

# CITY OF BLOOMINGTON



April 15, 2019 @ 5:30 p.m.  
COUNCIL CHAMBERS #115  
CITY HALL

**CITY OF BLOOMINGTON  
PLAN COMMISSION  
April 15, 2019 at 5:30 p.m.**

**❖City Council Chambers – Room #115**

**ROLL CALL**

**MINUTES TO BE APPROVED:** March 2019

**REPORTS, RESOLUTIONS AND COMMUNICATIONS:**

**CONSENT AGENDA:**

- RS-19-19     **City of Bloomington**  
Amendment to the Plan Commission Rules of Procedure to correct fee amounts and remove requirement to post physical notice when mailed notice is returned.  
*Case Manager: Jacqueline Scanlan*
- PUD-07-19     **Whitehall Crossing LLC**  
402 N. Gates Dr.  
PUD final plan approval to allow the construction of a 4,000 sq. ft. retail store. Also requested is preliminary plat approval for a 2-lot subdivision.  
*Case Manager: Eric Greulich*
- SP-13-19     **Cedarview Management Corp.**  
221 E. Kirkwood Ave.  
Site plan approval to allow a 964 sq. ft. addition.  
*Case Manager: Eric Greulich*

**PETITIONS:**

- SP-14-18     **Waterstone Bloomington Land LLC**  
320 W. 11<sup>th</sup> Street  
Site plan approval to allow a 52,720 sq. ft. mixed use building with 22 parking spaces.  
*Case Manager: Eric Greulich*
- DP-11-19     **Allen Dunn**  
3727 E. Cameron Ave.  
Preliminary plat approval for a two lot subdivision of 1.92 acres.  
*Case Manager: Eric Greulich*

**\*\*Next Meeting May 13, 2019**

**Last Updated: 4/12/2019**

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

## Case # RS-19-19 Memo

**To:** Bloomington Plan Commission

**From:** Jackie Scanlan, AICP Development Services Manager

**Date:** April 15, 2019

**Re:** Amendment to the Plan Commission Rules of Procedure Clarify Fees and to Clarify Notice Requirements

---

The Planning and Transportation Department proposes to amend the Plan Commission Rules of Procedure. There are two proposed amendments. One updates the building permit fee amounts collected by the County on behalf of the City to accurately reflect those amounts. The second proposal removes the requirement for a second notice to be affixed to a property if the mailed notice is returned in such cases that the Plan Commission or Common Council are the applicants. Additionally, a scrivener's error was corrected in Article 1(D), as an extra period was removed.

### First Proposed Amendment

The fee amounts collected by the Monroe County Building Department have not changed. However, only the residential fee was previously listed in the Rules and Procedures. The amendment adds the amount collected for non-residential properties, as well.

The purpose of the amendment is to accurately reflect the existing fees collected. The change will require amendment to Article III(A)(4) of the existing Rules.

### Second Proposed Amendment

Per Article IV(C)(2), notification will continue to be mailed to the address listed on the tax records of all interested parties, as defined by the Rules. For the subsection of the Rules that addresses petitions initiated by the Plan Commission or Common Council, an interested party is defined as 'any person whose property is located in an area that the proposal plans to: (1) Rezone; (2) Subject to a new overlay; and/or (3) Change the permitted or conditional uses.'

Current Rules require that if the notice described above is returned, an additional notice shall be affixed to the affected property. The proposal is to remove this portion of the Rules.

The purpose of the amendment is to simplify the notice process and remove a potentially onerous requirement that could occupy excessive staff time with little benefit. Properties that cannot receive mail are not often occupied by the owner, thereby making a hand-delivered notice fruitless. The change will require amendment to Article IV(C)(3), IV(C)(5), and IV(C)(7) of the existing Rules.

A draft showing all proposed changes is attached.

## CITY OF BLOOMINGTON

Last Revised: ~~January 8, 2018~~ April 15, 2019

## PLAN COMMISSION

## RULES AND PROCEDURES

Article I. Meetings

- A. The Plan Commission shall hold regularly scheduled meetings at intervals which correspond with the anticipated case load. Each agenda may include cases in preliminary or final hearing.
- B. All meetings shall be held at 5:30 p.m. in the City Hall at the Showers Building unless otherwise publicly announced.
- C. All meetings shall adjourn at 9:30 p.m. and no new cases shall be heard after 9:00 p.m. Any cases remaining to be heard on an agenda at time of adjournment shall be rescheduled for hearing at a special meeting within one (1) week of the original meeting.
- D. Special meetings may be called as provided in by Indiana Code section 36-7-4-307, as amended.
- E. A majority of the voting members shall constitute a quorum. However, no vote of the Commission shall be official unless authorized by a majority of the Commission's membership, and no vote of the Plat Committee shall be official unless authorized by the affirmative vote of two (2) members.
- F. Executive Sessions may be held only with at least forty-eight (48) hours advance notice and in compliance with all requirements of state law, and only such business as permitted by state law may be conducted in such session (certain matters relating to property acquisition, personnel, labor relations, or litigation).
- G. All decisions on petitions, with the exception of those acted upon as part of the consent agenda, shall be by roll call. The vote of each member of the Commission or Plat Committee shall be recorded by the Secretary and placed in the minutes of the meeting.
- H. No member of the Commission or Plat Committee shall participate in the hearing or decision of the Commission or Committee involving any matter in which that person is directly or indirectly interested in a financial sense, other than the preparation and enactment of a Master Plan. In the event that any member disqualifies himself or that any member's eligibility is challenged by a member of



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

- I. As soon as possible a summary of minutes of the proceedings shall be made available to each member of the Commission or Committee.
- J. All minutes of the proceedings, tape recordings of the hearings, and all exhibits submitted by the petitioners, remonstrators and staff shall be public records and shall be filed in the Planning and Transportation Department office. These materials shall become a part of the case and all such materials shall be held by the Planning and Transportation Department for a period of at least one (1) year. At the end of the one (1) year time period, all materials held by the Planning Commission may be placed in a "back filing" system for preservation of city records.
- K. The final disposition of any request, petition, or resolution before the Commission or Plat Committee shall be in the form of a motion, adopted according to proper parliamentary procedures. Said motion may be to grant, deny, continue, forward, modify, or table the petitioner's request; additionally, the members of the Commission may attach such conditions to a motion as are deemed necessary for the furtherance of the public health, safety, or convenience or to achieve consistency with the City Comprehensive Plan or Bloomington Municipal Code. The Plat Committee may impose conditions upon preliminary approval of a plat in accord with Article II(G)(3) of these Rules and Procedures. In all cases, the Plan Commission and Plat Committee shall act to determine the final disposition of a request, petition or resolution; in the absence of a majority vote to determine final disposition, said request, petition or resolution shall be administratively continued to the next regularly scheduled hearing.
- L. No petition shall be heard unless the petitioner is present at the public hearing. In the event that a petitioner is not present at the time their case is called to be heard, that petition will be moved to the end of the agenda. If the petitioner is present after the remaining cases on the agenda have been heard, their case will be heard at that time. If the petitioner is not present, the case will be continued to the next Plan Commission or Plat Committee meeting.

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

- A. The Commission shall at its first hearing in each year elect from among its members a president and vice-president, and appoint the members of the Plat Committee pursuant to Article II, Paragraph G.
- B. The president shall preside over Commission meetings and on behalf of the Commission shall exercise general supervision over the administration of the affairs of the Commission, including the execution of contracts and agreements, the appointment of committees and representatives, the determination of points of order and procedure, and the signing of all official documents. The vice-president shall have authority to act as president of the Commission during the absence of the president. In the case of the resignation of the president, the vice-president shall succeed to the presidency and a new vice-president shall be elected from the membership.
- C. The Planning and Transportation Director is designated as Secretary and shall be responsible for supervising the keeping of an accurate and complete record of all Commission and Plat Committee proceedings, including the keeping of records and minutes, and the custody and preservation of all paper documents of the Commission and Plat Committee. In the event of the absence of both president and vice-president, the secretary shall preside, provided, however, the first and only item of business to be presented by such presiding officer shall be the election of a chairman pro tempore.
- D. The Commission may appoint and prescribe the duties and fix the compensation of such employees as are necessary for the discharge of the duties and responsibilities of the Commission, and may make contracts for special or temporary services and any professional counsel, subject, however, to annual appropriation for same by the Common Council.
- E. The Commission shall request an attorney from the City Legal Department be assigned to serve as Counsel for the Commission.
- F. The Planning and Transportation Director or their designee shall appear at all meetings and assist the Commission presenting factual opinion on significant issues raised by the petition.
- G. Pursuant to Indiana Code section 36-7-4-701(e), as amended, a Plat Committee is established.
  - 1. The Plat Committee shall consist of three (3) members, one (1) staff member from the Planning and Transportation Department, one (1) staff member from the Utilities Department and the member of the Plan

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

2. Plat Committee members shall be appointed by the Plan Commission for a one-year term ending upon completion of the first Plan Commission meeting of the following calendar year.
3. The Plan Commission shall appoint one (1) alternate for each member of the Plat Committee to serve for a one-year term ending upon completion of the first Plan Commission meeting of the following calendar year. The alternate for the Planning and Transportation Department member shall be an employee of the Planning and Transportation Department. The alternate for the Utilities Department member shall be an employee of the Utilities Department. The alternate for the Plan Commission member shall be a member of the Plan Commission.
4. The Plat Committee may approve any subdivision of land, including preliminary and final plats. The Plat Committee may impose conditions upon preliminary approval as authorized and limited by Indiana Code section 36-7-4-702, as amended.
5. The committee shall meet at such times to be determined by the committee, as needed to accommodate caseload; provided, within eight (8) days of receiving an application for preliminary plat approval, the staff shall announce the date for hearing before the Plat Committee.
6. All petitions considered by the Plat Committee shall be considered in public hearings pursuant to the rules of procedure herein with respect to conduct of hearings, filing of petitions, fees, and notices, except that all plats may be considered by the committee in a single hearing.

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

7. The Plat Committee may act only by a vote of a majority of the full membership of the committee. Decisions must be signed by the president and secretary of the Plan Commission.
8. Any applicant or other interested party may appeal a decision of the Plat Committee approving, disapproving or imposing conditions on a preliminary plat, to the Plan Commission. Such appeal shall be filed with the Planning and Transportation Department within five (5) days of the Plat Committee's decision.

9. The Plat Committee shall at its first meeting in each year elect from among its members, a president and a vice president. The president shall preside over committee meetings and shall exercise general supervision over the administration of the affairs of the committee, including the determination of points of order and procedure. The vice-president shall have authority to act as president of the Plat Committee during the absence of the president. In the case of the resignation of the president, the vice-president shall succeed to the presidency and a new vice-president shall be elected from the membership.
  10. The Planning and Transportation Department, may, at its discretion, schedule plats for consideration by the Plan Commission rather than the Plat Committee.
- H. Pursuant to Indiana Code section 36-7-4-923, as amended, an alternate procedure for variance and conditional use is established.
1. A hearing officer is established.
    - (a) The Plan Commission shall appoint two (2) hearing officers. One (1) of the hearing officers shall generally fulfill the duties of the hearing officer, and the other hearing officer shall serve as an alternate in the event that the first is not available or has a conflict of interest.
    - (b) A hearing officer shall be a member of the staff.
    - (c) The Plan Commission may remove a hearing officer from their responsibilities at any time.
  2. The hearing officer may approve or deny:
    - (a) Variances from development standards,
    - (b) Conditional uses,
    - (c) Use Variances;
  3. Hearings conducted by the hearing officer shall be subject to all of the notice, minutes, records, and staff report, rules which apply to the Board of Zoning Appeals.
  4. The hearing officer shall be subject to the same requirements of the state law and the zoning ordinance as the Board of Zoning Appeals, with respect to conflicts of interest and communications with the hearing officer.

5. The hearing officer may, at their discretion, transfer a petition filed under this alternative procedure to the Board of Zoning Appeals if, in the judgment of the hearing officer, the issues involved warrant consideration by the Board or it appears likely that the decision of the hearing officer would be appealed to the Board.
6. The staff may file a written objection to a petition filed for consideration by the hearing officer if:
  - (a) the variance or conditional use sought would be injurious to the public health, safety, morals, and general welfare of the community; or
  - (b) the use or value of the area adjacent to the property included would be affected in a substantially adverse manner.

If such written objection is filed, the petition shall:

- (c) be considered withdrawn; or
- (d) be transferred to the Board of Zoning Appeals if requested by the petitioner.

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

7. The staff may indicate that it does not object to the approval of the petition if specified conditions are attached. If the applicant does not accept these conditions, the petition shall:
  - (a) be considered withdrawn; or
  - (b) be transferred to the Board of Zoning Appeals if requested by the petitioner.
8. The hearing officer may impose conditions and may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel, as provided in Indiana Code section 36-7-4-1015, as amended. If the applicant for the variance, or conditional use does not accept these conditions or make the commitment, the petition shall:

- (a) be considered withdrawn; or
  - (b) be transferred to the Board of Zoning Appeals if requested by the petitioner.
9. The hearing officer may not modify or terminate any commitment, whether made by the hearing officer or under Indiana Code section 36-7-4-1015, as amended. Commitments made by the hearing officer may be only modified by the Board of Zoning Appeals.
  10. A decision of the hearing officer may be appealed to the Board of Zoning Appeals by an interested person. Any appeal shall be filed with the Planning and Transportation Department within five (5) days of the hearing officer's decision.

### Article III. Filing of Petitions, Permits, and Fees

- A. All requests to the Commission or Plat Committee shall be by petition and petitioners shall be required to follow these procedures:
  1. All petitioners shall use the uniform petition forms approved by the Planning and Transportation Director which are available upon request in the Planning and Transportation Department. No petition shall be accepted until the petitioner has consulted with a staff member who has determined that the petition is presented in proper form with all the required exhibits and supporting documents. Upon such determination staff shall sign the application form and the petition shall be accepted.
  2. All petitions shall be filed no later than the deadlines established on the calendar of meetings to be adopted by the Commission each year; provided, these deadlines shall not apply to petitions to be heard by the Plat Committee.
  3. Filing fees for petitions shall be as follows:
    - a. Rezoning Petitions
 

Rezone to Single family .....	\$250 + \$25/acre
Rezone to Non-Single Family.....	\$500 + \$50/acre
Rezone to Planned Unit Development .....	\$1000 + \$100/acre
    - b. PUD Preliminary Plan Amendment..... \$500 + \$50/acre
    - c. Plat Approvals

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

d. Site Plans/PUD Final Plans

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

e. Conditional Uses

Home Occupation.....	\$100
Other.....	\$250

f. Use Variances .....

g. Variances

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

h. Right-of-Way Vacations .....

i. Letters of Zoning Verification .....

j. Lot Line Adjustments.....

k. Certificate of Occupancy Inspections.....

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

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

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

4. Fees associated with City of Bloomington review of building permit applications shall be \$0.14 per square foot of construction. All building permits are applied and paid for, and issued through the Monroe County Building Department. Certain categories of permits do not require this fee payment per the fee schedule contained in the *Monroe County Building Department Construction Permit Fees*. The exemptions contained in this Building Department document are incorporated in this rule. No fee shall be required for City review of any permit application filed by a not-for-profit, community service organization, or a governmental agency. Per the *Interlocal Cooperation Agreement* between the City and the County, the County Building Department shall collect the \$0.14 per square foot residential permit fee and a \$0.15 per square foot non-residential permit fee and transmit the collected fees to the City of Bloomington Controller's Office on a quarterly basis.

#### Article IV. Notices

- A. In the event a request for action by the Plan Commission or Plat Committee is being made by 100% of the property owners directly included in the proposed action, the following requirements for notice must be met:
1. All petitioners for any Plan Commission or Plat Committee approval shall inform interested parties of the proposal by notice sent to the residence or the last known address of the interested parties. Petitioners shall prepare the notice in a form specified by the Planning and Transportation Department and mail by regular first class delivery said notice not less than twenty-one (21) days before the date of the initial Plan Commission or Plat Committee hearing. The Planning and Transportation Department shall verify that the notice is properly distributed by the petitioner not less than twenty-one (21) days before the date of the initial Plan Commission or Plat Committee hearing. If adequate notice in accordance with these rules is not given to the interested parties and this fact is confirmed by staff prior to Plan Commission action, such petition may be continued to a later date to allow proper notice to all interested parties.
  2. Such notice shall state:
    - a. The general location by address or other identifiable geographic description of the subject property or area;
    - b. A summary of the subject matter contained in the proposal and/or a description of the proposed change in the zone maps, where the proposal involves a change to the zone maps;
    - c. The name of the petitioner;



- d. The times and places the petition has been set for hearing;
  - e. That the petition and file may be examined in the office of the Planning and Transportation Department;
  - f. That the addressee may voice an opinion at the hearing and/or file written comments with the Commission or Plat Committee; and
  - g. That the hearing may be continued from time to time as may be found necessary.
3. ***Interested parties*** shall be defined as all persons owning land adjacent and contiguous to the property included in the petition or proposal and, all persons owning land abutting the aforementioned immediately-adjacent property owners (i.e, notice shall be provided “two (2) properties deep”) but not to exceed three hundred (300) linear feet from the subject parcel(s) for which a petition or proposal is being requested. Intervening public rights-of-way shall not be considered in determining what property is adjacent and contiguous. Where any adjacent or contiguous parcel is owned by a petitioner, the property included in the petition shall be deemed to include said adjacent parcel or parcels owned by a petitioner, and owners of property adjacent and contiguous to said parcel(s) owned by a petitioner but not included in the petition shall be considered interested parties entitled to notice.
  4. In order to determine the names and addresses of property owners to whom notice must be sent under this Rule, the staff shall consult either the current Plat Book and computerized ownership records located in the Office of the Auditor of Monroe County, Indiana or the Monroe County, Indiana Geographic Information System to determine the name and address of each adjacent property owner. A good faith effort shall be made to investigate and resolve any discrepancies or omissions in or among such records in order to determine name and address of the current owner of record. Each notice shall be mailed and postmarked no later than the fifth business day after the date upon which the name and address of the owners were obtained from the Plat Book and the computer records in the Auditor's office as described above or as gained from the Monroe County, Indiana Geographic Information System.
  5. The manner in which notice must be sent to interested parties shall be as follows:

- a. Required notices to interested parties shall be sent by regular first class mail.
  - b. Proof that notice has been mailed shall be sufficient proof of notice under these rules regardless of actual receipt.
  - c. Proof of notice shall consist of submittal of the following items to the Planning and Transportation Department in the following manner:
    - (1). A copy of the Notice of Public Hearing to be mailed to the interested parties.
    - (2). A list of interested parties with addresses.
    - (3). An Affidavit of Notice to Interested Parties in a form approved by the Planning and Transportation Department including: name of person preparing and mailing the notice; name of petitioner; location of petition; and a statement that notice was mailed at least twenty-one (21) days prior to the initial public hearing of the Plan Commission or Plat Committee.
    - (4). A copy of the map indicating interested parties' property as generated by the Planning and Transportation Department.

The Planning and Transportation Department shall retain the proof of notice within the petition file.
  - d. Appearance at any hearing on a petition or proposal, in person or by representative, shall waive any defect in notice unless the alleged defect is raised at the beginning of the hearing.
- 6. The Planning and Transportation Department shall cause a legal notice to be published in a daily newspaper published and distributed in the county ten (10) days and prior to the initial hearing. Said notice shall serve as a legal advertisement for continued public hearings. The petitioner shall bear the expense of said advertisement.
  - 7. All petitioners for any Plan Commission or Plat Committee approval (excepting zoning text amendments, resolutions, and administrative appeals) shall post a sign or signs on the subject property in a location clearly visible to passing traffic. The staff will determine sign locations with not less than one sign placed on the property per street frontage per block. Signs, of a design approved by the Plan Commission, shall be available in the City Planning and Transportation Department. Signs shall be placed at least 21 days prior to the hearing of the Plan Commission or Plat Committee. The petitioner shall purchase the signs required for this notice at a price reflecting replacement cost.

- B. In the event a request for action by the Plan Commission or Plat Committee is being made by less than 100% of the property owners directly included in the proposed action, or in the event the Plan Commission or the Common Council are the proponents of the action, the following requirements for notice must be met:
1. All petitioners for any Plan Commission or Plat Committee approval (other than the Plan Commission or Common Council) shall inform interested parties of the proposal by notice sent to the residence or the last known address of the interested parties. Petitioners shall prepare the notice in a form specified by the Planning and Transportation Department and shall mail said notice not less twenty-one (21) days before the initial Plan Commission or Plat Committee hearing date. The Planning and Transportation Department shall verify that the notice is properly distributed by the petitioner not less than twenty-one (21) days before the date of the Plan Commission or Plat Committee hearing. If adequate notice in accordance with these rules is not given to the interested parties and this fact is confirmed by staff prior to Plan Commission action, such petition may be continued to a later date to allow proper notice to all interested parties.
  2. In any case where a proposal to change the zone maps is initiated by the Plan Commission or by the Common Council, other than a proposal to repeal and replace the zone maps for the entire planning jurisdiction, notice shall be given to interested parties by the staff. Such notice shall be postmarked at least twenty-one (21) days prior to the initial hearing on the proposal.
  3. Such notice shall state:
    - a. The general location by address or other identifiable geographic description of the subject property or area.
    - b. A summary of the subject matter contained in the proposal and/or a description of the proposed change in the zone maps, where the proposal involves a change to the zone maps.
    - c. The name of the petitioner.
    - d. The times and places the petition has been set for hearing.
    - e. That the petition and file may be examined in the office of the Planning and Transportation Department.

- f. That the addressee may voice an opinion at the hearing and/or file written comments with the Commission or Plat Committee.
    - g. That the hearing may be continued from time to time as may be found necessary.
4. Interested parties shall be defined as owners of property within the area included in the petition or proposal who are not petitioners, owners of property adjacent and contiguous to the property included in the petition or proposal, and all persons owning land abutting the aforementioned immediately-adjacent property owners (i.e, notice shall be provided “two (2) properties deep”) but not to exceed three hundred (300) linear feet from the subject parcel(s) for which a petition or proposal is being requested. Intervening public rights-of-way shall not be considered in determining what property is adjacent and contiguous.
5. In order to determine the names and addresses of property owners to whom notice must be sent under this Rule, staff shall consult either the current Plat Book and computerized ownership records located in the Office of the Auditor of Monroe County, Indiana or the Monroe County, Indiana Geographic Information System to determine the name of each adjacent property owner and address. A good faith effort shall be made to investigate and resolve any discrepancies or omissions in or among such records in order to determine name and address of the current owner of record. Each notice shall be mailed and postmarked no later than the fifth business day after the date upon which the name and address of the owner were obtained from the Plat Book and the computer records in the Auditor's office as described above or as gained from the Monroe County, Indiana Geographic Information System.
6. The manner in which notice must be sent to interested parties shall be as follows:
  - a. Required notices shall be sent by certified mail with return receipt requested to all owners of property within the area included in the petition or proposal, other than those who have signed the petition or application requesting Plan Commission or Plat Committee approval except as otherwise provided in Paragraph 6(c) herein.
  - b. Required notices to all other interested parties shall be sent by regular first-class mail.
  - c. It shall be the duty of the staff to examine the file within the three (3) business days prior to the initial hearing to determine whether all

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

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

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

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

- a. For notice to non-petitioning owners, one or more notarized, sworn affidavits stating the manner in which the affiant(s) obtained the names and addresses of the property owners required to be notified, and stating the date upon which such names and addresses were obtained. Said manner shall be in accordance with Paragraph 5 of this Rule. In the case where the affidavit relates to a second attempt pursuant to Paragraph 6(c) of this Rule, the manner of obtaining a new name and/or address, if any, shall be in accordance with said Paragraph 6(c) and 6(d). Said affidavit(s) shall also include the list of names and addresses thus obtained, keyed to a map showing the petitioned property and surrounding property; and, said affidavit(s) shall also show that notice in the required form was sent to the names and addresses on said list, the date upon which said notice was sent (which shall be not later than the second business day after the names and addresses were obtained in accordance with Paragraph 5 of this Rule), and the manner in which said notice was sent, which shall be in accordance with Paragraph (6) of this Rule. All affidavits shall be made upon personal knowledge. The affidavits required by this provision shall be filed with the Planning and Transportation Department not later than three (3) business days prior to the initial hearing.
- b. Proof of compliance with these notice requirements shall also include the original receipts for certified mail stamped by the United States Post Office with the date of mailing, whenever these rules require that notice be sent by certified mail. The receipts shall be filed with the Planning and Transportation Department simultaneously with the affidavits required by Paragraph 7(a) above.
- c. Proof of notice sent by regular first class mail shall consist of submittal of the following items to the Planning and Transportation Department in the following manner:
  - (1) A copy of the Notice of Public Hearing to be mailed to the interested parties.
  - (2) A list of interested parties with addresses.
  - (3) An Affidavit of Notice to Interested Parties in a form approved by the Planning and Transportation Department including: name of person preparing and mailing the notice; name of petitioner; location of the petition; and a statement that notice was mailed at twenty-one (21) days prior to the initial public hearing of the Plan Commission or Plat Committee.
  - (4) A copy of the plat map indicating interested parties' property.

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

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

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

8. The Planning and Transportation Department shall cause a legal notice to be published in a daily newspaper published and distributed in the county ten (10) days prior to the initial hearing. Said notice shall serve as a legal advertisement for both public hearings. The petitioner shall bear the expense of said advertisement.
  9. All petitioners for any Plan Commission or Plat Committee approval (excepting zoning text amendments, resolutions, and administrative appeals) shall post a sign or signs on the subject property in a location clearly visible to passing traffic. The staff will determine sign locations with not less than one sign placed on the property per street frontage per block. Signs, of a design approved by the Plan Commission, shall be available in the City Planning and Transportation Department. Signs shall be placed at least 21 days prior to the hearing of the Plan Commission or Plat Committee. The petitioner shall purchase the signs required for this notice at a price reflecting replacement cost.
- C. In the event a proposal is initiated by either the Plan Commission or the Common Council, the following requirements must be met:

1. The Plan Commission shall give notice of all hearings by publication.
2. The notice by publication shall comply with Indiana Code section 36-7-4-604 and Indiana Code section 5-3-1, as amended. Such notice shall state:
  - a. The time and place of the hearing(s);
  - b. The geographic areas (or zoning areas in a specified geographic area) to which the proposal applies;
  - c. A summary prepared by the Plan Commission of the subject matter contained in the proposal (the entire text of the ordinance is not required);
  - d. If the proposal contains or would add or amend any penalty or forfeiture provisions, the entire text of these penalty or forfeiture provisions;
  - e. The place where a copy of the proposal is on file for examination before the hearing;
  - f. The written objections to the proposal that are filed with the secretary of the Commission before the hearing will be considered;
  - g. That oral comments concerning the proposal will be heard; and
  - h. That the hearing may be continued from time to time as may be found necessary.
3. An additional notice shall be provided to all interested parties at least ten (10) days before the date set for the hearing.
  - a. An interested party for purposes of this subsection is any person whose property is located in an area that the proposal plans to:
    - (1) Rezone;
    - (2) Subject to a new overlay; and/or
    - (3) Change the permitted or conditional uses.



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

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

- 4. If the subject matter of the proposal abuts or includes a county line (or a county line street or road or county line body of water), then all owners of real property to a depth of two (2) ownerships or one-eighth (1/8) of a mile into the adjacent county, whichever is less, are interested parties who must receive notice under the above subsection (C)(3).
- 5. Proof that notice has been mailed in accordance with this Rule shall be sufficient proof of notice. ~~In situations addressed by 3(c) above, proof of notice shall be adequate if it is shown that the second attempt notice was affixed to the affected property.~~
- 6. Appearance at any hearing on a petition or proposal, in person or by representative, shall waive any defect in notice unless the alleged defect is raised at the beginning of the hearing.
- 7. Proof of notice shall be in the following form:
  - a. A notarized, sworn affidavit stating the manner in which the staff obtained the names and addresses of the interested parties, and stating the date upon which such names and addresses were obtained.
  - b. A notarized, sworn affidavit stating the date upon which the required mailing was postmarked.
  - c. A notarized, sworn affidavit stating the date upon which notice given via U.S. mail was returned ~~and the date upon which the notice was affixed to the affected property.~~
  - d. All affidavits shall be made upon personal knowledge and shall be kept on file in the Planning and Transportation Department with the file associated with the proposal.

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

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

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

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

B. Limits on Testimony:

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

Staff Report

Presentation by Petitioner- 20 minutes total

Questions for the Staff and Petitioner by the Plan Commission

Public Comment - 5 minutes per speaker

Back to the Plan Commission for final action

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

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

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

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

C. Preliminary and Final Hearings:

1. Preliminary Hearings:

- a. The purpose of the preliminary hearing shall be the exchange of information, and to allow the most thorough consideration of all sides of a controversy. All parties are encouraged to provide the Commission with written copies of their statements or position papers.
- b. Any petitioner withholding information from the Commission or other interested parties will be denied the right to rely on such information at the final hearing.
- c. Preliminary hearing cases shall always be forwarded to the next regularly scheduled Plan Commission meeting for a final hearing, unless the Plan Commission votes to forward the case to a different hearing date or to waive a second hearing. A Plan Commission vote is recommended, but not required, to forward cases from the preliminary hearing to the next regularly scheduled Plan Commission meeting for final hearing.

2. Final Hearings:

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

3. Single Hearing Cases. The following case types may be reviewed by the Plan Commission in one (1) hearing:
  - a. All preliminary plats which are in full conformance with Title 20 Unified Development Ordinance and all final plats which are in full conformance with approved preliminary plats and with Title 20 Unified Development Ordinance.
  - b. Any preliminary or final plat referred by the staff to the Plat Committee.
  - c. Final Plans for planned unit developments which are in essential compliance with approved Preliminary Plans and which have been filed within 18 months of the date of preliminary approval by the Common Council.
  - d. Site Plans which are in essential compliance with Title 20, Section 20.09.120 "Site Plan Review" of the Bloomington Municipal Code, as amended.
4. Findings:

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

#### Article VI. Docket

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

- B. No case shall be placed on the docket until the petitioner has consulted with a staff member who has determined that the petition has been presented in proper form with all the required exhibits and supporting documents.
- C. The staff may schedule the case for hearing before the Plan Commission or Plat Committee at its discretion, taking into account the magnitude of required review or coordination, or the desirability of modifying the petition, but subject to any time limits in these Rules, the Subdivision Control Ordinance, the Zoning Ordinance, or state law. Prior to each regularly scheduled Plan Commission hearing, the staff shall determine the estimated time length for each petition. Where it is evident that discussion on petitions would likely occur after 9:00pm, the staff shall have the authority to limit such petitions and forward them to the next regularly scheduled meeting of the Commission. Furthermore, for petitions characterized by a high degree of complexity and public interest, staff and the Commission shall strongly consider skipping monthly meeting cycles in order to allow for more timely consideration of other petitions which have been filed.
- D. The identification of docket numbers for both Plan Commission and Plat Committee cases shall be as follows:

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

Article VII. Final Disposition of Petitions

- A. The final disposition of any petition shall be recorded in the minutes of the Commission or Plat Committee. Following a vote against a petition, the Commission or Plat Committee president shall restate the position of the Commission for the record.
- B. The Commission or Plat Committee may dismiss a case for lack of prosecution or lack of jurisdiction. When a petitioner or their representative has failed to appear at two (2) consecutive meetings, the case may be dismissed for lack of prosecution at a subsequent meeting after notice to the petitioner.
- C. No petition may be withdrawn by the petitioner after a vote has been ordered by the presiding officer. No petition which has been withdrawn by the petitioner shall be placed on the docket again for hearing within a period of three (3) months from the date of said scheduled meeting, except upon motion to permit redocketing, adopted by the affirmative vote of a majority of the members of the Commission or Plat Committee.

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

#### Article VIII. Miscellaneous Provisions

- A. Every person appearing before the Commission or Plat Committee shall abide by the order and direction of the president. Discourtesy, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Commission or Committee and shall be dealt with as the Commission or Committee directs.
- B. No case shall be continued at the request of the petitioner unless such request has been made to the Planning and Transportation Department not later than noon, one (1) week before the scheduled hearing, and the request has been noted on the agenda before it is distributed. If the petitioner requests that a case be continued prior to the above referenced deadline, the Planning and Transportation Department, at its discretion, may act as agent for the Commission or Plat Committee and may approve such requests without formal Commission or Committee vote. Such staff approval shall be noted on the agenda. However, any request for continuance that occurs after the above-mentioned deadline requires a majority vote by the Commission or Committee. Similarly, if a petition is continued for three (3) consecutive hearings, any further request for continuance, even within the above-referenced deadline, requires a majority vote by the Commission or Committee. If the Commission or Committee denies such a request for continuance, the petition shall be treated as denied on the merits unless the petitioner elects to formally withdraw the petition within twenty four (24) hours.
- C. Amendments to these rules of procedures may be made by the Commission at any regular or special meeting upon the affirmative vote of a majority of the members of the Commission.
- D. The suspension of any rules may be ordered at any Plan Commission meeting by a unanimous vote of those present.

**BLOOMINGTON PLAN COMMISSION  
STAFF REPORT  
Location: 320 W 11<sup>th</sup> Street**

**CASE #: SP-14-18  
DATE: April 15, 2019**

**PETITIONER:** Waterstone Bloomington Land LLC  
5784 Lake Forest Drive, Atlanta, GA

**CONSULTANTS:** Matte Black Architecture  
2021 E Wexley Rd, Bloomington

**REQUEST:** The petitioner is requesting site plan approval for a four-story mixed use building.

**BACKGROUND:**

**Area:** 0.450 acres  
**Current Zoning:** CD – Showers Technology Park Overlay  
**GPP Designation:** Downtown  
**Existing Land Use:** Undeveloped  
**Proposed Land Use:** Commercial / Dwelling, Multi-Family  
**Surrounding Uses:** North – Multi-family Residential  
 West – Multi-family Residential  
 East – Commercial /Dwelling, Multi-Family  
 South – Showers Technology Park

**CHANGES SINCE FIRST HEARING:** This petition was heard at the December 10, 2018 Plan Commission meeting. At that meeting the Plan Commission gave comments and asked questions regarding architecture, why a building was never constructed on this site, and the intent of the zoning commitment that was required with the original approval. The Plan Commission also gave comments that allowing residences in this building would not be in keeping with the goals of the Master Plan and Redevelopment Strategy for the Certified Technology Park. The Plan Commission voted to continue this petition to the February 11, 2019 meeting to give the petitioner time to make changes to the petition to alter the proposed uses. The petitioner has requested continuances since then. No changes to the petition have been made since that hearing.

**REPORT:** The property is located on the north side of 11th Street between Ashlyn Park Drive and Morton Street and is zoned Commercial Downtown (CD), in the Showers Technology Park Overlay. Surrounding land uses include a pocket park and multi-family residences to the north, a mixed-use building to the east, multi-family residences and Upland to the west, and the Trades District to the south.

This site is part of the Morton North petition that received site plan approval in 2007 under SP-28-07. That overall petition approved a parking garage, several multi-family dwelling units, a pocket park, a mixed-use building, and an office building. All of those structures (except for this office building) have been constructed or are currently under construction. At the time of that 2007 approval, the Certified Technology Park was in the renewal process discussion stages and it was uncertain if it would occur on the land to the south of this site. The Plan Commission wanted to insure that there was a mix of land uses within the Morton North petition, but given the uncertainty of the Technology Park, the

Plan Commission included a zoning commitment with the approval that restricted the land uses on the petition site over time in order to provide some relief if the Technology Park did not progress. A copy of that zoning commitment, the staff report for SP-28-07, and minutes from that meeting are included with this packet. The zoning commitment required a certain amount of the office building that would be built on this site to be dedicated to technology park uses. There were 2 time periods outlined in the commitment, but after a 5-year time period elapsed then the site could be developed according to current zoning regulations, pending Plan Commission approval.

The Administration and the Department believe that the language in the zoning commitment allows the Plan Commission to require an office use if the Trades District/Showers Technology Park is developing as hoped. The City has recently made a substantial investment and physical improvements in the Trades District with the new road network and remodeling and leasing of the existing historic buildings; and therefore feels that office uses are still required per the zoning commitment to further the goals of the Certified Tech Park. This is also in keeping with the intent of the overall site plan for Morton North where the Plan Commission previously expressed a desire to have a mix of land uses within the development.

The petitioner is proposing a 4-story building that will have 1,000 square feet of lower level commercial space and a parking garage with 22 parking spaces, 2 floors of hotel space with 40 rooms, and 2 floors of apartments with a total of 12, studio units and 18, 1-bedroom units. The height and design of the building is in keeping with the previously shown models and elevations that received STPO deviation approval with the 2007 approval.

---

**Plan Commission Site Plan Review:** The Department is bringing this to the Plan Commission for review per the language of the zoning commitment that stipulated the Plan Commission shall review the final site plan.

---

#### **SITE PLAN ISSUES:**

**Residential Density:** The allowable density in the Showers Technology Park Overlay (STPO) is 15 units per acre. The petition site is 0.45 acres and would be allowed 6.75 units. The number of units proposed meets the maximum 6.75 units allowed.

**Non-Residential Uses on the First Floor:** The ground floor consists of commercial and hotel space and meets the non-residential use requirement.

**Height:** The maximum height of the building is shown at 62'. Although the current height limit of the STPO is 35', a height waiver was granted with the original approval and listed a possible height of up to 78', however the building was restricted to four-stories in height. The ground floor with the parking garage was not included as a story. The proposed building meets the four-story height limit that was specifically outlined in the zoning commitment and is identical to what was approved with the 2007 approval.

**Parking:** The STPO does not require parking spaces for nonresidential uses and only requires parking spaces for residential bedrooms over 10 bedrooms, so a total of 5 parking spaces are required for the multi-family residential component. There are 22



parking spaces being provided on this site in the ground floor parking garage, which meets the parking requirement for the apartments.

**Access:** The parking garage is entered from a street level entrance on the west side of the building from Ashlynn Park Drive. This is in keeping with the original approved design of the building.

**Bicycle Parking/Alternative Transportation:** Bicycle parking spaces have been shown at the southwest corner of the building and also adjacent to the hotel entrance on the east side of the building. A total of 8 bicycle parking spaces are required and have been shown.

**Architecture/Materials:** The primary building materials include limestone veneer, brick, fiber cement panels, and a horizontal composite or metal panel along the bottom floor adjacent to the parking garage. Secondary materials are wood and cementitious siding. The building design meets window void-to-solid ratios. Limestone headers and sills have been shown as well. Since there is a substantial grade transition across the site, it is difficult to measure the ground floor void-to-solid ratio. The elevations include tall glass windows at the west end of the building that span the commercial and hotel space. A regular pattern of windows is included along the ground floor of the hotel space and the first floor of the hotel does meet the 40% void-to-solid ratio. Glass windows could be included instead of the horizontal composite or metal panel adjacent to the parking garage, however the Department believes the material shown provides a better visual screening of the interior of the parking garage. The proposed renderings are similar to the previous renderings, however previous renderings shown with the 2007 approval showed the east side of the building more at street grade with windows down to the street level because the current drawings are based on engineered elevations as opposed to the more conceptual 2007 renderings. If the petition is approved, then the Department recommends that either the ground floor be lowered in this area to be closer to street level or another entrance be included with steps extending to the street level.

**Streetscape:** Street trees were installed with previous approvals, however pedestrian-scaled lighting are required along 11<sup>th</sup> Street. These would need to be shown prior to issuance of any grading permits.

**Impervious Surface Coverage:** The STPO allows for 75% impervious surface coverage and this petition meets that requirement.

**Building Façade Modulation:** The proposed building meets the modulation requirements that were in place at the time of the original approval with two large modules along the east side of the building and a center module that extend the required 3' modulation.

---

## CRITERIA AND FINDINGS FOR SITE PLANS

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

(A) **Findings of Fact.** A site plan shall be approved by the plan commission only upon making written findings that the site plan:

(i) Is consistent with the Comprehensive Plan;

**Proposed Findings:**

- The site is in the Certified Technology Park and Trades District area of the Comprehensive Plan.
- The Trades District is highlighted as an ideal place to attract new investments and for the provision of jobs.
- One of the main goals of the Trades District is to create jobs in the technology sector. New businesses are identified as a primary use and work force focused residences to help support and serve these businesses. (p. 54)
- The Trades District, within the Showers Technology Park, and locations associated with the Convention Center are necessary for employment and business growth. These highly valued goals must be preferred when considering development approvals. (p.86)
- Land use policy guidance shall first utilize the 2013 Certified Technology Park Master Plan and Redevelopment Strategy to aid in land development approvals. (p.97) This document highly encourages the presence of Technology Park offices to support the development of the overall Technology Park.

(ii) Satisfies the requirements of Chapter 20.02, Zoning Districts;

The UDO includes an intent for the CD district and guidance for the Plan Commission in 20.02.370. The following items address those intent and guidance statements.

**Proposed Findings:**

- The project does serve to protect and enhance the central business district by adding infill commercial and residential space on an existing vacant site.
- The project does provide a mix of land uses with storefront retail and residential dwelling uses.
- It is unclear whether or not the project promotes a diversity of residential housing for all income groups and ages because future renters are unknown. The project provides 20 one-bed or studio apartments, increasing the inventory for small units downtown.
- The project does incorporate some pedestrian-oriented design through first-floor window design and massing and does accommodate alternative means of transportation by providing ample bicycle parking.
- The project does intensify the use of vacant and under-utilized properties, by developing the vacant lot.
- The project does provide commercial on the ground floor with residential above.

(iii) Satisfies the requirements of Chapter 20.05, Development Standards;

**Proposed Findings:**

- A waiver from the maximum height limit of the district was approved with the previous approval. This project meets all other applicable development requirements of Chapter 5.

(iv) Satisfies the requirements of Chapter 20.07, Design Standards; and

**Proposed Findings:**

- No subdivision is involved, so this is not applicable.

(v) Satisfies any other applicable provisions of the Unified Development Ordinance.

Per 20.03.380, the Plan Commission shall approve a site plan that meets all of the standards of 20.03.400, 20.03.410, and 20.09.120.

- The petition meets the standards that were in place with the original approval with the one approved waiver.

---

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

- 1.) The EC believes that overall this proposal falls short of the vision for the Showers Technology Park Overlay and should be revised to add innovative, unique, environmentally-sustainable features.

**Staff Response:** The Department encourages the petitioner to pursue options to add additional environmentally-sustainable features. It is not required per UDO standards at this time.

- 2.) The Petitioner should work with staff to revise the Landscape Plan, and ensure that removal of existing vegetation will not cause previously-built phases to be out of compliance.

**Staff Response:** There is one existing street tree that is being proposed to be removed and if possible, this should be relocated. This will be reviewed with a grading plan if approved.

---

**CONCLUSION:** This petition meets the STPO Development Standards except for the height limit which received a waiver with the 2007 approval. The plan and renderings are in keeping with the previous requirements of the 2007 site plan approval, however since one of the areas of concern with the 2007 approval was the incorporation of a mix of uses on this petition and the desire to promote the development goals of the Trades District and Shower Technology Park, the exclusion of office uses and the inclusion of multi-family residences with the petition does not promote that goal and does interfere with the goals of the Comprehensive Plan. The Department therefore does not recommend approval because it lacks the previously approved office space.

---

**RECOMMENDATION:** The Planning and Transportation Department recommends that the Plan Commission deny the site plan based on the proposed written findings of fact.



City of Bloomington  
Bloomington Environmental Commission

## MEMORANDUM

Date: April 15, 2019

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Subject: SP-14-18: Morton North/Waterstone Bloomington Land LLC  
310 W. 11<sup>th</sup> St.

The purpose of this memo is to convey the environmental concerns and recommendations of the Environmental Commission (EC) with the hope that action will be taken to enhance its environment-enriching attributes. The EC reviewed the petition and offers the following comments and requests for your consideration.

About four months have passed since the EC last saw this petition and still no revisions have been submitted. Therefore, the EC continues to believe that this proposal falls short of the vision for the Showers Technology Park Overlay and should be revised to add innovative, unique, environmentally-sustainable features.

### 1.) DISTRICT INTENT & REVIEW STANDARDS

The EC questions whether this petition follows the intent of the Showers Technology Park Overlay (STPO). Find concerns below.

- a. Providing motel and dwelling unit opportunities (plus an office for the dwelling units), does not seem to “promote mixed-use development focused on light industrial/manufacturing and office uses” as 20.03.360 STPO District Intent calls for.
- b. The Review Standards instruct us to look at the Design Guidelines outlined in the Downtown Vision and Infill Strategy Plan (DVISP). Design Guideline “Orient the primary entrance of a building toward the street”, and “Entries” describe features that are not reflected on the site plan for this petition, although those would enhance the walkability of the streetscape immensely.
- c. While the Architectural Character doesn’t align with the guidelines, the EC is pleased that limestone is being used on the building façade. The EC recommends that additional limestone be used around the main entrance to enhance the local character of the building.

d. The STPO section Parking Structures provides guidance that should be followed for the exterior of this garage.

e. Section 20.03.380, Plan Commission Review, discusses a vision of buildings in the STPO that add unique and innovated character, and environmentally sustainable development design features. Neither the site nor building design accomplish that. The Petitioner's Statement lists some features that the EC does not consider innovative or green, and believes that the "proposed or under consideration" features are little more than typical building practices.

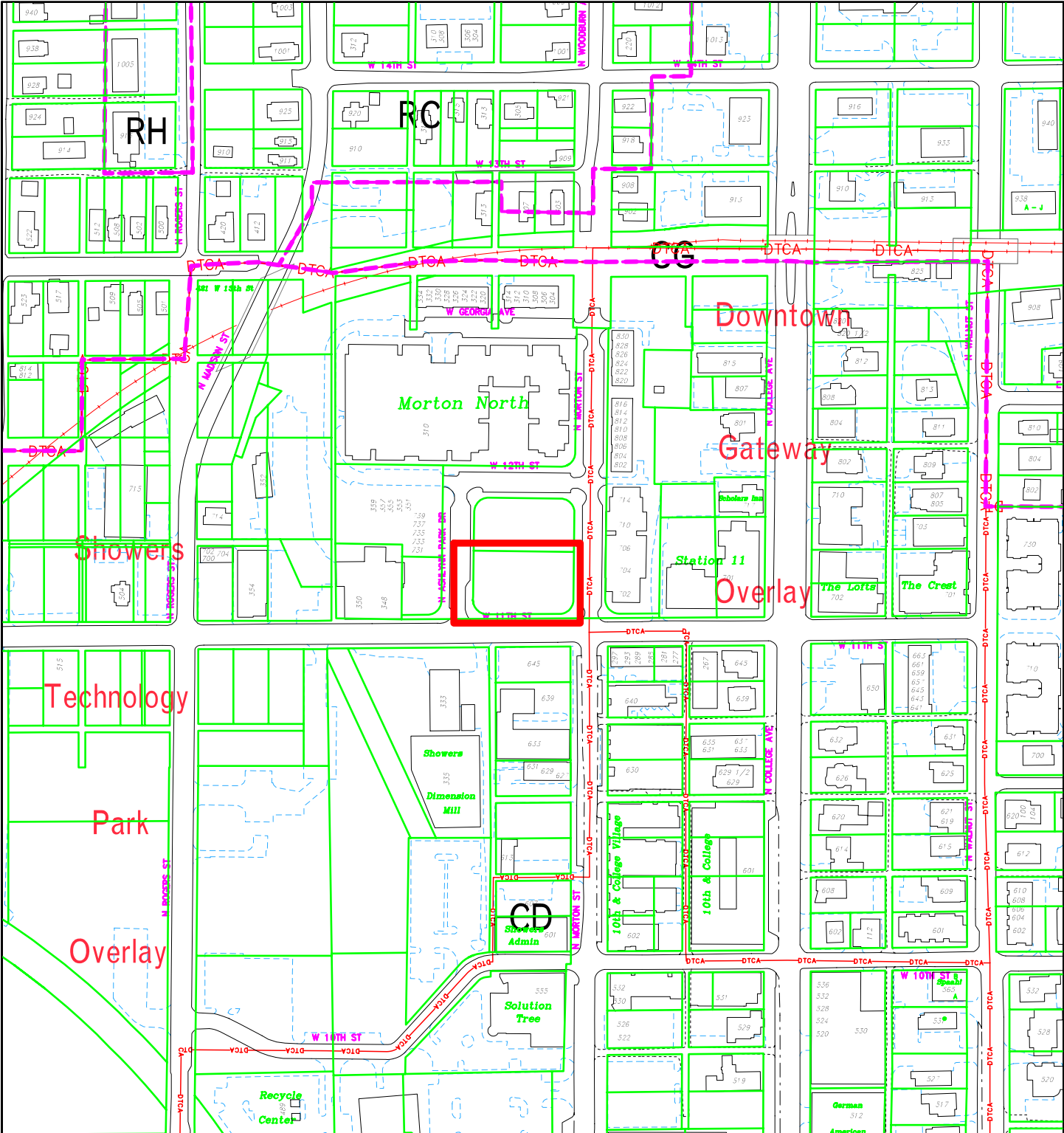
## 2.) LANDSCAPE PLAN

The Landscape Plan is not yet acceptable and needs some revisions. The Petitioner should work with staff to ensure compliance with the Bloomington Municipal Code, at the least. The EC recommends the site be designed with plantings that benefit local pollinating insects and birds, reduce the heat island effect, and slow and cleanse rainwater. Using native plants provides food and habitat for birds, butterflies and other beneficial insects, promoting biodiversity in the city. Native plants do not require chemical fertilizers or pesticides and are water efficient once established.

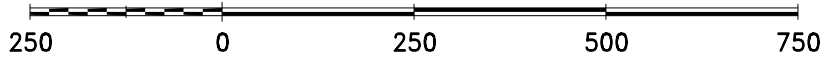
Additionally, some vegetation will be removed with this proposal. The EC requests assurance that the removed vegetation was not part of the landscape requirements for a previous phase of development. If it was, removal will cause said previously-built phase/structure to be out of compliance.

## EC RECOMMENDATIONS:

- 1.) The EC believes that overall this proposal falls short of the vision for the Showers Technology Park Overlay and should be revised to add innovative, unique, environmentally-sustainable features.
- 2.) The Petitioner should work with staff to revise the Landscape Plan, and ensure that removal of existing vegetation will not cause previously-built phases to be out of compliance.



By: scanlanj  
13 Jul 18



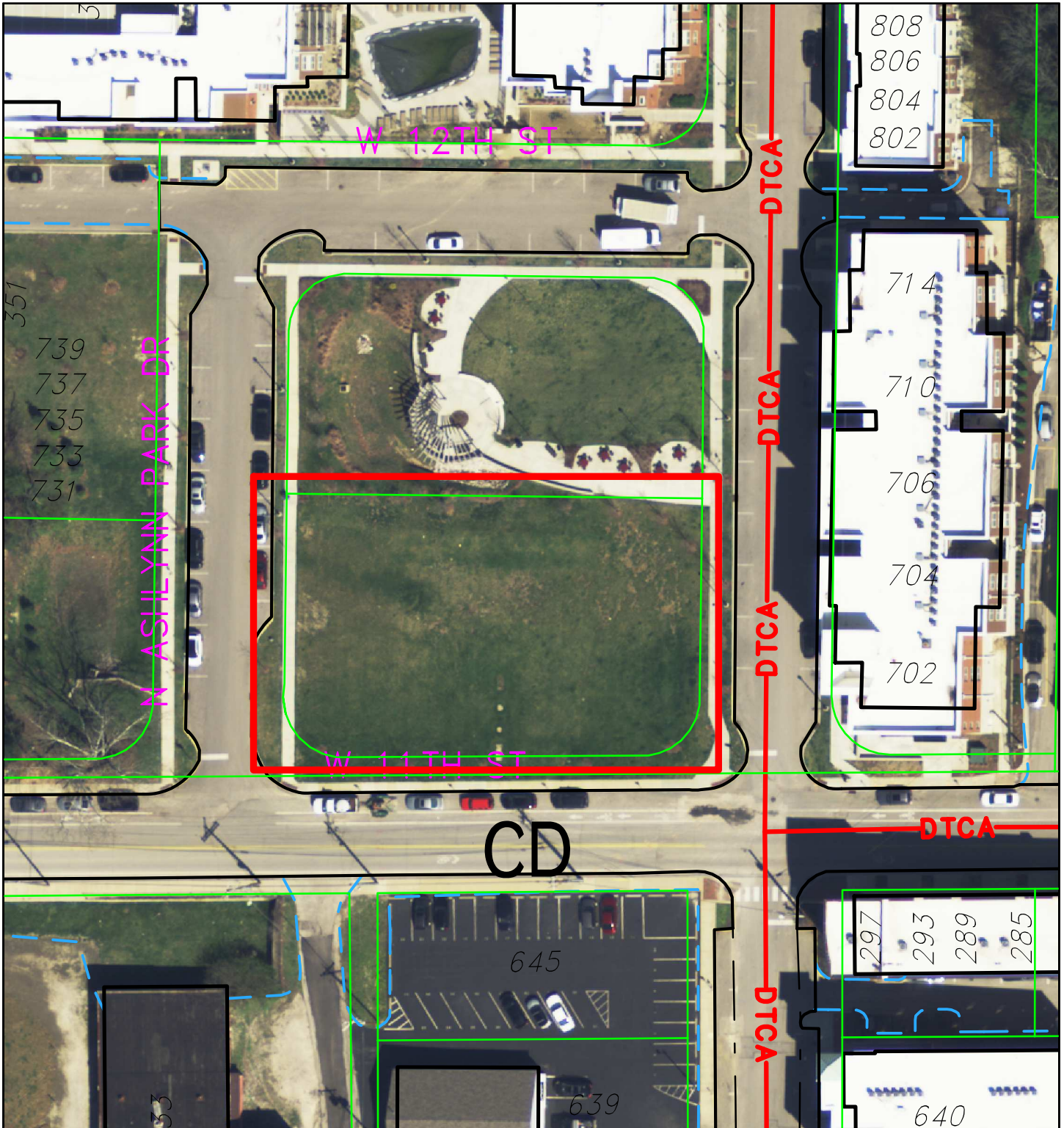
For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation

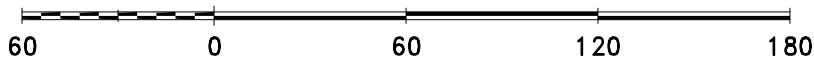
N

Scale: 1" = 250'





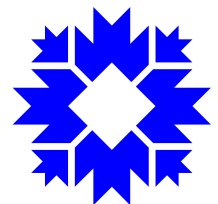
By: scanlanj  
13 Jul 18



For reference only; map information NOT warranted.



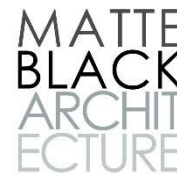
City of Bloomington  
Planning & Transportation



Scale: 1" = 60'



# Petitioner's Statement



## Morton North Lot 1 Mixed Use

Attention: Bloomington Plan Commission

Petitioner: Eric Edee (Waterstone Bloomington Land LLC), property owner

### Project Description

The petitioner is proposing a mixed-use development at 320 W 11<sup>th</sup> Street (Lot 1) to complete the previously approved site plan for the Morton North Project (Case #SP-28-07). This building was formerly depicted as an "Office Building", however, the requirements for exclusive use as office has expired and the current petition is based on both previously determined guidelines (max. height, area, etc.) and those from the current UDO that would apply (use, modulation, etc.).

The property is vacant (approx. 177' x 110' = .45 acres) and is surrounded by a pocket park directly to the north along with mostly 4-5 story mixed-use and apartment structures to the north and east and vacant property or 1 story commercial structures to the south and west. The new building consists of a masonry, fiber cement and glass exterior with a combination of concrete, steel and wood structural system. It will contain 2 stories of studio & 1 bedroom apartments over 2 stories of hotel (40 keys) over a basement story of parking with commercial (office or retail) space as well as space for trash & recycling, bike storage and building utilities. There will be an elevator, 2 stair towers, fire sprinkler system, ground floor patios and a grease interceptor for food service use. The petitioner is proposing a high-quality mixed-use development that will include **1120 sf of ground floor commercial space, (22) parking spaces, (40) hotel rooms with lobby/amenity space, (12) studio apartments, (18) 1 bedroom apartments and outdoor patio space.**

### District Ordinance Guidelines

District: **Showers Tech Park Overlay (STPO)**

"Ensure that new development is compatible in mass and scale with historic structures in the showers technology park character area; Draw upon neo-traditional design concepts to extend the street grid and to create publicly accessible open space; Integrate a campus style of development that is strategically planned to provide convenient connections and access to the courthouse square for pedestrian and vehicular circulation; Promote mixed-use development focused on light industrial/manufacturing and office uses where live-work, young professional, single-family, empty nester and retiree housing markets are targeted."

Permitted Uses: Parking Garage, Office, Retail, Hotel, Dwelling, multifamily (upper floor units)

Maximum Residential Density: 20 units per acre

Property is **19,393 SF/43,560** (1 acre) = **.45 acre** x 15 = **6.9 DUE allowed**

Proposed Units: (12) Studio units @ .20/unit = **2.4 DUE**  
 + (18) 1 Bedroom units @ .25/unit = **4.5 DUE**  
 = (30) Units / **6.9 DUE proposed**

Maximum Impervious Surface Coverage: 75% allowed (14,545 sf) - **70% (13,600 sf) proposed**

Maximum Structure Height: 78' allowed per the original site plan approval. **75'-0"** proposed from **lowest grade to highest point of building**

Residential Parking Standards: For the first ten bedrooms, no parking shall be required. For bedrooms eleven through twenty, five-tenths parking spaces per bedroom shall be provided. For bedrooms above twenty, eight-tenths parking spaces per bedroom shall be provided. For 30 bedrooms (units) 13 spaces are required. **23 total parking spaces are provided (13 for residential).**

Nonresidential Parking Standards: no parking required.

Building Setback Standards: Build-to Line: **0 feet**, Minimum Side & Rear Setback: **5 feet**

Void-to-Solid Percentage: First Floor: **Transparent glass...** shall comprise a **minimum of 40%** of the total wall/façade area of the first floor façade/elevation facing a street.

Upper Stories: **Transparent glass...** shall comprise a **minimum of 20%** of the wall area of each floor above the first floor façade facing a street.

Materials: **Brick, limestone and fiber cement siding** are proposed as the primary and secondary materials. Painted metal is proposed as an accent material (window headers) as well as metal railings, metal awnings and supports.

Entrance Detailing: The primary pedestrian entrance shall incorporate three or more of the following architectural design features: **Plaza space with ornamental paving and integral landscape planters; canopy or awning; prominent building address, name and exterior lighting**

Building Façade Modulation: Building façades along each street shall utilize a maximum façade width interval of one hundred feet and minimum façade width interval of twenty-five feet. The module shall be offset by a minimum depth of **five percent of the total façade length** and the offset shall extend the length and height of its module.

Building Height Step Back: **Waiver granted per original site plan approval.**

## Innovative and Green Design

In response to the City of Bloomington's desire to see more innovative and sustainable design the proposed addition incorporates a number of essential elements of a forward-thinking urban environment. Here are those that are proposed or under consideration:

**Urban Densification** – develop the property to fit within the surrounding context, height and density

**Mixed Uses** – commercial and residential uses for a dynamic development

**ADA Accessibility** – an elevator will provide accessibility to all floors

**Energy Efficient Fixtures** – apartment appliances and fixtures will meet Energy Star or better

**High Efficiency HVAC** – heat pumps with high-efficiency ac compressors

**Highly Insulated Exterior** – 2x6 exterior walls with R-19 insulation & R-38 roof insulation

**Low-Emitting Material** – low VOC finishes and paints

**Highly Efficient Lighting** – LED lighting throughout building

**Natural Daylighting** – large glazing and open unit plans for minimal lighting demand

**Low E Glazing** – thermally resistant frames with low solar heat gain

**Reflective Roof Material** – light colored roof finish to reduce the heat island effect

Thank you for your consideration of this petition.



Matt Ellenwood, AIA, LEED AP

PC--Summary Minutes October 8, 2007

PC minutes are transcribed in a summarized manner. Audiotapes are available in the Planning Department for reference. This audiotape begins in first staff report. The starting spot is noted. Videotapes are also available for viewing in the Audio-visual (CATS) Department (phone #349-3111 or E-mail address: moneill@monroe.lib.in.us) of the Monroe County Public Library, 303 E. Kirkwood Ave.

The City of Bloomington Plan Commission (PC) met on Monday, October 8, 2007, at 5:30 p.m. in the Council Chambers. Members present: Jack Baker, Scott Burgins, Susan Fernandes, Joe Hoffmann, Milan Pece, Adrian Reid, Tom Seeber, Bill Stuebe, Chris Sturbaum, and Pat Williams.

ROLL CALL

MINUTES TO BE APPROVED: Sept. 9, 2007: \*\*\*Milan Pece moved approval of the minutes, Joe Hoffmann seconded the motion. The minutes were approved by a vote of 9:0.

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

Tom Micuda reported that the Plan Commission agendas for November and December will be quite full. Staff will try to keep from overbooking the meetings by case management.

PETITIONS CONTINUED TO: November 5, 2007:

MP-33-07 City of Bloomington  
Update to 2001 Alternative Transportation & Greenways Plan

SP-30-07 ERL-7 (The Village Condominiums)  
626 N. Morton St.  
Site plan approval for 25 condominium units and waivers from height and first floor void to solid ratio.

PETITIONS:

SP-28-07 Westwood Property Investment, LLC (Morton North)  
300 W 11<sup>th</sup> St.  
Site plan approval of a mixed-use development on approx. 7.9 acres including 208 total residential units

Tom Micuda presented the staff report. The petitioner is requesting site plan approval of a mixed-use development on 7.96 acres. The property is zoned Commercial Downtown (CD) with 2 character overlays. The eastern portion of the property is under the Downtown Gateway overlay and the western portion is under the Showers Technology Park Overlay (STPO). There are 3 old platted rights-of-way that were purchased by the Illinois Central Railroad. The site plan encroaches on 2 of them. Those rights-of-way will have to be vacated by City Council should this site plan be approved. The property is at the northeast edge and makes up about 12% of the STPO area. In 2005 a site plan proposal was denied for this site due to lack of connectivity of Morton St. Staff has 5 main goals for the development of this property:

1. To facilitate the extension of Morton St.
2. To achieve a better balance of land uses
3. To provide high technology office space specifically linked to the City's goals of the STPO
4. To provide publicly visible and easily accessible downtown green or park space.
5. To have a project with more urban style architecture that will blend in with the downtown

The site plan includes a 39,000 sq. ft. office building, a mixed-use 10,200 sq. ft. commercial/apartment building, an approximately 1/2-acre pocket park, the extension of Morton St. with possible future at-grade railroad crossing, a parking garage and various styles of townhouses and apartment buildings. He presented details and elevations of each building. There is second parking garage on the south side of the project underneath the pocket park. Requested waivers include:

1. Density—The project has 472 bedrooms. There are less bedrooms in the Gateway overlay than there are in the STPO. A waiver is necessary to reallocate the density.
2. Ground floor residential in STPO—The PC can grant this. The petitioner is making a very

- significant commitment to mixed-use. Non-residential square footage measures nearly 50,000 sq. ft.
3. Height—These structures are higher than allowed in this area. The increased height allows for compressed density and more open space. There isn't a lot of building height context in the area. Several existing area buildings will probably be replaced in time. Large setbacks and existing trees buffer the building height impacts.
  4. Front setback—The townhouse building has a larger setback from Morton than the other buildings. This is to create a break in the frontage and a bit of pocket greenspace on Morton.
  5. Display windows—They are not present on the townhouse units. Ground floor display windows are required. Staff supports no display windows on residential units.
  6. Materials—The proposed buildings will have masonry bases. The amount of masonry will vary. Other possible materials include cementitious siding, some metal paneling or EIFS material.
  7. Stepbacks—Buildings higher than 40 feet are supposed to have stepbacks. Staff feels the taller buildings are acceptable considering the lack of nearby height context. The petitioner has provided wider sidewalks with tree grates to provide some relief from the height impacts.

There are some issues with tree preservation. Approximately 20-39% of the site has some tree cover. The UDO would require 80% of the tree cover to be preserved. The current proposal has 50% tree cover preservation. The BZA or Hearing Officer will have to grant a variance. The City is requiring a recordable commitment to address the proposed office building along 11<sup>th</sup> St. This is to insure the usage of office space is really for high technology-related companies. Staff recommends continuance of this petition to the November 5, 2007 Plan Commission hearing.

Stuebe asked if the EC's remarks are contained in his summary.

Micuda said no. He will go through the EC's comments and Kelly Boatman can answer questions. The EC doesn't support a variance from the requirements. They would like to see a revised site plan that improves tree preservation and complies with the ordinance. The EC and staff want to see more species variety in the landscaping plan. They recommend that recycling service be included. Additional green development design elements should be incorporated.

Kelly Boatman with the EC said that Micuda covered most of their points. The EC thinks there is opportunity to focus more tree preservation on the backside of the property along the rail corridor. It is best to continue green corridors. There are some very steep slopes in the northwestern part of the property.

Mary Krupinski with Kirkwood Design spoke for the petitioner, Westwood Development. They focused the project to include an extension of the downtown grid pattern, the extension of Morton St. to promote connectivity, defining the business edge along 11<sup>th</sup> St., giving focus into the gateway into the project, promoted pedestrian-scaled streetscapes, supported a focused green area (pocket park), providing a variety of residential components, and providing a consolidation of commercial space into an office building. They believe the plan responds to the goals of the downtown vision plan and will contribute to the continued growth of the Technology Park. She noted that the technology sector has informed them that a forward-thinking aesthetic is important to them in order to create the right image for their customers.

Chris Sturbaum asked about LEED incentives.

Micuda said they are in our ordinance although the petitioner has not chosen to go that direction.

Sturbaum said that granting extra height and density without requiring anything from the developer may appear to be a disincentive for developers to pursue green development.

PC--Summary Minutes October 8, 2007

---

Micuda responded that increased densities are always considered in downtown developments.

Sturbaum wanted to know what the community gets for granting these variances. He would like to see a different level of affordability in this project.

Micuda said he didn't think staff wants to see waivers granted as a trade. However, there are benefits included in extending Morton St., allowing an at grade railroad crossing, providing a large pocket park, etc. Higher densities allow the larger greenspace. Staff believes the waivers make sense in this case.

Sturbaum said we will never see the incentives used if we simply grant all the waivers that come along. That is what we've seen so far. Why are we using EIFS if we want this building to last a long time?

Krupinski said they are keeping their options open as to what is allowed and what building materials are available.

Micuda said that the use of EIFS doesn't require a waiver.

Pat Shay pointed out that EIFS is a permitted material in these overlays.

Sturbaum asked if any of these apartments are convertible to other uses in the future.

Micuda said that providing office and retail services are most viable at this time on 11<sup>th</sup> St.

Jack Baker asked about project phasing.

Krupinski said that nothing is definitive at the moment. It will be phased in over at least 2 years.

Baker wanted to make sure that we don't build out all the residential and end up not getting any commercial. Does the City plan to connect Morton St. to the north?

Micuda said an at-grade crossing is now feasible.

Baker asked what kinds of businesses we could expect to see moving into the tech portion.

Micuda answered hardware companies, software companies, life sciences research and development companies. Staff will bring more information to the next hearing.

Scott Burgins noted that bringing in a few companies could result in more business growth. Has staff worked with BEDC to make sure we are answering all the high tech issues?

There was more discussion about the technical requirements of high tech office space.

Susan Fernandes asked Tom Micuda to explain how this project could fit into a Certified Technology Park Overlay. The overlay doesn't seem to reserve this area to be used as a technology park.

Micuda said that the Showers Technology Park Overlay (STPO) zoning district is different than the Certified Technology Park (CTP). The Park is the City's 66-acre technology park that was created several years ago. The STPO was created as part of the downtown plan in 2005. It encompasses a portion of the CTP. The STPO is still primarily an architectural design overlay. The STPO does not permit first floor residential uses. There are certain uses in this overlay that are conditional uses. The petitioner would have to seek special approval from the BZA. Those are the protections. It is not a strict office park overlay. If this was a petition for single-use residential—particularly on 11<sup>th</sup> St.—

staff would be concerned with that.

Fernandes said it seems that virtually nothing reserves this for technology uses. Micuda agreed.

Fernandes said that since this is such a large parcel, she would like to see it used wisely for the future of the community. At the next meeting, she'd like some comment from Ron Walker's office about how they feel about this proposed usage. Would they think that a little less than 12% of this site for technology uses is adequate? If as Krupinski said, companies are looking for a floor plate of 8,000-10,000 sq. ft., we are providing space for 3 or 4 companies.

Micuda said that he has talked to Ron Walker about this site plan and he expressed support. He will try to get more feedback for the next PC meeting.

Krupinski said in previous talks with Walker, he had said that a 25,000 sq. ft. office building would be adequate.

Fernandes said she would like to work on ways to reserve a larger portion of the remaining technology park for a larger percentage of technology use. She'd like to know how close the nearest residence would be to the project. How large is the railroad right-of-way?

Micuda answered that the rights-of-way were originally set up to continue the street and alley grids to the north. Then, the railroad bought the land. The rights-of-way have never been improved. Given the difficulty of crossing the railroad track at-grade as it is, it seems inconceivable that there would be public use of these rights-of-way to further the grid to the north.

Burgins agreed that he would have to see a lot more about the high tech space in order to convince him that this is a good project. He works around the state trying to recruit these businesses and he knows that it is a huge effort involving the local economic development organizations, the town councils, etc. Otherwise, they risk that the commercial property will sit around unbuilt and will be converted to something else. How did we go from 336 to 472 bedrooms? Is that a result of the additional space that they added?

Micuda said that is a result of the addition of the 1.4 acres and to provide a little less risk for the developer to putting in the commercial and the office space.

Burgins asked if staff is recommending waiving the 80% tree canopy preservation and, if so, why.

Micuda said the decision about tree preservation issue would take place at BZA or HO. It would require a variance from standards. Staff thinks that tree preservation here is not the same issue we would have in other locations. It is an urban site. There is an expectation of urban density and urban development. And, the quality of the trees is poor.

Burgins asked if the green roof is at grade. Krupinski said yes.

Milan Pece asked for a view of what the neighbors from the north would see.

Shay said there are a lot of trees around the railroad tracks. That shields the view from Woodburn.

Pece asked if there is any public right-of-way to the east that they could connect to. Micuda said no. Pece asked about on-street parking.

Micuda noted that there is on-street parking for nearly the entire project. There is a pedestrian path connecting the northeastern part of the property to College.

PC--Summary Minutes October 8, 2007

Pece asked if any of the residential buildings are convertible. (Micuda said no.) Will any of the residential components will be marketed to tech park users. Micuda said not specifically but there would be opportunities especially in the mixed-use building.

Pece asked if compact urban form is still supported as a concept. Micuda explained how the taller buildings and increased density makes sense on this site.

Krupinski noted that this project is not as dense as the several recent downtown projects. More land is involved which makes the numbers look bigger.

Hoffmann asked if the landscaping and bicycle parking issues are things that the petitioner intends to comply with. (Micuda said yes.) Is the entrance to the parking garage under the pocket park off of Morton? (Micuda said it would be off the other street to the west.) Is the pedestrian path in the northeastern part of the site plan a viable path?

Micuda said yes. Safety and lighting were issues when the site was first visited. When they decided to locate the path at the edge of the treeline, north of the parking lot, the pathway made sense there.

Adrian Reid asked if the land where the path will be located is buildable. (Micuda said yes.) Will there be stairs and/or a handrail along the path? (Micuda said the path will not be a purely ADA-accessible path.)

Reid noted that they had discussed the distance between the parking lot entrance and 11<sup>th</sup> St. What is going on with that?

Shay said the petitioner would have to have something from an engineer stating that the location is safe or the entrance would have to be moved.

Reid asked about dedication of right-of-way. Are they holding it back?

Micuda said no, they are only coming forward for site plan approval now. Eventually, it will need to be subdivided to create a lot east and a lot west of Morton. At that time, the rights-of-way will be conveyed to the City.

Reid said he would like to know something about their phasing plans by the next hearing if possible. Is there a way to tie the public improvements to the construction of the office building? He asked about a possible typo on page 19 concerning street dedication. Is a lift station planned?

Bill Riggert said that one of the buildings may need a lift station to get the waste water up to the gravity system. That could be the lower residential units near the Upland Brewery or the Tech part portion along 11<sup>th</sup> St. in the southwest portion of the building.

Reid asked if the City would maintain them. (Riggert said no.)

Reid asked if the green roof on the parking garage would count as pervious or impervious.

Riggert said they would like it to count as pervious. It is much like a lawn. It will serve as a detention basin in some ways.

Reid noted that the site is nearly all impervious surface at the present time. He would like to know how much storage they will need to have.

Riggert said that CBU would allow them to compare the pre- and post-development runoff from what it is now. It is handling the runoff now. He will do some analyses for the next hearing.

PC--Summary Minutes October 8, 2007

---

Reid asked if the petitioner is looking into slope stabilization for the steep slopes in the northwest corner.

Riggert said they will try to leave that undisturbed. If necessary, they would install wall terracing.

Tom Seeber asked how many lots will be created.

Micuda said they will create 1 lot east and 1 lot west of Morton. Additional lots would be created to make the east/west grid also public. There will be several lots in order to dedicate public streets.

Seeber noted that there is on-street parking surrounding the commercial building and the southeast corner but no parking around with the 5-story structure and commercial. We are treating that part like CD.

Micuda said parking serving the commercial buildings will essentially be off-site. The parking provided in the north garage would be for residential uses.

Seeber was curious about having only one entrance under a building for emergency services to use. Is that considered adequate? (Shay said he'd find out for the next hearing.)

Krupinski said there is a 4-hour separation between the garage and the apartment building.

Seeber asked for details about the recordable commitment. Why are we asking them to go beyond the zoning requirements?

Micuda said the while the overlay has some restrictions on land use; they are not adequate alone to guarantee that a technology-based office use opens up in this development.

Pat Williams said she was concerned about the proposed tree preservation on the north side of the site. She wanted an idea of the proximity to the neighboring residences to the north. She didn't think that a 4-story parking garage would be compatible with a neighborhood.

Shay said that it looks like the closest residence is about 230 feet away from the parking garage.

Hoffmann pointed out that on page 16 there is an aerial photograph from Oct. 2007.

Shay noted that a 4-story parking garage is shorter than a 4-story building.

Micuda said upper-floor residential is a permitted use within the Showers Tech Park. A waiver would be necessary for first-floor residential. This is a transition site at the edge of the tech park. Residential uses make more sense here.

Bill Stuebe asked for public comment.

Cathy Haggerty lives directly north of this site. She opposed the residential since it will surely be more student housing and will degrade the entire area. Property values will decrease. There will be runoff problems. She asked them to consider zoning the entire neighborhood for business all the way to 14<sup>th</sup> St.

Buff Brown spoke about parking. There is too much parking on this plan. He noted that Dom Nozzi will be speaking on parking issues on October 22 at 7:00 pm. We need to make parking scarce and expensive. He discussed the cost of subsidizing public parking. B-TOP suggests eliminating parking requirements. The developers want to build only what is necessary. B-TOP supports that. We should not allow the petitioner to build more parking than is necessary. He believes that many people



PC--Summary Minutes October 8, 2007

---

live without cars in downtown Bloomington. Indianapolis uses 1.7 spaces per 1000 sq. ft. downtown. That is a more realistic number than the number on the petition. That would reduce rents since less parking would have to be provided. Portland uses .4 spaces/1000 sq. ft. downtown. He supports that number. He will provide corrected numbers to staff within the next week.

Peggy Cantrell wanted to clarify that the lots on Woodburn north of the train tracks are not vacant. They have houses on them.

Hoffmann pointed out that our maps have lots south of her home appearing as vacant.

Ms. Cantrell noted that Woodburn is roughly a one-lane street. The houses sit about 15 feet from Woodburn. How would they widen the street? She believes the development will increase parking on their street and traffic tremendously. What kind of compensation is being considered for the houses on N. 14<sup>th</sup> St. as well as the ones on Woodburn?

Doug Dayhoff (who owns the Upland Brewery) said they have some concerns. He has been talking to Mary Krupinski and Barre Klapper about them. They have different concerns than the residential neighbors have.

**\*\*\* Joe Hoffmann moved that SP-28-07 is continued to the Nov. 5 Plan Commission hearing. Jack Baker seconded the motion.**

Hoffmann said at the next meeting, he would like to hear the petitioner say how much parking they would build here if they had no parking requirements. He would like to hear about any possible extension on N. Woodburn. Is there an easement where the train tracks run through part of this property? (Shay said there would be an easement there.)

Chris Sturbaum would like staff to ask the petitioner if they would consider these incentives for higher density. He doesn't want to okay increased density without getting more greenspace or including a small percentage of affordability. He thinks it's odd that the petitioner is building hi-tech but refuses to build green, include affordability and refuse to include recycling.

Mary Krupinski noted that no one has refused or agreed to any of those things at this point.

Milan Pece noted that there's an 18-inch water main on Morton St. At some point, it is only covered by 3 feet of dirt. Are we expecting the petitioner or the City to correct that?

Micuda said the petitioner will need to correct that as part of their utility plan.

Jack Baker wanted to see phasing especially concerning the streets. He'd like to see what kinds of tech businesses we could expect to see. The neighbors to the north need to have some idea of what might happen to them should Morton St. go through.

**\*\*\*The motion was approved by a vote of 7:3. (Fernandes, Sturbaum & Williams voted no.)**

**BLOOMINGTON PLAN COMMISSION  
STAFF REPORT**  
Location: 300 W. 11<sup>th</sup> Street

**CASE #: SP-28-07  
DATE: March 17, 2008**

---

**PETITIONER:** Westwood Property Investment, LLC  
The A.R.B. Bldg., St. 165, 5784 Lake Forrest Drive, Atlanta, GA

**CONSULTANT:** Kirkwood Design Studio  
613 E. 6<sup>th</sup> Street, Bloomington

---

**REQUEST:** The petitioner is requesting site plan approval of a mixed-use development on 7.96 acres. The petitioner is also requesting preliminary plat approval of a 4-lot subdivision.

---

<b>Area:</b>	<b>7.96 Acres</b>
<b>Zoning:</b>	<b>CD/DGO &amp; STPO</b>
<b>GPP Designation:</b>	<b>Community Activity Center</b>
<b>Existing Land Use:</b>	<b>Vacant</b> - former site of auto dealership
<b>Proposed Land Use:</b>	<b>Mixed-Use</b> - Office, Retail & Multi-family
<b>Surrounding Uses:</b>	<b>East</b> - Restaurant, Bed & Breakfast, former Gas Station
	<b>South</b> - IU, Warehouse, retail
	<b>West</b> - Brewery/Restaurant
	<b>North</b> - Single Family, Maple Heights Neighborhood

---

**Plan Commission Site Plan Review:** Four aspects of this project require it to be reviewed by the Plan Commission, per BMC 20.03.300 & 20.03.370. These aspects are as follows:

- The project proposes more than 30 bedrooms.
- The project includes ground floor residential units within the STPO.
- The project is adjacent to a residential use.
- The project proposes several waivers to the development standards and architectural standards in Chapter 3 of the Unified Development Ordinance.

---

**REPORT:** This project was last heard at the October 8, 2007 Plan Commission meeting. Due to the time between first and second meetings, staff has included a copy of the original staff report and site plan in your packet. Since that time, the petitioner has made several changes to the proposal.

***Major Changes to Petition:***

1. The original site plan featured three larger apartment buildings. These buildings, originally labeled Apartment Buildings A, B, and C, have now been combined into two structures (Apartment Buildings A and B on new plan). These structures are now more centrally located and connected by a 5-level parking structure. The apartment buildings wrap the garage spaces concealing the majority of the parking

- garage. A courtyard has also been designed along the west end of Apartment Building B providing additional greenspace for the individual units in this building.
2. Two townhouse buildings with a total of 13-four bedroom units have now been placed along the north property line. With the removal of the original Apt. A and parking garage from this area, a right-of-way vacation is no longer necessary and is not being requested. This has reduced the building scale on the portion of the site closest to the Maple Heights Neighborhood.
  3. The three townhouse structures on the northern half of the eastern property line of the original site plan have been amended to be combined into one structure totaling 14 units, 10-3:BR and 4-4:BR.
  4. The garage below the proposed park has been removed from the plan, while the park itself remains. There will still be structured parking below the office building.
  5. A townhouse structure just north of the Commercial/Apartment building at the northeast corner of 11<sup>th</sup> Street and Morton Street was combined into a single Commercial/Apartment building that will still be 5 stories in height.
  6. A commitment has been made by the petitioner regarding the future use and development of the office building located along 11<sup>th</sup> Street. The details of this commitment are outlined later in this report.

---

#### SITE PLAN REVIEW DEVELOPMENT STANDARDS

- *Residential Density:* Although the density of this project is one of the lowest for new downtown developments (see chart below), it has the second largest total bedroom count. The density of the nearly 8 acre project is 60 beds/acre, with a mix of 1, 2, 3 and 4 bedroom apartment and townhouse units. As previously stated, this property is currently located within two overlay districts. Approximately 2 acres is within the DGO and would permit a maximum of 208 bedrooms or 100 br/ac. The nearly 6 remaining acres located within the STPO would be permitted to have 265 bedrooms or 45 br/ac.

Smallwood Plaza	415 N. College Ave.	702 beds	359 beds/acre
10 <sup>th</sup> and College	601 N. College Ave.	123 beds	268 beds/acre
The Mercury	202 N. Morton St.	84 beds	195 beds/acre
TJL Development	116 E. 6 <sup>th</sup> St.	38 beds	190 beds/acre
The Village @ 10 <sup>th</sup> & College	602 N. Morton St.	134 Beds	176 beds/acre
Washington St. Townhouses	240 N. Washington St.	32 beds	160 beds/acre
The Omega	252 N. Walnut St.	30 beds	150 beds/acre
Lockerbie Court	500 N. Walnut St.	48 beds	130 beds/acre
Pavilion Heights	119 E. 7 <sup>th</sup> St.	36 beds	129 beds/acre
Burnham	444 E. 3 <sup>rd</sup> St.	74 beds	121 beds/acre
Lofts on College	702 N. College Ave.	43 beds	120 beds/acre
The Kirkwood	315 W. Kirkwood Ave.	96 beds	114 beds/acre
Omega Manor	302 N. Washington St.	20 beds	100 beds/acre
<b>Morton North</b>	<b>300 W. 11<sup>th</sup> Street</b>	<b>472 beds</b>	<b>60 beds/acre</b>

The proposed total bedroom count does lie within the number of bedrooms permitted without a waiver. However, the petitioner is requesting a waiver to allow a more even distribution of the bedrooms over the site. A waiver is therefore necessary to allow for more than 265 bedrooms within the STPO.

**Density Waiver-20.03.400(a)(2):** Staff finds this waiver request to be appropriate for the following reasons:

- 1) The petition meets the combined bedroom density requirement for both overlays on the total 8 acre site.
  - 2) The total bedroom density of this project (60 br/ac) is very similar to the 2005 petition (51 br/ac) but also features approximately 48,800 square feet of office/retail uses.
  - 3) Both the City's Downtown Vision and Infill Strategies Plan and Certified Technology Park Plan view this particular property not as an office park but as a mixed use transition zone between the residential neighborhoods north of the downtown and the more office/light manufacturing areas envisioned for Indiana University property south of 11<sup>th</sup> Street.
- *Ground Floor Retail:* The petitioner has proposed several residential buildings on the property. The STPO does not permit residential use on the ground floor without a waiver. The petitioner is proposing to concentrate the non-residential use into a mixed-use building at the southeast corner of the property, a large office building along 11<sup>th</sup> St., and potentially in live/work townhouses at the southwest corner of the property, rather than having non-residential uses within each building in the STOP.

**Ground Floor Residential Waiver – 20.03.390:** The STPO is one of two downtown overlays that does not allow ground floor residential units without Plan Commission waiver. The reason for this ground floor residential restriction is to encourage office park related uses in the City's Certified Technology Park area. Staff recommends that the Plan Commission waive this provision for the following reasons:

- 1) The petitioner is providing 48,800 square feet of mixed uses along the 11<sup>th</sup> Street frontage of this site, thereby providing ground floor office/retail uses where they are most viable and important to the City.
  - 2) The property's 8 acre size warrants more flexibility than other downtown development sites in how ground floor areas are utilized.
  - 3) The Downtown Plan envisions significant residential uses for this specific property.
- *Height:* There are 8 proposed structures on the site. The petitioner has proposed structures ranging in height from 42 feet to 78 feet. The proposed heights of the buildings exceed the thresholds for both the STPO (45') and the DGO (40'). The

chart depicted below shows the heights of the different buildings as proposed:

<b>Office Building</b>	78'	<b>Apartment A</b>	69'	<b>Townhouse (east) (DGO)</b>	53'
				<b>Townhouses (north)</b>	42'
<b>Commercial/Apartment Building (DGO)</b>	72'	<b>Apartment B</b>	69'	<b>Townhouse (west)</b>	53'

**Height Waiver-20.03.330(b)(2) & 20.03.400(b)(2):** Staff finds that the proposed heights create several advantages over a project that would fall within the height thresholds outlined by both overlays. Being able to compress office/retail square footage and residential density in larger structures allows the petitioner to create a development with a much better street grid system. The plan also incorporates a high level of greenspace including the pocket park and courtyard.

The heights of the buildings will not have a significant negative impact on surrounding properties, as the tallest structures are located in the central portions of the site and along 11<sup>th</sup> Street. The retail/apartment building at the proposed northeast corner of 11<sup>th</sup> and Morton is 72 feet in height and would be set back 33 feet from the closest property line. The proposed office building and apartment buildings have setbacks that easily exceed the 5 foot minimum side and rear setback. Apt. Bldg. B has a nearly 50 foot setback from the western property line.

The townhouse units found closer to the perimeter of the site also have increased setbacks. The townhomes have setbacks exceeding 25 feet from all side and rear property lines.

The Downtown Plan does not provide any specific height guidance for the Showers Technology Park character district. Therefore, staff notes the Plan's general guidance on height:

*Guideline 3.9 recommends that new buildings "maintain the perceived building scale of two to four stories in height." It goes on to state that "if a building must be taller, consider stepping upper stories back from the main façade."*

The proposed development features buildings between three and five stories. However, staff finds that the development overall meets the Plan's guidelines, despite inclusion of some five story buildings, due to the site specific factors noted above:

- 1) large perimeter setbacks that have been incorporated;
- 2) positioning of the taller structures along 11<sup>th</sup> Street and the interior of the site;
- 3) presence of the railroad and perimeter trees which act as a significant buffer;
- 4) benefits to site design (park/greenspace/street grid) which come from having taller structures.

- **Parking:** This project is required to have a total of 355 spaces for the residential component, 18 for the commercial building, and 104 for the office building (which could also have 3,000 square feet of supporting retail services). Therefore, the minimum number of parking spaces for this development is 477 parking spaces.

The petitioner has proposed to place a total of 478 private parking spaces within the development. They have also proposed to install 65 new on-street public spaces within the future public rights-of-way to add to the 11 existing on-street spaces along 11<sup>th</sup> St. The total number of parking spaces is 554. The proposed parking for this project has been summarized in the following chart.

Type of Spaces	Number of Spaces
Central Garage	330
Office Garage	30
Townhouse Garage	64 (27 stacked spaces)
Parking Lots	15
Private parallel spaces on-street	39
Public parallel spaces on-street	76

- **Bicycle Parking:** Since the first hearing, the petitioner has committed to providing the 79 bicycle parking spaces required for the residential portion and the 9 required for the non-residential portion. A minimum of 40 of the residential spaces will be covered spaces and at least 20 will be "Class I" long-term bicycle parking facilities. These spaces will be distributed throughout the site.
- **Setbacks:** With one exception, all setbacks are met with this proposal for building and parking. The one exception is the buildings and parking area along the western property line. In this instance, there is an existing unimproved street right-of-way that divides this property from the Upland Brewing Company site. The UDO would require a building setback of no more than 15 feet from this right-of-way as well as a 35-foot parking setback.

**Setback Waiver 20.03.330(d)(2) & 20.03.400(d)(2):** The intent of these setbacks are to create a building forward design. The petitioner has submitted a plan that achieves this goal by placing almost every building close to the proposed street network. Since the right-of-way located between this site and the Upland property does not contain a functioning street, staff finds that this setback is more appropriately treated as a side or rear yard rather than as a street frontage. Given the fairly large scale of the proposed buildings in this area, it is more desirable to have a larger building setback.

## ARCHITECTURAL STANDARDS

- *Building Alignment, Orientation and Entrances:* The proposed site plan meets all requirements for alignment and orientation. The petitioner has submitted conceptual elevations for these structures and a typical entrance detail. Staff will review future individual building entrances with future building permits. The petitioner is not seeking any waivers from these standards. All requirements for entrances will be met.
- *Street Trees:* The petitioner has proposed to place street trees in a combination of tree grates and tree plots throughout the site. Tree grates will be utilized along 11<sup>th</sup> Street and along the portion of Morton Street adjacent to the office and commercial buildings.
- *Lighting:* Both overlay districts require utilization of pedestrian scale lighting with maximum fixture height being 15 feet. The petitioner will comply with this requirement.
- *Mechanicals:* The petitioner has committed to complying with the mechanical screening requirements of the UDO with the majority of the mechanicals located on roofs.
- *Architectural Character:* The petitioner is proposing a mixture of materials and building styles to avoid monotony in the design and create the desired variety in construction. The petitioner is asking for some flexibility in the final design and materials of the residential structures. The different buildings are characterized below:

*Office Building:* The office building will have four stories and contains four primary elevations. Access to a lower parking level will be gained from the new street to the west of the building. The facades will be masonry on the lower levels while glass and panel systems will be utilized on the upper two levels with an architectural roof form also being incorporated.

*Commercial/Apartment Building:* This building is proposed at five stories with commercial located on the first floor and four floors of apartments. Approximately half of the first floor will be used in association with the residential portion of the site (i.e. Leasing office, gym, mail, etc...). The primary façades will be constructed of masonry.

*Apartment Building A:* This is proposed as a four to five story apartment building and effectively screens the proposed structured parking by wrapping it on three sides. This structure would also have a masonry base with cementitious siding or paneling and EIFS or Metal above. A waiver to allow cementitious siding is necessary.

*Apartment Building B:* Again, this will be four to five story building. This building will conceal the western façade of the parking garage and has incorporated a west facing courtyard. The east and west façades will be primarily masonry with an additional mix of cementitious siding, EIFS and metal. A waiver for cementitious siding is once again necessary.

*Townhouses:* The townhouse units are between 3 and 4 stories. All primary façades will be of masonry. All but three of these units will have garages on the first floor with access from the rear. The primary finish material for these units will be a masonry base with cementitious siding or metal paneling above. A waiver is necessary if metal is utilized within the DGO or cementitious siding within the STPO.

- *Roof/Building Caps* – The proposed structures comply with the roof requirements of the DGO and STPO. The majority of the buildings incorporate a flat roof with parapet, differing materials, and varied rooflines.

*Void-to-Solid Percentage* – The DGO and STPO require that lower floors maintain a minimum of 50% void-to-solid ratio and that upper floors maintain a minimum 20% void-to-solid ratio for facades that face a street. All of the proposed structures meet the upper level ratios. Many of the structures are also residential in nature. The required ratios were designed with non-residential use in mind. The Commercial/Apartment building meets the ratio requirement while the office building is just over 30%. This is largely due to grade of the property that slopes to the west to expose the lower level of structured parking.

- **Void-to-Solid Waiver-20.03.340(b)(2) & 20.03.410(b)(2):** A waiver from the standards of the UDO is required to allow portions of the first floor to have less than 50% void area. A 50% void-to-solid ratio would be typically seen on buildings with first floor retail storefronts and not those with residential uses. Staff believes that the proposed architecture is appropriate on the first floor of the proposed structures. The first floor of the façade has various architectural features that differentiate it from the upper floors and will provide an inviting and walkable streetscape. While the Downtown Plan does not specifically address a first floor void-to-solid ratio, it does recommend that new buildings incorporate a base, middle and cap, with the base including “large display windows, kickplates below windows, sign band, and building entrance.”
- *Windows* - The DGO (located east of the Morton St. extension) requires that the first floors of buildings must utilize large display windows. The Townhouse units within this area are more residential in design and do not have large display windows.

**Window Waiver – 20.03.340(b)(3):** If the Plan Commission finds that the first floor residential units are appropriate, staff finds that the townhouse units should not be required to utilize large display windows within the DGO area.



**Material Waiver-20.03.340(b)(4)(C) & 20.03.410(b)(4)(D):** Staff supports a waiver from this standard to allow both primary façade usage of metal in the DGO and cementitious siding in the STPO. Staff bases its support on the following factors:

- 1) These building materials are being used within the interior of the 8 acre site.
  - 2) Cementitious siding is a material typically associated with residential structures.
  - 3) The cementitious siding and metal components are being utilized on upper levels, with the lower levels using more traditional masonry construction.
- *Pedestrian Entrance Detailing:* The petitioner has submitted conceptual elevations for these structures and a typical entrance detail. Staff will review future individual building entrances with future building permits. The petitioner is not seeking any waivers from these standards. All requirements for entrances will be met.
  - *Mass, Scale and Form:*
    - Modulation: The petitioner has proposed buildings with significant modulation.
    - Step back: The overlays note that any building over 35 feet in height step back the portion over 35 feet a minimum of 15 feet from the façade. Several of the structures do not meet this step back standard.

**Building Height Step Back Waiver-20.03.340 & 20.03.410(c)(3):** A waiver from the standards of the UDO is required to allow the buildings to be constructed without a building step back. Staff supports a waiver from this standard based on the following:

- 1) The purpose of incorporating step backs into building designs is to either ensure appropriate context with surrounding structures or ensure that taller buildings don't negatively impact pedestrian comfort. In this instance, there is no established scale of buildings north of the 11<sup>th</sup> and Morton intersection. This scale will be newly created by the petitioner's proposal. Staff also anticipates that the current building scale along the south side of 11<sup>th</sup> Street as well as at the corner of 11<sup>th</sup> and College Avenue is temporary in nature. Both areas will be substantially changed with future redevelopment. The only established building scale along 11<sup>th</sup> Street is at the Upland Brewery Company. While the building occupied by this business is only a tall one-story structure, it will be protected to the north by an existing tree buffer and to the east with a reasonable setback from the proposed project.
- 2) On the pedestrian comfort issue, the petitioner will be offsetting the larger building heights by creating larger streetscape areas along 11<sup>th</sup> Street and Morton Street. Both streets will have wider than required sidewalk areas containing tree grates, creating a very similar proportionality of building height to pedestrian width as one might see walking along Morton Street or College Avenue next to the Mercury Building or Hilton Garden Inn.

- *Landscaping:* The petitioner has revised the submitted landscape plan since the first meeting. They have diversified the tree list and have provided a typical planting plan for the units. Staff is confident that all landscaping requirements will be met. Two of the species on the petitioner's submitted plant list must be further specified to determine compliance.
- *Tree Preservation:* The site in question is currently approximately 22% wooded. For sites of at least two acres in size, the UDO requires that 80% of this coverage be maintained and preserved. The proposed site plan shows 62% of the wooded area being retained. This standard is not one that can be waived by the Plan Commission and will require a variance from the BZA. The majority of these trees are located within the area of land that was added to the petition and has been owned by the railroad company for many years.

The vegetation is very poor in quality and has a significant amount of invasive ground cover. Staff finds minimal benefit to require the majority of these trees to be preserved. There are additional trees on the north side of the rail road tracks to help buffer the adjacent neighborhood. Furthermore, it was not anticipated to have tree preservation issues associated with new development within the Commercial Downtown zoning district. This may be the only site within the downtown that has more than two acres as well as a significant amount of trees. Staff has always anticipated that the more urban development encouraged in the downtown would have a fairly high level of impervious surface coverage. The tree preservation requirements were intended to preserve large, high quality stands of trees in association with less intense urban development.

The petitioner has provided a higher amount of pervious surface than is required to counter the loss of the trees along the northern portion of the property. There is also a large sycamore tree located at the southwest corner of the property. The petitioner has designed the site plan to avoid disturbance within the dripline of this tree.

**Pedestrian Accommodations:** The site is well served with 5-foot sidewalks on both sides of all internal streets. The majority of the sidewalks are separated from the street by a 5-foot tree plot and on-street parking. Along 11<sup>th</sup> Street and adjacent to the commercial building, the petitioners are proposing to widen the sidewalk and install tree grates. The petitioner has also committed to providing a very valuable sidewalk extension that would connect the development to N. College Avenue.

**Utilities:** The property is served by an 18 inch water line that runs through the site in approximately the location of the proposed Morton St. extension. Sewer will flow mostly to an existing line within Morton St. south of 11<sup>th</sup> Street. The petitioner is working with the City Utilities Department to determine stormwater conveyance. There are multiple options for the petitioner. The most likely option is through the use of an adjacent stormwater line to the west.

**Neighborhood Comments:** At the first hearing, adjacent property owners expressed some concerns regarding the increase in traffic and parking that might impact their properties if a connection to Woodburn Avenue is made. While impacts would certainly occur if the City extends Morton Street north of the railroad tracks, staff believes that the connectivity benefits outweigh such concerns.

**Environmental Commission Report:** The EC has reviewed this petition again since the first hearing and has offered 5 recommended conditions of approval.

- 1.) The petitioner shall redesign the plan to include all required tree preservation.

**Staff response:** As previously stated, staff finds a variance from these standards to be appropriate. The quality of these trees is very poor and many are invasive species.

- 2.) The petitioner shall redesign the plan to avoid all excessive slopes and avoid 50% of the steep slopes.

**Staff response:** Staff does not interpret this requirement the same as the EC. Although staff understands the EC's position, it is quite clear that the slopes on the property were artificially created to construct the adjoining rail line. Staff does not believe a variance is necessary, and that the proposed disturbance on a site zoned for high intensity downtown development should be accepted.

- 3.) A revised and complete landscape plan shall be submitted.

**Staff response:** Staff is in agreement that two of the individual plants need more specificity. Regarding the overall landscape plan, staff is comfortable that all requirements can be met with this petition. Typical landscaping for the townhouses and apartments has been submitted in addition to the tree plan. With the longer build-out period for this development, the specific landscape plan will likely need modifications in the future. Staff will ensure that a fully compliant landscape plan will be reviewed with building permits. Staff will incorporate the Environmental Planner into the review of this plan.

- 4.) The petitioner shall ensure that recycling space and amenities be provided for all residents and that the most convenient and comprehensive recycling facilities are provided.

**Staff response:** While highly desirable, these elements are not requirements of the UDO.

- 5.) The petitioner should agree to incorporate any or all of the following green building practices into the building design: additional green roofs, installation of energy

savings lighting and appliances, recycling or salvaging construction and demolition debris, and utilization of local building materials or products.

**Staff response:** While highly desirable, these elements are not requirements of the UDO.

**ADDITIONAL PRELIMINARY PLAT ISSUES:** The petitioner is now seeking preliminary plat approval of a 4-lot subdivision that would allow for dedication of three public street segments. Morton Street would be extended to the north property line. Two additional street segments that border the office and park area to the north and west would also be dedicated as public streets. The remaining streets within the development would remain private at this time.

*Streets:* Morton St. would have a 56-foot right-of-way and the remaining streets would have 50-foot rights-of-way. Additional right-of-way is also required along 11<sup>th</sup> St. to meet the Master Thoroughfare Plan requirement of a 32.5-foot half right-of-way.

**RECORDABLE COMMITMENT:** At the October Plan Commission hearing, both Planning staff and several Plan Commissioners expressed a strong desire to have a significant non-residential land use component in this project. Since that time, staff has been working with the developer to ensure that the proposed 208 unit, 473 bedroom residential component is balanced with both commercial services and professional office space that facilitate other City policy goals for the downtown.

The petitioner will be providing two locations for commercial development on the project. The first will be on the ground floor of the proposed building north of 11<sup>th</sup> Street and west of Morton. This structure would contain up to 3,000 square feet of commercial space. On the east side of Morton, a second ground floor location will be provided containing 7,200 square feet of commercial space.

With respect to office use, the 7.9 acre development site is located at the northern edge of the City's Downtown Certified Technology Park (CTP). The CTP is 66 total acres in size and encompasses an area bounded roughly by the Illinois Central Railroad to the north, Morton Street to the east, 7<sup>th</sup> Street to the south, and Fairview Street to the west.

This geographic area was created by the City to stimulate downtown employment oriented towards technology-related companies.

After lengthy discussions with the City, the petitioner has committed to subdividing an approximately 1.2 acre "office technology" parcel located at the northwest corner of 11<sup>th</sup> and Morton Street. This parcel would encompass the development's pocket park as well as contain a future nonresidential building featuring no less than 31,200 square feet (3 stories) but no greater than 41,600 square feet (4 stories). Within the building would be 3,000 square feet of commercial tenant space as well as high technology office space and professional office space.

Discussions between the petitioner and City have centered on two aspects of this agreement. The first issue which needed to be resolved is how to guarantee that this proposed building actually contains high technology office space. The mechanism for meeting this goal is to require the developer to create a recordable zoning commitment. For reference, a draft agreement has been included in the packet. The second and more difficult issue to resolve was how to create enough flexibility in the commitment given some uncertainty about the future of the City's Certified Technology Park. Indiana University, which is the City's required academic partner in the Downtown Certified Technology Park, is initiating construction of a business incubator development project east of the State Road 45/46 Bypass. In discussions with the City, the University has indicated a preference for this near campus area as a possible Certified Technology Park location.

As a result of this uncertainty, staff recommends that the Plan Commission approve a phased recordable commitment. This phasing would work as follows:

**Phase I – The owner of the 1.2 acre Office Technology Parcel would be responsible for:**

- A. At least Twenty-Thousand (20,000) square feet of space that is designed and constructed in a manner suitable for occupancy and use only as Technology Park Office, and that is neither marketed nor used for any other purpose; and
- B. At least Eight-Thousand Two-Hundred (8,200) square feet of space but no greater than Twenty One-Thousand Six-Hundred (21,600) square feet of space that is designed and constructed in a manner suitable for occupancy and use as Business/Professional Office, which may include but need not be limited to Technology Park Office, and that is neither marketed nor used for any other purpose; and
- C. No greater than Three-Thousand (3,000) square feet of space for retail uses permitted by the City's Unified Development Ordinance.
- D. All of the space required by A, B, and C above shall receive an occupancy permit or permits from the proper authorities and be restricted to the square footage limits in this commitment for a period of two (2) years after the recording of a final subdivision plat. At the sole discretion of the City of Bloomington Planning Department, this two-year time period may be shortened if the City of Bloomington Planning Department determines that the Twenty-Thousand (20,000) square feet of Technology Park Office space cannot be reasonably achieved by the Owner.

**Phase II – The owner would be responsible for:**

- A. At least Twenty Eight-Thousand Two-Hundred (28,200) square feet of space that is designed and constructed in a manner suitable for occupancy and use as

Business/Professional Office, which may include but need not be limited to Technology Park Office, and that is neither marketed nor used for any other purpose; and

- B. No greater than Three-Thousand (3,000) square feet of space for retail uses permitted by the City's Unified Development Ordinance.
- C. All of the space required by A and B above shall receive an occupancy permit or permits from the proper authorities and be restricted to the square footage limits in this Commitment for a period of three (3) years after the Phase I period has ended.
- D. After the period required in C has elapsed, the Owner may utilize the entire square footage of the building for land uses permitted by the City's zoning regulations in place at such time, subject to Plan Commission approval.

Essentially, what this commitment does is create a 5-year landbanking of 1.2 acres (15% of the property) to allow the developer and the City to work cooperatively to establish either the first high technology office building in the downtown or a substantial amount of Class A professional office space. This second option should not be overlooked. Both Talisha Coppock of Downtown Bloomington Inc. and Danise Alano, the City's Director of Economic Development, have indicated that there is a need for this type of more general office space in order to facilitate companies with 10 or more employees.

---

**DEVELOPER TRACK RECORD:** The petitioner has no development history in Bloomington.

---

**CONCLUSION:** The Planning Department staff is satisfied that this petition meets the City's five key goals for the property as outlined on page two of the October staff report. Specifically, Planning staff notes that: 1) this is a much better balanced project in comparison to the 2005 petition still under litigation, 2) this particular property is viewed by both the Downtown Plan and Certified Technology Park Plan as a residential transition site, and 3) the commitment from the petitioner to facilitate downtown high technology office space is a substantial one that should not be overlooked.

---

**RECOMMENDATION:** Staff recommends approval of SP-28-07 with the following conditions:

- 1) As a condition of Final Plat approval, a recordable zoning commitment restricting the land use of an approximately 1.2 acre tract located at the northwest corner of 11<sup>th</sup> and Morton Streets must be executed by the developer. The final language of this commitment is subject to approval by the Planning and Legal Departments. This commitment shall restrict the subdivided parcel as outlined in this staff report. No residential building permits for this site plan shall be issued until the recordable zoning commitment has been approved.

- 2) The petitioner must provide appropriate cross-access rights between subdivided lots as part of the Final Plat to accommodate the proposed shared parking arrangement between uses on the site.
- 3) All entrances must meet UDO detailing requirements prior to building permit issuance.
- 4) Lighting must be limited to pedestrian scale lights no higher than 15 feet and must be full cut-off fixtures. A lighting plan for the public streets must be approved by the Board of Public Works with the plat approval.
- 5) All landscaping species shall show the full scientific name with building permit submittals.
- 6) A temporary turnaround at the end of Morton St. must be installed to the Engineering Department specifications.
- 7) Per petitioner's request, the site plan shall remain valid for a maximum period of three years from this approval.
- 8) The arrangement of buildings and parking areas on the submitted site plan is contingent upon the petitioner receiving a variance from tree preservation standards from the Board of Zoning Appeals. If such variance is not granted, the site plan must be modified to meet code requirements. A modified site plan could be approved by staff or the Plan Commission, per the Planning Department's discretion.

2012005086 MIS \$26.00  
04/02/2012 01:37:53P 8 PGS  
Jim Fielder  
Monroe County Recorder IN  
Recorded as Presented

**ZONING COMMITMENT CONCERNING USE OF REAL ESTATE**  
**CITY OF BLOOMINGTON, INDIANA PLAN COMMISSION CASE NO. SP-28-07**

This Commitment is made as a requirement and condition of approval for City of Bloomington Plan Commission Case # SP-28-07, such Case being a Site Plan approval by the City of Bloomington Plan Commission (hereinafter "Plan Commission") for the construction of a 7.9 acre mixed use development located at 300 West 11<sup>th</sup> Street. The commitment does not apply to the entire 7.9 acre development but does apply to future use of a subdivided tract of Real Estate located in Monroe County, Indiana (hereinafter "Real Estate"), the legal description of which is attached hereto and incorporated herein as Exhibit A, and which is commonly known as "Morton North", and which is owned by Westwood Bloomington, LLC, d/b/a Westwood Property Development (hereinafter "Owner") by virtue of a deed recorded in the office of the Recorder, Monroe County, Indiana.

I. DEFINITIONS. For purposes of this Commitment, the following terms shall have the following meanings:

A. "Technology Park Office" shall mean a facility in which predominantly non-retail business, professional, administrative, production, and/or clerical activities are conducted in association with high-technology companies. High-technology companies shall include but not be limited to the following sectors:

(1) Advanced computing, which is any technology used in the design and development of any of the following:

(A) Computer hardware and software.

(B) Data communications.

(C) Information technologies.

(2) Advanced materials, which are materials with engineered properties created through the development of specialized process and synthesis technology.

(3) Biotechnology, which is any technology that uses living organisms, cells, macromolecules, microorganisms, or substances from living organisms to make or modify a product, improve



plants or animals, or develop microorganisms for useful purposes.

(4) Electronic device technology, which is any technology that involves:

- (A) microelectronics, semiconductors, or electronic equipment;
- (B) instrumentation, radio frequency, microwave, and millimeter electronics;
- (C) optical and optic electrical devices; or
- (D) data and digital communications and imaging devices.

(5) Engineering or laboratory testing related to the development of a product.

(6) Technology that assists in the assessment or prevention of threats or damage to human health or the environment, including environmental cleanup technology, pollution prevention technology, or development of alternative energy sources.

(7) Medical device technology, which is any technology that involves medical equipment or products other than a pharmaceutical product that has therapeutic or diagnostic value and is regulated.

(8) Product research and development.

(9) Advanced vehicles technology, which is any technology that involves:

- (A) electric vehicles, hybrid vehicles, or alternative fuel vehicles; or
- (B) components used in the construction of electric vehicles, hybrid vehicles, or alternative fuel vehicles.

B. "Business/Professional Office" shall mean a facility in which business, professional, administrative and/or clerical activities are conducted, including but not limited to insurance agencies, architects, lawyers, engineers, real estate offices, advertising agencies, travel agencies, abstract and title agencies or title insurance companies, and stockbrokers. A

"Business/Professional Office" can provide office functions which serve other off-site land uses. The term "Business/Professional Office" includes Technology Park Offices, but does not include medical offices or medical clinics.

II. STATEMENT OF COMMITMENT – PHASE 1. As required by the Plan Commission as a condition of the above-referenced Site Plan Approval, Owner hereby commits to the City of Bloomington for itself, its heirs, successors and assigns, that the development shall be restricted to the following non-residential components contained within no less than a three (3) story, 31,200 square foot building but no greater than a four (4) story, 41,600 square foot building over the time period set forth below:

A. At least Twenty-Thousand (20,000) square feet of space that is designed and constructed in a manner suitable for occupancy and use only as Technology Park Office, and that is neither marketed nor used for any other purpose; and

B. At least Eight-Thousand Two-Hundred (8,200) square feet of space but no greater than Twenty One-Thousand Six-Hundred (21,600) square feet of space that is designed and constructed in a manner suitable for occupancy and use as Business/Professional Office, which may include but need not be limited to Technology Park Office, and that is neither marketed nor used for any other purpose; and

C. No greater than Three-Thousand (3,000) square feet of space for retail uses permitted by the City's Unified Development Ordinance.

D. All of the space required by II A, B, and C above shall receive an occupancy permit or permits from the proper authorities and be restricted to the square footage limits in this commitment for a period of two (2) years after the recording of a final subdivision plat. At the sole discretion of the City of Bloomington Planning Department, this two-year time period may be shortened if the City of Bloomington Planning Department determines that the Twenty-Thousand (20,000) square feet of Technology Park Office space cannot be reasonably achieved by the Owner.

III. STATEMENT OF COMMITMENT – PHASE 2. After the period required in II D has elapsed, Owner hereby commits to the City of Bloomington for itself, its heirs, successors and assigns, that the development shall be restricted to the following non-residential components

contained within no less than a three (3) story, 31,200 square foot building but no greater than a four (4) story, 41,600 square foot building over the time period set forth below:

- A. At least Twenty Eight-Thousand Two-Hundred (28,200) square feet of space that is designed and constructed in a manner suitable for occupancy and use as Business/Professional Office, which may include but need not be limited to Technology Park Office, and that is neither marketed nor used for any other purpose; and
- B. No greater than Three-Thousand (3,000) square feet of space for retail uses permitted by the City's Unified Development Ordinance.
- C. All of the space required by III A and B above shall receive an occupancy permit or permits from the proper authorities and be restricted to the square footage limits in this Commitment for a period of three (3) years after the Phase I period has ended.
- D. After the period required in III C has elapsed, the Owner may utilize the entire square footage of the building for land uses permitted by the City's zoning regulations in place at such time, subject to Plan Commission approval.

IV. POCKET PARK – DIMENSIONS AND TERMS OF USE. Contained within the boundaries of Exhibit A is a park space specifically approved as part of Plan Commission Case # SP-28-07. The dimensions of this park space shall be no less than 94 feet running from north to south and 177 feet running from east to west. The park space shall be maintained in perpetuity within Exhibit A and shall be accessible to the public. If this park space is disturbed during construction of the adjacent technology park office building or during construction of nearby residential dwelling units, all disturbed areas shall be stabilized in accordance with the City of Bloomington's erosion control regulations.

V. TECHNOLOGY PARK OFFICE BUILDING – ARCHITECTURE. The specific architectural designs of the exterior building facades shall be governed by the petitioner's statements submitted by Kirkwood Design Studio as part of Plan Commission Case # SP-28-07. Any proposed deviations in exterior architectural designs must be approved by the Planning Department.

VI. BURDEN ON OWNER. Owner shall include restrictive covenants containing restrictions identical to the restrictions contained in this Commitment in all deeds to, and other instruments of conveyance of, any interest in any part of the Real Estate, and shall take all other measures reasonably necessary to make a good faith attempt to ensure compliance with and enforceability of such restrictions by and against such future owners of any interest in any part of the Real Estate, including but not limited to giving prominent notice of these restrictions in communications with prospective and actual purchasers.

VII. RECORDING AND PROOF THEREOF. This Commitment shall be recorded in the office of the Recorder of Monroe County, State of Indiana and shall be binding upon the Owners and upon any subsequent owner or other person acquiring an interest in the Real Estate or any part thereof, and shall run with the land. Owners shall be responsible for transmitting a copy of this recorded Commitment to the City of Bloomington Planning Department within ten (10) working days of the date below.

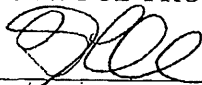
VIII. MODIFICATION AND TERMINATION. This Commitment may be modified or terminated only by action of the City of Bloomington Plan Commission.

IX. ENFORCEMENT, PENALTIES AND REMEDIES. This Commitment shall be enforceable by the City of Bloomington, by any owner of land adjacent to the Real Estate, or by any owner of land that abuts land adjacent to the Real Estate and is located within three-hundred (300) linear feet of the Real Estate.

Failure to honor this Commitment shall subject the person then obligated hereby to revocation of any Site Plan approvals for the Real Estate referenced herein, revocation of occupancy permits for the Real Estate, refusal to issue building permits for the Real Estate and all such other action as may be available to the enforcing party in law or equity, and in addition shall constitute a violation of the Unified Development Ordinance, Title 20 of the Bloomington Municipal Code, or such ordinance as may hereafter replace said Unified Development Ordinance, and shall subject the person then obligated hereby to all penalties and remedies provided under said Ordinance, including but not limited to fines and injunctive relief.

Dated this 16th day of March, 2012.

WESTWOOD BLOOMINGTON LLC, D/B/A  
WESTWOOD PROPERTY MANAGEMENT



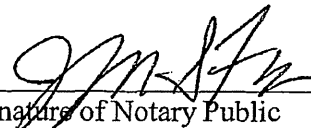
By: Eric Edee, Manager of Westwood Bloomington, LLC, D/B/A

STATE OF INDIANA        )  
  )SS:  
COUNTY OF MONROE    )

Personally appeared before the undersigned, a Notary Public in and for said County and State, Eric Edee, Manager of Westwood Bloomington, LLC, D/B/A who acknowledged execution of the above and foregoing instrument to be his voluntary act and deed.

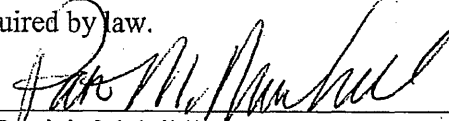
WITNESS my hand and Notarial Seal this 16<sup>th</sup> day of MARCH, 2012.

JEFFREY S. Fanyo  
Printed Name of Notary Public

  
Signature of Notary Public

My Commission Expires:  
November 3<sup>rd</sup>, 2014

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

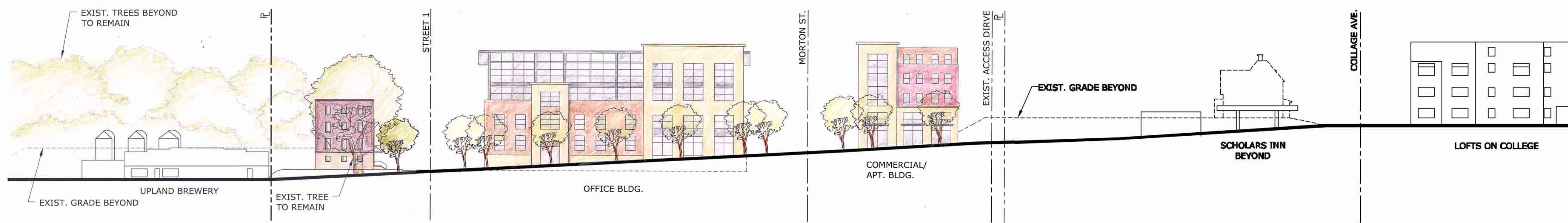
  
Patricia Mulvihill

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

## EXHIBIT A

Lot 1, Morton North, a subdivision to the City of Bloomington, Indiana as shown by the plat thereof recorded as Instrument # 2012 005085, Office of the Recorder of Monroe County, Indiana.

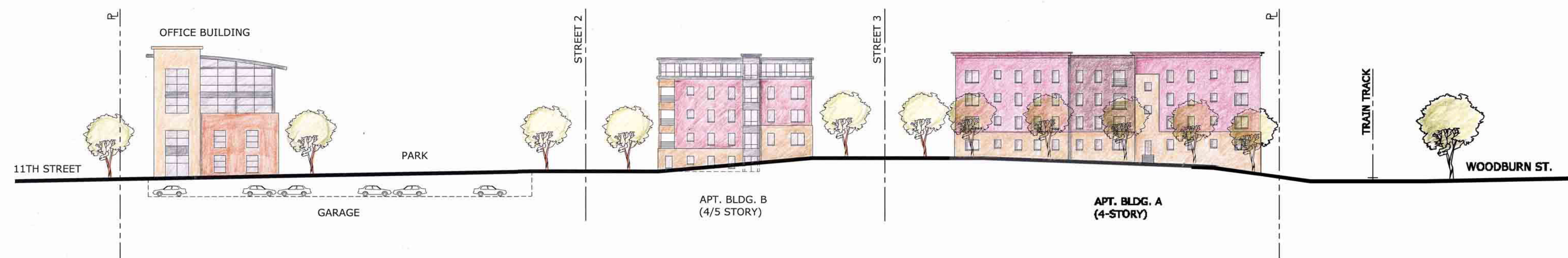




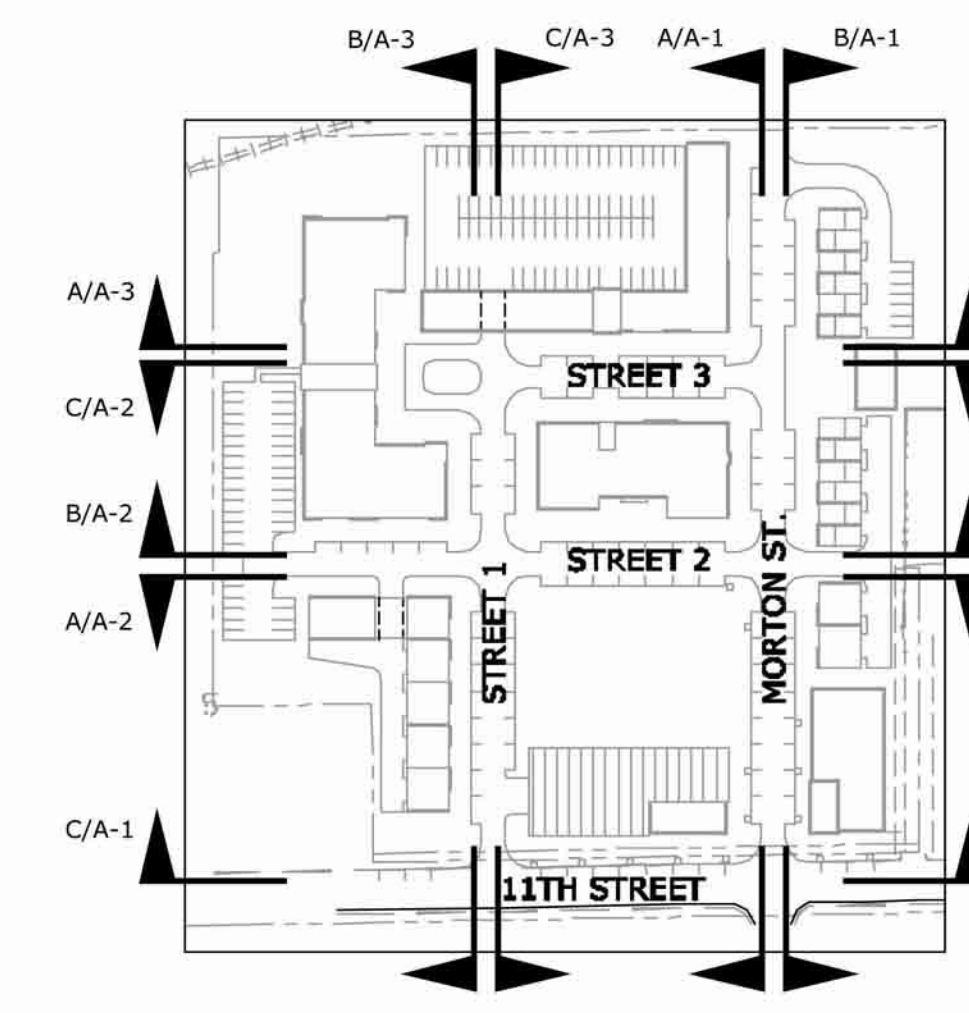
**C** 11th STREET ELEVATION LOOKING NORTH  
SCALE: 1"=40'



**B** MORTON STREET ELEVATION LOOKING EAST  
SCALE: 1"=40'



**A** MORTON STREET ELEVATION LOOKING WEST  
SCALE: 1"=40'



**KEY PLAN**  
SCALE: N.T.S.

ARCHITECTS  
**KIRKWOOD DESIGN STUDIO**  
P.C.  
113 E. 6TH STREET BLOOMINGTON, IN 47408  
PHONE 812.331.0295 FAX 812.331.0795

CERTIFIED

REVISIONS

WESTWOOD PROPERTY INVESTMENT, LLC  
**MORTON NORTH**  
NORTH OF 11TH STREET AND MORTON STREET  
BLOOMINGTON INDIANA

PROJECT NO.: 2005-11  
DATE: 09-27-2007  
DRAWN BY:  
CHECKED BY:

STREET ELEVATIONS

**A-1**



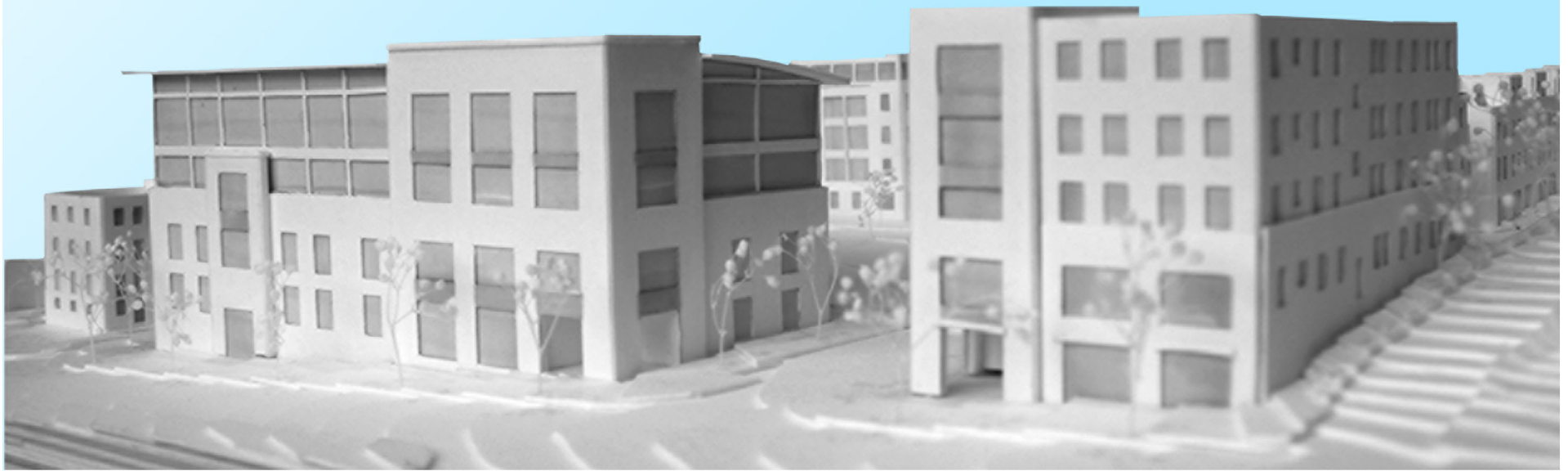
W. 13TH STREET

69



11TH STREET

COMMERCIAL USE



## ENTRANCE AT MORTON STREET

WESTWOOD PROPERTY INVESTMENT, LLC

### MORTON NORTH

9.27.07

KIRKWOOD  
designstudio  
pc



## NORTH VIEW AT STREET '1'

WESTWOOD PROPERTY INVESTMENT, LLC

### MORTON NORTH

9.27.07

KIRKWOOD  
designstudio  
pc

# PARK ON 11TH - LOT 1



WEST ELEVATION

SCALE: 1/16" = 1'-0"



EAST ELEVATION

SCALE: 1/16" = 1'-0"

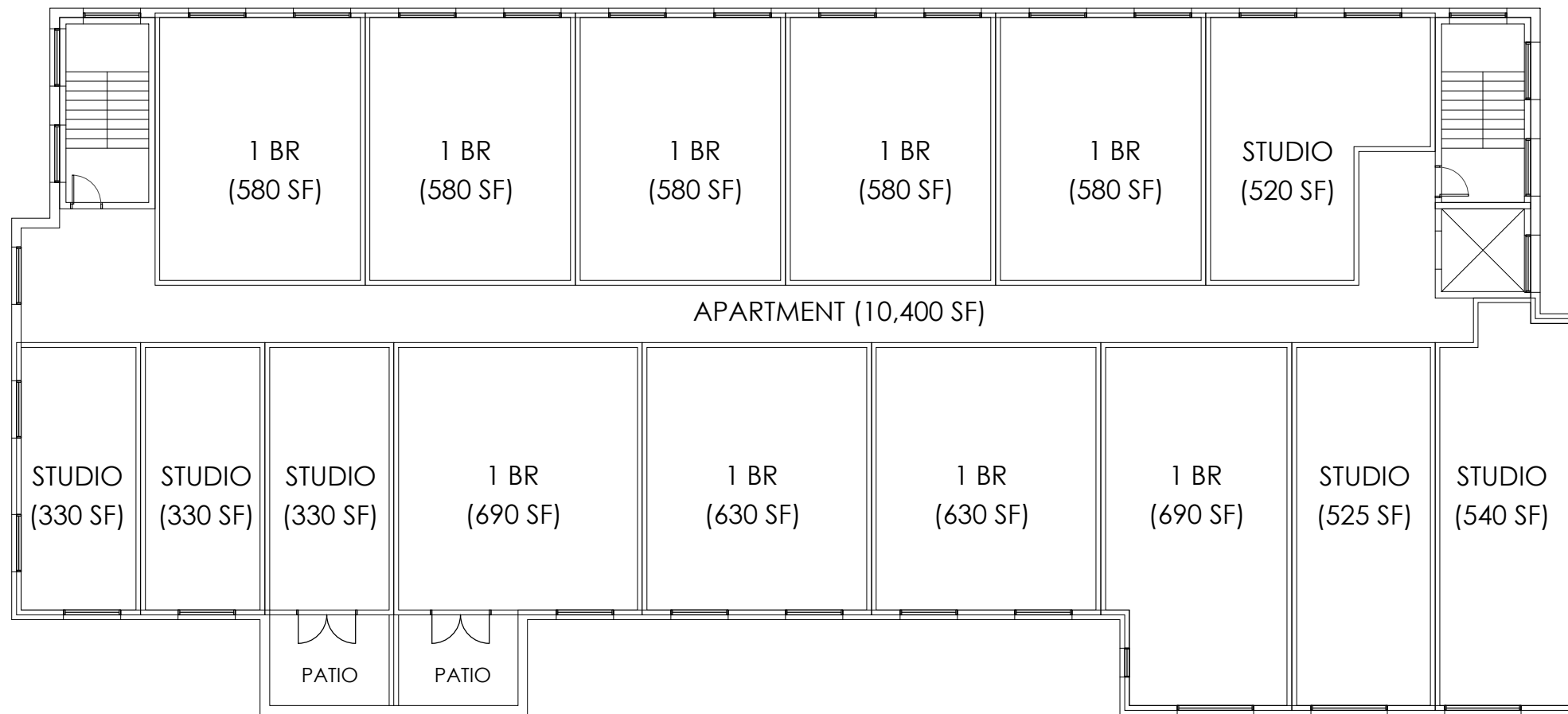




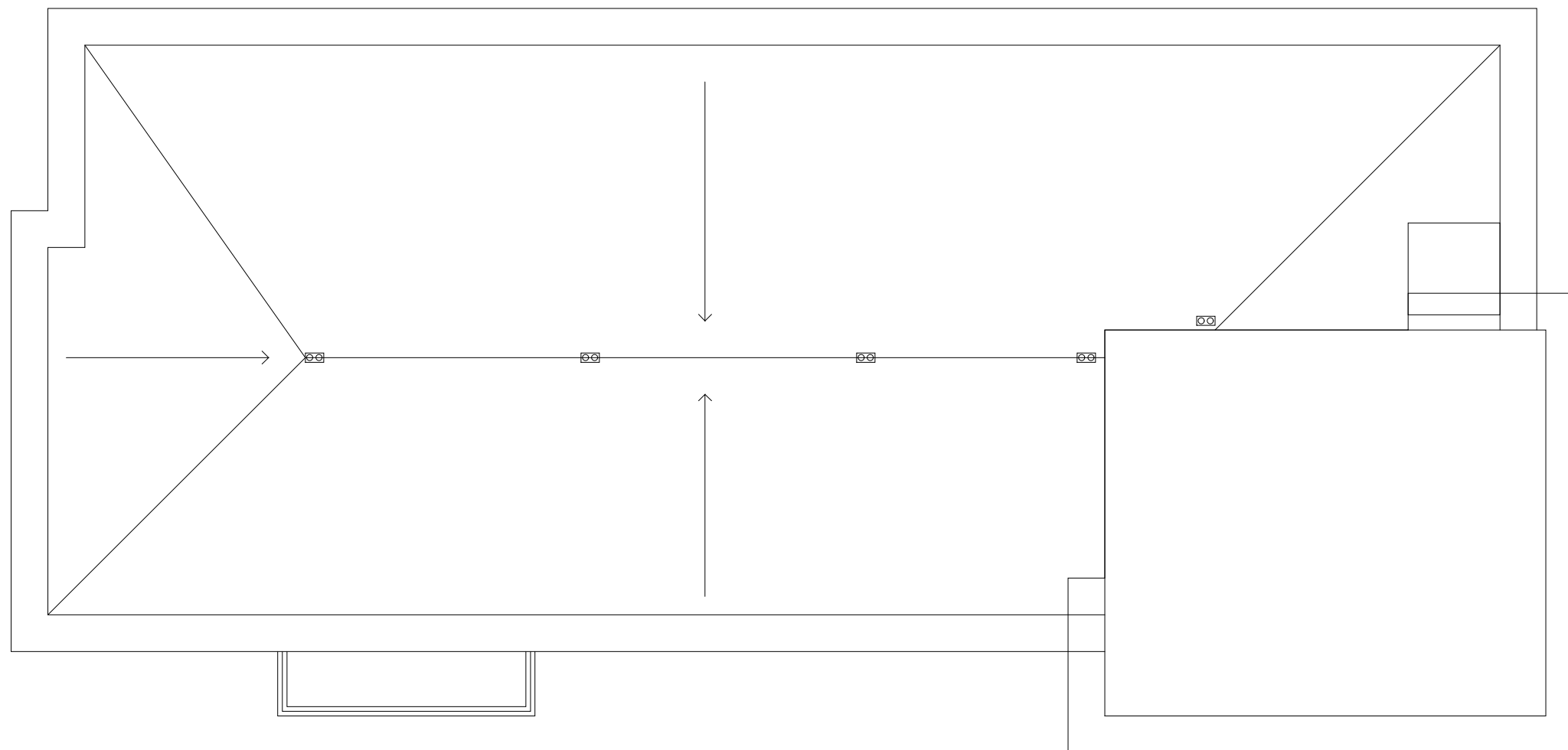
SOUTH ELEVATION SCALE: 1/16" = 1'-0"



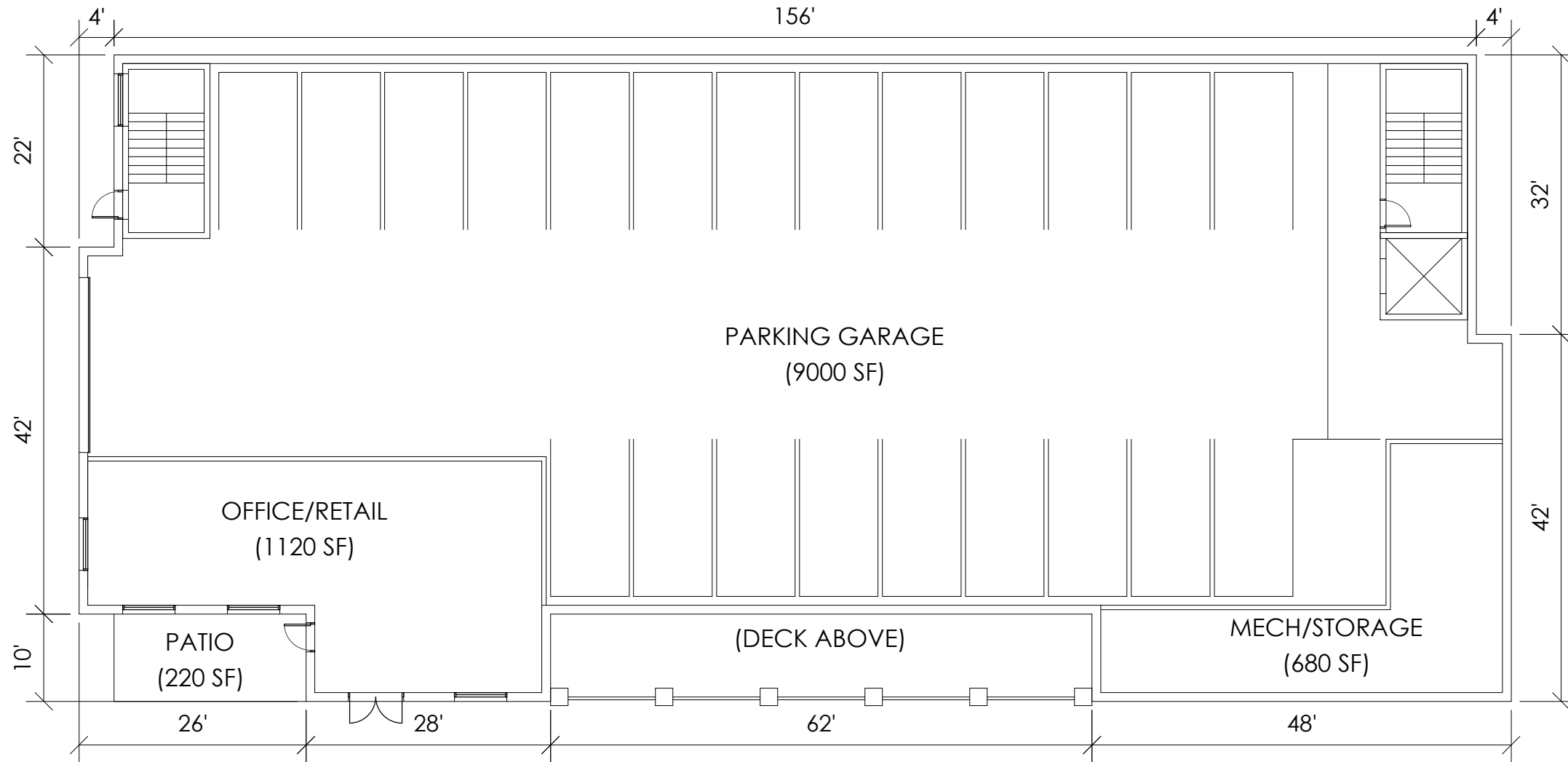
NORTH ELEVATION SCALE: 1/16" = 1'-0"



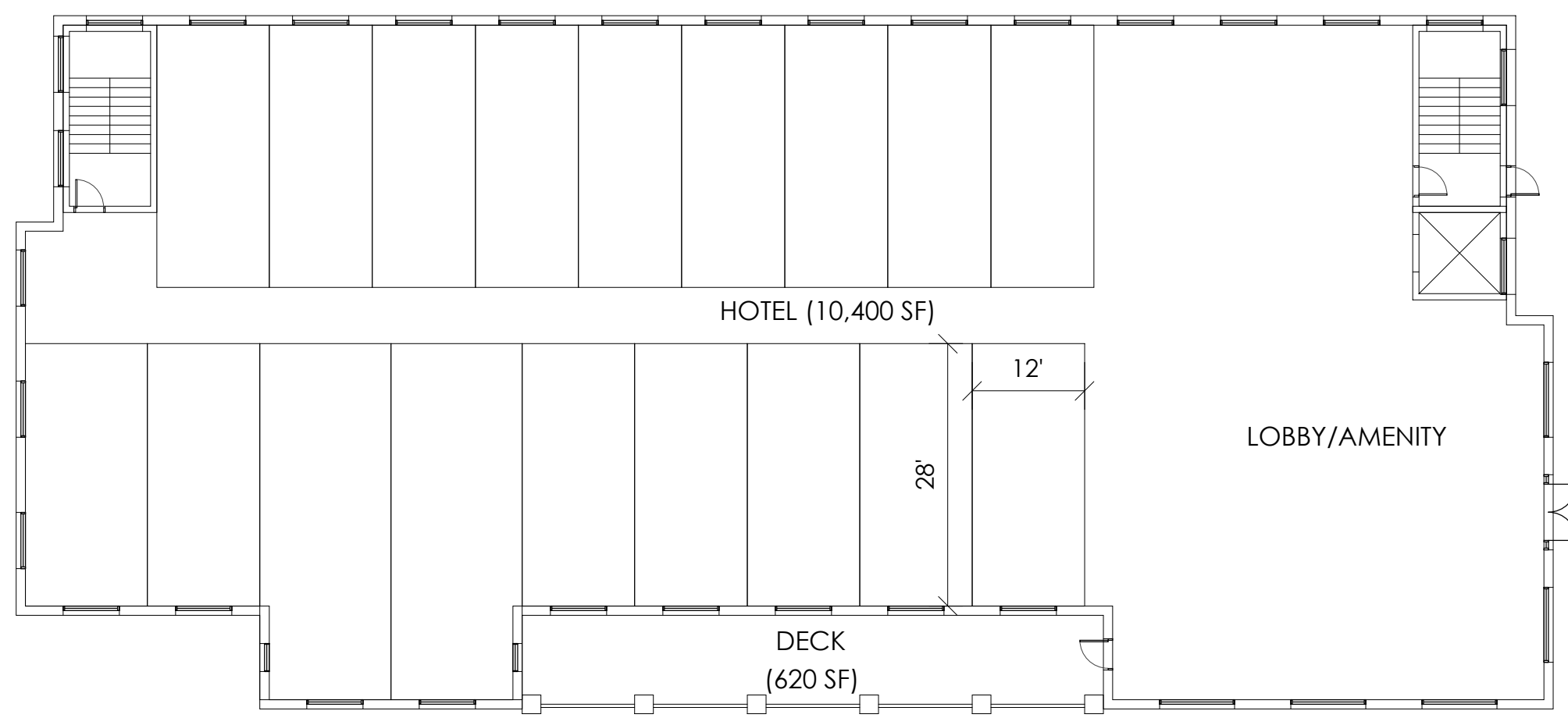
FOURTH FLOOR PLAN  
SCALE: 1/16" = 1'-0"



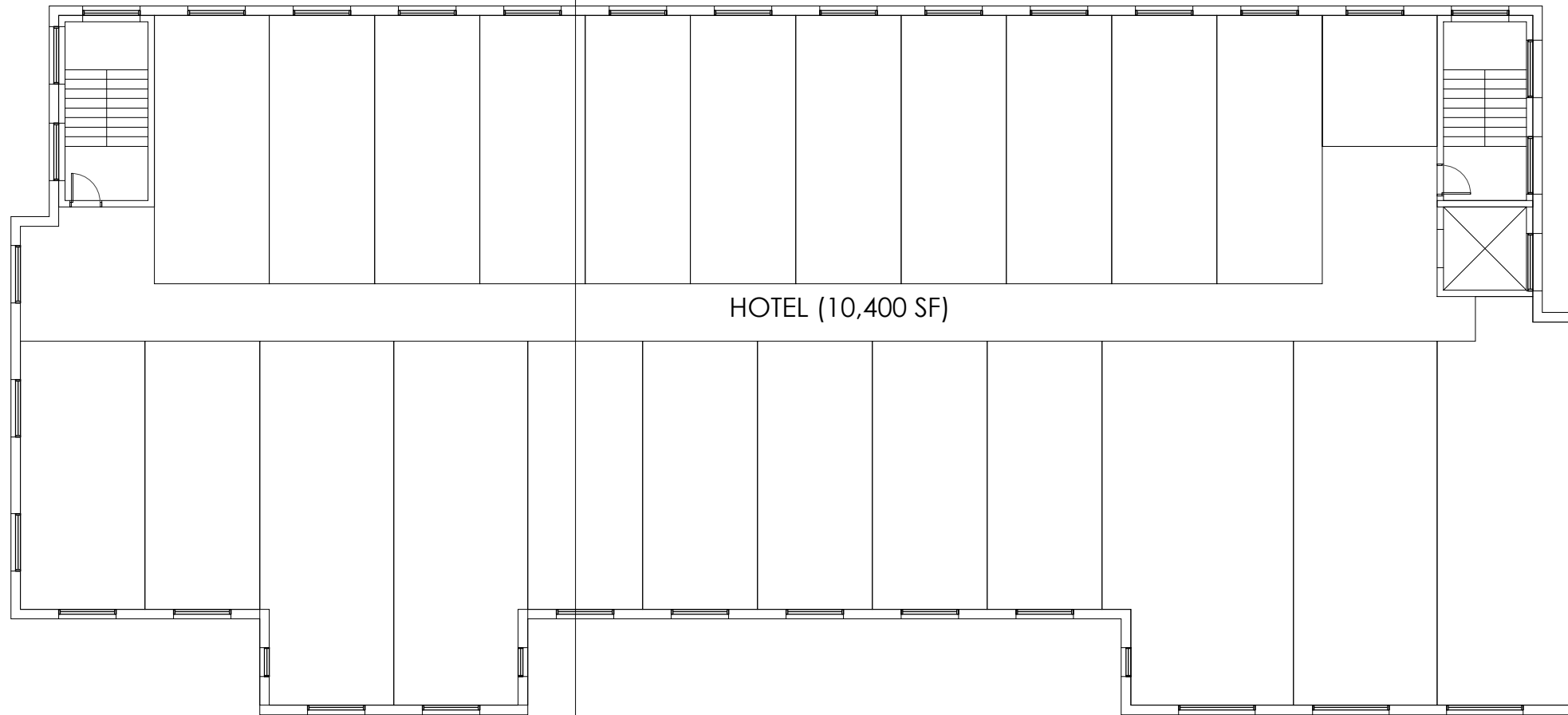
ROOF PLAN  
SCALE: 1/16" = 1'-0"



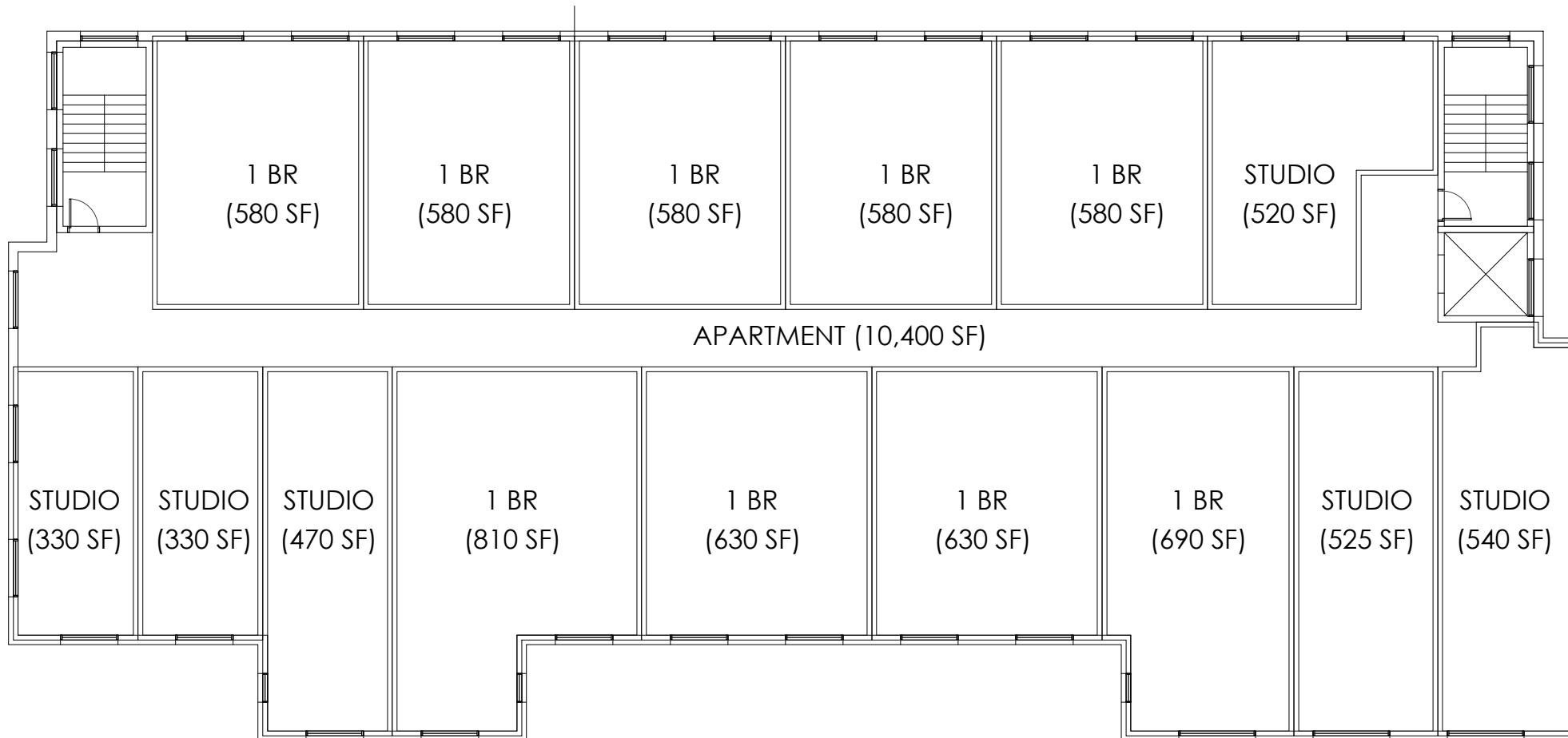
**GARAGE FLOOR PLAN**  
SCALE: 1/16" = 1'-0"



**FIRST FLOOR PLAN**  
SCALE: 1/16" = 1'-0"



SECOND FLOOR PLAN  
SCALE: 1/16" = 1'-0"



THIRD FLOOR PLAN  
SCALE: 1/16" = 1'-0"





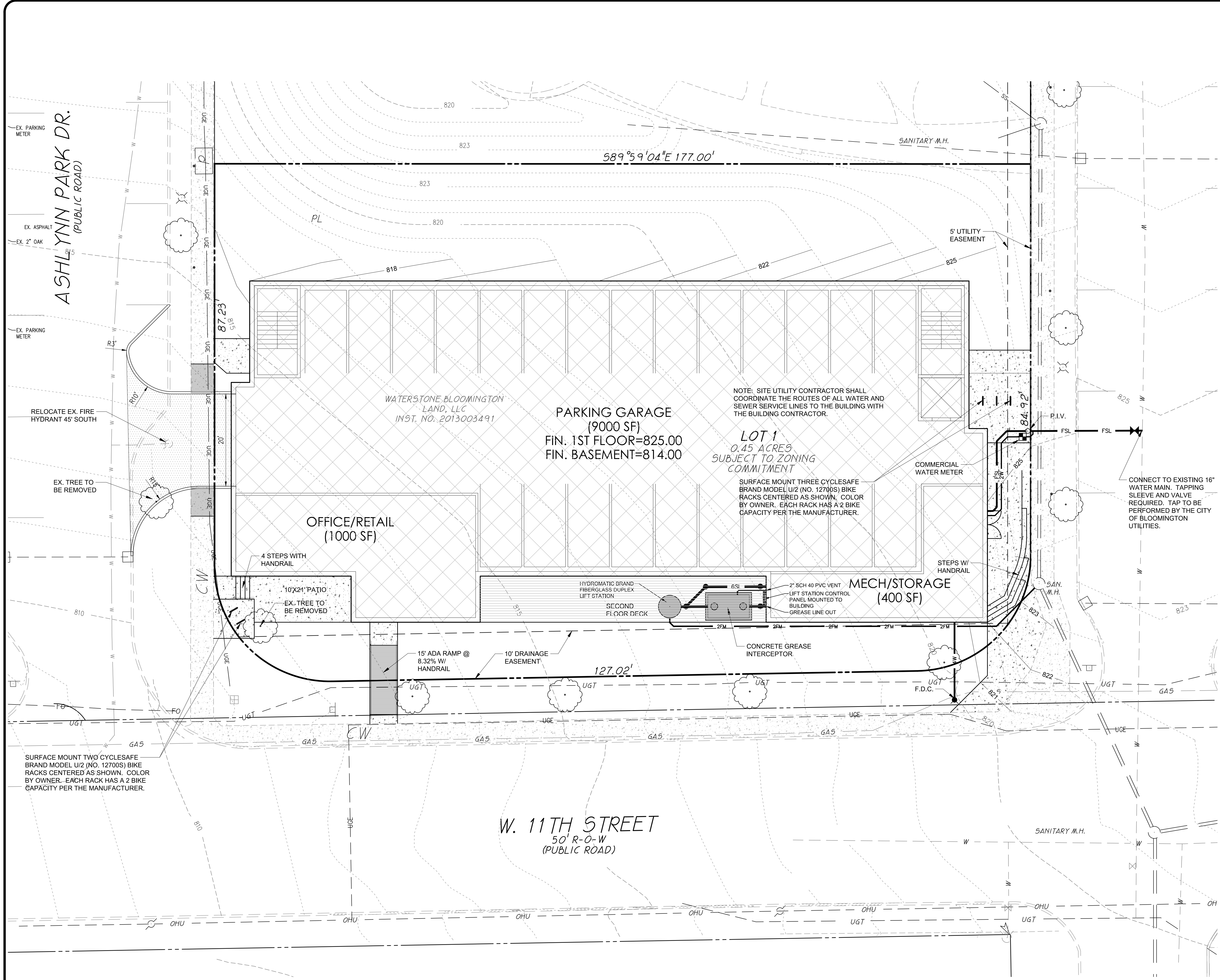












### EXISTING LEGEND

EXISTING FENCE	---
EXISTING WATER LINE	W
EXISTING OVERHEAD UTILITY LINES	OHU
EXISTING OVERHEAD TELEPHONE & TRAFFIC SIGNAL LINES	OHT
EXISTING UNDERGROUND ELECTRIC LINES	UGE
EXISTING UNDERGROUND TELEPHONE LINES	UGT
EXISTING UNDERGROUND FIBER OPTIC LINES	FO
EXISTING GAS LINE	GAS
EXISTING CONTOUR	XXX
BORE HOLE LOCATION - REFER TO GEOTECHNICAL REPORT FOR MORE INFORMATION OF ROCK DEPTHS AND SOILS REPORTS. CONTRACTOR TO BE RESPONSIBLE TO COORDINATE TESTING AND COLLABORATION WITH GEOTECHNICAL ENGINEER DURING ROCK REMOVAL AND SITE FILL PROCESS.	⊗
EXISTING SANITARY SEWER AND MANHOLE	—○—
EXISTING STORM SEWER AND INLET	—□—
PROPERTY LINE	---

### BICYCLE PARKING

PER SECTION 20.05.013-AT-04 AND 20.05014-AT-05 OF THE CITY OF BLOOMINGTON UNIFIED DEVELOPMENT ORDINANCE A TOTAL OF 9 CLASS II BICYCLE PARKING SPACES ARE REQUIRED. ALL SPACES MUST BE WITHIN 50 FT OF THE MAIN ENTRANCE.

**COMMERCIAL:**  
24 VEH. SPACES / 15 VEH. SPACES PER BIKE SPACE) = 2 BIKE SPACES WHICH IS LESS THAN THE 4 BIKE SPACE MINIMUM. 4 BIKE SPACES REQUIRED.

**RESIDENTIAL:**  
30 BEDROOMS / 6 BEDROOMS PER SPACE = 5 BIKE SPACES WHICH IS GREATER THAN THE 4 BIKE SPACE MINIMUM.

OF THE 5 RESIDENTIAL SPACES, 2 SHORT-TERM CLASS II RACKS SHALL BE OUTSIDE.

THIS BUILDING DOES NOT CONTAIN MORE THAN 32 BEDROOMS SO NO COVERED CLASS I AND II SPACES ARE REQUIRED.

revisions:

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

**BFB**  
BYNUM FANYO & ASSOCIATES, INC.

Bloomington, Indiana  
(812) 339-2990 (Fax)

528 north walnut street  
(812) 332-8030

certified by:

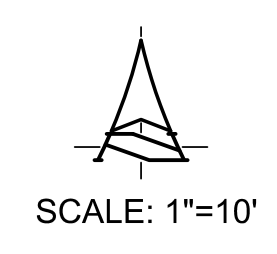
**PROPOSED**  
**MORTON NORTH - LOT #1**  
ASHLYNN PARK DRIVE  
BLOOMINGTON, INDIANA 47404

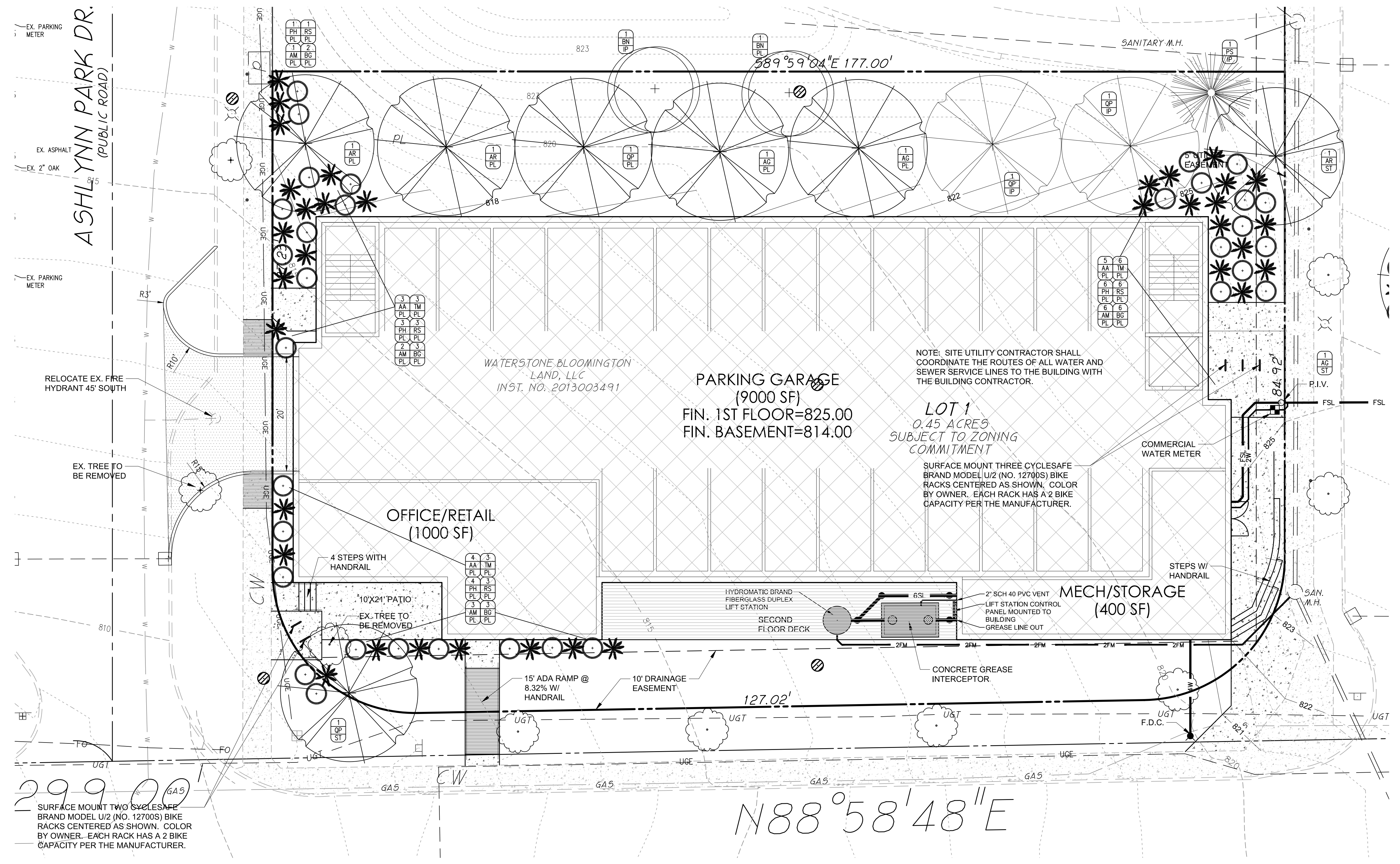
title: SITE PLAN

designed by: JBT  
drawn by: JBT  
checked by: JSF  
sheet no: C101  
project no.: 401729

### 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.



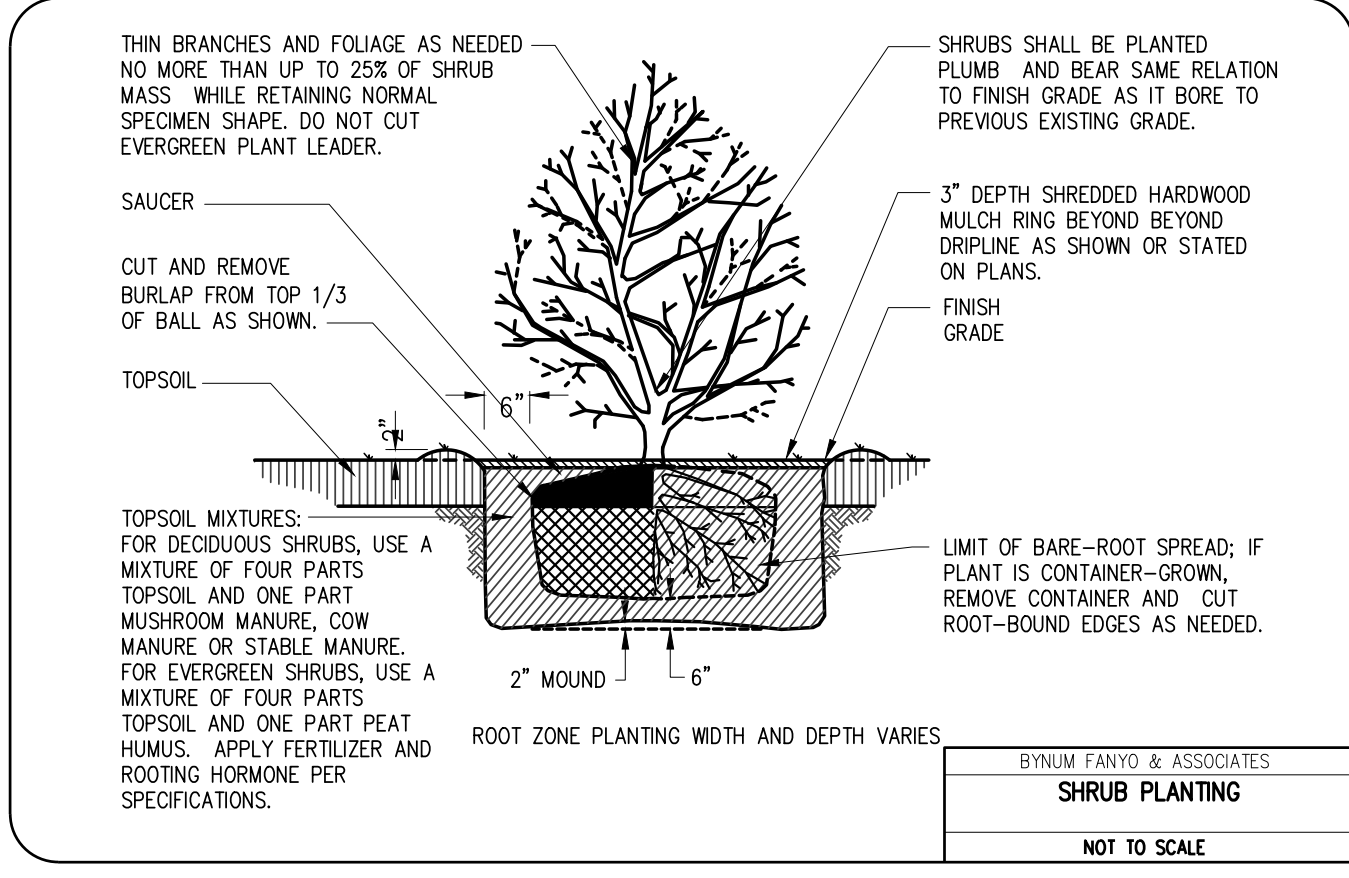
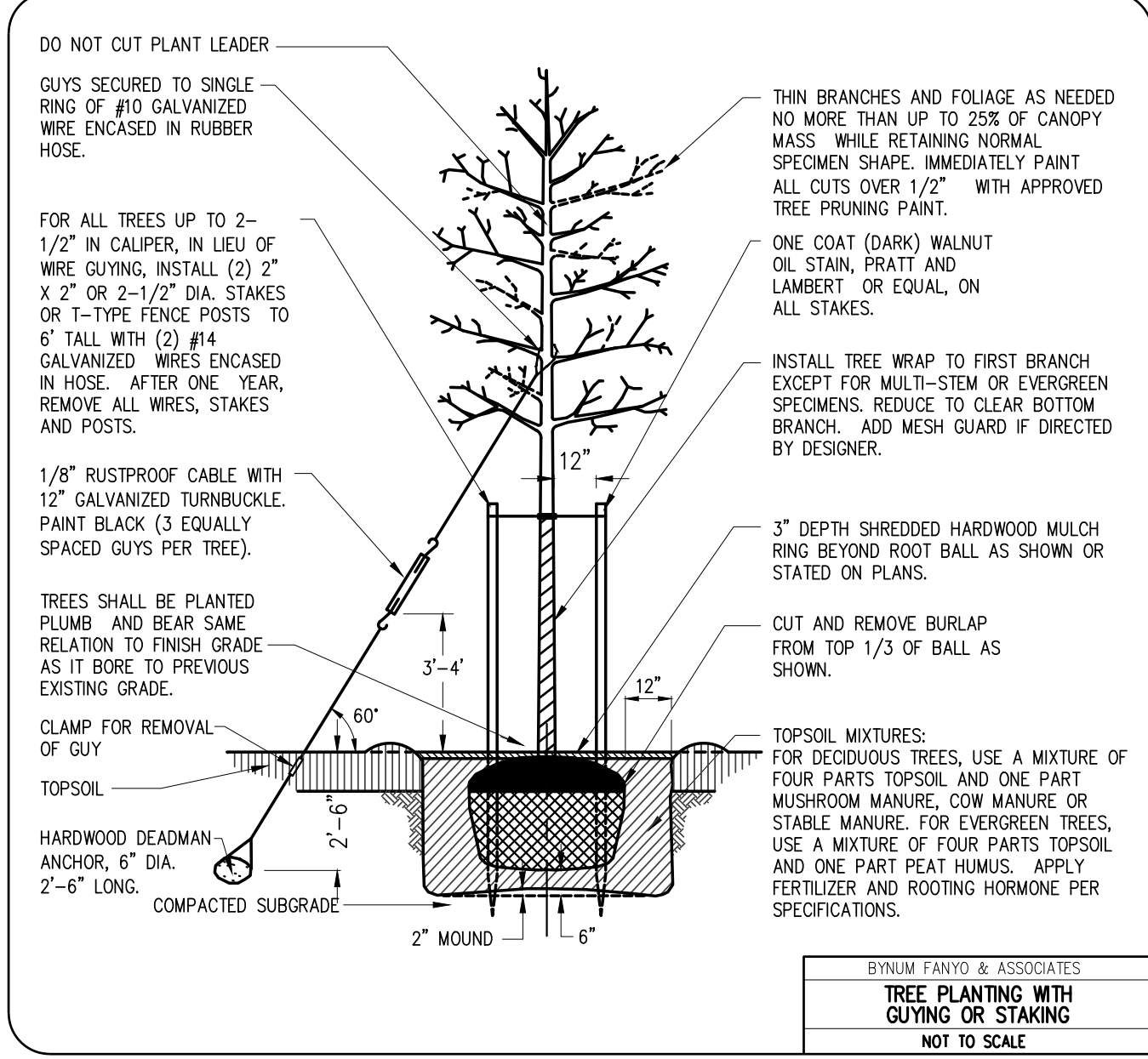


### PLANT LIST

LARGE CANOPY DECIDUOUS TREES					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	QP	QUERCUS PRINUS	CHESNUT OAK	4	2" CAL. B & B
	AG	AESULUS GLABRA	OHIO BUCKEYE	3	2" CAL. B & B
	AR	ACER RUBRUM	RED SUNSET MAPLE	3	2" CAL. B & B
SMALL / MEDIUM DECIDUOUS TREES					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	BN	BETULA NIGRA	RIVER BIRCH	2	2" CAL. B & B
EVERGREEN TREES					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	PS	PINUS STROBES	WHITE PINE	1	5-6' HEIGHT
DECIDUOUS SHRUBS					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	AA	ARONIA ARBUTIFOLIA	BLACK CHOKEBERRY	12	24" SPREAD*
	PH	PHILADELPHUS	MOCHORANGE	13	24" HEIGHT*
	AM	ARONIA MELANOCARPA	BLACK CHOKEBERRY	13	3 GAL. CONTAINER OR 18" HT
EVERGREEN SHRUBS					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	TM	TAXUS X MEDIA 'BROWNII'	BROWN'S YEW	13	24" HGT. CONT.
	RS	RHODODENDRON SPECIES	RHODODENDRON	13	24" HGT. CONT.
	BG	BUXUS 'GREEN VELVET'	GREEN VELVET BOXWOOD	13	3 GAL. CONTAINER OR 18" HT

**LEGEND**  
 XX PLANT QUANTITY  
 XX PLANT TYPE  
 XX REQUIREMENT DESIGNATION  
 PL=PARKING LOT PERIMETER PLANTINGS  
 IP=INTERIOR PLANTINGS  
 ST=STREET TREES

\*CONTAINER OR BALL AND BURLAP CONDITION ACCEPTABLE  
 NOTE: SPECIES SHOWN THAT ARE NOT LISTED IN THE CITY OF BLOOMINGTON ZONING ORDINANCE CHAPTER 20.06 TABLES OF RECOMMENDED PLANT MATERIALS ARE GIVEN BOTANICALLY COMPARABLE DENSITY VALUES.



**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:

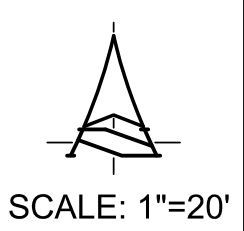
ARCHITECTURE  
 CIVIL ENGINEERING  
 PLANNING

**BYNAM FANYO & ASSOCIATES, INC.**  
 528 north walnut street  
 (812) 332-8030  
 bloomington, indiana  
 (812) 339-2990 (Fax)

certified by:

**PROPOSED**  
**MORTON NORTH - LOT #1**  
**ASHLYNN PARK DRIVE**  
**BLOOMINGTON, INDIANA 47404**

title: LANDSCAPE PLAN  
 designed by: JBT  
 drawn by: JBT  
 checked by: JSF  
 sheet no: C501  
 project no.: 401729





**BLOOMINGTON PLAN COMMISSION  
STAFF REPORT  
Location: 402 N. Gates Drive**

**CASE #: PUD-07-19  
DATE: April 15, 2019**

**PETITIONER:** Whitehall Crossing, LLC  
542 S. College Ave, Bloomington

**CONSULTANT:** Bynum Fanyo & Associates, Inc.  
528 N. Walnut St, Bloomington

**REQUEST:** The petitioner is requesting PUD final plan approval to allow a 4,000 square foot commercial building and preliminary plat approval of a 2-lot commercial subdivision.

**BACKGROUND:**

**Area:** 3.2 acres  
**Current Zoning:** PUD  
**Comp Plan Designation:** Regional Activity Center  
**Existing Land Use:** Undeveloped  
**Proposed Land Use:** Commercial  
**Surrounding Uses:** North – Undeveloped property  
East – Commercial  
South – Commercial  
West – Commercial

**REPORT:** The property is located at 402 N. Gates Drive and is within the Whitehall Crossing Planned Unit Development (PUD-81-94 and PUD-91-96). Surrounding properties to the north, east, and south are also within the Whitehall Crossing PUD, to the west are commercial properties located in the County jurisdiction. The Whitehall Crossing PUD was approved with a specific list of permitted uses, but no specific development standards were approved and the Commercial Arterial district standards have been used to review previous site plans as well as this site plan.

The petitioner received site plan approval for this prospective development on the adjacent property to the north in August 2018 (PUD-16-18), however there were complications with that site plan so the proposed building has been shifted south to this location.

The petitioner is requesting PUD final plan approval for a 4,000 sq. ft. commercial building with 20 parking spaces for a Sherwin Williams paint store. Also requested is preliminary plat approval of a 2-lot subdivision. The site will be accessed by one drive cut on Susan Drive with an additional access point on the rear of the site that connects to Gates Drive. A 5' wide tree plot and 5' wide concrete sidewalks were installed with the overall development and are in good condition. New landscaping will also be installed on the site to meet current code requirements.

**PRELIMINARY PLAT REVIEW:** The Review Considerations for Preliminary Plats within BMC 20.09.180(h) require that the Plan Commission review (1) The written statement and supportive material submitted by the petitioner; (2) The Preliminary Plat; (3) The testimony of the petitioner; (4) The Growth Policies Plan (now the 2018 Comprehensive Plan); (5) Any applicable standards in *Chapter 20.02: Zoning Districts*; (6) Any applicable development standards in *Chapter 20.05: Development Standards*; (7) Any applicable subdivision standards in *Chapter*

20.06: *Subdivision Regulations*; (8) Any applicable design standards in *Chapter 20.07: Design Standards*; (9) Any other applicable provisions of the Unified Development Ordinance; (10) The Planning and Transportation Department report; and (11) Such other additional information as may be required by the Plan Commission or Plat Committee to evaluate the petition.

**Proposed Finding:** The proposed plat meets all of the subdivision regulations.

---

**PLAT OVERVIEW:**

**Lot Layout:** This plat will subdivide an existing lot to create 2 new lots. One of these new lots will be used for the proposed Sherwin Williams store and the other for a future use. Both proposed lots meet the minimum lot size requirement of the Commercial Arterial district of 32,670 square feet (0.75 acres). Lot #C2 which will have the future retail store will be 1.066 acres and Lot #C1 will be 1.602 acres. No common area lots are being platted with this petition.

**Right-of-Way:** All required right-of-way for Gates Drive was dedicated with previous plats. No additional right-of-way is needed for Gates Drive. Susan Drive is a private street and does not require any right-of-way dedication.

**Street Trees:** There are existing street trees along this lot that are in good condition. No new street trees are required. There are street trees missing along the Gates Drive frontage that will need to be installed along that frontage.

**Environmental:** There are no environmental features on the site.

---

**FINAL PLAN ISSUES:**

**Access:** The lot for the new Sherwin Williams store will be accessed by one drivecut on Susan Drive with an additional access connection through the rear to Gates Drive. Susan Drive is a private drive therefore there are not setback requirements required for the drivecut from any adjacent drives.

**Parking:** The PUD approved 5 parking spaces per 1,000 square feet of floor area. Staff has used this approved parking ratio for the proposed site plan.

**Development Standards:** The PUD did not have specific development standards and used the commercial standards that were in place at the time. The Department has therefore used the current Commercial Arterial district development standards to review this petition. The proposed site plan meets all of the current development standards including setbacks and maximum impervious surface coverage. The PUD did have some basic architectural requirements that required 360 degree architecture and only allowed stone and masonry finishes. The proposed building meets these requirements and has windows along all 4 sides.

**Pedestrian Facilities:** A 5' wide concrete sidewalk was installed along both the north and east frontages and is in good condition. The sidewalk ramp at the corner of Gates Dr. and Susan Dr. does not feature truncated domes and that must be added to the sidewalk intersection.

**Utilities:** The site is well served by existing utilities and while no problems have been highlighted so far, a full utility plan has not been approved and will be reviewed with a grading permit.

---

**20.04.090 PUD Final Plan-** The UDO does not list specific findings criteria for PUD Final Plans, but does list what items shall be considered by the Plan Commission in a review:

- (A) The written statement and supportive material submitted by the petitioner;

**Proposed Finding:** The petitioner has provided all required materials.

- (B) The PUD District Ordinance;

**Proposed Finding:** The proposed petition meets the original PUD District Ordinance guidance and the Department has used the current Commercial Arterial development standards for any items that were not addressed in the district ordinance.

- (C) The Preliminary Plan;

**Proposed Finding:** The approved preliminary plan showed this lot as a fully developed commercial lot with parking and a substantial amount of impervious surface coverage. The proposed final plan improves on that plan by meeting current impervious surface coverage requirements and maximum parking standards.

- (D) The Final Plan;

**Proposed Finding:** The petition is the Final Plan for the site.

- (E) Any commitments or conditions of approval attendant to prior approvals;

**Proposed Finding:** There were no previous commitments or conditions that were imposed on the final plan approval.

- (F) Any applicable section of the Unified Development Ordinance;

**Proposed Finding:** The petition is subject to the current standards of the UDO for architecture, height, and environmental standards as well as any other current standards in the UDO that were lacking in the original PUD.

- (G) Additional information as may be required by the Plan Commission to evaluate the application.

**Proposed Finding:** No additional information has so far been requested by the Plan Commission for this site.

---

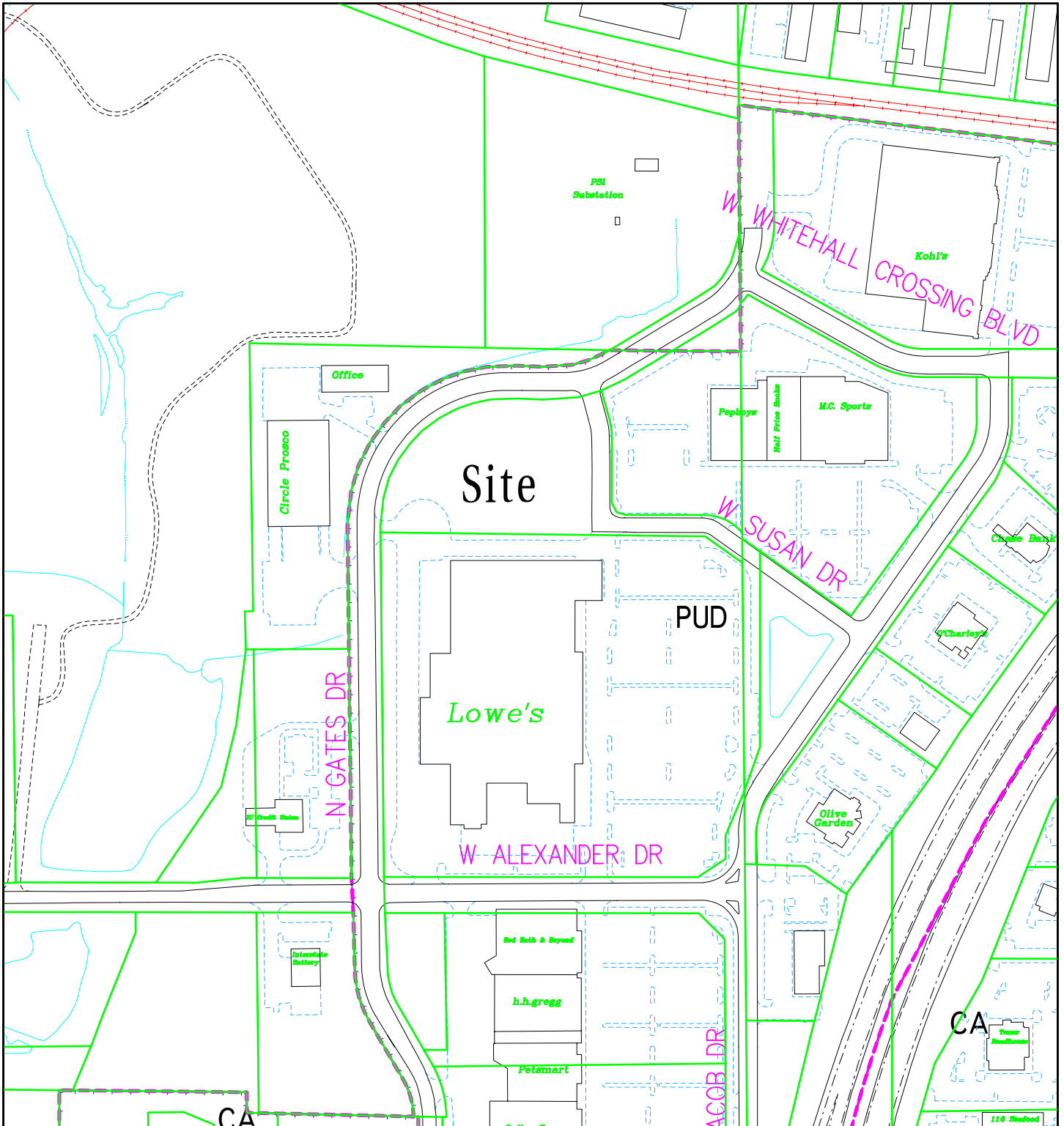
**CONCLUSION:** This petition follows the general outline of the approved preliminary plan while at the same time meeting our current regulations. This site was originally shown as being completely covered with a building and parking areas and the proposed final plan is an improvement on the previous preliminary site plan.

---

**RECOMMENDATION:** The Department recommends adopting the proposed findings and approve the proposed site plan and preliminary plat with the following conditions of approval:



- 
1. Street trees are required not less than 20' and not more than 40' apart along Gates Drive.
  2. A lighting plan has not been reviewed and must be submitted and approved prior to issuance of a building permit.



PUD-07-09 Whitehall Crossing, LLC

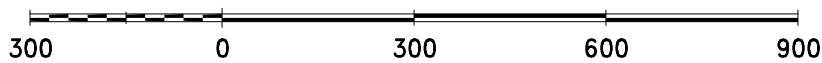
402 N Gates Drive

Plan Commission

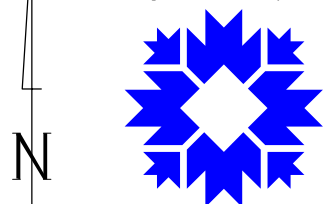
Site Location, Zoning, Parcels

By: greulice

12 Apr 19

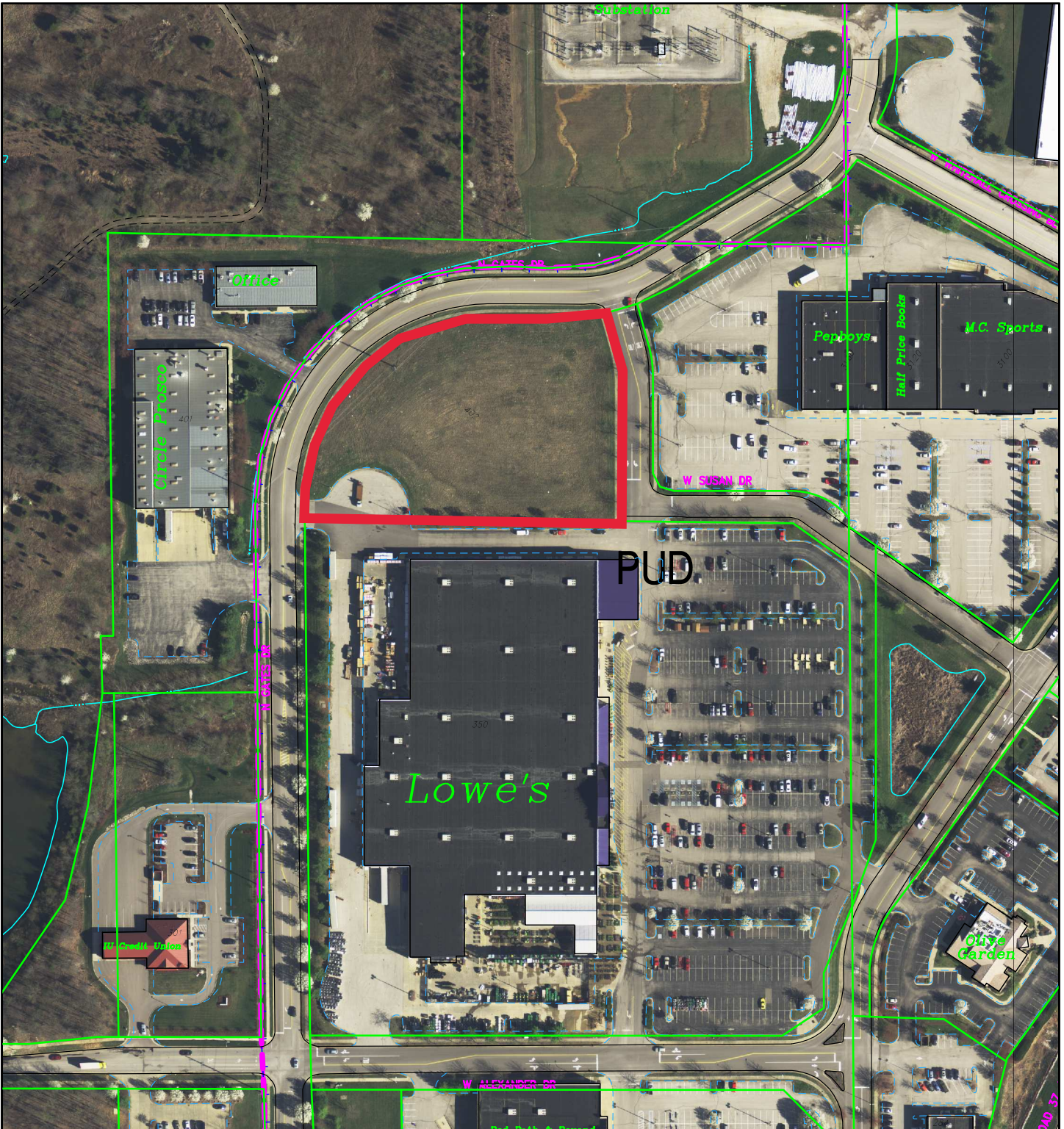


City of Bloomington  
Planning & Transportation



Scale: 1" = 300'

For reference only; map information NOT warranted.



PUD-07-19 Whitehall Crossing, LLC

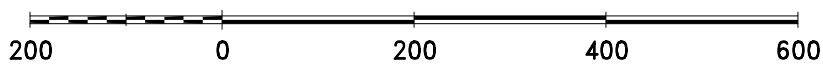
402 N Gates Drive

Plan Commission

2016 Aerial Photograph

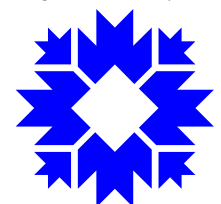
By: greulice

12 Apr 19



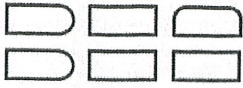
For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation



Scale: 1" = 200'





BYNUM FANYO & ASSOCIATES, INC.

88

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

February 11, 2019

City of Bloomington Plan Commission  
401 N. Morton Street  
Bloomington, Indiana 47403

Re: Sherwin Williams Site Plan and Plat ~~Amendment~~ *Approval*

Our Client Whitehall Crossing, LLC, Whitney Gates and Sherwin Williams is planning on building a new store in Whitehall Crossing on a vacant lot north of Lowes. The 2.668-acre lot is larger than needed and as a result we would like to amend the existing White Crossing Plat to create lots C1 and C2 as shown on the attached plat. Lot C1 at 1.602 acres would be available for future a use. Lot C2 at 1.066 acres would be the location of the proposed Sherwin Williams new store.

We are also requesting final site plan approval for the 4000 square foot Sherwin Williams store. Access to the lot will be from Susan Drive to the east and connecting to an easement adjoining lot C2's west property line. Water and sewer utilities are available west of Susan Drive. Landscaping is designed to meet the UDO. The ADA curb ramp at our southeast corner will be replaced if it does not meet current design standards.

We have included the proposed site and grading plan, landscape plan, preliminary and final plat and building elevations for your review. If you have any question regarding our submission, please contact me at any time.

Sincerely,

Jeffrey S. Fanyo P.E. CFM

Bynum Fanyo and Associates, Inc.

Attachments

ARCHITECT OF RECORD:



SEAL:

STORE AREA CALCULATIONS:	
TOTAL BUILDING AREA: 4,000 S.F.	PROJECT SCOPE: NEW STORE CORE & NEW BUILDING TURNKEY
NEW STORE AREA: 4,000 S.F.	
SALES AREA: 1,527 S.F.	
STAGING/TENT AREA: 1,926 S.F. NET.	

STORE NO: NEW	<b>The Sherwin-Williams Company</b> MID WESTERN STORES DIVISION ENGINEERING/CONSTRUCTION DEPT. 10000 W. STATE ST. STRONGSVILLE, OH 44149-3005 440-846-4306 FAX 440-846-4285
AREA: *****	
D.A.D.: *****	
DISTRICT: *****	
LOCATION: *****	

LESSOR:

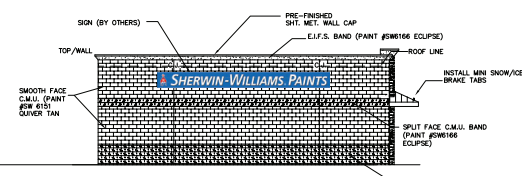
RECORDING:  
\*\*\*

DRAWN BY:	***
ORIGINAL DWG DATE:	06/04/2018
PROJECT NUMBER:	180159-10000
TITLE:	
SHEET NUMBER:	EL-1

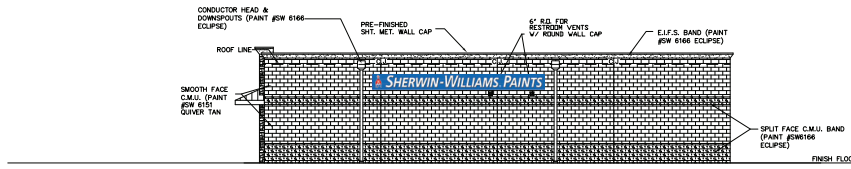
COMMENTS:  
 SCHEDULED DRAWINGS ONLY. NOT FOR CONSTRUCTION.  
 THESE DRAWINGS ARE INTENDED TO BE USED IN CONJUNCTION  
 WITH SHERWIN-WILLIAMS DESIGN GUIDELINES BY LESSOR  
 EXCEPT TO PRODUCE SCHEDULED DRAWINGS FOR CONSTRUCTION.  
 M:\V\KALESTATE\DWGS\180159\180159-10000\180159-10000-1927-01-07-2018.DWG  
 DRAWING - PER DATE OF DRAWING BY THE SHERWIN WILLIAMS CO.



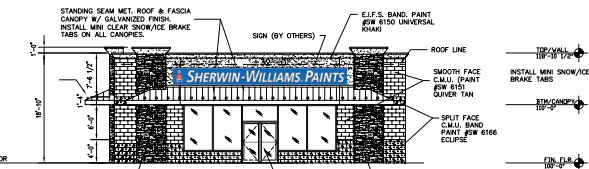
**SOUTH ELEVATION**  
3/32"x1'-0"



**WEST ELEVATION**  
3/32"x1'-0"



**NORTH ELEVATION**  
3/32"x1'-0"



**EAST ELEVATION**  
3/32"x1'-0"

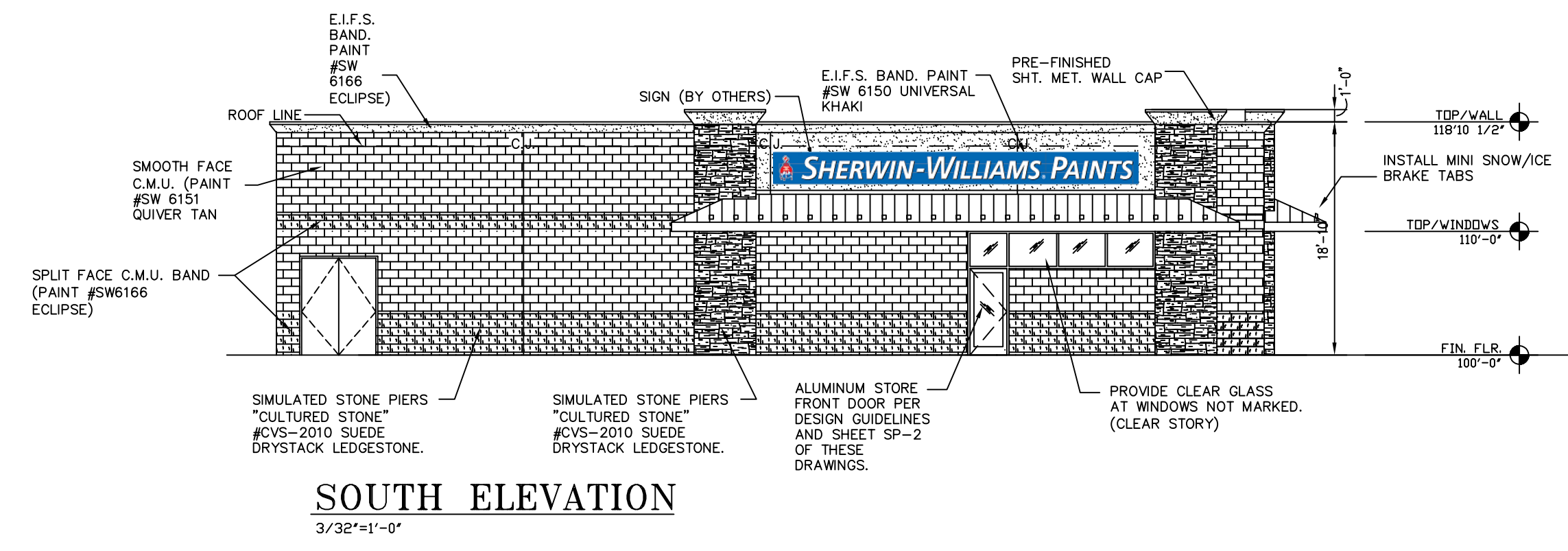


**MONUMENT SIGN ELEVATION**  
3/32"x1'-0"

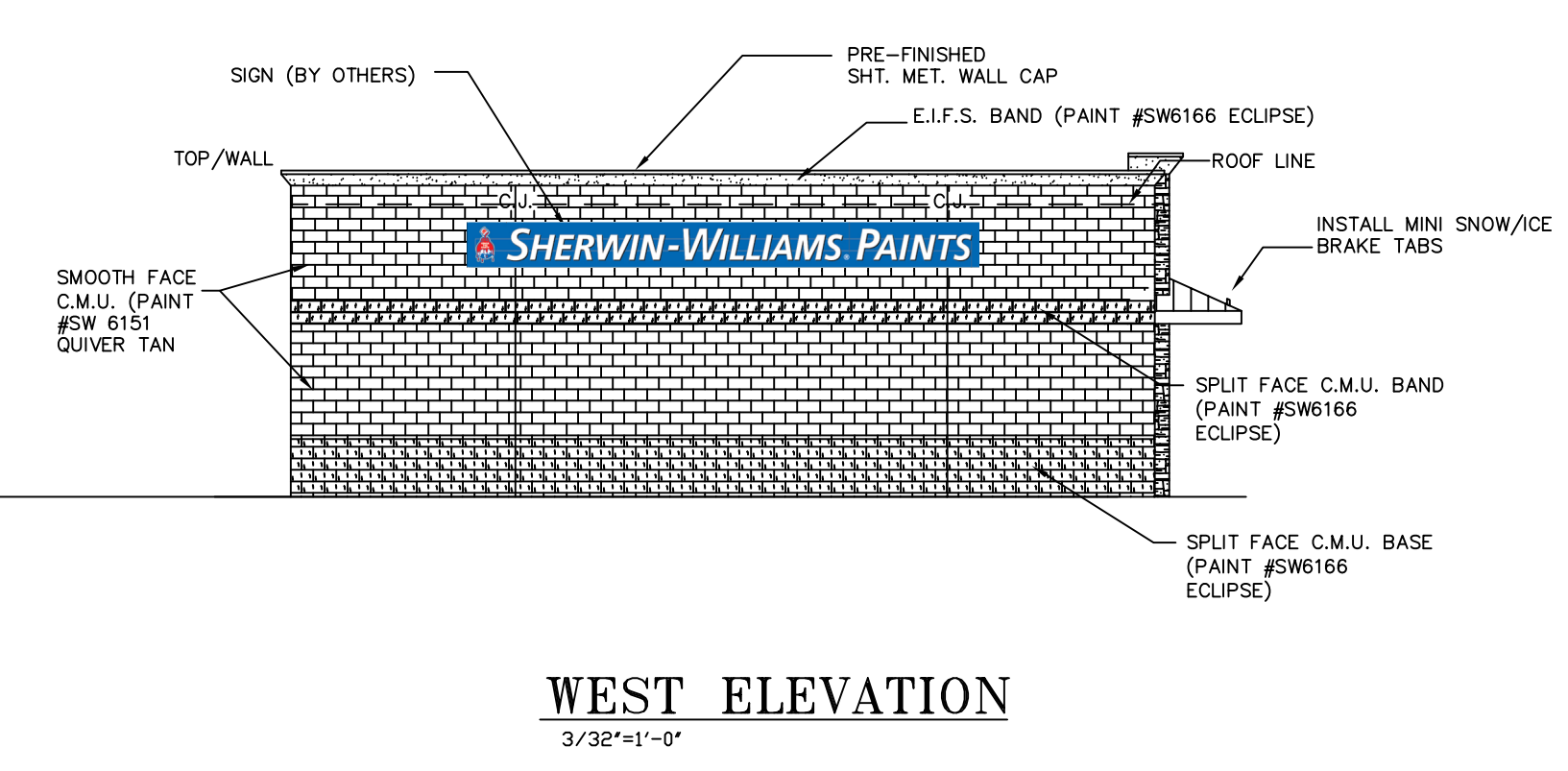
ARCHITECT OF RECORD:



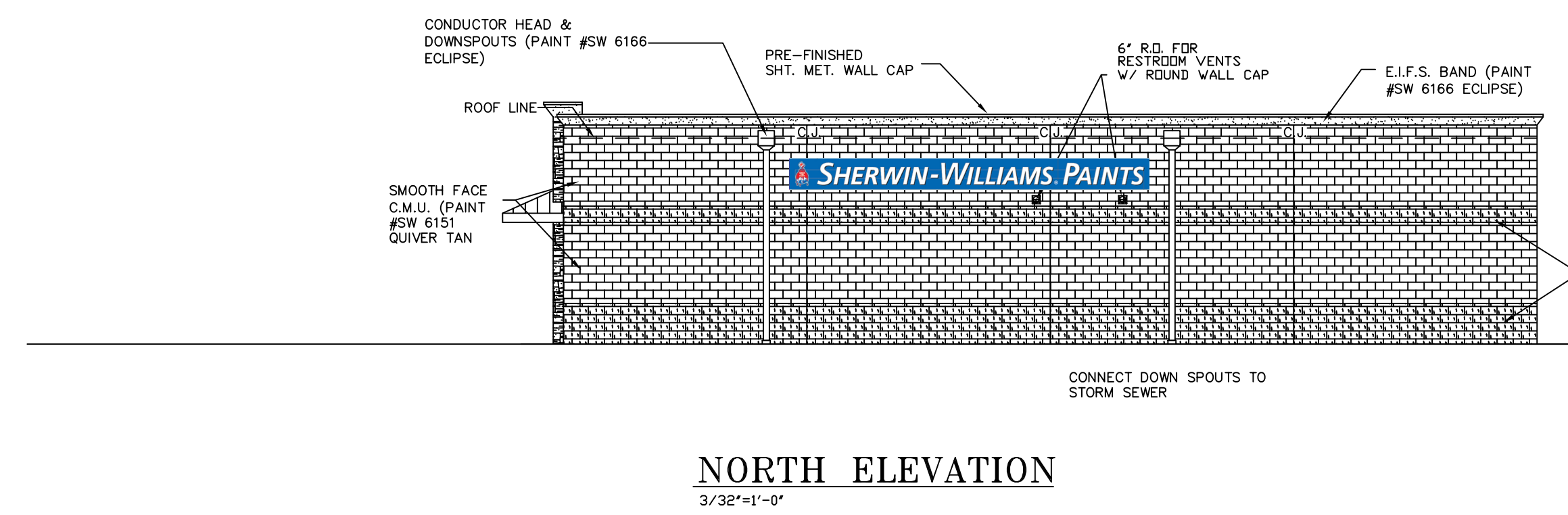
SEAL:



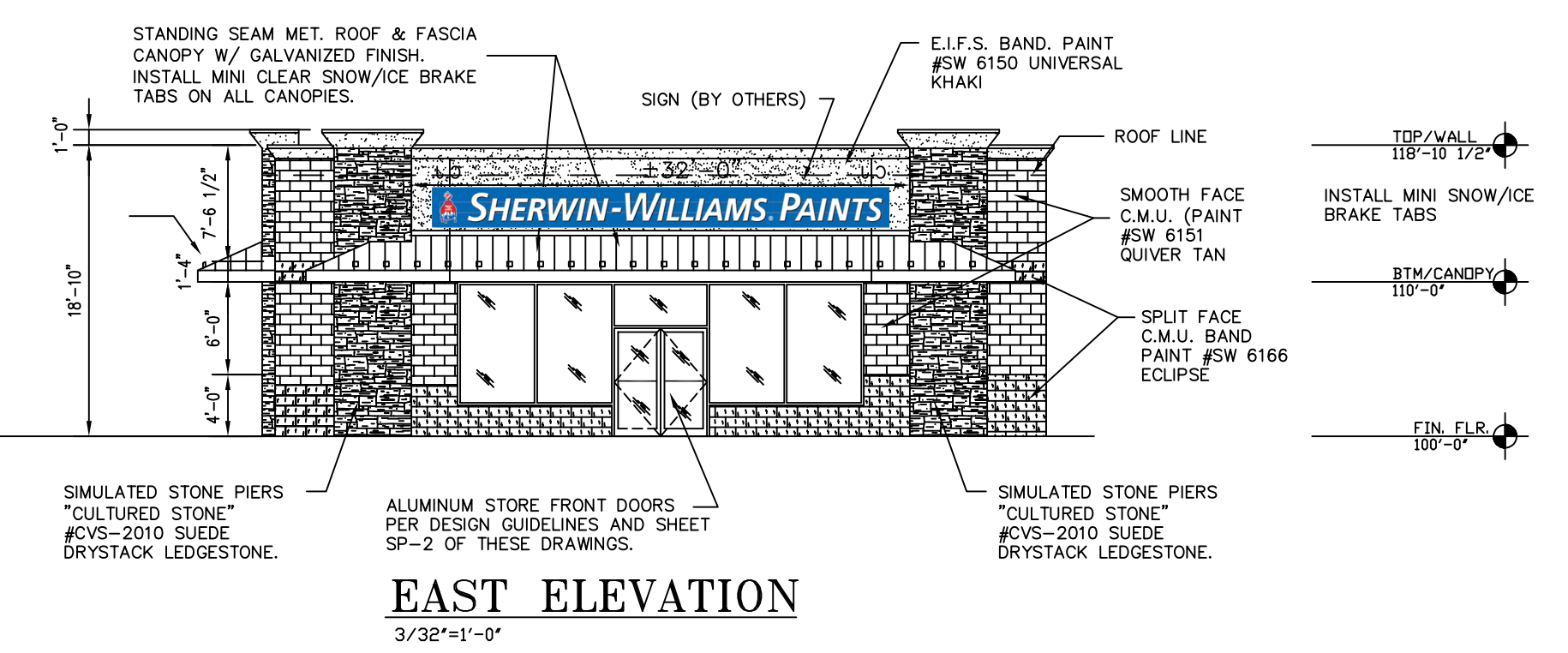
**SOUTH ELEVATION**  
3/32"=1'-0"



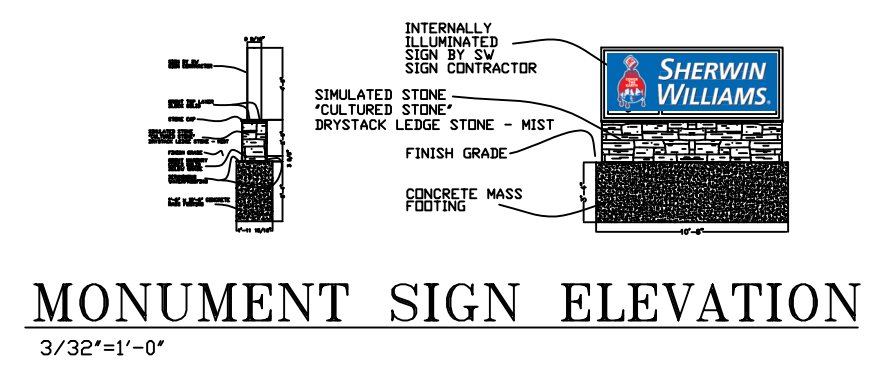
**WEST ELEVATION**  
3/32"=1'-0"



**NORTH ELEVATION**  
3/32"=1'-0"



**EAST ELEVATION**  
3/32"=1'-0"



**MONUMENT SIGN ELEVATION**  
3/32"=1'-0"

STORE AREA CALCULATIONS:

TOTAL BUILDING AREA:	4,000 S.F.	PROJECT SCOPE:	NEW STORE CORE II
SW STORE AREA:	4,000 S.F.	NEW BUILDING LEASE	TURKEY
SALES AREA:	1,527 S.F.		
STAGING/TINT AREA:	1,926 S.F. NET.		

STORE NO:	NEW
AREA:	*****
D.A.D:	*****
DISTRICT:	*****
LOCATION:	*****

**The Sherwin-Williams Company**  
MID-WESTERN STORES DIVISION  
ENGINEERING/CONSTRUCTION DEPT.  
11410 ALAMEDA DRIVE  
STRONGSVILLE, OH 44149-3005  
440-846-4306 FAX 440-446-4285

LESSOR:

REVISIONS:  
\*\*\*\*

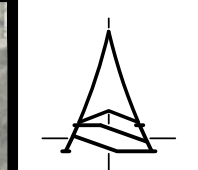
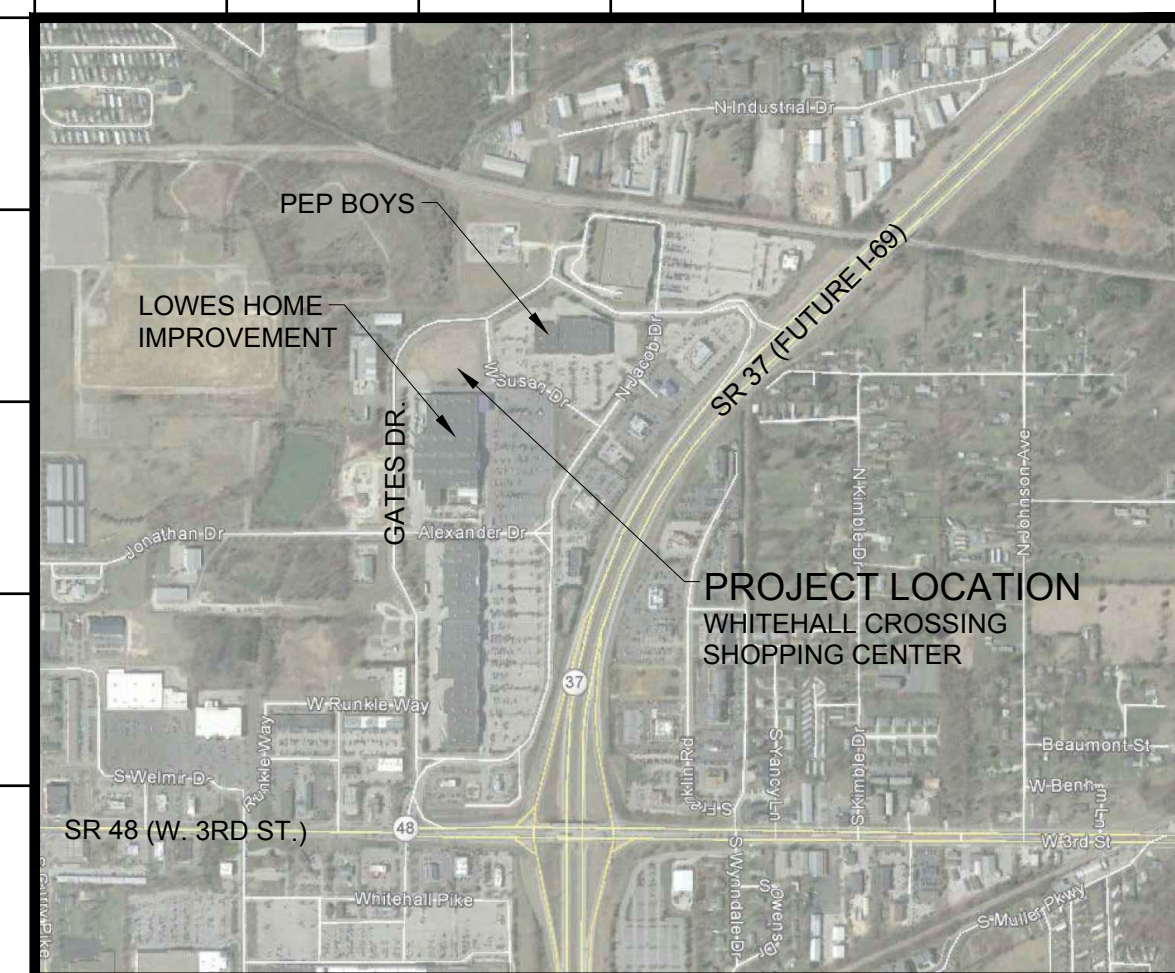
DRAWING BY:	***
ORIGINAL DWG DATE:	06/04/2018
PROJECT NUMBER:	180159-10000
TITLE:	
SHEET NUMBER:	EL-1

COMMENTS:  
SCHEMATIC DRAWINGS ONLY. "NOT FOR CONSTRUCTION"  
THESE DRAWINGS ARE INTENDED TO BE USED IN CONJUNCTION  
WITH SHERWIN-WILLIAMS DESIGN GUIDELINES BY LESSORS  
DESIGNED TO PRODUCE STAMPED DRAWINGS FOR CONSTRUCTION.

M:\REALSTATE\DWGS\STD\2015\4000\SD15-4000-1527-01-07-2015.DWG  
DRAWING © PER DATE OF DRAWING BY THE SHERWIN WILLIAMS CO.



# PROPOSED: The Sherwin-Williams Co. @ Whitehall Crossing

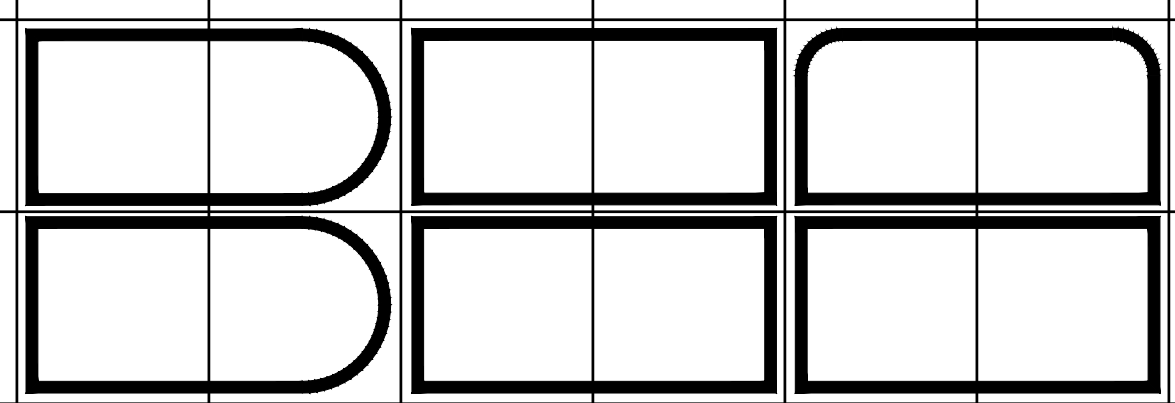


VICINITY/LOCATION MAP  
SCALE: 1"=2,000'

410 N. GATES DRIVE  
BLOOMINGTON, IN 47404

UTILITY CONTACT INFORMATION		
<b>GAS</b> VECTREN 205 S. MADISON ST. BLOOMINGTON, IN 47401 DOUG ANDERSON (812)330-4009	<b>SEWER AND WATER</b> CITY OF BLOOMINGTON UTILITIES 600 E. MILLER DR. BLOOMINGTON, IN 47402 NANCY AXSOM (812)349-3689	<b>ELECTRIC</b> DUKE ENERGY 1619 W. DEFFENBAUGH ROAD KOKOMO, INDIANA 46902 JIM SHELDS (800)774-0246
<b>TELEPHONE</b> AT&T P.O. BOX 56 BLOOMINGTON, IN 47402 BRENT McCABE (812)334-4521	<b>CABLE TELEVISION</b> COMCAST 2450 SOUTH HENDERSON STREET BLOOMINGTON, IN 47404 SCOTT TEMPLETON (812)355-7822	<b>UNDERGROUND UTILITY LOCATION</b> INDIANA UNDERGROUND PLANT PROTECTION 1-(800)382-5544

SHEET INDEX	
SHEET NO.	SHEET NO.
C101	DEMOLITION PLAN, NOTES & DETAILS
C201	SITE PLAN
C301	GRADING, UTILITY & EROSION CONTROL PLAN
C401	LANDSCAPE PLAN
C501	MISCELLANEOUS DETAILS



**BYNUM FANYO & ASSOCIATES, INC.**  
528 North Walnut Street  
Bloomington, Indiana 47404 (812) 332-8030

architecture  
civil engineering  
planning

OWNER/DEVELOPER:  
THE SHERWIN-WILLIAMS CO.  
101 W. PROSPECT AVE.  
CLEVELAND, OH 44115-1075

THE CURRENT EDITION OF THE INDIANA DEPARTMENT OF TRANSPORTATION, MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES & CITY OF BLOOMINGTON UTILITIES STANDARD SPECIFICATIONS IS TO BE USED WITH THESE PLANS

Certified By:  
  
1.22.19  
JEFFREY S. FANYO, P.E.  
IND. REG. NO. 60018283

Revisions  
  
SHERWIN-WILLIAMS  
PROJECT NO. 401814



### GENERAL NOTES

- 1. BOUNDARY AND TOPO BY BYNUM FANYO AND ASSOCIATES, 528 NORTH WALNUT STREET, BLOOMINGTON, INDIANA 47404. PHONE (812) 332-8030
- 2. DEVELOPER: SHERWIN-WILLIAMS COMPANY, 101 W. PROSPECT AVE., CLEVELAND, OH 44115-1075.
- 3. PROJECT ADDRESS: 410 N. GATES DR., BLOOMINGTON, INDIANA 47404.
- 4. ALL WORK IS TO BE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS.
- 5. ALL PERMITS ARE TO BE OBTAINED BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION.
- 6. EXISTING UTILITIES ON SITE SHALL BE RELOCATED AS REQUIRED. CONTRACTOR SHALL PAY ALL COSTS ASSOCIATED WITH RELOCATION.
- 7. SAFE, CLEARLY MARKED PEDESTRIAN AND VEHICULAR ACCESS TO ALL ADJACENT PROPERTIES MUST BE MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS.

### PARKING AND PAVEMENT NOTES

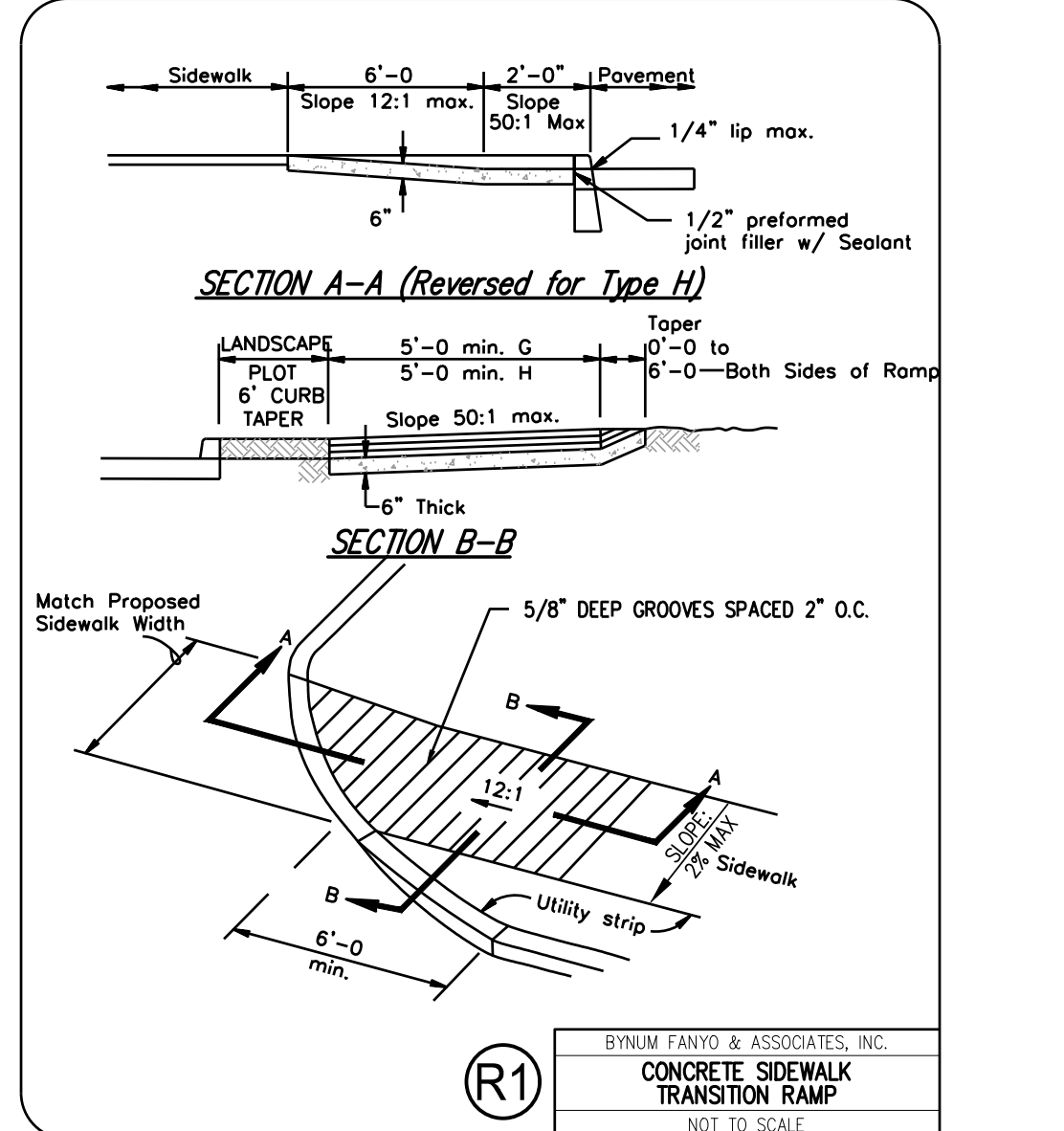
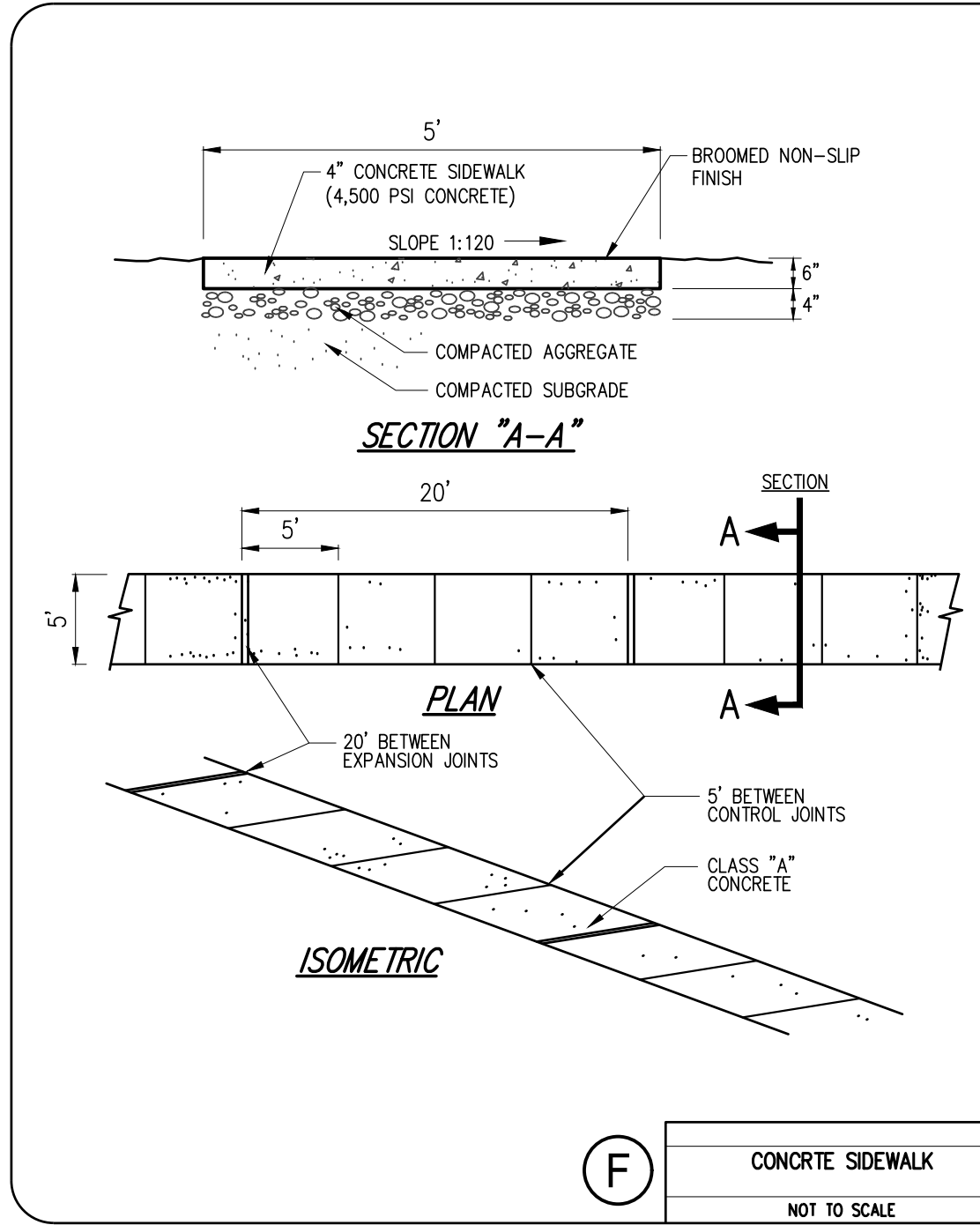
- 1. ALL SIGNS, PAVEMENT MARKINGS, AND OTHER TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC DEVICES, CURRENT EDITION.
- 2. CONTRACTOR SHALL FURNISH AND INSTALL PAVEMENT MARKINGS AS SHOWN ON THE PLANS.
- 3. CONTRACTOR SHALL COORDINATE THE INSTALLATION OF ALL SIGNS, PAVEMENT MARKINGS, AND OTHER TRAFFIC CONTROL DEVICES WITH OTHER CONTRACTORS ON THE SITE.
- 4. JOINTS OR SCORE MARKS ARE TO BE SHARP AND CLEAN WITHOUT SHOWING EDGES OF JOINTING TOOLS.
- 5. CONTRACTOR SHALL SAW-CUT TIE-INS AT EXISTING CURBS AS NECESSARY TO INSURE SMOOTH TRANSITIONS. CONTRACTOR SHALL SAW-CUT AND TRANSITION TO MEET EXISTING PAVEMENT AS NECESSARY AND AS DIRECTED BY INSPECTOR TO INSURE POSITIVE DRAINAGE. (TYPICAL AT ALL INTERSECTIONS).
- 6. CONTRACTOR SHALL COMPLY WITH ALL PERTINENT PROVISIONS OF THE "MANUAL OF ACCIDENT PREVENTION IN CONSTRUCTION" ISSUED BY A.G.C. OF AMERICA, INC. AND THE HEALTH AND SAFETY REGULATIONS FOR CONSTRUCTION ISSUED BY THE U.S. DEPARTMENT OF LABOR.

### LANDSCAPE NOTES

- 1. ALL PLANT MATERIAL SHALL ARRIVE ONSITE IN A HEALTHY, VIGOROUS CONDITION AND BE FREE OF PESTS AND DISEASE.
- 2. ALL PLANTS SHALL BE CONTAINER GROWN OR BALLED AND BURLAPPED AS INDICATED IN THE PLANT LIST.
- 3. ALL TREES SHALL BE STRAIGHT-TRUNKED, FULL HEADED AND MEET ALL REQUIREMENTS SPECIFIED.
- 4. ALL TREES SHALL BE GUYED OR STAKED PLUMB AS SHOWN IN THE DETAILS.
- 5. ALL PLANTING MASS BEDS SHALL BE SPADE CUT UNLESS SPECIFIED WITH A MOW STRIP OR OTHER INSTALL EDGING. TREES TO HAVE A 5' DIAMETER MULCH RING.
- 6. ALL PLANTING AREAS SHALL BE COMPLETELY MULCHED WHERE SPECIFIED.
- 7. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION. PLANTING LOCATIONS MAY REQUIRE ADJUSTMENTS IN FIELD TO AVOID OVERHEAD AND UNDERGROUND UTILITIES.
- 8. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES AND SPECIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
- 9. THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING AND LAWN AREAS INCLUDING, BUT NOT LIMITED TO, WATERING, SPRAYING, MULCHING, PRUNING, FERTILIZING, ETC., UNTIL WORK IS ACCEPTED IN FULL BY THE OWNER.
- 10. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR BEGINNING ON THE DATE OF TOTAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE OR AT THE END OF THE GUARANTEE PERIOD.
- 11. THE OWNER SHALL APPROVE THE STAKING LOCATION OF ALL PLANT MATERIAL PRIOR TO INSTALLATION.
- 12. AFTER BEING DUG AT THE NURSERY SOURCE, ALL TREES IN LEAF SHALL BE ACCLIMATED FOR TWO (2) WEEKS UNDER A MIST OR DRIP IRRIGATION SYSTEM PRIOR TO INSTALLATION. WATER ALL SPECIMENS WITHIN 24 HOURS OF PLANTING.
- 13. ANY NEW OR TRANSPLANTED PLANT MATERIAL WHICH DIES, TURNS BROWN OR DEFOLIATES PRIOR TO TOTAL ACCEPTANCE OF THE WORK SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY AND SIZE TO MEET ALL PLANT LIST SPECIFICATIONS.
- 14. STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
- 15. ALL SHRUB, GROUNDCOVER, ANNUAL AND HERBACEOUS PERENNIAL PLANTING BEDS ARE TO BE COMPLETELY COVERED WITH HARDWOOD MULCH TO A MINIMUM DEPTH OF FOUR INCHES.
- 16. DURING THE GROWING SEASON ALL ANNUALS AND HERBACEOUS PERENNIALS SHALL REMAIN IN A HEALTHY CONDITION THROUGHOUT THE CONSTRUCTION PERIOD.
- 17. ALL PLANT MATERIAL QUANTITIES SHOWN ARE APPROXIMATE. CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETE COVERAGE OF ALL PLANTING BEDS AT SPACING SHOWN ON PLANS.
- 18. ALL DISTURBED AREAS NOT INCLUDED IN LANDSCAPE MULCH BEDS ARE TO BE DEBRIS-RAKED AND FINED-GRADED AS NEEDED, THEN MULCH SEDED (OR SODDED, PER PLAN) AND WATERED UNTIL A HEALTHY STAND OF TURF IS ESTABLISHED.
- 19. ANY PLANT OR OTHER LANDSCAPE MATERIAL SUBSTITUTIONS INSTALLED WITHOUT DESIGNER AND/OR OWNER APPROVAL SHALL BE REPLACED AT CONTRACTOR'S EXPENSE. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE OWNER BEFORE, DURING AND AFTER INSTALLATION.

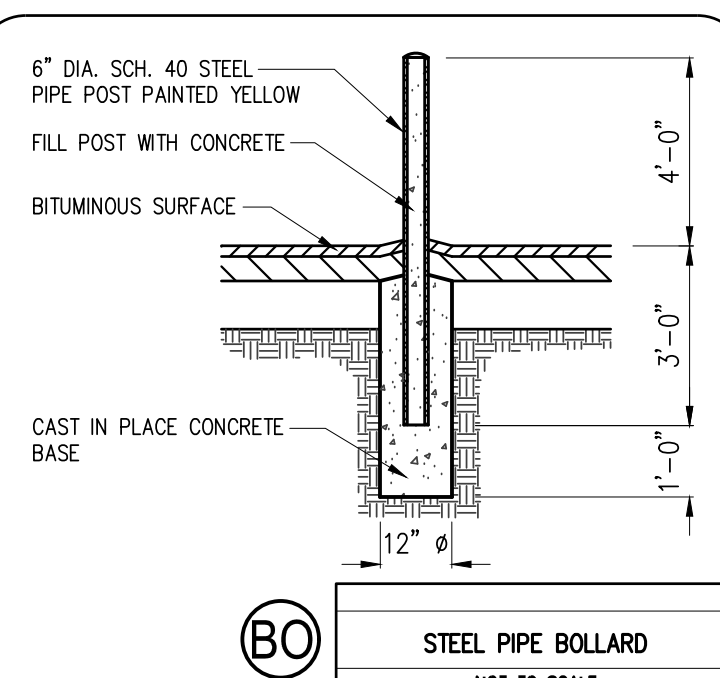
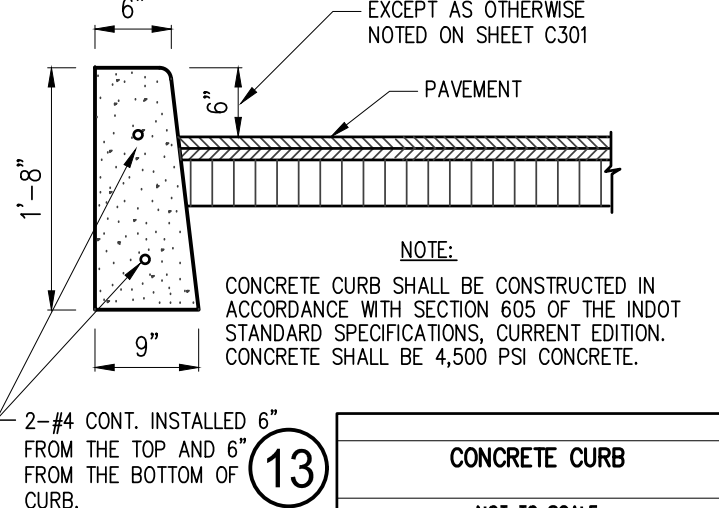
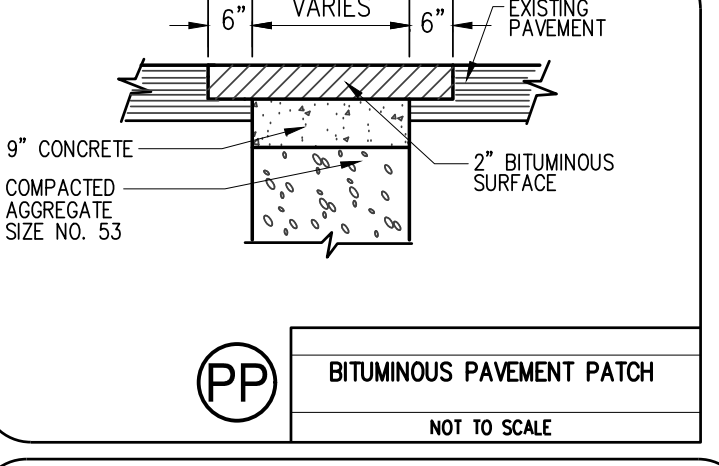
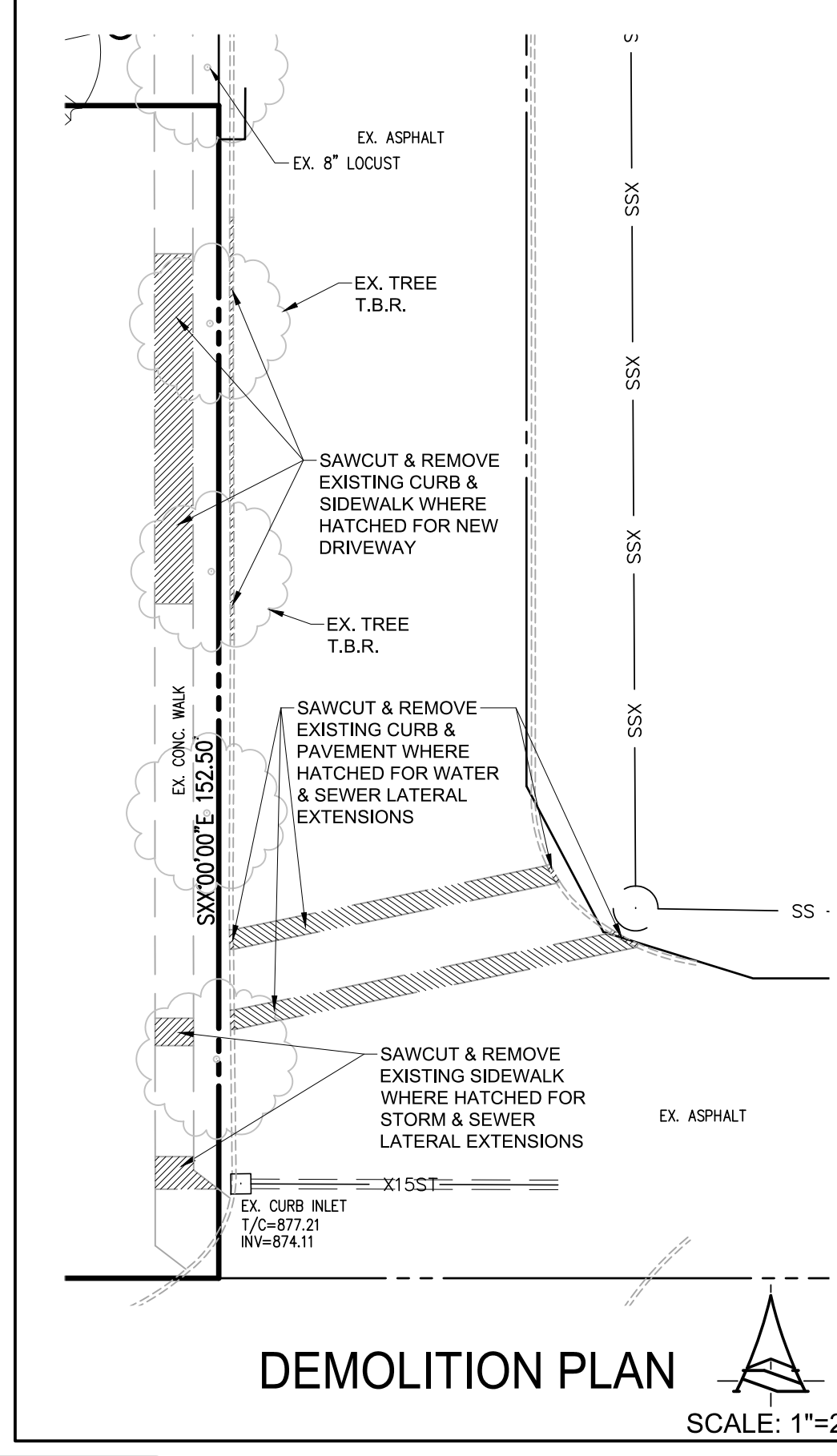
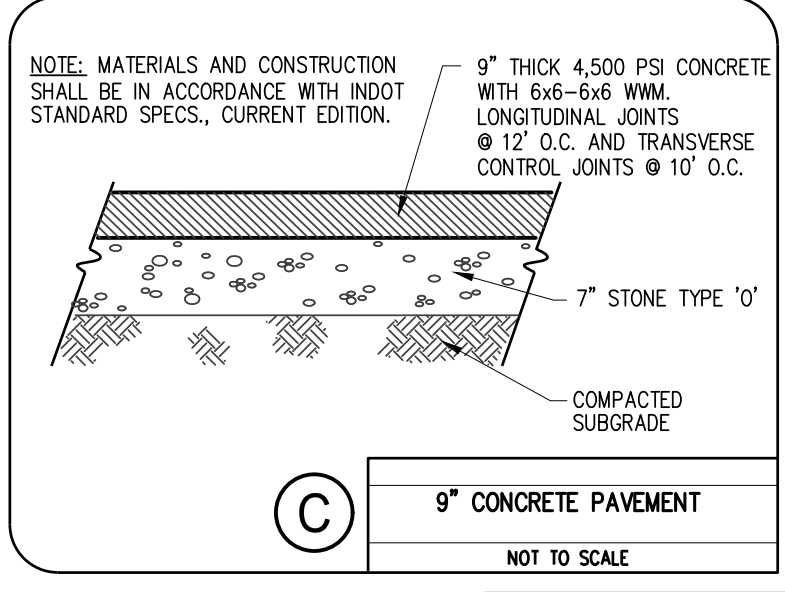
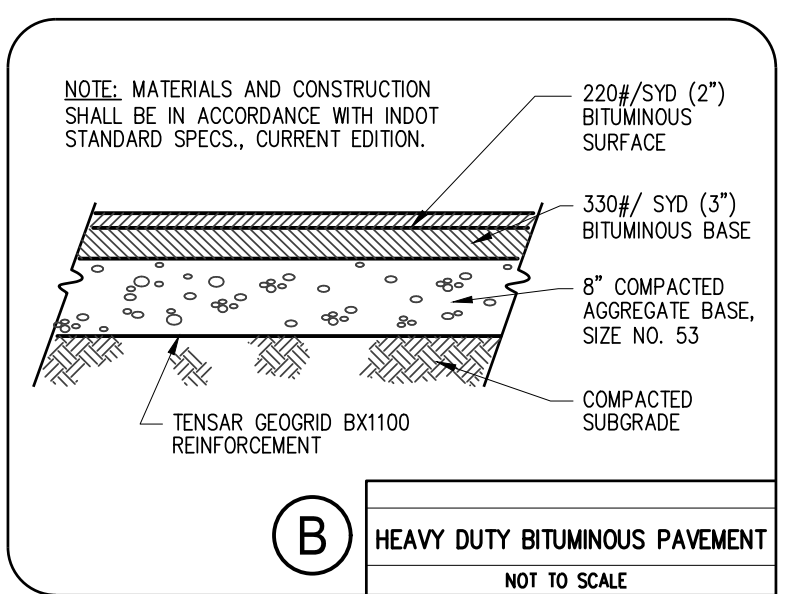
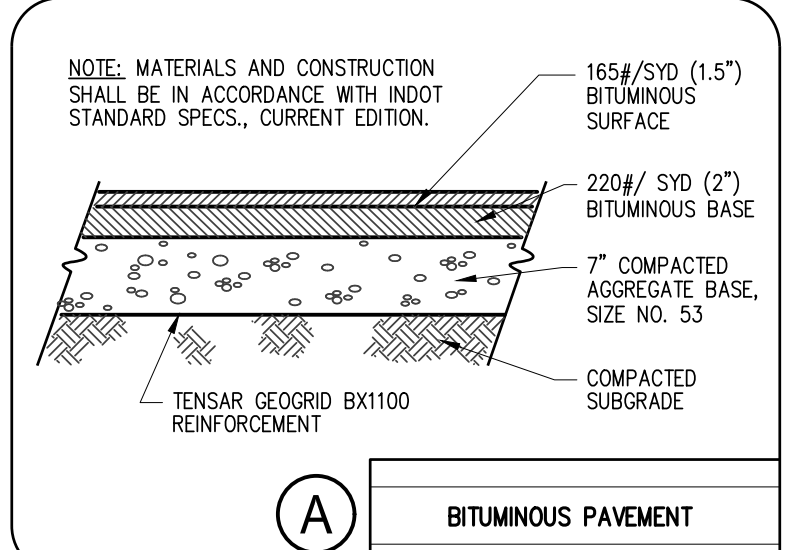
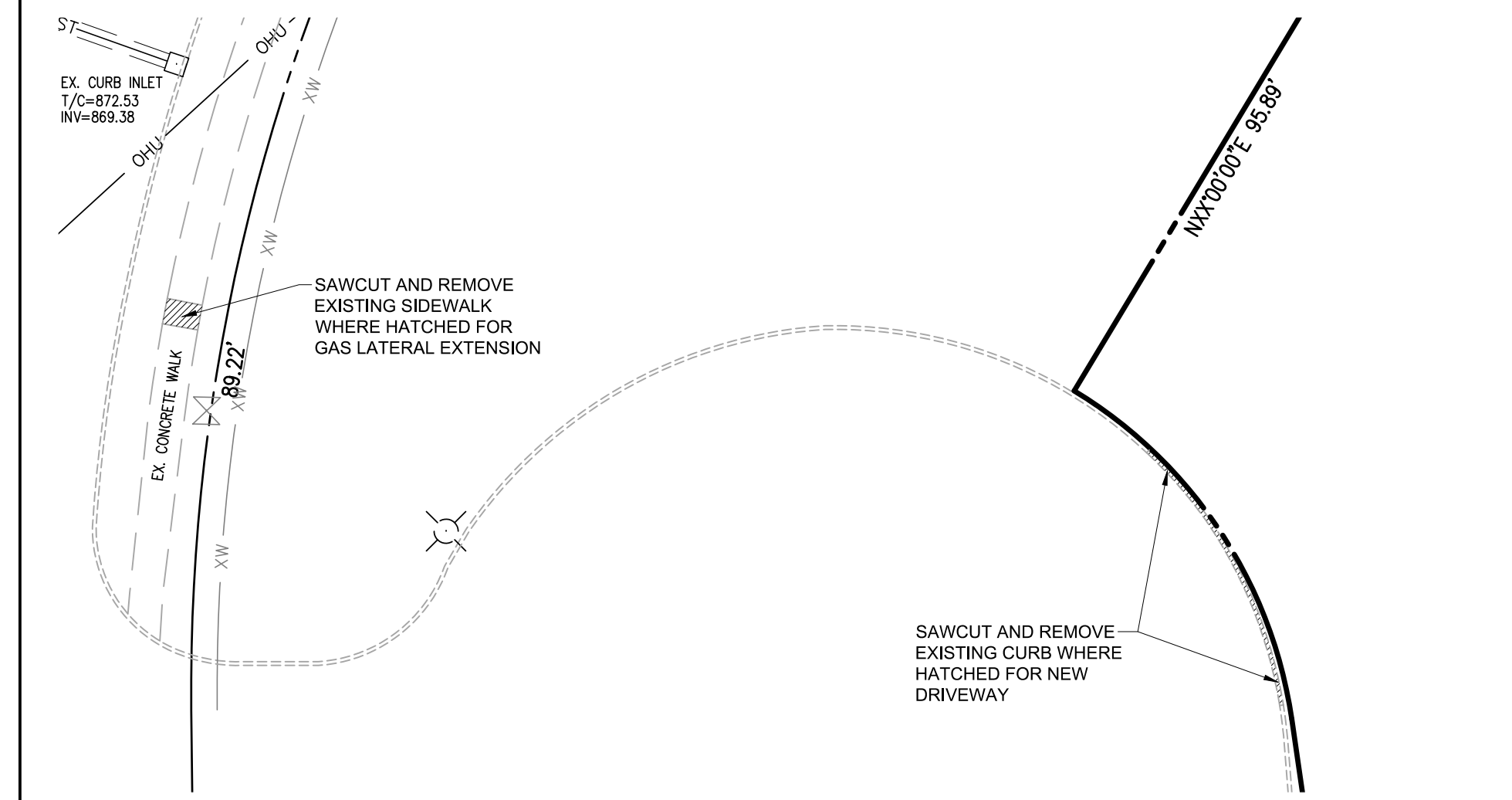
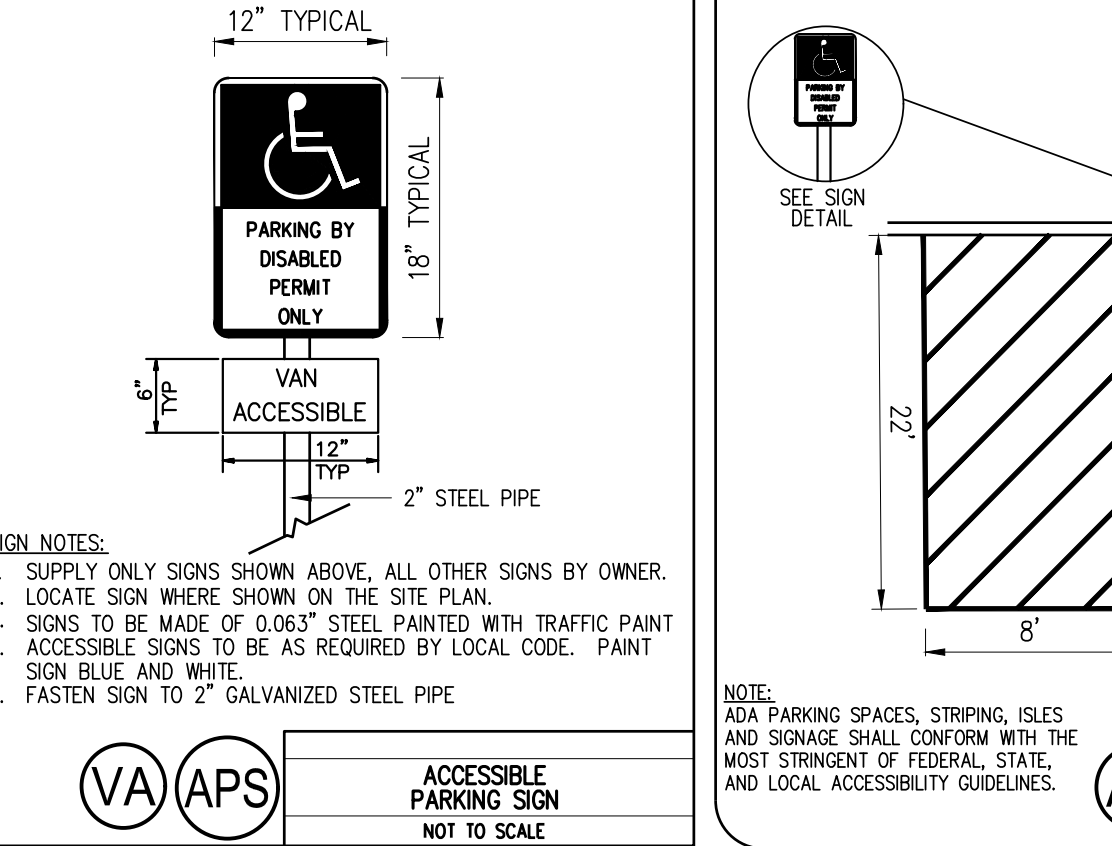
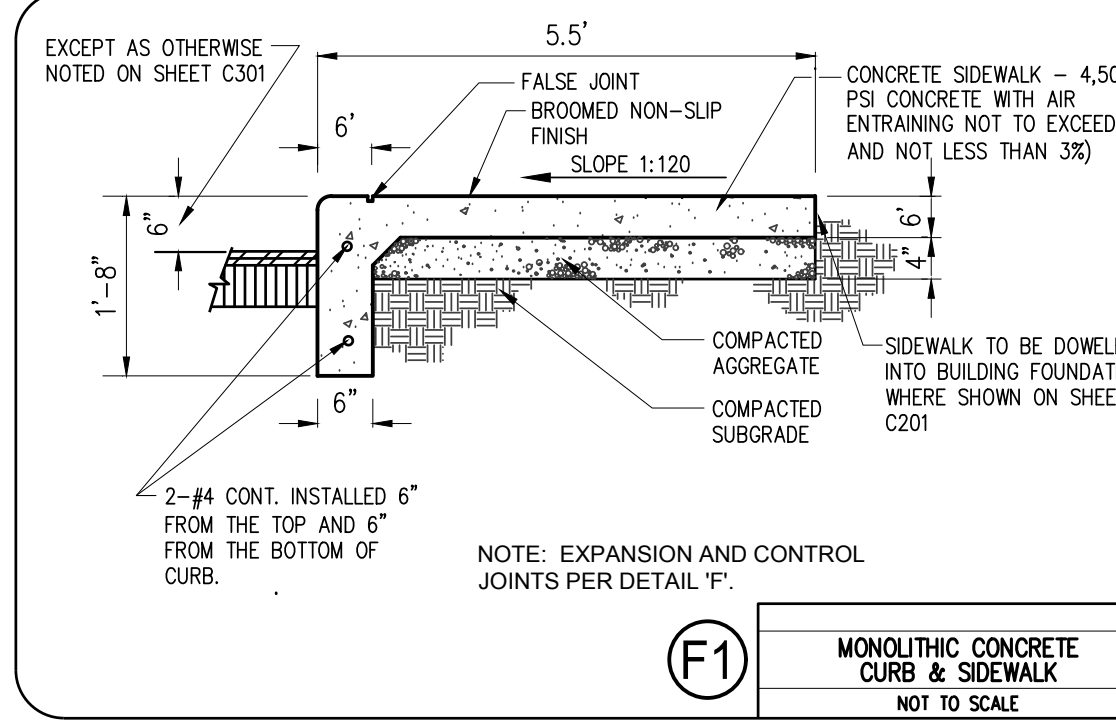
### ON-SITE UTILITY NOTES

- 1. ALL SERVICE LINES FROM MAIN TO METER SHALL BE TYPE "K" COPPER WITH FLARED ENDS.
- 2. ALL SPRINKLER, DOMESTIC, AND SANITARY LEADS TO THE BUILDING SHALL END AS SHOWN ON PLAN AND SHALL BE PROVIDED WITH A TEMPORARY PLUG AT THE END (FOR OTHERS TO REMOVE AND EXTEND AS NECESSARY).
- 3. THE MINIMUM HORIZONTAL SEPARATION BETWEEN THE CLOSEST TWO POINTS OF THE WATER AND SEWER LINE IS TEN FEET (10'). THE MINIMUM VERTICAL SEPARATION BETWEEN THE CLOSEST TWO POINTS OF THE WATER AND SEWER LINE IS EIGHTEEN INCHES (18").
- 4. 6" GRAVITY SANITARY SEWER PIPE SHALL BE CONSTRUCTED OF SDR-35 PVC.
- 5. ALL TRENCHING, PIPE LAYING, AND BACKFILLING SHALL BE IN ACCORDANCE WITH FEDERAL OSHA REGULATIONS.
- 6. SEE SITE SPECIFICATIONS FOR BACKFILLING AND COMPACTION REQUIREMENTS.
- 7. SITE CONTRACTOR SHALL HAVE APPROVAL OF ALL GOVERNING AGENCIES HAVING JURISDICTION OVER THIS SYSTEM PRIOR TO INSTALLATION.
- 8. ALL WORK ON THIS PLAN SHALL BE DONE IN STRICT ACCORDANCE WITH SITE WORK SPECIFICATIONS.
- 9. LOCATIONS OF EXISTING BURIED UTILITY LINES SHOWN ON THE PLANS ARE BASED UPON BEST AVAILABLE INFORMATION AND ARE TO BE CONSIDERED APPROXIMATE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATIONS OF UTILITY LINES ADJACENT TO THE WORK AREA. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL UTILITY LINES DURING THE CONSTRUCTION PERIOD.
- 10. ALL PROJECTS WILL REQUIRE A PRE-CONSTRUCTION MEETING WITH THE CITY OF BLOOMINGTON UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR AND/OR DEVELOPER MUST CONTACT TOM AXSOM AT (812)349-3633 TO SCHEDULE THE MEETING.
- 11. CONTRACTOR SHALL NOTIFY THE CITY OF BLOOMINGTON UTILITIES ENGINEERING DEPARTMENT ONE (1) WORKING DAY PRIOR TO CONSTRUCTION OF ANY WATER, STORM OR SANITARY SEWER UTILITY WORK. A CBU INSPECTOR MUST HAVE NOTICE SO WORK CAN BE INSPECTED, DOCUMENTED, AND PROPER AS-BUILT MADE. WHEN A CONTRACTOR WORKS WEEKENDS, A CBU DESIGNATED HOLIDAY, OR BEYOND NORMAL CBU WORK HOURS, THE CONTRACTOR WILL PAY FOR THE INSPECTOR'S OVERTIME. FOR CBU WORK HOURS AND HOLIDAY INFORMATION, PLEASE CONTACT THE CITY OF BLOOMINGTON UTILITIES ENGINEERING DEPARTMENT AT (812)349-3660.



### GRADING NOTES

- 1. NEW FINISHED CONTOURS SHOWN ARE TOP OF FUTURE PAVEMENT IN AREAS TO RECEIVE PAVEMENT AND TOP OF TOPSOIL IN AREAS TO BE SEED OR PLANTED.
- 2. AREAS OUTSIDE OF THE PARKING LOT PERIMETERS SHOWN TO BE SEED OR PLANTED SHALL RECEIVE 6" OF TOPSOIL. THIS TOPSOIL IS TO BE PLACED AND LEVELED BY THE CONTRACTOR.
- 3. CONTRACTOR SHALL NOTIFY AND COOPERATE WITH ALL UTILITY COMPANIES OR FIRMS HAVING FACILITIES ON OR ADJACENT TO THE SITE BEFORE DISTURBING, ALTERING, REMOVING, RELOCATING, ADJUSTING, OR CONNECTING TO SAID FACILITIES. CONTRACTOR SHALL PAY ALL COSTS IN CONNECTION WITH ALTERATION OF OR RELOCATION OF THE FACILITY.
- 4. ALL AREAS NOT COVERED BY BUILDING OR PAVING ARE TO BE VEGETATED (SEED OR PER LANDSCAPE PLAN).
- 5. UNUSABLE EXCAVATED MATERIALS AND ALL WASTE RESULTING FROM CLEARING AND GRUBBING SHALL BE DISPOSED OF OFF SITE BY CONTRACTOR.
- 6. ALL EXCAVATING IS UNCLASSIFIED AND SHALL INCLUDE ALL MATERIALS ENCOUNTERED.
- 7. BEFORE ANY MACHINE WORK IS DONE, CONTRACTOR SHALL STAKE OUT AND MARK THE ITEMS ESTABLISHED BY THE SITE PLAN. CONTROL POINTS SHALL BE PRESERVED AT ALL TIMES DURING THE COURSE OF CONSTRUCTION. THE LACK OF PROPER WORKING POINTS AND GRADE STAKES MAY REQUIRE CESSATION OF OPERATIONS UNTIL SUCH POINTS AND GRADES HAVE BEEN PLACED TO THE OWNER'S SATISFACTION.
- 8. THESE DOCUMENTS ARE SCHEMATIC IN NATURE AND CANNOT SHOW EVERY ITEM NEEDED FOR A COMPLETE OPERATIONAL STORM SYSTEM. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING A COMPLETE OPERATING STORM SYSTEM.
- 9. ALL FILL SHALL BE FREE OF VEGETABLE MATTER, RUBBISH, LARGE ROCK, AND OTHER DELETERIOUS MATERIAL. THE FILL MATERIAL SHOULD BE PLACED IN LAYERS NOT TO EXCEED SIX (6) INCHES IN LOOSE THICKNESS AND SHOULD BE SPRINKLED WITH WATER AS REQUIRED TO SECURE SPECIFIED COMPACTION. EACH LAYER SHOULD BE UNIFORMLY COMPACTED BY MEANS OF SUITABLE EQUIPMENT AS DICTATED BY THE TYPE OF FILL MATERIAL. UNDER NO CIRCUMSTANCES SHOULD A BULLDOZER OR SIMILARLY TRACKED VEHICLE BE USED AS COMPACTION EQUIPMENT. MATERIAL CONTAINING AN EXCESS OF WATER SHOULD BE SPREAD AND DRIED TO A MOISTURE CONTENT THAT WILL PERMIT PROPER COMPACTION. ALL FILL SHOULD BE COMPACTED TO THE SPECIFIED PERCENTAGE OF THE MAXIMUM DENSITY OBTAINED IN ACCORDANCE WITH ASTM DENSITY TEST D-698 (98 PERCENT OF MAXIMUM DRY DENSITY). IF THE SPECIFIED COMPACTION LIMITS ARE NOT MET, SUCH AREAS SHOULD BE REWORKED AND RETESTED AS REQUIRED UNTIL THE SPECIFIED LIMITS ARE REACHED.



revisions:

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

BYNUM FANYO & ASSOCIATES, INC.

bloomington, indiana  
(812) 332-8030 (Fax)  
528 north walnut street  
(812) 332-8030

certified by:

1.22.18

PROPOSED  
THE SHERWIN-WILLIAMS CO.  
AT WHITEHALL CROSSING  
410 N. GATES DRIVE  
BLOOMINGTON, INDIANA 47404

title: DEMOLITION PLAN,  
NOTES & DETAILS

designed by: JBT  
drawn by: JBT  
checked by: JSF  
sheet no: C101  
project no.: 401814



### GENERAL LEGEND

- PROPERTY LINE
- XXX/XXX DEED BOOK AND PAGE
- T.B.R. TO BE REMOVED
- T.R.U. TO REMAIN UNDISTURBED

### EXISTING LEGEND

- XW — EXISTING WATER LINE
- XOHE — EXISTING OVERHEAD ELECTRIC LINES
- XUGE — EXISTING UNDERGROUND ELECTRIC LINES
- XOHT — EXISTING OVERHEAD TELEPHONE LINES
- XUGT — EXISTING UNDERGROUND TELEPHONE LINE
- XGAS — EXISTING GAS LINE
- XXX — EXISTING CONTOUR & ELEVATION
- XSS — EXISTING SANITARY SEWER AND MANHOLE
- XST — EXISTING STORM SEWER AND INLET

### UTILITY LEGEND

- 6SL — PROPOSED SDR 35 PVC SANITARY SEWER LATERAL AND CLEAN-OUT
- 6BD — PROPOSED 6" SCHEDULE 40 PVC BUILDING DRAIN PIPE
- GAS — PROPOSED GAS SERVICE LINE
- ELEC — PROPOSED 2" SCH. 40 PVC ELECTRICAL GRADE CONDUIT BY SITE CONTRACTOR
- 12ST — PROPOSED 12" ADS N-12 HDPE STORM PIPE
- 2PW — PROPOSED PRIVATE 2" SDR 21 PVC WATER SERVICE LINE
- 2W — PROPOSED 2" SDR 21 PVC WATER SERVICE LINE FROM MAIN TO METER OWNED BY CITY OF BLOOMINGTON

### SITE INFORMATION

**GATES DRIVE**

EX. ASPHALT

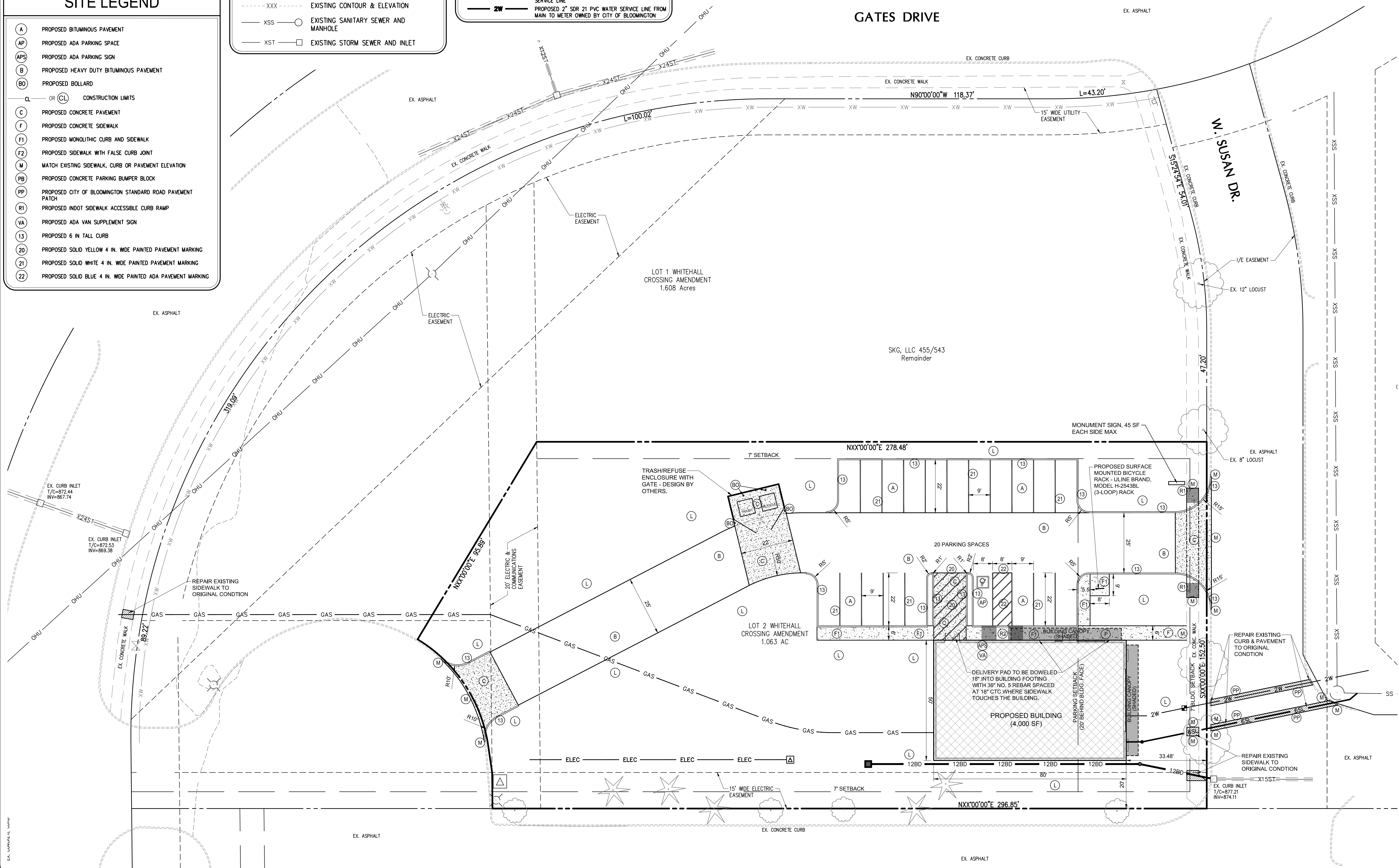
### NOTE TO CONTRACTOR

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.

SCALE: 1"=20'

### SITE LEGEND

- A — PROPOSED BITUMINOUS PAVEMENT
- AP — PROPOSED ADA PARKING SPACE
- APS — PROPOSED ADA PARKING SIGN
- B — PROPOSED HEAVY DUTY BITUMINOUS PAVEMENT
- BO — PROPOSED BOLLARD
- CL — OR (CL) CONSTRUCTION LIMITS
- C — PROPOSED CONCRETE PAVEMENT
- F — PROPOSED CONCRETE SIDEWALK
- F1 — PROPOSED MONOLITHIC CURB AND SIDEWALK
- F2 — PROPOSED SIDEWALK WITH FALSE CURB JOINT
- M — MATCH EXISTING SIDEWALK, CURB OR PAVEMENT ELEVATION
- PB — PROPOSED CONCRETE PARKING BUMPER BLOCK
- PP — PROPOSED CITY OF BLOOMINGTON STANDARD ROAD PAVEMENT PATCH
- R1 — PROPOSED INDOT SIDEWALK ACCESSIBLE CURB RAMP
- VA — PROPOSED ADA VAN SUPPLEMENT SIGN
- 13 — PROPOSED 6 IN TALL CURB
- 20 — PROPOSED SOLID YELLOW 4 IN. WIDE PAINTED PAVEMENT MARKING
- 21 — PROPOSED SOLID WHITE 4 IN. WIDE PAINTED PAVEMENT MARKING
- 22 — PROPOSED SOLID BLUE 4 IN. WIDE PAINTED ADA PAVEMENT MARKING



revisions:

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

**BEBB**  
BYNUM FANYO & ASSOCIATES, INC.

Bloomington, Indiana  
528 north walnut street  
(812) 352-8030  
(812) 359-2990 (Fax)

certified by:

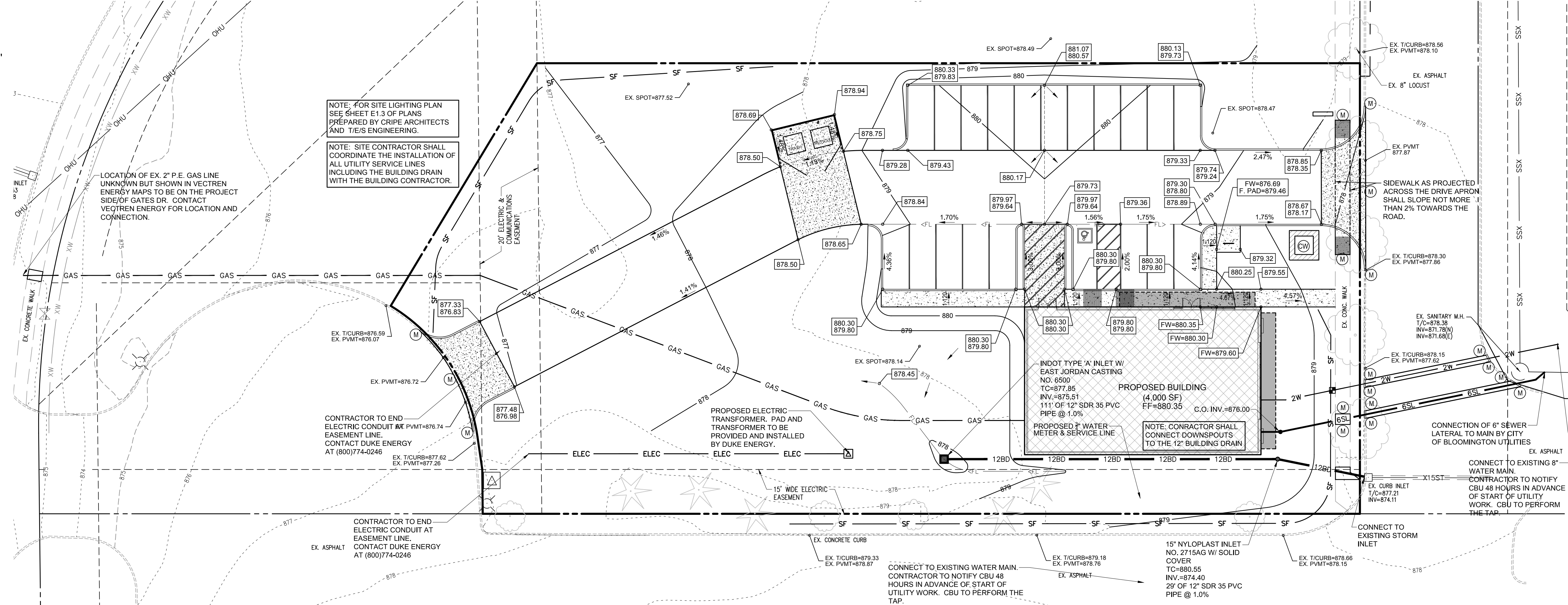
1.22.18

**PROPOSED**  
**THE SHERWIN-WILLIAMS CO.**  
**AT WHITEHALL CROSSING**  
410 N. GATES DRIVE  
BLOOMINGTON, INDIANA 47404

title: SITE PLAN

designed by: JBT  
drawn by: JBT  
checked by: JSF  
sheet no: C201  
project no.: 401814

SCALE: 1"=20'



NOTE: FOR SITE LIGHTING PLAN SEE SHEET E1.3 OF PLANS PREPARED BY CRIFE ARCHITECTS AND TEIS ENGINEERING.

NOTE: SITE CONTRACTOR SHALL COORDINATE THE INSTALLATION OF ALL UTILITY SERVICE LINES INCLUDING THE BUILDING DRAIN WITH THE BUILDING CONTRACTOR.

LOCATION OF EX. 2" P.E. GAS LINE UNKNOWN BUT SHOWN IN VECTREN ENERGY MAPS TO BE ON THE PROJECT SIDE OF GATES DR. CONTACT VECTREN ENERGY FOR LOCATION AND CONNECTION.

CONTRACTOR TO END ELECTRIC CONDUIT AT EASEMENT LINE. CONTACT DUKE ENERGY AT (800)774-0246

PROPOSED ELECTRIC TRANSFORMER, PAD AND TRANSFORMER TO BE PROVIDED AND INSTALLED BY DUKE ENERGY.

INDOT TYPE 'A' INLET W/ EAST JORDAN CASTING NO. 6500 TC=877.85 INV.=875.51 11" OF 12" SDR 35 PVC PIPE @ 1.0%

PROPOSED WATER METER & SERVICE LINE

NOTE: CONTRACTOR SHALL CONNECT DOWNSPOUTS TO THE 12" BUILDING DRAIN

CONNECTION OF 6" SEWER LATERAL TO MAIN BY CITY OF BLOOMINGTON UTILITIES

CONNECT TO EXISTING 8" WATER MAIN CONTRACTOR TO NOTIFY CBU 48 HOURS IN ADVANCE OF START OF UTILITY WORK. CBU TO PERFORM THE TAP.

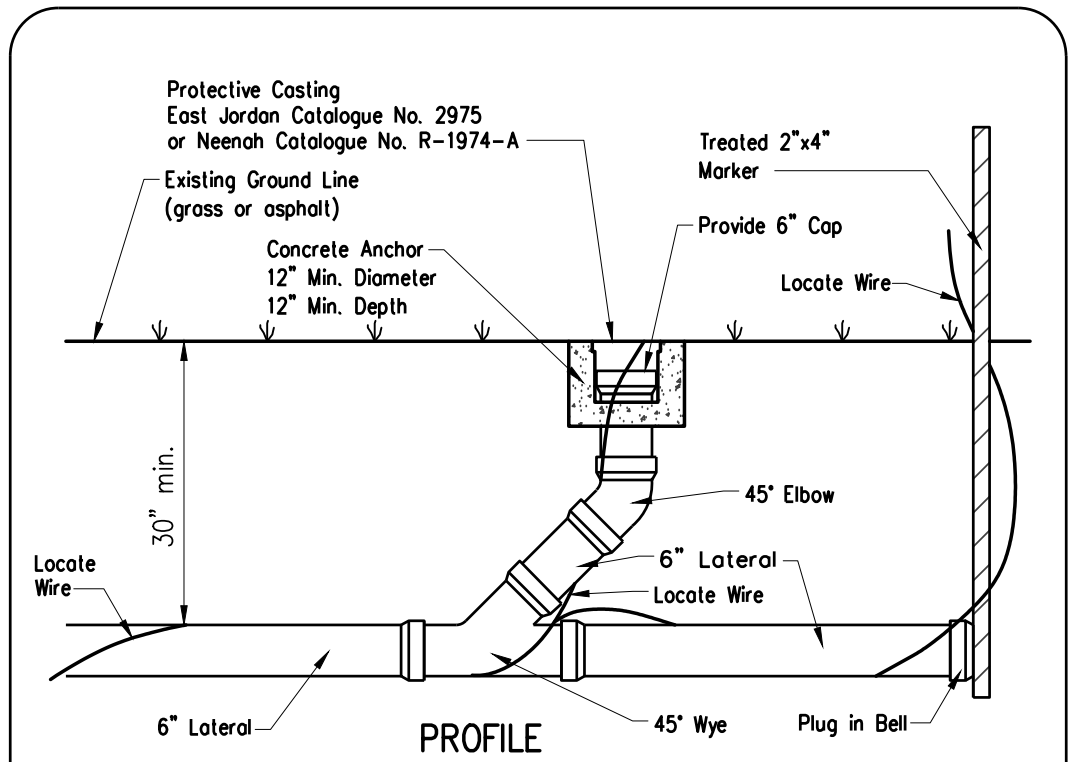
CONNECT TO EXISTING STORM INLET

EROSION CONTROL LEGEND table with symbols for SF, CL, GI, MS, SP, CW, TRM and their corresponding descriptions.

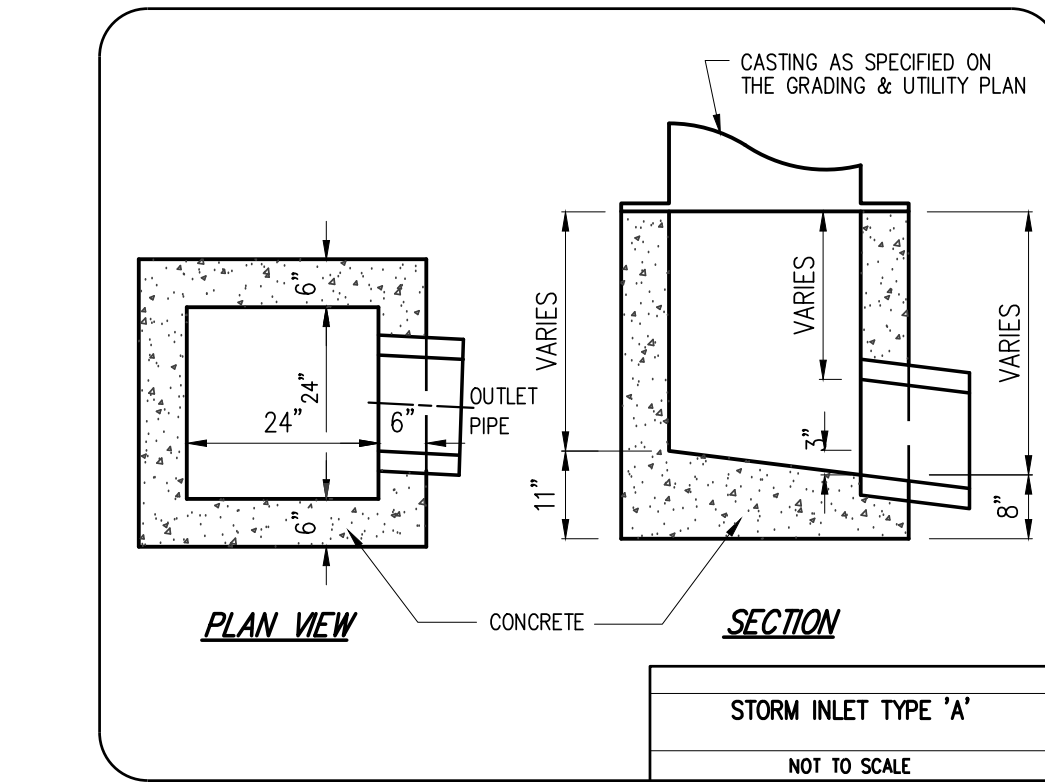
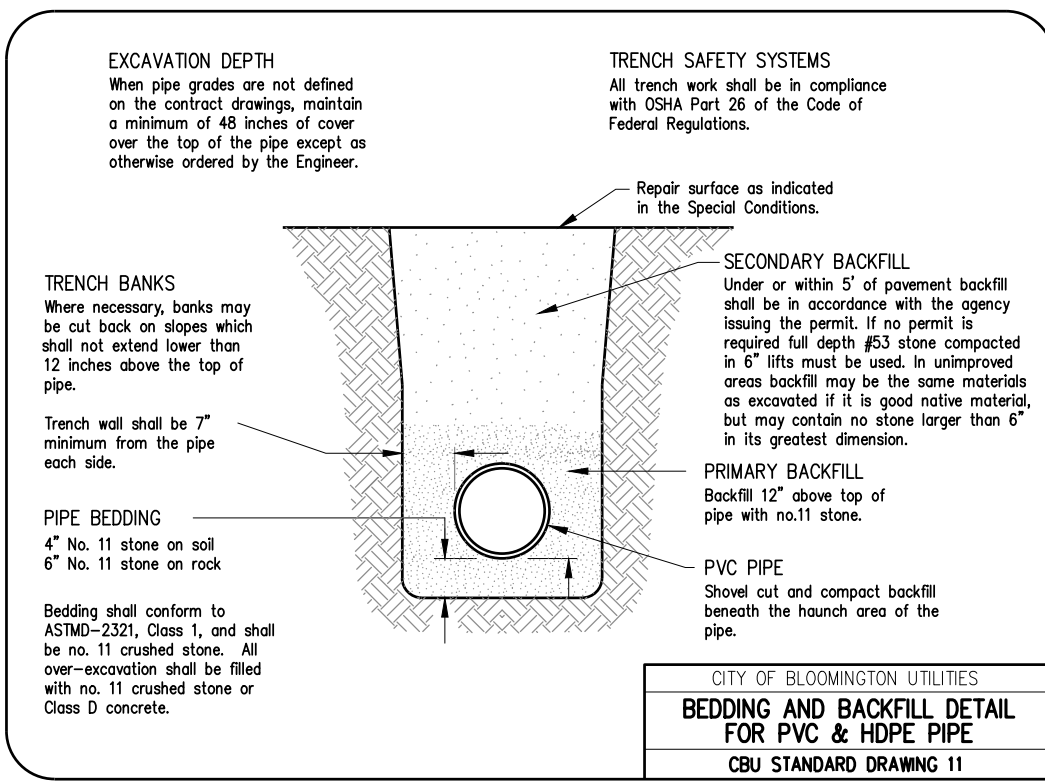
EXISTING LEGEND table with symbols for XW, XOHE, XUGE, XOHT, XUGT, XGAS, XXX, XSS, XST and their corresponding descriptions.

UTILITY LEGEND table with symbols for 6SL, C.O., 6BD, GAS, ELEC, 12ST, 2PW, 2W and their corresponding descriptions.

GRADING LEGEND table with symbols for (M), XXX, CL, (CL), xxx.xx, fg=xxx.xx, fr=xxx.xx, fw=xxx.xx, tc=xxx.xx and their corresponding descriptions.



SANITARY LATERAL & CLEANOUT NOTES. 1. ALL CLEAN-OUTS, WEATHER IN GRASSY AREAS OR IN PAVEMENT, SHALL BE SUB-SURFACE AND PROTECTED BY A SUITABLE METAL CASTING... 2. A CLEAN-OUT SHALL BE PROVIDED ON SANITARY SEWER LATERALS EVERY 90 FEET AND AT ALL BENDS. 3. A #10 INSULATED SOLID COPPER LOCATOR WIRE SHALL BE WRAPPED AROUND ALL NONMETALLIC PIPES...



revisions:

ARCHITECTURE, CIVIL ENGINEERING, PLANNING. BYNUM FANYO & ASSOCIATES, INC. 528 north walnut street, Bloomington, Indiana (812) 352-8030 (812) 359-2890 (Fax)

certified by:

PROPOSED THE SHERWIN-WILLIAMS CO. AT WHITEHALL CROSSING 410 N. GATES DRIVE BLOOMINGTON, INDIANA 47404

title: GRADING, UTILITY & EROSION CONTROL PLAN designed by: JBT drawn by: JBT checked by: JSF sheet no: C301 project no.: 401814

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.



GP PRACTICE 3.61-B GRAVEL CURB INLET PROTECTION

REQUIREMENTS Contributing drainage area: 1 acre maximum. Capacity: Runoff from a 2-yr. frequency, 24-hr. duration storm event entering the storm drain without bypass flow. Location: All curb inlets where ponding is not likely to cause inconvenience or damage. Gravel: 1-2 in. diameter (NDOT CA No. 2). Wire mesh: Chicken wire or hardware cloth with 1/2-in. openings. Geotextile fabric (optional): For Filtration.

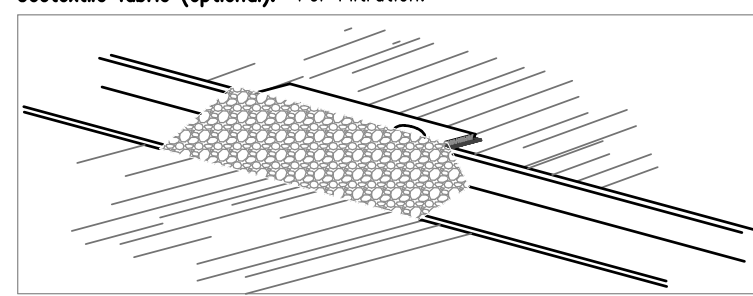


Exhibit 3.61-B. Perspective view of a gravel curb inlet protection.

- INSTALLATION 1. Install gravel curb inlet protections as soon as the streets are paved in a new development situation or before land-disturbing activities in stabilized areas. 2. Place wire mesh over the curb inlet opening and/or grate so it extends at least 12 in. beyond both top and bottom of the opening/grate. 3. Install geotextile fabric over the wire mesh for additional filtration (optional). 4. Pile gravel over the wire mesh to anchor it against the curb, covering the inlet opening completely.

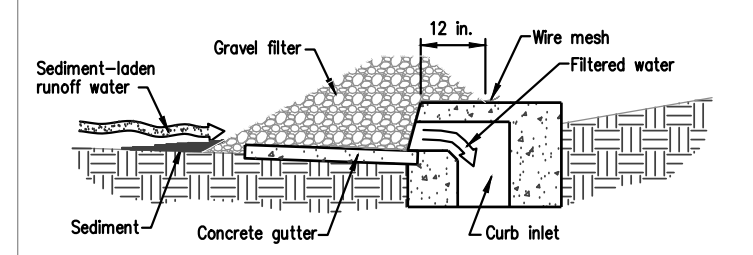


Exhibit 3.61-C. Cross-section detail of a gravel curb inlet protection.

- MAINTENANCE After each storm event, remove sediment and replace the gravel; replace the geotextile filter fabric if used. Periodically remove sediment and tracked-on soil from the street (but not by flushing with water) to reduce the sediment load on the curb inlet practice. Inspect periodically, and repair damage caused by vehicles. When the contributing drainage area has been stabilized, remove the gravel, wire mesh, geotextile fabric, and any sediment, and dispose of them properly.

SP PRACTICE 3.01 TEMPORARY GRAVEL CONSTRUCTION ENTRANCE/EXIT PAD

REQUIREMENTS Material: 2-3 in. washed stone (NDOT CA No. 2) over a stable foundation. Thickness: 6 in. minimum. Width: 20 ft. minimum or full width of entrance/exit roadway, whichever is greater. Length: 50 ft. minimum. The length can be shorter for small sites such as for an individual home. Washing facility (optional): Level area with 3 in. washed stone minimum or a commercial rack, and waste water diverted to a sediment trap or basin (Practice 3.72). Geotextile fabric underliner: May be used under wet conditions or for soils within a high seasonal water table to provide greater bearing strength.

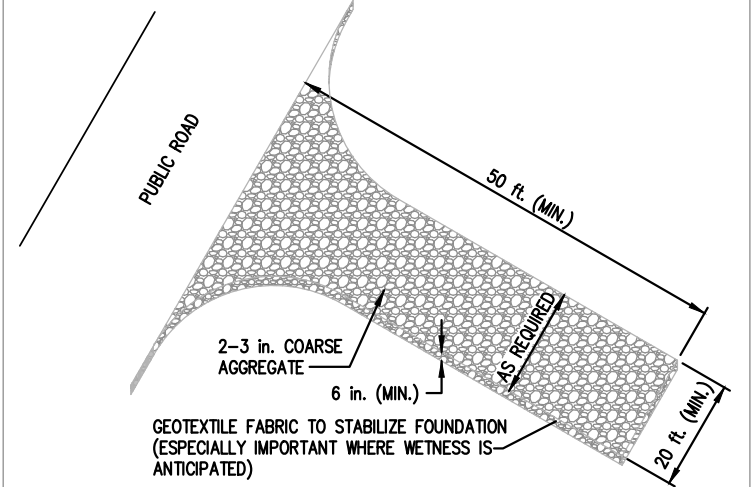


Exhibit 3.01-B. Plan of a temporary gravel construction entrance/exit pad.

- INSTALLATION 1. Avoid locating on steep slopes or at curves in public roads. 2. Remove all vegetation and other objectionable material from the foundation area, and grade and crown for positive drainage. 3. If slope towards the road exceeds 2%, construct a 6-8 in.-high water bar (ridge) with 3:1 side slopes across the foundation area about 15 ft. from the entrance to divert runoff away from the road (Practice 3.24) (see Exhibit 3.01-C). 4. Install pipe under the pad if needed to maintain proper public road drainage. 5. If wet conditions are anticipated, place geotextile fabric on the graded foundation to improve stability. 6. Place stone to dimensions and grade shown in the erosion/sediment control plan, leaving the surface smooth and sloped for drainage. 7. Divert all surface runoff and drainage from the stone pad to a sediment trap or basin.

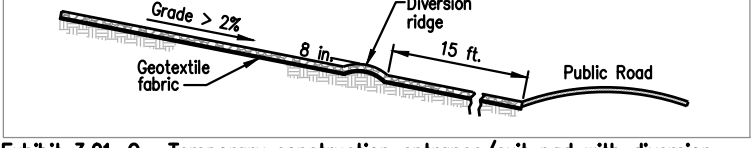
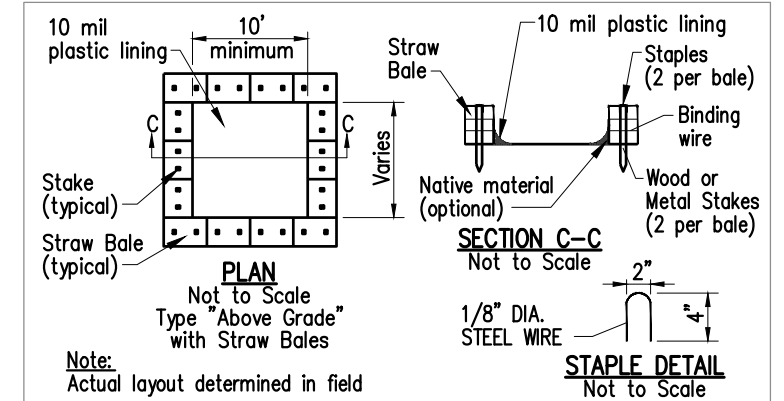
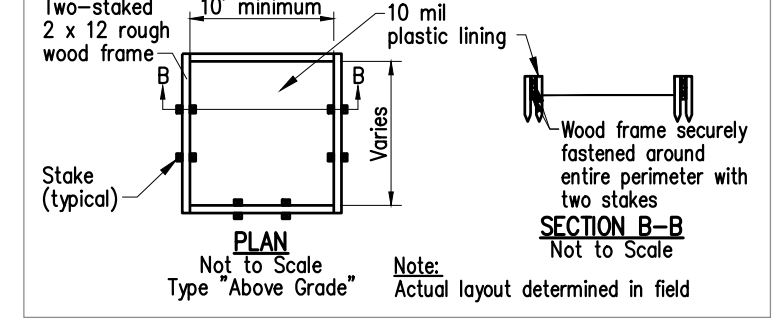
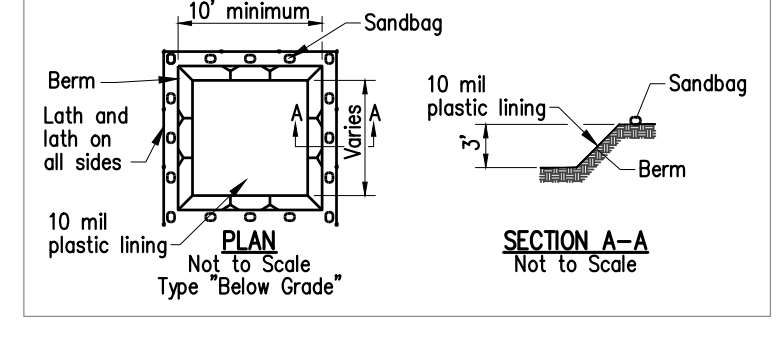


Exhibit 3.01-C. Temporary construction entrance/exit pad with diversion ridge where grade exceeds 2%.

- MAINTENANCE Inspect entrance pad and sediment disposal area weekly and after storm events or heavy use. Reshape pad as needed for drainage and runoff control. Top dress with clean stone as needed. Immediately remove mud and sediment tracked or washed onto public roads by brushing or sweeping. Flushing should only be used if the water is conveyed into a sediment trap or basin. Repair any broken road pavement immediately.

CW TEMPORARY CONCRETE WASHOUT AREA

REQUIREMENTS Capacity: Temporary washout facilities shall be constructed above or below grade at the option of the contractor. Temporary washout facilities shall be constructed and maintained in sufficient quantity and size to contain all liquid and concrete waste generated by washout operations. Type: Below grade concrete washout facilities are typical. Above grade facilities are used if excavation is not practical. Location: Facilities shall be located a minimum of 50' from storm drain inlets, open drainage facilities, and water courses. Plastic Lining Material: Minimum 10 mil polyethylene sheeting and should be free of holes, tears or other defects. Straw Bale Dimensions: Approximately 14i n. x 18 in. x 36 in. Bale Anchoring: Two 36-in. long (minimum) steel rebar or 2 x 2-in. hardwood stakes driven through each bale.



- INSTALLATION Temporary concrete washout facilities shall be constructed as shown in the above details, and as described below. All temporary washout facilities shall have at minimum 10' width, 3' depth, and sufficient length to contain 1. Straw bales shall be arranged such that they create a basin with a minimum width of 10' and length sufficient to contain all liquid and concrete waste generated. 2. The straw bales shall be securely staked using steel rebar or 2 in. x 2 in. hardwood stakes. (two per bale) 3. The basin shall be lined with 10 mil plastic sheeting which is attached to the straw bales using 4" steel wire staples. (two per bale)

"Above Grade" with Straw Bales

- MAINTENANCE Temporary concrete washout facilities shall be maintained to provide adequate holding capacity with a minimum freeboard of 4 in. for above grade facilities and 12 in. for below grade facilities. Maintaining temporary concrete washout facilities should include removing and disposing of hardened concrete and returning the facilities to a functional condition. Hardened concrete materials should be removed and disposed of. Washout facilities must be cleaned, or new facilities must be constructed ready for use once the washout is 75% full. At the conclusion of concrete construction activities the temporary concrete washout area shall be removed and returned to its original condition.

MS PRACTICE 3.12 PERMANENT SEEDING

REQUIREMENTS Site and seeded preparation: Graded, and lime and fertilizer applied. Plant Species: Selected on the basis of soil type, soil pH, region of the state, time of year, and planned use of the area to be seeded (see Exhibit 3.12-C). Mulch: Clean straw, hay, wood, fibre, etc., to protect seeded and encourage plant growth. The mulch may need to be anchored to reduce removal by wind or water, or erosion control blankets may be considered.

APPLICATION Exhibit 3.12-B, C, and D)

- SITE PREPARATION: 1. Install practices needed to control erosion, sedimentation, and runoff prior to seeding. These include temporary and permanent diversions, sediment traps and basins, silt fences, and straw bale dams (Practices 3.21, 3.22, 3.72, 3.73, 3.74, and 3.75). 2. Grade the site and fill in depressions that can collect water. 3. Add topsoil to achieve needed depth for establishment of vegetation (Practice 3.02).

- SEEDING PREPARATION: 1. Test soil to determine pH and nutrient levels. (Contact your county SWDC or Cooperative Extension office for assistance and soils information, including available soil testing services). 2. If soil pH is unsuitable for the species to be seeded, apply lime according to test recommendations. 3. Fertilize as recommended by the soil test. If testing was not done, consider applying 400-600 lbs./acre of 12-12-12 analysis, or equivalent, fertilizer. 4. Till the soil to obtain a uniform seedbed, working the fertilizer and lime into the soil 2-4 in. deep with a disk or rake operated across the slope (Exhibit 3.12-B).

- SEEDING: Optimum seeding dates are Mar. 1-May 10 and Aug. 10-Sept. 30. Permanent seeding done between May 10 and Aug. 10 may need to be irrigated. As an alternative, use temporary seeding (Practice 3.11) until the preferred date for permanent seeding. 1. Select a seeding mixture and rate from Exhibit 3.12-C, based on site conditions, soil pH, intended land use, and expected level of maintenance. 2. Apply seed uniformly with a drill or cultipacker-seeder (Exhibit 3.12-D) or by broadcasting, and cover to a depth of 1/4-1/2 in. If drilling or broadcasting, firm the seedbed with a roller or cultipacker. 3. Fertilize all seeded areas (Practice 3.15). Consider using erosion blankets on sloping areas (Practice 3.17). (NOTE: If seeding is done with a hydroseeder, fertilizer and mulch can be applied with the seed in a slurry mixture.)

Exhibit 3.12-C. Permanent Seeding Recommendations

Table with columns: Seed species and mixtures, Rate per acre, Optimum soil pH. Lists various grasses and their recommended rates and soil pH ranges.

STEEP BANKS AND CUTS, LOW MAINTENANCE AREAS (NOT MOWED)

Table with columns: Seed species and mixtures, Rate per acre, Optimum soil pH. Lists grasses for steep banks and low maintenance areas.

LAWNS AND HIGH MAINTENANCE AREAS

Table with columns: Seed species and mixtures, Rate per acre, Optimum soil pH. Lists grasses for lawns and high maintenance areas.

CHANNELS AND AREAS OF CONCENTRATED FLOW

Table with columns: Seed species and mixtures, Rate per acre, Optimum soil pH. Lists grasses for channels and areas of concentrated flow.

For best results: (a) legume seed should be inoculated; (b) seeding mixtures containing legumes should preferably be spring-seeded, although the grass may be fall-seeded and the legume frost-seeded (Practice 3.13); and (c) if legumes are fall-seeded, do so in early fall.

NOTE: An oat or wheat companion or nurse crop may be used with any of the above permanent seeding mixtures. If so, it is best to seed during the fall seeding period, especially after Sept. 15, and at the following rates: spring oats-1.4 to 3/4 bu./acre; wheat-no more than 1/2 bu./acre.

- MAINTENANCE Inspect periodically, especially after storm events, until the stand is successfully established. (Characteristics of a successful stand include: vigorous dark green or bluish-green seedlings; uniform density with nurse plants, legumes, and grasses well inter-mixed; green leaves; and the perennials remaining green throughout the summer, at least at the plant base.) Plan to add fertilizer the following growing season according to soil test recommendations. Repair damaged, bare or sparse areas by filling any gullies, re-fertilizing, over- or re-seeding, and mulching. If plant cover is sparse or patchy, review the plant materials chosen, soil fertility, moisture condition, and mulching; then repair the affected area either by over-seeding or by re-seeding and mulching after re-preparing the seedbed. If vegetation fails to grow, consider soil testing to determine acidity or nutrient deficiency problems. (Contact your SWDC or Cooperative Extension office for assistance.) If additional fertilization is needed to get a satisfactory stand, do so according to soil test recommendations.

SF PRACTICE 3.74 SILT FENCE (SEDIMENT FENCE)

PURPOSE To retain sediment from small, sloping disturbed areas by reducing the velocity of sheet flow. (NOTE: Silt fence captures sediment by ponding water to allow deposition, not by filtration. Although the practice usually works best in conjunction with temporary basins, traps, or diversions, it can be sufficiently effective to be used alone. A silt fence is not recommended for use as a diversion; nor is it to be used across a stream, channel or anywhere that concentrated flow is anticipated.)

REQUIREMENTS Drainage Area: Limited to 1/4 acre per 100 ft. of fence; further restricted by slope steepness (see Exhibit 3.74-B). Location: Fence nearly level, approximately following the land contour, and at least 10 ft. from toe of slope to provide a broad, shallow sediment pool. Trench: 8 in. minimum depth, flat-bottom or v-shaped, filled with compacted soil or gravel to bury lower portion of support wire and/or fence fabric. Support posts: 2 x 2-in. hardwood posts (if used) or steel fence posts set at least 1 ft. deep. (Steel posts should be projections for fastening fabric.) Spacing of posts: 8 ft. maximum (if fence supported by wire, 6 ft. for extra-strength fabric without wire backing). Fence height: High enough so depth of impounded water does not exceed 1 1/2 ft. at any point along fence line. Support wire (optional): 14 gauge, 6 in. wire fence (needed if using standard-strength fabric). Land slope above fence: Max. distance 100 ft. Less than 2% 75 ft. 2 to 5% 50 ft. 5 to 10% 25 ft. 10 to 20% 15 ft. More than 20% 15 ft.

Table with columns: Physical Property, Woven Fabric, Non-woven fabric. Lists properties like filtering efficiency, tensile strength, and elongation for different fabric types.

Exhibit 3.74-C. Specifications Minimums for Silt Fence Fabric

- OUTLET (optional): To allow for safe storm flow bypass without overtopping fence. Placed along fence line to limit water depth to 1 1/2 ft. maximum; crest-1 ft. high maximum; weir width--4 ft. maximum; splash pad--5 ft. wide, 3 ft. long, 1 ft. thick minimum.

SITE PREPARATION: 1. Plan for the fence to be at least 10 ft. from the toe of the slope to provide a sediment storage area. 2. Provide access to the area if sediment cleanup will be needed.

OUTLET CONSTRUCTION (OPTIONAL)

- 1. Determine the appropriate location for a reinforced, stabilized bypass flow outlet. 2. Set the outlet elevation so that water depth cannot exceed 1 1/2 ft. at the lowest point along the fence line. 3. Locate the outlet weir support posts no more than 4 ft. apart, and install a horizontal brace between them. (Weir height should be no more than 1 ft. and water depth no more than 1 1/2 ft. anywhere else along the fence.) 4. Excavate the foundation for the outlet splash pad to minims of 1 ft. deep, 5 ft. wide and 5 ft. long on level grade. 5. Fill the excavated foundation with NDOT CA No. 1 stone, being careful that the finished surface blends with the surrounding area, allowing no overfall. 6. Stabilize the area around the pad.

OUTLET CONSTRUCTION (OPTIONAL)

- 1. Along the entire intended fence line, dig an 8 in. deep flat-bottomed or V-shaped trench. 2. On the downslope side of the trench, drive the wood or steel support posts at least 1 ft. into the ground, spacing them no more than 8 ft. apart if the fence is supported by wire or 6 ft. if extra strength fabric is used without support wire. Adjust spacing, if necessary, to ensure that posts are set at the low points along the fence line. (NOTE: If the fence has pre-attached posts or stakes, drive them deep enough so the fabric is satisfactory in the trench as described in step 6.) 3. Fasten support wire fence to the upslope side of the posts, extending it 8 in. into the trench. 4. Run a continuous length of geotextile fabric in front of the support wire and posts avoiding points, particularly at low points in the fence line. 5. If a joint is necessary, nail the overlap to the nearest post with a lath. 6. Place the bottom 1 ft. of fabric in the 8 in. deep trench, extending the remaining 4 in. toward the upslope side. 7. Backfill the trench with compacted earth or gravel.

NOTE: If using a pre-packed commercial silt fence rather than constructing one, follow the manufacturer's installation instructions.

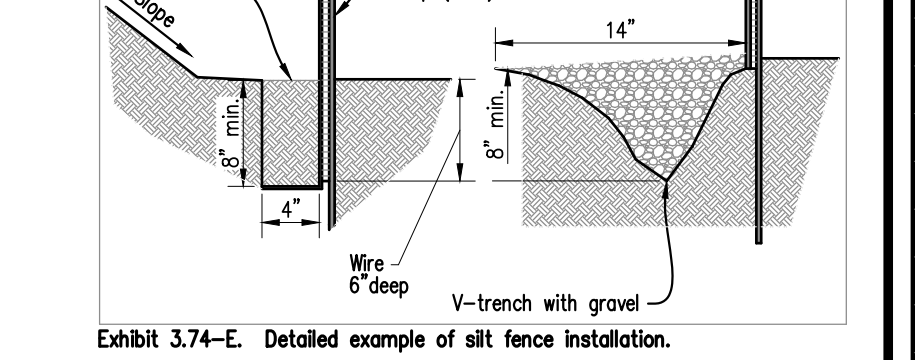
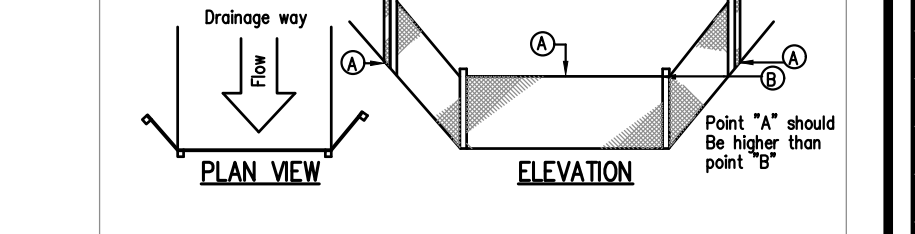
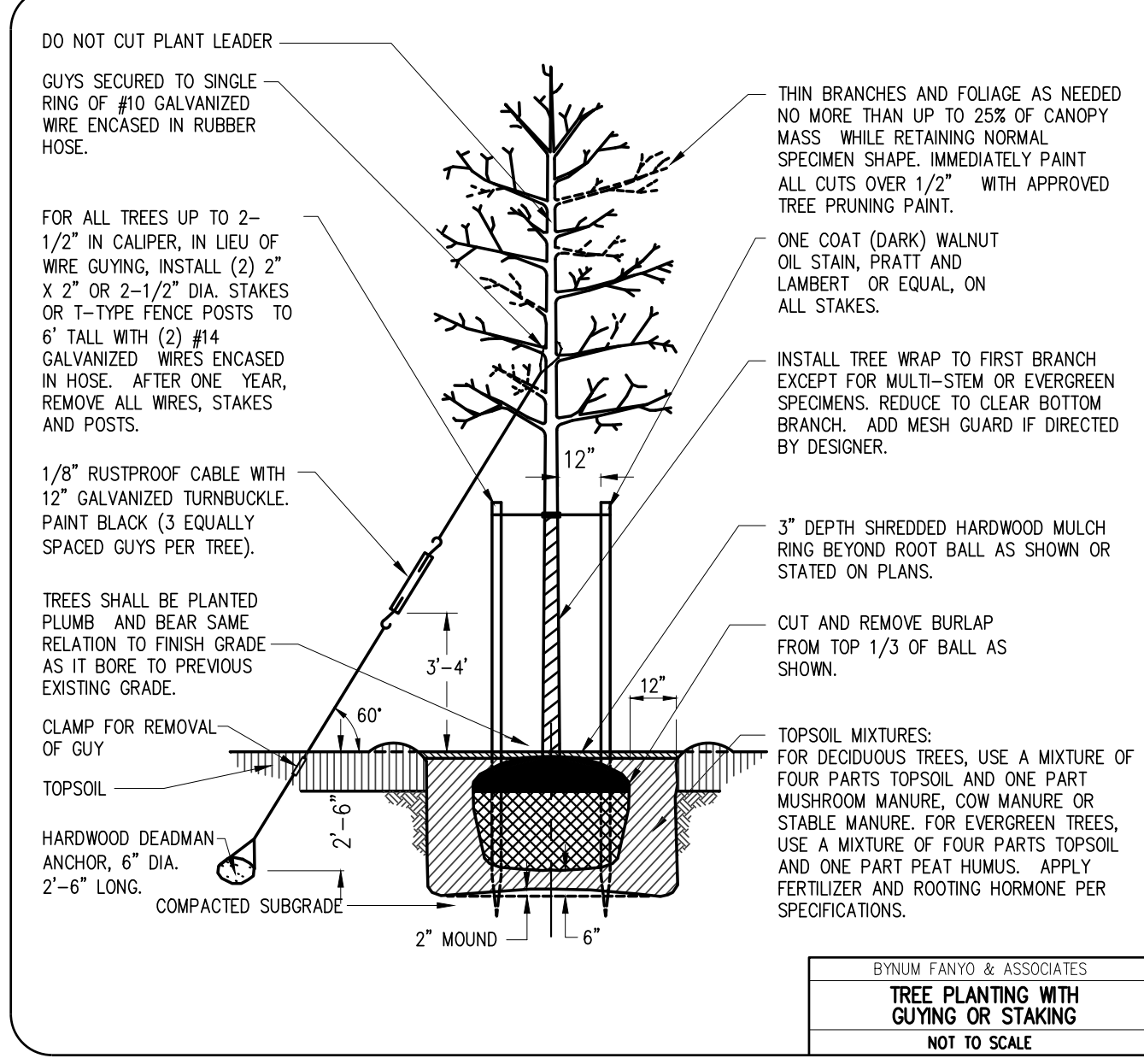


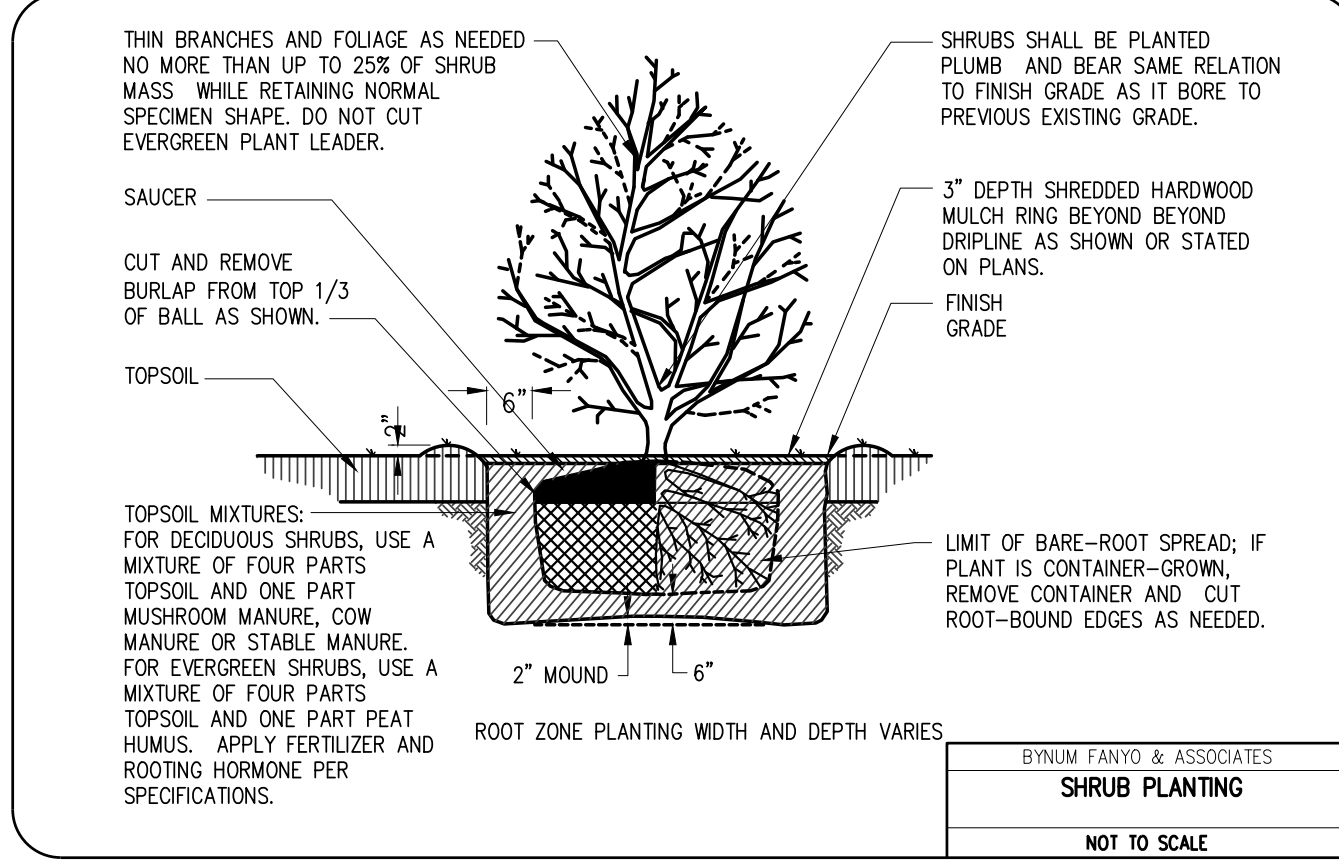
Exhibit 3.74-E. Detailed example of silt fence installation.



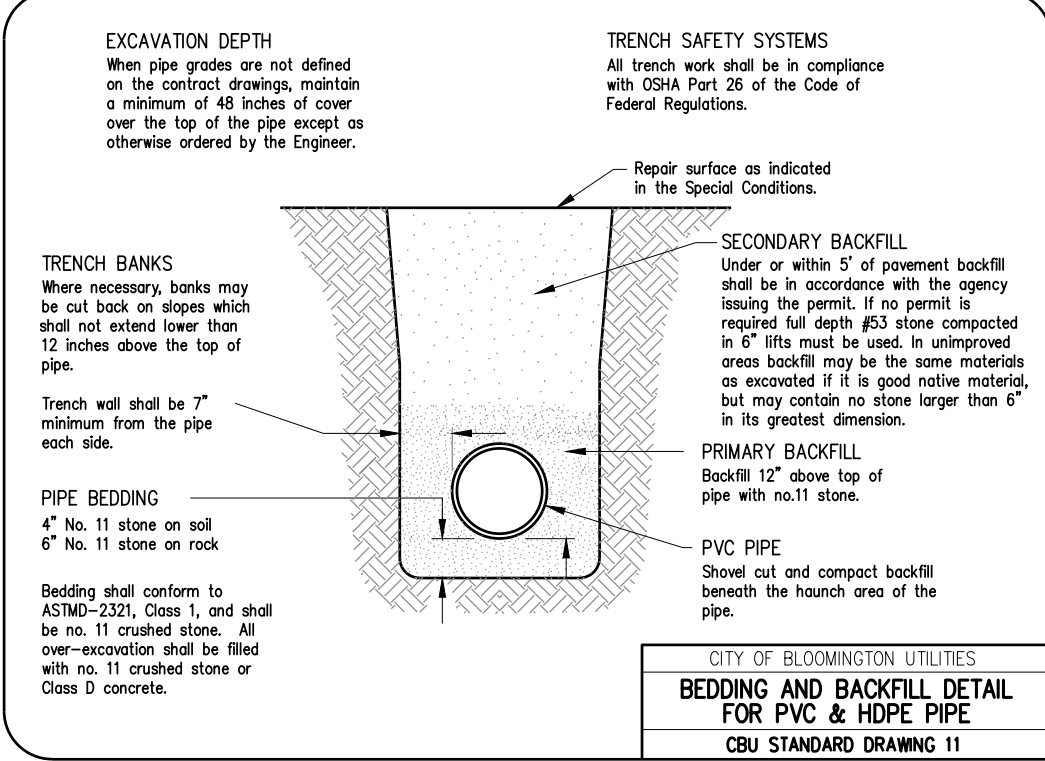
- MAINTENANCE Inspect the silt fence periodically and after each storm event. If fence fabric tears, starts to decompose or in any way becomes ineffective, replace the affected portion immediately. Remove deposited sediment when it reaches half the height of the fence at its lowest point or is causing the fabric to bulge. Take care to avoid undermining the fence during clean out. After the contributing area has been stabilized, remove the fence and sediment deposits, bring the disturbed area to grade, and stabilize.



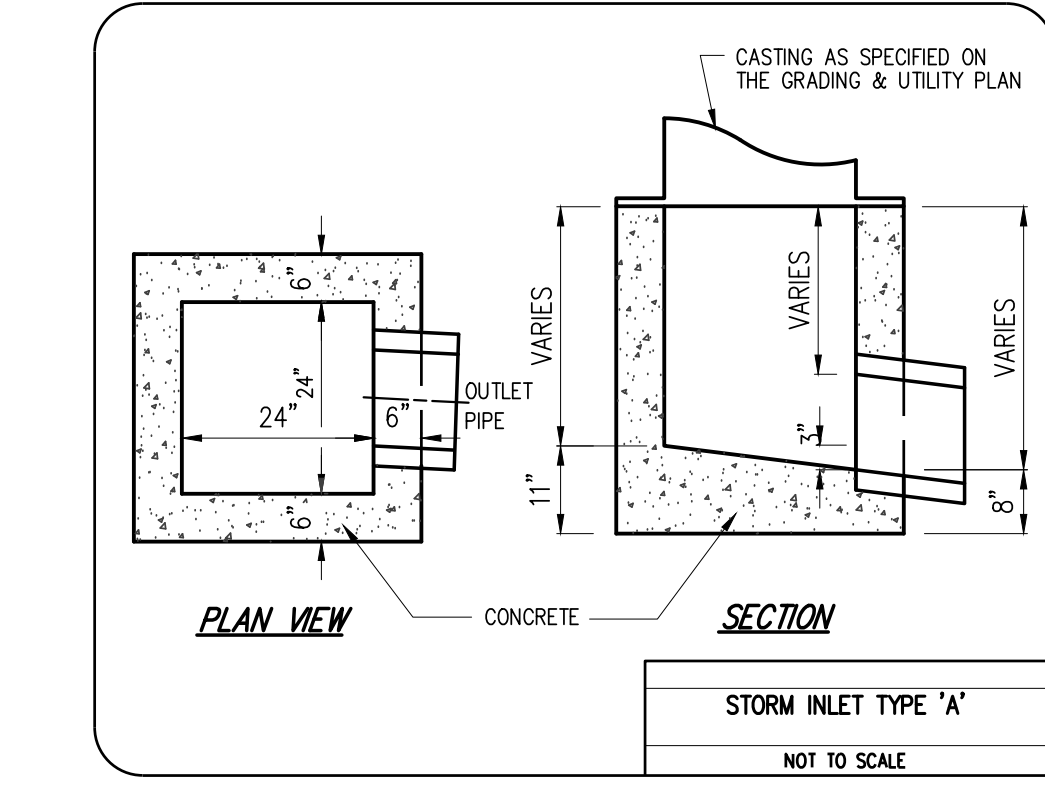
TREE PLANTING WITH GUYING OR STAKING NOT TO SCALE



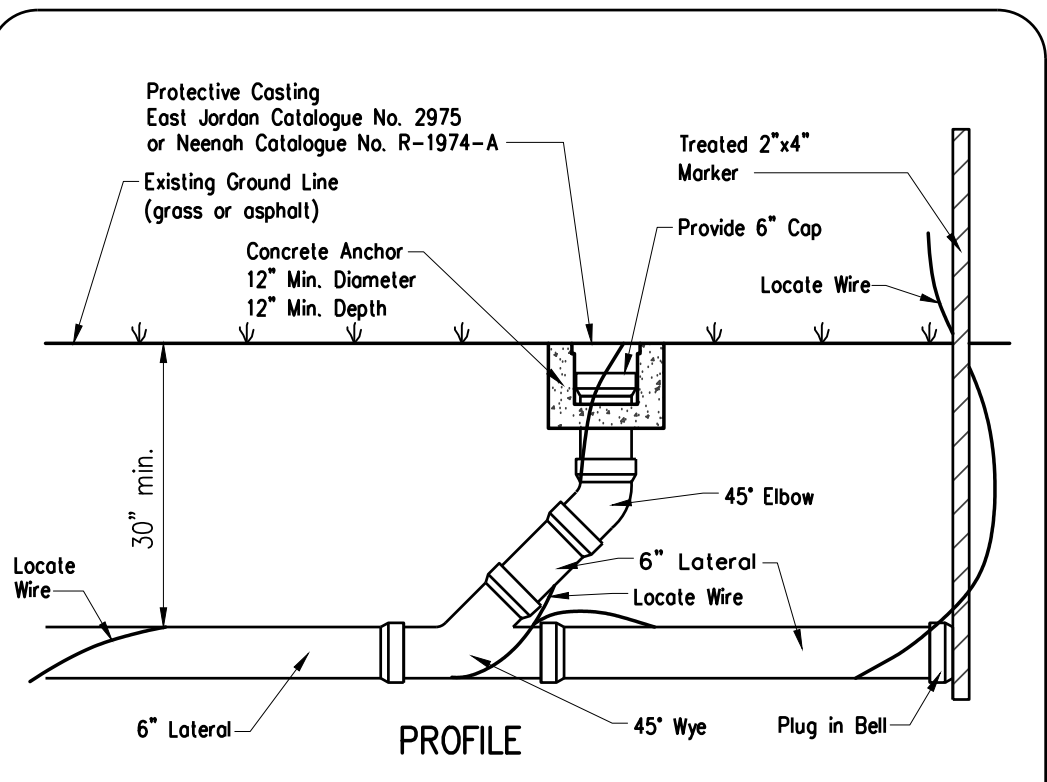
SHRUB PLANTING NOT TO SCALE



BEDDING AND BACKFILL DETAIL FOR PVC & HDPE PIPE CBU STANDARD DRAWING 11



STORM INLET TYPE 'A' NOT TO SCALE



SANITARY LATERAL & CLEANOUT NOTES

- 1. ALL CLEAN-OUTS, WEATHER IN GRASSY AREAS OR IN PAVEMENT, SHALL BE SUB-SURFACE AND PROTECTED BY A SUITABLE METAL CASTING, SUCH AS EAST JORDAN IRON WORKS' CATALOGUE NO. 2975 OR NENAH CATALOGUE NO. R-1974-A. IN GRASSY AREAS, THE CASTING SHALL BE PROVIDED WITH A CIRCULAR CONCRETE COLLAR FLUSH WITH THE TOP OF THE CASTING AND THE GROUND SURFACE. THE COLLAR SHALL BE MINIMUM 6" THICK AND SHALL EXTEND AT LEAST 8" BEYOND THE OUTSIDE OF THE CASTING ON ALL SIDES. IN PAVED AREAS, THE TOP OF CASTING SHALL BE FLUSH WITH THE PAVEMENT SURFACE. TOP OF CLEAN-OUT SHALL BE NO MORE THAN 3" BELOW THE TOP OF CASTING. 2. A CLEAN-OUT SHALL BE PROVIDED ON SANITARY SEWER LATERALS EVERY 90 FEET AND AT ALL BENDS. 3. A #10 INSULATED SOLID COPPER LOCATOR WIRE SHALL BE WRAPPED AROUND ALL NONMETALLIC PIPES IN THE ROAD RIGHT OF WAYS SO THAT AN REVISION IS MADE AT LEAST EVERY PIPE JOINT. SPLICES ARE TO BE MADE WITH AN APPROVED CONNECTOR, AND ARE TO BE SUITABLY PROTECTED AGAINST CORROSION. THE WIRE IS TO BE BROUGHT TO THE SURFACE AT THE PROPERTY LINE WITH A CLEAN-OUT IN A CASTING. ALSO SEE (STANDARD SANITARY LATERAL CLEAN-OUT DETAIL 19) CBU CONSTRUCTION SPECIFICATIONS.

STANDARD SANITARY LATERAL CLEAN-OUT FOR 4" & 6" PIPES CBU STANDARD DETAIL NUMBER 19

revisions: ARCHITECTURE CIVIL ENGINEERING PLANNING BYNUM FANYO & ASSOCIATES, INC. 52B north walnut street (812) 352-8030

certified by: 1.22.18

PROPOSED THE SHERWIN-WILLIAMS CO. AT WHITEHALL CROSSING 410 N. GATES DRIVE BLOOMINGTON, INDIANA 47404 title: MISCELLANEOUS DETAILS designed by: JBT drawn by: JBT checked by: JSF sheet no.: C501 project no.: 401814

**BLOOMINGTON PLAN COMMISSION  
STAFF REPORT  
Location: 3727 E. Cameron Ave.**

**CASE #: DP-11-19  
DATE: April 15, 2019**

**PETITIONER:** Allen and Susan Dunn  
3727 E. Cameron Ave., Bloomington

**CONSULTANT:** Smith Brehob & Associates  
453 S. Clarizz Blvd, Bloomington

**REQUEST:** The petitioner is requesting preliminary plat approval of a 2-lot subdivision of 1.91 acres.

**BACKGROUND:**

**Area:** 1.91 acres  
**Current Zoning:** Residential Single Family (RS)  
**Comprehensive Plan:** Neighborhood Residential  
**Existing Land Use:** Single Family Residential  
**Proposed Land Use:** Single Family Residential  
**Surrounding Uses:** North – Single family residence  
West – Single family residence  
East – Single family residence  
South – Single family residence

**SUMMARY:** This 1.91 acre property is located at 3727 E. Cameron Avenue and is zoned Single Family Residential (RS). The property is adjacent to the Hoosier Acres Neighborhood. Surrounding land uses are all single family residences. The property has been developed with one single family residence and driveway. This lot is not part of the original Hoosier Acres subdivision and is described with a metes and bounds description.

The petitioner is proposing to subdivide the property to create a lot to be sold for a single family residence. The proposed Lot #2 will be approximately 0.72 acres and the existing residence will be located on the 1.19 acre Lot #1. Both proposed lots meet the minimum lot size and minimum lot width requirements. A 5' wide concrete sidewalk and a tree plot at least 5' wide with street trees are required along Cameron Avenue. No additional right-of-way dedication is required for Cameron Avenue since the current amount of right-of-way exceeds UDO requirements. The petitioner is requesting a waiver from the required installation of a sidewalk.

**PRELIMINARY PLAT REVIEW:** The Review Considerations for Preliminary Plats within BMC 20.09.180(h) require that the Plan Commission review (1) The written statement and supportive material submitted by the petitioner; (2) The Preliminary Plat; (3) The testimony of the petitioner; (4) The Growth Policies Plan (now the 2018 Comprehensive Plan); (5) Any applicable standards in *Chapter 20.02: Zoning Districts*; (6) Any applicable development standards in *Chapter 20.05: Development Standards*; (7) Any applicable subdivision standards in *Chapter 20.06: Subdivision Regulations*; (8) Any applicable design standards in *Chapter 20.07: Design Standards*; (9) Any other applicable provisions of the Unified Development Ordinance;

(10) The Planning and Transportation Department report; and (11) Such other additional information as may be required by the Plan Commission or Plat Committee to evaluate the petition.

**Right-of-Way Dedication:** There is currently 70' of right-of-way for Cameron Avenue which was dedicated with the original plat for the adjacent Hoosier Acres neighborhood. No additional right-of-way dedication is required since this is a local street and only requires 50' of dedicated right-of-way. Street trees not more than 40' on center are required within the tree plot and based on the 500' of frontage there would be 13 street trees required. These must be installed or bonded for prior to signature of the final plat.

**Pedestrian Facilities/Alternative Transportation:** With this subdivision request the petitioner is required to install a 5' wide concrete sidewalk that is separated from the street with at least a 5' wide tree plot. The sidewalk and street trees must be installed or bonded for with the final plat signature. Street tree species are to be coordinated with the City Urban Forester.

The petitioner has requested a waiver from section 20.07.140 Pedestrian Network Standards to not require the installation of a sidewalk along the property frontage. While there are not sidewalks along any of the interior streets within Hoosier Acres the construction of sidewalks, along with installation of other public improvements, has always been a requirement with the subdivision of land. The Department does not find that this position should be altered and that the sidewalk installation should not be waived.

**Utilities:** All utility service for this property will be provided by existing water and sanitary sewer lines along Cameron Avenue. No on-site detention is required with this subdivision.

**Environmental:** There are no environmental features on this site that would require preservation.

---

**SUBDIVISION WAIVERS:** The petitioner is requesting a waiver from the requirement to build a sidewalk along the street frontage. BMC 20.09.210 states that the Plan Commission may grant a Subdivision Waiver if, after a public hearing, it makes written findings of fact based upon the evidence presented to it in each specific case, that:

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

**PROPOSED FINDING:** The granting of a waiver to not require a sidewalk would be detrimental to the public safety, health, or general welfare as this would require pedestrians to use the street rather than a safer dedicated pedestrian facility. However, as noted there are not sidewalks along any adjacent properties.

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

**PROPOSED FINDING:** There are no unique conditions to the property that would prevent the installation of a sidewalk.

- (iii) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the subdivision regulations is carried out (Financial hardship shall not constitute grounds for a waiver); and

**PROPOSED FINDING:** Again, the Department does not find anything unique about the property that would prevent a sidewalk from being installed. It should certainly be noted that adjacent properties are developed and there are no vacant lots in the neighborhood where future sidewalk installation would be required.

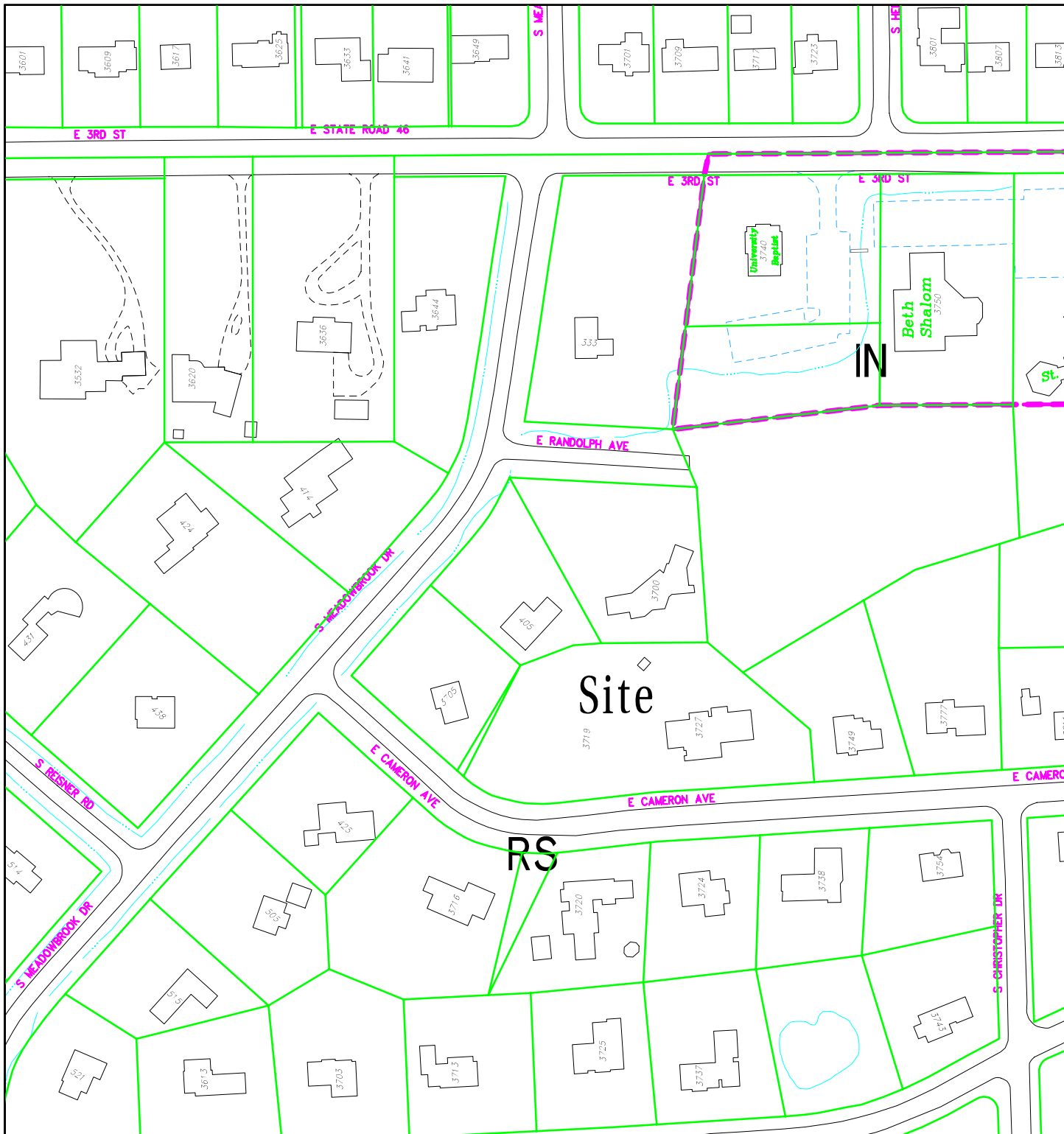
- (iv) The Subdivision Waiver shall not in any manner vary the provisions of the development standards, Comprehensive Plan, or Thoroughfare Plan.

**PROPOSED FINDING:** The Thoroughfare Plan aims to improve and advance transportation facilities, including the installation of sidewalks to promote multi-modal transportation.

---

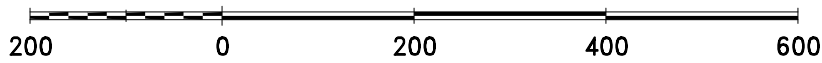
**RECOMMENDATION:** Based on the proposed findings, the Department recommends approval of this subdivision request and denial of the requested waiver from sidewalk installation with the following conditions:

1. A 5' wide concrete sidewalk separated from the street and at least a 5' wide tree plot and street trees not more than 40' from center are required within the right-of-way.
2. The new lot will have an address of 3719 E. Cameron Avenue and this must be shown on the final plat prior to signature.
3. A bond or compliance with condition #1 is required prior to plat signature.

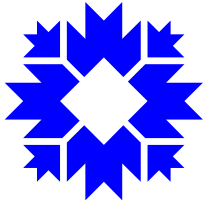


DP-11-19 Allen Dunn  
 3727 E Cameron Ave  
 Plan Commission  
 Site Location, Zoning, Parcels

By: greulice  
 12 Apr 19



City of Bloomington  
 Planning & Transportation

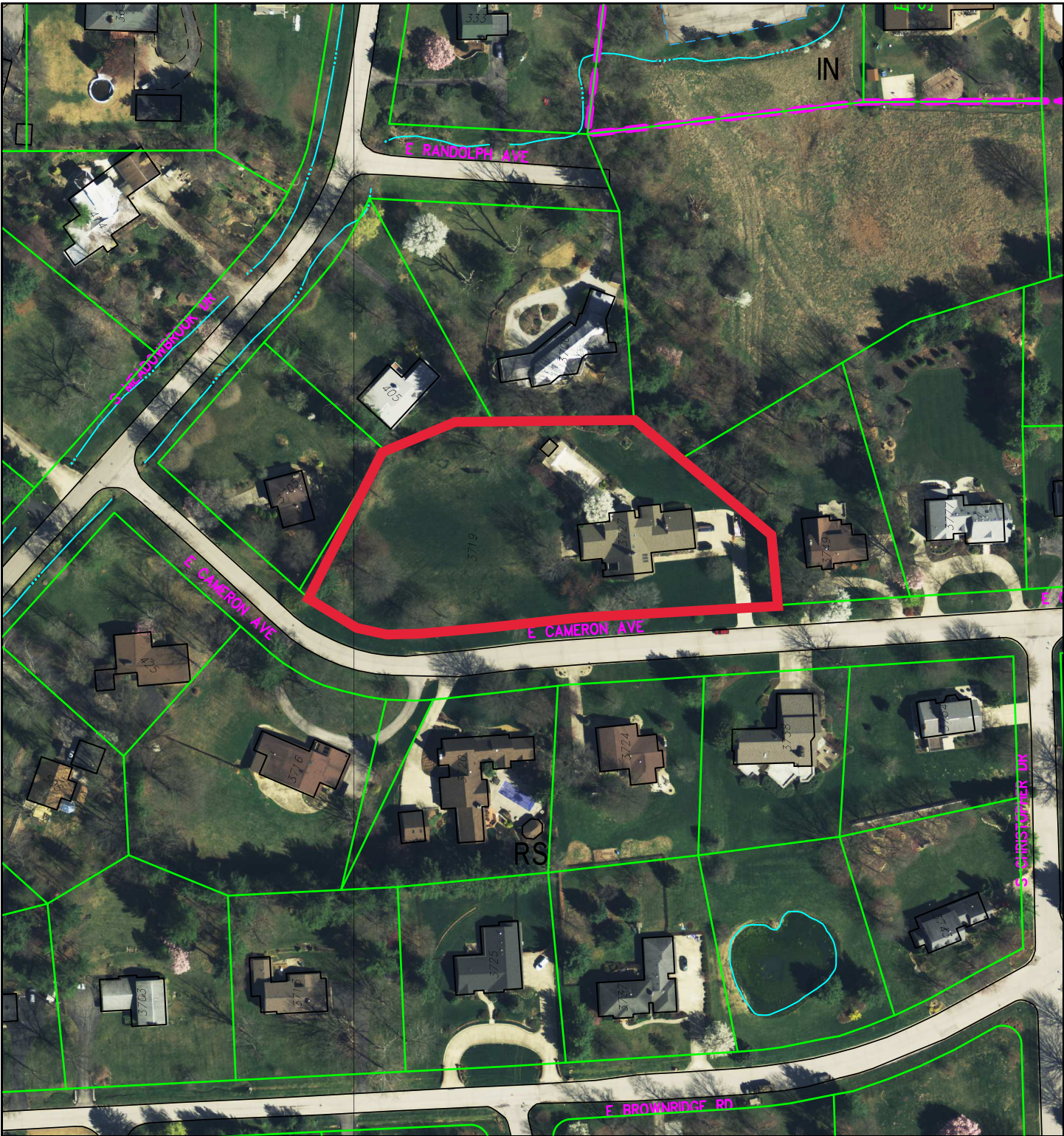


N

Scale: 1" = 200'

For reference only; map information NOT warranted.





DP-11-19 Allen Dunn

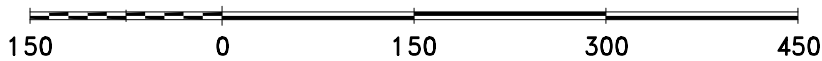
3727 E Cameron Ave

Plan Commission

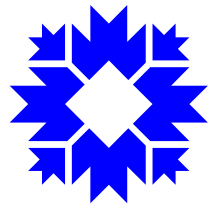
2016 Aerial Photograph

By: greulice

12 Apr 19



City of Bloomington  
Planning & Transportation



Scale: 1" = 150'

For reference only; map information NOT warranted.



Smith Brehob & Associates, Inc.



"Providing professional land planning, design, surveying and approval processing for a quality environment"

Stephen L. Smith, Founder.  
Steven A. Brehob, BS.CNT.  
Todd M. Borgman, PS  
Don J. Kocarek, RLA  
Katherine E. Stein, PE

March 6, 2019

Eric Greulich  
City of Bloomington Planning and Transportation  
401 N. Morton Street  
Bloomington, IN. 47404

RE: Allen Dunn Subdivision, E Cameron Ave.

Dear Eric,

On behalf of our client, Allen Dunn, we respectfully request to be placed on the April 15<sup>th</sup> agenda for the City of Bloomington Plan Commission and on the May 13<sup>th</sup> agenda for the City of Bloomington Plat Committee for consideration of a 2 Lot Subdivision. With this 2 Lot Subdivision, we are requesting a waiver for sidewalk installation.

Details of the request are contained in the attached Petitioner's Statement. Also attached with this letter is the Preliminary Plat.

If you should have any further questions, please do not hesitate to contact me.

Sincerely,

Todd M. Borgman, PS  
Smith Brehob & Associates, Inc.

Smith Brehob & Associates, Inc.



“Providing professional land planning, design, surveying and approval processing for a quality environment”

Stephen L. Smith, Founder.  
Steven A. Brehob, BS.CNT.  
Todd M. Borgman, PS  
Don J. Kocarek, RLA  
Katherine E. Stein, PE

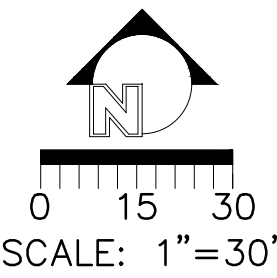
## PETITIONER'S STATEMENT

**Location and Zoning**– The property is located at 3727 E Cameron Avenue. The zoning of the site is RS (Residential Single-family).

While the property is not part of Hoosier Acres, it is almost entirely surrounded by the Subdivision. Cameron Avenue and the adjoining streets currently do not have sidewalks. Hoosier Acres was designed this way to reflect a rural setting. This setting has been enjoyed by its residents and passersby for nearly 70 years. We will happily install the required street trees to enhance this wonderful landscape. We feel a short and standalone sidewalk would negatively affect the long-standing beauty this neighborhood has provided to Bloomington.



# ALLEN DUNN SUBDIVISION PRELIMINARY PLAT



**LEGEND**

RR SPIKE	M	MEASURED
STONE	P	PLATTED
REBAR	R	RECORD
IRON PIPE	FRB	FOUND REBAR
MAG NAIL	SRB	SET REBAR
	PIP	FOUND IRON PIPE
	FRS	FOUND RAILROAD SPIKE
	FMAG	FOUND MAG NAIL
	SMAG	SET MAG NAIL
	B/C	BUILDING CORNER
	FND	FOUND
	POD	POSSIBLE DEED OVERLAP
	B/S	BELOW GRADE
	A/G	ABOVE GRADE

SANITARY SEWER S  
WATER LINE W  
FENCE X

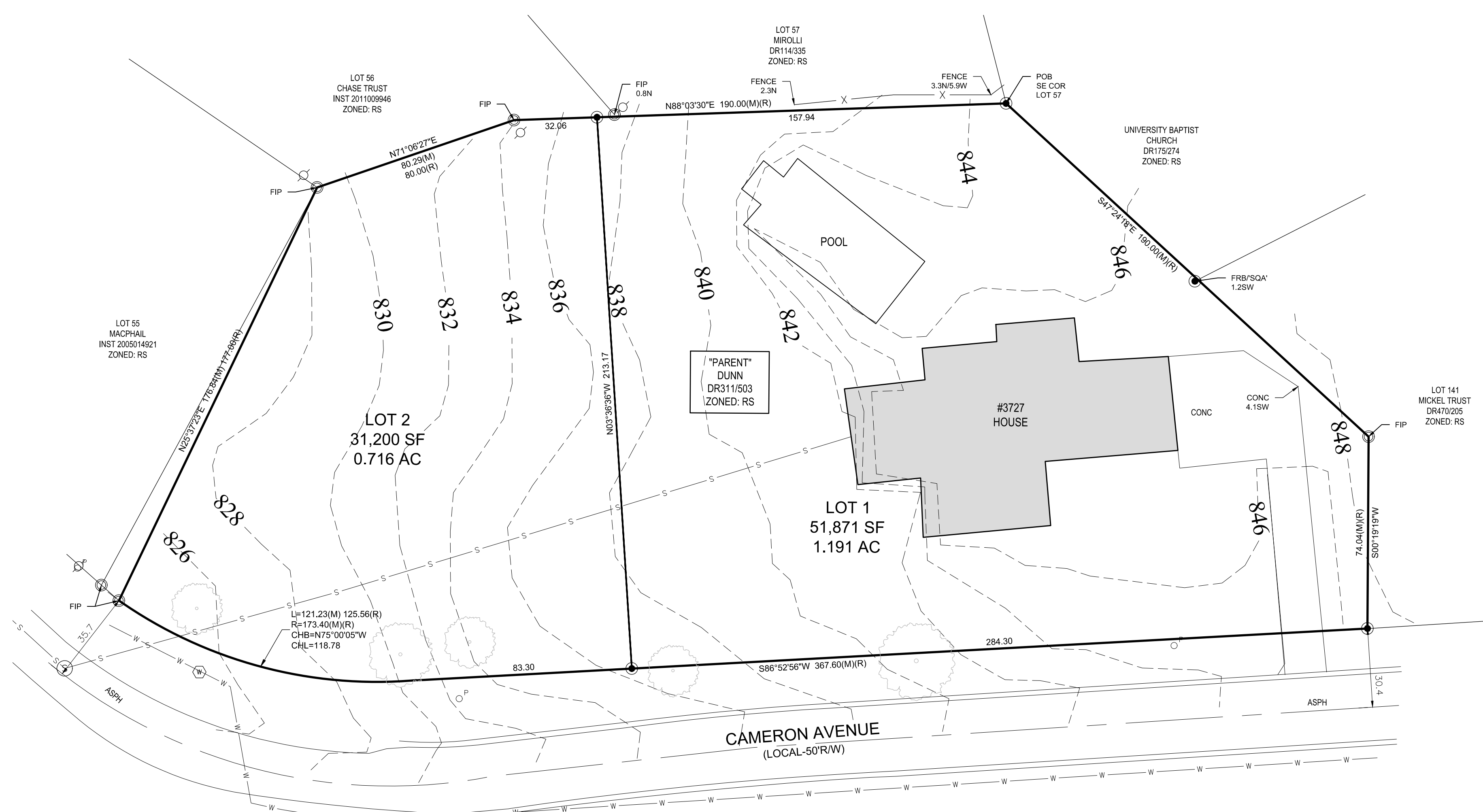
**BASIS OF BEARINGS:**  
INDIANA STATE PLANE, WEST ZONE  
VERTICAL DATUM: NAVD 88

**SETBACK TABLE**

RESIDENTIAL SINGLE-FAMILY (RS):  
FRONT - 15' FROM R/W  
SIDE - 8', PLUS 4' FOR EACH ADDITIONAL STORY  
REAR - 25'

**OWNER/SUBDIVIDER**  
ALLEN W. & SUSAN PETERS DUNN  
3727 E. CAMERON AVE.  
BLOOMINGTON, IN 47401  
812-334-8935  
DEED RECORD 311/503  
53-08-02-100-005-000-009

**ADDRESS TABLE**  
LOT 1-3727 E CAMERON AVE, BLOOMINGTON, IN 47401  
LOT 2-XXX E CAMERON AVE, BLOOMINGTON, IN 47401



UTILITY LINE LOCATIONS  
ARE APPROXIMATE

### OWNER'S CERTIFICATE

THE UNDERSIGNED, ALLEN W. DUNN & SUSAN PETERS DUNN BEING THE OWNER OF THE ABOVE DESCRIBED REAL ESTATE, DO HEREBY LAYOFF AND PLAT THE SAME INTO LOTS AND STREETS IN ACCORDANCE WITH THE PLAT AND CERTIFICATE.

THIS PLAT SHALL BE KNOWN AND DESIGNATED AS ALLEN DUNN SUBDIVISION.  
STREETS AND RIGHTS-OF-WAY ARE TO HEREBY BE DEDICATED TO THE PUBLIC.

IN WITNESS WHEREOF, ALLEN W. DUNN & SUSAN PETERS DUNN HAVE EXECUTED THIS INSTRUMENT AND CAUSED HIS NAME TO BE SUBSCRIBED THEREON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

ALLEN W. DUNN \_\_\_\_\_ SUSAN PETERS DUNN \_\_\_\_\_

STATE OF INDIANA )  
COUNTY OF \_\_\_\_\_ )SS:

BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF INDIANA AND MONROE COUNTY, PERSONALLY APPEARED ALLEN W. DUNN & SUSAN PETERS DUNN, ACKNOWLEDGED THE EXECUTION OF THE ABOVE REFERENCED PLAT, AS THEIR VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

MY COMMISSION EXPIRES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### PLAN COMMISSION AND BOARD OF PUBLIC WORKS

UNDER THE AUTHORITY PROVIDED BY CHAPTER 174, ACTS OF 1947, ENACTED BY GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ORDINANCE ADAPTED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE CITY OF BLOOMINGTON AS FOLLOWS:

APPROVED AT BOARD OF PUBLIC WORKS AT A MEETING HELD:

PRESIDENT \_\_\_\_\_

MEMBER \_\_\_\_\_

MEMBER \_\_\_\_\_

APPROVED BY THE CITY PLAN COMMISSION AT A MEETING HELD:

TERRI PORTER, DIRECTOR OF PLANNING AND TRANSPORTATION

JOSEPH HOFFMAN, PRESIDENT OF PLAN COMMISSION

### LEGAL DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 8 NORTH, RANGE 1 WEST, IN THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

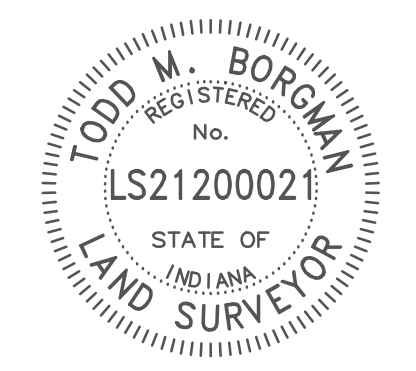
COMMENCING AT THE SOUTHWEST CORNER OF A TRACT AS HERETOFORE DEEDED TO THE ST THOMAS LUTHERAN CHURCH, SAID POINT BEING 553.00 FEET WEST AND 367.00 FEET SOUTH OF THE NORTHEAST CORNER OF THE AFORESAID NORTHEAST QUARTER SECTION; THENCE SOUTH 83 DEGREES 18 MINUTES WEST 294.20 FEET TO THE SOUTHEAST CORNER OF LOT NUMBER 58, HOOSIER ACRES THIRD ADDITION; THENCE SOUTH 30 DEGREES 30 MINUTES EAST 83.70 FEET TO THE NORTHEAST CORNER OF LOT NUMBER 57, HOOSIER ACRES THIRD ADDITION; THENCE SOUTH 03 DEGREES EAST 220.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT NUMBER 57, SAID CORNER ALSO BEING THE REAL POINT OF BEGINNING; THENCE SOUTH 48 DEGREES 17 MINUTES EAST 190.00 FEET; THENCE SOUTH 00 DEGREES 33 MINUTES 23 SECONDS EAST 74.04 FEET; THENCE SOUTH 86 DEGREES 00 MINUTES 14 SECONDS WEST 367.00 FEET; THENCE ON THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 125.56 FEET (122.84 FEET MEASURED), SAID CURVE HAVING A RADIUS OF 173.40 FEET; THENCE NORTH 25 DEGREES 55 MINUTES EAST 177.00 FEET; THENCE ON THE SOUTHERLY BOUNDARY OF SAID HOOSIER ACRES THIRD ADDITION, NORTH 69 DEGREES 30 MINUTES EAST FOR 80.00 FEET; THENCE CONTINUING ON SAID BOUNDARY NORTH 88 DEGREES 31 MINUTES EAST 190.00 FEET TO THE REAL POINT OF BEGINNING, CONTAINING 1.91 ACRES MORE OR LESS.

### SURVEYOR'S CERTIFICATE

THIS SURVEY WAS PERFORMED UNDER THE DIRECTION OF THE UNDERSIGNED, AND TO THE BEST OF THIS SURVEYOR'S KNOWLEDGE AND BELIEF WAS EXECUTED ACCORDING TO SURVEY REQUIREMENTS IN 865 IAC 1.12 FOR THE STATE OF INDIANA.

DATED FEBRUARY 25, 2019

TODD M. BORGMAN  
REGISTERED LAND SURVEYOR NO. 21200021  
STATE OF INDIANA



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

### SURVEYOR'S REPORT

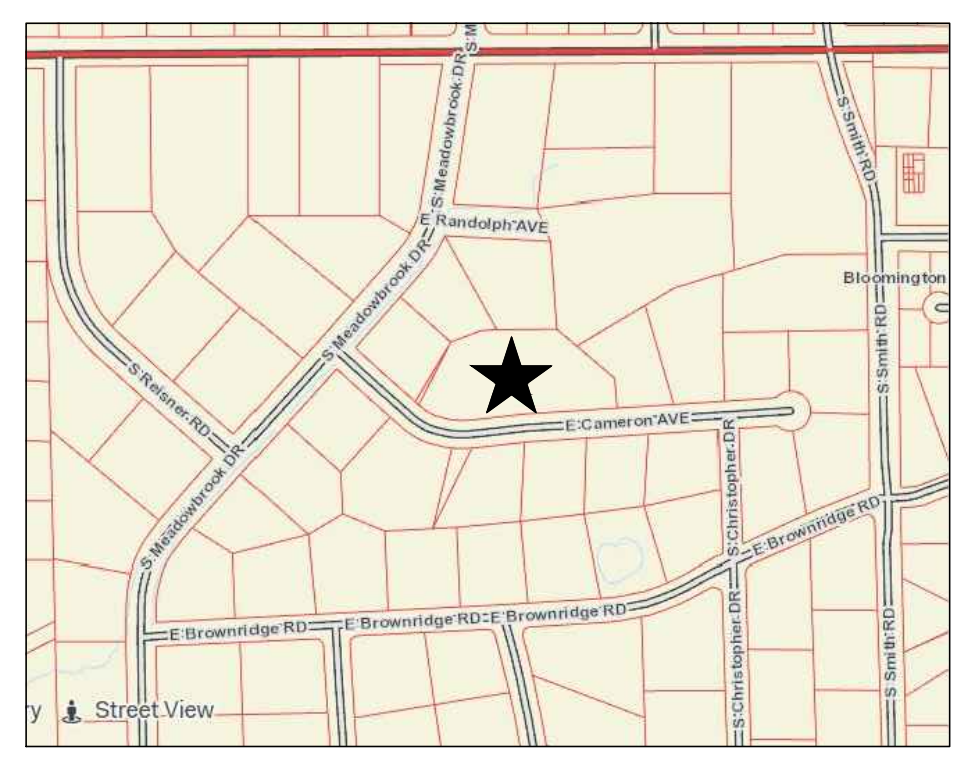
JOB NUMBER: 5840  
TYPE OF SURVEY: RETRACEMENT AND ORIGINAL SURVEY  
CLASS OF SURVEY: SUBURBAN SURVEY (865 IAC 1-12)  
FIELD WORK COMPLETED: FEBRUARY 13, 2019  
LOCATION OF SURVEY: 3727 CAMERON AVE, BLOOMINGTON, INDIANA

IN ACCORDANCE WITH TITLE 865, ARTICLE 1, CHAPTER 12 (RULE 12) OF THE INDIANA ADMINISTRATIVE CODE (IAC), THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE UNCERTAINTY IN THE POSITION OF THE LINES AND CORNERS ESTABLISHED AND/OR REESTABLISHED ON THIS SURVEY AS A RESULT OF:

- 1) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS;
- 2) CLARITY AND/OR AMBIGUITY OF THE RECORD DESCRIPTION(S) USED AND/OR THE ADJOINER'S DESCRIPTIONS; AND
- 3) OCCUPATION OR POSSESSION LINES
- 4) MEASUREMENTS (RELATIVE POSITIONAL ACCURACY)

NOTE: THERE MAY EXIST UNWRITTEN RIGHTS ASSOCIATED WITH THESE UNCERTAINTIES.

- 1) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS  
MONUMENTS USED IN PERFORMANCE OF THIS SURVEY ARE LABELED HEREON. UP TO 1.2 FEET OF UNCERTAINTY.
- 2) CLARITY AND/OR AMBIGUITY OF THE RECORD DESCRIPTION(S)  
UP TO 4.3 FEET OF UNCERTAINTY IN RECORD VERSUS MEASURED DISTANCE.
- 3) OCCUPATION OR POSSESSION LINES  
POSSESSION LINES AT THE TIME OF THE SURVEY ARE LABELED HEREON. UP TO 6.7 FEET OF UNCERTAINTY.
- 4) MEASUREMENTS (RELATIVE POSITIONAL ACCURACY)  
SUBURBAN SURVEY (+/- 0.13 FOOT PLUS 100 PARTS PER MILLION) AS DEFINED IN 865 IAC 1-12, EFFECTIVE MAY 4, 2006.
- THEORY OF LOCATION**  
THE FOUND MONUMENTS SHOWN HEREON WERE HELD FOR THEIR RESPECTIVE CORNERS. THE NORTHEAST LINES WERE RUN AT RECORD DISTANCE. THE SOUTHEAST LINE WAS RUN AT RECORD DISTANCE AND ANGLE. THE RECORD RADIUS WAS HELD FOR THE SOUTHWEST CURVE.



Smith Brehob & Associates, Inc.  
453 S. Clarazz Boulevard  
Bloomington, Indiana, 47401  
P: 812.336.6536  
W: http://smithbrehob.com  
Job: 5840  
Date: 2/25/19  
Copyright Smith Brehob & Associates, Inc. 26/2/14 All Rights Reserved

**BLOOMINGTON PLAN COMMISSION  
STAFF REPORT  
Location: 221 E. Kirkwood Ave.**

**CASE #: SP-13-19  
DATE: April 15, 2019**

**PETITIONER:** Cedarview Management, Corp  
601 N. College Suite 1A, Bloomington

**CONSULTANTS:** Studio 3 Design Inc.  
8604 Allisonville Road, Indianapolis

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

**REQUEST:** The petitioner is requesting site plan approval to allow for a 964 square foot addition to an existing mixed-use building.

**BACKGROUND:**

**Area:** 0.21 acres  
**Current Zoning:** CD – University Village Overlay  
**Comp Plan Designation:** Downtown  
**Existing Land Use:** Mixed-Use  
**Proposed Land Use:** Mixed-Use  
**Surrounding Uses:** North - Surface parking lot  
 West – Commercial  
 East – Monroe County Public Library  
 South – Commercial

**REPORT:** The property is located at the northwest corner of E. Kirkwood Ave and N. Lincoln Street and is zoned Commercial Downtown (CD), within the Kirkwood Corridor of the University Village Overlay. The property is 66 feet wide by 133 feet deep, with an alley along the north side. Surrounding land uses include a surface parking lot to the north, the Monroe County Public Library to the east, and commercial uses to the west and south. The property has been developed with a two-story, mixed-use building. The building is designated as a local historic structure. The Historic Preservation Commission reviewed this proposal at their April 11, 2019 hearing and approved a Certificate of Appropriateness to allow for the proposed addition.

The petitioner proposes to add a second story to a portion of the north side of the building. The proposed addition would contain dwelling units. A total of 6 units and 12 bedrooms are proposed for the property in addition to 3,415 sq. ft. of existing commercial space. The property is required to have at least 50% of the ground floor used for nonresidential uses and the proposed floor plan meets that requirement. With the scope of work there would also be additional remodeling to the interior to convert existing office space into dwelling units. The proposed bedroom and unit count meets the allowed density.

**Plan Commission Site Plan Review:** One aspect of this project requires that the petition be reviewed by the Plan Commission, per BMC 20.03.170. This aspect is as follows:

The Plan Commission shall review:

- Any proposal that does not comply with the development standards set forth in the University Village Overlay District.
- The first aspect is that the University Village Overlay (UVO) district does not allow pitched roofs, only flat roofs with parapets are allowed. The existing building is a residential style design with steep, pitched roofs which the petitioner is proposing to compliment with the addition. The second aspect is the proposed building materials. Within the Kirkwood Corridor section of the UVO, wood and cementitious siding are not allowed as primary exterior finishing materials. The petitioner is again proposing to match the existing finishing material of the building and is proposing to use cementitious siding.

---

#### **SITE PLAN ISSUES:**

**Residential Density:** The maximum residential density in the University Village Overlay is 20 units per acre. The petition site is 0.21 acres and would be allowed 4.0 dwelling units. The petitioner is proposing a density of 3.76 units, meeting the density requirements.

**Non-Residential Uses on the First Floor:** The petitioner has allotted at least 50% to non-residential uses on the ground floor. The proposal meets the requirement.

**Height:** The minimum height in the UVO is 25 feet and the maximum height is 30'. The proposed height of the addition is 28 feet. The proposal meets the height requirement.

**Parking and Surrounding Roads:** The UVO does not require parking spaces for nonresidential uses. For residential uses, no parking is required for bedrooms 0-10 and only 0.5 parking spaces are required for bedrooms 11-20, therefore only one parking space is required for the proposed 12 bedrooms. There are 4 on-site parking spaces, including one ADA space. The proposal meets parking requirements.

**Access:** The parking area is accessed by an alley in the rear. The proposed addition is less than 10% of the building area so no changes to the site are required per section 20.08.060(c).

**Bicycle Parking/Alternative Transportation:** 4 bicycle parking spaces are required. A parking area for 4 bicycle parking spaces has been shown along the front of the building adjacent to the main entrance. This meets bicycle parking requirements.

**Architecture/Materials:** The primary building materials include wood and cementitious siding with a stone base. The proposed building materials are not allowed in the Kirkwood Corridor of the University Village Overlay. The Historic Preservation Commission reviewed this project and issued a Certificate of Appropriateness finding that the proposed building materials are appropriate for this structure and compliment the existing finishing materials and is therefore in keeping with Historic District guidelines. The Department also finds that the proposed materials are appropriate for the minor addition and should be approved.

The proposal meets all of other architecture requirements.

**Streetscape:** Street trees are present along both street frontages and pedestrian-scaled lighting is installed along Kirkwood Ave. No additional street lights or improvements along the streetscape are required.

**Impervious Surface Coverage:** The UVO for Kirkwood Corridor allows for 100% impervious surface coverage.

---

## CRITERIA AND FINDINGS FOR SITE PLANS

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

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

(i) Is consistent with the Comprehensive Plan;

**Proposed Findings:**

- The site is in the Downtown area of the Comprehensive Plan.
- A mix of office, commercial, civic, high-density residential and cultural uses are recommended for the downtown.
- The Comprehensive Plan calls out to nurture our vibrant and historic downtown as the flourishing center of the community. This petition allows for a minor addition that will allow an existing historic building to be best utilized with an addition that is compatible with the historic character of the building and protects a historic resource.
- Recognize the many virtues of historic preservation, rehabilitation, and reuse of our historic structures. Again this addition will allow the preservation and continued reuse of a historic building.
- Encourage redevelopment that complements and does not detract from the Downtown's historic, main-street character (Goal 4.1)

(ii) Satisfies the requirements of Chapter 20.02, Zoning Districts;

The UDO includes an intent for the CD district and guidance for the Plan Commission in 20.02.170. The following items address those intent and guidance statements.

**Proposed Findings:**

- The project does serve to protect and enhance the central business district by adding infill residential space to an existing building.
- The project does provide high density development of mixed uses with storefront retail, and residential dwelling uses.
- The project does incorporate some pedestrian-oriented design through first-floor window design and massing and does accommodate alternative means of transportation by providing ample bicycle parking.
- The project does intensify the use of under-utilized properties by allowing an addition to an existing historic building.
- The project does provide commercial on the ground floor with residential above.

(iii) Satisfies the requirements of Chapter 20.05, Development Standards;

**Proposed Findings:**

- The project meets all applicable development requirements of Chapter 5.

(iv) Satisfies the requirements of Chapter 20.07, Design Standards; and

**Proposed Findings:**

- No subdivision is involved, so this is not applicable.

(v) Satisfies any other applicable provisions of the Unified Development Ordinance.

Per 20.03.170, the Plan Commission shall approve a site plan that meets all of the standards of 20.03.190, 20.03.200, and 20.09.210.

- The petition meets all of the standards of 20.03.190, 20.03.200, and 20.09.210 with the exception to the proposed roof type and exterior finishing materials.

---

**ENVIRONMENTAL COMMISSION RECOMMENDATIONS:** The Bloomington Environmental Commission (EC) has made one recommendation concerning this development.

- 1.) The Petitioner should install the most landscape material possible for this site to enhance the streetscape and walkability, and to benefit native pollinating animals and insects

**Staff Response:** The Department encourages the petitioner to incorporate as much landscape material as possible in the exterior patio areas and open green space.

---

**CONCLUSION:** With the exception for the deviation from roof design and exterior building material, this petition meets UVO Development Standards. It also includes various positive aspects related to larger City goals including compatible infill, compatible addition to a historic building, compact urban form, the addition of housing stock, commercial space in the downtown, and innovative design.

---

**RECOMMENDATION:** The Planning and Transportation Department recommends that the Plan Commission adopt the proposed findings and approve the site plan.





City of Bloomington  
Bloomington Environmental Commission

## MEMORANDUM

Date: April 15, 2019  
To: Bloomington Plan Commission  
From: Bloomington Environmental Commission  
Subject: SP-13-19: Victoria Towers / Cedarview Management  
221 E. Kirkwood Avenue

---

The purpose of this memo is to convey the environmental concerns and recommendations provided by the City of Bloomington Environmental Commission (EC) with the hope that action will be taken to enhance the project's environment-enriching attributes. The EC reviewed the petition and offers the following comments and requests for your consideration.

### 1.) STREETSCAPE PLANTS

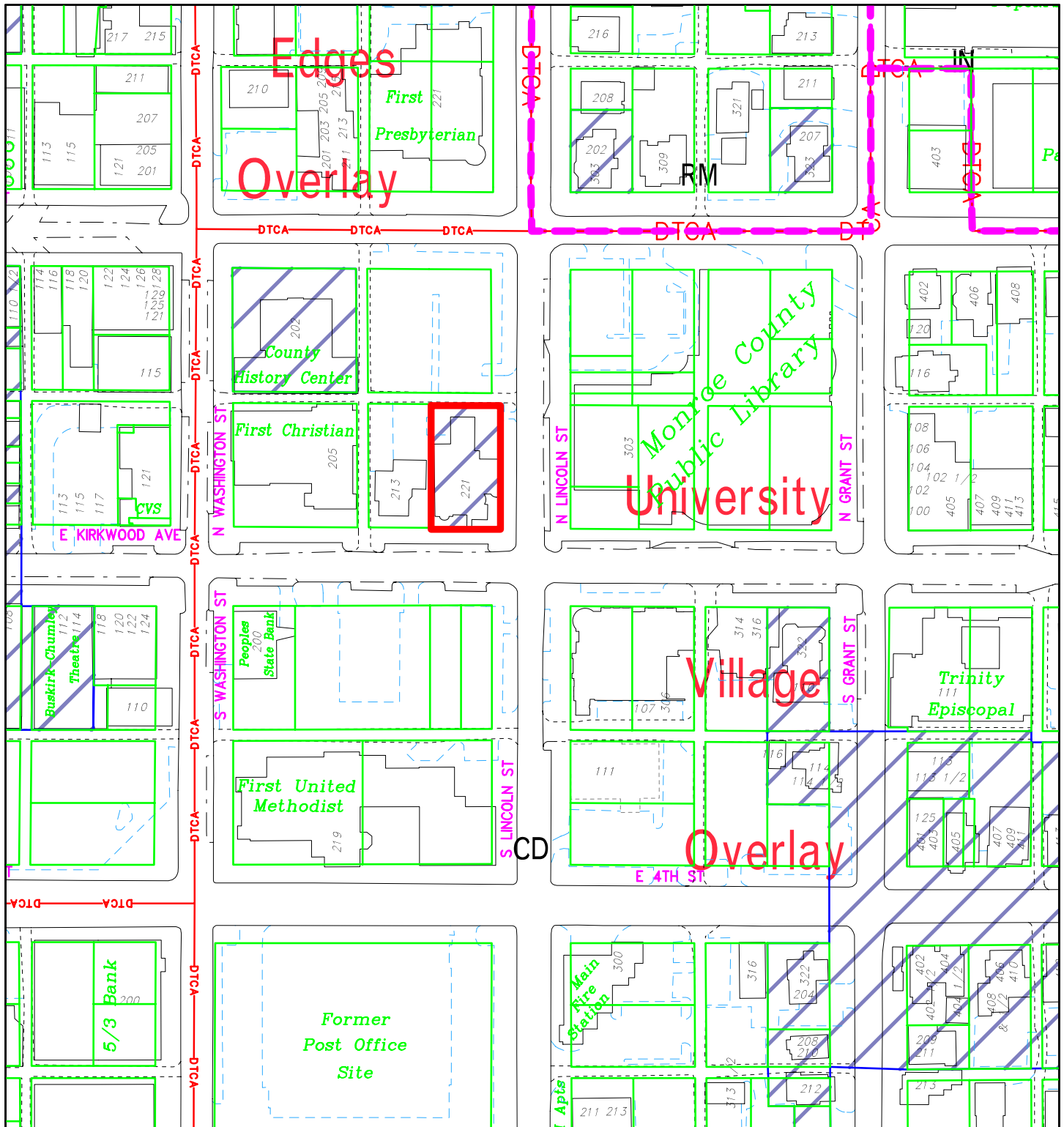
This petition sits in an important location that has long been part of Bloomington's central core, and where walkability is vital now more than ever. Because the area is already built out, the opportunities for environmental enhancement are limited. Augmenting the walkability by installing as much landscape material as possible along with the renovated patio is one way to enhance the environmental integrity of the site. Planters or pots with native plants can also be included on the patio area, even if they are not permanent installations. The Petitioner should consider collecting rainwater to water these plants. Walkability decreases automobile use, thus reducing carbon emissions; improves public health; amplifies quality of life; and saves money.

The EC recommends the site be designed with plantings that benefit local pollinating insects and birds, reduce the heat island effect, and slow and cleanse rainwater. Using native plants provides food and habitat for birds, butterflies and other beneficial insects, promoting biodiversity in the city. Native plants do not require chemical fertilizers or pesticides and are water efficient once established.

### EC RECOMMENDATIONS:

1.) The Petitioner should install the most landscape material possible for this site to enhance the streetscape and walkability, and to benefit native pollinating animals and insects.





SP-13-19 Cedarview Management, LLC

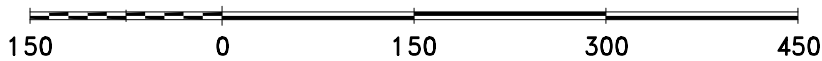
221 E Kirkwood Ave

Plan Commission

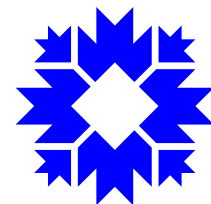
Site Location, Zoning, Parcels

By: greulice

12 Apr 19

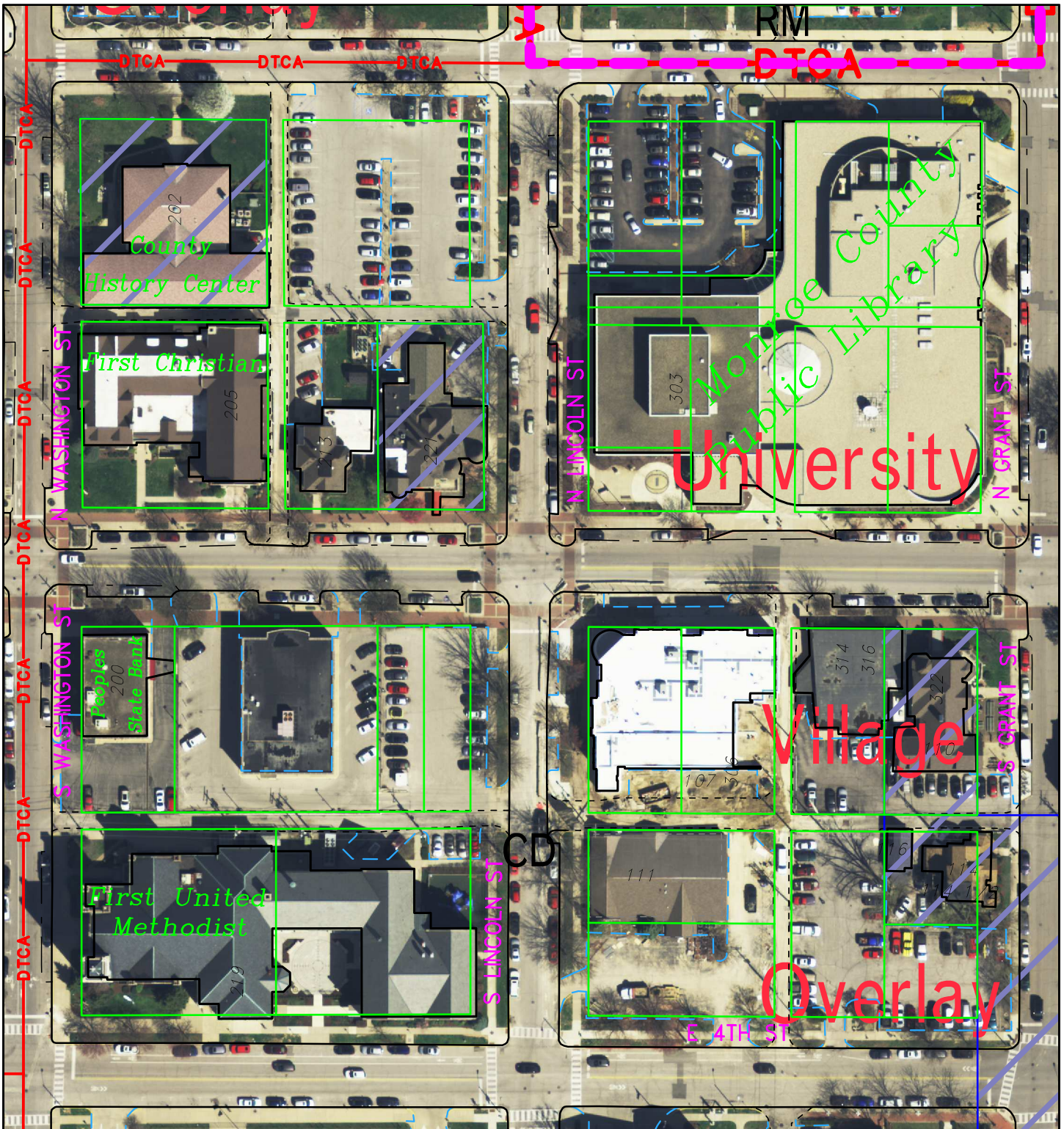


City of Bloomington  
Planning & Transportation



Scale: 1" = 150'

For reference only; map information NOT warranted.



SP-13-19 Cedarview Management

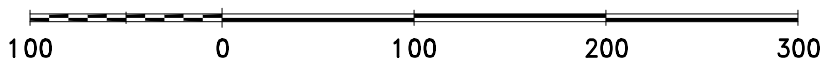
221 E Kirkwood Ave

Plan Commission

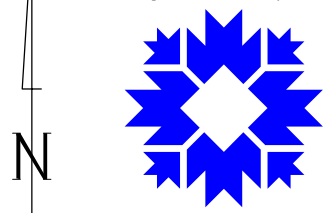
2016 Aerial Photograph

By: greulice

12 Apr 19



City of Bloomington  
Planning & Transportation



Scale: 1" = 100'

For reference only; map information NOT warranted.



March 11<sup>th</sup>, 2019  
 Revised 3-15-2019  
 Revised 4-01-2019

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

Attn: Mr. Eric Greulich  
 Mr. Conor Herterich

**RE: Victoria Towers,  
 221 E. Kirkwood, Bloomington Indiana**

**PETITIONERS STATEMENT**

Dear Mr. Greulich

Studio 3 Design is pleased to submit the attached renovations at 221 E. Kirkwood for Plan Commission and HPC review. The following document outlines the project scope and addresses comments received to date regarding the project. Please take time to review and contact us with any additional questions.

**The following petition is based on the amended UDO.**

<u>Apartment Types</u>	<u>Count</u>	<u>Beds</u>
Studio Apartment	1 Units	1 Beds
1 Bedroom Flat	2 Units	2 beds
2 Bedroom Flat	1 Units	2 Beds
3 Bedroom Flat	1 Unit	3 Beds
4 bedroom Townhome	1 Unit	4 beds
	<b>6 Units</b>	<b>12 Beds</b>

**Property density:**

Site: .2 Acres  
 20 DUE's/acre = **4 DUE's allowed**

Studio	.20 DUE x 1=	<b>.20 DUE's</b>
1 Bed	.25 DUE x 2=	<b>.50 DUE's</b>
2 bed	.66 DUE x 1=	<b>.66 DUE's</b>
3 bed	1.00 DUE x 1 =	<b>1.00 DUE's</b>
4 Bed	1.5 0 due x 1 =	<b>1.50 DUE's</b>

**3.86 DUE's provided (4.00 allowed)**



221 E. Kirkwood- Petitioners Statement  
 March 11<sup>th</sup>, 2019  
 Revised 4-1-2019  
 Page 2

### **Project Location**

The project is located on the North side of Kirkwood Street at the intersection of Kirkwood and Lincoln.

The site is bounded by an alley to the North, a business to the West, Lincoln Street to the East and Kirkwood Street to the South.

### **Project Concept**

The project is a renovation of an existing 2 story Victorian style building that has had 4 previous additions put on it. The building is currently used for a restaurant on level 1 with storage in the basement, and multiple businesses on level 2. The attic space is vacant and undeveloped.

The project scope is to maintain a retail space for a restaurant on Level 1 which will occupy approx. 3,415 sf of space and convert the north addition (964sf) into two one bedroom apartments with a 2 bedroom apartment added above..

The second floor and attic of the existing building will be converted into an additional studio, (1) 3 bed unit and (1) four bed townhome that makes use of the ample volume available in the attic space.

New construction includes the removal of the current pitched roof on the single-story north addition and construction of a second floor for a two bedroom unit. The concept is to create a feel for the unit that is sympathetic to the existing building but not a copy of it. The other area of construction is on the second floor roof of the West CMU building addition. The ceiling heights in the North end of the building are at 7'4" – we are proposing raising the roof structure to match the remaining 2/3rds of the flat roof on that building (approx.. 3' raise).

### **Parking Counts**

Required parking for non-residential	0 spaces
<u>Required parking for residential</u>	<u>1 spaces</u>
Parking provided	<b>6-8 spaces</b> (3 off Lincoln, 1 off alley on south side and 2 to 4 in double stacked off alley on West side)

### **Site Accessibility:**

The building is currently not accessible.

Fair housing does not apply to this building based on first occupancy occurring prior to March of 1991. Americans with Disability Act (ADA) for parking applies to commercial parking- the City does not require any at this location.

For the development, we are making reasonable accommodations for ADA by adding an accessible route from the street to the the restaurant entrance on the North side and an accessible route from the street and West parking to the apartments and restaurant entrance on the north side. The grades on the west parking / delivery are being modified to meet ADA cross slopes so that the owner may make accommodations in the future for a van accessible parking space should he have a resident that request it.



221 E. Kirkwood- Petitioners Statement  
March 11<sup>th</sup>, 2019  
Revised 4-1-2019  
Page 3

### **Streetscape**

The intent is to leave the streetscape with some modifications on the plaza areas out in front along Kirkwood. The current raised outdoor area has several elevation changes and 2 planter beds with dead vegetation. We would like to improve accessibly onto the outdoor area and remove the planting beds to provide for improved outdoor seating for a restaurant tenant.

The majority of the current plaza is on the owner's property, a 10x roughly 60' zone running parallel with Lincoln street has been found to be on City property.

The intent is to request an easement for this area in order to provide usable out door seating that will add to the street life along Kirkwood. A separate filing for the plaza area changes will be provided at a later time for review with staff.

### **Building Façade modules**

Not Applicable – no new footprint is being added to the structure. The addition will be on top of the existing first floor.

### **Building Height**

The overall building height for the addition is under the 30' maximum building height required under the amended UDO.

### **Building Materials**

The building façade primary materials area a mix of mix of wood and cementious siding and a stone base to complement the existing material used on the historic structure and the subsequent additions. Primary materials carry on all 4 sides of the addition.

### **Void to Solid Percentages**

Not applicable to the ground level existing façade – We are maintaining existing walls but will provide additional glazing on the first floor façade. The second floor addition requires 20% void to solid mix which we will provide.

### **Building Step Back**

Not applicable

### **Historic**

The existing building is on Bloomington's Locally Designated list as a Notable structure. Original portions of the Victorian house are still visible primarily for Kirkwood street with portions of the upper level visible from Lincoln street. The building has had 4 major additions over time, each with their own character – a 2 story on the West , a single story on the North with a pitched roof, a single story on the East side with a high pitched roof and added turret mimicking the original house and a series of bump-outs on the Kirkwood elevation that cover the original porch and front façade. Our intended addition of a second floor on the North end will remain separated from the original structure to distinguish it as a new item- not part of the original.

221 E. Kirkwood- Petitioners Statement  
March 11<sup>th</sup>, 2019  
Revised 4-1-2019  
Page 4

We would like to add several skylights into the existing roof structure to bring natural light into the attic space. The current roof is in disrepair and needs to be completely replaced. We will come back with the same style of shingles (double butt profile) as the structure currently has. During this replacement we would add the skylight. Each skylight is no more than a 24" x 36" unit. All locations are being reviewed with HPC as part of the certificate for appropriateness.

### **Bike Parking**

We will provide the required bike parking based on UDO recommendations. Bike racks to hold 4 bikes. 2 on Kirkwood and 2 on Lincoln.

### **Environmental Considerations**

The facility is being up-dated on the interior and repaired on the exterior in an effort to salvage the building and provide an adaptive reuse of the it. With the revisions to the attic space envelop and addition of new HVAC, plumbing and electrical- the building will be far more energy efficient than it is today.

### **Encroachments:**

The project will require the following encroachments with the city:

- Outdoor patio area and seating area as it exists today extends over the property line. Modifications to the patio and or addition of a railing may require that we apply for an encroachment.

### **Trash Removal**

Trash removal currently exist off of the North Alley and will remain there.

### **Anticipated Waivers**

We feel that the project is in alignment with all existing and amended requirements of the UDO with the exception of the following items that have been provided to maintain the building in character with the existing historic structure.

1. Building materials- Siding is not an allowed primary material- however, it is the primary material of the original structure. As such we are proposing the use of siding on the north addition based on final approval from HPC.
2. Roof pitch: This district requires a flat roof on new structures. We are proposing a pitched roof on the north addition to be in character with the existing historic structure. The pitched roof is over the same area currently covered by a one story building with a pitched roof. His request will be based on final approval from HPC.

221 E. Kirkwood- Petitioners Statement  
March 11<sup>th</sup>, 2019  
Revised 4-1-2019  
Page 5

Respectfully submitted,

STUDIO 3 DESIGN, INC

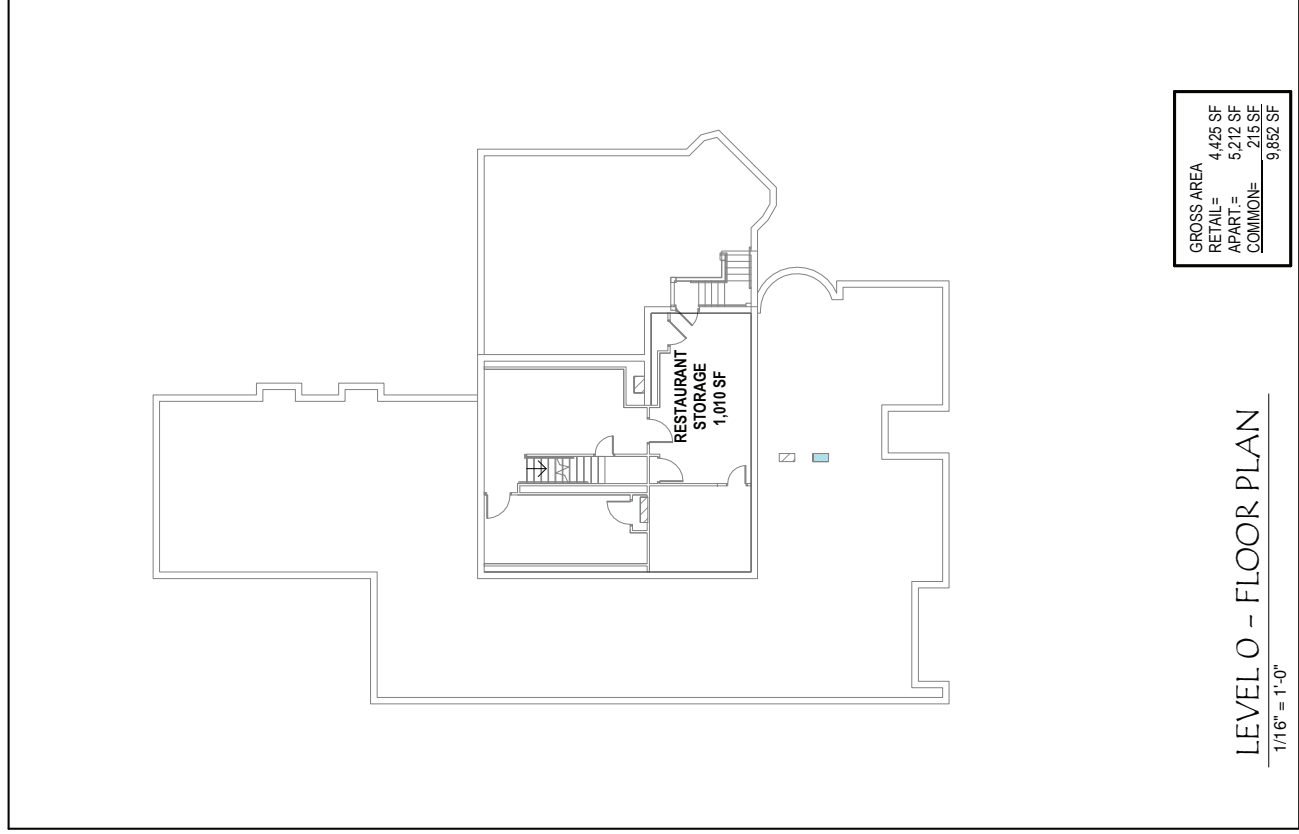
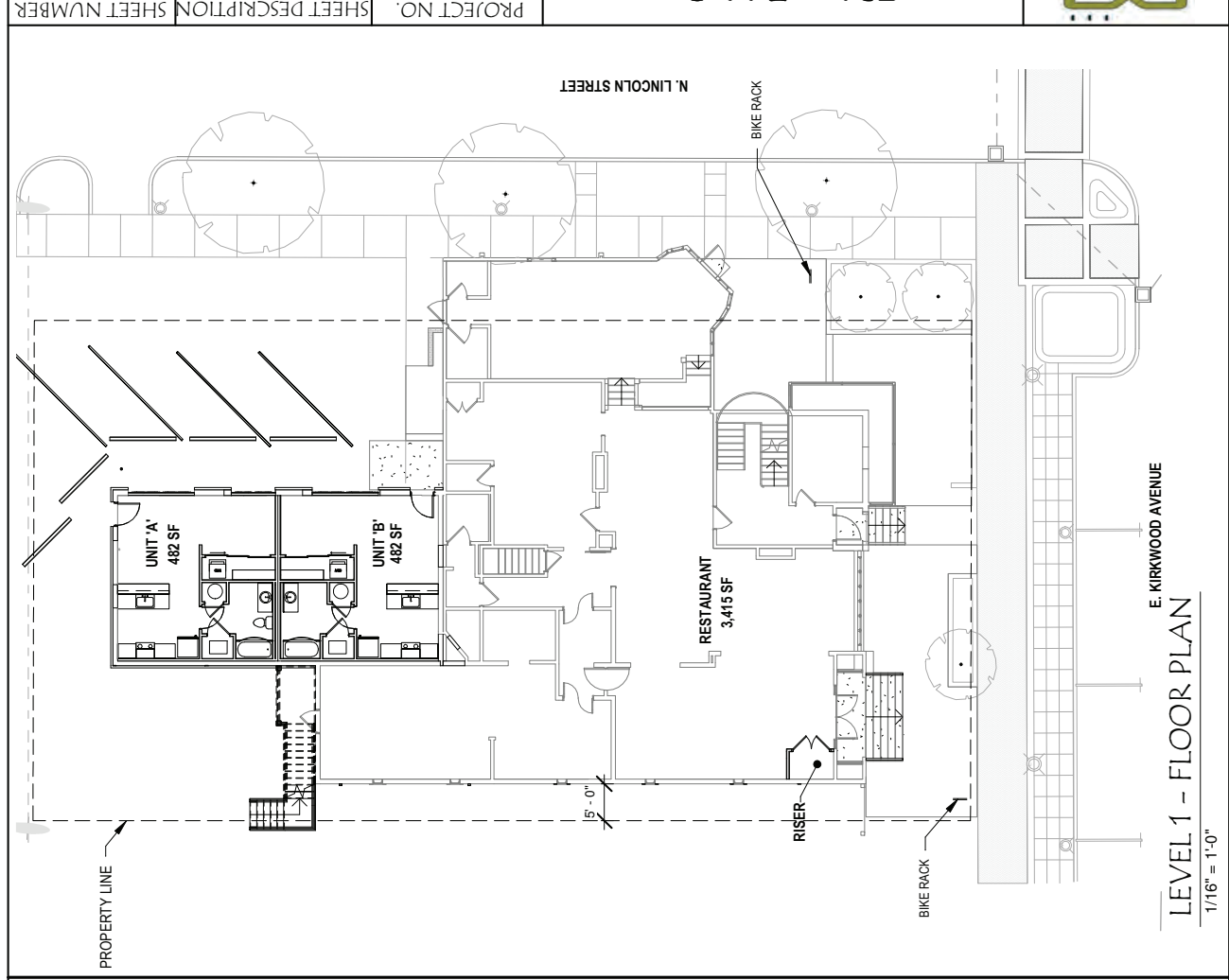
A handwritten signature in black ink that reads "Tim Cover". The signature is written in a cursive, flowing style with a large initial 'T' and 'C'.

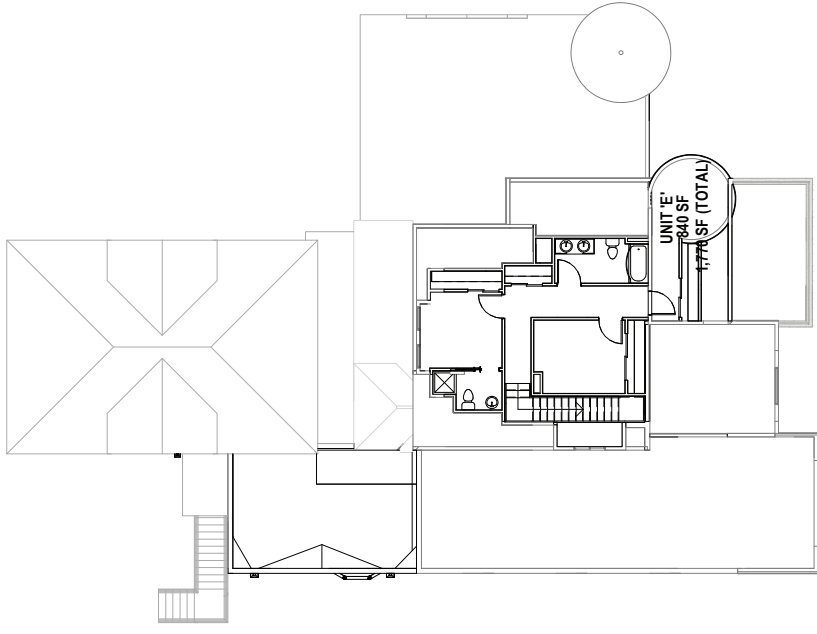
Tim Cover  
Architect



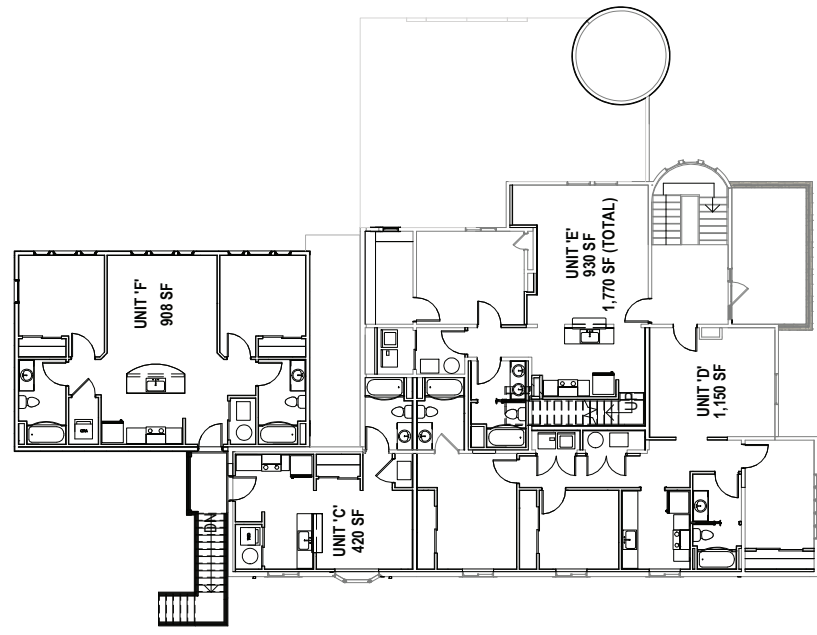




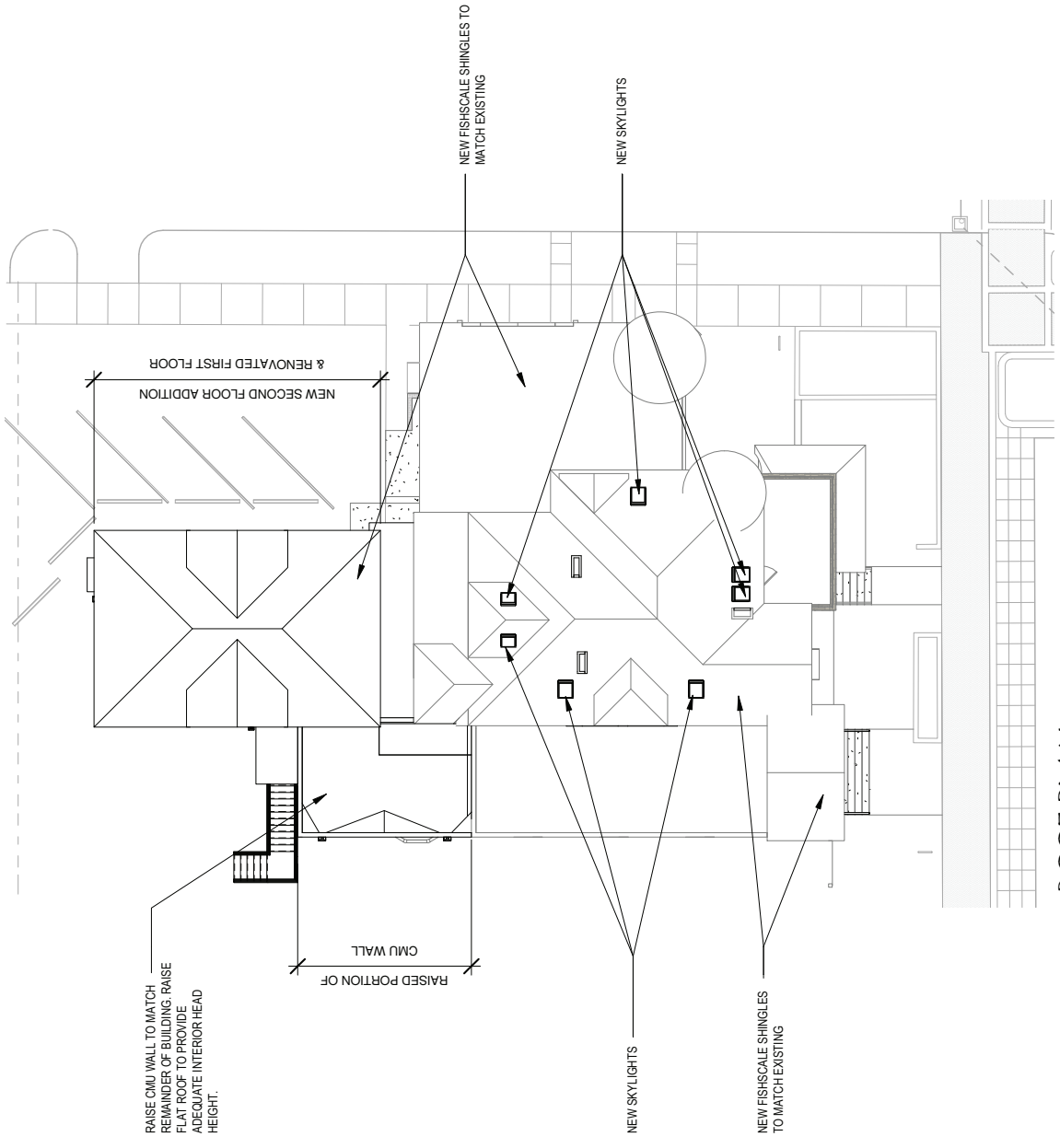




LEVEL 3 - FLOOR PLAN  
 1/16" = 1'-0"



LEVEL 2 - FLOOR PLAN  
 1/16" = 1'-0"

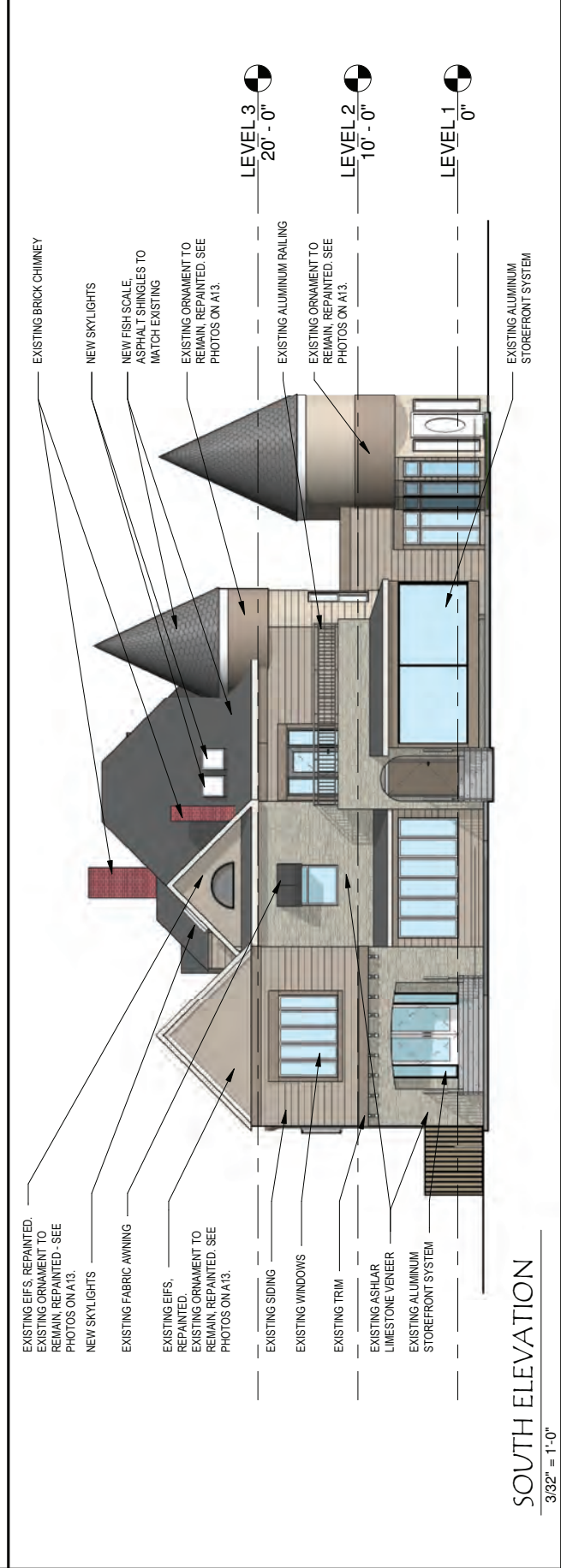
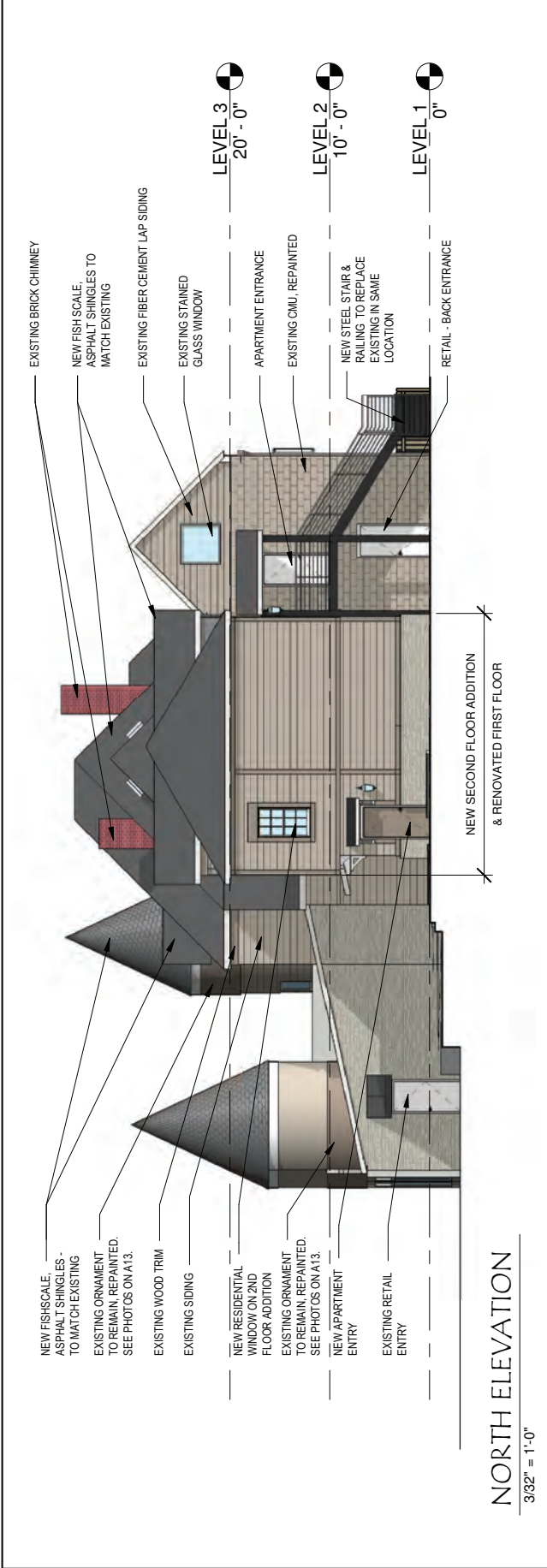


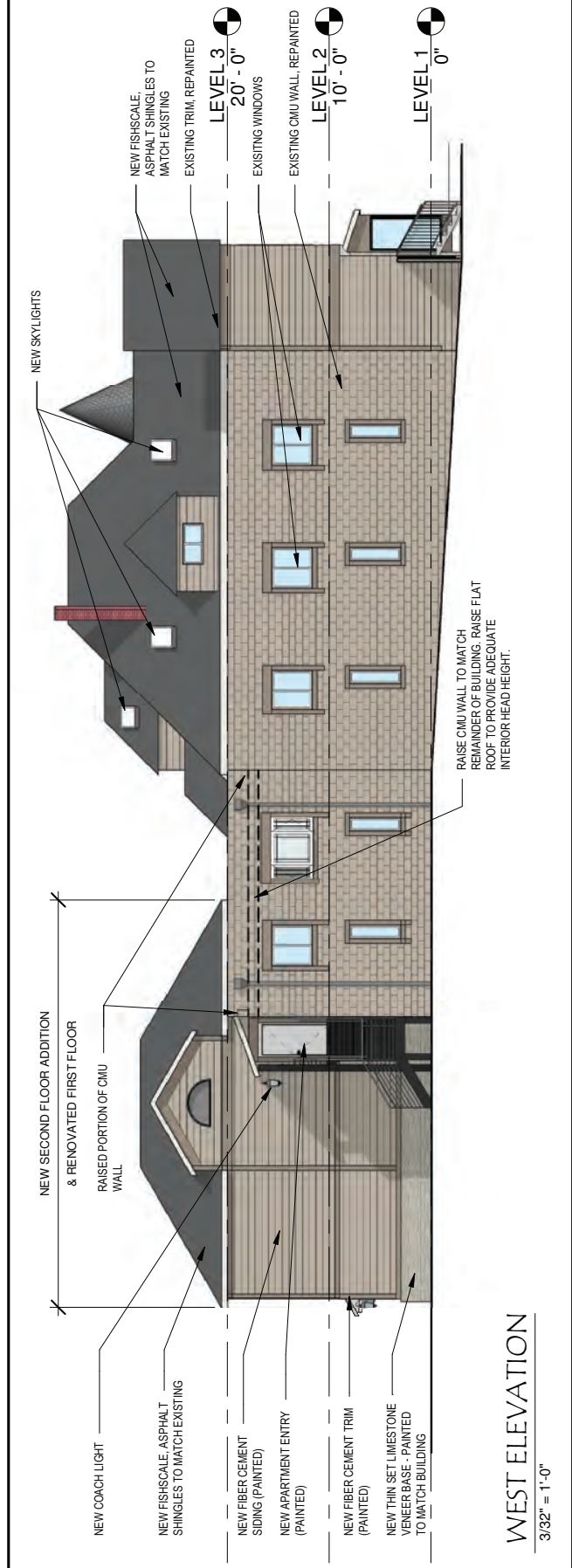
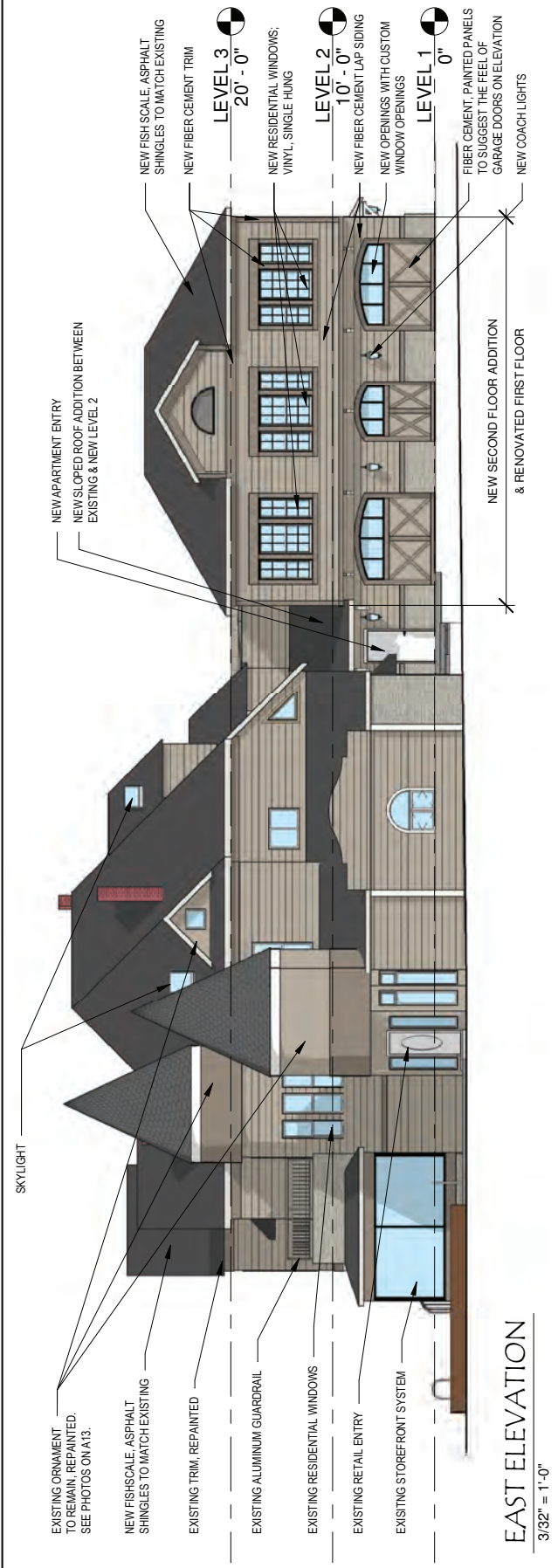
ROOF PLAN  
 1/16" = 1'-0"



PROJECT NO. 19009	DATE 03-15-2019
	SHEET DESCRIPTION NORTH & SOUTH ELEVATIONS

ERL - 3 LLC  
VICTORIA TOWERS  
BLOOMINGTON, IN

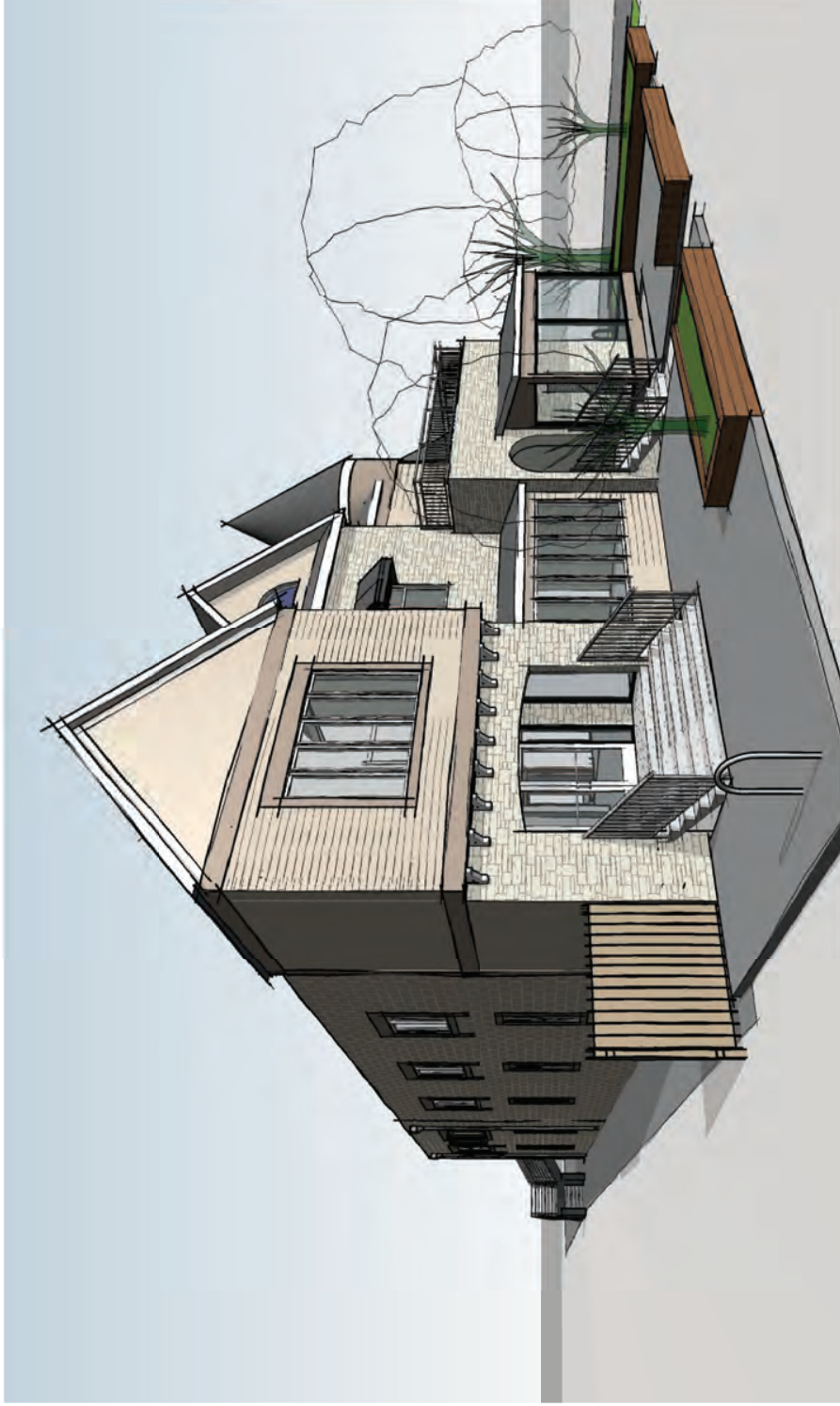








SE PERSPECTIVE VIEW



SW PERSPECTIVE VIEW





NE PERSPECTIVE VIEW



NW PERSPECTIVE VIEW





EXISTING EAST ELEVATION PHOTOS



EXISTING SOUTH ELEVATION PHOTOS







EXISTING NORTH ELEVATION PHOTOS





EXISTING WEST ELEVATION PHOTOS

EXISTING ORNAMENT TO REMAIN & BE REPAINTED

