

# City of Bloomington Common Council

## Legislative Packet

**Wednesday, 1 May 2019**

## **Regular Session**

Legislation and background material regarding Ordinance 19-09, please consult [03 April 2019 Legislative Packet](#).

Legislation and background material regarding Ordinance 19-10, please consult [17 April 2019 Legislative Packet](#).

Legislation and background material regarding Appropriations Ordinance 19-03 and Ordinance 19-08 is contained herein.

*For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*

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**REGULAR SESSION  
WEDNESDAY, 1 MAY 2019**

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    - o Memo from Philippa Guthrie, Corporation Counsel, and Jeffrey Underwood, Controller
    - o Draft Letter of Agreement – Architect – Expansion of the Convention Center
- Contact:  
*Philippa Guthrie 812-349-3426, [guthriep@bloomington.in.gov](mailto:guthriep@bloomington.in.gov)*
- *(New Legislation)* Ordinance 19-08 To Amend the City of Bloomington Zoning Maps by Rezoning 3.2 Acres of Property from Commercial Limited (CL) to a Planned Unit Development (PUD) and to Approve a District Ordinance and Preliminary Plan - Re: 105 S. Pete Ellis Drive (Curry Urban Properties, Petitioner)
    - o Certificate of Action – Negative Recommendation (5-3) (Date of Filing: March 25, 2019)
    - o Maps of Site and Surrounding Land Uses
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      - Renderings of Streetscapes
      - Landscape Plan
      - Site Utility Plan

- Footprints – by floor
- Elevations
- Pete Ellis Drive – Cross Section

Contact

Eric Greulich 812-349-3423, [greulice@boomington.in.gov](mailto:greulice@boomington.in.gov)

- Ordinance 19-09: Regulating Motorized Scooters, Shared-Use Motorized Scooters, and Shared-Use Motorized Scooter Operators
  - o Amendments
- Minutes

**MEETING ON WEDNESDAY, 17 APRIL 2019, AT-A-GLANCE**

**REGULAR SESSION**

*First Reading:*

- Appropriations Ordinance 19-03 To Specially Appropriate from the Food and Beverage Tax Fund Expenditures Related to the Convention Center Expansion, and Making a Standing Request for Recommendations from the Food and Beverage Tax Advisory Commission as Future Needs for those Expenditures Arise
- Ordinance 19-08 To Amend the City of Bloomington Zoning Maps by Rezoning 3.2 Acres of Property from Commercial Limited (CL) to a Planned Unit Development (PUD) and to Approve a District Ordinance and Preliminary Plan – Re: 105 S. Pete Ellis Drive (Curry Urban Properties, Petitioner)

*Second Reading and Resolutions:*

- Ordinance 19-10 Approval to Issue Economic Development Revenue Bonds Up to an Aggregate Principal Amount of \$26,000,000 and Lend the Proceeds for the Renovation of Affordable Housing – Re: Limestone Crossing (formerly Canterbury House) Apartments Project, 540 S. Basswood Drive (Herman & Kittle Properties, Inc., Petitioner)
  - Ordinance 19-09 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re Amending Chapter 15.04 (Definitions), 15. 56 (Bicycles, Skateboards, and Other Foot-Propelled Vehicles), 15.60 (Miscellaneous Traffic Rules), 15.64 (Traffic Violations Schedule) and Adding a New Chapter 15.58 (Motorized Scooters and Shared Use Motorized Scooters) to Provide for Regulations Governing Motorized Scooters, Shared-Used Motorized Scooters, and Shared-Use Motorized Scooter Operations
- ➔ For Ordinance 19-10 under Second Reading, please see the legislation and supporting material issued in the packet for [17 April 2019 Legislative Packet](#).
- o Note: This ordinance comes forward without discussion at the Committee of the Whole
- ➔ For Ordinance 19-09 under Second Reading, please see the legislation and supporting material

**Preliminary Matters – Reminders, Etc.**

**Reminders:**

- Budget Advance -- Tuesday, April 30<sup>th</sup> at 5:30pm in McCloskey Room
- Jack Hopkins Social Services Funding Agency Presentations – Thursday, 02 May 2019
- Council Work Session – Friday, 03 May 2019, Noon

**Notices** - There is one notice in this packet regarding a Budget Advance meeting being held on Tuesday, April 30<sup>th</sup> at 5:30pm in McCloskey Conference Room.

**Regular Session (Second Readings and Resolutions) - Summary**

**Item 1:**

**Ordinance 19-10 – Authorizing Issuance of Economic Development Revenue Bonds for Purchase and Rehabilitation of Limestone Crossing (formerly Canterbury House) Apartments at 540 S. Basswood Drive**

**Ord 19-10** authorizes the issuance of a maximum of \$26 million in tax-exempt Economic Development Revenue Bonds for the purchase and renovation of Limestone Crossing Apartments (formerly known as Canterbury House) at 540 S. Basswood Drive which currently sets aside housing in 80% of its all of its 208 units to households at or below 60% of Area Median Income (AMI). These units include a mix of 1-, 2- & 3-bedroom configurations. Rents for the units that are set aside for qualified households are no more than 30% of the household income. This financing is being done on behalf of Limestone Crossing, LP, which was formed by Herman & Kittle Properties, Inc., the current owner of this property.

- ▶ *Please note that this ordinance comes forward without discussion at the Committee of the Whole.*

**Item 2:**

**Ordinance 19-09: Regulating Motorized Scooters, Shared-Use Motorized Scooters, and Shared-Use Motorized Scooter Operators - Amendments (Enclosed)**

At the Council's meeting on 17 April, 10 amendments were proposed. Three of those amendments were put to a vote and passed and seven amendments were put up for discussion without a vote. Subsequent to, and a result of the discussion on 17 April, four of those amendments were revised – Am 01a, Am06a, Am07a, and Am08a – and a new amendment was proposed, Am 12. All amendments -- those discussed on 17 April, the revisions, and the new proposed amendment -- are listed above. It is anticipated that sponsors will introduce the revised amendments, instead of the originals, but they've the option to propose the originals as well.

Pending – Original and Revised

- 01 – No scooters on sidewalks, crosswalks, or multiuse paths (Rollo and Sturbaum)
- 01a – REVISED. No scooters on sidewalks or crosswalks, but removes the prohibition from operating on multiuse paths.
- 02 – *Not assigned.*
- 03 – Reducing Maximum speed (Granger and Rollo)
- 04 – Scooter Cap (per company and in the aggregate for the City) (Granger)
  - > Sponsor has indicated that she wishes to withdraw this amendment
- 05—Providing for a DRO to enforce scooter operations (Granger, Rollo, and Sturbaum)
- 06 – Expanding the Dismount Zone (Piedmont-Smith)
- 06a – REVISED. Extends the Dismount Zone to the n-s streets between 4<sup>th</sup> and 7<sup>th</sup>
- 07 – Prohibiting Parking on Sidewalks in the Dismount Zone (Piedmont-Smith)
- 07a – REVISED. Prohibits parking on all sidewalks, not just in the dismount zone.
- 08 – Changing the term “painted boxes” to “scooter corrals” (Piedmont-Smith)
- 08a – REVISED. Changing “painted boxes” to “corrals” as corrals would house both scooters and bicycles.
- 12 – NEW. Eliminating the prohibited hours of deployment (Sandberg, Granger, and Ruff)

Passed 17 April

- 09 – Admin. Eliminating some data reporting requirements (Sandberg)
- 10 – Admin. Revising the affordability test. (Piedmont-Smith)
- 11 - Scrivener’s – correcting date in “Whereas” clause (Piedmont-Smith)

**Regular Session (First Reading) - Summary**  
**Item 1:**

**Appropriations Ordinance 19-03 – To Specially Appropriate from the Food and Beverage Tax Fund Expenditures Related to the Convention Center Expansion, and Making a Standing Request for Recommendations from the Food and Beverage Tax Advisory Commission as Future Needs for those Expenditures Arise**

Appropriation Ordinance 19-03 authorizes expenditure of monies collected through the Monroe County Food and Beverage Tax. It is the second such ordinance this year and, because of an error in providing notice for the first appropriation, the ordinance authorizes those expenditures (for the first two phases of architectural work for expansion of the Monroe County Convention Center) as well as a second round of expenditures, for retaining bond counsel (Barnes & Thornburg) and a financial advisor (O. W. Krohn and Associates) to help finance the project, which will be reimbursed from future bond proceeds.

Please see the weekly Council Legislative Packet issued for the [6 February 2019 Regular Session](#) for:

- a brief history of the Food & Beverage Tax in Monroe County (including the estimate of ~\$2.56 million in revenues collected from February 2018 to the end of that year, with 90% going to the City and 10% going to Monroe County);
- the City’s use of the Food & Beverage Tax in accordance with I.C. § 6-9-41-15 and an MOU entered into with Monroe County via [Resolution 17-38](#);

- the authorization of expenditures by the Food & Beverage Advisory Commission established pursuant to I.C. § 6-9-41-16; and
- a summary of the initial request.

Excerpted below is a portion of the Memo prepared by Philippa Guthrie, Corporation Counsel, and Jeffrey Underwood, Controller that describes the two requests:

In summary, the City Administration requests your approval of [appropriation] ordinance 19-03 to pay for the items listed below related to the [the expansion of the Convention Center]. The total request is a not to exceed amount of \$550,000. Attached is a Letter of Agreement detailing the expenses and scope of work to be completed by the architects and their subs. The figure for bond counsel and financial advisor is a not-to-exceed estimate. Please note that all of these expenses will ultimately be reimbursed from the bond proceeds.

- Design fees including Market Demand Study, Phase I Programming and Concept Design and Phase I Community engagement = \$195,500
- Reimbursables = \$19,500
- Additional Services = \$135,000
- Survey – Topographic and Boundary
- Site Appraisals
- Environmental Surveys
- Drone Imaging of the site
- Interior and exterior Mobile Scanning of Convention Center Building
- Estimate of costs from Bond Counsel and Financial Advisors = \$200,000

In addition, the Memo explains that the ordinance also makes a standing request for recommendations from the Food & Beverage Advisory Commission regarding expenditures of these tax funds. As you may recall, the Council has adopted motions to request such recommendations from the Commission for the first and second round expenditures. This is in response to Indiana Code § 6-9-41-16(b), which states that the Common Council, as legislative body of the City, “must request the [A]dvisory [C]ommission's recommendations concerning the expenditure of any food and beverage tax funds collected under this chapter... [and]...may not adopt any ordinance or resolution requiring the expenditure of food and beverage tax collected under this chapter without the approval, in writing, of a majority of the members of the [A]dvisory [C]ommission.” As stated in the Memo, in order to streamline the request and avoid delay due to inadvertent omission of this step, Section 2 of the ordinance declares that the Council is making the request for recommendations from the Advisory Commission as those needs arise in the future.

## **Item 2:**

### **Ordinance 19-08 To Amend the City of Bloomington Zoning Maps by Rezoning 3.2 Acres of Property from Commercial Limited (CL) to a Planned Unit Development (PUD) and to Approve a District Ordinance and Preliminary Plan – Re: 105 S. Pete Ellis Drive (Curry Urban Properties, Petitioner)**

**Ord 19-08** would rezone 3.2 acres in the 100-block of Pete Ellis Drive from Commercial Limited (CL) to Planned Unit Development (PUD) and approve the associated District Ordinance<sup>1</sup> and Preliminary Plan.<sup>2</sup> The petition was filed by Curry Urban Properties, heard by the Plan Commission on November 5, 2018<sup>3</sup> and March 18, 2019,<sup>4</sup> and forwarded to the Council with a negative recommendation on March 25<sup>th</sup> by a vote of 5–3.

**Plan Commission Recommendation: “Negative Recommendation” – Effect of Recommendation on 90-Day Rule – Possible Actions by the Council**

This proposal is the third of five PUD proposals that have been brought to the Council since the beginning of 2018 with either a negative recommendation or without any recommendation (no recommendation). The other two failed at the Council.<sup>5</sup>

As is usually noted at the end of a summary of a PUD proposal, the Council has 90 days from certification to act on this petition.<sup>6</sup> Given the 90<sup>th</sup> day falls on a weekend, that period of review will expire on Monday, June 24<sup>th</sup>.<sup>7</sup> In the event of a negative or no recommendation (as happened here), during that time, the Council may, at the first or subsequent meeting after certification and, after giving notice of its intent to consider the proposal under Open Door Law,<sup>8</sup> adopt or reject the proposal. If, during that time, the Council adopts the ordinance, it goes into effect as other ordinances of the legislative body; if the Council rejects the ordinance, then it is defeated.<sup>9</sup> Adoption or rejection occur when a majority of the Council votes for or against a motion in that regard.<sup>10</sup> Absent a decisive vote, the Council is considered to have “failed to act,” which constitutes a defeat of the ordinance.<sup>11</sup>

With these and other local procedures in mind, upon appearing under First Reading next Wednesday, the Council may take various actions regarding this ordinance. Here are a few such actions set forth into whether the Council wishes to consider the proposal further or whether it would want to dispense with it without further consideration:

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<sup>1</sup> According to BMC 20.04.040 (c), “The PUD district ordinance shall indicate the land uses, development requirements, and other applicable specifications that shall govern the planned unit development.” The District Ordinance may only provide alternative standards to those set forth in Chapter 20.02 (Zoning Districts) and Chapter 20.05 (Development Standards). Where the District Ordinance is silent on those specifications, the relevant provisions of the UDO apply. See also BMC 20.04.080 (Process – PUD district ordinance and preliminary plan).

<sup>2</sup> According to BMC 20.04.040(d), “The preliminary plan shall show the conceptual location of all proposed improvements.” See also BMC 20.04.080 (Process – PUD District ordinance and preliminary plan) (a)(2) and (c)(3) for the purpose and required content of the preliminary plan.

<sup>3</sup> For minutes follow this [link](#).

<sup>4</sup> For minutes follow this [link](#).

<sup>5</sup> Ord 18-14 (Century Village PUD) – see minutes of final action on [14 November 2018](#); and, Ord 18-22 (Chandler’s Glen PUD) – see minutes of final action on [5 December 2018](#)

<sup>6</sup> IC 36-7-4-608 (e), in relevant part states, “The legislative body shall vote on the proposal within ninety (90) days after ...the plan commission certifies the proposal under section 605 of this chapter...”

<sup>7</sup> IC 36-7-4-1111 (Computation of Time [under IC 36-7-4]).

<sup>8</sup> IC 36-7-4- 608(g); Note: Placement on the agenda under First Readings provides such notice.

<sup>9</sup> IC 36-7-4-608 (g)(2)-(3).

<sup>10</sup> City of Evansville v Fehrenbacher, App.4, Dist. 1987, 517 NE 2<sup>nd</sup> 111.

<sup>11</sup> IC 36-7-4-608(g)(4).

If the Council wishes to Consider Ord 19-08 further it may, under BMC 2.04.255, refer it to the:

- Land Use Committee (which must be entertained first); or
- Committee of the Whole.

If the Council wishes to dispense with it without further consideration (i.e. without setting time at a meeting to hear from the petitioner or public), it may:

- Not introduce it by having a Motion to Introduce fail;
- Introduce and immediately lay it on the table (which would result in defeat if nothing else is done before the time limit expires) or
- Postpone it indefinitely (which would result in its defeat under BMC 2.04.450).

### **The Site and Surrounding Uses**

The site is 3.2 acres (which requires a waiver of the 5-acre minimum size for a PUD) of treeless, undeveloped land that slopes downward toward south west corner (where the building would be 61' high). It is located along three streets – Pete Ellis Drive on the east, Longview on the south and, East 7<sup>th</sup> on the west - and is surrounded by Residential High Density (RH) zoning on the north, Commercial Limited (CL) and Commercial Arterial (CA) zoning to the east and south east, RH zoning to the south, and a church and vacant land to the west. Further to the north will be the new hospital which the petitioner had in mind when designing the proposal.

### **The Proposal**

One large, well-modulated, 4-story building is proposed with first floor retail on the east and south and residential on the other fronts and on the upper floors. The 12,000 – 19,000 sf of commercial use “is expected to be medical offices” and the multifamily uses will include “a mix of studio units, one-bedroom units, and two-bedroom units for a possible total of 280 units and 360 bedrooms [for an overall maximum density of 30 units per acre].” Hidden from view would be a 306-space parking structure which serves both residential and commercial uses, separates two open spaces and is accessed from Longview Drive. Another “16 back-in, angled, on-street parking [would be] on Pete Ellis Drive.”

Please note that changes were made between the first and second hearing which: reduced density by 12 units; provided back-out parking along Pete Ellis Drive; removed balconies on the north façade facing other multifamily housing; increased total open space from 25% to 31%; and, widened the multiuse paths on 7<sup>th</sup> and Longview.

**Workforce Housing.** Please also note that the petitioner also offered two alternatives toward its goal of providing workforce housing: Alternative A proposed 20% of units be set aside for 100% “unadjusted” Area Median Income (AMI) for 99 years; and, Alternative B proposed 10% of the units be set aside for 120% AMI for a period of 20 years. The proposal sets forth a chart associating household income to AMI where, for example, for a household of one, the 100% unadjusted AMI is \$53,060/year and the 120% AMI is \$63,672/year. Rents for these units would be limited to 30% of the household income.

### **Approach Towards this Summary**

Rather than review and summarize the materials provided in this packet, this summary will highlight the conclusions of the Interdepartmental Memo (Memo) from Plan staff which, along with the Plan Commission, recommended denial of this petition. Various documents and information are noted below:

- District Ordinance and Preliminary Plan<sup>12</sup> - For a detailed review of these documents, the reader is directed to the Memo and Petitioner's Statement.
- PUD Considerations for Plan Commission and Council under the UDO - For a review of, and proposed findings for, the Plan Commission regarding these considerations, please see the Memo.
  - Since they mirror considerations by the Council, these findings might inform the Council's perspective on these considerations.
- Environmental Commission Memo - Please note that the Environmental Commission filed a report with recommendations (which Plan Staff supported in the event the proposal is adopted).
- Independent review conducted by Schmidt Associates – For an independent review of this petition done at the request of the City, please see this document which follows the EC Memo.

At the end of the Memo, Plan staff provided the following paragraph, which concluded that the doubling of density and the additional 20' in height are uncharacteristic of the surrounding property and are not accompanied by sufficient public benefit, such as diverse housing mix, for staff to support this proposal:

While the proposed PUD does offer a unique architectural design and a range of benefits and features for the tenants, the Department and the Plan Commission do not believe that allowing a development that is twice as dense as the underlying zoning district and an additional 20' in height at this location without providing a strong public benefit, such as diverse housing mix, warrants designation of the area as a Planned Unit Development. The Comprehensive Plan clearly encourages incorporating diverse housing types within the City and a PUD should further this goal and provide a clear public benefit. Some examples of a public benefit include a unique architectural design, a high level of environmental design, and contributing to the diverse housing needs of the community. Further, as mentioned earlier in this report, the Department is concerned that the proposed height is uncharacteristic with the surrounding residential and commercial buildings.

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<sup>12</sup> As set forth in the Memo, the Preliminary Plan (and District Ordinance) cover: Uses and Development Standards (largely Commercial Limited); Residential Density (where there is an increase from 15 to 30 Units per Acre); Height and Bulk (where the building exceeds the 40' limit, but mitigates the impact through setbacks and both horizontal and vertical modulation); Parking, Streetscape and Access (which includes wider-than-required pedestrian facilities); Bicycle Parking and Alternative Transportation; Architectural Materials; Environmental Considerations (where the impervious surface area will be ~70% rather than the maximum of 50%); and Housing Diversity (which, staff indicates "is not consistent with other approved projects").

## **Comprehensive Plan – “Regional Activity Center (RAC) in the southwest corner of the Regional Academic Health Center Focus Area.”**

As spelled out in more detail at the end of this summary, in considering a PUD, decision-makers are to balance a number of factors, including (but not limited to) the extent to which the proposal is congruent with the Comprehensive Plan and surrounding uses. The Memo notes that the site is within a Regional Activity Center (RAC), which is characterized as a high intensity retail and multifamily area that “complement[s] rather than compete[s] with the Downtown district,” grows vertically to 2- to 3- stories, and buffers adjacent residential areas with less intense uses. This site is also part of the Regional Academic Health Center Focus Area, where ancillary support services, businesses, and medical offices may relocate to be near the new hospital. Within that context, the Memo states the following:

“The proposed Preliminary Plan is consistent with most of the intent and development guidance of the Comprehensive Plan for this area. However, the size and massing of the building are larger than the Comprehensive Plan guidance suggests.

## **Council Review**

As explained in the beginning paragraphs of this summary, the Council has until June 24<sup>th</sup> to act on this proposal and its failure to act by that time would result in the defeat of this ordinance.

In reviewing a PUD proposal, the Council’s review is guided by both local code and State statute. Both are reviewed below. In reviewing a PUD, Council must have a rational basis for its decision, but otherwise has wide discretion.

## ***Bloomington Municipal Code (BMC)***

BMC 20.04.080 directs that, in its review of a PUD, the Council shall consider as many of the following criteria as may be relevant to a specific PUD proposal. Amendments to a PUD are considered in the same manner as the creation of a new PUD. BMC 20.04.080(j)(1).

- The extent to which the PUD meets the requirement of 20.04, Planned Unit Development Districts.
- The extent to which the proposed preliminary plan departs from the UDO provisions otherwise applicable to the property (including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons why such departures are or are not deemed to be in the public interest).
- The extent to which the PUD meets the purpose of the UDO, the Comprehensive Plan, and other adopted planning policy documents.
- The physical design of the PUD and the extent to which it makes adequate provision for public services; provides adequate control over vehicular traffic; provides for and protects designated common open space; and furthers the amenities of light and air, recreation and visual enjoyment.
- Relationship and compatibility of the PUD to adjacent properties and neighborhood, and whether the PUD would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.

- The desirability of the proposed preliminary plan to the city's physical development, tax base and economic well-being.
- The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.
- The proposal preserves significant ecological, natural, historical and architectural resources.
- The proposal will not be injurious to the public health, safety, and general welfare.
- The proposal is an effective and unified treatment of the development possibilities on the PUD site.

Local code also provides that permitted uses in a PUD are subject to the discretion and approval of the Plan Commission and the Council. Permitted uses are determined in consideration of the Comprehensive Plan, existing zoning, land uses contiguous to the area being rezoned and the development standards outlined in the UDO. BMC 20.04.030.

### ***Indiana Code***

Indiana Code § 36-7-4-603 directs that the legislative body “shall pay reasonable regard” to the following:

- the Comprehensive Plan (see above for the Memo’s perspective on congruence with this document);
- current conditions and the character of current structures and uses in each district;
- the most desirable use for which the land in each district is adapted;
- the conservation of property values throughout the jurisdiction; *and*
- responsible development and growth. (I.C. § 36-7-4-603)

Importantly, these are factors that a legislative body must *consider* when making a zone map change decisions. However, nothing in statute requires that the Council find absolute conformity with each of the factors outlined above. Instead, the Council is to take into consideration the entire constellation of the criteria, balancing the statutory factors.<sup>13</sup>

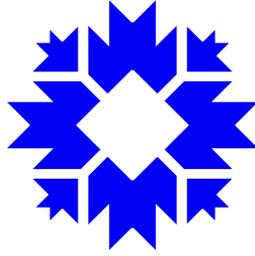
When adopting or amending a PUD district ordinance, State law provides that the Council may adopt or reject the proposal and may exercise any powers provided under State law. Those powers include:

- Imposing reasonable conditions;
- Conditioning issuance of an improvement location permit on the furnishing of a bond or a satisfactorily written assurance guaranteeing the timely completion of a proposed public improvement;
- Allowing or requiring the owner of real property to make written commitments (I.C. § 36-7-4-1512).

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<sup>13</sup> Notably, Indiana courts have made clear that municipalities have wide latitude in approving in PUDs and need not always comply with its comprehensive plan. Instead, comprehensive plans are guides to community development, rather than instruments of land-use control. *Borsuk v. Town of St. John*, 820 N.E. 2d 118 (2005).





**City of Bloomington  
Office of the Common Council**

# **MEETING NOTICE**

## **Common Council**

### **Budget Advance**

**Tuesday, 30 April 2019  
5:30pm**

**McCloskey Room, Room 135  
City Hall, 401 North Morton**

The Common Council will hold a *Budget Advance* Tuesday, April 30, 2019 at 5:30pm in the McCloskey Conference Room (#135). As a quorum of the Council will be present, this meeting constitutes a meeting of the Common Council under Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Friday, 26 April 2019

## APPROPRIATION ORDINANCE 19-03

### TO SPECIALLY APPROPRIATE FROM THE FOOD AND BEVERAGE TAX FUND EXPENDITURES RELATED TO THE CONVENTION CENTER EXPANSION, AND MAKING A STANDING REQUEST FOR RECOMMENDATIONS FROM THE FOOD AND BEVERAGE TAX ADVISORY COMMISSION AS FUTURE NEEDS FOR THOSE EXPENDITURES ARISE

- WHEREAS, the Monroe County Convention Center (“Center”) building was built in 1923 for the Graham Motor Sales company and converted to a convention center in 1991; and
- WHEREAS, the Center was upgraded and remodeled, but not enlarged, in 2012, and its current size has limited its ability to accommodate many groups desiring to hold events in Bloomington; and
- WHEREAS, the County and City are collaborating on a project to expand the Center (the “Project”), and have agreed that the Project will be primarily funded through the use of certain county excise tax revenues provided for under Indiana Code § 6-9-41-0.3, et seq. (“Food and Beverage Tax”); and
- WHEREAS, the Food & Beverage Tax was passed by the County in 2017 and has been continually collected since February 1, 2018, with the proceeds for the City transferred by the County Auditor being deposited into the Food and Beverage Tax City Fund, Number 152 (the “Fund”), in accordance with Indiana Code § 6-9-41-12; and
- WHEREAS, the County and City entered into a Memorandum of Agreement dated October 12, 2018 regarding selection of an architect to oversee the Project, and the MOU allocated explicit responsibility to the City for “Contracting and the payment for appropriate expenses for the Architect;” and
- WHEREAS, the architect, bond counsel and financial adviser have now been chosen and have begun the first phase of the Project (“Phase I”), which involves conceptual and design work, a survey, appraisals and environmental work, legal and financial advice related to a bond issue, and such other related services as may be identified during Phase I (“Phase I Costs”); and
- WHEREAS, the City therefore desires to have funds appropriated from the Fund in a not-to-exceed amount to pay for these costs not included in the adopted budget; and
- WHEREAS, the City has estimated a not-to-exceed amount for this appropriation, based on the architect’s cost estimate attached to this ordinance, and based on estimates from the City’s bond counsel and its financial adviser; and
- WHEREAS, according to Indiana Code § 6-9-41-16(b), the Bloomington Common Council, as legislative body of the City, “must request the advisory commission's recommendations concerning the expenditure of any food and beverage tax funds collected under this chapter... [and]... may not adopt any ordinance or resolution requiring the expenditure of food and beverage tax collected under this chapter without the approval, in writing, of a majority of the members of the advisory commission”; and
- WHEREAS, on January 16, 2019, the Common Council adopted a motion making such a request from the Commission in regard to the expenditures for the Architect, and on April 3, 2019, the Council adopted a similar motion regarding expenditures for the bond counsel and financial adviser; and
- WHEREAS, in Section 2 of this ordinance, the Common Council makes a standing request of the Commission to make recommendations on future expenditures as needs arise; and
- WHEREAS, on January 22, 2019, the Food and Beverage Tax Advisory Commission (Commission) established under Indiana Code § 6-9-41-16, met in public session and recommended the use of monies in the Fund for the Phase I Costs related to the Architect, and met in public session on April 23, 2019 and recommended the use of the Fund for the Phase I Costs related to the bond counsel and financial adviser; and

WHEREAS, pursuant to Indiana Code § 6-9-41-16(b), the majority of the members of the Commission have issued their written approvals (Appendix A & B) of the expenditures authorized herein;

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

SECTION I. For the expenses of said Municipal Corporation the following additional sums of money are hereby appropriated and ordered set apart from the fund herein named and for the purposes herein specified, subject to the laws governing the same:

AMOUNT REQUESTED

**Food and Beverage Tax Fund**

Classification 3 – Services and Charges:

Architect and related fees and expenses \$ 350,000.00

Bond Counsel and Financial Adviser \$ 200,000.00

**Grand Total** \$ 550,000.00

SECTION 2. By this ordinance, the Common Council as legislative body of the City, requests the advisory commission's ongoing recommendations concerning the expenditure of any food and beverage tax funds collected under this chapter as the need for those expenditures arises in the future and in a manner consistent with Indiana Code § 6-9-41-16(b).

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
DAVE ROLLO, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

SYNOPSIS

This ordinance appropriates funds from the Food and Beverage Tax Fund for expenditures related to the Convention Center expansion project, including expenditures for Phase I of the Project, which involves conceptual and design work, a survey, appraisals and environmental work, legal & financial advice on various issues related to the project, including a bond issue, and such other related services as may be identified.

Food and Beverage Advisory Commission  
January 22, 2019  
Approved Requests for Funding.

The Advisory Commission received requests from the County Commissioners and City Council for use of food and beverage tax funds. Each request was approved by the respective Legislative Bodies on January 16<sup>th</sup>.

The Advisory Commission approved recommending the following fund use from the County Food and Beverage Tax funds:

1. Use for Appraisals, Environmental Review, and Surveys in an amount not to exceed \$60,000. The funds may only be used in the geographic area whose boundaries are 3<sup>rd</sup> Street, Madison Ave, Second Street, and Walnut Street.

The Advisory Commission approved recommending the following fund use from the City Food and Beverage Tax funds:

1. Use for Appraisals, Environmental Review, and Surveys in an amount not to exceed \$60,000. The Funds may only be used in the geographic area whose boundaries are 3rd Street, Madison Ave, Second Street, and Walnut Street.
2. Convention Center Expansion Architect's fees. The amount of the fee shall not exceed 10% of the Construction Costs. The estimated Construction Costs are between \$30 million and \$40 million. So the amount will not exceed \$4 Million.

So Approved this 22 Day of January, 2019.

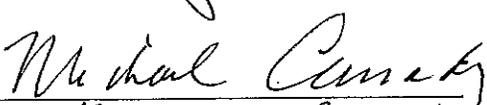
By:

  
 Printed: Joan Hamilton

By:

  
 Printed: Lee Jones

By:

  
 Printed: Michael Cassady

**RECEIVED**  
**JAN 23 2019**  
**OFFICE OF THE MAYOR**  
**BLOOMINGTON, INDIANA**

By:



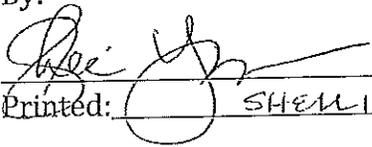
Printed: Lennie Busch

By:



Printed: Anthony (Tony) Sultic

By:



Printed: Shelli Yoder

By:

Printed: \_\_\_\_\_

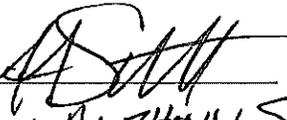
Food and Beverage Advisory Commission  
April 23, 2019  
Approved Requests for Funding

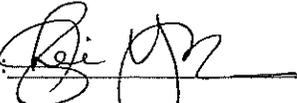
The Advisory Commission received requests from the City Council for use of food and beverage tax funds. The request was approved by the City Council on April 3, 2019.

The Advisory Commission approved recommending the following fund use from the City Food and Beverage Tax Funds:

- 1. Use for Bond Counsel for the Convention Center Project, not to exceed \$120,000.
- 2. Use for Financial Advisory for the Convention Center Project, not to exceed \$80,000.

So approved this 23 Day of April 2019.

By:   
Printed: Anthony Soffile

By:   
Printed: STEVEN YODER

By:   
Printed: JOHN HAMILTON

By:   
Printed: Lennie Busch



**City of Bloomington  
Legal Department**

**TO:** Members of the Common Council of the City of Bloomington

**FROM:** Philippa Guthrie, Corporation Counsel  
Jeff Underwood, Controller

**CC:** Dan Sherman, Council Administrator/Attorney

**RE:** Convention Center Expansion Project; Appropriation for Bond Counsel and Financial Advisory Services

**DATE:** April 29, 2019

Phase I of the Convention Center expansion project (the “Project”) is in full swing, with the architects having completed their charrette activities in Bloomington and now working on location, massing and design options. One of the next steps is a bond issue that will serve as the primary funding mechanism for the Project. City Administration is therefore submitting Appropriations Ordinance 19-03 requesting funding from the Food & Beverage Tax Fund (the “Fund”) to pay for the services of legal counsel (Barnes & Thornburg) and financial counsel (O. W. Krohn and Associates) who will assist with the bond issue. The Food and Beverage Advisory Commission (“Advisory Commission”) recommended approval of these expenditures in the not-to-exceed amount of \$200,000 at its meeting on April 23, 2019.

In addition, we request your approval of expenditures from the Fund for various architectural design fees and other services, including a market demand study, Phase I Programming and Concept Design, Phase I Community engagement, and additional services itemized below. These fees may look familiar. The Advisory Commission met on January 22, 2019 and recommended the use of proceeds from the Fund to pay for these expenditures. The Administration then prepared Appropriations Ordinance 19-01, which the Common Council adopted at its meeting on February 20, 2019. However, due to a glitch in our public notice for that appropriations ordinance, we are resubmitting these expenses in this ordinance and asking that you approve them again.

In summary, the City Administration requests your approval of ordinance 19-03 to pay for the items listed below related to the Project. The total request is a not to exceed amount of \$550,000. Attached is a Letter of Agreement detailing the expenses and scope of work to be completed by the architects and their subs. The figure for bond counsel and financial advisor is a not-to-exceed estimate. Please note that all of these expenses will ultimately be reimbursed from the bond proceeds.

- Design fees including Market Demand Study, Phase I Programming and Concept Design and Phase I Community engagement = \$195,500
- Reimbursables = \$19,500
- Additional Services = \$135,000
  - Survey – Topographic and Boundary
  - Site Appraisals
  - Environmental Surveys
  - Drone Imaging of the site
  - Interior and exterior Mobile Scanning of Convention Center Building
- Estimate of costs from Bond Counsel and Financial Advisors = \$200,000

In addition to a request for approval of these expenditures for Project costs, Appropriations Ordinance 19-03 includes a standing request of the Advisory Commission to make recommendations on future expenditures as needs arise. According to Indiana Code § 6-9-41-16(b), the Common Council, as legislative body of the City, “must request the [A]dvisory [C]ommission's recommendations concerning the expenditure of any food and beverage tax funds collected under this chapter... [and]... may not adopt any ordinance or resolution requiring the expenditure of food and beverage tax collected under this chapter without the approval, in writing, of a majority of the members of the [A]dvisory [C]ommission.” On January 16, 2019, the Common Council adopted a motion making such a request from the Food and Beverage Tax Advisory Commission in regard to the expenditures for the architects’ fees and expenses, and on April 3, 2019, the Council adopted a similar motion regarding expenditures for the bond counsel and financial adviser. In order to streamline the expense approval process and avoid timing snafus that cause delays, Ordinance 19-03 includes a standing request of the Advisory Commission to make recommendations to the Common Council on future expenditures as needs arise.

City staff is happy to answer any questions you may have.



**SCHMIDT**  
ASSOCIATES

January 25, 2019

Hon. John Hamilton, Mayor  
City of Bloomington  
401 North Monroe  
Bloomington, IN 47404

Re: Letter of Agreement – Bloomington-Monroe County Convention Center  
Expansion

Dear Mayor Hamilton:

We are pleased to provide this Letter of Agreement to provide Architectural and Engineering Services for a major expansion to the Monroe County Convention Center. By this Letter and subject to the terms and conditions contained herein The City of Bloomington, (Owner) authorizes Schmidt Associates, Inc. & Convergence Design with subconsultants, (Architect/Engineer) to undertake Architecture and Engineering Services. Direction will be provided by Mick Renneisen, the Owner's representative.

#### **TEAM COMPOSITION**

Schmidt Associates and its subconsultants will serve as the Design Team for this project. Convergence Design will serve as lead subconsultant for convention center planning and design with Schmidt Associates as the Project Manager and Architect of Record. Other subconsultants are as defined below:

- BRCJ (Bloomington): Civil Engineering, Traffic Consulting, Surveying
- Reitano Design (Indianapolis): Food Service Consulting
- IMEG (Indianapolis): Mechanical, Electrical, Technology, Plumbing and Fire Protection Engineering; Acoustical and Audio-Visual Consulting
- Cornerstone PDS (Indianapolis): Landscaping and Urban Design
- Walter P Moore (Houston, Kansas City): Structural Engineering, Parking Consultant
- Hunden Strategic Partners (Chicago): Market Demand Analysis

#### **DESCRIPTION OF SERVICES**

The scope for this project will be divided into two phases.

- Phase 1 of this Project will consist of Community Engagement, Market Demand Analysis, Programming, and Concept Design Phase.
- Phase 2 of this Project will consist of customary Architecture and Engineering Design services required for design, bidding, permitting and construction of the project. Upon completion of Phase 1, an AIA Agreement (as appropriate for the selected construction methodology) shall be executed for Phase 2.

415 Massachusetts Avenue  
Indianapolis, IN 46204  
317.263.6226  
317.263.6224 (fax)  
www.schmidt-arch.com

#### **Principals**

Ron Fisher, AIA, LEED AP  
Wayne Schmidt, Hon.D., FAIA  
Sarah Hempstead, AIA, LEED AP  
Desma Belsaas, AIA, LEED AP  
Kevin Shelley, AIA, LEED AP  
Brett Quandt, CDA  
Lisa Gomperts, FAIA, LEED AP  
Anna Marie Burrell, AIA, RID  
Tom Neff, AIA, RID, LEED AP  
Kyle Miller, PE, LEED AP  
Ben Bain, CPSM  
Eric Broemel, PE, CEM  
Steve Schoecher, AIA, LEED AP

#### **Associates**

Steve Alspaugh, AIA, LEED AP  
Ryan Benson, AIA  
Duane Dart, AIA, CMQ/OE, LEED AP  
Craig Flandermeyer, RLA, LEED AP  
Jim Heintelman  
Greg Hempstead, AIA, LEED AP  
Cindy McLoed, AIA  
Megan Scott, CPSM  
Charlie Wilson, CPD, LEED AP  
Mary Ellen Wolf, AIA, LEED AP  
Liming Zhang, RLA, CPESC, LEED AP

#### **Registered Professionals**

Brad Brutout, AIA  
Asia Coffee, IIDA, RID  
Gabe Currier, PE, LEED AP  
Matt Durbin, CTS, MCSE  
Brandon Fox, AIA  
Laura Hardin, IIDA, RID  
Allen Jacobsen, PE  
Eddie Layton, AIA, LEED AP  
Robin Leising, CSI, CCCA  
Phil Medley, AIA, PE  
Tom Ning, RA  
Joe Redar, AIA  
Jeff Reed, PE  
Parveen Tai, MBA, PHR, SHRM-CP  
Chuck Thompson, CSI, CCS  
James Walde, PE



## **PROJECT SCOPE**

The Expansion of the Monroe County Convention Center has a total project Budget of \$30M for this project. Future phases may be outlined as part of this master planning phase but are not anticipated to move forward at this time. A brief description of Phase 1 tasks is as follows:

### **Extent of Project Scope for Phase 1**

Design Team responsibility is limited to the expansion and renovation of the Monroe Convention Center, any parking structure required for the expansion, and any related site development. Because of the conceptual nature of this Phase 1 work, Design Team will also consider in its initial planning and concept work:

- Most appropriate location for a new convention hotel adjoining or attached to the convention center
- Potential expansion sites that may or may not be on land currently owned by the City or County
- Potential parking (structured or on-grade) to support the project
- Potential locations for supportive development to enhance quality of life and create connection between the convention center and downtown Bloomington and/or the B-Line Trail

While the above listed items will be considered in this Phase, they may not be included in the Phase 2 project scope of the Design Team.

### **Phase 1 Activities**

Phase 1 will be comprised of three primary components: Community Engagement, Market Demand Analysis, and Programming/Concept Development.

#### **Community Engagement**

Design Team will conduct a series of activities to engage community stakeholders regarding the Project. Activities to be performed during this step include:

- Meet with Client and Steering Committee to gain a full understanding of the project goals and known constraints.
- Engage with community stakeholders, to be identified by Client, to gain understanding of each stakeholder's interest in and concerns about the convention center expansion. Such engagement will be in the form of:
  - Community gatherings open to all interested persons
  - Facilitated large group discussions
  - Facilitated small group discussions
  - Individual interviews
- Anticipate 3 consecutive days of interactive Community Engagement activities including workshops, open houses, and public forums utilizing a variety of tools including interactive polling, writing wall, mapping wall, blog, and group discussion.



## Market Demand Analysis

Subcontractor Hunden Strategic Partners (HSP) will provide the following Market Demand Analysis to assess market demand and economic feasibility of the proposed center expansion and new hotel as follows:

- **Kickoff, Project Orientation and Interviews.** In order to understand conditions in the market and key stakeholder opinions, HSP will meet with the Client to confirm the goals of the study and other contextual issues related to the project. HSP will review available data related to the project, identify contacts and resources necessary to ensure complete review and assessment of critical issues, and perform Client and stakeholder interviews and site tours.
- **Economic, Demographic and Tourism Analysis.** HSP will evaluate Bloomington's position as an economic center of activity as well as a destination for overnight visitors. HSP will summarize key demand generator trends and comment on the overall growth prospects for the market. This analysis will provide a realistic assessment of the area's strengths, weaknesses, opportunities and threats (SWOT). As HSP has performed multiple studies of the Bloomington market, much of this task will involve updating previous data.
- **Project Profile.** HSP will tour the Monroe County Convention Center the surrounding demand generators in Bloomington to understand the current offerings and needs, especially any that have changed recently. Historical attendance and financials will be profiled, and potential future gains will be identified.
- **Convention and Meeting Industry Analysis; Trends.** HSP will assess industry trends by conducting a thorough review of the existing convention and meetings, conference and convention market, its performance and potential for expansion of the market in Bloomington.
- **Convention and Meetings Market Analysis, Including Competitive Facilities.** In order to further analyze the marketability of expanded meeting facilities, HSP will update the previous analysis of the facilities that serve the meetings/event market in Bloomington and the surrounding region. HSP will compare them as part of a comparable set selected for Bloomington. The analysis will ultimately lead to recommendations for the proposed Project.
- **Comparable Facility Case Studies.** HSP will review various similar projects developed in the U.S. in the last several years, as well as discuss those under construction or in development (or relevant competitors). HSP will focus on those in markets with similar characteristics to those of Bloomington. Relevant facilities will be profiled, and implications discussed.
- **Meeting Planner Interviews and Surveys.** HSP will conduct in-depth interviews and surveys via telephone and online with meeting planners from around the U.S. HSP will analyze the



markets that commonly use convention centers, such as those above, and will assess, based on the comps, interviews and surveys, how the proposed expansion will penetrate the market.

- **Headquarter Convention Hotel Analysis & Recommendations.** HSP will profile the convention hotel package for the competitor facilities, as well as what would be expected as a hotel package, including the largest headquarters hotel, for the proposed expanded convention center. HSP will also profile how these deals have been developed and funded in other markets.
- **Local Hotel Market Analysis.** In this task, HSP will analyze the existing local hotel supply and interview management to determine how an expanded convention center development impacts their business. This task will determine if there are opportunities for additional rooms with any future development, or if the supply of rooms is sufficient to support a new facility.
- **Demand and Financial Projections.** In this task, HSP will determine how the market will absorb any recommended expansion to the Monroe Convention Center, providing a ten-year performance projection. HSP will also provide a net operating income statement incorporating the operating revenues and expenditure as to arrive at a projected surplus or loss, which may or may not require an ongoing subsidy. A similar analysis will be completed for any recommended hotel(s). HSP will determine how the market will absorb the recommended hotel(s) over time, providing a ten-year performance projection for each, including occupancy, rate and Revenue per Available Room (RevPAR).
- **Economic, Fiscal and Employment Impact Analysis.** HSP will conduct an analysis to determine the direct, indirect and induced impacts, including the tax revenues that are generated by projected visitors to the expanded facilities. Based on the above analysis, a projection of net new direct spending will be tabulated. From the direct spending figures, further impact analyses will be completed, including indirect impacts, induced impacts, fiscal impacts and employment impacts.

### **Programming and Concept Development**

Based on knowledge gained during the Community Engagement task and informed by the Market Demand Analysis, the Design Team will develop a preliminary program outline and conceptual design for the district and the convention center expansion. Subtasks to be performed during this step include:

- Attend scheduled project meetings with appropriate personnel to provide early and ongoing input with respect to:
  - Project Cost
  - Project Timeline
  - Overall Project Scope
  - Project Quality
- Design Team will perform site visit/evaluation(s), inclusive of gathering available boundary and topographic information.



- Design Team will study grades and site utility availability.
- Articulate the relationships of surroundings, including natural and manmade structures.
- Design Team will acknowledge understanding of project-related requirements, including permitting and required reviews.
- Design Team will facilitate a planning charrette to determine the optimal arrangement of elements (see Project Scope above) on the Project site.
- Design Team will create a series of conceptual designs for the Project, including an overall district plan, site plan, floor plan diagrams, computer massing studies, and other relevant drawings and supporting data appropriate to a concept-level design service.
- Design Team will develop a conceptual building and parking program and project narrative together with a room outline and overall square footage tabulation.
- Design Team will prepare and exhibit presentation materials to communicate the concept design to stakeholders and the broader community. Includes Design Team participation in required presentations to County, City, the public, and local authorities having jurisdiction.
- Concept-level cost estimates for elements of the Project within our Scope (see Project Scope above).
  - Order of Magnitude Concept Cost Estimate
  - Estimate of Project Soft Costs and Total Project Cost
  - Design Team will develop potential options for phasing to meet immediate budget limitations
  - Design Team will update project timeline to reflect changes in deliverable dates, approvals, etc.

## **DELIVERABLES**

- Project Schedule/Timeline
- Meeting Notes
- Summary of Community Engagement Feedback
- Market Demand Study
- Conceptual Building and Parking Programs
- Project Narrative
- Site Analysis
- Conceptual Design Options – Includes overall district plan, site plan, floor plan diagram, massing studies
- Concept Cost Estimate – Indicating Construction Costs, Soft Costs, and Total Project Costs
- Options for Phasing to Meet Immediate Budget Limitations



### **SCHEDULE OF ACTIVITIES**

The Design Team proposes to accomplish the above identified Scope of Work within fourteen (14) calendar weeks of receipt of Notice to Proceed. Notice to Proceed shall be understood as having been given upon receipt of one original signed copy of this Proposal. Notwithstanding the above, Client and Design Team may agree to extend this schedule as required to accommodate meeting dates or other conditions unrelated to the Design Team's work on the Project.

### **FEE & REIMBRUSABLES**

The fee to complete Phase 1 is \$230,000. The team is willing to complete Phase 1 at a reduced professional fee (15% Discount) with the expectation that this team shall be engaged to provide full architectural and engineering services for the Project when the Project proceeds into Phase 2.

For the above-described Scope of Services, Client agrees to compensate Design Team as follows:

#### Design Fee

Phase 1 Community Engagement	\$58,500
Market Demand Study	\$39,000
<u>Phase 1 Programming and Concept Design:</u>	<u>\$98,000</u>
Total Fee for Phase 1:	\$195,500

#### Reimbursables

Phase 1 Expense Reimbursement (Not-to-Exceed)	\$19,500
---	----------

Out of pocket expenses incurred by the team shall include (but not be limited to) expenses for travel, mileage, subsistence, lodging, printing and binding, reproduction, unique telecommunications charges, postage, shipping, testing, professional rendering services, and development of a 3-D physical model. Reimbursables will be at a cost times 1.10 for administration.

### **ADDITIONAL SERVICES/EXPENSES ALLOWANCE**

There are several anticipated additional services that will need to be completed as part of this project. Some of these may run through Schmidt Associates as a reimbursable and others will be contracted directly with the Owner.

#### Additional Services (Not anticipated to exceed \$135,000)

- Survey - Topographic and Boundary
- Drone Imaging of the Site (2D orthographic map and 3D point cloud)
- Interior and exterior Mobile Scanning of Convention Center Building
- Site Appraisals
- Environmental Surveys – Phase 1 and Phase 2



This proposal is limited to the Phase 1 services described in Scope of Work and does not include the scope/fee for Phase 2 preparation of traditional architectural and engineering drawings for permitting, bidding or construction. For Phase 2 Basic Services, Design Team and Client agree that the fee will be established based on the attached schedule (Exhibit A), based on the current cost estimate of the project. At the conclusion of the Design Development (DD) phase of services, the Architecture/Engineering Fee for Basic Services will be converted to a lump sum amount based on the final DD construction cost estimate and identified alternates selected to move forward, including any contingency. Upon completion of the Phase 1 scope of work, an AIA contract shall be executed for Phase 2 (as appropriate for the selected construction methodology).

Additional services requested by the Owner will be billed according to our current Hourly Rate Schedule.

## **TERMS AND CONDITIONS**

The fee will be billed monthly. Payments are due and payable fifteen (15) days from the date of the invoice. Amounts unpaid thirty (30) days after the invoice date shall bear interest at the rate of 1.5% per month.

Information furnished by others is assumed to be true, correct, and reliable. A reasonable effort has been made to verify such information; however, the Architect/Engineer assumes no responsibility for its accuracy.

It is agreed that any liability of the Architect/Engineer is limited to the amount of the fee. Further, the Architect/Engineer's responsibility is limited to the Owner. The use by third parties of documents prepared as a part of this Agreement without the knowledge and consent of the Architect/Engineer shall be at the risk of the Owner and/or the third parties.

This Design Team does not provide consulting related to the identification or remediation of hazardous materials, and no such services are included in our Scope of Work.

If the Owner cancels this Agreement, the Owner agrees to pay to the Architect/Engineer upon notice of cancellation for any time or costs incurred before receipt of said notice. Should either party of this Agreement institute legal proceedings because of alleged failure to perform in accordance with its terms, the party against whom judgment is rendered shall pay for all costs, both legal and otherwise, incurred by the other in the course of said action.

Please indicate your acceptance of the terms and conditions of this Letter by signing and returning one copy of this Agreement. Receipt of the executed Letter will serve as our authorization to proceed with the Work. Also enclosed is the *Indiana Department of Revenue General Sales Tax Exemption Certificate* which should be filled out and if tax exempt, the appropriate reason code should be checked. Please return this form with the executed Letter of Agreement.

Thank you for this opportunity to be of service.



Letter to Mayor Hamilton  
January 25, 2019  
Page 8

Sincerely,

SCHMIDT ASSOCIATES, INC.  
*Architecture • Engineering • Interior Design • Landscape Architecture*

  
Sarah K. Hempstead AIA LEED AP  
Chief Executive Officer / Principal  
[shempstead@schmidt-arch.com](mailto:shempstead@schmidt-arch.com)

  
David Greusel, FAIA  
Principal  
[david@convergencedesignllc.com](mailto:david@convergencedesignllc.com)

Accepted: \_\_\_\_\_  
(Signature) (Date)  
\_\_\_\_\_  
(Printed name and title)

Copy: Lisa Gomperts, Schmidt Associates  
Megan Scott, Schmidt Associates  
Brett Quandt, Schmidt Associates

**ORDINANCE 19-08**

**TO AMEND THE CITY OF BLOOMINGTON ZONING MAPS BY REZONING 3.2 ACRES OF PROPERTY FROM COMMERCIAL LIMITED (CL) TO A PLANNED UNIT DEVELOPMENT (PUD) AND TO APPROVE A DISTRICT ORDINANCE AND PRELIMINARY PLAN.**

**- Re: 105 S. Pete Ellis Drive  
(Curry Urban Properties, Petitioner)**

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning", including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled "Subdivisions", went into effect on February 12, 2007; and

WHEREAS, the Plan Commission has considered this case, PUD-30-18, and forwarded with a negative recommendation the petition of Curry Urban Properties to rezone 3.2 acres from Commercial Limited (CL) to a Planned Unit Development (PUD) and to approve a preliminary plan and district ordinance; and

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

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the zoning of the property located at 105 N. Pete Ellis Drive shall be changed from Commercial Limited (CL) to Planned Unit Development (PUD). The property is further described as follows:

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

SECTION 2. This District Ordinance and the Preliminary Plan shall be approved as attached hereto and made a part thereof.

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
DAVE ROLLO, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

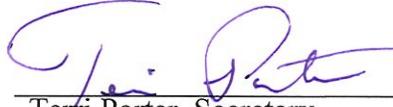
#### SYNOPSIS

Ordinance 19-08 would rezone a 3.2 acre property from Commercial Limited (CL) to a Planned Unit Development (PUD) and approve the associated District Ordinance and Preliminary Plan to allow the construction of a mixed-use building.

\*\*\*\*ORDINANCE CERTIFICATION\*\*\*\*

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 19-08 is a true and complete copy of Plan Commission Case Number PUD-30-18 which was given a negative recommendation by a vote of 5 Ayes, 3 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 18, 2019

Date: March 25, 2019



Terri Porter, Secretary  
Plan Commission

Received by the Common Council Office this 25<sup>th</sup> day of March, 2019.



Nicole Bolden, City Clerk

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

Type of Legislation:

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

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

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforseen Need	_____	Other	_____

Funds Affected by Request:

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

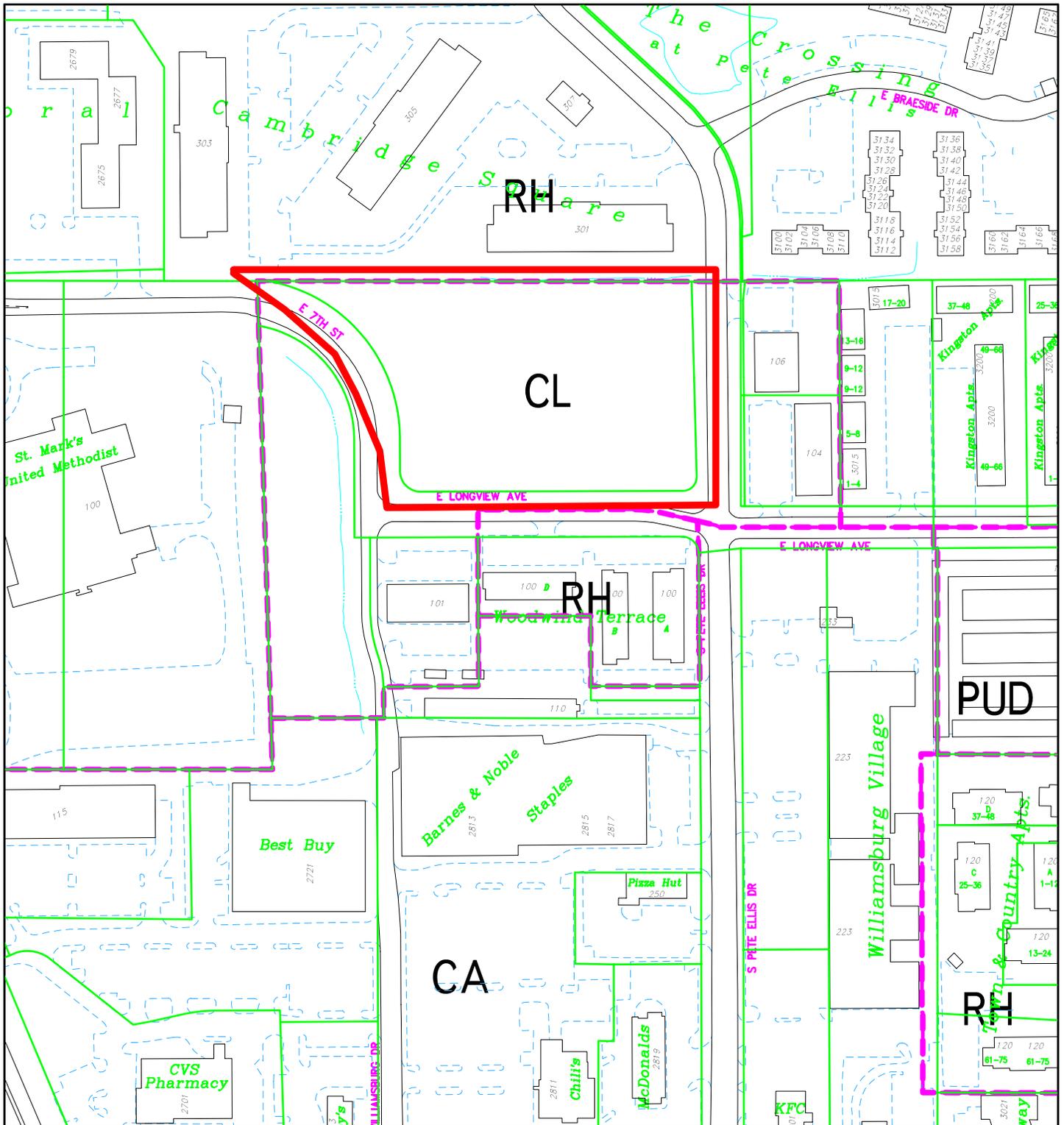
Signature of Controller

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

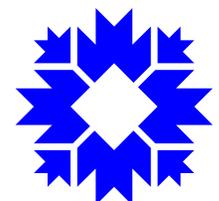
Yes \_\_\_\_\_ No \_\_\_\_\_

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

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



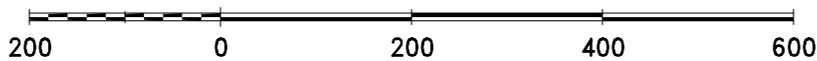
City of Bloomington  
 Planning & Transportation



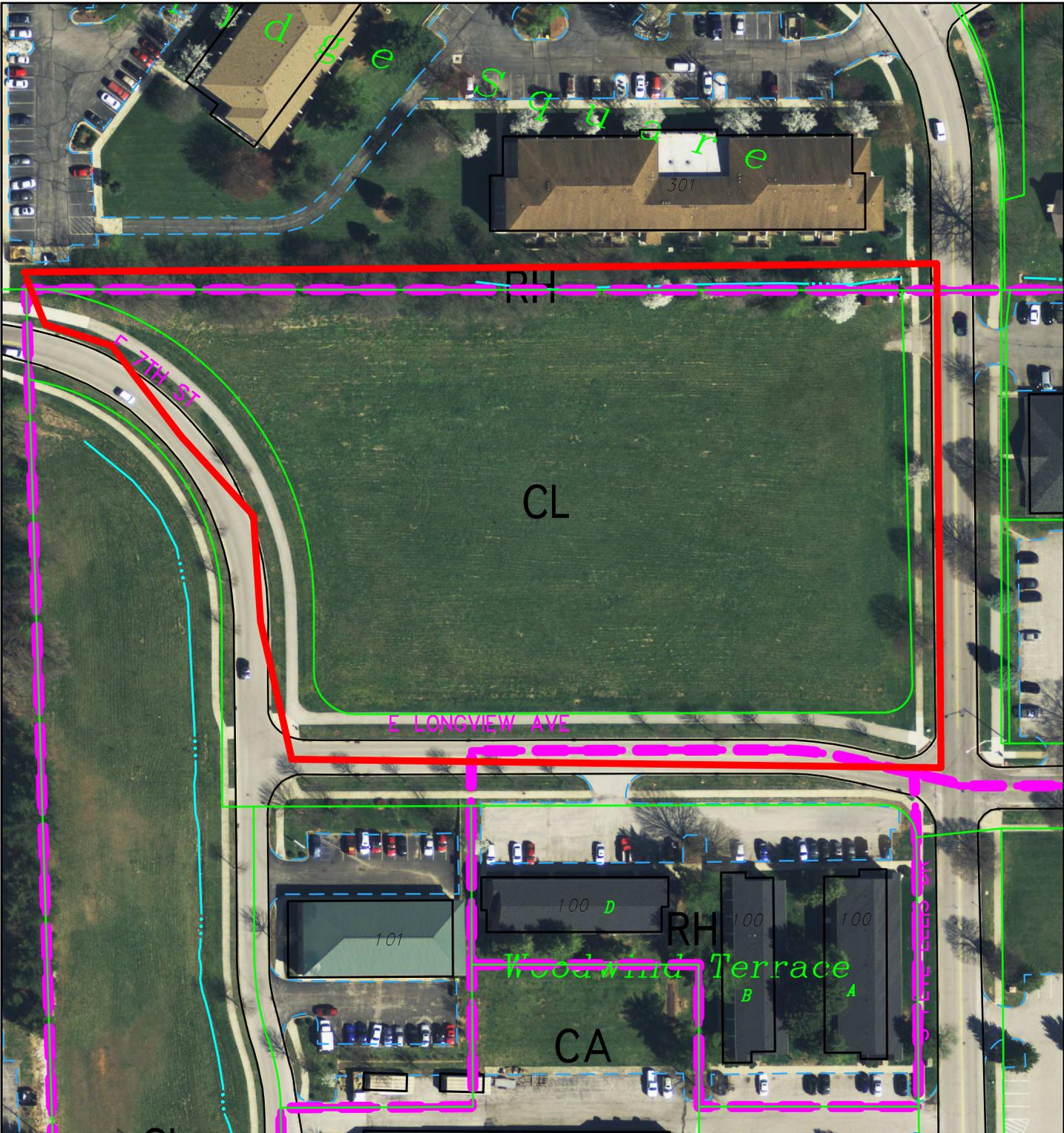
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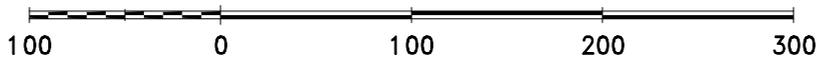
By: scanlanj  
 21 Sep 18



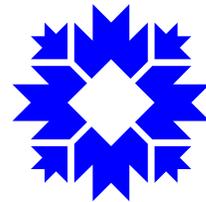
For reference only; map information NOT warranted.



By: scanlanj  
21 Sep 18



City of Bloomington  
Planning & Transportation



Scale: 1" = 100'

For reference only; map information NOT warranted.

## Interdepartmental Memo

**To:** Members of the Common Council  
**From:** Eric Greulich, Senior Zoning Planner  
**Subject:** PUD-30-18  
**Date:** March 25, 2019

Attached are the staff report, maps, petitioner's statement, and exhibits which pertain to Plan Commission case PUD-30-18. The Plan Commission heard this petition at the March 18, 2019 hearing and voted 5-3 to send this petition to the Common Council with a negative recommendation.

The Plan Commission report for that hearing is included below, and the only change that has been made is in the Recommendation section. The Department recommendation of denial is still included and the Plan Commission's negative recommendation decision has been added.

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**PETITIONER:** Curry Urban Properties  
23579 E. Saddlebrook Lane Bloomington

**CONSULTANTS:** Michael L. Carmin, CarminParker, PC  
116 W. 6<sup>th</sup> Street Suite 200, Bloomington

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**REQUEST:** The petitioner is requesting a rezone from Commercial Limited (CL) to Planned Unit Development (PUD) and approval of a Preliminary Plan and District Ordinance. Also requested is a waiver from the required 5 acre minimum for a Planned Unit Development.

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### **BACKGROUND:**

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

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**REPORT:** The property is located at the northwest corner of E. Longview Avenue and S. Pete Ellis Drive and is zoned Commercial Limited (CL). The 3.2 acre property is currently undeveloped. Surrounding zoning includes Residential High Density Multifamily (RH) to the north, Residential High Density Multifamily (RH) and Commercial Limited (CL) to the south, and Commercial Limited (CL) to the east and west. The surrounding properties have been developed with a mix of high density multi-family residences and commercial tenant spaces with the St. Mark United Methodist Church just to the west of the site. This property has frontage on 3 public streets- E. 7<sup>th</sup> Street to the west, E. Longview Drive to the south, and S. Pete Ellis Drive to the east. There are no environmental constraints on this property.

This petition was first heard at the November 5, 2018 Plan Commission Hearing. At that meeting, the Department sought comments regarding the massing of the proposed building, the amount of proposed green space, and the possible public benefits being offered by the project. The Department worked with the petitioner on the appropriate building bulk and design, green and innovative design incorporation, and incorporating a diverse housing mixture.

The petitioner submitted a revised petitioner statement in response to comments from the Plan Commission and the Department that attempted to respond to the issues raised at the hearing. The revised statement addresses possible impacts to the multi-family apartments to the north, overall building massing, the proposed amount of open space and impervious surface coverage, bicycle and pedestrian safety concerns along Pete Ellis Drive, the proposed density, and 2 options for providing a diverse housing component.

Specific changes include-

- A total of 12 units were removed from the proposal since the first hearing as a result of increasing the proposed building setback from 7' to 15' from the north property line.
- Back-out angled spaces have been shown along Pete Ellis Drive to address traffic concerns.
- Balconies were removed from the north façade facing the adjacent multi-family units.
- Total proposed open space has increased from 25% to 31%.
- Commitment to widen adjacent multi-use paths along 7<sup>th</sup> Street and Longview Drive from 8' to 12' wide.

The petitioner proposes to create a Planned Unit Development in order to construct a 4-story, mixed-use building. The proposal includes a minimum of 12,000 square feet of commercial space and a possible maximum of 19,000 square feet of commercial space. The remainder of the building will have apartments on the upper floor and a portion of the ground floor. The commercial use is expected to be medical office related to the new hospital campus. The multifamily portion of the proposal includes a mix of studio units, one-bedroom units, and two-bedroom units for a possible total of 280 units and 360 bedrooms. The overall density is proposed at a maximum of 30 units/acre. The building will also contain structured parking garage accessed from Longview Drive with 306 parking spaces. The proposed maximum parking ratio is 0.90 spaces per unit and no more than 0.70 spaces per bed, however some of the 306 parking spaces will be used for the commercial use. The structured parking will be for the office portion of the building, as well as for the residential tenants. The petitioner also proposes 16 back-in, angled, on-street spaces on Pete Ellis Drive.

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

- ...district is a large commercial area that provides high intensity retail activity
- Regional Activity Centers contain higher intensity uses such as national retailers, offices, food services, lodging, and entertainment.
- The district may also incorporate medium- to high-density multifamily residential uses.
- The main purpose of the district is to provide semi-urban activity centers that complement, rather than compete with, the Downtown district.
- The district is expected to change with increasing activity through infill and redevelopment.

- Incorporating multifamily residential within the district is supported.
- Changing the context of the district towards mixed use is a significant change.
- Less intense commercial uses should be developed adjacent to residential areas to buffer the impacts of such development. Multifamily residential and office uses could likewise serve as transitional elements.
- Redevelopment within the district should be encouraged to grow vertically, with the possibility of two- or three-story buildings to accommodate denser office development, residential multifamily, structures parking, and improved multimodal connectivity.

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

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

The development of this three acre parcel will add mixed use with office and multifamily residential to a portion of the Regional Activity Center that is not on the main commercial thoroughfare. The project will include mixed uses with a building forward design and improvements to the adjacent pedestrian facilities. The proposed Preliminary Plan is consistent with most of the intent and development guidance of the Comprehensive Plan for this area. However, the size and massing of the building are larger than the Comprehensive Plan guidance suggests.

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## **PRELIMINARY PLAN:**

**Uses/Development Standards:** The petitioner is proposing to utilize the Commercial Limited (CL) zoning district for the permitted uses and development standards for this project. The deviations from the CL district include requesting to allow first-floor residential uses and the removal of the maximum square footage limitation that exists in CL for a single tenant, which is currently limited to 5,000 square feet per tenant. Other deviations requested from the CL district include an increase in allowable density, building height, and impervious surface coverage. The project will meet all other development standards for the CL district. Architecture standards are addressed separately in this report.

**Residential Density:** The maximum residential density allowed in the CL district is 15 units per acre, which is the densest by-right development allowed in the UDO outside of the downtown. The petitioner is proposing a maximum of 30 units per acre for the PUD. The proposed density is double that of the currently allowed density. The petitioner is proposing a possible number of 280 units with 360 bedrooms. The Comprehensive Plan calls for medium- to high-density multifamily residential in the *Regional Activity Center* designation.

**Height and Bulk:** The petitioners are proposing one, four-story building to be articulated to appear as multiple buildings through the use of varying architectural materials, building recesses, and setbacks along the facades. While the building will mostly be four-stories, because of the grade change on the lot, the southwest corner will have a partial basement level that will be visible, which will create five stories at the corner module. The CL zoning district has a maximum height of 40 feet. At its tallest point, at the southwest corner of the building, the building is proposed to be 61' tall. The petitioner has addressed concerns regarding bulk and massing by increasing the proposed setback from the north property line and through the use of modulation around the building. A

review by the Department has found that the proposed massing is adequately mitigated by the proposed modulations and articulations. Portions of the upper floors are recessed to address massing concerns.

**Parking, Streetscape, and Access:** The property has frontage on 7<sup>th</sup> Street, Longview Avenue, and Pete Ellis Drive. A possible total of 306 structured parking spaces are proposed in a garage that would be located in the middle portion of the building. If an estimated 19,000 square feet of commercial space is installed and 1 parking space per 250 square feet of commercial space is allocated for the commercial component, 76 of the parking spaces would be used for the office uses. The result is approximately 230 onsite parking spaces for the possible 360 bedrooms. This is a total number of parking spaces equal to 0.64 spaces per bedroom.

The petitioner is also proposing 16 back-in, angled parking spaces on Pete Ellis Drive. There is one vehicular access into the building from Longview Avenue.

There is currently a 5' wide concrete sidewalk along Pete Ellis Drive and 8' wide, multi-use paths along 7<sup>th</sup> Street and Longview Drive. The petitioner has committed to widening the Pete Ellis Drive sidewalk to a minimum of 6' wide, as well as widening the 7<sup>th</sup> Street and Longview Drive 8' multi-use paths to 12' wide, concrete multi-use paths. A minimum 5' wide tree plot will also be installed along the 7<sup>th</sup> Street and Longview street frontages. Along Pete Ellis Dr. the petitioner has proposed to use planter beds and rain gardens, along with varying shrub mixtures instead of a typical tree plot. These will be maintained by the Petitioner.

**Bicycle Parking and Alternative Transportation:** The development has 360 proposed bedrooms and between 12,000 to 19,000 square feet of commercial/office space. The UDO requires one bicycle parking space for every 6 bedrooms and one bicycle space for each 15 parking spaces for the commercial use. Since the project is larger than 20,000 square feet, all bicycle parking spaces must be covered. They will meet current UDO bicycle parking requirements by providing both bicycle parking spaces along the exterior of the building as well as internal bike storage areas. The eastside local 8 bus, as well as an intermittent 3 line bus both pass the property on the eastern side.

**Architecture/Materials:** Due to the unique design of the building and different elements that are being included, it is difficult to hold the building to the design standards of one specific district. Instead, the proposed renderings and elevations show the amount of modulation, building design elements, and articulation required. Substantial modulation has been shown around the building and includes recessing portions of the upper floor. Materials to be used include brick and block masonry, metal/steel, storefront glass, stone, and fiber-cement siding.

**Environmental Considerations:** The petition site is a grassed open space and will be almost entirely developed. The petitioner proposes a 70% impervious surface coverage maximum. The CL zoning district has a 50% maximum coverage requirement. The petitioner proposes to use a series of downspouts and cisterns to capture some of the building stormwater runoff and utilize it to water landscaping and planters, as well as for some of the proposed community garden space.

**Housing Diversity:** The petitioner has provided 2 options to address the diverse housing that is called for in the Comprehensive Plan. The options presented for diverse housing are still not consistent with other approved projects and the Department does not feel that there has been a clear commitment presented regarding the provision of a diverse housing mix with this petition. This aspect has been something that has consistently been provided with other Planned Unit

Developments as a public benefit.

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**ENVIRONMENTAL COMMISSION RECOMMENDATIONS:** The Bloomington Environmental Commission (EC) made 3 recommendations concerning this development, which are listed below:

- 1.) Provide at least 2% of residential parking spaces with electric vehicle charging stations.

**STAFF RESPONSE:** Although not required, the Department encourages the petitioner to incorporate this suggestion into the design of the parking garage.

- 2.) Prohibit the use of both split-faced and smooth-faced concrete blocks as a façade material.

**STAFF RESPONSE:** If the Plan Commission approves this project, the Department would support this request to prohibit the use of split-faced and smooth-faced concrete block as an exterior finish.

- 3.) Describe the LEED-compliant practices planned, as well as provide plans for the green or live wall elements being planned along with a maintenance plan for their future viability.

**STAFF RESPONSE:** If the Plan Commission approves this project, then the Department would recommend this be incorporated into the review of the PUD final plan.

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#### **20.04.080(h) Planned Unit Development Considerations**

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

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

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

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

**PROPOSED FINDINGS:** The proposed deviations from the UDO that are outlined in the PUD District Ordinance are necessary to further the purpose of the PUD which is to provide an innovative building that is appropriately designed for this area. The Petitioner has attempted to address deviations related to increased building height through modulation and recessing sections of the building. These architectural elements also help break up the massing from the building as a result of the increased density and building size. It is completely at the Plan Commission and City Council's discretion if the proposed deviations from the UDO standards are warranted, however the Department is concerned about the proposed height in relation to the surrounding area. Although 50' of height is allowed in the surrounding RH and CA zoning districts, there are no nearby areas with a height greater than three stories. With a proposed height of 52'-61' at the building corners, the proposed building may appear out of character with its surroundings.

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

**PROPOSED FINDINGS:** While the petition does further some of the goals of the UDO and the Comprehensive Plan, the Department does not believe that the requested PUD provides the amount of public benefit that was encouraged with the Comprehensive Plan and objectives of the City. Although the building provides many features and amenities for the tenants, the amount of overall public benefit has not been sufficiently demonstrated. No firm commitment toward a diverse housing mixture has been brought forward.

- (4) The physical design of the Planned Unit Development and the extent to which it:

- a. Makes adequate provision for public services;
- b. Provides adequate control over vehicular traffic;
- c. Provides for and protects designated common open space; and
- d. Furthers the amenities of light and air, recreation and visual enjoyment.

**PROPOSED FINDINGS:** The PUD provides adequate public services by improving the adjacent multi-use paths along 7<sup>th</sup> Street and Longview Drive and new angled, on-street parking along Pete Ellis Drive. Vehicular traffic into the building will only occur at one access point along Longview Drive. Although the petitioner is proposing a reduced level of impervious surface coverage, this reduction is based on a dense, infill site design that would be typical of a Downtown design rather than a suburban location and is based on a desired overall development plan. There are several amenities that are provided for residents and these are outlined in the petitioner statement and submitted site plans. The increased setback to the north property line provides an increase in separation for light and air between this and the adjacent property.

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

**PROPOSED FINDINGS:** This site is surrounded by high density multifamily residences and commercial uses. While the density proposed on this site is higher than surrounding properties, this type of dense infill development is encouraged when surrounded by appropriate infrastructure and goods and services. The site is adjacent to 3 public roads and is therefore well serviced. In addition, it is located immediately adjacent to several grocery stores and shopping areas, as well as is on a Bloomington Transit bus route.

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

**PROPOSED FINDINGS:** The provision of an estimated 280 units and possible 19,000 square feet of potential medical office space will increase the tax base to the City and provide office space adjacent to the new Hospital location. However, the lack of a diverse housing mixture with this petition does not further the goals of economic well-being in relation to providing a mixture of housing types for the community. The proposed height when compared to the existing surrounding buildings is also a concern.

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

**PROPOSED FINDINGS:** This site will be accessed from 3 different access points which will help distribute the vehicular traffic to this site. Pete Ellis Drive is classified as a Primary Collector and Longview Drive is classified as a proposed Primary Collector, these designations are indicative of highly used roads and therefore appropriate locations for increased density. The Department and the petitioner have committed to re-studying this area to insure that traffic is properly controlled through

this corridor and the petitioner will submit a traffic study with the final plan if approved.

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

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

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

**PROPOSED FINDINGS:** The PUD is adequately buffered from adjacent residential properties and the petitioner has shifted the development as far south as possible to reduce impacts to the adjacent residences to the north.

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

**PROPOSED FINDINGS:** The establishment of a PUD for this property allows a unique development that would not otherwise be accomplished within an existing zoning district and under the UDO guidelines. While creation of this PUD allows the necessary deviations from the UDO requirements to allow the construction of a unique building, the Department does not feel that the goals of the Comprehensive plan have been effectively incorporated into the petition.

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**CONCLUSION:** While the proposed PUD does offer a unique architectural design and a range of benefits and features for the tenants, the Department and the Plan Commission do not believe that allowing a development that is twice as dense as the underlying zoning district and an additional 20' in height at this location without providing a strong public benefit, such as diverse housing mix, warrants designation of the area as a Planned Unit Development. The Comprehensive Plan clearly encourages incorporating diverse housing types within the City and a PUD should further this goal and provide a clear public benefit. Some examples of a public benefit include a unique architectural design, a high level of environmental design, and contributing to the diverse housing needs of the community. Further, as mentioned earlier in this report, the Department is concerned that the proposed height is uncharacteristic with the surrounding residential and commercial buildings.

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**RECOMMENDATION:** The Plan Commission voted 5-3 to forward this petition to the Common Council with a negative recommendation.



City of Bloomington  
Bloomington Environmental Commission

## MEMORANDUM

Date: March 18, 2019

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Subject: PUD-30-18: Curry Urban Properties, second hearing  
100 block of Pete Ellis Drive

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The purpose of this memo is to convey the environmental concerns and recommendations of the Environmental Commission (EC) with the hope that action will be taken to enhance its environment-enriching attributes. The EC reviewed the petition and offers the following comments and requests for your consideration.

The EC realizes the Petitioner reduced the size of the footprint of the building, which provides for additional landscaping; however, we continue to believe that the plan still does not meet the intent of a Planned Unit Development (PUD). The purpose of a PUD is, in fact, to encourage flexibility in development. However, it appears that the petitioners have simply asked for reduced setbacks, greenspace, and many other divergences from the regulations without providing sufficient public benefit that would not occur without deviation from the standards of the Unified Development Ordinance (UDO). The PUD District Ordinance describes several impressive amenities being considered for the project; however, we have no guarantee that they will ever be established or maintained.

### EC CONCERNS OF ENVIRONMENTAL SIGNIFICANCE

#### 1.) FOLLOW UDO ENVIRONMENTAL STANDARDS

The EC believes that any PUD District Ordinance should not reduce the environmental protection requirements to less than the minimum Unified Development Ordinance (UDO) standards. A number of years ago staff and citizens of Bloomington worked tirelessly to craft the development regulations we now find in the Bloomington Municipal Code. These standards went through a public process and were vetted by the citizenry and voted on by our lawmakers. Although it's time to update the regulations, the trend in Bloomington had been to strengthen its environmental standards, not weaken them.

## 2.) ELECTRIC VEHICLE CHARGING STATIONS

The parking areas for the multifamily units should be equipped with *at least* 2% of the spaces plug-in-ready for electric vehicle charging stations. The Petitioner's Statement didn't call for any particular number of them to be installed.

## 3.) URBAN FEEL OF THE SITE

If the Petitioner intends to create a development that emulates an urban development (i.e. high density and height, etc.), then they should adhere to all urban qualities. The EC recommends that building materials such as split-faced or smooth-faced concrete blocks be prohibited, and local limestone be used as accents to recreate Bloomington's sense of place.

## 4.) GREEN BUILDING PRACTICES

Describe the LEED compliant features that are mentioned on page 8 of the Petitioners' Statement, and also provide the design and maintenance plans for the green or live wall elements incorporated into building/garage screening.

## **EC RECOMMENDATIONS:**

- 1.) Provide at least 2% of residential parking spaces with electric vehicle charging stations.
- 2.) Prohibit the use of both split-faced and smooth-faced concrete blocks as a façade material.
- 3.) Describe the LEED-compliant practices planned, as well as provide plans for the green or live wall elements being planned along with a maintenance plan for their future viability.



**SCHMIDT**  
ASSOCIATES

February 18, 2019

Terri Porter  
Director of Planning and Transportation  
The City of Bloomington  
401 North Morton Street, Suite 130  
Bloomington, IN 47404

Re: Project Review Summary for Curry Urban Properties  
Bloomington City Architect – 2017-040.CUP

Dear Terri:

Per your request, Schmidt Associates has reviewed the Plan Commission Resubmittal for Curry Urban Properties on the northwest corner of East Longview Avenue and Pete Ellis Drive. The submittal is dated November 26, 2018. Although this is a resubmittal, per our records, the original submittal of this project was not shared with us for requested feedback.

Staff comments received for the resubmittal of this project are as follows:

- The 3.2-acre site is currently vacant and surrounded by right-of-way on three sides.
- The Petitioner requests a change in zoning from CL to Planned Unit Development (PUD).
- The Petitioner proposes a four-story building with office on the first floor and 3 floors of multi-family above.
- The multi-family units will be a mix of studios, one-beds, and two-beds, with a total of 280 units, 360 beds with 30% of the units expected to be 2-bed units.
- There will be 15,000 to 20,000 square feet of medical office space on the first floor Pete Ellis frontage with apartments behind.

Eric Gruelich requested that our review and comments for this project review focus only on the exterior massing, elevations, and materials. He noted that you would also like our perspective on whether the building scale and appearance could be appropriate and successful if:

- A fifth floor were to be added.
- There was a horizontal break somewhere near the middle of the Longview elevation which would separate the massing into an east block and a west block, with some space between them.

Our observations regarding the project context are as follows:

- The area surrounding the project site is a mix of multi-family residential, small, and big-box businesses and St. Marks United Methodist Church.

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317.263.6224 (fax)  
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Lisa Gomperts, FAIA, LEED AP  
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Tom Neff, AIA, RID, LEED AP  
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Phil Medley, AIA, PE  
Tom Ning, RA  
Joe Redar, AIA  
Jeff Reed, PE  
Parveen Tai, MBA, PHR, SHRM-CP  
Chuck Thompson, CSI, CCS  
James Walde, PE



- The structures are a mix of gables and flat roofs with both large and small building footprints.
- The area lies just south of the proposed new hospital location, so it is likely anticipated that it will provide for the large and nearby housing need that will accompany that new medical labor influx.

Our comments regarding the project's design are as follows:

### **MASSING AND ELEVATIONS**

1. The building height is set at four stories. There is a range in heights of 48' to 57' at the center of each facade and 52' to 61' at the building corners, which is significantly higher than the 40' restriction of the current CL zoning. The change to PUD would allow for the negotiation of a potential height increase, but more at issue here may be whether the City is ready to begin moving toward its "build-forward" expectations as communicated on the Comprehensive Plan. If the property is within a designated Regional Activity Center which promotes future development of higher density multi-family housing and encourages vertical growth, this development provides that. Ultimately, the comfort level with the height issue and beginning to realize development of a "build-forward" approach will be determined by the City of Bloomington.
2. The current context of the neighborhood would suggest a maximum of three stories to be more consistent with the scale of the surrounding structures. At four stories, it would easily be the tallest building in the area. For reference, the gable of the worship space of nearby St. Marks United Methodist Church appears to be close to 60'.
3. We would not recommend that a fifth floor be added. The Petitioner Statement (page 4, paragraph 3) even notes that "moving to a 5-story or taller building would not result in a feasible economic model" and "would likely be viewed as imposing if five or more stories."
4. The building massing is well-modulated, both horizontally and vertically, on all four elevations. There is a good amount of dimensional depth in the modules to provide visual interest, shade, and shadow to the facades.
5. Building corners are shown as taller volumes, some with unique applications of wrap-around asymmetrically-framed curtainwall elements, projecting balconies, and enhanced cornice elements.
6. The vertical modulation provides some step-down in height between the third and fourth stories on roughly 20% of each facade to address the height concern to some degree. In addition, the roof line has a good amount of modulation as well.
7. For the most part, the building massing successfully masks the large parking garage at the interior of the development. Its primary exposures are on portions at the center of both the north and south elevations. These elevations present the opportunity to enhance those exposures with additional appropriate facade treatments.



8. In addition to residential access from the parking decks, residential access from the street is balanced with access provided on all three street frontages.
9. Commercial space within the development is placed along Pete Ellis Drive and turns the southeast corner along Longview Avenue. This is compatible with existing commercial development primarily on the east side of Pete Ellis Drive which leads to the larger commercial developments to the south.
10. Regarding a potential break in the massing along the south elevation, it is our opinion that it would likely have only a minor impact. Visually, the eye will easily bridge a distance of 20' or less to limit the break's effectiveness without a corresponding change in height. A change in height to three stories for a longer portion of the building would have a greater impact.
11. It appears that the Petitioner has taken positive steps to address the Plan Commission's concerns raised in the November 5, 2018 Plan Commission Hearing, specifically:
  - a. Shifting the building further away from the northern setback to address the concern for casting of shadows on the existing three-story multi-family housing to the north.
  - b. Removal of balconies on the north elevation in response to concerns regarding potential sight lines into units of neighboring development to the north from adjacent balconies.
  - c. Reduction in building mass with the elimination of 12 units, the shift to the south described above, and the lowering of the floor-to-floor heights to lessen the overall heights by 1 to 4 feet in various locations around the building. From our experience, the new floor-to-floor height of 9'-6" is about as tight as can be done to maintain a visually comfortable living space.
  - d. The small improvement in open space is helpful, but not close to the requested 50%. The site design, however, takes a good approach with respect to:
    - 1) Expanded sidewalks and intentional community connectivity through the introduction of outdoor spaces/seating with landscaping in the public realm.
    - 2) Well-designed interior courtyard spaces with generous landscaping.
    - 3) Incorporation of a well-considered system to manage storm water quantity and quality in its two interior courtyards.
  - e. Addressing of potential bicycle traffic, safety, and connectivity issues.
  - f. Reduction of the development D.U.E. by 10%, resulting in a 30 D.U.E.

## **MATERIALS**

1. The primary materials are not clearly shown on the exterior building elevations at this point, but are listed in the Petitioner's Statement as:
  - a. Varying brick and block masonry
  - b. Metal/steel
  - c. Storefront glass and framing for the commercial areas and potentially, portions of the residential building areas



Letter to Terri Porter  
Visioning Plans  
February 18, 2019  
Page 4

- d. Fiber-cement composite (Hardie) siding/board and batten
  - e. Stone
2. The material choices are appropriate for the building type and appear to be well-considered from what we can glean from material representations on the renderings. We would expect the indication of stone is a reference to real stone and preferably limestone for consistency with the material themes of Bloomington.
  3. The building's modulation is further enhanced with surface changes in the material palette.

We would be happy to further discuss ways to improve the design with the architect at the request of the city.

Sincerely,

SCHMIDT ASSOCIATES, INC.  
*Architecture • Engineering • Interior Design • Landscape Architecture*

A handwritten signature in blue ink that reads "Sarah K Hempstead".

Sarah Hempstead, AIA, LEED, AP  
CEO/ Principal  
[shempstead@schmidt-arch.com](mailto:shempstead@schmidt-arch.com)

A handwritten signature in black ink that reads "Steven K. Alspaugh".

Steven K. Alspaugh, AIA, LEED AP BD+C  
Design Architect/Associates  
[salspaugh@schmidt-arch.com](mailto:salspaugh@schmidt-arch.com)

SKA:jab

March 1, 2019

Doris Sims, Director  
Housing & Neighborhood Development  
City of Bloomington  
401 N Morton Street  
Bloomington, IN 47404

RE: Curry Urban Properties – Planned Unit Development  
Longview & Pete Ellis Drive

Dear Doris:

Tempo: Development + Lifestyle, along with Curry Urban Properties (together, “Petitioner”) is excited to bring its proposed mixed-use development to the city of Bloomington. Moreover, as a means of providing workforce housing units consistent with the intent of our company’s development platform, we are pleased to offer the below workforce housing commitments in conjunction with the numerous, other public benefits offered in our BZA Petition, as presented to the Bloomington Plan Commission.

At the City of Bloomington’s election, Petitioner offers to commit to either of the following, Alternative A or Alternative B, commencing at issuance of Certificate of Occupancy.

**Alternative A**

Petitioner will commit to limit 20% of its units to 100% of Unadjusted AMI levels (Bloomington Metro FMR Area Median Family Incomes, Unadjusted – as provided by HUD). The duration of this commitment will be for 99 years.

**Alternative B**

Petitioner will commit to limit 10% of its units to 120% of AMI as reported by HUD within its annual HOME Income Limits for Bloomington Metro FMR Area. The duration of this commitment will be for 20 years.

As Petitioner is proposing a development whose unit mix will approximate 70% studio and one-bedroom units, those units being committed in either Alternative A or B will be limited to studio and one-bedroom units. Rents for those units will be limited to 30% of the respective, annual income limits based upon the method used per the Alternative selected.

Petitioner is providing the City of Bloomington the option to choose which alternative it finds most beneficial. The reason for offering the two alternatives relates to nuances and technicalities in the reporting of HUD’s AMI data and extrapolation for “moderate income” levels rather than the “low income” housing levels that HUD’s subsidies, incentives and programs serve. HUD’s HOME/Section 8 percentiles above 50% are depressed because HUD placed a ceiling on FY18 Bloomington Section 8/HOME Income Limit increases; the ceiling was used because Bloomington’s AMI increased faster than the national average for 2018 calculations. The following chart demonstrates the nuance being referenced:

<b>2018 Median Family Income</b> <i>Bloomington Metro FMR Area</i>
\$75,800*

		<b>2018 Median Family Incomes</b> <i>Bloomington Metro FMR Area</i>			
<b>Household Size</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<i>HUD Scale Factor</i>		<i>0.7</i>	<i>0.8</i>	<i>0.9</i>	<i>1</i>
<b>Section 8 Income Limits</b>	30%	\$14,600	\$16,700	\$20,780	\$25,100
	50%	\$24,350	\$27,800	\$31,300	\$34,750
	80%	\$38,950	\$44,500	\$50,050	\$55,600
<b>HOME Income Limits</b>	30%	<b>\$14,600</b>	<b>\$16,700</b>	<b>\$18,800</b>	\$20,850
	50%	<b>\$24,350</b>	<b>\$27,800</b>	<b>\$31,300</b>	\$34,750
	60%	<b>\$29,220</b>	<b>\$33,360</b>	<b>\$37,560</b>	\$41,700
	80%	<b>\$38,950</b>	<b>\$44,500</b>	<b>\$50,050</b>	\$55,600
<b>Unadjusted</b>	80%	<b>\$42,448</b>	<b>\$48,512</b>	<b>\$54,576</b>	<b>\$60,640</b>
	100%	<b>\$53,060</b>	<b>\$60,640</b>	<b>\$68,220</b>	<b>\$75,800</b>
	120%	<b>\$63,672</b>	<b>\$72,768</b>	<b>\$81,864</b>	<b>\$90,960</b>

\*Source: HUD-<https://www.huduser.gov/portal/databases/il/il2018/2018MedCalc.odn>

Petitioner believes workforce housing rents should reflect those actual median incomes of the workforce it hopes to serve in Bloomington and that the unadjusted AMI numbers are more appropriate for this purpose. Furthermore, HOME income limits established in future years may use a variety of AMI adjustments not applied in FY18, which could further skew income limits towards federal programs focused on serving low-income populations.

Regardless of which Alternative the City of Bloomington selects, Petitioner will provide an annual affidavit stating compliance with said commitment within 120 days of each calendar year end. A rent roll showing those units which have been committed to the applicable workforce housing restriction will accompany said affidavit.

We are excited to progress this project through the final entitlement process and look forward to working closely with the city of Bloomington to its successful completion and operation.

Kind Regards,



Jonathan S. Wood  
Chief Development Officer

## **PETITIONER'S STATEMENT – REVISED 3.1.19**

### **Petition:**

Rezone real estate identified as Lot Number 8, located in Deckard East Third Street Subdivision, Monroe County, Indiana consisting of 3.2 acres from CL to Planned Unit Development (PUD).

### **Project Description:**

Petitioner petitions for rezoning of the property from Commercial Limited to a mixed use, Planned Unit Development. The property currently is unimproved. Various utility lines border and bisect the property. The property is surrounded to the North by multi-family housing under RH zone. East of the property fronting on North Pete Ellis Drive are commercial properties, developed commercial lots under CL zoning. East of the lots fronting on North Pete Ellis Drive are additional multi-family housing under RH zoning. Southeast of the property is zoned CA. South of the property and fronting on Longview Avenue are multi-family housing under RH zoning. At the southwest corner of the property south of Longview Avenue is a small commercial development under CL zoning. West of the property fronting on East Seventh Street is a vacant, unimproved parcel.

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

### **RESUBMITTAL MODIFICATIONS**

Since the initial Planning Commission hearing on November 5, 2018, the Petitioner has had follow up meetings with members of Bloomington Economic and Sustainable Development, Housing and Neighborhood Development, Planning and Transportation, and the Environmental Commission and has worked to address comments and concerns stemming from the initial submission and those expressed by the Planning Commission during the hearing. The comments/concerns and responses from the Petitioner are outlined below:

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

**Petitioner Response:** Although the Petitioner could build a 40' tall building "by right" at a 10-foot setback from the northern boundary of the property (the boundary adjacent to the concerned neighbor), Petitioner has agreed to shift the entire building in-ward from the northern set-back, thus modifying the previously proposed set back of 7 feet to 15 feet (with exception of the north east corner unit which is 14 feet from the property line). Moreover, numerous modulations of the building at the 4<sup>th</sup> floor will step back another 5 feet (or 20 feet from the property boundary) to provide relief of the building height and mass. Additionally, Petitioner voluntarily eliminated numerous balconies along the north elevation in addition to proposing the planting of additional, large canopy trees, to accompany the existing trees and in order to respect the neighbor's concerns.

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

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

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

However, the Petitioner has reduced the building mass by shrinking the building and eliminating 12 units (and 12 beds). As noted, the northern set back was moved inward from the initial petition, basically doubling the set back. This also helps to increase open space on the property. In numerous places along each elevation of the building, the 4<sup>th</sup> floor units are stepped back 5 feet. This is done to provide some relief from the proposed, four-story height. Finally, the Petitioner has worked with its architect to further reduce several parapet heights to lower the overall height in numerous areas. Although the building height remains 61 feet at its tallest feature at the SW corner (measured from adjacent grade to roof parapet), roof lines have been reduced from 1 to 4 feet in height in various places around the building. While the building height exceeds the 40-foot restriction of CL zoning, it does retain a varied, articulated roofline for functional and aesthetic reasons.

- Environmental concerns as to the project being below the open space requirement; impervious surfaces (EC, Sandberg, Cate, Kinzie, Kappas). EC has requested the Petitioner redesign the building.

**Petitioner Response:** Although Petitioner will not redesign the building, Petitioner has worked with the architects and engineers to reduce the building size, shrinking the building mass and creating open space vis-à-vis compressing the building inward, from north to south (more than doubling the northern set back) and from east to west to add four feet of additional set back from the eastern side. The resulting changes have resulted in nearly a 25% improvement to open space compared to the Petitioner's initial submittal. Although Petitioner will not be able to reach the 50% open space request, it has improved the open space from 25% to 31% and will be significantly exceeding the landscaping and planting requirements as well as the water quality requirements.

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

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

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

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

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

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

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

## **DEVELOPMENT STANDARDS SUMMARY / OUTLINE PLAN DETAILS:**

### **Commercial space:**

Estimated at 20,000 square feet; no less than 12,000 square feet would be programmed for the development.

### **Multi-family residential:**

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

**Parking:**

306 garage spaces; 16 potential on-street parking spaces (angled parking along Pete Ellis  
76 garage spaces to serve commercial use  
Residential parking: 230 garage spaces (.86/unit; .66/bed). Development not to  
exceed .90/unit and .70/bed

**Architectural Standards:** CL zone

Modifications: first floor, commercial use space; no modulation requirement.  
Modulations to be incorporated in final development plan  
exterior materials: varying brick and block masonry; metal/steel; storefront glass and  
framing (commercial and potentially portions of residential building areas); fiber-cement  
composite (Hardie) siding/board and batten; stone

**Site plan details:**

Setbacks: varying by side and building façade (see site plan diagram)  
North side: 14 feet at NE Corner, 15 feet or more elsewhere (modified from 7')  
East side: 24 feet (modified from 20')  
South side: 4.5 feet (southwest corner) to 9 feet  
West side: 4.5 feet at point of 7<sup>th</sup> street curve; varying distance 7 feet minimum  
for remainder

**Garage entrance:** Longview Ave.

**Uses:** CL zone permitted uses

Modification: add first floor multifamily residential use  
No Maximum floor space for a single tenant

**Basic PUD development:**

1. Dedicated commercial space, expected to be 19,000 square feet on the east side, fronting on S. Pete Ellis Drive. This space will be flexible in total area.

This space is anticipated to be medical office space and will be marketed as such.

2. Multi-Family residential use (mix of studio, one-bedroom and two-bedroom apartments); generally, the units are oriented to those seeking a more personal, single-living environment.  
Targeted market: staff and employees associated with the IU Health complex; single professionals and staff and employees associated with the offices and accessory businesses expected to develop adjacent to the IU Health complex

3. Building height to be 4 floors. Throughout the building, numerous portions of the building's 4<sup>th</sup> floor are set back from the lower floors. Along the eastern portion of the building, the length of the building along Pete Ellis Drive steps back 5 feet at the 2<sup>nd</sup> floor and another 5 feet at numerous areas along the 4<sup>th</sup> floor.
4. Residential buildings will allow first floor residential use (CL Zone requires 2<sup>nd</sup> floor and above residential use) with commercial along Pete Ellis Drive.
5. Open space (to be calculated) estimated at 31% of the lot. This open space is below the current CL zoning standards, the site shape, topography, the city's build-forward design preference and the economic feasibility of the project necessitate this open space design; however, Developer is proposing to: a.) exceed landscaping and plantings requirements, b.) include plantings vertically with green elements in the garage screening, c.) exceed rain water quality issues with multi-function water harvesting, flow through planters and rain gardens, d.) include numerous sustainable practices including community gardens, and e.) bring numerous public benefit to the project including re-locating and improving current sidewalk paths, as necessary, at Pete Ellis, Longview and 7<sup>th</sup> street (all three sides) with multi-use paths.
6. Parking – The building will include a four-story structure that is central to the building design. This portion of the building will also serve the project with mixed uses, housing three stories of parking garage with a 4<sup>th</sup> floor residential component. The Developer has not yet determined the economic feasibility of adding the 4<sup>th</sup> floor above the 3 floors of parking; therefore, this section of the building may be limited to just three floors of parking structure. Parking garage will be interior to the development with the commercial and residential use building(s) wrapping around the courtyard with parking lot/parking garage interior to the courtyard. Parking garage to extend to the development line along the north property line.
7. Exterior finish materials: multiple types of masonry; steel; glass and composite

**Development Standards:**

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

**Building Height:**

The building will not exceed four stories. Building height, as measured from proposed finished grade, varies along the length of each side:

- North side: ranges from 48 to 53' in center of building to 52' (NE corner) and 53' (NW corner)
- East side: ranges from 49' to 54' in center of building to 53' 2" (SE corner) and 52' (NE corner)
- South side: ranges from 51' to 57' in center of building to 53' 2" (SE corner) and 61' (SW corner)

West side: ranges from 49' to 54' in center of building to 53' (NW corner) and 61' (SW corner)

- a. Architectural roof top or roof line elements to provide both form and function at no more than one point at the peak of any section of building that exceeds 60 feet in height (as measured from adjacent, proposed finished grade at that point of the building).
- b. The site has significant topography slope, particularly along the western border of the parcel. Approximately 20 feet of grade change occurs from the point of the parcel that is furthest to the northwest as compared to the point furthest to the southwest of the parcel. It is anticipated that the building plane at the first-floor level will be set at an elevation which causes the southwest corner of the building (at 7th Street and Longview) to be elevated + 8 feet above the parcel's grade at this location. Thus, the developer is now planning functional space within this "sub-level" of the building that will include 5 or 6 "garden" units which address the Longview street frontage. The space could also serve as storage or other program space for the building. If this sub-level is completed, it would add a "story" to the building at the southwest elevation of the development, albeit below the average grade along 7<sup>th</sup> Street.
- c. Petitioner has worked extensively with Architect and Civil Engineer to reduce heights around building, and modulate the fourth floor with 5-foot step backs in numerous portions of the building while maintaining dynamic roof lines around the building.

### **Unit Mix and DUE:**

1. The building will include a mix of Studio, One- and Two-Bedroom Units. Projected D.U.E is 29 per acre. Actual development not to exceed 30 per acre. The site is 3.2 acres.
2. The project will house 268 units. As roughly 30% of those units are expected to be Two-bedroom units, the total bedroom count would calculate to 348 bedrooms, although the project is not a student housing community.

### **Parking:**

1. Up to 16 angled parking spaces will be improved along the western-most lane of Pete Ellis Drive, to serve the commercial spaces at that location.
2. The internal parking garage is expected to have no more than 102 spaces per floor and no more than a total of 306 spaces.
3. A portion of the first floor of the parking garage will serve the commercial spaces (Pete Ellis Drive portion of the building) and meet municipal parking code and count requirements as well as the number of spaces required by the ultimate user/tenant.
4. Assuming 4 spaces per 1,000 square feet (assumed user requirement), and a 19,000 square foot user, the commercial spaces will require 76 of the total 322 spaces (16 angled, street spaces and 306 garage spaces). This would leave 246 spaces for 268 units (or 348 beds). Excluding the street parking, this parking ratio is 230 spaces in the garage for residents or 0.86:1 per unit or 0.66:1 per bedroom.

**Bicycle parking:**

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

**Housing:**

Oriented to single-living environment around the IU Health Medical Center, University, Service Industry, Young professional, medical/grad students, nursing students, researchers, interns, staff and employees of professional offices and staff and employees at the IU Health complex.

**Green Building Elements Planned:**

- Energy Star appliances / Energy efficient building materials / LEED compliant
- Downspout Cisterns for on-site rain water harvesting to be used for watering landscaping and other exterior uses
- Downspout flow through planters and rain gardens along perimeter and interior courtyards
- green or live wall elements incorporated into building / garage screening
- Comprehensively, the property will exceed landscape and planting requirements per the current zoning
- Storm water control and quality - series of cisterns, flow-through planters and storm planters (in sidewalk) and rain gardens are proposed along Pete Ellis drive
- Electric car charging stations within parking garage
- Sustainability – community vegetable and herb gardens
- Multi-modal transportation

**Public Benefits:**

- Workforce housing components – developer has proposed workforce housing commitments in a separate letter to HAND, attached and included with this resubmittal.
- Multi-modal transportation – proposed project is pedestrian to Bloomington's largest work centers (IU Health upon completion, College Mall, Indiana University)
  - Several bus-line stops in proximity to the subject location
  - Developer promoting the use of bicycles and non-vehicular transportation through widening of paths around perimeter to multi-use paths, placement of bicycle parking, and public bicycle racks
- Public Art - exterior murals / interior art displayed for public viewing (not just residents); viewings to be programmed

- Developer proposes to commit to a 5-year program to rotate art periodically (6-month to 1-year rotation) for public display. Works to be commissioned with City of Bloomington.
  - Developer proposes to conduct receptions and “gallery” style viewings, free to public (donations will be accepted for local not-for profit, art related groups)
- Scholarship - public art to be commissioned with IU art department and will be offered to city art programs - works to be displayed within building (can be sold by artists) in return for annual scholarships or grants from developer
- Sustainability: Approximately 1/3 of the interior courtyard space within the western courtyard will be improved with herb, flower and vegetable gardens - improvements will include gardening areas/plots for residents
  - Developer proposes to program monthly events or demonstrations using the planted foods and flowers; such as making floral arrangements; cooking with the harvested vegetables and herbs with local chefs, etc.
  - Gardens will be irrigated with harvested rain water from the cistern system developer is proposing
- “Jam Session” Room - public music room/studio will be included for use by area musicians, music scholars, etc. for "plug-in and play" sessions to create, share and explore musical interests of those within the community looking to "pick up" instruments and create with others
- Amphitheater – directly adjacent to the Jam Session, an amphitheater is planned for live music or other performances, free to the public
- Bike Depot – Developer will work with City of Bloomington to include a public bike depot at the property
- Streetscaping – Developer is re-locating and improving the current sidewalk along Pete Ellis. Proposed improvements along Pete Ellis Drive will include a multi-use path, green and hard scaping, cisterns for water harvesting, rain water flow-thru planters, storm planters, and rain gardens among other elements
  - Public benches will be included
  - Vegetative, floral and landscaping improvements would exceed minimum requirements
    - It is anticipated that large tree planting will not be possible along Pete Ellis Drive proposed improvements due to numerous utility lines and easement which traverses the eastern property border
  - Back-in, angled parking along Pete Ellis Drive is proposed
  - Public bicycle racks/parking will be included in the improved areas
  - Rain gardens (to be built on city ROW) along Pete Ellis are proposed
  - Permeable pavers will be incorporated into the hardscape finishes
  - Developer is proposing multi-function rain water quality controls in series of steps commencing with harvesting, to overflow within flow-through planters and storm planters, then into rain gardens before flowing to city storm

- Connectivity and Safety - Developer has been asked by City of Bloomington to widen current bicycle paths along Longview and 7<sup>th</sup> Street, and improve them as 8' to 12' multi-use paths
  - Developer would be accommodating this requested safety and functionality improvement



  
**AERIAL SITE PLAN**  
 NOT TO SCALE  
 2018.11.26

# CURRY URBAN PROPERTIES

EAST LONGVIEW AVENUE  
 BLOOMINGTON, INDIANA 47408

**TE M P O**  
 DEVELOPMENT + LIFESTYLE

**Smith Brehob & Associates, Inc.**  
 453 S. Clarizz Boulevard  
 Bloomington, Indiana, 47401  
 Telephone: (812) 336-6536  
 Web: www.smithbrehob.com  
 Follow us on Facebook!


**RUNDELL ERNSTERBERGER ASSOCIATES**  
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**LUPTON RAUSCH**  
 ARCHITECTURE + INTERIOR DESIGN



PAUL W. KELLEY

PETE ELLIS DRIVE  
RENDERING

2018.11.26

# CURRY URBAN PROPERTIES

EAST LONGVIEW AVENUE  
BLOOMINGTON, INDIANA 47408

**TEMPO**  
DEVELOPMENT + LIFESTYLE

Smith Brehob & Associates, Inc.  
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**LUPTON  
RAUSCH**  
ARCHITECTURE +  
INTERIOR DESIGN



SEVENTH STREET  
RENDERING

2018.11.26

# CURRY URBAN PROPERTIES

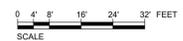
EAST LONGVIEW AVENUE  
BLOOMINGTON, INDIANA 47408

**TEMP**  
DEVELOPMENT + LIFESTYLE

Smith Brehob & Associates, Inc.  
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RENDERED LANDSCAPE PLAN

2018.11.26

# CURRY URBAN PROPERTIES

EAST LONGVIEW AVENUE  
BLOOMINGTON, INDIANA 47408

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DEVELOPMENT + LIFESTYLE

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PRECEDENT IMAGERY

2018.11.26

# CURRY URBAN PROPERTIES

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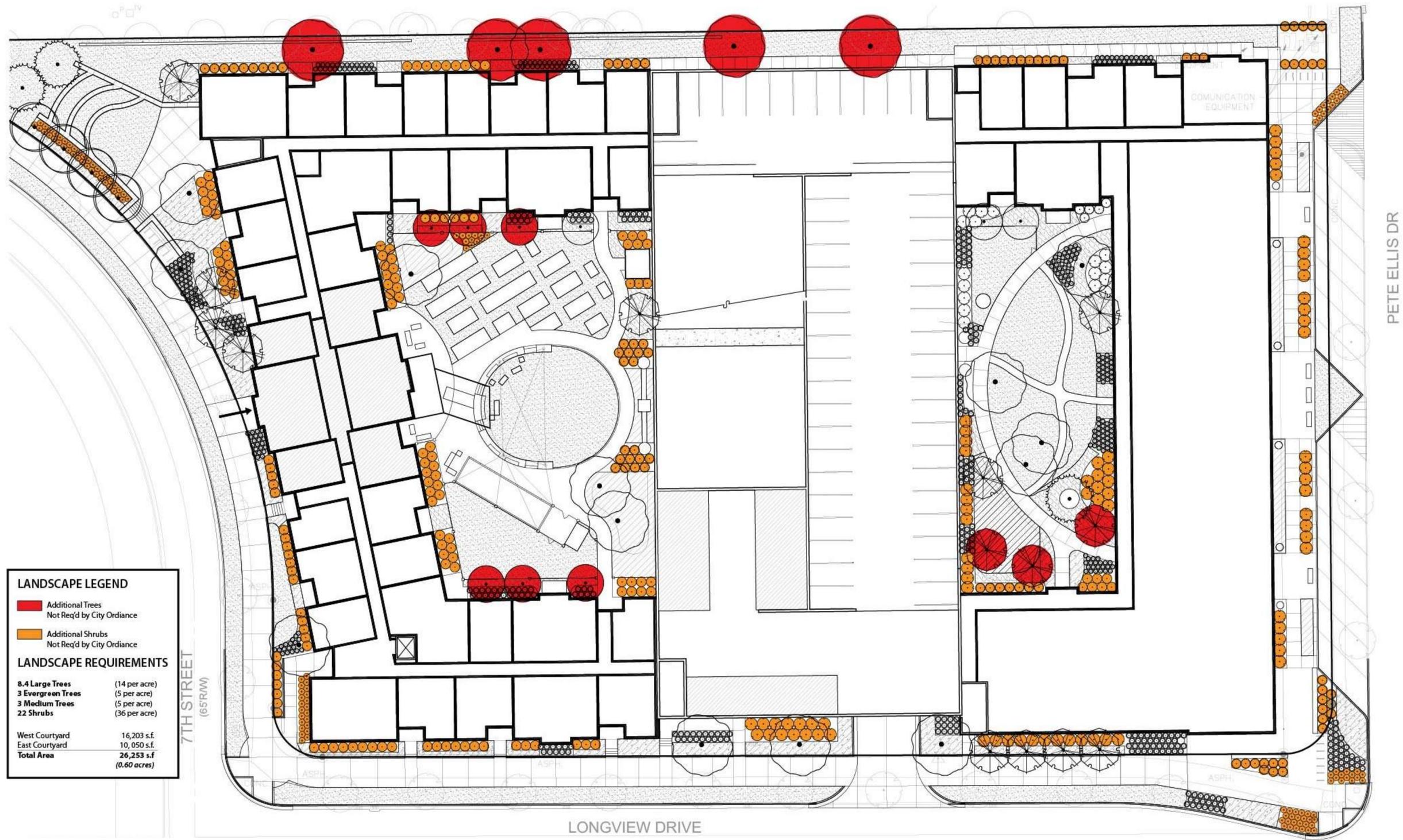
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**LANDSCAPE LEGEND**

- Additional Trees  
Not Req'd by City Ordinance
- Additional Shrubs  
Not Req'd by City Ordinance

**LANDSCAPE REQUIREMENTS**

8.4 Large Trees	(14 per acre)
3 Evergreen Trees	(5 per acre)
3 Medium Trees	(5 per acre)
22 Shrubs	(36 per acre)

West Courtyard	16,203 s.f.
East Courtyard	10,050 s.f.
<b>Total Area</b>	<b>26,253 s.f.</b> (0.60 acres)

0 4' 8' 16' 24' 32' FEET  
SCALE



**ADDITIONAL PLANTINGS  
PLAN**

2018.11.26

# CURRY URBAN PROPERTIES

EAST LONGVIEW AVENUE  
BLOOMINGTON, INDIANA 47408

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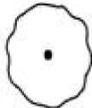
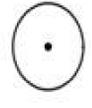
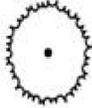
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### CONCEPT PLANT SCHEDULE

	<b>STREET TREE</b> ACER X FREEMANII 'SIENNA' / SIENNA GLEN MAPLE GINKGO BILOBA PRESIDENTIAL GOLD / PRESIDENTIAL GOLD MAIDENHAIR GYMNOCLADUS DIOICA 'ESPRESSO' / KENTUCKY COFFEE TREE NYSSA SYLVATICA 'GREEN GABLE' / BLACK TUPELO	4	B & B B & B B & B B & B		<b>SHRUB, TYPE 3</b> AESCULUS PARVIFLORA / BOTTLEBRUSH BUCKEYE CALLICARPA AMERICANA / AMERICAN BEAUTYBERRY PHYSOCARPUS OPULIFOLIUS 'SEWARD' / SUMMER WINE NINEBARK VIBURNUM NUDEM 'WINTERHUR' / SMOOTH WITHEROD	92	5 GAL #5 #5 #5
	<b>SHADE TREE</b> AESCULUS X CARNEA 'BRIOTII' / RUBY RED HORSECHESTNUT LIRODENDRON TULIPIFERA 'EMERALD CITY' / EMERALD CITY TULIP TREE QUERCUS LYRATA 'HIGHBEAM' / HIGHBEAM OVERCUP OAK QUERCUS SHUMARDII / SHUMARD RED OAK ULMUS X 'MORTON STALWART' / COMMENDATION ELM	18	B & B B & B B & B B & B B & B		<b>GRASS, SHORT</b> CAREX EBURNEA / BRISTLE-LEAF SEDGE SESLERIA AUTUMNALIS / AUTUMN MOOR GRASS SPOROBOIUS HETEROLEPIS / PRAIRIE DROPSEED	297	#1 #1 #1
	<b>COLUMNAR TREE</b> ACER X FREEMANII 'ARMSTRONG' / ARMSTRONG FREEMAN MAPLE CARPINUS BETULUS 'FRANZ FONTAINE' / FRANZ FONTAINE HORNBEAM QUERCUS MACROCARPA 'URBAN PINNACLE' / URBAN PINNACLE OAK QUERCUS ROBUR X BICOLOR 'LONG' / REGAL PRINCE OAK TILIA AMERICANA 'BOULEVARD' / BOULEVARD LINDEN	9	B & B B & B B & B B & B B & B		<b>GRASS, TALL</b> CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER' / FEATHER REED GRASS KOELERIA MACRANTHA / PRAIRIE JUNEGRASS PANICUM VIRGATUM 'SHENANDOAH' / SWITCH GRASS	259	#1 #1 #1
	<b>ORNAMENTAL TREE</b> AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE' / 'AUTUMN BRILLIANCE' SERVICEBERRY CERCIDIPHYLLUM JAPONICUM / KATSURA TREE CERCIS CANADENSIS / MULTI-STEM EASTERN REDBUD CORNUS X 'RUTBAN' / AURORA FLOWERING DOGWOOD	14	B & B B & B B & B B & B		<b>SUN PERENNIALS</b> AMSONIA HUBRICHTII / ARKANSAS BLUE-STAR ASTER OBLONGIFOLIUS 'RAYDON'S FAVORITE' / AROMATIC ASTER BAPTISIA X 'MIDNIGHT PRAIRIEBLUES' / MIDNIGHT PRAIRIEBLUES WILD INDIGO ECHINACEA PURPUREA 'POWOW WILD BERRY' / PURPLE CONEFLOWER HELENIUM AUTUMNALE 'MARIACHI SALSA' TM / SNEEZEWEED IRIS SIBIRICA 'CAESAR'S BROTHER' / CAESAR'S BROTHER SIBERIAN IRIS LIATRIS SPICATA 'KOBOLD' / SPIKE GAYFEATHER PHLOX PANICULATA 'DAVID' / WHITE SUMMER PHLOX RUDBECKIA FULGIDA VAR. SULLIVANTI 'GOLDSTURM' / BLACK-EYED SUSAN	3,748 SF 2,494 1,732 974 2,494 FLAT 2,494 2,494 FLAT 1,732	#1 15' oc #1 18' oc #1 24' oc #1 15' oc FLAT #1 18' oc #1 15' oc FLAT #1 18' oc
	<b>EVERGREEN</b> PINUS STROBUS / WHITE PINE	4	B & B		<b>SHADE PERENNIALS</b> ADIANTUM PEDATUM / NORTHERN MAIDENHAIR FERN ANEMONE X HYBRIDA 'HONORINE JOBERT' / JAPANESE ANEMONE AQUILEGIA CANADENSIS / EASTERN COLUMBINE ASTILBE CHINENSIS 'VISIONS IN PINK' / CHINESE ASTILBE ASTILBE CHINENSIS 'VISIONS IN WHITE' / CHINESE ASTILBE BRUNNERA MACROPHYLLA 'JACK FROST' / SIBERIAN BUGLOSS HOSTA X 'BROTHER STEFAN' / PLANTAIN LILY HOSTA X 'SUM AND SUBSTANCE' / PLANTAIN LILY IRIS SIBIRICA 'WHITE SWIRLS' / WHITE SWIRLS SIBERIAN IRIS OSMUNDA CINNAMOMEA / CINNAMON FERN FACHYSANDRA TERMINALIS 'GREEN CARPET' / JAPANESE SPURGE POLYGONATUM ODORATUM 'VARIEGATUM' / VARIEGATED SOLOMON'S-SEAL TIARELLA CORDIFOLIA 'PINK SKYROCKET' / FOAMFLOWER	2,496 SF 649 1,153 1,661 1,153 1,153 1,153 649 649 1,153 649 1,661 1,661 1,153	#1 24' oc #1 18' oc #1 15' oc #1 18' oc #1 18' oc #1 18' oc #1 24' oc #1 24' oc #1 18' oc #1 24' oc #1 15' oc #1 15' oc #1 18' oc
	<b>EVERGREEN SHRUB</b> ILEX GLABRA 'COMPACTA' / COMPACT INKBERRY ILEX VERTICILLATA 'RED SPRITE' / RED SPRITE WINTERBERRY JUNIPERUS X PRITZERIANA 'KALLAY'S COMPACT' / PRITZER JUNIPER	93	#3 #3 #3		<b>RAIN GARDEN MIX</b> CAREX AMPLECTANS VAR. ANTH / YELLOW FOX SEDGE CAREX FRANKII / FRANK'S SEDGE CAREX VULPINODEA / BROWN FOX SEDGE CHELOINE GLABRA / WHITE TURTLE-HEAD IRIS VIRGINICA VAR. SHREVEI / SHREVE'S BLUE FLAG IRIS JUNCUS EFFUSUS / SOFT RUSH JUNCUS TORREYI / TORREY'S RUSH LOBELIA CARDINALIS / CARDINAL FLOWER MIMULUS RINGENS / MONKEYFLOWER	3,164 SF 3,289 3,289 3,289 3,289 3,289 3,289 3,289 3,289	4POT 12' oc 4POT 12' oc
	<b>SHRUB, TYPE 1</b> CEANOTHUS AMERICANUS / NEW JERSEY TEA CEPHALANTHUS OCCIDENTALIS 'SUGAR SHACK' / BUTTONBUSH SPIRAEA BETULIFOLIA 'TOR' / BIRCHLEAF SPIREA SPIRAEA JAPONICA 'LITTLE PRINCESS' / LITTLE PRINCESS JAPANESE SPIREA	127	#3 #3 #3 #3		<b>TURF</b> TURF SOD / DROUGHT TOLERANT FESCUE BLEND	22,572 SF	300
	<b>SHRUB, TYPE 2</b> FOTHERGILLA GARDENII 'MT. AIRY' / DWARF WITCHALDER HYDRANGEA QUERCIFOLIA 'ALICE' / ALICE OAKLEAF HYDRANGEA HYDRANGEA QUERCIFOLIA 'RUBY SLIPPERS' / RUBY SLIPPERS HYDRANGEA ITEA VIRGINICA 'MORTON' / SCARLET BEAUTY VIRGINIA SWEETSPICE VIBURNUM DENTATUM 'CHRISTOM' / BLUE MUFFIN ARROWWOOD	132	#3 #3 #3 #3 3 GAL				

**STREET TREES**



Sienna Glen Maple Presidential Gold Ginkgo Espresso Kentucky Coffeetree Green Gable Black Tupelo

**SHADE TREES**



Ruby Red Horsechestnut Emerald City Tulip Poplar Highbeam Overcup Oak Shumard Oak Commendation Elm

**COLUMNAR TREES**



Armstrong Freeman Maple Franz Fontaine European Hornbeam Regal Prince Oak Urban Pinnacle Bur Oak Boulevard American Linden

**ORNAMENTAL TREES**



Autumn Brilliance Serviceberry Katsura Tree Multi-stem Eastern Redbud Aurora Flowering Dogwood

**SHRUBS**



Compact Inkberry Red Sprite Winterberry Kalley's Compact Juniper Sugar Shack Buttonbush Tor Birchleaf Spirea Little Princess Spirea Scarlet Beauty Sweetspire Winterthur Smooth Witherod Alice Oakleaf Hydrangea Ruby Slippers Oakleaf Hydrangea American Beautyberry

**STREET TREES**



Sneezeweed Blue Star Black-eyed Susan Cinnamon Fern Jack Frost Brunnera Foamflower False Indigo Variegated Solomon's Seal Brother Stefan Hosta White Swirl Iris Eastern Columbine Kobold Blazingstar Sum & Substance Hosta Japanese Spurge White Phlox Caesar's Brother Iris Northern Maidenhair Fern White Astilbe Purple Coneflower Raydon's Favorite Aromatic Aster Pink Astilbe Honoree Jobert Anemone

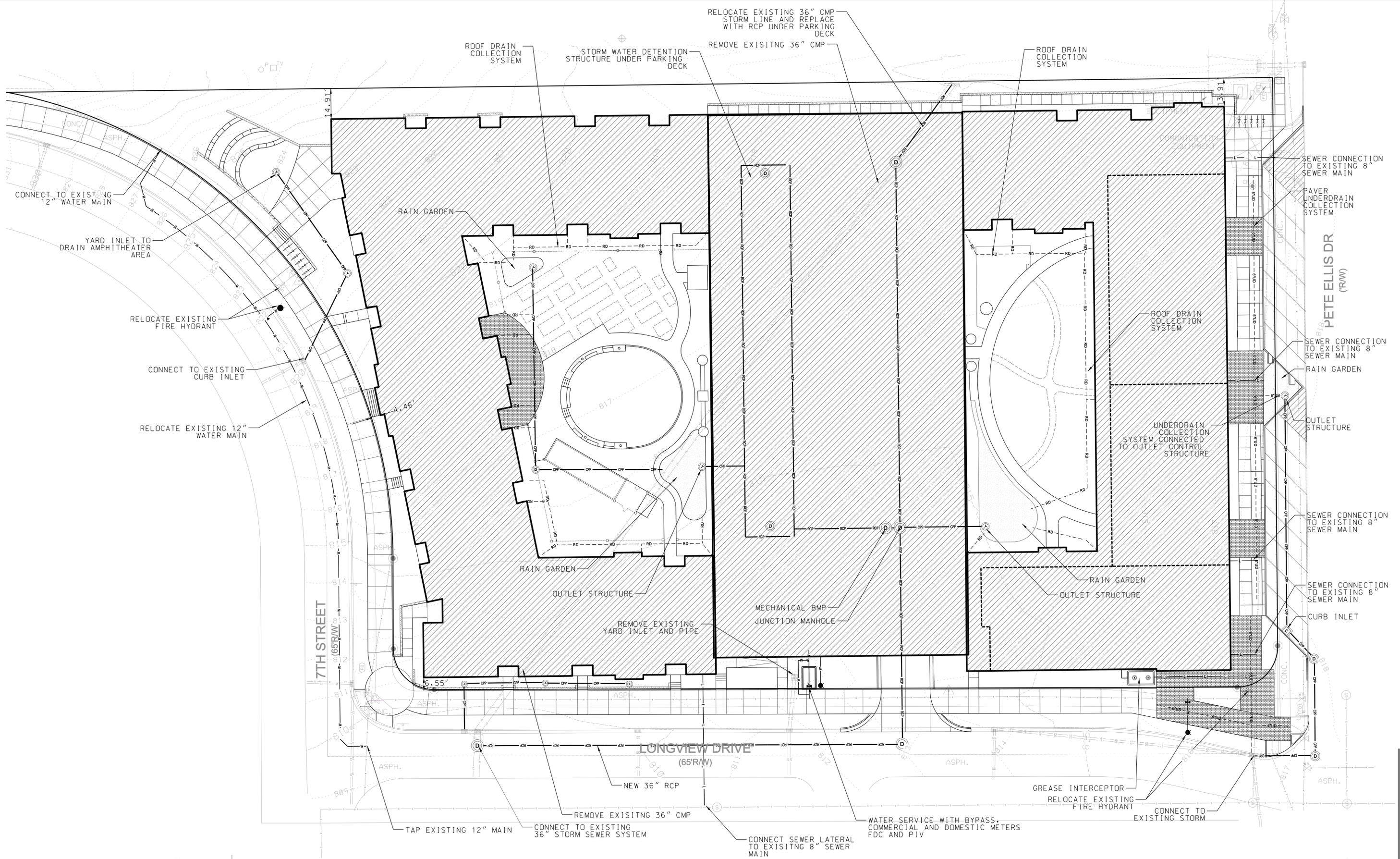
**EVERGREEN TREE**



Eastern White Pine

**GRASSES & RAIN GARDEN PLANTS**





SITE UTILITY PLAN

2018.11.26

# CURRY URBAN PROPERTIES

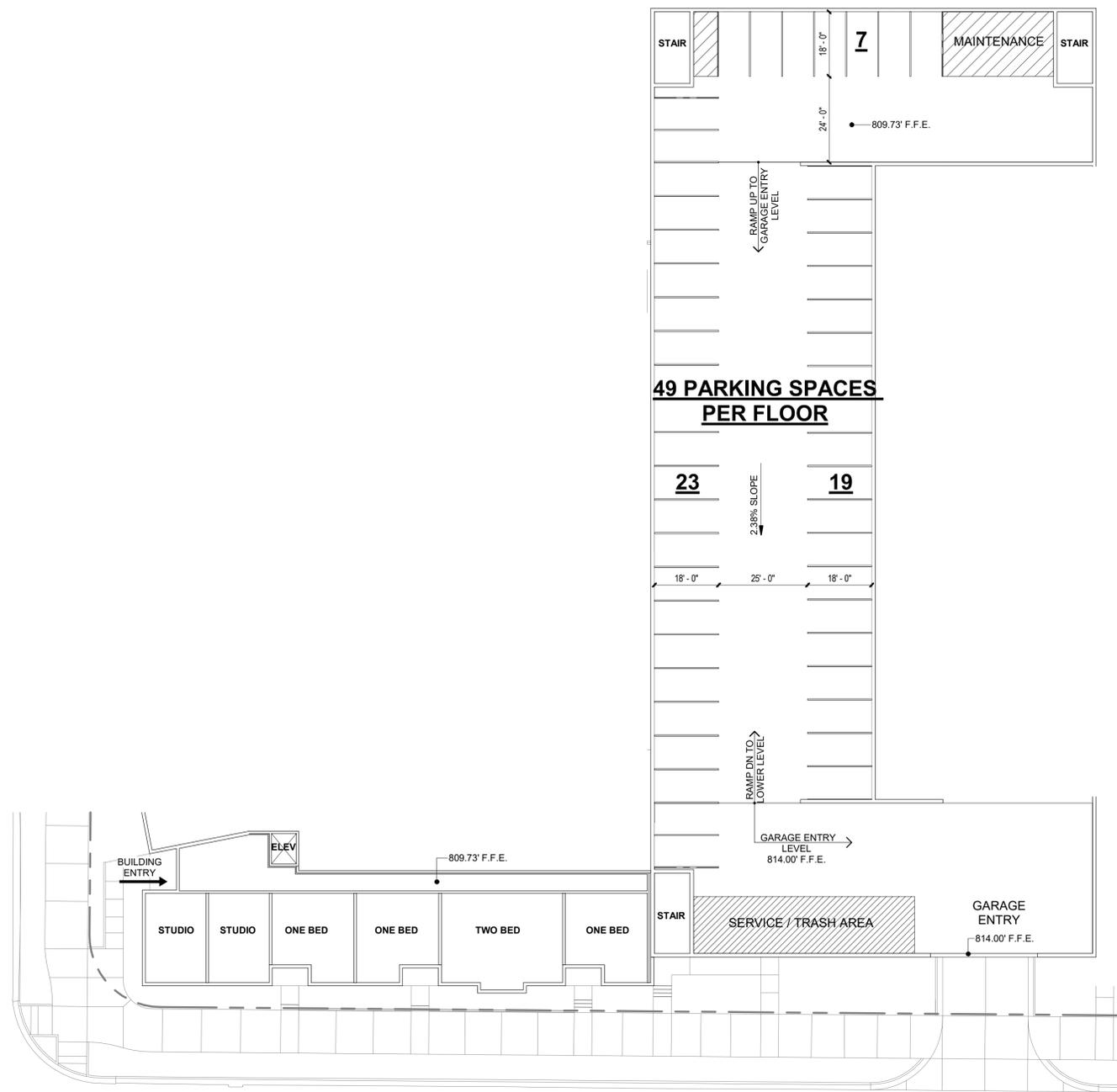
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EXTERIOR PRECEDENT IMAGERY



LOWER LEVEL PLAN

2018.11.26

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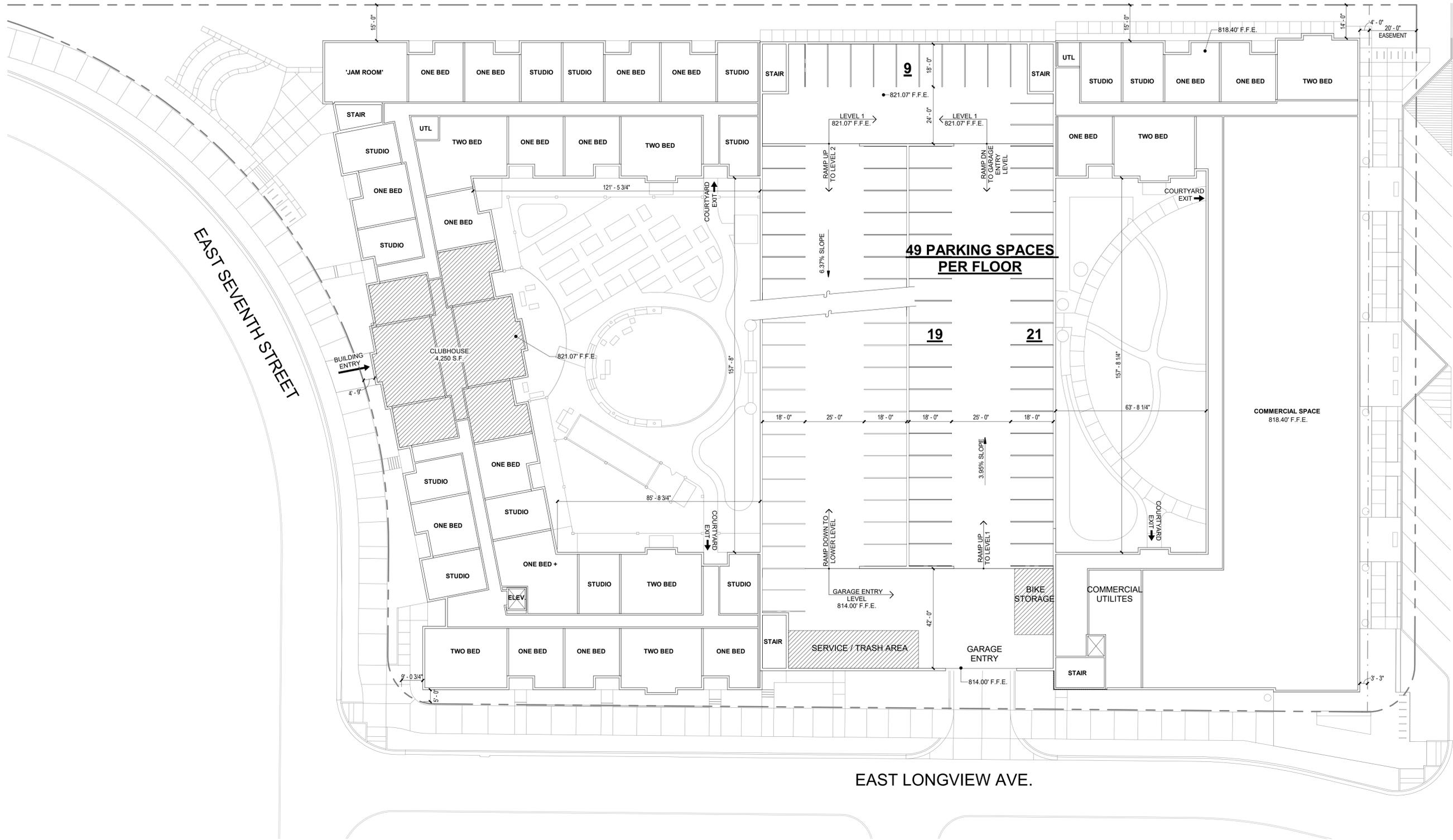
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0 4' 8' 16' 24' 32' FEET  
SCALE

FIRST FLOOR PLAN

2018.11.26

# CURRY URBAN PROPERTIES

EAST LONGVIEW AVENUE  
BLOOMINGTON, INDIANA 47408

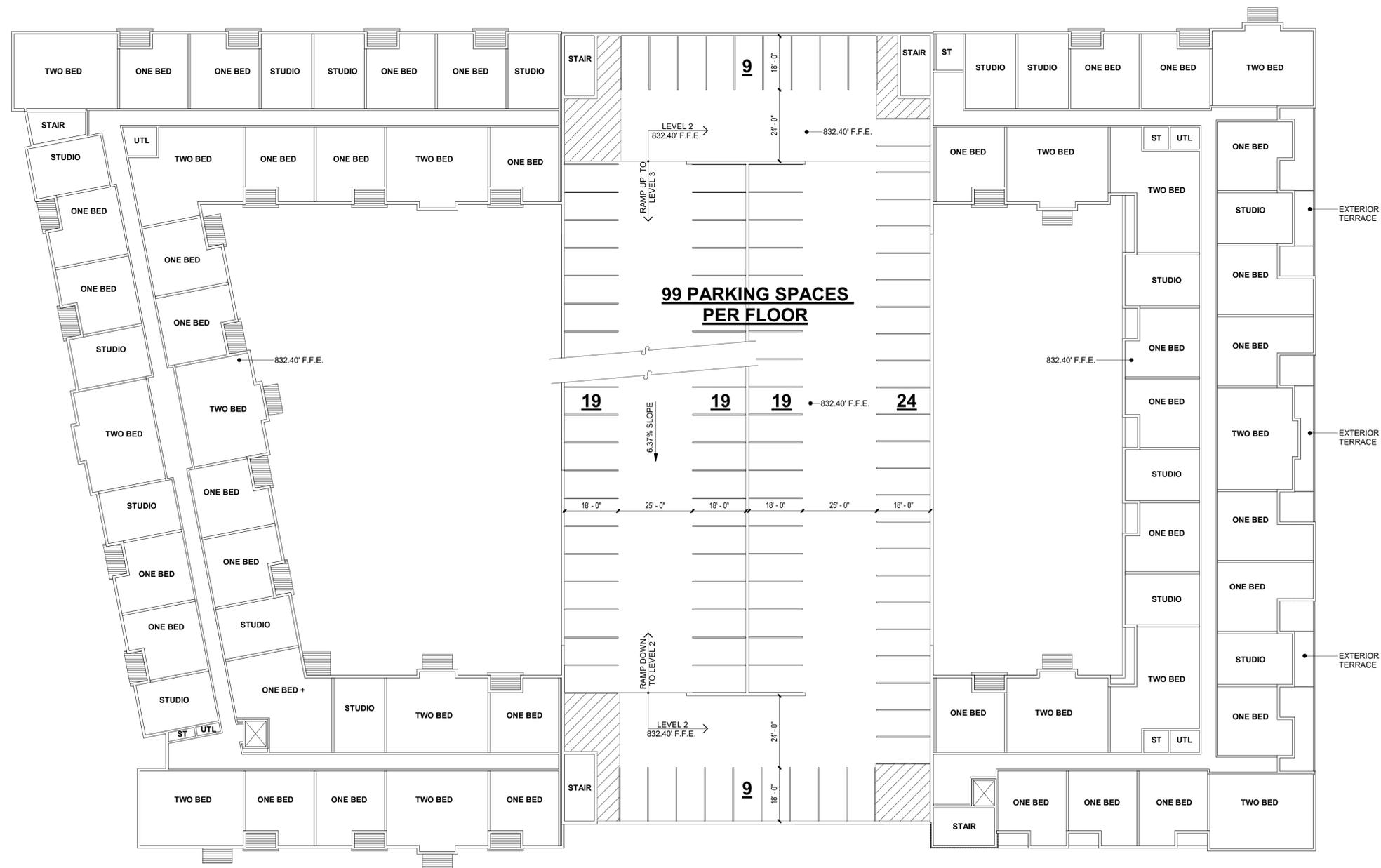
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NORTH PETE ELLIS DRIVE



0 4' 8' 16' 24' 32' FEET  
SCALE



SECOND FLOOR PLAN

2018.11.26

CURRY URBAN PROPERTIES

EAST LONGVIEW AVENUE  
BLOOMINGTON, INDIANA 47408

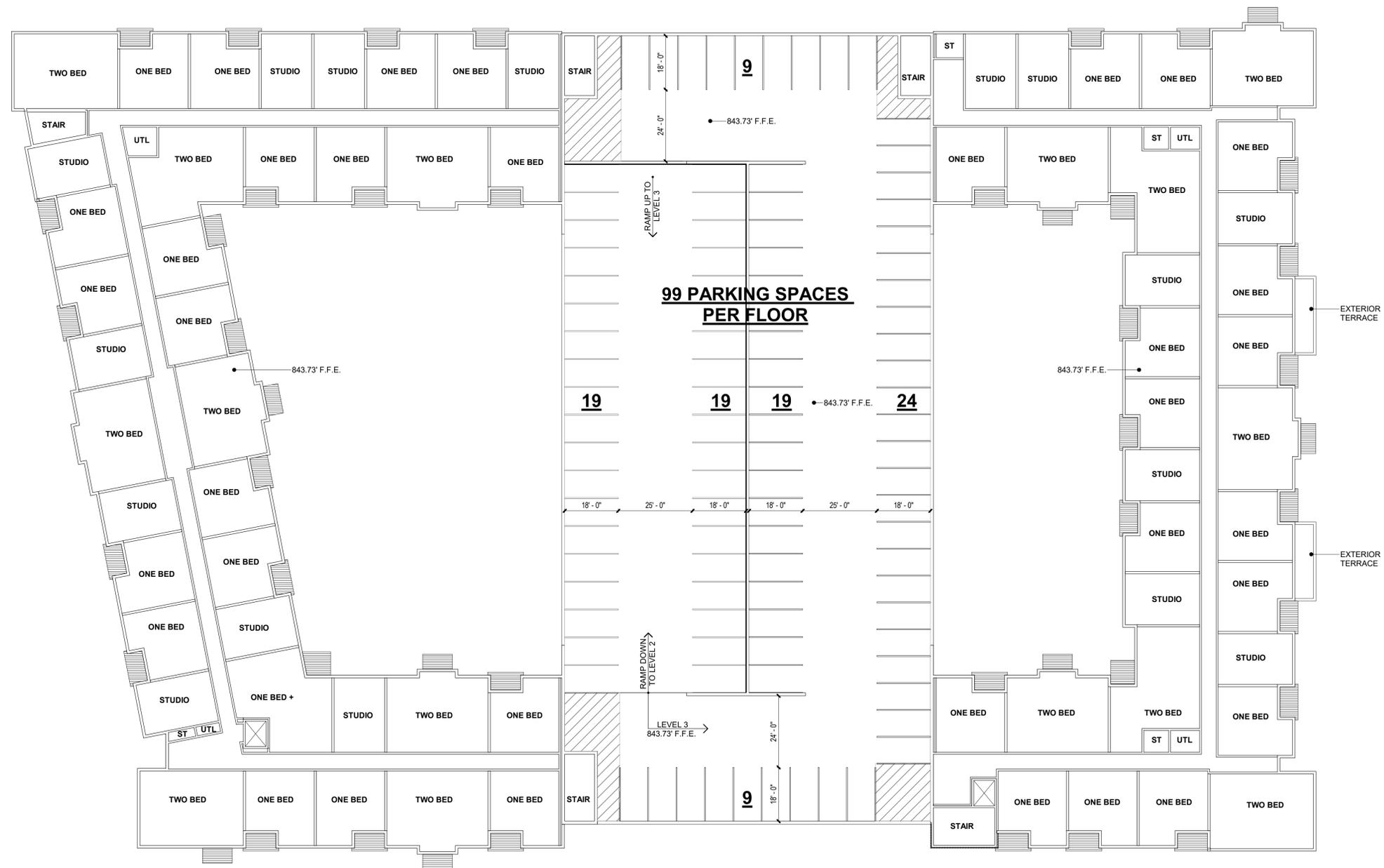
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SCALE

THIRD FLOOR PLAN

2018.11.26

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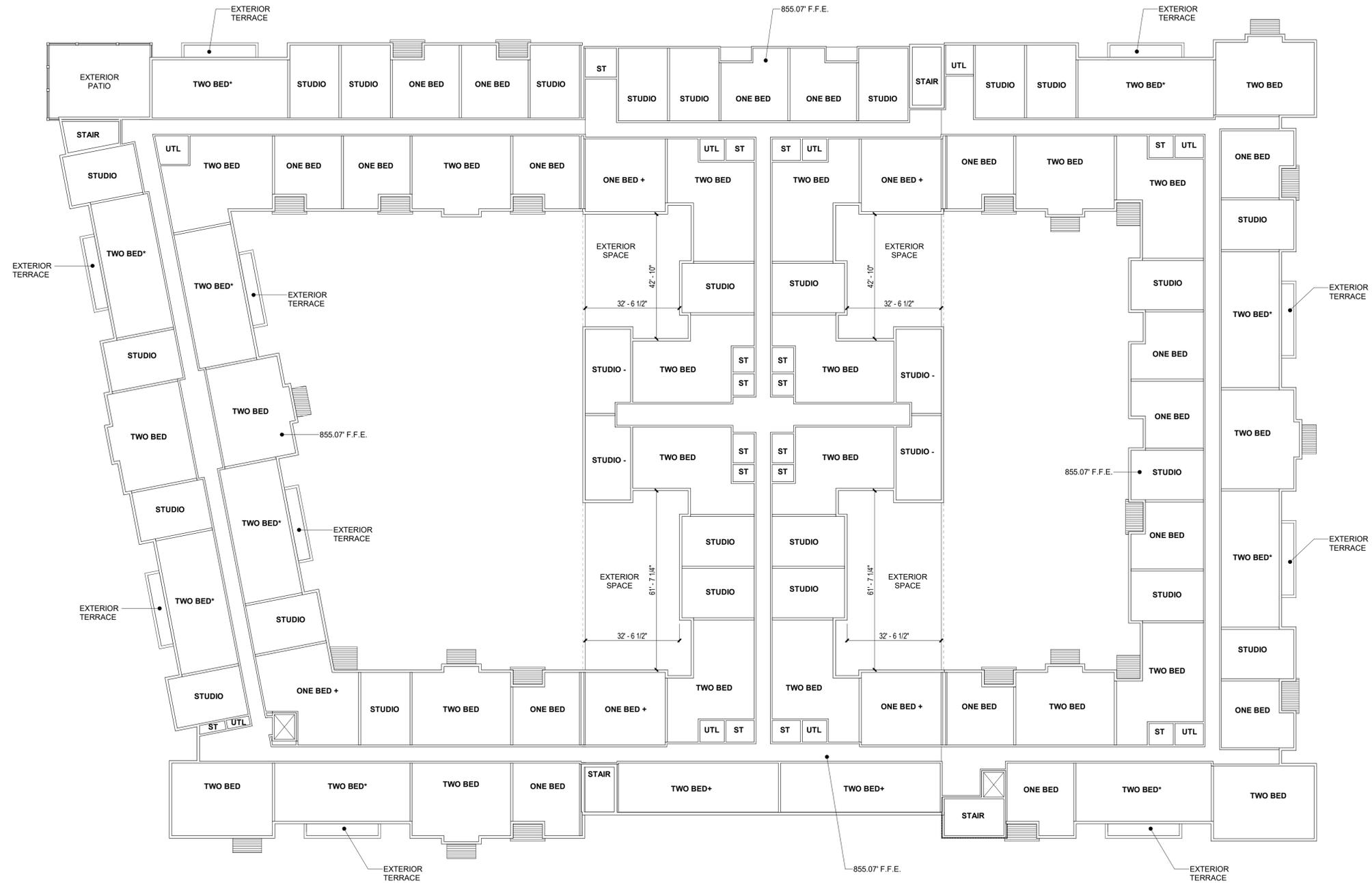
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0 4' 8' 16' 24' 32' FEET  
SCALE



FOURTH FLOOR PLAN

2018.11.26

CURRY URBAN PROPERTIES

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EAST ELEVATION - PETE ELLIS DRIVE



SOUTH ELEVATION - LONGVIEW AVENUE



WEST ELEVATION - SEVENTH STREET



NORTH ELEVATION

0 4' 8' 16' 24' 32' FEET  
SCALE

COLORED ELEVATIONS

2018.11.26

# CURRY URBAN PROPERTIES

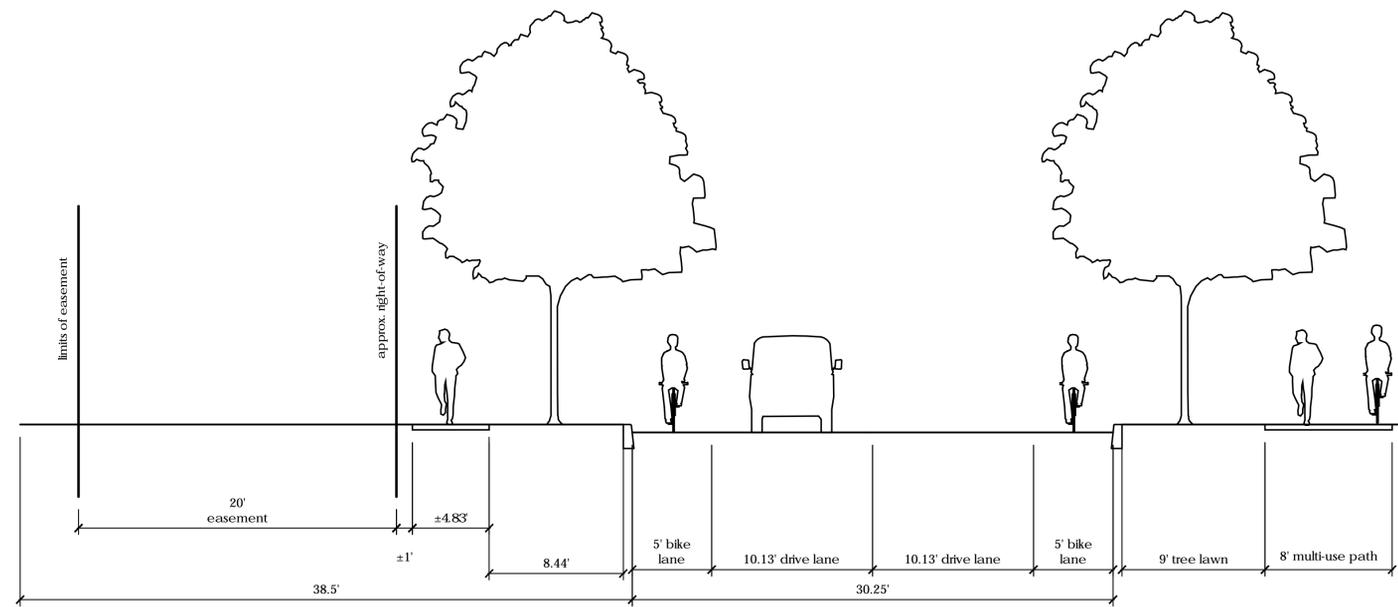
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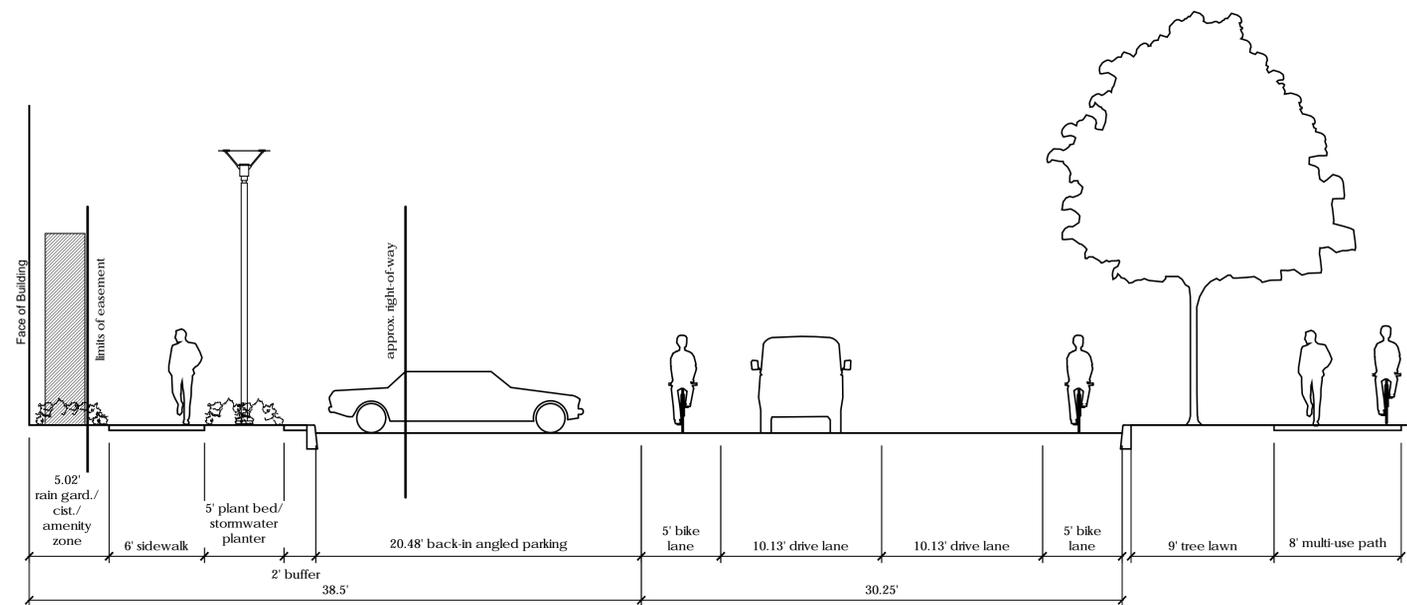
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EXISTING CONDITIONS



PROPOSED CROSS SECTION



PETE ELLIS CROSS SECTIONS

2018.11.26

CURRY URBAN PROPERTIES

EAST LONGVIEW AVENUE  
BLOOMINGTON, INDIANA 47408



**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 19-09  
**Amendment #:** 01  
**Submitted By:** Councilmembers Rollo and Sturbaum  
**Date:** 17 April 2019

**Proposed Amendment:**

1. Ordinance 19-09, SECTION 1 shall be amended by striking the words “motorized scooters” and “shared use motorized scooters” from Section 15.04.055 such that the section shall read as follows:

**15.04.055 Dismount zone.**

“Dismount zone” means those sidewalks and crosswalks where coasters or bicycles may not be ridden and where users must (i) dismount and walk their devices, (ii) operate their devices in a bicycle lane, or (iii) operate their devices in the roadway. Dismount zones are located within the crosswalks and on the sidewalks on either side of the street along the following streets:

Fourth Street from Indiana Avenue to Grant Street

Kirkwood Avenue from Indiana Avenue to Morton Street.

Sixth Street from Walnut Street to Morton Street.

Walnut Street from Fourth Street to Seventh Street.

College Avenue from Fourth Street to Seventh Street

2. Ordinance 19-09, SECTION 3 shall be amended by striking the words “sidewalk,” “multiuse path,” and “crosswalk” from Section 15.58.060 entitled “Motorized scooter use,” by deleting subsection 15.58.060(b)(9) regarding scooters in crosswalks in dismount zones, by adding a new subsection (c) prohibiting the operation of motorized scooters on sidewalks; and by re-lettering the current 15.58.060(c) to 15.58.060(d). The amended section shall read as follows:

### **15.58.060 – Motorized scooter use.**

- (a) This Section applies to any motorized scooter use, whether or not the motorized scooter is a shared-use motorized scooter.
- (b) Every person who operates a motorized scooter on public property shall comply with the following provisions:
  - (1) A person operating a motorized scooter on a multiuse trail shall yield the right-of-way to any pedestrian.
  - (2) A person who is operating a motorized scooter and who is passing a pedestrian traveling on the same facility shall pass the pedestrian at a distance of at least three feet. If the person operating the motorized scooter is unable to pass the pedestrian at a distance of at least three feet, then the person operating the motorized scooter shall stop, dismount, or exit the facility.
  - (3) A person operating a motorized scooter upon a multiuse trail before overtaking a person with a visual impairment who is carrying a white cane or who is guided by a service animal, shall dismount and pass on foot, if necessary to avoid startling, inconveniencing or colliding with the person.
  - (4) A person operating a motorized scooter shall give an audible signal before overtaking and passing any pedestrian while traveling in the same direction and on the same facility as the pedestrian. The audible signal may be given by voice or by bell or other warning device capable of giving an audible signal and shall be given at such a distance and in such a manner as to not startle the person or persons being passed.
  - (5) A person operating a motorized scooter on a multiuse trail shall not suddenly move into the path of a pedestrian, vehicle, or similar device so as to constitute an immediate hazard.
  - (6) No person shall operate a motorized scooter on a multiuse trail at a speed greater than ordinary pedestrian activity when approaching or entering a crosswalk, or approaching or crossing a driveway or alley if a vehicle is approaching the crosswalk or driveway close enough to constitute a potential hazard.
  - (7) No person shall operate a motorized scooter while controlling an animal, whether such control is by hand, by leash, or by any alternative medium.

- (8) No person shall operate a shared-use motorized scooter within the designated boundaries of a special event for which a special event permit has been obtained.
- (c) The operation of motorized scooters on public sidewalks, multi-use paths, and crosswalks shall be prohibited.
- (d) A violation of this Section shall be a Class G Traffic Violation which bears a penalty listed in Section 15.64.010(h).

### Synopsis

This amendment is sponsored by Councilmembers Rollo and Sturbaum. It removes the allowance for the operation of motorized scooters and shared-use motorized scooters on sidewalks. Such prohibition is warranted by the volume and speed of shared use motorized scooters.

**04/10/19 Committee Action:** None  
**04/17/19 Regular Session Action:** *Pending*

(April 17, 2019)

**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 19-09  
**Amendment #:** 01a (revised subsequent to discussion)  
**Submitted By:** Councilmembers Rollo and Sturbaum  
**Date:** 17 April 2019 (discussed); 01 May 2019 (introduced in revised form)

**Proposed Amendment:**

1. Ordinance 19-09, SECTION 1 shall be amended by striking the words “motorized scooters” and “shared use motorized scooters” from Section 15.04.055 such that the section shall read as follows:

**15.04.055 Dismount zone.**

“Dismount zone” means those sidewalks and crosswalks where coasters or bicycles may not be ridden and where users must (i) dismount and walk their devices, (ii) operate their devices in a bicycle lane, or (iii) operate their devices in the roadway. Dismount zones are located within the crosswalks and on the sidewalks on either side of the street along the following streets:

Fourth Street from Indiana Avenue to Grant Street.

Kirkwood Avenue from Indiana Avenue to Morton Street.

Sixth Street from Walnut Street to Morton Street.

Walnut Street from Fourth Street to Seventh Street.

College Avenue from Fourth Street to Seventh Street

2. Ordinance 19-09, SECTION 3 shall be amended by striking the words “sidewalk,” “crosswalk” from Section 15.58.060 entitled “Motorized scooter use,” by deleting subsection 15.58.060(b)(9) regarding scooters in crosswalks in dismount zones, by adding a new subsection (c) prohibiting the operation of motorized scooters on sidewalks; and by re-lettering the current 15.58.060(c) to 15.58.060(d). The amended section shall read as follows:

**15.58.060 – Motorized scooter use.**

- (a) This Section applies to any motorized scooter use, whether or not the motorized scooter is a shared-use motorized scooter.
- (b) Every person who operates a motorized scooter on public property shall comply with the following provisions:

- (1) A person operating a motorized scooter on a multiuse path or multiuse trail shall yield the right-of-way to any pedestrian.
  - (2) A person who is operating a motorized scooter and who is passing a pedestrian traveling on the same facility shall pass the pedestrian at a distance of at least three feet. If the person operating the motorized scooter is unable to pass the pedestrian at a distance of at least three feet, then the person operating the motorized scooter shall stop, dismount, or exit the facility.
  - (3) A person operating a motorized scooter upon a multiuse path or multiuse trail before overtaking a person with a visual impairment who is carrying a white cane or who is guided by a service animal, shall dismount and pass on foot, if necessary to avoid startling, inconveniencing or colliding with the person.
  - (4) A person operating a motorized scooter shall give an audible signal before overtaking and passing any pedestrian while traveling in the same direction and on the same facility as the pedestrian. The audible signal may be given by voice or by bell or other warning device capable of giving an audible signal and shall be given at such a distance and in such a manner as to not startle the person or persons being passed.
  - (5) A person operating a motorized scooter on a multiuse path or multiuse trail shall not suddenly move into the path of a pedestrian, vehicle, or similar device so as to constitute an immediate hazard.
  - (6) No person shall operate a motorized scooter on a multiuse path or multiuse trail at a speed greater than ordinary pedestrian activity when approaching or entering a crosswalk, or approaching or crossing a driveway or alley if a vehicle is approaching the crosswalk or driveway close enough to constitute a potential hazard.
  - (7) No person shall operate a motorized scooter while controlling an animal, whether such control is by hand, by leash, or by any alternative medium.
  - (8) No person shall operate a shared-use motorized scooter within the designated boundaries of a special event for which a special event permit has been obtained.
- (c) The operation of motorized scooters on public sidewalks and crosswalks shall be prohibited. Provided, however, motorized scooters shall be permitted to operate on multiuse paths, multiuse trails, bike lanes, and in the roadway.

(d) A violation of this Section shall be a Class G Traffic Violation which bears a penalty listed in Section 15.64.010(h).

**Synopsis**

This amendment is sponsored by Councilmembers Rollo and Sturbaum. It removes the allowance for the operation of motorized scooters and shared-use motorized scooters on sidewalks. Such prohibition is warranted by the volume and speed of shared use motorized scooters.

Note that this amendment was revised subsequent to discussion on 17 April 2019 to make clear that while motorized scooter operation is prohibited on sidewalks, motorized scooters are allowed to be operated on multi-use paths, along with bike paths, multi-use trails, and in the roadway.

**04/10/19 Committee Action:** None  
**04/17/19 Regular Session Action:** Discussed, but no vote taken  
**05/01/19 Regular Session Action:** *Pending*

(April 17, 2019)

**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 19-09  
**Amendment #:** 03  
**Submitted By:** Councilmembers Granger and Rollo  
**Date:** 17 April 2019

**Proposed Amendment:**

1. Ordinance 19-09, SECTION 3, §15.058.090(b) shall be amended by striking “fifteen (15)” and replacing it with “ten (10)” such that the entire subsection shall read as follows:
  - (b) All shared-use motorized scooters shall be equipped so as to operate at a speed no greater than ten (10) miles per hour.

**Synopsis**

This amendment is sponsored by Councilmembers Granger and Rollo and changes the equipment requirement of shared-use motorized scooters by reducing the maximum speed at which such scooters are equipped to operate from 15 MPH to 10 MPH.

**04/10/19 Committee Action:** None  
**04/17/19 Regular Session Action:** *Discussed; no vote taken*  
**05/01/19 Regular Session Action:** *Pending*

(April 17, 2019)

\*\*\* Amendment Form \*\*\*

**Ordinance #:** 19-09  
**Amendment #:** 04  
**Submitted By:** Councilmember Granger  
**Date:** 17 April 2019  
**Proposed Amendment:**

1. Ordinance 19-09, SECTION 3 shall be amended by adding a new section 15.58.040 entitled "Maximum number of shared-use motorized scooters to be deployed." The section shall be inserted into both the table of contents of the chapter and the text in numerical order and the subsequent sections shall be re-numbered accordingly. The new section 15.58.040 shall read as follows:

15.58.040 Maximum number of shared-use motorized scooters to be deployed.

Each shared-use motorized scooter operator that has obtained a license shall be permitted to deploy, at maximum, 200 shared-use motorized vehicles; however, the total number of shared-use motorized vehicles deployed within the corporate boundaries of the City shall not exceed 200.

2. Ordinance 19-09, SECTION 3 shall be amended by deleting 15.58.050(f) (as re-numbered pursuant to the above) and replacing it with the following:

(f) A shared-use motorized scooter operator that has obtained a license shall be permitted to deploy, at maximum, 200 shared-use motorized scooters. During license renewal, the Board of Public Works may increase or decrease the number of shared-use motorized scooters a shared-use motorized scooter operator may deploy; provided, however, any change in the number of shared-use motorized scooters that a shared use-motorized scooter is allowed to deploy must comport with the requirements of 15.58.040.

3. Due to the addition of a new section and the re-numbering of subsequent sections as provided in Part 1 of this amendment, Ordinance 19-09 shall be revised to change the citations to Section 15.58.150 regarding license revocation to 15.58.160 in the following re-numbered portions of the ordinance:

- SECTION 3, 15.58.050(g)
- SECTION 3, 15.58.100(k)
- SECTION 3, 15.58.110(d)
- SECTION 3, 15.58.120(e)
- SECTION 3, 15.58.130(g)
- SECTION 3, 15.58.140 (c)
- SECTION 3, 15.58.170 (b)

4. Due to the addition of a new section and the re-numbering of subsequent sections as provided in Part 1 of this amendment, Ordinance 19-09 shall be revised to change the citations to Section 15.58.140 regarding removal, impoundment, storage, and disposal to 15.58.150 in the following re-numbered portions of the ordinance:
  - SECTION 3, 15.58.060(k)
  - SECTION 3, 15.58.110 (c)
  - SECTION 7, 15.64.010(e)
  
5. Due to the addition of a new section and the re-numbering of subsequent sections as provided in Part 1 of this amendment, SECTION 3 of Ordinance 19-09 shall be amended by changing the citation in the re-numbered 15.58.050(d)(8) from 15.58.120(f) to 15.58.130(f).
  
6. Due to the addition of a new section and the re-numbering of subsequent sections as provided in Part 1 of this amendment, SECTION 3 of Ordinance 19-09 shall be amended by changing the citation in re-numbered 15.58.060(h) from 15.58.050 (b), (c), and (d) to 15.58.060 (b), (c), and (d).
  
7. Due to the addition of a new section and the re-numbering of subsequent sections as provided in Part 1 of this amendment, SECTION 3 of Ordinance 19-09 shall be amended by changing the citation in re-numbered 15.58.140(b) from 15.58.040 to 15.58.050.
  
8. Due to the addition of a new section and the re-numbering of subsequent sections as provided in Part 1 of this amendment, SECTION 6 of Ordinance 19-09, 15.64.010(d) shall be amended by changing the citation from 15.58.050 to 15.58.060.
  
9. Due to the addition of a new section and the re-numbering of subsequent sections as provided in Part 1 of this amendment, SECTION 8 of Ordinance 19-09, 15.64.010(h) shall be amended by deleting the existing table and replacing it with the following:

Fine:	\$20.00	
Covers:	15.58.070	Motorized scooter use
	15.58.080	Shared-use motorized scooter, age
	15.58.090	Shared-use motorized scooter, single rider

## Synopsis

This amendment is sponsored by Councilmember Granger and caps the number of scooters permitted to be operated by shared-use motorized scooters operators at a maximum of 200 per company and provides that no more than 600 shared-use motorized scooters may be deployed in the City in aggregate. Because this amendment adds a new section to the ordinance and re-numbers subsequent sections, this amendment revises in-text citations.

**04/10/19 Committee Action:** None

**04/17/19 Regular Session Action:** *Pending*

(April 17, 2019)

**Withdrawal Anticipated**

**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 19-09  
**Amendment #:** 05  
**Submitted By:** Councilmembers Granger, Rollo, and Sturbaum  
**Date:** 17 April 2019

**Proposed Amendment:**

1. Ordinance 19-09, shall be amended by adding a new “Whereas” clause, to appear last in the series of clauses and to add the word “and” at the end of the previous clause. The new clause shall read as follows:

WHEREAS, the regulation of scooters is effective and responsible insofar as such regulation is enforced. Moving scooter violations can only be enforced by the Bloomington Police Department. Therefore, in passing this ordinance, the Council respectfully requests that the Administration propose adding at least one more Bloomington Police Department officer in its 2020 Civil City Budget proposal. An additional officer will help the Department address the need for increased enforcement of motorized scooter moving violations and will benefit the needs of the Department overall. The license fees paid by shared-use motorized scooter companies should help defray the cost of this enforcement, proportionate to the enforcement effort specific to motorized scooter moving violations.

**Synopsis**

This amendment is sponsored by Councilmembers Granger, Rollo, and Sturbaum and requests that the Administration propose a new Bloomington Police Department officer as part of its 2020 Civil City budget to help with the enforcement of motorized scooter moving violations.

**04/10/19 Committee Action:** None  
**04/17/19 Regular Session Action:** *Discussed; no vote taken*  
**05/01/19 Regular Session Action:** *Pending*

(April 17, 2019)

\*\*\* Amendment Form \*\*\*

**Ordinance #:** 19-09  
**Amendment #:** 06  
**Submitted By:** Councilmember Piedmont-Smith  
**Date:** 17 April 2019

**Proposed Amendment:**

1. Ordinance 19-09, shall be amended by revising SECTION 1, §15.04.055 “Dismount Zone” to expand the boundaries of the zone such that the entire provision shall now read as follows:

**15.04.055 Dismount zone.**

“Dismount zone” means those sidewalks and crosswalks where motorized scooters, shared-use motorized scooters, coasters, or bicycles may not be ridden and where users must (i) dismount and walk their devices, (ii) operate their devices in a bicycle lane, or (iii) operate their devices in the roadway. Dismount zones are located within the crosswalks and on the sidewalks on either side of the street along the following streets:

Fourth Street from Indiana Avenue to the B-Line Trail

Kirkwood Avenue from Indiana Avenue to the B-Line Trail.

Sixth Street from Indiana Avenue to the B-Line Trail.

Walnut Street from Fourth Street to Seventh Street.

College Avenue from Fourth Street to Seventh Street

2. Ordinance 19-09 shall be amended by adding a new SECTION 9 and by re-numbering subsequent sections. The new section shall read as follows:

SECTION 9. Subsection 15.56.020(a)(7) shall be revised to expand the dismount zone such that the entire provision shall read as follows:

(7) Operating a bicycle on the sidewalks and within the crosswalks along the following streets is hereby declared a public nuisance and is therefore prohibited.

Bicyclists in these areas shall dismount their bicycles. Signage shall be in place prior to enforcement of this requirement and shall, when practicable, be in the form of markings on the sidewalk.

**STREETS:**

Fourth Street from Indiana Avenue to the B-Line Trail.

Kirkwood Avenue from Indiana Avenue to the B-Line Trail.

Sixth Street from Indiana Avenue to the B-Line Trail.

Walnut Street from Fourth Street to Seventh Street.

College Avenue from Fourth Street to Seventh Street.

3. Ordinance 19-09 shall be amended by adding a new SECTION 10 and by re-numbering subsequent sections. The new section shall read as follows:

SECTION 10. Subsection 15.56.025(a)(7) shall be revised to expand the dismount zone such that the entire provision shall read as follows:

(7) Operating a coaster on the sidewalks and within the crosswalks along the following streets is hereby declared a public nuisance and is therefore prohibited. A person operating a coaster in these areas shall dismount their coaster. Signage shall be in place prior to enforcement of this requirement and shall, when practicable, be in the form of markings on the sidewalk.

**STREETS:**

Fourth Street from Indiana Avenue to the B-Line Trail.

Kirkwood Avenue from Indiana Avenue to the B-Line Trail.

Sixth Street from Indiana Avenue to the B-Line Trail.

Walnut Street from Fourth Street to Seventh Street.

College Avenue from Fourth Street to Seventh Street.

**PARKS:**

Waldron, Hill and Buskirk Park Fountain Circle

## Synopsis

This amendment is sponsored by Councilmember Piedmont-Smith and extends the boundaries of the dismount zone for scooters, bicycles, and coasters. *See* attached map.

**04/10/19 Committee Action:** None

**04/17/19 Regular Session Action:** *Pending*

(April 17, 2019)

Original



\*\*\* Amendment Form \*\*\*

**Ordinance #:** 19-09  
**Amendment #:** 06a (revised subsequent to discussion)  
**Submitted By:** Councilmember Piedmont-Smith  
**Date:** 17 April 2019 (discussed); 01 May 2019 (introduced in revised form)

**Proposed Amendment:**

1. Ordinance 19-09, shall be amended by revising SECTION 1, §15.04.055 “Dismount Zone” to expand the boundaries of the zone such that the entire provision shall now read as follows:

**15.04.055 Dismount zone.**

“Dismount zone” means those sidewalks and crosswalks where motorized scooters, shared-use motorized scooters, coasters, or bicycles may not be ridden and where users must (i) dismount and walk their devices, (ii) operate their devices in a bicycle lane, or (iii) operate their devices in the roadway. Dismount zones are located within the crosswalks and on the sidewalks on either side of the street along the following streets:

Fourth Street from Indiana Avenue to the B-Line Trail

Kirkwood Avenue from Indiana Avenue to the B-Line Trail.

Sixth Street from Indiana Avenue to the B-Line Trail.

Indiana Avenue from Fourth Street to Seventh Street.

Dunn Street from Fourth Street to Seventh Street.

Grant Street from Fourth Street to Seventh Street.

Lincoln Street from Fourth Street to Seventh Street.

Washington Street from Fourth Street to Seventh Street.

Walnut Street from Fourth Street to Seventh Street.

College Avenue from Fourth Street to Seventh Street

2. Ordinance 19-09 shall be amended by adding a new SECTION 9 and by re-numbering subsequent sections. The new section shall read as follows:

SECTION 9. Subsection 15.56.020(a)(7) shall be revised to expand the dismount zone such that the entire provision shall read as follows:

(7) Operating a bicycle on the sidewalks and within the crosswalks along the following streets is hereby declared a public nuisance and is therefore prohibited. Bicyclists in these areas shall dismount their bicycles. Signage shall be in place prior to enforcement of this requirement and shall, when practicable, be in the form of markings on the sidewalk.

STREETS:

Fourth Street from Indiana Avenue to the B-Line Trail

Kirkwood Avenue from Indiana Avenue to the B-Line Trail.

Sixth Street from Indiana Avenue to the B-Line Trail.

Indiana Avenue from Fourth Street to Seventh Street.

Dunn Street from Fourth Street to Seventh Street.

Grant Street from Fourth Street to Seventh Street.

Lincoln Street from Fourth Street to Seventh Street.

Washington Street from Fourth Street to Seventh Street.

Walnut Street from Fourth Street to Seventh Street.

College Avenue from Fourth Street to Seventh Street

3. Ordinance 19-09 shall be amended by adding a new SECTION 10 and by re-numbering subsequent sections. The new section shall read as follows:

SECTION 10. Subsection 15.56.025(a)(7) shall be revised to expand the dismount zone such that the entire provision shall read as follows:

(7) Operating a coaster on the sidewalks and within the crosswalks along the following streets is hereby declared a public nuisance and is therefore prohibited. A person operating a coaster in these areas shall dismount their coaster. Signage shall be in place prior to enforcement of this requirement and shall, when practicable, be in the form of markings on the sidewalk.

STREETS:

Fourth Street from Indiana Avenue to the B-Line Trail

Kirkwood Avenue from Indiana Avenue to the B-Line Trail.

Sixth Street from Indiana Avenue to the B-Line Trail.

Indiana Avenue from Fourth Street to Seventh Street.

Dunn Street from Fourth Street to Seventh Street.

Grant Street from Fourth Street to Seventh Street.

Lincoln Street from Fourth Street to Seventh Street.

Washington Street from Fourth Street to Seventh Street.

Walnut Street from Fourth Street to Seventh Street.

College Avenue from Fourth Street to Seventh Street

PARKS:

Waldron, Hill and Buskirk Park Fountain Circle

**Synopsis**

This amendment is sponsored by Councilmember Piedmont-Smith and extends the boundaries of the dismount zone for scooters, bicycles, and coasters. *See* attached map.

Note that this amendment and associated map were revised subsequent to discussion on 17 April 2019 to add north-south streets (Indiana Ave., Dunn St., Grant St., Lincoln St., and Washington St.) to the dismount zone.

**04/10/19 Committee Action:** None

**04/17/19 Regular Session Action:** *Discussed, but no vote taken.*

**05/01/19 Regular Session Action**

(April 17, 2019)



\*\*\* Amendment Form \*\*\*

**Ordinance #:** 19-09  
**Amendment #:** 07  
**Submitted By:** Councilmember Piedmont-Smith  
**Date:** 17 April 2019

**Proposed Amendment:**

1. Ordinance 19-09 shall be amended by modifying SECTION 3 to delete the last sentence of §15.58.050(d)(5), such that the entire provision shall read as follows:

(5) Motorized scooters shall not be parked on sidewalks on either side of the street within the dismount zone.

2. Ordinance 19-09 shall be amended by revising the next-to-last sentence of the synopsis to eliminate the reference to permissible parking at bike racks within dismount zones, such that the sentence shall read as follows:

However, motorized scooter parking is prohibited on sidewalks within dismount zones; instead, parking is limited in these areas to painted boxes.

**Synopsis**

This amendment is sponsored by Councilmember Piedmont-Smith and deletes a provision that allows motorized scooter parking at bike racks on sidewalks in the dismount zone. However, scooter parking in dismount zones is still permitted in designated painted boxes on the street.

**04/10/19 Committee Action:** None  
**04/17/19 Regular Session Action:** *Pending*

(April 17, 2019)

\*\*\* Amendment Form \*\*\*

**Ordinance #:** 19-09  
**Amendment #:** 07a (revised subsequent to discussion)  
**Submitted By:** Councilmember Piedmont-Smith  
**Date:** 17 April 2019 (discussed); 01 May 2019 (introduced in revised form)

**Proposed Amendment:**

1. Ordinance 19-09 shall be amended by modifying SECTION 3 to delete subsection §15.58.050(d) in its entirety and to replace it with the following:

(d) Motorized scooters shall not be permitted to be parked on any public sidewalk.

2. Ordinance 19-09 shall be amended by revising the next-to-last sentence of the synopsis to eliminate the reference to permissible parking at bike racks within dismount zones, such that the sentence shall read as follows:

However, motorized scooter parking is prohibited on any public sidewalk; instead, proximate parking is provided at painted boxes.

**Synopsis**

This amendment is sponsored by Councilmember Piedmont-Smith and prohibits motorized scooter parking on any public sidewalk. This amendment is made in the interest of maximizing sidewalk accessibility. Notably, motorized scooters may be parked proximate to sidewalks at designated painted boxes on the street.

Note that this amendment was revised subsequent to discussion on 17 April 2019 to extend the prohibition on scooter parking to all public sidewalks, not just those sidewalks in the dismount zone.

**04/10/19 Committee Action:** None  
**04/17/19 Regular Session Action:** *Discussed, but no vote taken.*  
**05/01/19 Regular Session Action:** *Pending*

(April 17, 2019)

**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 19-09  
**Amendment #:** 08  
**Submitted By:** Councilmember Piedmont-Smith  
**Date:** 17 April 2019

**Proposed Amendment:**

1. Ordinance 19-09 shall be amended by modifying SECTION 3, §15.58.050 (c) to replace the words “painted boxes” with “scooter corrals” and to make clear that such scooter corrals shall be designed to prevent scooters from falling outside of the corral borders. The entire subsection shall read as follows:

(c) Motorized scooters may be parked on the street within scooter corrals that are specifically designated for scooters. Scooter corrals shall be designed to prevent scooters from falling outside of the boundaries of the corral.

2. Ordinance 19-09 shall be amended by modifying SECTION 3, §15.58.050 (g) to replace the words “painted boxes” with “scooter corrals.”

3. Ordinance 19-09 shall be amended by revising the next-to-last sentence of the synopsis to delete the words “painted boxes” and replace those words with “scooter corrals.”

**Synopsis**

This amendment is sponsored by Councilmember Piedmont-Smith and replaces the words “painted boxes” with “scooter corrals” to describe the on-street parking areas designated for scooter parking. The amendment also provides that scooter corrals shall be designed to prevent scooters from falling outside of the boundaries of the corral.

**04/10/19 Committee Action:** None  
**04/17/19 Regular Session Action:** *Pending*

(April 17, 2019)

\*\*\* Amendment Form \*\*\*

**Ordinance #:** 19-09  
**Amendment #:** 08a (revised subsequent to discussion)  
**Submitted By:** Councilmember Piedmont-Smith  
**Date:** 17 April 2019 (discussed); 01 May 2019 (introduced in revised form)

**Proposed Amendment:**

1. Ordinance 19-09 shall be amended by modifying SECTION 3, §15.58.050 (c) to replace the words “painted boxes” with “corrals” and to make clear that such corrals shall be designed to prevent scooters and bicycles from falling outside of the corral borders. The entire subsection shall read as follows:

(c) Motorized scooters may be parked on the street within corrals that are specifically designated for scooters and bicycles. Corrals shall be designed to prevent scooters and bicycles from falling outside of the boundaries of the corral.

2. Ordinance 19-09 shall be amended by modifying SECTION 3, §15.58.050 (g) to replace the words “painted boxes” with “corrals.”

3. Ordinance 19-09 shall be amended by revising the next-to-last sentence of the synopsis to delete the words “painted boxes” and replace those words with “corrals.”

**Synopsis**

This amendment is sponsored by Councilmember Piedmont-Smith and replaces the words “painted boxes” with “corrals” to describe the on-street parking areas designated for scooter and bicycle parking. The amendment also provides that corrals shall be designed to prevent scooters and bicycles from falling outside of the boundaries of the corral.

Note that this amendment was revised subsequent to discussion on 17 April 2019 to switch the term “scooter corral” with the more general term “corral” as these designated parking spaces are intended for use by both scooters and bicycles. The amendment also clarifies that the corrals shall be designed to prevent both scooters and bicycles from falling outside of its designated boundaries.

**04/10/19 Committee Action:** None  
**04/17/19 Regular Session Action:** *Discussed, but no vote taken.*  
**05/01/19 Regular Session Action:** *Pending*

(April 17, 2019)

**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 19-09  
**Amendment #:** 12  
**Submitted By:** Councilmembers Sandberg, Granger, and Ruff  
**Date:** 01 May 2019

**Proposed Amendment:**

1. Ordinance 19-09 shall be amended by modifying SECTION 3 to delete subsection (i) of 15.58.090, regarding the permissible hours of deployment. Subsection 15.58.090(i) shall be deleted in its entirety and the subsequent subsections shall be re-lettered.

**Synopsis**

This amendment is sponsored by Councilmembers Sandberg, Granger, and Ruff and deletes a subsection of the ordinance providing that shared-use motorized scooters shall only be made available to the public between the hours of 10:01 PM and 5:59 AM. Sponsors are eliminating this provision in the interest of making shared-use motorized scooters available to low-income residents working service-industry jobs, second- or third-shift jobs, or other jobs with non-traditional hours.

**04/10/19 Committee Action:** None  
**04/17/19 Regular Session Action:** None  
**05/01/19 Regular Session Action:** *Pending*

(April 23, 2019)

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, February 20, 2019 at 6:33pm, Council President Dave Rollo presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
February 20, 2019

Members Present: Ruff, Piedmont-Smith, Granger (left at 9:07pm), Rollo, Sturbaum, Sandberg  
Members Absent: Chopra, Volan, Sims

ROLL CALL [6:33pm]

Council President Dave Rollo summarized the agenda.

AGENDA SUMMATION [6:33pm]

There were no minutes for approval.

APPROVAL OF MINUTES

Councilmember Chris Sturbaum asked for a moment of silence for Councilmember Steve Volan's recently deceased father.

REPORTS

- COUNCIL MEMBERS [6:35pm]

Councilmember Isabel Piedmont-Smith noted she was the council representative for the Hospital Site Reuse Committee. She said the committee was evaluating master developer proposals. She let the public know that there would be plenty of opportunity for public's input on the subject.

Rollo announced that the City Hall had achieved Gold LEED status. He said the community needed to take action on insect population decline.

Phil Stafford, Chair of the Commission on Aging, presented the annual report for the commission. He discussed the current status of the members on the board, the outreach and collaboration achieved, the City of Bloomington Community Survey conducted, Lifetime Community Concept, and Dementia-Friendly Bloomington. He discussed their plan for 2019 as well.

- The MAYOR AND CITY OFFICES [6:38pm]

Councilmember Susan Sandberg asked if the vacancies on the commission were council appointments or mayoral appointments.

Council questions:

Stafford said he was sure but explained how people could apply.

Sturbaum asked what neighborhood Stafford was referring to in his previous comments.

Stafford said they were referring to the old development site of the hospital.

Councilmember Dorothy Granger presented the Sidewalk Committee report. She said the \$318,000 was an increase of \$6,000 from the previous year. Granger reviewed committee criteria for funding. She showed the project prioritization grid, that was based on the committee criteria. She said the committee looked at walkability, residential density, transit routes, linkages, and costs. Granger discussed the funding recommendation for 2019 and the different projects. She thought the committee worked together well this year. She said sidewalks were very important, but expensive.

- COUNCIL COMMITTEES [6:47pm]

Sturbaum said there was concern in the previous year about cut-through traffic when Rockport and Tapp Roads were closed, and the committee advocated for traffic calming on Countryside in the Braodview neighborhood. He said the committee used the leftover funds for that project. He said the neighborhood would decide how much remained to be done.

Council questions:

Piedmont-Smith asked how the Fourteenth Street segment from Madison to Woodburn made it to the top of the prioritization list.

Granger said all of the projects on the list were scored. She said sometimes, because their funds were limited, they would complete a smaller, less expensive project to get it off the list.

Piedmont-Smith asked if the project would be done with other funds, and if they needed just a little extra.

Dan Sherman, Council Attorney, said it had the prospect of partnership with Community Development Block Grant (CDBG) funds. He said the committee talked about Fourteenth Street and they closed out a lot of their projects and a staff member suggested they start something new. The HAND Department proposed the sidewalk as a CDBG project next year and it could be in line for a request for those funds.

Piedmont-Smith asked if the \$156,000 was tentative.

Sherman said the project was a year away and there may be other priorities, but they heard this sidewalk project could be eligible for CDBG funds.

Granger said the project was ranked fourth.

Piedmont-Smith asked what criteria it scored high on.

Granger said they looked at the length of the project, the walk score, transit, density score, traffic score, and overall project rank.

Piedmont-Smith asked about the crosswalk on West Allen Street because she thought it was a dangerous area for a crosswalk.

Granger said yes it was.

Sherman said they wanted to do traffic calming because there was a transit stop. They wanted to include speed humps and one could be where pedestrians could walk.

Piedmont-Smith asked if they were thinking of doing a raised crosswalk.

Sherman said yes, that was what they envisioned.

Granger said they were joining with Planning and Transportation.

Piedmont-Smith asked if they would involve the residents of West Allen in making the decision.

Sherman said yes, there would be an outreach effort tied to this project.

Rollo said Granger was a great chair. He said there were projects on the list that extend a mile in length and were not suited for the sidewalk committee. He said there were some projects they would not get to unless they received funding. He said they tried to leverage stormwater improvements as well.

Council comment:

Rick Phillips said pedestrian crosswalks needed to be more visible to drivers.

Public comment:

Sandberg moved and it was seconded to approve the 2019 Council Sidewalk Committee Report. The motion to approve the report received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0.

Vote to approve the Council Sidewalk Committee Report [7:10pm]

Sherman brought up a disclosure for an appointee, Jim Blickensdorf, to the Parking Commission. He said Blickensdorf had a business that could seek services from the City and this disclosure would allow him to do so. Sherman requested that they consider accepting this disclosure.

After some council discussion Rollo postponed the decision to accept the disclosure to a later meeting.

Greg Alexander spoke to the council about bike lanes being blocked. He discussed trees and snow not being cleared from paths and bike lanes. He reported that Firestone blocked sidewalks as well.

- PUBLIC [7:12pm]

John Clower was disappointed the letter on hate crimes did not mention the importance of accurate, conscientious reporting by police with readily accessible information to the public.

There were no appointments to Boards and Commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Sandberg moved and it was seconded that Ordinance 19-06 be read by title and synopsis only. The motion was approved by voice vote. City Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:22pm]

Ordinance 19-06 Amending Title 15 of the Bloomington Municipal Code – Re: Reducing Fees for Law Enforcement Recordings and Bringing Said Fees into Compliance with State Law

Sandberg moved and it was seconded that Ordinance 19-06 be adopted.

Michael Rouker, City Attorney, presented the legislation. He said it was a clean up measure to reduce the fees for law enforcement recordings and to bring them in line with the most current guidance from the state.

Council questions:

Rollo asked for more information about the fees.

Rouker said the fee would be for the direct costs of providing the law enforcement recordings. He said that even if the direct costs were higher, the maximum amount that would be charged was \$150.

Granger asked how costs would be calculated, and said it seemed laborious.

Rouker said there were only two or three people in the police department that would work on this. They would log their hours in an excel spreadsheet and it would calculate the cost by their hourly rate.

There was no public comment.

Public comment:

Sandberg supported the legislation.

Council comment:

The motion to adopt Ordinance 19-06 received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 19-06 [7:27pm]

Sandberg moved and it was seconded that Resolution 19-05 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Resolution 19-05 To Approve Recommendations of the Mayor for Distribution of Community Development Block Grants (CDBG) Funds for 2019

Sandberg moved and it was seconded that Resolution 19-05 be adopted.

Doris Sims, Director of Housing and Neighborhood Development, presented the legislation. She said the Community Development Block Grant (CDBG) Funds needed to meet three objectives: to eliminate slum and blight, to benefit low/moderate income households, and to address urgent need. She discussed the Citizen Participation Plan, available funding and the distribution of such funding.

Rollo asked if CDBG funding was declining or if it had plateaued.

Sims said CDBG funding was hard to predict from year to year. She heard that the allocation from CDBG was not cut this year, but they would not know until they were told what their allocation was.

Resolution 19-05 (cont'd)  
Council questions:

Sturbaum asked for an update on the Housing Rehab Program.

Sims said the Housing Rehab Program was done under the CDBG. She said it had been slow and that HAND wanted to better market the program. She said because homeowners who came to them usually still had a lot of debt on their house, so they could not make the income ratios that were needed since the program was a loan.

Sturbaum asked if the loan was deferred until the house was sold.

Sims said a portion of the funding could be a deferred loan and a portion of the funding could be a direct loan, depending on the income of the homeowner.

There was no public comment.

Public comment:

Sandberg was grateful for the CDBG funding. She said the John Hopkins Fund filled in the gaps for the organizations that were not able to get CBDG funding, so the combination went a long ways to support nonprofit organizations. She thanked the committee for working hard and making good decisions.

Rollo thanked Sims, Sandberg, and Ruff for their service on the committee.

Council comment:

The motion to adopt Resolution 19-05 received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0.

Vote to adopt Resolution 19-05  
[7:42pm]

Sandberg moved and it was seconded that Appropriation Ordinance 19-01 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 8, Nays: 0, Abstain: 1.

Appropriation Ordinance 19-01  
To Specially Appropriate from the Food and Beverage Tax Fund Expenditures Related to the Convention Center Expansion (Appropriating Funds from the Food and Beverage Tax Fund)

Sandberg moved and it was seconded that Appropriation Ordinance 19-01 be adopted.

Mick Renneisen, Deputy Mayor, presented the legislation for the request to use the proceeds from the Food and Beverage tax to hire an architect to do the phase one renderings and conduct public engagement sessions for the expansion of the existing Convention Center project. He refreshed the Council on the schedule for phase one. He said phase two would lead to blueprints with a much more detailed design that would take between nine months and a year. He went over the fees for the project.

Piedmont-Smith asked if the specific time and location of the public outreach meeting had been set.

Council questions:

Renneisen believed it was Wednesday, March 6<sup>th</sup> and said it would be publicized on the City website, as well as published in the newspaper.

Rollo mentioned to the public that this topic had been discussed extensively already.

Renneisen added that the Steering Committee had engaged in discussion for quite some time to get to the architect selection process. The Food and Beverage Advisory Commission had to authorize the use of the funds and the Council had to approve the amount. He said this public project would and did have numerous checkpoints. They wanted to reflect on what the public wanted to see.

Appropriation Ordinance 19-01  
(cont'd)

Sturbaum asked if there would be a series of approvals as they went.

Renneisen said phase one was just for this component, then there would be another round that would come back before the council. He said the City Controller was working with bond counsel on how much it would cost. Next they would have to go to the Advisory Commission and the Council for approval.

Sturbaum asked if the Council and the public could be assured of updates because the money had to keep flowing.

Renneisen said he could be assured of updates because it was a big community project and it would come before the Council before they spent any funds.

Granger was pleased with the architects and said it seemed obvious to her that they were committed to the public process. She thought that in order for this operation to work, it had to be a very public process. She was glad the Convention Center was in downtown Bloomington to maintain a community feel. She asked if he agreed.

Renneisen said he agreed it was important.

Public comment:

Rick Phillips wondered if the volume could be increased.

Renneisen said the public meeting was Wednesday, March 6<sup>th</sup> from 5:30pm to 7:30pm in City Hall.

Bolden clarified that the meeting would be held at the Convention Center.

Council comment:

Sandberg supported Food and Beverage taxes to help expand the Convention Center. She thought they would have some real benefits in the City of Bloomington and the neighboring cities. She was happy to play a part in the approval of the funding for phase one. She believed this would be a true community project with true community benefits.

Sturbaum said he took his wife out the previous Saturday and saw on their receipt that the Food and Beverage tax was very insignificant and that was how they were paying for the Convention Center.

Piedmont-Smith said the County approved a tax on any food or beverage consumed in a restaurant and it charged about one cent more. She said that money was shared by the County and the City, but the City received about 90% of the money since most of the restaurants and food preparing places were in the City. The City committed to using all their money to rebuild the Convention Center because the current one was too small. She said they were talking about the first expenditure for that tax money. She said the administration was asking them to approve \$350,000 for an architectural firm to do some preliminary planning for the expansion project. She said on March 6<sup>th</sup> at 5:30pm at the Convention Center they would be having a public input meeting. She thought it was a good architectural firm, and it was actually two companies working together. She was pleased by their presentation and green building credentials. She did not like the priority on expanding a Convention Center in an age where climate change was becoming an urgent issue. She said people would have to use fossil fuels in order to come to the Convention Center. She thought more people should do their meetings virtually online. She did not think it was a good use of public money but that decision had already been made. She said given the circumstances she would vote yes.

Appropriation Ordinance 19-01  
(cont'd)

Granger liked that it was downtown and she liked the architectural group.

Sturbaum thought that businesses could not substitute face to face interactions because it was absolutely necessary for their communication.

Councilmember Andy Ruff shared Piedmont-Smith's position on the topic. He was unsure if this was a sustainable strategy. He was impressed with the people that represented the architectural firms and he had confidence it would be done in the best way.

Rollo said there was a demand for a convention center and if they did not do it, then private firms would. He said it would be a public space that nonprofits and local events could use. He thought it was a wise investment.

The motion to adopt Appropriation Ordinance 19-01 received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0.

Vote to adopt Appropriation Ordinance 19-01 [8:04pm]

Sandberg moved and it was seconded that Ordinance 19-02 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Ordinance 19-02 To Amend Title 10 Of the Bloomington Municipal Code Entitled "Wastewater" (Stormwater Rate Adjustment)

Sandberg moved and it was seconded that Ordinance 19-02 be adopted.

Ordinance 19-02 (cont'd)

Vic Kelson, Director of Utilities, said the purpose of the fee was to pay for stormwater services that were provided inside the city by the Utilities department. He said some of the stormwater systems had been in place for 100 years, so the Jordan River culvert was now undersized for the size of storms they received and the amount of constructed impermeable surfaces that had been put in place since it was constructed. He said it was also in degraded condition after over 100 years of service and it had needed to be replaced for the last 20 years. He said the fee had not been changed since 2003. He discussed some different projects that needed to be done and how the fee would be increased in phases.

Sandberg asked if Kelson wrote a guest editorial in the Herald Times for that day.

Kelson said yes.

Sandberg commended Kelson on his timing, and said using the newspaper was a great way to educate the public.

Sturbaum asked if Kelson had said that the dollar had lost 60% of its value since 2003.

Kelson said the construction cost index had increased by 62 cents since 2003.

Sturbaum asked if that meant a dollar in 2003, would now cost \$1.62.

Kelson said that was correct for these kinds of projects.

Sturbaum asked how it would be best for the Council to follow up if they wanted to see the residential grant program initiated for work that could not be done by anybody else.

Kelson explained the challenges for following up when related to the source and downstream aspects.

Piedmont-Smith asked how stormwater rates were calculated for properties that were not single-family residential.

Kelson said the calculation began with an estimate of what an average residential property had in terms of impermeable surface and then was scaled upward.

Piedmont-Smith asked how they got the square footage for their calculations.

Kelson believed the information was in the County's property database.

Piedmont-Smith asked how the city would know if someone expanded their parking lot.

Kelson said that would be handled through plan review as part of the stormwater approval process.

Rollo asked if the green infrastructure project was a good investment that would alleviate the need for later installation of infrastructure.

Kelson said it was the ideal goal.

Sturbaum asked what role the city could play in getting a comprehensive soil survey for neighborhoods that expressed concern about possible contamination.

Kelson said the City's role was whatever the Council and the administration decided it was. He said the Utilities Department did not do soil. He said Utilities worked on managing stormwater and the quality of it.

Sturbaum questioned who could handle it in the City if not Utilities.

Kelson said it was the Council and the Mayor's purview.

Council questions:

Ordinance 19-02 (cont'd)

Piedmont-Smith asked to Kelson provide details about the Neighborhood Grant Program for people who were struggling with stormwater issues.

Kelson said Utilities established a residential grant program directed to owner-occupied, single-family residences that may have developed problems over time. He said they would be seeking letters of intent for review in April and that applications would be available until May. Kelson said Utilities might have more dollars available for the 2020 budget. He said Utilities would make adjustments in the future.

Rick Phillips spoke about stormwater issues in his neighborhood, Sunny Slopes.

Public comment:

Sandy Washburn spoke about stormwater issues in front of her home.

Sturbaum asked who was responsible for cleaning storm grates.

Council questions:

Kelson said Utilities cleaned storm grates. He said there were over 6,000 storm grates that could not be cleaned all at once. He said some of the infrastructure was old and needed improvements. Kelson said the intent for the neighborhood program and green infrastructure program was to establish a dedicated crew to clean the storm sewers. He said citizens could call or file a report to get the storm grates cleared.

Rollo asked what the implications were for water moving off the streets and into someone's yard, and how it could be addressed.

Kelson said owners were responsible for their own property. He said to do a comprehensive stormwater program would be costly, but they hoped the neighborhood program could help offset costs.

Sandberg asked who would take responsibility for homes that may not have been engineered properly at the time they were built.

Kelson said he was aware of some of the problems in Sunny Slopes. He said it did not mean the property was engineered improperly but the landscape could have eroded or the owner could have made changes to their yard. He said it was a situation where all the residents needed to work together with the Utilities Department to find solutions.

Ruff asked if Kelson could provide a dollar amount to fix all of the stormwater drainage problems.

Kelson said that would be difficult because all of the homes were different. He said the purpose of the program was to facilitate these problems and put money towards them.

Ruff asked if providing no-cost engineering or advice from Utilities could be beneficial.

Kelson said they did not have engineers at the time.

Ruff asked if the grant money would be used for the owners to hire engineers.

Kelson said yes. They were reaching out to engineers and working out agreements where they would offer services at a lower cost, especially for lower income neighborhoods. He said it was a new program and this was the first year.

Rollo asked if money would be going to a crew to clean grates and if the situation would improve.

Kelson said yes.

Rollo asked if a grate could clog in a matter of minutes during a big rain event.

Kelson said yes, depending on the season.

Rollo asked how often these grates would be inspected.

Kelson was unsure of the schedule, but when there was rain in the forecast, Utilities sent everyone out to clean grates.

Rollo asked about the ease of applying for grants.

Kelson said it was a one page application with some photographs and indications of what they were trying to do.

Rollo asked if the committee took public comment.

Kelson said they had not designed the meetings yet.

Ordinance 19-02 (cont'd)

Piedmont-Smith commented that she felt for the people that were continually flooded. She had spoken with several people and their yards were being eroded by massive amounts of water. She encouraged Phillips to reach out to her and she would love to help him with the grant application. She said there was not enough money and too many problems. She said the stormwater rate increase would have some positive benefit, in that they would have some more money for these grants. She liked the investment in green infrastructure and thought they should increase the percentage that went to it. She said this increase was way overdue and Council should review it every five years. She knew some nonprofits would have a hard time with this since they may have large parking lots. She encouraged anyone to reach out to her and she would try to help.

Council comment:

Sandberg supported the additional fees and thought they were necessary. She said the money was going to what they were doing now and the increase was going to address problems. She said perhaps they could look at a jobs program and people who needed work could go around cleaning the storm drains. She said these water problems were not going to go away. She said the American Society of Civil Engineers gave the United States a D- in their ability to manage aging infrastructure. She thought this was the kind of national emergency the President should be declaring.

Sturbaum said that the councilmembers could probably come up with two or three huge areas to prioritize. He thought they needed to take responsibility for that. He said they could start small, but they would need to set priorities. He would vote yes but wanted to have an ongoing conversation and shift the responsibility more to the government.

Rollo thanked Kelson for his presentation and for joining him in his neighborhood that day. He stated it was a huge task and he thought they did not have proper design or infrastructure in the 1960s or 1970s. He thanked Washburn and Phillips for waiting to have their say. He thought the program could be applicable to things like what Phillips described.

Kelson said Phillip's situation was exactly the kind of problem they wanted to address.

The motion to adopt Ordinance 19-02 received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 19-02  
[9:07pm]

Sandberg moved and it was seconded that Ordinance 19-05 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Sandberg moved and it was seconded that Ordinance 19-05 be adopted.

Kelson presented the legislation. He said Title 10 covered their industrial pretreatment program. He stated the purpose was to protect the community's investment in sanitary sewer infrastructure and sanitary wastewater treatment, which also protected the streams where the wastewater was discharged after it was treated. He went over the different activities that affected their operations and some changes they had made.

Sturbaum asked about the change in how new food establishments were defined.

Kelson said it was a food service establishment that was being built, was sold, or was remodeled.

Sturbaum asked if a business that was sold, but still did the same thing, would be considered new.

Kelson said yes.

Sturbaum asked what that meant they had to do.

Kelson said if there was no grease interceptor in place they would need to put one in.

Sturbaum asked what they would do if a son took over the restaurant.

Kelson was not sure.

Rollo asked if the last sanitary sewer flow corrected was on South Walnut.

Kelson said the last one was on College Mall Road.

Rollo asked if chronic sanitary sewer flows were treated.

Kelson said Utilities had been doing capital projects to improve the situations with chronic issues. He said Utilities asked people who had new projects to enlarge their sewers.

Rollo asked if there were sanitary sewer overflows during the rain on February 7 and if it was unavoidable.

Kelson said there were over twenty that day. He said the flooding was extreme and there were places where the water pooled over manholes.

Rollo asked about the update on local limits and self-reporting.

Kelson said they had to be permitted by the Utilities Department and they had to do testing to demonstrate that they were satisfying the categorical standards and the local limits before they could be issued a permit. When they issued the permit, any categorical standards and local limits that applied were put into their new permit. They had a reporting frequency they had to report and if they thought there were any issues they would perform their own testing.

Rollo asked about the fats, oils, and grease and if they could be treated with microbial additives.

Kelson said it did not work.

There was no public comment.

The motion to adopt Ordinance 19-05 received a roll call vote of Ayes: 5, Nays: 0, Abstain: 0 (Granger out of room).

Ordinance 19-05 To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" (A Substantial Rewriting of Title 10 Following a Review Conducted in Concert with the Environmental Protection Agency)

Council questions:

Public comment:

Vote to adopt Ordinance 19-05 [9:24pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST  
READING

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT

Sherman reviewed the upcoming schedule.

COUNCIL SCHEDULE [9:26pm]

Sturbaum moved and it was seconded to cancel the Council Work Session on February 22, 2019. The motion was approved by voice vote.

The meeting was adjourned at 9:27pm.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVE:

ATTEST:

\_\_\_\_\_  
Dave Rollo, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

For Approval

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, March 20, 2019 at 6:32pm, Council President Dave Rollo presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
March 20, 2019

Members present: Ruff (arrived 6:34pm), Chopra, Piedmont-Smith, Rollo, Volan, Sims, Sturbaum, Sandberg  
Members absent: Granger

ROLL CALL [6:32pm]

Council President Dave Rollo summarized the agenda.

AGENDA SUMMATION [6:32pm]

Councilmember Isabel Piedmont-Smith moved and it was seconded to approve the minutes of January 30, 2018 as corrected. The motion was approved by voice vote.

APPROVAL OF MINUTES [6:33pm]

January 30, 2019 (Special Session)  
March 6, 2019 (Regular Session)

Piedmont-Smith moved and it was seconded to approve the minutes of March 6, 2019. The motion was approved by voice vote.

Councilmember Susan Sandberg said that the Affordable Living Committee had completed an initial draft of its report, which examined and described various costs of living and working in the community.

REPORTS

- COUNCIL MEMBERS [6:35pm]

Councilmember Chris Sturbaum spoke about the importance of affordable housing owned by local residents.

Councilmember Jim Sims welcomed Councilmember Steven Volan back. Sims spoke about the process of updating the city's unified development ordinance (UDO) and urged the public to participate in the process.

Councilmember Steve Volan spoke about the passing of his father and thanked those in the community who had been supportive and helpful during a difficult time for his family.

Councilmember Allison Chopra apologized for eating during the meeting.

Councilmember Isabel Piedmont-Smith thanked Volan for sharing stories about his father and family. She spoke about the Women's History Month Luncheon that had taken place earlier in the day. She complimented the speakers and award winners from the event.

Rollo announced an upcoming talk with Anthony Wier of the Friends Committee on National Legislation. He also reported on the response the Council received from the Indiana Department of Natural Resources (DNR). He said the DNR declined to extend the comment period on a recent logging proposal and declined to meet with the city. He hoped there would be further dialogue between state and local officials.

Terri Porter, Director of Planning and Transportation, presented a progress report on the city's UDO update project. She explained that the update process began in February 2018, after the city updated its Comprehensive Plan. She noted that the UDO hadn't been updated since 2007. She spoke about the importance of updating the UDO given the changes to the Comprehensive Plan. She explained the outreach efforts that had already taken place, as well as future steps for the UDO update. She introduced representatives from Clarion Associates, a consulting firm assisting with the UDO update.

- The MAYOR AND CITY OFFICES[6:40pm]

Donald Elliott, Clarion Associates, introduced himself and explained the type of work his firm performed. He said the first proposal would simply be the starting point of the democratic process, with more revisions to follow. He listed reasons why the city was updating the UDO. He reviewed the project scope and timeline, as well as key changes that had been made to the UDO since the process started. He noted that many changes had been made to provisions relevant to student housing and affordable housing, in an effort to better define and separate out the treatment of each type of housing. He explained rules related to neighborhood transitions. He noted that the UDO included more objective incentives for developers to build affordable housing. He pointed out areas of community concern that had generated discussion and disagreement. He explained the next steps in the process

The Mayor and City Offices  
(cont'd)

Volan asked if enrollment at Indiana University (IU) was expected to level out over the next decade. He wondered if there would be a need for more student housing.

Council Questions:

Elliott thought the proposed regulations on student housing would not be an issue if enrollment declined, as there would be less demand for four- and five-bedroom units. However, he doubted that enrollment would actually decline.

Volan asked why it was appropriate to segregate students into particular areas of the city or into student housing zones.

Elliott said the UDO did not call for a specific student housing zone. Instead, he pointed out, it regulated four- and five-bedrooms differently (and developments with a certain portions of three-bedroom units).

Volan asked why the city should allow four- and five-bedroom units when the only people who rented such units were students.

Elliott said there was still a market for such units, and it was more efficient to build those kinds of units.

Sturbaum argued that allowing higher densities on the corners of neighborhoods would negatively impact the neighborhood.

Elliott acknowledged that some people might disagree with the idea. He said that others thought it was an idea worth discussing, which was why it was included.

Volan asked Elliott to elaborate how the new UDO would reduce the number of planned unit developments (PUDs).

Elliott spoke about the difficulties of utilizing a large number of PUDs within the city. He said having objective standards would provide predictability and transparency, as well as reduce the amount of time it took to negotiate and administer PUDs.

Volan asked if PUD-usage went down in other cities that made the sort of changes included in the proposed UDO.

Elliott said yes. He suggested that the city be explicit about the kinds of amenities it wanted to see when a PUD was adopted.

Bob Arnove thanked the Council for proclaiming an encomium at its previous meeting for Toby Strout, and for naming a portion of South Washington Street "Toby Strout Way."

- PUBLIC [7:15pm]

Daniel Bingham spoke about the importance of sustainability and the need to respond to global climate change.

There were no appointment to Boards and Commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Volan moved and it was seconded that Ordinance 19-07 be read by title and synopsis only. The motion was approved by voice vote. City Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 7, Nays: 0, Abstain: 0.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:25pm]

Volan moved and it was seconded that Ordinance 19-07 be adopted.

Ordinance 19-07 Amending Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" – Re: Updating Permissible Towing and Storage Fees for Authorized Towing Services

Michael Rouker, City Attorney, presented the legislation to the Council. He explained that the ordinance increased the maximum permissible towing fees that the city's authorized towing partners could charge for city-initiated tows. He said the ordinance was proposed, in part, to bring the city's fees in line with the fees other public agencies charged.

Sims asked if the cap on permissible towing fees simply represented the maximum amount that could be charged, or if it represented the fee that actually would be charged after every tow.

Council Questions:

Rouker said that the ordinance imposed a maximum allowable amount. He suggested that one of the city's authorized towing partners speak to whether a lesser amount would ever be charged.

Ken Parrish, Ken's Westside Service & Towing, explained that the towing fee paid for the company to attach a vehicle to the tow truck and transport it away from the scene. He noted other additional fees that could be charged, depending on special circumstances.

Ruff said he had received complaints from local residents about predatory towing practices. He asked if there was any connection between predatory private tows and the city-initiated tows.

Rouker said no. He said some other cities in Indiana had predatory towing ordinances, but Bloomington did not. He said one option available to the city for dealing with inappropriate practices during city-initiated tows was to discontinue its partnership with any company engaged in such practices.

Ruff asked if the city had any role in resolving disputes over a particular bill for services.

Rouker said generally no. He said the city had reviewed certain situations with the Police Department and the towing company to make sure everything was done appropriately.

Parrish said that the costs of collecting or enforcing certain fees would often outweigh the benefits to the tow company. He said many companies tried to work with customers depending on the situation.

Sturbaum asked if someone parked illegally might be towed.

Parrish said that would only happen if an officer determined the vehicle was parked illegally and called a tow company.

There was no public comment.

Public Comment:

Sandberg said that she supported the ordinance and appreciated that the companies worked with people who found themselves in tough situations.

Council Comment:

Sims said he appreciated the comments from Rouker and Parrish. He wanted to make sure that the city was keeping in mind the people who could not easily afford towing fees.

Rollo thanked Rouker for presenting the legislation.

The motion to adopt Ordinance 19-07 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0 (Volan out of room) (Granger absent).

Vote to adopt Ordinance 19-07 [8:04pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST READING

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT

There were no changes to the council schedule.

COUNCIL SCHEDULE [8:05pm]

The meeting was adjourned at 8:07pm.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVE:

ATTEST:

\_\_\_\_\_  
Dave Rollo, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

For Approval