

CITY OF BLOOMINGTON



PLAN COMMISSION

September 11, 2023 5:30 p.m.

Council Chambers, Room #115

Hybrid Zoom Link:

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

Meeting ID: 823 6234 0978

Passcode: 622209

CITY OF BLOOMINGTON**PLAN COMMISSION (Hybrid Meeting)****❖City Council Chambers, 401 N Morton Street Bloomington – Room #115****September 11, 2023 at 5:30 p.m.****❖Virtual Link:**

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

Meeting ID: 823 6234 0978 Passcode: 622209**Petition Map: <https://arcg.is/1HvKva0>**

ROLL CALL**MINUTES TO BE APPROVED:** August 14, 2023**REPORTS, RESOLUTIONS AND COMMUNICATIONS:****RS-35-23** Resolution for removal of Negative Easement for PUD-55-99**PETITIONS TABLED:**

SP-24-22 **Cutters Kirkwood 123 LLC**
115 E Kirkwood Ave
Parcel: 53-05-33-310-062.000-005
Request: Major site plan approval to construct a 4-story building with 3 floors of residential units over a ground floor parking garage and retail space in the MD-CS zoning district. The upper floors will consist of 15 dwelling units for a total of 38 beds.
Case Manager: Karina Pazos

CONSENT AGENDA:

SP-21-23 **True Storage LLC**
1701 S Liberty Drive
Request: Major site plan approval for a change in use in the Mixed-Used Medium Scale (MM) zoning district.
Case Manager: Jackie Scanlan

****Next Meeting October 9, 2023****Last Updated: 9/8/2023**

**Auxiliary aids for people with disabilities are available upon request with adequate notice.
Please call [812-349-3429](tel:812-349-3429) or e-mail human.rights@bloomington.in.gov.**

The City is committed to providing equal access to information. However, despite our efforts, at times, portions of our board and commission packets are not accessible for some individuals. If you encounter difficulties accessing material in this packet, please contact the **Melissa Hirtzel** at hirtzelm@bloomington.in.gov and provide your name, contact information, and a link to or description of the document or web page you are having problems with.

PETITIONS:**PUD-18-23 Sudbury Development Partners LLC**

S. Weimer Rd

Request: Request to rezone approximately 140 acres to Planned Unit Development and a request for approval of a District Ordinance and Preliminary Plan

Case Manager: Jackie Scanlan**ZO-29-23 City of Bloomington Planning and Transportation**

Text Amendment

Request: Text amendment related to the required amount of ground floor nonresidential uses in the downtown character overlays.

Case Manager: Jackie Scanlan**ZO-34-23 City of Bloomington Planning and Transportation**

Text Amendment

Request: Text amendment related to Sign Standards and request for waiver of second hearing.

Case Manager: Jackie Scanlan****Next Meeting October 9, 2023****Last Updated: 9/8/2023**

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Memo

To: Members of the Plan Commission

From: Eric Greulich, Senior Zoning Planner

Subject: Report on Negative Easement associated with PUD-55-99

Date: September 11, 2023

Resolution #35-23

As part of the approval of a Planned Unit Development (PUD-55-99), there was a limitation placed on the hours of operation for the business and a requirement to install a landscaped buffer yard within the site. The buffer yard and limitation on hours of operation were included since there was a proposed residential development immediately adjacent to the building. That residential development did not occur and a retail shopping center was constructed in 2007.

A “Negative Easement” (what we would now require to be a zoning commitment) was required as a condition the PUD and was recorded under Instrument Number 2000012453 in accordance with the conditions of approval for that case. As part of the city-wide rezoning that occurred in 2021 this former Planned Unit Development was rezoned to Mixed-Use Corridor and Mixed-Use Medium Scale. In addition, the buffer yard would not be required currently under UDO regulations.

The petitioner is seeking to remove the Negative Easement. Because of the form in which the condition of approval was recorded in combination with the PUD rezone, the Department agrees that the Negative Easement may be rescinded. A recordable instrument will be prepared and no Plan Commission vote is required.



PRACTICING LAW IN
THE PARIS DUNNING HOUSE
NATIONAL HISTORIC REGISTER

BAUER & DENSFORD
ATTORNEYS AT LAW

JAWN J. BAUER
jbauerlaw@bauerdensford.com

THOMAS E. DENSFORD
tom@bauerdensford.com

NICHOLAS G. BAUER
nick@bauerdensford.com

September 7, 2023

Eric Greulich, Senior Planner
City of Bloomington, Planning Department
401 N. Morton St.
Bloomington, IN 47404

Re: Academy Sports + Outdoors – Bloomington
Resolution to Terminate Negative Easement
123 South Kingston Drive
Bloomington, IN

Dear Eric,

Academy Sports + Outdoors, Bryan Rental Inc. and Crane of Indiana LLC, requests that the City of Bloomington, Plan Commission and Planning Department authorize a Resolution negating the Negative Easement and zoning commitments related to Ordinance 99-48 and the Service Merchandise Planned Unit Development (PUD) as internal buffering is no longer necessary and applicable land use regulations are adequately addressed by the Unified Development Ordinance (UDO).

By way of background, Marsh Supermarkets presented an Amendment to the Preliminary Plan for the Service Merchandise Planned Unit Development (PUD-55-99) which was approved by the Bloomington Plan Commission. Ordinance 99-48 was ordained by the Common Council, City of Bloomington on December 15, 1999. A Negative Easement was included as a stipulation for approval of Ordinance 99-48 requiring internal buffering between commercial and residential uses and noise control be formalized into a Deed recordable commitment which was to run with the land, in perpetuity. A copy of the Negative Easement is attached and identified as Exhibit A. The Negative Easement remains an encumbrance on the title to the property.

At the time the Ordinance was approved, the PUD included commercial property with adjacent residential property located on the northern and eastern boundaries. The Negative Easement required landscaping buffering and restricted truck operations in an effort to accommodate the non-compatible commercial and residential uses. Copies of the Landscape Plans are attached and collectively identified as Exhibit B. The residential uses were subsequently converted to commercial use such that the internal buffering of non-compatible uses is no longer necessary. No internal incompatible uses currently exist.

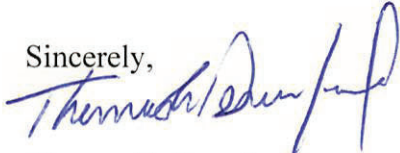
The Service Merchandise Planned Unit Development (PUD-55-99) was terminated by the City of Bloomington pursuant to Ordinance 20-06. The entire property is currently zoned

Mixed Use Commercial and subject to the UDO development standards and land use regulations, which would not require internal buffering and separately regulate truck operations.

The Negative Easement is a historic remnant and no longer a valid or effective land use regulation as the Unified Development Ordinance, specifically Chapter 20.06 control future site development and land use standards.

Thank you for your time and consideration.

Sincerely,



Thomas E. Densford
on behalf of Academy Sports + Outdoors,
Bryan Rental Inc. and Crane of Indiana LLC.

REQUEST FOR RESOLUTION TERMINATING NEGATIVE EASEMENT

EXHIBIT A – NEGATIVE EASEMENT

EXHIBIT A

12/3/16

Jim Fielder
 Monroe County Recorder IN
 IN 2000012453 EASE
 07/26/2000 11:14:38 4 PGS
 Filing Fee: \$16.00

NEGATIVE EASEMENT

Kingston Drive LLC, an Indiana limited liability company ("Grantor"), does hereby acknowledge the following:

Recitals:

A. Grantor is the fee simple owner of certain real estate located in Bloomington, Monroe County, Indiana, as described on Exhibit A, attached hereto and incorporated herein by reference (the "Real Estate").

B. On December 15, 1999, the Common Council of the City of Bloomington, Monroe County, Indiana ("Common Council"), adopted Ordinance 99-48, thereby approving a preliminary plan amendment for the Real Estate.

C. Among the stipulations for approval of Ordinance 99-48 is a requirement that Grantor's commitments related to buffering and noise control be formalized into a deed recordable commitment which will run in perpetuity with the Real Estate.

NOW THEREFORE, the Grantor does hereby restrict and burden, in perpetuity, the Real Estate, as follows:

(1) No loading or truck operation shall be conducted on the Real Estate between the hours of 11:00 p.m. and 6:00 a.m.

(2) All additional activities on the Real Estate shall comply with the decibel limits contained in the Noise Ordinance enacted by the Common Council.

IN# 2000011817

(3) Grantor shall plant one hundred eighty-nine (189), eight (8) foot tall upright juniper trees along the northern and eastern boundaries of the Real Estate.

(4) This Negative Easement shall run with the Real Estate and shall be binding on the assigns and successors in interest of Grantor.

Executed at Bloomington, Indiana on this 24 day of July, 2000.

"Grantor"
Kingston Drive LLC

By: *Timothy H. Winger Jr.*
Timothy H. Winger Jr., Member

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, the undersigned, a Notary Public duly commissioned to take acknowledgments and administer oaths in the State of Indiana, certify that Timothy H. Winger, Jr., as a Member of Kingston Drive LLC, personally appeared before me and acknowledged the execution of the this instrument on behalf of Kingston Drive LLC.

County of Residence:
LAURENCE

Commission Expiration Date:
5/23/08

C. O. Blerstad
Notary Public

CRAIG O Blerstad
Printed Name



This instrument prepared by: Geoffrey M. Grodner, Mallor Clendening Grodner & Pohrer, LLP, 511 Woodcrest Drive, P.O. Box 5787, Bloomington, Indiana 47407.

EXHIBIT A

Parcel I:

Part of the Southwest Quarter of Section 35, Township 9 North, Range 1 West, Monroe County, Indiana, and more particularly described as follows:

Beginning on the South line of said Southwest Quarter, North 89 degrees 27 minutes 27 seconds West 422.20 feet of the Southeast corner of said Southwest Quarter; thence North 00 degrees 34 minutes 00 seconds East 190.00 feet to a 5/8 inch rebar with cap set; thence Northwesterly along a curve to the left having a radius of 12.00 feet and a deflection angle of 53 degrees 7 minutes 48 seconds for an arc distance of 11.13 feet to a 5/8 inch rebar with cap set; thence North 52 degrees 33 minutes 48 seconds West 100.66 feet to a 5/8 inch rebar with cap set; thence North 89 degrees 27 minutes 27 seconds West 76.97 feet to a 5/8 inch rebar with cap set on the Easterly right-of-way of Kingston Place; thence Northeasterly along said right-of-way along a curve to the left having a radius of 121.13 feet for an arc distance of 50.71 feet to a 5/8 inch rebar with cap set; thence continuing on said right-of-way North 00 degrees 19 minutes 00 seconds East 538.21 feet to a 5/8 inch rebar with cap set; thence leaving said right-of-way South 89 degrees 25 minutes 30 seconds East 111.87 feet to a 5/8 inch rebar with cap set; thence South 70 degrees 46 minutes 50 seconds East 136.38 feet to a 5/8 inch rebar with cap set; thence South 89 degrees 25 minutes 30 seconds East 92.00 feet to a 5/8 inch rebar with cap set; thence South 56 degrees 59 minutes 1 second East 50.00 feet to a 5/8 inch rebar with cap set; thence South 00 degrees 21 minutes 32 seconds West 47.49 feet to a 5/8 inch rebar with cap set; thence South 20 degrees 1 minute 34 seconds West 77.82 feet to a 5/8 inch rebar with cap set; thence South 1 degree 5 minutes 46 seconds West 159.71 feet to a 5/8 inch rebar with cap set; thence North 89 degrees 27 minutes 27 seconds West 51.37 feet to a 5/8 inch rebar with cap set; thence South 496.36 feet to the South line of said Southwest Quarter; thence along said South line North 89 degrees 27 minutes 27 seconds West 147.20 feet to the Point of Beginning.

Parcel II – Easement:

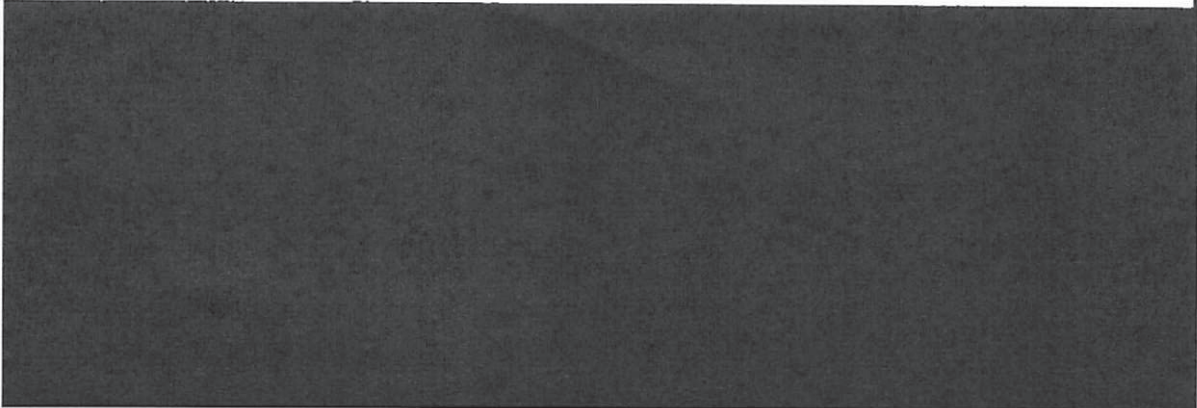
Also, a perpetual non-exclusive right and easement to use as a roadway and passway a 25 foot wide easement recorded in Deed Record 402, Page 332, in the Office of the Recorder of Monroe County, Indiana, more particularly described as follows:

Beginning at a point which is 250.00 feet West of the Southeast corner of said Southwest Quarter, said point being in the centerline of State Road 46, thence West for a distance of 25 feet; over and along the centerline of the said road, thence North for a distance of 496.36 feet, thence East for a distance of 25 feet, thence South for a distance of 496.36 feet, thence to the Place of Beginning.

Parcel III -- Easement:

A detention pond easement as set forth in Detention Pond Easement and Maintenance Agreement by and between Teblok Corporation, an Indiana corporation, and Service Merchandise Company, Inc., a Tennessee corporation, dated June 22, 1993, and recorded on June 28, 1993, in Deed Record 412, Pages 255-261, in the Office of the Recorder of Monroe County, Indiana.

EXHIBIT A



REQUEST FOR RESOLUTION TERMINATING NEGATIVE EASEMENT

EXHIBIT B – LANDSCAPE PLANS

Exhibit #2
Pedestrian
Accommodations

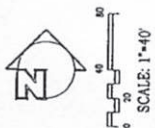
New
Sidewalk

Longview Ave

Existing
Sidewalk

Kingston

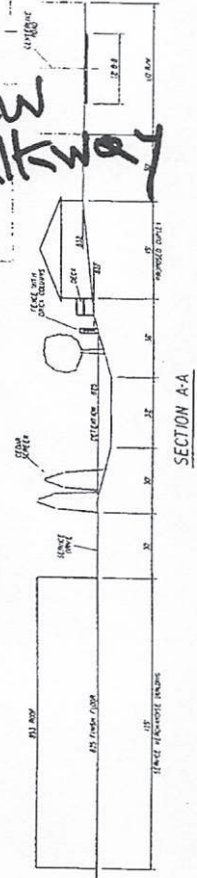
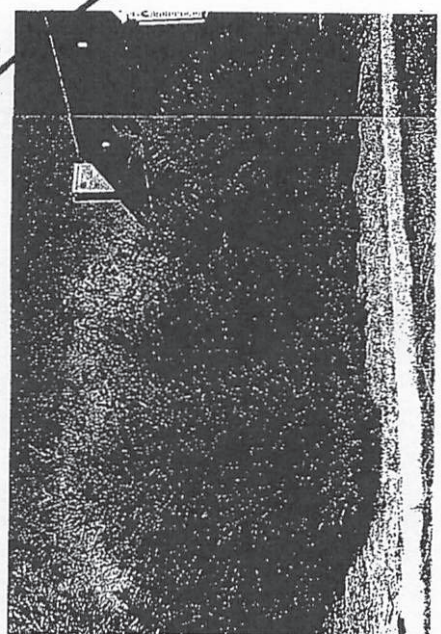
New
Walkway



Existing
Sidewalk

East 3rd St.

Exhibit #2
Pedestrian
Accommodations



SECTION A-A

DATE	10/20/2011
BY	NS
PROJECT	PROPOSED MARSH ZONING AMMENDMENT
SCALE	1" = 40'
NO.	1

PROPOSED MARSH ZONING AMMENDMENT



**BLOOMINGTON PLAN COMMISSION
STAFF REPORT**

Location: 1701 S. Liberty Drive

CASE #: SP-21-23

DATE: September 11, 2023

PETITIONER: True Storage LLC
670 N. Commercial Street, Suite 303, Manchester, NH

CONSULTANTS: Bledsoe Riggert Cooper James
1351 W Tapp Road, Bloomington

REQUEST: The petitioner is requesting major site plan approval for a change in use in the Mixed-Use Medium Scale (MM) zoning district.

BACKGROUND:

Area: 6.72 acres
Zoning: Mixed-Use Medium Scale (MM)
Comp Plan Designation: Employment Center
Existing Land Use: Vacant (Coca-Cola Distribution Center)
Proposed Land Use: Self-Service Storage
Surrounding Uses: North – Office
 West – Distribution, warehouse, or wholesale facility
 East – Interstate 69
 South – Office

REPORT: The property is located at 1701 S. Liberty Drive and is zoned Mixed-Use Medium Scale (MM). The properties to the west and south are also zoned MM. The properties to the east across Interstate 69 are zoned Residential High-Density Multifamily (RH). The properties to the north are outside the City's jurisdiction and are in the Monroe County planning jurisdiction. Currently, the property contains the Coca-Cola Distribution Center, a one-story metal and brick building with an area of 59,275 square feet and 46 parking spaces.

The petitioner is requesting major site plan approval to allow the building to be reused as a self-service storage facility with almost 85,000 square feet of rentable storage unit space. The petitioner proposes to build a second (mezzanine) floor inside of the building. The petitioner has received 3 variance approvals from the Board of Zoning Appeals. The first two variances were from first floor ceiling height requirements and maximum number of parking spaces requirements. The third variance was to allow a vehicular driveway west of the building, to reach the north side of the building. A condition of approval for the 3rd variance requires additional landscaping along the driveway, which has been shown.

The petition request meets the definition of Change in Use, and therefore is required to meet limited compliance site plan standards. Required site improvements are discussed below.

MAJOR SITE PLAN REVIEW 20.06.050(a)(2)(C)(ii): Major site plan approval is required for developments located within 500 feet, measured radially, from the centerline of State Road 37/Interstate 69. This proposed site plan is within that distance from State Road 37/Interstate 69.

DEVELOPMENT STANDARDS & INCENTIVES 20.04: The following UDO standards are required to be reviewed for all activities that require limited compliance under Section 20.06.090(f)(2).

Building Setbacks and Height: Existing buildings shall not be subject to current setback or height standards. No changes to the location or height of the building are proposed.

Parking Setback/Impervious Surface Coverage: The maximum impervious surface coverage in the MM zoning district is 60 percent. The property is currently at roughly 45 percent coverage, and is not expected to exceed 60 percent with the parking and access changes that are planned. The property currently does have an excess of parking spaces for the use. However, the petitioner received a variance to allow 11 parking spaces on site, including one additional accessible parking space. The petitioner is removing asphalt and excess parking.

Parking: The petitioner received a variance to allow 11 parking spaces on site, including one additional accessible parking space. The petitioner is removing asphalt and excess parking.

Paving: All areas shown to be used for parking and driveways will be paved.

ADA Accessible Parking: A total of 1 accessible parking spaces is required. The proposed site plan shows 1 accessible spaces which will be required to meet van accessible parking space standards.

Bicycle Parking: Six bicycle parking spaces are required within 50 feet of the pedestrian entrance. A condition of approval has been added.

Landscaping: The petitioner is showing parking lot landscaping and landscaping along the internal driveway, which was a condition of approval of the third variance. The landscape plan appears to be missing other forms of required landscaping, such as interior landscaping. Per the site plan, the petitioner will have somewhere near 3.25 acres of open space on the lot. The UDO requires interior plantings of nine large canopy trees, three evergreen trees, and three medium or small canopy trees per acre. It also requires a minimum of 27 shrubs per acre. While limited compliance does allow for less landscaping, that is only in situations where full compliance cannot be achieved due to lack of adequate planting area. A condition of approval that a compliant landscape plan must be submitted and approved with the grading permit has been added.

Pedestrian Facilities: There is currently concrete sidewalk along the frontage of S. Liberty Drive that appears to be in good condition. If it is determined that the curb ramps for the vehicular entrance do not comply with the Americans with Disabilities Act, they will need to be replaced.

Signage: There is no signage proposal as a part of the petition. Any signage will need to meet UDO requirements.

Dumpster Enclosure: There does not appear to be a dumpster location shown, but any outside dumpsters will need to meet full outdoor waste facility requirements.

Lighting: Exterior wall packs are shown on the elevations and will need to be replaced if they cannot meet the full outdoor lighting requirements. A condition has been added.

Entrance and Drives: The petitioner is proposing to narrow the entrance drive to 28 feet. The UDO requires a maximum of 24 feet, unless the City Engineer authorizes up to 34 feet to accommodate heavy truck use for properties deriving access from arterial or collector streets. The petitioner has submitted the appropriate documentation to the Engineering Department.

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

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

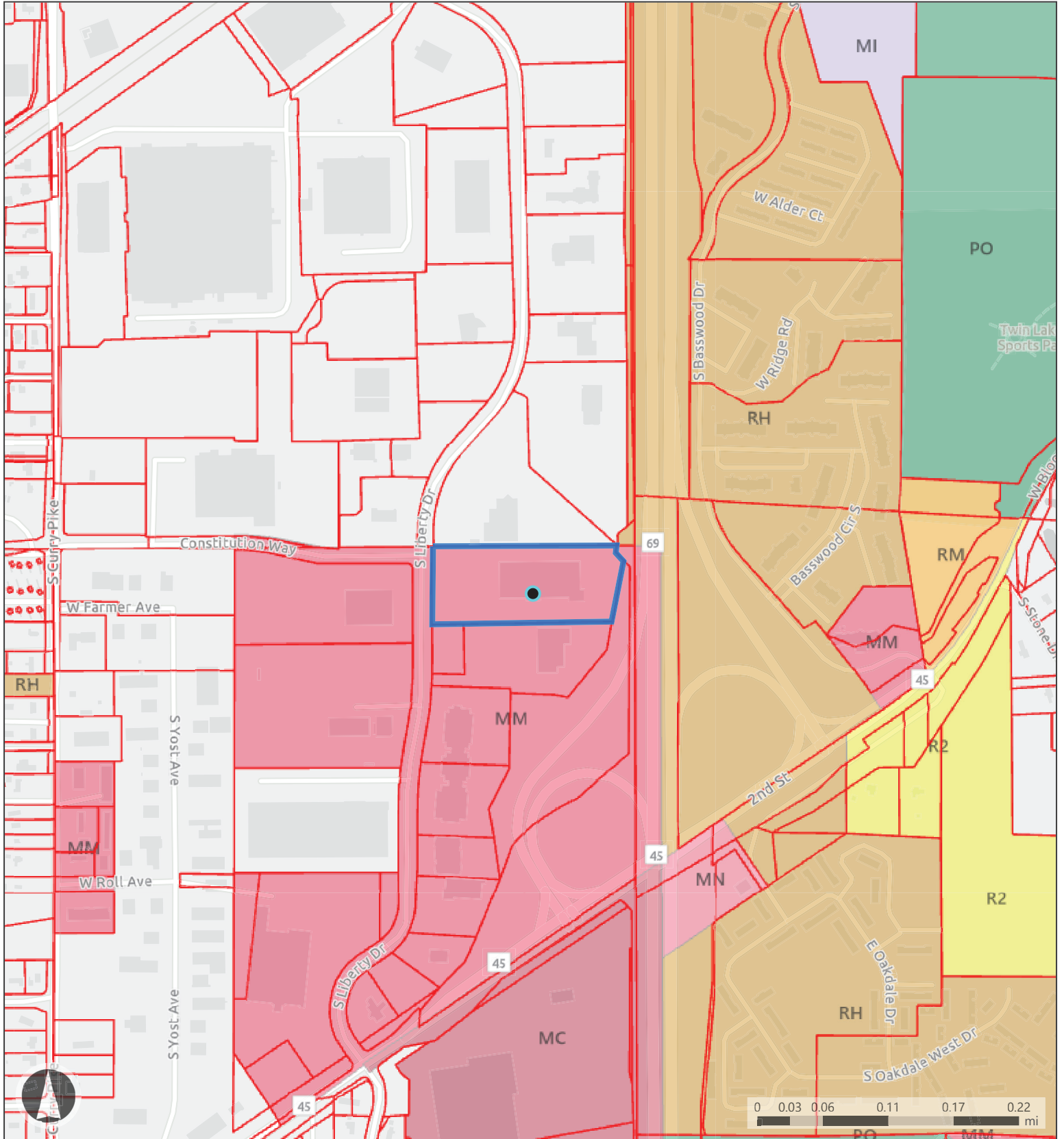
- i. Compliance with this UDO
- ii. Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards
- iv. Compliance with Prior Approvals

PROPOSED FINDING: The proposed site plan will be compliant with all of the standards of the UDO with the granted variances and conditions of approval listed below. No problems have been identified with meeting all stormwater and utility connections. There are no prior approvals that would regulate this change in use.

CONCLUSION: The proposed site plan will meet all of the limited compliance requirements of the Unified Development Ordinance with the exception of the items for which variances were sought and received. There are no other known applicable regulations that would pertain to this change in use.

RECOMMENDATION: The Planning and Transportation Department recommends that the Plan Commission adopt the proposed findings and approve SP-21-23 with the following conditions:

1. A compliant landscape plan must be approved before a grading permit will be issued.
2. Compliance with the bicycle parking standards must be met before a grading permit will be issued.
3. All existing and new lighting must meet Outdoor Lighting requirements before a recommendation for occupancy is issued.



Map Legend

Parcels

Code : Description

R2 : Residential Medium Lot

RH : Residential High-Density Multifamily

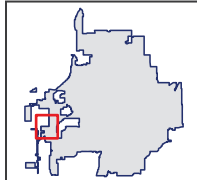
RM : Residential Multifamily

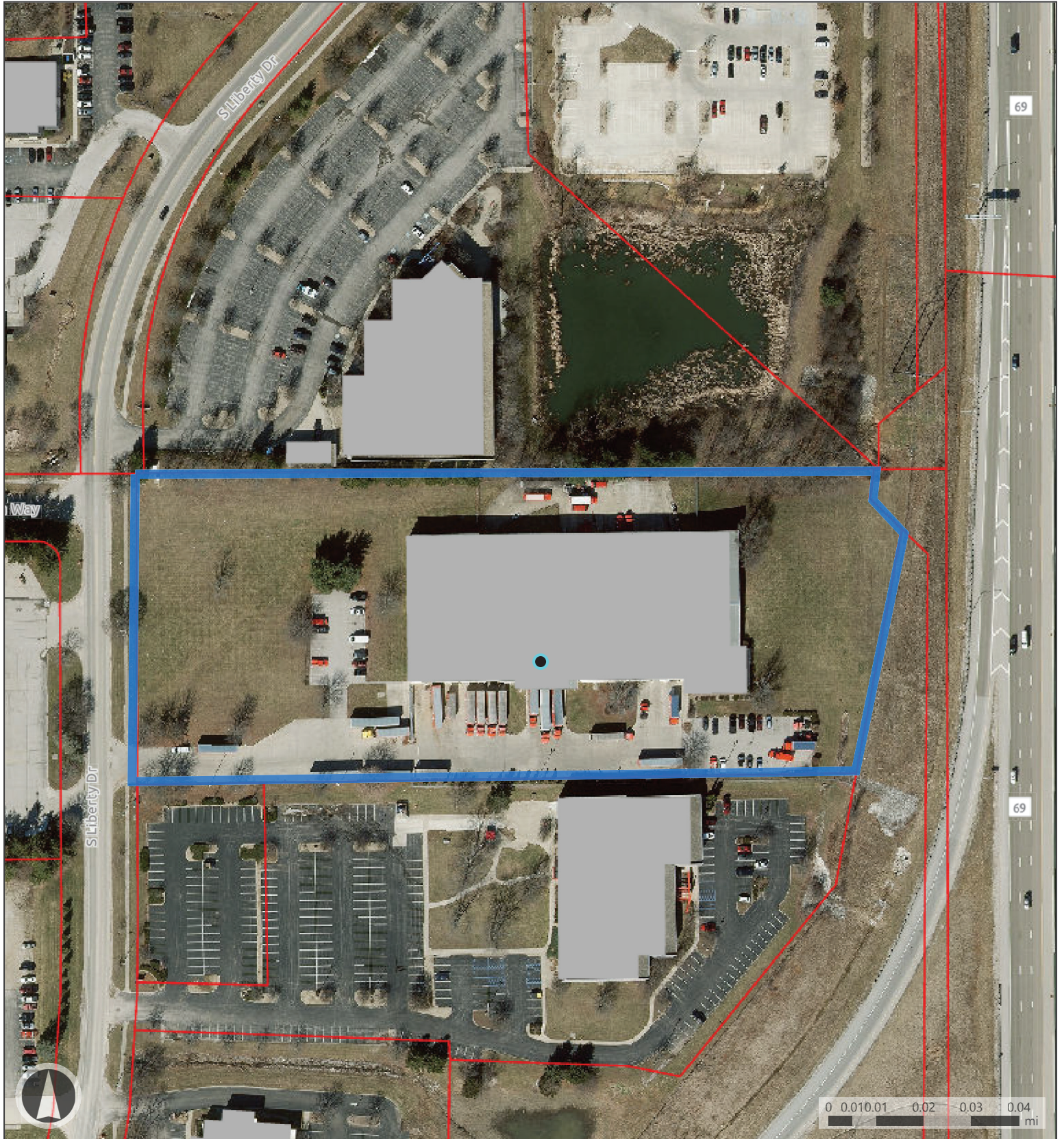
MC : Mixed-Use Corridor

MI : Mixed-Use Institutional

MM : Mixed-Use Medium-Scale

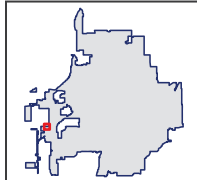
MN : Mixed-Use Neighborhood-Scale





Map Legend

-  Parcels
-  Buildings



Bledsoe Riggert Cooper James

LAND SURVEYING • CIVIL ENGINEERING • GIS

June 5, 2023

Karina Pazos
Zoning Planner & GIS Analyst
City of Bloomington Planning and Transportation Department
401 N. Morton St., Suite 130
Bloomington, IN 47404

via email: karina.pazos@bloomington.in.gov

Re: True Storage
1701 S Liberty Drive, Bloomington, Indiana
Petitioner's Statement

Dear Karina,

On behalf of the petitioner, True Storage LLC, we respectfully request a hearing on the July, 2023 Plan Commission agenda for major site plan approval to convert the former Coca-Cola Distribution Center into a self-service storage facility. A major site plan approval (limited compliance) is required due to the proximity of the site to I-69.

The property is located at 1701 S Liberty Drive, in the northeast quarter of Section 12, Township 8 North, Range 2 West. It consists of 6.72 acres, zoned Mixed-Use Medium Scale (MM). Properties to the east and south are also zoned MM. Properties to the west are zoned Residential High-Density Multifamily (RH). The commercial property to the north is outside of City jurisdiction.

The proposed project would retro-fit two levels of self-storage units into the existing 59,275 square foot building and renovate office space to suit the new facility. Site improvements include the removal of excess parking, reduced entrance driveway width, a new internal circulation driveway, and new landscaping to comply with UDO requirements. The project recently received approval for two variances at the Board of Zoning Appeals; one for the ground floor ceiling height, and a second variance for the maximum number of parking spaces.

The site is accessed via a 38' wide concrete driveway, perpendicular to Liberty Drive. The project proposes to reduce the width of this driveway to 28' to accommodate large moving vans that are expected to frequent the site as a matter of normal operations. Wheel path analysis will be provided to City Engineering staff to justify the requested driveway width at greater than 24' as specified by the UDO. All of the existing on-site parking areas will be demolished under the proposed project, with 10 new parking spaces to be created along the south property line on existing concrete paving, and one new ADA accessible parking space to be created immediately south of the main office entrance to the building.

A proposed internal circulation driveway will allow vehicles to move around the building to access proposed loading areas on the north side of the building. This driveway is the subject of a comment from the Planning and Transportation department during the May 30 DRC meeting. While the proposed circulation drive will be oriented parallel to the City street for a distance of roughly 200 feet as it passes around the west end of the building, the proposed drive would not be accessed from the public right of way, and therefore does not constitute an entrance drive as discussed under UDO Section 20.04.050.c.2. The proposed drive would only be accessed from the existing entrance drive at a distance of roughly 225' east of Liberty Drive. The circulation drive is necessary to allow access for renters to conveniently access loading areas and storage units on the north side of the facility. Since the drive would be located a significant distance from the public right of way, there should be no confusion or traffic hazard in Liberty Drive resulting from the construction of this internal circulation driveway.

True Storage - 1701 S Liberty Drive
Petitioner's Statement
June 5, 2023

Page 2 of 2

Drainage from the site is generally directed to the southeast via existing inlets and piping. Existing drainage facilities are largely expected to remain in place in service of the renovated facility, with the possible exception of some new inlets and downspout collectors to be installed on the north side of the building. No drainage from the project site is directed to the existing regional detention pond to the north of the site in either the existing or proposed condition.

Existing utilities serving the Coca-Cola building are generally expected to remain in place to serve the renovated facility, including natural gas, sanitary sewer, domestic water, fire suppression, communications, and electrical.

We respectfully request your positive consideration of this project and thank you for your assistance in gaining approval for True Storage. Please place us on the July 10, 2023 Plan Commission agenda.

Sincerely,



Andrew E Knust, PE
Senior Engineer

ec: Josh Sullivan, True Storage LLC
Jillian Tatro, Brady Sullivan Properties
Darryle Cockerham, Brady Sullivan Properties
Chris Porter, BRCJ
Bill Riggert, BRCJ

xc: File - Project 11325

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
Location: S. Weimer Road**

**CASE #: PUD-18-23
DATE: September 11, 2023**

PETITIONER: Sudbury Partners LLC
3225 S. Hoyt Avenue Muncie

CONSULTANTS: Sullivan Development
21 S. Rangeline Road Suite 200A Carmel

CarminParker P.C.
116 W. 6th Street Bloomington

REQUEST: The petitioner is requesting to rezone approximately 140 acres to Planned Unit Development and a request for approval of a District Ordinance and Preliminary Plan.

BACKGROUND:

Area: 138.51 acres
Current Zoning: Planned Unit Development
Comprehensive Plan Designation: Neighborhood Residential
Existing Land Use: Undeveloped
Proposed Land Use: Multiple
Surrounding Uses: North – Dwelling, Multifamily / Dwelling, Single-Family (attached)
 West – Dwelling, Single-Family (detached)
 East – Vacant / Park
 South – Dwelling, Single-Family (detached) / Dwelling, Single-Family (attached)

UPDATE SINCE AUGUST HEARING: The petitioner received a report from City of Bloomington Utilities on September 7, 2023 related to the sewer capacity associated with this project. The Department will be meeting with Utilities staff soon to discuss the results and any potential effects on the current proposal. Engineering staff reached out to the petitioner to check the status of the traffic study on September 8, 2023, and a meeting to discuss is forthcoming.

The petitioner has made a number of changes to proposed tables and exhibits for both the District Ordinance and Preliminary Plan and those are included in this packet. The petitioner held a meeting with neighbors along Weimer Road on September 6, 2023. A number of letters were received from interested parties, and those are included in this packet.

The petitioner is continuing to work with the Department on details of use and development for the District Ordinance. At this point, the Department believes that the petitioner is looking for the Plan Commission to raise issues of concern or items that they would like to see, as the petitioner works toward a final submittal some time near the end of 2023. Some general topics include: overall number of units; unit type mix; amount of non-residential; bulk of buildings near and away from neighboring properties; plans to address off-site flooding concerns; affordable housing commitment details; sustainable development commitment details; how is mid-size housing encouraged?

No final commitment to a recommendation to the Common Council is expected until the petitioner commitments to infrastructure in and around the site are determined. It is also difficult to determine appropriate on-site phasing and capacity without knowing how externalities (sewer and road) will limit development. That data is expected to be submitted with enough time for analysis before the petitioner appears at additional Plan Commission hearings.

AUGUST REPORT: The petitioner has continued to work with the Department in order to refine, clarify, and improve the proposal. The petitioner is not anticipating a resolution at Plan Commission at this hearing. However, the Department felt it may be valuable to continue to present and discuss details of the petition, so that feedback from the Plan Commission can be incorporated. The report is broken into the same categories as July's report, with Department responses related to questions raised in that report.

HIGH LEVEL PETITION OVERVIEW:

The Department was able to meet with representatives from the Parks and Recreation and Fire Departments to discuss the potential land donation being proposed as part of the petition. Both Departments are supportive of the idea. When looking at the Stantec map submitted by the petitioner with the Preliminary Plan documents, it appears that it might make sense to dedicate not only the 1.5 acres, but the entirety of the land east of the southernmost roundabout, as there does not appear to be another use planned. Discussions are on-going.

Members of the Department met with member of the Arbor Ridge Neighborhood Association and received valuable feedback related to concerns about the petition. Multiple neighbors have submitted letters, and those are included in the packet.

1. The petitioner has combined use and development standards into 5 distinct districts that are applied across the 5 neighborhoods.
2. The petitioner would still like to incorporate much of the existing UDO by reference-only. While the document that was received for this hearing is more legible than July's draft, it does not fully address the issue of standards that exist with multiple sub-standards and how those should be applied.
3. The MN areas were amended slightly and an MX area was created. The same question stands related to the appropriateness of such tall buildings and commercial east of the stream area, as well as immediately adjacent to Arbor Ridge.
4. The petitioner is proposing to require additional setbacks for building being built adjacent to Arbor Ridge or immediately across the street of Sudbury Drive. The Department is not convinced that the currently proposed R2 Standards (from the UDO) and five (5) foot step back will suffice for those properties immediately adjacent, as the building can be up to 7 stories in height in the MX district. Similarly, a step back of the building is proposed for the buildings across Sudbury Drive. However, the current proposal is a step back of ten (10) feet for buildings over 4 stories. The maximum proposed height in that area is 12 stories with incentives.

USES:

The petitioner has reduced the number of districts to five (5), which greatly simplifies understanding and administration of uses.

1. The Department would still like to see some areas where larger development, such as multifamily, is restricted, to increase the chance that the smaller units of plexes or single-family will be built. We are still expecting an update on this.

2. Same question from July for PC: Parking lot: Is there interest in allowing stand-alone parking lots with or without mandated removal timelines? Land used for strictly parking long-term is clearly not in sync with the Comprehensive Plan. But, could a temporary fully designed lot be appropriate while this large site develops?
3. Do we want ADUs larger than are allowed in the rest of the City? It appears that the petition tried to sync the sizes with the UDO, but the reference is incorrect and needs to be updated.
4. Same note from July: Use-specific standards for impactful uses need to be thoughtfully considered.
5. In one place the petitioner refers to multifamily 1-10 units. Small scale multifamily is desired and needs to be fleshed out in the use-specific standards in the districts where it is desired.

GENERAL DEVELOPMENT STANDARDS:

Again, the petitioner made some corrections to this, but it still needs refinement.

1. The maximum heights with no incentives in the MN and MX zoning districts are 8 stories and 6 stories, respectively. Is that appropriate here?
2. Same question from July: Why would we reduce impervious surface?
3. Same question from July: Why would we reduce parking setbacks?
4. Same question from July: Are change to landscaping and architecture requirements appropriate?

ENVIRONMENTAL:

The petitioner is proposing to utilize UDO Environmental regulations from April 20, 2023. That is a change from July, when multiple environmental changes were proposed.

ACCESS AND CONNECTIVITY:

The petitioner is proposing to utilize UDO Access and Connectivity regulations from April 20, 2023. That is a change from July, when some changes were proposed.

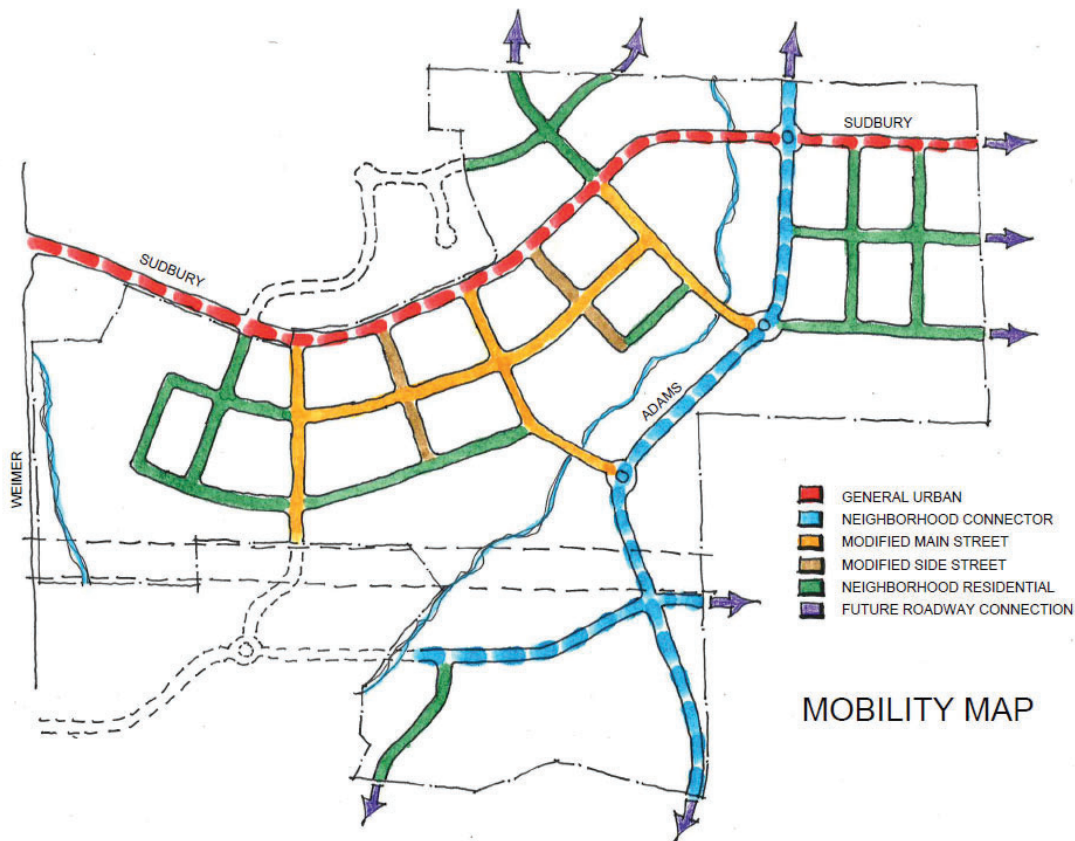
PARKING:

The petitioner is proposing to utilize UDO Parking regulations from April 20, 2023, with slight modification.

RIGHT-OF-WAY CONNECTION:

The image below indicates that the roadway configuration has changed since July, with less roadways shown. All of the points of exit from the site have been maintained with three added to the east and one to the north.

Image One August



1. The southernmost connection in the Transportation Plan raises questions.
 - a. The petitioner is proposing a trail connection to Weimer Road. In consultation with the Parks and Recreation Department, the petitioner may be asked to build the entirety of that trail on their property, bypassing the property to the southwest.
2. The proposal is not more gridded than the July version, but does provide additional external connections.
3. Same question from July: Adams Street to the north is privately maintained in the County. Have discussions been had with that entity?
4. A stub to the east is provided.
5. Same question from July: When the property is subdivided, platting and construction of the roads in the Transportation Plan will be triggered. The expectation is that they are built within the time allowed by the UDO, which is a matter of a few years. Does phasing for the roads need to be included in the PUD separate from the neighborhoods?

WORKFORCE AND AFFORDABLE HOUSING AND INCENTIVES

The petitioner has amended their incentive structure, adopting UDO requirements to meet incentives. However, the allocation of those incentives is still unclear.

1. Same question from July: With the increased base heights (greater than the UDO), is it appropriate to allow additional height through incentives without additional workforce or affordable housing units?

2. The petitioner adopted the sustainability metrics from the UDO.
3. Same question from July: How is it best to plan the phasing of affordable or workforce units?
4. Same question from July: Should nursing home or assisted living beds be counted as units if Medicaid is an option for payment, as the petitioners have proposed?

OVERALL CONSIDERATIONS:

Many of these questions remain the same, and have been re-listed below with some additions.

1. Same question from July: Why does this need to be a PUD? What are we getting/giving here that traditional zoning cannot cover?
2. Same question from July: How are the deviations requested from the UDO improving the future development of this site for the community?
3. Same question from July: What is an appropriate phasing schedule for this development? Do different aspects need to follow different timelines, such as the main roadways and separate neighborhood development?
4. Same question from July: What highly-valued design features are being included in this design?
5. Is the density proposed appropriate?

JULY REPORT: The property is located east of S. Weimer Road, south of the terminus of S. Adams Street, north of Summit Woods, and east of RCA Park, as well as Monroe County-owned property. The property is currently zoned Planned Unit Development (PUD) under the Sudbury PUD, which was approved in 1999, with a small portion of Residential Medium Lot (R2) adjacent to S. Weimer Road. The 138.51 acre property is currently undeveloped. Surrounding zoning includes PUD and County zoning to the north, with PUD and R2 to the south, Parks and Open Space (PO) and PUD to the east, and county RS zoning to the west across S. Weimer Road. Properties to the north, developed as Arbor Ridge under the existing PUD, contain paired homes. There are existing single-family homes developed to the southwest, and single-family homes across S. Weimer Road. Summit Woods is almost entirely built to the south, developed under the existing PUD. The petition site maintains frontage on S. Weimer Road, Sudbury Road, two termini of S. Adams Street right-of-way, and the terminus of the S. Breaking A Way right-of-way.

The site is almost 140 acres, which is the remaining portion of the partially developed 1999 Sudbury PUD. The petitioner is requesting a map amendment to rezone the property to a new PUD, which includes the approval of a new District Ordinance and Preliminary Plan. The petitioner is proposing a PUD that will allow for up to 6,000 new housing units. The petition will also contain some commercial, as well as multiple roadway, trail, and utility connections. The petitioner intends to dedicate land for a trailhead and a fire station on the eastern portion of the site. The petition will be heard by the Plan Commission for at least two mandatory hearings. The Plan Commission will review the petition and make a recommendation to the Common Council, in accordance with the procedures described in the Unified Development Ordinance (UDO). This is the first hearing of the Plan Commission. The Department has summarized the request, and highlighted a number of issues for continued discussion.

HIGH-LEVEL PETITION OVERVIEW:

The petitioner is proposing five ‘neighborhoods’ or development areas. (The nomenclature is still being finalized.) The rough outline of those neighborhoods can be seen in Image One below, from the Preliminary Plan. Each area is expected to be delivered separately, as shown in the timelines

listed in Image Two below.

Image One

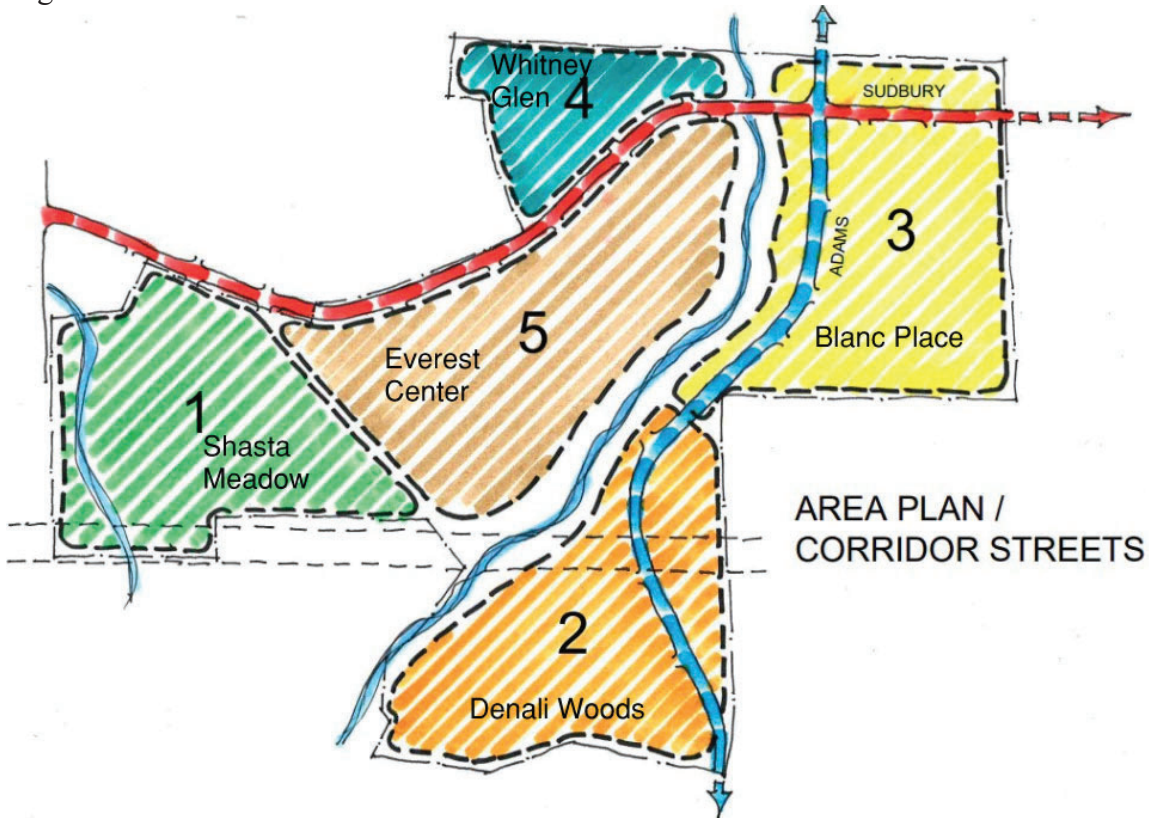


Image Two

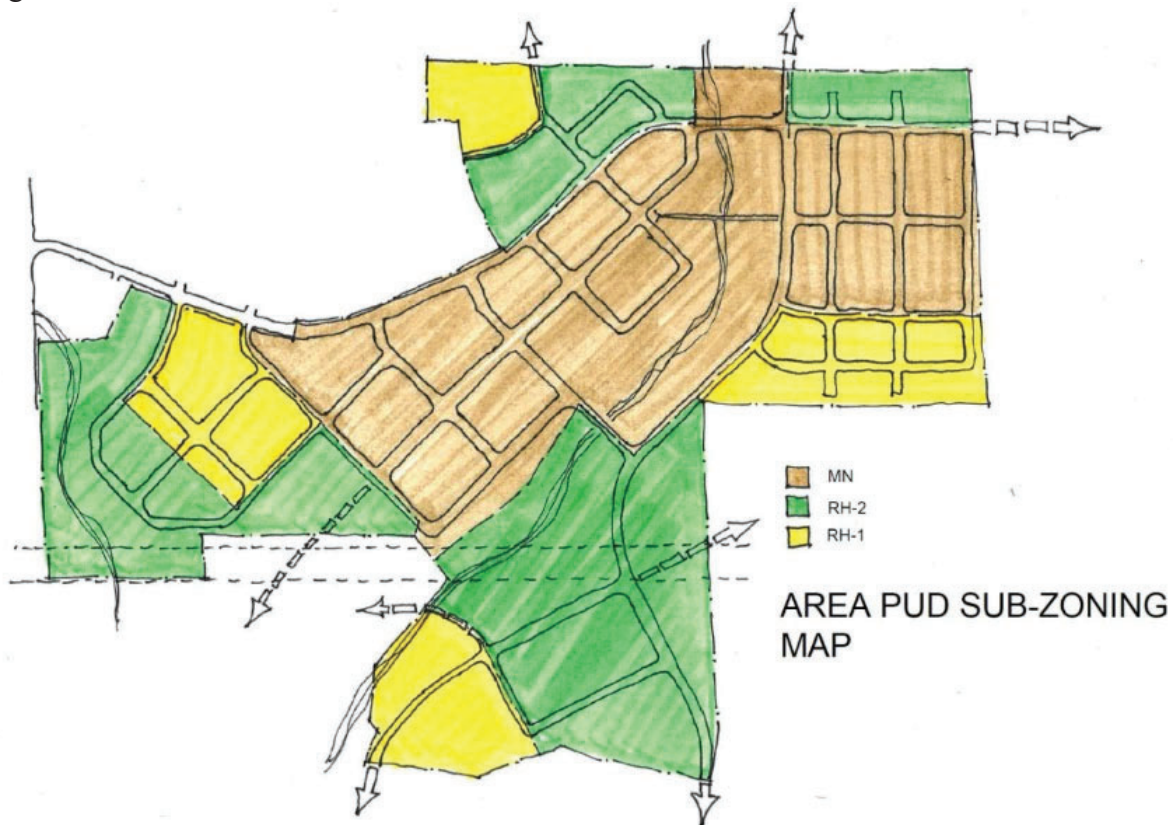
Neighborhood	Shasta Meadow	Denali Woods	Blanc Place	Whitney Glen	Everest Center	Total
Size	25.8 acres	32.7 acres	31.2 acres	12.3 acres	35.4 acres	137.4 acres
Expected Units	800-1,000	850-1,100	1,100-1,200	1,600-2,400	100-300	4,450-6,000
Expected Delivery	2025-2026	2025-2026	2029-2030	2029-2031	2026-2028	8 years

The petitioner is expecting that all neighborhoods will be developed over the course of the next eight years (seven to nine years listed in the petitioner’s statement – needs to be clarified), with Shasta Meadow and Denali Woods to be delivered first. These areas are chosen because of the likelihood that these will be the easiest areas to receive utility infrastructure.

The petitioner has identified two zoning districts from the UDO that they will use as the base for their regulations, Mixed-Use Neighborhood Scale (MN) and Residential High-Density Multifamily (RH). As is typical in a Planned Unit Development, the petitioner has proposed a number of changes to these districts in the PUD. They are proposing development standards and uses that differ from the UDO. They are also proposing some regulations that are verbatim from the UDO that they would like to enshrine for this area, to avoid any changes to the UDO affecting this development in the lifetime of its development. The petitioner is proposing three separate districts, RH1, RH2, and MN, each an amended version of the original in the PUD. The petitioner is proposing to utilize the three district types (RH1, RH2, and MN) in each of the neighborhoods,

as seen in Image Three, below, from the District Ordinance. Some issues raised by the Department for discussion are listed below Image Three.

Image Three



1. In a typical zoning code, each district has a set of development standards AND a set of allowed uses. Those standards and uses apply to the entirety of the district, unless the Dimensional Standards Table or Use Table is augmented by Use-Specific Standards. The petitioner is proposing that allowed uses be regulated by separate spatial areas, meaning that while all MN areas have the same development standards, they do not all have the same allowed uses. The uses need to be uniform in each of district, but can be augmented by Use-Specific Standards. The petitioner is working toward this goal.
2. In most PUDs, petitioners identify those standards that do not meet the Unified Development Ordinance. Per 20.06.070(c)(5)(B), "to the extent permitted by Section 20.01.040(b) (Effect of Change in the Law after Filing of Complete Petition), changes to the UDO that alter any development standards for which the PUD district ordinance is silent shall apply to portions of the PUD for which an approved site plan has not been approved before the date of the UDO change." The petitioner has included many regulations from the UDO verbatim in their district ordinance, in order to 'freeze' those regulations in time. While the Department is sympathetic to the desire to have total control over the design of future development, we think that the amount of things currently included that are verbatim from the UDO is excessive, and also creates confusion about which regulations are actually different. We would like to see the duplication of the UDO drastically reduced. Not only because it creates confusion about which regulations are proposed to be changed, but also because it may create confusion about which aspects the PUD is silent on, and revert to the UDO, as described in the reference above. For example,

if the petitioner only submits a list of amended Primary Materials with no mention of Secondary Materials, as they have done in this instance, are they expecting no Secondary Materials? Or are they expecting the Secondary Materials from the UDO? If there is a section in the UDO with 7 subsections, and the petitioner submits 2 amended and only 2 additional, are the other 3 moot? Or do they revert to the UDO? The style that is in the current draft will not work long-term, and needs to be amended. The best way to do this is to remove large amounts of the verbatim language.

3. Is the MN area too big? Do we need MN in the far eastern portion?
4. The interface across Sudbury Drive needs to be analyzed for a buffer from the existing homes to the north.

USES

The use table, as seen in the District Ordinance, contains 15 separate areas, three in each Neighborhood, each with its own set of permitted uses. As described above, this is a confusing way to list uses, and the Department has asked that the petitioner match the number of use areas to the number of development-regulations areas, which is 3 currently. Most of the uses are those that already exist in the UDO. The petitioner is, however, proposing to add two uses “off-site parking/surface parking lot shared” and “surface parking lot” to this PUD. The intent of the first use is to allow for a stand-alone parking lot on its own parcel to be built and utilized by more than one adjoining use. The second use is intended to allow for a parking lot to be built as a stand-alone use on a parcel for a fixed amount of time. When that time expires, the parking lot must be removed or developed. The petitioner are proposing accessory dwelling units that are larger than those that are allowed in the UDO. If they decide to go forward with that use, they will need to sync some other references to size in the UDO that they currently do not mention. They are aware of the issue. Dwelling, multifamily is allowed throughout the entirety of the project. Some issues raised by the Department for discussion are listed below.

1. The developer wants to allow varied residential uses, which is expected and desired. However, identifying even general areas where only certain uses will be allowed (detached or attached single-family with plexes and small-scale multifamily) will make varied development more likely. This has been conveyed to the petitioner and the Department is expecting an update.
2. Parking lot: Is there interest in allowing stand-alone parking lots with or without mandated removal timelines? Land used for strictly parking long-term is clearly not in sync with the Comprehensive Plan. But, could a temporary fully designed lot be appropriate while this large site develops?
3. Do we want ADUs larger than are allowed in the rest of the City?
4. Use-specific standards for impactful uses need to be thoughtfully considered.
5. In some places, they refer to residential uses with 1-10 units, or less than 20, or neither convention is used in other places. Why do these need to be separate?

GENERAL DEVELOPMENT STANDARDS

The Dimensional Standards table in the District Ordinance, Image Four below, has a number of corrections and additions that are needed, and those have been conveyed to the petitioner. For example, you can't have a front build-to-range and a maximum front building setback in the same district. Additionally, the height maximums do not match those in the narrative for RH1 and RH2. The petitioner has proposed some changes to landscaping and architectural requirements, as well. Some issues raised by the Department for discussion are listed below Image Four.

Image Four

FIGURE 7: District Dimensional Standards

Summit District PUD			
District Dimensional Standards -Subareas			
Area	Mixed Residential	Mixed Multi- Family	District Center
Zoning Subdistrict	RH1	RH2	MN
Lot Dimensions			
A. Lot area (minimum - Sq Ft)	1,000	2,000	5,000
B. Lot width (minimum - feet)	15	20	50
Building Setbacks (Minimum)			
C. Front build to (range - feet)	None	None	0-10
Front set back (maximum -feet)	20	20	20
D. Front building façade at build to range (min)	N/A	N/A	80%
Attached Dwelling side (minimum - feet)	0	0	N/A
Attached Dwelling rear (minimum - feet)	0	0	N/A
E. Detached Dwelling side (minimum - feet)	5	5	N/A
F. Detached Dwelling rear (minimum - feet)	5	5	N/A
J. Primary structure height (maximum - story / feet)	4 (52 ft)	4 (52 ft)	7 (90 ft)
Other			
K. Additional stories with step back (maximum - story)	1	1	3
L. Additional Stories with minimum setback - feet	5	5	7
M. Front building façade required step back (min) on main street frontage	100%	100%	25%
N. Accessory structure height (maximum - feet)	30	30	30
O. Front parking setback (minimum feet) (behind primary structures front building wall)	None	None	0
P. Impervious surface coverage (maximum)	80%	80%	100%
Q. Landscape area (minimum)	20%	20%	0%

Note: See Section 04.04.070 (Incentives for Alternative Standards)

1. How tall is appropriate as the **base** zoning height for the areas in this PUD?
2. Why would we reduce impervious surface?
3. Why would we reduce parking setbacks?
4. Are changes to landscaping and architectural requirements appropriate?

ENVIRONMENTAL:

The petitioner is proposing a reduction in environmental protection standards in the UDO related to steep slopes, riparian buffers, and tree and forest preservation. While the Department understands that the developer wishes to maximize the developable area, it is unclear what the benefit to the community is to decrease the environmental protection here. The petitioner has included environmental constraint maps in the district ordinance for reference. Members of the Environmental Commission, as well as Department staff, were invited to and have toured the site with the petitioner. Some issues raised by the Department are listed below.

1. Is it appropriate to increase the developable area in 12%-18% slope areas from 50% in the UDO to 70%?
2. Is it appropriate to allow disturbance on land of greater than 18% for roads, streets, and pathways?
3. Is it appropriate to allow 10 feet for Zone 3 of a riparian buffer when the UDO requires 25? We recently updated the UDO to allow streams to be measured from the centerline,

as opposed to the top of bank, and the additional 15 feet does not seem necessary or desirable to the Department.

4. The petitioner has listed 26.7 acres as the baseline coverage of tree canopy for the site. (This is not yet verified by the Department.) The UDO requires a 90% retention of that area, and the petitioner is proposing 50%. Is that appropriate?
5. No karst or wetland regulations were included in the PUD, so the UDO will apply.

ACCESS AND CONNECTIVITY

The petitioner is proposing some slight changes to these requirements, including allowing driveways closer to intersections than allowed by the UDO (from 50 feet to 25 feet) and allowing 2 driveways for all parcels. While these changes are small, the Department is concerned about their cumulative effect on this large scale. Some issues raised by the Department are listed below.

1. Why are the small changes included necessary?
2. Alley access needs to be required when available. If not, why not?
3. No requirements for separation of residential uses on non-classified roads are included, but need to be.
4. Is a driveway width of 24 feet appropriate for residential? The UDO allows a maximum of 18 feet for single-family, but the PUD proposed 24 feet.

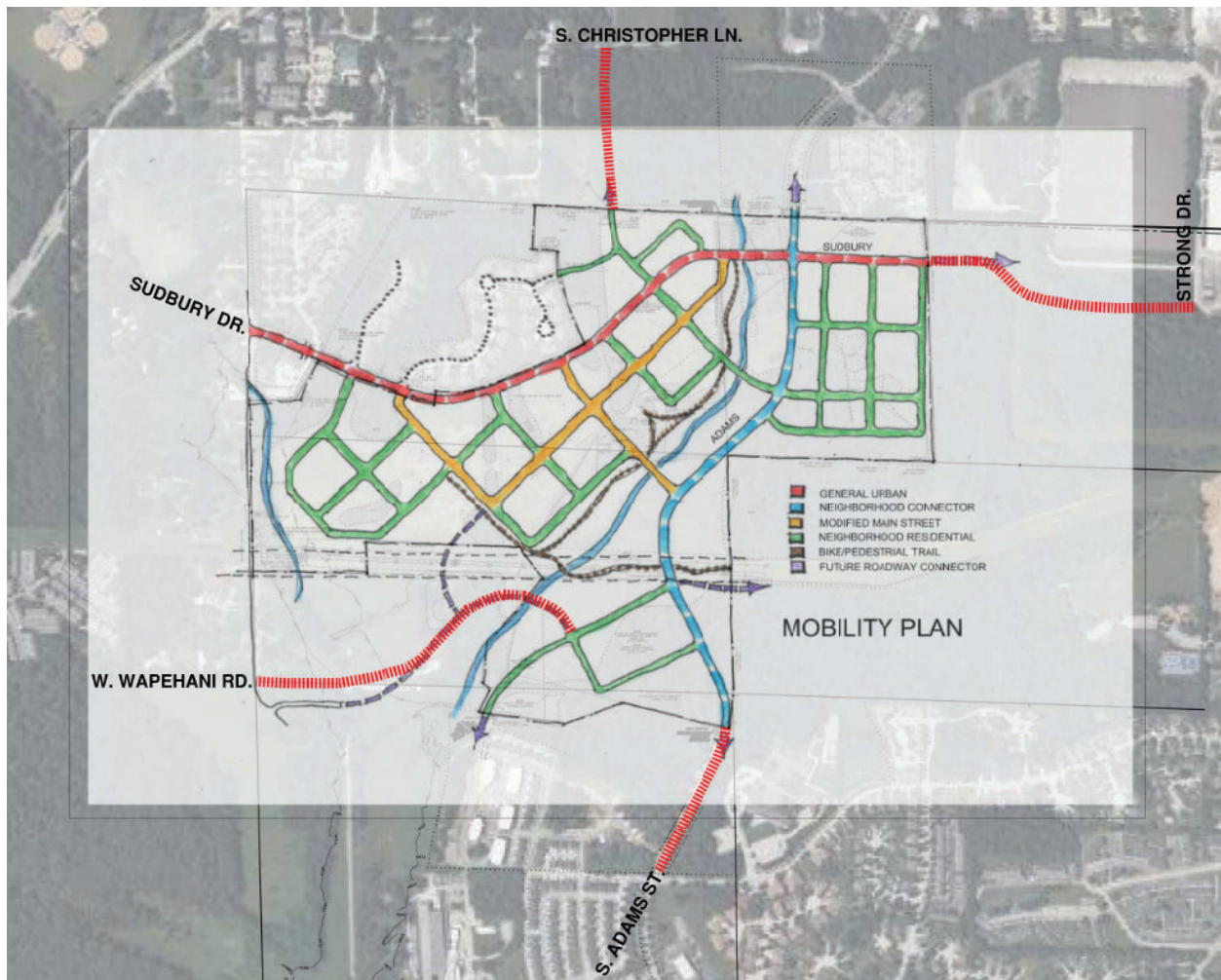
PARKING

The petitioner is proposing some small changes, including a reduced parking space depth for 90 degree parking to 15 feet. The standard the UDO was recently changed to 16 feet from 18 feet. As mentioned, the petitioner would also like to allow stand-alone parking lots. And they would like to allow angled-parking in the rights-of-way to allow for more spaces, however that design does not meet the Transportation Plan guidance. Some issues raised by the Department are listed below.

1. Is it appropriate to allow 15 foot parking spaces?
2. It is appropriate to lower the stacking regulations for drive-through uses?
3. Is there a compelling reason to allow the bicycle parking numbers to be different from the UDO?
4. Is there a compelling reason to change any road cross-section, including the parking portion, from what is allowed via the Transportation Plan?

RIGHT-OF-WAY CONNECTION:

As can be seen in Image Five below, the petition site, outlined in black, has a number of improvements in the adopted Transportation Plan. The northernmost connection is the extension of Sudbury as a General Urban street from the end of the existing W. Sudbury Drive right-of-way to the eastern end of the petition site. (NC-19) That roadway is to contain a protected bike lane. On the eastern side of the petition site, S. Adams Street stubs at both the north and south ends of the petition site, and the Transportation Plan shows a Neighborhood Connector with a bike lane and multiuse path. (NC-20) The petitioner is including the entirety of the Adams Street connection on their parcel and has worked with the Department and the Engineering Department on a general location. There is a third new right-of-way shown in the Transportation Plan on the southern end of the petition site. (NC-24) That road is shown as a Neighborhood Connector that appears to be aligned with the Duke Energy easement to the east, and moving southwest to connect to the existing Weimer Road right-of-way through a neighboring parcel. Image Six below is from the proposed Preliminary Plan and shows potential right-of-way connections and the surrounding context. Some issues raised by the Department for additional discussion are below Images Five and Six.



6. The southernmost connection in the Transportation Plan raises questions.
 - a. The western connection in the Transportation Plan is to a portion of Weimer Road that may become a trail in the future, if plans to realign Weimer Road go forward. Does it make more sense to have the roadway built north of the R2 parcel/Duke Energy easement? There is floodplain along Weimer in that area, so would be costly.
 - b. The petitioner is showing a connection to the south to meet Breaking A Way. But, the Transportation Plan seems to desire a connection to Weimer, so we do not believe that that connection supplants the need for an NC-24 connection.
7. Why can't the proposed rights-of-way be more gridded? It seems that more than one western exit would be advantageous for such a large development.
8. Adams Street to the north is privately maintained in the County. Have discussions been had with that entity?
9. Do we need a stub to the east on the southern portion of the development site, as is shown in the Transportation Plan?
10. When the property is subdivided, platting and construction of the roads in the Transportation Plan will be triggered. The expectation is that they are built within the time allowed by the UDO, which is a matter of a few years. Does phasing for the roads need to be included in the PUD separate from the neighborhoods?

WORKFORCE AND AFFORDABLE HOUSING AND INCENTIVES

The UDO contains 13 general Qualifying Standards for a Planned Unit Development. The 3rd Standard reads: “Where residential dwelling units are proposed, a minimum of 15 percent of the total dwelling units must be permanently income-limited through a deed restriction to households earning less than 120 percent of the HUD AMI for Monroe County, Indiana and the development will be subject to the applicable standards established in Subsection 20.04.110(c): Affordable Housing, unless the City otherwise adjusts or releases this requirement.” This standard requires that any new PUD provide a minimum at 15 percent of the total dwelling units as permanently affordable. This is the base expectation for PUD development. The petitioner has included in the proposal the use of incentives to receive additional height than what is proposed in the PUD (which is up to 6 stories in the narrative.) It appears that the petitioner intends for a developer to be able to use the incentives to gain increased height, while working toward the required 15 percent of units, as opposed to additional units. Some issues raised by the Department for additional discussion are below.

5. With the increased base heights (greater than the UDO), is it appropriate to allow additional height through incentives without additional workforce or affordable housing units?
6. The petitioner has proposed less sustainable measures required for incentives. Is that appropriate?
7. How is it best to plan the phasing of affordable or workforce units?
8. Should nursing home or assisted living beds be counted as units if Medicaid is an option for payment, as the petitioners have proposed?

OVERALL CONSIDERATIONS:

The proposed PUD is large, and the remaining undeveloped portion of an even larger PUD that was once approved and partially constructed. The opportunity to develop this land is an important one for Bloomington, as we have few large expanses left. The Qualifying Standards for a PUD necessitate that we review any PUD proposals to analyze what the PUD is allowing that conventional zoning would not allow and what high-value design features the PUD is offering. In this case, the petitioner plans to dedicate land for a trailhead and a new fire station on the eastern side of the petition site. Some issues raised by the Department for additional discussion are below.

6. Why does this need to be a PUD? What are we getting/giving here that traditional zoning cannot cover?
7. How are the deviations requested from the UDO improving the future development of this site for the community?
8. What is an appropriate phasing schedule for this development? Do different aspects need to follow different timelines, such as the main roadways and separate neighborhood development?
9. What highly-valued design features are being included in this design?

COMPREHENSIVE PLAN: This property is designated as *Neighborhood Residential*. The Comprehensive Plan notes the following about the *Neighborhood Residential* area:

- The Neighborhood Residential district is primarily composed of residential land uses with densities ranging from 2 units per acre to 15 units per acre.
- Single family residential development is the dominant land use activity for this district.
- These areas are largely built out, homogenous neighborhoods, but some vacant tracts of land exist as well as opportunities for small-scale neighborhood redevelopment activity...
- For larger tracts of land, single-family, attached single-family, and multifamily residential uses may be appropriate, and in some instances small-scaled neighborhood mixed use is also appropriate.

- Create neighborhood focal points, gateways, and centers.
- Ensure that appropriate linkages to neighborhood destinations are provided.
- Large developments should develop a traditional street grid with short blocks to reduce the need for circuitous trips.
- Support incentive programs that increase owner occupancy and affordability (including approaches promoting both permanent affordability and home ownership for all income levels).

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:

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

The proposed use 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 adopted plans and policies.
- ii. Consistent with Intergovernmental Agreements

The proposed use and development shall be consistent with any adopted intergovernmental agreements and shall comply with the terms and conditions of any intergovernmental agreements incorporated by reference into this UDO.
- iii. Minimization or Mitigation of Adverse Impacts
 1. The proposed use and development shall be designed to minimize negative environmental impacts and shall not cause significant adverse impacts on the natural environment. Examples of the natural environment include water, air, noise, stormwater management, wildlife habitat, soils, and native vegetation.
 2. The proposed use and development shall not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.
 3. The proposed use and development shall not result in significant adverse fiscal impacts on the city.
 4. The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.
- iv. Adequacy of Road Systems
 1. Adequate road capacity must exist to serve the uses permitted under the proposed development, and the proposed use and development shall be designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.
 2. The proposed use and development shall neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets.
- v. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

vi. Rational Phasing Plan

If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date and shall not depend upon subsequent phases for those improvements.

PROPOSED FINDING:

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:

CONCLUSION: The proposed PUD would develop a large piece of property that has not been fully developed since the existing PUD was approved in 1999. That PUD was built out until it ran into triggers for public improvements. The Department wants to carefully consider triggers in this PUD based on both development and time to insure that the public improvements expected with this petition are provided. Staff from the Department has been meeting with the petitioner to work on overall concepts and design details. Development of the parcel is an exciting prospect for the City, but we must make sure that the scale and improvements are appropriate. There will be changes and more details to discuss in the coming months, as the proposal is refined.

RECOMMENDATION: The Planning and Transportation Department recommends that the Plan Commission forward the petition to the November Plan Commission hearing.



City of Bloomington
Bloomington Environmental Commission

MEMORANDUM

Date: July 10, 2023

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Subject: PUD-18-23: Sudbury Development Partners, LLC. (Summit District PUD)
South Weimer Road
Request to rezone to a Planned Unit Development and a request for approval of a District Ordinance and Preliminary Plan
Hearing #1

The purpose of Environmental Commission's memorandums to the Plan Commission (PC) is to express the environmental concerns and recommendations of the Environmental Commission (EC) with the hope that action will be taken to safeguard and enhance the environment-enriching attributes that provide ecosystem services to all of Bloomington. Sometimes these data-driven recommendations are environmental best management practices that exceed the minimum regulations found in the Unified Development Ordinance (UDO). And sometimes, as in this memorandum, they are meant to require a Planned Unit Development District Ordinance to be *at least* as environmentally protective as any regular development that would be following the standard UDO regulations. The purpose of a PUD is not to avoid environmental standards.

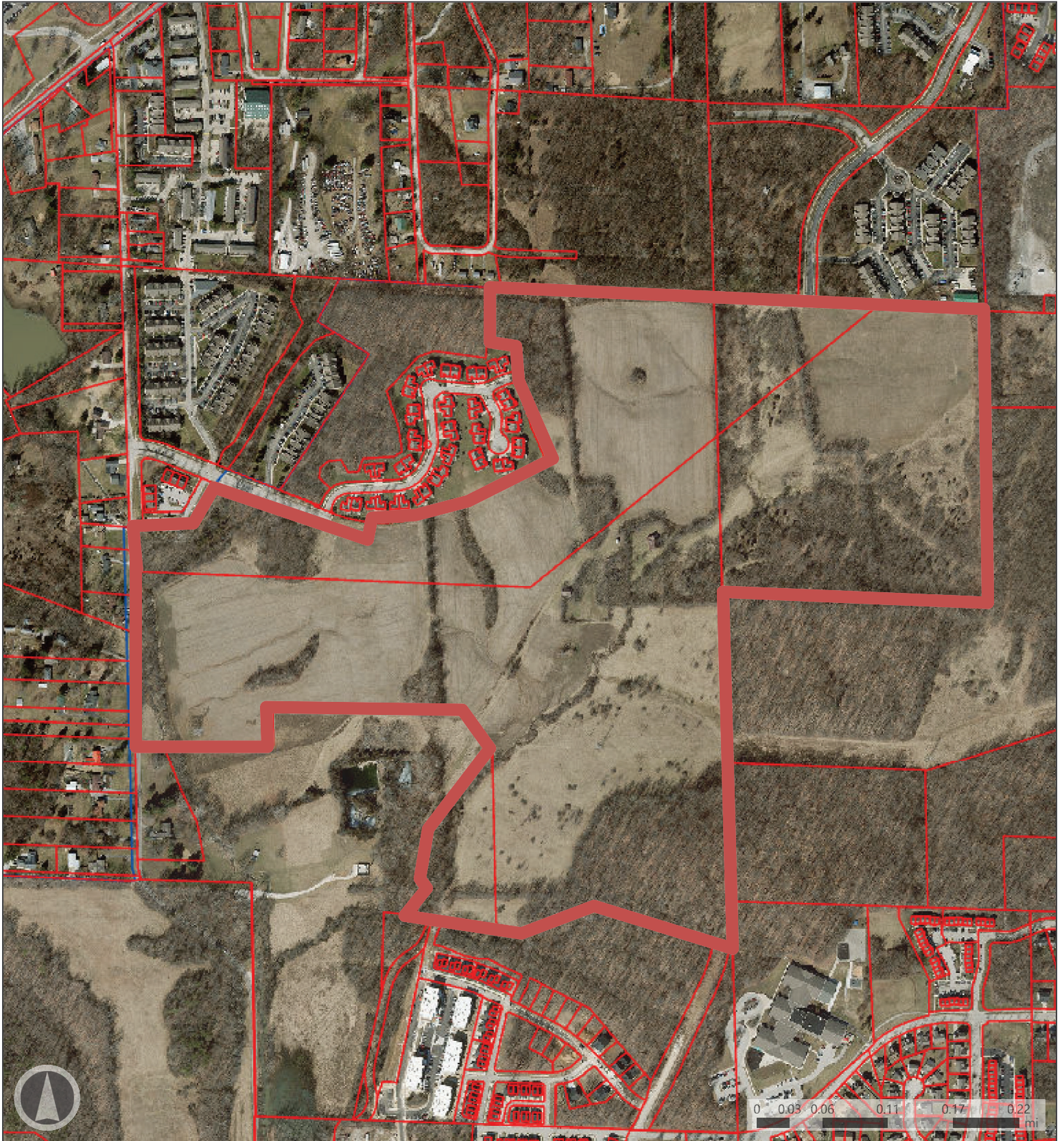
The EC has not yet toured this site, although there is a date set to go after this PC meeting. Therefore, this memorandum serves as a place holder for the EC's thorough discussion of this proposal at the next PC hearing.

This is a large site that will influence about 140 acres of Bloomington's ecosystem services, carbon footprint, and plant and animal biodiversity. The size of this site alone necessitates the very best environmental protections. In addition to the large size, there are countless environmental features dotting the entire area, including mature tree stands, streams and riparian buffers, steep slopes, wetlands, sinkholes, and biodiversity.

This site has the potential to be a textbook development for people and the environment, but this proposed PUD District Ordinance asks for numerous environmental exceptions that will have excessive impacts on environmental resources, which may not be necessary. The EC understands the current need for housing, but is opposed to prioritizing that need over environmental protection during this time of climate and ecological crisis. Climate, thus environmental, change has long term impacts on all

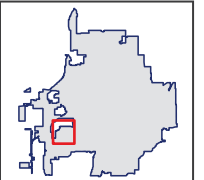
residents and must be prioritized. However, this District Ordinance currently proposes significant reductions in many environmental protections.

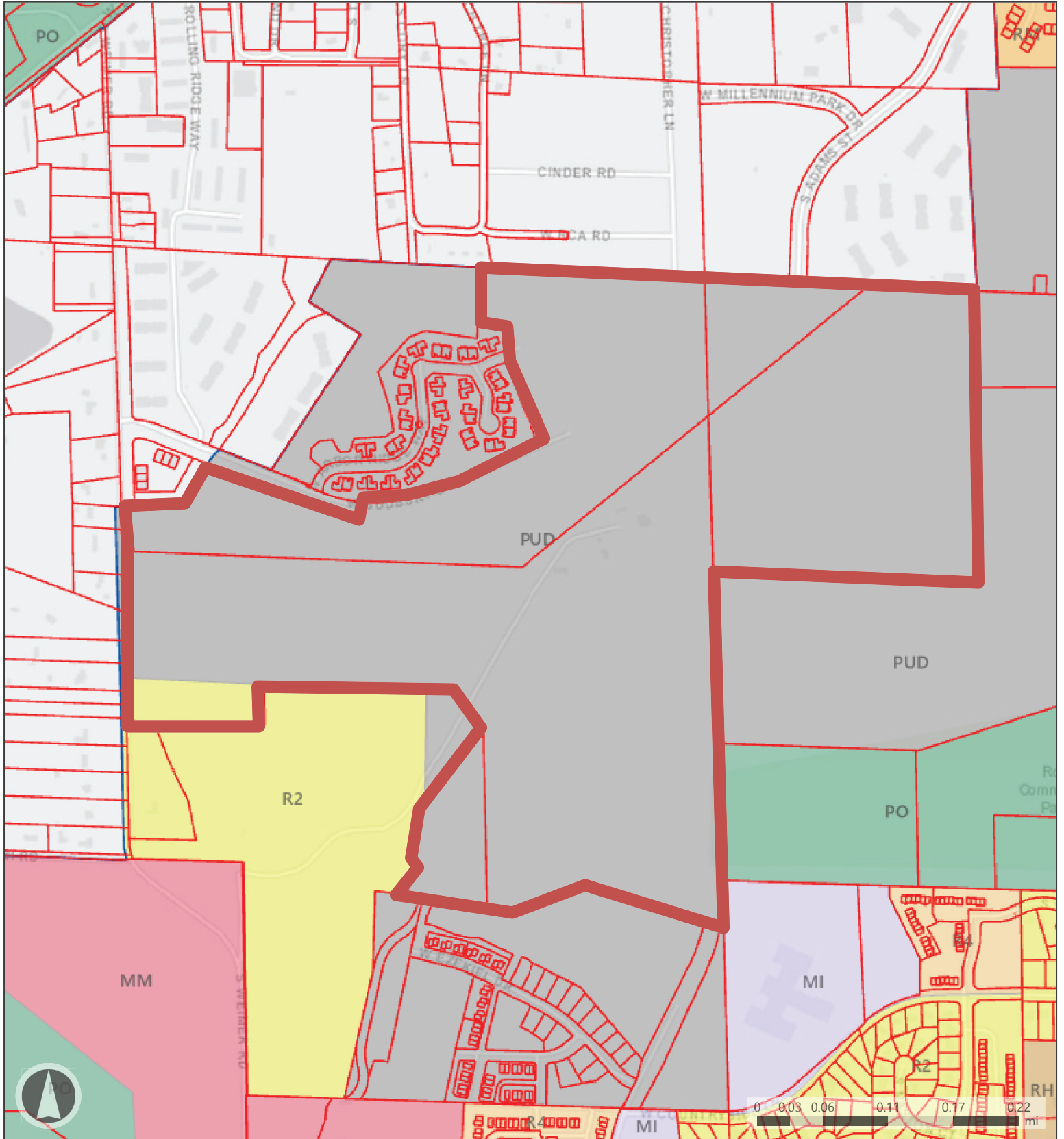
The EC continues to believe that any PUD District Ordinance should not water-down the environmental protection requirements to less than the minimum UDO standards. The trend in Bloomington has generally been to strengthen its environmental standards over time, not decay them. Thus, the EC stands against this PUD District Ordinance until the Petitioners prioritizes appropriate environmental mitigating standards. Correspondingly, the EC looks forward to working together with the Petitioner to craft a forward-thinking PUD District Ordinance that will be a showpiece for what an environmentally-progressive neighborhood can be.



Map Legend



- Parcels
- Bloomington Municipal Boundary






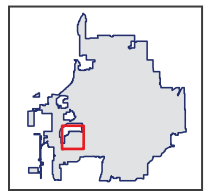


Map Legend

-  Parcels
-  Bloomington Municipal Boundary

- Code : Description**
-  R2 : Residential Medium Lot
 -  R4 : Residential Urban

-  RH : Residential High-Density Multifamily
-  RM : Residential Multifamily
-  MI : Mixed-Use Institutional



Summit District PUD

Allowed Use Table

	R	RH1	RH2	MN	MX	PO
RESIDENTIAL USES						
Household Living						
Dwelling, single family (detached)	P*					
Dwelling, single family (attached)	P*	P*	P*			
Dwelling, duplex	P*	P*	P*			
Dwelling, triplex	P*	P*	P*			
Dwelling, fourplex	P*	P*	P*			
Dwelling, multifamily	P*	P*	P*	P*	P*	
Dwelling, live/work	P*	P*	P*		P*	
Group Living						
Assisted living facility		P	P	P	P	
Continuing care retirement facility		P	P	P	P	
Group care home, FHAA small		P*	P*		P*	
Group care facility, FHAA large		P*	P*		P*	
Nursing or convalescent home		P	P		P	
Supportive housing, small			P		P	
Supportive housing, large			P		P	
PUBLIC, INSTITUTIONAL, AND, CIVIC USES						
Community and Cultural Facilities						
Art gallery, museum, or library				P	P	
Community center	P	P	P	P	P	
Day-care center, adult or child				P	P	
Meeting, banquet, or event facility				P	P	
Places of worship, club or cultural facility	P	P	P	P	P	
Parks, Fire/Police Station			P		P	
Schools, Public or Private						
School, public or private		P	P	P	P	
School, trade or business			P	P	P	
School, university			P	P	P	

COMMERCIAL USES

56

R

RH1

RH2

MN

MX

PO

Healthcare Facilities

Medical clinic

P

Agricultural and Animal Uses

Pet Grooming

P

Veterinarian clinic

P

Entertainment and Recreation

Amenity center

P

P

P

P

Recreation, indoor

P

P

P

P

Recreation, outdoor

P

Food, Beverage, and Lodging

Bar or dance club

P

Bed and Breakfast

P

P

P

Brewpub, distillery, or winery

P*

P*

Hotel or motel

P

P

Restaurant

P

P

P

P

Office, Business, and Professional Services

Artist studio or workshop

P

P

P

P

Financial institution

P

P

Fitness center, small

P

P

P

Fitness center, large

P

P

P

Office

P

P

P

Personal service, small

P

P

Personal service, large

P

Tattoo or piercing parlor

P

Retail Sales

Grocery or supermarket

P

				57		
COMMERCIAL USES, continued	R	RH1	RH2	MN	MX	PO
Liquor or tobacco sales				P		
Retail sales, small				P		
Retail sales, medium				P		
Vehicles and Equipment						
Off site parking / Surface parking lot shared		P*	P*	P*	P*	P*
Surface parking lot				P*		P*
Vehicle fleet operations, small				P		
Vehicle fuel station				P*		
Vehicle parking garage			P*	P*	P*	
Vehicle sales or rental				P		
Employment						
Artisan Manufacturing			P	P	P	
UTILITIES AND COMMUNICATION	R	RH1	RH2	MN	MX	PO
Solar collector, ground- or building-mounted	P*	P*	P*	P*	P*	P*
Utility substation and transmission facility				P*	P*	
Wind energy system, small	P*	P*	P*	P*	P*	P*
ACCESSORY USES	R	RH1	RH2	MN	MX	PO
Detached garage	P	P				
Dwelling, accessory unit	P*	P*			P*	
Electric vehicle charging facility	P	P	P	P	P	P
Home occupation	P	P	P	P	P	
Swimming pool	P*	P*	P*	P*	P*	P*
TEMPORARY USES	R	RH1	RH2	MN	MX	PO
Real estate sales or model home	P*	P*	P*	P*	P*	
Seasonal sales	P*	P*	P*	P*	P*	P*
Special event	P*	P*	P*	P*	P*	P*

* Refer to Use-Specific Standards in 03.03.020 of the Summit District PUD as defined below and also UDO Use-Specific Standards 20.03.030, as applicable.

	Residential	Mixed Residential	Mixed Multi- Family	District Center	Mixed Use	Parks & Open Space	
District	R	RH1	RH2	MN	MX	PO	
Lot Dimensions							
A. Lot area (minimum - Sq Ft)	1,000	2,000	2,000	5,000	5,000	N/A	
B. Lot width (minimum - feet)	15	20	20	50	50	N/A	
Building Setbacks (Minimum)							
C. Front build to (range - feet)	5-15	5-15	5-15	0-10	0-10	N/A	
D. Front building façade at build-to-range (min)	80%	80%	80%	80%	80%	N/A	
E. Attached Dwelling side (minimum - feet)	N/A	N/A	N/A	N/A	N/A	N/A	
F. Attached Dwelling rear (minimum - feet)	5	5	5	N/A	N/A	N/A	
G. Detached Dwelling side (minimum - feet)	5	5	5	N/A	N/A	N/A	
H. Detached Dwelling rear (minimum - feet)	5	5	5	N/A	N/A	N/A	
I. Non-Residential side (minimum - feet)	N/A	10	10	0	0	5	
J. Non-Residential rear (minimum - feet)	N/A	15	15	0	0	5	
K. Non-Residential front setback (minimum - feet)	N/A	N/A	N/A	N/A	N/A	15	
L. Primary structure height with step back (maximum - story / feet)	3 (40 ft)	5 (63 ft)	5 (63 ft)	7 (86 ft)	6 (75 ft)	3 (40 ft)	
M. Step back required at (story / depth Ft.)	4/15	4/15	4/15	7/15	6/15	N/A	
N. Additional Step Back required (story / depth Ft. adjacent to Arbor Ridge - 1/2 Block)	None	None	None	4/15	N/A	N/A	
O. Non-Residential on ground level height (minimum ft)	N/A	N/A	N/A	12	12	N/A	
P. Impervious surface coverage (maximum)	70%	75%	75%	100%	90%	10%	
Q. Landscape area (minimum)	None	25%	25%	0%	10%	None	
Other							
R. Accessory structure height (maximum - feet)	30	30	30	30	30	20	
S. Front parking setback (minimum feet) (behind primary structures front building wall)	None	10	10	5	20	N/A	

Note: See Section 04.04.070 (Incentives for Alternative Standards)

Incentives summary per district

District Designation	Residential	Mixed Residential	Mixed Multi- Family	District Center	Mixed Use
	R	RH1	RH2	MN	MX
% Affordable Units Required	15%	15%	15%	15%	15%
% Affordable Units credit that can be achieved in another district or project (Max)	5%	5%	5%	5%	5%
Incentives Available					
A Affordable Housing	Yes	Yes	Yes	Yes	Yes
B Environmental	Yes	Yes	Yes	Yes	Yes
C Allows Affordable and Environmental Incentives to be used in aggregate	No	No	No	Yes	Yes
Affordable Housing					
D % Affordable Units (per project) to utilize Incentive (Min)	N/A	15%	15%	20%	20%
E Highest Incentive available	1 Additional Story	1 Additional Story	1 Additional Story	2 Additional Stories	1 Additional Story
F Floor Plate Incentive available	N/A	50%	50%	50%	50%
G Lot Area Reduction available	N/A	50%	50%	50%	50%
H Lot Width Reduction available	40%	50%	50%	50%	50%
Environmental					
I Highest Incentive available	1 Additional Story	1 Additional Story	1 Additional Story	2 Additional Stories	1 Additional Story
J Floor Plate Incentive available	N/A	50%	50%	50%	50%
K Lot Area Reduction available	N/A	50%	50%	50%	50%
L Lot Width Reduction available	40%	50%	50%	50%	50%

Maximum Vehicle Parking Allowance

Use	Maximum
-----	---------

RESIDENTIAL USES

Household Living

Dwelling, single family (detached)	None
Dwelling, single family (attached)	None
Dwelling, duplex	2 spaces per DU
Dwelling, triplex	2 spaces per DU
Dwelling, fourplex	2 spaces per DU
Dwelling, multifamily	2 spaces per DU
Dwelling, live/work	2 spaces per DU

Group Living

Assisted living facility	1 space per 6 infirmay or nursing beds + 1 space per 3 rooming units or DU
Continuing care retirement facility	1 space per 6 infirmay or nursing beds + 1 space per 3 rooming units or DU
Group care home, FHAA small	2 spaces per 1,000 SF - GFA
Group care facility, FHAA large	2 spaces per 1,000 SF - GFA
Nursing or convalescent home	1 space per 6 infirmay or nursing beds + 1 space per 3 rooming units or DU
Supportive housing, small	2 spaces per 1,000 SF - GFA
Supportive housing, large	2 spaces per 1,000 SF - GFA

PUBLIC, INSTITUTIONAL, AND, CIVIC USES

Community and Cultural Facilities

Art gallery, museum, or library	2 spaces per 1,000 SF - GFA
Community center	4 spaces per 1,000 SF - GFA
Day-care center, adult or child	4 spaces per 1,000 SF - GFA
Meeting, banquet, or event facility	4 spaces per 1,000 SF - GFA
Places of worship, club or cultural facility	5 spaces per 1,000 SF - GFA
Park	3 spacs per 1,000 SF of site used for recreational equipment
Police, fire and rescue station	4 spaces per 1,000 SF - GFA

COMMERCIAL USES**Healthcare Facilities**

Medical clinic

5 spaces per 1,000 SF - GFA

Agricultural and Animal Uses

Pet Grooming

4 spaces per 1,000 SF - GFA

Veterinarian clinic

4 spaces per 1,000 SF - GFA

Entertainment and Recreation

Amenity center

4 spaces per 1,000 SF - GFA

Recreation, indoor

4 spaces per 1,000 SF - GFA

Recreation, outdoor

4 spaces per 1,000 SF - GFA

Food, Beverage, and Lodging

Bar or dance club

5 spaces per 1,000 SF - GFA

Bed and Breakfast

1 space per guest bedroom

Brewpub, distillery, or winery

5 spaces per 1,000 SF - GFA

Hotel or motel

1 space per guest room

Restaurant

15 spaces per 1,000 SF - GFA -Indoor+ 5 spaces per 1,000 SF - GFA -Outdoor

Office, Business, and Professional Services

Artist studio or workshop

4 spaces per 1,000 SF - GFA

Financial institution

4 spaces per 1,000 SF - GFA

Fitness center, small

4 spaces per 1,000 SF - GFA

Fitness center, large

4 spaces per 1,000 SF - GFA

Office

4 spaces per 1,000 SF - GFA

Personal service, small

4 spaces per 1,000 SF - GFA

Personal service, large

4 spaces per 1,000 SF - GFA

Tattoo or piercing parlor

4 spaces per 1,000 SF - GFA

Retail Sales

Grocery or supermarket

5 spaces per 1,000 SF - GFA

COMMERCIAL USES, continued

Liquor or tobacco sales

5 spaces per 1,000 SF - GFA

Retail sales, small

5 spaces per 1,000 SF - GFA

Retail sales, medium

5 spaces per 1,000 SF - GFA

Vehicles and Equipment

Off site parking / Surface parking lot shared

4 spaces per 1,000 SF - GFA

Surface parking lot

50 spaces maximum

Vehicle fleet operations, small

4 spaces per 1,000 SF - GFA

Vehicle fuel station

5 spaces per 1,000 SF - GFA

Vehicle parking garage

4 spaces per 1,000 SF - GFA

Vehicle sales or rental

4 spaces per 1,000 SF - GFA

Employment

Artisan Manufacturing

no limit

UTILITIES AND COMMUNICATION

Solar collector, ground- or building-mounted

1.5 spaces per acre

Utility substation and transmission facility

1.5 spaces per acre

Wind energy system, small

1.5 spaces per acre

TEMPORARY USES

Real estate sales or model home

4 spaces per 1,000 SF - GFA

Special event

4 spaces per 1,000 SF - GFA

Use	Maximum	62
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Seasonal sales	No additional	
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ACCESSORY USES

Detached garage	No additional	
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Dwelling, accessory unit	1 per ADU	
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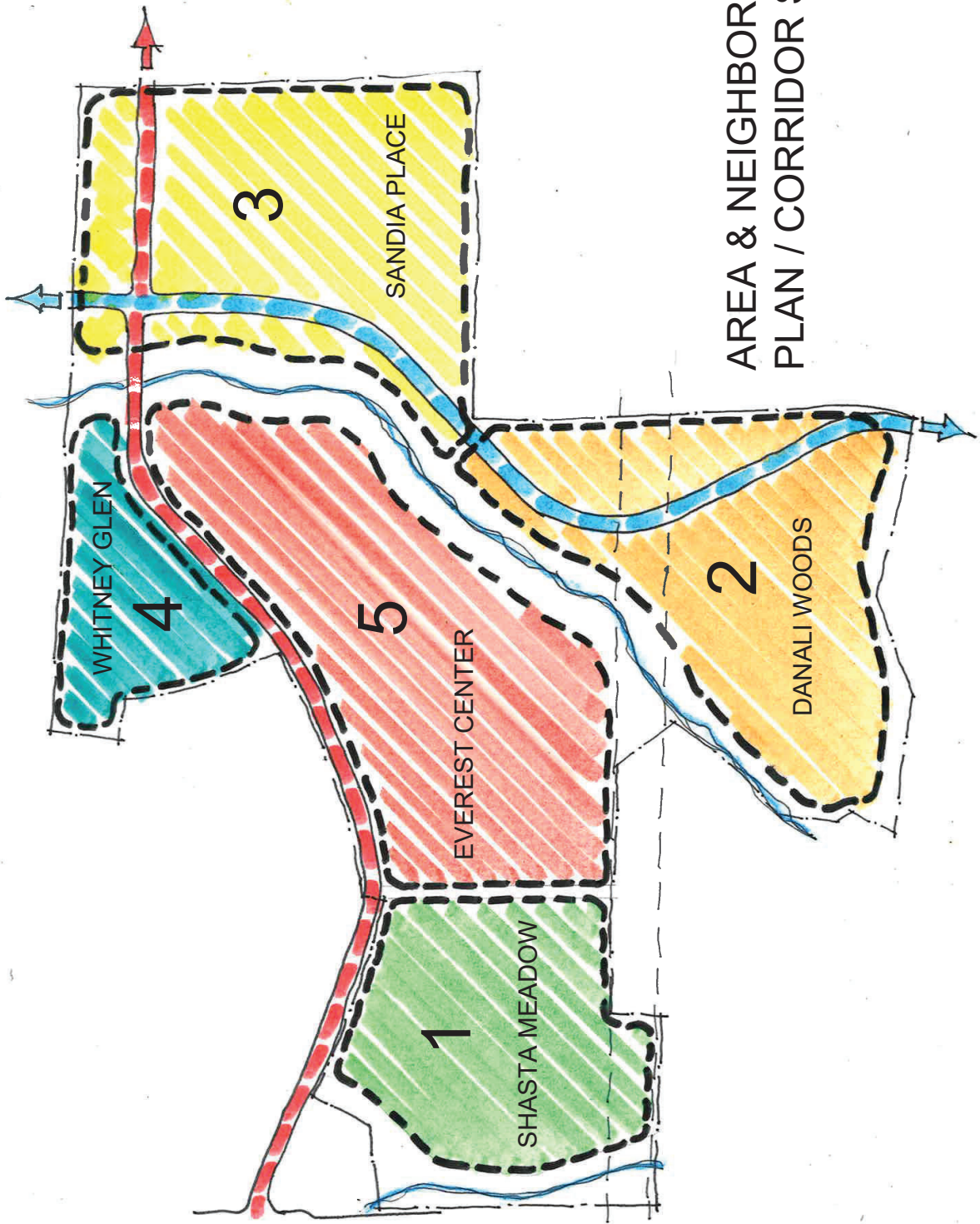
Electric vehicle charging facility	No additional	
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Home occupation	No additional	
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Swimming pool	No additional	
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	TD	TD	TD	CI	CI
District	R	RH1	RH2	MN	MX
Parent Tract					
A. Minimum size (SF)	10,000 SF	21,000 SF	21,000 SF	21,000 SF	21,000 SF
B. Maximum size (SF)	None	None	None	None	None
Streets					
C. Block length (maximum)	800	800	800	800	800
D. Block Perimeter (maximum)	1,400 Ft	1,400 Ft	1,400 Ft	1,400 Ft	1,400 Ft
E. Cul-de-sac length (minimum)	None	None	None	None	None
F. Cul-de-sac length (maximum)	200 feet	200 feet	200 feet	None	None
G. On -Street parking (minimum)	one side of street	one side of street	one side of street	one side of street	one side of street
H. Sidewalk width (minimum)	6 Feet	6 Feet	6 Feet	6 Feet	6 Feet
I. Multiuse path width (minimum)	10 Feet	10 Feet	10 Feet	10 Feet	10 Feet
K. Tree plot width (minimum)	5 feet	5 feet	5 feet	Per Trans. Plan	Per Trans. Plan
J. Transportation facilities	Per Trans. Plan	Per Trans. Plan	Per Trans. Plan	Per Trans. Plan	Per Trans. Plan
Other					
L. Lots / dwellings served by alleys (minimum)	50%	None	None	None	None
M. Open space required (minimum)	5%	5%	5%	None	None

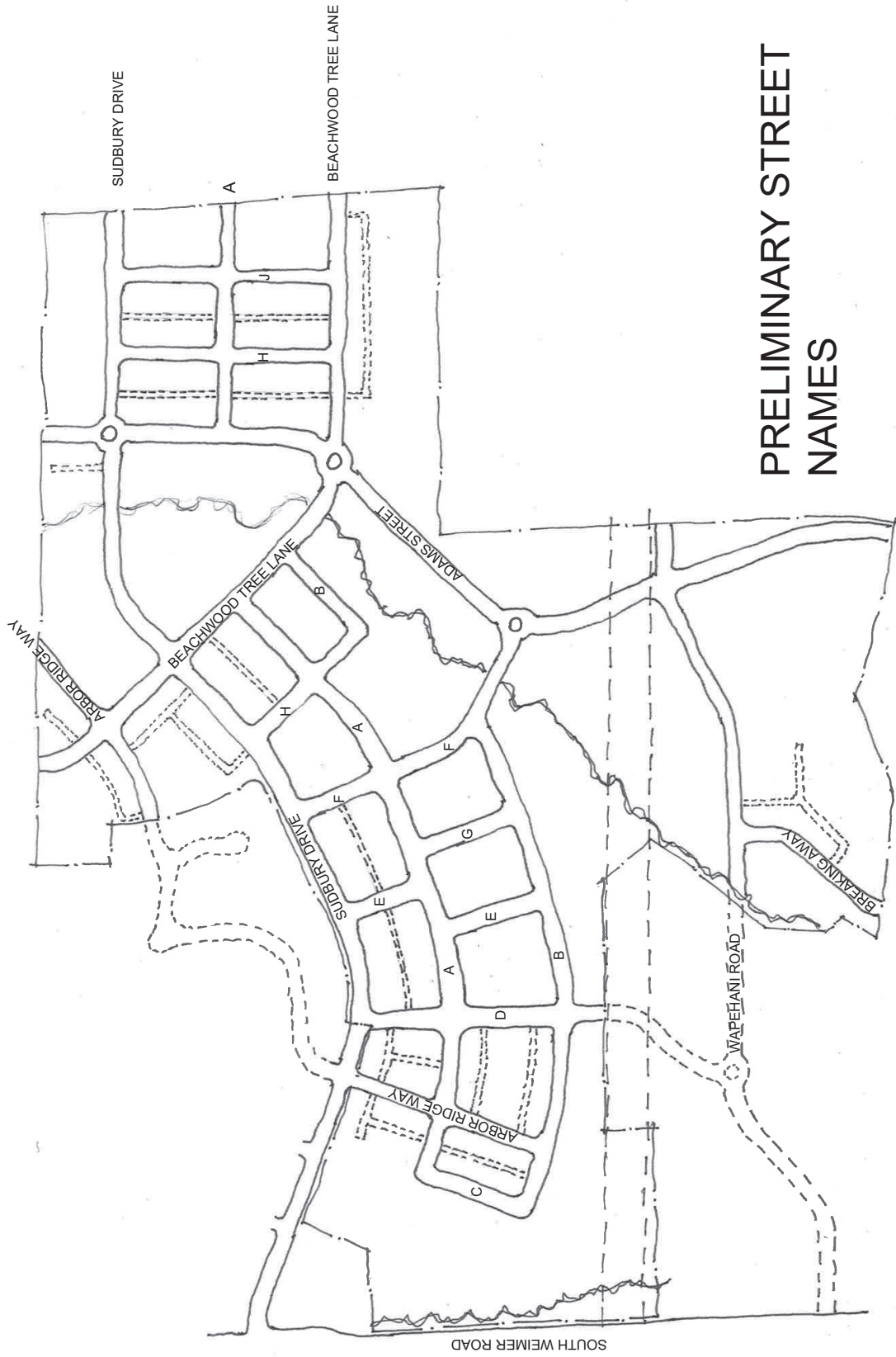
Note: Measured as a percent of the gross acreage and shall be identified as common open space on the plat. Where on-street parking is provided, it shall comply with the standards in 20.04.060(o) (On-street Parking Standards for Private Streets).



AREA & NEIGHBORHOOD
PLAN / CORRIDOR STREETS



MOBILITY MAP



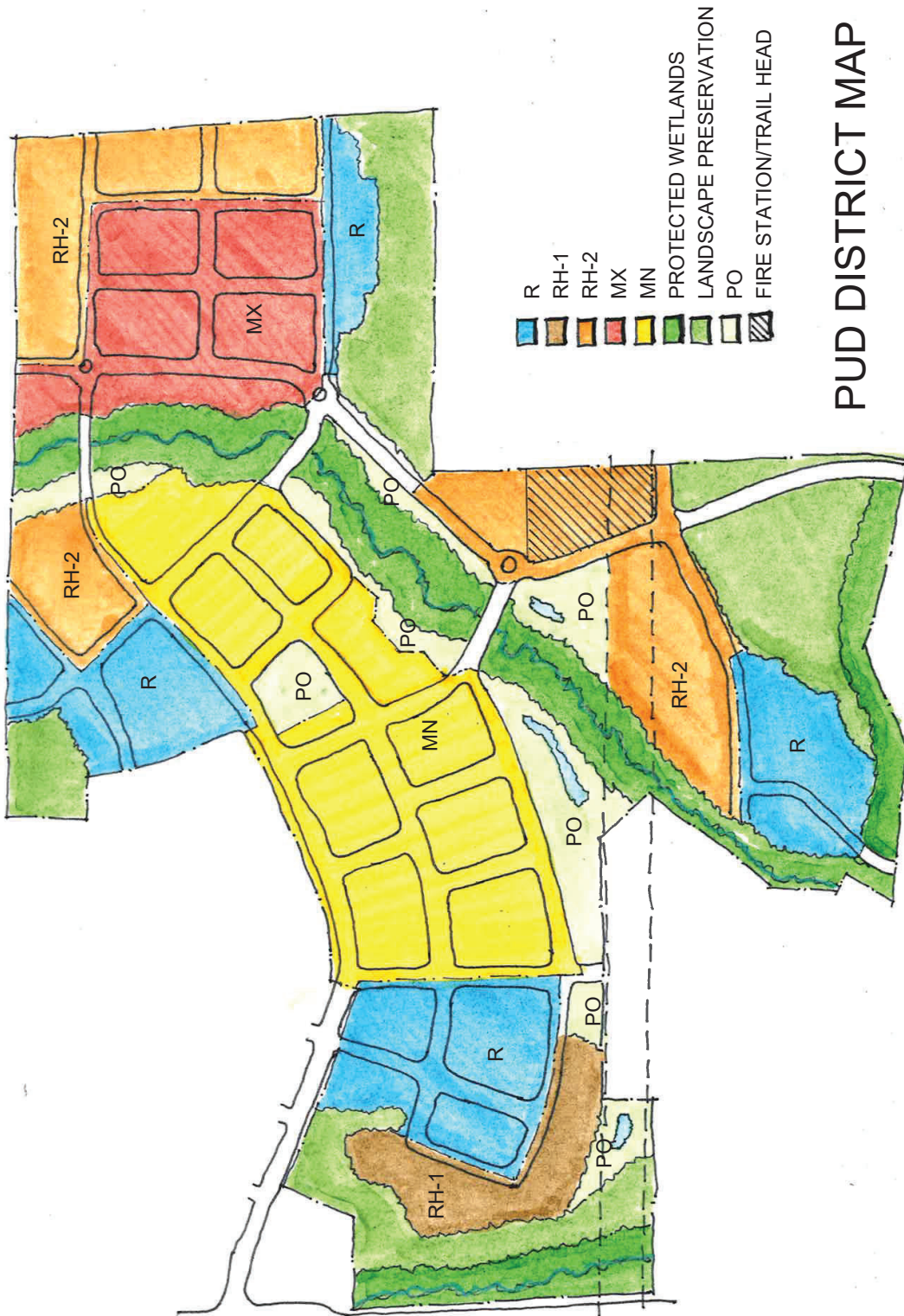
PRELIMINARY STREET NAMES

SOUTH WEIMER ROAD

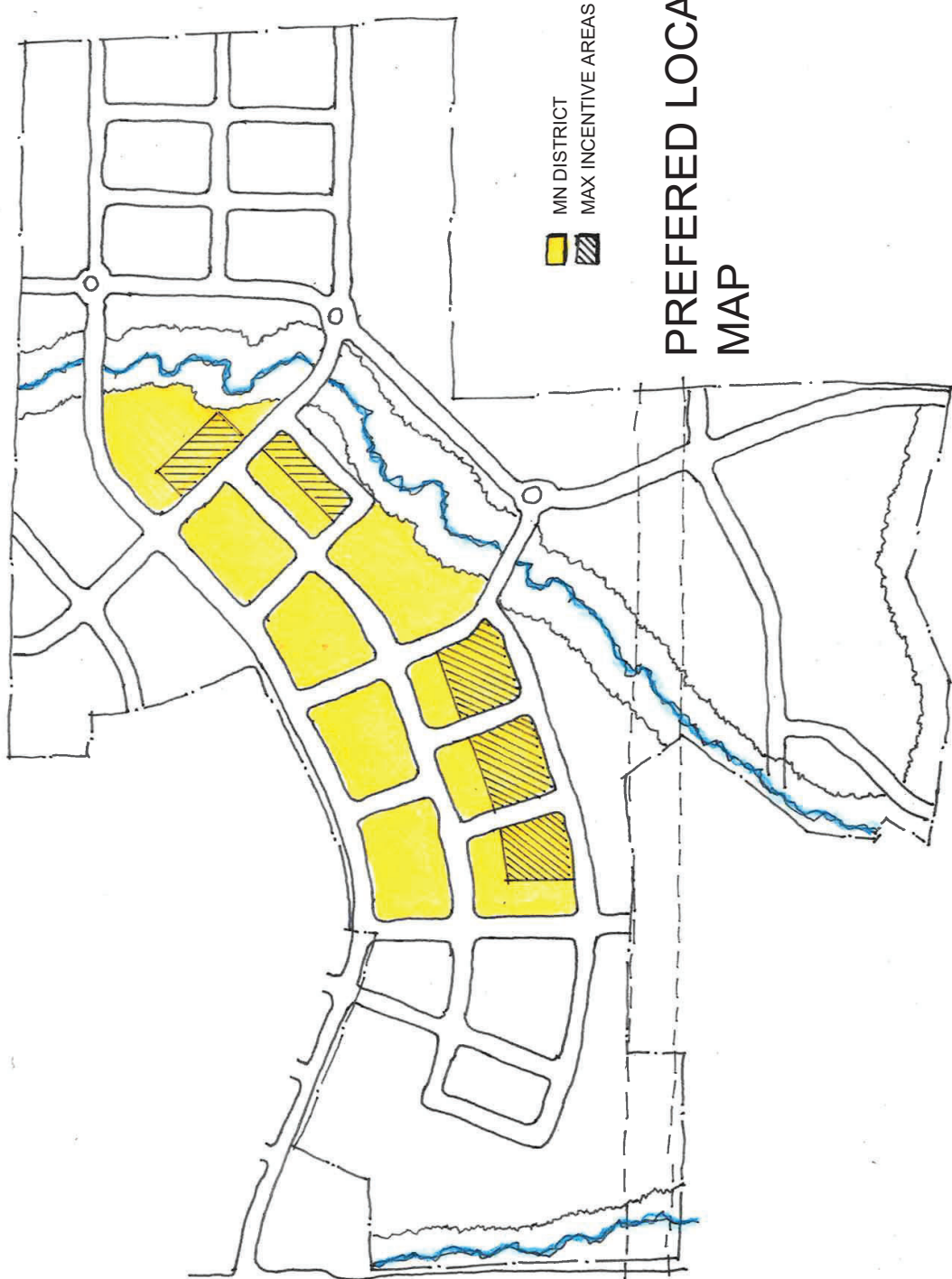


LANDSCAPE, TRAILS AND OPENSACE MAP

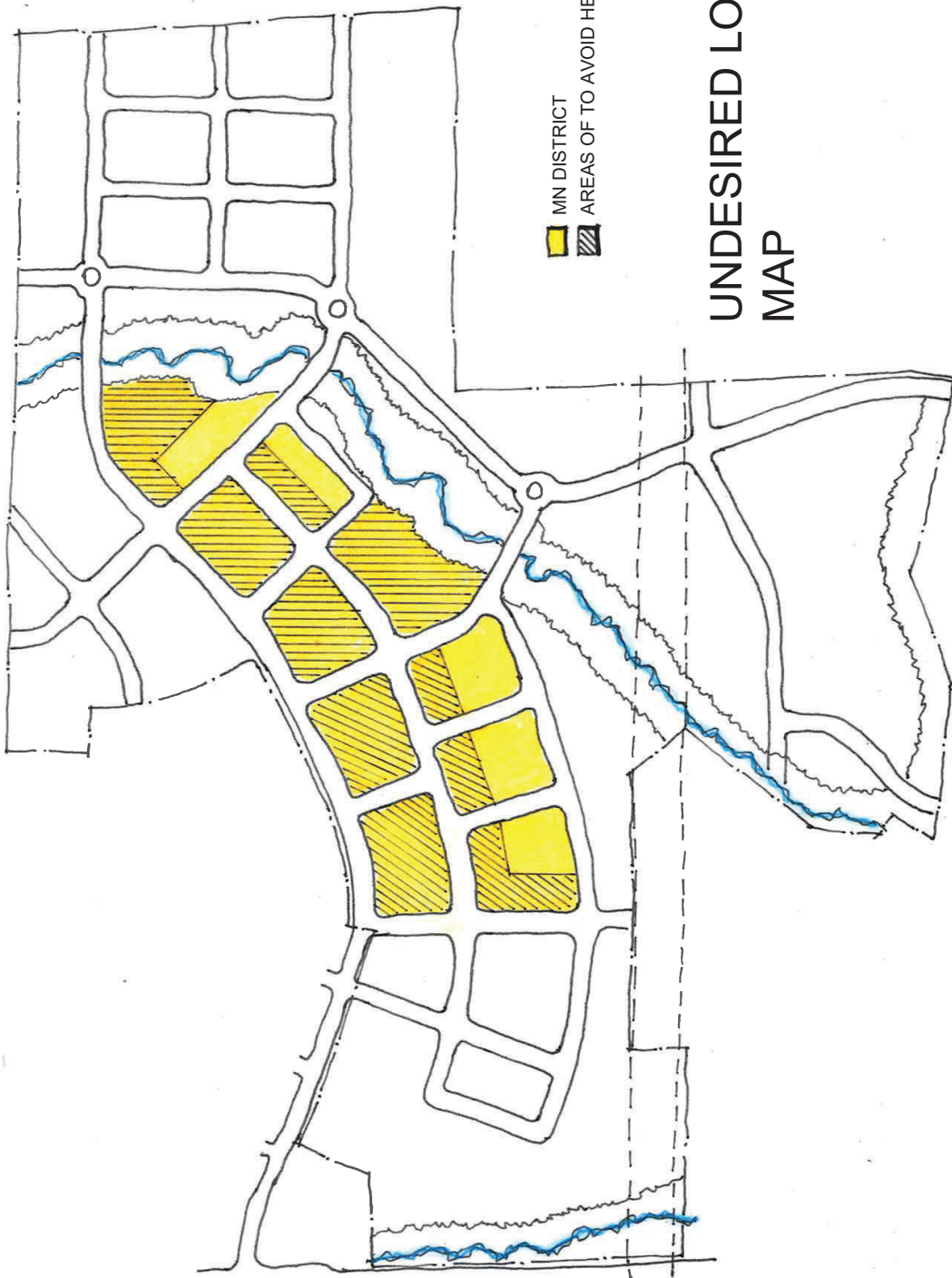
- PROTECTED WETLANDS
- LANDSCAPE PRESERVATION
- OPENSACE
- PROTECTED BIKE LANES
- OFF STREET BIKE/PEDESTRIAN TRAILS



PUD DISTRICT MAP



PREFERED LOCATIONS MAP



UNDESIRED LOCATIONS MAP



CONCEPT BUILDING LAYOUT
FOR PRELIMINARY PLAN

Dear Marsha,

Saturday, July 7, 2023

Do you know or remember that Pauley's original plan showed Sudbury Drive NOT dead-ending where it does? His Plan showed Sudbury Drive continuing straight East behind our first 3 condos on the South side as you enter AR and continuing straight East fairly close to Leland & Betty Christman's condo and very close (behind) Andrew Vogel's 1569 S. AR Ct., still running East to eventually bisect a continuing Adams Street, Our condo at 1559 S. AR Ct would be effected, since that 2002 or 2003 plan also showed a new street behind our condo, which ran North/South thru the Karst and also bisected an extended E/W Sudbury Drive.

I'm bringing this up because below our hill in back and running at an angle from about 20 yards behind our 1559 condo NW to SE is an area of KARST which probably ends about 50 yards to the SE of 1559. It's a narrow strip of karst, true, but where it ends there is definitely a very smallish cave. My point is that I never could understand why Pauley had been allowed originally (evidently) to cross that narrow strip of Karst with 2 planned Streets. If one continues on SE from the little cave, there is a much larger area of Karst which ends near the road/path of dirt that the Sudburys used to access their old barn and their house.

I know that area, and in fact almost ALL the area that will be developed. Harvey Sudbury gave me the run of his entire property for several years, so I know the whole area well, clear to the back of RCA (?) park etc, plus the area where new electrical towers run through East/West clear to the new apartment buildings Pauley built 2/3 of a mile Northeast of AR. Anyway, my whole point is that I do NOT think a developer should be allowed to put streets or any houses or yards where Karst exists!

I will not attend meetings that our AR Board attends regarding ins and outs of the Sudbury Development, but I want you and the Board to know of my concerns. The 2 places of Karst I mention are not the only places on the entire 150 acres where Karst exists. If you feel our AR Board needs to know more about where the Karst is on that land, I'd be glad to show Dennis Drake the spots I'm bringing up and/or we could check out any place on the 150 acres you/we need to know about.

thanx — Tom J.



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: Concern about storm water management regarding the Summit District PUD hearing by Bloomington Plan Commission on July 10, 2023:

1 message

Linda Thompson <thompsol@bloomington.in.gov>
To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>
Cc: Scott Robinson <robinsos@bloomington.in.gov>

Sun, Jul 9, 2023 at 10:36 AM

FYI.

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

From: **TEDFRICK** <tedfrick@indiana.edu>

Date: Sun, Jul 9, 2023 at 9:48 AM

Subject: Concern about storm water management regarding the Summit District PUD hearing by Bloomington Plan Commission on July 10, 2023:

To: environment@bloomington.in.gov <environment@bloomington.in.gov>

Hello,

Where will the increased storm water run-off go if this proposed PUD goes forward?

My wife and I reside and own our home at [1812 S. Weimer Rd.](#) As adjacent property owners, we recently received notice of the Bloomington Plan Commission hearings in July and Aug. regarding the proposed Summit District PUD. We've lived here since 1977, and have witnessed a number of heavy rainstorms and their after effects along Weimer Road, including:

1. flooding of the southern portion of Weimer Rd. where there is a narrow one-way bridge,
2. flooding in the valley in the northern portion which allows drainage into Clear Creek from the remaining Twin Lake along W. 2nd St. and
3. flooding along the Clear Creek Trail south of Tapp Road.

Storm water run-off from the western portion of the proposed Summit District PUD will be draining into the Clear Creek basin along Weimer Rd., directly across from the Twin Lake drainage basin. The run-off down that steep hillside area is already considerable, with evidence of deepening ravines caused by soil erosion in this now grassy hillside field.

In the current proposed Summit District PUD, it appears that most of the larger buildings will be multi-story, in order to provide up to 6,000 new housing units located on terrain with considerable slopes for storm water runoff. The rough drawing on p. 240 of the proposed PUD is very telling. The majority of the land use would have large buildings containing most of the 6,000 units, likely to be apartments. And that means paved parking lots will also be needed for residents in these larger multi-story buildings.

There will be considerable new non-permeable rooftops, parking lots, sidewalks and streets in the proposed PUD. Unless there is some kind of effective mitigation, storm water run-off will predictably exacerbate flooding issues along S. Weimer Rd. and further south along the Clear Creek Trail when there are heavy rainstorms.

The removal of the dam and draining of Weimer lake in the Wapahani Mountain Bike Park several years ago has already created more flooding issues surrounding the narrow bridge on the southern portion of Weimer Rd. Up until then, we do not recall any flooding along Weimer Rd. after heavy rainstorms—in the past 46 years we have lived here. More recently, flooding across Weimer Rd. has happened several times since the Weimer Lake dam was removed. Although this is not part of the proposed PUD, it is nonetheless a contributing factor to more flooding along Clear Creek near Tapp Rd. The PUD would likely contribute even more run-off to an already existing issue.

In summary, storm-water management is our biggest concern about the proposed PUD and the potential impact this would have on flooding along S. Weimer Rd. Increasing non-permeable surface areas in this hilly terrain will mean less water soaks into the soil and more water runs downhill.

Ted and Kathy Frick
[1812 S. Weimer Rd.](#)

[Bloomington, IN 47403](#)

--

Linda Pride Thompson

she/her

Senior Environmental Planner

Environmental Commission Administrator

Planning and Transportation Department

City of Bloomington

[401 N. Morton St., Suite 130](#)

PO Box 100

Bloomington, Indiana 47402

main office phone 812.349.3423

fax 812.349.3520

direct line 812.349.3533

mobile 812.369.0666

Mark and J. Vivian Furnish
 1600 S. Weimer Rd
 Bloomington, IN 47403

Aug 9, 2023

Letter to the City of Bloomington Plan Commission Regarding PUD-18-23

To be included in the meeting packet of the scheduled meeting on Aug 14, 2023

We are writing to request the Plan Commission to not approve (or approve with conditions) PUD-18-23. We also request the Plan Commission to not forward any favorable recommendation of PUD-18-23 to the Common Council.

If the Plan Commission elects to allow further hearings, we request the following prior to subsequent hearings:

- 1) an environmental impact study, including a state-of-the-art multi-phase study on karsts, including subterranean / subsurface karst features, be conducted and made available to the public,
- 2) an updated environmental resource inventory (COBERI) be conducted by the City of Bloomington to account for changes in the environment since the publication of the last COBERI report (November 2003) to the area under Summit District PUD, the Clear Creek Drainage System and the larger Bloomington area,
- 3) and all environmental investigations that the Bloomington Environmental Commission (EC) of the City of Bloomington deems necessary, because “the size of this site alone necessitates the very best environmental protections” (Memorandum on PUD-18-23, July 10, 2023; Page 97 of the July 10 meeting packet).

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II.	Overview of the City of Bloomington Environmental Resource Inventory (COBERI) Report (November 2003)	Page 3
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V.	Flood Plains and Water Resources	Page 8
VI.	Karst Features	Page 14
VII.	Environmentally Sensitive Areas	Page 17
VIII.	Comparison With Brown’s Woods	Page 21
IX.	Other Concerns and Summary	Page 24

References	Link
Plan Commission, Meeting Packet, July 10, 2023	https://bloomington.in.gov/onboard/meetingFiles/download?meetingFile_id=12163
City of Bloomington Environmental Resource Inventory report (COBERI), November 2003	https://bloomington.in.gov/sites/default/files/2017-07/City%20of%20Bloomington%20Environmental%20Resource%20Inventory%20%28COBERI%29%20%282003%29.pdf
City of Bloomington Environmental Resource Inventory report (COBERI), November 2003	https://bloomington.in.gov/sites/default/files/2017-07/City%20of%20Bloomington%20Environmental%20Resource%20Inventory%20%28COBERI%29%20%282003%29.pdf
2018 Comprehensive Plan City of Bloomington	https://bloomington.in.gov/sites/default/files/2018-04/Final%20Council%20Amended%20CMP%20%20Web%202.pdf
City of Bloomington Unified Development Ordinance (Last Amended Date: April 20, 2023)	https://bloomington.in.gov/sites/default/files/2023-05/UDO%20April_2023_Final_APPROVED_0.pdf
Indiana's 2022 303(d) List of Impaired Waters, IDEM	https://www.in.gov/idem/nps/watershed-assessment/water-quality-assessments-and-reporting/section-303d-list-of-impaired-waters/
Section 303(d) Frequently Asked Questions, IDEM	https://www.in.gov/idem/nps/watershed-assessment/water-quality-assessments-and-reporting/section-303d-list-of-impaired-waters/section-303d-frequently-asked-questions/
Total Maximum Daily Load Reports, IDEM	https://www.in.gov/idem/nps/resources/total-maximum-daily-load-reports/
Proper Investigative Techniques in Karst, IDEM Technical Guidance Document, September 15, 2019	https://www.in.gov/idem/cleanups/files/remediation_tech_guidance_karst_memo.pdf
City of Bloomington Parks and Recreation Department Master Plan 2021 – 2025	https://issuu.com/bloomingtonparks/docs/city_of_bloomington_indiana_bloomington_parks_and_

I. Introduction

A development of any size should be properly planned and managed in accordance with local, state and federal regulations; this we all agree upon, and we hope is what the City of Bloomington strives to do. The 138.51 acres of land in question is large in size and significant in biodiversity. As the EC has pointed out in its July 10 Memorandum to the Bloomington Plan Commission, “there are countless environmental features dotting the entire area, including mature tree stands, streams and riparian buffers, steep slopes, wetlands, sinkholes, and biodiversity”. Yet the Petitioner has requested “numerous environmental exceptions” in its current plan.

We, as concerned citizens, as people that have spoken with neighbors familiar with this piece of land and its surrounding environ, have performed a “paper exercise” to further understand the inherent environmental features of the area, and what state-of-the-art environmental protections it deserves. We are not experts on this topic. We cannot perform field studies or any study of that nature. But to better educate ourselves, we’ve summarized what we’ve learnt on the internet, and wish to share these findings, unanswered questions, and concerns with the Plan Commission and all who are interested.

In addition, we understand that the EC has provided a Memorandum to the Plan Commission on July 10 “as a place holder for the EC’s thorough discussion of this proposal” to be presented at the Aug 14 hearing. We look forward to the findings and discussion to be provided by the EC and support the EC to continue to hold the Petitioner accountable to the best environmental protections for this large section of land and its surrounding area, both now and in the future. Urbanization does not come without consequences. Its impact cannot simply be determined in the hypothetical, or in the short term, but by its long-term effect.

To understand the environmental features and their vulnerabilities, we first studied the City of Bloomington Environmental Resource Inventory (COBERI) Report (November 2003). The following sections (II to VII) include an overview of the report, and the features we consider worthy of note. We ended the letter with a Comparison with Brown’s Woods (VIII), and other concerns and closing summary (IX).

II. Overview of the City of Bloomington Environmental Resource Inventory (COBERI) Report (November 2003)

The City of Bloomington Planning Department published an Environmental Resource Inventory report (COBERI) in November 2003, to “collect and analyze information on Bloomington’s natural environment in an effort to help prioritize areas for future management and/or preservation”. It is “part of a larger, on-going project that provides the factual foundation to further develop sustainable land-use and land development strategies for the City of Bloomington”.

The report states that "... preserving natural areas provides immeasurable benefits to society". Further, "the City of Bloomington's Growth Policies Plan (note, the 2002 version) recognizes the importance of preserving high quality natural areas and promotes the use of sound conservation planning principles".

A series of four (4) steps were used for the analysis in the COBERI project, including "identifying primary research categories, collecting data, performing quality control activities, and data analyses and interpretation". A total of seven (7) categories were identified, which were "soils, wetlands, floodplains and water resources, karst geology, topography, sensitive habitat and vegetative cover".

In addition, "the City of Bloomington's Planning Department evaluated and ranked natural areas in Bloomington using an environmentally sensitive areas (ESA) analysis" ... "to better understand their (i.e., natural resources) roles and functions they must be studied as an interconnected system".

The 2003 COBERI report is "the first step in identifying and prioritizing Bloomington's natural areas" to "preserve high quality natural areas in Bloomington in an effort to maintain the valuable ecosystem goods and services they provide".

Out of the seven categories identified, four of them are particularly present in the Summit District PUD, including sensitive soils (section III), wetland (section IV), flood plains and water resources (section V), and karst features (section VI).

III. Soils

The COBERI report identified "sensitive soil" as "having the following 5 characteristics":

1. Poor for crops and pasture
2. Poor for woodland management and productivity
- 3. Poor for urban uses such as landscaping, building site development, sanitary facilities, construction materials, and water management**
4. Poor for intensive recreation development
5. Poor wildlife habitat potential

The report also states that,

Bloomington's sensitive soils had the following physical properties: high shrink swell potentials; poor permeability rates; susceptible to frost heave action; prone to flooding; and highly susceptible to mass wasting processes (based on National Resource Conservation Service's guidelines).

Figure 1 of the November 2003 COBERI report illustrates the sensitive soils in Bloomington and surrounding areas. Note that much of the 140 acres of Summit District PUD contains sensitive soils, which are “highly susceptible to mass wasting process”, i.e., erosion.



FIGURE 1. Map of sensitive soils in Bloomington and surrounding areas

The shaded areas above depict sensitive soils. In Bloomington, sensitive soils were generally found along steep slopes, ridges, floodplains and riparian corridors. Sensitive soils accounted for approximately 25% of Bloomington’s overall land area.

Has the Petitioner considered the sensitive soils present in this area in its planning? Given the age of the COBERI report, so much population growth, urban development and has occurred, and much green space has been lost since 2003. Have the sensitive soils areas grown since 2003? Have they become more prone to mass wasting process (erosion)?

The numerous exceptions to the UDO do not offer the assurance that the proposed use and development will be designed to minimize negative environmental impacts and not cause significant adverse impacts on the natural environment.

IV. Wetland

As stated in the 2003 COBERI report, wetlands “provide different types of ecological functions including critical habitat for wildlife, supplying water for recharge, controlling flooding and erosion, improving water quality, and offering recreational and educational opportunities”. “Depending on the type and extent of wetland, these critical habitats may be protected under federal, state and/or local laws.”

In addition, the report states that,

The successful maintenance and improvement of wetlands depends heavily on watershed management and planning activities. Due to their ecological importance and sensitivity to development, wetlands must be considered for preservation and management when determining land uses and growth patterns. Information for this category came mainly from the United States Fish and Wildlife Service’s National Wetland Inventory. Other sources included the United States Environmental Protection Agency and the City of Bloomington Planning Department.

Figure 2 of the November 2003 COBERI report illustrates potential wetland areas in Bloomington. In the area of the Summit District PUD, the creek and the former Lake Wapehani both are depicted in Figure 2.

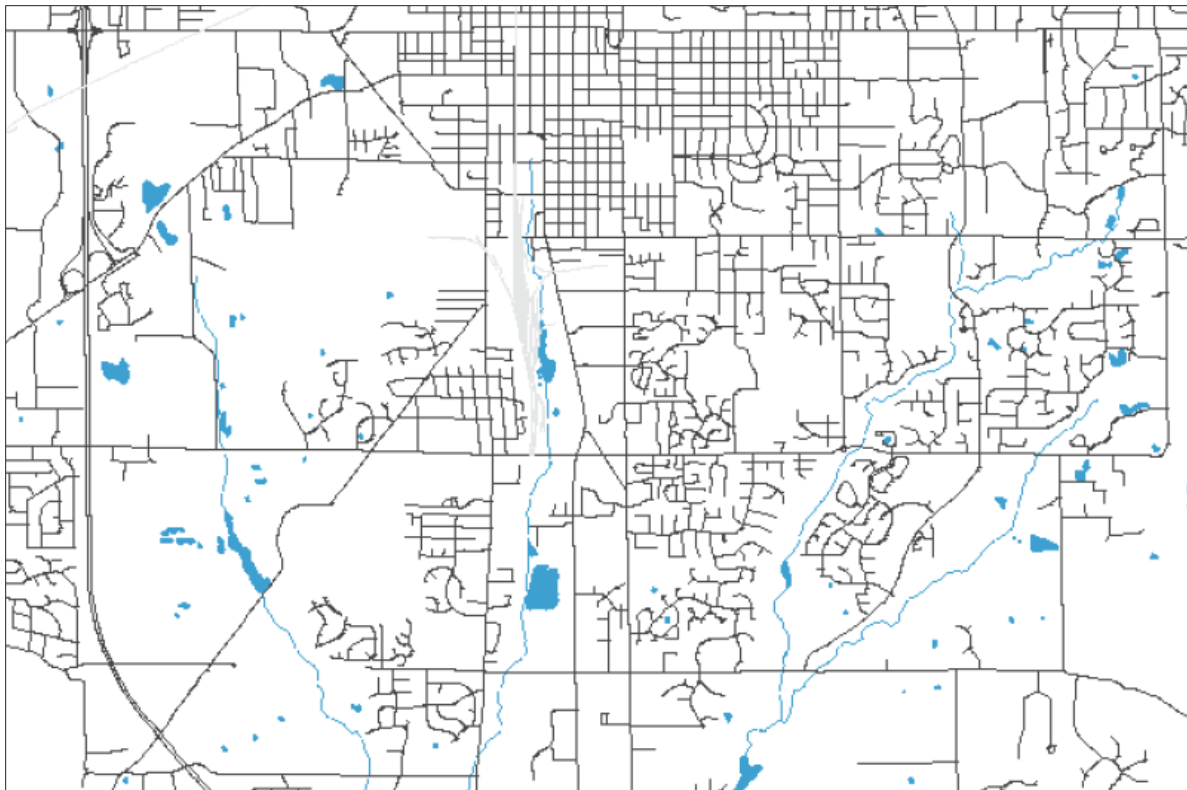


Figure 2. Map of wetland areas in Bloomington and surrounding areas

The shaded areas above represent potential wetland areas. In Bloomington, the majority of wetlands were found near lakes, reservoirs or major creeks. Wetlands accounted for approximately 2% of Bloomington's overall land area.

We would like to point out that, following the removal of the earthen Weimer Dam at Lake Wapehani in 2018, “the lake bed” was to be “restored to a wetland” (City of Bloomington News Release, July 3, 2018). The health of this new “wetland” and its impact to the surrounding environment has not been studied, as far as our research reveals to us.

Much has changed in Bloomington since 2003; the data to be analyzed, i.e., the environment, the regulations, and best practices/golden standards have all changed. As the EC has pointed out, “climate, thus environmental, change has long term impacts on all residents and must be prioritized”. If the City wishes to make informed and sustainable decisions for its residents and the environment we dwell in, up-to-date information on the environment should be available to inform decision-making.

If the City of Bloomington has conducted further study following its 2003 COBERI project, which was considered “the first step in identifying and prioritizing Bloomington’s natural areas”, please make them available to the public. If the City of Bloomington is not able to allocate the needed staff and technology to continue the long-term monitoring they have promised to do in 2003, perhaps alternative budget allocation should be considered to truly “prioritize Bloomington’s natural areas” in actions, not just words.

V. **Flood plains and water resources**

As stated in the 2003 COBERI report, the “important ecological functions” of water resources include:

- Providing critical terrestrial and aquatic habitat
- Providing surface water recharge and supply
- Controlling flooding and erosion
- Stabilization and moderation of climate
- Educational and recreational opportunities.

And the report underlined that,

Issues pertaining to management of floodplains and water resources become more critical as land becomes more urbanized. Developing sound watershed management and planning activities that implement best management practices can help mitigate negative impacts.

The report also pointed out that “due to the challenging topography, Bloomington has an extensive network of watersheds that contribute to its waterways” (See Figure 3). The “two major waterways” in Bloomington are “Jackson Creek and Clear Creek”. “Both of these creeks have wide-spread tributary systems containing floodplains.” (See Figure 4 for 100 year floodplains)

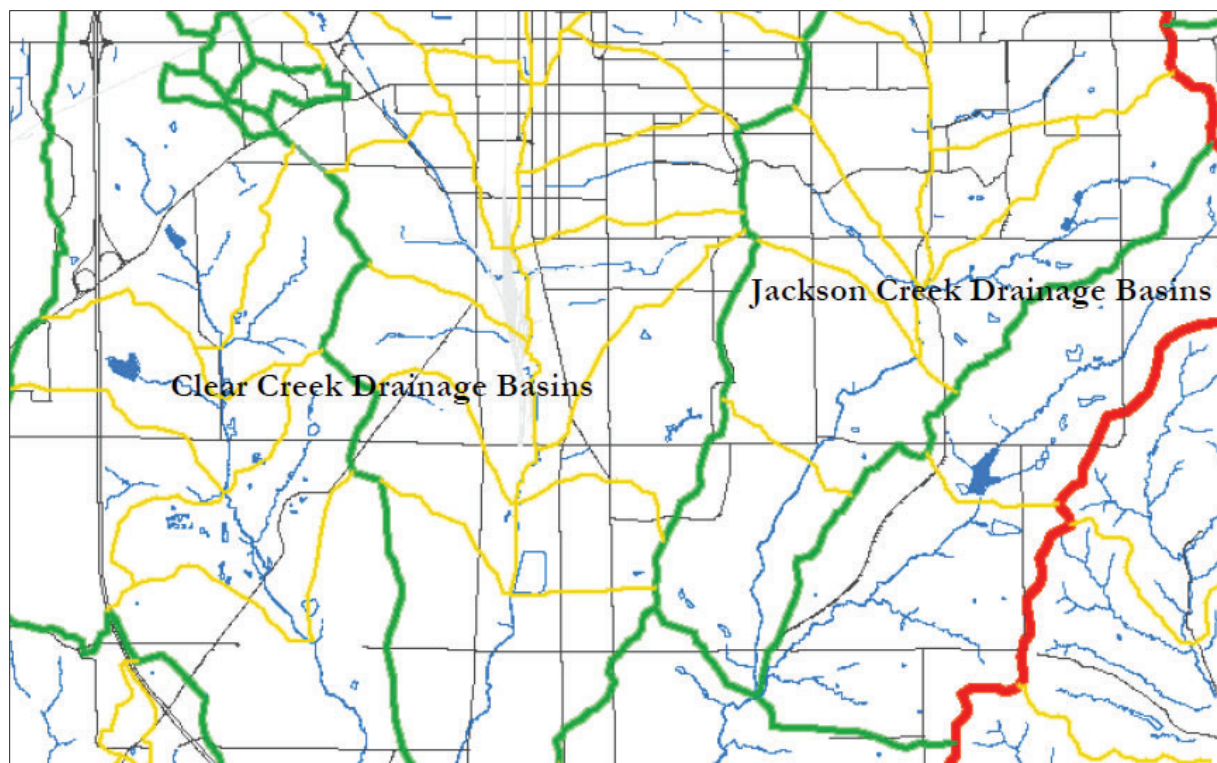


Figure 3. Map of watersheds in Bloomington and surrounding areas

The map above illustrates Bloomington's water resources, as well as its major and minor drainage basins. The 6 main drainage basins in Bloomington are the Stout Creek, Cascades Creek, Griffy Reservoir and Griffy Creek, Sycamore Creek, Clear Creek (and west fork), and Jackson Creek (and east fork) basins.

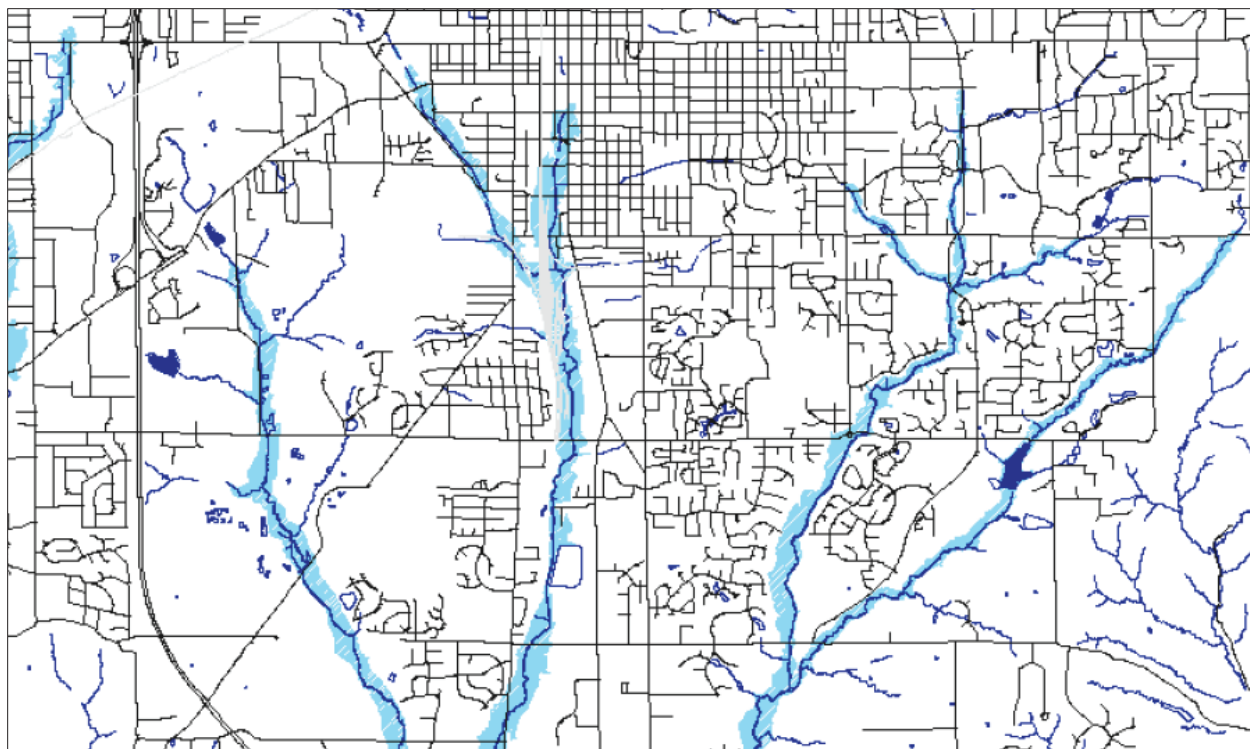


Figure 4. Map of water resources and floodplains in Bloomington and surrounding areas
 The map above further illustrates the extent of Bloomington’s water systems - the dark areas are water resources, and the lightly shaded areas represent their floodplains. Overall, 10% of Bloomington’s land is water contained in creeks, lakes or reservoirs. Floodplains (100 year) cover 3% of Bloomington’s land area, and are all regulated under local and state law.

The report highlighted that,

Past industrial activities have significantly degraded some of Bloomington’s water resources. The Indiana Department of Natural Resources has issued fish consumption advisories for Griffy Reservoir, Lake Wapehani and Clear Creek.

Furthermore, Clear Creek has been listed by the Indiana Department of Environmental Management as one of Indiana’s impaired waterways (emphasis added by author of letter) based on its current pollutant loads and poor habitat potential.

Impaired Waters

The report did not further elaborate on the impaired status of Clear Creek, its current pollutant loads, or its poor habitat potential.

By searching impaired water of Indiana on the internet, we found that the Indiana Department of Environmental Management (IDEM) has published “Indiana’s 2022 303(d) List of Impaired Waters” at <https://www.in.gov/idem/nps/watershed-assessment/water-quality-assessments-and-reporting/section-303d-list-of-impaired-waters/>. Under Monroe County, Clear Creek was listed,

as well as Weimer Lake, to our surprise. Below is an excerpt of section 303(d) List of Impaired Waters.

COUNTY	ASSESSMENT UNIT NAME	WATER TYPE	SIZE	UNITS	PARAMETER	DESIGNATED USE	IR CATEGORY
Monroe	CLEAR CREEK	STREAM	3.11	Miles	BIOLOGICAL INTEGRITY	Warm Water Aquatic Life	5A
Monroe	CLEAR CREEK	STREAM	0.59	Miles	BIOLOGICAL INTEGRITY	Warm Water Aquatic Life	5A
Monroe	CLEAR CREEK - UNNAMED TRIBUTARY	STREAM	6.74	Miles	BIOLOGICAL INTEGRITY	Warm Water Aquatic Life	5A
Monroe	CLEAR CREEK - UNNAMED TRIBUTARY	STREAM	3.58	Miles	BIOLOGICAL INTEGRITY	Warm Water Aquatic Life	5A
Monroe	WEIMER LAKE	LAKE, FRESHWATER	6	Acres	MERCURY IN FISH TISSUE	Human Health and Wildlife	5B
Monroe	CLEAR CREEK	STREAM	9.12	Miles	NUTRIENTS	Warm Water Aquatic Life	5A
Monroe	CLEAR CREEK	STREAM	3.11	Miles	PCBS IN FISH TISSUE	Human Health and Wildlife	5B
Monroe	CLEAR CREEK	STREAM	5.88	Miles	PCBS IN FISH TISSUE	Human Health and Wildlife	5B
Monroe	CLEAR CREEK	STREAM	9.12	Miles	PCBS IN FISH TISSUE	Human Health and Wildlife	5B
Monroe	CLEAR CREEK - UNNAMED TRIBUTARY	STREAM	2.51	Miles	PCBS IN FISH TISSUE	Human Health and Wildlife	5B
Monroe	CLEAR CREEK	STREAM	6.29	Miles	PCBS IN FISH TISSUE	Human Health and Wildlife	5B
Monroe	CLEAR CREEK	STREAM	3.52	Miles	PCBS IN FISH TISSUE	Human Health and Wildlife	5B

Parameters including “biological integrity”, “nutrients”, and “PCBS in fish tissue” (Clear Creek), and “Human health and Wildlife” (Weimer Lake) categorized Clear Creek and Weimer Lake in Category 5A & 5B and Category 5B, respectively. Category 5 is defined as:

Category 5: The available data and/or information indicate that at least one designated use is impaired or threatened and a Total Maximum Daily Load (TMDL) is required.

Waters may be listed in both 5A and 5B depending on the parameter(s) causing the impairment. Indiana's 303(d) list is comprised of all waters in Category 5.

A: The waterbody has one/more impaired biotic communities or is impaired for one/more pollutants.

B: The waterbody is impaired due to the presences of presence of mercury or PCBs, or both in the edible tissue of fish collected from them at levels exceeding Indiana's human health criteria for these contaminants.

Please note, that Category 5 (5A and 5B) is the most severe category. Under the Clean Water Act (CWA), states are required to develop a TMDL for these waters in order to achieve compliance with the water quality standards.

The Total Maximum Daily Load (TMDL) Program primary purpose is to assess streams, rivers and lakes that are considered impaired by the Indiana Department of Environmental Management and develop reports that identify the causes of the impairment, the reductions of pollutants needed, and the actions needed to improve water quality. Impaired waters do not meet designated water quality standards and do not support one or more designated uses, such as recreational, protection of aquatic life, drinking water, and fish consumption. Section 303(d) of the Clean Water Act established authority for the TMDL Program and guides states on how to develop these plans for waters that do not meet water quality standards.

(<https://www.in.gov/idem/nps/watershed-assessment/total-maximum-daily-loads/>)

As shown on the IDEM's website, Clear Creek (Monroe County) has not had a TMDL report completed. We request the City to work with IDEM to prioritize Clear Creek's TDML if possible, given the scale of the development, and the impaired state of Clear Creek and Weimer Lake.

On the topic of Weimer Lake, we are surprised to see that it is still listed on the IDEM's "Indiana's 2022 303(d) List of Impaired Waters" list. Has the removal of the dam not been reported to IDEM? Or have the relevant databases the State uses to compile this list not been updated?

Comprehensive Plan – Environment - Water

In short, we would like to know how the City plans to take all measures possible to uphold its vision, policy, goals and programs in the "2018 Comprehensive Plan City of Bloomington"?

Under Chapter 3 Environment – Water of the Comprehensive Plan, the following stood out to us:

- Water is a vital natural resource for human survival. Most of us now live in an urban ecosystem, and we all need to be more cognizant of how water functions in it.

- Clean water is necessary to support the plants and animals in our ecosystems and food systems.
- Surface and stormwater quantity and quality are different, yet related, issues to consider in addition to drinking water. Moving surface water needs to be slowed down enough that it has the opportunity to infiltrate instead of flowing away at speeds that can cause dangerous and costly flooding and erosion and prevent the filtering of pollutants.
- Goal 3.3: Conserve water resources and protect water quality to support our natural environment, public health and safety, plant and animal life, and our urban activities.
 - a. Policy 3.3.1: Reduce pollution in urban runoff from residential, commercial, industrial, municipal, and transportation land uses.
 - b. Policy 3.3.2: Encourage conservation and protection of water sources in our region.
- Programs:
 - a. Increase the use of modern best practices for water quality and quantity control.
 - b. Utilize Low Impact Development measures such as rainwater harvesting and storm runoff infiltration, when feasible, as mitigation strategies for stormwater discharge.
 - c. Assess karst features and regulations to protect sinkholes and other karst features.
 - d. Simplify floodplain regulations without making them less restrictive.
 - e. Incorporate a stream classification system into the UDO to use in waterway and riparian buffer protection and enhancement.

How does the City plan to control surface and stormwater quantity? What Low Impact Development measure will be utilized in the Summit District PUD?

How does the City plan to not cause further pollution and burden to the already impaired Clear Creek? How does the City plan to achieve its Policy 3.3.1 (reduce pollution in urban runoff) in the Summit District PUD? How does the City plan to restore clean water to Clear Creek, to support the plants and animals in our ecosystems and food systems?

Without an updated study on water quality, on stormwater runoff, on the impact of dense urban development to Clear Creek and its flood plain, it would be hard to achieve the COBERI report's original intent, which was "part of a larger, on-going project that provides the factual foundation to further develop sustainable land-use and land development strategies for the City of Bloomington".

VI. Karst Geology

“Karst terrains are extremely sensitive to development and changes in land uses”, as stated in the 2003 COBERI report, and “often, areas containing karst features offer unique habitats for a variety of rare organisms such as blind cave fish, the Indiana bat and other obligate cave dwelling species”. It adds, “it is important to properly manage all types of karst systems to protect their inherent geological, biological and ecological importance.”

The report also pointed out specifically for Bloomington that,

The most prominent surface karst features found in Bloomington include sinkholes, swallow holes, soil slumps and springs. Bloomington also contains extensive and complex underground water systems that have not been extensively mapped or studied. For that reason, this analysis will focus entirely on surface features, however, subterranean features should be considered for subsequent investigations.

Surface karst features were found to be scattered throughout Bloomington. Initial analysis revealed the highest concentration of features was found in the west and southwest portions of the City, followed by the south and southeast.

It is worthy of note that Bloomington’s “extensive and complex underground water systems” ... “have not been extensively mapped or studied”, and that surface features were the ONLY data available for analyses in 2003. To “guide and assist future decisions for land-use and land development strategies” as intended by the COBERI project, we request that “subterranean features should be considered for subsequent investigations”.

Figure 5 of the report illustrates the general locations of large karst areas in Bloomington and surrounding areas, based on surficial karsts features.

One can easily see the large area of karst features on Summit District PUD, as well as a perennial spring identified to the north of the karst area.

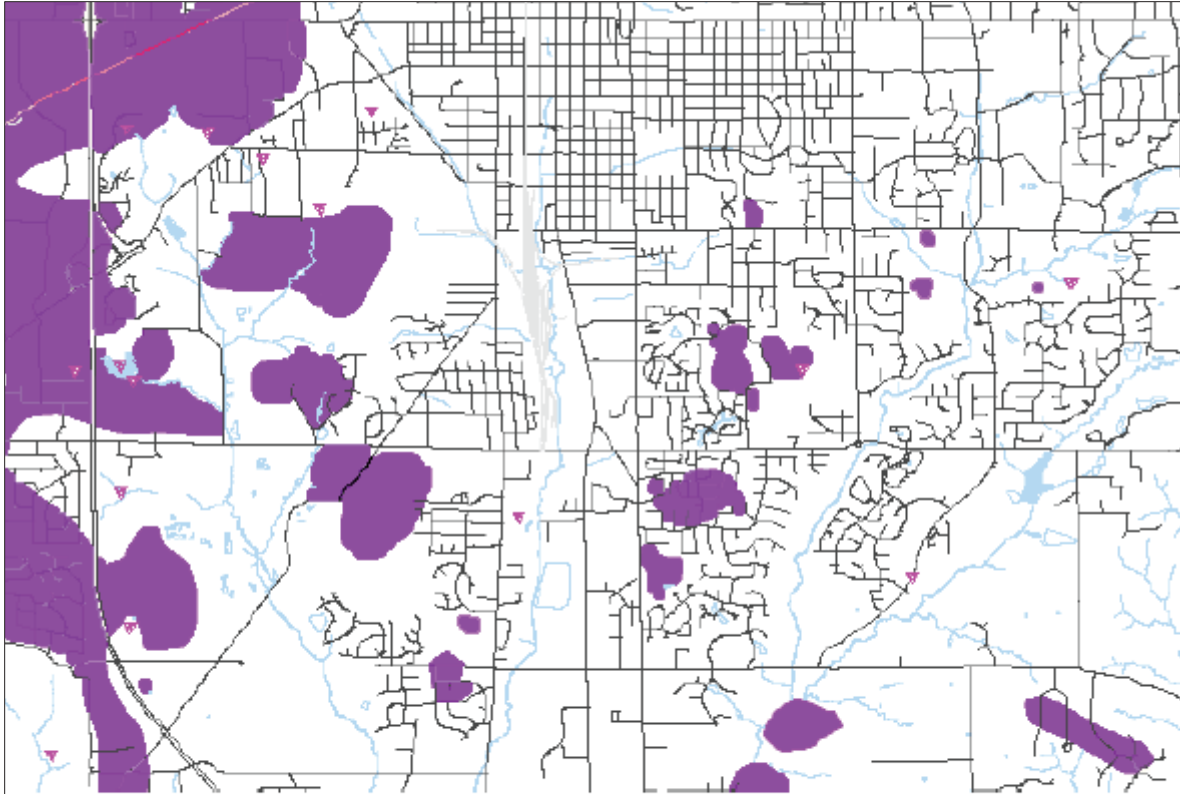
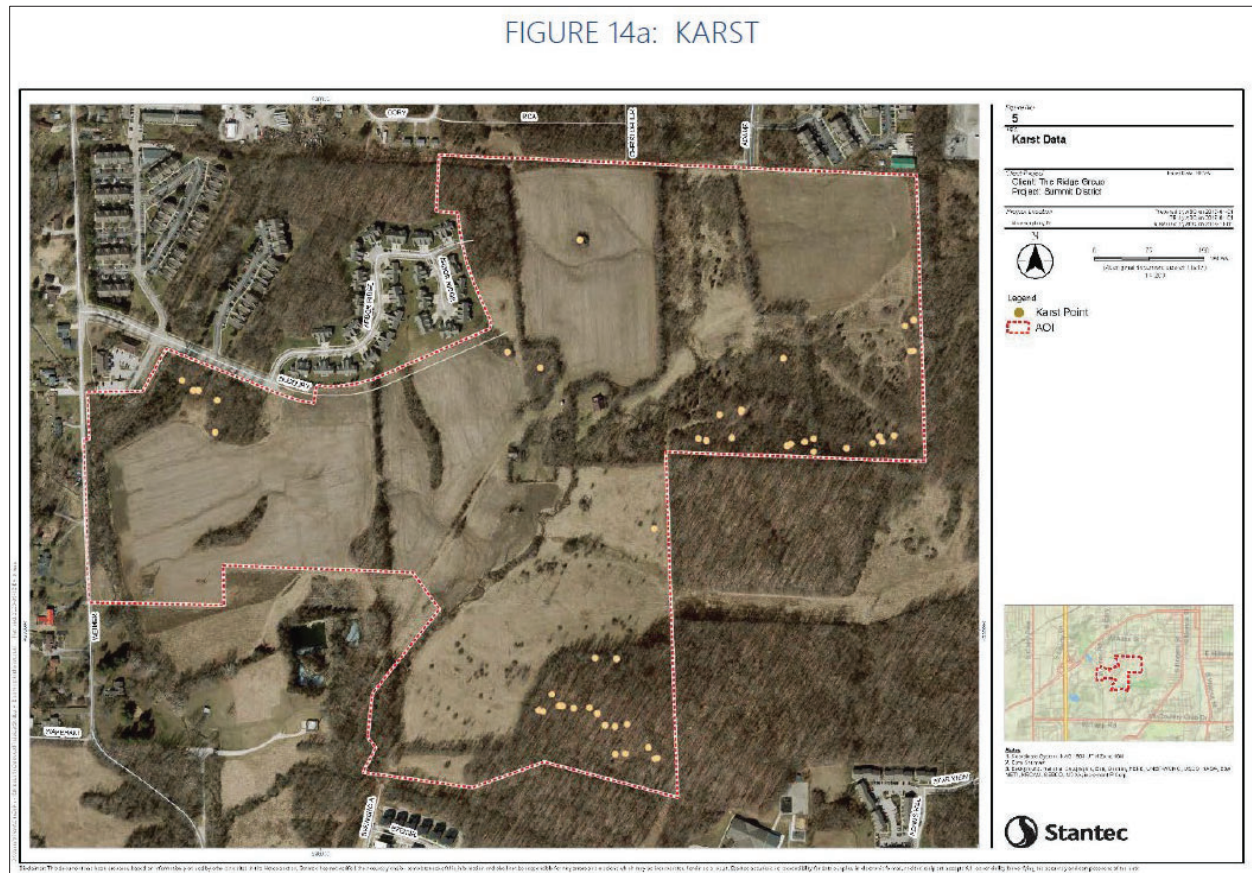


Figure 5. Map of karst areas and springs in Bloomington and surrounding areas
The dark shaded areas above represent the larger karst areas in Bloomington. The shaded triangles represent approximate spring locations. Overall, surficial karst features cover 3% of Bloomington's land area, and there are over 20 perennial springs currently inventoried.

In regard to karst features, the Petitioner (Sudbury Development Partners, LLC) provided a map, “establishing specific environmental site features” (FIGURE 14a: KARST) in its Preliminary Plan. FIGURE 14a: KARST can be found on Page 159 of the meeting packet of the July 10 Plan Commission meeting. See screenshot below for the map provided by the Petitioner.



One can easily count approximately a total of 45 to 48 yellow dots (some adjacent to each other) representing karst features dotted all around the Summit District PUD, with several of them being in very close proximity to each other. It is unclear whether these karsts are surface, subterranean (surface) or compound. A quick search in the PDF did not produce any further explanation from the Petitioner. The Petitioner did not request exceptions on karst, so the Unified Development Ordinance (UDO) of the City of Bloomington applies.

Chapter 20.04.030 (g) Karst Geology of the UDO states that

This section shall apply to all land-disturbing activities on properties that contain surface and subsurface karst features.

Compound Karst Features is defined in Chapter 20.07.010 Defined Words of the UDO as

Karst, Compound

Any two or more karst features where the last closed contour of the features is located within one hundred feet of each other. The outer boundary of the compound karst feature shall be drawn by connecting the last closed contour of each individual karst feature with a tangential line.

We request that subsurface and compound karst features be identified in order to meet the requirements set forth in the UDO.

We request that a multi-phase karst investigation that is accordant with the latest State requirements and recommendations be conducted. “Proper Investigative Techniques in Karst, IDEM Technical Guidance Document, Updated: October 2021) states,

Environmental investigations in karst areas present unique problems. Conventional site investigation methods and installation of monitoring wells may not provide an accurate picture of how contaminants behave in a karst aquifer. Because of the very different morphological and hydrological features, investigations in karst do not typically employ the same techniques used in site characterizations conducted in non-karst environments. The guidance in this document will assist in the proper characterization of a site located in a karst area and provide information on the IDEM preferred method to conduct the 2 different types of dye tracing.

The development proposed by the Petitioner is unprecedentedly dense and aggressive in nature. Would we even have comparable case studies to reference across the country to ensure that development does not result in devastating long-term effects to the karsts and surrounding areas?

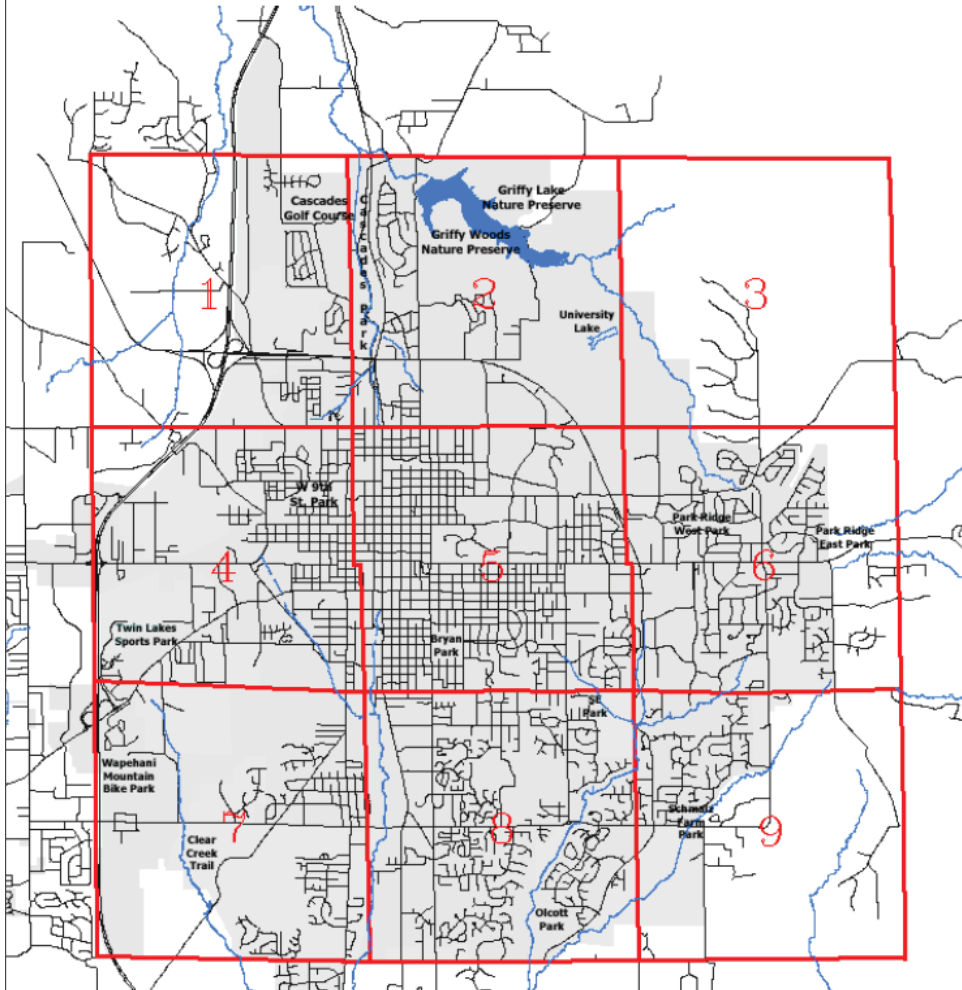
VII. Environmentally Sensitive Areas

In addition, “the City of Bloomington’s Planning Department evaluated and ranked natural areas in Bloomington using an environmentally sensitive areas (ESA) analysis” ... “to better understand their (i.e., natural resources) roles and functions they must be studied as an interconnected system”.

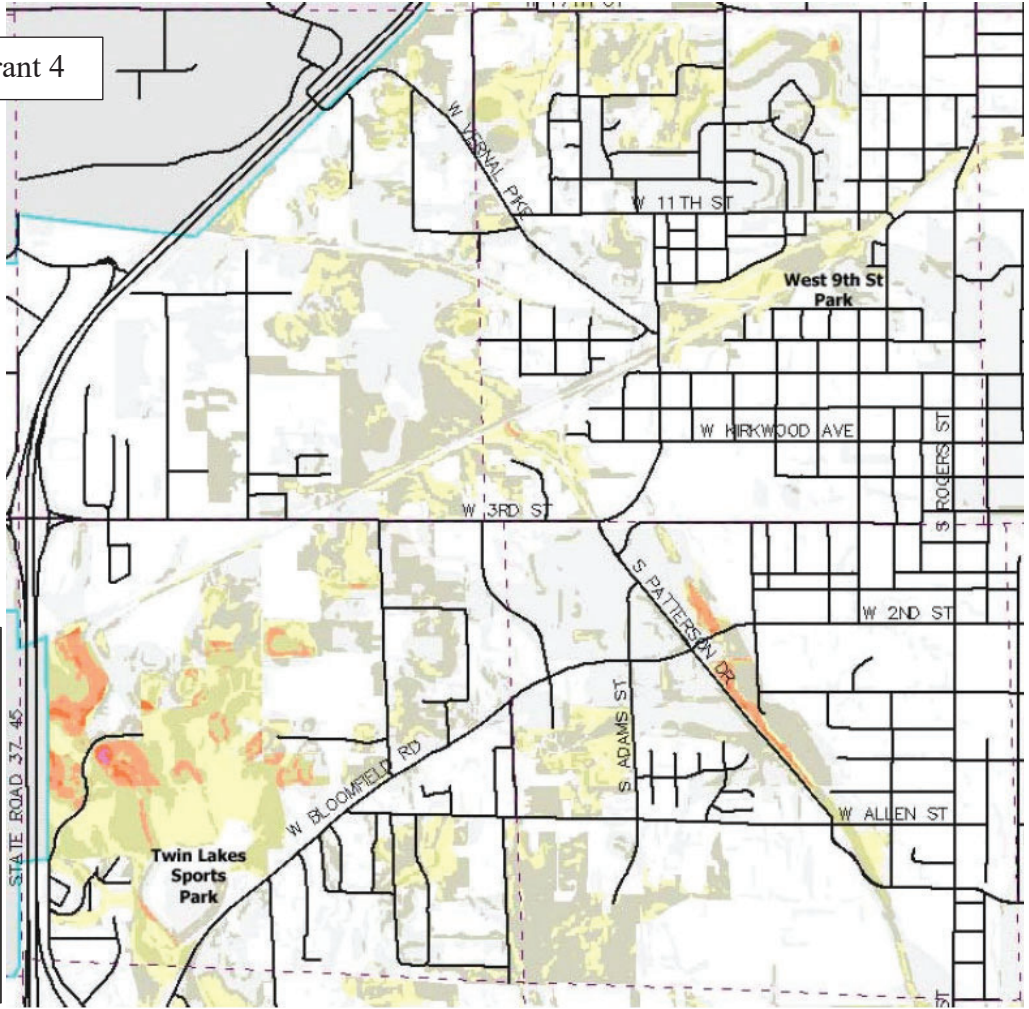
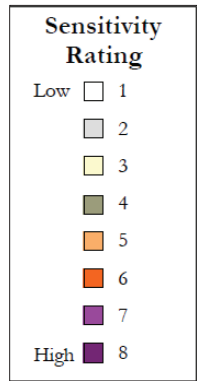
The figures below are screenshots of the Environmentally Sensitive Areas Quadrant Index Map, Quadrant 4, and Quadrant 7 from the COBERI report.

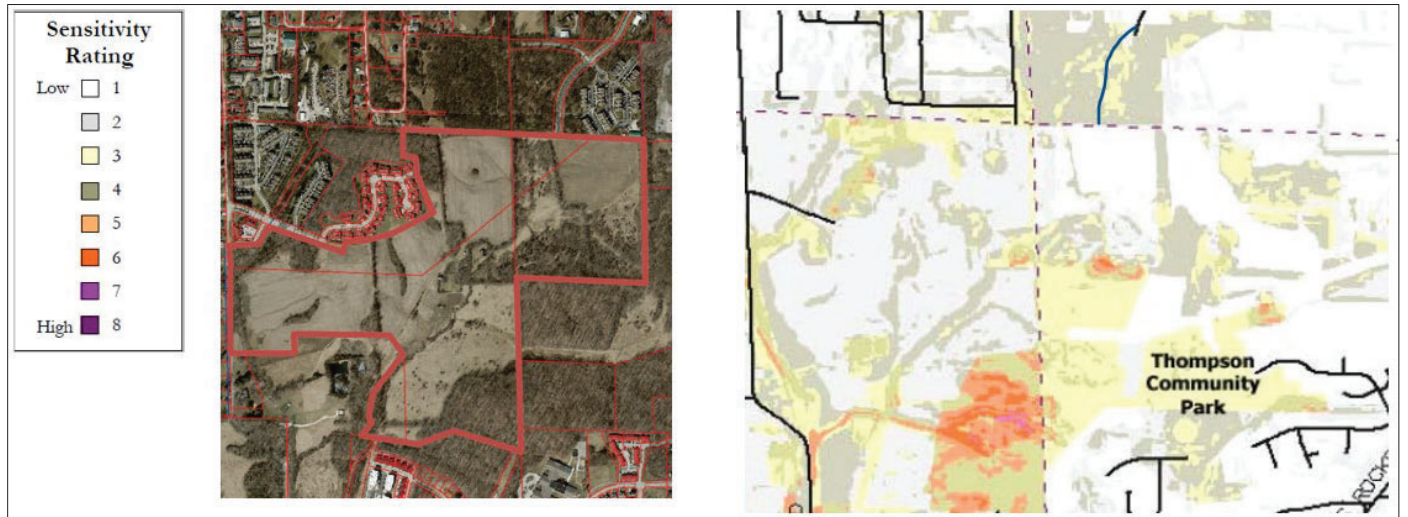
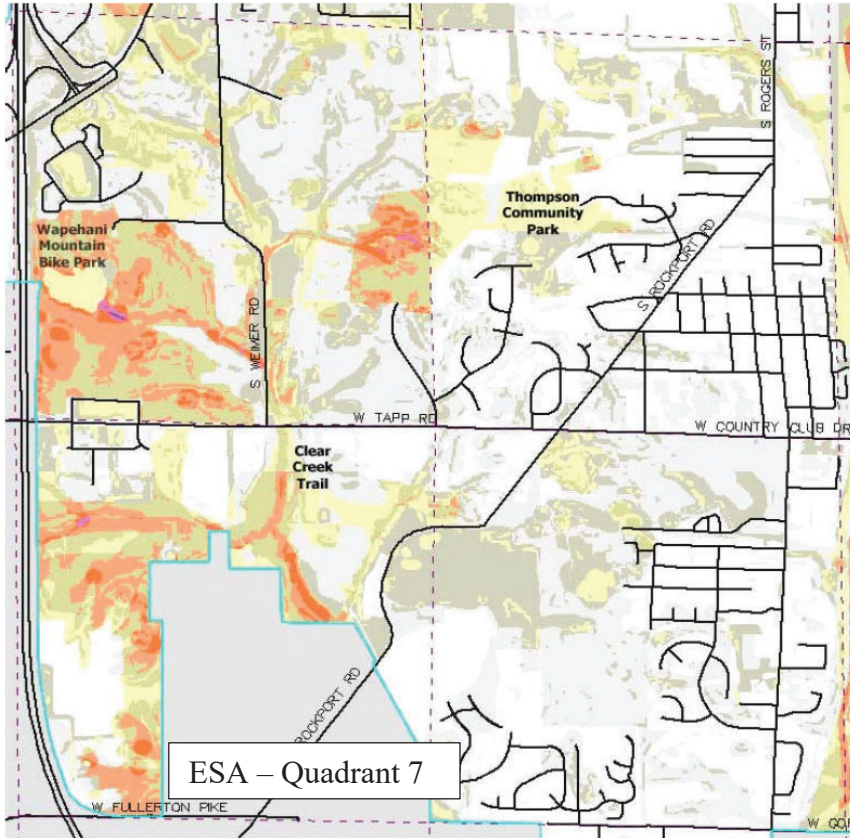
APPENDIX A

Environmentally Sensitive Areas Quadrant Map Index



ESA – Quadrant 4





The southern portion of the Summit District PUD is ranked high on the Sensitivity Rating, depicting the highly sensitive and diverse nature of the area.

VIII. Comparison with Brown's Woods

Brown's Woods sits at 16 total acres on the west side of town sandwiched between Interstate 69, Forest Ridge Apartments, Limestone Crossing Apartments and the Indiana Rail Road.

The two screenshots below are taken from the "City of Bloomington Parks and Recreation Department Master Plan 2021 – 2025".





Brown's Woods

Brown's Woods sits at 16 total acres on the west side of town sandwiched between Interstate 65, Forest Ridge Apartments, Limestone Crossing Apartments and the Indiana Rail Road. The undeveloped woodland is loaded with karst topography and full of sink holes making it perfect for a trail walk. The land has no plans for further development as of yet, but with the nearby Twin Lakes Sports Park this parkland could potentially be linked with via trail system and, and serve as additional nature park for the parks system and require little maintenance. With limited access (2 points) this would prohibit certain park development. Nonetheless, the property serves to be a considerable asset for the surrounding residents.

Accessibility

- Not ADA accessible



Park Address:

101 W Kirkwood Ave Ste 307
Bloomington, IN 47404

The Parks and Recreation Department pointed out that Brown’s Woods – the “undeveloped woodland is loaded with karst topography and full of sink holes making it perfect for a trail walk”.

Based on the karst features map (See below) in the COBERI report, both Brown’s Woods and a significant portion of the Summit District PUD are covered in the dark shaded purple. One can deduce that they are equally loaded with karst topography and full of sink holes, making them both perfect for a trail walk or some other suitable park or recreational use, and assumably not perfect for high density residential development.

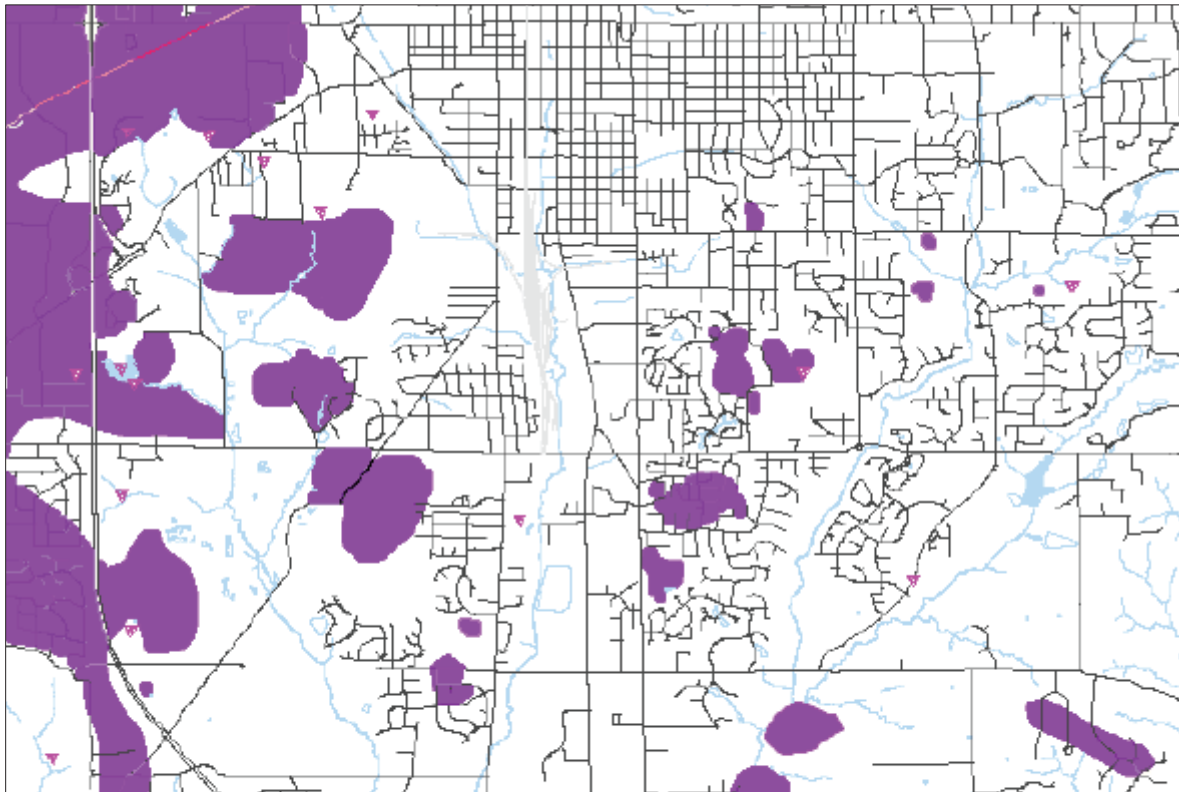


Figure 5. Map of karst areas and springs in Bloomington and surrounding areas
The dark shaded areas above represent the larger karst areas in Bloomington. The shaded triangles represent approximate spring locations. Overall, surficial karst features cover 3% of Bloomington’s land area, and there are over 20 perennial springs currently inventoried.

The Parks and Recreation Department goes on to state that,

The land has no plans for further development as of yet, but with the nearby Twin Lakes Sports Park this parkland could potentially be linked with via trail system and serve as additional nature park for the parks system and require little maintenance. With limited access (2 points) this would prohibit certain park development. Nonetheless, the property serves to be a considerable asset for the surrounding residents.

Is the area too “loaded with karst features” and too “full of sinkholes”, causing delay of further development of trail connection and nature park? Nevertheless, even in its current state, the Parks and Recreation Department considers the “property to be a considerable asset for the surrounding residents”.

Also, using the Environmentally Sensitive Area – Quadrant 4 and 7 maps for a comparison of both Brown’s Woods and Summit District PUD, one can see that they both contain portions that are high on the Sensitivity Index.

If Brown’s Woods is too loaded with karst features and sink holes and too high on the sensitivity index, why is an area (Summit District PUD) equally sensitive and rich in karst features, suitable for development?

IX. Other Concerns and Summary

Besides the environmental questions and concerns stated above, we also noticed that the Petitioner did not organize a Pre-Submittal Neighborhood Meeting as required by the UDO. Under *Chapter 20.06.040 Common Review Procedures, Section (b) Pre-Submittal Activities, sub-section (3) Pre-Submittal Neighborhood Meeting*, one can find the purpose, applicability, and the notification process, etc. of a Pre-Submittal Neighborhood Meeting.

Chapter 20.06.040(b)(3)(A) Purpose

The purpose of the pre-submittal neighborhood meeting is to allow residents, businesses, and organizations in the area surrounding a proposed development project an early opportunity to learn about the project details and to provide feedback to the petitioners before significant funds have been spent on project design and engineering.

Chapter 20.06.040(b)(3)(B) Applicability

A pre-submittal neighborhood meeting shall be required as indicated in Table 06-1: Summary Table of Review Procedures.

Table 06-1: Summary Table of Review Procedures

R = Review and Recommendation D = Decision A = Appeal * = Public Hearing Required

Procedure	UDO Section	Public Notice			Pre-Submittal Activities			Review and Decision-Making Bodies						
		Published	Mailed	Posted	Pre-Submittal Meeting	DRC Meeting	Neighborhood Meeting	Staff	Plan Commission	Plat Committee	Board of Zoning Appeals	Common Council	Hearing Officer	Historic Preservation Commission
Vacating Plat	20.06.060(d)	✓	✓	✓	✓	✓		R	D*/A	D*				
Plan/Ordinance Amendments														
Comprehensive Plan Amendment	20.06.070(a)	✓						R	R*				D*	
Zoning Map Amendment	20.06.070(b)	✓	✓	✓	✓	✓	✓	R	R*				D*	
Rezoning to Planned Unit Development (PUD)	20.06.070(c)	✓	✓	✓	✓	✓	✓	R	R*				D*	
Zoning Text Amendment	20.06.070(d)	✓	✓		✓			R	R*				D*	
Flexibility and Relief Procedures														
Minor Modification	20.06.080(a)				✓			As required for associated petition						
Variance	20.06.080(b)	✓	✓	✓	✓			R			D*/A		D*	
Administrative Interpretation	20.06.080(c)							D			A			
Administrative Appeal	20.06.080(d)	✓	✓					R			D*			

Staff at the Plan Commission has stated in its staff report (Page 86 of the July 10 meeting packet), “the petitioner is requesting a map amendment to rezone the property to a new PUD, which includes the approval of a new District Ordinance and Preliminary Plan”, which, per Table 06-1: Summary Table of Review Procedures, a Pre-Submittal Neighborhood Meeting is required for “Zoning Map Amendment”.

It also has not gone unnoticed to us that the Petitioner’s Preliminary Plan is very similar in font, font size, numbering system, footer style, table style to the City of Bloomington’s UDO. Other development projects’ planning documents do not seem to share this striking similarity!

In summary, we would like to encourage the Plan Commission and City Council members to put the environment at the foremost of Bloomington’s growth and development, as the City of Bloomington has strived do. The City of Bloomington stated in its “2018 Comprehensive Plan” that it “has a long-held commitment to protecting the environment”. The city also aims to “introduce ways to ensure that the current natural environment is not only protected, but nurtured and enhanced for the future”. Further, the City stated that “we have ways of thinking about what environmental protection is, and how it is accomplished now, that are different than years ago, and the philosophy of this chapter reflects that change.”

It’s important to note that the 2018 Comprehensive Plan renamed and replaced the Growth Policies Plan of 2002, with the hope that as time has changed, so should our plan; except that no new environmental resource inventory analyses have been conducted since 2003 to inform the

decisions and planning of the City of Bloomington. What was supposed to be “part of a larger, on-going project that provides the factual foundation to further develop sustainable land-use and land development strategies for the City of Bloomington” did not lead to any on-going project that we could identify online.

As emphasized by the EC, the numerous exceptions to the UDO do not offer the assurance that the proposed use and development will be designed to minimize negative environmental impacts and not cause significant adverse impacts on the natural environment. We share the same concern.

“Climate, thus environmental, change has long term impacts on all residents and must be prioritized”. We urge the Plan Commission to hold the Petitioner and all other developments to the integrity and best practices required of them in the UDO and all available environmental protection guidelines/requirements, and only allow for exceptions that will not negatively affect the environment both in the short-term, and the long-term.



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Sudbury PUD

2 messages

Steve Smith <slsmith@smithdginc.com>

Tue, Jul 11, 2023 at 3:35 PM

To: "ron.smith@bloomington.in.gov" <ron.smith@bloomington.in.gov>, "scanlanj@bloomington.in.gov" <scanlanj@bloomington.in.gov>, "robinsos@bloomington.in.gov" <robinsos@bloomington.in.gov>, "andrew.ciber@bloomington.in.gov" <andrew.ciber@bloomington.in.gov>

Greetings,

I casually watched last night's Plan Commission meeting but got drawn in by the amazing details of the Sudbury proposal that prompted me to write this message to you. By my calculations the proposed Sudbury PUD is about 1.5 to 2.0 times the density of the K-mart multifamily site and about eight times larger in area. I use the K-mart site for comparison because it is so visible and because I have heard only negative and sometimes very negative comments about it from my friends and neighbors. The K-mart site plan very effectively uses nearly all of the site and for Sudbury to be denser by a factor of 1.5 to 2.0 means that it must go higher; and K-mart site is already I believe up to 5 stories. I do not believe that those in attendance at the hearing (plan commissioners, public or staff) understand the immensity of the proposal.

The petitioner presented a perspective concept for the site at the meeting, but when questioned he indicated that it was not a true representation of what would be developed. A 2-D plan was included in the staff report page 240. I believe that to get between 4400 and 6000 units on that site, it will need to look like the drawing presented and will be the equivalent of more than 13 K-mart sites (based on number of units).

The K-mart site has 340 units on about 12 acres for 28 units per acre. The K-mart site plan is efficient with no land lost to environmental features, thoroughfares etc.

The 140 acre Sudbury site will lose about 40 acres to environmental features and through roadways leaving about 100 acres for development. The density of the developed area will be between 44 and 60 units per acre. This is about 1.5 to 2.1 times denser than the K-mart site.

- Sudbury is 1.57 to 2.14 times as dense as K-mart
- Sudbury would be equal to 8 K-marts based on acreage
- Sudbury would be equal to 13 to 17 K-marts based on number of units

Traffic was mentioned at the hearing and apparently a traffic study will be done. Rough projections are about 6 trips per day for each multifamily unit. Assuming a maximum of 6,000 units results in 36,000 newly generated trips per day. A two-lane road like Weimer or Adams typically can accommodate 3,000 to 5,000 ADT at a reasonable level of service. This doesn't account for the issues that those roads currently have.

Again, back to K-mart; there are traffic concerns though I think they are not warranted. The K-mart site with 340 units fronts on a State Highway with two signalized intersections and reasonable cross connections via Clarizz and entry to the College Mall. K-mart will largely serve students whose destination is a direct bus ride away. Sudbury, at 13 to 17 times the number of units, has access via 2 lane Weimer and Adams and is not close to the University or employers.

Traffic will be a problem.

One of the neighbors noted that this project proposes more units in the next eight years than the total projected need in the City. I would add that historically there have been about 500 new units in Bloomington each year (going back for 15 years). This project alone proposes up to 750 units per year. The math does not work.

I am writing to help ensure that all involved understand the immensity of the proposal. A shocking proposal that I believe is not consistent with the vision of our community as expressed in numerous plans

over the years and the current PUD zoning of the site.

thanks for your time

Steve Smith

Retired Professional Engineer and Land Surveyor

Jacqueline Scanlan <scanlanj@bloomington.in.gov>
To: Steve Smith <slsmith@smithdginc.com>

Tue, Jul 11, 2023 at 3:49 PM

Thanks, Steve! I'll look through this and make sure we're discussing the issues clearly.

Thanks,
Jackie

[Quoted text hidden]

To: City of Bloomington Plan Commission
From: Arbor Ridge Homeowners Association Board of Directors
RE: Sudbury Partners LLC Rezoning Request
Date: July 28, 2023

Arbor Ridge is a 48-unit paired home community that will be significantly impacted by this rezoning proposal. This small community of 67 residents would see vastly greater financial and legal liability, increased light and noise pollution, reduced safety and security, and thus decreased property values, if this rezoning request is approved. Each of these concerns is explained in more detail in the following comments.

Financial and Legal Liability

If Sudbury Drive is extended along the Arbor Ridge property line, as currently proposed, approximately 1000 feet of sidewalk will be added about one foot outside our property line and thus very near to about half of our 48 homes. We have heard that we might be held responsible for maintaining this sidewalk, though we have definitely not conceded this point.

If Arbor Ridge were forced to maintain this sidewalk, our cost of lawn care and snow and ice removal would almost double, which would increase our residents' HOA dues significantly. As a community of mostly retired senior citizens living on fixed incomes, our residents would be very negatively impacted by this increase.

Arbor Ridge HOA has been sued in the past by a pedestrian who fell on one of the sidewalks that runs through our community. Thus, we are also concerned about the potential legal ramifications of a pedestrian falling on this new stretch of sidewalk, especially if the area is rezoned to allow for commercial property near our community. We request that the residential zoning included in the PUD that was approved in 1999 be retained in order to limit our potential financial and legal liability.

Light and Noise Pollution

If the extension of Sudbury Drive is lit with tall and bright streetlights, the light would shine directly into the back windows of about one third of our 48 homes, thus causing both privacy and health concerns due to sleep deprivation. We understand that the area would need to be lit, but we request that the streetlights be shorter, decorative street lights similar to the four streetlights that are currently in our neighborhood.

We are also concerned about the additional noise that would result from both foot and vehicle traffic associated with proposed commercial properties near our community. For this reason, as stated above, we request that all development near Arbor Ridge be residential and that the zoning approved in the 1999 PUD be retained without the requested changes.

Reduced Safety and Security

The rezoning request calls for commercial properties to be located next to our residential community, which we fear will lessen the safety and security we currently enjoy. For example, if one of these commercial properties were a restaurant with a bar that was open until late night or even early morning hours, we can easily imagine inebriated patrons wandering into our neighborhood and disturbing or even endangering residents.

Based on the PUD approved in 1999, we have always known that additional residential development was planned near our property; our concern is the adverse effect that nearby commercial property would have on the safety and security of our community of mostly retired senior citizens.

Decreased Property Values

Like all homeowners, Arbor Ridge residents work hard to keep our property in excellent condition and thus protect our property values. Visitors to our community often comment on how well-kept it is, even though the homes are between 15 and 19 years old.

Arbor Ridge homes usually sell quickly, often within a matter of days, with some buyers waiting for homes to become available. If the current rezoning proposal is approved, we fear that our property values will fall as a result of rising HOA dues made necessary by vastly greater financial and legal liability; increased light and noise pollution resulting from traffic and commercial property very near to our property line; and reduced safety and security due to commercial properties located near our community. For all of these reasons, we request that the Plan Commission deny this rezoning request and require changes that will address our concerns.

To: City of Bloomington Plan Commission
From: Arbor Ridge Homeowners Association Board of Directors
RE: Comments on Plan Commission Hearing of PUD-18-23 Sudbury Development Partners LLC, Sept. 11, 2023
Date: August 22, 2023

Arbor Ridge is a 48-unit paired home community that will be significantly impacted by this rezoning proposal. We are especially concerned about the areas directly adjacent to our community. We appreciated the specific mention of the transition to Arbor Ridge in the Sudbury Development LLC's revised request for the August 14 Plan Commission meeting. However, we agree with the concerns City staff presented on p. 5 of the packet for that meeting:

3. The MN areas were amended slightly and an MX area was created. **The same question stands related to the appropriateness of such tall buildings and commercial east of the stream area, as well as immediately adjacent to Arbor Ridge** [bold text added].

4. The petitioner is proposing to require additional setbacks for buildings being built adjacent to Arbor Ridge or immediately across the street of Sudbury Drive. The Department is not convinced that the currently proposed R2 Standards (from the UDO) and five (5) foot step back will suffice for those properties immediately adjacent, as the building can be up to 7 stories in height in the MX district. Similarly, a step back of the building is proposed for the buildings across Sudbury Drive. However, the current proposal is a step back of ten (10) feet for buildings over 4 stories. **The maximum proposed height in that area is 12 stories with incentives** [bold text added].

Commercial Development Adjacent to Arbor Ridge

As we stated in our comments for the August 14 packet, we are concerned about the additional noise that would result from both foot and vehicle traffic associated with proposed commercial properties adjacent to our community. In addition, we fear that commercial properties adjacent to our residential community will lessen our safety and security due to the danger of patrons from these commercial properties wandering into our neighborhood of mostly retired senior citizens.

We request that no mixed use or commercial development be located adjacent to any area of Arbor Ridge, which include the areas the developers have labeled Shasta Meadows, the rear area of Everest Center, and Whitney Glen.

We request that the Plan Commission deny this rezoning request and require changes that will allow only residential development adjacent to Arbor Ridge.

JOHN A. SCOTT
1966 W Arbor Ridge Way
Bloomington, IN 47403

August 1, 2023
Plan Commission
4071 N Morton St.
Suite130
Bloomington, IN 47404

President of the Commission

I am writing in response to the Sudbury Partners LLC petition. requesting an amendment to rezone the 140 Acres known as Sudbury Farm increasing the density of the current PUD zoning to a new PUD that will allow up to 6,000 new housing units. I am opposed to the plan as put forth by Sudbury Partners LLC and Sullivan Development.

The Commission needs to say no to issues 1 to 5 as expressed on page 89 of the July presentation.

The petitioner is requesting the following changes to the present zoning.

1. Density
2. Building Height Standard
3. Parking Square Footage
4. Environmental Requirements/Impact

Density

The proposal by the above seeks several changes in their request that are well beyond the density for the area. Taking their maximum number of units and the ratio for Bloomington of 1.99 to 2.09 individuals per housing unit and using the formula To calculate the population density (divide the population by the size of the area) Population Density = Number of People/Land Area. The unit of land area should be square miles or square kilometers. The figure $1.99 \times 6,000 = 11,940$ People. Using $2.09 \times 6,000 = 12,540$ people for the area. Converting 140 acres to square miles gives the figure 0.21875 square mile or 21.8% of a mile or 12,540 individuals living in under a square mile. This well exceeds the present number per square mile when compared to the overall density of Blooming using 2021 figures the population of Bloomington at 79,968 divided this figure by Bloomington's Square miles of 23.43 gives a population figure of 3,413 per individuals per square mile.

Building Height Standard

The petitioner is requesting a waiver of the building height standard. The present standard for mixed use under Code 20.02.030 is six stories or a maximum not to exceed seventy-five feet. The height of a 7-story building is between 70 to 75 feet depending on the ceiling height. The present zoning allows them to go ahead with the 6-story height. However, a building of that height if built around the perimeter of the property will dwarf the existing neighborhood and homes which are single-family dwellings. Building of this height could block existing views and could cause privacy concerns if overlooking back yards. The addition of another floor benefits the developer in federal funding at the expense of the surrounding

neighborhoods. One of the pluses the developer is citing is the mixed-used development where 15% of the units would be set aside for low-income families. This would set aside 900 units if 6,000 were allowed a very high mixture. There are more benefits to the developer than to the City and Residents of Bloomington. The most common incentive to build mix use is more financial than ultraistic. The benefits are usually, zoning variances, such as reduction in site development standards, modification of architectural design and reduction in parking standards, all things the developers is seeking. There is also the issue of the density bonus granted to buildings accommodate a fair share of affordable units. The developer does not attempt to cite the impact this number of residents will have on Police, Fire, Sanitation and Schools. Summit Elementary would require an addition to be built. There is also a need for a police substation as well as the fire department.

Environmental

The Bloomington Environmental Commission in its July 13 memo stated it has not toured the site and is unable to make an assessment as to the scope the project will have on the environment. The Commission mentions that there are countless environmental features dotting the area and the request for numerous environmental changes will have excessive impact on environmental resources. 1. Runoff - one thing not mentioned is the issue of Runoff or NPS pollution caused by rainfall and snowmelt causing erosion and Runoff which picks up fertilizer, oil, pesticides, dirt, bacteria, and other pollutants as it makes its way from the roads, sidewalks and lawns which empty into

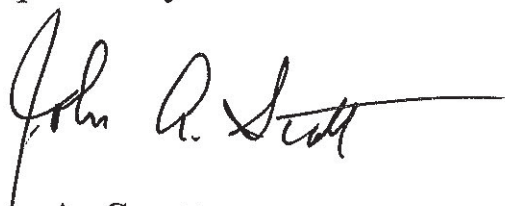
storm drains and ditches. 2. Water, Sanitation and Storm management issues have not been addressed. The partitioner has not provided a valid Environmental Impact Statement.

Traffic

The issue of Streets and Roads has not been adequately or clearly addressed. Depending on the final number of units approved, the number of cars can be anywhere from 6,000 to 9,000 cars assuming a ratio of 1.5 cars per unit which allows for units with no cars and those having two or more. This number of cars will cause extensive use of the following streets based on the vagueness of their plan, Weimer Rd, S. Adams St, W. Tapp Rd, W. Cherokee DR, W. Chambers DR, W. Duncan DR, W. Guy Ave all which can be potentially connected to depending on the layout of the development leading to potential degrading due to the intensity of the additional traffic as cars heading to I69 and down Country Club to Walnut. The last Traffic count conducted for W. Tapp Rd was done in 2019 with an average count of 13,806 cars a day.

I believe the present PUD standards should be maintained they were well thought out and represent the best utilization of undeveloped land. The present PUD plan creates realistic size neighborhoods creating cohesive communities.

Respectfully submitted.

A handwritten signature in black ink that reads "John A. Scott". The signature is written in a cursive style with a long horizontal line extending to the right.

John A. Scott



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

PUD-18-23 Sudbury Development Partners LLC

2 messages

Joseph McKenna <joemckenna_07043@yahoo.com>
To: "scanlanj@bloomington.in.gov" <scanlanj@bloomington.in.gov>

Thu, Aug 17, 2023 at 3:22 PM

Good Afternoon

I am an Arbor Ridge resident and my wife and I attended the meeting on Monday August 14.

I want to echo the concerns of my neighbors:

density, drainage, traffic conditions including current state of Weimer Road, along with environmental concerns.

I know that that property will be developed eventually, but the number of units seems high.

Finally, from my own personal experience, there is a lot of wildlife living in the area -- everything from deer to turtles.

We appreciate your efforts to keep the residents in the area informed.

Thanks
Joseph McKenna
[1984 W Arbor Ridge Way](#)
[Bloomington, IN 47403](#)
973 766 3428

Jacqueline Scanlan <scanlanj@bloomington.in.gov>
To: Joseph McKenna <joemckenna_07043@yahoo.com>

Wed, Aug 23, 2023 at 8:48 AM

Thank you, Mr. McKenna. I will add this to the letters for the September hearing. We appreciate you being involved.

Thanks,
Jackie Scanlan, AICP
Development Services Manager
[Quoted text hidden]



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Letter from Weimer Rd. resident with concerns about the Summit District PUD, for inclusion in Sept. 11 Plan Commission meeting packet

2 messages

Ted Frick <tedfrick@gmail.com>

Wed, Sep 6, 2023 at 2:06 PM

To: planning@bloomington.in.gov, scanlanj@bloomington.in.gov, ron.smith@bloomington.in.gov

Cc: slsmith@smithdginc.com

To the Bloomington Plan Commission:

Please find attached our letter, for inclusion in the Plan Commission packet for the Mon. Sept. 11 meeting. This concerns the proposed Summit District PUD by Sudbury Development Partners LLC (who appear to be associated with The Ridge Group in Muncie, located at the same address).

My wife and I are long-time residents of Bloomington, and have lived at 1812 Weimer Rd. for the past 46 years. We attended the July and August Plan Commission via Zoom, and I have carefully read or scanned the documentation in the packets concerning the Summit District PUD.

We share our observations and concerns which are:

1. Potential flooding of Weimer Rd. and the Clear Creek flood plain from stormwater run-off, if proper mitigation is not in place.
2. Extreme traffic congestion on Weimer Rd. unless additional connecting roads are established, such as extending Sudbury Drive to Rogers, and completing S. Adams St. BEFORE construction begins on the Summit District PUD.

At least one of us plans to speak in the Monday meeting about our concerns during the public comment period. If the Plan Commission and staff read our letter in advance, then we can keep our comments brief in the meeting.

Thank you for your attention to this matter. Please acknowledge receipt.

--Ted Frick

p.s. I have cc'd Steve Smith here, mainly because we have quoted his excellent assessment of the Summit District PUD from the perspective of size, density, and traffic problems. His e-mail was included in the August packet.

 Summit District PUD letter on storm water mitigation and traffic congestion from Fricks.pdf
649K

Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fri, Sep 8, 2023 at 12:56 PM

To: Ted Frick <tedfrick@gmail.com>

Cc: planning@bloomington.in.gov, ron.smith@bloomington.in.gov, slsmith@smithdginc.com

Received.

Thanks,
Jackie Scanlan, AICP
Development Services Manager

[Quoted text hidden]

From: Ted and Kathy Frick
 1812 S. Weimer Rd.
 Bloomington, IN 47403

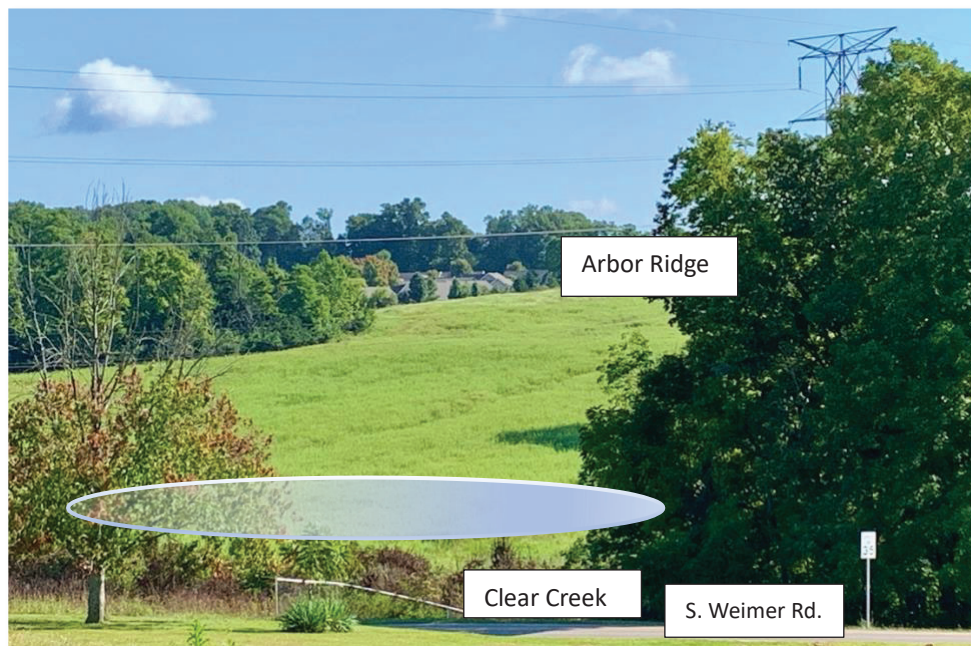
Date: September 6, 2023

To: Bloomington Plan Commission
 Re: Proposed *Summit District PUD-18-23* along South Weimer Road

Storm Water Mitigation Issues and a Proposed Solution

We have lived in our home at 1812 S. Weimer Rd. for 46 years now. We have witnessed a lot of change as the city of Bloomington has been expanding into this largely undeveloped area to the southwest. When we bought our house in 1977, there was a large, fenced pasture across Weimer Road, with cows grazing on the Sudbury farm. Harvey Sudbury and his family lived in his parent's farmhouse in the middle of roughly 300 acres, before they more recently built their new house along Weimer Road near Wapehani Road.

Figure 1. View of "Shasta Meadow" Hillside from 1812 Weimer Road. Photo by T. Frick, 9/03/2023. Possible location of proposed Weimer Retention Pond and text annotations are superimposed (also see Figure 2). Clear Creek is not visible here because of the steep slopes along the riparian buffer.



Concerns about Flooding along Weimer Road

We have been looking out the windows of our house to the northeast at the increased erosion on the steep hillside for 5 decades. This hillside is now referred to as Shasta Meadow (Neighborhood #1) in the Summit District PUD proposal documentation from Plan Commission

meetings in July and August 2023. This western area along Weimer Road for Neighborhood #1 is mostly a hillside, and would be better named, Shasta Hillside. It will no longer be a meadow when covered with streets, buildings, sidewalks, driveways, and other parking areas.

We can easily tell how much it has rained recently—just by looking at how much surface water drains down the Shasta Hillside in the deepening ravines, and for how many hours the water drains.

That highly visible Shasta Hillside drainage down steep ravines is a good predictor of how much flooding there will be along Weimer Road to the north and south of our house, as well as flooding along the Clear Creek Trail south of Rockport Road. We don't even need to look at the overflowing banks of the Clear Creek branch that runs from the remaining Twin Lake through the valley along Weimer Road, and onward to the south along the Clear Creek Trail.

We've been watching this flooding problem get worse over the past several decades.

Water Flows Downhill

The proposed Summit District PUD is aptly named, as is Summit Elementary School. They are on the highest ground, as is the summit of a mountain. Surface water flows downhill when it rains. The proposed PUD will *increase* impermeable surface area, meaning more flowing rainwater will not be slowed by vegetation and absorbed by soil that is no longer there. That top soil and vegetation will be replaced by buildings with impermeable roofs, by impermeable sidewalks and driveways, and by impermeable streets and parking areas. If the rainwater can no longer soak in, where will it flow to and how fast will it flow? If not regulated in some way, the result is highly predictable: flooding in lower areas which drain more slowly.

What is the Plan for Storm Water Mitigation?

Our concern is how storm water mitigation will be handled in the new development being proposed in the Summit District PUD, something like 5,000 to 6,000 units in the present plans. This means there will be a substantial increase in the impermeable surfaces on what is now largely grassland and karst limestone. There will be many new rooftop surfaces, sidewalks, driveways, streets, and parking places that are not there now. This decreased permeability overall will undoubtedly increase the storm water runoff after rainstorms and snow melts. The questions are: Where will all this extra surface water go? And at what rate will it go downhill?

The big concern and fear is that flooding will become worse in the valley areas along Weimer Road. There could be not only flooding of yards and residences in the valley portion, but also the flooding and closure of Weimer Road itself at times.

After a particularly heavy rainstorm about 2 years ago, the south portion of Weimer Road at the narrow bridge was completely flooded and impassable for about 2 days. And north of us, water was flooding across Weimer Road where the two tributaries from the Twin Lake go through culverts under the road. These parts of Clear Creek are already designated as a flood plain area. That's an environmental fact. For those of us who live on the higher ground along the middle

part of S. Weimer Road, we were living on an island, land-locked for about a day. There was no other way out by automobile. We stayed home until the flooding receded. Meanwhile, we could see that our neighbors to the north had flooded yards, and we wondered if the floodwater had damaged their houses.

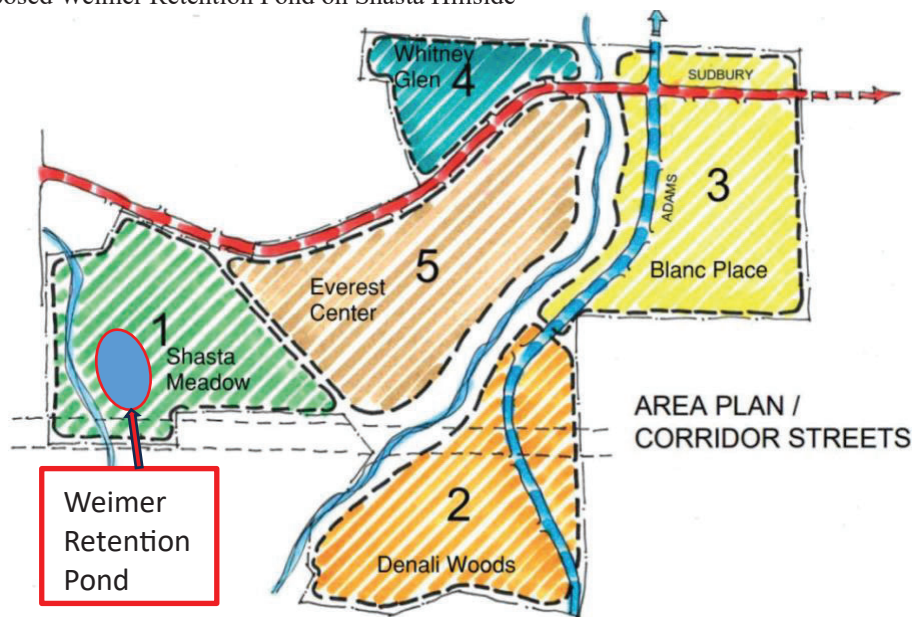
Therefore, we ask: How will storm water run-off be mitigated in the Summit District PUD?

A Proposal: Weimer Retention Pond (Figure 2)

One way to do this would be to build a storm-water retention pond along the bottom of the western hillside but above Clear Creek as part of the proposed Summit District PUD. Engineers would be able to figure out how big the pond should be, given the severe slope and the increased run-off from impermeable surfaces to be added in the development.

If designed carefully, the retention pond should *decrease* the amount of flooding along the Weimer-Road-Clear-Creek flood plain. If the Summit District PUD does provide this retention pond, it could actually reduce the overall flooding that currently occurs after heavy rainstorms. Instead of making the flooding problem worse, it could help decrease the flooding along Clear Creek and Weimer Road after heavy rains.

Figure 2. Proposed Weimer Retention Pond on Shasta Hillside¹



While adding a retention pond for the development likely might decrease the available land area for buildings and streets in the Shasta Hill neighborhood, it could be also viewed as a major

¹ The retention pond would be placed and shaped by engineers to fit the contours of the land—unlikely to be an oval as depicted. The southwest corner of the Shasta Hillside is currently lowest in elevation in Neighborhood 1, but grading during construction and installation of storm-water sewers could dictate a different placement. Other factors to consider for pond location would include the necessary riparian buffer zone along Clear Creek, the Duke Energy easement, steepness of slope in that area, and subterranean karst limestone. The area plan was digitally copied from the staff report on the Summit District PUD that was included in the August 14, 2023, Bloomington Plan Commission meeting packet (Image One, p. 8). We have added the Weimer Retention Pond to this image, solely for purpose of illustration here. The retention pond was not part of Image One in the staff report.

aesthetic feature, making the development more attractive to prospective buyers. People in nearby units in the PUD would be looking out over a small pond to the west. People living across Weimer Road would have more peace of mind, even though they might be looking at an earthen dam to contain the retention pond on the western Shasta hillside. The proposed new Weimer Retention Pond on the lower southwest end of Shasta Hill also would serve as further wetlands for wildlife in the area.

To build up a suitable dam and sides for the Weimer Retention Pond, especially on the west and south sides, will presumably require additional soil and rocks. The developer could potentially save money by moving excavated soil and limestone from other parts of the development site to construct the retention pond on the severe western slope of Shasta Hill. This could help reduce the number of trips from the development site to an external location, as well as reduce wear and tear on local roads from big trucks heavily loaded with excavated soil and rocks.

There may very well be other parts of the Summit District PUD where significant storm water mitigation is needed, requiring additional retention ponds. If so, then soil and rocks excavated for construction could be moved within the PUD area, rather than trucking them to an external site.

The nearby Twin Lake along West 2nd Street is effectively a retention pond with an earthen dam, which regulates runoff into Clear Creek along Weimer Road. We also note the use of a nearby retention pond at the Tapp Road roundabout, where S. Adams Street terminates.

Other Solutions?

There are other ways to control flooding besides retention ponds. If a retention pond is not a good solution, then Sudbury Developers of the Summit District PUD and city of Bloomington environmental engineers should specify similarly effective storm water runoff mitigators, or even better ones. We have yet to see a report from the Bloomington Environmental Commission concerning the Summit District PUD.

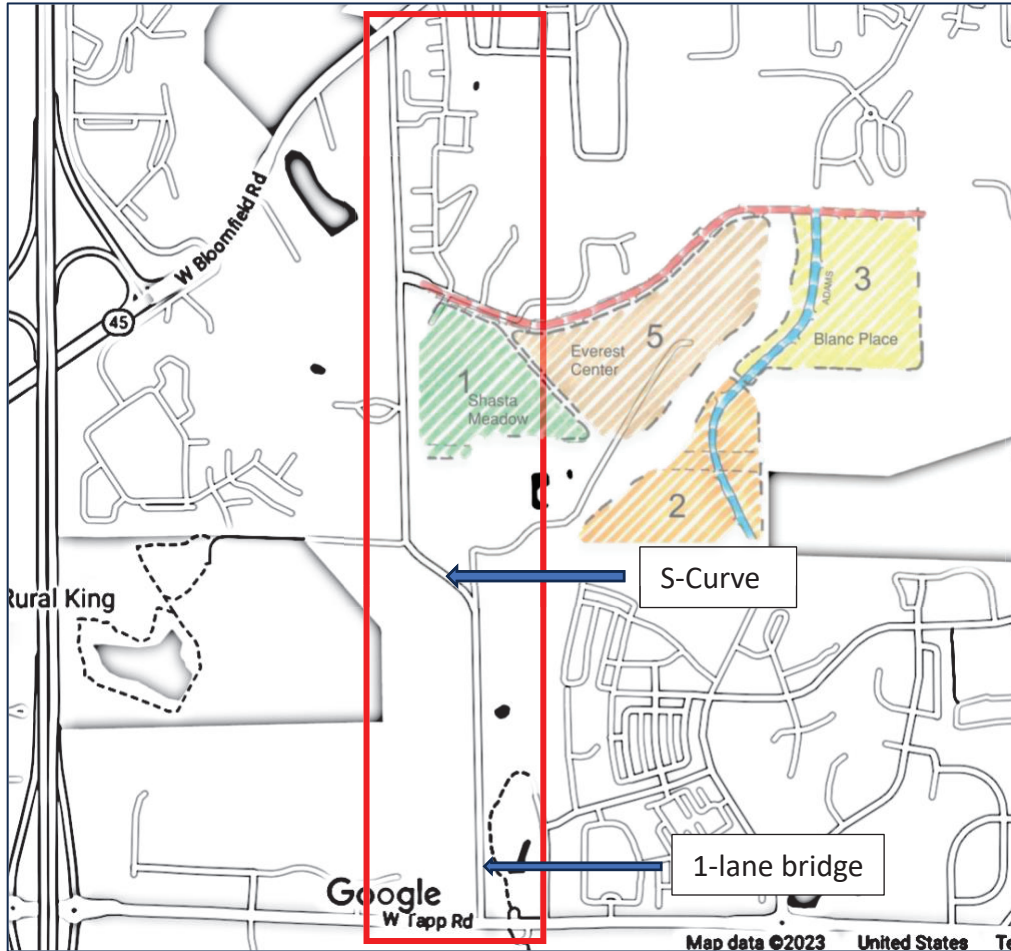
Extending the Clear Creek Trail

Imagine also the Clear Creek Trail extending north from Tapp Road along Clear Creek and eventually connecting to the new city trail that is proposed to run east-west along the utility easement from Rogers Street (at the Switchyard Park) to Weimer Road. The new Weimer Pond could even be visible from the trail, if designed properly.

Traffic Congestion Issues

The Summit District PUD proposal to build 5,000 to 6,000 units on about 140 acres will result in population density that is very high for the city of Bloomington context. The Bloomington Plan Commission packet for the August 14, 2023, meeting contained a significant e-mail message from Steve Smith, an engineer and surveyor who has been around Bloomington a long time and witnessed many different kinds of development.

Figure 3. Weimer Road corridor (outlined in red, about 1.5 miles long)



Smith’s e-mail points out several facts which put the Summit District PUD proposal into perspective. He referred to the Sudbury PUD, which is technically the Summit District PUD petition, and was also referring to the information presented in the July 2023 meeting of the Plan Commission. He compared the Summit District PUD to a recent development in Bloomington: the apartments built on the old K-mart site on the east side of Bloomington, along 3rd Street, and behind Bloomingfoods grocery.

We quote from his e-mail on pp. 115-16 in the Plan Commission packet for the August 14, 2023, meeting:

“By my calculations the proposed [Summit District] PUD is about 1.5 to 2.0 times the density of the K-mart multifamily site and about eight times larger in area....

The K-mart site has 340 units on about 12 acres for 28 units per acre. The K-mart site plan is efficient with no land lost to environmental features, thoroughfares etc. The 140 acre [Summit District] site will lose about 40 acres to environmental features and through

roadways leaving about 100 acres for development. The density of the developed area will be between 44 and 60 units per acre. This is about 1.5 to 2.1 times denser than the K-mart site.

- [Summit District] is 1.57 to 2.14 times as dense as K-mart
- [Summit District] would be equal to 8 K-marts based on acreage
- [Summit District] would be equal to 13 to 17 K-marts based on number of units

Traffic was mentioned at the hearing [in July] and apparently a traffic study will be done. Rough projections are about 6 trips per day for each multifamily unit. Assuming a maximum of 6,000 units results in 36,000 newly generated trips per day. A two-lane road like Weimer or Adams typically can accommodate 3,000 to 5,000 ADT at a reasonable level of service. This doesn't account for the issues that those roads currently have.

The K-mart site with 340 units fronts on a State Highway with two signalized intersections and reasonable cross connections via Clarizz and entry to the College Mall. K-mart will largely serve students whose destination is a direct bus ride away. [Summit District], at 13 to 17 times the number of units, has access via 2 lane Weimer and Adams and is not close to the University or employers.

Traffic will be a problem.”

Smith's e-mail is speaking largely to the Plan Commission (and potentially the City Council, if the petition is forwarded). And to engineers and city planners who routinely review these kinds of development petitions.

We Weimer Road residents experience the traffic issues on Weimer Road almost every day, especially the backups at the Bloomfield Road and Tapp Road intersections when lots of folks are trying to go to work or come home from work. We know how bad the congestion can get at those two ends of S. Weimer Road, especially when there is a lot of traffic. We witnessed significant backups, especially when I-69 intersections were constructed at Tapp Road and West 2nd Street.

In addition to safety issues, the big impact on us Weimer Road and Arbor Ridge residents would be significant delays and congestion when trying to leave our neighborhoods. The brutal fact is that we currently have only two ways to go. There are no alternatives by driving on public streets and roads. Because there are no current alternatives.

We also wonder who would want to live in apartments and condos in the Summit District, when there are significant traffic congestion problems if not adequately addressed? We don't know who those people will be, but why would anyone want to live in a neighborhood where it might take 15 minutes just to get from home to a major thoroughfare such as the Bloomfield Rd. or Tapp Rd. which is less than a mile away? Not only would that affect current residents on Weimer Road, Arbor Ridge, and Millennium Apartments, but also new residents in the Summit District.

Traffic currently backs up at both ends of Weimer Road when there are more cars. Steve Smith estimates about 36,000 new trips for day from the proposed 6,000-unit Summit District PUD, and that a 2-lane road such as Weimer can handle 3,000 to 5,000 average daily trips. This would mean about 7 to 10 times more traffic on Weimer Road, which currently has a S-curve on a hill with poor visibility of oncoming traffic, a one-lane bridge, and stop signs at Tapp Road and the Bloomfield Road which are busy thoroughfares with traffic that does not stop.

We hope that rational people will prevail when considering the Summit District PUD petition. We expect that the Summit District petition will be denied unless the petitioner can provide a feasible solution to the traffic congestion problem that will be created. We also expect the petition will be denied unless the significant environmental issues are addressed adequately—especially stormwater run-off and flooding along Weimer Road and Clear Creek.

Reports from the Bloomington Environmental Commission and the Transportation Department on the proposed PUD are essential for planning this PUD.

Let's All Work Together to Make This Work

Let's make this a win-win-win-win for current residents along Weimer Road, Sudbury Development Partners LLC (The Ridge Group from Muncie), Arbor Ridge residents, and the City of Bloomington.

Sincerely,

A handwritten signature in cursive script that reads "Ted & Kathy Frick".

Ted and Kathy Frick

Case # ZO-29-23 Memo

To: Bloomington Plan Commission

From: Jackie Scanlan, AICP Development Services Manager

Date: August 14, 2023

Re: Text Amendments to Unified Development Ordinance: First Floor Non-Residential Downtown

The Plan Commission discussed changes to first-floor requirements in a particular portion of the Mixed-Use Downtown (MD) zoning district at its August 14, 2023 hearing. A previous discussion related to this topic was raised. Below is information from that discussion, which was held in March 2023.

Staff did a walking survey of the blocks marked with black lines in Figure 48 from the Unified Development Ordinance (UDO), which is the only area that would be affected by this amendment. Of the 278 non-residential spaces observed, 16 were vacant. That is a less than 6% vacancy rate for the areas affected by this amendment. While the vacant spaces included areas that have contained spaces that previously contained commercial uses, they also include such spaces as the vacant Fire station and Election Center, and a number of properties that experts in the room suspected as being held as vacant based on knowledge of the ownership or history of the site.

Linking the proposal for the allowance of reduced non-residential space to the use of incentives does a couple of things. On one hand, it can increase the value of the incentives to a developer while increasing the positives of a development to the community if the incentives are used. On the other hand, it acknowledges that a number of the projects that we have seen in the affected area already use incentives which could then take advantage of the reduced non-residential space, which seems to be the flexibility that was mentioned in August.

The Department slightly altered the proposal language below to clarify that one or both Incentives can be used.

August Report

The Plan Commission asked the Planning and Transportation Department to review and propose an amendment to the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code, related to the requirement for nonresidential uses on the first floor in some portions of the Mixed-Use Downtown (MD) zoning district.

The Planning and Transportation Department prepared an amendment to the Unified Development Ordinance in response to the request.

That petition is as follows:

1. ZO-29-23 | UDO Chapter 3, Use Regulations: 20.03.010(e)(1)

ZO-29-23 UDO Chapter 3, Use Regulations: 20.03.010(e)(1)

The proposed amendment, which would allow a reduced nonresidential requirement if incentives are utilized in the development, is in bold. For reference, Figure 48 is below.

Nonresidential Ground Floor Standards

A minimum of 50 percent of the total ground floor area of a building located along each street frontage identified by a black line in Figure 48 shall be occupied by nonresidential primary uses listed in Table 3-1 as Permitted or Conditional in the MD zoning district, as those Permitted or Conditional uses are modified by those prohibited uses listed in subsection (2) below. **If use of either or both of the Incentives listed in 20.04.110 is approved, the minimum percentage shall be reduced to 30 percent. At no time shall the required nonresidential use occupy less than 1,500 square feet of said ground floor area.** Enclosed parking garages shall not be counted toward the required nonresidential use.

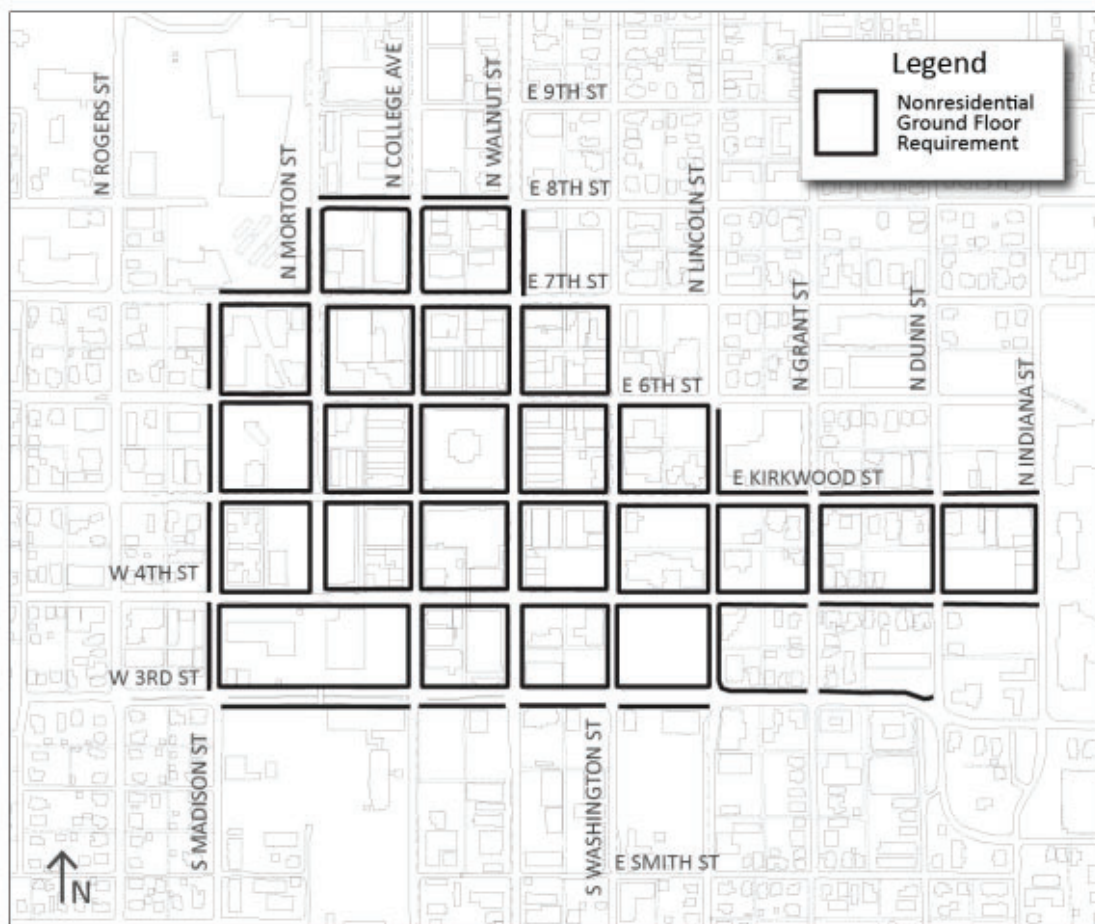


Figure 48: Downtown Nonresidential Ground Floor Requirement

Related Code References

- Figure 48: 50% of the ground floor of buildings in a particular area much be nonresidential primary uses listed in Table 3-1. Cannot include parking garage.
- 20.03.030(b)(5): Use-Specific Standards for Dwelling, Multifamily
 - (A) Ground floor parking must be 20 feet behind front building wall
 - (D) Ground floor dwelling units
 - i. No ground floor dwelling units in MD-ST or MD-CS
 - ii. Entire MD, ground floor dwelling units must be 20 feet behind front building wall

(d) Unlisted Uses

When a proposed land use is not explicitly listed in Table 03-1: Allowed Use Table, the Planning and Transportation Director shall make a determination pursuant to Section 20.06.080(c) (Administrative Interpretation).

(e) Additional Use Standards in the Downtown Character Overlays

(1) Nonresidential Ground Floor Standards

A minimum of 50 percent of the total ground floor area of a building located along each street frontage identified by a black line in Figure 48 shall be occupied by nonresidential primary uses listed in Table 3-1 as Permitted or Conditional in the MD zoning district, as those Permitted or Conditional uses are modified by those prohibited uses listed in subsection (2) below. Enclosed parking garages shall not be counted toward the required nonresidential use.

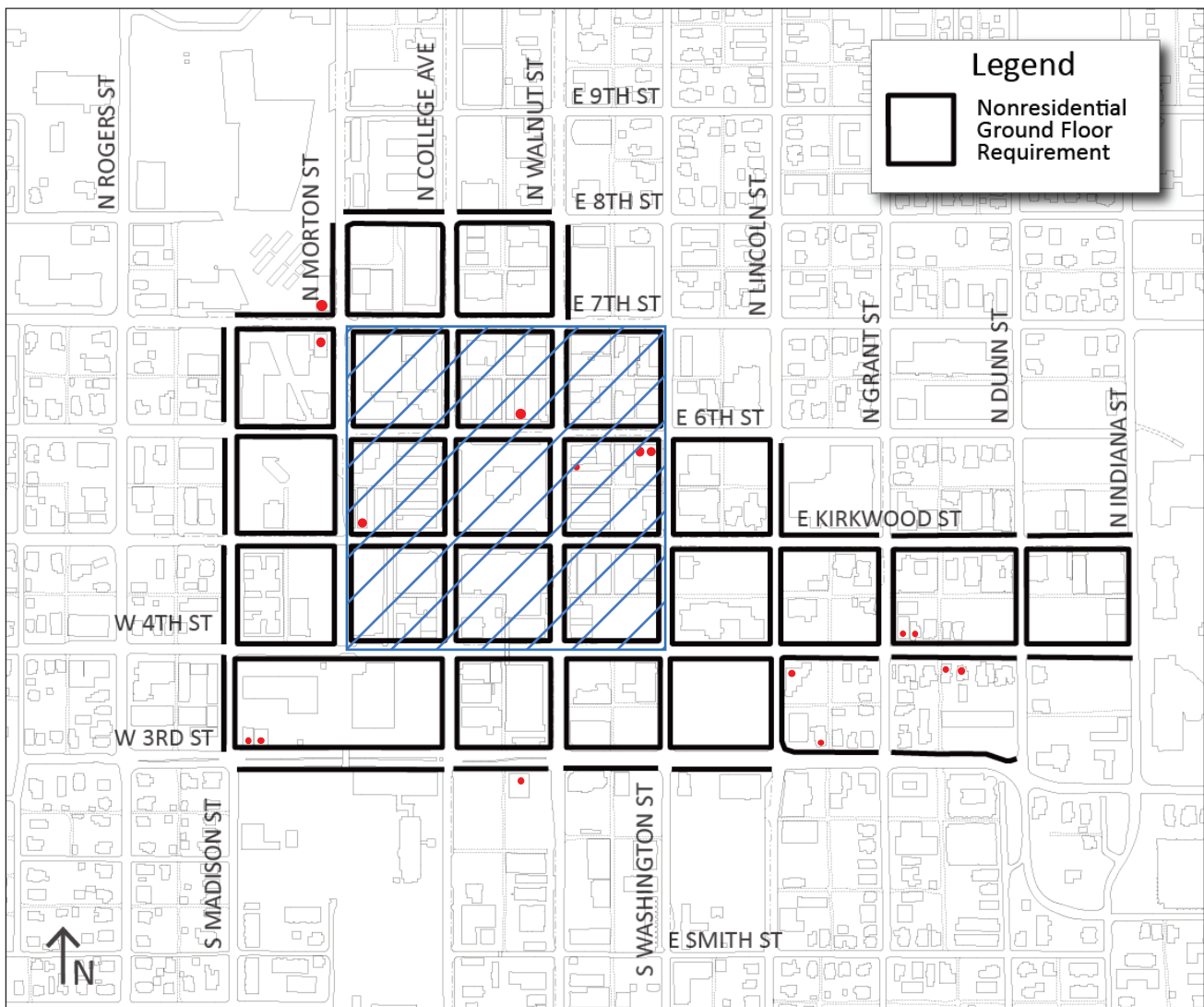


Figure 48: Downtown Nonresidential Ground Floor Requirement

Case # ZO-34-23 Memo

To: Bloomington Plan Commission

From: Jackie Scanlan, AICP Development Services Manager

Date: September 11, 2023

RE: Text Amendments to the Unified Development Ordinance Amendments Related to Sign Standards

The Planning and Transportation Department is proposing a text amendment to the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code (BMC), related to eliminating certain existing signs and affirmatively requiring their removal no later than January 1, 2031.

The Planning and Transportation Department has prepared a proposed text amendment to the UDO to effectuate the change through the addition of a new subsection to the UDO's sign regulations, which are codified at BMC § 20.04.100.

The Petition is as follows:

1. ZO-34-23 | UDO Chapter 4, Development Standards & Incentives 20.04.100(g)

ZO-34-23 UDO Chapter 4, Development Standards & Incentives: 20.04.100(g)

The Department, in conjunction with the Legal Department, has prepared a text amendment that will require the removal of certain off-site and on-site freestanding signs over a three year period beginning in five years. The Planning and Transportation Department previously did annual surveys of all existing 'billboards' in Bloomington. The last survey was completed in 2014 and documented 47 billboard locations, with many containing more than one sign face. Some of those billboards have since been removed, but the majority remain.

The Department has been tracking these lawful nonconforming signs since at least 1987, and the proposed amendment sets a path for the removal of lawful nonconforming signs in order to further meet the intent of the sign standards in the UDO. Those standards include avoidance of the unnecessary proliferation of signs; providing developments with appropriate identification; creating a consistent streetscape; maintaining and enhancing the aesthetic environment of the city; eliminating potential hazards to motorists and pedestrians resulting from sign clutter; and generally promoting the health, safety, and welfare of the residents of the City of Bloomington.

No change to wall signage allowance is proposed. No change to lawful conforming freestanding signage allowance is proposed.

The proposed amendment appears below. Additional necessary directives for the codifier are indicated in parentheses below the proposed amendment.

(g) Amortization of Certain Freestanding and Certain Off-premise Signs

(1) Applicability.

This subsection 20.04.100(g) shall not apply to public signs or multi-tenant signs.

(2) Freestanding Signs

All freestanding signs exceeding 100 square feet per side, including any such signs which have heretofore been authorized by a variance or similar special exception, shall be removed or brought into compliance per the following schedule:

(A) January 1, 2029: Those located within the R1, R2, R3, R4, RM, RMH, and MD zoning districts;

(B) January 1, 2030: Those located within the RH, MS, MN, MM, MH, MI, EM, and PO zoning districts;

(C) January 1, 2031: Those located within the MC, ME, and PUD zoning districts.

(3) Off-premise Signs

All off-premise signs exceeding 35 square feet per side, including any such signs which have heretofore been authorized by a variance or similar special exception, shall be removed or brought into compliance per the following schedule:

(A) January 1, 2029: Those located within the R1, R2, R3, R4, RM, RMH, and MD zoning districts;

(B) January 1, 2030: Those located within the RH, MS, MN, MM, MH, MI, EM, and PO zoning districts;

(C) January 1, 2031: Those located within the MC, ME, and PUD zoning districts.

(The codifier is directed as follows: (1) existing subsections of 20.04.100 (g), (h), (i), (j), (k), and (l), shall be modified so that they appear one sequential letter further in the alphabet (e.g. (g) becomes (h), (h) becomes (i), and so on), and (2) the table of contents shall be modified so as to correspond with the new titles in subsections 20.04.100(g) through 20.04.100(m). In all other respects existing subsections 20.04.100(g) through 20.04.100(l) shall remain unmodified.)