

CITY OF BLOOMINGTON



PLAN COMMISSION

August 14, 2023 5:30 p.m.
Council Chambers, Room #115
Hybrid Zoom Link:

<https://bloomington.zoom.us/j/82362340978?pwd=ZnExeVNaSUNGVGdZQTJHNjBBb3M0UT09>

Meeting ID: 823 6234 0978 Passcode: 622209

CITY OF BLOOMINGTON
PLAN COMMISSION (Hybrid Meeting)
❖City Council Chambers – Room #115
August 14, 2023 at 5:30 p.m.

❖Virtual Link:

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Meeting ID: 823 6234 0978 Passcode: 622209

Petition Map: <https://arcg.is/0nnCC90>

ROLL CALL

MINUTES TO BE APPROVED: February 9, 2021, July 10 and July 25, 2023

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

PETITIONS TABLED:

SP-24-22 Cutters Kirkwood 123 LLC
115 E Kirkwood Ave
Parcel: 53-05-33-310-062.000-005
Request: Major site plan approval to construct a 4-story building with 3 floors of residential units over a ground floor parking garage and retail space in the MD-CS zoning district. The upper floors will consist of 15 dwelling units for a total of 38 beds.
Case Manager: Karina Pazos

PETITIONS CONTINUED:

SP-21-23 True Storage LLC
1701 S Liberty Drive
Request: Major site plan approval for a change in use in the Mixed-Used Medium Scale (MM) zoning district.
Case Manager: Karina Pazos

***Next Meeting September 11 2023*

Last Updated: 8/11/2023

*Auxiliary aids for people with disabilities are available upon request with adequate notice.
Please call [812-349-3429](tel:812-349-3429) or e-mail human.rights@bloomington.in.gov.*

The City is committed to providing equal access to information. However, despite our efforts, at times, portions of our board and commission packets are not accessible for some individuals. If you encounter difficulties accessing material in this packet, please contact the **Melissa Hirtzel** at hirtzelm@bloomington.in.gov and provide your name, contact information, and a link to or description of the document or web page you are having problems with.

PETITIONS:**PUD-18-23 Sudbury Development Partners LLC**

S. Weimer Rd

Request: Request to rezone approximately 140 acres to Planned Unit Development and a request for approval of a District Ordinance and Preliminary Plan.

Case Manager: Jackie Scanlan**ZO-29-23 City of Bloomington Planning and Transportation**

Text Amendment

Request: Text amendment related to the required amount of ground floor nonresidential uses in the downtown character overlays.

Case Manager: Jackie Scanlan***Next Meeting September 11 2023***Last Updated: 8/11/2023*****Auxiliary aids for people with disabilities are available upon request with adequate notice.******Please call [812-349-3429](tel:812-349-3429) or e-mail human.rights@bloomington.in.gov.***

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**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
Location: S. Weimer Road**

**CASE #: PUD-18-23
DATE: August 14, 2023**

PETITIONER: Sudbury Partners LLC
3225 S. Hoyt Avenue Muncie

CONSULTANTS: Sullivan Development
21 S. Rangeline Road Suite 200A Carmel

CarminParker P.C.
116 W. 6th Street Bloomington

REQUEST: The petitioner is requesting to rezone approximately 140 acres to Planned Unit Development and a request for approval of a District Ordinance and Preliminary Plan.

BACKGROUND:

Area: 138.51 acres
Current Zoning: Planned Unit Development
Comprehensive Plan Designation: Neighborhood Residential
Existing Land Use: Undeveloped
Proposed Land Use: Multiple
Surrounding Uses: North – Dwelling, Multifamily / Dwelling, Single-Family (attached)
 West – Dwelling, Single-Family (detached)
 East – Vacant / Park
 South – Dwelling, Single-Family (detached) / Dwelling, Single-Family (attached)

UPDATE SINCE JULY HEARING: The petitioner has continued to work with the Department in order to refine, clarify, and improve the proposal. The petitioner is not anticipating a resolution at Plan Commission at this hearing. However, the Department felt it may be valuable to continue to present and discuss details of the petition, so that feedback from the Plan Commission can be incorporated. The report is broken into the same categories as July's report, with Department responses related to questions raised in that report.

HIGH LEVEL PETITION OVERVIEW:

The Department was able to meet with representatives from the Parks and Recreation and Fire Departments to discuss the potential land donation being proposed as part of the petition. Both Departments are supportive of the idea. When looking at the Stantec map submitted by the petitioner with the Preliminary Plan documents, it appears that it might make sense to dedicate not only the 1.5 acres, but the entirety of the land east of the southernmost roundabout, as there does not appear to be another use planned. Discussions are on-going.

Members of the Department met with member of the Arbor Ridge Neighborhood Association and received valuable feedback related to concerns about the petition. Multiple neighbors have submitted letters, and those are included in the packet.

1. The petitioner has combined use and development standards into 5 distinct districts that are applied across the 5 neighborhoods.
2. The petitioner would still like to incorporate much of the existing UDO by reference-only. While the document that was received for this hearing is more legible than July's draft, it does not fully address the issue of standards that exist with multiple sub-standards and how those should be applied.
3. The MN areas were amended slightly and an MX area was created. The same question stands related to the appropriateness of such tall buildings and commercial east of the stream area, as well as immediately adjacent to Arbor Ridge.
4. The petitioner is proposing to require additional setbacks for building being built adjacent to Arbor Ridge or immediately across the street of Sudbury Drive. The Department is not convinced that the currently proposed R2 Standards (from the UDO) and five (5) foot step back will suffice for those properties immediately adjacent, as the building can be up to 7 stories in height in the MX district. Similarly, a step back of the building is proposed for the buildings across Sudbury Drive. However, the current proposal is a step back of ten (10) feet for buildings over 4 stories. The maximum proposed height in that area is 12 stories with incentives.

USES:

The petitioner has reduced the number of districts to five (5), which greatly simplifies understanding and administration of uses.

1. The Department would still like to see some areas where larger development, such as multifamily, is restricted, to increase the chance that the smaller units of plexes or single-family will be built. We are still expecting an update on this.
2. Same question from July for PC: Parking lot: Is there interest in allowing stand-alone parking lots with or without mandated removal timelines? Land used for strictly parking long-term is clearly not in sync with the Comprehensive Plan. But, could a temporary fully designed lot be appropriate while this large site develops?
3. Do we want ADUs larger than are allowed in the rest of the City? It appears that the petition tried to sync the sizes with the UDO, but the reference is incorrect and needs to be updated.
4. Same note from July: Use-specific standards for impactful uses need to be thoughtfully considered.
5. In one place the petitioner refers to multifamily 1-10 units. Small scale multifamily is desired and needs to be fleshed out in the use-specific standards in the districts where it is desired.

GENERAL DEVELOPMENT STANDARDS:

Again, the petitioner made some corrections to this, but it still needs refinement.

1. The maximum heights with no incentives in the MN and MX zoning districts are 8 stories and 6 stories, respectively. Is that appropriate here?
2. Same question from July: Why would we reduce impervious surface?
3. Same question from July: Why would we reduce parking setbacks?
4. Same question from July: Are change to landscaping and architecture requirements appropriate?

ENVIRONMENTAL:

The petitioner is proposing to utilize UDO Environmental regulations from April 20, 2023. That is a change from July, when multiple environmental changes were proposed.

ACCESS AND CONNECTIVITY:

The petitioner is proposing to utilize UDO Access and Connectivity regulations from April 20, 2023. That is a change from July, when some changes were proposed.

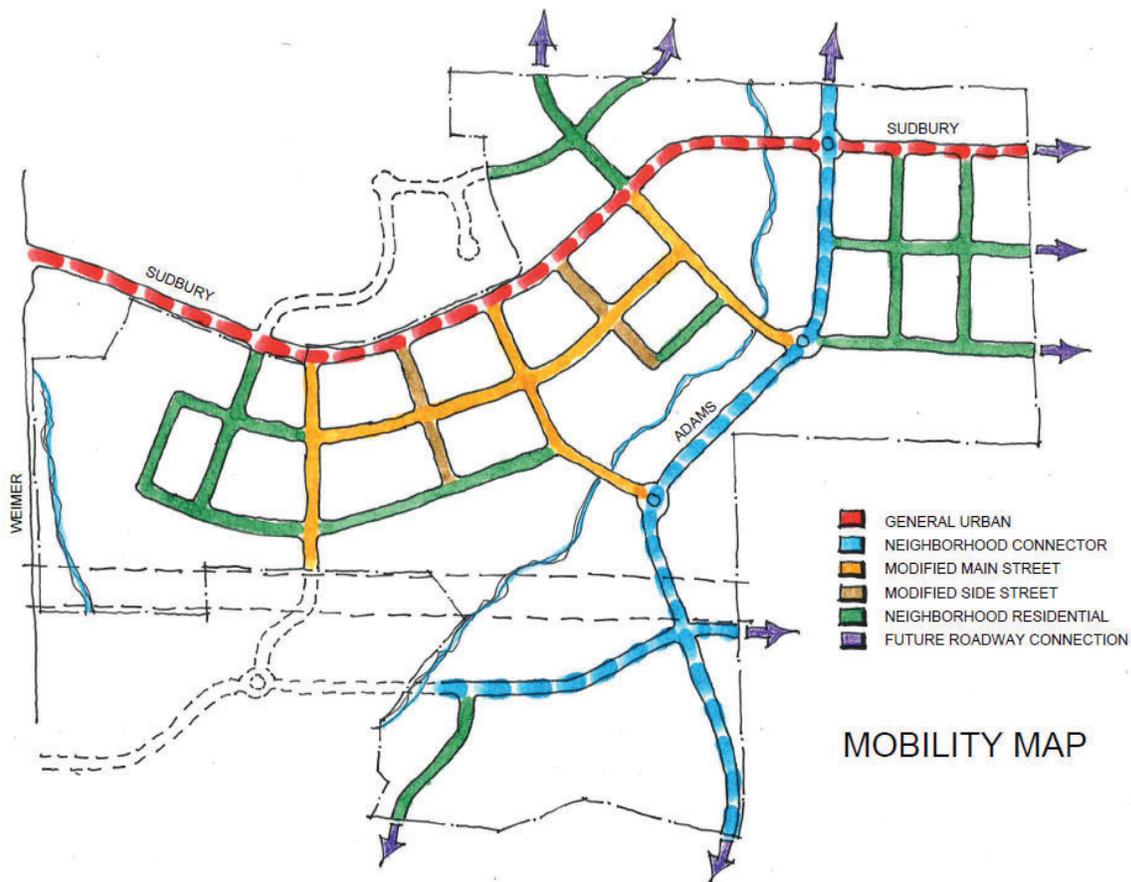
PARKING:

The petitioner is proposing to utilize UDO Parking regulations from April 20, 2023, with slight modification.

RIGHT-OF-WAY CONNECTION:

The image below indicates that the roadway configuration has changed since July, with less roadways shown. All of the points of exit from the site have been maintained with three added to the east and one to the north.

Image One August



1. The southernmost connection in the Transportation Plan raises questions.
 - a. The petitioner is proposing a trail connection to Weimer Road. In consultation with the Parks and Recreation Department, the petitioner may be asked to build the entirety of that trail on their property, bypassing the property to the southwest.
2. The proposal is not more gridded than the July version, but does provide additional external connections.
3. Same question from July: Adams Street to the north is privately maintained in the County. Have discussions been had with that entity?
4. A stub to the east is provided.
5. Same question from July: When the property is subdivided, platting and construction of

the roads in the Transportation Plan will be triggered. The expectation is that they are built within the time allowed by the UDO, which is a matter of a few years. Does phasing for the roads need to be included in the PUD separate from the neighborhoods?

WORKFORCE AND AFFORDABLE HOUSING AND INCENTIVES

The petitioner has amended their incentive structure, adopting UDO requirements to meet incentives. However, the allocation of those incentives is still unclear.

1. Same question from July: With the increased base heights (greater than the UDO), is it appropriate to allow additional height through incentives without additional workforce or affordable housing units?
2. The petitioner adopted the sustainability metrics from the UDO.
3. Same question from July: How is it best to plan the phasing of affordable or workforce units?
4. Same question from July: Should nursing home or assisted living beds be counted as units if Medicaid is an option for payment, as the petitioners have proposed?

OVERALL CONSIDERATIONS:

Many of these questions remain the same, and have been re-listed below with some additions.

1. Same question from July: Why does this need to be a PUD? What are we getting/giving here that traditional zoning cannot cover?
2. Same question from July: How are the deviations requested from the UDO improving the future development of this site for the community?
3. Same question from July: What is an appropriate phasing schedule for this development? Do different aspects need to follow different timelines, such as the main roadways and separate neighborhood development?
4. Same question from July: What highly-valued design features are being included in this design?
5. Is the density proposed appropriate?

JULY REPORT: The property is located east of S. Weimer Road, south of the terminus of S. Adams Street, north of Summit Woods, and east of RCA Park, as well as Monroe County-owned property. The property is currently zoned Planned Unit Development (PUD) under the Sudbury PUD, which was approved in 1999, with a small portion of Residential Medium Lot (R2) adjacent to S. Weimer Road. The 138.51 acre property is currently undeveloped. Surrounding zoning includes PUD and County zoning to the north, with PUD and R2 to the south, Parks and Open Space (PO) and PUD to the east, and county RS zoning to the west across S. Weimer Road. Properties to the north, developed as Arbor Ridge under the existing PUD, contain paired homes. There are existing single-family homes developed to the southwest, and single-family homes across S. Weimer Road. Summit Woods is almost entirely built to the south, developed under the existing PUD. The petition site maintains frontage on S. Weimer Road, Sudbury Road, two termini of S. Adams Street right-of-way, and the terminus of the S. Breaking A Way right-of-way.

The site is almost 140 acres, which is the remaining portion of the partially developed 1999 Sudbury PUD. The petitioner is requesting a map amendment to rezone the property to a new PUD, which includes the approval of a new District Ordinance and Preliminary Plan. The petitioner is proposing a PUD that will allow for up to 6,000 new housing units. The petition will also contain some commercial, as well as multiple roadway, trail, and utility connections. The petitioner intends to dedicate land for a trailhead and a fire station on the eastern portion of the

site. The petition will be heard by the Plan Commission for at least two mandatory hearings. The Plan Commission will review the petition and make a recommendation to the Common Council, in accordance with the procedures described in the Unified Development Ordinance (UDO). This is the first hearing of the Plan Commission. The Department has summarized the request, and highlighted a number of issues for continued discussion.

HIGH-LEVEL PETITION OVERVIEW:

The petitioner is proposing five ‘neighborhoods’ or development areas. (The nomenclature is still being finalized.) The rough outline of those neighborhoods can be seen in Image One below, from the Preliminary Plan. Each area is expected to be delivered separately, as shown in the timelines listed in Image Two below.

Image One

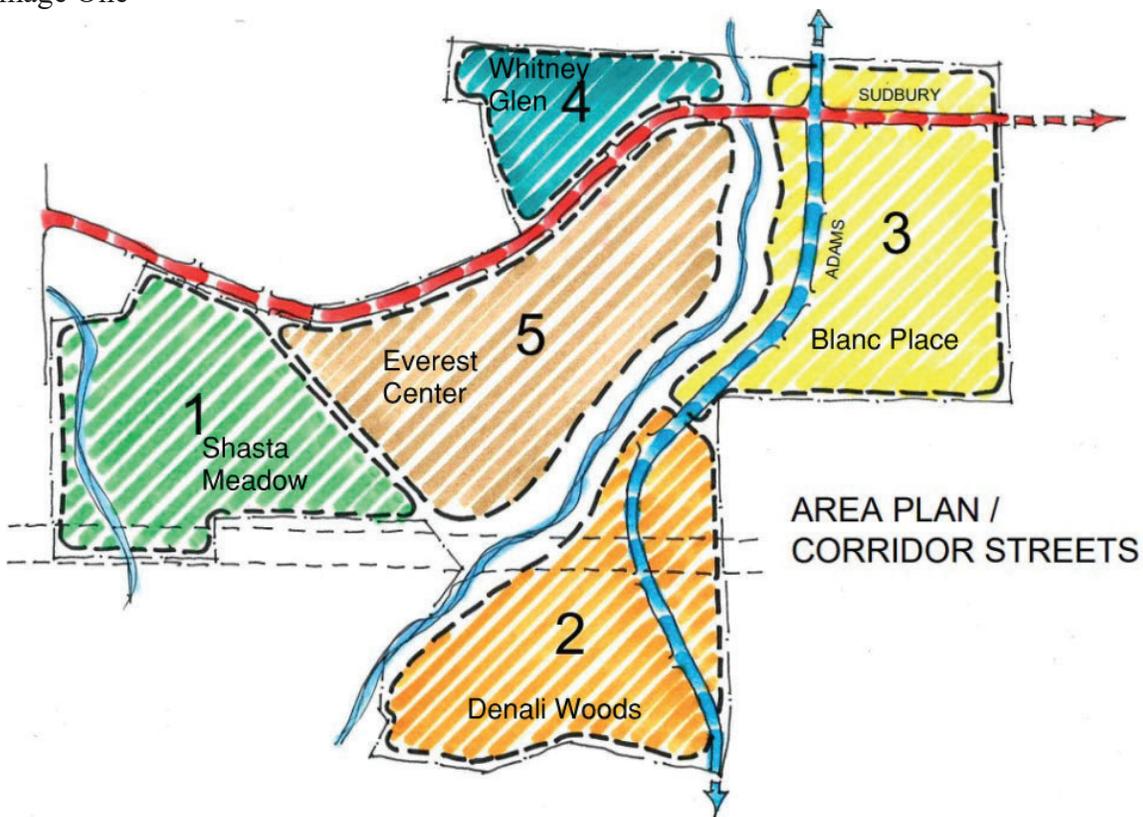


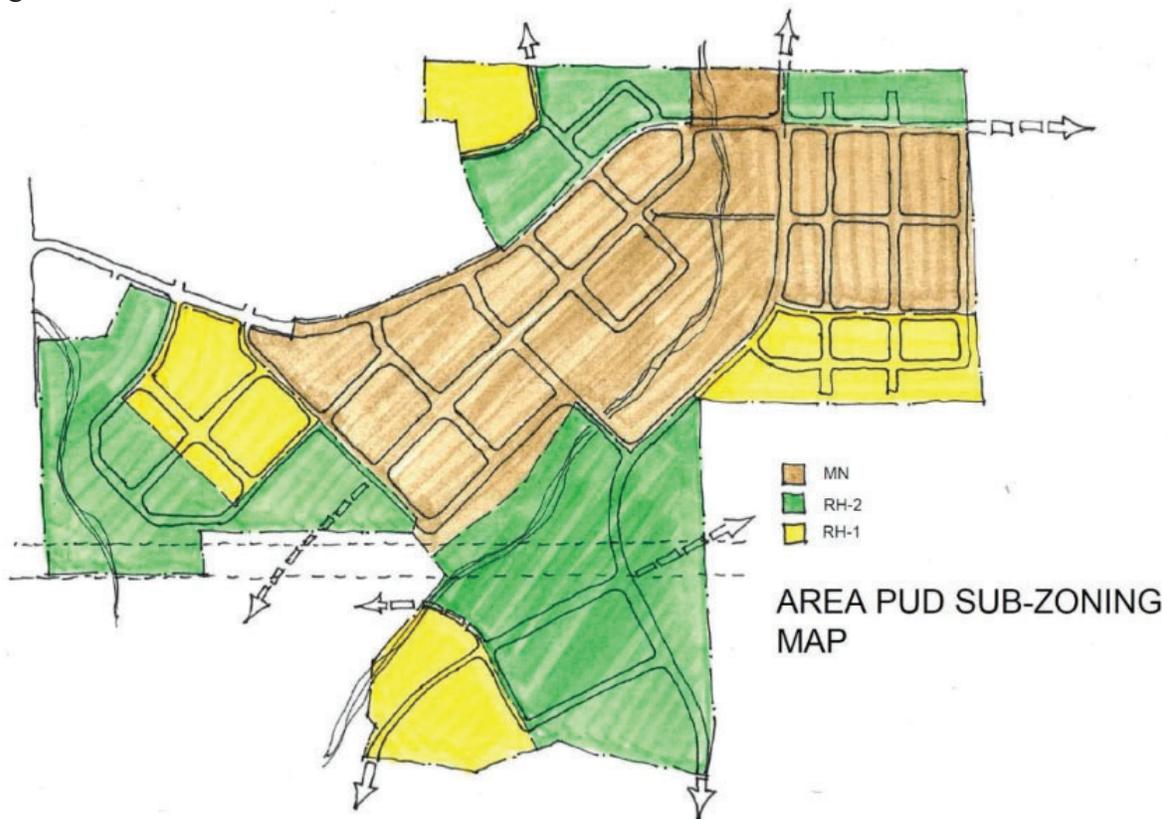
Image Two

Neighborhood	Shasta Meadow	Denali Woods	Blanc Place	Whitney Glen	Everest Center	Total
Size	25.8 acres	32.7 acres	31.2 acres	12.3 acres	35.4 acres	137.4 acres
Expected Units	800-1,000	850-1,100	1,100-1,200	1,600-2,400	100-300	4,450-6,000
Expected Delivery	2025-2026	2025-2026	2029-2030	2029-2031	2026-2028	8 years

The petitioner is expecting that all neighborhoods will be developed over the course of the next eight years (seven to nine years listed in the petitioner’s statement – needs to be clarified), with Shasta Meadow and Denali Woods to be delivered first. These areas are chosen because of the likelihood that these will be the easiest areas to receive utility infrastructure.

The petitioner has identified two zoning districts from the UDO that they will use as the base for their regulations, Mixed-Use Neighborhood Scale (MN) and Residential High-Density Multifamily (RH). As is typical in a Planned Unit Development, the petitioner has proposed a number of changes to these districts in the PUD. They are proposing development standards and uses that differ from the UDO. They are also proposing some regulations that are verbatim from the UDO that they would like to enshrine for this area, to avoid any changes to the UDO affecting this development in the lifetime of its development. The petitioner is proposing three separate districts, RH1, RH2, and MN, each an amended version of the original in the PUD. The petitioner is proposing to utilize the three district types (RH1, RH2, and MN) in each of the neighborhoods, as seen in Image Three, below, from the District Ordinance. Some issues raised by the Department for discussion are listed below Image Three.

Image Three



1. In a typical zoning code, each district has a set of development standards AND a set of allowed uses. Those standards and uses apply to the entirety of the district, unless the Dimensional Standards Table or Use Table is augmented by Use-Specific Standards. The petitioner is proposing that allowed uses be regulated by separate spatial areas, meaning that while all MN areas have the same development standards, they do not all have the same allowed uses. The uses need to be uniform in each of district, but can be augmented by Use-Specific Standards. The petitioner is working toward this goal.
2. In most PUDs, petitioners identify those standards that do not meet the Unified Development Ordinance. Per 20.06.070(c)(5)(B), "to the extent permitted by Section 20.01.040(b) (Effect of Change in the Law after Filing of Complete Petition), changes to the UDO that alter any development standards for which the PUD district ordinance is

silent shall apply to portions of the PUD for which an approved site plan has not been approved before the date of the UDO change.” The petitioner has included many regulations from the UDO verbatim in their district ordinance, in order to ‘freeze’ those regulations in time. While the Department is sympathetic to the desire to have total control over the design of future development, we think that the amount of things currently included that are verbatim from the UDO is excessive, and also creates confusion about which regulations are actually different. We would like to see the duplication of the UDO drastically reduced. Not only because it creates confusion about which regulations are proposed to be changed, but also because it may create confusion about which aspects the PUD is silent on, and revert to the UDO, as described in the reference above. For example, if the petitioner only submits a list of amended Primary Materials with no mention of Secondary Materials, as they have done in this instance, are they expecting no Secondary Materials? Or are they expecting the Secondary Materials from the UDO? If there is a section in the UDO with 7 subsections, and the petitioner submits 2 amended and only 2 additional, are the other 3 moot? Or do they revert to the UDO? The style that is in the current draft will not work long-term, and needs to be amended. The best way to do this is to remove large amounts of the verbatim language.

3. Is the MN area too big? Do we need MN in the far eastern portion?
4. The interface across Sudbury Drive needs to be analyzed for a buffer from the existing homes to the north.

USES

The use table, as seen in the District Ordinance, contains 15 separate areas, three in each Neighborhood, each with its own set of permitted uses. As described above, this is a confusing way to list uses, and the Department has asked that the petitioner match the number of use areas to the number of development-regulations areas, which is 3 currently. Most of the uses are those that already exist in the UDO. The petitioner is, however, proposing to add two uses “off-site parking/surface parking lot shared” and “surface parking lot” to this PUD. The intent of the first use is to allow for a stand-alone parking lot on its own parcel to be built and utilized by more than one adjoining use. The second use is intended to allow for a parking lot to be built as a stand-alone use on a parcel for a fixed amount of time. When that time expires, the parking lot must be removed or developed. The petitioner are proposing accessory dwelling units that are larger than those that are allowed in the UDO. If they decide to go forward with that use, they will need to sync some other references to size in the UDO that they currently do not mention. They are aware of the issue. Dwelling, multifamily is allowed throughout the entirety of the project. Some issues raised by the Department for discussion are listed below.

1. The developer wants to allow varied residential uses, which is expected and desired. However, identifying even general areas where only certain uses will be allowed (detached or attached single-family with plexes and small-scale multifamily) will make varied development more likely. This has been conveyed to the petitioner and the Department is expecting an update.
2. Parking lot: Is there interest in allowing stand-alone parking lots with or without mandated removal timelines? Land used for strictly parking long-term is clearly not in sync with the Comprehensive Plan. But, could a temporary fully designed lot be appropriate while this large site develops?
3. Do we want ADUs larger than are allowed in the rest of the City?
4. Use-specific standards for impactful uses need to be thoughtfully considered.
5. In some places, they refer to residential uses with 1-10 units, or less than 20, or neither

convention is used in other places. Why do these need to be separate?

GENERAL DEVELOPMENT STANDARDS

The Dimensional Standards table in the District Ordinance, Image Four below, has a number of corrections and additions that are needed, and those have been conveyed to the petitioner. For example, you can't have a front build-to-range and a maximum front building setback in the same district. Additionally, the height maximums do not match those in the narrative for RH1 and RH2. The petitioner has proposed some changes to landscaping and architectural requirements, as well. Some issues raised by the Department for discussion are listed below Image Four.

Image Four

FIGURE 7: District Dimensional Standards

Summit District PUD			
District Dimensional Standards -Subareas			
Area	Mixed Residential	Mixed Multi-Family	District Center
Zoning Subdistrict	RH1	RH2	MN
Lot Dimensions			
A. Lot area (minimum - Sq Ft)	1,000	2,000	5,000
B. Lot width (minimum - feet)	15	20	50
Building Setbacks (Minimum)			
C. Front build to (range - feet)	None	None	0-10
Front set back (maximum -feet)	20	20	20
D. Front building façade at build to range (min)	N/A	N/A	80%
Attached Dwelling side (minimum - feet)	0	0	N/A
Attached Dwelling rear (minimum - feet)	0	0	N/A
E. Detached Dwelling side (minimum - feet)	5	5	N/A
F. Detached Dwelling rear (minimum - feet)	5	5	N/A
G. Primary structure height (maximum - story / feet)	4 (52 ft)	4 (52 ft)	7 (90 ft)
Other			
H. Additional stories with step back (maximum - story)	1	1	3
I. Additional Stories with minimum setback - feet	5	5	7
J. Front building façade required step back (min) on main street frontage	100%	100%	25%
K. Accessory structure height (maximum - feet)	30	30	30
L. Front parking setback (minimum feet) (behind primary structures front buidling wall)	None	None	0
M. Impervious surface coverage (maximum)	80%	80%	100%
N. Landscape area (minimum)	20%	20%	0%

Note: See Section 04.04.070 (Incentives for Alternative Standards)

1. How tall is appropriate as the **base** zoning height for the areas in this PUD?
2. Why would we reduce impervious surface?
3. Why would we reduce parking setbacks?
4. Are changes to landscaping and architectural requirements appropriate?

ENVIRONMENTAL:

The petitioner is proposing a reduction in environmental protection standards in the UDO related to steep slopes, riparian buffers, and tree and forest preservation. While the Department understands that the developer wishes to maximize the developable area, it is unclear what the

benefit to the community is to decrease the environmental protection here. The petitioner has included environmental constraint maps in the district ordinance for reference. Members of the Environmental Commission, as well as Department staff, were invited to and have toured the site with the petitioner. Some issues raised by the Department are listed below.

1. Is it appropriate to increase the developable area in 12%-18% slope areas from 50% in the UDO to 70%?
2. Is it appropriate to allow disturbance on land of greater than 18% for roads, streets, and pathways?
3. Is it appropriate to allow 10 feet for Zone 3 of a riparian buffer when the UDO requires 25? We recently updated the UDO to allow streams to be measured from the centerline, as opposed to the top of bank, and the additional 15 feet does not seem necessary or desirable to the Department.
4. The petitioner has listed 26.7 acres as the baseline coverage of tree canopy for the site. (This is not yet verified by the Department.) The UDO requires a 90% retention of that area, and the petitioner is proposing 50%. Is that appropriate?
5. No karst or wetland regulations were included in the PUD, so the UDO will apply.

ACCESS AND CONNECTIVITY

The petitioner is proposing some slight changes to these requirements, including allowing driveways closer to intersections than allowed by the UDO (from 50 feet to 25 feet) and allowing 2 driveways for all parcels. While these changes are small, the Department is concerned about their cumulative effect on this large scale. Some issues raised by the Department are listed below.

1. Why are the small changes included necessary?
2. Alley access needs to be required when available. If not, why not?
3. No requirements for separation of residential uses on non-classified roads are included, but need to be.
4. Is a driveway width of 24 feet appropriate for residential? The UDO allows a maximum of 18 feet for single-family, but the PUD proposed 24 feet.

PARKING

The petitioner is proposing some small changes, including a reduced parking space depth for 90 degree parking to 15 feet. The standard the UDO was recently changed to 16 feet from 18 feet. As mentioned, the petitioner would also like to allow stand-alone parking lots. And they would like to allow angled-parking in the rights-of-way to allow for more spaces, however that design does not meet the Transportation Plan guidance. Some issues raised by the Department are listed below.

1. Is it appropriate to allow 15 foot parking spaces?
2. It is appropriate to lower the stacking regulations for drive-through uses?
3. Is there a compelling reason to allow the bicycle parking numbers to be different from the UDO?
4. Is there a compelling reason to change any road cross-section, including the parking portion, from what is allowed via the Transportation Plan?

RIGHT-OF-WAY CONNECTION:

As can be seen in Image Five below, the petition site, outlined in black, has a number of improvements in the adopted Transportation Plan. The northernmost connection is the extension of Sudbury as a General Urban street from the end of the existing W. Sudbury Drive right-of-way to the eastern end of the petition site. (NC-19) That roadway is to contain a protected bike lane. On the eastern side of the petition site, S. Adams Street stubs at both the north and south ends of the petition site, and the Transportation Plan shows a Neighborhood Connector with a bike lane

and multiuse path. (NC-20) The petitioner is including the entirety of the Adams Street connection on their parcel and has worked with the Department and the Engineering Department on a general location. There is a third new right-of-way shown in the Transportation Plan on the southern end of the petition site. (NC-24) That road is shown as a Neighborhood Connector that appears to be aligned with the Duke Energy easement to the east, and moving southwest to connect to the existing Weimer Road right-of-way through a neighboring parcel. Image Six below is from the proposed Preliminary Plan and shows potential right-of-way connections and the surrounding context. Some issues raised by the Department for additional discussion are below Images Five and Six.

The petitioners need to conduct a Traffic Study to determine the possible impacts on surrounding roadways and nearby intersections that a development of this size could bring. The study will need to be done once Indiana University is back in session. Some of the roadways around the site present issues such as limited roadway, a small bridge, or private ownership.

Image Five

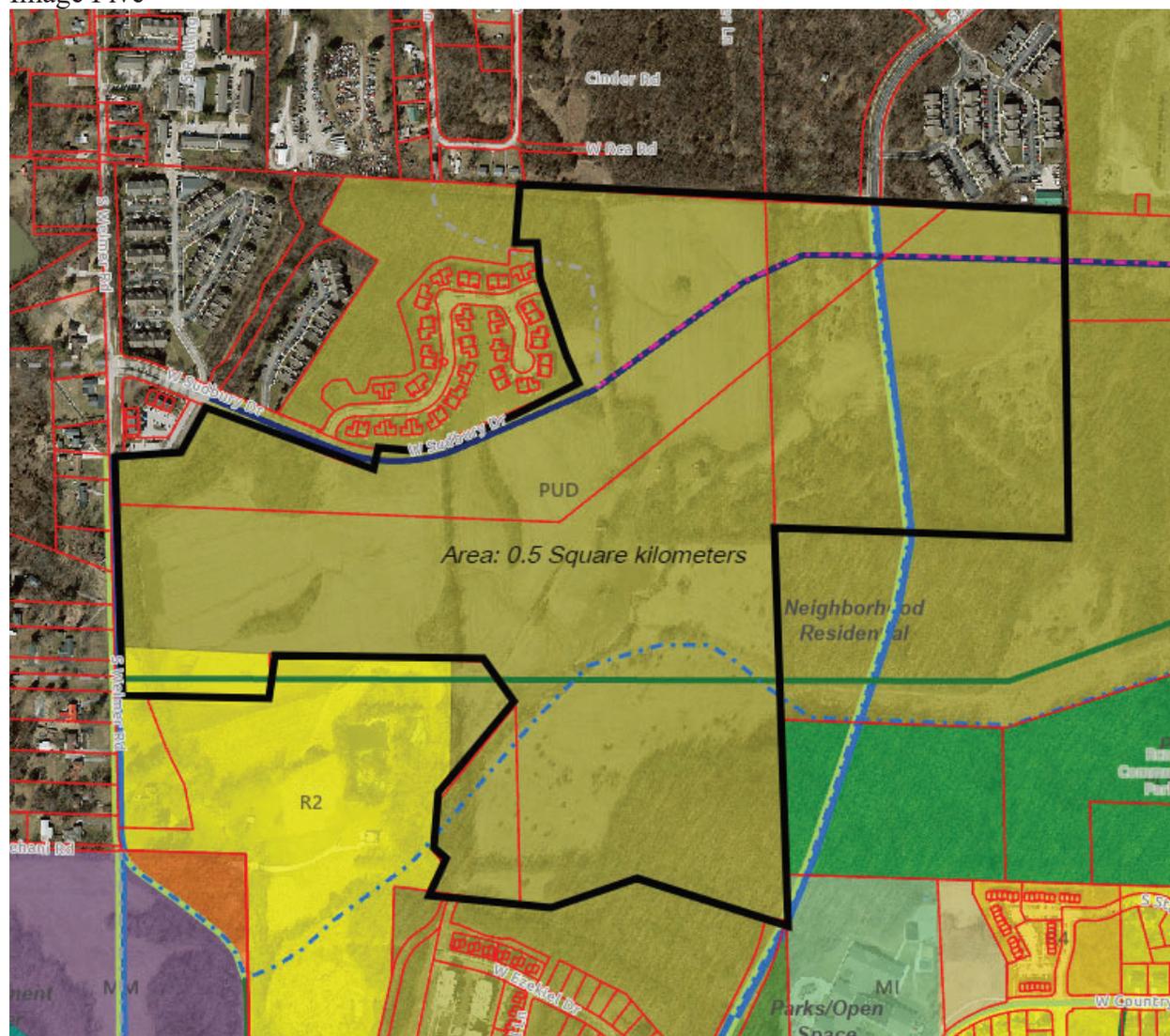
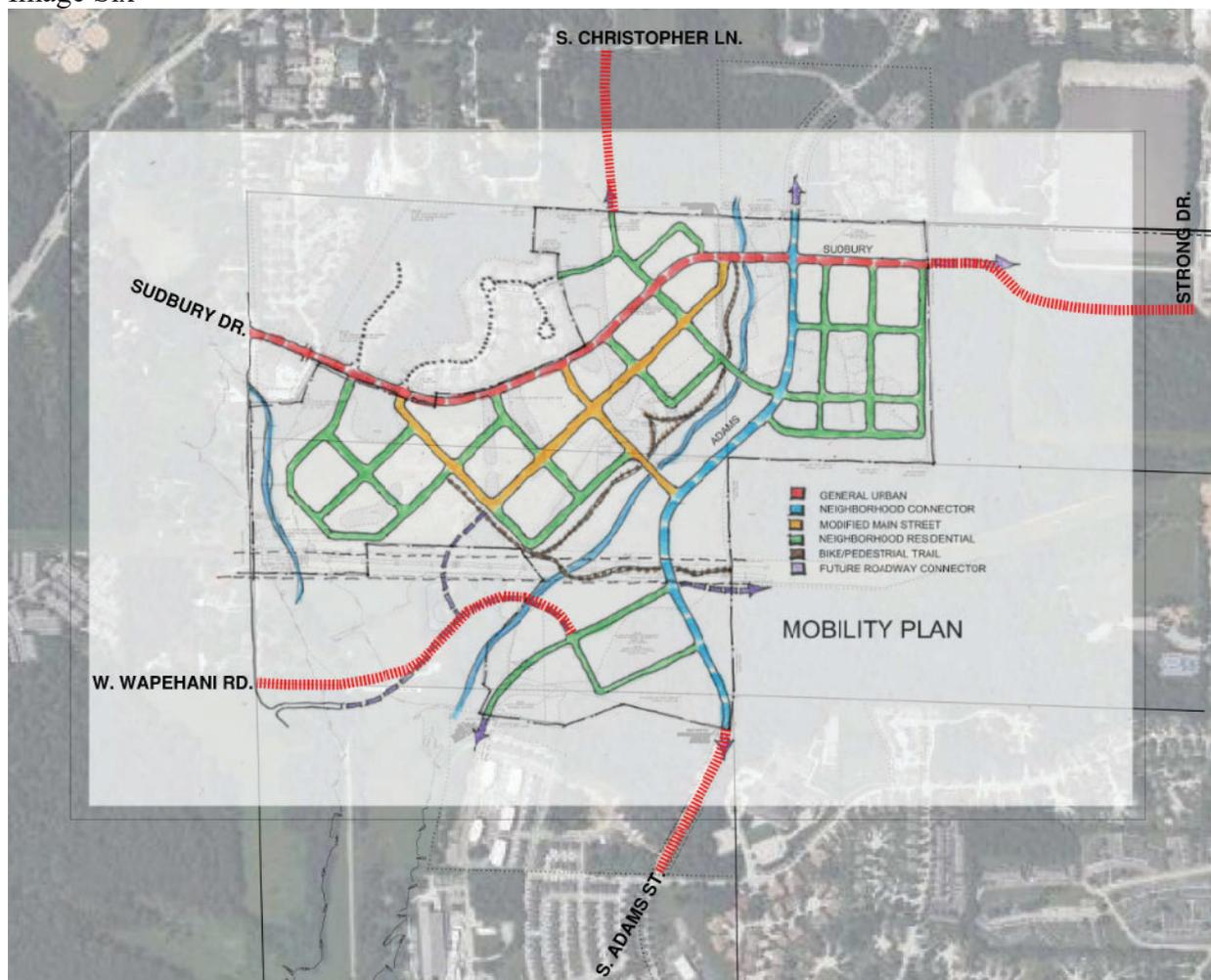


Image Six



6. The southernmost connection in the Transportation Plan raises questions.
 - a. The western connection in the Transportation Plan is to a portion of Weimer Road that may become a trail in the future, if plans to realign Weimer Road go forward. Does it make more sense to have the roadway built north of the R2 parcel/Duke Energy easement? There is floodplain along Weimer in that area, so would be costly.
 - b. The petitioner is showing a connection to the south to meet Breaking A Way. But, the Transportation Plan seems to desire a connection to Weimer, so we do not believe that that connection supplants the need for an NC-24 connection.
7. Why can't the proposed rights-of-way be more gridded? It seems that more than one western exit would be advantageous for such a large development.
8. Adams Street to the north is privately maintained in the County. Have discussions been had with that entity?
9. Do we need a stub to the east on the southern portion of the development site, as is shown in the Transportation Plan?
10. When the property is subdivided, platting and construction of the roads in the Transportation Plan will be triggered. The expectation is that they are built within the time allowed by the UDO, which is a matter of a few years. Does phasing for the roads need to be included in the PUD separate from the neighborhoods?

WORKFORCE AND AFFORDABLE HOUSING AND INCENTIVES

The UDO contains 13 general Qualifying Standards for a Planned Unit Development. The 3rd Standard reads: “Where residential dwelling units are proposed, a minimum of 15 percent of the total dwelling units must be permanently income-limited through a deed restriction to households earning less than 120 percent of the HUD AMI for Monroe County, Indiana and the development will be subject to the applicable standards established in Subsection 20.04.110(c): Affordable Housing, unless the City otherwise adjusts or releases this requirement.” This standard requires that any new PUD provide a minimum at 15 percent of the total dwelling units as permanently affordable. This is the base expectation for PUD development. The petitioner has included in the proposal the use of incentives to receive additional height than what is proposed in the PUD (which is up to 6 stories in the narrative.) It appears that the petitioner intends for a developer to be able to use the incentives to gain increased height, while working toward the required 15 percent of units, as opposed to additional units. Some issues raised by the Department for additional discussion are below.

5. With the increased base heights (greater than the UDO), is it appropriate to allow additional height through incentives without additional workforce or affordable housing units?
6. The petitioner has proposed less sustainable measures required for incentives. Is that appropriate?
7. How is it best to plan the phasing of affordable or workforce units?
8. Should nursing home or assisted living beds be counted as units if Medicaid is an option for payment, as the petitioners have proposed?

OVERALL CONSIDERATIONS:

The proposed PUD is large, and the remaining undeveloped portion of an even larger PUD that was once approved and partially constructed. The opportunity to develop this land is an important one for Bloomington, as we have few large expanses left. The Qualifying Standards for a PUD necessitate that we review any PUD proposals to analyze what the PUD is allowing that conventional zoning would not allow and what high-value design features the PUD is offering. In this case, the petitioner plans to dedicate land for a trailhead and a new fire station on the eastern side of the petition site. Some issues raised by the Department for additional discussion are below.

6. Why does this need to be a PUD? What are we getting/giving here that traditional zoning cannot cover?
7. How are the deviations requested from the UDO improving the future development of this site for the community?
8. What is an appropriate phasing schedule for this development? Do different aspects need to follow different timelines, such as the main roadways and separate neighborhood development?
9. What highly-valued design features are being included in this design?

COMPREHENSIVE PLAN: This property is designated as *Neighborhood Residential*. The Comprehensive Plan notes the following about the *Neighborhood Residential* area:

- The Neighborhood Residential district is primarily composed of residential land uses with densities ranging from 2 units per acre to 15 units per acre.
- Single family residential development is the dominant land use activity for this district.
- These areas are largely built out, homogenous neighborhoods, but some vacant tracts of land exist as well as opportunities for small-scale neighborhood redevelopment activity...
- For larger tracts of land, single-family, attached single-family, and multifamily residential uses may be appropriate, and in some instances small-scaled neighborhood mixed use is

also appropriate.

- Create neighborhood focal points, gateways, and centers.
- Ensure that appropriate linkages to neighborhood destinations are provided.
- Large developments should develop a traditional street grid with short blocks to reduce the need for circuitous trips.
- Support incentive programs that increase owner occupancy and affordability (including approaches promoting both permanent affordability and home ownership for all income levels).

20.06.040(d)(6)(B) General Compliance Criteria

- i. Compliance with this UDO
- ii. Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards
- iv. Compliance with Prior Approvals

PROPOSED FINDING:

20.06.040(d)(6)(D) Additional Criteria Applicable to Primary Plats and Zoning Map Amendments (Including PUDs)

- i. Consistency with Comprehensive Plan and Other Applicable Plans

The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other adopted plans and policies.
- ii. Consistent with Intergovernmental Agreements

The proposed use and development shall be consistent with any adopted intergovernmental agreements and shall comply with the terms and conditions of any intergovernmental agreements incorporated by reference into this UDO.
- iii. Minimization or Mitigation of Adverse Impacts
 1. The proposed use and development shall be designed to minimize negative environmental impacts and shall not cause significant adverse impacts on the natural environment. Examples of the natural environment include water, air, noise, stormwater management, wildlife habitat, soils, and native vegetation.
 2. The proposed use and development shall not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.
 3. The proposed use and development shall not result in significant adverse fiscal impacts on the city.
 4. The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.
- iv. Adequacy of Road Systems
 1. Adequate road capacity must exist to serve the uses permitted under the proposed development, and the proposed use and development shall be designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.
 2. The proposed use and development shall neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets.
- v. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

vi. Rational Phasing Plan

If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date and shall not depend upon subsequent phases for those improvements.

PROPOSED FINDING:

20.06.070(b)(3)(E)(i)(1) Specific Approval Criteria

- [a] The recommendations of the Comprehensive Plan;
- [b] Current conditions and character of structures and uses in each zoning district;
- [c] The most desirable use for which the land in each zoning district is adapted;
- [d] The conservation of sensitive environmental features;
- [e] The conservation of property values throughout the jurisdiction; and
- [f] Responsible development and growth.

PROPOSED FINDING:

CONCLUSION: The proposed PUD would develop a large piece of property that has not been fully developed since the existing PUD was approved in 1999. That PUD was built out until it ran into triggers for public improvements. The Department wants to carefully consider triggers in this PUD based on both development and time to insure that the public improvements expected with this petition are provided. Staff from the Department has been meeting with the petitioner to work on overall concepts and design details. Development of the parcel is an exciting prospect for the City, but we must make sure that the scale and improvements are appropriate. There will be changes and more details to discuss in the coming months, as the proposal is refined.

RECOMMENDATION: The Planning and Transportation Department recommends that the Plan Commission forward the petition to the September Plan Commission hearing.



City of Bloomington
Bloomington Environmental Commission

MEMORANDUM

Date: July 10, 2023

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Subject: PUD-18-23: Sudbury Development Partners, LLC. (Summit District PUD)
South Weimer Road
Request to rezone to a Planned Unit Development and a request for approval of a District Ordinance and Preliminary Plan
Hearing #1

The purpose of Environmental Commission's memorandums to the Plan Commission (PC) is to express the environmental concerns and recommendations of the Environmental Commission (EC) with the hope that action will be taken to safeguard and enhance the environment-enriching attributes that provide ecosystem services to all of Bloomington. Sometimes these data-driven recommendations are environmental best management practices that exceed the minimum regulations found in the Unified Development Ordinance (UDO). And sometimes, as in this memorandum, they are meant to require a Planned Unit Development District Ordinance to be *at least* as environmentally protective as any regular development that would be following the standard UDO regulations. The purpose of a PUD is not to avoid environmental standards.

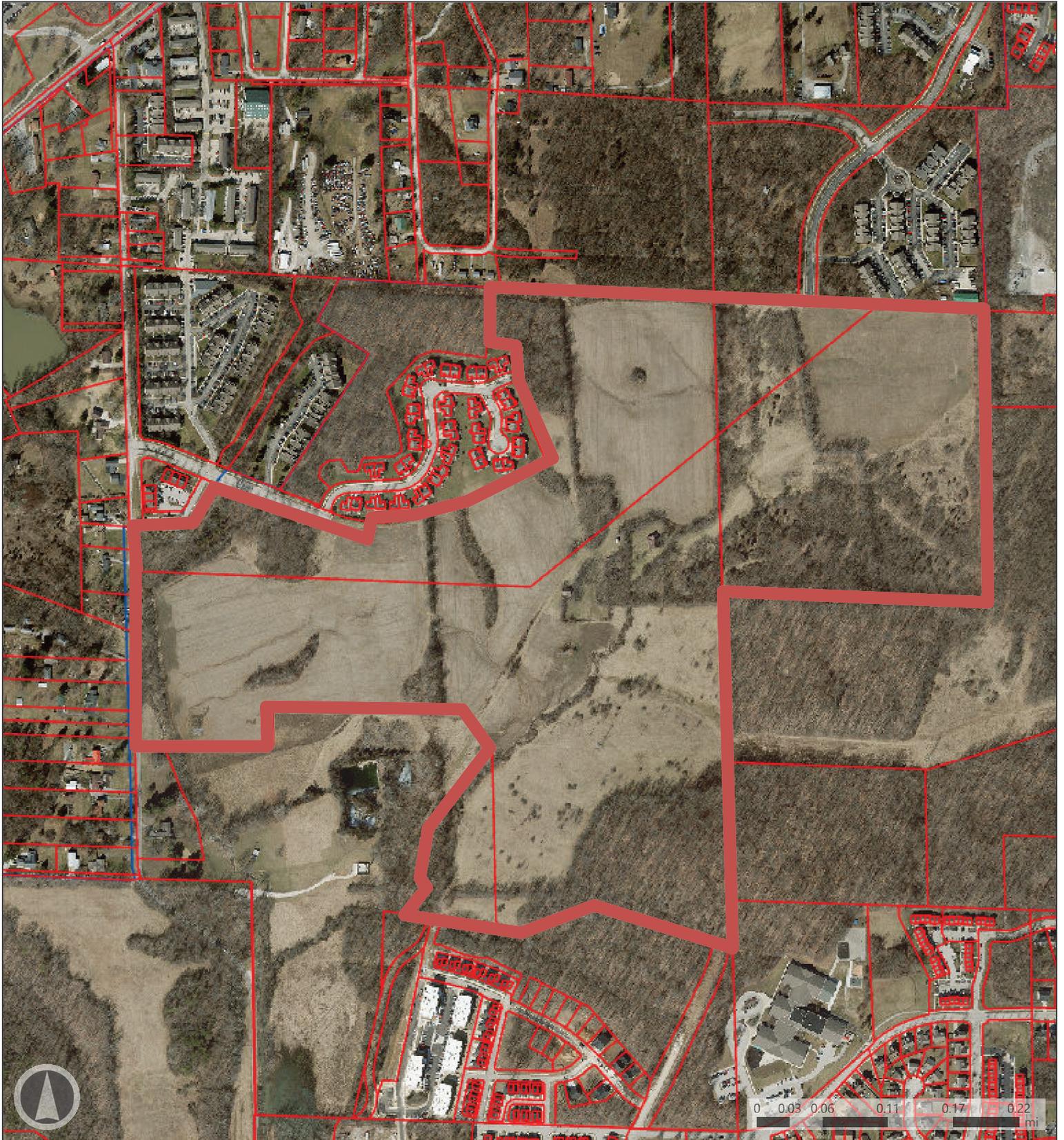
The EC has not yet toured this site, although there is a date set to go after this PC meeting. Therefore, this memorandum serves as a place holder for the EC's thorough discussion of this proposal at the next PC hearing.

This is a large site that will influence about 140 acres of Bloomington's ecosystem services, carbon footprint, and plant and animal biodiversity. The size of this site alone necessitates the very best environmental protections. In addition to the large size, there are countless environmental features dotting the entire area, including mature tree stands, streams and riparian buffers, steep slopes, wetlands, sinkholes, and biodiversity.

This site has the potential to be a textbook development for people and the environment, but this proposed PUD District Ordinance asks for numerous environmental exceptions that will have excessive impacts on environmental resources, which may not be necessary. The EC understands the current need for housing, but is opposed to prioritizing that need over environmental protection during this time of climate and ecological crisis. Climate, thus environmental, change has long term impacts on all

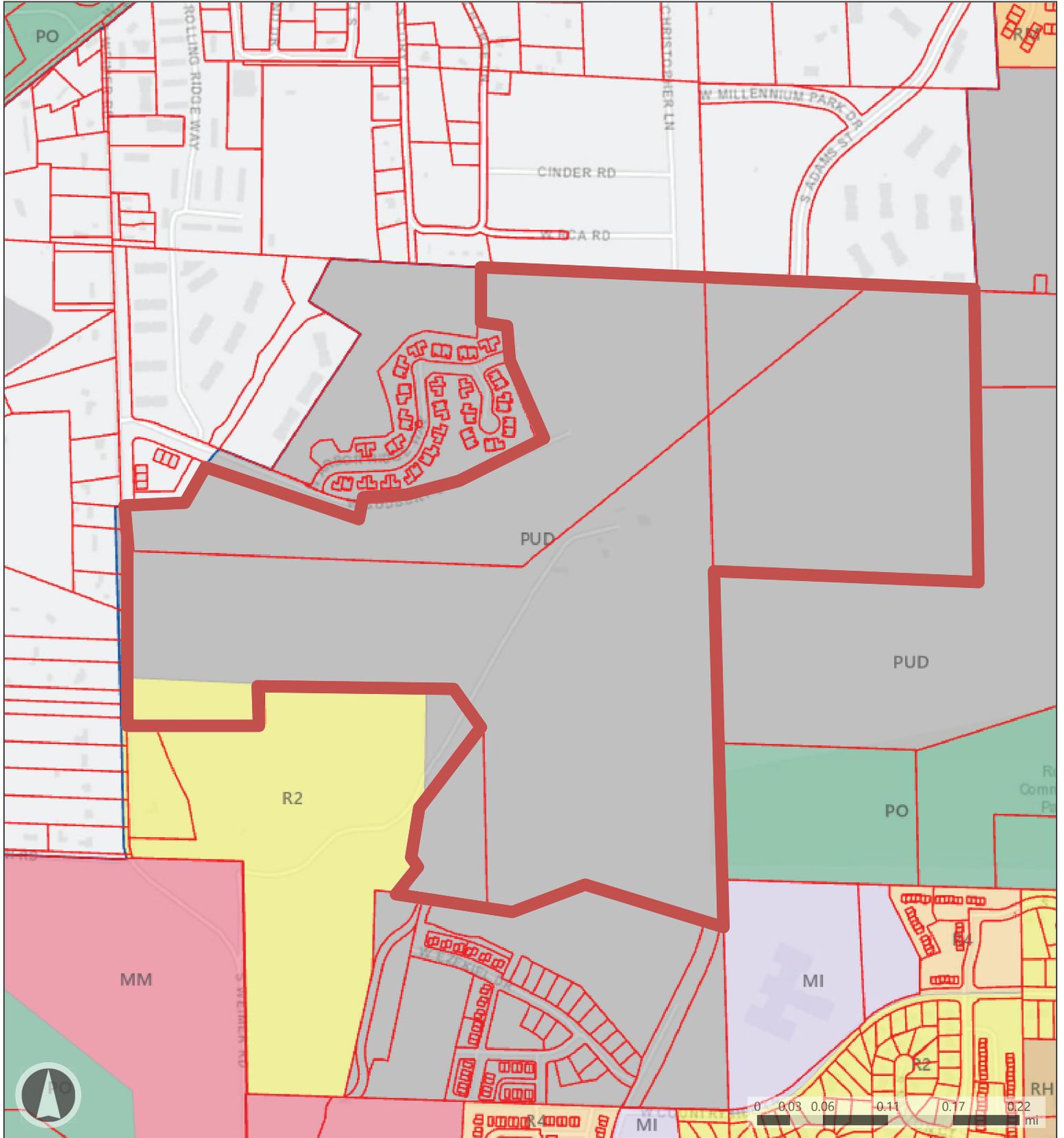
residents and must be prioritized. However, this District Ordinance currently proposes significant reductions in many environmental protections.

The EC continues to believe that any PUD District Ordinance should not water-down the environmental protection requirements to less than the minimum UDO standards. The trend in Bloomington has generally been to strengthen its environmental standards over time, not decay them. Thus, the EC stands against this PUD District Ordinance until the Petitioners prioritizes appropriate environmental mitigating standards. Correspondingly, the EC looks forward to working together with the Petitioner to craft a forward-thinking PUD District Ordinance that will be a showpiece for what an environmentally-progressive neighborhood can be.



Map Legend

- Parcels
- Bloomington Municipal Boundary

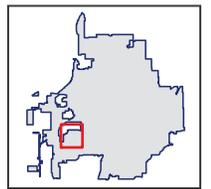


Map Legend

-  Parcels
-  Bloomington Municipal Boundary

- Code : Description**
-  R2 : Residential Medium Lot
 -  R4 : Residential Urban

-  RH : Residential High-Density Multifamily
-  RM : Residential Multifamily
-  MI : Mixed-Use Institutional



SUMMIT  DISTRICT

SUMMIT DISTRICT PUD

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SUMMIT DISTRICT PLANNED UNIT DEVELOPMENT Bloomington, Monroe County, Indiana

Chapter 01.01 DEVELOPMENT, DESCRIPTION, AND PHASES

01.01.010 Legal Description

The Land subject to this development ordinance is a combined total of 138.51 acres and is legally described as follows:

TRACT 1: 53-08-07-400-006.000-009

A part of the East half of Section 7, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Commencing at a 5/8 inch rebar at the Southwest corner of Northeast quarter of said Section 7; thence North 01 degree 37 minutes 11 seconds West along the west line of said quarter of a distance of 610.00 feet to a 5/8 inch rebar with yellow plastic cap stamped "BRG, INC 6892", hereinafter referred to as a rebar with BRG cap, at the Point of Beginning; thence North 01 degree 37 minutes 11 seconds West along said west line a distance of 753.08 feet to a mag nail at the Southwest corner of the North half of said quarter; thence South 88 degrees 01 minute 59 seconds East along the north line of said north half of a distance of 1796.39 feet; thence North 50 degrees 34 minutes 15 seconds East 1061.42 feet to the east line of the Northeast quarter of said Section 7; thence South 02 degrees 31 minutes 28 seconds East along said east line a distance of 704.03 feet to a drill hole in the top of a 8" x 8" stone at the Southeast corner of the Northeast quarter of said Northeast quarter; thence South 01 degree 41 minutes 33 seconds East along the east line of said Northeast quarter a distance of 710.38 feet to a 5/8 inch rebar at the northwest corner of Lot 4 in Thompson Community Park, of record in Plat Cabinet C, Envelope 69 in the office of the Recorder of Monroe County, Indiana; thence South 01 degree 43 minutes 04 seconds East along the east line of said quarter and the west line of said Thompson Community Park a distance of 609.81 feet to a drill hole in the top of an 8" x 8" stone at the Southeast corner of said Northeast quarter; thence South 01 degree 35 minutes 11 seconds West along the west right-of-way of Adams Street Extension as dedicated by the plat of Woolery Planned Community Phase VIII, of record in Plat Cabinet C, Envelope 379 in the office of the Recorder of Monroe County, Indiana, a distance of 80.28 feet to a rebar with BRG cap at the beginning of a curve concave westerly having a radius of 785.00 feet and a chord

which bears South 05 degrees 57 minutes 18 seconds West 119.96 feet; thence Southerly along said curve an arc length of 120.08 feet to a rebar with BRG cap on the north line of the property conveyed to Philip and Barbara Tapp by Instrument Number 2011001304 in the office of the Recorder of Monroe County, Indiana; thence along the north line of Tapp the next four (4) courses:

1. North 79 degrees 38 minutes 29 seconds West 70.68 feet to a 5/8 inch rebar with Tapp cap; thence
2. North 75 degrees 49 minutes 21 seconds West 531.71 feet to a 5/8 inch rebar with Tapp cap; thence
3. South 70 degrees 59 minutes 29 seconds West 349.09 feet to a 5/8 rebar with Tapp cap; thence
4. North 82 degrees 58 minutes 17 seconds West 114.38 feet to a rebar with BRG cap; thence North 01 degree 37 minutes 11 seconds West 785.38 feet to a rebar with BRG cap; thence North 36 degrees 20 minutes 08 seconds West 209.87 feet to a rebar with BRG cap; thence North 88 degrees 10 minutes 15 seconds West 850.00 feet to a rebar with BRG cap; thence South 01 degree 37 minutes 11 seconds East 178.71 feet to a rebar with BRG cap; thence North 88 degrees 57 minutes 44 seconds West 629.92 feet to the Point of Beginning, containing 65.63 acres, more or less.

TRACT 2: 53-08-07-101-006.004-009

A part of the North half of the Northeast quarter of Section 7, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Commencing at a 5/8 inch rebar at the Southwest corner of said Northeast quarter; thence North 01 degree 37 minutes 11 seconds West along the west line of said quarter a distance of 610.00 feet to a 5/8 inch rebar with yellow plastic cap stamped "BRG, INC 6892", hereinafter referred to as a rebar with BRG cap; thence continuing along said west line North 01 degree 37 minutes 11 seconds West 753.08 feet to a mag nail at the Southwest corner of the North half of said Northeast quarter and the Point of Beginning; thence continuing along said west line North 01 degree 37 minutes 11 seconds West 194.56 feet to a mag nail; thence North 88 degrees 34 minutes 57 seconds East along the south line of Lot 3 in Sudbury Farm, Phase 1, of record in Plat Cabinet C, Envelope 272 in the office of the Recorder of Monroe County, Indiana, a distance of 258.71 feet to a mag nail at the Southeast corner of said Lot 3; thence North 28 degrees 40 minutes 00 seconds East along the east line of said Lot 3 a distance of 245.45 feet to a rebar with BRG cap at the northeast corner of said Lot 3; thence South 67 degrees 55 minutes 45 seconds East along the south line of Sudbury Drive, as dedicated by the plat of said Sudbury Farm, a distance of 529.86 feet to a rebar at the beginning of a curve concave Northerly having a radius of 680.00 feet and a chord which bears South 74 degrees 47 minutes 28 seconds east 161.56 feet; thence Easterly along said curve an arc length of 161.94 feet to a rebar at the

southeast corner of said platted Sudbury Drive; thence North 08 degrees 27 minutes 32 seconds East 80.09 feet to a rebar on the south line of the Arbor Ridge at Sudbury Farm, a Replat of Lot 7 in Sudbury Farm, Phase 1, of record in Plat Cabinet C Envelope 272 in the office of the Recorder of Monroe County, Indiana and the beginning of a non-tangent curve concave Northerly having a radius of 600.00 feet and a chord which bears North 82 degrees 19 minutes 57 seconds East 330.58 feet; thence along the south and east lines of said Arbor Ridge the next seven (7) courses:

1. Easterly along said curve an arc length of 334.91 feet to a rebar with BT cap; thence
2. North 66 degrees 18 minutes 33 seconds East 517.50 feet to a rebar with BT cap at the beginning of a curve concave Westerly having a radius of 25.00 feet and a chord which bears North 21 degrees 12 minutes 02 seconds East 35.42 feet; thence
3. Northerly along said curve an arc length of 39.36 feet to a rebar with BT cap; thence
4. North 23 degrees 32 minutes 04 seconds West 160.11 feet to a rebar with BT cap at the beginning of a curve concave easterly having a radius of 1030.00 feet and a chord which bears North 13 degrees 52 minutes 16 seconds West 354.74 feet; thence
5. Northerly along said curve an arc length of 356.52 feet to a rebar with BT cap; thence
6. North 85 degrees 42 minutes 27 seconds West 130.48 feet to a rebar with BT cap; thence
7. North 01 degree 30 minutes 36 seconds East, passing a rebar at 236.74 feet, a total distance of 246.82 feet to a rebar with BRG cap on the north line of said Northeast quarter; thence South 87 degrees 18 minutes 14 seconds East along said north line a distance of 1017.37 feet to a 4" x 4" cut limestone at the Northeast corner of said quarter; thence South 02 degrees 31 minutes 28 seconds East along the east line of said quarter a distance of 627.00 feet; thence South 50 degrees 34 minutes 15 seconds West 1061.42 feet to the south line of the North half of said Northeast quarter; thence North 88 degrees 01 minute 59 seconds West 1796.39 feet to the Point of Beginning, containing 33.52 acres, more or less.

TRACT 3: 53-08-08-200-004.000-009

A part of the Northwest quarter of the Northwest quarter of Section 8, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Beginning at a 4"x 4" cut limestone at the Northwest corner of said quarter quarter; thence South 84 degrees 51 minutes 05 seconds East along the north line of said quarter a distance of 20.38 feet to a rebar with BFA cap at the Southwest corner of Seminary Lot 178; thence continuing along the north line of said quarter quarter South 88 degrees 14 minutes 26 seconds East a distance of 739.62 feet; thence South 50 degrees 34 minutes 15 seconds West 947.62 feet to the west line of said quarter quarter; thence North 02 degrees 31 minutes 28 seconds West along said west line a distance of 627.00 feet to the Point of Beginning, containing 5.44 acres, more or less.

TRACT 4: 53-08-08-200-005.000-009

A part of the Northwest quarter of the Northwest quarter of Section 8, Township 8 North Range 1 West, Monroe County, Indiana, more particularly described as follows:

Beginning at a drill hole in the top of an 8" x 8" stone at the Southwest corner of said quarter quarter; thence North 02 degrees 31 minutes 28 seconds West along the west line of said quarter quarter a distance of 704.03 feet; thence North 50 degrees 34 minutes 15 seconds East 947.62 feet to the north line of said quarter quarter; thence South 88 degrees 14 minutes 26 seconds East along the said north line a distance of 395.00 feet; thence South 02 degrees 31 minutes 28 seconds East, parallel with the west line of said quarter quarter, a distance of 1325.21 feet to the south line of said quarter quarter; thence North 88 degrees 28 minutes 09 seconds West along said south line a distance of 1154.54 feet to the Point of Beginning, containing 29.65 acres, more or less.

TRACT 5: 53-08-07-100-004.001-009

A part of the East half of Section 7, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Commencing at a 5/8 inch rebar at the Southwest corner of the Northeast quarter of said Section 7; thence North 01 degree 37 minutes 11 seconds West along the west line of said quarter a distance of 610.00 feet to a rebar with yellow plastic cap stamped "BRG INC 6892", hereinafter referred to as a rebar with BRG cap; thence South 88 degrees 57 minutes 44 seconds East 1598.94 feet to a rebar with BRG cap at the Point of Beginning; thence South 01 degree 37 minutes 11 seconds East 785.38 feet to a rebar with BRG cap on the north line of the property conveyed to Philip and Barbara Tapp by Instrument Number 2011001304 in the office of the Recorder of Monroe County, Indiana; thence North 82 degrees 58 minutes 17 seconds West along said north line a distance of 371.92 feet to a rebar with BRG cap; thence North 27 degrees 30 minutes 07 seconds East 132.19 feet to a rebar with BRG cap; thence North 40 degrees 16 minutes 29 seconds West 57.74 feet to a rebar with BRG cap; thence North 05 degrees 59 minutes 40 seconds East 197.75 feet to a rebar with BRG cap; thence North 38 degrees 24 minutes 39 seconds East 486.98 feet to the Point of Beginning, containing 4.27 acres, more or less.

01.01.020 Neighborhoods

The neighborhoods and areas for development with the Summit District PUD are depicted in the below map. The neighborhoods have varying districts applied to each to reflect the base-zoning and uses, as well as design and dimensional standards associated with each district.

FIGURE 1: Neighborhood Map

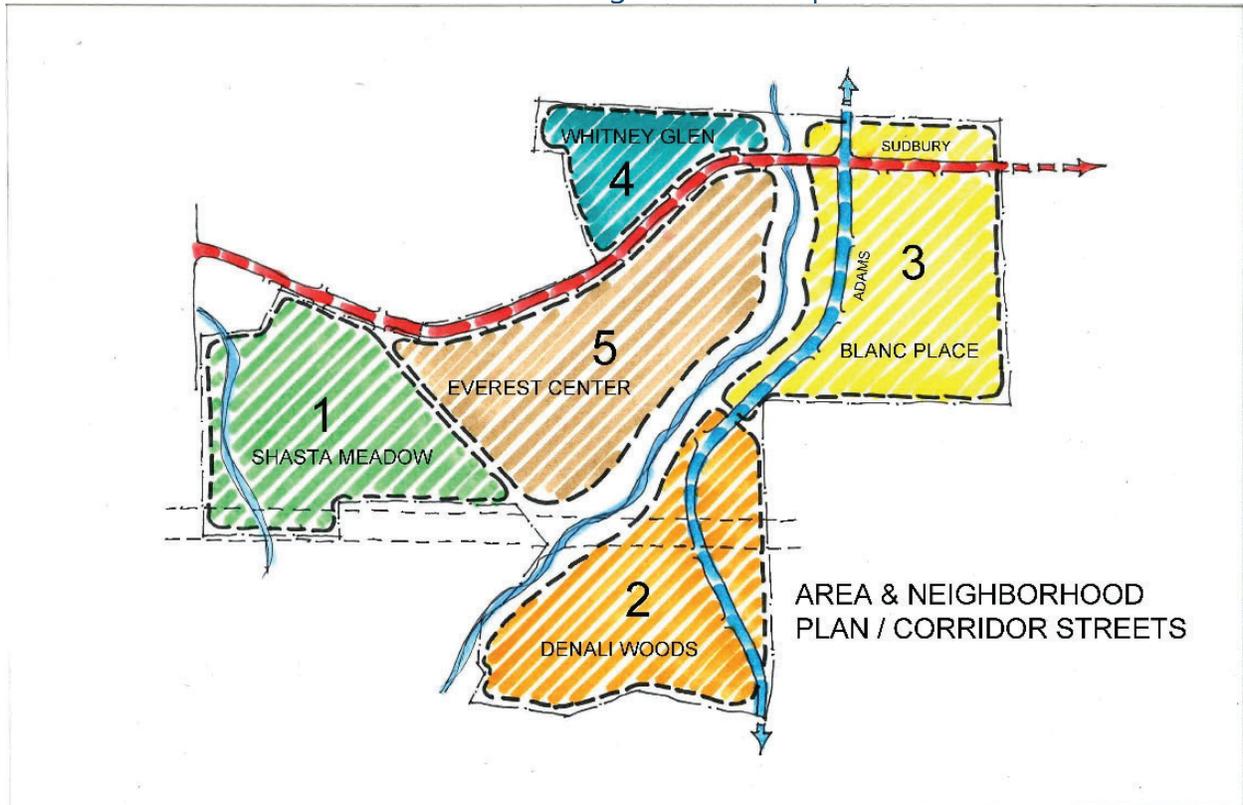


FIGURE 2: Mobility Map



Shasta Meadow (Area 1)

Shasta Meadow consists of approximately 25.8 acres and will be subdivided and developed into areas with expected delivery in 2025-2027. This neighborhood is designed for 3-6 stories and for smaller lots/footprints to promote affordability and ownership. The development will range from single and multi-family and limited commercial buildings to mixed-use buildings near Everest Center. The area will allow for the development of including attached or multi-family homes, including but not limited to plex-style homes, townhomes, condominiums, and apartments, senior or assisted living facilities as outlined on the allowed use table, limited commercial uses are also allowed. The mature tree, creek and floodway located in the western part of this area will be preserved.

Denali Woods (Area 2)

Denali Woods consists of approximately 32.7 acres and will be subdivided and developed into areas with expected delivery in 2025-2031. Denali Woods will allow for the development of mixed-use buildings ranging from 3-6 stories and will also include public spaces for a fire station and trail access near the existing Duke easement and future trail. This area will promote a mix of residential service services and will transition from the existing developments to the south. The area will allow for the development of including attached or multi-family homes, including but not limited to plex-style homes, townhomes, condominiums, and apartments, senior or assisted living facilities, as outlined on the allowed use table, limited commercial uses are also allowed. The mature trees located in the southern part of this area will be preserved providing connectivity of the conservation area to the south and the RCA park woods to the east. The continuation of Adams to the north will be included as part of Denali Woods and the potential connectivity of a neighborhood and the Everest Center.

Blanc Place (Area 3)

Blanc Place consists of approximately 31.2 acres, with expected delivery in 2029-2038. Structures located within Blanc Place are designed to be 4-7 stories to allow for density and transition to the Everest Center. The development will promote high-density mixed-use buildings providing services and amenities to the neighborhood, these areas will have the greatest density of the PUD outside the Everest Center neighborhood. The area will allow for the development of including attached or multi-family homes, including but not limited to plex style homes, townhomes, condominiums, and apartments, senior or assisted living facilities as outlined on the allowed use table, limited commercial uses are also allowed. The larger scale development will be to the north of this area, while the southern areas will be lower scale and designed to consider the environmental features of the area. This area has some natural features that will require special development criteria as outlined in the development standards.

Whitney Glen (Area 4)

Whitney Glen consists of approximately 12.3 acres and will be subdivided into areas with expected delivery in 2038-2040. Structures within Whitney Glen are designed to be 3-5 stories to allow for density and transition to the Everest Center and the existing residential areas to the north and west. This area will promote a mix of residential service services and will transition from the existing developments to the south. The area will allow for the development of including attached or multi-family homes, including but not limited to plex-style homes, townhomes, condominiums, and apartments, senior or assisted living facilities as outlined on the allowed use table, limited commercial uses are also allowed. The mature trees located in the northwestern part of this area will be preserved providing connectivity of the conservation area to the west.

Everest Center (Area 5)

Everest Center consists of approximately 35.4 acres and will be subdivided into three areas with expected delivery in 2038-2043. Everest Center will allow for the development of mixed-use buildings ranging from 7-12 stories (if all incentives are utilized), with high density residential above commercial uses on the ground floor. The zoning draws from the MN zoning designation of the UDO, however, expands the uses to include a wider range of commercial and residential uses as well as open-space and parking facilities. Everest Center will be developed in accordance with the diversity of housing types, including both owner and tenant occupied buildings. The development of the area will promote high-density mixed-use buildings providing services and amenities to the neighborhood. Much of the district center will be in this area, thus the most intense development in the center, near designated public spaces. This area will also include some common greenspace near the center of the district center as shown on the concept map. The areas will include street and structured parking and interim surface parking areas. Ground floor residential is allowed in the area and will promote walkability and nonresidential uses at street-level. These areas will have a gridded street pattern, as in a downtown area, with street parking and on-street parking.

01.01.030 Summit District Development Standards

- (1) Summit District PUD sets forth zoning designations by district, as well as design and development standards, creating a combination of zoning and standards that will enhance overall development of the property in an orderly and predictable manner.
- (2) Summit District PUD sets forth residential and mixed-use areas with specifically defined standards, dimensions, and design & development standards to maintain consistency in development over a period of years. The PUD largely defers to the UDO standards but in specific instances, seeks to maintain already-established standards (as of 4.20.2023) to guard against inconsistency in development throughout the project based on amendments

to the ordinance. The PUD wholly defers to and incorporates the UDO to determine, the following Development Standards, Administration and Procedures and Definitions:

- a. Floodplain (Section 20.04.040)
 - b. Outdoor Lighting (Section 20.04.090);
 - c. Operation & Maintenance (Section 20.04.120);
 - d. Chapter 20.06: Administration & Procedures
 - e. Chapter 20.07: Definitions
- (3) The overall project and development of the site will span a period of years. During that development period, as changes are made in the UDO to enhance and encourage orderly development, those changes may be beneficial to the PUD, as well. Specific changes and amendments to the PUD may be brought forward in the future to coincide with amendments to the UDO. However, there are specific sections of the UDO identified by this PUD that are incorporated as a part of the PUD but will remain applicable, as of the UDO date of 4.20.2023 without reference to changes in UDO in the intervening period(s).

01.01.040 Affordable Housing

Affordable housing is necessary to help maintain a diverse housing stock and to allow all residents to have better access to jobs and to improve their economic status. The Summit District PUD requires 15% of the units constructed meet the affordability standard by being income restricted to households earning below 120 percent of the HUD AMI for Monroe County Indiana.

Affordability and sustainability, along with the available incentives provided in Chapter 04.04.070, will accompany development plans submitted to achieve goals articulated in this ordinance. A minimum of 15% of the residential housing offered by this Project will fall in the affordable category and be permanently income limited. The calculus for affordability will require that for every 250 residential units developed, 15%, or 38, of those units will be designated as affordable, to comply with the requirement and to provide diversity in housing types and provide affordable units across the entire project. The entire project will achieve the minimum 15% dedication of affordable residential housing and integrated over the entire Property. This integration of this housing requirement across the entire scope of the development will ensure that there is no single concentration of affordable housing to attain the 15% calculation, but that it is appropriately disbursed throughout the development. The calculation of affordability for each development project will be carried forward from area-to-

area such that the aggregate housing dedicated to affordability will total a minimum of 15%, thereby meeting the PUD requirement for affordability.

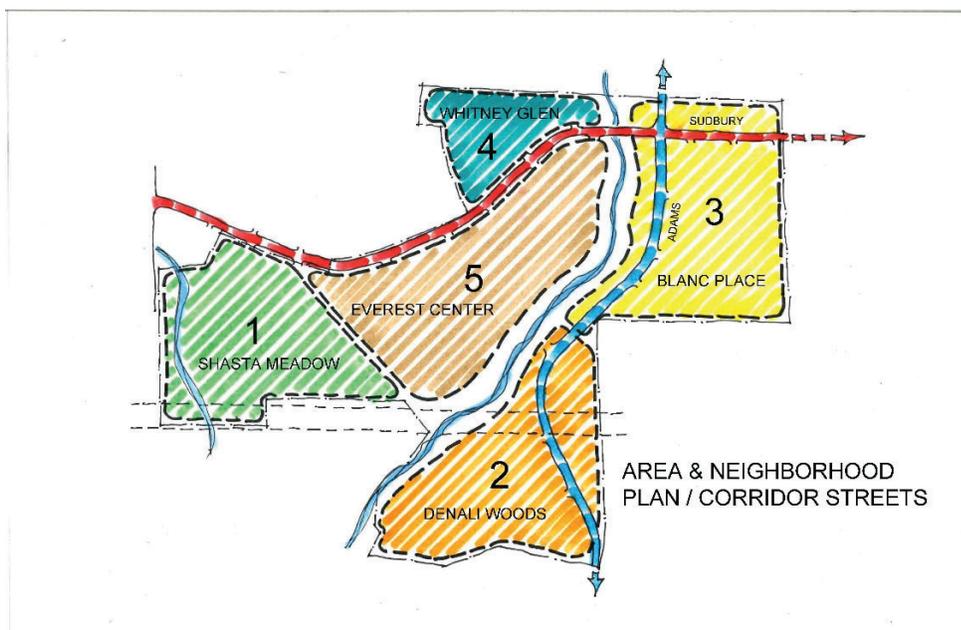
- A portion of the affordable units will be located in each of the five described neighborhoods of the PUD.
- 300 units may be constructed prior to the affordable covenant requirement (75 units) be placed on a portion of the development.
- Assisted care, group home or other nontraditional single family or multifamily developments that allow for individuals or households that are income restricted (i.e. Medicaid or other programs) to less than 120% HUD AMI are counted as 0.5 units and can be applied to the overall affordable housing requirement of the project. (10 residents or units income restricted X 0.5 = 5 affordable units).
- Units that are restricted to households earning less than 90 percent of HUD AMI for Monroe County for a period of 20 years or greater shall receive additional credit as those units restricted to 120 percent HUD AMI for Monroe County, Indiana. LIHTC or other programs that require units at or below 90% HUD AMI are counted as 1.5 units and can be applied to the overall affordable housing requirement of the project, (10 income restricted units at 80% HUD AMI x 1.5 = 15 units).

01.01.050 Preliminary Phasing and Triggers for Infrastructure

The proposed phasing plan of the development is outlined below. To best order development, two neighborhoods may be actively developing units simultaneously, however before a third neighborhood may be activated, specific minimum standards must be met such that either an entire neighborhood meets the below minimum unit-counts or the combined unit counts for two neighborhoods must exceed a total of fifty percent (50%) of the total minimum unit count.

1.	Shasta Meadows	150
2.	Denali Woods	400
3.	Blanc Place	500
4.	Whitney Glen	150
5.	Everest Center	1,000

FIGURE 2: Area Plan/Neighborhood Map



1. **Shasta Meadows**
 - Delivery anticipated 2025-2026
 - 25.8 acres
 - Primary use residential
2. **Denali Woods**
 - Delivery anticipated 2025-2026
 - 32.7 acres
 - Primary use residential
3. **Blanc Place**
 - Delivery anticipated 2029-2030
 - 31.2 acres
 - Primary use mixed residential
4. **Whitney Glen**
 - Delivery anticipated 2029-2031
 - 12.3 acres
 - Primary use residential
5. **Everest Center**
 - Delivery anticipated 2026-2028
 - 35.4 acres
 - Primary use mixed use

FIGURE 3: Triggers and Phasing

Triggers and Phasing	By Area					By Unit				By Month					
	Overall PUD	Area 1	Area 2	Area 3	Area 4	Area 5	1,000	2,000	3,000	4,000	18	24	36	48	62
Streets															
Adams	X						X				X				
Sudbury to Adams					X	X		X					X		
Sudbury to East Property Line				X					X						X
Breaking Away to Adams			X					X							
Main Street across creek to Adams						X			X						X
Off site requirements (Weimer Rd)									X						X
Pedestrian															
Adams	With Street														
Sudbury	With Street														
Duke Path - East			X										X		
Connection over Creek						X			X						X
Utilities															
Weimer Connection							X								
New Lift Station									X						
Remove North Lift Station									X						
Water Connections	With Streets														
Other Public															
Fire station land			X					X					X		
Trail head land			X					X					X		

FN: The above schedule is necessarily dependent on the City of Bloomington’s support concerning utility capacity and expansion, as well as developing funding sources, including tax incremental financing, to support road and related infrastructure completion.

Chapter 02.02 Summit District PUD: Districts

02.02.010 Districts Established.

(a) Summary of PUD Districts.

The following districts are established in Summit District PUD, as described below. All development shall comply with standards and regulations in the Planned Unit Development except where no such PUD standard is articulated, in which case the UDO shall apply as to the specific zoning designation, as applicable.

Summit District has land areas which are defined by natural boundaries as well as land uses and locations on the site. These areas are designed and designated to reflect specific land uses that when put together make up the Summit District neighborhood. The district has five designated zoning districts. These areas allow for a wide range of uses that support the overall neighborhood concept of walkability and connectivity and diversity in housing type and building type.

(1) Residential -R

The Residential district draws on the characteristics of the R3 or Residential Small Lot designation of the UDO, however, includes a wider range of housing types with an effort to increase the viability of owner-occupied and affordable housing. Structures are designed to be 2-3 stories (with a maximum of 4 with incentives and step back) to allow for density and diversity and support affordability and home ownership. This area will allow for the development of single-family homes, detached and attached or multi-family homes, including but not limited to plex-style homes, townhomes, condominiums, and smaller apartments as outlined on the allowed use table. The area will focus on areas with limited environmental and infrastructure constraints, while continuing existing facilities including roads, streets, pathways and trails consistent with the City's vision and planning policies. Roads will be designed to promote connectivity and walkability including gridded patterns to the extent possible, given the constraints of the property.

FIGURE 4: District - R



(2) Mixed Residential -RH1

The Mixed Residential district draws on the characteristics of the RH or Residential/High Density designation of the UDO, however, includes a wider range of housing types including single family and small grouped or multi-family structures (1-10 units). Structures are designed to be 3-5 stories (with a maximum of 4 with incentives and step back) to allow for density and diversity and support affordability and home ownership. This area will allow for the development of including single-family homes, attached or multi-family homes, including but not limited to plex-style homes, townhomes, condominiums, and apartments, senior or assisted living facilities, as outlined on the allowed use table. This area will focus on developing in areas with limited environmental and infrastructure constraints, while continuing existing facilities including roads, streets, pathways and trails consistent with the City's vision and planning policies. Roads will be designed to promote connectivity and walkability including gridded patterns to the extent possible, given the constraints of the property.

Figure 5: District - RH 1



(3) Mixed Multi-Family -RH2

The Mixed Multi-Family district draws on the characteristics of the RH or Residential/High Density designation of the UDO, however, includes a broader range of housing types and nonresidential uses to better provide range of housing options and transition from Everest Center and traditional residential districts. The limited list of nonresidential uses is designed to aid in the transition from the Everest Center Neighborhood. Standards are also created to provide appropriate transition from the development to the Arbor Ridge Subdivision to the north. Structures are designed to be 4-5 stories (with a maximum of 6 with incentives and step back). Development in this area is intended to promote diversity in housing types and price points, as well as allowing nontraditional residential uses, including but not limited to, group homes, residential care facilities, hotels, and assisted living structures. These areas will focus on developing in areas with more environmental and infrastructure constraints, while continuing existing facilities, including roads, streets, pathways, and trails consistent with the City's vision and planning policies. These areas will have gridded street to the extent possible, with on-street parking, however natural features will limit the overall connectivity to a larger gridded street pattern. In addition to the local streets, Adams Street and Sudbury Street will continue through these areas, which have an integrated street design to support the other shared transportation facilities.

FIGURE 6: District - RH 2



(4) Mixed Use -MX

The Mixed-Use District draws on characteristics of the MM or mixed-use medium scale designation of the UDO and includes a broader range of uses and housing types to better promote the walkability of Summit District and the size and scale of the surrounding neighborhoods. Mixed-use buildings will range from 5-6 stories (with a maximum of 7 with incentives and step back), with high-density residential above commercial uses on the ground floor. Development in this area is intended to promote high-density mixed-use buildings providing services and amenities to the neighborhood. While ground floor residential is allowed, the area will promote walkability and nonresidential uses at the street-level. This area will include structure parking and shared parking options, as well as adequate on-street parking for the retail, service, and restaurant tenants. This area will have a very gridded street pattern, consistent with the downtown areas, with street parking.

FIGURE 7: District - MX



(5) District Center -MN

The District Center district draws on characteristics of the MN or mixed-use neighborhood AND the MM or mixed-use medium scale designations of the UDO and includes a broader range of uses and housing types to better promote the walkability of Summit District and the size and scale of the surrounding neighborhoods. Standards are also created to provide appropriate transition from the development to the Arbor Ridge Subdivision to the north. Mixed-use buildings will range from 7-8 stories, (with a maximum of 12 with incentives and step back). with high-density residential above commercial uses on the ground floor. While ground floor residential is allowed, the area will promote walkability and nonresidential uses at the street-level. This designated area will include structure parking and shared parking options, as well as adequate on-street parking for the retail, service, and restaurant tenants. Roads within the Everest Center will be designed to promote connectivity and walkability, while allowing visitors to the District Center with on street and structure parking available. Development in this area is intended to promote high-density mixed-use buildings providing services and amenities. The District Center is conceived as a gathering space for the broader neighborhood and the larger southwest residential areas of the City of Bloomington. These areas will have a very gridded street pattern, consistent with the downtown areas, with street parking.

FIGURE 8: District - MN



(b) Base Districts

- (1) Section 02.02.020 through Section 02.02.060 below employ a common structure to describe the purpose for each base district, an illustrative image, a summary of dimensional standards, and any district-specific standards.
- (2) Each of the districts described by this PUD authorize the land uses listed for that base district in Chapter 03.03 (Use Regulations), subject to the development standards applicable to that type of development in Chapter 04.04 Development Standards and Incentives) and subdivision standards in Chapter 05.05: Subdivision Standards and the requirements for development approval in UDO Chapter 20.06 (Administration & Procedures).
- (3) The materials shown in Sections .02.02.020 through 02.02.060 are summaries of basic provisions applicable to the base districts. In the event of an inconsistency between the provisions of the Summit District PUD and the provisions in UDO Chapters 20.03, 20.04, 20.05 or 20.07, the provisions of the PUD shall apply.

(c) PUD Official Map Revisions

- (1) Only persons authorized by the Planning and Transportation Director may revise the PUD Official Map when amendments are passed. Such revisions shall be made as soon as possible after the effective date of the amendment.
- (2) During the time it takes for the formal electronic version of the PUD Official Map to be reprinted for public display, hand-drawn lines, and text on an authorized printed copy of the previous PUD Official Map will be appropriate to note district changes. Revisions may be made at any time to correct drafting or clerical errors and omissions in the PUD Official Map but shall not have the effect of amending the PUD Official Map.

02.02.020 Standards

Upon subdivision and creation of separate developments within the Summit District PUD, the specific district boundaries shall be interpreted as follows:

- (1) District boundaries indicated as following or being parallel to section or fractional sectional lot lines, or city corporate boundary lines shall be construed as following or paralleling such lines.

- (2) District boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
- (3) Where a district boundary divides a lot or parcel or follows or crosses property that is not subdivided the location of such boundary, unless indicated by legal description with distance and bearing or other dimension, shall be determined by the scale of the Preliminary Plan Map as interpreted by the Planning and Transportation Director.
- (4) Whenever any street, alley, public right-of-way, waterway, or other similar area is vacated by proper authority, the districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall after the vacation be subject to all regulations of the extended districts. In the event of a partial vacation, the adjoining district or district nearest the portion vacated, shall be extended automatically to include all of the vacated area.
- (5) Any disputes as to the exact district boundaries shall be determined by the Planning and Transportation Director. The Planning and Transportation Director may refuse to make a determination when the Director cannot definitely determine the location of a district boundary. In such cases, the Planning and Transportation Director shall refer the interpretation to the Plan Commission. The Plan Commission may then interpret the location of the district boundary with reference to the scale of the PUD Official Map and the purposes set forth in all relevant provisions of this PUD and the UDO, where applicable. All district boundary determinations made pursuant to this section may be appealed to the Board of Zoning Appeals.

02.02.030 Applicable to Districts

The standards set forth below are applicable to all districts within the Summit District PUD.

(1) Real Estate or Model Homes

Real estate sales or model homes are permitted in any district on the site of the development for which the sales are taking place. They are permitted to remain on the site of the development from 15 days before homes are offered for sale until 15 days after all homes or home sites within the development are sold.

(2) Seasonal Sales

- (A) Fireworks sales shall not be permitted.

- (B) A temporary use permit shall be required and shall be valid for a maximum of 30 consecutive days.
- (C) No property shall be issued more than three temporary use permits in a calendar year.
- (D) The temporary use shall be located on a lot that fronts on a collector or arterial street.
- (E) The temporary use shall be located at least 50 feet from any residential district.

(3) Special Event

A temporary use permit is required for a special event and is permitted for 15 days. No property shall be issued more than one special event permit per calendar year.

02.02.040 District Dimensional Standards

The color-coded zoning map is below (Figure 6). The district-specific dimensional standards for each area on the Area Map. Additional standards from Section 02.04.010 (Dimensional Standards) also apply.

FIGURE 9: Area Map

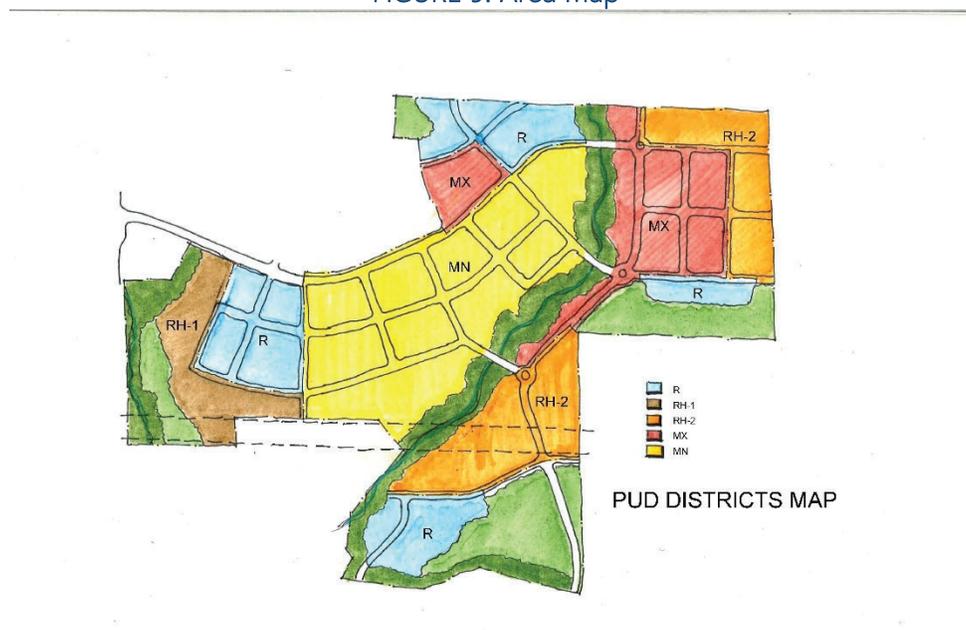


FIGURE 10: District Dimensional Standards

Summit District PUD						
District Dimensional Standards						
		Residential	Mixed Residential	Mixed Multi- Family	Mixed Use	District Center
	District	R	RH1	RH2	MX	MN
	Lot Dimensions					
A	Lot area (minimum - Sq Ft)	1,000	1,000	2,000	5,000	5,000
B	Lot width (minimum - feet)	15	15	20	50	50
	Building Setbacks (Minimum)					
C	Front build to (range - feet)	5-15	5-15	5-15	0-10	0-10
D	Front building façade at build-to-range (min)	N/A	N/A	N/A	80%	80%
E	Attached Dwelling side (minimum - feet)	0	0	0	N/A	N/A
F	Attached Dwelling rear (minimum - feet)	0	0	0	N/A	N/A
G	Detached Dwelling side (minimum - feet)	5	5	5	N/A	N/A
H	Detached Dwelling rear (minimum - feet)	5	5	5	N/A	N/A
I	None Residential side (minimum - feet)	N/A	5	5	0	0
J	None Residential rear (minimum - feet)	N/A	5	5	0	0
K	Primary structure hight without step back (maximum - story / feet)	3 (48 ft)	4 (52 ft)	4 (52 ft)	5 (64 ft)	7 (90 ft)
L	Primary structure height with step back (maximum - story / feet)	4 (52 ft)	5 (64 ft)	5 (64 ft)	6 (76 ft)	8 (102 ft)
M	Step back required at (story / depth Ft.)	3/5	4/5	4/5	5/10	7/10
N	Primary structure height with Incentives and Stepback (maximum - story / feet)	4 (52 ft)	6 (76 ft)	6 (76 ft)	7 (90 ft)	12 (135 ft)
O	Additional Step Back required (story / dept Ft. adjacent to Arbor Ridge)	None	None	3/5	None	4/10
	Other					
P	Front building façade required step back (min) on main street frontage	None	None	None	25%	25%
Q	Accessory structure hight (maximum - feet)	30	30	30	30	30
R	Front parking setback (minimum feet) (behind primary structures front buidling wall)	None	None	None	1	1
S	Impervious surface coverage (maximum)	90%	80%	80%	100%	100%
T	Landscape area (minimum)	10%	20%	20%	0%	0%
U	Additional requiremnts on Sudbury Drive extension	None	NONE	None	None	1st Floor Com/Limited *
V	Additional requirements on Everest Center main street	None	NONE	None	None	1st Floor Non Res*

Note: See Section 04.04.070 (Incentives for Alternative Standards)

Chapter 03.03: Summit District Use Regulations

Section 03.03.010: General

- (1) In the Allowed Use Table, land uses are classified into general use categories and specific uses based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into the appropriate district.
- (2) A lot or parcel may include multiple principal uses, including a combination of residential and non-residential uses.
- (3) When a proposed land use is not explicitly listed in the Allowed Use Table, the Planning and Transportation Director shall make a determination in accordance with UDO Section 20.06.080(c).
- (4) All uses required by any unit of local, state, or federal government to have an approval, license, or permit to operate are required to have that local, state, or federal approval, license or permit in effect at all times, and failure to do so is a violation of this PUD and the UDO.
- (5) All uses subject to operational standards of a local, state or federal government agency, including without limitation the regulations of the Bloomington Municipal Code, and regulations of the Indiana Department of Health and Human Services, shall operate in compliance with those standards and regulations at all times and failure to do so is a violation of this PUD and the UDO.
- (6) The sub-area map with use areas corresponding to Figure 9 is below:

FIGURE 11: Summit District PUD Allowed Use Table

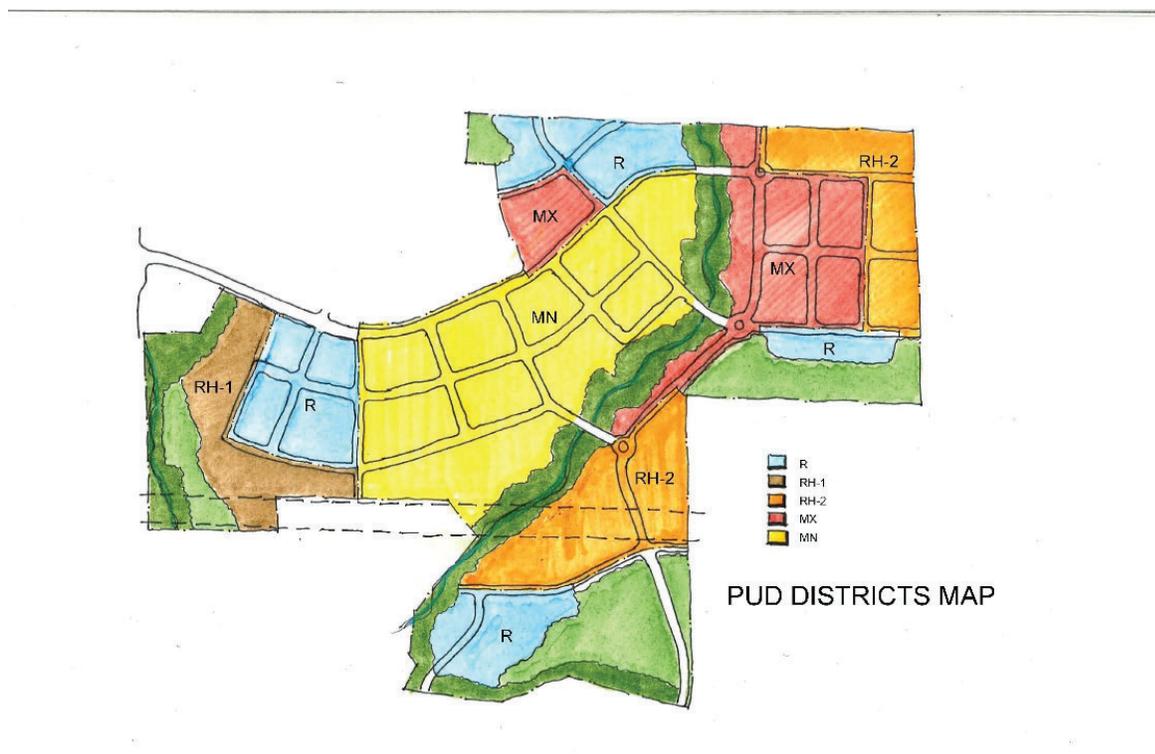
Summit District PUD					
Allowed Use Table					
RESIDENTIAL USES	R	RH1	RH2	MX	MN
Household Living					
Dwelling, single family (detached)	P*				
Dwelling, single family (attached)	P*	P*			
Dwelling, duplex	P*	P*			
Dwelling, triplex	P*	P*			
Dwelling, fourplex	P*	P*	P*		
Dwelling, multifamily	P*	P*	P*	P*	P*
Dwelling, live/work	P*	P*	P*	P*	
Group Living					
Assisted living facility		P	P	P	P
Continuing care retirement facility		P	P	P	P
Group care home, FHAA small		P*		P*	
Group care facility, FHAA large		P*		P*	
Nursing or convalescent home		P	P	P	
Supportive housing, small			P	P	
Supportive housing, large			P	P	
PUBLIC, INSTITUTIONAL, AND, CIVIC USES	R	RH1	RH2	MX	MN
Community and Cultural Facilities					
Art gallery, museum, or library				P	P
Community center	P	P	P	P	P
Day-care center, adult or child			P	P	P
Meeting, banquet, or event facility				P	P
Places of worship, club or cultural facility	P	P	P	P	P
Parks, Fire/Police Station		P		P	
Schools, Public or Private					
School, public or private		P	P	P	P
School, trade or business		P	P	P	P
School, university			P	P	P

COMMERCIAL USES	R	RH1	RH2	MX	MN
Healthcare Facilities					
Medical clinic					P
Agricultural and Animal Uses					
Pet Grooming					P
Veterinarian clinic					P
Entertainment and Recreation					
Amenity center		P	P	P	P
Recreation, indoor		P	P	P	P
Recreation, outdoor			P		
Food, Beverage, and Lodging					
Bar or dance club					P
Bed and Breakfast	P	P			P
Brewpub, distillery, or winery				P*	P*
Hotel or motel				P	P
Restaurant		P	P	P	P
Office, Business, and Professional Services					
Artist studio or workshop		P	P	P	P
Financial institution				P	P
Fitness center, small			P	P	P
Fitness center, large			P	P	P
Office			P	P	P
Personal service, small				P	P
Personal service, large					P
Tattoo or piercing parlor					P
Retail Sales					
Grocery or supermarket					P

COMMERCIAL USES, continued	R	RH1	RH2	MX	MN
Liquor or tobacco sales					P
Retail sales, small					P
Retail sales, medium					P
Vehicles and Equipment					
Off site parking / Surface parking lot shared		P*	P*	P*	P*
Surface parking lot					P*
Vehicle fleet operations, small					P
Vehicle fuel station					P*
Vehicle parking garage			P*	P*	P*
Vehicle sales or rental					P
Employment					
Artisan Manufacturing			P	P	P
UTILITIES AND COMMUNICATION	R	RH1	RH2	MX	MN
Solar collector, ground- or building-mounted	P*	P*	P*	P*	P*
Utility substation and transmission facility				P*	P*
Wind energy system, small	P*	P*	P*	P*	P*
ACCESSORY USES	R	RH1	RH2	MX	MN
Detached garage	P	P			
Dwelling, accessory unit	P*	P*		P*	
Electric vehicle charging facility	P	P	P	P	P
Home occupation	P	P	P	P	P
Swimming pool	P*	P*	P*	P*	P*
TEMPORARY USES	R	RH1	RH2	MX	MN
Real estate sales or model home	P*	P*	P*	P*	P*
Seasonal sales	P*	P*	P*	P*	P*
Special event	P*	P*	P*	P*	P*

*Refer to Use-Specific Standards in 03.03.020 of the Summit District PUD as defined below and also UDO Use-Specific Standards 20.03.030, as applicable.

FIGURE 12: Use Maps



Section 03.03.020 Use-Specific Standards

(a) Generally

The Use Specific Standards listed in this Section 03.03.020 apply to those uses listed in Figure 8 and are exclusive to application in the Summit District PUD without reference to the UDO provisions regarding the same use. Where a Use-specific standard is not referenced in this PUD Section 03.03.020, the provisions of the UDO shall apply.

(b) Residential Uses

(1) Dwelling, Single-Family (Detached)

- (A) Occupancy of a single-family detached dwelling unit is subject to the definition of "family" in UDO Chapter 20.07: (Definitions).

(2) Dwelling, Single-Family (Attached)

(A) Access

- i. Each individual dwelling unit shall have a separate entrance facing the street frontage to which the building address is assigned. Buildings on corner lots may have entrances facing either street frontage.

(B) Occupancy

- i. Occupancy of single-family attached dwelling units is subject to the definition of "Family" in UDO Chapter 20.07: (Definitions).

(3) Dwelling, Multifamily

(A) Access

- i. Each individual building shall have a separate entrance facing the street frontage (Public or Private) to which the building address is assigned. Buildings on corner lots may have entrances facing either street frontage.

(A) Occupancy

- ii. Occupancy of single-family attached dwelling units is subject to the definition of "Family" in UDO Chapter 20.07: (Definitions).

(4) Dwelling, Live/Work

- (A) The residential living space shall be occupied by the owner of the commercial or manufacturing activity or the owner's employee, including that person's household.
- (B) The resident owner or employee is responsible for the commercial or manufacturing activity performed.
- (C) Signs are limited to not more than two internally illuminated wall or window signs not exceeding 10 square feet in total area.
- (D) The work activities shall not adversely impact the public health, safety, or welfare of adjacent properties.

(c) Commercial Uses

(1) Brewpub, Distillery, or Winery

- (A) Brewpubs, distilleries, or wineries shall not manufacture more than 5,000 barrels of beverage (all beverages combined) annually.

- (B) Brewpubs, distilleries, or wineries shall maintain copies of all reports filed with the bureau of alcohol, tobacco and firearms (ATF) and shall be able to demonstrate, upon request of the city, that they have not exceeded the annual beverage production limit in any 12-month period.
- (C) Brewpubs, distilleries, or wineries shall maintain at least 15 percent of the gross floor area of the facility or 500 square feet of floor space, whichever is greater, for public use as a tavern, restaurant, or tasting area.
- (D) Brewpubs may ship beverages for consumption at other sites, but only if it is demonstrated that:
 - i. The location and flow of shipping traffic does not impact access by other users; and
 - ii. The proposed shipping routes are designed to accommodate the weight of the delivery vehicles.

(2) Vehicle Fuel Station

- (A) The use shall be limited to a total of eight metered fuel dispenser units. For the purpose of this section, each hose shall count as one fuel dispenser unit.
- (B) Major overhaul, body and fender work, upholstery, welding and spray painting shall be prohibited as an accessory use of a vehicle fuel station.
- (C) All activities other than vehicle fueling shall be conducted within a completely enclosed building.
- (D) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.
- (E) Outdoor storage of more than one wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.
- (F) All structures including fuel canopies shall be similar in appearance to the surrounding development with respect to architectural style, color, and materials;
- (G) Fuel canopies shall be located to the side or rear of properties to minimize visual impact from public streets; with
- (H) At least 50 percent of the total number of dispenser units shall provide alternative fuels including, but not limited to biodiesel, electricity, majority ethanol blend, hydrogen or natural gas.

(3) Vehicle Parking**(A) Garage**

A freestanding primary use vehicle parking garage, or a parking garage that is attached to but not located within the building envelope of a structure containing another primary use shall be permitted. If exterior facades of a parking garage structure are not covered with residential or commercial spaces, then the following design elements shall all be included:

- i. Exterior facades shall utilize a punched-out window design with a minimum of 2' solid space between openings and defined lintels and sills that utilize different finishing material than adjacent facade.
- ii. A minimum of one pedestrian entrance with required entrance detailing is required per street frontage.
- iii. A minimum of 25% of each facade facing a public street shall incorporate public art, planter boxes, or similar elements.

(B) Surface Parking Lot

A freestanding primary use vehicle surface parking lot for a maximum of 50 cars shall be permitted in only accordance with these provisions:

- i. The surface parking lot shall have ingress and egress to adjacent rights-of-ways that are clearly marked with directional signage.
- ii. A surface parking lot shall be limited by a minimum of 600' separation by distance from another surface parking area.
- iii. Surface parking may be shared by the public or owners through a Shared Parking Agreement.
- iv. A surface parking lot shall be approved for use for a period not to exceed three (3) years from the date of approval of temporary use and may be extended two times for a period of up to one (1) year by the Director of Planning and Transportation but only upon submission of a study by petitioner demonstration of a continuing need.
- v. Upon the end of the approved time period for use of a surface parking lot, the area must be converted by the owner through approved construction of improvements or a conversion of the lot to greenspace in compliance with PUD Section 04.04.080 (Landscaping, Buffers and Fences).

(C) Off-Site Parking / Surface Parking Lot Shared

- i. With the filing of a site plan for development of a different approved use, the owners of two or more properties may request this use on a parcel that is adjacent to at least one of the proposed development sites. Upon review of the request, the Planning and Transportation Department may authorize offsite parking/surface parking lot shared use.
- ii. Any property utilizing the parking created by this use shall be located within 600 feet of the off-site parking/surface parking lot shared facility providing compliant pedestrian connections to all developments utilizing the off-site parking/surface parking lot shared.
- iv. Surface parking shall be approved for use for a period not to exceed three (3) years from the date of the approval and may be extended for a period of up to three (3) years by the Director of Planning and Transportation but only upon a submission of a study by petitioner demonstrating a continuing need.

(d) Utilities and Communication

(1) Solar Collector, Ground- or Building-Mounted

- (A) Accessory solar collectors shall only be located behind the front building setback or on rooftops.
- (B) Accessory building-mounted solar collectors may exceed the maximum building height requirement by a maximum of 60 inches.

(2) Utility Substation and Transmission Facility

- (A) Utility substations and transmission facilities (not including sewer or water boost or lifting stations) shall be screened with a solid fence or wall at between eight and ten feet in height and shall provide at least one tree and three shrubs per 10 linear feet of fencing to minimize the visual impact of the use on surrounding properties, public streets, and public open spaces. Required plantings shall be located on the side of the fence closest to abutting properties.

(3) Wind Energy System Small

- (A) In Residential districts, an accessory small wind energy system may exceed the maximum building height of the applicable district by 10 feet.
- (B) In Nonresidential districts, an accessory small wind energy system may exceed the maximum building height of the applicable district by 40 feet.
- (C) Each accessory small wind energy system shall be set back from each property line at least a distance equal to the height of the tower and blade with the blade in its highest vertical position.

(e) Accessory Uses and Structures

(1) Dwelling, Accessory Unit

(A) Purpose

These accessory dwelling unit ("ADU") standards are intended to permit the creation of legal ADUs that are compatible with residential neighborhoods while also adding housing options for the City's workforce, seniors, families with changing needs, and others for whom ADUs present an affordable housing option.

(B) Generally

- i. This use shall be accessory to dwellings of 10 or less that is the principal use on the same lot or parcel.
- ii. Not more than one ADU may be located on one lot. ADUs shall not contain more than two bedrooms.
- iii. No more than one family, as defined in UDO Chapter 20.07: (Definitions), shall reside in one accessory dwelling unit. For purposes of this section, attached ADUs with internal access that were approved under this ordinance shall be considered one dwelling unit.
- iv. A request for an ADU shall be required to submit a separate site plan petition with the Planning and Transportation Department if no building permit is processed for the ADU.

(C) Utilities

All ADUs shall be connected to the public water main and sanitary sewer that are adjacent to the property on which the ADU is located, per City of Bloomington Utilities' Rules and Regulations or Construction Specifications.

(D) Standards for Attached ADUs

- i. The maximum square footage of any attached ADU shall be 840 square feet.
- ii. The maximum height of any attached ADU shall be the same as that applicable to the primary dwelling structure in the sub-zoning district where the ADU is located.
- iii. Each ADU shall be set back from each property line by at least the same setback distance applicable to the primary dwelling structure in the sub-zoning district where the ADU is located.

(E) Standards for Detached ADUs

Detached ADUs shall meet the architectural and foundation requirements for a single-family dwelling as found in PUD Section 04.04.020.

- i. The maximum gross floor area of the detached ADU portion of any accessory structure shall be 840 square feet or the maximum square footage allowed for accessory structures permitted by PUD Section 03.03.030(e) (Accessory Uses and Structures), whichever is less.
- ii. The detached ADU shall not exceed 30 feet in height.
- iii. The detached ADU shall not extend closer to any street than the existing primary dwelling structure.
- iv. A detached ADU shall be set back from any side or rear property by at least five feet.

(F) Recorded Documents

Prior to receiving a building permit for an ADU, the petitioner shall record a deed or title restriction with the Monroe County Recorder, in a form acceptable to the City, stating that the ADU shall not be sold separately from the primary unit.

Chapter 04.04 Development Standards & Incentives

04.04.010 Applicability

(a) New Development

The requirements of this chapter shall apply to all new development pursuant to Section 04.04.010 (Authority, Applicability, and Jurisdiction) of this PUD, unless otherwise exempted in this Chapter.

(b) Activities That Trigger Compliance

- (1) Construction of any new primary structure on a lot shall require compliance with all standards in this Chapter unless an exception is stated in this PUD.
- (2) Figure 10: identifies activities that trigger compliance for conforming sites and structures with specific development standards contained in this Section 04.04. These standards shall not exempt development activity that falls below the thresholds identified in Figure 10: from complying with applicable standards of this PUD or any applicable federal, state, or local regulations. Additional information on applicability is provided in the referenced sections.
- (3) For purposes of this section, "entire site" shall mean the total area of the lot on which development is occurring. "Disturbed area" shall mean those areas of the lot or those portions of the structure that are included in the project area or that are affected by the proposed development activity.

FIGURE 13: Development Standards Compliance Thresholds For Conforming Sites and Structures

PUD or UDO Standard	Section	Change in Use		New Development		Redevelopment			
		Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only	Minor Site Plan		Major Site Plan	
						Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only
Dimensional Standards	04.04.020		✓	✓			✓	✓	
Environment	20.04.030		✓	✓			✓	✓	
Floodplain	20.04.040		✓	✓			✓	✓	
Access and Connectivity	04.04.040		✓	✓			✓	✓	
Parking and Loading	04.04.050		✓	✓			✓	✓	
Site and Building Design	04.04.060		✓	✓			✓	✓	
Landscape, Buffering, and Fences	04.04.080		✓	✓			✓	✓	
Outdoor Lighting	20.04.090		✓	✓			✓	✓	
Signs	04.04.090		✓	✓			✓	✓	

04.04.020 Dimensional Standards

(a) Purpose

This section is intended to provide dimensional standards and uniform methods of measurement for interpretation and enforcement of the lot and building standards in this PUD.

(b) Applicability

Compliance with this Section 04.04.020 (Dimensional Standards) shall be required pursuant to Section 04.04.010 (Applicability). The Development Standards provided by this Chapter 04.04.020 are applicable to all development within the Summit District PUD as expressly provided without reference to the UDO provisions regarding the same standards. Where a standard is not specified in this Chapter 04.04.020, the provisions of UDO 20.04.020 shall apply in accordance with the UDO in effect as of April 20, 2023.

(c) General Dimensional Standards

Figure 2 establishes the dimensional standards for residential, mixed- use, and other districts contained in Chapter 02.02: (Districts). In case of a conflict between the dimensions shown in this

Section and the dimensions shown for individual districts in Chapter 02.02: (Districts), the provisions of this Section 04.04.020 shall govern.

(d) Lot and Space Requirements

(1) Minimum Lot Dimensions

No space that is needed to meet the width, setback, area, open space, impervious surface coverage, landscaping, or other requirements of this PUD for a lot or building may be sold, leased, or subdivided away from such lot or building. All lots affected by a proposed subdivision shall meet the standards of this PUD.

(2) Number of Primary Buildings or Uses per Lot

Where a lot or parcel is used for multifamily, mixed-use, or commercial, more than one primary building may be located upon the lot when such buildings conform to all requirements of this PUD applicable to the uses and district.

(e) Setbacks

(1) Exceptions to Setback Requirements

- (A) The setback exceptions established in Figure 11 shall not authorize the encroachment of any development across property lines or into a public right-of-way.
- (B) Every part of a required setback shall be unobstructed from ground level to the sky, except as follows:

FIGURE 14: Authorized Exceptions to Setback Requirements	
DU = dwelling unit	
Type of Exception	Extent of Exception
Air conditioners (ground)	Up to 5 feet if screened by a fence, wall, or appropriate landscaping.
Air conditioners (window)	Up to 30 inches.
Architectural features	Up to 18 inches.
Awnings, balconies, canopies, patios, and steps	Up to 6 feet.
Bay windows, chimneys, eaves,	Up to 3 feet.
Decks	Up to 6 feet into the side or rear setback provided that no deck is closer than 2 feet to a side property line.
Fire Escapes	Up to 6 feet into side and rear setbacks.
Front Entry	For the R, RH1 and RH2 Districts, an entry or covered front addition a maximum of 6 feet deep and with a width not to exceed one-third the width of the primary facade of the structure.

Accessible ramps	Exempt from all setback requirements.
Satellite dishes	Up to 5 feet into the front setback and no closer than one foot to the side and rear property lines.
Detached garages or carports	Where a rear alleyway provides access to a detached garage or carport, the setback from the property line that runs parallel to the alleyway to the detached garage or carport may be reduced to three feet.
Additions to existing primary structures	In R, RH1 and RH2 Districts, additions to existing primary structures may use existing side or rear setbacks already established on the lot, provided that the gross floor area of the existing structure is not increased by more than 50 percent. In no case shall the setback be less than 10 feet (rear) or 4 feet (side).

(f) Exceptions to Height Requirements

No building or structure or part of a building or structure shall exceed the maximum building height within any district unless authorized in Figure 13, or elsewhere in this PUD.

**FIGURE 15:
Authorized Exceptions to Height Requirements**

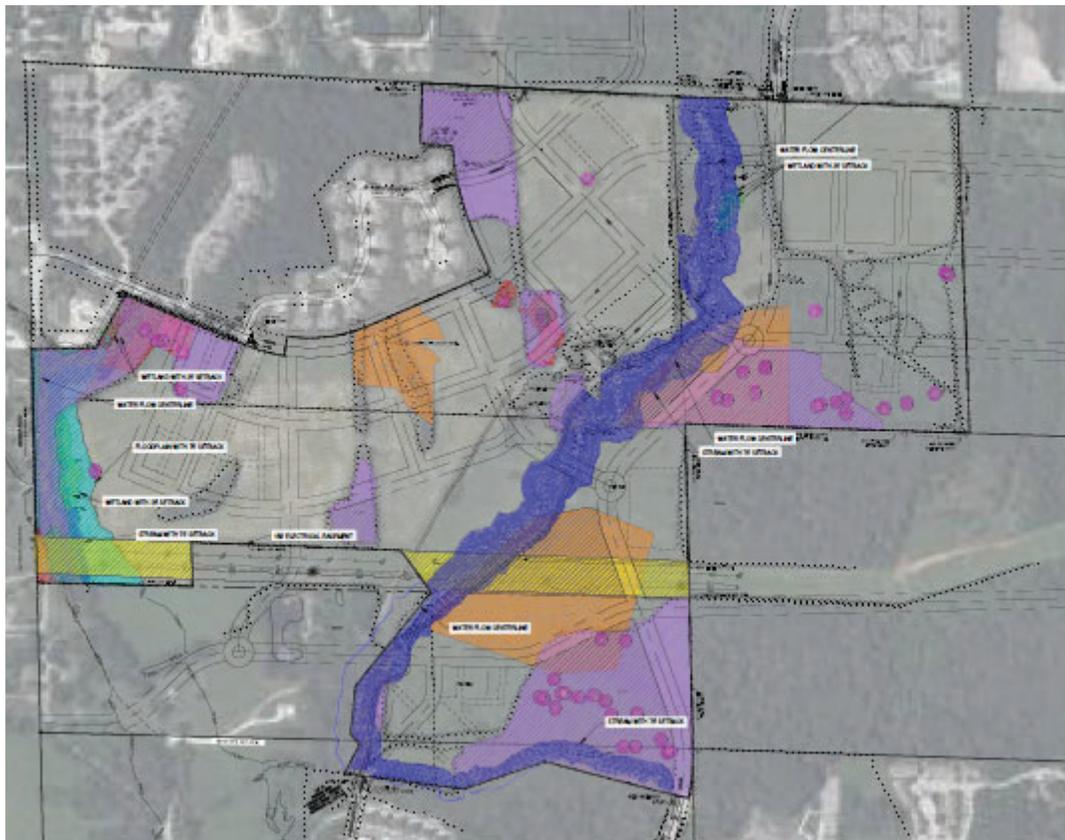
Type of Exception	Extent of Exception
Place of worship elements	Steeple, bell towers, and similar features may exceed the maximum height of the applicable district by no more than 25 percent of the applicable maximum height.
Chimneys, landscaping, and other ornamental architectural features	Chimneys and other ornamental architectural features may extend 10 feet above the roof's highest point.
Solar Collector & Lights	All districts, accessory building-mounted solar collectors may exceed the maximum building height requirement by a maximum 20 feet.
Water towers and quarry derricks	Water towers and quarry derricks are allowed up to a height of 150 feet.
Mechanical equipment and elevator bulkheads	Roof-mounted mechanical equipment including, but not limited to, utility boxes, telecommunication devices, cables, conduits, vents, chillers and fans, may extend up to 10 feet above the roof's highest point. In such cases, roof-mounted equipment shall comply with the requirements of USO Section 20.04.080(m)(1) (Roof-Mounted Mechanical Equipment).
Communication facilities	Communication facilities are exempt from height restrictions, subject to the limitations of UDO Chapter 20.03.030(f)(1) (Communication Facility).

04.04.030 Environmental

(a) Applicability

Compliance with UDO Section 20.04.030 shall be required, except for applicability of the criteria as established specifically for the Summit District in this PUD Section 04.04.030(b) through 04.04.030(e), which shall apply exclusively as to PUD Sections 04.04.030(b). The Environmental Standards provided by this Chapter 04.04.030 are applicable to all development within the Summit District PUD as expressly provided without reference to the UDO provisions regarding the same standards. Where a standard is not specified in this Chapter 04.04.030, the provisions of UDO 20.04.030 shall apply in accordance with the UDO in effect as of April 20, 2023.

FIGURE 16: ENVIRONMENTAL MAP



04.04.040 Access and Connectivity

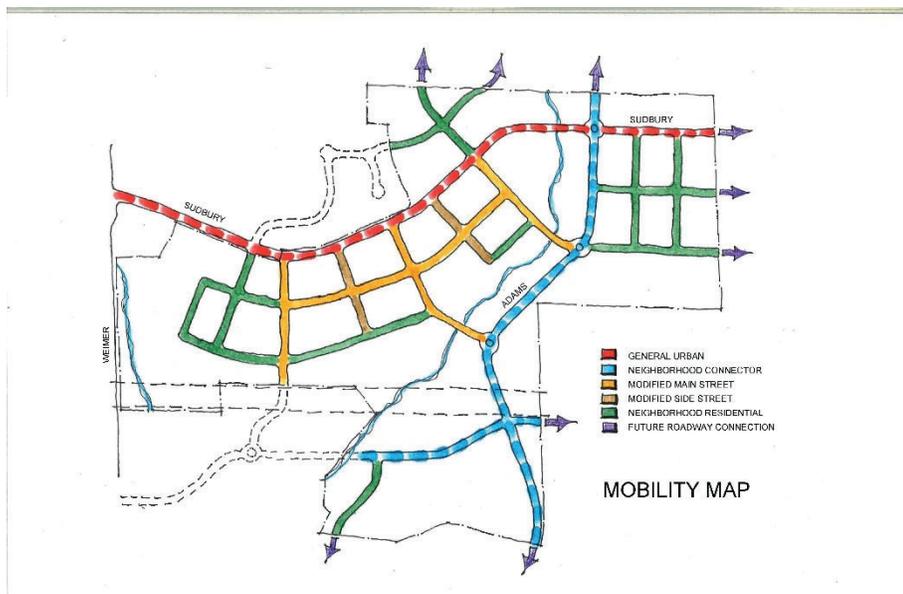
(a) Applicability

Compliance with UDO Section 20.04.050 shall be required, except for applicability of the criteria as established specifically for the Summit District in this PUD Section 04.04.030(b). The standards provided by this Chapter 04.04.030(b) are applicable to all development within the Summit District PUD as expressly provided without reference to the UDO provisions regarding the same standards. Where a standard is not specified in this Chapter 04.04.030, the provisions of UDO 20.04.050 shall apply in accordance with the UDO in effect as of April 20, 2023.

(b) Mobility Map

The map establishing future points of connectivity and compliance with the Transportation for Summit District PUD is below:

FIGURE 17: Mobility Map



04.04.050 Parking and Loading

(a) **Applicability**

Compliance with this Section 04.04.050 (Parking and Loading) shall be required pursuant to Section 04.04.050(a) (Applicability) and the specific applicability criteria established in Sections 04.04.050(b) through 04.04.050(c). Except as expressly provided by Sections 04.04.050(a), Section 04.04.050(b) and 04.04.050(c), UDO Section 20.04.060 (Parking and Loading) in effect as of 4.20.2023, shall be applied to all Parking and Loading standards, except that UDO 20.02.060(d) Minimum Vehicle Parking Requirement shall be excluded.

(b) **District-Specific Standards**

For purposes of the PUD, the Vehicle Parking Location and Design standard found in Section 20.04.060(i)(2)(B), PUD districts R, RH1 and RH2 shall apply.

(c) **Maximum Vehicle Parking Allowance**

In no case shall any land use or development subject to this Section provide more than the maximum number of vehicle parking spaces allowed for each land use listed in Figure 17: Maximum Vehicle Parking Allowance.

FIGURE 18:
Maximum Vehicle Parking Allowance

DU = dwelling unit sq. ft. = square feet

Summit District PUD	
Maximum Vehicle Parking Allowance	
Use	Maximum
RESIDENTIAL USES	
Household Living	
Dwelling, single family (detached)	None
Dwelling, single family (attached)	None
Dwelling, duplex	None
Dwelling, triplex	None
Dwelling, fourplex	2 spaces per DU
Dwelling, multifamily	2 spaces per DU
Dwelling, live/work	2 spaces per DU
Group Living	
Assisted living facility	1 space per 6 infirmay or nursing beds + 1 space per 3 rooming units or DU
Continuing care retirement facility	1 space per 6 infirmay or nursing beds + 1 space per 3 rooming units or DU
Group care home, FHAA small	2 spaces per 1,000 SF - GFA
Group care facility, FHAA large	2 spaces per 1,000 SF - GFA
Nursing or convalescent home	1 space per 6 infirmay or nursing beds + 1 space per 3 rooming units or DU
Supportive housing, small	2 spaces per 1,000 SF - GFA
Supportive housing, large	2 spaces per 1,000 SF - GFA
PUBLIC, INSTITUTIONAL, AND, CIVIC USES	
Community and Cultural Facilities	
Art gallery, museum, or library	2 spaces per 1,000 SF - GFA
Community center	4 spaces per 1,000 SF - GFA
Day-care center, adult or child	4 spaces per 1,000 SF - GFA
Meeting, banquet, or event facility	4 spaces per 1,000 SF - GFA
Places of worship, club or cultural facility	5 spaces per 1,000 SF - GFA
ACCESSORY USES	
Detached garage	No additional
Dwelling, accessory unit	1 per ADU
Electric vehicle charging facility	No additional
Home occupation	No additional
Swimming pool	No additional
TEMPORARY USES	
Real estate sales or model home	4 spaces per 1,000 SF - GFA
Special event	4 spaces per 1,000 SF - GFA

Use	Maximum
COMMERCIAL USES	
Healthcare Facilities	
Medical clinic	5 spaces per 1,000 SF - GFA
Agricultural and Animal Uses	
Pet Grooming	4 spaces per 1,000 SF - GFA
Veterinarian clinic	4 spaces per 1,000 SF - GFA
Entertainment and Recreation	
Amenity center	4 spaces per 1,000 SF - GFA
Recreation, indoor	4 spaces per 1,000 SF - GFA
Recreation, outdoor	4 spaces per 1,000 SF - GFA
Food, Beverage, and Lodging	
Bar or dance club	5 spaces per 1,000 SF - GFA
Bed and Breakfast	1 space per guest bedroom
Brewpub, distillery, or winery	5 spaces per 1,000 SF - GFA
Hotel or motel	1 space per guest room
Restaurant	15 spaces per 1,000 SF - GFA -Indoor+ 5 spaces per 1,000 SF - GFA -Outdoor
Office, Business, and Professional Services	
Artist studio or workshop	4 spaces per 1,000 SF - GFA
Financial institution	4 spaces per 1,000 SF - GFA
Fitness center, small	4 spaces per 1,000 SF - GFA
Fitness center, large	4 spaces per 1,000 SF - GFA
Office	4 spaces per 1,000 SF - GFA
Personal service, small	4 spaces per 1,000 SF - GFA
Personal service, large	4 spaces per 1,000 SF - GFA
Tattoo or piercing parlor	4 spaces per 1,000 SF - GFA
Retail Sales	
Grocery or supermarket	5 spaces per 1,000 SF - GFA

COMMERCIAL USES, continued	
Liquor or tobacco sales	5 spaces per 1,000 SF - GFA
Retail sales, small	5 spaces per 1,000 SF - GFA
Retail sales, medium	5 spaces per 1,000 SF - GFA
Vehicles and Equipment	
Off site parking / Surface parking lot shared	4 spaces per 1,000 SF - GFA
Surface parking lot	50 spaces maximum
Vehicle fleet operations, small	4 spaces per 1,000 SF - GFA
Vehicle fuel station	5 spaces per 1,000 SF - GFA
Vehicle parking garage	4 spaces per 1,000 SF - GFA
Vehicle sales or rental	4 spaces per 1,000 SF - GFA
Employment	
Artisan Manufacturing	no limit
UTILITIES AND COMMUNICATION	
Solar collector, ground- or building-mounted	1.5 spaces per acre
Utility substation and transmission facility	1.5 spaces per acre
Wind energy system, small	1.5 spaces per acre

04.04.060 Site and Building Design

(a) Applicability of Chapter

(1) Compliance with this Section (Site and Building Design) shall be required pursuant to Section 04.04.010 (Applicability) and the specific applicability criteria established in Sections 04.04.060(b) through 04.04.060(d). Except as expressly provided by Sections 04.04.060(a), Section 04.04.060(b) and 04.04.060(c), UDO Section 20.04.060 (Site and Building Design) in effect as of 4.20.2023, shall be applied to all Site and Building Design standards except that UDO 20.04.070(c) MD District and UDO 20.04.070(d)(5) Neighborhood Transition Standards shall be excluded.

(2) Any exterior renovation of a building shall comply with this Section 04.04.060 for the portions of the building affected by the renovation. If the renovation is proposed for only a portion of a building, the Planning and Transportation Director may waive compliance with the site and building design standards if that renovation would be inconsistent with the overall design of the existing structure.

(b) Building Design

(1) Applicability

The following building design standards shall apply to all development.

(2) Exceptions

- i. Residential structures shall not be subject to the standards of Section 04.04.060(3) but shall be subject to the architectural standards of 04.04.060(b)(4).
- ii. UDO 20.04.070(d)(1) Third Party Review shall not apply to this PUD.

(3) Materials

All facades of a primary mixed-use and nonresidential building in MN or MX Districts shall consist of one or more of the following exterior finish materials:

(A) Primary and Secondary Exterior Finish Materials

- i. Horizontal lap siding (e.g., vinyl, cementitious, wood);
- ii. Cementitious siding; Wood composite siding, such as LP Smart siding.
- iii. V-grooved tongue-and-groove siding;
- iv. Wood-grained vertical siding materials in a board-and-batten or reverse batten pattern;
- v. Cedar or other wood materials;
- vi. Stucco, plaster, or similar systems, (excluding EIFS);
- vii. Brick;
- viii. Stone;
- ix. Masonry; Split face block, ground face block,
- x. Cast or cultured stone;
- xi. Cast in place concrete;
- xii. Precast concrete;
- xiii. Transparent
- xiv. Glass.
- xv. Metal
- xvi. Earthen structural materials; or
- xvii. Other materials that replicate the look and durability of the above materials, as approved by the staff.

(4) Residential**(A) Applicability**

The following standards apply to residential buildings in the R, RH1 and RH2 Districts.

(B) Primary and Secondary Exterior Finish Materials

- i. Horizontal lap siding (e.g., vinyl, cementitious, wood);
- ii. Cementitious siding; Wood composite siding, such as LP Smart siding.
- iii. V-grooved tongue-and-groove siding;
- iv. Wood-grained vertical siding materials in a board-and-batten or reverse batten pattern;

- v. Cedar or other wood materials;
- vi. Stucco, plaster, or similar systems, (excluding EIFS);
- vii. Brick;
- viii. Stone;
- ix. Masonry; Split face block, ground face block,
- x. Cast or cultured stone;
- xi. Cast in place concrete;
- xii. Precast concrete;
- xiii. Transparent
- xiv. Glass.
- xv. Metal

(c) **Transition to Arbor Ridge Subdivision**

(1) **Setback**

- i. Buildings abutting Arbor Ridge Condominiums shall comply with the minimum building setbacks R2 zoning district of the UDO.

(2) **Height**

- i. Buildings abutting Arbor Ridge Condominiums shall, when exceeding three (3) stories shall step back at the fourth (4th) story at a minimum five (5) additional feet from the required set back above.
- ii. Buildings abutting Sudbury Drive immediately across from Arbor Ridge Condominiums shall comply with a step back at the fourth (4th) a minimum of ten (10) additional feet from the property line.

3. **Use**

- i. Buildings fronting Sudbury Drive shall not have any commercial uses as listed in the Allowed Use Table of the PUD to have direct access onto the Sudbury Drive or utilize the outdoor seating, sidewalks or right-of-way for any commercial use as listed in the Allowed Use Table of the PUD.

04.04.070 Landscaping, Buffering, and Fences

(a) Applicability

Compliance with this Section 04.04.070 (Landscaping, Buffering and Fences) shall be required pursuant to Section 04.04.010 (Applicability) and the specific applicability criteria established in Sections 04.04.070(a), 04.04.070(b), and 04.04.070(c). Except as expressly provided by Sections 04.04.070(a), Section 04.04.070(b) and 04.04.070(c), UDO Section 20.04.080 (Landscape, Buffering and Fences) in effect as of 4.20.2023 shall be applied to all Landscape, Buffering and Fences, standards which shall remain in effect for a period of 15 years or the time at which the PUD is rezoned pursuant to 20.06.070(E)(5)(D), whichever is first occurring.

(b) District-specific applicability

- i. For purposes of the PUD, the Multifamily Development Landscaping standard found in Section 20.04.080(i), shall apply to PUD districts R, RH1 and RH2.
- ii. For purposes of the PUD, the Multifamily Development Landscaping standard found in Section 20.04.080(j), shall apply to PUD districts MX and MN.

(c) Exception

The PUD shall not be subject to the standards of Section 20.04.080() (Buffer Yards).

04.04.080 Signs

(a) Applicability

No sign or advertising device shall be established, altered, changed, erected, constructed, reconstructed, moved, divided, enlarged, demolished or maintained except in compliance with this Section 04.04.080. Compliance with this Section 04.04.080 (Signs) shall be required pursuant to Section 04.04.010 (Applicability) and the specific applicability criteria established in Sections 04.04.080(a) and 04.04.070(b). Except as expressly provided by Sections 04.04.070(a), and Section 04.04.070(b), UDO Section 20.04.100 (Signs) in effect as of 4.20.2023 shall be applied to all Sign standards which shall remain in effect for a period of 15 years or the time at which the PUD is rezoned pursuant to 20.06.070(E)(5)(D), whichever is first occurring.

(b) District-specific applicability

- i. For purposes of the PUD, the Residential District Sign Standards found in Section 20.04.100(i), shall apply to PUD districts R, RH1 and RH2.

- iii. For purposes of the PUD and except as provided by 04.04.080(b)(3)(iv), the MD District standard found in Section 20.04.100(l) and the Multifamily Sign Standard found in Section 20.04.100(j) shall apply to PUD districts MX and MN.
- iv. The follow provisions of the UDO 20.04.100 shall be modified as expressly stated below;
 1. Section 20.04.100(l)(4)(E) shall state that “No freestanding sign shall be allowed unless the primary structure on a lot is set back from the public right-of-way by a minimum of 10 feet.
 2. Section 20.04.100(j)(1)(A)(iii) shall state “no property shall be limited to less than 20 square feet of wall signage and no use or tenant shall be permitted to exceed 300 square feet of wall signage.
 3. Section 20.04.100(j)(4)(D) shall state “where a lot is permitted multiple free-standing signs, no two freestanding signs shall be within 50 feet of each other, as measured along the public right-of-way.

04.04.090 Incentives

(a) Purpose

Affordable housing and sustainable development incentives are available to all development within the PUD. The purpose of this Section 04.04.090 is to establish a framework by which affordability and sustainability standards may be implemented to achieve the requirements of the PUD and creates standards to allow development to incorporate expanded affordability and sustainability measures by providing enhanced development incentives.

(b) Applicability

The incentives listed in this Chapter 04.04.090 are available for development in the PUD and the provisions in UDO 20.04.110, in effect as of 4.20.2023, shall apply, except as expressly provided by this Section 04.04.090(a) through Section 04.04.090(c).

(c) Incentives

All projects that meet the standards set forth in UDO 20.04.100 and this Section 04.04.090 shall be entitled to the following incentives as part of such development:

FIGURE 19: Incentives Table

Summit District PUD					
Incentives summary per district					
District Designation	Residential	Mixed Residential	Mixed Multi- Family	Mixed Use	District Center
	R	RH1	RH2	MX	MN
% Affordable Units Required	Required 15% *	Required 15% *	Required 15% *	15%	15%
Incentives Available					
A Affordable Housing	Yes	Yes	Yes	Yes	Yes
B Environmental	Yes	Yes	Yes	Yes	Yes
C Allows Affordable and Environmental Incentives to be used in aggregate	No	No	No	Yes	Yes
Affordable Housing					
D % Affordable Units (per project) to utilize Incentive	N/A	Required 15%	Required 15%	20%	20%
E Highest Incentive available	1 Additional Story	1 Additional Story	1 Additional Story	1 Additional Stories	2 Additional Stories
F Floor Plate Incentive available	N/A	50%	50%	50%	50%
G Lot Area Reduction available	N/A	50%	50%	50%	50%
H Lot Width Reduction available	40%	50%	50%	50%	50%
Environmental					
I Highest Incentive available	1 Additional Story	1 Additional Story	1 Additional Story	1 Additional Stories	2 Additional Stories
J Floor Plate Incentive available	N/A	50%	50%	50%	50%
K Lot Area Reduction available	N/A	50%	50%	50%	50%
L Lot Width Reduction available	40%	50%	50%	50%	50%
* Aggregate across 4 Residential Neighborhoods can be applied to achieve base 15% requirement of the District Ordinance					

05.05 Subdivision Standards

05.05.010 Applicability

This Section 05.05 applies to all site and infrastructure improvements associated with subdivisions. Except as expressly provided by Sections 05.05.010 through and including Section 05.05.050, UDO Section 20.05 (Subdivision Standards) in effect as of 4.20.2023 shall be applied to Subdivisions in the PUD.

05.05.020 Generally

- (1) In planning for the development of areas within the jurisdiction of the Plan Commission, the owner and petitioner shall make every effort to assure that the proposed project will be accomplished in agreement with the intent and purpose of the Comprehensive Plan.
- (2) The proposed development shall also be consistent with the property's classification and shall result in a project that is harmonious with the environmental character of the property as well as the overall community of the City of Bloomington.

05.05.030 Specific Standards for Subdivision Types

In addition to the standards in this Section 05.05.050 (Subdivision Design Standards), each subdivision type defined in 05.05.030 (Subdivision Types) shall comply with the specific standards summarized in Figure: 20: Subdivision Development Standards below for Traditional Subdivision (TD) and Commercial/Employment Subdivision (CI):

FIGURE 20: Subdivision Development Standards

Summit District PUD Subdivision Development and Design Standards					
	TD	CI	CI	CI	CI
District	R	RH1	RH2	MX	MN
Parent Tract					
A. Minimum size (SF)	10,000 SF	21,000 SF	21,000 SF	21,000 SF	21,000 SF
B. Maximum size (SF)	None	None	None	None	None
Streets					
C. Block length (maximum)	5-15	5-15	5-15	0-10	0-10
D. Block Perimeter (maximum)	1,400 Ft				
E. Cul-de-sac length (minimum)	None	200 feet	200 feet	200 feet	None
F. Cul-de-sac length (maximum)	200 feet	400 feet	400 feet	400 feet	None
G. On -Street parking (minimum)	one side of street				
H. Tree plot width (minimum)	5 feet				
H. Sidewalk width (minimum)	5 feet				
J. Multiuse path width (minimum)	8 feet				
K. Transportation facilities	Per Trans. Plan				
Other					
L. Lots / dwellings served by alleys (minimum)	None	None	None	None	None
M. Open space required (minimum)	5%	5%	5%	None	None

Note: Measured as a percent of the gross acreage and shall be identified as common open space on the plat. Where on-street parking is provided, it shall comply with the standards in 20.04.060(o) (On-street Parking Standards for Private Streets).

05.05.040 Easements

- (a) **Applicability.** All proposed plats submitted for approval under the provision of this Section 05.05 (Subdivision Standards) shall comply with the standards of UDO 20.05.040 (Easements) subject specifically to this Section 05.05.040(a) and 05.05.040(b).
- (b) **General Standards.** All plats submitted for approval and easement areas designated shall incorporate and be subject to the mapping and determination of karst, floodplain, tree canopy, steep slope and wetlands for the real estate that is included in the PUD.

05.05.050 Subdivision Design Standards

(a). **Applicability.** This section 05.05.050 applies to all site and infrastructure improvements associated with subdivisions.

(b) **Specific Standards for Subdivision Type.** In addition to the standards in this Section 05.05.050 and the UDO 20.05, as applicable, each subdivision type as defined in 05.05.030 shall comply with the specific standard summarized in Figure ____ Subdivision Design Standards.

FIGURE 21: Subdivision Design Standards

Summit District PUD Subdivision Development and Design Standards					
	TD	CI	CI	CI	CI
District	R	RH1	RH2	MX	MN
Parent Tract					
A. Minimum size (SF)	10,000 SF	21,000 SF	21,000 SF	21,000 SF	21,000 SF
B. Maximum size (SF)	None	None	None	None	None
Streets					
C. Block length (maximum)	5-15	5-15	5-15	0-10	0-10
D. Block Perimeter (maximum)	1,400 Ft				
E. Cul-de-sac length (minimum)	None	200 feet	200 feet	200 feet	None
F. Cul-de-sac length (maximum)	200 feet	400 feet	400 feet	400 feet	None
G. On -Street parking (minimum)	one side of street				
H. Tree plot width (minimum)	5 feet				
H. Sidewalk width (minimum)	5 feet				
J. Multiuse path width (minimum)	8 feet				
K. Transportation facilities	Per Trans. Plan				
Other					
L. Lots / dwellings served by alleys (minimum)	None	None	None	None	None
M. Open space required (minimum)	5%	5%	5%	None	None

Note: Measured as a percent of the gross acreage and shall be identified as common open space on the plat. Where on-street parking is provided, it shall comply with the standards in 20.04.060(o) (On-street Parking Standards for Private Streets).

(c) **Site Features that Qualify as Open Space**

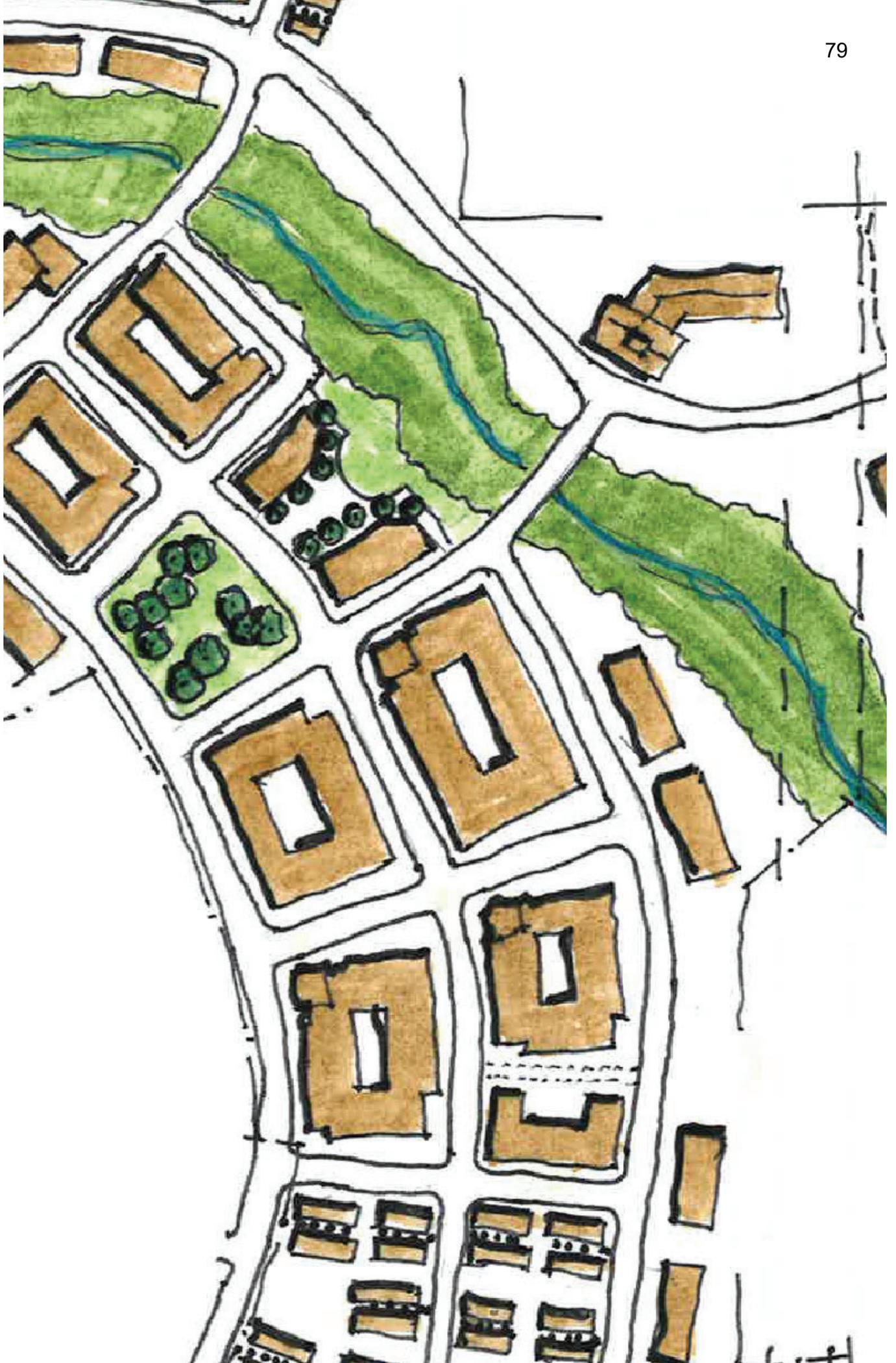
The following features count toward the minimum open space requirements as described:

(A) **Dry Detention Facilities**

Man-made stormwater detention facilities (dry) shall count toward the minimum open space if they meet the following standards:

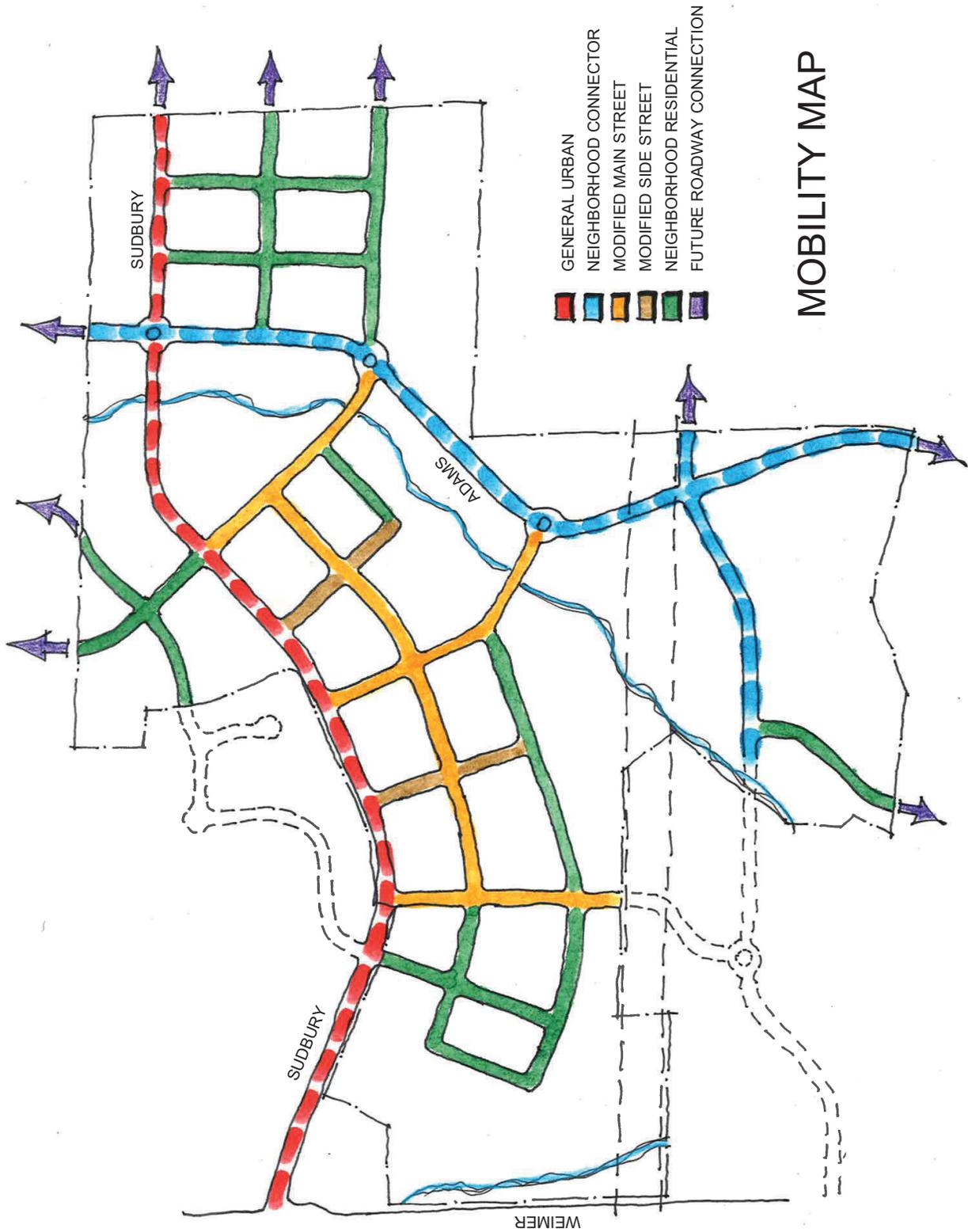
i. **Area**

The facility shall have at least 6,534 square feet of flat bottom (0.15 acres).





Radial Scheme



MOBILITY MAP



LANDSCAPE, TRAILS, BIKE LANES & OPENSAPCE MAP

To: City of Bloomington Plan Commission
From: Arbor Ridge Homeowners Association Board of Directors
RE: Sudbury Partners LLC Rezoning Request
Date: July 28, 2023

Arbor Ridge is a 48-unit paired home community that will be significantly impacted by this rezoning proposal. This small community of 67 residents would see vastly greater financial and legal liability, increased light and noise pollution, reduced safety and security, and thus decreased property values, if this rezoning request is approved. Each of these concerns is explained in more detail in the following comments.

Financial and Legal Liability

If Sudbury Drive is extended along the Arbor Ridge property line, as currently proposed, approximately 1000 feet of sidewalk will be added about one foot outside our property line and thus very near to about half of our 48 homes. We have heard that we might be held responsible for maintaining this sidewalk, though we have definitely not conceded this point.

If Arbor Ridge were forced to maintain this sidewalk, our cost of lawn care and snow and ice removal would almost double, which would increase our residents' HOA dues significantly. As a community of mostly retired senior citizens living on fixed incomes, our residents would be very negatively impacted by this increase.

Arbor Ridge HOA has been sued in the past by a pedestrian who fell on one of the sidewalks that runs through our community. Thus, we are also concerned about the potential legal ramifications of a pedestrian falling on this new stretch of sidewalk, especially if the area is rezoned to allow for commercial property near our community. We request that the residential zoning included in the PUD that was approved in 1999 be retained in order to limit our potential financial and legal liability.

Light and Noise Pollution

If the extension of Sudbury Drive is lit with tall and bright streetlights, the light would shine directly into the back windows of about one third of our 48 homes, thus causing both privacy and health concerns due to sleep deprivation. We understand that the area would need to be lit, but we request that the streetlights be shorter, decorative street lights similar to the four streetlights that are currently in our neighborhood.

We are also concerned about the additional noise that would result from both foot and vehicle traffic associated with proposed commercial properties near our community. For this reason, as stated above, we request that all development near Arbor Ridge be residential and that the zoning approved in the 1999 PUD be retained without the requested changes.

Reduced Safety and Security

The rezoning request calls for commercial properties to be located next to our residential community, which we fear will lessen the safety and security we currently enjoy. For example, if one of these commercial properties were a restaurant with a bar that was open until late night or even early morning hours, we can easily imagine inebriated patrons wandering into our neighborhood and disturbing or even endangering residents.

Based on the PUD approved in 1999, we have always known that additional residential development was planned near our property; our concern is the adverse effect that nearby commercial property would have on the safety and security of our community of mostly retired senior citizens.

Decreased Property Values

Like all homeowners, Arbor Ridge residents work hard to keep our property in excellent condition and thus protect our property values. Visitors to our community often comment on how well-kept it is, even though the homes are between 15 and 19 years old.

Arbor Ridge homes usually sell quickly, often within a matter of days, with some buyers waiting for homes to become available. If the current rezoning proposal is approved, we fear that our property values will fall as a result of rising HOA dues made necessary by vastly greater financial and legal liability; increased light and noise pollution resulting from traffic and commercial property very near to our property line; and reduced safety and security due to commercial properties located near our community. For all of these reasons, we request that the Plan Commission deny this rezoning request and require changes that will address our concerns.

Mark and J. Vivian Furnish
 1600 S. Weimer Rd
 Bloomington, IN 47403

Aug 9, 2023

Letter to the City of Bloomington Plan Commission Regarding PUD-18-23

To be included in the meeting packet of the scheduled meeting on Aug 14, 2023

We are writing to request the Plan Commission to not approve (or approve with conditions) PUD-18-23. We also request the Plan Commission to not forward any favorable recommendation of PUD-18-23 to the Common Council.

If the Plan Commission elects to allow further hearings, we request the following prior to subsequent hearings:

- 1) an environmental impact study, including a state-of-the-art multi-phase study on karsts, including subterranean / subsurface karst features, be conducted and made available to the public,
- 2) an updated environmental resource inventory (COBERI) be conducted by the City of Bloomington to account for changes in the environment since the publication of the last COBERI report (November 2003) to the area under Summit District PUD, the Clear Creek Drainage System and the larger Bloomington area,
- 3) and all environmental investigations that the Bloomington Environmental Commission (EC) of the City of Bloomington deems necessary, because “the size of this site alone necessitates the very best environmental protections” (Memorandum on PUD-18-23, July 10, 2023; Page 97 of the July 10 meeting packet).

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References	Link
Plan Commission, Meeting Packet, July 10, 2023	https://bloomington.in.gov/onboard/meetingFiles/download?meetingFile_id=12163
City of Bloomington Environmental Resource Inventory report (COBERI), November 2003	https://bloomington.in.gov/sites/default/files/2017-07/City%20of%20Bloomington%20Environmental%20Resource%20Inventory%20%28COBERI%29%20%282003%29.pdf
City of Bloomington Environmental Resource Inventory report (COBERI), November 2003	https://bloomington.in.gov/sites/default/files/2017-07/City%20of%20Bloomington%20Environmental%20Resource%20Inventory%20%28COBERI%29%20%282003%29.pdf
2018 Comprehensive Plan City of Bloomington	https://bloomington.in.gov/sites/default/files/2018-04/Final%20Council%20Amended%20CMP%20%20Web%202.pdf
City of Bloomington Unified Development Ordinance (Last Amended Date: April 20, 2023)	https://bloomington.in.gov/sites/default/files/2023-05/UDO%20April_2023_Final_APPROVED_0.pdf
Indiana's 2022 303(d) List of Impaired Waters, IDEM	https://www.in.gov/idem/nps/watershed-assessment/water-quality-assessments-and-reporting/section-303d-list-of-impaired-waters/
Section 303(d) Frequently Asked Questions, IDEM	https://www.in.gov/idem/nps/watershed-assessment/water-quality-assessments-and-reporting/section-303d-list-of-impaired-waters/section-303d-frequently-asked-questions/
Total Maximum Daily Load Reports, IDEM	https://www.in.gov/idem/nps/resources/total-maximum-daily-load-reports/
Proper Investigative Techniques in Karst, IDEM Technical Guidance Document, September 15, 2019	https://www.in.gov/idem/cleanups/files/remediation_tech_guidance_karst_memo.pdf
City of Bloomington Parks and Recreation Department Master Plan 2021 – 2025	https://issuu.com/bloomingtonparks/docs/city_of_bloomington_indiana_bloomington_parks_and_

I. Introduction

A development of any size should be properly planned and managed in accordance with local, state and federal regulations; this we all agree upon, and we hope is what the City of Bloomington strives to do. The 138.51 acres of land in question is large in size and significant in biodiversity. As the EC has pointed out in its July 10 Memorandum to the Bloomington Plan Commission, “there are countless environmental features dotting the entire area, including mature tree stands, streams and riparian buffers, steep slopes, wetlands, sinkholes, and biodiversity”. Yet the Petitioner has requested “numerous environmental exceptions” in its current plan.

We, as concerned citizens, as people that have spoken with neighbors familiar with this piece of land and its surrounding environ, have performed a “paper exercise” to further understand the inherent environmental features of the area, and what state-of-the-art environmental protections it deserves. We are not experts on this topic. We cannot perform field studies or any study of that nature. But to better educate ourselves, we’ve summarized what we’ve learnt on the internet, and wish to share these findings, unanswered questions, and concerns with the Plan Commission and all who are interested.

In addition, we understand that the EC has provided a Memorandum to the Plan Commission on July 10 “as a place holder for the EC’s thorough discussion of this proposal” to be presented at the Aug 14 hearing. We look forward to the findings and discussion to be provided by the EC and support the EC to continue to hold the Petitioner accountable to the best environmental protections for this large section of land and its surrounding area, both now and in the future. Urbanization does not come without consequences. Its impact cannot simply be determined in the hypothetical, or in the short term, but by its long-term effect.

To understand the environmental features and their vulnerabilities, we first studied the City of Bloomington Environmental Resource Inventory (COBERI) Report (November 2003). The following sections (II to VII) include an overview of the report, and the features we consider worthy of note. We ended the letter with a Comparison with Brown’s Woods (VIII), and other concerns and closing summary (IX).

II. Overview of the City of Bloomington Environmental Resource Inventory (COBERI) Report (November 2003)

The City of Bloomington Planning Department published an Environmental Resource Inventory report (COBERI) in November 2003, to “collect and analyze information on Bloomington’s natural environment in an effort to help prioritize areas for future management and/or preservation”. It is “part of a larger, on-going project that provides the factual foundation to further develop sustainable land-use and land development strategies for the City of Bloomington”.

The report states that "... preserving natural areas provides immeasurable benefits to society". Further, "the City of Bloomington's Growth Policies Plan (note, the 2002 version) recognizes the importance of preserving high quality natural areas and promotes the use of sound conservation planning principles".

A series of four (4) steps were used for the analysis in the COBERI project, including "identifying primary research categories, collecting data, performing quality control activities, and data analyses and interpretation". A total of seven (7) categories were identified, which were "soils, wetlands, floodplains and water resources, karst geology, topography, sensitive habitat and vegetative cover".

In addition, "the City of Bloomington's Planning Department evaluated and ranked natural areas in Bloomington using an environmentally sensitive areas (ESA) analysis" ... "to better understand their (i.e., natural resources) roles and functions they must be studied as an interconnected system".

The 2003 COBERI report is "the first step in identifying and prioritizing Bloomington's natural areas" to "preserve high quality natural areas in Bloomington in an effort to maintain the valuable ecosystem goods and services they provide".

Out of the seven categories identified, four of them are particularly present in the Summit District PUD, including sensitive soils (section III), wetland (section IV), flood plains and water resources (section V), and karst features (section VI).

III. Soils

The COBERI report identified "sensitive soil" as "having the following 5 characteristics":

1. Poor for crops and pasture
2. Poor for woodland management and productivity
- 3. Poor for urban uses such as landscaping, building site development, sanitary facilities, construction materials, and water management**
4. Poor for intensive recreation development
5. Poor wildlife habitat potential

The report also states that,

Bloomington's sensitive soils had the following physical properties: high shrink swell potentials; poor permeability rates; susceptible to frost heave action; prone to flooding; and highly susceptible to mass wasting processes (based on National Resource Conservation Service's guidelines).

Figure 1 of the November 2003 COBERI report illustrates the sensitive soils in Bloomington and surrounding areas. Note that much of the 140 acres of Summit District PUD contains sensitive soils, which are “highly susceptible to mass wasting process”, i.e., erosion.



FIGURE 1. Map of sensitive soils in Bloomington and surrounding areas

The shaded areas above depict sensitive soils. In Bloomington, sensitive soils were generally found along steep slopes, ridges, floodplains and riparian corridors. Sensitive soils accounted for approximately 25% of Bloomington’s overall land area.

Has the Petitioner considered the sensitive soils present in this area in its planning? Given the age of the COBERI report, so much population growth, urban development and has occurred, and much green space has been lost since 2003. Have the sensitive soils areas grown since 2003? Have they become more prone to mass wasting process (erosion)?

The numerous exceptions to the UDO do not offer the assurance that the proposed use and development will be designed to minimize negative environmental impacts and not cause significant adverse impacts on the natural environment.

IV. Wetland

As stated in the 2003 COBERI report, wetlands “provide different types of ecological functions including critical habitat for wildlife, supplying water for recharge, controlling flooding and erosion, improving water quality, and offering recreational and educational opportunities”. “Depending on the type and extent of wetland, these critical habitats may be protected under federal, state and/or local laws.”

In addition, the report states that,

The successful maintenance and improvement of wetlands depends heavily on watershed management and planning activities. Due to their ecological importance and sensitivity to development, wetlands must be considered for preservation and management when determining land uses and growth patterns. Information for this category came mainly from the United States Fish and Wildlife Service’s National Wetland Inventory. Other sources included the United States Environmental Protection Agency and the City of Bloomington Planning Department.

Figure 2 of the November 2003 COBERI report illustrates potential wetland areas in Bloomington. In the area of the Summit District PUD, the creek and the former Lake Wapehani both are depicted in Figure 2.

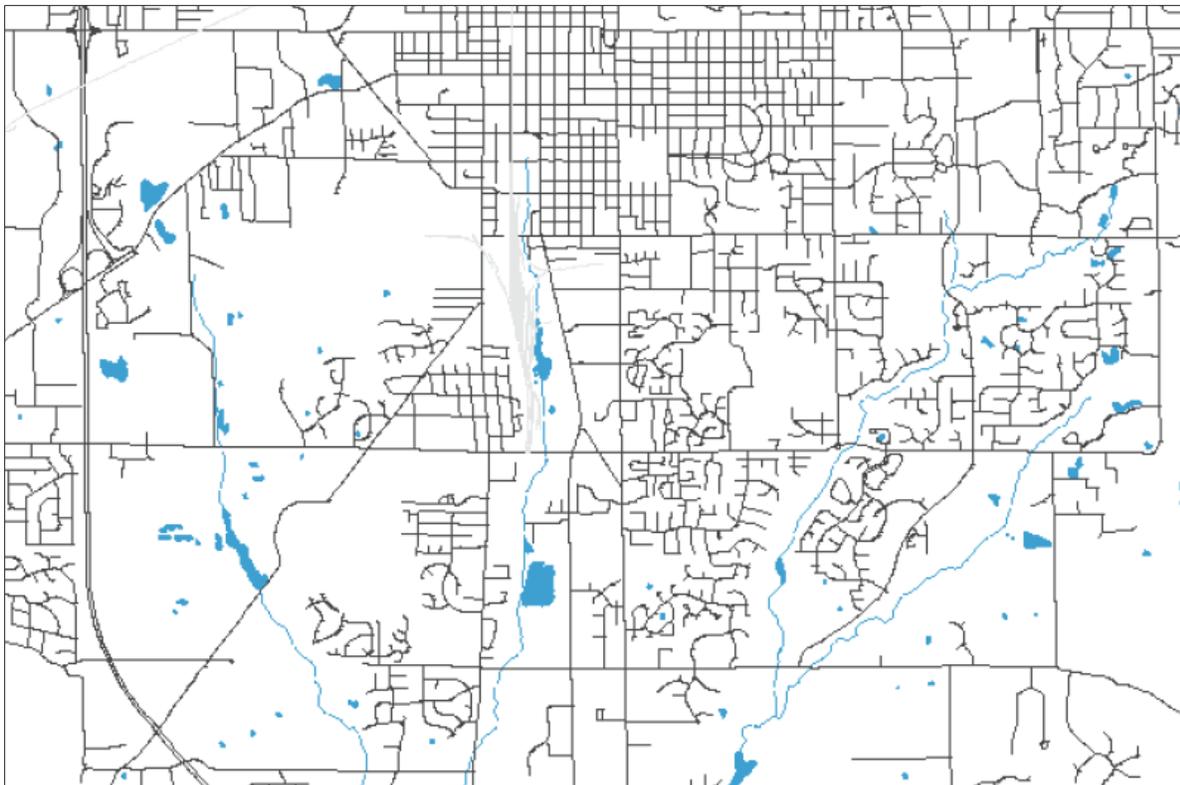


Figure 2. Map of wetland areas in Bloomington and surrounding areas

The shaded areas above represent potential wetland areas. In Bloomington, the majority of wetlands were found near lakes, reservoirs or major creeks. Wetlands accounted for approximately 2% of Bloomington's overall land area.

We would like to point out that, following the removal of the earthen Weimer Dam at Lake Wapehani in 2018, “the lake bed” was to be “restored to a wetland” (City of Bloomington News Release, July 3, 2018). The health of this new “wetland” and its impact to the surrounding environment has not been studied, as far as our research reveals to us.

Much has changed in Bloomington since 2003; the data to be analyzed, i.e., the environment, the regulations, and best practices/golden standards have all changed. As the EC has pointed out, “climate, thus environmental, change has long term impacts on all residents and must be prioritized”. If the City wishes to make informed and sustainable decisions for its residents and the environment we dwell in, up-to-date information on the environment should be available to inform decision-making.

If the City of Bloomington has conducted further study following its 2003 COBERI project, which was considered “the first step in identifying and prioritizing Bloomington’s natural areas”, please make them available to the public. If the City of Bloomington is not able to allocate the needed staff and technology to continue the long-term monitoring they have promised to do in 2003, perhaps alternative budget allocation should be considered to truly “prioritize Bloomington’s natural areas” in actions, not just words.

V. **Flood plains and water resources**

As stated in the 2003 COBERI report, the “important ecological functions” of water resources include:

- Providing critical terrestrial and aquatic habitat
- Providing surface water recharge and supply
- Controlling flooding and erosion
- Stabilization and moderation of climate
- Educational and recreational opportunities.

And the report underlined that,

Issues pertaining to management of floodplains and water resources become more critical as land becomes more urbanized. Developing sound watershed management and planning activities that implement best management practices can help mitigate negative impacts.

The report also pointed out that “due to the challenging topography, Bloomington has an extensive network of watersheds that contribute to its waterways” (See Figure 3). The “two major waterways” in Bloomington are “Jackson Creek and Clear Creek”. “Both of these creeks have wide-spread tributary systems containing floodplains.” (See Figure 4 for 100 year floodplains)

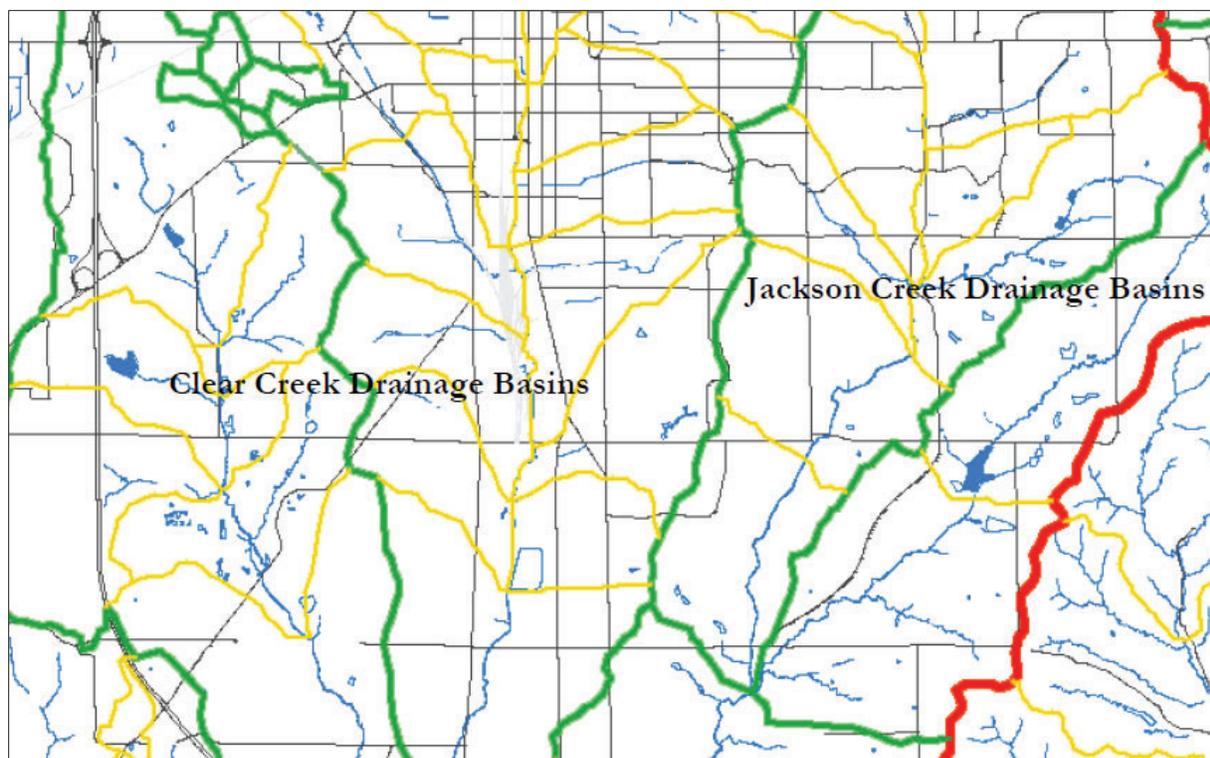


Figure 3. Map of watersheds in Bloomington and surrounding areas

The map above illustrates Bloomington's water resources, as well as its major and minor drainage basins. The 6 main drainage basins in Bloomington are the Stout Creek, Cascades Creek, Griffy Reservoir and Griffy Creek, Sycamore Creek, Clear Creek (and west fork), and Jackson Creek (and east fork) basins.

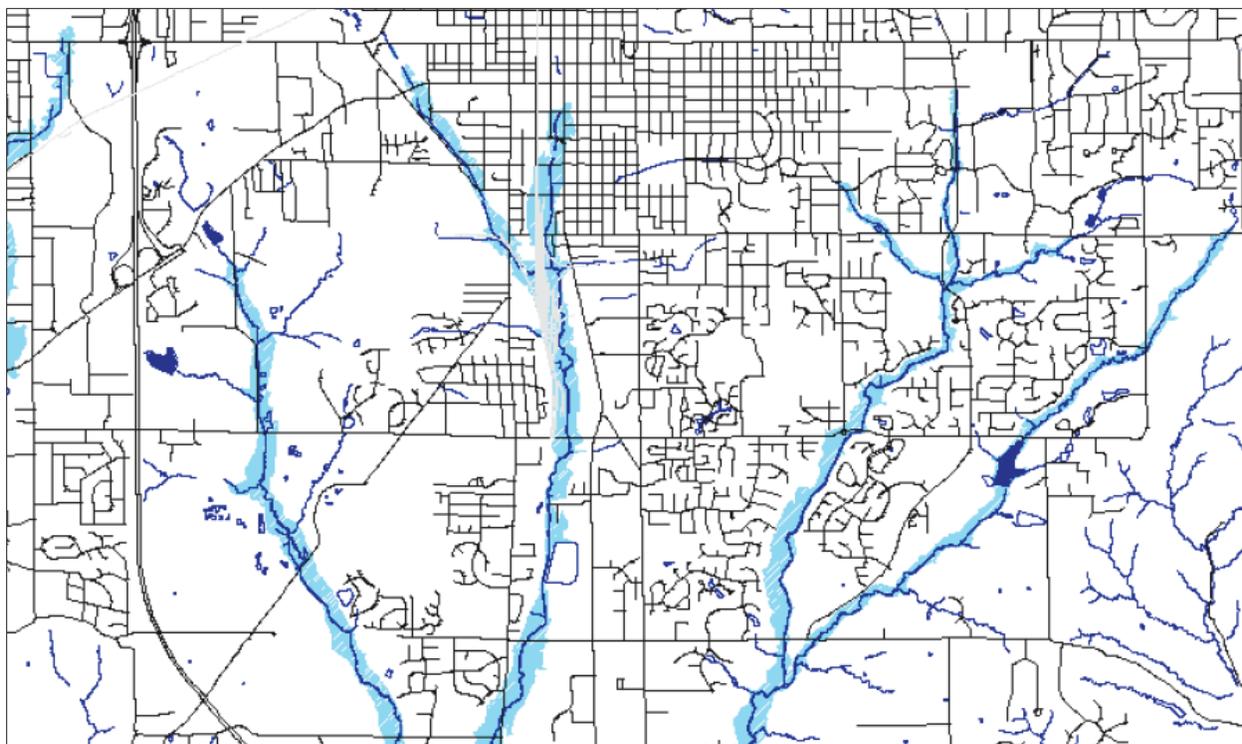


Figure 4. Map of water resources and floodplains in Bloomington and surrounding areas
 The map above further illustrates the extent of Bloomington’s water systems - the dark areas are water resources, and the lightly shaded areas represent their floodplains. Overall, 10% of Bloomington’s land is water contained in creeks, lakes or reservoirs. Floodplains (100 year) cover 3% of Bloomington’s land area, and are all regulated under local and state law.

The report highlighted that,

Past industrial activities have significantly degraded some of Bloomington’s water resources. The Indiana Department of Natural Resources has issued fish consumption advisories for Griffy Reservoir, Lake Wapehani and Clear Creek.

Furthermore, Clear Creek has been listed by the Indiana Department of Environmental Management as one of Indiana’s impaired waterways (emphasis added by author of letter) based on its current pollutant loads and poor habitat potential.

Impaired Waters

The report did not further elaborate on the impaired status of Clear Creek, its current pollutant loads, or its poor habitat potential.

By searching impaired water of Indiana on the internet, we found that the Indiana Department of Environmental Management (IDEM) has published “Indiana’s 2022 303(d) List of Impaired Waters” at <https://www.in.gov/idem/nps/watershed-assessment/water-quality-assessments-and-reporting/section-303d-list-of-impaired-waters/>. Under Monroe County, Clear Creek was listed,

as well as Weimer Lake, to our surprise. Below is an excerpt of section 303(d) List of Impaired Waters.

COUNTY	ASSESSMENT UNIT NAME	WATER TYPE	SIZE	UNITS	PARAMETER	DESIGNATED USE	IR CATEGORY
Monroe	CLEAR CREEK	STREAM	3.11	Miles	BIOLOGICAL INTEGRITY	Warm Water Aquatic Life	5A
Monroe	CLEAR CREEK	STREAM	0.59	Miles	BIOLOGICAL INTEGRITY	Warm Water Aquatic Life	5A
Monroe	CLEAR CREEK - UNNAMED TRIBUTARY	STREAM	6.74	Miles	BIOLOGICAL INTEGRITY	Warm Water Aquatic Life	5A
Monroe	CLEAR CREEK - UNNAMED TRIBUTARY	STREAM	3.58	Miles	BIOLOGICAL INTEGRITY	Warm Water Aquatic Life	5A
Monroe	WEIMER LAKE	LAKE, FRESHWATER	6	Acres	MERCURY IN FISH TISSUE	Human Health and Wildlife	5B
Monroe	CLEAR CREEK	STREAM	9.12	Miles	NUTRIENTS	Warm Water Aquatic Life	5A
Monroe	CLEAR CREEK	STREAM	3.11	Miles	PCBS IN FISH TISSUE	Human Health and Wildlife	5B
Monroe	CLEAR CREEK	STREAM	5.88	Miles	PCBS IN FISH TISSUE	Human Health and Wildlife	5B
Monroe	CLEAR CREEK	STREAM	9.12	Miles	PCBS IN FISH TISSUE	Human Health and Wildlife	5B
Monroe	CLEAR CREEK - UNNAMED TRIBUTARY	STREAM	2.51	Miles	PCBS IN FISH TISSUE	Human Health and Wildlife	5B
Monroe	CLEAR CREEK	STREAM	6.29	Miles	PCBS IN FISH TISSUE	Human Health and Wildlife	5B
Monroe	CLEAR CREEK	STREAM	3.52	Miles	PCBS IN FISH TISSUE	Human Health and Wildlife	5B

Parameters including “biological integrity”, “nutrients”, and “PCBS in fish tissue” (Clear Creek), and “Human health and Wildlife” (Weimer Lake) categorized Clear Creek and Weimer Lake in Category 5A & 5B and Category 5B, respectively. Category 5 is defined as:

Category 5: The available data and/or information indicate that at least one designated use is impaired or threatened and a Total Maximum Daily Load (TMDL) is required.

Waters may be listed in both 5A and 5B depending on the parameter(s) causing the impairment. Indiana's 303(d) list is comprised of all waters in Category 5.

A: The waterbody has one/more impaired biotic communities or is impaired for one/more pollutants.

B: The waterbody is impaired due to the presences of presence of mercury or PCBs, or both in the edible tissue of fish collected from them at levels exceeding Indiana's human health criteria for these contaminants.

Please note, that Category 5 (5A and 5B) is the most severe category. Under the Clean Water Act (CWA), states are required to develop a TMDL for these waters in order to achieve compliance with the water quality standards.

The Total Maximum Daily Load (TMDL) Program primary purpose is to assess streams, rivers and lakes that are considered impaired by the Indiana Department of Environmental Management and develop reports that identify the causes of the impairment, the reductions of pollutants needed, and the actions needed to improve water quality. Impaired waters do not meet designated water quality standards and do not support one or more designated uses, such as recreational, protection of aquatic life, drinking water, and fish consumption. Section 303(d) of the Clean Water Act established authority for the TMDL Program and guides states on how to develop these plans for waters that do not meet water quality standards.

(<https://www.in.gov/idem/nps/watershed-assessment/total-maximum-daily-loads/>)

As shown on the IDEM's website, Clear Creek (Monroe County) has not had a TMDL report completed. We request the City to work with IDEM to prioritize Clear Creek's TDML if possible, given the scale of the development, and the impaired state of Clear Creek and Weimer Lake.

On the topic of Weimer Lake, we are surprised to see that it is still listed on the IDEM's "Indiana's 2022 303(d) List of Impaired Waters" list. Has the removal of the dam not been reported to IDEM? Or have the relevant databases the State uses to compile this list not been updated?

Comprehensive Plan – Environment - Water

In short, we would like to know how the City plans to take all measures possible to uphold its vision, policy, goals and programs in the "2018 Comprehensive Plan City of Bloomington"?

Under Chapter 3 Environment – Water of the Comprehensive Plan, the following stood out to us:

- Water is a vital natural resource for human survival. Most of us now live in an urban ecosystem, and we all need to be more cognizant of how water functions in it.

- Clean water is necessary to support the plants and animals in our ecosystems and food systems.
- Surface and stormwater quantity and quality are different, yet related, issues to consider in addition to drinking water. Moving surface water needs to be slowed down enough that it has the opportunity to infiltrate instead of flowing away at speeds that can cause dangerous and costly flooding and erosion and prevent the filtering of pollutants.
- Goal 3.3: Conserve water resources and protect water quality to support our natural environment, public health and safety, plant and animal life, and our urban activities.
 - a. Policy 3.3.1: Reduce pollution in urban runoff from residential, commercial, industrial, municipal, and transportation land uses.
 - b. Policy 3.3.2: Encourage conservation and protection of water sources in our region.
- Programs:
 - a. Increase the use of modern best practices for water quality and quantity control.
 - b. Utilize Low Impact Development measures such as rainwater harvesting and storm runoff infiltration, when feasible, as mitigation strategies for stormwater discharge.
 - c. Assess karst features and regulations to protect sinkholes and other karst features.
 - d. Simplify floodplain regulations without making them less restrictive.
 - e. Incorporate a stream classification system into the UDO to use in waterway and riparian buffer protection and enhancement.

How does the City plan to control surface and stormwater quantity? What Low Impact Development measure will be utilized in the Summit District PUD?

How does the City plan to not cause further pollution and burden to the already impaired Clear Creek? How does the City plan to achieve its Policy 3.3.1 (reduce pollution in urban runoff) in the Summit District PUD? How does the City plan to restore clean water to Clear Creek, to support the plants and animals in our ecosystems and food systems?

Without an updated study on water quality, on stormwater runoff, on the impact of dense urban development to Clear Creek and its flood plain, it would be hard to achieve the COBERI report's original intent, which was "part of a larger, on-going project that provides the factual foundation to further develop sustainable land-use and land development strategies for the City of Bloomington".

VI. Karst Geology

“Karst terrains are extremely sensitive to development and changes in land uses”, as stated in the 2003 COBERI report, and “often, areas containing karst features offer unique habitats for a variety of rare organisms such as blind cave fish, the Indiana bat and other obligate cave dwelling species”. It adds, “it is important to properly manage all types of karst systems to protect their inherent geological, biological and ecological importance.”

The report also pointed out specifically for Bloomington that,

The most prominent surface karst features found in Bloomington include sinkholes, swallow holes, soil slumps and springs. Bloomington also contains extensive and complex underground water systems that have not been extensively mapped or studied. For that reason, this analysis will focus entirely on surface features, however, subterranean features should be considered for subsequent investigations.

Surface karst features were found to be scattered throughout Bloomington. Initial analysis revealed the highest concentration of features was found in the west and southwest portions of the City, followed by the south and southeast.

It is worthy of note that Bloomington’s “extensive and complex underground water systems” ... “have not been extensively mapped or studied”, and that surface features were the ONLY data available for analyses in 2003. To “guide and assist future decisions for land-use and land development strategies” as intended by the COBERI project, we request that “subterranean features should be considered for subsequent investigations”.

Figure 5 of the report illustrates the general locations of large karst areas in Bloomington and surrounding areas, based on surficial karsts features.

One can easily see the large area of karst features on Summit District PUD, as well as a perennial spring identified to the north of the karst area.

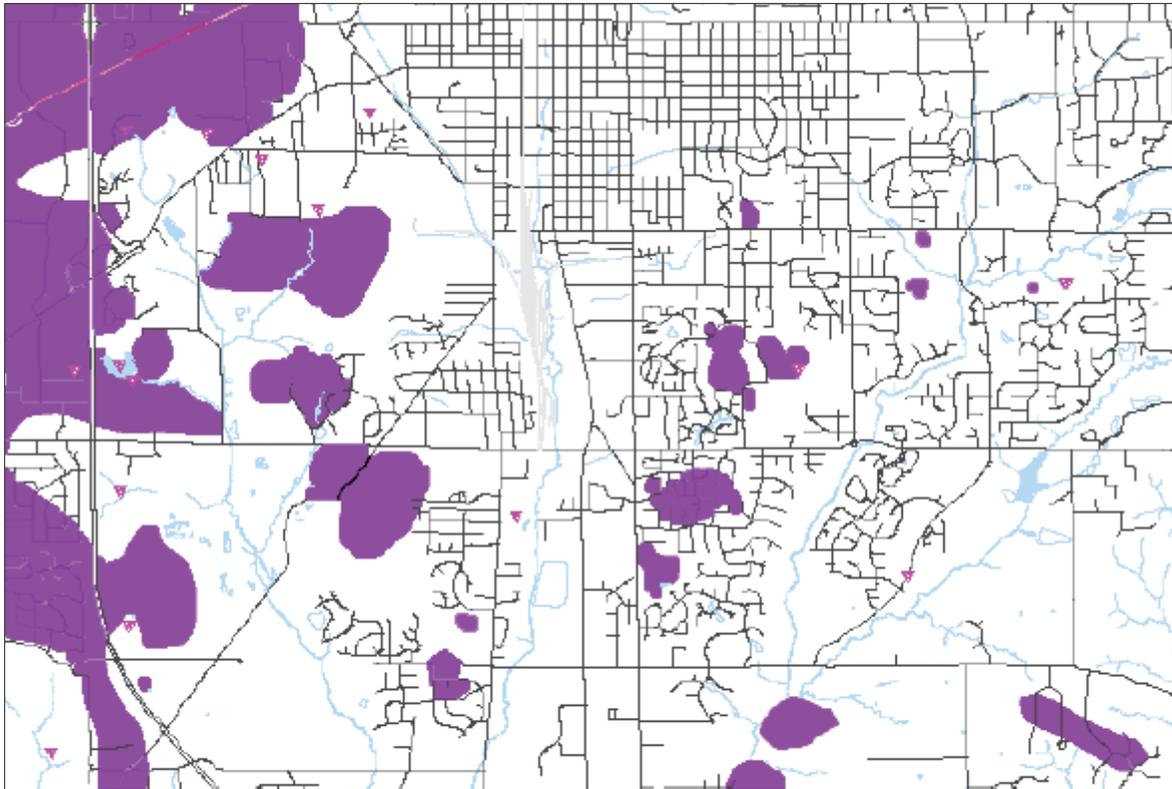
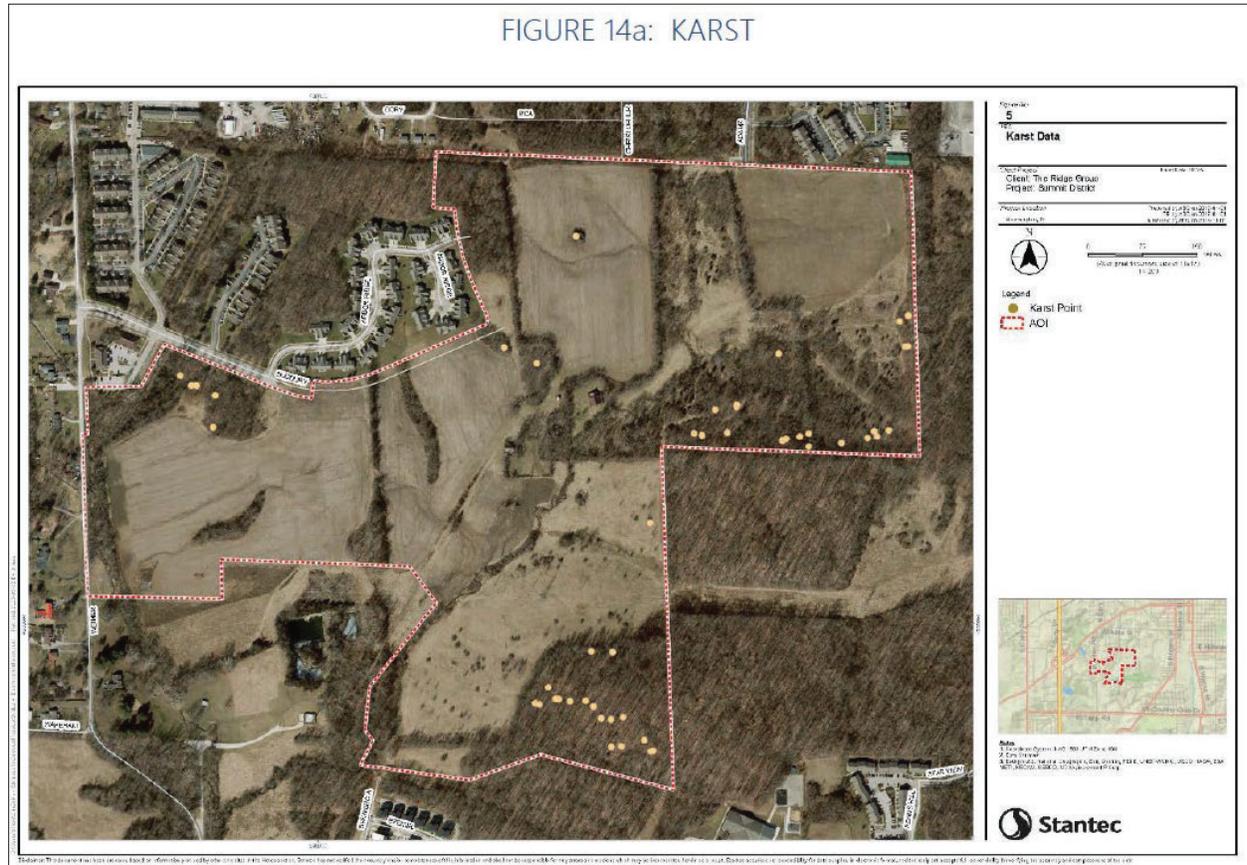


Figure 5. Map of karst areas and springs in Bloomington and surrounding areas
The dark shaded areas above represent the larger karst areas in Bloomington. The shaded triangles represent approximate spring locations. Overall, surficial karst features cover 3% of Bloomington's land area, and there are over 20 perennial springs currently inventoried.

In regard to karst features, the Petitioner (Sudbury Development Partners, LLC) provided a map, “establishing specific environmental site features” (FIGURE 14a: KARST) in its Preliminary Plan. FIGURE 14a: KARST can be found on Page 159 of the meeting packet of the July 10 Plan Commission meeting. See screenshot below for the map provided by the Petitioner.



One can easily count approximately a total of 45 to 48 yellow dots (some adjacent to each other) representing karst features dotted all around the Summit District PUD, with several of them being in very close proximity to each other. It is unclear whether these karsts are surface, subterranean (surface) or compound. A quick search in the PDF did not produce any further explanation from the Petitioner. The Petitioner did not request exceptions on karst, so the Unified Development Ordinance (UDO) of the City of Bloomington applies.

Chapter 20.04.030 (g) Karst Geology of the UDO states that

This section shall apply to all land-disturbing activities on properties that contain surface and subsurface karst features.

Compound Karst Features is defined in Chapter 20.07.010 Defined Words of the UDO as

Karst, Compound

Any two or more karst features where the last closed contour of the features is located within one hundred feet of each other. The outer boundary of the compound karst feature shall be drawn by connecting the last closed contour of each individual karst feature with a tangential line.

We request that subsurface and compound karst features be identified in order to meet the requirements set forth in the UDO.

We request that a multi-phase karst investigation that is accordant with the latest State requirements and recommendations be conducted. “Proper Investigative Techniques in Karst, IDEM Technical Guidance Document, Updated: October 2021) states,

Environmental investigations in karst areas present unique problems. Conventional site investigation methods and installation of monitoring wells may not provide an accurate picture of how contaminants behave in a karst aquifer. Because of the very different morphological and hydrological features, investigations in karst do not typically employ the same techniques used in site characterizations conducted in non-karst environments. The guidance in this document will assist in the proper characterization of a site located in a karst area and provide information on the IDEM preferred method to conduct the 2 different types of dye tracing.

The development proposed by the Petitioner is unprecedentedly dense and aggressive in nature. Would we even have comparable case studies to reference across the country to ensure that development does not result in devastating long-term effects to the karsts and surrounding areas?

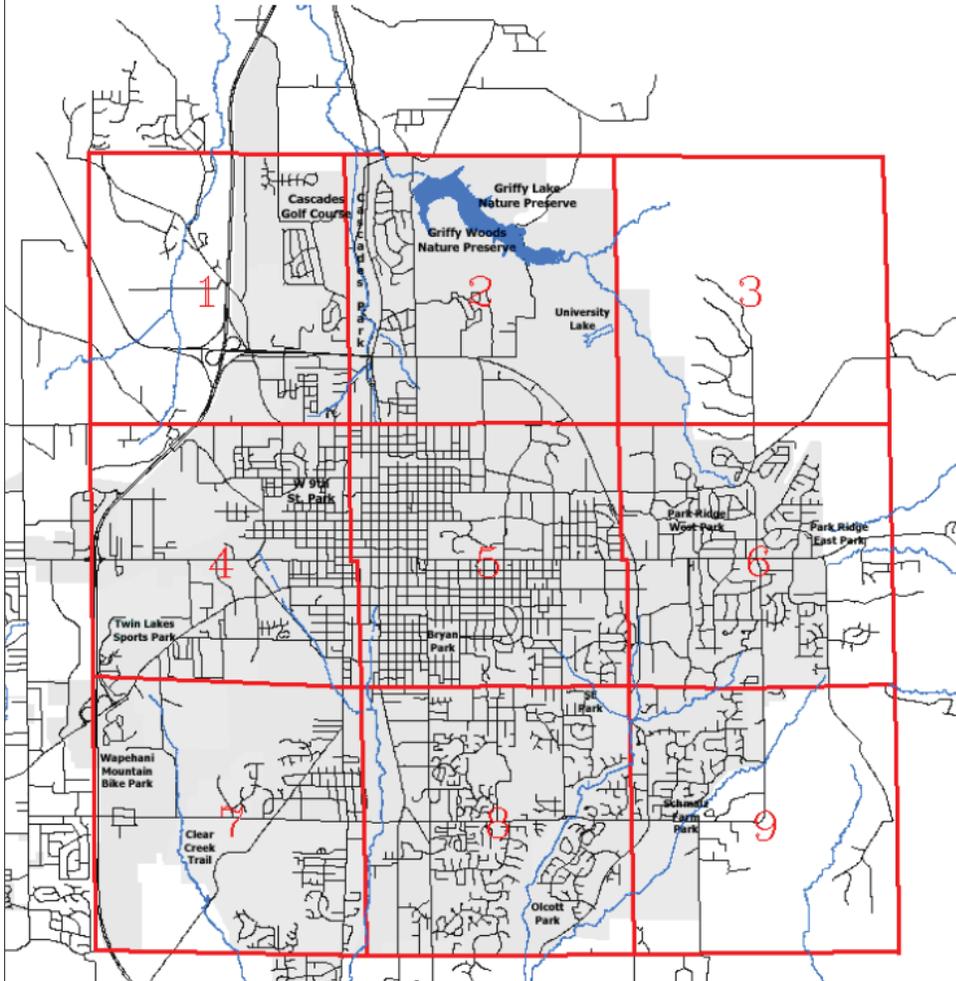
VII. Environmentally Sensitive Areas

In addition, “the City of Bloomington’s Planning Department evaluated and ranked natural areas in Bloomington using an environmentally sensitive areas (ESA) analysis” ... “to better understand their (i.e., natural resources) roles and functions they must be studied as an interconnected system”.

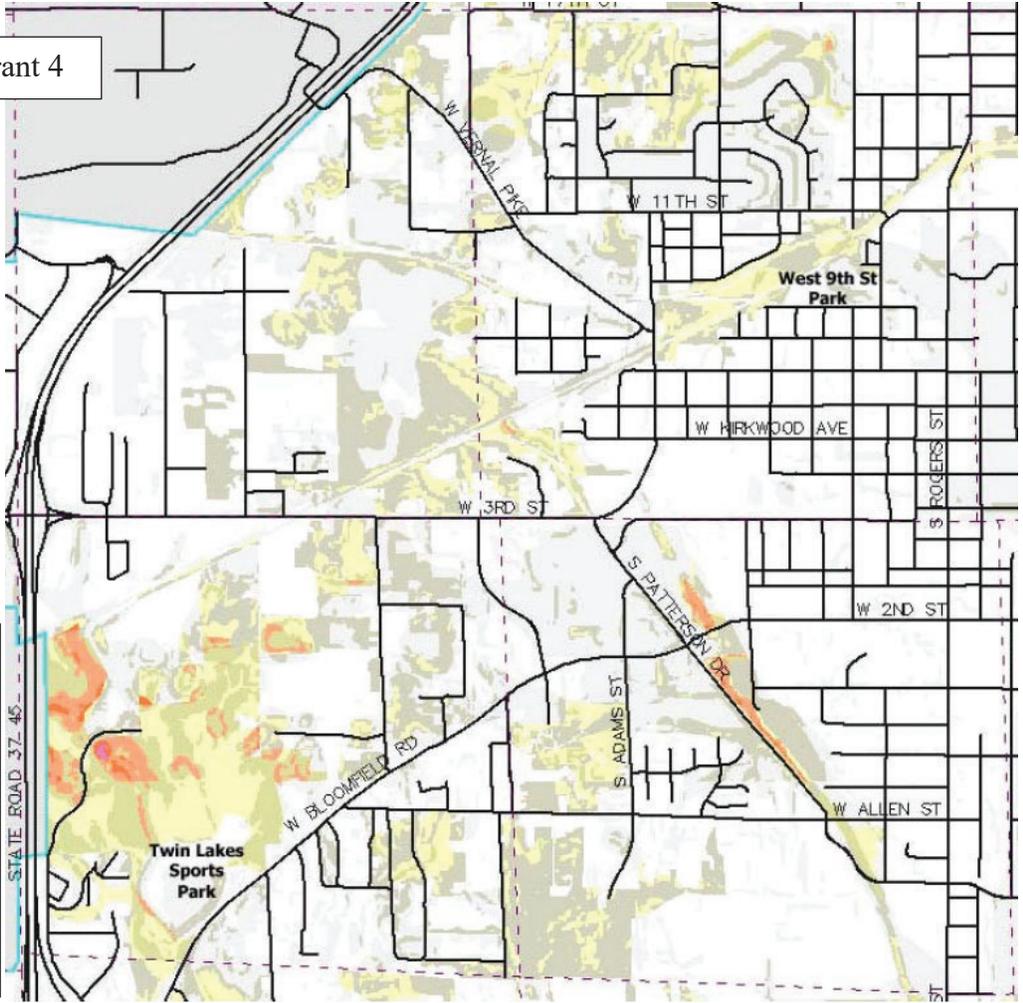
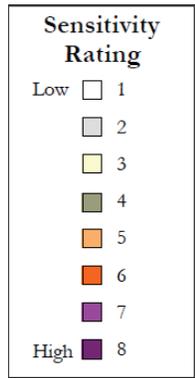
The figures below are screenshots of the Environmentally Sensitive Areas Quadrant Index Map, Quadrant 4, and Quadrant 7 from the COBERI report.

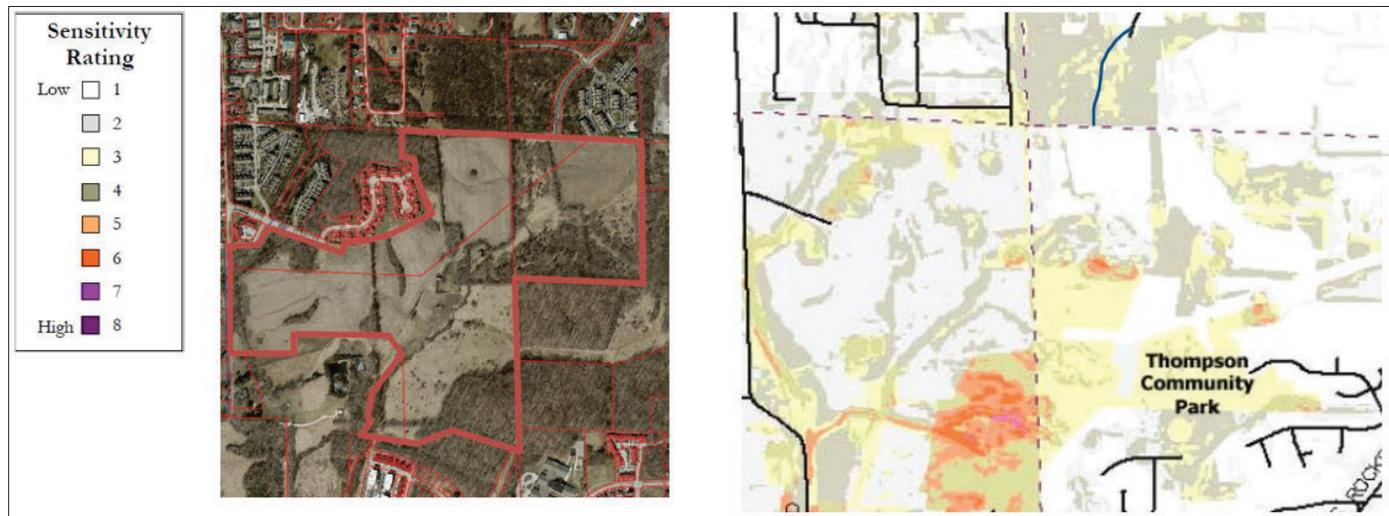
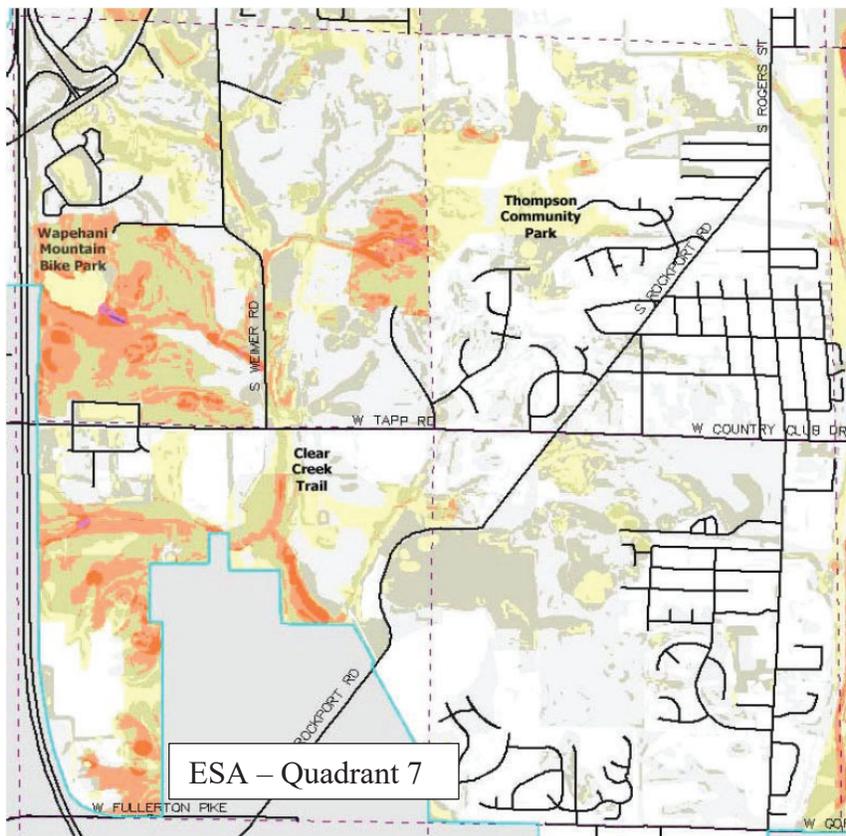
APPENDIX A

Environmentally Sensitive Areas Quadrant Map Index



ESA – Quadrant 4





The southern portion of the Summit District PUD is ranked high on the Sensitivity Rating, depicting the highly sensitive and diverse nature of the area.

VIII. Comparison with Brown's Woods

Brown's Woods sits at 16 total acres on the west side of town sandwiched between Interstate 69, Forest Ridge Apartments, Limestone Crossing Apartments and the Indiana Rail Road.

The two screenshots below are taken from the "City of Bloomington Parks and Recreation Department Master Plan 2021 – 2025".





Brown's Woods

Brown's Woods sits at 16 total acres on the west side of town sandwiched between Interstate 65, Forest Ridge Apartments, Limestone Crossing Apartments and the Indiana Rail Road. The undeveloped woodland is loaded with karst topography and full of sink holes making it perfect for a trail walk. The land has no plans for further development as of yet, but with the nearby Twin Lakes Sports Park this parkland could potentially be linked with via trail system and, and serve as additional nature park for the parks system and require little maintenance. With limited access (2 points) this would prohibit certain park development. Nonetheless, the property serves to be a considerable asset for the surrounding residents.

Accessibility

- Not ADA accessible



Park Address:

101 W Kirkwood Ave Ste 307
Bloomington, IN 47404

The Parks and Recreation Department pointed out that Brown’s Woods – the “undeveloped woodland is loaded with karst topography and full of sink holes making it perfect for a trail walk”.

Based on the karst features map (See below) in the COBERI report, both Brown’s Woods and a significant portion of the Summit District PUD are covered in the dark shaded purple. One can deduce that they are equally loaded with karst topography and full of sink holes, making them both perfect for a trail walk or some other suitable park or recreational use, and assumably not perfect for high density residential development.

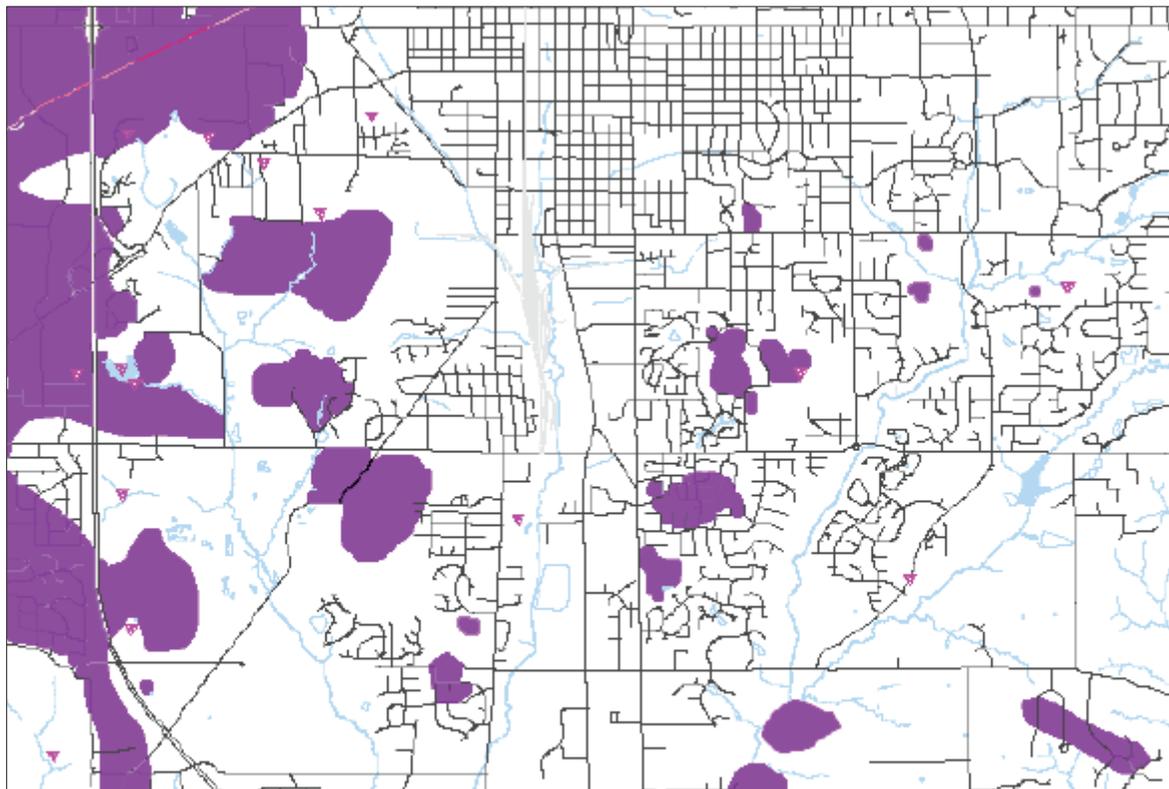


Figure 5. Map of karst areas and springs in Bloomington and surrounding areas
The dark shaded areas above represent the larger karst areas in Bloomington. The shaded triangles represent approximate spring locations. Overall, surficial karst features cover 3% of Bloomington’s land area, and there are over 20 perennial springs currently inventoried.

The Parks and Recreation Department goes on to state that,

The land has no plans for further development as of yet, but with the nearby Twin Lakes Sports Park this parkland could potentially be linked with via trail system and serve as additional nature park for the parks system and require little maintenance. With limited access (2 points) this would prohibit certain park development. Nonetheless, the property serves to be a considerable asset for the surrounding residents.

Is the area too “loaded with karst features” and too “full of sinkholes”, causing delay of further development of trail connection and nature park? Nevertheless, even in its current state, the Parks and Recreation Department considers the “property to be a considerable asset for the surrounding residents”.

Also, using the Environmentally Sensitive Area – Quadrant 4 and 7 maps for a comparison of both Brown’s Woods and Summit District PUD, one can see that they both contain portions that are high on the Sensitivity Index.

If Brown’s Woods is too loaded with karst features and sink holes and too high on the sensitivity index, why is an area (Summit District PUD) equally sensitive and rich in karst features, suitable for development?

IX. Other Concerns and Summary

Besides the environmental questions and concerns stated above, we also noticed that the Petitioner did not organize a Pre-Submittal Neighborhood Meeting as required by the UDO. Under *Chapter 20.06.040 Common Review Procedures, Section (b) Pre-Submittal Activities, sub-section (3) Pre-Submittal Neighborhood Meeting*, one can find the purpose, applicability, and the notification process, etc. of a Pre-Submittal Neighborhood Meeting.

Chapter 20.06.040(b)(3)(A) Purpose

The purpose of the pre-submittal neighborhood meeting is to allow residents, businesses, and organizations in the area surrounding a proposed development project an early opportunity to learn about the project details and to provide feedback to the petitioners before significant funds have been spent on project design and engineering.

Chapter 20.06.040(b)(3)(B) Applicability

A pre-submittal neighborhood meeting shall be required as indicated in Table 06-1: Summary Table of Review Procedures.

Table 06-1: Summary Table of Review Procedures

R = Review and Recommendation D = Decision A = Appeal * = Public Hearing Required

Procedure	UDO Section	Public Notice			Pre-Submittal Activities			Review and Decision-Making Bodies						
		Published	Mailed	Posted	Pre-Submittal Meeting	DRC Meeting	Neighborhood Meeting	Staff	Plan Commission	Plat Committee	Board of Zoning Appeals	Common Council	Hearing Officer	Historic Preservation Commission
Vacating Plat	20.06.060(d)	✓	✓	✓	✓	✓		R	D*/A	D*				
Plan/Ordinance Amendments														
Comprehensive Plan Amendment	20.06.070(a)	✓						R	R*				D*	
Zoning Map Amendment	20.06.070(b)	✓	✓	✓	✓	✓	✓	R	R*				D*	
Rezoning to Planned Unit Development (PUD)	20.06.070(c)	✓	✓	✓	✓	✓	✓	R	R*				D*	
Zoning Text Amendment	20.06.070(d)	✓	✓		✓			R	R*				D*	
Flexibility and Relief Procedures														
Minor Modification	20.06.080(a)				✓			As required for associated petition						
Variance	20.06.080(b)	✓	✓	✓	✓			R			D*/A		D*	
Administrative Interpretation	20.06.080(c)							D			A			
Administrative Appeal	20.06.080(d)	✓	✓					R			D*			

Staff at the Plan Commission has stated in its staff report (Page 86 of the July 10 meeting packet), “the petitioner is requesting a map amendment to rezone the property to a new PUD, which includes the approval of a new District Ordinance and Preliminary Plan”, which, per Table 06-1: Summary Table of Review Procedures, a Pre-Submittal Neighborhood Meeting is required for “Zoning Map Amendment”.

It also has not gone unnoticed to us that the Petitioner’s Preliminary Plan is very similar in font, font size, numbering system, footer style, table style to the City of Bloomington’s UDO. Other development projects’ planning documents do not seem to share this striking similarity!

In summary, we would like to encourage the Plan Commission and City Council members to put the environment at the foremost of Bloomington’s growth and development, as the City of Bloomington has strived to do. The City of Bloomington stated in its “2018 Comprehensive Plan” that it “has a long-held commitment to protecting the environment”. The city also aims to “introduce ways to ensure that the current natural environment is not only protected, but nurtured and enhanced for the future”. Further, the City stated that “we have ways of thinking about what environmental protection is, and how it is accomplished now, that are different than years ago, and the philosophy of this chapter reflects that change.”

It’s important to note that the 2018 Comprehensive Plan renamed and replaced the Growth Policies Plan of 2002, with the hope that as time has changed, so should our plan; except that no new environmental resource inventory analyses have been conducted since 2003 to inform the

decisions and planning of the City of Bloomington. What was supposed to be “part of a larger, on-going project that provides the factual foundation to further develop sustainable land-use and land development strategies for the City of Bloomington” did not lead to any on-going project that we could identify online.

As emphasized by the EC, the numerous exceptions to the UDO do not offer the assurance that the proposed use and development will be designed to minimize negative environmental impacts and not cause significant adverse impacts on the natural environment. We share the same concern.

“Climate, thus environmental, change has long term impacts on all residents and must be prioritized”. We urge the Plan Commission to hold the Petitioner and all other developments to the integrity and best practices required of them in the UDO and all available environmental protection guidelines/requirements, and only allow for exceptions that will not negatively affect the environment both in the short-term, and the long-term.

JOHN A. SCOTT
1966 W Arbor Ridge Way
Bloomington, IN 47403

August 1, 2023
Plan Commission
4071 N Morton St.
Suite130
Bloomington, IN 47404

President of the Commission

I am writing in response to the Sudbury Partners LLC petition. requesting an amendment to rezone the 140 Acres known as Sudbury Farm increasing the density of the current PUD zoning to a new PUD that will allow up to 6,000 new housing units. I am opposed to the plan as put forth by Sudbury Partners LLC and Sullivan Development.

The Commission needs to say no to issues 1 to 5 as expressed on page 89 of the July presentation.

The petitioner is requesting the following changes to the present zoning.

1. Density
2. Building Height Standard
3. Parking Square Footage
4. Environmental Requirements/Impact

Density

The proposal by the above seeks several changes in their request that are well beyond the density for the area. Taking their maximum number of units and the ratio for Bloomington of 1.99 to 2.09 individuals per housing unit and using the formula To calculate the population density (divide the population by the size of the area) Population Density = Number of People/Land Area. The unit of land area should be square miles or square kilometers. The figure $1.99 \times 6,000 = 11,940$ People. Using $2.09 \times 6,000 = 12,540$ people for the area. Converting 140 acres to square miles gives the figure 0.21875 square mile or 21.8% of a mile or 12,540 individuals living in under a square mile. This well exceeds the present number per square mile when compared to the overall density of Blooming using 2021 figures the population of Bloomington at 79,968 divided this figure by Bloomington's Square miles of 23.43 gives a population figure of 3,413 per individuals per square mile.

Building Height Standard

The petitioner is requesting a waiver of the building height standard. The present standard for mixed use under Code 20.02.030 is six stories or a maximum not to exceed seventy-five feet. The height of a 7-story building is between 70 to 75 feet depending on the ceiling height. The present zoning allows them to go ahead with the 6-story height. However, a building of that height if built around the perimeter of the property will dwarf the existing neighborhood and homes which are single-family dwellings. Building of this height could block existing views and could cause privacy concerns if overlooking back yards. The addition of another floor benefits the developer in federal funding at the expense of the surrounding

neighborhoods. One of the pluses the developer is citing is the mixed-used development where 15% of the units would be set aside for low-income families. This would set aside 900 units if 6,000 were allowed a very high mixture. There are more benefits to the developer than to the City and Residents of Bloomington. The most common incentive to build mix use is more financial than ultraistic. The benefits are usually, zoning variances, such as reduction in site development standards, modification of architectural design and reduction in parking standards, all things the developers is seeking. There is also the issue of the density bonus granted to buildings accommodate a fair share of affordable units. The developer does not attempt to cite the impact this number of residents will have on Police, Fire, Sanitation and Schools. Summit Elementary would require an addition to be built. There is also a need for a police substation as well as the fire department.

Environmental

The Bloomington Environmental Commission in its July 13 memo stated it has not toured the site and is unable to make an assessment as to the scope the project will have on the environment. The Commission mentions that there are countless environmental features dotting the area and the request for numerous environmental changes will have excessive impact on environmental resources. 1. Runoff - one thing not mentioned is the issue of Runoff or NPS pollution caused by rainfall and snowmelt causing erosion and Runoff which picks up fertilizer, oil, pesticides, dirt, bacteria, and other pollutants as it makes its way from the roads, sidewalks and lawns which empty into

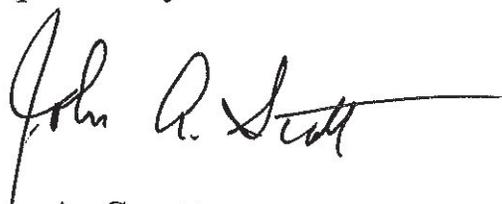
storm drains and ditches. 2. Water, Sanitation and Storm management issues have not been addressed. The partitioner has not provided a valid Environmental Impact Statement.

Traffic

The issue of Streets and Roads has not been adequately or clearly addressed. Depending on the final number of units approved, the number of cars can be anywhere from 6,000 to 9,000 cars assuming a ratio of 1.5 cars per unit which allows for units with no cars and those having two or more. This number of cars will cause extensive use of the following streets based on the vagueness of their plan, Weimer Rd, S. Adams St, W. Tapp Rd, W. Cherokee DR, W. Chambers DR, W. Duncan DR, W. Guy Ave all which can be potentially connected to depending on the layout of the development leading to potential degrading due to the intensity of the additional traffic as cars heading to I69 and down Country Club to Walnut. The last Traffic count conducted for W. Tapp Rd was done in 2019 with an average count of 13,806 cars a day.

I believe the present PUD standards should be maintained they were well thought out and represent the best utilization of undeveloped land. The present PUD plan creates realistic size neighborhoods creating cohesive communities.

Respectfully submitted.

A handwritten signature in black ink that reads "John A. Scott". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

John A. Scott



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Sudbury PUD

Steve Smith <slsmith@smithdginc.com>

Tue, Jul 11, 2023 at 3:35 PM

To: "ron.smith@bloomington.in.gov" <ron.smith@bloomington.in.gov>, "scanlanj@bloomington.in.gov" <scanlanj@bloomington.in.gov>, "robinsos@bloomington.in.gov" <robinsos@bloomington.in.gov>, "andrew.ciber@bloomington.in.gov" <andrew.ciber@bloomington.in.gov>

Greetings,

I casually watched last night's Plan Commission meeting but got drawn in by the amazing details of the Sudbury proposal that prompted me to write this message to you. By my calculations the proposed Sudbury PUD is about 1.5 to 2.0 times the density of the K-mart multifamily site and about eight times larger in area. I use the K-mart site for comparison because it is so visible and because I have heard only negative and sometimes very negative comments about it from my friends and neighbors. The K-mart site plan very effectively uses nearly all of the site and for Sudbury to be denser by a factor of 1.5 to 2.0 means that it must go higher; and K-mart site is already I believe up to 5 stories. I do not believe that those in attendance at the hearing (plan commissioners, public or staff) understand the immensity of the proposal.

The petitioner presented a perspective concept for the site at the meeting, but when questioned he indicated that it was not a true representation of what would be developed. A 2-D plan was included in the staff report page 240. I believe that to get between 4400 and 6000 units on that site, it will need to look like the drawing presented and will be the equivalent of more than 13 K-mart sites (based on number of units).

The K-mart site has 340 units on about 12 acres for 28 units per acre. The K-mart site plan is efficient with no land lost to environmental features, thoroughfares etc.

The 140 acre Sudbury site will lose about 40 acres to environmental features and through roadways leaving about 100 acres for development. The density of the developed area will be between 44 and 60 units per acre. This is about 1.5 to 2.1 times denser than the K-mart site.

- Sudbury is 1.57 to 2.14 times as dense as K-mart
- Sudbury would be equal to 8 K-marts based on acreage
- Sudbury would be equal to 13 to 17 K-marts based on number of units

Traffic was mentioned at the hearing and apparently a traffic study will be done. Rough projections are about 6 trips per day for each multifamily unit. Assuming a maximum of 6,000 units results in 36,000 newly generated trips per day. A two-lane road like Weimer or Adams typically can accommodate 3,000 to 5,000 ADT at a reasonable level of service. This doesn't account for the issues that those roads currently have.

Again, back to K-mart; there are traffic concerns though I think they are not warranted. The K-mart site with 340 units fronts on a State Highway with two signalized intersections and reasonable cross connections via Clarizz and entry to the College Mall. K-mart will largely serve students whose destination is a direct bus ride away. Sudbury, at 13 to 17 times the number of units, has access via 2 lane Weimer and Adams and is not close to the University or employers.

Traffic will be a problem.

One of the neighbors noted that this project proposes more units in the next eight years than the total projected need in the City. I would add that historically there have been about 500 new units in Bloomington each year (going back for 15 years). This project alone proposes up to 750 units per year. The math does not work.

I am writing to help ensure that all involved understand the immensity of the proposal. A shocking proposal that I believe is not consistent with the vision of our community as expressed in numerous plans over the years and the current PUD zoning of the site.

thanks for your time
Steve Smith
Retired Professional Engineer and Land Surveyor

Case # ZO-29-23 Memo

To: Bloomington Plan Commission

From: Jackie Scanlan, AICP Development Services Manager

Date: August 14, 2023

Re: Text Amendments to Unified Development Ordinance: First Floor Non-Residential Downtown

The Plan Commission asked the Planning and Transportation Department to review and propose an amendment to the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code, related to the requirement for nonresidential uses on the first floor in some portions of the Mixed-Use Downtown (MD) zoning district.

The Planning and Transportation Department prepared an amendment to the Unified Development Ordinance in response to the request.

That petition is as follows:

1. ZO-29-23 | UDO Chapter 3, Use Regulations: 20.03.010(e)(1)

ZO-29-23 UDO Chapter 3, Use Regulations: 20.03.010(e)(1)

The proposed amendment, which would allow a reduced nonresidential requirement if incentives are utilized in the development, is in bold. For reference, Figure 48 is below.

Nonresidential Ground Floor Standards

A minimum of 50 percent of the total ground floor area of a building located along each street frontage identified by a black line in Figure 48 shall be occupied by nonresidential primary uses listed in Table 3-1 as Permitted or Conditional in the MD zoning district, as those Permitted or Conditional uses are modified by those prohibited uses listed in subsection (2) below. **If the Incentives listed in 20.04.110 are approved, the minimum percentage shall be reduced to 30 percent. At no time shall the required nonresidential use occupy less than 1,500 square feet of said ground floor area.** Enclosed parking garages shall not be counted toward the required nonresidential use.

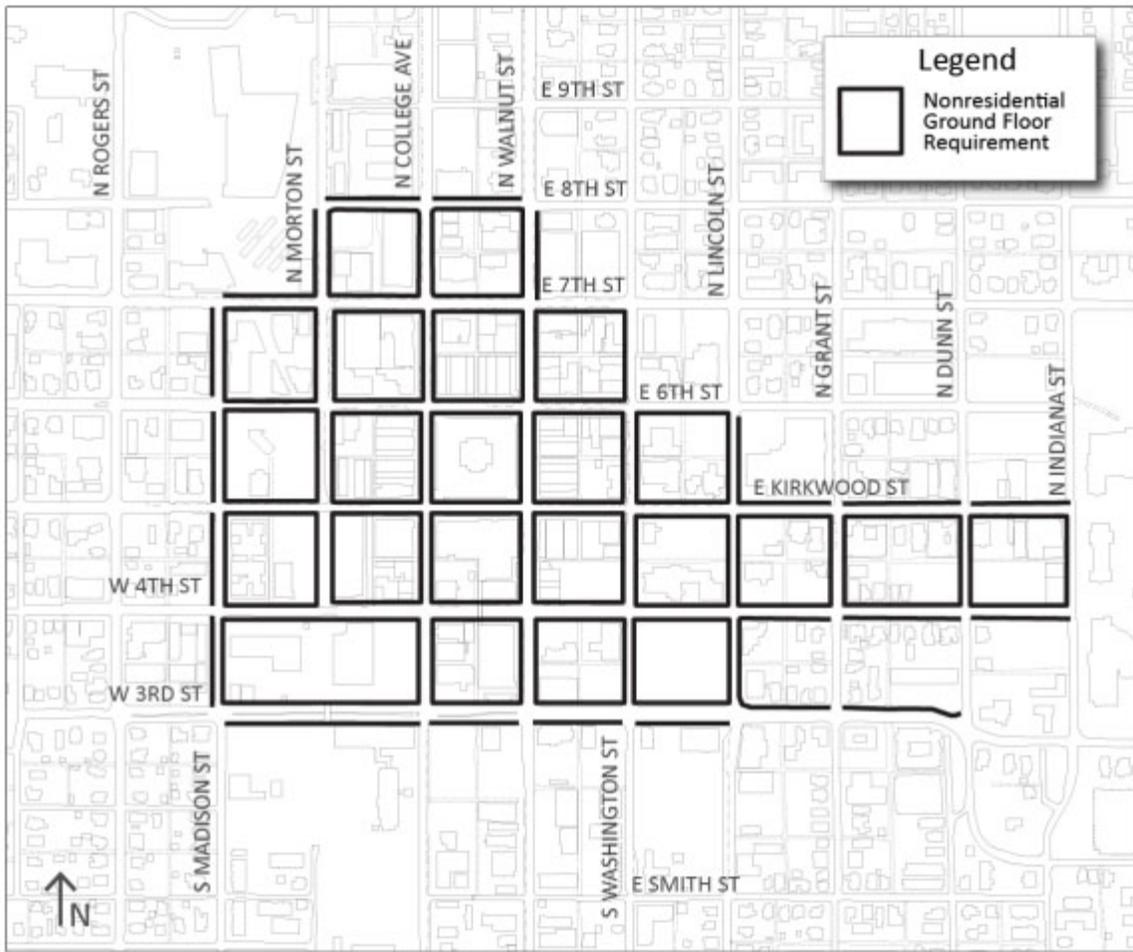


Figure 48: Downtown Nonresidential Ground Floor Requirement