City of Bloomington Indiana

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To: **Council Members**
From: **Council Office**
Re: **Weekly Packet Memo**
Date: **October 15, 2004**

Packet Related Material

Memo
Agenda
Calendar
Notices and Agendas:
Notice of Special Committee of the Whole on Wednesday, October 20th, 2004
(Immediately After the Regular Session)
Legislation for Discussion/Final Action:
Res 04-20 In Support of the Downtown Bloomington Commission's Application for the 2005 Great American Main Street Award

- Letter from Talisha Coppock, Executive Director, Downtown Bloomington Commission

Contact: Mike Diekhoff 349-3409 or diekhofm@bloomington.in.gov
Legislation and Background Material for First Reading:
App Ord 04-07 To Specially Appropriate from the General Fund, Sanitation Fund and Telecommunications Non-Reverting Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the General Fund – Animal Care and Control Department for Medical Supplies; Appropriating Funds from the Sanitation Fund for Landfill Fees; and Appropriating Funds from the Telecommunications Non-Reverting Fund for a Grant, to Hire a Consultant, to Install Fiber Optic Cable between the Animal Shelter and the Sanitation Building, and to Transfer Funds to the General Fund)

- Memo from Susan Clark, Controller; Memo from Laurie Ringquist, Director of Animal Care and Control; Memo from Julio Alonso, Director of Public Works (Landfill Fees); Memo from Greg Volan, Director of Information and Technology Services; Balance Sheet for Telecommunications Fund

Contact: Susan Clark at 349-3416 or clarks@bloomington.in.gov

Ord 04-30 To Vacate a Public Parcel - Re: A 12-Foot Wide Right-of-Way Between Dunn Street and Indiana Avenue Running North of Thirteenth Street for 132 Feet (PSI Energy, Inc, and a Wholly Owned Subsidiary Known as South Construction Company, Petitioners)

- Map of Vacated Property and Surrounding Area; Legal Description; Memo from Lynne Friedmeyer, Zoning and Enforcement Manager; Petition; Letter from Petitioner; Map and Site Plan; Development Review Transmittal

Contact: Lynne Friedmeyer at 349-3529 or friedmel@bloomington.in.gov

Ord 04-31 To Vacate a Public Parcel - Re: A 12-Foot Wide Improved Alley Running Between 307 and 317 East Second Street from East Second Street to the First Alley North of the Street (The Trustees of Indiana University, Petitioner)

- Map of Vacated Property and Surrounding Area; Legal Description; Memo from Lynne Friedmeyer, Zoning and Enforcement Manager; Petition; Letters from Petitioner; Letters and Responses from Utilities; Memo from Historic Preservation Commission

Contact: Lynne Friedmeyer at 349-3529 or friedmel@bloomington.in.gov

Ord 04-32 To Amend the Bloomington Zoning Maps from PUD and RM7 to PUD and to Amend the Preliminary Plan for the Century Village 2 Planned Unit Development (PUD) - Re: 300 S. State Road 446 (Bill C. Brown, Petitioner)

- Certification; Maps of Surrounding Area and Site; Memo from James Roach, Senior Zoning Planner; Revised Plan Statement; Revised Site Plan; Map of Access Points; Map of Pedestrian Routes; Storm Water Management Statement; Map of Utilities; List of Existing and Proposed Uses; Staff Report for September 9th Hearing; EC Report; BPSC Report; Greenways Map; Transit Routes; Letter from the Convention and Visitors Bureau; Staff Reports for the August 13th Hearing; EC Report; BPSC Report; Excerpts from the GPP including the principles of Compact Urban Form and Mitigating Traffic and two critical subareas – Urban Residential and Community Activity Centers

Contact: James Roach at 349-3527 or roachja@bloomington.in.gov

Ord 04-33 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection " to Establish a Historic District - Re: Hitching Posts at 416 East Fourth Street and 615 West Sixth Street (Bloomington Historic Preservation Commission, Petitioner)

- Report from Nancy Hiestand, Housing Coordinator; Maps and Photographs of these Objects

Contact: Nancy Hiestand at 349-3507 or hiestann@bloomington.in.gov

Minutes from Regular Session:

None

Memo

Chair of Meeting: Gaal

Regular Session Immediately Followed by a Committee of the Whole on Wednesday, October 20th

There is one resolution ready for final action and five ordinances (including one appropriation ordinance) ready to be introduced at the Regular Session next Wednesday evening. And, in order to make better use of the evening, there will be a Special Committee of the Whole after the Regular Session to discuss two of those ordinances. All of these pieces of legislation and the background material can be found in this packet beginning with the resolution and followed by the ordinances in numerical order.

Regular Session on Wednesday, October 20th

Items Ready for Final Action

Res 04-20	Supporting Downtown Bloomington Commission's Application for 2005 Great American Main Street Award

Items Ready for Introduction

App Ord 04-07	Appropriating from the General Fund, Sanitation Fund, and Telecommunications Non-Reverting Fund Monies Not Otherwise Appropriated
Ord 04-30	Vacating an Unimproved Alley East of PSI Power Station on 13th and Dunn Streets
Ord 04-31	Vacating an Improved Alley Running Between the Wiley House Museum and Annex in a North/South Direction from East Second Street to the First Alley North of the Street
Ord 04-32	Amending the Preliminary Plan for the Century Village PUD in Order to Expand the Site, Modify the Development Standards, Extend Design Restrictions, and Add to the List of Permitted Uses

Ord 04-33 Designating Limestone Hitching Posts at 416 East Fourth Street and 615 West Sixth Street as Historic Objects

Committee of the Whole on October 20th

Items Ready for Discussion

App Ord 04-07 Appropriating from the General Fund, Sanitation Fund, and Telecommunications Non-Reverting Fund Monies Not Otherwise Appropriated

Ord 04-33 Designating Limestone Hitching Posts at 416 East Fourth Street and 615 West Sixth Street as Historic Objects

Final Actions

Item One - Res 04-20 Supporting Downtown Bloomington Commission Application for Great American Main Street Award

Res 04-20 is the sole item ready for final action next Wednesday. It is sponsored by Councilmember Diekhoff and supports the Downtown Bloomington Commission's application for the 2005 Great American Main Street Award. The Great American Main Street Award is offered by the National Main Street Center and recognizes communities who have achieved extraordinary success in revitalizing their downtowns using the Main Street Approach. The Main Street Approach includes simultaneous work in the areas of promotion, economic viability, design and organization. In order to submit its application (and be perhaps one of the five communities to receive the award), the Downtown Bloomington Commission needs an action of the Council. Winners enjoy wide-spread recognition and $2,500 toward further revitalization efforts.

First Readings

Item One - App Ord 04-07 – Appropriating from the General Fund, Sanitation Fund, and Telecommunications Non-Reverting Fund Monies Not Otherwise Appropriated

App Ord 04-07 appropriates approximately $110,221 from the General Fund, Sanitation Fund, and Telecommunications Non-Reverting Fund for various purposes which are briefly summarized below based upon memos from the Controller and departments which are enclosed with this packet.

General Fund – Animal Care and Control - $5,643

This ordinance appropriates $5,643 received by the Animal Care and Control department from Petsmart as part of a dog adoption program (known as Rescue Waggin'), where local, healthy dogs and puppies are transported to the Wisconsin Humane Society for adoption. As a partner in this program, Petsmart reimburses the City $27.80 per animal for the treatment and testing done here to ready the dogs for adoption. The appropriation represents the reimbursements through August.

Sanitation Fund – Line 53950 (Landfill Fees) - $40,000

This ordinance appropriates $40,000 from the Sanitation Fund for landfill fees for the remainder of the year. Increased tonnage, tipping fees, and other costs necessitate this appropriation.

Telecommunications Non-Reverting Fund - $64,577

This ordinance appropriates $64,577 from the Telecommunications Non-Reverting Fund for four purposes which are briefly noted below:

$15,000 to HoosierNet for Improved Video Streaming Services

HoosierNet records and transmits our meetings over cable services and the internet. Five years ago the City helped fund the video server that made the video-streaming over the internet possible. This appropriation will help purchase equipment that will allow HoosierNet to:

- Archive all city meetings online for a period of five years (rather than one month); and

- Improve the quality of the image.

$41,200 for Consultant to Prepare Strategic Plan for the BDU

The Bloomington Digital Underground (DU) Advisory Committee has recommended that the City contract with InfoComm Systems, Inc. to prepare a strategic plan for the City's fiber optic network in accordance with a proposal submitted by that company this August. In essence, the plan will identify strengths and weaknesses in the community's fiber optic assets, set goals for optimizing use of these assets, and propose a plan for reaching them. At approximately 3.4% of total investment of $1.2 million, the background memo argues this is a reasonable cost for optimizing use of these assets.

$3,500 for Connecting Animal Shelter to the Sanitation Department

The Animal Shelter and Sanitation Department currently do not have high-speed access to the City's computer network. This appropriation will connect the two by cable and purchase the equipment to activate the connection. The next step would be to connect them – by a cable or wireless system - to the City's fiber network.

$4,877 to Reimburse General Fund for Telecommunications Expenditures

The ITS department used $4,877 of General Fund monies this year towards the purchase wireless and T-1 equipment to connect certain city facilities. This expenditure would ordinarily come out of the Telecommunications Non-Reverting Fund and this ordinance, in a sense, returns those monies to the General Fund.

Items Two (Ord 04-30) and Three (Ord 04-31) –
Vacating the Unimproved Alley Immediately East of the PSI Power station
at 13th and Dunn Street and
the Alley Between the Wiley House Museum and Annex
at 307 – 317 East Second Street

There are two ordinances being introduced next week that vacate right-of-ways. **Ord 04- 30** would vacate the unimproved alley immediately east of the PSI power station at 13th and Dunn Street and **Ord 04-31** would vacate the alley immediately east of the Wiley House on East Second Street. The following paragraphs explain the state and

local procedures for vacating right-of-ways and are followed by summaries of each of these proposals.

General Procedure Vacation Procedures

Vacations of right-of-ways are governed by specific statutory procedures. Those procedures are found at I.C. 36-7-3-12 et seq. and begin with the petitioner filing an application with the Council. The Clerk must assure that owners of property abutting the right-of-way are notified by certified mail of the proposed action and must also advertise the hearing where the public can offer its comments and objections against the ordinance to the Council (November 3rd). According to statute, the grounds for remonstration are limited to questions of access and the orderly development of the area. In the event the ordinance is adopted by the Council, then the Clerk must file a copy of to the County Recorder (for recording) and County Auditor.

In Bloomington, we begin with a pre-petition application submitted to the Planning Department. Staff reviews the request and notifies all the utility services, emergency services, and the Board of Public Works of the proposed action. After receiving the responses and evaluating the proposal in terms of local criteria, they prepare a report and an ordinance for the Council Office. The City Clerk then assures that an ad is placed in the paper and that the abutting property owners have been notified. Please note that the vacation of a right-of-way or easement extinguishes the City's interest in the property and has the effect of splitting the right-of-way between the adjacent owners. The following paragraphs summarize the application of the local criteria to these proposals as presented in reports and background material provided by Lynne Friemeyer, Zoning and Enforcement Manager.

Item Two - Ord 04-30 Vacating an Unimproved Alley East of PSI Power Station on 13th and Dunn Streets

The application indicates that PSI desires to vacate this half block of unimproved alley in order to expand its substation and thereby provide more electrical power to the north side of Bloomington and Indiana University.

Description of Vacated Property. This ordinance would vacate a portion of:

- An unimproved 12-foot wide right-of-way between Dunn Street and Indiana Avenue running north of Thirteenth Street for 132 feet.

Please note that there is a legal description of these right-of-ways set forth in the ordinance and a map that is attached to it.

Current Status - Access to Property. The alley has not been improved and does not provide access to any parcels.

Necessity for Growth
Future Status (Utilities) - All of the utilities have been contacted and only one uses or intends to use the alley in the future. SBC Ameritech currently uses the alley for phone lines and the owners have agreed to provide an easement for these phone lines.

Private Utilization - PSI and a wholly owned subsidiary known as Southern Construction Company own the abutting parcels and intend to use the alley to expand the power substation currently on the west side of it.

Compliance with regulations – Utility substations and transmission lines are allowed in this RM15/PRO20 zoning district upon the filing of a permit. In this case, the code would require the installation of sidewalks and landscaping along the streets bordering this project.

Relation to City Plans – This site is within the Core Residential Area where the GPP encourages steps to preserve the capacity of aging utilities and recommends the installation of urban amenities at the time of their installation.

Approvals and Recommendation

The staff report found that the right-of-way is not needed for public access and that its intended use complied with the zoning ordinance, and favors the vacation.

Item Three - <u>Ord 04-31</u> Vacating an Improved Alley Running Between the Wiley House Museum and Annex in a North/South Direction from East Second Street to the First Alley North of the Street

The Trustees of Indiana University have requested the vacation of a 12-foot alley running between the Wiley House and Wiley House Annex (317 and 307 East 2nd Street) in order to demolish the annex and construct an administrative and learning center. A stone wall and foot path will replace the annex and the new building will be located along the alley to the north and look like the carriage house which formerly occupied a portion of the old homestead. In a series of letters to the Plan

Staff, the Manager of Operations and Research at IU Real Estate indicated that these changes would:

- Improve and increase programs at the museum (including more school programs);
- Offer a place of clubs to meet as well as lectures and workshops to be held; and
- Revitalize the site in a manner that complements its historic character (Note: it is on the National Register and the Historic Preservation Commission approved the proposal).

Current Status – Access to the Property. The Wiley House and Annex are located at the south west corner of the block which is bordered by Smith Avenue on the north, Grant Street on the east, Second Street on the south, and Lincoln Street on the west. There are two alleys which run in an east/west direction through this block and one alley which runs in a north/south direction and is improved for the southern ¾'s portion. This request would vacate that alley from 2nd street to the first alley north of it (approximately 197'). The two apartment buildings north and east of the Wiley property will continue to have access via the two remaining alleys and school children will, in all likelihood, continue to be dropped off on 2nd Street in front of the museum.

Necessity for Growth of the City.

Future Status (Utilities) - Gas, electric, phone and cable utilities are currently located within the right-of-way and Indiana University has agreed to grant easements for existing infrastructure or incur the costs associated with relocating them (see letter dated 9/15/04).

Private Utilization – Indiana University owns the four parcels on the east and west of this alley. Once the alley was vacated, IU would demolish the annex, install a stone wall along 2nd Street and a new footpath to the Wiley House, and construct a barn-like "carriage house" along the rear alley that would serve as the administrative and learning center for the museum.

Compliance with Regulations - The staff report indicates that the proposal complies with local regulations.

Relation to Plans – This site is within the Core Residential area where: alleys are recognized as an important part of the grid system, neighborhood character should be preserved, utilities should be buried, and parking be provided along the alleys.

Discussion and Recommendation - Staff found that the project will:

- enhance the mission of the museum,
- add to the community's amenities,
- preserve community character (despite the demolition of a historic building which is supported by the Historic Preservation Commission), and
- not adversely affect any of the utilities currently using this right-of-way

and, accordingly, recommended approval of the vacation.

Item Four - Ord 04-32 - Amending the Preliminary Plan for the Century Village PUD in order to Expand the Site, Modify the Development Standards, Extend Design Restrictions, and Add to the List of Permitted Uses

Ord 04-32 amends the Preliminary Plan for the Century Village PUD in order to double its size, modify the development standards, extend design restrictions, and add to the list of permitted uses.

Century Village PUD. The Century Village PUD is located at the corner of East 3rd Street and South SR 446. It was approved almost 30 years ago and bears a distinctive "Colonial Williamsburg" style, which can be identified by the pitched, cedar shake roofs and the brick or wood lap siding. The site currently contains the Century Suites Hotel, Chapman's Restaurant, the Bill C. Brown offices, two radio transmission towers, and about 1.8 acres of vacant or undeveloped land on the east.

Surrounding Uses at a Clockwise Glance. The site is surrounded by Morningside Drive and Commercial Uses on the north, large single-family lots on the east, multifamily projects including Knightridge Manor and Sterling University Glen on the south / southwest, and office and restaurant uses on the west.

Expanding the PUD. The ordinance expands this PUD from 6.21 to 13.72 acres by taking 4.24 acres from the Baker/Stevens PUD on the west and 3.27 acres of RM7 land on the south. The PUD on the west may currently be used for a hotel as well as retail and office uses, and the land on the west is zoned for multifamily residential (RM7) with a maximum of about 29 units.

Growth Policies Plan (GPP). The staff materials discuss this PUD in the context of two "critical subareas" and two guiding principles in the Growth Policies Plan (GPP).

The two critical subareas include the northern portion of the expanded PUD – which is identified as a Community Activity Center (CAC) - and the newly acquired RM7 portion on the south – which is identified as an Urban Residential (UR) area.

The CAC is the City's mid-level commercial center which is expected to draw cars from throughout the community, but still attract pedestrians from nearby areas. With that in mind, the GPP recommends that we:

- limit commercial, retail and services uses to a medium scale;
- require good access to public transit and the greenways systems;
- take numerous steps to maximize pedestrian use of the site;
- place residential uses on second floors, in the center of the development, and away from the traffic corridors;
- offer more intense residential or commercial uses in order to gain more open space;
- restrict street cuts and construct buildings close to the roadway; and
- bury utilities

The Urban Residential Area is the largest residential category within the City, covering all the residential areas outside of the core with densities of 2 to 15 units per acre. Future development in this region is divided into large sites known as Urban Growth Areas where more intense and mixed uses are appropriate, and small sites known as Neighborhood Conservation Areas where new development should respect the character and pattern of development of the surrounding neighborhood. It appears that the Plan staff and Commission viewed this parcel as part of the Urban Growth Area where the GPP recommends that we:

- provide marginally higher densities while preserving environmentally-sensitive features and accounting for the adjacent existing neighborhoods and the capacity of existing infrastructure;
- incorporate mixed residential densities, housing types, and non-residential services when supported by adjacent land use patterns;
- optimize all pedestrian, bicycle, and vehicular connections within and to the areas right by the site;
- promote new centers within the site with usable and accessible public space and amenities; and
- bury utilities.

Along with the above "critical subareas" the Plan Department materials also applied two guiding principles – compact urban form and mitigating traffic – to this project. The report indicates that the principle of compact urban form generally favors the

redevelopment of existing commercial property over the creation of new commercial property at the periphery of the community. It also indicates that the principle of mitigating traffic promotes access to commercial centers and higher density residential uses by transit, bicycle, and pedestrian facilities.

On the whole, the Commission found that this project was an expansion of an existing, successful commercial development with rigorous design and site planning restrictions and was supported by the surrounding high density and non-residential uses.

Proposed Uses and Intensity of Uses. The revised Preliminary Plan combines uses from the Century Village and Baker/Stephens PUDs and introduces some more up-to-date definitions. The report sets forth these uses and is accompanied by a table which lists the uses in the two PUDs as well as the revised Preliminary Plan.

For a sense of the scale of the new uses within this PUD, please note that the petitioner's statement indicates that the first floor gross square footage will almost triple from 30,700 to approximately 115,700 s.f. without regard to the space for residential uses on the upper floors. And, the traffic levels generated by the existing and proposed uses are estimated to increase from 2,722 to 4,932 trips per day. (See the August 13th Staff Report)

Here are some highlights of the changes:

Use	Existing Uses in the Century Village and Baker/Stephens PUD's and the RM7 land.	Revised Preliminary Plan:
Residential	The 4.27 acres of RM7 land would permit 29 units which have not been built.	Permits up to 50 dwelling units on the upper floors of the center buildings. Also permits one single-family dwelling for manager.
Hotels	There is one existing hotel in the Century Village PUD and another permitted, but as yet unbuilt hotel in the Baker/Stephens PUD.	Permits one new hotel with 102 rooms.
Restaurants	The Century Village PUD currently has Chapman's Restaurant with 10,000 s.f. and the Baker/Stephens PUD also has Ryan's Steak House.	Permits two new sit-down restaurants. One may not exceed 5,000 s.f. Both may have a carry-out window in back, but

		without an encircling carry-out lane. Defines "limited service" restaurant as one with no more than 5,000 s.f., no delivery service and no drive-through window.
Brew Pub	None	Permits this use with at least 50% of the floor area committed to a restaurant/tavern use.
Bank	The Baker/ Stephens PUD permits one 'branch bank.'	Permits one bank with no more than drive-through lanes that must be located away from the public street.
Offices	The Century Village PUD allows for professional and administrative offices and the Baker / Stephens PUD allows for professional and medical offices.	Permit both professional and medical offices
Retail	Both PUD's allow for a variety of retail uses which may not exceed 3,000 s.f. in size.	Permits retail use on the first floor. One anchor retail use may be as large as 10,000 s.f.; the remaining ones must be no larger than 5,000 s.f. per user.
Assisted Living Facility	None	Permits this use and defers its definition to the final plan stage (when the new zoning ordinance may have resolved this issue).
Day Care Centers	None	Permits this use.

Maximum Building Size. Most of the buildings within the current PUD are under 3,000 s.f. The petitioner intends to construct buildings with footprints of 3,000 to 10,000 s.f. and has committed that, aside from the hotel and assisted living facility, none of the buildings will have footprints larger than 15,000 s.f.

Height, Bulk, and Density Standards. This PUD will follow all the development standards for a Limited Commercial (CL) zoning district, except those relating to the height of the buildings. (See BMC 20.07.07.05) In that regard, the hotel may be as high as 50 feet (four stories), but the other buildings may be no taller than three stories.

Architecture and Signage. This PUD will extend the 'Colonial' or 'Williamsburg' style into the newly developed areas and apply it all sides of the buildings. This entails sidings made of brick, wood lap, or fiber cement, and steep roofs shingled with cedar shake. Please note, however, that the hotel will have a metal roof.

The petitioner will remove two large non-conforming signs at the time of the first final plan and erect new ground signs that comply with code. Hanging signs with a maximum of 9 s.f. will be allowed to complement the village style buildings.

Access, Connectivity, and Pedestrian Facilities. This PUD will have vehicular access from all four directions. The main entrance onto East 3rd Street on the north will be realigned with Morningside Drive at the time of the first final plan and take the form of a boulevard. The two existing drives onto South SR 446 will handle traffic coming in as well as out of the site (one currently only handles traffic exiting the site). An additional, narrow access will connect the new hotel to Knightridge Manor. (See letter from the Convention and Visitors Bureau opposing this link.) And, a new internal drive will connect with the Montauk Point office complex on the east.

There will be an 8-foot side path running along East 3rd Street. Due to a guard rail and large ditch running south of the South SR 446 intersection, the Plan Commission approved a sidewalk within the boulevard entrance on 3rd Street that will eventually connect with a sidewalk on SR 446 which will run to the southern boundary of the PUD.

Bicycle and Pedestrian Safety Commission (BPSC) Recommendations. In its September 13th Report to the Plan Commission, the BPSC acknowledged the improvements in the plan, but still recommended that the petitioner:

- install bicycle and pedestrian facilities in conformance with AASHTO standards;
- design sidewalks so that they more effectively facilitate the flow of pedestrian traffic within the site;
- install a sidepath from the corner of East 3rd Street south along South SR 446 by removing the guardrail (which requires state approval) and by either piping the large drainage ditch or by following its eastern bank; and
- petition the state to make this a pedestrian-friendly intersection.

Parking. The Plan Commission set the maximum number of parking spaces at 4.5 spaces per 1,000 s.f. of first floor space. No parking requirements were required for the upper floor residential units on the theory that those residents will use the parking spaces at night when they are not being used by the retail customers.

Open Space and Tree Preservation. The petitioner intends to duplicate the common green on the east with a new, smaller one on the west which will also serve as an 'active plaza' with brick and paved surfaces. The total greenspace, including the two greens, detention basins, setbacks and other open areas, will amount to 4.8 acres or about 34% of the site. This amount is less than the 41% greenspace in the existing PUD, but about the 35% of open space required for a residential PUD and much more than that required for a commercial PUD.

There are about 1.5 acres of poor quality trees that are clustered in two areas on this site. Some of the trees in one of these areas (a detention basin) will be preserved, but the trees in the other area will be removed. Petitioner will replace these trees with native species specified by the City's arborist, but estimates that it will take 20 - 25 years to restore the lost canopy.

Environmental Commission Recommendations. In its September 13th memo to the Plan Commission, the Environmental Commission narrowed its concern to two issues. First, it recommended that the petitioner plant more trees in order to restore the lost canopy sooner than the 20 – 25 years it would take under the current proposal. Second, it recommended abandoning the building forward plan because it would provide a better transition to more wooded areas east of town and adding a tree buffer on the southwest corner of the site.

Utilities. The staff report indicates that the Utilities Department has approved the concept for water, sewer, and storm water facilities. Portions of the sewer and water lines will need to be relocated and extended. The sewer system will continue to require a lift station to move waste towards the west. The storm sewer system will include oversized underground pipes that hold water for a slow release into two water quality basins and filtration swales. (See explanation in Petitioner's materials.)

Petitioner's Development and Enforcement History. For perhaps the first time a petition coming to the Council, the Staff Report includes a review of the petitioner's developments in order to discover any history of violations. After mentioning four projects which the developer sold before development, the report finds that "there were no enforcement issues, violations, or complaints associated with the developer and his portions of these developments." (See the August 13th Report)

Conditions of Approval. After meeting on August 13th and September 9th the Plan Commission voted 10 - 0 to approve this PUD with the following Conditions of Approval:

- **Assisted Living Facilities.** The Plan Commission shall approve the definition of Assisted Living Facility at the final plan stage after discussions between staff and the petitioner (COA #1);
- **Roof Pitch.** All roofs, except on dormers, gables, porches and accessory structures, shall have a pitch of at least 4:12 (COA #2);
- **Uses.** The petitioner may:
    - add only one new financial institution and two new sit-down restaurants or brew-pubs. The second additional restaurant or brew-pub may be no larger than 5,000 s.f. (COA #3);
    - not permit indoor amusements on this site (COA #8);
- **Signage.** The petitioner must comply with current signage requirements (e.g. remove non-conforming pole signs) at the time of the first final plan and may hang signs from buildings as long as they are not more than 9 s.f. in size and do not project into the right-of-way (COA #4);
- **Access and Parking.** The petitioner must:
    - Align the main entrance onto East 3rd Street with Morningside Drive with the first new final plan (COA #7);
    - Install angled parking on the drive to and from the main entrance (COA # 5);
    - Revise the site plan for the southeast access in accordance with presentation at the September 13th hearing (COA # 10);
- **Pedestrian Facilities.** The petitioner must build the bicycle and pedestrian facilities along the East 3rd Street and South SR 446 perimeter with appropriate easements, signage, bollards and textured or raised crosswalks. The schedule for the construction of these facilities shall be established with the first final plan for new construction and particular features of the facilities shall be reviewed at the final plan stage (COA # 6);
- **Trees.** The petitioner must replace trees with native species identified by the City's arborist (COA #9);

Item Five – <u>Ord 04-33</u> – Designating Limestone Hitching Posts at 416 East Fourth Street and 615 West Sixth Street as Historic Objects

<u>Ord 04-33</u> designates two limestone hitching posts that lie in the public right-of-way in front of 416 East Fourth Street and 615 West Sixth Street as historic districts at the request of the Historic Preservation Commission. It approves the map and designation, and amends the code to include these properties, known as "Limestone Hitching Posts - 416 East Fourth Street and 615 West Sixth Street," on the list of

historic places. Once the Council has adopted the ordinance, the Historic Preservation Commission would then have authority to assure that the external appearance of these objects are kept consistent with their historic character.

In accordance with statute, the Historic Preservation Commission has held a hearing and found that the property is worthy of protection based upon certain statutory criteria. They have submitted map and report to the Council, and recommended that the property be classified as "contributing," which is the third highest in list of four categories.

The staff report found historic and architectural significance in these objects. They are considered historic because they clearly evidence a former way of life and are considered architecturally significant because they contain features that are familiar but in danger of being lost.

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
AND SPECIAL COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, OCTOBER 20, 2004
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: None

IV. REPORTS FROM:
1. **Council Members**
2. **The Mayor and City Offices**
3. **Council Committees**
4. **Public**

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Resolution 04-20 In Support of the Downtown Bloomington Commission's Application for the 2005 Great American Main Street Award

Committee Recommendation: None

VII. LEGISLATION FOR FIRST READING

1. Appropriation Ordinance 04-07 To Specially Appropriate from the General Fund, Sanitation Fund and Telecommunications Non-Reverting Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the General Fund – Animal Care and Control Department for Medical Supplies; Appropriating Funds from the Sanitation Fund for Landfill Fees; and Appropriating Funds from the Telecommunications Non-Reverting Fund for a Grant, to Hire a Consultant, to Install Fiber Optic Cable between the Animal Shelter and the Sanitation Building, and to Transfer Funds to the General Fund).

2. Ordinance 04-30 To Vacate a Public Parcel - Re: A 12-Foot Wide Right-of-Way Between Dunn Street and Indiana Avenue Running North of Thirteenth Street for 132 Feet (PSI Energy, Inc, and a Wholly Owned Subsidiary Known as South Construction Company, Petitioners).

3. Ordinance 04-31 To Vacate a Public Parcel - Re: A 12-Foot Wide Improved Alley Running Between 307 and 317 East 2nd Street from East Second Street to the First Alley North of the Street (The Trustees of Indiana University, Petitioner).

4. Ordinance 04-32 To Amend the Bloomington Zoning Maps from PUD and RM7 to PUD and to Amend the Preliminary Plan for the Century Village 2 Planned Unit Development (PUD) - Re: 300 S. State Road 446 (Bill C. Brown, Petitioner).

5. Ordinance 04-33 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection " to Establish a Historic District - Re: Hitching Posts at 416 East Fourth Street and 615 West Sixth Street (Bloomington Historic Preservation Commission, Petitioner).

VIII. PRIVILEGE OF THE FLOOR (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes)

IX. ADJOURN *(and immediately reconvene for the following meeting)*

(over)

SPECIAL COMMITTEE OF THE WHOLE

CHAIR: Gaal

1. Appropriation Ordinance 04-07 To Specially Appropriate from the General Fund, Sanitation Fund and Telecommunications Non-Reverting Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the General Fund – Animal Care and Control Department for Medical Supplies; Appropriating Funds from the Sanitation Fund for Landfill Fees; and Appropriating Funds from the Telecommunications Non-Reverting Fund for a Grant, to Hire a Consultant, to Install Fiber Optic Cable between the Animal Shelter and the Sanitation Building, and to Transfer Funds to the General Fund).

Asked to Attend: Susan Clark, Controller

2. Ordinance 04-33 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection " to Establish a Historic District - Re: Hitching Posts at 416 East Fourth Street and 615 West Sixth Street (Bloomington Historic Preservation Commission, Petitioner).

Asked to Attend: Nancy Hiestand, Housing Coordinator

City of
Bloomington
Indiana

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

Office of the Common Council
(812) 349-3409
Fax: (812) 349-3570
e-mail: council@bloomington.in.gov

To: Council Members
From: Council Office
Re: Calendar for the Week of
October 18, 2004 – October 23, 2004
Date: October 15, 2004

Monday, October 18, 2004

3:30 pm Historic Preservation Meeting, Council Chambers
4:00 pm Council for Community Accessibility, McCloskey
4:00 pm Community & Family Resources Commission, Dunlap
5:00 pm Utilities Service Board – 501 N. Morton, Conference Room 100B
5:30 pm Bicycle & Pedestrian Safety Commission, Hooker Room

Tuesday, October 19, 2004

8:30 am Indiana Coalition on Housing and Homeless Issues, Council Chambers
1:30 pm Bloomington Digital Underground Advisory Committee, Hooker Room
4:00 pm Board of Public Safety – 220 E. Third Street
5:30 pm Board of Public Works, Council Chambers
6:30 pm Animal Control Commission, McCloskey

Wednesday, October 20, 2004

9:30 am Tree Commission, Hooker Room
7:00 pm Council of Neighborhood Associations, McCloskey
7:30 pm Common Council – Regular Session, Council
immediately followed by
Common Council – Committee of the Whole, Council Chambers

Thursday, October 21, 2004

7:30 am Domestic Violence Taskforce, Hooker Room
8:00 am Housing Authority, HA Office – 1007 N. Summit Dr.
4:00 pm Bloomington Municipal Facilities Corporation, Hooker Room
5:30 pm Board of Zoning Appeals, Council Chambers
5:30 pm Council for Community Access, Kelly

Friday, October 22, 2004

12:00 pm Economic Development Commission, Hooker Room

Saturday, October 23, 2004

7:00 am Bloomington Community Farmers' Market, Showers Common

City of Bloomington
Office of the Common Council

MEETING NOTICE

THE COMMON COUNCIL WILL HOLD A SPECIAL COMMITTEE OF THE WHOLE MEETING IMMEDIATELY FOLLOWING THE PREVIOUSLY SCHEDULED REGULAR SESSION OF THE COMMON COUNCIL ON OCTOBER 20, 2004 AT 7:30 PM.

BOTH MEETINGS WILL BE HELD IN THE COUNCIL CHAMBERS, LOCATED AT 401 NORTH MORTON STREET.

Posted and Distributed: Friday, February 13, 2004

401 N. Morton Street Bloomington, IN 47404 City Hall Phone: (812) 349-3409 Fax (812) 349-3570
www.city.bloomington.in.us
email: council@city.bloomington.in.us

RESOLUTION 04-20

IN SUPPORT OF THE DOWNTOWN BLOOMINGTON COMMISSION'S APPLICATION FOR THE 2005 GREAT AMERICAN MAIN STREET AWARD

WHEREAS, the economic health and cultural vibrancy of downtown Bloomington is crucial to the overall well-being of the Bloomington community; and,

WHEREAS, the Bloomington community has demonstrated strong and consistent support for downtown revitalization efforts since 1979; and,

WHEREAS, the City of Bloomington has supported downtown revitalization efforts in several ways, including the following:

- tax abatements;
- innovative strategies to leverage private investment;
- community revitalization legislation;
- tax-increment financing;
- low-interest loan programs;
- zoning variances;
- parks and recreation activities;
- public-private partnerships;
- supporting the Buskirk-Chumley Theater;
- contributing land to the WonderLab;
- streetscape and infrastructure upgrades; and,
- long-standing financial support of the Downtown Bloomington Commission;

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

The Bloomington Common Council supports the Downtown Bloomington Commission's application for the 2005 Great American Main Street Award.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
MICHAEL DIEKHOFF, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmember Diekhoff and supports the Downtown Bloomington Commission's application for the 2005 Great American Main Street Award. The Great American Main Street Award is offered by the National Main Street Center and recognizes communities who have achieved extraordinary success in revitalizing their downtowns using the Main Street Approach. The Main Street Approach includes simultaneous work in the areas of promotion, economic viability, design and organization. The Award is granted to five communities each year. Winners enjoy wide-spread recognition and $2,500 toward further revitalization efforts.

October 8, 2004

City of Bloomington
Common Council

Dear Council Members,

The National Main Street Center through its Great American Main Street Award competition recognizes exceptional accomplishments in revitalizing America's downtowns. Each year, the award is presented to five communities that have shown consistent commitment to downtown revitalization following the Main Street Approach.

The Main Street approach includes simultaneous work in the areas of promotion, economic viability, design and organization. Bloomington's downtown certainly qualifies as one that has made significant progress in all of those areas. Bloomington boasts several community events a year including Canopy of Lights, Lotus World Music Festival, Taste of Bloomington and 4th Street Art Festival. Significant achievements have been made in creating a culturally and economically viable downtown with a strong mix of businesses, attractions, local government offices, financial and religious institutions. Streetscape and infrastructure improvements as well as building renovations and new construction have made downtown more comfortable and attractive. Most importantly there has been strong, consistent public/private/ non profit/community support of the downtown.

The Downtown Bloomington Commission is a Graduate Partner of both the Indiana Main Street Program and a member of the National Main Street Program. We are requesting your assistance in applying for the 2005 Great American Main Street Awards Competition. Each winning community claims bragging rights as a Great American Main Street, two road signs commemorating its achievements, a bronze plaque, $2,500 prize to further revitalization efforts and a certificate marking achievement.

Thank you for considering the resolution to apply for the Great American Main Street Award.

Sincerely,

Talisha Coppock
Executive Director

APPROPRIATION ORDINANCE 04-07

TO SPECIALLY APPROPRIATE FROM THE GENERAL FUND, SANITATION FUND AND TELECOMMUNICATIONS NON-REVERTING FUND EXPENDITURES NOT OTHERWISE APPROPRIATED
(Appropriating Funds from the General Fund – Animal Care and Control Department for Medical Supplies; Appropriating Funds from the Sanitation Fund for Landfill Fees; and Appropriating Funds from the Telecommunications Non-Reverting Fund for a Grant, to Hire a Consultant, to Install Fiber Optic Cable between the Animal Shelter and the Sanitation Building, and to Transfer Funds to the General Fund)

WHEREAS, the Bloomington Animal Care and Control Department has received reimbursements for medical supplies for dogs transported to the Wisconsin Humane Society and desires authority to expend the reimbursements for additional medical supplies; and

WHEREAS, the Sanitation Department has experienced an increase in landfill fees and trash tonnage and requires additional funds for landfill fees for the remainder of the year; and

WHEREAS, the City desires to provide a grant to HoosierNet for the purchase of hardware and software needed to improve its streaming video service, allowing it to archive City meetings for a longer period of time; and

WHEREAS, the City desires to hire a consultant to prepare a telecommunications strategic plan for the Bloomington Digital Underground; and

WHEREAS, the City desires to hire a contractor to install fiber optic cable between the Animal Shelter and the Sanitation building; and

WHEREAS, the City desires to transfer money from the Telecommunications Non-Reverting Fund to the General Fund for an expenditure that was paid from the General Fund, but was originally planned to be paid from the Telecommunications Non-Reverting Fund;

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

SECTION I. For the expenses of said municipal corporation, the following additional sums of money are hereby appropriated and ordered set apart from the funds herein named and for the purposes herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED
General Fund – Animal Care & Control	
Line 52210 – Institutional & Medical Supplies	$ 5,644
Total General Fund	5,644
Sanitation Fund	
Line 53950 – Landfill Fees	40,000
Total Sanitation Fund	40,000
Telecommunications Non-Reverting Fund	
Line 52420 – Other Supplies	1,000
Line 53170 – Consultants & Workshops	41,200
Line 53960 – Grants	15,000
Line 53990 – Other Services and Charges	7,377
Total Telecommunications Fund	64,577
Grand Total	$ 110,221

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
MICHAEL DIEKHOFF, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance appropriates funds from the General Fund – Animal Care and Control Department for medical supplies; from the Sanitation Fund for landfill fees; and from the Telecommunications Non-Reverting Fund for a grant, to hire a consultant, to install fiber optic cable between the Animal Shelter and the Sanitation building, and to transfer funds to the General Fund.

City of Bloomington
Office of the Controller

Memorandum

To: Council Members
From: Susan Clark, Controller
Date: October 13, 2004
Re: Appropriation Ordinance 04-07

In Appropriation Ordinance 04-07, we are requesting authorization for expenditures from three funds.

1.) **General Fund – Animal Care & Control**: The Bloomington Animal Care and Control Department has received $5,643.40 in reimbursements from Petsmart for medical supplies for dogs transported to the Wisconsin Humane Society through a program called the Rescue Waggin'. We are requesting authority to expend the reimbursements for additional medical supplies. Please refer to the memo from Laurie Ringquist, Director of the Animal Care & Control Department.

2.) **Sanitation Fund:** The Sanitation Department has experienced an increase in landfill fees and trash tonnage, and is requesting a budget increase $40,000 for landfill fees for the remainder of the year. Please refer to the memo from Julio Alonso, Public Works Director.

3.) **Telecommunications Fund:** We are requesting authorization for expenditures from the Telecom Fund for four purposes:
a.) To provide a $15,000 grant to HoosierNet for the purchase of hardware and software needed to improve its streaming video service, allowing it to archive City meetings for a longer period of time.
b.) To expend $41,200 for a consultant to prepare a telecommunications strategic plan for the Bloomington Digital Underground.
c.) To expend $3,500 for a contractor to install fiber optic cable between the Animal Shelter and the Sanitation building.
d.) To transfer $4,877 from the Telecommunications Non-Reverting Fund to the General Fund for an expenditure that was paid from the General Fund, but was originally planned to be paid from the Telecom Fund. The money had been encumbered in the Telecom Fund at the end of 2003, but when the invoice was paid, the amount was incorrectly charged to the General Fund.

Please refer to the memo from Greg Volan, Chief Information Officer for additional information. A copy of the current status of the Telecom Fund is attached.

As always, feel free to contact me if you have any questions or concerns.

401 N. Morton Street • Bloomington, IN 47404 City Hall Phone: (812) 349-3412 • Fax (812) 349-3456
www.bloomington.in.gov
e-mail: controller@bloomington.in.gov

Memo
City of Bloomington
Animal Care and Control Department

Date: October 7, 2004

To: Susan Clark, Controller

From: Laurie Ringquist, Animal Care and Control Director

Re: Request to Appropriate Petsmart Funds

The City of Bloomington Animal Shelter is a partner with the ASPCA, Petsmart and the Wisconsin Humane Society in a program called the Rescue Waggin'. As a partner, we are able to transport healthy, adoptable dogs and puppies who meet certain criteria to the Wisconsin Humane Society where they are spayed or neutered and placed for adoption. This program has led to dramatic reductions in the euthanasia rate for dogs in our shelter.

As a partner, we are required to ensure that the dogs and puppies to be transported have received certain medical treatments, have been temperament tested, and have a health certificate. Because these requirements are generally above and beyond our normal protocol for treatment, Petsmart reimburses us $27.80 per animal transported. For transports through August, Petsmart has reimbursed the City, $5,643.40.

Because of the additional expense required to meet the Rescue Waggin' requirements, the Animal Shelter has exhausted the funds available in the Institutional and Medical Supply line. This request seeks approval to appropriate these dollars into the Animal Shelter's Institutional and Medical Supply line.

MEMORANDUM

To: **Susan Clark**

From: **Julio Alonso**

Date: **October 7, 2004**

Re: **Special Appropriation for Sanitation**

We need a special appropriation of $40,000 to Line 53950 (Landfill Fees) of the Sanitation fund (#730). The current balance in that line is $47,266.95 according to Oracle. September's total bill was just under $20,000, which leaves about $27,000 for the last 3 months of the year. Monthly bills are averaging between $20,000 and $23,000. We believe we will be able to transfer about $5,000 from other 300 line items to supplement the special appropriation so that we can get through 2004.

Tipping fees have increased during 2004 and we have also collected more tons of trash than we had to date in 2003. We will not be able to transfer substantial funds from another 300 line item as we have done in previous years due, at least in part, to the fact that we are now paying to tip recyclables and to the fact that yard waste disposal costs have increased.

MEMORANDUM

To: Members of the Common Council

From: Gregory Volan, Chief Information Officer

Date: October 11, 2004

Re: Appropriation Ordinance 04-07

The proposed ordinance appropriates $64,577 from the Telecommunications Non-Reverting Fund ("Telecom Fund") for the following four purposes:

1. Grant to HoosierNet to improve City's streaming video services ($15,000);
2. Hiring of consultant to prepare a strategic telecommunications plan for BDU ($41,200);
3. Installation of fiber to connect Animal Shelter and Sanitation department ($3,500); and
4. Reimbursement for expenses incurred for wireless project approved in 2003 ($4,877).

This City Council created the Telecom Fund in 1996 to hold the entire amount of the City's cable franchise fee revenues and restrict those funds for specific purposes. The use of these funds is governed by section 2.26.050 of the Bloomington Municipal Code,[1] which provides:

> Sixty percent (60%) of cable franchise fees shall be dedicated for audio-visual and information technology, and public, education, and government access/telecommunications services (hereinafter known as Telecommunications Services) and forty percent (40%) of cable franchise fees shall be dedicated for audio-visual and information technology, and for the planning, design, development, construction, maintenance, and repair of the City's telecommunications infrastructure (hereinafter known as Telecommunications Infrastructure).

I. Grant to HoosierNet to Improve City's Streaming Video Services ($15,000)

Since 1999, HoosierNet has provided streaming video services for the City. For any City meeting that is recorded by CATS, HoosierNet makes a digital recording of that meeting and hosts it on its web site, which allows citizens to download recordings of City meetings off the Internet. HoosierNet provides this streaming video service to the City for free, since it believes this service falls within its mission as a non-profit, community-owned Internet provider.

HoosierNet's streaming video service is a tremendous benefit to the City. Because HoosierNet has provided streaming video service over the past five years, the City's ITS Department had not had to maintain its own streaming video server. More importantly, the City has not had to use any of its staff time to obtain the video feeds of City meetings from CATS, convert the tapes into digital files, edit the digital files, and post them to a web site.

Five years ago, the City helped pay the cost of HoosierNet's streaming video server. That capital investment has provided tremendous returns for the City because HoosierNet has provided hundreds of

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[1] The Telecom Fund was created by Ordinance 96-31 and amended by Ordinance 00-45 and Ordinance 03-29. Recently, City Council codified the provisions of these ordinances, with minor alterations, in sections 2.26.040 through 2.26.060 of the Bloomington Municipal Code. See Ordinance 04-24, section II.

hours of work that the City would otherwise have had to do itself if it maintained its own streaming video server. We can expand the streaming video services that HoosierNet provides for us if we now make another investment.

We are requesting an appropriation of $15,000 to be used as a grant to HoosierNet for the purchase of hardware and software needed to improve its streaming video operations. Specifically, the following improvements will be made:

- Increased storage capacity. Currently, HoosierNet archives City meetings for only one month because its streaming video server does not have enough disk storage to archive files for a longer period of time. Consequently, as the recordings of new meetings are added to the server, the files for the older meetings are removed. The appropriated funds will allow HoosierNet to purchase enough disk storage to archive all City meetings (e.g., meetings of Council, boards, commissions, etc.) for a period of five years.

- Increased picture quality. The streaming video software that HoosierNet uses is approximately five years old. Newer software uses improved compression techniques that essentially doubles the picture quality without requiring an increase in the download speed (currently 80 kilobits per second). The appropriated funds will allow HoosierNet to purchase and implement this improved streaming video software.

Please note that the City will not grant the entire $15,000 to HoosierNet as a lump sum. The funds shall be used only to reimburse HoosierNet for actual hardware and software expenses that it has incurred. HoosierNet shall have to seek the City's approval before making purchases and present invoices and receipts to the City before funds are transferred. HoosierNet and the City will also try to make the necessary improvements for less than $15,000.

II. Consulting for Telecommunication Strategic Plan for BDU ($41,200)

We are requesting an appropriation of $41,200 to hire a consulting firm, InfoComm Systems, Inc., ("InfoComm") to prepare a telecommunications strategic plan for the City of Bloomington. Such a plan will help the City determine how best to use its investment in the Bloomington Digital Underground.

This project has the full support of the BDU Advisory Committee.[2] The Committee has thoroughly considered this proposal over its last four meetings and has recommended:

> That the City engage InfoComm Systems, Inc. to conduct the work outlined in their Strategic Plan Proposal, dated August 2, 2004, and that the City appropriate funds from the Telecom Fund to pay for the costs of the study.

The Committee's recommendation was unanimous.

[2] The members of the BDU Advisory Committee include: Rick Dietz, Web Systems Developer for IU School of Continuing Studies; Mark McMath, Chief Information Officer for Bloomington Hospital; Bruce Myers, President of Kiva Networking; Brian Voss, Associate Vice President of Telecommunications for Indiana University; Charlie Webb, President of CallNet Call Center Services; and Linda Williamson, President of Bloomington Economic Development Corporation. Dennis Morrison, CEO of Center for Behavioral Health, resigned from the Committee due to time constraints before the vote.

We have selected InfoComm as our consultant because of the experience and expertise they bring to this project. As a consulting firm, InfoComm specializes in strategic planning of municipal telecommunications initiatives. They focus on the high-level, often non-technical issues: assessing needs, identifying goals (often economic development goals), setting policies, and determining governance structures. InfoComm has assisted communities throughout Indiana and the Midwest with their telecommunications initiatives. They also have connections at the state level, having helped Indiana Fiber Works prepare the winning bid for the State of Indiana's I-Light 2 project. Furthermore, InfoComm has worked with the City of Bloomington for more than two years on smaller consulting projects. The cost of the proposed engagement reflects the fact that InfoComm already has a working knowledge of our current environment; InfoComm has represented that the quoted price is 10% to 20% lower than what they normally charge for this kind of work.

InfoComm will spend much of its time identifying and collecting information from key constituents in the community. The constituents will comprise of both telecommunications providers and potential users of advanced telecommunications infrastructure, and they will cover five key sectors of the community: residents, education, government (including City Council), industry/business, and social services. The consultants will gather information from these constituents using public meetings (e.g., a "telecom town hall"), individual interviews, and surveys.

From this information-gathering work, InfoComm hopes to identify telecommunications assets in the community. For instance, the City's investment in fiber optic infrastructure through the Bloomington Digital Underground program is an obvious telecommunications asset, but there may be other assets of which we are not currently aware. The consultants will also try to identify opportunities for the City to work with key constituents to achieve mutual goals more efficiently by working together.

In the end, the consultants will prepare a strategic plan for the City that identifies the current and desired states of the City's telecommunications environment, that analyzes the gaps between the current and desired states, and that sets forth a step-by-step migration plan to get to our desired state. InfoComm has stated that the measure of success for this consulting engagement is whether the final product, the strategic plan, clearly outlines the next steps that the City of Bloomington should take with respect to the Bloomington Digital Underground and the City's other telecommunications assets. The strategic plan should be a practical document that guides the City's actions, not an academic work that provides for interesting reading, but ultimately sits on a shelf. Further, it is important to emphasize that the strategic plan will not be a document for the administration only. The plan should guide the City Council, the administration, the BDU Advisory Committee, and key constituents on what to do next. We fully expect that many of the recommendations in the strategic plan will require this Council's participation and approval.

The BDU Advisory Committee believes that the strategic plan will provide valuable information and insights that the City does not currently have, and that the City will gain from the professional guidance and experience of a consulting firm that has conducted similar assessments for other municipalities. The Committee has spent many months discussing issues related to the use of the BDU infrastructure, but it has reached few conclusions. The Committee feels that this study will help it and the City make better decisions about how to use and leverage the BDU assets.

The Committee also believes that the cost of the study is reasonable. The amount in question – $41,200 – is a small percentage of the capital investment that the City has already made in the BDU (almost $1.2 million). The Telecom Fund has created a source of funds dedicated for investments in telecommunications infrastructure, and the Committee believes that we would make good use of those funds by conducting this study, which will guide us on how to use the assets we currently have and on when to invest in expanding the BDU network.

III. Installation of Fiber to Connect Animal Shelter and Sanitation Department ($3,500)

We are also requesting an appropriation of $3,500 to install fiber optic conduit and cable between the Animal Shelter and the Sanitation Department. Of this amount, we allocate $2,500 to budget line 53990 (Other Services and Charges), which will be used to hire a fiber contractor to install the conduit and cable. We allocate the remaining $1,000 to budget line 52420 (Other Supplies) for the purchase of equipment needed to activate the fiber optic connection.

The purpose of this project is simply to connect the two facilities to each other with a fiber optic connection. Once connected to each other, these facilities can share a single high-speed connection to the City's wide-area network.

Please note that neither the Animal Shelter nor the Sanitation building has high-speed access currently, and that this project will not deliver it. We are exploring options for accomplishing this goal, but we have not settled on the best solution yet. However, by running fiber between the two buildings now, the Animal Shelter and the Sanitation Department will be able to share a single high-speed connection when it is implemented.

IV. Reimbursement for Expenses Incurred for Wireless Project Approved in 2003 ($4,877)

Finally, we are requesting an appropriation of $4,877 that will transferred to the General Fund as reimbursement for expenses that were paid from the General Fund, but that should have come from the Telecom Fund.

In August 2003, this City Council passed Appropriation Ordinance 03-06, which approved $49,990 for the purchase of wireless equipment and T-1 equipment to establish high-speed data connections to certain City buildings. Although the funds were appropriated last year, we did not make the purchase of equipment until this year. By mistake, we encumbered the funds to a single vendor, even though there were several vendors involved. Because of this bookkeeping mistake, we were not able to use the appropriated funds from the Telecom Fund to pay for the entire costs of the project. The ITS Department had to use $4,877 of its current year funds from the General Fund to pay off invoices from this wireless project.

This appropriation will ensure that all of the costs of the wireless project that Council authorized last year are paid from the Telecom Fund.

Telecommunications Non-Reverting Fund
Fund Analysis - As of 09/30/04

	1997	1998	1999	2000	2001	2002	2003	YTD 2004
Total Fund								
Beginning Cash	-	85,809.26	244,814.40	507,426.93	766,877.84	892,820.40	583,319.44	770,055.67
Revenues:								
Miscellaneous & Interest Income		9,295.64	16,601.80	36,233.85	40,059.68	20,446.40	9,574.29	9,414.32
Franchise Fees	89,509.26	316,868.07	387,049.63	446,673.60	474,029.40	538,178.82	551,365.85	437,129.74
Total Revenue	89,509.26	326,163.71	403,651.43	482,907.45	514,089.08	558,625.22	560,940.14	446,544.06
Expenses:								
Telecommunication Services	3,700.00	167,158.57	141,038.90	223,456.54	231,808.70	268,126.18	276,671.30	154,249.86
Telecommunication Infrastructure	-	-	-	-	156,337.82	600,000.00	97,532.61	82,655.75
Encumbered Expenses	-	-	-	-				28,773.00
Total Expenses	3,700.00	167,158.57	141,038.90	223,456.54	388,146.52	868,126.18	374,203.91	265,678.61
Available Cash	85,809.26	244,814.40	507,426.93	766,877.84	892,820.40	583,319.44	770,055.67	950,921.12
Services Account (60%)								
Beginning Cash	-	50,005.56	78,545.21	179,697.17	245,985.10	322,629.85	389,678.80	449,571.58
Revenues:								
Miscellaneous & Interest Income	-	5,577.38	9,961.08	21,740.31	24,035.81	12,267.84	5,744.57	5,648.59
Franchise Fees	53,705.56	190,120.84	232,229.78	268,004.16	284,417.64	322,907.29	330,819.51	262,277.84
Total Revenue	53,705.56	195,698.23	242,190.86	289,744.47	308,453.45	335,175.13	336,564.08	267,926.44
Expenses:								
Telecommunication Services	3,700.00	167,158.57	141,038.90	223,456.54	231,808.70	268,126.18	276,671.30	154,249.86
Encumbered Expenses	-	-	-	-	-	-		
Total Expenses	3,700.00	167,158.57	141,038.90	223,456.54	231,808.70	268,126.18	276,671.30	154,249.86
Available Cash	50,005.56	78,545.21	179,697.17	245,985.10	322,629.85	389,678.80	449,571.58	563,248.16
Infrastructure Account (40%)								
Beginning Cash	-	35,803.70	166,269.19	327,729.76	520,892.74	570,190.55	193,640.64	320,484.09
Revenues:								
Miscellaneous & Interest Income	-	3,718.26	6,640.72	14,493.54	16,023.87	8,178.56	3,829.72	3,765.73
Franchise Fees	35,803.70	126,747.23	154,819.85	178,669.44	189,611.76	215,271.53	220,546.34	174,851.90
Total Revenue	35,803.70	130,465.48	161,460.57	193,162.98	205,635.63	223,450.09	224,376.06	178,617.62
Expenses:								
Telecommunication Infrastructure	-	-	-	-	156,337.82	600,000.00	97,532.61	82,655.75
Encumbered Exp. for Infrastructure	-	-	-	-	-	-	-	28,773.00
Total Expenses	-	-	-	-	156,337.82	600,000.00	97,532.61	111,428.75
Available Cash	35,803.70	166,269.19	327,729.76	520,892.74	570,190.55	193,640.64	320,484.09	387,672.96

ORDINANCE 04-30

TO VACATE A PUBLIC PARCEL
Re: A 12-Foot Wide Right-of-Way Between Dunn Street and Indiana Avenue Running North of Thirteenth Street for 132 Feet
(PSI Energy, Inc, and a Wholly Owned Subsidiary Known as South Construction Company, Petitioners)

WHEREAS, I.C. 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, the petitioners, PSI Energy, Inc, and a wholly owned subsidiary known as South Construction Company, have filed a petition to vacate a parcel of City property more particularly described below;

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

SECTION I. Through the authority of I.C. 36-7-3-12, a portion of City owned property shall be vacated. The property, commonly known as a 12-foot wide right-of-way between Dunn Street and Indiana Avenue running north of Thirteenth Street for 132 feet, is more particularly described as follows:

Beginning at the southeast corner of Lot 6, being a part of Lot 27 in Walnut Grove Addition to Bloomington, Indiana and on the north right-of-way of 13th Street, Bloomington, Indiana, extending north 132 feet to a point on the south line of the platted alley, also being the north line of Lot 6; thence east to the west line of Lot Number 7 of the subdivision of Lot 27 in Walnut Grove Addition to the City of Bloomington, Indiana, also being the south line of a platted alley; thence south 132 feet to the north right-of-way line of 13th Street; also being the southeast corner of Lot 27 in Walnut grove Addition; thence west along the north right-of-way line of 13th Street to the point of beginning.

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
MICHAEL DIEKHOFF, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

_____
MICHAEL DIEKHOFF, Mayor
City of Bloomington

SYNOPSIS

The petitioner, PSI Energy, Inc, and a wholly owned subsidiary known as South Construction Company, requests vacation of the public parcel commonly known as a 12-foot wide right-of-way between Dunn Street and Indiana Avenue running north of Thirteenth Street for 132 feet.

PROPERTY PLAT
OF
DUNN STREET SUBSTATION SITE
PART OF LOT 27 IN WALNUT GROVE
AN ADDITION TO THE
CITY OF BLOOMINGTON,
MONROE COUNTY, INDIANA

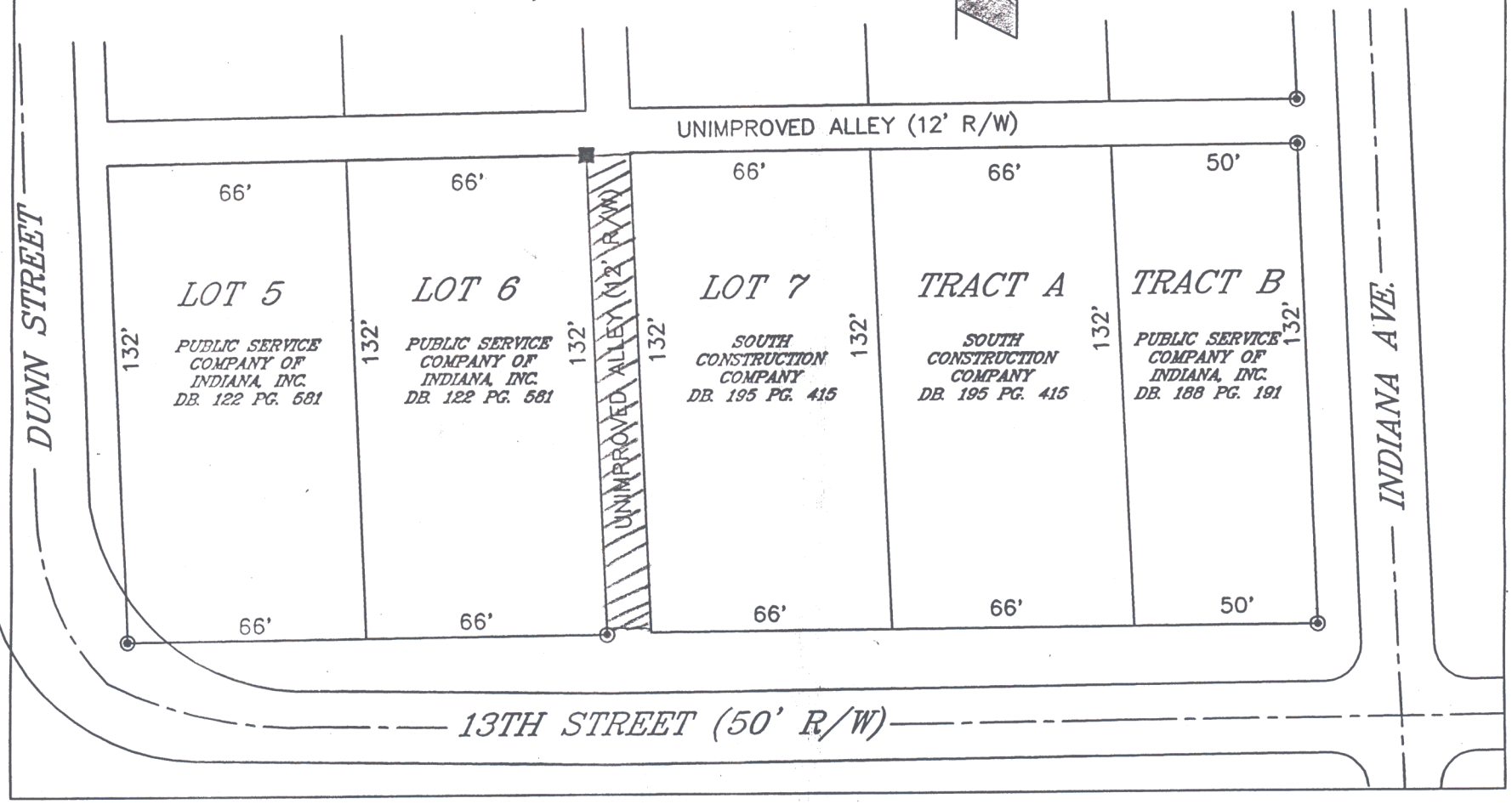
MARCH, 2004

LEGEND:

- IRON PIN FOUND
- CONC. MONUMENT FOUND

0' 40' 80' 120'

SCALE 1"=40'



PROPOSED ALLEY VACATION

Beginning at the southeast corner of Lot 6, being a part of Lot 27 in Walnut Grove Addition to Bloomington, Indiana and on the north right-of-way of 13th Street, Bloomington, Indiana, extending north 132 feet to a point on the south line of the platted alley, also being the north line of Lot 6; thence east to the west line of Lot Number 7 of the subdivision of Lot 27 in Walnut Grove Addition to the City of Bloomington, Indiana, also being on the south line of a platted alley; thence south 132 feet to the north right-of-way line of 13th Street, also being the southeast corner of Lot 7 of a subdivision of Lot 27 in Walnut Grove Addition; thence west along the north right-of-way line of 13th Street to the point of beginning.

220434\17955-1

Legal Description 1

DATE: September 20, 2004

TO: Common Council

FROM: Lynne Friedmeyer, Zoning & Enforcement Manager

SUBJECT: Request for vacation of an unimproved alley measuring 12 feet wide by 132 feet in length.

LOCATION: The subject parcel is a twelve foot wide right-of-way located directly east of the existing Cinergy substation running north/south for 132 feet. This right-of-way is located between Dunn Street and Indiana Avenue, and 13th and 14th Streets starting at the north edge of 13th Street and running north.

PETITIONER: PSI Energy, Inc. and South Construction Co. (a wholly owned subsidiary of PSI Energy, Inc.)

BACKGROUND: This petition is a request to vacate the existing right-of-way directly east of the existing PSI Cinergy substation located on East 13th Street for the purpose of expanding the existing substation. The motivation for requesting the vacation of right-of-way is to be able to generate the power needed for the north side of Bloomington and Indiana University.

This particular right-of-way has no utilities within it with the exception of SBC Ameritech. The following utility and city service organizations have responded to this request with no objections for the vacation of the existing rights-of-way. SBC Ameritech has requested either an easement for their existing lines or for the petitioner to bear the cost of moving the lines. The petitioner has agreed to provide an easement for the lines.

Bloomington Public Works Dept.
Bloomington Utilities Dept.
SBC Ameritech
PSI Cinergy
Insight Communications
City of Bloomington Police Department
City of Bloomington Fire Department
Vectren

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

1. Current status - access to property:
The right-of-way is unimproved. This grassy area is not used for any access at this time and shows no evidence of ever having been improved.

2. Necessity for growth of the city:

a. Future Status: The right-of-way proposed for vacation contains phone lines for SBC Ameritech. An easement will be provided for them. There are no known plans by the City of Bloomington or private utilities to use this right-of-way in the future.

b. Proposed Private Ownership Utilization: Ownership of the right-of-way will be split equally between PSI Energy, Inc. and South Construction Co.

c. Compliance with Regulations: The SBC lines will be placed in an easement. Permits will be required for expansion of the substation. The land is zoned RM15/PRO20. Utility substations and transmission facilities are an allowed use in this district. With the requirement for permits, the entire perimeter of the PSI Cinergy property will be required to install sidewalk, as well as landscaping where possible. The petitioners have agreed to this requirement.

d. Relation to Plans: The expansion of the substation will provide needed power to citizens of Bloomington. This area of the City is designated a Core Residential Area within current Growth Policies Plan (GPP). This area of the city is not located in a Critical Subarea Plan. The GPP gives guidance to these areas and existing utility infrastructure. The GPP states:

- Opportunities to repair and upgrade underground utilities must be pursued in order to preserve the capacity of aging utilities in the urban core.
- When major utilities projects are required, other urban amenities (sidewalks, landscaping, etc.) should be upgraded simultaneously to reduce the need for multiple construction processes.

DISCUSSION: Staff finds that there is current utilization of the right-of-way to be vacated. However, an easement will be granted to allow for utility access. The interested parties, including the Board of Public Works, have no objections to the vacation. The site will be improved with sidewalk on 13th, and Dunn Streets.

RECOMMENDATION: Planning Staff recommends approval of this petition. The vacation of the right-of-way does not interfere with the City of Bloomington Zoning Ordinance or right-of-way/easement vacation policies.

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

CITY OF BLOOMINGTON
COMMON COUNCIL

ORDINANCE 04-30
1st READING October 20, 2004
COMMITTEE October 27, 2004
FINAL HEARING November 3, 2004

Office of the Common Council
P.O. Box 100, Showers City Hall
Bloomington, IN 47402
(812) 349-3409

Address of Property: North/South platted alley between North Dunn Street and Indiana Street, extending north from 13th Street to the East/West platted alley. The alley actually is between Lots 6 and 7, a part of Lot 27 in Walnut Grove Addition to Bloomington

Applicant's Name: PSI Energy, Inc. (being formerly named) Public Service Company of Indiana, Inc.

Address: 1000 East Main Street, Plainfield, IN 46168 Phone: 800-428-4337 ext. 6161

Counsel or Consultant: Michael L. Carmin,
Andrews, Harrell, Mann, Carmin & Parker, P.C.

Address: 400 W. 7th St., Ste. 104
P.O. Box 2639,
Bloomington, IN 47402
Phone: 812-332-4200

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

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

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

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

Michael L Carmin 10-14-04

Signature ATTORNEY FOR PETITIONER *Date*

MICHAEL L. CARMIN

Please print name

I:\common\CCL\O&r\O&R2004\Ord04-30 - Vacation Petition.doc

ANDREWS
HARRELL
MANN
CARMIN &
PARKER PC

William H. Andrews+*
Harold A. Harrell+
Robert D. Mann+
Michael L. Carmin
Angela F. Parker
Eric P. Slotegraaf**
Benjamin L. Niehoff

+Certified Civil Mediator
*Certified Family Mediator
**LL.M - Taxation

400 West 7th Street
Suite 104
P.O. Box 2639
Bloomington
Indiana
47402-2639

812 332-4200
Telephone

812 331-4511
Facsimile

http://www.ahmcp.com
Web Site
mlc@ahmcp.com
E-mail

RECEIVED
MAR 2 2 2004
BY:.....

March 17, 2004

City of Bloomington
Planning Department
Attention: Lynne Friedmeyer
401 North Morton Street
Bloomington, IN 47404

RE: Alley Vacation
Our File No.: 17955-1

Dear Lynne:

PSI Energy, Inc. and South Construction Company, Inc. (a wholly owned subsidiary of PSI Energy, Inc.) request an alley vacation of the platted but unopened alley extending north from 13th Street between Dunn Street and Indiana Street. The alley is platted between Lots 6 and 7, part of Lot 27 in Walnut Grove Addition to the City of Bloomington. The portion of the platted alley to be vacated extends from the north right-of-way line of 13th Street to the platted, but unopened east-west alley as shown by the plat. The termination point would also be the north line of Lots 6 and 7. Lot 6 is owned by PSI Energy, Inc. and Lot 7 is owned by South Construction Company, Inc.

PSI Energy, Inc. owns and operates the utility substation on Lots 5 and 6. Its subsidiary company, South Construction Company, holds title to Lot 7. PSI and South Construction Company also own the remaining ground east of Lot 7 extending to the right-of-way for Indiana Street. PSI is developing plans for an expansion of the substation. A schematic of the planned expansion is enclosed. The intervening unplatted alley creates barriers to the planned expansion that will substantially add to the cost and difficulty of the expansion.

The alley serves no purpose. It is not now open nor is it believed that it has ever been open and used. It does not serve as access to any properties.

Enclosed is a legal description of the alley proposed to be vacated and a site plan showing the lots and surrounding properties with a list of names and addresses of owners of adjacent properties or properties in near proximity to this site. A preliminary schematic for expansion of the substation is enclosed.

Very truly yours,

Michael L. Carmin

Michael L. Carmin
MLC/mjk
Enclosures
217077\17955-1

Petitioner's Letter

Location Map

By: friedmel
9 Mar 04

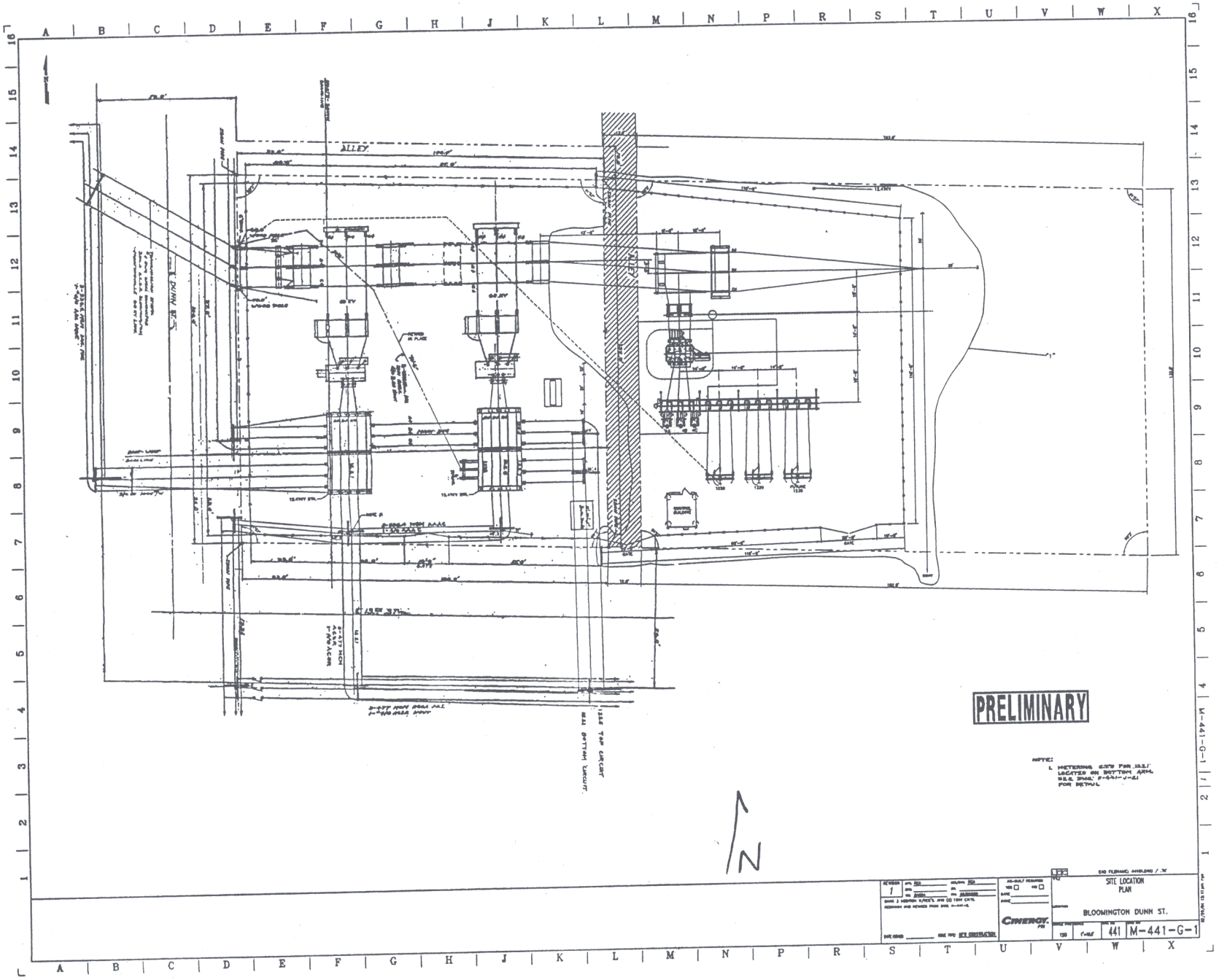
100 0 100 200 300

N

City of Bloomington
Planning

Scale: 1" = 100'

For reference only; map information NOT warranted.


ALLEY
DUNN ST.
PRELIMINARY
NOTE:
1. METERING CT'S FOR 1221 LOCATED ON BOTTOM ARM. SEE DWG. F-441-J-21 FOR DETAIL
N
SITE LOCATION PLAN
BLOOMINGTON DUNN ST.
CINERGY
441
M-441-G-1

City of Bloomington
Planning Department

DEVELOPMENT REVIEW TRANSMITTAL

Date: March 24, 2004

Type of Request: right-of-way vacation

Project Name: PSI Utility Substation expansion

Owner: PSI Energy, Inc. and South Construction Company, Inc. (a wholly owned subsidiary of PSI Energy, Inc.)

Location: The subject of this right-of-way vacation petition is a north/south running right-of-way located between Dunn St. and Indiana Ave. and between 13th and 14th Streets directly east of the existing substation. Specifically, this right-of way segment is located between Lots 6 & 7, part of Lot 27 in Walnut Grove Addition.

Proposed Use: The purpose of this vacation request is to allow PSI Energy to expand its substation. The right-of-way proposed for vacation as well as the land proposed for the substation expansion is currently a grass yard.

Required Approval: Common Council approval

TENTATIVE SCHEDULE

We need your comments by: April 7, 2004

First Common Council hearing: as scheduled

Second Common Council hearing: as scheduled

Final Common Council hearing: as scheduled

SIGNIFICANT ISSUES AND QUESTIONS

The petitioner is seeking right-of-way vacation of a 132 ft. by 12 ft. wide strip of right-of-way in order to expand the existing utility substation located at the corner of 13th and Dunn Streets. The proposed expansion will nearly double the size of the substation and produce power needed for servicing the area.

Refer to the enclosed site plans, legal description, and petitioner's letter.

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

Please reply to:

Lynne Friedmeyer
Planning Department
City of Bloomington
P.O. Box 100
Bloomington, IN 47402

ORDINANCE 04-31

TO VACATE A PUBLIC PARCEL
Re: A 12-Foot Wide Improved Alley Running Between 307 and 317 East 2nd Street from East Second Street to the First Alley North of the Street
(The Trustees of Indiana University, Petitioner)

WHEREAS, I.C. 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, the petitioner, the Trustees of Indiana University, has filed a petition to vacate a parcel of City property more particularly described below;

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

SECTION I. Through the authority of I.C. 36-7-3-12, a portion of City owned property shall be vacated. The property, commonly known as a 12-foot wide improved alley running between 307 and 317 East 2nd Street from Second Street to the first alley north of the street, is more particularly described as follows:

A part of a north-south alley platted in Wylie Addition, a subdivision to the City of Bloomington, Indiana, being a part of Seminary Lot Number 75 in the Northwest quarter of Section 4, Township 8 North, Range 1 West in Monroe County and found at page 105 of Plat Book number 2 in the Office of the Recorder of Monroe County, Indiana, and running north and south between Second Street and the first east-west alley north of Second Street and located between Lots 5 and 6 on the west side of the alley and Lots 7 and 10 on the east side of the alley, described as follows: Beginning at the Northeast corner of Lot 5 of said subdivision, running thence South 197 feet and to the Southeast corner of Lot 6 in said subdivision , thence East 12 feet and to the Southwest corner of Lot 7 in said subdivision, thence North 197 feet and to the Northwest corner of Lot 10 in said subdivision, thence West 12 feet and to the place of beginning.

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
MICHAEL DIEKHOFF, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

_____
MICHAEL DIEKHOFF, Mayor
City of Bloomington

SYNOPSIS

The petitioner, the Trustees of Indiana University, requests vacation of the public parcel commonly known as a 12-foot wide improved alley running between the Wiley House Museum (307 East 2nd Street) and the Annex (317 East 2nd Street) from East Second Street to the first alley north of the street.

City of Bloomington
Planning

By: friedmel
9 Mar 04

100 0 100 200 300

N

Scale: 1" = 100'

For reference only; map information NOT warranted.

Item 2. Legal Description of the Right-of-Way

A part of a north-south alley as platted in Wylie Addition, a subdivision to the City of Bloomington, Indiana, being a part of Seminary Lot Number 75 in the Northwest quarter of Section 4, Township 8 North, Range 1 West in Monroe County and found at page 105 of Plat Book number 2 in the Office of the Recorder of Monroe County, Indiana, and running north and south between Second Street and the first east-west alley north of Second Street and located between Lots 5 and 6 on the west side of the alley and Lots 7 and 10 on the east side of the alley, described as follows: Beginning at the Northeast corner of Lot 5 of said subdivision, running thence South 197 feet and to the Southeast corner of Lot 6 in said subdivision, thence East 12 feet and to the Southwest corner of Lot 7 in said subdivision, thence North 197 feet and to the Northwest corner of Lot 10 in said subdivision, thence West 12 feet and to the place of beginning.

DATE: September 29, 2004

TO: Common Council

FROM: Lynne Friedmeyer, Zoning & Enforcement Manager

SUBJECT: Request for vacation of a 12 foot wide/ 193 foot long segment of right-of-way on the east side of the Wylie Museum property.

LOCATION: The subject parcel is an alley located east of 307 E. 2nd Street (Wylie Museum) and west of 317 E. 2nd Street (Wylie Museum Annex). The alley runs north/south between the two structures.

PETITIONER: The Trustees of Indiana University

BACKGROUND: This petition is a request to vacate an existing improved alley between the Wylie Museum and the Wylie Museum Annex. The annex at 317 E. 2nd Street will be demolished with this proposal to unify the properties and build a learning center.

The following utility and city service organizations have responded to this request with no objections for the vacation of the existing rights-of-way; Bloomington Police Department, Bloomington Utilities Department, and the Bloomington Fire Department. Cinergy and Insight Communications have lines in the alley and want easements as well as the petitioner to pay all cost of relocating the lines. Vectren has a gas main and also wants easements, as well as the petitioner to pay all coast of relocating the gas line. SBC Ameritech has lines and wants an easement. Indiana University has agreed to the easements and bearing the costs of all utility relocation. The request for vacation was heard by the Board of Public Works(BPW)on September 21, 2004. The BPW vote was unanimous to vacate the right-of-way.

The purpose of the vacation is to allow the bordering parcels (all four are owned by Indiana University) to become unified for the purpose of creating an historic learning center and office space. Because of the historic nature of the Wylie Museum, the petition was heard by the Bloomington Historic Preservation Commission. The Commission voted to support the vacation of the alley, as well as the demolition of the annex building located at 317 E. 2nd Street.

Agencies notified of the vacation request:

SBC Ameritech
Cinergy
Insight Communications
Vectren
City of Bloomington Police Department
City of Bloomington Fire Department
Bloomington Historic Preservation Commission
Bloomington Public Works Dept.
Bloomington Utilities Dept.

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

1. Current status - access to property:
Access to the property will be from the existing east/west alley adjacent to the property on the north. There are a few parking places in the rear for employees. Access to the apartments to the north and east of this alley will remain open via this east/west alley. Currently, school buses stop in front of the museum to let the children disembark. This practice will most likely continue.

2. Necessity for growth of the city:

a. Future Status: The right-of-way proposed for vacation has electric, gas, phone and cable lines located within them. Indiana University has agreed to pay all costs associated with the relocation of the utilities affected by this vacation request.

b. Proposed Private Ownership Utilization: Ownership of the right-of-way would be granted to The Trustees of Indiana University with new easements in place for the existing utilities.

c. Compliance with Regulations: All utilities in the right-of way will be relocated into new easements and rights-of-way.

d. Relation to Plans: Indiana University is interested in creating a better learning environment at the Wiley Museum. The City is interested in creating an atmosphere of community character, where its citizens and visitors can have a positive experience. The new learning center will offer another venue for education in the community.

DISCUSSION: Indiana University has agreed to pay all costs associated with the vacation of the alley. The vacation will allow for a more unified area where the Wylie Museum and its grounds are located. All interested parties, including the Board of Public Works and the Bloomington Historic Preservation Commission, have no objections to the vacation.

RECOMMENDATION: Planning Staff recommends approval of this petition. The vacation of the right-of-way does not interfere with the City of Bloomington Zoning Ordinance or right-of-way/easement vacation policies. Although demolition of existing housing stock is discouraged within Core Residential areas, demolition is supported by the Historic Preservation Commission because of the community benefit of supporting the Wylie Museum.

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

CITY OF BLOOMINGTON
COMMON COUNCIL

ORDINANCE 04-31

1st READING	October 20, 2004
COMMITTEE	Ocober 27. 2004
FINAL HEARING	November 3, 2004

Office of the Common Council
P.O. Box 100, Showers City Hall
Bloomington, IN 47402
(812) 349-3409

Address of Property: North/ South running right-of-way located between Lincoln and Grant Streets and between 2nd Street and Smith Ave. directly east of the Wylie Museum. Specifically, this right -of-way segment is located between Lots 5 & 6, and Lots 7 & 10 of the Wylie Addition.

Applicant's Name: The Trustees of Indiana University

Address: Carmichael Center, Suite 204, 530 East Kirkwood Ave. Phone: 812- 855-4100
Bloomington, IN 47408-4003

Counsel or Consultant: Lynn H. Coyne, Assistant Vice President for Administration

Address: Carmichael Center, Suite 204, 530 East Kirkwood Ave. Phone: 812-855-4100
Bloomington, IN 47408-4003

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

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

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

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

Signature *Date* Oct. 14, 2004

Lynn H. Coyne,
Assistant Vice President for Administration
Indiana University

INDIANA UNIVERSITY

REAL ESTATE DEPARTMENT

March 9, 2004

Via Hand Delivery

City of Bloomington
Planning Department
Attn: Ms. Lynne Friedmeyer
City Hall – Room 160
401 North Morton St.
Bloomington, IN 47404

RE: Request for Pre-Petition Review for Proposed Alley Vacation in Wylie Addition, Bloomington, IN

Dear Ms. Friedmeyer:

Enclosed for the Planning Department's pre-petition review is information with respect to a requested vacation of a section of public right-of-way located in the 300 block of East Second Street in Bloomington. The submissions include the following:

Item 1. A memorandum explaining the proposed utilization of the right-of-way that also addresses the criteria established by the City of Bloomington for evaluating vacation requests;

Item 2. A legal description of the right-of-way;

Item 3. A site plan and drawings showing the right-of-way for which vacation is requested and the adjoining properties; and

Item 4. The names and addresses of owners of all property abutting the proposed vacation.

We request your review of this material in preparation for our petition to the Common Council of the City of Bloomington to vacate the right-of-way in question.

Thank you for your consideration.

Sincerely,

Victoria J. Gutwein

Victoria J. Gutwein
Manager of Operations and Research

Carmichael Center,
Suite 204
530 East Kirkwood Avenue
Bloomington, Indiana
47408-4003

812-855-4100
Fax: 812-855-1156

Item 1. Explanation for Requested Right-of-Way Vacation

The Trustees of Indiana University intend to submit to the Common Council of the City of Bloomington a request to vacate a section of public alley located in the 300 block of Second Street. The alley measures twelve feet by one hundred ninety-seven feet (12 X 197), and extends from Second Street north to the south right-of-way line of the first east-west alley that runs from Lincoln Street to Grant Street.

At one time, the alley served the residences adjacent to the alley and residences further north because it continued from Second Street through to Smith Avenue. Now, it does not continue through to Smith Avenue but ends approximately half-way between the east-west alley and Smith Avenue. The Petitioner, The Trustees of Indiana University, now owns the property and existing structures on both sides of that portion of the alley that we propose to vacate. Presently, this public right-of-way serves as limited pedestrian and vehicular traffic between Second Street and the east-west alley for residents in this block. However, the adjacent streets, Lincoln and Grant Streets, and accompanying sidewalks provide direct, convenient and safe passage for all residents.

Indiana University proposes to vacate the alley in order to accommodate construction of a new administrative building to serve the needs of its Wylie House Museum. Wylie House is an historic house located west of the alley and is owned by the Trustees. The new building would replace an existing building, known as the Wylie Annex, located east of the alley, which has been outgrown and is in disrepair. Vacation of the alley would offer more feasible options for locating the new building. It would also allow the Wylie House Museum to reconstruct the former carriage house on the property and add to the grounds. The new building is needed by the Museum to provide office, storage and conservation space.

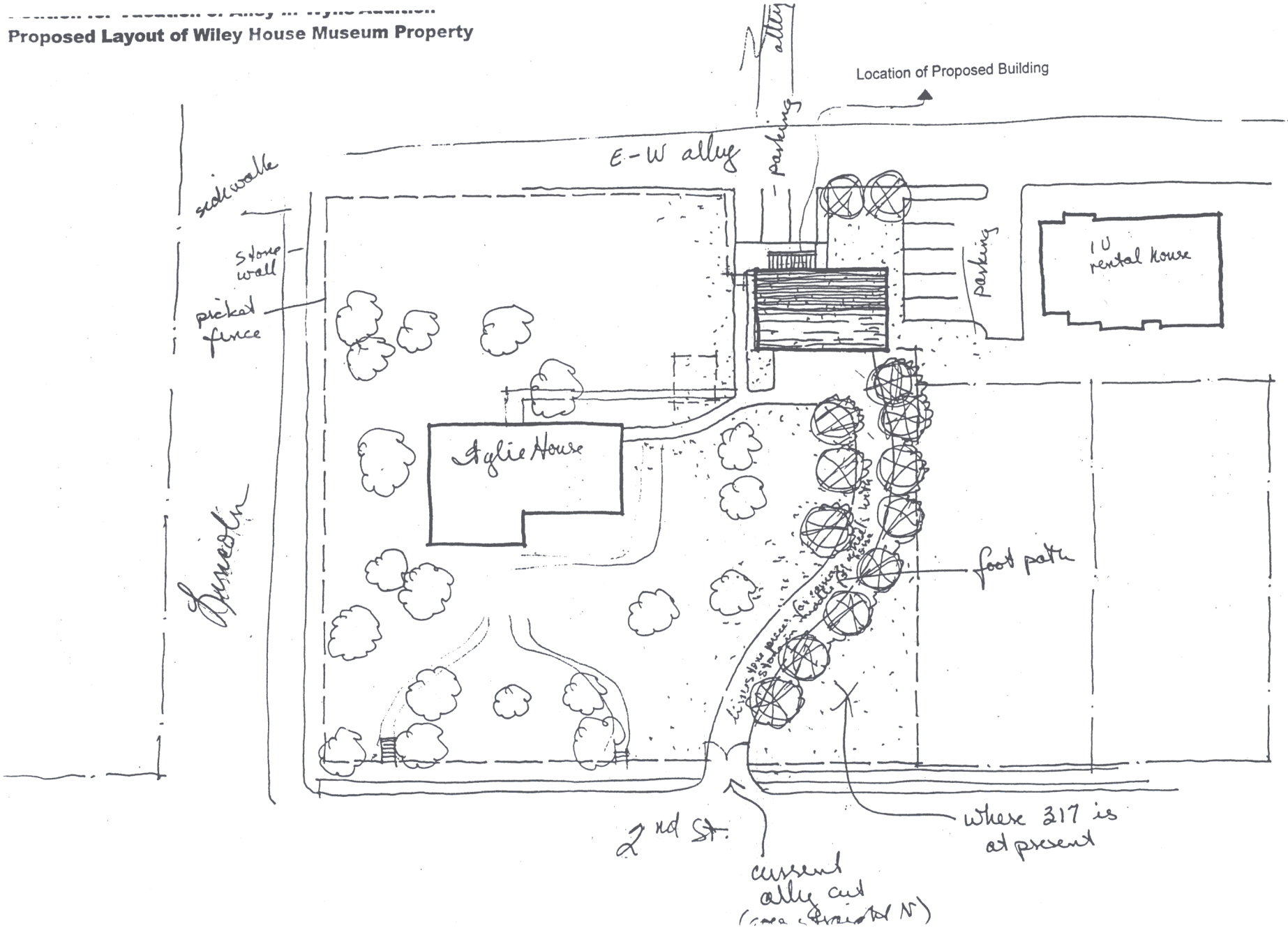
Alternate sites for this building are not readily available because, to serve its intended use, the building must be located on the same grounds as the Wylie House.

We believe that this proposed use of the alley is compatible with the use of the surrounding land. The University owns the property that lies on either side of the alley. Vacation of the right-of-way for development of a new building by the University is constructive re-use of the land and continues the pattern of redevelopment of this block in Wylie Addition. Indiana University will provide an attractive replacement to the alley without causing substantial inconvenience to nearby residents. Although there will be reduced access to Second Street, we believe that this will have limited impact because there are convenient and safer alternatives to the use of this right-of-way.

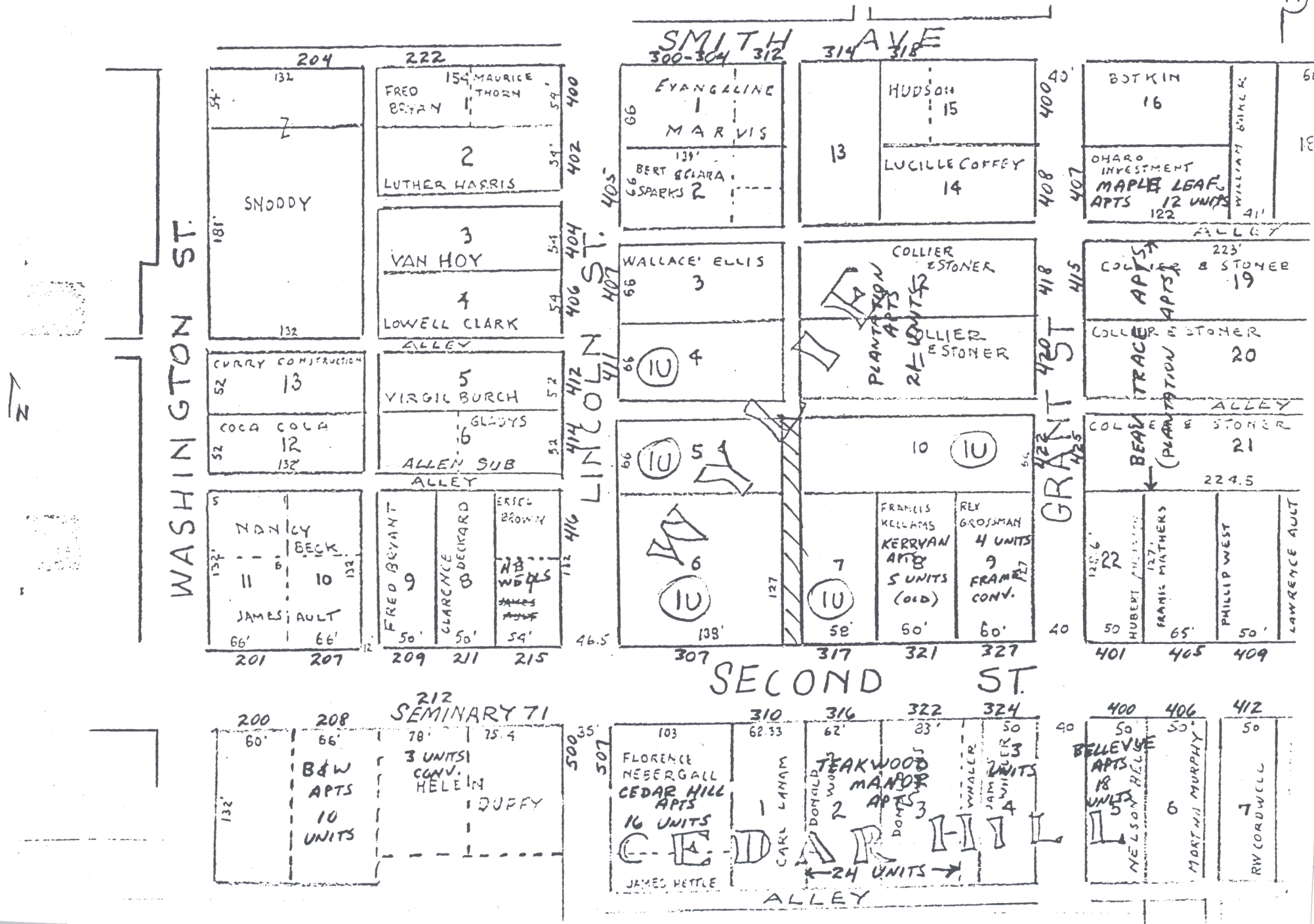
Item 2. Legal Description of the Right-of-Way

A part of a north-south alley as platted in Wylie Addition, a subdivision to the City of Bloomington, Indiana, being a part of Seminary Lot Number 75 in the Northwest quarter of Section 4, Township 8 North, Range 1 West in Monroe County and found at page 105 of Plat Book number 2 in the Office of the Recorder of Monroe County, Indiana, and running north and south between Second Street and the first east-west alley north of Second Street and located between Lots 5 and 6 on the west side of the alley and Lots 7 and 10 on the east side of the alley, described as follows: Beginning at the Northeast corner of Lot 5 of said subdivision, running thence South 197 feet and to the Southeast corner of Lot 6 in said subdivision, thence East 12 feet and to the Southwest corner of Lot 7 in said subdivision, thence North 197 feet and to the Northwest corner of Lot 10 in said subdivision, thence West 12 feet and to the place of beginning.

Proposed Layout of Wiley House Museum Property



WYLIE HOUSE AREA



INDIANA UNIVERSITY

REAL ESTATE DEPARTMENT

RECEIVED
MAR 15 2004
BY:

March 10, 2004

Via U.S. Mail

City of Bloomington
Planning Department
Attn: Ms. Lynne Friedmeyer
City Hall – Room 160
401 North Morton St.
Bloomington, IN 47404

RE: Follow up to Request for Pre-Petition Review for Proposed Alley Vacation in Wylie Addition, Bloomington, IN

Dear Ms. Friedmeyer:

This letter is a follow-up to our letter, dated March 9, 2004, requesting pre-petition review for an alley vacation. Please supplement our submission with the following information.

The Wylie House, located on the west side of the alley, began operating as a museum in 1965. Our records show that the Museum Staff has used the Wylie Annex, located on the east side of the alley, since at least since 1974. The Wylie Annex provides office space for three full-time museum employees, a multipurpose room, a workroom, restrooms, and two storage rooms.

As noted in the previous letter, Indiana University desires to replace the Annex with a new building. This new building will serve approximately the same functions: office space for three employees, work room(s), a multipurpose room, restrooms, and storage space. In addition, it will include a small kitchenette and a small entry lobby. The Staff would also like to use the new building to greet Museum visitors before taking them to the House for a tour. The estimated footprint of the new building is 28 feet by 45 feet.

A large administrative-type building is not planned for the area. Rather, a small structure is planned that would continue the same use but provide a small amount of additional space for the Staff. We believe that this building would be consistent with the residential setting of the area and, as noted, would not introduce a new use to the area.

Please contact me if you have questions or need additional information.

Thank you .

Carmichael Center,
Suite 204
530 East Kirkwood Avenue
Bloomington, Indiana
47408-4003

812-855-4100
Fax: 812-855-1156

INDIANA UNIVERSITY

RECEIVED
APR - 1 2004
BY:

March 29, 2004

Via U.S. Mail

City of Bloomington
Planning Department
Attn: Ms. Lynne Friedmeyer
City Hall – Room 160
401 North Morton St.
Bloomington, IN 47404

REAL ESTATE
DEPARTMENT

RE: Second follow-up letter to Request for Pre-Petition Review for Proposed Alley Vacation in Wylie Addition, Bloomington, IN

Dear Ms. Friedmeyer:

This letter is in response to some questions you recently asked me about the referenced petition. Please supplement Indiana University's petition with this letter and the enclosed drawings. Enclosed with this letter is a site plan that indicates the proposed location of the new building and layout of the Wylie House Museum property. Also enclosed is an illustration of the inspiration for this building.

The current Wylie Annex, the house located at 317 East Second, is in advanced disrepair and does not meet the needs of the Museum staff. Around 1999, Indiana University did a condition assessment of the Annex. The estimate of the work to stabilize the Annex was $185,000. This cost does not include adding onto or otherwise renovating the Annex to meet the needs of Wylie House Museum staff. Problems with the house include a badly cracked foundation, unstable stairs, water and sometimes sewage in the basement, damaged ceilings and walls, and inadequate wiring. Overall, the result of the study was that it would be more cost effective to build a new building designed for the purpose of Museum support than to repair and renovate the Annex.

The proposed new building is designed to complement the Wylie House and the original homestead. Wylie House originally sat in the middle of twenty acres and was a working homestead with gardens, orchards, fields, outbuildings, and animals. The proposed new building is patterned on a 19th century board and batten two-story barn. The windows and doors will have working shutters that, when closed, give the building a true 'barn look'. The enclosed illustration is of a barn that actually existed in western Pennsylvania where Dr. Wylie came from. Since he built his house to look like houses where he had grown up, the Museum staff thinks that the original Wylie homestead likely had an outbuilding similar to the one in the illustration.

Carmichael Center,
Suite 204
530 East Kirkwood Avenue
Bloomington, Indiana
47408-4003

812-855-4100
Fax: 812-855-1156

The proposed project would improve the area and also respect the history of the property. If the City grants the vacation, the University will locate the new building at the back of the lot, behind the existing Annex. It will demolish the Annex, re-grade the area, rebuild the existing stone fence, and place a wood picket fence around the entire 3 lots. The enclosed site plan shows this proposed layout. This would set the entire property off, make it more distinctive, and make it look more like a 19th century homestead.

The University has found that the alley is sometimes hazardous and that it does not provide a benefit. Guests and staff of the Museum who must cross the alley find it rough and uneven and have turned their ankles or even fallen. School children must cross the alley in order to find a place to eat their sack lunches.

The Wylie House is on the National Register and the University continues to revitalize and develop the site so that it will attract more people to Bloomington and the Museum. The alley vacation would bring the following benefits to the community:

- increased and improved programming and interpretation at the Museum;
- more school programs for Monroe and surrounding counties;
- use of the grounds as a meeting place for clubs, lectures, and workshops;
- continued revitalization of the Wylie House grounds; and
- attractive and complementary improvements to the property.

Please contact me regarding questions or updates in the vacation process and, if you have specific questions about the proposed project, you may also contact Jo Burgess at 855-6224. She is the Director of the Wylie House Museum.

Thank you for your continued assistance with this process.

Sincerely,

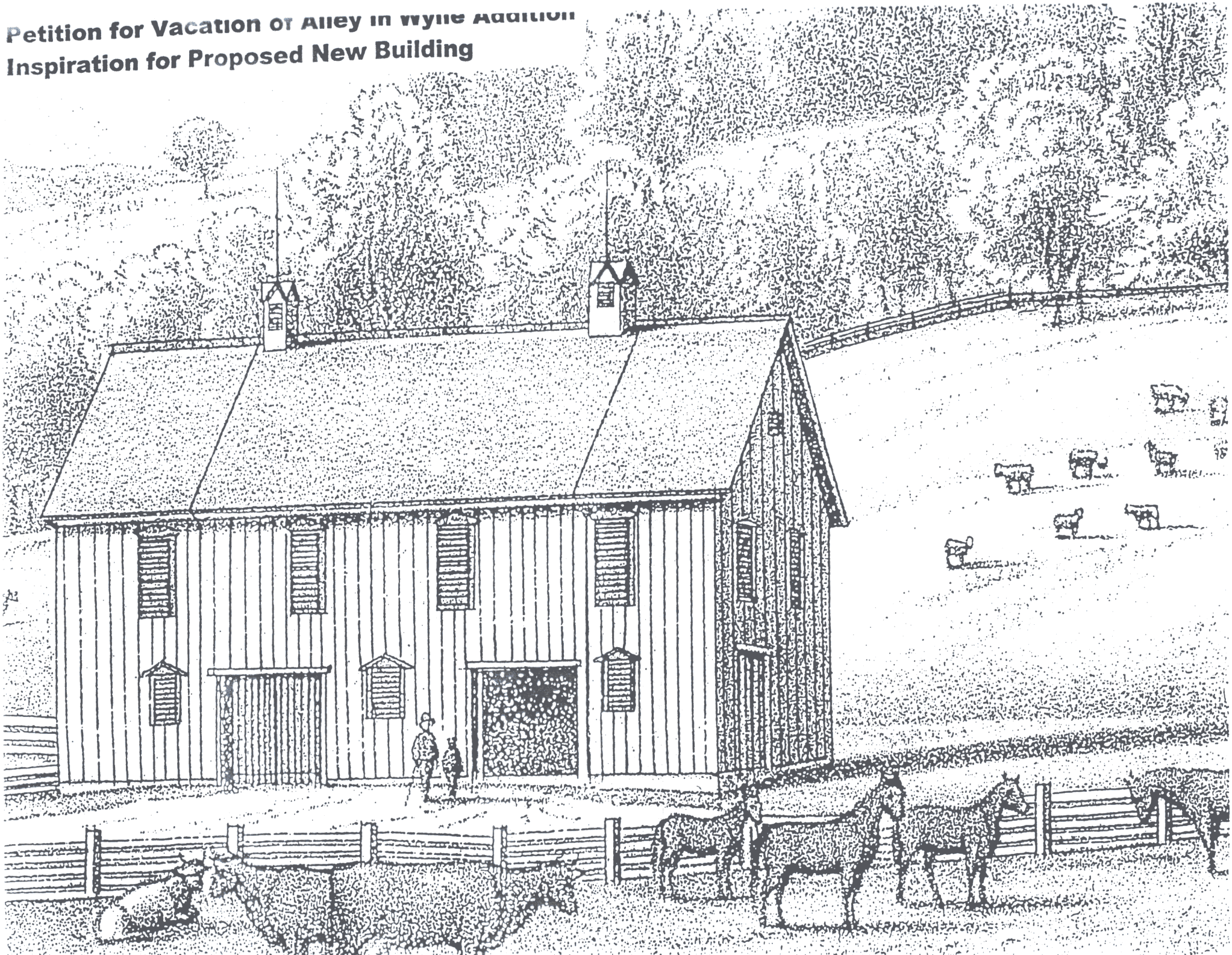
Victoria J. Gutwein

Victoria J. Gutwein
Manager of Operations and Research

Enclosures

Petition for Vacation of Alley in Wylie Addition

Inspiration for Proposed New Building



INDIANA UNIVERSITY

REAL ESTATE DEPARTMENT

RECEIVED
JUL 26 2004
BY:

July 21, 2004

Via U.S. Mail

City of Bloomington
Planning Department
Attn: Ms. Lynne Friedmeyer
City Hall – Room 160
401 North Morton St.
Bloomington, IN 47404

RE: Third follow-up letter to Request for Pre-Petition Review for Proposed Alley Vacation in Wylie Addition, Bloomington, IN

Dear Ms. Friedmeyer:

This letter concerns the above-referenced alley vacation request.

During the pre-petition review, the affected utility companies, SBC Ameritech, Vectren, Cinergy, and Insight, indicated that they have no objection to the alley vacation if Indiana University either provides an adequate easement for their existing facilities in the subject alley or funds re-routing of those facilities to another location.

The University agrees that, in the event the alley is vacated, it will provide easements to the utility companies for maintaining and accessing their facilities located in the alley (subject to the approval of the Board of Trustees, as required by Indiana law). In the event that the University's project would require removal of those facilities, the University agrees to pay the reasonable expenses required to relocate the facilities to a nearby location.

Thank you.

Sincerely,

Victoria J. Gutwein

Victoria J. Gutwein
Manager of Operations and Research

cc: Utility Companies

Carmichael Center,
Suite 204
530 East Kirkwood Avenue
Bloomington, Indiana
47408-4003

812-855-4100
Fax: 812-855-1156

Post-it® Fax Note 7671	Date 9-15	# of pages ▶ 1
To Penny Howard	From Tori Gutwein	
Co./Dept. DPW	Co. IU	
Phone #	Phone # 855-4100	
Fax # 349-3520	Fax # -1156	

INDIANA UNIVERSITY

REAL ESTATE DEPARTMENT

September 15, 2004

Via Facsimile and U.S. Mail

City of Bloomington
Department of Public Works
Attn: Penny Howard Myers
Assistant Director
City Hall – Room 130
401 North Morton St.
Bloomington, IN 47404

RE: Proposed Alley Vacation in Wylie Addition, Bloomington, IN

Dear Ms. Howard Myers:

The above-referenced matter is currently scheduled to be heard by the Board of Public Works at its meeting on September 21, 2004. This letter serves to supplement the materials that The Trustees of Indiana University ("University"), as petitioner, have submitted in support of the alley vacation.

If the vacation is granted, the University will accommodate the utility companies that currently use the alley. Where the University's use of the alley requires relocation of existing infrastructure, the University will incur the costs and expenses associated with relocating that infrastructure. In addition, the University requests that the vacation be granted with the retention of easements for the utility companies that currently have infrastructure in the alley. Otherwise, the University will grant easements to those utility companies. Prior to granting an easement, the University is required by law to seek approval from its Board of Trustees. However, the University Real Estate Department will diligently pursue this approval and, in the interim, grant the utility companies a right of entry.

Sincerely,

Victoria J. Gutwein

Victoria J. Gutwein
Manager of Operations and Research

cc: Lynn Coyne
Robert Meadows

Carmichael Center,
Suite 204
530 East Kirkwood Avenue
Bloomington, Indiana
47408-4003

812-855-4100
Fax: 812-855-1156

City of Bloomington
Planning Department

DEVELOPMENT REVIEW TRANSMITTAL

Date: April 5, 2004

Type of Request: right-of-way vacation

Project Name: Wylie Museum

Owner: The Trustees of Indiana University

Location: The subject of this right-of-way vacation petition is a north/south running right-of-way located between Lincoln and Grant Streets and between 2nd Street and Smith Ave. directly east of the Wylie Museum. Specifically, this right-of way segment is located between Lots 5 & 6, and Lots 7 & 10 of the Wylie Addition.

Proposed Use: The purpose of this vacation request is to allow Indiana University to expand the use of the Wylie Museum as a more pastoral setting for visitors. A barn type structure is planned which will be used for offices and storage. The right-of-way (12 foot wide alley) is currently used by multiple properties for access.

Required Approval: Common Council approval

TENTATIVE SCHEDULE

We need your comments by: **April 19, 2004**

First Common Council hearing: as scheduled

Second Common Council hearing: as scheduled

Final Common Council hearing: as scheduled

SIGNIFICANT ISSUES AND QUESTIONS

The petitioner is seeking right-of-way vacation of a 197 ft. by 12 ft. wide active alley in order to expand the use of the Wylie Museum. Indiana University plans to raze the house directly east of the museum at 317 E. 2nd Street and build a barn style structure on the property.

Refer to the enclosed site plans, legal description, and petitioner's letter.

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

Please reply to:

Lynne Friedmeyer
Planning Department
City of Bloomington
P.O. Box 100
Bloomington, IN 47402

CINERGY.
PSI

Cinergy / PSI
1100 West Second Street
Bloomington, IN 47403

July 21, 2004

City of Bloomington
Planning Department
City Hall – Room 160
Bloomington, IN 47404
Attn: Ms. Lynne Friedmeyer

RE: Vacation of Alley for Proposed Wylie Addition. Bloomington, IN

Dear Ms. Friedmeyer:

This letter is in response to Indiana University's request for Cinergy to vacate the alley east of the existing Wylie House, located at 307 East 2nd Street in Bloomington, Indiana.

Cinergy is willing to vacate this alley upon certain requirements. Cinergy does have facilities located in the existing alley. If any relocation of existing facilities is needed, 100% reimbursement is due from Indiana University prior to any work being done. Also, if any new easements are required to serve existing customers due to relocation of our facilities, Indiana University is required to obtain new easements prior to any work being done.

If you have any questions about the vacation or need additional information, please contact me at 812-337-3020.

Thank you for your assistance.

Sincerely,

Rick McClain
Customer Project Supervisor
Bloomington District

Cc: Victoria Gutwein

RECEIVED
JUL 22 2004
By

VECTREN

Not just power. Possibility.

April 8, 2004

205 S. Madison Street
Bloomington, IN 47404
Telephone 812-330-4075

Lynne Friedmeyer
Planning Department – City of Bloomington
P.O. Box 100
Bloomington, IN 47402

Re: Vacation of North/South alley between Lincoln and Grant Streets from 2nd Street running North to the first East/West alley between Lincoln and Grant Streets in Bloomington, Indiana.

Indiana Gas Company, Inc. doing business as Vectren Energy Delivery of Indiana has researched the above location requested for vacation and there is currently an existing natural gas main within the subject right of way. Therefore, the vacation request should include the following language to reserve our rights.

> Indiana Gas Company, Inc. d/b/a Vectren Energy Delivery of Indiana, hereinafter referred to as Company reserves the following easement rights:
>
> An easement with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground and one or more gas lines, whether facilities are above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of electric energy or gas, upon, over, under and across said strips of land together with the right of ingress and egress over the lands to and from said facilities in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees located within said strips of land, and the right to trim or remove, at Company's sole discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above ground facilities, and the right to remove brush or other obstructions from said strip of land.

The above rights must be reserved in the ordinance for Indiana Gas Company/Vectren to approve of said vacation. Please forward to me a copy of the recorded ordinance upon passing.

The company will entertain relocating the gas facilities, if provided a reasonable route and reimbursement for the expense. If you have any questions, please feel free to give us a call.

Sincerely,

Raymond E. Wise

Raymond E. Wise
Vectren Energy Delivery of Indiana

RE
APR 12 2003
By

SBC

RECEIVED
APR 2 2 2004
BY:.....

4-20-04

Lynne Friedmeyer
Planning Department
City of Bloomington
PO Box 100
Bloomington, In 47402

Dear Lynne,

In regards to the vacation request of the north south running R/W located between Lincoln and Grant between 2nd St. and Smith Ave. directly east of the Wylie Museum.

SBC has no objection to the request as long as the petitioning party provides SBC with a utility easement of the same dimensions as the proposed vacated R/W or agrees to reimburse SBC in writing for expenses incurred in rerouting the existing facilities.

If you have any questions please call me on 812-334-4521.

Brent

Brent McCabe
SBC OSP Engineer
4517 E Indiana Bell Ct
Bloomington, In 47408

Insight

Insight Communications • 2450 S. Henderson • Bloomington, IN 47401 • Main 812.332.9486 • Fax 812.332.0129

Lynne Friedmeyer
Planning Department
City of Bloomington
Post Office Box 100
Bloomington, Indiana 47403

To all concerned parties

The Encroachment of Easement or elimination of Easement that The Trustee of Indiana University has requested does and will hinder our operation in this area. We however are not opposed to alternative routing of our facilities if the trustees are willing to re-inburse the costs associated with the relocation of said facilities, with the rights to maintain our facilities in case of emergency

Scott Templeton 812.355.7822
District Construction Supervisor
Insight Communication
2450 South Henderson Street
Bloomington Indiana 47401

RECEIVED
MAY 25 2004
By

City of Bloomington
Historic Preservation Commission

May 7, 2004

RE: Vacation of a north south alley between Lincoln and Grant Streets north of East Second Street

To the Planning Department and Common Council:

The Bloomington Historic Preservation Commission reviewed a new development plan for the Wylie House Museum site at their meeting on April 8, 2004. The meeting was attended by Robert Meadows, Assistant Vice President and University Architect; Victoria Gutwein, Manager of Operations and Research, Indiana University Real Estate; and Jo Burgess the Director of the Wylie House Museum. The development plan includes the vacation of the alley adjacent to the Wylie House on its east side and the possible demolition of the building at 317 East Wylie. The Commission voted to support the vacation of the alley in order to expand and enhance the setting of this landmark building which is used a period museum.

Sincerely,

Matthew K. Reckard

Matthew Reckard
Chairman, Bloomington Historic Preservation Commission

cc: Victoria Gutwein, Manager of Operations and Research, Indiana University Real Estate

401 N. Morton Street
Bloomington, IN 47404
Fax: (812) 349-3582

City Hall
www.city.bloomington.in.us

Phone: (812) 349-340

ORDINANCE 04-32

TO AMEND THE BLOOMINGTON ZONING MAPS FROM PUD AND RM7 TO PUD AND TO AMEND THE PRELIMINARY PLAN FOR THE CENTURY VILLAGE 2 PLANNED UNIT DEVELOPMENT (PUD) - RE: 300 S. State Road 446 (Bill C. Brown, Petitioner)

WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning", including the incorporated zoning maps, and Title 21, entitled "Land Use and Development;" and

WHEREAS, the Plan Commission has considered this case, PUD-20-04, and recommended that the petitioner, Bill C. Brown, be granted a rezone of the property located at 300 South State Road 446 from PUD and RM7 to Planned Unit Development and also be granted a preliminary plan approval for the Century Village PUD. The Plan Commission thereby requests that the Common Council consider this petition;

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

SECTION I. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, approximately 3.27 acres of the Baker/Stevens PUD and approximately 4.24 acres of RM7 land be rezoned and incorporated into the Century Village PUD and that the preliminary plan for that PUD be approved. The property is located at 300 South SR 446 and is further described as follows:

A Part of the Northwest Quarter of Section 1, Township 8 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows:

COMMENCING at the Northeast Corner of the Northwest Quarter of said Section 1; thence NORTH 90 degrees 00 minutes 00 seconds West 364 feet; thence SOUTH 00 degrees 00 minutes 00 seconds East 41.82 feet to the POINT OF BEGINNING at the Southeasterly Right-of-Way to State Road 446; thence along said Right-of-Way the following seven (7) courses: 1) SOUTH 00 degrees 17 minutes 56 seconds East 10.00 feet; thence 2) 129.30 feet along a 1004.93 foot radius non-tangent curve to the left whose chord bears NORTH 86 degrees 09 minutes 57 seconds East 129.21 feet; thence 3) SOUTH 26 degrees 10 minutes 16 seconds East 262.27 feet; thence 4) SOUTH 13 degrees 51 minutes 45 seconds East 269.67 feet; thence 5) SOUTH 00 degrees 39 minutes 14 second East 76.43 feet; thence 6) SOUTH 89 degrees 01 minutes 42 seconds East 50.60 feet; thence 7) SOUTH 00 degrees 00 minutes 00 seconds West 251.04 feet; thence leaving said Right-of-Way NORTH 89 degrees 01 minutes 42 seconds West 668.00 feet; thence NORTH 00 degrees 00 minutes 27 seconds East 245.04 feet; thence NORTH 88 degrees 38 minutes 37 seconds West 316.61 feet along Lot 7B of Baker Subdivision as recorded in Plat Cabinet "C", Envelope 169; thence NORTH 00 degrees 00 minutes 03 seconds West 379.05 feet; thence SOUTH 88 degrees 39 minutes 22 seconds East 202.34 feet; thence leaving said Lot 7B in Baker Subdivision NORTH 00 degrees 01 minutes 35 seconds East 196.21 feet to the South Right-of-Way to State Road 46; thence along said Right-of-Way SOUTH 88 degrees 58 minutes 51 seconds East 421.39 feet to the POINT OF BEGINNING, containing 14.32 acres more or less.

SECTION II. The Preliminary Plan shall be attached hereto and made a part thereof.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
MIKE DIEKHOFF, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance expands the Century Village PUD at 300 South SR 446 from 6.21 acres to 13.72 acres by transferring 3.27 acres from the Baker/Stephens PUD and rezoning 4.24 acres of multifamily (RM7) land on the south. This ordinance also amends the restrictions, development commitments, and list of uses for the Century Village PUD.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 04-32 is a true and complete copy of Plan Commission Case Number PUD-20-04 which was given a recommendation of approval by a vote of 10 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on September 13, 2004.

Date: September 27, 2004

Thomas B. Micuda, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____, 2004.

Regina Moore, City Clerk

Appropriation Ordinance # _____

Fiscal Impact Statement Ordinance # _____

Resolution # _____

Type of Legislation:

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

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

Cause of Request:

Planned Expenditure___ _____ _____ Emergency _____
Unforseen Need _____ Other _____

Funds Affected by Request:

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

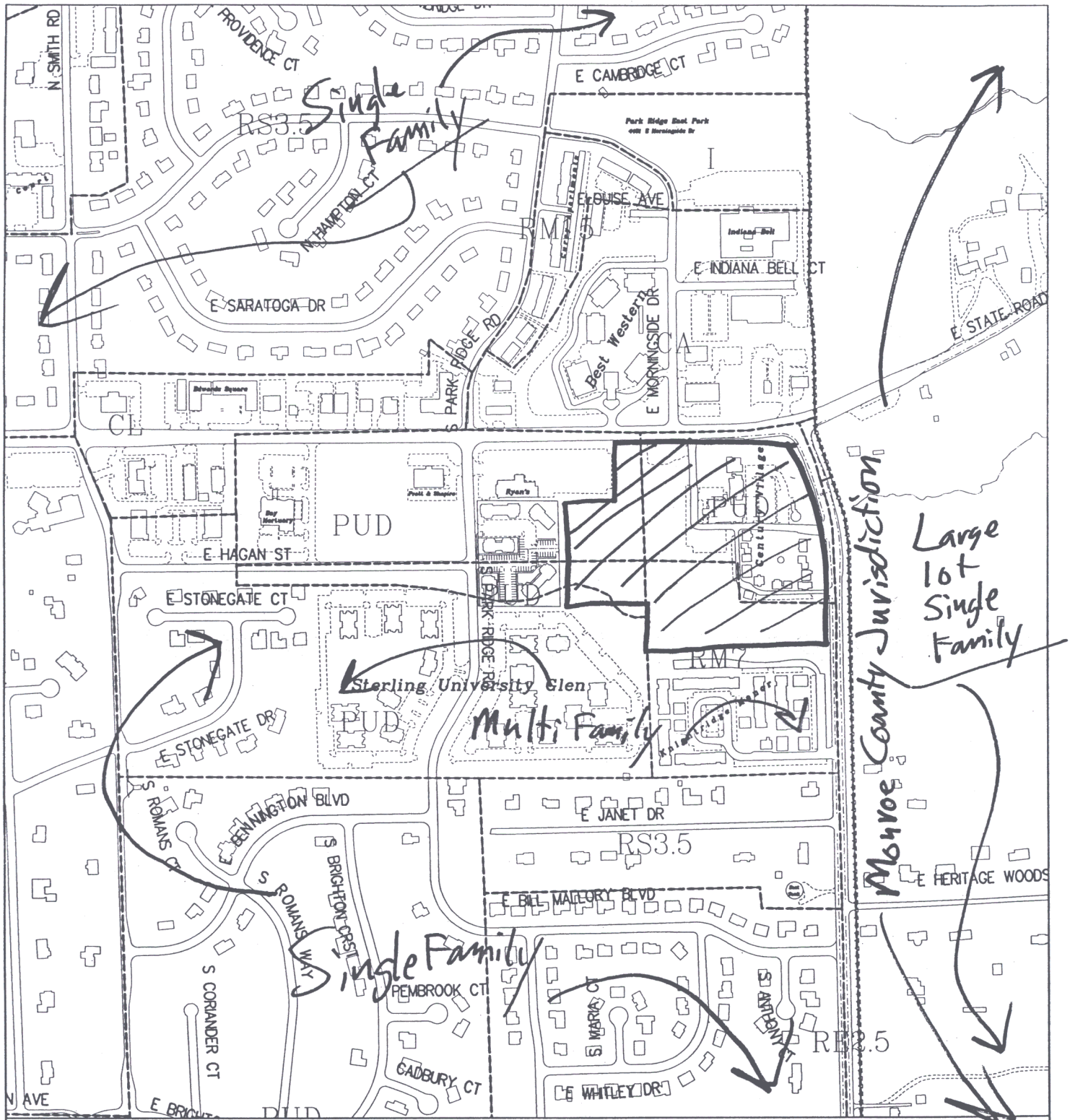
Signature of Controller

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

Yes _____ No _____

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

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



Location Zoning and land use map

City of Bloomington
Planning

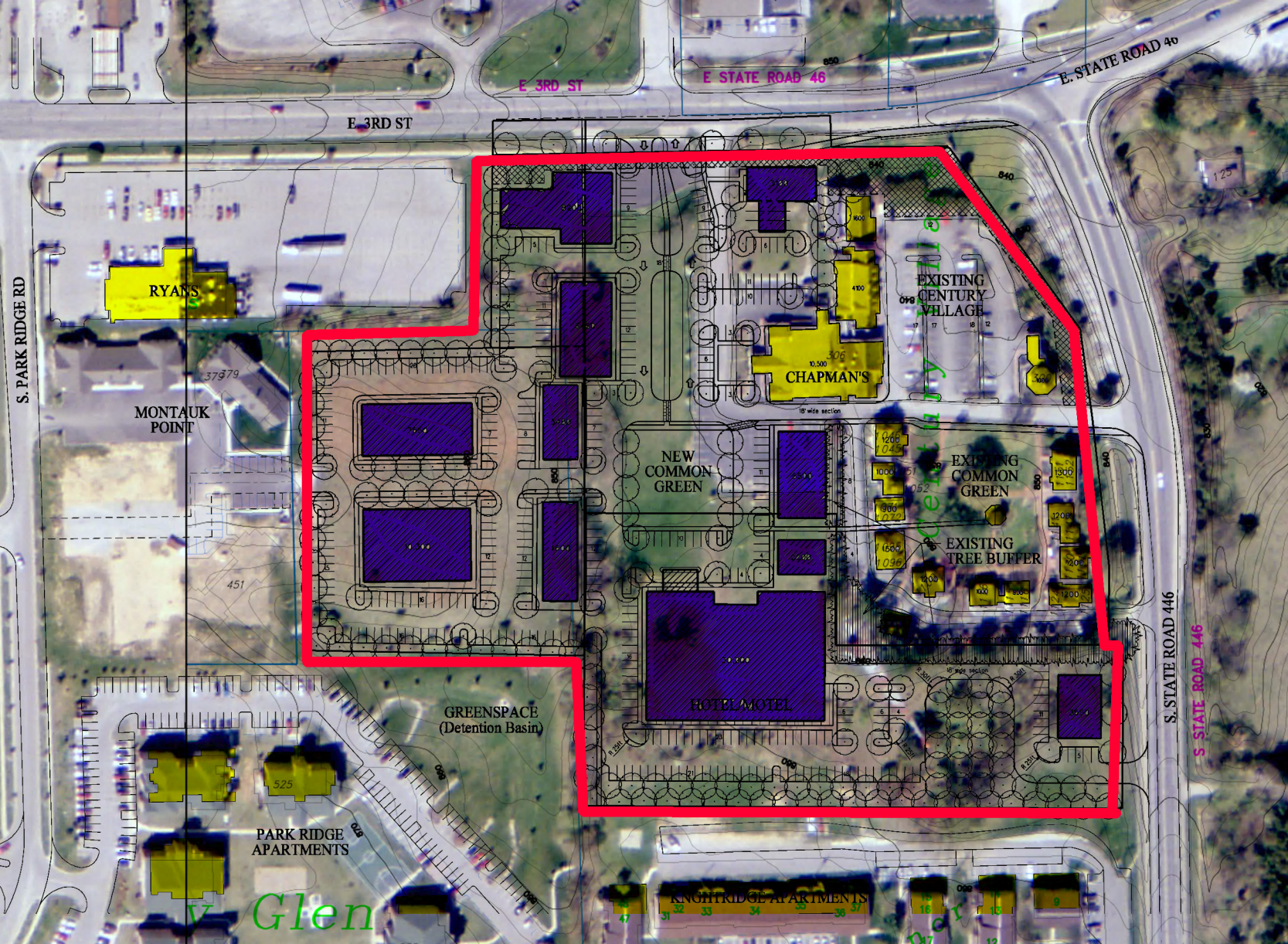
By: roachja
3 Aug 04

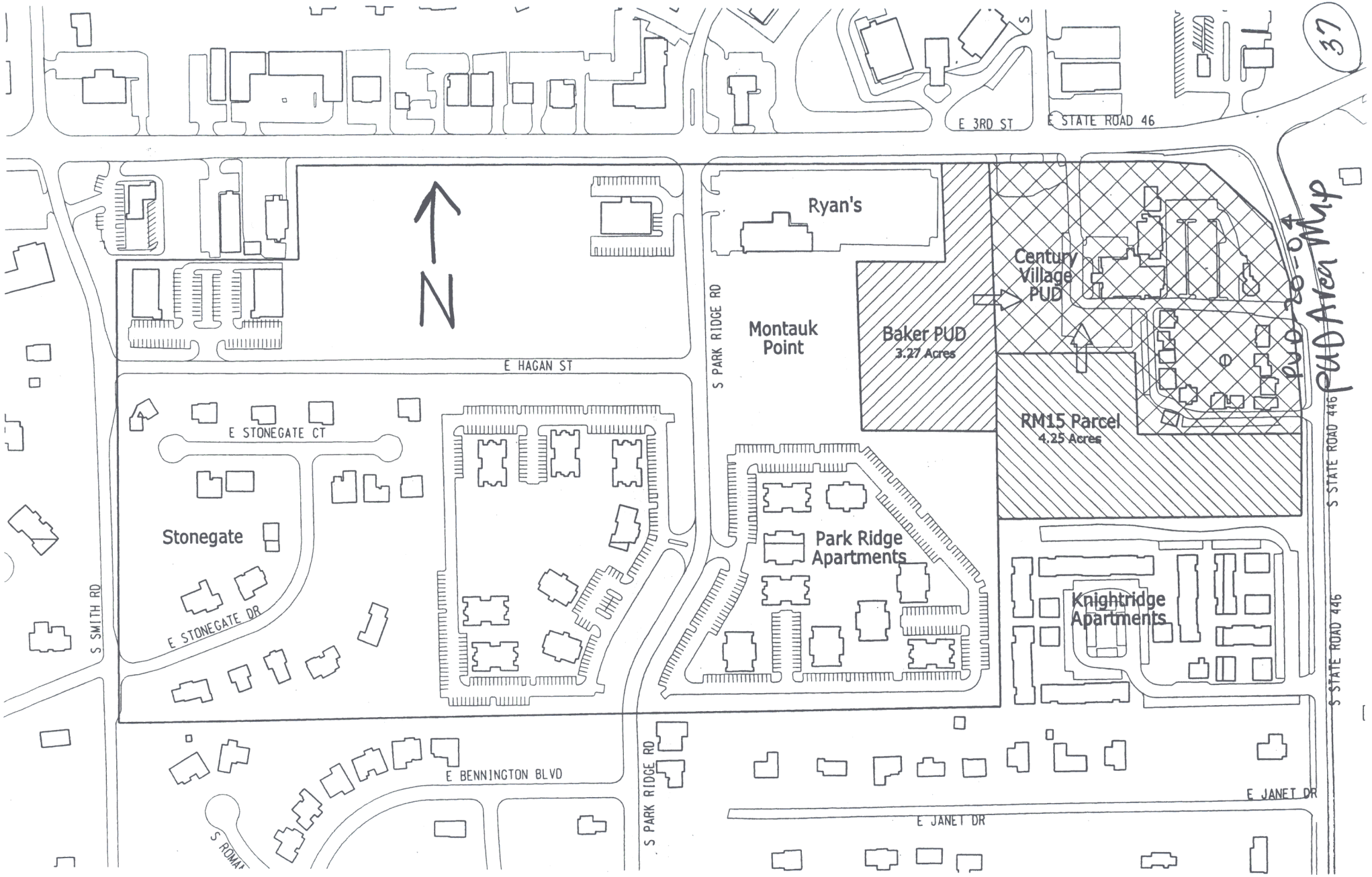
500 0 500 1000 1500

N

Scale: 1" = 500'

For reference only; map information NOT warranted.


E 3RD ST
E STATE ROAD 46
E. STATE ROAD 46
S. PARK RIDGE RD
RYAN'S
MONTAUK POINT
CHAPMAN'S
EXISTING CENTURY VILLAGE
NEW COMMON GREEN
EXISTING COMMON GREEN
EXISTING TREE BUFFER
HOTEL/MOTEL
GREENSPACE (Detention Basin)
PARK RIDGE APARTMENTS
KNIGHTRIDGE APARTMENTS
S. STATE ROAD 446
S STATE ROAD 446


37
E 3RD ST
E STATE ROAD 46
N
Ryan's
Century Village PUD
Montauk Point
Baker PUD
3.27 Acres
S PARK RIDGE RD
E HAGAN ST
RM15 Parcel
4.25 Acres
PUD-20-04
PUD Area Map
S STATE ROAD 446
E STONEGATE CT
Stonegate
Park Ridge Apartments
Knightridge Apartments
S SMITH RD
E STONEGATE DR
E BENNINGTON BLVD
S PARK RIDGE RD
E JANET DR
E JANET DR
S ROMA

Interdepartmental Memo

To: **Members of the Common Council**
From: **James Roach, Senior Zoning Planner**
Subject: **Case # PUD-20-04**
Date: **October 11, 2004**

Attached are the staff report, petitioner's statement, and map exhibits which pertain to Plan Commission Case # PUD-20-04. The Plan Commission heard this petition at its September 13, 2004 meeting and voted 10-0 to send this petition to the Common Council with a favorable recommendation.

REQUEST: The petitioner is requesting a preliminary plan amendment to the Century Village PUD. This amendment would transfer 3.27 acres from the Baker/Stephens PUD to the Century Village PUD, rezone 4.24 acres from Multifamily (RM7) to PUD to be included in the Century Village PUD and would amend the approved list of uses.

BACKGROUND:

Area:	6.21 acres (Existing PUD) 4.24 acres (zoned RM7) 3.27 acres (within Baker/Stevens PUD) 13.72 acres total
Current Zoning:	Century Village PUD, Baker Stevens PUD and RM7
GPP Designation:	Community Activity Center and Urban Residential
Existing Land Use:	Hotel, offices, restaurant and vacant, rolling meadow terrain with scattered trees
Proposed Land Use:	Mixed office and retail with second floor residential, restaurant and hotel
Proposed Density:	3.64 units per acre (50 units/13.72 acres)
Surrounding Uses:	**South, Southwest –** Multi-family residential (Knightridge Manor, Sterling University Glen) **East –** Large lot single family **North** – Commercial **West** – Office (Montauk Point) and Restaurant (Ryan's Steak House)

REPORT SUMMARY: The Century Village PUD was originally approved in 1975 and is located at the southwest corner of E. 3rd Street/SR 46 and S. SR 446. It was first developed with a series of small "Colonial Williamsburg" style structures used as offices and retail space. Since that time these structures have been converted to the Century Suites Hotel and the PUD has expanded several times. Other uses in this PUD include Chapman's Restaurant, the petitioner's office and the offices and transmission tower of WBWB and WHCC radio. The west side of the PUD also includes approximately 1.8 acres of undeveloped land, including the site of a former gasoline service station.

The petitioner, Bill C. Brown, is the developer and owner of Century Village. He also owns 3.27 undeveloped acres in the Baker/Stevens PUD immediately to the west. This land received final plan approval in 1994 for a 102 room hotel that was never constructed. This portion of the Baker/Stevens PUD permits several commercial uses including retail, office and a hotel. Immediately to the south of the Century Village is a vacant 4.24 acre tract zoned multi-family residential (RM7). The petitioner has an option to purchase this property. This petition proposes to combine together these three pieces of land into a revised Century Village PUD. The amended PUD will total 13.72 acres and include a mix of uses similar to uses already permitted within the two existing PUDs.

GROWTH POLICIES PLAN: The GPP designates the existing PUD parcels as Community Activity Center (CAC) and the RM7 zoned parcel as Urban Residential. The GPP notes that the "primary land use in a CAC should be medium scaled commercial retail and service uses." It encourages 2nd floor residential uses above commercial but states that if residential units are to be developed within a CAC, they should be located around a central node, instead of along a corridor. The GPP also encourages the provision of public space, minimal street setbacks to increase pedestrian and transit accessibility, tree plots and potential for on-street parking. The schematic plan meets many of these site planning goals, including minimal street setbacks, second floor residential and building layouts surrounding a central node of open space.

The GPP also encourages Compact Urban Form and notes that "Commercial development needs to be contained within existing commercially zoned land." Infill and redevelopment is recommended to take precedence over rezoning new land for commercial uses. It also encourages the City to "restrain new commercial development in the southeast sector of the community…" In addition to these policies, the policies toward the Urban Residential land use category, note that sites should be developed for "predominantly residential uses; however, incorporate mixed residential densities, housing types, and nonresidential services where supported by adjacent land use patterns."

Despite these policies, the Plan Commission believed that the proposed uses and the proposed extension of an already existing, successful development, as well as the provided site plan and design commitments, mitigate the expansion of commercially zoned land. Also, existing adjacent high density housing and the close proximately to established neighborhoods support the non-residential use of this property.

Finally, the GPP encourages the City to Mitigate Traffic by placing high density multi-family housing in close proximity to transit routes. The location of student-oriented housing on the periphery of the community has been a continuing concern of the Plan Commission. In this regard, the Plan Commission preferred the concept of a mixed use, commercially oriented development as opposed to a

student apartment project at the extreme eastern edge of the planning jurisdiction.

LAND USE:

Commercial: The proposed list of uses includes most of the uses currently permitted in the Century Village and Baker/Stevens PUDs. These uses have been updated with modern terms. A comparison of existing and proposed permitted uses (titled "PUD Use List Comparison") is included with this memo.

The proposed uses are as follows:

- Assisted Living Facility
- Day Care Centers
- Financial Institutions with a drive-through
- Hotel/Motel
- Offices, including medical and professional
- Personal Services (hair care, tanning, etc.)
- Radio/TV Stations
- Retail sales in enclosed buildings, limited to first floor and 5,000 square feet per user
- Banquet Facility (Definition provided)
- Restaurants, sit down, with a pick up only window for carry-out orders being allowed
- Restaurant, Limited Service (Definition provided)
- Brew Pub - limited to a minimum of 50% of floor area committed to tavern/restaurant area.
- Social Services
- Government Offices

Currently, there is no definition for "assisted care facility" in the zoning ordinance. Instead of creating a new definition for this use, the Plan Commission decided to defer this issue to final plan stage. If there is not a definition in the zoning ordinance by the time the petitioner wishes to develop an assisted care facility, the Plan Commission will need to determine the parameters of this particular use.

Multi-family: The petitioner has proposed that if multi-family uses are developed as part of the PUD that they be located only on the second floor or above and that they be limited to a maximum of 50 units. The Plan Commission determined that multi-family uses at this density were appropriate, but not essential to fulfill the policies of the GPP.

INTENSITY OF USES:

Drive-through bank: The petitioner committed to a limitation of not more than one financial institution (bank). The Plan Commission allowed this financial

institution to include a drive-through. The petitioner has committed that "The drive through would be limited it to three lanes. It will be designed to fit within the village concept and the current architecture. The drive through must be located on the side opposite the public street."

Carry-out Window: The Plan Commission allowed the sit down restaurants an allowance for a carry-out window. The petitioner has committed that "The pick up window will not be allowed to use a drive up lane that encircles the building. Instead it should be located on the opposite side of the building from the public street and should not require substantial extra pavement on its own."

Maximum Number of Restaurants: The Baker/Stevens PUD limits the commercial development to a maximum of one (1) restaurant. This restaurant has already been developed as Ryan's Steak House. The Century Village PUD has already been developed with one, approximately 10,000 square foot restaurant: Chapman's. The Plan Commission allowed for not more than two (2) additional sit down restaurants in this development. They also restricted the second new sit down restaurant to no more than 5,000 square feet. The Plan Commission felt that by limiting the number of restaurants, the limited scope of the PUD can be better assured.

Maximum Size of Retail Use: The petitioner committed to a restriction that retail uses not exceed 5,000 square feet, which is the same as the current Limited Commercial (CL) zoning district restriction. However, the Plan Commission did allow for one retail use to be as large as 10,000 square feet. The petitioner believes this allowance will serve to permit a commercial anchor and would serve higher end retail uses such as a furniture store or a pharmacy. In comparison, the new CVS Pharmacy at E. 3rd Street and The Bypass and the Pier One Imports store on Auto Mall Road are both approximately 10,000 square feet.

Maximum Building Size: Most of the buildings in the existing PUD are very small, with some buildings having footprints as small as 1,000 square feet. The petitioner has stated that typical buildings in the PUD will range from 3,000 to 10,000 square feet on the first floor. One building is shown on the schematic plan at about 11,000 square feet. The petitioner has stated a desire to expand the theme of the existing Century Village over the rest of this property and has committed that "the largest single building footprint allowed will be 15,000 square feet." However, The Plan Commission did allow a hotel/motel or assisted living facility to be exempt from this requirement.

SITE DESIGN:

Access and Connectivity: Access to the development would be from a single, re-aligned access on E. 3rd Street, with two full access points on S. SR 446. The current shared access drive onto E. 3rd Street will be shifted to the west to directly align with E. Morningside Drive. The Plan Commission required that the

realignment take place with the first new final plan for this property. Secondary access would also be provided from the existing out-only drive onto SR 446 as well as an internal connection to the Montauk Point office complex.

The petitioner has designed the entrance to E. 3rd Street as a boulevard. The boulevard median would be landscaped and also include a proposed pedestrian route.

The Plan Commission approved an access plan in the southeast portion of the property that was presented at the September 13, 2004 meeting. This plan adds a new cross access between the PUD and the Knightridge Manor Apartments to the south. Having such a cross-access drive is a significant public benefit because the Knightridge complex currently has only a single means of ingress and egress onto SR 446.

Pedestrian Facilities: The Alternative Transportation and Greenways System Plan recommends a sidepath on the south side of E. 3rd Street. This sidepath has already been partially constructed from Clarizz Blvd. to Smith Rd. and in front of Day Mortuary. However, the Greenways Plan does not make any specific recommendations for S. SR 446. There is a very wide, paved shoulder on SR 446 that is often used by bicyclists.

The Plan Commission approved a pedestrian plan that includes an 8 foot wide multi-purpose path on E. 3rd Street and a 5 foot wide sidewalk on S. SR 446. The intersection of E. 3rd Street and S. SR 446 poses particular difficulties in the construction of pedestrian facilities. This intersection includes a metal guard rail and a severe change in grade between the road and the petition site. In order to avoid this intersection, the Plan Commission approved a six foot wide pathway through the middle of the proposed entrance median that will connect to the existing drive on SR 446. This pathway will allow walkers to bypass the intersection of SR 446 and E. 3rd Street if headed south.

Architecture: The approved preliminary plan proposes to extend the architectural themes that have been established with the current Century Village PUD. The buildings would be built in a “Colonial” or “Williamsburg” style which would include cedar shake shingles and brick, wood lap or fiber cement siding. The hotel/motel use could also have a metal roof. The petitioner has committed to providing a pitched roof on all buildings, and the Plan Commission required that these roofs have a minimum pitch of 4:12. Finally, the petitioner agreed to provide 360º architectural treatments.

Common Green and Open Space: The existing PUD includes a series of small buildings clustered around a “Common Green.” This green is approximately 0.6 acres in size. The petitioner proposes to create a second, 0.35 acre, “Common Green” for the undeveloped portions of the PUD and the new acreage. This new “Common Green” would be developed as an “active plaza with some brick or

modular paved surfaces as well as greenspace." The petitioner has committed that at least 30% of the new "common green" will be landscaped.

The total greenspace for the PUD is approximately 4.8 acres, which includes the two greens, the southern water quality basin and other open areas and setbacks. The developed portions of the existing PUD have approximately 41% greenspace, while the new development would contain approximately 34% greenspace. Together these 4.8 acres are approximately 36% of the PUD acreage, slightly greater than the required 35% open space for residential PUDs and much greater than requirements for commercial or office development.

Tree Preservation: There are only two areas of the property with any clustering of trees, which accounts for about 1.5 acres. Most of these trees are of poor quality and were not recommend to be preserved by the Environmental Commission. Some of these treed areas will be preserved as part of the southern water quality basin. In response to the Environmental Commission's desire to replace the tree canopy volume, the petitioner estimates that the existing tree canopy volume would be replaced by the new tree planting in about 20-25 years, when they begin to reach maturity. The Plan Commission also required that the petitioner follow a list of preferred native trees prepared by the City's arborist for trees used to replace the tree canopy.

Parking: The schematic site plan shows a parking ratio of approximately 4.3 spaces per 1000 square feet of first floor space. The Plan Commission required that the maximum allowed parking ratio be 4.5 spaces/1000 square feet of first floor space.

Signage: The existing PUD includes two large non-conforming signs on E. 3rd Street, one for Chapman's Restaurant and one for Century Suites. The petitioner has agreed to remove these signs and erect a conforming multi-tenant center sign. The Plan Commission required that all freestanding signage be brought into compliance with current code standards with the first new Final Plan. Also, the Plan Commission allowed for hanging signs that project from the face of buildings, in keeping with the "Williamsburg Village" architecture, but limited the size to a maximum of 9 square feet.

Utilities: This site has adequate utility service for both water and sanitary sewer. Schematic plans have received conceptual approval from CBU. This development would continue to utilize an existing lift station at the southeast corner of the property that forces sewage west of Ryan's Steak House.

Stormwater: A schematic drainage plan has received conceptual approval from CBU. This property is at the outer edge of the Lake Monroe watershed. The petitioner proposes that stormwater detention take place in oversized underground pipes. Once stormwater exits these pipe structures, it would be treated in at least two water quality basins and infiltration swales before leaving

the site. Schematic information about how this stormwater quality treatment would occur is included with this report.

Height Bulk and Density Standards: This PUD will utilize the current CL zoning district standards, except for an increase in the allowed building height. The maximum height allowed is increased from 35 feet to 50 feet to accommodate a 4 story hotel. The petitioner has committed that no other building would be taller than three stories.

Recommendation: The Plan Commission voted 10-0 to send this petition to the Common Council with a favorable recommendation with the following conditions:

1. Assisted care facility shall be defined at final plan stage pursuant to discussions between staff and petitioner, and with the approval of the Plan Commission.
2. A minimum roof pitch of 4:12 is required on all structures, except for dormers, gables, porches and accessory structures.
3. Only one (1) financial institution shall be permitted. One (1) additional sit-down restaurant or brew pub shall be permitted (in addition to the existing Chapman's restaurant). A second additional sit-down restaurant or brew pub shall be permitted but shall be limited to a maximum of 5,000 square feet.
4. All freestanding signage shall be brought into compliance with current code standards with the first new Final Plan. Projecting signage on buildings shall not be permitted to extend over the right-of-way and shall be limited to a maximum of nine (9) square feet per side.
5. The main entrance drive off of E. 3rd Street shall utilize angled parking only. Perpendicular or parallel parking shall not be permitted.
6. Construction phasing of bicycle and pedestrian facilities on E. 3rd Street and SR 446 shall be determined with the first final plan for new construction. Easements, signage, bollards and textured or raised crosswalks are required for these facilities and shall be reviewed at final plan stage.
7. The access drive to E. 3rd Street shall be aligned with Morningside Drive with the first new final plan.
8. Indoor amusements shall not be permitted.
9. The petitioner shall follow a list of preferred native trees prepared by the City's arborist to replace the existing canopy.
10. This Preliminary Plan shall include the revised plan for the southeast access as presented at the hearing.

Century Village
Planned Unit Development Expansion

The expansion of the Century Village development will continue and enhance the Williamsburg Village concept through controlled architecture, a new village center created by building placement and numerous other plan details. Land uses will include limited retail, restaurants, office, assisted living, hotel and second floor residential.

The existing PUD includes approximately 6.21 acres. It is being expanded by a total of 7.52 acres. Included in the expansion is a 4.24-acre parcel to the south, currently zoned for multi-family housing. Also included is a 3.27 acres parcel to the west of Century Village, which will be removed from the Baker PUD to become a part of the expanded Century Village PUD. The latter is made up of two parcels, one a .52-acre parcel, Bill Brown, Trustee, and the other is lot 7B (2.75 acres) from the Baker PUD. The revised PUD will total approximately 13.72 acres.

Land Use

The following land uses shall apply to the PUD expansion and to the original PUD area.

- Assisted Living (see definition)
- Day Care Centers
- Dwelling units above the first floor, limited to a maximum of 50 units
- A single, detached single-family residence to serve as the manager's home
- Financial Institutions with a drive-through
- Hotel/Motel
- Offices, including medical and professional
- Personal Services
- Radio/TV Stations
- Retail sales in enclosed buildings, limited to first floor and 5,000 square feet per user, except as noted below
- Restaurants, sit down, with pick up only window for carry-out orders allowed
- Banquet Facility (including wedding chapel) (see definition)
- Restaurant, Limited Service (see definition)
- Indoor Amusement
- Social Services
- Government Offices
- BrewPub- in addition to the definition for a BrewPub in the CA zone in the zoning ordinance, this will be further limited to a minimum of 50% of floor area committed to tavern/restaurant area.

Buildings and Site Layout

Typical buildings in the village will range from 3,000 to 10,000 square feet on the first floor. There is no restriction to the size of the Hotel/Motel or assisted living facility. A single retail user, of as much as 10,000 square feet on the first floor, is allowed.

The buildings will be designed to appear to be an extension of the current Century Village theme. A Colonial or Williamsburg architectural theme will be continued. Pitched roofs will continue to be used with the same cedar shake shingles currently used, with the exception of the Hotel/Motel, which might use a metal pitched roof. Siding materials will be repeated from those currently used in Century Village, which includes brick and wood lap siding. Cement board siding made to look like wood lap siding is an acceptable alternative. Other man-made/look-alike materials; such as man-made cedar shake shingle replacements, will be allowed, with Plan Commission approval at the Final Plan. We agree to provide 360º architectural treatments.

Though many of the buildings in the current village are quite small, there are some buildings that are substantially larger. Chapman's Restaurant, for example, is about 10,000 sq. ft. yet it has been carefully designed to fit within the fabric of the existing architecture. We anticipate and will encourage larger buildings to predominate in the new development, because smaller buildings are harder to adapt for re-use over time as businesses grow and/or come and go. The largest single building footprint allowed will be 15,000 square feet, except for the hotel/motel and assisted living uses, which have no size limitation.

The financial institution will be allowed to have a limited drive-through capability. The drive through would be limited it to three lanes. It will be designed to fit within the village concept and the current architecture. The drive through must be located on the side opposite the public street.

As many as two additional sit down restaurants are allowed. As is often seen in today's sit down restaurants, there is need for a pick up facility for take out orders and this has been included in our proposal. However, a fast-food type order and drive through facility will be prohibited. The pick up window will not be allowed to use a drive up lane that encircles the building. Instead it should be located on the opposite side of the building from the public street and should not require substantial extra pavement on it's own.

Second story uses are encouraged but not required. The second story uses will be limited to offices, residential (maximum 50), hotel/motel units and assisted living uses.

The buildings will typically be of a building forward design and set at the sidewalk with parking adjacent on the street. Additional parking will be provided, as required, behind the buildings, similar to that shown on the Illustrative Plan. Parking can be shared such that each building does not need to meet specific parking requirements adjacent to the building. It is our intent to limit parking to the maximum needed by the entire development, utilizing a shared parking environment. The Plan Commission will be allowed to reduce the maximum parking standards during final plan approvals.

Development standards of the CL zone will be used except as noted in this document. The Plan Commission may vary those standards at the development plan stage to maintain the village concept. We propose a variable building and parking setback along Third Street as shown on the Illustrative Plan. This will allow us to meld the concept of building forward design with extra deep pockets of setback for increased landscaping areas along this prominent corridor. The proposed sidepath has been moved back to the edge of the right-of-way in order to have a deeper tree plot along 3rd street.

Below are some photos of the existing Century Village buildings:

We also propose to increase the setback along the Knightridge Apartment interface to a 30' landscaped buffer. The maximum building height restriction shall be increased from 35' to 50'. This will allow for a 4-story hotel/motel with pitched roofs that reflect the existing building architecture. We believe the larger, 4-story building (hotel/motel)

should be situated toward the rear of the site, as shown on the Illustrative plan, or, alternatively, in the area immediately behind Ryan's. Three-story, mixed use buildings (i.e. office-retail below/ 2-story townhouse residential above) or the assisted living facility could also be taller than the zoned standard 35' height limitation due to the need for pitched roofs, which also supports the increase in height standard. Below are some examples of what a 3-story colonial hotel/motel might look like:

Buildings will be situated in a fashion that expands the "village" concept that has already been established. The site plans that reflect this concept will be developed as a part of the development plan approvals when the proposed tenants and uses are more certain. Buildings, size and location, will be used to establish pedestrian scale spaces that continue the village concept. A second village green or plaza is proposed central to the new construction. This is planned to be a more active plaza with some brick or modular paved surfaces as well as greenspace. We agree to maintain at least 30% of this village plaza/green as landscaped area.

The total greenspace for the revised PUD is about 4.8 acres, approximately 36 percent, half of which is in "major greenspace areas" and half in strip/setback/island areas. A more detailed breakdown of greenspace and impervious surfaces has been provided, based on the Illustrative Plan, which has been prepared to show how the revised PUD could develop. We have also submitted an optional plan for how the new village green/plaza might develop for more active uses.

The existing buildings in Century Village total approximately 30,700 gross sq. ft. on the first floor. Approximately 14,500 sq. ft. of this is part of the Century Suites Hotel, the rest coming from Chapman's and the existing professional offices. The illustrative plan for the revised PUD indicates the potential to add around 85,000 sq. ft. on the first floor only. The total first floor gross building area for the revised PUD would be about 115,700 square feet. Second floor uses are limited to apartments, assisted living, hotel units or offices, which we believe should be able to share parking with the first floor uses, so no additional parking would be needed.

Pedestrian Accommodation

Plazas and sidewalks will continue in the PUD expansion area to enhance the pedestrian scale of the village. Pedestrian connections will also be provided to adjacent developments. These include the multifamily to the south and to the west of the site. In addition, accommodation will be made for extension of a pedestrian/bicycle side path, as indicated in the comprehensive plan, to the Third Street/446 intersection along the existing shoulder. A smaller (6' wide) local pedestrian/bicycle path will be routed through the development center and out to 446. This is the route that many pedestrians and bicyclist now take through the site. The pedestrian/bicycle path facilities shall be constructed prior to completing 50% of the new development construction or with construction of the hotel, whichever comes first.

Traffic Circulation and Parking

The existing drive accesses to Third Street and SR 446 will continue to serve the development until the first final development takes place in the revised PUD. When this happens, a new entry, aligning with Morningside drive will be constructed at the Third Street entry, and the old road cut closed. We agree to consider angled parking spaces along the one-way entry and exit, but will not commit to this until final plan approvals, where we can better evaluate the full parking needs of the proposed tenants that are affected. We can commit to angled parking as long as there is no loss of parking spaces in front of these buildings. To assure this, we might have to add a few angled or parallel parking spaces in the boulevard area to offset the loss of spaces from the perpendicular

parking design. Included is a revised entry alternative that shows what the effect of these additional spaces might be.

The existing section of Century Village (not including the parking west or south of Chapman's) currently totals approximately 108 parking spaces. The parking shown in the illustrative plan adds another 390 parking spaces for a total of 498 potential spaces in the revised PUD. With approximately 115,700 sq. ft. of first floor building area in the revised PUD, the resulting parking ratio would be about 4.3 parking spaces per 1000 square foot of first floor space. We believe this to be a very desirable ratio for a shared parking environment like this mixed-use development proposes. It should encourage and be able to accommodate second floor uses without additional parking. The maximum allowed parking ratio shall be 4.5 spaces/1000 square feet of floor space (counting the first floor only). This calculation shall not include the square footage or parking for the hotel, which will be separately evaluated.

Another indirect drive will be connected to the Montauk Point parking lot. A third indirect connection may be made to SR 446 in the expanded area to the south. This drive would be for service or emergency vehicles or for access to a back parking area and designed to limit cut-through traffic. Back out parking along the main drives will be allowed in order to help calm traffic.

The indirection to the back of the hotel area is absolutely critical to the hotel's success. It is extremely important in today's hotel environment that we foster the perception of safety and security for hotel guests. It simply will not work to have direct, obvious connection from 446 to the back of the hotel. However, we do commit to provide an indirect drive with adequate turning radii to allow for emergency vehicles to easily and quickly reach the hotel. The illustrative plan has been revised to remove a few parking spaces and increase the inside radii on these turns to easily accommodate a 30' wheel base fire truck and even up to a 40' wheel base semi for service needs along our proposed indirect route.

It must also be noted that in terms of emergency vehicle access, we have 5 possible access points to this site. Three from 446, the current main drive being very direct, the one-way drive and the proposed indirect drive being somewhat indirect. We also have a direct connection from Third and an indirect connection from Park Ridge Drive. There would actually a sixth access available in an emergency, through the use of the one-way out drive to Third Street. We believe this degree of access is exceptional and unusual in a small commercial development. It's hard to imagine many, if any, developments of any size, with the exception of College Mall, that have as many or better access throughout.

We have been in contact with representative of the owners of Knightridge Apartments about the possibility of a drive connection to Knightridge. They have stated that they are opposed to this connection. We have asked them to call the planning staff or provide them a letter confirming this. The proposed connection to Knightridge has been removed from our Illustrative Plan in accordance with their opposition.

Site Features

There are some closed contoured areas that are apparent on the GIS on this site. We believe these to have been created from grading of the surrounding developments.

Included with our applications is a copy of the Quad map for this area with the site highlighted. It is clear form this map that the now enclosed contours were once natural ravines that have since been filled during construction for the existing Century Village. The Environmental Commission has identified some examples of soil slumping or piping. We do not believe any of these to be karst features. Instead, we believe them to be soil slumps resulting from backed-up stormwater finding voids in the material that was used to fill the original valleys that once drained this site naturally. However, we agree to have the site evaluated by a geologist and a report submitted at the time of the first development plan approval for new construction.

There is a narrow tree line running between the existing Century Village PUD and the Baker Farm PUD and a couple of other small stands of poor quality secondary growth vegetation. Due to the Urban Village nature of the proposed development, we believe they will conflict with our plans and should be allowed to be removed. The ability to provide a new entrance across from Morningside Drive and the critical need to provide formative building fronts along the entry that will define edges of the village common would be compromised if this vegetation were to be retained. Existing tree canopy volume will be replaced with new tree planting that will result in at least the equivalent tree canopy volume at about a 20-25 year maturity. A portion of these new trees will be planted in groves. New plant materials, when situated in groves, will be species native to central Indiana.

Development Signage

A project identification/monument sign will be allowed along the Third Street frontage and also along SR 446, according to the current signage ordinance. These signs will be allowed to display the name of the development (i.e. Century Village) and individual business names (i.e. Chapman's) and can have a portion dedicated to removable text. The existing pole signs will need to removed, or be brought up to code before 50% of the new development is complete or with the construction of the hotel use, whichever comes first.

Individual buildings are allowed to have signage that meets the current signage ordinance and/or small hanging sings, in the tradition of Williamsburg Village Architecture of no more than 16 square feet. Small common directional signage to help locate individual businesses will be allowed.

Sanitary Sewer

The sanitary sewer service on site consists of a series of private gravity mains. These mains connect to an existing lift station along the east side of the property near SR 446. The Illustrative Utility Plan shows construction of new 8" gravity mains and the abandonment of portions of the existing 8" private main in the undeveloped portion of the existing Century village. Portions of the existing 6" force main will need to be relocated as well. A new lift station and wet well will be constructed, or the existing ones upgraded, as indicated. A new 6" force main will need to be installed from the lift station and wet well to a point where the new 6" force main can be connected to the existing 6" force main. The existing 8" private main serving the suites will need to be intercepted and connected to the new 8" gravity main as well. The lift station and wet well shown will need to be sized as require by City of Bloomington Utilities.

Water Mains

The water service on site consists of both private and City 6" mains. A connection to the existing 8" water main in Montauk Point along the site's west property line will need to be made. A new 8" main would be extended east through the site and connected to the existing 6" main. A portion of the existing 6" main would need to be relocated.

Storm Sewer

The site lies within the upper reaches of the Lake Monroe Watershed. Accordingly, water quality measures as well as storm water detention would need to be included in development of the site. The Illustrative Plan shows the installation of 2 detention and water quality systems. The system within the northern portion of the site is described as follows.

An underground detention system consisting of oversized pipes would be constructed beneath the new entrance and parking area. This detention area would outlet near the new road connection to SR 46. Discharge from the detention area would be routed through a filter swale across the north side of the site. The filter swale would discharge to a yard inlet that would in turn convey the flow to a water quality basin located at the northeast corner of the site. The water quality basin would have a standpipe outlet control structure, designed to provide for extended detention times of the "first flush storm" thereby allowing for settlement of suspended solids. The water quality basin would ultimately discharge to the existing pipe culvert under SR 446.

The system within the southern portion of the site would be similar in nature. Discharge from an underground detention system would be routed to a water quality basin on the southern half of the site. The water quality basin would utilize the same standpipe design, ultimately discharging to the existing side ditch along SR 446.

We have provided the additional documentation regarding the proposed storm water management techniques we are proposing, as requested by staff, Environmental Commission and Plan Commission.

Growth Policies Plan Issues

The GPP shows the RM7 portion of this proposal as "Urban Residential". This land category does not support all the types of uses proposed under this PUD. As a result, we believe it would be best for the GPP to designate this area and the revised PUD a " Community Activity Center". Of great concern is the current RM7 zoned land could support the development of more student housing. The revised PUD would only allow residential uses on the second floor and above, except a managers home. The Urban Residential section of the GPP states that larger parcels recommended as "urban residential" should be encouraged to include mixed uses. It also states that where infill development takes place, it should be consistent and compatible with the pre-existing developments. It also recommends that site plans include optimized street bicycle and pedestrian connectivity to adjacent neighborhoods, and that each neighborhood have a defined center or focal point, such as a formal square with landscaping, that common space is truly useable and accessible, with linkages to other open spaces. We believe our

proposed mixed-use development meets all these recommendations, but in the form of a "Community Activity Center".

The GPP says "The Community Activity Center is designed to provide community serving commercial opportunities in the context of a high density, mixed use environment. The CAC must be designed to serve not only the pedestrian traffic from nearby neighborhoods, but also a community-wide group of users that may drive a personal vehicle to the CAC. Parking will become more important in this area than the NAC, but should still be kept to reasonable levels and skillfully designed to avoid large areas of asphalt." This quote illustrates just how well the proposed PUD expansion fits this category. All of these features are evident in this proposal.
The CAC is intended to provide for a mixed-use commercial area that serves the entire area surrounding the CAC. It should be accessible to surrounding areas by non-motorized means, have public gathering space, and a more intense site development, with the primary uses to be medium scaled commercial retail and service uses. Also, the CAC should be located within or very near existing developed neighborhoods, have access to public transit, and located at an intersection, which is made up of collector or arterial streets. Buildings should have minimal setback, with parking designed with and emphasis on minimizing pedestrian obstacles to accessing the businesses, with incentives to encourage the inclusion of second-story residential units and have on-street parking and tree plots to buffer pedestrians and reduce off-street parking needs.

It is also clear that the CAC is designed to support other key policies of the GPP such as "Mitigate Traffic" and "Compact Urban Form". Traffic mitigation is implicit in the whole concept of the CAC. It provides opportunities for commercial services to be provided close to neighborhoods, which not only encourages pedestrian access, but also reduces cross-town traffic that would otherwise be needed to obtain these services. Including second story residential units and public greenspace in the CAC allows those residents opportunities for even more immediate access to needed daily services. Finally, the CAC encourages transit access, which this PUD has with a bus stop already on Third Street near the entry. This makes our project accessible to a wider area without the need for personal motorized travel.

The GPP embraces the concept of "Compact Urban Form". A major goal of compact urban form is to create a compact land-use development pattern that provides efficient delivery of services, while limiting sprawl and maintaining the special nature of Bloomington. As a counterbalance to strategies that limit spatial growth, the GPP encourages denser infill development within areas that are already well established. It recommends providing incentives for the development of mixed-use neighborhoods on infill development tracts. And calls for a limit to student residential developments. The GPP suggest that commercial development be directed to commercially zoned, underutilized vacant land, particularly along arterial roadway corridors. It recommends providing opportunities for mixed use, multi-story construction in community scale activity centers and appropriately located and designed neighborhood serving commercial centers in all geographic sectors of the community.

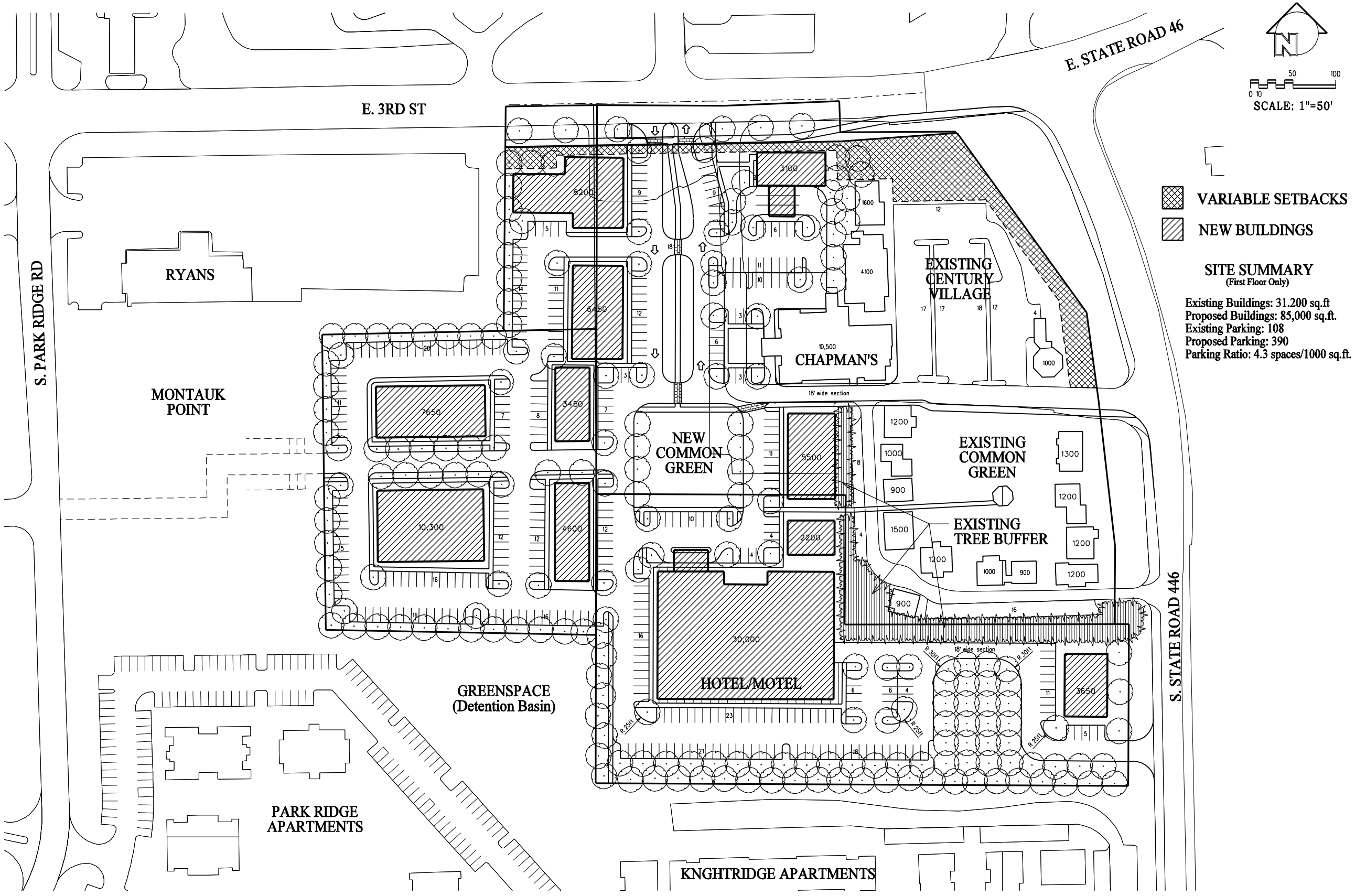
It is our firm belief that the expanded Century Village PUD offers the features and opportunities a development should to provide the positive community benefits mentioned above as supported in numerous sections of the GPP.

New Use Definitions:

"Restaurant, limited service"
An informal restaurant serving a limited menu. This use must be under 5,000 square feet, cannot provide delivery service and cannot have a drive through window. Examples include but are not limited to coffee shops, delis, ice cream shops and submarine sandwich shops

"Banquet Facility"
A commercial facility providing rental of floor or room space for social engagements including weddings, banquets, organizational meetings, or equivalent events.

"Assisted Living"
An "Assisted Living Facility" is a residential facility that offers assistance with activities of daily living. Residential services are provided for a fee including individual living units, dietary services, housekeeping services, transportation, social activities and some limited health-related services.



VARIABLE SETBACKS

NEW BUILDINGS

SITE SUMMARY
(First Floor Only)

Existing Buildings: 31.200 sq.ft
Proposed Buildings: 85,000 sq.ft.
Existing Parking: 108
Proposed Parking: 390
Parking Ratio: 4.3 spaces/1000 sq.ft.

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JOB TITLE
CENTURY VILLAGE 2 PUD
ILLUSTRATIVE PLAN

REVISIONS	BY	DATE

DESIGNED DLN
DRAFTED DLN
CHECKED
DATE

JOB NUMBER 3773
SHEET 1 OF 2
DATE 7/11/04
ILLUSTRATIVE PLAN

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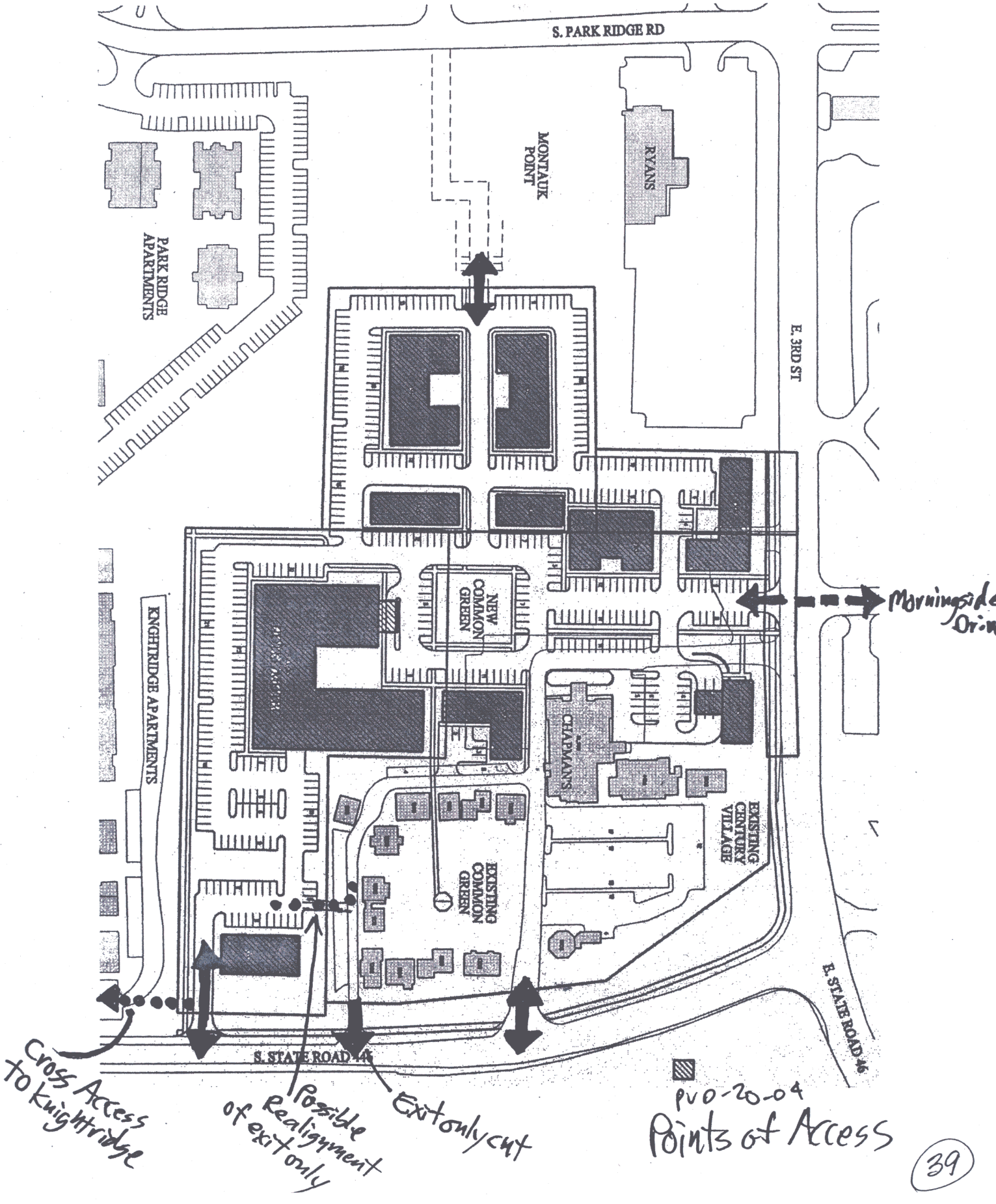
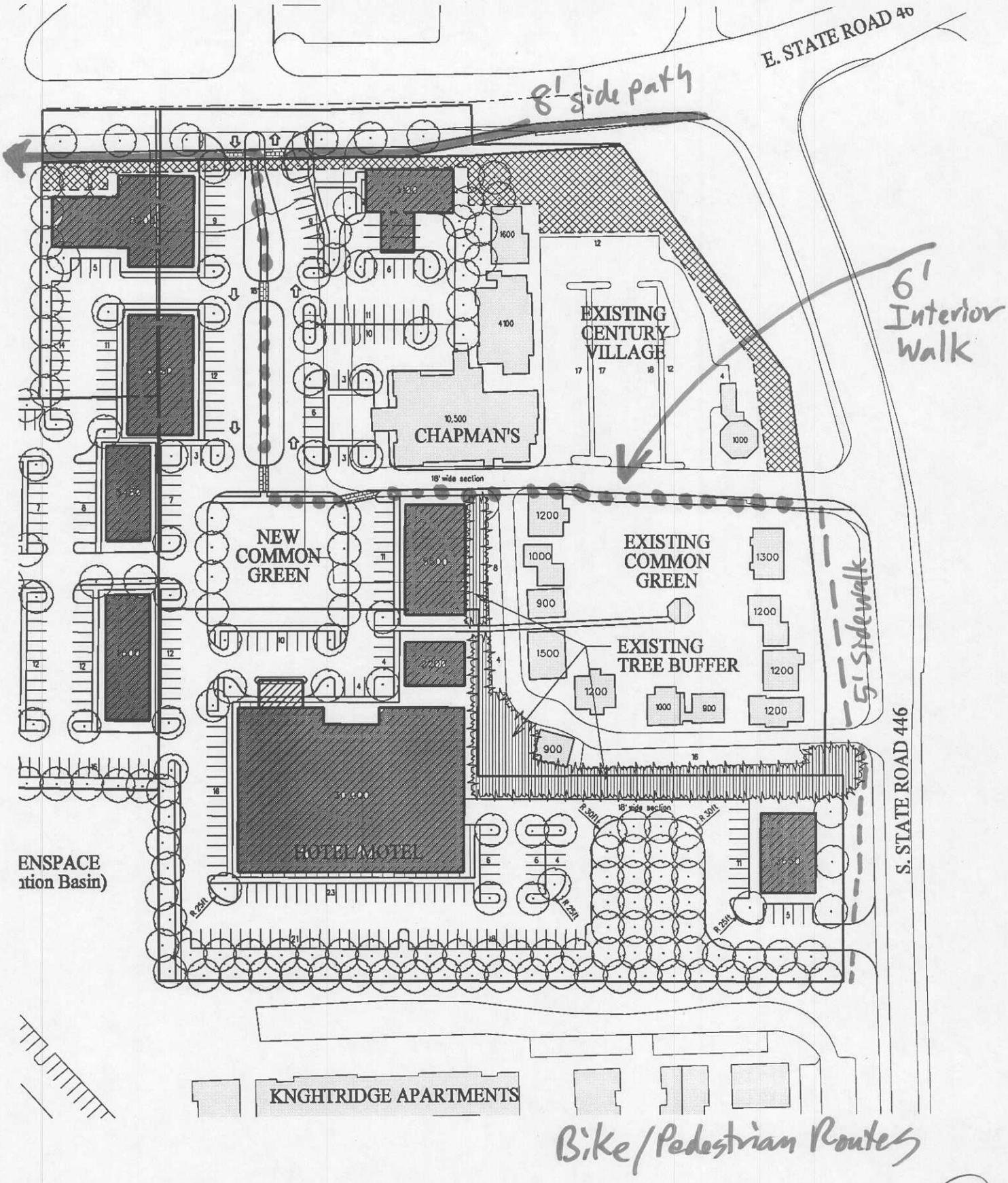

S. PARK RIDGE RD
MONTAUK POINT
RYANS
PARK RIDGE APARTMENTS
E. 3RD ST
NEW COMMON GREEN
KNGHTRIDGE APARTMENTS
CHAPMAN'S
EXISTING CENTURY VILLAGE
EXISTING COMMON GREEN
E. STATE ROAD 46
S. STATE ROAD 46
Morningside Drin
Cross Access to Knightridge
Possible Realignment of exit only
Exit only cut
PVO-20-04
Points of Access


E. STATE ROAD 40
8' side path
6' Interior Walk
EXISTING CENTURY VILLAGE
10,500
CHAPMAN'S
18' wide section
NEW COMMON GREEN
EXISTING COMMON GREEN
EXISTING TREE BUFFER
5' sidewalk
HOTEL/MOTEL
S. STATE ROAD 446
ENSPACE
ation Basin)
KNGHTRIDGE APARTMENTS
Bike/Pedestrian Routes

Smith Neubecker & Associates, Inc.

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

Century Village
Storm Water Management

The storm water management system for the Century Village PUD will consist of a combination of underground detention facilities and above ground water quality basins. Both are proven methods for handling storm water detention needs and providing water quality enhancement.

The concept of underground detention is nothing new. The Barnes and Noble site along East 3rd Street utilized the first underground detention system designed by Smith Neubecker & Associates, Inc. This system, which was approved an accepted by the City of Bloomington Utilities Department as an acceptable method for providing storm water detention in an urban environment, was designed and installed in about 1994. Since that time, this system has been used successfully on numerous commercial projects on Bloomington's east side. Some notable projects, which are currently utilizing an underground detention system, include CVS Pharmacy, Best Buys and Day Mortuary.

The system consists of a series oversized pipes, usually 36" to 48" in diameter, connected to the storm sewer system within a paved area. The ultimate outlet pipe of the system is reduced in size so that water cannot be discharged from the system as quickly as it enters the system. The resultant reduction in the rate at which the system can discharge storm water causes water to "back-up" into the oversized pipes. Over time, the stored water within the oversized pipes can drain out of the system through the reduced outlet pipe. This is the same concept used in a traditional above ground detention area; provide a large area to store water and make the outlet small enough that it causes water to pond. The only difference between the two concepts is that one is above grade and visible, the other is below grade and hidden. The underground detention systems are designed so that the oversized pipes can be easily accessed either at storm inlet or manhole locations so that any accumulated sediment, washed from the parking areas, can be cleaned from the pipes.

The water quality basins proposed would be located at the outlet points of the underground detention system. These basins would appear to be a traditional above ground detention area. However, the outlet pipe used in these basins is typically a combination of a standpipe and infiltration trench. A standpipe structure forces water to pond to a certain elevation before it can flow out of the water quality basin. This point on the standpipe is typically set at the elevation where water would pond in the "first flush" storm event. These storm events are the ones most commonly experienced and are the storm events responsible for flushing accumulated sediment and oils from parking surfaces. Since the water level in the water quality basin does not exceed the top of the standpipe, it must be absorbed into the bottom of the detention area

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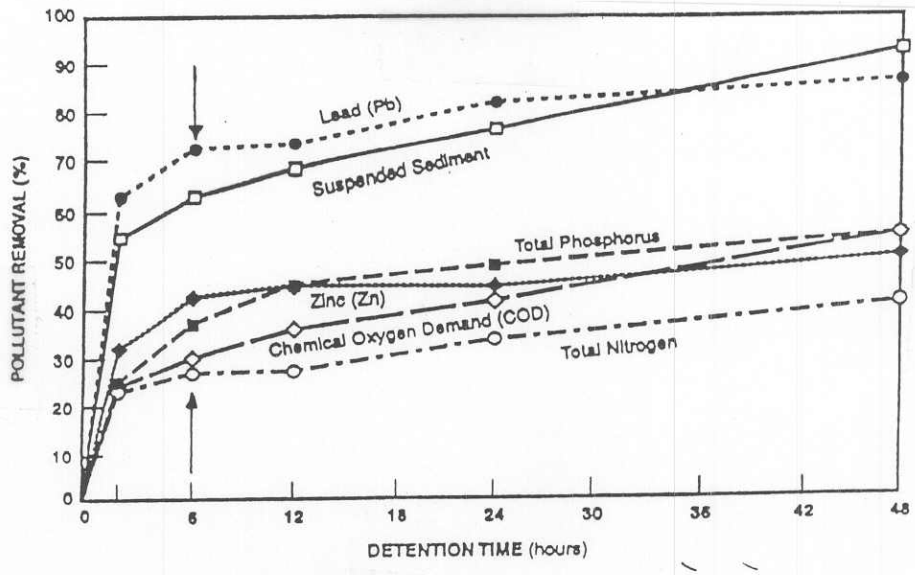
or released through the infiltration trench. The infiltration trench is a gravel-lined trench with a perforated drain tile installed in the bottom of the water quality basin. Runoff is filtered by the gravel before it leaves the basin and any accumulated sediment is trapped within the gravel layer.

This concept of detaining the first flush storm and utilizing a gravel infiltration trench is nothing new. The science behind the water quality basin is based on providing an extended detention time so that accumulated pollutants within the runoff can be removed by allowing for settlement. The table below shows the resultant levels of pollutant removal vs. detention time that can be expected from a water quality basin as proposed.



NOTE: Based on OWML (1983), settling column data.
Average values for seven tests.

The final proposed method for improving water quality is commonly referred to as "bio-filtration swale". This feature is a flat bottom swale with a slope of between 2 and 5 percent. The composition of soil in the bottom of the swale promotes absorption of runoff because it is comprised mainly of sandy loam soil types. The vegetative composition of the swale is comprised of grasses that have proven "filtering" qualities such as tall fescue, bentgrass, clover and trefoil. A study of bio-filtration swale performance by the Seattle Washington Pollution Control Department in 1992 found the following removal efficiencies for a 100 foot and 200 foot segment of a grassed swale which was

monitored for six storm events over a period of 5 years. Results from that study are shown below.

	200 foot	100 foot
NO2-NO3	-81%	-27%
Ortho-P	0%	41%
Total P	29%	50%
Bioavailable P	<40%	72%
TSS	83%	72%
Turbidity	65%	56%
Total Cu	46%	10%
Total Pb	<67%	25%
Total Zn	63%	15%
Total Al	63%	27%
Total Fe	72%	18%
Oil and Grease	75%	49%
TPH	74%	----

Grassed filter swales such as the one proposed have been in use along State Road 37 south Bedford in areas where the roadway passes through karst topography for almost 10 years. The swales were installed along the roadsides as a way to enhance the water quality of roadside runoff prior to its discharge to existing sinkholes.

The concepts proposed for management of storm water detention and water quality are proven Best Management Practices and are appropriate for the Century Village PUD.

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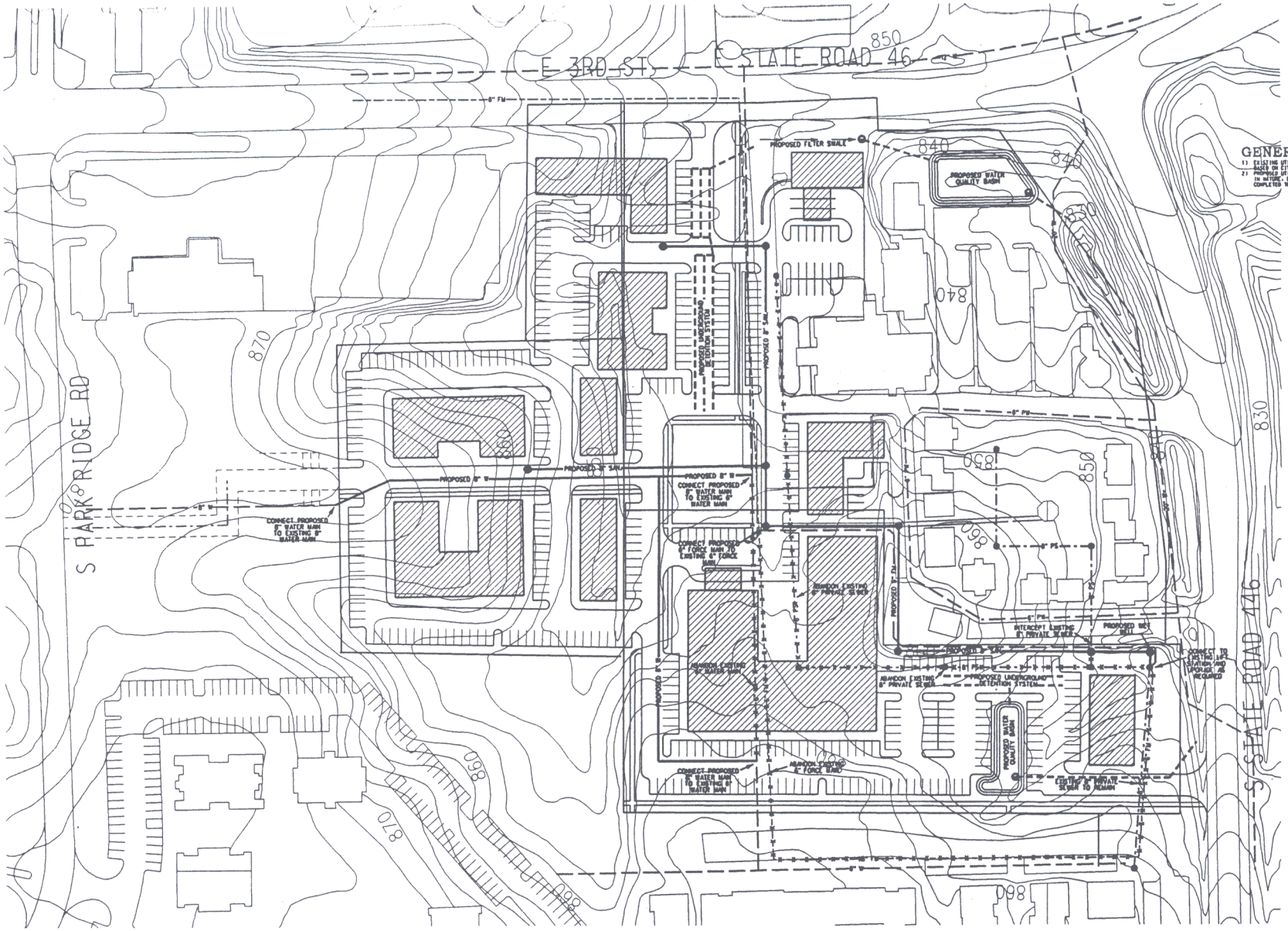
Dewberry and Davis, 1996, Land Development Handbook – Planning, Engineering and Surveying.



SCALE: 1"=50'

GENERAL NOTES

1) EXISTING UTILITY LOCATIONS AND SIZES SHOWN BASED ON CITY GIS MAP DATA.
2) PROPOSED UTILITY PLAN SHOWN IS ILLUSTRATIVE IN NATURE. DETAILED DESIGN WORK WILL NEED TO BE COMPLETED TO DETERMINE SIZES AND EXACT LOCATIONS.

PUD-20-04
Schematic Utility Plan

Smith Neubacher & Associates, Inc.
453 S. Clinton Boulevard
Bloomington, Indiana, 47401
Telephone: (812) 336-6536
Fax: (812) 336-6513
Email: snaa@snaa.com

JOB TITLE
CENTURY VILLAGE 2 PUD
ILLUSTRATIVE PLAN

REVISIONS	BY	DATE

DESIGNED SAB
DRAWN SAB
CHECKED
DATE

JOB NUMBER 3773
SHEET 2 OF 2
DATE 7/11/04
ILLUSTRATIVE UTILITY PLAN

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36

Century Village PUD
Greenspace/Impervious Surface Comparisons

Existing PUD (developed portion only, not including still vacant portion)

	Area	Percentage
Site area:	199,762 sq.ft.	100%
Major Greenspace Area:	51,596 sq.ft.	25.8%
Strip/setback/island Greenspace:	30,015 sq.ft.	15.0%
Total Greenspace:	81,611 sq.ft.	40.9%
Impervious Surface:	118,151 sq.ft.	59.1%

Undeveloped area of revised PUD

	Area	Percentage
Site area:	372,300 sq.ft.	100%
Major Greenspace Area:	54,090 sq.ft.	15.0%
Strip/setback/island Greenspace:	73,625 sq.ft.	19.8%
Total Greenspace:	127,715 sq.ft.	34.3%
Impervious Surface:	244,585 sq.ft.	65.7%

Overall Site Totals:

	Area	Percentage
Overall Site area:	572,062 sq.ft.	100%
Major Greenspace Area:	105,062 sq.ft.	18.5%
Strip/setback/island Greenspace:	103,640 sq.ft.	18.1%
Total Greenspace:	209,326 sq.ft.	36.6%
Impervious Surface:	362,736 sq.ft.	63.4%

Greenspace Comparison

PUD Use List Comparison

Century Village PUD	Baker/Watson/Stephens PUD	Proposed new Century Village PUD
Hotel	Motel/Restaurant Complex (must be integrated into one building. Carry-out not permitted)	Hotel/Motel
lounge and banquet facilities		Wedding Chapel
full service restaurant family style restaurants	Motel/Restaurant Complex (must be integrated into one building. Carry-out not permitted) Sit Down Restaurant (Limit of one, Ryan's Steakhouse)	Restaurants, sit down, with pick up only window for carry-out orders allowed
private apartments in upper levels of some buildings		Dwelling units above the first floor, limited to a maximum of 50 units A single, detached single-family residence to serve as the manager's home
dentist and physician offices architectural office engineering office administrative offices insurance offices realtor offices	Professional Office Clinics	Offices, including medical and professional
Retail, limited to a maximum of 3,000 square feet of gross floor area, including: leatherwares shop business equipment Apparel shops Craft studios and shops Bakery/confectionery flower shop linen shop jewelry shop sporting goods store home electronics shop small accessories for home and kitchen artist studios wine and cheese shop gifts, cards and stationery shop pottery and ceramics shop interior decoration shop photography shop hobbies and crafts shop	Neighborhood and Specialty Shops with a maximum of 3,000 square feet each, including: Antiques Apparel Arts and Crafts Bakery Florists Books Jewelry Sporting Goods Appliances Dairy Hardware Drugstore and Sundry Furniture Gifts Grocery and Meat	Retail sales in enclosed buildings, limited to first floor and 5,000 square feet per user

PUD-20-04
PUD Use List Comparison
(48)

hair stylists photographer's studio	Personal Services	Personal Services
	Business Service	
		Assisted Care Facility
		Day Care Centers
	Funeral Service	
	Branch Bank	Financial Institutions with a drive-through
radio station sound recording studio		Radio/TV Stations

BLOOMINGTON PLAN COMMISSION **CASE NO: PUD-20-04**
PRELIMINARY REPORT **DATE: September 13, 2004**
LOCATION: 300 S. SR 446

PETITIONER: Bill C. Brown
300 S. SR 446, Bloomington

COUNSEL: Smith Neubecker and Associations
453 S. Clarizz Blvd, Bloomington

REQUEST: The petitioner is requesting a preliminary plan amendment to the Century Village PUD. This amendment would transfer 3.27 acres from the Baker/Stephens PUD to the Century Village PUD, rezone 4.24 acres from Multifamily (RM7) to PUD to be included in the Century Village PUD and would amend the approved list of uses.

BACKGROUND:

Area:	6.21 acres (Existing PUD) 4.24 acres (zoned RM7) 3.27 acres (within Baker/Stevens PUD) 13.72 acres total
Current Zoning:	Century Village PUD, Baker Stevens PUD and RM7
GPP Designation:	Community Activity Center and Urban Residential
Existing Land Use:	Hotel, offices, restaurant and vacant, rolling meadow terrain with scattered trees
Proposed Land Use:	Mixed office and retail with second floor residential, restaurant and hotel
Proposed Density:	3.64 units per acre (50 units/13.72 acre)
Surrounding Uses:	**South, Southwest –** Multi-family residential (Knightridge Manor, Sterling University Glen) **East –** Large lot single family **North** – Commercial **West** – Office (Montauk Point) and Restaurant (Ryan's Steak House)

REPORT SUMMARY: The Century Village PUD was originally approved in 1975 and is located at the southwest corner of E. 3rd Street/SR 46 and S. SR 446. It was originally developed with a series of small "Colonial Williamsburg" style structures used as offices and retail space. Since that time these structures have been converted to the Century Suites Hotel and the PUD has expanded several times. Other uses in this PUD include Chapman's Restaurant, the petitioner's office and the offices and transmission tower of WBWB and WHCC radio. The west side of the PUD also includes approximately 1.8 acres of undeveloped land, including the site of a former gasoline service station.

The petitioner, Bill C. Brown, is the developer and owner of Century Village. He

also owns 3.27 undeveloped acres in the Baker/Stevens PUD immediately to the west. This land received final plan approval in 1994 for a 102 room hotel that was never constructed. This portion of the Baker/Stevens PUD permits several commercial uses including retail, office and a hotel. Immediately to the south of the Century Village is a vacant 4.24 acre tract zoned multi-family residential (RM7). The petitioner has an option to purchase this property. This petition proposes to combine together these three pieces of land into a revised Century Village PUD. The amended PUD will total 13.72 acres and include a mix of uses similar to uses already permitted within the two existing PUDs.

This petition was last reviewed by the Plan Commission at its August 9, 2004 meeting. At that time, the Plan Commission instructed staff and the petitioner to work toward providing additional open space and architectural controls as well as land use and site plan commitments. The revised petition increase the preserved open space from 4.1 acres to 4.8 acres, provides for a boulevard style entrance and defines an interior pedestrian route.

GROWTH POLICIES PLAN: The GPP designates the existing PUD parcels as Community Activity Center (CAC) and the RM7 zoned parcel as Urban Residential. The GPP notes that the "primary land use in a CAC should be medium scaled commercial retail and service uses." It encourages 2nd floor residential uses above commercial but states that if residential units are to be developed within a CAC, they should be located around a central node, instead of along a corridor. The GPP also encourages the provision of public space, minimal street setbacks to increase pedestrian and transit accessibility, tree plots and potential for on-street parking. The schematic plan meets many of these site planning goals, including minimal street setbacks, second floor residential and building layouts surrounding a central node of open space.

In general, the GPP encourages Compact Urban Form and notes that "Commercial development needs to be contained within existing commercially zoned land." Infill and redevelopment is recommended to take precedence over rezoning new land for commercial uses. It also encourages the City to "restrain new commercial development in the southeast sector of the community…" In addition to these policies, the policies toward the Urban Residential land use category, notes that sites should be developed for "predominantly residential uses; however, incorporate mixed residential densities, housing types, and nonresidential services where supported by adjacent land use patterns." Despite these policies, staff believes that the proposed uses and the proposed extension of an already existing, successful development, as well as the provided site plan and design commitments, mitigate the expansion of commercially zoned land. Also, existing adjacent high density housing and the close proximately to established neighborhoods supports the non-residential use of this property.

Finally the GPP encourages the City to Mitigate Traffic by placing high density multi-family in close proximity to transit routes. The location of student-oriented housing has been an issue of late with the Copper Beech and Forest Ridge apartment projects. This petition will cluster a mixture of uses into a "village concept", on land with few environmental constraints and located on an established transit route.

LAND USE:

Commercial: The proposed list of uses includes most of the uses currently permitted in the Century Village and Baker/Stevens PUDs. These uses have been updated with modern terms. A comparison of existing and proposed permitted uses (titled "PUD Use List Comparison") is included with this report.

The proposed uses are as follows (*Italic* uses are new since the last hearing):

- Assisted Living Facility
- Day Care Centers
- Financial Institutions with a drive-through
- Hotel/Motel
- Offices, including medical and professional
- Personal Services
- Radio/TV Stations
- Retail sales in enclosed buildings, limited to first floor and 5,000 square feet per user
- Banquet Facility (including wedding chapel)
- Restaurants, sit down, with pick up only window for carry-out orders allowed
- Restaurant, Limited Service
- *Brew Pub - limited to a minimum of 50% of floor area committed to tavern/restaurant area.*
- *Indoor Amusement*
- *Social Services*
- *Government Offices*

The petitioner, in consultation with staff, has written a definition for Assisted Living Facility. Staff is comfortable with this definition, with an additional sentence added to distinguish this use from nursing homes. The definition staff proposes is "An 'Assisted Living Facility' is a residential facility that offers assistance with activities of daily living. Residential services are provided for a fee including individual living units, dietary services, housekeeping services, transportation, social activities and some limited health-related services. *Unlike a nursing home, an assisted living facility does not provide ongoing medical monitoring or long term care of the aged or infirm.*"

INTENSITY OF USES:

Drive-through bank: The petitioner's proposed financial institution (bank) drive-through component has been revised. The Preliminary Plan now read "The financial institution will be allowed to have a limited drive-through capability. The drive through would be limited it to three lanes. It will be designed to fit within the village concept and the current architecture. The drive through must be located on the side opposite the public street." Staff has no objection to this request.

Carry-out Window: The petitioner's proposed carry-out window allowance for restaurants has been revised since the last hearing. The Preliminary Plan now reads "The pick up window will not be allowed to use a drive up lane that encircles the building. Instead it should be located on the opposite side of the building from the public street and should not require substantial extra pavement on it's own." Staff has no objection to this request.

Maximum Number of Restaurants: The Baker/Stevens PUD limits the commercial development to a maximum of one (1) restaurant. This restaurant has already been developed as Ryan's Steak House. If this petition is approved, it would remove that restriction from the 3.27 acres currently within the Baker/Stevens PUD. The Century Village PUD has already been developed with one, approximately 10,000 square foot restaurant: Chapman's. The petitioner has committed to not allowing more than two (2) additional sit down restaurants. Staff believes this should be further limited to not more than one (1) additional sit down restaurant or brew pub. Restaurants have a very high parking ratio (8:1000 square feet) and parking demand. By limiting the number of restaurants, the limited scope of the PUD can be better assured.

Maximum Number of Banks: The petitioner has verbally committed to a limitation of not more than one financial institution, but this is not included in the Preliminary Plan. Staff recommends this as a condition of approval.

Maximum Size of a Use: The petitioner proposes that retail uses not exceed 5,000 square feet, which is the same as the current Limited Commercial (CL) zoning district restriction. Based on the comments by the Plan Commission on August 9th, staff has no objection to this request.

Anchor Tenant: Apart from the commitment to the size of any given commercial use, the petitioner requests that one use be permitted to be as large as 10,000 square feet. He believes this allowance will serve to allow a commercial anchor and would serve higher end retail uses such as a furniture store or a pharmacy. In comparison, the new CVS Pharmacy at E. 3rd Street and The Bypass and the Based on the comments by the Plan Commission on August 9th, staff has no objection to this request.

Maximum Building Size: Most of the buildings in the existing PUD are very small, with some buildings having footprints as small as 1,000 square feet. The petitioner has stated that typical buildings in the PUD will range from 3,000 to 10,000 square feet on the first floor. One building is shown on the schematic plan at about 11,000 square feet. The petitioner has stated a desire to expand the theme of the existing Century Village over the rest of this property and has committed that "the largest single building footprint allowed will be 15,000 square feet." The petitioner requests that the hotel/motel and assisted living uses be exempted from this requirement. Staff has no objection to this request.

SITE DESIGN:

Access and Connectivity: Access to the development would be from a single, re-aligned access on E. 3rd Street, with two full access points on S. SR 446. The current shared access drive onto E. 3rd Street be shifted to the west to directly align with E. Morningside Drive. Staff recommends that the realignment take place with the first new final plan for this property. Secondary access would also be provided from the existing out-only drive onto SR 446 as well as an internal connection to the Montauk Point office complex.

At the August 9th meeting, the Plan Commission stated the desire to provide cross access between this PUD and the Knightridge Manor Apartments to the south. The petitioners have not provided this connection based on their assessment that the owners of Knightridge Manor, CFC Inc., are opposed to this connection. Staff spoke to Jim Murphy from CFC Inc. who indicated that his company was not opposed to the idea of a connection to Knightridge, but instead stated that he would "leave the decision up to the Plan Commission." Based on these comments, staff recommends construction of this connection with any final plan at the southeast corner of the PUD or with the Final Plan for the hotel/motel use, whichever comes first.

The proposed new access point onto SR 446 is designed as indirect access to the site, in particular to the rear of the hotel/motel use. The petitioner states that,

> "The indirection to the back of the hotel area is absolutely critical to the hotel's success. It is extremely important in today's hotel environment that we foster the perception of safety and security for hotel guests. It simply will not work to have direct, obvious connection from 446 to the back of the hotel."

A letter in support of the proposed access has been submitted by the Bloomington Convention and Visitor's Bureau. The petitioner has designed this access with increased curb radii to accommodate fire trucks. Even with these changes, Bloomington Fire Chief Jeff Barlow is concerned that this indirection and the general layout of the property will not allow him to provided adequate or timely fire protection to the potential 4 story hotel. Based on these comments,

staff recommends that the indirection in this access be removed. An added benefit of this change would be that the greenspace on the south side of the existing Century Suites could become contiguous with the proposed water quality basin and new open space being proposed with this petition.

Finally, in response to staff and Plan Commissioner feedback, the petitioner has revised the E. 3rd Street entrance to be designed as a boulevard. The boulevard median would be landscaped and also include the proposed pedestrian route. In order to limit driver confusion and provide for efficient parking along the entrance drive, staff recommends that parking spaces on this drive be angled. This design will limit vehicular conflicts and provide drivers with visual clues to the function of this separated boulevard.

Pedestrian Facilities: The Alternative Transportation and Greenways System Plan recommends a sidepath on the south side of E. 3rd Street. This sidepath has already been partially constructed from Clarizz Blvd. to Smith Rd. and in front of Day Mortuary. The Greenways Plan does not however make any specific recommendations for S. SR 446. There is a very wide, paved shoulder on SR 446 that is often used by bicyclists.

Based on feedback received on August 9th, the petitioner now proposes a six foot wide sidewalk through the middle of the proposed entrance median that will connect to the existing drive to SR 446. This sidewalk will allow walkers to bypass the intersection of SR 446 and E. 3rd Street if headed south. The schematic site plan fails to include a sidewalk on SR 446, south of the existing drive. This sidewalk is required.

In terms of construction phasing for these facilities, the petitioner proposes that they be constructed prior to completing 50% of the new development construction or with construction of the hotel, whichever comes first. Staff instead recommends that phasing be determined with the first final plan. This will allow the staff and plan commission to determine appropriate phasing based on the actual uses and buildings to be built.

Architecture: The petitioner proposes to extend the architectural themes that have been established with the current Century Village. The buildings would be built in a “Colonial” or “Williamsburg” style which would include cedar shake shingles and brick, wood lap or fiber cement siding. The hotel/motel use could also have a metal roof. Other man made materials could also be approved by the Plan Commission at Final Plan stage. The petitioner has committed to providing a pitched roof on all buildings, but has not committed to a specific minimum pitch for roof. Staff recommends a minimum pitch of 4:12 for all roofs, except for dormers, gables, porch roofs and accessory structures. Finally, the petitioner has agreed to provide 360º architectural treatments.

Common Green and Open Space: The existing PUD includes a series of small

buildings clustered around a “Common Green.” This green is approximately 0.6 acres in size. The petitioners propose a second “Common Green” for the undeveloped portions of the PUD and the new acreage. The schematic size of this green has been increased from 0.25 acres to 0.35 acres since the last hearing.

This new “Common Green” would be developed as an “active plaza with some brick or modular paved surfaces as well as greenspace.” The petitioner commits that at least 30% of the new “central green” will be landscaped.

The total greenspace for the PUD has increased from 4.1 acres to approximately 4.8 acres, which includes the two greens, the southern water quality basin and other open areas and setbacks. The developed portions of the existing PUD have approximately 41% greenspace, while the new development would contain approximately 34% greenspace. Together these 4.8 acres are approximately 36% of the PUD acreage, slightly greater than the zoning ordinance required 35% open space for residential PUDs and much greater than ordinance requirements for commercial or office development. Approximately half of this greenspace is in large blocks of land instead of in setbacks and islands.

Tree Preservation: There are only two areas of the property with any clustering of trees, which accounts for about 1.5 acres of the property. Most of these trees are of poor quality and were not recommend to be preserved by the Environmental Commission. Some of these treed areas will be preserved as part of the southern water quality basin. In response to the Environmental Commission’s desire to replace the tree canopy volume, the petitioner estimates that the existing tree canopy volume would be replaced by the new tree planting in about 20-25 years, when they begin to reach maturity.

Parking: The schematic site plan shows a parking ratio of approximately 4.3 spaces per 1000 square feet of first floor space. Staff recommends the Plan Commission adopt the preliminary plan’s parking proposal, which states that “the maximum allowed parking ratio shall be 4.5 spaces/1000 square feet of floor space.”

Signage: The existing PUD includes two large non-conforming signs on E. 3rd Street, one for Chapman’s Restaurant and one for Century Suites. The petitioner has agreed to remove these signs and erect a conforming multi-tenant center sign. The petitioner has proposed that the non-conforming signs be brought into compliance with current code before 50% of the new development is complete. Staff recommends that that freestanding signage be brought into compliance with current code standards with the first new final plan. This is consistent with current code requirements which require sign compliance with any expansion of use or new construction.

Also, the petitioner proposes an allowance for hanging signs that project from the

face of buildings, in keeping with the “Williamsburg Village” architecture. Staff has no objection to this request but recommends that the proposed 16 square feet maximum be reduced to 9 square feet.

Utilities: This site has adequate utility service for both water and sanitary sewer. Schematic plans have received conceptual approval from CBU. This development would continue to utilize an existing lift station at the southeast corner of the property that forces sewage west of Ryan’s Steak House.

Stormwater: A schematic drainage plan has received conceptual approval from CBU. This property is at the outer edge of the Lake Monroe watershed. The petitioners propose that stormwater detention take place in oversized underground pipes and would be treated in at least two water quality basins and infiltration swales which would be designed to provide extended detention times of the "first flush storm" and allow solid particles to settle out of the stormwater. Schematic information about how this stormwater quality treatment would occur is included in the packet.

RECOMMENDATION: Staff recommends approval of this rezoning request with the following conditions:

1. “Assisted Care Facility” shall be defined as “a residential facility that offers assistance with activities of daily living. Residential services are provided for a fee including individual living units, dietary services, housekeeping services, transportation, social activities and some limited health-related services. Unlike a nursing home, an assisted living facility does not provide ongoing medical monitoring or long term care of the aged or infirm.”
2. A vehicular connection to Knightridge Manor apartments shall be constructed and an easement provided to SR 446, with any final plan at the southeast corner of the PUD or with Final Plan for the hotel/motel use, whichever comes first.
3. A minimum roof pitch of 4:12 is required on all structures, except for dormers, gables, porches and accessory structures.
4. Only one (1) financial institution shall be permitted. Only one (1) additional restaurant or brew pub shall be permitted (in addition to the existing Chapman’s restaurant).
5. All freestanding signage shall be brought into compliance with current code standards with the first new Final Plan. Projecting signage on buildings shall not be permitted to extend over the right-of-way and shall be limited to a maximum of nine (9) square feet per side.
6. The main entrance drive off of E. 3rd Street shall utilize angled parking only. Perpendicular or parallel parking shall not be permitted.
7. Construction phasing of bicycle and pedestrian facilities on E. 3rd Street and SR 446 shall be determined with the first final plan for new construction. Easements, signage, bollards and textured or raised crosswalks are required for these facilities and shall be reviewed at final plan stage.

8. The access drive to E. 3rd Street shall be aligned with Morningside Drive with the first new final plan.
9. All indirection in the access route to SR 446 shall be removed. Design of this route shall meet the needs of the Bloomington Fire Department and be further reviewed at final plan stage.

MEMORANDUM

TO: City of Bloomington Plan Commission

FROM: Environmental Commission

LIAISON: Linda Thompson, Senior Environmental Planner

DATE: September 13, 2004

SUBJECT: PUD-20-04 Century Village Expansion

This memorandum contains environmental information and recommendations regarding an amendment to PUD-20-04. The Bloomington Environmental Commission (EC) has reviewed the petition and has the following comments and recommendations that should be considered by the Plan Commission prior to approval of the development. Please see the August 3, 2004 EC memorandum for original recommendations. The EC appreciates the modifications the petitioners have made to the plan to accommodate its previous recommendations. However, there are still issues the EC believes need to be resolved for this important site.

Environmental Commission Concerns:

TREE COVERAGE:

The petitioner has added some trees to the original plan. However, the EC believes it is not enough. The proposed built environment on this site is too expansive to accommodate enough greenspace for a gateway area, tree replacement values, or naturalized habitat. The previously-built Century Village currently contains 40.9% total greenspace. The proposal for the undeveloped portion contains only 34.3% ***after*** twenty five (25) years of growth. The EC recommends that this proposed phase contain at least 40.9% total greenspace, preferably more, so it won't be so barren for the next twenty five years.

ENHANCED BUFFERS:

The petitioners increased some tree buffers since the first plan was submitted; however, the EC recommends that buffering also be planted along the southwest corner. The EC also recommends the northern buffer along Third Street be increased. This site is not in the downtown urban area of Bloomington so the "building forward" concept should not be used here. This site is a segue into rural forest and should be a vegetated transition zone.

EC Memo

(11)

MEMORANDUM

TO: PLAN COMMISSION MEMBERS

FROM: TIFFANY STRAIT, SENIOR TRANSPORTATION PLANNER
STAFF SUPPORT TO THE BLOOMINGTON BICYCLE AND PEDESTRIAN SAFETY COMMISSION

SUBJECT: CENTURY VILLAGE PUD2

DATE: 9/8/2004

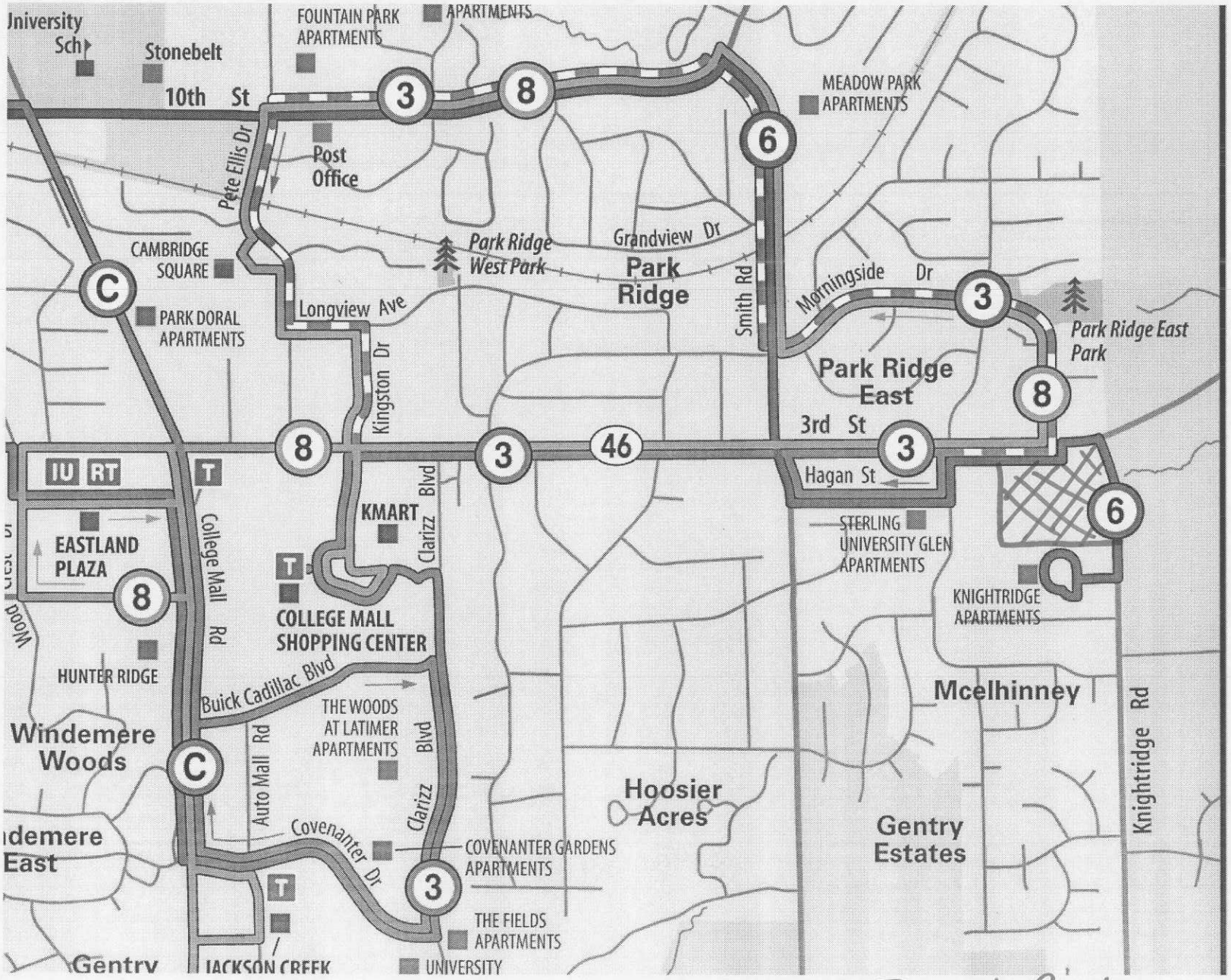
The Bloomington Bicycle and Pedestrian Safety Commission (BBPSC) appreciates the opportunity to review this petition once again. The BBPSC also commends the plan commission on their endeavors to guide the design of the development of the Century Village PUD 2 petition. Although many of the concerns of the BBPSC have been addressed, there are a few additional comments and concerns remaining.

Recommendations:

- The BBPSC appreciates that a direct north-south pedestrian access to the south will be provided and that pedestrian movement will continue east to SR 446
- It is recommended that sidewalk connections be designed to facilitate flow of pedestrian movement.
- The BBPSC appreciates that the sidepath will be extended along the E. 3rd Street frontage of the development. The connection of this sidepath to SR 446 should be made. However, it is still recommended that a sidepath be constructed along the SR 446 frontage, near or over the drainage area if the drainage area is piped and filled. The state could then be petitioned to have the guardrail removed.
- Additionally, the BBPSC still recommends invoking a requirement that the developer petition the state to upgrade the intersection of E. 3rd Street and SR 446 to a bike/pedestrian-friendly intersection.
- All bike/ped facilities must be built to AASHTO standards

BPSC Memo

Greenways Plan



Transit Routes

bloomingtonindiana
Convention & Visitors Bureau

RECEIVED
SEP - 2 2004
BY:

September 1, 2004

Mr. Jim Roach
City of Bloomington Planning Department
P.O. Box 100
Bloomington, IN 47402

Dear Mr. Roach:

Recently, on behalf of the Convention and Visitors Bureau I met with Bill Brown to discuss his development of Century Village. Knowing that he had a hotel in his proposal, we wanted to give him as much information regarding the needs of the community from a hospitality standpoint so that he has the greatest chance of success in that portion of his development.

During that conversation, he showed me proposed plans and we discussed numerous issues. The project is an exciting one and will be a tremendous addition to the growing needs of the community for quality hotel and meeting development. Tourism currently is the community's third largest industry with over $225 million in economic impact each year. The area has an exceptionally high repeat visitation of over 72%, so our customers know us well. Our office also receives numerous calls complaining about the lack of clean, safe and reasonably priced hotel rooms. To this subject, I did bring a concern to the Century Village development and Mr. Brown suggested I write a letter to you stating our concerns.

Although not currently in the plan, we understand it has been recommended to delete the buffer between the back of the proposed hotel and the Knightridge Apartment Complex and replace it with a road. Our concern is the safety aspect of such a change. Hotel guests often comment on the concern of apartment complexes backing up to where they are staying. Vandalism to cars, residents walking or driving back and forth by first floor windows and the exposure of guests carrying luggage in and out of the hotel in front of residents are often mentioned. We believe the potential of increased traffic so close to the hotel will result in noise and safety complaints from the guests, who are wishing for a semi-secluded atmosphere that is recognized at the current Century Suites. In addition, Century Suites number one market is outdoor weddings. Currently, their design has allowed them to buffer road noise for those weddings being held in their gazebo. Adding a road to the rear of the facility would have a detrimental affect on their ability to offer such a unique atmosphere to a continually growing market. Also, business travel among women traveling alone has also had tremendous growth and safety is an ever-present concern to these women who find the Century Suites product a nice location to use for their home base.

Our wish would be that the road not be considered and that the current buffer be used to differentiate the hotel from the residential area. I hope these comments and suggestions assist you in making decisions regarding the proposed project and please feel free to contact me directly with any questions.

Sincerely,

Valerie Peña

Valerie Peña
Executive Director

Cc: Bill Brown

breakaway
www.visitbloomington.com

39

2855 North Walnut Street Bloomington, IN 47404 PH812.334.8900 TF800.800.0037 FX812.334.2344

BLOOMINGTON PLAN COMMISSION **CASE NO: PUD-20-04**
PRELIMINARY REPORT **DATE: August 9, 2004**
LOCATION: 300 S. SR 446

PETITIONER: Bill C. Brown
300 S. SR 446, Bloomington

COUNSEL: Smith Neubecker and Associations
453 S. Clarizz Blvd, Bloomington

REQUEST: The petitioner is requesting a preliminary plan amendment to the Century Village PUD. This amendment would transfer 3.27 acres from the Baker/Stephens PUD to the Century Village PUD, rezone 4.24 acres from Multifamily (RM7) to PUD to be included in the Century Village PUD and would amend the approved list of uses. Also requested is a waiver of the required second hearing.

BACKGROUND:

Area:	6.21 acres (Existing PUD) 4.24 acres (zoned RM7) 3.27 acres (within Baker/Stevens PUD) 13.72 acres total
Current Zoning:	Century Village PUD, Baker Stevens PUD and RM7
GPP Designation:	Community Activity Center and Urban Residential
Existing Land Use:	Hotel, offices, restaurant and vacant, rolling meadow terrain with scattered trees
Proposed Land Use:	Mixed office and retail with second floor residential, restaurant and hotel
Proposed Density:	3.64 units per acre (50 units/13.72 acre)
Surrounding Uses:	**South, Southwest –** Multi-family residential (Knightridge Manor, Sterling University Glen) **East –** Large lot single family **North** – Commercial **West** – Office (Montauk Point) and Restaurant (Ryan's Steak House)

REPORT SUMMARY: The Century Village PUD was originally approved in 1975 and is located at the southwest corner of E. 3rd Street/SR 46 and S. SR 446. It was originally developed with a series of small "Colonial Williamsburg" style structures used as offices and retail space. Since that time these structures have been converted to the Century Suites Hotel and the PUD has expanded several times. Other uses in this PUD include Chapman's Restaurant, the petitioner's office and the offices and transmission tower of WBWB and WHCC radio. The west side of the PUD also includes approximately 1.8 acres of undeveloped land, including the site of a former gasoline service station.

The petitioner, Bill C. Brown, is the developer and owner of Century Village. He also owns 3.27 undeveloped acres in the Baker/Stevens PUD immediately to the west. This land received final plan approval in 1994 for a 102 room hotel that was never constructed. This portion of the Baker/Stevens PUD permits several commercial uses including retail, office and a hotel. Immediately to the south of the Century Village is a vacant 4.24 acre tract zoned multi-family residential (RM7). The petitioner has an option to purchase this property.

This petition proposes to combine together these three pieces of land into a revised Century Village PUD. The amended PUD will total 13.72 acres and include a mix of uses similar to uses already permitted within the two existing PUDs.

GROWTH POLICIES PLAN: The GPP designates the existing PUD parcels as Community Activity Center (CAC) and the RM7 zoned parcel as Urban Residential. Relevant pages from the GPP have been included in the packet.

The GPP notes that the "primary land use in a CAC should be medium scaled commercial retail and service uses." It encourages 2nd floor residential uses above commercial but states that if residential units are to be developed within a CAC, they should be located around a central node, instead of along a corridor. The GPP also encourages the provision of public space, minimal street setbacks to increase pedestrian and transit accessibility, tree plots and potential for on-street parking. The Plan Commission must determine if the proposed PUD commitments do an adequate job addressing these policies.

For the Urban Residential land use category, the GPP notes that sites should be developed for "predominantly residential uses; however, incorporate mixed residential densities, housing types, and nonresidential services where supported by adjacent land use patterns." The Plan Commission must determine if the RM7 zoned land should be changed to allow commercial uses. The Plan Commission must also determine if there is adequate community commercial services in this area or if additional non-residential uses are supported by the surrounding land use pattern.

In general, the GPP encourages Compact Urban Form and notes that "Commercial development needs to be contained within existing commercially zoned land." Infill and redevelopment is recommended to take precedence over rezoning new land for commercial uses. It also encourages the City to "restrain new commercial development in the southeast sector of the community…" The Plan Commission must determine if the proposed unified site treatment, design and uses mitigates deviating from a policy against expansion of commercial zoning.

Finally the GPP encourages the City to Mitigate Traffic by placing high density multi-family in close proximity to transit routes. The location of student-oriented

housing has been an issue of late with the Copper Beech and Forest Ridge apartment projects. The Plan Commission must determine if the proposed PUD places better development controls on this property than the current RM7 zoning, that would permit student oriented housing on the periphery of the community.

LAND USE:

Commercial: The proposed list of uses includes most of the uses currently permitted in the Century Village and Baker/Stevens PUDs. These uses have been updated with modern terms. A comparison of existing and proposed permitted uses (titled "PUD Use List Comparison") is included with this report.

The proposed uses are as follows:

- Hotel/Motel
- Wedding Chapel
- Restaurants, sit down, with pick-up only window for carry-out orders allowed
- A single, detached single-family residence to serve as the manager's home
- Offices, including medical and professional
- Retail sales in enclosed buildings, limited to first floor and 5,000 square feet per user, with one user as large as 10,000 square feet
- Personal Services
- Assisted Care Facility
- Day Care Centers
- Financial Institutions with a drive-through
- Radio/TV Stations

Staff would like discussion to determine if the rezoning is approved, whether the commercial use list should be expanded to include limited service restaurants as a separate use from sit down restaurants. This restaurant use has a different impact than full service restaurants and is currently permitted in both existing PUDs. Staff would still be in favor of restricting the limited service restaurants to non-drive thru as well. Staff would also recommend that the use of Wedding Chapel be changed and expanded to "Banquet Facility." The definition for those uses would be as follows:

> **Restaurant, limited service**
> An informal restaurant serving a limited menu. This use must be under 5,000 square feet, can not provide delivery service and can not have a drive through window. Examples include but are not limited to coffee shop, deli, ice cream shop and sandwich shop.

Banquet Facility
A commercial facility providing rental of floor or room space for social engagements including weddings, banquets, organizational meetings, or equivalent events.

Multi-family: The petitioners have proposed that if multi-family uses are developed as part of the PUD that they be located only on the second floor or above and that they be limited to a maximum of 50 units. The Plan Commission should determine if the development of second floor residential uses is essential to fulfill the policies of the GPP and should be required to be developed.

INTENSITY OF USES:

Multi-family Density: If the properties in question were developed based on their current zoning, the maximum number of multi-family units permitted would be 29 all of which would be placed on the 4.24 acres of RM7 zoned parcel. The overall density of land included in this proposal, would be 2.11 units per acre. With this proposal, the maximum multi-family density would include a maximum of 50 units and would be approximately 3.64 units per acre (50 units/13.72 acre). This development would have less residential density than surrounding multi-family developments to the south (Knightridge Manor) or to the southwest (Sterling University Glen).

Commercial Commitments: The petitioner has made several commitments concerning the intensity of commercial uses in the PUD. The Plan Commission must determine if these commitments are enough to ensure predictable and appropriate scale and design for a CAC. These commitment are as follows:

Drive-through bank: The petitioner has requested that any financial institution (bank) be allowed to have a drive-through component. His proposal, which is also shown on the schematic plan, would limit a drive-through to no more than three lanes. These lanes, would be "substantially hidden" from the street. If approved, staff would require that drive-throughs be located on the side of the building opposite the street, as depicted on the schematic plan.

Carry-out Window: The petitioner proposes that restaurants within this PUD be permitted to have a pick-up or carry-out drive-through window. The petitioner has committed that this would not be a fast-food type order and drive through facility, but only for pick-up. A similar arrangement existing at Donatos Pizza on E. 3rd Street. Other restaurants in the area, such as Chili's utilize a more traditional, less land intensive, designated carry-out parking spaces.

Maximum Number of Restaurants: The Baker/Stevens PUD limits the commercial development there to a maximum of one (1) restaurant. This restaurant has already been developed as Ryan's Steak House. If this petition is approved, it would remove that commitment from the 3.27 acres currently within the Baker/Stevens PUD. The Plan Commission must determine if there should be a limitation on the maximum number of restaurants allowed as part of this PUD. The Century Village PUD has already been developed with one approximately 10,000 square foot restaurant, Chapman's.

Maximum Size of a Use: Both existing PUDs restrict retail uses to a maximum of 3,000 square feet. This square footage was based on the pre-1995 Limited Business (BL) zoning district restriction. The petitioner proposes that retail uses not exceed 5,000 square feet, which is the same as the current Limited Commercial (CL) zoning district restriction. The Plan Commission must determine the appropriate size of an individual retail tenant in this PUD and within Community Activity Centers.

Anchor Tennant: Apart from the commitment to the size of any given commercial use, the petitioner requests that one use be permitted to be as large as 10,000 square feet. He believes this allowance will serve as a center commercial anchor and would serve higher end retail uses such as a furniture store or pharmacy. In comparison, the new CVS Pharmacy at E. 3rd Street and S. SR 46 and the Pier One imports on Auto Mall Road are both approximately 10,000 square feet. Bloomington Hardware on Covenanter Dr. is approximately 15,000 square feet and the new Best Buy electronics store on S. SR 46 is approximately 30,000 square feet. The Plan Commission must determine if a 10,000 square foot use is appropriate in a Community Activity Center.

Maximum Building Size: Most of the buildings in the existing PUD are very small, with some buildings having footprints as small as 1,000 square feet. The petitioner has stated that typical buildings in the PUD will range from 3,000 to 10,000 square feet on the first floor. One building is shown on the schematic plan at about 11,000 square feet. The petitioner has stated a desire to expand the theme of the existing Century Village over the rest of this property. The Plan Commission must determine if the proposed building sizes and architecture will continue the theme of the existing PUD and whether a cap on the maximum footprint of buildings is warranted.

SITE DESIGN:

Access and Connectivity: Access to the development would be from a single, re-aligned access on E. 3rd Street and two full access points on S. SR 446. The petitioner proposes that the current shared access drive onto E. 3rd street be

shifted to the west to directly align with E. Morningside Drive. While desired in the past, this alignment was never possible because of an access easement on the Century Village property to the RM7 zoned parcel. If this PUD is approved and the petitioner purchased the RM7 parcel, then the access easement could be removed. If approved, staff recommends that the realignment take place with the first new final plan for this property.

Also proposed is a third access drive onto S. SR 446. Currently, the property gains access to S. SR 446 just north of the Century Suites. A second, exit only, access point has also been developed at the south end of the Century Suites. This petition proposes a third access point on S. SR 446 that would be designed as an indirect route into the development though parking lots. Staff recommends that these drives be combined and the number of cuts onto S. SR 446 be limited to two. The Plan Commission must determine the appropriate number of access points onto S. SR 446.

Finally, an access easement was provided when the Montauk Point office complex was developed. This PUD would connect to this established drive and parking lot to provide cross-connection between uses and to S. Park Ridge Drive.

Staff recommends that a cross access easement be provided at the far southeast corner of this property in conjunction with the proposed new access to S. SR 446. This easement would allow for the Knightridge Manor Apartments to gain a second point of access onto S. SR 446. Currently, these 104 apartments have only one entrance, creating a potential safety problem for public safety personnel.

Traffic: Based the square footage numbers provided by the petitioner for the retail component and assuming a 100 room hotel and the maximum of 50 apartments, staff estimates 4932 average daily new trips. Based on the existing zoning of the property and assuming the RM7 land is built at the maximum 29 units and the retail uses on the property is reduced proportionally with this loss of land, staff estimates 2,722 average daily new trips. This PUD proposal would increase the anticipated number of vehicle trips by 2,210 trips per day above the current zoning. Staff is currently analyzing existing traffic patterns and volumes in this area to determine the current Level of Service for E. 3rd Street and S. SR 446. This information should be available by the time of the Plan Commission meeting.

Right-of-Way: All necessary right-of-way must be dedicated on both E. 3rd Street and S. SR 446. Both of these roads are classified as Primary Arterials and require a dedication of 50 feet from centerline. Internal access and circulation is proposed to be provided on private drives.

Building Forward: The petitioner's statement refers to a "building forward" design with buildings pulled close to the internal drive and parking designed more like on-street parking than a large commercial parking lot. This same kind of design is also shown on the schematic site plan. In order to assure this type of development pattern along E. 3rd Street, staff recommends that if this petition is approved that a certain percentage of the E. 3rd Street and S. SR 446 frontage be built out at the building setback line. The Plan Commission must determine if this is appropriate and what percentage would ensure a building forward design.

Pedestrian Facilities: The Alternative Transportation and Greenways System Plan recommends a sidepath on the south side of E. 3rd Street. This sidepath has already been partially constructed from Clarizz Blvd. to Smith Rd. and in front of Day Mortuary. The Greenways Plan does not however make any specific recommendations for S. SR 446. There is a very wide, paved shoulder on SR 446 that is often used by bicyclists. A sidepath may be appropriate at this location as well.

The intersection of E. 3rd Street and S. SR 446 poses particular difficulties in the construction of pedestrian facilities. This intersection includes a metal guard rail and a severe change in grade between the road and the petition site. Staff has identified three possible solutions to deal with this problematic intersection. These are also identified on the exhibit titled "Pedestrian Options."

1. Reconfigure intersection, including partially piping and filing of drainage ditch, relocating guard rail and installing retaining walls in order to place a sidepath on E. 3rd Street and S. SR 446.
2. Relocate guardrail on E. 3rd Street for a sidepath to intersection, meander a sidewalk through eastern side of property, on the west side of ditch. This may necessitate partial piping of drainage ditch.
3. Relocate guardrail on E. 3rd Street for a sidepath to intersection. Meander sidewalk through interior of site, utilizing already proposed private sidewalks.

The Bicycle and Pedestrian Safety Commission believes that Option #2 would provide the greatest safety and mobility. The petitioner has suggested that location of public pedestrian accommodations be deferred to final plan stage. Staff recommends that one of these three options be chosen as the preferred option at this time. Details will then be worked out at final plan stage. In addition to the required public pedestrian improvements, the petitioner has shown extensive internal pedestrian accommodations. These will allow pedestrians to safely traverse the site and walk between uses.

Architecture: The petitioner proposes to extend the architectural themes he has established with the current Century Village. The buildings would be built in a "Colonial" or "Williamsburg" style which would include cedar shake shingles and brick and wood lap siding. He proposes that the Hotel/Motel would be allowed to

have a metal pitched roof. The Plan Commission must determine if these architectural commitments, in conjunction with the building square footage commitments provide adequate predictability of design, continuation of the existing PUD theme and architectural control for the petition.

Common Green and Open Space: The existing PUD includes a series of small buildings clustered around a "Common Green." This green is approximately 0.6 acres in size. The petitioners propose a second "Central Green" for the undeveloped portions of the PUD and the new acreage. This green is shown schematically as 0.25 acres in size. The total greenspace for the revised PUD is approximately 4.1 acres, which includes the two greens and other open areas and setbacks, which is approximately 30 percent of the PUD acreage. The Zoning Ordinance requires 35% open space for residential PUDs and the GPP encourages the inclusion of usable public gathering spaces as part of CACs. The Plan Commission must determine is this is adequate greenspace for this type and scale of a Community Activity Center at the edge of a residential district.

Tree Preservation: The undeveloped portions of this property are largely open, mowed pasture. There are only two areas of the property with any clustering of trees. The first area is in the RM7 zoned property, south of Century Village. This is about 0.5 acres and include a draingeway and trees of varying quality and thick underbrush. The petition shows this area as the schematic location for one of the water quality basins. Some trees could be preserved in this area and still serve as a water quality function.

The second area of trees includes a line of trees, approximately 600 feet long, between the current Century Village PUD and the Baker Stevens PUD to the west. This includes trees of varying quality, an old barbed wire fence row and a drainage ditch. Altogether this area includes about 1.0 acre of trees. The petitioner has stated that removing large portions of this tree line is essential to the success of this project. He states that this is necessary "due to the Urban Village nature of the proposed development," the need to provide a "new entrance across from Morningside Drive" and "provide formative building fronts along the entry that will define edges of the village common."

The Plan Commission must determine if either of these tree stands should be preserved in part or in their entirety.

Parking: The schematic site plan shows a parking ratio of approximately 4.4 spaces per 1000 square feet of first floor space. Staff has encouraged the petitioner to provide for mixed-use parking ratios and to provide shared parking. The 4.4 spaces per 1000 square feet shown is between two similar code requirements of 3 spaces per 1000 square feet for office space and 4.5 spaces per 1000 square feet for small shopping centers. Due to a differing type of parking demand, the Hotel/Motel should provide all of the required parking of 1 space per guest room. Second floor uses such as office space and residential

dwelling units would not be counted toward the parking requirements. Residential uses have differing peak parking times than retail uses thus allowing for shared parking. The Plan Commission must determine the appropriate parking ratio.

Signage: The existing PUD includes two large non-conforming signs on E. 3rd Street, one for Chapman's Restaurant and one for Century Suites. The petitioner has agreed to remove these signs and erect a conforming multi-tenant center sign. The petitioner has proposed that the non-conforming signs be brought into compliance with current code before 50% of the new development is complete. Staff would like discussion concerning an appropriate trigger for sign compliance. Options for sign compliance include bringing one or both signs into compliance with the first new final plan for the PUD and one or both signs into compliance with any new or expanded hotel use in the PUD or when 50% of the new development is complete, whichever come first.

Karst: The City's GIS mapping indicates three closed contours on the property. After site inspection and analysis of a circa 1960 USGS quad map, staff is confident stating that these are not naturally occurring karst features. These closed contours have been piped to discharge stormwater. The USGS quad show that prior to development of the Century Village and the E. 3rd Street/SR 446 intersection, these closed contours were the upper reaches of natural valleys that drained to the east, under the current SR 446. While these features have been shown to not be karst related, there may be other geologic features in the site that should be investigated further. Please see Environmental Commission memo for more detail.

Utilities: This site has adequate utility service for both water and sanitary sewer. Schematic plans have been submitted to CBU and are under review. This development would continue to utilize an existing lift station at the southeast corner of the property that forces sewage west of Ryan's Steak House.

Stormwater: A schematic drainage plan has been submitted to CBU and is under review. This property is at the far edge of the Lake Monroe watershed. The petitioners propose that stormwater detention take place in oversized underground pipes and would be treated in at least two water quality basins and infiltration swales which would be designed to provide extended detention times of the "first flush storm" and allow solid particles to settle out of the stormwater.

Height Bulk and Density Standards: The petitioner proposes that the current CL zoning district standards be applied to this PUD, except for an increase in the allowed building height. He proposed to increase allowed height from 35 feet to 50 feet. He states that no building other than the hotel would be taller than three stories and the hotel could be as tall as four stories. All building would have pitched roofs that could increase their height.

Development/Enforcement History: The Plan Commission has asked staff to put together information about petitioners development history so that can gain a better idea of the types of development that a petitioner has built and so that they are aware of any past or ongoing violations associated with a petitioner.

1. **Basswood/Bradford Ridge**:
   - Multi-Family Apartments located on the east side of SR 37 and north of W. Bloomfield Road
   - Approved in 1985 and 1991
   - Petitioner subdivided the land, but was not involved in developing either complex
2. **Wal-Mart/Sam's Club:**
   - Located at the southwest corner of SR 37 and SR 45 (W. Bloomfield Road)
   - Approved in 1992,
   - Petitioner was property owner, but was not involved in the development of the property
3. **Park 37 Commercial Subdivision:**
   - Located at the northwest corner of SR37 and SR 45 (W. Bloomfield Road)
   - Approved in 1986 as a Commercial/Industrial PUD. Includes MCL Cafeteria, Steak and Shake, Aldi's, Coca-Cola, Schulte, Bloomfield State Bank
   - Petitioner created the subdivision, but was not involved in the development of individual lots
4. **Canterbury Multi-Family Subdivision:**
   - Located east of SR 37 and north of Bradford Ridge Apartments
   - Approved in 2000
   - Includes Canterbury, Copper Beech, and Forest Ridge Apartments
   - Developer created the subdivision, but was is not involved with the development of individual lots

There are no known enforcement issues, violations or complaints associated with this developer and his portions of these developments.

SUMMARY: While much of the two existing PUDs remain unchanged in terms of uses, there are few development commitments associated with these PUDs. The proposed commitments to signage, pedestrian accommodations, architectural control, greenspace creation and access control are positive aspects of this proposal. The main question for Plan Commissioners is if the RM7 parcel should be rezoned for commercial uses. If it is determined that it is, the Plan Commission must then determine if the proposed controls have done enough to ensure compliance with the recommendations for Community Activity Centers in the GPP and Other questions that should be answered included the following:

- Has the petitioner provided the appropriate amount of tree preservation as well as size and type of greenspace (30%)?
- Is the proposed second "common green" large enough to ensure continuance of the Century Village style of development?
- Should the petition include a mandatory residential component?
- What is the most appropriate route for pedestrian accommodations in and around this property given the constraints at the intersection?
- Should an access easement be required to provide the Knightridge Manor Apartments a second point of access onto SR 446?
- Should the existing Century Suites "out only" cut onto SR 446 be allowed to remain?
- Have appropriate commercial commitments been provided to assure a CAC scaled development?

    - Should there be a maximum number of restaurants?
    - Should a "Carry-out" window be allowed?
    - Should tenant spaces be limited to 3,000 or 5,000 square feet?
    - Should there be allowance for a single 10,000 square foot "anchor" retail tenant?
    - Should there be a maximum allowed footprint for a building?
    - Should a building forward commitment on E. 3rd Street and S. SR 446 be provided?

RECOMMENDATION: Staff recommends that this rezoning request be forwarded to the September 13, 2004 Plan Commission meeting.

MEMORANDUM

TO: City of Bloomington Plan Commission

FROM: Environmental Commission

LIAISON: Linda Thompson, Senior Environmental Planner

DATE: August 3, 2004

SUBJECT: PUD-20-04 Century Village Expansion

This memorandum contains environmental information and recommendations regarding an amendment to PUD-20-04. The Bloomington Environmental Commission (EC) has reviewed the petition and has the following comments and recommendations that should be considered by the Plan Commission prior to approval of the development.

Environmental Commission Concerns:

The EC has some concerns about this site and would like to have the opportunity to have them addressed prior to a second hearing. The requests in this amendment include substantive changes that will alter the concept or intent of the existing PUD; therefore, constitutes a "major change." In addition, the site is an important gateway into Bloomington, the proposed size of the PUD is more than doubling, and public input will require the full time allowable.

Some of the issues the EC requests additional information on include; tree canopy replacement and landscape plan, enhanced buffers, possible karst features, and drainage. Specifically, requested details include the following:

1. TREE COVERAGE: The EC believes the existing tree coverage on the site is not of high enough quality to warrant preservation. Nevertheless, it is greenspace providing environmental benefits such as water and air quality, wildlife habitat, and human quality of atmosphere. The EC has no objections to eliminating the existing tree coverage, but requests a commitment from the petitioner to modify the conceptual landscape plan to include additional tree coverage. The amount of coverage added should be calculated to replace the existing tree canopy volume. In other words, replace trees at a rate such that the site, upon completion, has at least the same volume of leaf canopy as it does currently, not merely a 1:1 ratio of trees.

The tree coverage should be designed such that "groves" of trees are planted in

addition to the sporadic spacing of parking lot islands and formal landscape areas. In the groves, only tree varieties that are native to central Indiana should be used, and an emphasis on natives should be placed upon all other plantings.

2. ENHANCED BUFFERS: Many setbacks and buffers in the current plan are insufficient in the opinion of the EC. The areas between the PUD and residential areas to the south and southwest need to be expanded to provide a visual, sound, and light buffer between the commercial zone and the apartments.

The EC also believes because this site is a very important gateway into town, it should exhibit one of Bloomington's famous characteristics: trees. The EC requests a commitment from the petitioner to expand the setback from Third Street and enlarge the vegetative buffer (see details above).

3. POSSIBLE KARST FEATURES: Due to past topographic changes in grading and infill, and numerous places that have some of the characteristics of karst topography, the EC believes a karst evaluation made visibly from surface features may not be sufficient. Some surface indicators of karst are visible, such as a large spring (now dry), some closed contours, and some soil piping. However, some closed contours are results of infill and did not exist on old topographic maps. Some of the soil piping appears to be the result of water infiltration, which then permeates through the fill material until it encounters impervious bedrock, then flows along bedrock contours, and results in undercutting the soil above it; not because of a natural sinkhole beneath it. Because the origin of some of the karst-looking features is unclear, the EC requests a subsurface geologic study to confirm the suitability of construction on all parts of the site.

4. DRAINAGE: After evaluating the Illustrative Utility Plan, field examination of the site, and study of topographic maps, the EC is unclear about both current drainage patters and details of the drainage plan. Additional information on stormwater quality, detention, and effects on the Monroe Lake Watershed that the PUD lies within are requested.

Recommendations:

1. The EC recommends denial of waiver of the second hearing.

2. The EC recommends that between now and the second hearing, the petitioner provide additional detailed information and commitments on the above mentioned issues.

MEMORANDUM

TO: PLAN COMMISSION MEMBERS

FROM: TIFFANY STRAIT, SENIOR TRANSPORTATION PLANNER
STAFF SUPPORT TO THE BLOOMINGTON BICYCLE AND PEDESTRIAN SAFETY COMMISSION

SUBJECT: CENTURY VILLAGE PUD2

DATE: 8/4/2004

The Bloomington Bicycle and Pedestrian Safety Commission (BBPSC)has reviewed this petition and has the following comments and recommendations:

Recommendations:

- The BBPSC recommends that a direct north-south pedestrian access to the south be given, in addition to or in place of the east-west sidewalk that is proposed along the southern boundary of the development.
- Further, the BBPSC recommends that pedestrian access be provided to and around any new buildings, in addition to or as opposed to the peripheral sidewalk like the above-stated east-west sidewalk along the southern property boundary.
- The BBPSC recommends that a sidepath be built along the SR 446 frontage of the development. The sidepath could be constructed near or over the drainage area if the drainage area is piped and filled. The state could then be petitioned to have the guardrail removed.
- Additionally, the BBPSC recommends invoking a requirement that the developer petition the state to upgrade the intersection of E. 3rd Street and SR 446 to a bike/pedestrian-friendly intersection.
- All bike/ped facilities must be built to AASHTO standards

BPSC Memo

Land use planning policies offer one method of achieving this end. Clearly, the west and southwest sectors of Bloomington offer the most opportunities for residential growth, while areas to the east and southeast have been virtually built-out with residential development in recent years. Bloomington must work to shift more residential development to the west and southwest as development limits are reached in other sectors of the community. This development will not compromise nor diminish the conservation of sensitive areas and will take advantage of opportunities for greenspace preservation and acquisition.

Sewer extension policies can also be utilized as a tool for directing development to appropriate areas of the community. Currently, sewer extensions can be granted for developments located outside of the City's planning jurisdiction upon positive findings rendered by the Monroe County Plan Commission. This creates a scenario whereby another agency is providing policy guidance for the location of an important City service. A revision to this sewer approval process is clearly needed. The first step is to convene a series of meetings including both the City and County Planning Directors, the City Utilities Department, City and County decision-makers, and regional utility providers (Ellettsville Utilities, the Lake Monroe Regional Waste District, etc.). These meetings should be oriented towards determining likely areas of future growth as well as the associated geographic areas where service should logically be provided. The result of these discussions would be the creation of both sewer service districts as well as non-service areas. Once these determinations have been made, the City shall proceed in amending its existing Utility Service Overlay Map as well as its associated Utility Service Board rules and regulations regarding sewer extensions. In the interim, the City should strongly discourage the extension of sewers beyond its planning jurisdiction.

Implementation Measures

CUF-1 Encourage new housing starts toward the west and southwest sectors of the community; discourage urban development to the east of the east fork of Jackson Creek; and north and east of the State Road 45/46 Bypass.

CUF-2 Develop revisions to the City's existing Utility Service Overlay Map as well as associated Utility Service Board rules and regulations to create sewer service districts as well as non-service areas. In the interim, strongly discourage sewer extensions beyond the planning jurisdiction.

Policy 2: Increase Residential Densities in the Urbanized Area

As a counterbalance to policies that limit the spatial expansion of growth, denser infill development in areas that already contain City services must be encouraged. Increasing the density of residential development within the community can provide several benefits. Concentrating densities in certain areas allows others to be preserved as greenspace, a vital urban amenity. Further, as densities increase, the efficiency and quality of urban services can be improved, and public transit becomes a much more feasible service.

The 1995 Zoning Ordinance attempted to address this issue by creating such incentives as the Planned Residential Overlay (PRO) district and the Downtown Development Opportunity Overlay (DDOO). Although overall residential densities have increased since the early 1990s, both overlay concepts have received some criticism from developers, neighborhood associations and historic preservation interests. While the overlay regulations achieved some measure of success, they were clearly not an adequate solution. These issues must be resolved as a crucial step in bringing residential growth and vitality back to the urbanized area.

Implementation Measures

CUF-3 Revise the Planned Residential Overlay requirements of the Zoning Ordinance to provide incentives for the development of mixed-use neighborhoods on infill development tracts. In general, however, multifamily residential developments that are likely to serve significant numbers of Indiana University students should be strongly discouraged in locations distant from the IU campus.

CUF-4 Revise development regulations to increase the allowed level of residential density to 100 units per acre in the Downtown Commercial District. Link this increased density with required design standards (i.e. building setback, height, roof orientation, blank wall controls) and appropriate historic preservation for specific areas located within the Downtown Commercial District. Revise the Downtown Development Opportunity Overlay (DDOO) district to remove high-density incentives in specific areas which could result in a negative impact upon historic and culturally important buildings and districts.

CUF-5 Revise development regulations for near-downtown and near-campus areas to encourage increased residential densities.

Policy 3: Redirect Commercial Development

Like residential growth, the continued spread of commercial growth has a profound impact on the community. As the locations of commercial centers move farther from established residential areas, people must spend more time driving to reach them, and thus create increased traffic throughout Bloomington. This is a pattern of development that has occurred over several decades, and has pushed the community away from the pedestrian-friendly vision that residents share.

A renewed emphasis must be placed on closely scrutinizing the location of new commercial development, especially on the periphery of the community, while providing incentives for infill-style commercial projects. This incentive strategy is particularly needed along arterial roadway corridors that are zoned for commercial development, but have been largely bypassed in favor of vacant land at the edges of the community. Commercial retail growth in well established commercial centers such as College Mall and Whitehall Crossing must be contained if such incentives are to have a substantial impact. To this end, no new regional commercial land has been identified in the plan, placing a greater focus on redevelopment of existing commercially designated land to meet future needs.

Redevelopment of vacant or underutilized commercial sites for uses compatible with prior uses of the same site can present significant advantages for the community. Such redevelopment reduces the need for consumption of raw land and avoids conflicts with neighborhoods over the impacts of new development. Such redevelopment, including adaptive reuse of existing commercial buildings, can help to achieve many of the GPP's goals. Therefore, such redevelopment should be encouraged through incentives and a streamlined, flexible regulatory process.

Redirecting commercial development also encompasses the form that commercial development should take in the future. Current commercial development patterns are characterized by one-story buildings set back great distances from roadways, large expanses of parking lots and frequent driveways along streets. The City should investigate zoning strategies that facilitate multi-story construction, mixed uses and potentially structured parking in the redevelopment of commercial areas. This would allow for the evolution of existing commercial areas into high-density nodes containing residential components and connected by transit and other alternative transportation facilities.

The final element of directing commercial growth goes back to the concept of a pedestrian friendly community. Certain neighborhoods may be able to support small-scale commercial development at strategic locations within them. This must only be done after the creation of neighborhood commercial development guidelines to ensure that any new commercial development is compatible in scale and design with existing neighborhoods. Neighborhood associations must be involved in the development of both the guidelines and site selection for new neighborhood commercial nodes.

Implementation Measures

CUF-6 Direct commercial development to existing commercially zoned land, and provide incentives to encourage the re-use and improvement of vacant or under-developed commercial sites, particularly along arterial roadway corridors.

CUF-7 Restrain new commercial development in the southeast sector of the community while providing opportunities for re-use and redevelopment of existing commercial land such as the College Mall shopping center.

CUF-8 Revise the Zoning Ordinance to provide opportunities for mixed uses, multi-story construction and structured parking in community and regional scale activity centers.

CUF-9 Amend the Zoning Ordinance to allow the development of appropriately located, designed and scaled neighborhood serving commercial centers in all geographic sectors of the community.

Mitigate Traffic

Traffic congestion is an increasingly apparent characteristic of urban growth, nationally as well as in Bloomington. Part of this congestion can be attributed to national trends such as smaller household sizes and increases in the number of personal vehicles. New development in general is commonly identified as a major culprit of traffic congestion. More accurately, it is the geographic disbursement and the type of such development that can cause traffic problems. In addition, the City of Bloomington is evolving into a regional center for commercial services, employment, and recreation that draws traffic from multiple counties.

In order to mitigate these national, regional, and local factors which are all contributing to increased traffic, Bloomington must strive to reduce the number of vehicle trips traveled per resident. Reducing automobile trip-making not only reduces congestion but improves air quality, saves energy, and increases bicycle and pedestrian safety within the transportation system. Fundamentally, traffic mitigation describes a set of public policies focused on actively reducing the demand for automobile trip-making.

Traffic mitigation is a logical principle to accept but presents difficulties due to existing national trends in vehicle utilization, current patterns of spatial separation between land uses, and lack of alternative transportation facilities. However, Bloomington, because it is relatively compact and contains a high ratio of university students, has an opportunity to change the pattern of automobile trip-making over time by embracing alternative forms of transportation. Walking is a widely underestimated mode of alternative transportation. Walking trips generally out-number biking and transit trips by about ten to one. In an effort to mitigate traffic, support for walking should be paramount. Additionally, trip-making patterns can also be altered through increasing mixed land use development, pursuing a compact development strategy, and achieving more interconnected street systems.

Mitigate Traffic Goal

Enhance the community transportation system in a manner that reduces automobile dependency and increases access to multiple transportation modes such as walking, bicycling and transit.

Policy 1: Enhance and Expand Public Transit Services

Through the development of a universal access system between Bloomington Transit and Indiana University, transit ridership rates increased significantly during the Year 2000. In fact, ridership has increased from 437,000 in 1982 to 1.37 million in 2000. This achievement prompted Metro Magazine, a national transit publication, to list Bloomington Transit as one of the 10 Most Improved Transit Systems in North America. Further gains in transit usage can be realized by more directly linking development form and location to city transit routes. For example, communities which have incorporated such features as building-forward orientation, attractive and convenient bus shelters, and safe bus pull-offs into new development and redevelopment projects have experienced a noticeable impact on ridership levels.

Ridership rates can also increase by ensuring high development density in direct proximity to transit routes. This synergy between population density and transit service can be readily seen in larger urban communities. These transit characteristics dovetail nicely with the Plan's principle of Compact Urban Form. Where development has already occurred outside the City limits, the City should not overlook the possibility of transit service agreements with large trip generators. An example of a possible future service area would by the new Ivy Tech facility located in the Park 48 Industrial Park on State Road 48. Additionally, the City and Indiana University should partner to continue the success of the existing Park and Ride system within the corporate boundaries.

Implementation Measures

MT-1 Develop transit-oriented site planning standards as a required component of development and redevelopment projects.

MT-2 Require the siting of future high density multifamily and commercial projects within walking distance to transit routes.

MT-3 Expand the Park and Ride system by creating additional lots in under-served sectors of the City, particularly in proximity to arterial street corridors.

MT-4 Pursue an integrated mass transit system between Bloomington Transit and Indiana University, either through the continuation of a universal bus pass system or a merger between the two service agencies.

MT-5 Coordinate with Bloomington Transit to study the feasibility of allowing universal transit access for all citizens of Bloomington.

Policy 2: Enhance Bicycle and Pedestrian Transportation Facilities

While most residents may not be able to walk or cycle to work, trips for entertainment and socializing are more discretionary. Nationally, less than one-fourth of all trips are to work, while a larger percentage of trips are for social and recreational purposes. If walking and cycling become more enjoyable, their potential trip percentage increase is large, especially since many destinations in Bloomington are within relatively easy walking distance.

A very high percentage of residents own, or have access to, motorized vehicles. For these residents, walking, biking, or taking transit is largely a matter of choice. This choice is determined not only by cost and convenience, but also by comfort. When sidewalks are immediately adjacent to moving vehicles, and lack shade and visual interest, residents will tend to use their cars, even if it means sitting in traffic jams.

If walking is to compete with driving, the sidewalk environment must be very inviting. Separating sidewalks from moving traffic is essential. Wide tree plots, or in some cases, on-street parking, not only makes walking safer, but also buffers pedestrians from spray, dust, and noise. Good site design is also crucial to entice walkers. Regularly spaced, large species, street trees provide shade and beauty. Buildings placed close to the sidewalk offer visual interest and social interaction.

Bloomington is making progress in developing more options to foster non-automobile travel. For instance, in the Year 2000, the City created a Multi-Use Pathway fund of $500,000 to be annually allocated for the development of sidewalks, sidepaths, bike lanes, and additions to the City's multi-use path system. While the intention of this fund is to be renewed annually, the City Parks Department has also pursued transportation enhancement grants to supplement this investment and facilitate trail development. For example, approximately one million dollars of non-local money has been spent on development of the Clear Creek Trail system. Additionally, the City has adopted a 10-year Alternative Transportation and Greenways System Plan. This plan will act as a guide to facilitate annual investments in alternative transportation. Investments in the Greenways Plan, potentially beyond the money currently allocated, will be necessary to affect the trip-making patterns of Bloomington's citizens.

Implementation Measures

MT-6 Implement alternative transportation projects annually as outlined in the City's Alternative Transportation and Greenways System Plan. Seek to increase current local funding to ensure more rapid plan execution.

MT-7 Identify and solicit transportation enhancement grants to assist in the funding of selected alternative transportation projects such as the construction of a multi-use trail along Jackson Creek and a multi-use trail along the CSX rail corridor.

MT-8 Require the construction of pedestrian and bicycle facilities that provide safety and convienence in all new and redevelopment projects. Examples of features to be considered are sidewalks, pedestrian crosswalks, sidepaths, bicycle lanes, and bicycle racks.

MT-9 Create true pedestrian corridors by increasing the number of large species, street trees in tree plots, and other pedestrian amenities within the right-of-way.

MT-10 Ensure that designs for new construction and/or the retrofitting of existing intersections provide a safe environment for pedestrians to reduce crossing distances and include pedestrian signalization.

Policy 3: Implement Traffic Management Strategies

While the development of alternative transportation options is a key factor in mitigating traffic, systematic operational and regulatory changes must also be made by the City in order to optimize the efficiency of the existing roadway network. Substantial road widenings should only be considered as a last option after a thorough analysis of all alternatives. An on-going monitoring system to track traffic growth throughout the community must be established. The purpose of this monitoring is two-fold. First, it will allow for the prioritization of street improvements as identified in the *Bloomington/Monroe County Year 2025 Transportation Plan.* Second, it will allow congested roadways to be identified as areas that require special analysis during the development review process.

Regulatory approaches are also effective in managing the impacts of traffic growth. As development continues within the urbanized area, the demand for driveway cuts on arterial roadways will increase. In order to increase the efficiency and safety of major arterials, greater controls on the location and spacing of driveway cuts are necessary. The reduction of access points onto these street networks also greatly enhances the safety of bicyclists and pedestrians.

Decades of suburban-style development have created a transportation system that concentrates traffic on a limited number of major arterial roadways. As the community grows, more and more pressure is placed on these limited roadways to handle the traffic burden. One of the major factors underlying this trend is the lack of roadway connectivity from neighborhood to neighborhood, as well as from neighborhoods to commercial areas. Residential development trends have created enclaves of homes isolated from one another, all relying on the same arterial roadway to connect to each other and the wider community. Increased connectivity would provide for multiple routes of travel, relieving pressure on major arterials by providing options to the traveler.

Implementation Measures

MT-11 Continuously monitor traffic growth along major arterial corridors through the development of an on-going traffic counting program. Additionally, investigate the feasibility of creating an alternative transportation counting program.

MT-12 Develop rigorous access management standards for collector and arterial level streets.

MT-13 Ensure the provision and linkage of street stubs to improve connectivity within all sectors of the community.

MT-14 For street stubs ending in vacant property, install signs indicating that these streets will be connected at the time of future development approval.

Community Activity Center (CAC)

Intent

The Community Activity Center is designed to provide community-serving commercial opportunities in the context of a high density, mixed use development. The CAC must be designed to serve not only the pedestrian traffic from nearby neighborhoods, but also a community-wide group of users that may drive a personal vehicle to the CAC. Parking will become more important in this area than the NAC, but should still be kept to reasonable levels and skillfully designed to avoid large open areas of asphalt.

Land Use

The Community Activity Center is a mixed commercial node, larger in scale and higher in intensity than the Neighborhood Activity Center. The CAC will incorporate a balance of land uses to take advantage of the proximity to goods and services. Rather than serving a single neighborhood, commercial uses in and surrounding the CAC will be developed so as to be accessible to multiple neighborhoods by non-motorized means, without becoming a major destination for the entire City and/or region. As the central commercial node of the surrounding area, public gathering space is an ideal addition to the mix of uses. Residents will need outdoor space to access, and public open space can provide a valuable amenity to customers of the commercial units. In accordance with their greater scale, commercial uses in a Community Activity Center will have more intense site development. Average square footages of commercial spaces should be greater than those of the Neighborhood Activity Center.

- The primary land use in the CAC should be medium scaled commercial retail and service uses
- Residential units may also be developed as a component of the CAC, and would be most appropriate when uses are arranged as a central node rather than along a corridor.
- Provision of public spaces should be used as an incentive to allow additional residential units or commercial space to be developed as part of the planning approval process.

Urban Services

Like Neighborhood Activity Centers, Community Activity Centers should be located within or very near to existing developed neighborhoods. This is essential in reducing the need for extensions of sewer, water, and road facilities. The City may consider upgrading utilities in areas designated for Community Activity Centers in order to provide an incentive to develop or redevelop these locations.

- Public Transit access should be a major component of the urban services provided for any Community Activity Center.
- Community Activity Centers should be connected to a future city-wide greenway system in order to create adequate public recreation space as well as an alternative means to access the development.
- A Community Activity Center should be located at an intersection which is made up of designated Collector or Arterial streets, in order to provide automobile access without overwhelming the pedestrian aspects of the development.
- In new development or redevelopment projects, utilities should be placed underground and located so as to minimize potential conflicts with trees and other landscaping features.

Site Design

Community Activity Centers will be integrated into existing development, and CAC design should be sensitive to the surrounding context. As with similar land use districts defined in this plan, an increased emphasis must be placed on urban design and the creation of a distinctive design style in each area. A formal streetscape will help to define a Community Activity Center as a distinct node of activity serving a group of neighborhoods. The CAC should take on the form of an urban center, with a pedestrian focus and several floors of usable space, both commercial and residential.

- Buildings should be developed with minimal street setbacks to increase pedestrian and transit accessibility.
- Parking should be located and designed with an emphasis on minimizing pedestrian obstacles to accessing businesses.
- Street cuts should be limited as much as possible to reduce interruptions of the streetscape.
- Incentives should be created to encourage the inclusion of second-story residential units in the development of Community Activity Centers.
- In order to buffer pedestrians on busy corridors as well as reduce off-street parking needs, on-street parking and tree plots should be encouraged in new developments and maintained on built roadways.

Urban Residential

Intent

Urban Residential areas include those parts of the city developed after the Core Residential areas were built-out. Some minor development is still taking place in these areas. This category identifies existing residential areas, with densities generally ranging from 2 units per acre to 15 units per acre. Additionally, this category also includes some large underdeveloped parcels, known as new urban growth areas as well as individual vacant lots and smaller acreages, known as neighborhood conservation areas. Urban Residential areas have good access to roads, public water and sewer, and other public services.

When development occurs in new urban growth areas, the goal should be to encourage higher densities, ensure street connectivity, and protect existing residential fabric. For particularly large parcels such as the Ramsey Farm (corner of Sare Road and Moores Pike), zoning incentives to allow for a mixed-use development pattern should be established.

Neighborhood conservation areas encompass neighborhoods with established and stable residential environments. The vast majority of these areas are fully developed or expected to be developed in a relatively short timeframe. The fundamental goal for these areas is to encourage the maintenance of residential desirability and stability. Where new infill development is proposed, it should be consistent and compatible with preexisting developments.

Land Use

Single family residential development is the primary land use activity for this category with some additional uses such as places of religious assembly, schools, home occupations, and multifamily housing. For development in new urban growth areas, the GPP recommends:

- Develop sites for predominantly residential uses; however, incorporate mixed residential densities, housing types, and nonresidential services where supported by adjacent land use patterns.

Urban Services

Urban Residential Areas have full accessibility to all modern urban services. Thus, the main objectives for these areas are to maintain adequate levels of service and when possible improve the capacity and aesthetics of all urban services. Examples of new infrastructure projects include the provision of new sidewalk links, the construction of new bike paths, and the replacement of utility infrastructure. In addition, participation in programs such as the City's Council of Neighborhood Improvements Grant Program can allow neighborhoods to upgrade street lighting, signage, and landscaping.

- In new development or redevelopment projects, utilities should be placed underground and located so as to minimize potential conflicts with trees and other landscaping features.

Site Design

Urban Residential Areas contain a mixture of densities, housing types (single family vs. multifamily), and street networks (grid-based vs. curvilinear). The site design goals for development in urban growth areas and neighborhood conservation areas are different.

Site design goals for future development in new urban growth areas include:

- Optimize street, bicycle, and pedestrian connectivity to adjacent neighborhoods as well as to commercial activity centers.
- Ensure that each new neighborhood has a defined center or focal point. This center could include such elements as a small pocket park, formal square with landscaping, or a neighborhood serving land use.
- Ensure that new common open space is truly usable and accessible. Provide linkages between such open space and other public spaces.
- Provide for marginally higher development densities while ensuring the preservation of sensitive environmental features and taking into consideration infrastructure capacity as well as the relationship between the new development and adjacent existing neighborhoods.

Site design goals for neighborhood conservation areas acknowledge that the majority of these neighborhoods have been built out and that changes will probably occur with redevelopment or rehabilitation. Redevelopment or rehabilitation of existing structures or development of single lots or small parcels should respect the unique character and development pattern of the neighborhood. The development should emphasize building and site compatibility with existing densities, intensities, building types, landscaping and other site planning features.

ORDINANCE 04-33

TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED "HISTORIC PRESERVATION AND PROTECTION " TO ESTABLISH A HISTORIC DISTRICT
Re: Hitching Posts at 416 East Fourth Street and 615 West Sixth Street (Bloomington Historic Preservation Commission, Petitioner)

WHEREAS, the Common Council adopted Ordinance 95-20 which created a Historic Preservation Commission and established procedures for designating historic districts in the City of Bloomington; and

WHEREAS, the Historic Preservation Commission held a public hearing on September 9, 2004 for the purpose of allowing discussion and public comment on the proposed historic district designation of two limestone Hitching Posts located in the public right-of-way in front of 416 East Fourth Street and 615 West Sixth Street in the City of Bloomington.

WHEREAS, at the September 9, 2004 meeting the Historic Preservation Commission found that the object(s) have historic and architectural significance that merits the protection of the property as a historic district; and

WHEREAS, the Commission has prepared a map and written report which accompanies the map and validates the proposed district by addressing the criteria outlined in BMC 8.08.10; and

WHEREAS, the Commission has recommended local historic designation of the objects located at 416 East Fourth Streets and 615 West Sixth Streets

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

SECTION I. The map setting forth the proposed historic district for the objects at 416 East Fourth Street and 615 West Sixth Street is accepted by the Common Council, and said historic district is hereby established. A copy of the map submitted by the Historic Preservation Commission is attached to this ordinance and incorporated herein by reference and two copies of the map are on file for public inspection. The legal description of this property is further described as:

The objects located in the public right-of-way north of the following legal tracts:

A part of In Lots Three (3) and Four (4) in the City of Bloomington, Monroe County, Indiana, bound and described as follows: Commencing at a point Fifty (50) feet East of the Northwest corner of said In Lot Number (4), running thence East Sixty-one (61.0) feet thence South One Hundred Thirty-two (132.0) feet, thence West Sixty-one (61.0) feet, thence North One Hundred Thirty-two (132.0) feet to the place of beginning.

And Lying north of Lot Number Seventeen (17) in Carmichael's Subdivision of the East part of Out Lot Number Eight (8) in the City of Bloomington, Indiana.

SECTION II. The limestone hitching posts are classified as "contributing"

SECTION III. Chapter 8.20 of the Bloomington Municipal Code, entitled A List of Designated Historic Districts, is hereby amended to include the objects located at 416 East Fourth and 615 West Sixth Streets and shall read as follows:

Limestone Hitching Posts	416 East Fourth Street and 615 West Sixth Street

SECTION IV. If any section, sentence, or provision of this ordinance, or the application thereof

to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
MICHAEL DIEKOFF, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this _____ day of _____, 2004.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the List of Designated Historic Districts in the City of Bloomington by designating limestone hitch posts at 416 East Fourth Street and 615 West Sixth Street as historic objects. The designation is requested by the Historic Preservation Commission. The Commission has recommended this designation and has classified these properties as "contributing," because they represent a familiar feature of these neighborhoods, have a clear connection with a former way of life, and are in danger of being lost. The property will be regulated by the requirements that apply to all historic and architecturally worthy districts so designated by the Common Council. These regulations preserve and protect the property from demolition and include the review of any exterior modification.

HD-01-04
Staff Report

Hitching Posts
Locations: **416 East Fourth Street** and **615 West Sixth Street. The objects qualify for local designation under Historic Criteria a. and are Architecturally worthy under Criteria e and f.**

Staff Report **Bloomington Historic Preservation Commission**

(1) Historic:

a. Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or
b. Is the site of an historic event; or
c. Exemplifies the cultural, political, economic, social, or historic heritage of the community.

(2) Architecturally worthy:

a. Embodies distinguishing characteristics of an architectural or engineering type; or
b. Is the work of a designer whose individual work has significantly influenced the development of the community; or
c. Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or
d. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
e. Contains any architectural style, detail, or other element in danger of being lost; or
f. Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the city; or
g. Exemplifies the built environment in an era of history characterized by a distinctive architectural style.

The commission has noted the survival of two remaining limestone hitching posts, within the city limits. Although both have endured largely unnoticed, these historic objects are in danger of being lost through neglect and indifference. One of these two limestone posts was noted by Bloomington Restorations, Inc. members on a tour of the West Side. The other stands in a high traffic area within Bloomington's ethnic restaurant district. Both structures are carved dressed stone, weathered by time.

The object on West Sixth Street is located in the Near West Side National Register District (2-14-97) and is part of an important inventory of limestone objects and structures (walls, walks,

and embankments) noted in that neighborhood's nomination. The object, which has been damaged and no longer has a hitching ring is located in the tree plot. It is approximately 32 inches tall and 9 inches square. At this location, Sixth Street features a wide boulevard-like street, lined by mature trees and larger two story houses. The houses in this block face date from before the turn of the century (1870-1895) and are expressive of a period of history in the west side before its full development as a working class neighborhood. An oral history, submitted by Edie Morrison, suggests that the hitching post at 615 West Sixth Street was in use up until the construction of the new Fairview Methodist Episcopal Church in 1927. Without this verification, the post may have been assumed to be a milestone or an early survey marker, because it has no remaining detail to identify it as a hitching device.

The Fourth Street example still has a hand forged cast iron ring mounted at the top of the stone. This post is roughly one foot square and approximately two feet in height. The surrounding neighborhood, which was surveyed and included in the 2001 inventory as Restaurant Row Historic District, includes homes built from 1850 (the Holtzman-Dill House) to the second decade of the twentieth century. Because of the current proliferation of ethnic restaurants, this area has only recently become known as Restaurant Row. These large residences, which have been converted to commercial uses, still convey the sense of enclosure and proximity of a nineteenth century residential neighborhood.

It is remarkable that these historic objects have survived the installation of concrete walks, asphalt paving and other improvements to the modern streetscape. On two other occasions, the Commission has acted to protect objects located in the public right-of-way. These include the historic lamp posts on Hawthorne and the surviving original limestone slab sidewalks on South Dunn Street. The hitching posts convey a sense of old Bloomington before the advent of the automobile and are exceptionally rare.

Staff recommends approval.

HD-01-04

Hitching post

By: hiestann

25 Aug 04

50 0 50 100 150

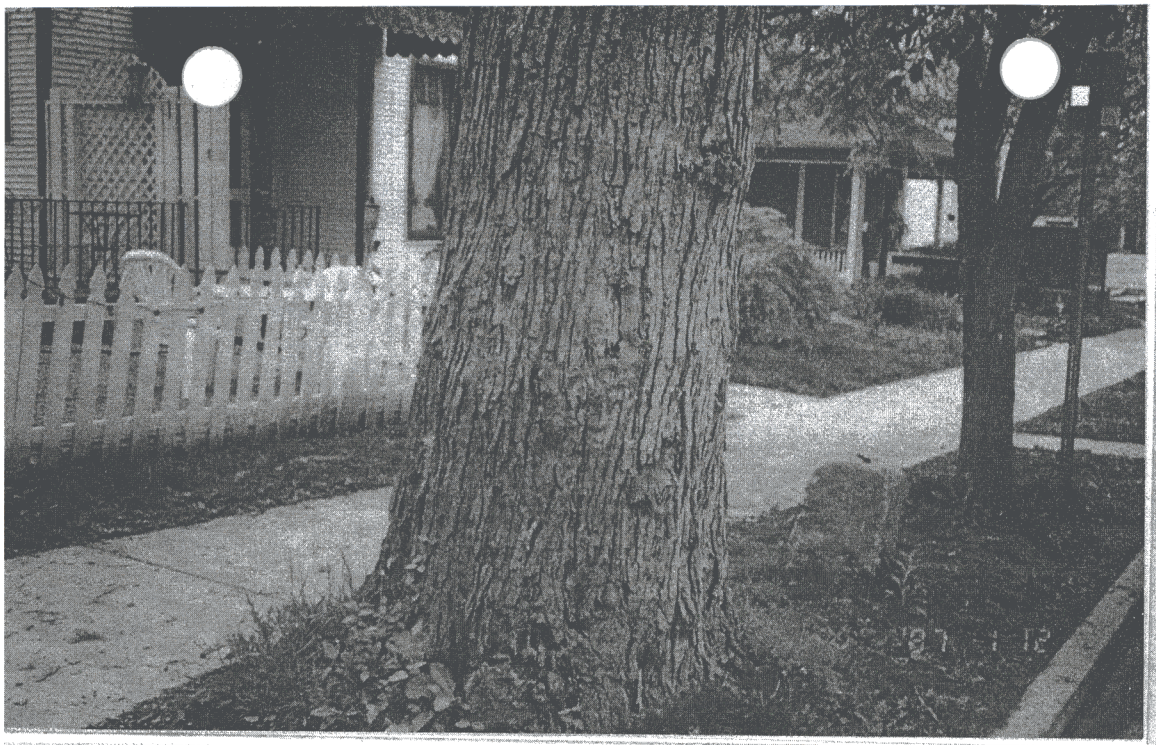
N

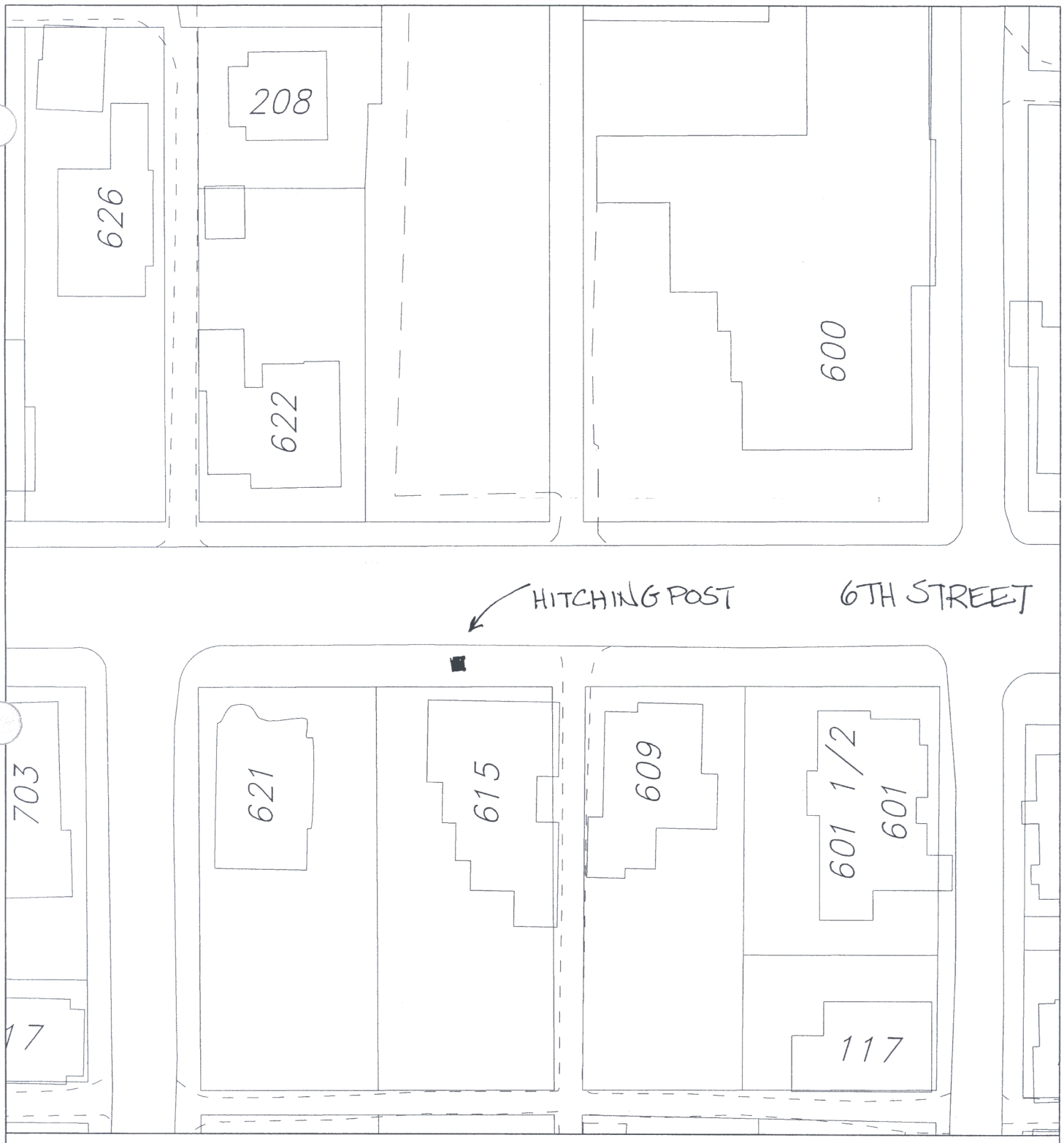
City of Bloomington

Scale: 1" = 50'

For reference only; map information NOT warranted.

Hitching Post
416 East Fourth Street
Restaurant Row Survey Area





HD-01-04

Hitching Post

By: hiestann

25 Aug 04

50 0 50 100 150

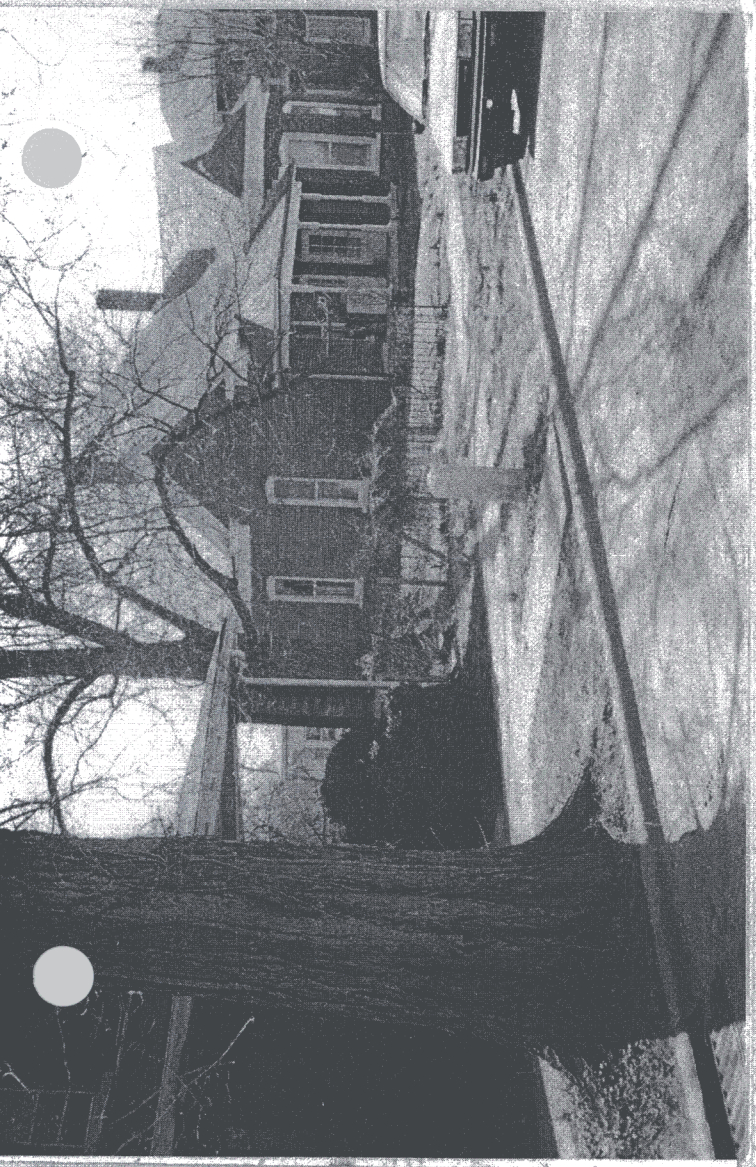
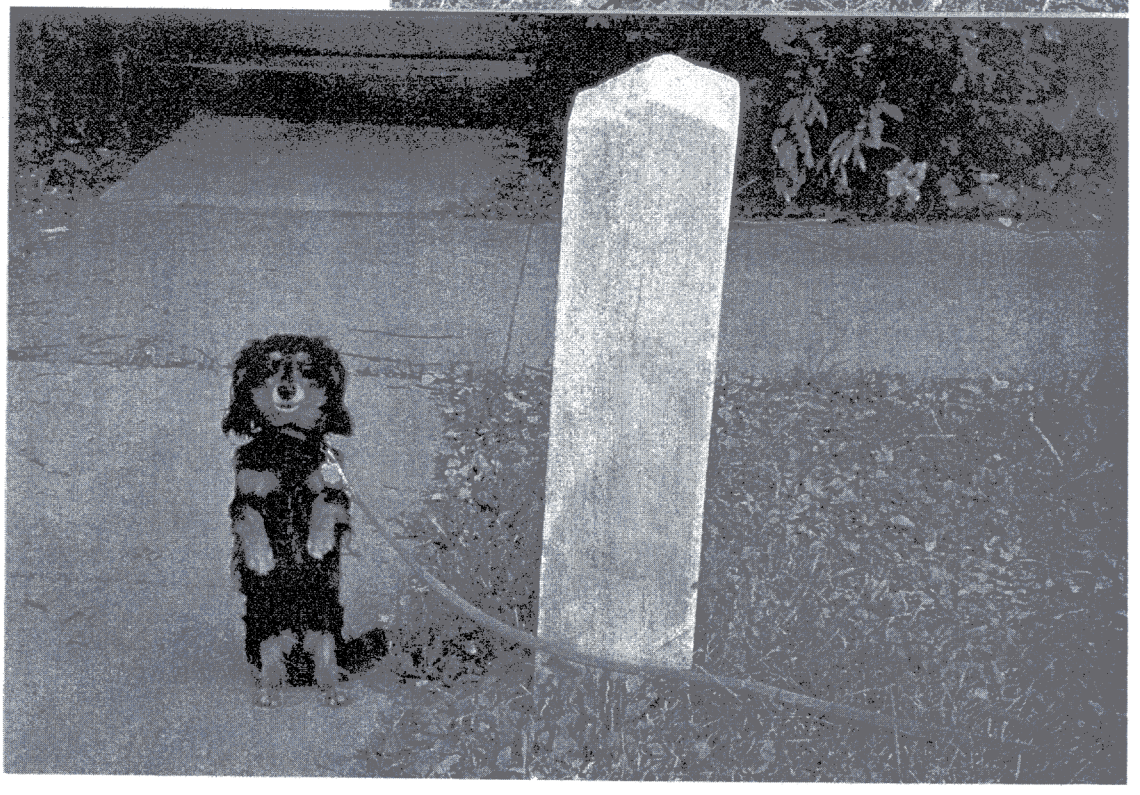
N

City of Bloomington

Scale: 1" = 50'

For reference only; map information NOT warranted.

Hitching Post
615 West Sixth Street
Near West Side Distri



Hitching Posts photographed
for size
courtesy Commissioner Sabo-Skelton