



## Packet Related Material

### **Memo**

### **Agenda**

### **Calendar**

### **Notices and Agendas:**

None

### **Legislation for Final Action:**

**Ord 03-08** To Amend Title 16 of the Bloomington Municipal Code Entitled "Housing Inspection" (Repealing and Reenacting Chapter 16.04 (Property Maintenance Code) and Amending Portions of Chapter 16.12 (Housing Quality))  
*(Please see the March 28<sup>th</sup> packet for legislation, summary, and background materials)*

Am 1b; e-mail message from Michael Flory, Assistant City Attorney

Contact: Susie Johnson at 349-3510 or [johnsons@city.bloomington.in.us](mailto:johnsons@city.bloomington.in.us), or Michael Flory at 349-3551 or [florym@city.bloomington.in.us](mailto:florym@city.bloomington.in.us).

### **Legislation and Background Material for First Reading:**

**Ord 03-07** To Amend the Bloomington Zoning Maps from II/Is to PUD and to Amend the Preliminary Plan for the Landmark Business Center Planned Unit Development (PUD) - Re: 350 S. Adams Street (Rogers Group, Petitioner)  
- Certification (10-0); Map; Memo from Pat Shay, Senior Zoning Planner; Staff Reports from the February 10<sup>th</sup> and March 10<sup>th</sup> Plan Commission Meetings; Petitioner Materials including the January 13<sup>th</sup> Outline Statement and the February 20<sup>th</sup> Amendment, List of Permitted Uses, and an Illustrative Plan of Bloomfield Road Frontage; Excerpts from Growth Policies Plan

Contact: Pat Shay at 349-3524 or [shayp@city.bloomington.in.us](mailto:shayp@city.bloomington.in.us)

**Ord 03-11** Amending Ordinance 02-42 which Authorized the Issuance of the Sewage Refunding Revenue Bonds of 2003

- Memo from Vickie Renfrow, Assistant City Attorney; Excerpt from Ord 02-42 with changes in bold text

Contact: Vickie Renfrow at 349-3426 or [renfrowv@city.bloomington.in.us](mailto:renfrowv@city.bloomington.in.us)

### **Minutes from Regular Session:**

None

## Memo

### **One Ordinance (with One Revised Amendment) Ready for Final Action and Two Ordinances Ready for Introduction at the Wednesday, April 16<sup>th</sup> Regular Session**

There is one ordinance (with a revised amendment) ready for final action and two ordinances ready to be introduced at the Regular Session on April 16<sup>th</sup>. Those items as well as the amendment are briefly noted below. The amendment and new ordinances are summarized further in the memo and included in this packet.

#### **Regular Session - Reports**

Isabel Piedmont has e-mailed the Council indicating that members of the Bloomington Bill of Rights Defense Committee will be addressing the Council about the effect of the U.S. Patriot Act and certain executive orders upon individual liberties. She has provided number of petitions in defense of the Bill of Rights and a copy of a resolution that this group wants the Council to consider.

#### **Regular Session - Final Actions**

**Ord 03-08** Repealing and Reenacting Chapter 16.04 (by Updating Property Maintenance Code) and Amending Portions of Chapter 16.12 (Housing Quality)

**Am 1b** is a revised version of Am 1a (see below)

#### **Regular Session - First Readings**

**Ord 03-07** Bringing 8.17 Acres of IL/IS Land into the Landmark PUD at 350 S. Adams Street and Amending the Preliminary Plan to Allow a Mix of Retail, Office, and Multi-Family Uses (Rogers Group, Petitioner)

**Ord 03-11** Amending Ordinance 02-42, which Authorized Issuance of Sewage Refunding Bonds, at the Request of the State Revolving Fund Program

## **Second Readings**

Am 1a to **Ord 03-08** has been revised at the request of Michael Flory, Assistant City Attorney. The initial amendment required landlords to make the completed inventory and damage list available for review upon request of the housing inspectors. This version - Am 1b - clarifies that the HAND department has the discretion either to require the landlord to provide a copy or merely make the form available for its review. The revision reflects what the sponsors intended when the amendment was modified at the request of Travis Vencel of the Monroe County Apartment Owners Association. Michael wanted this clearly stated in the amendment in order to avoid unnecessary litigation regarding the intent of the Council. He spoke to Travis Vencel and confirmed with him this understanding about the initial amendment. (Please see the attached e-mail).

Please note that Am 1b keeps the rest of the amendment intact. In that regard, it authorizes the inspector to issue a \$25 citation in the event the landlord fails to comply with the request for the inventory and damage list and summary of rights and responsibilities forms.

## **First Readings**

### **Item One - Ord 03-07 Expanding the Landmark PUD by 8.17 Acres and Amending the Preliminary Plan**

**Ord 03-07** amends the preliminary plan for the Landmark PUD by bringing in 8.17 acres of IS/IL property into the PUD and adding multi-family as an allowed use for that parcel.

**PUD and TIF.** The Landmark PUD was approved in 1994 and covers 27 acres that extend from West 3<sup>rd</sup> Street on the north, Adams Street on the east, Bloomfield Road on the south, and residential areas on the west. At that time, the City rezoned industrial land into a business park and also established a TIF district to capture property taxes on the new development that would be used for road improvements and other services for this area. In the last 10 years, the project has developed with retail and office uses along the newly constructed Landmark Avenue, which now connects West Third Street to Bloomfield Road at two signalized intersections.

**Site.** The site is surrounded by the RBS store on the north, South Adams Street on the east and the Landmark PUD on the south and west. It includes a gravel parking lot and several industrial buildings which, for the most part, will be removed.

**Growth Policies Plan.** The new Growth Policies Plan identifies this parcel in the Adams Street/Patterson Drive critical subarea and recommends that it be redeveloped as Community Activity Center (CAC). These CACs are medium sized commercial centers that serve many neighborhoods and must welcome both pedestrians and cars. They should encourage second-story residential units and be near existing neighborhoods, on transit lines, and connected to the greenway system. Each CAC should become a distinctive 'urban center' and provide attractive streetscapes with tree plots and buildings along the street, few driveways, and hidden parking lots.

**Recommendations for Bloomfield Road Streetscape.** In order to implement these goals, the staff and plan commission recommended design changes for the existing parcel along Bloomfield Road as well as the newly added acreage. Those recommendations required the developer to:

- Place buildings at the corners of the lots and intersections, and use the same the quality of façade materials on all sides of the buildings;
- Reduce the size of parking lots near the streets; and
- Install berms of at least 3' in height and more trees (which will all have at least a 2 and 1/2" diameter) along Bloomfield Road.

**Road Capacity and Access.** The staff report asserts that the road improvements made and planned by the developer and the City should accommodate the expected increase in traffic from what could be new "high traffic generators." The roadway plan would require the new parcel to have access on all four points of the compass. In this regard, the developers must connect the parcel to Landmark Avenue, establish a new easement to the Rogers property on the north and reduce the driveway cuts onto Adams from two down to one. And, in accordance with the existing PUD requirements, they may add a new driveway onto Bloomfield Road, which can only serve cars making a right turn into or a right turn out of the site.

**Proposed Uses.** The existing PUD allows a variety of business park uses and staff recommended the addition of multi-family uses in order to promote the 'urban' quality of this developing Community Activity Center.

**Parking.** The staff recommends that the developer separate parking areas into small sections and arrange for users to share parking and thereby reduce the overall parking needs on the site.

**Height - Bulk - Density Requirements.** The staff recommended that the development standards for Limited Commercial (CL) zones apply to this parcel (BMC 20.07.07). Those standards limit the:

- residential densities to 7 units per acre;
- height of buildings to 35 feet; and
- footprint of the buildings to no more than 50% of the lot size.

**Environmental Constraints.** The Environmental Commission foresaw no issues with this amendment and did not submit a report.

**Utilities.** The report indicates that the site will be adequately served by water and sanitary sewer services and that the storm water detention plans (which include pond) are feasible and will be reviewed with the final plan.

**Plan Commission Action and Conditions of Approval.** After two hearings, the Plan Commission approved this project on March 7<sup>th</sup> by a vote of 10-0. According to the conditions of approval, the petitioner must:

- comply with the commitments in the staff report regarding access, building/placement, and architecture;
- install landscaping along Bloomfield Road including berms of at least 3 feet in height next to parking lots as well as more trees (150% over usual code requirements) and taller trees (at least 2 and 1/2 in diameter);
- use the standards for the Limited Commercial (CL) zoning district when developing this parcel;
- work with staff to create an adequate comprehensive pedestrian access plan at the time of the first final plan;
- remove the back-out parking on South Adams when the adjacent commercial building is removed or replaced;
- bring the existing sidepath on Bloomfield Road up to ADA standards where appropriate;
- post signs in the entrance island for the right in/right out access onto Bloomfield Road;
- dedicate 50' of right-of-way from the center of Bloomfield Road, and
- may arrange for shared parking between uses (which will allow staff to reduce minimum parking requirements).

**Item Two - Ord 03-11 Amends the Ord 02-42 which Authorized the Issuance of Sewage Refunding Revenue Bonds of 2003**

**Ord 03-11** amends an ordinance adopted by the Council last December (**Ord 02-42**) which authorized the issuance of sewage refunding bonds. These refunding bonds will allow the City to, in essence, repurchase previously issued bonds and pay them off at a lower interest rate. As the memo from Vickie Renfrow indicates, we are amending this ordinance at the request of one of the attorneys for the State Revolving Fund (SRF), which has issued some of the underlying bonds. The attorney is concerned that the SRF bonds are merely secured by certain monies placed in a cash reserve account and wants additional assurance that those monies will be used exclusively to repay those bonds. To this end, a sentence is being added to Section 15 (c) of the ordinance, entitled "Reserve Account," which clarifies that cash held in the reserve account for the 2000C bonds (the SRF bonds) will be only be used to pay the bonds' interest and principle.

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL REGULAR SESSION  
7:30 P.M., WEDNESDAY, APRIL 16, 2003  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 N. MORTON**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:** None

**IV. REPORTS FROM:**

- 1. Councilmembers**
- 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. Ordinance 03-08 To Amend Title 16 of the Bloomington Municipal Code Entitled "Housing Inspection" (Repealing and Reenacting Chapter 16.04 (Property Maintenance Code) and Amending Portions of Chapter 16.12 (Housing Quality))

Committee Recommendation:

As Amended:	Do Pass	8 – 0 – 1
Amendment 1a:	Do Pass	7 – 0 – 2

*\*Note: Sponsors of Amendment 1a intend to submit a revised version, Amendment 1b, this evening – copies of which are available in the Council Office.*

**VII. LEGISLATION FOR FIRST READING**

1. Ordinance 03-07 To Amend the Bloomington Zoning Maps from IL/IS to PUD and to Amend the Preliminary Plan for the Landmark Business Center Planned Unit Development (PUD) – Re: 350 S. Adams Street (Rogers Group, Petitioner)
2. Ordinance 03-11 Amending Ordinance 02-42 which Authorized the Issuance of the Sewage Refunding Revenue Bonds of 2003

**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. ADJOURNMENT**

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  
email: [council@city.bloomington.in.us](mailto:council@city.bloomington.in.us)

**To: Council Members**  
**From: Council Office**  
**Re: Calendar for the Week of**  
**April 14, 2003 – April 20, 2003**  
**Date: April 11, 2003**

Monday, April 14, 2003

4:00 pm Commission on the Status on Black Males, McCloskey  
4:30 pm Plat Committee, Planning Committee, Hooker Room  
5:00 pm Utilities Service Board, Utilities Service Center  
5:30 pm Plan Commission, Chambers

Tuesday, April 15, 2003

12:00 pm Bloomington Industrial Development Advisory Committee, Hooker Room  
4:00 pm Board of Public Safety, Police  
5:30 pm Bloomington Human Rights Commission, Hooker Room  
6:30 pm Animal Control Commission, Kelly  
6:30 pm Home Buyers Club, McCloskey

Wednesday, April 16, 2003

10:00 am Tree Commission Meeting, Hooker Room  
7:00 pm Council of Neighborhood Associations, McCloskey  
7:30 pm Common Council Meeting – Regular Session, Council Chambers

Thursday, April 17, 2003

7:30 am Domestic Violence Task Force, Hooker Room  
8:00 am Housing Authority Board of Commissioners, Housing Authority Office,  
1007 N Summit  
9:00 am Step Ahead Board, Stonebelt  
3:30 pm Bloomington Municipal Facilities Cooperation, Hooker Room

Friday, April 18, 2003

*Holiday: Good Friday*

*City offices closed*



**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 03-08  
**Amendment #:** 01b  
**Submitted By:** Chris Gaal, District 6  
Tim Mayer, At-large  
**Date:** April 11, 2003

**Proposed Amendment:**

1. Section II (b) of Ordinance 03-08 shall be amended by moving the sole paragraph of the section, which begins with the words "16.12.050 Disclosure." so that it appears as the first of two provisions listed under Section II(c).

2. Section II (b) of Ordinance 03-08 shall be further amended by inserting a new provision described below:

**16.12.040 Inventory and damage lists - security deposits.** 16.12.040 shall be amended by adding a new subsection (e) which shall read as follows:

(e) The owner or owner's agent shall, at the discretion of the Department of Housing and Neighborhood Development (HAND), provide HAND with a copy of, or make available for review a copy of, the inventory and damage list in accordance with all the provisions of 16.12.040, upon HAND's request.

3. Section II (g) of Ordinance 03-08, entitled 16.12.100, shall be amended by inserting the following provision after the existing text:

16.12.100 Penalty shall be further amended by adding subsection (d) which shall read as follows:

(d) Notwithstanding the preceding provisions, the fine for violations of 16.12.040(e) and 16.12.050(d) shall be \$25.00. HAND shall present the owner or his agent with written notice of said violation, and such violation shall be payable through the Ordinance Violation Bureau established in BMC 2.27.010.

**Synopsis**

This amendment is sponsored by council members Gaal and Mayer and comes forward with the support of the Administration. It is a revised version of Am 1a, which required landlords to make the completed inventory and damage list available for review by the housing inspectors upon request. This version clarifies that the HAND department has the discretion either to require the landlord to provide a copy or merely make the form available for its review. Like Am 1a, it also authorizes the inspector to issue a \$25 citation in the event the landlord fails to comply with the request for the inventory and damage list and summary of rights and responsibilities forms.

**April 9, 2003 Committee Action:** Am 1 a      7 - 0 - 2 (Banach and Sabbagh)  
**April 16, 2003 Regular Session Action:** Pending  
April 11, 2003

Subject: clarification of amendment  
Date: Fri, 11 Apr 2003 11:40:38 -0500  
From: Michael Flory <florym@city.bloomington.in.us>  
Organization: City of Bloomington  
To: travis@vencel.com  
CC: gaalc@city.bloomington.in.us, timm@inarionline.com,  
James McNamara <mcnamarj@city.bloomington.in.us>,  
Dan Sherman <shermamd@city.bloomington.in.us>,  
bernenst@showers.cityhall.city.bloomington.in.us

Travis:

After last Wednesday night's discussion of the amendment regarding disclosure of the damage list to HAND, it appeared to me that some clarification of the language of the amendment was needed.

It is my understanding that the intent of the current amendment is as follows:

1. If HAND feels it needs hard copy of the damage list, the code provision enables hand to request hard copy.
2. If HAND simply wishes to review a damage list, the code provision enables hand to review, but not retain copies of, damage lists.

Dan Sherman has told me that he agrees with the above interpretation. You told me on the phone that you agreed with the above interpretation.

If anyone disagrees with that interpretation, please let me know.

Because the above outlines the administrations and intent, I want NO AMBIGUITY about that in the code. Therefore I want to see the following clarification in the code:

The owner or owner's agent shall, at the discretion of the Department of Housing and Neighborhood Development (HAND) provide HAND with a copy of, or make available for review a copy of, the inventory and damage list in accordance with all the provisions of 16.12.040, upon HAND's request.

I am aware that some landlords assert that HAND has no legal authority to request this information, either in "reviewable" or hard copy format. That is a separate legal issue. If we can request the information, and it is my legal position that we can, then we can request it in hard copy format.

In order to avoid unnecessary litigation that wastes taxpayer dollars and city staff time, I want to see this clarification in the code language that is adopted.

The purpose of this e-mail is to alert you to my concerns, and give you the opportunity to share the fact of this intended clarification with your membership.

Michael

--

R. Michael Flory

**ORDINANCE 03-07**

**TO AMEND THE BLOOMINGTON ZONING MAPS FROM IL/IS TO PUD  
AND TO AMEND THE PRELIMINARY PLAN FOR  
THE LANDMARK BUSINESS CENTER PLANNED UNIT DEVELOPMENT (PUD) -  
Re: 350 S. Adams Street  
(Rogers Group, 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-03-03, and recommended that the petitioner, Rogers Group, be granted a rezone of the property located at 350 S. Adams Street from IL/IS to PUD and also be granted a preliminary plan amendment to add 8.17 acres to the Landmark Business Center. 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, the property located at 350 S. Adams Street shall be rezoned from IL/IS to PUD and the preliminary plan for the Landmark Business Center PUD shall be amended to include this property with an expanded list of uses. The property is further described as follows:

Part of the Northwest Quarter of Section 5, Township 8 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows:

Beginning at the Northeast Corner of Lot 11 in Landmark Business Center Phase IV as recorded in Plat Cabinet, Envelope 269 in the office of the Recorder, Monroe County Indiana; thence NORTH 87 degrees 5 minutes 11 seconds West 172.65 feet; thence NORTH 02 degrees 34 minutes 00 seconds East 235.02 feet; thence NORTH 39 degrees 02 minutes 36 seconds West 265.15 feet; thence NORTH 86 degrees 57 minutes 52 seconds East 419.36 feet; thence SOUTH 84 degrees 32 minutes 12 seconds East 249.53 feet; thence NORTH 07 degrees 49 minutes 03 seconds East 55.01 feet; thence SOUTH 70 degrees 47 minutes 52 seconds East 233.31 feet to the west right-of-way of Adams Street; thence along said right-of-way 157.65 feet along a 334.00 foot radius non-tangent curve to the left whose chord bears SOUTH 09 degrees 27 minutes 48 seconds West 156.19 feet; thence SOUTH 03 degrees 49 minutes 43 seconds East 267.79 feet; thence SOUTH 01 degree 12 minutes 15 seconds East 32.93 feet; thence leaving said right-of-way NORTH 87 degrees 05 minutes 11 seconds West 556.78 feet to the point of Beginning, containing 8.17 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 \_\_\_\_\_, 2003.

\_\_\_\_\_  
CHRIS GAAL, 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 \_\_\_\_\_, 2003.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JOHN FERNANDEZ, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance brings 8.17 acres of IL/IS zoned land located at 350 S. Adams Street into the Landmark Business Center Planned Unit Development (PUD) and amends the preliminary plan to allow a mix of office, retail, and multi-family development.

\*\*\*\*ORDINANCE CERTIFICATION\*\*\*\*

In accordance with IC 36-7-4-605 I hereby certify that the attached Resolution Number 03-07 is a true and complete copy of Plan Commission Case Number PUD-03-03 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 March 10, 2003.

Date: April 7, 2003

Thomas B. Micuda, Secretary  
Plan Commission

Received by the Common Council Office this \_\_\_ day of \_\_\_\_\_, 2001.

Regina Moore, City Clerk

Appropriation Fiscal Impact  
Ordinance # \_\_\_\_\_ Statement # \_\_\_\_\_ Resolution #  
Ordinance

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 \_\_\_\_\_  
Unforeseen Need \_\_\_\_\_ Other \_\_\_\_\_

Funds Affected by Request:

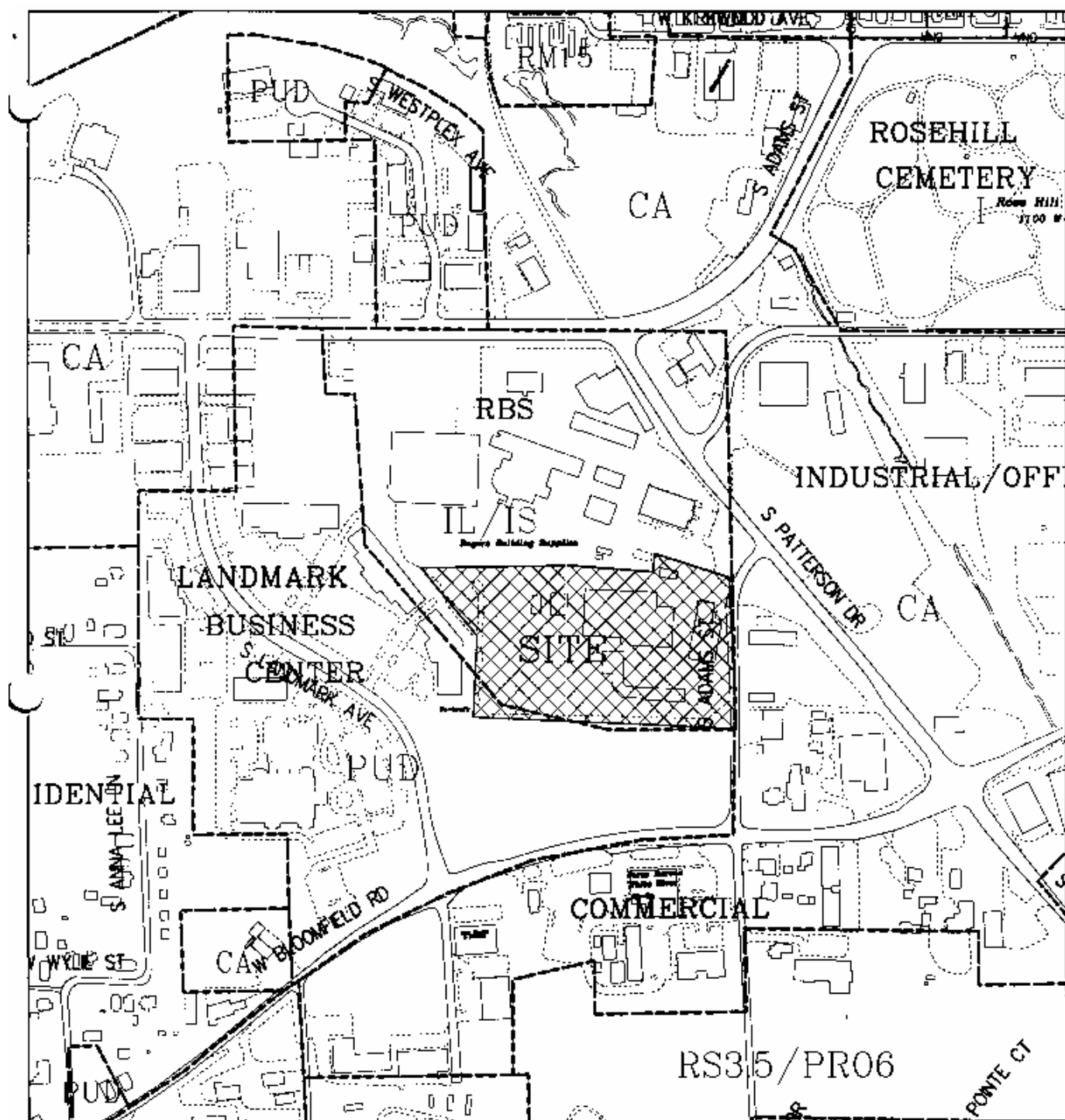
Fund(s) Affected	_____	
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	_____	
Revenue Expected for Rest of year	_____	
Appropriations to Date	_____	
Unappropriated Balance	_____	
Effect of Proposed Legislation (+/-)	_____	
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues? Yes \_\_\_ No \_\_\_

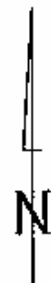
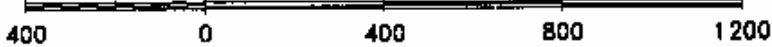
If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

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.)



PUD-03-03 ROGERS GROUP  
 350 S. ADAMS  
 LOCATION/ZONING/LAND USE MAP  
 PLAN COMMISSION

By: shayp  
 6 Feb 03



City of Bloomington  
 Planning



Scale: 1" = 400'

For reference only; map information NOT warranted.

## **Interdepartmental Memo**

**To: Members of the Common Council**  
**From: Patrick Shay, Development Review Manager**  
**Subject: Case # PUD-03-03**  
**Date: April 7, 2003**

Attached are the staff reports, petitioner's statements, and map exhibits which pertain to Plan Commission Case # PUD-03-03. The Plan Commission voted 10-0 to send this petition to the Common Council with a favorable recommendation.

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**REQUEST:** The petitioner is requesting a rezoning of 8.17 acres from Light Industrial with a Special Industrial Overlay (IL/IS) to Planned Unit Development (PUD), and preliminary plan amendment to add this acreage to the existing Landmark Business Center (Originally named Landmark Crossing).

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### **EXECUTIVE SUMMARY:**

<b>Area:</b>	<b>8.17 Acres (to be added to the Landmark Business Center PUD)</b>
<b>Current Zoning:</b>	<b>IL/IS (Light Industrial/Special Industrial Overlay)</b>
<b>GPP Designation:</b>	<b>Community Activity Center (Patterson Drive Subarea)</b>
<b>Existing Land Use:</b>	<b>Building Supplies</b>
<b>Proposed Land Use:</b>	<b>Office, Retail &amp; Multi-Family</b>
<b>Surrounding Uses:</b>	<b>North - Building Supplies (RBS)</b> <b>South - Commercial (White River CoOp, John Deere)</b> <b>East - Commercial and Municipal Garage</b> <b>West - Office and Retail (Existing Landmark Business Center)</b>

### **Growth Policies Plan Review:**

The GPP designates this site as Community Activity Center (CAC). It is also located within the Adams Street/Patterson Drive Subarea and identified as a portion of one of the three key redevelopment opportunities within the subarea. The CAC supports the requested mixed office, retail & multi-family use of this proposal.

The CAC policy states that "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." In addition, the CAC and subarea include the following site design recommendations:

- Buildings should be developed with minimal street setbacks to increase pedestrian and transit accessibility.

- 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.
- Special design attention shall be paid to three key redevelopment sites within this Subarea. These sites are the automobile storage yard at Adams and Kirkwood, the *Rogers Building Supplies property*, and the property located along the east side of Patterson Drive, between West 3<sup>rd</sup> Street and Bloomfield Road.
- Access to arterial roadways (3<sup>rd</sup> Street, Patterson Drive, Bloomfield Road) must be tightly controlled as part of the development review process.
- Redevelopment and intensification should be accompanied by increased landscaping, greenspace opportunities, and building-forward design.

**Design/Architecture:** The policies of the GPP and more specifically the subarea standards show a great desire for both a building forward design and for an attractive, integrated streetscape. Although the W. Bloomfield Road frontage is not being rezoned with this request, the requested expansion to the PUD will directly affect the development of this road frontage. Therefore, the Plan Commission recommended that additional architectural requirements be placed upon the development of the street frontages. The petitioner has agreed to the following restrictions:

- In an attempt to fill out the intersections at W. Bloomfield Road and Landmark Avenue as well as W. Bloomfield Road and S. Adams Street, buildings will be sited at each intersection corner. A single parking bay (42 feet) along one street frontage and a drive (24 feet) along both street frontages may be necessary for each corner building.
- For the entire length of W. Bloomfield Road, there shall be no more than one 60-foot parking bay between the building footprint and adjoining roadway. To the extent possible, parking will be placed to the side of buildings.
- Along the W. Bloomfield Road frontage, the architectural quality of all facades shall be equal in quality to the front facades of each building (assuming the front is not otherwise oriented to W. Bloomfield Road).

**Landscaping:** In addition to architectural restrictions, the Plan Commission also recommended that the landscaping requirements along W. Bloomfield road also be increased. The petitioner is committing to the following additional restrictions:

- Along Bloomfield Road, landscaping requirements shall be 150% of code standards and the tall shade tree requirement shall be increased to a minimum of 2 1/2 inches.



- Berming of a minimum 3 feet in height must be utilized to screen all parking along the W. Bloomfield Road frontage.

**Parking:** The petitioner proposes to utilize several smaller parking areas and to avoid large expanses of asphalt. In addition to smaller parking areas, they are requesting the ability to use shared parking where applicable to lessen the surface parking associated with this request. Staff encourages this type of development, especially in connection with potential residential components of this project. Individual parking requirements would be reviewed with individual final plan requests.

**Access/Traffic:** This development would include several buildings of varying uses, which could be high traffic generators. Through the existing PUD and recent City projects, this area has undergone several changes that have significantly improved road capacities, function, and distribution. The existing PUD provided for an additional connection between W. Bloomfield Road and W. 3<sup>rd</sup> Street via S. Landmark Avenue. Automated traffic signals have also been installed at both the W. 3<sup>rd</sup> Street and W. Bloomfield Avenue intersections with S. Landmark Avenue.

The City, within the last few years, has completed the 5<sup>th</sup>/3<sup>rd</sup>/Adams realignment, construction of Patterson Drive, and improvements to W. 3<sup>rd</sup> Street. The City has also committed to further improvements to W. 3<sup>rd</sup> Street. The City has further identified W. Bloomfield Road for future widening. There is an existing automated signal at the nearby intersection of W. Bloomfield Road and S. Adams Street. Staff finds that this area is adequately served by existing and projected roadway infrastructure to accommodate the proposed development.

The site to be rezoned has frontage only on S. Adams Street. The existing portion of the PUD has frontage on E. 3<sup>rd</sup> Street, S. Landmark Avenue, and W. Bloomfield Road. As proposed, the site would gain access from single cuts onto the three adjacent roadways as well as provide for a potential future internal connection to the north.

The future drive along W. Bloomfield Road has been realigned to directly line-up with the existing drive for the White River Coop. This drive must be physically limited to a right-in/right-out only as is consistent with the original PUD approval.

In addition to the existing access drive from S. Landmark Avenue, there are currently two access cuts on S. Adams Street that serve the subject property and RBS to the north. The petitioner is committing to work with RBS to eliminate one of the existing drives on S. Adams Street at the northeast corner of the property.

The petitioner has also agreed to, at the final plan stage, to provide an additional access easement to the north to facilitate shared internal access. The existing back-out parking on S. Adams street will also be eliminated at such time as the existing adjacent building is removed or reconstructed.

**Height Bulk and Density:** Development of future final plans for this PUD shall be dictated by the standards of the Limited Commercial (CL) Zoning District.

**Environmental:** No significant environmental issues have been identified with this petition. The Environmental Commission made no comments on this petition.

**Permitted Uses:** The permitted uses are the same as were previously approved with the original PUD of the Landmark Business Center, with the addition of multi-family as a potential use.

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

1. Access, building/parking placement, and architecture shall be strictly limited to the commitments in this report.
2. Along W. Bloomfield Road, landscaping requirements shall be 150% of the code standards and the shade tree requirement shall be increased to a minimum of 2 1/2 inches. Berming to a minimum of 3 feet in height is required for all parking areas along W. Bloomfield Road.
3. Future final plans shall be regulated with the development standards of the Limited Commercial district.
4. Parking requirements may be reduced by staff where shared parking situations are present.
5. With the first final plan for this site, the petitioner will work with the planning staff to create an adequate, comprehensive pedestrian access plan.
6. The back-out parking along S. Adams Street must be removed at such time as the existing adjacent commercial building is removed or replaced.
7. The existing sidepath along W. Bloomfield Road, must be repaired to ADA standards where appropriate.
8. The right-in/right-out at the W. Bloomfield Road access point must be signed accordingly within the island.
9. Right-of-way dedication, 50 feet from the center of W. Bloomfield Road must be in place prior to grading permit issuance.

**BLOOMINGTON PLAN COMMISSION  
FINAL REPORT  
LOCATION: 350 S. Adams Street**

**CASE #: PUD-03-03  
DATE: March 10, 2003**

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**PETITIONER:** Rogers Group  
314 Fountain Square

**COUNSEL:** Smith Neubecker and Associates, Inc.  
453 S. Clarizz Blvd., Bloomington

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**REQUEST:** The petitioner is requesting preliminary plan approval to rezone 8.2 acres from Light Industrial (IL/IS) to Planned Unit Development (PUD). This rezoning would expand the existing Landmark PUD. The petitioner is also requesting that final plans for this development be reviewed at staff level.

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**BACKGROUND:**

**Area:** 8.2 acres  
**Current Zoning:** Light Industrial (IL/IS)  
**GPP Designation:** Community Activity Center  
Adams Street/Patterson Drive Subarea  
**Existing Land Use:** Building Supplies  
**Proposed Land Use:** Office and Retail  
**Surrounding Uses:** North – Building Supplies (RBS)  
South – Commercial (White River COOP, John Deere)  
East – Commercial and Municipal Garage  
West – Office and Retail

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**FIRST HEARING SUMMARY:** At the February 10, 2003 Plan Commission meeting, the Plan Commission voted 10-0 to forward this petition to a second hearing. Main issues that were identified by staff and the Plan Commission included:

- Lining up of the W. Bloomfield access with the White River Coop entrance
- Building forward design, specifically at intersections
- Limiting the W. Bloomfield access to a right-in/right-out only
- Elimination of an Adams Street access point
- Appropriateness of back-out parking on to Adams street
- Parking lot screening
- Addition of multi-family residential as a permitted use

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**SUMMARY OF UNRESOLVED ISSUES:** Since the first hearing, the petitioners have proposed several changes and commitments regarding future development

of both the proposed 8.2 acre addition to the PUD as well as the existing undeveloped portion of the PUD located directly north of W. Bloomfield Road. These changes have been submitted to address the concerns of the Plan Commission and staff.

**Proposed Uses:** The petitioners have requested the same permitted uses as the original PUD. At staff's request, they have also proposed to include multi-family residential as a permitted use. Staff finds the requested use list to be appropriate.

**Height Bulk and Density:** As previously stated, future final plans shall be dictated by the Limited Commercial (CL) zoning district.

**Access/Traffic:** The petitioners have revised their petition to include the following changes to the access plan for this site:

- The future drive along W. Bloomfield Road has been realigned to directly line-up with the existing drive for the White River Coop.
- This drive shall be physically limited to a right-in/right-out only as is consistent with the original PUD approval.
- The petitioner will work with the owner to the north to eliminate one of the existing drives on S. Adams Street at the northeast corner of the property.
- At the final plan stage, the petitioner will provide, an additional access easement to the north to facilitate shared internal access.
- The existing back-out parking on S. Adams street will be eliminated at such time as the existing adjacent building is removed or reconstructed.

**Pedestrian Facilities:** The petitioner has committed to providing a high level of interior pedestrian connectivity. A series of interior sidewalks will be utilized during the final plan stage to maximize pedestrian usage. This connectivity shall also include the remaining vacant land of the existing PUD adjacent to W. Bloomfield Road. Staff recommends that the petitioner work with staff to create a comprehensive pedestrian access plan for the entire site at the time of the first final plan. Staff will also consult with the staff liaison to the Bicycle and Pedestrian Safety Commission to determine an appropriate plan.

**Landscaping:** As with the previous approvals for this PUD, staff recommends that all shade trees for this development be a minimum of 2 ½ inches in caliper. To further enhance the W. Bloomfield Road streetscape, staff also recommends that the front yard landscaping requirement be increased to 1 ½ times the standard requirement. This shall also include berming of all parking lots facing W. Bloomfield Road.

**Architecture/Building Placement:** The petitioner has agreed to the following changes regarding these issues:

- In an attempt to fill out the intersections at W. Bloomfield Road and Landmark Avenue as well as W. Bloomfield Road and S. Adams Street, buildings will be sited at each intersection corner. A single parking bay (42 feet) along one

street frontage and a drive (24 feet) along both street frontages may be necessary for each corner building.

- For the entire length of W. Bloomfield Road, there shall be no more than one 60-foot parking bay between the building footprint and adjoining roadway. To the extent possible, parking will be placed to the side of buildings.
- Along the W. Bloomfield Road frontage, the architectural quality of all facades shall be equal in quality to the front facades of each building (assuming the front is not otherwise oriented to W. Bloomfield Road).
- Berming of a minimum 3 feet in height must be utilized to screen all parking along the W. Bloomfield Road frontage.
- Along Bloomfield Road, landscaping requirements shall be 150% of code standards and the tall shade tree requirement shall be increased to a minimum of 2 1/2 inches.

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**CONCLUSION:** With the proposed changes and commitments by the petitioner and the recommended changes by staff, staff finds that this proposal is consistent with the Growth Policies Plan and is an appropriate rezoning request. Furthermore, staff finds that the addition of the 8.2 acre portion will allow for a more comprehensively planned site than is afforded under the existing PUD approval for this area. The existing PUD has been successful in revitalizing this area as is encouraged specifically by the GPP.

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**RECOMMENDATION:** Staff recommends approval of this rezoning request and recommends that future final plans be reviewed at staff level with the following conditions:

1. Access, building/parking placement, and architecture shall be strictly limited to the commitments in this report.
2. Along W. Bloomfield Road, landscaping requirements shall be 150% of the code standards and the shade tree requirement shall be increased to a minimum of 2 1/2 inches. Berming to a minimum of 3 feet in height is required for all parking areas along W. Bloomfield Road.
3. Future final plans shall be regulated with the development standards of the Limited Commercial district.
4. Parking requirements may be reduced by staff where shared parking situations are present.
5. With the first final plan for this site, the petitioner will work with the planning staff to create an adequate comprehensive pedestrian access plan.
6. The back-out parking along S. Adams Street must be removed at such time as the existing adjacent commercial building is removed or replaced.
7. The existing sidepath along W. Bloomfield Road must be repaired to ADA standards where appropriate.
8. The right-in/right-out at the W. Bloomfield Road access point must be signed accordingly within the island.
9. Right-of-way dedication, 50 feet from the center of W. Bloomfield Road must be in place prior to grading permit issuance.

**BLOOMINGTON PLAN COMMISSION  
PRELIMINARY REPORT  
LOCATION: 350 S. Adams Street**

**CASE #: PUD-03-03  
DATE: February 10, 2003**

---

**PETITIONER:** Rogers Group  
314 Fountain Square

**COUNSEL:** Smith Neubecker and Associates, Inc.  
453 S. Clarizz Blvd., Bloomington

---

**REQUEST:** The petitioner is requesting preliminary plan approval, with waiver of second hearing, to rezone 8.2 acres of Light Industrial (IL/IS) to Planned Unit Development (PUD). This rezoning would expand the existing Landmark PUD. The petitioner is also requesting that final plans for this development be reviewed at staff level.

---

**BACKGROUND:**

**Area:** 8.2 acres  
**Current Zoning:** Light Industrial (IL/IS)  
**GPP Designation:** Community Activity Center  
Adams Street/Patterson Drive Subarea  
**Existing Land Use:** Building Supplies  
**Proposed Land Use:** Office and Retail  
**Surrounding Uses:** North–Building Supplies (RBS)  
South–Commercial (White River COOP, John Deere)  
East–Commercial and Municipal Garage  
West–Office and Retail

---

**REPORT SUMMARY:** This 8.2 acre site has been identified by the Growth Policies Plan (GPP) as a key redevelopment property. The site is immediately adjacent to the Landmark Business and is located within an approved TIF district.

The Landmark PUD was approved in 1994 as a mixed-use oriented toward retail and office land uses. Since that time, the majority of the site has been successfully developed with a mix of office uses. The petitioner would like to continue this land use pattern and is proposing a mix of office and retail buildings.

There are several existing industrial buildings that are located on the property. Redevelopment of the site would include their removal, as well as the removal of several gravel parking lots. One building, located along S. Adams Street, is anticipated to be retained and reused with this petition.

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**PRELIMINARY PLAN ISSUES**

**Growth Policies Plan Analysis:** The GPP designates this site as Community Activity Center (CAC). It is also located within the Adams Street/Patterson Drive Subarea and identified as a portion of one of the three key redevelopment opportunities within the subarea. The CAC supports the requested mixed retail and office use of this proposal. It also encourages the addition of second story residential units.

The CAC policy states that "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." In addition, the CAC and subarea include the following site design recommendations (all recommendations for this area can be found in Exhibits 1-3):

- Buildings should be developed with minimal street setbacks to increase pedestrian and transit accessibility.
- Street cuts should be limited as much as possible to reduce interruptions of the streetscape of the Center.
- Incentives should be created to encourage the inclusion of second-story residential units in the development of Community Activity Centers.
- Special design attention shall be paid to three key redevelopment sites within this Subarea. These sites are the automobile storage yard at Adams and Kirkwood, the *Rogers Building Supplies property*, and the property located along the east side of Patterson Drive, between West 3<sup>rd</sup> Street and Bloomfield Road.
- Access to arterial roadways (3<sup>rd</sup> Street, Patterson Drive, Bloomfield Road) must be tightly controlled as part of the development review process.
- Redevelopment and intensification should be accompanied by increased landscaping, greenspace opportunities, and building-forward design.

Based on this guidance, staff recommends Plan Commission input concerning the proposed streetscape and the potential need to add residential use as a necessary component. It is also essential to incorporate a building forward design element and unified design themes, with 360 degree architecture along all streets and major drives. An increased landscaping requirement may also be appropriate with this rezoning petition. Examples of possible modifications would be increased island requirement or larger caliper requirements for future landscaping. Additional issues that must be adequately addressed include transit, access, and pedestrian accommodations.

**Proposed Uses:** The petitioner is proposing to have the same list of uses as approved with the existing PUD (see Exhibit #4). This is a mix of mostly retail and office use. Based upon the GPP's recommendations, staff recommends that multi-family residential permitted on the second floor and above be added to the proposed list of uses. This will allow for needed and encouraged residential units in this area, as well as shared parking opportunities.

**Height Bulk and Density:** The petitioner has proposed for the development to be constructed in an integrated manner with no interior setbacks. The petitioner is also requesting that future site plans be developed under the Limited Commercial (CL) standards. Staff finds this to be appropriate for this type of project.

**Parking:** The petitioner has proposed to utilize several smaller parking areas and to avoid large expanses of asphalt. In addition to smaller parking areas, they have requested the ability to use shared parking where applicable to lessen the surface parking associated with this request. Staff would encourage this type of development, especially in connection with potential residential components of this project. Individual parking requirements should be reviewed with individual final plan requests.

**Landscaping:** The original PUD required 2 1/2 inch caliper shade trees, a slight increase from the standard requirement. Staff recommends that, at a minimum, this requirement be extended to this addition of the PUD as well. Staff also requests that discussion occur as to other potential landscaping improvements that could be accomplished with this project.

**Access/Traffic:** This development would include several buildings of varying uses, which could be high traffic generators. Through the existing PUD and recent City projects, this area has undergone several changes that have significantly improved road capacities, function, and distribution. The existing PUD provided for an additional connection between W. Bloomfield Road and W. 3<sup>rd</sup> Street via S. Landmark Avenue. Automated traffic signals have also been installed at both the W. 3<sup>rd</sup> Street and W. Bloomfield Avenue intersections with S. Landmark Avenue.

The City, within the last few years, has completed the 5<sup>th</sup>/3<sup>rd</sup>/Adams realignment, construction of Patterson Drive, and improvements to W. 3<sup>rd</sup> Street. The City has also committed to further improvements to W. 3<sup>rd</sup> Street. The City has further identified W. Bloomfield Road for future widening. There is an existing automated signal at the nearby intersection of W. Bloomfield Road and S. Adams Street.

Staff finds that this area is adequately served by roadway infrastructure to accommodate the proposed development. Furthermore, it has been identified by the GPP as a key site for redevelopment.

The site has frontage only on S. Adams Street. The existing portion of the PUD has frontage on E. 3<sup>rd</sup> Street, S. Landmark Avenue, and W. Bloomfield Road. As proposed, the site would gain access from:

1. An existing drive that extends from S. Landmark Avenue through the existing portion of the PUD
2. An existing cut onto S. Adams Street
3. A new drive cut onto W. Bloomfield Road through the existing portion of the PUD

The new W. Bloomfield Road cut was approved as a part of the 1994 PUD. That approval required the access to be a right-in/right-out only. Staff strongly recommends that this requirement remain in effect with this petition. Furthermore, this access should



be shifted slightly to the east to directly line-up with the White River COOP site located across W. Bloomfield Road.

There are currently two existing access points along S. Adams Street and a small area of back-out parking spaces. The petitioner is schematically proposing to keep this existing configuration. Staff has two issues with this proposal. First, staff finds that the back-out parking off S. Adams Street is undesirable from an access management perspective, and should be removed. Secondly, staff finds that the two drives are too close together and therefore redundant in nature. With this request, staff finds it reasonable for one of the drives to be removed and further combined into a shared drive cut.

**Environmental:** No environmental issues have been identified with this petition. Due to a lack of environmental issues, the EC did not offer official comment on this petition.

**Pedestrian Facilities:** There is an existing 8-foot sidepath along W. Bloomfield Road. With development of the adjacent vacant tract, any maintenance issues associated with the path must be repaired or replaced. Five-foot wide sidewalks will be required along the entire S. Adams Street frontage. During the final plan stage, pedestrian access and flow should be scrutinized to achieve the level of pedestrian orientation that is envisioned by the GPP for this area.

**Architecture/Building Placement:** Staff is still attempting to negotiate additional architectural details and building placement with the petitioner. One of the most visible portions of the existing and proposed PUD is the W. Bloomfield Road frontage. Staff has concerns regarding the streetscape.

The policies of the GPP and more specifically the subarea standards show a great desire for both a building forward design and for an attractive, integrated streetscape. Although the W. Bloomfield Road frontage is not included within the additional 8.2 acres involved with this rezoning request, the petitioner is requesting to expand the PUD. This includes no interior setbacks, integrated parking areas, and shared drives between the existing and proposed portions of the PUD.

The frontage property and the property subject to this rezoning are all currently under the same ownership and will function as an integrated center. In addition, the original PUD has a condition of approval that stated that "Specific lot/building configurations [were] to be addressed in [final] plans." However, there is no specific layout that was ever approved for the W. Bloomfield Road frontage. Staff has requested that some commitment to at least a partial building forward design be made. To date, the petitioner is not willing to make this commitment.

**Utilities:** This site has adequate utility service for both water and sanitary sewer. Utility plans have been submitted and are under review.

**Stormwater:** On-site detention will be provided at the south central portion of the property. Drainage calculations and stormwater plans have been submitted, and the

Assistant Utilities Engineer is currently working with the petitioner on details regarding that plan. He has determined that the plan is feasible. Detailed approval will be required with any final plans.

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**RECOMMENDATION:** Staff recommends that the requested waiver of a second hearing be denied and that the PUD Preliminary Plan Amendment request be forwarded to the March 10, 2003 Plan Commission meeting.



## **Landmark II Outline Plan Statement**

PUD Addition to Landmark  
January 13, 2003

Landmark has been a highly successful redevelopment of an infill site that had been previously used as a "yard" area and quarry for the Rogers construction business. Landmark has not only transformed the old yard area, but has also provided substantial building space for expanding medical services near to Bloomington Hospital. The original PUD provided for significant retail on the site that has not been realized. The recently completed pharmacy begins to add the mixed use component to the project. Rogers group now is proposing to continue the redevelopment into an area of old garages and warehouses.

This addition to the Landmark Planned Unit Development adds approximately 8.2 acres of land. The improvements in this expansion area will be phased in over time with gradual elimination of the existing garages, warehouses and gravel parking areas.

The design concept opens up the land in the back to better Second Street exposure by careful placement of buildings, parking and amenities in the existing PUD and in the expansion area. The plan also provides exposure to the Patterson Drive frontage. Parking is spread around the site, both in front and behind the buildings. Significant parking is provided but no large expanses of asphalt are proposed.

The PUD expansion will allow the same land uses as the existing PUD. The site will be developed in a fashion similar to the illustrative plan.

Given the success of Landmark and that this is an expansion of that project, we will request delegation of Final Plan approvals to the Planning Staff.

---

### **Land Use**

The land uses allowed in this expansion area will be the same office and retail uses that are allowed in the Landmark PUD. Actual tenets will be based on market demand but will most likely be a mix of both office and retail users.

### **Outline Plan Drawing and Development Criteria**

The outline plan drawing illustrates how the site could develop within the constraints of the Planned Unit Development. The plan creates defined spaces by placement of buildings and parking. Parking is spread throughout the site with no large expanses of

parking on the site. 360 degree architecture will be used on the buildings where appropriate.

Standard Limited Commercial zone (CL) site development criteria will apply to the site. Internal setbacks from lot lines will not be required. There may be multiple owners over time and this allows the site plan to be integrated. (an example are the lot lines within the Clarizz Corporate Park). Access easements, common areas etc will be used to implement the plan. Total space in the buildings will be controlled by site development requirements including parking, setbacks, detention, landscaping, etc. Parking needs will be evaluated on a case by case basis to adequately address the need but not over pave the site. Opportunities for cross parking easements or shared parking can lower the total demand for parking.

### **TIF**

A tax Increment finance district was set up for this area several years ago that has been providing funds for area road improvements. This expansion of the Landmark PUD will add to available funds in the TIF.

### **Traffic**

The Landmark PUD and the City have provided significant roadway improvements in this section of the City in the last few years. The City made significant upgrades to Patterson Drive and West Third Street. Landmark developers upgraded Bloomfield Road, constructed Landmark Avenue from Bloomfield to Third and installed a signal at Landmark Avenue and Bloomfield Road. City plans include upgrade of West Third Street to the SR 37 bypass within the next few years.

Access to Landmark is currently provided by Landmark Avenue with connections to both West Third Street and Bloomfield Road. A connection is proposed to Adams Street as that part of the PUD develops.

This expansion of the PUD will add another connection to Adams farther north near Patterson Drive near the location of an existing driveway.

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The network of area thoroughfares and the effective connections provided by this PUD provide excellent traffic capacity for Landmark PUD.

The Landmark PUD provides for a new right turn in, right turn out driveway on Bloomfield Road between Adams Street and Landmark Avenue. This drive will allow easy in and out movements without delay or obstruction to Bloomfield Road. It also reduces the turn movements required at the signalized intersections.

The flow of traffic on Bloomfield Road and the flow of traffic into Landmark can be improved by allowing this driveway accommodate left turn in movements. Left turns from Bloomfield Road onto Landmark Drive and Adams Street take intersection time and

reduce the operating level of service for the intersections. Bloomfield road experiences backup during peak hours. These signals create gaps in the traffic flow that could be used by left turning vehicles at a mid block location. Any left turn made at the mid-block location is one less made at one of the signalized intersections. This strategy has been employed on 86<sup>th</sup> Street just west of Allisonville Road in Indianapolis. A aerial photograph of that entrance is included with this statement.

### **GPP Compliance**

The Growth Policies Plan, currently in the review process, specifically addresses this area as a critical sub area, "Adams Street/Patterson Drive Sub area" on pages 60 and 61. The expansion of Landmark PUD and the redevelopment of this site is supported and encouraged in the GPP:

"The area is prime for redevelopment. ... The goal of this sub area is to upgrade site planning quality through development and redevelopment, while insuring a dense mixture of service uses."

### **Utilities**

This redevelopment site already has a network of utilities in place. Each will be evaluated to determine where new lines or enhancements need to be made. The storm water detention basin will be reconfigured to provide detention but not block access to the site. Water and sewer lines will be extended as necessary to serve this expanded area.

Smith Neubecker & Associates, Inc.



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

February 20, 2003

Bloomington Plan Commission  
C/o Pat Shay, Planner  
Bloomington Planning Department  
P.O. Box 100  
Bloomington, IN 47402



RE: Landmark II; Amendment Number 1

Dear Pat and Plan Commissioners,

This amendment to Landmark II is being submitted in response to Plan Commission and staff feedback to the original submission made January 13 2003. A revised outline plan drawing and revised illustrative plan are being submitted with this letter.

The following amendments and clarifications are being made:

- Adams Street Driveway. The petitioner will work with the adjacent owner to the north to eliminate one of the driveways. This may be done either by common drive or easement from one owner to the other. The final alignment will be determined at final plan stage.
  - A cross access easement will be provided to the property to the north. The location and grant will be determined at Final Plan stage.
  - The Final Plan(s) will include a comprehensive plan for pedestrian accommodation for both the new 8.2 acres and the land in the existing Landmark PUD fronting Bloomfield Road.
  - The back out parking on Adams Street in front of the existing office building shall be removed when that building is removed or reconstructed.
- 
- The list of allowed uses shall be expanded to include second floor apartments in accordance with the standards of the CL zone.

This 8.2-acre PUD is adjacent to and interrelated with the existing Landmark PUD. We are proposing the following clarifications/upgrades to the existing Landmark PUD site along the Bloomfield frontage east of Landmark Avenue:

- The list of allowed uses shall be expanded to include second floor apartments in accordance with the standards of the CL zone.

453 S. Clarizz Boulevard  
Post Office Box 5565  
Bloomington, Indiana 47407-5565  
Telephone 812 336-6556 1/3474/corresp/Pat Shay ltr/Landmark II amendment 1, 2-20-03  
FAX 812 336-0513  
www.sna-inc.com

*Amended Petitioner's  
Statement  
PUD-03-03*

(31)

Smith Neubecker & Associates, Inc.



- A right in, right out only drive will be located across from the Farm Bureau driveway
- The frontage along Bloomfield Road and to a lesser extent Adams Street and Landmark Avenue shall be enhanced with building forward design concepts:
  - An attempt will be made to fill the corners at Bloomfield Road and Landmark Avenue and at Bloomfield Road and Adams Street with buildings. Single parking bays and/or drives for drive through facilities may be necessary in front of the buildings.
  - There will be no more than one 60 foot parking bay between the building and adjoining roadway except for those buildings at the rear of the site. To the extent possible parking will be placed to the side of the buildings.
  - The 360-degree architectural concept (Noted in the PUD Statement) shall be expanded along the Bloomfield Road frontage such that the architecture fronting Bloomfield Road will be equal to the architecture on the actual front of those buildings (assuming the front is not otherwise oriented directly to Bloomfield Road).

With these changes we look forward to Staff and Plan Commission Support at the March 10th hearing allowing continued redevelopment of this infill site.

Very Truly Yours,

Stephen L. Smith  
Smith Neubecker & Associates

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Cc: 3474m2  
Doug Jones  
Enclosures

## **PUD-03-03 – List of Permitted Uses**

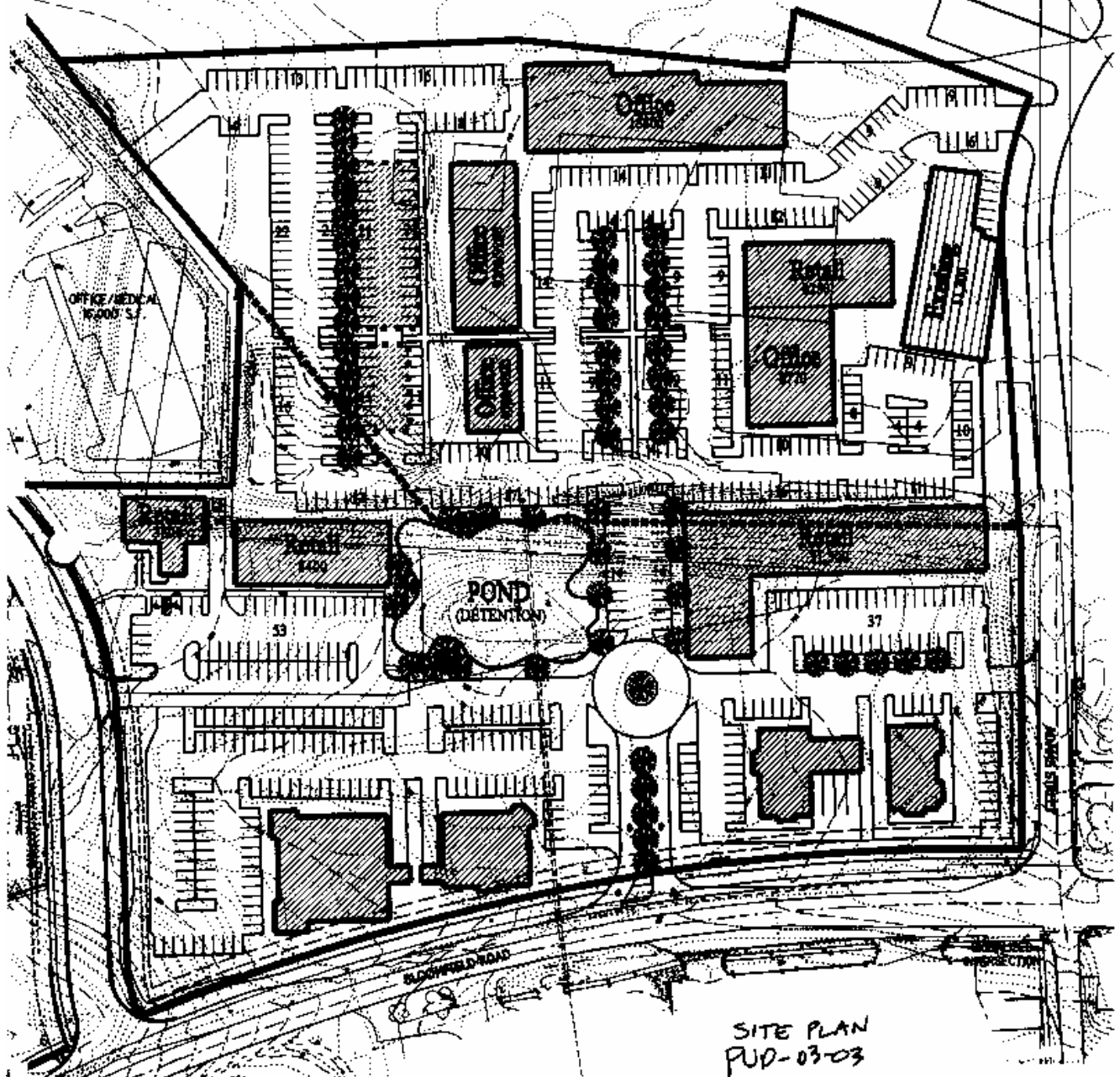
Antiques  
Appliance Stores  
Arts and Crafts  
Auto Parts – New  
Bakery  
Bicycle Shops  
Books  
Newsstands  
Dairy Products  
Department Stores, Sundries  
Floral Shops  
Furniture and Appliances  
Gift Shop  
Grocery  
Hardware  
Jewelry  
Liquor Store  
Pet Shops  
Sporting Goods  
Used Merchandise  
Variety Store  
Banks Branch  
Business Service  
Business and Professional Office  
Candy Confectionery  
Eating, Drinking, Restaurant  
Furniture Repair  
Gasoline Service Station  
Laundry and Dry Cleaning  
Multi-Family Housing  
Personal Service  
Printing  
Building material  
Farm products  
Farm supplies  
Food products  
Household goods  
Business and professional office  
Building trade shops  
Machinery  
Medical equipment  
Printing  
Newspapers  
Research laboratories



ROGERS BUILDING SUPPLY

A

WATSON DR



SITE PLAN  
PUD-03-03

Landmark II  
 Illustrative Plan of Landmark  
 Bloomfield Road Frontage  
 January 13, 2003

## 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.

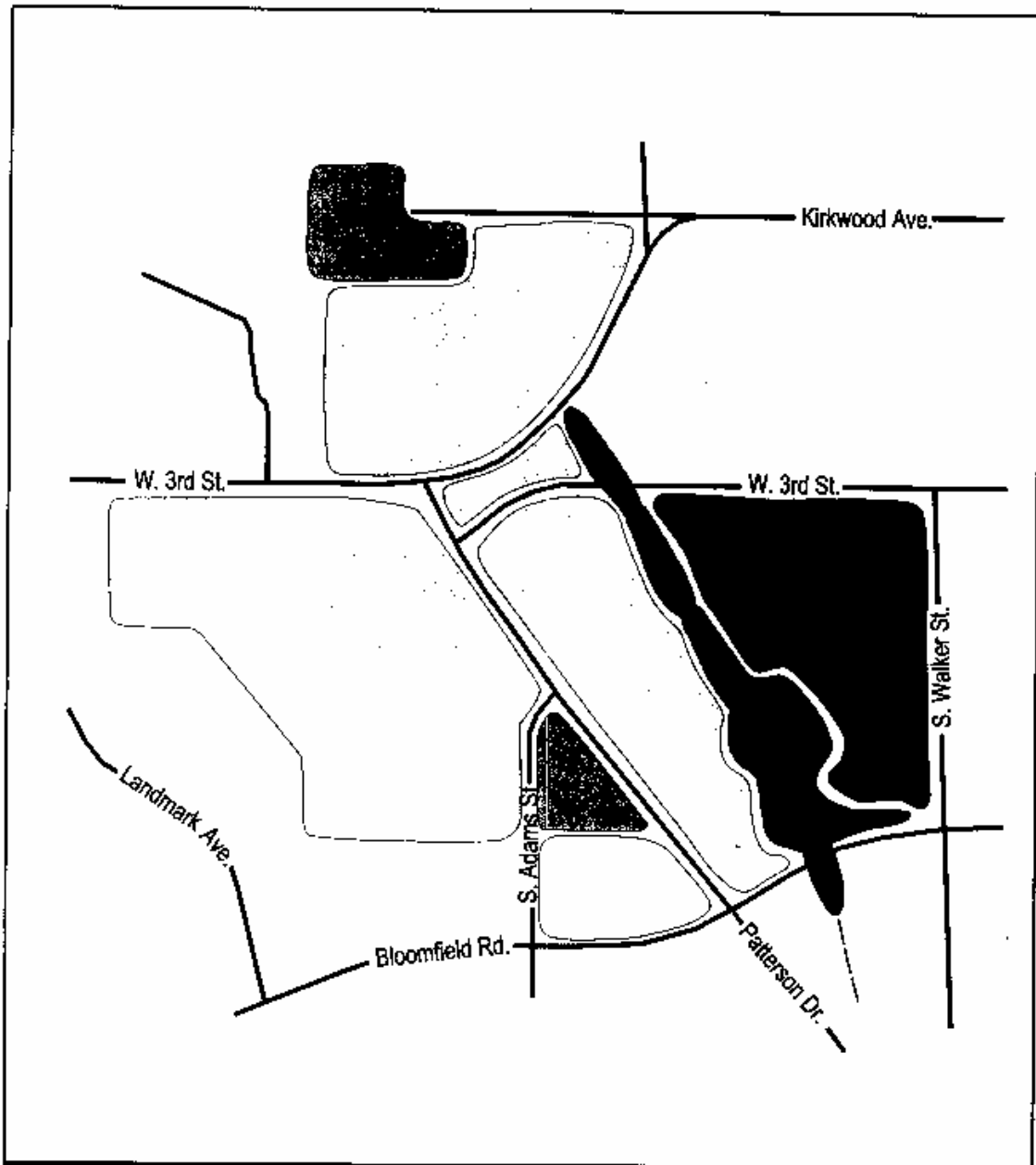
- Public Transit access should be a major component of the urban services provided for any Community Activity Center.
- Community Activity Centers should be connected to a future city-wide greenway system in order to create adequate public recreation space as well as an alternative means to access the 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.

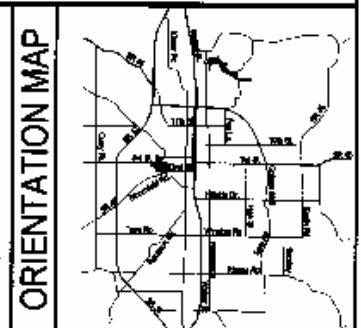
EXHIBIT #1



**MAP LEGEND**

Urban Residential	Institutional
Community Activity Center	Existing Roadway
Employment Center	Creek
Preserve Creek Corridor	

**Adams Street/Patterson Drive Subarea**  
 Prepared by: Ground Rules, Inc.



## Adams Street/Patterson Drive Subarea

### Intent

This Subarea is a conglomeration of existing underdeveloped or underutilized properties that are largely zoned commercial. It is located west of Walker Street, south and west of Rose Hill Cemetery, and runs generally west to the Landmark PUD and south to Bloomfield Road. The area is prime for redevelopment with the realignment of the 3<sup>rd</sup>/5<sup>th</sup>/Adams corridor, the completion of Patterson Drive, and the future widening of West 3<sup>rd</sup> Street. The balance of the Subarea is designated Community Activity Center. The goal of this Subarea is to upgrade site planning quality through development and redevelopment, while insuring a dense mixture of service uses.

### Land Use Policies

- Development should insure that commercial services are conveniently located to serve employment uses in the Subarea, as well as designed to allow for non-vehicular access from nearby residential areas.
- Road upgrades will spark investment toward commercial retail facilities. Balancing these market demands with a need to further develop other types of nonresidential uses (employment-based) will be critical.

### Urban Services

- Bloomfield Road is slated for widening within the next 5-7 years. Prior to this widening a subarea plan should be developed which addresses ideal roadway cross-sections, access management, and desired land uses.
- Development along the east side of Patterson Drive should be augmented by the construction of new sidewalks.
- New commercial and employment development in this Subarea should be accommodated with new transit stop facilities.

### Site Design

- Special design attention shall be paid to three key redevelopment sites within this Subarea. These sites are the automobile storage yard at Adams and Kirkwood, the Rogers Building Supplies property, and the property located along the east side of Patterson Drive, between West 3<sup>rd</sup> Street and Bloomfield Road.
- Access to arterial roadways (3<sup>rd</sup> Street, Patterson Drive, Bloomfield Road) must be tightly controlled as part of the development review process.
- Redevelopment and intensification should be accompanied by increased landscaping, greenspace opportunities, and building-forward design.
- The floodway of the West Branch of Clear Creek should be rehabilitated to improve its environmental quality. Opportunities for additional stormwater detention as well as pedestrian connectivity between Bloomfield Road and West 3<sup>rd</sup> Street should also be considered for this area.

**ORDINANCE 03-11**

**AMENDING ORDINANCE 02-42 WHICH AUTHORIZED THE  
ISSUANCE OF THE SEWAGE REFUNDING REVENUE BONDS OF 2003**

- WHEREAS, the Common Council of the City of Bloomington, Indiana ("City") adopted Ordinance 02-42 ("Ordinance") on December 11, 2002 authorizing the issuance of Sewage Works Refunding Revenue Bonds of 2003 ("Refunding Bonds"); and
- WHEREAS, the Refunding Bonds were issued on March 27, 2003 on a parity with the 1999 Bonds, the 2000A Bonds, the 2000B Bonds and the 2000C Bonds (each as defined in the Ordinance); and
- WHEREAS, the Ordinance continues the Reserve Account as a reserve for the Refunding Bonds, the 2000C Bonds, the 2000B Bonds, the 2000A Bonds and the 1999 Bonds; and
- WHEREAS, debt service reserve surety bonds have been acquired and deposited in the Reserve Account ("Suretys") to fund the reserve for the 1999 Bonds, the 2000A Bonds, the 2000B Bonds and the Refunding Bonds (collectively, "Surety Secured Bonds") and cash has been deposited in the Reserve Account ("2000C Cash Reserve") to fund the reserve for the 2000C Bonds; and
- WHEREAS, the Suretys are held in the Reserve Account exclusively for the payment of debt service on the respective Surety Secured Bonds for which each was purchased and the 2000C Cash Reserve is held in the Reserve Account exclusively for the payment of debt service on the 2000C Bonds; and
- WHEREAS, the SRF Program (as defined in the Ordinance), the holder of the 2000C Bonds, has requested that the City amend the Ordinance to specifically provide that the 2000C Cash Reserve is held in the Reserve Account exclusively for the payment of debt service on the 2000C Bonds; and
- WHEREAS, the Common Council finds that such amendment will not adversely affect the holders of the Surety Secured Bonds or the providers of the Suretys and that the Ordinance should be so amended;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA:

Section 1. Section 15(c) of the Ordinance is hereby amended to include the following sentence to be inserted immediately after the end of the third sentence in the second paragraph of Section 15(c):

"Notwithstanding the foregoing sentence, the cash held in the Reserve Account as a reserve for the 2000C Bonds shall be drawn down exclusively for the payment of principal and interest on the 2000C Bonds."

Section 2. All other provisions of the Ordinance shall remain in full force and effect.

Section 3. This ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
CHRIS GAAL, 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 \_\_\_\_\_, 2003.

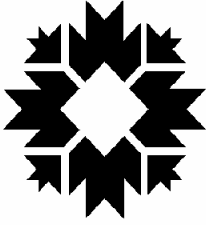
\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JOHN FERNANDEZ, Mayor  
City of Bloomington

#### Synopsis

This ordinance amends Ordinance 02-42 at the request the counsel of the State Revolving Fund (SRF) program. It adds a sentence to Section 15(c) which is intended to assure repayment of the SRF bonds.



**CITY OF BLOOMINGTON  
LEGAL DEPARTMENT  
MEMORANDUM**

**TO:** Common Council Members

**FROM:** Vickie Renfrow, Assistant City Attorney

**RE:** Ordinance 03-11 Amending Ordinance 02-42

**DATE:** April 7, 2003

On December 11, 2002, you approved Ordinance 02-42 authorizing the City of Bloomington Utilities Department to issue Sewage Works Refunding Revenue Bonds in order to get a lower interest rate on debt that had been incurred as a result of previous revenue bonds issuances. Because CBU also has sewage works bonds which were issued through the State Revolving Fund (SRF) Program, that bond ordinance was reviewed by the State's attorney for the SRF program and approved for your consideration. Several weeks ago when CBU was preparing to close on the refunding bonds, that attorney expressed reservations about the adequacy of certain language in the bond ordinance that he had previously approved. He allowed the refunding closing to go forward, however he opined that Ordinance 02-42 should be amended to add some clarification as to the operation of the reserve accounts for CBU's outstanding bonds.

The reserve account is a source of funds that can be used to make payments on the bonds in the event the borrower is unable to make payments. For most of our bonds the reserve account is funded by a "Surety Secured Bond" purchased by CBU which insures payments. However one of CBU's SRF loans is secured by a cash reserve. The attorney who reviews documents for the SRF Program is concerned that it be perfectly clear that each of these forms of reserve account coverage only can be used towards payment for the bond obligation for which they were established or acquired, and that they cannot be drawn down for any other obligation. In particular, he is concerned that the cash reserve which insures payment of the SRF bond for which it was established not be accessed for any other purpose. Therefore, he proposes amending Ordinance 02-42 by adding the provision that "the cash held in the Reserve Account as a reserve for the 2000C Bonds shall be drawn down exclusively for the payment of principal and interest on the 2000C Bonds."

## Changes to Section 15(c) of Ord 02-42 Proposed by Ord 03-11

*Note: Changes are noted in bold text*

15 (c) Reserve Account. There is hereby continued, within the Sinking Fund, the Reserve Account. The City purchased the 1999 Surety Bond as a reserve for the 1999 Bonds and the 2000 Surety Bond as a reserve for the 2000A Bonds and the 2000B Bonds and each is held in the Reserve Account (collectively, "Outstanding Suretys"). The City has deposited cash in the Reserve Account in the amount of the Reserve Requirement (as defined in the ordinance authorizing the 2000C Bonds) as a reserve for the 2000C Bonds. For the Refunding Bonds issued under this ordinance, the City shall purchase a Qualified Surety Bond, use Refunding Bond proceeds, funds on hand, or a combination thereof, to fund the Reserve Account. Upon the issuance of the Refunding Bonds, the Reserve Account shall contain an amount equal to the least of (i) the maximum annual debt service on the Refunding Bonds, (ii) 125% of average annual debt service on the Refunding Bonds or (iii) 10% of the proceeds of the Refunding Bonds ("2003 Reserve Requirement"). For purposes of this subsection, proceeds means the face amount of the Refunding Bonds minus original issue discount, if any, plus any premium received on the Refunding Bonds.

The Reserve Account shall constitute the margin for safety and protection against default in the payment of principal of and interest on the Refunding Bonds and the Outstanding Bonds, and the moneys in the Reserve Account shall be used to pay current principal and interest on the Refunding Bonds and the Outstanding Bonds to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiency in the balance maintained in the Reserve Account shall be made up from the next available Net Revenues remaining after credits into the Bond and Interest Account. To the extent that cash is held in the Reserve Account, the cash shall be completely drawn down completely before any demand is made on the 1999 Surety Bond or the 2000 Surety Bond or any other Qualified Surety Bond. **Notwithstanding the foregoing sentence, the cash held in the Reserve Account as a reserve for the 2000C Bonds shall be drawn down exclusively for the payment of principal and interest on the 2000C Bonds.** In the event moneys in the Reserve Account (whether cash or funds provided under the 1999 Surety Bond, the 2000 Surety Bond or any other Qualified Surety Bond) are transferred to the Bond and Interest Account to pay principal and interest on the Refunding Bonds or Outstanding Bonds, then such depletion of the balance in the Reserve Account shall be made up from the next available Net Revenues after the credits into the Bond and Interest Account, provided that funds shall be used first to reinstate the 1999 Surety Bond, the 2000 Surety Bond and any other Qualified Surety Bond on a parity basis and second, to replenish any cash held in the Reserve Account. Any moneys in the Reserve Account in excess of its requirements may, in the discretion of the Utility Service Board, be transferred to the General Account or be used for the purchase of the Outstanding Bonds, the Refunding Bonds or installments of principal of fully registered Outstanding Bonds or Refunding Bonds at a price not exceeding par and accrued interest.