

ORDINANCE 21-31

TO AMEND THE CITY OF BLOOMINGTON ZONING MAPS BY AMENDING THE DISTRICT ORDINANCE AND PRELIMINARY PLAN OF THE CURRY PUD

**- Re: 105 S. Pete Ellis Drive
(Curry Urban Properties, 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WHEREAS, Ordinance 20-06, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Unified Development Ordinance", went into effect on April 18, 2020; and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-16-21, 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 3-bedroom units and change the approved building design among other changes; 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 20.06 of the Bloomington Municipal Code, the District Ordinance and Preliminary Plan for the Curry PUD shall be amended. 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 I as per plat thereof, recorded in Plat Cabinet C Envelope 196, in the Office of the Recorder of Monroe County, Indiana.

SECTION II. This amended District Ordinance and Preliminary Plan shall be approved as attached hereto 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 18th day of September, 2021.




JIM SIMS, President
Bloomington Common Council

ATTEST:

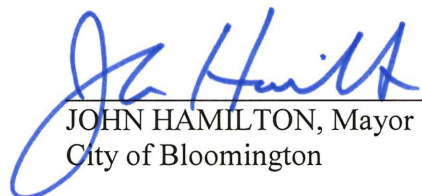


NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 8th day of October, 2021.


NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 8th day of October, 2021.


JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 21-31 amends the District Ordinance and Preliminary Plan for the Curry PUD to allow for 3-bedroom units and some design changes to the building among other changes, while still allowing the construction of one mixed-use building.

Note: On September 1, 2021, the Council adopted this ordinance with the following Reasonable Conditions to this proposal:

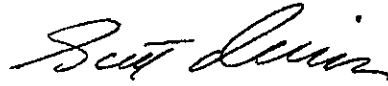
- *RC 01B – Cm. Flaherty – Re: compliance with Cool or Vegetated Roof standards in Section 20.04.110(d)(2)(A)(iv) in the UDO*
 - *Adopted 9-0-0*

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 21-31 is a true and complete copy of Plan Commission Case Number PUD-16-21 which was given a positive recommendation by a vote of 8 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on June 14, 2021.

Date: June 23, 2021



SCOTT ROBINSON, Secretary
Plan Commission

Received by the Common Council Office this 23rd day of June, 2021.



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 _____

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.)

***** Reasonable Conditions Form *****

Ordinance #: 21-31
Reasonable Condition #: 01B
Submitted By: Cm. Flaherty
Date: 1 September 2021

Proposed Reasonable Condition:

1. The developer shall record a written commitment to install a Cool or Vegetated Roof covering at least 70 percent of the total roof surface, as specified in the Unified Development Ordinance (UDO) Section 20.04.110(d)(2)(A)(iv) (Sustainable Development – Cool or Vegetated Roof).¹

This Reasonable Condition supersedes Reasonable Condition 04, which was imposed a part of Ordinance 20-01 adopted on February 5, 2020.

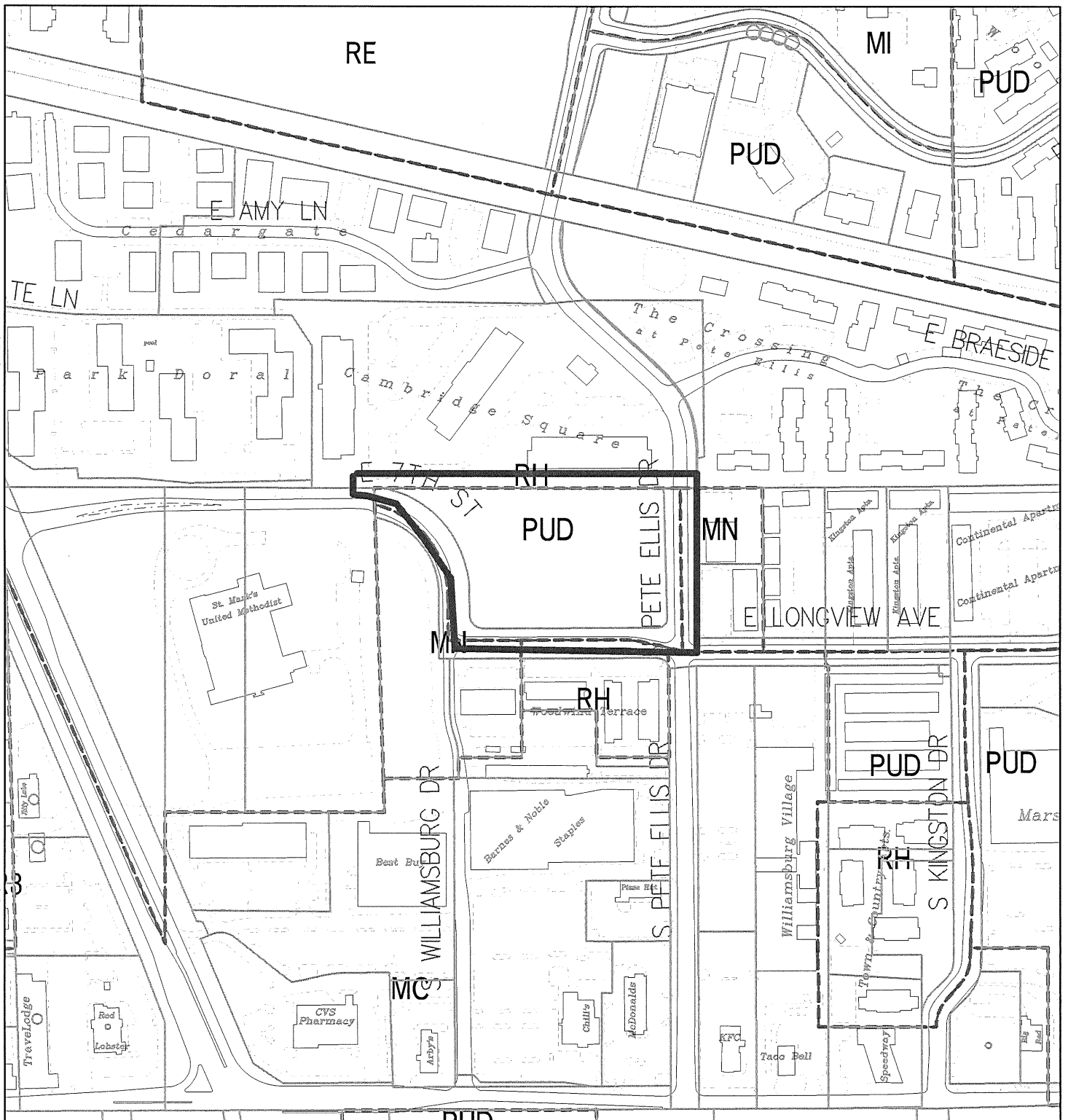
This Reasonable Condition also supersedes Condition 11 of the Plan Commission Report.

Synopsis

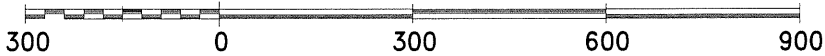
This Reasonable Condition is sponsored by Cm. Flaherty. It requires the developer to record a written commitment to cover at least 70% of the total roof surface with “cool” or vegetative material as set forth in the sustainability provisions of the UDO effective April 18, 2020 (Ordinance 19-24).

Committee of the Whole Action: None
9/1/2021 Regular Session Action: Adopted 9-0

¹ The City of Bloomington Unified Development Ordinance went into effect on April 18, 2020.

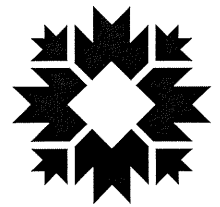


By: scanlanj
3 May 21

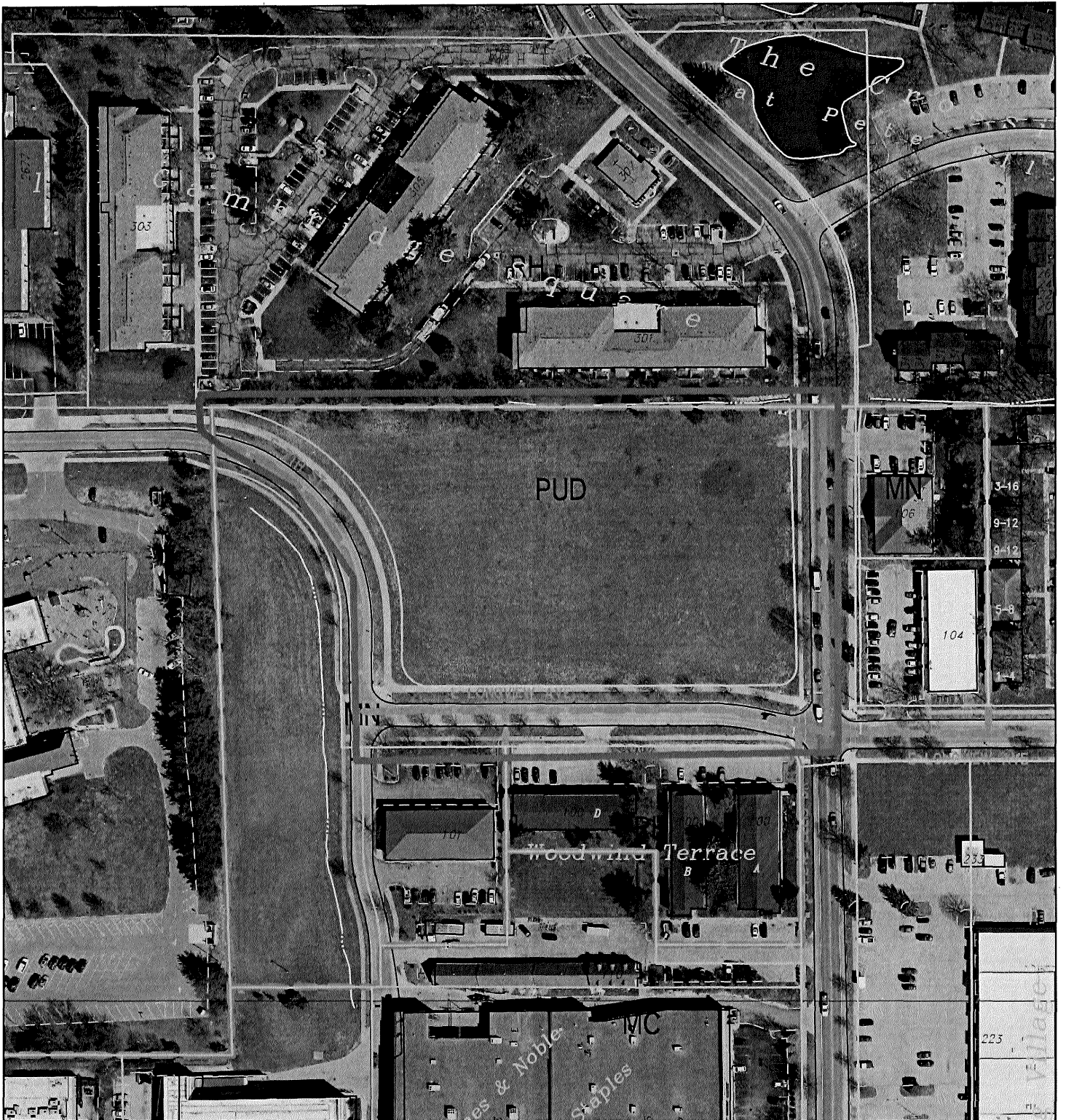


For reference only; map information NOT warranted.

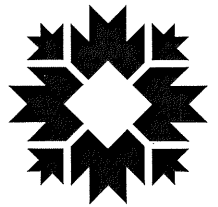
City of Bloomington
Planning



Scale: 1" = 300'

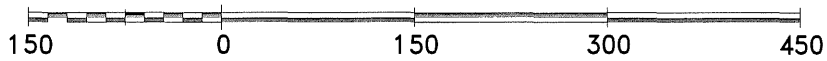


City of Bloomington
Planning



Scale: 1" = 150'

By: scanlanj
3 May 21



For reference only; map information NOT warranted.



City of Bloomington
Bloomington Environmental Commission

MEMORANDUM

Date: June 14, 2021
To: Bloomington Plan Commission
From: Bloomington Environmental Commission
Subject: PUD-16-21: Curry Urban Properties
105 S. Pete Ellis Drive

The purpose of this memo is to convey the environmental concerns and subsequent recommendations for conditions of approval for this development petition. The Environmental Commission's (EC) objective is that the results of our review and suggestions will lead to enhancement of the ecosystem services provided, and the climate-change mitigation attributes of the site. The request is for the Plan Commission to approve the proposal.

Comments

1.) FITWELL BUILDING RATING

The Petitioner committed to build the facility to the Fitwell building standards. Unlike several other building-ratings we are somewhat familiar with, the Fitwell rating concentrates on occupant health. It was developed by the U.S. Center for Disease and Prevention and the General Services Administration.

Although the EC still recommends green building practices for this and all development, we are pleased about the indoor air quality associated with the Fitwell program. The EC recommends that the design and construction attain a three-star (out of three) designation.

Recommended Conditions of Approval

1.) Commit to attaining a Fitwell Three-Star building rating.



**City of Bloomington
Planning and Transportation Department**



- PLAN COMMISSION
- PLAT COMMITTEE
- BOARD OF ZONING APPEALS
- HEARING OFFICER
- COMMON COUNCIL
- STAFF LEVEL

CASE# _____
 FILING DATE May 10, 2021
 FILING FEE \$ 660.00
 HEARING DATE(s) June 14, 20
 June 14, 20
 HT ACCT# 150022
 PLANNER: _____

ADDRESS OF PROPERTY 105 S Pete Ellis Drive

Applicant's Name <u>Curry Urban Properties</u>	Phone <u>8123393182</u>
Address <u>1111W 17th Street Bloomington, IN 47407</u>	Email <u>tyler@jericometals.com</u>
Owner's Name <u>Same</u>	Phone _____
Address _____	Email _____
Counsel or Consultant <u>Bynum Fanyo and Assoc. Inc.</u>	Phone <u>812 332 8030</u>
Address <u>528 N. Walnut Street, Bloomington, IN 47404</u>	Email <u>jfanyo@bynumfanyo.com</u>

STAFF USE ONLY – TO BE COMPLETED BY STAFF

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;"><u>Plan Commission/Plat Committee</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Change of Zone <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Planned Unit Development (Preliminary Plan) <input type="checkbox"/> Planned Unit Development (Final Plan) <input type="checkbox"/> Preliminary Plat Review <input type="checkbox"/> Final Plat Review | <p style="text-align: center;"><u>BZA/Hearing Officer</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Appeal from Administrative Decision <input type="checkbox"/> Conditional Use <input type="checkbox"/> Variance <input type="checkbox"/> Use Variance <p style="text-align: center;"><u>Common Council</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Right-of-Way Vacation |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Description of Request:

This application must be accompanied by all required submittals and plan elements, as indicated for the requested approval. Submittal of plans for review by City of Bloomington Utilities is required at or prior to time of application. Present CBU verification of receipt of plans at time of filing. Applicants are required to meet with a planner to review their request prior to filing an application. No applications will be accepted without prior Staff consultation. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals and previously filed cases. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

I (we) agree that the applicant will notify all adjacent property owners at the applicant's expense.
 I (we) further agree that the Planning and Transportation Department will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.
 I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property subject to this application and authorize Staff to inspect the site as needed.
 If applicant is other than recorded owner, an affidavit designating authority to act on owner's behalf, must accompany this application.

Applicant Signature: *Jeffrey S. Fanyo* Date: 5-10-21 Staff Initial: _____

401 N. Morton Street · Bloomington, IN 47404



Phone: (812) 349-3423 · Fax: (812) 349-3520

www.bloomington.in.gov
 e-mail: planning@bloomington.in.gov

Revised:8/22/2014

PETITIONER'S STATEMENT – 06.04.2021

Petition:

Amend certain Development Standards pertaining to Ordinance 20-01 that rezoned real estate identified as Lot Number 8, located in Deckard East Third Street Subdivision, Monroe County, Indiana consisting of 3.2 acres from CL to Planned Unit Development (PUD) passed on February 07, 2020.

Petitioner is also requesting waiver of the second Plan Commission hearing.
Petitioner is also requesting Final PUD approval to be at the staff level.

Proposed Amendments:

Petitioner provided an updated Preliminary Plan (based on further developed design documents) prior to submitting for PUD Final Plan Approval to the Planning and Transportation Department (“Planning”). After reviewing with Petitioner, Planning determined two components of the proposed plan require an amendment to the PUD.

Petitioner is seeking to amend the approved PUD and Preliminary Plan to provide for the following:

- 1) **Proposed Change:** Shifting the garage and using residential units to meet the requirements under Reasonable Condition #03 to mask the garage.

Planning: City Council’s counsel believes proposed masking eliminates the need for Reasonable Condition #03 and therefore requires an amendment.

Reasonable Condition #03:

The developer shall record a written commitment to install an art facade feature or green screening that masks the parking garage infrastructure along Longview Ave. as well as along the north side of the garage.

Synopsis: This Reasonable Condition is sponsored by Cm. Rosenbarger. It is intended to improve the visual appeal of the exterior of the parking garage by requiring an artistic or green screening.

Petitioner’s Response: Petitioner is proposing to shift the parking structure to allow for single (enlarged) courtyard and wrap the garage completely with residential units in lieu of “artistic or green screening” as described in Reasonable Condition #03. Petitioner proposes that the intent of the reasonable condition to “improve the visual appeal of the exterior of the parking garage” is met by completely wrapping the garage with the architectural façade (effectively eliminating the garage from view). Further, this will provide for a courtyard space that will allow for plantings to grow, an improved resident amenity, and better function of and between the commercial space, residential leasing office, and garage.

- 2) **Proposed Change:** Allow for 3-bedroom units, through conversion of a portion of approved 2-bedroom units.

Planning: Petitioner's Statement did not include 3-bedrooms in Preliminary Plan.

Petitioner Response: Petitioner is proposing to allow for the inclusion of 3-bedroom units. Petitioner's proposed unit mix is consistent with the original concept and intent of the Preliminary Plan and PUD. The proposed mix consists of 233 units and 341 beds, and remains below 30 DUE/acre and the 264 units and 344 beds in the approved Preliminary Plan. The target market as described in the original Petitioner's Statement, remains the same while the proposed programming will provide a greater variety of living options consistent with conventional market rate apartments vs student housing, furthering the goals of the Comprehensive Plan to provide a variety of quality housing options for all incomes, ages, and abilities.

The proposed mix provides for approximately 15% of total units to be 3-bedrooms which is well under the percentage of total units that the newly adopted UDO qualifies as student housing (33%). The Development Standards as it relates to unit mix as approved and as proposed are as follows:

Approved PUD Development Standards:

- Studios, 1-Bedroom, and 2-Bedroom Units
- Max: 30 DUE/Acre

Proposed Development Standards:

- Studios, 1-Bedroom, 2-Bedroom, and 3-Bedroom Units
- Max: 30 DUE/Acre

Petitioner will meet the requirements of the other Reasonable Conditions.

RC 01-02: No sound amplification or light emanating from amphitheater

RC 04: Petitioner proposes to meet intent via 20.01.110(d)(2)(A)(iii) SRI requirements on top of parking deck

RC 05: Developer shall record a written commitment to offer on-site parking only a la carte, and not include parking spaces in rent

RC 06: install solar photovoltaic panels with minimum power capacity of 15 kilowatts and at least ten electric vehicle charging stations.

RC 08: The rooftop mechanicals shall be subject to BMC 20.04.080 (m) - Screening - of the UDO adopted in January 2020, such they will not be visible from the ground-level.

Project Description:

Petitioner petitions for rezoning of the property from Commercial Limited to a mixed use, Planned Unit Development to amend certain Development Standards and Preliminary Plan as approved in Ordinance 20-01. The property currently is unimproved. Various utility lines border and bisect the property. The property is surrounded to the North by multi-family housing under RH zone. East of the property fronting on North Pete Ellis Drive are commercial properties, developed commercial lots under ~~CL-MN~~ zoning under the new district ordinance. East of these lots fronting on North Pete Ellis Drive are additional multi-family housing under RH zoning. Southeast of the property is zoned ~~CL-MN~~. South of the

property and fronting on Longview Avenue are multi-family housing under RH zoning. At the southwest corner of the property south of Longview Avenue is a small commercial development under ~~CL-MN~~ zoning. West of the property fronting on East Seventh Street is a vacant, unimproved parcel, under MN zoning.

Petitioner proposes to develop a mixed-use development consisting of multi-family residential use on a building outlining the west one-half of the property; 1st floor commercial use on the building outlining the east ½ of the property and a 34-floor interior parking garage in the middle of the property ~~with top floor (4th floor) wrapped with 3-4 floors of residential units.~~ The buildings will be connected and constructed as a single building but with breaks and variations by design, by structural elements (e.g., the garage) and by façade features. The proposed building is projected at four floors. The center of the property ~~on the east and west sides of the garage~~ will be developed with courtyard/open space.

In an effort to provide a public benefit to the City of Bloomington, Petitioner has ~~offered~~ agreed to offer 15% of its unit bedrooms to be set aside for workforce housing. Two-thirds of these workforce housing units will be restricted to income earners whose annual income does not exceed ~~80~~100% of the Area Median Income (AMI) while the remaining one-third of the workforce housing units will be restricted to those income earners making no more than ~~40~~120% of AMI. Base rental rates will be limited to 25% of those income earners total annual income. ~~Petitioner has described this offering in further detail in the accompanying letter to Housing and Neighborhood Development.~~ A copy of the Zoning Commitment is attached to this submission.

The Plan Commission recommended approval of the previous petition and Preliminary Plan. Petitioner's proposed amendments do not reduce the degree to which the goals of the PUD District Ordinance and Comprehensive Plan are met, keeping in place all of the previously described benefits, Rather, it enhances the project and better achieve the purpose and intent of the PUD District Ordinance and Comprehensive Plan.

The subject property is located in the Regional Activity Center and Regional Academic Health Center Focus Area in the Comprehensive Plan. One of the strategies the City aims to employ in this focus area is Livability and Lifetime Communities – which are places that “promote social, physical, mental, and emotional well-being for persons of all abilities, across the entire lifespan.” Providing 3-bedrooms in addition to the approved Studio's, 1-bedroom and 2-bedroom units better accomplishes this goal than the previously proposed unit mix. With limited options outside of single oriented living units, the previous mix would not cater to all persons as described in the Focus Area strategy, limiting the household size and stage of life the residents. Proposed mix provides additional options and caters to a greater variety of individuals across life stages and economic spectrum, providing workforce housing, small-unit market rate, and families or roommate offerings via 2- and 3-bedroom units.

Further, the addition of 3-bedroom units is necessary to provide for the project design. It regains some of the lost efficiency in single loaded corridors needed to fully wrap the garage,

and improves the economic feasibility, with the drastically increasing construction costs, and exclusion of which otherwise impedes the viability of the project.

AMENDMENT PETITION MODIFICATIONS

Modifications to the approved Petitioner's Statement are shown as redlines to the approved Petitioner's Statement, and primarily limited to updates as it relates to the above two changes or for current conditions. Certain modifications stem from current conditions eliminating the applicability of previous commitments (Ex. Omission of Bike Share Program).

RESUBMITTAL MODIFICATIONS (FROM 8.20.19 PETITION)

Since the initial Planning Commission hearings, the Petitioner has had follow up meetings with members of The Planning Administration, Bloomington Economic and Sustainable Development, Housing and Neighborhood Development, Planning and Transportation, and the Environmental Commission and has worked to address comments and concerns stemming from the prior submissions and those expressed by the Planning Commission during the hearings. The comments/concerns and responses from the Petitioner are outlined below:

- Neighboring apartment community to the north (zoned RH) expressed concern about the possibility of shadows being cast upon their property due to the massing and proximity of the petitioner's proposed development. Concerns of sight lines into units from adjacent balconies was also raised (Cate)

Petitioner Response: Although the Petitioner could build "by right" at a 10-foot setback from the northern boundary of the property (the boundary adjacent to the concerned neighbor), Petitioner has agreed to shift the entire building in-ward from the northern setback, thus modifying the previously proposed set back of 7 feet to 15 feet (with exception of the north east corner unit which is 14 feet from the property line), and a stair tower that is setback to the 10-foot minimum. Moreover, numerous modulations of the building at the 4th floor will step back another 5 feet (or 20 feet from the property boundary) to provide relief of the building height and mass. Additionally, Petitioner voluntarily eliminated numerous balconies along the north elevation in addition to proposing the planting of additional, large canopy trees, to accompany the existing trees and in order to respect the neighbor's concerns. Petitioner will work with neighbor for tree placement.

Petitioner spoke with representatives of the property owner, including their Asset Manager and Corporate General Counsel (CGC) to clarify design, density, height, setback and other elements of Petitioner's proposed development. At the close of this communication, neighboring owner's CGC stated that unless Petitioner heard from him otherwise that they were satisfied with Petitioner's response. Petitioner has received not further communication from CGC or neighboring owner,

- Overall Building Massing seen as a concern (EC, Scanlan, Kinzie)

- Planning Administration feels that the height of the proposed building at the southwest corner (7th and Longview) should be reduced

Petitioner Response: Petitioner recognizes that the project is a single building (actually 3 buildings connected) rather than separate structures, and whose massing is more consistent with that of urban developments. The Petitioner is intending to provide the feeling of a more “urban” context to the structure in a secured, contiguous, building with conditioned interior corridors. Moreover, the building and exterior/perimeter improvements provide a “build-forward” design concept, consistent with the Comprehensive Plan. It should be reiterated that the subject property is within a designated Regional Activity Center and part of the Regional Academic Health Center Focus Area whose intent is to promote higher intensity uses; medium- to high-density multifamily uses; to provide semi-urban activity centers that complement downtown; encourage vertical growth, residential multi-family, denser office uses, structured parking and improved multi-modal connectivity.

However, the Petitioner initially reduced the building mass by shrinking the building and eliminating 12 units (and 12 beds). As noted, the northern set back was moved inward from the initial petition, basically doubling the set back. This also helped to increase open space on the property. In numerous places along each elevation of the building, the 4th floor units are stepped back 5 feet. This is done to provide some relief from the proposed, four-story height. Petitioner has worked with its architect to further reduce several parapet heights to lower the overall height in numerous areas, from 1’ to 4’. Regarding the building height at the southwest corner, (previously 61’ as measured from adjacent grade to roof parapet, including the exposed “lower-level” of the building), the top corner unit (4th floor) was eliminated in its entirety, creating a “step back” of 25 feet or more which results in the building now “reading” as a +/- 50’ building at this corner, including the “lower-level.” Overall, while the building height exceeds the 40-foot restriction of CL zoning, it does retain a varied, articulated roofline for functional and aesthetic reasons and works though the challenges of the significant grade changes (over 20 feet) from the northwest to the southwest corner of the parcel.

Additional changes were proposed to the Planning Administration regarding massing and modulation. With the removal of the top corner unit, the Petitioner has redesigned the façade to include window planters (planter boxes) to be incorporated at the base of windows aligning the south and west elevations of the corner, as well as within the open, roof-top element.

Finally, the Petitioner elected to further modulate a significant portion of the southern elevation of the proposed building along Longview Drive. Between the parking garage and the aforementioned southwest corner module that was modified, the Petitioner has created a pedestrian “pocket park” or forecourt in front of the lower-level element created by the natural grade of the parcel. This public forecourt was created by stepping back the building 17’ from the previously proposed plan. Doing so: a) reduces four one bedroom units from the project; b) greatly enhances the building presentation and how it addresses the multi-use path across the building front; c) reduces the building massing and enhances the modulation; and d) creates a public amenity and pocket park which beautifies the streetscape and “softens” the building elevation.

- Environmental concerns as to the project being below the open space requirement;

impervious surfaces (EC, Sandberg, Cate, Kinzie, Kappas). EC has requested the Petitioner redesign the building.

Petitioner Response: Although Petitioner will not redesign the building, Petitioner has worked with the architects and engineers to reduce the building size, shrinking the building mass and creating open space vis-à-vis compressing the building inward, from north to south (more than doubling the northern set back) and from east to west to add four feet of additional set back from the eastern side. The resulting changes have resulted in nearly a 25% improvement to open space compared to the Petitioner's initial submittal. Although Petitioner will not be able to reach the 50% open space request, it has improved the open space from 25% to nearly 34% and will be significantly exceeding the landscaping and planting requirements as well as the water quality requirements.

Petitioner has further reduced the paved surfaces and covered area and/or has worked with the landscape architect to program permeable materials for pathways. It should be noted that the eastern property boundary includes a 20-foot easement for utilities. Coupled with the utilities that run throughout the 15-foot Right-of-Way along Pete Ellis Drive, the Engineer and Landscape architect have not programmed trees (large, evergreen or medium) along the frontage as trees cannot be planted within 10 feet of the easement. Petitioner will work through its landscape architect (~~Rundell Ernstberger Associates~~) and the city of Bloomington to address this along with the overall landscape plans.

Petitioner will be expanding pedestrian sidewalks and paths that surround the property along 7th Street, Longview Avenue and Pete Ellis Drive under the direction of Bloomington Transportation. Additionally, Petitioner will work with the city to install back-in angled parking (as requested by Planning Commission and shown on the drawings) along the western lane of Pete Ellis Drive, which would expand the existing Right-of-Way onto Petitioner's property, and into the easement. The street frontage will be landscaped and hardscaped with a 6-foot sidewalk bordered on each side by storm planters within the sidewalk, and flow-through planters against the building which serve to collect rainwater from roofs of the proposed structure. This rainwater will be harvested within cisterns and be used for irrigation purposes, while overflow will be directed into flow through planters and storm planters. A stormwater planter / rain garden will be included within the Right-of-Way to control storm water along the street and parking area. Permeable pavers will be utilized in several portions of the project, especially along the Pete Ellis Drive promenade.

While Petitioner had already planned community gardens and many of the water quality improvements, among other public benefits, it has sophisticated a concept landscape plan with its landscape architect that includes managing rain water and storm water quality via rain gardens, and rain water diversion and harvesting through cisterns, flow thorough planters and rain gardens within each of the interior courtyards. However, the most compelling response Petitioner can provide is that the planting and landscape requirements established by the city will be significantly exceeded by Petitioner (see Concept Plant Schedule).

Moreover, Petitioner is excited to bring Bloomington its first FITWEL Building. FITWEL Certification articulates a vision for the future where every building is enhanced to support the well-being of its occupants, and surrounding communities. It is a new and emergent building certification that positively impacts occupant health and productivity through

workplace design and operations. FITWEL's development is led by the U.S. Centers for Disease Control and Prevention and the General Services Administration. This demonstrates how the focus for sustainable buildings have shifted in the U.S. from green buildings that were "high performance" because they had a low carbon footprint to, now, occupant well-being and the resultant increased productivity which has been studied, and proven. The well-being of building occupants is increasingly being described as the number one driver of sustainability. The Petitioner has volunteered to deliver the City of Bloomington its inaugural FITWEL Building.

Bicycle Traffic, Safety and Connectivity / Traffic along Pete Ellis Drive. Several members of the Planning Commission responded to the parking along Pete Ellis as well as wanting to make certain the bicycle and pedestrian paths remain safe amid the ingress/egress to the proposed building (Kopper, Kinzie, Wisler, Hoffman).

Petitioner Response: From the onset, Petitioner has worked to promote a bicycle-friendly community, where this development provides connectivity. The multi-modal functionality of the location and design of the project is not by accident. Petitioner, through its third-party professionals, has worked with Bloomington Transportation to address these concerns. The result is the back-in angled parking, expanded bicycle paths and expanded bicycle parking to be located near the entrance of the garage and proximate to the proposed, expanded B-line along Longview Avenue. Further, Petitioner will analyze best solutions and install safety/warning controls at parking garage ingress/egress. Finally, should the project be approved by City Council, Petitioner will commission a traffic study for Pete Ellis Drive and the angled parking, as well as the surrounding traffic patterns, or will work with the city as it conducts its own traffic studies of the area in conjunction with the changing patterns the Hospital is sure to bring about.

- Density- although not called out specifically as an issue the comments as to massing are consistent with density in this regard. In fact, many members of the Planning Commission expressed that they welcome increased density or are in favor of increased density rather than sprawl.

Petitioner Response: Petitioner has revised the density to be no more than 30 D.U.E per acre versus the prior 33 D.U.E, a 10% reduction. The resulting 30 D.U.E is consistent with the density of nearly all other multi-family properties in the surrounding area (zoned RH). To simply achieve the density of what competing properties already have pursuant their zoning classification, moving to a 5-story or taller building alone would not result in a feasible economic model. Building to this level would change the construction class/type, a much more expensive proposition. Thus, achieving even 30 D.U.E, and parking it adequately would be very difficult without at least a 4-story structure covering 60% or more of the site. Subterranean parking would also be cost prohibitive. Separate structures as well as a podium structure along with stand-alone office building was studied but would not achieve an economic model that was feasible, nor would it significantly improve the open space. Moreover, higher structures in this location would likely be viewed as imposing if five or more stories, considering the concern over the proposed 4-story structure.

DEVELOPMENT STANDARDS SUMMARY / OUTLINE PLAN DETAILS:

Commercial space:

Estimated at ~~20~~12,000 rentable square feet; ~~no less than 12,000 square feet would be~~ is programmed for the development, approximately 14,000 including back of house space.

Multi-family residential:

Studios, 1-bedroom, ~~and 2-bedroom mix,~~ and 3-bedroom mix. D.U.E not to exceed 30 per acre

Parking:

~~306~~ Approximately 254 garage spaces; ~~15~~ 14 potential on-street parking spaces (angled parking along Pete Ellis ~~76~~ 58 garage spaces to serve commercial use

Residential parking: ~~230~~ garage spaces (~~.86/unit; .66/bed~~). Development not to exceed .90/unit and .70/bed

Architectural Standards:

CL Zone

Modifications: first floor, commercial use space; no modulation requirement. Modulations to be incorporated in final development plan

Exterior Materials: varying brick and block masonry; metal/steel; storefront glass and framing (commercial and potentially portions of residential building areas); fiber-cement composite (Hardie) siding/board and batten; stone

Site plan details:

Setbacks: varying by side and building façade (see site plan diagram)

North side: 14 feet at NE Corner, 15 feet or more elsewhere (modified from 7') East side: 24 feet (modified from 20'), except for stairs that are 10 feet from property line.

South side: 4.5 feet (southwest corner) to 22 feet (modified from 9')

West side: 4.5 feet at point of 7th street curve; varying distance 7 feet minimum for remainder

Garage entrance:

Longview Ave.

Uses:

CL zone permitted uses

Modification: add first floor multifamily residential use

No Maximum floor space for a single tenant

Basic PUD development:

1. Dedicated commercial space, expected to be 12,000 square feet on the east side, fronting on S. Pete Ellis Drive. ~~This space will be flexible in total area~~

This space is anticipated to be medical office space and will be marketed as such. Secondary marketing efforts will include general commercial use as permitted in CL Zoning based on current market conditions.

2. Multi-Family residential use (mix of studio, one-bedroom ~~and two-bedroom, and three-bedroom~~ apartments); generally, the units are oriented to those seeking a more personal, single-living environment, with the addition of 2- and 3-bedroom units providing a greater variety of living options and providing for a larger range of individuals.

Targeted market: staff and employees associated with the IU Health complex; single professionals and staff and employees associated with the offices and accessory businesses expected to develop adjacent to the IU Health complex

3. Building height to be 4 floors. Throughout the building, numerous portions of the building's 4th floor are set back from the lower floors. Along the eastern portion of the building, the length of the building along Pete Ellis Drive steps back 5 feet at the 2nd floor and another 5 feet at numerous areas along the 4th floor. There remains a partial lower level at the southwest corner of the building and across at the Leasing Office entrance along Longview Drive, east and up to the Parking Garage entrance.

4. Residential buildings will allow first floor residential use (CL Zone requires 2nd floor and above residential use) with commercial along Pete Ellis Drive

5. Open space (to be calculated) estimated at 33% of the lot. This open space is below the current CL zoning standards, the site shape, topography, the city's build-forward design preference and the economic feasibility of the project necessitate this open space design; however, Petitioner is proposing to: a.) exceed landscaping and plantings requirements, b.) include plantings vertically ~~with green elements in the garage screening~~, c.) exceed rain water quality issues with multi-function water harvesting, flow through planters and rain gardens, d.) include numerous sustainable practices including community gardens as well as delivering the first FITWEL Building in Bloomington, and e.) bring numerous public benefit to the project including re-locating and improving current sidewalk paths, as necessary, at Pete Ellis, Longview and 7th street (all three sides) with multi-use paths

6. Parking – The building will include a four-story structure that is central to the building design. ~~This portion of the building will also serve the project with mixed uses, housing three stories of parking garage with a 4th floor residential component. Parking garage will be interior to the development with the commercial and residential use building(s) wrapping around the parking structure and interior courtyard with parking lot/parking garage interior to the courtyard. Parking garage to be shielded from view on North and South sides of building via residential components. extend to the development line along the north property line~~

7. Exterior finish materials: multiple types of masonry; steel; glass and composite

Development Standards:

Development standards applicable to the CL Zone will be used for roofs, exterior materials, modulations, and entrances. Development plan will specify building setbacks at each property line frontage

Building Height:

The building will not exceed four stories, excepting the lower-level units or otherwise at the southwest corner and along Longview Drive. Building height, as measured from proposed finished grade, varies along the length of each side:

- North side: ranges from 48 to 53' in center of building to 54'-2'' (NE corner) and 52' (NW corner)
- East side: ranges from 51' to 54' in center of building to 53' 10'' (SE corner) and 54'-2'' (NE corner) NE Stair tower adjacent to garage reaches 59' 4'' but sets back from the East façade by 33'.
- South side: ranges from 52' to 58'-6'' in center of building to 53' 10'' (SE corner) and approximately 45'-8'' at outside SW corner
- West side: ranges from 49' to 55'-10'' in center of building to 52' (NW corner) and approximately 53' at outside SW corner

- a. Architectural roof top or roof line elements to provide both form and function at no more than one point at the peak of any section of building that exceeds 60 feet in height (as measured from adjacent, proposed finished grade at that point of the building).
- b. The site has significant topography slope, particularly along the western border of the parcel. Approximately 20 feet of grade change occurs from the point of the parcel that is furthest to the northwest as compared to the point furthest to the southwest of the parcel. It is anticipated that the building plane at the first-floor level will be set at an elevation which causes the southwest corner of the building (at 7th Street and Longview) to be elevated + 8 feet above the parcel's grade at this location. Thus, the Petitioner has planned functional space ~~within this "sub-level" of the building that will include 6 "garden" units which address the~~ along Longview street frontage and ~~will be accessible internally as well as via the described~~ including the described "pocket park." This adds a "story" to the building at the southwest elevation of the development, albeit below the average grade along 7th Street.
- c. Petitioner has worked extensively with Architect and Civil Engineer to reduce heights around building, and modulate the fourth floor with 5-foot step backs in numerous portions of the building while maintaining dynamic roof lines around the building.
- e.d. Petitioner has worked extensively with Architect and Civil Engineer to further develop the building plans that have resulted in height changes to the approved PUD. These are a result of greater and better site data, and actual information from Structural Engineer on roof truss depths – the changes include reductions in some areas, and increases of no more than 2-2'' only at the parapets.

Unit Mix and DUE:

1. The building will include a mix of Studio, One- and Two- and Three-Bedroom Units. Projected D.U.E is 29.5 per acre. Actual development not to exceed 30 per acre. The site is 3.2 acres.
2. The project will house ~~264~~approximately 233 units. As roughly ~~30~~17% of those units are expected to be Two-bedroom units, and 15% are expected to be Three- bedroom units, the total bedroom count would calculate to ~~344~~341 bedrooms, ~~although~~the project is not a student housing community and will not exceed 33% of living units as 3-bedroom as described in the newly adopted UDO.

Parking:

1. Up to 15 angled parking spaces will be improved along the western-most lane of Pete Ellis Drive, to serve the commercial spaces at that location. Currently there are 14 shown.
2. The internal parking garage is expected to have approximately no more than 102 spaces per floor and no more than a total of 254 306 spaces.
3. A portion of the first floor of the parking garage will serve the commercial spaces (Pete Ellis Drive portion of the building) and meet municipal parking code and count requirements as well as the number of spaces required by the ultimate user/tenant.
4. Assuming 4 spaces per 1,000 square feet (assumed user requirement), and a 129,000 square foot user, the commercial spaces will require 76 a minimum of 48 of the total 324 254 total spaces (145 angled, street spaces and 306 garage spaces). The leasing office is approximately 2,000 sf so an additional 4 stalls will be added for this use. Keeping the same maximum parking ratios, this would leave 245-202 spaces for 264-233 units (or 344-341 beds). Excluding the street parking, this parking ratio is 229 210 spaces in the garage for residents or 0.8787:1 per unit or 0.5967:1 per bedroom.
- 4.5. It is anticipated that +/- 1% of these stalls will be lost as design is further developed.

Bicycle parking:

Bike racks and bike storage will exceed requirements for CL and RH zones and will also serve FITWEL certification requirements, whichever is greater. Covered, secure bicycle parking and storage will be housed within the garage of the building. The petitioner is proposing additional public bicycle racks at various areas surrounding the building (along the multi-use paths) and will work with Bloomington's share bicycle program to install a kiosk along the perimeter of the property.

Housing:

Oriented to single-living environment around the IU Health Medical Center, University, Service Industry, Young professional, medical/grad students, nursing students, researchers, interns, staff and employees of professional offices and staff and employees at the IU Health complex consisting of approximately 68% of studios or 1-bedroom units. The development will also provide 2-bedroom (approx. 17%) and 3-bedroom units

(approx. 15%) for the balance of units to provide a greater variety of living options consistent with conventional market rate apartments. Actual percent of each unit type may vary in Final Plan.

Green Building Elements Planned:

- Petitioner will be delivering Bloomington's first FITWEL building, a new and emergent building certification that positively impacts occupant health and productivity through workplace design and operations as led by the U.S. Centers for Disease Control and Prevention and the General Services Administration.
- Energy Star appliances / Energy efficient building materials / LEED compliant
- ~~Downspout Cisterns for~~ Various measures of on-site rain water harvesting to be used for watering landscaping and other exterior uses
- Downspout flow through planters and rain gardens along perimeter and interior courtyards
- ~~green or live wall elements incorporated into building / garage screening~~
- Petitioner proposes to meet intent of Reasonable Condition #04 by meeting SRI requirements under 20.04.110(d)(2)(A)(iii) which is more applicable to a parking structure vs roof (Aged SRI rating of 32). Reasonable Condition #04: install a Cool or Vegetated Roof covering at least 70 percent of the parking structure, as specified in the Unified Development Ordinance (UDO) Section 20.04.110(d)(2)(A)(iv) (Sustainable Development – Cool or Vegetated Roof).
Although top level of garage is exposed, Petitioner proposes to meet aged SRI rating of 32 via coating or materials.
- Comprehensively, the property will exceed landscape and planting requirements per the current zoning
- Storm water control and quality - series of cisterns, flow-through planters and storm planters (in sidewalk) and rain gardens are proposed along Pete Ellis drive
- Electric car charging stations within parking garage
- Sustainability – community vegetable and herb gardens
- Multi-modal transportation
- Reasonable Condition #06: Installation of solar photovoltaic panels with minimum power capacity of 15 kilowatts for at least ten electric vehicle charging station and retrofitted for more charging stations if demand grows

Public Benefits:

- Workforce housing to comprise 15% of unit bedroom count – Petitioner has ~~proposed~~ agreed to workforce housing commitments in a separate letter to with HAND. The commitment to which is attached and included with this resubmittal which Petitioner has not modified.
- Multi-modal transportation – proposed project is pedestrian to Bloomington's largest work centers (IU Health upon completion, College Mall, Indiana University)

- Several bus-line stops in proximity to the subject location
- Petitioner promoting the use of bicycles and non-vehicular transportation through widening of paths around perimeter to multi-use paths, placement of bicycle parking, and public bicycle racks
- Public Art - exterior murals / interior art displayed for public viewing (not just residents); viewings to be programmed
 - ~~Petitioner proposes to commit to a 5-year program to rotate art periodically (6-month to 1-year rotation) for public display. Works to be commissioned with City of Bloomington~~
 - ~~Petitioner proposes to conduct receptions and "gallery" style viewings, free to public (donations will be accepted for local not-for-profit, art-related groups)~~
 - Petitioner proposes to include exterior public art in one of the blank spaces along the Longview façade. Art to be coordinated with Bloomington.
 - Petitioner proposes to furnish the interior Leasing Office, that is most accessible by the public as it is open during regular business hours, with public art pieces. This program will include the provisions in the Scholarship section below.
- Scholarship - public art to be commissioned with IU art department and will be offered to city art programs — Petitioner will provide area for works to be displayed within building (can be sold by artists) in return for annual scholarships or grants from Petitioner
- Sustainability:
 - ~~In addition to meeting FITWEL standards, approximately 1/3 of the interior~~
 - A portion of the courtyard space within the western courtyard will be improved with herb, flower and vegetable gardens - improvements will include gardening areas/plots for residents
 - Petitioner proposes to program monthly events or demonstrations using the planted foods and flowers; such as making floral arrangements; cooking with the harvested vegetables and herbs with local chefs, etc.
 - Gardens will be irrigated with harvested rainwater from the eastern system Petitioner is proposing
 - Reasonable Condition #06: Installation of solar photovoltaic panels with minimum power capacity of 15 kilowatts for at least ten electric vehicle charging station and retrofitted for more charging stations if demand grows
- "Jam Session" Room - public music room/studio will be included for use by area musicians, music scholars, etc. for "plug-in and play" sessions to create, share and explore musical interests of those within the community looking to "pick up" instruments and create with others
 - Amphitheater – directly adjacent to the Jam Session, an amphitheater is planned for live music or other performances, free to the public
 -
- ~~Bike Depot – Petitioner will work with City of Bloomington to include a public bike depot at the property~~
[This program is no longer in place]

- Streetscaping – Petitioner is re-locating and improving the current sidewalk along including a pedestrian, public forecourt (pocket park) along Longview Drive, complete with permeable pavers, landscaping, trees and benches. Proposed improvements along Pete Ellis Drive will include a multi-use path, green and hard scaping, cisterns for water harvesting, rain water flow-thru planters, storm planters, and rain gardens among other elements.
 - Public benches will be included
 - Vegetative, floral and landscaping improvements would exceed minimum requirements
 - It is anticipated that “large” tree planting will not be possible along Pete Ellis Drive proposed improvements due to numerous utility lines and easement which traverses the eastern property border
 - Back-in, angled parking along Pete Ellis Drive is proposed
 - Public bicycle racks/parking will be included in the improved areas
 - Rain gardens (to be built on city ROW) along Pete Ellis are proposed
 - Permeable pavers will be incorporated into the hardscape finishes
 - Petitioner is proposing multi-function rainwater quality controls in series of steps commencing with harvesting, to overflow within flow-through planters and storm planters, then into rain gardens before flowing to city storm
- Connectivity and Safety - Petitioner has been asked by City of Bloomington to widen current bicycle paths along Longview and 7th Street, and improve them as 8’ to 12’ multi-use paths
 - Petitioner will be working cooperatively with the City of Bloomington to accommodate this requested safety and functionality improvement

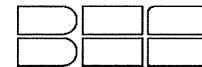


PETE ELLIS DRIVE
RENDERING

05/09/2021

CURRY URBAN PROPERTIES

EAST LONGVIEW AVENUE
BLOOMINGTON, INDIANA 47409



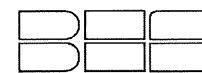


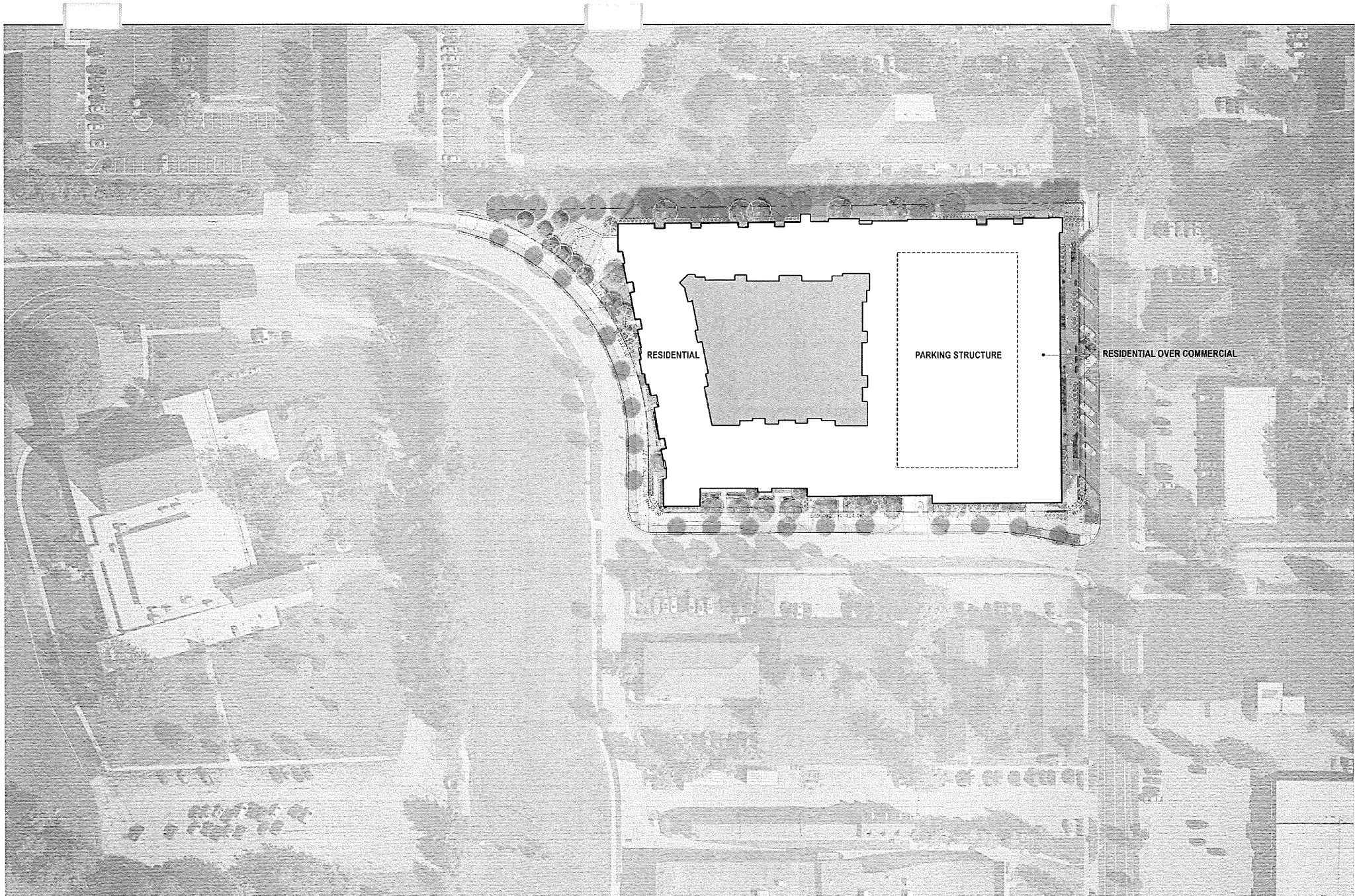
PETE ELLIS DRIVE
RENDERING

05/03/2021

CURRY URBAN PROPERTIES

EAST LONGVIEW AVENUE
BLOOMINGTON, INDIANA 47408





SITE AERIAL



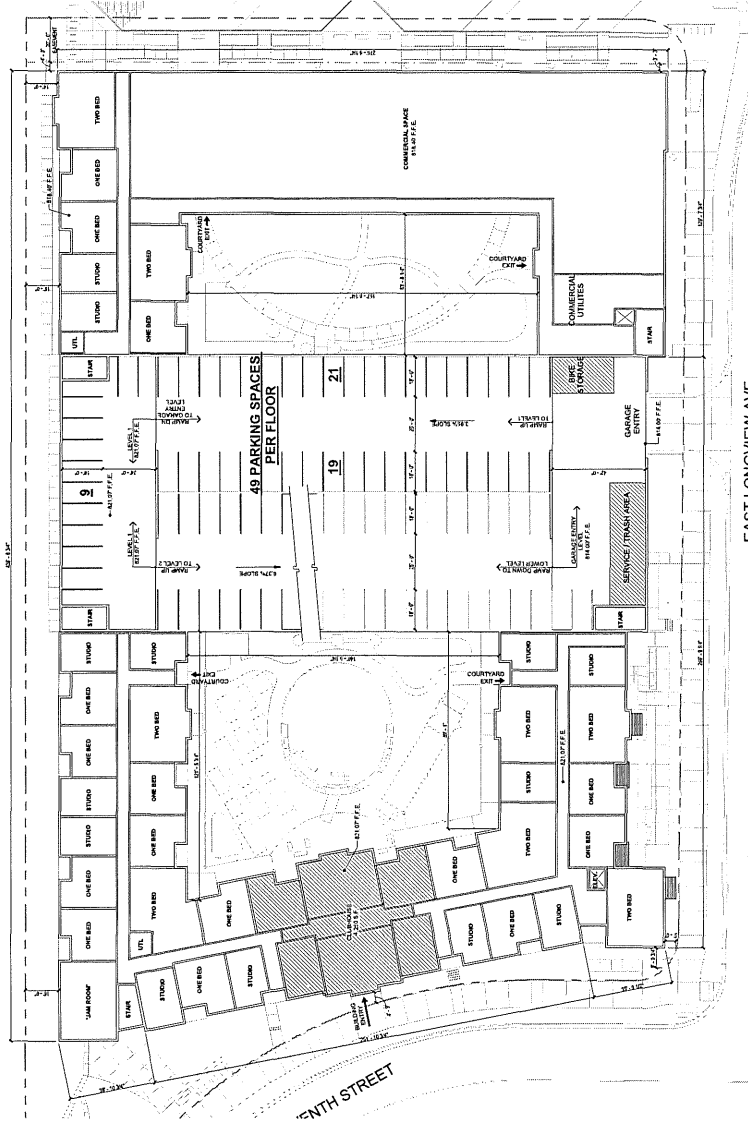
CURRY URBAN PROPERTIES

EAST LONGVIEW AVENUE
BLOOMINGTON, INDIANA 47408

05/03/2021



APPROVED PRELIMINARY PLAN



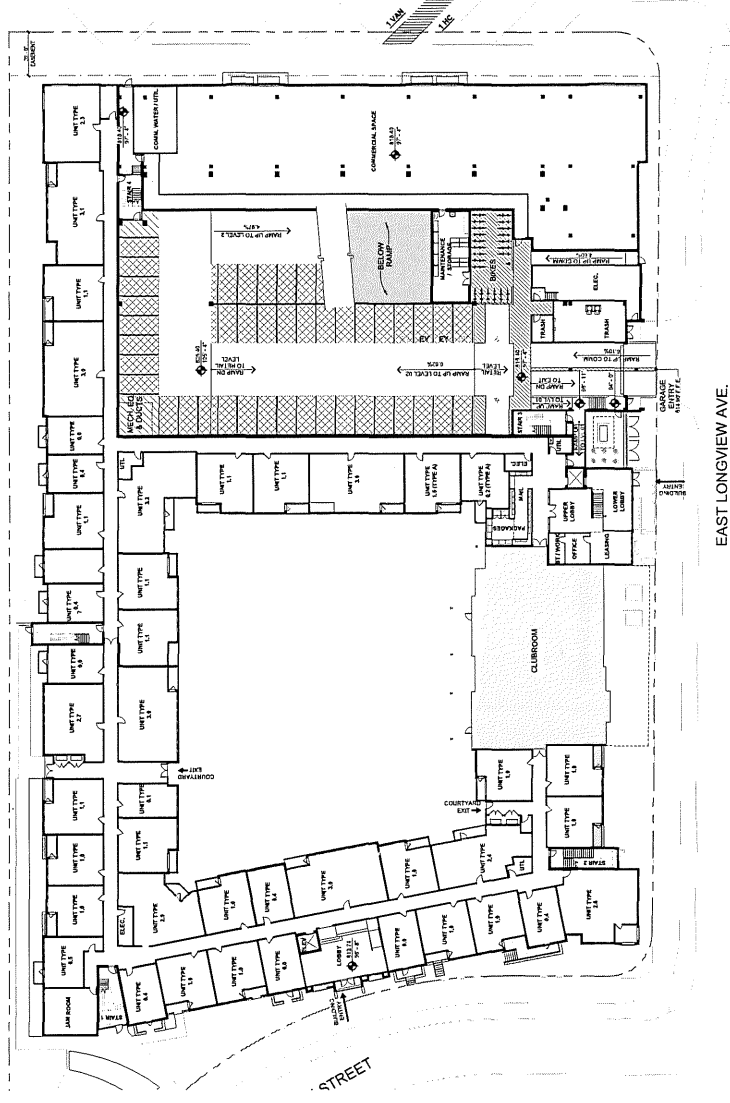
CURRY URBAN PROPERTIES

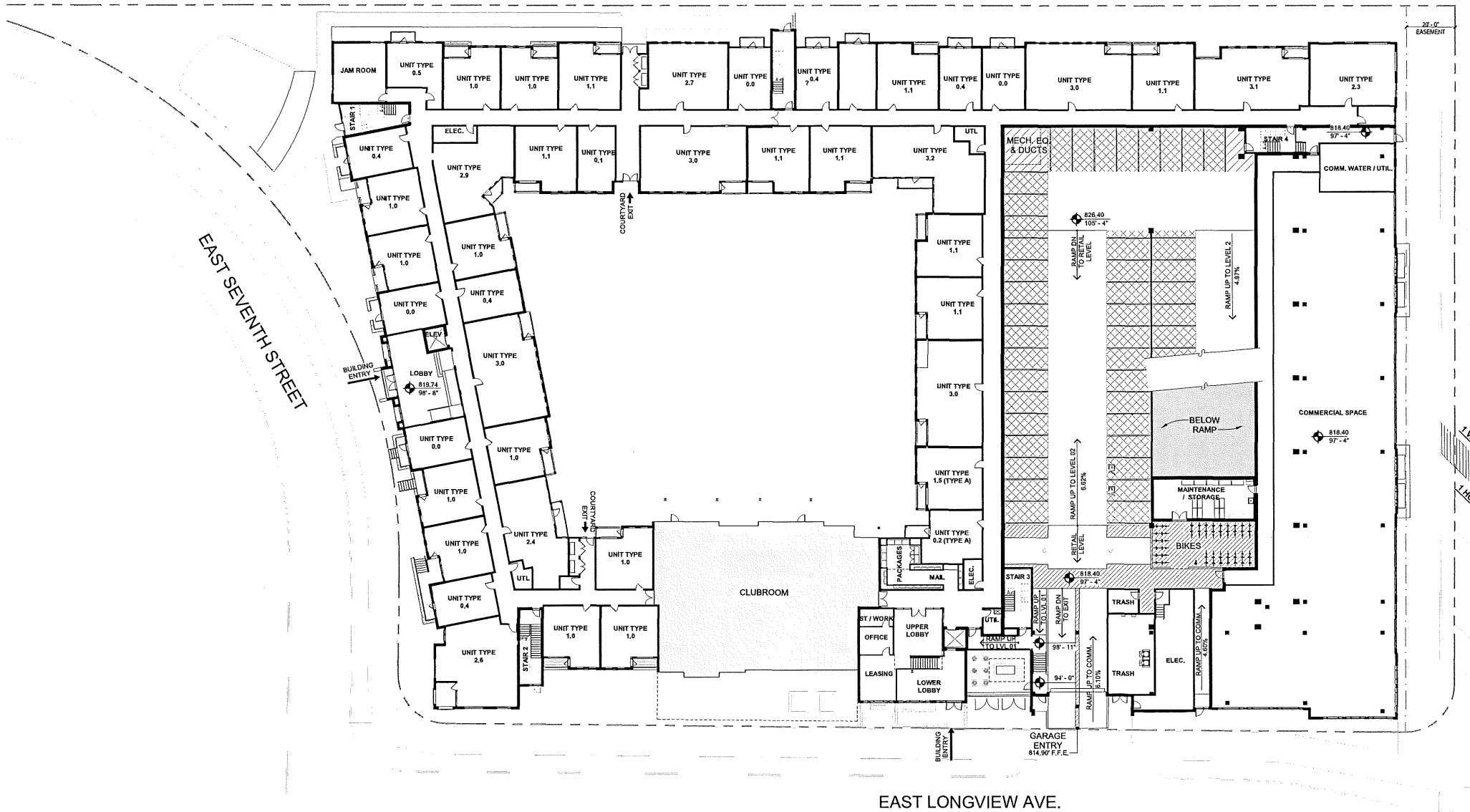
EAST LONGVIEW AVENUE
BLOOMINGTON, INDIANA 47408

SITE PLAN COMPARISON

05/03/2021

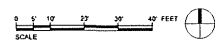
PROPOSED





SITE COVERAGE DATA
 SITE AREA = 139,392 SF
 BUILDING = 85,536 SF
 EXTERIOR HARDSCAPE AND DRIVES = TBD

F.A.R. = 61.4%

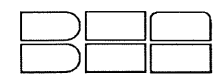


FIRST FLOOR PLAN

05/03/2021

CURRY URBAN PROPERTIES

EAST LONGVIEW AVENUE
 BLOOMINGTON, INDIANA 47408





0 5 10 20 40 FEET
SCALE

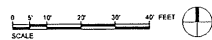
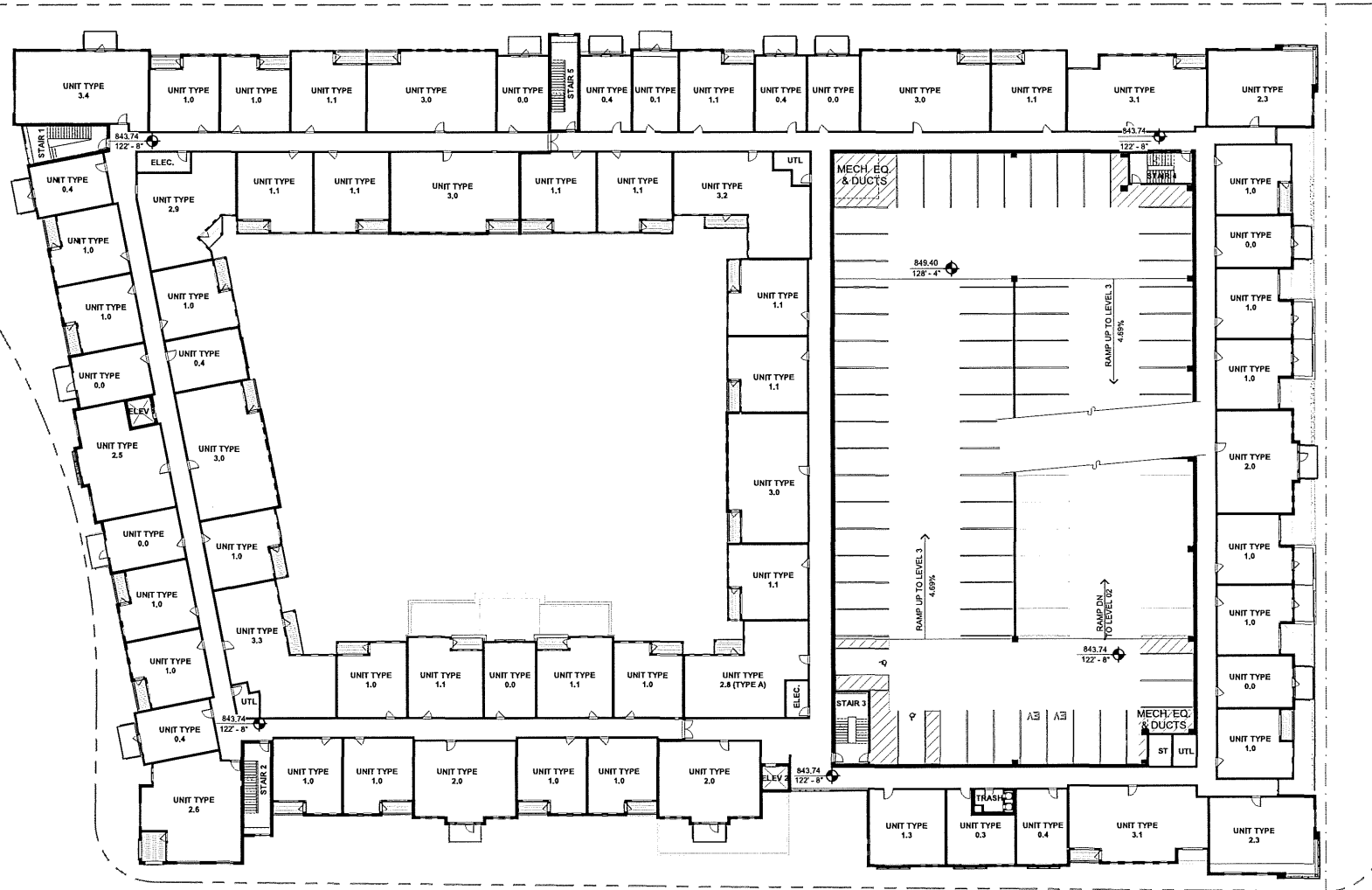
SECOND FLOOR PLAN

05/03/2021

CURRY URBAN PROPERTIES

EAST LONGVIEW AVENUE
BLOOMINGTON, INDIANA 47408



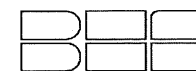


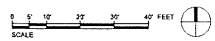
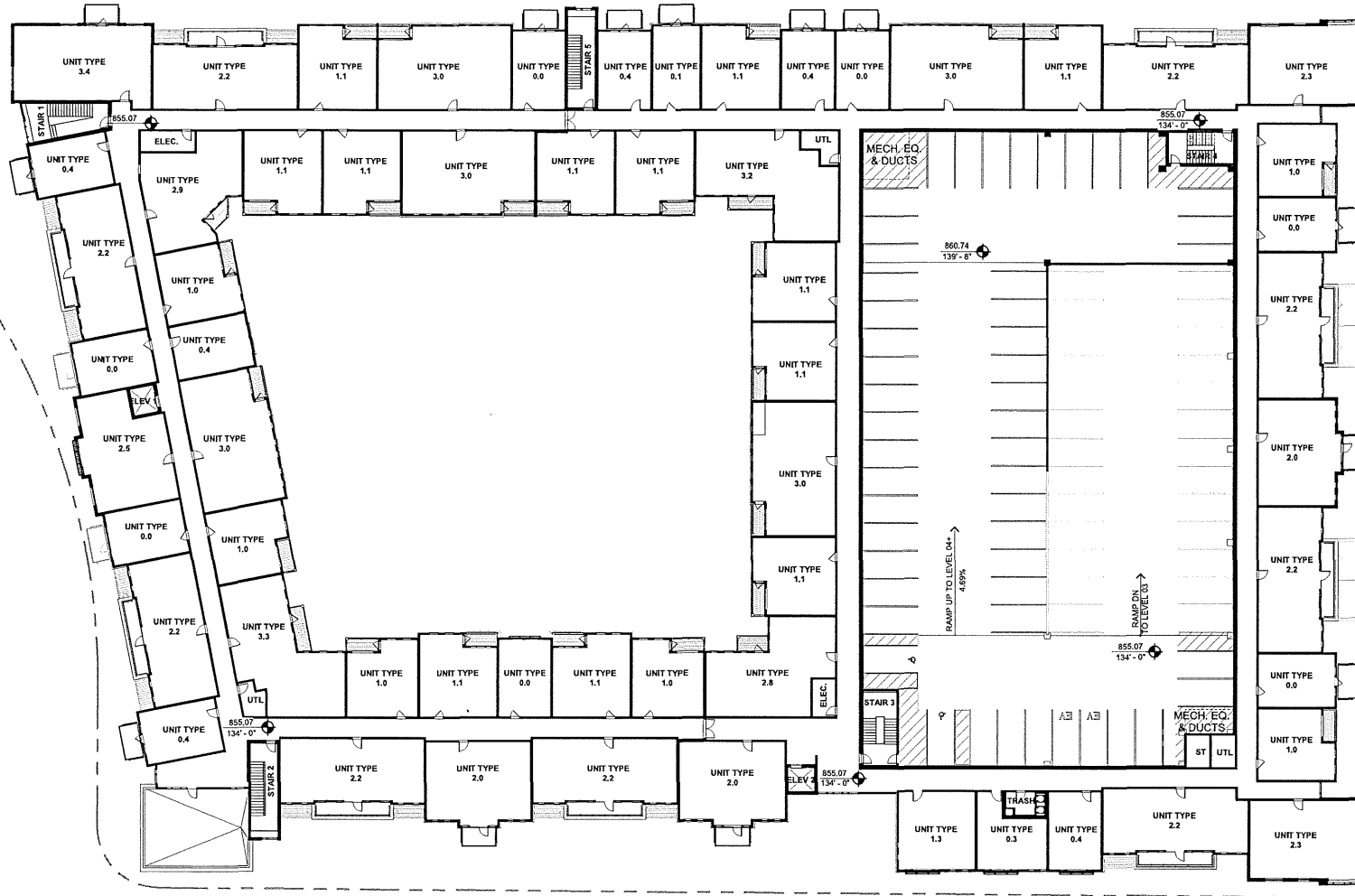
THIRD FLOOR PLAN

05/09/2021

CURRY URBAN PROPERTIES

EAST LONGVIEW AVENUE
BLOOMINGTON, INDIANA 47408



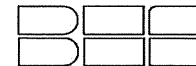


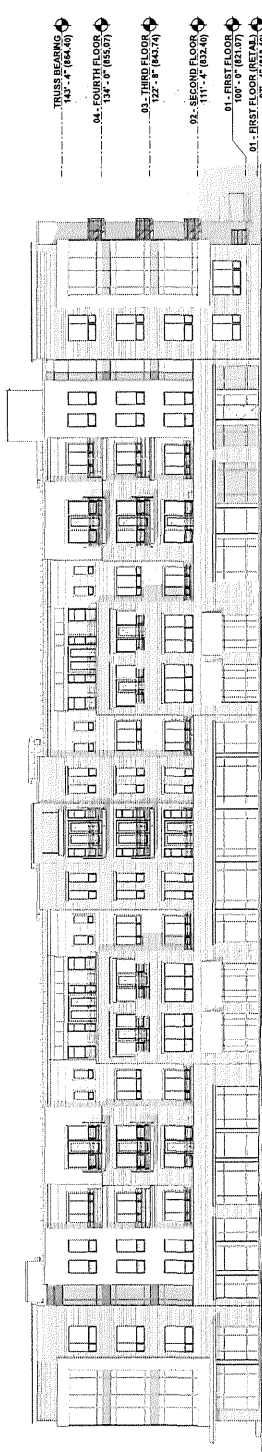
FOURTH FLOOR PLAN

05/03/2021

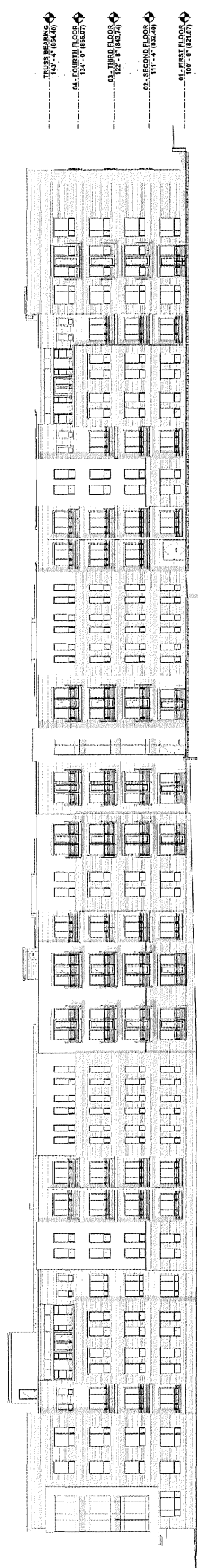
CURRY URBAN PROPERTIES

EAST LONGVIEW AVENUE
BLOOMINGTON, INDIANA 47408

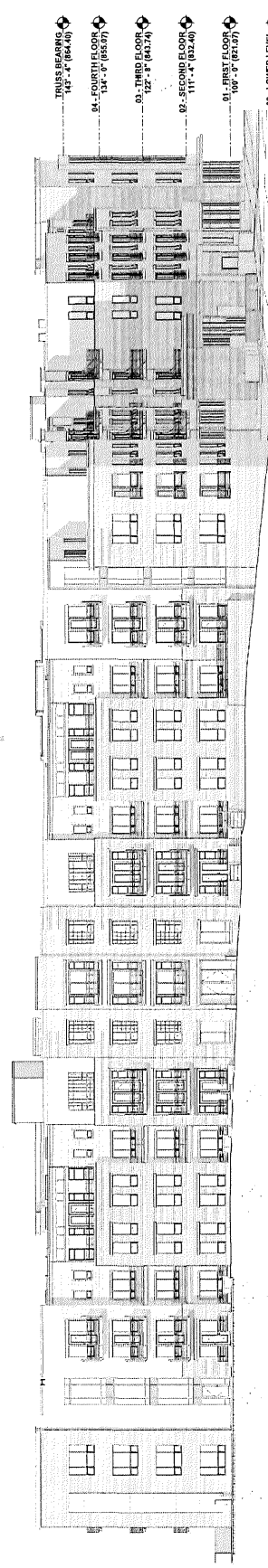




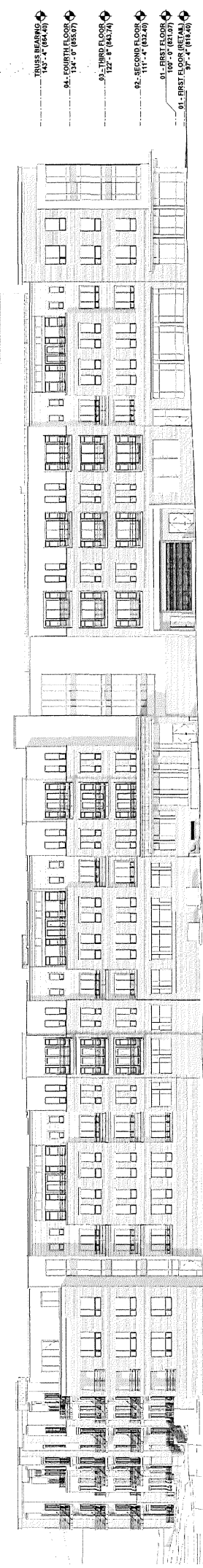
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

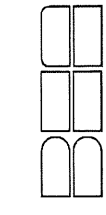


ELEVATIONS

05/03/2021

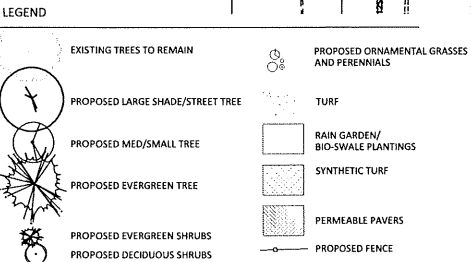
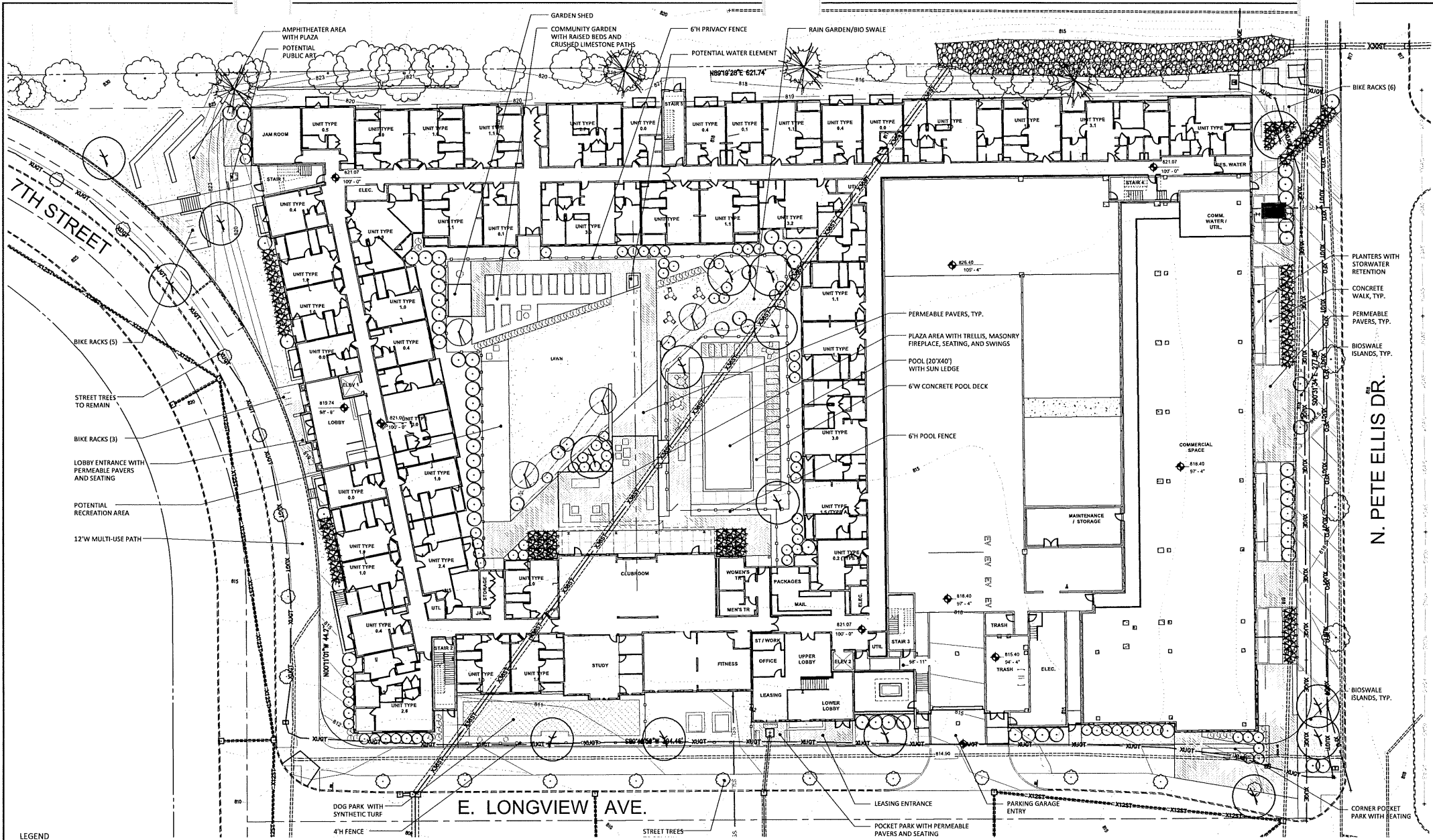
CURRY URBAN PROPERTIES

EAST LONGVIEW AVENUE
BLOOMINGTON, INDIANA 47409



SCANNELL
PROPERTIES

LUPTON
RAUSCH
ARCHITECTURE +
INTERIOR DESIGN

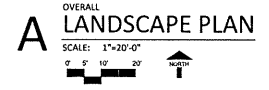


UDO REQUIREMENTS:
SITE: 139, 132 SF.

MAX COVERAGE:	67.30%/93,636 SF
OPEN SPACE:	32.70%/45,496 SF
PROPOSED BLDG COVERAGE:	85,536 SF
REMAINING IMPERVIOUS SURFACE:	7,220 SF
PROPOSED COVERAGE:	92,756 SF = 66.67%
PROPOSED OPEN SPACE:	46,376 SF = 33.33%

CURRY URBAN PROPERTIES

EAST LONGVIEW AVENUE
BLOOMINGTON, INDIANA 47408



certified

project title

**BLOOMINGTON
MIXED USE DEVELOPMENT**

BLOOMINGTON, INDIANA

E. LONGVIEW DRIVE

project information

PROJECT NUMBER: 21-20
ISSUE DATE: 5.10.21
REVISION DATE:

OVERALL LANDSCAPE PLAN

sheet name

L.101

ZONING COMMITMENT

WHEREAS, Indiana Code § 36-1-24.2-4 allows the owner of real property to make a written commitment as part of its request for incentives or grants from a municipality; and

WHEREAS, Curry Urban Properties (“Owner”), is the owner of the property located at 105 N. Pete Ellis Drive, Bloomington, Indiana the property is identified by the following Monroe County Parcel Number 53-05-35-300-043.000-005 (the “Property”); and

WHEREAS, Owner petitioned the City of Bloomington Plan Commission (the “Commission”) to rezone 3.2 acres from Commercial Limited to a Planned Unit Development (“PUD”) and to approve a preliminary plan; and

WHEREAS, the Commission recommended approval of Owners’ site plan petition PUD-34-19; and

WHEREAS, the Common Council of the City of Bloomington approved the PUD through Ordinance 20-01 on February 7, 2020; and

WHEREAS, Owner pledged its intent to record this Commitment, which was presented for consideration during the Council’s consideration of its petition; and

WHEREAS, Owner supports the City of Bloomington’s efforts to create affordable housing which contributes to diversification and helps address the community’s affordable housing needs;

NOW THEREFORE, in recognition of its ability to voluntarily provide a written commitment under Indiana Code § 36-1-24.2-4, the Owner hereby voluntarily provides and records this Zoning Commitment for the Property.

1. Legal Description for the Property. The Property is located at 105 N. Pete Ellis Drive (Parcel No. 53-05-35-300-043.000-005), Bloomington, Indiana, with the following legal description:

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 Count, Indiana.

2. Binding. This written Commitment is binding on the owner of the Property. Upon the written Commitment being recorded in the office of the Monroe County Recorder, this written Commitment shall be binding on Owner’s successors and assigns, including but not limited to any subsequent owner or any other person who acquires an interest in the Property, and shall run with the land.
3. Recording. This written Commitment shall be recorded in the office of the Monroe County Recorder within 30 days of the signing of this Commitment.
4. Modification. This written Commitment shall only be modified by the City of Bloomington Plan Commission after notice of the hearing in which the modification will be considered has been provided in accordance with the Rules and Procedures of said Commission.
5. Rental Commitment. Owner agrees to designate fifteen percent (15%) of its bedrooms for workforce housing; ten percent (10%) of the bedrooms shall be offered and rented to anyone earning up to 100% of the Area Median Income (AMI); five percent (5%) of the bedrooms shall be offered and rented to anyone earning up to 120% of AMI. The base

rental rate for the workforce housing units shall be no more than twenty-five percent (25%) of the adjusted AMI at the time the lease is established.

6. Base Rental Rate. The base rental rate shall be inclusive of utilities with the exception of cable, internet, and/or electricity. In the event that the individual units within the Property are separately metered or sub-metered for water or sewer utility purposes, Owner shall have the right to pass through to its tenants the amount of the monthly billing that exceeds the average monthly billing for similar sized units at the Property, regardless of whether such tenant is a workforce housing tenant or not. Location premiums, unit finish premiums, furniture premiums, and washer/dryer premiums are not considered base rental rate amounts and shall not be included in base rental rates. Rather, said premiums will be in addition to any base rental rates for all units at the Property, including workforce housing.
7. Workforce Housing Qualifications. The workforce housing qualifications and rents shall be set in coordination with Bloomington's Housing and Neighborhood Development ("HAND") Department policies. HAND will annually provide income eligibility guidelines and rent structure guidelines to the Owner for use in this workforce housing project. The income eligibility and rent structure may be modified from time to time in accordance with guidelines provided by HAND, or its successor City department, in which case notice shall issue to Owner by HAND.
8. Unit Types. Owner shall make studio and one-bedroom units available as workforce housing.
9. Term of Commitment. The term of this Commitment shall be ninety-nine (99) years commencing from the date it is recorded with the office of the Monroe County Recorder.
10. Notice of Compliance. Owner shall provide HAND and the Commission an affidavit affirming that the Owner has complied with this Commitment on or before January 1 of each year until the end of the 99-year term of this Commitment. As part of this affidavit, the City may request information from Owner concerning (1) the number of Workforce Housing Units available; (2) the number of Workforce Housing Units occupied; (3) the rent of the Workforce Housing Units; (4) the wage rates and/or salaries of the persons living in the Workforce Housing Units; and (5) the Market rate rent for a unit comparable to the Workforce Housing Units.
11. Termination. This written Commitment shall only terminate with approval from the City of Bloomington Plan Commission after notice of the hearing in which the termination will be considered has been provided in accordance with the Rules and Procedures of said Commission.
12. Sale or Transfer. In the event that Owner or any subsequent owner of the Property sells or transfers title to the Property or otherwise alters any ownership interest in the Property, he/she shall provide HAND with thirty (30) days advance written notice of the transaction and shall provide HAND with contact information for the party with whom the transaction is being conducted.
13. Violation and Enforcement. Failure to honor this Commitment shall constitute a violation of the City of Bloomington's Unified Development Ordinance and, in particular, of the Plan Commission's preliminary plan and district ordinance approval. A violation shall be subject to the penalties and remedies provided by Bloomington Municipal Code § 20.10, and shall subject person(s) obligated hereby to revocation or denial of occupancy permits and any other appropriate legal action. An action to enforce any provision of this written Commitment may be brought in the Monroe County Circuit Court by the Plan Commission, any person who was entitled to enforce a Commitment under the Rules and Procedures of the Plan Commission in force at the time this written Commitment is made, or any other specially affected person that is so designated in this written Commitment.
14. Copy. A copy of this written Commitment shall be provided to the City of Bloomington's Planning and Transportation Department.

DATED this _____ day of _____, 2020.

CURRY URBAN PROPERTIES

By: _____
Signature

Print Name and Title

ATTEST:

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Personally appeared before me, a Notary Public in and for said County and State,
_____, Owner who acknowledged execution of the above and foregoing
instrument to be his or her voluntary act and deed.

WITNESS my hand and Notarial Seal this _____ day of _____, 2020.

Printed Name of Notary Public

Signature of Notary Public

My Commission Expires: _____

County of Residence: _____

Commission Number: _____

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ Michael Rouker

This instrument was prepared by Michael Rouker, Attorney at Law, City of Bloomington, P.O. Box 100, Bloomington, Indiana 47402.

Interdepartmental Memo

To: Members of the Common Council
From: Jacqueline Scanlan, AICP Development Services Manager
Subject: PUD-16-21 Amendment to Curry PUD
Date: June 23, 2021

Attached are the staff report, maps, petitioner's statement, and petitioner's exhibits which pertain to Plan Commission case PUD-16-21. The Plan Commission heard this petition at the June 14, 2021 hearing and voted 8-0 to send this petition to the Common Council with a positive recommendation.

The amended Plan Commission report for that hearing is below. Recommended Conditions 6 and 11 were amended at the hearing.

REQUEST: The petitioner is requesting to amend the District Ordinance and Preliminary Plan for a 3.2 acre Planned Unit Development. 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:	Undeveloped
Proposed 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. The 3.2 acre property is currently undeveloped. 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. This property has frontage on 3 public streets: E. 7th Street to the west; E. Longview Drive to the south; and S. Pete Ellis Drive to the east. There are no environmental constraints on this property.

The petitioner is requesting to amend the existing PUD in order to incorporate a series of changes.

- Addition of 3-bedroom units
- Redesign of building
 - The redesign requires that Reasonable Condition #3 from Common Council can no longer be met.
 - The height maximum increases by roughly 2.5 feet.

- Building setback along northern façade decreased to 10 feet and 14 feet in places.

The Unified Development Ordinance (UDO) Transition from Prior Regulations, 20.01.040(8), require that this petition be reviewed under the old UDO which was in place when the PUD was approved.

The PUD is still designed as a 4-story, mixed-use building. The proposal includes 14,000 square feet of commercial space, which was previously 12,000-19,000, with apartments on the upper floors and a portion of the ground floor. The commercial use is still expected to be medical office related to the new hospital campus, and will be initially marketed as such, though an addition has been added that other uses will be marketed, as well. The multifamily portion of the proposal includes a mix of studio units, one-bedroom units, two-bedroom units, and three-bedroom units for a total of 233 units and 341 beds, a decrease from the approved maximum of 264 units and 344 bedrooms. The overall density is still proposed at a maximum of 30 units/acre. The building will also contain a structured parking garage accessed from Longview Drive, now with 254 parking spaces, as compared to the previously approved 306 parking spaces. The proposed maximum parking ratio for residential parking is still 0.90 spaces per unit and no more than 0.70 spaces per bed, with additional spaces to be used to support the commercial use. The petitioner also proposes 14 back-in, angled, on-street spaces on Pete Ellis Drive.

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:

Uses/Development Standards: The PUD utilizes a modified set of standards from the previous UDO's Commercial Limited (CL) zoning district for the permitted uses and development standards for this project. The deviations from the CL district include allowing first-floor residential uses; removal of the maximum square footage limitation that exists in CL for a single non-residential tenant, which is currently limited to 5,000 square feet per tenant; an increase in density; an increase in building height; and an increase in allowable impervious surface coverage. Architecture standards are addressed separately in this report. The PUD development standards are changing slightly in that the north side setback will decrease to 14 feet and 10 feet in places, and the heights will change slightly from the approved standards.

Residential Density: The PUD allows a maximum of 30 units per acre, and the petitioner is requesting no change to that maximum.

Height and Bulk: The petitioners are still proposing one, four-story building to be articulated so as to provide visual interest by providing building recesses and varying setbacks along the different facades. The building design has changed so that the structured parking is now wrapped by apartments and not visible from either the north or south side of the building. At its tallest point the building is proposed to be 59' 4" tall. (New proposed heights are in the District Ordinance without the previous heights being listed.) The previous height maximum was 57' tall.

While the architectural changes proposed hide the structured parking, they also reduce opportunity for the green wall that was required through Reasonable Condition #3 by the Common Council. The Department recommended to the petitioner that either a large art installation or green wall feature be incorporated in order to visually break up the Longview façade, as the previous green wall would have.

The petitioner addressed concerns regarding bulk and massing by increasing the proposed setback from the north property line and through the use of varied building materials and modulation around the building during the approved petition process. The increased setback on the north side of 15 feet remains largely in place, though a stair tower is now shown as 10 feet and another portion of the building is 14 feet, but within the realm of the CL zoning district.

Parking, Streetscape, and Access: The property has frontage on 7th Street, Longview Avenue, and Pete Ellis Drive. A possible total of 254 structured parking spaces, down from 306, are proposed in a garage that would be located in the middle portion of the building. 14,000 square feet of commercial space is planned. The proposed maximum parking ratio for residential parking is still 0.90 spaces per unit and no more than 0.70 spaces per bed, with additional spaces to be used to support the commercial use.

The petitioner is also proposing 14 back-in, angled parking spaces on Pete Ellis Drive. There is one vehicular access into the building from Longview Avenue.

No right-of-way pedestrian designs are proposed to change. There is currently a 5' wide concrete sidewalk along Pete Ellis Drive and 8' wide, multi-use paths along 7th Street and Longview Drive. The petitioner plans to widen the Pete Ellis Drive sidewalk to a minimum of 6' wide, as well as

widen the 7th Street and Longview Drive 8' multi-use paths to 12' wide, concrete multi-use paths. A minimum 5' wide tree plot will also be installed along the 7th Street and Longview Street frontages. Along Pete Ellis Dr. the petitioner has proposed to use planter beds and rain gardens, along with varying shrub mixtures instead of a typical tree plot. These will be maintained by the Petitioner. The Department is working with the petitioner on the best design for the Pete Ellis Drive frontage and it will be finalized at the Final Plan stage.

A traffic study was discussed extensively with the last petition. Based on staff analysis at the time of the previous petition, a traffic study was not required with this amendment, but the condition requiring such a study at the time of the Final Plan application is still included.

Bicycle Parking and Alternative Transportation: The development has 341 proposed bedrooms and 14,000 square feet of commercial/office space. The UDO requires one bicycle parking space for every 6 bedrooms and one bicycle space for each 15 required vehicular parking spaces for the commercial use, or a minimum of 4. Since the project is larger than 20,000 square feet, all non-residential required spaces will be Class II covered spaces. They will meet current UDO bicycle parking requirements by providing both bicycle parking spaces along the exterior of the building as well as internal bike storage areas. The eastside local 8 bus, as well as an intermittent 3 line bus both pass the property on the eastern side.

Architecture/Materials: The design has changed because of the internal consolidation of the courtyards, as well as the wrapping of the garage. However, the proposed renderings and elevations still show modulation, building design elements, and articulation designed to mitigate the effects of such a large building. Substantial modulation has been shown around the building and includes recessing portions of the upper floor in places, and all four-floors in the southwest corner. Materials to be used include brick and block masonry, metal/steel, storefront glass, stone, and fiber-cement siding. The Department has suggested the continued inclusion of either a green wall feature or public art on the southern façade of the building to provide visual interest and help break up the large building.

Environmental Considerations: The petition site is a grassed open space and will be almost entirely developed. The petitioner proposes a 67% impervious surface coverage maximum, which is a 1% difference from the previous approval. However, the UDO allows a 1% fluctuation without additional approval, so that amount is allowed under the existing PUD.

The FITWEL design is still included in the proposal.

Housing Diversity: The petitioner has an agreed upon a Housing Zoning Commitment with the Housing and Neighborhood Development Department, and no changes to that agreement are proposed. The draft Zoning Commitment is included in the petitioner submittal.

ENVIRONMENTAL COMMISSION RECOMMENDATIONS: The Bloomington Environmental Commission (EC) made 1 recommendation concerning this development, which are listed below:

1.) Commit to attaining a Fitwel Three-Star building rating.

Department Response: While not required, attainment of a Three-Star building would have positive impacts on the project.

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, such as providing workforce housing close to campus and supportive 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 amendments do not deviate from the previous UDO. Additionally, the inclusion of a maximum of 15% three-bedroom units still keeps the project in line with the current UDO's definition of 'dwelling, multifamily' and below the 'student housing or dormitory' definition threshold.

- (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 workforce housing to small-unit market rate. The Department does not believe that the addition of three-bedroom units or redesign change that.

- (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 hide the structure parking within the structure, but also removes a large visual interest piece with the removal of the required green wall. The Department suggests that green elements and/or art still be required in order to visually break up the Longview façade.

- (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 hides the parking garage from view for the neighbors to the north which is an improvement to that interface. Additionally, the increased setbacks and removal of projecting balconies are still elements that are included in the amendment proposal.

- (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 offers including new 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 petitioner is still committed to submitting a traffic study for review at the final plan stage. The proposed amendment does not alter the

desirability or increase the necessity for that study.

- (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 hides the structured parking in a way that is intended to decrease its impact on the adjoining parcel to the north. Allowing a limited number of three-bedroom units will not be injurious to the public health, safety, and general welfare.

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

PROPOSED FINDINGS: The proposed amendment maximizes development on the site by allowing some larger units and hiding the structured parking, while still keeping the project within the scale that was determined appropriate in the 2020 petition.

CONCLUSION: The proposed PUD amendment allows for some larger units at the site, and removes the structured parking from public view and need for screening on both the north and south facades. The PUD still plans to provide supportive office space or commercial and workforce housing in an area that will soon contain a large workforce generator, the new hospital. The project includes multiple characteristics that support the goals of the Comprehensive Plan. The large size of the building is an issue that has been discussed, but the petitioner continues to mitigate those concerns by utilizing modulation on all sides, as well as setting the top floor of the building back at its tallest location. The Comprehensive Plan clearly encourages incorporating diverse housing types within the City and even with the proposed amendments, this PUD contributes to this goal and provides a clear public benefit.

RECOMMENDATION: The Planning and Transportation Department recommended that the Plan Commission waive the second hearing and forward this petition to the Common Council with a positive recommendation with the following conditions. Plan Commission forwards the petition to Common Council with a positive recommendation and the following conditions:

1. PUD Final Plan approval is delegated to the Planning and Transportation Department staff.
2. Prior to the issuance of a grading permit, all items in the right-of-way shall receive an encroachment agreement from the Board of Public Works.
3. The petitioner will record the proposed workforce housing zoning commitment before any occupancy is issued for the site.
4. All public improvements, including but not limited to bike racks, sidewalks, and side paths must be located in either right-of-way or a recorded pedestrian easement. Board of Public Works approval for those items in the right-of-way must be obtained before any occupancy permits will be issued.
5. A Zoning Commitment indicating that these public improvements, as well as the rain gardens, will be maintained by the property owner in perpetuity must be recorded before

any occupancy will be issued.

6. ~~The petitioner will submit a traffic study for review with the application for Final Plan approval.~~The petitioner will submit a traffic study for review with the application for Final Plan approval. If the traffic study indicates that improvements are warranted, such improvements will be installed before final occupancy is issued and is the financial, design, and installation responsibility of the petitioner or future owner, unless otherwise determined with the City of Bloomington.
7. The petitioner shall describe the LEED-compliant practices planned, as well as provide plans for the green or live wall elements being planned along with a maintenance plan for their future viability with the application for Final Plan approval.
8. The property owner shall assure that no sound amplification device used in the amphitheater or in conjunction with any potential community viewing screen within the project produces sound in violation of BMC 14.09 (Noise Control).
9. The property owner shall assure that no light emanating from the amphitheater or from the potential community viewing screen adversely affects neighboring properties and shall adhere to the Outdoor Lighting standards set forth in the current UDO 20.04.090, approved by the City of Bloomington Plan Commission in January 2020.
10. The developer shall record a written zoning commitment to install an art facade feature or green wall feature along the wall on the Longview Ave. façade that is immediately west of the vehicular entrance.
11. The developer shall record a written zoning commitment to install a Cool or Vegetated Roof covering at least 70 percent of the area over the parking structure, as specified in the Unified Development Ordinance (UDO) Section 20.04.110(d)(2)(A)(iv) (Sustainable Development – Cool or Vegetated Roof). However, if the installation of rooftop solar photovoltaic panels occupies a large enough space to require a reduction in the percent of roof dedicated to a cool or vegetated surface, this reduction will be permitted.
12. The developer shall record a written zoning commitment to offer on-site parking only a la carte, and not include parking spaces in rent.
13. The developer shall record a written zoning commitment to:
 - (a) Installing solar photovoltaic panels with a minimum power capacity of 15 kilowatts;
 - (b) Installing at least ten electric vehicle charging stations in an area of priority parking and designing a parking garage with features, such as conduit throughout the facility, that allow for the garage to be retrofitted for more charging stations, if demand for the stations grows; and
 - (c) Having P&T staff review and approve the design elements at Final Plan stage and installation prior to issuance of Occupancy Permit.
14. The rooftop mechanicals shall be subject to BMC 20.04.080 (m) - Screening - of the UDO approved by the Bloomington Plan Commission in January 2020, such they will not be visible from the ground-level.