

CITY OF BLOOMINGTON



**JULY 7, 2014 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL**

**CITY OF BLOOMINGTON
PLAN COMMISSION AGENDA
July 7, 2014 @ 5:30 p.m.**

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

ROLL CALL

MINUTES TO BE APPROVED: June 2, 2014

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

- **Report to Plan Commission of Planning & Engineering Department Reorganization**

WITHDRAWN:

PUD-12-14 **Trinitas Ventures**
1550 N. Arlington Park Road
Rezone 40.69 acres zoned RS, PUD, & BP to PUD. Also requested is approval of a preliminary plan and district ordinance.
(Case Manager: Patrick Shay)

PETITIONS CONTINUED TO NEXT MEETING:

SP/UV-34-13 **GMS – Pavilion Properties**
306 E. Kirkwood Ave.
Site plan approval for a 3-story mixed-use building. Also, Plan Commission review of a Use Variance for a bank drive-through in the CD zoning district.
(Case Manager: Tom Micuda)

SP-14-14 **AJ Capital Partners**
210 E. Kirkwood Ave.
Site plan approval for a downtown hotel.
(Case Manager: Patrick Shay)

APPROVAL OF CONSENT AGENDA:

ZO-18-14 **City of Bloomington**
Amendments to the Unified Development Ordinance to reflect reorganization of the Planning and Engineering Departments
(Case Manager: Tom Micuda)

PETITIONS:

UV-15-14 **Stephen Cordell**
822 W. 6th St.
Use variance to allow a duplex within a Residential Core (RC) zoning district.
(Case Manager: Patrick Shay)

SP-16-14 **Moonburn LLC**
526 N. Morton St.
Site plan review for a 5-story mixed use building with associated site planning waivers.
(Case Manager: James Roach)

SP-17-14 **JC Hart**
730 N. Walnut St.
Site plan approval of an 82-unit multifamily development at what's commonly known as the High Point property
(Case Manager: Patrick Shay)

ZO-07-14 **City of Bloomington**
Approval of Common Council Ordinance 14-05, which creates a Conditional Use process for review of Standardized Businesses within the Courthouse Square a University Village Overlay districts *(Case Manager: Tom Micuda)*

Last Updated: 7/2/2014

****Next Plan Commission hearing scheduled for Aug. 4, 2014**

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
Location: 822 W. 6th Street**

**CASE #: UV-15-14
DATE: July 7, 2014**

**PETITIONER: Stephen Cordell
3852 S. Swartz Ridge Road, Bloomington**

REQUEST: The petitioner is requesting a use variance to allow a 2-unit structure within a Residential Core (RC) zoning district.

REPORT: The petition site is located on the north side of W. 6th Street, midblock between N. Waldron Street and N. Maple Street. It is also located within the Near West Side Neighborhood. This Residential Core (RC) zoned property is .135 acres (40' x 147') and is also listed as a contributing structure on the City's 2001 Interim Report of Historic Sites and Structures.

Until recently, this structure had been owner-occupied for many years. At some point in the past, the previous owner created an internal separation and began to rent a portion of the home as a separate unit without any approvals from the City. The Housing and Neighborhood Development (HAND) Department became aware of the unregistered rental and inspected the rental portion of the structure. HAND issued a rental permit for the structure that included two units, an owner-occupied unit (not inspected) and a 1-bedroom rental unit.

Prior to the petitioner's recent purchase of the property, his due diligence research of the property included an inquiry to the HAND Department regarding the rental status of the property. Because there was a current rental permit for the property as a 2-unit structure without a note about a zoning compliance issue, the petitioner continued with his planned purchase of the property. Upon purchase, he contacted the HAND Department to update the ownership of the property and have it transferred to his name. Upon completion of rental inspections, the petitioner was issued a new rental permit in his name for two one-bedroom units. Shortly after the issuance, the Planning Department received a phone call regarding this property. The Planning Department determined that the current and previous rental permits for a 2-unit structure authorized by HAND were issued in error and not in compliance with the zoning standards of the RC district.

Staff met with the petitioner and indicated to him that the duplex use would have to receive a use variance to be permitted to continue, or the structure would have to be returned to a single family configuration. The petitioner has requested a use variance to allow the current 2-unit configuration to remain.

Staff analyzed the surrounding area to determine the current development pattern for this portion of the Near West Side Neighborhood. Of the approximately 98 residential structures within the two blocks of W. 6th Street and W. 7th Street between N. Elm Street and N. Fairview Street, approximately 50% of the structures are registered rentals. In addition, approximately 11% of the structures housed multiple units. These structures range from 2-5 units in configuration.

GROWTH POLICIES PLAN: This property has been designated as Core Residential by the Growth Policies Plan (GPP). These areas are “characterized by a grid-like system, alley access to garages, small setback, and a mixture of owner-occupants and rental tenants.” The GPP policies for land use in these areas states that the” existing single family housing stock and development pattern should be maintained with an emphasis on limiting the conversion of dwellings to multi-family...encouraging ongoing maintenance and rehabilitation of single family structures.”

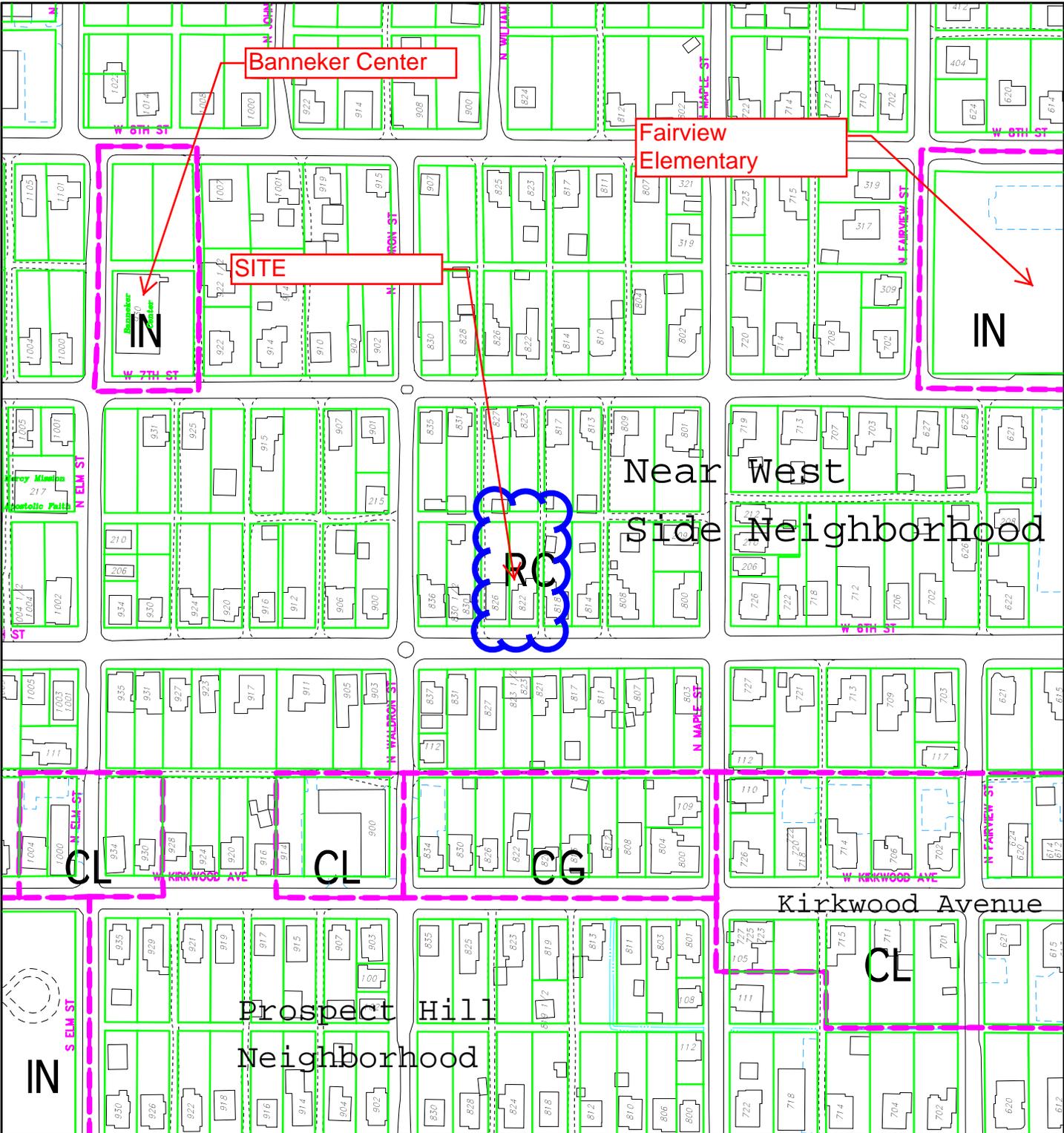
With past requests for new multifamily uses within Core Residential areas, staff has found it difficult to find compliance with the GPP. However, staff finds this case to have extenuating circumstances. Specifically, the petitioner exercised due diligence in researching the permit status of the structure and received a rental permit for the requested use. Although the GPP discourages conversions to create multifamily uses in Core Residential areas, the use of older homes in this particular part of the Near West Side for multiple units is not that unusual. Additionally, the duplex has co-existed with neighboring properties for many years and is limited to only two bedrooms in scale.

CONCLUSIONS: This petition also requires Board of Zoning Appeals consideration. To assist the Plan Commission in its GPP finding, there are several options that can be explored by the Board of Zoning Appeals:

- Denial of the use variance to require it to return to a single family structure.
- Approval of the historic duplex use, while allowing a maximum occupancy of 2, 3, or 4 adults.
- Approval of the duplex use with a deed commitment that any future owner must use a minimum of one of the units as an owner-occupied unit.
- Approval of a duplex use with a deed commitment that the current and any future owner of the property must use a minimum of one of the units as an owner-occupied unit. **This option has been recommended by the Near West Side Neighborhood Association.**

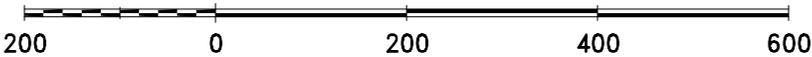
Although staff is not generally supportive of similar use variance requests, staff finds that a denial of this request represents a significant burden to the petitioner. In addition, staff finds that the use of this structure as two 1-bedroom units will not have a significantly negative impact to the surrounding area if the structure is not permitted to increase the number of bedrooms or square footage (also recommended by the Near West Side Neighborhood Association).

RECOMMENDATION: Staff finds that with possible restrictions to the structure, the use variance will not substantially interfere with the Growth Policies Plan. Based upon the written report, staff recommends forwarding UV-15-14 to the Board of Zoning Appeals with a positive recommendation.



UV-15-14
Location/Zoning
map

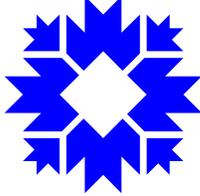
By: shayp
29 Jun 14



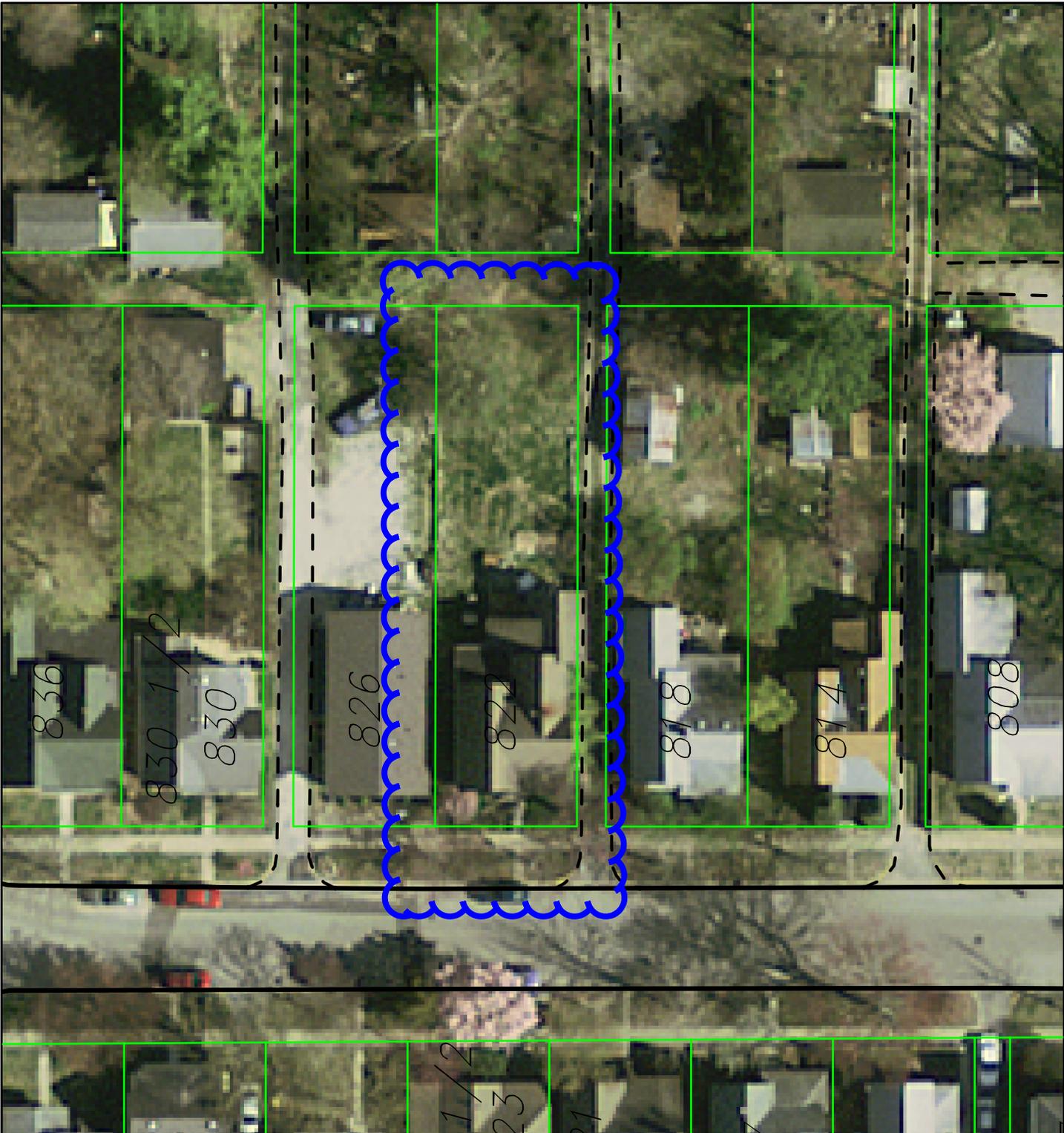
For reference only; map information NOT warranted.



City of Bloomington
Planning

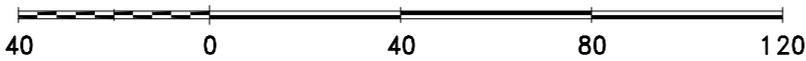


Scale: 1" = 200'

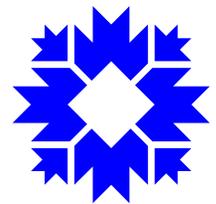


UV-15-14 Aerial Photo

By: shayp
9 Jun 14



City of Bloomington
Planning



Scale: 1" = 40'

For reference only; map information NOT warranted.

To: Planning Department and Board of Zoning Appeals

**Fr: Steve Cordell
P.O. Box 3481
Bloomington, IN 47402
812-327-6930
steve@cordellconstruction.com**

Petitioner's Statement:

822 W. 6th Street

Request variance to allow duplex

The 800 block of West Sixth street is typical of the vibrant Near West Side neighborhood—a healthy mix of rental and owner-occupied homes with professional, working, student and retired individuals living in a variety of housing types.

I bring this petition before you today because I was misled by HAND about the zoning of 822 W. 6th Street prior to my purchase of the property.

I purchased it after investigating the rental status at the Hand office, being assured by the HAND staff of the duplex designation of this property, and checking the Residential Rental Occupancy Permit which was for two units, one bedroom each, maximum occupancy of 3 per unit. After my purchase, the existing Occupancy Permit was transferred by the HAND office to my name from the previous owner on March 10, 2014. It is valid through June 4, 2016.

I proceeded to make significant upgrades and repairs to the interior and exterior of the property, including energy efficiency upgrades, siding replacement on some areas, general condition repairs, and painting. I am known in this community as a reputable high-quality builder and renovator with an emphasis on green, high-performance building and the work on this house reflects my reputation and commitment to responsible construction and housing.

I received a letter from HAND dated April 14, 2014, stating that the Occupancy Permit had been incorrectly issued, and that they wanted to identify the property as a singly family structure.

This property and its upgrades are a major investment for me based upon my financial analysis of this property renting as a duplex. I have tenants in both sides of the unit. One occupant on each side. One lease runs through July 2016 and the other through July 2015 with the option to renew.

I acted in good faith and made every attempt to abide by the rules of HAND. I feel this attempt at reclassification is absolutely unfair and unjust. If this had been represented correctly by the city before I purchased the property, my business plan would have been different and I would not

UV-15-14
Petitioner's Statement

have purchased the property. I see no reason why I should suffer financially due to the city's mistake.

I request that the property remain a duplex as classified by the City of Bloomington just as it was when I purchased it. I wouldn't be here asking for this variance if I had not been misled prior to this purchase. My request is not for a change of use, but a continuation of use.

This continuation of the duplex occupancy status, introduces nothing new into the neighborhood. It is not injurious in anyway, and it does not change the use or value of the area adjacent.

The Use Variance arises simply from continuing what is already there. What's peculiar about it is that I was told it had a legal Occupancy Permit prior to purchase and was issued one after purchase.

The strict application of the terms of the Unified Development Ordinance, newly applied to this property, constitute an unnecessary financial hardship on me. I have gone into debt to buy the house and make repairs and improvements. If the house were to convert to a single family residence, my financial hardships would worsen considerably. According to the previous owner, the structure was built to be a duplex and was one when they purchased it. It does not have a floor plan conducive to a single family residence and would require a substantial investment to reconfigure the living space.

Allowing the duplex classification to continue does not interfere with the goals and objectives of the Growth Policies Plan which states in its Policy Essence CUF-5: That the development regulations for near downtown and near campus areas encourage increased residential densities.

It also encourages the rehabilitation of older housing stock in established neighborhoods for affordable housing, which is exactly what I am trying to do.

I petition for a reasonable consideration for variance.

Respectively yours,

Steve Cordell



6th Street

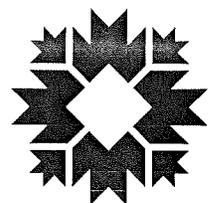
UV-15-14
Site Plan

By: shayp
9 Jun 14



For reference only; map information NOT warranted.

City of Bloomington



Scale: 1" = 30'

June 27, 2014

TO: City of Bloomington Plan Commission and Pat Shay, Development Review Manager
FR: Near West Side Neighborhood Association Board
RE: 822 W. 6th Street

The Board of the Near West Side Neighborhood Association met to discuss the request for a variance to convert 822 W. 6th St. to a duplex. The current owner, Steve Cordell, asserts that he will suffer financial loss if he cannot rent the house as a duplex since he purchased the house in reliance on a mistaken belief that the house was properly zoned for a duplex. However, we do not believe the reduction of revenue for Mr. Cordell (which we believe will be relatively minor) is sufficient grounds for permanently negating the single-family residence status of this property.

For several years the prior owner had maintained a separate rental apartment in her home prior to complaints from neighbors, which resulted in the city Housing and Neighborhood Development Department mistakenly issuing her a rental permit for the apartment. We feel that although that permit was improperly issued, the fact that one of the units in the house was owner-occupied makes it a very different situation to having both units being rental apartments.

We would not object to having the use under the previous owner continue with one unit being owner-occupied and the other rented. If such a variance were granted, Mr. Cordell could live in one of the units himself, or he could sell the house to someone who would benefit from the added income from the rental unit or from the availability of someone to assist in case of trouble. However, we would not want to have such a use be abused by someone who might expand the small rental apartment to facilitate renting it to large numbers of occupants.

Our unanimous position is that we oppose a variance to allow this property to be used as a duplex unless the following conditions are made a part of the variance:

- 1) One of the units in the duplex must be owner-occupied, and
- 2) No additions to the current square footage of the structure or number of rooms should be permitted.

Please let us know if you have questions regarding the above.

Sincerely,

Carol Gulyas
President, Near West Side Neighborhood Association
stewartgulyas@gmail.com
(708) 305-3891 (mobile)

Letter from Near West Side
Neighborhood Association

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
Location: 526 N. Morton Street**

**CASE #: SP-16-14
DATE: July 7, 2014**

**PETITIONER: Moonburn, LLC
2620 N. Walnut Street, Bloomington**

**CONSULTANT: BDMD Architects
626 N. Illinois Street, Indianapolis**

REQUEST: The petitioner is requesting site plan approval in order to build a five-story mixed use building with 650 square feet of commercial space and 44 multi-family dwelling units.

Area:	0.20 Acres
Zoning:	Commercial Downtown/Downtown Core Overlay
GPP Designation:	Downtown
Existing Land Use:	Vacant
Proposed Land Use:	Mixed use (commercial and Multi-family Residential)
Surrounding Uses:	North – Apartments (Morton Mansions)
	West – Offices
	South – Indiana University parking lot
	East – Historic museum/conference building

REPORT SUMMARY: The subject property is located south of the intersection of W. 10th Street and N. Morton Street. The property is made up of a single 0.2 acre platted lot and is currently vacant. It has been used for many years as a staging yard for downtown construction projects. It is bound on the east and south by platted alleys and is surrounded by multi-family to the north, historic properties to the east, office uses to the west and an IU parking lot to the south. The property is zoned Commercial Downtown (CD) and is within the Downtown Core Overlay (DCO).

The petitioner proposes to construct a 5-story, mixed-use building on the property. The proposed building would have approximately 650 square feet of commercial space and a mix of 1 bedroom and studio apartments with a total of 44 units and 44 bedrooms. The first floor would contain the commercial space and 14 structured parking spaces. A mezzanine level is provided off the eastern north-south alley that will provide an additional 4 parking spaces. All other floors contain 5 one-bedroom units and 6 studio units.

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

- The proposal is adjacent to a residential use (Morton Mansions building to the north)
- The proposal includes five waivers to the standards in BMC 20.03.120 and 20.03.130

SITE PLAN REVIEW

Residential Density: The property is approximately 0.2 acres in area. The petition is for 44 units with 44 bedrooms. The DCO allows for 60 units per acre, or 12 units on this property. The proposed density, once DUEs are considered, is 9.80 DUEs or 49 DUEs per acre. This density is below the maximum density of the DCO.

Height: The building is five stories and 62'38" tall. The maximum height in the DCO is 50 feet. The Morton Mansions building to the north and the 531 N. College building to the northeast (currently under construction) are both four stories. The recently constructed Springhill Suites hotel to the south is six stories tall along Morton St. A waiver is required.

Height Waiver-20.03.120(b)(2): A waiver from the architectural standard of the UDO is required to allow a height of more than 50 feet. The Downtown Plan, in the intent for the Downtown Core area (Pg. 2-5), states that "parcels in the Downtown Core Character Area can accommodate taller structures and should be encouraged when they are designed to reflect the traditional scale of buildings at the street level and are articulated into modules that are compatible with the traditional design context." Guideline 3.9 recommends that new buildings "maintain the perceived building scale of two to four stories in height." It goes on to state that "if a building must be taller, consider stepping upper stories back from the main façade." The proposed building is five stories in height which is taller than the recommended 4-story height of the Downtown Core. In addition, the building height is taller than the established height pattern between this property and 11th Street. While the Springhill Suites hotel was approved at 71 feet, staff at the time found that additional height was necessary for the unique nature of the use as well as the context of the building adjacent to the much taller Smallwood Plaza. Staff recommends denial of this waiver based on the height recommendations in the Downtown Plan as well as height context of the site. In addition to the four story buildings north of the site, the property is adjacent to historic building locations.

Step back: The DCO requires that any building over 45 feet in height step back the portion over 45 feet a minimum of 15 feet from the front build-to-line. At the tallest, this building is 62'38" tall. All portions of the building, including the height above 45 feet, are built to the build-to-line without a step back.

Building Height Step Back Waiver-20.03.130(c)(3): A waiver from the minimum stepback height architectural standard of the DCO is required. If the Plan Commission disagrees with staff on its negative height finding, the Commission would still need to make a finding on this waiver.

Parking: The petitioner is proposing 18 off-street parking spaces. Within the DCO, the UDO sets a minimum parking requirement for the project's 44 bedrooms at 25 off-street parking spaces. Metered street parking is available on Morton Street. A waiver is required.

Parking Waiver-20.03.120(c)(2): Staff finds that the proposed 18 parking spaces will not adequately meet the needs of the building. The Downtown Vision and Infill Strategy Plan (hereafter referred to as “Downtown Plan”) (Pg.4-13) recommends 0.8 spaces per bedroom. The petition provides only 0.57 spaces per bedroom. If the 5th floor and its 11 bedrooms were removed, the project would require 16 spaces, which would be satisfied by the proposed 18 spaces. Staff recommends denial of this waiver.

Ground floor non-residential: The petitioner has proposed a single 650 square foot non-residential lease space along Morton St. This space accounts for approximately 7.8% of the first floor square footage. The DCO requires that 50% of the first floor of a building south of 10th St. be non-residential space.

Ground Floor Non-residential Space Waiver-20.03.120(e)(2): A waiver is required to allow only 7.8% of the ground floor to be non-residential space instead of the required 50%. If the Plan Commission disagrees with staff on the negative height and parking waivers, the Commission would need to make findings for this waiver.

Bicycle Parking: A 44 bedroom multi-family development requires 8 bicycle parking spaces. In addition, the commercial space requires 4 bicycle parking spaces for a total of 12 spaces. The site plan currently shows 8 class-2 spaces along Morton St. and 8 Class-1 spaces inside of the garage. This exceeds minimum requirements.

Materials: The majority of the building is clad in brick, limestone, cementitious siding and panels, concrete block and poured concrete. Cementitious panels and siding and concrete block are only permitted in this overlay as a secondary exterior finish material covering no more than 20% of any façade. The north and east sides of the building contain more than 20% cementitious panels and siding. The north side contains more than 20% concrete block. There are also areas of the building containing exposed poured concrete, which is not permitted.

Material Waiver-20.03.130(b)(4)(A)(v): A waiver from the standards of the UDO is required to allow concrete block and cementitious siding and panels as a primary exterior finish materials, covering more than 20% of the south façade, and to allow poured concrete as an exterior finish material. If the Plan Commission disagrees with staff on the parking and height waivers, the Commission will need to render findings for this waiver.

Streetscape: Pedestrian scale lighting is proposed on Morton St. in accordance with the DCO. The DCO also requires a minimum 5 foot wide concrete sidewalk. Instead of a concrete sidewalk on Morton St., the petitioner proposes to extend the brick sidewalk that was installed further to the north. The brick portion would be in the main pedestrian travel route, while the rest of the sidewalk would be concrete.

There are two existing street trees along Morton St. The larger of the two trees is in poor health and will be removed. The petitioner and staff are still in discussions with the City’s

Urban Forester on whether the second tree should be left in place, transplanted during construction, or replaced with a new tree. Regardless, a total of two street trees would be located along Morton St. The DCO also requires decorative pedestrian scale street lamps along each street frontage. One light is planned along Morton St.

Entrances: The building contains two prominent pedestrian entrances. The northern entrance is for the lobby for the apartments, while the southern entry is for the commercial space. Both entrances either contain or will contain the required 4 foot recess as well as canopies, lighting, building name and address.

Void-to-solid Percentage: The DCO sets a minimum upper story void-to-solid architectural standard at 20%. The petition contains approximately 34% void. The DCO also sets a minimum first floor void-to-solid at 60%, “consisting of display windows, entries and doors.” The proposed building contains approximately 61% void on Morton St.

Utilities: Water and sanitary sewer services are available in Morton Street. Stormwater will be captured and directed to the nearby public storm sewers. Stormwater and utility plans have been submitted to the City Utilities Department and are under review.

ENVIRONMENTAL COMMISSION RECOMMENDATIONS: The Bloomington Environmental Commission (EC) has made 1 recommendation concerning this development.

- 1) The Petitioner should apply green building and site design practices to create a high performance, low carbon-footprint structure, and grounds that exhibit our City’s commitment to environmental sustainability.

Staff response: The petitioner has stated a willingness to provide recycling for tenants, increase insulation, white roofing, low-e glazed windows, high efficiency appliances, high efficiency furnaces, low flow water fixtures, LED lighting on all 24 hour lighting, and other features. These features are all above and beyond UDO requirements.

DEVELOPER TRACK RECORD: David Ferguson is a principle behind Moonburn LLC. Other recent projects that Mr. Ferguson has been a part of include Regester Place, Vance Music Building, the Cantol Wax Factory and the Redmen/Knights of Pythias Building. There are no outstanding zoning violations associated with these developments.

CONCLUSION: The Planning Department staff finds that two of the required waivers, parking and building height, are incompatible with the policies of the Downtown Plan, the Growth Policies Plan and the Unified Development Ordinance. Staff recommends denial of this site plan based on denial of these two waivers. Staff has not written findings for the other waivers. Some of these may be appropriate for a revised 4-story building, but staff have not analyzed them in detail.

RECOMMENDATION: Based on the written findings above, staff recommends denial of SP-16-14.

MEMORANDUM

Date: June 26, 2014
To: Bloomington Plan Commission
From: Bloomington Environmental Commission
Through: Linda Thompson, Senior Environmental Planner
Subject: SP-17-14, Moonburn LLC
526 N. Morton St.

This memorandum contains the Environmental Commission's (EC) input and recommendations regarding the request for a Site Plan approval for a 5-story mixed use building with waivers. This is a small 0.2 acre vacant lot within the Commercial Downtown Zoning District and the Downtown Core Overlay. The proposal includes 1-bedroom and studio apartments totaling 44 units and 44 beds.

The EC is not in favor of the height waiver or the parking-space waiver, and would recommend that the Petitioner be required to eliminate one story of the building, yielding a more appropriate height and enough parking for the resulting units.

ISSUES OF SOUND ENVIRONMENTAL CONSIDERATION:

1.) GREEN BUILDING:

The EC commends the Petitioner for including some green building practices in the design of the building including recycling space and a high-energy building envelope. Green building features are consistent with the spirit of the UDO and supported by Bloomington's overall commitment to sustainability and its green building initiative (<http://Bloomington.in.gov/greenbuild>). Sustainable building practices are explicitly called for by the Mayors' Climate Protection Agreement signed by Mayor Kruzan; by City Council Resolution 06-05 supporting the Kyoto Protocol and reduction of our community's greenhouse gas emissions; by City Council Resolution 06-07, which recognizes and calls for planning for peak oil; and by a report from the Bloomington Peak Oil Task Force, *Redefining Prosperity: Energy Descent and Community Resilience Report*.

Some examples of additional green building practices that could be used at this site include the following.

Heat Island mitigation. The design incorporates a white membrane roof, and the EC recommends the Petitioner choose one that has a minimum initial Solar Reflective Index of 0.65, and an aged index of 0.55. It should be overlaid with a reflective coating or covered with a white, granulated cap sheet.

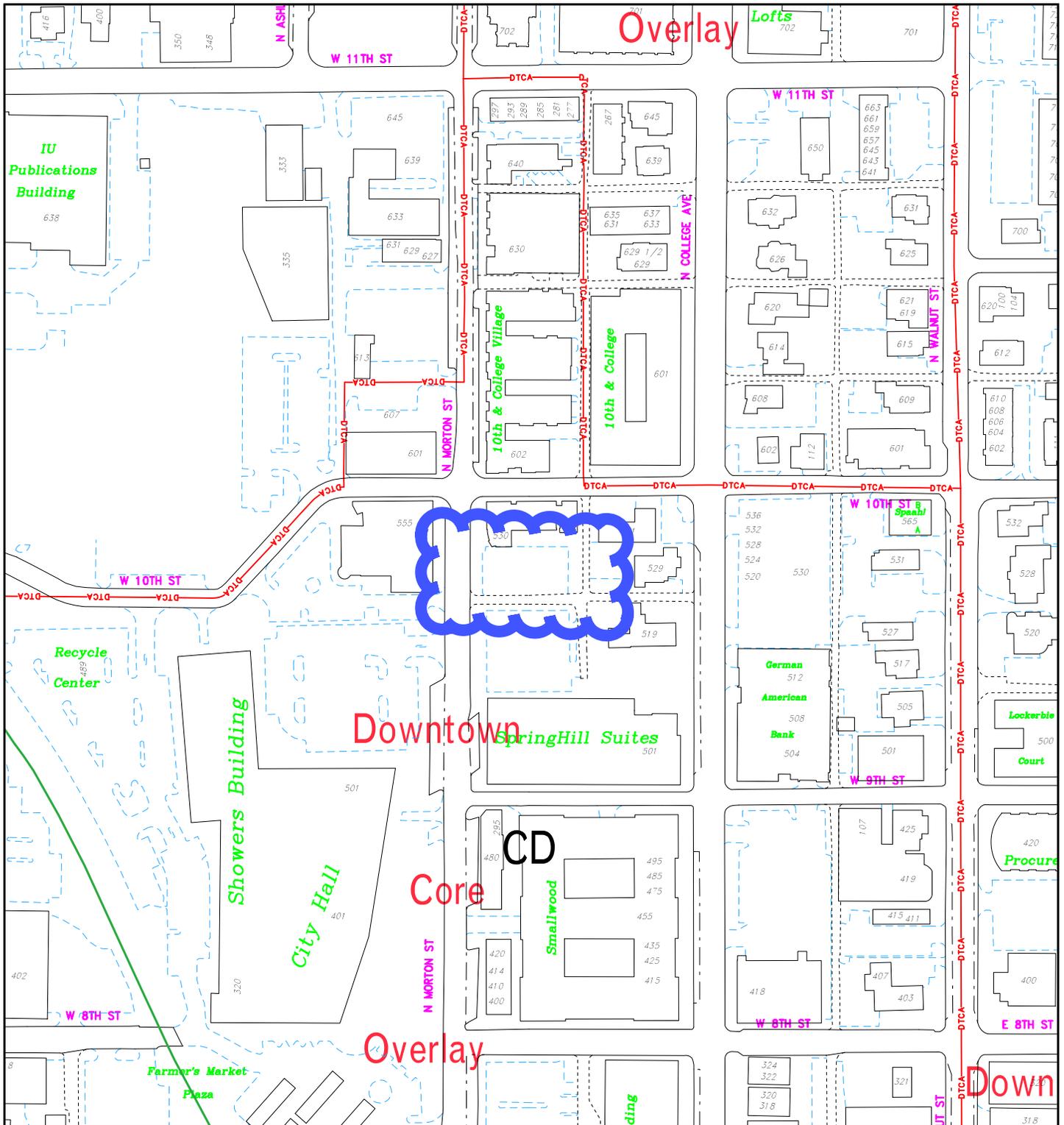
Solar panels. This building is ideal for photovoltaic (PV) solar panels because it is flat. The price of PV

systems is dropping daily and the full-cost-accounting price of carbon-based electricity is skyrocketing.

Electric vehicle charging stations. The parking areas for the multifamily units should have some electric vehicle charging stations.

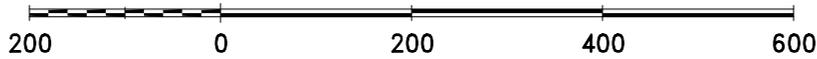
EC RECOMMENDATION:

1.) The Petitioner should apply green building and site design practices to create a high performance, low carbon-footprint structure, and grounds that exhibit our City's commitment to environmental sustainability.

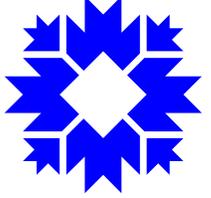


SP-16-14
Zoning and location map

By: roachja
30 May 14



City of Bloomington
Planning



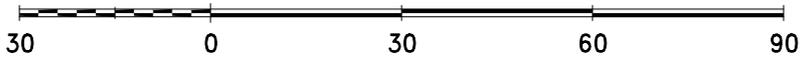
Scale: 1" = 200'

For reference only; map information NOT warranted.

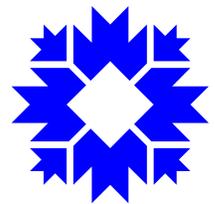


SP-16-14
2011 Aerial Photo

By: roachja
30 May 14



City of Bloomington
Planning



Scale: 1" = 30'

For reference only; map information NOT warranted.

City of Bloomington Planning Department

Petitioner's Statement

**BROWNING
DAY MULLINS
DIERDORF
ARCHITECTS**

To: City of Bloomington Planning Department (Attn: Mr. James Roach)

From: Nick Worden, Browning Day Mullins Dierdorf Architects

Project: Moonburn on Morton – Mixed-use Retail and Apartments

Re:

Project No./File: 14M032/

Date: June 23, 2014

June 23, 2014

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

Attn: Mr. James Roach

RE: Moonburn on Morton

PETITIONERS STATEMENT

Dear Mr. Roach

Browning Day Mullins Dierdorf Architects is pleased to submit the attached Mixed-use commercial and apartment development "Moonburn on Morton" for Plan Commission review. The following document outlines the project scope and addresses comments received to date regarding the project. Please take time to review and contact us with any questions.

Owner

Moonburn, LLC consists of David Ferguson and Larry Roan. During the redevelopment of the Regester parking garage, now The Mercury Apartments, Bloomington's Market Parking Garage and Hilton Garden Inn, David Ferguson was the lead developer for the Mercury and associated parking structure and facilitated the addition of REI and White Lodging to develop the Hilton Garden Inn.

Larry Roan, then Vice President of Wilhelm Construction assisted David with the construction cost, schedule, and feasibility of the Mercury and coordinated the design/build team for the Parking Structure.

David and Larry became friends during the Mercury project and discussed collaboration on a project together since. Moonburn on Morton gives them an opportunity to again provide downtown Bloomington a unique living experience. Moonburn on Morton is designed to attract those who are actively working to lower their personal environmental footprints.

626 North Illinois Street
Indianapolis, Indiana 46204
317.635.5030 P
317.634.5409 F
www.bdmd.com W

SP-16-14
Petitioner's Statement

The nearby B-Line trail will allow residents to use their bicycles for much of their transportation. As shown by the graphic on page 80 of the Certified Tech Park Master Plan, several amenities are quite close to the property, including the Farmer's Market, the B-Line trail, Bloomington Playwright's Project and the Market Garage, all within a five-minute walk. Bloomingfoods' near-westside store is quite close. Our goal is that this in-fill project provide an opportunity for residents who enjoy walking and biking and who value healthy and sustainable lifestyles as well as reduction of their impact on the environment.

The size and location of this project fits well in downtown Bloomington and its location within the Certified Technology Park provides additional synergies for those who want to experience a 24/7 live/work/play lifestyle, whether they work in the Certified Technology Park or just want to experience the downtown lifestyle.

Larry Roan:

A graduate of Ball State University's College of Architecture and Planning with a Bachelor of Landscape Architecture and Bachelor of Science in Environmental Design, Larry has worked on all sides of the property development table as designer, developer (and owner's representative), and builder.

Today Larry is a Vice President of Browning Day Mullins Dierdorf, the architect of Moonburn on Morton. Browning Day Mullins Dierdorf is the architect of several projects for IU-Bloomington including the Global International Studies Building, Jacobs School of Music East Studio Building, and MAC addition. Browning Day is also the architect for numerous mixed use urban apartment projects in downtown Indianapolis such as Pulliam Square and Penn Towers.

Larry was formerly a principal owner and vice president of Wilhelm Construction, a \$500 million per year general contractor/construction manager. While there, Larry worked together with David Ferguson in the development of downtown Bloomington's Regester project – now Mercury Apartments.

Prior to Wilhelm Larry worked as a developer specializing in urban projects many of which were infill and adaptive reuse. While working for the development firm Larry was project manager for over two million square feet of new or renovated buildings. Among these projects were a new-construction 30-story office building, a 420-room Omni Hotel, a mixed use urban project containing a grocery, hardware store, restaurant, and office space, and two adaptive re-use mixed use projects containing retail and office space above.

David Ferguson:

David has been involved in real estate development, leasing and management for 36 years. David has been actively involved in the redevelopment of Bloomington's downtown, including construction and renovation adding 189 bedrooms to downtown's housing stock. David managed the Regester Place redevelopment in 2003, consisting of a 552 space parking garage, 13,500 s.f. of commercial space, 76 apartments with 132 bedrooms (The Mercury Apartments) and coordinated the participation of REI and White Lodging in their construction of a 167 room Hilton Garden Inn with full service restaurant and meeting space as part of the redevelopment of a decrepit city parking garage. The Regester Place redevelopment won the Indiana Main Street Award for New Development, presented September 29, 2006, at the Indiana Main Street Conference in Wabash, Indiana.

Renovation projects include the Vance Music Building, the Cantolwax Factory and the Redmen/Knights of Pythias Building, all National Register Historic Buildings renovated to the standards of the Secretary of the Interior.

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David has experience in the management of real estate beginning in 1978 as a resident apartment manager. He created a property management company (Olympus Properties, LLC) with partners in 2002 which has grown to be responsible for leasing and management of more than 100,000 s.f. of commercial space and 235 residential properties (450 bedrooms) in Bloomington and was named the Property Management Company of the Year for 2010 by the Indiana Apartment Association.

David has been a trustee of the Monroe County Public Library Board for fifteen years, serving as President and currently as Treasurer. The Library completed a renovation and construction project during David's tenure. He was involved in the creation of a statewide coalition of libraries for health insurance coverage, which led to significant savings and increased benefits for library employees throughout Indiana. He served on the Monroe County Parks and Recreation Board (1996-2011) and as a member of (and past President) the Old Northeast Downtown Neighborhood Association. Through his efforts, the Association, in conjunction with the City of Bloomington, instituted a receivership of an abandoned house at 723 East 10th Street, which resulted in its renovation and the elimination of a long-standing neighborhood eyesore. David served on the board of the Monroe County History Center from 2006-07.

Since 1981, David has practiced law with the firm of Ferguson & Ferguson. Among other clients, he represents the Richland-Bean Blossom Community School Corporation, which accomplished the construction of two new elementary schools and a renovation of its Junior High School and High School while David has been its counsel.

David and his wife, Tyler Kate (Caldwell) Ferguson, renovated their historic home on North Washington Street which was built by Fred Seward of Seward & Co. in 1920. Fred Seward was president of Seward and Co. for 50 years, most of which were spent living in the home on Washington Street. Their home was the subject of a tour of homes in the Old Northeast Downtown Neighborhood Association.

Project Location

The address for this project is 526 North Morton Street. The site is located on the east side of Morton Street one lot south of 10th Street. The site consists of a 66'x132' lot currently used as a construction staging area. Adjacent land uses include apartment buildings to the north and northeast, the historic Farmers Museum to the East, a parking lot to the south and an office building to the west.

Certified Tech Park ("CTP")

The property is located on the eastern edge of Bloomington's Certified Tech Park ("CTP"). Review of the Certified Tech Park Master Plan indicates that the goals of the CTP include diversifying downtown housing to provide multi-generational housing options for tech park employees, tech-related employment, young professionals, seasoned professionals, active seniors, older semi-retired or retired residents and other downtown or Bloomington area workers (as well as those who simply want the downtown experience) promoting community, healthier and 24/7 lifestyles and the desire to work and play close to home through a walkable and bikeable (live-work-play) environment. See pp. 9, 14, 15, 16, 18, 20, 62, 64 of the CTP Master Plan: <http://bloomington.in.gov/media/media/application/pdf/15735.pdf>.

It is our intent to provide an environment that allows residents of this project to work and play close to home in a walkable and bikeable environment.

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Project Concept

The project is a five-story mixed-use commercial and residential building with onsite garage parking. The site is located on the eastern edge of the Certified Technology Park (CTP) and will add diversity to the available housing options in this area. The project is designed to provide housing for tech park employees, professionals of all ages, active seniors, semi-retired or retired residents and other downtown or Bloomington area workers (as well as those who simply want the downtown experience). We anticipate the CTP will create a demand for studio and one bedroom apartments, rather than the multi-bedroom apartments that are popular with the undergraduate student population. The commercial space is an appropriate size and shape for a start-up retail operation. The building has a modern aesthetic as called for by the CTP master plan (p.64), massing complimentary to its neighbors and public art on the Southwest corner, easily viewed from the South.

The west main building façade facing Morton Street is articulated by a tripartite (base, middle, cap) organization with a unique corner feature to the southwest. This façade organization allows the building to match its neighbors and calls attention to the various uses within the building. The building's base, street level façade, is treated with a limestone water table, large openings and a projecting canopy to create an inviting pedestrian environment for the commercial space and apartment amenity space. Furthermore, the building entry points are recessed to provide façade articulation. The middle and cap portions of the façade are articulated by the apartment units within the building. Large windows with Juliet balconies are used at the living areas and smaller contemporary windows are used in the bedroom spaces. These openings are stitched together vertically through the use of brick and accents of fiber-cement panel. The cap portion of the building features openings that align with those below and has a distinct material change which visually creates a smaller scaled building. The southwest corner design feature provides a distinction of the corner apartment units as well as becoming a demarcation to the retail entry below.

The south building façade maintains continuity with the design language established on the west façade. This continuation of design creates a visually interesting edge to the existing parking lot to the south. Additionally, a large multi-level art piece will be located near the southwest corner. The artwork will be clearly visible to those heading north on Morton Street. A parking garage entry is located along the south alley.

The east and north facades also feature the tripartite design language. Fiber-cement siding is used on the middle and cap portions while masonry materials form the base. The North façade steps in from the property line to allow daylight to reach the neighboring building. A parking garage entry is located along the east alley.

City of Bloomington Planning Department

Petitioner's Statement

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<u>Apartment Types</u>	<u>Count</u>	<u>Beds</u>
Studio	24 Units	24 Beds
1 Bedroom	20 Units	20 Beds
	-----	-----
	44 Units	44 Beds

Property Density:

Site: 0.20 acres (8,712 sf)
60 DUEs / acre = 12.00 DUE's allowed

Studio 0.20 DUE x 24 = 4.80 DUE
1 bedroom 0.25 DUE x 20 = 5.00 DUE

9.80 DUE's proposed (12.00 DUE's allowed)

Parking Counts

Required parking for apartments: 25 spaces
Required parking for retail: Zero spaces

Provided on-site parking: 18 spaces on site
Street parking: None

Bike Storage/Parking

This will be a bike friendly facility with a variety of bike storage and parking options. A minimum of eight (8) bike spaces will be located along Morton Street for public and resident use. A total of eight (8) spaces will be Class 1 type located within the secured ground level parking garage. Residents will have convenient access to these bike parking spaces just as they have access to their automobiles.

Environmental Considerations

The project will feature a variety of sustainable building elements to reduce its carbon footprint. The exterior walls will have a minimum of 6 inch cavity insulation and a majority of the walls will have continuous rigid insulation in addition to the cavity insulation. The use of continuous rigid insulation will enhance our buildings energy performance as compared to other current Bloomington projects where this insulation method is not being utilized. The roof will be well insulated with rigid insulation and be covered with a white membrane roofing system that will reflect sunlight and reduce the urban heat island effect. All windows will have low-E glazing. The apartment units will have energy efficient appliances, high efficiency furnaces, low flow water fixtures and abundant natural light. Energy efficient lighting will be used throughout the project and where 24/7 lighting is required LED type fixtures will be used. The site is within close proximity to alternative means of transportation which will reduce reliance on the automobile. Where possible the building materials will be "Green friendly" and feature recycled content or will have been harvested or manufactured regionally. The project will have on-site recycling reducing the amount of waste heading to a landfill.

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Building Heights

The site features a slope in both north to south and east to west directions. The southwest corner of the site is the lowest point. The site slopes up from the southwest corner to the north, along Morton Street, approximately three (3) feet. The site slopes up from the southwest corner to the east, along the south alley, approximately ten (10) feet. Due to the grade change along Morton Street the building's two (2) entry points are located at different finish floor elevations. The change in grade makes the building appear taller at the southwest corner and shorter along the east façade. The building is 62'-8" in height at the Southwest corner and is 54'-6" along the East façade. The average building height above grade is 57'-8".

Building Materials

The building will consist of the following material pallet.

- Limestone in an ashlar pattern.
- Two (2) types of brick in a running bond pattern.
- Four (4) types of fiber cement panels.
- Three (3) types of fiber cement siding.
- Ground face CMU
- Energy efficient windows with low-E glazing.
- Anodized aluminum storefront window systems.
- Painted Metal lintels, guardrail systems and parking security screens
- Cast-in-place concrete
- White reflective roofing membrane for energy conservation.

Non-Residential Space - Commercial

Approximately 650 gross square feet of commercial space is provided along Morton Street. This space features a prominent corner entry and large expanse of storefront.

Site Accessibility & Building Entrances

Pedestrians can enter the building from two (2) points along Morton Street. Vehicles can access the developments parking areas by utilizing the alleys located along the south and east. These two (2) alleys connect to Morton Street, 10th Street and College Avenue. If a tenant is parked within the secured ground level garage they can access the buildings main lobby which features a stair and elevator. For tenants using the parking mezzanine off of the alley, access to the building can be made from the adjacent secured stair tower.

The building will include two (2) ANSI type A units, one (1) studio and one (1) one bedroom. These units are designed to be fully accessible and will accommodate a tenant with disability. All other apartment units are designed as ANSI type B units which can be adapted as needed for tenants with special needs. All of the apartment functions within the building are designed to meet Fair Housing requirements. The retail space will be designed to ADA requirements.

Streetscape

The two (2) existing trees along Morton Street will be removed and two (2) new street trees in ornamental grates will be installed between the sidewalk and street. The trees will be offset from the street to match the existing trees on the neighboring property. One (1) pedestrian scale street light fixture will be added along Morton Street. The light will match the neighboring fixture in style and position. Bike racks will be placed between the sidewalk path and the Street.

Encroachments:

The project will require the following encroachments with the city:

- Pole mounted street light along Morton Street
- Street trees along Morton Street
- A 3'-0" deep building mounted canopy along Morton Street
- The water meter vault, fire department connection and post indicator valve will be installed between the building and the sidewalk.

Street parking

No new street parking will be provided, although it is noted that there might be room for additional street parking in front of the project (66').

Trash/Recycling Removal

Trash and recycling bins will be located within the parking garage adjacent to the vehicular entry. The trash/recycling will be accessed by the residents by regular access to the garage and by the trash and recycling vendors from the south alley.

Stormwater Detention

No Storm water detention is being planned for. The buildings storm lines will feed into the storm main within Morton Street.

Water Service & Meter Pit

The project will connect to the water main off of Morton Street. A master meter will be installed within the City right of way along Morton Street and will house the necessary meters and fire apparatus'. The PIV connection will be installed at this location. A separate Siamese connection will be back fed from the meter pit and provide for easy Fire Department access. No new mains are anticipated to be installed to provide service for the project.

Sewer Service

The project will connect to the city sewer mains on Morton Street. Connections will be lateral connections with standard patching of the street as required. No new mains will need to be installed to provide service for the project.

Private Utilities

Duke Energy and a cable/phone/internet provider to be determined will provide for the service needs of the development. These utilities will connect to the building along the East property line will most likely need to be reviewed further with Duke Energy to understand access, maintenance and proximity to the existing building structures.

Anticipated Variances:

We will be asking for four (4) waivers for the development:

- 1. Height Standards - 20.03.120(b)(2).** A waiver is being requested to allow the building to be built over the 50'-0" height limitation imposed by the UDO. The tallest portion of the building occurs at the Southwest corner where it reaches a height of 62'-8" above the lowest level on site. However, the average building height above grade is only 57'-8". We believe the waiver is supportable given the context of the project. Our site is lower than the site of the Morton Mansions to the North. The Morton Mansions features corner elements that reach an USGS elevation of 844'-5". The primary parapet height of our proposed building has an USGS elevation of 846'-0", which is only 1'-7" taller than the adjacent building. Additionally, the SpringHill Suites Hotel to the south along Morton Street has a building height of approximately 70'-0". If we were to remove an entire story from our design it would appear much shorter than the adjacent structures and would break the continuity of the established streetscape height. Moreover, the CTP Master Plan indicates there is flexibility to accommodate higher heights for uses specifically along the fringes of the CTP and that the design guidelines should be crafted to allow for higher heights of buildings (p.23).
- 2. Mass, Scale and Form - 20.03.130(c)(3).** A waiver is being requested to allow the building to not step back fifteen (15) feet from the build line at the forty-five (45) feet mark. The building is 5-stories and stepping the building back would occur at the mid-level of the fourth floor. This would break our tripartite facade organization and give the building an unusual proportion.
- 3. Parking Standards – 20.03.120(c)(2).** A waiver is being requested to allow our project to have less than the required onsite parking spaces for residential units. The project features eighteen (18) parking spaces but is required to have twenty-five (25) parking spaces. We believe the waiver is supportable due to the projects adjacency to a well-connected pedestrian sidewalk system that provides access to various bus lines and for the fact that the project is within 2 ½ blocks (4 minute walk) of a public parking garage. Additionally, by limiting onsite parking residents will be encouraged to seek out more sustainable alternative forms of transportation.
- 4. Ground Floor Nonresidential Uses – 20.03.120(e)(2).** A waiver is being requested to allow our project to have less than 50% of the ground floor allocated to nonresidential uses. The project features a commercial space of 650 square feet along Morton Street with a prominent corner entry point. The space is approximately 7.75% of the total ground floor. We believe the waiver is supportable due to the needs for residential on-site parking and challenges with the existing grades along Morton Street and the adjacent alley along the south property line.

City of Bloomington Planning Department

Petitioner's Statement

**BROWNING
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We believe this development will have a positive impact on the built environment and social needs of Bloomington's downtown. We appreciate your time and consideration of this request.

Respectfully submitted,

Browning Day Mullins Dierdorf Architects



Nick Worden

SP-16-14
Petitioner's Statement

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Indianapolis, Indiana 46204
317.635.5030 P
317.634.5409 F
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Moonburn on Morton

June 19, 2014

Material Percentages

Building Elevation	Total Wall Area (sf)	Area of Material (sf)	% of Material
<u>NORTH ELEVATION</u>			
Total	7,199		
Brick		409	5.68%
Limestone		0	0.00%
Window System		514	7.14%
Fiber Cement Panel		1,059	14.71%
Fiber Cement Lap Siding		3,224	44.78%
CMU / Concrete		1,757	24.41%
Metal Grill		225	3.13%

<u>SOUTH ELEVATION</u>			
Total	7,472		
Brick		2,558	34.23%
Limestone		58	0.78%
Window System		1,420	19.72%
Fiber Cement Panel		1,022	13.68%
Fiber Cement Lap Siding		317	4.24%
CMU / Concrete		679	9.09%
Metal Grill		777	10.40%
Architectural Metal Panel		624	8.35%

<u>EAST ELEVATION</u>			
Total	3,463		
Brick		33	0.95%
Limestone		0	0.00%
Window System		75	2.17%
Fiber Cement Panel		657	18.97%
Fiber Cement Lap Siding		2,259	65.23%
CMU / Concrete		105	3.03%
Metal Grill		333	9.62%

<u>WEST ELEVATION</u>			
Total	3,998		
Brick		1,437	35.94%
Limestone		102	2.55%
Window System		1,412	35.32%
Fiber Cement Panel		685	17.13%
Fiber Cement Lap Siding		113	2.83%
CMU / Concrete		0	0.00%
Metal Grill		0	0.00%
Architectural Metal Panel		251	6.28%

Solid / Void Percentages

Building Elevation	Total Wall Area (sf)	Area of Material (sf)	%
<u>WEST ELEVATION (all)</u>			
Total	4,012		
Solid		2601	64.83%
Void		1411	35.17%

WEST ELEVATION (building base: 0'-0" to 10'-4" Ceiling Lobby / 12'-0" Ceiling Commercial)

Total	707		
Solid		273	38.61%
Void		434	61.39%

WEST ELEVATION (upper levels: 2nd level finish floor to top of parapet)

Total	2,878		
Solid		1909	66.33%
Void		969	33.67%

Moonburn on Morton - Area & Unit Analysis

May 22, 2014

Color Key	Level / Space	Quantity	GSF of Space	GSF Sub Total	GSF of Level	Beds per unit	Beds Sub Total	Beds per Level	Comments
	Ground Level				8,344			0	
	Circulation	1	965	965					
	Retail Space	1	650	650					
	Apartment Support	1	196	196					
	Parking Circulation	1	3,263	3,263					
	Parking Space	14	180	2,520					Garage
	Walls and Structure	1	601	601					
	Mechanical/Misc	1	149	149					Trash/Elev Equip Rm
	Alley Parking Level				2,560			0	
	Circulation	1	504	504					
	Parking Circulation	1	545	545					
	Parking Space	4	200	800					
	Walls and Structure	1	610	610					
	Mechanical/Misc	1	101	101					
	Second Level				7,674			11	
	Circulation	1	1,425	1,425					
	Balcony	2	36	72					
	Apt (Studio)	6	444	2,664		1	6		444sf = Average Unit
	Apt (1 Bed)	5	554	2,770		1	5		554sf = Average Unit
	Walls and Structure	1	613	613					Not Apartment Interior
	Mechanical/Misc	1	130	130					Mop closet/IT
	Third Level			0	7,674			11	
	Circulation	1	1,425	1,425					
	Balcony	2	36	72					
	Apt (Studio)	6	444	2,664		1	6		444sf = Average Unit
	Apt (1 Bed)	5	554	2,770		1	5		554sf = Average Unit
	Walls and Structure	1	613	613					Not Apartment Interior
	Mechanical/Misc	1	130	130					Mop closet/IT
	Fourth Level				7,674			11	
	Circulation	1	1,425	1,425					
	Balcony	2	36	72					
	Apt (Studio)	6	444	2,664		1	6		444sf = Average Unit
	Apt (1 Bed)	5	554	2,770		1	5		554sf = Average Unit
	Walls and Structure	1	613	613					Not Apartment Interior
	Mechanical/Misc	1	130	130					Mop closet/IT
	Fifth Level				7,674			11	
	Circulation	1	1,425	1,425					
	Balcony	2	36	72					
	Apt (Studio)	6	444	2,664		1	6		444sf = Average Unit
	Apt (1 Bed)	5	554	2,770		1	5		554sf = Average Unit
	Walls and Structure	1	613	613					Not Apartment Interior
	Mechanical/Misc	1	130	130					Mop closet/IT
	Total Apt (Studio)	24							444sf = Average Unit
	Total Apt (1 Bed)	20							554sf = Average Unit
	Total Apt Units	44							
	Total Beds	44							
	Total Parking Area (GSF)	7,128							
	Total Building Area (GSF)	34,472							
	Total Area (GSF)	41,600							

Garage/Alley Parking									
	Parking (Ground Level)	14							Garage
	Parking (Alley Level)	4							
	Total Parking Spaces Provided	18							25 Spaces Required

SP-16-14
Petitioner's Statement

SP-16-14
Site plan and first floor



GROUND LEVEL PLAN (1/16" = 1'-0")
CONCRETE STRUCTURE

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JUNE 23, 2014

DESIGN DEVELOPMENT

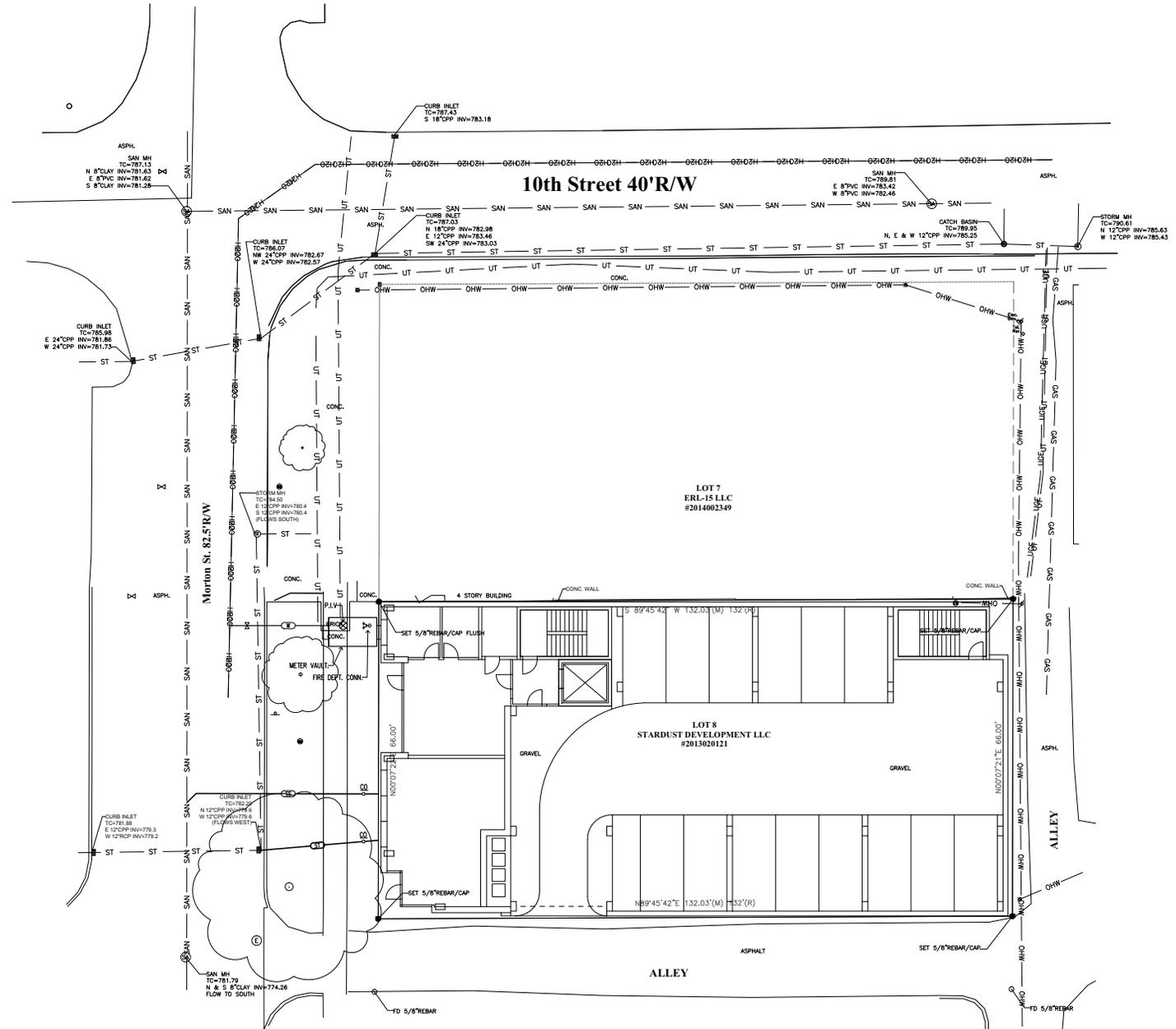
BLOOMINGTON, INDIANA

MOONBURN ON MORTON (14M032)

A

101

SP-16-14
Survey and first floor plan



SITE PLAN - MEP
SCALE: 1" = 10'

BROWNING DAY MULLINS DIERDORF ARCHITECTS

Browning Day Mullins Dierdorf Architects
Architecture
Landscape Architecture
Planning
626 North Illinois Street
Indianapolis, Indiana 46204
P: 317.634.5030
F: 317.634.5409
E: www.bdm.com

Moonburn on Morton LLC
Owner

P:
F:
E:

Fink Roberts and Petrie, Inc.
Structural Engineer
4040 Vincennes Circle
Indianapolis, IN 46268
P: 317.872.8400
F:
E: www.frpinc.com

Circle Design Group, Inc.
MEP Engineer
9510 S. East Street
Suite F
Indianapolis, IN 46227
P: 317.781.6200
F:
E: www.circledesigngroup.com

NOT FOR CONSTRUCTION

CERTIFICATION
DESIGN DEVELOPMENT DOCUMENTS

MOONBURN ON MORTON MIXED USE RETAIL AND APARTMENTS
5# NORTH MORTON STREET
Bloomington, Indiana 47404

Project No.: 14M032
Drawn By:
Checked By:
Scale: See Drawing
Issue Date: Month #, 2014
Revision #: Date of Issue:

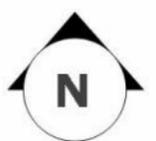
SITE PLAN - MEP

ME101



ALLEY PARKING MEZZANINE PLAN (1/16" = 1'-0")
 CONCRETE STRUCTURE

SP-16-14
 Mezzanine and turning movements



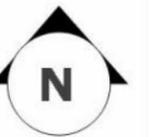
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MORTON STREET



2ND - 5TH LEVEL PLAN (1/16" = 1'-0")
WOOD FRAMED STRUCTURE

SP-16-14
Floors 2-5



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ARCHITECTS**

JUNE 10, 2014

DESIGN DEVELOPMENT

BLOOMINGTON, INDIANA

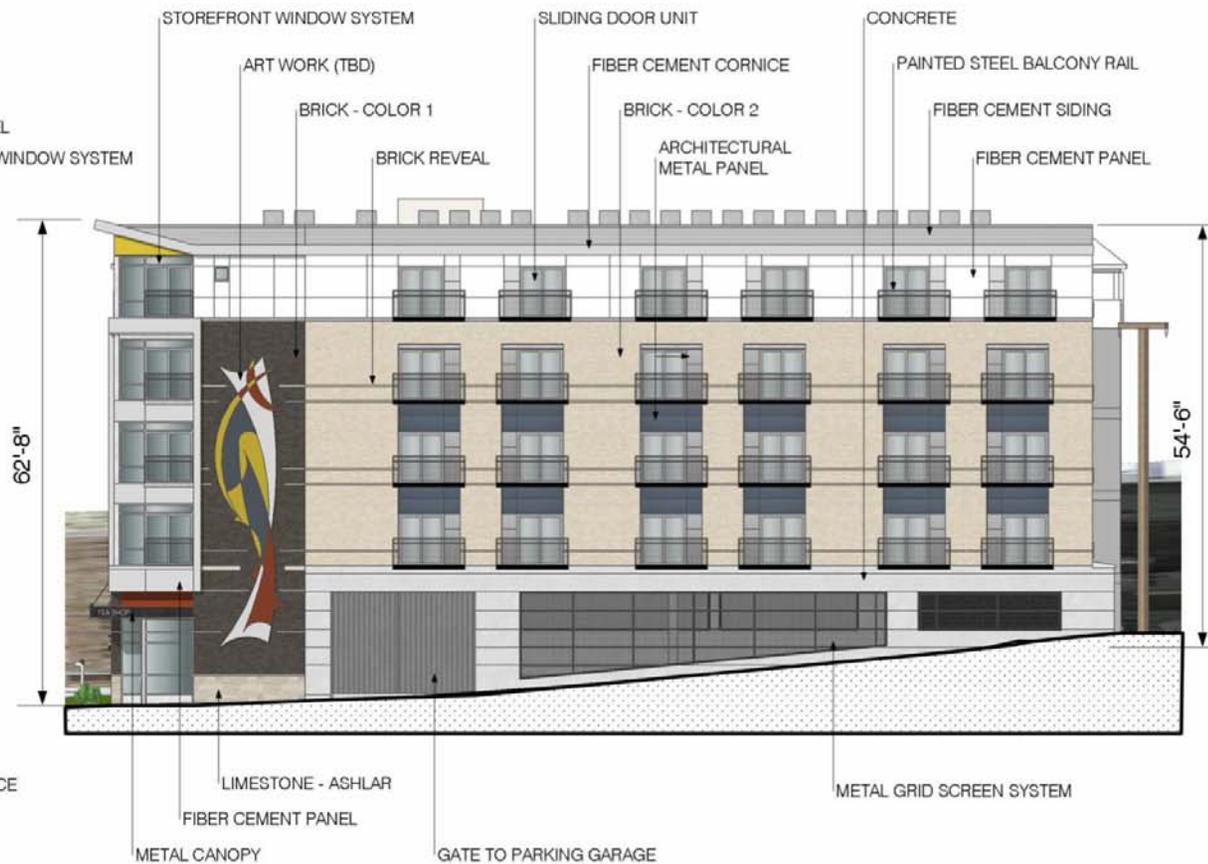
MOONBURN ON MORTON (14M032)

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WEST ELEVATION



SOUTH ELEVATION

BUILDING ELEVATIONS (1/16" = 1'-0")

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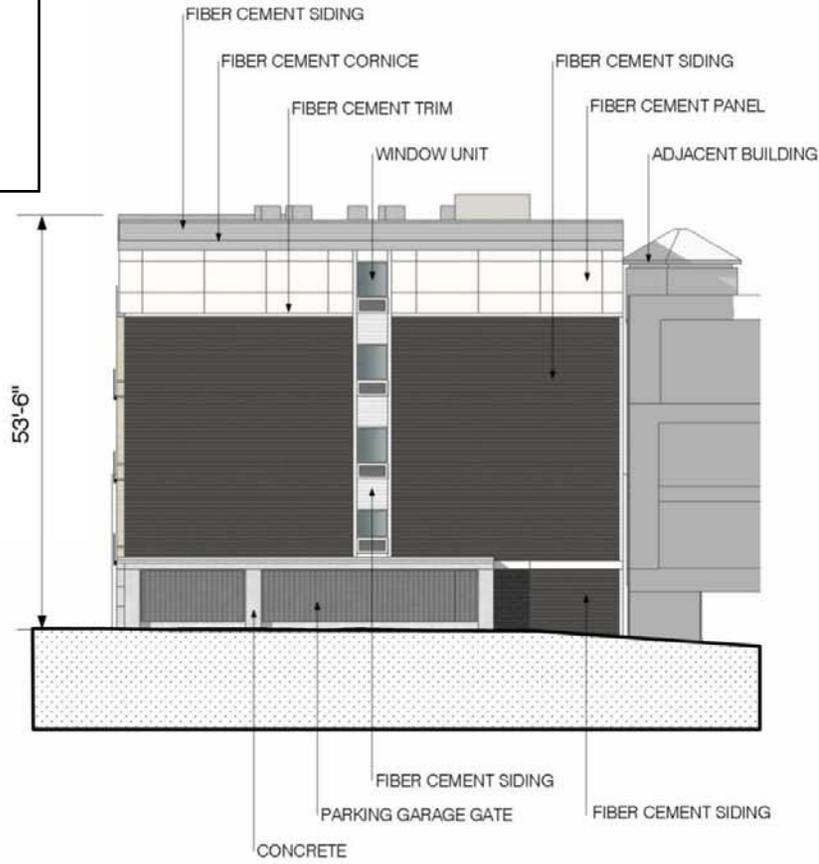
JUNE 19, 2014

DESIGN DEVELOPMENT

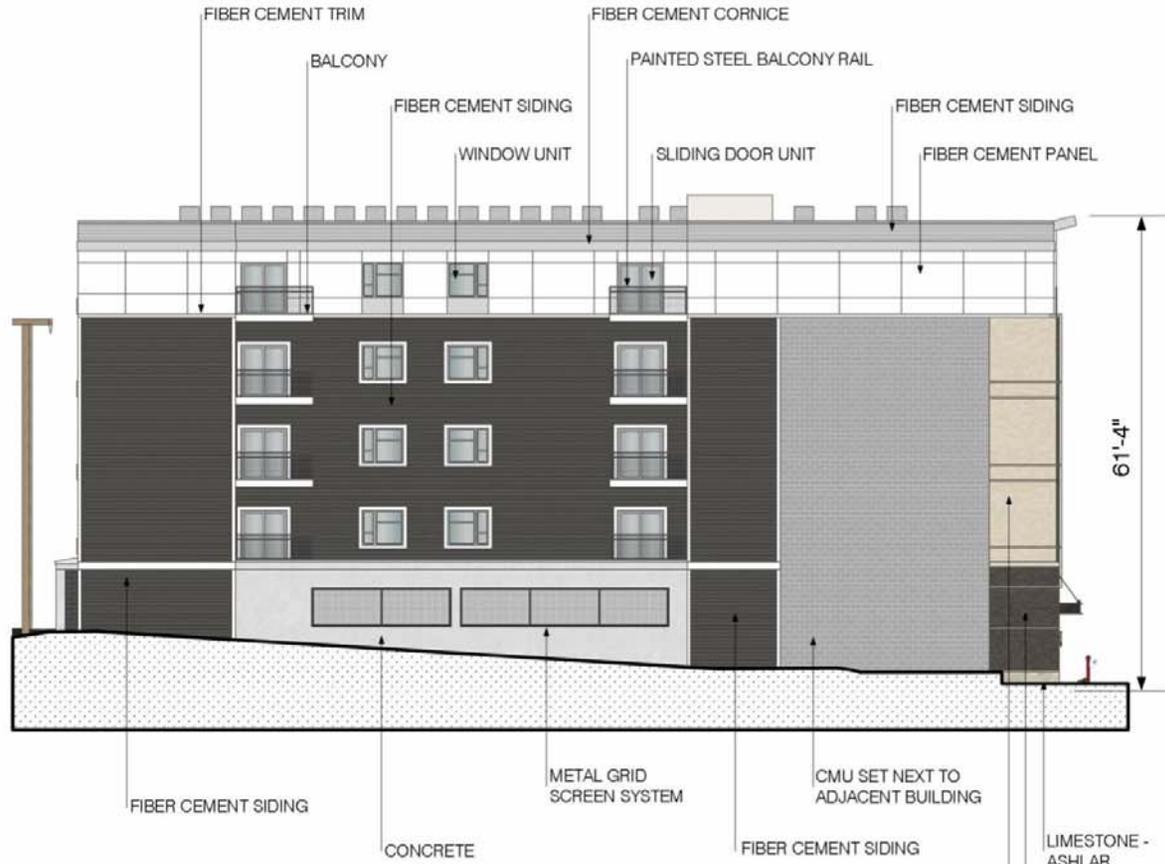
BLOOMINGTON, INDIANA

MOONBURN ON MORTON (14M032)

A 201



EAST ELEVATION



NORTH ELEVATION

BUILDING ELEVATIONS (1/16" = 1'-0")

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SP-16-14
Elevation



WEST ELEVATION - MORTON STREET

BUILDING ELEVATIONS (1" = 30'-0")

**BROWNING
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ARCHITECTS**

JUNE 19, 2014

DESIGN DEVELOPMENT

BLOOMINGTON, INDIANA

MOONBURN ON MORTON (14M032)

A 200



NORTHWEST AERIAL VIEW

**BROWNING
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ARCHITECTS**

JUNE 19, 2014

DESIGN DEVELOPMENT

BLOOMINGTON, INDIANA

MOONBURN ON MORTON (14M032)

A 210



SOUTHWEST AERIAL VIEW

**BROWNING
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ARCHITECTS**

JUNE 19, 2014

DESIGN DEVELOPMENT

BLOOMINGTON, INDIANA

MOONBURN ON MORTON (14M032)

A 211



SOUTHEAST AERIAL VIEW

**BROWNING
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DIERDORF
ARCHITECTS**

JUNE 19, 2014

DESIGN DEVELOPMENT

BLOOMINGTON, INDIANA

MOONBURN ON MORTON (14M032)

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NORTHEAST AERIAL VIEW

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DAY MULLINS
DIERDORF
ARCHITECTS**

JUNE 19, 2014

DESIGN DEVELOPMENT

BLOOMINGTON, INDIANA

MOONBURN ON MORTON (14M032)

A 213



NORTHWEST PERSPECTIVE VIEW

**BROWNING
DAY MULLINS
DIERDORF
ARCHITECTS**

JUNE 19, 2014

DESIGN DEVELOPMENT

BLOOMINGTON, INDIANA

MOONBURN ON MORTON (14M032)

A 220a



NORTHWEST PERSPECTIVE VIEW

**BROWNING
DAY MULLINS
DIERDORF
ARCHITECTS**

JUNE 19, 2014

DESIGN DEVELOPMENT

BLOOMINGTON, INDIANA

MOONBURN ON MORTON (14M032)

A 220b



NORTHWEST PERSPECTIVE VIEW

**BROWNING
DAY MULLINS
DIERDORF
ARCHITECTS**

JUNE 19, 2014

DESIGN DEVELOPMENT

BLOOMINGTON, INDIANA

MOONBURN ON MORTON (14M032)

A

220c



WEST PERSPECTIVE VIEW

**BROWNING
DAY MULLINS
DIERDORF
ARCHITECTS**



SOUTHWEST PERSPECTIVE VIEW

**BROWNING
DAY MULLINS
DIERDORF
ARCHITECTS**

JUNE 19, 2014

DESIGN DEVELOPMENT

BLOOMINGTON, INDIANA

MOONBURN ON MORTON (14M032)

A 222a



SOUTHWEST PERSPECTIVE VIEW

**BROWNING
DAY MULLINS
DIERDORF
ARCHITECTS**



SOUTHWEST PERSPECTIVE VIEW

**BROWNING
DAY MULLINS
DIERDORF
ARCHITECTS**

JUNE 19, 2014

DESIGN DEVELOPMENT

BLOOMINGTON, INDIANA

MOONBURN ON MORTON (14M032)

A 222c

SP-16-14
Model



SOUTHEAST PERSPECTIVE VIEW

**BROWNING
DAY MULLINS
DIERDORF
ARCHITECTS**



NORTHEAST PERSPECTIVE VIEW

**BROWNING
DAY MULLINS
DIERDORF
ARCHITECTS**

JUNE 19, 2014

DESIGN DEVELOPMENT - CONCEPT #3a

BLOOMINGTON, INDIANA

MOONBURN ON MORTON (14M032)

A 224



VIEW FROM COLLEGE AVE. LOOKING WEST TO THE
FARMER HOUSE MUSEUM

**BROWNING
DAY MULLINS
DIERDORF
ARCHITECTS**

JUNE 16, 2014

DESIGN DEVELOPMENT

BLOOMINGTON, INDIANA

MOONBURN ON MORTON (14M032)

A 230



VIEW FROM COLLEGE AVE. LOOKING WEST TO THE
FARMER HOUSE MUSEUM

**BROWNING
DAY MULLINS
DIERDORF
ARCHITECTS**

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
Location: 700–730 N. Walnut Street**

**CASE #: SP-17-14
DATE: July 7, 2014**

PETITIONER: JC Hart
805 City Center Drive, #120, Carmel, IN

CONSULTANT: Bynum Fanyo, and Associates, Inc.
528 N. Walnut St, Bloomington

REQUEST: The petitioner is requesting site plan approval of an 82-unit multifamily development.

Area:	1.91 Acres
Zoning:	CD/Downtown Edges Overlay (DEO)
GPP Designation:	Downtown
Existing Land Use:	Office
Proposed Land Use:	Multifamily
Surrounding Uses:	East – Single Family (High Point and Old Northeast Neighborhoods)
	South – Mixed-Residential
	West – Commercial and Multifamily
	North – Single Family

REPORT SUMMARY: The subject property is located at the northeast corner of N. Walnut Street and E. Cottage Grove Avenue. It is also located immediately east of the terminus of W. 11th Street. The 1.91 acre property has been developed in the past with two, 1-story office buildings and one single family structure. The single family home is a locally designated historic structure that will remain. However, the petitioner is proposing to raze the two office buildings and replace them with two, 3-story and one, 2-story residential structures. In addition to the two public street frontages to the west and south, the site has two segments of a north-south alley that run along the eastern property line. The property is surrounded by commercial and mixed-residential structures to the west and south and predominantly single family homes to the north and east. The property also falls within the boundary of the High Point and Old Northeast Neighborhoods and is within the Downtown Edges Overlay (DEO) of the Commercial Downtown (CD) zoning district.

The petitioner is proposing to repurpose the historic structure as a leasing office and community building. The two proposed 3-story multifamily structures would be nearly identical. Each of these structures includes 26 structured parking spaces accessed from the rear of the structures and would house 32 one-bedroom and 8 efficiency units. They would also construct a small 2-story townhouse structure that would include 2 one-car garages and 2 two-bedroom townhome units. The total number of units proposed is 82 with a total of 84 bedrooms.

The two larger buildings are being shown in close proximity to Walnut St. with a drive extending east from the intersection of 11th Street and Walnut Street. This drive provides access to the rear of these structures as well as the rear of the townhouse structure. To the rear of the structures are the garage entries and approximately 39 surface parking spaces.

The site plan has also been developed with courtyards for both of the larger structures. In addition to greenspace and landscape benefits, these courtyards are intended to break up the facades of the structures to reduce the perceived massing of the structures. The petitioner has also proposed to replace existing fence structures along the east property line with a new wooden fence that is more heavily reinforced than a traditional wooden fence. This fencing would be supplemented by plantings to provide screening to the adjacent neighborhood.

Plan Commission Site Plan Review: Three aspects of this project require that the petition be reviewed by the Plan Commission, per BMC 20.03.230. These aspects are as follows:

- The proposal is adjacent to a residential district and residential use.
- The proposal requests waivers from the standards in BMC 20.03.260 and 20.03.270.
- The proposal includes more than 30 bedrooms within the upper floor units.

SITE PLAN REVIEW

Residential Density: This project includes a total of 82 units (21.2 D.U.E.'s) and 84 bedrooms. The high number of efficiency and one-bedroom units results in a dwelling unit equivalent calculation of 21.2 DUEs and a density of 11.1 units/acre. This is well below the 20 units/acre that is allowed within the DEO.

Maximum Impervious Surface Coverage: The proposed development would result in an impervious surface coverage of 67.7 %. This is just below the maximum percentage of 70%.

Height: The DEO district specifies a maximum structure height of 35 feet. The proposed 3-story structures range in height from 44-48.5 feet due to the grade change across the property. The townhouse structure is 29.5 feet in height and complies with this standard. ***The two larger structures would require a waiver of the DEO height standards.*** Although much of this overlay requires a pitched roof, this property lies along Walnut Street and permits either a flat or pitched roof. The petitioner has expressed that the intent of this waiver request is to allow a smaller building footprint that results in the proposed structures being located further to the west and a greater distance from the homes to the east. The proposed height is also a result of choosing a pitched roof. With the minimum pitch of 8:12, the structure is taller than a flat-roofed building. Both staff and the petitioner find a pitched roof to be more compatible and a better transition from the downtown structures to the west and the neighborhood to the east.

The Downtown Vision and Infill Strategy Plan (“Downtown Plan”) states that “*redevelopment in this character area should respond to the existing massing and scale of adjacent residential structures.*” Guideline 3.9 recommends that new buildings “maintain the perceived building scale of two to four stories in height.” It goes on to state that properties should “*develop a primary façade that is in scale and alignment with surrounding historic buildings.*” The petitioner has provided several exhibits and models that represent the visual impact of the proposed structures. In general, staff finds that 3-story, pitched-roof structures are located an adequate distance from the western property line and provide a desirable transition from larger flat-roofed, mixed-use structures on the west side of Walnut St. to the existing neighborhood to the east. However, staff would like to receive input from the Plan Commission as to the appropriateness of the proposed height. The alternative in this case is to require the petitioner to construct two-story structures with a pitched roof.

Parking: The DEO would permit a parking range between 68 and 84 parking spaces for this development. Due to the high number of one-bedroom units that may include couples, the petitioner is requesting to increase the parking they would provide to approximately 91 spaces. This results in a ratio of 1.08 spaces per bedroom, slightly over the maximum of 1 space per bedroom. Due to the parking pressures associated with the surrounding neighborhood parking zone (Zone 5), staff is supportive of a variance to allow this increase. In addition, staff would recommend that such an approval include a restriction that potential tenants would not be able to receive Zone 5 permits or visitor tags.

Bicycle Parking: This development requires 14 bicycle parking spaces. A minimum of 7 of these must be covered and 4 must be long-term, class I facilities. The petitioners are proposing to provide an indoor bicycle storage room within each of the two larger buildings that would house 12 bicycles each. They also request that the garages on each of the two townhomes qualify as long-term bike parking. The total number of bicycle parking spaces would be 26 covered, long-term spaces.

Building Setback: The DEO has a maximum setback standard of 15 feet from the existing right-of-way line. However, when there is an adjacent historic structure, new immediately adjacent structures must match the existing setback of the historic structure. The existing historic structure is approximately 46 feet from the right-of-way line. This would require the petitioner to locate the southern building much closer to the adjacent neighbors to the east and would create difficulty in providing the required parking for the development.

Staff presented the proposed site plan and reduced front setback to the Bloomington Historic Preservation Commission (HPC) to receive feedback on the appropriateness of the proposed building location. Largely due to the location of the historic structure at an intersection, the HPC expressed support for the new building location and did not believe the placement of the structure would detract from the visibility of the historic structure. ***A waiver from this standard has been requested.***

Streetscape: The petitioner has proposed to retain the existing sidewalk in front of the historic structure, but replace the existing monolithic sidewalk in front of the proposed structures. These sidewalks would be 5 feet in width and would be separated from the

street by a 5-foot tree plot with new street trees. The petitioner has shown proposed decorative street lights. Four of these lights must be placed along the Walnut Street frontage. The proposed lights will need to be slightly altered as staff estimates them to be 16 feet in height rather than the 15' maximum height in the UDO. A different internal shield to achieve the full cut-off standard is also required.

Void-to-solid Percentage: The DEO sets a minimum first floor void-to-solid at 40%, “consisting of display windows, entries and doors.” The upper levels must have a minimum of 20% void-to-solid. The petitioner meets the upper floor void requirements, but has only 22% void on the first floor façade. ***A waiver is necessary for the proposed elevations.*** Staff is seeking Plan Commission input on this waiver but is generally supportive due to the high level of architectural detail and variation that has been incorporated into this structure. This is a purely residential structure that does not have any traditional storefront look envisioned by a 40% standard.

Exterior Finish Materials: The proposed structures are largely brick, stone, cementitious panels, and wood with fiberglass shingles. No material waivers have been requested.

Entrance Detailing: There are two entrances for each of the larger buildings. The proposed entries meet the entrance detailing standards of the DEO and include canopies and landscape patio areas that direct pedestrians to the 4 main entries off the Walnut Street sidewalk.

Façade Modulation: The DEO requires maximum module widths of 45 feet and offset facades. ***The petitioner is seeking a waiver from this standard.*** They have attempted to achieve the intent of this requirement through the inclusion of the courtyards. These provide much larger breaks in the façade than an offset of 3% of the building width. The requirement could be met by creating offsets of approximately 4.5 feet every 45 feet of each building. Staff finds the courtyards to be more effective in achieving articulation in the façade modules.

Utilities: The petitioner has submitted a utility plan to the City Utilities Department. The stormwater runoff rate will be very similar to its pre-construction rate as the site has a relatively high impervious surface coverage. Due to the size of the property, the stormwater plan is required to provide water quality measures. This is being achieved by the installation of mechanical separation.

ENVIRONMENTAL COMMISSION RECOMMENDATIONS: The Bloomington Environmental Commission (EC) has made 4 recommendations concerning this development.

1.) The Petitioner should commit to salvaging, recycling, and reusing all possible construction and demolition materials not needed on site.

Staff's Response: Although not required, staff encourages the petitioner to include as much “green demolition” as practical.

2.) The Petitioner should apply green building and site design practices to create a high performance, low carbon-footprint structure, and grounds that exhibit our City's commitment to environmental sustainability.

Staff's Response: Again, staff encourages the petitioner to apply such practices and encourages the petitioner to describe any such practices at the Plan Commission hearing.

3.) The Petitioner should provide bins and space for recyclable materials to be stored for collection, and a recycling contractor to pick it up.

Staff's Response: Staff finds that a requirement to provide on-site recycling should be addressed by a comprehensive City initiative. However, staff encourages the petitioner to provide such services and plan for the space in this project.

4.) The Petitioner shall continue to revise the Landscape Plan until it is compliant with City regulations.

Staff's Response: Staff is in agreement with this recommendation. The petitioner has expressed agreement to make any required changes to their landscape plan.

DEVELOPER TRACK RECORD: The developer, JC Hart, has one additional development within Bloomington. They constructed several multifamily and single family rental structures within the Renwick Planned Unit Development. There are no outstanding violations associated with this development. However, several of the townhomes in this development were sited slightly within the front setback due to a contractor error. The petitioner received a variance approval to remedy the situation.

CONCLUSIONS AND RECOMMENDATION: Staff recommends continuance of SP-17-14 to a second hearing. Staff believes the petitioner has developed a very good infill project for this property. The usage of lower bedroom count apartment units with higher parking ratios helps offset potential impacts to the adjoining neighborhood. Additionally, the petitioner has done a thoughtful job in siting the building and parking layout to respect the neighborhood interface. Issues like fencing, buffering, sanitation collection, and lighting have also been addressed well. The architectural style, while fairly unusual for Bloomington and not well represented in the neighborhood, is pleasing and shows high density quality. The central question in the case is the appropriate scale of the structures for this property. Staff welcomes input from the Commission, residents, and petitioner on this particular issue.

MEMORANDUM

Date: June 26, 2014

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Through: Linda Thompson, Senior Environmental Planner

Subject: SP-17-14, High Point Apartments
700-730 N. Walnut St.

This memorandum contains the Environmental Commission's (EC) input and recommendations regarding the request of a Site Plan for an 82-unit multi-family development and remodel of an historic brick bungalow. The site is in the Commercial Downtown Zoning District and the Downtown Edges Overlay District.

The EC is pleased overall that the Petitioner is remodeling the historic house for reuse, has designed attractive buildings that are unique from the traditional brick buildings we see so often in Bloomington, and will maintain 67.7% impervious surface coverage.

ISSUES OF SOUND ENVIRONMENTAL DESIGN:

1.) CONSTRUCTION and DEMOLITION MATERIALS:

The EC recommends that construction and demolition debris from the existing structure and construction of the new buildings be collected for reuse or recycling. This material could be sold to local salvage businesses, given to a resale store for future re-use, or recycled. Very little material should have to be disposed in a landfill.

2.) GREEN BUILDING & SITE DESIGN:

The EC recommends that green building practices be employed at this site to the extent possible. Green building and environmental stewardship are of utmost importance to the people of Bloomington and sustainable features are consistent with the spirit of the Unified Development Ordinance (UDO). Additionally, they are supported by Bloomington's overall commitment to sustainability and its green building initiative (<http://Bloomington.in.gov/greenbuild>). Sustainable building practices are explicitly called for by the Mayors' Climate Protection Agreement signed by Mayor Krusan; by City Council Resolution 06-05 supporting the Kyoto Protocol and reduction of our community's greenhouse gas emissions; by City Council Resolution 06-07, which recognizes and calls for planning for peak oil; and by a report from the Bloomington Peak Oil Task Force, *Redefining Prosperity: Energy Descent and Community Resilience Report*.

Some general recommendations the EC offers for this site include energy-saving lighting and appliances; solar systems (e.g. solar photovoltaic cell and solar hot water systems); recycled products, such as counter tops and carpets; and high-efficiency insulation and windows.

Some specific recommendations for this site include:

- ~ enhancing the weather, air, and thermal barriers of the building envelope to reduce the energy consumption associated with conditioning indoor air, thus reducing site's carbon footprint;
- ~ installing charging stations for electric vehicles for some of the parking spaces; and
- ~ using reflective roofing material.

Additionally, the EC recognizes that this location is an excellent candidate for a "Complete Streets" approach (<http://www.completestreets.org/>) to enhance its navigability for all users – pedestrians, bicyclists, handicapped people, and others. While the EC recognizes that the developer is not responsible for the street way itself, we encourage the developer to promote a vision for the site that complements the complete streets concept. This proposed development is on a major route, therefore the EC believes that the proposed site represents an opportunity to welcome travelers with a special sense of environmental character that Bloomington is known for, by demonstrating through example that we are, indeed, a Tree City USA, a National Wildlife Federation Wildlife Habitat Community, and a winner of America in Bloom's national competition.

3.) RECYCLING:

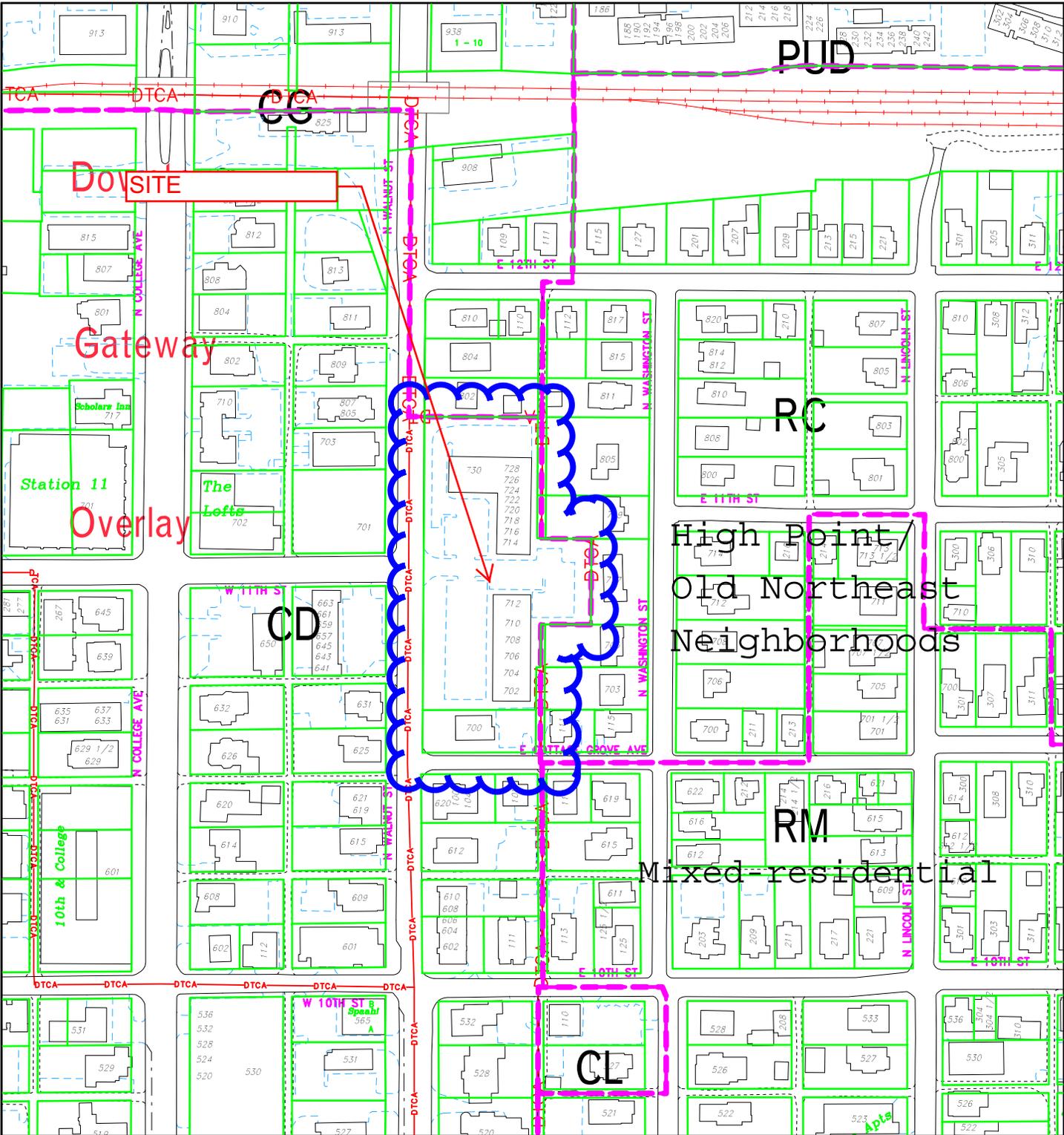
The EC recommends that space be allocated for recyclable-materials collection, which will reduce the development's carbon footprint and promote healthy indoor and outdoor environments. Lack of recycling services is the number one complaint that the EC receives from apartment dwellers in Bloomington. Recycling has become an important norm that has many benefits in energy and resource conservation. Recycling is thus an important contributor to Bloomington's environmental quality and sustainability and it will also increase the attractiveness of the apartments to prospective tenants.

4.) LANDSCAPE PLAN:

The Landscape Plan submitted still needs some revisions. The EC recommends that the Petitioner continue to work with the Planning Department to create a plan that complies with the regulations, at the least.

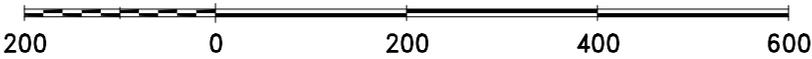
EC RECOMMENDATIONS:

- 1.) The Petitioner should commit to salvaging, recycling, and reusing all possible construction and demolition materials not needed on site.
- 2.) The Petitioner should apply green building and site design practices to create a high performance, low carbon-footprint structures, and grounds that exhibit our City's commitment to environmental sustainability.
- 3.) The Petitioner should provide bins and space for recyclable materials to be stored for collection, and a recycling contractor to pick it up.
- 4.) The Petitioner shall continue to revise the Landscape Plan until it is compliant with City regulations.

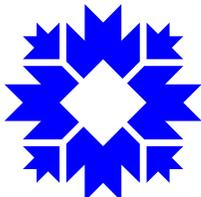


SP-17-14
Location/Zoning map

By: shapp
25 Apr 14

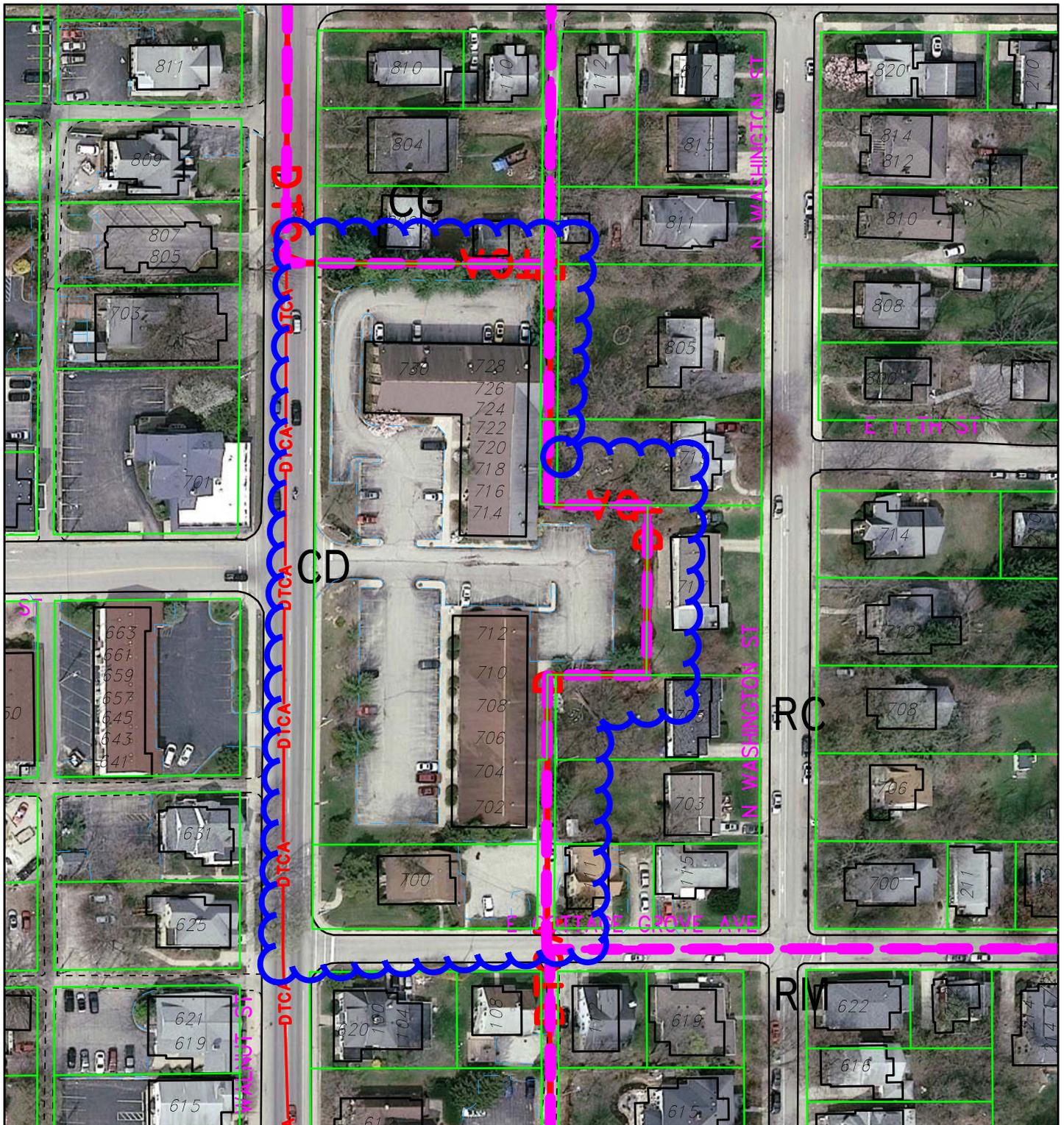


City of Bloomington
Planning



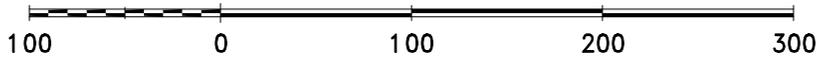
Scale: 1" = 200'

For reference only; map information NOT warranted.

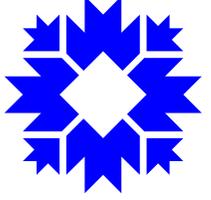


SP-17-14
Aerial Photo

By: shayp
25 Apr 14



City of Bloomington
Planning



Scale: 1" = 100'

For reference only; map information NOT warranted.



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

June 10, 2014

Patrick Shay
City of Bloomington Planning Department
401 N. Morton Street
Bloomington, Indiana 47404

RE: High Point Apartments
Final Plan Approval Petitioner's Statement

Patrick Shay or To Whom It May Concern:

Our client, J.C. Hart Company, Inc., respectfully request final plan approval for the referenced project and to be placed on the next Plan Commission agenda for the plan to be approved by the Plan Commission members.

Project Narrative:

The proposed development of 700-730 North Walnut Street consists of the remodeling of the existing brick bungalow at 700 North Walnut Street for use as a community leasing office, community gathering space and basement level maintenance shop. In addition, 82 new dwelling units consisting of 80 flats and 2 two bedroom townhome units will be built in two three story courtyard style flats buildings with ground floor parking garages fronted with ground floor flats units along North Walnut Street and one two story attached townhome unit building with two private one car garages. The units will consist of 16 studio units, 64 one bedroom units and 2 two bedroom units. This equates to a 21.2 dwelling unit equivalent number (DUE). The project site is 1.91 acres. This equates to 11.1 units per acre.

The site is located at the eastern most edge of the Downtown Edges Overlay District and is the last property in this district before entering the single family neighborhood of High Point. The site also has a historic home locate at the corner of Cottage Grove and North Walnut Street. Given these context constraints, we have a unique design problem to resolve on this site with any new development. Our proposed design utilizes two courtyard style three story flats building types pull up to the required build to line along North Walnut Street. (15' behind the Right of Way) This design approach was taken in order to break down the width of the building mass fronting North Walnut into a series of 4 narrower structures emulating the residential rhythm of buildings found on the east side of North Walnut. The courtyards are pulled back into the site roughly reflecting the setback of the historic home located at the Corner of Cottage Grove and North Walnut. The courtyard building style also allows the character of the building fronts to appear more single family in design with single front doors in each mass and the majority of the building density can be pushed back off of North Walnut Street into the courtyard areas of the

528 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

SP-17-14
Petitioner's Statement

buildings. By pulling the two courtyard buildings forward on the site, we were able to create a view terminus for 11th Street as it extends east into the site. This two Story attached townhome building allows the building scale to step down in height as we approach the eastern edge of the High Point neighborhood to the east. Our site parking is also allowed to be fit between the existing alley tree line and our courtyard buildings fronting North Walnut Street keeping the parking in the secondary areas of the site.

Pedestrians on site can access the buildings from the front walk along North Walnut Street or from rear entry doors facing the rear parking areas. The historic home will also be accessed either from the existing walk Along North Walnut Street or from rear parking spaces and an inclined walkway that extends toward the front porch of the existing home. Pedestrians will be prevented from walking through the site at the rear alley by the addition of a new continuous privacy fence that extends along the entire eastern and northern property lines. An existing City of Bloomington Bus Stop located at the front corner of North Walnut and 11th Streets will be easily accessible to future residents of the community.

52 garage parking spaces and 39 surface parking spaces provide 91 total on-site parking spaces. Each of the two flats buildings provide garage space for 12 bicycles each and each townhome unit has an attached oversized garage two allow for the parking of bicycles. This will allow for 26 garage bicycle parking spaces.

After you have had a chance to review our petition please feel free to contact us at anytime questions regarding our submission.

Sincerely,
Bynum Fanyo & Associates, Inc.

Daniel Butler, EIT, Project Engineer

DATA:

82 DWELLING UNITS

39 SURFACE P.S.

52 GARAGE P.S.

TOTAL : 91 P.S.

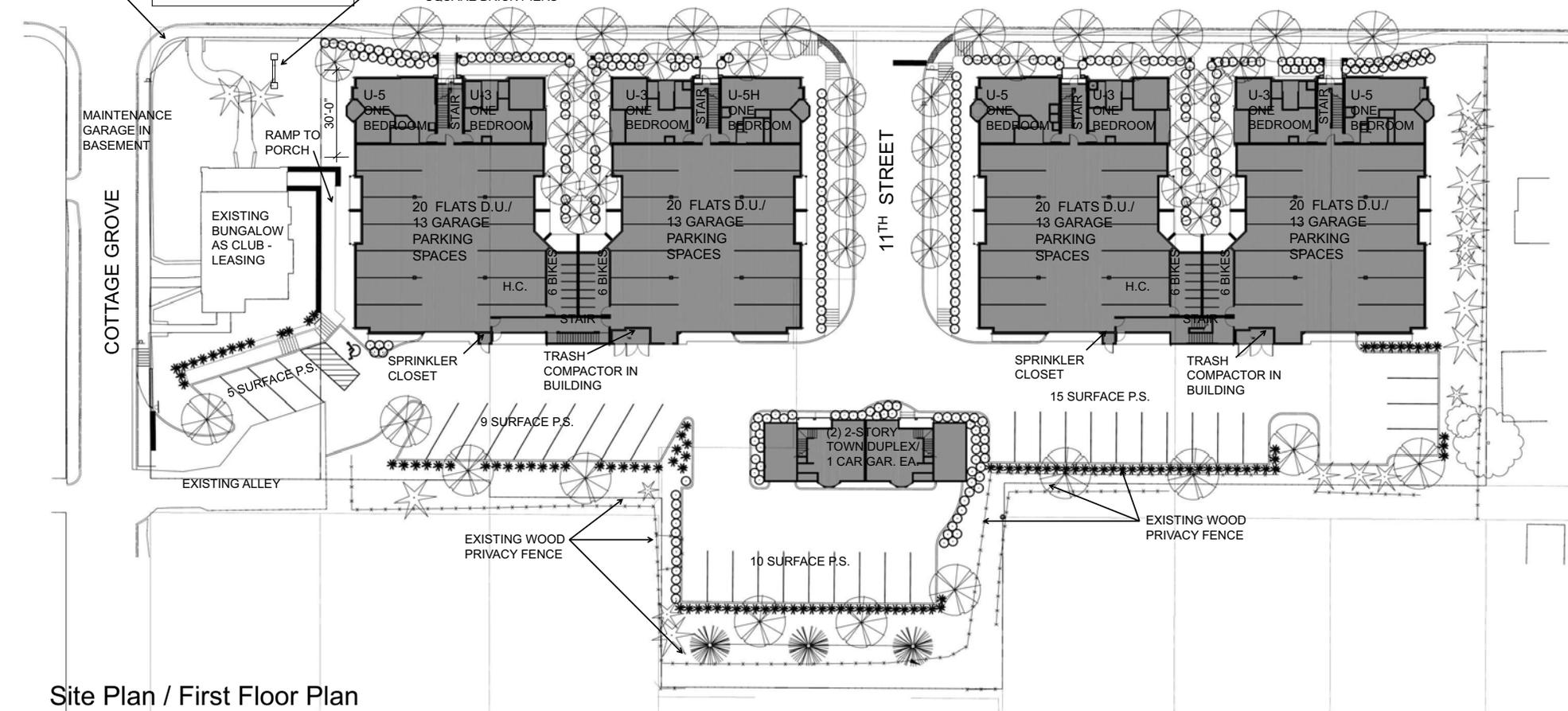
(16) STUDIO UNITS
 (64) ONE BEDROOM UNITS
 (2) TWO BEDROOM UNITS

EXISTING POURED
 RETAINING WALL

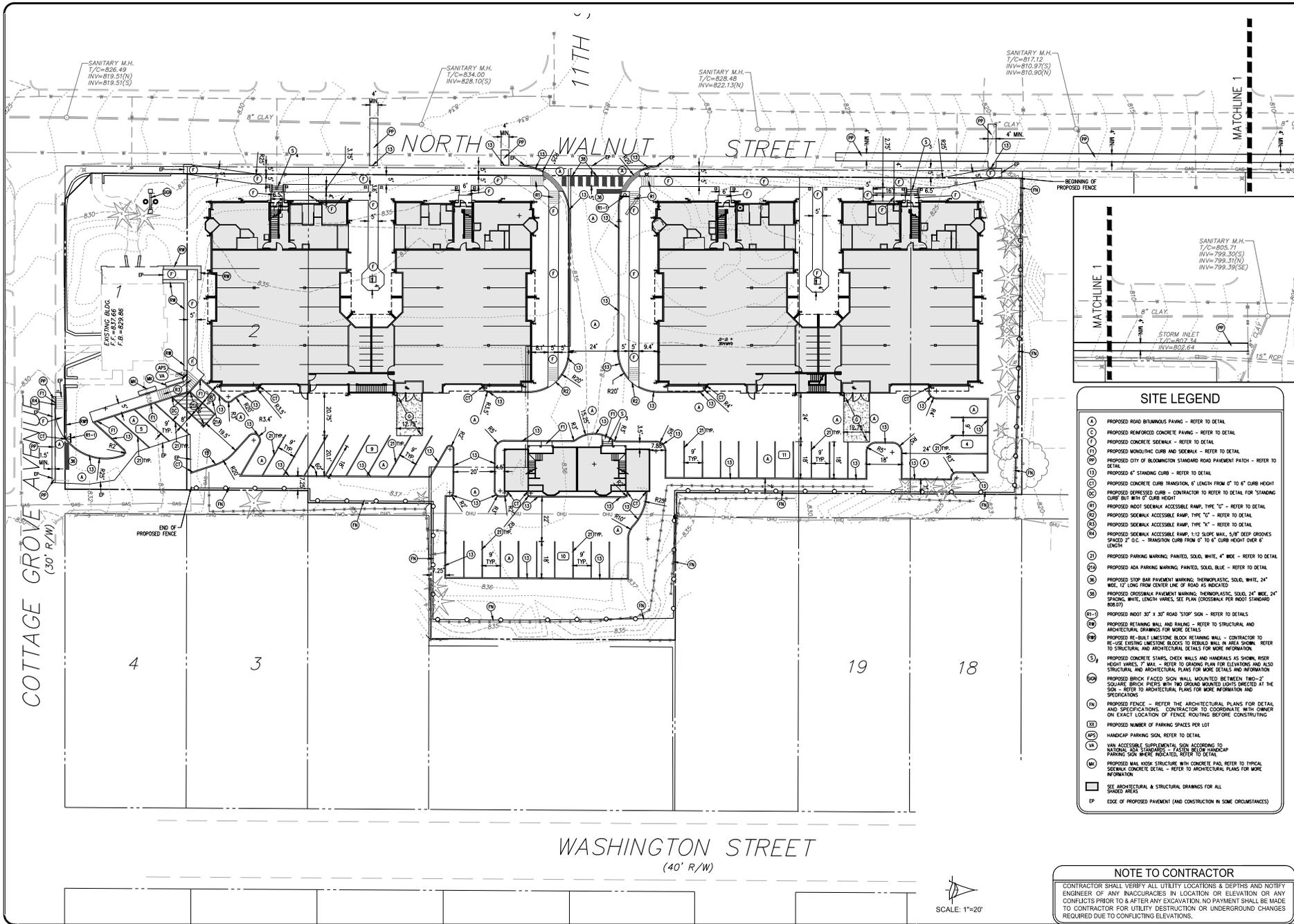
COMMUNITY SIGN
 MOUNTED BETWEEN
 SQUARE BRICK PIERS

NORTH WALNUT STREET

11TH STREET



Site Plan / First Floor Plan



revisions:

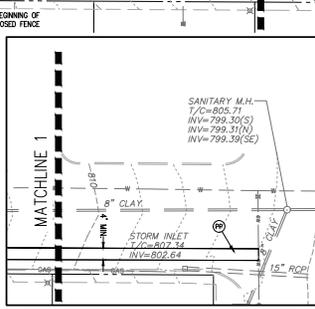
ARCHITECTURE
CIVIL ENGINEERING
PLANNING
BLOOMINGTON, INDIANA
BYNUM FANTO & ASSOCIATES, INC.
628 North Walnut Street
(812) 338-8000 (Fax)

certified by:

PROPOSED
HIGH POINT APARTMENTS
NORTH WALNUT STREET
BLOOMINGTON, INDIANA

title: SITE IMPROVEMENT PLAN

designed by: DJB
drawn by: DJB
checked by: JSF
sheet no: C301
project no: 401402



- ### SITE LEGEND
- (P) PROPOSED ROAD BITUMINOUS PAVING - REFER TO DETAIL
 - (R) PROPOSED REINFORCED CONCRETE PAVING - REFER TO DETAIL
 - (C) PROPOSED CURB AND SIDEWALK - REFER TO DETAIL
 - (S) PROPOSED CITY OF BLOOMINGTON STANDARD ROAD PAVEMENT PAFER - REFER TO DETAIL
 - (4) PROPOSED 4" STANDING CURB - REFER TO DETAIL
 - (5) PROPOSED CONCRETE CURB TRANSITION, 6" LENGTH FROM 6" TO 4" CURB HEIGHT
 - (6) PROPOSED DEPRESSED CURB - CONTRACTOR TO REFER TO DETAIL FOR "STANDING CURB BUT WITH 0" CURB HEIGHT"
 - (7) PROPOSED MOST SIDEWALK ACCESSIBLE RAMP, TYPE "C" - REFER TO DETAIL
 - (8) PROPOSED SIDEWALK ACCESSIBLE RAMP, TYPE "D" - REFER TO DETAIL
 - (9) PROPOSED SIDEWALK ACCESSIBLE RAMP, TYPE "E" - REFER TO DETAIL
 - (10) PROPOSED SIDEWALK ACCESSIBLE RAMP, 1:12 SLOPE MAX, 5/8" DEEP GROOVES SPACED 12" O.C. - TRANSITION CURB FROM 6" TO 4" CURB HEIGHT OVER 6" LENGTH
 - (11) PROPOSED ADA PARKING MARKING, PAINTED, SOLID, BLUE - REFER TO DETAIL
 - (12) PROPOSED 5' STOP BAR PAVEMENT MARKING, THERMOPLASTIC, SOLID, WHITE, 24" WIDE, 12" LONG FROM CENTER LINE OF ROAD AS INDICATED
 - (13) PROPOSED CROSSWALK PAVEMENT MARKING, THERMOPLASTIC, SOLID, 24" WIDE, 24" SPACING, WHITE, LENGTH VARIES. SEE PLAN (CROSSWALK PER FOOT STANDARD BLOCK)
 - (14) PROPOSED BUILT 30' X 30' ROAD 'STOP' SIGN - REFER TO DETAILS
 - (15) PROPOSED RETAINING WALL AND RAILING - REFER TO STRUCTURAL AND ARCHITECTURAL DRAWINGS FOR MORE DETAILS
 - (16) PROPOSED RE-BUILT LIMESTONE BLOCK RETAINING WALL - CONTRACTOR TO RE-USE EXISTING LIMESTONE BLOCKS TO REBUILD WALL IN AREA SHOWN. REFER TO STRUCTURAL AND ARCHITECTURAL PLANS FOR MORE DETAILS AND INFORMATION
 - (17) PROPOSED CONCRETE STAIRS, CHEEK WALLS AND HANDRAILS AS SHOWN, RISER HEIGHT VARIES, 2" MAX - REFER TO GRADING PLAN FOR ELEVATIONS AND ALSO STRUCTURAL AND ARCHITECTURAL PLANS FOR MORE DETAILS AND INFORMATION
 - (18) PROPOSED BRICK FACED SIGN WALL MOUNTED BETWEEN TWO-2" SQUARE BRICK PILES WITH TWO GRADING MOUNTED LIGHTS DIRECTED AT THE SIGN - REFER TO ARCHITECTURAL PLANS FOR MORE INFORMATION AND SPECIFICATIONS
 - (19) PROPOSED FENCE - REFER THE ARCHITECTURAL PLANS FOR DETAIL AND SPECIFICATIONS. CONTRACTOR TO COORDINATE WITH OWNER FOR EXACT LOCATION OF FENCE ROUTING BEFORE CONSTRUCTING
 - (20) PROPOSED NUMBER OF PARKING SPACES PER LOT
 - (21) HANDICAP PARKING SIGN, REFER TO DETAIL
 - (22) VAN ACCESSIBLE SUPPLEMENTAL SIGN ACCORDING TO NATIONAL ADA STANDARDS - FASTEN BELOW HANDICAP PARKING SIGN WHERE INDICATED, REFER TO DETAIL
 - (23) PROPOSED WALL WOOD STRUCTURE WITH CONCRETE PAIL, REFER TO THICKNESS CONCRETE DETAIL - REFER TO ARCHITECTURAL PLANS FOR MORE INFORMATION
 - (24) SEE ARCHITECTURAL & STRUCTURAL DRAWINGS FOR ALL SHADDED AREAS
 - (25) EDGE OF PROPOSED PAVEMENT (AND CONSTRUCTION IN SOME CIRCUMSTANCES)

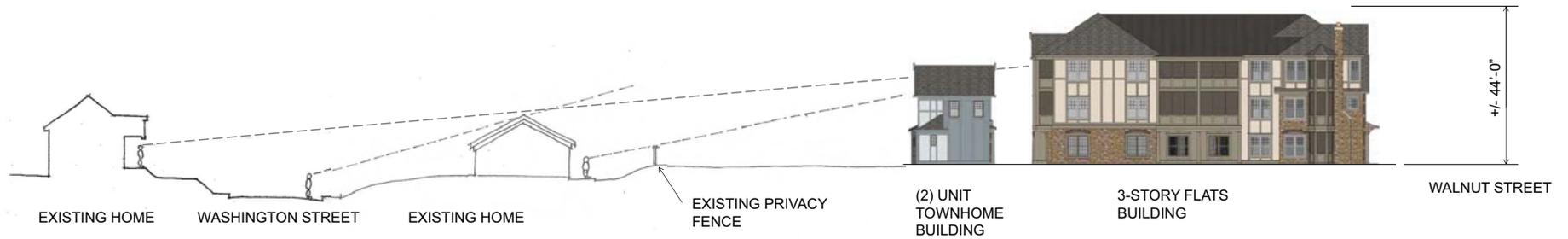
NOTE TO CONTRACTOR

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.



SCALE: 1"=20'

SP-17-14
Detailed Site Plan



11th Street (mid block) Elevation



Walnut Street Elevation

PRELIMINARY CONCEPT

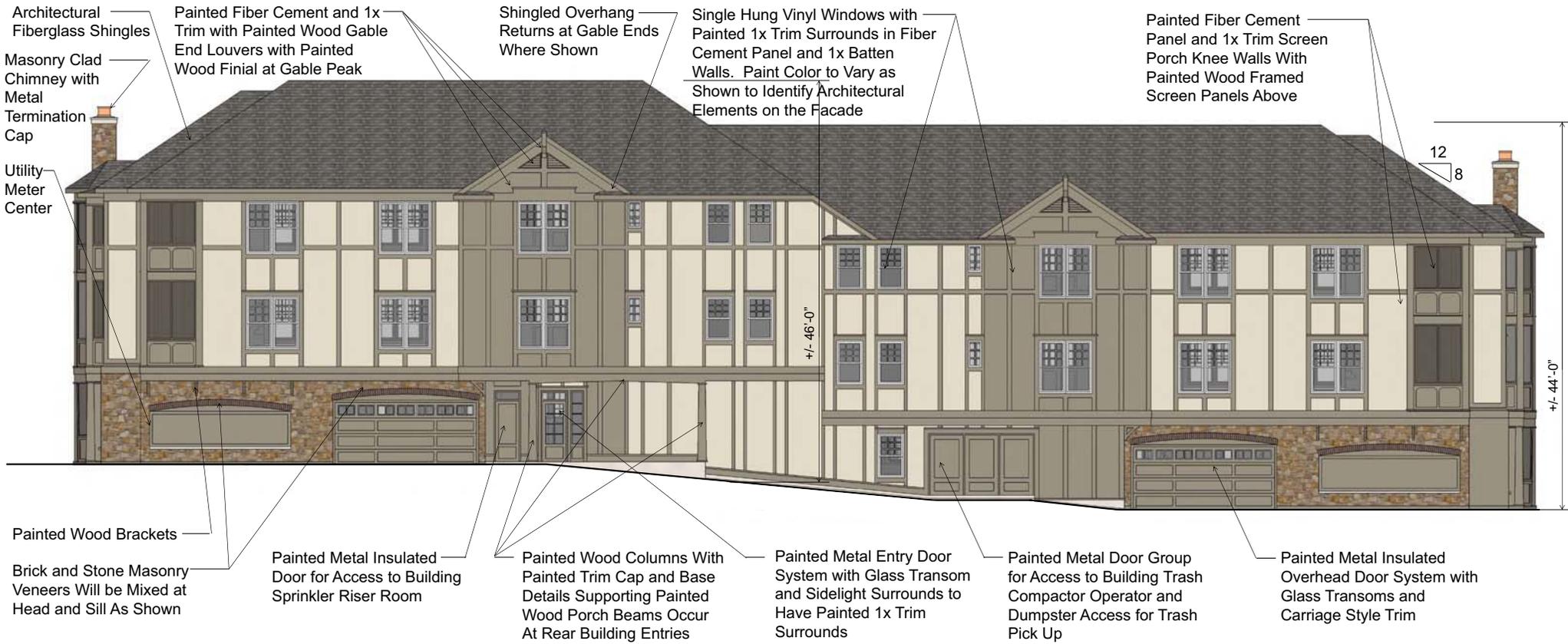


Walnut Street Elevation of Northern Building

weaver sherman design
architects and land planners

702-730 North Walnut Street



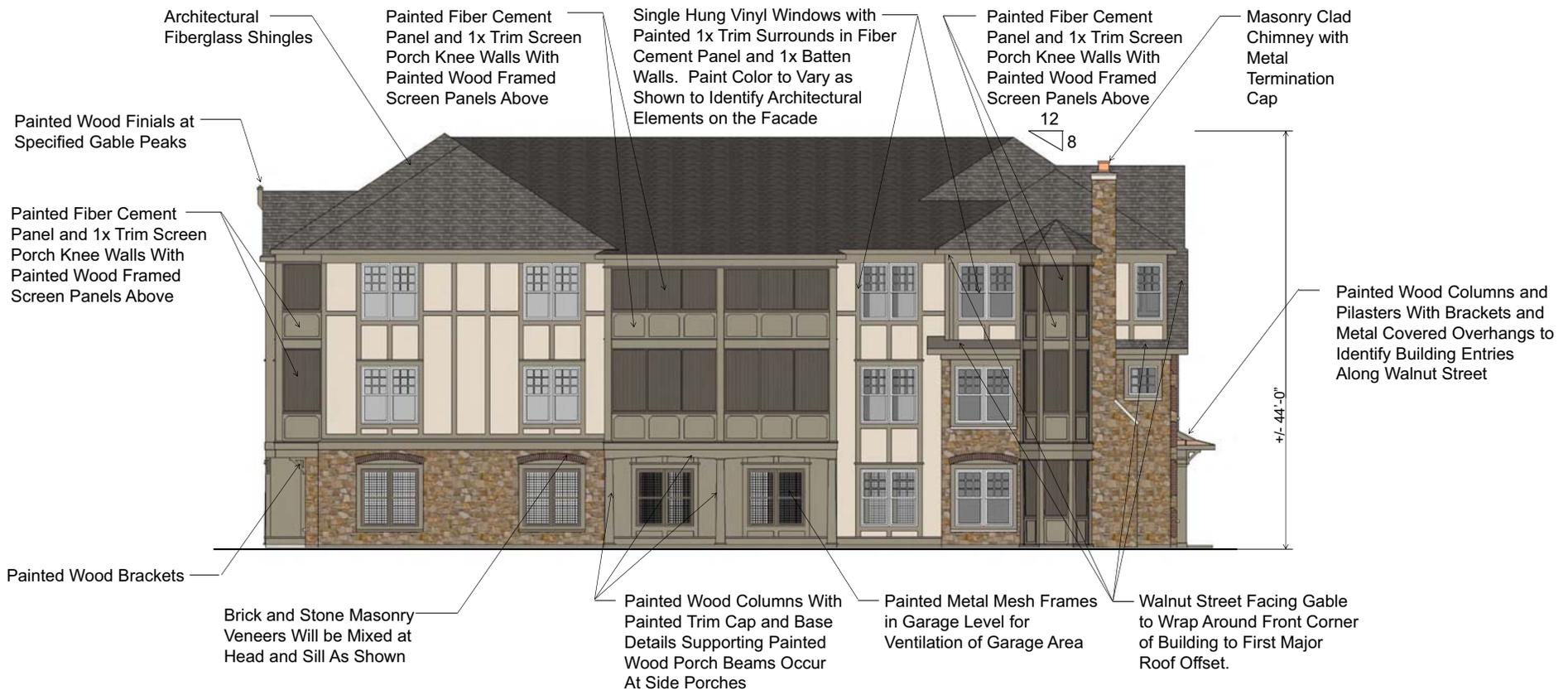


Rear Elevation of Northern Building

weaver sherman design
architects and land planners

702-730 North Walnut Street



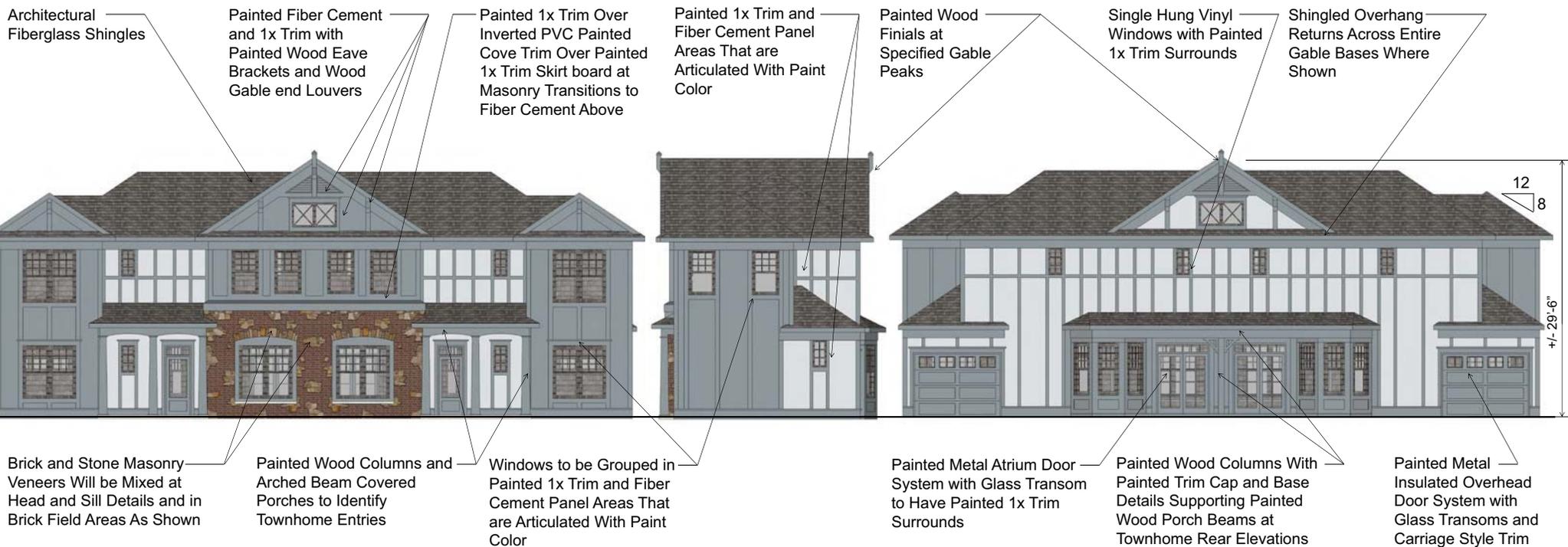


Side Elevations of Southern and Northern Buildings

weaver sherman design
architects and land planners

702-730 North Walnut Street





Townhome Building Front, Side & Rear Elevations

weaver sherman design
architects and land planners

702-730 North Walnut Street



DATA:

82 DWELLING UNITS

39 SURFACE P.S.
52 GARAGE P.S.
TOTAL : 91 P.S.

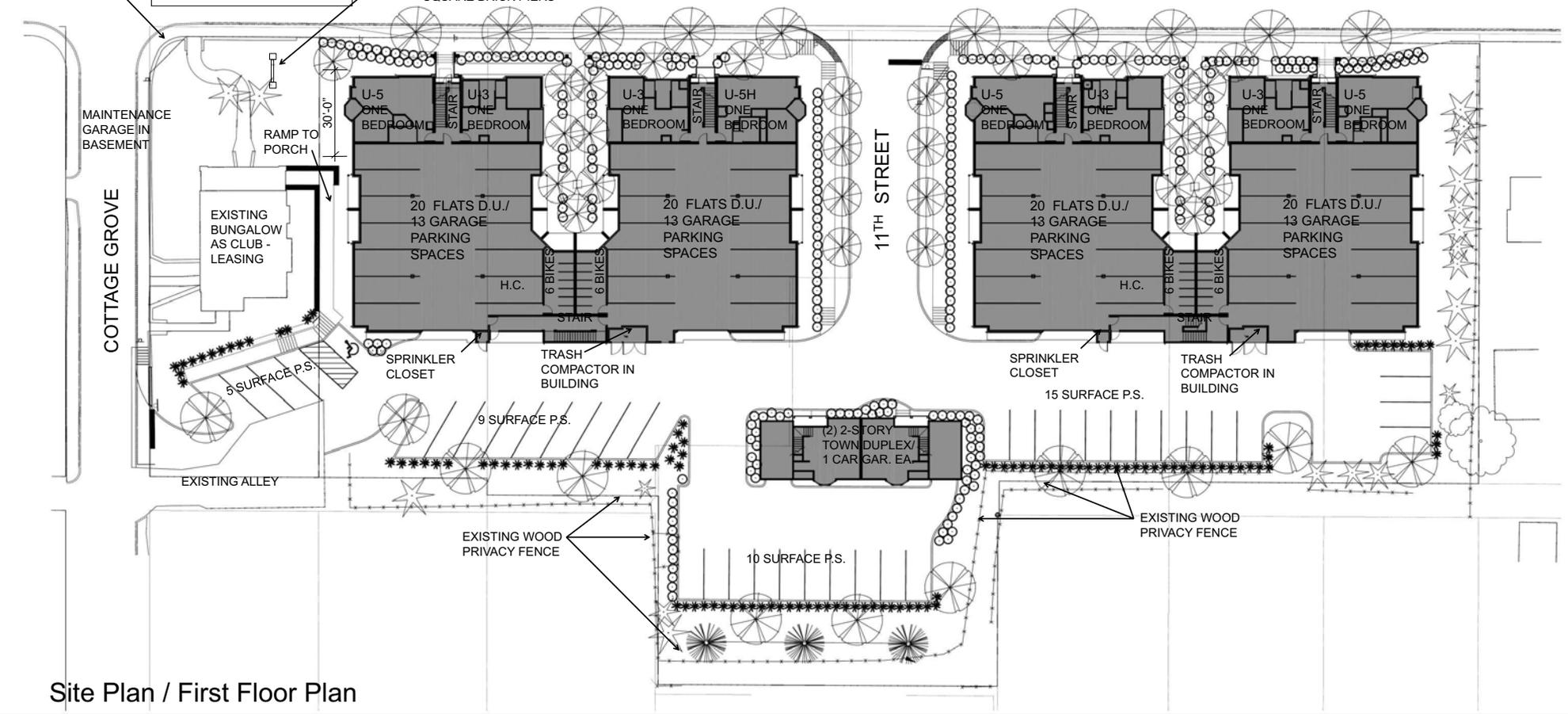
(16) STUDIO UNITS
(64) ONE BEDROOM UNITS
(2) TWO BEDROOM UNITS

EXISTING POURED
RETAINING WALL

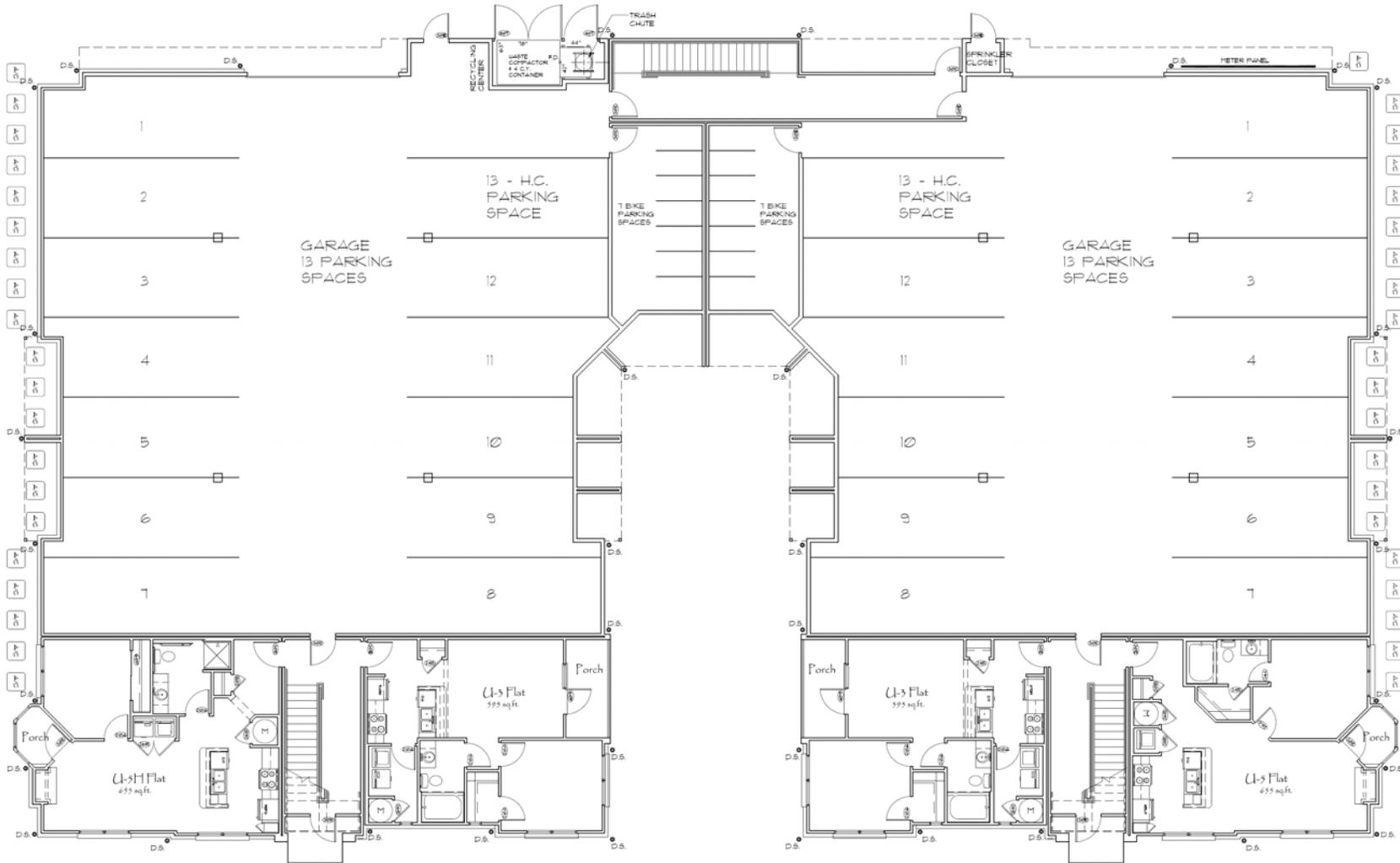
COMMUNITY SIGN
MOUNTED BETWEEN
SQUARE BRICK PIERS

NORTH WALNUT STREET

11TH STREET



Site Plan / First Floor Plan

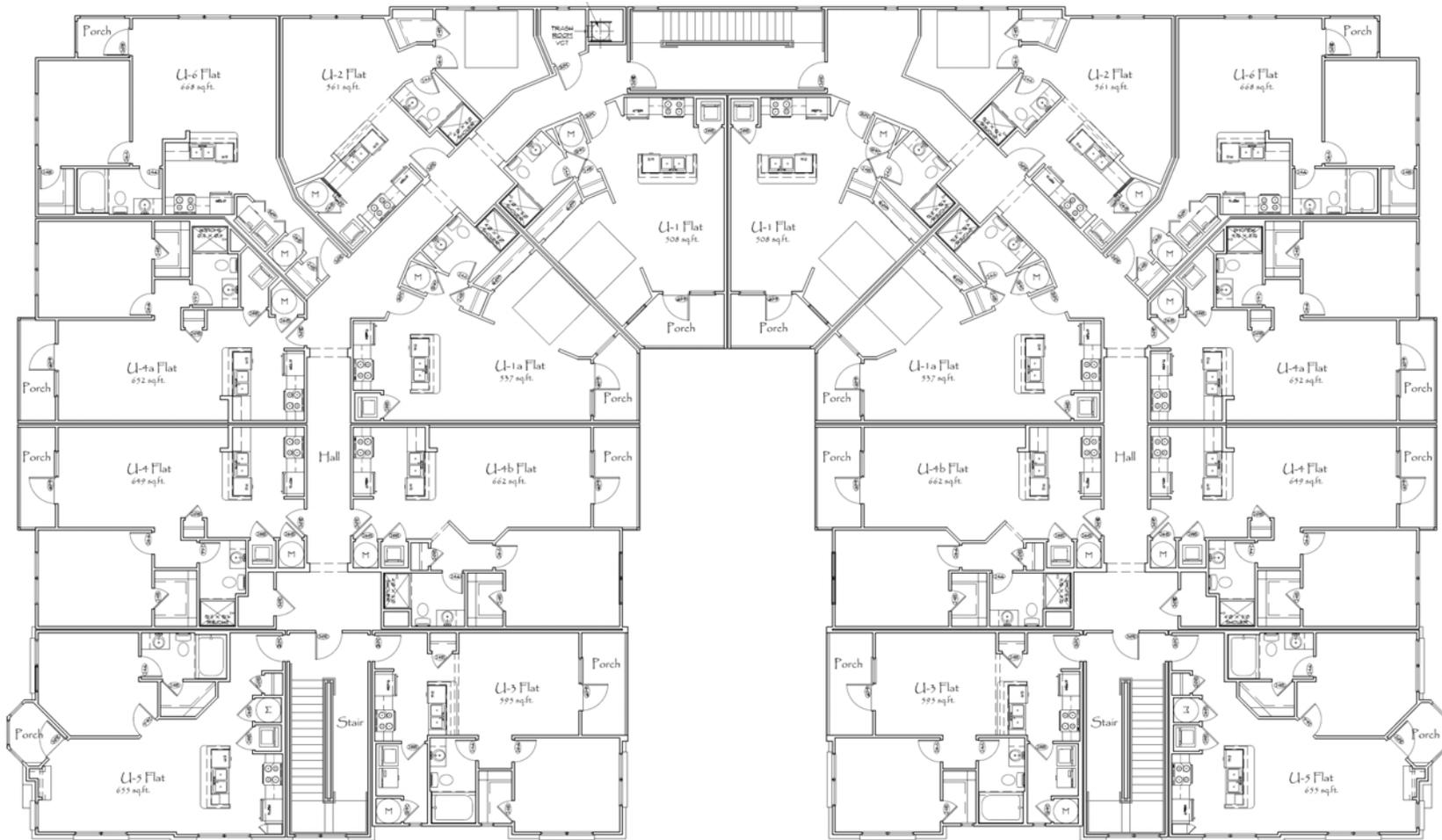


Ground Level Floor Plan - Courtyard Building

weaver sherman design
architects and land planners

702-730 North Walnut Street



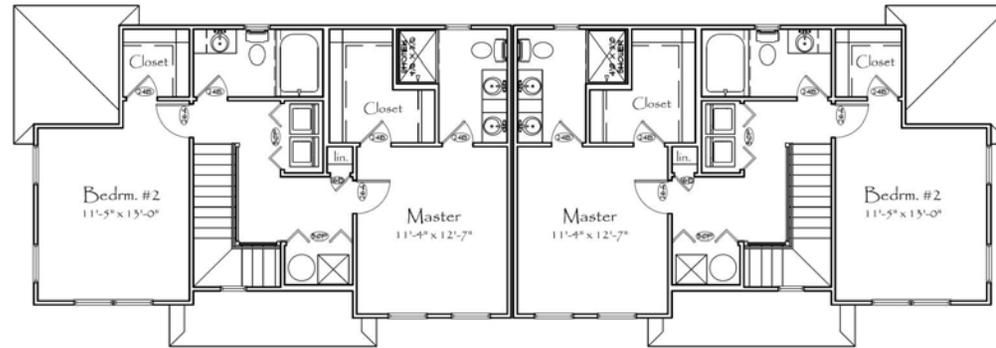


Second and Third Floor Plan – Courtyard Building

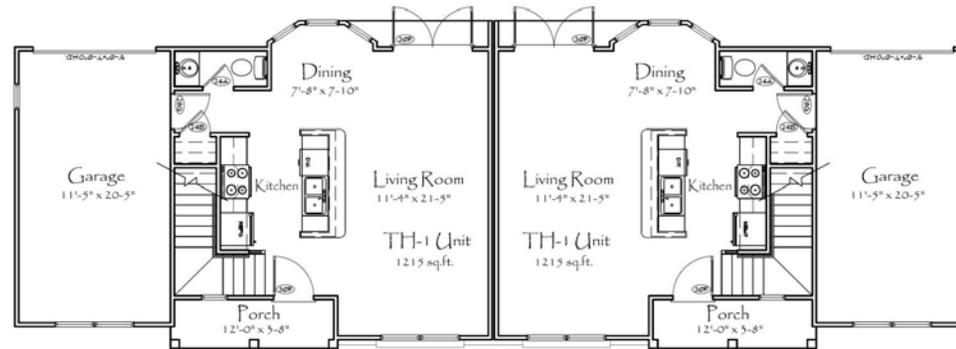
weaver sherman design
architects and land planners

702-730 North Walnut Street





Second Floor Plan- Townhome Building



First Floor Plan- Townhome Building



Walnut Street View Looking Northeast

weaver sherman design
architects and land planners

702-730 North Walnut Street





Walnut Street View Looking North at 11th Street Intersection

weaver sherman design
architects and land planners

702-730 North Walnut Street

JC HART
Builders Developers Managers



View From Cottage Grove Looking Northwest Toward Existing Historic Home on Site

weaver sherman design
architects and land planners

702-730 North Walnut Street

JC HART
Builders Developers Managers



Southwest Aerial Looking Northeast

weaver sherman design
architects and land planners

702-730 North Walnut Street





West Aerial Looking East

weaver sherman design
architects and land planners

702-730 North Walnut Street





View of Entry from 11th Street Looking East

weaver sherman design
architects and land planners

702-730 North Walnut Street

JC HART
Builders Developers Managers



Eric Greulich <greulice@bloomington.in.gov>

Fwd: High Point Development

Eric Greulich <greulice@bloomington.in.gov>
Bcc: Eric Greulich <greulice@bloomington.in.gov>

Tue, Jul 1, 2014 at 8:22 AM

----- Forwarded message -----

From: **Tom Dukeman** <tomdukeman@gmail.com>

Date: Mon, Jun 30, 2014 at 11:34 AM

Subject: Re: High Point Development

To: pedenp@bloomington.in.gov, ajbaker@indiana.edu, chris@shortstopfoodmart.com, sburgins@sdg.us,
ts@seeber.net, williams@bloomington.in.us, hoffma@indiana.edu, sjfernan@indiana.edu,
sturbauc@bloomington.in.gov, Patrick Shay <Shayp@bloomington.in.gov>

Dear Planning Team,

As a resident of of High Point (714 N. Washington St.) I am writing to you because I and many of the residents on our three-block stretch of Washington will be directly impacted by the new development going in on Walnut Street.

First, I want to note that the developers have made genuine efforts to address many of our concerns, but I think I speak for all of the owner-occupied residents when I say that one very important item still needs to be addressed. The height of the structure is planned to exceed the Downtown Edges Overlay by 15 feet. This is a 43% increase over the code height of 35 feet.

As a homeowner who has invested his life savings to bring back a unique historic 1925 bungalow to much of its original charm, I can tell you that stepping out on my front porch and seeing a behemoth building is not what I signed up for.

All I am asking is that you enforce the code and have the developer do their buildings with flat roofs like many others in the area. The gabling that they want to incorporate is the only issue here really. If they go with a flat roof and employ skylights or other enhancements for the loft apartments, then I am fine with everything else they are proposing. It's a simple enforcement issue here and a variance is not supported by the neighborhood.

Whatever you can do to insist on this modification to their design would be appreciated. We want the development to be successful, we like the developers attitude and approach, but the height of the buildings exceed code and as such do not transition properly to our street.

Thank you,

Tom Dukeman

--

Patrick A. Shay, AICP
Development Review Manager
City of Bloomington Planning Department



Eric Greulich <greulice@bloomington.in.gov>

Fwd: High Point development ~ help please!

Eric Greulich <greulice@bloomington.in.gov>
Bcc: Eric Greulich <greulice@bloomington.in.gov>

Tue, Jul 1, 2014 at 8:22 AM

----- Forwarded message -----

From: **Humphrey, Charles R** <chumphre@indiana.edu>
Date: Mon, Jun 30, 2014 at 7:12 AM
Subject: High Point development ~ help please!
To: "micudat@bloomington.in.gov" <micudat@bloomington.in.gov>

Good morning Tom,

I am writing to ask for your help regarding the new High Point development at 700-730 N. Walnut Street. My home is adjacent to the east side of the property being developed. My main concern has always been the proposed height of the new structure.

The developers are asking for a 15 foot variance above the maximum building height of 35 feet. This is certainly excessive. Not a couple of feet, but a 43% increase!

The prospect of a new apartment building looming over my backyard is daunting, but it will be easier to live with if the rules are followed.

Our city worked a long time to produce the Master Plan and I am asking you to enforce the zoning restrictions. The developers seem to be talented and flexible so I think they can easily build a wonderful structure that conforms more closely to the height regulations of the Downtown Edges Overlay.

Please consider the citizens and families in our small neighborhood when you discuss and vote on this matter.

Thanks for your time and thank you for your service to our city.

Best wishes,

Charles Robin Humphrey

705 N. Washington

--
Tom Micuda, AICP
Planning Director



Eric Greulich <greulice@bloomington.in.gov>

Fwd: concerns over proposed development at 702 N. Walnut

Eric Greulich <greulice@bloomington.in.gov>

Tue, Jul 1, 2014 at 8:23 AM

Bcc: Eric Greulich <greulice@bloomington.in.gov>

----- Forwarded message -----

From: **Boshears, John** <jbosh@iu.edu>

Date: Sun, Jun 29, 2014 at 8:46 PM

Subject: concerns over proposed development at 702 N. Walnut

To: "pedenp@bloomington.in.gov" <pedenp@bloomington.in.gov>

Hello Phil,

We have received notice of the upcoming Planning Commission meeting about the High Point development at 702 N. Walnut Street and we just want to let you know our thoughts about this.

The developers have made efforts to work with residents in our neighborhood, and we are very happy with many elements of this plan. Unfortunately, like many of our neighbors we are concerned about the height of this development.

The lot in question is zoned Downtown Edges Overlay, and allows for a maximum building height of 35 feet. This zone is designed as a transition area between the 40-foot-high buildings downtown and the core neighborhoods which are predominately one or two story single family residences. The developer is asking for a variance to build to 44 feet. We don't think that is appropriate. There is a reason for the height restriction.

It would be possible to keep this building under 35 feet by simply using a flat roof rather than a pitched roof. We are not asking the developers to cut into their profit by changing the number or size of the units or the number of parking spaces. There are many buildings along Walnut with flat roofs and we think a well designed building with a flat roof can be beautiful.

This building will be in our backyard. We live with our 4 year old daughter at 717 N Washington Street. We hope to live here for the rest of our lives and we love this neighborhood. Please enforce the code and ask the developers to keep this building under 35 feet.

We look forward to meeting with you on July 7.

Thanks,

John & Sarah Boshears
717 N. Washington Street.

--
Tom Micuda, AICP
Planning Director

--
Eric Greulich



City of Bloomington Office of the Common Council

To: Jack Baker, President, Plan Commission
From: Daniel Sherman, Attorney/Administrator, Common Council
Re: Returning ZO-7-14 (City of Bloomington) to the Plan Commission with a Statement of Reasons for Proposed Changes to Text Amendments
cc: Tom Micuda, Director of Planning Department; Council Members; Mayor Mark Kruzan; Regina Moore, City Clerk; Adam Wason, Communications Director
Date: 16 June 2014

This memorandum is being sent in accordance with IC 36-7-4-607(e)(4), which requires the Common Council to return, and provide a written statement of the reasons for, any changes it proposes to text amendments to the Unified Development Ordinance brought forward to the Council from the Plan Commission.

As you recall, on March 5, 2014, the Common Council passed Resolution 14-03 *To Initiate a Proposal to Amend the Text of the Unified Development Ordinance, Chapter 20 of the Bloomington Municipal Code, in Accordance with Indiana Code Sections 36-7-4-602(b) & 36-7-4-607(b) (Proposal to Protect the Character of the Courthouse Square and University Village Overlay Districts by Treating the Location or Expansion of a “Standardized Restaurants” in those Districts as a Conditional Use).*

On March 21, 2014, the Plan staff certified to the City Clerk, that the Plan Commission considered a package of text amendments pursuant to Resolution 14-03 and, by a vote of 6-2, forwarded them with a positive recommendation to the Council in the form of Ordinance 14-05 *To Amend Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” (Defining “Standardized Restaurants” and Treating Them as a Conditional Use in the Courthouse Square and University Village Overlay Districts of the Downtown).*

Over a course of meetings held on May 28th, June 4th, and June 11th, 2014, the Council considered and made four amendments to Ordinance 14-05. A copy of the signed ordinance along with the four amendments are attached to this memo and provide the necessary written statement of reasons for the amendments as highlighted in the following chart:

Amendment

Effect of Amendment

**Rationale for Amendment
(per Synopsis of Amendments and
Whereas Clauses of the Ordinance)**

Am 01

This amendment was sponsored by Councilmember Neher. It narrowed the special (conditional use) criteria down to whether the petitioner's project visually complements the immediate surroundings as well as the character of the particular overlay district and broadened the regulated uses from standardized restaurants to standardized businesses.

As noted in the second-to-last Whereas clause of the amended ordinance, "this combination of broadening the reach but narrowing the focus of the regulation is intended to focus upon, and comprehensively protect, the unique and eclectic visual character of these two overlay districts."

In addition, the amendment corrected one citation, made some changes to formatting, added an instruction to the codifier to reflect the new conditional use in the table of contents, and clarified that "convenience store" is an excluded use in the University Village Overlay district.

Am 02

This amendment was sponsored by Councilmember Neher. It added the Title, Whereas clauses, and Synopsis to Ordinance 14-05 as amended by Am 01.

These changes were "intended to reflect the procedural history and intent of the legislation as amended by the Council."

Am 03

This amendment was sponsored by Councilmember Sturbaum. It added "a final whereas clause stating that the ordinance does not preclude the subsequent designation of the Courthouse Square as a historic district."

This amendment and the accompanying comments were intended to remind the Council of the Historic Preservation Commission's interest in designating the Courthouse Square as a historic district.

Am 04

This amendment was introduced by Councilmember Sturbaum. It revised the definition of "standardized business" to exclude commercial business establishments "located in such a manner as to be devoid of any building frontage which is visible to a street."

The intent of this amendment was to exclude businesses from the new conditional use review which do not have visible presence from the street.

Please consult your attorney about IC 36-7-4-607 (e)(4), which gives the commission forty-five (45) days in which to consider the rejection or amendment and report to the legislative body.

Sincerely,



Dan Sherman, Attorney/Administrator
Bloomington Common Council

ORDINANCE 14-05

**TO AMEND TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED "UNIFIED DEVELOPMENT ORDINANCE"
(Defining "Standardized Businesses" and Treating Them as a Conditional Use in the
Courthouse Square and University Village Overlay Districts of the Downtown)**

- WHEREAS, the properties contained within the City's Courthouse Square Overlay and University Village Overlay combine to create a very unique atmosphere in the heart of downtown Bloomington; and
- WHEREAS, the May 15, 1991, Growth Policies Plan declared that central to the City's character is the mix of uses, the architectural diversity, and the pedestrian scale of the downtown area (which includes portions now regulated by the Courthouse Square Overlay and University Village Overlay); and
- WHEREAS, during calendar years 1999, 2000, and 2001 the City undertook a massive renovation project of Kirkwood Avenue, located in the University Village Overlay, known as the "Big Dig" which included extensive storm water renovations, street reconstruction, and the enhancement of the sidewalk areas along the street to be more pedestrian friendly for a cost of approximately \$3,000,000.00, in an effort to establish Kirkwood as one of the City's signature streets; and
- WHEREAS, during the end of calendar year 2000 and the beginning of calendar year 2001, the City invested approximately \$112,000.00 in improvements and the redesign of People's Park, located in the University Village Overlay along Kirkwood Avenue; and
- WHEREAS, the 2002 Growth Policies Plan for the City notes that Bloomington is often described as possessing "small town character" and identifies that the City's community character is tied to the look and feel of Bloomington; and
- WHEREAS, the Bloomington Historic Preservation Commission adopted the *City of Bloomington Interim Report of Indiana Historic Sites and Structures Inventory* on October 17, 2002, and in doing so specifically recognized three areas as having unique atmospheres worthy of protection: the Courthouse Square Historic District; the Old Library Historic District; and the Restaurant Row Study Area—each of these three areas is located, in whole or in part, within the Courthouse Square or University Village Overlays; and
- WHEREAS, there are well over fifty (50) structures located within the Courthouse Square Overlay and University Village Overlay which have been specifically recognized on the City's Interim Report of Indiana Historic Sites and Structures; and
- WHEREAS, there are six (6) structures located within the Courthouse Square and University Village Overlays which have been locally designated as historic by the City's Historic Preservation Commission; and
- WHEREAS, the City engaged in a planning process to create and adopt the Downtown Vision and Infill Strategy Plan on November 2, 2005, and in that process identified six distinct character areas within the downtown – including the Courthouse Square Character Area and the University Village Character Area; and
- WHEREAS, the City's Downtown Vision and Infill Strategy Plan adopted on November 2, 2005, notes that the Kirkwood Avenue Corridor (contained within the University Village Overlay) conveys the character of a small traditional main street, providing a strong pedestrian-friendly route between the Downtown and Indiana University, and further states that maintaining and reinforcing the character of this corridor should be a high priority of the City; and

- WHEREAS, the City's Downtown Vision and Infill Strategy Plan notes that significant portions of the area included within the Courthouse Square Overlay were originally intended to provide a diverse mix of businesses which would capitalize on the pedestrian activity generated by the Courthouse; and
- WHEREAS, the City's Downtown Vision and Infill Strategy Plan remarks that the area known as Restaurant Row, located within the University Village Overlay, is an important and distinct area of the City and that its character should be defined; and
- WHEREAS, in 2006 the City designated a sixty (60) block area of the downtown as the Bloomington Entertainment and Arts District (BEAD)—an economic development district for the City to bring business and creative sectors together to advance commerce and culture, to build community and to spur economic development; and
- WHEREAS, the areas of the City contained within the Courthouse Square Overlay and University Village Overlay draw many visitors each year and receive nationwide exposure for its Lotus Festival and Fourth Street Arts Festival—these festivals and the overall character of the geographic areas contained within the two Overlays are vital to the City's economic future; and
- WHEREAS, the City specifically codified the Downtown Plan and created the City's Courthouse Square Overlay in 2007 with a District Intent to provide a "diverse mix of traditional commercial retail uses at the street level"; and
- WHEREAS, the City specifically codified the Downtown Plan and created the City's University Village Overlay in 2007, with a District Intent to "draw upon the variety of architectural styles combined with diverse land uses and site features to enhance the existing eclectic mix of developments that serves as a dynamic and key transitional activity center that connects the Courthouse Square with Indiana University"; and
- WHEREAS, the City specifically codified the Downtown Plan and created the City's University Village Overlay in 2007, with a District Intent to "protect and maintain the unique character of the converted residential structures along Restaurant Row"; and
- WHEREAS, in 2007, the City created the position of Assistant Director of Economic & Sustainable Development for Small Business Relations in order to, in part, and as noted in the position's job description, "support the growth and sustainability of small business" in the Bloomington community; and
- WHEREAS, in 2007, the City created the position of Assistant Director of Economic & Sustainable Development for the Arts in order to pursue in part, and as noted in the position's job description, "the development and implementation of the Bloomington Entertainment and Arts District (BEAD)"; and
- WHEREAS, the unique character and environment created by the City's Courthouse Square Overlay and University Village Overlay must be respected and protected so that the City can continue to thrive without experiencing inappropriate changes, which could jeopardize the environment; and
- WHEREAS, the geographic area represented by the City's Courthouse Square Overlay and University Village Overlay represent the central core of the City's downtown area—an area which is one of a very precious few traditional downtowns still in existence in Indiana, in which its housing, shops, restaurants, work places, and civic facilities co-exist in harmony; and
- WHEREAS, the City's Courthouse Square Overlay and University Village Overlay represent an area of the City where a sense of timelessness has been sustained because of the pedestrian friendly atmosphere; which has created a strong "small town" sense of community; and
- WHEREAS, on August 4, 2009, Mayor Mark Krizan, via a Proclamation, recognized BEAD as a cultural district within the City and noted that it is an important part of the City's overall economic efforts; and

- WHEREAS, on January 5, 2010, the Indiana Arts Commission designated BEAD as one of the State's three (3) Cultural Districts; and
- WHEREAS, the Market District is part of BEAD and is located wholly in the Courthouse Overlay; and
- WHEREAS the Market District is a district, as described by the BEAD Character Area Descriptions, "peppered with plenty of fine dining or café-style eateries to duck into for more fuel"; and
- WHEREAS, the Kirkwood Avenue District is part of BEAD and is located wholly in the University Village Overlay; and
- WHEREAS, the Kirkwood Avenue District is described by the BEAD Character Area Descriptions as: "Here, the spirit is eclectic, colorful and energetic. With history-making collegiate hangouts like Nick's English Hut and the Runcible Spoon Café interspersed with local and regional magnets like the Monroe County Public Library, the Monroe County History Center and People's Park, the Kirkwood Avenue district holds plenty of nooks and crannies for the exchange of ideas and cultures"; and
- WHEREAS, the Restaurant Row District is part of BEAD and is located wholly in the University Village Overlay; and
- WHEREAS, the Restaurant Row District is characterized by the BEAD Character Area Descriptions as: "the Section of East 4th Street easily identifiable by the wafting smells of the diverse and delicious fare of several ethnic restaurants that have transformed bungalow homes into destination eateries. Tibet, India, Thailand, France, Italy, Greece, Ethiopia—these are just a few of the world cuisines that can be sampled in Restaurant Row"; and
- WHEREAS, the geographic area represented by the Courthouse Square and University Village Overlays is one (1) of only three (3) geographic areas in the State of Indiana that meet all of the following requirements: is listed on the National Register of Historic Places; has a county courthouse; and has a historic opera house; and
- WHEREAS, the City recognizes that business uses are critical to the integrity of the commercial and cultural districts identified, at least in part, by the Courthouse Square and University Village Overlays; and
- WHEREAS, the City reasonably believes additional standardized businesses could, in the foreseeable future, make their way to those areas contained within the Courthouse Square and University Village Overlays due to these areas popularity and vitality; and
- WHEREAS, standardized businesses and standardized restaurants, in particular, with their standardized, menus, employee uniforms, trademarks, logos, signs, and exterior design, strive to make the experience in one outlet the same as any other; and
- WHEREAS, the addition or expansion of standardized businesses, with this aspect of "sameness" within the boundaries of the Courthouse Square and University Village Overlays, if not monitored and regulated, will jeopardize the City's goal of nurturing and protecting the unique, eclectic, historic and small town character of these areas and undermine a key strategy for the City's economic development; and
- WHEREAS, the Common Council values the importance of the connections between community character and commerce; and

WHEREAS, in light of the foregoing considerations, the City Council has determined that the public welfare of the City will best be served and advanced by monitoring and regulating the establishment of new and expanded standardized businesses in the Courthouse Square and University Village Overlays through the issuance of Conditional Use Permits by the City's Board of Zoning Appeals, which shall require the amendment and supplementation of certain provisions of the City's Unified Development Ordinance; and

WHEREAS, on March 10, 2014, the Plan Commission considered this case, ZO-7-14, and made a positive recommendation in favor of a package of amendments to the Unified Development Ordinance; and

WHEREAS, the Common Council has reviewed that package of amendments and proposes changes which, first narrow the special criteria to whether the petitioner's project visually complements the immediate surroundings as well as the character of the particular overlay district and, second, broaden the regulated uses from standardized restaurants to standardized businesses; and

WHEREAS, this combination of broadening the reach but narrowing the focus of the regulation is intended to focus upon, and comprehensively protect, the unique and eclectic visual character of these two overlay districts; and

WHEREAS, adoption of this ordinance does not preclude the subsequent designation of the Courthouse Square as a historic district;

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

SECTION 1. Section 20.01.030 shall be amended to create a new subsection "u" and said subsection shall read as follows:

20.01.030 Purpose

"(u) To protect the integrity and unique, diverse character of the Courthouse Square Overlay and the University Village Overlay areas."

SECTION 2. Section 20.02.380, entitled "Commercial Downtown (CD); Permitted Uses" shall be amended to create a new permitted land use. The new permitted land use shall be "business, standardized" and shall be added immediately following "business/professional office."

SECTION 3. Section 20.02.380, entitled "Commercial Downtown (CD); Permitted Uses" shall be amended by creating a new cross-reference placed directly below the current cross-reference. The new cross-reference shall read as follows:

"** Additional requirements refer to Section 20.03.040 Courthouse Square Overlay (CSO) - Effect on Uses and Section 20.03.180 University Village Overlay (UVO) - Effect on Uses"

SECTION 4. Section 20.03.040, entitled "Courthouse Square Overlay (CSO) – Effect on Uses" shall be deleted in its entirety and replaced with the following:

20.03.040 Courthouse Square Overlay (CSO) - Effect on Uses

Additional Permitted Uses other than those listed in 20.02.380:

- dwelling, upper floor units*

* Additional requirements refer to Chapter 20.05, SC: Special Conditions Standards.

Excluded Uses:

- assisted living facility

- convenience store (with gas or alternative fuels)

- dwelling multifamily

- medical care clinic, immediate

Conditional Uses:

- (a) as listed in Section 20.02.390; and
- (b) Business, Standardized (see Section 20.05.0331 for additional Conditional Use Standards),

SECTION 5. Section 20.03.180, entitled "University Village Overlay (UVO) – Effect on Uses," shall be deleted in its entirety and replaced with the following:

20.03.180 University Village Overlay (UVO) - Effect on Uses

Permitted Uses are those listed in 20.02.380.

* Additional requirements refer to Chapter 20.05, SC: Special Conditions Standards.

Excluded Uses:

- convenience store (with gas or alternative fuels)

Excluded Uses for Restaurant Row:

- amusements, indoor
- assisted living facility
- bank/credit union
- bar/dance club
- billiard/arcade room
- brewpub
- cellular phone/pager services
- coin laundry
- community center
- computer sales
- convenience store (without gas)
- day-care center, adult
- day-care center, child
- department store
- drug store
- dry-cleaning service
- fitness center/gym
- fitness training studio
- hardware store
- home electronics/appliance sales
- hotel/motel
- license branch
- liquor/tobacco sales
- lodge
- medical care, immediate
- office supply sales
- park
- pawn shop
- pet grooming
- pet store
- radio/TV station
- recreation center
- research center
- school, preschool
- school, primary/secondary
- school, trade or business
- tattoo/piercing parlor
- theater, indoor
- transportation terminal
- utility substation and transmission facility
- veterinarian clinic

Conditional Uses:

- (a) as listed in Section 20.02.390; and
- (b) Business, Standardized (see Section 20.05.0331 for additional Conditional Use standards).

SECTION 6. A new Section 20.05.0331 shall be created, added to the Table of Contents for this Chapter, and shall read as described below.

20.05.0331 CU-12 [Conditional Use; Business, Standardized]

This Conditional Use Standards section applies to the following zoning districts:
[CD] (CSO and UVO districts only)

- a. The proposed use shall be designed and constructed in a style that visually complements its surroundings, especially the existing buildings on both sides of the same block the business is to be located, as well as the character of the particular overlay district. Visual complementation shall include, but may not be limited to: architecture, scale, facade, and signage. If the use is proposed for a site which contains an existing building of special historical, cultural, or architectural significance, with or without official historic designation, the proposed use shall seek to preserve and reuse as much of the existing building as possible, particularly the building's facade. Visual complementation may also include interior décor. Elements of interior décor such as displays of public art, photos or memorabilia of Bloomington or Indiana University, may be considered, but should not be viewed as sufficient to meet this criterion.

SECTION 7. Section 20.11.020, entitled "Defined Words", shall be amended by adding the newly created Land Use "Business, Standardized" and said newly created word shall be defined as follows:

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

SECTION 8. If any section, sentence, chapter or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any other section, sentence, chapter, provision or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 9. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, with approval of the Mayor, and after any required waiting and/or notice periods under Indiana law.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 11th day June, 2014.


DARRYL NEHER, 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 12th day of June, 2014.

Regina Moore
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 12th day of June, 2014.

Mark Kruzan
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends proposed changes to Title 20 (Unified Development Ordinance) brought forward from the Plan Commission on March 21, 2014 at the request of the Common Council with adoption of Res 14-03. It creates a process whereby uses defined as 'Standardized Businesses' are required to obtain Conditional Use approval in order to locate in two downtown overlay districts. These districts are the Courthouse Square Overlay (CSO) and the University Village Overlay (UVO). The amendments to the Plan Commission proposal, first, narrow the special conditional use criteria to whether the petitioner's project visually complements the immediate surroundings as well as the character of the particular overlay district and, second, broaden the regulated uses from standardized restaurants to standardized businesses. These amendments are intended to focus upon, and comprehensively protect, the unique and eclectic visual character of these two overlay districts

In accordance with IC 36-7-4-607(b), if adopted, the legislation and an accompanying statement will be forwarded to the Plan Commission, which will have 45 days from that time to approve or reject that action of the Council. If the Plan Commission disapproves the action of the Common Council within said 45 days, then the legislation stands only if the Common Council confirms its action by another vote within 45 days after certification of Plan Commission disapproval.

Note: The Common Council passed Ord 14-05 with 4 amendments: Am 01 both broadened the reach and narrowed the focus of this regulation; Am 02 inserted a Title, Whereas clauses, and a synopsis which, together, provided a history and rationale for this legislation; Am 03 added a whereas clause regarding possible designation of the Courthouse Square Overlay as a historic district; and, Am 04 revised the definition of "standardized business" to exclude businesses "devoid of any building frontage which is visible to a street" from the definition.

Signed copies to:
- legal
- controller
- planning
- ED + sust.

OA/CA
Clerk (2)
BMC (2)

Chamber of Commerce

***** Amendment Form *****

Ordinance #: 14-05
Amendment #: Am 01 - Corrected
Submitted By: Councilmember Neher, District 5
Date: June 10, 2014

Proposed Amendment:

1. Ordinance 14-5 shall be amended by increasing its scope to include a Conditional Use review process for what are known as “Standardized Businesses.” The current ordinance, as recommended by the Plan Commission, would require a Conditional Use review process for any use classified as a Standardized Restaurant to operate within two downtown overlays – the Courthouse Square Overlay and the University Village Overlay. This amendment broadens the scope of review to all businesses defined as “standardized” for the following reasons: 1) if only standardized restaurants are regulated through Conditional Use review, it logically stands to reason that a natural fall back option for property owners would be to replace this land use with other standardized business tenants that can afford the higher rents of a downtown location, and 2) the potential increase in the number of standardized businesses other than restaurants in these two important overlays would have exactly the same negative impacts on the character of these areas that are uniquely Bloomington.

2. The amendment completely replaces the ordinance recommended by the Plan Commission as follows:

SECTION 1. Section 20.01.030 shall be amended to create a new subsection “u” and said subsection shall read as follows:

20.01.030 Purpose

“(u) To protect the integrity and unique, diverse character of the Courthouse Square Overlay and the University Village Overlay areas.”

SECTION 2. Section 20.02.380, entitled “Commercial Downtown (CD); Permitted Uses” shall be amended to create a new permitted land use. The new permitted land use shall be “business, standardized” and shall be added immediately following “business/professional office.”

SECTION 3. Section 20.02.380, entitled “Commercial Downtown (CD); Permitted Uses” shall be amended by creating a new cross-reference placed directly below the current cross-reference. The new cross-reference shall read as follows:

“*** Additional requirements refer to Section 20.03.040 Courthouse Square Overlay (CSO) - Effect on Uses and Section 20.03.180 University Village Overlay (UVO) - Effect on Uses”

SECTION 4. Section 20.03.040, entitled “Courthouse Square Overlay (CSO) – Effect on uses” shall be deleted in its entirety and replaced with the following:

20.03.040 Courthouse Square Overlay (CSO) - Effect on Uses

Additional Permitted Uses other than those listed in 20.02.380:

- dwelling, upper floor units*

* Additional requirements refer to Chapter 20.05, SC: Special Conditions Standards.

Excluded Uses:

- assisted living facility

- convenience store (with gas or alternative fuels)

- dwelling multifamily

- medical care clinic, immediate

Conditional Uses:

- (a) as listed in Section 20.02.390; and
- (b) Business, Standardized (see Section 20.05.0331 for additional Conditional Use Standards),

SECTION 5. Section 20.03.180 entitled “University Village Overlay (UVO) – Effect on Uses” shall be deleted in its entirety and replaced with the following:

20.03.180 University Village Overlay (UVO) - Effect on Uses

Permitted Uses are those listed in 20.02.380.

* Additional requirements refer to Chapter 20.05, SC: Special Conditions Standards.

Excluded Uses:

- convenience store (with gas or alternative fuels)

Excluded Uses for Restaurant Row:

- amusements, indoor
- assisted living facility
- bank/credit union
- bar/dance club
- billiard/arcade room
- brewpub
- cellular phone/pager services
- coin laundry
- community center
- computer sales
- convenience store (without gas)
- day-care center, adult
- day-care center, child
- department store
- drug store
- dry-cleaning service
- fitness center/gym
- fitness training studio
- hardware store
- home electronics/appliance sales
- hotel/motel
- license branch
- liquor/tobacco sales
- lodge
- medical care, immediate
- office supply sales
- park
- pawn shop
- pet grooming
- pet store
- radio/TV station
- recreation center
- research center
- school, preschool
- school, primary/secondary
- school, trade or business
- tattoo/piercing parlor
- theater, indoor
- transportation terminal
- utility substation and transmission facility
- veterinarian clinic

Conditional Uses:

- (a) as listed in Section 20.02.390; and
- (b) Business, Standardized (see Section 20.05.0331 for additional Conditional Use standards).

SECTION 6. A new Section 20.05.0331 shall be created, added to the Table of Contents for this Chapter, and shall read as described below.

20.05.0331 CU-12 [Conditional Use; Business, Standardized]

This Conditional Use Standards section applies to the following zoning districts:
[CD] (CSO and UVO districts only)

- a. The proposed use shall be designed and constructed in a style that visually complements its surroundings, especially the existing buildings on both sides of the same block the business is to be located, as well as the character of the particular overlay district. Visual complementation shall include, but may not be limited to: architecture, scale, facade, and signage. If the use is proposed for a site which contains an existing building of special historical, cultural, or architectural significance, with or without official historic designation, the proposed use shall seek to preserve and reuse as much of the existing building as possible, particularly the building's facade. Visual complementation may also include interior décor. Elements of interior décor such as displays of public art, photos or memorabilia of Bloomington or Indiana University, may be considered, but should not be viewed as sufficient to meet this criterion.

SECTION 7. Section 20.11.020, entitled “Defined Words”, shall be amended by adding the newly created Land Use “Business, Standardized” and said newly created word shall be defined as follows:

“Business, Standardized: Any type of commercial business establishment located in the Courthouse Square and University Village Overlays which is required by contractual or other arrangement or affiliation to offer or maintain standardized services, merchandise, menus, employee uniforms, trademarks, logos, signs, or exterior design.”

Synopsis

This amendment is sponsored by Councilmember Neher and increases the scope of the Plan Commission’s recommended ordinance to include a Conditional Use review process for what are known as “Standardized Businesses.” The proposed amendment regulates not only restaurants, but all commercial businesses that provide standardized products and services. This amendment also modifies the Conditional Use criteria to be utilized by the Board of Zoning Appeals so that the Board’s review focuses on steps a petitioner may pursue to assure that the project visually complements the surrounding area and the particular overlay district rather than on conditions largely beyond their control.

Please note that Am 01 was revised with corrections after its Do Pass recommendation at the Committee of the Whole on June 11, 2014. The revisions: corrected one citation, made some changes to formatting, added an instruction to the codifier to reflect the new conditional use in the table of contents, and clarified that “convenience store” is an excluded use in the University Village Overlay district.

6/4/14 Committee Action: 7 - 0
6/11/14 Committee Action: 7 - 0
Adopted

(June 11, 2014)

***** Amendment Form *****

Ordinance #: 14-05
Amendment #: Am 02
Submitted By: Councilmember Neher, District 5
Date: June 10, 2014

Proposed Amendment:

1. Ordinance 14-05, as amended, shall be revised to include the following title:

**TO AMEND TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “UNIFIED DEVELOPMENT ORDINANCE”
(Defining “Standardized Businesses” and Treating Them as a Conditional Use in the
Courthouse Square and University Village Overlay Districts of the Downtown)**

2. Ordinance 14-05, as amended, shall be revised to include the following “Whereas” clauses:

WHEREAS, the properties contained within the City’s Courthouse Square Overlay and University Village Overlay combine to create a very unique atmosphere in the heart of downtown Bloomington; and

WHEREAS, the May 15, 1991, Growth Policies Plan declared that central to the City’s character is the mix of uses, the architectural diversity, and the pedestrian scale of the downtown area (which includes portions now regulated by the Courthouse Square Overlay and University Village Overlay); and

WHEREAS, during calendar years 1999, 2000, and 2001 the City undertook a massive renovation project of Kirkwood Avenue, located in the University Village Overlay, known as the “Big Dig” which included extensive storm water renovations, street reconstruction, and the enhancement of the sidewalk areas along the street to be more pedestrian friendly for a cost of approximately \$3,000,000.00, in an effort to establish Kirkwood as one of the City’s signature streets; and

WHEREAS, during the end of calendar year 2000 and the beginning of calendar year 2001, the City invested approximately \$112,000.00 in improvements and the redesign of People’s Park, located in the University Village Overlay along Kirkwood Avenue; and

WHEREAS, the 2002 Growth Policies Plan for the City notes that Bloomington is often described as possessing “small town character” and identifies that the City’s community character is tied to the look and feel of Bloomington; and

WHEREAS, the Bloomington Historic Preservation Commission adopted the *City of Bloomington Interim Report of Indiana Historic Sites and Structures Inventory* on October 17, 2002, and in doing so specifically recognized three areas as having unique atmospheres worthy of protection: the Courthouse Square Historic District; the Old Library Historic District; and the Restaurant Row Study Area—each of these three areas is located, in whole or in part, within the Courthouse Square or University Village Overlays; and

WHEREAS, there are well over fifty (50) structures located within the Courthouse Square Overlay and University Village Overlay which have been specifically recognized on the City’s Interim Report of Indiana Historic Sites and Structures; and

WHEREAS, there are six (6) structures located within the Courthouse Square and University Village Overlays which have been locally designated as historic by the City’s Historic Preservation Commission; and

- WHEREAS, the City engaged in a planning process to create and adopt the Downtown Vision and Infill Strategy Plan on November 2, 2005, and in that process identified six distinct character areas within the downtown – including the Courthouse Square Character Area and the University Village Character Area; and
- WHEREAS, the City’s Downtown Vision and Infill Strategy Plan adopted on November 2, 2005, notes that the Kirkwood Avenue Corridor (contained within the University Village Overlay) conveys the character of a small traditional main street, providing a strong pedestrian-friendly route between the Downtown and Indiana University, and further states that maintaining and reinforcing the character of this corridor should be a high priority of the City; and
- WHEREAS, the City’s Downtown Vision and Infill Strategy Plan notes that significant portions of the area included within the Courthouse Square Overlay were originally intended to provide a diverse mix of businesses which would capitalize on the pedestrian activity generated by the Courthouse; and
- WHEREAS, the City’s Downtown Vision and Infill Strategy Plan remarks that the area known as Restaurant Row, located within the University Village Overlay, is an important and distinct area of the City and that its character should be defined; and
- WHEREAS, in 2006 the City designated a sixty (60) block area of the downtown as the Bloomington Entertainment and Arts District (BEAD)—an economic development district for the City to bring business and creative sectors together to advance commerce and culture, to build community and to spur economic development; and
- WHEREAS, the areas of the City contained within the Courthouse Square Overlay and University Village Overlay draw many visitors each year and receive nationwide exposure for its Lotus Festival and Fourth Street Arts Festival—these festivals and the overall character of the geographic areas contained within the two Overlays are vital to the City’s economic future; and
- WHEREAS, the City specifically codified the Downtown Plan and created the City’s Courthouse Square Overlay in 2007 with a District Intent to provide a “diverse mix of traditional commercial retail uses at the street level”; and
- WHEREAS, the City specifically codified the Downtown Plan and created the City’s University Village Overlay in 2007, with a District Intent to “draw upon the variety of architectural styles combined with diverse land uses and site features to enhance the existing eclectic mix of developments that serves as a dynamic and key transitional activity center that connects the Courthouse Square with Indiana University”; and
- WHEREAS, the City specifically codified the Downtown Plan and created the City’s University Village Overlay in 2007, with a District Intent to “protect and maintain the unique character of the converted residential structures along Restaurant Row”; and
- WHEREAS, in 2007, the City created the position of Assistant Director of Economic & Sustainable Development for Small Business Relations in order to, in part, and as noted in the position’s job description, “support the growth and sustainability of small business” in the Bloomington community; and
- WHEREAS, in 2007, the City created the position of Assistant Director of Economic & Sustainable Development for the Arts in order to pursue in part, and as noted in the position’s job description, “the development and implementation of the Bloomington Entertainment and Arts District (BEAD)”; and
- WHEREAS, the unique character and environment created by the City’s Courthouse Square Overlay and University Village Overlay must be respected and protected so that the City can continue to thrive without experiencing inappropriate changes, which could jeopardize the environment; and

- WHEREAS, the geographic area represented by the City’s Courthouse Square Overlay and University Village Overlay represent the central core of the City’s downtown area—an area which is one of a very precious few traditional downtowns still in existence in Indiana, in which its housing, shops, restaurants, work places, and civic facilities co-exist in harmony; and
- WHEREAS, the City’s Courthouse Square Overlay and University Village Overlay represent an area of the City where a sense of timelessness has been sustained because of the pedestrian friendly atmosphere; which has created a strong “small town” sense of community; and
- WHEREAS, on August 4, 2009, Mayor Mark Kruzan, via a Proclamation, recognized BEAD as a cultural district within the City and noted that it is an important part of the City’s overall economic efforts; and
- WHEREAS, on January 5, 2010, the Indiana Arts Commission designated BEAD as one of the State’s three (3) Cultural Districts; and
- WHEREAS, the Market District is part of BEAD and is located wholly in the Courthouse Overlay; and
- WHEREAS the Market District is a district, as described by the BEAD Character Area Descriptions, “peppered with plenty of fine dining or café-style eateries to duck into for more fuel”; and
- WHEREAS, the Kirkwood Avenue District is part of BEAD and is located wholly in the University Village Overlay; and
- WHEREAS, the Kirkwood Avenue District is described by the BEAD Character Area Descriptions as: “Here, the spirit is eclectic, colorful and energetic. With history-making collegiate hangouts like Nick’s English Hut and the Runcible Spoon Café interspersed with local and regional magnets like the Monroe County Public Library, the Monroe County History Center and People’s Park, the Kirkwood Avenue district holds plenty of nooks and crannies for the exchange of ideas and cultures”; and
- WHEREAS, the Restaurant Row District is part of BEAD and is located wholly in the University Village Overlay; and
- WHEREAS, the Restaurant Row District is characterized by the BEAD Character Area Descriptions as: “the Section of East 4th Street easily identifiable by the wafting smells of the diverse and delicious fare of several ethnic restaurants that have transformed bungalow homes into destination eateries. Tibet, India, Thailand, France, Italy, Greece, Ethiopia—these are just a few of the world cuisines that can be sampled in Restaurant Row”; and
- WHEREAS, the geographic area represented by the Courthouse Square and University Village Overlays is one (1) of only three (3) geographic areas in the State of Indiana that meet all of the following requirements: is listed on the National Register of Historic Places; has a county courthouse; and has a historic opera house; and
- WHEREAS, the City recognizes that business uses are critical to the integrity of the commercial and cultural districts identified, at least in part, by the Courthouse Square and University Village Overlays; and
- WHEREAS, the City reasonably believes additional standardized businesses could, in the foreseeable future, make their way to those areas contained within the Courthouse Square and University Village Overlays due to these areas popularity and vitality; and
- WHEREAS, standardized businesses and standardized restaurants, in particular, with their

standardized, menus, employee uniforms, trademarks, logos, signs, and exterior design, strive to make the experience in one outlet the same as any other; and

WHEREAS, the addition or expansion of standardized businesses, with this aspect of “sameness” within the boundaries of the Courthouse Square and University Village Overlays, if not monitored and regulated, will jeopardize the City’s goal of nurturing and protecting the unique, eclectic, historic and small town character of these areas and undermine a key strategy for the City’s economic development; and

WHEREAS, the Common Council values the importance of the connections between community character and commerce; and

WHEREAS, in light of the foregoing considerations, the City Council has determined that the public welfare of the City will best be served and advanced by monitoring and regulating the establishment of new and expanded standardized businesses in the Courthouse Square and University Village Overlays through the issuance of Conditional Use Permits by the City’s Board of Zoning Appeals, which shall require the amendment and supplementation of certain provisions of the City’s Unified Development Ordinance; and

WHEREAS, on March 10, 2014, the Plan Commission considered this case, ZO-7-14, and made a positive recommendation in favor of a package of amendments to the Unified Development Ordinance; and

WHEREAS, the Common Council has reviewed that package of amendments and proposes changes which, first narrow the special criteria to whether the petitioner’s project visually complements the immediate surroundings as well as the character of the particular overlay district and, second, broaden the regulated uses from standardized restaurants to standardized businesses; and

WHEREAS, this combination of broadening the reach but narrowing the focus of the regulation is intended to focus upon, and comprehensively protect, the unique and eclectic visual character of these two overlay districts;

3. Ordinance 14-05, as amended, shall be revised to include the following “Synopsis:”

Synopsis

This ordinance amends proposed changes to Title 20 (Unified Development Ordinance) brought forward from the Plan Commission on March 21, 2014 at the request of the Common Council with adoption of Res 14-03. It creates a process whereby uses defined as ‘Standardized Businesses’ are required to obtain Conditional Use approval in order to locate in two downtown overlay districts. These districts are the Courthouse Square Overlay (CSO) and the University Village Overlay (UVO). The amendments to the Plan Commission proposal, first, narrow the special conditional use criteria to whether the petitioner’s project visually complements the immediate surroundings as well as the character of the particular overlay district and, second, broaden the regulated uses from standardized restaurants to standardized businesses. These amendments are intended to focus upon, and comprehensively protect, the unique and eclectic visual character of these two overlay districts

In accordance with IC 36-7-4-607(b), if adopted, the legislation and an accompanying statement will be forwarded to the Plan Commission, which will have 45 days from that time to approve or reject that action of the Council. If the Plan Commission disapproves the action of the Common Council within said 45 days, then the legislation stands only if the Common Council confirms its action by another vote within 45 days after certification of Plan Commission disapproval.

Synopsis of Amendment

This amendment is sponsored by Councilmember Neher. It adds the Title, Whereas clauses, and Synopsis to Ordinance 14-05 as amended by Am 01, to reflect the procedural history and intent of the legislation.

6/4/14 Committee Action: None
6/11/14 Special Session Action: 7 – 0
Adopted

(June 11, 2014)

***** Amendment Form *****

Ordinance #: 14-05
Amendment #: Am 03
Submitted By: Councilmember Sturbaum, District 1
Date: June 10, 2014

Proposed Amendment:

1. Ordinance 14-05 shall be amended by inserting a final Whereas clause which shall read as follows:

WHEREAS, adoption of this ordinance does not preclude the subsequent designation of the Courthouse Square as a historic district;

Synopsis

This amendment is sponsored by Councilmember Sturbaum. It adds a final whereas clause stating that the ordinance does not preclude the subsequent designation of the Courthouse Square as a historic district.

6/4/14 Committee Action: None
6/11/14 Special Session Action: 7 – 0
Adopted

(June 11, 2014)

***** Amendment Form *****

Ordinance #: 14-05
Amendment #: Am 04
Submitted By: Council Office
Date: June 11, 2014

Proposed Amendment:

1. Ordinance 14-05 as amended, shall be further amended by deleting Section 7 and replacing it with the following:

SECTION 7. Section 20.11.020, entitled “Defined Words”, shall be amended by adding the newly created Land Use “Business, Standardized” and said newly created word shall be defined as follows:

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

Synopsis

This amendment would revise the definition of “standardized business” to exclude commercial business establishments “located in such a manner as to be devoid of any building frontage which is visible to a street.” The intent of this amendment is to exclude businesses from the new conditional use review which do not have visible presence from the street.

6/4/14 Committee Action: None
6/11/14 Committee Action: 6 – 1
Adopted

(June 11, 2014)

MEMO:

To: City of Bloomington Plan Commission

From: Patty Mulvihill, Assistant City Attorney

Date: July 1, 2014

Re: Changes to Title 20 to Effectuate a Departmental Reorganization

This memo outlines the types of changes that are being proposed in order to facilitate the merging of the current Planning and Engineering Departments into one new department known as Planning and Transportation. None of the changes proposed is substantive or create policy implications for the how the Unified Development Ordinance (UDO) is administered by the Plan Commission or staff.

A general description of the specific types of changes to the UDO are:

1. Changing all references to the Planning Department in the current UDO to the Planning and Transportation Department. There are 93 sections or subsections of the Code impacted by this change.
2. Changing all references to the Planning Director in the current UDO to the Planning and Transportation Director. There are 73 sections or subsections of the Code impacted by this change.
3. Changing all references to the Planning Staff in the current UDO to just Staff. There are 112 sections or subsections of the Code impacted by this change.
4. Changing references to the Engineering Department in the current UDO to the Planning and Transportation Department. There are 46 sections or subsections of the Code impacted by this change.
5. Ensuring that gender neutrality exists in those sections of the UDO which are being changed as a result of this Ordinance. There are 17 sections or subsections of the Code impacted by this change.
6. Changing references to the Public Works Director in the current UDO to the Planning and Transportation Director. There are 6 sections or subsections of the Code impacted by this change.
7. Ordinance 14-11, which is currently being discussed at the City Council for the proposed reorganization, deleted any reference to determinate sidewalk variances currently found in Title 12 of City Code. This deletion is being made because the Board of Zoning Appeals really only has jurisdiction over matters referenced in the UDO. This Ordinance proposal creates a new subsection of the UDO, Section 20.09.135, entitled Sidewalk and Determinate Sidewalk Variances.

8. This Ordinance also merges two subsections of the current Section 20.09.240, entitled "Grading Permits". This merger combines the Planning Department and Engineering Department into the newly established Planning and Transportation Department.
9. There are approximately 15 changes which do not fall into one general category, and none are substantive. A brief summary follows:
 - a) Fixing the spelling of a word;
 - b) Noting the correct title for the Director of Parks & Recreation;
 - c) Deleting references to the Engineering Department, when it simply needs to be deleted and not also replaced with a reference to the new Planning and Transportation Department;
 - d) Changing references to the City Engineer to the Transportation and Traffic Engineer. This position is being created by the reorganization of the two departments;
 - e) Deleting a code reference that was deleted in Ordinance 14-11;
 - f) Fully closing parentheses; and
 - g) Deleting a reference to the Engineering Department and replacing it with the HAND Department (HAND handles Unsafe Building Law and the reference here is directly related to that job duty).

RECOMMENDATION: None of the proposed changes to the UDO are substantive. All changes reflect the reorganization which is supported by City Administration and the Council. Staff recommends approval of Case # ZO-18-14.

Amendment #: UDO-001

Synopsis:

The City's Administration has proposed merging the Planning Department and Engineering Department into one larger department entitled the Planning and Transportation Department. The intended result of eliminating the Engineering Division of the Public Works Department and transferring certain positions, employees and functions to the Planning and Transportation Department is to have more uniform administration of planning and transportation functions. This will allow the City to comprehensively and holistically address transportation planning and to implement public infrastructure designs consistent with the planning, development, and growth policies of the City. In order to facilitate this merger every reference in Title 20 to the "Planning Department" must be changed to the "Planning and Transportation Department"; this Amendment facilitates that change.

Proposed Amendment (4 Parts to the Amendment):

1. The Section heading for Section 20.01.390, currently entitled "Planning Department", shall be renamed to read "Planning and Transportation Department" and the name change shall be reflected in the table of contents for Chapter 20.01.
2. Wherever the term "Planning Department" is referenced in the *subheadings* noted herein, all located in Title 20, entitled "Unified Development Ordinance", the same shall be renamed to read "Planning and Transportation Department":

- Subsection 20.04.090(e)
- Subsection 20.09.180(e)
- Subsection 20.09.190(e)
- Subsection 20.09.240(f)
- Subsection 20.09.250(e)
- Subsection 20.09.260(f)
- Subsection 20.09.270(f)
- Subsection 20.09.340(e).

3. Wherever the term "Planning Department" is referenced in the *sections or subsections* noted herein, all located in Title 20, entitled "Unified Development Ordinance", the same shall be renamed to read "Planning and Transportation Department":

- Subsection 20.01.300(c)
- Subsection 20.01.370(a)(11)
- Subsection 20.01.370(e)
- Subsection 20.01.380(e)
- Subsection 20.01.390(a)
- Subsection 20.01.390(b)
- Subsection 20.01.390(b)(2)
- Subsection 20.01.390(c)(1)
- Subsection 20.01.390(c)(2)

Subsection 20.01.390(d)
Subsection 20.01.390(h)
Subsection 20.04.080(b)(1)
Subsection 20.04.080(b)(2)
Subsection 20.04.080(b)(3)
Subsection 20.04.080(d)(1)
Subsection 20.04.080(e)
Subsection 20.04.080(e)(1)
Subsection 20.04.080(f)(3)
Subsection 20.04.090(d)(1)(L)
Subsection 20.04.090(e)(1)(A)
Subsection 20.04.090(e)(1)(C)
Subsection 20.04.090(e)(2)
Subsection 20.04.090(f)(2)
Subsection 20.05.041(a)(7)(D)
Subsection 20.05.048(d)(5)(E)
Subsection 20.05.048(d)(5)(E)(i)
Subsection 20.05.048(d)(5)(E)(i)(b)
Subsection 20.05.048(d)(5)(E)(ii)
Subsection 20.05.048(d)(5)(E)(iii)
Subsection 20.05.048(d)(5)(E)(iii)(a)
Subsection 20.05.048(d)(5)(E)(iii)(b)
Subsection 20.05.048(d)(5)(E)(iv)
Subsection 20.05.052(c)(3)
Subsection 20.05.052(c)(6)(A)
Subsection 20.05.052(c)(6)(B)
Subsection 20.05.070(e)(2)(B)
Subsection 20.05.070(m)(2)(C)
Subsection 20.05.076(b)
Subsection 20.05.080(a)(6)(B)
Subsection 20.05.093(b)(1)
Subsection 20.07.070(e)(7)(B)
Subsection 20.07.070(e)(7)(F)
Subsection 20.07.070(e)(8)(B)
Subsection 20.07.070(e)(8)(D)
Subsection 20.07.070(e)(9)(B)
Subsection 20.07.070(e)(9)(D)
Subsection 20.07.070(e)(10)(B)
Subsection 20.07.070(e)(10)(D)
Subsection 20.08.030(c)
Section 20.08.040
Subsection 20.09.030(a)(2)(A)
Subsection 20.09.030(d)
Subsection 20.09.050(e)
Subsection 20.09.060(b)
Subsection 20.09.060(d)(5)

Subsection 20.09.070(c)
Subsection 20.09.080(a)
Subsection 20.09.080(b)
Subsection 20.09.090(d)
Subsection 20.09.090(g)(2)
Subsection 20.09.120(e)(1)(B)
Subsection 20.09.120(e)(3)
Subsection 20.09.180(f)(4)
Subsection 20.09.180(h)(10)
Subsection 20.09.190(g)(12)
Subsection 20.09.210(d)(K)
Subsection 20.09.220(b)(6)
Subsection 20.09.230(b)(2)
Subsection 20.09.230(d)(4)
Subsection 20.09.250(c)(2)
Subsection 20.09.260(c)
Subsection 20.09.260(f)(2)(C)
Subsection 20.09.270(c)
Subsection 20.09.280(d)
Subsection 20.09.290(e)
Subsection 20.09.300(d)
Subsection 20.09.310(e)
Subsection 20.09.350(c)
Subsection 20.10.020(h)(1)
Subsection 20.10.020(h)(2).

4. Wherever the term "Planning Department" is referenced in the *definitions* noted herein, all located in Section 20.11.020, entitled "Defined Words", the same shall be renamed to read "Planning and Transportation Department":

"Easement"
"Green Building Worksheet"
"Master Thoroughfare Plan"
"Planning Director"
"Planning Staff".

Amendment #: UDO-002

Synopsis:

The City's Administration has proposed merging the Planning Department and Engineering Department into one larger department entitled the Planning and Transportation Department. The intended result of eliminating the Engineering Division of the Public Works Department and transferring certain positions, employees and functions to the Planning and Transportation Department is to have more uniform administration of planning and transportation functions. This will allow the City to comprehensively and holistically address transportation planning and to implement public infrastructure designs consistent with the planning, development, and growth policies of the City. In order to facilitate this merger every reference in Title 20 to the "Planning Director" must be changed to the "Planning and Transportation Director"; this Amendment facilitates that change.

Proposed Amendment (2 Parts to the Amendment):

1. Wherever the term "Planning Director" is referenced in the *sections* or *subsections* noted herein, all located in Title 20, entitled "Unified Development Ordinance", the same shall be renamed to read "Planning and Transportation Director":

- Subsection 20.01.070(f)
- Subsection 20.01.210(d)
- Subsection 20.01.300(a)
- Subsection 20.01.300(b)
- Subsection 20.01.320(a)
- Subsection 20.01.330(e)
- Subsection 20.01.390(a)
- Subsection 20.04.080(g)(2)(B)
- Subsection 20.04.090(e)(1)(A)
- Subsection 20.04.090(e)(1)(B)
- Subsection 20.04.090(e)(1)(C)
- Subsection 20.04.090(e)(1)(D)
- Subsection 20.04.090(h)(1)
- Subsection 20.05.009(d)(1)(A)
- Subsection 20.05.009(d)(2)
- Subsection 20.05.010(b)(4)(B)
- Subsection 20.05.010(b)(5)(C)
- Subsection 20.05.010(b)(6)(B)
- Subsection 20.05.010(b)(6)(C)
- Subsection 20.05.010(b)(7)(C)
- Subsection 20.05.010(c)(5)(C)
- Subsection 20.05.014(a)(1)
- Subsection 20.05.020(k)(2)
- Subsection 20.05.031(e)
- Subsection 20.05.035(l)(2)
- Subsection 20.05.044(a)(4)

Subsection 20.05.048(d)(2)
Subsection 20.05.049(e)(1)
Subsection 20.05.057(b)(1)
Subsection 20.05.064(c)
Subsection 20.05.070(a)(1)(C)
Subsection 20.05.070(e)(2)(A)
Subsection 20.07.090(e)
Subsection 20.07.140(b)
Subsection 20.07.140(g)
Subsection 20.07.180(c)
Subsection 20.07.200(e)(1)
Subsection 20.09.060(e)(2)
Subsection 20.09.120(e)(1)(A)(vi)
Subsection 20.09.120(e)(9)(B)
Subsection 20.09.160(f)(2)
Subsection 20.09.180(i)(2)
Subsection 20.09.180(j)
Subsection 20.09.190(c)
Subsection 20.09.190(e)(2)(C)
Subsection 20.09.190(e)(2)(D)
Subsection 20.09.210(e)(2)
Subsection 20.09.250(e)
Subsection 20.09.260(f)(2)(A)
Subsection 20.09.260(f)(2)(B)
Subsection 20.09.260(f)(2)(C)
Subsection 20.09.340(c)
Subsection 20.09.340(e)(1)
Subsection 20.09.340(e)(2)
Subsection 20.09.340(f)(1)
Subsection 20.09.340(f)(2)
Subsection 20.09.340(f)(2)(A)
Subsection 20.09.340(i)(1)
Subsection 20.09.350(b)(2)
Section 20.10.010
Subsection 20.10.020(f)
Subsection 20.10.020(g)(1)(A)
Subsection 20.10.020(g)(1)(C)
Subsection 20.10.020(h)(1)
Section 20.10.030
Subsection 20.10.050(a)
Subsection 20.10.050(d)
Subsection 20.10.050(e).

2. Wherever the term "Planning Director " is referenced in the *definitions* noted herein, all located in Section 20.11.020, entitled "Defined Words", the same shall be renamed to read "Planning and Transportation Director":

"Director"
"Official zoning map"
"Planning director"
"Planning staff"
"Waiver, design standards".

Amendment #: UDO-003

Synopsis:

The City's Administration has proposed merging the Planning Department and Engineering Department into one larger department entitled the Planning and Transportation Department. The intended result of eliminating the Engineering Division of the Public Works Department and transferring certain positions, employees and functions to the Planning and Transportation Department is to have more uniform administration of planning and transportation functions. This will allow the City to comprehensively and holistically address transportation planning and to implement public infrastructure designs consistent with the planning, development, and growth policies of the City. In order to facilitate this merger every reference in Title 20 to the "Planning staff" must be changed to "staff"; this Amendment facilitates that change.

Proposed Amendment (2 Parts to the Amendment):

1. Wherever the term "Planning staff" is referenced in the *sections* or *subsections* noted herein, all located in Title 20, entitled "Unified Development Ordinance", the same shall be renamed to read "Staff":

- Subsection 20.01.370(a)(9)
- Subsection 20.01.370(a)(21)
- Subsection 20.01.370(f)
- Subsection 20.01.380(g)(1)
- Subsection 20.01.390(b)(4)
- Subsection 20.01.390(c)(1)
- Subsection 20.01.390(d)
- Subsection 20.01.390(e)
- Subsection 20.01.390(f)
- Subsection 20.01.390(g)
- Subsection 20.01.440(d)
- Section 20.03.020
- Section 20.03.030
- Section 20.03.090
- Section 20.03.100
- Section 20.03.160
- Section 20.03.170
- Section 20.03.230
- Section 20.03.240
- Section 20.03.300
- Section 20.03.310
- Section 20.03.370
- Section 20.03.380
- Subsection 20.04.080(b)(1)
- Subsection 20.04.080(b)(2)
- Subsection 20.04.080(b)(3)
- Subsection 20.04.080(d)(4)(B)

Subsection 20.04.080(d)(4)(H)
Subsection 20.04.080(e)(1)
Subsection 20.04.080(f)(4)
Subsection 20.04.090(e)(2)
Subsection 20.05.015(c)(1)(I)
Subsection 20.05.016(b)(1)(K)
Subsection 20.05.020(a)
Subsection 20.05.079(k)
Section 20.08.030
Section 20.08.040
Subsection 20.08.060(f)
Subsection 20.08.070(e)
Subsection 20.09.030(a)(2)(G)
Subsection 20.09.030(a)(2)(K)
Subsection 20.09.030(b)
Subsection 20.09.030(c)
Subsection 20.09.030(d)
Subsection 20.09.030(g)
Subsection 20.09.050(a)(1)
Subsection 20.09.060(a)
Subsection 20.09.060(e)(2)
Subsection 20.09.070(a)
Subsection 20.09.070(b)(1)
Subsection 20.09.070(c)
Subsection 20.09.080(a)
Subsection 20.09.090(a)
Subsection 20.09.090(b)
Subsection 20.09.090(c)
Subsection 20.09.090(c)(10)
Subsection 20.09.090(f)(1)
Subsection 20.09.090(g)(1)
Subsection 20.09.100(a)
Subsection 20.09.120(d)(1)
Subsection 20.09.120(d)(6)
Subsection 20.09.120(d)(6)(A)(ii)
Subsection 20.09.120(d)(9)
Subsection 20.09.120(e)(1)
Subsection 20.09.120(e)(1)(B)
Subsection 20.09.120(e)(2)
Subsection 20.09.120(e)(3)
Subsection 20.09.120(e)(4)
Subsection 20.09.120(e)(9)
Subsection 20.09.120(e)(9)(A)
Subsection 20.09.120(e)(9)(C)
Subsection 20.09.130(g)
Subsection 20.09.140(g)

Subsection 20.09.150(f)(1)(B)
Subsection 20.09.160(c)(1)(A)
Subsection 20.09.160(c)(1)(B)
Subsection 20.09.160(c)(1)(C)
Subsection 20.09.180(b)(1)
Subsection 20.09.180(b)(2)
Subsection 20.09.180(e)(1)
Subsection 20.09.190(e)(1)
Subsection 20.09.190(e)(2)(A)
Subsection 20.09.190(e)(2)(B)
Subsection 20.09.190(e)(2)(D)
Subsection 20.09.190(f)(1)(A)
Subsection 20.09.190(f)(1)(D)
Subsection 20.09.190(g)
Subsection 20.09.200(e)(1)(A)
Subsection 20.09.200(e)(1)(B)
Subsection 20.09.200(e)(1)(C)
Subsection 20.09.210(d)(2)(D)(ii)
Subsection 20.09.220(a)
Subsection 20.09.220(a)(5)
Subsection 20.09.230(b)(1)
Subsection 20.09.230(b)(2)
Subsection 20.09.240(f)(1)
Subsection 20.09.250(b)(2)
Subsection 20.09.250(d)
Subsection 20.09.260(e)(8)
Subsection 20.09.260(f)(1)
Subsection 20.09.270(e)
Subsection 20.09.270(e)(5)
Subsection 20.09.270(f)
Subsection 20.09.280(b)(3)
Subsection 20.09.290(b)(3)
Subsection 20.09.340(f)(1)(A)
Subsection 20.09.340(f)(2)(A)
Subsection 20.09.360(c)
Subsection 20.09.360(d)
Subsection 20.09.360(f)(1)
Subsection 20.09.360(f)(2).

2. Wherever the term "Planning staff " is referenced in the *definitions* noted herein, all located in Section 20.11.020, entitled "Defined Words", the same shall be renamed to read "Staff":

"Hearing officer.

Amendment #: UDO-004

Synopsis:

The City's Administration has proposed merging the Planning Department and Engineering Department into one larger department entitled the Planning and Transportation Department. The intended result of eliminating the Engineering Division of the Public Works Department and transferring certain positions, employees and functions to the Planning and Transportation Department is to have more uniform administration of planning and transportation functions. This will allow the City to comprehensively and holistically address transportation planning and to implement public infrastructure designs consistent with the planning, development, and growth policies of the City. In order to facilitate this merger every reference in Title 20 to the "Engineering Department" must be changed to "Planning and Transportation"; this Amendment facilitates that change.

Proposed Amendment (2 Parts to the Amendment):

1. Wherever the term "Engineering Department" is referenced in the *subheadings* noted herein, all located in Title 20, entitled "Unified Development Ordinance", the same shall be renamed to read "Planning and Transportation Department":

Subsection 20.09.320(c)

Subsection 20.09.330(c)

2. Wherever the term "Engineering Department" is referenced in the *subsections* noted herein, all located in Title 20, entitled "Unified Development Ordinance", the same shall be renamed to read "Planning and Transportation Department":

Subsection 20.05.010(b)(3)(D)(ii)

Subsection 20.05.010(c)(5)(C)

Subsection 20.05.035(i)

Subsection 20.05.035(j)

Subsection 20.05.040(a)(4)(G)

Subsection 20.05.040(a)(4)(N)

Subsection 20.05.052(d)(2)(E)

Subsection 20.05.072(a)(3)

Subsection 20.05.076(a)

Subsection 20.05.076(b)

Subsection 20.05.076(d)

Subsection 20.05.076(f)

Subsection 20.05.112(a)(2)

Subsection 20.05.112(b)

Subsection 20.07.040(g)

Subsection 20.07.120(b)(1)

Subsection 20.07.120(c)(4)

Subsection 20.07.140(h)

Subsection 20.07.160(c)(3)

Subsection 20.07.160(e)
Subsection 20.07.180(b)(4)
Subsection 20.07.190(c)(1)
Subsection 20.09.030(a)(2)(F)
Subsection 20.09.190(e)(2)(F)
Subsection 20.09.190(f)(1)(F)
Subsection 20.09.200(f)(6)(B)
Subsection 20.09.240(e)(2)
Subsection 20.09.320(a)
Subsection 20.09.320(c)(1)
Subsection 20.09.320(c)(1)(A)
Subsection 20.09.320(c)(2)
Subsection 20.09.320(c)(3)
Subsection 20.09.320(d)(2)
Subsection 20.09.320(d)(3)
Subsection 20.09.320(d)(4)
Subsection 20.09.320(e)(1)
Subsection 20.09.330(b)
Subsection 20.09.330(c)(1)
Subsection 20.09.330(c)(2)
Subsection 20.09.330(c)(3)
Subsection 20.09.330(c)(4)
Subsection 20.09.330(c)(5)(A)(i)
Subsection 20.09.330(c)(5)(A)(ii)
Subsection 20.09.330(c)(5)(B).

Amendment #: UDO-005

Synopsis:

The City's Administration has proposed merging the Planning Department and Engineering Department into one larger department entitled the Planning and Transportation Department. The intended result of eliminating the Engineering Division of the Public Works Department and transferring certain positions, employees and functions to the Planning and Transportation Department is to have more uniform administration of planning and transportation functions. This will allow the City to comprehensively and holistically address transportation planning and to implement public infrastructure designs consistent with the planning, development, and growth policies of the City. While facilitating this merger the City has proposed making those portions of the Unified Development Ordinance affected by this change gender neutral. To that end, the feminine is inserted wherever a masculine reference is utilized.

Proposed Amendment (4 Parts to the Amendment):

1. Wherever the term "he" is referenced in the *subsections* noted herein, all located in Title 20, entitled "Unified Development Ordinance", the same shall be amended to add the words "or she" immediately thereafter such reference:

- Subsection 20.01.330(e)
- Subsection 20.01.370(g)(1)
- Subsection 20.04.090(e)(1)(B)
- Subsection 20.04.090(e)(1)(C)
- Subsection 20.09.340(f)(2).

2. Wherever the term "his" is referenced in the *sections* or *subsections* noted herein, all located in Title 20, entitled "Unified Development Ordinance", the same shall be amended to add the words "or her" immediately thereafter such reference:

- Subsection 20.01.390(a)
- Subsection 20.09.150(f)(1)(A)
- Subsection 20.09.180(i)(2)
- Subsection 20.09.230(b)(1)
- Subsection 20.09.260(f)(2)(B)
- Section 20.10.010
- Section 20.10.030
- Subsection 20.10.050(a)
- Subsection 20.10.050(d)
- Subsection 20.10.050(e).

3. Section 20.04.090(e)(1)(A) shall be amended to add the words "or her" immediately after the word "him".
4. Section 20.09.060(d)(1) shall be amended to add the words "or herself" immediately after the word "himself".

Amendment #: UDO-006

Synopsis:

The City's Administration has proposed merging the Planning Department and Engineering Department into one larger department entitled the Planning and Transportation Department. The intended result of eliminating the Engineering Division of the Public Works Department and transferring certain positions, employees and functions to the Planning and Transportation Department is to have more uniform administration of planning and transportation functions. This will allow the City to comprehensively and holistically address transportation planning and to implement public infrastructure designs consistent with the planning, development, and growth policies of the City. In order to facilitate this merger every reference in Title 20 to the "Public Works Director" must be changed to the "Planning and Transportation Director"; this Amendment facilitates that change.

Proposed Amendment (1 Part to the Amendment):

Wherever the term "Public Works Director" is referenced in the *subsections* noted herein, all located in Title 20, entitled "Unified Development Ordinance", the same shall be renamed to read "Planning and Transportation Director":

- Subsection 20.05.009(d)(1)(B)
- Subsection 20.05.009(d)(2)
- Subsection 20.05.010(b)(3)(D)(ii)
- Subsection 20.05.049(e)(2)
- Subsection 20.07.200(e)(2)
- Subsection 20.09.330(c)(3).

Amendment #: UDO-007

Synopsis:

The City's Administration has proposed merging the Planning Department and Engineering Department into one larger department entitled the Planning and Transportation Department. The intended result of eliminating the Engineering Division of the Public Works Department and transferring certain positions, employees and functions to the Planning and Transportation Department is to have more uniform administration of planning and transportation functions. This will allow the City to comprehensively and holistically address transportation planning and to implement public infrastructure designs consistent with the planning, development, and growth policies of the City. As part of this merger the City suggests moving the sidewalk variance provisions from Title 12 to the UDO, to ensure the BZA or Hearing Officer has proper jurisdiction over such variances.

Proposed Amendment:

Create a new section, Section 20.09.135, entitled "Sidewalk & Determinate Sidewalk Variances"

Section 20.09.135 Sidewalk and Determinate Sidewalk Variances

- (a) Intent. The purposes of this section are
 - (1) To outline the process by which petitions for a sidewalk variance and a determinate sidewalk variance are considered;
 - (2) To provide a mechanism to approve these petitions that will not be contrary to the public interest, where, owing to special conditions, literal enforcement of Section 20.05.010(b)(3) will result in practical difficulties, and so that the spirit of Section 20.05.010(b)(3) shall be observed and substantial justice done.
- (b) Applicability. The board of zoning appeals or hearing officer, in accordance with the procedures and standards set out in Chapter 20.09, Processes, Permits and Fees, may grant sidewalk variances and determinate sidewalk variances.
- (c) Findings of Fact for Sidewalk Variance. Pursuant to Indiana Code 36-7-4-918.5, the board of zoning appeals or hearing officer may grant a variance from Section 20.05.010(b)(3) of the Unified Development Ordinance if, after a public hearing, it makes findings of fact in writing, that:
 - (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
 - (2) The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and

- (3) The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties; and
 - (4) That the topography of the lot or tract together with the topography of adjacent lots or tract and the nature of the street right-of-way make it impractical for the construction of a sidewalk as required by Section 20.05.010(b)(3); and
 - (5) That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which the new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians.
- (d) Findings of Fact for Determinate Sidewalk Variance. Pursuant to Indiana Code 36-7-4-918.5, the board of zoning appeals or hearing officer may grant a determinate variance from Section 20.05.010(b)(3) of the Unified Development Ordinance if, after a public hearing, it makes findings of fact in writing, that:
- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
 - (2) The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and
 - (3) The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties; and
 - (4) The adjacent lot or tracts are at present undeveloped, but it appears that at some future date these lots or tracts will be developed, increasing the need for sidewalks for the protection and convenience of pedestrians; and
 - (5) The location of the lot or tract is such that the present pedestrian traffic does not warrant the construction of sidewalks, but it appears that in the future the pedestrian traffic may increase; and
 - (6) Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.
- (e) Notification. The staff shall furnish the petitioner with a copy of the decision of the board of zoning appeals or hearing officer.
- (f) Duration. Unless otherwise specified at the time of approval
- (1) In the event that the board of zoning appeals or hearing officer authorizes a determinate variance, such variance shall continue in effect until the date at which the board of zoning appeals or hearing officer shall set to reconsider variances granted under the authority of this section. All such variances which were granted by the board of zoning appeals or hearing officer shall expire at that time unless an extension is granted. Should no extension be applied for, or the board of

zoning appeals or hearing officer denies such application for extension, the owner of the lot or tract shall be required to construct a sidewalk on the lot or tract at that time.

- (2) Any person who has been granted a determinate variance by the board of zoning appeals or hearing officer and subsequently transfers to another party any recordable interest in the lot or tract shall cause such conveyance to be made subject to the variance and cause the variance to be noted on the instrument of conveyance to be recorded.

Amendment #: UDO-008

Synopsis:

The City's Administration has proposed merging the Planning Department and Engineering Department into one larger department entitled the Planning and Transportation Department. The intended result of eliminating the Engineering Division of the Public Works Department and transferring certain positions, employees and functions to the Planning and Transportation Department is to have more uniform administration of planning and transportation functions. This will allow the City to comprehensively and holistically address transportation planning and to implement public infrastructure designs consistent with the planning, development, and growth policies of the City. As part of this merger the City has suggested deleting references to the City Engineering Department and changing said references to the Planning and Transportation Department (see Amendment 4). One Section of the UDO requires its own amendment in regards to this type of change.

Proposed Amendment:

Merging subsections (f) and (g) of Section 20.09.240 into one section, subsection (f), and deleting references to the "city engineering department" throughout the section.

(f) Planning and Transportation Department.

- (1) Review. The staff shall review a grading permit upon the ~~city engineering department's~~ receipt of a complete application and all supportive documents.

~~(g) City Engineering Department.~~

- ~~(12)~~ Decision. The ~~city engineering department~~ staff shall approve or deny the application within twenty working days of the receipt of a complete application and all supportive documents.
- ~~(23)~~ Pre-construction Conference. For all sites of one acre or more, a pre-construction conference is required before any land-disturbing activity can commence. This conference will be between the ~~city engineering department~~ staff and the petitioner. If land-disturbing activity commences without the benefit of a pre-construction conference, it shall be considered a violation of the Unified Development Ordinance. This conference shall include but not be limited to the proposed:
 - (A) Construction schedule;
 - (B) Memorandum of erosion control responsibility;
 - (C) Permit conditions of approval;
 - (D) Compliance with Section 20.05.041, EN-03 (Environmental standards—Siltation and erosion prevention);
 - (E) Identification of types of soil stock piles (working versus storage) and seeding requirements for such piles that achieve the objectives of this chapter.

- (34) Inspection. Prior to the initiation of site grading, the ~~city engineering department~~ staff shall inspect the erosion and sedimentation controls installed by the petitioner to ensure that they meet or exceed the measures in the approved construction plan.
 - (45) Correction of Deficiencies. The ~~city engineering department~~ staff shall apprise the petitioner in writing of any deficiencies in the installation of the erosion and sedimentation control measures. The petitioner shall schedule a follow-up inspection once the deficiencies have been corrected.
 - (56) Commencement of Grading. Grading shall not commence until the ~~city engineering department~~ staff has approved the installation of the erosion and sedimentation control measures for the site. Initiation of grading prior to receiving approval from the ~~city engineering department~~ staff shall constitute a violation of the Unified Development Ordinance, and shall be addressed as provided in Chapter 20.10, Enforcement and Penalties.
 - (67) Record. The ~~city engineering department~~ staff shall maintain records of all applications, plans, and permits filed for a grading permit.
- (h) Additional Requirements. Compliance with the requirements set out in this provision shall not relieve any person of the independent obligation to comply with all applicable standards and practices set out in Indiana Administrative Code, 327 IAC 15-5 and 327 IAC 15-13, regarding stormwater runoff associated with construction activity; the Indiana Stormwater Quality Manual developed by the Indiana Department of Environmental Management; all applicable provisions of Title 10, Wastewater of the Bloomington Municipal Code regarding stormwater runoff; and all applicable rules, regulations, standards and specifications of the city utilities department regarding stormwater management practices.
- (i) Duration.
- (1) Grading permits shall be valid for a period of one hundred eighty days, or run concurrently with the building permit or other construction authorizations, whichever is longer.
 - (2) Extension. At the written request of the petitioner, the ~~city engineering department~~ staff may extend the period one or more times for up to a maximum of an additional one hundred eighty days. The ~~city engineering department~~ staff may require additional erosion control measures as a condition of the extension if they are necessary to meet the requirements of this chapter.
- (j) Changes or Amendments.
- (1) The petitioner may submit revisions or amendments to an approved grading permit for consideration by the ~~city engineering department~~ staff and the state, and federal authorities having jurisdiction. A revision or amendment to an approved grading permit shall only be authorized upon review and approval by all the state and federal authorities having jurisdiction.
 - (2) Changes to the grading permit must be approved in writing by the ~~city engineering department~~ staff.

Amendment #: UDO-009

Synopsis:

The City's Administration has proposed merging the Planning Department and Engineering Department into one larger department entitled the Planning and Transportation Department. The intended result of eliminating the Engineering Division of the Public Works Department and transferring certain positions, employees and functions to the Planning and Transportation Department is to have more uniform administration of planning and transportation functions. This will allow the City to comprehensively and holistically address transportation planning and to implement public infrastructure designs consistent with the planning, development, and growth policies of the City. As part of this merger there are 13 subsections that require minor revisions.

Proposed Amendment:

Section 20.01.370(a)(3)

Change the word "therefor" to "therefore"

Section 20.05.010(b)(6)(C)

Change the words "city parks administrator" to "Director of Parks and Recreation"

Section 20.05.020(k)(1)

Delete the words ", the city engineering department,"

Section 20.07.120(c)(4)

Change the words "city engineer" to the words "transportation and traffic engineer"

Section 20.07.140(g)

Delete the words ", after consultation with the city engineering department"

Section 20.07.180(c)

Delete the words ", the city engineering department,"

Section 20.08.030(c)(2)

Delete "Section 17.08.030(7)"

Section 20.09.030(e)

Delete the words "city engineering department and/or planning"

Section 20.09.120(c)(1)

Fully enclose with parentheses the reference to "(d)(6)"

Section 20.09.120(d)(7)

Delete the word "planning" and also delete the words "or the engineering department".

Section 20.09.230(c)(3)

Change the word "engineering" to the word "HAND"

Section 20.09.320(c)(1)(E)

Change the words "city engineer" to the words "transportation and traffic engineer"

Section 20.10.050(e)(4)

Delete the words ", with permission of the manager of engineering services"