

# CITY OF BLOOMINGTON



## PLAN COMMISSION

July 15, 2024      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

July 15, 2024 at 5:30 p.m.

❖Virtual Link:

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Meeting ID: 823 6234 0978      Passcode: 622209

Petition Map: <https://arcg.is/05SmHb>

**ROLL CALL**

**MINUTES TO BE APPROVED:** June 10, 2024

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

**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

**PETITIONS:****DP-17-24/PLAT2024-04-0026****Eric Deckard**

3615 E Post Road

Parcel: 53-05-35-400-062.000-005

Request: Primary plat approval to allow a two-lot subdivision of 4.21 acres in the Residential Medium Lot (R2) zoning district, with request for subdivision waivers and waiver of second hearing. Case Manager: Gabriel Holbrow

*\*\*Next Meeting August 12, 2024*

**Last Updated: 7/12/2024**

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

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

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**BLOOMINGTON PLAN COMMISSION**  
**STAFF REPORT – First Hearing**  
**Location: 3615 East Post Road**

**CASE #: DP-17-24**  
**/ PLAT2024-04-0026**  
**DATE: July 15, 2024**

**PETITIONER:** Deckard Land Surveying  
1604 South Henderson Street  
Bloomington, IN

**OWNER:** John and Sherry Myers  
3615 East Post Road  
Bloomington, IN

**REQUEST:** The petitioner is requesting primary plat approval to allow a two-lot subdivision of 4.21 acres in the Residential Medium Lot (R2) zoning district, with request for subdivision waivers and waiver of second hearing.

**BACKGROUND:**

**Area:** 4.21 acres  
**Current Zoning:** Residential Medium Lot (R2)  
**Comprehensive Plan Designation:** Neighborhood Residential  
**Existing Land Use:** Single-family dwelling  
**Proposed Land Use:** Single-family dwelling and Vacant  
**Surrounding Uses:** North – Single-family dwellings  
South – Single-family dwellings  
East – Single-family dwellings  
West – Single-family dwellings

**REPORT:** The property is located off Post Road and Hollywood Drive in the Grandview Hills neighborhood, extending to the north from Post Road, west of properties on Meadowlark Lane, toward but not reaching 10th Street (State Route 45). The property and all surrounding properties are located in the Residential Medium Lot (R2) zoning district. Surrounding properties contain detached single-family dwellings, with a small number of vacant undeveloped lots.

The property is bisected roughly from northwest to southeast by an unconstructed portion of the Hollywood Drive corridor that was shown on an unrecorded plat for Grandview Hills 3rd Addition in 1967. The plat was never recorded, and this portion of Hollywood Drive was never dedicated nor constructed nor accepted as public right-of-way. Because of this history, some maps, including Monroe County Elevate, show a continuation of Hollywood Drive across the property, but those maps are not correct, as confirmed by a letter from the Monroe County Auditor included in the packet. That portion of land remains privately owned and a part of this petition site.

The petitioner proposes to subdivide the property into two lots by separating the land around the existing house at 3615 East Post Road (proposed lot 2) from the remaining land (proposed lot 1). Lot 1 is proposed to contain 3.55 acres with frontage on Post Road and at the stub end of the right-of-way of Hollywood Drive. After subdivision, lot 1 would be vacant land, but could be developed with one detached single-family dwelling or any of the other land uses allowed in the R2 district. In the future, there is the possibility that lot 1 could be further subdivided, but that would require construction and dedication of a public street to provide access to further lots, and the petitioner is

not proposing any such further subdivision at this time.

The existing property contains three locations where the lot fronts on a street. In front of the existing house at 3615 East Post Road, the property has a 149.90-foot frontage on Post Road. This is proposed to become the front lot line of lot 2. A second frontage on Post Road is located where the unconstructed Hollywood Drive corridor forms a “leg” of the property extending southeast to Post Road. This is proposed to become a front lot line of lot 1. The third frontage is located to the northwest, where the existing public right-of-way of Hollywood Drive has a stub end on the property. This is proposed to become a second front lot line of lot 1.

The lot width at the Post Road frontage of the “leg” to the southeast, as measured per the definition of lot width in the Unified Development Ordinance (UDO), is 56.73 feet, which is less than the 60-foot minimum lot width standard in the R2 zoning district. However, the property was granted variance V-12-24 / VAR2024-04-0029 by the Hearing Officer on May 8, 2024 to allow the 56.73-foot lot width on this Post Road frontage. With the variance, the lot width of lot 1’s frontage on Post Road is considered compliant.

The petitioner is requesting four subdivision waivers, and will need two further subdivision waivers. The first request is a waiver from the requirement to provide pedestrian facilities per the Transportation Plan. The Transportation Plan calls for a minimum six-foot-wide sidewalk along Post Road at both the Post Road frontages. No sidewalk or other pedestrian improvements are required across the stub end of Hollywood Drive. The petitioner proposes to leave the two Post Road frontages in their current state, without sidewalks. There are no other existing sidewalks on Post Road, Hollywood Drive, or any of the other streets in the surrounding neighborhood.

The second subdivision waiver request is a waiver from the maximum parent tract size standard. The proposed subdivision is most properly classified as an infill subdivision type because it contains a small number of lots and no new public street or rights-of-way within an existing developed neighborhood. However, the maximum parent tract size for an infill subdivision is three acres. The property contains 4.21 acres, which is more than the maximum allowable parent tract size.

The third subdivision waiver request is to allow side lot lines that are greater than 15 degrees from a right angle to the street. Side lot lines of the existing property at the Post Road frontage of the “leg” to the southeast and at the stub end of Hollywood Drive to the northwest, which will become side lot lines of lot 1, do not meet this standard. Both side lot lines at the “leg” to Post Road are approximately 30 degrees from a right angle to the street, which is more than the maximum of 15 degrees. Additionally, the side lot line immediately south of lot 1’s frontage across the stub end of Hollywood Drive, labelled as L1 on the primary plat, is parallel to the street direction. That is, this side lot line is approximately 90 degrees from a right angle to the street, which is more than the maximum 15 degrees. The angles of these side lot lines are existing features of the property, which would not be possible to alter without acquiring additional land from the abutting developed properties.

The fourth subdivision waiver request is to allow lot 1 to have two frontages, one on Post Road to the southeast and a second on the stub end of Hollywood Drive to the northwest. This means that lot 1 meets the definition of a through lot, which the UDO does not allow except on arterial frontages. Post Road is not an arterial road. Therefore lot 1 is not compliant with this standard and cannot be allowed unless granted a subdivision waiver.

After the final revisions deadline for the July hearing, staff identified two further subdivision waivers that will be necessary for the proposed plat. The petitioner has not yet requested these waivers, because they were not aware of the need previously. The fifth subdivision waiver would be to allow the tree preservation easement for the existing closed-canopy wooded area to be on lot 1, instead of in common area. The UDO requires preserved wooded areas of at least one half acre to be placed in a tree preservation easement, and additionally requires preserved wooded areas of at least one acre within a subdivision to be placed in common areas on separate lots on the plat. The proposed plat preserves existing closed-canopy wooded areas in a 1.32-acre tree preservation easement, but does not create a common lot for this area. Instead, the easement is contained within proposed lot 1.

The sixth subdivision waiver would be to allow lot 1 to have a depth-to-width ratio exceeding four-to-one. The Post Road frontage of lot 1 is 56.73 feet, while the lot depth from the southernmost lot line to the northernmost lot line is approximately 764 feet, for a depth-to-width ratio of more than 13-to-one.

Along with the subdivision waivers, the petitioner is requesting a waiver of second hearing. Any subdivision petition that includes waiver requests is required to be heard at two separate public hearings, unless the Plan Commission waives the second hearing. Staff recommends that the Commission decline the request to waive the second hearing and instead forward the petition to second hearing at the next regularly scheduled Plan Commission meeting on August 12. The references for existing easements and standards for newly created easements are not yet clearly explained in the proposed plat. A drainage report, a drainage plan, and the proposals for utilities easements are under review by the City of Bloomington Utilities Department (CBU), but CBU has not approved the drainage plan or utility easements. CBU has provided a report, which is in the packet. Required street trees are not shown on the plat. Two further subdivision waivers would be necessary in order to approve the proposed plat, and the petitioner has not had an opportunity to formally request those waivers yet. All of these are reasons not to take final action at the first hearing.

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**20.06.060(b)(3)(E) PRIMARY PLAT REVIEW:** The Plan Commission or Plat Committee shall review the primary subdivision 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) (Approval Criteria) and the following standards:

- i. All subdivision proposals shall be consistent with the need to minimize flood damage.
- ii. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards
- iv. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of 50 lots or five acres.
- v. All subdivision proposals shall minimize development in the SFHA and/or limit intensity of development permitted in the SFHA
- vi. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

**PROPOSED FINDING:**

**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:**

**20.06.060(b)(3)(F) Waivers**

Waivers from any standards within Chapter 5 shall be reviewed according to the following criteria:

- i. The granting of the subdivision waiver shall not be detrimental to the public safety, health, or general welfare, or injurious to other property; and
- ii. The conditions upon which the request for a Subdivision Waiver are based are unique to the property; and
- iii. The Subdivision Waiver shall not in any manner vary the provisions of the development standards, Comprehensive Plan, or Transportation Plan, except that waivers related to sidewalks and tree plots in the Transportation Plan may be requested.

**Sidewalk**

**PROPOSED FINDING:**

**Parent Tract Size Maximum**

**PROPOSED FINDING:**

**Side Lot Line Angles**

**PROPOSED FINDING:**

**Through Lot**

**PROPOSED FINDING:**

**No Common Area**

**PROPOSED FINDING:**

**Lot Depth-to-Width Ratio**

**PROPOSED FINDING:**

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**PLAT REVIEW:** The proposed subdivision follows the Infill Subdivision (IS) design standards.

**Infill Subdivision Standards:**

**Parent tract size:** No minimum parent tract size. Maximum parent tract size is 3 acres. The parent tract is 4.21 acres. The petitioner is requesting a waiver to allow the parent tract size to exceed the maximum. A larger parent tract size would be allowed for a subdivision of traditional subdivision type, but the proposed subdivision is most property classified as an infill subdivision type because it contains a small number of lots and no new public streets or rights-of-way within an existing developed neighborhood. The larger tract size

for an infill subdivision in this case is appropriate because of the configuration of the parent tract and its existing frontages as well as the small number of lots (two) contained in this proposal.

**Open space:** Not required. The plat sets aside 1.32 acres within a tree preservation easement as well as an overlapping area of steep slopes within a conservancy easement as required by environmental standards and open space standards in the UDO. The petition will require a subdivision waiver to allow the tree preservation easement to be on lot 1, instead of in common area.

**Lots served by alleys:** Not required. The proposal does not include any lots served by alleys.

**Block length:** Not required. No new blocks are created by the proposal.

**Cul-de-sac length:** Not permitted. No new culs-de-sac are proposed.

**Transportation facilities:** Required to meet Transportation Plan guidance. The Transportation Plan calls for a 60-foot-wide right-of-way for Post Road. The proposed plat dedicates additional new public right-of-way width along both Post Road frontages to bring north side of Post Road up to the proposed width. No new right-of-way width dedication is required on stub end of Hollywood Drive.

**On-street parking:** Not required, but where provided shall comply with City standards. On-street parking is not prohibited on Post Road or Hollywood Drive adjacent to the proposed subdivision. No site improvements for on-street parking are proposed or required.

**Tree plot width:** Required per Transportation Plan. The Transportation Plan calls for a minimum five-foot-wide tree plot along Post Road. No tree plot is required across the stub end of Hollywood Drive.

**Sidewalk/multiuse path width:** Required per Transportation Plan. The Transportation Plan calls for a minimum six-foot-wide sidewalk along Post Road. The petitioner is requesting a waiver so that the Post Road frontages can remain in their current state without sidewalks. No sidewalk or other pedestrian improvements are required across the stub end of Hollywood Drive.

### **Easement Standards:**

**Utility Easements:** The proposed plat references four existing easements for electric pole lines. The plat references one existing utility easement which crosses the site east-west roughly in line with the proposed boundary lot line between lots 1 and 2. The plat also creates four new utility and drainage easements. A 20-foot-wide utility easement is established centered on an existing CBU-owned stormwater line that runs the length of the unconstructed Hollywood Drive corridor across the property. The north end of this utility easement connects to a 25-foot-wide drainage easement, established by the plat to contain the stream that takes the outflow from the CBU stormwater line and a parallel private stormwater line. The drainage easement overlaps with and is completely contained within a conservancy easement and tree protection easement. A 15-foot-wide utility easement is



established along the west side of lot 2 to provide utility access for lot 1. Finally, a 15-foot-wide waterline easement is established along all of the lot line segments on the east side of lot 1, from Post Road to the northeast corner of the property, for an existing CBU-owned 6-inch water line which serves all of the existing houses on the west side of Meadow Lark Lane.

**Access Easements:** The proposed plat references an existing non-exclusive access easement for the Hollywood Drive corridor across the property. The plat also creates an ingress and egress easement at the southeastern end of the “leg” on Post Road, allowing the two abutting properties on either side to across the easement area. The ingress/egress easement legitimizes the access for the existing driveways for these two properties, which connect to Post Road through this area of the property.

**Environmental Easements:** The proposed plat establishes a 1.32-acre tree preservation easement for existing wooded areas at the northern end of the property as well as a conservancy easement, contained completely with the tree preservation easement, for riparian buffers and areas of excessive slope along the stream way in the northwest corner of the property.

#### **Lot Establishment Standards:**

**Lot area and lot width:** In the R2 zoning district, the minimum lot size 7,200 square feet and the minimum lot width is 60 feet. Proposed lot 1 is 3.55 acres (approximately 154,600 square feet) in area with 56.73 feet of lot width on Post Road and more than 60 feet of lot frontage on the stub end of Hollywood Drive. (Per the UDO definition of lot width, lot width is measured not on the front lot line but instead at the minimum front setback distance. Although the undedicated and unimproved corridor of Hollywood Drive is 50 feet wide, the lot width of lot 1’s frontage on the stub end of Hollywood Drive measures far more than 60 feet because the property widens out behind (south of) the front lot line.) Proposed lot 2 is approximately 0.63 acres (approximately 27,400 square feet) in area with 149.90 feet of lot width on Post Road. Although the Post Road frontage of lot 1 is less than 60 feet, this is allowed by variance V-12-24 / VAR2024-04-0029 granted by the Hearing Officer on May 8, 2024. With the variance, the proposed lots comply with standards for lot area and lot width.

**Side lot line angles:** Residential lots are required to have side lot lines that are within 15 degrees of a right angle to the street and right-of-way. Side lot lines of the existing property at the Post Road frontage of the “leg” to the southeast and at the stub end of Hollywood Drive to the northwest, which will become side lot lines of lot 1, do not comply with this standard. Both side lot lines at the “leg” to Post Road are approximately 30 degrees from perpendicular to the street. Additionally, the side lot line immediately south of lot 1’s frontage across the stub end of Hollywood Drive, labelled as L1 on the primary plat, is parallel to the street direction. The angles of these side lot lines are existing features of the property, which would not be possible to alter without acquiring without acquiring additional land from the abutting developed properties. The petitioner is requesting a subdivision waiver to allow these side lot lines to remain. Both side lot lines of proposed lot 2 are compliant with this standard.

**Through lot:** Through lots are not allowed except on arterial frontages. Proposed lot 1 meets the definition of a through lot because it has two frontages, one on Post Road to the southeast and a second on the stub end of Hollywood Drive to the northwest. Post Road is not an arterial road. The petitioner is requesting a subdivision waiver to allow lot 1 to be a through lot.

**Lot shape:** All lots shall be designed with a depth-to-width ratio not to exceed four to one. For lot 1, the Post Road frontage is 56.73 feet, while the lot depth from the southernmost lot line to the northernmost lot line is approximately 764 feet, for a depth-to-width ratio of more than 13-to-one. The petitioner is requesting a waiver to allow the depth-to-width ratio of lot 1 to exceed four-to-one. For lot 2, the frontage is 149.90 feet, while the lot depth is 181.72 feet, for a depth to width of approximately 1.2.

**Lot access:** All new residential lots shall have frontage on a public street right-of-way. Both proposed lots have frontage on Post Road. The proposed plat establishes a 20-foot-wide utility easement centered on an existing CBU-owned stormwater line that runs the length of the unconstructed Hollywood Drive corridor, including the “leg” of the property. The plat also establishes a 15-foot-wide waterline easement for an existing CBU-owned water line running along the east side of the “leg” of the property. These easements prohibit the placement of any obstruction within the easement area unless authorized by CBU, and would give CBU or any other utility the right to remove and not replace driveway paving or any other improvement within the easement area if necessary to access the utility infrastructure. These easements significantly limit, but would not prohibit, the construction or use of an access driveway from Post Road to the remainder of the property.

**Stormwater Standards:** All proposed subdivisions shall provide for the collection and management of all surface water drainage, and all subdivision requests shall include the submittal of a drainage plan to CBU. The petitioner submitted a drainage report to CBU on May 9, 2024, including a proposed plan for no new stormwater infrastructure beyond what already exists on the site. CBU has provided a brief report, explaining what further information is needed for a complete drainage report. The report is included in this packet. CBU has not yet approved the proposed drainage plan.

**Right-of-Way Standards:**

**ROW width:** No new public streets or rights-of-way are proposed. Existing streets are required to meet guidance in the Transportation Plan. Post Road is designated as the Neighborhood Residential street typology in the Transportation Plan, requiring a 60-foot-wide right-of-way (30 feet from centerline). The proposed plat dedicates additional new public right-of-way width along both Post Road frontages to bring north side of Post Road up to the proposed width. No new right-of-way dedication is required on stub end of Hollywood Drive.

**Pedestrian facilities and tree plot:** Public improvements in the public right-of-way, including newly dedicated right-of-way, are required to comply with the standards in the Transportation Plan. Post Road is designated as the Neighborhood Residential street typology in the Transportation Plan. The design parameters in table 5 of the Transportation Plan call for a six-foot-wide sidewalk and a five-foot-wide greenscape (tree plot) between the sidewalk and the curb (or edge of pavement) on Neighborhood Residential Streets. The

petitioner is requesting a subdivision waiver to allow the two Post Road frontages to remain in their current state without sidewalks. Even without sidewalks, there would remain at least five feet of width for a tree plot within the public right-of-way along these frontages.

**Street Trees:** The minimum number of required street trees to be planted shall be one large canopy tree for every 30 feet of property that abuts a public right-of-way. Two large street trees are required along the Post Road frontage of lot 1 and five large street trees are required along the Post Road frontage of lot 2. The proposal does not show any street trees. The plat will have to provide details of species, exact locations, and planting specifications for all required street trees.

**Street Lighting:** No street lighting is proposed.

### **Environmental Considerations:**

**Steep Slopes:** The site contains steep slopes of 25 percent and greater along a stream way in the northwest corner of the property as well as slopes between 12 percent and 25 percent elsewhere on proposed lot 1. Indiana Public Law 52 of 2024, known as HB 1108 before enactment, which came into effect on July 1, 2024, prohibits jurisdictions from preventing development exclusively on the basis of slope if slope is less than 25 percent. In accordance with this state law and the excess slope provisions of the UDO, the proposed plat places all areas with 25 percent or greater slope, and only areas with 25 percent or greater slope, in a conservation easement. The conservation easement overlaps with the tree and forest preservation easement and also serves as an easement for the required riparian buffer.

**Tree and forest preservation:** The site contains approximately 1.64 acres of existing closed canopy wooded area, constituting 39 percent of the total area of the property. For a baseline canopy cover of 20 to 39 percent, at least 80 percent of the existing canopy cover must be preserved. At least 1.31 acres of wooded area must be preserved within a tree preservation easement. The proposed plat establishes a 1.32-acre tree preservation easement for existing wooded areas at the northern end of the property. The tree preservation easement overlaps with the conservancy easement established for excessive slopes.

**Riparian Buffers:** The site contains a stream in the northwest corner of the property, running south to north. The stream takes surface flow from both the CBU-owned stormwater line running along the unconstructed portion of the Hollywood Drive corridor and a parallel stormwater, as well as ground water flow from sounding land to the south. The required riparian buffer for this stream is contained within the conservancy easement established for the excessive slopes along the stream way.

**Others:** There are no known karst features or wetlands on the site.

**Utilities:** Lot 2 has existing water and sanitary sewer service from mains running under Post Road. Lot 1 will have access to the existing public 6-inch water main that runs along the east side of the property. In addition, the proposed plat establishes a new utility easement along the west side of lot 2, providing access for lot 1 to the water and sanitary sewer mains running under Post Road. After secondary plat approval and recording, CBU approval will be required before any permits for development on lot 1 are issued.

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**CONCLUSION:** The proposed primary plat, with requested waivers and specific revisions, can meet all of the requirements of the UDO. Although the two-lot subdivision will result in a small change, it sets the stage for a future thoughtful use of this large property within a developed neighborhood.

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**RECOMMENDATION:** The Planning and Transportation Department recommends that the Plan Commission forward this petition to the required second hearing on August 12, 2024.

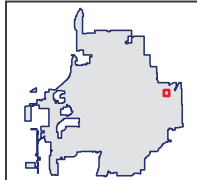


**Map Legend**

- Parcels
- Buildings
- Pavement

- Parking Lot Type**
- Paved Parking Lot
  - Current

- Mixed-Use Corridor
- Mixed-Use Student Housing
- Residential Medium Lot





**Map Legend**

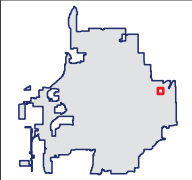
- Parcels
- Contributing
- Notable

- Pavement

**Parking Lot Type**

- Paved Parking Lot
- Current

- Zoning District Boundary





Eric L. Deckard, LS

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1604 S. Henderson St.  
Bloomington, IN 47401  
Ph. 812.961-0235  
Fax 812.323-7536

June 7th, 2024

To: Members of the Plan Commission:

RE: Myers Minor Subdivision

I have been asked by Sherry Myers to request several waivers for the project located at 3615 E. Post Road.

The waiver requests and statements are discussed below.

### **1). Request: Sidewalk Waiver**

**Petitioner's Statement:** The property is located at 3615 E. Post Road, Bloomington, IN 47408. No sidewalks exist in the area and the construction of future sidewalks in the area is improbable. This requirement would create a stretch of sidewalk that is +/- 150.00 long with a gap of +/- 130.00 feet along the adjoining property (Harris) and another stretch of sidewalk that is +/- 58.00 feet long with no extension to other walkways in the area. We respectfully request consideration by the Plan Commission to grant a Sidewalk Waiver for Lot 1 and Lot 2 along E. Post Road.

### **2). Request: Maximum Parent Tract Size Waiver**

**Petitioner's Statement:** The subdivision that is being proposed is an Infill Subdivision. The maximum parent tract size for this subdivision is 3.0 acres. The parent parcel in the proposed Myers Minor Subdivision is 3.55 acres after right-of-way dedication. Other than the parent tract size exceeding the maximum requirement by 0.55 acres, the property in question best fits the classification of "Infill Subdivision" per UDO section 20.05.030(a). We respectfully request consideration by the Plan Commission to grant a Maximum Parent Tract Size Waiver for Lot 1 (parent tract).

### **3). Request: Side Lot Line Angle Waiver**

**Petitioner's Statement:** The subject property (Lot 1) has lot lines that extend to both Hollywood Drive and Post Road. The lot lines that border these above-mentioned roads do not meet the standard of side line lots that are within 15 degrees of a right angle to the street and right-of-way (UDO section 20.05.050(e)(1)(B)). The side lot lines in question are pre-existing and were not

created in this plat. Due to pre-existing configuration of the subject property, we respectfully request consideration by the Plan Commission to grant a Side Lot Line Angle Waiver for Lot 1.

#### **4). Request: Through Lot Waiver**

**Petitioner's Statement:** The subject property (Lot 1) has frontage on public right-of-way at Post Road and Hollywood Drive, thus creating a "Through Lot". The configuration of the subject property would have to drastically change to not create said "Through Lot". These drastic changes would create lots that are not the intentions of the property owner. We respectfully request consideration by the Plan Commission to grant a Through Lot Waiver for Lot 1.

If there are any questions, please contact this office at (812) 961-0235

Sincerely,

Eric L. Deckard L.S.





Gabriel Holbrow <gabriel.holbrow@bloomington.in.gov>

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## Myers Minor Subdivision

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**Zach Waggoner** <zach@deckardlandsurveying.com>  
To: Gabriel Holbrow <gabriel.holbrow@bloomington.in.gov>

Wed, Jul 3, 2024 at 9:21 AM

Gabriel,  
At the request of our client, Sherry Myers, we would like to request a waiver of the second hearing.

--

Best,

Zachary Waggoner

Project Manager

*Deckard Land Surveying, LLC.*

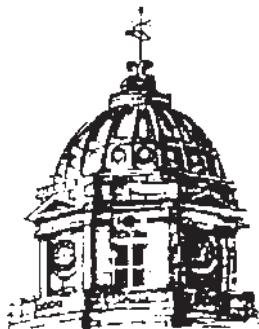
1604 S. Henderson St.

Bloomington, IN 47401

Ph. 812.961.0235

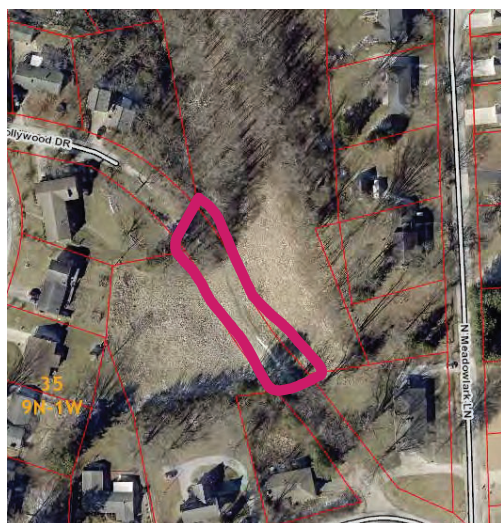
**Brianne Gregory**  
**Monroe County Auditor**

100 W Kirkwood Ave  
Courthouse, Room 209  
Bloomington, IN 47404  
Office (812) 349-2510  
March 5, 2024



To whom it may concern,

On Elevate for Monroe County, there are parcel lines drawn for what appears to be at one time planned roadway for Hollywood Dr through the parcel located at 3615 E Post Rd connecting E Hollywood Dr to E Post Rd and these lines currently reflect as “roadway” within the subdivision roadways of the area.



These lines for this specific area are based on documents presented to the Auditor’s Office from a 1967 unrecorded plat (attached) for Grandview Hills 3<sup>rd</sup> Addition. Since this unrecorded plat, we find any further additions, amendments or subdivisions addressing the roadway aside from the survey included in the 2012 and 2015 deeds for 3615 E Post Rd in which it reflects as a 50 ft nonexclusive easement and a 2023 deed in which the previous owner quit claimed any interest in unimproved roadway for Hollywood Dr. To the best of my knowledge, aside from the previously mentioned documentation-there is no dedicated, deeded, or platted roadway and the GIS for this area is reflecting what was intended per the 1967 unrecorded plat.

If you have any questions at all, please let me know.

Warm regards,

Stephanie Carter  
Property Director  
[scarter@co.monroe.in.us](mailto:scarter@co.monroe.in.us)  
812-349-2839



Summary of City of Bloomington Utilities Review of Proposed Plat #DP-17-24,  
PLAT2024-04-0026:

Drainage Calcs - The provided drainage calculations are not sufficient for CBU's review. The provided calculations included only the existing conditions of the watershed running through the proposed subdivision and up to the existing culvert north of the site.

Under the current CBU Stormwater Design Manual requirements, the drainage report must show that the pre-civilization peak runoff is equal to or less than the peak runoff of the post-developed site. Pre-civilization is defined as what the landscape would have been like prior to any human disturbance, generally, this is considered to be forest or prairie land, not what the conditions of the site looked like immediately prior to the proposed subdivision.

In this case, since there are no plans for development on the proposed parcels, the post-developed site conditions can be calculated by assuming the highest allowable amount of impervious surfaces (per zoning district defined in the UDO) will be built on the parcels.

Easements - The 25' access easement is not necessary over the 25' drainage easement. However, an access easement is needed to reach the drainage easement from the public right-of-way.

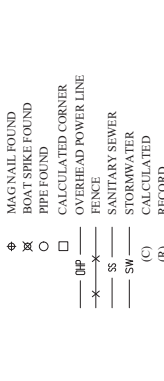
CBU asks to be named as a grantee on the access easement located on at the southern end of the unimproved portion of Hollywood Drive at Post Road.

The utility easement that is primarily located within the unimproved portion of Hollywood Drive should be exclusive to CBU.

Gabriel Holbrow has noted the conflict between the drainage easement and the conservancy easement. The resolution should be to adjust the conservancy easement so that the easements do not overlap. CBU must retain the right to construct drainage facilities.



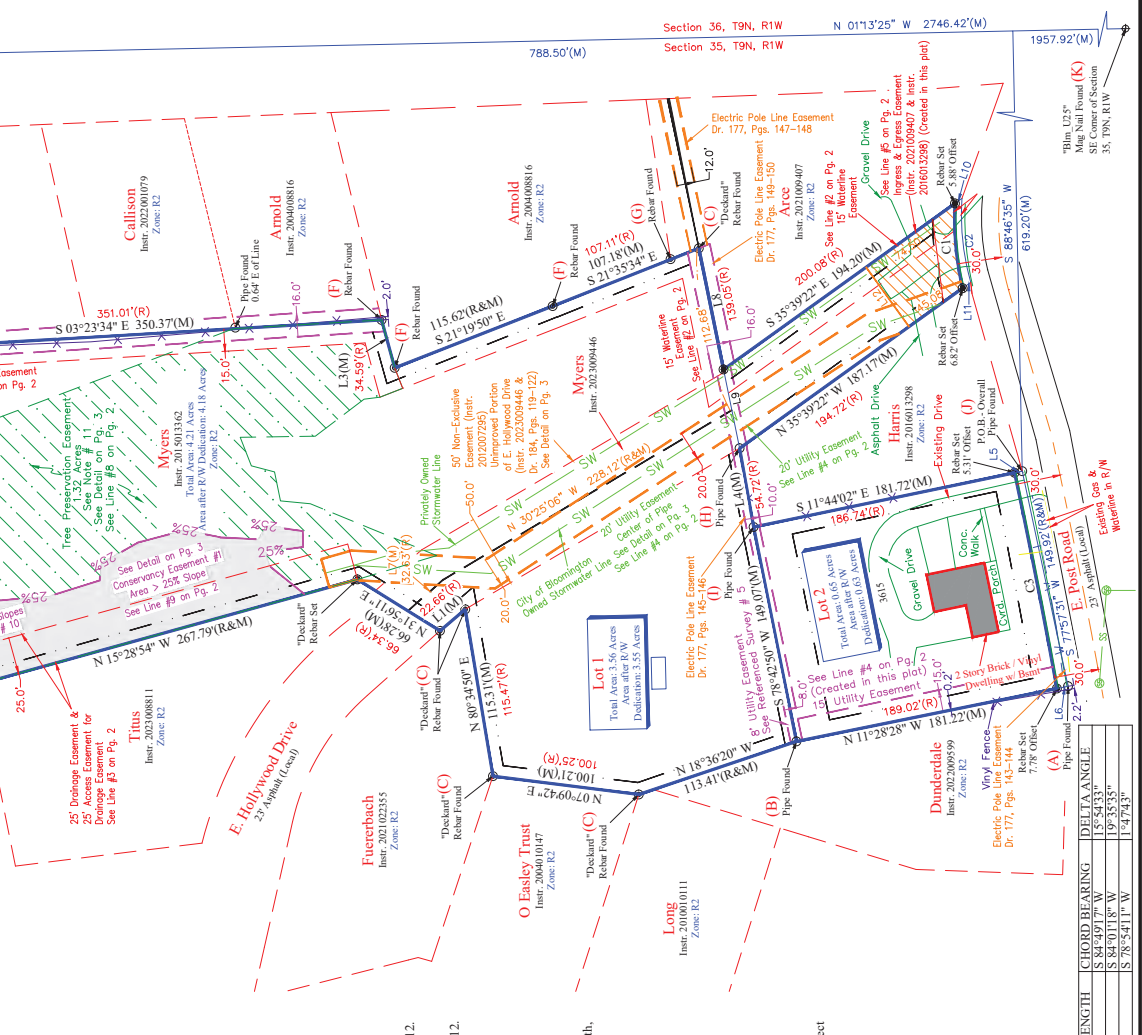
MYERS MINOR SUBDIVISION - PRIMARY PLAT  
A PART OF THE NORTHEAST QUARTER AND A PART OF THE  
SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 1  
WEST MONROE COUNTY, INDIANA



**SETBACK TABLE**

Front - 15 Feet on the median front setback of the lot from the front lot lines, where there is less than 100 feet of front lot width. Corner: 25 Feet  
Side - First Floor: 5 Feet  
Each Story above the Ground Floor: 10 Feet  
Rear - 25' for Residential/ Accessory Structures  
ZONE: RESIDENTIAL (R2)

LINE	BEARING	DISTANCE
L.1	N 40°24'17" W	22.66'
L.2	S 43°43'00" W	33.34'
L.3	S 79°53'28" W	54.56'
L.4	S 11°44'02" E	5.31'
L.5	N 11°26'28" W	7.78'
L.6	N 41°25'28" W	32.21'
L.7	S 82°30'43" W	84.39'
L.8	S 15°39'22" E	5.88'
L.9	N 35°39'22" E	6.82'
L.10	N 54°20'38" E	50.00'



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