CITY OF BLOOMINGTON

PLAN COMMISSION

February 13, 2017 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

CITY OF BLOOMINGTON
PLAN COMMISSION
February 13, 2017 @ 5:30 p.m. ❖ **City Council Chambers - Room #115**

ROLL CALL

MINUTES TO BE APPROVED: None at this time.

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

- Appoint PC Alternate to the MPO Policy Committee (Proposed: Brad Wisler)
- Yearly Conflict of Interest Questionnaire
- RS-01-17—Resolution appointing Frank Sabatine as interim Director of Planning and Transportation
- RS-02-17—Resolution to revise the Plan Commission Rules of Procedure

PETITION CONTINUED TO: March 6, 2017

SP/UV-41-16 **Naples, LLC (Doug Duncan)**
1610 N. Kinser Pike
Site plan approval for a 3-story, 39-unit multifamily building. Also requested is a use variance to allow first floor residential use.
Case Manager: Amelia Lewis

PETITIONS:

PUD-30-16 **Regency Consolidated Residential, LLC**
2182 W. Tapp Rd.
PUD amendment to allow multifamily residences on Parcel I of the Woolery PUD.
Case Manager: Eric Greulich

Next Meeting March 6, 2017 **Last Updated: 2/8/2017**

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

CITY OF BLOOMINGTON CONFLICT OF INTEREST QUESTIONNAIRE

Under Indiana Code 35-44.1-1-4, a public servant who knowingly or intentionally has a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Level 6 Felony. A public servant has a pecuniary interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of the public servant or a dependent of the public servant who is under the direct or indirect administrative control of the public servant; or receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the public servant. "Dependent" means any of the following: a spouse; a child, stepchild, or adoptee who is unemancipated and less than eighteen (18) years of age; and any individual more than one-half (1/2) of whose support is provided during a year by the public servant.

The City's personnel policy states that "The City strives to avoid situations that have the potential for impropriety or the appearance of impropriety even where not expressly prohibited by state law."

Therefore, the City of Bloomington requests commissioners, board members and committee members to disclose certain interests as follows to ensure compliance with applicable State and local law.

1. **Business Affiliations**
Please list, and briefly explain, all affiliations which you, any member of your immediate family or any dependent (as defined above) has as a director, officer, partner, member, employee, consultant, agent or advisor of any entity or organization which transacts business with the City of Bloomington.

_____

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2. **Outside Interests**
Please identify all material financial interest or investment which you, any member of your immediate family or any dependent has in any entity which transacts business with the City of Bloomington. Exclude any equity or stock ownership by way of mutual fund, index fund, retirement account, pension account or similar brokerage based financial account.

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3. **Outside or Community Activities**
Please list all affiliations you, any member of your immediate family or any dependent has as a volunteer in any capacity with any entity or organization which transacts business with the City of Bloomington. Please describe the individual's role by title or duties.

_____

_____

_____

4. **Other**
Please list any other activities in which you, any member of your immediate family or any dependent (as defined above) are engaged that might be regarded as constituting a potential conflict of interest.

_____

_____

_____

I agree to promptly report any material situation or transaction that may arise during the forthcoming calendar year that to my belief or knowledge constitutes a potential conflict of interest consistent with the above questions.

_____ _____
Signature Date

_____
Print Name

_____
E-mail address

_____
Title or Position with Governmental Entity

Please complete and return to Barbara E. McKinney, Assistant City Attorney, within two weeks. Email mckinneb@bloomington.in.gov, fax 812-349-3441. Thank you.

Updated 4/13/15

Planning and Transportation Department

Memo

To: City of Bloomington Plan Commission

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

Date: January 26, 2017

Re: Plan Commission appointment to County Plan Commission

Indiana Code 36-7-4-213 (2) lays out requirements that a member of a City Plan Commission located in a County with a plan commission shall appoint one of their members to serve as advisory member of the County Plan Commission. There should also be a reciprocal appointment from the County Plan Commission. The County Plan Commission discussed at their January meeting appointing a representative to the City Plan Commission. Staff recommends that the Plan Commission discuss this at your February meeting and appoint a member to advise the County Plan Commission.

2017 County Plan Commission dates. All meetings are at 6:00 in the Nat U Hill meeting room in the County Court House. All dates are Thursdays.

February 21st	May 16th	September 19th
March: No meeting	June 20th	October 17th
April 18th	July 18th	November 21st
	August 15th	December 19th

IC 36-7-4-213 Membership of commission; advisory members

Sec. 213. ADVISORY. If a municipality having a municipal plan commission is located in a county that has a county plan commission:

(1) a designated representative of the county plan commission shall serve as an advisory member of the municipal plan commission; and

(2) a designated representative of the municipal plan commission shall serve as an advisory member of the county plan commission.

Each advisory member has all the privileges of membership, except the right to vote.

CITY OF BLOOMINGTON
PLAN COMMISSION
RS-01-17

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

WHEREAS, on January 27, 2017, Mayor John Hamilton appointed Frank Sabatine as Interim Director of the Planning & Transportation Department of the City of Bloomington, Indiana; and,

WHEREAS, Indiana Code § 36-4-9-2(a)(4) states that appointment of the head of the Planning & Transportation Department is subject to the approval of the City's Plan Commission; 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 confirms Mayor John Hamilton's appointment of Frank Sabatine as Interim Director of the Planning & Transportation Department of the City of Bloomington, Indiana.

2. This Resolution shall be effective upon its adoption.

PASSED AND ADOPTED by the City of Bloomington Plan Commission, Monroe County, Indiana, upon this 13th day of February, 2017.

_____

Joe Hoffman, President
Bloomington Plan Commission

Planning and Transportation Department

Memo

To: City of Bloomington Plan Commission

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

Date: January 26, 2017

Re: RS-02-17, Amendments to Plan Commission Rules and Procedures

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Included in your packet are proposed changes to the Plan Commission rules and Procedures. Staff recommends approval of these changes. The changes fall into the following category:

The attorney for the plan commission has been changed from the City Attorney to any attorney from the City Legal Department to give the Legal Department more flexibility in assigning attorneys to Boards and Commissions.

The appeal procedures for interested parties to appeal decisions of the Plat Committee to the Plan Commission has been changed. The previous procedure referenced an appeal period from the mailing of a notice of approval. This relates to an optional procedure in Indiana Code that allows Plat Committees to approve certain types of plats without notice before the meeting. Instead the notice of approval is sent after the meeting (IC 36-7-4-701(d)). This is not a procedure the Bloomington Plat Committee has ever used. We always send notice before the hearing. In that case, the appeal period is from the date of action of the Plat Committee (IC 36-7-4-402(d)).

The time limit for interested parties to appeal decision of the Plat Committee to the Plan Commission was reduced from ten (10) days to five (5) days from the date of decision. This matches changes in Indiana law from 2011 (PL 126-2011, Sec 19).

Changes in formatting of numbers and references to state codes.

CITY OF BLOOMINGTON Last Revised: ~~August 4, 2014~~ February 13, 2017

PLAN COMMISSION

RULES AND PROCEDURES

Article I. Meetings

A. The Plan Commission shall hold regularly scheduled meetings at intervals which correspond with the anticipated case load. Each agenda may include cases in preliminary or final hearing.

B. All meetings shall be held at 5:30 p.m. in the City Hall at the Showers Building unless otherwise publicly announced.

C. All meetings shall adjourn at 9:30 p.m. and no new cases shall be heard after 9:00 p.m. Any cases remaining to be heard on an agenda at time of adjournment shall be rescheduled for hearing at a special meeting within one (1) week of the original meeting.

D. Special meetings may be called as provided in by Indiana Code ~~§~~section 36-7-4-307, as amended..

E. A majority of the voting members shall constitute a quorum. However, no vote of the Commission shall be official unless authorized by a majority of the Commission's membership, and no vote of the Plat Committee shall be official unless authorized by the affirmative vote of two (2) members.

F. Executive Sessions may be held only with at least forty-eight (48) hours advance notice and in compliance with all requirements of state law, and only such business as permitted by state law may be conducted in such session (certain matters relating to property acquisition, personnel, labor relations, or litigation).

G. All decisions on petitions, with the exception of those acted upon as part of the consent agenda, shall be by roll call. The vote of each member of the Commission or Plat Committee shall be recorded by the Secretary and placed in the minutes of the meeting.

H. No member of the Commission or Plat Committee shall participate in the hearing or decision of the Commission or Committee involving any matter in which that person is directly or indirectly interested in a financial sense, other than the preparation and enactment of a Master Plan. In the event that any member disqualifies himself or that any member's eligibility is challenged by a member of the public, such fact shall be entered on the records of the Commission or Committee and shall appear in the minutes. Members who intend to disqualify

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themselves from a vote on a particular petition due to direct or indirect financial interest shall notify the staff of this fact a minimum of two (2) business days prior to the hearing in order to provide staff and the Plan Commission President adequate time to arrange the attendance of a substitute member, if applicable, and to make other arrangements as necessary.

I. As soon as possible a summary of minutes of the proceedings shall be made available to each member of the Commission or Committee.

J. All minutes of the proceedings, tape recordings of the hearings, and all exhibits submitted by the petitioners, remonstrators and staff shall be public records and shall be filed in the Planning and Transportation Department office. These materials shall become a part of the case and all such materials shall be held by the Planning and Transportation Department for a period of at least one (1) year. At the end of the one (1) year time period, all materials held by the Planning Commission may be placed in a "back filing" system for preservation of city records.

K. The final disposition of any request, petition, or resolution before the Commission or Plat Committee shall be in the form of a motion, adopted according to proper parliamentary procedures. Said motion may be to grant, deny, continue, forward, modify, or table the petitioner's request; additionally, the members of the Commission may attach such conditions to a motion as are deemed necessary for the furtherance of the public health, safety, or convenience or to achieve consistency with the City Comprehensive Plan or Bloomington Municipal Code. The Plat Committee may impose conditions upon preliminary approval of a plat in accord with Article II(G)(3) of these Rules and Procedures. In all cases, the Plan Commission and Plat Committee shall act to determine the final disposition of a request, petition or resolution; in the absence of a majority vote to determine final disposition, said request, petition or resolution shall be administratively continued to the next regularly scheduled hearing.

L. No petition shall be heard unless the petitioner is present at the public hearing. In the event that a petitioner is not present at the time their case is called to be heard, that petition will be moved to the end of the agenda. If the petitioner is present after the remaining cases on the agenda have been heard, their case will be heard at that time. If the petitioner is not present, the case will be continued to the next Plan Commission or Plat Committee meeting.

Article II. Officers, Employees, Plat Committee, and Hearing Officer.

A. The Commission shall at its first hearing in each year elect from among its members a president and vice-president, and appoint the members of the Plat Committee pursuant to Article II, Paragraph G.

B. The president shall preside over Commission meetings and on behalf of the Commission shall exercise general supervision over the administration of the affairs of the Commission, including the execution of contracts and agreements, the appointment of committees and representatives, the determination of points of order and procedure, and the signing of all official documents. The vice-president shall have authority to act as president of the Commission during the absence of the president. In the case of the resignation of the president, the vice-president shall succeed to the presidency and a new vice-president shall be elected from the membership.

C. The Planning and Transportation Director is designated as Secretary and shall be responsible for supervising the keeping of an accurate and complete record of all Commission and Plat Committee proceedings, including the keeping of records and minutes, and the custody and preservation of all paper documents of the Commission and Plat Committee. In the event of the absence of both president and vice-president, the secretary shall preside, provided, however, the first and only item of business to be presented by such presiding officer shall be the election of a chairman pro tempore.

D. The Commission may appoint and prescribe the duties and fix the compensation of such employees as are necessary for the discharge of the duties and responsibilities of the Commission, and may make contracts for special or temporary services and any professional counsel, subject, however, to annual appropriation for same by the Common Council.

E. The Commission shall request ~~the City~~ an a~~A~~ttorney from the City Legal Department be assigned to serve as Counsel for the Commission.

F. The Planning and Transportation Director or their designee shall appear at all meetings and assist the Commission presenting factual opinion on significant issues raised by the petition.

G. Pursuant to Indiana Code section 36-7-4-701(e), as amended, a Plat Committee is established.

1. The Plat Committee shall consist of three (3) members, one (1) staff member from the Planning and Transportation Department, one (1) staff member from the Utilities Department and the member of the Plan

Commission who also serves as the City's Engineer, unless another member of the Plan Commission is appointed instead.

2. Plat Committee members shall be appointed by the Plan Commission for a one-year term ending upon completion of the first Plan Commission meeting of the following calendar year.

3. The Plan Commission shall appoint one (1) alternate for each member of the Plat Committee to serve for a one-year term ending upon completion of the first Plan Commission meeting of the following calendar year. The alternate for the Planning and Transportation Department member shall be an employee of the Planning and Transportation Department. The alternate for the Utilities Department member shall be an employee of the Utilities Department. The alternate for the Plan Commission member shall be a member of the Plan Commission.

4. The Plat Committee may approve any subdivision of land, including preliminary and final plats. The Plat Committee may impose conditions upon preliminary approval as authorized and limited by Indiana Code ~~§~~section 36-7-4-702, as amended.

5. The committee shall meet at such times to be determined by the committee, as needed to accommodate caseload; provided, within eight (8) days of receiving an application for preliminary plat approval, the staff shall announce the date for hearing before the Plat Committee.

6. All petitions considered by the Plat Committee shall be considered in public hearings pursuant to the rules of procedure herein with respect to conduct of hearings, filing of petitions, fees, and notices, except that~~:~~

   ~~(a)~~ all plats may be considered by the committee in a single hearing~~; and~~

   ~~(b) all interested parties, as defined in Article IV, shall be sent a copy of the decision of the Plat Committee, by regular first-class mail, within ten (10) days after the meeting at which such decision is made.~~ .

   All provisions of these Rules and Procedures shall apply to the Plat Committee only if specified therein.

7. The Plat Committee may act only by a vote of a majority of the full membership of the committee. Decisions must be signed by the president and secretary of the Plan Commission.

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8. Any applicant or other interested party may appeal a decision of the Plat Committee approving, disapproving or imposing conditions on a preliminary plat, to the Plan Commission. Such appeal shall be filed with the Planning and Transportation Department within ~~ten~~ five (5~~10~~) days of the Plat Committee's decision.~~after a copy of the Plat Committee's decision is mailed to the interested party.~~

Commented [t1]: This reflects changes to Indiana law in 2001 (PL 126-2011, Sec 19) and changes appeal requirements to the standard appeal procedure, not the appeals requirement for the unused alternative notice requirements of 36-7-701(d) that aren't used.

9. The Plat Committee shall at its first meeting in each year elect from among its members, a president and a vice president. The president shall preside over committee meetings and shall exercise general supervision over the administration of the affairs of the committee, including the determination of points of order and procedure. The vice-president shall have authority to act as president of the Plat Committee during the absence of the president. In the case of the resignation of the president, the vice-president shall succeed to the presidency and a new vice-president shall be elected from the membership.

10. The Planning and Transportation Department, may, at its discretion, schedule plats for consideration by the Plan Commission rather than the Plat Committee.

H. Pursuant to Indiana Code section 36-7-4-923, as amended, an alternate procedure for variance and conditional use is established.

1. A hearing officer is established.

   (a) The Plan Commission shall appoint two (2) hearing officers. One (1) of the hearing officers shall generally fulfill the duties of the hearing officer, and the other hearing officer shall serve as an alternate in the event that the first is not available or has a conflict of interest.

   (b) A hearing officer shall be a member of the staff.

   (c) The Plan Commission may remove a hearing officer from their responsibilities at any time.

2. The hearing officer may approve or deny:

   (a) Variances from development standards,

   (b) Conditional uses,

   (c) Use Variances;

3. Hearings conducted by the hearing officer shall be subject to all of the notice, minutes, records, and staff report, rules which apply to the Board of Zoning Appeals.

4. The hearing officer shall be subject to the same requirements of the state law and the zoning ordinance as the Board of Zoning Appeals, with respect to conflicts of interest and communications with the hearing officer.

5. The hearing officer may, at their discretion, transfer a petition filed under this alternative procedure to the Board of Zoning Appeals if, in the judgment of the hearing officer, the issues involved warrant consideration by the Board or it appears likely that the decision of the hearing officer would be appealed to the Board.

6. The staff may file a written objection to a petition filed for consideration by the hearing officer if:

   (a) the variance or conditional use sought would be injurious to the public health, safety, morals, and general welfare of the community; or

   (b) the use or value of the area adjacent to the property included would be affected in a substantially adverse manner.

   If such written objection is filed, the petition shall:

   (c) be considered withdrawn; or

   (d) be transferred to the Board of Zoning Appeals if requested by the petitioner.

   Such written objection shall be filed not less than twelve (12) days before the hearing, unless new information comes to the staff's attention within twelve (12) days of the hearing.

7. The staff may indicate that it does not object to the approval of the petition if specified conditions are attached. If the applicant does not accept these conditions, the petition shall:

   (a) be considered withdrawn; or

   (b) be transferred to the Board of Zoning Appeals if requested by the petitioner.

8. The hearing officer may impose conditions and may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel, as provided in Indiana Code section 36-7-4-~~921~~1015, as amended. If the applicant for the variance, or conditional use does not accept these conditions or make the commitment, the petition shall:

   (a) be considered withdrawn; or

   (b) be transferred to the Board of Zoning Appeals if requested by the petitioner.

9. The hearing officer may not modify or terminate any commitment, whether made by the hearing officer or under Indiana Code section 36-7-4-~~921~~1015, as amended. Commitments made by the hearing officer may be only modified by the Board of Zoning Appeals.

10. A decision of the hearing officer may be appealed to the Board of Zoning Appeals by an interested person. Any appeal shall be filed with the Planning and Transportation Department within five (5) days of the hearing officer's decision.

Article III. Filing of Petitions, Permits, and Fees

A. All requests to the Commission or Plat Committee shall be by petition and petitioners shall be required to follow these procedures:

1. All petitioners shall use the uniform petition forms approved by the Planning and Transportation Director which are available upon request in the Planning and Transportation Department. No petition shall be accepted until the petitioner has consulted with a staff member who has determined that the petition is presented in proper form with all the required exhibits and supporting documents. Upon such determination staff shall sign the application form and the petition shall be accepted.

2. All petitions shall be filed no later than the deadlines established on the calendar of meetings to be adopted by the Commission each year; provided, these deadlines shall not apply to petitions to be heard by the Plat Committee.

3. Filing fees for petitions shall be as follows:

   a. Rezoning Petitions

Rezone to Single family ..... $250 + $25/acre
Rezone to Non-Single Family..... $500 + $50/acre
Rezone to Planned Unit Development ..... $1000 + $100/acre

b. PUD Preliminary Plan Amendment..... $500 + $50/acre

c. Plat Approvals

Preliminary ..... $300 + $25/lot
Final ..... $300 + $25/lot
Preliminary and Final together ..... $300 + $50/lot

d. Site Plans/PUD Final Plans

Remodels..... $200
Residential Addition .....$200 + $25/dwelling unit
Residential New Construction ..... $400 + $25/dwelling unit
Non-Residential/Mixed Use Addition..... $200 + $0.10/square foot
Non-Residential/Mixed Use New Construction .....$400 + $0.10/s.f.

e. Conditional Uses

Home Occupation…….. $100
Other…….. $250

f. Use Variances $500

g. Variances

Single-Family $100
Multi-Family and Non-Residential $500

h. Right-of-Way Vacations $500

i. Letters of Zoning Verification $100

j. Lot Line Adjustments..... $100

k. Certificate of Occupancy Inspections..... $100

l. No application fees shall be required for any application by not-for-profit, community service organization.

m. The Plan Commission may waive the application fee for any proposal which is actively being promoted by a unit of local government or quasi-public organization or which involves a local subsidy.

n. No refunds shall be permitted after a petition has received a Plan Commission or Plat Committee hearing, whether or not the Plan Commission or Plat Committee has taken action on the petition.

4. Fees associated with City of Bloomington review of building permit applications shall be $0.14 per square foot of construction. All building permits are applied and paid for, and issued through the Monroe County Building Department. Certain categories of permits do not require this fee payment per the fee schedule contained in the *Monroe County Building Department Construction Permit Fees.* The exemptions contained in this Building Department document are incorporated in this rule. No fee shall be required for City review of any permit application filed by a not-for-profit, community service organization, or a governmental agency. Per the *Interlocal Cooperation Agreement* between the City and the County, the County Building Department shall collect the $0.14 permit fee and transmit the collected fees to the City of Bloomington Controller's Office on a quarterly basis.

Article IV. Notices

A. In the event a request for action by the Plan Commission or Plat Committee is being made by 100% of the property owners directly included in the proposed action, the following requirements for notice must be met:

1. All petitioners for any Plan Commission or Plat Committee approval shall inform interested parties of the proposal by notice sent to the residence or the last known address of the interested parties. Petitioners shall prepare the notice in a form specified by the Planning and Transportation Department and mail by regular first class delivery said notice not less than twenty-one (21) days before the date of the initial Plan Commission or Plat Committee hearing. The Planning and Transportation Department shall verify that the notice is properly distributed by the petitioner not less than twenty-one (21) days before the date of the initial Plan Commission or Plat Committee hearing. If adequate notice in accordance with these rules is not given to the interested parties and this fact is confirmed by staff prior to Plan Commission action, such petition may be continued to a later date to allow proper notice to all interested parties.

2. Such notice shall state:

a. The general location by address or other identifiable geographic description of the subject property or area;

b. A summary of the subject matter contained in the proposal and/or a description of the proposed change in the zone maps, where the proposal involves a change to the zone maps;

c. The name of the petitioner;

d. The times and places the petition has been set for hearing;

e. That the petition and file may be examined in the office of the Planning and Transportation Department;

f. That the addressee may voice an opinion at the hearing and/or file written comments with the Commission or Plat Committee; and

g. That the hearing may be continued from time to time as may be found necessary.

3. ***Interested parties*** shall be defined as all persons owning land adjacent and contiguous to the property included in the petition or proposal and, all persons owning land abutting the aforementioned immediately-adjacent property owners (i.e, notice shall be provided "two (2) properties deep") but not to exceed three hundred (300) linear feet from the subject parcel(s) for which a petition or proposal is being requested. Intervening public rights-of-way shall not be considered in determining what property is adjacent and contiguous. Where any adjacent or contiguous parcel is owned by a petitioner, the property included in the petition shall be deemed to include said adjacent parcel or parcels owned by a petitioner, and owners of property adjacent and contiguous to said parcel(s) owned by a petitioner but not included in the petition shall be considered interested parties entitled to notice.

4. In order to determine the names and addresses of property owners to whom notice must be sent under this Rule, the staff shall consult either the current Plat Book and computerized ownership records located in the Office of the Auditor of Monroe County, Indiana or the Monroe County, Indiana Geographic Information System to determine the name and address of each adjacent property owner. A good faith effort shall be made to investigate and resolve any discrepancies or omissions in or among such records in order to determine name and address of the current owner of record. Each notice shall be mailed and postmarked no later than the fifth business day after the date upon which the name and address of the owners were obtained from the Plat Book and the computer records in the Auditor's office

as described above or as gained from the Monroe County, Indiana Geographic Information System.

5. The manner in which notice must be sent to interested parties shall be as follows:

   a. Required notices to interested parties shall be sent by regular first class mail.

   b. Proof that notice has been mailed shall be sufficient proof of notice under these rules regardless of actual receipt.

   c. Proof of notice shall consist of submittal of the following items to the Planning and Transportation Department in the following manner:

      (1). A copy of the Notice of Public Hearing to be mailed to the interested parties.
      (2). A list of interested parties with addresses.
      (3). An Affidavit of Notice to Interested Parties in a form approved by the Planning and Transportation Department including: name of person preparing and mailing the notice; name of petitioner; location of petition; and a statement that notice was mailed at least twenty-one (21) days prior to the initial public hearing of the Plan Commission or Plat Committee.
      (4). A copy of the map indicating interested parties' property as generated by the Planning and Transportation Department.

      The Planning and Transportation Department shall retain the proof of notice within the petition file.

   d. Appearance at any hearing on a petition or proposal, in person or by representative, shall waive any defect in notice unless the alleged defect is raised at the beginning of the hearing.

6. The Planning and Transportation Department shall cause a legal notice to be published in a daily newspaper published and distributed in the county ten (10) days and prior to the initial hearing. Said notice shall serve as a legal advertisement for continued public hearings. The petitioner shall bear the expense of said advertisement.

7. For change of zone and planned unit development preliminary plan the Planning and Transportation Department shall post a sign or signs on the subject property in a location clearly visible to passing traffic. The staff will determine sign locations with not less than one sign placed on the property

per street frontage per block. Signs, of a design approved by the Plan Commission, shall be available in the City Planning and Transportation Department. The petitioner shall purchase the signs required for this notice at a price reflecting replacement cost.

B. In the event a request for action by the Plan Commission or Plat Committee is being made by less than 100% of the property owners directly included in the proposed action, or in the event the Plan Commission or the Common Council are the proponents of the action, the following requirements for notice must be met:

1. All petitioners for any Plan Commission or Plat Committee approval (other than the Plan Commission or Common Council) shall inform interested parties of the proposal by notice sent to the residence or the last known address of the interested parties. Petitioners shall prepare the notice in a form specified by the Planning and Transportation Department and shall mail said notice not less twenty-one (21) days before the initial Plan Commission or Plat Committee hearing date. The Planning and Transportation Department shall verify that the notice is properly distributed by the petitioner not less than twenty-one (21) days before the date of the Plan Commission or Plat Committee hearing. If adequate notice in accordance with these rules is not given to the interested parties and this fact is confirmed by staff prior to Plan Commission action, such petition may be continued to a later date to allow proper notice to all interested parties.

2. In any case where a proposal to change the zone maps is initiated by the Plan Commission or by the Common Council, other than a proposal to repeal and replace the zone maps for the entire planning jurisdiction, notice shall be given to interested parties by the staff. Such notice shall be postmarked at least twenty-one (21) days prior to the initial hearing on the proposal.

3. Such notice shall state:

   a. The general location by address or other identifiable geographic description of the subject property or area.

   b. A summary of the subject matter contained in the proposal and/or a description of the proposed change in the zone maps, where the proposal involves a change to the zone maps.

   c. The name of the petitioner.

   d. The times and places the petition has been set for hearing.

e. That the petition and file may be examined in the office of the Planning and Transportation Department.

f. That the addressee may voice an opinion at the hearing and/or file written comments with the Commission or Plat Committee.

g. That the hearing may be continued from time to time as may be found necessary.

4. Interested parties shall be defined as owners of property within the area included in the petition or proposal who are not petitioners, owners of property adjacent and contiguous to the property included in the petition or proposal, and all persons owning land abutting the aforementioned immediately-adjacent property owners (i.e, notice shall be provided "two (2) properties deep") but not to exceed three hundred (300) linear feet from the subject parcel(s) for which a petition or proposal is being requested. Intervening public rights-of-way shall not be considered in determining what property is adjacent and contiguous.

5. In order to determine the names and addresses of property owners to whom notice must be sent under this Rule, staff shall consult either the current Plat Book and computerized ownership records located in the Office of the Auditor of Monroe County, Indiana or the Monroe County, Indiana Geographic Information System to determine the name of each adjacent property owner and address. A good faith effort shall be made to investigate and resolve any discrepancies or omissions in or among such records in order to determine name and address of the current owner of record. Each notice shall be mailed and postmarked no later than the fifth business day after the date upon which the name and address of the owner were obtained from the Plat Book and the computer records in the Auditor's office as described above or as gained from the Monroe County, Indiana Geographic Information System.

6. The manner in which notice must be sent to interested parties shall be as follows:

a. Required notices shall be sent by certified mail with return receipt requested to all owners of property within the area included in the petition or proposal, other than those who have signed the petition or application requesting Plan Commission or Plat Committee approval except as otherwise provided in Paragraph 6(c) herein.

b. Required notices to all other interested parties shall be sent by regular first-class mail.

c. It shall be the duty of the staff to examine the file within the three (3) business days prior to the initial hearing to determine whether all required proof of service (as set forth in Paragraph 7 and/or 6(d) of this Rule) has been filed, and to advise the Plat Committee at its hearing, or the Plan Commission at its initial hearing of any omissions or deficiencies in such proof of service. In any case where a notice has been sent by certified mail with return receipt requested in accordance with these rules, but no signed return receipt has been received by the sender on or before the date of the initial hearing, or where the notice is returned to the sender for any reason, Staff shall promptly make a good faith attempt to obtain delivery by reasonable alternative means which shall include:

(1) Re-sending notice by certified regular mail with return receipt requested, where a new address is located, or

(2) where the reason for non-delivery appears to be something other than incorrect address, leaving the notice at the residence of the person to be served, along with mailing a copy of the notice to that address by first class mail; or, where the owner is not a resident of the City of Bloomington, mailing by first class mail.

d. Except as provided in 6(c) above, proof that notice has been mailed in accordance with Paragraph 7 shall be sufficient proof of notice under these rules regardless of actual receipt. In situations addressed by 6(c) above, proof of notice shall be adequate if it is shown that the second attempt at notice was mailed (and left at the residence, where applicable) at least ten days prior to the final hearing. Such proof shall be by affidavits in substantially the same form as Paragraph 7(a), detailing the manner in which a new address was obtained (where applicable) and the manner in which notice was sent and left at the residence (where applicable). Proof shall also include postmarked certified mail receipts and signed return receipts where used. Provided, however, the Plan Commission or Plat Committee may at its discretion continue a final hearing and require further attempts at notice to non-petitioning property owners whose property is included in the petition or proposal.

e. Appearance at any hearing on a petition or proposal, in person or by representative, shall waive any defect in notice unless the alleged defect is raised at the beginning of the hearing.

7. Proof of notice shall be in the following form:

   a. For notice to non-petitioning owners, one or more notarized, sworn affidavits stating the manner in which the affiant(s) obtained the names and addresses of the property owners required to be notified, and stating the date upon which such names and addresses were obtained. Said manner shall be in accordance with Paragraph 5 of this Rule. In the case where the affidavit relates to a second attempt pursuant to Paragraph 6(c) of this Rule, the manner of obtaining a new name and/or address, if any, shall be in accordance with said Paragraph 6(c) and 6(d). Said affidavit(s) shall also include the list of names and addresses thus obtained, keyed to a map showing the petitioned property and surrounding property; and, said affidavit(s) shall also show that notice in the required form was sent to the names and addresses on said list, the date upon which said notice was sent (which shall be not later than the second business day after the names and addresses were obtained in accordance with Paragraph 5 of this Rule), and the manner in which said notice was sent, which shall be in accordance with Paragraph (6) of this Rule. All affidavits shall be made upon personal knowledge. The affidavits required by this provision shall be filed with the Planning and Transportation Department not later than three (3) business days prior to the initial hearing.

   b. Proof of compliance with these notice requirements shall also include the original receipts for certified mail stamped by the United States Post Office with the date of mailing, whenever these rules require that notice be sent by certified mail. The receipts shall be filed with the Planning and Transportation Department simultaneously with the affidavits required by Paragraph 7(a) above.

   c. Proof of notice sent by regular first class mail shall consist of submittal of the following items to the Planning and Transportation Department in the following manner:

      (1) A copy of the Notice of Public Hearing to be mailed to the interested parties.
      (2) A list of interested parties with addresses.
      (3) An Affidavit of Notice to Interested Parties in a form approved by the Planning and Transportation Department including: name of person preparing and mailing the notice; name of petitioner; location of the petition; and a statement that notice was mailed at twenty-one (21) days prior to the initial public hearing of the Plan Commission or Plat Committee.

(4) A copy of the plat map indicating interested parties' property.

The Planning and Transportation Department shall retain the proof of notice within the petition file.

d. In all cases where notice is required to be sent by certified mail with return receipt requested, proof of compliance with these notice requirements shall also include filing with the Planning and Transportation Department the original, signed return receipts showing the date and to whom delivered. Where the staff is responsible for giving notice, the return receipts shall be placed in the file as they are received. Where any other person is responsible for giving notice under these rules, that person shall file the return receipts with the Planning and Transportation Department at least three (3) business days prior to the initial hearing.

Provided, however, signed receipts which are received by the person responsible for giving notice later than three (3) days before the initial hearing shall be filed with the Planning and Transportation Department as they are received but in no event later than three (3) days before the final hearing. Provided further, where any notice required to be sent by certified mail with return receipt requested is returned to the sender for any reason, the person responsible for sending notice shall promptly notify the Planning and Transportation Department of that fact and shall also provide the returned envelope to the Planning and Transportation Department.

8. The Planning and Transportation Department shall cause a legal notice to be published in a daily newspaper published and distributed in the county ten (10) days prior to the initial hearing. Said notice shall serve as a legal advertisement for both public hearings. The petitioner shall bear the expense of said advertisement.

C. In the event a proposal is initiated by either the Plan Commission or the Common Council, the following requirements must be met:

1. The Plan Commission shall give notice of all hearings by publication.

2. The notice by publication shall comply with Indiana Code s~~S~~ection~~s~~ 36-7-4-604 and Indiana Code section 5-3-1, as amended. Such notice shall state:

a. The time and place of the hearing(s);

b. The geographic areas (or zoning areas in a specified geographic area) to which the proposal applies;

c. A summary prepared by the Plan Commission of the subject matter contained in the proposal (the entire text of the ordinance is not required);

d. If the proposal contains or would add or amend any penalty or forfeiture provisions, the entire text of these penalty or forfeiture provisions;

e. The place where a copy of the proposal is on file for examination before the hearing;

f. The written objections to the proposal that are filed with the secretary of the Commission before the hearing will be considered;

g. That oral comments concerning the proposal will be heard; and

h. That the hearing may be continued from time to time as may be found necessary.

3. An additional notice shall be provided to all interested parties at least ten (10) days before the date set for the hearing.

a. An interested party for purposes of this subsection is any person whose property is located in an area that the proposal plans to:
(1) Rezone;
(2) Subject to a new overlay; and/or
(3) Change the permitted or conditional uses.

b. The notice required by this subsection shall be given via United States mail, postage prepaid. The mailing shall be sent to the address listed on the tax records for the affected property and postmarked at least ten (10) days prior to the preliminary hearing on the matter.

c. If the notice given via the United States mail is returned, an additional notice shall be affixed to the affected property.

4. If the subject matter of the proposal abuts or includes a county line (or a county line street or road or county line body of water), then all owners of real property to a depth of two (2) ownerships or one-eight (1/8) of a mile into the adjacent county, whichever is less, are interested parties who must receive notice under the above subsection (C)(3).

5. Proof that notice has been mailed in accordance with this Rule shall be sufficient proof of notice. In situations addressed by 3(c) above, proof of notice shall be adequate if it is shown that the second attempt notice was affixed to the affected property.

6. Appearance at any hearing on a petition or proposal, in person or by representative, shall waive any defect in notice unless the alleged defect is raised at the beginning of the hearing.

7. Proof of notice shall be in the following form:

    a. A notarized, sworn affidavit stating the manner in which the staff obtained the names and addresses of the interested parties, and stating the date upon which such names and addresses were obtained.

    b. A notarized, sworn affidavit stating the date upon which the required mailing was postmarked.

    c. A notarized, sworn affidavit stating the date upon which notice given via U.S. mail was returned and the date upon which the notice was affixed to the affected property.

    d. All affidavits shall be made upon personal knowledge and shall be kept on file in the Planning and Transportation Department with the file associated with the proposal.

Article V. Hearings. Except as expressly provided herein, these provisions shall apply only to Plan Commission hearings, but not to Plat Committee hearings.

A. The order of business of regular meetings shall be as follows:

I. Roll Call
II. Approval of Minutes
III. Reports, Resolutions, and Communications
IV. Consent Agenda
IV. Cases (Preliminary and final hearings)
VI. Discussion, Staff Proposals, etc.

VII. Adjournment

1. Consent Agenda: A consent agenda shall be developed by staff in advance of the Plan Commission meeting. Each item within the consent agenda shall be individually numbered and included within the Plan Commission packet. The consent agenda shall be presented by the Plan Commission President after the *Reports, Resolutions, and Communications* section of the agenda. The President shall ask if there is anyone from the public in attendance to speak against any consent agenda petition. Items shall be removed from the consent agenda at the request of any member of the Plan Commission. Items not removed from the consent agenda shall be adopted by general consent without debate. Removed items shall be taken up for consideration in accordance with the order they appear in the Plan Commission's packet.

B. Limits on Testimony:

1. The general format for each case will be an order and time limit as follows:

   Staff Report
   Presentation by Petitioner- 20 minutes total
   Questions for the Staff and Petitioner by the Plan Commission
   Public Comment - 5 minutes per speaker
   Back to the Plan Commission for final action

2. It will be the responsibility of staff to keep time for each speaker wishing to make public comment. Specifically, a five (5) minute time clock must be displayed inside the meeting room and within full view of each presenter.

   If a spokesperson for another local government board or commission wishes to address the Plan Commission, the Plan Commission shall allow up to ten (10) minutes of public comment. Upon unanimous vote of the Plan Commission, the same privilege may also be extended to a spokesperson for a neighborhood association or similar group of people wishing to make public comment.

   It shall be the responsibility of the staff to publish speaking rules and make them available as handouts for the public. Speaking rules shall also be posted on the doors of the Council Chambers.

3. Thereafter, further public discussion and inquiry by the Commission shall be at the sole discretion of the presiding officer of the Commission unless these rules are modified by a majority vote.

C. Preliminary and Final Hearings:

1. Preliminary Hearings:

a. The purpose of the preliminary hearing shall be the exchange of information, and to allow the most thorough consideration of all sides of a controversy. All parties are encouraged to provide the Commission with written copies of their statements or position papers.

b. Any petitioner withholding information from the Commission or other interested parties will be denied the right to rely on such information at the final hearing.

c. Preliminary hearing cases shall always be forwarded to the next regularly scheduled Plan Commission meeting for a final hearing, unless the Plan Commission votes to forward the case to a different hearing date or to waive a second hearing. A Plan Commission vote is recommended, but not required, to forward cases from the preliminary hearing to the next regularly scheduled Plan Commission meeting for final hearing.

2. Final Hearings:

a. The final hearing shall be for the purpose of final disposition and decision of the merits of each petition.

b. In the event that the Commission feels that issues have been adequately aired and the case has received sufficient review, the final hearing may be waived by a majority vote and the petition may be acted upon at the first hearing. No final hearing shall be waived unless both the legal notice and the notices to interested parties have specified that such waiver is requested.

3. Single Hearing Cases. The following case types may be reviewed by the Plan Commission in one (1) hearing:

a. All preliminary plats which are in full conformance with Title 20 Unified Development Ordinance and all final plats which are in full conformance with approved preliminary plats and with Title 20 Unified Development Ordinance.

b. Any preliminary or final plat referred by the staff to the Plat Committee.

c. Final Plans for planned unit developments which are in essential compliance with approved Preliminary Plans and which have been filed within 18 months of the date of preliminary approval by the Common Council.

d. Site Plans which are in essential compliance with Title 20, Section 20.09.120 “Site Plan Review” of the Bloomington Municipal Code, as amended.

4. Findings:

The minutes of the Commission shall indicate action taken and the reasons therefore and shall be furnished to any interested party upon request; provided, however, decisions upon applications for subdivision approval shall be in the form of written findings and decisions of the Plan Commission or Plat Committee. All decisions must be signed by the president and secretary of the Plan Commission, and a copy of any decision by the Plan Commission disapproving a preliminary subdivision plat must be provided to the applicant. All decisions of the Plat Committee shall be provided to interested parties, pursuant to Article II(G)(5) of these Rules and Procedures.

Article VI. Docket

A. Each case to be publicly heard before the Commission or Plat Committee shall be filed in proper form, numbered serially, and placed on the docket of the Plan Commission or Plat Committee. The document numbers shall begin anew on January 1 of each year.

B. No case shall be placed on the docket until the petitioner has consulted with a staff member who has determined that the petition has been presented in proper form with all the required exhibits and supporting documents.

C. The staff may schedule the case for hearing before the Plan Commission or Plat Committee at its discretion, taking into account the magnitude of required review or coordination, or the desirability of modifying the petition, but subject to any time limits in these Rules, the Subdivision Control Ordinance, the Zoning Ordinance, or state law. Prior to each regularly scheduled Plan Commission hearing, the staff shall determine the estimated time length for each petition. Where it is evident that discussion on petitions would likely occur after 9:00pm, the staff shall have the authority to limit such petitions and forward them to the next regularly scheduled

meeting of the Commission. Furthermore, for petitions characterized by a high degree of complexity and public interest, staff and the Commission shall strongly consider skipping monthly meeting cycles in order to allow for more timely consideration of other petitions which have been filed.

D. The identification of docket numbers for both Plan Commission and Plat Committee cases shall be as follows:

Adoption of or amendment to a Master Plan ..... MP
Adoption of or amendment to a Zoning Ordinance ..... ZO
Approval of Plat or Replat ..... DP
Resolutions ..... RS
Site Plan ..... SP
Planned Unit Development ..... PUD

Article VII. Final Disposition of Petitions

A. The final disposition of any petition shall be recorded in the minutes of the Commission or Plat Committee. Following a vote against a petition, the Commission or Plat Committee president shall restate the position of the Commission for the record.

B. The Commission or Plat Committee may dismiss a case for lack of prosecution or lack of jurisdiction. When a petitioner or their representative has failed to appear at two (2) consecutive meetings, the case may be dismissed for lack of prosecution at a subsequent meeting after notice to the petitioner.

C. No petition may be withdrawn by the petitioner after a vote has been ordered by the presiding officer. No petition which has been withdrawn by the petitioner shall be placed on the docket again for hearing within a period of three (3) months from the date of said scheduled meeting, except upon motion to permit redocketing, adopted by the affirmative vote of a majority of the members of the Commission or Plat Committee.

D. No zoning petition which has been disapproved by the Commission and rejected by the Common Council, either by lack of action or by vote, shall again be placed on the docket for hearing within a period of one (1) year from the date of the Commission's original disapproval. (Indiana Code section 36-7-4-609, as amended)

Article VIII. Miscellaneous Provisions

A. Every person appearing before the Commission or Plat Committee shall abide by the order and direction of the president. Discourtesy, disorderly or contemptuous conduct

shall be regarded as a breach of the privileges of the Commission or Committee and shall be dealt with as the Commission or Committee directs.

B. No case shall be continued at the request of the petitioner unless such request has been made to the Planning and Transportation Department not later than noon, one (1) week before the scheduled hearing, and the request has been noted on the agenda before it is distributed. If the petitioner requests that a case be continued prior to the above referenced deadline, the Planning and Transportation Department, at its discretion, may act as agent for the Commission or Plat Committee and may approve such requests without formal Commission or Committee vote. Such staff approval shall be noted on the agenda. However, any request for continuance that occurs after the above-mentioned deadline requires a majority vote by the Commission or Committee. Similarly, if a petition is continued for three (3) consecutive hearings, any further request for continuance, even within the above-referenced deadline, requires a majority vote by the Commission or Committee. If the Commission or Committee denies such a request for continuance, the petition shall be treated as denied on the merits unless the petitioner elects to formally withdraw the petition within twenty four (24) hours.

C. Amendments to these rules of procedures may be made by the Commission at any regular or special meeting upon the affirmative vote of a majority of the members of the Commission.

D. The suspension of any rules may be ordered at any Plan Commission meeting by a unanimous vote of those present.

BLOOMINGTON PLAN COMMISSION **CASE #: PUD-30-16**
STAFF REPORT **DATE: February 13, 2017**
Location: 2182 W. Tapp Road

PETITIONER: Regency Consolidated Residential, LLC
2417 Fields South Drive, Champaign, IL

CONSULTANT: Michael Carmin
116 W 6th Street, Bloomington

REQUEST: The petitioner is requesting a PUD amendment to allow multi-family residential units on Parcel I of the Woolery PUD. Also requested is approval of a specific set of development standards.

BACKGROUND:

Area:	8 acres
Current Zoning:	PUD
GPP Designation:	Community Activity Center
Existing Land Use:	Vacant
Proposed Land Use:	Multi-family residences
Surrounding Uses:	North – Multi-family Residences
	West – Multi-family Residences
	East – Indiana University
	South – Single and Multi-family Residences

REPORT: The property is located at 2182 W. Tapp Road and is within the Woolery Planned Unit Development (PUD-64-94). Surrounding properties are also within the Woolery PUD and include multifamily residences to the north and east, commercial (Bloomington United Gymnastics School) to the west, and Quarry to the south. The Woolery PUD included with a mix of land uses including single family residential, multi-family residential, and commercial parcels. This property, as well as the property to the west, were the only portions of the PUD designated for commercial uses. To the west of Weimer Road is the unbuilt Mill Creek PUD that was approved for almost exclusively commercial, office, and industrial uses in 1987 and totals approximately 100 acres. At the time the PUD was created the Woolery Mill was originally going to be used strictly for residential but the PUD was amended in 2001 to allow commercial uses as well, and has patially been developed with offices. This parcel has remained vacant for almost 20 years. Staff has seen similar trends within old PUD's that originally had commercial tracts planned that were later developed with multi-family housing as the tracts have remained undeveloped (e.g. Canada Farm PUD). While neighborhood serving commercial uses were envisioned with several PUDs, Staff has noticed that grocery stores and other neighborhood serving uses have located along major arterial streets and not in neighborhoods.

The petitioner is proposing to amend the PUD to allow multi-family residences on this parcel rather than the original approved commercial uses. The petitioner proposes to construct 54, 1-bedroom units and 57, 2-bedroom units for a total of 111 units and 168 bedrooms. There will be several different buildings constructed that are predominantly

centered around a large open space multi-purpose area. Most of the buildings will have a garage on the lower level with one additional parking space outside of the garage. In addition, there are total of 76 surface parking spaces plus 81 parking spaces in the garages for a total of 157 parking spaces for the 168 bedrooms. This equals approximately 0.93 parking spaces per bedroom.

The property will be accessed by a new road cut on Tapp Road envisioned in the PUD and will also have road connections to the Adams Village apartments to the east as well as a connection to Sunstone Drive to the north. The interior road will be private. There is currently an 8' asphalt sidepath along the Tapp Road property frontage. New interior sidewalks will be constructed to connect to the surrounding public streets. The inner multi-purpose area will have a swimming pool, playground, and pavilion with a firepit for use by the residents. There are two proposed stormwater basins that will be used to meet stormwater detention requirements. Architecture has been submitted for the proposed buildings and they will all be finished with a cementitous siding on all four sides. The petitioner has committed to setting aside 10% of the units for workforce housing and is continuing to work with the City to provide affordable housing on this site. The petitioner has committed to providing on-site recycling for the residents.

No PUD final plan approval is requested at this time. The PUD final plan must go back to the Plan Commission for approval.

GROWTH POLICIES PLAN: This property is designated as "*Community Activity Center*". Since this area is designated as a CAC, most of the GPP comments center on a commercial center rather than a multi-family development. However, the GPP notes that the intent of these areas is to provide community-serving commercial opportunities in the context of a high density, mixed use development. The GPP notes that the primary land use in the CAC should be medium scaled commercial retail and services uses. Residential units may be developed as a component of the CAC, and would be most appropriate when uses are arranged as a central node rather than along a corridor. The GPP also gives guidance to The GPP also notes that-

- *"Public Transit access should be a major component of the urban services provided for any Community Activity Center".* This area is not yet served by Bloomington Transit. It is possible in the future when Adams Street is extended that transit service will be provided to this area.

- *"Incentives should be created to encourage the inclusion of second-story residential units in the development of Community Activity Centers".* This petition would feature exclusively residential units and no commercial uses are proposed.

<u>Conserve Community Character –</u>

Implementation Measures

> *CCC-1 In coordination with the Housing and Neighborhood Development Department, adopt neighborhood plans that will be designed to address housing, land uses, the provision of public infrastructure and services, affordable housing and infill development strategies.*

This petition would incorporate affordable housing and would work to accomplish this goal. As this portion of the city grows with the construction of I-69 it is important to provide a mix of housing types adjacent to the corridor. Tapp Road will have an interchange with I-69 and could be an attractive location for residents using I-69.

This petition incorporates some of the goals described within the GPP including redevelopment of underutilized property, provision of open space, and the creation of a distinctive design style for this area. The main question surrounding this petition is whether or not it is essential that this property remain a commercial property or be developed with multi-family housing.

PRELIMINARY PLAN ISSUES:

Architecture/Design: Renderings have been submitted for all of the proposed buildings. There will be three different building types throughout the site with the majority of the buildings facing the central multi-purpose open space. All of the buildings will have pitched roofs and will be finished with hardiplank siding. The petitioner has requested to allow some of the buildings to exceed the 50' height limit and to allow for 60' tall buildings as a result of the existing topography and the desire for ground floor garage space. Staff is seeking comments on this aspect.

Access: The project will be accessed through several access points. There will be a new drivecut on Tapp Road that will have acceleration and deceleration lanes as needed. There will also be road connections to the Adams Village apartments to the east and to Sunstone Drive to the north. There is one interior road that loops around the development and is private.

Development Standards: This PUD would use the Residential High-Density Multifamily (RH) district standards with the 3 modifications as outlined in the petitioner statement for building height, side yard building setback, and front parking setback. The proposed modifications are to allow 2 of the "Flats" buildings to be 63' rather than the 50' that is allowed and to allow a 10' building setback along the east property line rather than the 15' that is required. The petitioner is also requesting to allow an entrance drive to run along the front of the property, this drive would be set back approximately 70' from the road and will be buffered with landscaping.

Parking: Most of the buildings will have a garage on the lower level with one additional parking space outside of the garage. In addition, there are total of 76 surface parking spaces plus 81 parking spaces in the garages for a total of 157 parking spaces for the 168 bedrooms, which equals approximately 0.93 parking spaces per bedroom. The UDO has a maximum of one parking space per bedroom and this project does not exceed that allowance.

Pedestrian Facilities: There is already an 8' wide asphalt sidepath along Tapp Road that is in good condition. Internal sidewalks will be provided to provide safe pedestrian routes through the site and will be evaluated with the site plan approval.

Utilities: The site is well served by existing utilities and no problems have been

highlighted so far with providing utility services to the site.

ENVIRONMENTAL COMMISSION RECOMMENDATIONS: The Bloomington Environmental Commission (EC) has made 5 recommendations concerning this development.

1.) The Petitioner should perform a karst evaluation of the site and submit the results to staff.

2.) The Petitioner should use all native plant species in the Landscape Plan as committed to in the Petitioner's Statement, and increase the amount of species beneficial to pollinators.

3.) The Petitioner should employ all of the green infrastructure practices possible when designing the stromwater plan.

4.) The Petitioner should apply green building practices to create high performance, low-carbon footprint structures, and that enable the occupants to use their own green practices.

5.) The Petitioner should commit to salvaging, recycling, and reusing all possible construction materials not needed on site.

QUESTIONS FOR DISCUSSION: Staff is seeking guidance from the Plan Commission on the following issues:

- Should this site remain a commercial parcel or be changed to multi-family?
- Are the requested modifications to the building height, building setback, and parking setback appropriate?
- What green building practices should be required?
- Are the commitments to affordable housing sufficient?

RECOMMENDATION: Staff recommends forwarding this petition to the March 6, 2017 meeting.

MEMORANDUM

Date: January 3, 2017

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Through: Linda Thompson, Senior Environmental Planner

Subject: PUD-30-16, Adams Village apartments
1802 W. Tapp Road

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. The Petitioner's request is to amend the Woolery Farm Planned Unit Development (PUD) to change the use in Parcel 1, from commercial to Residential High-Density Multifamily (RH), as described in the Uniform Development Ordinance (UDO). The PUD Final Plan review for this site will come forward at a later date.

The original PUD was created in 1994 (PUD-64-94). Since that time, attitudes have changed drastically regarding environmental protection. It is the EC's hope that as the PUD gets amended, the opportunity will be seized to update the environmental amenities that we now expect to see in a new development. Notably, the Petitioner took the initiative to design space for storing recyclable materials prior to collection, and the EC hopes that even more forward thinking green building and site design features will be committed to.

The EC is not opposed to the change of use from commercial center to residential, or the height increase of the buildings.

ISSUES OF SOUND ENVIRONMENTAL DESIGN

1.) KARST FEATURES
There are two areas on the site where a drainage swale flows downslope to an area of depressed contours with no visible place where the water then flows out, thus indicating the water is draining down into the subsurface. This type of topographical "bowl" feature is indicative of sinkholes. The EC recommends that the Petitioner perform a karst evaluation prior to approval of the PUD Final Plan, as alluded to in the original PUD recommendations.

The EC believes that any PUD should not permit environmental protection that results in its protection being inferior to the UDO standards; mandated requirements are intended to be minimum safeguards. These standards went through a public process and were vetted by the citizenry and voted on by our lawmakers. A PUD is not intended for the purpose of eluding the city's provisions; thus, a geological study to determine if these are sinkholes or not should be conducted.

2.) LANDSCAPING
The Petitioner's Statement committed to using native plants; however, there are some listed in the Schematic Design that are not native to south central Indiana. The EC recommends that the Petitioner revise the Landscape Plan to include only native plants, and to increase the number of species beneficial to pollinating animals and insects.

The EC believes that the proposed site represents an opportunity to enhance that special sense of environmental character that Bloomington is known for, by demonstrating through example that we are, indeed, a Tree City USA, a National Wildlife Federation Wildlife Habitat Community, and a winner of America in Bloom's national competition.

3.) GREEN INFRASTRUCTURE
The EC recommends that the Petitioner review the stormwater design prior to the PUD Final Plan design to ensure it uses all of the green infrastructure practices possible.

4.) GREEN BUILDING
The EC recommends that the developer design the buildings with as many best practices for energy savings and resource conservation as possible. Some examples of best practices that go beyond the Building Code include enhanced insulation; high efficiency heating and cooling; Energy Star doors, windows, lighting, and appliances; high efficiency toilets; programmable thermostats in each unit; sustainable floor coverings; recycled products such as carpet and counter tops; and charging stations for electric vehicles.

5.) CONSTRUCTION DEBRIS
The EC recommends that debris generated from construction of the new buildings be collected for reuse or recycling. This material could be sold to local salvage businesses, given to a resale store for future re-use, or recycled. Very little material should have to be disposed in a landfill.

EC RECOMENDATIONS

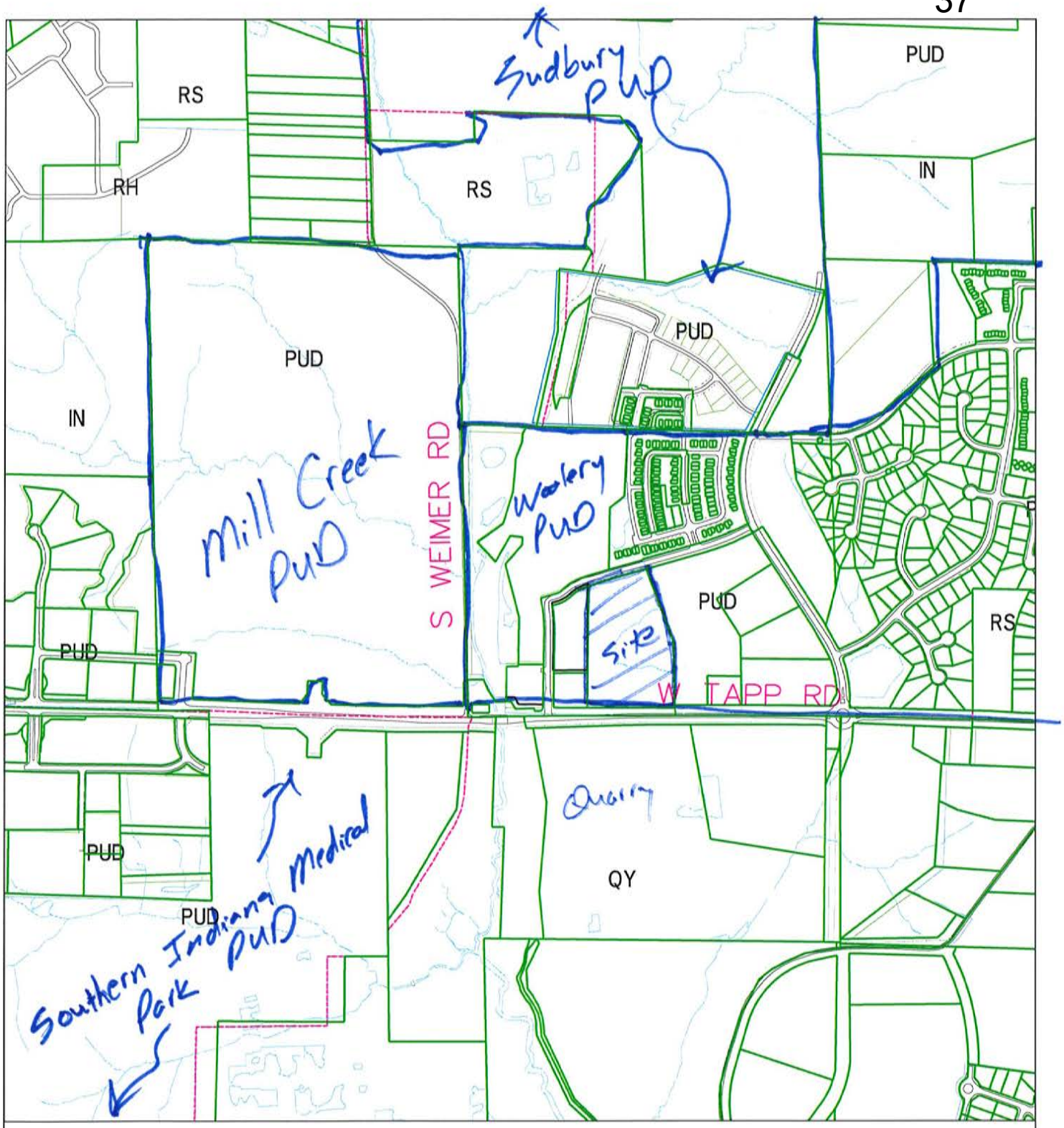
1.) The Petitioner should perform a karst evaluation of the site and submit the results to staff.

2.) The Petitioner should use all native plant species in the Landscape Plan as committed to in the Petitioner's Statement, and increase the amount of species beneficial to pollinators.

3.) The Petitioner should employ all of the green infrastructure practices possible when designing the stromwater plan.

4.) The Petitioner should apply green building practices to create high performance, low-carbon footprint structures, and that enable the occupants to use their own green practices.

5.) The Petitioner should commit to salvaging, recycling, and reusing all possible construction materials not needed on site.



PUD-30-16 Regency Consolidated Residential, LLC

2182 W Tapp Road

Plan Commission

Surrounding land uses, parcels, zoning

By: greulice

31 Jan 17

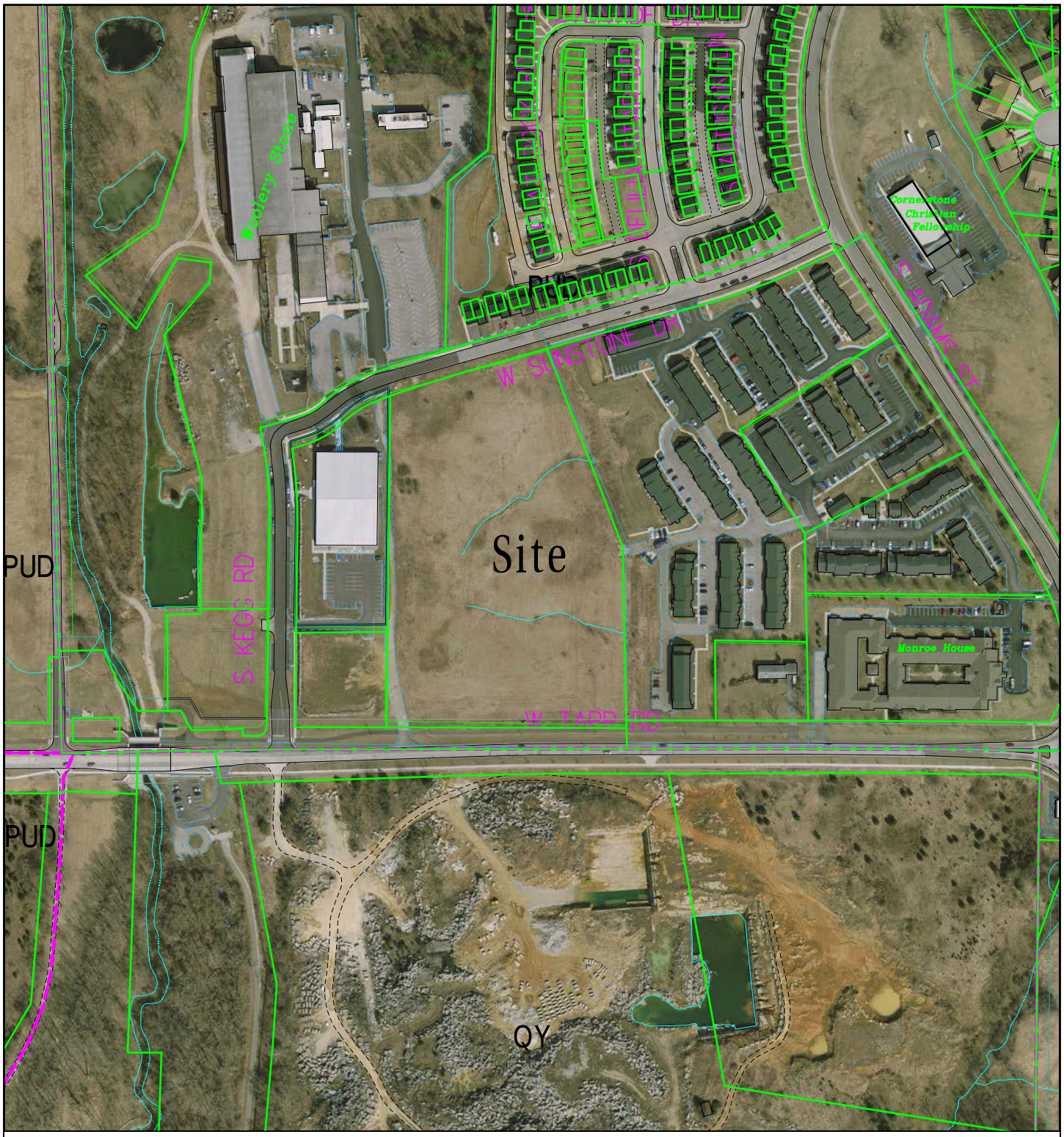
800 0 800 1600 2400

N

City of Bloomington
Planning & Transportation

Scale: 1" = 800'

For reference only; map information NOT warranted.



PUD-30-16 Regency Consolidated Residential, LLC

2182 W Tapp Road

Plan Commission

2014 Aerial Photograph

By: greulice

31 Jan 17

300 0 300 600 900

N

City of Bloomington
Planning & Transportation

Scale: 1" = 300'

For reference only; map information NOT warranted.

PETITIONER'S STATEMENT

Regency Consolidated Residential LLC ("Petitioner" or "RCR") petitions for an amendment to the Woolery Farm PUD pertaining to Parcel I to add multi-family residential use and site – specific development standards. The original PUD outline plan was approved in 1995 comprising 170 acres, primarily along the north side of Tapp Road with a smaller parcel on the south side of Tapp Road.

Parcel I in the original PUD was 13.5 acres approved for arterial commercial land uses. Through a series of PUD Amendments, Parcel I has been reduced and partially used and now consists of 8.02 acres. Parcel I is located in the southwest corner of the PUD with frontage on Tapp Road.

Parcel I remains undeveloped in the more than 20 years subsequent to the PUD approval. Adjacent to Parcel I is Adams Village, a multi-family residential development constructed in three (3) phases. Regency Consolidated Residential purchased Phase I of Adams Village already constructed and expanded Adams Village with subsequent phases. Regency now seeks to add Phase IV for the Adams Village development with additional multi-family housing.

Development standards to be applied to multi-family use will be consistent with the residential high intensity development (RH) under the Uniform Development Ordinance. Architectural standards, lighting, landscaping, pervious surface area, density and other development standards for the RH zone would apply except for specific deviations stated herein. Petitioner proposes a parking plan that has 76 surface level spaces. Townhome apartments will have interior garages.

The project consists of 1and 2 bedroom apartments. The DUE will be well under the RH standard of 15 DUE/acre. The conceptual plan calculates DUEs at 11.28/acre. The bedroom and apartment configuration is for all 1-bedroom units as flats. The 2-bedroom apartments will be 33 townhomes and 24 flats. The 33 townhome apartments will have interior garages.

Development of the parcel as an expansion of Adams Village will an eastside connection by an interior street to the existing Adams Village to allow for all residents throughout the Adams Village complex to make use of common space and tenant amenities, including a pool, clubhouse and fitness center. Direct access to Tapp Road (south side) and Sunstone Drive (north side) provides access to public roads.

Petitioner will dedicate 10% of the apartments to a workforce housing program, wherein rent structure is priced based on workforce housing standards.

The original PUD anticipated a commercial development of Parcel I. This parcel has been available for over 20 years and there has been a concerted effort to develop it commercially over the last 3 ½ years, but it remains undeveloped. Petitioner has analyzed housing requirements in the existing tenant mix in Adams Village. Market niche for housing is heavily weighted toward tenants seeking shorter, moderate term rental periods, one and two years, with a heavy emphasis on employment at Crane. Tenants are seeking housing in the Bloomington area, but with close access to I-69 for commuting to Crane. The available commercial zone ground adjacent to I-69 and specifically commercial zoned ground at the Tapp Road and I-69 interchange is more likely

to capture available commercial development for the foreseeable future. Commercial developments generally are seeking exposure and access to I-69 that cannot be equaled at Parcel I being further distant from the access to I-69.

Petitioner proposes a multi-family complex consisting of 111 units. The apartments are designed to attract families with young children and residents without children in the household. The tenant amenities to be included are intended to serve tenant needs for young families, including recreation areas, the pool, fitness center and access to a walking trail and large open green space, but with modern apartment construction and a garage for use for vehicle storage or tenant storage. The apartments are larger than average 1 and 2 bedroom apartments at approximately 850 square feet for 1-BR units and 2-BR units ranging from 1080 square feet to 1450 square feet. The development will provide modern construction and efficiencies with tenant amenities with a work force housing component. Work force housing does not mean austere, older or "bare bones" housing. The multi-family use helps meet a market need on the west side of Bloomington.

Minor deviations from the full RH development standards:

1. RH standard is 15' side yard setback for buildings. Along the south east property line, adjacent to green space on the existing Adams Village development, request 10' sideyard setback.

2. Building height. RH standard is 50'. Establish height ranging from 53' to 63', adapting buildings to grade changes

Site Plan commitments

1. Connectivity to Adams Village, Tapp Road and Sunstone Drive
2. On-site recycling
3. Landscape plan to use native plants

Michael L. Carmin
Attorney for Petitioner

401382 / 23596-2

PUD-30-16
Petitioner Statement

ADAMS VILLAGE - BLOOMINGTON, IN

SCHEMATIC DESIGN

January 30, 2017

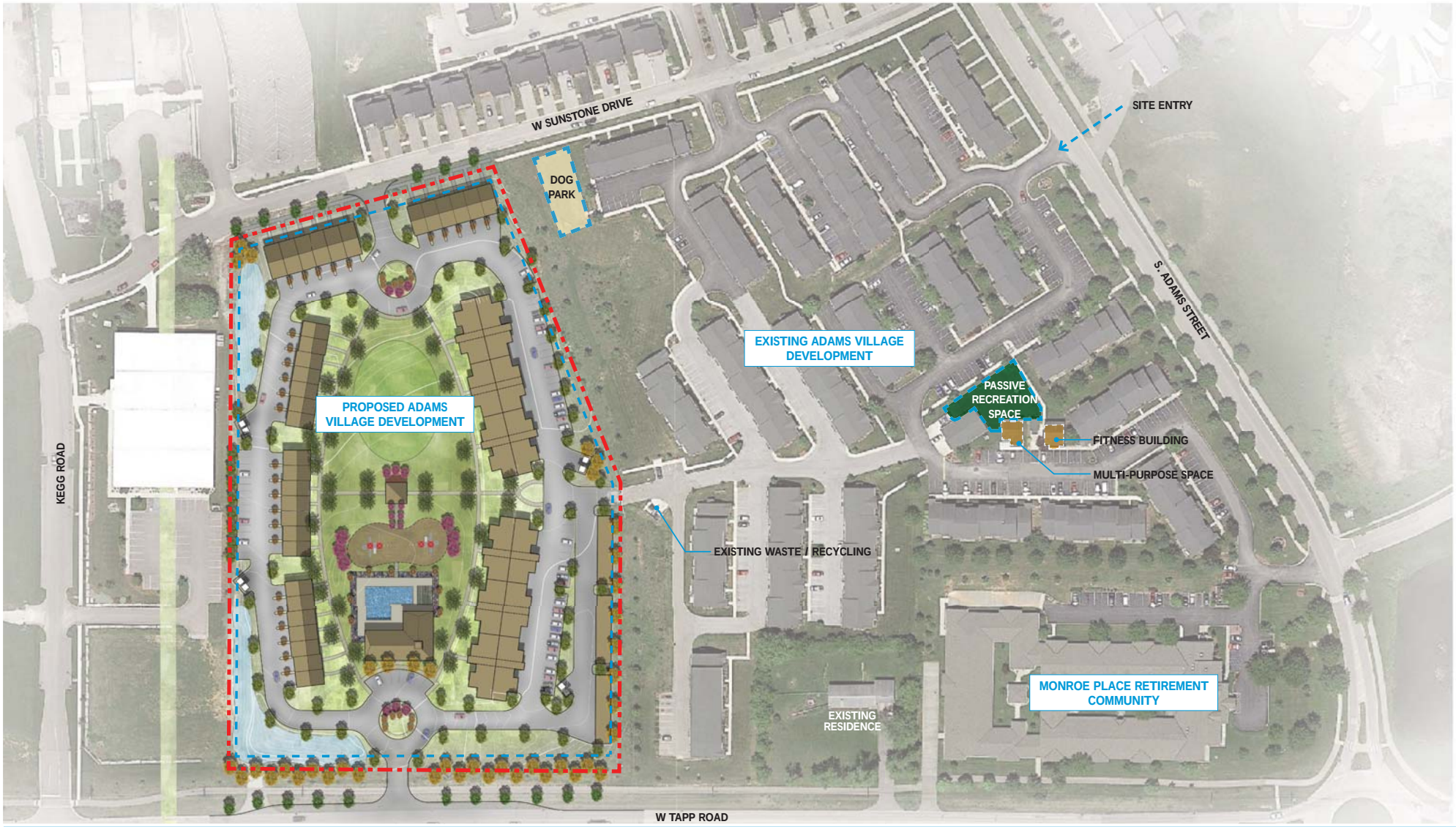
A RESIDENTIAL COMMUNITY TO BE DEVELOPED BY:

REGENCY CONSOLIDATED RESIDENTIAL, LLC

NILES BOLTON ASSOCIATES

Overall Site Plan - Context Map

Adams Village - Bloomington, IN



Regency Consolidated Residential, LLC| 01.30.17| Scale:1:120|

NILES BOLTON ASSOCIATES

Schematic Design - Site Plan

Adams Village - Bloomington, IN

SITE KEY:

- 15' SETBACK BUILDING - FRONT / SIDE
- 20' SETBACK - FRONT PARKING
- 10' SETBACK - SIDE PARKING / BUFFER YARD

PROJECT DATA:

SITE AREA: 8 ACRES +/-

RESIDENTIAL:

TOWNHOMES (TYPE A AND B)

33 (2) BED UNITS = **66 BEDS TOTAL**

FLATS (TYPE C)

12 (2) BED UNITS = 24 BEDS
24 (1) BED UNITS = 24 BEDS
36 UNITS/BLDG = 48 BEDS/BLDG

@ 2 BUILDINGS
72 UNITS TOTAL = **96 BEDS TOTAL**

CARRIAGE UNITS (TYPE D)

2 (1) BED UNITS = 2 BEDS

@ 3 BUILDINGS
6 UNITS TOTAL = **6 BEDS TOTAL**

TOTAL UNIT TYPES:

1 BEDROOM=54 units
2 BEDROOM=57 units
111 TOTAL UNITS = 168 TOTAL BEDS

PARKING:

GARAGE SPACES:	
TOWNHOME GARAGES:	33
FLAT GARAGES:	24
CARRIAGE GARAGES:	24
TOTAL GARAGE SPACES	**81**
TOTAL SURFACE SPACES:	**76**
TOTAL PARKING SPACES:	**157**

(0.93 SPACES/BED)
(1.41 SPACES/UNIT)

PERVIOUS / IMPERVIOUS STUDY:

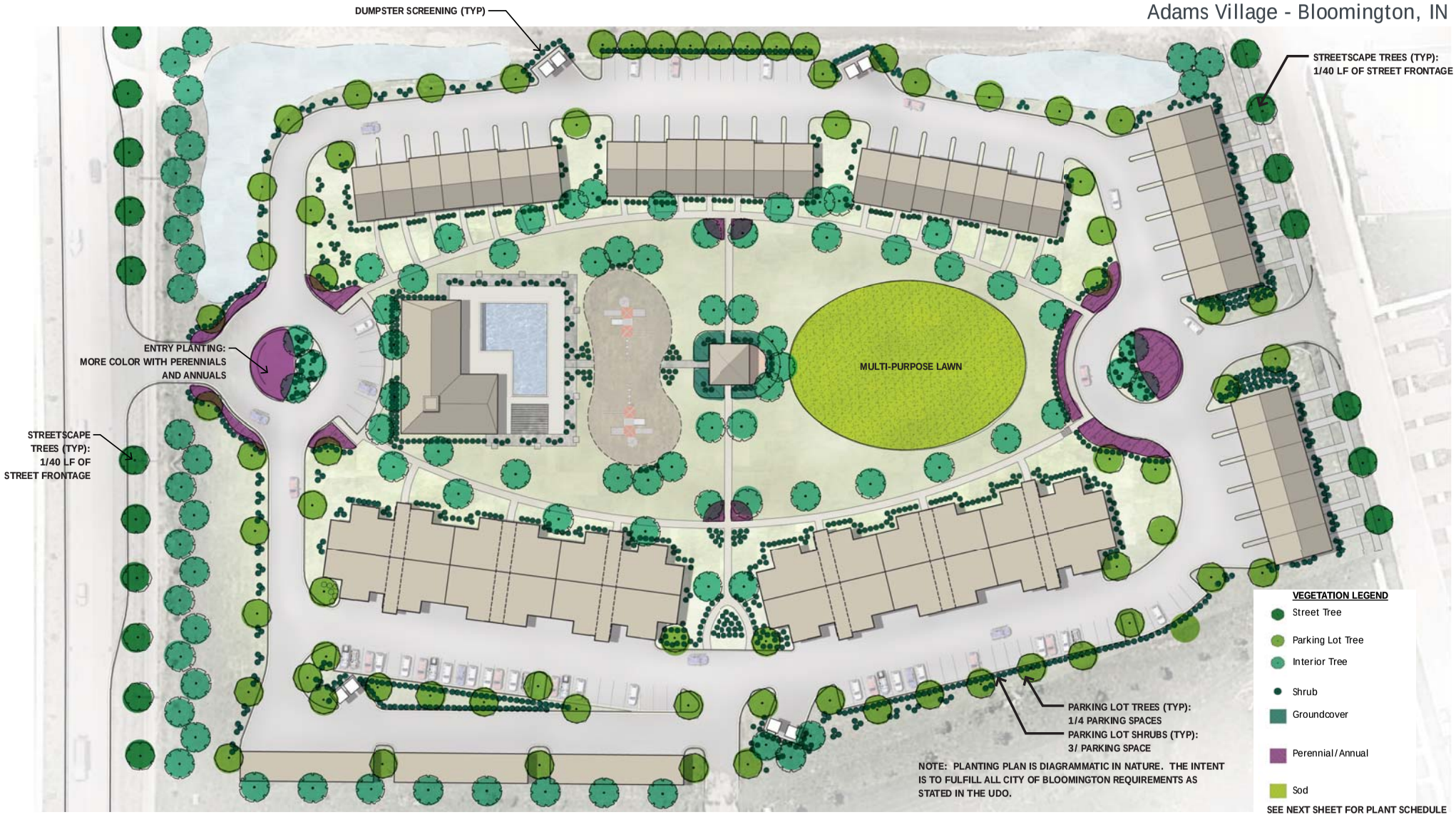
SITE AREA: 357,767 SF

PERVIOUS: 183,673 (51%)

IMPERVIOUS: 174,094 SF (49%)

Conceptual Planting Plan

Adams Village - Bloomington, IN



Conceptual Planting Plan

Adams Village - Bloomington, IN

CONCEPT PLANT SCHEDULE

STREET TREES
FAGUS GRANDIFOLIA / AMERICAN BEECH
QUERCUS ALBA / WHITE OAK
QUERCUS RUBRA / RED OAK

PARKING LOT TREES
ACER RUBRUM / RED MAPLE
CRATAEGUS PHAENOPYRUM / WASHINGTON HAWTHORN

INTERIOR TREES
ACER GRISEUM / PAPERBARK MAPLE
ACER RUBRUM "AUTUMN FLAME" / AUTUMN FLAME MAPLE
AMELANCHIER ARBOREA / DOWNY SERVICEBERRY
CARYA CORDIFORMIS / BITTERNUT HICKORY
CARYA TOMENTOSA / MOCKNUT HICKORY
ILEX OPACA / AMERICAN HOLLY
JUGLANS NIGRA / BLACK WALNUT
PRUNUS SERRULATA / JAPANESE FLOWERING CHERRY
SASSAFRAS ALBIDUM / SASSAFRAS
TSUGA CANADENSIS / CANADIAN HEMLOCK

SHRUBS
BUXUS SEMPERVIRENS / AMERICAN BOXWOOD
CALYCANTHUS FLORIDUS / SWEET SHRUB
CHAMAECYPARIS SPP / FALSE CYPRESS
HYDRANGEA QUERCIFOLIA / OAKLEAF HYDRANGEA
ILEX VERTICILLATA / WINTERBERRY
ITEA VIRGINICA / VIRGINIA WILLOW
JUNIPERUS SPP / JUNIPER SPECIES
PHYSOCARPUS OPULIFOLIUS / NINEBARK
RHODODENDRON SPP / RHODODENDRON SPECIES
TAXUS CANADENSIS / AMERICAN YEW

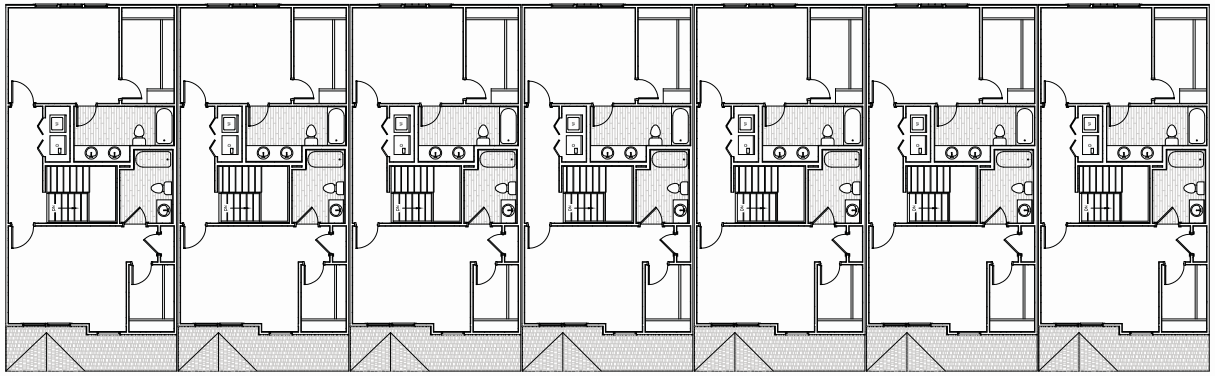
GROUNDCOVER
BOUTELOUA CURTIPENDULA / SIDE OATS GRAMA
CHRYSOGONUM VIRGINIANUM / GOLDEN STAR
PANICUM VIRGATUM / SWITCH GRASS
PARTHENOCISSUS QUINQUEFOLIA / VIRGINA CREEPER
PHLOX SUBULATA / MOSS PHLOX
POLYSTICHUM ACROSTICHOIDES / CHRISTMAS FERN

PERENNIALS
ECHINACEA PURPUREA / PURPLE CONEFLOWER
EUPATORIUM MACULATUM / JOE PYE WEED
HOSTA SPP / HOSTA SPECIES
PHLOX DIVARICATA / WILD BLUE PHLOX
RUDBECKIA HIRTA / BLACK-EYED SUSAN

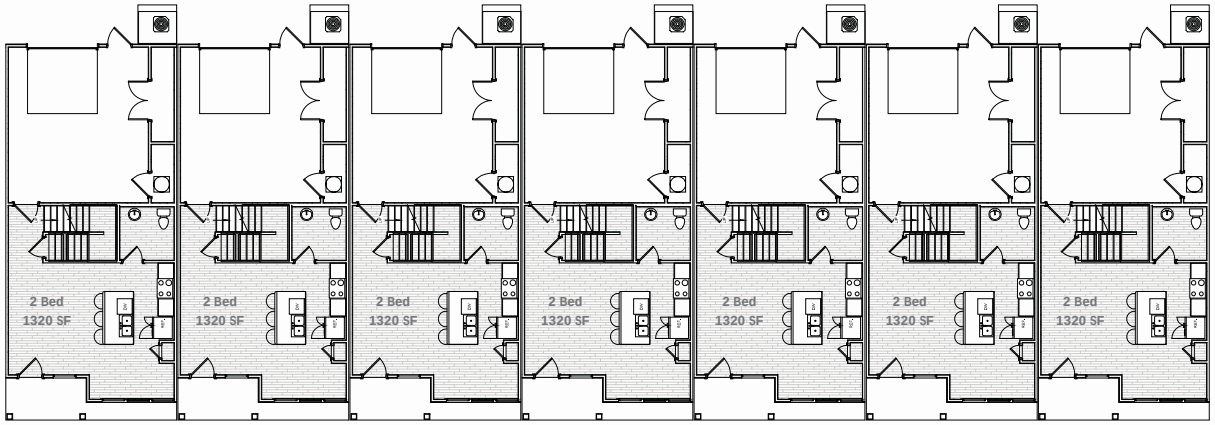
SOD
CYNODON DACTYLON "CELEBRATION" / CELEBRATION BERMUDA GRASS

Townhome Plan - (Building Type A)

Adams Village - Bloomington, IN



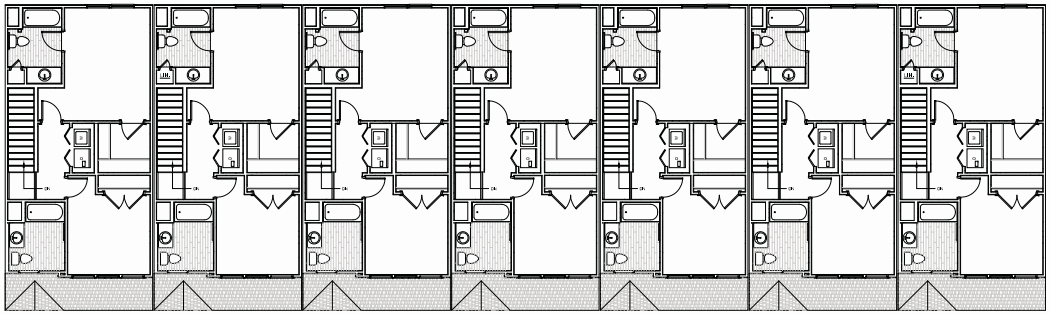
Level 2



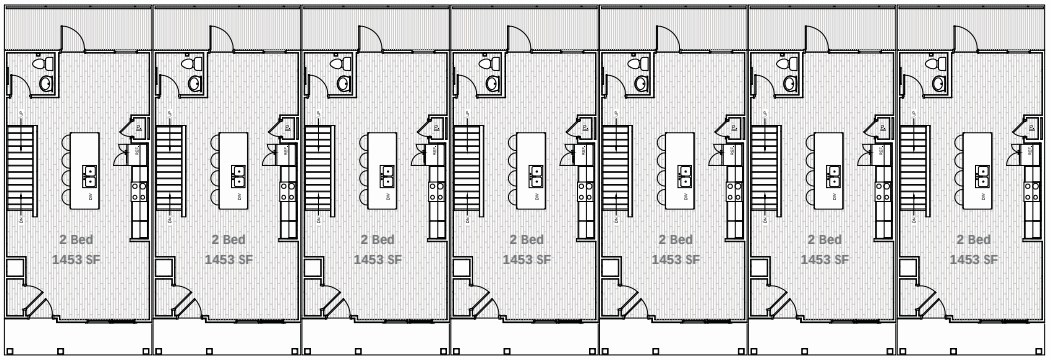
Level 1

Townhome Plan - Levels 1-3 - (Building Type B)

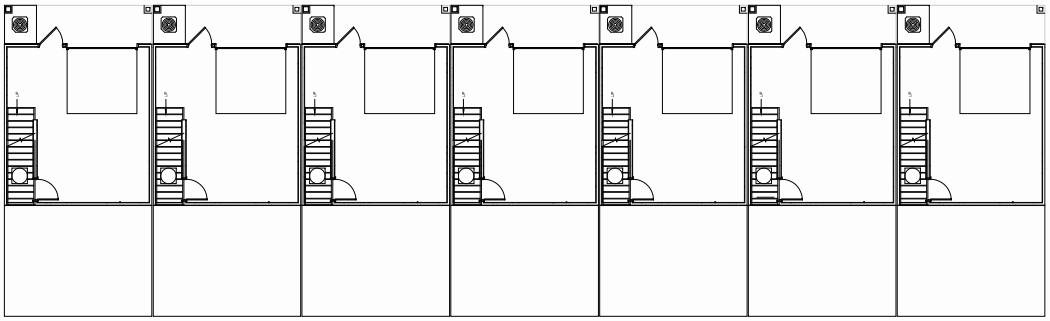
Adams Village - Bloomington, IN



Level 3



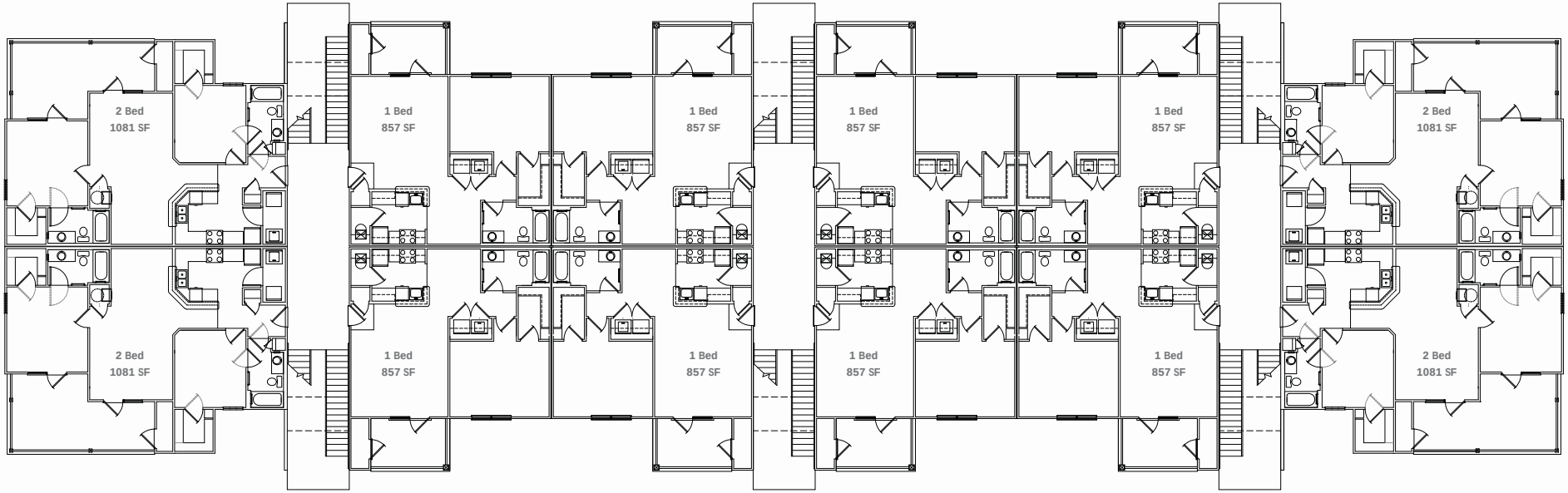
Level 2



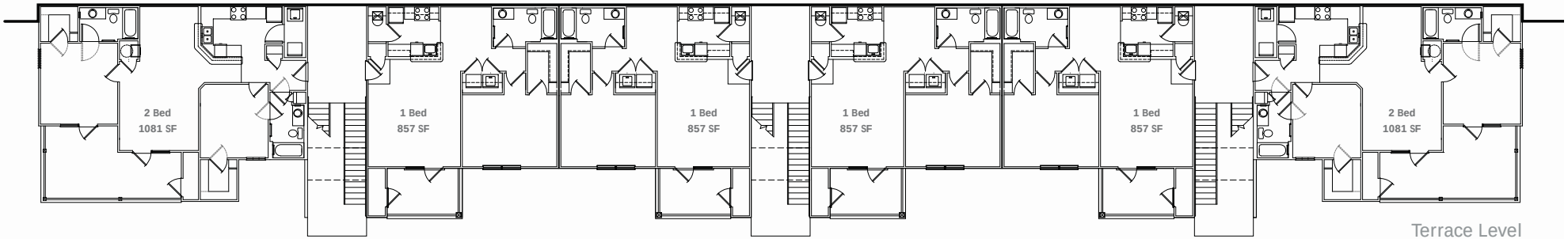
Level 1

Flats Building Plan - (Building Type C)

Adams Village - Bloomington, IN



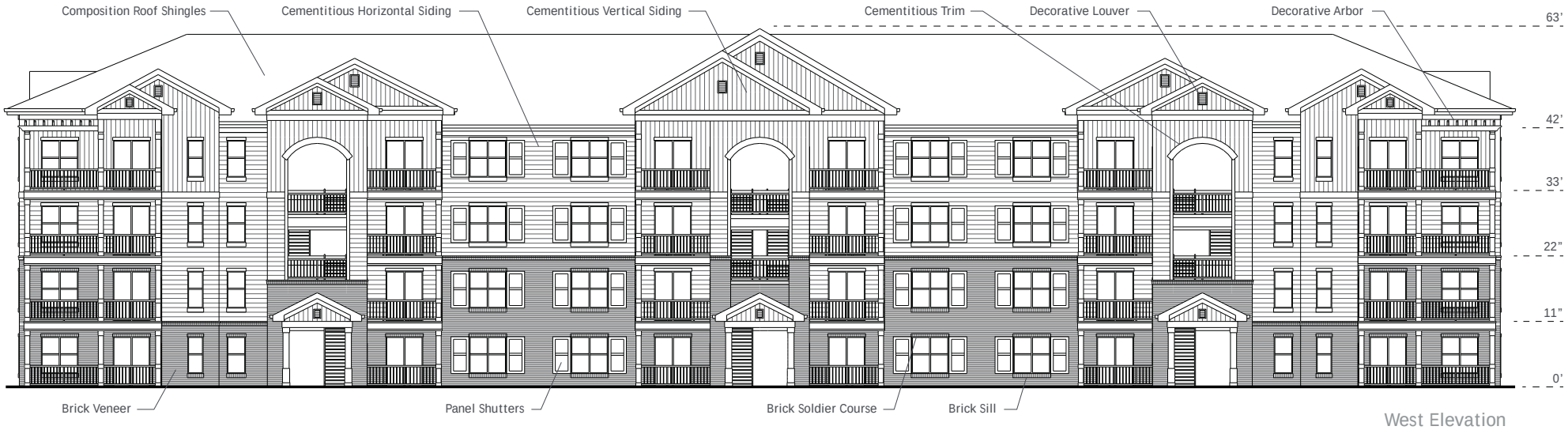
Levels 3 and 4



Terrace Level

Flats Building Elevation - (Building Type C)

Adams Village - Bloomington, IN



West Elevation

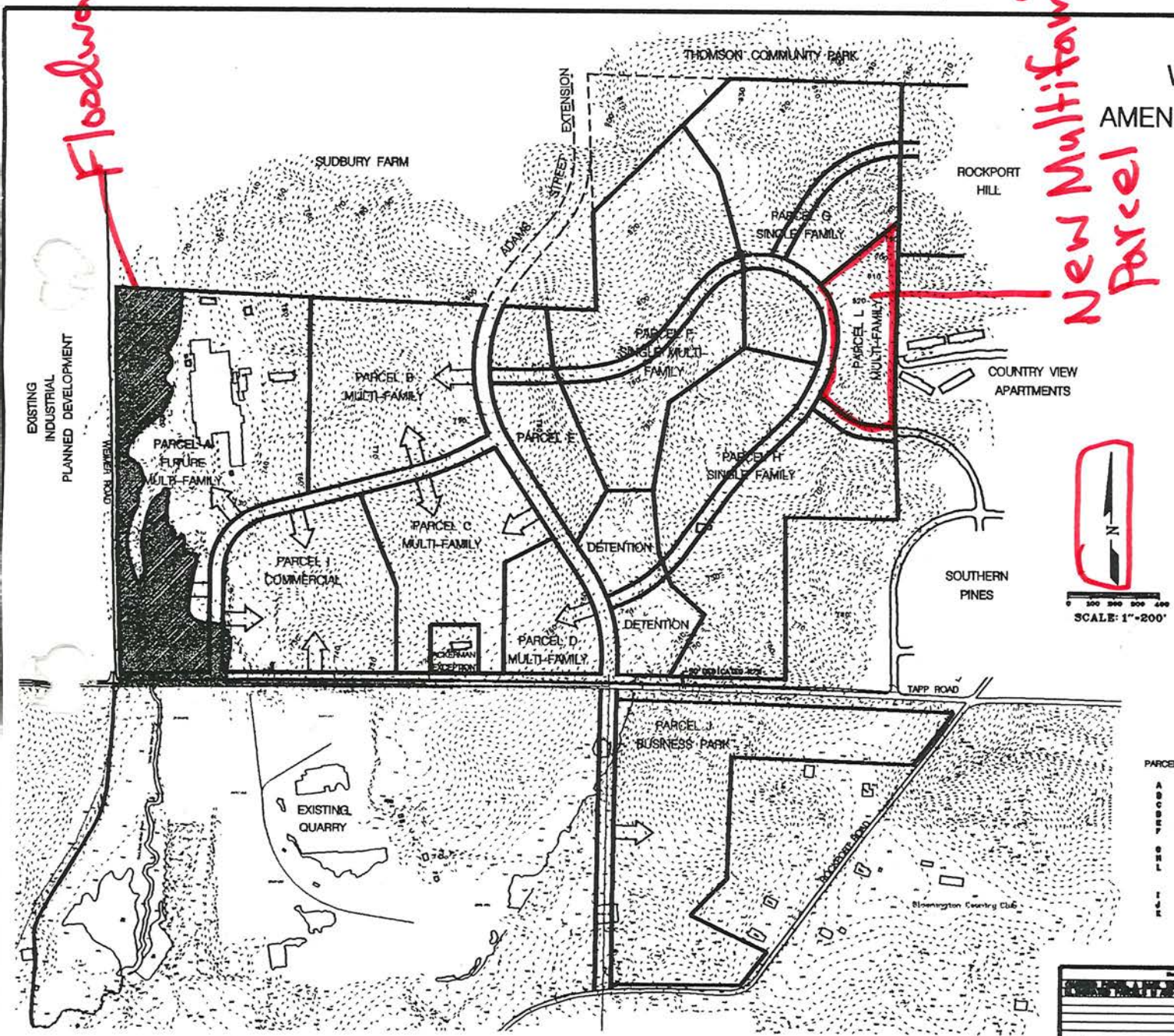
South Elevation

Schematic Design - Perspective Rendering

Adams Village - Bloomington, IN

Original Woolery Mill Parcel Map

WOOLERY PROPERT
AMENDED OUTLINE PLA



PARCEL	LAND USE	APPROXIMATE SIZE (ACRES)	MAXIMUM # UNITS	MAXIMUM DENSITY
A	High Density Multi-Family	24.6	368	15.0
B	High Density Multi-Family	12.21	183	15.0
C	High Density Multi-Family	13.22	198	15.0
D	Medium Density Multi-Family	6.0	60	10.0
E	Medium Density Multi-Family	7.41	74	10.0
F	High Density Single-Family/ Multi-Family	10.35	31	3.0
G	Medium Density Single-Family	18.80	75	4.0
H	Medium Density Single-Family	24.30	98	4.0
L	Medium Density Multi-Family	4.9	49	10.0
	SUBTOTAL	123.05	1137	
I	Commercial Center	13.0		
J	Business Park	23.07		
K	Detention Buffer	3.0		
	TOTAL	170.02	1137	

Bledsoe Tapp & Co., Inc.

WOOLERY FARM

1 OF 1

OUTLINE PLAN

BL/PCD Business Park

Twenty-three acres of this development are proposed as BL/PCD Business Park to open the market for Corporate Employment Centers and other business employers. The 23 acre site will support about 130,000 square feet of professional office space. This project could be a planned business campus with grouped structures, or several buildings each with separate ownership. The development plan will provide the details of the proposal and may come in the form of a subdivision to allow sale of lots for office building construction.

The project is located next to an operating quarry, therefore business will supply the safest land use alternative to multi-family uses.

The scope and scale of the project requires multi-accesses to both Tapp Road and Rockport Road. The proposed land uses are intended to fit into the Corporate Employment Center goal and to take advantage of this strategic location relative to State Road 37. The proposed land uses include:

- Office Supply
- Churches
- Institutions
- Offices: Corporate, Professional, and Medical
- Research Facilities and Laboratories
- Support Services not to exceed a total of 10,000 square feet, these uses could include:

Branch Bank	Drug Store
Business Services	Funeral Services
Convenience Shopping	Gift Shop
Day Care	Sit-down Restaurant

only when 50% of Parcel J built-out not to exceed 5,000 ft

- Golf driving range

BA/PCD Commercial Shopping Center

The commercial site for this project is proposed on the northeast corner of Weimer and Tapp Roads. This location will effectively serve the surrounding neighborhoods and specifically residential neighborhoods to the north by both pedestrian and vehicular traffic without crossing Tapp Road. The proposed commercial uses will fit with the needs of the surrounding neighborhoods and businesses. The proposed land uses include:

Antiques	Candy/Confectionery	Jewelry
Apparel	Dairy Products	Liquor
Appliances	Drug Store	Pet Shop
Art/Craft	Dry Cleaning	Printing/Copy Service
Bakery	Florist Shop	Restaurants
Banks	Gasoline Service Station	Sporting Goods
Bicycle Shop	Gift Shop	Taverns
Books	Grocery & Meats	Variety Store
Business Services		

Woolery PUD commercial uses