

# CITY OF BLOOMINGTON



## PLAN COMMISSION

November 14, 2022      5:30 p.m.

Council Chambers, Room #115

Hybrid Zoom Link:

<https://bloomington.zoom.us/j/86510300029?pwd=UTYxNmpVU2EyZ3poS3FYbTV6SWpnZz09>

**Meeting ID:** 865 1030 0029

**Passcode:** 230385

**CITY OF BLOOMINGTON  
PLAN COMMISSION (Hybrid Meeting)  
November 14, 2022 at 5:30 p.m.**

❖ **City Council Chambers – Room #115**

❖ **Virtual Link:**

<https://bloomington.zoom.us/j/8651030029?pwd=UTYxNmpVU2EyZ3poS3FYbTV6SWpnZz09>

**Meeting ID: 865 1030 0029**

**Passcode: 230385**

**Petition Map: <https://arcg.is/rznju>**

## **ROLL CALL**

**MINUTES TO BE APPROVED:** October 10, 2022

## **REPORTS, RESOLUTIONS AND COMMUNICATIONS:**

**PETITIONS CONTINUED TO:** December 12, 2022

### **PUD/DP-24-21 Robert V Shaw**

N Prow Road: 3500 block of N Hackberry Street  
Request: Petitioner requests Final Plan and Preliminary Plat amendment for Ridgefield PUD and Subdivision Section V.  
*Case Manager: Jackie Scanlan*

### **SP-24-22 Cutters Kirkwood 123 LLC**

115 E Kirkwood Ave  
Request: Major site plan approval to construct a 4-story building with 3 floors of residential units over a ground floor parking garage and retail space in the MD-CS zoning district. The upper floors will consist of 15 dwelling units for a total of 38 beds.  
*Case Manager: Karina Pazos*

## **PETITIONS:**

### **ZO-40-22 Monroe County Government**

Northeast Corner of I-69 and Fullerton Pike  
Request: Map amendment (rezone) of one roughly 87.12 acre parcel from Mixed-Use Employment (ME) to Mixed-Use Institutional (MI).  
*Case Manager: Jackie Scanlan*

### **ZO-45-22 Saint Real Estate LLC**

300 302 and 314 W 1<sup>st</sup> Street  
Request: Zoning map amendment (rezone) of three parcels from Mixed-Use Neighborhood Scale (MN) to Mixed-Use Medium Scale (MM) and a request for a Waiver for the second hearing.  
*Case Manager: Karina Pazos*

**\*\*Next Meeting December 12, 2022**

**Last Updated: 11/10/2022**

**Auxiliary aids for people with disabilities are available upon request with adequate notice.**

**Please call [812-349-3429](tel:812-349-3429) or e-mail [human.rights@bloomington.in.gov](mailto:human.rights@bloomington.in.gov).**

**ZO-51-22****City of Bloomington**

Text Amendment

Request: Text amendment to add an overlay to the Unified Development Ordinance (UDO) and a waiver of the second hearing.

Case Manager: Jackie Scanlan

**ZO-52-22****City of Bloomington**

Properties bounded by S. Walker Street, W. 2nd Street, S. Morton Street, and W. 1st Street; however excluding 649 and 651 S. Walker Street and also excluding properties on the north side of W. 1st Street from 1018 W. 1st Street to 822 W. 1st Street; also including the eastern half of 608 W. Wylie Street; and including properties on the north side of W. 2nd Street between Building and Trades Park and S. Morton Street, from 522 W. 2nd Street to 300-308 W. 2nd Street; also including 510 S. Morton Street; also including 525 S. Walker Street and 1010 W. 2nd Street

Request: Zoning map amendment to locate a new overlay and request for a waiver of the second hearing.

Case Manager: Jackie Scanlan

**BLOOMINGTON PLAN COMMISSION  
STAFF REPORT**

**CASE #: ZO-40-22**

**DATE: November 14, 2022**

**LOCATION:** Northeast corner of W Fullerton Pike and S State Road 37

**PETITIONER:** Monroe County Government  
100 W. Kirkwood Avenue, Bloomington

**REQUEST:** The petitioner is requesting a map amendment (rezone) of approximately 87.12 acres from Mixed-Use Employment (ME) to Mixed-Use Institutional (MI) for the purpose of building a new jail facility.

**BACKGROUND:**

**Area:** 87.12 acres  
**Current Zoning:** Mixed-Use Employment (ME)  
**Comp Plan Designation:** Employment Center / I-69 and Interchange Focus Area  
**Existing Land Use:** Vacant  
**Proposed Land Use:** Jail or Detention Facility  
**Surrounding Uses:** North – Vacant / Old Quarry  
South – Highway Interchange / Dwelling, Single-family (detached)  
East – Quarry  
West – Highway Interchange / Dwelling, Single-family

**CHANGES SINCE THE OCTOBER HEARING AND UPDATED REPORT:** The petition was heard and discussed at the October 10, 2022 Plan Commission hearing. Concerns were discussed related to issues raised in the staff report, as well as the necessity of finding a new location and the available land for the desired use. The petitioner opened the site for tours for the Plan Commission in late October. No additional information has been provided for the packet since that time. The petitioner indicated that a Phase I and a Phase II Environmental study were done, as well as a jurisdictional and wetlands report, but those have not been submitted for review by the Plan Commission. The petitioner also indicated that they were in the process of getting a geotechnical report done, as well as a review and report by a geologist before the next hearing. None of those documents have been received for review by the Plan Commission.

Various assumptions, or starting points, for the petition were discussed at the hearing. One assumption is the size needed for the facility for which the map amendment is sought. The petitioner has submitted various size needs ranging from 20 to more than 40 acres. Per the petitioner at the hearing, the 25 acres is needed for a jail building that could be 2-3 acres in size, with surrounding area for parking and drainage requirements. This assumption has a great effect on the possible locations in the City of Bloomington, as 25 to 40+ vacant acres of developable, properly zoned land is difficult to identify. This assumption is concerning because no information (for example, a site plan) has been submitted to explain the desired amount of land. Additionally, the County petitioned to have a portion of the Thomson PUD amended to allow for a juvenile detention facility, sentencing programs, and a future jail on a portion that is owned by the County in 2002. That site is currently undeveloped.

The petitioner indicated that the petition site would not be purchased solely for jail purposes, and indicated that there are other needs that need to be filled, such as transitional housing, a detox center, and work/release. Without even a basic site plan, it is difficult to determine whether or not

this site can support more than the 40 acres needed for the jail facility and other supportive facilities because of the environmental constraints.

A number of new county jail facilities have been planned or built across Indiana in the last five years, and staff was able to gather some information for the purpose of comparison. The Wabash County facility required 20 acres, Henry County (246 beds and sheriff's office) required 20-30 acres, Delaware County required 21 acres, and Vigo County (494 beds) plans on 22 acres. A comparison or more information about comparable facilities and their required acreage may be instructive to the Plan Commission and Common Council.

A second assumption mentioned by the petitioner in the October hearing is that the facility needs to be located within the corporate boundaries of Bloomington to satisfy the City. The current location of the jail facility and its ancillary supportive services are in the heart of downtown, at 7<sup>th</sup> Street and College Avenue. Concern about the impacts of moving the facility away from downtown is reasonable, and something that should be part of the discussion of the location of a new facility. However, the City has not been included in discussion of the long-term planning of this new facility, so we are not aware of how the effects of moving were considered.

The petitioner stated at the hearing that Bloomington Transit would work with the petitioner to provide access to the site.

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**REPORT FROM FIRST HEARING:** The petition site is 87.12 acres and is one parcel that is located at the northeast corner of the intersection of West Fullerton Pike and South State Road 37 / Interstate 69. The property is zoned Mixed-Use Employment (ME). The property is currently undeveloped. The property was previously zoned Planned Unit Development (PUD) and received approval to sell its top soil for the I-69 corridor project. The property was subsequently reseeded and vegetation exists where the topsoil was removed. The property immediately to the north is also zoned ME and is currently vacant. Surrounding land uses include other commercial offices and manufacturing buildings. Property to the northeast and east is zoned Quarry (Q), is outside of the corporation boundaries, and contains a previously used quarry (northeast) and an active quarry (east). Property to the south is zoned Limited Business (LB) and Agriculture/Rural Reserve (AG/RR), is located outside of the corporation boundary, and appears to contain single-family residences. State Road 37 / Interstate 69 is to the west, with property immediately to the west being zoned Limited Industrial (IL) at the interchange, with the remainder as Single Dwelling Res 3.5 (RS 3.5) which is a large single-family residential development.

The petitioner is in conversation with the property owner and is planning to purchase the property in order to relocate the existing Monroe County Jail facilities to this location. The petitioner has provided that at least 25 acres are needed for the new jail facility and that, though no details have been determined at this time, additional acreage will likely be needed for supportive services that may be moved to be in close proximity to a new jail location.

The petition site is currently zoned ME, which does not allow for the use 'Jail or Detention Facility'. The use is limited in the Unified Development Ordinance (UDO), the zoning code, to either the Mixed-Use Institutional (MI) or Employment (EM) zoning districts. The use is 'Conditional' in both MI and EM. The petitioner is requesting a map amendment to rezone the property to MI.

The Department has identified a number of areas of concern related to the request, and has

communicated those to the petitioner. Responses can be seen in the attached letter from the Monroe County Attorney’s office dated August 29, 2022. The Plan Commission, and ultimately the Common Council, will need to weigh a number of factors when analyzing this request, including the areas of concern identified by the Department, which are discussed briefly below. The largest issue, compliance with the Comprehensive Plan, is discussed in more detail in the next section.

Environmental Site Considerations: The site contains large amounts of closed canopy tree areas along the eastern portion of the site, which will need to be preserved with any development. There are also some low-lying areas and karst features. A previous approval at the site has outlined in some detail the areas that require preservation. The petitioner has stated that no disturbance of those areas is envisioned at this time. Additionally, the Department has heard from neighboring property owners with concerns about stormwater that leaves this site now and how that will change and be addressed in future development. The site was also used as an I-69 soil borrow site and may have issues in the future where top soil will need to be replaced on the site in order for required landscaping to be achieved.

Access: The site will derive vehicular access from West Fullerton Pike. The Transportation Plan includes a roadway connection on the west side of the property to connect to the north. A map amendment does not automatically require right-of-way dedication for that roadway, however, the petitioners have been made aware that any future subdivision will trigger dedication and development of that roadway.

There is no transit service adjacent to the site. Bloomington Transit has indicated that no future transit service is planned adjacent to the site. While the map amendment does not raise immediate concerns about transit access for the site, approving a map amendment in order to allow for the particular use, ‘jail or detention facility’, when no transit access is planned, raises concerns. The petitioner has indicated that they plan to have discussions with Bloomington Transit about future connections.

Site Design: No site plan is required for approval of a map amendment. However, in the case where a map amendment is being requested in order to allow for a particular use, and for one as potentially impactful as a ‘jail or detention facility’ requiring at least 25 acres for development, a site design may be useful for decision makers to weigh potential impacts. The petitioner is currently working on analysis of the site and does not have a site design to share.

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**COMPREHENSIVE PLAN:** The Comprehensive Plan designates this site as ‘Employment Center’ and it is also part of the ‘I-69 and Interchange’ Focus Area. The Comprehensive Plan envisions that Employment Centers will allow “Bloomington to keep pace with the changing economy – the main purpose of the district.” The Department has concerns about whether or not the rezone is supporting this basic goal of the Employment Center area, as the current zoning, ME, seems to support this goal. MI limits the number and type of uses at the site, and the particular use desired by the petitioner further limits the site in meeting the purpose of Employment Center.

The site is in the ‘Employment Center’ designation in the Comprehensive plan, as well as part of the ‘I-69 and Interchange’ Focus Area. The Employment Center description lists the following:

- Professional and business offices, light assembly plants, flex-tenant facilities, and research and development centers.
- Mix of office and light/high-tech manufacturing uses that provide quality employment opportunities.

- Good access to main thoroughfares and transit service

While MI can provide opportunity for the first and second bullet points above, the Department is concerned that rezoning the property for the specific intent of building a large jail does not support these outcomes of the Employment Center designation. Additionally, the existing zoning, ME, may encourage more of the types of uses desired than the MI district. For the third point, West Fullerton Pike offers excellent vehicular access, however, there is currently no transit to this location. The Department encouraged the petitioners to meet with Bloomington Transit to discuss possible future service. There is no planned service at this time.

The Interchange guidance in the Comprehensive Plan lists the following:

- Offer key opportunities as premier entry points into Bloomington.
- While serving regional employment and commercial interests, the overarching context along the corridor should convey a sense of arrival in Bloomington.
- The interchanges must welcome and invite everyone to access the whole community and not simply provide a generic respite along an interstate highway.

The MI zoning district may offer opportunity for these goals to be met. However, the proposed use, jail or detention facility, for which the rezone is sought, raises questions about how the area can be developed to be a premier entry point into Bloomington, as well as how it will serve regional employment and commercial interests. The goal for development of the interchanges is to invite users into the community, and the Department is concerned about rezoning the property in order to allow a 25 acre jail site on an 80+ acre parcel will accommodate that goal.

The Transform theme is recommended for the development of this area in the Comprehensive Plan and says the following:

- Commercial areas to serve the office, research, and light-manufacturing base

The MI zoning district could allow for some uses that would satisfy this description, but arguably not more than the ME district. And the desired use, jail or detention center, does not support this. Additionally, MI has no ‘Retail Sales Uses’ allowed in the Allowed Use Table (Table 3-1) of the Unified Development Ordinance, and the use ‘restaurant’ is only allowed as an accessory use. The MI zoning district is not designed to allow supportive commercial services.

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**Zoning Map Amendment:** The Plan Commission shall review the zoning map amendment petition and shall forward its recommendation to the Common Council in accordance with Section 20.06.040(g) (Review and Decision), based on the approval criteria in Section 20.06.040(d)(6) Approval Criteria) and the following specific approval criteria:

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

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

**PROPOSED FINDING:** The request for a map amendment complies with the UDO, and no other applicable regulations are known. Compliance with specific utility, service, and improvement standards will be assessed at the site development stage. Prior approvals delineated environmental feature preservation, and those areas will be protected.

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

- i. Consistency with Comprehensive Plan and Other Applicable Plans
- ii. Consistent with Intergovernmental Agreements
- iii. Minimization or Mitigation of Adverse Impacts
- iv. Adequacy of Road Systems
- v. Provides Adequate Public Services and Facilities
- vi. Rational Phasing Plan

**PROPOSED FINDING:** The Comprehensive Plan designation for the site is ‘Employment Center’ and it is also part of the ‘I-69 and Interchange’ Focus Area, and is discussed above. The Comprehensive Plan envisions that Employment Centers will allow “Bloomington to keep pace with the changing economy – the main purpose of the district.” The Department has concerns about whether or not the rezone is supporting this basic goal of the Employment Center area, as the current zoning, ME, seems to support this goal. The planned facility for which the map amendment is requested is not a use that is typically considered an employment generator in line with the goals of the Comprehensive Plan. However, the Department recognizes that the community need for such a facility exists. However, an amendment to the Comprehensive Plan to allow the use at this location may be appropriate. The map amendment will not create adverse impacts, though future development will have to consider stormwater runoff, as well as preservation and protection of the environmental features on the site. No new road systems are required with the map amendment, though a roadway connection will be needed with any future subdivision. Discussions with Bloomington Transit are underway for future development at the site. No phasing is necessary for a map amendment.

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

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

**PROPOSED FINDING:** The current zoning designation of ‘Employment’ is in line with the Comprehensive Plan designation. There is currently no development on the site. Because the property is desired for employment, a map amendment to move the property away from the Employment zoning designation may not produce the most desirable uses. The sensitive features will be protected during the development phase for the site. It is difficult to indicate what the effect of the map amendment will be on the property values of properties throughout the jurisdiction. While the current jail facility is in need of correction or replacement, doing a map amendment at this location in order to allow for a new facility here may not be the most responsible growth choice.

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**CONCLUSION:** The Department understands the practical and necessary needs for a progressive and comprehensive criminal justice system, including a new or updated jail facility and its associated wrap around services the petitioner is seeking to address. The Department is concerned that not enough information has been presented about why the map amendment is necessary in order to meet those needs. No information has been presented about collaboration with the City or



downtown organizations about the impact of redevelopment or relocation of the existing facility. No information has been presented on how the populations served by this facility will be able to access it, and what sort of supportive activities are planned for this location. The petitioner has demonstrated the need for a new facility, but there remain significant concerns about the assumptions made for this petition and the lack of a community-wide conversation about the impact of this map amendment and its intended use. Additionally, the department has technical concerns about this map amendment request and its alignment with the Comprehensive Plan designation for this location, as well as the implications of the desired use and its lack of transit access at this location.

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**RECOMMENDATION:** The Department recommends the Plan Commission forward the petition, ZO-40-22, to the Common Council with a negative recommendation.

R1

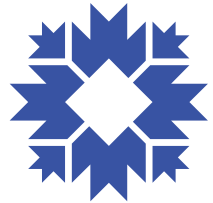
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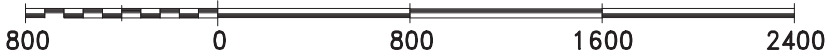
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City of Bloomington  
Planning

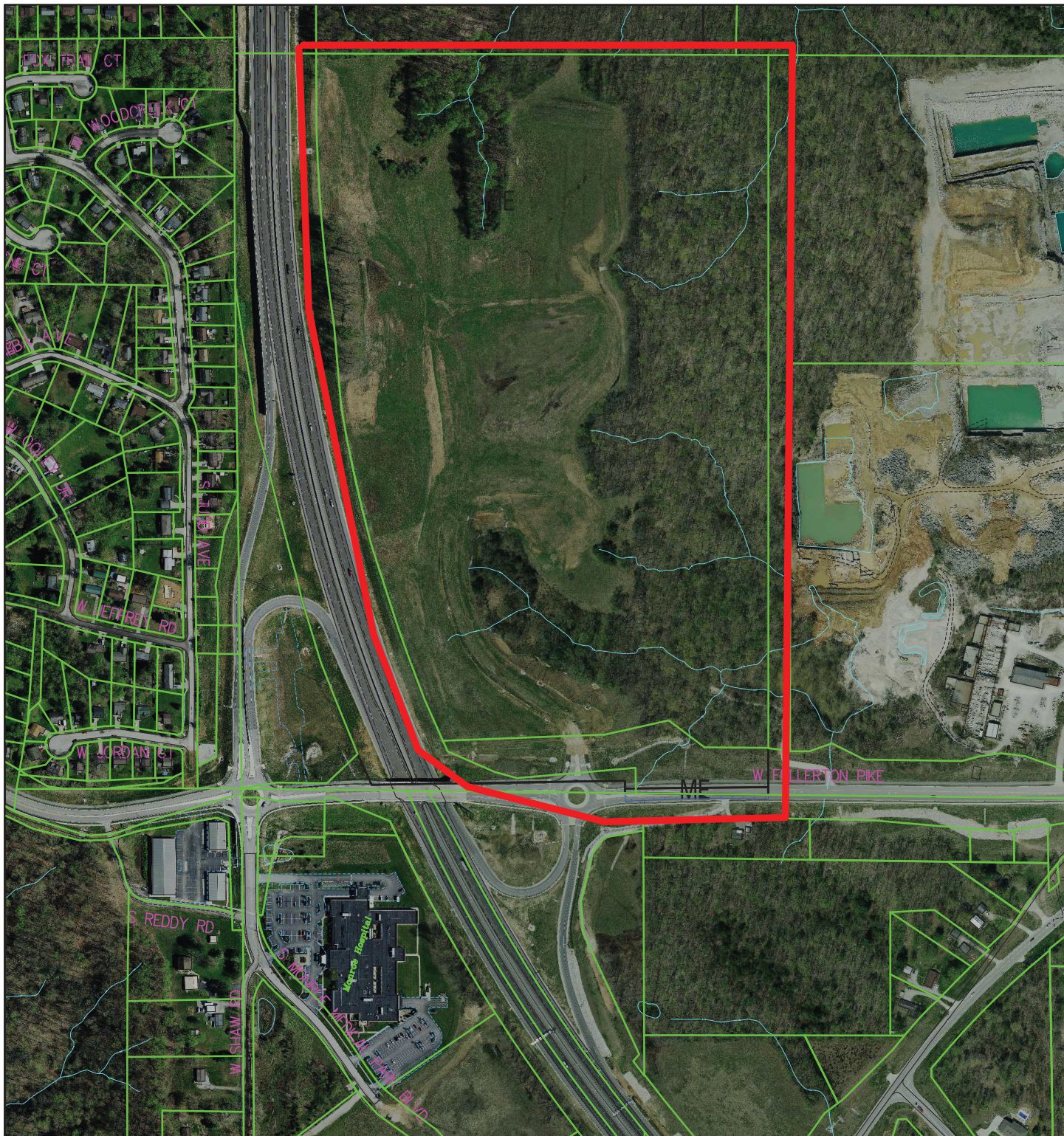


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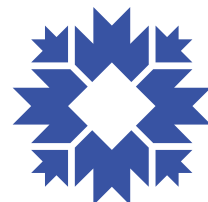
By: scanlanj  
29 Jul 22



For reference only; map information NOT warranted.



City of Bloomington  
Planning



Scale: 1" = 500'

By: scanlanj  
29 Jul 22



For reference only; map information NOT warranted.





INNOVATIVE IDEAS  
EXCEPTIONAL DESIGN  
UNMATCHED CLIENT SERVICE

## PROJECT MEMORANDUM

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**DATE:** November 2, 2022

**TO:** Jeff Cockerill, Monroe County Attorney

**FROM:** Jeff Hirsch, PLA, LEED AP  
Scott Carnegie, AAIA

**SUBJECT:** New Monroe County Correctional Facility – Anticipated Site Acreage

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When selecting a site for a new correctional facility, multiple factors should be considered for determining the acreage necessary to support the development.

Common factors to be considered include:

- Building footprint square footages (main correctional facility, auxiliary buildings such as lawn maintenance storage, fleet maintenance, and ancillary support spaces such as mechanical yard(s), photovoltaic fields, etc.).
  - A one operational level correctional facility is recommended versus a multi-operational level facility due to being more efficient to operate and staff. A one operational level facility building footprint square footage is larger than a multi-level facility.
- Required visitor parking
- Required staff parking - including shift change
- Anti- Terrorism Force Protection (ATFP) standoff distance recommendations for perimeter security
- Additional equipment storage (trailers, specialty tactical vehicles, etc.)
- Local zoning setbacks, required buffer yards, landscaping requirements, etc.
- Local drainage requirements for stormwater management and retention/detention
- Secured outdoor recreation area / evacuation yard
- Vehicular circulation / access for tractor trailers, fire department, trash/recycling trucks, transportation vehicles/buses, etc.
- Full perimeter access drive

In addition to the above, DLZ further considers future expansion of the facility and the associated increased accommodations of parking, stormwater detention, etc.



INNOVATIVE IDEAS  
EXCEPTIONAL DESIGN  
UNMATCHED CLIENT SERVICE

New Monroe County Correctional Facility  
Anticipated Site Acreage  
Page 2 of 2

A site of at least 25 buildable acres should adequately support the anticipated size of the new Monroe County Correctional Facility. Reference Attachment A which includes a sampling of various Correctional Facilities identifying the approximate gross square feet (GSF), rated bed capacity and approximate site acreage. The average approximate acreage per rated bed is 0.069 acres.

Accommodations of possible additional future building facilities to accommodate Courts, Community Corrections/Work Release, Juvenile Detention, Diversion Center, Treatment Facility, etc. will require additional acreage - above the recommended 25 minimum acres for the Correctional Facility.

Attachments: A – Monroe County – Site Acreage Comparison

Copy: Laurie Johnson, PE, Eric Ratts, AIA, NCARB - DLZ

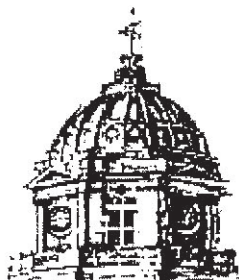
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**MONROE COUNTY - SITE ACREAGE COMPARISON  
Attachment A**

Sheriff's Office & Jail	Approximate Facility Gross Square Footage	Rated Bed Capacity	Approximate Site Acreage
Sullivan County Sheriff's Office & Correctional Facility	56,400	192	15.192
Vigo County Security Center	138,400	504	22.21
Jefferson County Sheriff's Office & Criminal Justice Center	84,656	300	50
Morgan County Sheriff's Office & Jail	60,000	439	15.54
Starke County Sheriff's Office & Justice Center	48,000	148	24
Perry County Sheriff's Office & Detention Center	40,000	134	5.96
Hamilton County Sheriff's Office & Jail	131,773	526	15.44
Elkhart County Criminal Justice Complex	415,890	1,024	80
Vanderburgh County Jail	146,000	553	36.46

<b>TOTALS:</b>	3,820	264.802
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<b>APPROXIMATE ACREAGE PER RATED BED:</b>	0.069
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OFFICE OF  
**MONROE COUNTY ATTORNEY**  
 100 W. Kirkwood Avenue, Room 220  
 Bloomington, Indiana 47404  
 Telephone: (812) 349-2525  
 Facsimile: (812) 349-2982  
 E-mail: legal@co.monroe.in.us

**DAVID B. SCHILLING**  
**E. JEFF COCKERILL**  
**LEE F. BAKER**  
**MOLLY TURNER-KING**

August 29, 2022

City of Bloomington Planning Department  
 301 N. Morton Street  
 Bloomington, IN 47404

Re: Rezone Request for parcel 53-08-18-300-001.000-009.

Dear Planning Department Staff and Plan Commission Members:

Thank you for your questions, I have included your information and questions in this response.

1. Comprehensive Plan | Employment and Interchanges The Employment description includes the following:

Professional and business offices, light assembly plants, flex-tenant facilities, and research and development centers.

Good access to main thoroughfares and transit service

Mix of office and light/high-tech manufacturing uses that provide quality employment opportunities

Using the Transform Theme

Commercial areas to serve the office, research, and light-manufacturing base

The section of the Comprehensive Plan that discussed interchanges includes the following:

Offer key opportunities as premier entry points into Bloomington.

While serving regional employment and commercial interests, the overarching context along the corridor should convey a sense of arrival in Bloomington.

The interchanges must welcome and invite everyone to access the whole community and not simply provide a generic respite along an interstate highway.

**How is the project supporting the intent and goals from the Comprehensive Plan, as listed above?**

**RESPONSE:** This project supports the intent and goals of the Comprehensive Plan in a number of ways. Governmental Buildings, such as a Jail, and other Justice related services



by their nature invite access to the whole community and are far from “a generic respite along an interstate highway.” The purpose of the use is the embodiment of the Transform Theme, this facility is expected to deviate from the norm of warehousing inmates, it is to provide much needed services and programs to allow positive change to those who enter the system. The County is exploring other functions for this site to support not only those who have entered to the system, but to serve those who are on a path that has, historically, ended in interactions with the Law Enforcement. Jails have long been the place where those with mental illness, including substance abuse disorder have been housed. The County is a partner to those who wish to see this end, and in doing so will truly create a premier entry point into the City. This use serves not only regional employment and commercial interests, but civic interests as well, by adding to the workforce, increasing public safety, and increasing the quality of life for community members.

At this point, it is difficult to accurately answer the types of employment that will be on site, but it fairly safe to say that there will be professionals working on the site, but highly doubtful that any manufacturing will occur. However, this projects supports many aspects of the vision statement found on Page 14 of the Comprehensive Plan, particularly the following:

1. Fortify our strong commitment to equality, acceptance, openness, and public engagement
2. Deliver efficient, responsive, and forward-thinking local government services
3. Meet basic needs and ensure self-sufficiency for all residents
4. Fortify our progress toward improving public safety and civility
8. Offer a wide variety of excellent educational opportunities for our residents at every stage of life

## 2. Road Connection

The Transportation Plan shows a road connection on this property (Neighborhood Connector). We cannot compel right-of-way (ROW) dedication for new ROW with a map amendment.

However any future subdivision will require ROW dedication and construction. Nothing should be built or designed or used as preservation in those areas.

### **Has site design been done with no disturbance to that area in consideration?**

**RESPONSE:** Site design has not occurred at this point. As far as dedicated right of way is concerned, the County does intend to build a roadway that will accommodate law enforcement and public safety personnel as well as the general public. At this time, the County is not seeking a subdivision, the Site design will take into account the transportation plan’s neighborhood connector.

### Environmental Site Considerations

There is quite a bit of closed canopy on the site and possibly other environmental features that cannot be disturbed.

The owner has sold much of his topsoil for development of I-69. Future Unified Development Ordinance (UDO) compliance cannot be varied because of this self-created hardship. All

landscaping will be required as the site(s) develop.

**Will you have enough area for current and potential future development without disturbance? Have you done a site assessment?**

**RESPONSE:** The County has contracted with DLZ for a site assessment of the property, it should be completed prior to the Plan Commission meeting. In addition the County has contracted for two Phase 1 environmental reviews. In addition, a Phase 2 review has been contracted for, a site reconnaissance review and a Wetland and Jurisdictional water study. One of the attractive feature of this property is the wooded buffer and the County has no intention, at this point, to disturb that area.

Bloomington Transit

You have indicated that you plan to work with Bloomington Transit on access to this site.

**Have those discussions occurred?**

**RESPONSE:** No, those discussions have not occurred, however, the County has reached out to begin the conversation.

Site Plan

It is very likely that Common Council and/or the Plan Commission will expect some sort of site plan to get an idea of what is planned for the site.

**Will you have such a plan before the September Plan Commission hearing?**

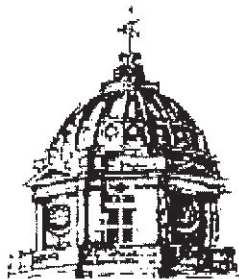
**RESPONSE:** No, the County is asking for rezone of the property to determine if it is appropriate to move forward with design for this site. County Officials' are in the process of touring other facilities to help inform the site design.

Let me know if you have any further questions.

Sincerely,



Jeff Cockerill



OFFICE OF  
**MONROE COUNTY ATTORNEY**  
 100 W. Kirkwood Avenue, Room 220  
 Bloomington, Indiana 47404  
 Telephone: (812) 349-2525  
 Facsimile: (812) 349-2982  
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**DAVID B. SCHILLING**

**E. JEFF COCKERILL**

**LEE F. BAKER**

**MOLLY TURNER-KING**

July 28, 2022

City of Bloomington Planning Department  
 301 N. Morton Street  
 Bloomington, IN 47404

Re: Rezone Request for parcel 53-08-18-300-001.000-009.

Dear Planning Department Staff and Plan Commission Members:

Monroe County is requesting to rezone parcel 53-08-18-300-001.000-009 from ME, Mix-use Employment, to MI, Mixed-use Institutional. This 87.12 acre property is vacant land that is located on Fullerton Pike, bordered by I-69, and is in close proximity to Monroe Hospital. The reason for this request is that an expected use of the property is for the new County Jail facility.

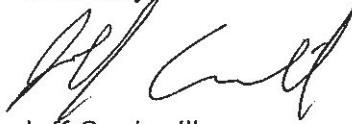
Monroe County Government is required to operate and maintain a Jail, which is not allowed in the ME zone, but is a conditional use in a MI zone. The current jail facility has been operating under a Federal Order regarding its condition since 2009, and in 2019 the County Commissioned a study of the Criminal Justice System, which included the Jail facility. The study showed that the County is not meeting basic constitutional standards, and certainly are not meeting community standards for corrections concerns. In addition, the consultants looked at gaps in our community that lead to incarceration and recommendations to help. The studies can be found here:  
<https://www.co.monroe.in.us/departments/board.php?structureid=178>

When relocating the jail, considerations about which related Justice components of the County will need to be relocated need to occur. While no decisions have been made, the potential use would include all of our current justice related functions, including the Courts, Probation, and Community Corrections, Prosecutor, and Public Defender space. In addition, other supportive facilities, such as those described in the reports, may be desired for this area. Other than the Jail use, the remaining uses appear to be consistent with the ME and MI designations.

The reconstruction and connection of Fullerton Pike as an east-west vehicular traffic corridor is scheduled to be completed in 2025. This project provides both roadway and multiuse trail access to the site and will include a connection to the Clear Creek Trail.

The County reviewed many sites utilizing the following criteria, accessible, minimum size of 40 acres, buffers to residential neighborhoods, and prioritized areas within the City Limits to allow the potential for Bloomington Transit service. This was the space that best fit the needs of the County.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Cockerill". The signature is fluid and cursive, with the first name "Jeff" being more prominent than the last name "Cockerill".

Jeff Cockerill

**BLOOMINGTON PLAN COMMISSION**  
**STAFF REPORT**  
**LOCATION: 300, 302, 314 W. 1<sup>st</sup> St.**

**CASE #: ZO-45-22**  
**DATE: November 14, 2022**

**PETITIONER:** Saint Real Estate LLC  
 PO Box 1203  
 Bloomington, IN 47402

**REQUEST:** The petitioner is requesting a Zoning Map Amendment (rezone) of three parcels from Mixed-Use Neighborhood Scale (MN) to Mixed-Use Medium Scale (MM), and a request for a waiver from the second hearing.

**BACKGROUND:**

**Area:** 0.57 acres  
**Current Zoning:** Mixed-Use Neighborhood Scale (MN)  
**Comp Plan Designation:** Mixed Urban Residential  
**Existing Land Use:** Office  
**Proposed Land Use:** N/A (no land use change is proposed)  
**Surrounding Uses:** North – Office and medical clinic  
 South – Personal Service  
 East – Retail sales, big box (Kroger)  
 West – Medical clinic

**REPORT:** The petition site encompasses three parcels that total 0.57 acres and are located at 300, 302, and 314 W. 1<sup>st</sup> Street. The properties are zoned Mixed-Use Neighborhood Scale (MN). The two eastern parcels are currently developed with one office building that contains St. John Associates. The third parcel, to the west, is currently vacant. Surrounding land uses include other offices, big box retail, medical clinic and warehouse buildings, which were recently demolished for the Hopewell redevelopment project. The properties to the north and west are part of the Hopewell redevelopment project. The alley to the west was vacated so the new property line is located in the center of the alley, eight feet three inches west from the previous property line.

The property owner offered the City to purchase these parcels because of the adjacency to the Hopewell site, but the City declined and the owner would like to bring the parcels on the market. The petitioner is requesting a zoning map amendment to match the zoning district of the properties to the north and allow for more possible permitted uses. No redevelopment is proposed at this time.

The Unified Development Ordinance (UDO) identifies the petitioner’s land use as “office”, which is a permitted use in the current MN district. The difference between MN and MM is that MM does not allow for Dwelling, cottage development as a conditional use, but it does allow for 12 nonresidential permitted uses that would require conditional use approval under MN and 26 nonresidential permitted or conditional uses that would not be allowed under MN.

**COMPREHENSIVE PLAN:** The Comprehensive Plan designates this site as ‘Mixed Urban Residential’. The Mixed Urban Residential district is identified as having complete access to utilities, fire, police, streets, sidewalks and other facilities that provide mobility at a ‘20-minute neighborhood’ level of service. A main objective for this area is making necessary upgrades and capital investments. This district generally has a mix of uses with a mix of densities ranging from single-family residences to larger 2-4 story apartment buildings. There are also neighborhood-serving mixed-use properties

along major street corridors and neighborhood nodes. This district also contains various architectural styles and redevelopment or new development shall respect the historic character and development pattern of adjacent properties. Much of the intent of this district involves preserving and upgrading existing facilities, supporting incentive programs and neighborhood enhancements, and developing additional guidance for infill and redevelopment through a form-based code approach. This petition helps further the goals of the Comprehensive plan by expanding the variety of residential and non-residential uses that can be allowed, as well as, dedicating right-of-way along Morton St to ensure public improvements will be made if future redevelopment of the site is desired. The Comprehensive Plan specifically addresses what this expansion of uses can help promote in:

Goal 5.3 Housing Supply – Help meet current and projected regional housing needs of all economic and demographic groups by increasing Bloomington’s housing supply with infill development, reuse of non-residential developed land, and developments on vacant land if it is at least partially surrounded by existing development.

Goal 6.3 Improve the Bicycle and Pedestrian Network – Maintain, improve, and expand an accessible, safe, and efficient network for pedestrians, and attain platinum status as a Bicycle Friendly Community, as rated by the League of American Bicyclists.

With the site’s immediate adjacency to Downtown, this petition also helps further:

Goal 4.4 Diversify Housing – Encourage a range of diverse housing types in the Downtown and nearby areas where appropriate, with an emphasis on affordable and workforce housing.

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**20.06.070(b)(3)(E)(i)(1) ZONING MAP AMENDMENT PLAN COMMISSION REVIEW AND RECOMMENDATION:** The Plan Commission shall review the zoning map amendment petition and shall forward its recommendation to the Common Council in accordance with Section 20.06.040(g) (Review and Decision), based on the approval criteria in Section 20.06.040(d)(6) Approval Criteria) and the following specific approval criteria:

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

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

**PROPOSED FINDING:** The proposed rezoning will meet all applicable standards in the UDO if right-of-way dedication consistent with the Transportation Plan is submitted within 180 days of approval by Common Council. This proposal is in compliance with other applicable regulations. This proposal is in compliance with city regulations including utility, service, and improvement standards. This proposal is in compliance with prior approvals.

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

- i. Consistency with Comprehensive Plan and Other Applicable Plans
- ii. Consistent with Intergovernmental Agreements
- iii. Minimization or Mitigation of Adverse Impacts
- iv. Adequacy of Road Systems

- v. Provides Adequate Public Services and Facilities
- vi. Rational Phasing Plan

**PROPOSED FINDING:** The proposal is consistent with the Comprehensive Plan, other applicable plans, and intergovernmental agreements. The proposed right-of-way dedication along Morton Street will be consistent with the Hopewell development right-of-way dedication. The proposed rezoning is not expected to have any adverse impacts. The City will be making street and sidewalk facility upgrades along W 1<sup>st</sup> Street. The proposal provides adequate public services and facilities with the proposed right-of-way dedication. No phasing plan is proposed.

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

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

**PROPOSED FINDING:** The Comprehensive Plan designates the site as Mixed Urban Residential and identifies this area as appropriate for low or high-density uses and notes that these areas are well served by existing infrastructure. A diversity of land uses in this district is also encouraged. The site has currently been developed with a building owned by the petitioner that provides an office use. The dedication of right-of-way along Morton Street as well as near-future improvements to 1st Street further increases/upgrades the multi-modal transportation options for users at this location. Approval of this request would allow for expanded use offerings for members of the community. The Comprehensive Plan states that a wide range of land uses is appropriate within this district. The rezoning of this site to MM would also match adjacent land to the north that is zoned the same. There are no known sensitive environmental features on this site. The proposed rezoning is not expected to have any negative impacts on adjacent property values. The rezoning of this site will help further many goals of the Comprehensive Plan and facilitate additional resources available to the community. The Comprehensive Plan states that this district is appropriate for a variety of uses and the high level of access to this site makes it even more ideal for different possible redevelopment options.

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**CONCLUSION:** The Department believes that the rezoning of this site to MM would match the Comprehensive Plan designation of the site as Mixed Urban Residential. This site's current use is permitted in both the current MN and the desired MM zoning districts, and a rezone would expand on the possible uses that could go in here and match the uses of the majority of properties in this area. The rezoning of these properties to MM would not affect adjacent businesses, would bring the property in line with the zoning of the surrounding properties, and would allow this use to expand and better serve the needs of the overall community in an area that is appropriate and in line with the Comprehensive Plan.

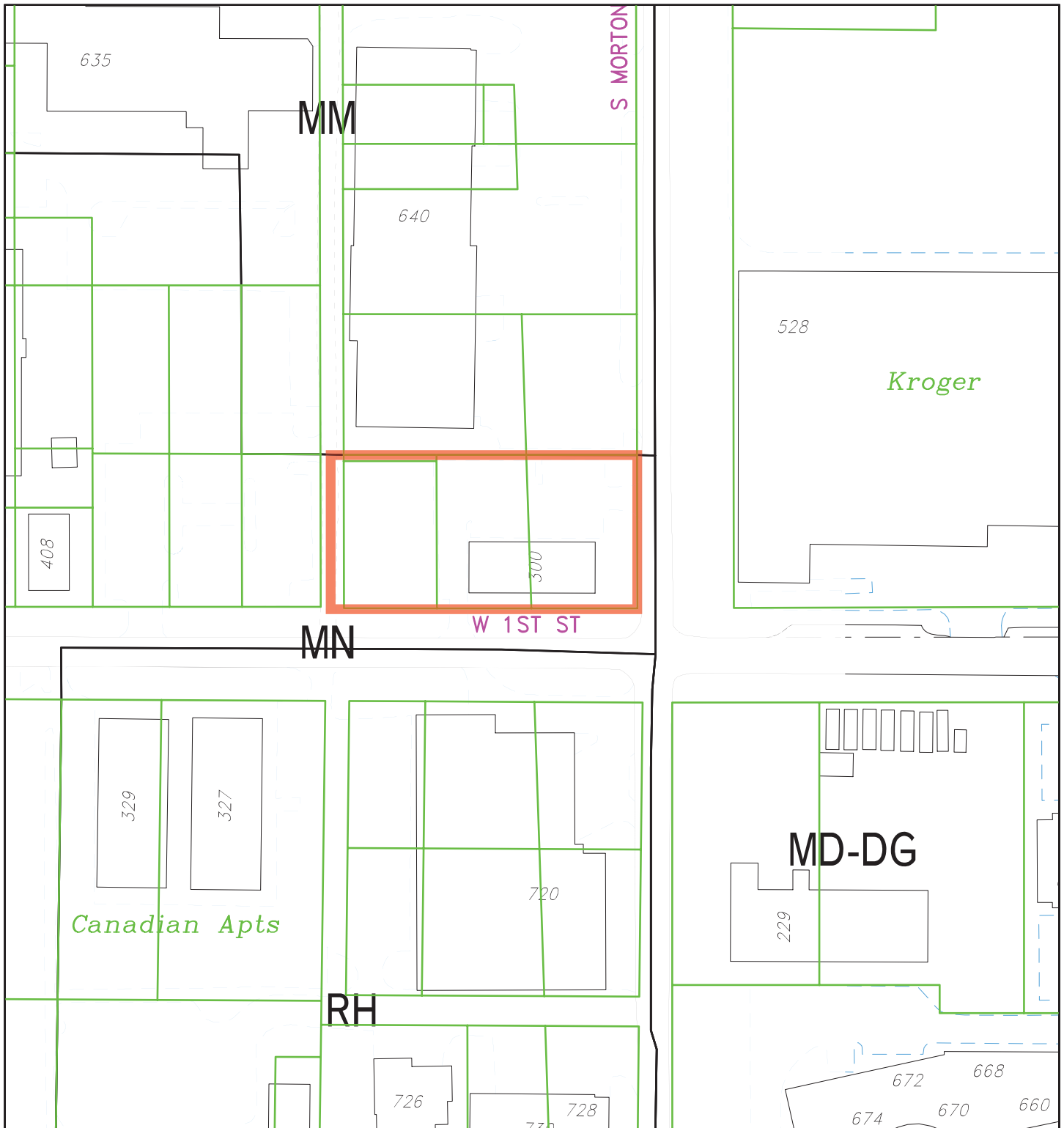
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**RECOMMENDATION:** The Department recommends the Plan Commission approve the waiver to not require a second hearing and forward this petition to the Common Council with a favorable recommendation and the following conditions:

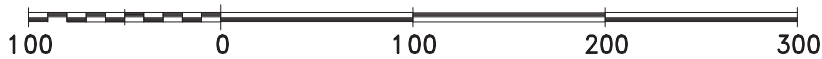
1. Right-of-way dedication consistent with the Transportation Plan is required within 180

days of approval by Common Council.



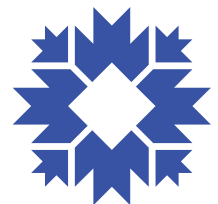


By: karina.pazos  
30 Sep 22



For reference only; map information NOT warranted.

City of Bloomington  
Planning



Scale: 1" = 100'

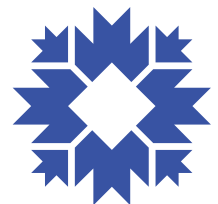


By: karina.pazos  
30 Sep 22



For reference only; map information NOT warranted.

City of Bloomington  
Planning



Scale: 1" = 50'

October 10, 2022

To: City of Bloomington Planning Department

From: Saint Real Estate LLC

Re: Petitioner's Statement: Attachment to Application for Change of Zone Request from MN to MM

We are respectfully requesting to change the zone from MN to MM for our three lots as listed on the Application.

We have the property listed for sale and are hoping to make it more appealing to any potential buyer who might want it to fit in with the rest of the block. The City Planning Department had said this seems to be a reasonable request given that the property is surrounded by the MM zone for the Hopewell Project, with the exception of Centerstone. This would make our parcel consistent with the rest of our block that is being redeveloped by the City.

Additionally, we first offered this property to the City to include in the Hopewell Project, but the City declined.



## Case # ZO-51-22 & ZO-52-22 Memo

**To:** Bloomington Plan Commission

**From:** Jackie Scanlan, AICP Development Services Manager

**Date:** November 14, 2022

**Re:** TRO – Transform Redevelopment Overlay (Hopewell Neighborhood Overlay) Text Amendments to Unified Development Ordinance & TRO District Overlay Boundaries

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### **ZO-51-22 TRO – Transform Redevelopment Overlay (Hopewell Neighborhood Overlay) Text Amendments to Unified Development Ordinance**

The Common Council initiated a proposal to amend Title 20 (the Unified Development Ordinance “UDO”). The resolution (22-17) directs that a that a UDO text amendment proposal be prepared by the Plan Commission to establish an overlay district and related development standards for the Hopewell neighborhood consistent with the guidance contained in the resolution. The resolution specifics the development standards that the Plan commission should address and provides policy guidance on how those standards should be adjusted from what exists in the base zoning districts.

The Planning and Transportation Department has drafted an amendment to the UDO for the Plan Commission’s review which creates an overlay which is designed to address the guidance in resolution 22-17. The specified development standards and proposed changes are as follows:

- Subdivision standards should require alleys in the area;
  - Table 02-30: IS Subdivision Development Standards requires that 100% of newly created lots are served by alleys and that all alleys are required to meet Transportation Plan guidance.
- Increase impervious surface maximums;
  - Table 02-29: TRO District Dimensional Standards allows for mixed-use & nonresidential zoned properties within the overlay to increase their impervious surface maximum by 25% percentage points above the underlying base zoning district. Residential zoned properties have an increase of 15% percentage points. Increases are in addition to the standards of the underlying base zoning district. (e.g. a property with the underlying base zoning district MM (60% base) would be allowed a 85% maximum impervious surface coverage)
- Reduce landscape area;
  - Table 02-29 decreases the minimum required amount of landscape area to allow for the changes to impervious surface maximums.
- Reduce side and rear building setbacks;

- Table 02-29 reduces side building setbacks to 0 feet within the overlay. Rear setbacks for mixed-use & nonresidential districts are reduced to 0 feet. In residential districts the minimum rear setback is 10 feet.
- Eliminate minimum parking requirements;
  - 20.02.050(8)(A) removes the minimum vehicle parking requirement for all properties within the overlay.
- Require drive access off alleys rather than streets;
  - 20.05.050(7)(A)(i) prohibits driveways accessing a street if a platted alley is adjacent.
- Reduce minimum lot sizes;
  - Table 02-29 reduces minimum lot width to 35 feet. There is no minimum lot area for mixed-use & nonresidential zoned properties. In residential districts the minimum lot area is 1,500 (0.034 acres).
- Require pedestrian-scale development standards for first-floor residential uses
  - 20.02.050(6)(A)(i) requires that multifamily dwellings be setback 20 feet behind each building façade facing identified streets, and the B-line Trail.
  - 20.02.050(6)(A)(ii) requires that any multifamily dwelling unit which has a front building wall facing a street be raised 2 to 5 feet above the sidewalk level.
  - 20.02.050(9)(B)(iv)(1) requires that front building setback not generate unusable or dead space. Front setbacks are required to be landscaped or provide outdoor commercial areas.
  - 20.02.050(9)(B)(iv)(2) requires that primary buildings include a courtyard visible from the sidewalk that provides an active and usable open space.
  - 20.02.050(9)(b)(v)(3)(a) requires that a minimum of 20% of the total wall/façade area of ground floor residential facades contain glass or framed facades.
  - 20.02.050(9)(b)(vi)(1) limits the maximum building floor plate to 5,000 square feet without incentives.

In addition the guidance of resolution 22-17 the Planning and Transportation Department has included other proposed regulations to ensure that developments within the overlay meet the goals of the Comprehensive Plan, promotes redevelopment, encourages public and private investment, and provides desirable residential neighborhood. The proposed overlay also includes:

- A modification to the allowed use table within the overlay to expand the permitted uses, and exclude other uses;
- New use-specific standards for dwelling, multifamily and restaurant uses;
- A requirement for parking to be constructed solely of permeable pavers;
- A requirement for the installation of street lighting;
- A modification to expand building materials;
- New requirements for pedestrian entries;
- New regulations on exterior facades to prevent blank walls;
- A modification in landscaping standards to encourage interior plantings.

### **ZO-52-22 TRO District Overlay Boundaries**

The Common Council initiated a proposal to amend the Official Zoning Map to locate an overlay also established in resolution 22-17. The resolution identified that the overlay's district boundaries should apply to the zoning districts MM, MN, MI, and RM with lots within or adjacent to the area starting from 2nd Street, to Walker Street, to 1st Street, to Jackson Street (unimproved), to Wylie Street, to Rogers Street, to 1st Street, and to Morton Street. A proposed draft of the Official Zoning Map location change has been included in the packet.

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# Chapter 20.02: Zoning Districts

## 20.02.010 Zoning Districts Established

### (a) Summary Table of Zoning Districts

The following zoning districts are established as shown in Table 02-1. All development shall comply with all other applicable regulations in this UDO including, without limitation, Chapter 20.03: (Use Regulations) and Chapter 20.04: (Development Standards & Incentives).

**Table 02-1: Summary Table of Zoning Districts**

Prior District Name	District Name
<b>Residential</b>	
RE – Residential Estate	R1 - Residential Large Lot [New]
RS - Residential Single-Family	R2 - Residential Medium Lot
RC - Residential Core	R3 - Residential Small Lot
---	R4 - Residential Urban [New]
RM - Residential Multifamily	RM - Residential Multifamily
RH - Residential High-Density Multifamily	RH - Residential High-Density Multifamily
MH - Manufactured/Mobile Home Park	RMH - Manufactured/Mobile Home Park
<b>Mixed-Use</b>	
---	<b>MS - Mixed-Use Student Housing</b>
CL - Commercial Limited	MN - Mixed-Use Neighborhood-Scale
CG - Commercial General	MM - Mixed-Use Medium-Scale
CA - Commercial Arterial	MC - Mixed-Use Corridor
BP - Business Park	ME - Mixed-Use Employment
IN - Institutional	MI - Mixed-Use Institutional
CD - Commercial Downtown	MD - Mixed-Use Downtown
MD - Medical	MH - Mixed-Use Healthcare
<b>Nonresidential</b>	
<b>IG - Industrial General</b>	<b>EM - Employment</b>
QY - Quarry	EM - Employment
---	PO – Parks and Open Space [New]
<b>Planned Development District</b>	
<b>PUD - Planned Unit Development</b>	<b>PUD – Planned Unit Development</b>
<b>Overlay Zoning Districts</b>	
CSO - Courthouse Square	DCO - Downtown Character Overlay
DCO - Downtown Core Overlay	DCO - Downtown Character Overlay
UVO - University Village Overlay	
DEO - Downtown Edges Overlay	
DGO - Downtown Gateway Overlay	
STPO - Showers Technology Park Overlay	
---	TRO – Transform Redevelopment Overlay [New]

---

**(b) TRO: Transform Redevelopment Overlay**

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**(1) Purpose**

The TRO is intended to promote redevelopment that establishes a brand new identity for land use and natural attributes in order to significantly change the area from its current condition. Development principles include mixed-use, green building, grid circulation, higher densities, diversity of housing types, and workforce/affordable housing. The overlay is intended to encourage public and private investment to improve and stimulate the economic vitality and social character of areas within the TRO.

**(2) Applicability**

The Transform Redevelopment Overlay may be established in a district other than R1, R2, R3, RMH, MS, MD, or PUD subject to 20.06.070(b) Zoning Map Amendment. In no case shall the TRO overlap with another overlay district.

**(3) Other Applicable UDO Sections**

The Transform Redevelopment Overlay shall supersede the regulations of the underlying base zoning district for all specific regulations that are included within this section. If no specific and differing regulations are included, the regulations of the underlying base zoning district shall apply.

**(4) Dimensional Standards**

The following table is a summary of the Transform Redevelopment Overlay dimensional standards. Additional Standards from the underlying base zoning district from Section 20.40.010 (Dimensional Standards) shall apply if no specific standard is included below.

**Table 02-29: TRO District Dimensional Standards**

<b>Lot Dimensions (Only for lots created after the effective date)</b>		
	Lot area (minimum)	Mixed-Use & Nonresidential Zoning Districts: None Residential Zoning Districts: 1,500 square feet (0.034 acres)
	Lot width (minimum)	35 feet
	Lot width (maximum)	Mixed-Use & Nonresidential Zoning Districts: None Residential Zoning Districts: 70 feet
<b>Building Setbacks</b>		<b>Single Family, Duplex, Triplex, or Fourplex Dwelling</b>
<b>C</b>	Build-to range	Mixed-Use & Nonresidential Zoning Districts: 0 to 15 feet Residential Zoning Districts: 10 to 20 feet
	Building facade build-to percentage (minimum)	Mixed-Use & Nonresidential Zoning Districts: 75% Residential Zoning Districts: 50%
<b>D</b>	Side (minimum)	0 feet [1]
<b>E</b>	Rear (minimum)	Mixed-Use & Nonresidential Zoning Districts: 0 feet [1] Residential Zoning Districts: 10 feet [1]
		R4 district standards apply [2]
<b>Other Standards</b>		
	Maximum impervious surface coverage increase	Mixed-Use & Nonresidential Zoning Districts: 25% percentage points [2] Residential Zoning Districts: 15% percentage points [2]
	Minimum landscape area decrease	Mixed-Use & Nonresidential Zoning Districts: 25% percentage points [2] Residential Zoning Districts: 15% percentage points [2]
	Primary structure height (minimum)	2 stories, not less than 20 feet
		No minimum

**Notes:**

- [1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards )
- [2] In such cases a front setback is established
- [3] Increases and decreases are in addition to the standards of the underlying base zoning district. (e.g. a property with the underlying base zoning district MM (60% base) would be allowed a 85% maximum impervious surface coverage)

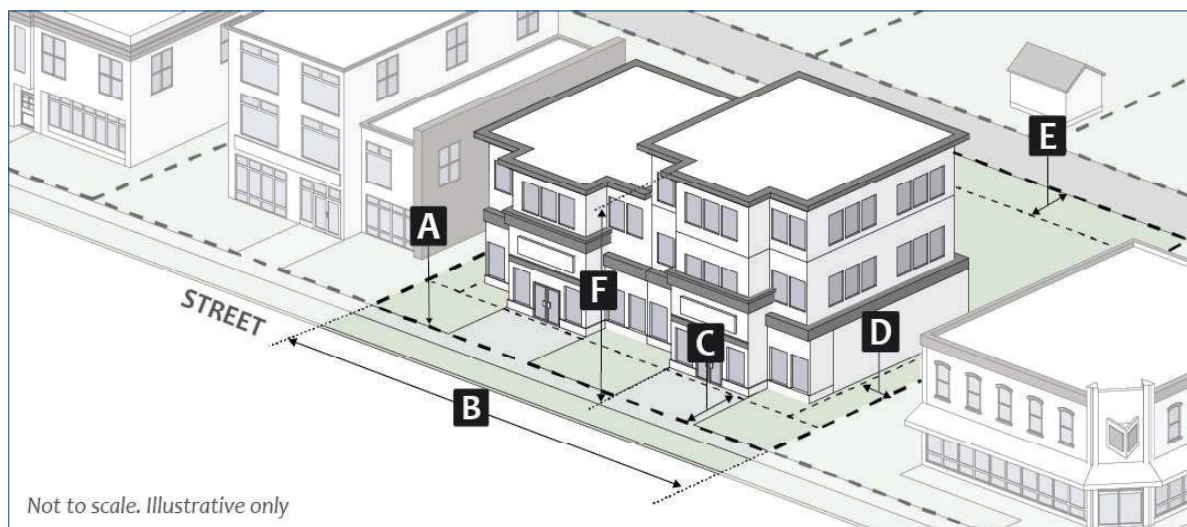


Figure 47: TRO Dimensional Standards

**(5) Allowed Use Table Modifications****(A) Excluded Uses**

The following uses are prohibited within the TRO: Fraternity or sorority house, Opioid rehabilitation home, small, Crematory, Mortuary, Methadone treatment facility, Kennel, Country club, Sexually oriented business, Check cashing, Building supply store, Firearm sales, Pawn shop, Liquor or tobacco sales, Retail sales, big box, Vehicle fuel station, Student housing or dormitory

**(B) Permitted Uses**

The following uses are permitted within the TRO: Dwelling, single-family (attached)\*, Dwelling, duplex\*, Dwelling, triplex\*, Dwelling, fourplex\*, Dwelling, multifamily\*\*, Dwelling, live/work\*, Restaurant\*\*

\* = base zoning district use-specific standards apply

\*\* = overlay use-specific standards apply only

**(6) Use-Specific Standards**

The lists of Permitted, Conditional, Accessory, Conditional Accessory, and Temporary uses listed in Table 3-1 (Allowed Use Table) are modified within the TRO as follows:

**(A) Dwelling, Multifamily**

- i. Multifamily dwelling structures with frontage along a street, identified in the Transportation Plan as Main Street, Shared Street, or General Urban, and structures along the B-Line Trail

shall have ground floor dwelling units located at least 20 feet behind each building facade facing any public street, or the B-Line Trail.

- ii. Ground floor dwelling units with a front building wall facing a street shall be raised 2 to 5 feet above the sidewalk level.
- iii. Each dwelling unit shall have direct access to a covered balcony, patio, or porch with an average depth of at least 5 feet located adjacent to or overlooking a common open space, right-of-way, or B-Line Trail.
- iv. Any portions within the ground floor of a structure used for vehicular parking shall be located at least 20 feet behind the building facade facing a public street.

**(B) Restaurant**

- i. In the RM and RH zoning districts, the restaurant shall contain no more than 5,000 gross square feet of floor area.

**(7) Access and Connectivity**

**(A) Driveways and Access**

**i. Alley Access:**

A driveway accessing the street shall be prohibited if the side or rear setback is adjacent via a platted alley.

**ii. Surface Material:**

Except for, single-family, duplex, triplex, and fourplex uses, entrances and drives shall be constructed solely of permeable pavers.

**(8) Parking and Loading**

**(A) Minimum Vehicle Parking Requirement:**

Minimum vehicle parking requirements shall not apply to developments in the TRO.

**(B) Maximum Vehicle Parking Requirements:**

**i. Housing Living Uses:**

Maximum vehicle parking allowance listed in Table 04-10: Maximum Vehicle Parking Allowance, shall apply to developments in the TRO. Except multifamily uses, which shall be limited to a maximum of 0.5 spaces per bedroom.

**ii. All Other Uses:**

The maximum vehicle parking allowance, listed in Table 04-10: Maximum Vehicle Parking Allowance, shall be reduced by 50% in the TRO.

**(C) Surface Material:**

Except for single-family, duplex, triplex, and fourplex residences and parking structures all vehicle parking shall be constructed solely of permeable pavers.

**(9) Site and Building Design****(A) Street Lighting Plans Generally:**

- i. Pedestrian scaled street lighting shall be provided as approved by the Board of Public Works.
- ii. Pedestrian scaled street lighting shall not exceed 15 feet in height.

**(B) Building Design****i. Exceptions**

1. Single-family, duplex, triplex, and fourplex dwellings shall not be subject to the architectural standards of this section 20.02.050(b). Such residential dwellings units shall be subject to the architectural standards of Section 20.04.070(d)(3) (Building Design).
2. Restoration and rehabilitation of structures designated as "Notable" or "Outstanding" on the City of Bloomington Survey of Historic Sites and Structures or those buildings in local historic districts shall not be subject to the architectural standards of this section 20.02.050(b). Such buildings shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit) as required.

**ii. Materials**

All facades of a primary building shall consist of one or more of the following primary and secondary exterior finished materials

1. **Primary Exterior Finish Materials**

- [a] Masonry;
- [b] Brick;
- [c] Natural Stone;
- [d] Transparent Glass;
- [e] Cementitious siding;
- [f] Precast concrete;
- [g] Metal (except corrugated);or
- [h] Wood

2. **Secondary Exterior Finish Materials**

- [a] Stucco, plaster, or similar systems (excluding EIFS);
- [b] Split-faced block;or
- [c] Other products that replicate the appearance and durability of the above materials, as approved by staff.

3. **Prohibited Exterior Finish Materials**

- [a] EIFS;
- [b] Vinyl; and
- [c] Highly reflective materials

iii. **Primary Pedestrian Entry**

1. At least one primary pedestrian entrance shall be provided from a sidewalk adjacent to every facade facing a street, public park, or the B-Line trail.
  - [a] Public access to nonresidential uses shall be provided at sidewalk grade via a sidewalk adjacent to a facade facing a street, public park, or the B-Line trail.
  - [b] Pedestrian entrances located within 0 to 5 feet of the front property line shall be recessed a minimum of four feet into the front building facade.
2. Pedestrian entries shall incorporate at least one of the following architectural design features:
  - [a] A portico;
  - [b] A buttress and arched entry;
  - [c] Pilasters or a facade module projecting from the exterior wall plane;
  - [d] A raised corniced entryway parapet (which may exceed building height by up to three feet) or a gable;
  - [e] Rusticated masonry;
  - [f] A front porch; or



[g] Other architectural designs as approved by the staff.

#### iv. Landscaped Frontage and Courtyards

1. Landscaped Frontage: Front building setbacks shall not generate unusable or dead space. Portions of a property between the right-of-way and the primary facade of a structure shall include a landscaped space which screens blank walls and is planted with grass or other vegetative ground cover. Landscaped outdoor commercial space, including outdoor seating, may be utilized to meet this requirement when contiguous with a commercial use. Landscaped private yards or patio areas may be utilized to meet this requirement when adjacent to a dwelling unit.
2. Courtyards: Primary buildings shall include courtyards equal to five percent of the building's total footprint. In no case shall a required courtyard be less than 250 square feet. The courtyard shall be visible from a sidewalk. Pedestrian entrances are permitted and encouraged to access from the courtyard. Mixed-use structures which feature a commercial use on the ground floor are exempt from this requirement. Reconfiguration of open space required by this UDO does not satisfy this requirement. Courtyards shall include one of the following features:
  - [a] A plaza space with ornamental paving and integral landscape planters;
  - [b] A landscaped patio area with outdoor seating for at least eight persons;
  - [c] A landscaped garden area; or
  - [d] Other landscaped areas as approved by the staff.

#### v. Exterior Facades

1. Generally: All facades of a primary building shall incorporate the following design elements to avoid blank, uninterrupted walls:
  - [a] A minimum of 20% of the total wall/facade area of all upper floor facades shall contain transparent glass or framed facade openings; and
2. Primary buildings with frontage along streets identified in the Transportation Plan as Main Street, Shared Street, or General Urban or along the B-Line Trail; or portions of primary buildings containing ground floor nonresidential uses shall incorporate the following design elements to avoid blank, uninterrupted walls:
  - [a] A minimum of 60% of the total wall/facade area of all ground floor facades shall contain transparent glass or framed facade open areas consisting of display windows, or entries and doors; and
  - [b] A canopy, awning, or other roof-like cover intended to protect from the weather with an average depth of at least 5 feet is required along at least 60% of the first floor of all primary facades. Retractable awnings may be used to meet this requirement; and
3. All other facades of a primary building shall incorporate the following design elements to avoid blank, uninterrupted walls:

- [a] A minimum of 20% of the total wall/facade area of all ground floor residential facades shall contain transparent glass or framed facade open areas consisting of entries and doors; and
- [b] A canopy, awning, or other roof-like cover intended to protect from the weather with an average depth of at least 5 feet is required along at least 20% of the first floor of all primary facades. Retractable awnings may be used to meet this requirement.

#### vi. Building Size Maximum

##### 1. Building Floor Plate

The maximum building floor plate for a structure in the TRO shall be 5,000 square feet per building, pursuant to the measurement standards in Section 20.040.020(g) (Building Floor Plate). However, if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.40.110(d) has been earned, the maximum building floor plate shall be 10,000 square feet per building. If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.040.10(d) have been earned, the maximum building floor plate shall be 15,000 square feet per building.

##### 2. Building Height

The maximum building height shall not exceed the underlying base zoning district, except as necessary to accommodate additional height earned through this section:

##### [a] Eligibility

In addition to the eligibility criteria in 20.04.110(c) (2), affordable housing projects seeking increased maximum primary structure height shall comply with the following criteria:

- i. The building shall contain six or more dwelling units; and
- ii. Unit size and bedroom mix for deed-restricted units shall be comparable to those for market-rate units.

##### [b] Tier 1 Projects

Projects that meet the Tier 1 affordability standards may increase the primary structure height by two floors of building height, not to exceed 24 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

##### [c] Tier 2 Projects

Projects that meet the Tier 2 affordability standards may increase the primary structure height by two floors of building height, not to exceed 24 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

- [d] Projects achieving both Tier 1 and Tier 2 affordability standards may increase the primary structure height of four floors of building height, not to exceed 48 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).
- [e] Sustainable Development Bonus
  - i. Tier 1 Projects: Projects that are eligible for increased primary structure height for affordable housing and sustainable development shall be eligible for one additional floor of building height, not to exceed 12 feet.
  - ii. Tier 2 Projects: Projects that are eligible for increased primary structure height for affordable housing and sustainable development shall be eligible for one additional floor of building height, not to exceed 12 feet. The additional floor of building height granted under this subsection shall be limited to 50 percent of the building footprint area of primary structure, and that additional floor shall be set back at least 10 feet further than the lower floors of the building.

#### (10) Landscaping, Buffering, and Fences

##### (A) Buffer Yards

Developments within the TRO are not required to provide buffer yards.

##### (B) Landscaping

###### i. Interior Plantings

The minimum landscape area on a site, as established in this section or areas not covered by an impervious surface or required buffer yard shall be planted with the following

1. A minimum of one canopy tree per 500 square feet. Open areas less than 10 feet in width may substitute ornamental trees for required canopy trees.
  - a. Tree location should maximize visibility between windows and the street.
2. A minimum of eight shrubs per 500 square feet. One ornamental tree may be substituted for every four shrubs; however, a substitution shall not exceed 50 of the required shrubs.
3. Shrubs and ornamental trees along foundation walls of a structure shall be planted no closer than two feet and eight feet respectively from the foundation wall.

**ii. Parking Lot Perimeter Plantings**

See Section 20.04.080(h) (1)

**iii. Parking Lot Landscape Bumpouts, Islands, and Endcaps**

See Section 20.04080(h)(2)

**(C) Subdivision Standards**

All subdivisions within the Transform Redevelopment Overlay shall be designed according to the Infill Subdivision (IS) type specified in this Chapter and Chapter 20.05.

**(D) Development Standards****Table 02-30: IS Subdivision Development Standards**

<b>General Standards</b>	
Parent tract size (minimum)	None
Lots served by alleys (minimum percentage)	100% [1]
Block length (maximum)	400 feet
<b>Right of Way Standards</b>	
On-street parking [1]	Per Transportation Plan guidance [2]
Tree plot width (minimum)	Per Transportation Plan, or 7 feet, whichever is greater
Sidewalk/multiuse path width (minimum)	Per Transportation Plan, or 8 feet, whichever is greater

**NOTES:**

[1] Required to meet Transportation Plan guidance

[2] Where on-street parking is provided, it shall comply with the standards in 20.04.060(o) (On-street Parking Standards for Private Streets).

**(E) Lots****i. Design**

1. All new lots shall have frontage on a public street right-of-way or shall be part of a cottage home development with frontage on a public street right-of-way.

**(11) Departures****(A) Purpose**

Departures are provisions that allow for form based adjustment or deviations from the dimensional, numeric, or building and site design standards of this UDO for properties within the Transform Redevelopment Overlay. Such departures are intended to meet the goals of the specific standard while providing exceptional architectural design which would not otherwise be permitted. Departures are intended to provide an alternative means of compliance by providing greater flexibility when necessary to achieve the goals of the Comprehensive Plan and the Transform Redevelopment Overlay. Departures are not variances and are not intended to circumvent the variance process.

**(B) Applicability**

- i. Any site plan, or portion of a site plan, as determined by the Planning and Transportation Director to offer a unique and beneficial design under the criteria in this section may be considered for a departure.
- ii. Any project that would qualify for minor site plan review but would require a departure as allowed in this section shall be required to undergo major site plan review.

**(C) Limitations on Departures**

- i. The departure procedure shall not apply to any proposed modification or deviation that results in:
  1. A change in permitted uses or mix of uses;
  2. A deviation from building or fire codes;
  3. A deviation from engineering standards;
  4. Requirements for public roadways, utilities, or other public infrastructure or facilities; or
  5. A change to a development standard where that same standard was already modified through a separate administrative adjustment or variance.

**(D) Departure Review Process****i. Petition Submittal and Handling**

A petition for departure shall only be submitted and reviewed concurrently with a petition for a major site plan review. Each UDO standard shall be considered a separate departure

request as it relates to the approval criteria, but multiple departures may be considered in one departure petition.

**ii. Review and Decision**

1. The Plan Commission shall review and decide the departure petition based on the following criteria:
  - [a] The proposed departure and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies;
  - [b] Provides adequate public services and facilities;
  - [c] Will not create a hardship or adverse impacts on adjacent properties unless adequately mitigated;
  - [d] Is of a technical nature and is required to provide for an exceptional architectural design which will:
    - i. Significantly enhance the visual appeal of the building;
    - ii. Significantly enhance the perceived quality of the building facades visible from public streets; and
    - iii. Strengthen the public-private interaction at the street level.

