

Passed 5 (Ruff, PiedmontSmith, Daily, Zulich,
Asare) - 4 (Flaherty, Rollo, Stosberg, Rosenbarger)

ORDINANCE 2025-01

**TO AMEND THE DISTRICT ORDINANCE AND PRELIMINARY PLAN OF A 3.2
ACRE PLANNED UNIT DEVELOPMENT (PUD), THE CURRY PUD, IN ORDER TO
AMEND THE WORKFORCE HOUSING CONTRIBUTION.**

**- Re: 105 S. Pete Ellis Drive
(SPCW Bloomington JV, LLC, Petitioner)**

WHEREAS, Ordinance 20-06, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Unified Development Ordinance", went into effect on April 18, 2020; and

WHEREAS, Ordinance 20-01, which established the Curry PUD, went into effect on February 10, 2020; and

WHEREAS, the Plan Commission has considered this case, PUD-44-24, and recommended that the petitioner, Curry Urban Properties, be granted an approval to amend the District Ordinance and Preliminary Plan for a Planned Unit Development (PUD) to allow a payment-in-lieu of on-site workforce housing units; and

WHEREAS, the Plan Commission therefore requests that the Common Council consider this petition;

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

SECTION I. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the zoning of the property located at 105 N. Pete Ellis Drive shall be changed from Commercial Limited (CL) to Planned Unit Development (PUD). The property is further described as follows:

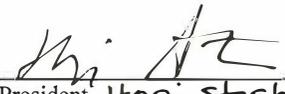
A part of the Southwest Quarter of Section Thirty five (35), Township nine (9) North, Range one (1) West, in Monroe County, Indiana, more particularly described as follows: Lot 8 in the Deckard East Third Street Subdivision as shown on the final plat thereof, recorded in Plat Cabinet C, Envelope 334 in the Office of the Recorder of Monroe County, Indiana. AND ALSO EXCEPTING that part platted as Arlington Park, Phase 1 as per plat thereof, recorded in Plat Cabinet C Envelope 196, in the Office of the Recorder of Monroe County, Indiana.

SECTION II. This District Ordinance and the Preliminary Plan shall be amended with the information attached hereto in the report labeled Attachment A and made a part thereof.

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 05 day of February, 2025.


President **Hopi Stosberg**
Bloomington Common Council

ATTEST:



NICOLE BOLDEN, Clerk

City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 07 day of February, 2025.



NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 13 day of February, 2025.



KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 2025-01 would amend the District Ordinance and Preliminary Plan for the Curry PUD to allow the workforce housing commitment to be met through a payment to the Housing Development Fund, instead of through the inclusion of workforce housing units on-site.

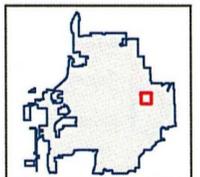
Distributed to: Clerk, Council Attorney, Legal, Mayor, and Planning + Transportation.

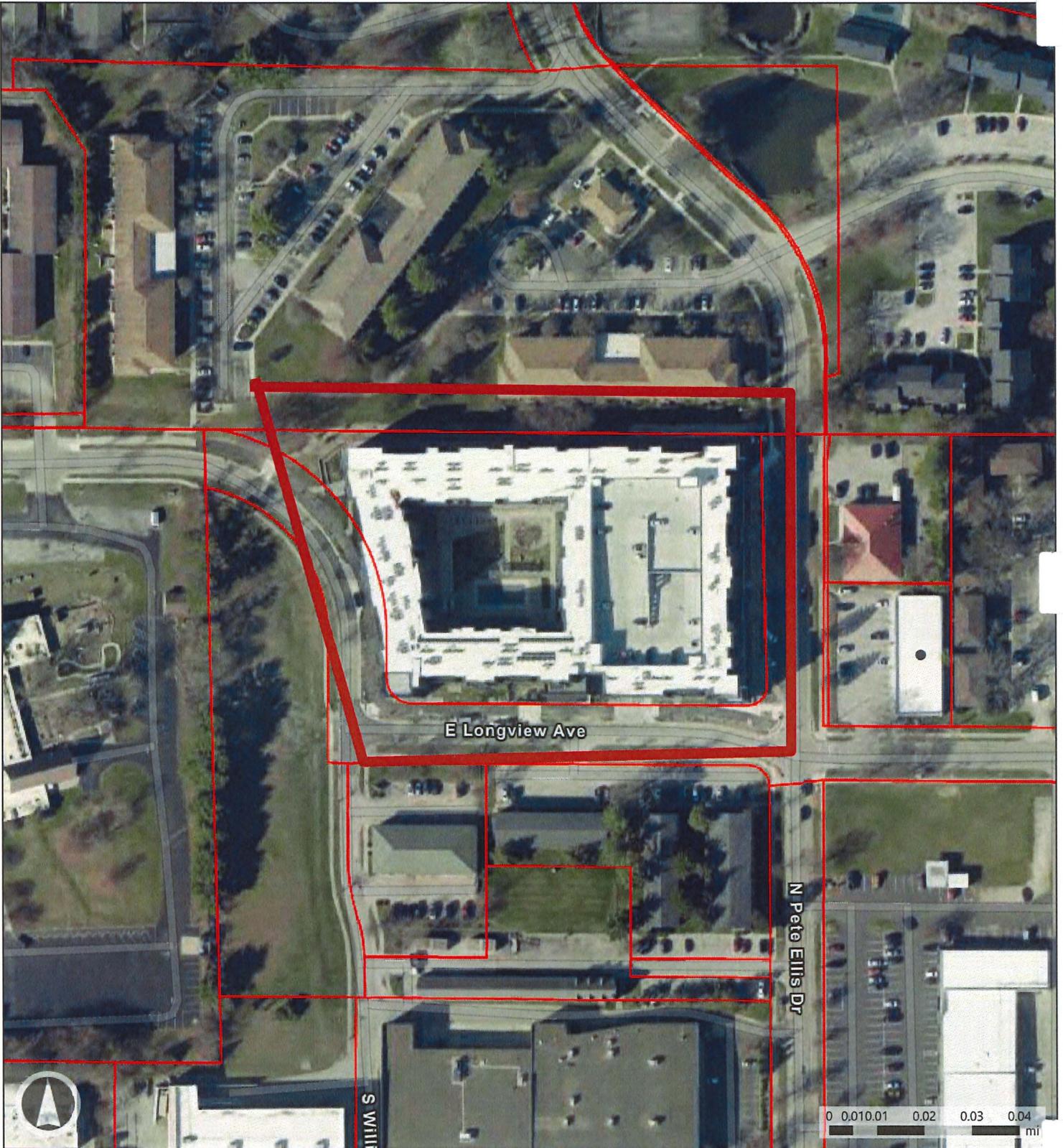
Attachment A



Map Legend

- Parcels
- Bloomington Municipal Boundary





Map Legend

-  Parcels
-  Bloomington Municipal Boundary



8801 River Crossing Blvd, Suite 300
Indianapolis, Indiana 46240
T 317.843.5959
F 317.843.5957

To: City of Bloomington
From: SPCW Bloomington JV, LLC (“SPCW”)
Date: November 4, 2024
RE: Petitioner’s Statement: 121 N Pete Ellise Drive - WFH - Zoning Commitment

Petition: Amend the recorded Zoning Commitment (Instrument Number 2023004318) and relevant and applicable text and obligations in District Ordinance 21-31 and Curry PUD Preliminary Plan.

Petitioner is also requesting a waiver of second hearing.

The Petitioner’s Statement dated 06.04.2021 identified offering 15% of its unit bedrooms to be set aside for workforce housing with the proposed Zoning Commitment attached with the submittal. The Zoning Commitment was recorded on April 27, 2023.

Since opening, and despite its best efforts, SPCW has had difficulty in securing qualifying tenants for the designated units and sees a payment in lieu as an effective way to assist the City’s efforts concerning workforce housing. Further, SPCW and the City of Bloomington Housing and Neighborhood Development and Planning and Transportation Department entered into a Memorandum of Understanding (the “MOU”) on October 2, 2024. In the MOU, SPCW and HAND agreed to work together in good faith to pursue a modification to the Zoning Commitment with mutually agreeable terms.

SPCW proposes modifications to District Ordinance 21-31 and Curry PUD Preliminary Plan, by way of the attached PAYMENT IN LIEU AGREEMENT AND TERMINATION OF ZONING COMMITMENT AND WORKFORCE (AFFORDABLE) HOUSING REQUIREMENTS document attached hereto, to terminate and replace the Zoning Commitment, as summarized below:

Owner to make a payment to the City in an amount equal to One Million Forty Thousand and No/100 Dollars (\$1,040,000.00) (based on the current UDO fee schedule of \$20,000 per bed applied to the 52 bedrooms currently enrolled in the workforce housing program) to fully satisfy all obligations under the Zoning Commitment and the Workforce Housing Commitment (the “Payment in Lieu”) as allowed for new developments under 20.04.110(c)(7)(A) of the UDO.

We appreciate the City considering our petition to modify to the subject property’s zoning commitment and the opportunity to be a partner in the City’s housing initiatives.

Sincerely,

SPCW Bloomington JV, LLC

Subject Property Aerial



ORDINANCE CERTIFICATION

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 2025-01 is a true and complete copy of Plan Commission Case Number PUD-44-24 which was given a positive recommendation by a vote of 6 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on December 9, 2024

Date: December 18, 2024

D-H

DAVID HITTLE, Secretary
Plan Commission

Received by the Common Council Office this 18 day of December, 2024.

N. Bolden

NICOLE BOLDEN, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

Type of Legislation:

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

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

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No _____ X _____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion. This is an amendment to a PUD that allows for a financial contribution from the petitioner to the Housing Development Fund. No commitment is made by the City of Bloomington.

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

Interdepartmental Memo

To: Members of the Common Council
From: Jacqueline Scanlan, AICP Development Services Manager
Subject: PUD-44-22 Amendment to Curry PUD
Date: December 18, 2024

Attached are the staff report, maps, petitioner’s statement, and petitioner’s exhibits which pertain to Plan Commission case PUD-44-24. The Plan Commission heard this petition at the December 9, 2024 hearing and voted 6-1 to send this petition to the Common Council with a positive recommendation.

The amended Plan Commission report for that hearing is below. Recommended Conditions were amended at the hearing.

REQUEST: The petitioner is requesting to amend the Planned Unit Development (PUD) District Ordinance and Preliminary Plan in order to modify the Affordable Housing commitment. And requesting a waiver of second hearing.

BACKGROUND:

Area:	3.2 acres
Current Zoning:	Planned Unit Development
GPP Designation:	Regional Activity Center / edge of Focus Area
Existing Land Use:	Dwelling, Multi-Family / Commercial / Business/Professional Office
Surrounding Uses:	North – Dwelling, Multi-Family West – Vacant / Place of Worship East – Commercial South – Dwelling, Multi-Family

REPORT: The property is located at the northwest corner of E. Longview Avenue and S. Pete Ellis Drive and is zoned Planned Unit Development (PUD). The property was rezoned to PUD in 2020 in case PUD-34-19. The 3.2 acre property is currently operating as Relato, a multi-family residential development with public spaces for commercial and office use on the first floor facing Pete Ellis Drive. Surrounding zoning includes Residential High-Density Multifamily (RH) to the north, Mixed-Use Corridor (MC) and Mixed-Use Neighborhood Scale (MN) to the south, and Mixed-Use Neighborhood Scale (MN) to the east and west. The surrounding properties have been developed with a mix of high density multi-family residences and commercial tenant spaces with the St. Mark United Methodist Church just to the west of the site.

The petitioner is requesting to amend the existing PUD in order to alter the codified affordable housing commitment within the PUD and a related Zoning Commitment.

The petitioner contends that they have had difficulty marketing and filling the workforce housing units in the development. The original petition for rezoning to a PUD was filed in 2019, before the large overhaul of the Unified Development Ordinance (UDO). At that time, the petitioner worked with the Housing and Neighborhood Development (HAND) Department to craft an agreement for Workforce Housing that would be similar to the anticipated UDO updates that were subsequently adopted in April 2020. Ordinance 20-01 was signed by the Mayor on February 10, 2020, which

codified the creation of the PUD. In the approved PUD District Ordinance and Preliminary Plan documents, the petitioner proposed “Workforce housing to comprise 15% of unit bedroom count” in a commitment created with HAND, which was similar to the Affordable Housing Incentives percentage expected in the April 2020 UDO. The petitioner subsequently amended the PUD with Ordinance 21-31, but did not alter the Workforce Housing agreement. In June 2022, the UDO was amended to make the payment-in-lieu option of the Incentives section in Chapter 20.04 more viable.

The petitioner is proposing to contribute \$20,000 per bedroom for 15 percent of the bedrooms in the development, which amounts to 52 bedrooms, for a total of \$1,040,000 to be paid to the City’s Housing Development Fund. This figure is in line with the current calculation in the Administrative Manual that is used with the Affordable Housing incentives in Chapter 20.04 of the UDO. The petitioner has discussed this request extensively with HAND and has that Department’s full support for this request.

The PUD still contains a 4-story, mixed-use building. The building includes 14,000 square feet of commercial space, a total of 233 units and 341 beds in the multifamily portion. The building contains a structured parking garage accessed from Longview Drive with 254 parking spaces.

COMPREHENSIVE PLAN: This property is designated as *Regional Activity Center* in the southeast corner of the *Regional Academic Health Center Focus Area*. The Comprehensive Plan notes the following about the intent of the *Regional Activity Center* area:

- ...district is a large commercial area that provides high intensity retail activity
- Regional Activity Centers contain higher intensity uses such as national retailers, offices, food services, lodging, and entertainment.
- The district may also incorporate medium- to high-density multifamily residential uses.
- The main purpose of the district is to provide semi-urban activity centers that complement, rather than compete with, the Downtown district.
- The district is expected to change with increasing activity through infill and redevelopment.
- Incorporating multifamily residential within the district is supported.
- Changing the context of the district towards mixed use is a significant change.
- Less intense commercial uses should be developed adjacent to residential areas to buffer the impacts of such development. Multifamily residential and office uses could likewise serve as transitional elements.
- Redevelopment within the district should be encouraged to grow vertically, with the possibility of two- or three-story buildings to accommodate denser office development, residential multifamily, structures parking, and improved multimodal connectivity.

The Comprehensive Plan notes the following about the *Regional Academic Health Center Focus Area*:

- The relocation of the hospital onto the Indiana University campus will allow for the hospital to grow and meet the needs of the region. However, there are many ancillary support services, businesses, and medical offices that also may relocate near the hospital.

The proposed amendment does not change the aspects of the project that support the Comprehensive Plan, including adding mixed use with office and multifamily residential to a

portion of the Regional Activity Center that is not on the main commercial thoroughfare.

PRELIMINARY PLAN:

Housing Diversity: The petitioner has an existing Housing Zoning Commitment with the Housing and Neighborhood Development Department, but is proposing to change that Commitment in the manner described at the beginning of this report. The change would remove the requirement for units on-site and replace it with a payment-in-lieu equivalent to \$20,000 a bedroom for 15 percent of the bedrooms in the development. The petitioner has had extensive conversations with the Housing and Neighborhood Development Department and that Department is supportive of this change.

20.04.080(h) Planned Unit Development Considerations

The UDO outlines that in their consideration of a PUD District Ordinance and Preliminary Plan, the Plan Commission and Common Council shall consider as many of the following as may be relevant to the specific proposal. The following list shall not be construed as providing a prioritization of the items on the list. Each item shall be considered individually as it applies to the specific Planning Unit Development proposal.

- (1) The extent to which the proposed Preliminary Plan meets the requirements, standards, and stated purpose of Chapter 20.04: Planned Unit Development Districts.

Section 20.04.010 of the UDO, states that the purpose of the planned unit development (PUD) is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character and quality of new developments; to encourage a harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of streets, utilities, and city services; to preserve the natural, environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; and to mitigate the problems which may be presented by specific site conditions. It is anticipated that planned unit developments will offer one or more of the following advantages:

- (a) Implement the guiding principles and land use policies of the Comprehensive Plan; specifically reflect the policies of the Comprehensive Plan specific to the neighborhood in which the planned unit development is to be located;
- (b) Buffer land uses proposed for the PUD so as to minimize any adverse impact which new development may have on surrounding properties; additionally provide buffers and transitions of density within the PUD itself to distinguish between different land use areas;
- (c) Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces;
- (d) Counteract urban monotony and congestion on streets;
- (e) Promote architecture that is compatible with the surroundings;
- (f) Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area; and
- (g) Provide a public benefit that would not occur without deviation from the standards of the Unified Development Ordinance.

PROPOSED FINDINGS: The requested amendment does not alter those aspects of the PUD that address the items listed above. The project provides housing and commercial space in the area near the Regional Health Campus.

- (2) The extent to which the proposed Preliminary Plan departs from the Unified Development Ordinance provisions otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons why such departures are or are not deemed to be in the public interest.

PROPOSED FINDINGS: The proposed amendment is compliant with the UDO's current allowance of utilization of the Affordable Housing incentives, and proposes no changes to any departures that were previously approved in this PUD.

- (3) The extent to which the Planned Unit Development meets the purposes of this Unified Development Ordinance, the Comprehensive Plan, and any other adopted planning objectives of the City. Any specific benefits shall be specifically cited.

PROPOSED FINDINGS: The petition does further some of the goals of the UDO and the Comprehensive Plan, including contributing to a need for housing across multiple areas of the economic spectrum, from a financial contribution and agreement to address workforce housing to small-unit market rate. Altering the contribution from on-site units to a payment to the City's Housing Development Fund may allow for units to be provided in the City at a lower income level than the current agreement allows.

- (4) The physical design of the Planned Unit Development and the extent to which it:
- a. Makes adequate provision for public services;
 - b. Provides adequate control over vehicular traffic;
 - c. Provides for and protects designated common open space; and
 - d. Furthers the amenities of light and air, recreation and visual enjoyment.

PROPOSED FINDINGS: The proposed amendment does not change anything about the physical design of the building in the PUD.

- (5) The relationship and compatibility of the proposed Preliminary Plan to the adjacent properties and neighborhood, and whether the proposed Preliminary Plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.

PROPOSED FINDINGS: The proposed amendment does not change anything about the physical design of the building in the PUD.

- (6) The desirability of the proposed Preliminary Plan to the City's physical development, tax base and economic well-being.

PROPOSED FINDINGS: The proposed amendment does not alter the benefits that the petition provides including residential units as well as 14,000 square feet of supportive office space near the new hospital location, both benefits to the tax base.

- (7) The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.

PROPOSED FINDINGS: The proposed amendment does not change anything about the physical design of the building or traffic impacts of the PUD.

- (8) The proposal preserves significant ecological, natural, historical and architectural resources.

PROPOSED FINDINGS: There are no known significant ecological, natural, historical or architectural resources on this site.

- (9) The proposal will not be injurious to the public health, safety, and general welfare.

PROPOSED FINDINGS: The proposed amendment will not be injurious to the public health, safety, and general welfare of the community, and in fact, may create opportunity for more successful and impactful workforce an affordable housing in the community.

- (10) The proposal is an effective and unified treatment of the development possibilities on the PUD site.

PROPOSED FINDINGS: The proposed amendment does not affect the development possibilities of the existing built PUD, only allows for 52 bedrooms to be leased at market rate on the site.

CONCLUSION: The proposed PUD amendment allows for the petitioner to contribute an amount established by the Administrative Manual to the Housing Development Fund, in lieu of providing 52 units on-site. The contribution to the Housing Development Fund can be targeted at specific housing needs. The project still includes multiple characteristics that support the goals of the Comprehensive Plan. The Comprehensive Plan clearly encourages incorporating diverse housing types within the City and this site provides small units near the Regional Health Campus, along with sustainable building practices.

RECOMMENDATION: The Plan Commission waived the second hearing and forwarded this petition, PUD-44-24, to the Common Council with a positive recommendation with the following conditions:

1. PUD Final Plan approval is delegated to the Planning and Transportation Department staff, if needed.
2. The petitioner will record the proposed payment-in-lieu Zoning Commitment approved by the Housing and Neighborhood Development Department within four weeks of approval of the PUD Amendment.
3. The petitioner will honor the existing leases of the 25 units that currently exist from the workforce housing commitment, and the petitioner will renew those leases upon request by those specific tenants, as long as they continue to qualify.