

City of Bloomington Common Council

Legislative Packet

Regular Session

Wednesday, 31 October 2012

For legislation and background material for Resolution 12-14, please consult the [Legislative Packet](#) issued in interest of the 24 October 2012 meeting.

All other materials are included herein.

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402
812.349.3409

council@bloomington.in.gov
<http://www.bloomington.in.gov/council>

City of City Hall
401 N. Morton St.
Bloomington Post Office Box 100
n Bloomington, Indiana 47402
Indiana



**Office of the Common
Council**

(812) 349-3409
Fax: (812) 349-3570
email:

council@bloomington.in.gov

To: Council Members
From: Council Office
Re: Weekly Packet Memo
Date: October 26, 2012

Packet Related Material

Memo
Agenda
Calendar

Notices and Agendas:

- **Notice of Council Rules Committee Meeting** on Wednesday, October 31st at Noon in the Council Library

Legislation for Second Reading:

- **Res 12-14** To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana – Re: Building Code Authority
Contact: Tom Micuda at 349-3423 or micudat@bloomington.in.gov
Margie Rice at 349-3426 or ricem@bloomington.in.gov

Please see the [Weekly Council Legislative Packet](#) prepared for the 24 October 2012 Committee of the Whole for the legislation, related material and summary

Legislation and Background Material for First Reading:

- **Ord 12-25** To Vacate a Public Parcel - Re: Alley Right-of-Way Running East/West Between South Gentry Street and the B-Line Trail, South of Kirkwood Avenue and North of West 4th Street (REI Investments, Petitioner)
- Aerial Map of with Vacated Alley Highlighted; Map of Site and Surrounding Zoning; Color Aerial Map; Memo to Council from Lynne Darland, Zoning and Enforcement Manager; Petition; Survey and Legal Description; Letter from Petitioner; Insert Indicating Responses from Utilities and Emergency Services; Plan Staff Report – October 8, 2012 Plan Commission Meeting; Site Plan; Elevations; 3-D Conceptual Renderings; Photos of the Vacated Property
Contact: Lynne Darland at 34-3529 or darlandl@bloomington.in.gov

- **Ord 12-26** To Vacate a Public Parcel - Re: Portion of Morton Street Right-of-Way, South of Kirkwood Avenue and Directly West of the B-Line (CFC, Inc., Petitioner)
 - Map of Area; Aerial Map of Area; Depiction of Plat; Legal Description of Property; Photo of Property; Memo to Council from Lynne Darland, Zoning and Enforcement Manager; Petition and attachments; Letter from Petitioner; Elevations and Floor Plans; Insert Indicating Responses from Utilities and Emergency Services; Aerial of Property in Relation to CBU Water line
Contact: Lynne Darland at 349-3529 or darlandl@bloomington.in.gov

Minutes from Regular Session:

- June 20, 2012

Council Schedule:

- Announcement Regarding Consideration of the Deer Task Force Report

Memo

Reminder:

**Staff-Council Internal Work Session at Noon on Monday
in the McCloskey Room**

**Council Rules Committee Meets at Noon on Wednesday
in the Council Library**

**One Resolution Ready for Second Reading and Two Ordinances Ready for
Introduction at the Regular Session on Wednesday, October 31st**

There is one resolution ready for second reading and two ordinances ready for introduction at the Regular Session next Wednesday. The resolution can be found online as indicated previously in this memo. The two ordinances can be found in this packet along with related material and are summarized herein.

Please note that the repeal and re-enactment of Title 16 (Housing Inspection) originally scheduled for this cycle will not be introduced on Wednesday, but is expected to be considered later this year.

First Readings:

Introduction to Two Vacations of Right-of-Way Proposed for this Legislative Cycle

The two items under First Readings are ordinances that propose the vacation of two right-of-ways which run into or along the B-Line Trail just south of West Kirkwood. **Ord 12-25** would vacate a 12 x 113 foot segment of an alley right-of-way lying under the drive-through bank facility located just east of the B-Line Trail and west of the Chase Building and Gentry Street to make way for a Hyatt Hotel. **Ord 12-26** would vacate a 25 x 138 foot segment of Morton Street south of West Kirkwood which currently serves as a parking lot and would house the relocated drive-through facility.

The following paragraphs will describe the procedures for vacating right-of-ways and then briefly describe these two proposed actions.

General Vacation Procedures

Vacations of right-of-ways are governed by specific statutory procedures set forth at I.C. 36-7-3-12 et seq. and start with the Petitioner filing a petition with the Council. Under these procedures, the Clerk must assure that owners of property abutting the right-of-way are notified by certified mail of the proposed action and must also advertise the hearing wherein the public may offer the Council its comments and objections (November 14, 2012). 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 area and 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 Department. Lynne Darland, Zoning and Enforcement Manager, 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), she 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 and generally has the effect of splitting the right-of-way between the owners of adjacent

lots. In order to assure that the petitioners will, in fact, develop the site as proposed, the Plan Department actions include a recordable commitment that returns the vacated parcel to the City in the event the project does not go forward.

The following applies the local criteria to this request and is a summary derived from reports and background material provided by the Plan Department.

Item One - Ord 12-25 - Vacating a Segment of the East/West Alley in the Middle of the Block Bounded by West Kirkwood, Gentry Street, Fourth Street and the B-Line Trail (REI Investments, Petitioner)

Ord 12-25 vacates a segment of the east/west alley in the middle of the 200-block of West Kirkwood bounded by Gentry Street on the east, Fourth Street on the south and the B-Line Trail on the west. The petition was brought forward on behalf of REI Investments (Hyatt Place) in order for them to build a Hyatt Hotel.

Petition – Description of Proposed Project

This alley lies under a drive-through bank facility located about a block west of the courthouse square. The Petitioner submitted a plan for a hotel at this site to the Plan Commission for its approval. After hearings in September and October, the Commission approved the site plan by a vote of 7 - 1, the highlights of which include:

- a 168-room, hotel with 130 spaces of structured parking accessed off the south end of Gentry and located on the second and third floors;
- a modern design with limestone, brick, stucco, glass and “Terra Neo” exterior with the main entrance at West Kirkwood and Gentry Street;
- a higher, seven-story profile along West Kirkwood and Gentry Street and a lower, three-story profile along the B-Line Trail;
- active spaces on the first floor along West Kirkwood and the B-Line Trail that will feature lobby space, a dining/bar area, a fitness room, and swimming pool (but no retail nor pedestrian entrance along West Fourth Street);
- a narrow one-way drive (Gentry Street) with a striped loading zone on the east side, but no sidewalks on the hotel side of the street; and
- numerous waivers which the Staff Report to the Plan Commission attributes to the hotel use, modern design, the need for parking, and public or streetscapes on all four sides of the building;

Concerns of Surrounding Property Owners. The Memo from Darland does not mention any concerns from neighbors. Representatives from Stardust Development Inc., which owns the property south of the Chase building, and Wonderlab, spoke at the Plan Commission. Both supported the project, but the representative from Stardust Development Inc. had some concerns about the lack of a sidewalk, the deliveries and trash disposal that will occur next to his buildings, and the presence of overhead power lines that he hoped could be addressed during construction.

Description of Vacated Property. This property includes an approximately 12-foot wide alley right-of-way running east/west about 113 feet in the middle of the block bounded by West Kirkwood, Gentry Street, West Fourth Street and the B-Line Trail. This alley is aligned with the one splitting the block to the east, but currently lies under a drive-through bank facility. Please note that the survey map and the legal description of this right-of-way were provided by the Petitioner and the legal description is also set forth in the ordinance.

Interest of Utilities and Safety Services. I.C. 36-7-3-16 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. The Memo and materials indicate no utility or safety service had objections to this petition.

Current Status - Access to Property.

This alley right-of-way lies under a bank drive-through facility and is coming to the Council because proof of a previous vacation could not be located. Given the presence of this building, the Memo mentioned no concerns with access to adjacent parcels via this right-of-way.

Necessity for Growth

Future Status – The Memo indicates that its location between the Chase building and the B-Line Trail “render the right-of-way unimportant for future vehicular circulation” and “finds it far preferable to vacate the right-of-way, aggregate the surrounding properties, and facilitate construction of a downtown hotel that will provide vitality to the downtown and numerous direct and indirect economic development benefits to the City.”

Non-City Utilization – The Memo indicates that CGI Real Estate Holdings, LLC (which has given the petitioner permission to pursue this vacation) owns property to the north and south of the right-of-way and also notes that the Petitioner has worked

with the Parks and Recreation Department to “assure compatibility and trail connections.”

Compliance with regulations –The Memo says that the vacation “will not create any issues regarding compliance with local regulations” and notes that the Plan Commission voted to approve the site plan for the new hotel at its October 8th meeting (by a vote of 7 – 1).¹

Relation to City Plans – The Memo indicates that “the proposal is consistent with City plans” and that “loss of this right-of-way does not conflict with the City’s Thoroughfare Plan.” It also indicates that “encouraging appropriate infill and redevelopment projects in the City’s downtown to enhance vibrancy and diversity is a goal of the Unified Development Ordinance, the Growth Policies Plan, and the Downtown Vision & Infill Strategy Plan.”

In particular, the Memo notes that the property is located in the Commercial Downtown zoning district as well as the Courthouse Square “Character Area” of the Downtown Core Overlay District. “The intent of this district overlay,” it says “is to ensure that the scale and mass of the building is compatible with historic structures in the area, and promote infill and redevelopment using residential densities and building heights that are higher in comparison with other areas in the downtown.”

The October 8th Staff Report to the Plan commission recommended approval of this project and set forth benefits resulting from it, which include an increase in:

- property tax benefits for the Downtown TIF and Innkeepers tax benefits;
- “energy” along the B-Line Trail;
- tourism-related business for surrounding uses; and
- hotel room availability in the downtown.

Approvals and Recommendation

The Memo indicates that the Board of Public Works voted to recommend approval of this action and that the Planning Department supports it as well.

¹ The sole vote against this Site Plan was by Councilmember Sturbaum who opposed the lack of retail along West Fourth Street. Please note that the Plan Commission required Petitioner to provide some “art space” along the first floor of that elevation.

Item Two - Ord 12-26 – Vacating a 25 feet x 138 feet segment of Morton Street right-of-way, south of West Kirkwood Avenue and west of the B-Line Trail.

Ord 12-26 vacates a 25' x 138' segment of Morton Street right-of-way, south of West Kirkwood Avenue and immediately west of the B-Line Trail. This space is located adjacent to a private parking lot owned by CFC, Inc. and the lot encroaches upon this right-of-way. CFC, Inc. is petitioning the City to vacate the right-of-way in the interest of redeveloping this area into an active retail space along the B-Line.

Specifically, CFC plans to move the 8' x 107' limestone Chase drive-through building located west of Gentry to this portion of Morton. The one-story structure would create retail space along the B-Line catering primarily to pedestrians and bicyclists. In the Staff Report to the Plan Commission, City Planners advised this type of retail space along the B-Line is “highly desirable.” While construction of a product of this scale would prove difficult, the re-use of the existing building on the unused right of way” could provide a realistic opportunity to provide such service at a true pedestrian scale.”

As outlined in Ord 12-25 discussed above, this building is being moved from its current location in association with the proposed Hyatt Place Hotel project.

Zoning

The right-of-way is located in both the Commercial Downtown zoning district and the Downtown Core Overlay district. The Overlay intends that new development is congruent with mass and scale of historic buildings of the Downtown Core Area. The limestone structure would be modified slightly to fill in the former teller windows and to add three roll-up doors along the east side of the building to allow future commercial tenants to open small storefronts along the B-Line. Plan advised that the architectural standards of the Overlay District are applicable to new construction and found that the reuse of the structure is preferable to its demolition. The Plan Commission agreed and voted to waive the architectural standards required by the UDO.

Conditions

On October 8, 2012, the Plan Commission unanimously approved the site plan for this project with the following conditions:

1. Approval contingent upon right-of-way vacation by the City Council.

2. A recordable commitment must be recorded with the deed of the property. The commitment as outlined and approved by Planning staff must be filed before the building is moved. The commitment must include the following:
 - If the building is not relocated within 18 months of the vacation, then ownership reverts to the City.
 - The vacated right-of-way may not be combined with any other lot for site development.
 - Use of the property is restricted to: Antique sales; Apparel and shoe sales; Art gallery; Artist studio; Arts/crafts/hobby shop; Barber/beauty shop; Bicycle sales/repair; Bookstore; Convenience store; Fitness/training studio; Florist; Gift shop/boutique; Health spa; Jewelry shop; Museum; Music/media sales; Pet grooming; Photographic studio; Restaurant, limited service; Retail, low intensity; Shoe repair; Sporting good sales; and Tailor/seamstress shop.
3. A minimum of 4 Class II bike parking spaces must be placed within 50' of the Entrance.
4. The structure must maintain a minimum of 10' from the B-Line.
5. The eastern 5' of the property must be placed within an exclusive waterline easement to CBU.
6. All work within the B-Line right-of-way must receive approval from City Parks and Recreation prior to Construction.
7. All required landscaping must be approved species per the UDO.

Concerns of Surrounding Property Owners. The Memo from Darland does not mention any concerns from neighbors.

Description of Vacated Property. A 25' x 138' segment of Morton Street right-of-way, south of West Kirkwood Avenue and west of the B-Line Trail.

Interest of Utilities and Safety Services. I.C. 36-7-3-16 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. City Fire, Police, ITS, ATT Midwest, Comcast, Vectren and Duke Energy have not objections tot the proposed vacation. The City of Bloomington Utilities has a 20” water line located approximately 6’ east of the Morton Street right-of-way. A 5’ wide exclusive water line easement will be placed on the eastern edge of the property to ensure adequate room for repairs and maintenance.

CRITERIA FOR VACATION OF RIGHT-OF-WAY

Current Status - Access to Property. Darland indicates that this right-of-way is not currently used for public access. The right-of-way was long ago paved over for use as private parking. This vacation shifts the use from private parking to active retail.

Necessity for Growth

Future Status – Darland indicates that shifting the right-of-way from use as a private parking lot to commercial retail along the B-Line affords a clear public benefit as “[g]reater utilization of this trail amenity only enhances the vibrancy of downtown.” And that “[c]reating active retail space along the B-Line is a clear goal of the City.”

The proposed area for vacation has 25’ of store frontage. There will not be any vehicular access to this site from a public street. Pedestrian access will be gained from two connections to the B-Line Trail and one pedestrian connection to the sidewalk along Kirkwood.

With this proposal, CFC would remove asphalt from the parking lot and replace it with brick pavers to match the B-Line Trail and add greenspace around the building. The greenspace will be landscaped using UDO-approved plant species and will include a minimum of 24 shrubs and 4 trees.

Private Utilization – CFC, Inc. owns the property to the west. This right-of-way will become property of CFC upon vacation. The Board of Park Commissions owns the B-Line property to the east.

Compliance with regulations – This vacation does not raise concerns about compliance with local regulations.

Relation to City Plans – Darland advises that this proposal is consistent with City plans; she writes:

Encouraging appropriate infill, reuse of buildings, and redevelopment projects in the city's downtown to maintain a vibrant active space are goals of the Unified Development Ordinance, the Growth Policies Plan, and the Downtown Vision & Infill Strategy Plan. Loss of this right-of-way does not conflict with the City's Thoroughfare Plan.

Approvals and Recommendation

On October 8, 2012, the Plan Commission voted unanimously to approve the site plan for this project. Both the Planning Department and the Board of Public Works have recommended that the City vacate this right-of-way.

Happy Birthday Regina Moore – Sunday, October 28th

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
REGULAR SESSION
7:30 P.M., WEDNESDAY, OCTOBER 31, 2012
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: June 20, 2012, 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. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Resolution 12-14 Approval of Interlocal Cooperation Agreement between the City of Bloomington and Monroe County, Indiana - Re: Building Code Authority

Recommendation: Do Pass 9 – 0 – 0

VI. LEGISLATION FOR FIRST READING

1. Ordinance 12-25 To Vacate a Public Parcel -- Re: Alley Right-of-Way Running East/West Between South Gentry Street and the B-Line Trail, South of Kirkwood Avenue and North of West 4th Street (REI Investments, Petitioner)
2. Ordinance 12-26 To Vacate a Public Parcel -- Re: Portion of Morton Street Right-of-Way, South of Kirkwood Avenue and Directly West of the B-Line Trail (CFC, Inc., Petitioner)

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

VIII. COUNCIL SCHEDULE

Announcement Regarding Schedule for Consideration of the Deer Task Force Report

IX. 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 – 28 October – 3 November 2012

Sunday, 28 October

Happy Birthday Regina Moore, City Clerk!

Monday, 29 October

11:45 am Inclusive Recreation Advisory Committee, Allison-Jukebox Community Center,
351 S. Washington St.
12:00 pm Staff-Council Internal Work Session, McCloskey Room
12:00 pm [ImagineBloomington](#) Vision Statement Open House, Monroe County Public Library Atrium,
303 East Kirkwood Avenue
5:00 pm [ImagineBloomington](#) Vision Statement Open House, Monroe County Public Library Atrium,
303 East Kirkwood Avenue
6:30 pm Council for Community Accessibility Annual Awards Ceremony, St. Mark's United Methodist
Church, 100 N. State Road 46 Bypass

Tuesday, 30 October

1:30 pm Development Review Committee, McCloskey
4:00 pm [ImagineBloomington](#) Vision Statement Open House, City Hall Atrium

Wednesday, 31 October

12:00 pm Council Rules Committee, Council Library
2:00 pm Hearing Officer, Kelly
7:30 pm Common Council—Regular Session, Council Chambers

Happy Halloween!! Trick or Treat hours are from 5:30-8:30.

Thursday, 1 November

4:00 pm Bloomington Digital Underground Advisory Council, McCloskey
5:30 pm Commission on the Status of Women, McCloskey

Friday, 2 November

There are no meetings scheduled for this date.

Saturday, 3 November

9:00 am Bloomington Community Farmers' Market, Showers Common, 401 N. Morton

Posted and Distributed: Friday, 26 October 2012



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

NOTICE

COUNCIL RULES COMMITTEE

**Wednesday, 31 October 2012
12:00 p.m.**

**Council Library (Room 110)
CITY HALL, 401 N. MORTON**

Because a quorum of the Council may be present, this meeting may constitute a meeting of the Council as well as of the Rules Committee under the Indiana Open Door Law.

This statement is provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Friday, 26 October 2012

ORDINANCE 12-25

**TO VACATE A PUBLIC PARCEL
- Re: Alley Right-of-Way Running East/West Between South Gentry
Street and the B-Line Trail, South of Kirkwood Avenue and North of West 4th Street
(REI Investments, 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 (REI Investments) has filed a petition to vacate a 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 Clerk and Council Office at 401 North Morton Street, Bloomington, Indiana (47402);

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, a portion of City owned property shall be vacated. The property is a segment of alley right-of-way running east/west between South Gentry Street and the B-Line Trail, south of Kirkwood Avenue in the Original Plat In Lots of the City which is approximately 113 feet long and 12 feet wide and is more particularly described as follows:

A part of the Original Plat Bloomington In Lots, found in the Office of the Recorder, Monroe County, Indiana, and being more particularly described as follows:

BEGINNING at the Southwest corner of Lot 132; thence along the South line of Lots 132 and 131, South 89 degrees 52 minutes 44 seconds East 113.42 feet to the West line of Gentry Street; thence South 00 degrees 20 minutes 00 seconds West 11.98 feet to the North line of Lot 86; thence along the North line of Lot 86, North 89 degrees 54 minutes 46 seconds West 113.38 feet to the Northwest corner of Lot 86; thence North 00 degrees 10 minutes 37 seconds East 12.04 feet to the POINT OF BEGINNING, containing 0.03 acres more or less.

SECTION 2. 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 _____, 2012.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2012.

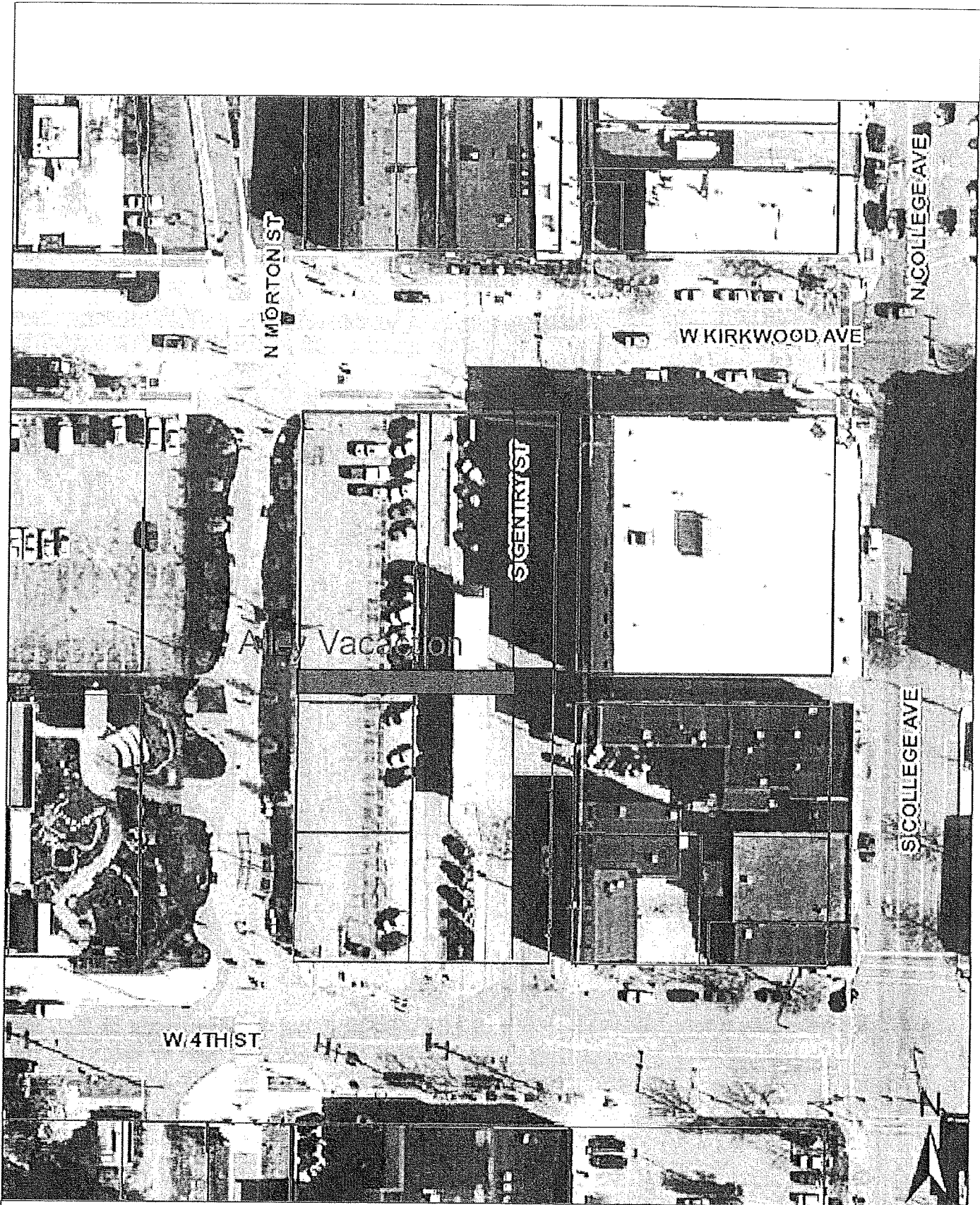
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2012.

MARK KRUZAN, Mayor
City of Bloomington

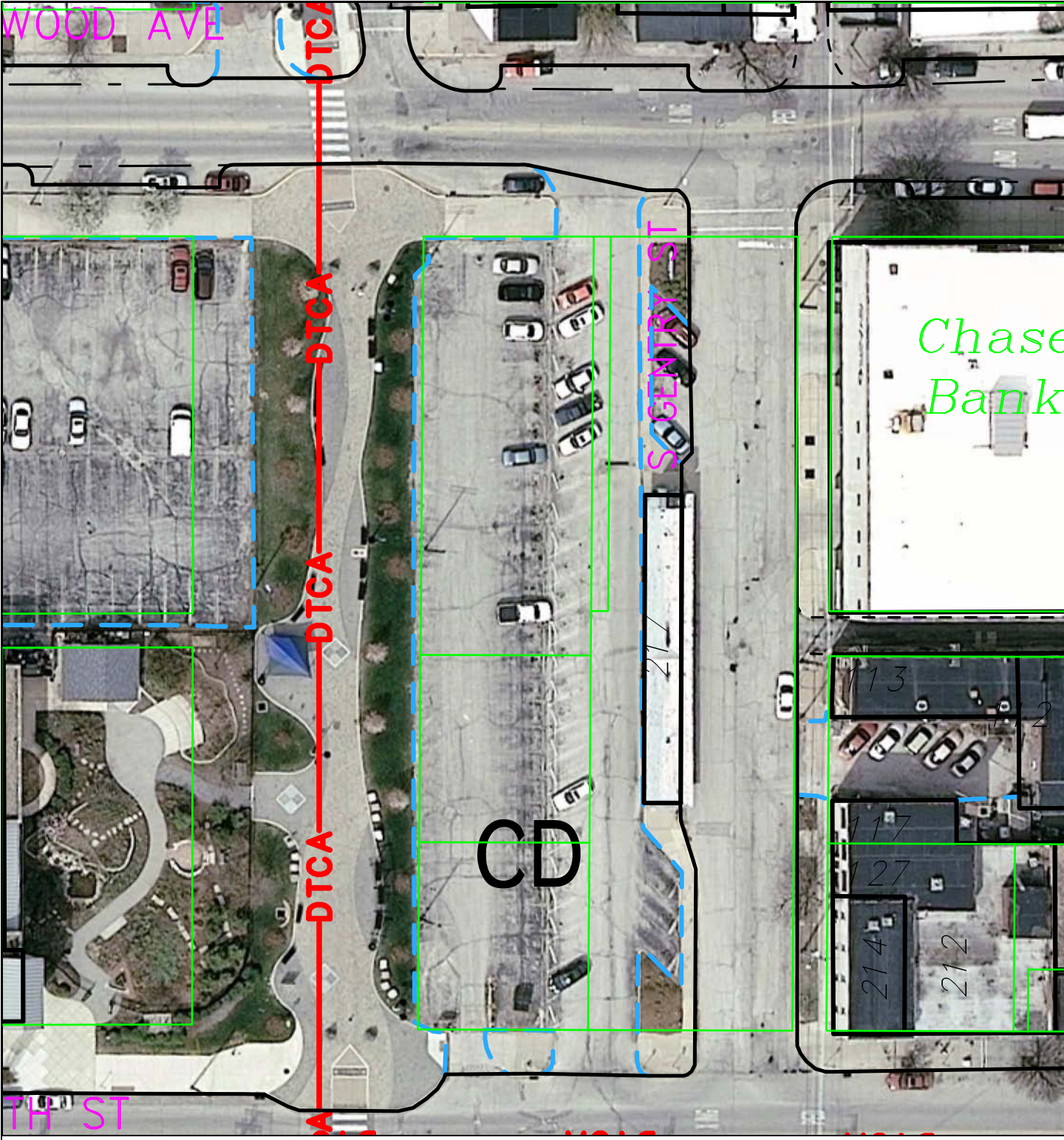
SYNOPSIS

The petitioner, REI Investments, requests vacation of a segment of alley right-of-way bounded by South Gentry Street, the B-Line Trail, West 4th Street and Kirkwood Ave. in order to construct a Hyatt Place Hotel.



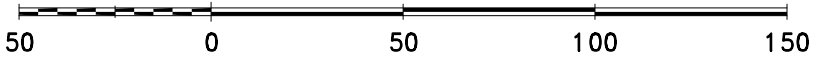
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Printed: 08/22/12

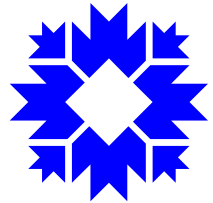


SP-36-12 Hyatt Place
Aerial Photo

By: shayp
3 Aug 12

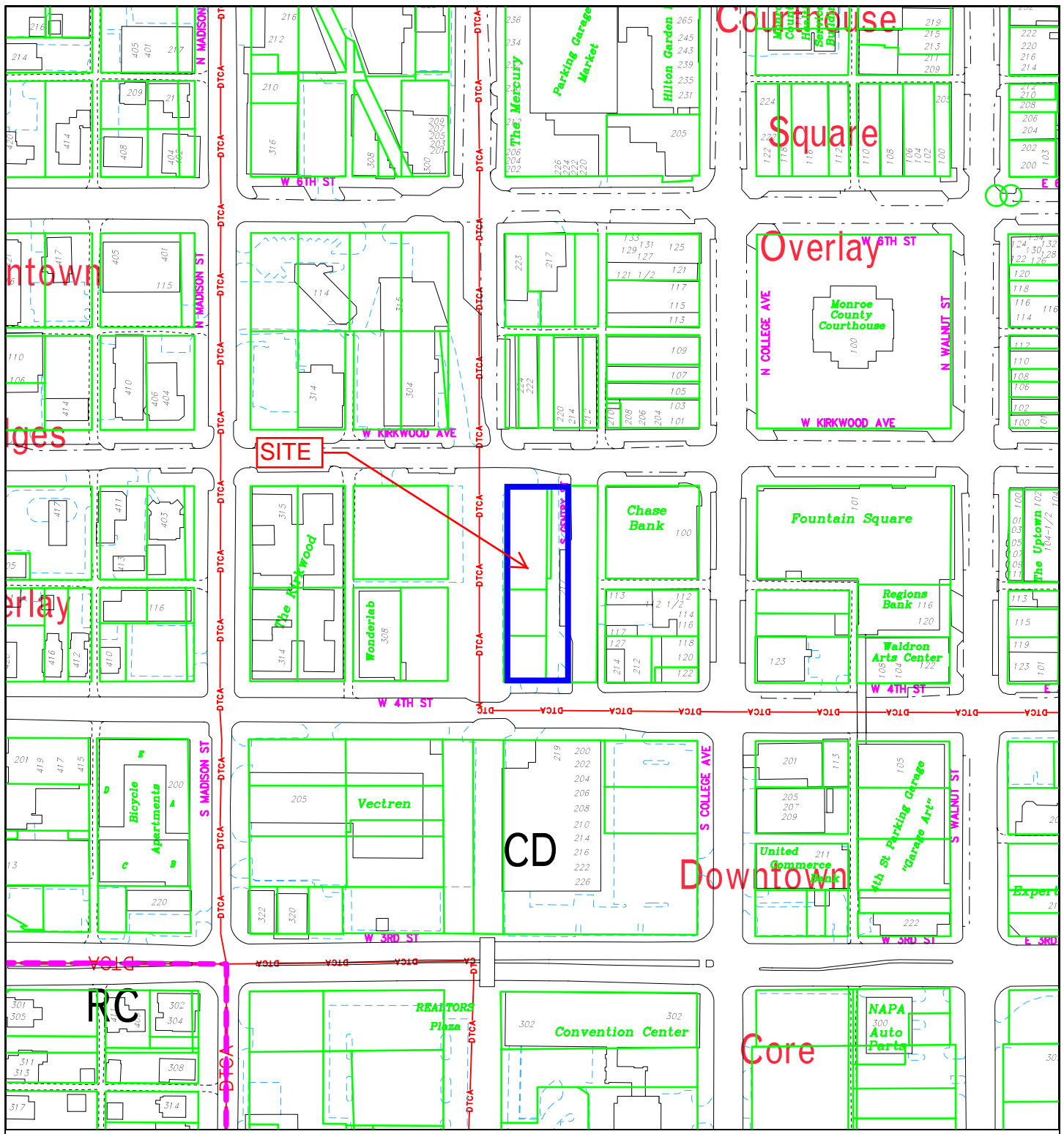


City of Bloomington
Planning



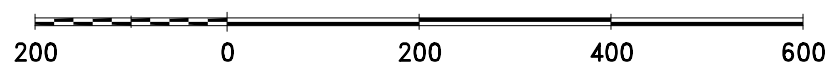
Scale: 1" = 50'

For reference only; map information NOT warranted.



SP-36-12 REI Investments
 217 W. Kirkwood Avenue
 Location/Zoning/Land Use Map

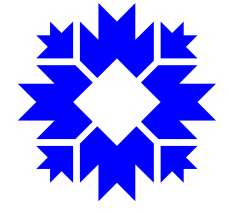
By: shapp
 3 Aug 12



For reference only; map information NOT warranted.



City of Bloomington
 Planning



Scale: 1" = 200'



**CITY OF BLOOMINGTON
PLANNING DEPARTMENT
MEMORANDUM**

DATE: October 10, 2012
TO: City of Bloomington Common Council Members
FROM: Lynne Darland, Zoning & Enforcement Manager
SUBJECT: Request for vacation of alley right-of-way
PETITIONERS: Hyatt Place Hotel (REI Investments)

LOCATION: The location of this east/west alley right-of-way segment is north of West 4th Street and south of West Kirkwood Avenue between the B-Line Trail and Gentry Street. The alley fragment ends at Gentry Street and at the B-Line Trail and runs under an existing bank drive through building and parking lot. The alley right-of-way measures 12 feet wide by 113.42 feet in length.

BACKGROUND: The purpose of this alley vacation request is to allow for the redevelopment of the underutilized portion of the Chase Bank property directly west of the main bank building. The redevelopment project proposed is a Hyatt Place Hotel. This proposed hotel building would encompass the area bordered by 4th Street, Kirkwood Avenue, Gentry Street and the B-Line Trail.

The site plan for the proposed Hyatt Place Hotel was approved on October 8, 2012 by the Plan Commission. The hotel will provide 168 hotel rooms and 130 parking spaces. The parking will be provided in a structured garage on the second and third floors of the hotel. The first floor area facing the B-Line Trail and Kirkwood Ave. will be active space featuring a fitness room, swimming pool, dining/bar area, and lobby space. Access for the structured parking will be from an entrance on Gentry Street. The hotel will be mainly three stories facing the B-Line Trail frontage and seven stories along Gentry Street.

This property is located in the Commercial Downtown zoning district and is also in the Downtown Core Overlay (DCO) district. The intent of this district overlay is to ensure that the scale and mass of the building is compatible with historic structures in the area, and promote infill and redevelopment using residential densities and building heights that are higher in comparison to other areas in the downtown. Within the Downtown Core Overlay District is the Courthouse Square “Character Area”. The Courthouse Square is characterized as the ‘epicenter’ of the downtown and contains the highest concentration of commercial retail storefront buildings. The proposed hotel would support the downtown stores as well as the Convention Center. The hotel use and design were found by the Plan Commission to be consistent with the Downtown Plan.

UTILITY INTRESTS: 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

- 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 was heard by the Board of Public Works (BPW) on October 9, 2012 of this year. The BPW voted to recommend vacation of the right-of-way. City Fire, Police, CBU, ITS, Duke Energy, Comcast, ATT Midwest, and Vectren have no objections to the proposed vacation.

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

1. Current Status - Access to Property.

The right-of-way in question was never improved to achieve usage as a City alley. Rather, a bank drive through building was constructed on top of the right-of-way many years ago. As previously stated, both the Fire and Police Departments find that they can adequately serve the proposed building without use of this right-of-way segment.

2. Necessity for Growth of the City:

Future Status: Clearly, the bank drive through building could be removed and the right-of-way could be improved to serve surrounding development. However, the presence of the B-Line Trail to the west and Chase Bank building to the east render the right-of-way unimportant for future vehicle circulation. Staff finds it far preferable to vacate the right-of-way, aggregate surrounding properties, and facilitate construction of a downtown hotel that will provide vitality to the downtown and numerous direct and indirect economic development benefits to the City.

Proposed Private Ownership Utilization: The only interested party to this right-of-way is CGI Real Estate Holdings, LLC. CGI Real Estate Holdings, LLC owns the property on both sides of this alley right-of-way. Stardust Development, LLC owns the adjacent property to the southeast, and the B-Line Trail runs north/south to the west of this alley. Hyatt Place Hotel (REI Investments) has worked with the Parks Department to assure compatibility and trail connections between the two neighbors.

Compliance with Regulations: The vacation of this alley right-of-way will not create any issues regarding compliance with local regulations. The Plan Commission voted to approve the hotel site plan on October 8, 2012.

Relation to Plans: The vacation of this right-of-way and associated hotel proposal are consistent with City Plans. Encouraging appropriate infill and redevelopment projects into the city's downtown to increase vibrancy is a goal of the Unified Development Ordinance, the Growth Policies Plan, and the Downtown Vision & Strategy Plan. Loss of this right-of-way does not conflict with the City's Thoroughfare Plan.

RECOMMENDATION: Both the Planning Department and the Board of Public Works have recommended that the City vacate the street right-of-way in question.



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

Petition for Vacation of Public Right-of-Way

Ordinance: Ord12-25
Hearings: November 14, 2012

Council Chambers **Regular Session - First Reading** October 31, 2012
401 North Morton Street **Committee of the Whole - Discussion** November 7, 2012
7:30 p.m. **Regular Session – Public Hr & Final Action** November 14, 2012

Address of Property 217 West Kirkwood
Description of Proposed A segment of alley right-of-way running east/west between South Gentry Street
Vacation: and the B-Line Trail, south of West Kirkwood Avenue in the Original Plat In
Lots of the City which is approximately 113 feet long and 12 feet wide

Name of Petitioner REI Investments (Hyatt Place) – Jeremy Stephenson
Address 11711 N. Pennsylvania, Suite 200, Carmel, IN 46032
Phone/email 317-573-6043 (jstephenson@reirealestate.com)

Consultant Stephen L. Smith (Smith Neubecker & Associates, Inc)
Address 453 S. Clarizz Boulevard, Bloomington, IN 47401
Phone (812) 336-6536 [Fax – (812)-336-0513] www.snainc.com

Abutting Property City of Bloomington Parks and Recreation Department, Attention: Mick
Owners (Non- Renneisen, P.O. Box 848, Bloomington, IN 47402
Petitioners):

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.

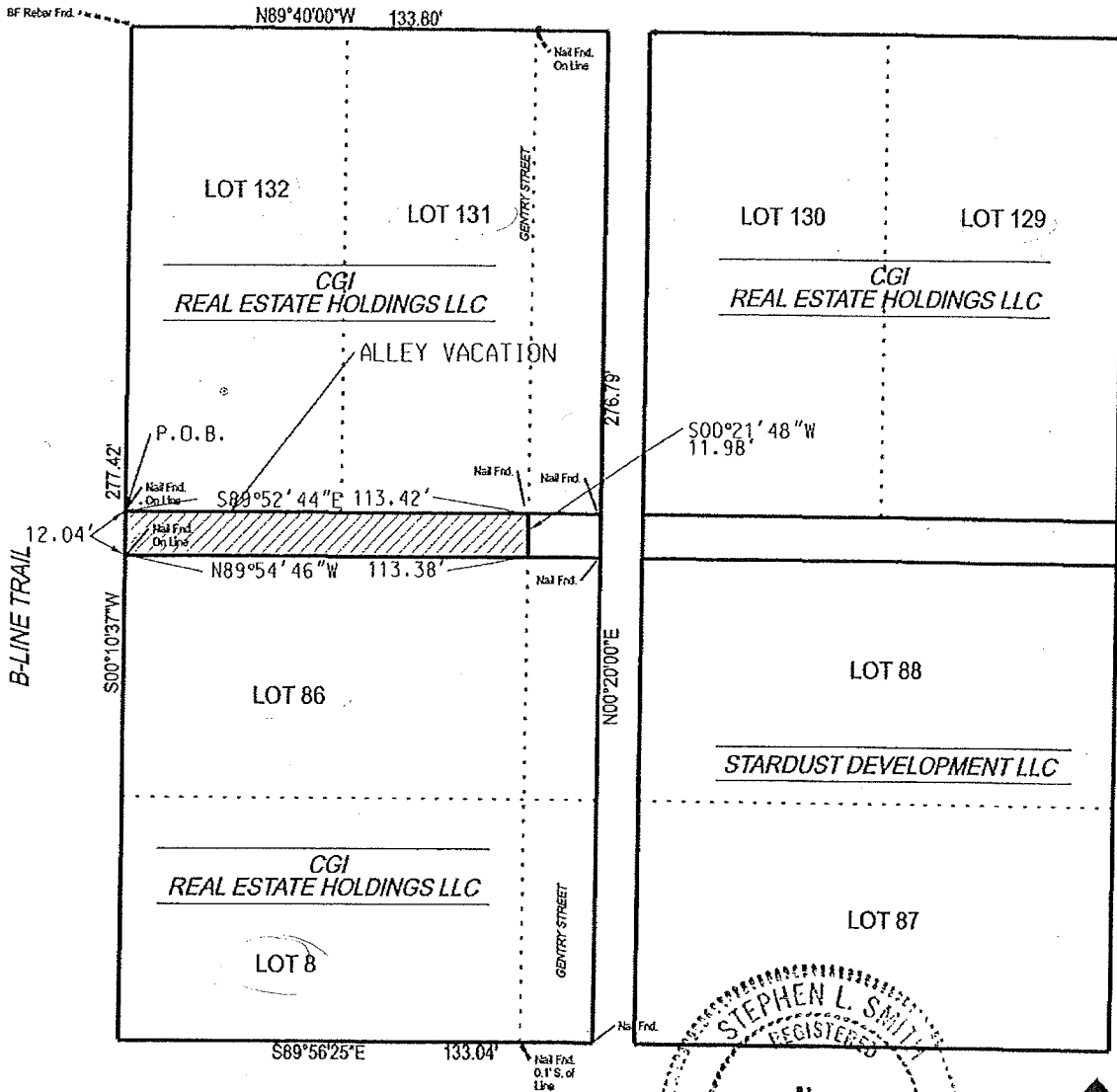
I (we) agree that the applicant will provide a list of and notify all adjacent property owners by certified mail at the applicant's expense.

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.

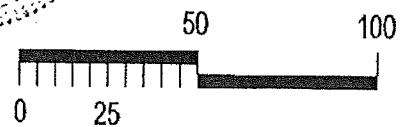
I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.

Signature:  Date: 10/25/12

KIRKWOOD AVE.



STEPHEN L. SMITH
 REGISTERED
 No. S0427
 State of INDIANA
 LAND SURVEYOR
 8/25/12



SMITH NEUBECKER & ASSOCIATES, INC.
 453 S. CLARIZZ BOULEVARD
 BLOOMINGTON, INDIANA, 47401
 TELEPHONE: (812) 336-6536
 FAX: (812) 336-0513
 WWW.SNAINC.COM

ALLEY VACATION EXHIBIT

SCALE: 1"=50'



"Providing professional land planning, design, surveying and approval processing for a quality environment"

Stephen L. Smith, P.E., L.S.
Daniel Neubecker, LA
Steven A. Brehob, BS.CNT.


ALLEY VACATION
LEGAL DESCRIPTION
Job No. 4851

A part of the Original Plat Bloomington In Lots, found in the Office of the Recorder, Monroe County, Indiana, and being more particularly described as follows:

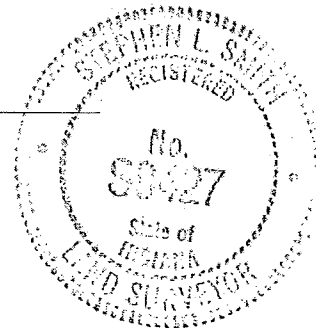
BEGINNING at the Southwest corner of Lot 132; thence along the South line of Lots 132 and 131, South 89 degrees 52 minutes 44 seconds East 113.42 feet to the West line of Gentry Street; thence South 00 degrees 20 minutes 00 seconds West 11.98 feet to the North line of Lot 86; thence along the North line of Lot 86, North 89 degrees 54 minutes 46 seconds West 113.38 feet to the Northwest corner of Lot 86; thence North 00 degrees 10 minutes 37 seconds East 12.04 feet to the POINT OF BEGINNING, containing 0.03 acres more or less.

I hereby certify that the survey work performed on the project shown hereon was performed either by me or under my direct supervision and control and that all information shown is true and correct to the best of my knowledge and belief.

Certified this 23rd day of August 2012.



Stephen L. Smith
Registered Land Surveyor No. S0427
State of Indiana





"Providing professional land planning, design, surveying and approval processing for a quality environment."

Stephen L. Smith P.E., L.S.
Daniel Neubecker L.A.
Steven A. Brehob, B.S., C.E.T.

August 23, 2012

Pat Shay
Planning Department
Showers Building
Bloomington, Indiana

Re: Alley Vacation for Hyatt Place
Pre-Petition

Dear Pat,

This pre-petition for alley vacation is being filed in behalf of CFC (CGI Real Estate Holdings) the current owner of the adjacent parcels and REI Investments the expected purchaser of the adjacent parcels. REI Investments has filed with the Plan Commission for site plan approval for a Hyatt Place hotel on the adjacent parcels.

The right of way is the east west alley Between the B-line Trail and Gentry Street and between Fourth Street and Kirkwood Avenue as shown on the enclosed survey drawing and GIS map. The legal description of the alley is also enclosed. A key map and list of adjoining owners is also enclosed.

The City's "Procedure and Criteria" for vacation of public right of way dictate that the following items be addressed by the petitioner.

Current status and access to the property;

The alley is part of the parking lot normally associated with the Chase Bank building. The Chase Bank drive through building and drive through lanes encroach on the alley. The alley has not been open to normal public use for many decades, if ever.

Necessity for growth of the City;

Future status;

This east-west alley has been vacated and buildings constructed ½ block to the west and 1 block to the east. There is no potential for through continuity for the east west alley. The alley that remains can provide access to the individual adjoining properties.



Proposed private ownership utilization;

Vacation of the alley allows development of a hotel to serve the downtown area and the convention center located one block to the south.

Compliance with regulations;

Site plan application has been made to the Plan Commission. It is anticipated that the proposal can meet or obtain waivers or variances to all applicable regulations. The site plan approval process will be completed before hearings on the issue by the Common Council.

Relation to plans;

The hotel proposal is being developed and reviewed in context with the "Unified Development Ordinance" that is a reflection of the "Growth Policies Plan" and the subsequent "Downtown Vision and Infill Strategy". The proposal is consistent with the purpose noted in the Vision and Infill Strategy "...in order to improve downtown as a compact, walkable, and architecturally distinctive area that serves the heart of Bloomington."

Upon completion of your review, we will address any concerns and file the formal petition with the Common Council.

Very truly yours,

Stephen L. Smith
Engineer for;
REI Investments; Bloomington Hyatt Place
CFC & CGI Real Estate Holdings

Ord 12-25
TO VACATE A PUBLIC PARCEL
- Re: Alley Right-of-Way Running East/West Between South Gentry Street and the B-Line Trail, South of Kirkwood Avenue and North of West 4th Street
(REI Investments, 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 - *is OK with the vacation request.*
Fire Department - *has no problem with the vacation request.*

Utility Interests in the Alley Ways

Vectren - *does not have any gas main facility in this east/west alleyway (but does have a 4" plastic main under Gentry Street to the east of this alley).*

Duke - *has no facilities located in this alleyway and does not oppose the vacation.*

Comcast - *has no issues with this request.*

City of
Bloomington
Utilities Dept
AT&T - *has no facilities in the right of way and no plans for future construction.*

Bloomington
Digital
Underground
(BDU) - *the BDU has a fiber optic cable along the east side of the B-Line Trail, but has no reservations about this request.*

**BLOOMINGTON PLAN COMMISSION
SECOND HEARING STAFF REPORT
Location: 217 W. Kirkwood Avenue**

**CASE #: SP-36-12
DATE: October 8, 2012**

**PETITIONERS: REI Investments (Hyatt Place)
11711 N. Pennsylvania, Suite 200 Carmel 46032**

**CONSULTANT: Smith Neubecker & Associates
453 S. Clarizz Blvd, Bloomington**

REQUEST: The petitioners are requesting site plan approval to allow construction of a 168-room hotel in the Commercial Downtown (CD) Zoning District.

| | | |
|---------------------------|--|---|
| Area: | Approximately 0.85 Acres | |
| Zoning: | Commercial Downtown (CD) | |
| Downtown Overlay: | Courthouse Square Overlay (CSO) | |
| GPP Designation: | Downtown | |
| Existing Land Use: | Former drive-through bank | |
| Proposed Land Use: | Hotel | |
| Surrounding Uses: | East | - Bank, Commercial |
| | South | - Office, Banquet Facility, Commercial, Utility |
| | West | - B-Line Trail, Multi-family, Museum, Parking Lot |
| | North | - Commercial |

FIRST HEARING SUMMARY: The Plan Commission reviewed this site plan request for a 168-room, 130 parking space hotel at the September 10th meeting. Overall comments regarding the project were positive. At the first hearing, staff requested that the Plan Commission provide comments on the height and scale of the building. Due to the recessed nature of the main building mass and the desirable use as a hotel, most found the height and mass of the building to be appropriate.

As described by staff at the first hearing, the three street frontages and the presence of the B-Line Trail to the west make redevelopment of this site with a hotel use more difficult. The petitioners worked closely with staff to determine the highest priorities between the four facades in terms of height, void areas, architecture, and storefront design. The petitioners' proposal has attempted to place the greatest aesthetic emphasis and storefront design along Kirkwood Ave. and the B-Line Trail. Balancing these priorities is the necessity to create a vehicle ramp to the parking decks as well as the need to provide internal service areas and mechanical spaces. It is this part of the design that generated the largest amount of discussion at the first hearing. More specifically, the Plan Commission discussed:

- Lack of retail space, blank wall issues along 4th St.
- Lack of full service restaurant
- Pedestrian experience along the B-Line moving north from the Convention Center
- Narrow drive width at Kirkwood Ave.

- Potential placement of a sidewalk on Gentry sidewalk

The petitioners have analyzed the proposed structure and could not find a way to revise the 4th St. frontage to include any retail presence. Although such a space would be desirable, staff believes such space should not be required by the Plan Commission. Specifically, staff notes the following:

- The use of the entire site is for a non-residential use.
- There is clear hardship in designing a building to contain active retail space when confronted with four frontages along public rights-of-way.
- The need to place parking on upper levels warrants the reduced level of void-to-solid ratio.
- The petitioners are committed to working with the City to develop an adequate artistic component along the south and west elevations of the building to further mitigate the more functional areas of the first floor of the hotel.

The petitioners have revised the site plan to increase the drive width along Kirkwood to 18 feet. They have also altered the drive cut along 4th St. to 14 feet and are proposing to improve the pedestrian crossing on both sides of Gentry to achieve better pedestrian flow. The Engineering Department has recommended that this drive along 4th Street also be widened to 18 feet.

Staff has further analyzed the possibility of placing sidewalk along the west side of Gentry Street to the east. The inclusion of such a sidewalk is not advisable due to a lack of adequate right-of-way and the desire to allow for two one-way lanes of traffic. The existing street has between 35 and 41 feet in pavement width. However, the right-of-way is only 20 feet in width. So although there appears to be plenty of room for a sidewalk, the street will be reduced to approximately half of its existing width. This will also necessitate the removal of approximately 4 parallel parking spaces on the east side of Gentry.

If a sidewalk was required by the Plan Commission, the result would be a pavement width of approximately 15 feet. Staff has reviewed other parts of the Municipal Code and found the following restrictions/allowances:

- Vehicles are prohibited from obstructing a public street without room to get around the vehicle allowing for free movement of vehicular traffic.
- The code does allow for short-term obstructions on alleys for loading.

Therefore, if a sidewalk is required, there is not room for any loading along Gentry St. In addition, if a vehicle does obstruct the street, it will also impede traffic flow to the uses on the east side of Gentry St.

Staff finds that the proposed configuration is the best alternative. The 20 feet of pavement will allow loading without blocking the street. This configuration would create essentially a hybrid between a street and an alley. It will be one-way and have two lanes, one of which will often be used for loading. It will also have a sidewalk on one side (east). The existing sidewalk to the east is 20 feet from the proposed building. If an additional sidewalk were

installed, it would only be 15 feet from the other sidewalk. Staff finds that the benefits of a second sidewalk 15 feet from an existing sidewalk does not warrant the loss of a through travel lane on Gentry St.

Although the Bloomington Bicycle and Pedestrian Safety Commission (BBPSC) recommends that a sidewalk be added to the street, they indicated that if there were no sidewalk required, that they would like to see something included in the street plan to help reduce traffic speeds and facilitate pedestrian movements. The petitioners have already shown improvements to the pedestrian crossings including striping and alternate paver treatments to give visual cues for potential crossings. Staff is also recommends that the petitioners include loading zone striping to visually narrow the through-lane area.

SITE PLAN REVIEW DEVELOPMENT STANDARDS

Maximum Impervious Surface: The petitioners' project would be permitted to cover as much as 100% of the site with impervious surface. As submitted, the proposal would utilize 100% of the site for the structure.

Height: As measured by the UDO, the proposed hotel stands approximately 74 feet in height. This exceeds the overlay standard of 40 feet. As proposed, this structure is slightly higher than the Hilton Garden Inn. The height of the building has been significantly lowered along the B-Line Trail.

Height Waiver - 20.03.050(b): Staff finds that proposal is a typical height associated with a downtown hotel. This is above the general heights called for in The Downtown Vision and Infill Strategy Plan (Downtown Plan). For reference, the Hilton Garden Inn is approximately 67 feet in height and the approved Springhill Suites hotel is proposed to be 71 feet in height. Staff finds the proposed height to be appropriate for the site and compatible in scale with the surrounding area.

Parking: As a non-residential use within the CSO, the petitioners are not required to install any parking spaces for this development. The UDO parking maximum for a hotel is one parking space per lodging unit. The petitioners are proposing to have 130 parking spaces for their 168 rooms. Unlike most uses in the downtown, staff finds parking for a hotel use to have a larger inherited need over other potential uses. The petitioners are proposing these 130 spaces within 2 levels of structured parking located on the second and third floors of the hotel accessed from a single drive cut onto Gentry St.

With this proposal, the number of public parallel street spaces along Kirkwood Ave. and 4th St. would increase due to the removal of several drive cuts.

Setbacks: The building is required to be placed at the right-of-way line for all street frontages. The petitioners have met these requirements. Although the western sideyard setback is also 0 feet, the CSO calls for an additional 10-foot setback from the B-Line Trail right-of-way. The petitioners are requesting a waiver from this standard to allow the

building to remain at 0 feet. This request is due to the narrow width of the property and the desire to utilize the most efficient parking design within the building. To help minimize the impacts of this reduced setback, the petitioners have proposed that the height for the main mass of the building against the trail to be between 20 and 23 feet in height, lower than the 40 feet allowed in the district. With the larger trail right-of-way for this area, the interaction proposed between the hotel and the trail, and the reduced massing along the trail, staff is supportive of this reduction.

B-Line Trail Setback Waiver – 20.03.060(a)(3)(D): Again, the petitioners have reduced the heights for the B-Line Trail elevation by recessing the majority of the building above the parking deck. They have also created a prominent entry connecting to the trail. Without this waiver, approximately 1/3 of the parking spaces would not be feasible due to the narrow width of the lot.

Bicycle Parking: The petitioners are required to place a minimum of four covered bicycle parking spaces. These covered spaces can also be included within the hotel building. The petitioners have shown 13 parking spaces on their plan. These spaces have been shown in the adjacent right-of-way. An encroachment agreement will be required with any future permits. In addition, the code requires that at least 4 of the spaces be located on-site.

ARCHITECTURAL STANDARDS: Architectural elevations and a color model of the proposed structure have been included in your packet.

Building Frontage, Alignment, Orientation and Entrances: The structure is proposed to be constructed with a building forward design that fills all street frontages. The CSO requires that 90% of a building facade be placed at the build to line of 0 feet. Although there are surveyed historic structures located across Gentry St. and Kirkwood Ave., there are no adjacent surveyed structures to this site.

The petitioners have designed the hotel building with several entrances. The CSO would require a minimum of one entry on all three streets and two pedestrian entries onto the B-Line Trail. The petitioners have not proposed a pedestrian entrance on 4th Street.

Pedestrian Entry Waiver – 20.03.060(a)(3)(B): Similar to the lack of void-to-solid on the 4th St. elevation, the utilitarian nature of the southern portion of the building is driven by the desire to place the parking on the upper levels of the structure and placing an aesthetic priority on the Kirkwood Ave. and B-Line Trail elevations. The other entries meet all of the goals envisioned by the Downtown Plan.

Streetscape: The petitioners will be improving the existing sidewalk/street tree area along Kirkwood Ave. in a manner consistent with the W. Kirkwood Streetscape and to comply with the UDO standards. These improvements include sidewalk reconstruction, brick pavers, parallel parking, ADA ramp upgrades, tree grates and pedestrian lighting. There are no existing street trees along Gentry and 4th Streets. The petitioner will bring

4th St. into compliance with all streetscape requirements. The petitioners are not proposing street trees along Gentry Street and are seeking a waiver.

Street Tree Waiver – 20.03.060(a)(5): The current Gentry St. right-of-way is very narrow (20 feet) and does not have adequate width to allow a sidewalk and street trees within the right-of-way. Due to its narrow nature and proximity to College Avenue, Gentry St. functions much as an alley. The petitioners are essentially seeking an approval to treat it more in this manner with no sidewalk or street trees along the west side of Gentry St. Staff would note that pedestrian movements along Gentry St. are adequately served by the existing sidewalk on the east side of Gentry within the alley right-of-way.

Lighting: The UDO requires that the petitioners utilize pedestrian scale lighting of a maximum 15 feet in height. The DCO allows either traditional or contemporary style lights to be used. There are existing pedestrian scale lights on Kirkwood Ave. The petitioners will be required to place a new pedestrian scale light at the intersection of 4th St. and Gentry St. They will also be required to place at least one decorated street light mounted on the proposed building for Gentry St.

Mechanicals: The UDO requires all mechanicals to be screened through a combination of physical barriers and location. The petitioners will achieve these screening requirements by placing a majority of mechanicals on the roof.

Void-to-Solid Percentage – The CSO requires all street facades to maintain a first floor void-to-solid ratio of 70% and upper floors to maintain a 20% ratio. The proposed hotel building does not meet these standards.

Void-to-Solid Waiver – 20.03.060(b)(2): The petitioners have found this standard difficult to meet as they do not have a “rear” to this building. There are three street frontages and a fourth front facing the B-Line Trail. When combined with the need for an internal ramp to accommodate the structured parking on the second and third floors and the large amount of service space needed for a hotel, staff finds this standard to be impractical. With that in mind, staff has directed the petitioners to focus the “store fronts” to the north and the west toward Kirkwood Ave. and the B-Line Trail. Although, the petitioners do not meet this standard, staff finds that they have designed the structure with an appropriate amount of void-to-solid in line with other downtown hotels and buildings. Where true storefront glass is not possible, the petitioners have incorporated spandrel glass and are working with staff to develop an art component for the blank walls facing the trail and 4th St.

Windows: As proposed, the upper level windows do not meet the minimum 1.5 to 1 window height to width ratio. There is also spandrel glass with this structure to minimize the amount of blank wall on the more functional spaces of the building. A waiver is also required to allow a more modern structure with no sills or lintels on upper windows.

Window Design Waivers – 20.03.060(b)(3): This waiver is occurring because the

building is not a traditional structure that would utilize a more traditional sill and lintel design. Additionally, spandrel glass rather than clear glass has to be used in some openings to hide the more functional parts of the proposed hotel.

Materials: The petitioners are proposing a building with a mix of limestone, brick, stucco, glass, and a newer material called Terra Neo. The “shark fin” architectural element located at the northeast corner of the building is not transparent glass and does not have the required low-reflective finish. A picture of an existing “shark fin” element for a Hyatt hotel building in Austin, Texas has been included in your packet for a comparison.

Reflective Glass Waiver – 20.03.060(b)(4)(A): Staff finds the addition of the “shark fin” element to be beneficial. This element creates a modern focal point to the building that is encouraged.

Additional Design Elements: Due to the style of building chosen, the building does not have a traditional building cap. However, it does utilize color and material changes on the top floor to achieve many of the goals of the required cap, while maintaining a more modern appearance.

Building Cap Waiver – 20.03.060(b)(5)(A): Although this standard could be met, the waiver is requested to allow for a more modern looking building to be constructed.

MASS, SCALE, AND FORM:

Building Façade Modulation: The UDO requires building offsets to be 3% of the total façade length facing a street. This would require approximately 4 feet of modulation along 4th St. and Kirkwood Ave. and slightly more than 8 feet along Gentry St., with maximum module widths of 50 feet.

Façade Modulation Waiver – 20.03.060(c)(1): Due to the parking layout and the modern design of the building, the petitioners are not proposing traditional modules. However, they have incorporated significant articulation in the building with a large step down to the adjacent trail, roofline variation, material variation, and a glass corner element.

Entrance/Drive Standards: The petitioners have proposed to place the entrance to the garage off Gentry St. within the minimum setback of 100 feet from 4th St. When combining the 150-foot setback from Kirkwood Ave. and the 100-foot setback from 4th Street, there is only a 26-foot area that an entrance could meet UDO standards. With the internal parking decks, the ramp must be located near one end of the building. Both the petitioners and staff would prefer this ramp to be located closer to 4th Street than Kirkwood Ave. This location will need a variance from the Board of Zoning Appeals or the Hearing Officer. Staff is supportive of this variance request.

ENVIRONMENTAL COMMISSION: The Environmental Commission reviewed this petition and offered the following recommendations:

1. The EC recommends that the waiver allowing omission of Street Trees on Gentry Street be denied.
2. The EC recommends that the waiver allowing omission of the required ten-foot vegetated setback along the B-Line Trail be denied.

Staff Response: This is a change from last month's recommendation. Staff finds that the two waivers are warranted due to the factors found in this report. It should be noted that the setback from the B-Line Trail is not required to be vegetated. The street tree waiver is also similar in nature to other waivers that have been granted in the downtown in situations with limited right-of-way.

BICYCLE PEDESTRIAN AND SAFETY COMMISSION: The BBPSC reviewed this petition and offered the following recommendations:

1. **Gentry Sidewalk:** BBPSC believes the sidewalk on the west side of Gentry St. should continue fully between Kirkwood Ave and 4th St., for the following reasons:
 - This narrow street will receive fairly high pedestrian traffic. The presence of a high density hotel with its entrance on the corner of Gentry and Kirkwood will provide a good percentage to those pedestrians. Hotel patrons will be getting out of their cars and unloading bags.
 - Sidewalk networks should always be provided, especially in the core downtown.
 - Without it, some vehicles will no doubt park immediately against the building, forcing pedestrians to walk down the street or cross to the east side sidewalk.
 - There is not currently an accessible pedestrian route on Gentry St between Kirkwood and 4th St. The existing sidewalk on east side of Gentry St. is in poor condition and does not meet all ADA requirements.
2. **Gentry St.:** While Gentry is a narrow street, it's much wider than most alleys, and as a one-way, some drivers will go much too fast given the close proximity of pedestrians. Traffic calming needs to be included to reduce vehicular speeds in this high density area.
3. **4th Street:** The lack of windows and doors along this street level facade needs to be addressed, and not just with attempts to improve aesthetics. 'Eyes on the street' are needed throughout the downtown to enhance personal safety and to create a friendlier, social environment.

DEVELOPER TRACK RECORD: REI Investments has previously worked with the City of Bloomington in the development of the Hilton Garden Inn project.

SUMMARY: Staff notes that there will be significant economic development impacts associated with construction of a new hotel at this location. These positive impacts include: 1) property tax benefits for the Downtown TIF, 2) Innkeepers Tax benefits, 3) increased energy along the B-Line Trail, 4) numerous tourism related benefits for surrounding businesses, and 5) increased hotel room availability for the downtown. Staff also finds that the general massing and layout of the building are appropriate for the site. Furthermore, staff does not believe that a sidewalk is warranted for the west side of Gentry St. Although staff would prefer to see a retail component along 4th St, the site's development challenges necessitate less active space along this corridor. Staff also notes that the CFC petition to relocate the Chase drive-through building along the trail will create additional retail energy between 4th Street and Kirkwood Avenue. Finally, staff asserts that the large influx of tourists to this location will provide a significant influx of energy to current and future retail business in the immediate area.

RECOMMENDATION: Staff recommends approval of SP-36-12 and all associated waivers with the following conditions.

1. The petitioners must stripe a loading zone along Gentry Street.
2. The southern drive cut off 4th Street must be modified to 18-feet in width.
3. The petitioners must work with City Engineering to install a parabolic mirror or equal treatment at the garage exit on Gentry St.
4. A 15-foot tall pedestrian scale light must be placed at the corner of W. Gentry Street and W 4th St.
5. At least 4 bicycle parking spaces must be covered and placed within 50 feet of a building entrance.
6. The petitioners must seek Parks and Recreation Department approval for all work proposed within the B-Line Trail right-of-way.
7. The facades of the hotel building shall be constructed as depicted in the petitioner's architectural submission. This includes the inclusion of art space along 4th Street and the B-Line Trail.
8. Hotel construction shall be contingent upon the granting of a right-of-way vacation by the Common Council.

MEMORANDUM

Date: September 27, 2012

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Through: Linda Thompson, Senior Environmental Planner

Subject: SP-36-12: Hyatt Place, Second Hearing
217 W. Kirkwood Ave.

This memorandum contains updated input from the Environmental Commission (EC) regarding the Hyatt Place Hotel request for a Site Plan, which includes seven waivers from the city's Uniform Development Ordinance. The EC is disappointed that the petitioner is moving forward with a Site Plan that is so similar to what was submitted earlier. This plan represents a lost opportunity for a noticeably "green" building in the heart of Bloomington. The EC sees no justification to allow an exception to our city's established standards for greenspace and vegetation, for a typical structure that is too large for the site. Therefore, the EC's recommendations are quite different than you read for the first hearing. Please see the August memorandum for our original recommendations attached.

1.) STREET TREES:

The EC is aware of the narrow shape of this parcel, the width of the right-of-way, and is also in agreement that this could be a good location for a hotel. However, the EC believes that if there is not enough space for Street Trees, then the size of the structure should be decreased to accommodate the trees. The petitioner has planned nothing in lieu of the trees to enhance the aesthetics of the streetscape, but is constructing it such that it will appear to be a canyon-type alley. Therefore, the EC recommends that the waiver for Street Trees be denied.

2.) B-LINE TRAIL SETBACK:

The EC believes the ten-foot setback required for new buildings along the B-Line Trail should be maintained. The EC believes that a building that has an ordinary-looking aesthetic, with no special features, should not be built to the property line of the trail, but should maintain a landscaped buffer. Additionally, it seems unlikely that a three story building can be built and finished on the exterior without disturbing the city's park property along the trail.

The EC believes there is a very good reason to include landscaping on a new development, even downtown. The Unified Development Ordinance (UDO) states that the purpose of landscaping is the following: "The Landscaping Standards are intended to improve Bloomington's vegetated environment and foster development that will protect and preserve the appearance, character, health, safety and welfare of the community. Additionally, the standards are intended to foster

aesthetically pleasing development that will protect and improve Bloomington's biodiversity and the ecological services provided by native species and ecosystems. Trees, vegetation, irrigation systems, fences, walls, and other landscape elements are essential components of a project. These components act to enhance the visual quality of developments, screen land uses, and better integrate the built and natural environments." Therefore the EC recommends that the ten-foot setback waiver be denied.

RECOMENDTIONS:

1. The EC recommends that the waiver allowing omission of Street Trees on Gentry Street be denied.
2. The EC recommends that the waiver allowing omission of the required ten-foot vegetated setback along the B-Line Trail be denied.

MEMORANDUM

Date: August 30, 2012

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Through: Linda Thompson, Senior Environmental Planner

Subject: SP-36-12: Hyatt Place
217 W. Kirkwood Ave.

This memorandum contains the Environmental Commission's (EC) input and recommendations regarding the request for a Site Plan approval for a hotel within the Commercial Downtown Zoning District and the Courthouse Square Overlay District. Unfortunately, given the odd shape of the lot and its location, there is no room or requirement for greenspace. The petitioner is requesting a waiver from the UDO for street trees along Gentry Street, and a waiver from the 10 foot building setback requirement from the B-Line Trail that could have accommodated landscaping. Therefore, the EC believes it is reasonable that the building itself be state-of-the-art architecturally and environmentally.

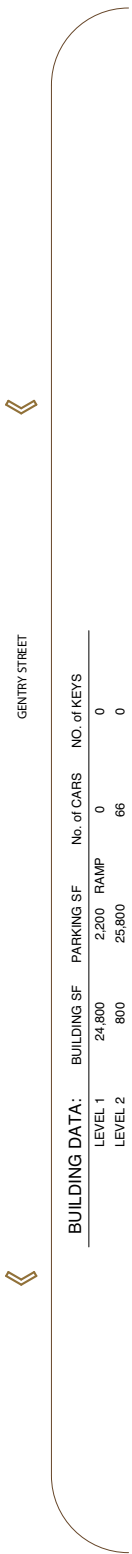
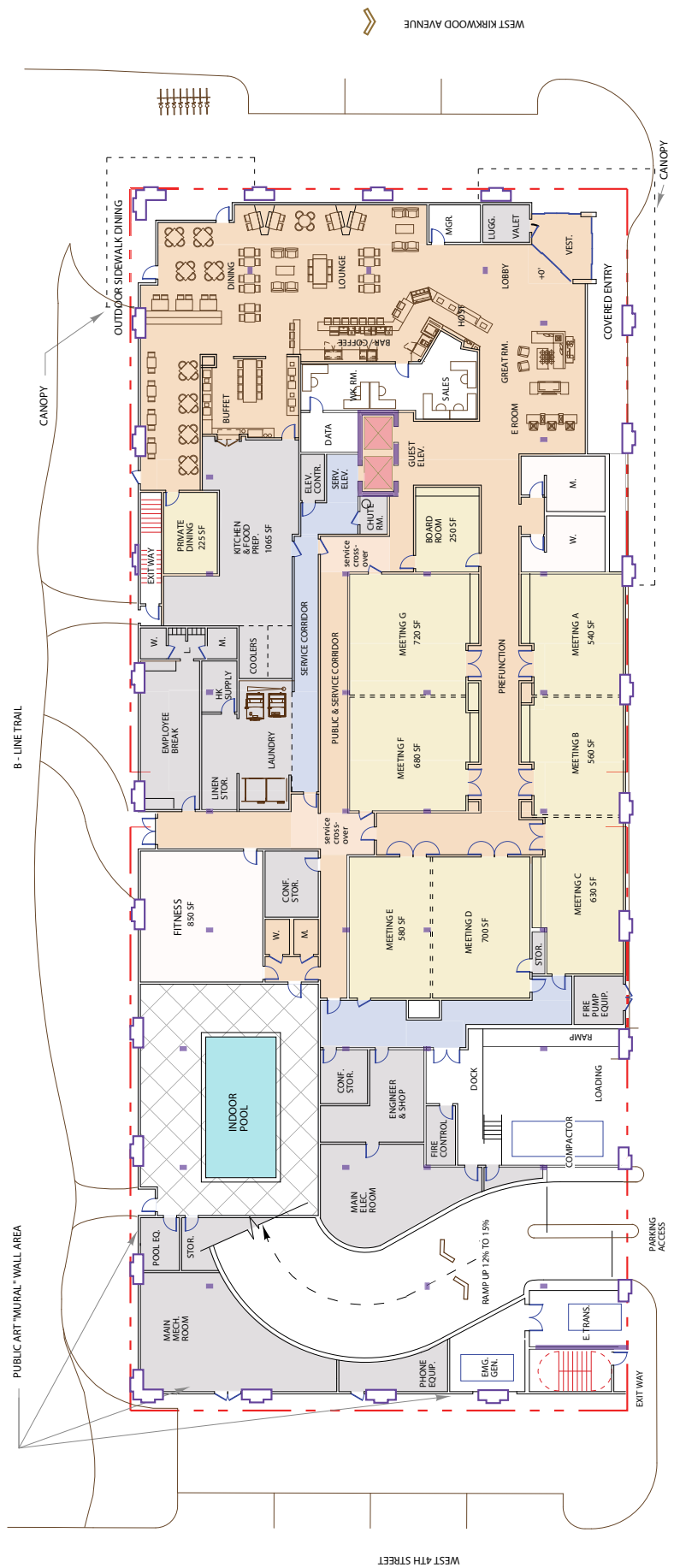
This hotel is proposed on a prominent in-fill location in the heart of downtown that is prime for both a beautiful and sustainable building. It is within the Bloomington Entertainment and Arts District (BEAD), therefore the building should be an object of art itself. Green building and environmental stewardship are of utmost importance to the people of Bloomington and sustainable features are consistent with the spirit of the Unified Development Ordinance (UDO). Additionally, they are supported by Bloomington's overall commitment to sustainability and its green building initiative (<http://Bloomington.in.gov/greenbuild>). Sustainable building practices are explicitly called for by the Mayors' Climate Protection Agreement signed by Mayor Kruzan, by City Council resolution 06-05 supporting the Kyoto Protocol and reduction of our community's greenhouse gas emissions, by City Council resolution 06-07, which recognizes and calls for planning for peak oil, and by Redefining Prosperity: Energy Decent and Community Resilience Report of the Bloomington Peak Oil Task Force.

A few sustainable features that the EC recommends using on this building specifically include light-emitting diode (LED) lighting throughout, but especially outside to match the city's efforts along the B-Line Trail to conserve energy consumption; a "cool roof" to reduce the urban heat island effect, energy use, and carbon emissions. (For additional information on cool roofs please see *Adapting to Urban Heat: A Tool Kit for Local Governments* published by the Georgetown Climate Center <http://www.icleiusa.org/blog/archive/2012/08/27/georgetown-climate-center-releases-new-tool-kit-to-help-local-governments-adapt-to-record-heat>); solar-powered energy; and electric car power outlets in the parking garage. For some examples of what other hotels

practice for environmental stewardship see Green Lodging News at <http://www.greenlodgingnews.com/> , Proximity Hotel, the nation's first LEED Platinum "green hotel" that follows the guidelines of the Leadership in Energy and Environmental Design (LEED) Green Building Rating System <http://www.proximityhotel.com/green.htm> , or Ecogreen Hotel at <http://www.ecogreenhotel.com/index.php> .

RECOMENDTIONS:

1. The EC recommends designing a sustainable building that makes Bloomington proud by using state-of-the-art green building practices. Ideally, the Hyatt Place should be a LEED Platinum green building, certified by the Leadership in Energy and Environmental Design Green Building Rating System.



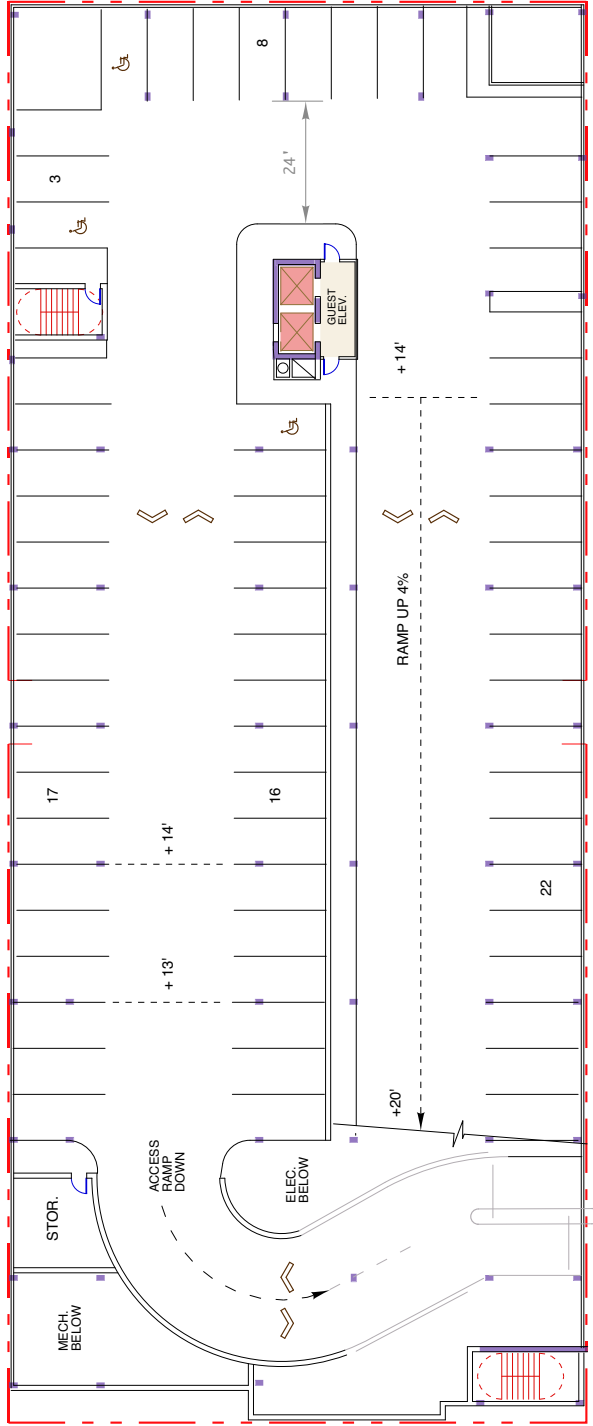
BUILDING DATA:

| LEVEL | BUILDING SF | PARKING SF | PARKING RAMP | No. of CARS | No. of KEYS |
|----------------|----------------|---------------|--------------|-------------|-------------|
| LEVEL 1 | 24,800 | 2,200 | 0 | 0 | 0 |
| LEVEL 2 | 800 | 25,800 | 66 | 0 | 0 |
| LEVEL 3 | 800 | 22,450 | 64 | 0 | 0 |
| LEVEL 4 | 21,100 | - | - | 42 | 42 |
| LEVEL 5 | 21,100 | - | - | 42 | 42 |
| LEVEL 6 | 21,100 | - | - | 42 | 42 |
| LEVEL 7 | 21,100 | - | - | 42 | 42 |
| TOTALS: | 110,800 | 50,250 | 130 | 168 | 168 |

659 SF / KEY



SP-36-12 First Floor - Floor Plan



BUILDING DATA:

| LEVEL | BUILDING SF | PARKING SF | No. of CARS | NO. of KEYS |
|----------------|----------------|---------------|-------------|-------------|
| LEVEL 1 | 24,800 | 2,200 RAMP | 0 | 0 |
| LEVEL 2 | 800 | 25,800 | 66 | 0 |
| LEVEL 3 | 800 | 22,450 | 64 | 0 |
| LEVEL 4 | 21,100 | - | - | 42 |
| LEVEL 5 | 21,100 | - | - | 42 |
| LEVEL 6 | 21,100 | - | - | 42 |
| LEVEL 7 | 21,100 | - | - | 42 |
| TOTALS: | 110,800 | 50,250 | 130 | 168 |

659 SF / KEY

66 CARS - LEVEL 2
PARKING LEVEL 2

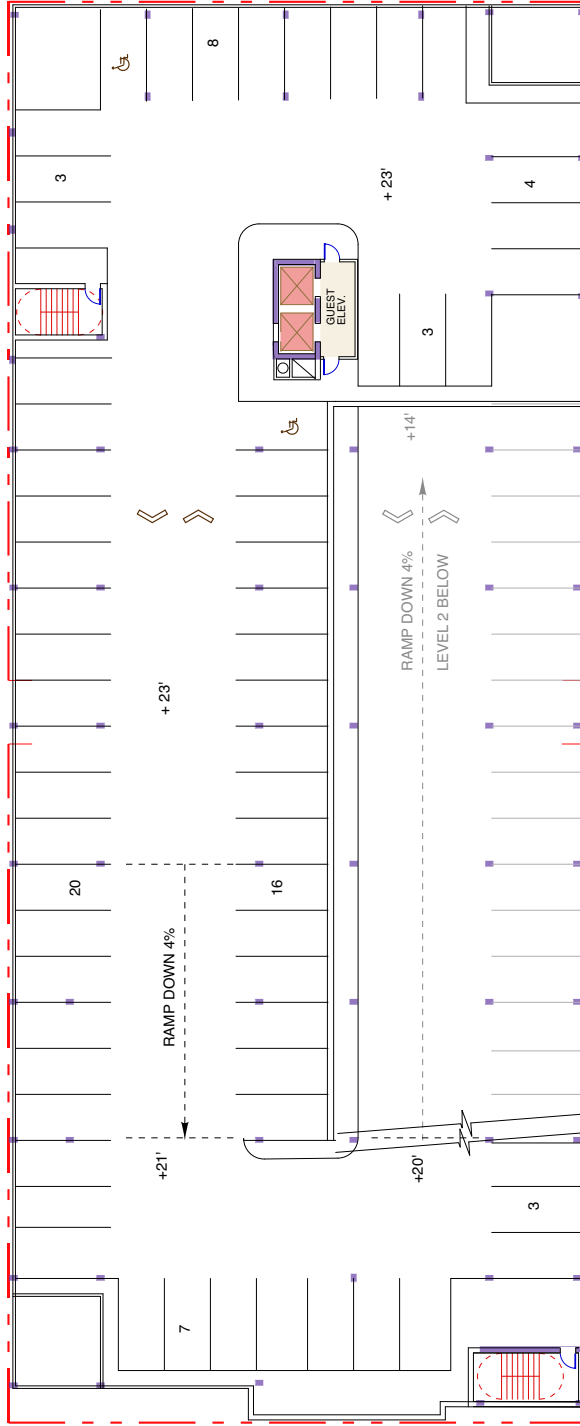


WHITE LODGING

HYATT PLACE · Bloomington, Indiana



4/10/22, 9/5/12
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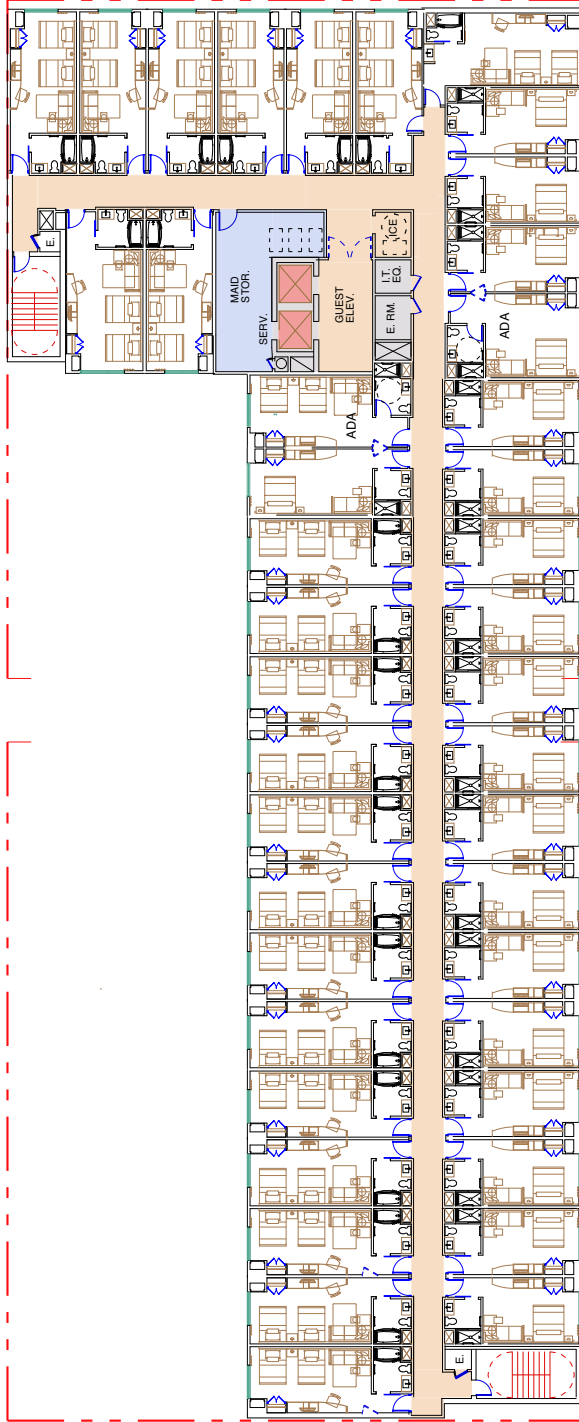
BUILDING DATA:

| LEVEL | BUILDING SF | PARKING SF | 2,200 RAMP | No. of CARS | NO. of KEYS |
|----------------|----------------|---------------|------------|-------------|-------------|
| LEVEL 1 | 24,800 | | | 0 | 0 |
| LEVEL 2 | 800 | 25,800 | | 66 | 0 |
| LEVEL 3 | 800 | 22,450 | | 64 | 0 |
| LEVEL 4 | 21,100 | - | - | - | 42 |
| LEVEL 5 | 21,100 | - | - | - | 42 |
| LEVEL 6 | 21,100 | - | - | - | 42 |
| LEVEL 7 | 21,100 | - | - | - | 42 |
| TOTALS: | 110,800 | 50,250 | | 130 | 168 |

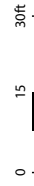
659 SF / KEY

PARKING LEVEL 3





LEVEL 4 - 7



| BUILDING DATA: | BUILDING SF | PARKING SF | No. of CARS | NO. of KEYS |
|----------------|----------------|---------------|-------------|---------------------|
| LEVEL 1 | 24,800 | 2,200 | RAMP | 0 |
| LEVEL 2 | 800 | 25,800 | 66 | 0 |
| LEVEL 3 | 800 | 22,450 | 64 | 0 |
| LEVEL 4 | 21,100 | - | - | 42 |
| LEVEL 5 | 21,100 | - | - | 42 |
| LEVEL 6 | 21,100 | - | - | 42 |
| LEVEL 7 | 21,100 | - | - | 42 |
| TOTALS: | 110,800 | 50,250 | 130 | 168 |
| | | | | 659 SF / KEY |



WHITE LODGING

HYATT PLACE . Bloomington, Indiana

P.F.V.S.
ARCHITECTURE
PLANNING
INTERIORS

4/10/22 9/5/12
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SP-36-12 Floors
4-7

MATERIAL LEGEND

- (A) SIMULATED FLAME FINISHED GRANITE (TERRA NEO)
- (B) 1" HIGH PERFORMANCE INSULATED GLASS/STOREFRONT SYSTEM
- (C) KING BRICKS (COLOR 2)
- (D) HARD COAT STUCCO - COLOR 1
- (E) HARD COAT STUCCO - COLOR 2
- (F) MASONRY - KING BRICKS WITH CAST-STONE ACCENTS (BRICK COLOR 1)
- (G) LIMESTONE - SMOOTH CUT FINISH

Garage Entrance

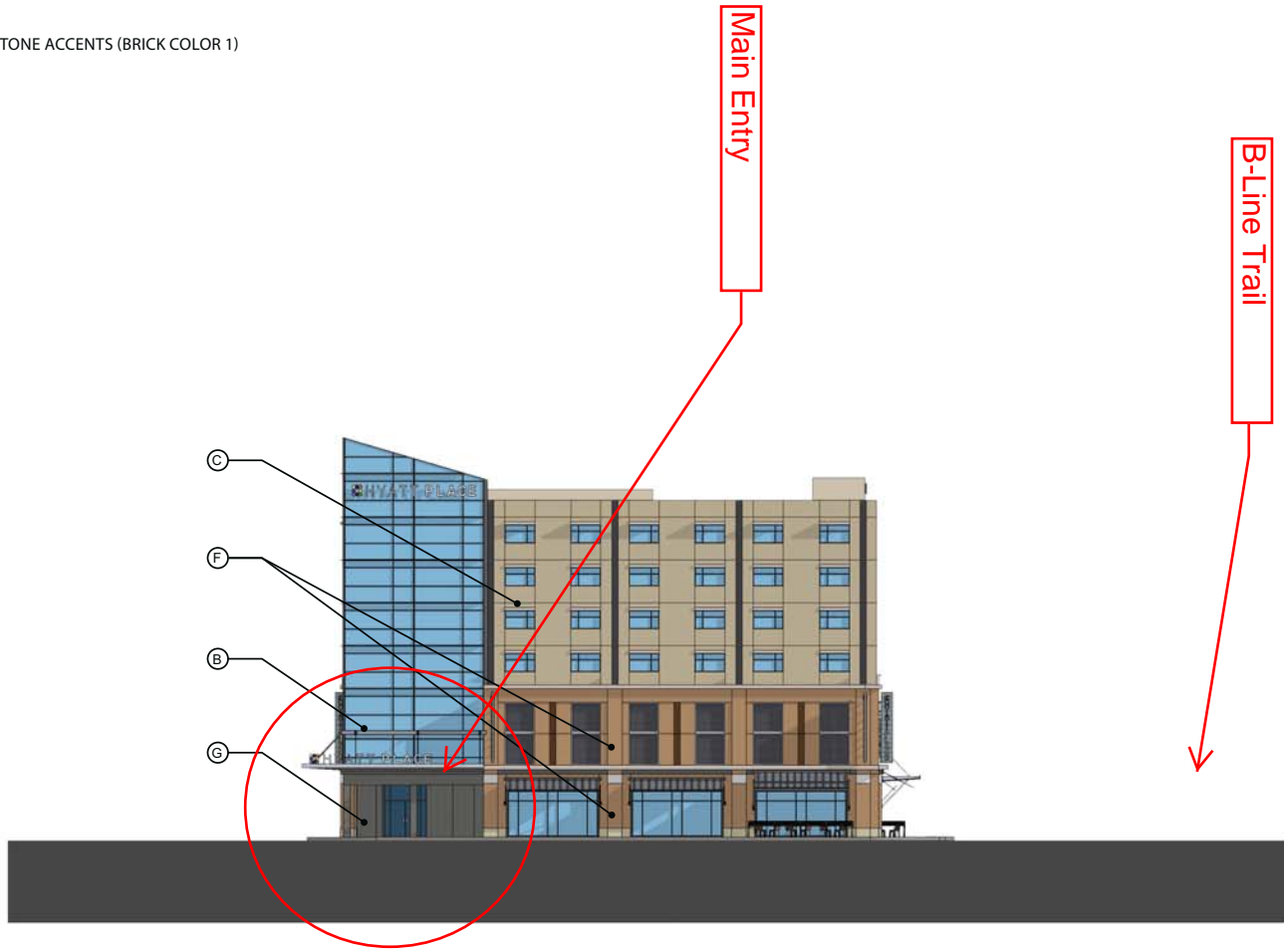


SP-36-12

East Elevation

MATERIAL LEGEND

- (A) SIMULATED FLAME FINISHED GRANITE (TERRA NEO)
- (B) 1" HIGH PERFORMANCE INSULATED GLASS/STOREFRONT SYSTEM
- (C) KING BRICKS (COLOR 2)
- (D) HARD COAT STUCCO - COLOR 1
- (E) HARD COAT STUCCO - COLOR 2
- (F) MASONRY - KING BRICKS WITH CAST-STONE ACCENTS (BRICK COLOR 1)
- (G) LIMESTONE - SMOOTH CUT FINISH



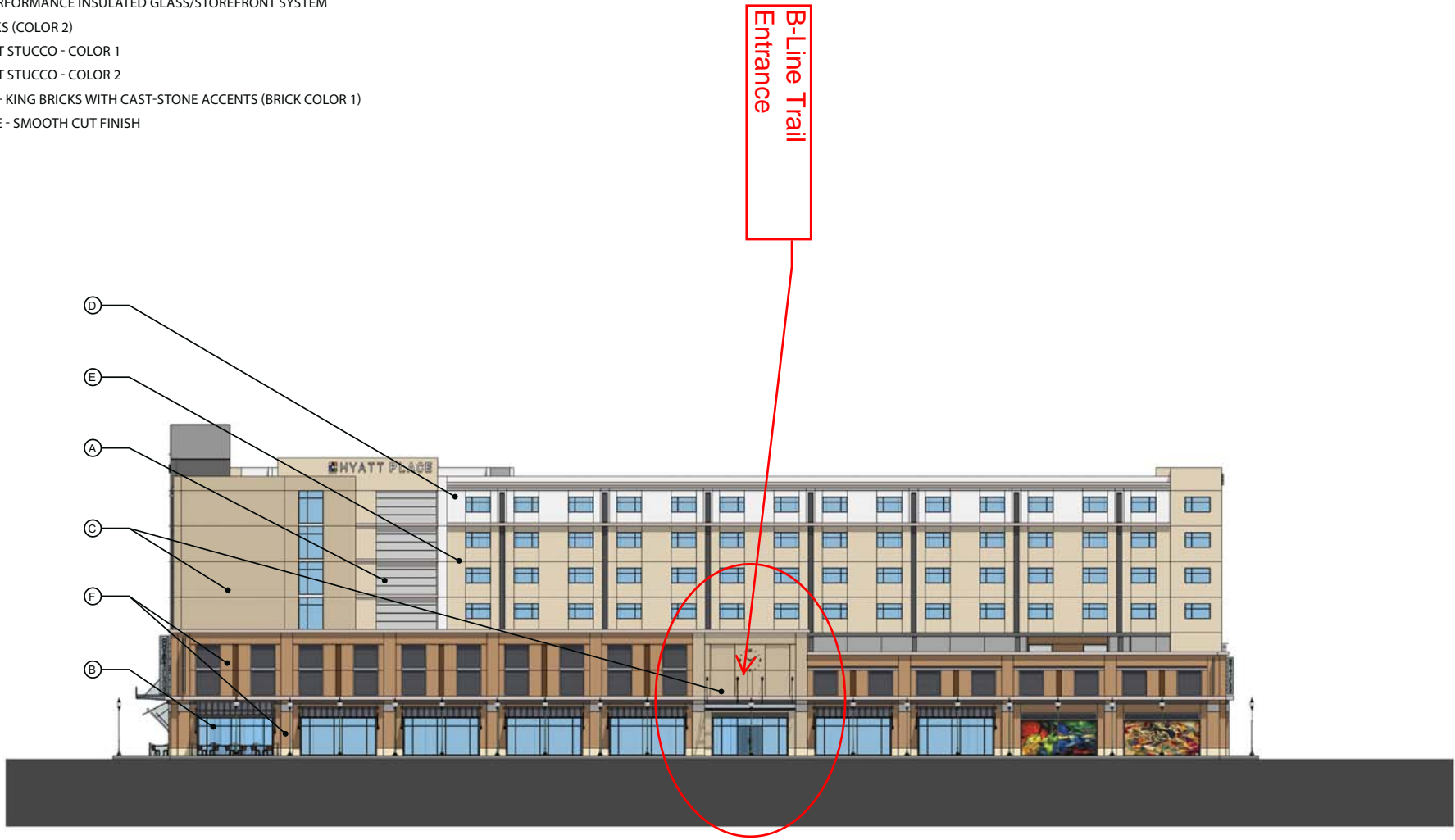
North Elevation

SP-36-12

MATERIAL LEGEND

- (A) SIMULATED FLAME FINISHED GRANITE (TERRA NEO)
- (B) 1" HIGH PERFORMANCE INSULATED GLASS/STOREFRONT SYSTEM
- (C) KING BRICKS (COLOR 2)
- (D) HARD COAT STUCCO - COLOR 1
- (E) HARD COAT STUCCO - COLOR 2
- (F) MASONRY - KING BRICKS WITH CAST-STONE ACCENTS (BRICK COLOR 1)
- (G) LIMESTONE - SMOOTH CUT FINISH

SP-36-12

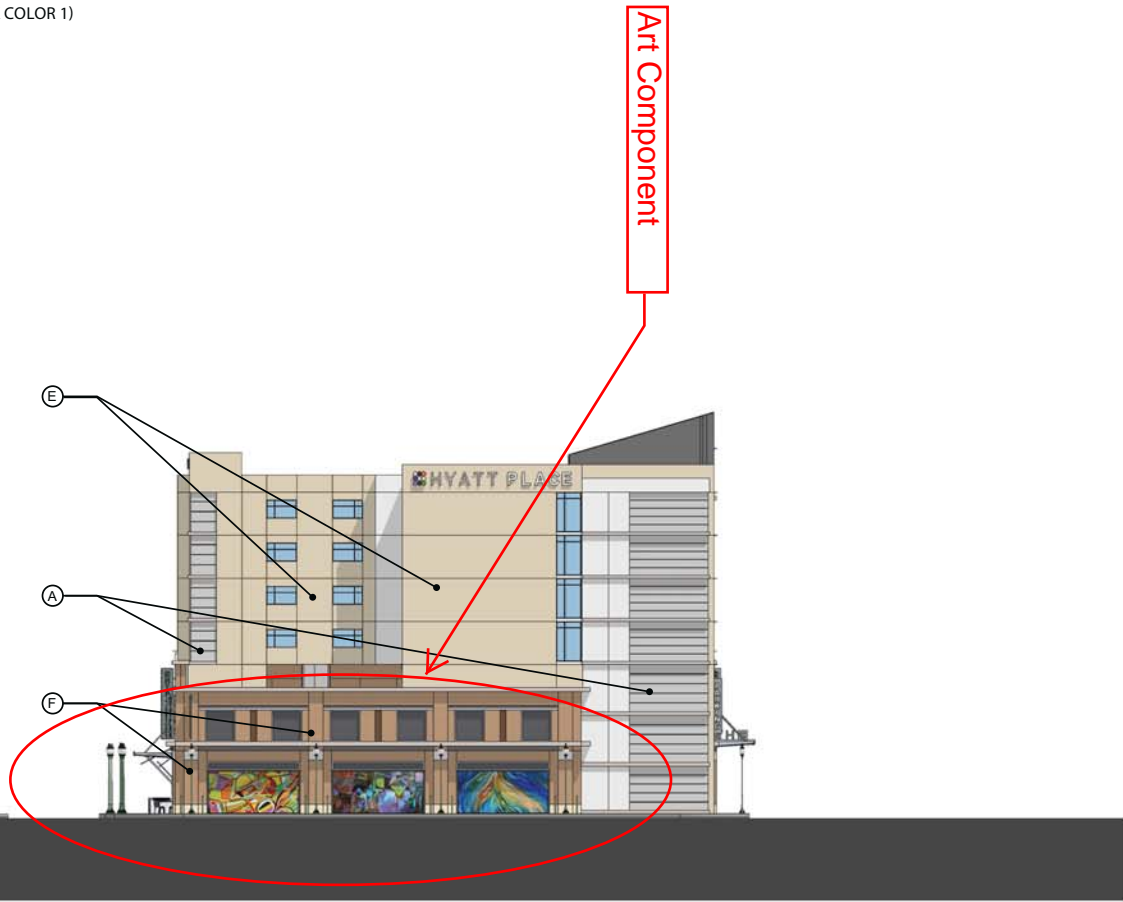


West Elevation

MATERIAL LEGEND

- (A) SIMULATED FLAME FINISHED GRANITE (TERRA NEO)
- (B) 1" HIGH PERFORMANCE INSULATED GLASS/STOREFRONT SYSTEM
- (C) KING BRICKS (COLOR 2)
- (D) HARD COAT STUCCO - COLOR 1
- (E) HARD COAT STUCCO - COLOR 2
- (F) MASONRY - KING BRICKS WITH CAST-STONE ACCENTS (BRICK COLOR 1)
- (G) LIMESTONE - SMOOTH CUT FINISH

SP-36-12



South Elevation



SP-36-12
SW from Kirkwood
and Gentry

SE from Kirkwood





NE from 4th St



NW from 4th St

PEVS
ARCHITECTURE
PLANNING
INTERIORS

#12027_9/5/12
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HYATT PLACE . Bloomington, Indiana


WHITE LODGING


REAL ESTATE SERVICES

Perspective View Looking North

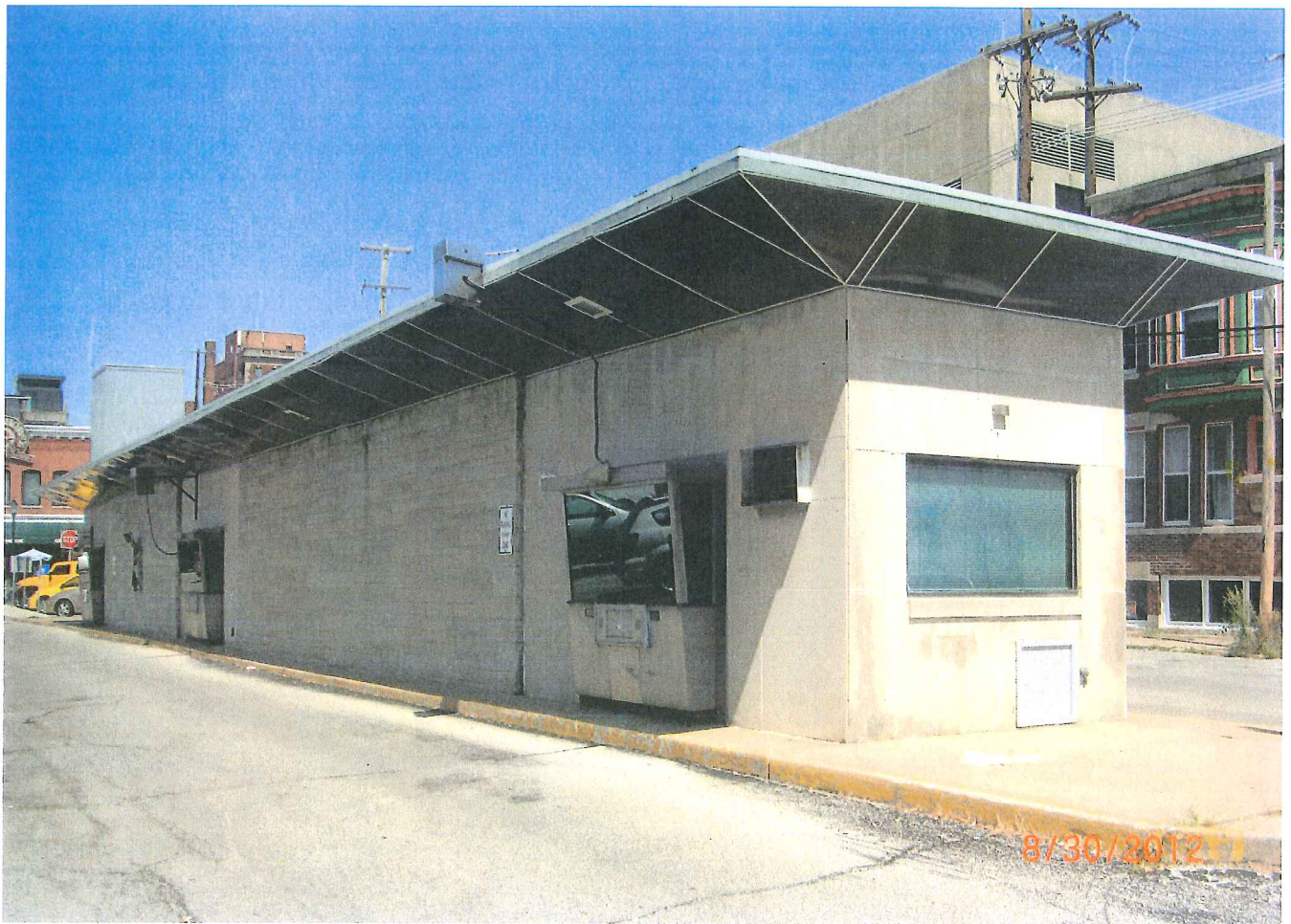


Pedestrian entry
from B-Line Trail









ORDINANCE 12-26

TO VACATE A PUBLIC PARCEL

**Re: Portion of Morton Street Right-of-Way, South of Kirkwood Avenue and Directly West of the B-Line Trail
(CFC, Inc., 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;

WHEREAS, the petitioner, (CFC, Inc.) has filed a petition to vacate a parcel of City property more particularly described below; and

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 Clerk and Council Office at 401 North Morton Street, Bloomington, Indiana (47402);

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, a portion of City owned property shall be vacated. The property is a segment of Morton Street right-of-way, south of West Kirkwood Avenue and west of the B-Line Trail more particularly described as follows:

Part of the former railroad right-of-way of the former Louisville and Nashville Railroad, bounded and described as follows:

Beginning at the Northeast corner of Inlot 133 in the City of Bloomington, Monroe County, State of Indiana; thence South, 138.00 feet along the east line of said Inlot 133 to an iron pin in the center of a vacated 12 foot wide alley; thence east, 25.00 feet; thence North 138.00 feet to the south line of Kirkwood Avenue (Fifth Street); thence West, 25.00 feet along said south line of Kirkwood Avenue to the point of beginning and containing 3450 square feet.

SECTION 2. 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 _____, 2012.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2012.

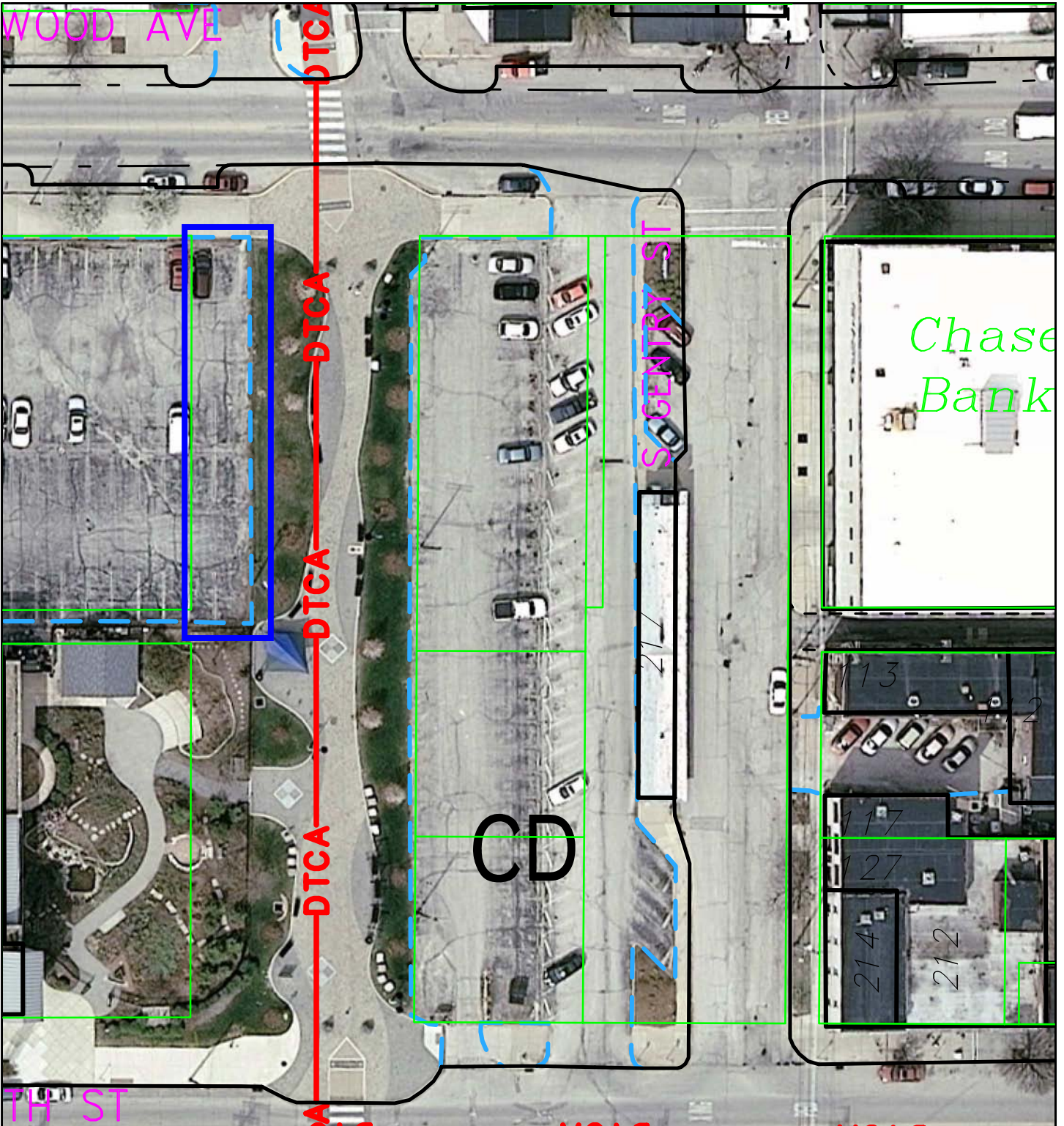
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2012.

MARK KRUZAN, Mayor
City of Bloomington

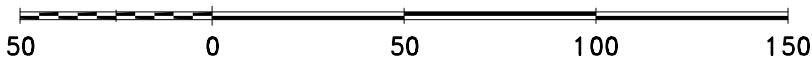
SYNOPSIS

The petitioner, CFC, Inc., requests vacation of a portion of Morton Street right-of-way bounded by West Kirkwood Avenue and the B-line Trail in order to move a limestone building from 217 West Kirkwood Avenue to create an active retail space along the B-Line Trail.

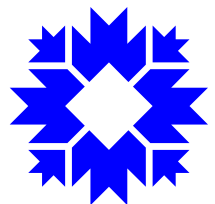


SP-41-12
Aerial Photo

By: shayp
3 Aug 12



City of Bloomington
Planning



Scale: 1" = 50'



**CITY OF BLOOMINGTON
PLANNING DEPARTMENT
MEMORANDUM**

DATE: October 10, 2012
TO: City of Bloomington Common Council Members
FROM: Lynne Darland, Zoning & Enforcement Manager
SUBJECT: Request for vacation of Morton Street right-of-way
PETITIONER: CFC, Inc.

LOCATION: The portion of South Morton Street right-of-way requested for vacation is located directly south of West Kirkwood Avenue, west of the B-Line trail and north of the Wonderlab gardens. This segment of South Morton Street petitioned for right-of-way vacation runs 138 feet in length and 25 feet in width.

BACKGROUND: There are many areas of right-of-way in the downtown which are not obvious rights-of-way. Visually, this Morton Street right-of-way appears to be a privately owned surface parking lot. The purpose of this vacation request is to allow for the redevelopment of a small portion of surface parking into an active retail space. CFC, Inc. is proposing to move the limestone Chase drive through bank building located just west of Gentry Street to this portion of the Morton Street right-of-way. The limestone building is being moved from its current location in association with the proposed Hyatt Place Hotel project.

This redevelopment project would create a retail space facing the B-Line Trail catering predominantly to pedestrians and bicyclists. Proposed are three tenant spaces in this one story limestone building. The building measures 8 feet in width by 107 feet in length. There are also overhangs on the building. Creating active retail space along the B-Line is a clear goal of the City.

This right-of-way is located in the Commercial Downtown zoning district and is also in the Downtown Core Overlay (DCO) district. The intent of this district overlay is to ensure that new development is compatible in mass and scale with historic structures in the Downtown Core Character Area. It encourages the use of design traditions exhibited by historic commercial buildings by providing individual, detailed storefront modules that are visually interesting to pedestrians. The architectural standards for the B-Line Trail require one pedestrian entrance per one hundred feet of building frontage along the B-Line Trail, with a minimum of one pedestrian entrance provided for any building with frontage along the B-Line Trail. For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of ten feet from the right-of-way edge. CFC, Inc. has worked closely with the Parks Department to create a trail friendly active area with their proposal.

On October 8, 2012 the Plan Commission voted unanimously to approve the site plan for this project. To ensure compatibility with the B-Line, conditions of approval were placed on this site plan. These conditions are as follows:

1. This approval is contingent upon the granting of a right-of-way vacation for this property from the Common Council.
2. A recordable zoning commitment must be recorded with the deed of the property as outlined in this report with final language approved by staff. This commitment must be recorded prior to any permits for relocation of the structure.
Included in this commitment are the following components.
 - a. If the building is not relocated within 18 months of the vacation being granted, then the ownership of the right-of-way shall revert back to the City of Bloomington.
 - b. The vacated right-of-way shall not be combined with any other lot for the purpose of site development.
 - c. The uses of the property shall be restricted to:

| | |
|---|--|
| <ul style="list-style-type: none"> • Antique sales • Apparel and shoe sales • Art gallery • Artist studio • Arts/crafts/hobby shop • Barber/beauty shop • Bicycle sales/repair • Bookstore • Convenience store • Fitness/training studio • Florist • Gift shop/boutique | <ul style="list-style-type: none"> • Health spa • Jewelry shop • Museum • Music/media sales • Pet grooming • Photographic studio • Restaurant, limited service • Retail, low intensity • Shoe repair • Sporting good sales • Tailor/seamstress shop |
|---|--|
3. A minimum of 4 Class II bike parking spaces must be placed within 50' of the entrance to the building.
4. The proposed structure location must maintain a minimum of 10 feet from the B-line Trail right-of-way.
5. The eastern 5 feet of the property must be placed within an exclusive waterline easement to the City of Bloomington Utilities Department.
6. All work within the B-Line Trail right-of-way must receive approval from the Parks and Recreation Department prior to any construction activities within this area.
7. All required landscaping must be approved species per the Unified Development Ordinance landscaping requirements.

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

- | | |
|--|---|
| <ul style="list-style-type: none"> • The City of Bloomington Public Works Department | <ul style="list-style-type: none"> • The City of Bloomington Utilities Department |
|--|---|

- 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 was heard by the Board of Public Works (BPW) on October 9th, 2012. The BPW voted to recommend vacation of the right-of-way. City Fire, Police, ITS, ATT Midwest, Comcast, Vectren, and Duke Energy have no objections to the proposed vacation. CBU has a 20 inch water line located approximately 6 feet east of the Morton Street right-of-way. A five foot wide exclusive water line easement will be placed on the eastern edge of the property to ensure adequate room for repairs and maintenance.

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

1. Current Status - Access to Property.

The Morton Street right-of-way is currently not used for public access. The right-of-way was paved over many years ago and is being used for private surface parking spaces. The right-of-way vacation petition essentially requests these private parking spaces to be converted to an active retail space accessed primarily by B-Line Trail users.

2. Necessity for Growth of the City:

Future Status: Because the right-of-way has no public utilization or access function, there is a clear benefit to the growth of the City as a result of this vacation. The property will be converted to commercial usage benefiting the B-Line. Greater utilization of this trail amenity only enhances the vibrancy of downtown.

Proposed Private Ownership Utilization: There are two interested parties to this right-of-way. CFC, Inc. owns the property to the west and the City of Bloomington Board of Park Commissioners owns the property to the east. The Morton Street right-of-way will become property of CFC, Inc.

Compliance with Regulations: The vacation of this street right-of-way will not create any issues regarding compliance with local regulations. The Plan Commission voted to approve the retail building site plan on October 8, 2012.

Relation to Plans: This proposal is consistent with City Plans. Encouraging appropriate infill, reuse of buildings, and redevelopment projects into the city’s downtown to maintain a vibrant active space are goals of the Unified Development Ordinance, the Growth Policies Plan, and the Downtown Vision & Infill Strategy Plan. Loss of this right-of-way does not conflict with the City’s Thoroughfare Plan.

RECOMMENDATION: Both the Planning Department and the Board of Public Works have recommended that the City vacate the street right-of-way in question.



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

Petition for Vacation of Public Right-of-Way

Ordinance: Ord12-26
Hearings: November 14, 2012

Council Chambers **Regular Session - First Reading** October 31, 2012
401 North Morton Street **Committee of the Whole - Discussion** November 7, 2012
7:30 p.m. **Regular Session – Public Hr & Final Action** November 14, 2012

Address of Property 305 W. Kirkwood
Description of Proposed A 25 feet x 138 feet segment of Morton Street right-of-way, south of West
Vacation: Kirkwood Avenue and west of the B-Line Trail.

Name of Petitioner CFC Properties – Jim Murphy
Address 320 W. Eighth Street, Suite 200, P.O. Box, Bloomington, IN 47402
Phone/email 812-332-0053

Consultant None

Abutting Property 1.) City of Bloomington Parks and Recreation Department, Attn: Mick
Owners (Non- Renneisen, PO Box 848, Bloomington, IN 47402
Petitioners): 2.) CFC Properties, Attn: Jim Murphy, 320 W. Eighth Street, Suite 200,
P.O. Box, Bloomington, IN 47402

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: Jim Murphy

Date: Oct. 24, 2012

Legal Description

Part of the former railroad right-of-way of the former Louisville and Nashville Railroad, bounded and described as follows:

Beginning at the Northeast corner of Inlot 133 in the City of Bloomington, Monroe County, State of Indiana; thence South, 138.00 feet along the east line of said InLot 133 to an iron pin in the center of a vacated 12 foot wide alley; thence east, 25.00 feet; thence North 138.00 feet to the south line of Kirkwood Avenue (Fifth Street); thence West, 25.00 feet along said south line of Kirkwood Avenue to the point of beginning and containing 3450 square feet.



George S. Ridgway
10. 4. 2012

COOK

Cook Engineering and Architecture

• architects
• engineers
• surveyors

Registered in Indiana, Illinois, Kentucky, Tennessee, and Pennsylvania

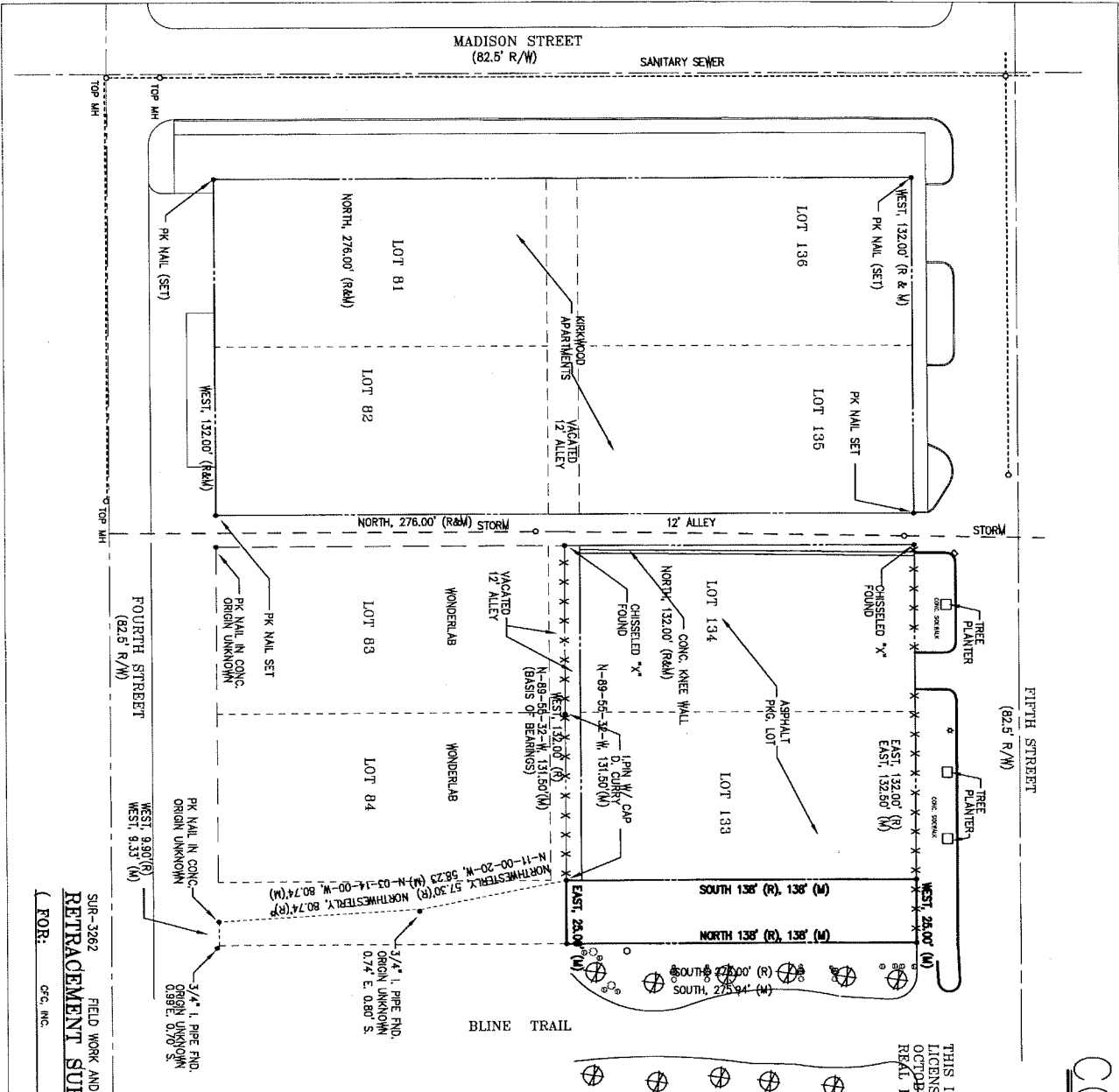
500 SOUTH MORTON
BLOOMINGTON, INDIANA 47405
PHONE: 317.340.1200
TELE FAX: 317.350-5882

CERTIFICATE OF SURVEY

THIS IS TO CERTIFY THAT I, GEORGE S. RIDGWAY, A REGISTERED LAND SURVEYOR, LICENSED IN ACCORDANCE WITH THE LAWS OF THE STATE OF INDIANA, DID ON OCTOBER 5, 2012, PERFORM A RETRACEMENT SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE AT THE REQUEST OF CFC, INC.

LEGAL DESCRIPTION

PART OF THE FORMER RAILROAD RIGHT-OF-WAY OF THE FORMER LOUISVILLE AND NASHVILLE RAILROAD, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF PLOT 133 IN THE CITY OF BLOOMINGTON, MONROE COUNTY, STATE OF INDIANA, BEING THE CENTER OF THE 12.00' WIDE ALLEY THENCE EAST 25.00' FEET TO THE POINT OF BEGINNING; THENCE NORTH 138.00' FEET TO THE SOUTH LINE OF KIRKWOOD AVENUE (FIFTH STREET); THENCE WEST 25.00' FEET ALONG THE SOUTH LINE OF KIRKWOOD AVENUE TO THE POINT OF BEGINNING AND CONTAINING 3450 SQUARE FEET.



SUR-3262 FIELD WORK AND PLATE DATE: 10-5-2012
RETRACEMENT SURVEY PLAT PART OF THE FORMER RAILROAD RIGHT-OF-WAY OF THE FORMER L&N RR
 FOR: CFC, INC. (OWNER: CFC, INC.) SCALE: 1" = 40'

10-5-2012

GRAPHIC SCALE
 0 20 40 80
 1" = 40'

REGISTERED LAND SURVEYOR
 STATE OF INDIANA
 NO. 50493
 GEORGE S. RIDGWAY

Ord 12-26

**TO VACATE A PUBLIC PARCEL
Re: Portion of Morton Street Right-of-Way, South of Kirkwood
Avenue and Directly
West of the B-Line Trail
(CFC, Inc., 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 *no objections*
Fire Department *no objections*

Utility Interests in the Alley Ways

Vectren *no objections*

Duke *no objections*
Comcast *no objections*
City of
Bloomington *CBU has a 20" water line located approximately 6' east of the
Morton Street right-of-way. A 5' wide exclusive water line
Utilities Dept easement will be placed on the eastern edge of the property to
ensure adequate room for repairs and maintenance.*

AT&T *no objections*
Bloomington *no objections*
Digital
Underground

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
Location: 305 W. Kirkwood Avenue**

**CASE #: SP-41-12
DATE: October 8, 2012**

**PETITIONER: CFC Properties
320 W. 8th Street, Suite 200, Bloomington**

REQUEST: The petitioner is requesting a site plan approval to allow the relocation of an existing commercial structure within the Commercial Downtown (CD) zoning district.

| | | |
|---------------------------|---------------------------------------|------------------------------------|
| Area: | 0.076 Acres | |
| Zoning: | CD/Downtown Core Overlay (DCO) | |
| GPP Designation: | Downtown | |
| Existing Land Use: | Right-of-Way | |
| Proposed Land Use: | Commercial | |
| Surrounding Uses: | North | – Office, Restaurant/Bars |
| | East | – B-Line Trail, Bank |
| | South | – Office |
| | West | – Parking, Wonderlab, Multi-family |

REPORT SUMMARY: The petitioner currently owns a surface parking lot located immediately west of the B-Line Trail on the south side of W. Kirkwood Avenue. The parking lot currently encroaches onto a 25-foot wide right-of-way for an unconstructed portion of S. Morton Street. The petitioner also owns the property on the opposite side of the B-Line Trail that was the former location of the drive-through for Chase Bank. That site is currently being reviewed by the Plan Commission for the Hyatt hotel project. Rather than demolishing the existing structure, the petitioner is seeking an approval to vacate the 25-foot right-of-way and relocate the approximately 8-foot wide building to the property. The Common Council will ultimately rule on the vacation request.

The intent of this relocation is to create a small scale retail opportunity primarily for Trail users. The City finds this type of retail space along the trail to be highly desirable. Although desirable, it would be difficult to provide a new construction product of this scale within the downtown. The petitioner determined that the reuse of the existing building on the unused right-of-way could provide a realistic opportunity to provide such service at a true pedestrian scale.

Plan Commission Site Plan Review: One aspect of this project requires that the petition be reviewed by the Plan Commission, per BMC 20.03.090. This aspect is as follows:

- The proposal is adjacent to a residential use
- The petitioner is requesting waivers to the standards in BMC 20.03.120 & 20.03.130.

SITE PLAN REVIEW

Parking: The UDO does not require any parking spaces for non-residential uses. The proposed structure has been oriented toward the B-line Trail for predominantly pedestrian use and no parking has been provided.

Streetscape: The proposed area for vacation has only 25 feet of public street frontage along Kirkwood Ave. All of the required streetscape improvements have been installed with the previously completed Kirkwood Streetscape project.

Bicycle Parking: This use requires that 4 Class II bicycle parking spaces be placed within 50 feet of the building's entry. These spaces shall be required with any future permit for the structure relocation.

Architecture: The petitioner is proposing to relocate an existing structure currently located immediately to the east on the opposite side of the B-Line Trail. The limestone building would be slightly modified to fill in the former teller windows associated with the previous drive-through bank use of the building. There would also be three new roll-up doors installed along the east side of the building to allow for future commercial tenants to open small storefronts toward the B-Line Trail. Due to the existing nature of the structure, staff is recommending that the Plan Commission waive any overlay requirements associated with architecture. The architectural standards of the CD are designed for new construction and additions. Staff does not find it appropriate to apply these standards to this structure. Furthermore, staff finds that the Plan Commission should determine if the building is appropriate to move to this location. **Staff is supportive of a waiver of the architectural standards of Section 20.03.130 of the UDO necessary to allow the existing building to be relocated.**

Overlay Development Standards: The proposal would require two additional waivers from the development standards of Section 20.03.120, minimum height and the required build-to line. Similar to the architectural waivers above, staff finds that the minimum height waiver is directly associated with reuse of an existing building and finds the waiver to be appropriate. The second waiver is from the required build-to line. The UDO would require the structure to be placed at the right-of-way line for Kirkwood Ave. The petitioner is proposing to center the structure on the property and with an approximate setback of 15 feet to the north property line. Due to the orientation of the structure toward the B-Line and the fact that the narrow side of the structure is not an entry, staff finds this placement to be appropriate. **Staff is supportive of both of these waivers.**

Access: There will not be any vehicular access to this site from a public street. There is only 25 feet of street frontage. Pedestrian access will be gained from two connections to the B-Line Trail and one pedestrian connection to the sidewalk along Kirkwood Ave.

Landscaping: With this proposal, the petitioner will be removing the existing asphalt from the lot and replacing it with brick pavers to match the B-Line Trail and add greenspace around the proposed building location. The pavers would be extended at two points to integrate with the trail. Coordination with the Parks Department must be done for all work within the trail right-of-way. The new greenspace will be landscaped per the UDO with a minimum of 24 shrubs and 4 trees.

Recordable Zoning Commitment: In order to achieve and sustain the intent of the proposed relocation as a small scale retail presence along the trail, staff has proposed that the petitioner record a zoning commitment for the property in association with this site plan approval and the potential right-of-way vacation request. Staff recommends that the following restrictions be placed as part of a commitment:

1. If the building is not relocated within 18 months of the vacation being granted, then the ownership of the right-of-way shall revert back to the City of Bloomington.
2. The vacated right-of-way shall not be combined with any other lot for the purpose of site development.
3. The uses of the property shall be restricted to:
 - Antique sales
 - Apparel and shoe sales
 - Art gallery
 - Artist studio
 - Arts/crafts/hobby shop
 - Barber/beauty shop
 - Bicycle sales/repair
 - Bookstore
 - Convenience store
 - Fitness/training studio
 - Florist
 - Gift shop/boutique
 - Health spa
 - Jewelry shop
 - Museum
 - Music/media sales
 - Pet grooming
 - Photographic studio
 - Restaurant, limited service
 - Retail, low intensity
 - Shoe repair
 - Sporting good sales
 - Tailor/seamstress shop

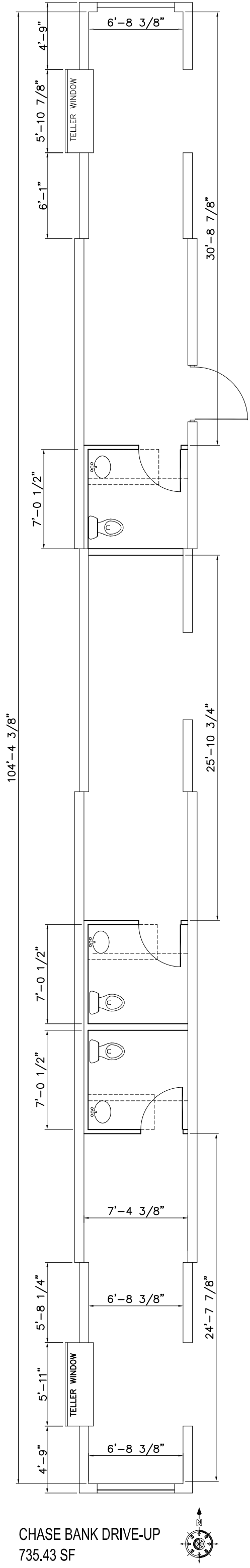
DEVELOPER TRACK RECORD: The petitioner owns and manages a large amount of commercial and residential properties in Bloomington and specifically downtown. Even with a large amount of properties, the petitioner has no outstanding violations or enforcement actions.

CONCLUSION: Staff finds that the proposed relocation and placement of the structure to be an appropriate reuse of the existing building. The proposed location will not detract from the use of the B-Line Trail and will instead provide desirable retail services to it. The reuse of the structure is preferable to its demolition. In addition, staff finds that the location of the structure and the scale of the building are appropriate.

RECOMMENDATION: Staff recommends approval SP-41-12 and all associated waivers with the following conditions of approval:

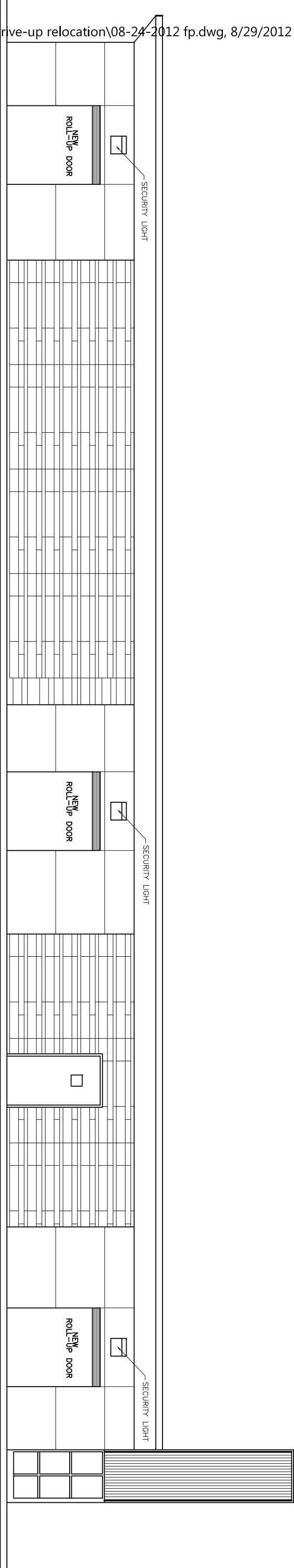
1. This approval is contingent upon the granting of a right-of-way vacation for this property from the Common Council.
2. A recordable zoning commitment must be recorded with the deed of the property as outlined in this report with final language approved by staff. This commitment must be recorded prior to any permits for relocation of the structure.
3. A minimum of 4 Class II bike parking spaces must be placed within 50' of the entrance to the building.

4. The proposed structure location must maintain a minimum of 10 feet from the B-line Trail right-of-way.
5. The eastern 5 feet of the property must be placed within an exclusive waterline easement to the City of Bloomington Utilities Department.
6. All work within the B-Line Trail right-of-way must receive approval from the Parks and Recreation Department prior to any construction activities within this area.
7. All required landscaping must be approved species per the Unified Development Ordinance landscaping requirements.

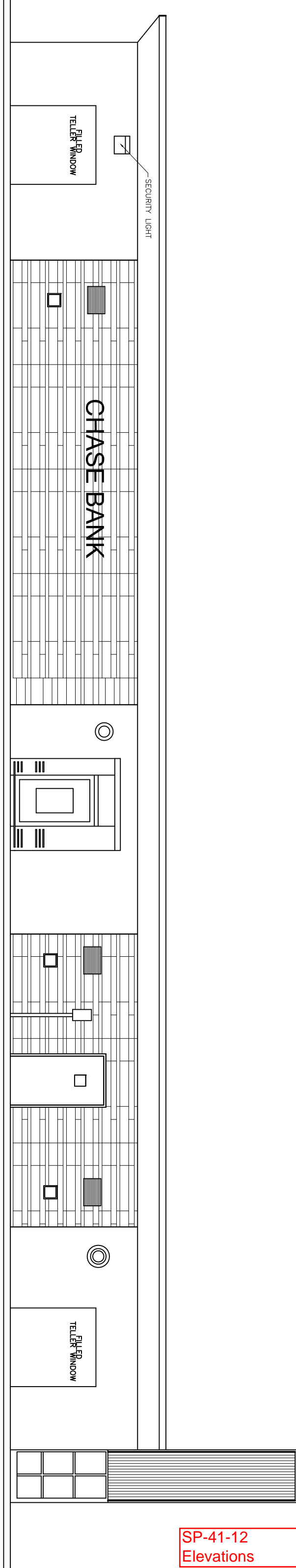


SP-41-12
Floor Plan

PROPOSED EAST ELEVATION



EXISTING EAST ELEVATION





SP-41-12
Rendering

In the Council Chambers of the Showers City Hall on Wednesday, June 20, 2012 at 7:30 pm with Council President Tim Mayer presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
June 20, 2012

Roll Call: Mayer, Neher, Rollo, Ruff, Sandberg, Spechler, Sturbaum, Volan, Granger
Absent: none

ROLL CALL

Council President Mayer gave the Agenda Summation

AGENDA SUMMATION

Minutes for May 2, 2012 and June 6, 2012 were approved by a voice vote.

APPROVAL OF MINUTES

Chris Sturbaum reminded everyone about the Taste of Bloomington.

REPORTS:
COUNCILMEMBERS

Timothy Mayer thanked the Public Works and Street Departments for all the work they were doing.

Steve Volan noted the passing of IU Professor Elinor Ostrom. He said she had the same approach to higher education, Indiana University and students as Herman Wells.

Rick Dietz, IT Director, City of Bloomington, presented information about a technology platform called Open 311 that will allow citizens to submit issues to city officials by using a web access or Smartphone. He demonstrated by using a Smartphone how the application worked with its pull-down menus and easy access. Dietz also shared information about CIVIC Commons, a market place for community innovation. He also said that Bloomington had been accepted into the Summer of Code for which Google funded two interns to develop and write code for Open Source applications.

MAYOR and CITY OFFICES

Miah Michaelsen, Assistant Director of Economic Development for the Arts announced the partner grant between the Bloomington Urban Enterprise Association and the Bloomington Entertainment and Arts District to fund projects within the Urban Enterprise Zone. Michaelsen said the art in the atrium was supplied by Avi Katz, who will be appearing June 26th in City Hall to talk about his work.

Michaelsen presented the local results of the Arts and Economic Prosperity Survey for the city of Bloomington conducted in partnership with Americans for the Arts, the nation's largest arts advocacy and arts education and information organization. She said this was the most comprehensive economic impact study of the arts ever completed in the US. She shared the national results as well as the specific results for Bloomington. The results were based on 1370 responses that were collected at activities and events around the community. The economic impact of nonprofit arts and cultural organizations and their audiences in Bloomington totals 72.3 million dollars annually supporting 3400 FTE jobs and generating 6.3 million dollars in government revenue. She reminded the audience that this study was for not-for-profit only. It did not include any for-profit endeavors or business such as movie theaters.

She said one of the results of this study showed that the arts in Bloomington kept people in Bloomington and therefore kept dollars in the community.

The 40 page study is available on the city's web site at www.bloomington.in.gov/arts

There were no committee reports at this meeting.

COUNCIL COMMITTEES

Mayer read the rules for public speaking at this meeting.

PUBLIC INPUT

Erica Rudd, Development Director for the Monroe County YMCA thanked Councilmember Darryl Neher and former Councilmember David Sabbagh for their pedal-off at the Farmers' Market that benefitted the Y.

Rocky Rison, President of the Monroe Saddle Club asked why there was objection to using horses on the B-Line Trail. He said it was the perfect way to go green.

Scott Wells presented information on a report of the impaired waterways affecting drinking, swimming and fishing. He said things were getting worse rather than better. He proposed a Lake Monroe Regional Lake Monroe Management District to protect the drinking water of the community.

There were no appointments to boards and commissions.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Resolution 12-05 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis. There was no committee recommendation.

LEGISLATION FOR SECOND READING

It was moved and seconded that Resolution 12-05 be adopted.

Resolution 12-05 Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2012 and Other Related Matters.

Sturbaum said he had a potential conflict of interest and would recuse himself from deliberation and action, and left the Council chambers.

Darryl Neher announced he would disclose that he was the current board chair of Martha's House.

Jack Hopkins Committee Chair, Council Member Susan Sandberg presented information related to the process for allocating the funds to 26 social services agencies. She reviewed the criteria, explained how decisions were made and read the list of recipient agencies and the amount awarded each.

Dave Rollo said he appreciated the difficult task that this committee had and wondered about changes in the number of applications and amount of funds requested.

Sandberg said that originally there were 46 applicants, and while all of the work of all of the agencies was worthy, the committee had to use its standards and criteria to make decisions about funding.

Rollo mentioned that the deliberations were televised so the public could watch and learn more about the needs of the community.

Marty Spechler asked about the application of Planned Parenthood which was not funded this year.

Sandberg said there was a high priority on emergency services such as food, housing and health care. While Planned Parenthood focused on health care, their request did not quite meet the standards as well as others that addressed the same issues.

Mayer pointed out that these funds were from tax dollars, that contracts were signed to receive the funding and that the HAND office supervised the expenditure of the funds.

Larry Jacobs, Monroe County United Ministries thanked Sandberg and the committee for their work, and for the allocation they received.

Toby Strout, Middle Way House thanked the committee for the allocation for the work of protecting women, children and men. She went

Resolution 12-05 (cont'd)

on to say that Bloomington does not have to allocate funding to social services, but the city chooses to and said she is so pleased to live in this city.

Rollo thanked the Mayor for making the Jack Hopkins funding a focus of his work.

Mayer reviewed the naming of the Jack Hopkins Fund which was initiated by former Councilmembers Jack Hopkins and John Fernandez who approached then-Mayor Tomi Allison (present in the room), about using city money to assist community needs.

Volan commented on how the meeting agenda was arranged and suggested that if other work was done by committees also rather than the whole council, it would work as well as this allocation process.

Resolution 12-05 received a roll call vote of Ayes: 8, Nays: 0 Abstain: 1 (Sturbaum)

It was moved and seconded that Resolution 12-09 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis. There was no committee recommendation.

It was moved and seconded that Resolution 12-09 be adopted.

Resolution 12-09 Supporting an Amendment to the United States Constitution to Provide That Corporations Are Not "People" and Money Is Not "Speech."

Rollo introduced Resolution 12-09 and asked to read it in its entirety. Prior to the reading he recognized Councilmembers Ruff, Sandberg and Mayer who joined him in sponsorship of this resolution. He also recognized the Move To Amend group especially Tomi and Jim Allison who spent so much time and effort working on initiating this resolution.

Mayer asked if any of the Council sponsors had initial comments to make.

Andy Ruff said he wanted to emphasize that this legislation was completely citizen driven, which was not to say the Councilmembers did not enthusiastically support it. Ruff said he wanted to recognize their passion and work.

Sandberg read a portion of a letter from Rob and Karen Stone indicating the vast amount of money that a corporation has to spend to support candidates that citizens do not.

Rollo said he appreciated the public coming forward on this because of the coercive effect on democracy that the Supreme Court's decision had. He called it a national emergency to take back the political system.

Mayer said this had been discussed on and off since the Supreme Court decision was made and it was the local group that moved this forward.

Local citizen sponsors addressed the creation and purpose of this legislation.

Former Mayor Tomi Allison thanked the sponsors and the Council. She said that the Citizen's United Supreme Court ruling voided Congressional limits on campaign spending in the name of free speech. She pointed out that during the Republican Primary debates, equal time was allocated to each candidate, rather than allocating some additional time based on wealth. She said the Court decision eliminated all rules for campaign spending. She said let the people overturn this judge-made law and let Congress restore the Campaign Finance Reform people wanted.

Beth Friedman Kirk, a member of Move to Amend South Central Indiana stated she was supporting the 28th amendment because it had become

clear democracy was not working well, because political candidates depended on corporations to finance their next campaign.

Bill Milroy, Bloomington, said as a Libertarian it might surprise some that he was supporting this resolution, but added that the amount of money being spent on elections limited the ability of the individual to participate in the democratic process. He cited an NPR report that pointed out that 85% of the candidates who spent the most money on elections won those elections.

Elsa Harack said this court decision was scandalous and profoundly disturbing because of what it said about the Supreme Court, because this decision lacked input on what was best for the country and democracy. She said the country needed to fix the problem of excessive corporate power and control over the way this country works.

Scott Wells thanked the Council sponsors for introducing this resolution and Jim and Tomi Allison for initiating the action. He said that the basis of democracy was at stake, and was being sold to the highest bidder. As an example, he said in the Wisconsin recall election the two Koch brothers donated \$8 million to support Scott Walker which was twice the total amount that his opponent had.

Chaim Julian, Chair, Democracy for Monroe County said his organization strongly supported this resolution.

Robert Deppert representing labor interests said the same backers of Citizens United were the same ones who hurt labor with the Right to Work legislation. He said a corporation was not a citizen and did not care about the community.

Kathy Dilcher said the 1st Amendment to the constitution gave citizens the right to petition their government, therefore, she said she wanted to present a box of over 1600 signatures from those who had petitioned their government to amend the Constitution to declare that corporations are not persons and that money is not speech. She presented the petitions to the Clerk.

Council questions.

Spechler asked if the council was being asked to approve the brief title or the entire page and who authored it.

Council Attorney Dan Sherman said the council was being asked to approve the entire revised resolution. He also said the resolution was authored collaboratively.

Ruff added that the revisions came from Dawn Johnsen, law professor and constitutional expert.

Mayer added that this document was vetted by the local sponsors and approved by the council co-sponsors.

Public Comment.

Linda Shanks along with Ann Wrenn, League of Women Voters read a statement from the National League of Women Voters supporting the resolution.

David Weigle, said he didn't realize when he incorporated a small electronics firm that he was creating a person without involving human sex.

George Brooks said this court decision was merely about deregulating corporations. He said it was important to regulate corporate power and

that every single city council in the country should pass this same type of resolution.

Daniel McMullen said money was property and not speech. He added that we needed to take our democracy back.

James Allison, Move to Amend South Central Indiana talked about how much fun he had had working on this amendment during the past 5 months and how much he had learned. He provided background information on the national Move to Amend organization and the 113 local affiliates.

Isabel Piedmont-Smith asked that the council support this resolution. She said this is not just a reactive response since the country had had two years to see the effects of Citizens United, which she called scary. She spoke about the problems with funds raised by super PACs and said she was tired of living in a country dominated by corporations.

Rob Deppert reported that Jobs for Justice also supported this resolution.

Council Comments.

Spechler said he was happy to see the extended resolution and he would support it, and said free speech was not absolute nor were the rights of corporations.

Neher said as with the ERA, a movement that helped changed attitudes, so too with this, for it was a rallying cry for Americans to get involved because they were fed up with the corporate expenditure in elections. He added that there was now a multi-pronged approach including proposed full disclosure and the ability to disallow registered lobbyists to donate or fund raise.

Rollo said that he believed corporate personhood was at the root of many of the current problems, including ecological and environmental problems, economic policies and more. However, he said he was heartened that people were waking up to the problems.

Granger said she appreciated the human perspective from all of the "natural" people.

Volan said we should ask why there was so much money for elections. He said that just as telecommunications was regulated, so too should the money spent on elections that controls it.

Mayer said he supported the resolution and thanked the local sponsors and council staff for their work. He thanked the Herald Times for supporting this discussion when in the past they had not been supportive of items which were not of a local nature, because. He said these types of community discussion were important.

Resolution 12-09 received a roll call vote of Ayes: 9, Nays: 0

It was moved and seconded that Ordinance 12-14 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis giving the committee Recommendation of do pass 9-0-0
It was moved and seconded that Ordinance 12-14 be adopted.

Ordinance 12-14 To Amend the Approved Planned Unit Development (PUD) District Ordinance and Preliminary Plan - Re: 223 W. Dodds Street (Neighborhood Solutions, Petitioner)

Eric Greulich, Planning Department explained the ordinance which was a request from Matt Press on behalf of Neighborhood Solutions and said this was to amend the previously approved Planned Unit Development (PUD) on Dodds. He said that property was rezoned in 2009, the project

was never started and this petitioner was now amending that petition by asking for approval for his unique development. He added that the B-Line Trail was immediately to the west. Greulich said a portion of the development would be single family homes while the northern portion would be multi family and commercial. He reported that the Planning Commission voted 8-0 to forward this with a favorable recommendation.

Volan thanked the petitioner and staff for making a modification to the parking arrangement. He wondered if the purchase of a parking space could be separated from the purchase of a condominium. The petitioner Press said this would most likely be left to the Condominium Association to decide. Volan said he did not want the purchase of a parking space to be required.

Amendment #1 - Reasonable Condition #1

Amendment #1 Reasonable Condition #1 The Petitioner's Statement shall be amended by striking the reference to the 1' setback for bay structures in the Lot Development Standards for the Single-Family Home Component (Lots 1 – 12) and replacing it with the following:

Bay structures (with or without a foundation) may encroach 2' into the setback on the south side of the houses, but may not encompass more than 50% of the building length.

Amendment #1- Reasonable Condition #1 received a roll call vote of Ayes:9, Nays:0

Amendment #2 - Reasonable Condition #2

Amendment #2 Reasonable Condition #2 The Petitioner's Statement shall be amended adding the following bullet-point to the end of the Lot Development Standards for the Single-Family Home Component (Lots 1 – 12):

- Single family lots are not required to have any on-site parking.

Volan said he wanted to eliminate the idea that parking had to be a part of purchasing a condominium.

Mayer said he didn't think the amendment considered the real world in which we lived. He said for example, if a senior citizen living there required daily care, where would the caregiver park? He said he didn't think it reflected reality and was not onerous to put some level of required parking on the lot, and therefore could not support it.

Amendment #2 - Reasonable Condition #2 received a roll call vote of Ayes:8, Nays:1

Main motion as amended, discussion.

Ordinance 12-14 as amended

Rollo asked how far of a walk was public transportation, to which Greulich said about ¼ of a mile or less.

Rollo said including information on public transportation and what it would be like to live in a proposed development would be helpful to these types of presentations.

Mayer asked about the drainage on this property. Greulich said the drainage that would be installed would drain water to the storm sewers to the north.

Greulich also said because a small portion of the property was in the flood plain, the petitioner would have to get any permits needed from DNR before any work.

Isabel Piedmont-Smith said she was a neighbor of this development and thought it would fit in very well with the existing homes.

Volan said it was an excellent project and was happy to support it.

Ordinance 12-14 as amended (*cont'd*)

Rollo said kudos and wonderful on all respects. He said it would be a public benefit to have the front of the houses facing the B-Line Trail.

Sturbaum said two thumbs up.

Mayer said this project was so much better than the previous project.

Ordinance 12-14 as amended received a roll call vote of Ayes: 9, Nays: 0

There was no legislation for first reading.

LEGISLATION FOR FIRST
READING

There was no public input during this portion of the meeting.

PUBLIC INPUT COUNCIL

Council Attorney Dan Sherman said there would be a Special Session the following week to consider the annual tax abatement report.

COUNCIL SCHEDULE

He also asked if the Council wanted to consider two resolutions from the past Internal Work Session during the same meeting rather than during a Committee of the Whole meeting.

Volan asked to clarify the meeting formats.

Granger said she would not be present on July 3rd.
Sherman said since July 4th fell on a Wednesday, the meeting would be held on Tuesday, July 3rd and wondered how many others couldn't attend.

Mayer polled the Council and determined there would be six members present on July 3rd.

It was moved and seconded that the two resolutions be heard at the Special Session the following week.

The motion was approved by voice vote.

The meeting was adjourned at 11:05 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Timothy Mayer, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

