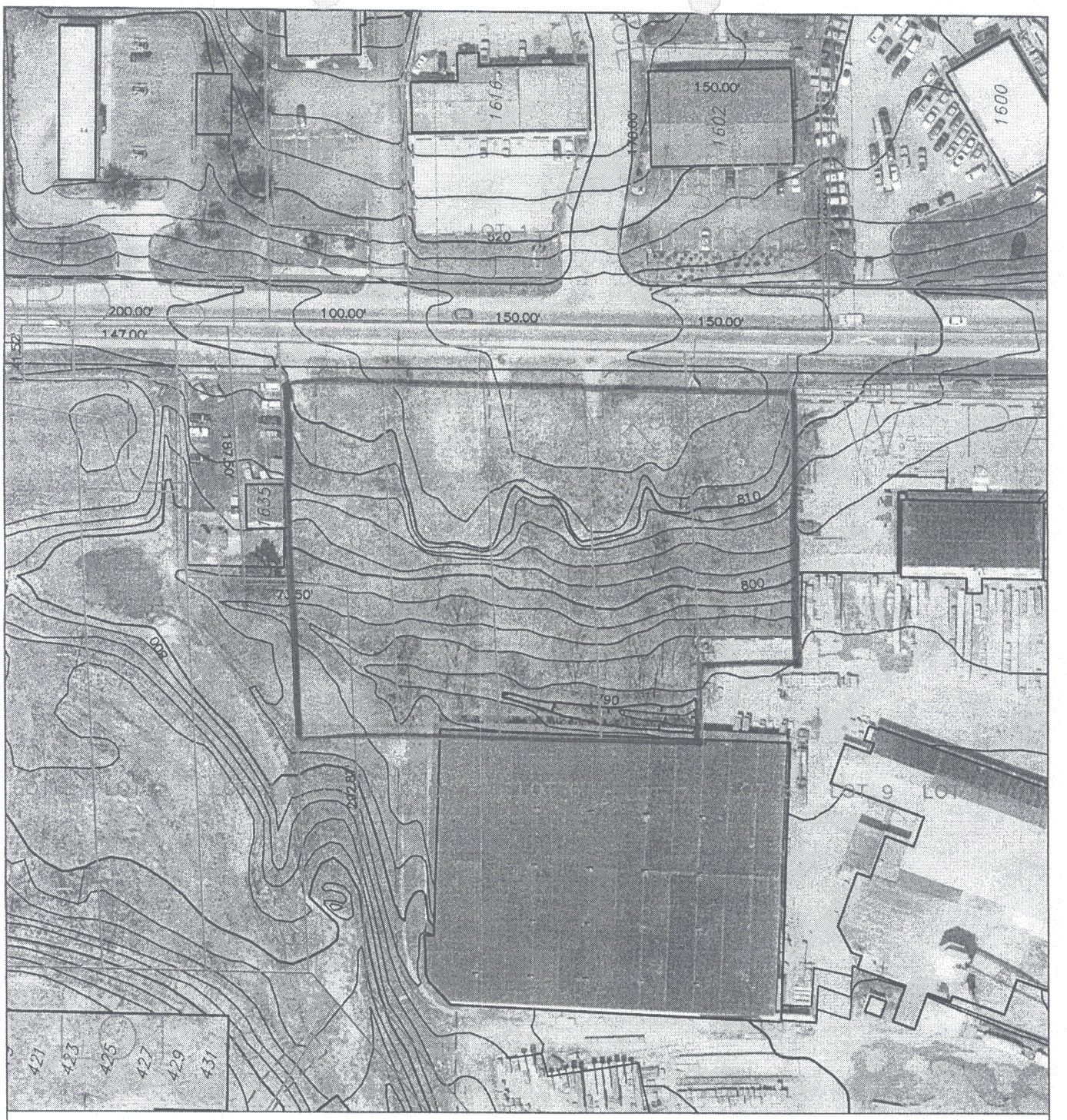
N

City of Bloomington
Planning

Scale: 1" = 300'

For reference only; map information NOT warranted.

5



ZO-34-04
AERIAL PHOTO

City of Bloomington
Planning

By: roachja
16 Nov 04

100 0 100 200 300

N

Scale: 1" = 100'

For reference only; map information NOT warranted.

Interdepartmental Memo

To: **Members of the Common Council**
From: **James Roach, Senior Zoning Planner**
Subject: **Case # ZO-34-04**
Date: **January 24, 2005**

Attached are the staff report, petitioner's statement, and map exhibits which pertain to Plan Commission Case # ZO-34-04. The Plan Commission heard this petition at its January 10, 2005 meeting and voted 8-0 to send this petition to the Common Council with a favorable recommendation.

REQUEST: The petitioner is requesting that the property be rezoned from Limited Industrial with the Special Industrial Overlay (IL/IS) to General Commercial (CG).

BACKGROUND:

Area:	2.45 acres
Current Zoning:	IL/IS
GPP Designation:	Community Activity Center (CAC)
Existing Land Use:	Vacant
Surrounding Uses:	**South, East –** industrial (Rogers Building Supply) **West –** commercial (Landmark PUD) **North –** commercial, industrial (Westplex PUD)

REPORT SUMMARY: The property in question includes 5 vacant lots on the south side of W. 3rd Street, between Patterson Drive and Landmark Avenue. The property has been zoned for industrial uses since 1973. Until 1995, it was zoned General Manufacturing (MG). In 1995, the industrial zoning was carried forward for the property due to the past zoning and adjacent industrial use to the east. The property is currently zoned Limited Industrial with the Special Industrial Overlay (IL/IS).

The property is bounded by the Rogers Building Supply site to the south and east. To the west is a small commercial parcel also zoned IL/IS and vacant commercial portions of the Landmark PUD. On the north side of W. 3rd Street are several commercial uses including a car wash, offices and a multi-tenant center. These properties are zoned CA and PUD (Westplex PUD).

The property has a significant grade change of approximately 26 feet from north to south. Northern parts of these lots were filled as a result of the 5th/3rd/Adams curve reconstruction project. The southern parts of the properties include a drainage way and some scattered trees.

While the petitioner originally requested that the zoning of these lots be changed from IL/IS to CA, the Plan Commission recommends the zoning be changed to

General Commercial (CG). The petitioner has agreed to this change. The rezoning is desired to market this property to someone who would develop it with a permitted CG use, or it could possibly be developed by the petitioner.

The Plan Commission found that commercial zoning is appropriate for this property and is supported by the policies of the GPP. The small size of the property (less than 3 acres) makes it unattractive for any large scale manufacturing uses. The GPP designates this property as a Community Activity Center (CAC) and notes that CACs should, in general, be developed with retail and service uses. The GPP states that these areas should contain a balance of different types of uses.

The Plan Commission also found that the General Commercial (CG) zoning designation was a more appropriate designation to fulfill the GPP policies outlined below. CG zoning allows for all of the same uses as CA with the exception of some drive through uses, outdoor retail uses (such as automobile sales), kennels, mini-warehouses and cellular telephone towers. CG zoning is also more appropriate at this location because the site is along a heavily traveled curved road. This curve makes more intensive automobile oriented uses allowed under CA zoning less desirable because of potential travel conflicts on W. 3rd Street.

While a Planned Unit Development (PUD) was considered a possibility, the Plan Commission did not recommend this type of zoning. This property is smaller than the three acres required for PUDs, and the property does not provide a good opportunity for mixed uses or common open space as envisioned by the PUD process. In addition, the petitioner has proposed site planning related commitments that achieve many of the desirable outcomes associated with PUD zoning.

GROWTH POLICIES PLAN: The GPP designates these lots as part of a Community Activity Center (CAC). These lots are also part of the Adams Street/Patterson Drive Subarea. Relevant pages from the GPP have been included in the packet.

The GPP states that that the primary land use for a CAC should be “medium scaled commercial retail and service uses.” The CAC should include a “balance of land uses to take advantage of the proximity to goods and services.” Public gathering spaces are noted as an important component of larger acreage CAC tracts and could be used as an incentive to “allow additional residential units or commercial space.” Other important site planning considerations for CACs include buildings built with minimal street setbacks, placement of parking to minimize pedestrian obstacles, reduction of street cuts, and incentives to provide second story residential units.

The GPP states that the Adams Street/Patterson Drive Subarea is a conglomeration of "underdeveloped or underutilized properties that are largely zoned commercial" and is a "prime area for redevelopment." The GPP states that the "goal of this Subarea is to upgrade site planning quality though development and redevelopment, while insuring a dense mixture of service uses." Additional site planning considerations noted by the GPP include the need to accommodate transit services, provide site designs that promote non-vehicular access, ensure tight access control onto 3rd Street, and increase landscaping and building forward design.

SITE DESIGN COMMITMENT: The petitioner and the Planning staff worked between the first and second Plan Commission meetings to write and revise a zoning commitment that would be recorded as part of this petition. The Plan Commission required that this zoning commitment be recorded within one month of a positive Council action. These commitments ensure that the property is developed in a nature consistent with the Growth Policies Plan. The commitment is broken down as follows:

a. **Architecture**: The commitment states that no buildings shall be constructed that have metal siding or more than 30% of any side visible from 3rd Street clad in vinyl siding or smooth faced concrete. Building(s) shall not have a roof with a pitch less than 4:12 to create more of a residential feel.

b. **Access**: The commitment limits the property to one access to 3rd street, which must be aligned with Westplex Ave. This does leave open the possibility of a secondary access, like a "right-out only" after review of a specific site plan.

c. **Building Forward**: The petitioner has committed to a "building forward" design for any future development. To ensure this type of design, the commitment states that future site plans shall "[limit] parking north of any structures" and "between a structure and Third Street." The owner has also committed that "at least 40% of the Third Street frontage shall be developed with buildings at the building setback line."

d. **Streetscape**: The petitioner has committed to replacement of the existing sidewalk at the back of the right-of-way, planting of street trees, additional plantings along the right-of-way to enhance the streetscape and a pedestrian entrance for buildings along W. 3rd Street.

e. **Right-of-way**: The petitioner has committed to dedicating the right-of-way needed to match the Thoroughfare Plan, approximately 5 feet, but does not specify a time period for this dedication. This right-of-way must be dedicated prior to approval of any site plans for this property.

f. **Easements**: Easements will be provided as needed for drainage, utilities and cross access to adjacent properties.

g. **Connectivity**: The petitioner has committed to providing connectivity between the RBS property to the east and to the vacant Landmark PUD property to the west. Connectivity to the south is limited by the change in grade and a drainageway.

RECOMMENDATION: The Plan Commission voted 8-0 to recommend approval of a rezoning to General Commercial with the following conditions:

1. The presented zoning commitment shall be signed, notarized and recorded within one (1) month of a positive finding by the Common Council. Any future owners of this property shall be bound by these commitments.
2. New right-of-way dedication of approximately 5 feet from the edge of the existing right-of-way shall take place prior to approval of any site plans for the property.
3. Commitment D shall be amended to include a commitment for a pedestrian entrance along W. 3rd Street. ***(Completed)***
4. Commitment F shall be amended to include a commitment for a cross access easement along the main drives and connection points to adjacent properties to ensure connectivity. ***(Completed)***
5. The commitment must include all required parts of the zoning ordinance, including Sections 20.05.07.04 and 20.02.01.00 (commitment) as outlined by e-mail from City Attorney Tricia Bernens dated 1/10/05. Final approval of document wording by the City Legal Department is required prior to recording. ***(Completed)***

BLOOMINGTON PLAN COMMISSION **CASE NO: ZO-34-04**
PRELIMINARY REPORT **DATE: December 6, 2004**
LOCATION: 1615 W. 3rd Street

PETITIONER: Kenneth Nunn
123 S. College Ave, Bloomington

COUNSEL: Mike Carmin
Andrews, Harrell, Mann, Carmin and Parker
400 W. 7th Street, Bloomington

REQUEST: The petitioner is requesting that the property be rezoned from Limited Industrial with the Special Industrial Overlay (IL/IS) to Arterial Commercial (CA).

BACKGROUND:

Area:	2.45 acres
Current Zoning:	IL/IS
GPP Designation:	Community Activity Center
Existing Land Use:	Vacant
Surrounding Uses:	**South, southeast –** industrial (Rogers Building Supplies) **West, southwest –** commercial (Landmark PUD) **North** – commercial, industrial (Westplex PUD)

REPORT SUMMARY: The property in question includes 5 vacant lots on the south side of W. 3rd Street, between Patterson Drive and Landmark Avenue. The property has been zoned for industrial uses since 1973. Until 1995, it was zoned General Manufacturing (MG). In 1995, the industrial zoning was carried forward for the property due to the past zoning and adjacent industrial uses. The property is currently zoned Limited Industrial with the Special Industrial Overlay (IL/IS).

The property is bounded by Rogers Building Supplies site to the south and east. To the west is a small commercial parcel also zoned IL/IS and vacant commercial portions of the Landmark PUD. On the north side of W. 3rd Street are several commercial uses including a car wash, offices and a multi-tenant center. These properties are zoned CA and PUD (Westplex PUD).

The property has a severe grade change of approximately 26 feet from north to south. Northern parts of these lots were filled as a result of the 5th/3rd/Adams curve reconstruction project. The southern parts of the properties includes a drainage way and some scattered trees.

The petitioner would like the zoning of these lots to be changed from IL/IS to CA. The rezoning is desired to market this property to someone who would develop it with a permitted CA use, or it could possibly be developed by the petitioner. The

petitioner has stated a willingness to place deed restrictions on the property as part of this petition to ensure a development type that will meet the guidelines of the GPP. Based on comments received at the first hearing, the petitioner is willing to formulate a recordable commitment for consideration.

GROWTH POLICIES PLAN: The GPP designates these lots as part of a Community Activity Center (CAC). These lots are also part of the Adams Street/Patterson Drive Subarea. Relevant pages from the GPP have been included in the packet.

The GPP states that that the primary land use for a CAC should be "medium scaled commercial retail and service uses." The CAC should include a "balance of land uses to take advantage of the proximity to goods and services." Public gathering spaces are noted as an important component of larger acreage CAC tracts and could be used as an incentive to "allow additional residential units or commercial space." The GPP also notes that in new development or redevelopment projects, existing overhead utilities should be placed underground to avoid conflicts with trees and landscaping. Other important site planning considerations for CACs include buildings built with minimal street setbacks, placement of parking to minimize pedestrian obstacles, reduction of street cuts, and incentives to provide second story residential units.

The GPP states that the Adams Street/Patterson Drive Subarea is a conglomeration of "underdeveloped or underutilized properties that are largely zoned commercial" and is a "prime area for redevelopment." The GPP states that the "goal of this Subarea is to upgrade site planning quality though development and redevelopment, while insuring a dense mixture of service uses."

The GPP further notes that road upgrades in the area will "spark investment toward commercial retail" uses, but that the Plan Commission should balance these market demands with the need to also develop other types of uses, including employment uses. Additional site planning considerations noted by the GPP include the need to accommodate transit services, provide site designs that promote non-vehicular access, ensure tight access control onto 3rd Street, and increase landscaping and building forward design.

REPORT: Staff believes that there are four critical questions that must be answered when reviewing this rezoning request. Should the zoning be changed? When should the zoning be changed? What is the most appropriate commercial zoning? If the zoning is changed, what type of site commitments should be required?

Question #1. Should the zoning be changed? The current IL/IS zoning on the property does not reflect any previous use of the property. In addition, the small size of the property (less than 3 acres) makes it unattractive for any

large scale manufacturing uses. The GPP notes that CACs should, in general, be developed with retail and service uses and that this area is a prime area for redevelopment. The GPP states that these areas should contain a balance of different types of uses. It should be noted that the Plan Commission and City Council recently approved an expansion on the Landmark PUD in this general area along 2nd Street/Bloomfield Road. This land was rezoned from IL/IS to a commercial PUD.

Question #2. When should the zoning be changed? The timing of this request may be the crucial issue. The Planning Department is currently developing a first draft of changes to the Zoning Ordinance, Subdivision Control Ordinance and Zoning Maps. A steering committee will convene in early 2005 to look at the drafts. Several public hearings will also be held to discuss the updates. It is possible that this property will be rezoned as part the upcoming ordinance changes. The Plan Commission should determine if it is more appropriate for this petition to wait until the Plan Commission and Council reviews the updates to the entire zoning map.

Another item to consider are the proposed recorded zoning commitments associated with this petition. With a zoning change as part of a larger city wide map update, the Plan Commission would not be able to require these types of site development commitments to be recorded.

Question #3. What is the most appropriate commercial zoning? If the Plan Commission finds that the property should be rezoned for commercial use, it must determine the appropriate commercial zoning district. The petitioner has requested CA zoning. CA zoning allows for the widest list of permitted uses in the current zoning ordinance. It allows for multi-family, commercial and retail uses. While properties to the northwest and northeast of this site currently have CA zoning, General Commercial (CG) zoning should also be considered. CG zoning allows for all of the same uses as CA with a few notable exceptions. CG zoning does not allow the following uses: drive through uses unless they serve another permitted use, outdoor retail uses such as automobile sales, kennels, mini-warehouses, newspaper printing, nurseries/greenhouses, radio/TV stations and cellular telephone towers. This property is located along a scenic/gateway corridor, which may make some of the automobile oriented uses of the CA district less desirable from an aesthetic point of view.

Another possible zoning district for this property would be Planned Unit Development (PUD). The Zoning Ordinance currently requires that industrial uses in the Special Industrial Overlay request PUD approval for any change of use. This provision was created to give neighborhoods near these districts assurances of an open public process for a change in use of an imbedded industrial use. This property does not contain an industrial use and is smaller than the three acres required for PUDs. While a PUD would give the Plan

Commission and Council maximum flexibility in requiring site commitments and use restrictions, this property does not provide a good opportunity for mixed uses or open space preservation as envisioned by the PUD process.

Question #4. If the zoning is changed, what type of site commitments should be required? The petitioner has suggested that he record a zoning commitment with the rezoning to ensure that the property is developed in a nature consistent with the Growth Policies Plan. If the Plan Commission is inclined to approve this rezoning request, staff requests comments as to what type of zoning commitments are appropriate for this site. Examples of possible commitments for discussion include architectural design and materials, connections to neighboring properties, building forward design, a limitation on curb cuts, transit accommodations, 3rd street "streetscape" improvements and commitments to second floor residential uses.

SITE DESIGN ISSUES: If the Plan Commission finds that a rezoning is appropriate at this time, staff requests direction on the following site design issues.

Access and Connectivity: The property currently gains access to W. 3rd Street via four curb cuts. These cuts were created with the 5th/3rd/Adams curve redesign project to serve the existing multiple lot configuration. Staff would recommend limiting the number of access points to the property. The primary access should align with Westplex Ave. to the north.

In addition to direct access to 3rd Street, cross connections to adjacent properties are highly desirable. Cross connections can allow both vehicles and pedestrians to travel between uses without exiting first onto adjacent arterial roadways. A zoning commitment could be recorded to provide cross access easements to the RBS property and the un-built portions of the Landmark PUD. These connections would be constructed when this site develops and would be completed when neighboring properties develop or are redeveloped.

Building Forward: Another possible recorded zoning commitment would concern architecture and "building forward" design. A zoning commitment could be recorded that would place a certain percentage of any future building at the building setback. If desired as part of a commitment, staff recommends that somewhere between 40% and 60% of the lot frontage be filled out with a building façade. This would place the parking at the side or rear of the building. In addition, a pedestrian scaled entrance on 3rd Street would enhance the streetscape and fulfill many of the policies of the GPP.

Pedestrian Facilities: A sidewalk has already been constructed on the south side of W. 3rd street. This sidewalk is immediately adjacent to the curb on this busy Primary Arterial. The Plan Commission must determine whether or not the petitioner should remove the existing sidewalk and replace it with a sidewalk

separated from the street with a tree plot, or allow it to remain in place.

Development/Enforcement History: The petitioner, an attorney, has a limited development history that is mostly linked to his law practice. Although never completed, the BZA approved a use variance in 1997 for the petitioner to expand his downtown office into an adjacent building. The petitioner's only other development history is the construction of a new building to house his law practice on Franklin Road, adjacent to SR 37. Construction of the building is nearing completion. This development did have some zoning violations, but the petitioner quickly worked to remedy them. There are no outstanding violations regarding this petitioner.

SUMMARY: The Plan Commission must determine if this property should be rezoned to CA at this time. Specifically, staff would like the Plan Commission to answer the four critical questions posed in this report. They are as follows:

- Should the zoning be changed?
- When should the zoning be changed?
- What is the most appropriate zoning district?
- If the zoning is changed, what type of site commitments should be required?

RECOMMENDATION: Staff recommends that this rezoning request be forwarded to the January 10, 2005 Plan Commission meeting.

CA Permitted Uses	CG Permitted Uses
Amusement arcade	Amusement arcade
Animal hospitals and veterinarians' offices	Animal hospitals and veterinarians' offices
	Appliance and furniture repair
Auditoriums	Auditoriums
Automotive repair	Automotive repair
Bars and taverns	Bars and taverns
Bed and breakfast	Bed and breakfast
Brewpub	Brewpub
Building trade shops	
Business service	Business services (indoor only)
Car washes	Car washes
Churches	Churches
Community centers	Community centers
Convalescent, nursing, or rest home	Convalescent, nursing and rest homes
Cultural facilities	Cultural facilities
Day care centers	Day care centers
Drive-through facilities	Drive-through facilities serving another permitted use
Financial institutions	Financial institutions
Fire stations	Fire stations
Gasoline service station	Gasoline service stations
Home occupations	Home occupations
Hotels and motels	Hotels and motels
Kennels	
Lodge halls	Lodge halls
Mini-warehouses	
Minor communications facilities	
Mortuaries/crematoriums	Mortuaries
Multifamily dwellings	Multi-family dwellings
Newspaper printing	
Nurseries/greenhouses	
Offices	Offices
Parking lots and garages	Parking lots and garages
Personal service	Personal services
Police stations	Police stations
Radio/TV stations	
Recreation centers	Recreation centers
Residential care homes	Residential care homes
Restaurants	Restaurants
Retail sales, indoor and outdoor	Retail sales (indoor only)
Rooming/lodging houses	Rooming/lodging houses
Schools, elementary, middle, and high	Schools, elementary, middle, and high
Schools, trade and business	Schools, trade and business
Single-family detached dwellings	Single-family detached dwellings
Social service uses	Social service uses
Theaters, indoor	Theaters, indoor
Utility substations and transmission facilities	Utility substations and transmission facilities
Wholesale trade	Wholesale sales (indoor only)

BLOOMINGTON PLAN COMMISSION **CASE NO: ZO-34-04**
FINAL STAFF REPORT **DATE: January 10, 2005**
LOCATION: 1615 W. 3rd Street

PETITIONER: Kenneth Nunn
123 S. College Ave, Bloomington

COUNSEL: Mike Carmin
Andrews, Harrell, Mann, Carmin and Parker
400 W. 7th Street, Bloomington

REQUEST: The petitioner is requesting that the property be rezoned from Limited Industrial with the Special Industrial Overlay (IL/IS) to Arterial Commercial (CA).

BACKGROUND:

Area:	2.45 acres
Current Zoning:	IL/IS
GPP Designation:	Community Activity Center (CAC)
Existing Land Use:	Vacant
Surrounding Uses:	**South, East –** industrial (RBS)
	West – commercial (Landmark PUD)
	North – commercial, industrial (Westplex PUD)

SUMMARY OF FIRST HEARING: At the first hearing, staff asked the Plan Commission to answer four critical questions concerning this rezoning request: Should the zoning be changed? When should the zoning be changed? What is the most appropriate commercial zoning? If the zoning is changed, what type of site commitments should be required? The Plan Commission determined that commercial zoning was appropriate for the property based on the surrounding zoning and the policies of the Growth Policies Plan. Most members stated that rezoning the property now would be in the spirit of the GPP and should not wait until the zoning map is comprehensively amended. Members also commented that the recorded commitments suggested by the petitioner would ensure a high quality of development. At the first hearing, staff did not receive significant guidance on which zoning district, Arterial Commercial (CA) or General Commercial (CG), would be most appropriate.

REPORT: Staff finds that commercial zoning is appropriate for this property and is supported by the policies of the GPP. The small size of the property (less than 3 acres) makes it unattractive for any large scale manufacturing uses. The GPP designates this property as a Community Activity Center (CAC) and notes that CACs should, in general, be developed with retail and service uses. The GPP states that these areas should contain a balance of different types of uses. It should be noted that the Plan Commission and City Council recently approved an expansion of the Landmark PUD in this general area along 2nd Street/Bloomfield

Road. This land was rezoned from IL/IS to a mixed use PUD, and now contains a commercial building under construction.

Staff finds that the General Commercial (CG) zoning designation is the most appropriate designation to fulfill the GPP policies outlined above. CG zoning allows for all of the same uses as CA with the exception of some drive through uses, outdoor retail uses (such as automobile sales), kennels, mini-warehouses and cellular telephone towers. CG zoning is also more appropriate at this location because the site is along a heavily traveled curved road. This curve makes more intensive automobile oriented uses allowed under CA zoning less desirable because of potential travel conflicts on W. 3rd Street.

While a Planned Unit Development (PUD) is a possibility, staff does not recommend this type of zoning. This property is smaller than the three acres required for PUDs, and the property does not provide a good opportunity for mixed uses or open space preservation as envisioned by the PUD process. In addition, the petitioner has proposed site planning related commitments that achieve many of the desirable outcomes associated with PUD zoning.

SITE DESIGN ISSUES: The petitioner and the Planning staff have worked over the past month to write and revise a zoning commitment that would be recorded as part of this petition. If this petition is approved by the Plan Commission and City Council, staff recommends that this zoning commitment be recorded within one month of Council action. The commitment is broken down as follows:

a. **Architecture**: The commitment states that no buildings shall be constructed that have metal siding or more than 30% of any side visible from 3rd Street clad in vinyl siding or smooth faced concrete. Building(s) shall not have a roof with a pitch less than 4:12 to create more of a residential feel.

b. **Access**: The commitment limits the property to one access to 3rd street, which must be aligned with Westplex Ave. This does leave open the possibility of a secondary access, like a “right-out only” after review of a specific site plan.

c. **Building Forward**: The petitioner has committed to a “building forward” design for any future development. To ensure this type of design, the commitment states that future site plans shall “[limit] parking north of any structures” and “between a structure and Third Street.” The owner has also committed that “at least 40% of the Third Street frontage shall be developed with buildings at the building setback line.”

d. **Streetscape**: The petitioner has committed to replacement of the existing sidewalk at the back of the right-of-way, planting of street trees, and additional plantings along the right-of-way to enhance the streetscape.

Staff would also like a commitment to a pedestrian entrance for buildings along W. 3rd Street.

e. **Right-of-way**: The petitioner has committed to dedicating the right-of-way needed to match the Thoroughfare Plan, approximately 5 feet, but does not specify a time period for this dedication. Staff recommends that the right-of-way must be dedicated prior to approval of any site plans for this property.

f. **Easements**: Easements will be provided as needed for drainage and utilities. Easements for cross access to adjacent properties should also be committed to at this time.

g. **Connectivity**: The petitioner has committed to providing connectivity between the RBS property to the east and to the vacant Landmark PUD property to the west. Connectivity to the south is limited by a drastic change in grade and a drainageway.

RECOMMENDATION: Staff recommends approval of a rezoning to General Commercial with the following conditions:

1. The presented zoning commitment shall be signed, notarized and recorded within one (1) month of a positive finding by the Common Council. Any future owners of this property shall be bound by these commitments.
2. New right-of-way dedication of approximately 5 feet from the edge of the existing right-of-way shall take place prior to approval of any site plans for the property.
3. Commitment D shall be amended to include a commitment for a pedestrian entrance along W. 3rd Street.
4. Commitment F shall be amended to include a commitment for a cross access easement along the main drives and connection points to adjacent properties to ensure connectivity.

MEMORANDUM

TO: BOARD OF ZONING APPEALS MEMBERS

FROM: TIFFANY STRAIT, SENIOR TRANSPORTATION PLANNER
STAFF SUPPORT TO THE BLOOMINGTON BICYCLE AND PEDESTRIAN SAFETY COMMISSION

SUBJECT: KEN NUNN REZONING

DATE: 11/16/2004

The Bloomington Bicycle and Pedestrian Safety Commission(BBPSC) have reviewed this petition and has the following comments and recommendations:

Recommendations:

- The BBPSC would like to see improved sidewalks along the frontage of the lots with a tree/grass plot separating the street from the sidewalk.
- The BBPSC would also like to recommend that a connection is made to the existing, adjacent parking lot to the west (in front of Clark's)
- The developers should provide pedestrian connections to existing and potential retailers wherever possible.
- The BBPSC would like to see that curb cuts are kept to a minimum along W. 3rd Street.
- Provide sheltered bike parking.
- All bike/ped facilities must be built to AASHTO standards

ANDREWS
HARRELL
MANN
CARMIN &
PARKER PC

William H. Andrews+*
Harold A. Harrell+
Robert D. Mann+
Michael L. Carmin
Angela F. Parker
Eric P. Slotegraaf**
Benjamin L. Niehoff

+Certified Civil Mediator
*Certified Family Mediator
**LL.M - Taxation

400 West 7th Street
Suite 104
P.O. Box 2639
Bloomington
Indiana
47402-2639

812 332-4200
Telephone

812 331-4511
Facsimile

http://www.ahmcp.com
Web Site
mlc@ahmcp.com
E-mail

October 19, 2004

City of Bloomington
Planning Department
401 North Morton Street
Bloomington, IN 47404

RE: Rezoning Petition
Our File No.: 2341-8

Kenneth L. Nunn's petitions the City of Bloomington to rezone four real estate parcels located on West Third Street, Lots 4 through 5 of Lake View Park Subdivision to the City of Bloomington. The lots are on the south side of Third Street and adjacent to the east to the Landmark Development.

The lots are presently zoned Limited Industrial/Institutional. The request is for rezoning to Arterial/Commercial.

The five lots, combined, are approximately 2.45 acres. A copy of the record deeds are provided with this petition. A survey of the lots dated September 2, 2004 is also enclosed.

The CA use is consistent with prevailing uses in the surrounding area. Properties north and south of Third Street are presently zoned CA or Planned Unit Development for which the permitted uses are consistent with CA zoning.

After a review of this petition by the Planning Staff and after further consultation, petitioner will propose appropriate recordable commitments as a part of this petition.

Respectfully submitted,

Michael L. Carmin
Attorney for Petitioner

MLC/mjk
Enclosures
229870\2341-8

Petitioner's Statement
20-34-04 (6)

COMMITMENT CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

KENNETH L. NUNN (the "Owner") makes the following commitment to the City of Bloomington Plan Commission (the "Commission") regarding the use and development of the following described real estate (the "Real Estate"), located in Bloomington, Indiana:

Section 1. **Description of Real Estate**. See Exhibit A, attached ("Development Real Estate").

Section 2. **Case Number**. ZO-34-04

Section 3. **Statement of Commitment**.

a. No buildings erected on the Development Real Estate shall have:
   1) metal exterior siding;
   2) on sides of the building visible from Third Street, more than 30% of the exterior siding in vinyl or smooth-face concrete;
   3) a roof with less than 4-in-12 pitch.

b. The Development Real Estate will have one principal access to Third Street, aligned with Westplex Avenue.

c. Development of the real estate shall employ "building forward" concepts limiting parking north of any structures on the real estate and between a structure and the Third Street right-of-way. At least 40% of the Third Street frontage shall be developed with buildings at the building set back line.

d. The Third Street frontage is part of the entrance corridor enhancement to the City of Bloomington. Owner, at Owner's expense, will improve the Third Street frontage to enhance the entrance to the City of Bloomington by replacement and relocation of the sidewalk, by planting additional street trees, by dedication of green space and by foundation landscape plantings for all buildings constructed on the real estate. Any building constructed at the West 3rd Street right-of-way shall include a pedestrian entrance along West 3rd Street.

e. Additional right-of-way for Third Street will be dedicated in conformance with the requirements of the Thoroughfare Plan prior to approval of any site plan for the Development Real Estate.

f. Drainage easement, utility easement and conservation area shall be dedicated on the southern portion of the lots comprising the Development Real Estate. The existing sewer line and any drainage or utility easements will be plotted by a re-platting or by recording of a site plan for the Development Real Estate.

g. Parking lots and interior drives will be located to permit connection to adjacent properties on the east side and on the west adjacent to the undeveloped real estate. Cross easements with the adjacent property shall be dedicated along main drives and connection points to ensure connectivity.

Section 4. Binding Effect.

a. These commitments are a condition of approval of rezoning of the Development Real Estate from IL/IS to general commercial (CG). Failure to honor the commitments shall constitute a violation of the zoning ordinance and shall be subject to the penalties for a violation in addition to all other enforcement remedies.

b. These commitments are binding upon the Owner, subsequent owners of the Development Real Estate, and each other person acquiring an interest in the Development Real Estate, unless modified or terminated.

c. These commitments may be modified or terminated only by a decision of the Bloomington Plan Commission upon a public hearing held by the Commission wherein notice has been given as

provided by the Commission's rules.

Section 5. Effective Date. The commitments contained herein shall be effective upon adoption of an ordinance by the City of Bloomington assigning general commercial zoning to the Real Estate identified in Case No. ZO-34-04.

Section 6. Recording. The undersigned hereby authorizes the Clerk of the City of Bloomington Common Council to record these commitments in the Office of the Recorder of Monroe County, Indiana at the owner's expense. A copy of the recorded commitments bearing the recording stamp of the Recorder of Monroe County, Indiana shall be submitted to the Planning Department within thirty (30) days of final approval of the rezoning of the Development Real Estate.

Section 7. Enforcement. These commitments may be enforced by the Commission or any adjacent property owner or other interested party, as defined by the Planning Commission rules and procedures.

IN WITNESS WHEREOF, Kenneth L. Nunn has caused this commitment to be executed as of the 17th day of January, 2005.

Kenneth L. Nunn

Kenneth L. Nunn
123 South College Avenue
Bloomington, IN 47404

DEED REFERENCES:

Instrument No. 607651
Recorded May 13, 1996

Instrument No. 416682
Recorded October 14, 1994

Instrument No. 611781
Recorded July 17, 1996

Exhibit A

A part of Lots 4 thru 8 in Lake View Park Addition, a subdivision of seminary lots 139, 140, 141, and 142, in the City of Bloomington, Indiana, as shown by the plat recorded in plat cabinet B, envelope 42, in the office of the Recorder of Monroe County, Indiana, being more particularly described as follows:

Commencing at a brass monument marking the Northwest corner of Section 5, Township 8 North, Range 1 West, Monroe County, Indiana; thence South 88 degrees 58 minutes 17 seconds East along the north line of said section for a distance of 220.60 feet; thence South 01 degrees 31 minutes 59 seconds West along the west line of Lot 4 in said Lake View Park addition for a distance of 44.82 feet to the south right-of-way of 3rd Street to a rebar with cap stamped SNA marking the Point of Beginning; thence South 88 degrees 57 minutes 34 seconds East along the south right-of-way of 3rd Street for a distance of 367.58 feet to a rebar with cap stamped SNA; thence South 01 degrees 30 minutes 45 seconds East along the east line of lot 8 in said Lake View Addition for a distance of 186.89 feet to a chiseled x in concrete; thence North 88 degrees 59 minutes 43 seconds West for a distance of 73.50 feet to a chiseled x in concrete; thence South 01 degrees 31 minutes 59 seconds East along the east line of lot 7 in said Lake View Addition for a distance of 70.00 feet to a mag nail; thence North 88 degrees 59 minutes 43 seconds West for a distance of 294.00 feet to a rebar with cap stamped Bledsoe Tapp; thence North 01 degrees 31 minutes 59 seconds West along the West line of lot 4 in said Lake View Addition for a distance of 257.21 feet to the Point of Beginning, containing 2.45 acre more or less.

Community Activity Center (CAC)

Intent

The Community Activity Center is designed to provide community-serving commercial opportunities in the context of a high density, mixed use development. The CAC must be designed to serve not only the pedestrian traffic from nearby neighborhoods, but also a community-wide group of users that may drive a personal vehicle to the CAC. Parking will become more important in this area than the NAC, but should still be kept to reasonable levels and skillfully designed to avoid large open areas of asphalt.

Land Use

The Community Activity Center is a mixed commercial node, larger in scale and higher in intensity than the Neighborhood Activity Center. The CAC will incorporate a balance of land uses to take advantage of the proximity to goods and services. Rather than serving a single neighborhood, commercial uses in and surrounding the CAC will be developed so as to be accessible to multiple neighborhoods by non-motorized means, without becoming a major destination for the entire City and/or region. As the central commercial node of the surrounding area, public gathering space is an ideal addition to the mix of uses. Residents will need outdoor space to access, and public open space can provide a valuable amenity to customers of the commercial units. In accordance with their greater scale, commercial uses in a Community Activity Center will have more intense site development. Average square footages of commercial spaces should be greater than those of the Neighborhood Activity Center.

- The primary land use in the CAC should be medium scaled commercial retail and service uses
- Residential units may also be developed as a component of the CAC, and would be most appropriate when uses are arranged as a central node rather than along a corridor.
- Provision of public spaces should be used as an incentive to allow additional residential units or commercial space to be developed as part of the planning approval process.

Urban Services

Like Neighborhood Activity Centers, Community Activity Centers should be located within or very near to existing developed neighborhoods. This is essential in reducing the need for extensions of sewer, water, and road facilities. The City may consider upgrading utilities in areas designated for Community Activity Centers in order to provide an incentive to develop or redevelop these locations.

- Public Transit access should be a major component of the urban services provided for any Community Activity Center.
- Community Activity Centers should be connected to a future city-wide greenway system in order to create adequate public recreation space as well as an alternative means to access the development.
- A Community Activity Center should be located at an intersection which is made up of designated Collector or Arterial streets, in order to provide automobile access without overwhelming the pedestrian aspects of the development.
- In new development or redevelopment projects, utilities should be placed underground and located so as to minimize potential conflicts with trees and other landscaping features.

Site Design

Community Activity Centers will be integrated into existing development, and CAC design should be sensitive to the surrounding context. As with similar land use districts defined in this plan, an increased emphasis must be placed on urban design and the creation of a distinctive design style in each area. A formal streetscape will help to define a Community Activity Center as a distinct node of activity serving a group of neighborhoods. The CAC should take on the form of an urban center, with a pedestrian focus and several floors of usable space, both commercial and residential.

- Buildings should be developed with minimal street setbacks to increase pedestrian and transit accessibility.
- Parking should be located and designed with an emphasis on minimizing pedestrian obstacles to accessing businesses.
- Street cuts should be limited as much as possible to reduce interruptions of the streetscape.
- Incentives should be created to encourage the inclusion of second-story residential units in the development of Community Activity Centers.
- In order to buffer pedestrians on busy corridors as well as reduce off-street parking needs, on-street parking and tree plots should be encouraged in new developments and maintained on built roadways.

Adams Street/Patterson Drive Subarea

Intent

This Subarea is a conglomeration of existing underdeveloped or underutilized properties that are largely zoned commercial. It is located west of Walker Street, south and west of Rose Hill Cemetery, and runs generally west to the Landmark PUD and south to Bloomfield Road. The area is prime for redevelopment with the realignment of the 3rd/5th/Adams corridor, the completion of Patterson Drive, and the future widening of West 3rd Street. The balance of the Subarea is designated Community Activity Center. The goal of this Subarea is to upgrade site planning quality through development and redevelopment, while insuring a dense mixture of service uses.

Land Use Policies

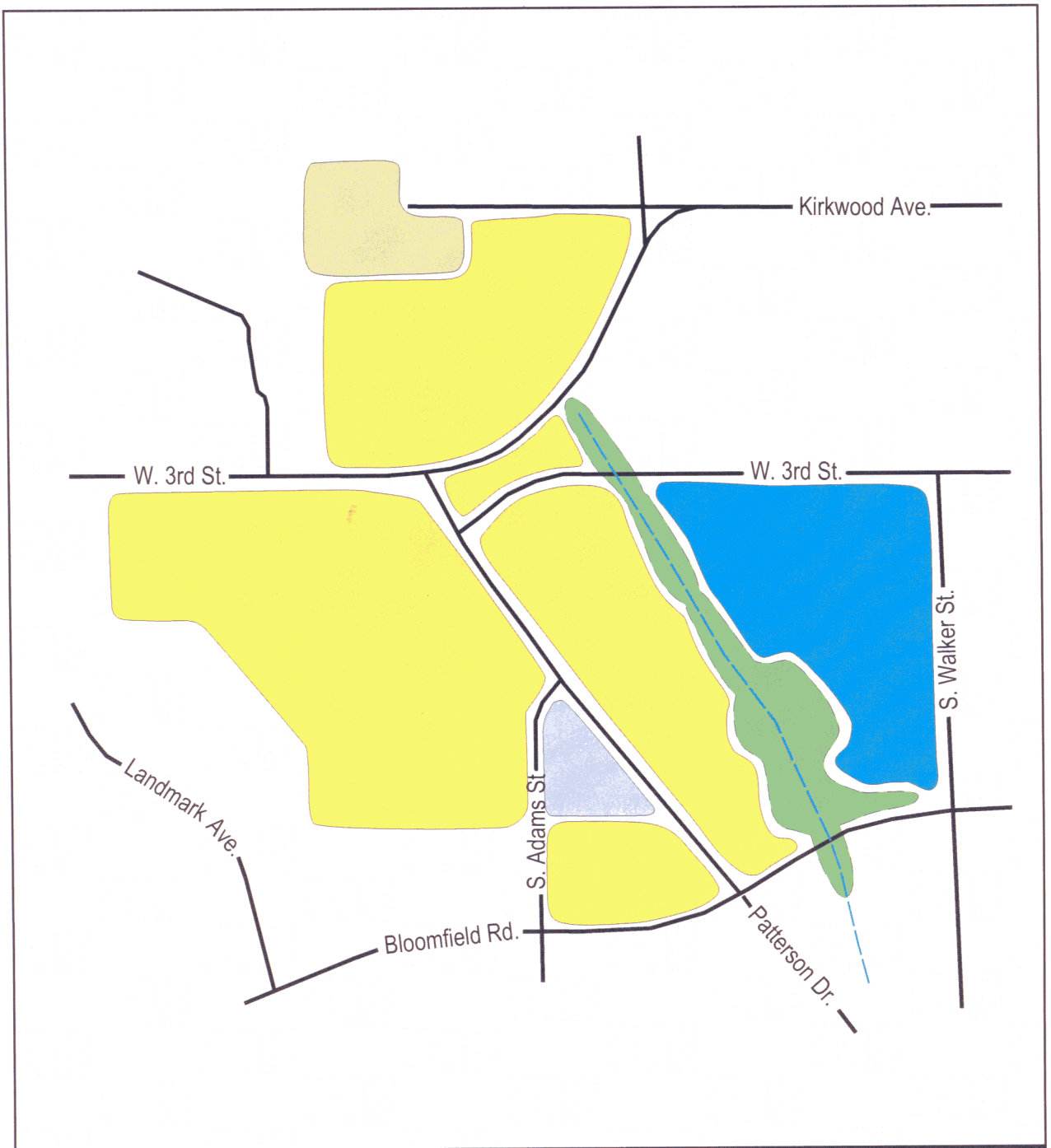
- Development should insure that commercial services are conveniently located to serve employment uses in the Subarea, as well as designed to allow for non-vehicular access from nearby residential areas.
- Road upgrades will spark investment toward commercial retail facilities. Balancing these market demands with a need to further develop other types of nonresidential uses (employment-based) will be critical.

Urban Services

- Bloomfield Road is slated for widening within the next 5-7 years. Prior to this widening a subarea plan should be developed which addresses ideal roadway cross-sections, access management, and desired land uses.
- Development along the east side of Patterson Drive should be augmented by the construction of new sidewalks.
- New commercial and employment development in this Subarea should be accommodated with new transit stop facilities.

Site Design

- Special design attention shall be paid to three key redevelopment sites within this Subarea. These sites are the automobile storage yard at Adams and Kirkwood, the Rogers Building Supplies property, and the property located along the east side of Patterson Drive, between West 3rd Street and Bloomfield Road.
- Access to arterial roadways (3rd Street, Patterson Drive, Bloomfield Road) must be tightly controlled as part of the development review process.
- Redevelopment and intensification should be accompanied by increased landscaping, greenspace opportunities, and building-forward design.
- The floodway of the West Branch of Clear Creek should be rehabilitated to improve its environmental quality. Opportunities for additional stormwater detention as well as pedestrian connectivity between Bloomfield Road and West 3rd Street should also be considered for this area.



MAP LEGEND

- Urban Residential
- Community Activity Center
- Employment Center
- Preserve Creek Corridor
- Institutional
- Existing Roadway
- Creek

Adams Street/Patterson Drive Subarea

Prepared by: Ground Rules, Inc.

ORIENTATION MAP

ORDINANCE 05-05

TO VACATE A PUBLIC PARCEL
Re: A Right-of-Way Located at 600 West 6th Street Which Runs North /South Between 6th Street and 7th Street
(Fairview United Methodist Church, Petitioner)

WHEREAS, I.C. 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, the petitioner, Fairview United Methodist Church, has filed a petition to vacate a parcel of City property more particularly described below; and

WHEREAS, various utilities use or occupy this public way and the petitioner has indicated intent to comply with their requests to preserve or protect those rights;

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

SECTION I. Through the authority of I.C. 36-7-3-12, a portion of City owned property shall be vacated. The property, commonly known as a right-of-way located at 600 West 6th Street, which runs in a north /south direction between 6th Street and 7th Street and between Fairview Street and Jackson Street, and is more particularly described as follows:

An alley in the City of Bloomington, County of Monroe, State of Indiana in Out Lot number thirteen (13) is described as follows: Beginning at a point One Hundred Thirty-Two (132) feet west of a point where the North line of the sidewalk, as it now exists, on the North side of West 6th Street in said City intersects the East line of said Out Lot number thirteen (13), thereby forming the south east corner of Out Lot number thirteen (13), thence West twelve (12) feet, thence North three hundred (300) feet, more or less, thence East twelve (12) feet, thence South three hundred (300) feet, more or less, to the place of beginning.

SECTION II. In accordance with I.C. 36-7-3-16, the following Utilities have submitted letters to the Common Council (attached) indicating that they are occupying or using all or part of this public way and wish to preserve those rights: City of Bloomington Utilities (which also requests an 8-foot extension of its easement), SBC, Cinergy, Insight Communications, and Vectren.

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2005.

_____
ANDY RUFF, 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 _____ day of _____, 2005.

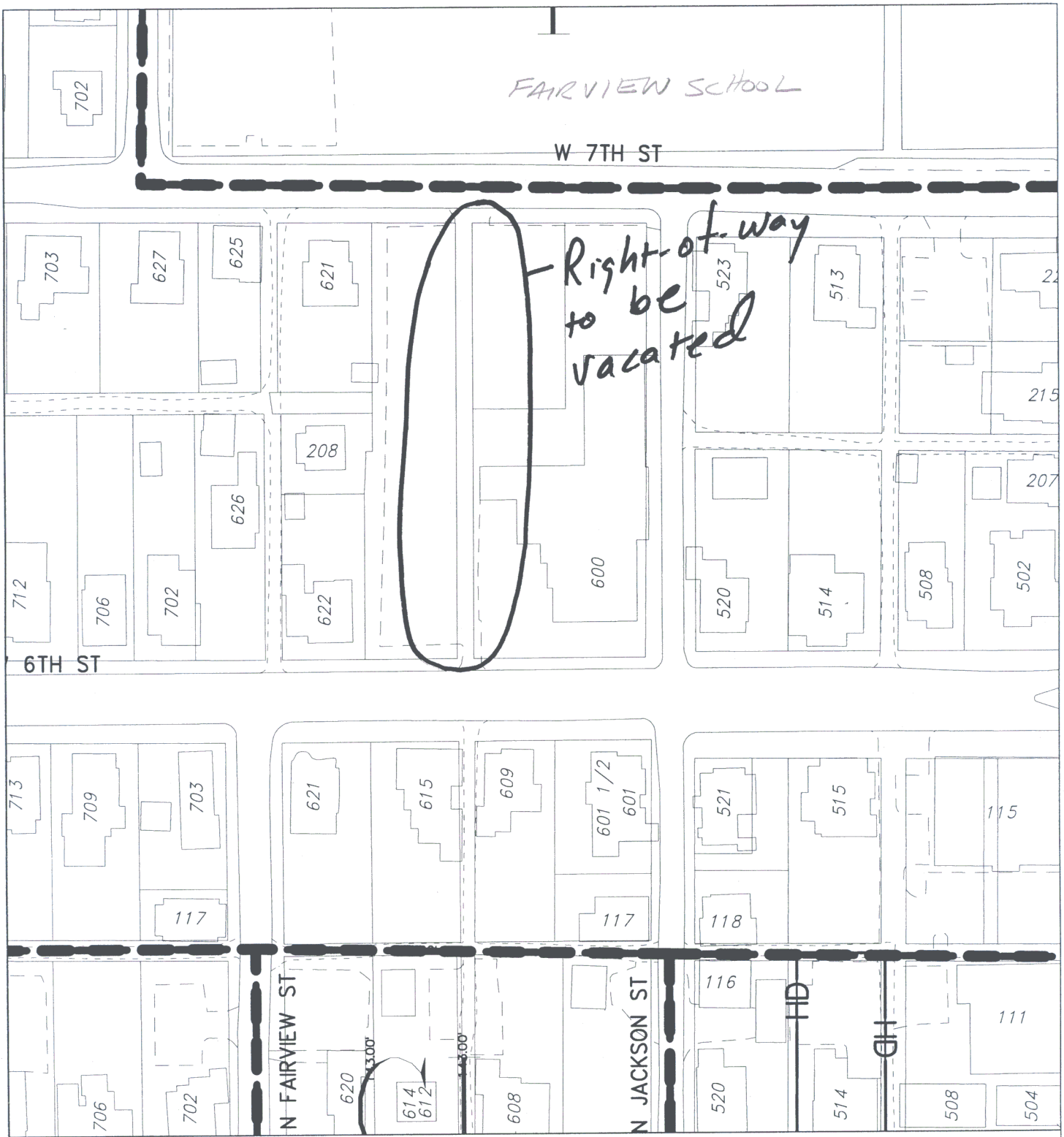
_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2005.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

The petitioner, Fairview United Methodist Church, requests vacation of the public parcel located at 600 West 6th Street which runs in a north /south direction for approximately 300 feet between 6th Street and 7th Street and between Fairview Street and Jackson Street.



For reference only; map information NOT warranted.

STREET
FAIRVIEW
STREET
(SEVENTH)
STREET
M.E. CHURCH
(SIXTH)
STREET
STREET
(JACK SON)
CARMICHAEL
STREET
14
13
8

DATE: January 19, 2005

TO: Common Council

FROM: Lynne Friedmeyer, Zoning & Enforcement Manager

SUBJECT: Request for vacation of an alley measuring 12 feet wide by 306 feet in length.

LOCATION: The subject parcel is a twelve foot wide right-of-way located in the parking lot of the Fairview United Methodist Church. This right-of-way is located between North Fairview Street and North Jackson Street, and 6th and 7th Streets starting at the north edge of 6th Street and running north.

PETITIONER: Fairview United Methodist Church at 600 W. 6th Street

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BACKGROUND: This petition is a request to vacate an existing alley right-of-way which runs through the parking lot of the Fairview United Methodist Church. The church has occupied this property since 1924 and has owned the property for 25 years. The church has paved and maintained the alley for a very long time. The church has not until recently decided that the right-of-way is a concern for both maintenance and drainage issues.

The following utility and city service organizations have responded to this request with no objections for the vacation of the existing right-of-way: Bloomington Police Department and the Bloomington Fire Department. In addition, SBC Ameritech, Cinergy, and Insight Communications have lines in the alley and want easements as well as the petitioner to pay all cost of relocating any of the lines. Vectren has a gas main and also wants an easement, as well as the petitioner to pay all cost of relocating the gas line if that becomes necessary. The City of Bloomington Utilities Department has a 12 inch water line in this right-of-way and is requesting a 20 foot wide easement to be able to access the line for repairs. This easement would be within the existing right-of-way with an additional 8 feet to the west of the alley. Fairview United Methodist Church has agreed to the easements and bearing the costs of all utility relocation. The request for vacation was heard by the Board of Public Works (BPW)on October 19, 2004. The BPW vote was unanimous to vacate the right-of-way.

The purpose of the vacation of right-of-way is to allow the possible northern expansion of the church and to address some drainage issues with storm inlets and correct some of the grade problems in the parking lot.

Agencies notified of the vacation request:

Bloomington Public Works Dept.
Bloomington Utilities Dept.
SBC Ameritech
PSI Cinergy
Insight Communications
City of Bloomington Police Department
City of Bloomington Fire Department
Vectren

CRITERIA: The criteria utilized to review a public ROW or easement vacation request are as follows:

1. Current status - access to property:
There will be no changes to the access plan. The alley has been used as a part of the church's driveway for many years. The church will not be allowed to construct over the easement which contain several utilities.

2. Necessity for growth of the city:

a. Future Status: The right-of-way proposed for vacation has several utilities located within the right-of-way. The right-of-way will be used as a drive in the future. Changes will be made to the slope of the drive for drainage purposes.

b. Proposed Private Ownership Utilization: Ownership of the right-of-way will go solely to the Fairview United Methodist Church since they own the property on both sides of the right-of-way.

c. Compliance with Regulations: All utilities in the right-of way will remain in the same location and will be within the new easement.

d. Relation to Plans: The Fairview United Methodist Church has plans to correct drainage problems on their property and also use the proposed vacation to unify the property's ownership. No construction will take place over the easement, but an expansion on the north side of the building could proceed in the future.

DISCUSSION: Staff finds that there is public-sector utilization

of the right-of-way to be vacated. All utilities will be located in easements. All interested parties, including the Board of Public Works, have no objections to the vacation.

RECOMMENDATION: Planning Staff recommends approval of this petition. The vacation of the right-of-way does not interfere with the City of Bloomington Zoning Ordinance or right-of-way/easement vacation policies. This approval is subject to the following condition.

1) That all future drainage improvements be subject to City Utilities Department approval.

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

CITY OF BLOOMINGTON
COMMON COUNCIL

ORD # 05-05
1st READING 2/2/05
COMMITTEE 2/9/05
FINAL HEARING 2/16/05

Office of the Common Council
P.O. Box 100, Showers City Hall
Bloomington, IN 47402
(812) 349-3409

Address of Property: 600 West Sixth Street
Bloomington, IN 47404

Applicant's Name: Fairview United Methodist Church

Address: 600 West Sixth Street, Bloomington, IN 47404 Phone: 339-9484

Counsel or Consultant: David Walter, Architect

Address: 208 North Ritter Phone: 855-0035

This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

I (we) agree that the applicant will notify all adjacent property owners by certified mail at the applicant's expense.

I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all forgoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.

David P Walter
Signature

Jan. 25, 2005
Date

DAVID P. WALTER
Please print name

David P. Walter, Architect
208 North Ritter
Bloomington, IN 47404
812.855.0035

November 17, 2003

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

Re: Petition for Vacation of Public Right-of-Way
Fairview United Methodist Church
600 W. Sixth Street
Bloomington, Indiana

Dear Sir,

I have been requested by the Trustees of Fairview United Methodist Church to submit to you the following documents for this request:

- General Application Form
- Map of Adjacent Properties
- List of Adjacent Property Owners
- Site Plan Drawing for Above Property
- Photographs

Fairview United Methodist Church has occupied this site since 1924. The adjacent properties surrounding the public alley have been owned by the church for over 25 years. The alley has been paved and maintained by the church.

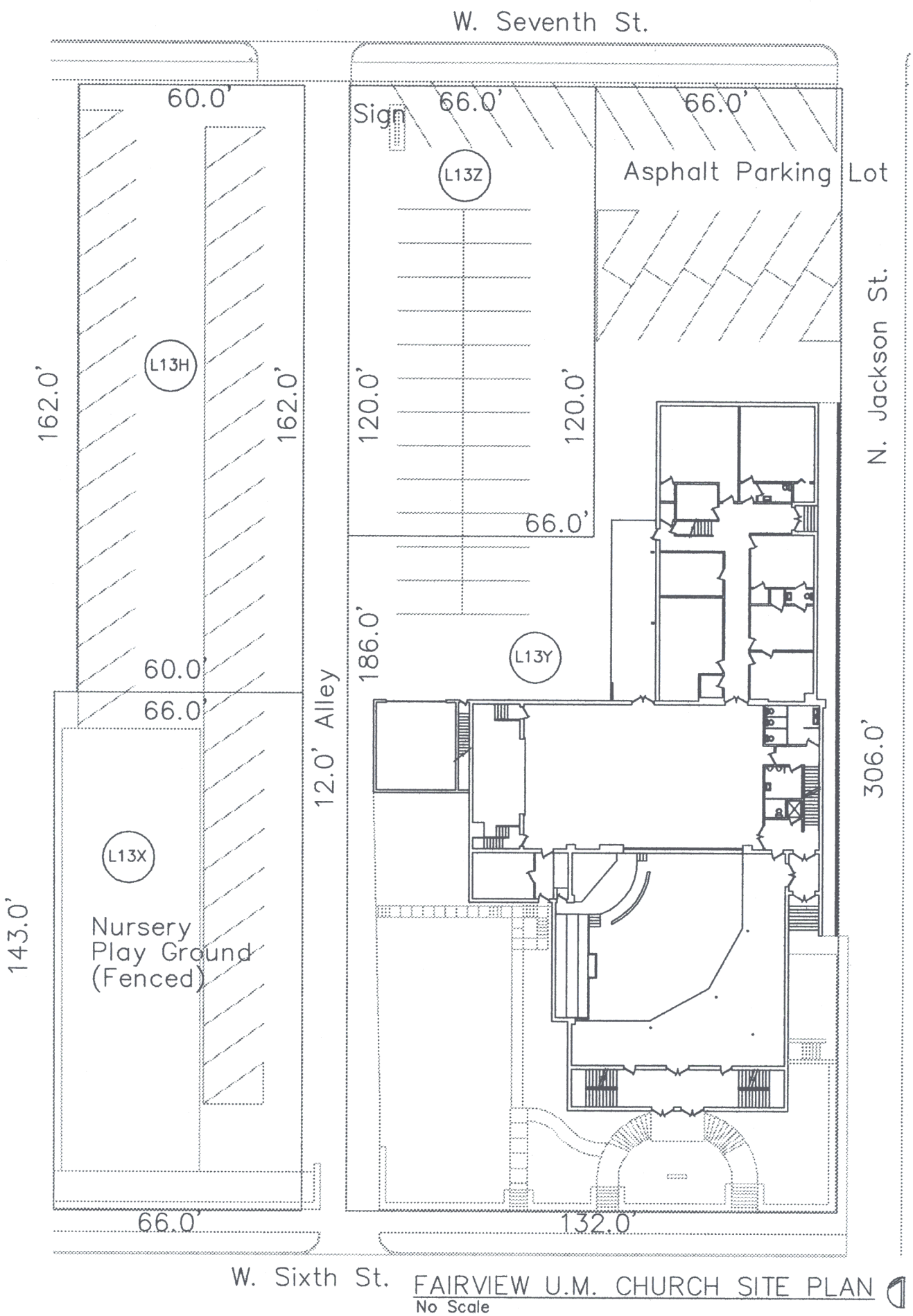
Currently, there are natural gas, water lines and overhead power lines that serve the church in the right-of-way. If the alley becomes church property, an easement for these utilities would be granted.

The acquisition of this property would allow the church to consider the design of a new north entrance to the building. At some point in the near future, renovation of the parking lot will have to be done. It would be possible to install storm water inlets and correct some of the grade problems around the church if it was part of the church's property.

I appreciate your assistance and if you should need additional information, please let me know.
Sincerely,

David P. Walter, Architect

cc: Bill McKee, President Fairview Trustees
Rev. Douglas Simpson, Pastor



FAIRVIEW U.M. CHURCH SITE PLAN

No Scale

City of Bloomington
Planning Department

DEVELOPMENT REVIEW TRANSMITTAL

Date: June 28, 2004

Type of Request: R.O.W. Vacation

Project Name: David Walter, Fairview United Methodist Church R.O.W.

Location: The R.O.W. in question extends south from W 7th Street to W 6th Street and is west of N Jackson Street. The alley is located in the middle of the Fairview United Methodist Church's parking lot.

Proposed Use: The alley R.O.W. in question is 12 feet in width and runs for a length of approximately 310 feet. David Walter, the petitioner wishes to use the alley vacation to allow a possible northern expansion to the church and to regrade the parking lot to fix drainage issues.

Required Approval: Common Council approval

TENTATIVE SCHEDULE

We need your comments by: 30 Days from date of this request
Preliminary Staff report: ASAP
Final Staff report: ASAP
First Common Council hearing: as scheduled
Second Common Council hearing: as scheduled
Final Common Council hearing: as scheduled
Board of Public Works hearing: as scheduled

SIGNIFICANT ISSUES AND QUESTIONS

Refer to the enclosed site plan, and petitioner's pre-petition review request, and letter.

Please respond in writing concerning the effect this vacation would have upon your provision of service to this area. You may also fax your written response to me at 349-3535.

Reply to: Eric Greulich
Planning Department
City of Bloomington
P.O. Box 100
Bloomington, IN 47402

Bloomington Police Department

Memo

To: Eric Greulich, Planning Department

From: Michael Hostetler, Chief of Police

Date: November 20, 2003

Re: David Walker, Fairview United Methodist Church R.O.W.

Mr. Greulich,

The vacation of this alley will have no effect on services provided by the Bloomington Police Department to the petitioner's property.

Thank you,

M. Hostetler

Michael Hostetler

Chief of Police

Subject: **Fairview Church**
Date: Thu, 26 Aug 2004 08:33:57 -0500
From: kerrr@bloomington.in.gov
To: friedmel@bloomington.in.gov

Lynn

As to the conversation we had on vacating the north / south alley on the west side of Fairview Church. The Fire Department has no objections to vacating this alley.

Thanks Deputy Chief Roger Kerr

Subject: RE: Fairview ROW
Date: Wed, 25 Aug 2004 15:21:09 -0500
From: muellert@bloomington.in.gov
To: friedmel@city.bloomington.in.us

Lynne

We have a 12" water line in the north-south alley. The alley is 12 ft wide. If the alley is vacated, we want a 20 ft easement because of the difficulty of working in a confined 12' space for a line of this size. It could be an additional 8 ft to the west of the alley.

Tim

--Original Message-----
From: Lynne Friedmeyer [mailto:friedmel@city.bloomington.in.us]
Sent: Wednesday, August 25, 2004 3:14 PM
To: Mueller, Tim
Subject: Fairview ROW

Tim:
Please write down your Fairview comments and e-mail them back to me.
Thanks in advance!
Lynne

CINERGY. PSI

Cinergy / PSI
1100 West Second Street
Bloomington, IN 47403

July 27, 2004

City of Bloomington
Planning Department
City Hall – Room 160
Bloomington, IN 47404
Attn: Mr. Eric Greulich
RE: Vacation of Alley for The Fairview United Methodist Church

Dear Mr. Greulich,

This letter is in response to The Fairview United Methodist Church request for Cinergy to vacate the alley east of the church, located at 600 W. 6th Street in Bloomington, Indiana.

Cinergy is willing to vacate this alley upon certain requirements. Cinergy does have facilities located in the existing alley. If any relocation of existing facilities is needed, 100% reimbursement is due from The Fairview United Methodist Church prior to any work being done. Also, if any new easements are required to serve existing customers due to relocation of our facilities, The Church is required to obtain new easements prior to any work being done.

If you have any questions about the vacation or need additional information, please contact me at 812-337-3035.

Thank you for your assistance.

Sincerely,

Kerry Ducker
Customer Project Coordinator
Bloomington District

Cc: rmcclain

INSIGHT COMMUNICATIONS

Lynne Friedmeyer
Planning Department
City of Bloomington
Post Office Box 100
Bloomington, Indiana 47403

To all concerned parties

The Encroachment of Easement or elimination of Easement that Fairview United Methodist Church has requested for the expansion of their property between West 6th and West 7th streets does not create any problems for our Companies operations in that area. If any relocating of existing facilities is required the applicant would be responsible for reimbursing those cost.
If there are any questions or more information needed please feel free to call me.

Scott Templeton 812.355.7822
District Construction Supervisor
Insight Communication
2450 South Henderson Street
Bloomington Indiana 47401

VECTREN

Not just power. Possibility.

November 24, 2003

205 S. Madison Street
Bloomington, IN 47404
Telephone 812-330-4075

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

Re: Vacation of North/South between W. 6th & 7th Streets and just west of N. Jackson in Bloomington, Indiana.

Indiana Gas Company, Inc. doing business as Vectren Energy Delivery of Indiana has researched the above location requested for vacation and there is currently an existing natural gas main within the subject right of way. Therefore, the vacation request should include the following language to reserve our rights.

> Indiana Gas Company, Inc. d/b/a Vectren Energy Delivery of Indiana, hereinafter referred to as Company reserves the following easement rights:
>
> An easement with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground and one or more gas lines, whether facilities are above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of electric energy or gas, upon, over, under and across said strips of land together with the right of ingress and egress over the lands to and from said facilities in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees located within said strips of land, and the right to trim or remove, at Company's sole discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above ground facilities, and the right to remove brush or other obstructions from said strip of land.

The above rights must be reserved in the ordinance for Indiana Gas Company/Vectren to approve of said vacation. Please forward to me a copy of the recorded ordinance upon passing.

The company will entertain relocating the gas facilities, if provided a reasonable route and reimbursement for the expense. If you have any questions, please feel free to give us a call.

Sincerely,

Raymond E. Wise

Raymond E. Wise
Vectren Energy Delivery of Indiana

RECEIVED
JAN - 6 2004
BY:----------

January 5, 2004

Eric Greulich
Planning Department
City of Bloomington
PO Box 100
Bloomington, In 47402

Dear Eric,

In regards to the vacation request of the R.O.W. at Fairview United Methodist Church, dated 11/17/2003, SBC has no objection to the request as long as the petitioning party provides SBC with a utility easement of the same dimensions as the north half of the proposed vacated R.O.W. or agrees to reimburse SBC in writing, for expenses incurred in rerouting existing facilities.

If you have any questions or comments please call me on 812-334-4521.

Sincerely,

Brent McCabe
SBC
Outside Plant Engineer
4517 E. Indiana Bell Ct.
Bloomington, In 47408

/

SUMMARY

BOARD OF PUBLIC WORKS REGULAR MEETING HELD ON TUESDAY, OCTOBER 19, 2004, IN THE CITY COUNCIL CHAMBERS OF CITY HALL AT SHOWERS, 401 N. MORTON, BLOOMINGTON, INDIANA.

1. The Board approved the Minutes of September 21, 2004 as presented.

2. The Board authorized Staff to Enter and Abate Title VI Weed Violations at 3332 Valleyview Drive, 805 W. Ralston, 2416 S. Rogers.

3. The Board opened the following two Quotes for Purchase of Equipment for Trail / Pathway Maintenance:

Bobcat of Indy	Indianapolis, Indiana	$41,908.85
Bobcat of Indy North	Whitestown, Indiana	$43,804.43

After Review of the Quotes, the Board Awarded the Quote to Bobcat of Indy with a Quote of $41,908.85.

4. The Board approved the Extension of the Contract with Petroleum Traders for Purchase of Fuel for City Vehicles for an Additional Year.

5. The Board approved the Agreement with InfoComm Systems for Consulting Services, subject to the Funds being appropriated by City Council.

6. The Board approved of the Request for Vacation of the North/South Alley in the 600 Block of West 6th Street.

7. The Board approved Resolution 2004-48 Agreement with Bryan Park Neighborhood Association to Maintain Landscaping in Traffic Bump Outs at Lincoln and Dixie and at Lincoln and Dodds.

8. The Board approved Resolution 2004-49 for Horse and Carriage Rides for Hire for the Holiday Market on Saturday, November 27th.

9. The Board approved Resolution 2004-50 for Near Westside Neighborhood Historic Sign Placement in the Right of Way.

10. The Board approved Resolution 2004-51 for Encroachment with Wall at 510 South Rose Avenue.

11. The Board approved Resolution 2004-52 for Encroachment with Landscaping along Sare Road for Hyde Park Village Homeowners Association.

12. The Board approved Resolution 2004-53 for Encroachment over Right of Way with Parking Sign at Regester Parking Garage.

01.25.2005 14:44

Core Residential

Intent

This category encompasses those neighborhoods surrounding Bloomington's downtown and Indiana University. These areas are neighborhoods of cottages and bungalows (some architecturally and historically distinctive) built at higher densities than more recent residential development. Core Residential areas are characterized by a grid-like street system, alley access to garages, small street setbacks, and a mixture of owner occupants and rental tenants. The unique character, urban form and land use pattern of the near-downtown residential areas must be protected and enhanced.

Land Use

The predominant land use for this category is single family residential; however, redevelopment has introduced several uncharacteristic uses such as surface automobile parking, apartments, offices, retail space and institutional activities. This district is designed primarily for higher density single family residential use. The existing single family housing stock and development pattern should be maintained with an emphasis on limiting the conversion of dwellings to multi-family or commercial uses, and on encouraging ongoing maintenance and rehabilitation of single family structures. Multi-family (medium and high-density) residential and neighborhood-serving commercial uses may be appropriate for this district when compatibly designed and properly located to respect and compliment single family dwellings. Neighborhood-serving commercial uses, and possibly even office uses, may be most appropriate at the edge of Core Residential areas that front arterial street locations. More specific land use policies include:

- Allow multi-family redevelopment along designated major streets, in transition areas between the downtown and existing single family residential areas, and when appropriately integrated with adjacent uses per adopted form district requirements.
- Explore opportunities to introduce nodes of appropriately designed, neighborhood scaled commercial uses within the core neighborhoods.
- Discourage the conversion of single family homes to apartments.
- Utilize targeted tax abatements and grant programs in specific neighborhoods to provide incentives for increased owner occupancy and affordable housing construction.

Urban Services

Core Residential Areas have full accessibility to necessary urban services. Therefore, the main objective for these areas is to maintain adequate levels of urban service and where possible to improve the capacity and aesthetics of all urban services. In some core neighborhood areas, existing utilities infrastructure is outdated and deficient, and must be upgraded, with assistance from the City, as a component of infill development.

- Promote neighborhood enhancements of public improvements such as sidewalks, streetlights, street trees and landscaping, and playgrounds and play areas.
- Opportunities to repair and upgrade underground utilities must be pursued in order to preserve the capacity of aging utilities in the urban core.
- When major utilities projects are required, other urban amenities (sidewalks, landscaping, etc.) should be upgraded simultaneously to reduce the need for multiple construction processes.
- In new development or redevelopment projects, utilities should be placed underground and located so as to minimize potential conflicts with trees and other landscaping features.
- The City should reduce cost barriers for affordable housing providers by upgrading deficient utilities in core neighborhoods.

Site Design

The majority of core neighborhoods have been built out, so major changes will occur with redevelopment and property turnover. Redevelopment and rehabilitation of existing structures should respect the unique character and development pattern of the Core Residential areas. Core Residential development should emphasize building and site compatibility with existing densities, intensities, building types, landscaping and other site planning features.

- The Zoning Ordinance should include new site planning standards that reflect existing patterns of development in core neighborhoods (Form Districts).
- Residential parking should be encouraged to utilize garages accessed by alleys to the rear of properties, while front yard parking shall be prohibited.

ORDINANCE 05-06

TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED "HISTORIC PRESERVATION AND PROTECTION " TO ESTABLISH A HISTORIC DISTRICT Re: "The Garton Farm" at 2820 - 2920 East 10th Street (Bloomington Restorations, Inc., Petitioner)

WHEREAS, the Common Council adopted Ordinance 95-20 which created a Historic Preservation Commission and established procedures for designating historic districts in the City of Bloomington; and

WHEREAS, the Historic Preservation Commission held a public hearing on January 13th, 2005 for the purpose of allowing discussion and public comment on the proposed historic district designation of "The Garton Farm" at 2820 and 2920 East 10th Street; and

WHEREAS, at the January 13th, 2005 meeting the Historic Preservation Commission found that the building has historic and architectural significance that merits the protection of the property as a historic district; and

WHEREAS, the Commission has prepared a map and written report which accompanies the map and validates the proposed district by addressing the criteria outlined in BMC 8.08.10; and

WHEREAS, the Commission voted to submit the map and report to the Common Council which recommend local historic designation of "The Garton Farm;"

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

SECTION I. The map setting forth the proposed historic district for the site is hereby approved and said historic district is hereby established. A copy of the map and report submitted by the Historic Preservation Commission is attached to this ordinance and incorporated herein by reference and two copies of the map are on file in the Office of City Clerk for public inspection. The legal description of this property is further described as:

A part of the Southwest quarter of Section 35, Township 9 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Commencing at a P.K. nail found marking the northwest corner of said quarter section, said corner being on the centerline of State Road 45; Then South 01 degree 13 minutes 30 seconds East 21.43 feet; Thence South 01 minutes 32 seconds East 21.43 feet; Thence South 89 degrees 53 minutes 32 seconds 319.63 feet to a stone post found and the Point of Beginning:

Thence continuing South 89 degrees 53 minutes 32 seconds East 11.76 feet; Thence North 89 degrees 16 minutes 34 seconds East 488.82 feet; Thence North 89 degrees 46 minutes 44 seconds East 153.74 feet to a 5/8 inch diameter rebar with a cap engraved "Bynum Fanyo 890006 (called "monument" for the remainder of this description) set; Thence South 85 degrees 45 seconds 33 seconds East 138.96 feet to a monument set; Thence South 89 degrees 32 minutes 52 seconds East 189.98 feet to a monument set; Thence South 03 degrees 16 minutes 01 seconds West 81.39 feet to a monument set; Thence South 11 degrees 45 minutes 02 seconds West 528.27 feet to a monument set on the north right-of-way line of the Illinois Central Railroad; Thence on and along said line North 78 degrees 04 minutes 44 seconds West 376.69 feet; Thence North 78 degrees 00 minutes 18 seconds West 293.58 feet; Thence North 78 degrees 08 minutes 05 seconds West 210.36 feet to a monument set; Thence North 01 degree 13 minutes 30 seconds West 421.50 feet to the Point of Beginning within said bounds 11.08 acres be the same more or less but subject to all rights-of-way and easements of record.

SECTION II. The Garton Farm shall be classified as "outstanding."

SECTION III. Chapter 8.20 of the Bloomington Municipal Code, entitled "A List of Designated Historic Districts," is hereby amended to insert a line regarding the "The Garton Farm" which shall read as follows:

The Garton Farm	2820 - 2920 East 10th Street

SECTION IV. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances 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 V. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2005.

_____
ANDY RUFF, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2005.

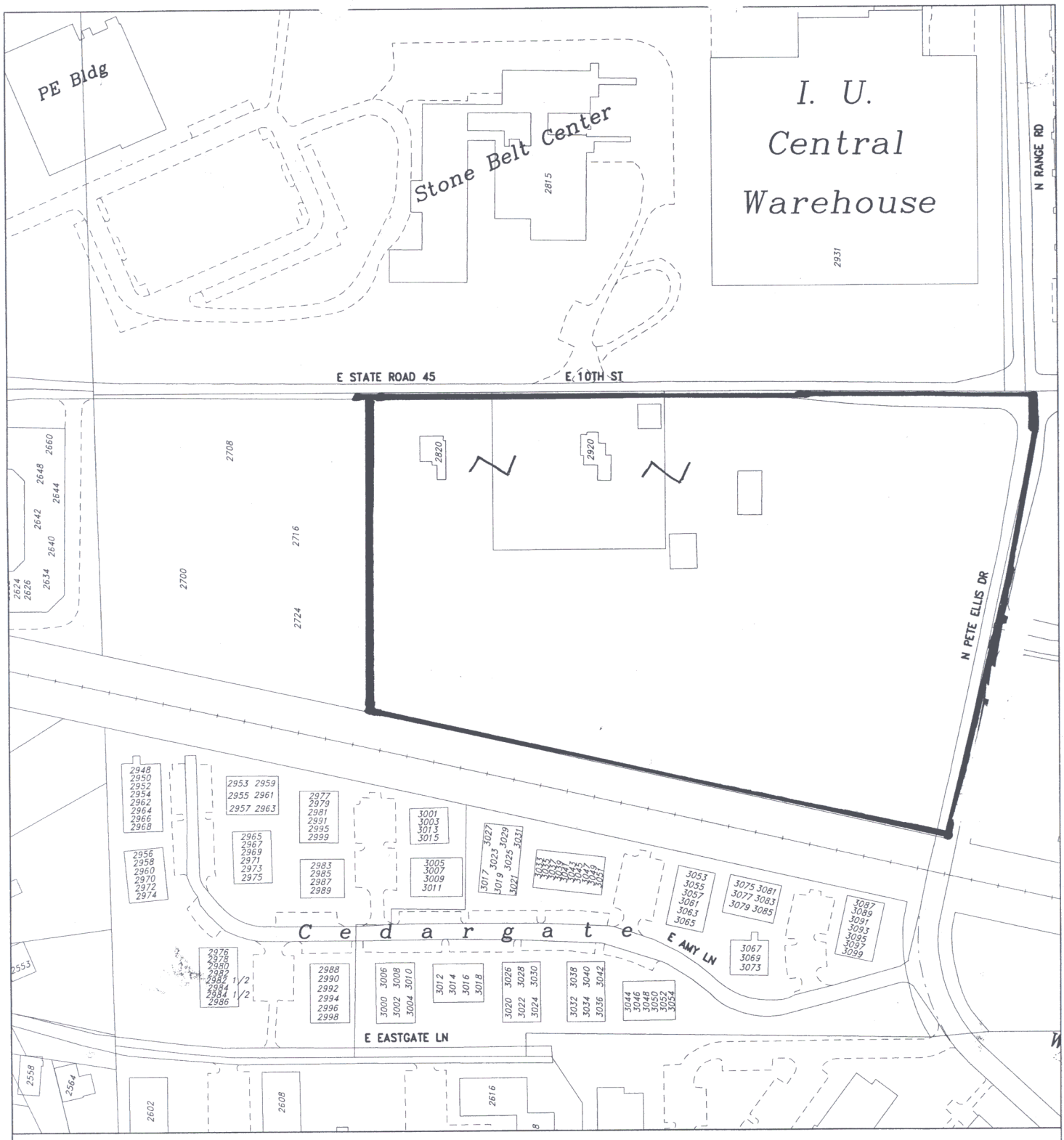
_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this ____day of _____, 2005.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled "The List of Designated Historic Districts" in order to designate the Garton Farm located at 2820 and 2920 East 10th Street as a historic district. Bloomington Restorations, Inc. sought this designation and after a public hearing on January 13, 2005, the Bloomington Historic Preservation Commission recommended it to the Common Council. Along with this designation it also recommended that the property be rated as "outstanding" because the Garton Farm is the only remaining 19th century farm and rural landscapes within the city limits. Daisy Garton, former owner of the property, left a will securing the land and house to be used as a farm museum. The current owner, Bloomington Restorations, Inc. has recently assumed this obligation. Local designation was a condition of approval of the Board of Zoning Appeals. The 11.08 acre site contains two houses, a barn, a crib, a blacksmith shop, and a garage. Once this ordinance has been adopted, the property will be regulated by the requirements that apply to all historic and architecturally worthy districts so designated by the Common Council. These regulations preserve and protect the property from demolition and include the review of exterior modification.



HD-04-04

Daisy Garton Farm (Hinkle Garton House and Farm)

Petitioner: Bloomington Restorations, Inc.

2820 and 2920 West 10th Street

By: hiestann

26 Aug 04

200 0 200 400 600

N

City of Bloomington

Scale: 1" = 200'

For reference only; map information NOT warranted.

HD-04-04
Daisy Garton Farm **2820-2920 East 10th Street**
Staff Report: Bloomington Historic Preservation Commission

The property at 2820-2920 East 10th Street, also known as the "The Daisy Garton Farm," qualifies for local designation under the following highlighted criteria found in Ordinance 95-20 of the Municipal Code (1) a and c; (2) e, f, and g.

(1) Historic:

a. Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or
b. Is the site of an historic event; or
c. Exemplifies the cultural, political, economic, social, or historic heritage of the community.

(2) Architecturally worthy:

a. Embodies distinguishing characteristics of an architectural or engineering type; or
b. Is the work of a designer whose individual work has significantly influenced the development of the community; or
c. Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or
d. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
e. Contains any architectural style, detail, or other element in danger of being lost; or
f. Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood of the city or
g. Exemplifies the built environment in an era of history characterized by a distinctive architectural style

---

The Daisy Garton farmstead is comprised of an 1892 Queen Anne house and a smaller pyramidal-ell cottage with 4 contributing agricultural outbuildings. Part of the land is wooded and extends south to the Indiana Railroad right-of-way. Although it once contained 82 acres primarily in agriculture, the farm is now surrounded by high density apartments, and high traffic institutional uses. State Highway 45 passes along the northern boundary of the site about 45 feet from the front of the principal house. A large apartment complex completed in 2003 on the west side of the site further reduces the size of the farm to 11.08 acres.

Because of its increasingly urbanized setting, Daisy Garton was concerned for the farm's survival and placed it on the state register to protect it from state highway encroachment. The

1991 nomination notes a chicken coop in "poor condition" that has since been lost, but all other structures cited in the report still exist.

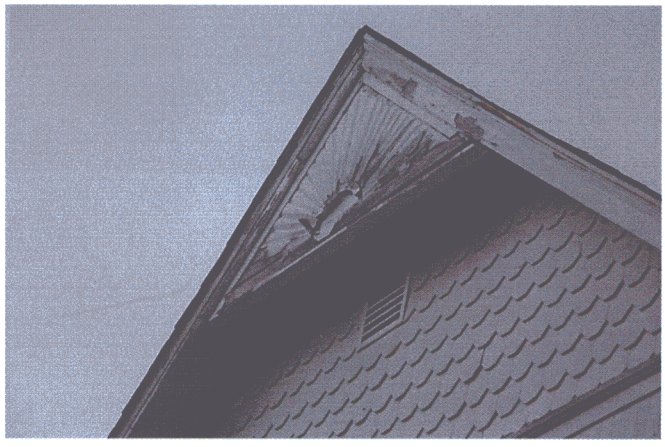
The Garton Farm was included in all three Bloomington surveys and in all of them classified as "outstanding."
2001 Historic Sites and Structures Report 105-055-90188
1986 Historic Sites and Structures Report 105-055-80019
1976 Historic Sites and Structures Report 105-055-0287

The first survey described the main house (1) as carpenter builder in style. Its ornamentation is definitely Queen Anne with a variety of shingle patterns and distinctively carved gable ornaments. The windows were replaced a few years ago. The original configuration of the house is a two-story T-Plan with a central chamfered bay and three upstairs bedrooms. Interior integrity adds to the farm's significance and includes original wide plank pine floors, quarter sawn oak woodwork, interior shutters, pocket doors and built-in cabinets. An addition to the rear of the original house was constructed in 1928, along with the garage (2) that is the northernmost building on the site, just off the right-of-way. The main barn (3) is a gambreled Midwest three portal barn. The crib (4) is the southernmost building on the lot. A small "blacksmith shop" (6) which is a vertically sided remains, though its contents were largely removed.

The smaller house (5) on the west side of the site was built c. 1910 and is the childhood home of Daisy Garton. She moved to the larger house, in 1947 and lived there until her death in 2002. Garton's estate dictated that the land would be protected from development. Under BRI's ownership, the house is to be preserved as a museum. BRI retained ownership in Dec of 2004. As a part of a BZA approval to use the farm as a museum, BRI is required to apply for local designation. The individual nomination form to the National Register of Historic Places, written in 1991, is attached to this report. The property was listed on the state register only. At the time Daisy Garton was concerned that the trees along the front fence would be endangered with the anticipated widening of the highway. Because of the farm's listing on the state register, the highway right-of-way was moved north approximately 17 feet in order to avoid encroachment and negative impact to the farm site.

The farm is endangered by its location and its obvious development potential. It has a history of being considered a significant architectural feature of the city, documented as "outstanding" since the inception of the local survey. Its expression of the Queen Anne style is a rural complement to the Showers houses on North Washington Street. Its eligibility for the National Register is documented.

Staff recommends approval and to adopt the rating of "outstanding" as recommended by the 2001 survey.



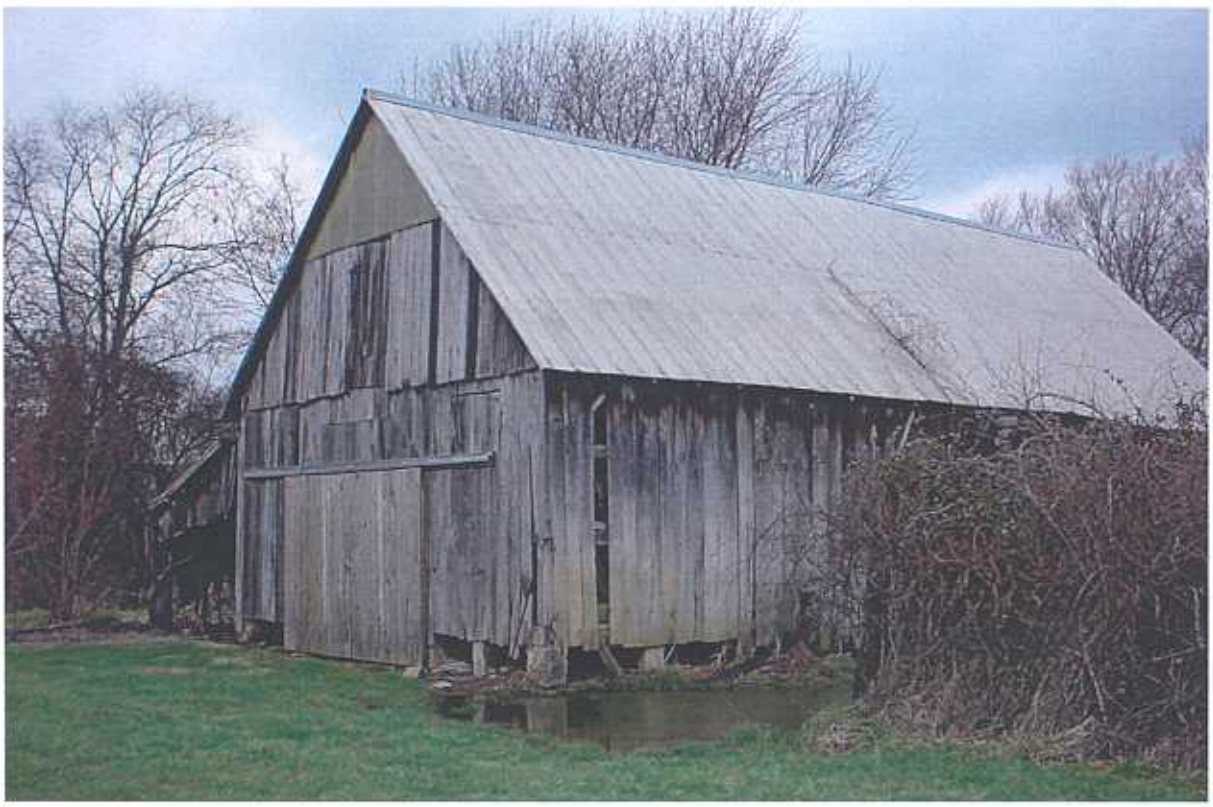
Daisy Garton Home 2920 East 10th Street (1)

Midwest three-portal Barn (3)

Blacksmith Shop (6)

Garage 2920 East 10th Street (2)

2820 East 10th Street (5)



Crib Structure (4)

NPS Form 10-900
(Rev. 8-86)

OMB No. 1024-0018

United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations of eligibility for individual properties or districts. See instructions in *Guidelines for Completing National Register Forms* (National Register Bulletin 16). Complete each item by marking "x" in the appropriate box or by entering the requested information. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, styles, materials, and areas of significance, enter only the categories and subcategories listed in the instructions. For additional space use continuation sheets (Form 10-900a). Type all entries.

1. Name of Property

historic name: Hinkle Garton House and Farm

other names/site number: 105- 639-80019
or 055-80019 ? (p.47)

2. Location

street & number: 2920 East Tenth Street ☐ not for publication

city, town: Bloomington ☐ vicinity

state: Indiana code: IN county: Monroe code: 105 zip code: 47401

3. Classification

Ownership of Property

- [X] private
- [ ] public-local
- [ ] public-State
- [ ] public-Federal

Category of Property

- [ ] building(s)
- [X] district
- [ ] site
- [ ] structure
- [ ] object

Number of Resources within Property

Contributing	Noncontributing	
7	0	buildings
0	0	sites
0	0	structures
4	0	objects
11	0	Total

Name of related multiple property listing: N/A

Number of contributing resources previously listed in the National Register: 0

4. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this ☐ nomination ☐ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property ☐ meets ☐ does not meet the National Register criteria. ☐ See continuation sheet.

Signature of certifying official _____ Date _____

State or Federal agency and bureau _____

In my opinion, the property ☐ meets ☐ does not meet the National Register criteria. ☐ See continuation sheet.

Signature of commenting or other official _____ Date _____

State or Federal agency and bureau _____

5. National Park Service Certification

I, hereby, certify that this property is:

- [ ] entered in the National Register. ☐ See continuation sheet.
- [ ] determined eligible for the National Register. ☐ See continuation sheet.
- [ ] determined not eligible for the National Register.
- [ ] removed from the National Register.
- [ ] other, (explain:) _____

Signature of the Keeper _____ Date of Action _____

6. Function or Use

Historic Functions (enter categories from instructions)

DOMESTIC/single dwelling; secondary structure
AGRICULTURAL/storage; field; animal facility; outbuilding

Current Functions (enter categories from instructions)

DOMESTIC/single dwelling; multiple dwelling
AGRICULTURAL/storage; field; animal facility; outbuilding

7. Description

Architectural Classification (enter categories from instructions)

Queen Anne
OTHER: vernacular barn

Materials (enter categories from instructions)

foundation STONE
walls WOOD
roof ASPHALT
other METAL

Describe present and historic physical appearance.

The Hinkle Garton House and Farm is an approximately 20 acre farm located on the east side of Bloomington. This intact grouping of agricultural buildings is enshrined by a pastoral setting of gently rolling hills and well established treelines. The farm is immediately surrounded on all sides by commercial, civic and residential development. The two houses and five outbuildings all survive with a high degree of integrity and together with their surrounding fields and trees present an uncommon rural environment within an increasingly urban environment.

Included in this farm district are the two story main house built in 1892 in the Queen Anne architectural style (photo # 1-6), a smaller one and one half story gabled ell house built circa 1910 (photo # 7,8), a blacksmith shop built in 1901 (photo # 9), a garage built circa 1920 (photo # 10), a large barn built in 1928 (photo # 11) and a grain crib and chicken house of unknown date (photo # 12 and 13 respectively). All of the buildings are wood frame with wood siding; the two houses have stone foundations and asphalt roofs. All of the buildings are considered contributing to the district. All of the buildings are in good condition except: the garage and crib are in fair condition and the blacksmith shop and chicken house are in poor condition. All of the buildings retain a high degree of integrity and remain virtually unchanged from their original construction.

The property once included a total of 82 acres, parts of which have been sold so that an approximately 20 acre parcel remains today. This parcel is bounded by East Tenth Street (Indiana State Road 45) to the north, the Crosstown Shopping Center to the west, the Illinois Central Railroad tracks to the south and Pete Ellis Drive to the east. Indiana University owns the property across Tenth Street to the north upon which there are several school buildings. A new City of Bloomington post office stands across Pete Ellis Drive to the east. Residential development is found to the northeast, east beyond the post office, to the southeast and south beyond the railroad tracks. In short, commercial and residential development is encroaching on all sides.

3528

[X] See continuation sheet

Along the north boundary of the property there are four stone posts, one at the northwest corner of the property, one near the little house, one near the main house and one near the garage (photo # 2). There were at least two more east of the garage which have been broken off to the ground level. The remaining four posts are considered as contributing objects to the district. Several hard maple trees which line Tenth Street in front of the main house are thought to date from the time of the building of the house in 1892 and contribute greatly to the ambience of the yard and house (photo # 1-3).

The original 1892 part of the two story main house has a T-shaped plan with a crossed gable roof and rests on a stone foundation. One story porches with decorative posts, brackets and spindles are found on either side of the front projecting gable (photo # 1-5). The front gable has a rectangular bay, which projects outward slightly on the first floor level, horizontal siding broken up with a section of vertical siding at a halfway point and chamfered shingles at the roof level (photo # 5). The west gable has a full height projecting bay with chamfered corners below the roof level and a triangular gable brace at the peak with a carved sunburst pattern (photo # 6). The east gable also has a triangular gable brace at the peak with a carved sunburst pattern (photo # 4). The rear two story addition was added circa 1928 and consists of a broad south facing gable (photo # 6) and a one story summer dining room (photo # 4). A one story former wood shed is attached at the south east corner (photo # 6). It was modernized for an apartment circa 1946.

The interior of the house retains a high degree of integrity and appears much as it did when it was constructed. The original portion of the house has a parlor, living room, dining room and kitchen on the first floor and three bedrooms on the second floor. Original features on the first floor include quarter sawn oak trim with bull's eye corner blocks at the windows, interior window shutters, high molded base boards, wide pine floor boards (originally covered with wall to wall Brussels carpets), panel doors with original hardware, a front door with multiple panes and decorative woodwork, paneled pocket doors between the living room and dining room, a built-in china cabinet in the dining room and a fireplace with wood mantel in the living room. Original features upstairs include closets in each bedroom, a built-in linen closet at the top of the stairs, quarter sawn oak trim, interior window shutters, wide pine floor boards and transomed panel doors with original hardware. Light fixtures which date to the installation of electricity in the 1920's hang in the bedrooms.

The little house has a parlor, living room, dining room, pantry and kitchen on the first floor with original black walnut trim and doors. The upstairs, which was originally unfinished was converted to an apartment in the 1970's (photo # 7, 8).

The main barn is a large Midwest three-portal barn with a rectangular plan and a gambrel roof (photo # 11). A deep overhang on the south side provides shelter for an access door to upper level hay storage. This wood frame barn has a metal roof and vertical wood siding. This barn functions to house farm animals, originally dairy cows, and currently horses.

The garage (photo # 10) and the crib (photo # 12) are both one and one half story transverse frame structures with shed roof additions to one side. Both have metal roofs and vertical wood siding. The blacksmith shop is a small one story gable structure with vertical wood siding (photo # 9). The chicken house is a small wood sided structure with a shed roof (photo # 13).

All of the outbuildings, except for the chicken house, are located in a large fenced field to the east of the main house (see sketch map). The garage is located immediately adjacent to the road and within thirty feet of the main house. The blacksmith shop is directly to the south of the garage within twenty feet of the main house. The large barn is located east of the blacksmith shop and the crib to the south. The little house is approximately 100 yards to the west of the main house and the chicken house is located to the south of the little house. The yard around the houses is separated from the fields around it with fencing and tree lines.

The completely rural environment of the farm has been maintained by the lack of major changes to the district over time. The district appears much as it did during the period of significance. The only visible alterations are the modernization of the wood shed at the rear of the main house and a new entrance and stairs at the rear of the little house. The only major interior alterations are the renovations inside the wood shed and the second floor of the little house, both to accommodate apartments.

8. Statement of Significance

Certifying official has considered the significance of this property in relation to other properties:
☐ nationally ☐ statewide ☒ locally

Applicable National Register Criteria ☒ A ☐ B ☒ C ☐ D

Criteria Considerations (Exceptions) ☐ A ☐ B ☐ C ☐ D ☐ E ☐ F ☐ G

Areas of Significance (enter categories from instructions)
AGRICULTURE
ARCHITECTURE

Period of Significance
1892-1928

Significant Dates
1892, 1901, c. 1910, 1928

Cultural Affiliation
N/A

Significant Person
N/A

Architect/Builder
N/A

State significance of property, and justify criteria, criteria considerations, and areas and periods of significance noted above.

The Hinkle Garton House and Farm is significant under Criteria A and C for its fine Queen Anne style residence and intact group of farm buildings, which together represent the only such group in the City of Bloomington and one of the few in Bloomington Township.

While the Hinkle Garton House is identified in the Indiana Historic Sites and Structures Inventory: City of Bloomington Interim Report (the property is located in the "two mile fringe", governed by but technically not in the City of Bloomington), its agricultural context and proximity to the edge of the city render its evaluation in the context of Monroe County more appropriate. The Indiana Historic Sites and Structures Inventory: Monroe County Interim Report identifies seven Queen Anne style houses in agricultural settings, only one of which is rated as outstanding. The Howard House in Richland Township (105-677-15051) is a one story pyramid cottage with Queen Anne decoration and is said to be the best preserved example of the style outside Bloomington. The Hinkle Garton House is more characteristic of the Queen Anne style with its two story height, projecting bays and patterned surface achieved with wood shingles and siding. Within the City of Bloomington area, the Hinkle Garton House compares favorably with the best of the Queen Anne style houses including the Morgan House (105-055-62009; National Register of Historic Places, 1983). It is unique among Bloomington's Queen Anne style houses in that it is part of an agricultural group.

The Hinkle Garton House and Farm is significant for its association with agriculture in the Bloomington community. The farm was settled by John Henry and Laura Ann Rawlins Hinkle in 1887. John Henry was born in 1854 in the Griffy Creek area, Monroe County and Laura in 1859 near Paragon in Morgan County. The two were married in 1884 in Orleans and lived first in the Griffy Creek area. When they purchased the first forty acres and moved to the Hinkle Garton Farm in 1886 there was a log structure on the property (no longer standing) where they resided until they built the current main house in 1892. John Henry farmed the land and bought and sold livestock and continued to purchase more land until he had at least 80 acres at one time. The self sufficient farm had dairy and beef cows, chickens and a blacksmith shop. Laura, who taught school in Monroe and Orange Counties before marrying, was the granddaughter of Cynthia Stout Rawlins, who lived in the Daniel Stout House (listed on the National Register of Historic Places in 1973) as a child.

☒ See continuation sheet

The only child of John Henry and Laura, Henry Ernest Hinkle, was born in 1885. The little house was built for Henry and his wife, Bertha Elizabeth Rogers Hinkle, circa 1910. They lived there with their children, Daisy Estella Hinkle, born 1908, and John Henry Hinkle, Jr., born 1914, until their divorce (a third child, Dorothy Ilene had died in 1908). Henry lived in the little house off and on until 1946, then moved into the main house. He was a prolific potato-farmer known as the "Potato King" of Monroe County. He also raised dahlias and gladiolus, selling the bulbs and flowers to local florists. The little house was rented out to others when not occupied by the Hinkle family before 1946 and continuously from 1946 to the present.

Daisy Hinkle, a music professor, married Joseph Nathan Garton, also a music professor, in 1940 and moved to the main house on a permanent basis in August 1943, where she has lived ever since.

The farm grew to a size of 82 acres with two more purchases of land by John Henry Hinkle, Sr. by 1895. The farm was active in the production of crops and livestock from 1886 until 1980. The barn and pastures are currently rented for horses. The garage was used by the Hinkles and Gartons from the time it was built when the first automobile was purchased in the 1920's until the late 1940's, when its proximity to a busy road made its use more dangerous.

Over the years the size of the farm has eroded due to several factors. The first was the advent of the Illinois Central Railroad, which cut through the property taking 6.27 acres of the farm in 1905. Later, when the family ceased active farming after 1980, plots were sold and subsequently developed by others. The core of the farm with all of the buildings have been preserved with a healthy portion of pasture surrounding it on three sides.

The Hinkle Garton House and Farm are also significant under criterion C for their architectural contribution to the Bloomington area and Monroe County. The period of significance is derived from the span of the construction of these buildings. The main house is the oldest, built in 1892. The blacksmith shop was built in 1901, the little house in circa 1910 and the large barn in 1928. The barn replaced two former barns. The garage was built sometime in the 1920's and the crib and chicken house are of unknown date. This intact group of farm buildings are characteristic of agricultural buildings from their era, few of which survive as a group without alteration, as these do. The Queen Anne style main house and gabled ell little house are both excellent examples of their type for Bloomington and together with the agricultural outbuildings take on additional significance in their unity and integrity.

9. Major Bibliographical References

Interview with Daisy Garton, 17 July 1990.

Indiana Historic Sites and Structures Inventory: City of Bloomington Interim Report. City of Bloomington, Indiana, 1988.

Indiana Historic Sites and Structures Inventory: Monroe County Interim Report. Bloomington, Indiana: Bloomington Restorations, Inc., 1989.

☐ See continuation sheet

Previous documentation on file (NPS):
- ☐ preliminary determination of individual listing (36 CFR 67) has been requested
- ☐ previously listed in the National Register
- ☐ previously determined eligible by the National Register
- ☐ designated a National Historic Landmark
- ☐ recorded by Historic American Buildings Survey # _____
- ☐ recorded by Historic American Engineering Record # _____

Primary location of additional data:
- ☒ State historic preservation office
- ☐ Other State agency
- ☐ Federal agency
- ☐ Local government
- ☐ University
- ☐ Other

Specify repository: _____

10. Geographical Data

Acreage of property approximately 20 acres

UTM References

	Zone	Easting	Northing
A			
B			
C			
D			

☐ See continuation sheet

Verbal Boundary Description

Bounded by East Tenth Street (Indiana State Road 45), the Crosstown Shopping Center, the Illinois Central Railroad and Pete Ellis Drive, Bloomington, Indiana.

☐ See continuation sheet

Boundary Justification

These are the boundaries of the farm property. Non-agricultural uses surround the property on all sides.

☐ See continuation sheet

11. Form Prepared By

name/title Cynthia Brubaker, Architectural Conservator
organization Portfolio Design Inc. date 26 July 1990
street & number 115 N. College Ave., Suite 113 telephone 812/334-2488
city or town Bloomington state Indiana zip code 47404

ORDINANCE 05-07

TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED "HISTORIC PRESERVATION AND PROTECTION" TO ESTABLISH A HISTORIC DISTRICT Re: "The Fleener Building" at 112 East 3rd Street (Bloomington Historic Preservation Commission, Petitioner)

WHEREAS, the Common Council adopted Ordinance 95-20 which created a Historic Preservation Commission and established procedures for designating historic districts in the City of Bloomington; and

WHEREAS, the Historic Preservation Commission held a public hearing on January 13th, 2005 for the purpose of allowing discussion and public comment on the proposed historic district designation of "The Fleener Building" at 112 East 3rd Street otherwise described as:

Part Fractional Outlot #21

WHEREAS, at the January 13th, 2005 meeting the Historic Preservation Commission found that the building has historic and architectural significance that merits the protection of the property as a historic district; and

WHEREAS, the Commission has prepared a map and written report which accompanies the map and validates the proposed district by addressing the criteria outlined in BMC 8.08.10; and

WHEREAS, the Commission voted to submit the map and report to the Common Council which recommend local historic designation of "The Fleener Building;"

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

SECTION I. The map setting forth the proposed historic district for the site is hereby approved by the Common Council, and said historic district is hereby established. A copy of the map and report submitted by the Historic Preservation Commission are attached to this ordinance and incorporated herein by reference and two copies of them are on file in the Office of the Clerk for public inspection. The legal description of this property is further described as:

Part Fractional Outlot # 21

SECTION II. The Fleener Building shall be classified as "contributing."

SECTION III. Chapter 8.20 of the Bloomington Municipal Code, entitled "A List of Designated Historic Districts," is hereby amended to insert a line regarding the "The Fleener Building" which shall read as follows:

The Fleener Building 112 East 3rd Street

SECTION IV. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances 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 V. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2005.

_____
ANDY RUFF, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this ____day of _____, 2005

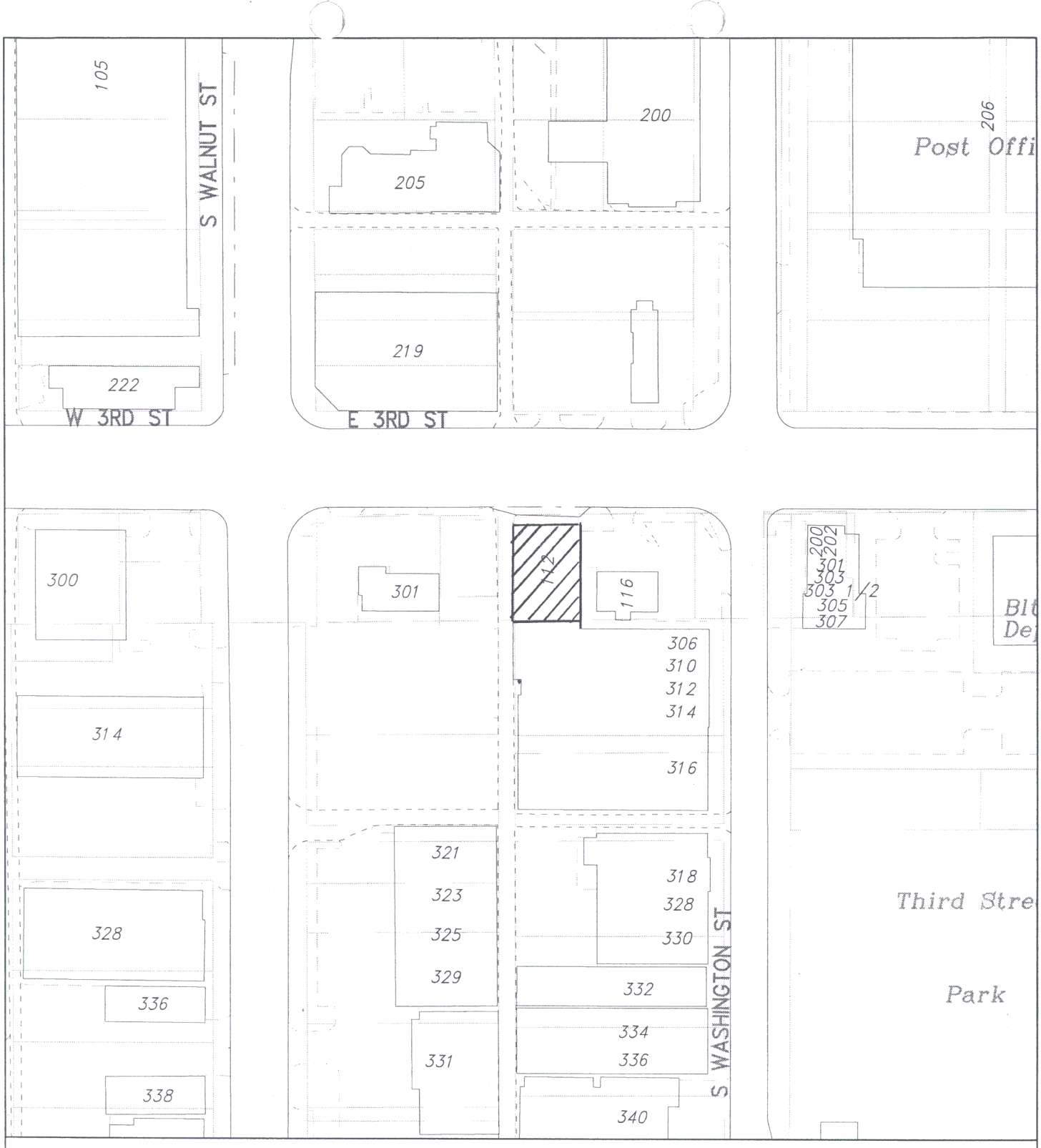
_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this ____day of_____, 2004.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled "The List of Designated Historic Districts" in order to designate the Fleener Building located at 112 East 3rd Street as a historic district. The Bloomington Historic Preservation Commission sought this designation and after a public hearing on January 13, 2005 recommended it to the Common Council. Along with the designation, it also recommended that the building be classified as "contributing." This classification was recommended because the building is a memorable part of the Third Street commercial corridor with distinctive Classical Revival details that are even now influential in contemporary architecture and that the building is one of very few surviving 1920's commercial blocks of this style. Once this ordinance has been adopted, the property would be regulated by the requirements that apply to all historic and architecturally worthy districts so designated by the Common Council. These regulations preserve and protect the property from demolition and include the review of exterior modifications.



HD–05–04

Fleenor Building

112 East Third Street

By: hiestann

27 Dec 04

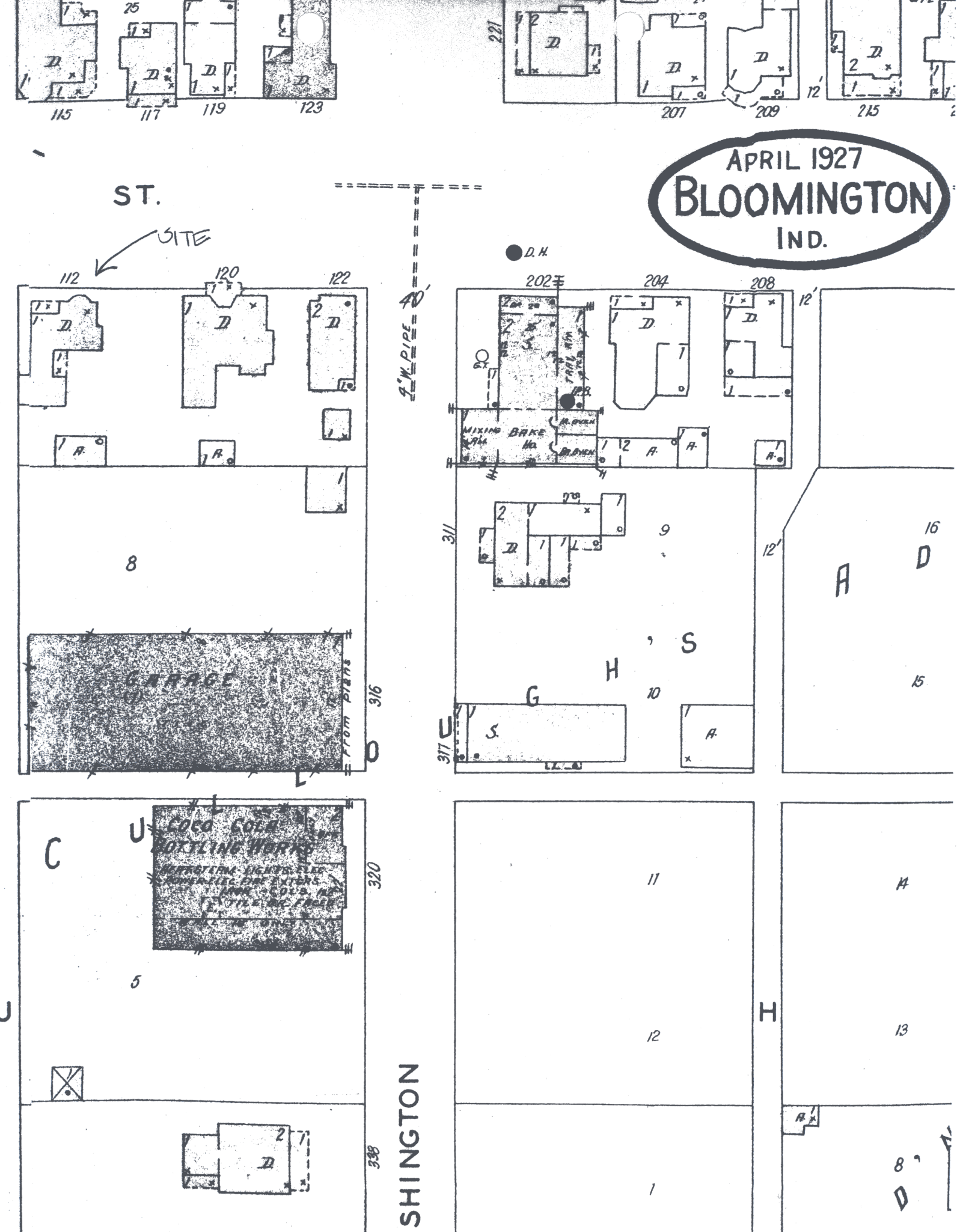
100 0 100 200 300

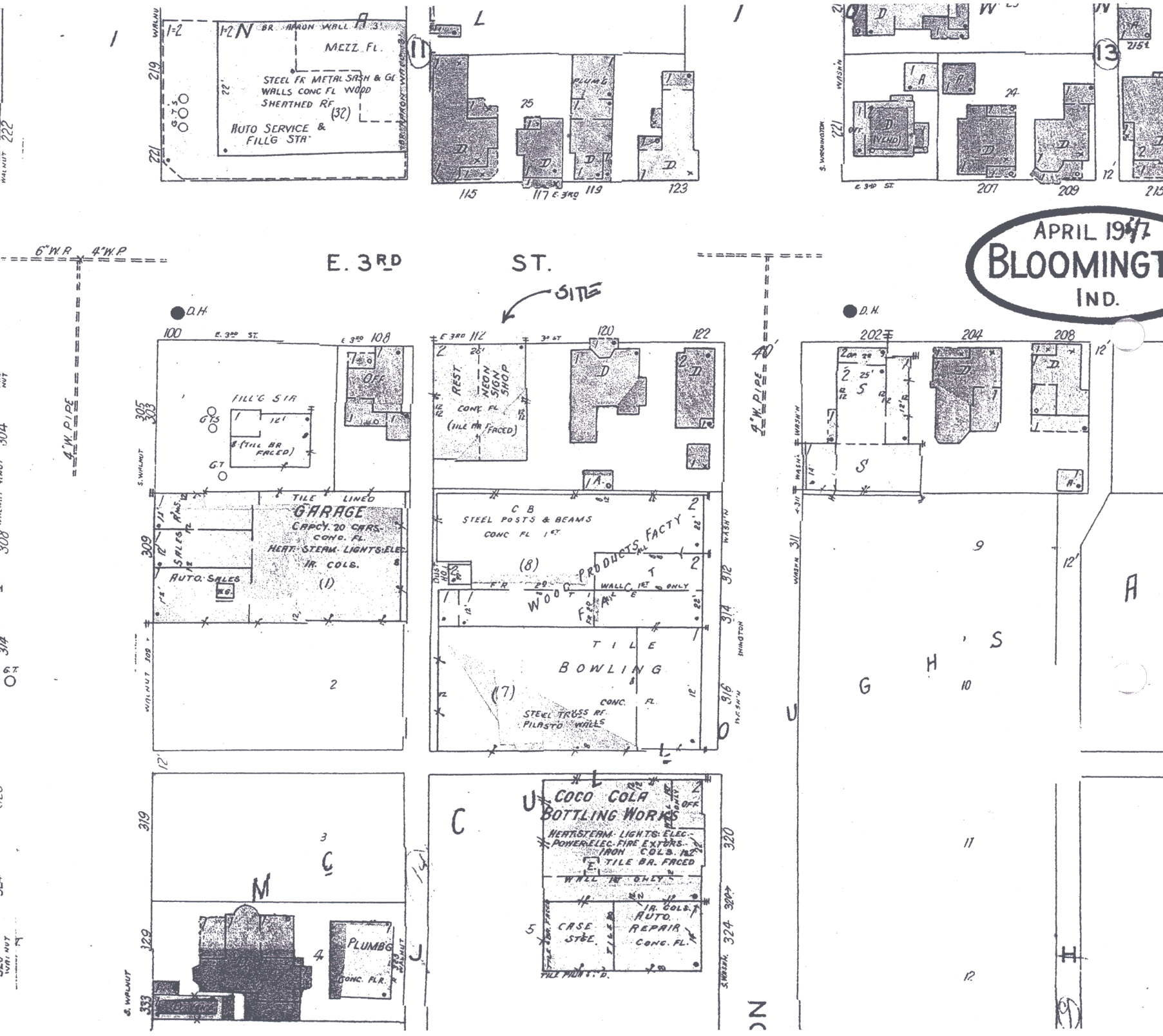
N

City of Bloomington

Scale: 1" = 100'

For reference only; map information NOT warranted.


APRIL 1927
BLOOMINGTON
IND.
ST.
SITE
112
120
122
40'
4" W. PIPE
D.H.
202
204
208
12'
MIXING
BAKE
8
9
10
11
12
1
16
15
14
13
8
311
317
316
320
338
GARAGE
COCO COLA
BOTTLING WORKS
SHINGTON
115
117
119
123
221
207
209
215


APRIL 1947
BLOOMINGT
IND.
E. 3RD ST.
SITE
D.H.
MEZZ. FL.
STEEL FR METAL SASH & GL
WALLS CONC FL WOOD
SHEATHED RF
AUTO SERVICE &
FILL'G STA
FILL'G STA
TILE LINED
GARAGE
CAPCY. 20 CARS.
CONC. FL.
HEAT. STEAM. LIGHTS: ELEC.
IR. COLS.
AUTO. SALES
REST.
NEON SIGN SHOP
CONC. FL.
(TILE BR FACED)
C B
STEEL POSTS & BEAMS
CONC FL 1ST
WOOD PRODUCTS FACTY
TILE
BOWLING
CONC. FL.
STEEL TRUSS RF.
PILASTO WALLS
COCO COLA
BOTTLING WORKS
HEAT. STEAM. LIGHTS: ELEC.
POWER. ELEC. FIRE EXTGRS.
IRON COLS. 1&2
TILE BR. FACED
WALL 1ST ONLY
CASE STGE.
AUTO. REPAIR
CONC. FL.
PLUMB'G
CONC. FLR.
4" W. PIPE
6" W.R.
4" W.P.
S. WALNUT
WASH'N
S. WASHINGTON
E. 3RD ST.
100
108
112
120
122
202
204
208
305
303
309
312
314
316
319
320
324
329
333
115
117
119
123
207
209
215
219
221
222
11
13
12'
40'

HD-05-04
Fleener Building **112 East Third Street**
Staff Report: Bloomington Historic Preservation Commission

The property at 112 East 3rd Street, also known as the "The Fleener Building," qualifies for local designation under the following highlighted criteria found in Ordinance 95-20 of the Municipal Code (1) c; (2) e, f, and g.

(1) Historic:

a. Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or
b. Is the site of an historic event; or
c. Exemplifies the cultural, political, economic, social, or historic heritage of the community.

(2) Architecturally worthy:

a. Embodies distinguishing characteristics of an architectural or engineering type; or
b. Is the work of a designer whose individual work has significantly influenced the development of the community; or
c. Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or
d. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
e. Contains any architectural style, detail, or other element in danger of being lost; or
f. Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood of the city or
g. Exemplifies the built environment in an era of history characterized by a distinctive architectural style

---

The Fleener Building is a vernacular commercial block located along the East Third Street corridor between Washington and Walnut. It was built in 1928, during a period of construction in the neighborhood that also saw completion of the Coca Cola Building remodel (1924) and the Home Laundry (1922). The owner of the Fleener Building has applied for a demolition permit. The Fleener Building is one of three very similar brick commercial buildings built in the 1920's that remain in Bloomington. These include the S.P. Mitchell Building (1928) at the corner of Hillside and Walnut and the Mitchell Brothers Building at 406-408 South Walnut (1922). All are designed for retail on the first floor and residential above.

The Fleener Buildings was surveyed in 2001 and is catalogued as #155-055-90067 in scattered

sites as a contributing structure.

The Fleener Building was built on the site of the residence of Joseph Burl Fleener in 1928. His wife, Jennie, ran a beauty salon called the New York Beauty Shoppe at 112 ½ East Third in the same building through 1930. At the time a restaurant, JW Rendel's, was located in the principal store front. The Depression saw several years of vacancy but the residential units remained occupied. In the 1940's the Canton Tea Room was located in the building. In 1948, Modern Cleaners moved in and stayed until 2000: over 50 years and is probably the most familiar name associated with the building.

Joe Fleener, the building's namesake, was actually a familiar figure around town. He achieved some fame, as "Hot Tamale" Joe. For 35 years, he was a familiar figure on Kirkwood and Walnut selling hot tamales to students. During the Depression, Joe began to make tamale's with a recipe from the southwest that an employee from his restaurant had brought back. In difficult times, Joe seems to have lost the building and started producing tamales from the kitchen in his home that he sold from a pail on the street. Joe's life and death were covered in the local and student newspapers. He had sold his wares on the streets of Bloomington from 1932 until his death in 1966. According to Joe, he lost everything during the Depression, his place and his wife.

The Fleenor building is a brick multi-unit commercial building. The square front form has a two story façade that masks a bow truss roof attached to the façade. This form is common in early twentieth century buildings in Bloomington. The building design, the style of which is commercial vernacular, also contains some classical revival details. The tripartite front entrance is symmetrically placed between single story battered piers and two story piers that divide the bays into three. It is most similar in style to the S.P. Mitchell Building on South Walnut and like it has a limestone carved building name and date in the façade. The four piers rise to square columns capped with limestone. Soldier courses divide the building horizontally. The windows are symmetrically placed with a ribbon course of four, six over six windows on the second floor. The sash in the other windows in the building may have been replaced or they may have originally been single light double hung sash, as they appear. Also modified are the store front windows, which continue to have original proportions, but may have had transom lights.

Although there are scattered commercial buildings that remain from the twenties in the city this is one of only three that are in the larger scale and are distinctly "designed." This is also a building with possible residential uses above the retail floor, as it was used originally.
This traditional building contains design details that are now being imitated on downtown commercial buildings, such as the new Bloomington Paint and Wallpaper building at Grimes and Walnut and the Building at 6th and Rogers completed by CFC.

Staff recommends approval and to adopt the rating of "contributing" as recommended by the 2001 survey.

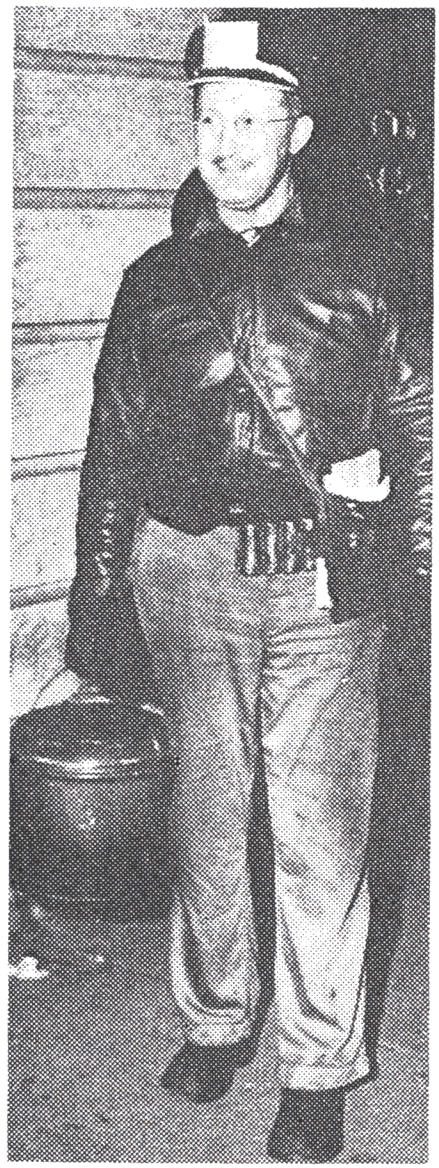
Fleener Building 112 East 3rd Front Facade

Fleener Building 112 East 3rd camera looking southeast

New construction: 6th and Madison

S. P. Mitchell Building 1500 South Walnut c. 1930.

From: 1818 - 1968 History of Bloomington



"Hot Tamale" Joe

For about 35 years, Joe Fleener, known as "Hot Joe, made and sold his hot tamales to scores of tow and I. U. students, peddling them on the square an streets in an insulated pail. Joe died in 1966.

Bloomington's Tamale Joe died Sunday

The familiar sight of Tamale Joe ambling down South Walnut swinging his pail of hot tamales ended with his sudden death Sunday afternoon.

Buried yesterday, Joseph B. Fleener died at Bloomington Hospital after suddenly becoming ill Sunday. He was 75.

Joe Fleener used to cover the downtown and campus area in his daily sales of tamales, but when his age became a factor, he preferred to remain close to his home at 1203 South Walnut street. He could usually be seen at the corner of South Walnut and Grimes lane.

Came to Bloomington.

Joe came to Bloomington from school. He interrupted his schooling in 1912 to marry, and in 1915 he went into the restaurant business.

He stumbled on the tamale trade by accident in 1915 when Walter Woodward, one of his employees, who had come from Mexico to visit his family, traded Joe the recipe for his fare back to the west.

The recipe was in Joe's possession for almost 15 years before he considered the possibility of making a living by making and selling tamales when the "Great Depression" of the 30's hit.

"It knocked the props out from under me," Mr. Fleener told a reporter. "I lost everything. . . my place, my wife. . . everything." He explained that his wife left because of hard times during the lean years.

Used secret recipe.

Joe made the tamales in the spotless kitchen of his large home. The recipe was a well-guarded secret, but included a basic meat mix of chicken, pork, or veal combined with over 15 spices and chili pepper which Joe ground himself.

The largest number of tamales he sold in a single day was about 300 on VJ day in 1945. He sold tamales to the crowds in the square in pouring rain from early afternoon until nearly midnight.

Aside from his occupation as vender, Joe was an avid stamp collector and possessed more than 50,000 stamps which he valued in excess of $5,000. He was a member of the National Philatelic Society and was listed by the organization as a specialist in the field.

PRACTICING LAW IN
THE PARIS DUNNING HOUSE
NATIONAL HISTORIC REGISTER

BAUER & DENSFORD
ATTORNEYS AT LAW

JAWN J. BAUER
THOMAS E. DENSFORD
JASON L. MCAULEY
JEFFREY A. CHALFANT
PATRICK D. CARROLL
OF COUNSEL

January 21, 2005

Lisa Abbott
Assistant Director
Housing and Neighborhood Development Dept.
PO Box 100
Bloomington, IN 47402

RE: Historic Designation of Fleener Building

Dear Lisa:

It is the intention of Phelps Properties L.L.C. to challenge the Historic Preservation Commission's recommendation before the Common Council and pursue appropriate legal remedies arising from the Commission's procedural and substantive violations of Title 8 of the Bloomington Municipal Code.

Thank you for your attention to this matter. If you wish to discuss this matter further please do not hesitate to contact me.

Sincerely,

Thomas E. Densford

Thomas E. Densford

lk/TED
CC: Phelps Properties, L.L.C.