

CITY OF BLOOMINGTON



PLAN COMMISSION

July 14, 2025, 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, 401 N Morton Street Bloomington – Room #115

July 14, 2025 at 5:30 p.m.

❖Virtual Link:

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

Meeting ID: 823 6234 0978 Passcode: 622209

Petition Map: <https://bton.in/G6BiA>**ROLL CALL****MINUTES TO BE APPROVED:** June 9, 2025**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: Jackie Scanlan**ZO-34-23 City of Bloomington Planning and Transportation**

Text Amendment

Request: Text amendment related to Sign Standards and request for waiver of second hearing. Case Manager: Jackie Scanlan**ZO-01-25/RZONE2025-01-005****City of Bloomington Planning & Transportation**

Text Amendment

Request: Text Amendments to Unified Development Ordinance: Affordable Housing Incentives.

Case Manager: Jackie Scanlan*****Next Meeting August 11, 2025*****Last Updated: 7/10/2025*****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:**SP-22-24/USE2024-05-0051****Morningside Holdings, LLC**

4600 E. Morningside Drive

Parcel: 53-05-36-300-001.001-005

Request: Extension of the site plan approval granted under case #SP-22-24/USE2024-05-0051 on June 10, 2024. Case Manager: Eric Greulich**ZO-03-25/ ZO2025-05-0006****City of Bloomington Planning & Transportation**

Text Amendment

Request: Amendment to amend the Use Table to replace the use "Residential Rooming house" with the use "Single Room Occupancy" and related Use Specific Standards. Case Manager: Eric Greulich**ZO-18-25/ ZO2025-05-0007****City of Bloomington Planning & Transportation**

Text Amendment

Request: Amendment to the Use Table to add the use "Urban Agriculture, Commercial" and new Use Specific Standards. Case Manager: Eric Greulich**ZO-19-25/ ZO2025-05-0008****City of Bloomington Planning & Transportation**

Text Amendment

Request: Amendments to the Use Table outlining which districts the use "Storage, self-service" are allowed within and related Use-Specific Standards. Case Manager: Eric Greulich**ZO-20-25/ ZO2025-05-0009****City of Bloomington Planning & Transportation**

Text Amendment

Request: Use Table amendments for the use "Fraternity/Sorority"; "Office "use in Mixed-Use Student Housing (MS); and "Vehicle fleet operations, small" and "Vehicle fleet operations, large." Case Manager: Eric Greulich**ZO-21-25/ ZO2025-05-0010****City of Bloomington Planning & Transportation**

Text Amendment

Request: Amendment to the Use Table outlining which districts the use "Vehicle Fuel Station" are allowed within and related Use-Specific Standards. Case Manager: Eric Greulich*****Next Meeting August 11, 2025*****Last Updated: 7/10/2025*****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.

ZO-22-25/ ZO2025-05-0011

City of Bloomington Planning & Transportation

Text Amendment

Amendment to the Use Table outlining which districts the use "Vehicle wash" are allowed within and related Use-Specific Standards. Case Manager: Eric Greulich

ZO-23-25/ ZO2025-05-0012

City of Bloomington Planning & Transportation

Text Amendment

Amendment to Chapter 7 regarding the definition of "Personal service, small" and Use Table to remove the use "Tattoo or piercing parlor". Case Manager: Eric Greulich

Plan Commission Members

- Tim Ballard (Appointed by Mayor) – Current term: 1/02/2023 – 01/01/2027
- Flavia Burrell (Appointed by Board of Public Works) – Current term: 01/03/2023-01/02/2027
- Andrew Cibor (Appointed by Planning and Transportation Department) – Current term: 01/01/2024-12/31/2027
- Trohn Enright-Randolph (Appointed by Monroe County Plan Commission) – Current term: 01/04/2024-01/03/2028
- Jillian Kinzie (Appointed by Mayor) – Current term: 01/06/2025-12/31/2028
- Ellen Coe Rodkey (Appointed by Parks and Recreation) – Current term: 01/01/2023-12/31/2026
- Christopher Smith (Appointed by Mayor) – Current term: 01/02/2024-01/01/2028
- Patrick Holmes (Appointed by Mayor) – Current term: 01/02/2024-01/01/2028
- Hopi Stosberg (Appointed by Common Council) – Current term: 01/02/2024-01/01/2028

*****Next Meeting August 11, 2025***

Last Updated: 7/10/2025

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.

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT**

CASE #: SP-22-24/USE2024-05-0051

DATE: July 14, 2025

Location: 4600 E Morningside Drive

PETITIONER: Tyler Curry
P.O. Box 7016
Bloomington, IN 47407

OWNER: Morningside Holdings, LLC
1507 S Piazza Dr
Bloomington, IN 47401

CONSULTANT: Bynum Fanyo and Associates
528 N Walnut St
Bloomington, IN 47404

REQUEST: The petitioner is requesting an extension of the site plan granted under case #SP-22-24 on June 10, 2024.

BACKGROUND:

Area: 2.141 acres
Zoning: Mixed-Use Medium Scale (MM)
Comp Plan Designation: Urban Corridor
Existing Land Use: Vacant
Proposed Land Use: Store, Self-Service
Surrounding Uses: North – Commercial (office)
East – Vacant (county land)
South – Commercial (veterinary hospital)
West – Residential (multifamily)

REPORT: The property is located at 4600 E Morningside Drive and is zoned Mixed-Use Medium Scale (MM). Surrounding uses include commercial (office) to the north, undeveloped land to the east, commercial (veterinary clinic) to the south, and multi-family residential to the west. Surrounding zoning districts include MM to the north, county residential zone to the east, and Mixed-Use Corridor (MC) to the south and east.

The Plan Commission approved a site plan for this property on June 10, 2024 to allow for the construction of a three-story, climate-controlled, self-storage facility with an interior drive-through. The proposed self-storage facility is a single building with a footprint of 36,750 square feet and 110,250 gross square feet. As part of that approval there were several conditions of approval that the petitioner was working on resolving before moving forward with permitting, however the petitioner was not able to apply for and receive a Site Development permit before the site plan expired.

Section 20.06.050(a)(4)(F)(ii) of the Unified Development Ordinance states that-

Approval of a major site plan shall be effective for a maximum period of one year unless, upon petition by the petitioner, the Plan Commission grants an extension during that one year period and pursuant to Section 20.06.040(h)(1) (Expiration of Approval). A site plan approval will be considered expired if no Site Development Permit has been approved related to the site plan within the one year period or the approved extended time period. Or, in the case where no Site Development Permit is required, no Certificate of Zoning Compliance for a building permit on the site plan has been approved related to the approval within the one year period, or the approved extended time period.

Section 20.06.040(h)(1) outlines the criteria for granting an extension and states that-

The original decision-making body may grant extensions of the expiration time period for up to one year, following a written request that explains reasonable cause for such extension, prior to the expiration date. The final approval authority shall determine whether or not there is reasonable cause for the requested extension. Further extensions shall be subject to the approval of the decision-making body for the original petition.

Due to the length of time to resolve the items associated with the conditions of approval the petitioner is requesting a one-year extension to the previously approved site plan. There have not been any changes to the UDO that would effect this site plan. The high number of conditions of approval and length of time to resolve those conditions significantly delayed the petitioner being able to move forward with permitting.

CONCLUSION: The petitioner has submitted a chronological listing of the activities that have been undertaken since the approval to address the conditions of approval for the petition. The complexity of the items to address has taken significantly longer than anticipated and therefore resulted in a delay in being able to apply for and receive a Site Development Permit. There have not been any changes to the Unified Development Ordinance that would affect the proposed site plan. The request for an extension is appropriate.

RECOMMENDATION: The Department recommends that the Plan Commission approve the request for an extension of the site plan approval with the following conditions of approval:

1. All conditions of approval of SP-22-24 are still valid.
2. The approval granted on June 10, 2024 shall be effective continuously from the original approval date through June 9, 2026.



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

MAY 20, 2025

ERIC GREULICH

CITY OF BLOOMINGTON PLANNING AND TRANSPORTATION DEPARTMENT
401 N. MORTON STREET
BLOOMINGTON, IN 47402

RE: REQUEST FOR EXTENSION – SP-22-24 / USE2024-05-0051 (MORNINGSIDE STORAGE)

DEAR ERIC,

ON BEHALF OF OUR CLIENT, TYLER CURRY, WE RESPECTFULLY REQUEST AN EXTENSION OF THE MAJOR SITE PLAN APPROVAL FOR PETITION SP-22-24 / USE2024-05-0051. WE ASK THAT THIS REQUEST BE FILED FOR THE NEXT PLAN COMMISSION MEETING.

WE BELIEVE THIS EXTENSION IS JUSTIFIED UNDER SECTION 20.06.040(H)(1) OF THE BLOOMINGTON UNIFIED DEVELOPMENT ORDINANCE (UDO), WHICH ALLOWS FOR EXTENSIONS BASED ON “REASONABLE CAUSE.” IN THIS CASE, THE DELAY HAS BEEN DUE TO THE UNANTICIPATED AMOUNT OF TIME REQUIRED TO OBTAIN THE NECESSARY PERMISSIONS AND EASEMENTS TO SATISFY CONDITIONS OF APPROVAL #5, #9A, AND #9E. (PLEASE SEE THE ATTACHED LIST OF CONDITIONS.)

MEETING THESE CONDITIONS REQUIRED COORDINATION WITH AT&T, ADJACENT PROPERTY OWNERS, REAL ESTATE REPRESENTATIVES, THIRD-PARTY EASEMENT PREPARERS, AND EXTERNAL LEGAL COUNSEL. DURING THIS PROCESS, AT&T SOLD THE PROPERTY TO REIGN CAPITAL, REQUIRING US TO RESTART NEGOTIATIONS AND DOCUMENTATION WITH THE NEW OWNER.

WE HAVE ATTACHED A SUMMARY OF CORRESPONDENCE AND DOCUMENTATION DETAILING THIS PROCESS, WHICH SPANNED A TOTAL OF 285 DAYS.

THANK YOU FOR YOUR TIME AND CONSIDERATION. PLEASE LET US KNOW IF ANY ADDITIONAL INFORMATION IS NEEDED.

DANIEL BUTLER, P.E.

BYNUM FANYO & ASSOCIATES, INC.

Summary of correspondence to satisfy Plan Commission Conditions of Approval #5, #9a, #9e

July 25, 2024	Attorney Email to Sean Chevalier, ATT, Territory Manager
July 30, 2024	Denise Fowler, AT&T Global Workplace Services, Senior Specialist Real Estate reaches out.
July 30, 2024	WS attorney sends email with explanation of WS request.
August 7, 2024	Email to Denise requesting status
August 12, 2024	Email to Denise requesting status
August 13, 2024	Email to Denise requesting status
August 15, 2024	Denise and WS attorney have phone discussion indicating that the "easement writer" that covers that area is on maternity leave and they will have to assign another.
August 16, 2024	WS attorney email to Denise for contact of easement writer
August 21, 2024	Jim Grant with SDT Solutions LLC reaches out by email to get a clearer understanding of the easements he will be preparing
August 21, 2024	WS & WS attorney respond to Jim regarding easements
August 22, 2024	Jim responds to email and provides examples of easement from other projects
August 23, 2024	WS engages Bynum Fanyo to proceed with fieldwork and descriptions for the Access and Drainage easements.
August 27, 2024	WS attorney informs Jim that the fieldwork is underway for the easement documents.
September 3, 2024	Daniel Butler with Bynum Fanyo(BF) reaches out to confirm easement descriptions
September 3, 2024	WS confirms easements with BF
September 10, 2024	WS request status on easements
September 10, 2024	Daniel confirms fieldwork is complete working on descriptions and exhibits
September 10, 2024	WS communicates status to WS attorney & Jim Grant
September 25, 2024	WS attorney sends all the access and drainage easement descriptions and exhibits to Jim Grant with written explanation of same
September 25, 2024	Jim confirms receipt of descriptions and exhibits.

September 26, 2024	Jim emails for some clarifications / WS attorney responds
September 27, 2024	Jim confirms responses from WS attorney
September 27, 2024	Jim sends draft easements for WS review
September 30, 2024	Jim indicates that he has briefed AT&T legal and they have draft copies of the easements and will report any issues
September 30, 2024	WS attorney provides responses to Jim questions
October 8, 2024	Jim indicated that the easements had been approved by AT&T legal department and are awaiting approval from the business unit.
October 22, 2024	After multiple inquires as to the status of the documents Reed Livingston, AT&T provides Denise Fowler's our email chain of enquiries
October 30, 2024	Jim shares "We finally have all management approvals and the business case is routing. Once approved, the execution of the documents can occur. Patience please."
November 13, 2024	WS attorney emails Jim for status update
November 13, 2024	Jim responds with "I can assure you the work on business case approvals is underway and I will notify you the minute it is approved."
January 10, 2025	WS attorney makes contact by phone with Jim who says he will check up on the easements with AT&T
January 23, 2025	WS attorney received and email from Jim indicating that the easements would be delayed, stating a major reorganization within the AT&T real estate department
January 27, 2025	Phone call with Jim he indicated his frustration with AT&T over the delays.
February 11, 2025	Follow up call with Jim Grant he said he would make some additional calls to see what is going on with the documents.
February 12, 2025	The Hearld Times indicates that Reign Capital had closed on the two AT&T properties in Bloomington, IN on January 8, 2025
February 12, 2025	WS attorney shares the HT news with Jim and Denise. Also inquires if the documents were signed or would WS have to start over.
February 19, 2025	WS attorney sends email to Sean Chevalier(AT&T) wanting to drill down on what happened to the easements and further direction
February 19, 2025	Sean follows up and directs the team back to Denise Fowler who we are told is "aware of the situation, working on it, and with get back with you."

February 20, 2025	Denise Fowler provides contact information for Reign Capital and directs us to contact them.
February 20, 2025	WS attorney send email to Marco Barcellona, with Reign Capital explaining the situation.
February 24, 2025	Marco replies and indicates he will need to reach out to his partner and discuss.
March 4, 2025	The WS Team and Reign Capital have a phone call to discuss the easement request. They are generally agreeable and request we forward the documents for their review and comment.
March 5, 2025	WS attorney modifies documents for Reign Capital
March 13, 2025	WS provides revised documents to Reign Capital
March 13, 2025	Reign responds to the agreement with comments.
March 28, 2025	WS and Reign finalize the modification to the agreements via email.
April 1, 2025	WS forwards all documents for Reigns review and approval
April 1, 2025	Reign confirms receipt the documents have been received and are being sent to Reign's attorneys.
April 10, 2025	WS reaches out to Reign for status on the document review.
April 10, 2025	Reign responds they expect something anytime
April 16, 2025	Reign provides redline documents with comments.
April 25, 2025	Reign provides all remaining document comments
April 28, 2025	WS & WS attorney make corrections and sign documents and send to Reign for their signatures.
April 30, 2025	Reign confirms receipt and indicates they can have original to the title company by Monday.
May 5, 2025	Title Plus confirms receipt of all fully executed documents.
May 6, 2025	Easement are recorded in the Monroe County Recorder's office.

RECOMMENDATION: The Planning and Transportation Department recommends that the Plan Commission adopt the proposed findings and approve SP-22-24/USE2024-05-0051 with the following conditions:

1. The petitioner must receive a grading permit before land disturbance occurs.
2. A lighting and photometric plan must be submitted and approved before issuance of the grading permit.
3. This site plan review does not approve signage. The petitioner will need to apply for sign permits.
4. Applicant will install transit facilities as determined by the Bloomington Public Transportation Corporation. If transit facilities are desired by the Bloomington Public Transportation Corporation, proposed facilities within the public right-of-way will require approval by the City Board of Public Works.
5. The applicant shall provide proof of shared access easement for private drive (E Indiana Bell Ct) with the property to the north.
6. Applicant will sign an Acknowledgement of Encroachment Agreement with CBU for the construction and plantings that will occur in the sanitary easement.
7. Applicant must add the required covered bicycle parking.
8. Applicant shall provide water flow calculations demonstrating that storm water discharge into the karst feature to the East of this property shall not be increased over, or substantially reduced below its pre-development rate, before permits will be issued.
9. Applicant shall provide the following and receive approval from CBU for the proposed storm water system connection:
 - a. Written permission from the property owner to the north for the proposed project to connect to their storm system.
 - b. Proof that the original development plans for this area show that the original intent was to connect the individual parcels to a private storm system and not the public one.
 - c. Video inspection of the inside of all of the existing clay pipes to the north, showing their condition. If they are not in good condition, this connection would be disallowed by CBU.
 - d. Drainage calculations showing that the 8" and 10" pipes on the northern property have appropriate capacity in 100-year storm events. CBU's minimum allowable storm pipe size is 12".
 - e. If determined by CBU, then easements would need to be granted from the northern property owner to allow the proposed project and CBU to access their private storm pipe, in order to allow for maintenance to be conducted by either the proposed project or CBU if it was deemed necessary. Easement language should state that CBU can require maintenance to be conducted by the northern property owner.
 - f. If the applicant is unable to provide the private storm system information listed above, to the satisfaction of CBU, the applicant will be required to connect to public stormwater pipes.

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT**

CASE #: SP-22-24/USE2024-05-0051

DATE: June 10, 2024

Location: 4600 E Morningside Drive (parcel #53-05-36-300-001.001-005)

PETITIONER: Tyler Curry
P.O. Box 7016
Bloomington, IN 47407

OWNER: Morningside Holdings, LLC
1507 S Piazza Dr
Bloomington, IN 47401

CONSULTANT: Bynum Fanyo and Associates
528 N Walnut St
Bloomington, IN 47404

REQUEST: Major site plan to allow the construction of a three-story, 110,250 square foot “storage, self-service” facility in the Mixed-Use Medium Scale (MM) zoning district.

BACKGROUND:

Area: 2.141 acres

Zoning: Mixed-Use Medium Scale (MM)

Surrounding Zones: North – Mixed-Use Medium Scale (MM)
East – RE 2.5 – Estate Residential 2.5 (county zoning)
South – Mixed-Use Corridor (MC)
West – Mixed-Use Corridor (MC)

Comp Plan Designation: Urban Corridor

Existing Land Use: Vacant

Proposed Land Use: Store, Self-Service

Surrounding Uses: North – Commercial (office)
East – Vacant (county land)
South – Commercial (veterinary hospital)
West – Residential (multifamily)

Surrounding Streets: North – E Indiana Bell Ct (private)
West – E Morningside Drive (city-maintained, Neighborhood Residential street typology, Signed Bike Route/Share Use Lane, Bloomington Transit 3 East bus route)
East – None
South – None

Transportation Plan: Proposed Neighborhood Greenway (Phase 2, 4-6 years)
Proposed Right-Of-Way Width: 60 feet

REPORT: The property is located at 4600 E Morningside Drive and is zoned Mixed-Use Medium Scale (MM). The future land use map from the Comprehensive Plan designates this property as Urban Corridor. Surrounding uses include commercial (office) to the north, vacant to the east, commercial (veterinary clinic) to the south, and multi-family residential to the west. Surrounding zoning districts include MM to the north, county residential zone to the east, and Mixed-Use Corridor (MC) to the south and east.

This property has been vacant and/or used for surface parking since before 2007. There is an existing 5-foot sidewalk along the E Morningside Dr frontage. Vehicular access to this property is possible through city-maintained street E Morningside Drive to the west and the shared, private drive E Indiana Bell Ct to the north.

The petitioner is proposing to construct a new, three-story, climate-controlled, self-storage facility with an interior drive-through. The proposed self-storage facility is a single building with a footprint of 36,750 square feet and 110,250 gross square feet. This property, located in the MM zoning district, permits the “Storage, Self-Service” use (use-specific standards apply).

The applicant presented this proposal to staff at the April 30th, 2024 Development Review Committee Meeting. The applicant also presented about this project to the Park Ridge East Neighborhood Association meeting on May 5, 2024, which lies within 500 feet of 4600 E. Morningside Drive. The Planning & Transportation Department did receive multiple emails from the community, which are attached to this packet.

MAJOR SITE PLAN REVIEW 20.06.050(a)(2)(C)(ii): Major site plan approval is required for developments that contain more than 20,000 square feet of new nonresidential space. This proposed site plan will involve the construction of a 110,250 square foot building and therefore requires major site plan review.

DEVELOPMENT STANDARDS & INCENTIVES 20.04: The following UDO standards are required to be reviewed for all activities that require New Development approval.

“Storage, Self-Storage” Use-Specific Standards

- *UDO Standards*
 - a. All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, which shall be stored only in exterior areas screened from view from any street frontage.
 - b. Loading docks are prohibited on the side of the facility facing the residentially zoned land;
 - c. A permanent screen shall be required along all property boundaries and shall conform to landscaping and screening requirements in Section 20.04.080(m) (Screening);
 - d. Public access shall only be permitted between 6:00 a.m. and 10:00 p.m.
 - e. Outdoor loading, service, and refuse areas shall be integrated into the building design if possible or shall be located where they are not visible from public open space, public trails, public streets, or from adjacent properties, to the maximum extent practicable.
 - f. All storage shall be contained within a fully enclosed structure that:
 - i. Is at least a two-story structure with a defined use on the upper floor(s) and if storage units are provided on the upper floors, then access to the units shall be from interior hallways.
 - ii. Does not have any garage doors or access doors to any storage unit facing any public street, park, or open space, unless the doors are screened from all visible public streets, parks, and open spaces.
- *Provided*
 - a. All storage shall be kept within an enclosed building.
 - b. No public loading docks are located on the side of the facility facing the

residentially zoned land. A vegetative buffer will screen this property from the county residential property to the east.

- c. Outdoor loading and service areas requiring a screen are not visible from public open space, public trail, public street, or adjacent property.
- d. Public access to this facility will only be permitted between 6:00 a.m. and 10:00 p.m.
- e. Outdoor loading, service, and refuse areas shall be integrated into the building design to the maximum extent practicable - the proposed self-storage facility will contain storage units accessed from interior hallways.
- f. All storage shall be contained within a fully enclosed structure that is at least a two-story structure with a defined use, has access to the upper floor units via interior hallways, and does not have any garage doors or access doors to any storage unit facing any public street, park, or open space.
 - i. Storage units will be located on the ground floor (1st floor), the 2nd floor and the 3rd floor and will be accessed from the interior.
 - ii. Access doors to the building, which are located on the north and south face of the building, do not face public streets, parks, or open spaces and enable the loading and unloading of storage items to take place inside of the building. Access doors to any individual storage unit are screened and completely inside the building.

MM Dimensional Standards:

- **Front build-to range (minimum)**
 - *UDO Standards:* 15-25 foot build-to range from front property line and 45-55' from E Morningside Drive centerline (per 60 foot ROW in Transportation Plan).
 - *Provided:* 24 feet from front property line and 54.5 feet from E Morningside Drive centerline.
- **Front building facade at build-to range (minimum)**
 - *UDO Standards:* 70% of building façade
 - *Provided:* 100%
- **Side/Rear building setback (minimum)**
 - *UDO Standards:* 7 feet from property line
 - *Provided:* >7 feet
- **Front parking setback (minimum)**
 - *UDO Standards:* 20 feet behind the primary structure's front building wall
 - *Provided:* 20 feet behind the primary structure's front building wall
- **Side/Rear Parking setback (minimum)**
 - *UDO Standards:* 8 feet from property side/rear property lines
 - *Provided:* >8 feet
- **Landscape Area (minimum)**
 - *UDO Standards:* 40% of the property
 - *Provided:* 41%
- **Primary Structure Height (maximum)**
 - *UDO Standards:* Four stories not to exceed 50 feet
 - *Provided:* Three stories, 41 feet
- **Floor to ceiling height (minimum)**
 - *UDO Standards:* 12 feet where a nonresidential use is proposed on the ground floor
 - *Provided:* 12 feet

Environment:

- **Steep Slopes:** N/A - There are no naturally occurring steep slopes present. Percent slope on this site lies between 0-12%.
- **Siltation and erosion prevention:** An erosion control plan will be submitted and approved with the grading permit. A grading permit will be required before development can begin on the property. There are no expected unique siltation or erosion control issues expected with this proposal.
- **Drainage:** A grading and drainage plan has been submitted. A bio retention pond along the east property line will collect stormwater from four storm inlets in the east half of the property. There are currently no stormwater inlets along E Morningside Drive. A copy of the drainage plans have also been submitted to City of Bloomington Utilities for their review. Water flow calculations and final approval from CBU is required prior to issuance of a grading permit.
- **Riparian Buffer:** This property is not contiguous with, nor does it contain any naturally occurring intermittent or perennial streams within this property.
- **Karst Geology:** No structures are located within 10 feet of a Karst Conservancy Easement. No land-disturbing activity, mowing, or temporary or permanent structure is located within the sinkhole nor within 25 feet of the last closed contour of the sinkhole. Water flow calculations demonstrating that Stormwater discharge into a karst feature shall not be increased over, or substantially reduced below its pre-development rate, and that drainage shall be designed to route runoff through vegetative filters or other filtration measures before entering a karst feature, will be required. A condition has been added.
- **Wetlands:** No wetlands were identified on the site.
- **Tree and Forest Preservation:** There is no closed canopy on the site.
- **Lake Watershed:** There are no watershed issues on the site.
- **Floodplain:** There is no floodplain area on this site.

Access, Connectivity & Parking:

Public access to this proposed development is available via a new driveway access point along E Morningside Drive at the southwest corner of the property. Traffic can exit the property by either moving through the building and exiting through a drive connecting to E Indiana Bell Ct, located near the center of the property; or, by moving toward the east end of the property and exiting via a second drive connecting to E Indiana Bell Ct. E Indiana Bell Ct is private road with a shared access easement between this property and the property to the north.

- **Entrance/Drive Access**
 - *UDO Standards:* No entrance or drive shall be installed within 50 feet of any intersection and closer to a street than the existing or proposed front building wall. No entrance or drive along a neighborhood street shall be installed: within 100 feet of any intersecting street, and within 50 feet of another driveway entrance.
 - *Provided:* The west-most drive cut along E Indiana Bell Ct is 150' from the intersection with E Morningside Drive. The east-most drive cut along E Indiana Bell Ct is 141' from the west-most drive cut. The drive cut along E Morningside Drive is 141' from the intersection of E Morningside Dr with E Indiana Bell Ct.
- **Entrance/Drive Pavement Widths**
 - *UDO Standards:* No entrance or drive located in the front yard of a property shall exceed 24 feet if from a nonresidential use onto a local street.
 - *Provided:* All three drives are equal to or less than 24 feet wide.
- **Pedestrian Facilities**

- *UDO Standards:* 6' pedestrian zone & 5' greenscape/tree plot
 - *Provided:* 6' pedestrian zone & 8' greenscape/tree plot
- **Public Transit** – Title 20 requires a transit facility to be constructed at this site because this is a nonresidential development of at least 20,000 square feet gross floor area, and because the nearest existing transit facility on the route is more than one-fifth of one mile (1,056 feet) away from the closest primary building on the site. This development is not expected to significantly increase public transit need. There is an existing transit stop 200 feet south of this property; however, it does not meet Title 20's definition of a transit facility. No transit facility is proposed with this development and a conversation with the Bloomington Public Transportation Corporation has not yet occurred. A condition has been added.
- **Vehicle Parking**
 - *UDO Standards:* There is no minimum parking requirement for this use. The Storage, Self-service use maximum vehicle parking allowance is 2.85 spaces per 1,000 GFA of indoor sales/leasing/office space.
 - *Permitted:* 3 spaces (does not include ADA spaces)
 - *Provided:* 3 spaces
- **ADA Van Accessible Parking (minimum)**
 - *UDO Standards:* 1 space
 - *Provided:* 1 space
- **Bicycle Parking (minimum)**
 - *UDO Standards:* 6 spaces, or 5% of total vehicle spaces, whichever is more. For nonresidential and mixed-use developments with more than 20,000 square feet of gross floor area, all required bicycle parking facilities shall be Class II covered spaces.
 - *Required:* 6 spaces, covered
 - *Provided:* 6 spaces. No cover has been proposed. A condition has been added.

Building Design:

- **Exterior Facades Design**
 - *UDO Standards:*
 - width of modules (maximum): 40 feet
 - contain one or more primary and secondary exterior finish materials
 - North Façade – 3 design elements required in each module
 - East Façade – 3 design elements required in each module
 - South Façade – 3 design elements required in each module
 - West Façade - 3 design elements required in each module
 - *Provided:*
 - All modules are 40 feet or less
 - Building contains one or more primary and secondary exterior finish materials
 - North Façade design elements – 1. Awnings, 2. Change in building façade height of at least five feet between modules, 3. A regular pattern of transparent glass constituting a minimum of 50 percent of total wall of first-floor elevation
 - East Façade design elements – 1. Awnings, 2. Change in building façade height of at least five feet between modules, 3. A regular pattern of transparent glass constituting a minimum of 50 percent of total wall of first-floor elevation

- South Façade design elements – 1. Awnings, 2. Change in building façade height of at least five feet between modules, 3. A regular pattern of transparent glass constituting a minimum of 50 percent of total wall of first-floor elevation
- West Façade design elements – 1. Awnings, 2. Change in building façade height of at least five feet between modules, 3. A regular pattern of transparent glass constituting a minimum of 50 percent of total wall of first-floor elevation
- **Patterns** - One or more permitted primary and secondary exterior finish materials (cementitious siding, brick, EIFS, stone, and glass) repeat to create horizontal and vertical design elements and color and pattern changes.
- **Eaves and Roofs** - The building includes a flat roof with a parapet.
- **360-Degree Architecture** – All sides, including those not visible from the street frontages, have a finished facade that is similar to the visible facades in terms of materials and architectural detailing.
- **Primary Pedestrian Entry**
 - *UDO Standards:* One primary pedestrian entrance is required and shall contain at least three architectural details.
 - *Provided:* One primary pedestrian entrance is provided and includes the three required details: 1. Prominent building address, building name, and enhanced exterior light fixtures, 2. Raised corniced entryway parapet, 3. Recessed or framed sheltered element of at least 3 feet in depth.
- **Windows on Primary Facades** – All first-story windows on the primary facade (those portions of a facade that are adjacent to or front on a private or public street, park or plaza) of a primary structure are transparent and do not make use of dark tinting or reflective glass.

Landscaping:

- **Street Trees**
 - *Required:* 7 large canopy trees from permitted species list, along E Morningside Dr (one large canopy tree for every 30 feet of property that abuts a public right-of-way)
 - *Provided:* 7 large canopy trees from permitted species list. Due to the presence of existing utilities in the proposed tree plot the required street trees must be placed behind the sidewalk and have been shown.
- **Buffer Yard** – When the MM district abuts a residential zone, a Type 2 buffer yard along east property line is required (15 feet wide, 1 large deciduous tree every 25 feet, 2 evergreen trees every 25 feet (species from permitted species list))
 - *Required:* 15 feet wide buffer space, 8 large deciduous trees from permitted species list, 16 evergreen trees from permitted species list
 - *Provided:* 15 feet wide buffer space, 8 large deciduous trees from permitted species list, 16 evergreen trees from permitted species list
- **Interior Plantings**
 - *UDO Standards:*
 - A minimum of nine large canopy trees, three evergreen trees, and three medium or small canopy trees per acre of required minimum landscape area.
 - A minimum of 27 shrubs per acre of required minimum landscape area (one ornamental tree may be substituted for every four shrubs up to 50% of the required shrubs), planted two feet/eight feet, respectively from foundation.

- *Required:* 8 large canopy trees, 3 evergreen trees, 3 medium or small canopy trees, and 24 shrubs selected from the permitted species lists in Title 20.
- *Provided:* 8 large canopy trees, 3 evergreen trees, 3 medium or small canopy trees, and 24 shrubs selected from the permitted species lists in Title 20. Final review of these plantings will be completed with the grading permit.
- **Parking Lot Perimeter Landscaping**
 - *UDO Standards:* Applies to parking lots with four or more spaces.
 - One tree per four parking spaces planted within 10 feet of the parking lot edge.
 - Three shrubs, which grow to a minimum height of four feet, per one parking space, planted within five feet of the parking lot edge.
 - *Required:* 1 large canopy tree, 12 shrubs
 - *Provided:* 2 large canopy trees, 20 shrubs
- **Parking Lot Bumpouts/Islands/Endcaps – N/A**

Outdoor Lighting: A lighting and photometric plan will have to be submitted which shows that the site meets UDO requirements for maximum light trespass and fixture types. No deviations from the lighting code are expected. A condition of approval has been added.

SITE PLAN REVIEW: The Plan Commission shall review the major site plan petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

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:

- i. The proposed site plan is compliant with all of the standards of the UDO, except for what is noted as a condition below. The UDO currently permits the ‘storage, self-service’ use within the MM zone. There is no work proposed or approved within the adjacent 100-year floodplain. The proposed site plan is consistent with the approved plat and related easements and restrictions.
- ii. The Future Land Use Map from the Comprehensive Plan designates this property as Urban Corridor, which envisions an urban mixed-use district that serves nearby neighborhoods, but also the larger community. Site design features to consider in Urban Corridor include building to street frontages, structures that are multistory and pedestrian-scaled, and indoor and outdoor public gathering spaces, in an effort to transform the existing automobile-centric context into a mixed-use district. The size, scale and intensity of the Urban Corridor district should not reflect that of a Regional Activity Center, a district containing large and big box retailers that range from 10,000 square feet to over 60,000 square feet.

The proposed self-storage facility will serve the larger community; however, it does not support the Urban Corridor goal to transform the existing automobile-centric context into a mixed-use district and it does not follow the land development policy guidelines or include the site design features that are outline in the Comprehensive Plan. The proposed self-storage use is a more intense and auto centric use than what is envisioned by the Comprehensive Plan and it is not mixed-use in this design.

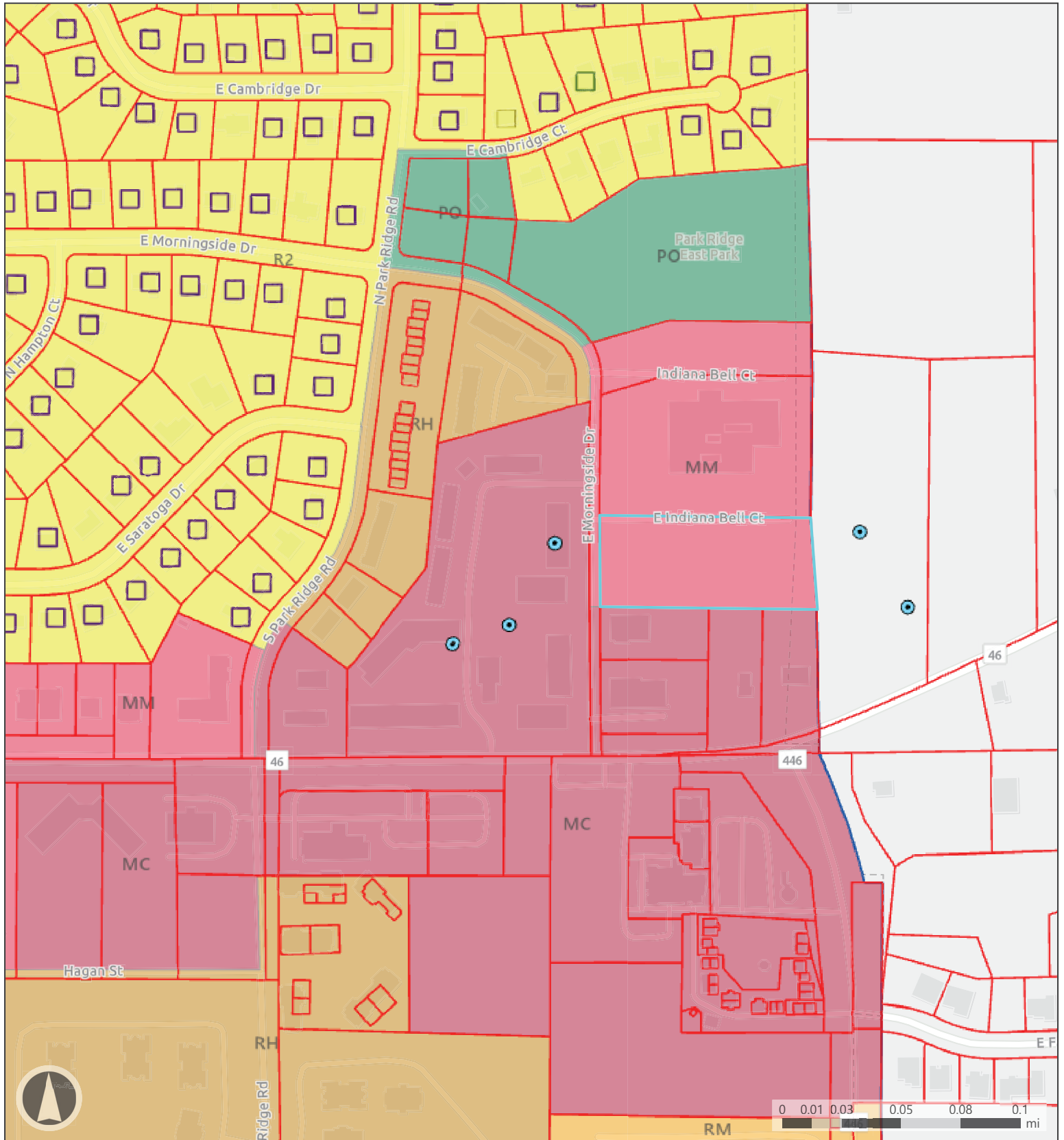
This property is adjacent to E Morningside Drive, which is a 20 foot-wide neighborhood residential street. E Morningside Drive is currently a Shared Use Lane that is connected to the Longview Bike Lane, the 7th Street Greenway, a route that extends from the east edge of Bloomington to the Near West Side neighborhood, just west of downtown Bloomington. Neighborhood Greenways are “low-speed, low-volume shared roadway intended to create a safe walking and bicycling environment.” (Transportation Plan, page 38). The Transportation Plan’s bicycle facility recommendation for E Morningside Drive is Neighborhood Greenway and the Comprehensive Plan states that enhancing Bloomington’s multimodal transportation system is a priority. One of the Vision Statement Principles is: “to provide a safe, efficient, accessible, and connected system of transportation that emphasizes public transit, walking, and biking to enhance options to reduce our overall dependence on the automobile.” Per the 2035 Long Range Transportation Plan (published by the Bloomington and Monroe County MPO), “one of the most important benefits of an alternative transportation and greenways system is to minimize the use of cars.”

- iii. There will be a large detention pond interior to the site that will collect rainwater from two storm inlets. Sewer and water service lines are available along E Morningside and at the rear of this property. There are known water pressure issues in this area. This proposal suggests connecting the storm water from this site to the storm water pipes the run through the properties to the north. The storm water pipes to the north are over 50 years old and are vitrified clay pipe, which is not up to CBU's current standards. City of Bloomington Utilities Department has some concern with this because if there is an issue with the storm pipe, which is receiving water from the proposed project, that will affect the proposed project's drainage. Additionally, the current deed does not provide sufficient evidence that this site has permission to connect to the private storm water system. CBU prefers that storm water from this site be routed to the public storm system and not from one private system to another; however, there are no public storm inlets in this area. Final acceptance and approval from City of Bloomington Utilities will be required prior to the issuance of any permits. A condition has been added.
- iv. There are no other prior approvals for this property.

CONCLUSION: The proposed site plan meets all of the requirements of the Unified Development Ordinance. The development of this property will provide a service to the community on land that has been vacant for many years. This project’s detention pond and landscaping plantings will provide screening and protection to the karst feature and county land to the east. While this use at this scale is not an ideal complement to the nearby neighborhoods, this project will provide secure self-storage services on the east side of Bloomington, which is an area of town that currently has the least number of self-service storage options available.

RECOMMENDATION: The Planning and Transportation Department recommends that the Plan Commission adopt the proposed findings and approve SP-22-24/USE2024-05-0051 with the following conditions:

1. The petitioner must receive a grading permit before land disturbance occurs.
2. A lighting and photometric plan must be submitted and approved before issuance of the grading permit.
3. This site plan review does not approve signage. The petitioner will need to apply for sign permits.
4. Applicant will install transit facilities as determined by the Bloomington Public Transportation Corporation. If transit facilities are desired by the Bloomington Public Transportation Corporation, proposed facilities within the public right-of-way will require approval by the City Board of Public Works.
5. The applicant shall provide proof of shared access easement for private drive (E Indiana Bell Ct) with the property to the north.
6. Applicant will sign an Acknowledgement of Encroachment Agreement with CBU for the construction and plantings that will occur in the sanitary easement.
7. Applicant must add the required covered bicycle parking.
8. Applicant shall provide water flow calculations demonstrating that storm water discharge into the karst feature to the East of this property shall not be increased over, or substantially reduced below its pre-development rate, before permits will be issued.
9. Applicant shall provide the following and receive approval from CBU for the proposed storm water system connection:
 - a. Written permission from the property owner to the north for the proposed project to connect to their storm system.
 - b. Proof that the original development plans for this area show that the original intent was to connect the individual parcels to a private storm system and not the public one.
 - c. Video inspection of the inside of all of the existing clay pipes to the north, showing their condition. If they are not in good condition, this connection would be disallowed by CBU.
 - d. Drainage calculations showing that the 8" and 10" pipes on the northern property have appropriate capacity in 100-year storm events. CBU's minimum allowable storm pipe size is 12".
 - e. If determined by CBU, then easements would need to be granted from the northern property owner to allow the proposed project and CBU to access their private storm pipe, in order to allow for maintenance to be conducted by either the proposed project or CBU if it was deemed necessary. Easement language should state that CBU can require maintenance to be conducted by the northern property owner.
 - f. If the applicant is unable to provide the private storm system information listed above, to the satisfaction of CBU, the applicant will be required to connect to public stormwater pipes.



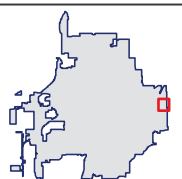
Map Legend

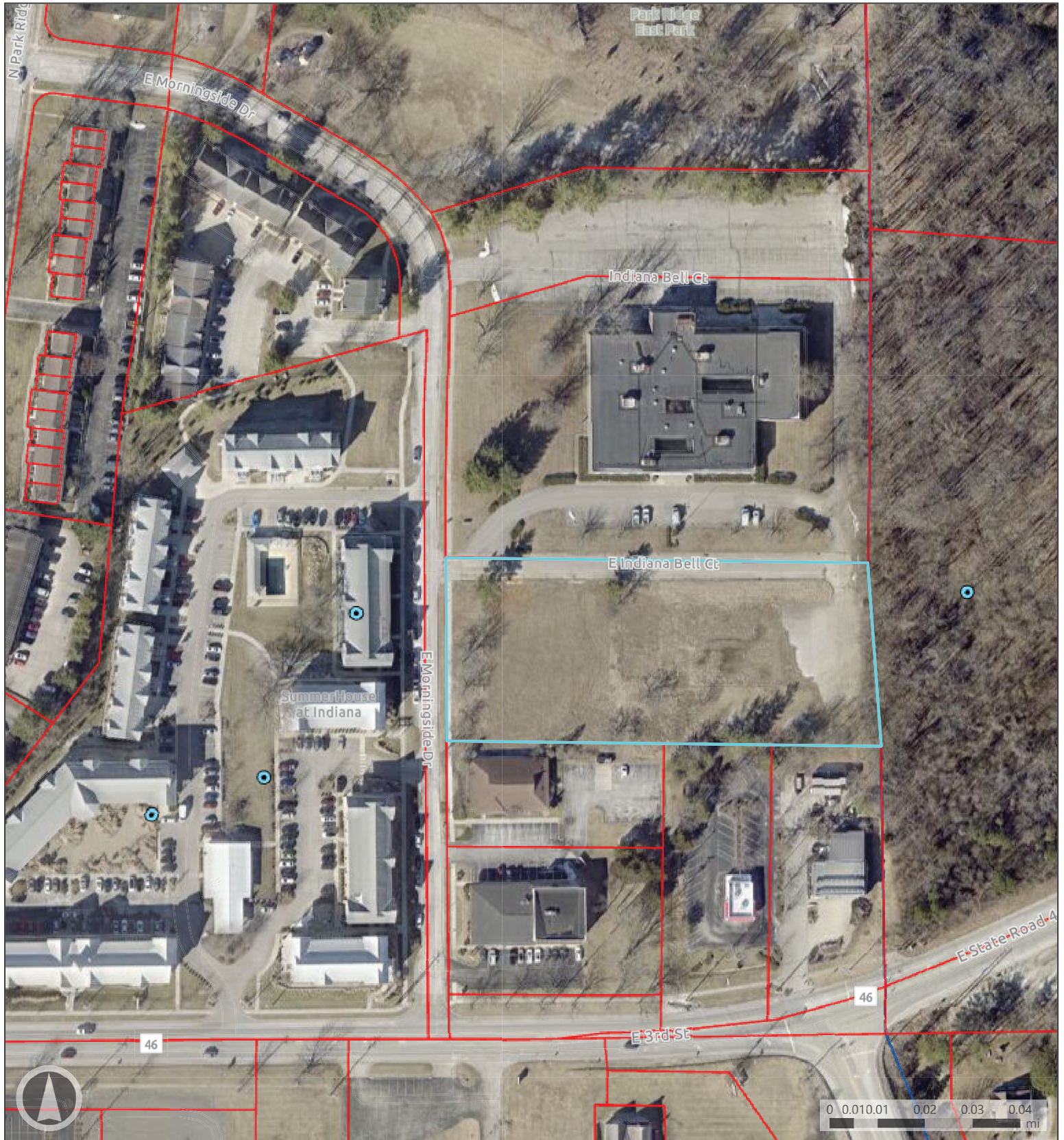
- Parcels
- Rating
- Notable

- Contributing
- Non-Contributing
- Sinkholes

- Bloomington Municipal Boundary
- Mixed-Use Corridor
- Mixed-Use Medium-Scale

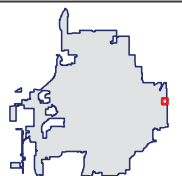
- Parks and Open
- Residential
- Residential High-





Map Legend

- Parcels
- Sinkholes
- Bloomington Municipal Boundary





BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

May 6th, 2024

Katie Gandhi
City of Bloomington Planning Department
401 N. Morton Street
Bloomington, Indiana 47404

RE: Morningside Drive Self-Storage
Final Plan Approval Petitioner's Statement

Katie Gandhi or To Whom It May Concern:

Our client, Tyler Curry, respectfully requests final plan approval for the referenced project and to be placed on the next Plan Commission agenda for the plan to be approved by the Plan Commission members.

Project Narrative:

4600 E Morningside Drive is a ~2.139-acre lot, zoned as 'Mixed Use Medium Scale.' We are proposing to develop on this parcel a climate controlled, drive-through self-storage facility which will consist of a single structure with three stories and an overall building footprint of 36,750 square feet (+/-).

The proposed facility blends traditional design elements with modern functionality for a timeless aesthetic. The low-slope roof is discreetly concealed behind a continuous parapet, creating a clean and uncluttered profile.

The west elevation and entry area receive special attention with a warm brick wainscot and accents, adding a touch of character and inviting warmth. The remaining portions of the elevations utilize a modern exterior insulation and finish system (EIFS) in a cohesive color palette and pattern, ensuring a cohesive look.

Further visual interest is achieved through strategic variations in height, carefully placed glazing, awnings, and recesses. This thoughtful layering creates a dynamic and visually engaging facade that transcends the typical self-storage facility.

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

Sincerely,
Bynum Fanyo & Associates, Inc.

Daniel Butler, P.E., Project Engineer

Copy: BFA File #402408

Feedback Received from Public about 4600 E Morningside Drive

1. 5/6/2024 via email to David (Planning Director), City Council, and Plan Commission

Greetings, Representatives:

Our neighborhood association recently announced a planned storage unit development at 4600 East Morningside by Tyler Curry. At this time I am unfamiliar with where in the development process this project is, and likewise I am uncertain on what leverage may be available to the City in influencing the development.

However, I wanted to go ahead and get ahead of the ball to note preliminary reservation. Our neighborhood (Park Ridge East) was delighted to recently have had Greenway improvements installed after years of advocacy to enhance aesthetics, walkability, safety, and the like. This planned development is at essentially the east "destination" point of what has been long planned as an east-west Bloomington bicycle and pedestrian corridor across the span of Bloomington. This route should connect residents with places they frequent (where they live, play, eat, and work), not where they store their stuff. A storage facility is inherently designed for vehicular use, and more realistically is designed for no use at all. It is often a predatory business model that exploits low-income individuals who lack space of their own and a model that feeds into an anti-environmental and otherwise largely unethical model of American consumerism.

In Bloomington, I acknowledge a few such facilities may be useful due to the transitory nature of being a college community. But: 1) this location is a horrible location for such a business that should be used for superior Bloomington goals, and 2) the industry is nearing saturation. Self-storage due to a number of market reasons has been seen as a superior real estate investment opportunity, especially post-pandemic, in comparison to housing, so heavy institutional pivoting into this traditionally independent "ma and pop" business model has been occurring. Should this business inevitably fold (whether that be 2 years from now or 20), self storage can be even worse than "big box" stores in leaving behind structures not well-suited for alternative repurposing.

On a more personal note, I likewise have no aesthetic interest in walking by a storage facility between a beautiful City park and a fantastic ice cream store on the regular. It doesn't fit and is not needed. I additionally carry some concern for other unanticipated impacts as Curry's housing development at Pete Ellis and Longview made sense for a housing location but was built in such a way that bicycling near that parking garage and crossing the nearby intersection both feel much less safe than before development. So I fear mitigation attempts by this developer are not something I hold high trust in.

Thank you for your consideration of what is best for the long-term future of Bloomington. I speak as a resident, but additionally hold wider lenses as a former Assistant Director to the City's Housing & Neighborhood Development Department and a long-time Neighborhood Association Executive Member for PRENA until recent years. I am not anti-development, as would love something in that location, but this is the wrong project.

Word has also gotten out from our association on social media today (5 hours ago), so far with unanimous opposition from residents. I have been asked by neighbors to circulate a petition of opposition. June 10 there is a Plan Commission meeting where a resident noted the development would be presented and/or approved. I see a Zoom link for the meeting but what would be the best way to present a petition and/or written comments?

Much appreciation for your service,
Eric Sader (4021 E. Morningside Drive)

2. 5/8/2024 via [uReport](#)

Not sure how to lodge opposition but heard Curry is wanting to build self-storage at 4600 Morningside. Total waste of a valuable piece of property on a Greenway. That East/West Greenway should be places people want to bike and walk to, not a wasteful self storage area that will be all vehicular traffic. Not to mention it's in a residential neighborhood and there is not a traffic light there and it will be THREE stories of nothing but storage? We can do better, Bloomington. If the City can reject for any reason please do so. – Anonymous

3. 5/8/2024 via [uReport](#):

Hello. If there is a better way to provide input please let the neighborhood know but we learned that self-storage is going into Park Ridge East on Morningside. The industry is low-income predatory and operates on a model that intends for low engagement. This is the opposite for what should be at the intersection of a Greenway (Longview) and a major road (3rd). Surely there are more industrial locations for the city suited for such a business. It is not true commerce (which would be awesome in that area) but is "set it and forget it" investing. Ugly, wasteful, and most importantly the wrong choice for the location. Definitely build something, but something that people will regularly access and use. – Anonymous

4. 5/12/2024 – via email

Hello,

I hope this email finds you well. I was hoping to lodge an opinion about Tyler Curry's proposed development on Morningside Drive. He wants to build a self-storage building

right next to a park and a family neighborhood, which I find completely inappropriate. This is the same area where children play soccer, go sledding in the winter, and walk to the local ice cream shop. All of this would stop if Tyler Curry gets his way.

Ours is a safe, quiet neighborhood that should not have a self-storage facility placed in it. Such a facility would bring in issues of light pollution, antisocial behavior, traffic, and unreasonable levels of noise, to say the least. Please consider telling Tyler Curry no.

Thank you for considering my opinion.

Best wishes,
S (sarahjschmitt@gmail.com)

5. 5/14/2024 – via email to David

Good afternoon,

I am a resident in the Park Ridge East neighborhood and it was recently brought to my attention that there is a proposed development by Tyler Curry to build a drive thru storage facility. I wish to let you know that I greatly oppose this idea and feel it would not be in the best interest of this neighborhood or its residents. There are plenty of locations for a storage center that would be more appropriate than a neighborhood. This is a residential area, not a place where we want business development. This area would be a great area for something that would directly benefit those that are living here, but this is not that. A specific concern that I have is that while I understand that the proposed operating hours are not 24/7, I find it very difficult to believe that will not end up happening as that is how the majority of these storage facilities operate. Regardless of the hours, the commercial traffic going into and through PRE will not be welcomed nor appropriate. Our neighborhood has already had to install calming measures along Morningside because of excessive speeds and reckless driving (passing stopped school buses nearly striking young children with their vehicles). More traffic in our neighborhood from people from all over the area is the last thing that we need. Please vote no on this proposal.

Ian Sons, isons429@gmail.com

6. 5/16/2024 – via email to me

Dear Katie,

I am lodging an opposing opinion about Tyler Curry's proposed development on Morningside Drive. He wants to build a self-storage building right next to a park and a family neighborhood, which our neighborhood association finds completely inappropriate. That lot is the same area where children play games, go sledding in the winter, and walk to the local ice cream shop. Ours is a safe, quiet neighborhood that should NOT have a self-storage facility built in it. Such a facility would bring in issues of light pollution, non-local traffic at all hours of the day and night, and numerous safety concerns, to say the least. Please tell Tyler Curry no.

A concerned resident,
Kim Evans

7. 5/16/2024 – via email to me

Dear Katie,

Our neighborhood (Park Ridge East) was delighted to recently have had Greenway improvements installed after years of advocacy to enhance aesthetics, walkability, safety, and the like. This planned development is at essentially the east "destination" point of what has been long planned as an east-west Bloomington bicycle and pedestrian corridor across the span of Bloomington. The Greenway constitutes an important part of the July 8, 2019, Bloomington Transportation Plan's Priority Bicycle Facilities Network featured in Plan Figure 21. This route should connect residents with places they frequent (where they live, play, eat, and work), not where they store their stuff. A storage facility is inherently designed for vehicular use, and more realistically is designed for no use at all. As similarly outlined in the 2035 Long Range Transportation Plan, "One of the most important benefits of an alternative transportation and greenways system is to minimize the use of cars." Approval of this project directly contravenes stated Bloomington Planning goals.

Moreover, self-storage is often a predatory business model that exploits low-income individuals who lack space of their own and a model that feeds into an anti-environmental and otherwise largely unethical model of American consumerism (e.g. <https://jerseydigs.com/dark-side-self-storage-meth-labs-poverty-homelessness/>). In Bloomington, I acknowledge a few such facilities may be useful due to the transitory nature of being a college community. But: 1) this location is a horrible location for such a business that should be used for worthier Bloomington goals, and 2) the industry increasingly needs to be monitored for saturation. Self-storage due to a number of market reasons has been recently seen as a superior real estate investment opportunity, especially post-pandemic when realities of eviction became easier in the context of storage than in housing with the introduction of new tenancy protections, so heavy institutional pivoting into this traditionally independent "ma and pop" business sector has been occurring. Many pro-active communities around the nation are paying attention to this concerning trend and have been taking steps including but not limited to bans on self-storage in order to preserve space for superior uses: (e.g. Providence - <https://www.providencejournal.com/story/news/local/2023/07/21/new-self-storage-facilities-banned-in-providence-to-make-room-for-housing/70443364007/>). Should this business inevitably fold, or alternatively push older such facilities in town out of business, (whether that be 2 years from now or even a fully-depreciated commercial building life of 39 years), self storage can be even worse than "big box" stores in leaving behind structures not well-suited for alternative repurposing.

This project fails to comport to the bright and vibrant future Bloomington's Plan Commission should be promoting. It neglects community utility in its pursuit of investor profits. Please explore all available lawful options to say no to this project and instead ensure our limited land resources are utilized appropriately in concert with City goals.

Best regards,

Eric A. Sader, JD, MSW, LSW

Lecturer of Business Law & Ethics, Kelley School of Business

Former Bloomington Assistant Director of Housing & Neighborhood Development

8. 5/16/2024 – via email to me

Please pass along our families request to not have this building developed in this space. I'm sure you've been overwhelmed with PRENA residents expressing their frustration with this development and would like to join that chorus.

Best,
Mark D. Miller

9. 5/19/2024 – via email to Jackie and David

Mr. Hittle and Ms. Scanlan - I am a resident of the Park Ridge East neighborhood. I strongly oppose Tyler Curry's proposed development on Morningside Drive.

He wants to build a self-storage building right next to a park and a family neighborhood, which is completely inappropriate. This is where children play games, go sledding in the winter, and walk to the local ice cream shop.

Tyler Curry's proposed facility would bring in issues of light pollution, non-local traffic, and numerous safety concerns -- it belongs in an industrial or less populated area, not in our backyards. Please tell Tyler Curry no.

Thank you,
Kelly Eskew
4521 E Wiltshire Ct

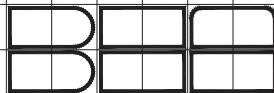
MORNINGSIDE STORAGE
PROJECT NO. 402408

PROPOSED: MORNINGSIDE DRIVE SELF-STORAGE

4600 EAST MORNINGSIDE DRIVE
BLOOMINGTON, IN 47408

UTILITY CONTACT INFORMATION

GAS VETREN 205 S. MADISON ST. BLOOMINGTON, IN 47401 DOUG ANDERSON (317)335-4009	SEWER AND WATER CITY OF BLOOMINGTON UTILITIES 400 E. MILLER DR. BLOOMINGTON, IN 47402 NANCY KATZ (317)340-2889	ELECTRIC DAVE ENERGY 1010 N. DEERMEADOW ROAD MOSCOW, INDIANA 46062 JIM SHELLEY (317)375-2071
TELEPHONE FIBT P.O. BOX 56 BLOOMINGTON, IN 47402 HEATH HIGGINS (317)334-4521	CABLE TELEVISION COMCAST 2405 SOUTH HENDERSON STREET BLOOMINGTON, IN 47404 DUSTY THOMPSON (317)335-7822	UNDERGROUND UTILITY LOCATION INDIANA UNDERGROUND PLANT PROTECTION 1-(800)982-1544



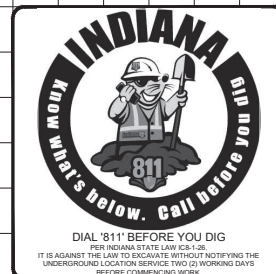
BYNUM FANYO & ASSOCIATES, INC.
528 North Walnut Street
Bloomington, Indiana 47404 (812) 332-8030

SHEET INDEX

SHEET NO.	SHEET NO.
301	SITE IMPROVEMENTS PLAN
401	GRADING AND DRAINAGE PLAN
501	LANDSCAPING PLAN
601-602	MISCELLANEOUS DETAILS



VICINITY/LOCATION MAP
SCALE: 1"=2000'



architecture
civil engineering
planning

OWNER/DEVELOPER:
JOHN HALLUSKA
2470 E. RHORER ROAD
BLOOMINGTON, IN 47401

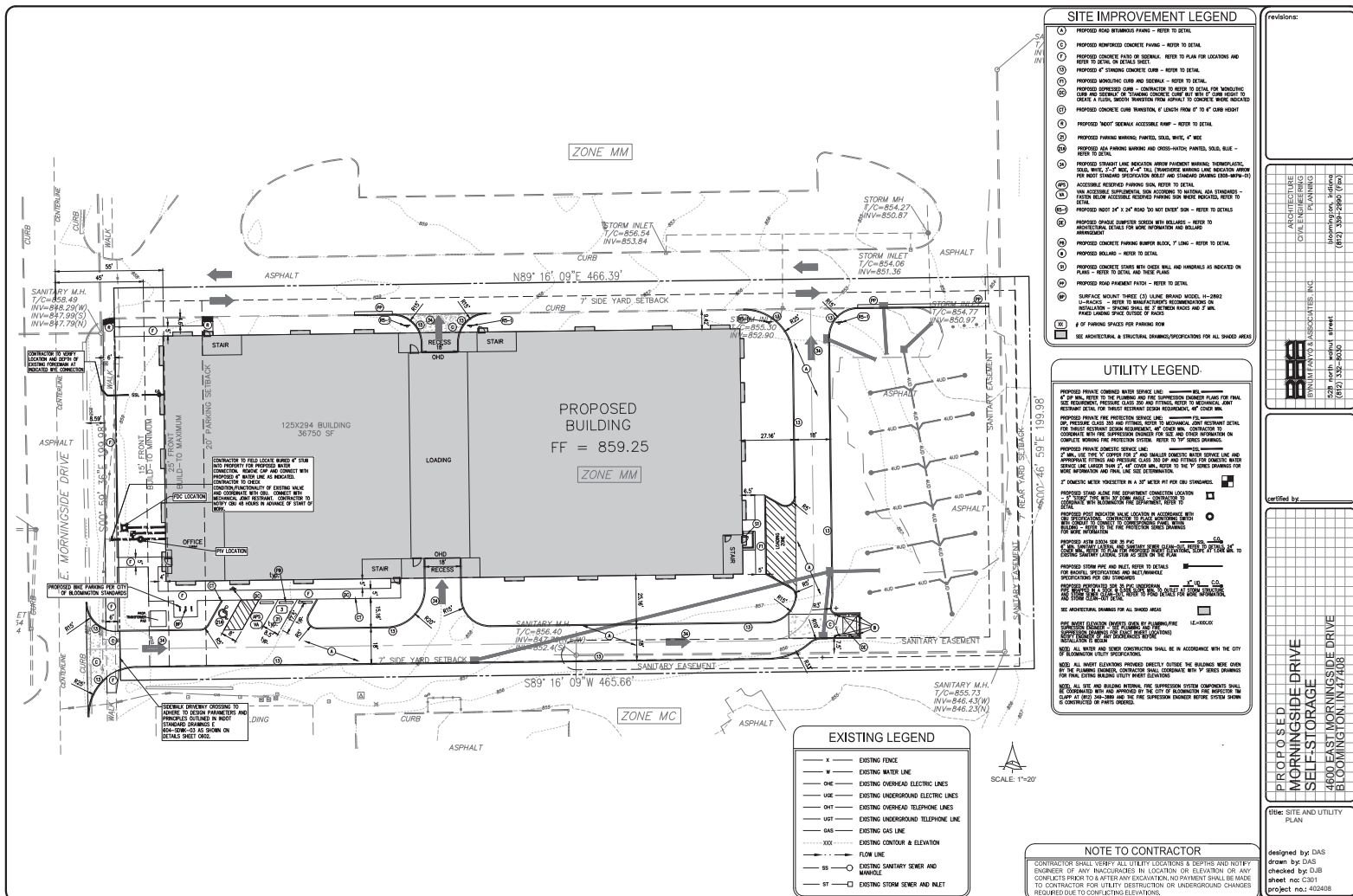
THE CURRENT EDITION OF THE INDIANA DEPARTMENT OF
TRANSPORTATION, MANUAL ON UNIFORM TRAFFIC CONTROL
DEVICES & CITY OF BLOOMINGTON UTILITIES STANDARD
SPECIFICATIONS IS TO BE USED WITH THESE PLANS

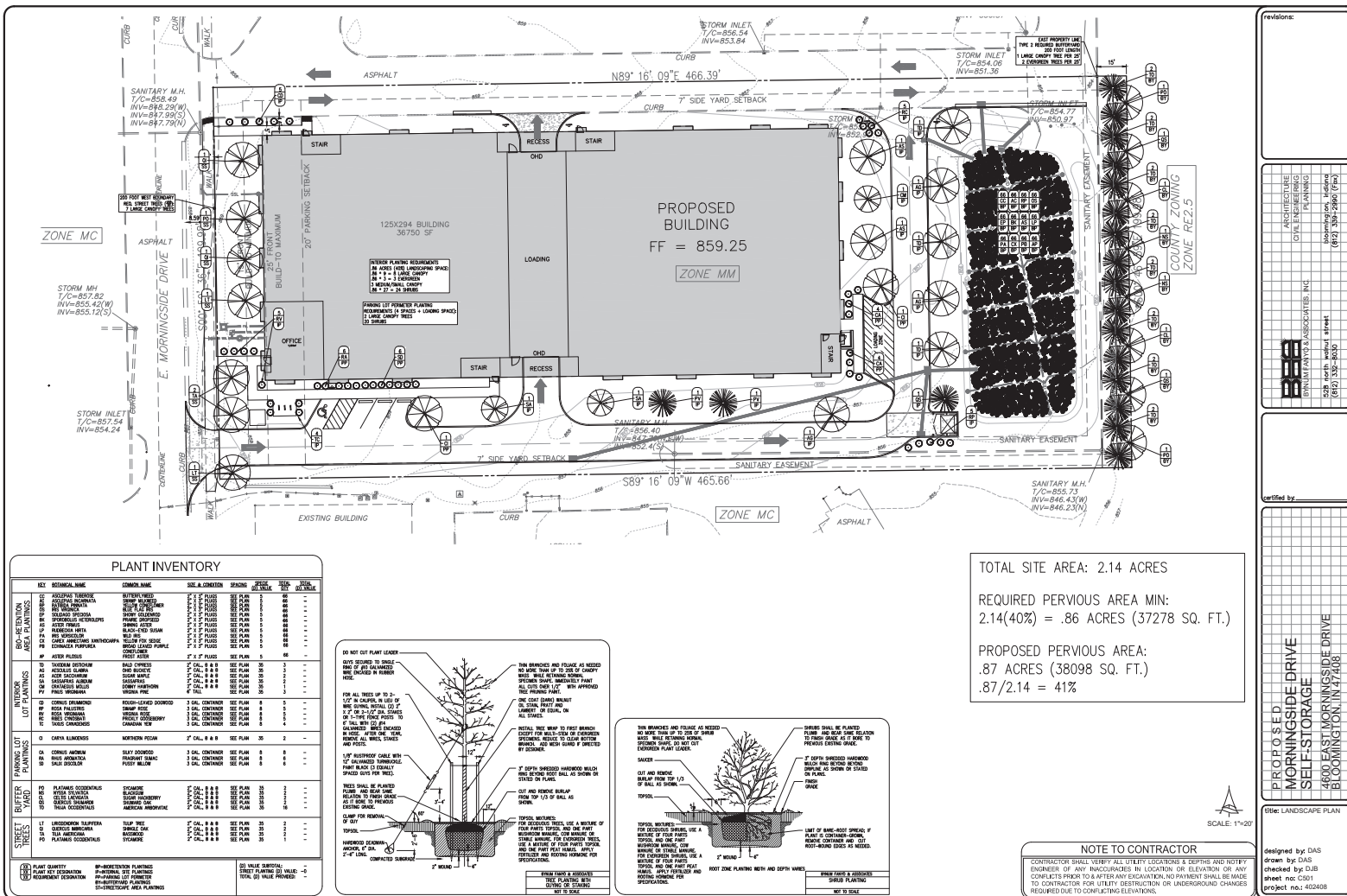
Certified By:

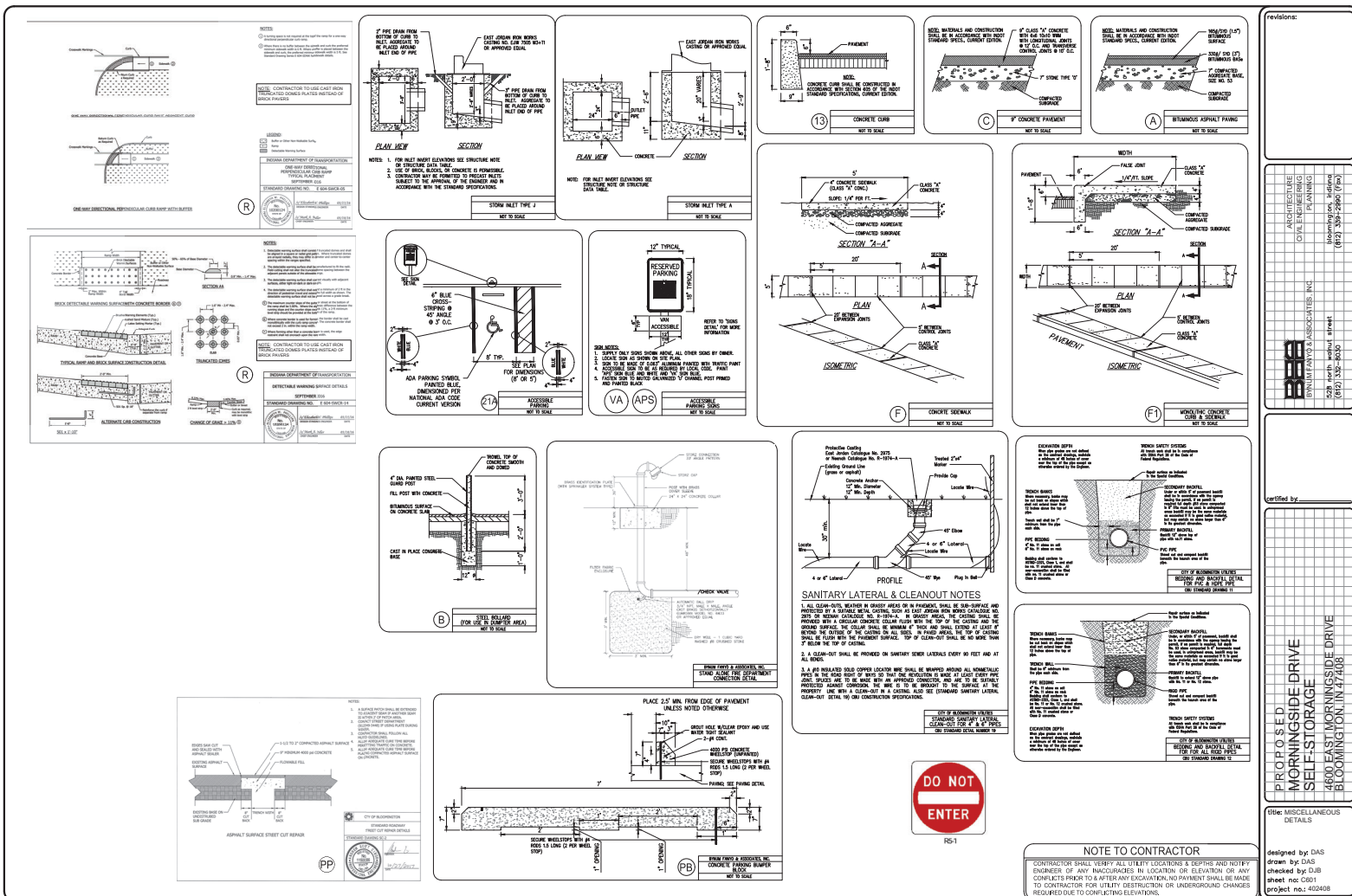
JEFFREY S. FANYO, P.E.
IND. REG. NO. 18283

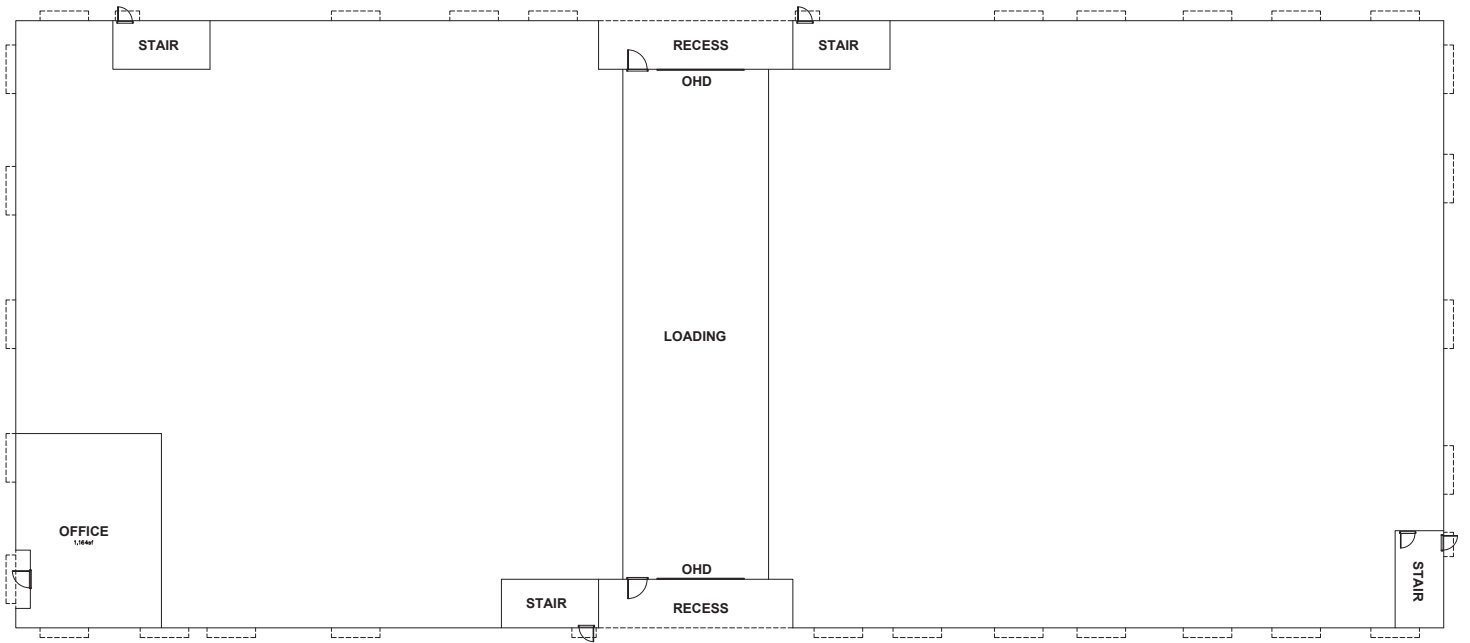
Revisions

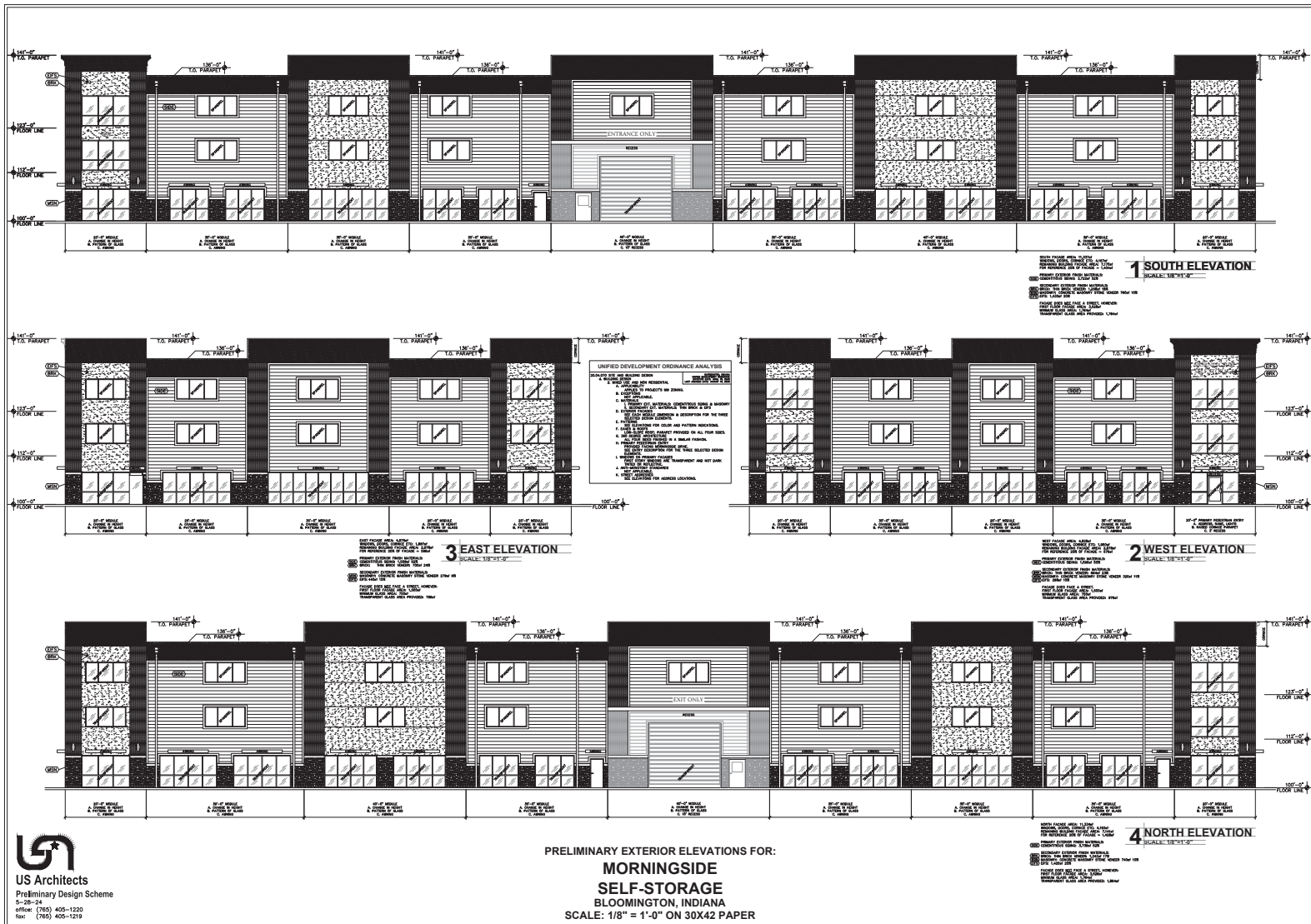
MORNINGSIDE SELF-STORAGE
PROJECT NO. 402408













April 15, 2024

Park Ridge East Neighborhood Association
Jill Bond-President

Dear Neighborhood Association:

I am writing to ask that I be added to your May 5, 2024 meeting agenda. I am a local developer proposing to construct a climate-controlled, self-storage facility which will be a 'single building', 3-story structure at *4600 E Morningside Drive in Bloomington*. The overall footprint of the building will be 36,750 (+/-) square feet.

As part of the application process, I am required to discuss this proposed development with the Park Ridge East Neighborhood. The site is ~2.139 acres and is currently zoned MM which is 'Mixed Use Medium Scale' and allows for self-storage development.

I appreciate your consideration.

Tyler Curry
812-327-4141

SUMMARY

May 5, 2024 3:00 pm

Park Ridge East Neighborhood Association

RE: Morningside Drive Self-Storage Development

The meeting was attended by 8 people and took place at the shelter house located next to the park on Morningside Drive. I have provided a sign in sheet as part of this summary.

I started out by introducing myself and talking about the proposed self-storage facility. I had 3 poster boards that I used as a reference. These posterboards are attached to this summary.

Items discussed:

- 1) Zoning
- 2) Hours of operation; 6:00 a.m. to 10:00 pm
- 3) Building size and height
- 4) Access to the facility
- 5) Interior lighting is visible from the street and on 24 hours.
- 6) Traffic and number of employees
- 7) Impact on the neighborhood and property values
- 8) Security
- 9) They asked about me being a good neighbor and contributing to their (PRENA's) events.
- 10) Upkeep of exterior maintenance and mowing
- 11) Feasibility study

I answered all of their questions and walked away feeling good about having their support. Nobody in that was in attendance objected. I mentioned the Plan Commission hearing date of June 10th and told them they can come speak and voice any other questions or concerns at that meeting. The meeting lasted about 45 minutes.

Tyler E. Curry

05-05-24

P.R.E.N.A.Attendance (for Tyler Curry's Proposal)
- Morningside Drive -

Maryanne Donrey

Jill Bond

Tyler Curry

- Katie Yoder

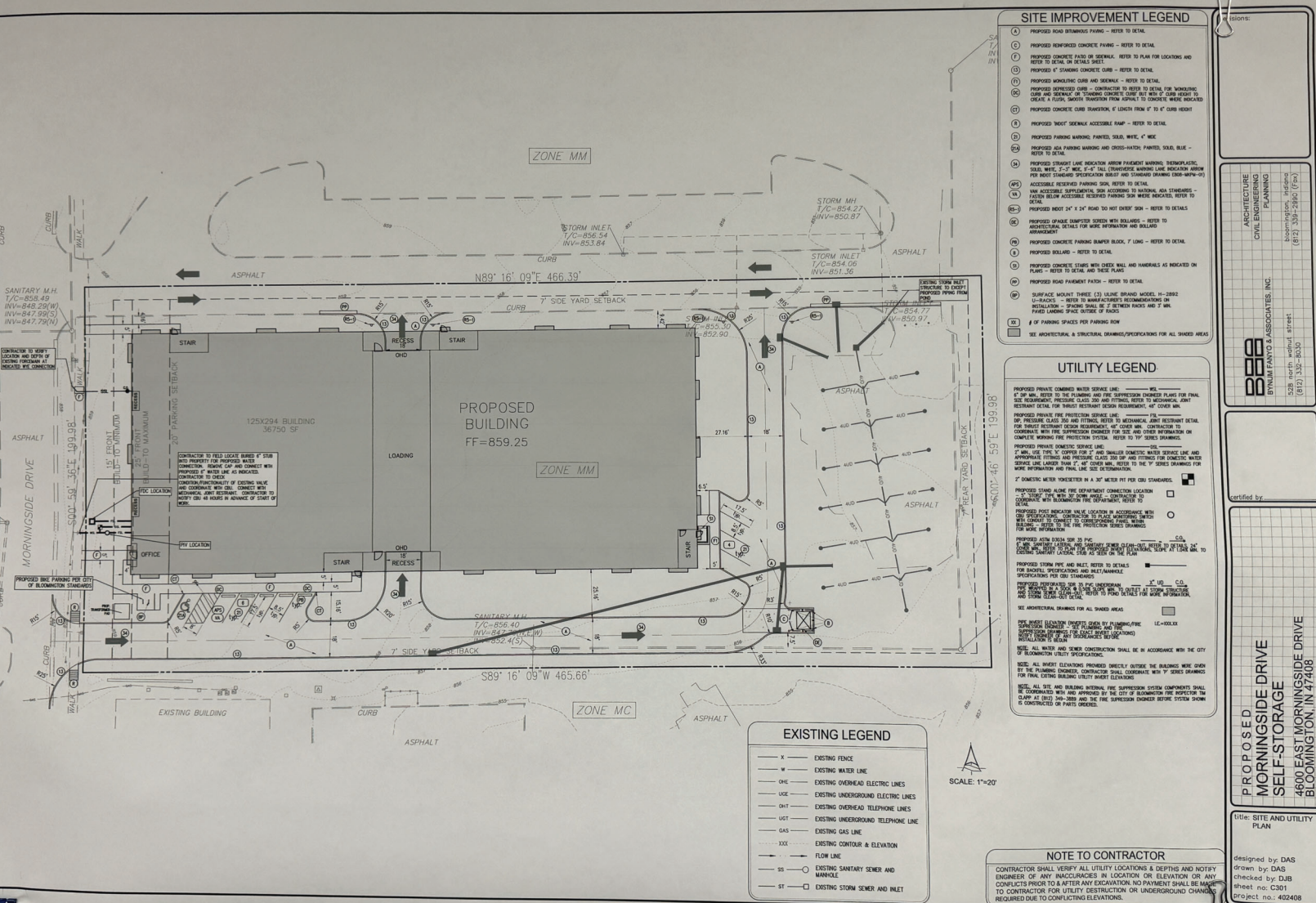
Barbara Backler

Jill Jollyff

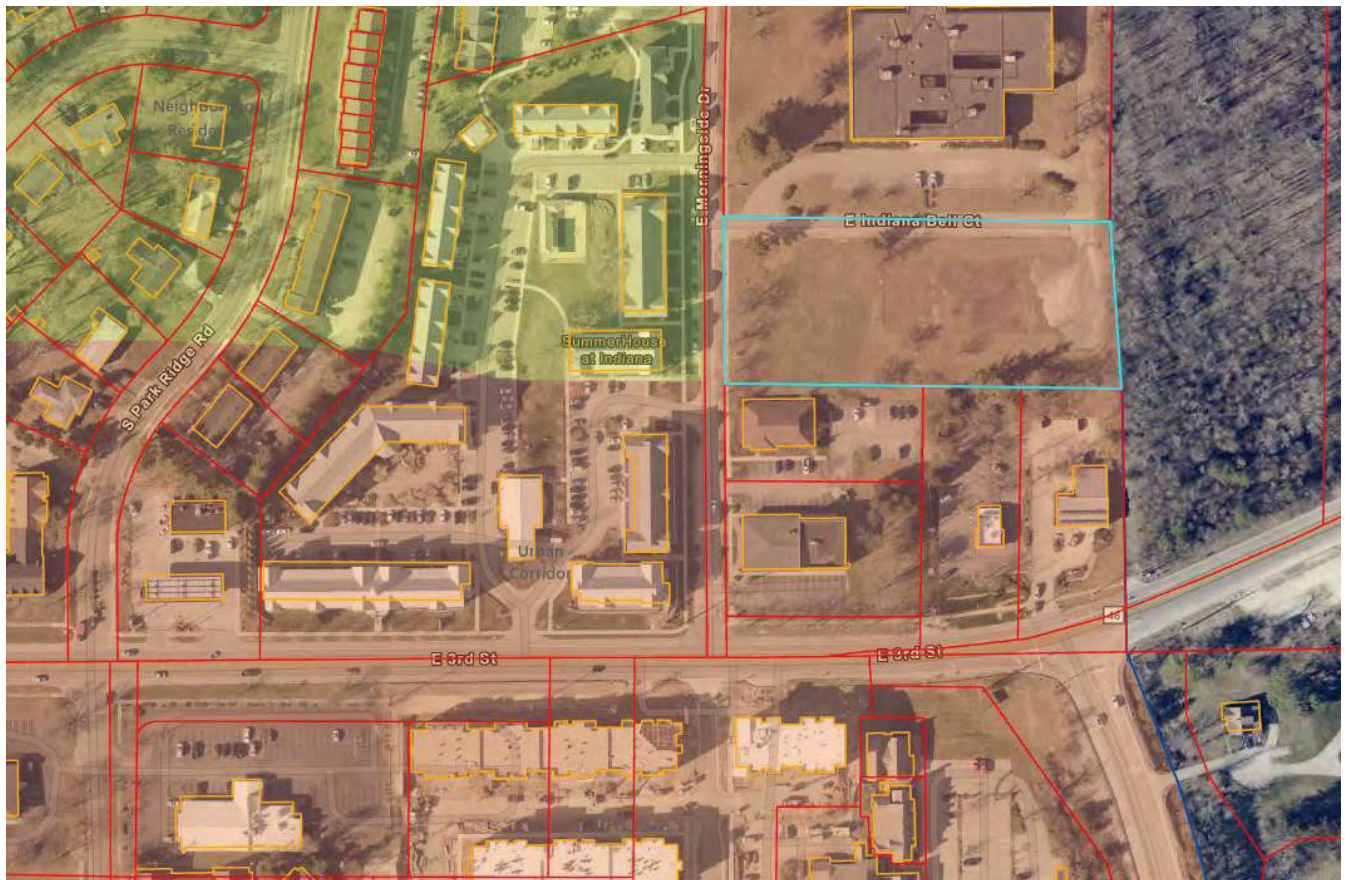
Brianna Alexander

Christine Davenport

Greg Davenport

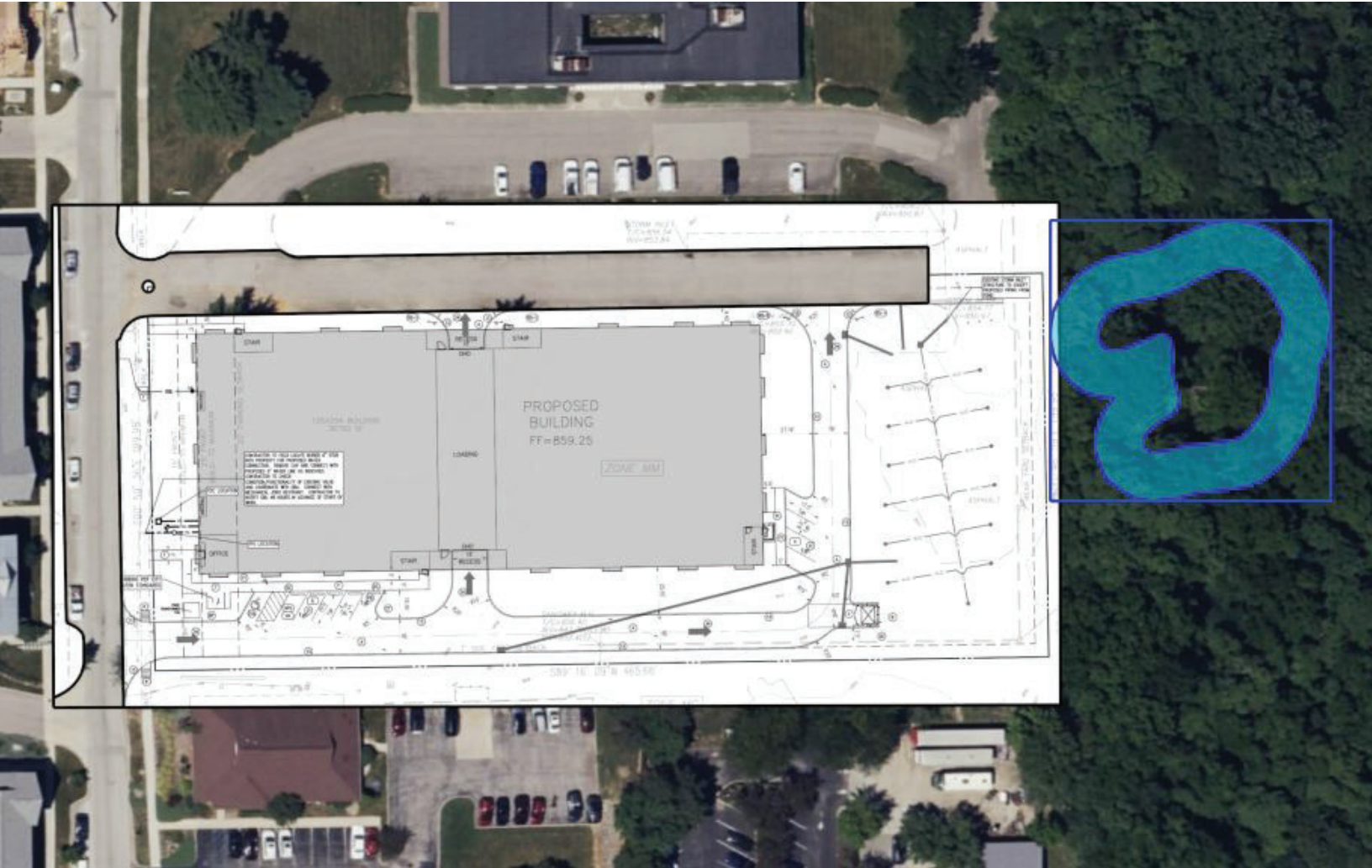






Future Land Use Map (from the City of Bloomington Comprehensive Plan)





Case #s ZO-03-25; ZO-18-25 through ZO-23-25 Memo

To: Bloomington Plan Commission

From: Eric Greulich, Development Services Manager

Date: July 14, 2025

Re: Use Table Amendments to Unified Development Ordinance

The Planning and Transportation Department is proposing a series of amendments to the Unified Development Ordinance that include changes to Section 20.03.020, Table 03-1: Allowed Use Table and other various text amendments related to those changes.

The amendments are divided into seven (7) petitions. Those petitions are as follows:

1. ZO-03-25/ZO2025-05-0006 | “Single Room Occupancy”
2. ZO-18-25/ZO2025-05-0007 | “Urban Agriculture, Commercial”
3. ZO-19-25/ZO2025-05-0008 | “Storage, self-service”
4. ZO-20-25/ZO2025-05-0009 | “Fraternity or sorority house”, “Artist Studio or workshop”, “Office”, “Vehicle Fleet Operations, small”, and “Vehicle Fleet Operation, large”
5. ZO-21-25/ZO2025-05-0010 | “Vehicle Fuel Station”
6. ZO-22-25/ZO2025-05-0011 | “Vehicle Wash”
7. ZO-23-25/ZO2025-05-0012 | “Tattoo or piercing parlor”

ZO-03-25 | “Single Room Occupancy”

This amendment is in response to City Council Resolution #2024-25 that directs the Plan Commission to prepare a proposal to amend the text of the UDO to define Single Room Occupancy buildings (SROs) and to allow their use paying special attention to various items outlined in the resolution. In response to that Resolution, the Department is proposing to remove a previous similar use “Residential rooming house” and replace that use with a new use “Single Room Occupancy”.

One of the challenges that was encountered with addressing the goals of the Resolution was insuring that this housing type is not utilized predominately for student rentals. To address that concern, the Department is proposing to make this use a conditional use in the R1-R4 districts and a permitted use in all other districts (except RMH, EM, and PO). In various districts, the Department is proposing several use specific standards that would include limitations on the number of bedrooms in each dwelling unit, prohibiting bathrooms in individual sleeping rooms, spatial buffering requirements from other Single Room Occupancy uses, and architectural requirements for compatibility.

ZO-18-25 | “Urban Agriculture, Commercial”

This amendment introduces a new land use- “Urban Agriculture, Commercial”. This new land use would allow some additional services and offerings within the City for urban agriculture uses beyond the current, similar land use of “Urban Agriculture, Noncommercial”. The new proposed land use would allow for an outdoor education component, on-site employees, and year round retail sales for produce grown on the property. This use is proposed to be a conditional accessory use in the R1-R4, RM, and RH districts and a permitted use in all other districts. There are use specific standards included with this use as well.

ZO-19-25 | “Storage, self-service”

This amendment would reduce the zoning districts where this use would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) zoning district and Mixed-Use Student Housing (MS) districts only. A new use specific condition has been proposed that would only allow this use in the MS district if there are more than 20 dwelling units.

ZO-20-25 | “Fraternity or sorority house”; “Artist Studio”; “Office”; “Vehicle Fleet Operations”

- **Fraternity or sorority-** This amendment would remove the asterisk that is currently shown associated with this use that referenced use specific standards that were removed in 2023, however the asterisk could not be removed at that time since that would require an amendment to the Use Table.
- **Artist Studio or workshop-** This proposed amendment would add this use as a permitted use in the Mixed-Use Student Housing (MS) district.
- **Office-** This proposed amendment would add this use as a permitted use in the Mixed-Use Student Housing (MS) district.
- **Vehicle Fleet Operations-** This amendment would add an asterisk to the use table to reference use specific standards that were introduced and approved earlier this year. However, the asterisk could not be added at that time since that would require an amendment to the Use Table.

ZO-21-25 | “Vehicle Fuel Station”

This amendment would reduce the zoning districts where this use would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) zoning district only. This amendment would also remove several use specific conditions since this use is proposed to no longer be allowed in those districts referenced.

ZO-22-25 | “Vehicle Wash”

This amendment would reduce the zoning districts where this use would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) zoning district only.

ZO-23-25 | “Tattoo or piercing parlor”

This amendment would reclassify how this use is regulated and would include this as a use associated with the use “Personal service”. This amendment would remove this specific use from

the use table and other related references and standards since it would be allowed anywhere that the use “Personal service” is allowed.

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an * = use-specific standards apply
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use							Non-Residential		Use-Specific Standards	
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM		PO
RESIDENTIAL USES																		
Household Living																		
Dwelling, single-family (detached)	P	P	P	P	P*	P*	P	P	P	P*	P*	P*			P*			20.03.030(b)(1)
Dwelling, single-family (attached)		P*	P*	P*	P*	P*		P*	P*	P*				P*				20.03.030(b)(2)
Dwelling, duplex	C*	C*	C*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, triplex				C*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(4)
Dwelling, fourplex				C*	P*	P*		P*	P*	P*	P*			P*				20.03.030(b)(4)
Dwelling, multifamily				C*	P	P		P	P*	P*	P	P*	C	P*				20.03.030(b)(5)
Dwelling, live/work				C*	P*	P*			P*	P*	P*			P*				20.03.030(b)(6)
Dwelling, cottage development	C*	C*	C*	C*	C*	C*	C*		C*									20.03.030(b)(7)
Dwelling, mobile home							P*											20.03.030(b)(8)
Manufactured home park							P*											20.03.030(b)(9)
Group Living																		
Assisted living facility				C	P	P			C	P	P		P	P	P			
Continuing care retirement facility				C	P	P			C	P	P		P	P	P			
Fraternity or sorority house								P*					P*					20.03.030(b)(10)
Group care home, FHAA small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(11)
Group care home, FHAA large				P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
Nursing or convalescent home				C	P	P			C	P	P	P	P	P	P			
Opioid rehabilitation home, small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(11)
Opioid rehabilitation home, large				P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
Residential rooming house Single Room Occupancy	C*	C*	C*	C*	P*	P*		P*	P*	P*	P*	CP*		P*				20.03.030(b)(12)
Student housing or dormitory					C*	P*		P*	C*	P*	P*		P*	C*				20.03.030(b)(13)
Supportive housing, small						C			C	C	C		C	C	C			
Supportive housing, large										C	C		C	C	C			
PUBLIC, INSTITUTIONAL, AND CIVIC USES																		
Community and Cultural Facilities																		
Art gallery, museum, or library				C*	C	C			P	P	P		P	P				20.03.030(c)(1)

Use Specific Standards 20.03.030(b)(12)

(12) Single Room Occupancy

- (A) The maximum number of bedrooms allowed per dwelling unit for this use are limited to the following for each zoning district-
- R1-R2= A maximum of 3 bedrooms are allowed
 - R3-R4= A maximum of 5 bedrooms are allowed
 - All other districts shall not have a maximum number of bedrooms.
- (B) No bedroom occupied by a person shall be rented for a period of less than 30 consecutive days.
- (C) A maximum of one adult or a group of people all of whom are related to each other by blood, marriage, or legal adoption, foster parent responsibility, or other legal status making the person a dependent of one or more persons legally residing in the household under federal or state law per bedroom are allowed.
- (D) Within the R1, R2, R3, R4, RM, and RH Districts no bathroom, including a toilet, sink, or shower, are allowed in or directly accessed from any bedroom.
- (E) Within the R1, R2, R3, or R4 districts a 150 foot buffer shall be created around the approved Single Room Occupancy (SRO). No newly created or expanded (through addition or habitable space) SRO shall be allowed in said buffer in the R1, R2, R3, or R4 zoning districts for a period of 2 years after the date of the Conditional Use approval. For purposes of this section, the 150 feet shall be measured from the property lines of the parcel receiving approval.
- (F) Within the R1, R2, R3, and R4 districts the following design elements of the SRO shall be similar in general shape, size, and design with the majority of existing structures on the same block face on which it is located:
1. Roof pitch;
 2. Front porch width and depth;
 3. Front building setback; and
 4. Vehicle parking access (i.e., front-, side-, or rear-access garage or parking area).

Table 04-10: Maximum Vehicle Parking Allowance

Dwelling, multifamily	125 percent of the potential minimum, or 1.25 spaces per bedroom, whichever is less. When there is no required minimum number of spaces, the number of spaces listed per DU in Table 04-9 shall be used in the 125% calculation.
Dwelling, live/work	1 space per DU
Dwelling, cottage development	2 spaces per DU

Dwelling, mobile home	2 spaces per DU
Manufactured home park	2 spaces per DU, plus 1 visitor space per 2 DUs
Group Living	
Assisted living facility	1 space per 6 infirmary or nursing home beds;
Continuing care retirement facility	plus 1 space per 3 rooming units; plus 1 space per 3 DUs
Fraternity or sorority house	0.8 spaces per bed
Group care home, FHAA small	1 space per 4 persons design capacity
Group care facility, FHAA large	
Nursing or convalescent home	
Opioid rehabilitation home, small	
Opioid rehabilitation home, large	
Residential rooming house Single Room Occupancy	2 spaces; plus 1 space per guest room
Student housing or dormitory	0.75 spaces per bedroom
Supportive housing, small	2.5 spaces per 1,000 sq. ft. GFA

Chapter 20.07.010

Bed and Breakfast

Means a single-family detached dwelling where transient lodging and meals are provided for compensation, that does not meet the definition of a "Hotel or Motel," or "~~Residential Rooming House~~ **Single Room Occupancy**."

Dwelling Unit

One or more rooms containing cooking, living, sanitary, and sleeping facilities, occupied by not more than one family (see definition of "Family"). The dwelling unit shall be characterized by but not limited to:

- 1) A single house number with a single mailbox for the receipt of materials sent through the United States mail;
- 2) A single kitchen adequate for the preparation of meals;
- 3) A tenancy based upon a legal relationship of a unitary nature, i.e., a single lease, mortgage, or contractual sales agreement for the entire premises.

A dwelling unit occupied by more than one "family" (see definition) shall be constructed and regulated as a "~~residential rooming house~~ **Single Room Occupancy**" (see definition).

Dwelling, Short-Term Rental

The rental of an entire dwelling unit for monetary consideration for a period of time less than 30 consecutive days, not including a "Bed and Breakfast," "~~Residential Rooming House~~ **Single Room Occupancy**," or "Hotel/Motel." This definition does not include offering the use of one's property where no fee is charged or collected.

Hotel or Motel

An establishment in which lodging is provided and offered to the public for compensation, for periods of time not exceeding thirty days and that is commonly known as a hotel or motel in the community in which it is located. This use customarily provides services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. This use may provide ancillary uses such as conference and meeting rooms, restaurants, bars, gift shops, and recreational facilities. The term "Hotel or Motel" does not include "Residential Rooming House Single Room Occupancy," or "Bed and Breakfast," except where separately permitted.

Lodging House

See "Residential Rooming House Single Room Occupancy."

Residential Rooming House Single Room Occupancy

A residential facility where individuals rent individual rooms and share common facilities such as kitchen, bathrooms, and common area that is occupied by a group of persons, for periods of 30 days or longer, that do not meet the definition of "Family," where the use does not meet the definition of "Bed and Breakfast," "Fraternity or Sorority House," "Student Housing or Dormitory," "Supportive Housing," "Residential Care Facility," or "Hotel or Motel."

Student Housing or Dormitory

A multiple-family dwelling designed primarily as housing for, or likely to be occupied by, unmarried undergraduate or post-graduate students, including but not limited to:

- 4) Multiple-family dwellings that contain any living units with four or more bedrooms; or
- 5) Multiple-family dwellings with more than 10 dwelling units where more than 33 percent of the living units contain three bedrooms; or
- 6) Residential buildings that do not meet the definition of a "Residential Rooming House Single Room Occupancy" or "Hotel or Motel," in which any of the bedrooms require the use of a common hallway shared by more than three bedrooms, to access the nearest bathroom facilities or to access a cooking area containing a built-in sink, refrigerator, and stove or oven.

For purposes of determining whether a multiple-family dwelling meets this definition, the City may consider the degree to which the facility is occupied by undergraduate or post-graduate students and the degree to which occupancy is marketed to undergraduate or post-graduate students. This use does not include a "Fraternity or Sorority."

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, CA = Conditional Accessory, Uses with an *= use-specific standards apply

Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use								Non-Residential		Use-Specific Standards
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
Club or lodge										P	P			P				
Community center		C	C	C	P*	P*			P	P	P		P	P				20.03.030(c)(2)
Conference or convention center											P	P	P	P				
Crematory											C		C			C		
Day-care center, adult or child	A*	A*	A*	A*	C*	C*	C*	P*	P*	P*	P*	C*	C*	P*	P*	A*		20.03.030(c)(3)
Government service facility										P	P	P	P	P		P		
Jail or detention facility													C*			C*		20.03.030(c)(4)
Meeting, banquet, or event facility										P	P	P	P	P				
Mortuary										P	P		P					
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Place of worship	C	C	C	C	C	C	C	C	C	P	P	C	P	P	C			
Police, fire, or rescue station	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P		
Urban agriculture, noncommercial	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		20.03.030(c)(5)
Urban agriculture, commercial	CA*	CA*	CA*	CA*	CA*	CA*	CA*	P	P	P	P	P	P	P	P	P		20.03.030(c)(6)
Educational Facilities																		
School, college or university											C	C	P					
School, public or private	C*	C*	C*	C*	C*	C*	C*	C*	C*	P*	P*	C*	P*	P*				20.03.030(c)(6)
School, trade or business										P	P	P	P	P		P		
Healthcare Facilities																		
Hospital													C		C			
Medical clinic									P	P	P	P	P	P	P			
Methadone treatment facility											P*		C*		C*			20.03.030(c)(7)
Opioid rehabilitation facility										C*	C*	C*		C*	C*			20.03.030(c)(7)
COMMERCIAL USES																		
Agricultural and Animal Uses																		
Crops and pasturage	P*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		A*	A*			20.03.030(d)(1)
Kennel											C*					C*		20.03.030(d)(2)
Orchard or tree farm, commercial	P	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P		20.03.030(d)(3)

Use Specific Standards 20.03.030(c)(6)

(6) Urban agriculture, commercial

(A) Structures

- i. Greenhouses and hoop houses are limited to a maximum height of 20 feet, shall be located at least 10 feet from any lot line and may not cover more than 50 percent of the property.
- ii. Cold frames are limited to a maximum height of four feet and shall be located at least 10 feet from any lot line.
- iii. Agricultural stands are limited to a maximum height of 12 feet and shall be located at least 10 feet from any abutting lot with an occupied residential use.
- iv. Fences intended exclusively to protect food garden plots from animals shall not be more than 12 feet in height. The portion of the fence that exceeds five feet in height shall, by the use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for garden protection.

(B) Operational Standards

- i. Retail sales shall be prohibited on the commercial urban agriculture site, except for the sale of produce grown on that site. Such sales shall be in compliance with Section 20.03.030(h)(4) (Farm Produce Sales) except that there shall not be a limitation on the number of days allowed.
- ii. The site drainage and maintenance shall prevent water and fertilizer from draining onto adjacent property that is not part of the contiguous land in the urban agricultural use.
- iii. Compost piles shall not exceed six feet in height. Refuse and compost area shall be enclosed at ground level to be rodent-resistant.
- iv. No outdoor work activity that involves power equipment or generators may occur between sunset and sunrise.
- v. In the R1, R2, R3, R4, RM and RH districts, one employee is allowed per minimum lot size of the district on the site. There is no limit on the number of employees in all other districts.
- vi. In the R1, R2, R3, R4, RM and RH districts, educational classes are allowed on-site with a maximum enrollment per class of 2 people per minimum lot size of the district on the site. There is no limit on the class size in all other districts.
- vii. Activities associated with the use may be conducted within a building or outside.
- viii. One additional drivecut is allowed if the property is larger than 10,000 square feet.

(C) Soil Quality

Food products may be sold if grown in soil native to the site if the applicant can provide documentation to the City that the following standards are satisfied:

- i. A composite sample of the native soil, consisting of no less than five individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the residential screening levels for soil exposure, direct-contact for lead established by the Indiana Department of Environmental Management; and either:

1. Proof through maps, deeds, prior permits or a combination of those sources that the site has only been used for residential or agricultural activities in the past; or
 2. A composite sample of the native soil, consisting of no less than five individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that the metals arsenic, cadmium, mercury, molybdenum, nickel, selenium, and zinc are determined to be at or below the residential screening levels for soil exposure, direct-contact established by the Indiana Department of Environmental Management.
- ii. If metal content in soil exceeds established thresholds, food products may only be grown in raised beds filled with clean topsoil.
 - iii. As an alternative to meeting the standards in (i) or (ii) above, food products may be grown in clean soil brought to the site without completing a soil test of the soil native to the site.

Definitions 20.07.010

Urban agriculture, commercial- The cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture and/or hydroponics. Such use may include the production and sale of food products from food grown on the premises and include outdoor educational activities conducted on the property related to Urban Agriculture. Separate plots for cultivation or use by one or more individuals may be farmed collectively by members of the group or rented independently and may include common areas maintained and used by group members. This definition includes both indoor and outdoor educational classes administered on-site, gardens, container gardens, edible landscapes, residential greenhouses, herb gardens, rooftop gardens, berry patches, vegetable gardens and other similar activities. Urban agriculture uses shall not include the raising of animals, except as permitted elsewhere in the Bloomington Municipal Code.

20.03.020 Allowed Use Table

Table Error! No text of specified style in document.-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an * = use-specific standards apply

Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section Error! Reference source not found..

Use	Residential							Mixed-Use								Non-Residential		Use-Specific Standards
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
Transportation terminal										P	P		P	P		P		
Vehicle fleet operations, small										P	P					P		
Vehicle fleet operations, large											P					P		
Vehicle fuel station										P*	P*	P*		P*		P*		
Vehicle impound storage																P*		
Vehicle parking garage					A	A		A		P	P	P	A	P*	C			
Vehicle repair, major											P*					P*		
Vehicle repair, minor									C*	P*	P*			P*				
Vehicle sales or rental										P	P	P						
Vehicle wash										P*	P*					P*		

EMPLOYMENT USES

Manufacturing and Processing

Commercial laundry										P	P					P		
Food production or processing										C	C	C				C		
Manufacturing, artisan									P	P	P	C		P		P		
Manufacturing, light												P		C		P		
Manufacturing, heavy																C		
Salvage or scrap yard																C		

Storage, Distribution, or Warehousing

Bottled gas storage or distribution																P		
Contractor's yard											P	C				P		
Distribution, warehouse, or wholesale facility											C	C				P		
Storage, outdoor													P*			P*	A*	
Storage, self-service								A*	C*	P*	P*	P*	A*	P*		P*		20.03.030(e)(2)

Resource and Extraction

Gravel, cement, or sand production																C*		
------------------------------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	----	--	--

Use Specific Standards 20.03.030(e)(2)

(2) Storage, Self-Service

- (A) All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, which shall be stored only in exterior areas screened from view from any street frontage.
- (B) Only storage of goods and materials are allowed in self-storage rental spaces. The use of storage spaces to conduct or operate a business is prohibited.
- (C) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances, and other similar equipment within a storage unit is prohibited.
- (D) The storage of hazardous materials is prohibited.
- (E) Security fencing shall not include razor wire or barbed wire.
- (F) Where the site is adjacent to a Residential zoning district or a portion of a PUD zoning district designated for single-family residential uses:
 - i. Loading docks are prohibited on the side of the facility facing the residentially zoned land;
 - ii. A permanent screen shall be required along all property boundaries and shall conform to landscaping and screening requirements in Section 20.04.080(m)(Screening);
 - iii. Public access shall only be permitted between 6:00 a.m. and 10:00 p.m.
- (G) All storage shall be contained within a fully enclosed structure that:
 - i. Is at least a two-story structure with a defined use on the upper floor(s) and if storage units are provided on the upper floors, then access to the units shall be from interior hallways.
 - ii. Does not have any garage doors or access doors to any storage unit facing any public street, park, or open space, unless the doors are screened from all visible public streets, parks, and open spaces.
- (H) **The maximum building footprint allowed for this use on a property shall be 1,500 square feet or 20% of the property, whichever is less.**
- (I) **Within the MS district, this use is only allowed on a property with more than 20 dwelling units.**

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an * = use-specific standards apply
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use								Non-Residential		Use-Specific Standards
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
RESIDENTIAL USES																		
Household Living																		
Dwelling, single-family (detached)	P	P	P	P	P*	P*	P	P	P	P*	P*	P*			P*			20.03.030(b)(1)
Dwelling, single-family (attached)		P*	P*	P*	P*	P*		P*	P*	P*				P*				20.03.030(b)(2)
Dwelling, duplex	C*	C*	C*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, triplex				C*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(4)
Dwelling, fourplex				C*	P*	P*		P*	P*	P*	P*			P*				20.03.030(b)(4)
Dwelling, multifamily				C*	P	P		P	P*	P*	P	P*	C	P*				20.03.030(b)(5)
Dwelling, live/work				C*	P*	P*			P*	P*	P*			P*				20.03.030(b)(6)
Dwelling, cottage development	C*	C*	C*	C*	C*	C*	C*		C*									20.03.030(b)(7)
Dwelling, mobile home							P*											20.03.030(b)(8)
Manufactured home park							P*											20.03.030(b)(9)
Group Living																		
Assisted living facility				C	P	P			C	P	P		P	P	P			
Continuing care retirement facility				C	P	P			C	P	P		P	P	P			
Fraternity or sorority house								P=P					P=P					20.03.030(b)(10)
Group care home, FHAA small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(11)
Group care home, FHAA large				P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
Nursing or convalescent home				C	P	P			C	P	P	P	P	P	P			
Opioid rehabilitation home, small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(11)
Opioid rehabilitation home, large				P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
Residential rooming house					P*	P*		P	P*	P	P	C*						20.03.030(b)(12)
Student housing or dormitory					C*	P*		P*	C*	P*	P*		P*	C*				20.03.030(b)(13)
Supportive housing, small						C			C	C	C		C	C	C			
Supportive housing, large										C	C		C	C	C			
PUBLIC, INSTITUTIONAL, AND CIVIC USES																		
Community and Cultural Facilities																		
Art gallery, museum, or library				C*	C	C			P	P	P		P	P				20.03.030(c)(1)

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an *= use-specific standards apply

Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use							Non-Residential		Use-Specific Standards	
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM		PO
Cemetery or mausoleum													P					
Entertainment and Recreation																		
Amenity center	P*	P*	P*	P*	P	P	P	A	P	P	P	P	P	P				20.03.030(d)(5)
Country club	C										P							
Recreation, indoor			P*	P*	P*	P*		A	C	P	P			P				20.03.030(d)(6)
Recreation, outdoor	C										C	P	P			C		
Sexually oriented business										C*	P*					P*		20.03.030(d)(7)
Stadium													C					
Food, Beverage, and Lodging																		
Bar or dance club								P		P	P			P				
Bed and breakfast	C*	C*	C*	C*	C*	P			P	P	P			P				20.03.030(d)(8)
Brewpub, distillery, or winery								P*	P*	P*	P*	P*		P*		P*		20.03.030(d)(9)
Hotel or motel								P			P	C		P				
Restaurant					C*	C*		P	P	P	P	P*	A	P	A	A		20.03.030(d)(10)
Office, Business, and Professional Services																		
Artist studio or workshop	A*	A*	A*	A*	P	P		P	P	P	P	C	C	P				20.03.030(d)(11)
Check cashing										C	C							
Financial institution								P		P	P	C		P		A		
Fitness center, small					A	A		P	P	P	P	A	A	P	A	A		
Fitness center, large								P	P	P	P			P	A			
Office								P	P	P	P	P	P	P	P*	P		20.03.030(d)(12)
Personal service, small					A	A		P	P	P	P	P	C	P				
Personal service, large								C	C	P	P	P		P				
Tattoo or piercing parlor										P	P			P				
Retail Sales																		
Building supply store										P	P					P		
Firearm Sales										P	P	P						
Grocery or supermarket					A	A		P	P	P	P	P		P				
Liquor or tobacco sales										P	P			P				
Pawn shop										P	P			P				
Retail sales, small					C	C		P	P	P	P	P		P				
Retail sales, medium								P		P	P	P		P				
Retail sales, large											P			P				

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an * = use-specific standards apply
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use								Non-Residential		Use-Specific Standards
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
Transportation terminal										P	P		P	P		P		
Vehicle fleet operations, small										P*	P*					P*		20.03.030(d)(15)
Vehicle fleet operations, large											P*					P*		20.03.030(d)(15)
Vehicle fuel station										P*	P*	P*		P*		P*		20.03.030(d)(14)
Vehicle impound storage																P*		20.03.030(d)(15)
Vehicle parking garage					A	A		A		P	P	P	A	P*	C			20.03.030(d)(16)
Vehicle repair, major											P*					P*		20.03.030(d)(17)
Vehicle repair, minor									C*	P*	P*			P*				20.03.030(d)(17)
Vehicle sales or rental										P	P	P						
Vehicle wash										P*	P*					P*		20.03.030(d)(18)
EMPLOYMENT USES																		
Manufacturing and Processing																		
Commercial laundry										P	P					P		
Food production or processing										C	C	C				C		
Manufacturing, artisan									P	P	P	C		P		P		
Manufacturing, light												P		C		P		
Manufacturing, heavy																C		
Salvage or scrap yard																C		
Storage, Distribution, or Warehousing																		
Bottled gas storage or distribution																P		
Contractor's yard											P	C				P		
Distribution, warehouse, or wholesale facility											C	C				P		
Storage, outdoor													P*			P*	A*	20.03.030(e)(1)
Storage, self-service								A*	C*	P*	P*	P*	A*	P*		P*		20.03.030(e)(2)
Resource and Extraction																		
Gravel, cement, or sand production																C*		20.03.030(e)(3)
Quarry																C*		20.03.030(e)(3)
Stone processing																P		
UTILITIES AND COMMUNICATION																		

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an * = use-specific standards apply

Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

[illegible]

RESIDENTIAL USES

Household Living

Transportation terminal										P	P		P	P		P		20.03.030(b)(1)
Vehicle fleet operations, small										P	P					P		20.03.030(b)(2)
Vehicle fleet operations, large											P					P		20.03.030(b)(3)
Vehicle fuel station										P*	P*	P*		P*		P*		20.03.030(b)(4)
Vehicle impound storage																P*		20.03.030(b)(4)
Vehicle parking garage					A	A		A		P	P	P	A	P*	C			20.03.030(b)(5)
Vehicle repair, major											P*					P*		20.03.030(b)(6)
Vehicle repair, minor									C*	P*	P*			P*				20.03.030(b)(7)
Vehicle sales or rental										P	P	P						20.03.030(b)(8)
Vehicle wash										P*	P*					P*		20.03.030(b)(9)

EMPLOYMENT USES

Manufacturing and Processing

Commercial laundry										P	P					P		
Food production or processing										C	C	C				C		20.03.030(b)(10)
Manufacturing, artisan									P	P	P	C		P		P		20.03.030(b)(11)
Manufacturing, light												P		C		P		20.03.030(b)(11)
Manufacturing, heavy																C		
Salvage or scrap yard																C		20.03.030(b)(11)
Storage, Distribution, or Warehousing																		20.03.030(b)(11)
Bottled gas storage or distribution																P		20.03.030(b)(12)
Contractor's yard											P	C				P		20.03.030(b)(13)
Distribution, warehouse, or wholesale facility											C	C				P		
Storage, outdoor													P*			P*	A*	

Resource and Extraction

[illegible]

Use Specific Standards 20.03.030(d)(14)

(14) Vehicle Fuel Station

- (A) ~~In the MM, MD, and ME zoning districts, the use shall be limited to a total of four metered fuel dispenser units. For the purpose of this section, each hose shall count as one fuel dispenser unit.~~
- (B) ~~In the MM, MD, and ME zoning districts, major overhaul, body and fender work, upholstery, welding and spray painting shall be prohibited as an accessory use of a vehicle fuel station.~~
- (C) ~~In the MM, MD, MC, and ME zoning districts, all activities other than vehicle fueling shall be conducted within a completely enclosed building.~~
- (D) ~~In the MM, MD, MC, and ME zoning districts, no outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.~~
- (E) Outdoor storage of more than three 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.
- (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.

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an * = use-specific standards apply
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use								Non-Residential		Use-Specific Standards
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
Transportation terminal										P	P		P	P		P		
Vehicle fleet operations, small										P	P					P		
Vehicle fleet operations, large											P					P		
Vehicle fuel station										P*	P*	P*		P*		P*		20.03.030(d)(14)
Vehicle impound storage																P*		20.03.030(d)(15)
Vehicle parking garage					A	A		A		P	P	P	A	P*	C			20.03.030(d)(16)
Vehicle repair, major											P*					P*		20.03.030(d)(17)
Vehicle repair, minor									C*	P*	P*			P*				20.03.030(d)(17)
Vehicle sales or rental										P	P	P						
Vehicle wash										P*	P*					P*		20.03.030(d)(18)
EMPLOYMENT USES																		
Manufacturing and Processing																		
Commercial laundry										P	P					P		
Food production or processing										C	C	C				C		
Manufacturing, artisan									P	P	P	C		P		P		
Manufacturing, light												P		C		P		
Manufacturing, heavy																C		
Salvage or scrap yard																C		
Storage, Distribution, or Warehousing																		
Bottled gas storage or distribution																P		
Contractor's yard											P	C				P		
Distribution, warehouse, or wholesale facility											C	C				P		
Storage, outdoor													P*			P*	A*	20.03.030(e)(1)
Storage, self-service								A*	C*	P*	P*	P*	A*	P*		P*		20.03.030(e)(2)
Resource and Extraction																		
Gravel, cement, or sand production																C*		20.03.030(e)(3)
Quarry																C*		20.03.030(e)(3)
Stone processing																P		
UTILITIES AND COMMUNICATION																		
Communication facility	C*										C*	C*	P	C*	C*	P		20.03.030(f)(1)

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an * = use-specific standards apply
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use								Non-Residential		Use-Specific Standards
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
Entertainment and Recreation																		
Amenity center	P*	P*	P*	P*	P	P	P	A	P	P	P	P	P	P				20.03.030(d)(5)
Country club	C										P							
Recreation, indoor			P*	P*	P*	P*		A	C	P	P			P				20.03.030(d)(6)
Recreation, outdoor	C										C	P	P			C		
Sexually oriented business										C*	P*					P*		20.03.030(d)(7)
Stadium													C					
Food, Beverage, and Lodging																		
Bar or dance club								P		P	P			P				
Bed and breakfast	C*	C*	C*	C*	C*	P			P	P	P			P				20.03.030(d)(8)
Brewpub, distillery, or winery								P*	P*	P*	P*	P*		P*		P*		20.03.030(d)(9)
Hotel or motel								P			P	C		P				
Restaurant					C*	C*		P	P	P	P	P*	A	P	A	A		20.03.030(d)(10)
Office, Business, and Professional Services																		
Artist studio or workshop	A*	A*	A*	A*	P	P		P	P	P	P	C	C	P				20.03.030(d)(11)
Check cashing										C	C							
Financial institution								P		P	P	C		P		A		
Fitness center, small					A	A		P	P	P	P	A	A	P	A	A		
Fitness center, large								P	P	P	P			P	A			
Office									P	P	P	P	P	P	P*	P		20.03.030(d)(12)
Personal service, small					A	A		P	P	P	P	P	C	P				
Personal service, large								C	C	P	P	P		P				
Tattoo or piercing parlor										P	P			P				
Retail Sales																		
Building supply store										P	P					P		
Firearm Sales										P	P	P						
Grocery or supermarket					A	A		P	P	P	P	P		P				
Liquor or tobacco sales										P	P			P				
Pawn shop										P	P			P				
Retail sales, small					C	C		P	P	P	P	P		P				
Retail sales, medium								P		P	P	P		P				
Retail sales, large											P			P				
Retail sales, big box											P					P		

20.03.010(e)(3)(C)(ii)

(C) University Village Character Area

- i. The following use is prohibited in the University Village Character Area: Vehicle fuel station.
- ii. The following uses are prohibited in the Restaurant Row area: Assisted living facility; financial institution; personal services (except in spaces of 700 square feet or less) ; community center; adult or child day-care center; hotel/motel; liquor or tobacco sales; club or lodge; medical clinic; park; pawn shop; pet grooming; public or private school; trade or business school; ~~tattoo or piercing parlor~~; transportation terminal; utility substation and transmission facility; and veterinary clinic.

20.04.060

Table 04-10 Maximum Vehicle Parking Allowance

Office, Business, and Professional Services	
Artist studio or workshop	1 space per 1,000 sq. ft. GFA
Check cashing	4 spaces per 1,000 sq. ft. GFA
Financial institution	4 spaces per 1,000 sq. ft. GFA
Fitness center, small	4 spaces per 1,000 sq. ft. GFA
Fitness center, large	4 spaces per 1,000 sq. ft. GFA
Office	3.3 spaces per 1,000 sq. ft. GFA
Personal service, small	3.3 spaces per 1,000 sq. ft. GFA
Personal service, large	3.3 spaces per 1,000 sq. ft. GFA
Tattoo or piercing parlor	3.3 spaces per 1,000 sq. ft. GFA

20.07.010 Definitions

Personal Services

Establishments primarily engaged in providing services involving the care of a person or of the care or repair of his or her personal goods or apparel. Personal services usually includes but is not limited to: laundry, including cleaning and pressing service, beauty shops, barbershops, shoe repair, personal copying/shipping services, health spas, photographic studios, tailor/seamstress shop, indoor equipment/party/event rental, tanning salon, **tattoo and piercing parlor**, bicycle and sports equipment repair, small appliance repair, and similar uses. This definition does not include "Commercial Laundry."

Personal Service, Small

A facility with not more than 7,500 square feet of gross floor area.

Personal Service, Large

A facility with more than 7,500 square feet of gross floor area.

~~Tattoo or Piercing Parlor~~

~~An establishment whose principal business activity is the practice of one or more of the following:~~

- ~~1) The placement of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin;~~
- ~~2) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.~~

Sarah Jane Hughes
1305 S. Brooks Drive, Bloomington, IN 47401
July 6, 2025

Bloomington Planning Commissioners
Town Hall
Bloomington, IN 47401
Via email to planning@bloomington.in.gov; greulice@bloomington.in.gov

Re: Opposition to Approval of Proposed UDO Amendment ZO-18-25: "Urban Farming/Commercial"

Dear Commissioners:

My family supports sustainable Bloomington and local agriculture, including the Bloomington Farmers' Market. The question before the Planning Commission is whether Bloomington should allow "urban agriculture" in Bloomington's diverse settled neighborhoods with the added human and vehicular traffic, safety, and parking problems that ZO-18-25 will cause.

You are being asked to approve for enactment by the City's Common Council **a major zoning change** –one that will apply to every residential neighborhood in the City's limits.

This comment details my reasons for urging you

- NOT to approve proposed ZO-18-25 for enactment by the City's Common Council as presented,
- to approve ZO-18-25 **only** with major changes, and
- to postpone your decision until robust citywide communications with affected neighborhoods has occurred.

It would be wise to test the support for these significant changes at more than one, mid-July hearing. This comment also provides specific suggested limitations on its scope. Among my recommendations is one to require neighborhood-by-neighborhood opt-in's (or less desirably opt-out's) by separate voting and some other protections.

The allegedly "time-sensitive" nature of the proposed changes responds to a "legal agreement" approved by the City's Legal Department following the threat of litigation by unnamed persons, including apparently an unnamed "national nonprofit organization." (Is that "national nonprofit" the only petitioner? We do have no idea who is behind this change.) Why is this matter time-sensitive?

The terms of the “legal agreement” are not specified in the notice of the July 14th hearing my family received from the Planning & Transportation Department (PTD) that was dated May 30, 2025. Have you Commissioners seen this “legal agreement”? Does it pertain only to a schedule of consideration? Or does it dictate the terms of ZO-18-25 in all or some respects? Has the Common Council signed off on the terms of this agreement? Can it go into force without Common Council approval? I hope not, given the scope of ZO-18-25.

Worse, the PTD and Legal Department appear to have agreed with an unnamed person or persons to foist all or some of petitioner’s(s’) zoning changes on all residential neighborhoods. This major change is supported by one inquirer, perhaps the unnamed petitioner and, possibly, but not certainly by one more inquiry – the identify of this additional inquirer was not specified by a PTD employee who met with our neighbors in late June. That employee told the neighbors that they had “one inquiry” about urban farming. One or possibly two inquiries is not what I would call “increasing interest in neighborhood-scale agriculture.” Not unless zero plus one or two constitutes the groundswell of interest that the PTD’s staff letter implies! Or that one plus one is convincing evidence for “increasing interest.” Not in my book.

Changes of the magnitude of ZO-18-25 should warrant more publicity and more opportunities for public participation, including neighborhood meetings, and more. It is not clear that residents in every affected neighborhood received individual letters announcing the proposed changes and July 14th hearing. I know only that our immediate neighbors did.

The Planning & Transportation Department (PTD) staff have described **ZO-18-25 (“Urban Agriculture/Commercial)”** as allowing

... small, local farming operations, like market gardens, could legally grow and sell produce from more places around town for more parts of the year and offer onsite gardening education programs. This change is being suggested to respond to the increasing interest in sustainable, local food and neighborhood-scale agriculture. This proposal was time-sensitive due to a legal agreement with a national nonprofit organization, which worked with the City’s Legal and Planning & Transportation department to ensure Bloomington clarified its rules. We’re now making good on that agreement.

This description of ZO-18-25 in the PTD’s notice to our neighborhood may sound innocuous. I do not see it that way.

ZO-18-25 will allow a commercial enterprise with expansive retail sales at the busy corner of E. Covenanter and Brooks Drive with a big curve and bicycle corridor. This is the same corner where the City earlier *refused* to give the same landowners permission to build a bicycle repair station on the same corner, *citing traffic and safety concerns*.¹

“Small, local farming operations” will be allowed *in every residential neighborhood*. I urge the Planning Commission to commence a comprehensive survey of residents of neighborhoods to determine if residents there would want to have a commercial agriculture enterprise on the streets where they live or immediately next door to their properties. I suspect many homeowners would not want that.

The devil in proposed Amendment ZO-18-25 is in the details. ZO-18-25 will allow enterprises to employ non-residents and install tall hoop and green houses. If a lot is 1.65 acres, I read ZO-18-25 as permitting up to six non-resident employees. It also will allow as many as 12 students to be on the property at one time. Lot size determines the scale of allowable operations, starting with 7200 square feet, or 1/6 of an acre, and allowing that size parcel to have one non-resident employee and two students for their commercial operations and retail sales options. The owners at 2120 E. Covenanter last year were denied permission to have 20 students on their lot, which Zillow estimates at 1.65 acres.

Before your hearing on July 14th, please visit the corner of E. Covenanter and S. Brooks. Do a site visit. Imagine what the “urban farm” (already started on the lot at 2120 E. Covenanter and the southern end of S. Brooks) will look like with the tall and long hoop or green houses and more people and vehicles and how its presence will affect neighbors on both southern and northern ends of S. Brooks. We imagine, without major revisions to ZO-18-25, lots of traffic and parking on E. Covenanter and S. Brooks, with attendant safety concerns for pedestrians, runners, cyclists, and regular traffic on a busy section of Covenanter that already has multiple speed bumps to control speeding. We contemplate many new problems on both streets.

We also imagine that the hoop houses and green houses permitted by proposed ZO-18-25 will cause that corner to look like a commercial establishment such as May’s Greenhouse, which we love and support regularly. But our beloved May’s Greenhouse is not situated in a residentially zoned neighborhood.

¹ My husband and I also were among the only neighborhood supporters of the landowners’ earlier efforts to get permission to construct and operate a bicycle repair station on the NE corner of E. Covenanter and S. Brooks Drive at the top of the part of S. Brooks on which we live. We don’t say “no” to everything. There was considerable opposition to the station from neighbors – nearly all of whom still live close to the affected corner.

Proposed ZO-18-25 needs at least the following types of limitations to protect and respect neighborhoods and neighbors. These will include:

- Setting the maximum number of *non-resident* employees who can work the land, marketing, and educational operations on one property from 12 to no more than 3. Why does anyone with an estimated 1.65 acres need 12 non-resident employees to farm and teach as proposed? Why does anyone with 1/6 acre need more than one employee?
- Setting the maximum number of students participating in educational activities at one time to no more than 20, including outside instructors, if suitable safety precautions and provisions for on-site parking are adopted and enforced.²
- Restricting the types of items that can be sold from stands on the property to produce grown only on that property produce or products such as eggs or honey produced on the property and excluding produce and products from off-site locations in the City and County. No prepared items – recipe kits or baked goods – should be allowed to be sold.
- Specifying the precise locations available for parking by employees and education groups to the proponent's own property, *not allowing parking by employees or students on busy and winding E. Covenanter or either very narrow block of S. Brooks for the same safety reasons that contributed to two prior denials of permission for a family that owns a parcel at that location – the first for the bicycle repair station and the other for the urban farm and educational proposal rejected in late 2024.* And,
- Setting the size and number of signs on the property so that signage does not interfere with the quiet, non-commercial character of the established residential neighborhood *into which the proponents moved some years ago.*

The City also should impose realistic, enforceable provisions for the safety of students, neighbors, pedestrians, runners, bicyclists, and vehicles.

Without appropriate changes and more consultation, have you considered that enacting ZO-18-25 may prompt litigation from residents of our neighborhood or other neighborhoods who object to ZO-18-25's contents or who find the manner in which it was considered (mid-summer, etc.) objectionable.

No Zoning changes as significant as ZO-18-25 should be made until the Common Council fully commits that City employees will inspect regularly and strictly enforce limitations, to require cessation or remediation of activities that are not approved in the Zoning Code, and to impose and collect stiff fines for non-compliance.

² This is the number the ZBA rejected in late 2024.

The proposed amendments follow the City's Board of Zoning Appeals' (BZA) late 2024 denial of a special permit by the proponents to engage in the activities now included in ZO-18-25. Neighbors communicated to the Planning Commission and the BZA concerns about the scale of operations already engaged in by ZO-18-25's proponents. As mentioned above, we and our neighbors also expressed serious concerns about traffic safety and parking on E. Covenanter and on S. Brooks Drive, our formerly quiet, narrow, two-block street.

The City issued two notices of zoning violations, in 2021 and 2024 to the proponents. One of our neighbors recently requested and received copies of those notices of violations through a public-records request. Some related to driveways and curb cuts; some to the scope of educational activities being conducted. Have either set of violations been remedied in full? We cannot tell.

Proposed amendment ZO-18-25, a PTD staffer told our neighbors, was negotiated under *threat* of litigation against the City. No complaint was filed in the local Circuit Court as of June 24, 2025, when I inquired -- after ZO-18-2025 was scheduled for the hearing. This confirms the PTD staffer's statement that ZO-18-25 resulted from a "threat" of litigation, not from formal litigation.

More significantly, the terms of the "legal agreement" mentioned have not been shared with the public. Are important details in the "legal agreement" we have not seen? What is in the "legal agreement"? We have no idea. Will the PTD and Legal Department be available at the July 14th hearing to explain precisely the scope of the agreement and the rationale for it?

ZO-18-25 looks like a one-off deal rather than a thoroughly considered, well-publicized amendment of the Unified Development Ordinance (USO). Moreover, it appears to favor one family whose 2024 request for a special permit to operate their urban farm was denied by the Board of Zoning Appeals (the ZBA told this family that they needed a legislative change in its late 2024 denial of the requested special permit. That family was advised by the ZBA to seek a legislative solution. Did they try? Or did they just threaten litigation? We do not know.

ZO-18-25 approaches "spot zoning," which Indiana state law prohibits. ZO-18-25 apparently resolves the desires of one landowning family or the person or entity to threatened to sue the City. For them, the PTD proposes to alter the uses that can be made of land in Citywide residential neighborhoods. ZO-18-25 imposes the unnamed inquirer's priorities on everyone else with no opportunity for neighborhood-by-neighborhood opt-in or (opt-out) voting. Is this good governance? Not in my book.

Additionally, it remains an open question whether any support for ZO-18-25 exists or would exist beyond the unnamed petitioners and family members to justify the claim in the following description we received of "increasing interest in neighborhood-scale agriculture." If additional support came from the City's Sustainability Task Force, do all Commissioners recall that a brother of one of the owners at 2120 E. Covenanter sits on

that Task Force? Did he prompt or participate in any decision to support the substance of ZO-18-25? I do not know. Do you? If he did, would that alter your view of the degree of support for ZO-18-2025? It would for me.

I urge you not to take any approval action on ZO-18-25 at the July 14th hearing. The terms of ZO-18-25 need more discussion and more transparency in terms of the extent of support they enjoy and the requirements of the undisclosed "legal agreement."

I also request that ZO-18-25 not be enacted until the City commits to conduct regular inspections of operations claiming to be under ZO-18-25's umbrella (if the City enacts its provisions without changes I suggest) and to enforce the ultimate provisions of ZO-18-25 strictly, imposing and collecting fines.

With respect,

Sarah Jane Hughes
A resident on S. Brooks Drive since August 1988



Eric Greulich <greulice@bloomington.in.gov>

Fwd: [Planning] I support ZO-18-25

LeAnna Faubion <leanna.faubion@bloomington.in.gov>

Mon, Jul 7, 2025 at 4:03 PM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Eric Greulich <greulice@bloomington.in.gov>

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

From: **Traci Jovanovic** <traci.s.jovanovic@gmail.com>

Date: Mon, Jul 7, 2025 at 4:01 PM

Subject: [Planning] I support ZO-18-25

To: <planning@bloomington.in.gov>

Dear Planning commission, I wanted to voice/write my support for ZO-18-25 as it will provide education to our children on where some of their food comes from (vegetables and eggs) and the processes to support growing their own produce.

Sincerely,

Dr. Vladan & Traci Jovanovic

[1209 S Pickwick Pl, Bloomington, IN 47401](#)

--

LeAnna Faubion

Administrative Assistant

Planning And Transportation

Phone # 812-349-3423

[401 N Morton St.](#)

[Bloomington, IN 47404](#)

Letters from public

75



Eric Greulich <greulice@bloomington.in.gov>

Fwd: [Planning] Support education

LeAnna Faubion <leanna.faubion@bloomington.in.gov>

Mon, Jul 7, 2025 at 4:59 PM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Eric Greulich <greulice@bloomington.in.gov>

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

From: **'Barbara Johnson' via Planning Department** <planning@bloomington.in.gov>

Date: Mon, Jul 7, 2025 at 4:58 PM

Subject: [Planning] Support education

To: <planning@bloomington.in.gov>

As a parent and former educator, I have had the opportunity to observe so many ways children learn. What children learn outside of a formal classroom setting is also very valuable to them. For this reason I am requesting for your support for ZO-18-25.

Thank you.

Barbara Johnson

[4409 E Sheffield Dr](#)

Sent from my iPhone

--

LeAnna Faubion

Administrative Assistant

Planning And Transportation

Phone # 812-349-3423

[401 N Morton St.](#)[Bloomington, IN 47404](#)

Letters from public

76



Eric Greulich <greulice@bloomington.in.gov>

Fwd: [Planning] Supporting education

LeAnna Faubion <leanna.faubion@bloomington.in.gov>

Mon, Jul 7, 2025 at 4:16 PM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Eric Greulich <greulice@bloomington.in.gov>

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

From: **Kathleen Boggess** <kboggess44@gmail.com>

Date: Mon, Jul 7, 2025 at 4:15 PM

Subject: [Planning] Supporting education

To: <planning@bloomington.in.gov>

Please support ZO -18-25 because I support education and community building in Bloomington neighborhoods. Children deserve to learn in whatever ways they can throughout the year perhaps through Boy Scouts, Girls Scouts, camps, clubs, etc.

Kathleen Boggess
[3934 E Saratoga Drive](#)
Sent from my iPhone

--
LeAnna Faubion
Administrative Assistant
Planning And Transportation
Phone # 812-349-3423
[401 N Morton St.](#)
[Bloomington, IN 47404](#)

Letters from public

77



Eric Greulich <greulice@bloomington.in.gov>

Fwd: [Planning] ZO-18-25

LeAnna Faubion <leanna.faubion@bloomington.in.gov>

Mon, Jul 7, 2025 at 4:17 PM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Eric Greulich <greulice@bloomington.in.gov>

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

From: **Debra Kloosterman** <dklooste@gmail.com>

Date: Mon, Jul 7, 2025 at 4:16 PM

Subject: [Planning] ZO-18-25

To: <planning@bloomington.in.gov>

I support education and community building in neighborhoods. It is great that Girl Scouts, Boy Scouts, school children can learn in a home setting.

Debra Kloosterman

--

LeAnna Faubion

Administrative Assistant

Planning And Transportation

Phone # 812-349-3423

[401 N Morton St.](#)[Bloomington, IN 47404](#)

Letters from public

78



Eric Greulich <greulice@bloomington.in.gov>

Fwd: [Planning] ZO-18-25

LeAnna Faubion <leanna.faubion@bloomington.in.gov>

Mon, Jul 7, 2025 at 4:22 PM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Eric Greulich <greulice@bloomington.in.gov>

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

From: **'Penny Austin' via Planning Department** <planning@bloomington.in.gov>

Date: Mon, Jul 7, 2025 at 4:21 PM

Subject: [Planning] ZO-18-25

To: <planning@bloomington.in.gov>

I support education and community building in neighborhoods. Learning about our world in a setting away from school is golden. Let education be a priority wherever it happens. Penny Austin

3120 E Tapps Turn**47401**

--

LeAnna Faubion
Administrative Assistant
Planning And Transportation
Phone # 812-349-3423
[401 N Morton St.](#)
[Bloomington, IN 47404](#)



Eric Greulich <greulice@bloomington.in.gov>

Fwd: [Planning] ZO-18-25

LeAnna Faubion <leanna.faubion@bloomington.in.gov>

Mon, Jul 7, 2025 at 4:14 PM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Eric Greulich <greulice@bloomington.in.gov>

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

From: 'Mary Sutherland' via Planning Department <planning@bloomington.in.gov>

Date: Mon, Jul 7, 2025 at 4:13 PM

Subject: [Planning] ZO-18-25

To: <planning@bloomington.in.gov>

I'm in support of education and community building in the Bloomington neighborhoods.

Mary Sutherland

Sent from my iPhone

--

LeAnna Faubion
Administrative Assistant
Planning And Transportation
Phone # 812-349-3423
[401 N Morton St.](#)
[Bloomington, IN 47404](#)

Eric Greulich <greulice@bloomington.in.gov>



Opposition to Proposed UDO Amendment ZO-18-25, "Urban Agriculture, Commercial"

Conkle, Daniel O. <conkle@iu.edu>

Mon, Jul 7, 2025 at 9:07 AM

To: "planning@bloomington.in.gov" <planning@bloomington.in.gov>, "greulice@bloomington.in.gov" <greulice@bloomington.in.gov>

Cc: "mayor@bloomington.in.gov" <mayor@bloomington.in.gov>, "rollod@bloomington.in.gov" <rollod@bloomington.in.gov>

Dear Plan Commission Members and Staff:

Since 1983, we have lived at [2109 East Covenant Drive](#), directly across the street from Bret and Ellee Spier, who, as we understand it, are the primary supporters of the current proposal.

Other neighbors, addressing the context and specific provisions of this proposal, have raised a variety of serious concerns, both procedural and substantive. We share many of those concerns but also wish to communicate a broader objection.

When we moved into our house some forty years ago, we joined a quiet and wonderfully friendly and congenial neighborhood. At that time, we could not have imagined that an urban farm would be permitted across the street from us, much less a commercial farming operation, nor that the City of Bloomington would ever consider an expansion of urban farming that would permit such operations in residential areas throughout the city. Had we known then what we know now, however, we would have made a much more accurate prediction: that urban farming in our neighborhood - especially urban farming with onsite, public-facing components - would be a recipe for unending controversy and contentious disputes, undermining the neighborhood harmony that we have treasured.

We have tried to be neighborly friends to the Spiers and will continue to do so. That said, we are confident that the current proposal, if adopted, or any other expansion of urban farming, will lead to increasing controversy and contention, not only in our own neighborhood but throughout the city.

Thank you in advance for your consideration of our views.

Sincerely,

Daniel and Deborah Conkle

Eric Greulich <greulice@bloomington.in.gov>



Plan Commission "Urban Agriculture" (ZO-18-25)

Gass, Glenn <gass@iu.edu>

Sun, Jul 6, 2025 at 10:19 PM

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

Cc: "planning@bloomington.in.gov" <planning@bloomington.in.gov>

We are writing to bring attention once again to issues that were raised and rejected in the BZA meeting last November. Not much has changed - still ONE family trying to change the entire City's zoning code against the wishes of the neighbors who would be directly affected. (We should note that we are not immediate neighbors, but we live close by and sympathize with their concerns.)

We thought this had been dealt with and rejected already, despite the fact that the City Zoning/Planning official kept referring to the plan as "We" rather than "They" in the November meeting. (No effort to even appear impartial.)

Now we are told that "This amendment would add a new use to our zoning code: urban agriculture, commercial... This change is being suggested to respond to the increasing interest in sustainable, local food and neighborhood-scale agriculture."

Really? Has there been an outpouring of sentiment about 'urban agriculture'?

We are also told that "This proposal was time-sensitive due to a legal agreement with a national nonprofit organization, which worked with the City's Legal and Planning & Transportation department to ensure Bloomington clarified its rules. We're now making good on that agreement."

Really? Is Bloomington doing this under threat from some "national nonprofit organization?" Maybe we should know more about that??

Zoning codes are not hidden when someone buys a house/property. Imagine the neighbors' surprise when a cornfield appears, or a working farm with heavy machinery running "dawn to dusk" (seriously - it is in the plan). Would you be ok with that?

There is so much wrong with this proposal - the number of "worker/students" (12 employees and 24 students), plus the "renters" and "Cooperative," the onsite commercial sales, traffic/parking issues, etc. - but we will hope that all this is obvious and not make this too lengthy.

We appreciate your support in maintaining the integrity of our city's neighborhoods.

Respectfully,
Glenn and Julie Gass
211 E. Covenanter Drive

Glenn Gass (gass@iu.edu)
Provost and Rudy Professor of Music Emeritus
Indiana University Jacobs School of Music



Eric Greulich <greulice@bloomington.in.gov>

Spiers Proposal on Brooks Dr.

Jeannie Bower <supermom4365@att.net>

Mon, Jul 7, 2025 at 2:47 PM

To: greulice@bloomington.in.gov

I am writing in regard to the project the Spiers have proposed for our street and neighborhood. We have lived on Brooks Dr. for forty years. We raised our family in a wonderful location yet still have privacy. The initial project they presented to the neighbors on our street and streets close by that will also be extremely affected is the polar opposite of what stated originally. I can respect one's passion for a project but find it very difficult when it feels like there has been a total lack of respect for the many neighbors not only on our street but other neighbors as well. We have always had a wonderful relationships with our neighbors both old and new. It is disheartening to think one person's idea can take over a whole street and cause disruption in what has always been a cohesive neighborhood community. There is no possibility if they were to get this zoning and project through it would change the whole dynamic and in many ways even the safety of our area. I would appreciate if you would please consider our input along with several other letters written to you. Thank you for your time

Jean T. Bower

MEMO

DATE: July 7th, 2025

TO: Kerry Thomson, Mayor, City of Bloomington
Eric Greulich, Development Services Manager, City of Bloomington Planning & Transportation
Jackie Scanlan, Assistant Director of Zoning and Planning
The City of Bloomington Plan Commission: Tim Ballard, Flavia Burrell, Andrew Cibor, Trohn Enright-Randolph, Jillian Kinzie, Ellen Rodkey, Christopher Smith, Hopi Stosberg, Brad Wisler

FROM: Constance Cook Glen and James Glen, Trent and Jeannie Bower, Glenn and Julie Gass, Chizuko Johnson, Maria Martinez, Diamond Mather and Debra Mather-Boehm, Sarah Wyatt Swanson and Ben Swanson, Mike and Betsy Walsh. [Several neighbors are sending separate letters]

COPIES: Individuals listed above

RE: UDO – Urban Development, Commercial

As lifelong educators, we support sustainability and urban agriculture, as laid out in the current UDO. We also support environmentally conscious gardening and community relationships.

We are writing to express concerns and propose alternatives to several issues that have arisen with the current proposal for revisions to the UDO. Our specific focus is: Urban Agriculture, Commercial.

This is the description of the amendment: **Urban Agriculture (ZO-18-25)**

This amendment would add a new use to our zoning code: urban agriculture, commercial. That means small, local farming operations, like market gardens, could legally grow and sell produce from more places around town for more parts of the year and offer onsite gardening education programs. This change is being suggested to respond to the increasing interest in sustainable, local food and neighborhood-scale agriculture. This proposal was time-sensitive due to a legal agreement with a national nonprofit organization, which worked with the City's Legal and Planning & Transportation department to ensure Bloomington clarified its rules. We're now making good on that agreement.

We have concerns and suggest changes to improve the pending proposal. The next parts of this memorandum speak to separate aspects of the proposal.

1. The changes elocuted in Number 6, part A-i, iii seem too extreme for a residential neighborhood:

For 20.03.030 Number 6, part A – i, iii

Twenty feet in height seems excessive for greenhouses and hoop houses and is like greenhouses that are at fully commercial establishments, such as May's Greenhouse. These are designed for large-scale commercial production and sales, and we don't believe this scale of greenhouse belongs in any kind of commercial residential farming operation.

Suggested Amendment: Limit the height of greenhouses, hoop houses, etc. to 10 feet.

Suggested Amendment: All greenhouses, hoop houses, and agricultural stands should not be in city easements and should be at least 10 feet from property boundaries. We would like to see that provision enforced and regulated by the city rather than left up to individuals in residences to measure.

2. There are several specific **operational standards** listed in Part B that are a concern to us:

- a. 20.03.030 Number 6, part B – iii

We understand temporary compost piles that are frequently used for neighborhood gardens, but it is unclear to us as to whether the regulation allowing a 6-foot compost pile is an indication that compost piles will be a constant on the commercial property. We're also unclear about the placement of the compost piles. Will these be in the middle of the property, on the city's easement, or out for the public to walk around?

Suggested Amendment: Compost piles and sites or holding containers should not be in city easements and should be at least 10 feet from property boundaries. The City should inspect and enforce compliance. Height of compost piles should be four feet.

- b. 20.03.030 Number 6, part B - iv:

The stipulation that power equipment and generators may be operated between sunrise and sunset means that in June, power equipment and generators may be used from 6:20 a.m. to 9:22 p.m. (official sunrise and sunset times for June 20th – the solstice).

Suggested Amendment: We ask that this stipulation be changed to normal business hours: 8 a.m. to 5 p.m.

- c. 20.03.030 Number 6, part B - v and vi:

Lot sizes vary a great deal, and this statement is very broad when large properties are included, as the sheer numbers are likely to make a negative impact on the character and livability of the neighborhood itself. This provision also does not limit parking or other problematic uses of a residential lot for commercial purposes. For instance: on a large 2-acre property, it appears that this could be as many as 12 employees and 24 students with requisite cars, traffic, and congestion.

Suggested Amendment: We ask that even on larger properties, no more than eight students and four employees or volunteers will be allowed on the property at any one time. We also ask that these numbers be monitored by the city.

Additionally, parking needs to be limited to what the residence can provide rather than spill into streets and create traffic congestion in residential areas, which often have narrow streets. We suggest the following:

Suggested Amendment: We ask that all vehicles engaging in the commercial urban farming in the R-1 and R2 zones park on the residential lot itself, rather than on streets that are designed for neighborhood use. In some cases, allowing parking on the street will result in blocking access to the street.

d. 20.03.030 Number 6, part B - vii:

We would like to see the regulation of driveway cuts implemented with the maximum of two per property – not more. The proposal states that **one additional driveway cut be allowed and we support that. We also support effective regulation of extra driveway cuts.**

e. 20.07.010 Questions

We are concerned about the definition for 20.07.010, which states that collective farming and rental plots on commercial residential properties are to be allowed.

In short, we don't understand this point and ask for explanations. Are the rental plots under the same regulations or are they considered independent contractors? Is it a Farmers collective?

It is one thing when a rental property is in a space reserved for a community garden (such as the ones by the Y and Butler Park) and designed for collaborative work. It is another thing entirely when it is a private residential property which is now open for rental and commercial urban gardening.

To throw out possible questions/problems: How many tractors or other vehicles are likely on a commercial residential plot? Where will they be parked? How many additional cars will be parked on the property and the street? What is the limit?

Amendment: We ask that all stipulations about number of students, employees, cars, parking, etc. apply to the entire property, rather than for each individual renter.

Further Considerations:

We believe that the Spier family and their businesses – GardenQ and GardenQuest—are the only entities in the city that are requesting this change to the UDO and that they are doing so by threatening a lawsuit brought by a national non-profit on their behalf. We question the validity of a request brought in such a manner.

As residents who purchased homes in a residential zone of the city, we ask that you honor commitments to residents in residential zones, which were UDO regulations for homebuyers at the time of purchase. We are concerned about the issues outlined in the list of likely impacts below.

In Bloomington - except for the Spier family – we do not believe that residents have purchased homes with a purpose of creating commercial enterprises as that has not been part of the zoning code. We believe that the Spier family did this while knowing full well that they were purchasing and building within an area zoned residential.

Questions and Likely Impact:

Is it the intention of the Planning Commission to change the character of every residential area in the city to include commercial enterprises? In our opinion, if uncontrolled, the damage to Bloomington's residential areas is likely to be **extensive** and range from the adverse impact of noise, over-use of residential roads, traffic and parking congestion, to declining property values, and pedestrian and bicycle safety issues – (especially in areas with narrow streets without sidewalks and fencing). We are particularly concerned about the safety of children involved in educational programs where no safeguards (even fencing) are required.

Suggested Amendment: We ask that clear rules and standards be established in order to maintain safe environments for all. This includes asking that violations of the UDO rules be enforced.

Suggested Amendment: We ask the city to conscientiously limit the numbers of students/employees, the timing of machinery use, onsite parking, the use of city easements, as well as the distance from the border where the commercial enterprise activities may take place. We ask the city to oversee all regulations.

To be successful, urban commercial agriculture zoning will require effective enforcement on the part of the city, which is costly, time-consuming and a major commitment on the part of city employees. It is grossly unfair to impose reporting of property use violations on neighbors and other city residents.

Thanks for your consideration of our requests and proposed amendments.



City of Bloomington
Planning and Transportation Department

May 30, 2024

Elisha and Bret Spier
2110 E. Covenanter Dr.
Bloomington, IN 47401

Re: Notice of Violation

Operation of a Home Occupation without a Certificate of Zoning Compliance
Driveway Number
Ground Cover Mulching Standards
Prohibited Outdoor Storage
Prohibited Sign Location (Fencing)

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with **Unified Development Ordinance (UDO) Section 20.03.030(g)(6) [Use Regulations; Use-Specific Standards; Home Occupation], Section 20.04.050(c)(1) [Development Standards & Incentives; Access and Connectivity; Driveways and Access; Number of Drives], Section 20.04.080(c)(2)(G) [Development Standards & Incentives; Landscaping, Buffering, and Fences; Plant Material Standards; Ground Cover], Section 20.03.030(e)(1) [Use-Specific Standards; Employment Uses; Storage, Outdoor], and Section 20.04.100(f) [Development Standards & Incentives; Signs; Prohibited Sign Locations]** at 2110 E Covenanter Drive. Records show that you are the owner of this property.

The City of Bloomington Planning and Transportation Department received complaints of Operation of a Home Occupation without a Certificate of Zoning Compliance (CZC) at 2110 E Covenanter Drive on 04/11/2024, 04/29/2024, 04/30/2024, 05/02/2024, and 05/19/2024. On 04/12/2024 and 04/30/2024, planning staff observed evidence of a home occupation without a CZC at the property in addition to multiple driveways at the property in excess of the allowed number of driveway access points per property, excessive mulch and stone outside of allowed areas including in the right-of-way, prohibited outdoor storage of materials, and signage displayed in a prohibited location on fencing (see enclosed). Specifically, staff observed signage for "GardenQ" at the property, business activities that have created external visual changes to the property and discernible impacts outside the dwelling, and the storage of building materials and equipment on the eastern side of the property along Brooks Drive, some encroaching into the right-of-way (see enclosed). On 04/30/2024 and 05/06/2024, staff observed further evidence of a home occupation without a CZC at 2110 E Covenanter Drive on the websites for the businesses that the property owners appear to maintain (see enclosed). Specifically, the home occupation described on the website has volunteer employees and interns, hosts classes at the property for free or in exchange for money, and gives tours of the property. Staff also observed a number of changes to the right-of-way along Brooks Drive, including excessive mulch and stone used in the right-of-way and outdoor storage of materials. Items in the right-of-way need to be discussed with the Engineering Department. A Notice of Violation warning letter dated 03/05/2021 was sent to the property owners establishing a compliance deadline of 03/19/2021 by which the violation for the operation of a home occupation without a CZC was to be corrected. As of the date of this letter, the property has not been brought into compliance.

UDO Violation #1: Operation of a Home Occupation without a Certificate of Zoning Compliance

According to **Unified Development Ordinance (UDO) Section 20.03.030 (g)(6) [Use Regulations; Use-Specific Standards; Home Occupation];**

(A) Exemptions

- ii. Activities that create no external visual changes and produce no odors, noise, vibration, or other discernible impacts outside the dwelling, including but not limited to drafting, drawing, typing, writing, and operating telephones, sewing machines or computers, shall not require a certificate of zoning compliance or conditional use approval, provided that the following regulations are met:

- 1. No employees or customers visit or park vehicles on the premises;
- 2. No signs are displayed; and
- 3. No deliveries other than those normally associated with residential uses are made to the site.

(B) Certificate of Zoning Compliance

Except as noted in subsection (A)(ii) above, no person shall conduct a Home Occupation in a dwelling in any zoning district without having first received a certificate of zoning compliance. Such certificate of zoning compliance shall not be transferable to any other person, nor shall this certificate of zoning compliance be valid at any address or for any Home Occupation other than the one appearing on the certificate of zoning compliance.

(C) Conditional Use Approval

In Residential zoning districts, a Conditional Use Approval shall be required for Home Occupations prior to the issuance of a certificate of zoning compliance.

UDO Violation #2: Development of more than one driveway access point on a single-family residential property

According to **Unified Development Ordinance (UDO) Section 20.04.050(c)(1) [Development Standards & Incentives; Access and Connectivity; Driveways and Access; Number of Drives];**

(A) Single-Family, Duplex, Triplex, and Fourplex Residential Uses

For single-family, duplex, triplex, and fourplex residential uses, a maximum of one driveway access point shall be permitted, regardless of the number of street frontages, except that a circle drive shall be permitted according to the following standards:

- i. The maximum circle drive width shall be 10 feet;
- ii. The lot shall have at minimum of 120 feet of street frontage on the street the circle drive will access; and
- iii. The minimum distance between the driveway access points of a circle drive shall be 60 feet, measured from the inside edge of each driveway where it intersects the public right-of-way.

UDO Violation #3: Failure to meet ground cover mulching standards

According to **Unified Development Ordinance (UDO) Section 20.04.080(c)(2)(G) [Development Standards & Incentives; Landscaping, Buffering, and Fences; Plant Material Standards; Ground Cover];**

- i. Turf grass and other vegetative ground cover shall be used for all landscaped areas, except that parking lot bumpouts, islands, endcaps smaller than 324 square feet, and areas within 12 inches of a building foundation may use decorative mulch or stone.
- ii. Except as provided in Section 20.04.080(c)(2)(G)(i), decorative mulch or stone shall not be used as groundcover except one foot beyond the dripline of shrubbery and shall be no more than six feet in diameter surrounding trees.

UDO Violation #4: Prohibited outdoor storage of materials

According to **Unified Development Ordinance (UDO) Section 20.03.030(e)(1) [Use-Specific Standards; Employment Uses; Storage, Outdoor];**

(C) Prohibited Storage Materials

In all zoning districts where this use is allowed, except for the MI zoning district, outdoor storage of equipment, materials, waste or scrap materials, and pallets is prohibited.

According to Unified Development Ordinance (UDO) **Section 20.07.010 [Definitions; Defined Words];**

Storage, Outdoor

The storage of any material outside of an enclosed building for a period greater than 24 hours, including but not limited to storage of items awaiting processing or repair. This use does not include “Vehicle Sales or Rental” or accessory “Outdoor Retail and Display” uses.

UDO Violation #5: Sign displayed on prohibited sign location of fencing

According to Unified Development Ordinance (UDO) **Section 20.04.100(f) [Development Standards & Incentives; Signs; Prohibited Sign Locations];**

Signs shall not be installed at any of the following locations:

(5) Miscellaneous

On any traffic control signs, highway construction signs, fences, utility poles, street signs, trees or other natural objects.

In accordance with UDO Section 20.06.100, a violation for the Operation of Home Occupation without a CZC may result in a two hundred dollar (\$200) fine, a violation of Failure to Comply with Development Standards for driveway number, failure to meet ground cover standards, and display of signage on the prohibited location of fencing may result in a one hundred (\$100) fine per violation item, and a violation of Illegal Land Use for prohibited outdoor storage may result in a two thousand five hundred (\$2,500) fine. Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars (\$7,500).

If the violation remains unresolved, fines will begin to accrue daily on 06/14/2024 in accordance with above referenced UDO Section 20.06.100 [Enforcement and Penalties] until such a time as the violation is remedied. To remedy the situation, the following actions need to be taken:

1. Cease operation of the non-exempt home occupation at this property and confirm this via a notarized affidavit submitted to the Planning and Transportation Department by 06/13/2024. **OR;** Make a phone appointment with a Planner to occur on or before 06/13/2024 to discuss seeking a conditional use approval and subsequent Certificate of Zoning Compliance (CZC) for the home occupation, **AND** file for a conditional use approval by 06/28/2024 for the 07/25/2024 Board of Zoning Appeals hearing.
2. Submit a completion timeline, to return the number of driveways to a compliant state for review and approval by the Planning and Transportation Department on or before 06/13/2024. **OR;** Make a phone appointment with a Planner to occur on or before 06/13/2024 to discuss filing a variance request, **AND** file for a variance by 06/28/2024 for the 07/25/2024 Board of Zoning Appeals hearing.
3. Submit a completion timeline to return the area in and adjacent to the Brooks Drive right-of-way to a compliant state with ground cover standards by 06/13/2024, in compliance with the UDO and any requirements received from the Engineering Department.
4. Remove the prohibited outdoor storage of materials from the property on or before 06/13/2024. **OR;** Make a phone appointment with a Planner to occur on or before 06/13/2024 to discuss filing a variance request, **AND** file for a variance by 06/28/2024 for the 07/25/2024 Board of Zoning Appeals hearing. **It is very unlikely that you would receive variance approval for prohibited outdoor storage.**
5. Remove any signage displayed in a prohibited location by 06/13/2024 and do not place additional signage in a prohibited location.

If you dispute the City's assertion that the property is in violation of the above referenced sections of the Unified Development Ordinance, you may file an appeal with the City's Board of Zoning Appeals. Said appeal shall be filed with the Planning and Transportation Department within ten (10) days of your receipt of this Notice of Violation and shall conform to the requirements of UDO Section 20.06.080(d).

Failure to resolve this violation may result in further enforcement action. If a fine is issued, the final fine amount shall be paid to the City of Bloomington. All fines may be contested in the Monroe County Circuit Courts.

Sincerely,



Joy Brown
Zoning Compliance Planner, Planning and Transportation

Enclosures (21): (18) Photographs; (1) GardenQuest.org Internship Opportunities Description; (1) GardenQ LLC & GardenQuest Volunteer Form; (1) NOV Warning Letter

CC: David Hittle, AICP, Director, Planning and Transportation Department
Jackie Scanlan, AICP, Development Services Manager, Planning and Transportation Department



Photo 1: Circle driveway at 2110 E Covenant Dr on 04/12/2024.



Photo 2: Home occupation causing external visual changes at the property; business signage displayed on the prohibited location of fencing; driveway in excess of the one allowed per property; excess mulching; and prohibited outdoor storage of materials including building materials (stone/bricks) and equipment located in the public right-of-way and on the property at 2110 E Covenant Dr on 04/12/2024.



Photo 3: Driveway in excess of the one allowed per property, excess mulching, and outdoor storage on the property and in the right-of-way at 2110 E Covenant Dr on 04/12/2024.



Photo 4: Excess mulching and other items in the right-of-way at 2110 E Covenant Dr on 04/12/2024.



Photo 5: Home occupation causing external visual changes at the property, multiple driveways in excess of the one allowed per property, and outdoor storage of materials occurring on the property and in the adjacent right-of-way at 2110 E Covenant Dr on 04/12/2024.



Photo 6: Signage for GardenQ home occupation displayed on the prohibited location of fencing, home occupation causing external visual changes to the property, driveway in excess of the allowed one per property, and prohibited outdoor storage of materials at 2110 E Covenanter Dr on 04/12/2024.



Photo 7: Excess mulch and prohibited outdoor storage of materials at 2110 E Covenanter Dr on 04/12/2024.



Photo 8: Excess mulching and stone in the right-of-way at 2110 E Covenanter Dr on 04/12/2024.



Photo 9: Excess mulching in the right-of-way at 2110 E Covenant Dr on 04/12/2024.



Photo 10: Excess mulching in right-of-way at 2110 E Covenanter Dr on 04/12/2024.



Photo 11: Signage for GardenQ home occupation at 2110 E Covenanter Dr on 04/12/2024.



GardenQuest Hands-On Workshop How To Grow Sweet Potatoes



Date: April 20th, 10:30AM - 12:30 PM

Where: GardenQ

2110 East Covenanter Drive

Ages: 10 - 120

*Special arrangements can be made for
younger learners. Let's discuss.*

Cost (includes materials): \$20 per household

Sign-up: Use [link](#) (max 10 households)

Questions: gardenquest.org@gmail.com

Learning Objectives

1. Get your hands dirty!
2. Steps to growing sweet potato slips.
3. Preparing your soil.
4. When and how to plant.
5. When and how to harvest.
6. How to cure for long-term storage.

Photo 12: Screenshot of workshop flyer from GardenQuest website taken on 04/30/2024, advertising a class in exchange for money located at 2110 E Covenanter Dr.

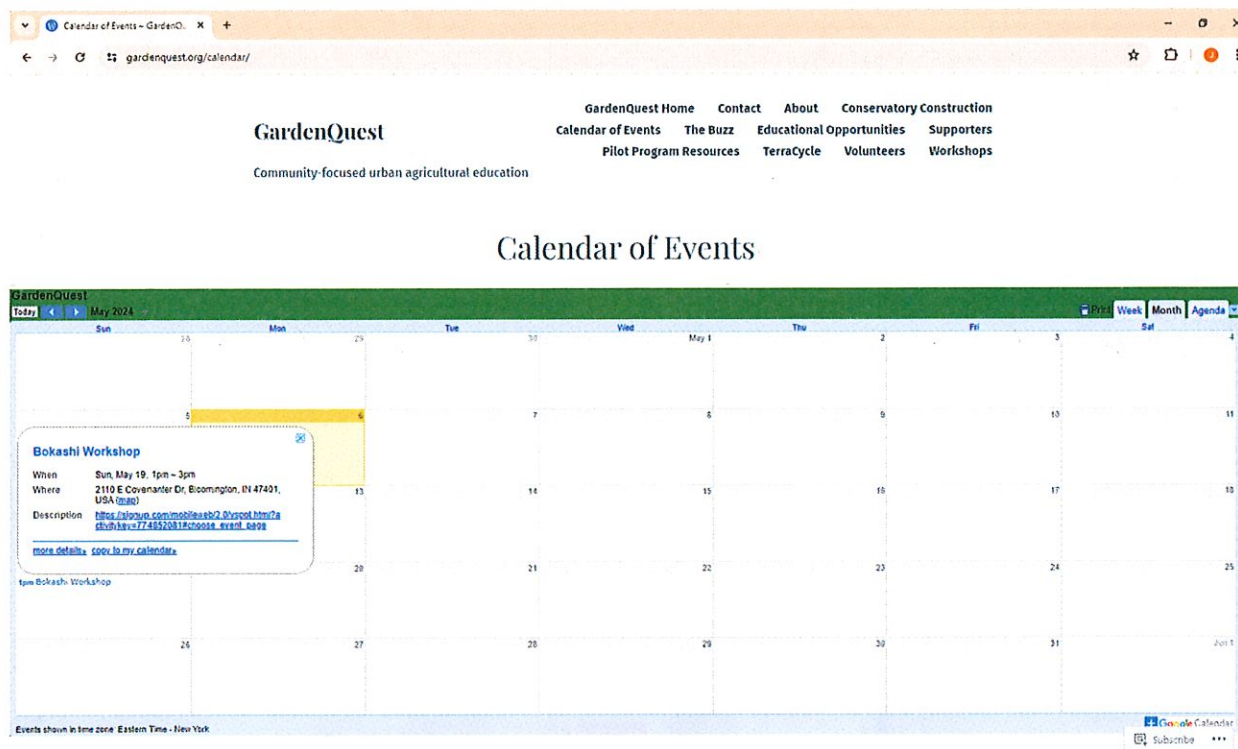


Photo 13: Screenshot from the GardenQuest website taken on 05/06/2024, advertising a class at 2110 E Covenanter Dr.

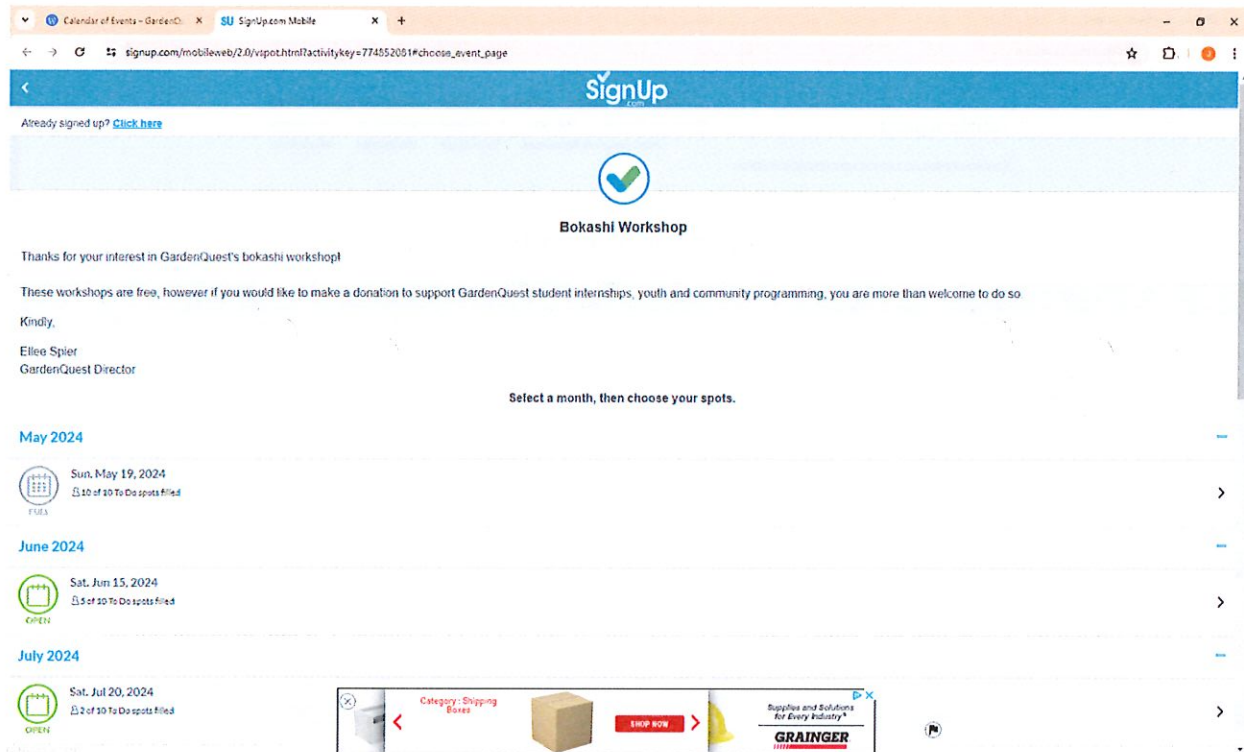


Photo 14: Screenshot from the GardenQuest website taken on 05/06/2024, advertising additional classes offered at 2110 E Covananter Dr.

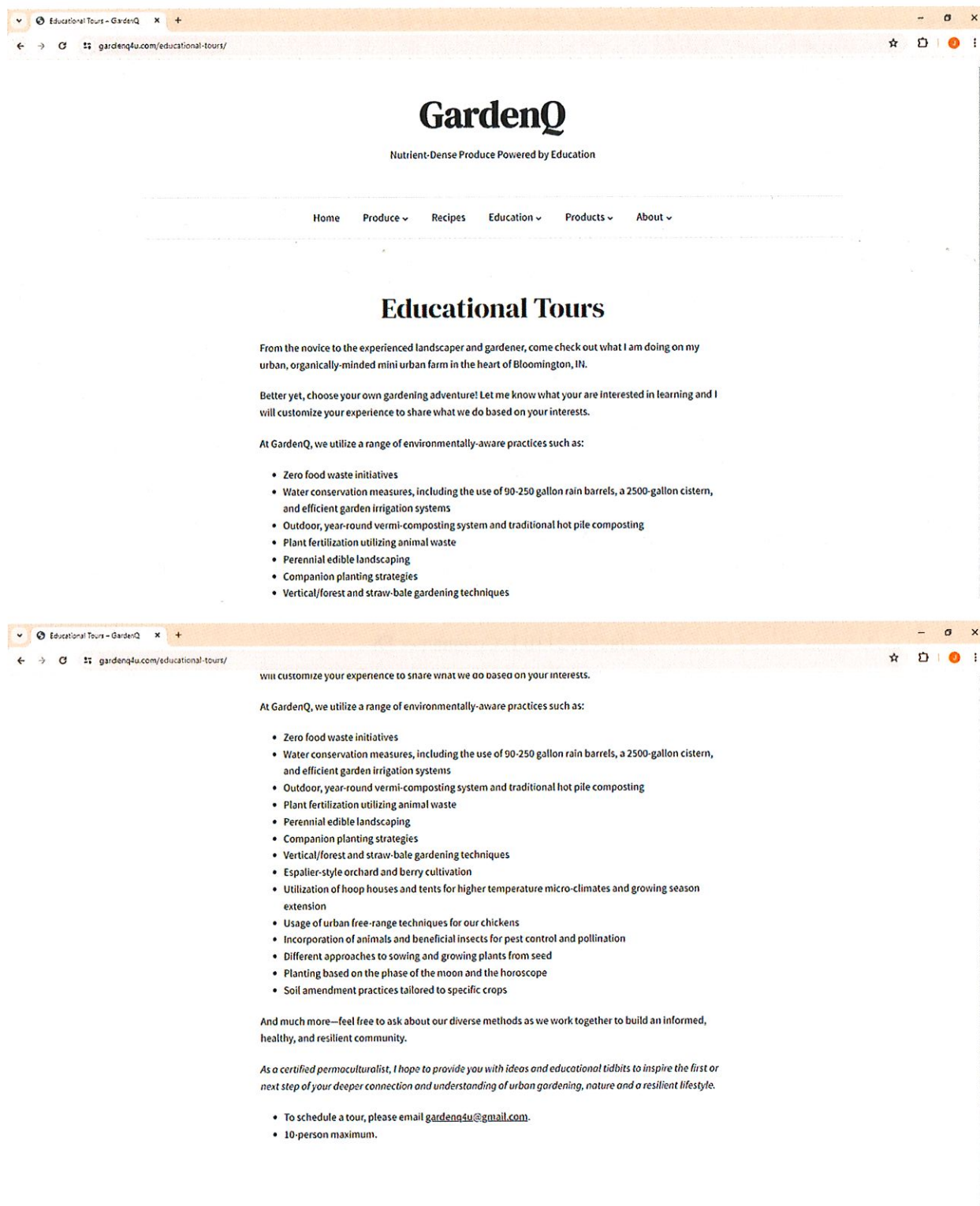


Photo 15: Screenshots from the GardenQ website taken on 05/06/2024, advertising tours of the business at 2110 E Covenant Dr.

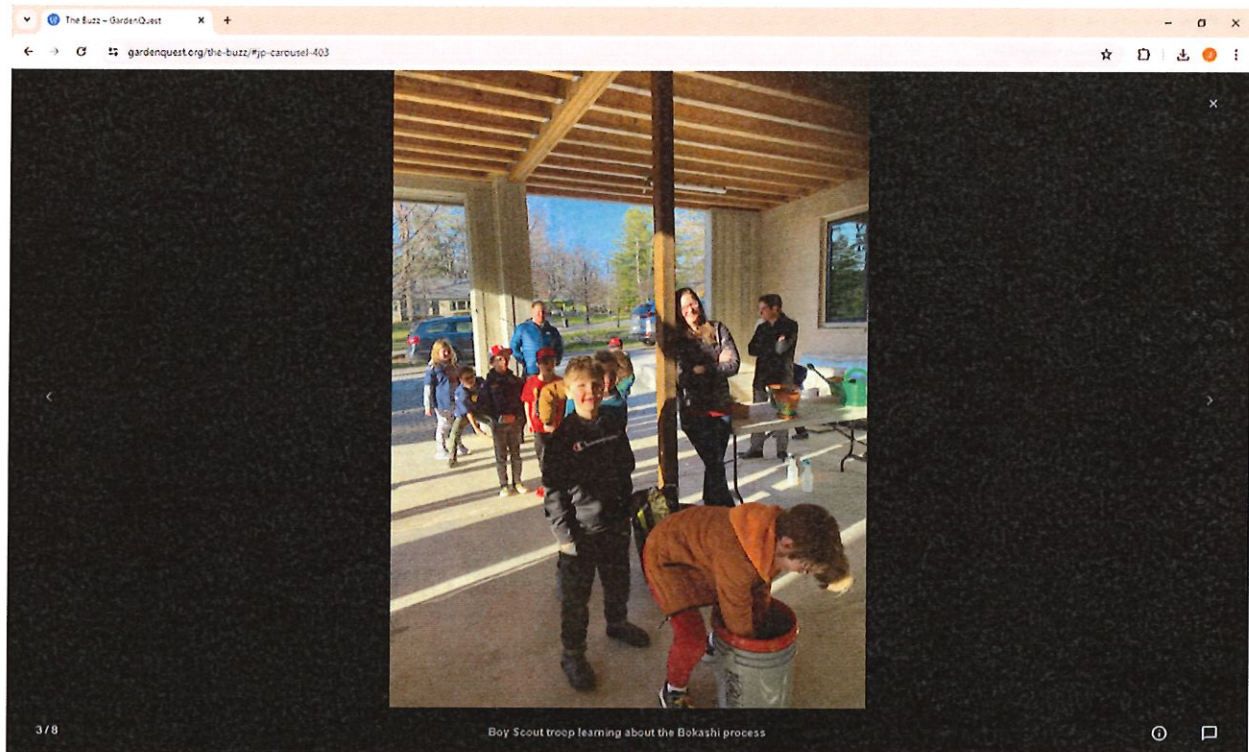


Photo 16: Screenshot taken from the GardenQuest website on 05/06/2024, showing a boy scout troop taking a class at 2110 E Covenant Dr.

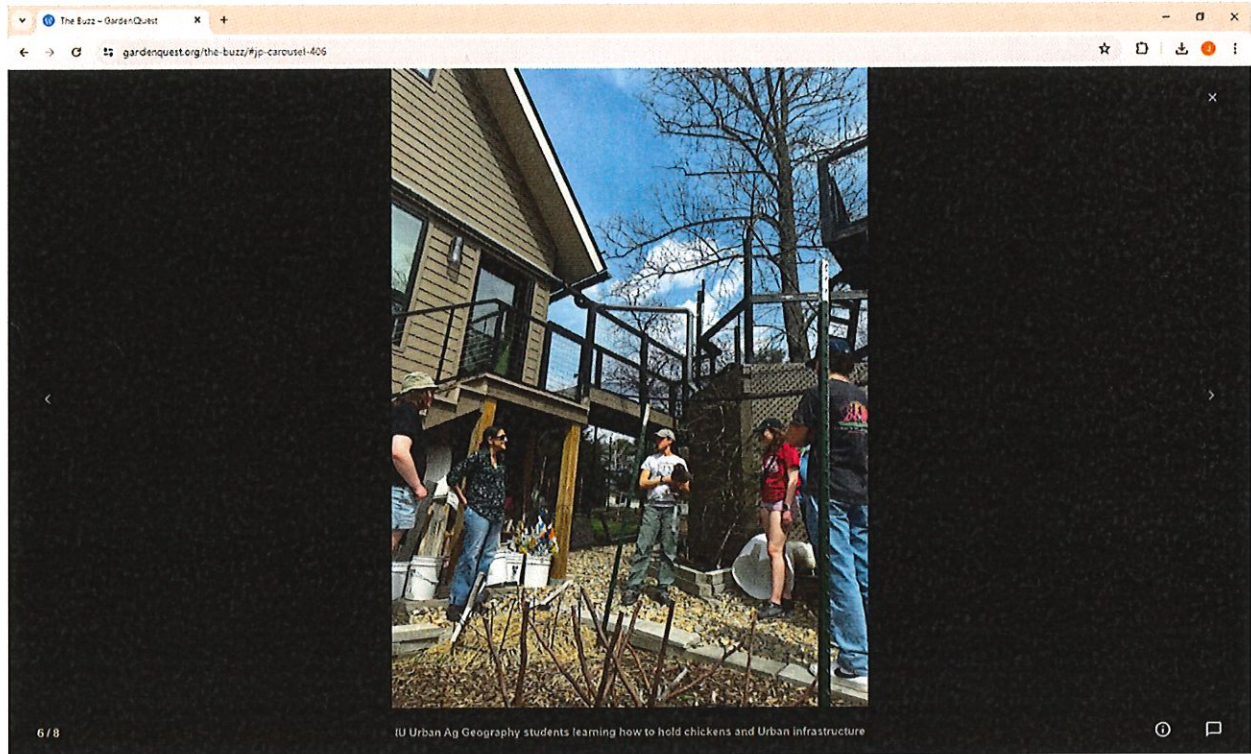


Photo 17: Screenshot taken from the GardenQuest website on 05/06/2024, showing IU Urban Geography class taking a tour of 2110 E Covenanter Dr.

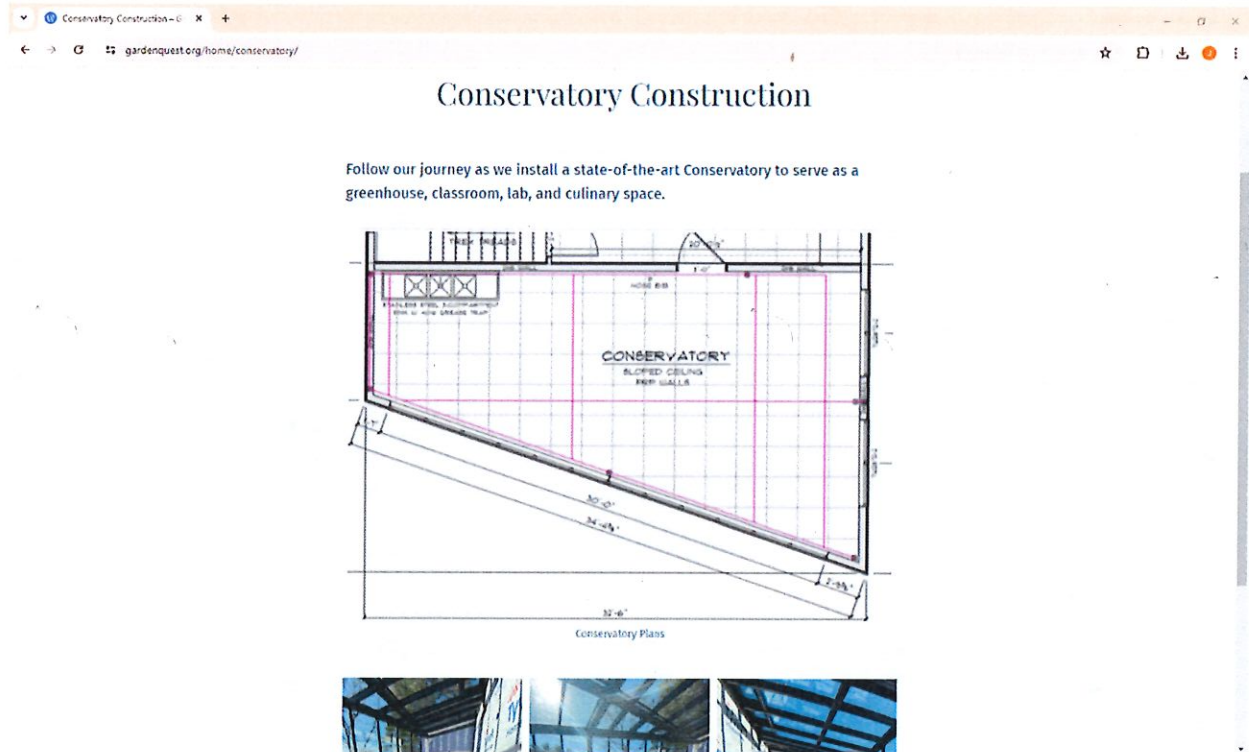


Photo 18: Screenshot taken from the GardenQuest website on 05/06/2024, stating the intended use of the newly constructed addition at 2110 E Covenant Drive to be a “Conservatory to serve as a greenhouse, classroom, lab, and culinary space”.

GardenQuest.org Internship Opportunities

About the Opportunity: Interns will learn gardening, urban farming (*chickens, worms, bees, and the business side of the equation*), non-invasive perennial management, composting, food processing/cooking skills, and/or sustainability skills in an urban setting.

Interns may also have the opportunity to be cadet gardening teachers for local elementary schools.

Location: Conveniently positioned between High Street and College Mall Road, GardenQuest is 2 miles (6 minutes) from South High School, 6 miles (13 min) from North High School, 3 miles (8 minutes) from the Academy, 6 miles (12 min) from Hoosier Hills, and 10.5 miles from Edgewood (17 min). Located along Bloomington Transit's bus line #4, the farm is 440 feet from the stop.

Dates/Times: Each session/day will last 1.5 - 4 hours depending on students' and instructors' availability.

All learning opportunities are contingent on the season, weather, GardenQuest's daily schedule, and the interns' availability and interests.

Equipment: These are hands-on, immersive internships. Tools and protective wear will be provided, however, students may bring their own protective wear if preferred.

Students will sign a liability waiver of release

About GardenQuest.org: GardenQuest is a sustainable, urban gardening 501c3 non-profit that offers educational opportunities at the urban farm GardenQ. Its purpose is to provide immersive, hands-on, life-enhancing gardening, farming, and culinary STEM-based experiences for learners of

all ages that promote culture, diversity, and sustainability, and which empower the learners to confidently care for the health and wellness of themselves, their families, communities, and the Earth.

Interested? Send an email to Ellee Spier at gardenquest.org@gmail.com. Please CC your teacher on the email, and include the trimester(s) or semester(s) along with time frames when you are available.

SEASONAL TOPIC LIST

Fall: August - October

Possible Topics:

Germination/Seed Starting

Frost Protection

Honey Bees

Fall Orchard Management

Composting

Fall Produce Harvesting, Processing, Nutrition, and Cooking

Food Preservation - Canning, Fermentation, Dehydration, Freeze Drying

Chicken Management

Perennial Plant Management

End of Season Garden Bed Management

Beneficial Insects

Winter: November - January

Possible Topics:

End of Season Garden Bed Management

End of Season Orchard Bed Management

Composting

Chicken Managements

Food Preservation

Ordering Seeds

Preserving Tubers

Overwintering Plants Perennial Plant Management

Spring: February - May

Possible Topics:

Germination/Seed Starting

Frost Protection

Mason Bees

Spring Orchard Management

Composting

Spring Produce Harvesting, Processing, Nutrition, and Cooking

Food Preservation - Canning, Fermentation, Dehydration, Freeze Drying

Chicken Management

Garden Bed Preparation

Perennial Plant Management

Summer: May - August

Possible Topics:

Berry Management

Germination/Seed Starting

Leaf Cutter Bees and Honey Bees

Summer Orchard Management

Composting

Summer Produce Processing, Nutrition, and Cooking

Food Preservation - Canning, Fermentation, Dehydration, Freeze Drying

Chicken Management

Perennial Plant Management

Beneficial Insects

GardenQ LLC & GardenQuest.org Waiver & Release

Participant Name: _____ Date of Birth: _____

Address: _____ Cell Phone #: _____

Allergies or Fears (*Plants, Insects, and/or Animals*): _____

LIABILITY WAIVER & RELEASE: I recognize that because of the nature of this activity that an injury may occur. Acceptance of this job, internship, volunteer position, or tour experience is without assumption or responsibility of any kind by GardenQ LLC & GardenQuest.org, including all employees, contracted workers, board members, members of the Spier and Austin families, agents and assigns. In consideration of the acceptance of my position or this experience, I do hereby for and on behalf of myself, and my heirs and my legal representatives release and forever discharge GardenQ LLC & GardenQuest.org, its representatives and their successors and assigns, of and from any and all claims and damages, losses or injuries which may be suffered or sustained by me in connection with my activities during the period for which such position is maintained or event takes place and any period traveling to and from 2110 E. Covenant Dr., and all claims are hereby waived and released, and I covenant not to sue therefor. I understand that this release applies to any present injuries and that it binds my heirs, executors and administrators.

Initial _____

MEDICAL RELEASE: I hereby consent to the rendering of emergency first aid and other medical procedures, which at the time of injury or illness, seems reasonably advisable. I further understand that I will be responsible for payment of any such medical procedures. In consideration of the acceptance of this position or experience, I hereby agree to abide by all applicable rules and regulations and codes of GardenQ LLC & GardenQuest.org.

Initial _____

Emergency Contact Name: _____

Phone Number: _____ Relationship: _____

LIKENESS WAIVER & RELEASE: I hereby acknowledge and grant to GardenQ LLC & GardenQuest.org, related entities, subsidiaries, affiliates, successors, assigns, and to such other persons as GardenQ LLC & GardenQuest.org may designate or give permission to from time to time (collectively, "Licensees"), the absolute, irrevocable right and permission to use, in any manner, throughout the world, in perpetuity, my name, voice, portrait, likeness, biographical information, testimonials and statements (including but not limited to photographs, video, film and/or other recordings of me), either alone or accompanied by other material, in any media and formats whether now known or later developed, for any purpose relating to developing and promoting the growth of urban gardening and farming in the United States, and advertising and publicizing GardenQ LLC & GardenQuest.org and its products and/or services. I agree that any recordings, images, photographs, films and/or videotape taken of me are owned by GardenQ LLC & GardenQuest.org.

(Optional) Initial _____

I have read and have understood this Waiver & Release. I understand by signing this Waiver & Release, I have given up substantial rights. I have voluntarily signed this Waiver & Release. I am at least 18 years of age and I am competent to contract in my own name. I have read this Waiver & Release before signing below, and I fully understand the contents, meanings, and impact of this Waiver & Release.

Signature of Participant (or Guardian if under the age 18):

Print Name: _____ Date: _____

Sign Name: _____



City of Bloomington
Planning and Transportation Department

March 5, 2021

Elisha and Bret Spier
 2110 E. Covenanter Dr.
 Bloomington, IN 47401

Re: Notice of Violation (warning)
 Operation of a Home Occupation without a CZC

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with **Unified Development Ordinance (UDO) Section 20.03.030 (g)(6) [Use Regulations; Use-Specific Standards; Home Occupation]** at 2110 E. Covenanter Drive. Records show that you are the owner of this property.

The City of Bloomington Planning and Transportation Department received a complaint of Operation of Home Occupation without a Certificate of Zoning Compliance (CZC) at 2210 E. Covenanter Drive on 02/05/2021. On 02/08/2021 staff observed evidence of a home occupation without a CZC at 2110 E. Covenanter Drive from the website that the property owners appear to maintain. Specifically, the home occupation described on the website is giving tours and meals in exchange for money. The property is currently zoned R2 (Residential Medium Lot) and would require a Conditional Use Approval and a CZC prior to the operation of a home occupation.

According to **Unified Development Ordinance (UDO) Section 20.03.030 (g)(6) [Use Regulations; Use-Specific Standards; Home Occupation];**

(B) Certificate of Zoning Compliance.

Except as noted in subsection (A)(ii) above, no person shall conduct a Home Occupation in a dwelling in any zoning district without having first received a certificate of zoning compliance. Such certificate of zoning compliance shall not be transferable to any other person, nor shall this certificate of zoning compliance be valid at any address or for any Home Occupation other than the one appearing on the certificate of zoning compliance.

(C) Conditional Use Approval.

In Residential zoning districts, a Conditional Use Approval shall be required for Home Occupations prior to the issuance of a certificate of zoning compliance.

The website also states that produce is being sold from this location. Produce sales are regulated by **UDO Section 20.03.030(h)(4) [Use Regulations; Use-Specific Standards; Temporary Uses; Farm Produce Sales];**

Farm Produce Sales

A temporary use permit is not required to operate a farm produce sales use, but such use shall comply with the standards of this UDO, in addition to the following standards:

- (A) Temporary tents, structures, or stands used for the sale of farm produce shall not exceed 150 square feet;
- (B) Farm produce sales operations shall not block ADA-accessible parking areas, parking lot access aisles, or sidewalk areas, and shall not reduce the number of parking spaces below any minimum requirement for the principal use in this UDO;

- (C) Farm produce sales shall not operate on the same lot for more than 180 consecutive days; and
- (D) The Bloomington Community Farmers' Market and any other farmers' market approved by the City shall be exempt from this requirement.

In accordance with UDO Section 20.06.100, violations of this nature may result in a two hundred dollar (\$200) fine for the Operation of Home Occupation without a CZC. Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars (\$7,500).

No fines have been issued at this time. You have the following options to remedy the situation.

1. Cease operation of the home occupation at 2110 E. Covenanter Drive by 03/19/2021, **OR;**
2. Make a phone appointment with a Planner to discuss seeking a conditional use approval for the home occupation. The appointment must be on or before 03/19/2021, **OR;**
3. Make a phone appointment with a Planner to discuss filing a variance request. The appointment must be on or before 03/19/2021 for the 05/20/2021 Board of Zoning Appeals hearing.

If you dispute the City's assertion that the property is in violation of the above referenced sections of the Unified Development Ordinance, you may file an appeal with the City's Board of Zoning Appeals. Said appeal shall be filed with the Planning and Transportation Department within five (5) days of your receipt of this Notice of Violation and shall conform to the requirements of UDO Section 20.06.080(d).

Failure to resolve this violation may result in further enforcement action. If a fine is issued, the final fine amount shall be paid to the City of Bloomington. All fines may be contested in the Monroe County Circuit Courts.

Sincerely,



Elizabeth Carter
Senior Zoning Compliance Planner, Planning and Transportation

Enclosure: (3)

Cc: Jackie Scanlan, AICP
Scott Robinson, AICP

gardenq4u.com/gardenq-tours/

GardenQ

Regenerative Eduscapes and Hybrid Worm Composting Systems

Available Organic Veggies 12/15 – 12/19 [GardenQ Tours](#)
Seasonal Recipes Outdoor Worm Composting Systems [Contact](#)

GardenQ Tours

GIFT CERTIFICATES AVAILABLE!

From the novice to the experienced landscaper and gardener, come check out what I am doing on my urban organically-minded mini farm in the heart of Bloomington, IN.

Better yet, choose your own gardening adventure! Let me know what you are interested in learning and I will customize your experience to share what we do based on your interests. Would you like to learn about...?



Figure 1: Screenshot of the website advertising garden tours.

gardenq4u.com/gardenq-tours/

N

FOOD



- Toward the end of your experience, I will treat you to a gourmet multi-course small plate meal all made from seasonal garden produce.
- Each week's offering will be different, so you can tour and eat more than once!

As a certified permaculturalist, I hope to provide you with ideas and educational tidbits to inspire the first or next step of your deeper connection with urban gardening, nature and resiliency.

- To schedule a tour, please email gardenq4u@gmail.com.
- \$60/person. Ask about family discounts.
- 6-person maximum.
- 50% of proceeds go toward neighborhood and community projects.

Figure 2: Screenshot of the website advertising tours and meals, along with pricing.

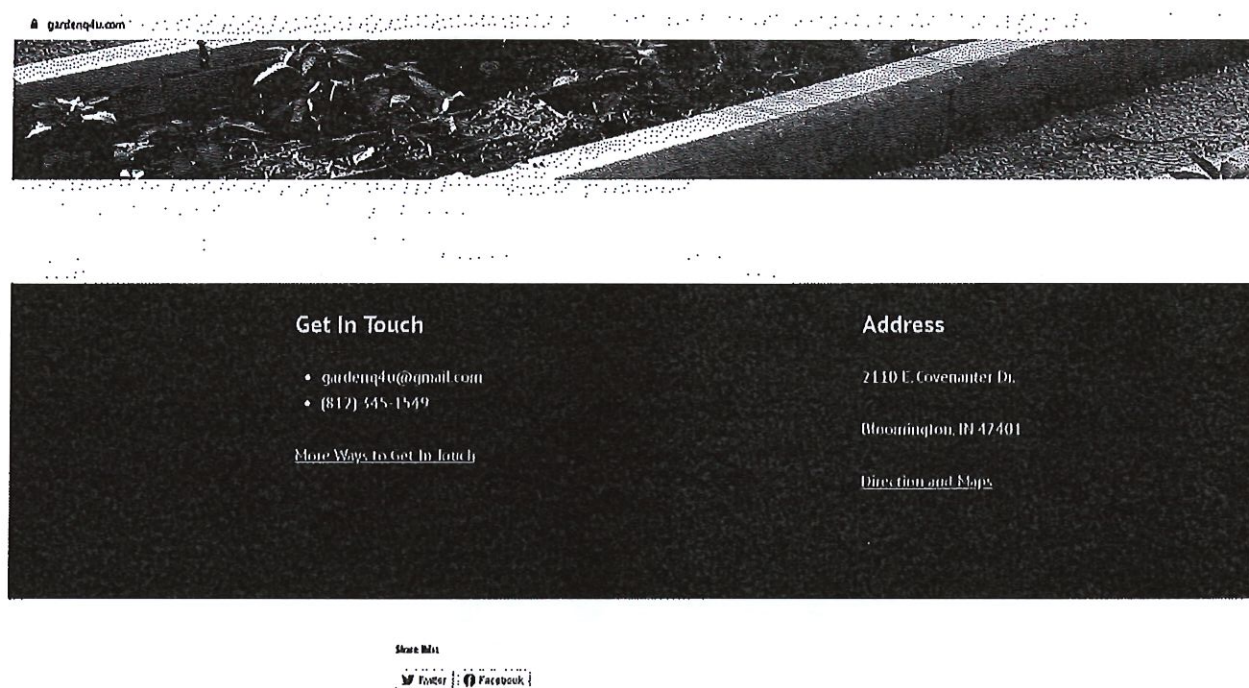


Figure 3: Screenshot from the website listing the contact information, including the physical address of tours and meals for sale.

Dear Members of the Bloomington Planning Commission,

It has only recently been brought to our attention that the City is considering some very consequential changes to its zoning laws. Along with neighbors, we have tried to gather more information about these changes, which were not made public in a readily available fashion. We will focus, in particular, on the “**Urban Agriculture, Commercial**” portion of it.

We understand that these changes are being considered as a result of a request filed by our neighbors—Ellee and Bret Spiers on Brooks Drive—under the threat of litigation.

These changes will directly impact our lives and we believe that it is imperative for us to provide our point of view based on our experience on the street. We also hope that our experience will shed light on the issues these amendments may raise in other parts of the city as well. The pursuit of individual aspirations must be balanced with those of building a community. This requires everyone to give up something for the larger public good. We propose changes below that rest on the basis of compromise. **Importantly, however, we ask you to keep in mind that the scale of the project matters significantly for neighboring city dwellers. Those in the privileged position of being able to buy multiple plots can have an outsized effect on their neighborhood.**

Here is our understanding of the changes the City is considering. We first itemize the specific items, with our position on each. You can read our reasoning in greater detail further below:

BRIEF SUMMARY:

Retail sales shall be prohibited on the commercial urban agriculture site, except for the sale of produce grown on that site: We believe the time for sale and farming operations should be restricted to standard work hours (9-5), when most other residents are also away at work. The caveat we recommend is to restrict this permission to produce rather than the production of other items using the farm produce (such as candles, jellies, etc.) unless it involves the labor of property residents alone. We say this because the production of other items scales up the operation.

In the R1, R2, R3, R4, RM and RH districts, one employee is allowed per minimum lot size of the district. We believe that the number of hired employees should be no more than 4 for minimum disruption to other residents.

In the R1, R2, R3, R4, RM and RH districts, educational classes are allowed on-site with a maximum enrollment per class of 2 people per minimum lot size of the district. If the City is going to proceed with this permission, which we object to, the number of students should be no more than 10. Please consider the effect of a rotating number of people circulating in our midst. They will not be the same 10 students at all times.

Activities associated with the use may be conducted within a building or outside. Teaching should be restricted to an indoor setting.

Compost piles shall not exceed six feet in height. We can see the justification for piles to be allowed for approximately 2-3 weeks, but this should be stipulated clearly. There should also be a requirement for the farm to locate these piles in an unobtrusive location (to neighbors) on their own property. Neighbors should not be subjected to views of the piles.

Finally, perhaps those who are given permission to have a commercial farm should also be asked to erect a fence to minimize the fallout of a busy enterprise on neighbors.

RATIONALIE FOR OUR POSITIONS (more details on points itemized above):

Retail sales shall be prohibited on the commercial urban agriculture site, except for the sale: The sale of produce grown on the property was already permitted. We appreciate the clarification about the permission to allow only such produce. The caveat we would recommend is to restrict this permission to produce rather than the production of other items using the farm produce (such as candles, jellies, etc.), unless it involves the work of the property residents alone. We say this because the production of other items scales up the operation, thus necessitating the circulation of additional people on our street for this purpose, such as interns, students, hired help.

In the R1, R2, R3, R4, RM and RH districts, one employee is allowed per minimum lot size of the district. A City employee explained how the number of allowed employees is related to the size of the property. We strongly oppose this. By allowing this number of employees in our neighborhood, the City would facilitate a compromise of our safety or, at a minimum, our comfort levels. The dreams and aspirations of urban farmers, especially ones as formalized as the Spiers and their registered organization Garden Q, has an impact on the quality of life the rest of us aspire to in our residential neighborhood.

In the R1, R2, R3, R4, RM and RH districts, educational classes are allowed on-site with a maximum enrollment per class of 2 people per minimum lot size of the district. Again, our objections to this are the same as the point we make above. It would lead to a circulation of large numbers of people on our street. There are currently public venues where people can teach students and the community (at MCCSC schools, IU, community orchard, City of Bloomington Parks & Rec, etc.). Why does this need to take place in private homes? We argue that public settings are much better venues to pursue these objectives rather than their privatization across the City. Perhaps the City can work on creating a venue for ongoing classes to residents across the City, including those who cannot afford to own double lots and have the infrastructure and space to do so on their own property. This would be a desirable public good to provide the community.

Activities associated with the use may be conducted within a building or outside. Once again, this change seems to tip the balance in favor of the rights of those pursuing commercial urban agriculture over those who don't plan on it. If we wanted to live next to a business, we would have bought a home next to a business.

Compost piles shall not exceed six feet in height. Is there a time limit on how long these can be left on the property? We can see the justification for piles to be allowed for approximately 2-3 weeks, but this should be stipulated clearly. There should also be a requirement for the farm to locate these piles in an unobtrusive location (to neighbors) on their own property. Neighbors should not be subjected to views of the piles.

To be clear, we are not arguing against the sustainable practice of growing vegetables in our backyards. Our objections are to the City's consideration of changing rules allow

people in residential neighborhoods to turn their homes into businesses over the objections of their neighbors. Commercial urban farmers should consider participating in the various existing public venues where all their objectives can be met. **Importantly, the scale of the project matters significantly for neighboring city dwellers. Those in the privileged position of being able to buy multiple plots can have an outsized effect on their neighborhood.** A double lot means it can technically be the site of a large urban farm, but what about the proportional impact of a larger operation on neighbors who are looking for a very different residential experience? A large urban farm will inevitably lead to more plantings, more labor, more equipment, and more mayhem. Should unwitting home dwellers be subjected to this level of activity in their midst?

Finally, ***is there a survey to see how wide this need is among city residents? Here, it is important to make the distinction between those who currently have vegetable gardens for their own consumption or to share with their neighbors versus commercial urban farms.***

If the City approves these changes, **what oversight will be put in place to ensure that the farm activities are not disrupting the lives of people who purchased homes in previously calm and quiet residential neighborhoods?** You cannot simply assume good faith on the part of all those who choose to establish a commercial urban farm. One case in point, for instance, is the current violations of the easement encroachments by the Spiers. The City has sent them a citation for the violations, yet they have not been corrected. **Once permission to farm, hold classes, and hire people is given, who will ever intervene to set some boundaries on the project? It will unquestionably lead to conflicts among neighbors.**

The very term “community” in this purported attempt at creating a sustainable community might be at risk. We speak from experience. The Spiers’ plans have created a lot of conflict and unrest in our neighborhood since 2020. Given the potential for strain on community and neighborliness, approval of such plans **must** be contingent upon a detailed accounting of how the Spiers’ farm will make life in Bloomington more sustainable. I hope that the City will require the operationalization of the impact of the Spiers’ urban farm on the City’s environment. We think that requests to make changes to existing laws must be required to make a case for their request’s **specific** impact on this mission.

We offer the example of our street to illustrate the pitfalls of this move. We hope the City will consider the rights of all residents who moved into residential areas that were not zoned commercial, and who expected (and still expect) the attributes and characteristics of residential neighborhoods rather than the characteristics of commercial properties.

Thank you for your consideration. We will be happy to provide further feedback, if you would like.

Indermohan Virk
Art Alderson
(1301 S. Brooks Drive)