

ORDINANCE 20-28

TO AMEND THE CITY OF BLOOMINGTON ZONING MAPS BY REZONING 7.22 ACRES OF PROPERTY FROM PLANNED UNIT DEVELOPMENT (PUD) TO MIXED-USE STUDENT HOUSING (MS) - Re: 301 E. Brownstone Drive (The Standard at Bloomington, LLC, Petitioner)

WHEREAS, Ordinance 20-06, which repealed and replaced the official zoning map within Title 20 of the Bloomington Municipal Code Entitled, "Unified Development Ordinance"; and

WHEREAS, the Plan Commission has considered this case, ZO-20-20, and recommended that the petitioner, The Standard at Bloomington, LLC, be granted an approval to rezone 7.22 acres from Planned Unit Development (PUD) to Mixed-Use Student Housing (MS); 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 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the zoning for the property located at 301 E. Brownstone Drive shall be amended to be zoned as Mixed-Use Student Housing. The property is further described as follows:

PART OF THE NORTHWEST QUARTER SECTION 33, TOWNSHIP 9 NORTH, RANGE 1 WEST, MONROE COUNTY INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH WALNUT STREET AND EAST FOURTEENTH STREET, THENCE SOUTH 00 DEGREE 26 MINUTES 16 SECONDS WEST (INDIANA STATE PLANE, WEST ZONE) ALONG THE EAST LINE OF SAID NORTH WALNUT STREET 254.91 FEET TO THE NORTH LINE OF THE INDIANA RAIL ROAD COMPANY PER DEED BOOK 323, PAGE 244, THE NEXT (6) COURSES ARE ALONG SAID NORTH LINE; (1) THENCE NORTHEASTERLY 48.27 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1037.45 FEET AND BEING SUBTENDED BY A CHORD BEARING NORTH 89 DEGREES 18 MINUTES 25 SECONDS EAST 48.27 FEET; (2) THENCE SOUTH 89 DEGREES 21 MINUTES 35 SECONDS EAST 154.78 FEET; (3) THENCE NORTHEASTERLY 62.88 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 360.25 FEET AND BEING SUBTENDED BY A CHORD BEARING NORTH 85 DEGREES 38 MINUTES 25 SECONDS EAST 62.80 FEET; (4) THENCE NORTH 80 DEGREES 38 MINUTES 24 SECONDS EAST 12.96 FEET; (5) THENCE NORTHEASTERLY 66.36 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 380.25 FEET AND BEING SUBTENDED BY A CHORD BEARING NORTH 85 DEGREES 38 MINUTES 23 SECONDS EAST 66.28 FEET; (6) THENCE SOUTH 89 DEGREES 21 MINUTES 35 SECONDS EAST 882.27 FEET TO THE WEST LINE OF NORTH DUNN STREET; THENCE NORTH 00 DEGREES 43 MINUTES 16 SECONDS WEST ALONG SAID WEST LINE 267.60 FEET TO THE SOUTH LINE OF THE AFORESAID EAST FOURTEENTH STREET; THENCE SOUTH 89 DEGREES 21 MINUTES 45 SECONDS WEST ALONG SAID SOUTH LINE 1221.50 FEET TO THE POINT OF BEGINNING, CONTAINING 7.22 ACRES, MORE OR LESS.


Subject to any and all easements, agreements, and restrictions of record.

SECTION 2. This rezoning shall be approved as attached hereto and made a part thereof.


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

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


PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 16th day of DECEMBER, 2020.


STEPHEN VOLAN, President
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 21st day of December, 2020.


NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 21st day of December, 2020.


JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 20-28 would rezone 7.22 acres from Planned Unit Development (PUD) to Mixed-Use Student Housing (MS).

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

ORDINANCE CERTIFICATION

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 20-28 is a true and complete copy of Plan Commission Case Number ZO-20-20 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on October 12, 2020.

Date: October 21, 2020



 Scott Robinson, Secretary
 Plan Commission

Received by the Common Council Office this 21st day of October, 2020.



 Nicole Bolden, City Clerk

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

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

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

Interdepartmental Memo

To: Members of the Common Council
From: Eric Greulich, Senior Zoning Planner
Subject: ZO-20-20
Date: October 20, 2020

Attached are the staff report, petitioner's statement, maps, and exhibits which pertain to Plan Commission case ZO-20-20. The Plan Commission heard this petition at the October 12, 2020 hearing and voted 9-0 to send this petition to the Common Council with a favorable recommendation. The Plan Commission report is attached.

REQUEST: The petitioner is requesting to rezone 7.22 acres from Planned Unit Development (PUD) to Mixed-Use Student Housing (MS).

BACKGROUND:

Area:	7.22 acres
Current Zoning:	Planned Unit Development (PUD)
Comp Plan Designation:	Mixed Urban Residential
Existing Land Use:	Dwelling, Multifamily
Proposed Land Use:	Dwelling, Multifamily
Surrounding Uses:	North – Dwelling, Multifamily and Single family South – Railroad/Single family residences East – Duke electric substation/Single family residences West – Dwelling, multifamily residences/Mixed-Use

REPORT: This 7.22 acre property is located at 301 E 14th Street. The site is bounded by 14th Street along the north property line, Indiana Rail Road tracks to the south, and Dunn Street to the east. Surrounding land uses include a railroad line to the south, single and multifamily (Terra Trace apartments) residences to the north, multifamily residences and mixed-use commercial buildings to the west, and a Duke substation to the east. This site is adjacent to the locally designated Garden Hill historic district just to the north. The property is currently developed with a multifamily residential development that was approved as a Planned Unit Development (PUD-73-83). There are no known sensitive environmental constraints on this property. The site has approximately 50' of elevation change from the east end of the site to the west end of the site.

The petitioner is requesting to rezone the property from Planned Unit Development (PUD) to Mixed-Use Student Housing (MS). If approved, the petitioner would remove all of the current structures and construct a new student oriented, multifamily development with 433 units and 1,072 bedrooms. The conceptual site plan shows six and five-story buildings that would feature a parking garage with 681 parking spaces. The project would also commit to providing a minimum of 15% of the bedrooms on site as workforce housing units, an agreement that was discussed before the passage of the new UDO. No site plan approval is being requested or given at this time, only the request to rezone the property.

COMPREHENSIVE PLAN: The Comprehensive Plan designates this site as 'Mixed Urban Residential' and acknowledges that within this district the majority of centrally located neighborhoods have been built out, so major changes will occur with redevelopment and property

turnover. The Comprehensive Plan notes that this district includes both single-family residences and larger 2-4 story apartment buildings and that densities are higher in this district than the Neighborhood Residential areas. In regards to Land Use Development Approvals, the Comprehensive Plan states that a few locations may support increases in density and multifamily residential uses when adjacent to higher volume roads, or near major destinations, or located along neighborhood edges that may support small-scaled neighborhood mixed uses (see Urban Village Center). This site is located along the neighborhood edge and 14th Street is a more heavily traveled corridor than parallel streets to the north. Although the site is adjacent to the locally designated Garden Hill historic district and predominant single family neighborhood to the north, there is a high density multifamily development (Terra Trace) immediately to the north of this site and the land uses south of 14th Street are all multifamily. Additionally, the site is within walking distance of the IU campus. Other areas of guidance include-

- Historic designations are common within this district, and adjacent infill activities must respect the historic character of adjacent properties. Vacant lots should be redeveloped with compatible infill that reflects the prevailing character of the neighborhood.
- Allow context sensitive multifamily redevelopment along higher volume roads, along district edges, and near major destinations when appropriately integrated with adjacent uses and styles.
- Support incentive programs that increase owner occupancy and affordability (including approaches promoting both permanent affordability and home ownership for all income levels).
- Promote neighborhood enhancements of public improvements such as sidewalks, streetlights, street trees and landscaping, and playgrounds and play areas.
- Preserve, repair, or upgrade the capacity of aging utilities and sidewalks within the district.
- The close proximity to the downtown, Indiana University, and area employers, along with good access to urban services, makes this district a priority area for affordable housing initiatives.

Additional areas of importance within the Comprehensive Plan that relate to the appropriate location of student housing within the community include-

- Policy 4.4.4: Until such time as a reasonable balance of different housing types is achieved in the Downtown and nearby areas, strongly discourage new student-oriented housing developments in these areas.
- Policy 5.2.1: Evaluate all new developments and redevelopments in light of their potential to positively or adversely impact the overall health and well-being of the people who live in the surrounding neighborhood.
- Policy 5.3.4: Redirect new student-oriented housing developments away from the Downtown and nearby areas, and toward more appropriate locations closely proximate to the IU campus that already contain a relatively high percentage of student-oriented housing units, are within easy walking distance to the campus, and have direct access to university-provided parking as well as the university transit system.

This location is also adjacent to the Gateway North district which is the complement to the Gateway South Focus Area. It provides an important transition and gateway into the Downtown from the SR45/46 Bypass to approximately 14th Street. Due to its close proximity to Indiana University, the character of this Focus Area can support the diversification of housing types, including, but not limited to, multifamily

residential and commercial uses- such as student housing and service facilities.

20.06.070(b)(3)(E)(i)(1) ZONING MAP AMENDMENT PLAN COMMISSION REVIEW AND RECOMMENDATION:

The following criteria are those that the Plan Commission must consider when reviewing a zoning map amendment request. The Department will provide specific proposed findings before the required second hearing, but preliminarily believes that the petition will meet these requirements.

[a] The recommendations of the Comprehensive Plan;

Adopted Finding: The Comprehensive Plan designates this property and surrounding area as ‘Mixed Urban Residential.’ The Comprehensive Plan encourages the diversification of student housing in areas of the community outside of the Downtown and specifically identifies the areas south of the Bypass to 14th Street as locations that are appropriate for student housing.

[b] Current conditions and character of structures and uses in each zoning district;

Adopted Finding: The current use of this property is a high density multifamily development that is predominantly student oriented. The proposed use would match that of the Mixed-Use Student Housing District and the UDO has identified the purpose of the MS district as:

The MS district is intended to accommodate an adequate supply and mix of housing opportunities for students in areas adjacent or within easy walking distance to campus and along nearby commercial corridors and with easy access to campus-serving public transit and to university-provided parking, such as the area located directly west, southwest, and northwest of Memorial Stadium. The district is intended to have a high percentage of student-oriented housing units, including larger developments that might not be permitted in other districts, but not totally exclusive of other types of residential housing units. This district should not be located in close proximity to the MD district but may also provide MS related commercial and retail-supportive uses.

[c] The most desirable use for which the land in each zoning district is adapted;

Adopted Finding: The Comprehensive Plan identifies this area as a location that is ideal for student housing and this site has already been developed with a high density, student oriented housing development. In addition, there are high density, multi-family residential apartments immediately to the north that are also predominantly student oriented. The location of railroad tracks along the south property line provides an ideal buffer and transition area for this property and land use. This property is a desirable location for this proposed land use since it is close to campus, has existing Bloomington Transit service, good pedestrian access, and is adjacent to other high density student oriented development. In addition, this location has been reviewed for inclusion on the proposed updates to the overall City zoning maps to rezone to MS for student housing.

[d] The conservation of sensitive environmental features;

Adopted Finding: There are no known sensitive environmental features on this site which makes this property ideal for redevelopment opportunities and for a high density project.

[e] The conservation of property values throughout the jurisdiction; and

Adopted Finding: This proposed rezoning is not expected to have any negative impacts on adjacent property values. The property to the south is occupied by the Rail Road Company and adequately buffers this property from residences to the south. The properties to the north are predominately student oriented, high density projects that should not be negatively impacted by this project.

[f] Responsible development and growth

Adopted Finding: The diversification of locations for student housing within the community allows for responsible development and growth by placing this unique land use in close proximity to the campus and adjacent to other similar land uses. The Comprehensive Plan encourages the placement of student housing outside of the Downtown and identifies this area as an ideal location.

CONCLUSION: The Plan Commission found that there are several areas of the Comprehensive Plan that support rezoning this property to the Mixed-Use Student Housing District (MS). The conceptual site plan would meet all of the standards of the zoning district and would match the intent of the MS district. While the project is large, the Plan Commission believes that this location is ideal for redevelopment and intensification because of its proximity to the IU campus and the characteristics of its surroundings.

RECOMMENDATION: The Plan Commission voted 9-0 to forward this petition to the Common Council with a favorable recommendation and the following condition:

1. The petitioner must coordinate with Bloomington Transit on the incorporation of a shuttle pick-up and shuttle service. No private shuttle service is allowed.

Voluntary Written Zoning Commitment

WHEREAS, The Standard at Bloomington, LLC (“Owner”), is, or will soon become, the fee simple owner of property at 301 E. Brownstone Drive (“the Property”); and

WHEREAS, Owner petitioned the Bloomington Common Council for an amendment to the City of Bloomington Zoning Maps by rezoning 7.22 acres of property from Planned Unit Development to Mixed-Use Student Housing (the “Petition”).

NOW, THEREFORE, Owner voluntarily provides and records this *Voluntary Written Zoning Commitment* in connection with the Petition.

1. Legal Description of Property

LEGAL DESCRIPTION
PART OF THE NORTHWEST QUARTER SECTION 33, TOWNSHIP 9 NORTH, RANGE 1 WEST, MONROE COUNTY INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT WHERE THE EAST LINE OF N. WALNUT STREET INTERSECTS THE SOUTH LINE OF EAST FOURTEENTH STREET; THENCE ON AND ALONG SAID SOUTH LINE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST (ASSUMED BEARING), 200.00 FEET TO A 1/2 INCH REBAR FOUND AND BEING THE POINT OF BEGINNING; THENCE SOUTH 01 DEGREE 04 MINUTES 31 SECONDS WEST 254.91 FEET TO THE NORTH LINE OF THE ILLINOIS CENTRAL GULF RAILROAD COMPANY AND BEING AN INTERSECTION WITH A NON-TANGENT CURVE, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 01 DEGREES 23 MINUTES 18 SECONDS EAST, 1037.45 FEET FROM SAID INTERSECTION, SAID CURVE HAVING A CENTRAL ANGLE OF 02 DEGREES 39 MINUTES 57 SECONDS; THENCE EASTERLY ALONG SAID CURVE 48.27 FEET TO A POINT OF TANGENCY; THENCE SOUTH 88 DEGREES 43 MINUTES 20 SECONDS EAST, 154.78 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 360.25 FEET; THENCE EASTERLY 62.88 FEET NORTH 81 DEGREES 16 MINUTES 39 SECONDS EAST 12.96 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10 DEGREES 00 MINUTES 00 SECONDS TO A POINT OF TANGENCY; THENCE HAVING A RADIUS OF 380.25 FEET; THENCE EASTERLY 66.36 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10 DEGREES 00 MINUTES 00 SECONDS TO A POINT OF TANGENCY; THENCE SOUTH 88 DEGREES 43 MINUTES 20 SECONDS EAST, 882.27 FEET; THENCE LEAVING SAID RAILROAD LINE NORTH 00 DEGREES 05 MINUTES 01 SECOND WEST 267.60 FEET TO THE SOUTH LINE OF SAID FOURTEENTH STREET; THENCE ON AND ALONG SAID SOUTH LINE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 1221.50 FEET TO THE POINT OF BEGINNING, CONTAINING 7.22 ACRES, MORE OR LESS.

THE PROPERTY DESCRIBED ABOVE IS THE SAME PROPERTY THAT IS INSURED IN THE TITLE POLICY ISSUED BY CHICAGO TITLE INSURANCE COMPANY PURSUANT TO TITLE FILE NO.: RAIN-36012, EFFECTIVE ON JUNE 19, 2019.

2. Binding
This *Voluntary Written Zoning Commitment* is binding on the Owner of the Property. Upon recordation in the Office of the Recorder of Monroe County, Indiana, this commitment shall become binding on any subsequent owner, or anyone who acquires an interest in the Property.

3. Recording
This *Voluntary Written Zoning Commitment*, if approved, shall be recorded in the Office of the Recorder of Monroe County, Indiana on or before December 17, 2020.

4. Modification
This *Voluntary Written Zoning Commitment* shall only be modified by action of the Bloomington Common Council.

5. Termination

This *Voluntary Written Zoning Commitment* shall terminate upon the first of either: (1) action by the Bloomington Common Council; or (2) a determination that the project as described in the Petition (the “Project”) was, or will not be, built in whole or in part.

6. Enforcement

An action to enforce any provision of this *Voluntary Written Zoning Commitment* may be brought in Monroe Circuit Court by the Bloomington Common Council pursuant to I.C. § 36-7-4-1015(d)(1).

7. National Green Building Standard Certification

The Owner voluntarily commits to obtain National Green Building Standard Silver level certification within one (1) year of the Owner’s receipt of a final certificate of occupancy of the Project.

8. Commercial Space

The Owner voluntarily commits to incorporate a commercial space into the Project subject to approval of a landscape buffer yard variance from the Board of Zoning Appeals.

9. Private Shuttle

The Owner voluntarily commits to not operate a private shuttle service from the site.

10. Copy

Prior to the issuance of any permits, a copy of the recorded *Voluntary Written Zoning Commitment* shall be provided to the City of Bloomington’s Planning and Transportation Department and to the Office of the Bloomington Common Council.

11. Violation

Failure to honor this *Voluntary Written Zoning Commitment* shall constitute a violation of the City of Bloomington’s Unified Development Ordinance and shall be subject to all penalties and remedies provided thereunder. Failure to honor this *Voluntary Written Zoning Commitment* shall subject person(s) obligated hereby to revocation of occupancy permits and other legal action.

[Signature on following page]

DATED this 15th day of December, 2020.

The Standard at Bloomington, LLC

By: [Signature]

ATTEST:

STATE OF Georgia)

COUNTY OF Clarke, SS:)

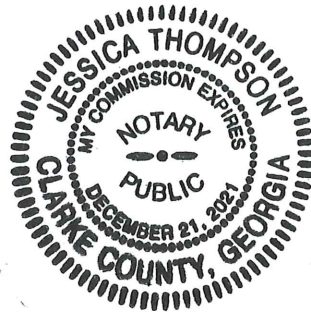
On the 15th day of December, 2020, W. Christopher Hart personally appeared before me, the undersigned Notary Public, personally known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and by his/her/their signature(s) on the within instrument, the person(s), or the entity(ies) on behalf of which the person(s) acted, executed the within instrument.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day set forth above.

[Signature]

Notary Public

My Commission expires: 12/21/21



(SEAL)