

City of Bloomington Common Council

Legislative Packet

Wednesday, 21 September 2016

Regular Session

For legislation and background material regarding Ordinance 16-15
and Ordinances 16-28 through 16-40 please consult the
[07 September 2016 Legislative Packet](#).

All other material contained herein.

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Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Second Reading:

- **Res 16-09** To Support Fair and Nonpartisan Redistricting Reform
 - Memo from Sponsors
 - Guest Editorial from League of Women Voters Bloomington-Monroe County President, Kate Cruikshank
 - League of Women Voters of Indiana Redistricting FAQs
 - HEA 1003 – Establishing the Special Interim Committee on Redistricting

Contacts:

Councilmember Granger, 734.726.4384, grangerd@bloomington.in.gov

Councilmember Rollo, 812.349.3409, rollod@bloomington.in.gov

Councilmember Sandberg, 812.320.8552, sandbers@bloomington.in.gov

Material Regarding the Issuance of No More than \$20.35 Million in Bonds for Capital Investments – Entailing General Obligation Bonds (Series 2016A – H) Authorized in Eight Ordinances and Parks’ Special Taxing District Bonds (Series 2016A – E) Authorized in Five Ordinances

Contact: Philippa Guthrie at 812-349-3426, guthriep@bloomington.in.gov

Jeff Underwood at 812-349-341, underwoj@bloomington.in.gov

Please see the Weekly [Council Legislative Packet](#) prepared for the 7 September 2016 Regular Session for the initial materials and summary of the proposal.

Please also note that the PowerPoint presentations shown at the Committee of the Whole will be placed online in the Council Legislative Center on Monday.

General Obligation Bonds – Series 2016A through 2016H – Maximum of \$11.95 Million

- **Ord 16-28** - To Authorize the Issuance of General Obligation Bonds, Series 2016A, for the Purpose of Providing Funds to Pay for Certain Capital Improvements and Incidental Expenses in Connection Therewith and on Account of the Issuance and Sale of the 2016A Bonds and Appropriating the Proceeds Derived from the Sale of Such Bonds
- **Ord 16-29** To Authorize the Issuance of General Obligation Bonds, Series 2016B, for the Purpose of Providing Funds to Pay for Certain Capital Improvements and Incidental Expenses in Connection Therewith and on Account of the Issuance and Sale of the 2016B Bonds and Appropriating the Proceeds Derived from the Sale of Such Bonds
- **Ord 16-30** To Authorize the Issuance of General Obligation Bonds, Series 2016C, for the Purpose of Providing Funds to Pay for Certain Capital Improvements and Incidental Expenses in Connection Therewith and on Account of the Issuance and Sale of the 2016C Bonds and Appropriating the Proceeds Derived from the Sale of Such Bonds
- **Ord 16-31** To Authorize the Issuance of General Obligation Bonds, Series 2016D, for the Purpose of Providing Funds to Pay for Certain Capital Improvements and Incidental Expenses in Connection Therewith and on Account of the Issuance and Sale of the 2016D Bonds and Appropriating the Proceeds Derived from the Sale of Such Bonds
- **Ord 16-32** To Authorize the Issuance of General Obligation Bonds, Series 2016E, for the Purpose of Providing Funds to Pay for Certain Capital Improvements and Incidental Expenses in Connection Therewith and on Account of the Issuance and Sale of the 2016E Bonds and Appropriating the Proceeds Derived from the Sale of Such Bonds
- **Ord 16-33** To Authorize the Issuance of General Obligation Bonds, Series 2016F, for the Purpose of Providing Funds to Pay for Certain Capital Improvements and Incidental Expenses in Connection Therewith and on Account of the Issuance and Sale of the 2016F Bonds and Appropriating the Proceeds Derived from the Sale of Such Bonds

- **Ord 16-34** To Authorize the Issuance of General Obligation Bonds, Series 2016G, for the Purpose of Providing Funds to Pay for Certain Capital Improvements and Incidental Expenses in Connection Therewith and on Account of the Issuance and Sale of the 2016G Bonds and Appropriating the Proceeds Derived from the Sale of Such Bonds
- **Ord 16-35** To Authorize the Issuance of General Obligation Bonds, Series 2016H, for the Purpose of Providing Funds to Pay for Certain Capital Improvements and Incidental Expenses in Connection Therewith and on Account of the Issuance and Sale of the 2016H Bonds and Appropriating the Proceeds Derived from the Sale Of Such Bonds

Special Taxing District Bonds of the City's Park District – Series 2016A through 2016E - Maximum of \$8.4 Million

- **Ord 16-36** To Approve Series 2016A Bonds of the City of Bloomington Park District in an Amount Not to Exceed Two Million Dollars to Fund Capital Improvements at Certain Park Facilities
- **Ord 16-37** To Approve Series 2016B Bonds of the City of Bloomington Park District in an Amount Not to Exceed One Million One Hundred Thousand Dollars to Fund Improvements to the City's Trail Infrastructure and Other Park Improvements
- **Ord 16-38** To Approve Series 2016C Bonds of the City of Bloomington Park District in an Amount Not to Exceed One Million Five Hundred Thousand Dollars to Fund Capital Improvements to the City's Parks
- **Ord 16-39** To Approve Series 2016D Bonds of the City of Bloomington Park District in an Amount Not to Exceed One Million Eight Hundred Thousand Dollars to Fund Capital Improvements at Lower Cascades Park
- **Ord 16-40** To Approve Series 2016E Bonds of the City of Bloomington Park District in an Amount Not to Exceed Two Million Dollars to Fund the Purchase of Equipment for Facilities Operated by the City of Bloomington Parks Department

- **Ord 16-15** To Amend Title 2 of the Bloomington Municipal Code (BMC) Entitled “Administration and Personnel” - Re: Amending BMC Chapter 2.02 (Boards and Commissions) to Provide for the Common Council Appointment of No More than Four Non-Voting Advisory Members to Certain Boards, Commissions, and Councils
Contact: Cm. Sturbaum, 812-349-3409, sturbauc@bloomington.in.gov

Please see the Weekly [Council Legislative Packet](#) prepared for the 7 September 2016 Regular Session for the initial materials and summary of the proposal.

Legislation and Background Material for First Reading:

- **Ord 16-20** To Amend the Zoning Maps from Residential High-Density Multifamily (RH) to Planned Unit Development (PUD) as well as Approve a District Ordinance and Preliminary Plan - Re: 405 E. 17th Street (RCR Properties, LLC, Petitioner)
 - Certification of Action (7-0-0) on August 8, 2016
 - Maps of Site and Surrounding Uses
 - Memo to Council from Eric Greulich, Zoning Planner
 - Memo from Environmental Commission to Plan Commission
 - Petitioner Materials:
 - Petitioner Statement
 - Supplemental Statement
 - Zoning Commitment
 - Conceptual Site Plan Exhibits
 - Traffic and Transportation Study

Contact: Eric Greulich at 812-349-3423 or greulice@bloomington.in.gov
- **Ord 16-21** To Vacate A Public Parcel - Re: A 50-Foot by 120-Foot Segment of North Grant Street Located South of 18th Street and East of 1313 North Grant Street (RCR Properties, LLC, Petitioner)
 - Maps of : Proposed Vacation; Site of Dunnhill PUD; and, Site Plan for Dunnhill PUD;
 - Memo to Council from Staff
 - Petitioner Materials
 - Pre-Petition Application (to start review by Planning and Transportation staff)

- Petition (to be signed on September 21st)
- Letter
- Legal Description of Proposed Vacation and Record of Abutting Properties – All owned by Petitioner
- Transmittal to Utility and Safety Services
 - Summary of Responses from Utilities
- Staff Report to Board of Public Works (Action Scheduled for September 20th)

Contact:

Christy Langley at 812-349-3423, langleyc@bloomington.in.gov

- **Ord 16-23** To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: 2233 East Moores Pike Historic District (Terry L. Kemp, Owner and Petitioner)
 - Aerial Map;
 - Memo to Council from Bethany Emehiser, Program Manager, Housing and Neighborhood Development Department; and
 - Staff Report to Council Tying Designation to Criteria (which includes the Map).

Contact:

*Bethany Emehiser at 349-3401 or emenhisb@bloomington.in.gov
Anahit Behjou, at 349-3426 or behjoua@bloomington.in.gov*

Minutes from Regular Session:

- August 31, 2016

Memo

Fourteen Ordinances and One Resolution Ready for Second Reading and Three Ordinances Ready for First Reading at the Regular Session on Wednesday, September 21st

There are fifteen items ready for consideration under Second Readings and Resolutions and three ordinances ready for introduction under First Readings at our Regular Session next Week. Fourteen of the fifteen items ready for Second Reading are ordinances which can be found online as indicated above. The one remaining item is a resolution which is included in this packet and summarized herein. The three ordinances ready for First Reading are also included in this packet and summarized later in this memo.

**Local Income Tax (LIT) Council Meeting in the Courthouse on September 27th
at 6:00 pm**

Please remember that the City Council will join the other members of the LIT Council at 6:00 pm on September 27th in the Nat U. Hill room of the Courthouse to consider legislation to re-impose Local Income Taxes for 2017.

**Two Tracks of Legislation in this Long Legislative Cycle –
Budget and Non-Budget Legislation - Schedule**

The Legislative Cycle that begins on Wednesday, September 21st ends on Wednesday October 19th. It includes two tracks of legislation. The first track is three non-budget related ordinances which will be introduced at the Regular Session next week, discussed at a Committee of the Whole on Wednesday, October 5th (the first Wednesday in October), and be ready for second reading at the Regular Session on Wednesday, October 19th. The second track is a budget package which will be introduced at the Regular Session and discussed at the Committee of the Whole which will be held on Wednesday, September 28th, and then be ready for second reading at a Special Session on Thursday, October 13th.

**General Obligation Bonds (Ord 16-28 through Ord 16-35) and Park Taxing
District Bonds (Ord 16-36 through Ord 16-40)
PowerPoint Presentations to be Placed Online**

As requested by Councilmember Volan, the PowerPoint presentations shown at the Committee of the Whole last Wednesday night will be placed online in the Council Legislative Center as soon as they are all received and an email from the Council Office will inform you when that occurs (probably on Monday) and provide a link to the materials.

Second Readings

Res 16-09 joins fourteen ordinances under Second Readings and Resolutions next Wednesday night. It is sponsored by Councilmembers Granger, Rollo, and Sandberg and is brought forward at the request of the League of Women Voters Bloomington-Monroe County. The League is engaged in a state-wide effort to highlight the need for redistricting reform in Indiana. This includes encouraging local units of government to pass resolutions calling for reform. To date, six

Indiana communities have passed such resolutions: Anderson, Michigan City, South Bend, Lafayette, West Lafayette, and Vincennes. The League and Common Cause Indiana have formed a state-wide coalition working toward redistricting reform. The coalition includes: Hoosier Environmental Council, Citizens Action Coalition, American Civil Liberties Union - Indiana, NAACP, Indiana Farmers Union, Jobs for Justice, and Moral Mondays.

In Indiana, members of the Indiana General Assembly draw the boundaries of U.S. Congressional districts and those of the Assembly. As is pointed out in the resolution, memo from sponsors, and throughout the growing discourse on redistricting, this creates a conflict. Incumbents are motivated to draw boundaries that either protect their incumbency and/or advance a partisan interest. As a consequence, Congressional boundaries and those of the Indiana House and Indiana Senate are sometimes carved out to select for things like voter registration data, incumbent addresses, and previous election results. As a consequence, some districts resemble serpents more than they do the communities the districts are intended to represent. Oftentimes, gerrymandering in Indiana fractures and carves apart existing community boundaries with which most constituents identify, such as townships, cities, and counties. As the resolution points out, this process of “self-selection” cuts against the principle of representational democracy, impairs competition, impairs lawmaker responsiveness, invites divisiveness, discourages cooperation, and, informs voter alienation. Throughout the discussion on redistricting, observers frequently point to the 2014 election. In 2014, fully 54 seats in the Indiana General Assembly were uncontested. That same year, Indiana had a voter turnout rate of 28%, the lowest in the country, and the lowest turnout rate in Indiana in 72 years.

In response to growing concern with Indiana’s system of gerrymandering, the Indiana General Assembly created a [*Special Interim Committee on Redistricting*](#) (linked) to study redistricting reform. The enabling legislation for the Committee is included in this packet as background material. Among other duties, the Committee is charged with submitting a final report by December 1, 2016.

The resolution calls upon the Committee to produce a final report that takes redistricting out of the hands of law makers and puts the process into the hands of a citizen-led commission. The resolution further calls such a commission to draw boundaries that are based on contiguity, compactness, communities of interest,¹

¹ Defined as communities with shared characteristics, interests, or needs, such as counties cities, towns, and neighborhoods.

political competition, protection of voting rights, and protection of the “one-person, one-vote principle.”² The resolution states that criteria for boundary drawing should not include voter registration data, incumbents’ addresses, previous election results, or data outside of census counts.

First Readings

Item One – Ord 16-20 Amending the Zoning Maps from Residential High-Density Multifamily (RH) to Planned Unit Development (PUD) and Approving the Associated District Ordinance and Preliminary Plan (Dunnhill PUD, RCR Properties, LLC, Petitioner)

The first item to be introduced for consideration during the Second Legislative Cycle in September is **Ord 16-20**. It amends the zoning for a 5.95 acre site just west of the IU Stadium from Residential High-Density Multifamily (RH) to Planned Unit Development (PUD). If the legislation, including the district ordinance and preliminary plan, are approved, it would allow the petitioners, RCR Properties, LLC, to “redevelop the (existing) 1950’s era complex ... with new fully furnished, student oriented apartments.” As noted below, a vacation of right-of-way for a portion of North Grant Street just north of 17th Street, would also be required and will be considered by the Council at the same time as this ordinance. (*See Ord 16-23 - which is included in this packet*).

Site and Surrounding Uses. The site includes the current Dunnhill Apartments and, except for the convenience store at the northwest corner of 17th and Dunn, extends to East 19th Street on the north, North Dunn Street on the east, East 17th Street on the south, and to within a parcel or two of North Lincoln on the west. The surrounding uses include multifamily on the west and north, Indiana University on the east, and single family and multifamily on the south (Garden Hill Neighborhood). Please note that because of its proximity to the Garden Hill

² When it comes to redistricting, rules and criteria vary by state. However, there are certain requirements outlined in federal law. Federal law requires that each district have approximately the same number of people (the “equipopulous” requirement) and that the redistricting process follows the Voting Rights Act, a measure that prohibits any voting law that discriminates against racial, ethnic, or language minorities. For Indiana’s state legislative lines, the state constitution further requires that districts be contiguous. There are no similar requirements for congressional lines. Ind. Const. Art. IV §5

Historic District to the south, the Historic Preservation Commission considered, but did not find, that this project would have any negative impacts on that district.

Overview of Site Plan. The project would demolish the existing buildings and build on three, newly configured parcels:

Parcel A is situated on the 4.54 acres north of 17th Street. It would include a 4-6 story, flat-roofed main apartment building along Dunn (with leasing office and amenity space) surrounding a courtyard with a pool, a greenbelt extending between 17th and 18th streets in the middle (*See Ord 16-23 in this packet for the related vacation of right-of-way*), and a 5-story, 540-space parking garage on the west;

Parcel B and C are north of 18th Street. Parcel B, includes ~ .725 acres east of Grant Street and Parcel C includes about .680 acres west of Grant. The buildings here will be “three-story townhomes with pitched roofs” with room for retail/restaurant at the corner of Dunn.

Residential Density. The project will increase allowable densities from 15 Dwelling Unit Equivalencies (DUEs) per acre to 50. Currently, there are 190 apartments with a total of 328 bedrooms. Under the proposal, the allowable DUE per acre would be 50 for the main buildings in Parcel A and 27 for the townhomes (which will contain four bedrooms per unit). Although the actual allocation of units and bedrooms is not known at this time, one scenario would yield 265 units and 746 bedrooms³ for a total of 46.6 DUEs per acre. Please note that the petitioner agrees to allow no more than one person per bedroom.

Commercial. There will be at least 17,000 sf of nonresidential area with “office space for onsite uses, interior café, and other amenity space, including a minimum of 4,000 sf for a retail/restaurant space.”

Parking. Along with about 24 new on-street parking spaces for motor vehicles, the project will provide a 5-story garage (with 540 spaces) and surface parking (with 51 parking spaces) for a total of 591 spaces or about 0.8 parking spaces per bedroom. In addition, the project will provide parking facilities for bicycles as required by code.

³ Under this scenario, the breakdown would be as follows: 22 studio apartments, 23 1-bedroom units, 73 2-bedroom units, 33 3-bedroom units, and 114 4-bedroom units.

Pedestrian ways. Perhaps the most notable pedestrian features of this project are the proposed green belt that will connect 18th and 17th Street, the 10'-foot wide sidepaths and sidewalks along 17th and Dunn, and a cross walk with curb ramps and beacon at 18th and Dunn.⁴

Access and Transportation Impacts. The petitioner submitted a transportation and traffic study of the project's impact on surrounding streets. It found that: most trips from this site will be pedestrian oriented; left turns into and out of the garage at 17th need to be addressed either by adding a turn lane or by restricting that movement; and, the intersection at 17th and Dunn will continue to operate at an acceptable level of service.⁵

Green Features. A hard-surface pedestrian way will extend from 17th to 18th Street along a greenbelt (that separates the parking garage from the main buildings) and connect with the sidepath along 17th. The greenbelt and other areas around the site will have rain gardens. The petitioner will offer onsite recycling. The Environmental Commission memo recommended more landscaping (with native plantings) and the use of solar panel where possible and staff indicated that it would encourage petitioner in that regard.

Zoning Commitment - Contribution to Affordable Housing. This petition, for the first time, includes a Zoning Commitment in which the petitioner agrees to provide a maximum of \$1 million toward affordable housing.⁶ Please note that, at this point, there is no decision on how that contribution will be provided to, or handled by, the City.

Other Aspects of the Project. Please see the Staff Memo to the Council for more on these topics along with Development Standards, Architecture and Design, Signage, Utilities, and Lighting.

Growth Policies Plan Recommendations. The Memo to the Council sets forth relevant recommendations of the Growth Policies Plan and summarizes the discussion of the Plan Commission in regard to those recommendations. In its conclusion, the Memo states, in part, that “(t)his petition incorporates many goals described within the GPP including redevelopment of underutilized property,

⁴ In order to discourage mid-block crossings, the petitioner is working with IU to provide a direct pedestrian access from 18th to the bus stop in the IU Stadium parking lot.

⁵ Both staff and the Plan Commission determined that the City, which is seeking funding for this intersection, should proceed with its role in improving this intersection.

⁶ The contribution would be for \$1,340 for each bedroom up to the maximum overall amount of \$1 million.

mixed uses, compact urban form, and the creation of a distinctive design style for this area.”

PUD Considerations. The Memo to the Council also details the relevant considerations and findings of the Plan Commission regarding this PUD. In conclusion, the Memo states:

The Plan Commission found that this site, adjacent to Indiana University campus, has no environmental constraints, which makes it an ideal location for increased density for student oriented housing. The location next to the Indiana University bus transit stop greatly reduces the need for residents to drive to campus and thereby reduces vehicular trips. This project is a redevelopment of a site with existing dense student housing. The petitioner’s commitment to funding affordable housing with this project provides a significant public benefit that could not be accomplished without the establishment of this PUD.

Recommendation

After meetings in June, July & August, the Plan Commission gave a positive recommendation (7-0-0) with the following conditions:

- The petitioner must dedicate the necessary right-of-way along all public streets within 180 days of Council approval;
- The sidepath along the property frontage must extend to the intersection of 17th and Dunn;
- Plan Commission must approve the final plan prior to any construction;
- The vacation of right-of-way must be approved prior to construction of any improvements in that portion of North Grant Street;
- The townhomes labeled E, F and G shall be turned to face Grant Street and the townhomes labeled A & B shall be turned to face 18th Street; and
- The petitioner agrees to continue to seek approval from IU for a reasonable pedestrian link between 18th Street and the bus stop in the stadium lot (and, if approved, shall be responsible for constructing it).

Standard of Review

The Council is required to vote on a PUD proposal within ninety days of certification from the Plan Commission. The matter was certified to the Council on August 15, 2016. In instances in which the Plan Commission gives a proposal a favorable recommendation, but the Council fails to act within the ninety-day window, the ordinance takes effect within ninety days after certification.

In reviewing a PUD proposal, State statute directs that the legislative body “shall pay reasonable regard” to the following:

- the comprehensive plan (the Growth Policies Plan);
- 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)

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).

Item Two – Ord 16-21 To Vacate a 50’ by 120’ Segment of North Grant Street South of 18th Street and East of 1313 North Grant (RCR Properties, LLC, Petitioner)

Ord 16-21 would vacate one 50’ by 120’ segment of North Grant south of East 18th Street and east of 1313 North Grant. The vacation would comprise about 0.14 acres of land and is being sought by RCR Properties, LLC as part of a Planned Unit Development (PUD) being considered by the Council at the same time (*See Ord 16-20 in this packet.*)

The Nature of the Project

As described in the materials accompanying the PUD ordinance, the petitioners propose to demolish a 1950’s style apartment complex and replace it with a new, more intense student-oriented project with amenities, a parking garage, and commercial space. This right-of-way currently serves as a private drive and would be converted into a green belt that would extend beyond the existing right-of-way to provide a connection between 18th Street and 17th Street. As the memo from the

petitioner indicates, “(t)he greenbelt will consist of a 12-foot wide hard surface suitable for emergency vehicle use and pedestrian/bicycle pathway with landscaping and rain gardens. The pathway will connect to the multi-use pathway installed along the north side of 17th Street right-of-way” and be maintained by the petitioner.

Procedural Matters

Vacations of rights-of-way are governed by specific procedures enumerated in State statute (I.C. §36-7-3-12 et seq.) Such procedures are commenced when a petitioner files a petition with the Common Council. Under these procedures, the City Clerk must assure that owners of property abutting the right-of-way are notified by certified mail of the proposed action and required public hearing. Please note that, in this case, the petitioner is the owner of all the abutting properties and need not be sent a certified letter. The Clerk must also publish notice to the general public of the petition and time and place of the public hearing, where the public may offer the Council its comments and objections (October 19, 2016). Those objections or grounds for remonstrance are generally limited by statute to questions of access, use of public ways, and the orderly development of the neighborhood or unit as a whole. (See I.C. §36-7-3-13) Please note that aside from a failure of notice or an instance of impropriety, there is little recourse for those who object to the *denial* of vacation of right-of-way. In the event the ordinance is adopted, the Clerk must then file a copy with the County Recorder and the County Auditor.

In Bloomington, we begin with a pre-petition application submitted to the Planning and Transportation Department. Lynne Darland, Senior Zoning Compliance Planner, then reviews the request and notifies all the utility services, safety services, and the Board of Public Works of the proposed action. After receiving the responses and evaluating the proposal in terms of local criteria (described below), Darland prepares a report and an ordinance for the Council.

Please note that the Council’s action to vacate a right-of-way or an easement must be done in the public interest. It extinguishes the City’s interest in the property which generally has the effect of splitting the right-of-way between the owners of adjacent lots. The extinguishing of the right-of-way also makes enforcement of any promises about future uses difficult to enforce.

Description of Vacated Property

This request is for the vacation of one 50’ by 120’ segment of North Grant Street directly south of 18th Street. The memo from staff and petitioner indicate that North

Grant was not platted through to 17th Street at this location and is not platted a few blocks further south (between 15th and 12th) where there is a railroad right-of-way. *Please note that the attached the legal description of this right-of-way was provided by the petitioner and the legal description is also set forth in the ordinance.*

Interest of Utilities and Safety Services

State statute protects utilities which occupy or use all or part of the public way from losing their rights upon the vacation of the right-of-way, unless they choose to waive those rights (I.C. §36-7-3-16). The Memo from staff and supporting materials indicate that:

- Duke Energy has feeder circuit and will require an easement to secure their rights to access and to maintain their facilities;
- The City of Bloomington Utilities owns and operates a 6-inch water line within the right-of-way and will need to work with the developer to assure easements and access over lines (with the cost of relocation borne by the petitioner);
- The City Information and Technology Services Department - Bloomington Digital Underground requested an easement for future telecommunications services in order to have a choice of more economical underground routes in the event rock is encountered at other locations; and
- The City of Bloomington Fire Department wanted “appropriate access to the new buildings;”

Please see attached Summary of Responses from Utilities; copies of original responses can be found in the Council Office.

Local Criteria

The Council has adopted local guidelines for the review of a request for a vacation of a public right-of-way. Those criteria and responses from staff and the petitioner are summarized below:

1) **Current Status-Access to Property:** The current utilization of the right-of-way in question – as means of providing vehicular or pedestrian access to private property, churches, schools, or other public places, for public utility or drainage purposes, or for other public purpose.

- *Response from staff: The staff memo notes that this right-of-way serves as an access point for Dunnhill Apartments and that Grant Street does not extend south all the way to 17th Street.*
- *Response from petitioner: The petitioner’s memo notes that the right-of-way is paved for its full length and width, and has been used for access to Dunnhill Apartments for many years.*

2) Necessity for Growth of the City:

- **Future Status:** The future potential for public utilization, possible future need for the right-of-way due to future changes in land use;
 - *Response from staff: The staff memo indicates that there are four access points proposed for the new development: Dunn Street, 17th Street, 18th Street, and Lincoln Street). 17th Street will serve as the principal entrance into the parking garage serving this project. The greenbelt pathway will connect 17th and 18th Street for bicycle and pedestrian use and serve as emergency corridor if needed for that purpose. It also notes that “there is no guidance from City transportation plans to improve the right-of-ways for future land development needs or adjacent property connectivity.”*
 - *Response from petitioner: The petitioner’s memo notes that future public utilization of this right-of-way would require the acquisition of 260 feet of private land to connect with East 17th and taking that step would not make sense given the problems motor vehicles would have turning left into and out of 17th Street.*

- **Proposed Private Ownership Utilization:** The proposed utilization of parcel in question if it reverts to private ownership, potential for increased benefit to the City under private ownership (does the proposed use contribute to the orderly growth of the City);
 - *Response from staff: The staff memo notes that this segment will complete a greenbelt that will serve those within and passing through the site;*
 - *Response from petitioner: The petitioner’s memo adds that the greenbelt “enhances landscaping and rain garden features ... (and) promot(es) alternative transportation.”*

- **Compliance with Regulations:** The effect of vacation upon compliance with all applicable regulations: subdivision, zoning, access control, off-street parking (does the vacation present a non-compliance problem or hinder future compliance upon anticipated development or change-of-use?);
 - *Response from staff: The staff memo indicates that this vacation will not create any compliance conflicts with local regulations.*
 - *Response from petitioner: The petitioner’s memo argues that vacation “enhances the ability to redevelop the RCR property ...to control traffic, promote alternative transportation and meet site development standards.” And, further states that the segment has not*

provided a public benefit in the past and its absence as a public right-of-way will not result in an adverse effect on public use in the future.

- **Relation to Plans:** The relationship of vacation with the Master Plan, Thoroughfare Plan, Neighborhood Plans, or any special studies that might apply.
 - *Response from staff: The staff memo indicates that “[t]his proposal is consistent with City Plans. The Growth Policies Plan encourages redevelopment projects for student housing near the Indiana University campus. Bloomington Transit and Indiana University buses service the area.”*
 - *Response from petitioner: The petitioner memo states that use of this right-of-way is not part of any master plan, neighborhood plan or thoroughfare plan and that facilitating the greenbelt is consistent with growth policies and alternative transportation plans.*

Approvals and Recommendation

The staff report to the Board of Public Works recounts the request and the associated petition for the redevelopment of the surrounding site. It also summarizes the responses from the safety and utility services, noting that CBU has a water line and will need to assure easements and access to that line, and that the ITS Department requests an easement to provide future digital underground installation should it become necessary. The Board of Public Works is scheduled to make its recommendation on September 20th and will relay its action to the Council Office.

Item Three – Ord 16-23 – Amending Title 8 (Historic Preservation and Protection) to Establish 2233 E. Moores Pike as a Historic District (Terry Kemp, Owner and Petitioner)

Ord 16-23 would designate the property located at 2233 East Moores Pike as a historic district. It comes forward at the request of the property owner, Terry Kemp, and after action by the Historic Preservation Commission on July 14th.

The remainder of this summary starts with an overview of Title 8, regarding Historic Preservation and Protection, and is followed by a summary of this designation in particular. *For those of you with a good memory of the Council consideration of changes in demolition review and historic designations earlier this year, please feel free to skip to the end of this summary for more about this particular property.* Please know that the summary draws upon the memo and material provided by Bethany Emenhiser, Program Manager, HAND Department, along with other information available on the City’s

webpage and elsewhere online. Please do take a moment or two to view the photos in the Report which succinctly illustrate the many features of this home that clearly fit it into the modern contemporary style.

Overall Purpose and Effect of the Title 8 (Historic Preservation and Protection)

The provisions of Title 8 (Historic Preservation and Protection) conform to State law (I.C. 36-7-11 et seq.) and are intended to:

- protect historic and architecturally-worthy properties that either impart a distinct aesthetic quality to the City or serve as visible reminders of our historic heritage;
- ensure the harmonious and orderly growth and development of the City;
- maintain established residential neighborhoods in danger of having their distinctiveness destroyed;
- enhance property values and attract new residents; and
- ensure the viability of the traditional downtown area and to enhance tourism.

The Historic Preservation Commission is authorized to make recommendations to the Council regarding the establishment of historic districts either on its own accord or by petition of the property owner. It also promulgates rules and procedures, including those for reviewing changes to the external appearance of properties within these districts. Those reviews occur in the context of either granting or denying Certificates of Appropriateness for the proposed changes which, in some instances *may* be done by staff and, in other instances, *must* be done by the Commission. Unless the property owner agrees to an extension, the action on the Certificate of Appropriateness must be taken within 30 days of submittal of the application. Persons who fail to comply with the Certificate of Appropriateness or other aspects of Title 8 are subject to fines and other actions set forth in BMC Chapter 8.16 (Administration and Enforcement).

Surveys

At a State level, the Indiana Division of Historic Preservation and Archaeology (DHPA) is responsible for “prepar(ing) and maintain(ing) a register of Indiana historic sites and historic structures and establishing criteria for listing historic sites and historic structures on the register.” IC 14-21-1-15. This information is in the Indiana State Historic Architecture and Archeological Research (SHAARD) database. At a local level, the Commission is also responsible for preparing a survey, which identifies properties that may be proposed for historic designation and may serve as a basis for historic designations. IC 36-7-11-6; BMC 8.08.060; BMC 8.08.010. In the past, the City has provided Interim Reports to the State

which were incorporated into the SHAARD. As noted in March, more recently, the State has inventoried local properties without the help of local commissions.

Districts, Areas, and Ratings

Under local code, these inventories (i.e. registers and surveys) contain gradations of districts, areas, and ratings that tie the level of historic/architectural significance to a level of regulation and protection. In that regard, there are two levels of historic districts, two levels of areas, and four levels of ratings, which are briefly noted below:

Districts. Districts may include a “single building, structure, object, or site or a concentration (of the foregoing) designated by ordinance” (per BMC 8.02.020) and come in two forms: a conservation district and a permanent historic district.

The conservation district is a phased designation which elevates into a full historic district at the third anniversary of adoption of the ordinance, unless a majority of owners submit objections in writing to the Commission within 60-180 days before that date (per IC 36-7-11-19). It requires the Commission to review the:

- moving,
- demolishing, or
- constructing of any principal building or most accessory buildings that can be seen from a public way.

The full historic district is the ultimate designation that, along with those restrictions noted in regard to conservation districts, also authorizes the Commission to review:

- any addition, reconstruction, or alteration that conspicuously changes the external appearance of *historic* structures, and appurtenances to those structures, viewable from a public way in what are classified as “primary” and “secondary” areas; and
- any addition, reconstruction, or alteration that conspicuously changes the external appearance of a *non-historic* structure viewable from a public way or any change to or construction of any wall or fence along the public way in what are classified as “primary” areas.

Areas. Within each district, the City may distinguish between primary or secondary areas.

- The primary area is the principle area of historic/architectural significance; and
- the secondary area is an adjacent space whose appearance could affect the preservation of the primary area and is needed to assure the integrity of the primary area. *Please note that the Commission, to date, has not sought to establish districts with “secondary” areas.*

Age and Ratings. Each property within a district of sufficient age may be rated as outstanding, notable, contributing, or noncontributing, according to its level of its significance⁷ as elaborated below (per BMC 8.02.020):

- “Outstanding” is the highest rating and is applied to properties that are *listed or are eligible for listing* on the National Register of Historic Places and “can be of local, state, or national importance”;
- “Notable” is the second-highest rating and applies to properties that are of above average, but not outstanding importance, and “*may be eligible for the National Register*”;
- “Contributing” is the third-highest rating and applies to properties that are at least 40 years old and are important to the “density or continuity of the area’s historic fabric” and “*can be listed on the National Register only as part of an historic district*”; and
- “Non-contributing” is the lowest rating and applies to properties that are “not included in the inventory unless (they are) located within the boundaries of an historic district.” These properties *are ineligible for listing on the National Register* and may involve structures that are either less than fifty years old, older than that but “have been altered in such a way that they have lost their historic character,” or “are otherwise incompatible with their historic surroundings.”

Designation Procedures

According to the BMC, in order to bring forward a historic designation, the Commission must hold a public hearing⁸ and submit a map and staff report (Report) to the Council. The map identifies the district and classifies properties, and the Report explains these actions in terms of the historic and architectural criteria set forth in the ordinance (see BMC 8.08.010[e]).

⁷ Please note that, in some cases, the condition of the property, particularly exterior alterations, may affect its “significance.”

⁸ With advertised notice to the public at large and written notice to individual affected property owners. BMC 8.08.010 (d)(3)

Unlike the action taken here, the Commission may impose interim protection on the district that prevents any conspicuous alteration of the exterior of the property until the Council acts on the designation.⁹ Please note that under local demolition delay provisions, the Commission may review applications for demolition or partial demolition of sites and structures included in the relevant survey(s) and has an opportunity to consider historic designation of such properties. (See BMC 8.08.016 and BMC 20.09.230). As a result of changes proposed by the Council this Spring, requests for partial demolition of contributing properties in single family districts will be subject to review and action by Commission staff within seven business days of submittal.

The ordinance typically:

- Approves the map and establishes the district;
- Attaches the map and the report;
- Describes the district and classifies the properties;
- Inserts the newly established district into the List of Historic and Conservation Districts (BMC 8.20);
- May impose interim protection (until the Council decides on the designation); and
- In the case of conservation districts, addresses their elevation to a full historic district at the third anniversary of the adoption of the ordinance, unless a majority of the property owners object to the Commission in writing in a timely manner.

Ord 16-23 - Genesis, Boundaries, and Zoning of the 2233 E. Moores Pike

As noted in the opening paragraph, this designation is being sought by the owner, Mr. Terry Kemp. According to a conversation with Ms. Emanhiser, he became aware of the historic significance of this property as the result of being notified of the property's regulation under the City's demolition delay provisions earlier this year.

Historic and Architectural Criteria for this Designation

The property is located a few parcels east of the graveyard at the northeast corner of High and Hillside. It is identified on the Indiana Historic Sites and Structures Inventory (IHSSI) as an "unaltered ranch built in c. 1960" and rated as "notable." The original owners, Prof. and Mrs. Russel, hired William McVaugh, Jr. to design

⁹ While "the Commission may approve a Certificate of Appropriate at any time during interim protection .. (it) shall have no effect ...unless the map (of the historic district) is approved by the common council." BMC 8.08.015(e)

the home, which lies in a cluster of other homes of “similar era and caliber of mid-century design.”

The Staff Report identifies these homes as examples of the “modern contemporary style” which “was most prominent between post-WWII and the mid-1960’s” and was influenced by the Prairie and Craftsman style of the early 1900s along with the International style of the 1930s -1950s. This property, in particular, bears the hallmarks of the “modern contemporary style” which include:

...recessed entries, wide overhanging eaves with exposed beams, low-pitched roofs, broad horizontal-focused facades, open carport, and large expanses of glass and clearstory windows, providing an open feeling connected with to the landscape.

In addition, the Report mentions the “vertical rough wood planking and Brown County sandstone” and “broad masonry fireplace” found in homes of this period and style in the City. The Report concludes, “As demand for land continues to grow, houses of this era that were built on large parcels are at risk of being lost and (are) therefore worth of protect(ion) for future generations.”

Architectural Significance (BMC 8.08.010[e]).

For these reasons, the Commission found that the building met the following criteria for architectural significance. It:

- Embodies distinguishing characteristics of an architectural or engineering type; or
- Exemplifies the built environment in an era of history characterized by a distinctive architectural style.

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, SEPTEMBER 21, 2016
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES: August 31, 2016 (Regular Session)

IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public***

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Resolution 16-09 – To Support Fair and Nonpartisan Redistricting Reform
Committee Recommendation None

2. Ordinance 16-28 – To Authorize the Issuance of General Obligation Bonds, Series 2016A, for the Purpose of Providing Funds to Pay for Certain Capital Improvements and Incidental Expenses in Connection Therewith and on Account of the Issuance and Sale of the 2016A Bonds and Appropriating the Proceeds Derived from the Sale of Such Bonds
Committee Recommendation Do Pass 3-1-5

3. Ordinance 16-29 – To Authorize the Issuance of General Obligation Bonds, Series 2016B, for the Purpose of Providing Funds to Pay for Certain Capital Improvements and Incidental Expenses in Connection Therewith and on Account of the Issuance and Sale of the 2016B Bonds and Appropriating the Proceeds Derived from the Sale of Such Bonds
Committee Recommendation Do Pass 4-1-4

4. Ordinance 16-30 – To Authorize the Issuance of General Obligation Bonds, Series 2016C, for the Purpose of Providing Funds to Pay for Certain Capital Improvements and Incidental Expenses in Connection Therewith and on Account of the Issuance and Sale of the 2016C Bonds and Appropriating the Proceeds Derived from the Sale of Such Bonds
Committee Recommendation Do Pass 7-0-1

5. Ordinance 16-31 – To Authorize the Issuance of General Obligation Bonds, Series 2016D, for the Purpose of Providing Funds to Pay for Certain Capital Improvements and Incidental Expenses in Connection Therewith and on Account of the Issuance and Sale of the 2016D Bonds and Appropriating the Proceeds Derived from the Sale of Such Bonds
Committee Recommendation Do Pass 7-0-1

6. Ordinance 16-32 – To Authorize the Issuance of General Obligation Bonds, Series 2016E, for the Purpose of Providing Funds to Pay for Certain Capital Improvements and Incidental Expenses in Connection Therewith and on Account of the Issuance and Sale of the 2016E Bonds and Appropriating the Proceeds Derived from the Sale of Such Bonds
Committee Recommendation Do Pass 1-1-6

7. Ordinance 16-33 – To Authorize the Issuance of General Obligation Bonds, Series 2016F, for the Purpose of Providing Funds to Pay for Certain Capital Improvements and Incidental Expenses in Connection Therewith and on Account of the Issuance and Sale of the 2016F Bonds and Appropriating the Proceeds Derived from the Sale of Such Bonds
Committee Recommendation Do Pass 2-0-6

8. Ordinance 16-34 – To Authorize the Issuance of General Obligation Bonds, Series 2016G, for the Purpose of Providing Funds to Pay for Certain Capital Improvements and Incidental Expenses in Connection Therewith and on Account of the Issuance and Sale of the 2016G Bonds and Appropriating the Proceeds Derived from the Sale of Such Bonds
Committee Recommendation Do Pass 0-2-6

(over)

9. Ordinance 16-35 – To Authorize the Issuance of General Obligation Bonds, Series 2016H, for the Purpose of Providing Funds to Pay for Certain Capital Improvements and Incidental Expenses in Connection Therewith and on Account of the Issuance and Sale of the 2016H Bonds and Appropriating the Proceeds Derived from the Sale Of Such Bonds

Committee Recommendation Do Pass 7-0-1

10. Ordinance 16-36 – To Approve Series 2016A Bonds of the City of Bloomington Park District in an Amount Not to Exceed Two Million Dollars to Fund Capital Improvements at Certain Park Facilities

Committee Recommendation Do Pass 7-0-1

11. Ordinance 16-37 – To Approve Series 2016B Bonds of the City of Bloomington Park District in an Amount Not to Exceed One Million One Hundred Thousand Dollars to Fund Capital Improvements at Certain Park Facilities

Committee Recommendation Do Pass 8-0-0

12. Ordinance 16-38 – To Approve Series 2016C Bonds of the City of Bloomington Park District in an Amount Not to Exceed One Million Five Hundred Thousand Dollars to Fund Capital Improvements to the City's Parks

Committee Recommendation Do Pass 7-0-1

13. Ordinance 16-39 – To Approve Series 2016D Bonds of the City of Bloomington Park District in an Amount Not to Exceed One Million Eight Hundred Thousand Dollars to Fund Capital Improvements at Lower Cascades Park

Committee Recommendation Do Pass 8-0-0

14. Ordinance 16-40 – To Approve Series 2016E Bonds of the City of Bloomington Park District in an Amount Not to Exceed Two Million Dollars to Fund the Purchase of Equipment for Facilities Operated by the City of Bloomington Parks Department

Committee Recommendation Do Pass 8-0-0

15. Ordinance 16-15 – To Amend Title 2 of the Bloomington Municipal Code (BMC) Entitled “Administration and Personnel” – Re: Amending BMC Chapter 2.02 (Boards and Commissions) to Provide for the Common Council Appointment of No More than Four Non-Voting Advisory Members to Certain Boards, Commissions, and Councils

Committee Recommendation Do Pass 6-0-2

VII. LEGISLATION FOR FIRST READING

1. Ordinance 16-20 – To Amend the Zoning Maps from Residential High-Density Multifamily (RH) to Planned Unit Development (PUD) as well as Approve a District Ordinance and Preliminary Plan - Re: 405 E. 17th Street (RCR Properties, LLC, Petitioner)

2. Ordinance 16-21 – To Vacate A Public Parcel - Re: A 50-Foot by 120-Foot Segment of North Grant Street Located South of 18th Street and East of 1313 North Grant Street (RCR Properties, LLC, Petitioner)

3. Ordinance 16-23 – To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: 2233 East Moores Pike Historic District (Terry L. Kemp, Owner and Petitioner)

VIII. ADDITIONAL PUBLIC COMMENT* (A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.



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

To Council Members
From Council Office
Re Weekly Calendar – 19 – 24 September 2016

Monday, 19 September

12:00 pm BEAD Advisory Committee, McCloskey
12:00 pm Board of Public Works Work Session, Kelly
5:00 pm Redevelopment Commission, McCloskey
5:00 pm Utilities Service Board, 600 E Miller Dr.
5:30 pm Farmers' Market Advisory Council, Parks

Tuesday, 20 September

11:30 am Plan Commission Work Session, Kelly
4:00 pm Board of Park Commissioners, Chambers
4:00 pm Bloomington Community Farmers' Market, Corner of Sixth Street and Madison Street
5:00 pm Board of Public Safety, McCloskey
5:30 pm Animal Care and Control Commission, Kelly
5:30 pm Commission on the Status of Children and Youth, Hooker Conference Room
5:30 pm Board of Public Works Meeting, Chambers
5:30 pm Bloomington Public Transportation Corporation, 130 W Grimes Lane

Wednesday, 21 September

9:30 am Tree Commission, Bryan Park
2:00 pm Hearing Officer, Kelly
2:30 pm Affordable Care Act Committee, McCloskey
4:00 pm Board of Housing Quality Appeals, McCloskey
6:00 pm Council of Neighborhood Associations, Hooker Conference Room
7:30 pm Common Council- Regular Session, Chambers

Thursday, 22 September

5:00 pm Bloomington Historic Preservation Commission, McCloskey
5:30 pm Board of Zoning Appeals, Chambers

Friday, 23 September

There are no meetings scheduled for today.

Saturday, 24 September

8:00 am Bloomington Community Farmers' Market, Showers Common, 401 N Morton St

*Auxiliary aids for people with disabilities are available upon request with adequate notice. Please contact the applicable board or commission or call (812) 349-3400.

RESOLUTION 16-09

TO SUPPORT FAIR AND NONPARTISAN REDISTRICTING REFORM

- WHEREAS, a fundamental tenet of democratic rule is that voters choose their representatives and that representatives reflect the will of the people; and
- WHEREAS, in Indiana, the system of representative democracy is broken; and
- WHEREAS, instead of voters picking their representatives, representatives pick their voters; and
- WHEREAS, as a consequence, Indiana's State legislature and Congressional delegation do not look like, nor reflect the values of, Hoosiers; and
- WHEREAS, this rigged system is the result of a wrong-headed approach to redistricting – the process used by governmental bodies to redraw electoral districts; and
- WHEREAS, while federal law provides vital voter protection in its requirements that districts be equally populous and that redistricting comply with the Voting Rights Act, Indiana's redistricting process is still fundamentally unfair; and
- WHEREAS, in Indiana, the boundaries of state and U.S. Congressional districts are drawn by legislative incumbents, a process that creates an inherent conflict of interest and one that favors incumbents; and
- WHEREAS, political boundaries drawn by incumbents favoring incumbency create an unjust electoral advantage for the majority party; and
- WHEREAS, both Republicans and Democrats benefit from this system of self-selection; and
- WHEREAS, the U.S. is the only country that allows politicians to draw their own district boundaries; and
- WHEREAS, political boundaries drawn by incumbents favoring incumbency reduce competition; and
- WHEREAS, reduced or impaired competition stifles the robust exchange of ideas and does not provide the voting public with a meaningful choice. The absence of a meaningful choice does not afford the public the opportunity to select the best candidate for the job of public office; and
- WHEREAS, elected officials are more responsive to constituents when voters have a choice of candidates, thereby increasing accountability and serving the best interests of the voters of Indiana; and
- WHEREAS, reduced competition and the absence of a meaningful choice discourage voting and foster voter disillusionment and disaffection; and
- WHEREAS, in 2014, 54 of the Indiana General Assembly races were unopposed;
- WHEREAS, in 2014, Indiana had a voter turnout rate of 28% -- the *lowest* in the nation and the *lowest* turnout rate the state has seen in 72 years; and

WHEREAS, gerrymandered districts, drawn by incumbents, create polarized districts and discourage cooperation; and

WHEREAS, boundaries matter. Instead of irregularly-shaped districts with tentacles that oddly squiggle and snake to carve out the optimal result for a political party, districts should be compact, contiguous, and reflect the natural integrity of “communities of interest” -- communities with shared characteristics, interests, or needs, such as counties, cities, towns, and neighborhoods. These communities should not be fractured; and

WHEREAS, the redistricting process should be conducted in an open manner with meaningful opportunities for public feedback and engagement; and

WHEREAS, increasing numbers of Indiana residents are discontent with political boundaries that do not reflect their communities nor their voices; and

WHEREAS, in response, the Indiana General Assembly passed House Enrolled Act 1003 in 2015, a measure that calls for an independent study committee on redistricting reform, this committee is known as the “Special Interim Committee on Redistricting;” and

WHEREAS, the Interim Committee’s final report is due by December 1, 2016;

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

SECTION 1. The Special Interim Committee on Redistricting is urged to produce a final report that supports the creation of a citizen-led commission composed of Indiana voters who are representative of the state’s diversity, partisan balance, and geography for all future redistricting.

SECTION 2. The criteria for drawing boundaries by such a commission should include contiguity, compactness, communities of interest, political competition, protection of voting rights, and protection of the “one-person, one-vote” principle.

SECTION 3. The criteria for boundaries should *not* include voter registration data, incumbents’ addresses, previous election results, nor demographic data outside of census counts.

SECTION 4. The procedure followed by such a commission should be transparent with full opportunities for public participation, including meetings in different geographic regions of the state.

SECTION 5. The Bloomington City Council directs the Clerk to send a copy of this resolution to the Special Interim Committee on Redistricting, the Governor of Indiana, the Speaker of the House, the President Pro-Tempore of the Senate, and Assembly members representing districts touching the City, and leaders of other municipalities around the state as deemed appropriate.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2016.

ANDY RUFF, 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 _____, 2016.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2016.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmembers Granger, Rollo, and Sandberg and comes at the request of the League of Women Voters of Bloomington-Monroe County. The resolution documents Indiana's current process for drawing U.S. Congressional and Indiana General Assembly maps and points out that the process is one that favors incumbency and political parties. This is an outdated practice that stifles political competition, discourages compromise, and ensures the continued control by the party in power. The resolution calls for the Indiana General Assembly-created Special Interim Committee on Redistricting to produce a final report that supports the establishment of a citizen-led commission whose criteria for boundary drawing include: contiguity, compactness, communities of interest, political competition, protection of voting rights, and fidelity to the principle of "one person, one vote." The resolution states that criteria for consideration should not include voter registration data, incumbents' addresses, nor previous election results. The resolution calls for the redistricting process to be transparent. The legislation directs the City Clerk to send the resolution the Interim Committee, and other stakeholders.



CITY OF BLOOMINGTON

401 N Morton St
Post Office Box 100
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BLOOMINGTON COMMON COUNCIL

p 812.349.3409
f 812.349.3570
council@bloomington.in.gov

Memorandum

From: Councilmembers Granger, Rollo, and Sandberg
Date: 16 September 2016
Re: Res 16-09: *To Support Fair and Nonpartisan Redistricting Reform*

Res 16-09 calls for Indiana to revisit the way in which it draws district lines for seats in the U.S. Congress and for the Indiana General Assembly. The measure comes at the urging of the League of Women Voters of Bloomington-Monroe County (LWV). The LWV is engaged in a broader effort throughout the state to encourage local units of government to pass resolutions that call for taking redistricting out of the hands of state lawmakers and putting the process into the hands of a citizen panel. The goal is to replace a gerrymandered system of representation with a system that produces districts truly reflective of communities. To date, Anderson, Michigan City, South Bend, Lafayette, West Lafayette, and Vincennes have all passed resolutions calling for citizen-led redistricting.

That gerrymandering is commonplace is no surprise. Indeed, some Indiana House districts reaching into parts of Monroe County are prime examples of ways in which our community has been fragmented to serve political, rather than public, interests. However, it may be a surprise that members of the Indiana General Assembly draw not only U.S. Congressional boundaries, but members of the Indiana General Assembly draw district boundaries for the Indiana General Assembly. In other words, members of the Assembly essentially pick their own constituents. This is a conflict, one that cuts against fundamental principles of representative democracy. And, it is a conflict that benefits both major parties.

How Redistricting in Indiana Works

Legislative districts are redrawn every ten years following the decennial census. The next redistricting in Indiana will take place in 2021 and become effective with the 2022 election. As clearly spelled out in the attached Guest Column written by Kate Cruikshank, President of the League of Women Voters of Bloomington-Monroe County, the task of decennial redistricting falls to the Indiana General Assembly. If the Assembly can't complete the task by the end of the first session following the census, the task falls to a commission composed of members of the House and Senate, plus a gubernatorial appointee. In either scenario, boundary drawing is left to incumbents who have a vested interest in protecting their incumbency and their party. The upshot of this process is a mosaic of districts that are oddly-configured, with tentacles and tails shaped to benefit an incumbent or party.

It's no wonder people are disaffected and disillusioned. In 2014, 54 of the Indiana General Assembly races were unopposed (44 of 100 in the House and 10 of 25 in the Senate.) That same year, Indiana had the lowest voter turnout in the country – a paltry 28%. Despite all the rancor and division that seems to inform much political discourse these days, this is an issue that concerns Hoosiers of all political affiliations and one around which we can all unite.

An Alternative

The problem of gerrymandering is not specific to Indiana. However, many other states have developed, or are in the process of developing, systems that put redistricting in the hands of nonpartisan commissions. Instead of including criteria such as voter registration data and incumbents' addresses, these commissions focus boundary drawing on criteria such as compactness, contiguity, and natural communities of interest. Alternatives to the Indiana model are currently under review by the Special Interim Committee on Redistricting, a committee established by the Indiana General Assembly in 2015 to study redistricting reform. Among other duties, the Commission is charged with issuing a report no later than December 1, 2016.¹

It is instructive to see what happens when partisan criteria are removed from consideration. A citizen member of the Interim Study Committee, Tom Sugar, has developed an interactive website, [Lead or Leave](#), that models what Indiana districts would look like if political considerations were removed and Indiana followed Iowa's nonpartisan approach to redistricting.

The Resolution

Res 16-09 resolves the following:

- Urges the Special Interim Committee on Redistricting to produce a final report that supports the creation of a citizen-led commission composed of Indiana voters who are representative of the state's diversity, partisan balance, and geography for all future redistricting.
- Asserts that the criteria for drawing boundaries by such a commission should include contiguity, compactness, communities of interest, political competition, protection of voting rights, and protection of the "one-person, one-vote" principle.
- Asserts that the criteria for boundaries should *not* include voter registration data, incumbents' addresses, previous election results, nor demographic data outside of census counts.

¹ Members of the Special Interim Committee on Redistricting are: Rep. Jerry Torr (Chair), Sen. Brandt Hershman (Vice Chair), Sen. Timothy Lanane, Sen. Patricia Miller, Sen. Karen Tallian, Rep. John Bartlett, Rep. Justin Moed, Rep. Kathy Richardson, Hon. Ted Boehm, Beverly Gard, Sheila S. Kennedy, and Tom Sugar. Committee site:

https://iga.in.gov/legislative/2016/committees/redistricting_special_interim_study_committee_on

- Calls for the procedures followed by any such commission to be transparent, with full opportunities for public participation.
- Calls for the City Clerk to send a copy of the resolution to the Interim Committee, the Governor, President Pro-Tempore of the Senate, and Assembly members representing districts touching the City, and leaders of other municipalities around the state as deemed appropriate.

Nonpartisan boundaries that are truly reflective Indiana communities are critical to the health of democracy in Indiana. Instead of the polarization and alienation fostered by the current system, a nonpartisan system of boundary drawing also stands to go some distance in reengaging Indiana voters and fostering greater cooperation.

We thank the League of Women Voters of Bloomington-Monroe County for its good work and respectfully request your support.

The Herald-Times

Guest column

Drawing district lines matters to Hoosiers

By Kate Cruikshank Guest columnist

Sep 7, 2016

This guest column was written by Kate Cruikshank, president of the League of Women Voters of Bloomington-Monroe County

Every 10 years, the population of the U.S is counted via the census, and after that count congressional and state legislative districts are adjusted to contain approximately the same number of constituents, thus ensuring that all our voices have an equal chance of being heard.

But whether all voices have an equal chance depends on who draws the district lines. In Indiana, that task falls to the state Legislature. If they cannot do the job by the end of the first session after the census, the task falls to a commission comprised of the leaders of the House and Senate and a gubernatorial appointee. In a situation where both houses and the governorship are controlled by one party, this amounts to control of the whole process by one party. But even when the leadership is split, the process still amounts to elected officials deciding where to draw the lines to benefit either themselves as incumbents or their party. As Lee Hamilton commented in an essay written before the redistricting process in 2001:

“This is one area in which the interests of the two parties come together. Republican members (of Congress) want more Republicans in their districts, and Democratic members want more Democrats. Aided by sophisticated computer mapping technology that can precisely identify and assemble precincts with conservative or liberal bents, members help state Legislatures develop electoral maps that make it easier for them to win re-election. ... Few realize that both parties’ incumbents are helping to draw lines that will discourage competition for the next decade.”

Equally dangerous to our representative democracy is the damage done to the possibility of real representation. Monroe County is a case in point. There are five members of the Indiana House supposedly representing various pieces of Monroe County. One of those members is supposed to represent the people in Bloomington living south of Third Street and east of High Street along with the people living north of Mooresville along the Marion County line. Another member is supposed to represent the extreme northwest corner of Bloomington plus the people across four counties to the southern edge of Terre Haute. The state itself grants governing powers to counties that form recognized political units for voters, yet the Legislature draws district lines slashing those counties into pieces, sometimes even as small as individual precincts.

The Indiana Constitution states that “No law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good; nor from instructing their representatives; nor from applying to the General Assembly for redress of grievances,” yet the legislators who swear to defend that Constitution pass laws creating districts that make it almost impossible for voters to assemble to “consult for their common good.”

It is time for the drawing of district lines to be taken out of the hands of the legislators and put into the hands of a citizen commission that can restore genuine representation to our representative democracy.



LEAGUE OF WOMEN VOTERS

Redistricting FAQs

What is reapportionment?

Reapportionment happens every ten years to adjust congressional seats among the 50 states so everyone is fairly represented in the U.S. Congress. The U.S. House of Representatives has 435 seats divided between all 50 states. Each state receives at least one congressional seat. The remaining 385 are divided—apportioned—according to population, as determined by the Census. As the populations of states increase or decrease at varying rates, congressional seats have to be transferred between the states at each reapportionment.

What is redistricting?

Redistricting is the process by which the legislature or other government body redraws the lines and boundaries of electoral districts. This process affects districts at all levels of government, from local school boards and city councils to state legislatures and the U.S. House of Representatives. If a state gains or loses a congressional seat, the redistricting must take this into account. But even if a state doesn't gain or lose a seat, populations within the state typically shifts sufficiently that district lines must be redrawn, including state legislative seats, municipal districts and school board seats.

Why is the data from the U.S. Census used for redistricting?

The U.S. Constitution requires that the population data for federal reapportionment comes from the Census Bureau. Census data is the most reliable information we have about population changes and using it for redistricting ensures that the principle of one person, one vote is followed.

Who draws the lines?

Who draws the electoral district lines is decided by each state's laws. Currently, groups who draw include:

- Independent commission: California and Arizona
- Bipartisan commission: Alaska, Colorado, Hawaii, Idaho, Montana, New Jersey, New York (newly passed initiative), Washington
- Hybrid system: Illinois, Indiana, Maryland, Missouri, Ohio
- A nonpartisan governmental agency: Iowa
- Legislature: the other 34 states

What are the rules for creating new districts?

The rules vary by state, though there are basic federal constitutional and statutory requirements as well. Those who are responsible for redistricting use some or all the following criteria to draw electoral district maps within their state:

- Population equality (Federal requirement)
- Compliance with the Voting Rights Act (VRA) (Federal requirement)
- Contiguity

- Geographic integrity of any city, county, city and county, local neighborhood, or local community of interest
- Compactness
- Nesting
- Consideration of incumbents' or candidates' residences
- Competitiveness

Could you explain what these criteria mean?

- *Population equality*: The “one person, one vote” requirement that political districts have the same number of residents. For congressional districts, the standard is for almost exact equality. The Supreme Court has allowed more flexibility for state legislative districts.
- *Compliance with the federal Voting Rights Act*. See “What is the Voting Rights Act” below.
- *Contiguity*: All areas in the district are physically connected to each other.
- *Geographic integrity of any city, county, city and county, local neighborhood or local community of interest*: To the extent possible, these entities should not be divided and put into different districts.
- *Community of interest*: A community of interest is a community with shared characteristics, interests, or needs.
- *Compactness*: Where practicable, districts should not be not too elongated, spread out, or jagged. There are a number of ways to measure compactness.
- *Nesting*: The practice of drawing lines so that each state Senate district would encompass two state House districts within it, etc.
- *No consideration of incumbent or candidate residences*: Districts should not be drawn to favor or disfavor a current officeholder or a candidate for an office.
- *Competitiveness*: Districts where there will be no one political party which can dominate a district’s elections over long periods of time. This can also refer to the total competitiveness of a state – where the total number of votes cast for each political party is roughly equivalent to the number of seats each party receives.

What is the Voting Rights Act?

The Voting Rights Act, also known as the VRA, is a landmark piece of federal legislation that prohibits racial discrimination in voting. It was enacted by Congress in 1965 during the height of the civil rights movement, then amended five times to expand its protections. In 2013, the Supreme Court struck down a portion of the Act (see below).

The Act was designed to enforce the voting rights guaranteed by the 14th and 15th Amendments, and resulted in the mass enfranchisement of racial minorities throughout the country, especially in the South. According to the U.S. Department of Justice, the Act is considered to be the most effective piece of civil rights legislation ever enacted in the country.

The Act contains numerous provisions that regulate election administration. The Act's "general provisions" provide nationwide protections for voting rights. Section 2 is a general provision that prohibits every state and local government from imposing any voting law that results in discrimination against racial, ethnic or language minorities. Other general provisions specifically outlaw literacy tests and similar devices that were historically used to disenfranchise racial minorities.

The Act also contains "special provisions" that apply to only certain jurisdictions. A core special provision is the Section 5 preclearance requirement, which prohibits certain jurisdictions from implementing any change affecting voting policies or procedures without receiving preapproval from the U.S. Attorney General or the U.S. District Court for D.C. that the change does not discriminate against protected minorities. Another special provision requires jurisdictions containing significant language minority populations to provide bilingual ballots and other election materials.

Section 5 and most other special provisions apply to jurisdictions encompassed by the "coverage formula" prescribed in Section 4(b). The coverage formula was originally designed to encompass jurisdictions that engaged in egregious voting discrimination in 1965, and Congress updated the formula in 1970 and 1975. In *Shelby County v. Holder* (2013), the U.S. Supreme Court struck down the coverage formula as unconstitutional, saying that it was no longer responsive to current conditions. The Court did not strike down Section 5, but without a coverage formula, Section 5 is unenforceable.

What about local redistricting? Should I pay attention?

Yes! All across the country, local political jurisdictions ranging from counties and cities to school boards and special districts also redistrict. Who does or doesn't get elected often determines who will be a viable candidate for higher office. Monitoring these local jurisdictional processes for the proper application of good redistricting criteria, including transparency and respect for communities of interest, is vital.

How long does redistricting take?

Each state's laws differ, but those responsible for redistricting can begin work as soon as the official census results reach the state (generally by April of the year following the Census), and must be finished with their work by the deadline set in that state's laws.

Why should I care about any of this?

How and where the district lines are drawn will determine how strong a voice each voter or each group of voters has in coming elections. It also affects how strong a voice each has when lobbying for or against current or potential laws or budget items.

How can I get involved?

It's important that elected officials listen to the public, and not just to special interests. So being a part of the process to draw fair districts is crucial for your community. When citizens are left out of the process, it is far more likely that politicians will see that lines get drawn so they can choose their voters, rather than voters being able to choose their elected officials.

The laws in each state differ, and may or may not include any involvement by its citizens. You can still watch, comment, and push for more transparency, as needed. Your voice can help ensure that the redistricting plans adopted by your jurisdiction do not harm your community.

With thanks to the League of Women Voters of California and the League of Women Voters of Oregon. Other sources include U.S. Department of Justice,

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE ENROLLED ACT No. 1003

AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 2-5-39 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 39. Special Interim Study Committee on Redistricting

Sec. 1. As used in this chapter, "committee" refers to the special interim study committee on redistricting established by section 2 of this chapter.

Sec. 2. The special interim study committee on redistricting is established.

Sec. 3. (a) The committee has the following voting members:

(1) The following members appointed by the president pro tempore:

(A) Two (2) members of the senate.

(B) One (1) lay member who is not a member of the general assembly, is a resident of Indiana, and has experience, training, or education in matters related to state legislative or congressional office redistricting and reapportionment.

(2) The following members appointed by the minority leader of the senate:

(A) Two (2) members of the senate.

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(B) One (1) lay member who is not a member of the general assembly, is a resident of Indiana, and has experience, training, or education in matters related to state legislative or congressional office redistricting and reapportionment.

(3) The following members appointed by the speaker:

(A) Two (2) members of the house.

(B) One (1) lay member who is not a member of the general assembly, is a resident of Indiana, and has experience, training, or education in matters related to state legislative or congressional office redistricting and reapportionment.

(4) The following members appointed by the minority leader of the house:

(A) Two (2) members of the house.

(B) One (1) lay member who is not a member of the general assembly, is a resident of Indiana, and has experience, training, or education in matters related to state legislative or congressional office redistricting and reapportionment.

(b) A lay member appointed under subsection (a) may not be:

(1) an employee of Indiana state government;

(2) an Indiana statewide elected official; or

(3) an individual who is required to register as a lobbyist under IC 2-7-2 or who is employed by an individual or entity that is required to register as a lobbyist under IC 2-7-2.

Sec. 4. (a) The minority leader of the house and the minority leader of the senate may jointly select one (1) individual to provide consulting services on matters studied by the committee.

(b) The speaker and the president pro tempore may jointly select one (1) individual to provide consulting services on matters studied by the committee.

(c) An individual selected under this section is entitled to compensation and expense reimbursement in accordance with the policies and rules of the legislative council. All funds necessary for the services provided under this section shall be paid from appropriations to the legislative council and the legislative services agency.

Sec. 5. IC 2-5-1.2 applies to the operation of the committee. However:

(1) the speaker shall appoint the chair of the committee;

(2) the president pro tempore shall appoint the vice chair of



the committee;

(3) the chair of the committee, the vice chair of the committee, and each member of the committee serve at the will of the appointing authority; and

(4) if the chair of the committee establishes a subcommittee under section 6 of this chapter, the chair of the committee shall appoint the members of the subcommittee from among the members of the study committee and the chair of the subcommittee from among the members of the subcommittee.

Sec. 6. (a) The chair of the committee may establish not more than two (2) subcommittees to be in existence at the same time to assist the committee.

(b) The expenses of a subcommittee, including per diem, mileage, and travel allowances payable under IC 2-5-1.2-11, shall be paid from money authorized by the legislative council for operation of the committee. The amount authorized by the legislative council for expenditures of the committee may not be increased to pay for the operation of a subcommittee.

Sec. 7. The committee shall do the following:

(1) Review state and federal laws and court cases related to state and federal laws governing the design and establishment of election districts.

(2) Study the manner in which each state establishes districts for the election of state legislators and members of Congress, including the following:

(A) What entities or individuals propose, take public testimony concerning, evaluate, and finally adopt redistricting plans.

(B) The manner in which individuals engaged in the redistricting process are selected.

(C) The required qualifications for individuals engaged in the redistricting process.

(D) The standards and guidelines used to develop and finally adopt redistricting plans.

(E) The process used to develop and finally adopt redistricting plans.

(F) The role of the state legislature and its committees in proposing, taking public testimony concerning, evaluating, and finally adopting redistricting plans and the manner in which the state legislature and its committees interact with other bodies (if any) established for the redistricting process.



(G) The required or typical schedule over which redistricting plans are developed and finally adopted.

(H) Any unique rights or procedures applicable to the review or appeal of an adopted redistricting plan or changes in a redistricting plan that has been found in an adjudication to be invalid.

(I) Costs incurred in the redistricting process.

(3) Review the experience (including litigation history) states have had with using redistricting commissions and other methods to establish redistricting plans after each decennial census, including approaches similar to the provisions in Indiana law (IC 3-3-2-1) that provide for a redistricting commission to establish congressional districts in Indiana if the general assembly fails to establish congressional districts within the time permitted by law.

(4) Evaluate (to the extent possible) the positive benefits and negative consequences in each state of the redistricting process and the criteria used to establish election districts on state legislative and congressional elections in that state, including the following:

(A) The extent to which campaigns for state legislative and congressional offices are competitive and the extent to which the redistricting process and the criteria used to establish election districts have contributed to furthering competitive elections.

(B) The extent to which women and minorities are elected to state legislative and congressional offices and the extent to which the redistricting process and the criteria used to establish election districts in each state have contributed to furthering diversity, relative to the population of the state as a whole.

(5) Evaluate:

(A) the potential positive benefits of;

(B) potentially negative consequences of;

(C) estimated costs of; and

(D) the issues that would need to be addressed for;

a change in the method for establishing districts for the election of members of the general assembly and members of Congress from Indiana if the change were made.

(6) Study any other matter assigned by the legislative council.

Sec. 8. To the extent practicable, the committee shall solicit the receipt of expert testimony on the matters studied by the



committee, including testimony from the National Conference of State Legislatures, the Council of State Governments, and other nationally recognized experts.

Sec. 9. The committee shall submit a final report to the legislative council before December 1, 2016, and the interim reports requested by the legislative council. The final report must include at least the following:

(1) A description of the alternative approaches that could be used in Indiana to establish districts for the election of members of the general assembly and members of Congress from Indiana.

(2) A description of the types of standards and guidelines that could be used in Indiana to establish districts for the election of members of the general assembly and members of Congress from Indiana.

(3) An evaluation of what (if any) changes to the Constitution of the State of Indiana and state statutory law would be necessary or desirable to implement each of the approaches described in subdivisions (1) and (2).

(4) The:

(A) potential positive benefits of;

(B) potentially negative consequences of;

(C) estimated costs of; and

(D) issues that would need to be addressed for;

the implementation and use of each of the approaches described in subdivisions (1) and (2).

(5) A recommendation that describes:

(A) the details of a redistricting process; and

(B) standards and guidelines for the establishment of districts;

for the election of members of the general assembly and members of Congress from Indiana that, in the opinion of the committee, would best serve the citizens of Indiana.

Sec. 10. This chapter expires January 1, 2017.

SECTION 2. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1003



ORDINANCE 16-20

**TO AMEND THE ZONING MAPS FROM RESIDENTIAL HIGH-DENSITY MULTIFAMILY (RH) TO PLANNED UNIT DEVELOPMENT (PUD) AS WELL AS APPROVE A DISTRICT ORDINANCE AND PRELIMINARY PLAN
- Re: 405 E. 17th Street
(RCR Properties, LLC, 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-14-16, and recommended that the petitioner, RCR Properties LLC, be granted an approval to rezone 5.95 acres from Residential High-Density Multifamily (RH) to Planned Unit Development (PUD) and to approve a PUD District Ordinance and preliminary plan to allow a new multi-family apartment complex. The Plan Commission thereby 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 PUD District Ordinance and preliminary plan shall be approved for the PUD on the property located at 405 E. 17th Street. The property is further described as follows:

A part of the southwest quarter of section 28, township 9 north, range 1 west, Monroe County, Indiana, described as follows:

Commencing at the southeast corner of said southwest quarter; thence north 89 degrees 57 minutes 09 seconds west (assumed) along the south line thereof 169.94 feet; Thence north 00 degrees 09 minutes 51 seconds east 41.93 feet to the north right of way line of 17th street and the point of beginning, the next (3) courses are along said right of way line; (1) Thence south 89 degrees 46 minutes 16 seconds west 311.46 feet; (2) Thence south 00 degrees 00 minutes 00 seconds east 20.40 feet; (3) Thence south 89 degrees 52 minutes 30 seconds west 77.04 feet; thence north 00 degrees 07 minutes 19 seconds west 288.54 feet; thence north 89 degrees 58 minutes 48 seconds west 47.21 feet; Thence north 00 degrees 20 minutes 06 seconds east 145.00 feet to the south right of way line of 18th street; Thence southeasterly 55.38 feet along said right of way line and a curve to left having a radius of 421.85 feet and being subtended by a chord bearing south 72 degrees 37 minutes 35 seconds east 55.34 feet; Thence north 00 degrees 06 minutes 26 seconds east 133.25 feet; Thence south 86 degrees 43 minutes 44 seconds east 52.11 feet; Thence north 00 degrees 20 minutes 22 seconds east 150.68 feet to the south right of way line of 19th street; Thence south 89 degrees 52 minutes 49 seconds east along said right of way line 104.16 feet to the west right of way line of grant street; thence south 00 degrees 21 minutes 35 seconds west along said west right of way line 181.76 feet; Thence north 89 degrees 38 minutes 31 seconds east 154.48 feet; Thence north 00 degrees 52 minutes 20 seconds east 60.00 feet; Thence south 89 degrees 27 minutes 39 seconds east 210.15 feet to the west right of way line of Dunn Street, the next (3) courses are along said right of way line; (1) Thence south 00 degrees 22 minutes 21 seconds east 289.71 feet; (2) thence south 89 degrees 40 minutes 55 seconds east 9.25 feet; (3) Thence south 00 degrees 20 minutes 38 seconds west 190.67 feet; Thence north 89 degrees 40 minutes 55 seconds west 148.55 feet; Thence south 00 degrees 23 minutes 51 seconds west 73.58 feet to the point of beginning, containing 6.75 acres, more or less.

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 _____, 2016.

ANDY RUFF, 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 _____, 2016.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2016.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance would rezone 5.95 acres from Residential High-Density Multifamily (RH) to Planned Unit Development (PUD) and to approve a PUD District Ordinance and preliminary plan to allow for the redevelopment of a site with an existing multi-family apartment complex.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 16-20 is a true and complete copy of Plan Commission Case Number PUD-14-16 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on August 8, 2016.

Date: August 15, 2016

Christy L. Langley, Secretary
Plan Commission

Received by the Common Council Office this 15 day of August, 2016.

N. Bolden
Nicole Bolden, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

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

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

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

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

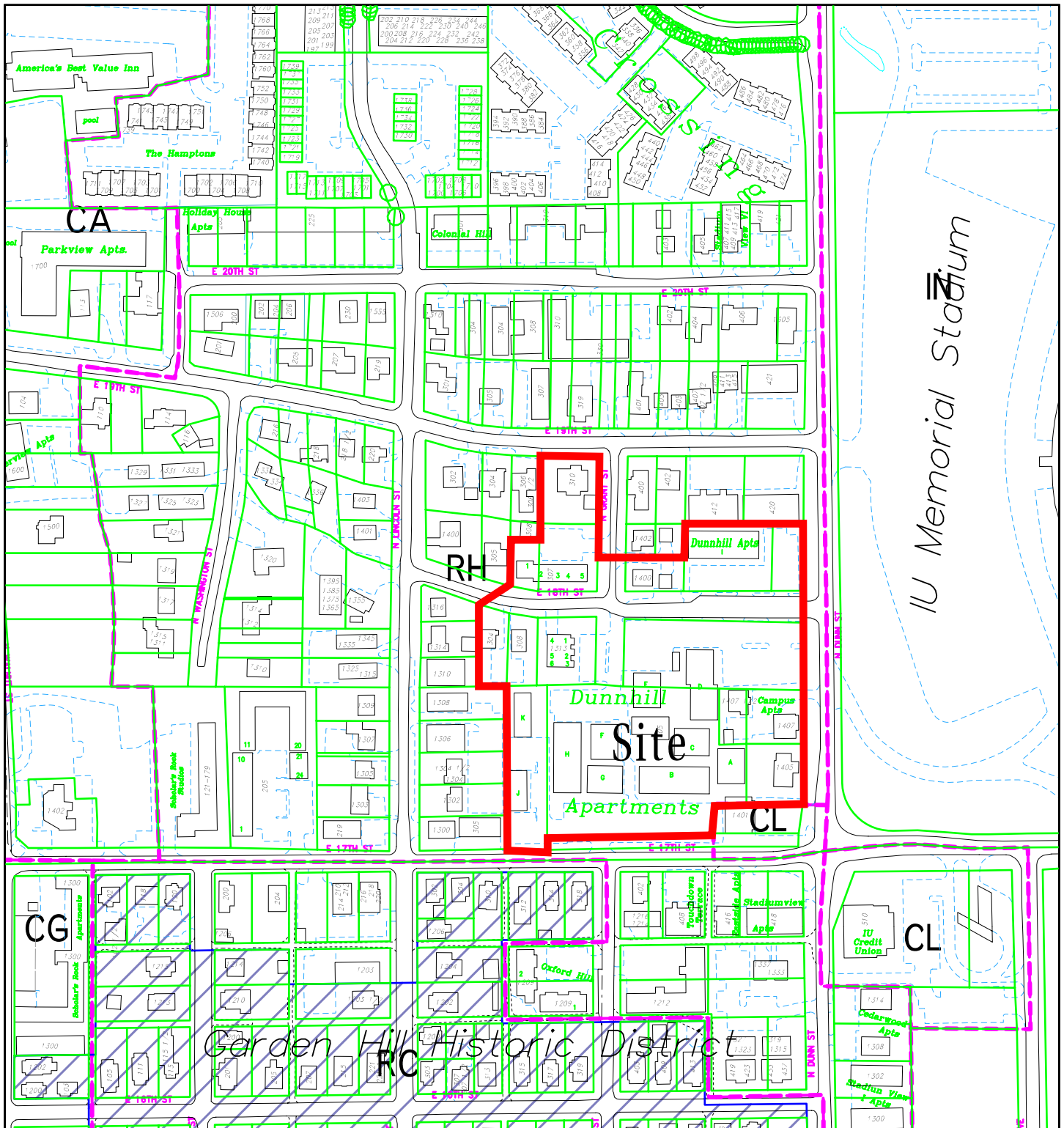
Signature of Controller

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

Yes _____ No _____

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

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



PUD-14-16 Dunnhill Apartments

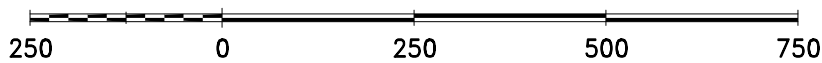
405 E 17th Street

Plan Commission

Site Location, Zoning, Parcels

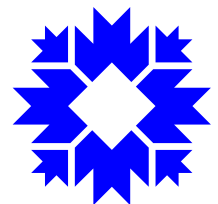
By: greulice

2 Jun 16

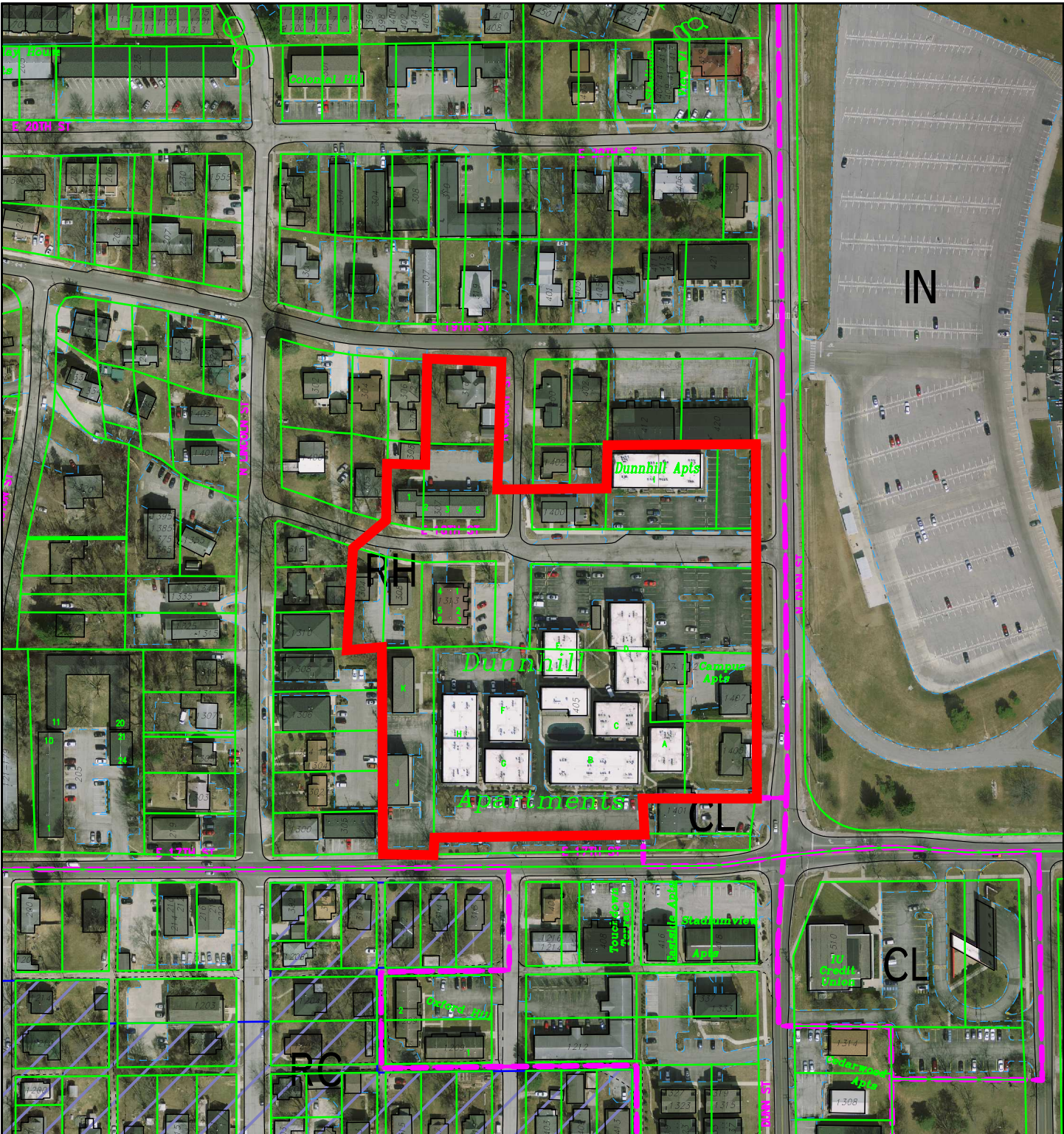


For reference only; map information NOT warranted.

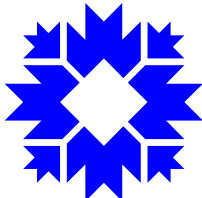
City of Bloomington
Planning & Transportation



Scale: 1" = 250'



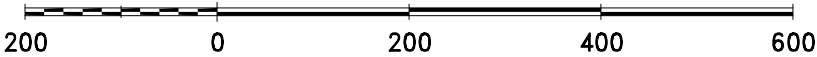
City of Bloomington
 Planning & Transportation



Scale: 1" = 200'



By: greulice
 2 Jun 16



For reference only; map information NOT warranted.

Petitioner's Materials

Petitioner Statements

Zoning Commitment

Conceptual Site Plan

Traffic and Transportation Study

Interdepartmental Memo

To: Members of the Common Council
From: Eric Greulich, Zoning Planner
Subject: Case #PUD-14-16
Date: August 10, 2016

Attached are the staff report, petitioner's statement, District Ordinance, Preliminary Plans, and exhibits which pertain to Plan Commission case #PUD-14-16. The Plan Commission heard this petition at the June 6, July 11, and August 8, 2016 hearings and voted 7-0 to send this petition to the Common Council with a favorable recommendation.

REQUEST: The petitioner is requesting to rezone 5.95 acres from Residential High-Density Multifamily (RH) to Planned Unit Development (PUD) and to approve a PUD District Ordinance and preliminary plan to allow a new multi-family apartment complex.

BACKGROUND:

Area:	5.95 acres
Current Zoning:	RH
GPP Designation:	Urban Residential
Existing Land Use:	Multi-family residences
Proposed Land Use:	Multi-family residences
Surrounding Uses:	North – Multi-family Residences West – Multi-family Residences East – Indiana University South – Single and Multi-family Residences

REPORT: The properties are located at 310, 304, 307, 308, 318 E. 18th St.; 405 E 17th Street; 1405, 1407, 1407½ N. Dunn St; 310 E 19th St.; and 1313, 1400 N Grant St. The properties are all zoned Residential High-Density Multifamily (RH). Surrounding land uses include multifamily residences to the north and west, single and multifamily residences to the south and Indiana University Memorial Stadium to the east.

The petitioner is proposing to redevelop the 1950's era complex and the existing 190 dwelling units and 328 bedrooms with new fully furnished, student oriented apartments. To accomplish this, the petitioner proposes to rezone the property from RH to a Planned Unit Development and have presented a PUD district ordinance and preliminary plan. The PUD could be built with up to 50 Dwelling Unit Equivalents on Parcel A and up to 27 DUEs on Parcels B and C. One possible bedroom count: 22 studio units, 23 one-bedroom units, 73 two-bedroom units, 33 three-bedroom units, and 114 four-bedroom units. This equals a total of 265 units and 746 bedrooms. The petitioner has committed to restrict the occupancy to one person per bedroom. With DUEs, this potential bedroom mix would have a gross density of 46.6 DUEs/acre. The current underlying zoning district would only allow 15 units/acre. The Plan Commission found that many of the nearby apartment complexes in this area (including the current Dunnhill apartments) exceed the current allowable density of the RH zoning district.

The PUD is proposed to be developed as 3 parcels. Parcel A would contain the main apartment complex and Parcels B & C would each contain 12, 4-bedroom townhomes. The density on Parcel A is proposed to be 50 DUEs/acre and the density on Parcels B and C is proposed to be 27 DUEs/acre. All of the buildings on Parcel A will have a flat roof and will be between 4-6 stories in height. The buildings on Parcel B & C will be 3-story townhomes with pitched roofs. The PUD will include at least 17,000 sq. ft. of nonresidential uses consisting of office space for onsite uses, interior café, and other amenity space, including a minimum 4,000 sq. ft. for a retail/restaurant use. A 5-story parking garage with 540 parking spaces will be provided, in addition to 51 surface parking spaces for a total of 591 on-site parking spaces, which equates to approximately 0.8 parking spaces per bedroom. A maximum of 0.85 parking spaces per bedroom was approved by the Plan Commission.

New sidewalks and street trees will be constructed throughout the site on all portions of the project with frontage on a public street. A 10' wide asphalt sidepath and minimum 5' wide tree plot will be constructed along the 17th Street frontage as well as along the Dunn Street frontage. Rain gardens will be provided throughout the site to provide stormwater quality improvements. The petitioner has committed to providing on-site recycling for residents of this development. The Historic Preservation Commission voted not to locally designate the contributing structure at 1405 N. Dunn Street or the structure on 19th Street, which will allow for that building to be demolished. The Historic Preservation Commission also discussed this petition at their June 23 meeting and did not find that there would be a negative impact to the adjacent Garden Hill Historic District as a result of the proposal.

GROWTH POLICIES PLAN: This property is designated as “*Urban Residential*”. The GPP notes that redevelopment in these areas should include the following-

- “*when development occurs in new urban growth areas, the goal should be to encourage higher densities, ensure street connectivity, and protect existing residential fabric.*” Although the density at this location is much higher than what the underlying zoning district would allow, this location is unique and could be an ideal location for higher density student oriented apartments.
- “*Optimize street, bicycle, and pedestrian connectivity to adjacent neighborhoods as well as to commercial activity centers.*” The petitioner has incorporated a central bike and pedestrian corridor to facilitate connectivity between 17th Street and 18th Street and to access the center of the main apartment building. This green belt feature is located in the area that would be the extension of Grant Street.
- “*Ensure that each new neighborhood has a defined center or focal point. This center could include such elements as a small pocket park, formal square with landscaping, or a neighborhood serving land use.*” This development is proposing a large central recreation space and pool area for the use of the residents.
- “*Ensure that new common open space is truly usable and accessible. Provide linkages between such open space and other public spaces.*” All of the common

open space is just for the use of these tenants and is not accessible to the public. This is mostly related to internal security for the development.

- *“Provide for marginally higher development densities while ensuring the preservation of sensitive environmental features and taking into consideration infrastructure capacity as well as the relationship between the new development and adjacent existing neighborhoods.”*
- *“As a counterbalance to policies that limit the spatial expansion of growth, denser infill development in areas that already contain City services must be encouraged.”* This site is adjacent to existing City services and is adequately served by existing infrastructure. In addition, the IU bus stop is immediately adjacent to this site which decreases the need for vehicular trips to and from this site.

This petition incorporates many goals described within the GPP including redevelopment of underutilized property, mixed-uses, compact urban form, and the creation of a distinctive design style for this area. The GPP also encourages when possible to improve the capacity and aesthetics of all urban services, including new sidewalk links, new bike paths, and replacement of utility infrastructure. The GPP outlines that in order to accomplish compact urban form the City should revise development regulations for near-downtown and near campus areas to encourage increased residential densities (*CUF-5*, page 7)

While the current Growth Policies Plan does not directly address providing affordable housing, the upcoming Comprehensive Master Plan is expected to deal with this issue more directly.

DISTRICT ORDINANCE/PRELIMINARY PLAN ISSUES:

Transportation Impacts: The petitioner submitted a traffic study outlining possible impacts to adjacent roads and pedestrian facilities as a result of this development. The study found that the 17th/Dunn intersection is expected to operate at an acceptable level of surface with the proposed development. The study indicates possible left turn conflicts leading into the parking garage and recommends either a dedicated left turn lane into the garage from 17th Street or limiting the access to a right-in/right-out. The study indicated that the most of the trips to and from this site will be pedestrian oriented as residents use the bus stop located at the Indiana University transit stop at Memorial Stadium or walking/biking to and from campus.

The City has identified some improvements to this intersection in the future and staff is pursuing a budget request to start design in 2017. Staff and the Plan Commission determined that it is most appropriate to allow the City to undertake these improvements rather than have the petitioner construct something that would have to be removed at a later time.

Access: The project will be accessed by cars at several points. The parking garage will be accessed through a drive-cut on 17th Street and on 18th Street. A traffic study was submitted that concluded that either a dedicated turn lane should be constructed on 17th

Street to access the parking garage or the entrance should be modified to be a right-in or right-out only. The proposed Green Belt provides access for bicycles, pedestrians, and limited access for emergency services through the site and connects 17th St. with 18th St. and will be a common public amenity. The petitioner plans to bring forward a petition to vacate the right-of-way to accomplish the green belt.

Architecture/Design: Renderings have been submitted for all of the proposed buildings. There will be three main buildings on Parcel A that are separated by the Green Belt feature that runs through the center of the site. All of the buildings on Parcel A will have a flat roof design and will be between 4-6 stories tall. An elevation has been submitted showing the proposed building materials for the buildings on Parcel A. An exhibit has been submitted showing the proposed modulation. Additional renderings showing some of the proposed buildings along with some of the existing adjacent structures have been submitted since the first hearing. On Parcel C, the proposed townhomes labeled as buildings E, F, and G should be turned so that the front entrances face Grant Street. On Parcel B, the buildings labeled as A and B should be turned to face 18th Street. The petitioner has included the convenience store at the corner of 17th and Dunn Street in their massing model.

Development Standards: This PUD would use the Residential High-Density Multifamily (RH) district standards with the modifications listed in the district ordinance. The proposed modifications to the RH standards include an increased building height, increased density, and increased maximum impervious surface coverage (Parcel A). The main building on Parcel A will have a height of 72' at the tallest portion, which is at the northeast corner of the site at the corner of 18th and Dunn, with other sections having a height of 62' (the maximum height of the RH district is 50'). The Plan Commission approved a 70% maximum impervious surface coverage on Parcel A, rather than the 50% that would be allowed in the RH zoning district. The petitioner has included an allowance for commercial uses on this site and is proposing to allow all uses that are listed as permitted uses in the Commercial Downtown zoning district.

	RH requirement	Proposed
Height	50'	72'
Impervious Surface Coverage	50%	70% Parcel A
Density	15 D.U.E's/acre	50 D.U.E's/acre
Front Parking Setback	20' behind front	Even with building on Parcel B along 18 th St.

Parking: Since the site is adjacent to a Residential Core district to the south, the UDO requires a minimum parking requirement of one parking space per bedroom. The Plan Commission approved a maximum of 0.85 parking spaces per bedroom. A 5-story parking garage with 540 parking spaces will be provided in addition to 51 surface parking spaces for a total of 591 on-site parking spaces. New on-street parking spaces are proposed to be added along the property frontages on 18th Street, 19th Street, and Grant Street. Approximately 24 on-street parking spaces will be created. Bicycle parking will be provided as well per the UDO requirements. Bike parking spaces for the overall development should include bicycle parking facilities adjacent to the entrances of all buildings.

Pedestrian Facilities: A 10' wide asphalt sidepath will be built along the entire 17th Street frontage that will extend the sidepath network west along the 17th Street corridor. 5' wide concrete sidewalks and minimum 5' wide tree plots will be constructed along the north side of 18th St and both sides of 19th St. and Grant Street. A 10' concrete sidewalk will be constructed along the south side of 18th Street that will connect to a proposed 10' sidewalk along the west side of Dunn Street. A green belt corridor was designed through the site to provide a connection from 17th Street to 18th Street. This corridor has been designed to include a 20' wide pervious paver path that will provide an access point for bicyclists and pedestrians, but also serves as an emergency access route that can be used for emergency responders. Any portions of sidewalk or sidepath that are not located in public right-of-way must either be placed in dedicated right-of-way or within a pedestrian easement. A pedestrian crossing will be constructed at 18th Street that will include a cross walk, curb ramps, and a rectangular rapid flashing beacon. In addition the petitioner is working with Indiana University to allow a sidewalk connection from the 18th St. crossing directly to the bus stop to direct pedestrians to the stop and reduce the likelihood for mid-block crossings.

Signage: The Plan Commission approved a sign package for this project that consists of freestanding monument signs in accordance with the RH district size standards which allow for 6' tall, 32 sq. ft. monument signs. A total of 4 freestanding signs are proposed for the development. The petitioner has shown the location of the proposed wall signage on the proposed renderings and each wall sign would not exceed 24 sq. ft.

Utilities: Although there are existing utilities along the main public streets on 17th St. and Dunn Street, there may be issues with the age of the existing utility lines. These specific details will be reviewed with the PUD final plan approval process. City of Bloomington Utilities can adequately serve the site.

Lighting: A specific lighting plan has not been received. The Plan Commission encouraged the petitioner to incorporate pedestrian scale lighting throughout the interior of the site and to appropriately place lighting along the public street frontages as well. Pedestrian scale lighting should be incorporated along the Green Belt. This will be addressed with the final plan approval.

ENVIRONMENTAL COMMISSION RECOMMENDATIONS: The Bloomington Environmental Commission (EC) has made 2 recommendations concerning this development.

1. The Petitioner should provide additional landscaped areas along 17th Street and Dunn Street, giving high priority to native species.

Staff response: The Plan Commission encourages the petitioner to install extra landscaping along those corridors and will pursue that more with the final plan approval.

2. The Petitioner should install photovoltaic (PV) solar panels where possible

Staff response: Although the Plan Commission did not require this, staff

encourages the petitioner to incorporate this suggestion if possible.

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.

PLAN COMMISSION FINDINGS: This petition meets the requirements for a Planned Unit Development and accomplishes the purposes of a PUD which is to provide a unique land use that would not be allowed in a regular zoning district. The design of this PUD to provide student oriented housing in an area immediately adjacent to Indiana University promotes the goals of the City for compact urban form in appropriate locations.

- (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.

PLAN COMMISSION FINDINGS: The proposed deviations from the UDO that are outlined in the Petitioner Statement are necessary to further the purpose of the PUD which is to provide a high density student oriented apartment complex. The location of the buildings that are over the allowed height and density of the underlying zoning district will not adversely affect adjacent properties and will be in the public interest.

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

PLAN COMMISSION FINDINGS: The PUD meets the purposes of the City by providing a high density student oriented housing project immediately adjacent to Indiana University. The design of the site has provided a building forward design throughout the property and incorporated many environmentally friendly features such as rain gardens, a white roof, on-site recycling, and fully furnished apartments. In addition, the main benefit of this project is the contribution to an affordable housing program.

- (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.

PLAN COMMISSION FINDINGS: The PUD provides adequate public services by providing sidewalks surrounding the project, including a Green Belt corridor to provide a connection from 17th Street through the site to 18th Street. Vehicular traffic into the parking garage will be controlled by a right-in/right-out design. The garage will be fully accessible from 18th Street. Common open space is provided through an outdoor amenity center and a Green Belt. This open space also provides a recreation opportunity.

- (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.

PLAN COMMISSION FINDINGS: This site is not located within a neighborhood and the size of the project site allows it to mitigate any impacts. The site is bordered by public streets along all sides with provides additional buffering. Staff does not foresee any undue negative impacts to the adjacent Garden Hill district since the site is separated by 17th Street and the density will not be concentrated in proximity to the neighborhood.

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

PLAN COMMISSION FINDINGS: The provision of an estimated 265 units and new construction will substantially increase the tax base to the City. The location of the site next to campus also reduces the burden on properties in the downtown to provide student oriented housing.

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

PLAN COMMISSION FINDINGS: Traffic into the parking garage will be controlled by a right-in/right-out entrance on 17th Street with a full access point on 18th Street. The traffic study has indicated that there will not be an increase in traffic as a result of this project. The site is adjacent to the Indiana University bus transit stop located at the Memorial Union so this reduces the need for vehicular trips.

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

PLAN COMMISSION FINDINGS: There are no 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.

PLAN COMMISSION FINDINGS: The site will be monitored by on-site staff and security cameras with all exterior doors opened only with select key cards. Staff finds that the proposal will not be injurious to the public health, safety, or general welfare.

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

PLAN COMMISSION FINDINGS: The establishment of a PUD for this property allows a unique development that would not otherwise be accomplished outside of the Downtown zoning district and is appropriately located next to Indiana University. The PUD would allow for a high density student oriented apartment project immediately adjacent to campus and is appropriately designed.

CONCLUSION: The Plan Commission found that this site, adjacent to Indiana University campus, has no environmental constraints, which makes it an ideal location for increased density for student oriented housing. The location next to the Indiana University bus transit stop greatly reduces the need for residents to drive to campus and thereby reduces vehicular trips. This project is a redevelopment of a site with existing dense student housing. The petitioner's commitment to funding affordable housing with this project provides a significant public benefit that could not be accomplished without the establishment of this PUD.

RECOMMENDATION: The Plan Commission voted 7-0 to forward this to the Common Council with a favorable recommendation and the following conditions of approval:

1. Right-of-way dedication is required for all streets that do not currently have the required amount of right-of-way. This must be done within 180 days of Council approval.
2. A sidepath shall be constructed along the property frontage and must extend to the 17th and Dunn Street intersection.
3. Final plan approval is required from the Plan Commission prior to construction.
4. An alley vacation must be approved prior to construction of any improvements in the Grant Street right-of-way.
5. The proposed townhomes labeled as buildings E, F, and G shall be turned so that the front entrances face Grant Street and the buildings labeled as A and B should be turned to face 18th Street.
6. Petitioner agrees to continue to seek IU approval for a reasonable pedestrian link between the IU bus stop at Memorial Stadium and the 18th St crosswalk. If such IU approval is obtained, the petitioner will be responsible for constructing that pedestrian link.

MEMORANDUM

Date: July 29, 2016

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Through: Linda Thompson, Senior Environmental Planner

Subject: PUD-14-16, Dunn Hill Apartments (RCR Properties LLC), third hearing
17th, 18th, 19th, Dunn, and Grant Streets

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 the environmental integrity of this proposed Plan. Please see the previous memoranda for additional initial recommendations.

ISSUES OF SOUND ENVIRONMENTAL DESIGN

1.) LANDSCAPING

The EC believes that in addition to some open turf areas used for sports, sunbathing, or other such activities, more land should be dedicated to heavily landscaped space. This project will have a large environmental footprint that could be reduced by native plants that sequester carbon, clean the air, and cool the urban heat island effect. Additional landscaping along both Dunn and 17th Streets would create a more pedestrian-inviting streetscape resulting in improved walkability.

2.) GREEN BUILDING

The EC is pleased that the Petitioner included some green building and infrastructure best practices into the PUD specifications such as some white roofs, salvage of construction and demolition materials, rain gardens, and furnished rooms.

The EC still recommends installing solar panels where possible. Some of these buildings are ideal for photovoltaic (PV) solar panels because the roofs are flat. The price of PV systems continues to drop and the full-cost-accounting price of carbon-based electricity is skyrocketing.

EC RECOMENDATIONS

- 1.) The Petitioner should provide additional landscaped areas along 17th Street and Dunn Street, giving high priority to native species.
- 2.) The Petitioner should install photovoltaic (PV) solar panels where possible.

DUNNHILL PUD

The Dunnhill PUD is mixed use, high density, multi-family dwellings (student purposed housing) with a small component of non-residential use (amenity space, office, retail and commercial).

The development is a mixture of multi-unit apartment, multiple story structures and paired townhomes.

The PUD parcel consists of 3 parts.

Parcel A is bounded by 17th Street, Dunn Street and 18th Street. Parcel A covering 4.54 acres.

Parcel B is bounded by Dunn Street, 18th Street and Grant Street, covering .724 acres.

Parcel C is bounded by Grant Street, 18th Street and 19th Street, covering .680 acres.

A boundary description for Parcels A – C is attached.

Density:

Parcel A shall have a maximum density of 50 D.U.E.s per acre.

Parcels B and C shall each have a maximum density of 27 D.U.E.s per acre.

Parking:

Total parking spaces shall not exceed .85 spaces per bed on Parcel A. Parcel B and Parcel C shall not exceed 51 parking spaces. Parking on Parcel A shall be garage parking only. Parking on Parcels B and C shall be surface level spaces include guest, visitor, commercial and staff parking on Parcel B.

Parking Setbacks:

Parcel A: garage parking only

Parcel B: (parking area deviates from standard for setback from front building line). Not less than 15 feet setback from 18th Street right of way and not in front of the line of the building wall on 18th Street (residential structures); side and rear yard 10 feet

Parcel C: 20 feet behind the primary structure front building wall; side yard, 10 feet; rear yard, 10 feet

Architectural and Development Standards:

Maximum Building Height:

N. Dunn Street frontage:

Parcel A:

Dunn St. Frontage: 50 feet at south end, proximity of 17th St.
72 feet at north building corner, at 18th St.
62 feet building frontage between the corner buildings

17th St. frontage: 50 feet

18th St. frontage: west of Grant St.: 61 feet
(south side) east of Grant St.: first building : 61 feet

east of Grant St.; second and third buildings:
50 feet

corner building at Dunn St., (building wraps
the corner from Dunn St.): 72 feet

Parcel B and Parcel C: 35 feet

Parking garage west exposure: 62 feet

Building Setback: per code RH zone

Maximum impervious surface coverage :

Parcel A: 70%

Parcel B and C: 50%

Storm water detention:

Required onsite storm water detention shall be by underground storage and rain gardens or other approved water quality measures.

Bicycle Parking:

Per code

Uses:

Uses as permitted in the commercial downtown zone

Additional Uses:

Dwelling, single family, attached and detached

Dwelling, multi-family (high density)

Maximum occupancy limits: 1 adult per number of beds plus dependent children

Dunn Street frontage use shall include 17,000 – 20,000 square feet, ground floor, non-residential use (office, amenity space, retail and commercial use), with a minimum of 4,000 retail/restaurant use.

Sustainable Practices:

Recycling:

single stream recycling for all traditionally recyclable products and waste materials provided onsite and located to encourage residents to utilize the recycling services for disposal of all waste

Roof:

All flat roofs shall be white roof design

Energy Efficiency:

All dwelling units will be fully furnished to include Energy Star appliances

Greenbelt:

A pedestrian/bicycle pathway and green belt connecting 18th Street (at vicinity of the terminus of Grant Street) to 17th Street, approximately 400 in length. A 12 foot wide hard surface in the green belt suitable emergency vehicle access widening to 20 feet at 2 staging areas for emergency vehicles; remainder of the green belt to be green space with landscaping and installed rain gardens. Affirmative covenant to maintain the green belt including tree and shrub replacement and hard surface repair.

Construction Practices:

Demolition (partial or total) of structures on the property shall attempt full salvage and recycling of materials

Lighting: per code, RH zone with pedestrian scale lighting along green belt

Traffic:

Parking Garage: 17th Street access will be right in and right out only; 18th Street entrance will be full access.

Security and Emergency Access:

Gates and all secured entrances shall provide access to emergency responders, including police and fire. The bicycle/pedestrian pathway and the greenbelt shall be a minimum of 12 feet in width of hard surface suitable for use by service vehicles and emergency vehicles. Collapsible bollards, rolled curbs and low planters shall be utilized to control and to restrict use of the bicycle/pedestrian pathway by motor vehicles except service and emergency response vehicles.

Emergency responder access from Dunn St. through to the interior courtyard

Architectural Standards:

Mass, Scale, Form: CD zone standards (B.M.C. 20.03.130(c)(1) and (3))

Pitched roofs on Parcels B and C (residential buildings); commercial building without upper apartments may be flat roof

Flat roofs on Parcel A

Exterior materials:

Primary: brick, limestone, fiber cement (all Parcels), wood (Parcels B and C) and metal (Parking Garage west façade)

Secondary: cementitious siding (all Parcels)

Entrances to residential buildings will be pedestrian scale and design.

Signage:

One project entrance sign on 17th Street; two project signs on Grant Street at intersection with 18th Street and one project sign at the intersection with 19th Street; and one project sign at 19th Street and Dunn Street intersection. Signs to meet Sign Standards – Residential for RH zone.

Parking garage and commercial uses shall be allowed wall signage (dimensions per code for CG zone)

Information signs for parking garage (wall sign at garage entrance/exit)

Free standing parking and information signs at surface level parking areas.

Information, direction and warning signs on green belt (not to exceed 4 feet in height and 4 square feet per side)

PETITIONER'S SUPPLEMENTAL STATEMENT

Architectural Standards. The Architectural Standards will utilize RH zone and CD zone standards. The separate townhomes will utilize RH standards. The main structures on Parcel A will incorporate mass, scale and form standards from the CD zone.

Greenbelt. The Greenbelt will be designed to maximize the green space. The improved surface (hard surface) area will be narrowed to 12 feet in width except for two staging areas for emergency vehicles which require 20 feet of hard surface area. The greenbelt will be improved with rain gardens and landscaping. An affirmative covenant will be imposed on the land to maintain the greenbelt area to include replacing the landscaping (trees and shrubs) and repair of the hard surface areas. The hard surface areas will be located to provide reasonable separation between the hard surface and adjacent structures.

Crosswalks. An improved crosswalk with pedestrian signal beacon will be installed at 18th Street. Subject to final approval or consent of Indiana University, a ramp/walkway will be installed on the east side of Dunn St. to connect the sidewalk to the bus stops in the Memorial Stadium parking lot.

Pathway. A 10-foot asphalt pathway will be installed along the 17th St. frontage, placed 1 foot inside the right-of-way line, extended to the Dunn Street right-of-way. City to acquire any required right-of-way on adjacent property (C Store Lot) necessary for installation of the pathway in accordance with City specifications.

C-Store. The C Store is not adversely impacted by the development in any material way. The building is fully exposed on the east and south sides. Sun path indicates that the new development will not create a shadow effect until late afternoon/early evening. Building height allowed in the existing zone would inherently create late afternoon or early evening shadowing on the C Store lot. The proposed buildings on Dunnhill will increase the shadowing effect only marginally. The C store is built almost to the property line—no setbacks—on the west and north lines. The C Store creates shadowing on the parking area adjacent to the front of the building because it is placed to the west side of the lot. The setting sun naturally creates late day shadowing to the east side of the C Store. New buildings on Dunnhill will be setback 18 feet from the property line on the west and 20 feet on the north side. The 15 foot setback from the property line along 17th Street frontage leaves the C store building partially exposed on the west side. There is a significant grade change at the C Store lot effectively placing the building “built into the grade.” There are no service drives or other uses behind the C Store building. There are no windows. The C Store is a lawful non-conforming structure. The building does not meet current setback requirement; has parking in front of the building and parking does not meet side yard setback standards. Any material alteration to the building will require compliance with current standards and will cause relocation of the structure to meet setback standards, increasing the separation between buildings.

Petitioner has no incentive to harm the C Store space. To the contrary, Petitioner needs

the C Store to prosper. The C Store provides an important commercial use in close proximity to Dunnhill. It helps serve a tenant need. If the C Store can remain at this location, and perhaps grow its business, Petitioner has no desire to add a tenant to Dunnhill that would compete with the C Store—that is counter-productive and would not be a reasonable business plan. The additional tenants at Dunnhill should be a plus for the C Store operation as much as the C Store location is a plus for Dunnhill. The Dunnhill site plan intentionally does no harm to the C Store site.

4-Bedroom Apartments. The final breakdown of apartment sizes (studios to 4-bedrooms) has not been determined. Final architectural plans will not be completed until after PUD approval. The number of 4-BR apartments is expected to vary from 90 to 110 apartments. Statements have been made that 4-BR apartments are sources of excessive noise or disturbances and are a magnet for large parties. This is not petitioner’s experience. There may have been a basis for this belief in older apartment buildings, although there was never an automatic correlation of number of bedrooms to level of disturbances. 4 and 5 bedroom units tended to have correspondingly larger common rooms and more common area—places that might be more conducive to large parties. The trend in student-purposed housing and specifically for Dunnhill is to lease apartments by the bedroom. Each tenant signs a separate lease for a bedroom. In a 4 bedroom apartment there will be 4 leases with the 4 tenants sharing certain utility expenses and have shared use of the kitchen and living room. Most 4 bedroom apartments have 2 baths. In addition, the living room/kitchen area is smaller than in older designs. There simply is not the space available for large parties. The independent bedroom leases create more of a sense of private control and responsibility. The space is more restrictive and limits the number of guests. Purposeful management also creates more controls. Management does not allow a “large party” culture to develop within the property. It is not an allowed incidental use of the property. Lease terms also limit the number of occupants in an apartment.

Public Benefit. There are substantial public benefits from the Dunnhill PUD. Public benefits are not necessarily measured in dollars.

Surface level parking lots Existing Dunnhill is an antiquated site development with largely perimeter parking. There are aesthetic objections to the surface lot. There is surface coverage area objection. Surface level lots are a limited and therefore often an under-utilization of a finite resource—real estate. More efficient and productive use coupled with reduction in the size of surface lots and the aesthetic improvement of housing parking in a garage is a responsible use of the finite resource and is a public benefit.

Renovation. Dunnhill is an established and fully functioning student housing property. “Business as usual” is certainly a possibility to simply continue with Dunnhill as it is. However, the structures are older. The structures could generously be characterized as tired or worn out. Replacing existing housing stock comes at a price. It is a 100% loss of revenue for 15 – 18 months of construction time. But, new construction will ensure a modern design and exterior façade consistent with UDO design guidelines.

Density. The proposed PUD density is higher than the current zone. It is lower than the CD overlay would allow. However, there is well documented sentiment to limit the

continual increase of student purposed housing in the CD zone. The demand for additional student purposed housing is expected to increase in the next several years and perhaps longer. The Dunnhill PUD moves the student purposed housing adjacent to the university at a location that takes advantage of easy access to bus transportation and concentrates traffic on non-neighborhood streets and in close proximity to S.R 45/46 By-pass – a major transportation corridor. It is a public benefit to create higher density student purposed housing at this location. Proximity to the bus system allows for much of the tenant parking to be storage parking. Tenants will not drive to campus from a more remote location. Cars will not be needed on a daily basis for travel to campus.

Environmental Considerations. The new construction will incorporate energy efficiencies not present in the existing apartment buildings—materials, insulation, energy – efficient appliances, on-site recycling.

Project Components—Benefits to the Project and the Public.

There are components of the PUD that benefit the project, but also inherently provide public benefits:

1. Best in class replacement of buildings that are currently underutilized and visually unappealing;
2. Internalization and concealment of parking replacing a currently exposed, unsightly, large asphalt surface lot around the right of way perimeter;
3. Pedestrian and bicycle connectivity beyond just the apartment tenants contributing to the City bicycle program and indirectly reducing demand for vehicle use;
4. The new construction presents substantial improvement in life safety, ADA compliance and security systems;
5. The PUD may prove to be a catalyst for redevelopment of other properties raising the bar on life safety and security components and internalization of tenant activity;
6. The retail component may be a community resource and is not likely to ever develop as a stand-alone use.

Parking. The PUD plan proposes maximum parking allowed on site. Dunnhill Apartments presently has surface level parking at .88 per bed. Parking has been adequate for tenants, guests and management personnel. The PUD plan includes 540 spaces in the parking garage; a minimum of 46 surfaces level spaces on Parcels B and C and recognizes 42 on-street parking spaces adjacent to Dunnhill. The surface level spaces will vary based on change from townhome apartments to a commercial/restaurant building.

Garage Traffic Flow. 17th Street garage entrance will be restricted to right in/right out traffic.

Commercial/retail Space. The PUD plan has been modified to increase the commitment for non-residential space from 13,000 to 17,000 – 20,000 square feet. All space will be on the Dunn St. Frontage. On Parcel B 4 proposed townhomes (16 beds) will be replaced with 4,000 – 6,000 square of commercial building. Petitioner continues to market the property to locate a restaurant tenant for the commercial building on Parcel B. Petitioner commits to a minimum of 4,000

square feet of commercial use. The remaining non-residential space will include leasing office use and tenant amenity space. However, a part of the remaining space, estimated at 6,000 square feet, will be convertible to retail/commercial space. Petitioner has made overtures to attract an apparent outlet. The amenity space will be used as such because it is available. It will be non-income producing space initially. However, the opportunity to convert 6,000 square feet of space from under-utilized space to a commercial tenant and therefore income-producing space certainly is an incentive for Petitioner to attract a retail user.

Michael L. Carmin
Attorney for Petitioner

ZONING COMMITMENT

WHEREAS, Indiana Code § 36-7-4-1512(a)(3) allows the owner of real property to make a written commitment as part of its request to adopt a PUD district ordinance; and

WHEREAS, when a property owner provides a written commitment as part of its request to adopt a PUD district ordinance, the written commitment is required to comply with the provisions of Indiana Code § 36-7-4-1015; and

WHEREAS, [REDACTED], (“Owner”) is the owner of the properties located at 304, 307, 308 and 318 E 18th St; 405 E 17th St; E 17th St; E 19th St; N Dunn St; 1405 N Dunn St; and 1400 N Grant St (“the Property”); and

Commented [m1]: The properties are currently owned by two different entities. Assuming the overall project is approved the properties will be transferred into one ownership under a newly established LLC.

WHEREAS, Owner has petitioned the City of Bloomington Plan Commission and Common Council to rezone the Property to a PUD (PUD # 14-16 and Ordinance 16-20); and

WHEREAS, If the Owner’s petition for a PUD of the Property is granted, it will increase the overall bedroom count on the Property from 328 bedrooms to 746 bedrooms; and

WHEREAS, The Owner recognizes that enlarging the overall number of bedrooms on the Property by 418 is a significant increase in the overall number of bedrooms in the Bloomington community, but because of the location of the Property lessens the likelihood the bedrooms will be occupied by non-University students; and

WHEREAS, Owner respects and appreciates that the City of Bloomington’s intent in creating PUD’s, as outlined in Bloomington Municipal Code § 20.04.010, includes the following: to reflect the policies outlined in the City’s Growth Policies Plan; and to provide a public benefit that would not occur without deviation from the standards of the Unified Development Ordinance; and

WHEREAS, Owner believes that the Growth Policies Plan (“the Plan”), in part, states a desire and intent of the City of Bloomington to promote and encourage affordable housing; and

WHEREAS, Owner recognizes that the Plan provides that when public monies are being spent on infrastructure projects associated with a private development, it is appropriate for affordable housing to be linked with said projects; and

WHEREAS, Owner’s proposed PUD will contribute to the City’s overall need to make an investment of public monies into the redevelopment of adjacent roads, intersections, and sidewalks; and

WHEREAS, Owner recognizes that the Plan further provides that part of enhancing Bloomington’s neighborhoods and in developing new neighborhoods includes the encouragement and establishment of affordable housing; and

WHEREAS, Owner recognizes that it can assist the City in its goal of developing affordable housing by providing the City with a financial commitment; and

NOW THEREFORE, in recognition of its ability to voluntarily provide a written commitment under Indiana Code § 36-7-4-1512(a)(3) as part of its petition to have a PUD established for the Property, the Owner hereby voluntarily provides and records this Zoning Commitment in connection with PUD #14-16 and Ordinance #16-20 for the Property.

1. Legal Description for the Property.
2. Binding. This written commitment is binding on the owner of the Property. Upon the written commitment being recorded in the office of the Monroe County Recorder, this written commitment shall be binding on any subsequent owner or any other person who acquires an interest in the Property.

Commented [m2]: Upon the overall project being approved a comprehensive and complete legal description will be prepared and provided herein.

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

WITNESS my hand and Notarial Seal this _____ day of _____, 2016.

Printed Name of Notary Public

Signature of Notary Public

My Commission Expires:

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

This instrument approved by Michael L. Carmin, Attorney at Law, CARMINPARKER, PC, P.O. Box 2639, 116 West 6th Street, Suite 200, Bloomington, Indiana 47404.

Dunn Hill Student Housing - Bloomington, IN
**Conceptual Site Plan -
Exhibits**

JULY 25, 2016

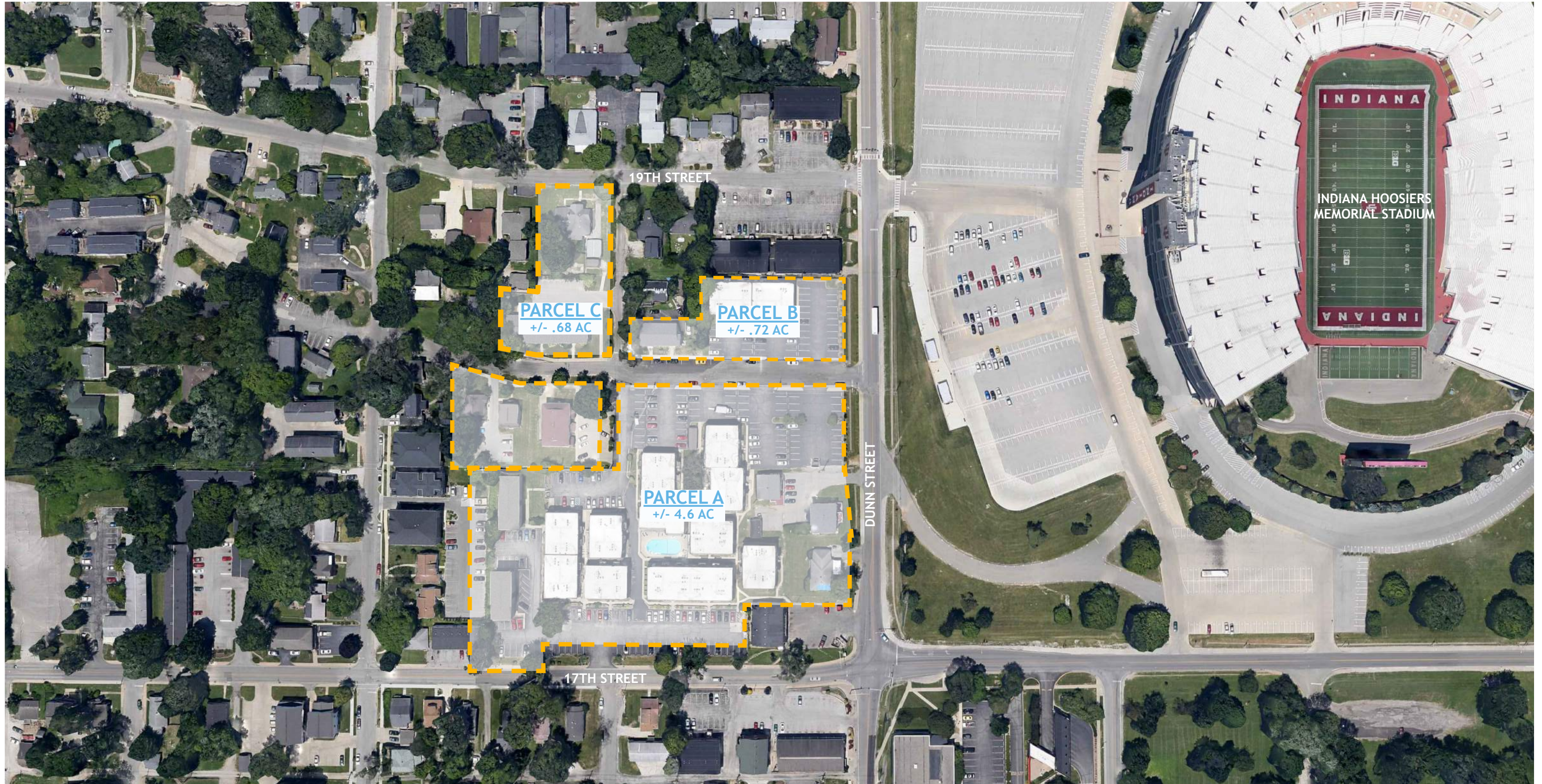
A RESIDENTIAL COMMUNITY DEVELOPED BY:

CA VENTURES IN A JOINT VENTURE WITH REGENCY APARTMENTS

NILES BOLTON ASSOCIATES

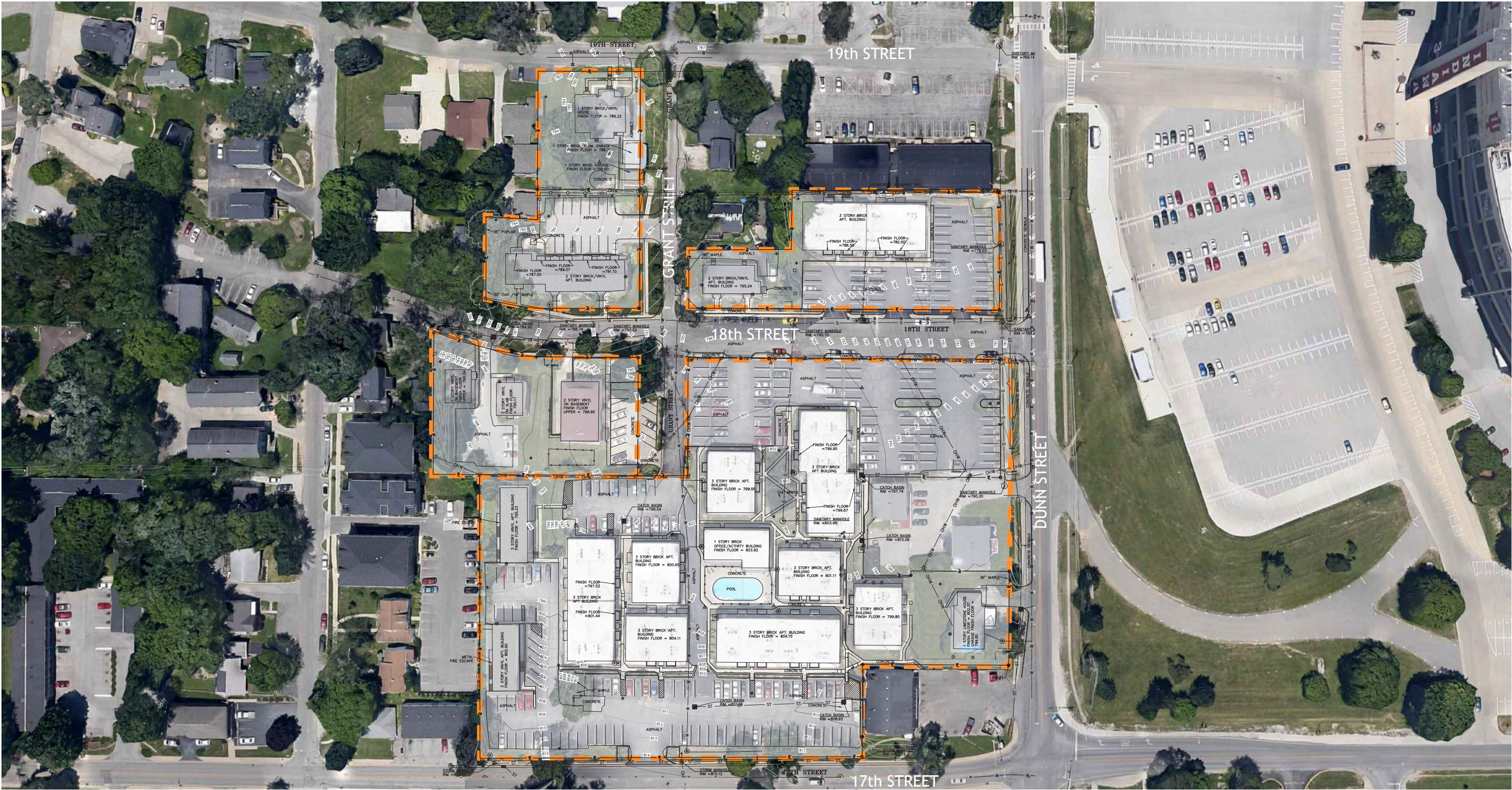
Context Map

Dunn Hill Student Housing - Bloomington, IN



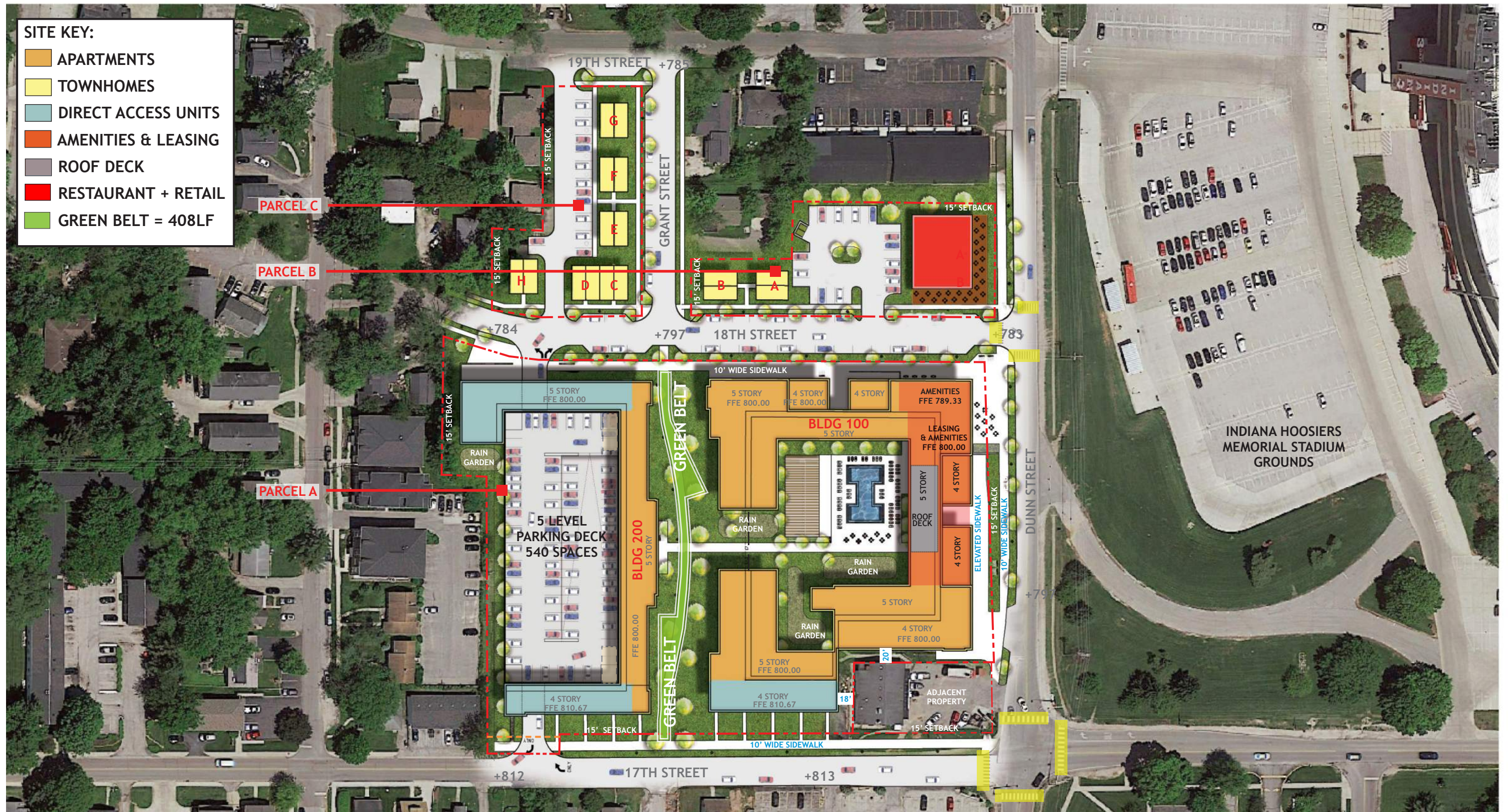
Existing Survey

Dunn Hill Student Housing - Bloomington, IN



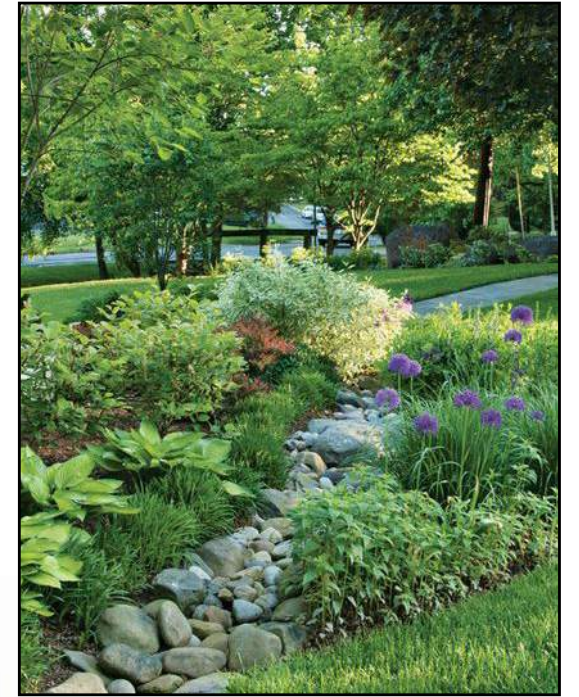
Illustrative - Site Plan

Dunn Hill Student Housing - Bloomington, IN



Greenbelt Vignette

Dunn Hill Student Housing - Bloomington, IN



Elevation Views

Dunn Hill Student Housing - Bloomington, IN



Building 100 - 18th Street Elevation



Building 100 - Dunn Street Elevation

Not To Scale - Dimensions for Reference Only

Elevation Views

Dunn Hill Student Housing - Bloomington, IN



Retail - Dunn Street Elevation



Townhome - Typical Elevation

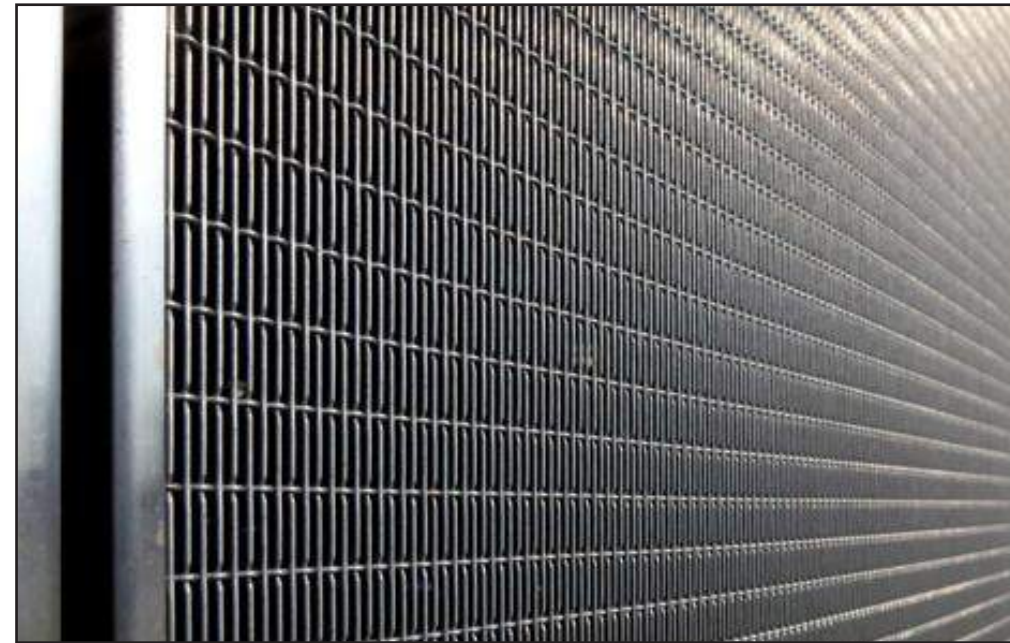


Building 200 - 17th Street Elevation

Not To Scale

Elevation Views

Dunn Hill Student Housing - Bloomington, IN

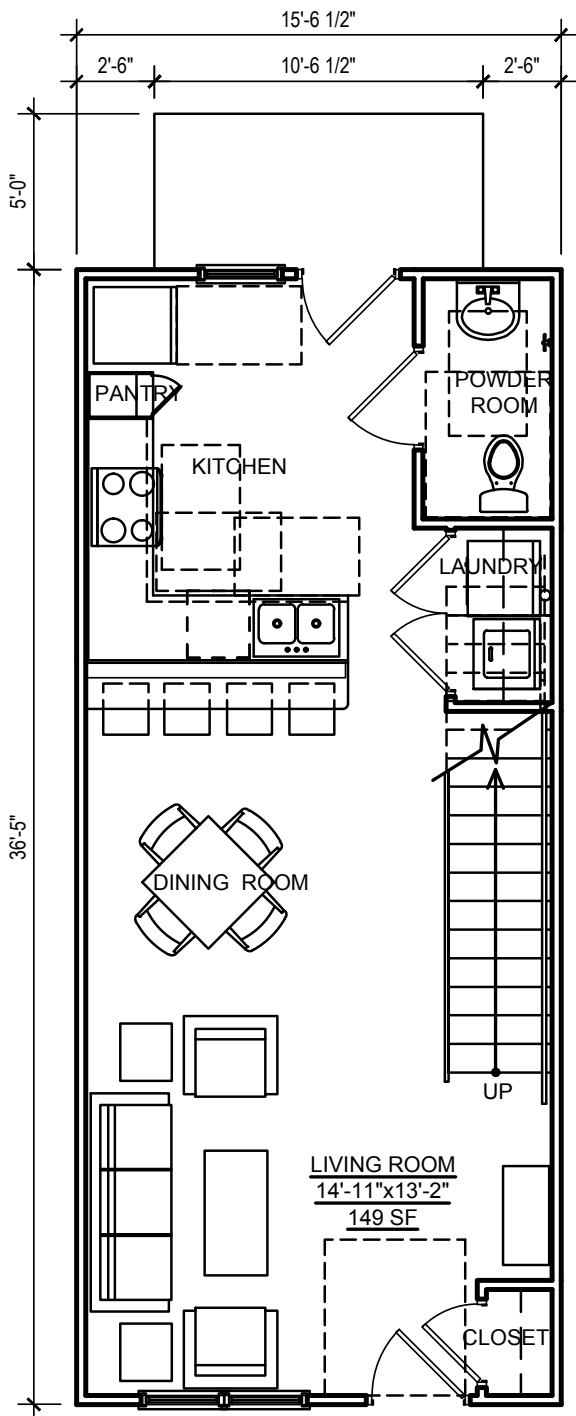


Building 200 - West Elevation

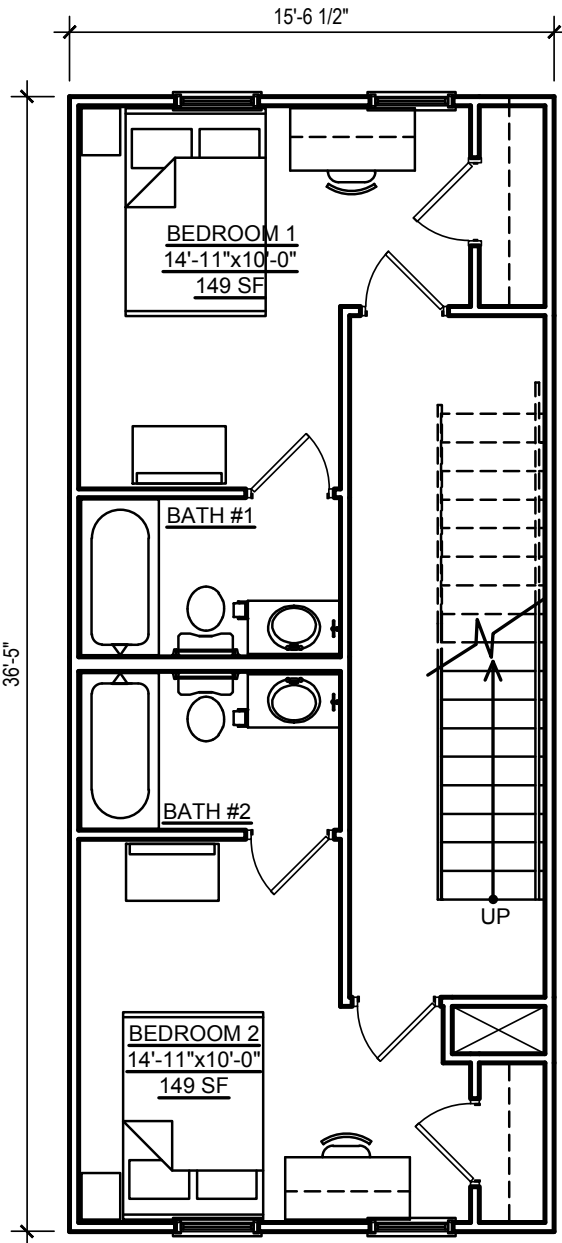
Not To Scale

Proposed Townhome Plans

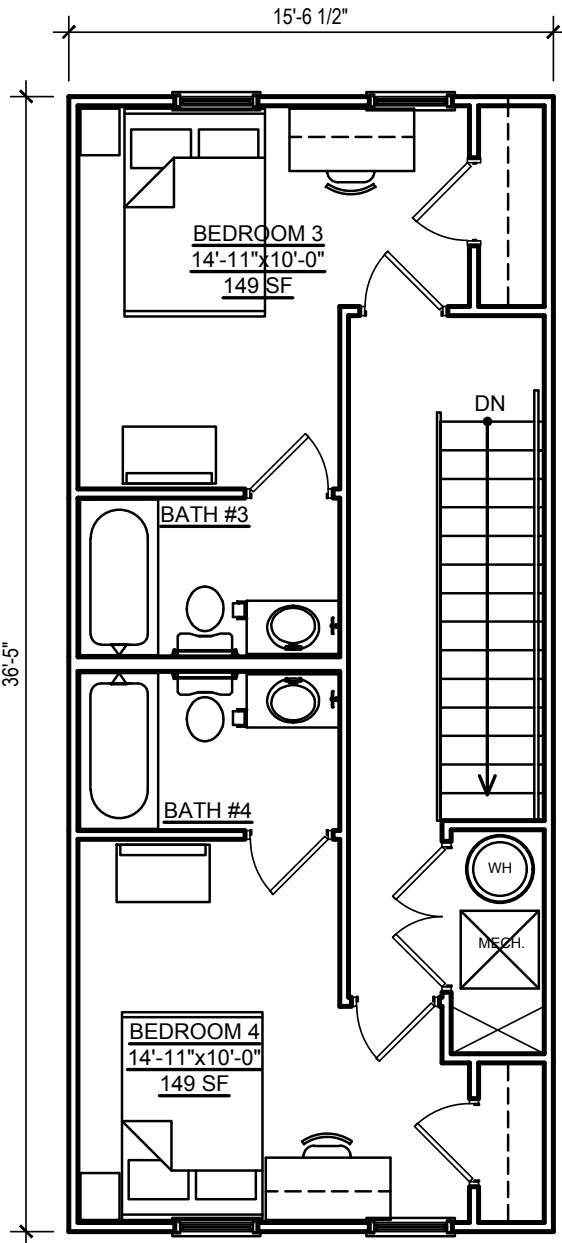
Dunn Hill Student Housing - Bloomington, IN



Level 1
566 SF - Heated



Level 2
566 SF - Heated



Level 3
566 SF - Heated

Not To Scale

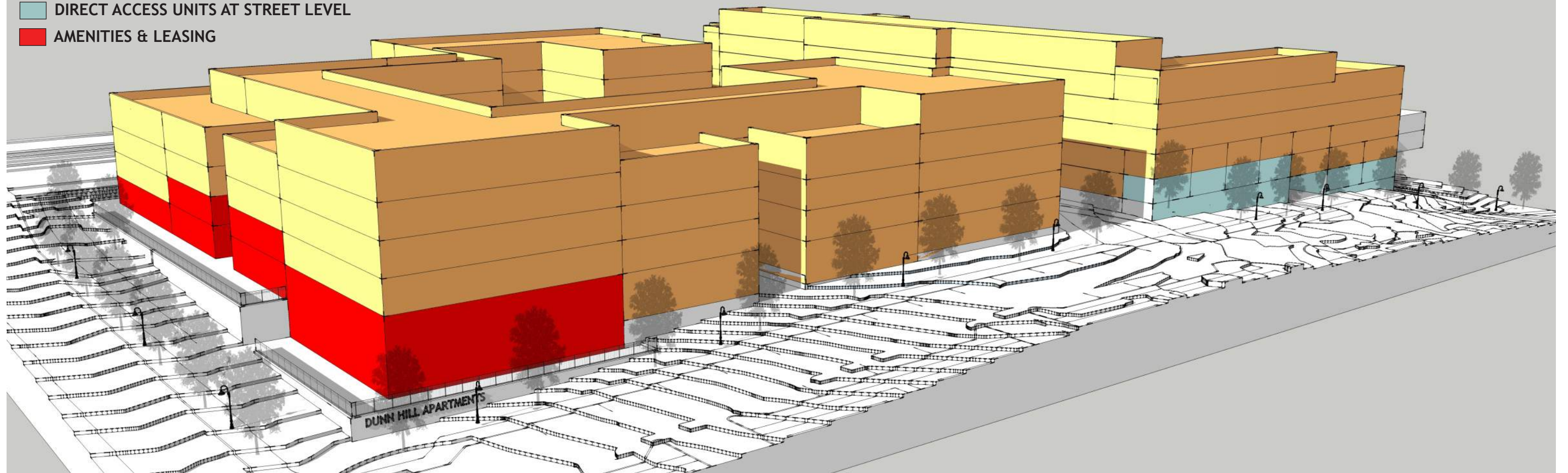
Massing Model - Perspective View

Dunn Hill Student Housing - Bloomington, IN



SITE KEY:

- APARTMENTS
- DIRECT ACCESS UNITS AT STREET LEVEL
- AMENITIES & LEASING





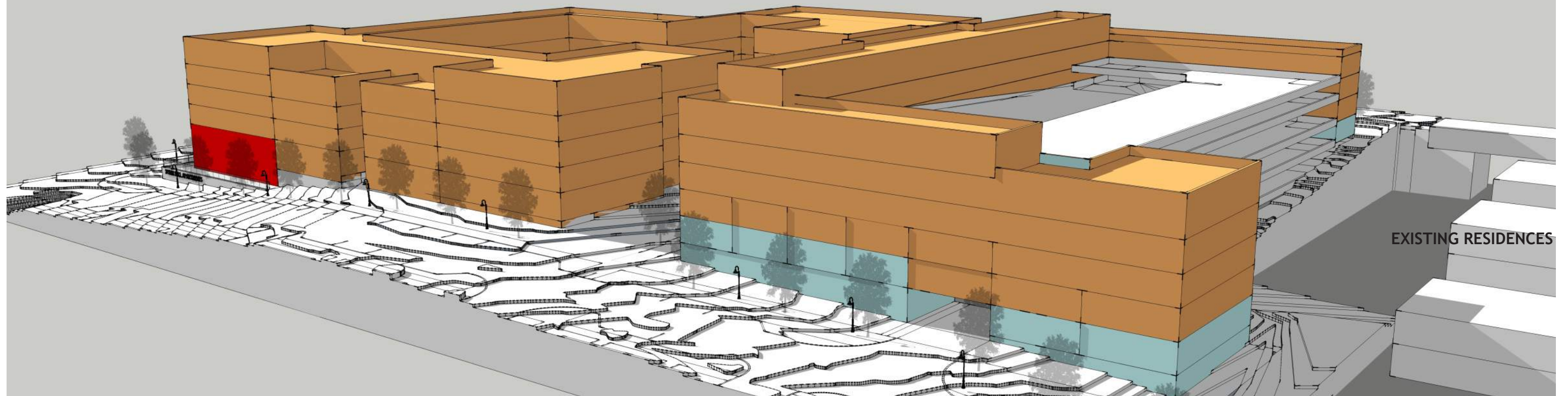
Massing Model - Perspective View

Dunn Hill Student Housing - Bloomington, IN



SITE KEY:

- APARTMENTS
- DIRECT ACCESS UNITS AT STREET LEVEL
- AMENITIES & LEASING





Massing Model - Perspective View

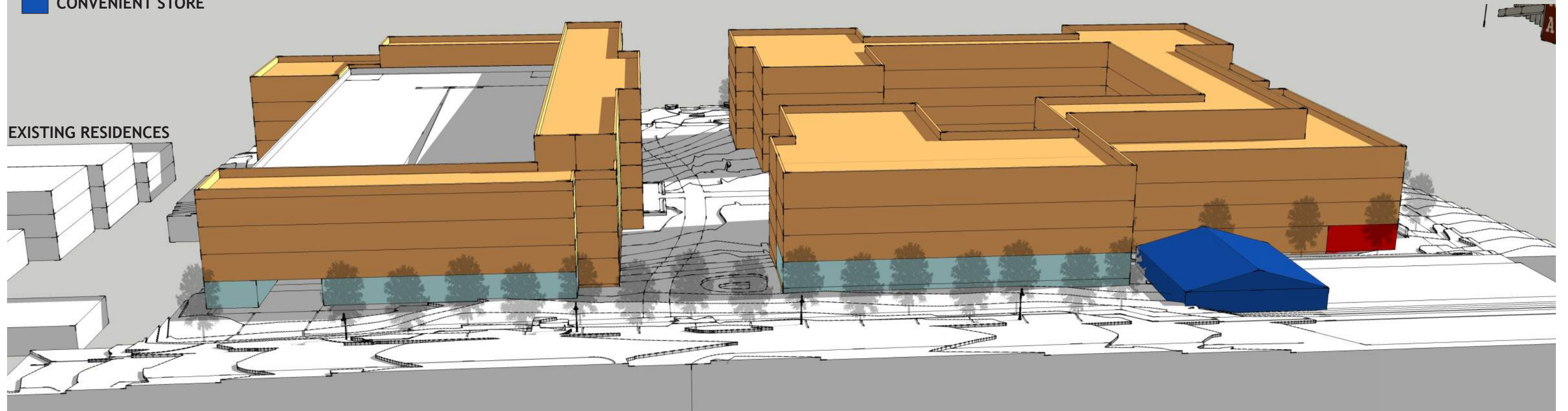
Dunn Hill Student Housing - Bloomington, IN



SITE KEY:

- APARTMENTS
- DIRECT ACCESS UNITS
- RETAIL & AMENITIES
- CONVENIENT STORE

EXISTING RESIDENCES



Massing Model - Perspective View

Dunn Hill Student Housing - Bloomington, IN



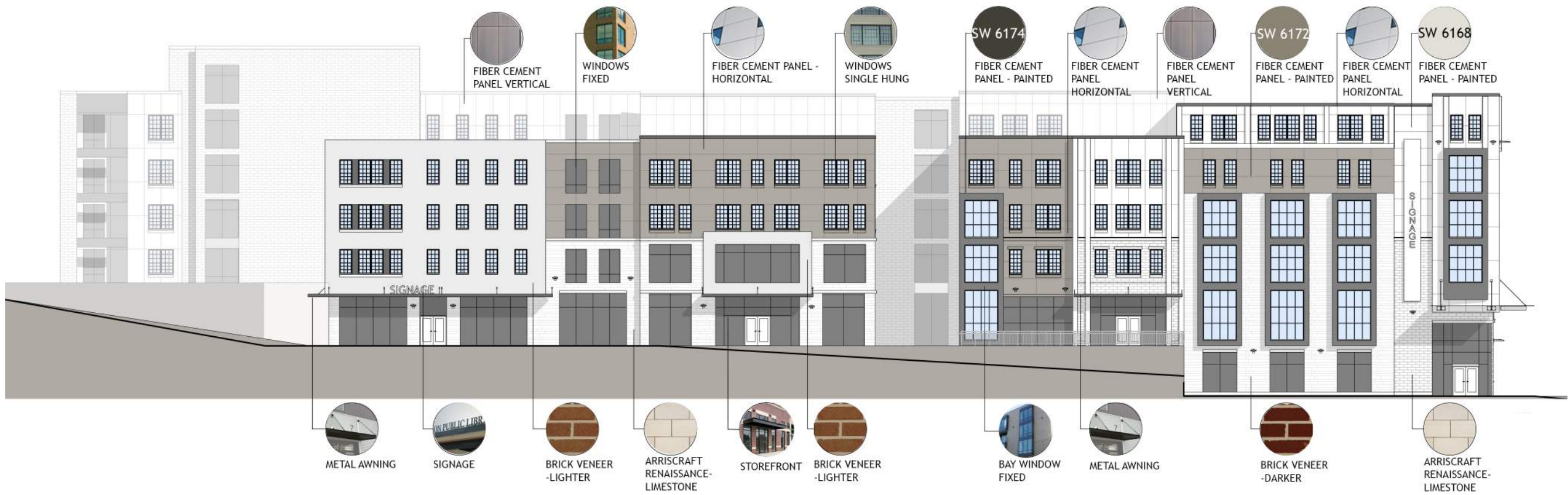
SITE KEY:

- APARTMENTS
- DIRECT ACCESS UNITS
- RETAIL & AMENITIES
- CONVENIENT STORE





Dunn Hill Student Housing - Bloomington, IN

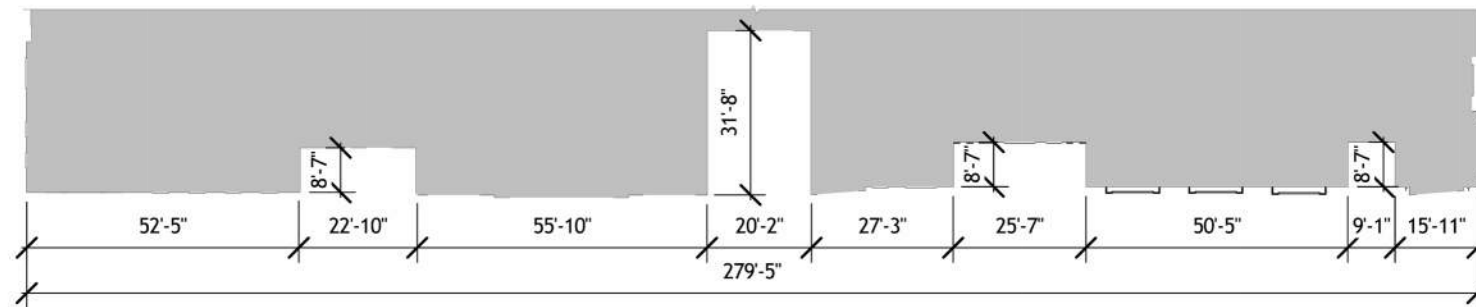
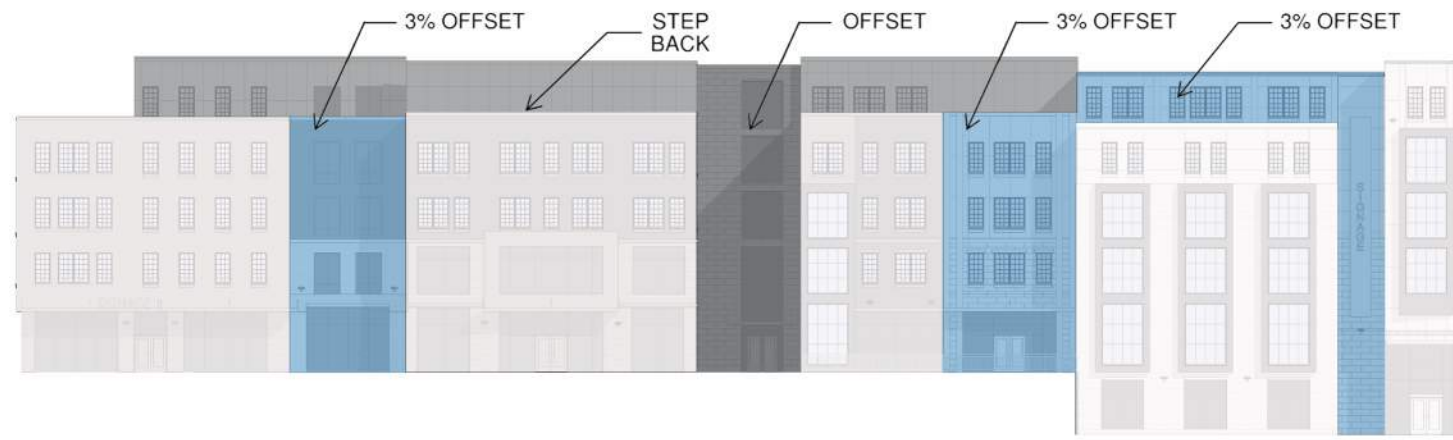


NOT TO SCALE

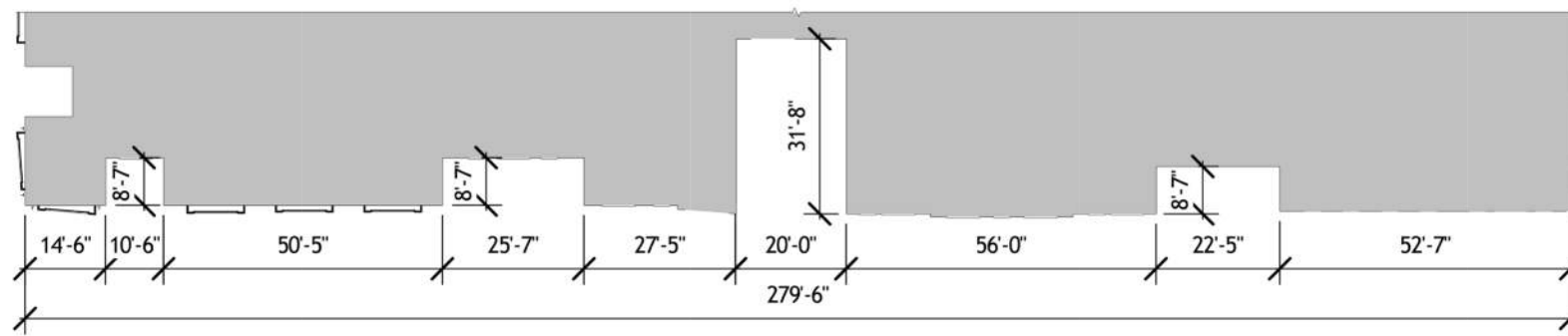
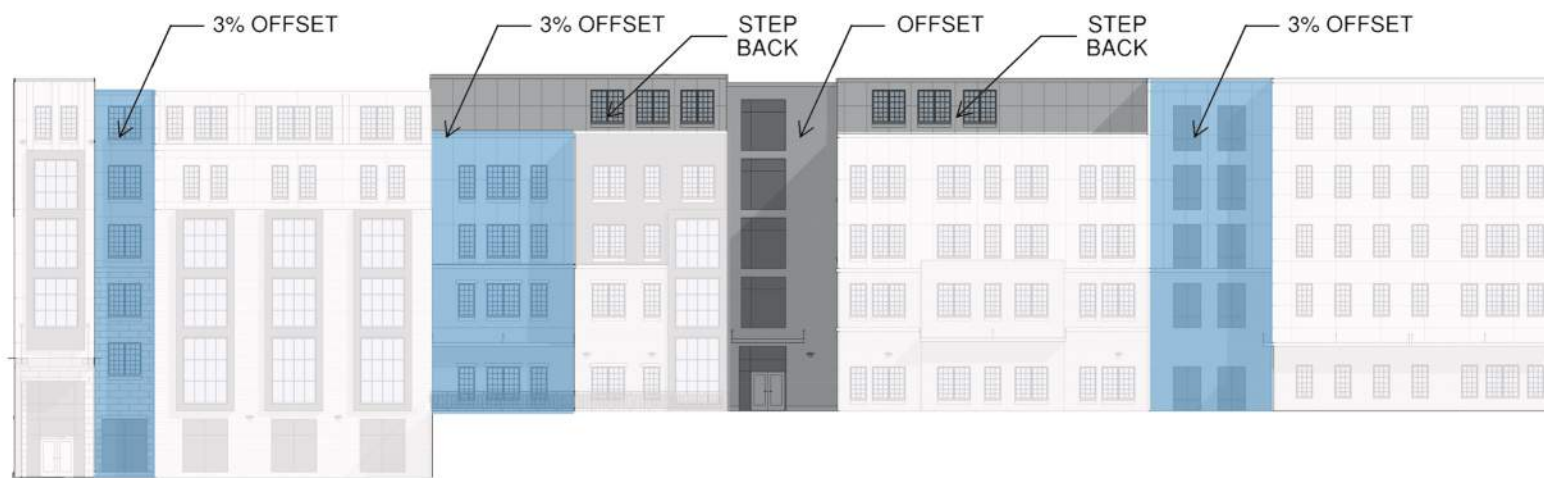
Facade Modulation Diagrams

Dunn Hill Student Housing - Bloomington, IN

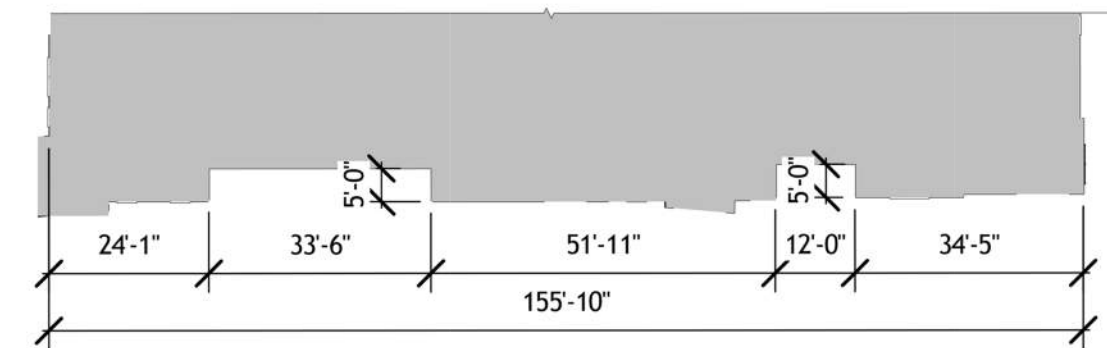
UFC Section 20.03.130 / c.1.A-B & c.3.A-B
 Façade module offset depth of 3% of the total façade length. Maximum length per section is 65ft.



Building 100 - Dunn Street Elevation

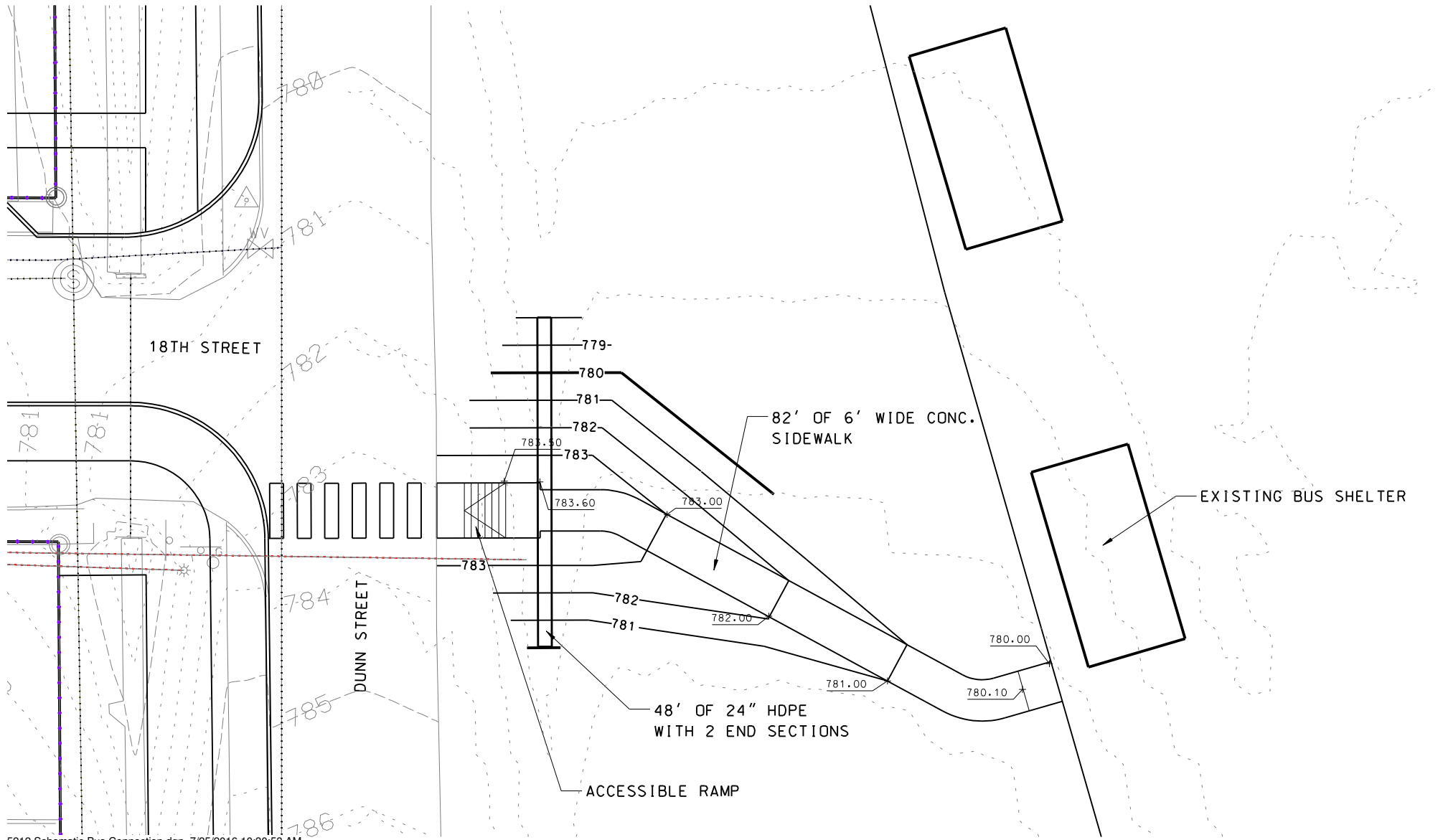


Building 100 - 18th Street Elevation



Building 200 - 17th Street Elevation

Diagrams Not To Scale. Dimensions shown for reference only.



A select portfolio of metal mesh architectural installations for high-profile parking projects

Parking Capabilities

Façades, Solar Shading, Screening, Security, Ventilation, Headlight Attenuation, Branding

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Terminal A, Dallas/Fort Worth International Airport

Patterns with varying open areas combine to enhance the 7,700-space parkade serving American Airlines passengers. At night, the mesh's reflective characteristics showcase a decorative lighting system that accentuates the structure's curve.

Mesh Patterns: Pelican and Scale

Cincinnati Children's Hospital

Intersecting longitudinal and latitudinal curved mesh creates an innovative basket weave façade befitting the world-class institution. The openness ratio provides fall protection but allows for views into the well-lit garage.

Mesh Patterns: Mid-Balance and Stripe



Lane Avenue Parking Garage, The Ohio State University

Tensioned mesh appears to float weightlessly on the façade of the 1,400-space facility. Its transparency creates a visually lightweight and dramatically textured surface by day, while reflecting warm hues from LED lighting at night.

Mesh Pattern: Mid-Balance



Palliser Square, Calgary, Alberta

Cascading metal fabric veils an older pre-cast parking structure to complement new office tower construction in the central business district. The maintenance-free material holds up to the city's harsh winter weather.

Mesh Patterns: Mid-Balance, Shade, Stripe



Introducing: Hudson for Parkades An Economical Alternative

With an open area of 85%, our Hudson architectural mesh system provides a high level of ventilation with a flat wire thickness capable of screening indirect sunlight and exterior views. Competitively priced with perforated metal systems. Easy to install.

**Traffic and Transportation
Study
Dunn Hill Student Housing
(Stephen Smith - 5/19/16)**

Executive Summary

Exhibits

Dunn Hill Site Plan

Trip Generation Study

Trip Generation

Trip Distribution

Trip Distribution Parcel A %

Trip Distribution Parcel A

Trip Distribution Parcel B and C %

Trip Distribution Parcel B and C

Trip Distribution Total

17th & Dunn Analysis Existing

17th & Dunn Analysis Proposed

Synchro Garage Entrance Analysis

Figure 5-21 Warrants for Isolated Left Turn Bays

Attachments

City Count Dunn Street

City Count 17th Street

City Count 17th and Dunn Intersection

SBA Count 17th and Dunn Intersection

17th and Dunn Intersection Summary

City Master Thoroughfare Plan

IU Campus Bus Route Map

BT 1 North Route Map and Schedule

City Bicycle and Pedestrian Plan, Medium Priority Network

Accident Diagram 17th and Dunn

Accident Diagram 17th and Lincoln

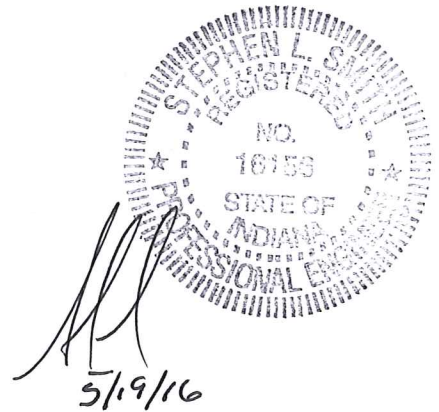
SMITH BREHOB & ASSOC., INC.

Traffic and Transportation Study

Dunn Hill Student Housing

Stephen Smith

5/19/2016



This study examines the existing transportation network serving the Dunn Hill Apartment Project at 17th and Dunn Street in Bloomington and the impacts resulting from reconstruction of that project from 328 bedrooms to 696 bedrooms.

Traffic and Transportation Study
Dunn Hill Student Housing
Regency Management

Introduction

Regency Management is proposing to remove their existing Dunn Hill apartment complex and rebuild with a new, larger project that better meets the needs of today's students. This study reviews the anticipated traffic generated by the project and its impact on the surrounding street network. The study also reviews other modes of transportation used by students including transit, pedestrian and bicycle travel.

Executive Summary

The primary destination of the residents of the existing and proposed Dunn Hill project is the IU campus. IU Bus has a stop at the stadium, across the street from Dunn Hill that is the primary mode of transportation for the Dunn Hill residents. The vehicle trip generation rate from Dunn Hill is very small with the increase in units expected to add 1% to 4% to the surrounding street network during the afternoon peak hours. Most vehicles in Dunn Hill stay parked while the residents take the bus to campus. The intersection of Dunn and 17th Streets operates at a level of service B both before and after the project.

Left turns entering the proposed garage may cause some delay to through traffic. This delay can be accepted or the entry can be designed to prohibit left turns in from 17th Street.

There is an expectation that students also walk and bike to campus. There are some missing links in the pedestrian and bicycle network. The most significant is a connection along 17th Street to the new Woodlawn Avenue and its pedestrian and bike accommodations.

There is a heavily used dirt path from Dunn Street to the south end of the Stadium bus stop; it may get a little messy in the wet and snowy months.

The Project

The existing site and the proposed project are at the northwest corner of 17th and Dunn Street as shown on the attached preliminary plan. Parcel A lies between 17th and 18th streets and includes several buildings with 600 bedrooms and a parking garage with 490 parking spaces and 100 bicycle spaces. Parcels C and D are north of 18th Street and have 96 bedrooms. 5,000 sf of retail space is proposed on the Dunn Street frontage.

The existing Dunn Hill apartment complex has 328 bedrooms and occupies the same area as the proposed project. There are existing surface parking lots that access both 17th and 18th Street.

The existing complex and the proposed project are designed and primarily occupied by Indiana University students.

Travel Characteristics and Trip Generation Study

The student occupancy, location convenient to campus and campus transportation make the traffic patterns generated by this complex and also the traffic patterns on the adjacent streets different than a typical apartment complex and urban streets.

- Most students use the IU shuttle located at the stadium to get to and from campus
- Students in this complex walk to the shuttle stop at the stadium
- The neighborhood of which this complex is a part is predominately students with similar travel patterns
- The neighborhood is within easy walking distance to many IU facilities making walking a second transportation method.
- Bicycling is another reasonable option for travel to campus. Though little or no bicycle use was observed during our on-site observations noted later in this study.
- Many residents park their cars in the lots of Dunn Hill but they don't drive them for their daily trip to campus, resulting in a low trip generation rate.
- The traffic on 17th Street and on Dunn Street does not have a typical distribution through the day. There is no early morning peak hour. The morning peak hour is 11 am to 12 pm. The traffic increases over the course of the day with the peak volumes in the late afternoon.

The factors described above made it clear that the typical trip generation rates for apartments in the ITE Trip Generation manual and database would not apply to this situation. The expectation is a lower generation rate and a different distribution through the day.

Traffic counts of projects with similar characteristics were made. The trip generation of the existing Dunn Hill complex is the best predictor of trip generation from the proposed project. To get some backup data, the Brownstone project on 14th Street was also observed. Counts were made at the 17th Street parking entrance and the 18th Street parking entrances to the Dunhill complex and at the 14th Street entrances to the Brownstone complex. Counts were done from 7:30 am until 9:00 am and also from 4:45 pm until 6:15 pm. The data is shown on the attached "Trip Generation Study".

Trip generation rates were derived from the observations. The morning peak rate including both inbound and outbound trips was 0.065 trips per bedroom. The ITE rate for an apartment complex is 0.28 trips per bedroom. This is consistent with the expectation that this complex really does not have a typical morning peak hour. This pattern can also be seen on the 17th Street 48 hour count referenced in the "Surrounding Street Network" section of this study.

The afternoon rate of 0.13 for inbound compares with the ITE rate of 0.26. The outbound rate observed was 0.13 and compares with the ITE rate of 0.14. These observed trip generation rates are used to project trips from the new Dunn Hill project.

Trip Generation

The number of trips expected to be generated by the proposed Dunn Hill project and those currently generated by the existing project can be computed by applying the trip generation rates to the number of bedrooms. See the attached “Trip Generation” spreadsheet. The PM peak hour is reviewed because that is when the highest volume of traffic is expected on the surrounding street network and it is also near the highest generated by the project. Key data include;

- The existing Dunn Hill generates 43 inbound and 43 outbound trips during the pm peak hour.
- The proposed Dunn Hill project will generate 91 inbound and 91 outbound trips in the pm peak hour.

No trip generation is added for the 5,000 sf of retail. No parking is provided for the retail and it is assumed that customers walk to the facility. The retail is being put in the project to serve the residents of the project and the surrounding neighborhood.

Trip Distribution

The PM peak hour trips generated by the proposed project are distributed to the surrounding roadways in the attached spreadsheet “Trip Distribution”. Trips are distributed to 18th Street and to 17th Street on a percentage basis. The only unique element in the distribution is the assumption that trips turning out of the garage and left onto 17th street will experience delays; so a large percentage of those trips are assumed to exit to 18th Street rather than experience the delay. The spreadsheet shows the total trips generated and also shows the “new trips” generated by the change from the existing Dunn Hill to the new Dunn Hill complex.

Surrounding Street Network

- SR 45/46 Bypass and College/Walnut One Way Pair. These streets are the primary arterials in the neighborhood. They are in good condition and operate at a reasonable level of service. This project will have almost no impact on these arterials.
- 17th Street. This secondary arterial street directly serves the project. A count done in May of 2013 between Lincoln and Grant Streets provided by the City shows an ADT of 9880 and a PM peak hour of 792. 17th Street is a two lane road with auxiliary lanes at key intersections. The count shows the distribution through the day that starts low in the morning and gradually increases to a peak in the late afternoon and then slowly decreases. There is no early morning peak and the afternoon peak is lower than normal for an ADT of 9880. A typical daily distribution would have about 1100 pm peak hour

count versus the 792 in the count. 17th Street is busy but operates well in part because of the daily distribution of the traffic and the auxiliary lanes.

- Access to the 490 space garage is proposed at both 17th Street and 18th Street. The trip generation assumes that 70% of inbound traffic will enter from 17th Street as a free flow in movement. The left turn out of the garage will experience some delay so it is assumed that only 50% of the peak hour exiting traffic uses 17th Street and only 25% of that traffic turns left. A two way stop analysis shows 17th Street flowing smoothly but an 18 second delay for vehicles exiting to the left and an 11 second delay for vehicles going right. That analysis is attached. The volume of left turns into the garage from 17th Street in the PM peak hour is 27. That volume along with opposing traffic of 453 meets the typical warrant for a left turn lane. Refer to the attached Figure 5-21 “Suggested Warrants for Isolated Left Turn Bays” from the Institute of Transportation Engineers Transportation and Land Development 2nd Edition. There are physical constraints to adding a left turn lane in 17th Street that would be difficult to overcome. The computer analysis shows no significant delays on 17th Street but the warrant for a left turn is clearly met. The warrant is meant to minimize potential delays and a left turn lane would do that. There are two reasonable solutions that could be employed;
 - Allow the left turn movement from the two lane 17th Street and accept whatever delays are incurred. Some delay will be experienced during peak periods.
 - Do not allow left turns into the garage from 17th Street. Traffic would need to take a more circuitous route to get into the garage.
- Dunn Street. Dunn Street is a secondary arterial on the thoroughfare plan. That plan shows Dunn Street crossing the railroad south of 14th Street and serving as a one way pair with Indiana. That crossing has not been completed and is not planned for the near future. Dunn Street is functioning more like a secondary collector. A November 2014 count provided by the City between 14th and 15th Streets showed an ADT of 3037. That is a secondary collector traffic volume.
- 18th Street. 18th Street is a local street with a low traffic volume. No recent counts are available but observation of the street when the trip generation counts were done confirms a low volume.
- 17th and Dunn Intersection. An intersection count was performed by the City on 10/17/12 and another by Smith Brehob staff on 4/27/16. These counts are included here. Total volume in the pm peak hour for the 2012 count was 1361 and 1313 for the 2016 count. The counts show heavy through movements. The counts show a heavy south bound left off of Dunn Street with buses for which there is an independent left turn lane. The counts show a heavy west bound right turn off of 17th Street with buses for which there is an independent right turn lane.
 - A capacity analysis was done on the intersection using the 2016 PM peak hour counts and Synchro 9 software (copy attached). That analysis showed a level of service B with 10.5 second intersection delay assuming a 50 second cycle and a pre-timed signal. Individual movements showed levels of service A and B.

- The new traffic was added to the volumes and the intersection analysis was done again with all other parameters remaining constant. The result was the same intersection level of service of B with 10.6 second intersection delay.

The trip distribution shows that a very modest number of new trips are being added to 17th Street; in the range of 20 in the pm peak hour. The count shows 792 existing trips in the peak hour on 17th Street. This is about 2.5% increase.

The trip distribution also shows about 20 new trips in the 17th and Dunn intersection in the pm peak hour. The most recent count shows 1313 trips in the intersection in the pm peak hour. This represents about 1.5% increase.

Transit

- IU Bus. The IU bus system runs two routes (A route and X route) thru the Stadium bus stop. The A Route circles the campus on 10th, Jordan, 3rd, Indiana and Woodlawn and runs about every 12 minutes during class periods. The X Route goes directly to the IU Auditorium and runs about every 10 minutes during class periods. **These IU buses are the primary source of transportation for current and future residents of Dunn Hill.** While there was a very low car trip generation from Dunn Hill during the recent counts, there was a steady flow of pedestrians to and from the stadium bus stop.
- Bloomington Transit. Bloomington Transit Route 1 N goes through the 17th and Dunn intersection hourly. This bus does not meet the everyday needs of most of the students but it does go through the campus and then on to downtown Bloomington and then as far north as Bloomington High School North and can meet other resident needs.

Pedestrian and Bicycle

It is intuitive that this area would have a steady flow of walkers and cyclists to and from campus. No specific pedestrian and bicycle counts were made, but while the vehicle trip counts were being made, the only pedestrians coming and going from Dunhill went to the bus stop. No bicycles were observed coming or going from Dunhill. Caution that this was not a bike and pedestrian count or study, just an observation while the vehicle counts were being made.

Sidewalks. There is a relatively good grid of streets between the Dunhill site and the campus but there are a few missing sections. The missing or problematic sections include;

- Dunn Street west side 15th to 16th Street no sidewalk
- Dunn Street east side north of 17th Street no sidewalk
- 17th Street east of Dunn has just a small amount of sidewalk with mostly shoulders, Indiana to Fess on the south side is a 1' wide dirt path.

The recently completed section of Woodlawn Avenue and the Section being completed this year will provide excellent pedestrian and bike accommodation to campus from 17th Street. Accommodations along 17th Street need to be improved.

The City Bicycle and Pedestrian Plan Recommends future improvements to the 17th Street corridor.

Bicycle. There are few if any marked bike lanes, paths or routes between Dunhill and the IU campus. Fess Avenue provides a good bike route because it is very low volume and has a railroad underpass. The 17th Street improvements recommended by the City Bike and Pedestrian Study would provide good connection to Woodlawn Avenue.

Accidents.

City of Bloomington Planning and Transportation Department provided accident summaries for 17th Street from Lincoln to Dunn Streets. The accidents are shown on intersection accident diagrams for 17th and Dunn and 17th and Lincoln (attached).

The 17th and Lincoln has a variety of accidents over the four year period that was reported with no particular trend or issue.

At 17th and Dunn, 7 of the 12 accidents shown for the three year period involved eastbound left turn vehicles. This pattern may warrant additional investigation.

The volume of traffic that the Dunn Hill project adds will not have a significant effect on the accidents on these streets and intersections.

Exhibits

- Dunn Hill Site Plan
- Trip Generation Study
- Trip Generation
- Trip Distribution
- Trip Distribution Parcel A %
- Trip Distribution Parcel A
- Trip Distribution Parcel B and C %
- Trip Distribution Parcel B and C
- Trip Distribution Total
- 17th & Dunn Analysis Existing
- 17th & Dunn Analysis Proposed
- Synchro Garage Entrance Analysis
- Figure 5-21 Warrants for Isolated Left Turn Bays

Attachments

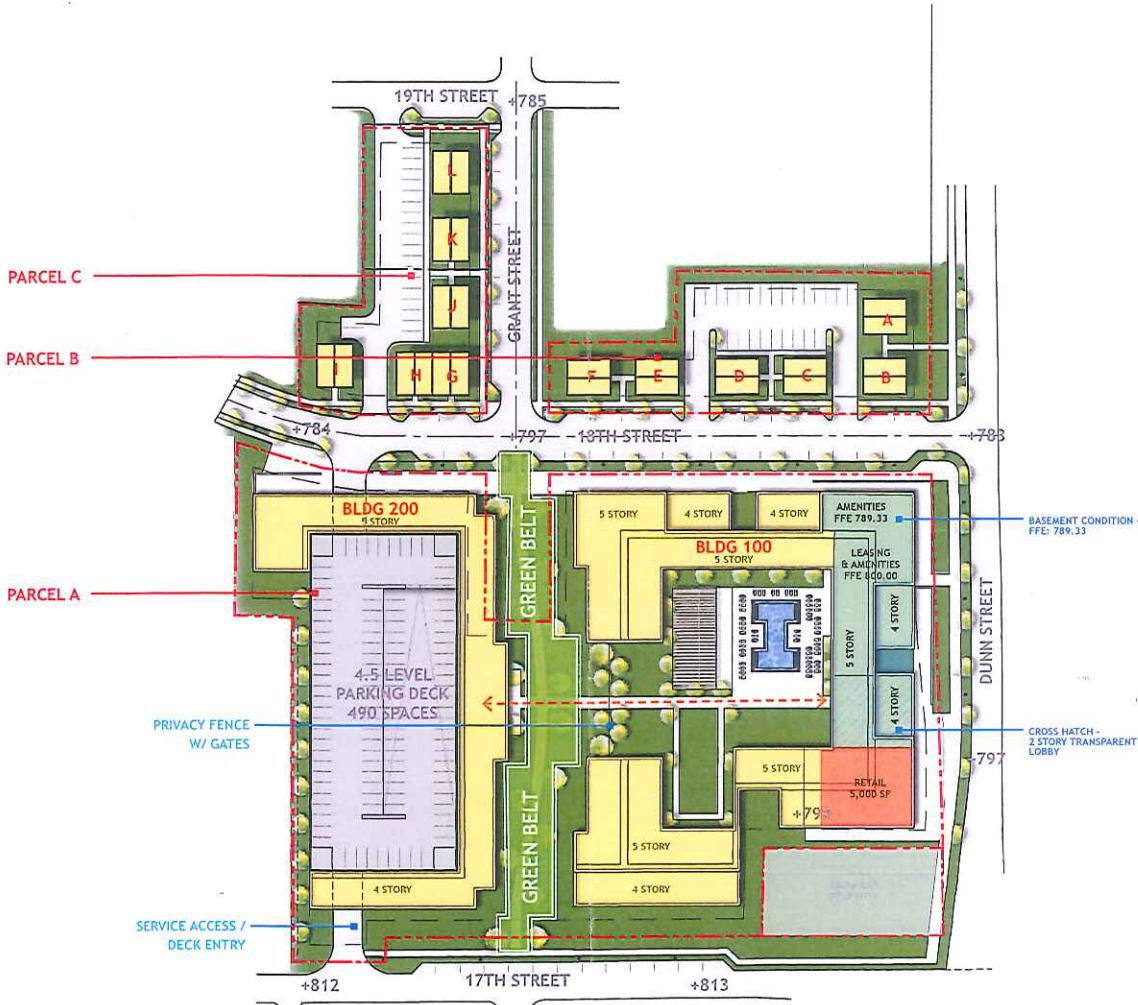
- City Count Dunn Street
- City Count 17th Street
- City Count 17th and Dunn Intersection

SBA Count 17th and Dunn Intersection
17th and Dunn Intersection Summary
City Master Thoroughfare Plan
IU Campus Bus Route Map
BT 1 North Route Map and Schedule
City Bicycle and Pedestrian Plan, Medium Priority Network
Accident Diagram 17th and Dunn
Accident Diagram 17th and Lincoln

Overall Site Plan - Green Belt Scheme

Dunn Hill Student Housing - Bloomington, IN

ITE AREAS (5 STORY)	
RESIDENTIAL:	
■	BUILDING 100: 228,084 GSF (400 BEDS)
LEVEL 1:	33,896 GSF
LEVEL 2:	38,896 GSF
LEVEL 3-4:	52,396 GSF
LEVEL 5:	40,000 GSF
■	BUILDING 200: 111,720 GSF (200 BEDS)
LEVEL 1-5:	22,344 GSF
RETAIL:	
■	5,000 SF
LEASING / AMENITIES:	
■	13,500 GSF
PARKING:	
■	34,282 GSF / LEVEL (154,269 GSF)



SITE DATA	
SITE AREA: +/- 5.95 ACRES	
PARCEL A -	
BUILDING 100 - 4/5 STORY:	400 BEDS
BUILDING 200 - 5 STORY:	200 BEDS
TOTAL:	600 BEDS
PARCEL B	
TOTAL:	12 UNITS
TOTAL:	48 BEDS
PARKING:	26 SURFACE SPACES
PARCEL C	
TOTAL:	12 UNITS
TOTAL:	48 BEDS
PARKING:	21 SURFACE SPACES
PARKING:	
490 DECK SPACES @ 4.5 LVLS*	
47 SURFACE SPACES	
537 TOTAL SPACES	
0.72 SPACES PER BED	
* INCLUDES STORAGE FOR 100 BICYCLES AND SERVICE ZONE IN PARKING STRUCTURE	
**61 ON-STREET PARKING SPACES INCLUDED IN SITE PLAN	
***ADDITIONAL BIKE PARKING PROVIDED THROUGHOUT STREETScape OF SITE	
GRAND TOTAL	
TOTAL:	696 BEDS



Trip Generation Study

Traffic Count Summary
 Project 5212 Dunhill
 4/27/2016
 S Smith

Morning Peak Hour

Location	Brownstone		Dunhill South Lot		Dunhill North Lots	
Spaces	222		76		148	
Spaces/bed	0.8		0.8		0.8	
Beds	277.5		95		185	
Date	4/20/2016		4/19/2016		4/19/2016	
Time	In	Out	In	Out	In	Out
7:30	0	2	1	1	0	0
7:45	1	1	2	2	0	1
8:00	0	1	1	1	1	3
8:15	1	3	0	0	1	0
8:30	2	3	0	0	1	2
8:45	1	5	1	2	1	1
Peak Hour	4	12	4	4	4	6

Afternoon Peak Hour

Location	Brownstone		Dunhill South Lot		Dunhill North Lots	
Spaces	222		76		148	
Spaces/bed	0.8		0.8		0.8	
Beds	277.5		95		185	
Date	4/26/2016		4/19/2016		4/19/2016	
Time	In	Out	In	Out	In	Out
4:45	7	5	3	4	3	5
5:00	5	4	4	4	3	5
5:15	1	1	6	6	4	8
5:30	3	3	3	3	7	7
5:45	3	5	7	4	8	10
6:00	2	1	3	4	1	6
Peak Hour	16	13	20	17	21	31

Assumptions: One bed per bedroom
 0.8 parking space per bedroom
 One person per bed

Trip Rate;	0.014	0.043	0.042	0.042	0.022	0.032
------------	-------	-------	-------	-------	-------	-------

Assumptions: One bed per bedroom
 0.8 parking space per bedroom
 One person per bed

Trip Rate;	0.058	0.047	0.211	0.179	0.114	0.168
------------	-------	-------	-------	-------	-------	-------

Average Rates			ITE Rates Code 220	% of ITE	
In bound	0.026	40%	20%	0.056	47%
Out bound	0.039	60%	80%	0.224	18%
total	0.065		0.28		23%

Average Rates			ITE Rates Code 220	% of ITE	
In bound	0.127	49%	65%	0.260	49%
Out bound	0.131	51%	35%	0.140	94%
total	0.258		0.40		65%

Notes and observations;

Most of the student residents are walking to the stadium park and ride to get to campus

Several of the trips were for drop off or pick up; but if the cars entered the lot they were counted

A couple of the afternoon trips were for food delivery; but if the cars entered the lot they were counted

The AM rates are very low compared to ITE apartment rates; that is largely due to the convenience of the park and ride and many students do not leave in the morning

The PM rates were also low compared to ITE due to park and ride but there was more activity in the PM than AM; generally students were up and moving around in the

These observations support the premise that students often park and leave their cars and use other methods of transportation than the typical ITE code apartment dweller

Trip Generation

Bedrooms

Existing	328
Proposed	696
Increase	368
% Increase	112%
% of Beds that are existing	47%
% of Beds that are new	53%

<u>Generation Rates PM Peak Hour</u>	<u>trips/bedroom</u>
Inbound	0.13
Outbound	0.13

		<u>Trips</u>	
	Bedrooms	Inbound	Outbound
Existing Bedrooms/trips	328	42.6	42.6
New Bedrooms/trips	368	47.8	47.8
Total Bedrooms/trips	696	90.5	90.5

Trip Distribution

18th Street Bedrooms

		From		From east	
		west	east	South	north
Bedrooms	Inbound	30%	70%	50%	50%
	96	12.5	3.7	8.7	4.4
	new trips	53%	2.0	4.6	2.3

		To		To east	
		west	east	South	north
Bedrooms	Outbound	30%	70%	50%	50%
	96	12.5	3.7	8.7	4.4
	new trips	53%	2.0	4.6	2.3

Main Garage Area

		From		From South		From North	
		South	North	East	West	East	West
Bedrooms	Inbound	70%	30%	50%	50%	70%	30%
	600	78	54.6	23.4	27.3	27.3	16.4
	new trips	53%	28.9	12.4	14.4	14.4	8.7

		To		To South		To North	
		South	North	East	West	East	West
Bedrooms	Outbound	50%	50%	25%	75%	70%	30%
	600	78	39.0	39.0	9.8	29.3	27.3
	new trips	53%	20.6	20.6	5.2	15.5	14.4



CIVIL ENGINEERING
LAND PLANNING &
LAND SURVEYING
BLOOMINGTON, INDIANA

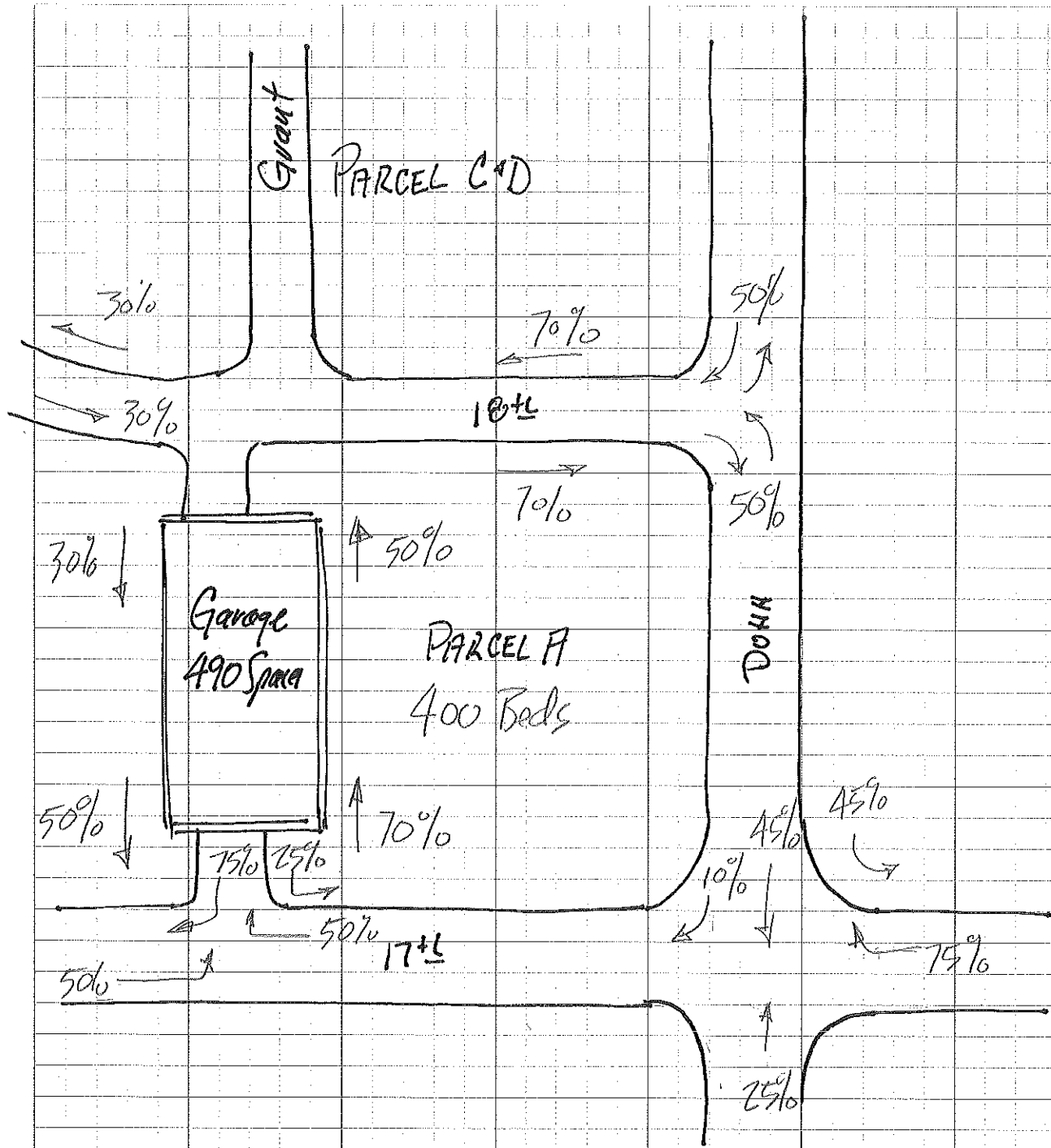
Subject Down Hill Traffic

Project No. 5212

Client _____

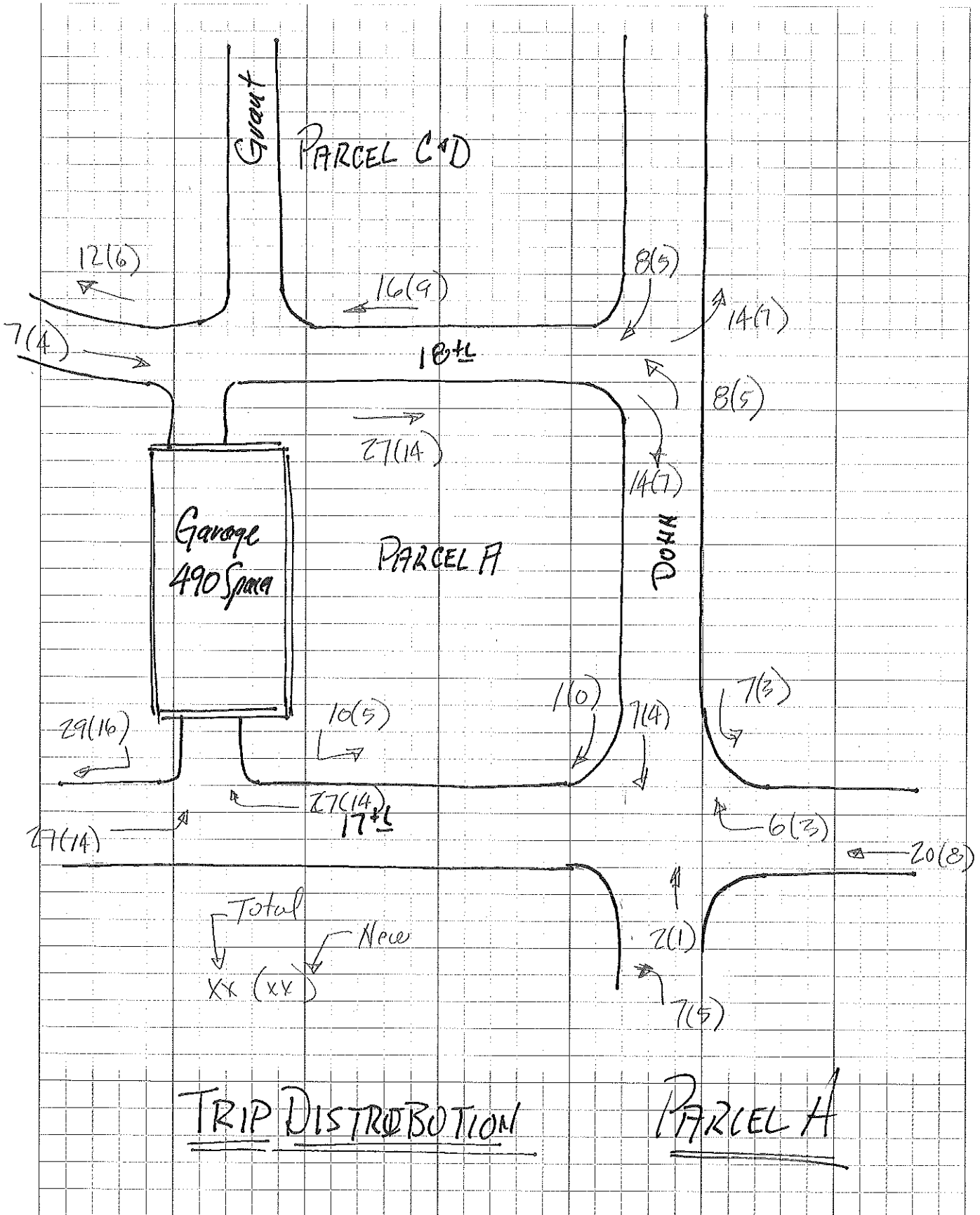
Compiled by _____ Checked by _____

Date _____ Sheet No. ____/____



TRIP DISTRIBUTION

PARCEL A %





CIVIL ENGINEERING
LAND PLANNING &
LAND SURVEYING
BLOOMINGTON, INDIANA

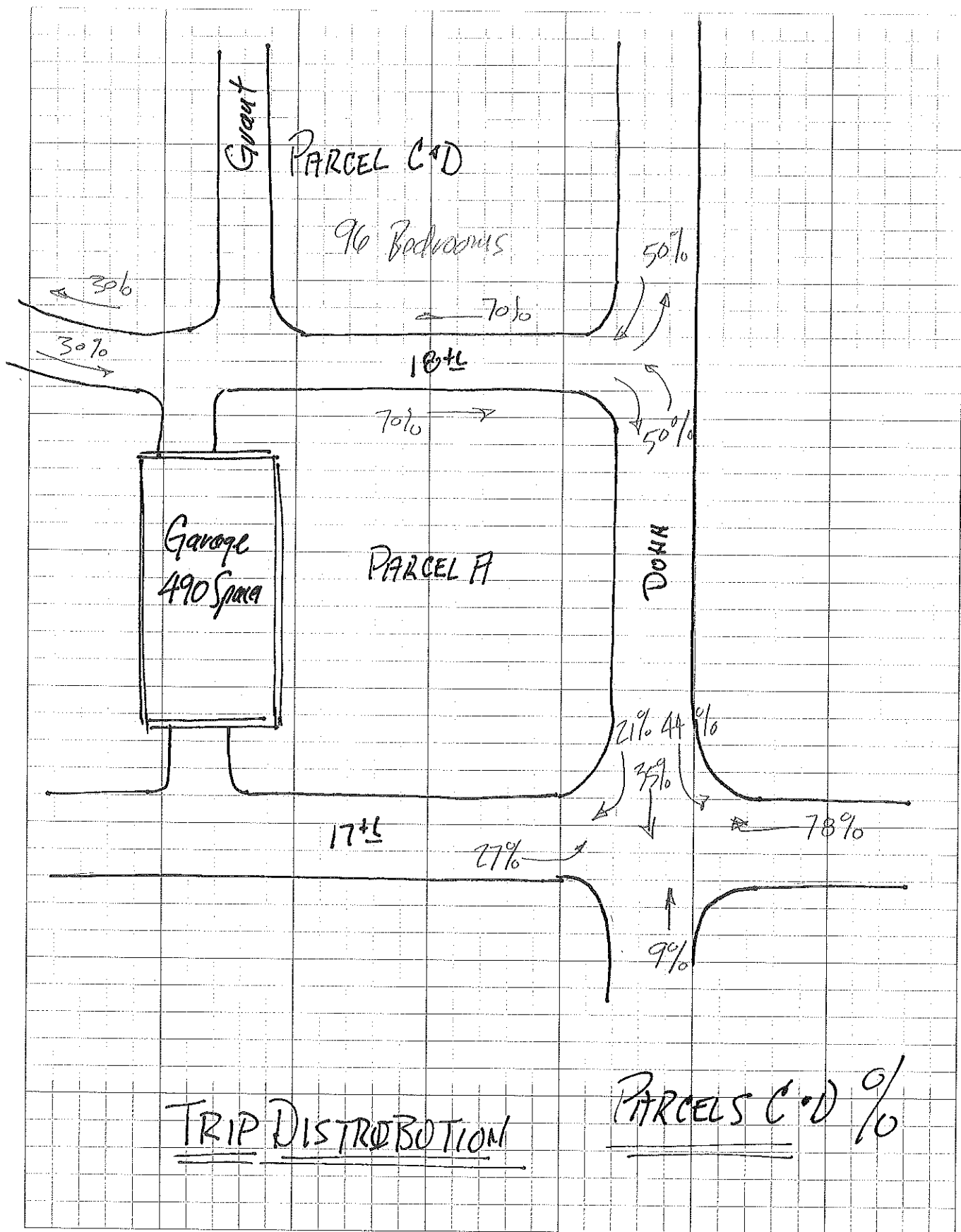
Subject Down Hill Traffic

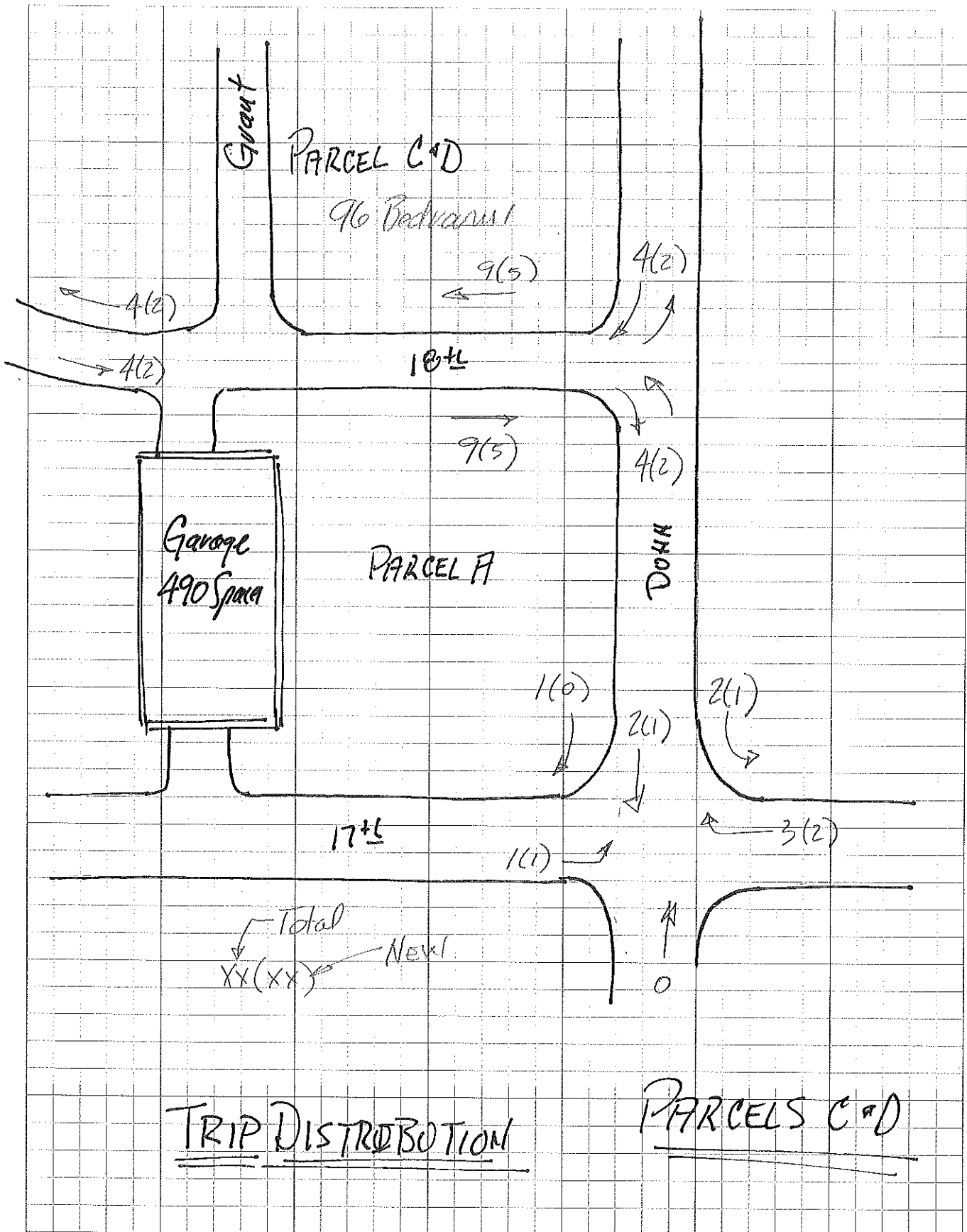
Project No. 5212

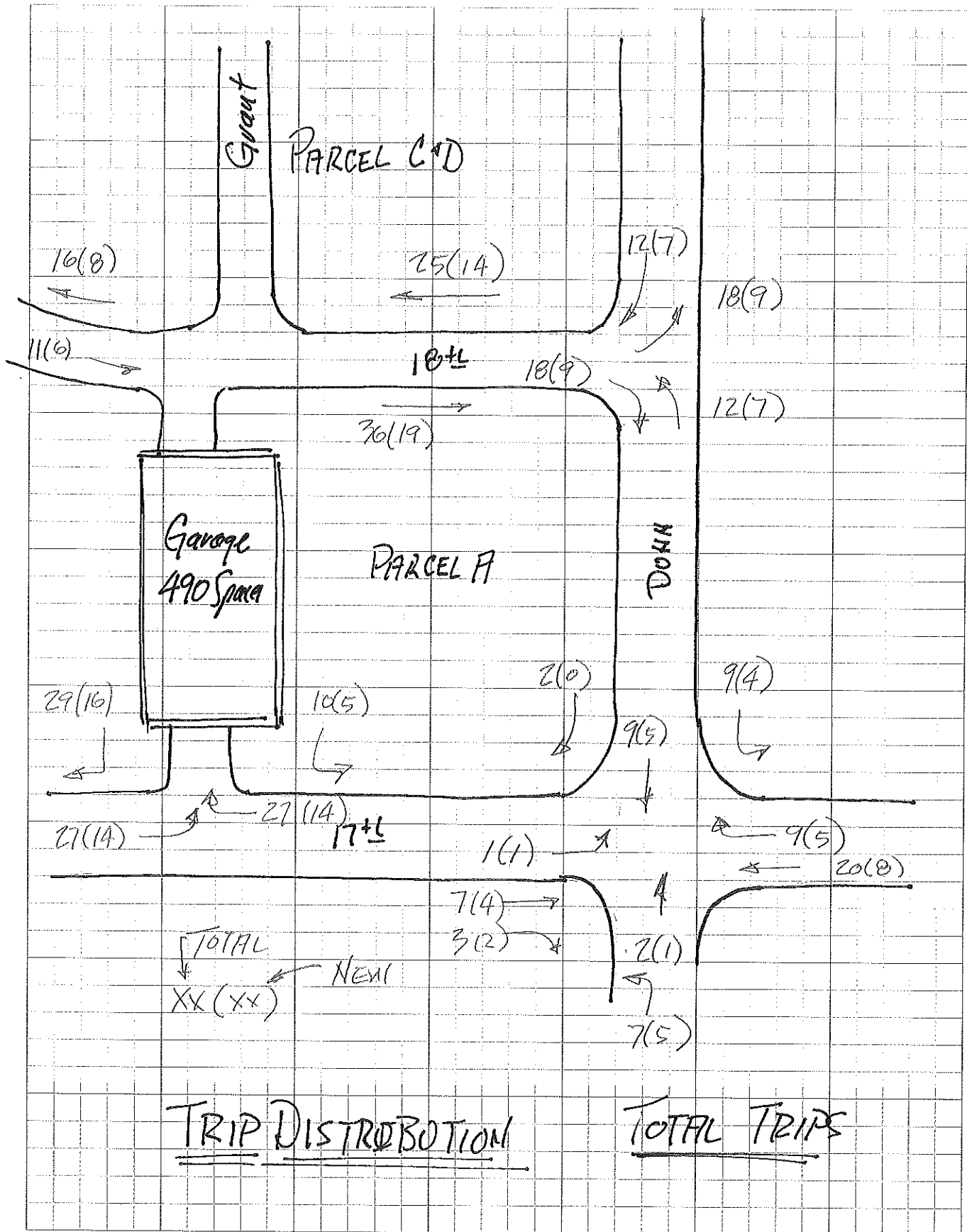
Client _____

Compiled by _____ Checked by _____

Date _____ Sheet No. ____/____







Timings

3:

5/18/2016

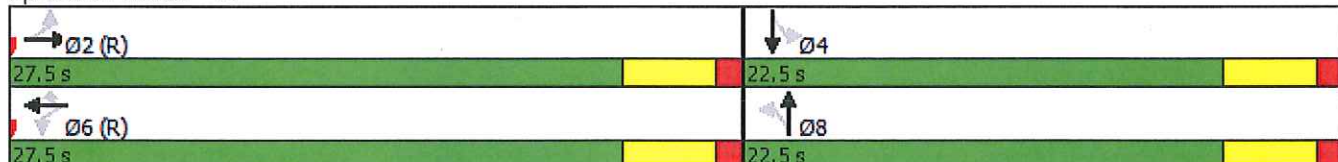


Lane Group	EBL	EBT	WBL	WBT	WBR	NBL	NBT	SBL	SBT
Lane Configurations		↕		↕	↕		↕	↕	↕
Traffic Volume (vph)	27	290	26	373	172	19	87	124	100
Future Volume (vph)	27	290	26	373	172	19	87	124	100
Turn Type	Perm	NA	Perm	NA	Perm	Perm	NA	Perm	NA
Protected Phases		2		6			8		4
Permitted Phases	2		6		6	8		4	
Detector Phase	2	2	6	6	6	8	8	4	4
Switch Phase									
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	22.5	22.5	22.5	22.5	22.5	22.5	22.5	22.5	22.5
Total Split (s)	27.5	27.5	27.5	27.5	27.5	22.5	22.5	22.5	22.5
Total Split (%)	55.0%	55.0%	55.0%	55.0%	55.0%	45.0%	45.0%	45.0%	45.0%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Lost Time Adjust (s)		0.0		0.0	0.0		0.0	0.0	0.0
Total Lost Time (s)		4.5		4.5	4.5		4.5	4.5	4.5
Lead/Lag									
Lead-Lag Optimize?									
Recall Mode	Max	Max	Max	Max	Max	Max	Max	Max	Max
Act Effct Green (s)		23.0		23.0	23.0		18.0	18.0	18.0
Actuated g/C Ratio		0.46		0.46	0.46		0.36	0.36	0.36
v/c Ratio		0.46		0.53	0.27		0.20	0.29	0.27
Control Delay		11.4		12.7	2.8		10.8	13.6	8.7
Queue Delay		0.0		0.0	0.0		0.0	0.0	0.0
Total Delay		11.4		12.7	2.8		10.8	13.6	8.7
LOS		B		B	A		B	B	A
Approach Delay		11.4		9.7			10.8		10.8
Approach LOS		B		A			B		B

Intersection Summary

Cycle Length: 50
 Actuated Cycle Length: 50
 Offset: 0 (0%), Referenced to phase 2:EBTL and 6:WBTL, Start of Green
 Natural Cycle: 45
 Control Type: Pretimed
 Maximum v/c Ratio: 0.53
 Intersection Signal Delay: 10.5
 Intersection LOS: B
 Intersection Capacity Utilization 68.8%
 ICU Level of Service C
 Analysis Period (min) 15

Splits and Phases: 3:



Timings

3:

5/18/2016

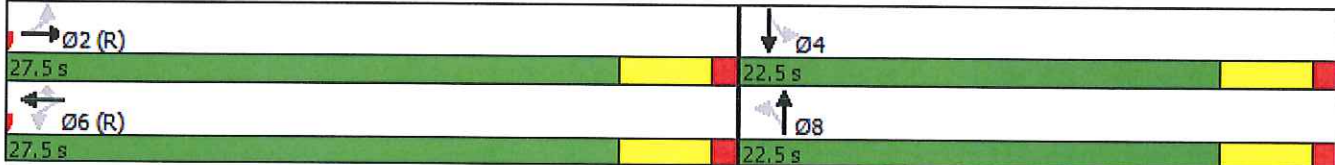


Lane Group	EBL	EBT	WBL	WBT	WBR	NBL	NBT	SBL	SBT
Lane Configurations		↕		↕	↕		↕	↕	↕
Traffic Volume (vph)	28	294	26	381	177	24	88	128	105
Future Volume (vph)	28	294	26	381	177	24	88	128	105
Turn Type	Perm	NA	Perm	NA	Perm	Perm	NA	Perm	NA
Protected Phases		2		6			8		4
Permitted Phases	2		6		6	8		4	
Detector Phase	2	2	6	6	6	8	8	4	4
Switch Phase									
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	22.5	22.5	22.5	22.5	22.5	22.5	22.5	22.5	22.5
Total Split (s)	27.5	27.5	27.5	27.5	27.5	22.5	22.5	22.5	22.5
Total Split (%)	55.0%	55.0%	55.0%	55.0%	55.0%	45.0%	45.0%	45.0%	45.0%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Lost Time Adjust (s)		0.0		0.0	0.0		0.0	0.0	0.0
Total Lost Time (s)		4.5		4.5	4.5		4.5	4.5	4.5
Lead/Lag									
Lead-Lag Optimize?									
Recall Mode	Max	Max	Max	Max	Max	Max	Max	Max	Max
Act Effct Green (s)		23.0		23.0	23.0		18.0	18.0	18.0
Actuated g/C Ratio		0.46		0.46	0.46		0.36	0.36	0.36
v/c Ratio		0.47		0.54	0.28		0.22	0.30	0.28
Control Delay		11.5		12.9	2.8		11.0	13.7	8.9
Queue Delay		0.0		0.0	0.0		0.0	0.0	0.0
Total Delay		11.5		12.9	2.8		11.0	13.7	8.9
LOS		B		B	A		B	B	A
Approach Delay		11.5		9.8			11.0		11.0
Approach LOS		B		A			B		B

Intersection Summary

Cycle Length: 50
 Actuated Cycle Length: 50
 Offset: 0 (0%), Referenced to phase 2:EBTL and 6:WBTL, Start of Green
 Natural Cycle: 45
 Control Type: Pretimed
 Maximum v/c Ratio: 0.54
 Intersection Signal Delay: 10.6
 Intersection Capacity Utilization 74.5%
 Analysis Period (min) 15
 Intersection LOS: B
 ICU Level of Service D

Splits and Phases: 3:



HCM Unsignalized Intersection Capacity Analysis

6:

5/18/2016



Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↖	↗		↖	↗
Traffic Volume (veh/h)	27	335	453	27	10	29
Future Volume (Veh/h)	27	335	453	27	10	29
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	29	364	492	29	11	32
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type		None	None			
Median storage veh						
Upstream signal (ft)			510			
pX, platoon unblocked	0.85				0.85	0.85
vC, conflicting volume	521				928	506
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	342				824	324
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	97				96	95
cM capacity (veh/h)	1029				282	606

Direction, Lane #	EB 1	WB 1	SB 1	SB 2
Volume Total	393	521	11	32
Volume Left	29	0	11	0
Volume Right	0	29	0	32
cSH	1029	1700	282	606
Volume to Capacity	0.03	0.31	0.04	0.05
Queue Length 95th (ft)	2	0	3	4
Control Delay (s)	0.9	0.0	18.3	11.3
Lane LOS	A		C	B
Approach Delay (s)	0.9	0.0	13.1	
Approach LOS			B	

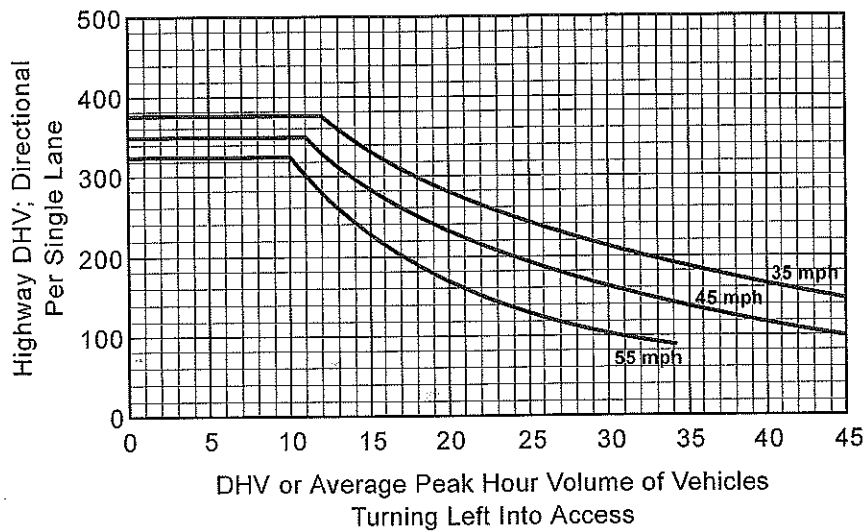
Intersection Summary			
Average Delay		1.0	
Intersection Capacity Utilization		49.9%	ICU Level of Service A
Analysis Period (min)		15	

Table 5-17. Time to Execute a Left-Turn from a Major Roadway

	Harmelink	Recent U.S.	
		Average	85 th Percentile
Perception-reaction time (sec.)	5.0	6.3-7.0 ¹	6.8-8.5 ¹
Left turn from 2-lane roadway (sec.)	3.0	4.3 ²	4.3 ²
Total (sec.)	8.0	10.6-11.3	11.1-12.8

¹Micsky & Mason [15].

²AASHTO [1]; observation by Micsky & Mason validated the maneuver time in the "Greenbook."



Curves are plotted as (opposing volume + advancing volume)/2 so as to be consistent with the Colorado curves

Figure 5-21. Suggested Warrants for Isolated Left-Turn Bays

Source: References [12, 25].

(2)

For: HPMS
Counted By: PK
Weather: Cold, some rain

City of Bloomington Planning and Transportation Department

401 N. Morton St., Suite 130
Bloomington, IN 47404
812-349-3417

Site Code: q4728
Station ID: SN:024812
N. Dunn St.
E. 14th St. to E. 15th St.
Latitude: 0' 0.0000 Undefined

Start Time	10-Nov-14		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	Northboun	Southbo	Northbou	Southbo	Northbou	Southbo	Northbou	Southbo	Northbou	Southbo	Northbou	Southbo	Northbou	Southbo	Northbou	Southbo
12:00 AM	*	*	21	25	34	39	*	*	*	*	*	*	*	*	28	32
01:00	*	*	15	13	8	21	*	*	*	*	*	*	*	*	12	17
02:00	*	*	6	12	17	15	*	*	*	*	*	*	*	*	12	14
03:00	*	*	5	3	7	2	*	*	*	*	*	*	*	*	6	2
04:00	*	*	6	5	2	4	*	*	*	*	*	*	*	*	4	4
05:00	*	*	3	4	9	10	*	*	*	*	*	*	*	*	6	7
06:00	*	*	11	24	9	22	*	*	*	*	*	*	*	*	10	23
07:00	*	*	27	61	32	60	*	*	*	*	*	*	*	*	30	60
08:00	*	*	36	75	30	73	*	*	*	*	*	*	*	*	33	74
09:00	*	*	46	70	51	70	*	*	*	*	*	*	*	*	48	70
10:00	*	*	64	82	54	87	*	*	*	*	*	*	*	*	59	84
11:00	*	*	52	77	54	94	*	*	*	*	*	*	*	*	53	86
12:00 PM	*	*	73	112	66	99	*	*	*	*	*	*	*	*	70	106
01:00	*	*	67	81	50	63	*	*	*	*	*	*	*	*	58	72
02:00	*	*	89	108	83	88	*	*	*	*	*	*	*	*	86	98
03:00	*	*	95	114	95	111	*	*	*	*	*	*	*	*	95	112
04:00	*	*	117	106	109	123	*	*	*	*	*	*	*	*	113	114
05:00	*	*	171	163	149	159	*	*	*	*	*	*	*	*	160	161
06:00	*	*	134	134	131	127	*	*	*	*	*	*	*	*	132	130
07:00	*	*	98	103	83	116	*	*	*	*	*	*	*	*	90	110
08:00	*	*	91	109	92	93	*	*	*	*	*	*	*	*	92	101
09:00	*	*	73	88	78	87	*	*	*	*	*	*	*	*	76	88
10:00	*	*	50	74	57	67	*	*	*	*	*	*	*	*	54	70
11:00	*	*	39	35	40	35	*	*	*	*	*	*	*	*	40	35
Lane	0	0	1389	1678	1340	1665	0	0	0	0	0	0	0	0	1367	1670
Day	0	0	3067	3067	3005	3005	0	0	0	0	0	0	0	0	3037	3037
AM Peak	-	-	10:00	10:00	10:00	11:00	-	-	-	-	-	-	-	-	10:00	11:00
Vol.	-	-	64	82	54	94	-	-	-	-	-	-	-	-	59	86
PM Peak	-	-	17:00	17:00	17:00	17:00	-	-	-	-	-	-	-	-	17:00	17:00
Vol.	-	-	171	163	149	159	-	-	-	-	-	-	-	-	160	161

Comb. Total 0 3067 3005 0 0 0 0 3037

ADT ADT 3,036 AADT 3,036

For: Updates
 Counted By: PK/EE
 Weather: Warm, some rain

City of Bloomington
Engineering Department
 401 N. Morton St., Suite 130
 Bloomington, IN 47404
 812-349-3417

Site Code: q487
 Station ID: SN:023256
 E. 17th St.
 N. Lincoln St. to N. Grant St.
 Latitude: 0' 0.000 Undefined

Start Time	29-Apr-13		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	Eastbound	Westbou	Eastbou	Westbou	Eastbou	Westbou	Eastbou	Westbou	Eastbou	Westbou	Eastbou	Westbou	Eastbou	Westbou	Eastbou	Westbou
12:00 AM	*	*	*	*	80	88	89	88	*	*	*	*	*	*	84	88
01:00	*	*	*	*	60	51	49	67	*	*	*	*	*	*	54	59
02:00	*	*	*	*	36	49	51	48	*	*	*	*	*	*	44	48
03:00	*	*	*	*	24	27	25	28	*	*	*	*	*	*	24	28
04:00	*	*	*	*	18	11	20	11	*	*	*	*	*	*	19	11
05:00	*	*	*	*	28	14	24	15	*	*	*	*	*	*	26	14
06:00	*	*	*	*	65	46	84	38	*	*	*	*	*	*	74	42
07:00	*	*	*	*	258	99	238	129	*	*	*	*	*	*	248	114
08:00	*	*	*	*	252	150	239	109	*	*	*	*	*	*	246	130
09:00	*	*	*	*	261	196	249	154	*	*	*	*	*	*	255	175
10:00	*	*	*	*	239	208	247	252	*	*	*	*	*	*	243	230
11:00	*	*	*	*	241	318	316	318	*	*	*	*	*	*	278	318
12:00 PM	*	*	*	*	320	315	348	331	*	*	*	*	*	*	334	323
01:00	*	*	*	*	300	329	332	335	*	*	*	*	*	*	316	332
02:00	*	*	*	*	328	326	368	355	*	*	*	*	*	*	348	340
03:00	*	*	*	*	360	327	335	374	*	*	*	*	*	*	348	350
04:00	*	*	*	*	347	381	343	455	*	*	*	*	*	*	345	418
05:00	*	*	*	*	345	441	362	431	*	*	*	*	*	*	354	436
06:00	*	*	*	*	274	324	285	391	*	*	*	*	*	*	280	358
07:00	*	*	*	*	248	331	292	317	*	*	*	*	*	*	270	324
08:00	*	*	*	*	199	230	272	260	*	*	*	*	*	*	236	245
09:00	*	*	*	*	194	241	208	247	*	*	*	*	*	*	201	244
10:00	*	*	*	*	154	193	154	174	*	*	*	*	*	*	154	184
11:00	*	*	*	*	149	162	139	125	*	*	*	*	*	*	144	144
Lane	0	0	0	0	4780	4857	5069	5052	0	0	0	0	0	0	4925	4955
Day	0	0	0	0	9637		10121		0	0	0	0	0	0	9880	
AM Peak					09:00	11:00	11:00	11:00							11:00	11:00
Vol.					261	318	316	318							278	318
PM Peak					15:00	17:00	14:00	16:00							17:00	17:00
Vol.					360	441	368	455							354	436

Comb. Total 0 0 9637 10121 0 0 0 9880

ADT ADT 9,879 AADT 9,879

City of Bloomington
 Engineering Department
 401 N. Morton St., Suite 130
 Bloomington, IN 47404

Signalized Intersection Counts

File Name : E. 17th St. and N. Dunn St. 7-9 AM
 Site Code : 00000000
 Start Date : 10/17/2012
 Page No : 1

Groups Printed- Cars - Trucks and Buses - Bicycles

Start Time	N. Dunn St. From North					E. 17th St. From East					N. Dunn St. From South					E. 17th St. From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
07:10 AM	0	3	6	0	9	3	3	0	0	6	1	0	0	0	1	1	10	4	0	15	31
07:15 AM	3	0	4	0	7	3	3	1	0	7	4	1	0	1	6	1	20	3	1	25	45
07:20 AM	0	1	12	0	13	2	6	0	0	8	1	0	1	0	2	0	12	1	1	14	37
07:25 AM	0	3	10	2	15	3	7	0	1	11	1	1	0	1	3	0	22	6	1	29	58
07:30 AM	1	5	5	2	13	5	8	1	1	15	1	0	0	0	1	0	15	6	1	22	51
07:35 AM	2	3	5	1	11	4	13	0	2	19	4	2	0	0	6	1	27	5	0	33	69
07:40 AM	1	4	17	0	22	4	8	1	4	17	3	1	0	0	4	1	28	3	1	33	76
07:45 AM	2	8	11	1	22	7	12	0	1	20	4	0	0	0	4	2	32	4	1	39	85
07:50 AM	1	4	21	0	26	6	13	0	0	19	1	2	0	0	3	2	25	1	0	28	76
07:55 AM	1	4	8	0	13	6	16	2	0	24	0	2	0	0	2	2	26	3	0	31	70
Total	11	35	99	6	151	43	89	5	9	146	20	9	1	2	32	10	217	36	6	269	598
08:00 AM	2	4	9	0	15	7	11	0	0	18	1	3	0	0	4	0	18	4	0	22	59
08:05 AM	1	3	8	0	12	1	17	0	0	18	0	1	0	0	1	0	26	2	0	28	59
08:10 AM	3	4	6	0	13	6	9	0	0	15	1	3	0	0	4	1	19	0	0	20	52
08:15 AM	1	4	9	2	16	6	9	1	0	16	1	1	1	2	5	0	33	4	1	38	75
08:20 AM	2	3	6	0	11	3	5	0	0	8	2	0	0	2	4	1	23	6	0	30	53
08:25 AM	1	9	6	3	19	2	10	0	2	14	2	3	1	0	6	0	20	4	0	24	63
08:30 AM	4	5	12	1	22	2	8	0	0	10	0	0	0	0	0	0	28	9	0	37	69
08:35 AM	2	3	7	2	14	2	6	0	1	9	1	1	0	0	2	1	21	5	1	28	53
08:40 AM	0	3	10	0	13	6	7	0	4	17	4	3	1	1	9	1	21	14	2	38	77
08:45 AM	3	3	13	2	21	2	13	0	1	16	3	5	0	0	8	0	28	7	1	36	81
08:50 AM	1	7	10	0	18	4	10	1	0	15	1	1	0	0	2	1	28	5	3	37	72
08:55 AM	0	6	9	0	15	7	17	0	1	25	1	2	0	0	3	0	23	4	0	27	70
Total	20	54	105	10	189	48	122	2	9	181	17	23	3	5	48	5	288	64	8	365	783
Grand Total	31	89	204	16	340	91	211	7	18	327	37	32	4	7	80	15	505	100	14	634	1381
Apprch %	9.1	26.2	60	4.7		27.8	64.5	2.1	5.5		46.2	40	5	8.8		2.4	79.7	15.8	2.2		
Total %	2.2	6.4	14.8	1.2	24.6	6.6	15.3	0.5	1.3	23.7	2.7	2.3	0.3	0.5	5.8	1.1	36.6	7.2	1	45.9	
Cars	30	86	187	16	319	81	202	5	18	306	20	29	4	7	60	14	485	100	14	613	1298
% Cars	96.8	96.6	91.7	100	93.8	89	95.7	71.4	100	93.6	54.1	90.6	100	100	75	93.3	96	100	100	96.7	94
Trucks and Buses	1	3	17	0	21	9	8	2	0	19	17	3	0	0	20	0	18	0	0	18	78
% Trucks and Buses	3.2	3.4	8.3	0	6.2	9.9	3.8	28.6	0	5.8	45.9	9.4	0	0	25	0	3.6	0	0	2.8	5.6
Bicycles	0	0	0	0	0	1	1	0	0	2	0	0	0	0	0	1	2	0	0	3	5
% Bicycles	0	0	0	0	0	1.1	0.5	0	0	0.6	0	0	0	0	0	6.7	0.4	0	0	0.5	0.4

City of Bloomington

Engineering Department
401 N. Morton St., Suite 130

Bloomington, IN 47404

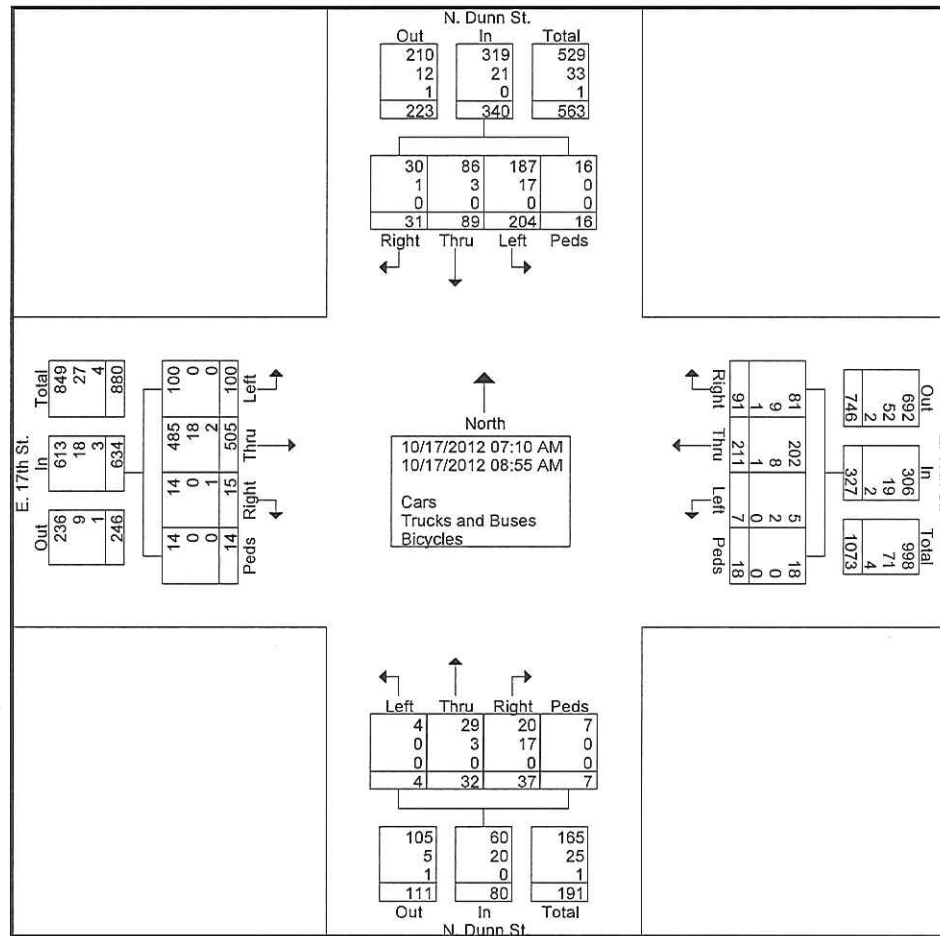
Signalized Intersection Counts

File Name : E. 17th St. and N. Dunn St. 7-9 AM

Site Code : 00000000

Start Date : 10/17/2012

Page No : 2

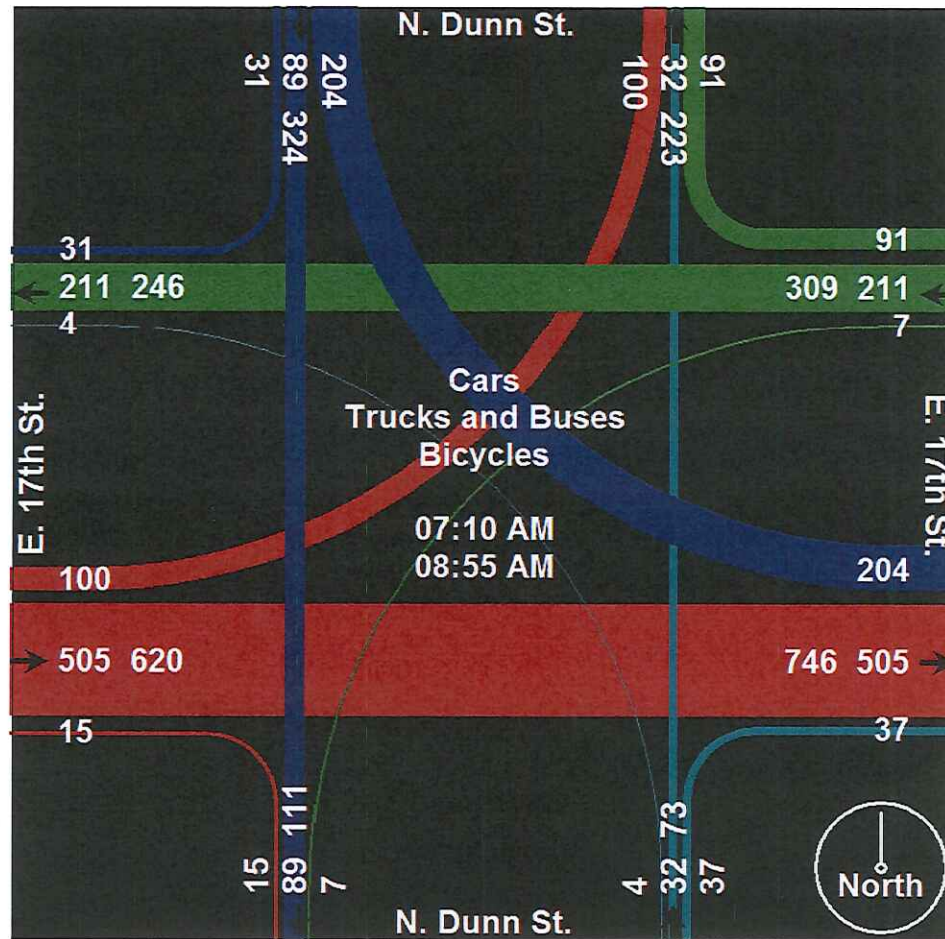


City of Bloomington

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Bloomington, IN 47404

Signalized Intersection Counts

File Name : E. 17th St. and N. Dunn St. 7-9 AM
Site Code : 00000000
Start Date : 10/17/2012
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City of Bloomington

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Signalized Intersection Counts

File Name : E. 17th St. and N. Dunn St. 4-6 PM
Site Code : 00000000
Start Date : 10/17/2012
Page No : 1

Groups Printed- Cars - Trucks and Buses - Bicycles

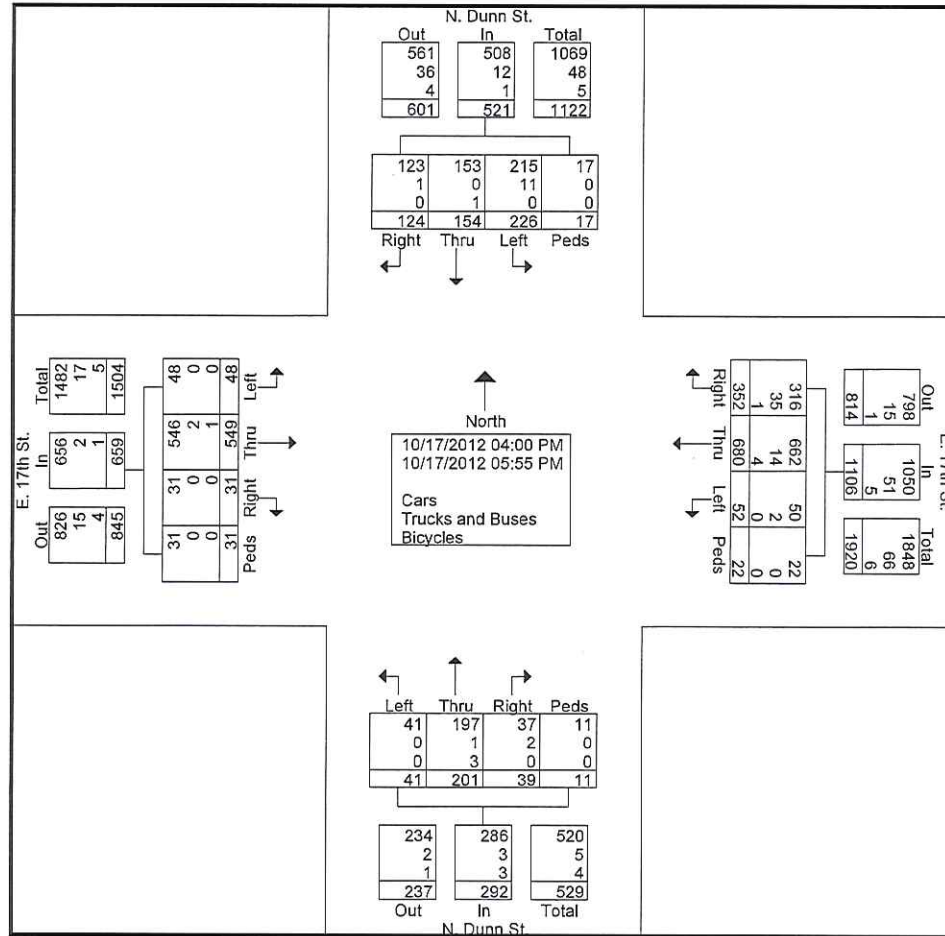
Start Time	N. Dunn St. From North					E. 17th St. From East					N. Dunn St. From South					E. 17th St. From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
04:00 PM	9	2	12	0	23	14	34	2	0	50	2	7	2	0	11	0	14	1	1	16	100
04:05 PM	4	3	8	3	18	22	34	10	0	66	0	7	1	0	8	1	22	2	1	26	118
04:10 PM	5	6	6	0	17	14	26	4	0	44	1	8	1	1	11	2	31	2	2	37	109
04:15 PM	8	7	10	0	25	25	26	1	2	54	1	6	3	0	10	1	19	3	1	24	113
04:20 PM	4	7	5	0	16	8	33	1	0	42	0	4	0	0	4	0	21	3	1	25	87
04:25 PM	1	5	6	1	13	12	14	2	2	30	1	8	2	0	11	2	12	1	0	15	69
04:30 PM	4	2	12	0	18	12	27	0	0	39	0	6	2	0	8	1	22	0	0	23	88
04:35 PM	6	1	7	0	14	12	35	1	0	48	1	13	3	0	17	0	19	1	1	21	100
04:40 PM	13	6	2	2	23	15	21	2	0	38	1	4	0	0	5	1	22	3	7	33	99
04:45 PM	2	5	5	0	12	13	19	4	1	37	2	5	0	1	8	1	21	2	1	25	82
04:50 PM	1	5	4	0	10	17	30	0	0	47	2	4	1	0	7	6	25	1	1	33	97
04:55 PM	3	4	15	2	24	15	29	4	1	49	2	5	0	0	7	2	23	1	0	26	106
Total	60	53	92	8	213	179	328	31	6	544	13	77	15	2	107	17	251	20	16	304	1168
05:00 PM	5	5	9	1	20	9	13	1	1	24	1	7	2	0	10	0	21	2	1	24	78
05:05 PM	6	6	9	1	22	16	34	1	1	52	0	16	5	0	21	1	29	2	4	36	131
05:10 PM	3	6	16	3	28	15	34	2	2	53	1	16	3	0	20	0	25	4	0	29	130
05:15 PM	3	12	15	2	32	14	32	2	0	48	4	16	2	1	23	1	24	2	1	28	131
05:20 PM	8	10	9	0	27	10	23	0	3	36	3	12	4	0	19	1	24	3	5	33	115
05:25 PM	5	12	10	2	29	20	32	0	1	53	4	9	1	0	14	0	24	3	0	27	123
05:30 PM	8	8	9	0	25	14	29	7	1	51	2	9	2	1	14	0	21	1	2	24	114
05:35 PM	8	9	12	0	29	20	34	3	0	57	1	12	2	1	16	1	20	3	1	25	127
05:40 PM	5	5	7	0	17	9	30	1	0	40	2	6	1	3	12	3	31	2	0	36	105
05:45 PM	8	7	11	0	26	14	28	2	3	47	1	5	2	0	8	3	31	3	0	37	118
05:50 PM	2	7	11	0	20	17	29	0	1	47	4	5	1	1	11	1	19	1	0	21	99
05:55 PM	3	14	16	0	33	15	34	2	3	54	3	11	1	2	17	3	29	2	1	35	139
Total	64	101	134	9	308	173	352	21	16	562	26	124	26	9	185	14	298	28	15	355	1410
Grand Total	124	154	226	17	521	352	680	52	22	1106	39	201	41	11	292	31	549	48	31	659	2578
Apprch %	23.8	29.6	43.4	3.3		31.8	61.5	4.7	2		13.4	68.8	14	3.8		4.7	83.3	7.3	4.7		
Total %	4.8	6	8.8	0.7	20.2	13.7	26.4	2	0.9	42.9	1.5	7.8	1.6	0.4	11.3	1.2	21.3	1.9	1.2	25.6	
Cars	123	153	215	17	508	316	662	50	22	1050	37	197	41	11	286	31	546	48	31	656	2500
% Cars	99.2	99.4	95.1	100	97.5	89.8	97.4	96.2	100	94.9	94.9	98	100	100	97.9	100	99.5	100	100	99.5	97
Trucks and Buses	1	0	11	0	12	35	14	2	0	51	2	1	0	0	3	0	2	0	0	2	68
% Trucks and Buses	0.8	0	4.9	0	2.3	9.9	2.1	3.8	0	4.6	5.1	0.5	0	0	1	0	0.4	0	0	0.3	2.6
Bicycles	0	1	0	0	1	1	4	0	0	5	0	3	0	0	3	0	1	0	0	1	10
% Bicycles	0	0.6	0	0	0.2	0.3	0.6	0	0	0.5	0	1.5	0	0	1	0	0.2	0	0	0.2	0.4

City of Bloomington

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Signalized Intersection Counts

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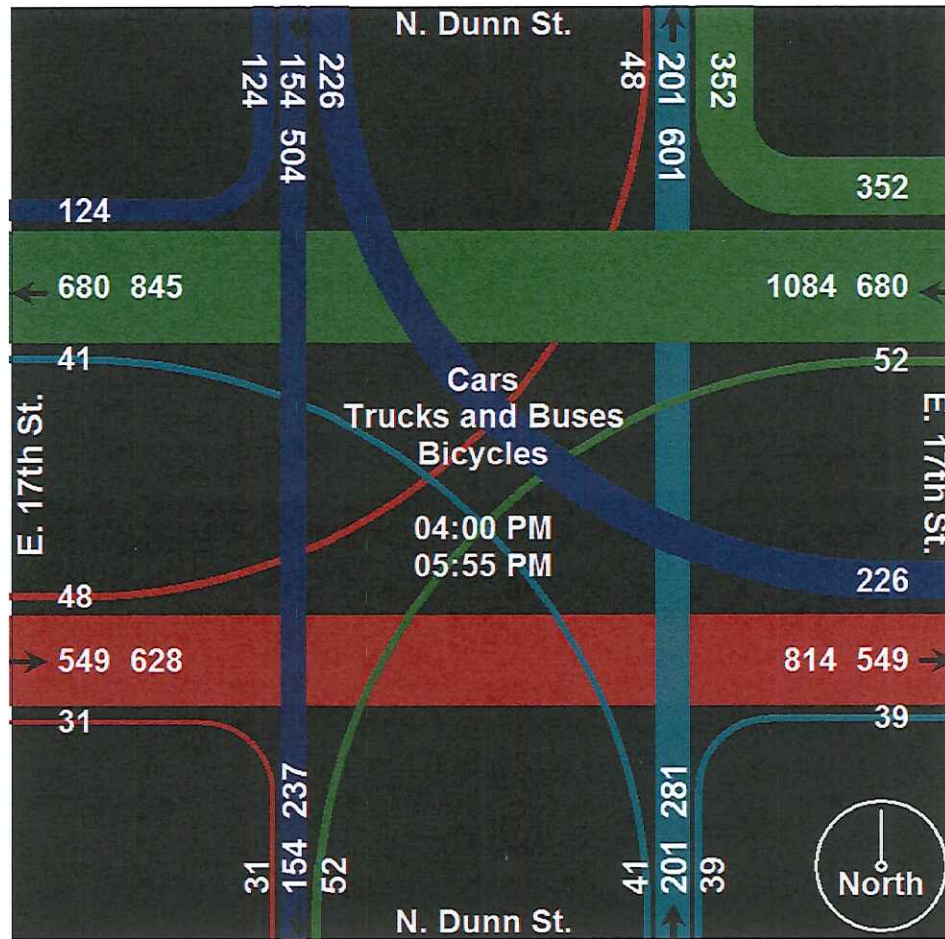


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17th and Dunn Intersection Count Summary

			SBR	SB	SBL		
			61	100	124		
			64	101	134		
			21%	35%	44%		
EBL	27	28				173	172 WBR
EB	290	298				352	373 WB
EBR	18	14				21	26 WBL
			26	124	26		
			19	87	16		
			NBL	NB	NBR		

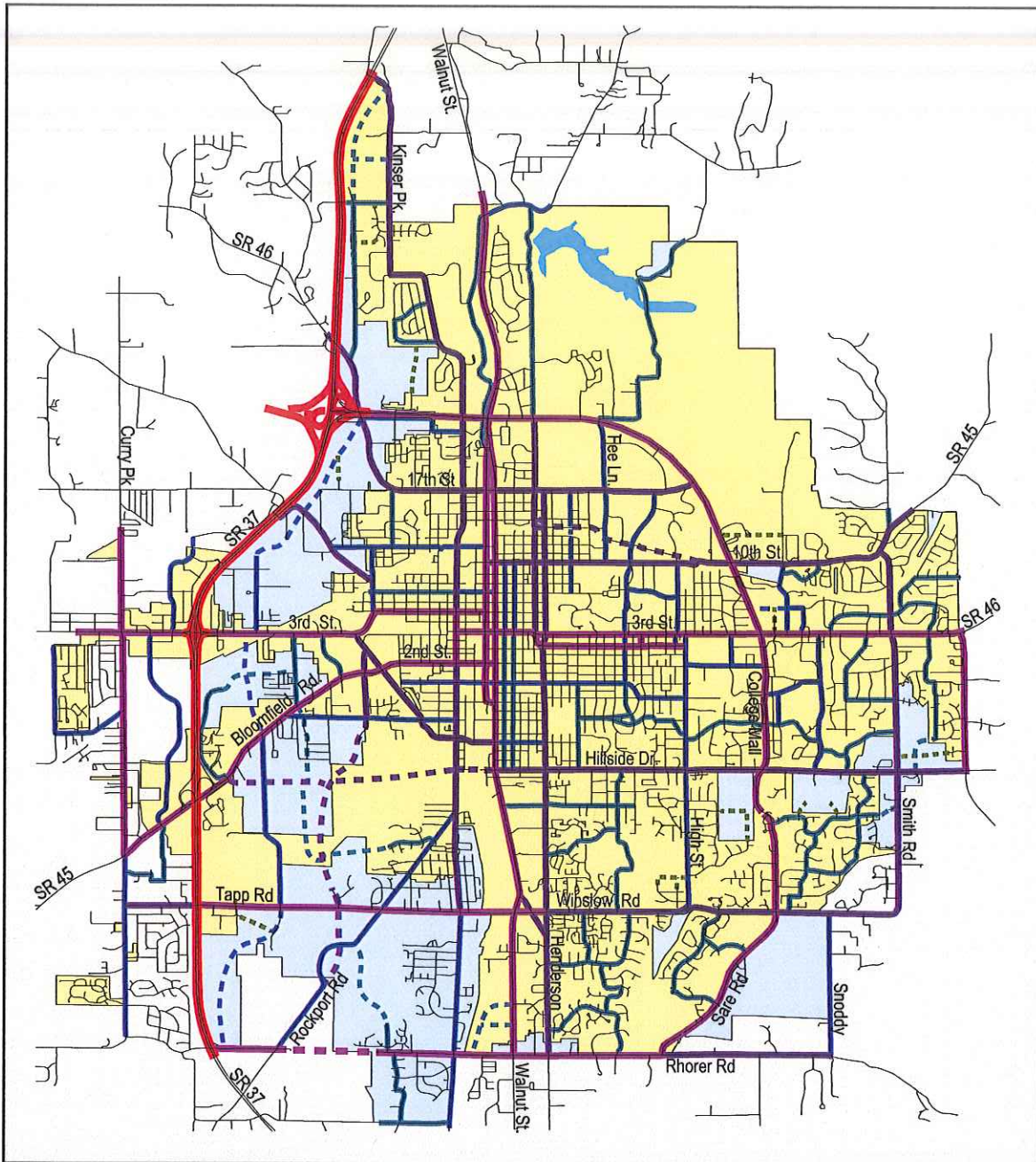
PM Peak hour
 SBA count 4/27/16
 City Count 10/17/12

distribution % based on 2016 count

<u>Totals</u>	<u>2012</u>	<u>2016</u>	<u>% change</u>
SB	299	285	-4.7%
EB	340	335	-1.5%
NB	176	122	-30.7%
WB	546	571	4.6%
	1361	1313	-3.5%



PART 5: Master Thoroughfare Plan



MAP LEGEND

- Freeway/Expressway
- Primary Arterial
- Secondary Arterial
- Primary Collector
- Secondary Collector
- Local Street
- Proposed Primary Arterial
- Proposed Secondary Arterial
- Proposed Primary Collector
- Proposed Secondary Collector
- Proposed Local Street
- Municipal Boundary
- Additional Planning Jurisdiction

Master Thoroughfare Plan Map

Prepared by: Ground Rules, Inc

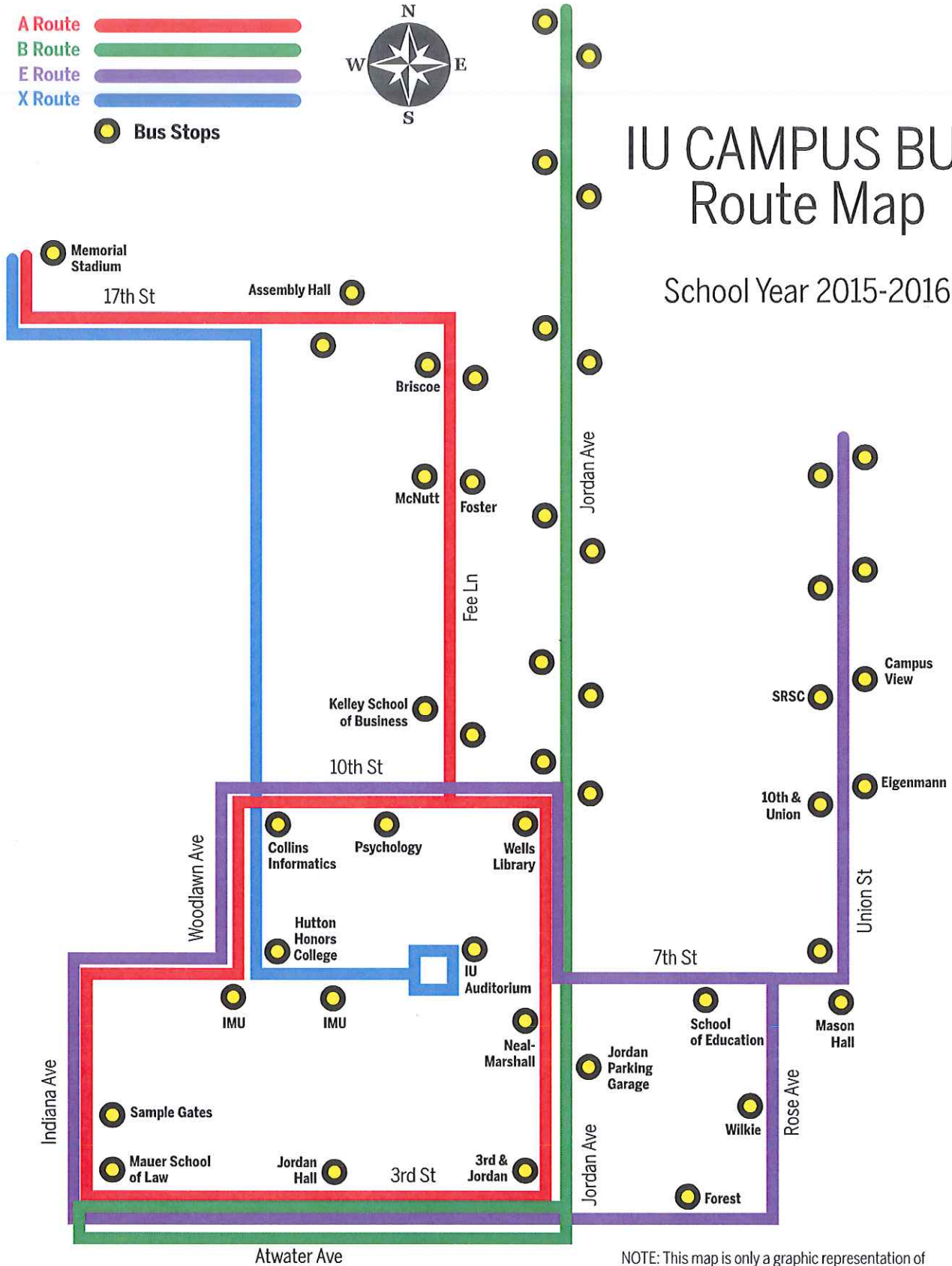
- A Route
- B Route
- E Route
- X Route

Bus Stops



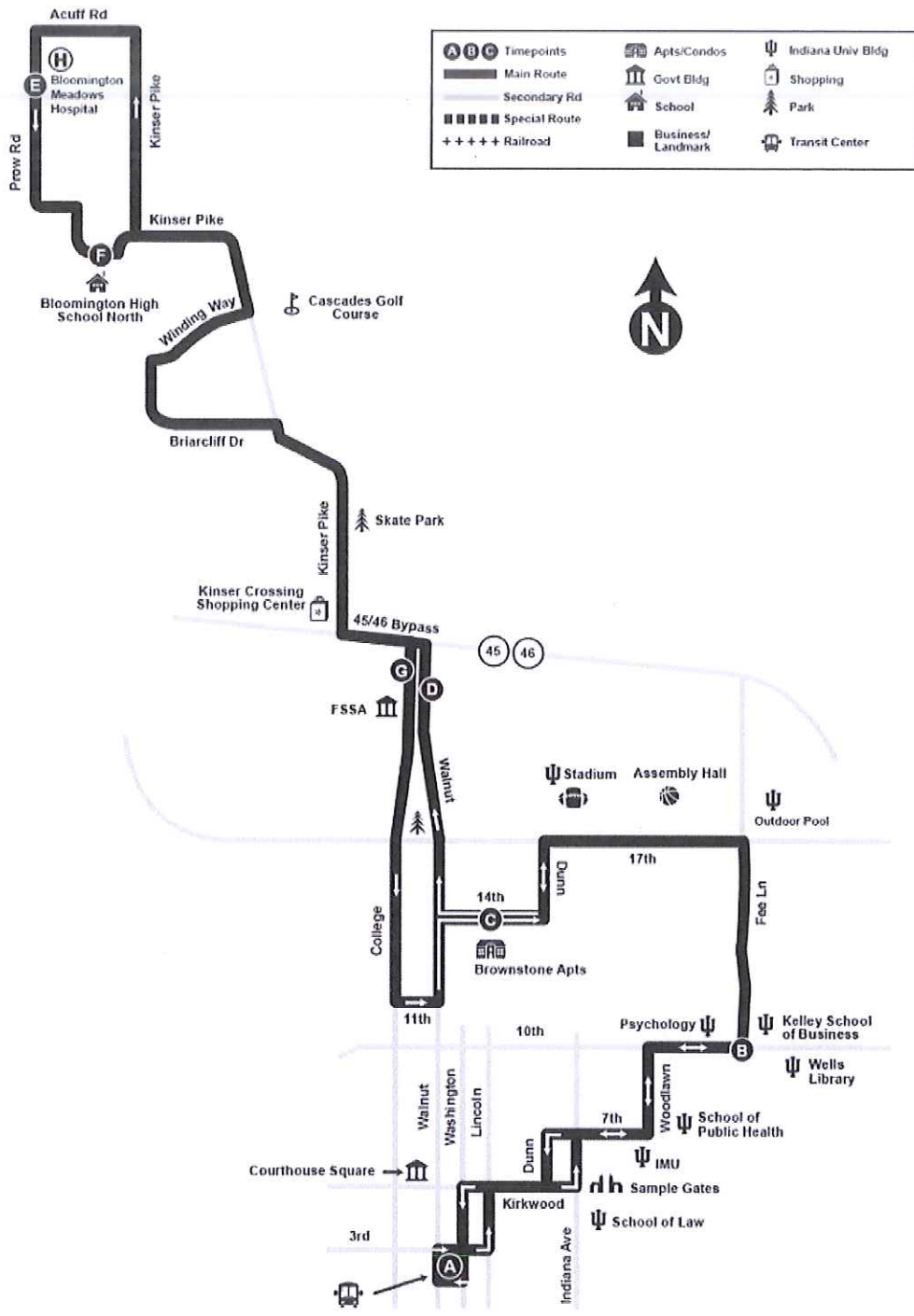
IU CAMPUS BUS Route Map

School Year 2015-2016



NOTE: This map is only a graphic representation of the routes and the bus stops and subject to change.

1 North - Fee Lane / BHS North



Route Particulars

*** At 5:30pm the bus does not travel beyond North High School. This trip will not serve Rosewood Drive, Acuff Road, Prow Road, and Meadows Hospital. Route 1 does not operate on Sundays. Shaded area does not operate on Saturdays. On IU athletic event Saturdays call Bloomington Transit at 336-RIDE for operating information.

Map and Schedule
Download the PDF brochure containing the Map and Schedules for this route.

(1 North Fee Lane - BHS North)

[Return to Top](#)
[Return to Top](#)

ROUTE 1: FEE LANE / BHS NORTH

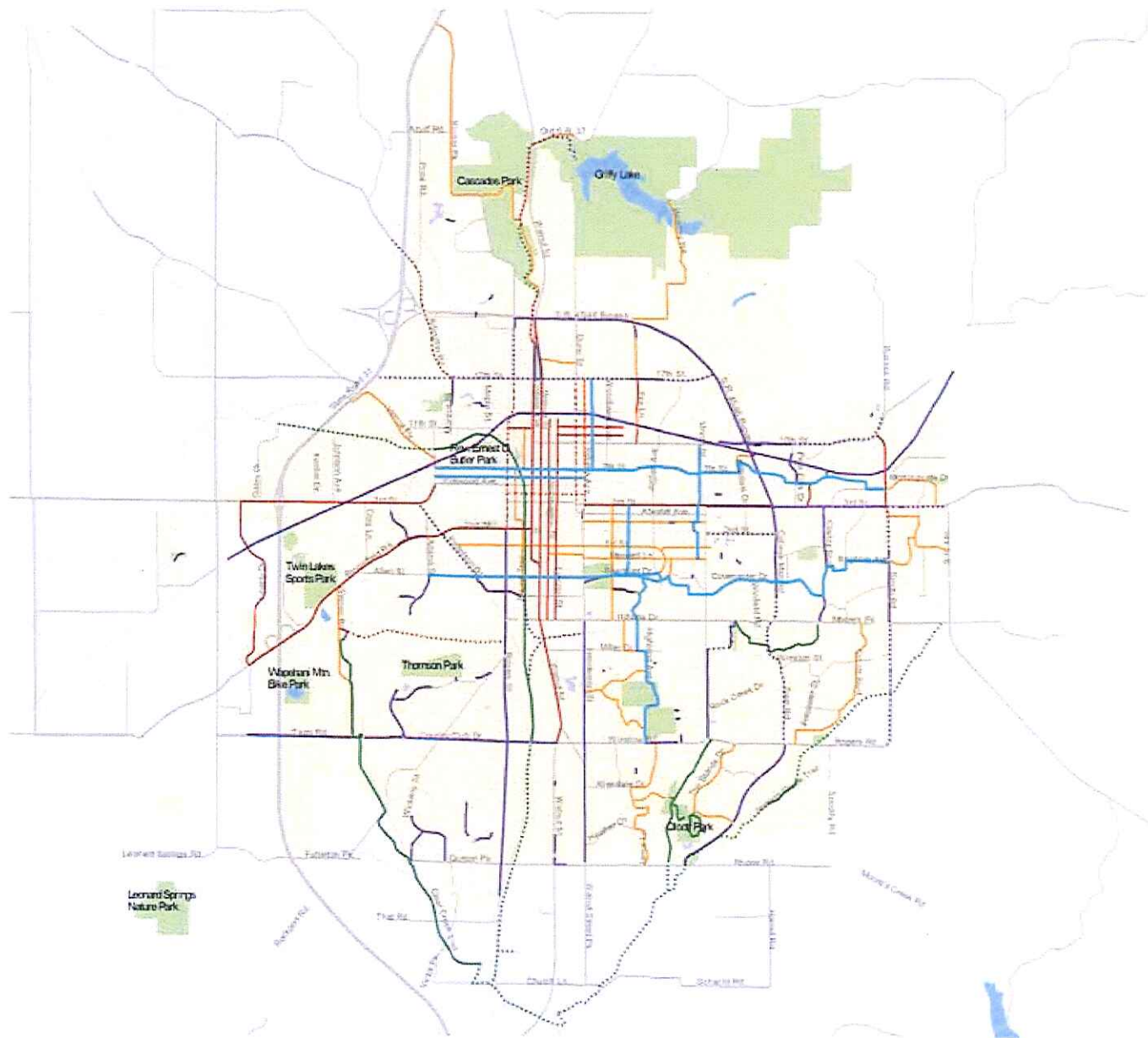
A	B	C	D	E	F	G	C	B	A
Leave 3rd & Walnut	10th& Fee	Brownstone Apts	Walnut & SR 46	Meadows Hospital	BHS North	College & SR 46	Brownstone Apts	10th & Fee	Arrive 3rd & Walnut
-	-	-	-	6:30	6:35	6:41	6:46	6:51	7:02
7:10	7:15	7:21	7:26	7:30	7:35	7:41	7:46	7:51	8:02
8:10	8:15	8:21	8:26	8:30	8:35	8:41	8:46	8:51	9:02
9:10	9:15	9:21	9:26	9:30	9:35	9:41	9:46	9:51	10:02
10:10	10:15	10:21	10:26	10:30	10:35	10:41	10:46	10:51	11:02
11:10	11:15	11:21	11:26	11:30	11:35	11:41	11:46	11:51	12:02
12:10	12:15	12:21	12:26	12:30	12:35	12:41	12:46	12:51	1:02
1:10	1:15	1:21	1:26	1:30	1:35	1:41	1:46	1:51	2:02
2:10	2:15	2:21	2:26	2:30	2:35	2:41	2:46	2:51	3:02
3:10	3:15	3:21	3:26	3:30	3:35	3:41	3:46	3:51	4:02
4:10	4:15	4:21	4:26	4:30	4:35	4:41	4:46	4:51	5:02
5:10	5:15	5:21	5:26	***	5:35	5:41	5:46	5:51	6:02
6:10	6:15	6:21	6:26	6:30	6:35	6:41	6:46	6:51	7:02
7:10	7:15	7:21	7:26	7:30	7:35	7:41	7:46	7:51	8:02
8:10	8:15	8:21	8:26	8:30	8:35	8:41	8:46	8:51	9:02
9:10	9:15	9:21	9:26	9:30	9:35	9:41	9:46	9:51	10:02
10:10	10:15	10:21	10:26	10:30	10:35	10:41	10:46	10:51	11:02
11:10	11:15	11:21	11:26	11:30	11:35	-	-	-	-

*** At 5:30pm the bus does not travel beyond North High School. This trip will not serve Rosewood Drive, Acuff Road, Prow Road, and Meadows Hospital. Route 1 does not operate on Sundays. Shaded Area Does Not Operate on Saturdays. On IU athletic event Saturdays call Bloomington Transit at 336-RIDE for Operating Information.

City of Bloomington

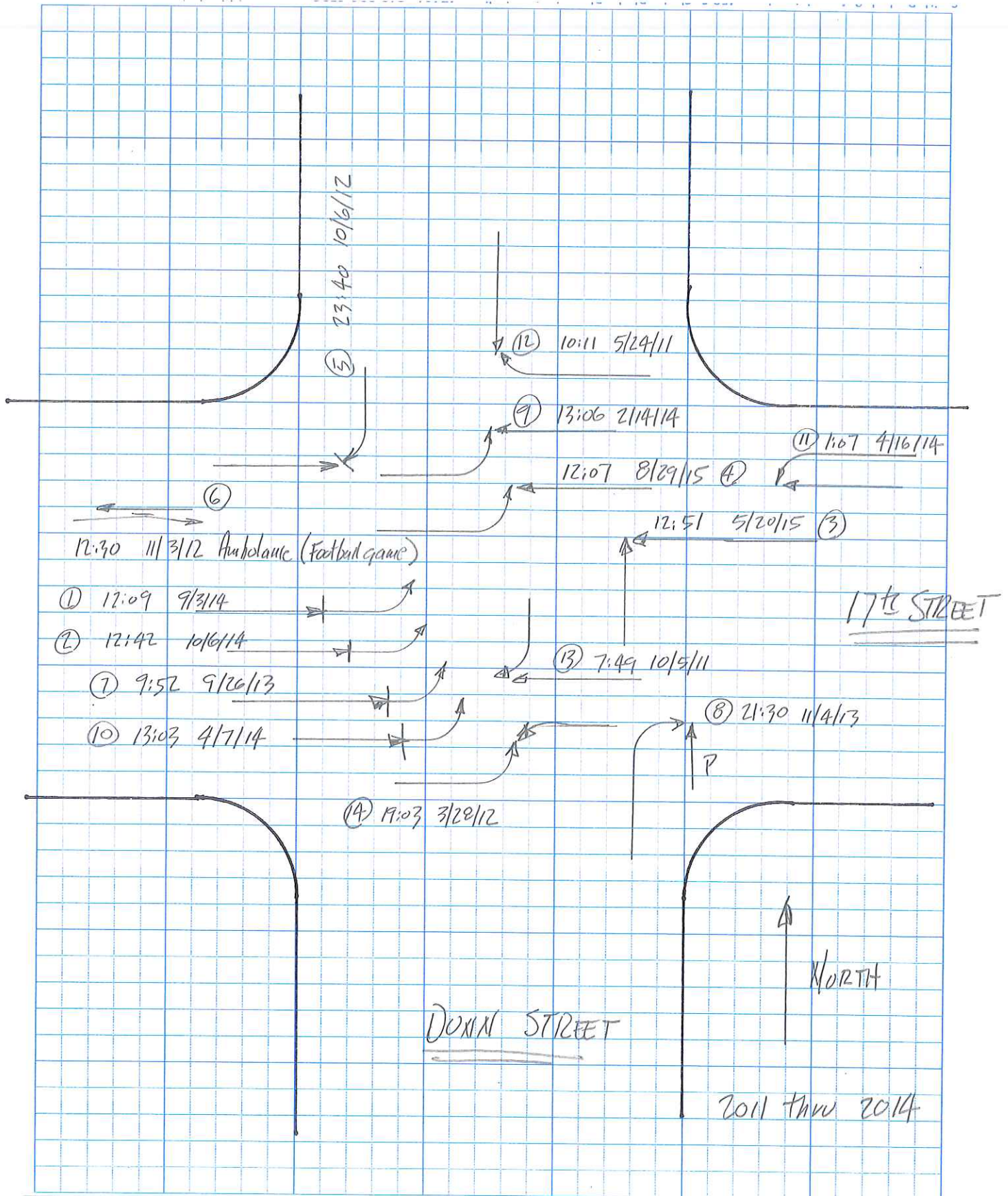
Bicycle and Pedestrian Transportation & Greenways System Plan

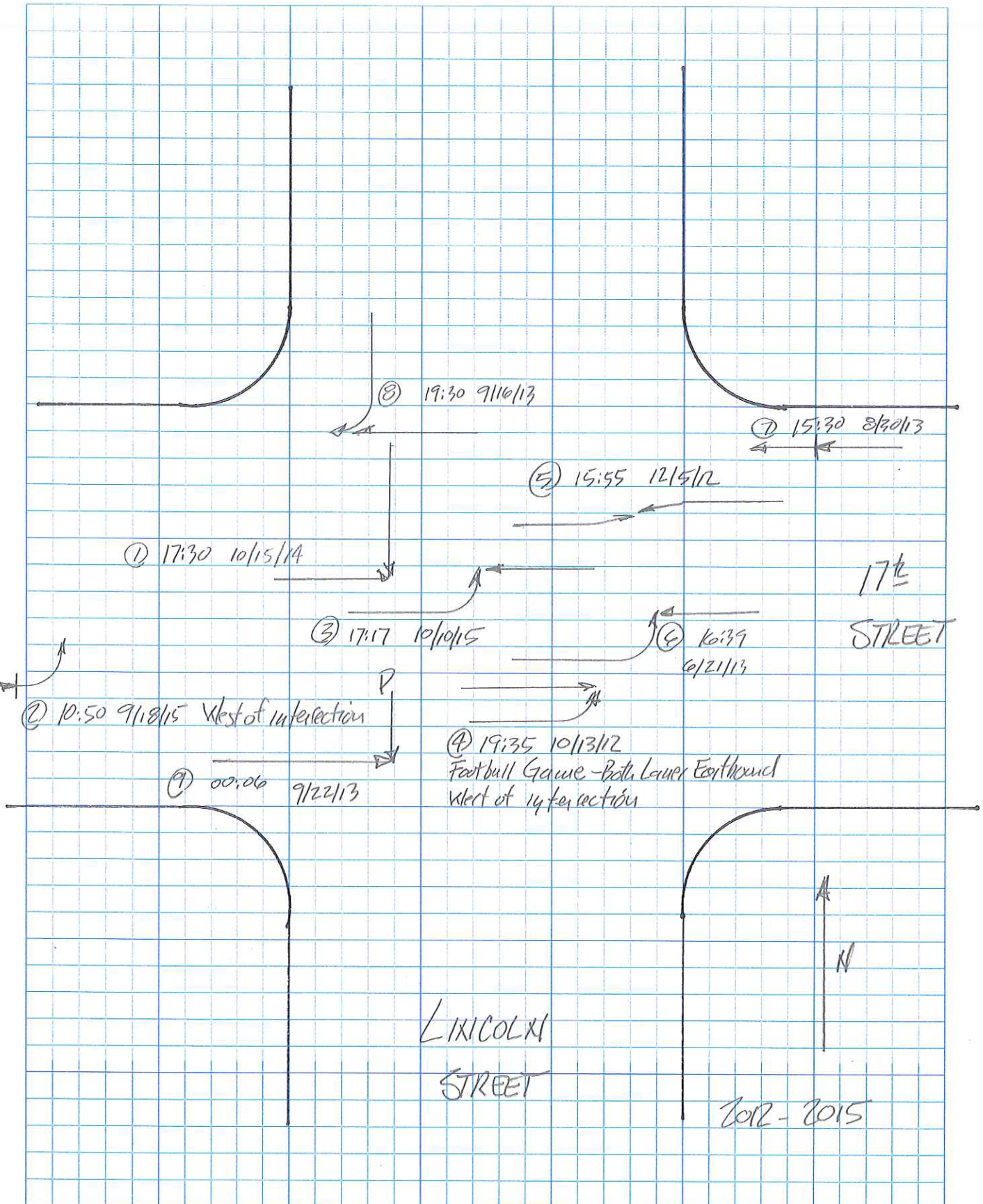
Medium Priority Bicycle and Pedestrian Facilities Network



- Planning Jurisdiction
- City of Bloomington Parks
- Lakes
- Schools
- Signed bike route
- Existing bike lane
- Medium priority bike lane
- Existing sidepath/connector path
- Medium priority sidepath/connector path
- Existing multi-use trail
- Medium priority multi-use trail
- Existing bicycle boulevard

Note: High priority facilities are assumed to have been built prior to medium priority facilities, and thus are shown as existing facilities ("existing bike lane," "existing multi-use trail," etc.)





ORDINANCE 16-21

TO VACATE A PUBLIC PARCEL -

Re: A 50-Foot by 120-Foot Segment of North Grant Street Located South of 18th Street and East of 1313 North Grant Street (RCR Properties, LLC, Petitioner)

- WHEREAS, I.C. 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and
- WHEREAS, the petitioner, RCR Properties, LLC, has filed a petition to vacate one parcel of City property more particularly described below;
- WHEREAS, pursuant to I.C. 36-7-3-16, the City received written communications from utility services regarding their interests in the right-of-way and those communications are on file and available for inspection at the City Planning and Transportation Department and the Clerk and Council Office at 401 North Morton Street, Bloomington, Indiana (47402); and
- WHEREAS, pursuant to I.C. §36-7-3-12(c), the City Clerk has provided notice to the owners of abutting property and published notice to the general public of the petition and public hearing on this matter, which will be held during the Common Council Regular Session on Wednesday, October 19th, 2016 at 7:30 p.m. in the Council Chambers, Room 115, of City Hall, 401 North Morton Street; and
- WHEREAS, pursuant to I.C. §36-7-3-12, upon vacation the City Clerk must furnish a copy of this ordinance to the County Recorder for recording and to the County Auditor;

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 I.C. 36-7-3-12, one portion of City owned property shall be vacated as described below:

A part of the Southwest quarter of Section Twenty-Eight (28), Township Nine (9) North, Range One (1) West, Monroe County, Indiana, described as follows:

Commencing at the Southeast corner of said Southwest quarter; thence North 89 degrees 57 minutes 09 seconds West (assumed) along the South line thereof 26.61 feet; thence North 00 degrees 25 minutes 23 seconds West 425.70 feet to the South right of way line of 18th Street; thence North 89 degrees 39 minutes 32 seconds West along said South line 316.99 feet to the East right of way line of grant and the point of beginning; thence South 00 degrees 20 minutes 06 seconds West along said East line 120.00 feet to the South right of way line of Grant Street; thence North 89 degrees 59 minutes 27 seconds West along said South line 50.70 feet to the West right of way line of Grant Street; thence North 00 degrees 20 minutes 06 seconds East along said West line 120.00 feet the aforesaid South right of way line of 18th Street; thence South 89 degrees 59 minutes 27 seconds East 50.70 feet to the point of beginning. Containing 0.14 acres, more or less.

SECTION 2. If any section, sentence of provision of this ordinance, or the application thereof to any person or circumstances 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 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2016.

ANDY RUFF, 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 _____, 2016.

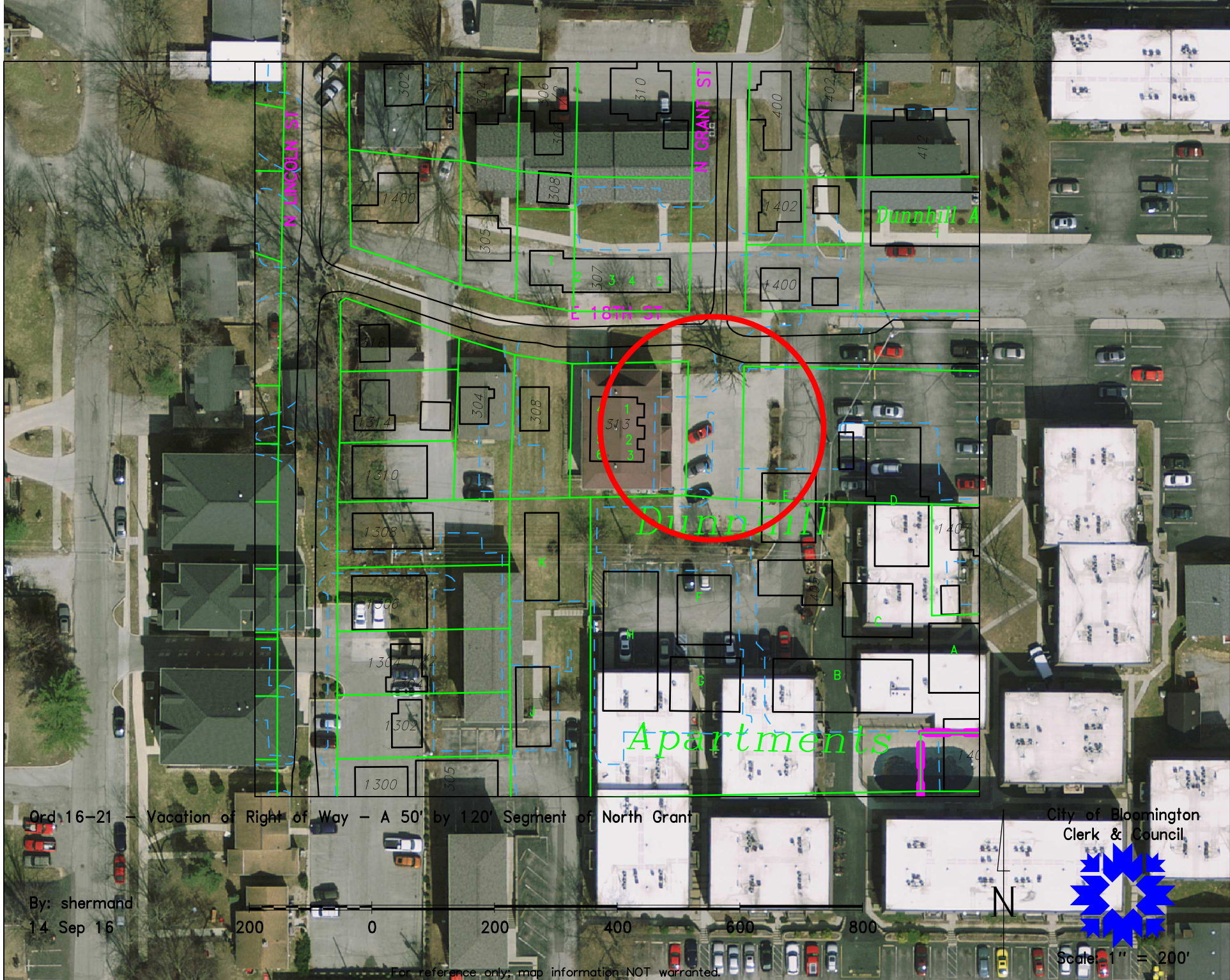
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2016.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

The petitioner, RCR Properties, LLC, requests vacation of a segment of North Grant Street located south of 18th Street and east of 1313 N. Grant Street in order to create a green beltway as proposed in Ord 16-20, which rezones the surrounding property from Residential High-Density Multifamily (RH) to Planned Unit Development (PUD) and approves the associated District Ordinance and Preliminary Plan.



Ord 16-21 - Vacation of Right of Way - A 50' by 120' Segment of North Grant

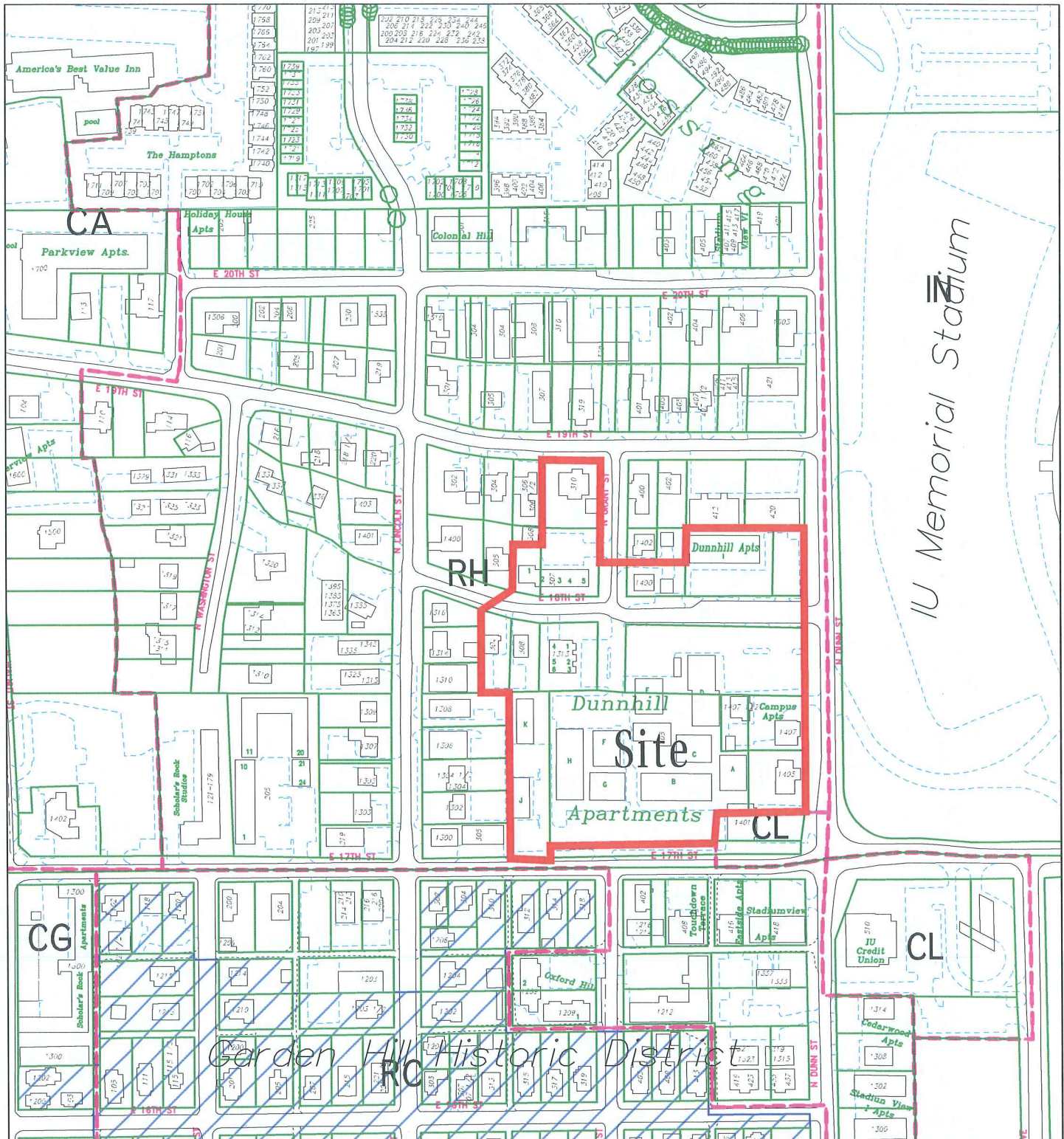
By: shermand
14 Sep 16

City of Bloomington
Clerk & Council



Scale: 1" = 200'

For reference only; map information NOT warranted.



PUD-14-16 Dunnhill Apartments

405 E 17th Street

Plan Commission

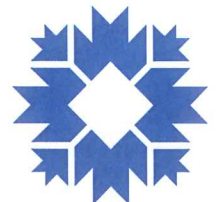
Site Location, Zoning, Parcels

By: greulice

2 Jun 16



City of Bloomington
Planning & Transportation



Scale: 1" = 250'

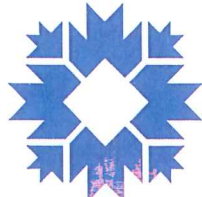
For reference only; map information NOT warranted.



By: greulice
2 Jun 16

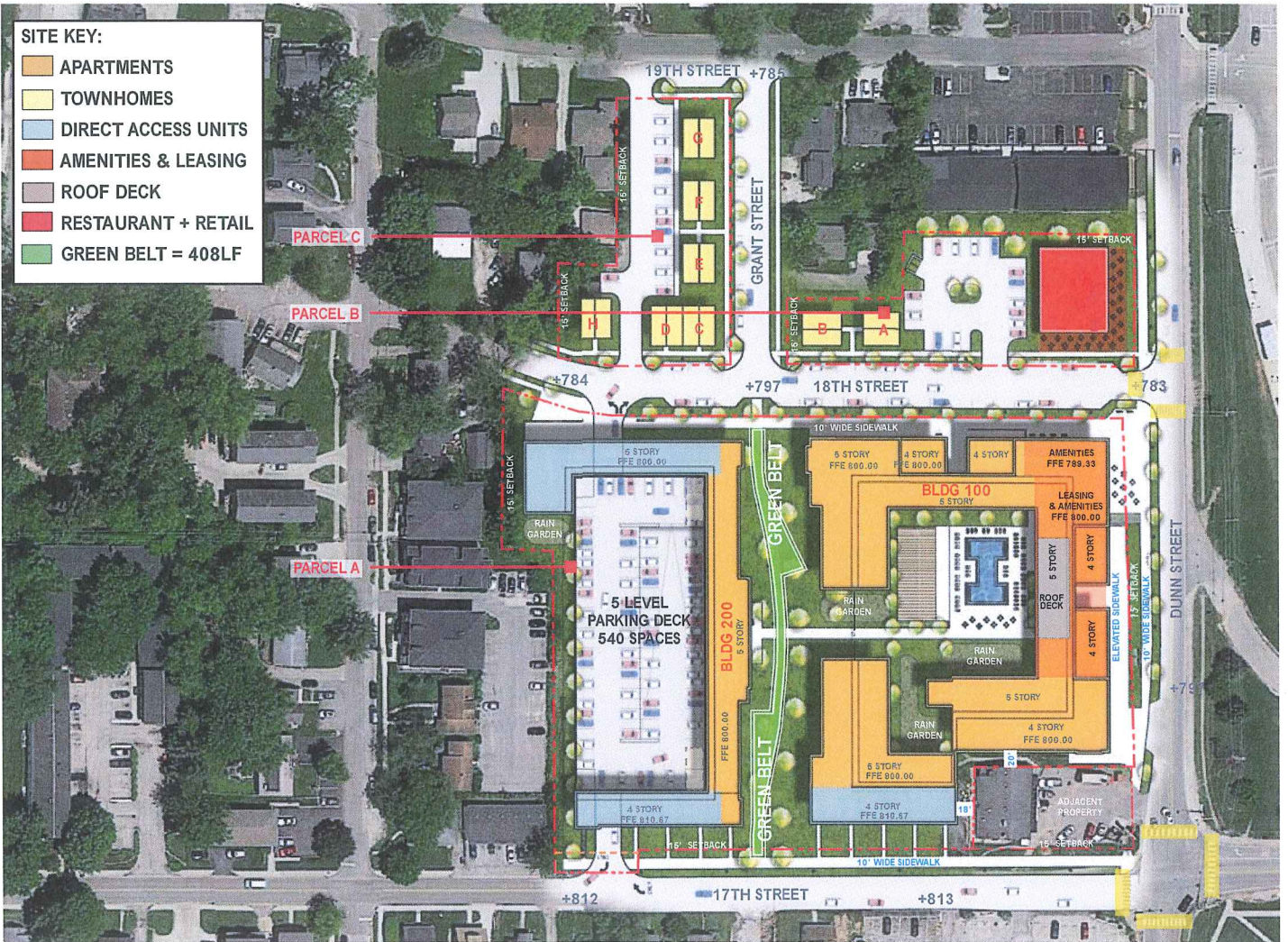


City of Bloomington
Planning & Transportation



Scale: 1" = 200'

For reference only; map information NOT warranted.





**CITY OF BLOOMINGTON
PLANNING & TRANSPORTATION
DEPARTMENT MEMORANDUM**

DATE: September 9, 2016
TO: City of Bloomington Common Council Members
FROM: J. Lynne Darland, AICP, Senior Zoning Compliance Planner
SUBJECT: Street right-of-way vacation; segment of North Grant Street located south of E. 18th Street and east of 318 E. 18th Street
PETITIONER: RCR Properties, LLC

LOCATION: The subject area of this right-of-way vacation petition is located south of East 18th Street and east of 1313 North Grant Street. This north/south Grant Street right-of-way segment is surrounded on both sides by the current Dunnhill Apartment complex. The Grant Street segment proposed for vacation measures 50 feet in width by 120 feet in length.

BACKGROUND: RCR Properties, LLC has requested a rezoning the existing Dunnhill Apartment complex of approximately 5.95 acres from RH to PUD in order to demolish the existing complex and redevelop the property. The development proposal is to build a new multi-family apartment complex including a leasing office and retail space. The segment of Grant Street proposed for vacation is located south of 18th Street and was never platted through to 17th Street and currently acts as an access drive into the complex. With this rezone the existing right-of-way would become a green pathway through the complex and connect to E. 17th Street.

UTILITY INTERESTS: The following utility and city service organizations have responded to this request with no objections for the vacation of the existing right-of-way:

- The City of Bloomington Public Works Department
- The City of Bloomington Utilities Department (CBU)
- The City of Bloomington Information & Technology Services Department (ITS)
- AT&T
- Duke Energy
- Comcast Communications
- City of Bloomington Police Department
- City of Bloomington Fire Department
- Vectren

The request for vacation will be heard by the Board of Public Works (BPW) on October 20, 2016. The BPW recommendation will be noted at the Council hearing. City Fire, Police, ITS, ATT Midwest, Comcast, and Vectren have no objections to the proposed vacation. ITS requests an easement to provide for future digital underground installation. CBU has a water line in this right-of-way and will need to work with the developer to assure easements and access over the lines. The developer will pay

the cost of moving any lines if that becomes necessary.

CRITERIA: The criteria utilized to review a public ROW or easement vacation request are as follows:

1. Current Status - Access to Property.

Currently, the right-of-way is developed as paved drive that allows access to a parking area within Dunnhill Apartments. With the proposed development there will be four access points. They are Dunn Street, 17th Street, 18th Street, and Lincoln Street. The 17th Street access will be into a parking garage which will serve the development. The vacation of the North Grant segment will facilitate a greenbelt pathway running north/south through the development. As previously stated, both the Fire and Police Departments concluded that they can adequately serve the future development without use of the North Grant Street right-of-way segment.

2. Necessity for Growth of the City:

Future Status: The right-of-way in question is not currently improved as a street. The right of way functions as an access point into a parking area. There is no guidance from City transportation plans to improve this right-of-way segment for future land development needs or adjacent property connectivity.

Proposed Private Ownership Utilization: The North Grant Street right-of-way segment in question will become property of RCR Properties, LLC. The greenway belt will be used for pedestrian and bicycle traffic within and through the development.

Compliance with Regulations: The vacation of this segment of North Grant Street will not create any issues regarding compliance with local regulations. The proposed redevelopment proposal of apartments is a permitted use and will meet all regulations as approved in the outline and final development plan.

Relation to Plans: This proposal is consistent with City Plans. The Growth Policies Plan encourages redevelopment projects for student housing near the Indiana University campus. Bloomington Transit and Indiana University buses service this area.

RECOMMENDATION: City staff is in favor of the proposed vacation request.



City of Bloomington
Planning and Transportation Department

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

Filing Date 8-9-2016
Filing Fee Paid 8-9-2016

Ordinance # _____
BPW Resolution # _____

1st Reading _____
Committee _____
Final Hearing _____

Address of Property South of intersection of
N. Grant Street and E. 18th Street

Applicant's Name RCR Properties, LLC

Address 2417 Fields South Drive
Champaign, IL Phone (812) 455-2510
E-Mail _____

Counsel or Consultant Michael L. Carmin; CARMINPARKER, PC

Address 116 W. 6th Street, Suite 200; PO Box 2639
Bloomington, IN 47402 Phone (812) 332-6556
E-Mail michael@carminparker.com

This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

_____The undersigned agree that the applicant will notify all adjacent property owners by certified mail at the applicant's expense.

I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.

Signature: Michael Carmin

I:/Common/Admin/Forms/ROW-APP



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

Petition for Vacation of Public Right-of-Way

Ordinance:		<u>Ord 16-21</u>
Hearings:	Regular Session – First Reading:	September 21, 2016
<i>Council Chambers</i>	Committee of the Whole - Discussion	October 5, 2016
<i>401 N Morton St.</i>	Regular Session – Public Hearing	October 19, 2016
<i>7:30 pm</i>		

Description and Address of Property: A 50-foot wide and 120-foot long segment of North Grant Street directly south of 18th Street and east of 1313 North Grant Street in Bloomington, Indiana.

Description of Proposed Vacation: Two 12-foot wide alley way segments and two fifty-foot wide street segments

Name of Petitioner: RCR Properties, LLC

Address: 2417 Fields South Drive, Champaign, IL 61822

Phone/email: (609) 356-0841

Consultant: Michael L. Carmin, CarminParker, PC

Address: 116 W. 6th Street, Suite 200; P.O. Box 2639; Bloomington, IN 47402

Phone/email: 812-332-6556 / michael&carminparker.com

Mailing Addresses of Abutting Property Owners: RCR Properties, LLC (petitioner) is owner of all abutting properties: 1313 North Grant; 318 East 18th Street; and 405 East 17th Street

This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

I (we) agree that the applicant will provide a list of and notify all adjacent property owners by certified mail at the applicant’s expense.

I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant’s expense.

I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.

Signature: _____ Date: September ____, 2016



116 West 6th Street, Suite 200
P.O. Box 2639
Bloomington, Indiana 47402-2639
TEL: 812.332.6556
FAX: 812.331.4511
michael@carminparker.com

August 5, 2016

Common Council
City of Bloomington

RE: Petition for Vacancy of Public Right-of-Way
Our File No.: 23596-3

RCR Properties, LLC petitions for vacation of a part of the North Grant Street right-of-way. The right-of-way area to be vacated is approximately 120 feet by 50 feet consisting of 0.14 acres. The specific legal description of the right-of-way is enclosed, and generally described as that part of Grant Street extending south of 18th Street..

Petitioner has a PUD zoning petition pending for the redevelopment of the property surrounding the right-of-way area.

Grant Street is intermittent. The platting of Grant Street did not include the area extending from approximately 120 feet south of 18th Street through to 17th Street. Grant Street exists from 17th Street to 15th Street. Grant Street was not platted and is not opened from 15th Street south to a point south of the railroad right-of-way, north of the 12th Street right-of-way.

The segment of Grant Street south of 18th Street has been utilized with the current development of the property and appears to be a private access drive to the parking lot at Dunnhill Apartments. The proposed PUD plan will allow a complete redevelopment of the RCR properties. The Plan proposes a greenbelt pathway from 18th Street to 17th Street over and across the Grant Street right-of-way and extending through the remaining 260 feet to 17th Street. The greenbelt will consist of a 12-foot wide hard surface suitable for emergency vehicle use and pedestrian/bicycle pathway with landscaping and rain gardens. The pathway will connect to the multi-use pathway installed along the north side of the 17th Street right-of-way.

The proposed greenbelt pathway over and across the 120 feet of Grant Street right-of-way requires removal of the existing asphalt surface and redevelopment with the landscaped greenway and narrow hard surface pathway. As a part of the PUD plan, petitioner will enter into a covenant to maintain the greenbelt pathway, which will include perpetual maintenance of the portion of the greenbelt that is constructed after vacation of the Grant Street right-of-way.



August 8, 2016

Page 2

Current utilization of Grant Street in the area proposed for vacation is an access drive to parking lots for Dunnhill Apartments. The right-of-way historically has had no general use by the public, other than for access to Dunnhill Apartments. The existing right-of-way is paved the full width and length of the right-of-way.

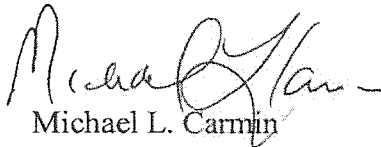
FUTURE STATUS: There is minimal potential for future public utilization of the Grant Street right-of-way. There is likely no future public utilization of the Grant Street right-of-way unless it is coupled with a taking of additional 260 feet to extend Grant Street from the end of the public right-of-way south to 17th Street. Extension of Grant Street is not a desirable future use. Extension of Grant Street would be inconsistent with the desire expressed in comments to the PUD plan to limit left turns onto 17th Street. Purposed parking facilities on the redeveloped RCR properties will limit access to 17th Street as right in and right out of the parking facility. Extension of Grant Street as a public street to 17th Street would be in conflict with the effort to limit traffic attempting left turns onto 17th Street.

PROPOSED PRIVATE OWNERSHIP UTILIZATION: The purposed utilization of the vacated Grant Street right-of-way provides public benefit through a dedicated pedestrian/bicycle connection extending from 18th Street to 17th Street. The proposed greenbelt enhances landscaping and rain garden features. The greenbelt utilization of the right-of-way assists in promoting alternate transportation.

COMPLIANCE WITH REGULATIONS: Vacation of the segment of the Grant Street right-of-way enhances the ability to redevelop the RCR properties under the PUD development plan approval process to control traffic, promote alternate transportation and meet site development standards. Vacation of the Grant Street right-of-way does not adversely affect parking. Historically there has been no parking or general public utilization of the Grant Street right-of-way. Vacation of the right-of-way will have no adverse effect on public use.

RELATIONS TO PLANS: Use of the Grant Street right-of-way south of 18th Street is not a component of any master plan, neighborhood plan or thoroughfare plan. There has been no proposal for extending Grant Street from 18th Street to 17th Street. Vacating the right-of-way will facilitate the development of the greenbelt with emphasis on bicycle/pedestrian use, which is consistent with the City of Bloomington's growth policies and alternate transportation plans.

Very truly yours,


Michael L. Carmin

MLC/srh
Enclosure
398507



Committed to Client. Committed to Community.

LEGAL DESCRIPTION-GRANT STREET VACATION

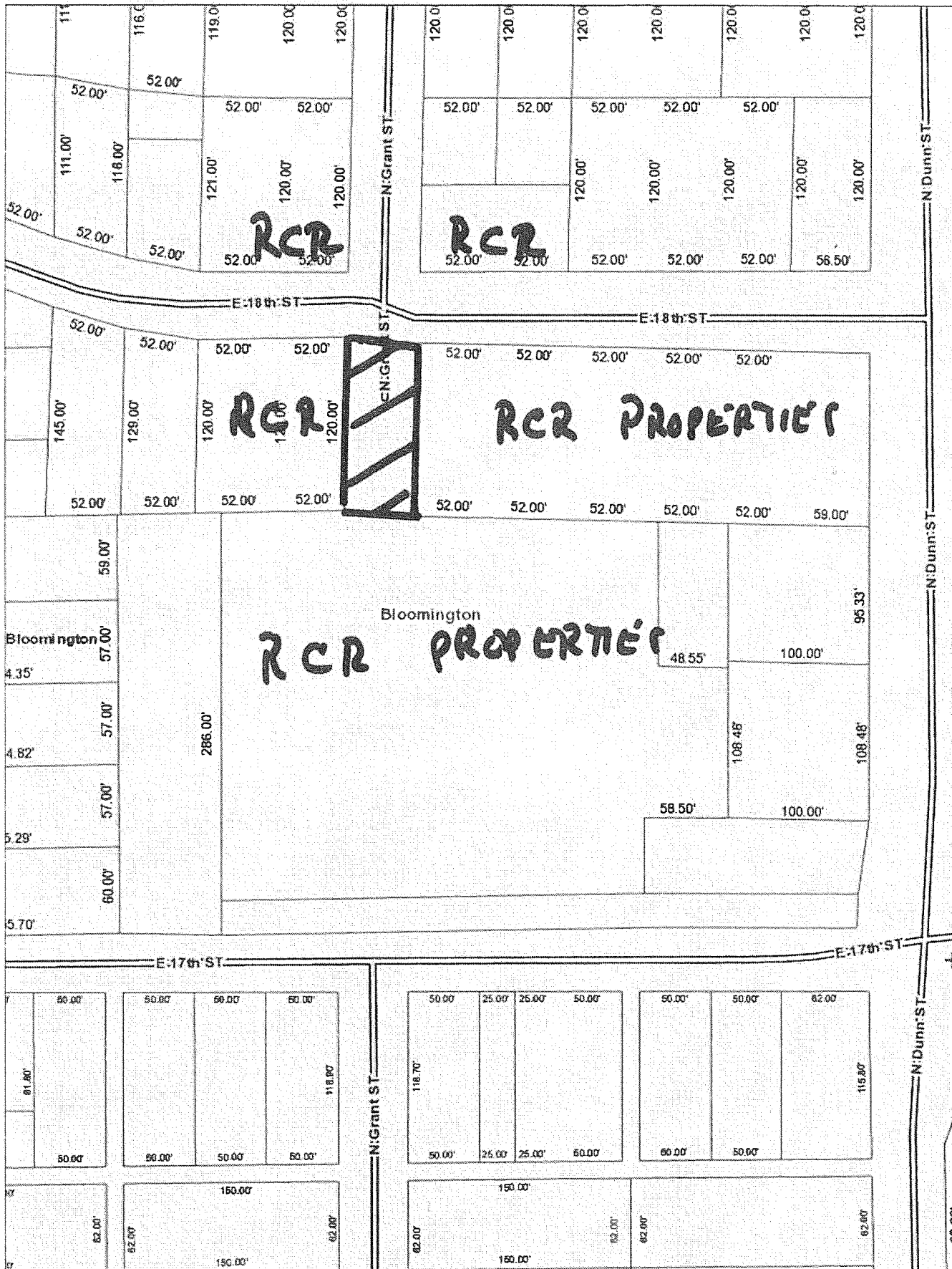
A PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER;
THENCE NORTH 89 DEGREES 57 MINUTES 09 SECONDS WEST (ASSUMED) ALONG THE
SOUTH LINE THEREOF 26.61 FEET; THENCE NORTH 00 DEGREES 25 MINUTES 23
SECONDS WEST 425.70 FEET TO THE SOUTH RIGHT OF WAY LINE OF 18TH STREET;
THENCE NORTH 89 DEGREES 39 MINUTES 32 SECONDS WEST ALONG SAID SOUTH
LINE 316.99 FEET TO THE EAST RIGHT OF WAY LINE OF GRANT AND THE POINT OF
BEGINNING; THENCE SOUTH 00 DEGREES 20 MINUTES 06 SECONDS WEST ALONG
SAID EAST LINE 120.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF GRANT STREET;
THENCE NORTH 89 DEGREES 59 MINUTES 27 SECONDS WEST ALONG SAID SOUTH
LINE 50.70 FEET TO THE WEST RIGHT OF WAY LINE OF GRANT STREET; THENCE
NORTH 00 DEGREES 20 MINUTES 06 SECONDS EAST ALONG SAID WEST LINE 120.00
FEET THE AFORESAID SOUTH RIGHT OF WAY LINE OF 18TH STREET; THENCE SOUTH
89 DEGREES 59 MINUTES 27 SECONDS EAST 50.70 FEET TO THE POINT OF
BEGINNING. CONTAINING 0.14 ACRES, MORE OR LESS.

PETITION TO VACATE A PART OF GRANT STREET RIGHT-OF-WAY

Abutting property owners:

RCR Properties, LLC (petitioner) is the owner of all abutting property





**City of Bloomington
Planning and Transportation Department**

DEVELOPMENT REVIEW TRANSMITTAL

Date: August 9, 2016

Type of Request: Street Right-of-Way Vacation

Project Name: Dunn Hill Apartments

Owner: RCR Properties, LLC

Location: The subject of this right-of-way vacation petition is a segment of North Grant Street directly south of 18th Street and east of 318 E. 18th Street.

Proposed Use: The land use will not change from the previous use. The petitioners are proposing to construct a new apartment complex. The existing buildings will be demolished and new construction is proposed. The segment of right-of-way proposed for vacation will be used as a greenbelt for pedestrian and bicycle pathway, emergency vehicle access, and green area with rain gardens.

Required Approval: Common Council approval

TENTATIVE SCHEDULE

We need your comments by: August 23, 2016

First Common Council hearing: as scheduled

Second Common Council hearing: as scheduled

Final Common Council hearing: as scheduled

SIGNIFICANT ISSUES AND QUESTIONS

The petitioner is seeking right-of-way vacation of a north/south segment of North Grant Street approximately 120 feet by 50 feet. The street right-of-way does not run through to E. 17th Street.

Refer to the enclosed site plans.

Please respond in writing concerning the effect this vacation would have upon your provision of service to this area.

Please reply to: Lynne Darland, AICP
Planning Department
City of Bloomington
P.O. Box 100
Bloomington, IN 47402

or

darlandl@bloomington.in.gov

Ord 16-21 To Vacate a Public Parcel

- Re: A 50-Foot by 120-Foot Segment of North Grant Street Located South of 18th Street and East of 1313 North Grant Street (RCR Properties, LLC, Petitioner)

Responses from Utilities and Safety Services
(Available in the Council Office)

I.C. 36-7-3-16 (b) provides that utilities that are occupying and using all or part of the right-of-way for the location and operation of their facilities at the time the vacation proceedings are instituted may continue to do so after the vacation of right-of-way, unless they waive their rights by filing written consent in those proceedings.

Safety Services Interest in the Alley Ways

Police Department *This department has “no opposition to the right of way vacation” for this project.*

Fire Department *“If we are provided the appropriate access to the new buildings the vacation of this portion of Grant Street should not affect the fire department.”*

Utility Interests in the Alley Ways

Vectren *This utility “has a 2-inch mp plastic main on the south side of E. 18th Street, running east to west (but) has no facility within the alley right-of-way.” (Map of location in files.)*

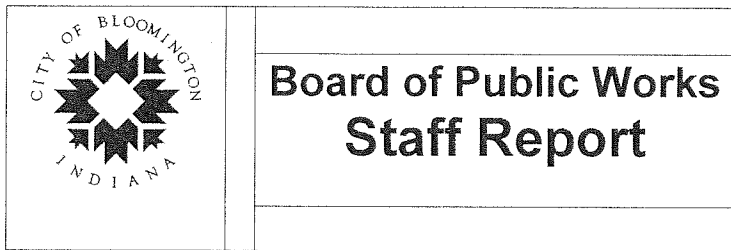
Duke *This utility “has a feeder circuit (in this section of the right-of-way) which provides electricity to a large number of customers in Bloomington ... (and) would need to maintain large truck access through this area and would require an easement securing (their) right to access and maintain our facilities.” (Aerial photo in files)*

Comcast *This utility “has no conflict with the project.”*

City of
Bloomington
Utilities Dept *This utility “currently owns and operates a 6-inch water line within (this right-of-way).” While the proposed “pedestrian/bicycle and green belt ... is not inconsistent with acceptable uses of utility easements...(U)ntil such time as CBU receives certified site, utility, and landscaping plans that are found acceptable to our staff, CBU must at this time withhold its consent to vacate this portion of the public right-of-way.”*

AT&T *This utility “has no facilities in the described right-of-way and has no plans for future construction.”*

City ITS
Department -
Bloomington
Digital
Underground *This utility “would like to see an easement through this corridor for future telecommunication services... (As) it may be the most economical pathway if rock was encountered in other locations.”*



Project/Event: Right-of-way vacation of a segment of North Grant Street

Staff Representative: Lynne Darland, AICP

Petitioner/Representative: RCR, Properties, LLC

Date: 9/9/2016

Report: The subject area of this right-of-way vacation petition is located south of East 18th Street and east of 1313 N. Grant Street. This north/south Grant Street right-of-way segment is surrounded on both sides by the current Dunnhill Apartment complex. The Grant Street segment proposed for vacation measures 50 feet in width by 120 feet in length. The right-of-way does not continue south to 17th Street and is a dead-end segment of right-of-way.

RCR Properties, LLC has requested a rezoning of the existing Dunnhill Apartment complex of approximately 5.95 acres from RH to PUD in order to demolish the existing complex and redevelop the property. The development proposal is to build a new multi-use apartment complex including multi-family housing, leasing office and retail. This segment of Grant Street south of 18th Street was never platted through to 17th Street and currently acts as an access drive into the complex. With this rezone the existing right-of-way would become a green pathway through the complex.

Recommendation and Supporting Justification: Staff sent notices to area utilities and other City entities and found no conflicts with vacating this street right-of-way segment. City Fire, Police, ITS, CBU, ATT Midwest, Comcast, and Vectren have no objections to the proposed vacation. ITS requests an easement to provide for future digital underground installation should it become necessary. CBU has a water line in this right-of-way and will need to work with the developer to assure easements and access over the lines. The developer will pay the cost of moving any lines if that becomes necessary.

Recommend **Approval** **Denial** by _____

ORDINANCE 16-23

**TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED
“HISTORIC PRESERVATION AND PROTECTION”
TO ESTABLISH A HISTORIC DISTRICT –
Re: 2233 East Moores Pike Historic District
(Terry L. Kemp, Owner and Petitioner)**

- WHEREAS, the Common Council adopted Ordinance 95-20 which created a Historic Preservation Commission (“Commission”) and established procedures for designating historic districts in the City of Bloomington; and
- WHEREAS, on July 14, 2016, the Commission held a public hearing for the purpose of allowing discussion and public comment on the proposed historic designation of 2233 East Moores Pike; and
- WHEREAS, at the same hearing, the Commission found that the building has historic and architectural significance that merits the protection of the property as a historic district; and
- WHEREAS, at the same hearing, the Commission approved a map and written report which accompanies the map and validates the proposed district by addressing the criteria outlined in Bloomington Municipal Code 8.08.010; and
- WHEREAS, at the same hearing the Commission voted to submit the map and report which recommend local historic designation of said properties to the Common Council; and
- WHEREAS, the report considered by the Commission at this hearing notes that this property is an unaltered modern Contemporary style ranch built in c. 1960 which is rated as “Notable” on the State Historic Architectural and Archeological Research Database (SHAARD).

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

SECTION 1. The map setting forth the proposed historic district for the site is hereby approved by the Common Council, and said historic district is hereby established. A copy of the map and report submitted by the Commission are attached to this ordinance and incorporated herein by reference and two copies of them are on file in the Office of the Clerk for public inspection.

The legal description of this property is further described as:

015-60930-00 PT SE 3-8-1W .93A in the City of Bloomington, Monroe County, Indiana.

SECTION 2. The property at “2233 East Moores Pike” shall be classified as “Notable”.

SECTION 3. Chapter 8.20 of the Bloomington Municipal Code, entitled “List of Designated Historic and Conservation Districts,” is hereby amended to insert “2233 East Moores Pike” and such entry shall read as follows:

2233 East Moores Pike.

SECTION 4. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances 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 5. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2016.

ANDY RUFF, President
City of Bloomington

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 _____, 2016.

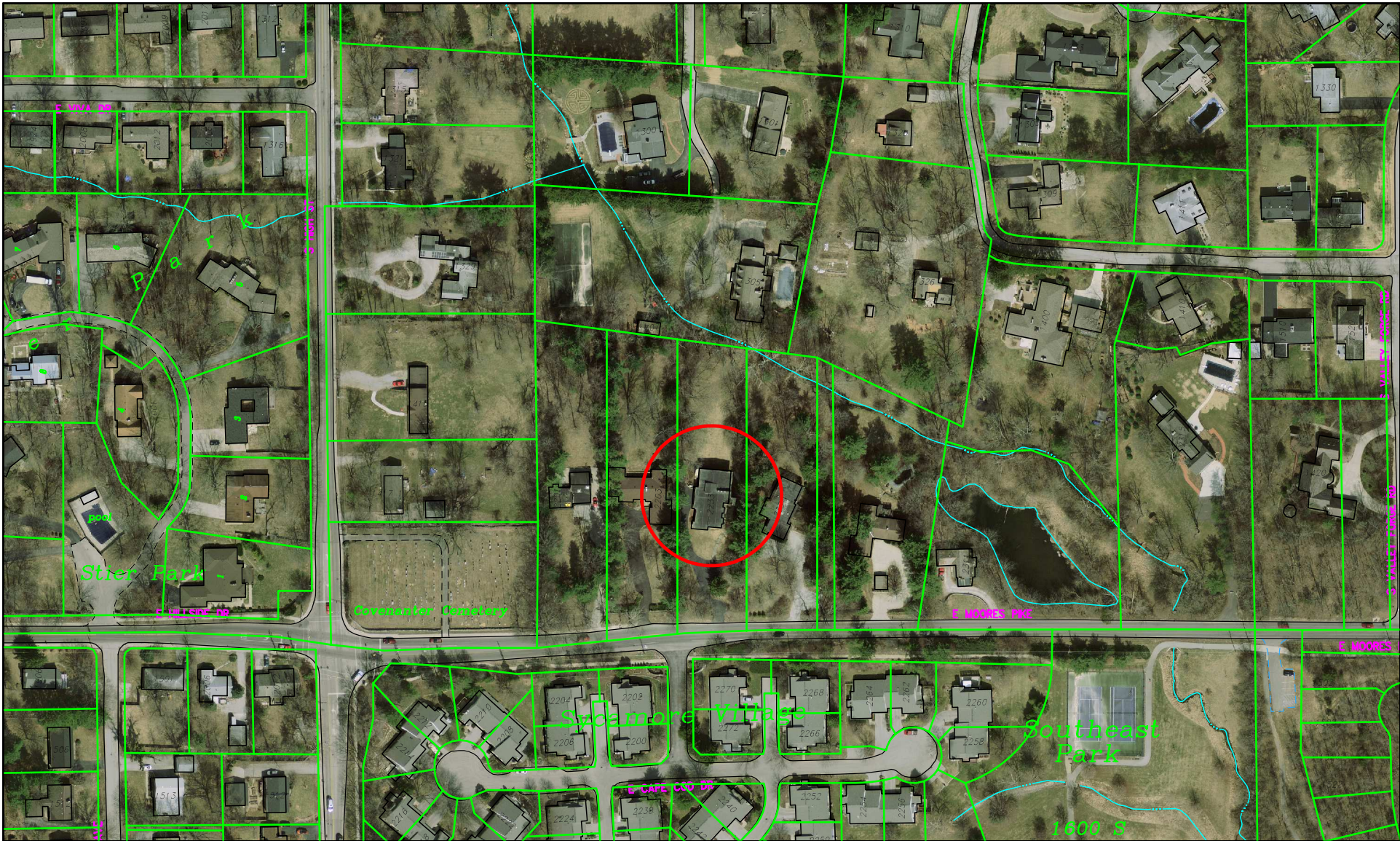
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2016.

JOHN HAMILTON, Mayor
City of Bloomington

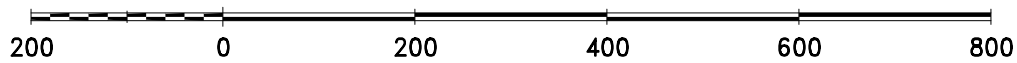
SYNOPSIS

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled “The List of Designated Historic Districts” in order to designate “2233 East Moores Pike” as a historic district. The property owner, Terry Kemp, sought this action and the Bloomington Historic Preservation Commission, after a public hearing on July 14, 2016, recommended that the structure be designated historic with a rating as “Notable.” This rating was based upon certain historic and architectural criteria set forth in BMC 8.08.101 (e) entitled “Historic District Criteria.” Local designation will provide the protection needed to ensure that this property is preserved.



Ord 16-23 – Historic Designation of 2233 E. Moores Pike

By: shermand
15 Sep 16



For reference only; map information NOT warranted.



City of Bloomington
Clerk & Council



Scale: 1" = 200'

MEMO:

To: City of Bloomington Common Council

From: Doris Sims, HAND Director

Bethany Emenhiser, Project Manager

Date: July 22, 2016

Re: Ordinance Designated 2233 East Moores Pike as a Historic District

The property located at 2233 East Moores Pike is an unaltered modern Contemporary style ranch built in c. 1960 which is rated as “Notable” on the State Historic Architectural and Archeological Research Database (SHAARD). This property is owned by Terry Kemp.

Mr. Kemp petitioned the Historic Preservation Commission (“Commission”) to have his property at 2233 East Moores Pike locally designated as historic. The Commission, after providing the legally required notices, held a public hearing on Mr. Kemp’s request on July 14, 2016. Upon considering all of the evidence the Commission voted to recommend local designation of this property and further classified it as “Notable”. With this recommendation the Commission prepared and adopted a Report and a Map, both of which are attached for your review and consideration.

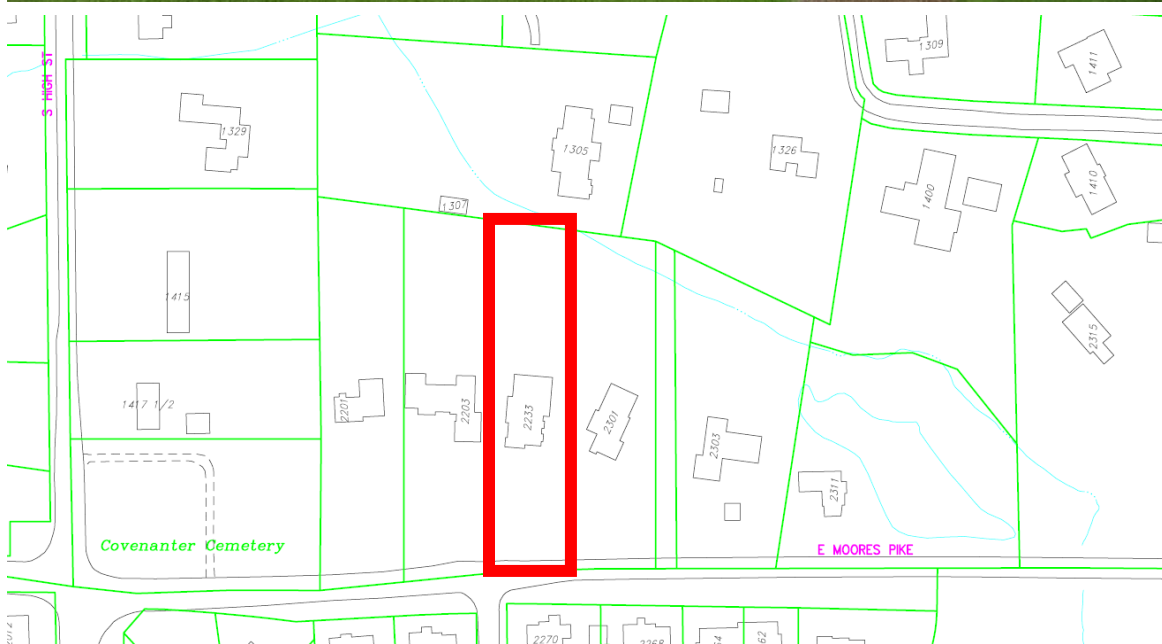
As Mr. Kemp is voluntarily seeking local designation of his own property the Commission determined that it was *not* necessary to place the property in question under interim protection.

Additional details about the history and architecture of this property are more fully outlined in the Commission’s Report.

2233 E. Moores Pike (Professor and Mrs. Roger Russell House)

Staff Report

Bloomington Historic Preservation Commission



Basis for Architectural Significance:

- Embodies distinguishing characteristics of an architectural or engineering type; or
- Exemplifies the built environment in an era of history characterized by a distinctive architectural style.

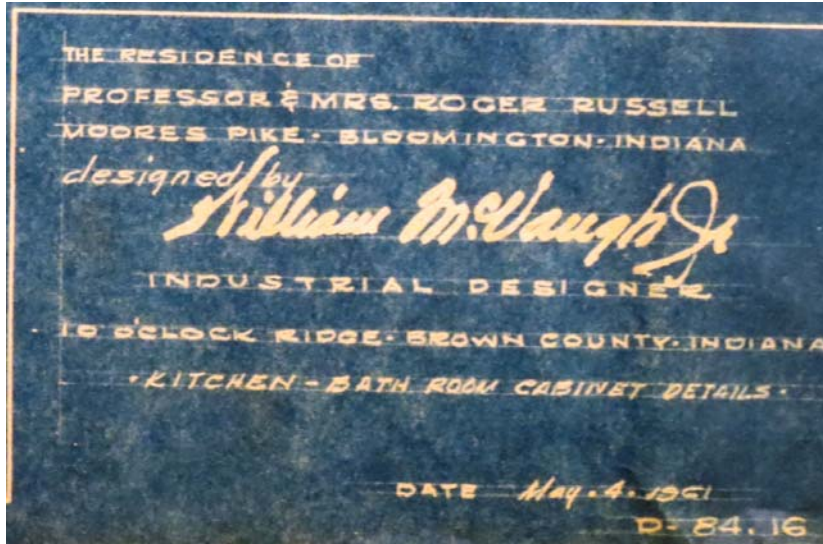


Figure 1: Section of original blueprint framed around the house.

The property located at 2233 E. Moores Pike is just east of the intersection of S. High St. and E. Moores Pike. It is rated as Notable on the Indiana Historic Sites and Structures Inventory (IHSSI), survey number 105-055-61543, was originally designed by William McVaugh Jr. an industrial designer

from 10 O’Clock Ridge, Brown County, Indiana.

Mr. McVaugh Jr. Besides working as an industrial designer, McVaugh Jr. was quite a distinguished American bird artist. He gave up his career as an industrial designer in 1965 to pursue his passion for birds. McVaugh Jr., designed the house for Professor and Mrs. Roger Russel in 1961. Professor Roger Russel was Chair of the Psychology department at Indiana University and Dean of Advanced Studies from 1959-1967. After his time at Indiana University, he moved to the University of California at Irvine to become Chancellor.



Figure 2: 1961 Historic air photo.

The house is rated as Notable and is mostly unaltered from the date of construction. The IHSSI listing rates the property as a Notable, unaltered ranch built in c. 1960. As seen in Figure 1, the property was built in 1961 and is further observed in historic air photos. There is also a 1961 penny found in the concrete steps in the basement. The house is located in a stretch

of similar era and caliber of mid-century design. Among these is the Mr. and Mrs. Lawrence Wheeler and Mr. and Mrs. Bernard Morris house located at 2201 E. Moores Pike and was designed by an Indiana female architect, Gladys Miller, in 1956 and 1968.

The house is rated as Outstanding. There are also two other properties on the survey, 2301 and 2303 E. Moores Pike, listed as Notable and Contributing respectively.

Although, the survey notes its architectural style as a vernacular ranch style, it more closely represents the modern Contemporary style. Contemporary style is often characterized by recessed entries, wide overhanging eaves with exposed beams, low-pitched roofs, broad horizontal-focused façades, open carport, and large expanses of glass and clearstory windows, providing an open feeling connected to the landscape. This style was most prominent between post-WWII and the mid-1960s.



The Modern movement of architecture can be observed in the United States as early as the 1900s with Prairie and Craftsman style, primarily spread through the Midwest by architect Frank Lloyd Wright. In the following decades, the 1930s-1950s, influences from Europe and Germany's modernist architecture and design school,

Bauhaus, brought the International style to America. International style was "machine age" architecture that removed ornamentation that is typical in previous styles or more traditional forms. There was also a more widespread use of new technologies in the form of building techniques and materials, such as steel and wide expanses of glass. Besides integrating characteristics of International style, it also takes the popular ranch style and moves beyond with clean lines and a more freeform feel.

This house is a mix of materials on the exterior consisting of vertical rough wood planking and Brown County sandstone. It maintains original doors and windows, including clearstory windows separating the roof ridge, large rear picture windows and banded vents. The house connects to the outdoors and landscaping the large parcel primarily through large expanses of windows and several porches. Another characteristic element of this style is the broad masonry fireplace. The interior also maintains many of the original features including original kitchen cabinetry and a sunken living room. As styles have changed, many have been filled in over



on

time. This property represents the Contemporary style quite well and remains mainly unaltered since its construction in 1961. As demand for land continues to grow, houses of this era that were built on large parcels of land are at risk of being lost and is therefore worthy of protect for future generations.

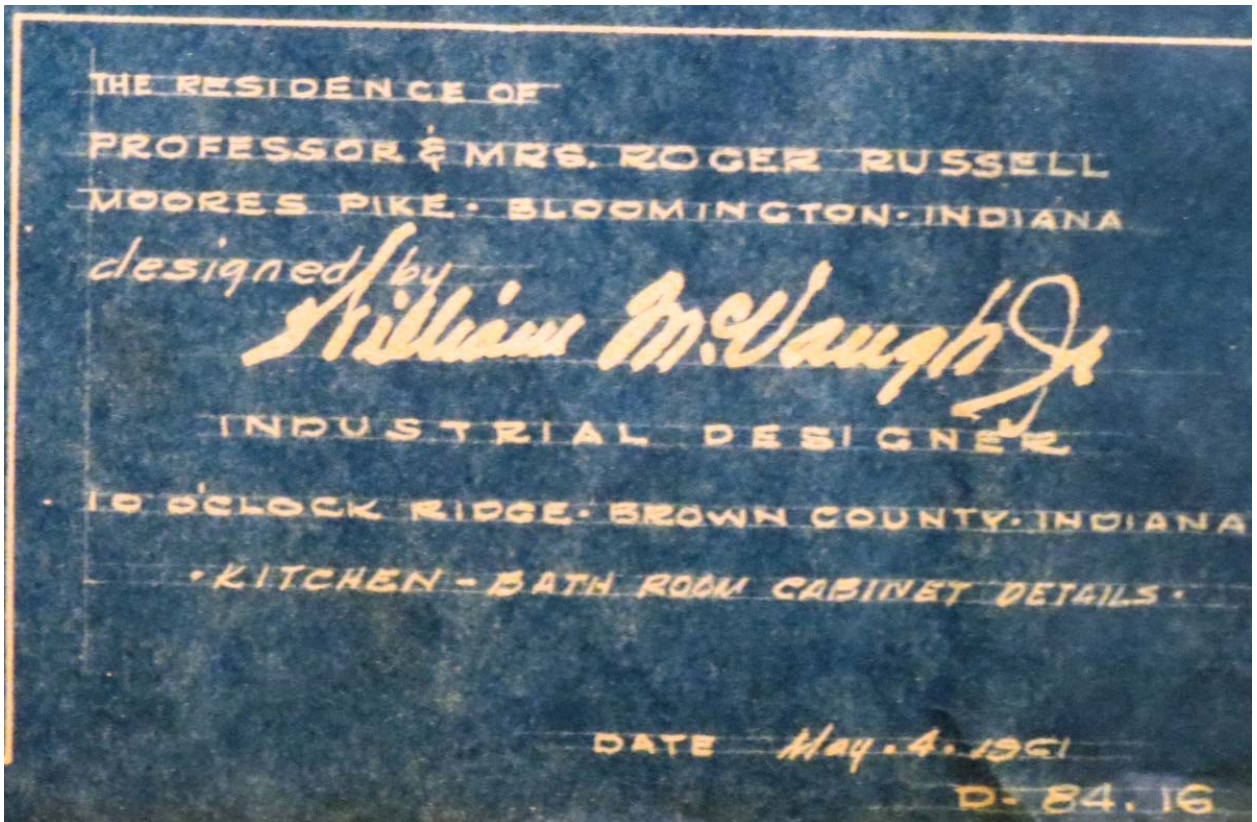
1961 Airphoto



1967 Airphotos













2201 E. Moores Pike



2203 E. Moores Pike



2301 E. Moores Pike



2303 E. Moores Pike



In the Council Chambers of the Showers City Hall on Wednesday, August 31, 2016 at 6:33 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
August 31, 2016

Roll Call: Granger, Sturbaum (6:34pm), Mayer, Sandberg, Ruff, Volan, Piedmont-Smith, Chopra, Rollo (6:35pm)
Absent: None

ROLL CALL
[6:34pm]

Council President Ruff gave a summary of the agenda.

AGENDA SUMMATION
[6:34pm]

Councilmember Tim Mayer moved to amend the order of business of the regular session to consider legislation in the following order of readings: third readings, second readings and resolutions, and first readings.

The motion to amend the normal order of business received a roll call vote of Ayes: 8, Nays: 1 (Piedmont-Smith).

Motion to Amend Agenda Vote
[6:37pm]

It was moved and seconded to approve the minutes of August 25, 2016, July 13, 2016, and July 12, 2016.
The motion was approved by voice vote. (Volan and Piedmont Smith passed).

APPROVAL OF MINUTES [6:38pm]

August 25, 2016 (Special Session)
July 13, 2016 (Regular Session)
July 12, 2016 (Special Session)

It was moved and seconded to approve the minutes of December 19, 2001.
The motion was approved by voice vote. (Volan, Piedmont Smith, and Chopra passed).

December 19, 2001 (Regular Session)

It was moved and seconded to approve the minutes of October 03, 2001.
The motion was approved by voice vote. (Volan, Piedmont Smith, and Chopra passed).

October 03, 2001 (Regular Session)

It was moved and seconded to approve the minutes of January 03, 2000.
The motion was approved by voice vote. (Volan, Piedmont Smith, and Chopra passed).

January 03, 2000 (Organizational Session)

Councilmember Steve Volan referenced a story about a dispute at a local meeting regarding Syrian refugees, and reminded the public that the council had passed a resolution endorsing resettlement earlier in the year.

REPORTS

- COUNCIL MEMBERS
[6:42pm]

There were no reports from the Mayor.

- The MAYOR AND CITY OFFICES
- COUNCIL COMMITTEES

There were no council reports.

President Ruff called for public comment.

- PUBLIC

Gabe Rivera spoke about the war on drugs.

There were no appointments to Boards or Commissions at this meeting.

APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved and seconded that Resolution 16-12 be introduced and read by title and synopsis only. Clerk Nicole Bolden read the legislation by title and synopsis.

It was moved and seconded that Resolution 16-12 be adopted.

It was moved and seconded to adopt Amendment 01 to Resolution 16-12:

Amendment 01 Synopsis: This amendment is sponsored by Councilmembers Piedmont-Smith and Volan as a result of discussions with the staff of the Economic and Sustainable Development Department and the Petitioner. It proposes a front-loaded ten-year period of abatement in exchange for making 15 bedrooms of work force housing available for at least ninety-nine (99) years.

Councilmember Isabel Piedmont-Smith introduced Amendment 01.

Volan added that the amendment was the result of a great deal of discussion between all parties involved, and thought that the resulting amendment was a substantial improvement. He said that he and Piedmont-Smith believed that this was the better way to wield tax abatements to bring affordable housing to Bloomington, and that the idea of extending affordability to almost a century was very appealing. He encouraged the petitioner to speak to the amendment as well.

Steve Hoffman, H.M. Mac Development, LLC (petitioner), concurred with the statements of Volan and Piedmont-Smith. He said that his company felt it was a great step not only for the company, but for the city as well.

Councilmember Dave Rollo clarified that the city had invested quite a bit in that section of the downtown.

Piedmont-Smith noted that with the resolution the council was declaring the area an economic revitalization area.

Volan did not disagree with Rollo's concern, and noted that Piedmont-Smith was also correct. He thought the larger concern was to focus on how the council used tax abatements and to establish a new standard for their usage.

Piedmont-Smith added that in trying to give context to the development, she did not convey what she meant, which was that the site had not been developed in a very long time and had old buildings from which the city was getting very little property tax at the time, and that the focus was on the affordable housing and the public benefit.

Councilmember Allison Chopra asked who initiated the amendment.

Volan responded that the petitioner came before the council with a request for a three-year abatement for seven bedrooms. In response, Volan and Piedmont-Smith approached the petitioner about going bigger.

Rollo expressed his appreciation to the developer and to his colleagues. He called the amendment a tremendous improvement that was good for Bloomington housing and the community and hoped to see more in the future.

Councilmember Chris Sturbaum said that the area needed redevelopment and support. He commented that he was very

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Resolution 16-12 – To Confirm Resolution 16-11 Which Designated an Economic Revitalization Area, Approved a Statement of Benefits, and Authorized a Period of Tax Abatement for Real Property Improvements – Re: Properties at 405 S. Walnut Street; 114, 118, and 120 E. Smith Avenue; and 404 S. Washington Street (H.M. Mac Development, LLC, Petitioner) [6:46pm]

Amendment 01 to Resolution 16-12:

Council Questions:

Council Comment:

pleased with his fellow councilmembers for negotiating the increase in affordable housing. He added that the market was not going to build that type of housing on its own, and that type of abatement was a new tool for the city. He thanked everyone for their action on this amendment.

Amendment 01 to Resolution 16-12 (cont'd)

Councilmember Susan Sandberg said that she was very pleased to support the amendment and thought that it was a better use of the tool of the tax abatement. Sandberg hoped the abatement set the bar, and added that the length of the affordability made the abatement a good model as developers stepped forward. She thanked everyone for coming to an agreement on the amendment.

Chopra thanked Volan and Piedmont-Smith for their foresight and understanding of the need to set a precedent. She saw the abatement as setting a standard.

Piedmont-Smith thanked the petitioner for his patience through the process. She noted that she is not a fan of tax abatements, but agreed with Sandberg that this is a different type of abatement. She discussed the fact that affordable housing was a top priority of the administration and the council, and had been discussed as a serious shortage throughout the community. She saw the abatement as an example of the council putting its money where its mouth was, and forgoing some of the tax income in order to make the affordable units a reality. She thought that it was a really good model for future developers to follow.

Volan thanked Piedmont-Smith for her work on the amendment. He commented that by taking this action the council was explicitly encouraging developers to approach the city for tax abatements if it meant that it would bring affordable housing to the city. He said that the exception to this precedent would be the front-loading of the benefit in the first five years, which he would not support in future projects, but did in the case of this amendment due to the costs incurred by the petitioner due to the rush of the amendment deal. He stated it was a precedent-setting tax abatement, and he was very excited. He added that he saw signs of revitalization in the area, which he viewed as a sign of success of tax abatements and other incentives.

Ruff expressed appreciation to the developer, his colleagues, and the administration in particular for their leadership. Ruff stressed to the public that the taxes were not forgone, but were distributed to other taxpayers for the long-term good of the community.

Rollo added that the council had been judicious in its applications of tax abatements in the past, and that this case proved that abatements could be a good thing. He noted that the abatement provided a mechanism for developers to contribute to the public good while still meeting their financial obligations.

The motion to adopt Amendment 01 to Resolution 16-12 received a roll call vote of Ayes: 9, Nays: 0.

Vote to adopt Amendment 01 to Resolution 16-12 [7:11pm]

It was moved and seconded to adopt Amendment 02 to Resolution 16-12.

Amendment 02 to Resolution 16-12:

Amendment 02 Synopsis: This amendment is sponsored by Cm. Mayer and would make the Workforce Housing units available to residents who: (1) hold a full time job (constituting at least thirty five hours per week) and (2) either (a) have a total household income of less than 80% of the Area Median Income for the household size, or (b) have every wage earner in the household earns less than or equal to the Bloomington Living Wage.

It also splits the amount of rent for the Workforce Housing units into separate whereas clauses, but does not change the substance of those provisions from Resolution 16-12 as amended by Amendment 01.

Jason Carnes, Assistant Director of Economic and Sustainable Development, introduced Amendment 02 on behalf of the administration.

Chopra inquired about the language in the amendment that stated a full time job was required, and questioned what would happen if someone worked multiple jobs for a total of 35 hours or more per week.

Thomas Cameron, Assistant City Attorney, responded that the intent was to ensure full time employment, regardless of whether it was achieved through one or more jobs. He added that he spoke to Dan Sherman, Council Attorney, before the meeting about the possibility of amending the amendment if necessary.

Chopra asked why holding a full time job as a concept was important. Cameron responded that it was trying to capture the concept of employment, since it was intended to be workforce housing.

Chopra finished by saying she might like to see an amendment in that.

Volan commented that it was a relatively new idea to have people qualify for affordable housing, and asked what the procedure would be for people to be certified to live in the affordable units.

Cameron replied that the Memorandum of Understanding (MOU) would spell out all of the specifics. He added that what he imagined would happen would be that the applicant would have to start with the petitioner, and then there would be a reporting process to the city.

Volan clarified that the city would certify the applicants' eligibility, and asked how long the process would take. Cameron replied that he thought it would be a fast process based on the number of units.

Piedmont-Smith inquired about the rent amounts listed in the second whereas clause.

Cameron clarified that the intent was to give a concrete amount that was indexed against the consumer price index, just like the living wage.

Piedmont-Smith asked for clarification on what would happen if the city decided to raise the living wage amount.

Cameron replied that the rents would be tied to both the living wage and the consumer price index.

Chopra asked Sherman if the council would be able to get an amendment on the language in the fifth whereas clause. Sherman said that he was writing it.

Cameron said that the administration did not have a problem with a change to the language.

Amendment 02 to Resolution 16-12 (cont'd)

Council Questions:

Volan asked if only one resident in the household had to have a job, which Cameron affirmed was correct.

Amendment 02 to Resolution 16-12 (cont'd)

Cameron explained that there were two ways to income qualify. The first was if the total household income was less than 80% of the area median income for the household size. The second way was if every wage earner in the household earned less than or equal to the living wage.

Volan asked what would happen if there were two unrelated adults living in a unit, and one moved out.

Hoffman responded that the units would have a joint and severable lease, and that tenants would still be responsible for their lease payments.

Chopra asked why there was a two part eligibility test. Cameron explained that the legislation as originally drafted would have worked best only if the tenant was making exactly living wage. He further explained that the eligibility was expanded to make certain that the legislation worked the way it was intended.

Piedmont-Smith asked for clarification on the eligibility requirements with regard to two wage-earners making exactly living wage, and noted that even though their combined income would be over 80% of the median income, they would still be eligible to live in the housing. Cameron agreed that she was correct.

It was moved and seconded to amend Amendment 02 to Resolution 16-12.

Amendment to Amendment 02 to Resolution 16-12

Chopra read the proposed change to Amendment 02, which was to rephrase clause 1 to read "available to residents who work at least 35 hours per week".

There was a brief discussion about moving to Resolution 16-13 as noted in the agenda. Sturbaum noted that the discussion on the current legislation could be wrapped up in less than 15 minutes.

Volan suggested changing the language to use the word job or jobs rather than work, and then asked Cameron if work was legally defined.

Council Questions:

Cameron responded that work usually referred to providing service for a wage.

Sturbaum said that that worked for him.

Ruff said that he agreed, and that otherwise it would be called volunteering.

Mayer asked if the amendment to the Amendment 02 was acceptable to the administration. Cameron replied yes.

Mayer then commented that it should be easy to document income qualifications by using a W-2, a 1099, and a letter from the employer.

Sturbaum commented that the change worked for him.

Council Comment:

The motion to amend Amendment 02 to Resolution 16-12 received a roll call vote of Ayes: 9, Nays: 0ⁱ

Vote to amend Amendment 02 to Resolution 16-12 [7:34pm]

Councilmember Dorothy Granger said that she thought Amendment 02 as amended clarified what the income requirements were, and she was pleased with it.

Council comment on Amendment 02 as amended to Resolution 16-12

Mayer thanked the administration for working through the issues, and thought that the end result was to broaden the field for those who would be eligible, and thus saw it as a win. Sturbaum said that he assumed it could be tweaked over time if it was not working as the council thought.

Council comment on Amendment 02 as amended to Resolution 16-12 (cont'd)

Volan said that the amendment pointed out a shortcoming in the legislation as originally prepared. He thought the broadening of the eligibility was important, and wished there had not been earlier confusion. He thanked the administration for calling the council's attention to the issue.

Piedmont-Smith commented that it was a very clever amendment that fixed problems with the original language, that allowed more people to be eligible, and putting the actual dollar amounts in was helpful. She finished by saying that she appreciated it.

The motion to adopt Amendment 02 as amended to Resolution 16-12 received a roll call vote of Ayes: 9, Nays: 0

Vote to adopt Amendment 02 as amended to Resolution 16-12 [7:38pm]

Mayer thanked the developer for working with the city, and said that he thought it was unique and set new parameters for development in the community.

Council comment on Resolution 16-12 as amended:

Sturbaum said that ultimately it was a math problem to see if these things could work, and commended everyone for working on that math. He thought there was a public good coming out and that the math would work.

Volan explained how tax abatements worked. He discussed that the abatement was a substantial benefit to workforce renters in Bloomington that was the direct result of the tool of a tax abatement. He said that he thought the council would be foolish not to take advantage of the opportunity and encouraged other developers to follow suit. He concluded by stating that he hoped to see similar tax abatements in the future and would be eager to support them.

Piedmont-Smith thanked the developer, administration and the staff. She thought it would be a good project and looked forward to getting an ice cream cone at the new Chocolate Moose.

Ruff thanked the developer in particular, the administration for coming up with the concept, and the council for embracing the idea so enthusiastically. He added that the process may have been messy, but pointed out that it was brand new. He finished by saying he felt good about the outcome.

Vote to adopt Resolution 16-12 as amended [7:43pm]

The motion to adopt Resolution 16-12 as amended received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 16-13 be introduced and read by title and synopsis only. Clerk Bolden read Resolution 16-13 by title and synopsis.

Resolution 16-13 – To Vote in Favor of a Distribution of Public Safety Local Income Tax to Fire Departments and Volunteer Fire Departments that are Operated by or Serve Political Subdivisions not Otherwise Entitled to Receive a Distribution of Public Safety Local Income Tax [7:39pm]

It was moved and seconded to adopt Resolution 16-13.

Sandberg, chair of the council sub-committee, introduced Resolution 16-13. She noted that the council was the last governmental unit to pass the approvals, and that they had to be

Resolution 16-13 (cont'd)

completed, signed, and sent out before midnight that evening. She reminded councilmembers that the memo she wrote for the packet outlined the process by which the sub-committee made their decisions. She discussed the process as robust, measured, and collegial.

Speaking on behalf of the sub-committee, which included Chopra, Piedmont-Smith, and Granger, Sandberg described working with the county and township people as a real pleasure. She added that it was not easy, but also noted that it was the first time. She said that everyone involved thought the final decision was fair with respect to all of the taxpayers. She finished by saying that she hoped the rest of council would approve the recommendations, and noted that there would be other steps needed in the future, but was looking forward to finishing this first leg in the journey.

Volan asked for more detail about the money dispersed, and gave an example of one entity who asked for \$120,000 but received \$25,000.

Council questions:

Sandberg responded that some of the details were not as clear in her memory about the specifics, but a lot of it came down to doing the math. She noted that once the group came up with a set amount, they then had to go back to the original requests, and then had to ask each requester what their first, second, and third priorities were in terms of funding. She said that most of the requesters tended to focus on personnel as their major priority.

Chopra added that the decisions were based on what the townships asked for, and made the allocations based on their proposals. She added, however, that the townships were not under any obligation to spend it in the way the sub-committee intended.

Sandberg added that when there was a set amount, which was the first task of the sub-committee to figure out, the goal was to make sure that everyone got some portion of the funding.

Piedmont-Smith pointed to the specific example of the Richland township fire department, and noted that they were struggling to fund sufficient firefighters to keep their fire station open. She pointed to the number of runs they made, and commented that while people might be able to be served by other fire stations, the alternatives would not be as close. She concluded by saying that the station needed the additional funding to stay open. She said that overall they looked at population served, the number of runs, and some other needs such as danger of closing or absence of a fire department altogether.

Volan asked if the vote of the sub-committee was unanimous or if there was any dissent.

Sandberg replied that the vote was unanimous.

Volan asked if the estimates for dispatch were based on a dollar amount or a percentage regardless of how much the tax actually generated.

Philippa Guthrie, Corporation Counsel, responded that because the estimate of the amount expected was higher, the percentage allocated to dispatch was reduced to 29% instead of the original 30%.

After some back and forth, Cameron clarified for Volan that the last three months of the tax allocation for 2016 would not include a distribution for the fire departments.

Volan asked why the fire departments would not get a distribution. Cameron responded that the legislature wrote the law in such a way that the fire departments would have had to apply for the allocation in July 2015, a year before the tax existed.

Chopra noted that the dispatch was allowed to get a percentage

by the statute, but the body was only allowed to give a dollar amount, so it would not flux, even if the tax was lower.

Resolution 16-13 (cont'd)

Piedmont-Smith asked for more detail about the percentage change.

Guthrie responded that they picked the percentage just for the purpose of avoiding problems.

Chopra commented that she appreciated Sandberg's comments. She added that as chair, Sandberg did an excellent job of making a difficult, confusing, and unprecedented task surprisingly manageable, and thanked her for her guidance.

Council Comment:

Granger stated that it was a great opportunity for all of the municipalities to come together, work hard, and make sense out of something that sometimes seemed nonsensical. She commented that it felt good to help the townships in that small way, and it was a great opportunity. She finished by thanking everyone for participating.

Sandberg noted that, after these decisions, there would be more allocations to be made, and she enjoyed hearing from others in the county what their plans were. She reiterated that they would appreciate full council support that evening.

Volan noted that the goal had been to make sure that public safety was better funded in Monroe County, and that it helped the maximum number of people. He also commented that the county served all of the citizens, regardless of whether they were in an incorporated area or not.

Piedmont-Smith said that it was an eye-opening experience, and that it was great to serve with the other localities. She said that it was too rare that the council got to work with other representatives from other bodies in the county. She also noted how varied and confusing fire protection was for people who live outside of the city limits. She said she did not mean any offense, but wondered if it was the best way to provide efficient public safety services. She also thanked Sandberg for presiding over a difficult process. She noted that they learned a lot that they hoped they could use in the upcoming year and could continue to fund the tax in the future.

Sturbaum said that it was well done to take care of the townships. He offered kudos to all who served in the committee, and noted that they took a big view and did the right thing.

Ruff added that he knew it was a lot of work that was done over the recess period for the city council, and thanked the members who served on the sub-committee. He recognized himself for having the wisdom to delegate as much as possible to his highly capable council colleagues.

Mayer also thanked his colleagues.

The motion to adopt Resolution 16-13 received a roll call vote of Ayes: 9, Nays: 0.

Vote to adopt Resolution 16-13
[8:12pm]

The council took a recess until 8:25pm.

It was moved and seconded to read Ordinance 16-12 by title and synopsis only. Clerk Bolden read Ordinance 16-12 by title and synopsis, giving the committee Do Pass recommendation of 0-3-5.

Ordinance 16-12 – To Vacate Public Parcels – Re: Two 12-foot Wide Alley Segments and Two Fifty-Foot Wide Street Segments Located at the Northwest Corner of West 11th Street and North Rogers Street (Duke Energy, Petitioner) [8:25pm]

It was moved and seconded to adopt Ordinance 16-12.

It was moved and seconded to adopt Amendment 01 to Ordinance 16-12.

Amendment 01 to Ordinance 16-12

Amendment 01 Synopsis: This amendment is sponsored by Councilmember Sturbaum and follows negotiations between Councilmember Sturbaum, the Administration, and Duke Energy Indiana, LLC regarding the construction of the proposed Duke electrical substation. Those negotiations resulted in a Memorandum of Understanding (MOU). This ordinance attaches the MOU as Exhibit A, finds that vacation of the subject parcels are in the public interest provided the MOU is executed by September 2, 2016 and makes the ordinance effective upon adoption and upon the execution of the MOU. The amendment also makes minor changes to correct the Petitioner's name as "Duke Energy Indiana, LLC," rather than the previously cited "Duke Energy." The amendment directs the Clerk to file a copy of the adopted ordinance and the executed MOU with the County Recorder and County Auditor. If the MOU is not signed by September 2, 2016, the ordinance directs the Clerk to append an annotation to the ordinance indicating as much.

Sturbaum introduced Amendment 01 to Ordinance 16-12. He explained that the council, neighborhood groups, and Duke Energy came to several important conclusions about the proposed substation. The first was that they would build a wall, and that Duke Energy would pay for it. He also noted that after the wall was built, the land in front of the substation wall would be available for resale so that private developers could build liner commercial buildings to further help screen the substation as well. He commented that it was a fairly new process for those involved, but the end result would be that the bulk of the wires would be hidden from view.

Christy Langley, Director of Planning and Transportation, gave an overview of the location and the details of the MOU. She noted that Duke would have exclusive eastern access from Rogers and a southern easement. Third parties would have access from Eleventh Street. She also pointed out Duke's reserved setback of 20 feet for exclusive use surrounding the substation. Next, she explained the details of the enclosure wall for the substation. She pointed out, as Sturbaum had, that the MOU allowed for the sale of the remaining land on the site for development purposes. The MOU also dictated that Duke would meet with the city regarding plans for transmission and distribution lines, and hold at least one public meeting. The city, in return, could submit a landscape plan to Duke for review and approval.

Bill Beggs, Attorney from Bungler and Robertson on behalf of Duke Energy, spoke about Duke's efforts to work with city officials and residents while still carrying out their public obligation to Bloomington. He called the agreement a significant investment in downtown Bloomington, and said that they did what they promised to do, and asked the council to approve the ordinance.

Rollo asked about the potential buildable space outside of the wall, when considering the 20 foot setback and the easements, and what could potentially occupy that space.

Sturbaum replied that at the minimum point it was 39 feet including a sidewalk, which meant that a 20-foot building with a lot of frontage or a 30-foot building with a tree plot and sidewalk would fit in the space. He said that he did not remember the exact dimensions on the corner, but thought it was almost 80 feet. He added that the concept was always to include liner buildings, and that the skinniest, practical liner building would be 12 feet in depth. Sturbaum noted, however, that there was ample space for building on the available land.

Rollo asked for clarification, and Langley confirmed that the city development requirements were at least 10-12 feet.

Volan asked for confirmation about the idea that the land would not be built out to the curb in order to accommodate a sidewalk and tree plot, not to accommodate safe parking, which he received.

Volan next asked why the liner buildings are not part of the wall, and why Duke needed 20 feet of space to maintain the wall.

Sturbaum responded that it was discussed, but that it was something that Duke wanted for safety and maintenance reasons.

Mr. Snodgrass, from Duke Energy, explained that there is a ground grid that kept the electrical current steady, and the 20 feet helped to maintain its integrity and safety for the public.

Volan next asked if the ground grid had to extend in all directions around the substation. Snodgrass replied that it extended five feet around the entire station.

Volan asked why, if the grid extended five feet, the wall needed an entire 20 feet of surround. Snodgrass responded that it was needed for future repair space as needed.

Volan asked Langley how wide a typical city alley was, and she replied 6-11 feet.

Volan asked if Duke Energy had trucks that could maintain the space within an 8-11 foot space, because he was concerned about the amount of space that was being reserved for Duke's usage.

Beggs responded that the 20 feet was the result of numerous discussions and previous reductions. He pointed out the difference between an alley and the substation, noting that the equipment that might be necessary to repair a substation would require more space.

Langley corrected her earlier statement, and said she looked up the requirements for private alleys and found that the city alleys are a minimum of 16 feet.

Volan next asked if there would be a height requirement of two stories for the liner buildings so as to fully obscure the wall.

Sturbaum replied that 2-3 stories were allowed, but it would be up to the developer as to how high the building would be.

Volan asked if they could require two stories, and Sturbaum responded that they could not.

Sturbaum asked if there was language about a gate, which Beggs responded that there was.

Sturbaum next asked if the drainage area that could be used for parking was still open for a design plan.

Beggs responded that some of the plans would be determined by developer's needs, but that Duke had considered licensing parking spaces or areas in that drainage area, and that Duke would retain

Amendment 01 to Ordinance 16-12
(cont'd)

Council Questions:

the ownership and make certain to address safety issues as well.

Sturbaum asked if they would make every effort to minimize the consumption of that land for the drainage requirements.

Beggs replied that Duke would not have a lot of say in what the water would do, but that they were willing to consider all of that.

Sturbaum said he had an earlier discussion with a Mr. Peden, during which they discussed the potential for building parking in a manner that would allow for water collection in one corner of the drainage area, and Sturbaum hoped Duke would follow up with the idea.

Responding to Volan's earlier question, Langley told the council that the minimum height requirement for a structure in the area was 25 feet, which was at least two stories.

Volan asked if the set-aside will be a place where vehicles would be parked. Beggs responded that it would not be.

Volan asked if it was something that could be assured in writing, and Beggs replied that they would do so.

Rollo asked if the 20 feet set aside was a common or private easement. Beggs responded that it was not an easement, but was in fact a retained ownership for Duke's exclusive use.

Rollo asked if the 18 foot wall would entirely obscure the view of the substation.

Beggs replied that there would be some poles, lines, and apparatuses visible. However, he noted that it would show far less than if the wall were shorter.

Sturbaum added that some of the visibility was unavoidable, especially since burying the lines was so cost prohibitive.

Piedmont-Smith asked how tall the highest point in the substation was.

Beggs answered that the outer poles were roughly 50 feet, and that the static poles were roughly 5-10 feet taller than those.

Piedmont-Smith asked Beggs if he could compare those numbers to existing substations. He answered that he did not have the exact dimensions but that they were similar.

Rollo asked if the conceptual drawing from the MOU could be put up on screen so the public could see what they were discussing, and Sturbaum explained the drawing, and how the areas could be enhanced in the future.

Volan asked if any buildings would have exit access in the 20 foot setback.

Sturbaum answered that he had a similar concern, and that while Duke was not ready to commit to that, they did leave the door open to negotiation when the sale of that land occurred.

Beggs added that the setback would remain exclusive to Duke.

Volan expressed that he was not questioning the exclusivity of the setback, but wanted to know if people who were using the easement would have access to the space. Beggs responded that the answer was no.

Sturbaum commented that he understood that Duke had the option to share the space in the future if they chose to do so, which Beggs affirmed. He noted that it was not guaranteed, but that developers could negotiate directly with Duke.

Volan commented that he was concerned about the commercial flexibility of future buildings, and wanted to make sure there was some practical use for the downtown space.

Amendment 01 to Ordinance 16-12
(cont'd)

Beggs responded that he understood Volan's concern, but that they did not know what development would come forward, so they had to retain the setback.

Volan asked if the establishment of an easement in the space was out of the question for Duke.

Beggs answered that at that time the answer was yes.

Sturbaum also added that some of the details could be discussed when the buildings were sold. He also commented that building designers could work out the narrowness of the buildings.

Volan asked if Sturbaum could envision any construction along the wall that was not continuous. Sturbaum replied that he did not think so, but he could not see into the future. Further discussion between the two ended with Sturbaum noting the purpose of making the wall look like brick was to make certain that any gaps would look like another building.

Granger asked if there would be any signage in the area. Beggs answered that safety signage was required. He added that there were no plans to add any other type of signage.

Piedmont-Smith asked about the city's right to install landscaping around the wall. Beggs answered that Duke would have to vet any plans, but that they appreciated the city helping with the substation landscaping.

Piedmont-Smith asked where the money would come from for the landscaping.

Sturbaum replied that the Deputy Mayor had promised the money but that they had not discussed exactly where it would come from. He expanded further by saying that the MOU allowed for an option for the city to buy the remainder land if it did not sell to developers within five years.

Gene DeFelice spoke and offered kudos to all involved for coming together and making sure that they found a good solution for everyone.

Public Comment:

Lucy Schaich, Maple Heights resident, commented that the agreement helped to address many of the concerns that the neighborhood had, and thanked everyone for their work on the site.

Granger said that she was not happy to have the substation so close to the downtown, but she was pleased with the plan going forward. She noted that she was proud of Duke for the concessions they made.

Council Comment:

Sturbaum said that this was a citizen-driven effort that empowered the council, and him on the council's behalf, to negotiate with Duke Energy. He said he was thrilled to see democracy work the way that he thought it should. He found it enlightening to work with Duke Energy, and recognized that they were members of the community as well. He thanked everyone for their cooperation.

Mayer commented on how far the agreement had moved from where it began to where it ended up. He thanked everyone involved in the process for their work.

Rollo said that the agreement was a huge improvement, and thought that the city should place a high priority on developing the land around the substation.

Piedmont-Smith thanked Duke Energy and Sturbaum for all of their work. She said that it was a great lesson in community involvement and democracy, and thought that the city would benefit in both the electricity and the buildings to blend in the trades district.

Amendment 01 to Ordinance 16-12
(cont'd)

Volan commented that the agreement was much better than what they saw in the previous presentation. He talked about his concerns for retail space, which was why he was so focused on the back of the potential buildings. He added that he would like to maximize the length of the buildings, so that the substation could not be seen. Volan added that he was not wholly satisfied with the answers that he received that evening, but he did not feel that it was worth sidelining the entire discussion. He finished by saying that the project was a big win for everyone and that he would support it.

Sturbaum added that he believed Volan was correct, and that the council would have to rely on Duke to take development concerns into consideration.

Ruff commented that it was an extraordinary night in Bloomington civics. He talked about the legislation offered that evening and how it was all new or significant for Bloomington. He spoke about the substation in particular, and noted that neighborhoods and councilmembers frequently came together to advocate, but what he saw as remarkable was that Duke took the time to engage with the community and did something that did not seem likely at the start. He commended the company for their work, and thanked everyone involved.

The motion to adopt Amendment 01 Ordinance 16-12 received a roll call vote of Ayes: 9, Nays: 0.

Vote to adopt Amendment 01 to Ordinance 16-12 [9:33pm]

Volan asked about the fact that Travers City was the only place where there was a building against the wall of a substation.

Council Questions:

Sturbaum agreed that it had been done, but the engineers had expressed shock about the idea.

Sturbaum thanked Marc Cornett and Bruce Calloway.

Council Comments:

Volan said that if something can be done in one place it can be done in another. He said that the irony of the ordinance was that it was an alley vacation that was creating another alley. He added that the city should look into the idea of adding staff who could do the work that Mr. Cornett did for the substation drawings to help the council visualize plans.

The motion to adopt Ordinance 16-12 as amended received a roll call vote of Ayes: 9, Nays: 0.

Vote to adopt Ordinance 16-12 as amended [9:38pm]

It was moved and seconded that Ordinance 16-19 be introduced and read by title and synopsis only. Clerk Bolden read the legislation and synopsis.

LEGISLATION FOR FIRST READING

Ordinance 16-19 – To Rezone a Property from Commercial General (CG) To Commercial Arterial (CA) – Re: 3380, 3440, and 3480 W. Runkle Way (VMP Development, Petitioner)

There were no comments in this segment of the meeting.

ADDITIONAL PUBLIC COMMENT

There were no changes to the council schedule.

COUNCIL SCHEDULE

The meeting was adjourned at 9:41pm.

ADJOURNMENT

APPROVE:

ATTEST:

Andy Ruff, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

ⁱ There was a brief discussion where Sherman referred to a change to the amendment that he thought occurred while he was out of the room, but the amendment to Amendment 02 to Resolution 16-12 was not changed as discussed at this point.

For Approval