City of Bloomington
Common Council

Legislative Packet

Wednesday, 15 February 2017

Regular Session

For legislation and material regarding
Resolution 17-06 through Resolution 17-12 please consult the
08 February 2017 Legislative Packet.

All other legislation and background material contained herein.

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To: **Council Members**
From: **Council Office**
Re: **Weekly Packet Memo**
Date: **February 10, 2017**

Packet Related Material

Memo
Agenda
Calendar
Notices and Agendas:
None

Legislation for Second Reading:

- **Res 17-05** To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2017
  - Memo to the Council from Doris Sims, Director of HAND;
  - Eligibility - Excerpt from CDBG Regulations;
  - Redevelopment Commission Res 17-12 and Exhibits A and B;
  - Summary of Recommendations with Descriptions of Social Services Programs and Physical Improvement Projects to be Funded this Year;
  - **Social Services:** Membership; Calendar; Funding Criteria and Ranking System; and, Allocation Work Sheet;
  - **Physical Improvements:** Membership; Calendar; Citations to Consolidated Plan; Allocation Work Sheet.

  Contact: Doris Sims at 812-349-3420, simsd@bloomington.in.gov

Resolutions Initiating Annexations in 2017 (Effective January 1, 2020) - *Located in the Weekly Council Legislative Packet Issued for the February 8, 2017 Committee of the Whole*:

- **Res 17-06** A Resolution Concerning the Initiation of Proceedings to Consider Proposed Annexation By the City of Bloomington, Monroe County, Indiana (South-West Bloomington Annexation Area)
  - Exhibit A: Map

- **Res 17-07** A Resolution Concerning the Initiation of Proceedings to Consider Proposed Annexation By the City of Bloomington, Monroe County, Indiana (South-East Bloomington Annexation Area)
  - Exhibit A: Map
- **Res 17-08** A Resolution Concerning the Initiation of Proceedings to Consider Proposed Annexation By the City of Bloomington, Monroe County, Indiana (North Island Bloomington Annexation Area)
    - Exhibit A: Map
- **Res 17-09** A Resolution Concerning the Initiation of Proceedings to Consider Proposed Annexation By the City of Bloomington, Monroe County, Indiana (Central Island Bloomington Annexation Area)
    - Exhibit A: Map
- **Res 17-10** A Resolution Concerning the Initiation of Proceedings to Consider Proposed Annexation By the City of Bloomington, Monroe County, Indiana (South Island Bloomington Annexation Area)
    - Exhibit A: Map
- **Res 17-11** A Resolution Concerning the Initiation of Proceedings to Consider Proposed Annexation By the City of Bloomington, Monroe County, Indiana (Northeast Bloomington Annexation Area)
    - Exhibit A: Map
- **Res 17-12** A Resolution Concerning the Initiation of Proceedings to Consider Proposed Annexation By the City of Bloomington, Monroe County, Indiana (North Bloomington Annexation Area)
    - Exhibit A: Map

Fiscal Plan for the Municipal Annexation

Along with the Weekly Council Legislative Packet, please refer to the City webpage devoted to this initiative.

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<u>Legislation and Background Material for First Reading</u>:

- **<u>Ord 17-04</u>** To Amend the Zoning Maps from Planned Unit Development (PUD) to Commercial General (CG) - Re: 4021-4025 West 3rd Street (GMS-Pavilion Properties, petitioner)
    - Certificate of Action (1/9/17) - Positive Recommendation: 7 – 0
    - Aerial photo of the site
    - Map of surrounding uses
    - Map of GPP Designation for Area
    - Memo to Council from Eric Greulich, Zoning Planner
    - January 9, 2017 Plan Commission Materials
        - *(Staff Report – not included since it is repeats what's in the Memo to the Council)*
        - Commercial General (CG) District [BMC 20.02.290 – 310] – District Intent; Permitted Uses; and, Conditional Uses
        - Revised Petitioner's Statement
        - Landscape Plan
    - November 1, 1993 Plan Commission Materials
        - Staff Report
        - Minutes
        - Memo to Council

  Contact: Eric Greulich at 812-349-3526, greulice@bloomington.in.gov

- **<u>Ord 17-05</u>** To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re: 1033 South Ballantine Road Historic District (Nathan Silverstein House)
    - Aerial Map;
    - Memo to Council from Bethany Emenhiser, Program Manager, Housing and Neighborhood Development Department; and
    - Staff Report to Council Tying Designation to Criteria (which includes the Map and photographs of both the exterior and interior of the house).

  Contact:
  Bethany Emenhiser at 349-3401or emenhisb@bloomington.in.gov
  Philippa Guthrie, at 349-3426 or guthriep@bloomington.in.gov

<u>Minutes from Regular Session</u>:

- February 1, 2017

Memo

Eight Resolutions are Ready for Consideration Under Second Readings and Resolutions and Two Ordinances are Ready for Introduction under First Readings at the Regular Session on Wednesday, February 15th

The agenda for next Wednesday's Regular Session includes eight resolutions under Second Readings and Resolutions. Seven of those resolutions (along with a lengthy preliminary Fiscal Plan) were discussed at the Committee of the Whole and can be found online as indicated above. An additional resolution that allocates Community Development Block Grant (CDBG) funds appears before the others and can be found in this packet.

The agenda also lists two ordinances under First Reading, which can be found in this packet and are summarized herein.

Second Readings and Resolutions

Item One - Res 17-05 - CDBG Allocations for 2017

The first of eight resolutions under Second Readings and Resolutions is **Res 17-05.** It approves the Mayor's recommendations for allocating Community Development Block Grant (CDBG) funds for 2017. The City receives CDBG funds from the U.S. Housing and Urban Development Department (HUD). As an "entitlement" city, [1] our portion is largely determined by several objective measures of community need including: level of poverty, age of housing stock, over-crowded housing and population growth. Funds may be used for social services, physical improvements, and administration.

2017 CDBG Funds

The City expects to receive $700,000 in CDBG funding this year – a figure which is approximately $84,529 (or 10%) less than what the City received last year.[2] This decrease is, in part, a function of the federal government's shift away from relying on the decennial census to inform its funding formula to a reliance on the American Community Survey (ACS). The ACS continually gathers demographic,

[1] An entitlement city is a metropolitan city with a population in excess of 50,000.

[2] Please know that this figure is an estimate of distributions that should be made in June. For example, at this time last year, the resolution anticipated about $718,000, when the actual amount was about 9% higher than that.

economic and housing data. While this data is intended to reflect change taking place in communities more quickly and accurately than the decennial census, reliance on the ACS also tends to make it more difficult for communities to predict anticipated CDBG allocations.

In addition to annual federal CDBG allocations, federal law provides that any program income generated from the use of CDBG funds may be used for social services and physical improvements. However, HAND Director, Doris Sims, points out that the City did not generate sufficient program income last year [3] to dedicate any funds to 2017 CDBG projects (which is down from the $2,298 in 2016 and $16,493 in 2015).

With the federal allocation and lack of program income, it is estimated that $700,000 in CDBG funding will be available for allocation in Fiscal Year 2017.

Citizen Advisory Committees

HUD administers CDBG funds and regulates their use. HUD guidelines require the City to develop a "Citizen Participation Plan." For decades, the City has used two Citizen Advisory Committees (CACs) to make recommendations regarding the allocation of these funds – one committee is dedicated to the review of applications for social services funding, the other is dedicated to reviewing applications for physical improvements.

Fourteen community members participated in this year's process. Six served on the Physical Improvements CAC and eight served on the Social Services CAC. The former has four mayoral appointments, one appointment from the Redevelopment Commission, and one appointment from the Council. The latter has four mayoral appointments and one appointment from each of the following: the Council, Redevelopment Commission, Commission on the Status of Children and Youth, and the local office 9th Congressional District. This year, Tim Mayer served as the Council appointment to the Physical Improvements CAC, while Susan Sandberg served as the Council appointment to the Social Services CAC.

Both CACs typically work from November through January. In the fall, they hold an organizational meeting, may make site visits, and then review the ranking system and funding criteria. In January, they hold public hearings (carried on CATS) to consider and make recommendations regarding the applications. In

[3] This program income has, in the past, been generated through the City's Owner-Occupied Rehabilitation loan re-payment program.

February, the Redevelopment Commission reviews the recommendations and forwards its decision to the Mayor, who then forwards them to the Council. The recommendations this year, as in past years, have come forward without change.

Agencies interested in applying for funds are on a schedule that begins in September, when the application and submission information become available. At that time, they have an opportunity to attend a general information meeting to ask questions about CDBG. Then, in October they must submit a letter of intent outlining their proposal and attend a mandatory training. Completed applications are due in early December.

Eligibility and Allocation

HUD regulations require that we use at least 70% of these funds for the benefit of low to moderate income persons. The remaining funds may be used to prevent or eliminate blighted areas or to address community development needs arising from serious and immediate threats to the health or welfare of the community. Please note that currently all our funds are leveraged to address low- and moderate-income populations. Please also note that these funds may not be used for general governmental expenses or political activities. Nor may funds be used to purchase equipment, maintain property, or construct new permanent residential structures.

HUD regulations require that CDBG funds be allocated among three categories according to the following formula: no more than 15% may be allocated for social service programs; no more than 20% may be used for administrative costs; and, at least 65% must be used for physical improvements.

This year, the CDBG CAC allocated the maximum allowable in each category:

- Social Services $105,000 (15%)
- Physical Improvements $455,000 (65%)
- Administration $140,000 (20%)

Social Services Funding

Under local rules, agencies may apply for a maximum of $25,000 per social services program. This year nine agencies sought $219,992 and five agencies were recommended to use the $105,000 which was available for allocation. The CAC's recommended allocations are as follows[4]:

Agency	Award (Request)
Emergency Needs	
• Community Kitchen – Free Meals Service	$23,250 ($24,999)
• Hoosier Hills Food Bank – Food Distribution	$23,250 ($24,999)
• Middle Way House, Inc. – Emergency Services	$19,000 ($24,999)
• Mother Hubbard's Cupboard – Food Pantry Program	$19,750 ($24,999)
• Centerstone – Friend's Place Emergency Shelter	$0 ($24,999)
• Shalom Center	$0 ($24,999)
Subtotal:	*$85,250 ($149,994)*
Non-Emergency Programs	
• Monroe County United Ministries – Affordable Childcare	$19,750 ($24,999)
• Big Brothers and Big Sisters – One to One Mentoring Program	$0 ($20,000)
• Boys and Girls Club - Crestmont Club - After-School Programs	$0 ($24,999)
Subtotal	*$19,750 ($69,998)*
TOTAL	**$105,000** ($219,992)

[4] In a change made in 2013, the Social Services CAC ranked projects on a 100-point rather than a 50-point rating system. Key changes to the rating system at that time also included giving more weight to program need and eliminating a 5-point factor based upon the evaluator's subjective judgment. In brief, the rating system was tied to how well the applicant:

- documented the need for the program in this community (35 points);
- demonstrated its ability to evaluate and document the effectiveness of the program (30 points);
- demonstrated that it primarily serves low-income individuals and residents of the City (20 points); and
- detailed the use of the funds and demonstrated that at least 50% of the funding came from other sources (15 points).

As in the past, the final decision was based solely on the ratings and without knowing the name of the agencies.

Physical Improvements

HUD requires that funding for all projects and programs be tied to HAND's *Consolidated Plan* (linked). This year, $455,000 was available for physical improvements. Three departments of the City (which is classified as the "recipient" of these funds, and five agencies[5] (which are classified as "sub-recipients" of these funds) sought a total of $676,630 in funding. The CAC allocated a total of $225,000 for housing assistance; $205,000 for facility improvements; and $25,000 for community-wide infrastructure programs. Two City departments were awarded $155,000 or about a third of the funds. Note that the significant role of City departments is due, in large part, to the wide-reaching effect of these programs compared to the programs run by non-City agencies. Please also note that most cities, as the "recipient," keep and administer *all* of the physical improvement funds. The particular projects and allocations are set forth below:

Agency	Award (Request)
Housing Assistance	
• Bloomington Housing Authority – Crestmont -- Interior Renovations (to four units on West 12th Street)	$146,000 ($150,000)
• LifeDesigns – facility rehabilitation at 2727 North Dunn and 1701 East Winslow Drive	$34,000 ($46,115)
• COB: HAND – Emergency Home Repair (to home owners consisting of roof repairs, electrical, plumbing, and repair/replacement of furnaces).	$45,000 ($50,000)
Subtotal	*$225,000 ($246,111)*
Facility Improvements	
• Middle Way House – Facility Improvements (for security lighting/cameras) at 318 and 338 South Washington.	$15,000 ($15,000)
• Community Kitchen – Disaster Preparedness at 1515 South Rogers Street	$53,000 ($53,000)

[5] For the purposes of this summary the term "agency" includes the Bloomington Housing Authority and Monroe County Community School Corporation (MCCSC).

• Monroe County United Ministries – Structural Improvements at 827 West 14th Court	$27,000 ($32,715)
• COB – Parks and Recreation – Crestmont Park Playground Improvements at West 15th Street and Illinois Street	$110,000 ($142,000)
Subtotal	*$205,000 ($242,715)*
Community-Wide Infrastructure Improvements	
• MCCSC – Broadview Pedestrian Improvement Project at 705 West Coolidge Street	$25,000 ($55,000)
• COB: Public Works – West Dodds Street Curb and Sidewalk Reconstruction	$0 ($132,800)
Subtotal	$25,000 ($187,800)
TOTAL	*$455,000 ($676,630)*

In the event of a Funding Differential

As noted in the opening paragraph, the funding figure is an estimate and HUD may send the City more or less than the expected amount of funds. For that reason, the recommendation and resolution direct the surplus or shortfall to be allocated in the following manner as recommended by the two Citizen Advisory Committees (CACs):

Physical Improvements: If the funds are greater than the $455,000 expected for physical improvements then:

- All the surplus will be allocated to:
  - The City of Bloomington Department of Public Works for the West Dodds curb and sidewalk reconstruction.

If the funds are less than expected, then:

- each funding activity will be reduced by the same percentage.

Social Services: If funds are greater than the $105,000 expected for social services programs, then the surplus will be allocated in the following manner:

- If the overage is no more than $8,750, then the overage will be equally shared by all five agencies;
- If the overage is more than $8,750, then:

- Community Kitchen and Hoosier Hills Food Bank will receive the maximum award of $24,999; and
- The remaining funds will be equally distributed among the other three awarded agencies (MCUM, Mother Hubbard's Cupboard, and Middle Way House).

If the funds are less than the $105,000 expected for social services programs, then:

- Community Kitchen and Hoosier Hills Food Bank will be awarded 23% of the total funding (to the nearest dollar amount); and
- MCUM, Mother Hubbard's Cupboard, and Middle Way House will be awarded 18% of the total funding received (to the nearest dollar amount).

Items Two through Eight – Res 17-06 through Res 17-12 – Initiating 2017 Annexation Proposal for Effective Date of January 1, 2020

At the Regular Session this coming Wednesday, the Council will formally consider the seven resolutions discussed at the Committee of the Whole last Wednesday. These resolutions, as you know, initiate the process for annexations to be considered in 2017 for an effective date of January 1, 2020. The Administration is busy addressing your questions and those raised by residents and others affected by the proposal. Please know that the resolutions may be amended next week to further describe the seven areas.

First Readings

Item One – Ord 17-04 – To Rezone 1.98 Acres of Land on West 3rd Street from Planned Unit Development (PUD) to Commercial General (CG)

The first of two ordinances under First Reading next Wednesday is **Ord 17-04** which would rezone 1.98 acres of land along the south side of West 3rd Street in the block west of the intersection with Curry Pike. The rezone would change this three-parcel site from Planned Unit Development (PUD) to Commercial General (CG) at the request of GMS-Pavilion Properties. The petitioner[6] is requesting the change in order to construct a dialysis center in one of the three tenant spaces in the large commercial building on this site. This use falls under the category of

[6] The staff memo notes that the petitioner owns two of the three parcels on this site and has permission from the owner of the third parcel to pursue the rezone.

"medical clinic," which is not allowed in the PUD, but is allowed in the broader list of uses within the proposed CG zone.

Site and Surrounding Uses As indicated in the Revised Petitioner's Statement, the property includes "3 parcels that currently contain a commercial building, with associated parking, curbed islands, sidewalks, and drives." It is in a line of CG-zoned property that includes a bank to the west and a gas station at the corner to the east. County-zoned single family residences lie to the north and south.

History of Zoning and Uses In 1993, the site was rezoned from Business Limited (BL) (an old zoning designation) to PUD in order to allow a Big Red Liquors to move into part of a 29,000 sf commercial building that had been occupied for many years by an IGA and pharmacy.

Growth Policies Plan (GPP) The GPP designates the south side of West 3rd Street from a little west of this site to Curry Pike as a Community Activity Center (CAC) and extends that designation on both sides of the street for a few blocks further east until it hits the properties next to SR 37/I-69, which are designated as a Regional Activity Center (RAC). The memo from Eric Greulich, Zoning Planner, indicates that the CAC "is designed to provide community-serving commercial opportunities in the context of a high density, mixed used development" that is lower in scale and intensity than the RAC designation, but is larger in scale and intensity than a Neighborhood Activity Center (NAC) designation.

Landscaping and Bike Rack No waivers or variances are needed for this request for a zoning map amendment. However, some improvements to the site were needed to meet the landscaping and bicycle parking requirements for a CG zone. According to the Petitioner's Statement, the landscaping improvements include "35 new trees, 146 new shrubs, and 94 new grasses/perennials," many of which are along or visible from West 3rd Street. (See also the Landscape Plan in the attached materials.) A bicycle rack will also be installed. While the site is in compliance with the motor vehicle parking requirements, as a matter of historical interest, you may note that, in 1993, those requirements were cast in terms of a minimum, whereas now they are cast as a maximum.

Uses The change in the list of uses from those allowed in this PUD to those allowed in CG zoning would not only provide for a medical clinic but also, according to Greulich's memo, "help reduce future problems associated with a list of old land uses that are not currently outlined in the Unified Development Ordinance." Please see the packet materials for a list of the uses allowed in the

PUD (which is part of the Memo to the Council) followed by a page from the UDO which sets forth the Intent, Permitted Uses and Conditional Uses in the GG District [BMC 20.02.290-310].

Recommendation: After one hearing on January 9th (where the petition appeared under the Consent Agenda), the Plan Commission voted 7 – 0 to recommend this rezone without conditions.

Council Review

The Council is required to vote on a rezoning proposal within ninety days of certification from the Plan Commission. The matter was certified to the Council on January 12, 2017. Where, as is true here, the Plan Commission gives a proposal a favorable recommendation, the Council has a ninety-day window to approve or reject the ordinance. Failure to act in that time period will result in the ordinance taking effect upon its expiration. (I.C. §36-7-4-608[f])

In reviewing proposals to amend the zoning maps or amend the text of the UDO, State statute directs that the legislative body "shall pay reasonable regard" to the following:

- the comprehensive plan (the Growth Policies Plan);
- current conditions and the character of current structures and uses in each district;
- the most desirable use for which the land in each district is adapted;
- the conservation of property values throughout the jurisdiction; *and*
- responsible development and growth. (I.C. §36-7-4-603)

Item Two – Ord 17-05 – Amending Title 8 (Historic Preservation and Protection) to Establish 1033 South Ballantine Road as a Historic District (Nathan Silverstein House)

The second ordinance to be introduced next Wednesday is **Ord 17-05**. It would designate the property located at 1033 South Ballantine Road as a historic district and name the house after Nathan Silverstein, who built it and developed much of the area around it as well as other subdivisions in the City. It comes forward at the request of the property owners, Eric and Lee Sandweiss after action by the Historic Preservation Commission on January 12th.

The remainder of this summary starts with an overview of Title 8, regarding Historic Preservation and Protection, and is followed by a summary of this designation in particular. *For those of you with a good memory of the Council consideration of changes in demolition review and historic designations last year, please feel free to skip to the end of this summary for more about this particular property.* Please know that the summary draws upon the memo and material provided by Bethany Emenhiser, Program Manager, HAND Department, along with other information available on the City's webpage and elsewhere online.

Overall Purpose and Effect of the Title 8 (Historic Preservation and Protection)

The provisions of Title 8 (Historic Preservation and Protection) conform to State law (I.C. 36-7-11 et seq.) and are intended to:

- protect historic and architecturally-worthy properties that either impart a distinct aesthetic quality to the City or serve as visible reminders of our historic heritage;
- ensure the harmonious and orderly growth and development of the City;
- maintain established residential neighborhoods in danger of having their distinctiveness destroyed;
- enhance property values and attract new residents; and
- ensure the viability of the traditional downtown area and to enhance tourism.

The Historic Preservation Commission is authorized to make recommendations to the Council regarding the establishment of historic districts either on its own accord or by petition of the property owner. It also promulgates rules and procedures, including those for reviewing changes to the external appearance of properties within these districts. Those reviews occur in the context of either granting or denying Certificates of Appropriateness for the proposed changes which, in some instances *may* be done by staff and, in other instances, *must* be done by the Commission. Unless the property owner agrees to an extension, the action on the Certificate of Appropriateness must be taken within 30 days of submittal of the application. Persons who fail to comply with the Certificate of Appropriateness or other aspects of Title 8 are subject to fines and other actions set forth in BMC Chapter 8.16 (Administration and Enforcement).

Surveys

At a State level, the Indiana Division of Historic Preservation and Archaeology (DHPA) is responsible for "prepar(ing) and maintain(ing) a register of Indiana historic sites and historic structures and establishing criteria for listing historic sites and historic structures on the register." IC 14-21-1-15. This information is in the

Indiana State Historic Architecture and Archeological Research Database (SHAARD). At a local level, the Commission is also responsible for preparing a survey, which identifies properties that may be proposed for historic designation and may serve as a basis for historic designations. IC 36-7-11-6; BMC 8.08.060; BMC 8.08.010. In the past, the City has provided Interim Reports to the State which were incorporated into the SHAARD. As noted in March of last year, more recently, the State has inventoried local properties without the help of local commissions.

Districts, Areas, and Ratings

Under local code, these inventories (i.e. registers and surveys) contain gradations of districts, areas, and ratings that tie the level of historic/architectural significance to a level of regulation and protection. In that regard, there are two levels of historic districts, two levels of areas, and four levels of ratings, which are briefly noted below:

Districts. Districts may include a "single building, structure, object, or site or a concentration (of the foregoing) designated by ordinance" (per BMC 8.02.020) and come in two forms: a conservation district and a permanent historic district.

The conservation district is a phased designation which elevates into a full historic district at the third anniversary of adoption of the ordinance, unless a majority of owners submit objections in writing to the Commission within 60-180 days before that date (per IC 36-7-11-19). It requires the Commission to review the:

- moving or demolishing of a building, or
- constructing of any principal building or accessory buildings or structures that can be seen from a public way.

The full historic district is the ultimate designation that, along with those restrictions noted in regard to conservation districts, also authorizes the Commission to review:

- any addition, reconstruction, or alteration that conspicuously changes the external appearance of *historic* structures, and appurtenances to those structures, viewable from a public way in what are classified as "primary" and "secondary" areas; and

- any addition, reconstruction, or alteration that conspicuously changes the external appearance of a *non-historic* structure viewable from a public way or any change to or construction of any wall or fence along the public way in what are classified as "primary" areas.

Areas. As alluded to above, within each district, the City may distinguish between primary or secondary areas.

- The primary area is the principle area of historic/architectural significance; and
- the secondary area is an adjacent space whose appearance could affect the preservation of the primary area and is needed to assure the integrity of the primary area. *Please note that the Commission, to date, has not sought to establish districts with "secondary" areas.*

Age and Ratings. Each property within a district of sufficient age may be rated as outstanding, notable, contributing, or noncontributing, according to its level of its significance[7] as elaborated below (per BMC 8.02.020):

- "Outstanding" is the highest rating and is applied to properties that are *listed or are eligible for listing* on the National Register of Historic Places and "can be of local, state, or national importance";
- "Notable" is the second-highest rating and applies to properties that are of above average, but not outstanding importance, and "*may be eligible for the National Register"*;
- "Contributing" is the third-highest rating and applies to properties that are at least 40 years old and are important to the "density or continuity of the area's historic fabric" and *"can be listed on the National Register only as part of an historic district"*; and
- "Non-contributing" is the lowest rating and applies to properties that are "not included in the inventory unless (they are) located within the boundaries of an historic district." These properties *are ineligible for listing on the National Register* and may involve structures that are either less than fifty years old, older than that but "have been altered in such a way that they have lost their historic character," or "are otherwise incompatible with their historic surroundings."

<u>Designation Procedures</u>

According to the BMC, in order to bring forward a historic designation, the Commission must hold a public hearing[8] and submit a map and staff report (Report) to the Council. The map identifies the district and classifies properties, and the

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[7] Please note that, in some cases, the condition of the property, particularly exterior alterations, may affect its "significance."

[8] With advertised notice to the public at large and written notice to individual affected property owners. BMC 8.08.010 (d)(3)

Report explains these actions in terms of the historic and architectural criteria set forth in the ordinance (see BMC 8.08.010[e]).

Unlike the action taken here, the Commission may impose interim protection on the district that prevents any conspicuous alteration of the exterior of the property until the Council acts on the designation.[9] Please note that under local demolition delay provisions, the Commission may review applications for demolition or partial demolition of sites and structures included in the relevant survey(s) and has an opportunity to consider historic designation of such properties. (See BMC 8.08.016 and BMC 20.09.230). As a result of changes proposed by the Council in 2016, requests for partial demolition of contributing properties in single family districts will be subject to review and action by Commission staff within seven business days of submittal.

The ordinance typically:

- Approves the map and establishes the district;
- Attaches the map and the report;
- Describes the district and classifies the properties;
- Inserts the newly established district into the List of Historic and Conservation Districts (BMC 8.20);
- May impose interim protection (until the Council decides on the designation); and
- In the case of conservation districts, addresses their elevation to a full historic district at the third anniversary of the adoption of the ordinance, unless a majority of the property owners object to the Commission in writing in a timely manner.

Ord 17-05 – Genesis of 1033 South Ballantine Road

As noted in the opening paragraph, this designation is being sought by the owners of the house, Eric and Lee Sandweiss,[10] and will be named after its first owner, Nathan Silverstein.

Historic and Architectural Criteria for this Designation

The house is located on about a half acre at a cul-de-sac on the south end of Ballantine Road next to the Boulders and South Weatherstone Lane. It was built in 1951 and is identified on the Indiana Historic Sites and Structures Inventory (IHSSI) where it is rated as "contributing."

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[9] While "the Commission may approve a Certificate of Appropriate at any time during interim protection .. (it) shall have no effect …unless the map (of the historic district) is approved by the common council." BMC 8.08.015(e)

[10] Please know that Lee Sandweiss is a member of the Historic Preservation Commission.

The original owner of the house was Professor Nathan Silverstein who, along with others, developed this subdivision, Maxwell Manors, which was platted in 1927 and developed in the 1950s. In addition, he and his partners, developed Leonard Springs, Lancaster Park and Arden Place. He served in civilian posts during World War II in the Treasury Department and as a member of some national boards. After the war he was appointed to the IU Business School by Herman B. Wells, where he wrote several economics textbooks and articles and served as president of the IU Credit Union.

The Staff Report identifies this house as "mostly unaltered since its construction and is a prime example of the ranch style, which was popular between 1930s and 1970s, peaking in popularity in the 50s and early 60s." It goes on to summarize the ranch style as:

> … generally characterized by single story construction, recessed entries, opened overhanging eaves, low pitched roofs, small banded windows and/or picture windows, and attached garages….[The] (r)anch houses were spacious yet efficient, often including sizeable garages …[which stored the cars that helped spur the suburban economy and culture].

The Staff Report, then notes that the neighborhood (with its "mid-density housing, lack of sidewalks, recessed front yards, and dead end roads") still maintains that fabric and "other examples of mid-century modern ranches."

With its "liberal use of local limestone in the exterior walls …the broad, low chimney …and wood windows"[11] this house, in particular, "captures the quintessence" of the Modern movement of residential architecture. This movement was most prominent between post-WWII and the mid-1960's, and was influenced by the Prairie and Craftsman style of the early 1900s along with the International style of the 1930s -1950s. In this and past staff reports, Emenhiser traces the movement and explains how federal regulation and financing in the 1930s affected residential aesthetic, by favoring "the less daring" of the modern styles.

With this record, the Commission found that the building met the following grounds for designation as a historic district. The house, in particular:

[11] Please see the Staff Report for more on the exterior and interior of this house.

Historical Significance (BMC 8.08.010[e][1])

- Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history;

Architectural Significance (BMC 8.08.010[e][2])

- Embodies distinguishing characteristics of an architectural or engineering type; or
- Exemplifies the built environment in an era of history characterized by a distinctive architectural style.

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
6:30 P.M., WEDNESDAY, FEBRUARY 15, 2017
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES: February 01, 2017 (Regular Session)

IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)

1. **Councilmembers**
2. **The Mayor and City Offices**
3. **Council Committees**
4. **Public***

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Resolution 17-05 – To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2017

Committee Recommendation: None

2. Resolution 17-06 – A Resolution Concerning the Initiation of Proceedings to Consider Proposed Annexation by the City of Bloomington, Monroe County, Indiana (South-West Bloomington Annexation Area)

Committee Recommendation: Do Pass 8-0-1

3. Resolution 17-07 – A Resolution Concerning the Initiation of Proceedings to Consider Proposed Annexation by the City of Bloomington, Monroe County, Indiana (South-East Bloomington Annexation Area)

Committee Recommendation: Do Pass 8-0-1

4. Resolution 17-08 – A Resolution Concerning the Initiation of Proceedings to Consider Proposed Annexation by the City of Bloomington, Monroe County, Indiana (North Island Bloomington Annexation Area)

Committee Recommendation: Do Pass 9-0-0

5. Resolution 17-09 – A Resolution Concerning the Initiation of Proceedings to Consider Proposed Annexation by the City of Bloomington, Monroe County, Indiana (Central Island Bloomington Annexation Area)

Committee Recommendation: Do Pass 9-0-0

6. Resolution 17-10 – A Resolution Concerning the Initiation of Proceedings to Consider Proposed Annexation by the City of Bloomington, Monroe County, Indiana (South Island Bloomington Annexation Area)

Committee Recommendation: Do Pass 9-0-0

7. Resolution 17-11 – A Resolution Concerning the Initiation of Proceedings to Consider Proposed Annexation by the City of Bloomington, Monroe County, Indiana (Northeast Bloomington Annexation Area)

Committee Recommendation: Do Pass 7-0-2

8. Resolution 17-12 – A Resolution Concerning the Initiation of Proceedings to Consider Proposed Annexation by the City of Bloomington, Monroe County, Indiana (North Bloomington Annexation Area)

Committee Recommendation: Do Pass 8-0-1

(over)

**Members of the public may speak on matters of community concern not listed on the agenda at one of the two Reports from the Public opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.*

***Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call (812)349-3409 or e-mail council@bloomington.in.gov.*

Posted & Distributed: February 10, 2017

VII. LEGISLATION FOR FIRST READING

1. Ordinance 17-04 – To Amend the Zoning Maps from Planned Unit Development (PUD) to Commercial General (CG) – Re: 4021-4025 West 3rd Street (GMS-Pavilion Properties, Petitioner)

2. Ordinance 17-05 – To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" To Establish a Historic District – Re: 1033 S. Ballantine Road Historic District (Nathan Silverstein House)

VIII. ADDITIONAL PUBLIC COMMENT* (A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

** Members of the public may speak on matters of community concern not listed on the agenda at one of the two Reports from the Public opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.*

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Posted & Distributed: February 10, 2017

City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 13-17 February 2017

Monday, 13 February

12:00	pm	Affordable Living Committee, Hooker Conference Room
4:00	pm	Plat Committee, Kelly
5:30	pm	Bicycle and Pedestrian Safety Commission, Hooker Conference Room
5:30	pm	Plan Commission, Chambers
5:30	pm	Farmers' Market Advisory Council, Parks

Tuesday, 14 February

10:30	am	Council Sidewalk Committee, Council Library
4:30	pm	Commission on Aging, Hooker Conference Room
6:00	pm	Commission on Sustainability, McCloskey
6:30	pm	Sister Cities International, Kelly

Wednesday, 15 February

9:30	am	Tree Commission, 930 W. 4th St.
9:30	am	Emergency Management Advisory Council, Chambers
2:30	pm	Affordable Care Act Committee, McCloskey
4:00	pm	Board of Housing Quality Appeals, McCloskey
4:15	pm	Economic Development Commission, Hooker Conference Room
6:00	pm	Council of Neighborhood Associations, Hooker Conference Room
6:30	pm	Common Council Regular Session, Chambers

Thursday, 16 February

8:00	am	Bloomington Housing Authority, 1007 N. Summit
5:15	pm	Solid Waste Management District Citizens' Advisory Committee, McCloskey
7:00	pm	Environmental Commission, McCloskey
7:00	pm	State of the City Address, 114 E. Kirkwood Ave.

Friday, 17 February

12:00	pm	Domestic Violence Task Force, McCloskey
12:00	pm	Common Council Internal Work Session, Council Library

Saturday, 18 February

No meetings scheduled for today.

Sunday, 19 February

3:00	pm	Bloomington Police Department's Awards Ceremony, Chambers

*Auxiliary aids for people with disabilities are available upon request with adequate notice. Please contact the applicable board or commission or call (812) 349-3400.

Posted and Distributed: Friday, 10 February 2017

401 N. Morton Street
Suite 110
Bloomington, IN 47404

City Hall
www.bloomington.in.gov/council
council@bloomington.in.gov

(ph:) 812.349.3409
(f:) 812.349.3570

RESOLUTION 17-05

TO APPROVE RECOMMENDATIONS OF THE MAYOR FOR DISTRIBUTION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR 2017

WHEREAS, the City of Bloomington, Indiana, is eligible for Community Development Block Grant (CDBG) funds in the estimated amount of $700,000 for Fiscal Year 2017 pursuant to the Housing and Community Development Act of 1974 as amended; and

WHEREAS, the national objectives of the Community Development Program are:

1. first and foremost, the development of viable urban communities, including decent housing and a suitable living environment and expanding economic opportunities principally for person of low and moderate income; and

2. the elimination of slums and blight, and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community, principally for persons of low and moderate income; and

3. the elimination of conditions which are detrimental to health, safety, and public welfare, through code enforcement, demolition, interim rehabilitation assistance, and related activities; and

4. the conversion and expansion of the nation's housing stock in order to provide a decent home and suitable living environment for all persons, but principally those of low and moderate income; and

5. the expansion and improvement of the quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community development and for development of viable urban communities; and

6. the integration of income groups throughout the community by spreading persons of lower income into more prosperous neighborhoods and drawing persons of higher income to declining or deteriorated neighborhoods; and

7. the alleviation of physical and economic distress through the stimulation of private investment and community revitalization; and

WHEREAS, federal guidelines set forth a formula for funding where no more than 15% of the total grant may be allocated for social services programs, no more than 20% of the total grant may be allocated for administering these funds, and at least 65% of the total grant must be allocated for physical improvements; and

WHEREAS, the allocation for administering the grant may be used for a broad range of direct and indirect costs which includes but is not limited to salaries, rent, and fuel; and

WHEREAS, a proposed statement of community development objectives and projected use of the funds has been advertised; and

WHEREAS, said statement and projected use of funds reflects programs recommended by the Mayor with input from the Citizen's Advisory Committees and the Redevelopment Commission and are consistent with local and national objectives of the Housing and Community Development Act of 1974, as amended;

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

SECTION 1. The following programs be approved as follows:

COMMUNITY DEVELOPMENT PROGRAMS FISCAL YEAR 2017 SOCIAL SERVICE PROGRAMS FUNDING	**ALLOCATION**
Monroe County United Ministries-Affordable Childcare	$19,750
Hoosier Hills Food Bank	$23,250
Community Kitchen	$23,250
Middle Way House Emergency Services	$19,000
Mother Hubbard's Cupboard	$19,750
Total	**$105,000**

COMMUNITY DEVELOPMENT PROGRAMS FISCAL YEAR 2017 PHYSICAL IMPROVEMENT PROGRAMS FUNDING

Bloomington Housing Authority	Crestmont Interior Renovations	$146,000
Middle Way House	Security Lighting/Cameras at South Washington Street property	$15,000
Community Kitchen	Disaster Preparedness	$53,000
Monroe County United Ministries	Structural Improvement at 827 West 14th Street	$27,000
COB Parks and Recreation	Crestmont Park Playground Improvements	$110,000
Life Designs	Facility Rehabilitation at 2727 N. Dunn and 1701 E. Winslow	$34,000
MCCSC	Broadview Pedestrian Imp. At Coolidge Street	$25,000
HAND	Emergency Home Repair-scattered sites	$45,000
Total		**$455,000**

ADMINISTRATION

Administration of Housing and Neighborhood Development Department	$140,000
Total	**$140,000**

TOTAL ALLOCATION

CDBG from Housing and Urban Development	**TOTAL**	**$700,000**

SECTION 2. In the event the City of Bloomington receives more or less of the anticipated funding, that amount shall be distributed in the following manner:

Physical Improvements - If the City of Bloomington's actual 2017 CDBG allocation for Physical Improvements is less than $455,000 then each funded activity will be reduced by the same percentage. If the City's actual 2017 CDBG allocation for Physical Improvement is greater than $455,000 then the unallocated funds will be allocated to the City of Bloomington's Department of Public Works.

Social Services – If the 2017 funding level is greater than $105,000 then overage funds will be distributed as follows:

- If the overage is less than or equal to $8,750, then the overage funds will be distributed equally among all five agencies.
- If the overage is more than $8,750 then Community Kitchen and Hoosier Hills Food Bank will each receive the max grant award of $24,999, with remaining overage funds equally distributed among Monroe County United Ministries, Mother Hubbard's Cupboard, and Middle Way House.

If the 2017 funding level is less than $105,000 then funds will be distributed as follows:

- Community Kitchen and Hoosier Hills will each be awarded 23% of the total funding to the nearest dollar amount.
- Monroe County United Ministries, Mother Hubbard's Cupboard, and Middle Way House will each be awarded 18% of the total funding to the nearest dollar amount.

SECTION 3. This resolution shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2017.

_____
SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

_____
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2017.

_____
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2017.

_____
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

The City of Bloomington is eligible for a Community Development Block Grant (CDBG) from the U.S. Department of Housing and Urban Development estimated to be $700,000 for Fiscal Year 2017 CDBG allocations. This resolution outlines program recommendations by the Mayor with input from the Citizen's Advisory Committee and the Redevelopment Commission. Pursuant to federal regulations, CDBG allocations are made across the following general program areas: Social Service Programs, Physical Improvements, and Administrative Services.

Housing and Neighborhood Development

Memo

To: Common Council

From: Doris Sims, Housing and Neighborhood Development Director

Date: February 6, 2017

Re: 2017-2018 Community Development Block Grant Allocations

The Department of Housing and Urban Development (HUD) defines an entitlement community as one that is a metropolitan city with a population of at least 50,000. Bloomington meets that threshold and is therefore eligible for Community Development Block Grant (CDBG) funding. The annual funding is formula based and is based on several objective measures of community need; 1) poverty in the community, 2) housing overcrowding, 3) age of housing stock, and 4) population growth. These funds must be used to meet a National Objective. Those objectives are: 1) Benefit to low- and moderate-income persons; 2) Aid in the prevention or elimination of slums or blight; and 3) meet a need having a particular urgency (referred to as Urgent Need). Seventy percent (70%) of the funds MUST be used to benefit low- and moderate-income persons. Included in this packet are excerpts from the CDBG regulations on eligible and ineligible activities.

HUD requires each entitlement community to develop a citizen participation plan as part of its Consolidated Plan. This plan sets out procedures for public input into the allocation process. The City of Bloomington has an extremely open process for public input. The allocation recommendations are made by the Citizen Advisory Council (CAC) which is made up of citizens from various councils and commissions, as well as interested parties who apply for appointments. A membership list is included in this packet. The CAC is divided into two sub-committees, one to review physical improvement applications and one to review social service applications. Attached please find copies of the schedules. In addition to each sub-committee's public hearing, the Redevelopment Commission meeting is also open to public comment.

The activities that will receive funding are divided into 3 distinct categories: physical improvements, social services and administration. By law, no more than 15% of the total grant may be used for social services and no more than 20% may be used for administration. The other 65% is used for physical improvements. Additionally, the city can allocate any program income received. Program income is defined as gross income received by the grantee and its subrecipients directly generated from the use of CDBG funds. We did not have enough program income to allocate this fiscal year. Therefore, for fiscal year 2017-2018, the estimated allocations are as follows:

Expected Allocation	$700,000

Physical Improvements	$455,000
Social Services	$105,000
Administration	$140.000
Total	$700,000

I have included in this packet, a brief description of each program and recommended allocation amount. Also attached is Redevelopment Commission Resolution 17-12 in which they unanimously forwarded on the CAC and Mayor Hamilton's recommendations. Please note that at the time of the CAC recommendations and the passing of Resolution 17-12 the CDBG annual allocation amount is an estimation. This estimate is anticipating about a 10% cut in the city's 2016 allocation of $784,529 Both the Redevelopment Commission and Common Council resolutions outline how funds should be allocated if more or less of the estimated amount is received. Common Council Resolution 17-05 will confirm the recommendations of the CAC, the Redevelopment Commission and the Mayor.

CDBG ELIGIBLE AND INELIGIBLE PROJECTS

(Excerpts from the CDBG regulations)

570.201 – Basic Eligible Activities

(a) Acquisition of real property.

(b) Disposition of real property.

(c) Public facilities and improvements. Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements.

(d) Clearance activities.

(e) Public services: Provision of public services (including labor, supplies, and materials) which are directed toward improving the community's public services and facilities; including, but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, welfare, or recreational needs.

(f) Interim assistance. Activities undertaken on an interim basis in areas exhibiting objectively determinable signs of physical deterioration. And activities to alleviate emergency conditions threatening the public health and safety.

(n) Homeownership assistance. Acquisition, down payment and closing cost assistance to low- or moderate-income homebuyers.

(o) Microenterprise Assistance.

570.202 – Eligible Rehabilitation and Preservation Activities

(a) CDBG funds may be used to finance the rehabilitation of :
(1) Privately owned buildings and improvements for residential purposes;
(2) Low-income public housing and other publicly owned residential buildings and improvements; and
(3) Publicly or privately owned commercial or industrial buildings, except that the rehabilitation of such buildings owned by a private for-profit business is limited to improvements to the exterior of the building and the correction of code violations.
(4) Nonprofit-owned nonresidential building and improvements not eligible under 570.201 (c).

(b) Types of assistance. To assist various types of rehabilitation activities, and related cost for buildings and improvements described in paragraph (a) of this section.

(c) Code enforcement.

(d) Historic Preservation: CDBG funds may be used for the rehabilitation, preservation or restoration of historic properties, whether publicly or privately owned.

(f) Lead-based paint hazard evaluation and reduction.

570.203 – Eligible Special Economic Development Activities

(a) The acquisition, construction, reconstruction, rehabilitation or installation of commercial or industrial buildings, structures, and other real property equipment and improvements.

570.204 – Special Activities by Community-Based Development Organizations (CDBOs)

(a) Eligible activities.
(1) Neighborhood revitalization projects.
(2) Community economic development projects.
(3) Energy conservation projects.

570.205 – Eligible Planning, Urban Environmental Design and Policy-Planning-Management-Capacity Building Activities

(a) Costs of data-gathering, studies, analysis, and preparation of plans and identification of actions that will implement such plans.

(b) Policy-planning-management-capacity building activities.

570.206 – Program Administration Costs

570.207 – Ineligible Activities

(a) The following activities may not be assisted with CDBG funds:
(1) Buildings or portions thereof, used for the general conduct of government;
(2) General government expenses; and
(3) Political activities.

(b) The following activities are generally ineligible for CDBG funds:
(1) Purchase of equipment;
(2) Operating and maintenance expenses; and
(3) Construction of new permanent residential structures.

17-12
RESOLUTION
OF THE
REDEVELOPMENT COMMISSION
OF THE
CITY OF BLOOMINGTON, INDIANA

WHEREAS, the City of Bloomington, Indiana, is eligible for Community Development Block Grant (CDBG) funds in the approximate amount of $700,000 of grant funds for Fiscal Year 2017, the following allocations are recommended:

$455,000 for Physical Improvements
$105,000 for Social Services
$140,000 for the Administration of the program; and

WHEREAS, the advice and input of the community as to the allocation of the Community Development Block Grant funds has been solicited and received through the efforts of the Citizens' Advisory Committee; and

WHEREAS, the Citizens' Advisory Committee has also made recommendations on how to distribute any funds received that are over or less than the estimated amount since the final allocation amount as not been received; and

WHEREAS, the Redevelopment Commission has reviewed the recommendations of the Citizens' Advisory Committee for allocation of funds anticipated to be received;

NOW, THEREFORE, BE IT RESOLVED BY THE BLOOMINGTON REDEVELOPMENT COMMISSION THAT:

The Bloomington Redevelopment Commission hereby approves:

1) The Citizens' Advisory Committee's recommendations of the programs (attached hereto and made a part herein as Exhibit A and Exhibit B) that will best serve the local and national objectives of the program;

Exhibit A

PHYSICAL IMPROVEMENT RECOMMENDATIONS

	2017 Request	CAC Recommendation
HOUSING REHAB AND MODIFICATIONS		
HAND – Emergency Home Repair-scatter sites	$50,000.00	$45,000.00
SUBTOTAL	**$50,000.00**	**$45,000.00**
PUBLIC HOUSING IMPROVEMENTS		
BHA – Crestmont Interior Rehabilitation	$150,000.00	$146,000.00
SUBTOTAL	**$150,000.00**	**$146,000.00**
FACILITY IMPROVMENTS		
Middle Way House - Facility Improvement Security Lighting/Cameras At 318 and 338 South Washington Street	$15,000.00	$15,000.00
Community Kitchen – Disaster Preparedness at 1515 S. Rogers Street	$53,000.00	$53,000.00
Monroe County United Ministries – Structural Improvements at 827 West 14th Street	$32,715.00	$27,000.00
City of Bloomington Parks and Recreation- Crestmont Park Playground Improvements	$142,000.00	$110,000.00
LifeDesigns – Facility Rehabilitation at 2727 N. Dunn Street and 1701 E. Winslow Drive	$46,115.00	$34,000.00
SUBTOTAL	**$288,830.00**	**$239,000.00**
PUBLIC INFRASTRUCTURE PROJECTS		
COB: Public Works – W. Dodds Street Curb and Sidewalk Reconstruction	$132,800.00	$0.00
MCCSC – Broadview Pedestrian Improvement Project at 705 W. Coolidge Street	$55,000.00	$25,000.00
SUBTOTAL	**$ 187,800.00**	**$25,000.00**
TOTAL REQUESTED ALL FUNDED PROJECTS:	**$676,630.00**	**$455,000.00**
TOTAL AMOUNT ALLOCATED		**$455,000.00**

In the City of Bloomington's actual 2017 CDBG allocation for Physical Improvements is less than $455,000 then each funded activity will be reduced by the same percentage. If the City's actual 2017 CDBG allocation for Physical Improvement is greater than $455,000 then the unallocated funds will be allocated to the City of Bloomington's Department of Public Works.

Exhibit B

SOCIAL SERVICE RECOMMENDATIONS

	2016 Request	CAC Recommendations
EMERGENCY NEEDS		
Community Kitchen	$24,999.00	$23,250.00
Hoosier Hills Food Bank	$24,999.00	$23,250.00
Middle Way House Emergency Services	$24,999.00	$19,000.00
Mother Hubbard's Cupboard	$24,999.00	$19,750.00
Centerstone – Stepping Stones Program	$24,999.00	$0.00
Shalom Center – Friend's Place Emergency Shelter	$24,999.00	$0.00
SUBTOTAL	**$149,994.00**	**$85,250.00**
NON-EMERGENCY NEEDS		
Monroe County United Ministries – Affordable Childcare	$24,999.00	$19,750.00
Big Brothers/Big Sisters – One to One Mentoring Program	$20,000.00	$0.00
Boys & Girls Club – Crestmont Club	$24,999.00	$0.00
SUBTOTAL	**$69,998.00**	**$19,750.00**
TOTAL REQUESTED ALL FUNDED AGENCIES	**$219,992.00**	
TOTAL AMOUNT OF FUNDS AVAILABLE		**$105,000.00**
TOTAL AMOUNT ALLOCATED		**$105,000.00**

If the 2017 funding level is greater than $105,000 then overage funds will be distributed as follows:

- If the overage is less than or equal to $8,750, then the overage funds will be distributed equally among all five agencies.
- If the overage is more than $8,750 then Community Kitchen and Hoosier Hills Food Bank will each receive the max grant award of $24,999, with remaining overage funds equally distributed among Monroe County United Ministries, Mother Hubbard's Cupboard, and Middle Way House.

If the 2017 funding level is less than $105,000 then funds will be distributed as follows:

- Community Kitchen and Hoosier Hills will each be awarded 23% of the total funding to the nearest dollar amount.
- Monroe County United Ministries, Mother Hubbard's Cupboard, and Middle Way House will each be awarded 18% of the total funding to the nearest dollar amount.

2) If the received allocation is more or less than expected, the adjustment will be made to all of the approved social service programs and the approved physical improvement programs in accordance with the recommendations of the Citizens' Advisory Committees as outlined in Exhibit A and Exhibit B.

BLOOMINGTON REDEVELOPMENT COMMISSION

Donald Griffin, President

ATTEST:

Sue Sgambelluri

Sue Sgambelluri, Secretary

2/6/17

Date

1. 2017 CAC Recommendations

Social Service Funding

Program	Recommended Funding
1. Monroe County United Ministries Monroe County United Ministries will provide affordable child care and basic needs assistance to low/moderate income families.	**$19,750**
2. Hoosier Hills Food Bank Hoosier Hills Food Bank collects stores and distributes donated food to non-profit organizations with feeding programs who serve needy people.	**$23,250**
3. Middle Way House Middle Way provides crisis intervention, advocacy, supportive services, and emergency shelter to abused women and their dependent children.	**$19,000**
4. Mother Hubbard's Cupboard MHC is a community food pantry that provides wholesome, healthful food to people in need, as well as nutrition and gardening education.	**$19,750**
5. **Community Kitchen of Monroe County** The Community Kitchen provides free hot meals, including carry-out meals, to needy Bloomington residents from their Rogers Street and West 11th Street locations.	**$23,250**
Total	**$105,000**

Physical Improvements

Project	Recommended Funding
1. Bloomington Housing Authority – Crestmont Interior Building Renovations Funds will be used to renovate four, two or three bedroom units in one building in the Crestmont complex.	**$146,000**
2. Life Designs – Facility Rehabilitation Funds will be used to correct structural and flooring issues, installation of a new roof, upgrade central heating and cooling systems to improve efficiency, and removal of dead vegetation at 2 group homes	**$34,000**
3. HAND – Emergency Home Repair Funds will be used to provide emergency repairs to home owners consisting of roof repairs, electrical, plumbing, and repair/replacement of furnaces.	**$45,000**
4. Middle Way House Facility Improvement Funds will be used to upgrade/replace security lighting and cameras at its 318 and 338 South Walnut Street facilities.	**$15,000**
5. Community Kitchen Funds will be used to purchase and install a back-up generator that would allow for the kitchen facilities to be still utilized if a complete power outage happens. It would also the freezers and coolers to maintain temperature which would prevent the loss of food.	**$53,000**
6. Monroe County United Ministries Funds will be used to complete structural repairs to their facility at 827 West 14th Court including lifting the foundation and replacing a cracking wall.	**$27,000**
7. City of Bloomington – Parks and Recreation Funds will be used to purchase a resilient rubber playground surface and shaded seating areas with tables.	**$110,000**
8. MCCSC – Broadview Pedestrian Improvement Project Funds will be used to restore a deteriorated and inaccessible foot path that connects the park on the southside of the Broadview Learning Center with Coolidge Avenue.	**$25,000**
TOTAL	**$455,000**
CDBG Administration	**$140,000**
ESTIMATED 2017 TOTAL ALLOCATION	**$700,000**

CDBG
Social Services Citizen Advisory Committee

Supplemental Material

Membership

Calendar

Application Scoring Criteria

Allocation Work Sheet

Community Development Block Grant Citizen Advisory Committee
Public Services Subcommittee
Program Year 2017

Name	Subcommittee	Term Expires
Chris Hazel United Way 441 S. College Avenue Bloomington, IN 47403 W:812-334-8370 x12 chris@monroeunitedway.org	Social Services (Mayor)	August 31, 2017
Susie Hamilton 1101 E. Winslow Bloomington, IN 47401 Home812-332-3992 Email: abshamil@indiana.edu	Social Services (Mayor)	August 31, 2017
Sue Sgambelluri Redevelopment Commission 3909 N Whitewood Way Bloomington, IN 47404 C: 345-3215 ssgambel@indiana.edu	Social Services RDV Commission	Annual Appointment
Susan Sandberg Council Office C: 320-8552 sandbers@bloomington.in.gov	Social Services Council Appointment	Annual Appointment
Hal Turner 2220 E. Wimbleton Ln, Bloomington, IN 47401 C: 812-606-9593 halturner12@gmail.com	Social Services works in Congressional 9th District Office	Annual Appointment
Amanda Barge 2017 E Viva Dr 812-606-6540 amandabarge@gmail.com	Social Services (Mayor)	August 31, 2017
Patricia Cole 4312 E Chadwick Ct Bloomington, IN 47401 812-360-4285 Pat.cole1@comcast.net	Social Services Status of Children & Youth Commission	August 31, 2017
Brittany Hartzer 1297 W Cobblefield Ct Bloomington, IN 47401 503-459-3963 iubritt@yahoo.com	Social Services (Mayor)	August 31, 2017

Revised 12/12/16

Social Service
Citizen Advisory Committee
WORKING CALENDAR
For
CDBG Funding – Fiscal Year 2017

APPLICANT SCHEDULE	
September 8 (Thursday)	CDBG Informational Meeting at 9:00 a.m. in the HOOKER ROOM Application and submission information available to be picked up in HAND.
October 14 (Friday)	***Mandatory Letter of Intent*** due in HAND by 4:00 p.m.
Applicant Mandatory Training (Applicants *must* attend **one** of these two meetings):	
October 24 (Monday) OR	9:00 A.M. (McCLOSKEY ROOM)
October 27 (Thursday)	5:00 P.M. (HOOKER ROOM)
December 2 (Friday)	***Completed Applications Due in HAND by 4:00 p.m.***
January 12, 2017 (Thursday)	**PUBLIC HEARING for Social Service Applications** (COUNCIL CHAMBERS @ 5:30 p.m.) Mandatory Attendance

SOCIAL SERVICE CAC SUBCOMMITTEE SCHEDULE	
November 17 (Thursday)	CAC Organizational & Con Plan Meeting (HOOKER ROOM @ 5:30 p.m.)
December 15 (Thursday)	Social Service Subcommittee Mandatory Meeting to review ranking system and pick up packets (HOOKER ROOM @ 5:30 p.m.)
January 5, 2017 (Thursday)	Pre Public Hearing Meeting (HOOKER ROOM @ 5:30 p.m.)
January 12, 2017 (Thursday)	**PUBLIC HEARING for Social Service Applications** (COUNCIL CHAMBERS @ 5:30 p.m.) Mandatory Attendance
January 17, 2017 (Tuesday)	**Scores due to Dan Niederman by 4:00 p.m. (niedermd@bloomington.in.gov)**
January 19, 2017 (Thursday)	Social Service Subcommittee meeting (HOOKER ROOM @ 5:30 p.m.)

CDBG FUNDING SCHEDULE	
February 6, 2017 (Monday) (Tentative)	**PUBLIC HEARING** – CAC recommendations presented to Bloomington Redevelopment Commission (McCLOSKEY ROOM @ 5 p.m.)
February 15, 2017 (Wednesday) (Tentative)	**PUBLIC HEARING** – City Council Discussion Meeting (date tentative)
February 22, 2017 (Wednesday) (Tentative)	**PUBLIC HEARING** – City Council Final Action Meeting (date tentative)
June, 2017 (Tentative)	**FUNDING AVAILABLE**

Application Forms and Instructions available at:
http://bloomington.in.gov/cdbgapp

Social Service CDBG Application Scoring Criteria

Total number of points available is **100**.

A. Question 3 – Program Need – **35** points total
   - Organization has documented need for program in the community.
   - Organization has described how the program fits within the need of the community.

B. Question 4 – Evaluation Methodology/Outcome Measurement – **30** points total
   - Agency describes how it evaluates its program or has a measurement tool in place to evaluate program effectiveness.
   - Agency provides documentation of program effectiveness within the community using its evaluation or outcome measurement tool.

C. Question 5 – Client Data – **20** points total
   - Agency serves large number/**percentage** of low income individuals (refer to Part I Question 1(b) and 2(b)).
   - A large percentage of their clients are city residents (check Part II, question 1 vs. Part II, question 1(a)

D. Question 6 – Budget Information – **15** points total
   - All requested budget information was provided.
   - Budget information clearly shows how requested funds will be utilized for this program.
   - Budget shows that this program does not rely heavily on CDBG funds for the project (50% or more of funding comes from other sources).

Fiscal Year 2017

CDBG Social Service Citizens Advisory Committee

Agency	2017 Request	Total Points Out of 100	% Score	CAC Recommendation
Community Kitchen -- Free Meals program	$ 24,999.00	94.38	94.38%	$ 23,250.00
Hoosier Hills Food Bank - Food Bank	$ 24,999.00	94.25	94.25%	$ 23,250.00
Monroe County United Ministries	$ 24,999.00	89.88	89.88%	$ 19,750.00
Mother Hubbards Cupboard	$ 24,999.00	89.75	89.75%	$ 19,750.00
Middle Way House - Domestic Violence	$ 24,999.00	88.13	88.13%	$ 19,000.00
Boys & Girls Club - Crestmont Club	$ 24,999.00	87.00	87.00%	$ -
Shalom	$ 24,999.00	83.13	83.13%	$ -
Centerstone	$ 24,999.00	80.38	80.38%	$ -
Big Brother Big Sister	$ 20,000.00	72.88	72.88%	$ -

Total	$ 219,992.00	$ 105,000.00
Estimated to be available	$ 105,000.00	

If the 2017 funding level is greater than 105,000 then overage funds will be distributed as follows:
• If the overage is less than or equal to $8,750, then the overage funds will be distributed equally among all five agencies.
• If the overage is more than $8,750 then Community Kitchen and Hoosier Hills Food Bank will each receive the max grant award of $24,999, with remaining overage funds equally distributed among Monroe County United Ministries, Mother Hubbard's Cupboard, and Middle Way House.

If the 2017 funding level is less than $105,000 then funds will be distributed as follows:
• Community Kitchen and Hoosier Hills will each be awarded 23% of the total funding to the nearest dollar amount.
• Monroe County United Ministries, Mother Hubbard's Cupboard, and Middle Way House will each be awarded 18% of the total funding to the nearest dollar amount.

CDBG
Physical Improvements
Citizen Advisory Committee

Supplemental Material

Membership

Calendar

Citations to the Consolidated Plan used for Scoring Criteria

Allocation Work Sheet

Community Development Block Grant
Citizen Advisory Committee
for Physical Improvements
Program Year 2017
Updated August 1, 2016

Name	Subcommittee	Term Expires
Rick Coppock 3800 S. Bainbridge Drive Bloomington, IN 47401 H: 334-2119 W: 332-8030 rcoppock@bynumfanyo.com	Physical Improvements (Mayor)	August 31, 2017
Scott Robinson P.O. Box 100 Bloomington, IN 47402 W: 349-3423 robinsos@bloomington.in.gov	Physical Improvements (Mayor)	August 31, 2017
Marcus Whited Community Foundation of Bloomington and Monroe County 101 W. Kirkwood Ave Bloomington, IN 47404 W: 812-333-9016 marcus@cfbmc.org	Physical Improvements (Mayor)	August 31, 2017
Matthew Hanauer 151 E. 17th St Bloomington, IN 47408 260-409-5700 mhanauer@umail.in.edu	Physical Improvements (Mayor)	TO BE CONFIRMED BY Community and Family Resources
David Walter Bloomington Redevelopment Commission representative walter@indiana.edu	Physical Improvements RDV Commission	August 31, 2017
Tim Mayer City Council P.O. Box 100 Bloomington, IN 47408 W: 349-3409 mayert@bloomington.in.gov	Physical Improvements Council Appointment	August 31, 2017

Physical Improvement
Citizen Advisory Committee
WORKING CALENDAR
For
CDBG Funding – Fiscal Year 2017

APPLICANT SCHEDULE	
September 8 (Thursday)	CDBG Informational Meeting at 9:00 a.m. in the HOOKER ROOM Application and submission information available to be picked up in HAND.
October 14 (Friday)	***Mandatory Letter of Intent*** due in HAND by 4:00 p.m.
Applicant Mandatory Training (Applicants *must* attend **one** of these two meetings):	
October 24 (Monday) OR	9:00 A.M. (McCLOSKEY ROOM)
October 27 (Thursday)	5:00 P.M. (HOOKER ROOM)
December 2 (Friday)	***Completed Applications Due in HAND by 4:00 p.m.***
January 5, 2017 (Thursday)	**PUBLIC HEARING for Physical Improvement Applications** (COUNCIL CHAMBERS @ 5:30 p.m.) Mandatory Attendance

PHYSICAL IMPROVEMENT CAC SUBCOMMITTEE SCHEDULE	
November 17 (Thursday)	CAC Organizational & Con Plan Meeting (HOOKER ROOM @ 5:30 p.m.)
December 12 (Monday)	Physical Improvement Subcommittee Mandatory Meeting to arrange site visits and pick up packets (KELLY ROOM @ 6:00 p.m.)
December 15 (Thursday)	CAC members make site visits to proposed projects. Meet at City Hall's Atrium @ 10:00.
January 5, 2017 (Thursday)	**PUBLIC HEARING for Physical Improvement Applications** (COUNCIL CHAMBERS @ 5:30 p.m.) Mandatory Attendance
January 9, 2017 (Monday)	**Scores due to Bob Woolford 4:00 p.m. (woolforr@bloomington.in.gov)**
January 12, 2017 (Thursday)	Physical Improvement Subcommittee meeting (HOOKER ROOM @ 5:30 p.m.)

CDBG FUNDING SCHEDULE	
February 6, 2017 (Monday) (Tentative)	**PUBLIC HEARING** – CAC recommendations presented to Bloomington Redevelopment Commission (McCLOSKEY ROOM @ 5 p.m.)
February 15, 2017 (Wednesday) (Tentative)	**PUBLIC HEARING** – City Council Discussion Meeting (date tentative)
February 22, 2017 (Wednesday) (Tentative)	**PUBLIC HEARING** – City Council Final Action Meeting (date tentative)
June, 2017 (Tentative)	**FUNDING AVAILABLE**

CONSOLIDATED PLAN REFERENCES
FOR
CDBG PHYSICAL IMPROVEMENT APPLICATIONS

CAC members should review the following sections of the Consolidated Plan for scoring the Physical Improvement applications.

- Antipoverty Strategy—pg. 55+
- Community Development Objectives—pg. 54 +
- Homeless Strategy —pg.68+
- Housing Market Analysis—pg. 30+
- Barriers to Affordable Housing (inc. infrastructure) —pg. 42+
- Lead Base Paint—pg. 39+
- Public Housing Strategy —pg. 36+
- Priority Housing Needs—pg. 25+
- Housing Needs —pg. 23+
- Specific Special Needs Objectives—pg. 80+

PHYSICAL IMPROVEMENT FUNDING ALLOCATIONS
FOR
COMMUNITY DEVELOPMENT BLOCK GRANT
PY - 2017

PROJECT	2016 Allocations	2017 Requests	2017 Allocations
HOUSING ASSISTANCE			
BHA -- Crestmont Interior Rehabilitation -- 1300; 1302; 1304; 1306 W. 12th St	130,811	150,000	**146,000**
LifeDesigns -- Facility Rehabilitation at 2727 N. Dunn St and 1701 E. Winslow Dr	34,000	46,115	**34,000**
City of Bloomington: HAND -- Emergency Home Repair --scattered sites		50,000	**45,000**
Housing Assistance Subtotal:		**246,115**	**225,000**
FACILITY IMPROVEMENTS			
Middle Way House -- Facility Improvement Security lighting/cameras at 318 & 338 S. Washington St	19,000	15,000	**15,000**
Community Kitchen -- Disaster Preparedness at 1515 S. Rogers St		53,000	**53,000**
Monroe County United Ministries -- Structural Improvements at 827 W. 14th Ct		32,715	**27,000**
City of Bloomington: Parks and Recreation -- Crestmont Park Playground Improvements (W. 15th St & Illinois St)	68,000	142,000	**110,000**
Facility Improvements Subtotal:		**242,715**	**205,000**
COMMUNITY-WIDE INFRASTRUCTURE PROJECTS			
City of Bloomington: Public Works -- West Dodds Street Curb and Sidewalk Reconstruction		132,800	**0**
MCCSC -- Broadview Pedestrian Improvement Project at 705 W. Coolidge St		55,000	**25,000**
Community-wide Infrastructure Projects Subtotal:		**187,800**	**25,000**
TOTAL REQUESTED		**676,630**	**455,000**
Estimated 2017 allocation			**455,000**
If the City of Bloomington's actual 2017 CDBG allocation for Physical Improvements is less than $455,000 then each funded activity will be reduced by the same percentage. If the City's actual 2017 CDBG allocation for Physical Improvements is greater than $455,000 then the unallocated funds will be allocated to the City of Bloomington's Department of Public Works.			

ORDINANCE 17-04

TO AMEND THE ZONING MAPS FROM PLANNED UNIT DEVELOPMENT (PUD) TO COMMERCIAL GENERAL (CG)
- Re: 4021-4025 West 3rd Street
(GMS-Pavilion Properties, petitioner)

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning", including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled "Subdivisions", went into effect on February 12, 2007; and

WHEREAS, the Plan Commission has considered this case, ZO-40-16, and recommended that the petitioner, GMS-Pavilion, be granted an approval to rezone 1.98 acres from Planned Unit Development (PUD) to Commercial General (CG). The Plan Commission thereby requests that the Common Council consider this petition;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the zoning of the property located at 4021-4025 W. 3rd Street shall be changed from Planned Unit Development (PUD) to Commercial General (CG). The property is further described as follows:

Lot One (1) Hammond West Third Property, as shown by the plat thereof, recorded in Plat Cabinet C, Envelope 101, in the office of the Recorder of Monroe County, Indiana.

Lot Two (2) in Hammond West Third Property as shown by the plat thereof, recorded in Plat Cabinet C, Envelope 101, in the office of the Recorder of Monroe County, Indiana.

SECTION 2. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2017.

_____
SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

_____
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2017.

_____
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2017.

_____
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance would rezone 1.98 acres located at 4021-4025 West 3rd Street from Planned Unit Development (PUD) to Commercial General (CG).

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 17-04 is a true and complete copy of Plan Commission Case Number ZO-40-16 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on January 9, 2017.

Date: January 12, 2017

Christy L. Langley, Secretary
Plan Commission

Received by the Common Council Office this 12th day of Janvary, 2017.

Stephen Lucas
~~Nicole Bolden, City Clerk~~
Stephen Lucas, Deputy Clerk

Appropriation Ordinance # _____

Fiscal Impact Statement Ordinance # _____

Resolution # _____

Type of Legislation:

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

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

Cause of Request:

Planned Expenditure _____ Emergency _____
Unforeseen Need _____ Other _____

Funds Affected by Request:

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

Signature of Controller

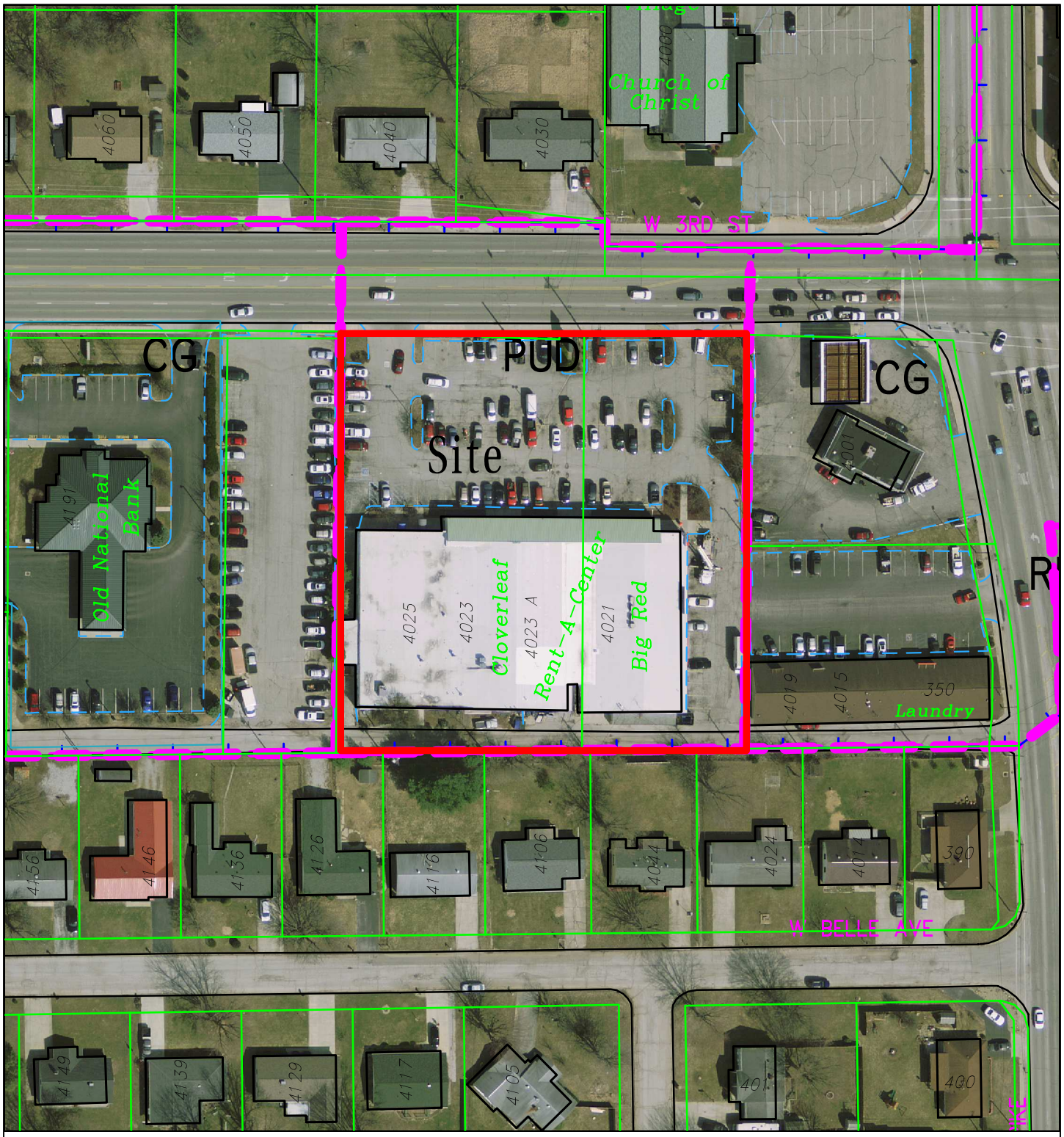
Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No _____

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

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

FUKEBANEI ORD=CERT.MRG



ZO-40-16 GMS-Pavilion Properties

4023 W 3rd Street

Plan Commission

2014 Aerial Photograph

By: greulice

5 Jan 17

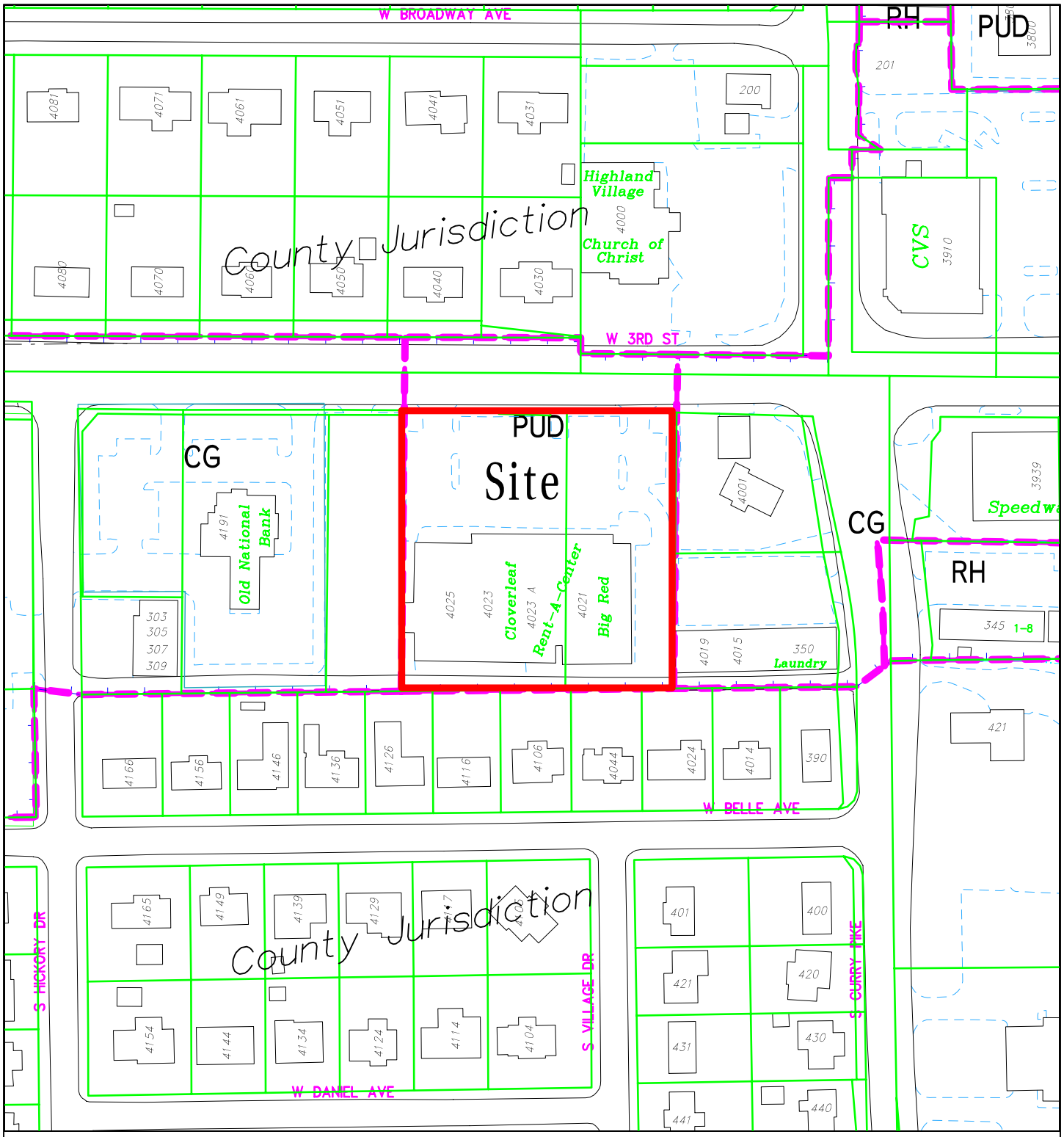
100 0 100 200 300

N

City of Bloomington
Planning & Transportation

Scale: 1" = 100'

For reference only; map information NOT warranted.



ZO-40-16 GMS-Pavilion Properties

4023 W 3rd Street

Plan Commission

Site Location, Zoning, Parcels, Land Use

By: greulice

5 Jan 17

150 0 150 300 450

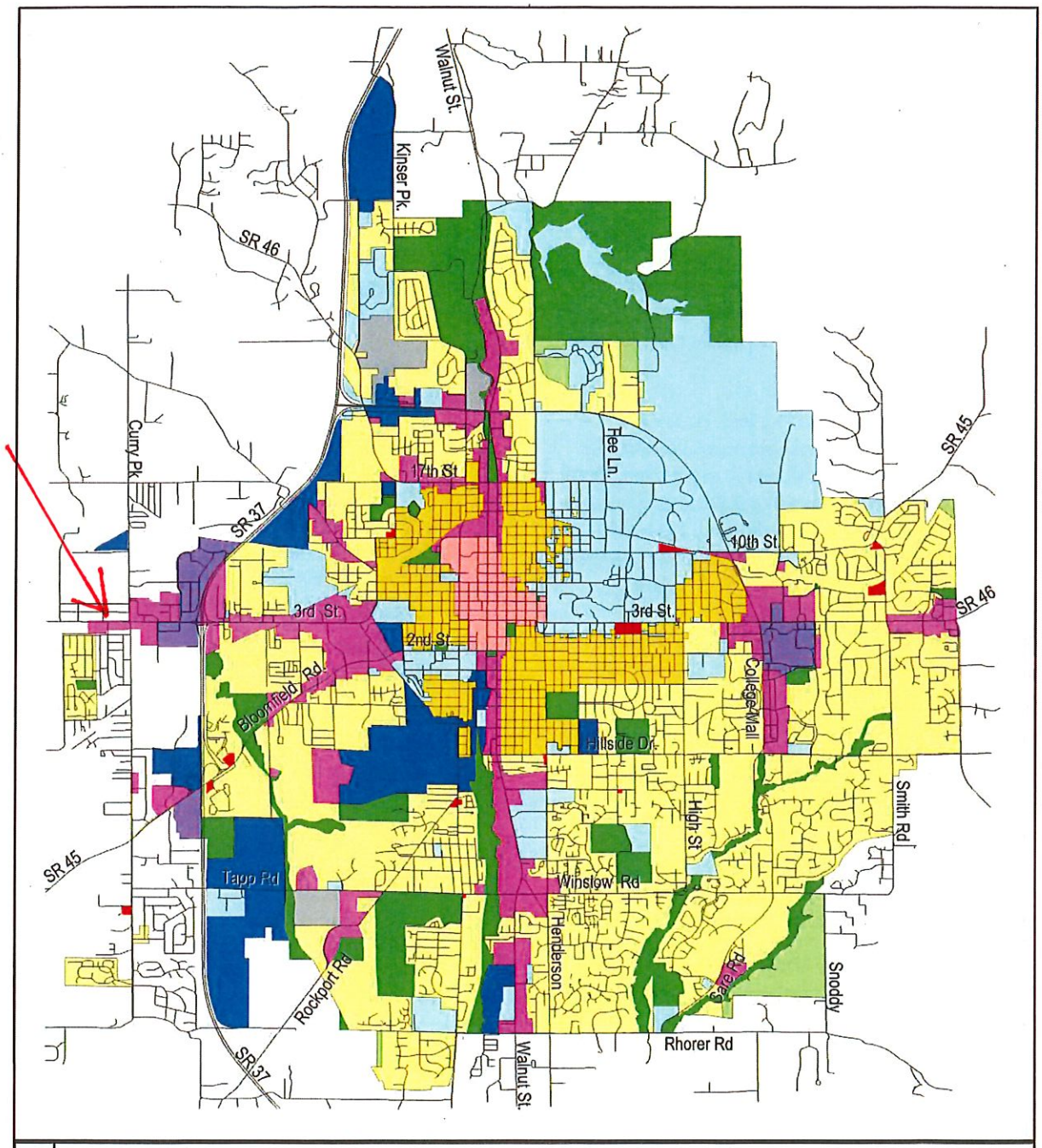
N

City of Bloomington
Planning & Transportation

Scale: 1" = 150'

For reference only; map information NOT warranted.

PART 2: The Geography of the Policies



MAP LEGEND

- Parks/Open Space
- Conservation Residential
- Urban Residential
- Core Residential
- Downtown
- Neighborhood Activity Center
- Community Activity Center
- Regional Activity Center
- Employment Center
- Public/Semi-Public/Institution
- Quarry

Growth Policies Plan Map

Prepared by: Ground Rules, Inc

Interdepartmental Memo

To: **Members of the Common Council**
From: **Eric Greulich, Zoning Planner**
Subject: **Case #ZO-40-16**
Date: **January 13, 2017**

Attached are the staff report, petitioner's statement, maps, and exhibits which pertain to Plan Commission case #ZO-40-16. The Plan Commission heard this petition at the January 9 hearings and voted 7-0 to send this petition to the Common Council with a favorable recommendation.

REQUEST: The petitioner is requesting to rezone 1.98 acres from Planned Unit Development (PUD) to Commercial General (CG).

BACKGROUND:

Area:	1.98 acres
Current Zoning:	PUD
GPP Designation:	Community Activity Center
Existing Land Use:	Multi-tenant commercial building
Proposed Land Use:	Multi-tenant commercial building
Surrounding Uses:	North – County Jurisdiction (single family residences)
	West – Bank
	East – Gas station
	South – County Jurisdiction (single family residences)

REPORT: This property is located at 4023 W. 3rd Street and is zoned Planned Unit Development (PUD). The properties to the north and south are in the County Jurisdiction and the properties to the east and west are zoned Commercial General (CG). This site received a rezoning approval in 1993 (PUD-58-93) to rezone the property from Business Limited (BL) to a Planned Unit Development. The site has been developed with a 29,000 sq. ft. multi-tenant commercial building and surface parking lot with 106 parking spaces. The building existed before the initial PUD was established and the PUD was approved in order to allow the Big Red liquor store. At the time the PUD was created the area was not heavily developed and since that time more development has occurred in this area and both surrounding properties are zoned Commercial General.

The petitioner is requesting to rezone the property from Planned Unit Development (PUD) to Commercial General (CG). The rezone is requested to allow for a possible new medical clinic, a dialysis center, in one of the tenant spaces. A specific list of permitted uses was approved with the rezoning and a "medical clinic" was not one of the permitted uses. With this petition there would be new landscaping installed throughout the property as well as a new bike rack. There is an existing sidewalk along the entire property frontage. No other site improvements are required. No changes to the building are proposed with this petition.

GROWTH POLICIES PLAN: This property, as well as properties to the east and west that are zoned Commercial General, are designated as "*Community Activity Center*". The

GPP notes that a *Community Activity Center* is designed to provide community-serving commercial opportunities in the context of a high density, mixed use development. CAC's are larger in scale and higher in intensity than the *Neighborhood Activity Center*. The primary land uses in a CAC should be medium scaled commercial retail and service uses, which would be accomplished with this rezoning request.

ISSUES:

Parking: A 29,000 sq. ft. multi-tenant building has a maximum allowance of one parking space per 250 sq. ft., so the maximum number of allowed spaces for this property is 116. There are 105 parking spaces shown for the 29,000 sq. ft. and does not exceed the maximum number of spaces allowed.

List of Uses: The following uses were approved with the initial Planned Unit Development and would be replaced with the list of uses currently permitted in the Commercial General district (see attached exhibit of current CG uses).

<u>Commercial, Retail</u>

- Antiques
- Apparel
- Appliance stores, small
- Arts and crafts
- Auto parts/supplies, new
- Bakery
- Bicycle shops
- Books, newsstands
- Dairy products
- Drugstore, sundry
- Farm produce
- Florist shops
- Furniture and appliances
- Gift shop
- Grocery and meats
- Hardware
- Jewelry
- Liquor store
- Sporting goods
- Used merchandise
- Variety store
- Video store

<u>Commercial, Trade</u>

- Appliance repair, small
- Banks (branch)
- Business service
- Business and professional office
- Candy, confectionary

- Eating, Drinking (Restaurant) (limit 3,000 sq. ft. of total building area)
- Laundry and Dry Cleaning (pick up only)
- Printing (job, service)

Development Standards: No change to the development standards are proposed and this site would be subject to the standards of the Commercial General district.

CONCLUSION: This property is surrounded on the east and west with other properties that are zoned Commercial General. The rezoning of this property to a current zoning district would help reduce possible future problems associated with a list of old land uses that are not currently outlined in the Unified Development Ordinance. The Plan Commission did not identify any negative impacts as a result of this rezoning.

RECOMMENDATION: The Plan Commission voted 7-0 to forward this petition to the Common Council with a favorable recommendation and no conditions.

Commercial General (CG) District

20.02.290 Commercial General (CG); District Intent

The CG (Commercial General) District is intended to be used as follows:

- Provide areas within the city where medium scale commercial services can be located without creating detrimental impacts to surrounding uses.
- Promote the development of medium-scaled urban projects with a mix of storefront retail, professional office, and/or residential dwelling units creating a synergy between uses where stand-alone uses have traditionally dominated.

Plan Commission/Board of Zoning Appeals Guidance:

- Site plan design should incorporate residential and commercial uses utilizing shared parking in order to ease the transition to residential districts.
- Street cuts should be minimized in order to enhance streetscape and improve access management.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

20.02.300 Commercial General (CG); Permitted Uses

*** Additional requirements refer to *Chapter 20.05; §SC: Special Conditions Standards.***

- amusements, indoor
- antique sales
- apparel and shoe sales
- art gallery
- artist studio
- arts/crafts/hobby store
- assisted living facility
- auto parts sales
- bank/credit union
- banquet hall
- bar/dance club
- barber/beauty shop
- bed and breakfast
- bicycle sales/repair
- billiard/arcade room
- bookstore
- bowling alley
- brewpub*
- business/professional office
- car wash*
- cellular phone/pager services
- coin laundry
- community center
- computer sales
- convenience store (with gas or alternative fuels)*
- convenience store (without gas)
- copy center
- day-care center, adult
- day-care center, child
- drive-through*
- drugstore
- dry-cleaning service
- dwelling, single-family (detached)*
- dwelling, upper floor units
- equipment/party/event rental (indoor)
- fitness center/gym
- fitness/training studio
- florist
- furniture store
- garden shop
- gas station*
- gift shop/boutique
- government office
- government operations (non-office)
- grocery/supermarket
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- hardware store
- health spa
- home electronics/appliance sales
- jewelry shop
- library
- license branch
- liquor/tobacco sales
- lodge
- medical care clinic, immediate
- medical clinic
- mortuary
- museum
- music/media sales
- musical instrument sales
- nursing/convalescent home
- office supply sales
- oil change facility
- park
- parking garage/structure
- pawn shop
- pet grooming
- pet store
- photographic studio
- place of worship
- plant nursery/greenhouse
- police, fire or rescue station
- recreation center
- restaurant
- restaurant, limited service
- retail, low intensity
- rooming house
- school, preschool
- school, primary/secondary
- school, trade or business
- shoe repair
- skating rink
- social service
- sporting goods sales
- tailor/seamstress shop
- tanning salon
- tattoo/piercing parlor
- transportation terminal
- utility substation and transmission facility*
- vehicle accessory installation
- veterinarian clinic
- video rental

20.02.310 Commercial General (CG); Conditional Uses

*** Additional requirements refer to *Chapter 20.05; §CU: Conditional Use Standards.***

- historic adaptive reuse*
- homeless shelter
- rehabilitation clinic

BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

December 27, 2016

City of Bloomington Planning Department
And Plan Commission members
401 N. Morton Street
Bloomington, Indiana 47403

RE: 4023 W. 3rd Street, Bloomington, IN 47404
Plan Commission Petitioner's Statement for re-zone (REVISED December 27, 2016)

Plan Commission members or To Whom It May Concern:

On behalf of Pavilion Properties, Inc., Bynum Fanyo & Associates, Inc. would like to request approval of the subject project's re-zone to be sent with a positive recommendation to the City Council for review. The property is currently zoned as a PUD Outline Plan that was approved October 11, 1993. The subject property is 3 parcels that currently contain a commercial building with associated parking, curbed islands, sidewalks and drives. The request is to change the current PUD Outline Plan to zoned 'CG' (Commercial General) as outlined in the City of Bloomington Unified District Ordinance (UDO) for these 3 parcels. 2 of the 3 parcels are owned by Pavilion Properties, Inc. and the eastern parcel is owned by BRL Holdings, LLC. We have included an affidavit from BRL Holdings, LLC to change this zoning.

The building is partitioned to serve a restaurant, liquor sales, and other vacant partitions, currently. The reason for the re-zone is to use one of the vacant partitions of the building for a 'medical clinic' use that is currently prohibited by the PUD Outline Plan. The Planning Department recommended revising the zoning to the 'CG' because it accepts the 'medical clinic' in this zone (along with the other current uses on-site), the site is currently surrounded by the 'CG' zone, and fits the current 'UDO' physical features of the site plan with the following exceptions:

1. Current 'UDO' Landscaping Standards
2. Current "UDO' bicycle parking standards

We have included a site improvement plan if this change in zoning is accepted to bring the site up to these current landscaping and bicycle parking standards. The landscape plan attached includes 35 new trees, 146 new shrubs, and 94 new grasses/perennials. Many of these new plantings will be along 3rd street or visible when driving by on 3rd street to enhance this property with this re-zone.

The desire is that there no waiver or variance needs and wish to stay within the constraints outlined in the Bloomington Unified Ordinance (UDO) with this re-zone request.

528 NORTH WALNUT STREET
BLOOMINGTON, INDIANA 47404
812-332-8030
FAX 812-339-2990

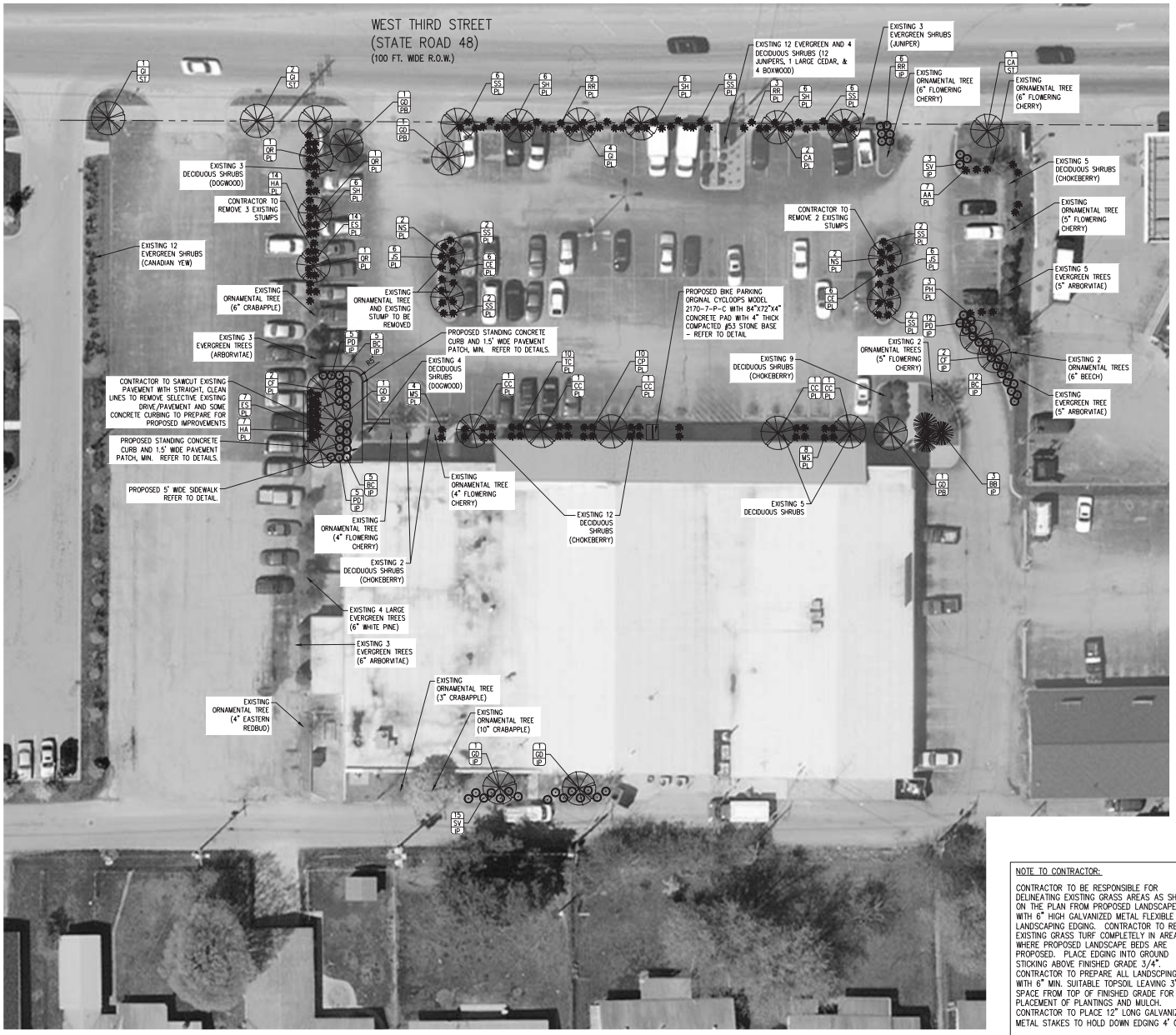
Also, if possible, we'd like to request the Plan Commission waive the need for a 2nd hearing and forward this re-zone to the City Council after the 1st hearing.

Thank you for your consideration in this matter. Please contact us with any additional questions or clarifications regarding this petition.

Sincerely,
Bynum Fanyo & Associates, Inc.

Daniel Butler, PE, Project Engineer

COPY: BFA FILE #401660



PLANT LIST

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
LARGE CANOPY DECIDUOUS TREES					
	NS	ACER RUBRUM	RED SUNSET MAPLE	4	2" CAL., B & B
	QR	QUERCUS RUBRA	RED OAK	3	2" CAL., B & B
	CF	BETULA PLATYPHYLLA	COLUMNAR PINNACLE BIRCH	4	2" CAL., B & B
	GD	GYMNOCLADUS DIOICA	KENTUCKY COFFEE TREE	6	2" CAL., B & B
	GI	GINKGO BILOBA	GINKGO	7	2" CAL., B & B
SMALL / MEDIUM DECIDUOUS TREES					
	CC	CORNUS FLORIDA	FLOWERING DOGWOOD	5	2" CAL., B & B
	CA	CERCIS CANADENSIS	EASTERN REDBUD	3	2" CAL., B & B
EVERGREEN TREES					
	BB	PICEA PUNGENS 'BABY BLUE EYES'	DWARF BLUE SPRUCE	3	6' HEIGHT
DECIDUOUS SHRUBS - PARKING LOT PERIMETER					
	CE	PRUNUS PUMILA	SAND CHERRY	12	18" HEIGHT*
	PH	PHILADELPHUS	MOCKORANGE	3	18" HEIGHT*
	MS	MATTEUCCIA STRUTHIOPTERIS	OSTRICH FERN	12	18" HEIGHT*
	SH	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPSEED	24	18" HEIGHT*
	SS	FESTUCA GLAUCA 'ELIJAH BLUE'	BLUE FESCUE	26	18" HEIGHT*
	AA	ARONIA ARBUTIFOLIA	BLACK CHOKEBERRY	7	18" HEIGHT*
	HA	HYDRANGIA ARBORESCENS	WILD HYDRANGIA	21	18" HEIGHT*
EVERGREEN SHRUBS - PARKING LOT PERIMETER					
	TC	TAXUS CANADENSIS	CANADIAN YEW	10	18" HEIGHT*
	JS	JUNIPER SPECIES	COMMON JUNIPER	12	3 GALLON CONTAINER
	ES	ILEX GLABRA	INKBERRY	21	3 GALLON CONTAINER
	CP	TSUGA CANADENSIS 'PENDULA'	WEEPING HEMLOCK	12	3 GALLON CONTAINER
	RR	RHODODENDRON	RHODODENDRON SPECIES	12	3 GALLON CONTAINER
DECIDUOUS SHRUBS - INTERIOR PLANTINGS					
	SV	SYRINGA VULGARIS	LILAC	18	3 GALLON CONTAINER
	PD	PHLOX DIVARICATA	BLUE PHLOX	22	18" HEIGHT*
	BC	CHASMANTHIUM LATIFOLIUM	INLAND SEA OATS	22	18" HEIGHT*
EVERGREEN SHRUBS - INTERIOR PLANTINGS					
	RR	RHODODENDRON	RHODODENDRON SPECIES	6	3 GALLON CONTAINER

XX PLANT QUANTITY
XX PLANT KEY (TYPE)
XX REQUIREMENT DESIGNATION (AS SEEN BELOW)

PL=PARKING LOT PERIMETER PLANTINGS
IP=INTERIOR PLANTINGS
ST=STREET TREES
PB=PARKING LOT BUMPOUTS

*CONTAINER OR BALL AND BURLAP CONDITION ACCEPTABLE

NOTE: SPECIES SHOWN THAT ARE NOT LISTED IN THE CITY OF BLOOMINGTON ZONING ORDINANCE CHAPTER 20.05 TABLES OF RECOMMENDED PLANT MATERIALS ARE GIVEN BOTANICALLY COMPARABLE DENSITY VALUES.

NOTE TO CONTRACTOR:

CONTRACTOR TO BE RESPONSIBLE FOR DELINEATING EXISTING GRASS AREAS AS SHOWN ON THE PLAN FROM PROPOSED LANDSCAPE BEDS WITH 6" HIGH GALVANIZED METAL FLEXIBLE LANDSCAPING EDGING. CONTRACTOR TO REMOVE EXISTING GRASS TURF COMPLETELY IN AREAS WHERE PROPOSED LANDSCAPE BEDS ARE PROPOSED. PLACE EDGING INTO GROUND STICKING ABOVE FINISHED GRADE 3/4". CONTRACTOR TO PREPARE ALL LANDSCPING BEDS WITH 6" MIN. SUITABLE TOPSOIL LEAVING 3" SPACE FROM TOP OF FINISHED GRADE FOR PLACEMENT OF PLANTINGS AND MULCH. CONTRACTOR TO PLACE 12" LONG GALVANIZED METAL STAKES TO HOLD DOWN EDGING 4' O.C.

CONTRACTOR IS ALSO RESPONSIBLE FOR PLACEMENT OF PLANTINGS, PURCHASING OF PROPOSED PLANTINGS, AND PLACEMENT AND PURCHASING OF PROPOSED MULCH. COLOR OF MULCH PER OWNER.

DIAL '811' BEFORE YOU DIG

PER INDIANA STATE LAW IC8-1-26.
IT IS AGAINST THE LAW TO EXCAVATE WITHOUT NOTIFYING THE UNDERGROUND LOCATION SERVICE TWO (2) WORKING DAYS BEFORE COMMENCING WORK.

SCALE: 1"=20'

NOTE TO CONTRACTOR

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

revisions:

ARCHITECTURE
CIVIL ENGINEERING
PLANNING
BYNUM FANYO & ASSOCIATES, INC.
bloomington, indiana
(812) 339-2990 (Fax)
528 north walnut street
(812) 332-8030

certified by:

PROPOSED
4023 WEST 3RD
RE-ZONE
BLOOMINGTON, INDIANA 47404

title: SITE LANDSCAPE AND IMPROVEMENT PLAN

designed by: DJB
drawn by: DJB
checked by: JSF
sheet no: C101
project no.: 401660

BLOOMINGTON PLAN COMMISSION
FINAL REPORT
Location: 4021 W. Third St.

CASE NO.: BL/PCD-58-93
DATE: Nov. 1, 1993

PETITIONER: Name : Mark McAlister & James Hammond
Address: 1110 N. College Ave.

COUNSEL: Name : Bynum Fanyo & Assoc., Inc.
Address: 700 N. Walnut St.

REQUEST: The petitioner is requesting PCD designation and outline plan approval to allow a list of additional uses in an existing 29,000 square foot building. The existing structure is divided into two areas in excess of the maximum 3,000 square foot limit.

EXISTING USE AND DESCRIPTION: This is an existing building which has been vacant for quite some time. The previous use was an IGA grocery and pharmacy.

PROPOSED USE AND DESCRIPTION: Staff is working with the petitioner in negotiating a revised list of uses. The "indoor amusements" use has been deleted at this time. The petitioner is attempting to clean up the site as much as possible. Staff report will be given at the hearing.

RECOMMENDATION: Staff recommendation is forthcoming.

PUD-58-93
Staff Report

BL/PCD-58-93 **Mark McAlister and James Hammond**
4021 W. 3rd St.
Request for PCD designation and outline plan approval to allow a specific list of uses in an existing 29,000 s.f. building

Lynne Friedmeyer reported. This building was previously occupied by an IGA grocery store and a pharmacy. The petitioner wants to make this area viable again by upgrading with landscaping and cleaning up the building. The list of allowed uses has not changed since the first hearing other than "Indoor Amusements" has been deleted. Staff has concerns about parking and the amount of traffic that will be generated by the different uses that could possibly go in this building. Staff recommends approval with the condition that any uses (from the approved list) are acceptable as long as the minimum parking requirements are met. The list of approved uses is:

COMMERCIAL, RETAIL

Antiques
Apparel
Appliance Stores, Small
Arts and Crafts
Auto Parts/Supplies, New
Bakery
Bicycle Shops
Books, Newsstands
Dairy Products
Drugstore, Sundry
Farm Produce
Florist Shops
Furniture and Appliances
Gift Shop
Grocery and Meats
Hardware
Jewelry
Liquor Store
Sporting Goods
Used Merchandise
Variety Store
Video Store

COMMERCIAL TRADE

Appliance Repair, Small
Banks (Branch)
Business Service
Business and Professional Office
Candy, Confectionery
Eating, Drinking (Rest.) (Limit 3000 s.f. of total building area)
Laundry and Dry Cleaning (Pick up only)
Printing (Job, Service)

Bill Sturbaum asked how the minimum parking condition can be enforced.

Lynne Friedmeyer stated staff tallies parking spaces available per floor area square footage every time an occupancy permit comes in for remodeling or a new business. The petitioner is aware of this condition and agrees to comply.

Joe Hoffmann asked if this will come back for development plan approval.

Lynne Friedmeyer stated yes. The garbage on the site has been cleaned up.

Lynn Coyne, representing the petitioners, stated one side of the building will be owner occupied and the other side will be leased. The petitioners agree to the parking condition. "Indoor Amusements" has been deleted from the list of allowed uses.

Rod Young asked if there will be access to the adjacent west parcel.

Lynn Coyne stated no, there will be a landscape barrier between the two properties. Access could be negotiated between the property owners at a future time.

Jim Sherman asked how big the Big Red Liquors store will be.

Lynn Coyne stated 4,000 s.f. total.

Laraine Cooksey asked how the neighbors feel about a Big Red Liquors going in.

PUD-58-93
Minutes

Lynne Friedmeyer stated the neighbors are glad the building will be used and no longer standing in disrepair.

Jim Tolen, Highland Village Neighborhood Assoc., stated there was "some" neighborhood opposition expressed at the August 16 meeting at Highland Park Elementary School. The HVNA thank the petitioners for cleaning up the property and turning on the lights. Lighting is very important at this location, especially in the entryway of the building. The landscape plan is very well done. A "toned down" exterior appearance (as on W. 2nd St.) would fit in better with the surroundings.

***Joe Hoffmann moved approval of BL/PCD-58-93 per staff recommendations including the parking agreement; Laraine Cooksey seconded. Approved 9:0

***Bill Sturbaum amended the motion to add security lighting around the building, to staff satisfaction and determined by consultation with the HVNA, as a condition of approval; Laraine Cooksey seconded. Approved 9:0

Lynn Coyne stated until the petitioners acquire the property, they can't get inside to turn on the lights.

Plan Commission Discussion on Amendment:

Bill Sturbaum stated the lighting needs to be on as soon as possible.

PUD-58-93
Minutes

MEMO

To: Common Council
From: Planning Department
Petitioner: Mark McAlister and James Hammond
Case No: BL/PCD-58-93
Location: 4021 West Third Street, Bloomington, IN 47401
Subject: PCD Designation and Outline Plan to allow a specific list of uses in an existing 29,000 square foot building

On November 1, 1993 the Bloomington Plan Commission approved the above mentioned proposal for PCD designation and outline plan approval for the Highland Village IGA store located at 4021 W. 3rd St. The plan involves a list of uses that expand the BL zone list of uses, a landscape plan, and setback areas established around the perimeter of the parking area. Part of the building would be used as a Big Red branch liquor store and a Full-of-Pep Rental and Appliance store. The list of proposed uses is as follows:

COMMERCIAL RETAIL

antiques
apparel
appliance stores, small
arts and crafts
auto parts/supplies, new
bakery
bicycle shop
books, newsstand
dairy products
drugstore, sundry
farm produce
florist shop
furniture and appliances
gift shop
grocery and meats
hardware
jewelry
liquor store
sporting goods
used merchandise
variety store
video store

COMMERCIAL TRADE

appliance repair, small
banks, branch
business service
business and professional office

PUD-58-93
Council Memo

candy, confectionery
eating, drinking (rest.) (limit 3000 sq. ft. of the total bldg. area)
laundry and dry cleaning (pick up only)]
printing (job, service)

Approval was granted with the condition that any of the above uses are allowed as long as the minimum parking requirement is met.

PUD-58-93
Council Memo

ORDINANCE 17-05

TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED "HISTORIC PRESERVATION AND PROTECTION" TO ESTABLISH A HISTORIC DISTRICT - Re: 1033 S. Ballantine Road Historic District (Nathan Silverstein House)

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

WHEREAS, the current owners of 1033 South Ballantine Road ("Nathan Silverstein House"), Eric and Lee Sandweiss, voluntarily contacted and requested the Commission to recognize the Nathan Silverstein House as a historic property; and

WHEREAS, on January 12, 2017, the Commission held a public hearing for the purpose of allowing discussion and public comment on the proposed historic designation of the Nathan Silverstein House; and

WHEREAS, at the same hearing, the Commission found that the building has historical and architectural significance that merits the protection of the property as a historic district; and

WHEREAS, at the same hearing, the Commission approved a map and written report which accompanies the map and validates the proposed district by addressing the criteria outlined in Bloomington Municipal Code 8.08.010; and

WHEREAS, at the same hearing, the Commission voted to submit the map and report to the Common Council for its consideration; and

WHEREAS, the report considered by the Commission at this hearing notes that this property is a "Contributing" structure that is an unaltered ranch built circa 1951.

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

SECTION 1. The map setting forth the proposed historic district for the site is hereby approved by the Common Council, and said historic district is hereby established. A copy of the map and report submitted by the Commission are attached to this ordinance and incorporated herein by reference and two copies of them are on file in the Office of the Clerk for public inspection.

The legal description of this property is further described as:

> 015-50240-00 Maxwell Manors L107, 120 & 121 in the City of Bloomington, Monroe County, Indiana.

SECTION 2. The property located at 1033 S. Ballantine Road shall be classified as "Contributing".

SECTION 3. Chapter 8.20 of the Bloomington Municipal Code, entitled "List of Designated Historic and Conservation Districts," is hereby amended to insert "Nathan Silverstein House" and such entry shall read as follows:

Nathan Silverstein House	1033 S. Ballantine Road

SECTION 4. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2017.

_____,
SUSAN SANBERG, President
City of Bloomington

ATTEST:

_____
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2017.

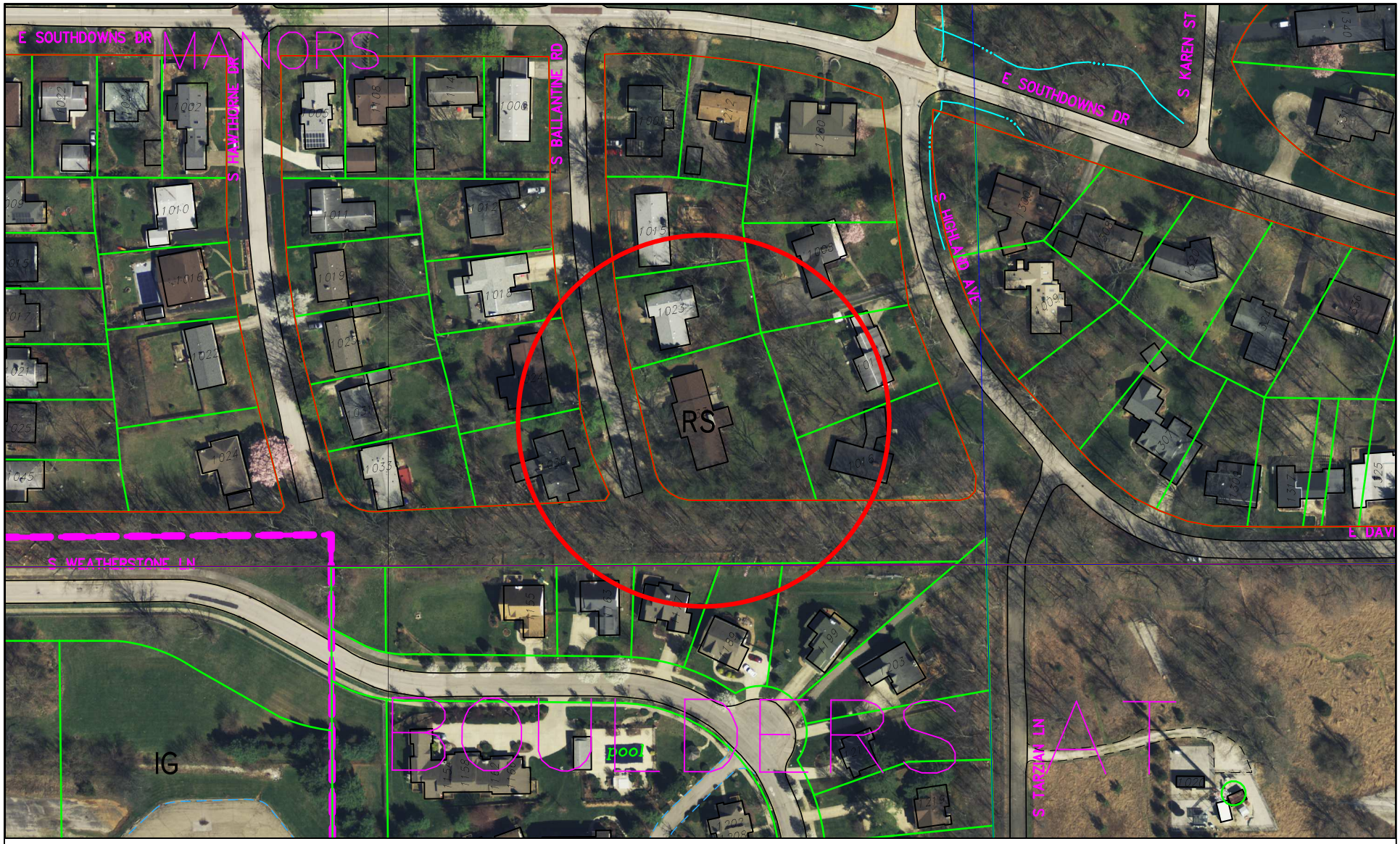
_____
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2017.

_____
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled "The List of Designated Historic Districts" in order to designate "Nathan Silverstein House – 1033 S. Ballantine Road" as a historic district. Eric and Lee Sandweiss sought this action and after a public hearing on January 12, 2017, the Historic Preservation Commission ("Commission") recommended that the structure be designated historic with a rating as "Contributing" based upon certain historical and architectural criteria set forth in Title 8 of the Bloomington Municipal Code entitled "Historic Preservation and Protection." Historic designation of a property under Title 8 of the Bloomington Municipal Code provides for the Commission or staff to approve a Certificate of Appropriateness before conspicuous changes to the exterior of sites and structures may be made and, thereby, helps assure that the historic significance of properties is preserved.



Ord 17-05 Historic Designation of 1033 South Ballantine Road
Nathan Silverstein House – Owners: Eric and Lee Sandweiss

By: shermand
9 Feb 17

150 0 150 300 450 600

For reference only; map information NOT warranted.

N

City of Bloomington
Council Office

Scale: 1" = 150'

MEMO:

To: City of Bloomington Common Council
From: Doris Sims, Director of Housing & Neighborhood Development
Bethany Emenhiser, Project Manager
Date: January 25, 2017
Re: Request to Designate 1033 S. Ballantine Road as a Historic District

The owners of the house located at 1033 S. Ballantine Road ("the Silverstein House") have petitioned to have their home designated as historic under BMC §8.08.010. The Bloomington Historic Preservation Commission ("BHPC") recommends that the petition be granted by the Bloomington Common Council. The bases for this designation would be the following:

Historical Significance under BMC §8.08.010(e)(1)(A):

- Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or

Architectural Significance under BMC §8.08.010(e)(2)(A) and (G):

- Embodies distinguishing characteristics of an architectural or engineering type; or
- Exemplifies the built environment in an era of history characterized by a distinctive architectural style.

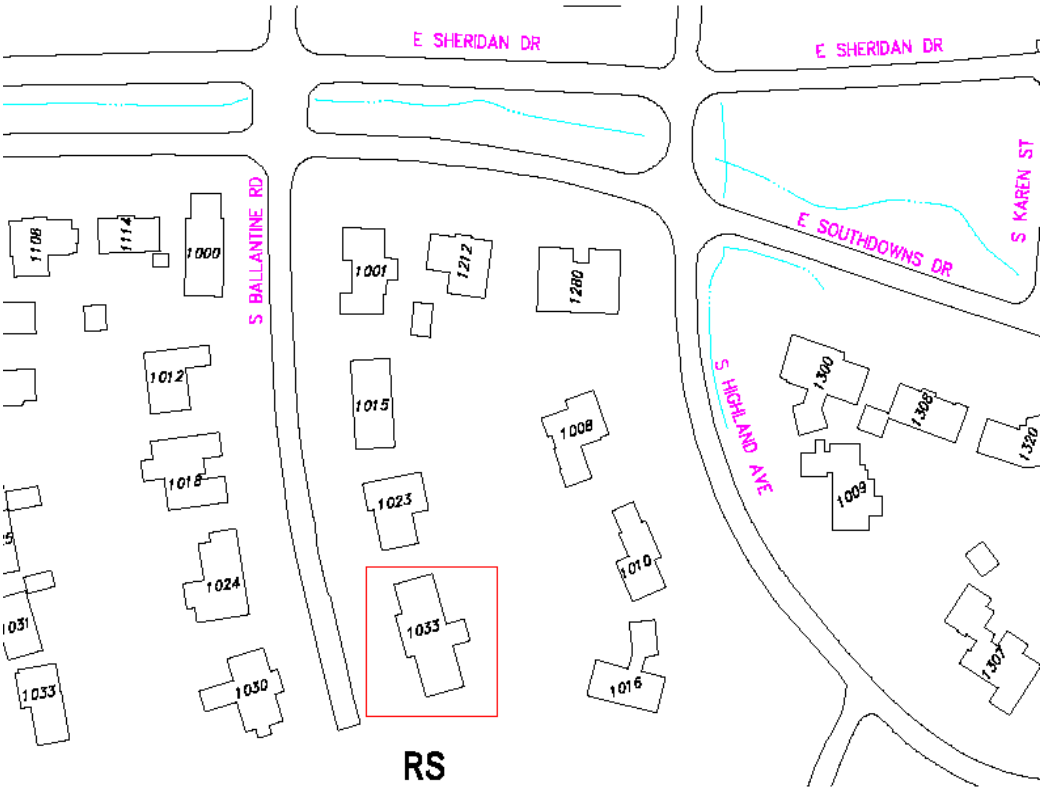
Attached to this Memo is the Report adopted by the Commission at its January 12, 2017 public hearing (Exhibit A).

EXHIBIT A

1033 S. Ballantine Rd. (Nathan Silverstein House)

Staff Report Bloomington Historic Preservation Commission

Research assisted by Noah Sandweiss



Basis for Historical Significance:

- Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or

Basis for Architectural Significance:

- Embodies distinguishing characteristics of an architectural or engineering type; or
- Exemplifies the built environment in an era of history characterized by a distinctive architectural style.

The property located at 1033 S. Ballantine Road was originally built by Indiana University Professor Nathan Silverstein in 1951. The house is listed as Contributing ranch in the Indiana Historic Sites and Structures Inventory. This property is a part of the Maxwell Manors Subdivision, which Silverstein was in part responsible for the development of the neighborhood. Silverstein, along with partners, were responsible for the development of the subdivisions of Maxwell Manors, Leonard Springs, Lancaster Park and Arden Place. The Maxwell Manors Subdivision was originally platted in 1927, but was not developed until the 1950s by Nathan Silverstein. Nathan Silverstein was appointed to the IU Business School by Herman B. Wells after serving as a special investigator for the US Treasury under President Franklin Roosevelt. During World War II, Silverstein served on the Railroad Emergency Board, and as a public panel member in the 10th Region of the National War Labor board. Silverstein also served as president of the IU Credit Union, and is the author of several economics textbooks and articles.

The house has been mostly unaltered since its construction and is a prime example of the ranch style, which was popular between the 1930s and 1970s, peaking in popularity in the 50s and early 60s. The style is generally characterized by single story construction, recessed entries, opened overhanging eaves, low pitched roofs, small banded windows and/or picture windows, and attached garages. The popularity of ranch houses was spurred by a growing, car-owning suburbanites. Ranch houses were spacious yet efficient, often including sizeable garages. Neighborhoods of this period, such as Maxwell Manors, are often characterized by mid-density housing, a lack of sidewalks, recessed front yards, and dead end roads. The neighborhood still contains other examples of mid-century modern ranches, though some have subsequently been remodeled. The house at 1033 S. Ballantine in particular though captures the quintessence of the movement.

The Modern movement of architecture can be observed in the United States as early as the 1900s with Prairie and Craftsman style, primarily spread through the Midwest by architect Frank Lloyd Wright. In the 1930s-1950s, influences from Germany's modernist architecture and design school, Bauhaus, brought the International style to America via architects such as Meis van der Rohe. International style was "machine age" architecture that removed ornamentation that is typical in previous styles or more traditional forms. There was also a more widespread use of new technologies in the form of building techniques and materials, such as steel and wide expanses of glass. However, mid-century architecture can generally be categorized into two categories, modern-traditional and mainstream Modern. In 1934, Congress created the

Federal Housing Administration (FHA). The same year, the National Housing Act of 1934 was released by the FHA, which intended to "regulate interest rates and mortgage terms after the banking crisis of the 1930s." The FHA's purpose in the mortgage program was to combine efforts of private and public interests and provide affordable, market-oriented housing to low-income people. The FHA also provided assistance to many veterans through mortgage programs post-WWII. "The FHA did not believe that neighborhoods of starkly modern houses were a good investment for veterans—or for anyone else— and therefore lenders financed a more conservative branch of modernism" the less daring "Bankers Modern" styles, consisting of basic Minimal Traditionals and casual Ranch houses." This house is representative of the more Avant guard mainstream Modern, while many houses of this era took on the more conservative "Bankers Modern" style, making this a unique style.

This house specifically makes liberal use of local limestone in the exterior walls, chimney, and fireplace mantel. The broad, low chimney is also a notable feature of the ranch style. The house retains original horizontal pane two over two wood windows. The house's original cork floors, modern Vitralite tiled bathrooms are unique features of the house. Though the kitchen cabinetry isn't original, it was produced by a local cabinet maker working in a mid-century Hoosier style.

ПР-2
1949 Air Photo
1961
Air
Photo

1033

Interior

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, February 1, 2017 at 6:32pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
February 1, 2017

Roll Call: Sturbaum, Ruff, Chopra, Sandberg, Mayer, Piedmont-Smith, Volan, Rollo
Absent: Granger

ROLL CALL
[6:32pm]

Council President Susan Sandberg gave a summary of the agenda.

AGENDA SUMMATION
[6:33pm]

It was moved and seconded to approve the minutes of November 16, 2016 and January 25, 2017.

APPROVAL OF MINUTES
[6:34pm]

The motion to approve the minutes was approved by voice vote.

November 16, 2016 (Regular Session)
January 25, 2017 (Special Session)

Councilmember Steve Volan said that there were ways for citizens get involved in local government beyond joining boards and commissions and encouraged the public to do so.

REPORTS

- COUNCIL MEMBERS
  [6:34pm]

Councilmember Isabel Piedmont-Smith spoke in opposition to President Trump's recent executive order. She was heartened by the local reaction, but said that people should stay vigilant and continue to reach out.

Mayor John Hamilton read the following statement:

- The MAYOR AND CITY OFFICES
  [6:40pm]

"*Whenever the ugliness of discrimination or exclusion becomes an issue in our community, we stand together to reject it. And so today, as Mayor of Bloomington, Indiana, I give voice to our community's values when I vigorously condemn and oppose the recent executive orders on immigration issued by the U.S. President. We in Bloomington stand shoulder to shoulder with Indiana University President Michael McRobbie and the IU community, with mayors across the country, and with the many millions of patriotic Americans, to speak out against these unwise, shameful, and unconstitutional orders.*

People from all across the globe hold Bloomington, Indiana close to their hearts, as a place of openness, refuge and diversity. Our embrace of new residents from all over the world, our culture of celebrating diversity, our Hoosier hospitality, and our willingness to stand up for each other whenever injustice threatens combine to make Bloomington a place where people choose to live. Here we cherish those things that make us different. We jealously protect the rights of all to worship, believe, speak, think, and pursue their dreams as they choose, peacefully and respectfully. We do not fear differences. We nourish them, because we know that they are the path to a stronger future together.

Recent public gatherings -- local, state, and national -- have drawn out thousands of our residents. We are a community that will not quietly abide this dangerous and divisive public policy being foisted upon us. We will work together to be as effective as we can be in protecting the rights and safety of all who are in Bloomington, protecting our own bright future together and staying true to our own values.

Not Approval

It is my distinct privilege to serve as Mayor of Bloomington, Indiana, this beacon of diversity and open doors and global connections. On behalf of all of us here, I want to say unequivocally that our doors are open to those who peacefully seek refuge or a chance for a better life."

Sandberg thanked the Mayor on behalf of the Council and the community.

There were no reports from Council Committees.

- COUNCIL COMMITTEES

Sandberg called for public comment.

- PUBLIC

Jeff Aiken, Bloomington High School North's Habitat for Humanity Coordinator, spoke about their chapter.

It was moved and seconded to appoint Shawna Meyer-Niederman to the Commission on the Status of Children and Youth. The motion was approved by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS
[6:46pm]

It was moved and seconded that Resolution 17-03 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee Do Pass recommendation of 6-0-2.

It was moved and seconded that Resolution 17-03 be adopted.

LEGISLATION FOR SECOND READING AND RESOLUTIONS
[6:47pm]

Resolution 17-03 – To Authorize Expenditures from the Industrial Development Fund to Support an Economic Development Project (Envisage Technologies, Inc., 101 W. Kirkwood Ave.)

Alex Crowley, Director of Economic and Sustainable Development, presented the resolution. He explained that the $300,000 recommended for use by the Bloomington Industrial Development Advisory Commission (BIDAC) would be used to support Envisage Technology Inc.'s growth in the Fountain Square Mall, which would help the company restructure the building and grow its staff. He said that the City had built in clawback provisions in the Memorandum of Understanding (MOU) that ensured the City received the benefits of the agreement with Envisage. Crowley said the six year agreement had the following stipulations: [1] if Envisage left downtown in 3 years full repayment would be required, [2] if Envisage left in the fourth year, for an area other than the Trades district Envisage was required to pay back 40% ($120,000), and [3] if Envisage left in the fifth year it was required to payback 20%. He noted that the sixth year was intended to give Envisage time to catch up should it not meet its employee projections, which it anticipated to be 80 new employees. Crowley added that the City set the threshold of substantial compliance at 40 new employees. He said that if Envisage was not compliant at any time with the living wage ordinance, it would have to pay back the full amount. If by the end of the six year term Envisage had not met the threshold of 40 employees, it would have to pay back a proportionate amount of the shortfall.

Council Questions:

Councilmember Andy Ruff asked for a copy of the clawback schedule in written form. He asked whether the payback rate would be 40% if Envisage relocated anywhere other than the Tech Park after three years.

Crowley confirmed that the clawback rate would be 40% in year four, and would be 20% in year five.

Ruff asked Crowley to clarifiy if the clawback applied whether the company stayed in Bloomington.

Crowley stated that the objective was to make it easy for Envisage to move into the Trades District.

Not Approval

Resolution 17-03 (*cont'd*)

Ruff asked if the clawback was the same if Envisage left town altogether or if it just moved to a different part of Bloomington.

Thomas Cameron, Assistant City Attorney, said that the clawback provision made no distinction. He said that there might be an amendment of the MOU to allow for movement that keeps the company in Bloomington, depending on specific circumstances.

Piedmont-Smith asked for clarification of the MOU regarding relocation in years five or six.

Crowley said that Envisage moving out of the downtown CRED in those years would trigger a payback at 20%.

Piedmont-Smith asked Crowley to review which taxes went into the CRED.

Crowley said sales tax where applicable, state income tax, and local option tax.

Piedmont-Smith asked what would happen Envisage fell short of its contributions into the CRED.

Crowley said if there was no growth, Envisage would have to pay back 100% of the amount the city was contributing.

Piedmont-Smith asked for clarification.

Crowley explained that if Envisage did not meet the incremental thresholds, it would be in violation of the MOU, and subject to 100% repayment.

Volan asked if Industrial Development Fund dollars could only be spent in the CRED district.

Crowley said yes.

Volan asked if the City was planning to build the Trades District on specifications.

Crowley explained that the City was looking at whether private developers or the City would be responsible for design and building in the Trades District.

Volan asked if the developer would build the type of building that Envisage might need, and if there was room for it in the Trades District.

Crowley said yes.

Volan said that he thought all of the space was taken. He asked why the City was not doing more with the fund to fulfill the function for which it was intended.

Crowley said that it was not something the City wanted to do unless it became necessary. He said the use of the fund had been limited historically, but the City would like to see more businesses come forward the way that Envisage did.

Councilmember Dave Rollo asked if there was more information as to why the fund was not used more.

Crowley thought it was a combination of lack of knowledge and potential uses that did not meet the needs of the City. He said that he saw opportunities to reach out more to other businesses in the future.

Rollo clarified that the proposed disbursement of $300,000 came from a fund of $8.3 million that would be replenished within months.

Crowley said that the City would get a replenishment of $750,000 for 2016 shortly.

Rollo asked how much Envisage had paid into the fund.

Crowley said at current staffing levels Envisage had paid roughly $245,000 per year.

For Approval

Resolution 17-03 (*cont'd*)
Council Comment:

Councilmember Chris Sturbaum stated that the proposed expenditure was what the fund was for, and hoped good things would happen as a result.

Volan agreed with Sturbaum about the intended use of the fund. He supported the request, but thought the City was doing something that should be handled by the commercial landlord. Volan said the City should be able to use the largely unused fund for building the kind of space that was clearly needed in the city.

Councilmember Allison Chopra discussed the pronunciation of CRED. She agreed with Sturbaum that the Envisage project was the type of projectthat the money was intended for. She was heartened by the number of Bloomington residents that Envisage employed, and its commitment to do so in the future.

Councilmember Tim Mayer noted that he was not at the previous week's meeting, but that he followed the discussion, and would support the request.

Rollo said it was a good use of the fund and was a good public investment. He noted that, when the CRED expired in a few years, he would like the money left over to go to local economic development.

Piedmont-Smith noted that the tax dollars requested came from a pot of money to which Envisage had contributed significantly in the past. She called it a tax refund, not a tax break, and noted that more money would be coming in, so it was a public benefit in the long run. Piedmont-Smith echoed Volan's concern that the accumulated fund had not been used very much, and hoped that more people would make use of it in the future.

Ruff appreciated the efforts behind the clawback provisions, but wished he had seen the MOU earlier. He said the last disbursement to Envisage was based on the threat of leaving Bloomington, and that was part of the proposed disbursement request as well. He felt that he did not have a complete grasp of the details, and wanted more time to review them, which was why he was voting no on the resolution.

Sandberg wished future success to Envisage in its expansion. She said it was a good investment.

Vote to adopt Resolution 17-03 [7:20pm]

The motion to adopt Resolution 17-03 received a roll call vote of Ayes: 7, Nays: 1 (Ruff), Abstain: 0.

Resolution 17-04 – A Resolution Authorizing the Sale of City-Owned Properties – Re: 1910 West Third Street and 1914 West Third Street [7:20pm]

It was moved and seconded that Resolution 17-04 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read Resolution 17-04 by title and synopsis, giving the committee Do Pass recommendation of 6-0-2.

It was moved and seconded that Resolution 17-04 be adopted.

Adam Wason, Director of Public Works, presented the resolution to the Council. He said the properties, which were adjacent to each other, were no longer needed for public purposes and the City would like to return them to private hands. Wason said there were two similar properties, one on West Third Street and another on South Weimer Road. He said the property located at 1910 West

For Approval

Third Street was purchased for $195,000, and the property located at 1914 West Third Street was purchased for $120,000.
Rollo asked if the properties were acquired for staging West Third Street development.

Wason responded that both were purchased outright to avoid the eminent domain process. Other parcels were purchased for right-of-way processes to make the design work.

Rollo asked what other potential uses were discussed.

Wason said affordable housing and other facility uses were discussed, but due to the location and zoning, the City did not see any direct use in the future.

Resolution 17-04 (*cont'd*)
Council Questions:

Piedmont-Smith asked what fund the money from the sale of the properties would go into.

Wason responded that it would go into the general fund.

Piedmont-Smith asked why the City was not selling the other two similar properties.

Wason answered that the Weimer Road property was used as a storage facility, and hoped that the City would build a better storage facility in the upcoming year. He said that they were both possibilities for future sale.

Rollo asked if, since the area was heavily wooded, Public Works had consulted with the Environmental Commission.

Wason said that they consulted with the City's Senior Environmental Planner. He also pointed to the adjoining parcels that might make it a more attractive sale at that time.

Rollo asked if the sale would provide protection for tree cover.

Wason affirmed, and said that if both parcels were purchased by the same party, .78 acres would have to be preserved.

Rollo asked if it would likely be a PUD if the areas were conjoined for development.

Wason said he was not certain.

Rollo said he was happy that affordable housing had been discussed as a possible use for the property before the decision was made to sell. He noted that the properties existed next to the only working rail system in Bloomington, and hoped that would be a factor considered in future evaluations of public property because he thought it would be important.

Council Comment:

The motion to adopt Resolution 17-04 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 17-04
[7:33pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST READING

Sandberg called for additional public comment.

PUBLIC COMMENT

Daniel McMullen spoke about immigration.

Sherman reminded the Council of the meeting schedule.

COUNCIL SCHEDULE
[7:38pm]

The meeting was adjourned at 7:38pm.

ADJOURNMENT

For Approval

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 2017.

APPROVE:

_____
Susan Sandberg, PRESIDENT
Bloomington Common Council

ATTEST:

_____
Nicole Bolden, CLERK
City of Bloomington

For Approval