

CITY OF BLOOMINGTON



August 14, 2017 @ 5:30 p.m.
Utilities Board Room
600 E. Miller Dr.

**CITY OF BLOOMINGTON
PLAN COMMISSION**

August 14, 2017 @ 5:30 p.m.

❖ Utilities Board Room – 600 E. Miller Dr.

ROLL CALL

MINUTES TO BE APPROVED:

June 5, 2017 – PC Special Hearing Comprehensive Plan
June 12, 2017 – Regular PC Meeting
June 19, 2017 – PC Special Hearing Comprehensive Plan
June 26, 2017 – Regular PC Meeting
July 10, 2017 – Regular PC Meeting

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

PETITIONS CONTINUED TO: September 11, 2017

SP-06-17 **Mara Jade Holdings, LLC**
318 E. 3rd St.
Site plan approval for a 4-story mixed-use building.
Case Manager: Eric Greulich

CONSENT AGENDA:

RS-25-17 **RCR Properties LLC**
307 & 317 E. Eighteenth St.
Removal of a zoning commitment required with Hearing Office case #V-35-06
Case Manager: Eric Greulich

PETITIONS:

SP-07-17 **Annex Student Living (Kyle Bach)**
313, 317, 325, 403 & 409 E 3rd St., and 213 S. Grant St.
Site plan approval for a 4-story mixed-use building and a 5-story mixed-use building.
Case Manager: Amelia Lewis

ZO-21-17 **City of Bloomington Parks and Recreation**
1611 S. Rogers St.
Rezone 6.01 acres from Industrial General (IG) to Institutional (IN) and to rezone 0.62 acres from Industrial General (IG) to Residential High-Density Multifamily (RH). A waiver from the required second hearing is requested.
Case Manager: Eric Greulich

****Next Meeting September 11, 2017**

Last Updated: 8/11/2017

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

UV/DP-23-17 City of Bloomington Parks and Recreation

1611 S. Rogers St.

Use variance to allow a parking lot in the floodway and preliminary plat approval of a two-lot subdivision of 6.63 acres.

Case Manager: Eric Greulich

DP-24-17 City of Bloomington Redevelopment Commission

610 N. Rogers St.

Preliminary and final plat approval of a six-lot subdivision of 4.97 acres.

Case Manager: Eric Greulich

**ZO-20-17 City of Bloomington
UDO Amendment (Sexually-Oriented Businesses)**

Amendment to the City's Unified Development Ordinance to change the development standards for Sexually-Oriented Businesses

Case Manager: James Roach

****Next Meeting September 11, 2017**

Last Updated: 8/11/2017

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CITY OF BLOOMINGTON
PLAN COMMISSION

RS-25-17

WHEREAS, the Common Council of the City of Bloomington, Indiana, has established a Planning & Transportation Department, Bloomington Municipal Code § 2.14.000; and,

WHEREAS, on September 13, 2006, the City of Bloomington Hearing Officer approved a variance (V-35-06) from front yard building and rear yard parking setback requirements for a building located at 307 E. 18th Street (“Building”) and a zoning commitment was required to be recorded with that approval; and,

WHEREAS, the zoning commitment was recorded under Instrument #2006022321 and,

WHEREAS, Indiana Code § 36-7-4-1015(a)(5) states that the Plan Commission may authorize the termination of a zoning commitment; and,

WHEREAS, on August 8, 2016 the Plan Commission approved the redevelopment of the property (PUD-14-16 and Ordinance #16-20); and the Building and parking areas approved under the variance and zoning commitment have been completely removed from the property, therefore the zoning commitment no longer applies; and,

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY OF BLOOMINGTON PLAN COMMISSION, MONROE COUNTY, INDIANA, THAT:

1. The City of Bloomington Plan Commission hereby authorizes the termination of the zoning commitment required under V-35-06.
2. This Resolution shall be effective upon its adoption.

PASSED AND ADOPTED by the City of Bloomington Plan Commission, Monroe County, Indiana, upon this 14th day of August, 2017.

Joe Hoffmann, President
Bloomington Plan Commission

PETITIONER'S STATEMENT

To: City of Bloomington Plan Commission

RCR Properties, LLC petitions the City of Bloomington Plan Commission to, by resolution or otherwise, approve the removal of a Zoning Commitment associated with the approval of a variance by hearing officer under B-35-06 pertaining to the property located at 307 and 317 E. 18th Street.

The properties are a part of the Dunnhill development which is the subject of a PUD zoning approval and site plan approval.

The improvements involved in the variance approved by the hearing officer have been removed as part of the redevelopment of the Dunnhill site. The setbacks and right-of-way issues described in the Zoning Commitment area also resolved with the removal of the structures.

All right-of-way dedication requirements were identified and made conditions of the site plan approval and those right-of-way dedications (on North Dunnhill and on 17th Street) are being finalized. The variance and the conditions of the variance are now moot with the removal of the improvements. The Zoning Commitment no longer serves any purpose.

The Zoning Commitment, by its terms, states that it may be terminated only by action of the Planning Department.

Petitioner requests that the Plan Commission, by resolution, authorize or direct the Director of the Transportation and Planning Department to terminate the Zoning Commitment.

Respectfully Submitted,



Michael L. Carmin

Attorney for RCR Properties, LLC

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 307 E. 18th Street**

**CASE#: V-35-06
DATE: September 13, 2006**

**PETITIONER: Regency Consolidated Residential
1701 Broadmoor Dr., Bloomington**

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

REQUEST: The petitioner is requesting a variance from front yard building setback and rear yard parking setback requirements.

| | Required | Proposed | Draft UDO |
|-------------------------------|------------------|------------------|------------------|
| Front Building Setback | 25 feet from ROW | 15 feet from ROW | 15 feet from ROW |
| Rear Parking Setback | 12.5 feet | 7.5 feet | 10 feet |

REPORT SUMMARY: The site, located at the northwest corner of E. 18th Street and N. Grant Street, lies in a multi-family residential zoning district (RM15) and is surrounded by other multi-family properties. The property is made up of three lots and is currently vacant.

The petitioner would like to develop this property with five (5) 3-bedroom apartments. These apartments would be in one structure facing 18th Street. The parking would be located to the rear of the lot with access from Grant St.

The petitioner is requesting variance from the front building setback along both 18th St. and Grant St. The current zoning ordinance requires a 25 foot front setback from the right-of-way. The petitioners propose a 15 foot front setback to allow the building to be placed closer to the street, creating a more pedestrian friendly streetscape, and allowing more room in the rear yard for the required parking. The draft Unified Development Ordinance that the Plan Commission will soon start deliberations on, proposes that developments in this district maintain only a 15 foot setback from the right-of-way.

The petitioners are also requesting a variance from the required rear parking setback to the north property line. The Zoning Ordinance requires a 12.5 foot rear parking setback, while the draft UDO proposes a 10 foot rear parking setback. The petitioner proposes a 7.5 foot rear parking setback for this lot. This variance is necessary to accommodate the 60 foot wide parking width of a double row of parking and an access aisle. While the rear property line contains several mature trees, the petitioner has located these trees in the field and found that they would need to be removed even if the site plan met the 12.5 foot setback. Most of these trees are approximately 17.5-20 feet from the property line. The petitioner has been working closely with the neighbor most immediately impacted by the parking variance. They have devised a landscaping plan with includes a privacy fence that the neighbor has found satisfactory.

This development will meet all other Zoning Ordinance requirements for density, minimum number of parking spaces, sidewalk construction, landscaping and access.

Criteria and Findings for Development Standards Variances

20.05.05.03(E) VARIANCES

Standards for variances. The regulations of this zoning ordinance shall not be varied unless findings based on the evidence are made in each specific case that affirm each of the following criteria:

- A. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the variance will relieve practical difficulties.*

Staff's Finding: Staff finds practical difficulty in the shallow depth of the lot. This property is only 120 feet deep. With the 12.5 foot rear parking setback, 25 foot front setback and 60 foot wide parking area, the property would only have 22.5 feet of buildable lot depth. The proposed variances would allow the petitioner to gain 15 feet of buildable depth for a more realistic 37.5 feet. The proposed front setback variance is in keeping with the draft UDO's standards and City policy to provide parking to the rear and sides of buildings. This would be difficult to accomplish with the required 25 foot front setback.

- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and*

Staff's Finding: Staff finds no adverse impacts. The petitioner's proposal would not create a situation that is not unlike several other small multi-family developments in this area. This development will allow for a unified site treatment and paved parking lot to control access. The neighbor most closely impacted by the parking variance has no objections to the proposal with the submitted landscaping and fence plan.

- C. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

Staff's Finding: Staff finds no injury to the public health, safety, morals or general community welfare. The proposed building is in keeping with the density and parking requirements of the zoning ordinance. With the recorded commitment required as condition of approval #5, this proposal will not interfere with any future right-of-way needs on either street.

RECOMMENDATION: Based on the written findings above, staff recommends approval of this petition with the following conditions:

1. A full landscaping plan shall be submitted with the required grading permit for review.
2. Final CBU approval is required prior to release of any building or grading permits.
3. Two (2) bicycle parking spaces are required.

4. Proposed sidewalk on E. 18th Street shall be moved inbound of the preserved trees. If the sidewalk is located partially out of the right-of-way, the petitioner shall record a pedestrian easement prior to release of any building permits.
5. The petitioner shall execute a recorded commitment which states that the petitioner shall agree to forgo any damages during the acquisition of any needed property for the widening of E. 18th Street or N. Dunn Street that would be incurred due to the approval of this variance. This commitment must be recorded prior to release of any building permits.

Pat Haley
Monroe County Recorder IN
IN 2006022321 MIS
11/15/2006 13:42:47 4 PGS
Filing Fee: \$18.00

ZONING COMMITMENT

This Commitment is being made in connection with front yard building setback and rear yard parking setback variances to allow construction of a building containing five (5) 3-bedroom apartments, authorized in Case No. V-35-06 on September 13, 2006 by the City of Bloomington Hearing Officer on real estate located at 307 E. 18th Street, Bloomington, Monroe County, Indiana, the legal description of which is: Lots Numbered 58 and 59 and a part of Lot 60 in Miller Courts Addition to the City of Bloomington, as shown in the plat thereof in the Office of the Recorder of Monroe County, Indiana, which real estate is owned by RCR Properties LLC ("Owners") pursuant to a deed recorded as Instrument No. 2002012628 in the Office of the Recorder of Monroe County, Indiana, and is referred to hereinafter as the "Real Estate."

The approval of the setback variances to allow construction of the building was conditioned upon Owners' execution and recording of a recordable commitment that releases the City of Bloomington ("City") from future liability from any damages as a result of future public improvement projects. The Real Estate and approved building location are shown on Attachment A, attached hereto and incorporated herein by reference.

North Grant and East 18th Streets are designated in the City of Bloomington Thoroughfare Plan as Neighborhood Streets and may be widened and improved at an unknown future date (the "Project"). The City anticipates that it will need to acquire right-of-way for the Project from the Real Estate to within approximately eleven (11) feet of the Owners' proposed location of the building as shown on Attachment A. The building's proximity to the future right-of-way will likely require acquisition of permanent and/or temporary right-of-way as part of the Project that may not have been necessary if that portion of the Real Estate had been left undeveloped.

The Owners hereby commit, on their own behalf and on behalf of their heirs, administrators, successors and assigns, that:

They acknowledge that, to the extent the law, rules and regulations governing the City's improvements to North Grant and East 18th Streets in effect at the time of the Project may provide for just compensation for damages to the Real Estate as a result of the Project's proximity to the building, Owners nevertheless desire to forego the right to any such compensation.

The Owners hereby agree to waive any and all appraisal rights regarding the damages as described herein, and to execute the necessary instruments to forego any right to just compensation for damages to the Real Estate due to the Project's proximity to the building.

This Commitment shall be recorded in the office of the Recorder of Monroe County and shall be binding on the Owners and upon any subsequent owner or other person acquiring an interest in the Real Estate and shall run with the land.

Prior to the issuance of any permits, a copy of this recorded Commitment shall be transmitted to the City of Bloomington Planning Department.


This Commitment may be modified or terminated only by action of the City of Bloomington's Planning Department. This Commitment shall be enforceable by the City of Bloomington.

Failure to honor this Commitment shall subject the person then obligated hereby to revocation of occupancy permits and other legal action, including but not limited to the power of the City of Bloomington to have work done at the expense of the property owner.

Failure to honor this Commitment shall also constitute a violation of the City of Bloomington Zoning Ordinance and shall be subject to all penalties and remedies provided thereunder.

Dated this 13 day of NOVEMBER, 2006.

RCR PROPERTIES LLC

By: 

Printed name and title PRESIDENT/CEO & GENERAL PARTNER OF THE
MANAGING MEMBER OF THE
MANAGER

ILLINOIS
STATE OF INDIANA)
Champaign) SS:
COUNTY OF MONROE)

Personally appeared before the undersigned, a Notary Public in and for said County and State
Robert Patten, the President of RCR Properties LLC, who acknowledged execution of
the above and foregoing instrument to be a voluntary act and deed.

WITNESS my hand and Notarial Seal this 13th day of November 2006.

Sheryll Rauch
Printed Name of Notary Public

Sheryll Rauch
Signature of Notary Public

My Commission Expires:
1-15-10

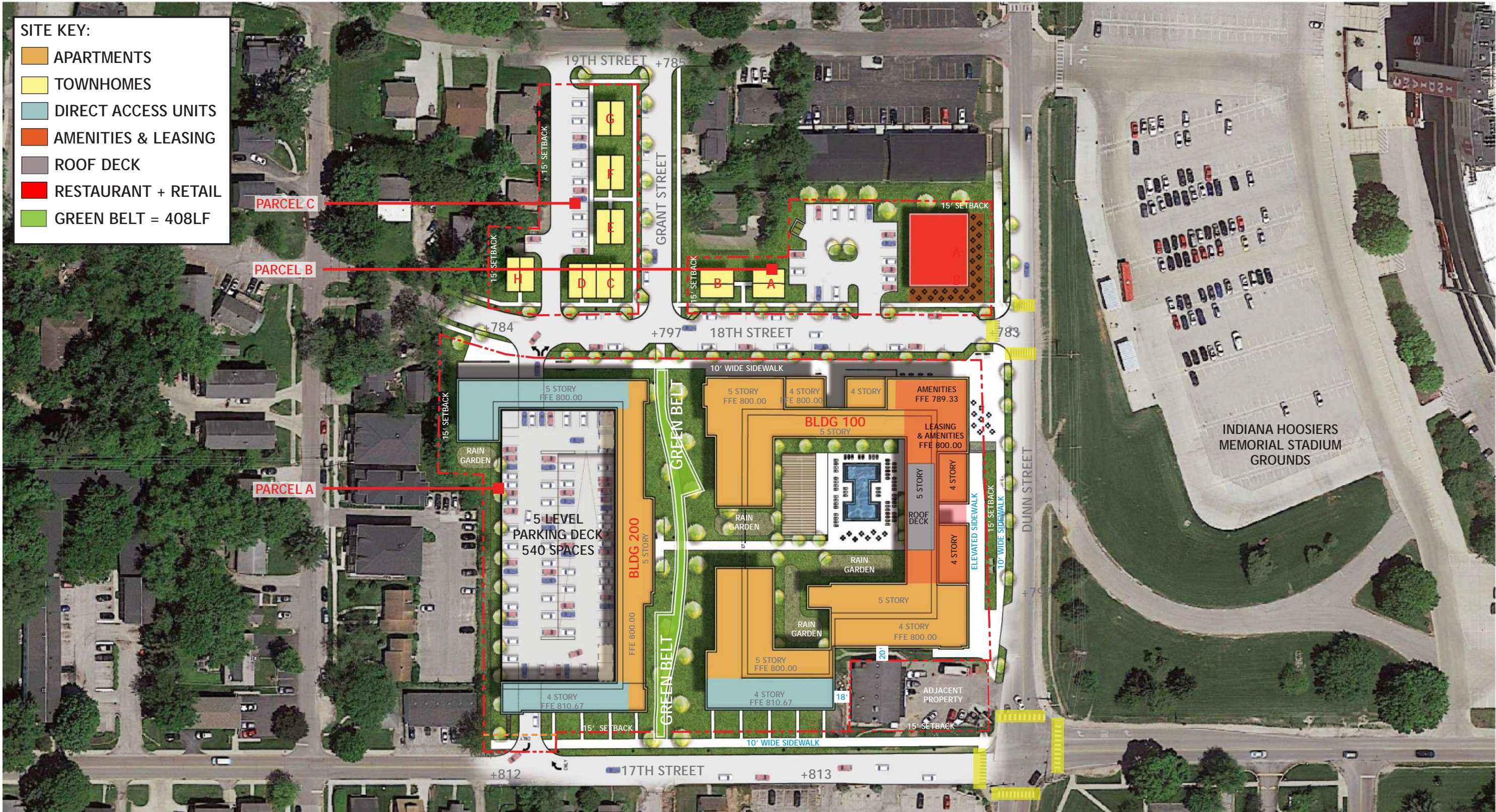


I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Susan Failey

This instrument prepared by Susan Failey, Attorney at Law, City of Bloomington, P.O. Box 100, Bloomington, Indiana 47402.

Illustrative - Site Plan

Dunn Hill Student Housing - Bloomington, IN



SITE KEY:

- APARTMENTS
- TOWNHOMES
- DIRECT ACCESS UNITS
- AMENITIES & LEASING
- ROOF DECK
- RESTAURANT + RETAIL
- GREEN BELT = 408LF



**BLOOMINGTON PLAN COMMISSION
STAFF REPORT**

CASE #: SP-07-17

DATE: August 14, 2017

Location: 313, 317, 325, 403, 409 E 3rd St. & 213 S Grant St.

PETITIONER: Annex Student Living – Kyle Bach
409 Massachusetts Ave., Ste. 300, Indianapolis

CONSULTANTS: KTG Y Group, Inc.
343 W Erie St. Ste 220, Chicago

Smith Brehob and Associates, Inc.
453 S. Clarizz Boulevard, Bloomington

REQUEST: The petitioner is requesting site plan approval for two four-story mixed use buildings.

BACKGROUND:

Area: 0.4 acre – East Site
0.4 acre – West Site

Current Zoning: CD – University Village Overlay

GPP Designation: Downtown

Existing Land Use: Commercial, Multi-family

Proposed Land Use: Multi-Family Mixed-use

Surrounding Uses: North – Residential, Commercial, Restaurant Row
West – Commercial
East – Commercial
South – Commercial, Multi-family

REPORT: The properties are located on the north east and north west corners of 3rd Street and Grant Streets. The properties are zoned Commercial Downtown (CD), and located in the University Village Overlay (UVO). Surrounding land uses include Restaurant Row to the north, commercial and multi-family to the east, west and south. The properties currently contain commercial and multi-family structures. The northern portion of the western lot is located within the local Restaurant Row Historic District and contains a contributing surveyed historic structure, facing Grant Street at the northeast corner of the west site.

This petition was first heard by the Plan Commission at the June 12, 2017 hearing. Since then, the site plan and architecture has been re-designed by a new architecture firm. One significant change from the previous version is that this petition now focuses the retail components and entries to Grant Street to full pedestrian interest and business from 4th Street, instead of 3rd Street.

The petitioner proposes to develop this property by demolishing the existing structures, with the exception of the historic structure, and building one new mixed use, multifamily building on each corner. Each building is a 4 story structure (garage and retail on the first level and three levels of residential units above). The site has significant grade change; the slope from the southeast to the northwest is measured at 15 feet on the east site and 10 feet on the west site.

The first floor of the east building contains 4,802 square feet of commercial space, 22 interior vehicular parking spaces, and 15 spaces for interior bike parking. The second through fourth floors contains 32 studio units, 21 one-bedroom units, and 2 two-bedroom units for a total of 55 units and 57 beds. The second through fourth floors are arranged in a “U” shape, wrapped around a 3,421 sf patio and deck. There is an additional green roof at the northeast corner of the site. The second story contains an amenity room and a fitness room. The 22 lower level parking spaces are accessed from an east-west alley to the north of the site. The building has been designed to transition in height from the existing single family style restaurant structure to the north of the alley by stepping down the height of the building along the northern portion, with the building height measuring a single story and increasing in height at the building portion closer to 3rd Street. Above this single story area is a green roof, inaccessible to residents.

The first floor of the west site has 4,058 square feet of retail space, 24 interior parking spaces accessed from an alley off the north side of the building, and an interior bike parking room to accommodate 24 bikes. The second through fourth floors are arranged in an “L” shape, with 26 studio units and 24 one-bedroom units for a total of 50 units and 50 beds. Along the northeastern portion of the building, the second through fourth stories are stepped back approximately 65 feet from Grant Street featuring a 2,285 square foot roof deck. The northeast retail portion of the mixed-use building is a single story, mirroring the height of the adjacent historic structure. The second story above is a roof top patio and green roof. This portion of the building is meant to serve as a transition between the Restaurant Row Historic District and the proposed building.

Historic Preservation Commission: The Historic Preservation Commission (HPC) reviewed the portions of the west building that are location in the Restaurant Row Historic District at their August 10th meeting. This include the 1-story commercial portion of the building and the historic residential structure on the lot. A certificate of appropriateness (COA) is required for the new construction. While the project received a recommendation of approval by the HAND staff of the HPC, the HPC denied their COA. Over the next month the petitioner will be working to revise their plans in an attempt to obtain the COA.

Plan Commission Site Plan Review: Per BMC 20.03.170, the Plan Commission shall review:

- Any proposal that does not comply with all of the Standards of *Section 20.03.190: University Village Overlay; Development Standards* and *Section 20.03.200: University Village Overlay; Architectural Standards*.
 - The proposal does not comply with the following standards:
 - maximum height
 - minimum first floor non-residential uses
 - minimum parking
 - first floor void-to-solid
 - windows
 - building façade modulation
 - building height step down.

SITE PLAN ISSUES:

Residential Density: The maximum residential density in the University Village Overlay is 33 units per acre. The petition site is combined 0.8 acres. The maximum density for this site is 13.53 DUEs per site or 27.06 DUEs overall. The petitioner is proposing a density of 24.17 units per acre overall, meeting the density requirements.

East Building: Dwelling Unit Equivalent Breakdown

| Unit Type | Number of Units | Number of Beds | DUEs |
|-----------|-----------------|----------------|------------|
| Studio | 32 | 32 | 6.4 |
| 1 bedroom | 21 | 21 | 5.25 |
| 2 bedroom | 2 | 4 | 1.32 |
| | 55 Units | 57 Beds | 12.97 DUEs |

West Building: Dwelling Unit Equivalent Breakdown

| Unit Type | Number of Units | Number of Beds | DUEs |
|-----------|-----------------|----------------|-----------|
| Studio | 26 | 26 | 5.2 |
| 1 bedroom | 24 | 24 | 6 |
| | 50 Units | 50 Beds | 11.2 DUEs |

Non-Residential Uses on the First Floor: The UVO requires that no less than fifty percent (50%) of the total ground floor area shall be used as nonresidential uses. Each building contains retail space, parking, a bike room, and a trash and recycle room. The east building contains 4,802 square feet of retail space, 32% of the first floor. The retail along Grant Street has been inset to provide outdoor seating areas, similar to properties along Restaurant Row. With steep grades on site, the recessed storefront also allows the patio to be separated from the sidewalk without seat walls or structures in the right-of-way.

The west building contains 4,058 square feet of retail space, 37% of the first floor. The northeast corner of the building has been recessed to align with the front façade of the existing historic structure to the north. The petitioner is intending for the historic structure to be used as commercial space in the future. No plans have been submitted at this time.

The proposal does not meet the requirement.

Height: The maximum height in the UVO is 40 feet (BMC 20.03.190(b)(1)(B)). The maximum height of the east building is 51 feet 10 inches and the maximum height of the west building is 58 feet. The proposal exceeds the maximum height.

As measured along grade, the east building measures 39'3" at the northeast corner, 28' at the southeast corner, 47' at the southwest corner (at 3rd and Grant), and the northwest corner is a single story height, adjacent to the historic district to the north.

As measured along grade, the west building measures 58' and the northwest corner along the alley, 52' at the southwest corner, 49' at the southeast corner (at 3rd and Grant) and is a single story at the most northeast corner, mirroring the single story height of the adjacent building to the north.

The site has significant grade change; the slope from the southeast to the northwest is measured at 15 feet on the east site and 10 feet on the west site. The UDO measures height, "from the lowest point of the building, structure, or wall exposed above the ground surface to the highest point of the roof, parapet wall, or uppermost part." The design of

the building is to create as many entrances at grade as possible.

Vehicle Parking: The UVO requires parking for residential uses (BMC 20.03.190(c)(2)). It does not require parking spaces for non-residential uses. The petition includes 4 on-street parking spaces on the west side of Grant Street.

The petitioner is proposing a total of 48 on-site parking spaces: 22 spaces in the east building; 24 spaces in the west building; and 2 spaces to the west of the existing historic structure on the west site. The required number of parking spaces for the residential portion of this development is 64. The proposal does not meet residential parking requirements.

The required parking for this site equals 0.6 spaces per bed. The provided ratio equals 0.44 spaces per bed. Annex currently operates two other apartment communities of similar bed counts, 118 beds and 134 beds, at parking ratios of 0.51 spaces/bed and 0.54 spaces/bed. The site is located within proximity to downtown, Indiana University and the Downtown Transit Center.

Access: Each building has one vehicular access point. Access to first floor parking for the east site is located off of Grant Street at the northwest corner of the building utilizing part of a partially built alley. The entrance is setback approximately 85 feet from the curb. This gives additional safety to pedestrians and cyclists traveling south along Grant Street.

Vehicular access to the west building is located at the northwest corner of the building, via the alley to the north of the site.

Pedestrian access to the buildings is provided on along Grant Street and 3rd Street. The UVO requires architectural details for each primary entrance. The primary residential entrances are along Grant Street and feature recessed entry, awning, and prominent building address and building name and patio areas. The residential entry at the east site on 3rd Street lacks entrance detailing. While minimally meeting entrance detailing requirements for the primary entrances along Grant Street, the Department encourages the petitioner to add additional detailing to all entrances, especially those along 3rd Street.

Bicycle Parking: A total of 27 bicycle parking spaces are required. The petitioner has included the required short-term parking on the streets and long-term parking in each building, and is providing a total of 47 bicycle parking spaces (19 on the east site, and 28 on the west site). The proposal exceeds bicycle parking requirements.

| | Number of Beds | Retail Square Footage | Total Spaces Required | Long-term Class I Spaces Required | Covered Short-term Class II Spaces Required | Class I Spaces Proposed | Class II Spaces Proposed |
|-------------------------|----------------|-----------------------|-----------------------|-----------------------------------|---|-------------------------|--------------------------|
| East Site - Residential | 57 | | 10 | 3 | 5 | 15 | - |
| West Site - Residential | 50 | | 9 | 3 | 5 | 24 | - |
| East Site - Commercial | - | 4,802 | 4 | | 4 | - | 4 |

| | | | | | | | |
|------------------------|---|-------|---|--|---|---|---|
| West Site - Commercial | - | 5,098 | 4 | | 4 | - | 4 |
|------------------------|---|-------|---|--|---|---|---|

Void-to-Solid Percentage: The UVO requires that transparent glass areas shall comprise a minimum of fifty percent (50%) of the total wall/façade area of the first floor façade/elevation facing a street (BMC 20.03.200(b)(2)(A)(i)). The proposal meets this requirement along Grant Street, but does not meet along 3rd Street. A portion of the facades along 3rd Street are along the walls of the parking garage. Where it is unfeasible to add windows due to site constraints or building design, an attempt to add visual interest to a high pedestrian area should be implemented.

The UVO requires that a minimum of twenty percent (20%) of the wall/façade area of each floor above the first floor façade facing a street shall be comprised of transparent glass or façade openings. The proposal meets this requirement.

For upper story windows, the UVO states that window frames shall incorporate window sills and lintels and/or window heads that are visually distinct from the primary exterior finish materials used on the respective façade. Stills, lintels and window heads are more traditional to the existing structures in the area, as opposed to the modern style of the proposed buildings.

The proposal does not meet the requirements.

Architecture/Materials: The ground floor of both buildings is a red blend, brick veneer. Openings in the façade are flat arches. Portions of the brick veneer extend up on the second, third and fourth stories. The windows along these portions have Juliet style balconies with black metal railings. Additional building materials on the second through fourth stories of the buildings consist of light gray and white cementitious siding and red and dark gray metal panels. The brick and metal panels project slightly out from the building to add depth and minimal modulation along the facades.

The proposal meets the material requirements, but does not meet the void-to-solid and window requirements.

Streetscape: Street trees and pedestrian-scaled lighting are required along Grant and 3rd Streets. The proposal meets the requirement for street trees, but has not yet submitted a lighting plan or complete landscape plan.

Impervious Surface Coverage: The UVO allows for 85 percent maximum impervious surface coverage. Both sites are over 85% maximum as presently depicted. The western site is 87% impervious and the eastern site is 90%. Both site do incorporate green roofs. While green roofs do not count towards the impervious surface calculations, they can however be considered a benefit when looking at the overall impact and design of the project. The east site has 3,421 sf of terrace space with a portion being the green roof and the west site has 2,285 sf of terrace space with a portion being a green roof.

Pedestrian Facilities: Sidewalk exists along Grant and 3rd Streets. The petition will meet UDO requirements to maintain or enhance those facilities with street trees and lighting.

The sidewalks connect to several exterior outdoor areas and patios near the retail entries along Grant Street. There is one driveway cut on east side of Grant Street, which is mostly within an existing alley right-of-way, for garage parking to the east site. There are no curb cuts on the west side of Grant Street or on 3rd Street.

The Downtown Transit Center is located several blocks from the development site. The Bloomington Bus Lines 1s and 7 service the site.

Building Façade Modulation: BMC 20.03.200(c)(1) requires a maximum façade width for each module of 50 feet for those sides of the buildings with street frontage as well as the modulation shall be offset by a minimum depth (projecting or recessing) of three percent (3%) of the total façade length. Both buildings have façade modules on 3rd Street and Grant Street offset 12” and 18”, less than the required 4 feet. The petition does not have modules exceeding 50 feet in width without additional modulation, though the modulation is not as deep as required by the UVO.

Building Height Step Down: Architectural guidelines within the UDO require that buildings located to the side of a surveyed historic structure not be more than one story, or 14 feet, taller than the surveyed structure (BMC 20.03.130(c)(2)).

The building facing Grant Street at the northeast corner of the west site is located within the Restaurant Row Historic District. The portion of the building at the street edge is stepped down to be shorter than the historic structure. The northwest portion of the building is not stepped down in accordance with this regulation. Instead, the petitioner has proposed to push this part of the building back approximately 24 feet from the rear of the historic structure.

The proposal does not meet the requirements.

Traffic Study: The UDO Site Plan Review states that “traffic studies as deemed necessary by the staff to determine the extent of public improvements required to accommodate traffic generated by the proposed development” (BMC 20.09.120(d)(7)). The petitioner has submitted a traffic study which is included in the packet. Findings from the traffic study show that this proposal would likely have a negative effect on the intersection and level of service at the intersection of 3rd and Grant. The Department will continue to work with the petitioner to determine an appropriate solution prior to the September Meeting.

Green Building Design: The University Village Overlay Review Standards (BMC 20.03.170) state that the Plan Commission “is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.” The petition includes green features such as: green roof systems on podiums and terraces, white reflective single membrane roofing, high efficiency rated mechanical equipment and appliances, “green” friendly building materials and locally supplied building materials, construction recycling to divert more than 50 percent of construction waste from entering landfills, increased window areas for daylighting of interior spaces, thermal performance of building enclosure above the minimum energy code requirements, project site is located within 0.25 mile of public transportation, LED lighting with automatic control.

Housing Diversity: At the previous Plan Commission meeting the petitioner verbally committed to helping to alleviate the affordable housing challenge of the community. They submitted a written commitment to this effect on 8/10. This was too late to review the commitment. The commitment is that 15% of the total units be rented to those who qualify for workforce housing at 120% adjusted median income or less for a period of 99 years.

Design Review: The City of Bloomington has recently contracted with Schmidt Associates in Indianapolis to provide additional architectural reviews of development projects. Their comments are included in the packet but were received too late in the Department's review to include a detailed description in this report. These comments will be discussed at the hearing.

ENVIRONMENTAL COMMISSION RECOMMENDATIONS: The Bloomington Environmental Commission (EC) has made 4 recommendations concerning this development:

- 1.) The Petitioner shall provide a detailed Landscape Plan.
- 2.) The Petitioner should provide details about the green roof system, prove that it should be classified as a pervious surface, and provide a maintenance plan for the system.
- 3.) The Petitioner should incorporate Indiana Limestone and apply green building and site design practices to create a high performance, low-carbon footprint structure, and commit to these in the Petitioner's Statement.
- 4.) The Petitioner should commit in the Petitioner's Statement to providing space for recyclable materials to be stored for collection, and a recycling contractor to pick them up.

CRITERIA AND FINDINGS FOR SITE PLANS:

20.09.120 (e)(9) The staff or plan commission, whichever is reviewing the site plan, shall make written findings concerning each decision to approve or disapprove a site plan.

(A) **Findings of Fact.** A site plan shall be approved by the Planning and Transportation Department or the Plan Commission only upon making written findings that the site plan:

- (i) Is consistent with the Growth Policies Plan;
- (ii) Satisfies the requirements of Chapter 20.02, Zoning Districts;
- (iii) Satisfies the requirements of Chapter 20.05, Development Standards;
- (iv) Satisfies the requirements of Chapter 20.07, Design Standards; and
- (v) Satisfies any other applicable provisions of the Unified Development Ordinance.

The Plan Commission *may* approve any project that does not comply with all the standards of Section 20.03.190: University Village Overlay (UVO);

Development Standards and Section 20.03.200: University Village Overlay (UVO); Architectural Standards if the Commission finds that the project:

- Complies with all review standards of Section 20.09.120: Site Plan Review, and
- Satisfies the design guidelines set forth in Section 20.03.210: University Village Overlay (UVO); Design Guidelines.
- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.
- The Plan Commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.

CONCLUSION: This petition does not meet several of the UVO Development Standards including maximum height, minimum parking, building height step down, and building façade module offset. It does include additional positive aspects related to larger City goals including preservation of an existing structure; the addition of housing stock of various sizes; additional commercial space in the downtown; and sustainable development design through a green roof installation. Prior to the next meeting: the petitioner will continue to revise the site plan and architectural design based on comments from the Department, Historic Preservation Commission, Plan Commission, and Schmidt and Associates; will submit a landscaping plan and a lighting plan; continue to work with the Department on appropriate changes to 3rd Street; and continue to work with the City toward the goal of contributing to alleviating the affordable housing challenge of the community.

RECOMMENDATION: The Planning and Transportation Department recommends that SP-07-17 be continued to the September Plan Commission hearing.

MEMORANDUM

Date: August 8, 2017

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Through: Linda Thompson, Senior Environmental Planner

Subject: SP-07-17, Annex Student Living
313, 317, 403, 409 E. 3rd St., & 213 S. Grant St.

The purpose of this memo is to convey the environmental concerns and recommendations of the Environmental Commission (EC) with the hope that action will be taken to enhance the environmental integrity of this proposed plan.

An EC working group called the Environmental Commission Plan Committee (ECPC), reviews development plans a few days after both the submission and revision deadlines. Revisions to this plan were submitted to the Planning and Transportation Department after the final deadline for revisions had passed, and after the ECPC meeting; therefore, the EC has had no opportunity to review the latest version.

The EC is tasked with reviewing development plans and providing comments on both adherence to the Bloomington Municipal Code (BMC), and on how to design the site and structures to be more environmentally innovative. When a plan or its revisions come in after the City's published deadlines, the EC cannot do its job. The EC finds this practice objectionable because we believe it is insulting to assume that the EC's opinion is irrelevant, and unjust to the public who depend on the EC to encourage green practices, environmental stewardship, and protection of citizens' health and safety, to the extent that we can.

Therefore, the EC recommends that this petition be continued to a future hearing. We also recommend that the City policy be followed in the future, and all revisions be submitted by the deadline established, to provide time for review.

ISSUES OF SOUND ENVIRONMENTAL DESIGN

1.) LANDSCAPING

There has not yet been a Landscape Plan submitted for this petition. In the BMC, Title 20, Unified Development Ordinance (UDO), it states that an application is not complete unless a detailed Landscape Plan is submitted with the application. The Petitioner needs to submit a Landscape Plan with the next rendition of the Site Plan.

2.) IMPERVIOUS SURFACE

The Petitioner states they are staying under the maximum impervious surface coverage of 85% by using some green roof area. The EC has not yet seen any plans describing the green roof system, and for that reason we are not comfortable allowing it to be classified as pervious. Also, if the water from the roof will flow into the City's stormwater system and not infiltrate into the ground, the EC is uncertain if the roof should be considered pervious.

Green roofs will demand regular maintenance, consequently the EC recommends that the Petitioner craft a detailed maintenance plan and submit it, so that the city can be sure the roof will remain functioning as a green, vegetated roof.

The EC was disappointed in the past when a "green wall" system failed because of an ineffectual design and lack of maintenance, and doesn't want something similar to happen again. Therefore, the EC believes that a green roof system needs to be evaluated very carefully.

3.) GREEN BUILDING and LIMESTONE USE

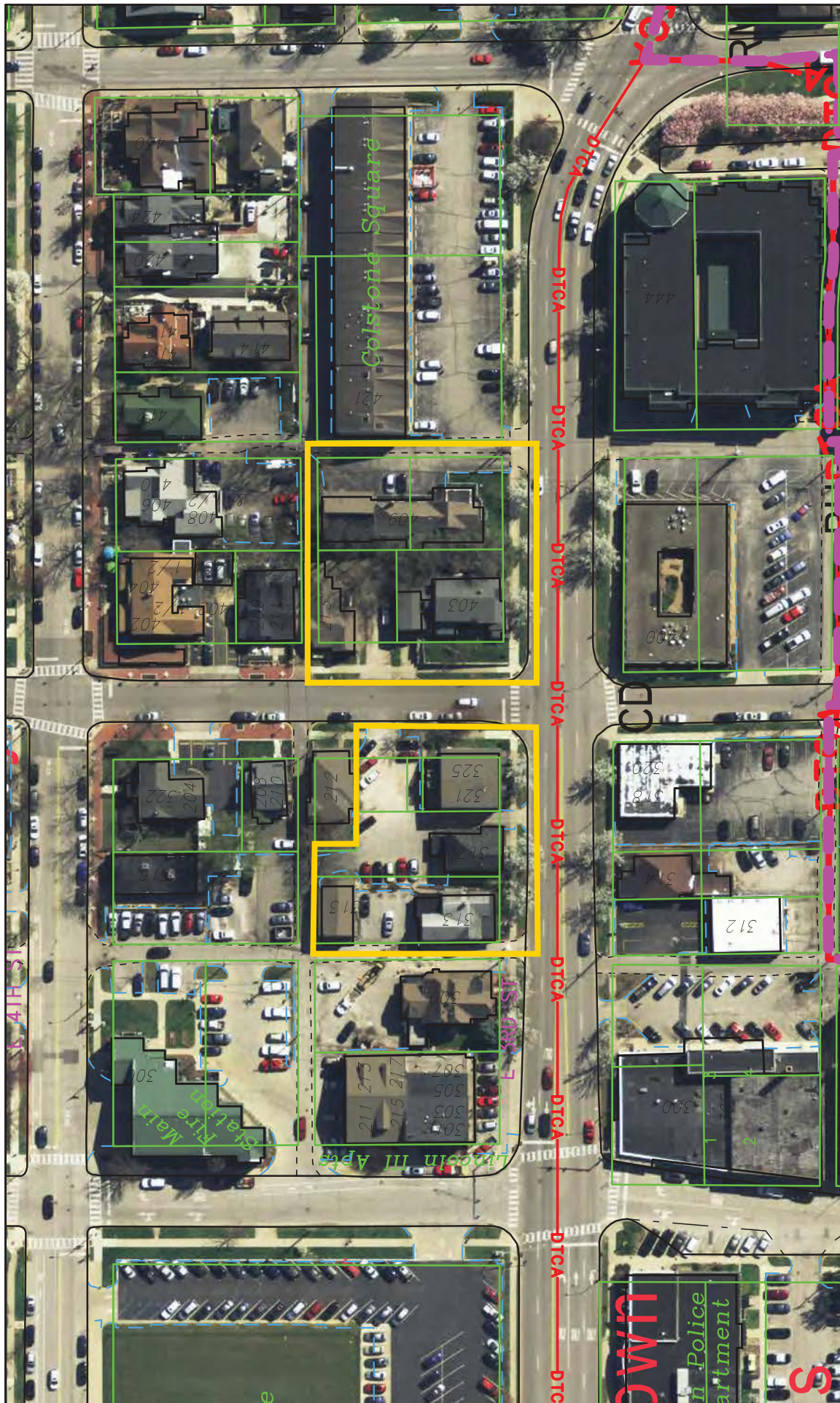
The EC believes that the Petitioner should commit to green building practices, and one important green building material is Indiana limestone. Within almost two blocks of new structures, there is no limestone planned for any façades. The EC recommends that the Petitioner incorporate local limestone on the façades of the new buildings

4.) RECYCLING


The EC recommends that space be allocated for recyclable materials collection, which will reduce the building's carbon footprint and promote healthy indoor and outdoor environments. A commitment to space for recycling should be a commitment in the petitioner's statement and shown on the Site Plan. Recycling has become an important norm that has many benefits in energy and resource conservation. Recycling is thus an important contributor to Bloomington's environmental quality and is expected in a 21st-century structure.

EC RECOMMENDATIONS

- 1.) The Petitioner shall provide a detailed Landscape Plan.
- 2.) The Petitioner should provide details about the green roof system, prove that it should be classified as a pervious surface, and provide a maintenance plan for the system.
- 3.) The Petitioner should incorporate Indiana Limestone and apply green building and site design practices to create a high performance, low-carbon footprint structure, and commit to these in the Petitioner's Statement.
- 4.) The Petitioner should commit in the Petitioner's Statement to providing space for recyclable materials to be stored for collection, and a recycling contractor to pick them up.



City of Bloomington
 Planning & Transportation



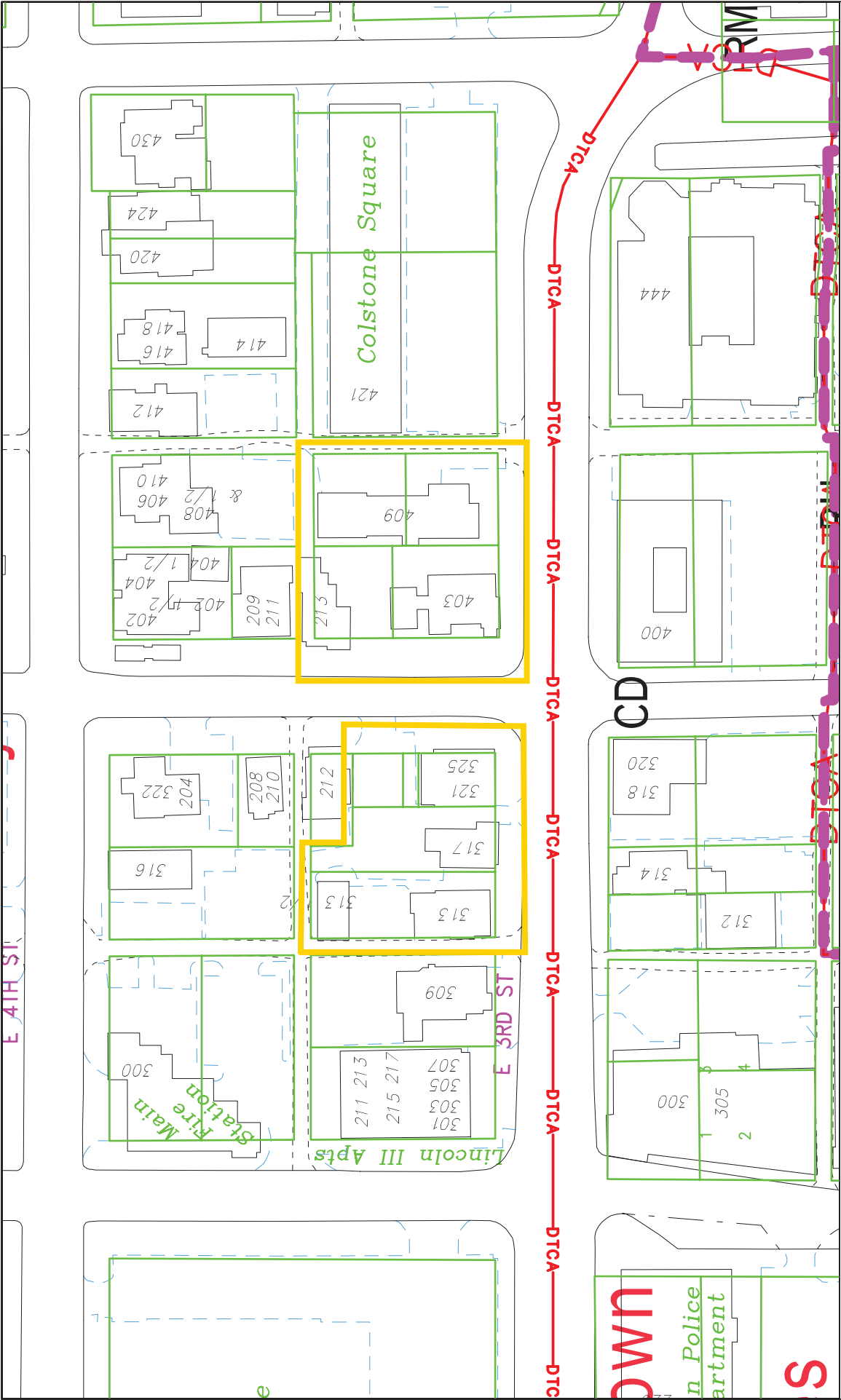
N

Scale: 1" = 100'



By: lewisa
 24 Feb 17

For reference only; map information NOT warranted.



City of Bloomington
 Planning & Transportation

Scale: 1" = 100'



By: lewisa
 24 Feb 17

For reference only; map information NOT warranted.

August 4, 2017

City of Bloomington
Planning and Transportation Department
401 N. Morton Street, Suite 130
Bloomington, IN 47402

Attn: Amelia Lewis

Petitioners Statement – Revised Submittal

The following information is a revision to the previously submitted information, is update to coordinate with the revised design and is in response to the comments received during previous Plan Commission meetings and discussion with Planning and Development staff regarding our re-design efforts.

We feel the design revisions address the concerns expressed previously and the zoning code requirements with requested waivers below and provide for the highest and best use of the development site.

We request consideration of the proposed design for approval by the Plan Commission.

Design Concept

The project seeks to re-develop the northeast and northwest corners of 3rd Street and Grant Street. The project site is located within the Commercial District (CD), adjacent to Restaurant Row (4th Street to the north) and also is part of the University Village Overlay District (UVO).

In considering the development of the existing site, consideration of existing grade and sub-surface soil conditions is a major factor and has influenced the revised design submittal. Each of the sites slope from southeast to northwest. The grade differential (low point to high point) is 15 ft on the east site and 10 ft on the west site.

The existing 2 story residential structure in the northeast corner of the west parcel is to remain and the petitioners may change the use of this structure to retail in the future. All other structures on both parcels are proposed to be removed to allow for the proposed development. Existing on street parking on Grant Street is proposed to remain. All existing curb cuts along Grant Street and 3rd Street are also proposed to be removed, with the exception of the existing alleys.

Urban Context

The proposed development is located in an area of the Bloomington community that adjoins a historic district of smaller residential style homes and is at the edge of the more commercial downtown district. Our vision and design intent with this project is to provide a building that is more in context with the larger scale buildings of the downtown community than those of Restaurant Row. The scale of a new development such as this is not the same as an older community but has incorporated some of the same uses as the older community.



In designing a larger mass adjacent to smaller residential style buildings to the north we have reduced the overall mass/ bulk of the proposed buildings so they would not dominate the backdrop or skyline when viewed from the surrounding neighborhood. The proposed materials and modulation of the façade breaks the composition of the building into smaller elements that relate to the scale of the surrounding structures.

We would expect that future developments to the south and west of this development will enhance the proposed development and continue to connect our site to the downtown core.

Buildings that have taken a similar approach to the use of more modern materials and forms in recent past can be found at the corner of 10th Street and N. College Ave, which incorporate brick with fiber cement siding and metal panels and more contemporary forms of architecture.

The surrounding context of architecture for the proposed site contains older buildings of a simpler, less complex style than the one proposed. However, history has to start before it is made and that this building will become a definition of quality modern architecture within the fabric of Bloomington over the next many decades. The materials selected for this project shall also withstand the test of time and maintain its integrity and style without showing signs of aging.

Vehicular Access/ Parking

The location of the proposed development is within the downtown commercial district and within close proximity to the Indiana University campus. Potential residents for the development may or may not require vehicles on a full-time basis and Bloomington is encouraging the increased use of bike transportation. In response to the emphasis on bike transportation, vehicular parking has been reduced and bike storage within the buildings have been provided that exceed the required minimums and provide bike storage equal to or in excess of the amount of parking space waivers being requested.

East Building

The proposed design provides for vehicular access to interior parking from Grant Street via the existing alley. The east building provides for a recessed garage entry and provides enclosed parking along the southern portion of the parcel. This parking will be almost entirely below grade and not visible from 3rd Street. Interior parking stalls are standard size per zoning requirements and include 1 handicapped stall per IBC/ ANSI 117.1.

Parking Required = 35 spaces
 Interior Parking provided = 22 spaces
 Exterior Parking provided = 0 spaces
 Bike Storage/ Class I = 15 spaces
 Bike Storage/ Class II = 4 spaces

West Building

The proposed design provides for access from the existing alley with traffic moving from Grant Street to the west. The entrance to the enclosed garage has been recessed to provide a normal drive aisle



width in front of the entrance and to better facilitate vehicular turning in and out of the garage. We have also located 2 on grade exterior parking stalls behind the existing 2 story structure.

Parking Required = 29 spaces
 Interior Parking provided = 24 spaces
 Exterior Parking provided = 2 spaces
 Bike Storage/ Class I = 15 spaces
 Bike Storage/ Class II = 4 spaces

Parking ratio: required: .6 required/bed
 Provided: .46 spaces/ bed (vehicles)

Annex currently operates 2 other apartment communities with of similar bed counts (118 and 134) and parking ratios of .51 and .54 spaces per bed and are operating without a demand for additional parking.

Non- Residential Space/ Retail

The proposed design has chosen to locate all primary retail space fronting along Grant Street. This choice is in response to the strong pedestrian activity found on 4th Street/ Restaurant Row and would be an extension of this vibrant activity area. The project has provided 4 separate retail spaces, 2 in each building, each with a proposed patio space designed to activate the right-of-way with social interaction of building occupants and visitors. We envision outside seating/ dining in this area and have indicated exterior lighting and trellis structures to accent this activity area. Access from the sidewalk is provide to each retail zone and will not require steps as the floor elevations along Grant Street change to accommodate the sloping sidewalk/ street grade.

A portion of the retail space in the East Building has been recessed in order to provide more useable patio space. Since the grade change on this side of Grant Street is more severe, this recessed storefront allows the patio to be separated from the sidewalk so that grading can be done without seat walls or structures in the right-of-way.

The portion of the West Building retail space that is located within the Historic District has been recessed to align with the front façade of the existing 2 story “contributing” structure. The overall height of the ground floor retail and terrace above with within the allowable height restrictions for adjacent structures to the Historic District

The ground floor of both buildings is proposed to be a brick veneer, red blend as indicated in the renderings. Openings in the façade are flat arches and walls are “capped” with cut limestone trim.

Trellis structures have been provided at 1 retail space in each building to provide shade, lighting of the patio space in the evening hours and architectural detail on the façade.

Windows have been located in the retail spaces facing Grant Street, 3rd Street and interior court or sidewalls where possible. Windows shall be pre-finished aluminum and glass storefronts of approximately 9 ft height and the total amount of glass on the Grant/ 3rd Street facades exceed the minimum requirement of 50% of the wall area (measured from floor to ceiling).



The proposed floor to floor height at the retail is a minimum of 13 ft to allow for the transfer of all residential systems above a 9 ft interior ceiling and for structural depth. Storefronts are proposed from floor to the 9 ft ceiling height.

Landscaping has been provided in the right-of-way to highlight the patio areas and provide proper foliage along the base of the proposed buildings. The exact planting materials are not indicated but will utilize approved materials and be scaled appropriately for screening solid portions of the building elevations and allowing for natural light to penetrate the storefront into the retail spaces.

The total amount of retail space provided is less than the required 50% of ground floor space. We do not feel this is achievable in order to provide the necessary parking and residential building access. In the East Building, no access is possible from 3rd street due to the steep existing grade. Also by providing parking and retail on the same level, we have been able to reduce the overall building height by 1 full story on each site.

Multi-Family Residential

The proposed development provides for 3 stories of residential units above the retail / parking podium. The project is below the allowable density for each parcel. Proposed floor to floor height is 10 ft so the overall height of the residential building will be 30 ft above the podium deck.

The residential entrances to both buildings are located along Grant Street and are recessed into the building façade. A steel/ glass canopy structure has been provided at each entrance for resident safety and as a design element.

The design concept for the upper level residential floors is to create a modulated façade by “pushing and pulling” the individual residential units and by interweaving the 2 primary materials – metal wall panels and fiber cement panels. Each façade is visually “broken” into segments or widths that are reflective of the residential style structures within the UDO on 4th Street. The 3rd Street façade takes on a “row house” appearance but with more contemporary maintenance free materials.

The metal wall panels anchor the building corners and weave/integrate with the secondary wall material – fiber cement panels. However, we have chosen to utilize 3 complimentary colors in the fiber cement panel design to provide a more interesting secondary surface that will take on a “blended” look overall.

The East Building provides for a “C or U” shaped floor plan of residential units above the podium. In response to the adjacent Historic District to the east, the east leg of the residential mass has been setback from Grant Street and from the east property line along the alley. This “step down” massing is consistent with the intent of the UDO design guidelines.

The West Building provides and “L” shaped floor plan of residential units above the podium. In response to the Historic District and the “contributing” structure to remain, the residential units facing Grant Street have been located outside of the Historic District that encroaches into the west parcel. The long leg of the residential floor plan is located as far away from the “contributing” structure but



does not “step down” as required in the UDO design guidelines. The overall building mass is however very respectful of the existing “contributing” structure and complies with the intent of the guidelines.

Windows in the residential units will be vinyl, insulated units in sizes indicated on the plans and as required for egress requirements of the building code. The proposed design provides more than the minimum 20% of wall area for upper stories within the UDO. Windows will be tinted but not reflective for maximum energy performance.

The proposed design also includes the use of metal sun shades, Juliette balconies and metal trim to provide detail and ornamentation of the building exterior.

Signage for retail tenants and the residential buildings are indicated or implied on the drawings but will be submitted for separate review/ approval.

Roof Line Profile

The proposed design indicates a modulation of the facades on Grant Street and 3rd Street. As a part of this modulation we have also varied the height of the roof parapets on all elevations to further define the modulation of the individual elevations. The overall height of the parapets is a minimum of 2 ft and is as high as 6 ft, primarily at the building corners. The height of the parapets will aid in the screening of roof mounted mechanical equipment and roof penetrations.

The design utilizes a flat roof with internal roof drains in an effort to control the overall building height and is consistent with other commercial and residential buildings of similar size/ height in the downtown district.

Mechanical Equipment

Mechanical equipment shall be located on the roof of the residential buildings where possible and screened by the perimeter parapet walls of the exterior walls. Equipment shall be located in the center of the roof areas will not be visible from street level.

Exhaust fans for residential units shall be vented thru the roof or side walls with the exception of 3rd Street and Grant Street.

Bike Storage

The design team understands the desire of the City of Bloomington to promote bike transportation. This is evident in the requirements established in the zoning code. In response to the code requirements and this effort by the City of Bloomington, the proposed design has exceeded the required amount of bike storage within the project.



Class I Bike storage is required for each building and is provided by the installation of wall mounted bike racks to allow for increased storage capacity and organization of stored bicycles. The wall storage systems indicated inside the buildings provide increased storage at less space.

Class II Bike storage is provided on the exterior of the buildings and is located between the sidewalk and curb space along 3rd Street and Grant Street. Exterior Class II bike storage is provided at the required 3 ft x 6 ft space.

East Building -Required Bike Storage

Required MF = 1 per 6 bedrooms ($55/6= 9$ spaces)

- Class I = 5 (50% of total MF if greater than 32 bedrooms) C
- Class II = 3 (25% of total)

Provided

- Class I = 15
- Class II= 4

West Building – Required Bike Storage

Required MF = 1 per 6 bedrooms ($50/6= 8$ spaces)

- Class I = 4 (50% of total MF if greater than 32 bedrooms) C
- Class II = 2 (25% of total)

Provided

- Class I = 28
- Class II= 4

Sustainable Design

Sustainable design features of the proposed project shall include the following items:

- Green Roof systems on podium/ terraces
- White reflective single membrane roofing
- High efficiency rated mechanical equipment and appliances
- “Green” friendly building materials and locally supplied building materials
- Construction re-cycling to divert more than 50% of construction waste from entering landfills
- Increased window areas for daylighting of interior spaces
- Thermal performance of building enclosure above the minimum energy code requirements
- Project site is located within ¼ mile of public transportation
- LED lighting with automatic control



Right-of Way Encroachments

The following design elements encroach into the public right-of-way and will require the approval of the Board of Public Works;

- Concrete patios
- Bike racks
- Steel trellis/ canopies

Waivers

The following waivers are being requested along with any others that the Planning Department deems necessary to approve the proposed design:

1. Building Height
 - a. East Building - 48.5 ft in lieu of the required 40 ft above the lowest grade elevation to top of roof structure (actual height above grade at each corner indicated on the elevations)
 - b. West Building – 53 ft in lieu of the required 40 ft above the lowest grade elevation to the top of roof structure (actual height above grade at each corner indicated on the elevations)
2. Parking
 - a. East Building – 22 spaces in lieu of required 35 spaces
 - b. West Building – 26 spaces in lieu of required 29 spaces
3. Non-Residential Use
 - a. East Building – 32% of the ground floor is designated for non-residential use, excluding enclosed parking
 - b. West Building – 37% of the ground floor is designated for non-residential use, excluding enclosed parking
4. Building Height Step Down
 - a. West Building – North leg of the residential floors adjacent to the “contributing” structure and Historic District/ Restaurant Row UDO adjacent to the alley
5. Building Façade Module Offset
 - a. East Building – building façade modules on 3rd Street and Grant Street offset a depth of 12” and 18” in lieu of the required 3% of the building façade length (132 ft x 3% = 4 ft)
 - b. West Building – building façade modules on 3rd Street and Grant Street offset a depth of 12” and 18” in lieu of the required 3% of the building façade length (132 ft x 3% = 4 ft)

August 4, 2017

City of Bloomington
Planning and Transportation Department
401 N. Morton Street, Suite 130
Bloomington, IN 47402

Attn: Amelia Lewis

Re: 3rd & Grant Street/ Annex Student Living
Plan Commission Submittal Package

Dear Ms. Lewis,

Please find our revised Plan Commission submittal package for the proposed development by Annex Student Living at 3rd and Grant Street.

KTGY has received numerous comments regarding our initial submittal package and has made the necessary adjustments to our final submittal. The changes that are reflected in this final submittal are as follows:

1. Existing Site Plan/ Survey included;
2. Final rendered image of the proposed design included for each building;
3. Revised Project Summaries for each building;
4. Coordinated Site Plan with Civil drawings to relocate bike parking;
5. Update Site plan to indicate standard size parking stalls (9ft width);
6. Revised wall material at residential entries;
7. Revised unit mix of buildings to include more 1 bedroom units and less studio units;
8. Indicate actual building heights of both buildings at each major corner with respect to adjacent proposed grade;
9. Revised elevations of the proposed design to include reference to the adjacent DATS structure;
10. Provided additional aerial views with context of the proposed design to existing structures along 4th Street/ Restaurant Row;
11. Provided additional information on the proposed building materials along 3rd Street elevation of the West Building.

KTGY has also recently been notified that the project is currently being reviewed by an outside consultant – Schmidt & Associates and there may be additional comments forthcoming in addition to the following;

- consider other exterior materials
- increase depths and modulation on 3rd
- greater pedestrian interaction along 3rd
- more prominent pedestrian entrances on 3rd



- make the top view on A3.1 have more of an entryway/gateway feeling between the two buildings

KTGY does not feel we should reply to these comments until the Plan Commission meeting as the consultant review has not been fully completed and we proposed to offer discussion point regarding some of these comments as they are potentially in conflict with those already discussed in our meetings with the Planning staff in preparing this submittal package.

KTGY looks forward to receiving your additional comments and to presenting the proposed design to the Historic Preservation Commission and the Plan Commission and is prepared to offer positive responses to these and other discussion points that may be raised as a part of this process.

It would be our intent to secure an approval of the proposed design after all discussion on these and other topics as we feel this design meets the intent of the zoning code and presents the highest and best use for the development and will be an economic benefit to the Bloomington Community.

Please forward any further comments you may receive so that KTGy / Annex may be prepared to provide further information/ responses at the upcoming meetings.

Sincerely,
KTGY Group, Inc.

A handwritten signature in black ink, appearing to read 'Craig R. Pryde'. The signature is fluid and cursive, written over a light grey circular stamp.

Craig R. Pryde, AIA
Principal - KTGy



August 10, 2017

Mr. Alex Crowley
Director, Economic & Sustainable Development Department
City of Bloomington, Indiana
401 N Morton Street
Bloomington, IN 47404

RE: Annex of Bloomington – Affordable Commitment
3rd & Grant Streets

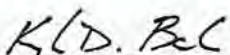
Dear Mr. Crowley,

Annex of Bloomington, LLC is excited to work with the City and committed to providing workforce housing within its proposed development located at the Northeast and Norwest corners of 3rd Street and Grant Street.

We will commit to provided 15% of our total units to those who qualify for workforce housing at 120% adjusted median income for a period of 99 years. This commitment can only be accomplished with the current design as submitted and financial assistance from the City.

We look forward to continuing the discussion with the City regarding the success of this project.

Respectfully,



Kyle Bach
President & CEO
Annex Student Living



Annex Bloomington - 3rd & Grant



SITE SUMMARY - EAST LOT

Location: Bloomington, IN
 Proposed Uses: Podium, Retail/ Parking - Type I/ Residential - Type V

Underlying Zoning: CD/UVO Commercial District/ University Village Overlay
 Proposed: Same

Total DU: 55 DU
 Site Area (Gross): 0.41 AC
 Density: 12.97 DUE/AC

Building Height: 40 FT Maximum
 Building Height: 48.5 FT Abv Lowest grade elevation

UNIT SUMMARY - EAST LOT

| Residential | | | Area | Unit Counts by Level | | | | | Project Totals | | |
|-------------|----|----|-------------------------|----------------------|----|----|----|----|------------------|-------------------------|------|
| Unit Type | BD | BA | Net Rentable Area (Avg) | GR | L2 | L3 | L4 | PH | Total Unit Count | Total Net Rentable Area | % |
| | | | | | | | | | | | |
| 1 Bed | 1 | 1 | 523 | | 7 | 7 | 7 | | 21 | 10,975 | 38% |
| 2 Bed | 2 | 1 | 750 | | | 1 | 1 | | 2 | 1,500 | 4% |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | 17 | 19 | 19 | | 55 | 27,757 | 100% |

505 Avg. Unit SF

Area Calculations

| Floor | Parking SF | Retail SF | Resid. SF | Common SF | Terrace SF | Total SF |
|--------------|------------|-----------|-----------|-----------|------------|----------|
| Ground Level | 7729 | 4802 | | 2282 | | 14813 |
| Level 2 | | | 8409 | 3295 | 3421 | 15125 |
| Level 3 | | | 9714 | 1952 | | 11666 |
| Level 4 | | | 9634 | 1952 | | 11586 |
| | 7729 | 4802 | 27757 | 9481 | 3421 | 53190 |

Annex 3rd & Grant - Zoning Criteria



Lot area - East Zoning: 17424 CD/ Univ. Village Overlay District

| Zoning District | Section | Sub-Section | Allowed/ Required | East Lot | | Comment |
|-------------------------------------|-----------|-----------------------------|--|-----------------------|---------------------|---|
| | | | | Provided | Totals | |
| Commercial Downtown | 20.02.380 | | dwelling, multifamily | dwelling, multifamily | | |
| | 20.05 | | Special Conditions Standards | | | CD District w/ Univ. Village Overlay Stds |
| University Village Overlay District | 20.03.190 | a) Density and intensity | | | | |
| | | 1) Max. Residential Density | 33 units per acre | | 13.20 | |
| | | A) Dwelling Unit Equiv. | 5 bed = 2 units 4 bed = 1.5 units 3 bed = 1.0 units 2 bed <950 sf = .66 units 1 bed <700 sf = .25 units Eff/Studio <550 sf = .2 units | 2 21 32 | 1.32 5.25 6.4 | |
| | | Total Units per acre | | 55 | 12.97 | D.U.E. |
| | | 2) Max. Surface Coverage | 85% - General | 14813 sf | 85% | |
| | | b) Height | | | | |
| | | 1) General: | Min. = 25 ft Max. = 40 ft abv grade | 48.5 ft | | Overall Ht from low point |
| | | 2) Rest. Row: | Min. = 25 ft Max. = 35 ft abv grade | 48.5 ft | | Overall Ht from low point |
| | | c) Parking Standards | Total Beds | 57 | | |
| | | 2) Residential Pkg Stds | 0 to 10 beds = 0 spaces 10 to 20 beds = .5 spaces/bed >20 beds = .8 spaces / bed | 10 10 37 | 0 5 30 | |
| | | 3) Non-Res. Pkg Stds | Not required Total Parking required | | 0 35 | |
| | | | Total Parking Provided | 22 | | |
| | | d) Building Setbacks | Max. ROW setback = 15ft Min. Side Yard = 0ft Min. Rear Yard = 0ft | 0 ft 0 ft 0 FT | | |
| | | e) Ground Flr Non-Res. | 3rd Street = 50% Floor Grant Street = 50% Floor | 4802 sf 4802 sf | 32% 32% | |
| Development Standards | 20.05 | | | | | |
| | 20.05.011 | AT-02 Bike/ Parking | 3'x6' stall can be located in vehicular parking stall | | | |
| | 20.05.013 | AT-04 Bike/ Multifamily | 1 per 6 bedrm, 4 min > 32 bedrms; 1/2 total spaces - Class II; 1/4 total spaces - Class I facility | 10 | 19 | Class I = 15 (bike racks for efficient stor) Class II = 4 (exterior racks) |
| | 20.05.014 | AT-05a Bike/ Non-resid. | 1 stall (Class II) per 15 vehicle spaces, 4 Min. within 50 ft of bldg entrance | Class II = 1 | 0 | |
| | 20.05.014 | AT-05b Bike/ MU | cumulative total of MF/ Non-resid. | 11 | 19 | |



Architecture + Planning
 343 W Erie Suite #220
 Chicago, IL 60654
 888.456.5849
 ktgy.com

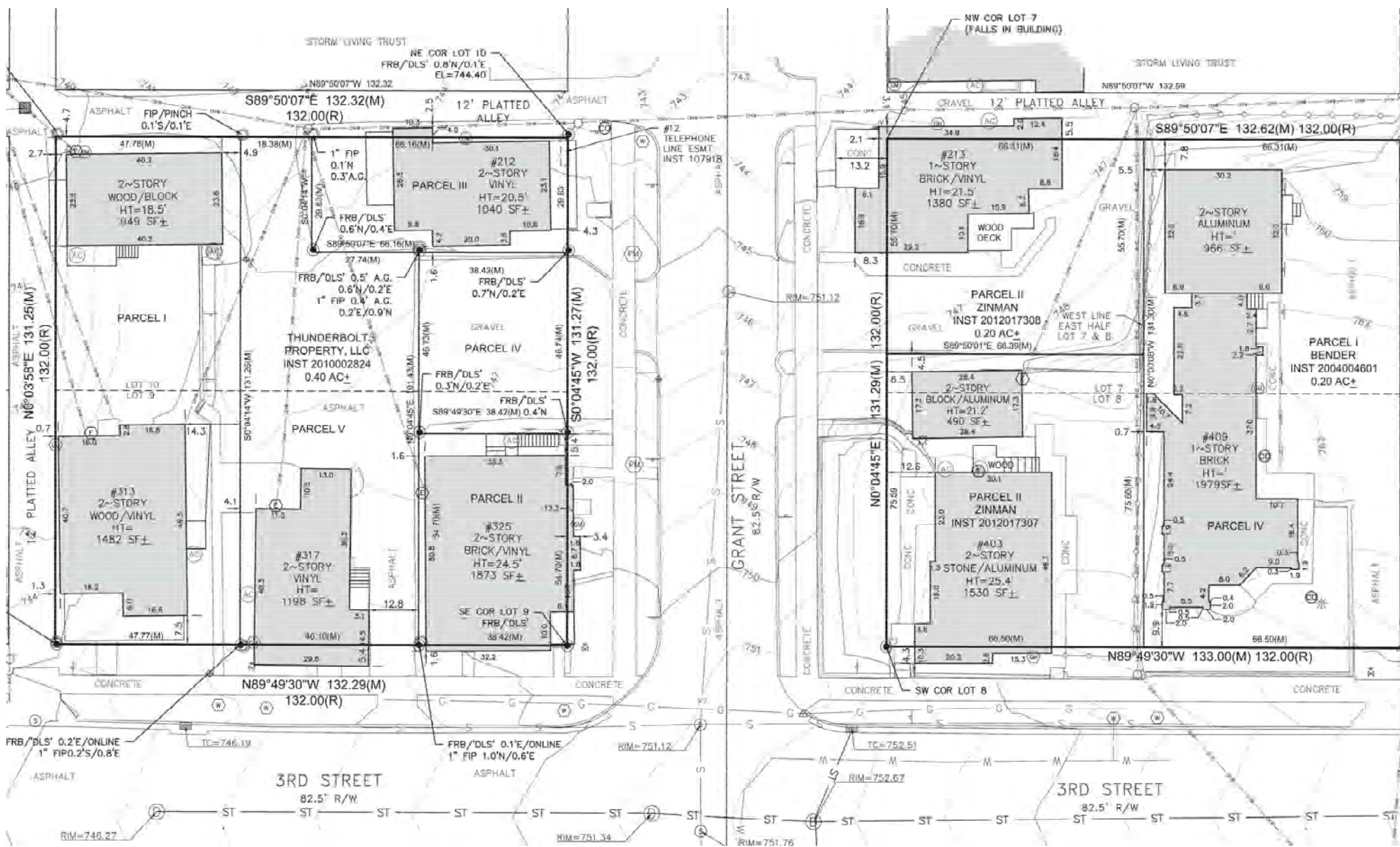


ANNEX BLOOMINGTON
 BLOOMINGTON, IN # 170501

PLAN COMMISSION SUBMITTAL
 AUGUST 04, 2017

PROJECT SUMMARY

A0.2



Architecture + Planning
 343 W Erie Suite #220
 Chicago, IL 60654
 888.456.5849
 ktgy.com



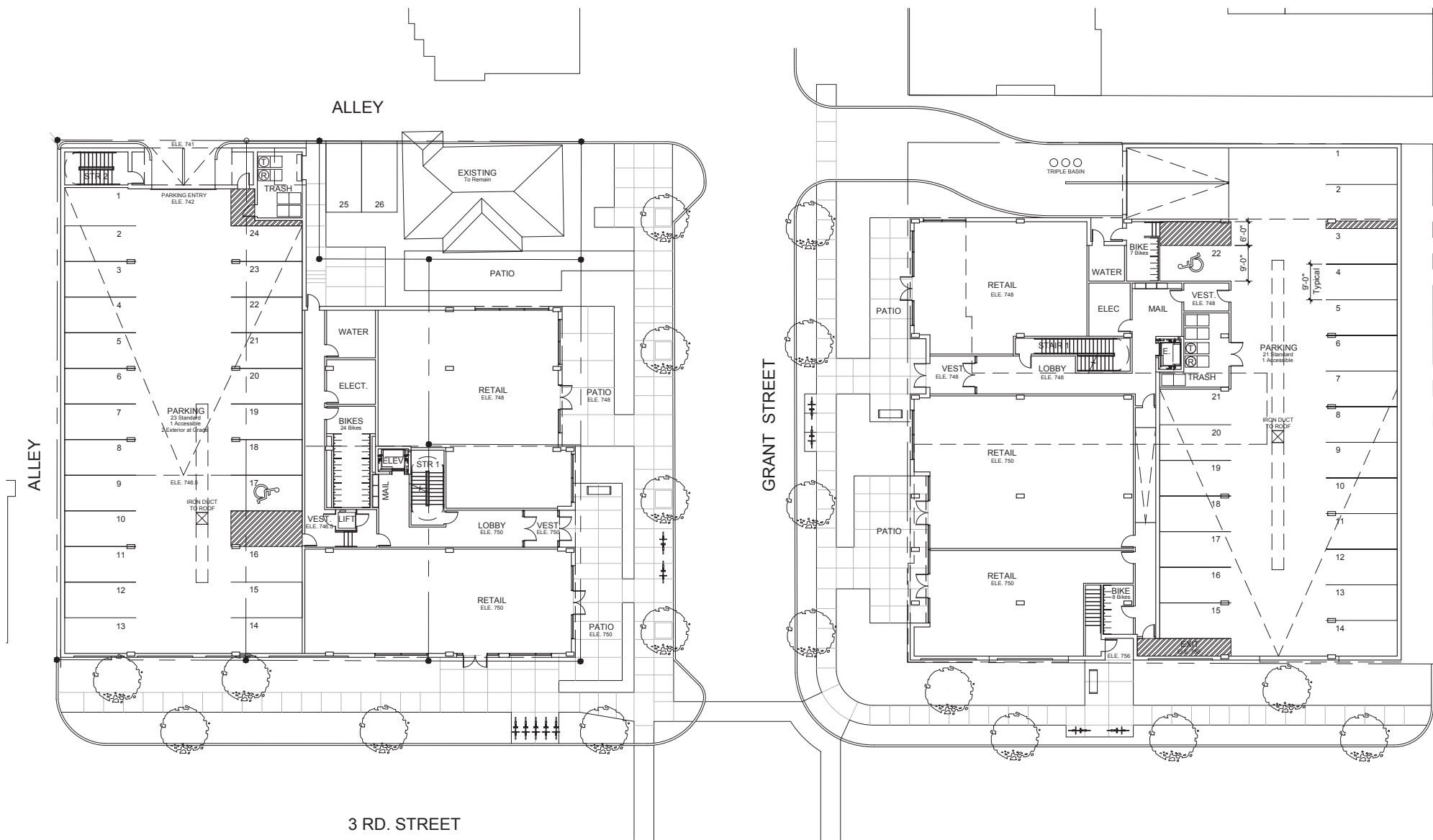
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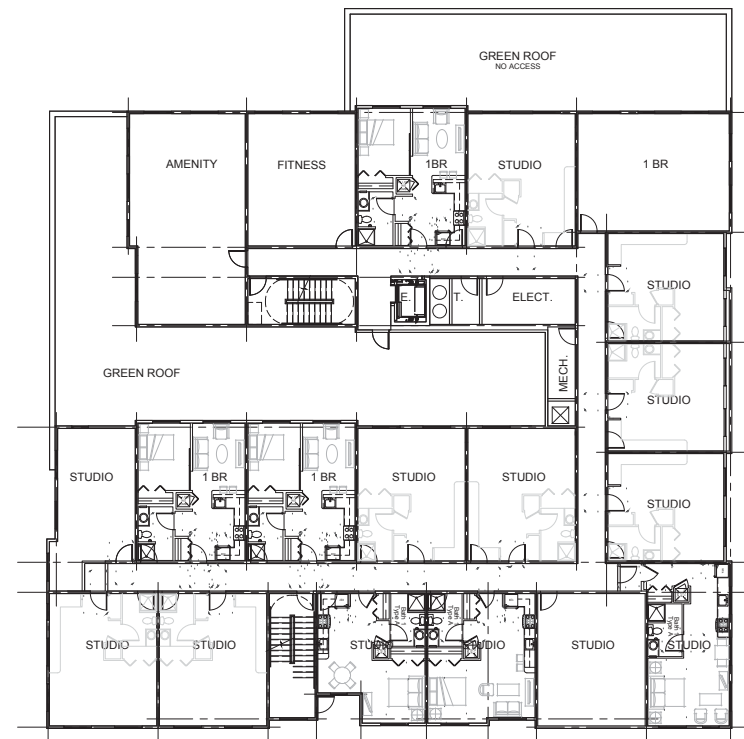
EXISTING - SITE PLAN

A1.0





GRANT STREET

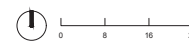


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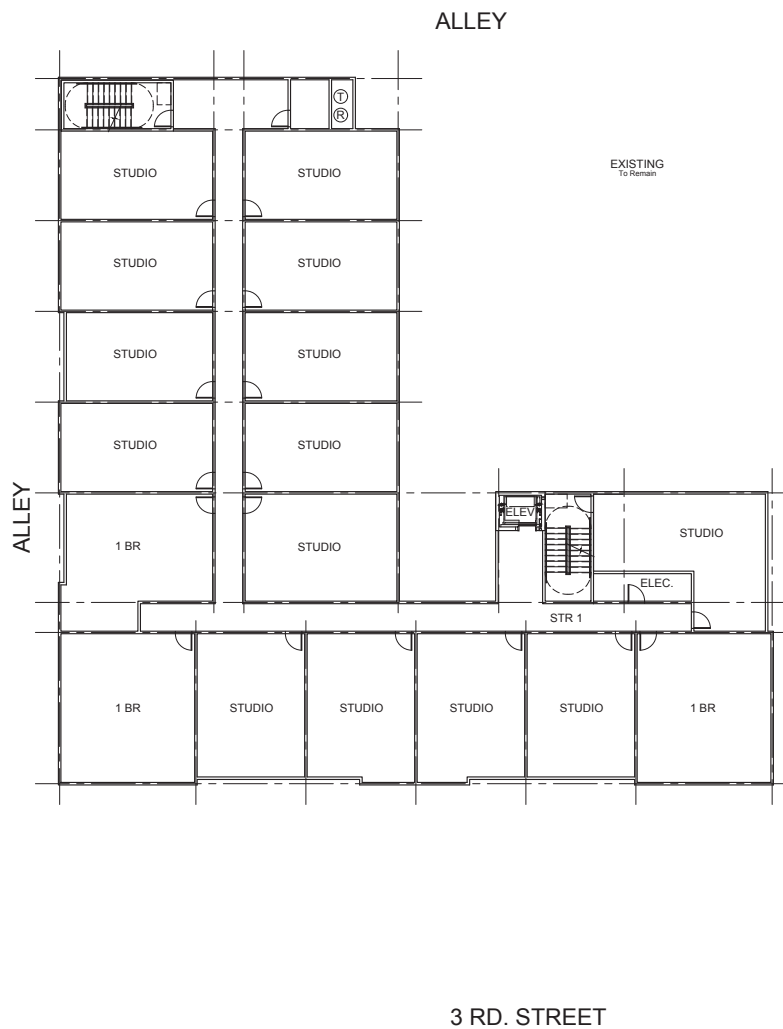
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2ND FLOOR PLAN

A2.0



GRANT STREET

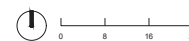


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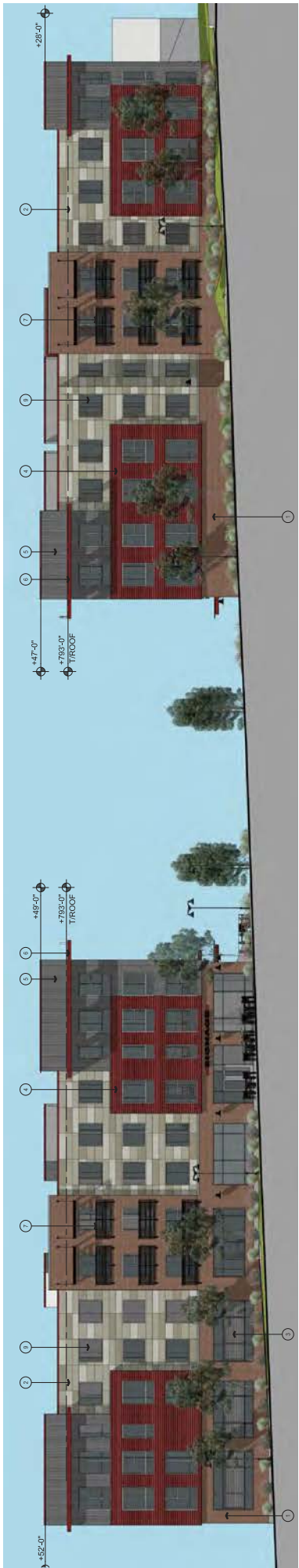
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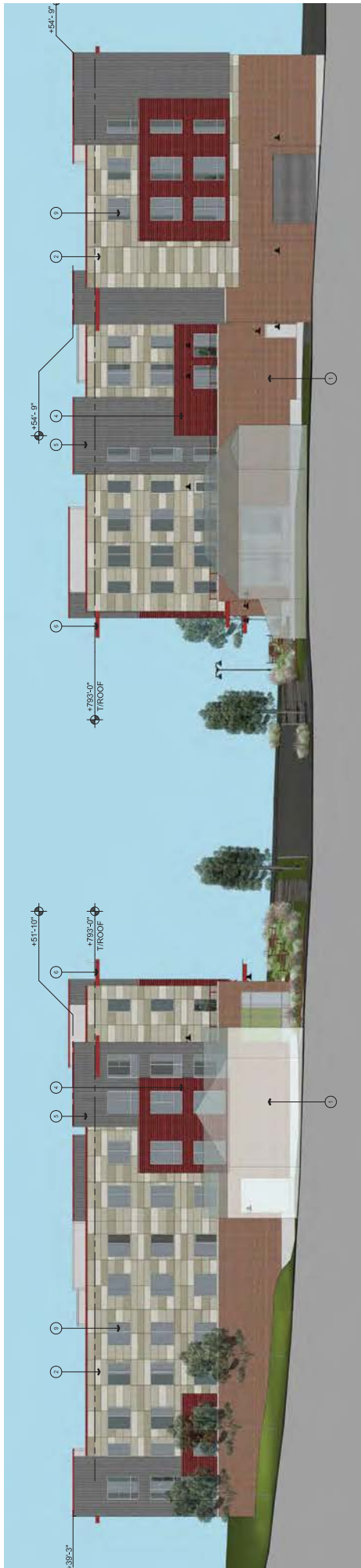


4TH FLOOR PLAN

A2.2



3RD STREET ELEVATION



ALLEY ELEVATION

- MATERIAL LEGEND**
- (1) BRICK
 - (2) CEMENTITIOUS PANEL - COLORS 1,2,3
 - (3) METAL LOUVERS
 - (4) METAL PANEL 1
 - (5) METAL PANEL 2
 - (6) PRE-FINISHED METAL
 - (7) PRE-FINISHED METAL RAILINGS
 - (8) STOREFRONT SYSTEM
 - (9) WINDOW SYSTEM



STREET ELEVATIONS



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- MATERIAL LEGEND**
- (1) BRICK
 - (2) CEMENTITIOUS PANEL - COLORS 1,2,3
 - (3) METAL LOUVERS
 - (4) METAL PANEL 1
 - (5) METAL PANEL 2
 - (6) PRE-FINISHED METAL
 - (7) PRE-FINISHED METAL RAILINGS
 - (8) STOREFRONT SYSTEM
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EAST BLDG- WEST ELEVATION





- MATERIAL LEGEND**
- (1) BRICK
 - (2) CEMENTITIOUS PANEL - COLORS 1,2,3
 - (3) METAL LOUVERS
 - (4) METAL PANEL 1
 - (5) METAL PANEL 2
 - (6) PRE-FINISHED METAL
 - (7) PRE-FINISHED METAL RAILINGS
 - (8) STOREFRONT SYSTEM
 - (9) WINDOW SYSTEM



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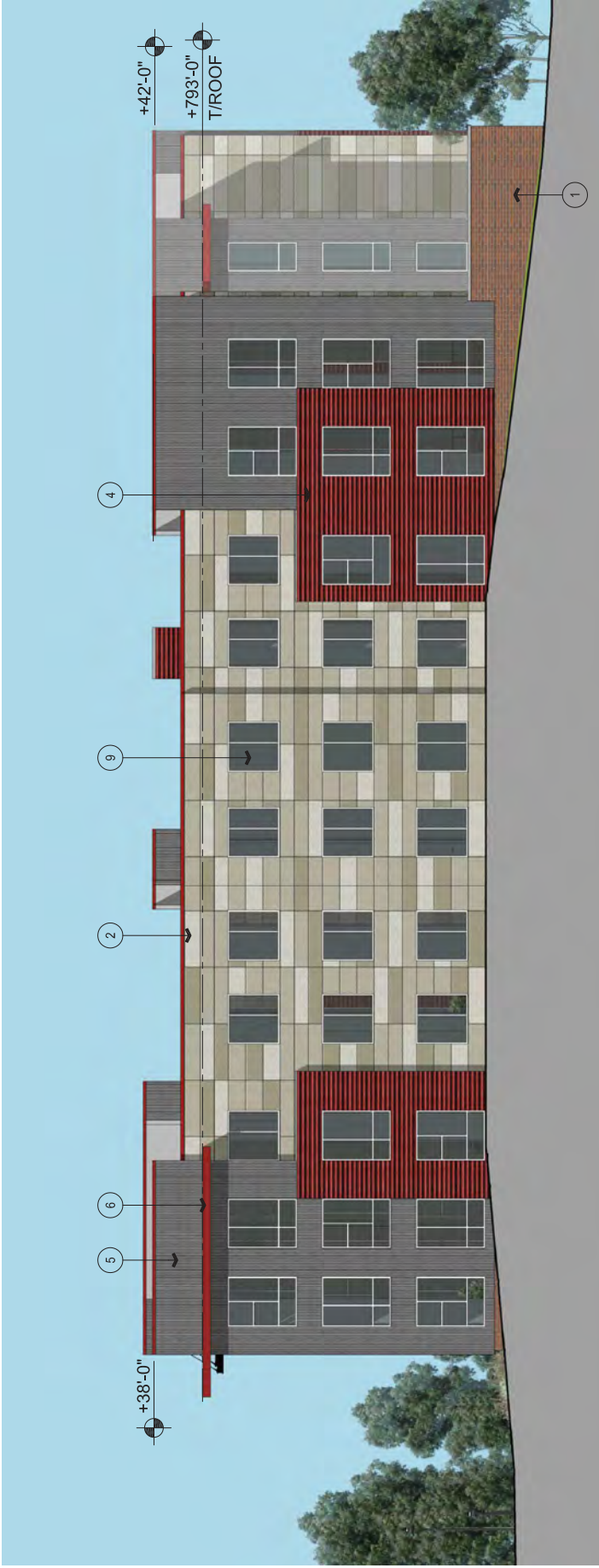
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EAST BLDG- SOUTH ELEVATION





**MATERIAL
LEGEND**

- (1) BRICK
- (2) CEMENTITIOUS PANEL - COLORS 1,2,3
- (3) METAL LOUVERS
- (4) METAL PANEL 1
- (5) METAL PANEL 2
- (6) PRE-FINISHED METAL
- (7) PRE-FINISHED METAL RAILINGS
- (8) STOREFRONT SYSTEM
- (9) WINDOW SYSTEM



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EAST BLDG- EAST ELEVATION





- MATERIAL LEGEND**
- (1) BRICK
 - (2) CEMENTITIOUS PANEL - COLORS 1,2,3
 - (3) METAL LOUVERS
 - (4) METAL PANEL 1
 - (5) METAL PANEL 2
 - (6) PRE-FINISHED METAL
 - (7) PRE-FINISHED METAL RAILINGS
 - (8) STOREFRONT SYSTEM
 - (9) WINDOW SYSTEM



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EAST BLDG- NORTH ELEVATION





- MATERIAL LEGEND**
- 1 BRICK
 - 2 CEMENTITIOUS PANEL - COLORS 1,2,3
 - 3 METAL LOUVERS
 - 4 METAL PANEL 1
 - 5 METAL PANEL 2
 - 6 PRE-FINISHED METAL
 - 7 PRE-FINISHED METAL RAILINGS
 - 8 STOREFRONT SYSTEM
 - 9 WINDOW SYSTEM



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WEST BLDG- SOUTH ELEVATION





- MATERIAL LEGEND**
- (1) BRICK
 - (2) CEMENTITIOUS PANEL - COLORS 1,2,3
 - (3) METAL LOUVERS
 - (4) METAL PANEL 1
 - (5) METAL PANEL 2
 - (6) PRE-FINISHED METAL
 - (7) PRE-FINISHED METAL RAILINGS
 - (8) STOREFRONT SYSTEM
 - (9) WINDOW SYSTEM



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WEST BLDG- WEST ELEVATION





- (1) BRICK
- (2) CEMENTITIOUS PANEL - COLORS 1,2,3
- (3) METAL LOUVERS
- (4) METAL PANEL 1
- (5) METAL PANEL 2
- (6) PRE-FINISHED METAL
- (7) PRE-FINISHED METAL RAILINGS
- (8) STOREFRONT SYSTEM
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**MATERIAL
LEGEND**

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WEST BLDG- NORTH ELEVATION





- MATERIAL LEGEND**
- (1) BRICK
 - (2) CEMENTITIOUS PANEL - COLORS 1,2,3
 - (3) METAL LOUVERS
 - (4) METAL PANEL 1
 - (5) METAL PANEL 2
 - (6) PRE-FINISHED METAL
 - (7) PRE-FINISHED METAL RAILINGS
 - (8) STOREFRONT SYSTEM
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WEST BLDG- EAST ELEVATION



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3D VIEWS

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3D VIEWS

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3D VIEWS

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TRAFFIC IMPACT STUDY

PROPOSED MIXED-USE DEVELOPMENT

3RD STREET & GRANT STREET

BLOOMINGTON, INDIANA

PREPARED FOR

ANNEX OF BLOOMINGTON, LLC

AUGUST 2017



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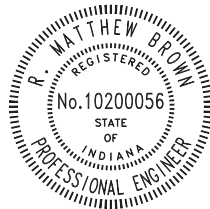


CERTIFICATION

I certify that this **TRAFFIC IMPACT STUDY** has been prepared by me and under my immediate supervision and that I have experience and training in the field of traffic and transportation engineering.

A&F ENGINEERING CO., LLC

R. Matt Brown, P.E.
Indiana Registration 10200056



Antoun Fadoul
Traffic Engineer



INTRODUCTION

This **TRAFFIC IMPACT STUDY**, prepared at the request of City of Bloomington, on behalf of Annex of Bloomington, LLC, is for a proposed mixed-use development that is to be located in the North East and Northwest quadrants at the intersection of 3rd Street & Grant Street in Bloomington, Indiana. This new development will replace homes and businesses.

PURPOSE

The purpose of this analysis is to determine what impact the traffic generated by the proposed development will have on the existing adjacent roadway system. This analysis will identify any existing roadway deficiencies or ones that may occur when this site is developed.

Conclusions will be reached that will determine if the roadway system can accommodate the anticipated traffic volumes or will determine the modifications that will be required to the system if there are identified deficiencies.

Recommendations will be made that will address the conclusions resulting from this analysis. These recommendations will address feasible roadway system improvements to provide safe ingress and egress, to and from the proposed development, with minimal interference to traffic on the public street system.

SCOPE OF WORK

The scope of work for this analysis is as follows:

First, obtain peak hour turning movement traffic volume counts between the hours of 6:00 A.M. to 9:00 A.M. and 3:30 P.M. and 6:30 P.M. at the intersection of 3rd Street & Grant Street.

Second, estimate the number of peak hour trips that will be generated by the proposed development.

Third, assign and distribute the generated traffic volumes from the proposed development to the study intersections.

Fourth, prepare a peak hour traffic signal warrant analysis at the intersection of 3rd Street & Grant Street based on the existing traffic volumes and the sum of existing traffic volumes and generated traffic from the proposed development.

Fifth, review crash history at the intersection of 3rd Street and Grant Street over the past 3 years.

Sixth, prepare a turn lane analysis at the intersection of 3rd Street & Grant Street.

Seventh, prepare a capacity analysis and level of service analysis at the study intersection for each of the following scenarios:

Scenario 1: Existing Traffic Volumes – Based on existing intersection conditions and existing weekday peak hour traffic volumes.

Scenario 2: Proposed Development Traffic Volumes – Sum of existing traffic volumes and the generated traffic volumes from proposed development.

Finally, prepare a **TRAFFIC IMPACT STUDY** report documenting all data, analyses, conclusions and recommendations to provide for the safe and efficient movement of traffic through the study area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The subject site is located in both the northeast and northwest quadrants at the intersection of 3rd Street & Grant Street. The eastern site will consist of 55 student apartments and approximately 5,842 square feet of retail space. The western site will consist of 50 student apartments and approximately 4,058 square feet of retail space. As proposed the eastern and western complexes will have one full access drive along the ally that runs along the north edge of each site. **Figure 1** is an area map showing the location and general layout of the proposed site.

STUDY AREA

The study area for this analysis has been defined to include the intersection of 3rd Street & Grant Street.

Figure 2 shows the existing intersection geometrics at 3rd Street & Grant Street.

DESCRIPTION OF ABUTTING STREET SYSTEM

The proposed development will be primarily served by the public roadway system that includes 3rd Street & Grant Street.

3RD STREET – is an east/west, four lane undivided roadway with a posted speed limit of 30 mph to in the project area. According to the City of Bloomington Thoroughfare Plan, 3rd Street is classified as a Primary Arterial.

GRANT STREET – is a north/south, two lane undivided local roadway with a posted speed limit of 30 mph in the study area. There is on street parking on the western side of the road north of the intersection of Grant and 3rd Street, but no on street parking south of the intersection. According to the City of Bloomington Thoroughfare Plan, Grant Street is a local road.



FIGURE 1
AREA MAP

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ANNEX OF BLOOMINGTON, LLC
BLOOMINGTON, INDIANA

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EXISTING TRAFFIC VOLUMES

Peak hour turning movement traffic volume counts were collected by A&F Engineering between the hours of 6:00 AM and 9:00 AM and 3:30 PM and 6:30 PM during a typical weekday in April 2017 under good weather conditions. The intersection count output summary sheets are included in the **Appendix** and the peak hour volumes are shown on **Figure 3**.

GENERATED TRAFFIC VOLUMES FOR PROPOSED DEVELOPMENT

The estimate of newly generated traffic is a function of the development size and of the character of the land use. The *ITE Trip Generation Manual*¹ was used to calculate the number of trips that will be generated by the retail portion of the site. This report is a compilation of trip data for various land uses as collected by transportation professionals throughout the United States in order to establish the average number of trips generated by those land uses. Data published on behalf of the *California Department of Transportation*² suggests that approximately 40% of retail trips near universities are made via walking. Therefore, the number of automotive trips on the roadway should be reduced to reflect walking trips. **Table 1** reflects this reduction.

A technical memorandum by *Spack Consulting*³ was used to calculate the number of trips that would be generated by the student apartments. This study recorded trip data for 6 student housing developments surrounding the University of Minnesota in order to establish the average number of trips generated by those land uses. The charts that were consulted for this report are found in the **Appendix**. **Table 1** summarizes the total trips that will be generated by the site.



FIGURE 2
EXISTING INTERSECTION
GEOMETRICS

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¹ *Trip Generation Manual*, Institute of Transportation Engineers, Ninth Edition, 2012.

² *Trip-Generation Rates for Urban Infill Land Uses in California*, Kimley-Horn and Associates, Inc, 2009

³ *Technical Memorandum*, Spack Consulting Engineering, 2012.



TABLE 1-TOTAL GENERATED TRIPS FOR PROPOSED DEVELOPMENT

| DEVELOPMENT INFORMATION | | | GENERATED TRIPS | | | |
|--|----------|----------|-----------------|---------|----------|---------|
| LAND USE | ITE CODE | SIZE | AM ENTER | AM EXIT | PM ENTER | PM EXIT |
| Student Housing- East Side | NA | 55 DU | 4 | 5 | 11 | 9 |
| Student Housing- West Side | NA | 50 DU | 3 | 5 | 11 | 9 |
| Shopping Center- East Side | 820 | 5,842 SF | 17 | 11 | 43 | 46 |
| 40% reduction for walking trips | | | 7 | 4 | 17 | 18 |
| Shopping Center- East Side (After Reduction) | | | 10 | 7 | 26 | 28 |
| Shopping Center- West Side | 820 | 4,058 SF | 14 | 8 | 34 | 46 |
| 40% reduction for walking trips | | | 6 | 3 | 14 | 14 |
| Shopping Center- West Side (After Reduction) | | | 8 | 5 | 20 | 22 |

PASS-BY & INTERNAL TRIPS

Pass-by trips are trips that are already in the existing traffic stream along the adjacent public roadway system that enter a site, utilize the site, and then return back to the existing traffic stream. In order to create a worse case traffic situation, pass-by trips are considered negligible for this project.

An internal trip results when a trip is made between two or more land uses without traversing the external public roadway system. Internal trips were included between the housing and retail establishments within each side of the development. **Table 2** summarizes the number of internal trips. Calculations for internal trips are shown in the **Appendix**.



TABLE 2- INTERNAL AND EXTERNAL TRIP SUMMARY

| EAST SIDE | | | | | | |
|-----------------------------|----------|----------|-----------|-----------|-----------|-----------|
| LAND USE | ITE CODE | SIZE | AM PEAK | | PM PEAK | |
| | | | ENTER | EXIT | ENTER | EXIT |
| Student Housing | NA | 55 DU | 4 | 5 | 11 | 9 |
| Internal Trips | | | 0 | 0 | 5 | 3 |
| External Trips | | | 4 | 5 | 6 | 6 |
| Shopping Center | 820 | 5,842 SF | 10 | 7 | 26 | 28 |
| Internal Trips | | | 0 | 0 | 3 | 5 |
| External Trips | | | 10 | 7 | 23 | 23 |
| Total External Trips | | | 14 | 12 | 29 | 29 |
| WEST SIDE | | | | | | |
| LAND USE | ITE CODE | SIZE | AM PEAK | | PM PEAK | |
| | | | ENTER | EXIT | ENTER | EXIT |
| Student Housing | NA | 50 DU | 3 | 5 | 11 | 9 |
| Internal Trips | | | 0 | 0 | 5 | 2 |
| External Trips | | | 3 | 5 | 6 | 7 |
| Shopping Center | 820 | 4,058 SF | 8 | 5 | 20 | 22 |
| Internal Trips | | | 0 | 0 | 2 | 5 |
| External Trips | | | 8 | 5 | 18 | 17 |
| Total External Trips | | | 11 | 10 | 24 | 24 |

ASSIGNMENT AND DISTRIBUTION OF GENERATED TRIPS

The study methodology used to determine the traffic volumes from the site that will be added to the street system is defined as follows:

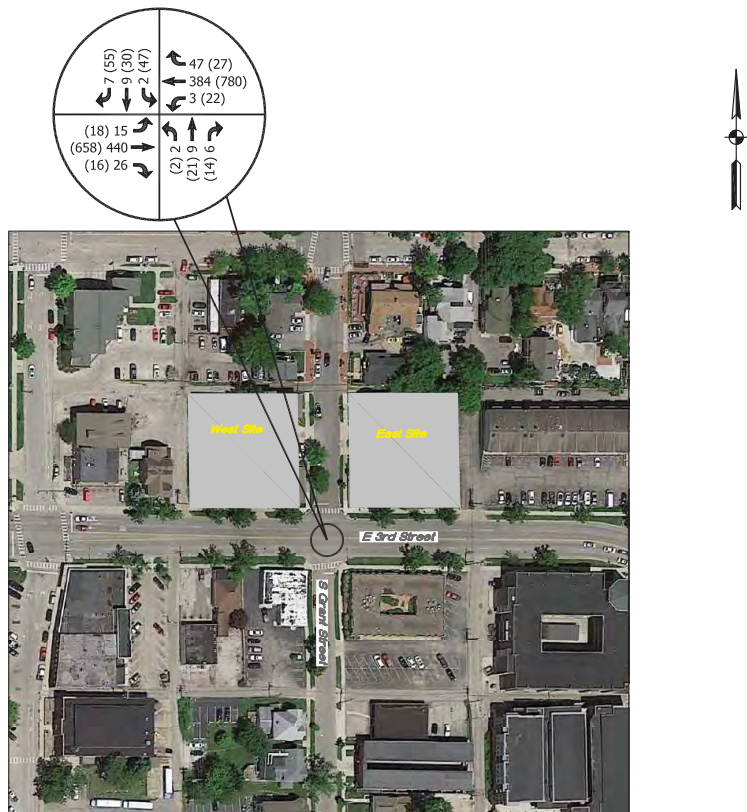
1. The volume of traffic that will enter and exit the site must be assigned to the access points and to the public street system. Using the traffic volume data collected for this analysis, traffic to and from the site has been assigned to the proposed driveways and to the public street system that will be serving the site.
2. To determine the volumes of traffic that will be added to the public roadway system, the generated traffic must be distributed by direction to the public roadways at their intersection with the driveways. For the site, the trip distribution was based on the location of the development, the location of nearby population centers, the existing traffic patterns, and the assignment of generated traffic.

Figure 4A illustrates the assignment and distribution of generated trips for the residential portion of the development.

Figure 4B illustrates the assignment and distribution of generated external trips for the commercial portion of the development.

GENERATED TRIPS ADDED TO THE STREET SYSTEM

The total generated traffic volumes that can be expected from the proposed development have been assigned to the study intersection. These volumes were determined based on the previously discussed trip generation data, assignment of generated traffic and distribution of generated traffic. The total peak hour generated traffic volumes from the proposed residential and retail developments are shown in **Figure 5**. Separate figures showing the trips generated by the residential and the retail portions of the development are included in the **Appendix**.

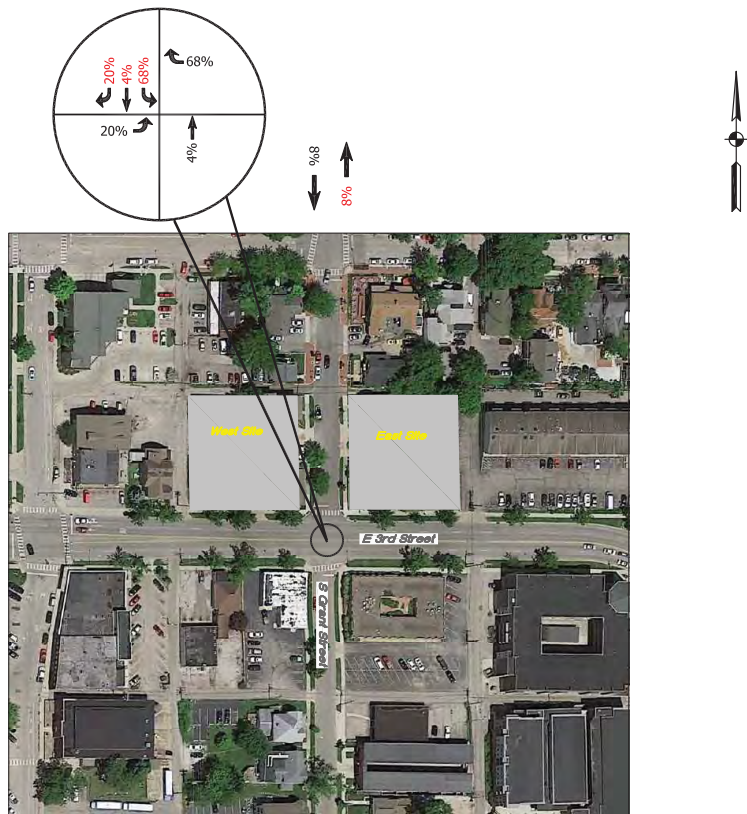


LEGEND
 XX = A.M. PEAK HOUR
 (XX) = P.M. PEAK HOUR
 * = NEGLIGIBLE

FIGURE 3
EXISTING TRAFFIC VOLUMES

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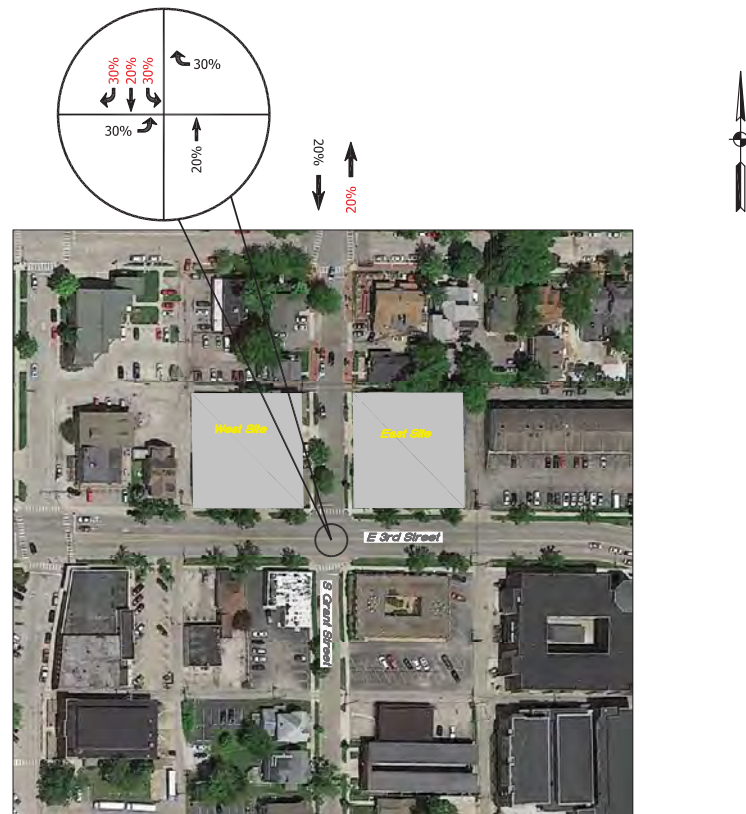


LEGEND
 XX = INBOUND TRAFFIC
 XX = OUTBOUND TRAFFIC
 * = NEGLIGIBLE

FIGURE 4A
ASSIGNMENT & DISTRIBUTION
OF GENERATED TRAFFIC VOLUMES
FOR PROPOSED DEVELOPMENT
(RESIDENTIAL)

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LEGEND
 XX = INBOUND TRAFFIC
 XX = OUTBOUND TRAFFIC
 * = NEGLIGIBLE

FIGURE 4B
ASSIGNMENT & DISTRIBUTION
OF GENERATED TRAFFIC VOLUMES
FOR PROPOSED DEVELOPMENT
(RETAIL)

TRAFFIC IMPACT STUDY
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PEAK HOUR TRAFFIC SIGNAL WARRANT ANALYSIS

A peak hour traffic signal warrant was conducted at the intersection of 3rd Street & Grant Street under the following scenarios:

- Existing intersection volume and intersection geometry
- Existing + Generated intersection volume with existing intersection geometry

Under existing conditions, it was found that for both AM and PM peak hours a traffic signal was not warranted.

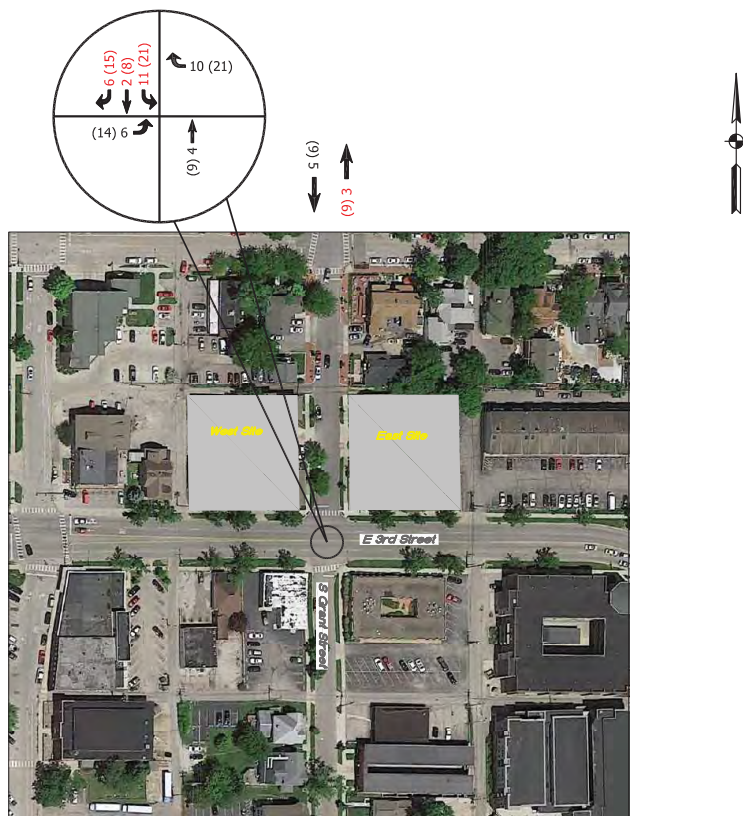
Under proposed conditions, it was found that a signal will be warranted during the PM Peak hour.

The graphs that show the traffic signal warrant criteria for each condition are included in the **Appendix**.

CRASH DATA ANALYSIS

Crash data at the intersection of 3rd Street & Grant Street between 2012 and 2016 was provided by the City of Bloomington. When the crash data are summarized by year, type, and severity, as illustrated in **Table 3**, the data shows that over 60% of all crashes during this period were right angle crashes. These data were then analyzed using RoadHAT⁴ software. This software was used to determine if the intersection has experienced a crash rate that is well above the average crash rate of what a similar intersection would experience. The results of this analysis showed that the intersection of 3rd Street and Grant Street has experienced a rate of crashes more than two standard deviations above what a similar urban unsignalized intersection typically experiences.

The RoadHAT output is found in the **Appendix**.



LEGEND
 XX = A.M. INBOUND TRAFFIC
 (XX) = P.M. INBOUND TRAFFIC
 XX = A.M. OUTBOUND TRAFFIC
 (XX) = P.M. OUTBOUND TRAFFIC
 * = NEGLIGIBLE

FIGURE 5
TOTAL GENERATED TRAFFIC VOLUMES FOR PROPOSED DEVELOPMENT

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⁴ RoadHAT 2.0 Road Hazard Analysis Tool, Purdue University, 2011
13

TABLE 3- CRASH SUMMARY AT 3RD STREET AND GRANT STREET

| YEAR | TYPE | SEVERITY | | | TOTAL IN YEAR |
|------|--------------|----------|----------------------|-------|---------------|
| | | INJURY | PROPERTY DAMAGE ONLY | TOTAL | |
| 2012 | Rear End | 1 | 0 | 1 | 9 |
| | Right Angle | 1 | 5 | 6 | |
| | Head On | 1 | 0 | 1 | |
| | Fixed Object | 0 | 0 | 0 | |
| | Bike/Ped | 1 | 0 | 1 | |
| | Sideswipe | 0 | 0 | 0 | |
| 2013 | Rear End | 0 | 1 | 1 | 8 |
| | Right Angle | 1 | 3 | 4 | |
| | Head on | 0 | 0 | 0 | |
| | Fixed Object | 0 | 1 | 1 | |
| | Bike/Ped | 0 | 0 | 0 | |
| | Side Swipe | 1 | 1 | 2 | |
| 2014 | Rear End | 0 | 1 | 1 | 6 |
| | Right Angle | 1 | 1 | 2 | |
| | Head On | 0 | 0 | 0 | |
| | Fixed Object | 0 | 0 | 0 | |
| | Bike/Ped | 1 | 0 | 1 | |
| | Side Swipe | 0 | 2 | 2 | |
| 2015 | Rear End | 0 | 2 | 2 | 11 |
| | Right Angle | 1 | 6 | 7 | |
| | Head On | 0 | 0 | 0 | |
| | Fixed Object | 0 | 0 | 0 | |
| | Bike/Ped | 0 | 0 | 0 | |
| | Sideswipe | 0 | 2 | 2 | |
| 2016 | Rear End | 0 | 0 | 0 | 11 |
| | Right Angle | 4 | 5 | 9 | |
| | Head On | 1 | 1 | 2 | |
| | Fixed Object | 0 | 0 | 0 | |
| | Bike/Ped | 0 | 0 | 0 | |
| | Sideswipe | 0 | 0 | 0 | |

TURN LANE ANALYSIS

The generated peak hour traffic volumes were combined with the existing traffic volumes to determine if left-turn lanes and right-turn lanes would be required at the intersection of 3rd Street and Grant Street. Section 46-4.01(02) of the Indiana Design Manual ⁵states that for a multilane intersection the left turning volume should be 60 or more vehicles in the design hour to warrant a left turn lane. The left turning volume from 3rd Street to Grant Street after construction of the proposed development will be less than 60.

The criteria for a right turn lane is based on Figure 46-4B in the Indiana Design Manual, shown in the **Appendix**. During both AM and PM peak hours under existing and proposed conditions a right turn lane is not warranted.

CAPACITY ANALYSIS

The "efficiency" of an intersection is based on its ability to accommodate the traffic volumes that approach the intersection. It is defined by the Level-of-Service (LOS) of the intersection. The LOS is determined by a series of calculations commonly called a "capacity analysis". Input data into a capacity analysis include traffic volumes, intersection geometry, and number and use of lanes. To determine the LOS at each of the study intersections, a capacity analysis has been made using the recognized computer program *Synchro/SimTraffic*⁶. This program allows intersections to be analyzed and optimized using the capacity calculation methods outlined within the *Highway Capacity Manual (HCM)*⁷. The following list shows the delays related to the levels of service for signalized and unsignalized intersections:

| Level of Service | Control Delay (seconds/vehicle) | |
|------------------|---------------------------------|--------------------------|
| | UNSIGNALIZED | SIGNALIZED |
| A | Less than or equal to 10 | Less than or equal to 10 |
| B | Between 10.1 and 15 | Between 10.1 and 20 |
| C | Between 15.1 and 25 | Between 20.1 and 35 |
| D | Between 25.1 and 35 | Between 35.1 and 55 |
| E | Between 35.1 and 50 | Between 55.1 and 80 |
| F | greater than 50 | greater than 80 |

⁵ Indiana Design Manual 2013, Updated April 13, 2017

⁶ *Synchro/SimTraffic 9.1*, Trafficware, 2015.

⁷ *Highway Capacity Manual (HCM)* Transportation Research Board, National Research Council, Washington, DC, 2010.

CAPACITY ANALYSIS SCENARIOS

To evaluate the proposed development's effect on the public street system, a series of traffic volume scenarios were analyzed to determine the adequacy of the existing roadway network. In addition, recommendations can be made to improve the public street system so it will accommodate the future traffic volumes. An analysis has been made for the weekday AM peak hour and PM peak hour at the study intersection for the following traffic volume scenarios:

Scenario 1: Existing Traffic Volumes – Based on existing intersection conditions and existing weekday peak hour traffic volumes. **Figure 3** is a summary of the weekday AM and PM peak hour traffic volumes.

Scenario 2: Proposed Development Traffic Volumes – Sum of existing traffic volumes and generated traffic volumes from proposed development. **Figure 6** summarizes these traffic volumes.

The following table summarizes the level of service results at the study intersection. The *Synchro (HCM 6th Edition)* intersection reports illustrating the capacity analysis results are included in the **Appendix**.

Table 4- Level of Service Summary 3rd Street & Grant Street

| APPROACH | AM PEAK Scenario | | | PM PEAK Scenario | | |
|---------------------|------------------|----|----------|------------------|----|----------|
| | 1 | 2A | 2B | 1 | 2A | 2B |
| Northbound | C | C | B | F | F | B |
| Southbound | C | C | B | F | F | B |
| Eastbound | A | A | B | A | B | A |
| Westbound | - | - | B | - | - | A |
| Intersection | - | - | B | - | - | A |

Note: Intersection LOS is not measured for Two-Way Stop Control.

DESCRIPTION OF SCENARIOS:

- SCENARIO 1: Existing Traffic Volumes with Existing Intersection Geometries and Conditions.
- SCENARIO 2A: Sum of Existing Traffic Volumes and Generated Traffic Volumes from the Proposed Development with Existing Intersection Geometries and Conditions.
- SCENARIO 2B: Sum of Existing Traffic Volumes and Generated Traffic Volumes from the Proposed Development with the installation of a traffic signal.



CONCLUSIONS & RECOMMENDATIONS

The conclusions that follow are based on existing traffic volume data, trip generation, assignment and distribution of generated traffic, capacity analyses/level of service results and a field review conducted at the site. Based on the analysis and the resulting conclusions of this study, recommendations are formulated to ensure that the roadway system will accommodate the increased traffic volumes from the site.

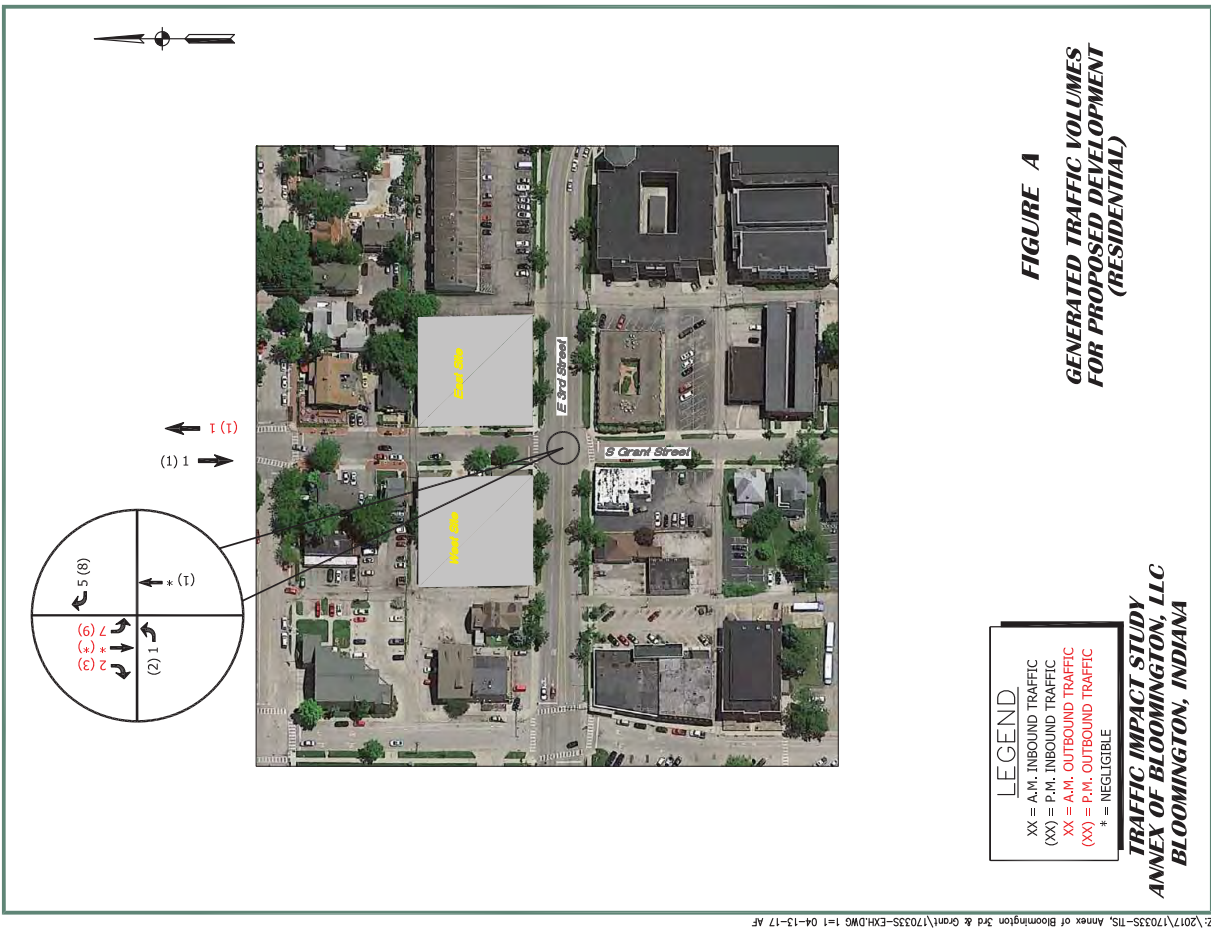
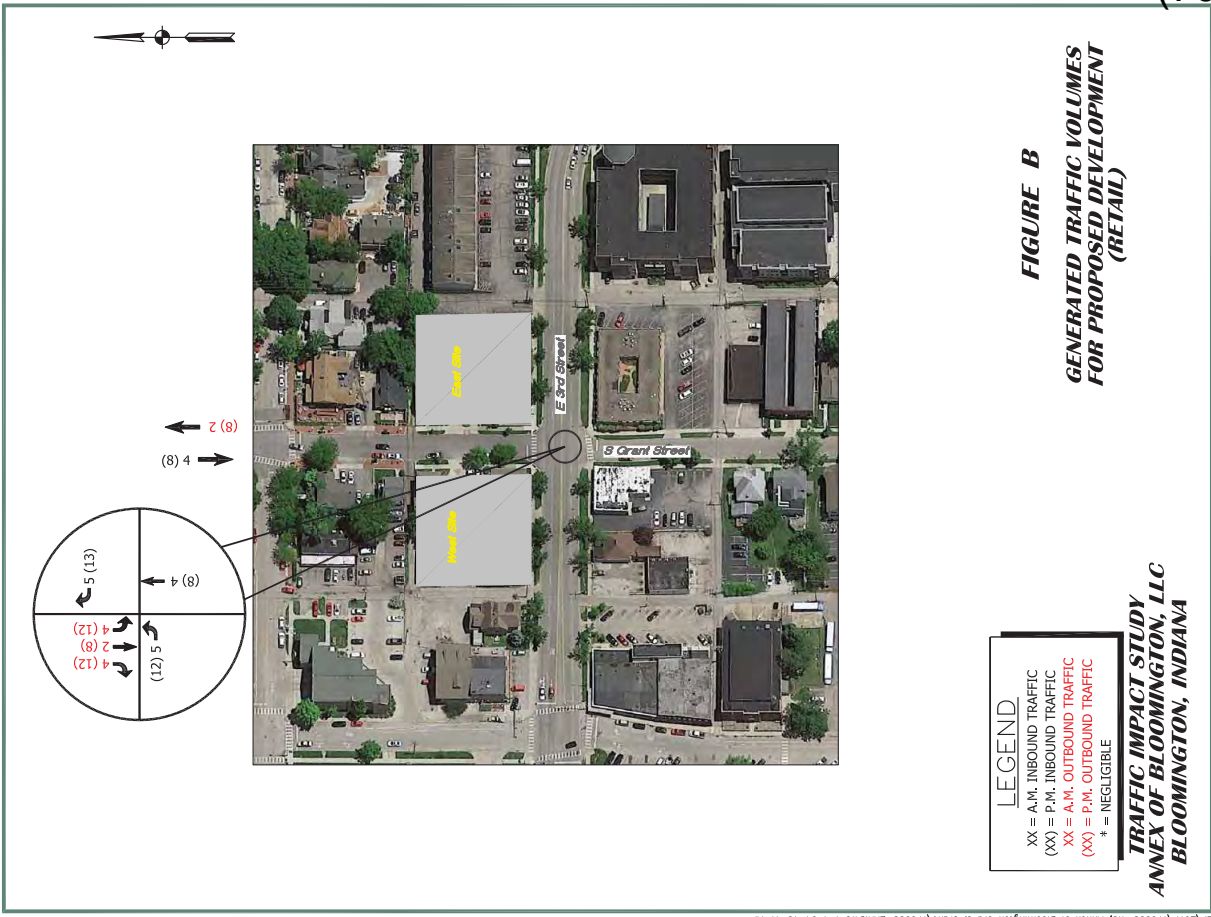
3RD STREET & GRANT STREET

Capacity analyses for the existing traffic volume scenario have shown that the minor approaches of the intersection currently operate at a LOS F and will experience increased delays under future scenarios during AM and PM peak hour with the existing intersection conditions. Under Warrant 3 of the Indiana MUTCD, a traffic signal is warranted and is recommended at this intersection. This signal will improve the efficiency and likely the safety at this intersection.

TRAFFIC IMPACT STUDY

APPENDIX

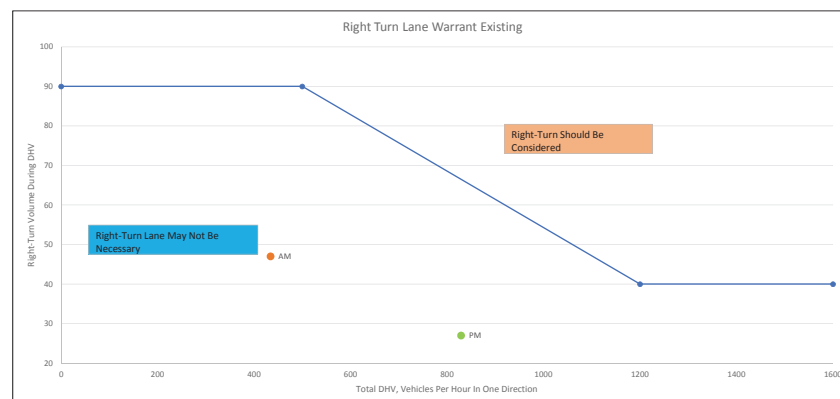
ADDITIONAL FIGURES



TURN LANE FIGURES

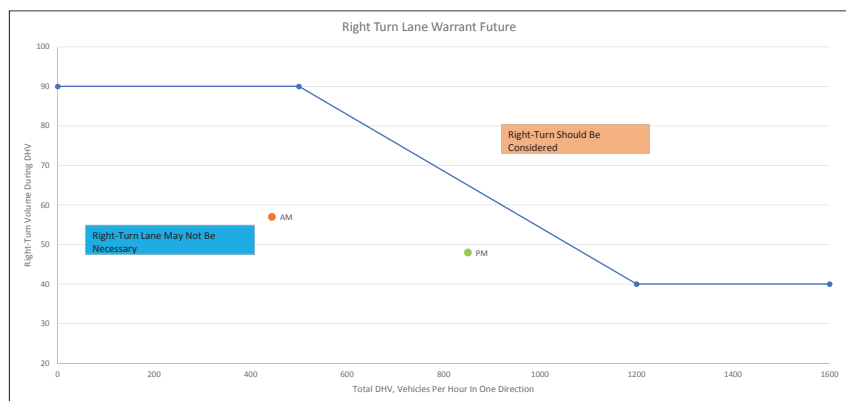
| Total Volume | RT Volume |
|--------------|-----------|
| 0 | 90 |
| 500 | 90 |
| 1200 | 40 |
| 1600 | 40 |

| Time | Input | Met? |
|------|----------------------------------|------|
| AM | RT Volume 47 Total Volume 434 | NO |
| PM | RT Volume 27 Total Volume 829 | NO |

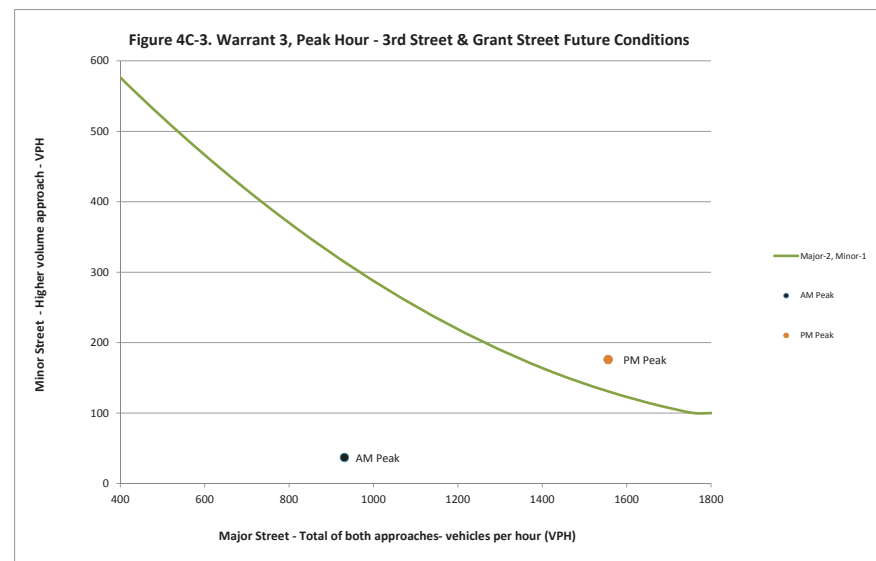
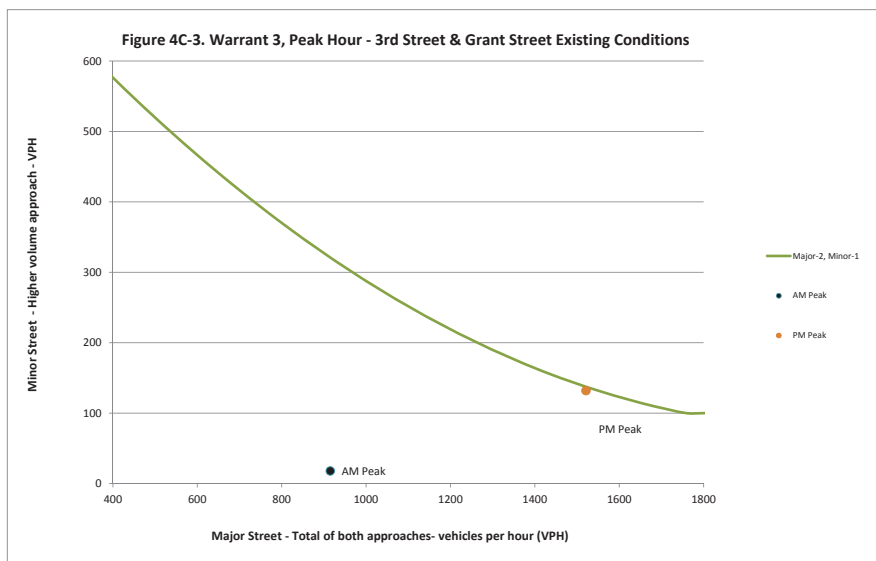


| Total Volume | RT Volume |
|--------------|-----------|
| 0 | 90 |
| 500 | 90 |
| 1200 | 40 |
| 1600 | 40 |

| Time | Input | Met? |
|------|------------------|------|
| AM | RT Volume 57 | |
| | Total Volume 444 | NO |
| PM | RT Volume 48 | |
| | Total Volume 850 | NO |



TRAFFIC SIGNAL WARRANT





PROPOSED MIXED-USE DEVELOPMENT
3RD STREET & GRANT STREET, BLOOMINGTON INDIANA

A & F ENGINEERING CO., LLC
TRAFFIC VOLUME SUMMARY

CLIENT :
INTERSECTION :
DATE :
COUNTED BY :

Annex of Bloomington
Bloomington
4/5/2017
Mick

| | TOTAL VEHICLES (PASSENGER CARS + TRUCKS) | | | | | | | | | | | |
|------------|--|-----|----|-------|------------------------------|---|---|-------|-------------------------------------|-----|----|-------|
| | AM PEAK HOUR VOLUMES BEGINS 7:45 AM | | | | OFF PEAK HOUR VOLUMES BEGINS | | | | PM PEAK HOUR VOLUMES BEGINS 4:45 PM | | | |
| | L | T | R | TOTAL | L | T | R | TOTAL | L | T | R | TOTAL |
| NORTHBOUND | 2 | 9 | 6 | 17 | | | | | 2 | 21 | 14 | 37 |
| SOUTHBOUND | 2 | 9 | 7 | 18 | | | | | 47 | 30 | 55 | 132 |
| EASTBOUND | 15 | 440 | 26 | 481 | | | | | 18 | 658 | 16 | 692 |
| WESTBOUND | 3 | 384 | 47 | 434 | | | | | 22 | 780 | 27 | 829 |

| | PEAK HOUR FACTOR | | | | | |
|------------|---------------------|--------------|----------------------|--------------|---------------------|--------------|
| | AM PEAK HOUR FACTOR | | OFF PEAK HOUR FACTOR | | PM PEAK HOUR FACTOR | |
| | APPROACH | INTERSECTION | APPROACH | INTERSECTION | APPROACH | INTERSECTION |
| NORTHBOUND | 0.71 | | | | 0.84 | |
| SOUTHBOUND | 0.75 | 0.85 | | | 0.80 | 0.89 |
| EASTBOUND | 0.78 | | | | 0.87 | |
| WESTBOUND | 0.94 | | | | 0.89 | |

3RD STREET AND GRANT STREET

**TRAFFIC VOLUME COUNTS
CAPACITY ANALYSIS**

| | TRUCK PERCENTAGE | | | | | | | | | | | |
|------------|-------------------------|------|------|-------|--------------------------|---|---|-------|-------------------------|------|------|-------|
| | AM PEAK HOUR PERCENTAGE | | | | OFF PEAK HOUR PERCENTAGE | | | | PM PEAK HOUR PERCENTAGE | | | |
| | L | T | R | TOTAL | L | T | R | TOTAL | L | T | R | TOTAL |
| NORTHBOUND | 0.0% | 0.0% | 0.0% | 0.0% | | | | | 0.0% | 0.0% | 0.0% | 0.0% |
| SOUTHBOUND | 0.0% | 0.0% | 0.0% | 0.0% | | | | | 0.0% | 0.0% | 0.0% | 0.0% |
| EASTBOUND | 6.7% | 5.7% | 7.7% | 5.8% | | | | | 0.0% | 2.6% | 0.0% | 2.5% |
| WESTBOUND | 0.0% | 8.6% | 0.0% | 7.6% | | | | | 0.0% | 2.1% | 0.0% | 1.9% |

| HOURLY SUMMARY | | | | | | | | | |
|----------------|----|---------|------|------|-------|-------|-------|-------|--------|
| HOUR | | | NB | SB | NB+SB | EB | WB | EB+WB | TOTAL |
| 6:00 AM | TO | 7:00 AM | 4 | 10 | 14 | 81 | 149 | 230 | 244 |
| 7:00 AM | TO | 8:00 AM | 14 | 9 | 23 | 330 | 325 | 655 | 678 |
| 8:00 AM | TO | 9:00 AM | 11 | 20 | 31 | 439 | 474 | 913 | 944 |
| 3:00 PM | TO | 4:00 PM | 10 | 42 | 52 | 304 | 357 | 661 | 713 |
| 4:00 PM | TO | 5:00 PM | 30 | 76 | 106 | 565 | 769 | 1334 | 1440 |
| 5:00 PM | TO | 6:00 PM | 31 | 132 | 163 | 680 | 824 | 1504 | 1667 |
| 6:00 PM | TO | 7:00 PM | 12 | 49 | 61 | 260 | 309 | 569 | 630 |
| TOTAL VOLUME | | | 112 | 338 | 450 | 2659 | 3207 | 5866 | 6316 |
| PERCENTAGE | | | 1.8% | 5.4% | 7.1% | 42.1% | 50.8% | 92.9% | 100.0% |

A & F ENGINEERING CO., LLC
TRAFFIC VOLUME SUMMARY

CLIENT :
INTERSECTION :
DATE :

Annex of Bloomington
Bloomington
4/5/2017

HCM 6th TWSC
3: Grant Street & 3rd Street

Existing AM
08/01/2017

DIRECTION OF TRAVEL : NORTHBOUND

| AM TIME PERIOD | LEFT | | | THROUGH | | | RIGHT | | | TOTAL | | |
|-------------------|--------|-------|------|---------|-------|------|--------|-------|------|--------|-------|------|
| | PASS | TRUCK | BOTH | PASS | TRUCK | BOTH | PASS | TRUCK | BOTH | PASS | TRUCK | BOTH |
| 6:00 AM - 7:00 AM | 1 | 0 | 1 | 2 | 0 | 2 | 1 | 0 | 1 | 4 | 0 | 4 |
| 7:00 AM - 8:00 AM | 4 | 0 | 4 | 6 | 0 | 6 | 4 | 0 | 4 | 14 | 0 | 14 |
| 8:00 AM - 9:00 AM | 1 | 0 | 1 | 5 | 0 | 5 | 5 | 0 | 5 | 11 | 0 | 11 |
| 3:00 PM - 4:00 PM | 0 | 0 | 0 | 8 | 0 | 8 | 2 | 0 | 2 | 10 | 0 | 10 |
| 4:00 PM - 5:00 PM | 7 | 0 | 7 | 15 | 0 | 15 | 8 | 0 | 8 | 30 | 0 | 30 |
| 5:00 PM - 6:00 PM | 2 | 0 | 2 | 15 | 0 | 15 | 14 | 0 | 14 | 31 | 0 | 31 |
| 6:00 PM - 7:00 PM | 0 | 0 | 0 | 3 | 0 | 3 | 9 | 0 | 9 | 12 | 0 | 12 |
| PASSENGER | 15 | | | 54 | | | 43 | | | 112 | | |
| | 100.0% | | | 100.0% | | | 100.0% | | | 100.0% | | |
| TRUCK | 0 | | | 0 | | | 0 | | | 0 | | |
| | 0.0% | | | 0.0% | | | 0.0% | | | 0.0% | | |
| BOTH | 15 | | | 54 | | | 43 | | | 112 | | |
| | 13.4% | | | 48.2% | | | 38.4% | | | 100.0% | | |

DIRECTION OF TRAVEL : SOUTHBOUND

| AM TIME PERIOD | LEFT | | | THROUGH | | | RIGHT | | | TOTAL | | |
|-------------------|-------|-------|------|---------|-------|------|--------|-------|------|--------|-------|------|
| | PASS | TRUCK | BOTH | PASS | TRUCK | BOTH | PASS | TRUCK | BOTH | PASS | TRUCK | BOTH |
| 6:00 AM - 7:00 AM | 4 | 0 | 4 | 4 | 0 | 4 | 2 | 0 | 2 | 10 | 0 | 10 |
| 7:00 AM - 8:00 AM | 1 | 2 | 3 | 2 | 0 | 2 | 4 | 0 | 4 | 7 | 2 | 9 |
| 8:00 AM - 9:00 AM | 1 | 0 | 1 | 9 | 0 | 9 | 10 | 0 | 10 | 20 | 0 | 20 |
| 3:00 PM - 4:00 PM | 11 | 0 | 11 | 6 | 1 | 7 | 24 | 0 | 24 | 41 | 1 | 42 |
| 4:00 PM - 5:00 PM | 37 | 0 | 37 | 13 | 0 | 13 | 26 | 0 | 26 | 76 | 0 | 76 |
| 5:00 PM - 6:00 PM | 40 | 0 | 40 | 37 | 0 | 37 | 55 | 0 | 55 | 132 | 0 | 132 |
| 6:00 PM - 7:00 PM | 14 | 0 | 14 | 10 | 0 | 10 | 25 | 0 | 25 | 49 | 0 | 49 |
| PASSENGER | 108 | | | 81 | | | 146 | | | 335 | | |
| | 98.2% | | | 98.8% | | | 100.0% | | | 99.1% | | |
| TRUCK | 2 | | | 0 | | | 0 | | | 3 | | |
| | 1.8% | | | 1.2% | | | 0.0% | | | 0.9% | | |
| BOTH | 110 | | | 82 | | | 146 | | | 338 | | |
| | 32.5% | | | 24.3% | | | 43.2% | | | 100.0% | | |

DIRECTION OF TRAVEL : EASTBOUND

| AM TIME PERIOD | LEFT | | | THROUGH | | | RIGHT | | | TOTAL | | |
|-------------------|-------|-------|------|---------|-------|------|-------|-------|------|--------|-------|------|
| | PASS | TRUCK | BOTH | PASS | TRUCK | BOTH | PASS | TRUCK | BOTH | PASS | TRUCK | BOTH |
| 6:00 AM - 7:00 AM | 3 | 0 | 3 | 68 | 10 | 78 | 0 | 0 | 0 | 71 | 10 | 81 |
| 7:00 AM - 8:00 AM | 8 | 0 | 8 | 280 | 25 | 305 | 16 | 1 | 17 | 304 | 26 | 330 |
| 8:00 AM - 9:00 AM | 11 | 1 | 12 | 390 | 23 | 413 | 13 | 1 | 14 | 414 | 25 | 439 |
| 3:00 PM - 4:00 PM | 3 | 0 | 3 | 284 | 8 | 292 | 9 | 0 | 9 | 296 | 8 | 304 |
| 4:00 PM - 5:00 PM | 12 | 0 | 12 | 521 | 17 | 538 | 14 | 1 | 15 | 547 | 18 | 565 |
| 5:00 PM - 6:00 PM | 21 | 0 | 21 | 630 | 12 | 642 | 17 | 0 | 17 | 668 | 12 | 680 |
| 6:00 PM - 7:00 PM | 7 | 0 | 7 | 244 | 5 | 249 | 4 | 0 | 4 | 255 | 5 | 260 |
| PASSENGER | 65 | | | 2417 | | | 73 | | | 2555 | | |
| | 98.5% | | | 96.0% | | | 96.1% | | | 96.1% | | |
| TRUCK | 1 | | | 100 | | | 3 | | | 104 | | |
| | 1.5% | | | 4.0% | | | 3.9% | | | 3.9% | | |
| BOTH | 66 | | | 2517 | | | 76 | | | 2659 | | |
| | 2.5% | | | 94.7% | | | 2.9% | | | 100.0% | | |

DIRECTION OF TRAVEL : WESTBOUND

| AM TIME PERIOD | LEFT | | | THROUGH | | | RIGHT | | | TOTAL | | |
|-------------------|-------|-------|------|---------|-------|------|--------|-------|------|--------|-------|------|
| | PASS | TRUCK | BOTH | PASS | TRUCK | BOTH | PASS | TRUCK | BOTH | PASS | TRUCK | BOTH |
| 6:00 AM - 7:00 AM | 4 | 0 | 4 | 142 | 2 | 144 | 1 | 0 | 1 | 147 | 2 | 149 |
| 7:00 AM - 8:00 AM | 2 | 0 | 2 | 281 | 20 | 301 | 22 | 0 | 22 | 305 | 20 | 325 |
| 8:00 AM - 9:00 AM | 4 | 0 | 4 | 392 | 29 | 421 | 49 | 0 | 49 | 445 | 29 | 474 |
| 3:00 PM - 4:00 PM | 6 | 0 | 6 | 311 | 19 | 330 | 21 | 0 | 21 | 338 | 19 | 357 |
| 4:00 PM - 5:00 PM | 25 | 3 | 28 | 695 | 17 | 712 | 29 | 0 | 29 | 749 | 20 | 769 |
| 5:00 PM - 6:00 PM | 16 | 0 | 16 | 756 | 17 | 773 | 35 | 0 | 35 | 807 | 17 | 824 |
| 6:00 PM - 7:00 PM | 4 | 0 | 4 | 283 | 4 | 287 | 18 | 0 | 18 | 305 | 4 | 309 |
| PASSENGER | 61 | | | 2860 | | | 175 | | | 3096 | | |
| | 95.3% | | | 96.4% | | | 100.0% | | | 96.5% | | |
| TRUCK | 3 | | | 108 | | | 0 | | | 111 | | |
| | 4.7% | | | 3.6% | | | 0.0% | | | 3.5% | | |
| BOTH | 64 | | | 2968 | | | 175 | | | 3207 | | |
| | 2.0% | | | 92.5% | | | 5.5% | | | 100.0% | | |

| Intersection | | | | | | | | | | | | |
|--------------------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Int Delay, s/veh | 0.9 | | | | | | | | | | | |
| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
| Lane Configurations | ↔↔ | | | ↔↔ | | | ↔↔ | | | ↔↔ | | |
| Traffic Vol, veh/h | 15 | 440 | 26 | 3 | 384 | 47 | 2 | 9 | 6 | 2 | 9 | 7 |
| Future Vol, veh/h | 15 | 440 | 26 | 3 | 384 | 47 | 2 | 9 | 6 | 2 | 9 | 7 |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sign Control | Free | Free | Free | Free | Free | Free | Stop | Stop | Stop | Stop | Stop | Stop |
| RT Channelized | - | - | None | - | - | None | - | - | None | - | - | None |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | - |
| Veh in Median Storage, # | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Peak Hour Factor | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 |
| Heavy Vehicles, % | 7 | 6 | 8 | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mvmt Flow | 18 | 518 | 31 | 4 | 452 | 55 | 2 | 11 | 7 | 2 | 11 | 8 |

| Major/Minor | Major1 | | Major2 | | Minor1 | | Minor2 | | | | | |
|----------------------|--------|---|--------|------|--------|---|--------|------|-----|-----|------|-----|
| Conflicting Flow All | 507 | 0 | 0 | 549 | 0 | 0 | 810 | 1085 | 275 | 789 | 1073 | 254 |
| Stage 1 | - | - | - | - | - | - | 570 | 570 | - | 488 | 488 | - |
| Stage 2 | - | - | - | - | - | - | 240 | 515 | - | 301 | 585 | - |
| Critical Hdwy | 4.24 | - | - | 4.1 | - | - | 7.5 | 6.5 | 6.9 | 7.5 | 6.5 | 6.9 |
| Critical Hdwy Stg 1 | - | - | - | - | - | - | 6.5 | 5.5 | - | 6.5 | 5.5 | - |
| Critical Hdwy Stg 2 | - | - | - | - | - | - | 6.5 | 5.5 | - | 6.5 | 5.5 | - |
| Follow-up Hdwy | 2.27 | - | - | 2.2 | - | - | 3.5 | 4 | 3.3 | 3.5 | 4 | 3.3 |
| Pot Cap-1 Maneuver | 1020 | - | - | 1031 | - | - | 275 | 218 | 729 | 285 | 222 | 752 |
| Stage 1 | - | - | - | - | - | - | 479 | 509 | - | 535 | 553 | - |
| Stage 2 | - | - | - | - | - | - | 748 | 538 | - | 689 | 501 | - |
| Platoon blocked, % | - | - | - | - | - | - | - | - | - | - | - | - |
| Mov Cap-1 Maneuver | 1020 | - | - | 1031 | - | - | 256 | 211 | 729 | 265 | 215 | 752 |
| Mov Cap-2 Maneuver | - | - | - | - | - | - | 256 | 211 | - | 265 | 215 | - |
| Stage 1 | - | - | - | - | - | - | 467 | 496 | - | 521 | 550 | - |
| Stage 2 | - | - | - | - | - | - | 722 | 535 | - | 650 | 488 | - |

| Approach | EB | WB | NB | SB |
|----------------------|-----|-----|------|------|
| HCM Control Delay, s | 0.4 | 0.1 | 18.3 | 17.6 |
| HCM LOS | | | C | C |

| Minor Lane/Major Mvmt | NBLn1 | EBL | EBT | EBR | WBL | WBT | WBR | SBLn1 |
|-----------------------|-------|-------|-----|-----|-------|-----|-----|-------|
| Capacity (veh/h) | 290 | 1020 | - | - | 1031 | - | - | 307 |
| HCM Lane V/C Ratio | 0.069 | 0.017 | - | - | 0.003 | - | - | 0.069 |
| HCM Control Delay (s) | 18.3 | 8.6 | 0.1 | - | 8.5 | 0 | - | 17.6 |
| HCM Lane LOS | C | A | A | - | A | A | - | C |
| HCM 95th %tile Q(veh) | 0.2 | 0.1 | - | - | 0 | - | - | 0.2 |

HCM 6th TWSC
3: Grant Street & 3rd Street

Existing PM
08/01/2017

| Intersection | | | | | | | | | | | | |
|--------------------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Int Delay, s/veh | 29.5 | | | | | | | | | | | |
| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
| Lane Configurations | ↔↔ | | | ↔↔ | | | ↔ | | | ↔ | | |
| Traffic Vol, veh/h | 18 | 658 | 16 | 22 | 780 | 27 | 2 | 21 | 14 | 47 | 30 | 55 |
| Future Vol, veh/h | 18 | 658 | 16 | 22 | 780 | 27 | 2 | 21 | 14 | 47 | 30 | 55 |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sign Control | Free | Free | Free | Free | Free | Free | Stop | Stop | Stop | Stop | Stop | Stop |
| RT Channelized | - | - | None | - | - | None | - | - | None | - | - | None |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | - |
| Veh in Median Storage, # | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Peak Hour Factor | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 |
| Heavy Vehicles, % | 7 | 6 | 8 | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mvmt Flow | 21 | 774 | 19 | 26 | 918 | 32 | 2 | 25 | 16 | 55 | 35 | 65 |

| Major/Minor | Major1 | Major2 | Minor1 | Minor2 |
|----------------------|--------|--------|--------|--------|
| Conflicting Flow All | 950 | 0 | 0 | 793 |
| Stage 1 | - | - | - | - |
| Stage 2 | - | - | - | - |
| Critical Hdwy | 4.24 | - | - | 4.1 |
| Critical Hdwy Stg 1 | - | - | - | - |
| Critical Hdwy Stg 2 | - | - | - | - |
| Follow-up Hdwy | 2.27 | - | - | 2.2 |
| Pot Cap-1 Maneuver | 689 | - | - | 837 |
| Stage 1 | - | - | - | - |
| Stage 2 | - | - | - | - |
| Platoon blocked, % | - | - | - | - |
| Mov Cap-1 Maneuver | 689 | - | - | 837 |
| Mov Cap-2 Maneuver | - | - | - | - |
| Stage 1 | - | - | - | - |
| Stage 2 | - | - | - | - |

| Approach | EB | WB | NB | SB |
|----------------------|-----|-----|------|----------|
| HCM Control Delay, s | 0.6 | 0.5 | 65.3 | \$ 352.8 |
| HCM LOS | | | F | F |

| Minor Lane/Major Mvmt | NBLn1 | EBL | EBT | EBR | WBL | WBT | WBR | SBLn1 |
|-----------------------|-------|-------|-----|-----|-------|-----|-----|----------|
| Capacity (veh/h) | 101 | 689 | - | - | 837 | - | - | 102 |
| HCM Lane V/C Ratio | 0.431 | 0.031 | - | - | 0.031 | - | - | 1.522 |
| HCM Control Delay (s) | 65.3 | 10.4 | 0.3 | - | 9.4 | 0.3 | - | \$ 352.8 |
| HCM Lane LOS | F | B | A | - | A | A | - | F |
| HCM 95th %tile Q(veh) | 1.8 | 0.1 | - | - | 0.1 | - | - | 11.7 |

Notes
 ~: Volume exceeds capacity \$: Delay exceeds 300s +: Computation Not Defined *: All major volume in platoon

HCM 6th TWSC
3: Grant Street & 3rd Street

Existing+Proposed AM
08/01/2017

| Intersection | | | | | | | | | | | | |
|--------------------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Int Delay, s/veh | 1.4 | | | | | | | | | | | |
| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
| Lane Configurations | ↔↔ | | | ↔↔ | | | ↔ | | | ↔ | | |
| Traffic Vol, veh/h | 21 | 440 | 26 | 3 | 384 | 57 | 2 | 13 | 6 | 13 | 11 | 13 |
| Future Vol, veh/h | 21 | 440 | 26 | 3 | 384 | 57 | 2 | 13 | 6 | 13 | 11 | 13 |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sign Control | Free | Free | Free | Free | Free | Free | Stop | Stop | Stop | Stop | Stop | Stop |
| RT Channelized | - | - | None | - | - | None | - | - | None | - | - | None |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | - |
| Veh in Median Storage, # | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Peak Hour Factor | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 |
| Heavy Vehicles, % | 7 | 6 | 8 | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mvmt Flow | 25 | 518 | 31 | 4 | 452 | 67 | 2 | 15 | 7 | 15 | 13 | 15 |

| Major/Minor | Major1 | Major2 | Minor1 | Minor2 |
|----------------------|--------|--------|--------|--------|
| Conflicting Flow All | 519 | 0 | 0 | 549 |
| Stage 1 | - | - | - | - |
| Stage 2 | - | - | - | - |
| Critical Hdwy | 4.24 | - | - | 4.1 |
| Critical Hdwy Stg 1 | - | - | - | - |
| Critical Hdwy Stg 2 | - | - | - | - |
| Follow-up Hdwy | 2.27 | - | - | 2.2 |
| Pot Cap-1 Maneuver | 1009 | - | - | 1031 |
| Stage 1 | - | - | - | - |
| Stage 2 | - | - | - | - |
| Platoon blocked, % | - | - | - | - |
| Mov Cap-1 Maneuver | 1009 | - | - | 1031 |
| Mov Cap-2 Maneuver | - | - | - | - |
| Stage 1 | - | - | - | - |
| Stage 2 | - | - | - | - |

| Approach | EB | WB | NB | SB |
|----------------------|-----|-----|------|----|
| HCM Control Delay, s | 0.5 | 0.1 | 20.3 | 19 |
| HCM LOS | | | C | C |

| Minor Lane/Major Mvmt | NBLn1 | EBL | EBT | EBR | WBL | WBT | WBR | SBLn1 |
|-----------------------|-------|-------|-----|-----|-------|-----|-----|-------|
| Capacity (veh/h) | 260 | 1009 | - | - | 1031 | - | - | 301 |
| HCM Lane V/C Ratio | 0.095 | 0.024 | - | - | 0.003 | - | - | 0.145 |
| HCM Control Delay (s) | 20.3 | 8.7 | 0.1 | - | 8.5 | 0 | - | 19 |
| HCM Lane LOS | C | A | A | - | A | A | - | C |
| HCM 95th %tile Q(veh) | 0.3 | 0.1 | - | - | 0 | - | - | 0.5 |

HCM 6th TWSC
3: Grant Street & 3rd Street

Existing+Proposed PM
08/01/2017

| Intersection | | | | | | | | | | | | |
|--------------------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Int Delay, s/veh | 99.8 | | | | | | | | | | | |
| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
| Lane Configurations | ↔↔ | | | ↔↔ | | | ↔ | | | ↔ | | |
| Traffic Vol, veh/h | 32 | 658 | 16 | 22 | 780 | 48 | 2 | 30 | 14 | 68 | 38 | 70 |
| Future Vol, veh/h | 32 | 658 | 16 | 22 | 780 | 48 | 2 | 30 | 14 | 68 | 38 | 70 |
| Conflicting Peds, #/hr | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sign Control | Free | Free | Free | Free | Free | Free | Stop | Stop | Stop | Stop | Stop | Stop |
| RT Channelized | - | - | None | - | - | None | - | - | None | - | - | None |
| Storage Length | - | - | - | - | - | - | - | - | - | - | - | - |
| Veh in Median Storage, # | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Grade, % | - | 0 | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Peak Hour Factor | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 | 85 |
| Heavy Vehicles, % | 7 | 6 | 8 | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mvmt Flow | 38 | 774 | 19 | 26 | 918 | 56 | 2 | 35 | 16 | 80 | 45 | 82 |

| Major/Minor | Major1 | | Major2 | | Minor1 | | Minor2 | | | | | |
|----------------------|--------|---|--------|-----|--------|---|--------|------|-----|------|------|-----|
| Conflicting Flow All | 974 | 0 | 0 | 793 | 0 | 0 | 1394 | 1886 | 397 | 1479 | 1867 | 487 |
| Stage 1 | - | - | - | - | - | - | 860 | 860 | - | 998 | 998 | - |
| Stage 2 | - | - | - | - | - | - | 534 | 1026 | - | 481 | 869 | - |
| Critical Hdwy | 4.24 | - | - | 4.1 | - | - | 7.5 | 6.5 | 6.9 | 7.5 | 6.5 | 6.9 |
| Critical Hdwy Stg 1 | - | - | - | - | - | - | 6.5 | 5.5 | - | 6.5 | 5.5 | - |
| Critical Hdwy Stg 2 | - | - | - | - | - | - | 6.5 | 5.5 | - | 6.5 | 5.5 | - |
| Follow-up Hdwy | 2.27 | - | - | 2.2 | - | - | 3.5 | 4 | 3.3 | 3.5 | 4 | 3.3 |
| Pot Cap-1 Maneuver | 674 | - | - | 837 | - | - | 103 | 71 | 608 | 89 | 73 | 532 |
| Stage 1 | - | - | - | - | - | - | 321 | 376 | - | 265 | 324 | - |
| Stage 2 | - | - | - | - | - | - | 503 | 315 | - | 540 | 372 | - |
| Platoon blocked, % | - | - | - | - | - | - | - | - | - | - | - | - |
| Mov Cap-1 Maneuver | 674 | - | - | 837 | - | - | 31 | 59 | 608 | ~ 40 | 61 | 532 |
| Mov Cap-2 Maneuver | - | - | - | - | - | - | 31 | 59 | - | ~ 40 | 61 | - |
| Stage 1 | - | - | - | - | - | - | 289 | 338 | - | 238 | 302 | - |
| Stage 2 | - | - | - | - | - | - | 337 | 293 | - | 423 | 334 | - |

| Approach | EB | WB | NB | SB |
|----------------------|-----|-----|-------|----------|
| HCM Control Delay, s | 0.9 | 0.5 | 123.7 | \$ 969.8 |
| HCM LOS | | | F | F |

| Minor Lane/Major Mvmt | NBLn1 | EBL | EBT | EBR | WBL | WBT | WBR | SBLn1 |
|-----------------------|-------|-------|-----|-----|-------|-----|-----|----------|
| Capacity (veh/h) | 77 | 674 | - | - | 837 | - | - | 72 |
| HCM Lane V/C Ratio | 0.703 | 0.056 | - | - | 0.031 | - | - | 2.876 |
| HCM Control Delay (s) | 123.7 | 10.7 | 0.5 | - | 9.4 | 0.3 | - | \$ 969.8 |
| HCM Lane LOS | F | B | A | - | A | A | - | F |
| HCM 95th %tile Q(veh) | 3.3 | 0.2 | - | - | 0.1 | - | - | 20.6 |

Notes
 ~: Volume exceeds capacity \$: Delay exceeds 300s +: Computation Not Defined *: All major volume in platoon

HCM 6th Signalized Intersection Summary
3: Grant Street & 3rd Street

Existing+Proposed AM
08/01/2017

| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|------------------------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Lane Configurations | ↔↔ | | | ↔↔ | | | ↔ | | | ↔ | | |
| Traffic Volume (veh/h) | 21 | 440 | 26 | 3 | 384 | 57 | 2 | 13 | 6 | 13 | 11 | 13 |
| Future Volume (veh/h) | 21 | 440 | 26 | 3 | 384 | 57 | 2 | 13 | 6 | 13 | 11 | 13 |
| Initial Q (Qb), veh | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ped-Bike Adj(A_pbT) | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Parking Bus, Adj | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Work Zone On Approach | No | | | No | | | No | | | No | | |
| Adj Sat Flow, veh/h/ln | 1811 | 1811 | 1811 | 1767 | 1767 | 1767 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Adj Flow Rate, veh/h | 25 | 518 | 31 | 4 | 452 | 67 | 2 | 15 | 7 | 15 | 13 | 15 |
| Peak Hour Factor | 0.85 | 0.85 | 0.85 | 0.85 | 0.85 | 0.85 | 0.85 | 0.85 | 0.85 | 0.85 | 0.85 | 0.85 |
| Percent Heavy Veh, % | 6 | 6 | 6 | 9 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cap, veh/h | 95 | 1478 | 87 | 63 | 1362 | 199 | 86 | 453 | 195 | 256 | 224 | 214 |
| Arrive On Green | 0.47 | 0.47 | 0.47 | 0.47 | 0.47 | 0.47 | 0.38 | 0.38 | 0.38 | 0.38 | 0.38 | 0.38 |
| Sat Flow, veh/h | 63 | 3111 | 182 | 5 | 2868 | 420 | 57 | 1208 | 521 | 468 | 597 | 571 |
| Grp Volume(v), veh/h | 299 | 0 | 275 | 279 | 0 | 244 | 24 | 0 | 0 | 43 | 0 | 0 |
| Grp Sat Flow(s),veh/h/ln | 1741 | 0 | 1615 | 1761 | 0 | 1532 | 1786 | 0 | 0 | 1635 | 0 | 0 |
| Q Serve(g_s), s | 0.0 | 0.0 | 6.5 | 0.0 | 0.0 | 6.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Cycle Q Clear(g_c), s | 6.2 | 0.0 | 6.5 | 5.9 | 0.0 | 6.0 | 0.5 | 0.0 | 0.0 | 0.9 | 0.0 | 0.0 |
| Prop In Lane | 0.08 | - | 0.11 | 0.01 | - | 0.27 | 0.08 | - | 0.29 | 0.35 | - | 0.35 |
| Lane Grp Cap(c), veh/h | 892 | 0 | 767 | 897 | 0 | 728 | 735 | 0 | 0 | 694 | 0 | 0 |
| V/C Ratio(X) | 0.34 | 0.00 | 0.36 | 0.31 | 0.00 | 0.34 | 0.03 | 0.00 | 0.00 | 0.06 | 0.00 | 0.00 |
| Avail Cap(c_a), veh/h | 892 | 0 | 767 | 897 | 0 | 728 | 735 | 0 | 0 | 694 | 0 | 0 |
| HCM Platoon Ratio | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Upstream Filter(I) | 1.00 | 0.00 | 1.00 | 1.00 | 0.00 | 1.00 | 1.00 | 0.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| Uniform Delay (d), s/veh | 9.9 | 0.0 | 10.0 | 9.8 | 0.0 | 9.8 | 11.9 | 0.0 | 0.0 | 12.0 | 0.0 | 0.0 |
| Incr Delay (d2), s/veh | 1.0 | 0.0 | 1.3 | 0.9 | 0.0 | 1.2 | 0.1 | 0.0 | 0.0 | 0.2 | 0.0 | 0.0 |
| Initial Q Delay(d3),s/veh | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| %ile BackOfQ(50%),veh/ln | 2.3 | 0.0 | 2.2 | 2.2 | 0.0 | 2.0 | 0.2 | 0.0 | 0.0 | 0.4 | 0.0 | 0.0 |
| Unsig. Movement Delay, s/veh | | | | | | | | | | | | |
| LnGrp Delay(d),s/veh | 10.9 | 0.0 | 11.3 | 10.7 | 0.0 | 11.1 | 12.0 | 0.0 | 0.0 | 12.2 | 0.0 | 0.0 |
| LnGrp LOS | B | A | B | B | A | B | B | A | A | B | A | A |
| Approach Vol, veh/h | 574 | | | 523 | | | 24 | | | 43 | | |
| Approach Delay, s/veh | 11.1 | | | 10.9 | | | 12.0 | | | 12.2 | | |
| Approach LOS | B | | | B | | | B | | | B | | |
| Timer - Assigned Phs | 2 | | 4 | | 6 | | 8 | | | | | |
| Phs Duration (G+Y+Rc), s | 27.0 | | 33.0 | | 27.0 | | 33.0 | | | | | |
| Change Period (Y+Rc), s | 4.5 | | 4.5 | | 4.5 | | 4.5 | | | | | |
| Max Green Setting (Gmax), s | 22.5 | | 28.5 | | 22.5 | | 28.5 | | | | | |
| Max Q Clear Time (g_c+1), s | 2.5 | | 8.5 | | 2.9 | | 8.0 | | | | | |
| Green Ext Time (p_c), s | 0.1 | | 3.5 | | 0.1 | | 3.2 | | | | | |
| Intersection Summary | | | | | | | | | | | | |
| HCM 6th Ctrl Delay | 11.1 | | | | | | | | | | | |
| HCM 6th LOS | B | | | | | | | | | | | |

HCM 6th Signalized Intersection Summary
3: Grant Street & 3rd Street

Existing+Proposed PM
08/01/2017

| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBT | SBR |
|------------------------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Lane Configurations | | ↔ | | | ↔ | | | ↔ | | | ↔ | |
| Traffic Volume (veh/h) | 32 | 658 | 16 | 22 | 780 | 48 | 2 | 30 | 14 | 68 | 38 | 70 |
| Future Volume (veh/h) | 32 | 658 | 16 | 22 | 780 | 48 | 2 | 30 | 14 | 68 | 38 | 70 |
| Initial Q (Qb), veh | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ped-Bike Adj(A_pbT) | 1.00 | | 1.00 | 1.00 | | 1.00 | 1.00 | | 1.00 | 1.00 | | 1.00 |
| Parking Bus, Adj | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Work Zone On Approach | No | | No | | No | | No | | No | | No | |
| Adj Sat Flow, veh/h/ln | 1811 | 1811 | 1811 | 1767 | 1767 | 1767 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Adj Flow Rate, veh/h | 38 | 774 | 19 | 26 | 918 | 56 | 2 | 35 | 16 | 80 | 45 | 82 |
| Peak Hour Factor | 0.85 | 0.85 | 0.85 | 0.85 | 0.85 | 0.85 | 0.85 | 0.85 | 0.85 | 0.85 | 0.85 | 0.85 |
| Percent Heavy Veh, % | 6 | 6 | 6 | 9 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cap, veh/h | 153 | 1581 | 38 | 133 | 1532 | 92 | 121 | 233 | 103 | 250 | 88 | 120 |
| Arrive On Green | 0.50 | 0.50 | 0.50 | 0.50 | 0.50 | 0.50 | 0.19 | 0.19 | 0.19 | 0.19 | 0.19 | 0.19 |
| Sat Flow, veh/h | 62 | 3168 | 76 | 32 | 3070 | 185 | 26 | 1225 | 541 | 499 | 465 | 632 |
| Grp Volume(v), veh/h | 423 | 0 | 408 | 523 | 0 | 477 | 53 | 0 | 0 | 207 | 0 | 0 |
| Grp Sat Flow(s),veh/h/ln | 1672 | 0 | 1634 | 1712 | 0 | 1574 | 1792 | 0 | 0 | 1596 | 0 | 0 |
| Q Serve(g_s), s | 0.0 | 0.0 | 5.4 | 0.0 | 0.0 | 7.0 | 0.0 | 0.0 | 0.0 | 2.8 | 0.0 | 0.0 |
| Cycle Q Clear(g_c), s | 4.9 | 0.0 | 5.4 | 6.8 | 0.0 | 7.0 | 0.8 | 0.0 | 0.0 | 3.8 | 0.0 | 0.0 |
| Prop In Lane | 0.09 | | 0.05 | 0.05 | | 0.12 | 0.04 | | 0.30 | 0.39 | | 0.40 |
| Lane Grp Cap(c), veh/h | 956 | 0 | 816 | 972 | 0 | 786 | 457 | 0 | 0 | 459 | 0 | 0 |
| V/C Ratio(X) | 0.44 | 0.00 | 0.50 | 0.54 | 0.00 | 0.61 | 0.12 | 0.00 | 0.00 | 0.45 | 0.00 | 0.00 |
| Avail Cap(c_a), veh/h | 1608 | 0 | 1523 | 1675 | 0 | 1467 | 1220 | 0 | 0 | 1130 | 0 | 0 |
| HCM Platoon Ratio | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Upstream Filter(I) | 1.00 | 0.00 | 1.00 | 1.00 | 0.00 | 1.00 | 1.00 | 0.00 | 0.00 | 1.00 | 0.00 | 0.00 |
| Uniform Delay (d), s/veh | 5.3 | 0.0 | 5.4 | 5.7 | 0.0 | 5.8 | 10.9 | 0.0 | 0.0 | 12.1 | 0.0 | 0.0 |
| Incr Delay (d2), s/veh | 0.3 | 0.0 | 0.5 | 0.5 | 0.0 | 0.8 | 0.1 | 0.0 | 0.0 | 0.7 | 0.0 | 0.0 |
| Initial Q Delay(d3),s/veh | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| %ile BackOfQ(50%),veh/ln | 1.0 | 0.0 | 1.0 | 1.3 | 0.0 | 1.3 | 0.3 | 0.0 | 0.0 | 1.1 | 0.0 | 0.0 |
| Unsig. Movement Delay, s/veh | | | | | | | | | | | | |
| LnGrp Delay(d),s/veh | 5.6 | 0.0 | 5.9 | 6.2 | 0.0 | 6.6 | 11.0 | 0.0 | 0.0 | 12.8 | 0.0 | 0.0 |
| LnGrp LOS | A | A | A | A | A | A | B | A | A | B | A | A |
| Approach Vol, veh/h | | 831 | | | 1000 | | | 53 | | | 207 | |
| Approach Delay, s/veh | | 5.7 | | | 6.4 | | | 11.0 | | | 12.8 | |
| Approach LOS | | A | | | A | | | B | | | B | |
| Timer - Assigned Phs | | 2 | | 4 | | 6 | | 8 | | | | |
| Phs Duration (G+Y+Rc), s | | 11.1 | | 21.1 | | 11.1 | | 21.1 | | | | |
| Change Period (Y+Rc), s | | 5.0 | | 5.0 | | 5.0 | | 5.0 | | | | |
| Max Green Setting (Gmax), s | | 20.0 | | 30.0 | | 20.0 | | 30.0 | | | | |
| Max Q Clear Time (g_c+11), s | | 2.8 | | 7.4 | | 5.8 | | 9.0 | | | | |
| Green Ext Time (p_c), s | | 0.2 | | 5.9 | | 1.0 | | 7.1 | | | | |
| Intersection Summary | | | | | | | | | | | | |
| HCM 6th Ctrl Delay | | | | 6.9 | | | | | | | | |
| HCM 6th LOS | | | | A | | | | | | | | |



SCHMIDT
ASSOCIATES

August 8, 2017

Terri Porter
Director of Planning and Transportation
The City of Bloomington
401 North Morton Street, Suite 130
Bloomington, IN 47404

Re: Project Review Summary
Bloomington City Architect - 2017-040.000

Dear Terri:

Schmidt Associates has reviewed the Plan Commission Submittal dated July 29, 2017 for the Annex Bloomington Project.

The comments listed below were verbally reviewed with: Amelia Lewis, James Roach, and Terri Porter via conference call on Thursday, August 3, 2017.

The group noted that this submittal was the second iteration of the project from the developer. The Plan Commission will see this iteration of the submittal for the first time on Monday, August 14, 2017. To date, there have been no approvals issued by the Plan Commission for this project.

The group shared that their primary concerns regarding the project are as follows:

- As proposed, the development exceeds the maximum building height allowable on the low side of the site, primarily along the south, west and north facades of the west block.
- The podium level in many areas is generally solid, flat, and lacking in windows, detailing, or other elements to break up the façade along 3rd Street.
- The project is under parked.
- The street level lacks pedestrian friendliness.
- The 3rd Street façade feels generally flat, lacking in modulation.

The group also noted that the alley (west) façade of the west block of the development offered opportunities for public art.

Review Comments from Schmidt Associates are as follows:

The project is located on the northwest and northeast corners of the intersection of 3rd Street and Grant Street. There is a residential scale neighborhood to the north of the intersection, although some of the structures are occupied by businesses, including restaurants. This scale and context is important to consider when blending in a larger development as part of the neighborhood.

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Letter to Terri Porter
 Bloomington City Architect
 August 8, 2017
 Page 2

The project addresses the scale component somewhat with building massing that steps back or down to a lower scale at the northeast corner of the west block and the northwest corner of the east block where they meet the residential context. However, it could better utilize elements such as awnings or canopies especially on the 3rd Street façade, to provide more pedestrian scale. It begins to use some of these elements on the Grant Street facades of each block, but could go further. Shade elements at outdoor seating areas, public seating or low seat walls would also help mitigate this issue and more clearly delineate the public zone.

Public Art should be considered for integration with this project. It could take a number of forms including, but not limited to: site sculpture, wall murals, railing design, signage, and bike racks.

The numbers listed below are keyed to the attached elevations:

MASSING:

1. Building Height – At the high side of the site, the building height feels more comfortable and in context with the scale of the neighborhood, but for much of the site where the existing grade is lower, the building massing at four stories and taller feels one story too high.
2. Create more depth (in and out) to the podium level on 3rd Street, especially at the SE corner of the west block, to better engage with the ground plane and activate the inside-outside relationships with the outdoor dining spaces.
3. More depth is needed at the upper levels as well to relieve flatness in the facades on 3rd Street. The current design provides only minimal shadowing and depth created by metal panel surface texture, with a bit more from overhang elements at the cornice line. Balcony areas to relieve flatness may not be an opportunity in this application due to the large number of Studio units in the development, but adding them to the few 1 Bedroom and 2 Bedroom units may benefit the façade.
4. East façade and massing of the west block steps back and down nicely to create public rooftop space and maintain scale/context with the adjacent residential scaled building. This is somewhat true of the west façade of the east block as well.

MATERIALS:

5. Consider introducing some limestone veneer and trim at the podium level to provide a local material connection and add some detail and interest.
6. Consider a primarily masonry (brick and/or limestone veneer) volume at the corner elements of each block to provide an anchor element.
7. Utilize awnings and overhangs to provide better street scale and shading elements to the large window openings.



Letter to Terri Porter
 Bloomington City Architect
 August 8, 2017
 Page 3

MATERIALS (cont):

8. Materiality – what is it that makes this “of Bloomington” and of this area...seems like this could be anywhere.
9. Concern with relatively short lifespan of all cementitious panel areas in general.
10. The size, proportion, and location of the red metal panel areas seem arbitrary. Consider an opportunity which would utilize these or similar elements to visually replicate and conceptually continue the solid-void spacing and proportion of homes along Grant Street.
11. The podium level façades of the East Building (North Elevation) and West Building (West Elevation and North Elevation) are dominated by brick masonry with little to no detail, patterning and/or depth (in and out) to provide scale or interest and in these cases, visual relief.

SITE:

12. Consider utilizing signage that works better to the scale and character of the neighborhood, such as a blade sign.
13. Consider continuing the use of paver brick for the sidewalk areas in front of each block of the development, especially along both sides of Grant Street, to better tie in with the pedestrian walking surfaces of much of the neighborhood and provide detail and interest.
14. It will be difficult to back out of the parking spaces at each end of the parking deck due to limited space.

We would be happy to further discuss ways to improve the design with the architect and developer at the request of the city.

Sincerely,

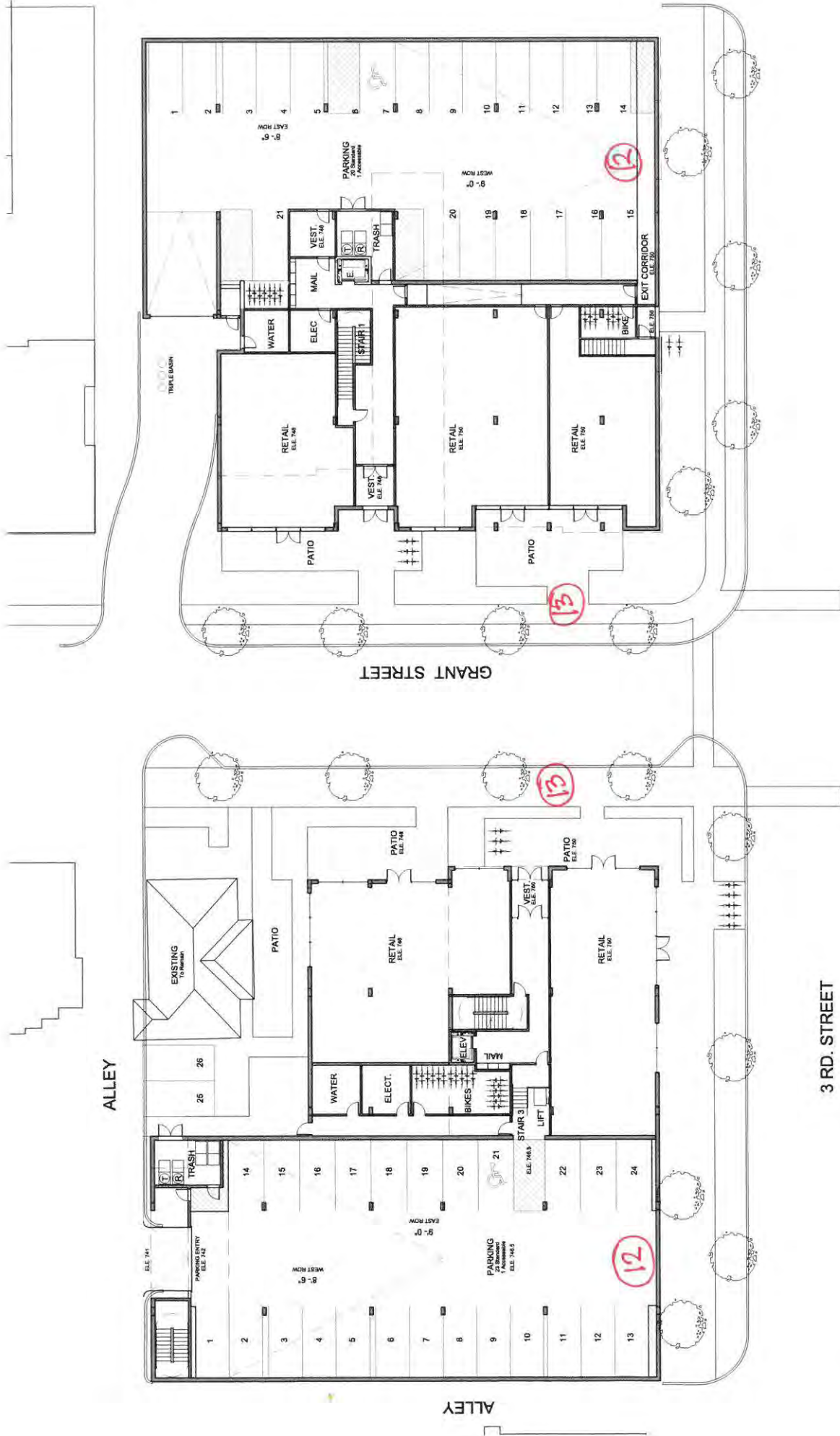
SCHMIDT ASSOCIATES, INC.

Ar chitecture • Engineering • Interior Design • Landscape Architecture

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Design Architect / Associate
salspaugh@schmidt-arch.com

SKH/SKA:lab
 Enclosures





- MATERIAL LEGEND**
- 1 BRICK
 - 4 METAL PANEL 1
 - 7 PRE-FINISHED METAL RAILINGS
 - 2 CEMENTITIOUS PANEL - COLORS 1,2,3
 - 5 METAL PANEL 2
 - 8 STOREFRONT SYSTEM
 - 3 METAL LOUVERS
 - 6 PRE-FINISHED METAL
 - 9 WINDOW SYSTEM



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ktgy.com



ANNEX BLOOMINGTON
BLOOMINGTON, IL #110001

PLAN COMMISSION SUBMITTAL
JULY 28, 2017



EAST BLDG- WEST ELEVATION

A3.2



- MATERIAL LEGEND**
- 1 BRICK
 - 4 METAL PANEL 1
 - 7 PRE-FINISHED METAL RAILINGS
 - 2 CEMENTITIOUS PANEL - COLORS 1,2,3
 - 5 METAL PANEL 2
 - 8 STOREFRONT SYSTEM
 - 3 METAL LOUVERS
 - 6 PRE-FINISHED METAL
 - 9 WINDOW SYSTEM



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ANNEX BLOOMINGTON
BLOOMINGTON, IL #110001

PLAN COMMISSION SUBMITTAL
JULY 28, 2017



EAST BLDG- SOUTH ELEVATION

A3.3



10

MATERIAL LEGEND

- 1 BRICK

2 CEMENTITIOUS PANEL - COLORS 1,2,3

3 METAL LOUVERS
- 4 METAL PANEL 1

5 METAL PANEL 2

6 PRE-FINISHED METAL
- 7 PRE-FINISHED METAL RAILINGS

8 STOREFRONT SYSTEM

9 WINDOW SYSTEM

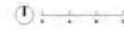


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ANNEX BLOOMINGTON
BLOOMINGTON, IL #115001

PLAN COMMISSION SUBMITTAL
JULY 28, 2017



EAST BLDG- EAST ELEVATION

A3.4



10

5

11

1

MATERIAL LEGEND

- 1 BRICK

2 CEMENTITIOUS PANEL - COLORS 1,2,3

3 METAL LOUVERS
- 4 METAL PANEL 1

5 METAL PANEL 2

6 PRE-FINISHED METAL
- 7 PRE-FINISHED METAL RAILINGS

8 STOREFRONT SYSTEM

9 WINDOW SYSTEM

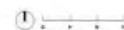


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ANNEX BLOOMINGTON
BLOOMINGTON, IL #115001

PLAN COMMISSION SUBMITTAL
JULY 28, 2017



EAST BLDG- NORTH ELEVATION

A3.5



- MATERIAL LEGEND**
- ① BRICK
 - ④ METAL PANEL 1
 - ⑦ PRE-FINISHED METAL RAILINGS
 - ② CEMENTITIOUS PANEL - COLORS 1,2,3
 - ⑤ METAL PANEL 2
 - ⑧ STOREFRONT SYSTEM
 - ③ METAL LOUVERS
 - ⑥ PRE-FINISHED METAL
 - ⑨ WINDOW SYSTEM



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ANNEX BLOOMINGTON
BLOOMINGTON, IL #11061

PLAN COMMISSION SUBMITTAL
JULY 28, 2017



WEST BLDG- SOUTH ELEVATION

A3.6



- MATERIAL LEGEND**
- ① BRICK
 - ④ METAL PANEL 1
 - ⑦ PRE-FINISHED METAL RAILINGS
 - ② CEMENTITIOUS PANEL - COLORS 1,2,3
 - ⑤ METAL PANEL 2
 - ⑧ STOREFRONT SYSTEM
 - ③ METAL LOUVERS
 - ⑥ PRE-FINISHED METAL
 - ⑨ WINDOW SYSTEM



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ANNEX BLOOMINGTON
BLOOMINGTON, IL #11061

PLAN COMMISSION SUBMITTAL
JULY 28, 2017



WEST BLDG- WEST ELEVATION

A3.7



MATERIAL LEGEND

- ① BRICK
- ④ METAL PANEL 1
- ⑦ PRE-FINISHED METAL RAILINGS
- ② CEMENTITIOUS PANEL - COLORS 1,2,3
- ⑤ METAL PANEL 2
- ⑧ STOREFRONT SYSTEM
- ③ METAL LOUVERS
- ⑥ PRE-FINISHED METAL
- ⑨ WINDOW SYSTEM

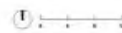


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ANNEX BLOOMINGTON
BLOOMINGTON, IL #11081

PLAN COMMISSION SUBMITTAL
JULY 26, 2017



WEST BLDG- NORTH ELEVATION

A3.8



MATERIAL LEGEND

- ① BRICK
- ④ METAL PANEL 1
- ⑦ PRE-FINISHED METAL RAILINGS
- ② CEMENTITIOUS PANEL - COLORS 1,2,3
- ⑤ METAL PANEL 2
- ⑧ STOREFRONT SYSTEM
- ③ METAL LOUVERS
- ⑥ PRE-FINISHED METAL
- ⑨ WINDOW SYSTEM



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ANNEX BLOOMINGTON
BLOOMINGTON, IL #11081

PLAN COMMISSION SUBMITTAL
JULY 26, 2017



WEST BLDG- EAST ELEVATION

A3.9

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
LOCATION: 1611 S. Rogers St**

**CASE #: ZO-21-17
DATE: August 14, 2017**

PETITIONER: City of Bloomington, Parks and Recreation
401 N. Morton Street

REQUEST: The petitioner is requesting to rezone 6.01 acres from Industrial General (IG) to Institutional (IN) and to rezone 0.62 acres from Industrial General (IG) to Residential High-Density Multifamily (RH). Also requested is a waiver from the required second hearing.

BACKGROUND:

| | |
|---------------------------|--|
| Overall Area: | 6.63 acres |
| Current Zoning: | Industrial General |
| GPP Designation: | Employment Center |
| Existing Land Use: | Industrial storage buildings and office |
| Proposed Land Use: | Switchyard Park and affordable multifamily apartments |
| Surrounding Uses: | North – Office and Community Center West – Industrial and Single Family Residences East – B-Line Trail/Switchyard Park South – Mobile Home Park |

REPORT: This property is located at 1607, 1609, 1611, and 1901 S Rogers Street and is zoned Industrial General (IG). The properties to the east are zoned Institutional (IN) and Planned Unit Development (PUD), to the west is Industrial General (IG) and Planned Unit Development (PUD), and the Mobile Home Park property to the south is zoned PUD.

The 6.63 acre site consists of several parcels and industrial buildings. The City purchased these properties as part of the Park's Department master plan to redevelop the former railroad switchyard to a community park. To that end the City is requesting to rezone 6.01 acres of the site from Industrial General (IG) to Institutional (IN). Also requested is to rezone 0.62 acres of the site from Industrial General (IG) to Residential High-Density Multifamily (RH) to allow for a portion of the property to be developed with affordable housing apartments.

Site plan approval for the park and apartments will come once more detailed plans have been prepared. This petition is strictly for the rezoning of the property.

GROWTH POLICIES PLAN: This property is zoned for Industrial uses and is designated as an "*Employment Center*". The GPP notes that an *Employment Center* district should contain a mix of office and industrial uses providing large-scale employment opportunities for the Bloomington community and the surrounding region. The zoning and GPP designation of this site was a result of the previous use of the property as an industrial storage site and industrial offices, which were located here as a result of their location to the former railroad. With the change in ownership and

removal of the railroad use from this area for development of the future Switchyard Park, the zoning and future land use for this parcel is better served as a community park.

REVIEW CONSIDERATIONS FOR AMENDMENTS TO THE ZONING MAP (20.09.160(d)(1)) When reviewing a zoning map amendment petition, the Plan Commission shall consider the following:

- (A) *The recommendations of the Growth Policies Plan –*
RECOMMENDED FINDING: While the rezoning of this property is not in keeping with the current GPP designation, the redevelopment of this site as a community and regional park does further many goals and recommendations of the GPP. The portion of the site proposed to be used for affordable multi-family apartments will also further the recommendations of the GPP of encouraging residential dwelling units adjacent to the City's greenways and parks.
- (B) *Current conditions and character of structures and uses in each zoning district -*
RECOMMENDED FINDING: The current conditions surrounding this site have changed since the abandonment of the railroad along this corridor. The former warehouse to the north was rezoned to allow it to be remodeled into a community center in 2012. The reuse of this property in conjunction with the adjacent larger switchyard property to the east, will be a better use of the property as a whole. The proposed use of a portion of the site for dwelling units is in keeping with the character and uses surrounding the site.
- (C) *The most desirable use for which the land in each zoning district is adapted –*
RECOMMENDED FINDING: Rezoning this to Institutional is desirable as it allows this property to be uses in conjunction with the larger parcel to the east that will be used for the Switchyard Park. This rezoning allows the completion of the community and Park's Department master plan for this area to develop a regional park. The GPP recommends placing dwelling units adjacent to the McDoel switchyard and the inclusion of apartments with this petition is highly desirable by the City and community.
- (D) *The conservation of sensitive environmental features –*
RECOMMENDED FINDING: The environmental features on this site, as well as the adjacent property, will be avoided to the maximum extent practical.
- (E) *The conservation of property values throughout the jurisdiction –*
RECOMMENDED FINDING: The Department does not anticipate any negative effects on surrounding property values. In fact, the redevelopment of this site with a park and affordable housing units could increase property values by placing a park next to residential properties rather than industrial uses.
- (F) *Responsible development and growth –*
RECOMMENDED FINDING: The Department believes that this rezoning responsibly locates an appropriate land use in the area that allows for redevelopment of the site in keeping with the City's goals to provide a regional park for the benefit of the City and surrounding communities. Again, the GPP encourages the placement of mixed uses and residences immediately adjacent to the McDoel Switchyard and this petition allows both the redevelopment of the Switchyard and the construction of affordable housing units.

RECOMMENDATION: The Department recommends that the Plan Commission waive the required second hearing and forward this petition to the Common Council with a favorable recommendation and no conditions.

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT**
Location: 1611 S. Rogers Street/245 S Grimes Ln.

**CASE #: UV/DP-23-17
DATE: August 14, 2017**

PETITIONER: City of Bloomington, Parks and Recreation
401 N. Morton Street

CONSULTANT: Bledsoe Riggert Cooper and James
1351 W. Tapp Road

REQUEST: The petitioner is requesting a use variance to allow a parking lot in the floodway. This use variance request requires Plan Commission review of compliance with the Growth Policies Plan. Also requested is preliminary and final plat approval of a 2-lot subdivision of 6.01 acres.

Overall Area: ~60 acres
Current Zoning: Industrial General/Institutional
GPP Designation: Employment Center/Parks Open Space
Existing Land Use: Industrial storage buildings/B-Line Trail
Proposed Land Use: Switchyard Park
Surrounding Uses: North – Office and Community Center
 West – Industrial and Single Family Residences
 East – B-Line Trail/Switchyard Park
 South – Mobile Home Park

REPORT: The property is located at 1607, 1609, 1611, 1901 S Rogers Street and 245 W. Grimes Lane and is zoned Industrial General (IG) and Institutional (IN). The properties to the east are zoned Institutional (IN) and Planned Unit Development (PUD), to the west is Industrial General (IG) and Planned Unit Development (PUD), and the Mobile Home Park property to the south is zoned PUD. The petitioner is also seeking a rezoning for a portion of the Switchyard properties with a separate petition ZO-21-17.

The overall petition site involves the McDoel Switchyard Park properties that are comprised of the large former railroad corridor that runs from Grimes Lane to Tapp Road as well as a property that was purchased along Rogers Street. The property along Rogers Street is 6.01 acres and consists of several parcels and industrial buildings. To accomplish the approved master plan to redevelop the McDoel Switchyard Park, the petitioner is requesting several approvals. One is to subdivide an existing property that is located on the west side of the Park along Rogers Street into 2 parcels. One of the parcels, Lot #1, will be 5.39 acres and will be used for the future switchyard park. The other lot, Lot #2, will be 0.62 acres and will be used for a future affordable housing project. The proposed Lot #1 meets the minimum lot size of the Institutional zoning district of 21,780 sq.ft. and the proposed Lot #2 meets the minimum lot size of the Residential High-density Multifamily district which is also 21,780 sq. ft.

A second approval is for a use variance to allow a parking lot in the floodway for a portion of the proposed parking area on the north side of the site along Grimes Lane. A separate petition, ZO-21-17, will also be heard by the Plan Commission for the rezoning of these properties along Rogers Street from Industrial General to Institutional and Residential High-density Multifamily.

As part of the City of Bloomington's Parks and Recreation Department's plans for redevelopment of the former CSX Railroad Switchyard, the former switchyard area will be redeveloped for a community and regional park. The City has developed an overall site plan for the approximately 60 acres and has planned many features such as pavilion space, tennis courts, basketball courts, skate park, lawn area, and other recreation features. The overall site plan for the park places all of the parking areas immediately adjacent to the surrounding road connections in order to leave the central open spaces open for recreation space.

One of the proposed access points and parking area is along the Grimes Street frontage on the north side of the proposed park. This portion of the property is very narrow in width and has a portion of the site encumbered by the floodplain of Clear Creek. The City undertook a floodplain analysis of the site to most accurately determine the location of the floodplain and a Letter of Map Revision (LOMR) was approved by FEMA and DNR to revise the floodplain maps accordingly. The north end of the site by Grimes Lane was identified as an ideal location for the placement of several of the site recreation facilities and the parking areas were then located adjacent to those facilities to best serve them. In order to best minimize the placement of structures in the floodplain, it was determined that placing all of the recreation facilities and structures on the west side of the site would allow them to be located out of the floodplain and therefore would best minimize impacts to the floodplain elevation. The placement of the parking lot in the floodplain created the least impact on the floodplain. The parking lot would be constructed at existing grade and would be composed completely of permeable pavers to best minimize impacts to stormwater runoff and flood elevations. While every effort was made to minimize the placement of the parking area in the floodplain, there are some portions of the parking area that are located in the floodway. The UDO does not allow any structures, obstructions, or deposit or excavation to be located in the floodway and thus a use variance is required in order to allow the placement of the parking area in the floodway.

SITE PLAN ISSUES:

Parking: The parking areas that are located in the floodplain will utilize permeable paver blocks to limit any increase in flood elevations. In addition all stormwater will be directed to rain garden basins located along the parking area and also directed to a larger detention basin that will serve the park as a whole and is also designed to provide stormwater improvements through landscaping plantings.

Landscaping: The proposed parking area will meet all landscaping requirements including the placement of required shrubs and tall canopy trees.

PRELIMINARY PLAT REVIEW:

Right of Way: The property has frontage on Rogers Street which is classified as a Secondary Arterial road and is required to have 40' of dedicated right-of-way from centerline. The petitioner has shown this right-of-way dedication on the preliminary plat. There is already a sidewalk along this frontage. Street trees not more than 40' from center will be added with the overall Switchyard Park improvements.

Utilities: Water and sanitary connections are provided along Rogers Street and no easements are required with this plat.

Access: All access to this site will be from Rogers Street. There will be one drivecut on Rogers Street for this site.

Floodplain: A portion of the floodplain of the West Branch of Clear Creek encroaches onto this property and is required to be placed in a common area. The petitioner is requesting a waiver from this requirement and is proposing to place the portions of the site within the floodplain in a drainage easement instead. This will be shown on the final plat and, if approved, a condition of approval has been included to that effect.

Common Area Waiver: The petitioner has requested a waiver from the requirement to place the portions of the site containing the 100-year floodplain in a common area lot. Section 20.09.210(d)(2)(A) states "the Plan Commission may grant a Subdivision Waiver if, after a public hearing, it makes written findings of fact based upon the evidence presented to it in each specific case, that"-

- (i) The granting of the Subdivision Waiver shall not be detrimental to the public safety, health, or general welfare, or injurious to other property; and

Recommended Finding: The granting of a waiver to not place the floodplain in common area will not be detrimental to the public safety, health, or general welfare, or injurious to other property. The reason for the requirement to place the floodplain in common area was to insure that future land owners did not build structures on property that was not their own, since the City will own this land there is not the same risk that future owners will not know of the restrictions.

- (ii) The conditions upon which the request for a Subdivision Waiver is based are unique to the property for which the Subdivision Waiver is sought and are not applicable generally to other property; and

This section is exempt from review under 20.09.210(d)(2)(B)

- (iii) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the subdivision

regulations is carried out (Financial hardship shall not constitute grounds for a waiver); and

This section is exempt from review under 20.09.210(d)(2)(B)

(iv) The Subdivision Waiver shall not in any manner vary the provisions of the development standards, Growth Policies Plan, or Thoroughfare Plan.

Recommended Finding: The Growth Policies Plan encouraged the redevelopment of the McDoel Switchyard and this petition, as well as the rezoning petition, further many of the goals of the GPP and the City.

Environmental Commission: The Environmental Commission has included a memo with this petition that supports the location of the parking lot in the floodway and does not find any negative environmental impacts as a result. A majority of the area for the proposed parking area has already been disturbed with existing parking and asphalt.

GROWTH POLICIES PLAN: The Growth Policies Plan (GPP) designates this property as Parks/Open Space. The GPP notes that 'Parks/Open Space' areas should provide opportunities for both active and passive recreation activities, as well as be accessible to people throughout the community. The overall site design has placed all of the parking areas immediately adjacent to the public road frontages. The City has tried to minimize any impacts from the location of the parking area and has included several features to offset the impacts of the location in the floodway. The redevelopment of this site for a regional park is extremely beneficial to not only the citizens of Bloomington but also surrounding communities. The GPP highlighted the redevelopment of the McDoel Switchyard as highly desirable and a unique opportunity to provide an urban greenway. This petition furthers many goals highlighted in the GPP for the McDoel Switchyard.

The Department finds that this request does not substantially interfere with the general and specific policies of the GPP for this area and dramatically furthers the goals of the GPP and the community.

CONCLUSION: Staff finds that this is an appropriate use of an already developed site. The location of the parking area is appropriate to allow users of the park best access to parking areas and allow the interior of the site to be developed with recreation facilities and structures. The placement of an at-grade parking area with 100% permeable pavers is the most sensitive design possible.

RECOMMENDATION: The Department recommends that the Plan Commission forward petition #UV-23-17 to the Board of Zoning Appeals with a positive recommendation and recommends approval of the preliminary plat with the associated waiver and forwarding the final plat to the September 11, 2017 Plat Committee meeting with the following condition:

1. The portions of the site containing the floodplain of the WBR Clear Creek must be placed in a drainage easement on the final plat.

MEMORANDUM

Date: August 8, 2017

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Through: Linda Thompson, Senior Environmental Planner

Subject: UV/DP-23-17: Switchyard Park, Use Variance and Rezone
1611 S. Rogers St.

The purpose of this memo is to convey the Environmental Commission's (EC) opinion regarding a Use Variance and Rezone on a piece of property owned by the City of Bloomington that is planned to become the Switchyard Park, and Residential High Density Multifamily housing.

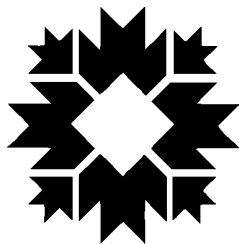
The Site Plan for the multifamily housing will come before the EC in the future, and we will weigh in on the environmental merits of the proposal then.

There are two main environmental issues associated with this variance request. One is constructing part of a permeable parking lot within the edge of a floodplain, and the other is relocating a wetland.

The EC believes that a variance for encroaching the corner of a permeable parking lot into the edge of the floodplain is acceptable in this case. The lot won't inhibit floodwater flow, the permeable pavers will be maintained by the Parks and Recreation Department, and the other environmental mitigation and enhancements on the Switchyard property will more than offset the encroachment.

Also, the EC believes that elimination of this existing wetland will be offset by creating a new one. The existing wetland has been altered in the past, thus changing the water regime, unbalancing the plant and animal dynamics, and creating a siltation problem. The proposed constructed wetland is sized for proper water detention, will be planted with native riparian plants, is contoured to prevent erosion, and will be maintained by the Parks and Recreation Department. The EC believes this will provide more benefit to the water regime and wildlife than keeping the eroding wetland that is there now.

Therefore, the EC has no opposition to these two environmental variances.



CITY OF BLOOMINGTON
parks and recreation

Date: July 11, 2017

To: City of Bloomington Plan Commission

From: Dave Williams, Operations Director
City of Bloomington
Parks and Recreation

Re: Petitioner's Statement
Switchyard Park
Request for Property Rezone and Use Variance for Parking Lot in Floodway
1901 S. Walnut St.

Dear Plan Commissioners,

The Department of Parks and Recreation is seeking a Rezone and Use Variance for the development of Switchyard Park located north of Countryclub Dr., south of Grimes Lane, east of Walnut St., and west of Rogers St. Our requests are as follows:

1. Rezone from IG (Industrial) to IN (Institutional) and IG to RH (Residential Housing)

We are requesting a rezone for 6.79 acres of City of Bloomington owned property located at 1901 S. Rogers St. Following the recommendations from the City of Bloomington Park and Recreation department's 2012 *Switchyard Park Master Plan*, the subject property was purchased in 2013 to accommodate the new park's main entrance/exit, parking, and a maintenance/storage facility using an existing structure.

The Board of Park Commissioners (Board) determined that a portion of the parcel at 1901 S. Rogers St. currently occupied by a residential home is not needed to accommodate Switchyard Park development. The Board approved the disposal of the residential home site property by long term lease to facilitate the construction of affordable housing on this site. By action of the Common Council, Ordinance 17-32, the Board is authorized to use the alternative lease procedure found in Indiana Code 36-1-1-12 to issue an RFP seeking proposals for an affordable housing project on this site, with Plan Commission approval. The proposed affordable housing site is part of the larger 6.79 acre parcel and will require a new legal description for the subdivided lot and approval by the City Plat Committee. Please see attached aerial photo.

2. Use Variance

We are requesting a Use Variance approval for construction of a parking lot with permeable pavement parking bays in the floodway at the park's north entrance on Grimes Lane.

With passage of the City's General Obligation Bond in 2015, funding for the Switchyard Park project has been secured with plans to begin construction next year. This will be a transformational public project for Bloomington and the surrounding area. Over 50 acres of property will be redeveloped for public use and enjoyment in an underserved area of our community. The Switchyard Park project will also environmentally clean up an industrial site in operation for over 100 years and be a significant catalyst for economic reinvestment in the area.

Switchyard Park is being designed as a regional serving park and will feature many public facilities and recreational attractions:

Active Use Areas (Basketball, Pickle Ball, Bocce Ball, Fitness Stations, Skate Park, Splash Pad, Community Gardens, Playground, Dog Park)

Public Restroom (2,065 SF)

Picnic Areas and Shelters

Pavilion Community Building (11,000 SF)

Event Lawns with Performance Stage (approx. 5 acres for large civic gatherings, festivals, and informal recreational play)

Accessible Trails (in the park and connecting to neighborhoods and the B-Line Trail)

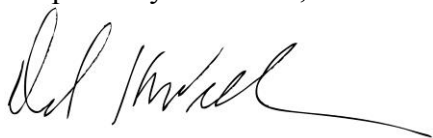
Public Art and Interpretive Signage

Best Practices Stormwater Management ("Day-Lighted" streams to Clear Creek)

Bloomington Police Department Sub Station (2,600 SF)

Our requests are made to accommodate the full build out of Switchyard Park which is anticipated to begin construction in spring 2018 with completion in late 2019.

Respectfully submitted,

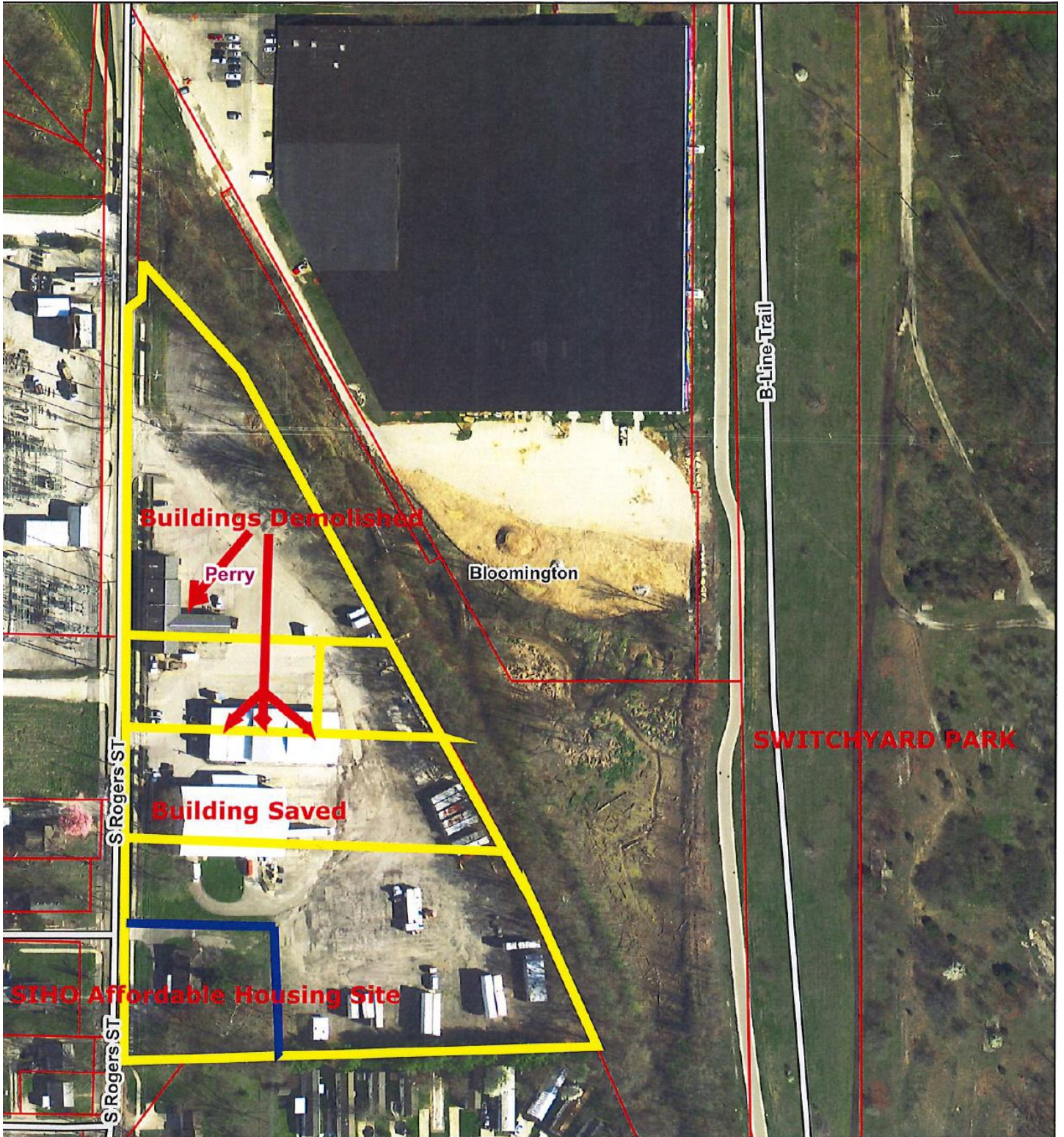


Dave Williams
Operations Director
Bloomington Parks and Recreation

cc: James Roach, Development Services Manager, Planning and Transportation
Eric Greulich, Planning and Transportation
Paula McDevitt, Director, Parks and Recreation

Attachments:

Aerial Photo-1901 S. Rogers St.
Switchyard Park Schematic Site Plans (5)



1901 S. Rogers St. - 6.79 acres



- | | | |
|----------------------------------|---------------------------|---|
| 1. Neighborhood Connection Trail | 9. Spray Plaza | 17. Pickle Ball Courts |
| 2. Dog Park | 10. Main Pavilion | 18. Fitness Equipment |
| 3. Seating Bioswale | 11. Street Skate Park | 19. Basketball Court |
| 4. Daylighted Stream | 12. North Lawn | 20. Restrooms/Bike Rental/Police Substation |
| 5. Shelter | 13. Parking | 21. Rogers Street Entrance |
| 6. Great Lawn | 14. Community Garden | 22. Walnut Street Entrance |
| 7. Pavilion/Performance Stage | 15. Restrooms/Maintenance | 23. Grimes Lane Entrance |
| 8. Play Environment | 16. Bocce Ball Courts | 24. Overlook |
| | | 25. B-Line Trail |

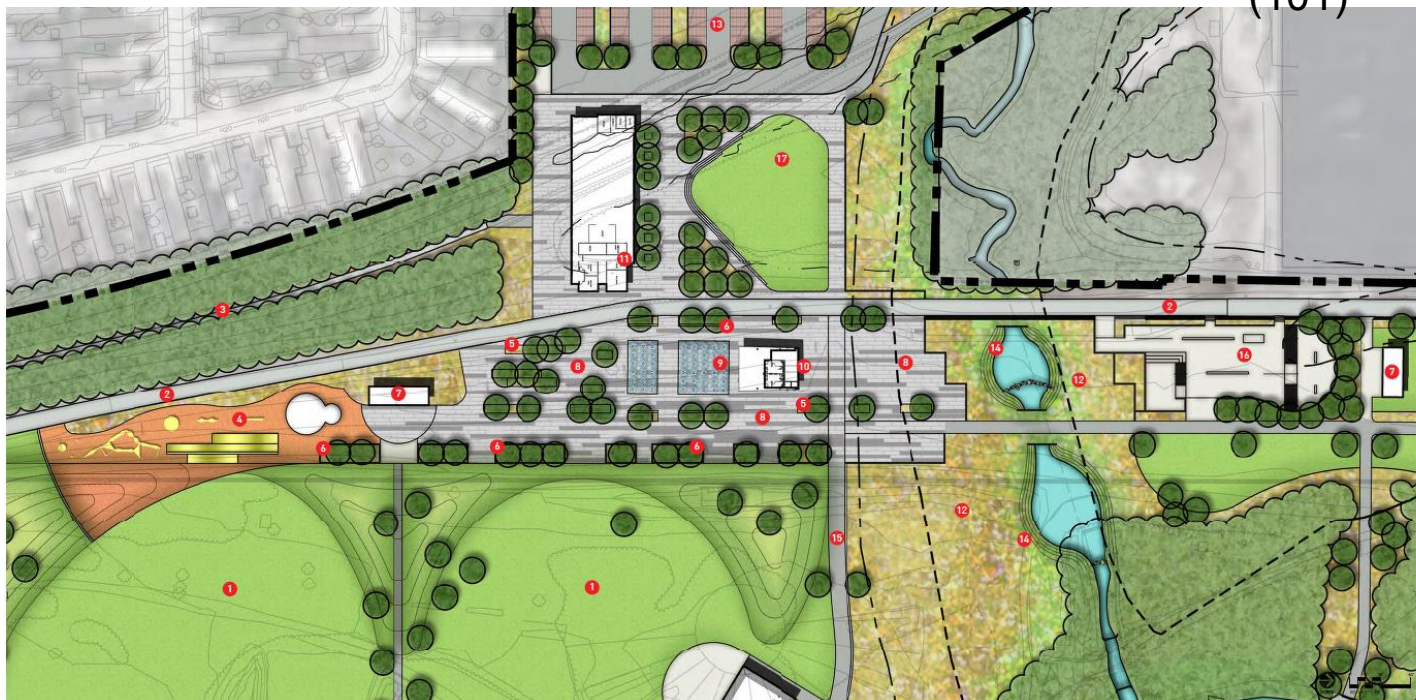
Switchyard Park Schematic Design Plan
March 2017



Affordable Housing Site

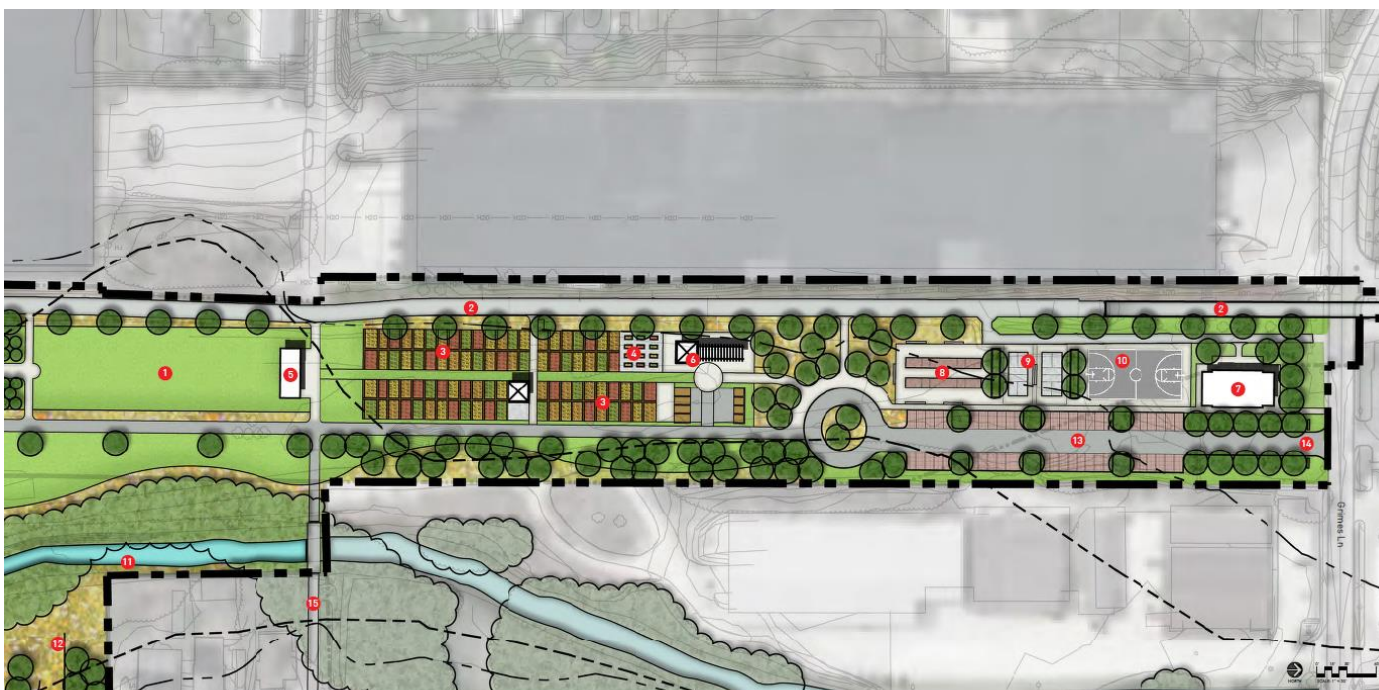
Switchyard Park Main Entrance and Parking – S. Rogers St.





- 1. Great Lawn
- 2. B-Line Trail
- 3. Soft Surface Trail
- 4. Play Environment
- 5. In-grade Planter
- 6. Raised Planter
- 7. Shelter
- 8. The Platform
- 9. Interactive Water Play
- 10. Restrooms/Maintenance
- 11. Main Pavilion
- 12. Naturalized Wetland Area
- 13. Parking
- 14. Daylighted Stream
- 15. Performance Stage Access Drive
- 16. Street Skate Park

Switchyard Park – South Platform Area



- 1. North Forecourt
- 2. B-Line Trail
- 3. Community Garden
- 4. Raised Garden Planter
- 5. Shelter
- 6. Community Garden Pavilion
- 7. Restrooms/Bike Rental/Police Substation
- 8. Bocce Court
- 9. Pickleball Court
- 10. Basketball Court
- 11. Stream
- 12. Naturalized Wetland Area
- 13. Parking
- 14. Grimes Lane Entrance
- 15. Neighborhood Connection Trail

Switchyard Park – North Platform Area and Grimes Lane Entrance and Parking



Switchyard Park – Dog Park, Event Lawns, Performance Stage, Walnut St. Entrance

June 30, 2017

Mr. Eric Greulich
City of Bloomington, Planning Department
401 N. Morton St., Suite 160
Bloomington, IN 47402-0100

RE: Park Place Subdivision Approval

Mr. Greulich:

On behalf of our client, the Bloomington, Indiana, Board of Park Commissioners, we are petitioning the City of Bloomington for a subdivision approval for a proposed project located along the east side of Rogers Street, north of the intersection of Rogers Street and Chambers Drive, and south of Hillside Drive.

On June 21, 2017, the Bloomington City Council authorized the Park Commissioners to explore the development of a portion of this property as affordable housing. This subdivision would create the desired parcel size to allow for an affordable housing development once all other statutory requirements have been satisfied. As 40 feet of right-of-way on the east side of Rogers Street will be dedicated, all other street dedication requirements are requested to be waived.

Please let us know if there are any questions as we proceed forward.

Best Regards,



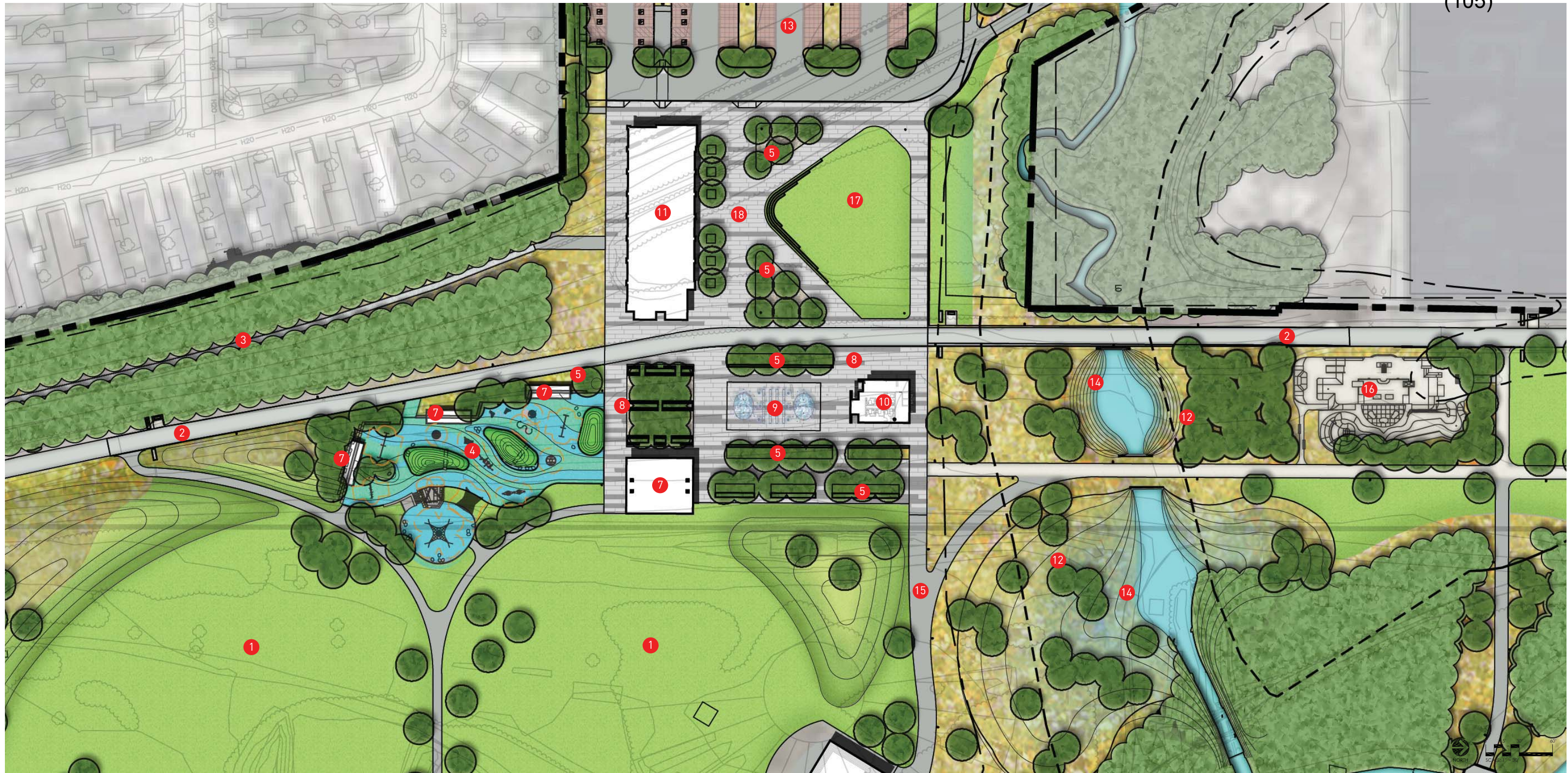
Christopher L. Porter
Professional Surveyor
Bledsoe Riggert Cooper James



- 1. Neighborhood Connection Trail
- 2. Dog Park
- 3. Seating Bosque
- 4. Daylighted Stream
- 5. Shelter
- 6. Performance/Event Lawn
- 7. Pavilion/Performance Stage
- 8. Play Environment

- 9. Spray Plaza
- 10. Main Pavilion
- 11. Street-Style Skate Park
- 12. North Lawn
- 13. Parking
- 14. Community Garden
- 15. Restrooms/Maintenance
- 16. Bocce Ball Courts

- 17. Pickle Ball Courts
- 18. Adult Fitness Equipment
- 19. Basketball Court
- 20. Restrooms/Bike Rental/Police Substation
- 21. Rogers Street Entrance
- 22. Walnut Street Entrance
- 23. Grimes Lane Entrance
- 24. B-Link Trail
- 25. B-Line Trail



- | | | |
|---|------------------------------|------------------------------------|
| 1. Great Lawn | 7. Shelter | 13. Parking |
| 2. B-Line Trail | 8. The Platform | 14. Daylighted Stream |
| 3. Soft Surface Trail | 9. Spray Plaza | 15. Performance Stage Access Drive |
| 4. Play Environment | 10. Restrooms/Maintenance | 16. Street-Style Skate Park |
| 5. In-Grade Planter | 11. Main Pavilion | 17. Event Lawn |
| 6. Bosque/Banquet Tables/Flexible Seating | 12. Naturalized Wetland Area | 18. Main Pavilion Plaza |

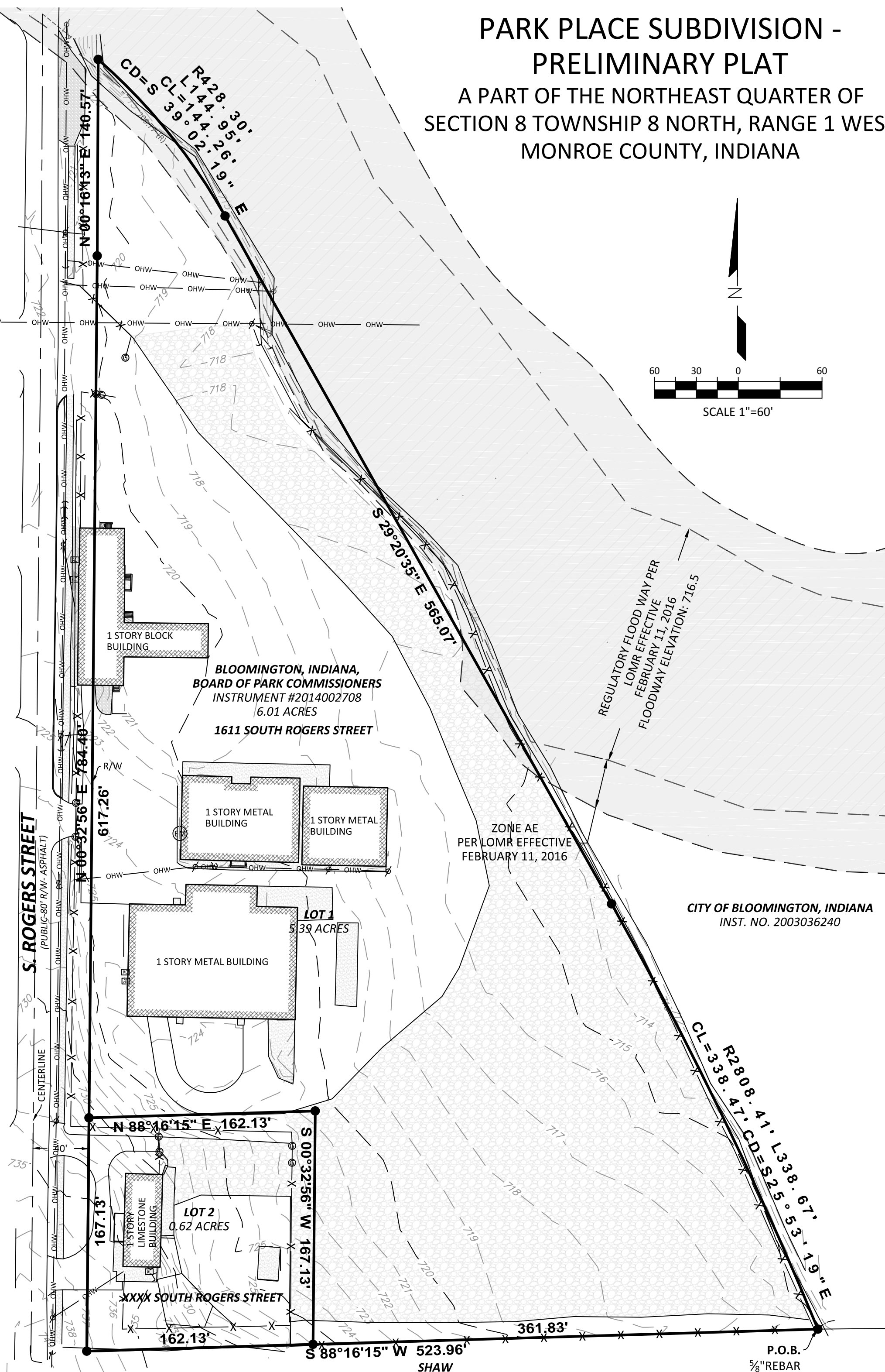


- 1. North Lawn
- 2. B-Line Trail
- 3. Community Garden
- 4. Raised Garden Planter
- 5. Community Garden Compost Bins
- 6. Community Garden Amendment Bins
- 7. Community Garden Equipment Barn
- 8. Restrooms/Bike Rental/Police Substation
- 9. Bocce Courts
- 10. Pickle ball Court
- 11. Basketball Court
- 12. Clear Creek
- 13. Naturalized/Wetland Area
- 14. Parking
- 15. Grimes Lane Entrance
- 16. Neighborhood Connection Trail
- 17. Adult Fitness Equipment

Switchyard Park Schematic Design Plan - North Platform Enlargement
 June 2017

PARK PLACE SUBDIVISION - PRELIMINARY PLAT

A PART OF THE NORTHEAST QUARTER OF SECTION 8 TOWNSHIP 8 NORTH, RANGE 1 WEST MONROE COUNTY, INDIANA



OWNER CERTIFICATION

The undersigned, the Bloomington, Indiana, Board of Park Commissioners, being the owner of the described real estate, do hereby layoff and plat the same into two lots in accordance with the plat and certificate.

This plat shall be known and designated as Park Place Subdivision.

In Witness Whereof, the Bloomington, Indiana Board of Park Commissioners, have executed this instrument and caused their names to be subscribed thereto, this ___ day of _____, 2017.

The Bloomington, Indiana, Board of Park Commissioners

By _____

STATE OF INDIANA COUNTY OF MONROE

Before me, a Notary Public for said County and State, _____, personally appeared and acknowledged the execution of this instrument this ___ day of _____, 2017.

Notary Signature _____

My commission expires: _____

County of Residence: _____

APPROVED BY THE CITY PLAT COMMITTEE AT A MEETING HELD: _____, 2017

Terri Porter, Director Planning & Transportation Department

Adam Wason, Director of Public Works

OWNER/DEVELOPER:

Bloomington, Indiana, Board of Park Commissioners
401 North Morton Street
Bloomington, IN 47404
Phone: 812-349-3400

RECORD INFORMATION:

Bloomington, Indiana, Board of Park Commissioners
Instrument Number 2014002708
53-08-08-100-014.000-009

ZONING:

Subject: IG
Adjoiners: PUD, IN

FLOOD ZONE:

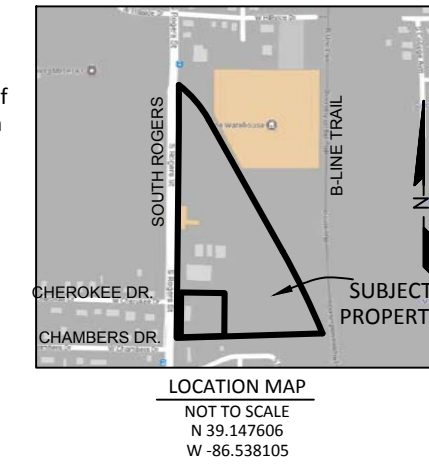
FEMA HAS DESIGNATED PART OF THIS PROPERTY AS A REGULATORY FLOODWAY, AND PART AS FLOOD ZONE "AE" AS SHOWN, THE REST AS FLOOD ZONE X PER MAP NUMBER 18105C0143D AS REVISED PER LETTER OF MAP REVISION EFFECTIVE FEBRUARY 11, 2016.

NOTES:

1. FIELD WORK PERFORMED NOVEMBER 2013 THROUGH JULY, 2017.
2. ALL REBAR SET ARE 5/8" INCH WITH YELLOW PLASTIC CAP STAMPED "BRJ INC 6892IN"
3. BEARINGS SHOWN HEREON ARE BASED UPON THE INDIANA STATE PLANE COORDINATE SYSTEM.
4. THIS PLAT IS NOT COMPLETE WITHOUT THE ASSOCIATED RETRACEMENT BOUNDARY SURVEY AND REPORT OF SURVEY RECORDED SEPARATELY AS INSTRUMENT NO. 2017008330.
5. CONTOURS SHOWN ARE EXISTING.

LEGEND:

- 5/8" REBAR WITH CAP
- X—X— EXISTING FENCE
- OHV— OVERHEAD WIRE



LOCATION MAP
NOT TO SCALE
N 39.147606
W -86.538105

RECORDER'S STAMP

AUDITOR'S STAMP

LEGAL DESCRIPTION

A part of the Northeast quarter of Section 8, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of said Northeast quarter; thence NORTH 00 degrees 29 minutes 49 seconds WEST along the east line of said quarter a distance of 1224.54 feet; thence leaving said east line SOUTH 89 degrees 30 minutes 11 seconds WEST 197.64 feet to the northeast corner of the tract conveyed to Robert V. and Nancy L. Shaw by deed recorded in Deed Book 425, page 359 in the office of the Recorder of Monroe County, Indiana and the POINT OF BEGINNING; thence SOUTH 88 degrees 16 minutes 15 seconds WEST along the north line of said Robert V. and Nancy L. Shaw a distance of 523.96 feet; thence leaving said north line NORTH 00 degrees 32 minutes 56 seconds EAST a distance of 784.40 feet; thence NORTH 00 degrees 16 minutes 13 seconds EAST a distance of 140.57 feet to a point on the southern line of the 12.04 acre tract conveyed to the City of Bloomington by deed recorded as instrument number 2003036240 in the office of the Recorder of Monroe County, Indiana and the beginning of a non-tangent curve concave to the southwest having a radius of 428.30 feet and a chord which bears SOUTH 39 degrees 02 minutes 19 seconds EAST 144.26 feet; thence southeasterly along the south and west lines of said City of Bloomington tract the next three (3) courses:

1. SOUTHERLY along said curve an arc distance of 144.95 feet; thence
2. SOUTH 29 degrees 20 minutes 35 seconds EAST 565.07 feet to the beginning of a curve concave to the west having a radius of 2808.41 feet and a chord which bears SOUTH 25 degrees 53 minutes 19 seconds EAST 338.47 feet; thence
3. SOUTHERLY along said curve an arc distance of 338.67 feet to the POINT OF BEGINNING; containing 6.01 acres, more or less.

REPORT OF SURVEY

A report of survey was included with the retracement boundary survey of the subject property by Ben E. Bledsoe of Bledsoe Riggert Guerrettaz, Inc., dated November 21, 2013 and recorded in the Office of the Recorder as Instrument No. 2017008330. The purpose of this Subdivision is to divide the subject parcel into Lot 1 and Lot 2 as directed by the property owners.

SURVEYOR'S CERTIFICATION

This survey was executed according to survey requirements contained in Section 1 through 19 of 865 IAC 1-12.

This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.

Evidence of easements have not been located in the field and are not shown on this survey drawing.

Subject to the above reservation, I hereby certify that the survey work performed on the project shown hereon was performed either by me or under my direct supervision and control and that all information shown is true and correct to the best of my knowledge and belief.

Certified July 10, 2017

Christopher L. Porter
Christopher L. Porter
Professional Surveyor No. LS21200022
State of Indiana



Bledsoe Riggert Cooper James
LAND SURVEYING • CIVIL ENGINEERING • GIS
1351 West Tapp Road p: 812-336-8277
Bloomington, Indiana 47403 f: 812-336-0817

PLAT DATED: July 10, 2017

JOB # 9473

PARK PLACE SUBDIVISION - FINAL PLAT

A PART OF THE NORTHEAST QUARTER OF SECTION 8 TOWNSHIP 8 NORTH, RANGE 1 WEST MONROE COUNTY, INDIANA

OWNER CERTIFICATION

The undersigned, the Bloomington, Indiana, Board of Park Commissioners, being the owner of the described real estate, do hereby layoff and plat the same into two lots in accordance with the plat and certificate.

This plat shall be known and designated as Park Place Subdivision.

In Witness Whereof, the Bloomington, Indiana Board of Park Commissioners, have executed this instrument and caused their names to be subscribed thereto, this ____ day of _____, 2017.

The Bloomington, Indiana, Board of Park Commissioners

By _____

STATE OF INDIANA COUNTY OF MONROE

Before me, a Notary Public for said County and State, _____ personally appeared and acknowledged the execution of this instrument this ____ day of _____, 2017.

Notary Signature _____

My commission expires: _____

County of Residence: _____

APPROVED BY THE CITY PLAT COMMITTEE AT A MEETING HELD: _____, 2017

Terri Porter, Director Planning & Transportation Department

Adam Wason, Director of Public Works

OWNER/DEVELOPER:

Bloomington, Indiana, Board of Park Commissioners
401 North Morton Street
Bloomington, IN 47404
Phone: 812-349-3400

RECORD INFORMATION:

Bloomington, Indiana, Board of Park Commissioners
Instrument Number 2014002708
53-08-08-100-014.000-009

ZONING:

Subject: IG
Adjoiners: PUD, IN

FLOOD ZONE:

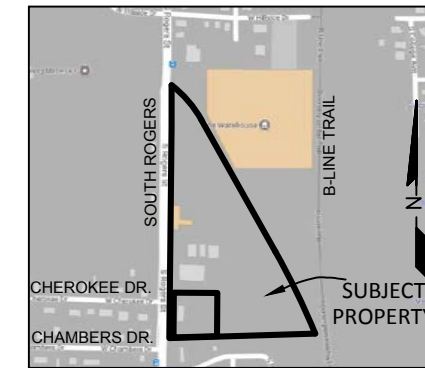
FEMA HAS DESIGNATED PART OF THIS PROPERTY AS A REGULATORY FLOODWAY, AND PART AS FLOOD ZONE "AE" AS SHOWN, THE REST AS FLOOD ZONE X PER MAP NUMBER 18105C0143D AS REVISED PER LETTER OF MAP REVISION EFFECTIVE FEBRUARY 11, 2016.

NOTES:

1. FIELD WORK PERFORMED NOVEMBER 2013 THROUGH JULY, 2017.
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3. BEARINGS SHOWN HEREON ARE BASED UPON THE INDIANA STATE PLANE COORDINATE SYSTEM.
4. THIS PLAT IS NOT COMPLETE WITHOUT THE ASSOCIATED RETRACEMENT BOUNDARY SURVEY AND REPORT OF SURVEY RECORDED SEPARATELY AS INSTRUMENT NO. 2017008330.

LEGEND:

- 5/8" REBAR WITH CAP



LOCATION MAP
NOT TO SCALE
N 39.147606
W -86.538105

LEGAL DESCRIPTION

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REPORT OF SURVEY

A report of survey was included with the retracement boundary survey of the subject property by Ben E. Bledsoe of Bledsoe Riggert Guerrettaz, Inc., dated November 21, 2013 and recorded in the Office of the Recorder as Instrument No. 2017008330. The purpose of this Subdivision is to divide the subject parcel into Lot 1 and Lot 2 as directed by the property owners.

SURVEYOR'S CERTIFICATION

This survey was executed according to survey requirements contained in Section 1 through 19 of 865 IAC 1-12.

This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.

Evidence of easements have not been located in the field and are not shown on this survey drawing.

Subject to the above reservation, I hereby certify that the survey work performed on the project shown hereon was performed either by me or under my direct supervision and control and that all information shown is true and correct to the best of my knowledge and belief.

Certified July XX, 2017

Christopher L. Porter
Professional Surveyor No. LS21200022
State of Indiana

PRELIMINARY

Bledsoe Riggert Cooper James
LAND SURVEYING • CIVIL ENGINEERING • GIS
1351 West Tapp Road p: 812-336-8277
Bloomington, Indiana 47403 f: 812-336-0817

PLAT DATED: July 10, 2017

JOB # 9473

SHEET 1 OF 2

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
Location: 610 N. Rogers Street**

**CASE #: DP-24-17
DATE: August 14, 2017**

**PETITIONER: City of Bloomington
Redevelopment Commission
401 N. Morton Street**

**CONSULTANT: Bledsoe Riggert Cooper and James
1351 W. Tapp Road**

REQUEST: The petitioner is requesting preliminary and final plat approval of a 6 lot subdivision of 4.97 acres.

REPORT: The petition site is located on the east side of N. Rogers Street between West 10th and 11th Streets. The property is 4.97 acres, which is a portion of a larger 8.4 acre holding owned by the City of Bloomington Redevelopment Commission combined with .85 acres owned by Morton Street Properties LLC. This site is part of the larger 12 acre Trades District. The property is zoned Commercial Downtown (CD) and is within the Showers Technology Park Overlay (STPO).

The site currently contains roughly 2.5 acres of grassy vacant land, a parking lot owned and utilized by Solution Tree, and a parking lot owned by the Redevelopment Commission and utilized for Monroe County Employee parking. The petitioner proposes to subdivide the land into 6 lots, right-of-way and one common area. The plat will create six lots: lots 1 and 2 for development; lots 3 and 4 for open space; lot 5 will continue under current ownership and remain a parking lot and lot 6 will be for potential future detention area. The plat will also create one common area used for detention south of 10th Street, a new portion of N. Madison Street, a new street named Trades Street, and platted right-of-way for 10th Street. The new rights-of-way are being designed to provide a pedestrian-friendly streetscape that utilizes innovative green infrastructure to collect and treat stormwater.

No site plans for lots 1 and 2 have been filed.

SITE PLAN REVIEW:

Right of Way: A variable width but roughly 72 foot right-of-way for the new portion of Madison Street is proposed. The right of way will contain room for two travel lanes, on-street parking, sidewalks, planting areas, and green infrastructure water treatment features. Trades Street also has a 72 foot right-of-way with room for two travel lanes, on-street parking, sidewalks, planting areas, and green infrastructure water treatment features. The proposed 10th Street right-of-way will be variable width. It will be narrower on the east end, in order to fit through the existing buildings along Morton Street and will widen to almost 60 feet on the west end, in order to provide room for on-street parking, sidewalk and tree plot area.

An alley will run between lots 1 and 2, connection Trades and 10th Streets.

Right-of-way on Rogers Street is dedicated with this plat per the Thoroughfare Plan.

Minimum Lot Size: The lots range in size from 0.04 acres to 0.95 acres. There is no minimum lot size in the CD zoning district.

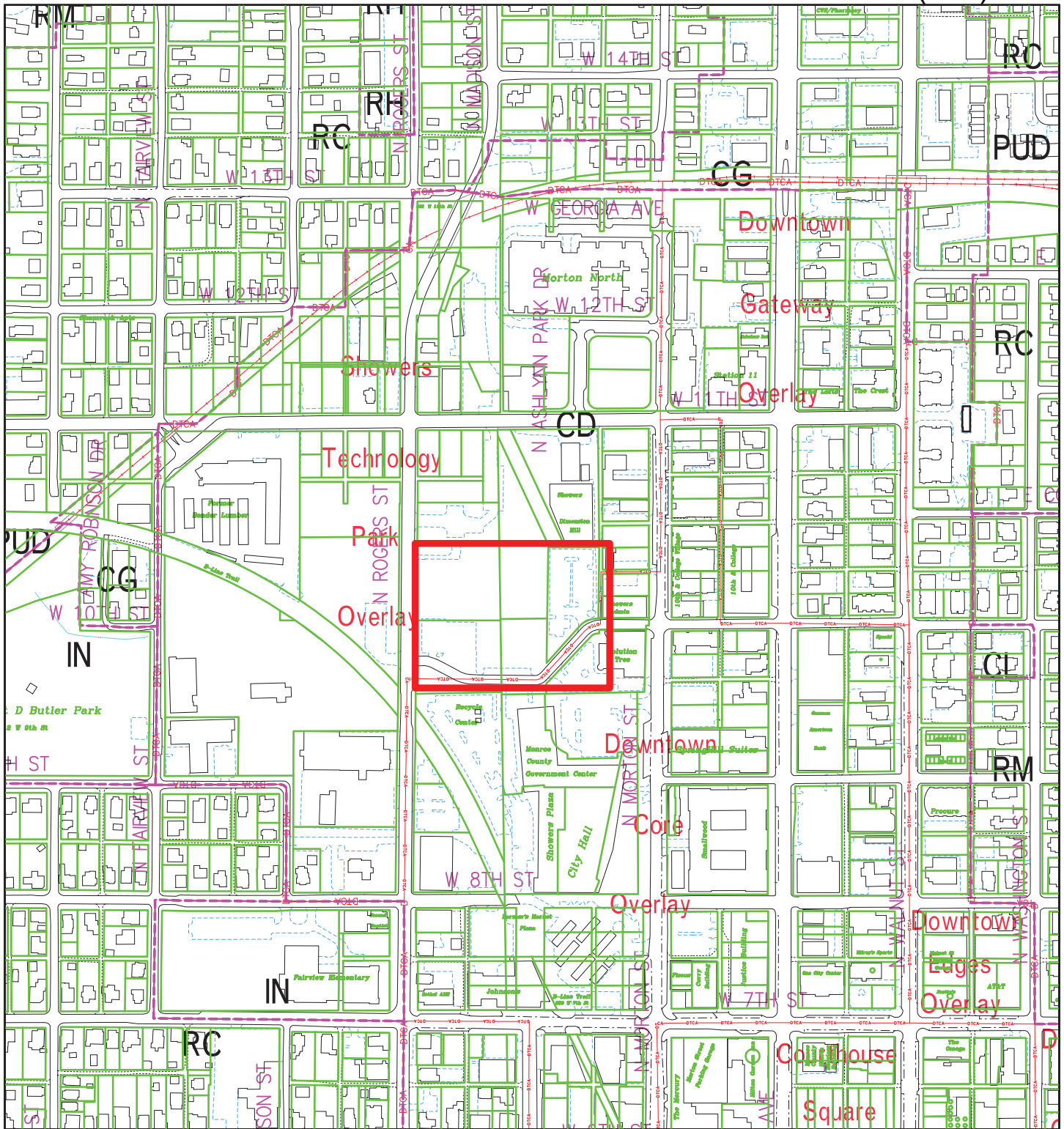
Utilities: Water service currently exists in Rogers Street and through the site, in the future Trades Street right-of-way. A green infrastructure stormwater system will be utilized to collect stormwater in the rights-of-way, with a detention area planned in Common Area to the southwest of 10th Street. Negotiations for lot 6 are ongoing, but a second detention area is planned in that location in the future. Sanitary sewer exists in Rogers Street.

Plans have been submitted to the City of Bloomington Utilities Department, are under review and no red flags have been found.

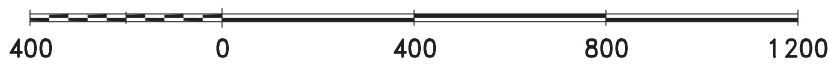
Environmental: There are no environmental features on this site that require preservation. Green infrastructure is planned in the right-of-way to provide functionality and improve the pedestrian experience through an enhanced green space.

CONCLUSION: The Trades District Plat Phase I Preliminary Plat meets the minimum Preliminary Plat requirements of the Unified Development Ordinance.

RECOMMENDATION: Based on the findings in the staff report, the Department recommends approval of the preliminary plat for case# DP-24-17 and continuation of the final plat to the September Plan Commission hearing.



By: scanlanj
21 Jul 17

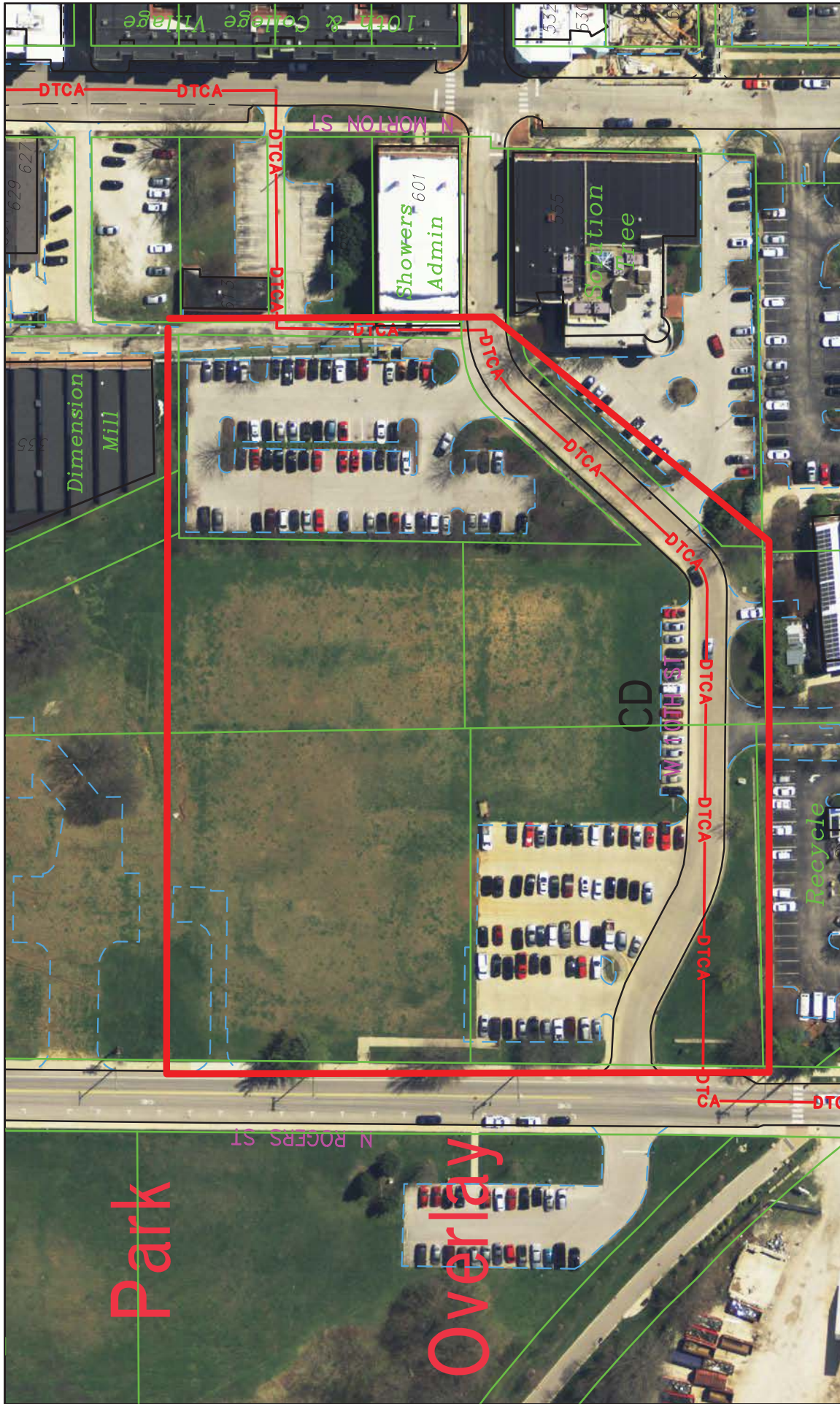


For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation

N

Scale: 1" = 400'



City of Bloomington
 Planning & Transportation

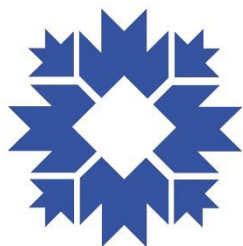


Scale: 1" = 100'



For reference only; map information NOT warranted.

By: scanlanj
 21 Jul 17



CITY OF BLOOMINGTON
economic & sustainable development

July 10, 2017

Mr. Eric Greulich
City of Bloomington, Planning Department
401 N. Morton Street, Suite 160
Bloomington, Indiana 47402-0100

RE: Trades District Plat Phase 1

Dear Mr. Greulich,

On behalf of the City of Bloomington Redevelopment Commission, we are petitioning the City of Bloomington for a subdivision approval for a proposed project located within the City's Certified Technology Park.

In 2011, the Redevelopment Commission purchased approximately 12 acres of property from Indiana University, with an eye toward developing that property for high technology use.

The Redevelopment Commission recently entered into a Project Agreement with Tasus Corporation and TGNA Holdings, LLC pursuant to which Tasus Corporation will construct their North American corporate headquarters on property that currently borders West 10th Street. This subdivision will create the necessary parcels for Tasus' project, as well as other development parcels that can be used for other high technology uses in a manner consistent with the CTP Master Plan.

If you have any questions about this development, please do not hesitate to contact me.

Thank you,

A handwritten signature in black ink, appearing to read 'Alex Crowley'.

Alex Crowley
Director, Economic & Sustainable Development

TRADES DISTRICT PLAT PHASE 1 PRELIMINARY PLAT

A PART OF THE NORTHEAST QUARTER OF SECTION 32 AND A PART OF THE NORTHWEST QUARTER OF SECTION 33 ALL IN TOWNSHIP 9 NORTH, RANGE 1 WEST MONROE COUNTY, INDIANA

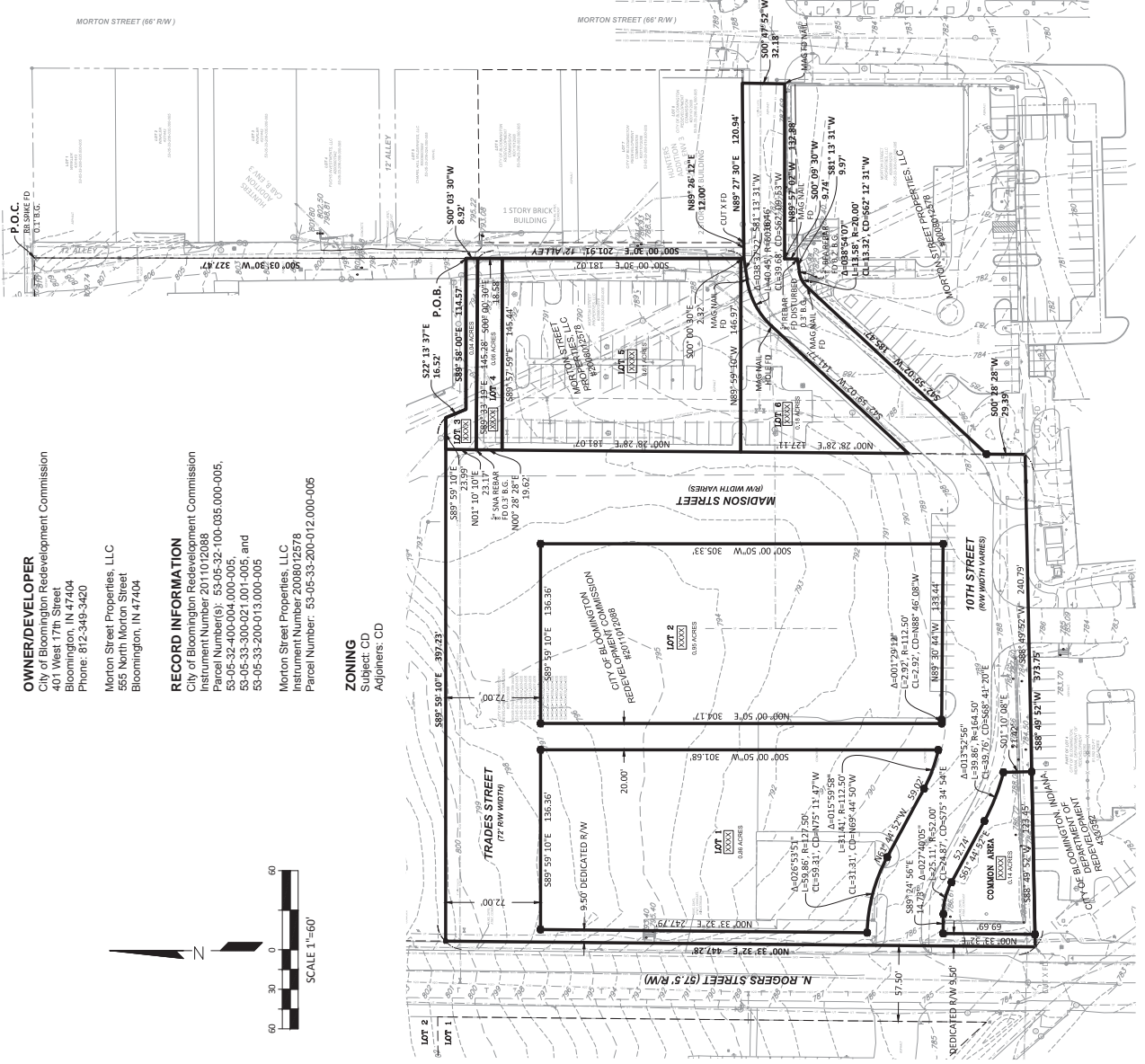
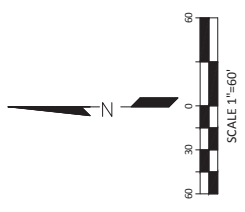
OWNER/DEVELOPER
 City of Bloomington Redevelopment Commission
 401 West 17th Street
 Bloomington, IN 47404
 Phone: 812-349-3420

Morton Street Properties, LLC
 565 North Morton Street
 Bloomington, IN 47404

RECORD INFORMATION
 City of Bloomington Redevelopment Commission
 401 West 17th Street
 Bloomington, IN 47404
 Parcel Number(s): 63-05-32-100-035-000-005,
 63-05-32-400-004-000-005,
 63-05-33-300-021-001-005, and
 63-05-33-200-013-000-005

Morton Street Properties, LLC
 Instrument Number 2008012578
 Parcel Number: 63-05-33-200-012-000-005

ZONING
 Subject: CD
 Adjacent: CD



TRADES DISTRICT PLAT PHASE 1 DESCRIPTION

A part of the Northeast Quarter of Section 32 and a part of the Northwest Quarter of Section 33 all in Township 9 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of a 12 foot alley being 12 feet west of the Northwest Corner of Lot 1 in Hunter Addition to the City of Bloomington, thence SOUTH 00 degrees 03 minutes 30 seconds WEST along the west line of said alley 327.47 feet to the **POINT OF BEGINNING**, thence continuing along the west line of said alley the following two (2) courses:

1. SOUTH 00 degrees 03 minutes 30 seconds EAST, 201.91 feet; thence leaving said west line NORTH 89 degrees 28 minutes 12 seconds EAST, 12.00 feet to the north right-of-way line of 10th Street; thence NORTH 89 degrees 27 minutes 30 seconds EAST, 47 minutes 52 seconds WEST, 32.18 feet to the south right-of-way line of 10th Street; thence along said south right-of-way the following Five (5) courses:
 1. NORTH 89 degrees 57 minutes 02 seconds WEST, 132.88 feet; thence
 2. SOUTH 00 degrees 09 minutes 30 seconds WEST, 9.74 feet; thence
 3. SOUTH 81 degrees 13 minutes 31 WEST, 9.97 feet to a non-tangent curve concave to the southeast, having a radius of 20.00 feet, a chord bearing of SOUTH 62 degrees 12 minutes 31 seconds WEST, and a chord length of 13.32 feet; thence
 4. southwesterly along said curve 13.56 feet; thence
 5. SOUTH 42 degrees 59 minutes 02 seconds WEST, 105.47 feet; thence leaving said south right-of-way SOUTH 08 degrees 28 minutes WEST, 29.39 feet; thence SOUTH 68 degrees 00 minutes WEST, 373.33 feet to the northeast corner of North Rogers Street, thence NORTH 100 degrees 33 minutes 33 seconds EAST, 447.72 feet to the northeast corner of Morton Street, thence SOUTH 22 degrees SOUTH 89 degrees 59 minutes 16 seconds EAST, 497.23 feet; thence SOUTH 22 degrees 13 minutes 37 seconds EAST, 16.52 feet; thence SOUTH 89 degrees 58 minutes 00 seconds EAST, 114.57 feet to the Point of Beginning, containing 4.97 acres, more or less and subject to all legal rights of way and easements.

- NOTES:**
1. FIELD WORK PERFORMED MARCH 2014 THROUGH MARCH, 2017.
 2. ALL REBAR ARE ¾ INCH WITH YELLOW PLASTIC CAP STAMPED "BRCL INC 6892IN"
 3. ALL REBAR SET ARE 18 INCH WITH YELLOW PLASTIC CAP STAMPED "BRCL INC 6892IN"
 4. ALL REBAR SET ARE 18 INCH WITH YELLOW PLASTIC CAP STAMPED "BRCL INC 6892IN"
 5. ALL REBAR SET ARE 18 INCH WITH YELLOW PLASTIC CAP STAMPED "BRCL INC 6892IN"

FLOOD ZONE:
 THIS PLAT IS DESIGNATED THIS PROPERTY AS A SPECIAL FLOOD HAZARD AREA, PROPERTY IS LOCATED IN FLOOD ZONE X PER COMMUNITY PANEL NO. 161650041D DATED DECEMBER 17, 2010.

LEGEND:

- 96" REBAR WITH CAP STAMPED "BRCL INC 6892 IN" SET FLUSH
- EXISTING CONTOURS

PRO FORMA SURVEY



AUDITOR'S STAMP

RECORDER'S STAMP

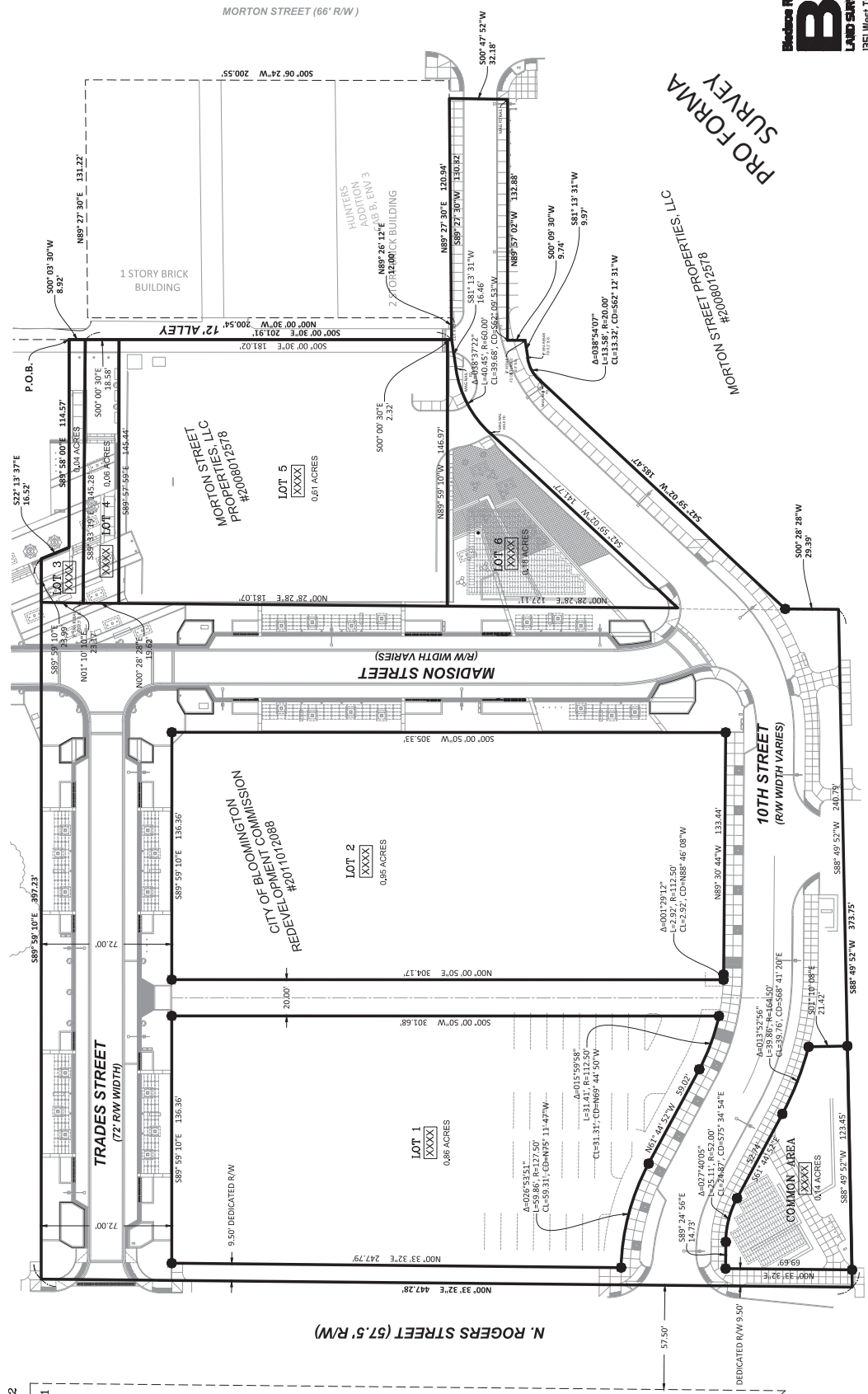
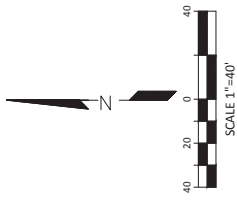
BRCL
 Blandford Robert Cooper James
 LAND SURVEYING - CIVIL ENGINEERING - OES
 1351 West Tapp Road Bloomington, Indiana 47403
 Phone: 812-356-8277 Email: mtrcoy@brcl.com

TRADES DISTRICT PLAT PHASE 1 PRELIMINARY PLAT

A PART OF THE NORTHEAST QUARTER OF SECTION 32 AND A PART OF THE NORTHWEST QUARTER OF SECTION 33 ALL IN TOWNSHIP 9 NORTH, RANGE 1 WEST MONROE COUNTY, INDIANA

RECORDERS STAMP

AUDITOR'S STAMP

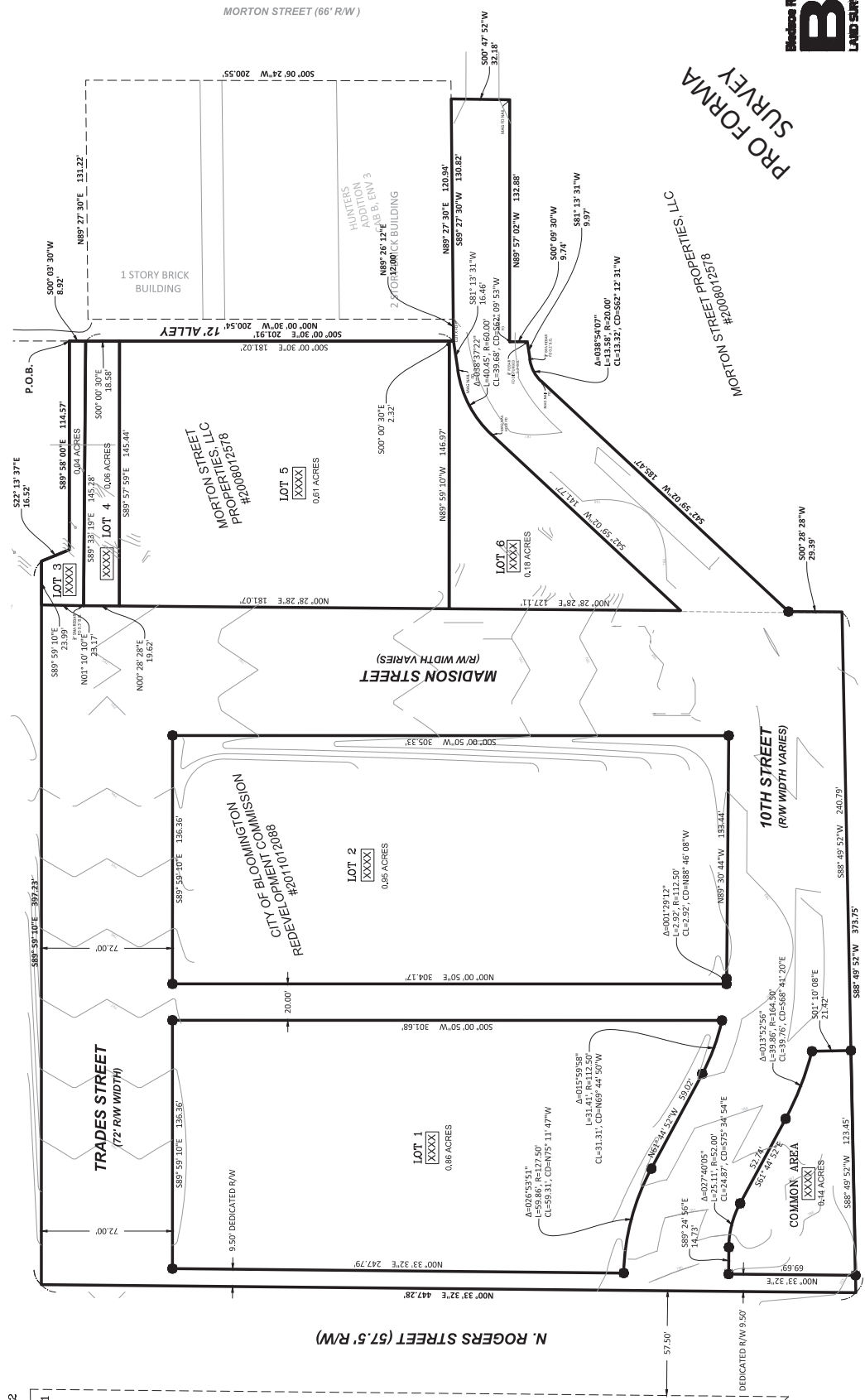
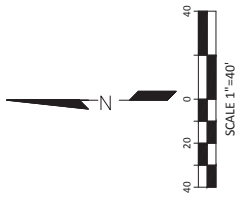


PRO FORMA
8 MORTON STREET PROPERTIES, LLC

BRCJ
Building Respect Cooper James
LAND SURVEYS - CIVIL ENGINEERS - CS
Phone: 812-356-8277 Email: mhrcj@brcjvil.com

TRADES DISTRICT PLAT PHASE 1 PRELIMINARY PLAT
A PART OF THE NORTHEAST QUARTER OF SECTION 32 AND A PART OF THE
NORTHWEST QUARTER OF SECTION 33 ALL IN TOWNSHIP 9 NORTH, RANGE 1 WEST
MONROE COUNTY, INDIANA

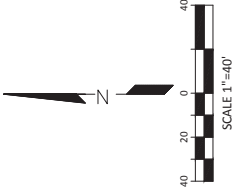
RECORDER'S STAMP
AUDITOR'S STAMP



PRO FORMA
SURVEY
MORTON STREET PROPERTIES, LLC
#2008012518

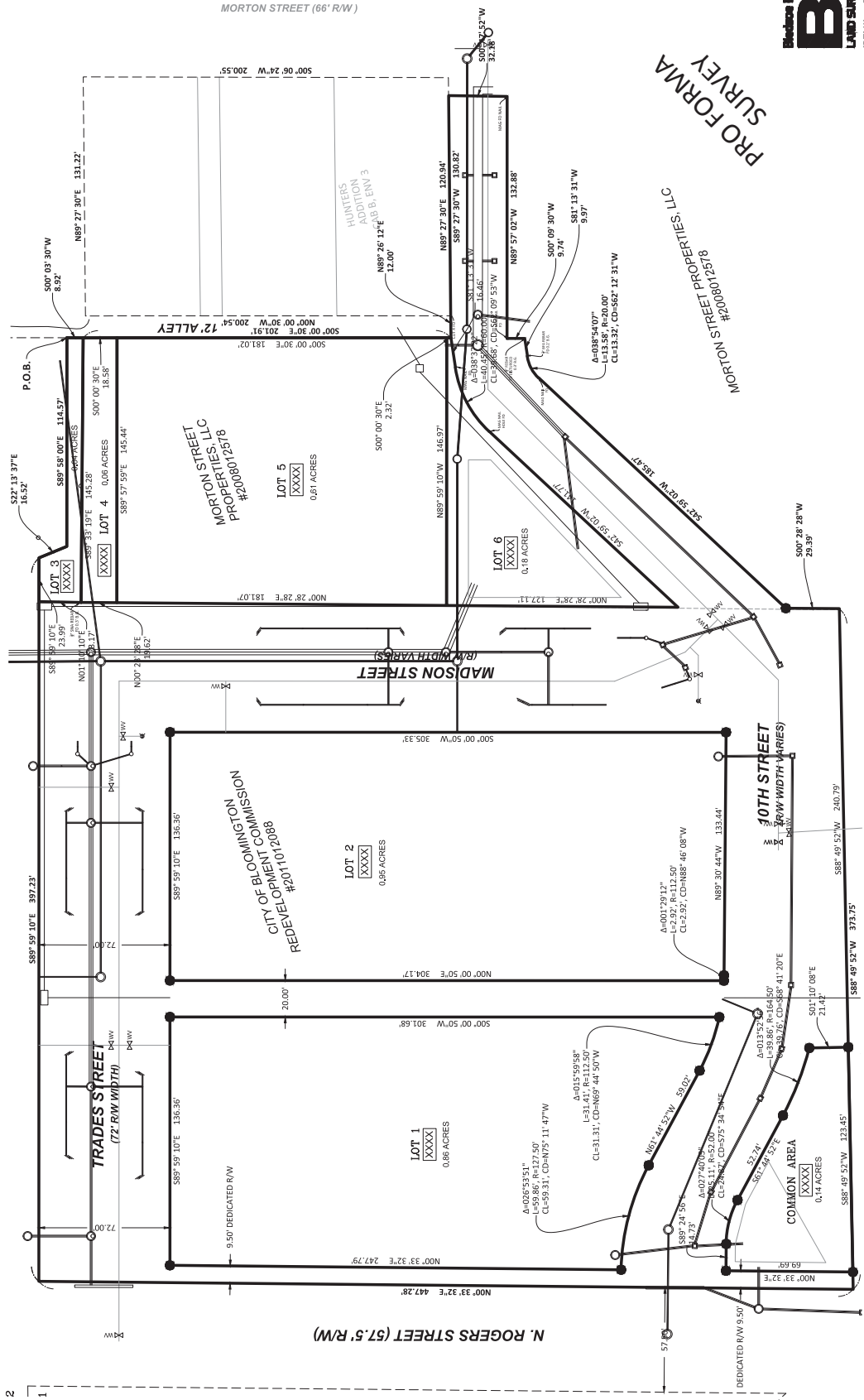


TRADES DISTRICT PLAT PHASE 1 PRELIMINARY PLAT
A PART OF THE NORTHEAST QUARTER OF SECTION 32 AND A PART OF THE
NORTHWEST QUARTER OF SECTION 33 ALL IN TOWNSHIP 9 NORTH, RANGE 1 WEST
MONROE COUNTY, INDIANA



RECORDERS STAMP

AUDITOR'S STAMP



BRCU
Brendan Ruppert Cooper James
LAND SURVEYS • CIVIL ENGINEERS • GS
1351 West Tapp Road Bloomington, Indiana 47403
Phone: 812-356-8277 Email: mrcj@brcju.com

TRADES DISTRICT PLAT PHASE 1 PRELIMINARY PLAT
A PART OF THE NORTHEAST QUARTER OF SECTION 32 AND A PART OF THE
NORTHWEST QUARTER OF SECTION 33 ALL IN TOWNSHIP 9 NORTH, RANGE 1 WEST
MONROE COUNTY, INDIANA

RECORDERS STAMP
AUDITOR'S STAMP

OWNER CERTIFICATION

The undersigned, City of Bloomington Redevelopment Commission and Morton Street Properties, LLC, being the owners of the above described real estate herein, do hereby affirm and plat the same into six lots in accordance with the plat and certificate.

This plat shall be known and designated as Trades District Plat Phase 1.

In Witness Whereof, the City of Bloomington Redevelopment Commission and Morton Street Properties, LLC, have executed this instrument and caused their names to be subscribed thereto, this ____ day of _____, 2017.

City of Bloomington Redevelopment Commission

By _____

Morton Street Properties, LLC

By _____

STATE OF INDIANA COUNTY OF MONROE

Before me, a Notary Public for said County and State, _____, personally appeared and acknowledged the execution of this instrument this ____ day of _____, 2017.

Notary Signature

My commission expires: _____

County of Residence: _____

APPROVED BY THE CITY PLAT COMMITTEE AT A MEETING HELD: _____ 2017

Tert Porter, Director Planning & Transportation Department

Adam Watson, Director of Public Works

REPORT OF SURVEY

In accordance with Title 865, 1-12-1 through 1-12-30 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- (a) Reference monuments of record
- (b) Title documents of record
- (c) Evidence of active lines of occupation
- (d) Relative Positional Accuracy "RPA"

The Relative Positional Accuracy "RPA" (due to random errors in measurement) of this survey is within that allowable for an urban survey (0.07 feet plus 50 ppm) as defined IAC. Title 865 ("Relative Positional Accuracy," means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the 95 percent confidence level.")

In regard to "ACTIVE LINES OF OCCUPATION", point (c) above: ACTIVE refers to lines which are marked by visible, obvious, well defined and maintained, man-made or placed objects, such as, but not limited to, fences, hedges and retaining walls. The uncertainty cited for a line of occupation is general in nature and is NOT intended to be specific for every point along the line. Therefore portions of the occupation line may vary from the surveyed line by a distance greater or less than uncertainty cited in this report.

This survey is a Retracement and Original survey. This survey was performed at the request of City of Bloomington Redevelopment Commission to divide the subject parcels into future development. The property is currently in the name of City of Bloomington Redevelopment Commission, Instrument Number 2011012088 and Morton Street Properties, LLC, Instrument Number 2008012576.

The field work was completed March of 2017.

MONUMENTS FOUND:

Monuments as shown along the north and south lines of 10th Street were accepted as the best evidence of existing right-of-way.

SURVEYS CONSULTED:

1. ALTA/ACSM Land Title Survey by Ben E. Bledsoe of Bledsoe Riggert Guerretaz, Inc., dated August 10, 2011 recorded in the Office of the Recorder as Instrument No. 2017003363.
2. Topographic and ALTA/ACSM Land Title by Rachel A. Oser of Bledsoe Riggert Guerretaz, Inc., dated October 23, 2014, recorded in the Office of the Recorder as Instrument No. 2016004424.
3. Boundary Survey by Stephen L. Smith of Smith Neubecker & Associates, Inc., dated January 22, 1999.

DEED ANALYSIS:

No apparent, perimeter deed gaps or overlaps were found.

ESTABLISHMENT OF LINES AND CORNERS:

The location of the survey lines is based on the monuments established from surveys #1, #2, and #3. The right-of-way of 10th Street was established from found monuments along the north and south lines of 10th Street per survey #3. The east line of the 12' alley was established at a record 12' width from the west line of the alley per survey #1. The new parcels and street right-of-way was at the direction of the owner.

As a result of the above observations, it is my opinion that the uncertainties in the location of the lines and corners established on this survey are as follows: as noted in surveys #1, #2, and #3.

Due to Availability and condition of reference monuments: as noted in surveys #1, #2, and #3.

Due to Occupation or possession lines: as shown.

Due to Clarity or ambiguity of the record, description used and of adjoining descriptions and the relationship of the lines of the subject tract with adjoining lines, as noted in surveys #1, #2, and #3.

SURVEYOR'S CERTIFICATION

This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.

Evidence of easements have not been located in the field and are not shown on this survey drawing.

Subject to the above reservation, I hereby certify that the survey work performed on the project shown hereon was performed either by me or under my direct supervision and control and that all information shown is true and correct to the best of my knowledge and belief.

"I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW."

Certified July 31, 2017

Matthew M. Kroy
Professional Surveyor No. LS220800146
State of Indiana

PRO FORMA
SURVEY



TRADES DISTRICT PLAT PHASE 1

A PART OF THE NORTHEAST QUARTER OF SECTION 32 AND A PART OF THE NORTHWEST QUARTER OF SECTION 33 ALL IN TOWNSHIP 9 NORTH, RANGE 1 WEST MONROE COUNTY, INDIANA

OWNER/DEVELOPER
 City of Bloomington Redevelopment Commission
 401 West 17th Street
 Bloomington, IN 47404
 Phone: 812-349-3420

Morton Street Properties, LLC
 565 North Morton Street
 Bloomington, IN 47404

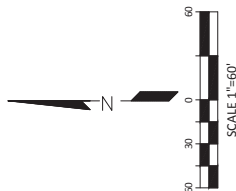
RECORD INFORMATION

City of Bloomington Redevelopment Commission
 Instrument Number: 20110126
 Parcel Number(s): 53-05-32-100-035-000-005,
 53-05-32-400-004-000-005,
 53-05-33-300-021-001-005, and
 53-05-33-200-013-000-005

Morton Street Properties, LLC
 Instrument Number 2008012578
 Parcel Number: 53-05-33-200-012-000-005

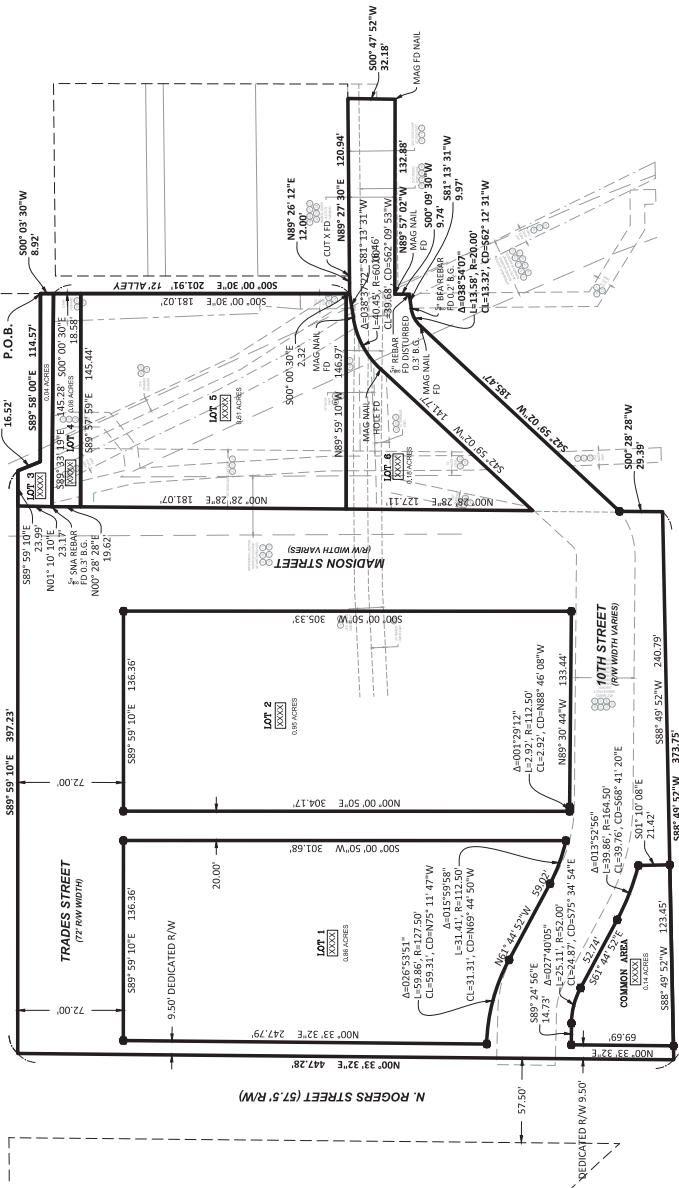
ZONING

Subject: CD
 Adjacent: CD



P.O.C.
 RR SPRING RD
 0.1 B.G.

500'00'30\"/>



RECORDER'S STAMP

AUDITOR'S STAMP

TRADES DISTRICT PLAT PHASE 1 DESCRIPTION

A part of the Northeast quarter of Section 32 and a part of the Northwest Quarter of Section 33 all in Township 9 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of a 12 foot alley being 12 feet west of the Northwest Corner of Lot 1 in Hunter Addition to the City of Bloomington, thence SOUTH 00 degrees 03 minutes 30 seconds WEST along the west line of said alley 327.47 feet to the **POINT OF BEGINNING**, thence continuing along the west line of said alley the following two (2) courses:

- 1) SOUTH 00 degrees 03 minutes 30 seconds WEST, 120.94 feet; thence
- 2) SOUTH 00 degrees 09 minutes 02 seconds WEST, 132.88 feet; thence
- 3) SOUTH 81 degrees 13 minutes 31 WEST, 9.97 feet to a non-tangent curve concave to the southeast, having a radius of 20.00 feet, a chord bearing of SOUTH 62 degrees 12 minutes 31 seconds WEST, and a chord length of 13.32 feet; thence
- 4) southwesterly along said curve 13.56 feet; thence
- 5) SOUTH 42 degrees 59 minutes 02 seconds WEST, 105.47 feet; thence leaving said south right-of-way SOUTH 00 degrees 28 minutes 28 seconds WEST, 29.39 feet; thence SOUTH 68 degrees 00 minutes 31 seconds WEST, 373.33 feet to the corner of the 12 foot alley; thence along the alley NORTH 00 degrees 33 minutes 32 seconds EAST, 321.65 feet to the northeast corner of the 12 foot alley; thence leaving said east right-of-way SOUTH 89 degrees 59 minutes 10 seconds EAST, 447.27 feet; thence SOUTH 22 degrees 13 minutes 37 seconds EAST, 16.52 feet; thence SOUTH 89 degrees 58 minutes 00 seconds EAST, 114.57 feet to the Point of Beginning, containing 4.97 acres, more or less and subject to all legal rights of way and easements.

NOTES:

1. FIELD WORK PERFORMED MARCH 2014 THROUGH MARCH, 2017.
2. ALL REBAR SET ARE ¾ INCH WITH YELLOW PLASTIC CAP STAMPED "BRCL INC 6892IN"
3. ALL REBAR SET ARE ¾ INCH WITH YELLOW PLASTIC CAP STAMPED "BRCL INC 6892IN"
4. ALL REBAR SET ARE ¾ INCH WITH YELLOW PLASTIC CAP STAMPED "BRCL INC 6892IN"
5. ALL REBAR SET ARE ¾ INCH WITH YELLOW PLASTIC CAP STAMPED "BRCL INC 6892IN"

FLOOD ZONE:
 THIS PLAT IS DESIGNATED AS A SPECIAL FLOOD HAZARD AREA, PROPERTY IS LOCATED IN FLOOD ZONE X PER COMMUNITY PANEL NO. 161650014D DATED DECEMBER 17, 2010.

LEGEND:

- 96" REBAR WITH CAP STAMPED "BRCL INC 6892 IN" SET FLUSH

PRO FORMA SURVEY



TRADES DISTRICT PLAT PHASE 1
A PART OF THE NORTHEAST QUARTER OF SECTION 32 AND A PART OF THE
NORTHWEST QUARTER OF SECTION 33 ALL IN TOWNSHIP 9 NORTH, RANGE 1 WEST
MONROE COUNTY, INDIANA

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City of Bloomington Redevelopment Commission

By _____

Morton Street Properties, LLC

By _____

STATE OF INDIANA COUNTY OF MONROE

Before me, a Notary Public for said County and State, _____, personally appeared and acknowledged the execution of this instrument this ____ day of _____, 2017.

Notary Signature

My commission expires: _____

County of Residence: _____

APPROVED BY THE CITY PLAT COMMITTEE AT A MEETING HELD: _____ 2017

Tert Porter, Director Planning & Transportation Department

Adam Wason, Director of Public Works

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"I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW."

Certified July 31, 2017

Matthew M. Kroy
Professional Surveyor No. LS220800146
State of Indiana

PRO FORMA
SURVEY



ZO-20-17 MEMO:

To: City of Bloomington Plan Commission

From: James C. Roach, AICP, Development Services Manager

Date: August 7, 2017

Re: Amendments to the City's Unified Development Ordinance to change the development standards for Sexually Oriented Businesses.

The City of Bloomington began regulating sexually oriented businesses (SOBs) in 2006 with the adoption of the UDO. SOBs were permitted in the IG and GA districts but only if the lot they are located on is more than 500 feet from one of these things:

- (1) Place of worship;
- (2) School (preschool, K-12);
- (3) Day care center, child or adult;
- (4) Park (for purposes of this section, publicly owned multiuse trails shall be deemed to be a park);
- (5) Library;
- (6) Residential district, including any portion of a planned unit development designated for residential use;
- (7) Large Scale multi-tenant non-residential center.;
- (8) Cemeteries; and
- (9) Another sexually oriented business.

At the time, staff analyzed the available land and found that there was sufficient opportunities to develop a sexually oriented business. Since that time, properties have been rezoned and new uses have been developed limiting opportunities for these uses. Today only 0.045 of Bloomington land area is available for sexually oriented businesses.

In 1986 in the case of *City of Renton vs. Playtime Theatres Inc.*, where suit was brought challenging the constitutionality of a zoning ordinance which prohibited adult motion picture theaters from locating within 1,000 feet of any residential zone, single or multiple-family dwelling, church, park or school, the US Supreme Court held that the ordinance was a valid governmental response to the serious problems created by adult theaters and satisfied the dictates of the First Amendment. *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 47 (1986).

The Court stated that the zoning ordinance that provided approximately 5% of the entire land area of the City for sexually oriented businesses was constitutional and provided adequate land area for first amendment free speech and expression.

Therefore, this UDO amendment is proposed to increase the available land area from 0.04% to 4% bringing the City more in line with the ruling of the Supreme Court in City of Renton v. Playtime Theatres, Inc.

The Department proposes to make the following changes:

- Add Commercial General (CG) as a permitted zoning district
- Remove the following uses from the list of protected uses
 - Cemeteries
 - Large Scale Multi-tenant nonresidential centers
- Change the way that the 500 foot separation is calculated

Currently, the UDO measures the district from a SOBs to a protected use as property line to property line. The Department found that this did not create adequate land area. The proposed change is to measure the 500 foot distance from the property line of the protected use to the wall of the SOBs. Within this 500 feet there could still be landscaping, parking lots or other uses, but just not the actual SOB.

The Department finds that these changes are necessary to provide a sufficient amount of the City Limits for these constitutionally protected uses. The changes proposed will still adequately protect neighborhoods and other uses from potential negative impacts of SOBs.

Included in the packet is the full ruling of Renton vs. Playtime and maps of the currently available land for SOBs and the land that would be available with this amendment. Please note, this is not a zoning map or an overlay. This map will change over time as land is rezoned or uses developed.

RECOMMENDATION: The Planning and Transportation Department recommends that the Plan Commission forward a positive recommendation for ZO-20-17 to the City Council.

20.02.300 Commercial General (CG); Permitted Uses

Add "Sexually Oriented Businesses"

20.05.078 SX-01 (Sexually oriented businesses—General).

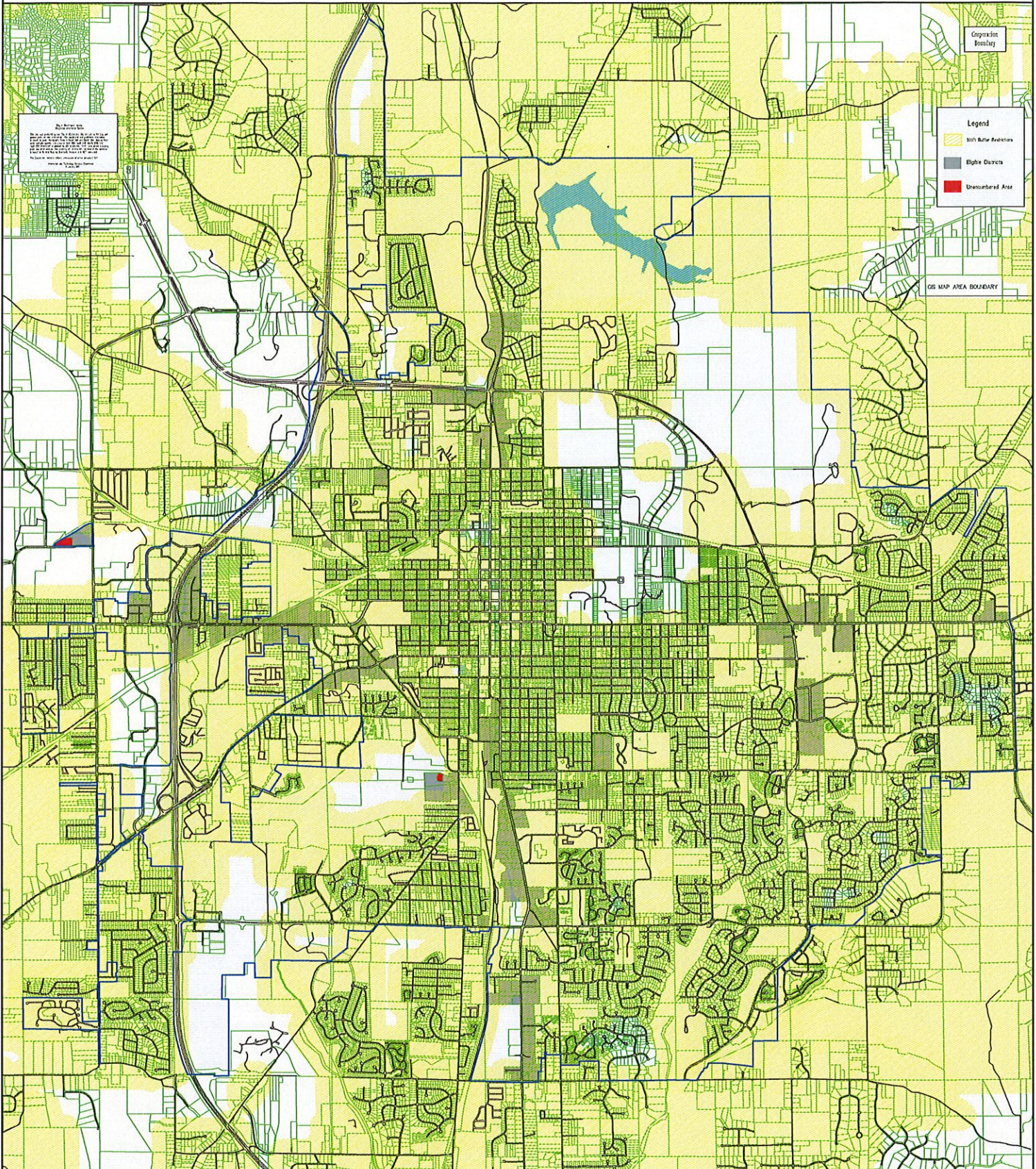
Purpose. Within the city it is acknowledged that there are some uses, often referred to as sexually oriented businesses, which because of their nature can have a negative impact on nearby property, particularly when these sexually oriented businesses are concentrated together or located in direct proximity to residential uses, child care centers, churches, cemeteries, schools, libraries, playgrounds, and/or parks. Special regulations for these sexually oriented businesses

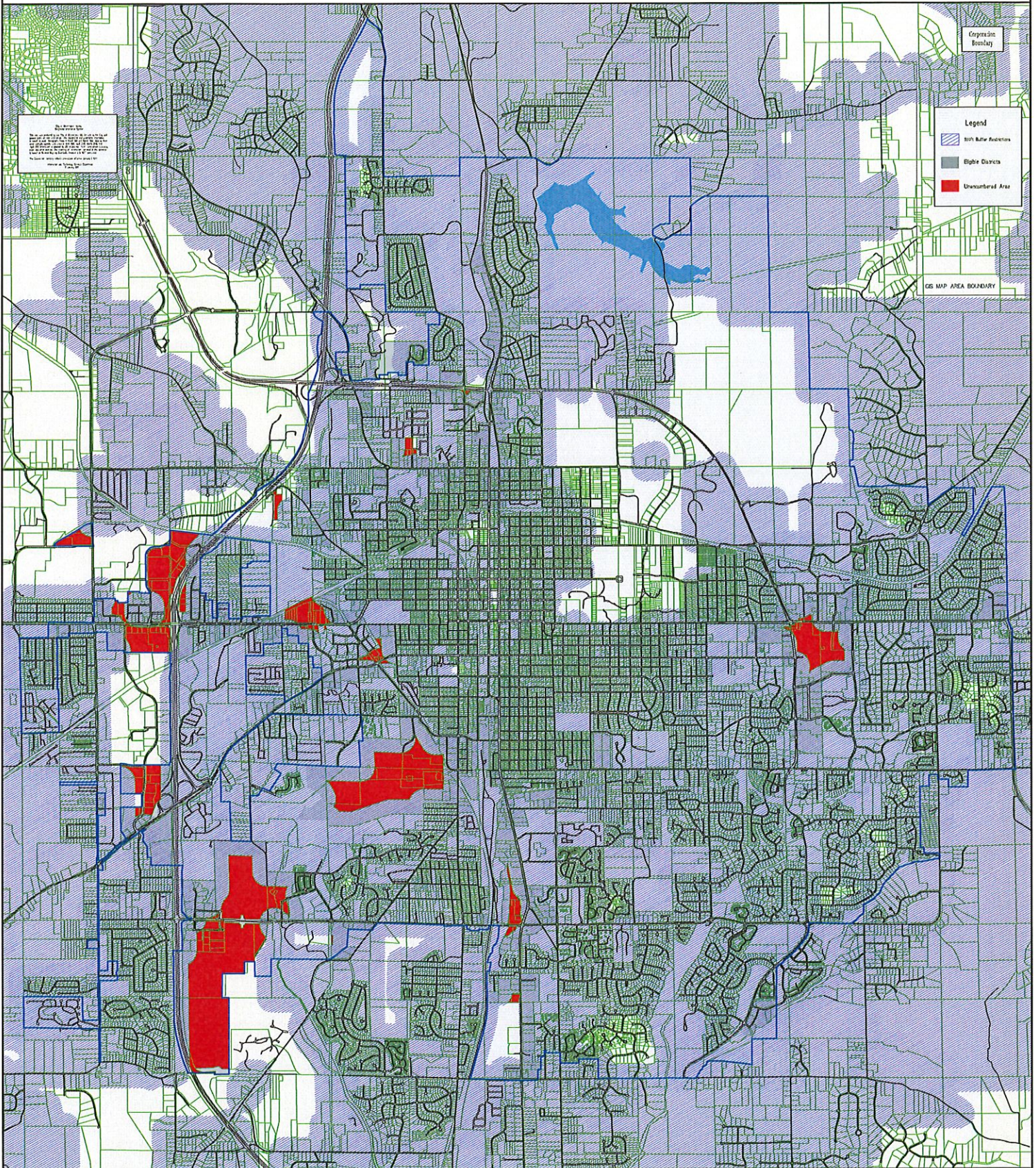
are necessary to insure that these adverse impacts will not contribute to the blighting of surrounding areas. The primary goal of these regulations is to prevent the concentration or location of these uses in a manner that would exacerbate their adverse effects.

This sexually oriented business standards section applies to the following zoning districts:

CA IG CG

- (b) Location. A sexually oriented business shall not be located on a property within five hundred (500) feet of any of the following:
- (1) Place of worship;
 - (2) School (preschool, K-12);
 - (3) Day care center, child or adult;
 - (4) Park (for purposes of this section, publicly owned multiuse trails shall be deemed to be a park);
 - (5) Library;
 - (6) Single Family Residential-district, including any portion of a planned unit development designated for single family residential-use;
 - (6)(7) Multi-Family district, including any portion of a planned unit development designated for multi-family use; and
 - (7) Large-scale multi-tenant nonresidential center;
 - (8) Cemetery; and
 - (8) Another sexually oriented business.
- (c) PUDs. For the purposes of this section, sexually oriented businesses shall be considered permitted uses in any Planned Unit Development created before February 12, 2007 where the underlying zoning is CA, CG or IG.
- (d) Distance Measurements. The distance between a sexually oriented business and established uses outlined in subsection (a), Location, of this section 20.05.078(a) shall be measured from the nearest property line of the property from which spacing is required to the nearest wall of the building or tenant space that houses the property line on which the sexually oriented business use will be located, using a straight line, without regard to intervening structures or public rights-of-way.
- (e) Exterior Display. No sexually oriented business shall be conducted in any manner that permits the observation from any right-of-way of material depicting specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening.





DISCLAIMER:
 This map was prepared by the City of Bloomington, Indiana, and is intended for informational purposes only. It is not intended to be used as a legal document. The City of Bloomington, Indiana, is not responsible for any errors or omissions on this map. The City of Bloomington, Indiana, is not responsible for any damages, including consequential damages, arising from the use of this map. The City of Bloomington, Indiana, is not responsible for any claims, including consequential claims, arising from the use of this map. The City of Bloomington, Indiana, is not responsible for any claims, including consequential claims, arising from the use of this map.

Legend

- SOB Regulation Acreage
- Eight Districts
- Unnumbered Area

City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986)

106 S.Ct. 925, 89 L.Ed.2d 29, 54 USLW 4160, 12 Media L. Rep. 1721

KeyCite Yellow Flag - Negative Treatment
Disagreement Recognized by *Boos v. Barry*, U.S. Dist. Col., March 22, 1988

106 S.Ct. 925

Supreme Court of the United States

CITY OF RENTON, et al., Appellants

v.

PLAYTIME THEATRES, INC., et al.

No. 84-1360.

Argued Nov. 12, 1985.

Decided Feb. 25, 1986.

Rehearing Denied April 21, 1986.

See 475 U.S. 1132, 106 S.Ct. 1663.

Suit was brought challenging the constitutionality of a zoning ordinance which prohibited adult motion picture **theaters** from locating within 1,000 feet of any residential zone, single or multiple-family dwelling, church, park or school. The United States District Court for the Western District of Washington ruled in favor of the **city**. The Court of Appeals for the Ninth Circuit, 748 F.2d 527, reversed and remanded for reconsideration, and the **city** appealed. The Supreme Court, Justice Rehnquist, held that the ordinance was a valid governmental response to the serious problems created by adult **theaters** and satisfied the dictates of the First Amendment.

Reversed.

Justice Blackmun concurred in the result.

Justice Brennan filed a dissenting opinion in which Justice Marshall joined.

West Headnotes (4)

[1] Constitutional Law

☞ Zoning and land use

City ordinance that prohibited adult motion picture **theaters** from locating from within

1,000 feet of any residential zone, single or multiple-family dwelling, church, park or school was properly analyzed as a form of time, place and manner regulation of speech. U.S.C.A. Const. Amend. 1.

831 Cases that cite this headnote

[2] Constitutional Law

☞ Zoning and land use

A zoning ordinance that prohibited adult motion picture **theaters** from locating within 1,000 feet of any residential zone, single or multiple-family dwelling, church, park or school was a valid governmental response to the serious problems created by adult **theaters** and satisfied the dictates of the First Amendment. U.S.C.A. Const. Amend. 1.

769 Cases that cite this headnote

[3] Constitutional Law☞ **Theaters** in general

The First Amendment does not require a **city**, before enacting an adult **theater** zoning ordinance, to conduct new studies or produce evidence independent of that already generated by other **cities**, so long as whatever the evidence the **city** relies upon is reasonably believed to be relevant to the problem that the **city** addresses. U.S.C.A. Const. Amend. 1.

556 Cases that cite this headnote

[4] Zoning and Planning

☞ Sexually-oriented businesses; nudity

Cities may regulate adult **theaters** by dispersing them or by effectively concentrating them.

75 Cases that cite this headnote

*41 *Syllabus**

Respondents purchased two **theaters** in **Renton**, Washington, with the intention of exhibiting adult films and, at about the same time, filed suit in Federal District Court, seeking injunctive relief and a declaratory judgment that the First and Fourteenth Amendments were violated by a **city** ordinance that prohibits adult motion picture **theaters** from locating within 1,000 feet of any residential zone, single- or multiple-family dwelling, church, park, or school. The District Court ultimately entered summary judgment in the **city's** favor, holding that the ordinance did not violate the First Amendment. The Court of Appeals reversed, holding that the ordinance constituted a substantial restriction on First Amendment interests, and remanded the case for reconsideration as to whether the **city** had substantial governmental interests to support the ordinance.

Held: The ordinance is a valid governmental response to the serious problems created by adult **theaters** and satisfies the dictates of the First Amendment. Cf. ****925** *Young v. American Mini Theatres, Inc.*, 427 U.S. 50, 96 S.Ct. 2440, 49 L.Ed.2d 310. Pp. 928–933.

(a) Since the ordinance does not ban adult **theaters** altogether, it is properly analyzed as a form of time, place, and manner regulation. “Content-neutral” time, place, and manner regulations are acceptable so long as they are designed to serve a substantial governmental interest and do not unreasonably limit alternative avenues of communication. Pp. 928–929.

(b) The District Court found that the **Renton City Council's** “predominate” concerns were with the secondary effects of adult **theaters** on the surrounding community, not with the content of adult films themselves. This finding is more than adequate to establish that the **city's** pursuit of its zoning interests was unrelated to the suppression of free expression, and thus the ordinance is a “content-neutral” speech regulation. Pp. 928–930.

(c) The **Renton** ordinance is designed to serve a substantial governmental interest while allowing for reasonable alternative avenues of communication. A **city's** interest in attempting to preserve the quality of urban life, as here, must be accorded high respect. Although the ordinance was enacted without the benefit of studies specifically relating to ***42 Renton's** particular problems, **Renton** was entitled to rely on the experiences of, and studies produced by, the nearby **city** of Seattle and other **cities**.

Nor was there any constitutional defect in the method chosen by **Renton** to further its substantial interests. **Cities** may regulate adult **theaters** by dispersing them, or by effectively concentrating them, as in **Renton**. Moreover, the ordinance is not “underinclusive” for failing to regulate other kinds of adult businesses, since there was no evidence that, at the time the ordinance was enacted, any other adult business was located in, or was contemplating moving into, **Renton**. Pp. 930–932.

(d) As required by the First Amendment, the ordinance allows for reasonable alternative avenues of communication. Although respondents argue that in general there are no “commercially viable” adult **theater** sites within the limited area of land left open for such **theaters** by the ordinance, the fact that respondents must fend for themselves in the real estate market, on an equal footing with other prospective purchasers and lessees, does not give rise to a violation of the First Amendment, which does not compel the Government to ensure that adult **theaters**, or any other kinds of speech-related businesses, will be able to obtain sites at bargain prices. P. 932.

748 F.2d 527 (CA9 1984), reversed.

REHNQUIST, J., delivered the opinion of the Court, in which BURGER, C.J., and WHITE, POWELL, STEVENS, and O'CONNOR, JJ., joined. BLACKMUN, J., concurred in the result. BRENNAN, J., filed a dissenting opinion, in which MARSHALL, J., joined, *post*, p. —.

Attorneys and Law Firms

****926** *E. Barrett Prettyman, Jr.*, argued the cause for appellants. With him on the briefs were *David W. Burgett, Lawrence J. Warren, Daniel Kellogg, Mark E. Barber, and Zanetta L. Fontes*.

Jack R. Burns argued the cause for appellees. With him on the briefs was *Robert E. Smith*.*

* Briefs of *amici curiae* urging reversal were filed for Jackson County, Missouri, by *Russell D. Jacobson*; for the Freedom Council Foundation by *Wendell R. Bird* and *Robert K. Skolrood*; for the National Institute of Municipal Law Officers by *George Agnost, Roy D. Bates, Benjamin L. Brown, J. Lamar Shelley, John W. Witt*,

City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986)

106 S.Ct. 925, 89 L.Ed.2d 29, 54 USLW 4160, 12 Media L. Rep. 1721

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Briefs of *amici curiae* urging affirmance were filed for the American Civil Liberties Union et al. by *David Utevsky, Jack D. Novik, and Burt Neuborne*; and for the American Booksellers Association, Inc., et al. by *Michael A. Bamberger*.

Eric M. Rubin and Walter E. Diercks filed a brief for the Outdoor Advertising Association of America, Inc., et al. as *amici curiae*.

Opinion

*43 Justice REHNQUIST delivered the opinion of the Court.

This case involves a constitutional challenge to a zoning ordinance, enacted by appellant **city of Renton**, Washington, that prohibits adult motion picture **theaters** from locating within 1,000 feet of any residential zone, single- or multiple-family dwelling, church, park, or school. Appellees, **Playtime Theatres, Inc.**, and Sea-First Properties, Inc., filed an action in the United States District Court for the Western District of Washington seeking a declaratory judgment that the **Renton** ordinance violated the First and Fourteenth Amendments and a permanent injunction against its enforcement. The District Court ruled in favor of **Renton** and denied the permanent injunction, but the Court of Appeals for the Ninth Circuit reversed and remanded for reconsideration. 748 F.2d 527 (1984). We noted probable jurisdiction, **927 471 U.S. 1013, 105 S.Ct. 2015, 85 L.Ed.2d 297 (1985), and now reverse the judgment of the Ninth Circuit.¹

*44 In May 1980, the Mayor of **Renton**, a **city** of approximately 32,000 people located just south of Seattle, suggested to the **Renton City Council** that it consider the advisability of enacting zoning legislation dealing with adult entertainment uses. No such uses existed in the **city** at that time. Upon the Mayor's suggestion, the **City Council** referred the matter to the **city's** Planning and Development Committee. The Committee held public hearings, reviewed the experiences of Seattle and other

cities, and received a report from the **City Attorney's** Office advising as to developments in other **cities**. The **City Council**, meanwhile, adopted Resolution No. 2368, which imposed a moratorium on the licensing of "any business ... which ... has as its primary purpose the selling, renting or showing of sexually explicit materials." App. 43. The resolution contained a clause explaining that such businesses "would have a severe impact upon surrounding businesses and residences." *Id.*, at 42.

In April 1981, acting on the basis of the Planning and Development Committee's recommendation, the **City Council** enacted Ordinance No. 3526. The ordinance prohibited any "adult motion picture **theater**" from locating within 1,000 feet of any residential zone, single- or multiple-family dwelling, church, or park, and within one mile of any school. App. to Juris. Statement 79a. The term "adult motion picture **theater**" was defined as "[a]n enclosed building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or character[ized] by an emphasis on matter depicting, describing or relating to 'specified sexual activities' or 'specified anatomical areas' ... for observation by patrons therein." *Id.*, at 78a.

*45 In early 1982, respondents acquired two existing **theaters** in downtown **Renton**, with the intention of using them to exhibit feature-length adult films. The **theaters** were located within the area proscribed by Ordinance No. 3526. At about the same time, respondents filed the previously mentioned lawsuit challenging the ordinance on First and Fourteenth Amendment grounds, and seeking declaratory and injunctive relief. While the federal action was pending, the **City Council** amended the ordinance in several respects, adding a statement of reasons for its enactment and reducing the minimum distance from any school to 1,000 feet.

In November 1982, the Federal Magistrate to whom respondents' action had been referred recommended the entry of a preliminary injunction against enforcement of the **Renton** ordinance and the denial of **Renton's** motions to dismiss and for summary judgment. The District Court adopted the Magistrate's recommendations and entered the preliminary injunction, and respondents began showing adult films at their two **theaters** in **Renton**. Shortly thereafter, the parties agreed to submit the case for a final decision on whether a permanent **928

injunction should issue on the basis of the record as already developed.

The District Court then vacated the preliminary injunction, denied respondents' requested permanent injunction, and entered summary judgment in favor of **Renton**. The court found that the **Renton** ordinance did not substantially restrict First Amendment interests, that **Renton** was not required to show specific adverse impact on **Renton** from the operation of adult **theaters** but could rely on the experiences of other **cities**, that the purposes of the ordinance were unrelated to the suppression of speech, and that the restrictions on speech imposed by the ordinance were no greater than necessary to further the governmental interests involved. Relying on *Young v. American Mini Theatres, Inc.*, 427 U.S. 50, 96 S.Ct. 2440, 49 L.Ed.2d 310 (1976), and *United States v. O'Brien*, 391 U.S. 367, 88 S.Ct. 1673, 20 L.Ed.2d 672 (1968), the court held that the **Renton** ordinance did not violate the First Amendment.

*46 The Court of Appeals for the Ninth Circuit reversed. The Court of Appeals first concluded, contrary to the finding of the District Court, that the **Renton** ordinance constituted a substantial restriction on First Amendment interests. Then, using the standards set forth in *United States v. O'Brien*, *supra*, the Court of Appeals held that **Renton** had improperly relied on the experiences of other **cities** in lieu of evidence about the effects of adult **theaters** on **Renton**, that **Renton** had thus failed to establish adequately the existence of a substantial governmental interest in support of its ordinance, and that in any event **Renton's** asserted interests had not been shown to be unrelated to the suppression of expression. The Court of Appeals remanded the case to the District Court for reconsideration of **Renton's** asserted interests.

In our view, the resolution of this case is largely dictated by our decision in *Young v. American Mini Theatres, Inc.*, *supra*. There, although five Members of the Court did not agree on a single rationale for the decision, we held that the city of Detroit's zoning ordinance, which prohibited locating an adult **theater** within 1,000 feet of any two other "regulated uses" or within 500 feet of any residential zone, did not violate the First and Fourteenth Amendments. *Id.*, 427 U.S., at 72–73, 96 S.Ct., at 2453 (plurality opinion of STEVENS, J., joined by BURGER, C.J., and WHITE and REHNQUIST, JJ.); *id.*, at 84, 96 S.Ct., at 2459 (POWELL, J., concurring). The **Renton** ordinance, like

the one in *American Mini Theatres*, does not ban adult **theaters** altogether, but merely provides that such **theaters** may not be located within 1,000 feet of any residential zone, single- or multiple-family dwelling, church, park, or school. The ordinance is therefore properly analyzed as a form of time, place, and manner regulation. *Id.*, at 63, and n. 18, 96 S.Ct., at 2448 and n. 18; *id.*, at 78–79, 96 S.Ct., at 2456 (POWELL, J., concurring).

[1] Describing the ordinance as a time, place, and manner regulation is, of course, only the first step in our inquiry. This Court has long held that regulations enacted for the *47 purpose of restraining speech on the basis of its content presumptively violate the First Amendment. See *Carey v. Brown*, 447 U.S. 455, 462–463, and n. 7, 100 S.Ct. 2286, 2291, and n. 7, 65 L.Ed.2d 263 (1980); *Police Dept. of Chicago v. Mosley*, 408 U.S. 92, 95, 98–99, 92 S.Ct. 2286, 2289, 2291–2292, 33 L.Ed.2d 212 (1972). On the other hand, so-called "content-neutral" time, place, and manner regulations are acceptable so long as they are designed to serve a substantial governmental interest and do not unreasonably limit alternative avenues of communication. See *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 293, 104 S.Ct. 3065, 3069, 82 L.Ed.2d 221 (1984); *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 807, 104 S.Ct. 2118, 2130, 80 L.Ed.2d 772 (1984); *Heffron v. International Society for Krishna Consciousness, Inc.*, 452 U.S. 640, 647–648, 101 S.Ct. 2559, 2563–2564, 69 L.Ed.2d 298 (1981).

929 At first glance, the **Renton ordinance, like the ordinance in *American Mini Theatres*, does not appear to fit neatly into either the "content-based" or the "content-neutral" category. To be sure, the ordinance treats **theaters** that specialize in adult films differently from other kinds of **theaters**. Nevertheless, as the District Court concluded, the **Renton** ordinance is aimed not at the *content* of the films shown at "adult motion picture **theatres**," but rather at the *secondary effects* of such **theaters** on the surrounding community. The District Court found that the City Council's "predominate concerns" were with the secondary effects of adult **theaters**, and not with the content of adult films themselves. App. to Juris. Statement 31a (emphasis added). But the Court of Appeals, relying on its decision in *Tovar v. Billmeyer*, 721 F.2d 1260, 1266 (CA9 1983), held that this was not enough to sustain the ordinance. According to the Court of Appeals, if "a motivating factor" in enacting the ordinance was to restrict respondents' exercise of First Amendment rights

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the ordinance would be invalid, apparently no matter how small a part this motivating factor may have played in the City Council's decision. 748 F.2d, at 537 (emphasis in original). This view of the law was rejected in *United States v. O'Brien*, 391 U.S., at 382–386, 88 S.Ct., at 1681–1684, the very case that the Court of Appeals said it was applying:

*48 “It is a familiar principle of constitutional law that this Court will not strike down an otherwise constitutional statute on the basis of an alleged illicit legislative motive....

“... What motivates one legislator to make a speech about a statute is not necessarily what motivates scores of others to enact it, and the stakes are sufficiently high for us to eschew guesswork.” *Id.*, at 383–384, 88 S.Ct., at 1683.

The District Court's finding as to “predominate” intent, left undisturbed by the Court of Appeals, is more than adequate to establish that the city's pursuit of its zoning interests here was unrelated to the suppression of free expression. The ordinance by its terms is designed to prevent crime, protect the city's retail trade, maintain property values, and generally “protec[t] and preserv[e] the quality of [the city's] neighborhoods, commercial districts, and the quality of urban life,” not to suppress the expression of unpopular views. See App. to Juris. Statement 90a. As Justice POWELL observed in *American Mini Theatres*, “[i]f [the city] had been concerned with restricting the message purveyed by adult theaters, it would have tried to close them or restrict their number rather than circumscribe their choice as to location.” 427 U.S., at 82, n. 4, 96 S.Ct., at 2458, n. 4.

In short, the **Renton** ordinance is completely consistent with our definition of “content-neutral” speech regulations as those that “are justified without reference to the content of the regulated speech.” *Virginia Pharmacy Board v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 771, 96 S.Ct. 1817, 1830, 48 L.Ed.2d 346 (1976) (emphasis added); *Community for Creative Non-Violence, supra*, 468 U.S., at 293, 104 S.Ct., at 3069; *International Society for Krishna Consciousness, supra*, 452 U.S., at 648, 101 S.Ct., at 2564. The ordinance does not contravene the fundamental principle that underlies our concern about “content-based” speech regulations: that “government

may not grant the use of a forum to people whose views it finds acceptable, but deny use to those wishing to express *49 less favored or more controversial views.” *Mosley, supra*, 408 U.S., at 95–96, 92 S.Ct., at 2289–2290.

It was with this understanding in mind that, in *American Mini Theatres*, a majority of this Court decided that, at least with respect to businesses that purvey sexually explicit materials,² zoning ordinances designed *930 to combat the undesirable secondary effects of such businesses are to be reviewed under the standards applicable to “content-neutral” time, place, and manner regulations. Justice STEVENS, writing for the plurality, concluded that the city of Detroit was entitled to draw a distinction between adult theaters and other kinds of theaters “without violating the government's paramount obligation of neutrality in its regulation of protected communication,” 427 U.S., at 70, 96 S.Ct., at 2452, noting that “[i]t is th[e] secondary effect which these zoning ordinances attempt to avoid, not the dissemination of ‘offensive’ speech,” *id.*, at 71, n. 34, 96 S.Ct., at 2453, n. 34. Justice POWELL, in concurrence, elaborated:

“[The] dissent misconceives the issue in this case by insisting that it involves an impermissible time, place, and manner restriction based on the content of expression. It involves nothing of the kind. We have here merely a decision by the city to treat certain movie theaters differently because they have markedly different effects upon their surroundings.... Moreover, even if this were a case involving a special governmental response to the content of one type of movie, it is possible that the result would be supported by a line of cases recognizing that the government can tailor its reaction to different types of speech according to the degree to which its special and overriding interests are implicated. *50 See, e.g., *Tinker v. Des Moines School Dist.*, 393 U.S. 503, 509–511 [89 S.Ct. 733, 737–739, 21 L.Ed.2d 731] (1969); *Procunier v. Martinez*, 416 U.S. 396, 413–414 [94 S.Ct. 1800, 1811, 40 L.Ed.2d 224] (1974); *Greer v. Spock*, 424 U.S. 828, 842–844 [96 S.Ct. 1211, 1219–1220, 47 L.Ed.2d 505] (1976) (POWELL, J., concurring); cf. *CSC v. Letter Carriers*, 413 U.S. 548 [93 S.Ct. 2880, 37 L.Ed.2d 796] (1973).” *Id.*, at 82, n. 6, 96 S.Ct., at 2458, n. 6.

[2] The appropriate inquiry in this case, then, is whether the **Renton** ordinance is designed to serve a substantial governmental interest and allows for

reasonable alternative avenues of communication. See *Community for Creative Non-Violence*, 468 U.S., at 293, 104 S.Ct., at 3069; *International Society for Krishna Consciousness*, 452 U.S., at 649, 654, 101 S.Ct., at 2564, 2567. It is clear that the ordinance meets such a standard. As a majority of this Court recognized in *American Mini Theatres*, a city's "interest in attempting to preserve the quality of urban life is one that must be accorded high respect." 427 U.S., at 71, 96 S.Ct., at 2453 (plurality opinion); see *id.*, at 80, 96 S.Ct., at 2457 (POWELL, J., concurring) ("Nor is there doubt that the interests furthered by this ordinance are both important and substantial"). Exactly the same vital governmental interests are at stake here.

The Court of Appeals ruled, however, that because the **Renton** ordinance was enacted without the benefit of studies specifically relating to "the particular problems or needs of **Renton**," the city's justifications for the ordinance were "conclusory and speculative." 748 F.2d, at 537. We think the Court of Appeals imposed on the city an unnecessarily rigid burden of proof. The record in this case reveals that **Renton** relied heavily on the experience of, and studies produced by, the city of Seattle. In Seattle, as in **Renton**, the adult theater zoning ordinance was aimed at preventing the secondary effects caused by the presence of even one such theater in a given neighborhood. See *Northend Cinema, Inc. v. Seattle*, 90 Wash.2d 709, 585 P.2d 1153 (1978). The opinion of the Supreme Court of Washington in *Northend Cinema*, which *51 was before the **Renton** City Council when it enacted the ordinance in question here, described Seattle's experience as follows:

"The amendments to the City's zoning code which are at issue here are the **931 culmination of a long period of study and discussion of the problems of adult movie theaters in residential areas of the City.... [T]he City's Department of Community Development made a study of the need for zoning controls of adult theaters.... The study analyzed the City's zoning scheme, comprehensive plan, and land uses around existing adult motion picture theaters...." *Id.*, at 711, 585 P.2d, at 1155.

"[T]he [trial] court heard extensive testimony regarding the history and purpose of these ordinances. It heard expert testimony on the adverse effects of the presence of adult motion picture theaters on neighborhood children and community improvement efforts. The court's detailed findings, which include a finding that

the location of adult theaters has a harmful effect on the area and contribute to neighborhood blight, are supported by substantial evidence in the record." *Id.*, at 713, 585 P.2d, at 1156.

"The record is replete with testimony regarding the effects of adult movie theater locations on residential neighborhoods." *Id.*, at 719, 585 P.2d, at 1159.

[3] We hold that **Renton** was entitled to rely on the experiences of Seattle and other cities, and in particular on the "detailed findings" summarized in the Washington Supreme Court's *Northend Cinema* opinion, in enacting its adult theater zoning ordinance. The First Amendment does not require a city, before enacting such an ordinance, to conduct new studies or produce evidence independent of that already generated by other cities, so long as whatever evidence the city relies upon is reasonably believed to be relevant to the *52 problem that the city addresses. That was the case here. Nor is our holding affected by the fact that Seattle ultimately chose a different method of adult theater zoning than that chosen by **Renton**, since Seattle's choice of a different remedy to combat the secondary effects of adult theaters does not call into question either Seattle's identification of those secondary effects or the relevance of Seattle's experience to **Renton**.

[4] We also find no constitutional defect in the method chosen by **Renton** to further its substantial interests. Cities may regulate adult theaters by dispersing them, as in Detroit, or by effectively concentrating them, as in **Renton**. "It is not our function to appraise the wisdom of [the city's] decision to require adult theaters to be separated rather than concentrated in the same areas.... [T]he city must be allowed a reasonable opportunity to experiment with solutions to admittedly serious problems." *American Mini Theatres*, 427 U.S., at 71, 96 S.Ct., at 2453 (plurality opinion). Moreover, the **Renton** ordinance is "narrowly tailored" to affect only that category of theaters shown to produce the unwanted secondary effects, thus avoiding the flaw that proved fatal to the regulations in *Schad v. Mount Ephraim*, 452 U.S. 61, 101 S.Ct. 2176, 68 L.Ed.2d 671 (1981), and *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 95 S.Ct. 2268, 45 L.Ed.2d 125 (1975).

Respondents contend that the **Renton** ordinance is "under-inclusive," in that it fails to regulate other kinds of adult businesses that are likely to produce secondary effects similar to those produced by adult theaters. On

this record the contention must fail. There is no evidence that, at the time the **Renton** ordinance was enacted, any other adult business was located in, or was contemplating moving into, **Renton**. In fact, Resolution No. 2368, enacted in October 1980, states that “the **City of Renton** does not, at the present time, have any business whose primary purpose is the sale, rental, or showing of sexually explicit materials.” App. 42. That **Renton** chose first to address the potential problems created *53 by one particular kind of adult business in no way suggests that the **city** has “singled out” adult **theaters** for discriminatory treatment. We simply have no basis on **932 this record for assuming that **Renton** will not, in the future, amend its ordinance to include other kinds of adult businesses that have been shown to produce the same kinds of secondary effects as adult **theaters**. See *Williamson v. Lee Optical Inc.*, 348 U.S. 483, 488–489, 75 S.Ct. 461, 464–465, 99 L.Ed. 563 (1955).

Finally, turning to the question whether the **Renton** ordinance allows for reasonable alternative avenues of communication, we note that the ordinance leaves some 520 acres, or more than five percent of the entire land area of **Renton**, open to use as adult **theater** sites. The District Court found, and the Court of Appeals did not dispute the finding, that the 520 acres of land consists of “[a]mpl[e], accessible real estate,” including “acreage in all stages of development from raw land to developed, industrial, warehouse, office, and shopping space that is criss-crossed by freeways, highways, and roads.” App. to Juris. Statement 28a.

Respondents argue, however, that some of the land in question is already occupied by existing businesses, that “practically none” of the undeveloped land is currently for sale or lease, and that in general there are no “commercially viable” adult **theater** sites within the 520 acres left open by the **Renton** ordinance. Brief for Appellees 34–37. The Court of Appeals accepted these arguments,³ concluded that *54 the 520 acres was not truly “available” land, and therefore held that the **Renton** ordinance “would result in a substantial restriction” on speech. 748 F.2d, at 534.

We disagree with both the reasoning and the conclusion of the Court of Appeals. That respondents must fend for themselves in the real estate market, on an equal footing with other prospective purchasers and lessees, does not give rise to a First Amendment violation. And

although we have cautioned against the enactment of zoning regulations that have “the effect of suppressing, or greatly restricting access to, lawful speech,” *American Mini Theatres*, 427 U.S., at 71, n. 35, 96 S.Ct., at 2453, n. 35 (plurality opinion), we have never suggested that the First Amendment compels the Government to ensure that adult **theaters**, or any other kinds of speech-related businesses for that matter, will be able to obtain sites at bargain prices. See *id.*, at 78, 96 S.Ct., at 2456 (POWELL, J., concurring) (“The inquiry for First Amendment purposes is not concerned with economic impact”). In our view, the First Amendment requires only that **Renton** refrain from effectively denying respondents a reasonable opportunity to open and operate an adult **theater** within the **city**, and the ordinance before us easily meets this requirement.

In sum, we find that the **Renton** ordinance represents a valid governmental response to the “admittedly serious problems” created by adult **theaters**. See *id.*, at 71, 96 S.Ct., at 2453 (plurality opinion). **Renton** has not used “the power to zone as a pretext for suppressing expression,” *id.*, at 84, 96 S.Ct., at 2459 (POWELL, J., concurring), but rather has sought to make some areas available for adult **theaters** and their patrons, while at the same time preserving the quality of life in the community at large by preventing those **theaters** from locating in other areas. This, after all, is the essence of zoning. Here, as in *American Mini Theatres*, the **city** has enacted a zoning ordinance that meets these goals while also satisfying the dictates of the *55 **933 First Amendment.⁴ The judgment of the Court of Appeals is therefore

Reversed.

Justice BLACKMUN concurs in the result.

Justice BRENNAN, with whom Justice MARSHALL joins, dissenting.

Renton's zoning ordinance selectively imposes limitations on the location of a movie **theater** based exclusively on the content of the films shown there. The constitutionality of the ordinance is therefore not correctly analyzed under standards applied to content-neutral time, place, and manner restrictions. But even assuming that the ordinance may fairly be characterized as content neutral, it is plainly unconstitutional under the standards established by the

decisions of this Court. Although the Court's analysis is limited to *56 cases involving “businesses that purvey sexually explicit materials,” *ante*, at 929, and n. 2, and thus does not affect our holdings in cases involving state regulation of other kinds of speech, I dissent.

I

“[A] constitutionally permissible time, place, or manner restriction may not be based upon either the content or subject matter of speech.” *Consolidated Edison Co. v. Public Service Comm'n of N. Y.*, 447 U.S. 530, 536, 100 S.Ct. 2326, 2332, 65 L.Ed.2d 319 (1980). The Court asserts that the ordinance is “aimed not at the *content* of the films shown at ‘adult motion picture **theatres**,’ but rather at the *secondary effects* of such **theaters** on the surrounding community,” *ante*, at 929 (emphasis in original), and thus is simply a time, place, and manner regulation.¹ This analysis is misguided.

The fact that adult movie **theaters** may cause harmful “secondary” land-use effects may arguably give **Renton** a compelling **934 reason to regulate such establishments; it does not mean, however, that such regulations are content neutral. *57 Because the ordinance imposes special restrictions on certain kinds of speech on the basis of *content*, I cannot simply accept, as the Court does, **Renton's** claim that the ordinance was not designed to suppress the content of adult movies. “[W]hen regulation is based on the content of speech, governmental action must be scrutinized more carefully to ensure that communication has not been prohibited ‘merely because public officials disapprove the speaker's views.’” *Consolidated Edison Co.*, *supra*, at 536, 100 S.Ct., at 2332 (quoting *Niemotko v. Maryland*, 340 U.S. 268, 282, 71 S.Ct. 325, 333, 95 L.Ed. 267 (1951) (Frankfurter, J., concurring in result)). “[B]efore deferring to [**Renton's**] judgment, [we] must be convinced that the **city** is seriously and comprehensively addressing” secondary-land use effects associated with adult movie **theaters**. *Metromedia, Inc. v. San Diego*, 453 U.S. 490, 531, 101 S.Ct. 2882, 2904, 69 L.Ed.2d 800 (1981) (BRENNAN, J., concurring in judgment). In this case, both the language of the ordinance and its dubious legislative history belie the Court's conclusion that “the **city's** pursuit of its zoning interests here was unrelated to the suppression of free expression.” *Ante*, at 929.

A

The ordinance discriminates on its face against certain forms of speech based on content. Movie **theaters** specializing in “adult motion pictures” may not be located within 1,000 feet of any residential zone, single- or multiple-family dwelling, church, park, or school. Other motion picture **theaters**, and other forms of “adult entertainment,” such as bars, massage parlors, and adult bookstores, are not subject to the same restrictions. This selective treatment strongly suggests that **Renton** was interested not in controlling the “secondary effects” associated with adult businesses, but in discriminating against adult **theaters** based on the content of the films they exhibit. The Court ignores this discriminatory treatment, declaring that **Renton** is free “to address the potential problems created by one particular kind of adult business,” *ante*, at 931, and to amend the ordinance in the *58 future to include other adult enterprises. *Ante*, at 932 (citing *Williamson v. Lee Optical Inc.*, 348 U.S. 483, 488–489, 75 S.Ct. 461, 464–465, 99 L.Ed. 563 (1955)).² However, because of the First Amendment interests at stake here, this one-step-at-a-time analysis is wholly inappropriate.

“This Court frequently has upheld underinclusive classifications on the sound theory that a legislature may deal with one part of a problem without addressing all of it. See *e.g.*, *Williamson v. Lee Optical Inc.*, 348 U.S. 483, 488–489, 75 S.Ct. 461, 464–465, 99 L.Ed. 563 (1955). This presumption of statutory validity, however, has less force when a classification turns on the subject matter of expression. ‘[A]bove all else, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.’ *Police Dept. of Chicago v. Mosley*, 408 U.S., at 95 [92 S.Ct., at 2290].” *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 215, 95 S.Ct. 2268, 2275, 45 L.Ed.2d 125 (1975).

In this case, the **city** has not justified treating adult movie **theaters** differently from other adult entertainment businesses. The ordinance's underinclusiveness is cogent evidence that it was aimed at the *content* of the films shown in adult movie **theaters**.

**935 B

Shortly *after* this lawsuit commenced, the **Renton City** Council amended the ordinance, adding a provision explaining that its intention in adopting the ordinance had been “to promote the **City of Renton's** great interest in protecting and preserving the quality of its neighborhoods, commercial districts, and the quality of urban life through effective land *59 use planning.” App. to Juris. Statement 81a. The amended ordinance also lists certain conclusory “findings” concerning adult entertainment land uses that the Council purportedly relied upon in adopting the ordinance. *Id.*, at 81a–86 a. The **city** points to these provisions as evidence that the ordinance was designed to control the secondary effects associated with adult movie **theaters**, rather than to suppress the content of the films they exhibit. However, the “legislative history” of the ordinance strongly suggests otherwise.

Prior to the amendment, there was no indication that the ordinance was designed to address any “secondary effects” a single adult **theater** might create. In addition to the suspiciously coincidental timing of the amendment, many of the **City Council's** “findings” do not relate to legitimate land-use concerns. As the Court of Appeals observed, “[b]oth the magistrate and the district court recognized that many of the stated reasons for the ordinance were no more than expressions of dislike for the subject matter.” 748 F.2d 527, 537 (CA9 1984).³ That some residents may be offended by the *content* of the films shown at adult movie **theaters** cannot form the basis for state regulation of speech. See *Terminiello v. Chicago*, 337 U.S. 1, 69 S.Ct. 894, 93 L.Ed. 1131 (1949).

Some of the “findings” added by the **City Council** do relate to supposed “secondary effects” associated with adult movie *60 **theaters**.⁴ However, the Court cannot, as it does, merely accept these *post hoc* statements at face value. “[T]he presumption of validity that traditionally attends a local government's exercise of its zoning powers carries little, if any, weight where the zoning regulation trenches on rights of expression protected under the First Amendment.” *Schad v. Mount Ephraim*, 452 U.S. 61, 77, 101 S.Ct. 2176, 2187, 68 L.Ed.2d 671 (1981) (BLACKMUN, J., concurring). As the Court of Appeals concluded, “[t]he record presented by **Renton** to support

its asserted interest in enacting the zoning ordinance is very thin.” 748 F.2d, at 536.

The amended ordinance states that its “findings” summarize testimony received by the **City Council** at certain public hearings. While none of this testimony was ever recorded or preserved, a **city** official reported that residents had objected to having adult movie **theaters** located in their community. However, the official was unable to recount any testimony as to how adult movie **theaters** would specifically affect the schools, churches, parks, or residences “protected” by the ordinance. See App. 190–192. The **City Council** conducted no studies, and heard no expert testimony, on how the protected uses would be affected by the presence of an adult movie **theater**, and never considered whether residents' concerns could be met by “restrictions **936 that are less intrusive on protected forms of expression.” *Schad, supra*, 452 U.S., at 74, 101 S.Ct., at 2186. As a result, any “findings” regarding “secondary effects” caused by adult movie **theaters**, or the need to adopt specific locational requirements to combat such effects, were not “findings” at all, but purely speculative conclusions. Such “findings” were not such as are required to justify the burdens *61 the ordinance imposed upon constitutionally protected expression.

The Court holds that **Renton** was entitled to rely on the experiences of **cities** like Detroit and Seattle, which had enacted special zoning regulations for adult entertainment businesses after studying the adverse effects caused by such establishments. However, even assuming that **Renton** was concerned with the same problems as Seattle and Detroit, it never actually reviewed any of the studies conducted by those **cities**. **Renton** had no basis for determining if any of the “findings” made by these **cities** were relevant to **Renton's** problems or needs.⁵ Moreover, since **Renton** ultimately adopted zoning regulations different from either Detroit or Seattle, these “studies” provide no basis for assessing the effectiveness of the particular restrictions adopted under the ordinance.⁶ **Renton** cannot merely rely on the general experiences *62 of Seattle or Detroit, for it must “justify its ordinance in the context of **Renton's** problems—not Seattle's or Detroit's problems.” 748 F.2d, at 536 (emphasis in original).

In sum, the circumstances here strongly suggest that the ordinance was designed to suppress expression,

even that constitutionally protected, and thus was not to be analyzed as a content-neutral time, place, and manner restriction. The Court allows **Renton** to conceal its illicit motives, however, by reliance on the fact that other communities adopted similar restrictions. The Court's approach largely immunizes such measures from judicial scrutiny, since a municipality can readily find other municipal ordinances to rely upon, thus always retrospectively justifying special zoning regulations for adult **theaters**.⁷ Rather than speculate about **Renton's** motives for adopting such measures, our cases require the conclusion that the ordinance, like any other content-based restriction on speech, is constitutional "only if the [city] can show **937 that [it] is a precisely drawn means of serving a compelling [governmental] interest." *Consolidated Edison Co. v. Public Service Comm'n of N. Y.*, 447 U.S., at 540, 100 S.Ct., at 2334; see also *Carey v. Brown*, 447 U.S. 455, 461–462, 100 S.Ct. 2286, 2290–2291, 65 L.Ed.2d 263 (1980); *Police Department of Chicago v. Mosley*, 408 U.S. 92, 99, 92 S.Ct. 2286, 2292, 33 L.Ed.2d 212 (1972). Only this strict approach can insure that **cities** will not use their zoning powers as a pretext for suppressing constitutionally protected expression.

*63 Applying this standard to the facts of this case, the ordinance is patently unconstitutional. **Renton** has not shown that locating adult movie **theaters** in proximity to its churches, schools, parks, and residences will necessarily result in undesirable "secondary effects," or that these problems could not be effectively addressed by less intrusive restrictions.

II

Even assuming that the ordinance should be treated like a content-neutral time, place, and manner restriction, I would still find it unconstitutional. "[R]estrictions of this kind are valid provided ... that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information." *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 293, 104 S.Ct. 3065, 3069, 82 L.Ed.2d 221 (1984); *Heffron v. International Society for Krishna Consciousness, Inc.*, 452 U.S. 640, 648, 101 S.Ct. 2559, 2564, 69 L.Ed.2d 298 (1981). In applying this standard, the Court "fails to subject the alleged interests of the [city] to the degree of scrutiny required to ensure that expressive activity protected by the First

Amendment remains free of unnecessary limitations." *Community for Creative Non-Violence*, 468 U.S., at 301, 104 S.Ct., at 3073 (MARSHALL, J., dissenting). The Court "evidently [and wrongly] assumes that the balance struck by [**Renton**] officials is deserving of deference so long as it does not appear to be tainted by content discrimination." *Id.*, at 315, 104 S.Ct., at 3080. Under a *proper* application of the relevant standards, the ordinance is clearly unconstitutional.

A

The Court finds that the ordinance was designed to further **Renton's** substantial interest in "preserv[ing] the quality of urban life." *Ante*, at 930. As explained above, the record here is simply insufficient to support this assertion. The **city** made no showing as to how uses "protected" by the ordinance would be affected by the presence of an adult movie **theater**. Thus, the **Renton** ordinance is clearly distinguishable from *64 the Detroit zoning ordinance upheld in *Young v. American Mini Theatres, Inc.*, 427 U.S. 50, 96 S.Ct. 2440, 49 L.Ed.2d 310 (1976). The Detroit ordinance, which was designed to disperse adult **theaters** throughout the **city**, was supported by the testimony of urban planners and real estate experts regarding the adverse effects of locating several such businesses in the same neighborhood. *Id.*, at 55, 96 S.Ct., at 2445; see also *Northend Cinema, Inc. v. Seattle*, 90 Wash.2d 709, 711, 585 P.2d 1153, 1154–1155 (1978), cert. denied *sub nom. Apple Theatre, Inc. v. Seattle*, 441 U.S. 946, 99 S.Ct. 2166, 60 L.Ed.2d 1048 (1979) (Seattle zoning ordinance was the "culmination of a long period of study and discussion"). Here, the **Renton** Council was aware only that some residents had complained about adult movie **theaters**, and that other localities had adopted special zoning restrictions for such establishments. These are not "facts" sufficient to justify the burdens the ordinance imposed upon constitutionally protected expression.

B

Finally, the ordinance is invalid because it does not provide for reasonable alternative avenues of communication. The District Court found that the ordinance left 520 acres in **Renton** available for adult **theater** sites, an area comprising about five **938 percent of the **city**. However, the Court of Appeals found

that because much of this land was already occupied, “[l]imiting adult theater uses to these areas is a substantial restriction on speech.” 748 F.2d, at 534. Many “available” sites are also largely unsuited for use by movie theaters. See App. 231, 241. Again, these facts serve to distinguish this case from *American Mini Theaters*, where there was no indication that the Detroit zoning ordinance seriously limited the locations available for adult businesses. See *American Mini Theaters*, *supra*, 427 U.S., at 71, n. 35, 96 S.Ct., at 2453 n. 35 (plurality opinion) (“The situation would be quite different if the ordinance had the effect of ... greatly restricting access to ... lawful speech”); see also *Basiardanes v. City of Galveston*, 682 F.2d 1203, 1214 (CA5 1982) (ordinance effectively banned adult theaters *65 by restricting them to “ ‘the most unattractive, inaccessible, and inconvenient areas of a city’ ”); *Purple Onion, Inc. v. Jackson*, 511 F.Supp. 1207, 1217 (ND Ga.1981) (proposed sites for adult entertainment uses were either “unavailable, unusable, or so inaccessible to the public that ... they amount to no locations”).

Despite the evidence in the record, the Court reasons that the fact “[t]hat respondents must fend for themselves in the real estate market, on an equal footing with

other prospective purchasers and lessees, does not give rise to a First Amendment violation.” *Ante*, at 932. However, respondents are not on equal footing with other prospective purchasers and lessees, but must conduct business under severe restrictions not imposed upon other establishments. The Court also argues that the First Amendment does not compel “the government to ensure that adult theaters, or any other kinds of speech-related businesses for that matter, will be able to obtain sites at bargain prices.” *Ibid*. However, respondents do not ask **Renton** to guarantee low-price sites for their businesses, but seek only a reasonable opportunity to operate adult theaters in the city. By denying them this opportunity, **Renton** can effectively ban a form of protected speech from its borders. The ordinance “greatly restrict[s] access to ... lawful speech,” *American Mini Theatres*, *supra*, 427 U.S., at 71, n. 35, 96 S.Ct., at 2453, n. 35 (plurality opinion), and is plainly unconstitutional.

All Citations

475 U.S. 41, 106 S.Ct. 925, 89 L.Ed.2d 29, 54 USLW 4160, 12 Media L. Rep. 1721

Footnotes

- * The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U.S. 321, 337, 26 S.Ct. 282, 287, 50 L.Ed. 499.
- 1 This appeal was taken under 28 U.S.C. § 1254(2), which provides this Court with appellate jurisdiction at the behest of a party relying on a state statute or local ordinance held unconstitutional by a court of appeals. As we have previously noted, there is some question whether jurisdiction under § 1254(2) is available to review a nonfinal judgment. See *South Carolina Electric & Gas Co. v. Flemming*, 351 U.S. 901, 76 S.Ct. 692, 100 L.Ed. 1439 (1956); *Slaker v. O'Connor*, 278 U.S. 188, 49 S.Ct. 158, 73 L.Ed. 258 (1929). But see *Chicago v. Atchison, T. & S.F. R. Co.*, 357 U.S. 77, 82–83, 78 S.Ct. 1063, 1066–1067, 2 L.Ed.2d 1174 (1958).
- The present appeal seeks review of a judgment remanding the case to the District Court. We need not resolve whether this appeal is proper under § 1254(2), however, because in any event we have certiorari jurisdiction under 28 U.S.C. § 2103. As we have previously done in equivalent situations, see *El Paso v. Simmons*, 379 U.S. 497, 502–503, 85 S.Ct. 577, 580–581, 13 L.Ed.2d 446 (1965); *Doran v. Salem Inn, Inc.*, 422 U.S. 922, 927, 95 S.Ct. 2561, 2565, 45 L.Ed.2d 648 (1975), we dismiss the appeal and, treating the papers as a petition for certiorari, grant the writ of certiorari. Henceforth, we shall refer to the parties as “petitioners” and “respondents.”
- 2 See *American Mini Theatres*, 427 U.S., at 70, 96 S.Ct., at 2452 (plurality opinion) (“[I]t is manifest that society’s interest in protecting this type of expression is of a wholly different, and lesser, magnitude than the interest in untrammelled political debate ...”).
- 3 The Court of Appeals’ rejection of the District Court’s findings on this issue may have stemmed in part from the belief, expressed elsewhere in the Court of Appeals’ opinion, that, under *Bose Corp. v. Consumers Union of United States, Inc.*, 466 U.S. 485, 104 S.Ct. 1949, 80 L.Ed.2d 502 (1984), appellate courts have a duty to review *de novo* all mixed findings of law and fact relevant to the application of First Amendment principles. See 748 F.2d 527, 535 (1984). We need not review the correctness of the Court of Appeals’ interpretation of *Bose Corp.*, since we determine that, under any standard of review, the District Court’s findings should not have been disturbed.

4 Respondents argue, as an "alternative basis" for affirming the decision of the Court of Appeals, that the **Renton** ordinance violates their rights under the Equal Protection Clause of the Fourteenth Amendment. As should be apparent from our preceding discussion, respondents can fare no better under the Equal Protection Clause than under the First Amendment itself. See *Young v. American Mini Theatres, Inc.*, 427 U.S., at 63–73, 96 S.Ct., at 2448–2454.

Respondents also argue that the **Renton** ordinance is unconstitutionally vague. More particularly, respondents challenge the ordinance's application to buildings "used" for presenting sexually explicit films, where the term "used" describes "a continuing course of conduct of exhibiting [sexually explicit films] in a manner which appeals to a prurient interest." App. to Juris. Statement 96a. We reject respondents' "vagueness" argument for the same reasons that led us to reject a similar challenge in *American Mini Theatres, supra*. There, the Detroit ordinance applied to **theaters** "used to present material distinguished or characterized by an emphasis on [sexually explicit matter]." *Id.*, at 53, 96 S.Ct., at 2444. We held that "even if there may be some uncertainty about the effect of the ordinances on other litigants, they are unquestionably applicable to these respondents." *Id.*, at 58–59, 96 S.Ct., at 2446. We also held that the Detroit ordinance created no "significant deterrent effect" that might justify invocation of the First Amendment "overbreadth" doctrine. *Id.*, at 59–61, 96 S.Ct., at 2446–2448.

1 The Court apparently finds comfort in the fact that the ordinance does not "deny use to those wishing to express less favored or more controversial views." *Ante*, at 929. However, content-based discrimination is not rendered "any less odious" because it distinguishes "among entire classes of ideas, rather than among points of view within a particular class." *Lehman v. City of Shaker Heights*, 418 U.S. 298, 316, 94 S.Ct. 2714, 2724, 41 L.Ed.2d 770 (1974) (BRENNAN, J., dissenting); see also *Consolidated Edison Co. v. Public Service Comm'n of N.Y.*, 447 U.S. 530, 537, 100 S.Ct. 2326, 2333, 65 L.Ed.2d 319 (1980) ("The First Amendment's hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic"). Moreover, the Court's conclusion that the restrictions imposed here were viewpoint neutral is patently flawed. "As a practical matter, the speech suppressed by restrictions such as those involved [here] will almost invariably carry an implicit, if not explicit, message in favor of more relaxed sexual mores. Such restrictions, in other words, have a potent viewpoint-differential impact.... To treat such restrictions as viewpoint-neutral seems simply to ignore reality." Stone, *Restrictions of Speech Because of its Content: The Peculiar Case of Subject-Matter Restrictions*, 46 U.Chi.L.Rev. 81, 111–112 (1978).

2 The Court also explains that "[t]here is no evidence that, at the time the **Renton** ordinance was enacted, any other adult business was located in, or was contemplating moving into, **Renton**." *Ante*, at 931. However, at the time the ordinance was enacted, there was no evidence that any *adult movie theaters* were located in, or considering moving to, **Renton**. Thus, there was no legitimate reason for the **city** to treat adult movie **theaters** differently from other adult businesses.

3 For example, "finding" number 2 states that

"[l]ocation of adult entertainment land uses on the main commercial thoroughfares of the **City** gives an impression of legitimacy to, and causes a loss of sensitivity to the adverse effect of pornography upon children, established family relations, respect for marital relationship and for the sanctity of marriage relations of others, and the concept of non-aggressive, consensual sexual relations." App. to Juris. Statement 86a.

"Finding" number 6 states that

"[l]ocation of adult land uses in close proximity to residential uses, churches, parks, and other public facilities, and schools, will cause a degradation of the community standard of morality. Pornographic material has a degrading effect upon the relationship between spouses." *Ibid.*

4 For example, "finding" number 12 states that

"[l]ocation of adult entertainment land uses in proximity to residential uses, churches, parks and other public facilities, and schools, may lead to increased levels of criminal activities, including prostitution, rape, incest and assaults in the vicinity of such adult entertainment land uses." *Id.*, at 83a.

5 As part of the amendment passed after this lawsuit commenced, the **City** Council added a statement that it had intended to rely on the Washington Supreme Court's opinion in *Northend Cinema, Inc. v. Seattle*, 90 Wash.2d 709, 585 P.2d 1153 (1978), cert. denied *sub nom. Apple Theatre, Inc. v. Seattle*, 441 U.S. 946, 99 S.Ct. 2166, 60 L.Ed.2d 1048 (1979), which upheld Seattle's zoning regulations against constitutional attack. Again, despite the suspicious coincidental timing of the amendment, the Court holds that "**Renton** was entitled to rely ... on the 'detailed findings' summarized in the ... *Northend Cinema* opinion." *Ante*, at 931. In *Northend Cinema*, the court noted that "[t]he record is replete with testimony regarding the effects of adult movie **theater** locations on residential neighborhoods." 90 Wash.2d, at 719, 585 P.2d, at 1159. The opinion however, does not explain the evidence it purports to summarize, and provides no basis for determining whether Seattle's experience is relevant to **Renton's**.

6 As the Court of Appeals observed:

City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986)

106 S.Ct. 925, 89 L.Ed.2d 29, 54 USLW 4160, 12 Media L. Rep. 1721

“Although the **Renton** ordinance *purports* to copy Detroit's and Seattle's, it does not solve the same problem in the same manner. The Detroit ordinance was intended to disperse adult **theaters** throughout the **city** so that no one district would deteriorate due to a concentration of such **theaters**. The Seattle ordinance, by contrast, was intended to *concentrate* the **theaters** in one place so that the whole **city** would not bear the effects of them. The **Renton** Ordinance is allegedly aimed at protecting certain uses—schools, parks, churches and residential areas—from the perceived unfavorable effects of an adult **theater**.” 748 F.2d, at 536 (emphasis in original).

7 As one commentator has noted:

“[A]nyone with any knowledge of human nature should naturally assume that the decision to adopt almost any content-based restriction might have been affected by an antipathy on the part of at least some legislators to the ideas or information being suppressed. The logical assumption, in other words, is not that there is not improper motivation but, rather, because legislators are only human, that there is a substantial risk that an impermissible consideration has in fact colored the deliberative process.” Stone, *supra* n. 1, at 106.

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