

City of Bloomington Common Council

Legislative Packet

Monday, 16 September 2019

Special Session – To start between 7-8:00 PM

Wednesday, 18 September 2019

Regular Session – 6:30 PM

Agendas for the above meetings are included herein & supplemental materials are listed below:

Special Session	Regular Session
<p>Initial legislation and background material regarding <u>Ordinance 19-12</u> are contained in the 31 July 2019 Legislative Packet and subsequent material are contained herein.</p>	<p>See the 04 September 2019 <i>Legislative Packet</i> for materials regarding:</p> <ul style="list-style-type: none">• <u>Ordinance 19-15</u>,• <u>Ordinance 19-16</u>,• <u>Ordinance 19-17</u>, and• <u>Ordinance 19-18</u> <p>Legislation and background material regarding <u>Ordinance 19-19</u> is contained herein.</p>

For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402
812.349.3409
council@bloomington.in.gov
<http://www.bloomington.in.gov/council>

City of
Bloomington
Indiana



City Hall
401 N. Morton St.
Post Office Box 100
Bloomington, Indiana 47402

Office of the Common Council
(812) 349-3409
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To: Council Members
From: Council Office
Re: Weekly Packet
Date: 13 September 2019

LEGISLATIVE PACKET CONTENTS

**SPECIAL SESSION: MONDAY, 16 SEPTEMBER 2019 (Between 7:00 PM – 8:00 PM) &
REGULAR SESSION: WEDNESDAY, 18 SEPTEMBER 2019 [6:30 PM]**

- Memo from Council Office
- Special Session Agenda – Monday night
- Regular Session Agenda – Wednesday night
- Notice of Special Session to be held immediately after the previously scheduled Joint Session of City and County executives and fiscal bodies (starting no earlier than 7:00 pm but no later than 8:00 pm on Monday, 16 September 2019 in the Convention Center (Cook Room East & West) 302 South College Avenue, Bloomington, IN (47403)
***Special Session -
Previously Considered Legislation***
 - Ordinance 19-12 - To Amend the City of Bloomington Zoning Maps by Rezoning 3.85 Acres of Property from Commercial Arterial (CA) to Planned Unit Development and to Approve a District Ordinance and Preliminary Plan - Re: 1800 N. Walnut Street (CDG Acquisitions, LLC, Petitioner)
 - Reasonable Condition 01 (Cm. Volan, Sponsor)
 - Revisions to the PUD proposed by the Petitioner

*Contact: Cms. Volan, Chair (volans@bloomington.in.gov)****Regular Session
Second Reading***
 - Ordinance 19-17 - To Amend Title 10 of the Bloomington Municipal Code (BMC) Entitled “Wastewater” - Re: Amending BMC 10.08.140 (Connection Fees) to Allow Waiver of those Fees in Two Limited Circumstances – To Promote Conversion of Septic to Sewer and to Complement Certain City Affordable Housing Programs
 - Am 01 (Draft - Prepared in Anticipation of a Sponsor) – Clarifying availability of waiver for properties located outside of the City for conversion of septic to sewer in order to improve MS4 outcomes.***First Reading***
 - Ordinance 19-19 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Amending Title 2 to Create a Procedure to Address Conflicts of Interest by Employees Responsible for Issuing Permits
 - Memo to the Council from Barbara McKinney, Human Rights Director/City Attorney
 - BMC Title 2 (Administration and Personnel) – with Chapter 2.96 added to the Table of Contents and set forth at the end of the title

Contact: Barbara McKinney at 812-349-3426, mckinneb@bloomington.in.gov

SPECIAL SESSION ON MONDAY, 16 SEPTEMBER 2019, AT-A-GLANCE, STARTING BETWEEN 7:00 PM AND 8:00 PM, AT THE CONVENTION CENTER, COOK ROOM (EAST AND WEST)

Previously Considered Legislation

(Requires Motion to Suspend the Rules and Other Motions)

- Ordinance 19-12 - To Amend the City of Bloomington Zoning Maps by Rezoning 3.85 Acres of Property from Commercial Arterial (CA) to Planned Unit Development and to Approve a District Ordinance and Preliminary Plan - Re: 1800 N. Walnut Street (CDG Acquisitions, LLC, Petitioner)

REGULAR SESSION ON WEDNESDAY, 18 SEPTEMBER 2019, AT-A-GLANCE, 6:30 PM

Second Readings

- Ordinance 19-18 To Authorize the Issuance of Bonds by the Monroe County Redevelopment Commission Pursuant to IC 36-7-14-3.5
- Ordinance 19-15 An Ordinance Authorizing the Refunding of Certain Outstanding Sewage Works Revenue Bonds of the City; Authorizing the Issuance of the City of Bloomington, Indiana Sewage Works Refunding Revenue Bonds of 2019 to Provide Funds for Such Refunding and the Payment of the Costs Thereof; and Addressing Other Matters Connected Therewith
- Ordinance 19-16 To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" (Rate Adjustment)
- Ordinance 19-17 - To Amend Title 10 of the Bloomington Municipal Code (BMC) Entitled "Wastewater" - Re: Amending BMC 10.08.140 (Connection Fees) to Allow Waiver of those Fees in Two Limited Circumstances – To Promote Conversion of Septic to Sewer and to Complement Certain City Affordable Housing Programs
 - With Am 01 – included in this packet.

→ *Please see the weekly Council Legislative Packet issued for the 4 September 2019 Regular Session for the Legislation, Materials, and Summaries.*

First Reading

- Ordinance 19-19 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" - Re: Amending Title 2 to Create a Procedure to Address Conflicts of Interest by Employees Responsible for Issuing Permits

PRELIMINARY MATTERS – REMINDERS FOR THE WEEK, ETC.

Reminders of Other Meetings of Interest:

Monday

5:30 pm	Plan Commission – Special Hearings on UDO	Council Chambers
5:30 pm	Joint Session of City and County Executives and Fiscal Bodies	Convention Center – Cook Room – East and West
<i>Starting ~7:00 pm – 8:00 pm – Immediately following previous meeting –</i>	Special Session of the City Council	<i>Same</i>

Tuesday

5:30 pm	Plan Commission – Special Hearings on UDO	Board Room - Utilities Service Center
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Wednesday

6:30 pm	Common Council – Regular Session	Council Chambers
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SPECIAL SESSION – TO REOPEN CONSIDERATION OF ORDINANCE 19-12 - NEW MATERIALS – SUMMARY

Item 1:

Ordinance 19-12 - To Amend the City of Bloomington Zoning Maps by Rezoning 3.85 Acres of Property from Commercial Arterial (CA) to Planned Unit Development and to Approve a District Ordinance and Preliminary Plan - Re: 1800 N. Walnut Street (CDG Acquisitions, LLC, Petitioner)

Cms. Piedmont-Smith, Sandberg & Volan have called a Special Session to be held on Monday night in accordance with BMC 2.04.060 (Special Meetings). The meeting is to be held at the Convention Center immediately after the Joint Session of the City and County executives and fiscal bodies (which is in regard to the expansion of that project). The purpose of the Special Session to reopen consideration Ordinance 19-12 (proposing a PUD at 1800 North Walnut Street) which was rejected by the Council at the Regular Session on 4 September 2019 by a vote of 3-5-1.

Motion to Suspend the Rules – To Reopen Consideration of Ordinance 19-12 – Requires Six Votes
Prior to introduction of the ordinance that night, the Council would need to consider a Motion to Suspend the Rules in order to Reopen Consideration of Legislation Following Adjournment of

Meeting during which Action had been Taken. BMC 2.04.460 (Reconsideration of a Question) provides for a member voting with the majority to move for reconsideration of a vote prior to adjournment of the meeting. The motion was discussed but not taken that night. Suspension of the Rules would allow the Council to revisit the matter. It requires six votes and, if adopted, would allow a majority of the council present to decide what procedures should be followed that night. (BMC 2.04.090 – Amendment and suspension of the rules). In essence, this is a preliminary motion that would allow the Council to reopen the matter.

Motion to Return Council Consideration of Ordinance 19-12 to a Motion to Adopt - Requires Five Votes

Assuming the previous motion is adopted, then the Council will need to reset its consideration to some point in the previous deliberations. This paragraph suggests that the Council should consider a motion to return the Council to consideration of a Motion to Adopt. This would not make or introduce the motion to adopt the ordinance. Rather, it would have the Council take a few steps backward, so that it would be *ready* to entertain that motion or any other applicable motion. However, as mentioned in the next paragraph, once made, it erases the action you took on 4 September 2019 with the risk that the PUD as certified to the Council would go into effect.

The 90 Days for Council Consideration of this Ordinance Expires that Night – Options for the Council are to Adopt (with any Reasonable Conditions), Reject, or Fail to Act

Under IC 36-7-4-608 and related case law, the Council has 90 days from certification of Plan Commission action (which occurred on 17 June 2019) to adopt, reject, or fail to act on this ordinance. The former two alternatives occur with a majority vote of the Council either in favor or against a Motion to Adopt.¹ The latter of the three (Failure to Act) occurs in the event of any other outcome at the Council. Given the positive recommendation of the Plan Commission, the result of a failure to act is for the proposal as certified by the Plan Commission to go into effect. Given the weekend, that 90 days expires on Monday night. Therefore, some other action (like a postponement) or non-action, would allow this PUD to go into effect without the revisions proposed at the Council.

Reasonable Condition - 01

If the Council will be reopening consideration of Ordinance 19-12, it should consider adopting the changes proposed by the petitioner and perhaps further modifications and clarifications. Toward that goal, a *draft* Reasonable Condition (RC) 01 has been prepared on behalf of Cm. Volan. It:

- Approves the revisions proposed by the petitioner (which are attached to the reasonable condition form) as clarified and modified below: the project will:
 - Commit to offer on-site parking only a la carte, and not include parking spaces in rents.
 - Commit to an amount not to exceed \$300,000 to be spent, in consultation with Planning & Transportation, to complete the sidewalk network from the project to 19th on Walnut Street, and from Walnut to Dunn Street on 19th Street, or to equivalently enhance alternative transportation to serve pedestrian, bicycle, and other non-automotive traffic from the new apartment building.
 - Commit to funding a 5-mile-long Bloomington Transit bus route with a bus running every 30 minutes, during the IU academic school year, 12 hours a day Mondays

¹ As a matter of practice and in order to avoid confusion, the Council poses questions in the affirmative.

- through Thursdays and 10 hours a day on Fridays.
- Commit, in addition to the additional brick already committed to on the west facade, to additional brick directly above the sign marked “Seward Foundry” on both the west and south faces.
- Commit to a ratio of 0.556 structured parking spaces per bedroom.

→ For Draft RC-01 and attachments, please see Council Legislative Packet issued for this Special Session.

→ For the Report and Supplemental Petitioner Materials presented on 28 August 2019, please see the Council Legislative Packet issued for the [Regular Session on 4 September 2019](#).

→ For the initial legislation, materials, and summary, please see the Council Legislative Packet issued for the [Regular Session and Committee of the Whole on 31 July 2019](#).

REGULAR SESSION – SECOND READINGS – NEW MATERIALS - SUMMARY

Item 4.

AMENDMENT

Ordinance 19-17 - To Amend Title 10 of the Bloomington Municipal Code (BMC) Entitled “Wastewater” - Re: Amending BMC 10.08.140 (Connection Fees) to Allow Waiver of those Fees in Two Limited Circumstances – To Promote Conversion of Septic to Sewer and to Complement Certain City Affordable Housing Programs

An amendment (Am 01) has been prepared for this ordinance. As a result of your discussion last Wednesday, it clarifies the circumstances when a property owner may obtain a waiver of connection fees for purposes of converting from septic to sewer or otherwise protecting the municipal separate stormwater sewer system (MS4). Those circumstances are tied to the presence of an adjacent sewer line and the capacity to carry that additional sewer. It also corrects a citation in the sub-title.

REGULAR SESSION – FIRST READINGS – NEW MATERIALS - SUMMARY

Item 1:

Ordinance 19-19 - To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Amending Title 2 to Create a Procedure to Address Conflicts of Interest by Employees Responsible for Issuing Permits

As the memo from Barbara McKinney, Human Rights Director/Assistant City Attorney, states, [Ordinance 19-19](#) amends Title 2 (Administration and Personnel) to insert a financial conflict of interest provision regarding the issuance of permits by building commissioners, building code officials and inspectors. This action by the City is required by a new provision of the Indiana Code that went into effect on July 1st.²

The core provision of the new statute creates the following prohibition:

² PL 3-2019, which added IC 36-1-27-1 through 4 to the Indiana Code.

A building commissioner, building code official, or inspector of a unit may not issue a permit or oversee the issuance of a permit through a subordinate if the building commissioner, building code official, or inspector has a conflict of interest. IC 36-1-27-3

The kinds permits, certificates, and approvals subject to this prohibition are specified in IC 36-1-27-2,³ listed by McKinney in her memo, and are handled by various staff in the Planning and Transportation and HAND departments.

Having established the prohibition and its scope, the last section of the statute⁴ then imposes two further requirements that necessitate this ordinance.

First, it requires units⁵ to adopt ordinances which provide a procedure for affected staff to report when they would be issuing or overseeing the issuance of a permit in which they have a direct or indirect financial interest. ⁶ Our ordinance repeats the definition of “conflict of interest” set forth in statute and requires affected staff to report it to their department head and City’s conflicts officer (who happens to be McKinney). Please note that while statute and our ordinance do not further define “conflict of interest” beyond “a direct or indirect financial interest in the issuance of the permit,” McKinney indicates that the “City strives to go beyond the letter of the law in conflicts situations, requiring employees to avoid not only actual conflicts of interest, but also, to the extent practica[ble], even the clear appearance of a conflict of interest.”

Second, statute requires that the ordinance also provide for the affected staff to be removed from the issuance process and for the City to appoint a qualified, temporary replacement to perform those duties in their place. Our ordinance requires that:

Promptly upon receipt of a conflict of interest report made under this chapter, the department head, in consultation with the City’s conflicts officer, shall appoint a qualified temporary replacement building commissioner, building code official or inspector. The employee with a conflict will have no role in the permit review process.

³ According to IC 36-1-27-2, a permit is defined by IC 36-7-4-1109(b), which includes the following within the meaning of this term:

- (1) An improvement location permit.
- (2) A building permit.
- (3) A certificate of occupancy.
- (4) Approval of a site-specific development plan.
- (5) Approval of a primary or secondary plat.
- (6) Approval of a contingent use, conditional use, special exception or special use.
- (7) Approval of a planned unit development.

⁴ IC 36-1-27-4

⁵ The term “unit” includes counties, municipalities, and townships. IC 36-1-3-23

⁶ IC 36-1-27-1

**AGENDA
BLOOMINGTON COMMON COUNCIL
SPECIAL SESSION**

**IMMEDIATELY FOLLOWING THE CITY/COUNTY JOINT SESSION
TO START BETWEEN 7:00 PM - 8:00 P.M.
MONDAY, 16 SEPTEMBER 2019**

**MONROE COUNTY CONVENTION CENTER
COOK ROOM EAST AND WEST
302 SOUTH COLLEGE AVE., BLOOMINGTON, IN 47403**

I. ROLL CALL

II. AGENDA SUMMATION

III. PREVIOUSLY CONSIDERED LEGISLATION

1. Motion to Suspend the Rules to Reopen Consideration for Ordinance 19-12.
2. Motion to Return Council Consideration of Ordinance 19-12 to a Motion to Adopt

(To be entertained once the previous motion is approved.)

3. Ordinance 19-12 To Amend the City of Bloomington Zoning Maps by Rezoning 3.85 Acres of Property from Commercial Arterial (CA) to Planned Unit Development and to Approve a District Ordinance and Preliminary Plan - Re: 1800 N. Walnut Street (CDG Acquisitions, LLC, Petitioner)

Common Council-Regular Session Action (04 September 2019)

Motion to be Adopted

Adopt: 3 – 5 – 1 (*Rejected*)

Land Use Committee Report Filed (04 September 2019)

Land Use Committee Recommendation (28 August 2019):

Do Pass: 0 – 1 – 3

Regular Session Action (31 July 2019):

Referred to Land Use Committee for
report on 04 September 2019

Adopt: 7 – 0 – 0

IV. COUNCIL SCHEDULE

V. ADJOURNMENT

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
REGULAR SESSION
6:30 P.M., WEDNESDAY, 18 SEPTEMBER 2019
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES *None*

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

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

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 19-18 To Authorize the Issuance of Bonds by the Monroe County Redevelopment Commission Pursuant to IC 36-7-14-3.5

Committee of the Whole Action (11 September 2019)

Committee Recommendation

Do Pass: 8 – 0 – 0

2. Ordinance 19-15 An Ordinance Authorizing the Refunding of Certain Outstanding Sewage Works Revenue Bonds of the City; Authorizing the Issuance of the City of Bloomington, Indiana Sewage Works Refunding Revenue Bonds of 2019 to Provide Funds for such Refunding and the Payment of the Costs Thereof; and Addressing Other Matters Connected Therewith

Committee of the Whole Action (11 September 2019)

Committee Recommendation

Do Pass: 8 – 0 – 0

3. Ordinance 19-16 To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater” (Rate Adjustment)

Committee of the Whole Action (11 September 2019)

Committee Recommendation

Do Pass: 7 – 0 – 1

4. Ordinance 19-17 To Amend Title 10 of the Bloomington Municipal Code (BMC) Entitled “Wastewater” - Re: Amending BMC 10.08.040 (Connection Fees) to Allow Waiver of those Fees in Two Limited Circumstances – To Promote Conversion of Septic to Sewer and to Complement Certain City Affordable Housing Programs

Committee of the Whole Action (11 September 2019)

Committee Recommendation

Do Pass: 8 – 0 – 0

VII. LEGISLATION FOR FIRST READING

1. Ordinance 19-19 - To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Amending Title 2 to Create a Procedure to Address Conflicts of Interest by Employees Responsible for Issuing Permits

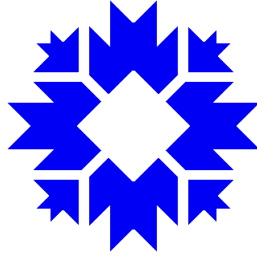
VIII. ADDITIONAL PUBLIC COMMENT*

(A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak. *Auxiliary aids are available upon request with adequate notice. Please call (812) 349-3409 or e-mail council@bloomington.in.gov.*



City of Bloomington
Office of the Common Council

NOTICE

Monday, 16 September 2019

**Cm. Piedmont-Smith, Sandberg, and Volan
have called a *Special Session*
per BMC 2.04.060.**

Topic: Reconsideration of Ordinance 19-12
(PUD at 1800 N. Walnut Street)

When: After the previously noticed *Joint Session*
No earlier than 7:00 PM and no later than 8:00 PM.

Where: Monroe County Convention Center,
302 S. College Ave, Cook Rm. East & West
Bloomington IN 47403

This gathering constitutes a meeting of the Common Council under Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice to the public of this meeting and that this meeting is open for the public to attend, observe, and record what transpires.

Posted: Friday, 12 September 2019

***** Reasonable Conditions Form *****

Ordinance #: 9-12
Reasonable Condition #: 01
Submitted By: Cm. Volan, District VI
Date: September 2019

Proposed Reasonable Condition:

1. Ordinance 19-12, as certified by the Plan Commission, shall be revised by the following Reasonable Conditions.
2. During deliberations at the Land Use Committee on 28 August 2019 and subsequently at the Regular Session on 04 September 2019, the Petitioner proposed changes, which are attached to this document. These include:
 - (a) CDG Bloomington Revisions – a two-page narrative, with six bullet points as of 28 August 2019, and another five bullet points which were added as of 04 September 2019.
 - (b) Revisions to the Overall Site Plan and Elevation Package dated 8/22/19, which do not reflect all of the revisions described in the above narrative.
3. The Common Council adopts the reasonable conditions set forth in Section 2 as clarified and modified below:

The project will also:

- Commit to offer on-site parking only a la carte, and not include parking spaces in rents.
- Commit to an amount not to exceed \$300,000 to be spent, in consultation with Planning & Transportation, to complete the sidewalk network from the project to 19th on Walnut Street, and from Walnut to Dunn Street on 19th Street, or to equivalently enhance alternative transportation to serve pedestrian, bicycle, and other non-automotive traffic from the new apartment building.
- Commit to funding a 5-mile-long Bloomington Transit bus route with a bus running every 30 minutes, during the IU academic school year, 12 hours a day Mondays through Thursdays and 10 hours a day on Fridays.
- Commit, in addition to the additional brick already committed to on the west facade, to additional brick directly above the sign marked “Seward Foundry” on both the west and south faces.
- Commit to a ratio of 0.556 structured parking spaces per bedroom.

Synopsis

This Reasonable Condition approves and modifies changes proposed by the Petitioner at the Land Use Committee on 28 August 2019 as revised with presentations on 04 September 2019 and as clarified and modified in the Council via this document.

8/7/19 Land Use Committee Action: None
8/28/19 Land Use Committee Action: None
9/04/19 Regular Session Action: None
9/16/19 Special Session Action: *Pending*

(13 September 2019)



Steven A. Brehob, BS.CnT.
Todd M. Borgman, P.L.S.
Don J. Kocarek, R.L.A.
Katherine E. Stein, P.E.
Stephen L. Smith, P.E., L.S.

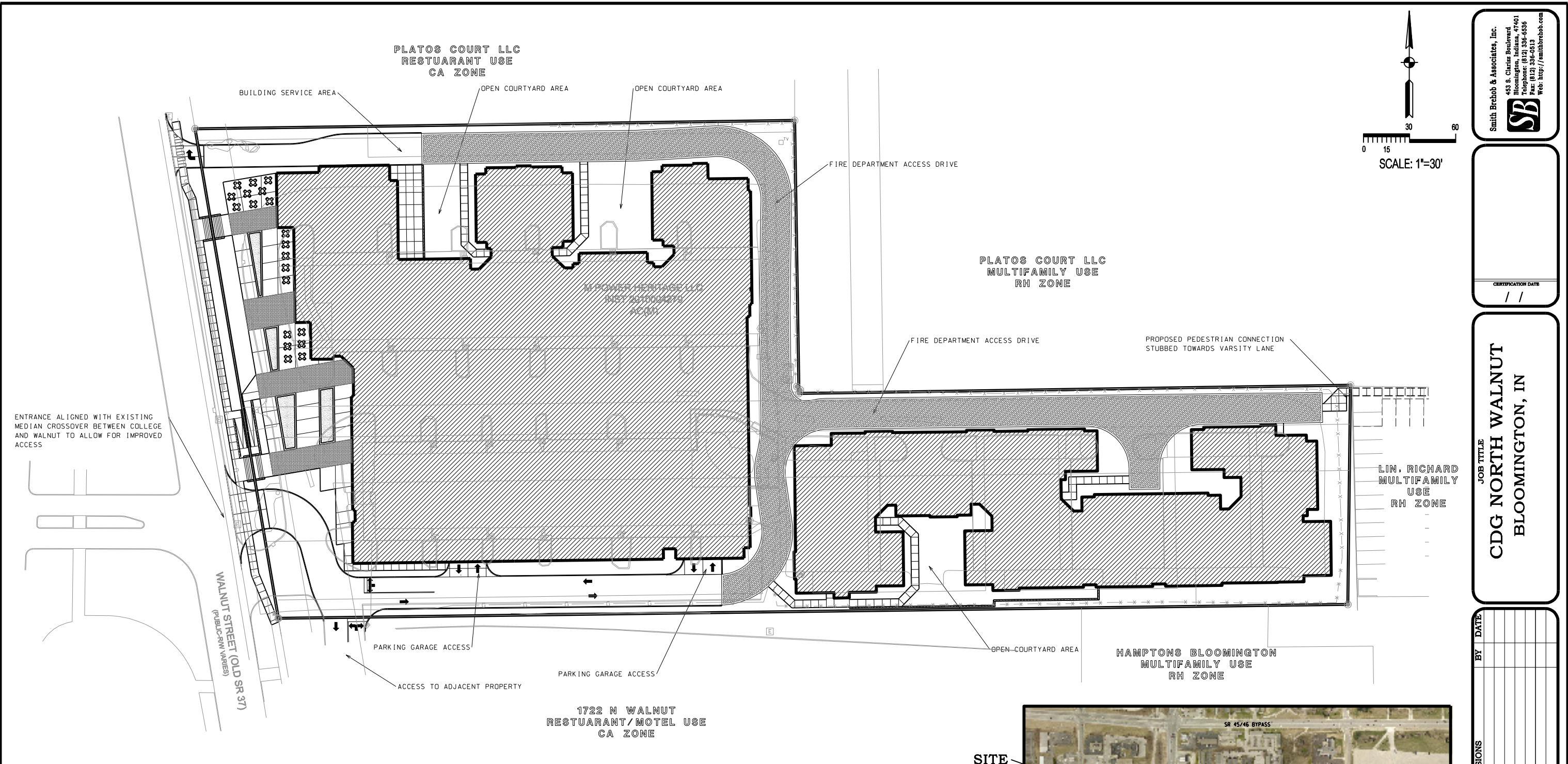
CDG Bloomington – Revisions

The following site and architectural revisions were made to the project to address comments received from Council and adjacent property owners:

- The access drive and parking in front of the building was eliminated. All commercial parking will be within the parking garage.
- The building was slid forward towards the public sidewalk and the commercial portion of the building was expanded to pull it closer to the sidewalk. The purpose of this was to give the building more of a street presence and to increase visibility of the commercial portion of the building for vehicles on northbound Walnut without losing visibility from southbound College. Shifting all the commercial area to the south side of the building is not feasible. The grade along the south side of the building rises so quickly that only a small portion of the space would be visible from northbound Walnut Street and much of it would be hidden behind the adjacent building and what could be developed on the adjacent site in the future. Shifting the commercial area to the south side of the building would eliminate its visibility from southbound College. Having the ability to cut through the median from southbound College to the site enforces the importance of having southbound visibility as well.
- Additional modulation was created along the frontage by sliding the building forward, adding to the front façade, creating overhang and recesses.
- A large outdoor plaza was created in front of the building with a nod towards outdoor seating and gathering to increase interaction with the street and to make it pedestrian accessible and pedestrian friendly. To make outdoor seating viable it must be separated from northbound Walnut. Walnut is a high traffic volume roadway and sitting outdoors immediately adjacent to the existing sidewalk is not desirable. Pedestrians and outdoor dining participants need to feel that their seating is safe and separate from the roadway. The noise level also needs to be low enough that conversation is possible. Having the vertical and horizontal separation shown provides that.
- Two pedestrian access points were created leading from the public sidewalk to the plaza. These access points are located at the north and south end of the plaza to promote circulation through the plaza. These access locations consist of 15' wide stairs and an accessible ramp. Both are necessary to overcome the 4' or so grade difference between the public sidewalk and plaza. The elevation difference is created by an existing water main that serves the north Walnut area that is located behind the R/W on

this site and within a 20' wide easement. The access points are accented with pavers leading towards building entry points.

- The eastern most portion of the building was shifted further north from the common property line with “The Hamptons” to create a setback of 13’-15’.
- One floor of the back building was removed, which reduced the density to 241 units and 750 beds.
- The project will include 50 solar panels, which will produce approximately 20kW of power.
- The Project will include a 2,000 SF green roof, which will provide a storm water buffer, reduce the heat island effect, reduce the energy demand and reduce carbon monoxide impact.
- CDG and Bloomington Transit agreed to preliminary terms for a public shuttle bus service. CDG will pay for the operational costs of the route for an initial term of three years.
- Additional brick was added throughout the project, including in the courtyards and along the southern façade.



Smith Brechob & Associates, Inc.
 483 S. Clariss Boulevard
 Bloomington, Indiana, 47401
 Telephone: (812) 336-6836
 Fax: (812) 336-0213
 Web: http://smithbrechob.com

CERTIFICATION DATE
 / /

JOB TITLE:
**CDG NORTH WALNUT
 BLOOMINGTON, IN**

REVISIONS	BY	DATE

DESIGNED	DRAWN	CHECKED	DATE
SAB	SAB	SAB	

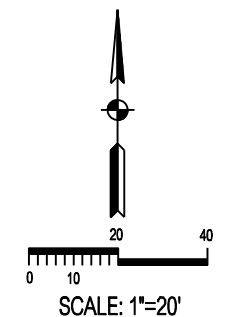
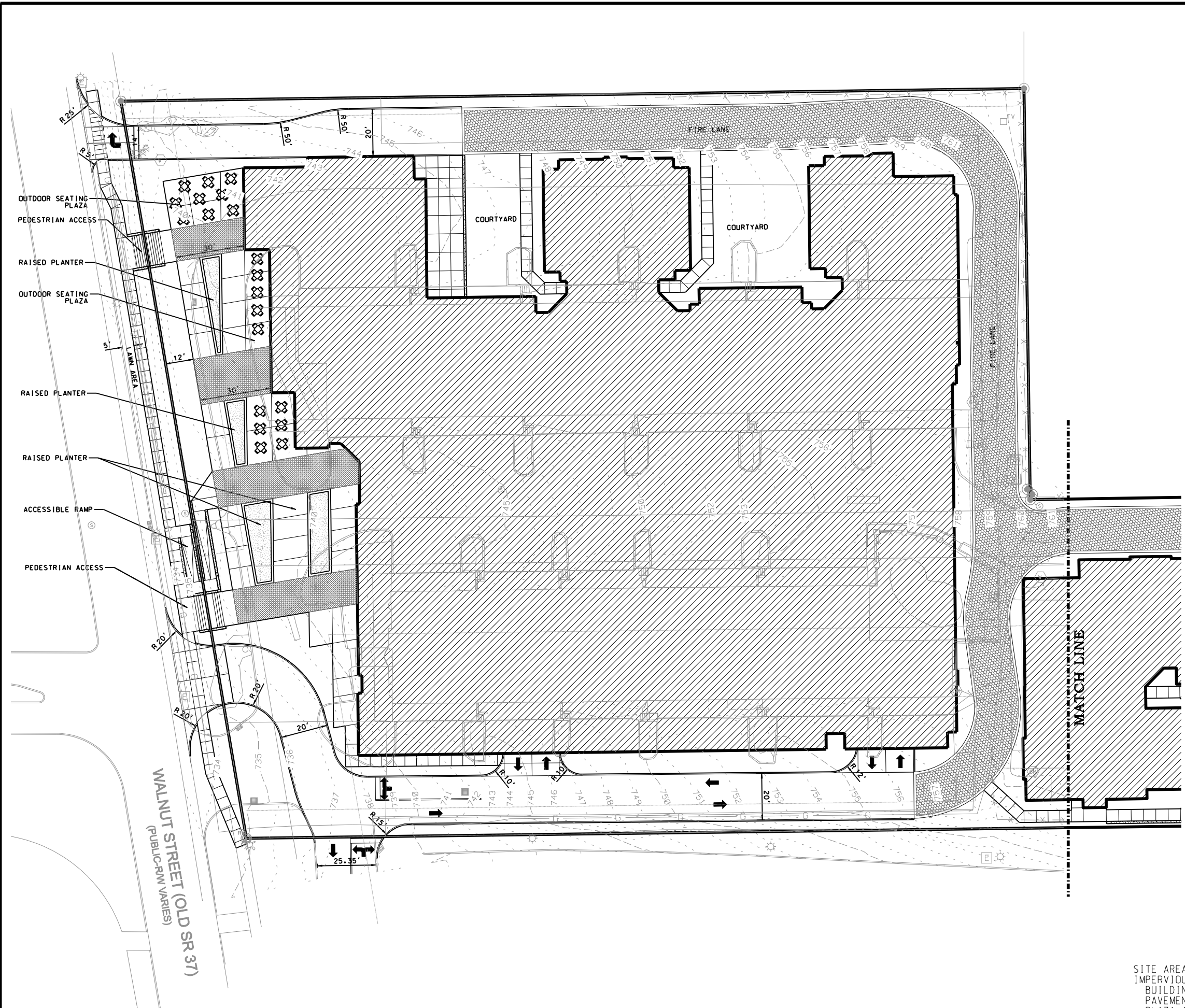
JOB NUMBER
5827
 SHEET
C201
 DATE
08/22/19
 OVERALL
 SITE PLAN

PROPERTY LEGAL DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS 1,183.00 FEET NORTH 01 DEGREES 26 MINUTES WEST AND 22.00 FEET SOUTH 88 DEGREES 49 MINUTES WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, SAID POINT OF BEGINNING BEING ON THE WEST RIGHT-OF-WAY OF DUNN STREET; THENCE SOUTH 88 DEGREES 49 MINUTES WEST OVER AND ALONG THE NORTH LINE OF MILLER COURTS ADDITION FOR A DISTANCE OF 929.73 FEET; THENCE NORTH 00 DEGREES 03 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 375.70 FEET TO A 5/16 INCH IRON ROD (FOUND) AT THE REAL POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 32 MINUTES WEST FOR A DISTANCE OF 644.29 FEET TO A 5/16 INCH PIPE (FOUND) ON THE EAST RIGHT-OF-WAY OF INDIANA STATE ROAD 37 (NORTH WALNUT STREET); THENCE NORTH 10 DEGREES 21 MINUTES 53 SECONDS WEST OVER AND ALONG SAID EAST RIGHT-OF-WAY FOR A DISTANCE OF 323.12 FEET TO A 5/16 INCH IRON ROD (FOUND); THENCE LEAVING SAID RIGHT-OF-WAY NORTH 88 DEGREES 27 MINUTES EAST FOR A DISTANCE OF 390.38 FEET TO A 5/16 INCH IRON ROD (SET); THENCE SOUTH 01 DEGREES 34 MINUTES EAST FOR A DISTANCE OF 177.74 FEET TO A 5/16 INCH IRON ROD (SET); THENCE NORTH 88 DEGREES 25 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 358.99 FEET TO A 5/16 INCH IRON ROD (SET); THENCE SOUTH 00 DEGREES 00 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 142.77 FEET TO A 5/16 INCH IRON ROD (SET); THENCE SOUTH 88 DEGREES 32 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 51.77 FEET TO THE REAL POINT OF BEGINNING, CONTAINING 3.85 ACRES, MORE OR LESS.





SITE LEGEND

DRAINAGE EASEMENT	10' DE
UTILITY EASEMENT	10' UE
DR. & UT. EASEMENT	10' DAUE
2' ROLL CURB	2'-00
2' CURB AND GUTTER	2'-00
6" STANDING CURB	6"-00
CONCRETE SIDEWALK	CONCRETE
HANDICAPPED RAMP	HANDICAPPED RAMP
HANDICAPPED RAILING	HANDICAPPED RAILING
RET. WALL (CONCRETE)	RET. WALL (CONCRETE)
RET. WALL (MASONRY)	RET. WALL (MASONRY)
RET. WALL (STONE)	RET. WALL (STONE)
RET. WALL (WOOD)	RET. WALL (WOOD)
FENCE (BARB WIRE)	FENCE (BARB WIRE)
FENCE (CHAIN LINK)	FENCE (CHAIN LINK)
FENCE (SMOOTH WIRE)	FENCE (SMOOTH WIRE)
FENCE (POST & RAIL)	FENCE (POST & RAIL)
FENCE (WOOD SLAT)	FENCE (WOOD SLAT)
GUARD RAIL	GUARD RAIL
PROPOSED STREET TREE	PROPOSED STREET TREE
BOLLARD	BOLLARD
DUMPSTER (WOOD)	DUMPSTER (WOOD)
DUMPSTER (MASONRY)	DUMPSTER (MASONRY)

Smith Brechob & Associates, Inc.
 483 S. Clarks Boulevard
 Bloomington, Indiana, 47401
 Telephone: (812) 336-6836
 Fax: (812) 336-0813
 Web: <http://smithbrechob.com>

CERTIFICATION DATE
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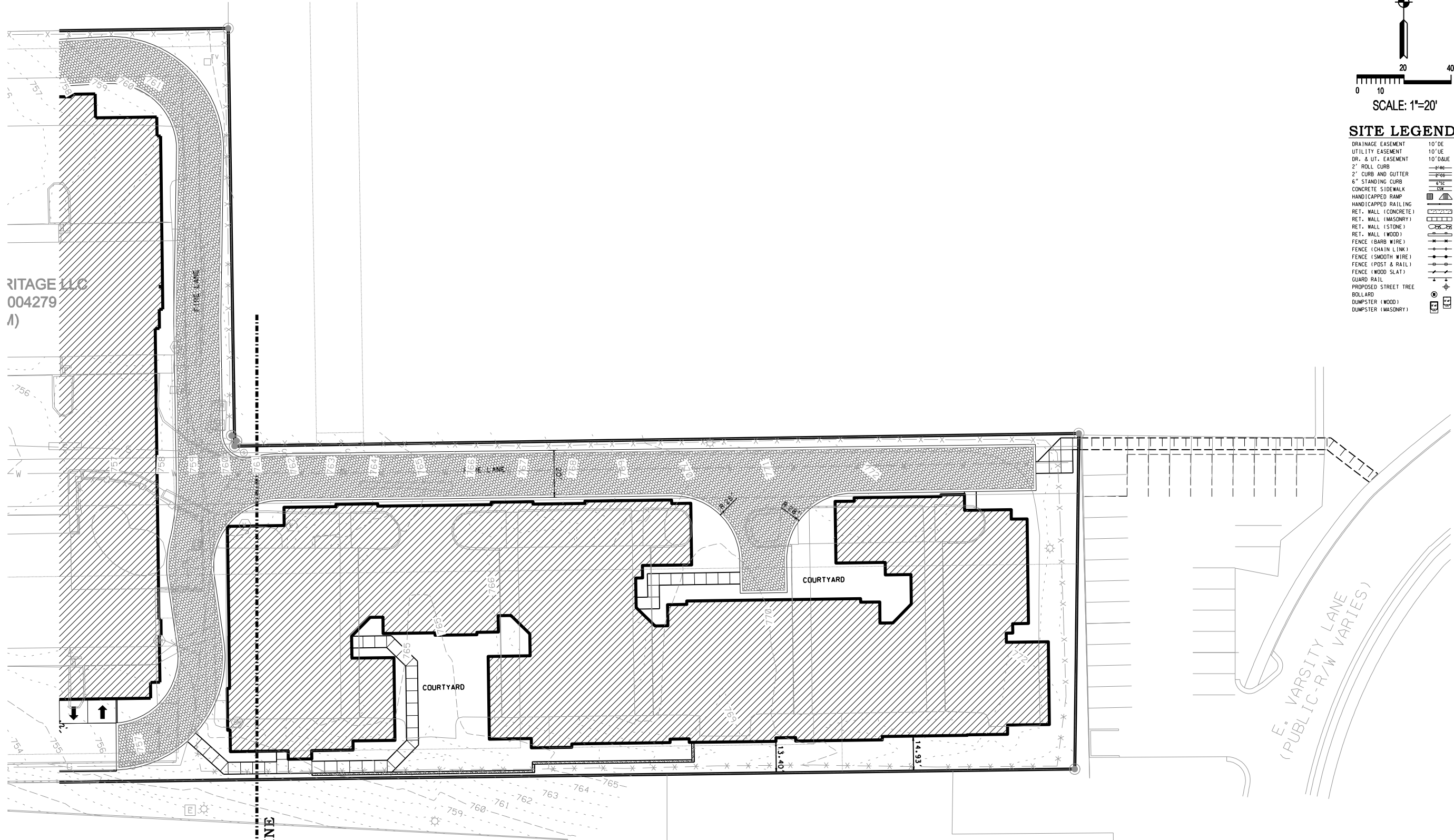
JOB TITLE:
**CDG NORTH WALNUT
 BLOOMINGTON, IN**

REVISIONS	BY	DATE

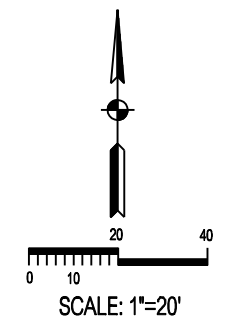
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JOB NUMBER
5827
 SHEET
C202
 DATE
08/22/19
 ENLARGED
 CONCEPT
 SITE PLAN

SITE AREA = 167,646.22 SF
 IMPERVIOUS SURFACE COVERAGE PERMITTED WITHIN PUD = 70%
 BUILDING AREA = 92,890 SF TOTAL
 PAVEMENT = 11,360 SF
 PLAZA AND SIDEWALKS = 6,142 SF
 TOTAL IMPERVIOUS SURFACE COVERAGE = 110,392 SF
 IMPERVIOUS SURFACE PERCENTAGE SHOWN = 65.8%



RITAGE LLC
004279
A)



SITE LEGEND

DRAINAGE EASEMENT	10' DE
UTILITY EASEMENT	10' UE
DR. & UT. EASEMENT	10' DAUE
2" ROLL CURB	— 2" —
2' CURB AND GUTTER	— 2' —
6" STANDING CURB	— 6" —
CONCRETE SIDEWALK	— 4" —
HANDICAPPED RAMP	— 4" —
HANDICAPPED RAILING	— 4" —
RET. WALL (CONCRETE)	— 4" —
RET. WALL (MASONRY)	— 4" —
RET. WALL (STONE)	— 4" —
RET. WALL (WOOD)	— 4" —
FENCE (BARB WIRE)	— 4" —
FENCE (CHAIN LINK)	— 4" —
FENCE (SMOOTH WIRE)	— 4" —
FENCE (POST & RAIL)	— 4" —
FENCE (WOOD SLAT)	— 4" —
GUARD RAIL	— 4" —
PROPOSED STREET TREE	— 4" —
BOLLARD	— 4" —
DUMPSTER (WOOD)	— 4" —
DUMPSTER (MASONRY)	— 4" —

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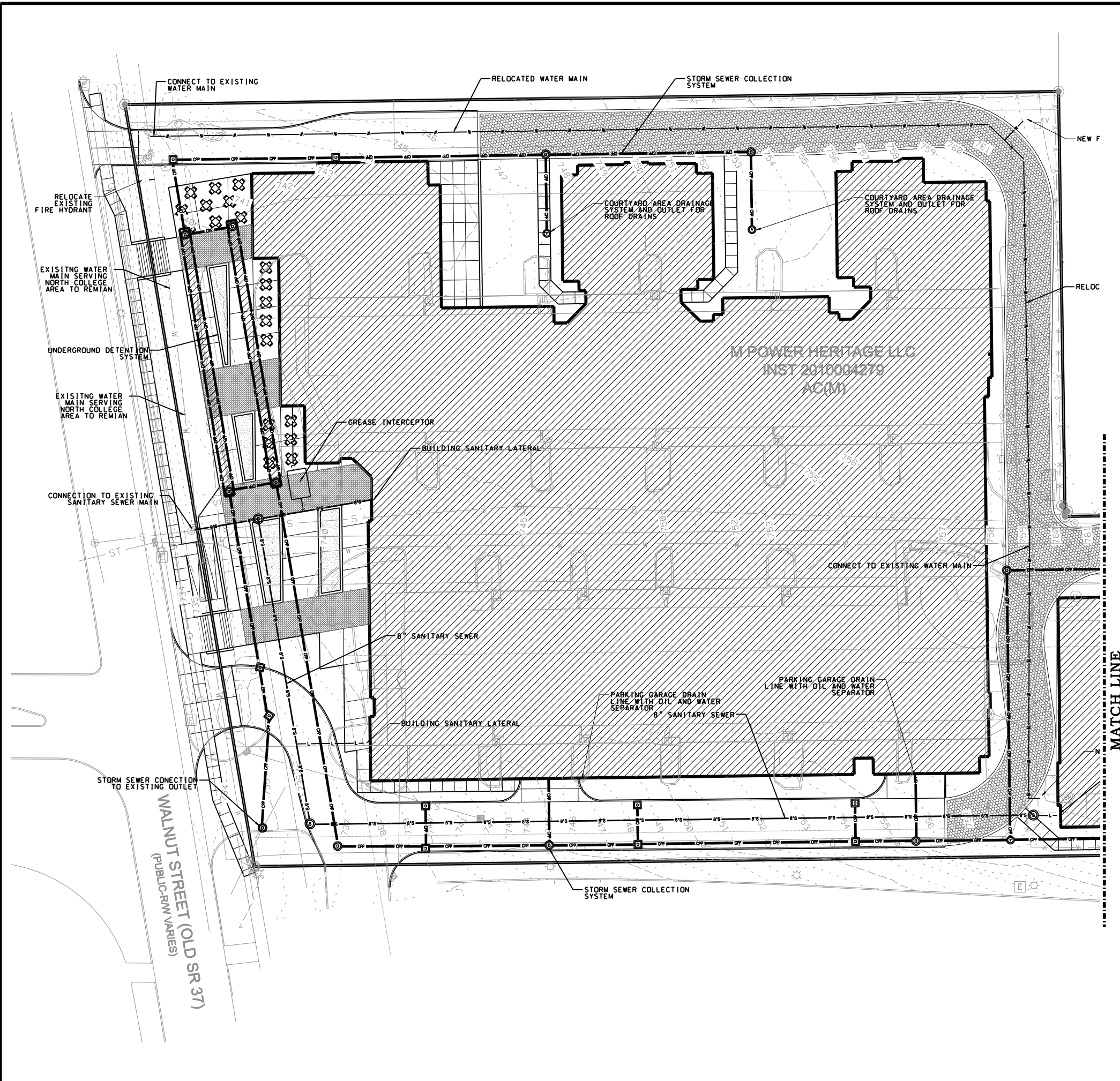
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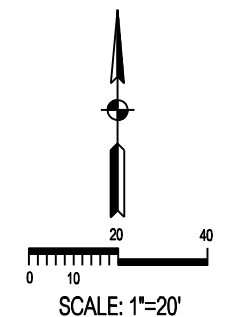
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SHEET
C203
DATE
08/22/19
ENLARGED
CONCEPT
SITE PLAN
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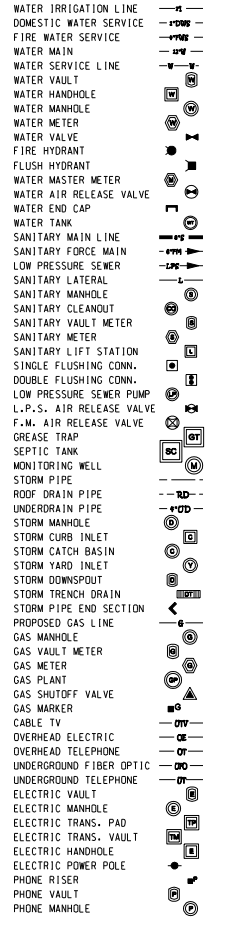


UTILITY NOTES

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- 7) IN ACCORDANCE WITH SECTION 4.5.2.1-5.1, OF THE CBU CONSTRUCTION SPECIFICATIONS ALL SEWER LATERALS SHALL HAVE A CLEAN-OUT AT LEAST EVERY 90 FEET. 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 CATALOGUE NO. 2975 OR NEENAH 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 PAVEMENT, THE TOP OF THE CASTING SHALL BE FLUSH WITH THE SURROUNDING PAVEMENT. TOP OF CLEAN-OUT SHALL BE NO MORE THAN 3" BELOW THE TOP OF THE CASTING. A #10 INSULATED SOLID COPPER LOCATOR WIRE SHALL BE WRAPPED AROUND ALL NON-METALLIC PIPES SO THAT ONE REVOLUTION 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 WITH A CLEAN-OUT IN A CASTING. ALSO SEE THE CBU CONSTRUCTION SPECIFICATIONS FOR THE "STANDARD SANITARY LATERAL CLEAN-OUT DETAIL #19".
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- 9) ALL D.I.P. USED FOR SANITARY SEWER SHALL HAVE CERAMIC EPOXY LINING, MINIMUM THICKNESS 40 MILS, AND SHALL BE PROTECTED 401, AS MANUFACTURED BY INDOURON PROTECTIVE COATINGS. WYES FOR D.I.P. SHALL BE HARCO D.I.P. TO SDR-35 ADAPTER WYES.
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- 12) ALL DUCTILE IRON PIPE (DIP) WILL REQUIRE POLYETHYLENE ENCASEMENT SLEEVES AND SHALL BE 8-MIL LINEAR LOW-DENSITY (LLD) POLYETHYLENE ENCASEMENT OR 4-MIL HIGH-DENSITY CROSS-LAMINATED (HDCL). POLYETHYLENE ENCASEMENT MATERIAL, INCLUSIVE OF VALVES AND FITTINGS, THE MATERIAL SHALL BE FURNISHED AND INSTALLED IN ACCORDANCE WITH ANSI/AWWA C-105/A21.5, USING PLASTIC TIE STRIPS OR CIRCUMFERENTIAL OR ADHESIVE TAPE PROVIDING THE PIPE WITH A SECURE PROTECTIVE ENCLOSURE.
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UTILITY LEGEND



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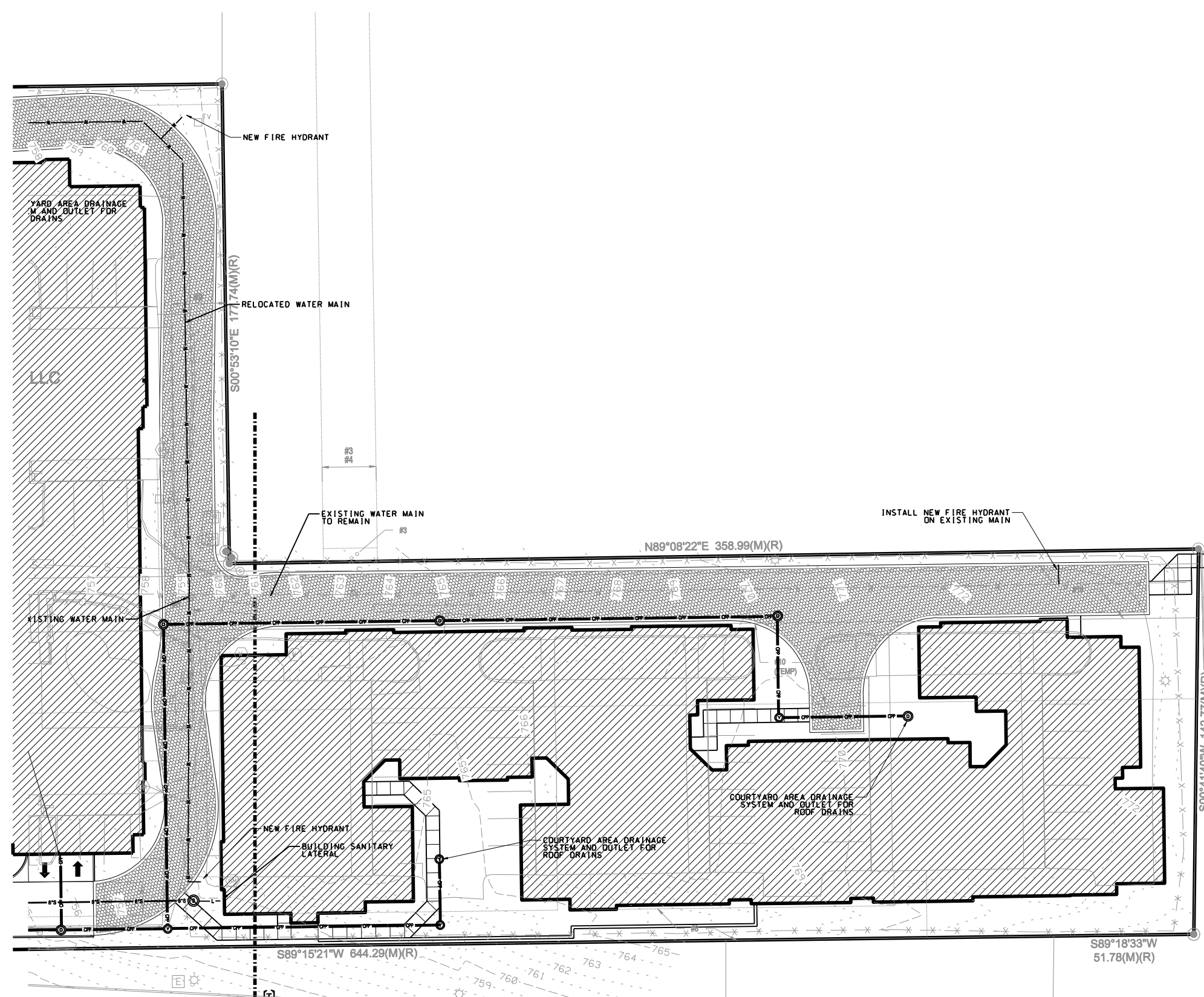
CERTIFICATION DATE
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JOB TITLE:
**CDG NORTH WALNUT
 BLOOMINGTON, IN**

REVISIONS	BY	DATE

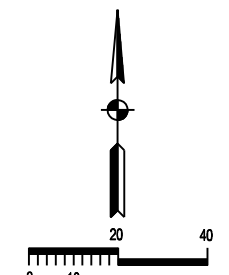
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JOB NUMBER
5827
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C204
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08/22/19
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 CONCEPT
 UTILITY PLAN



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UTILITY LEGEND

- WATER IRRIGATION LINE
- DOMESTIC WATER SERVICE
- FIRE WATER SERVICE
- WATER MAIN
- WATER SERVICE LINE
- WATER VAULT
- WATER MANHOLE
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- FLUSH HYDRANT
- WATER MASTER METER
- WATER AIR RELEASE VALVE
- WATER END CAP
- WATER TANK
- SANITARY MAIN LINE
- SANITARY FORCE MAIN
- LOW PRESSURE SEWER
- SANITARY LATERAL
- SANITARY MANHOLE
- SANITARY CLEANOUT
- SANITARY VAULT METER
- SANITARY METER
- SANITARY LIFT STATION
- SINGLE FLUSHING CONN.
- DOUBLE FLUSHING CONN.
- LOW PRESSURE SEWER PUMP
- L.P.S. AIR RELEASE VALVE
- F.W. AIR RELEASE VALVE
- GREASE TRAP
- SEPTIC TANK
- MONITORING WELL
- STORM PIPE
- ROOF DRAIN PIPE
- UNDERDRAIN PIPE
- STORM MANHOLE
- STORM CURB INLET
- STORM CATCH BASIN
- STORM YARD INLET
- STORM TRENCH DRAIN
- STORM PIPE END SECTION
- PROPOSED GAS LINE
- GAS MANHOLE
- GAS VAULT METER
- GAS METER
- GAS PLANT
- GAS SHUTOFF VALVE
- GAS MARKER
- CABLE TV
- OVERHEAD TELEPHONE
- UNDERGROUND FIBER OPTIC
- UNDERGROUND TELEPHONE
- ELECTRIC VAULT
- ELECTRIC MANHOLE
- ELECTRIC TRANS. PAD
- ELECTRIC TRANS. VAULT
- ELECTRIC HANDHOLE
- ELECTRIC POWER POLE
- PHONE RISER
- PHONE VAULT
- PHONE MANHOLE

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08/22/2019



COLLEGIATE
DEVELOPMENT
GROUP

ELEVATION PACKAGE
BLOOMINGTON, IN



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STREET VIEW PERSPECTIVE



08/22/2019

ELEVATIONS

FINISH SCHEDULE

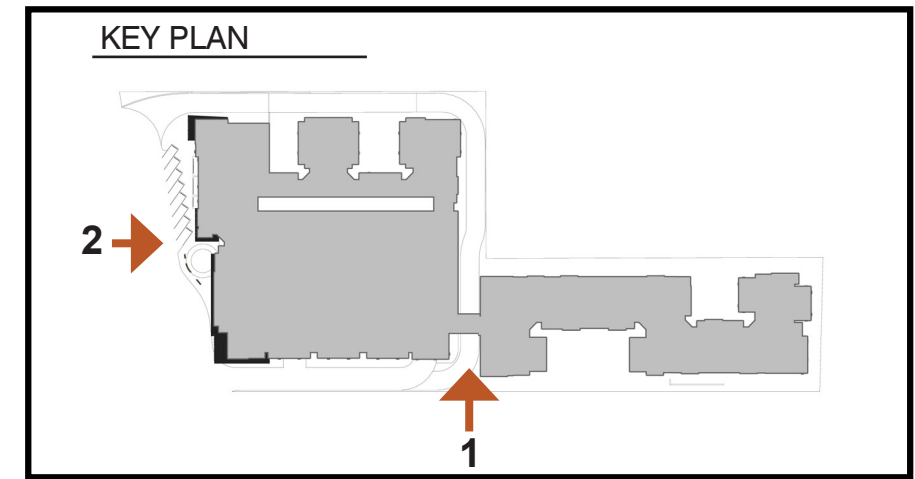
1 BRICK VENEER 1 - LIGHT	4 CEMENTITIOUS LAP SIDING	7 VINYL WINDOWS	10 MESH RAILING	13 PT-1	16 PT-4
2 BRICK VENEER 2 - DARK	5 BOARD AND BATTEN	8 ALUMINUM STOREFRONT	11 MTL. CANOPY	14 PT-2	17 PT-5
3 CEMENTITIOUS PANEL	6 WOODTONE	9 BALCONY W/ MTL. PNL. RAILING	12 TRIM BOARD	15 PT-3	18 PT-6



1 ELEVATION FACING SOUTH
SCALE: 1"=50'



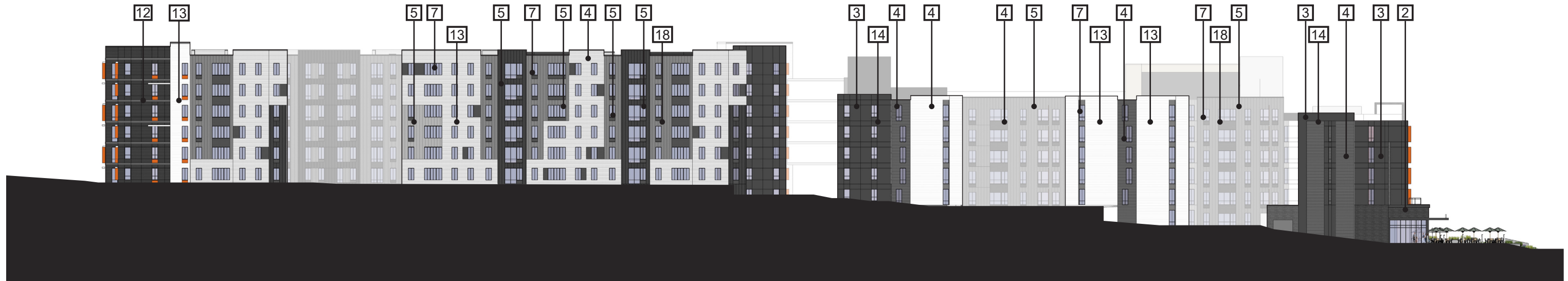
2 ELEVATION FACING EAST
SCALE: 1"=50'



ELEVATIONS

FINISH SCHEDULE

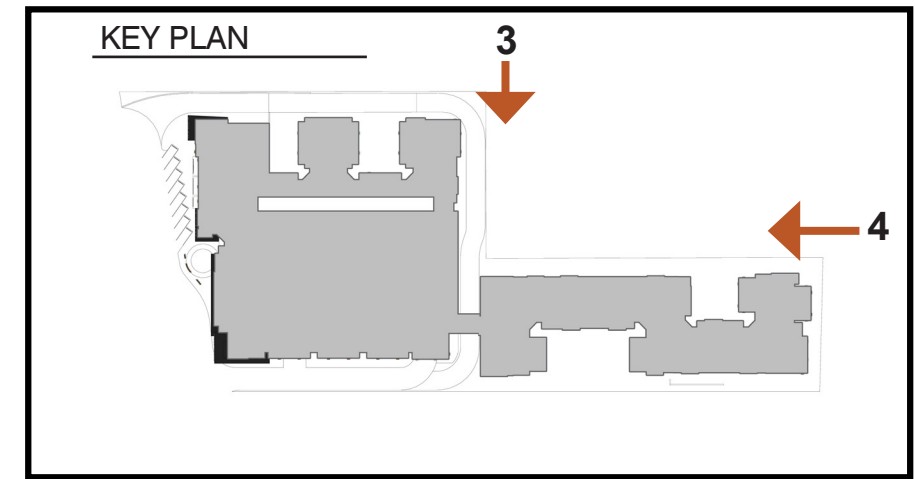
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3 ELEVATION FACING NORTH
SCALE: 1"=50'



4 ELEVATION FACING WEST
SCALE: 1"=50'



08/22/2019

***** Amendment Form *****

Ordinance #: 19-17
Amendment #: Am 01
Submitted By: Council Office (with request for sponsorship)
Date: September 11, 2019

Proposed Amendment:

1. Ordinance 19-17 shall be amended by deleting the code reference “BMC 10.08.040” as it appears in the subtitle and replacing it with “BMC 10.08.140.”

2. Ordinance 19-17 shall be further amended by deleting Section 2 (b) and replacing it with the following:
 - (b) Upon application for waiver by an owner of real property which is adjacent to an easement or public roadway in which a public sewer is located, provided that the public sewer has the capacity to adequately accept the flow, for the purpose of abandoning an existing septic system or to otherwise protect the municipal separate stormwater sewer system (MS4).”

Synopsis

This amendment was prepared by the Council Office with a request for sponsorship. It clarifies the circumstances under which a property owner may obtain a waiver of connection fees for purposes of converting from septic to sewer or otherwise protecting the municipal separate stormwater sewer system (MS4). It also corrects the reference to the municipal codes as it appears in the sub-title of the ordinance.

9/11/19 Committee Action: *None*
9/18/19 Regular Session Action: *Pending*

(9/13/19)

- See changes in context on the following page -

CHANGES TO ORDINANCE

TITLE

ORDINANCE 19-17

**TO AMEND TITLE 10
OF THE BLOOMINGTON MUNICIPAL CODE (BMC)
ENTITLED “WASTEWATER”
- Re: Amending BMC 10.08.040 140 (Connection Fees) to
Allow Waiver of those Fees in Two Limited Circumstances –
To Promote Conversion of Septic to Sewer and to Complement
Certain City
Affordable Housing Programs**

SECTION 2. Section 10.08.140, entitled “Connection Fees,” shall be amended by adding the following additional language to the end the section to read as follows:

“The connection fee may be waived at the discretion of the Director for the following limited purposes:

- (a) Upon application for waiver by a department of the City of Bloomington for a single family residential dwelling affordable housing project as defined by HAND Department using low to moderate income guidelines as outlined by the US Department of Housing and Urban Development on real estate located within the city limits of the City of Bloomington; or
- (b) Upon application for waiver by an owner of real property which is ~~located within the city limits of the City of Bloomington~~ which is adjacent to an easement or public roadway in which a public sewer is located, provided that the public sewer has the capacity to adequately accept the flow, for the purpose of abandoning an existing septic system or to otherwise protect the municipal separate stormwater sewer system (MS4).”

ORDINANCE 19-19

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“ADMINISTRATION AND PERSONNEL”**

**- Re: Amending Title 2 to Create a Procedure to Address Conflicts of Interest by
Employees Responsible for Issuing Permits**

WHEREAS, the Indiana State Legislature enacted PL 3-2019 codified as IC 36-1-27-1 et seq., effective July 1, 2019; and

WHEREAS, PL 3-2019 prohibits designated employees from issuing specified types of permits if they have a conflict of interest and requires local governments to create a procedure to address instances when an employee who issues permits has a direct or indirect conflict of interest; and

WHEREAS, the City of Bloomington strives to avoid both actual conflicts of interest and appearances of conflicts of interest;

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

SECTION 1: Title 2 of the Bloomington Municipal Code shall be amended by adding a new chapter, 2.96, to be added to the index for this title and to read as follows:

**Chapter 2.96
CONFLICTS OF INTEREST**

Sections:

2.96.010 Purpose

2.96.020 Conflict of Interest

2.96.030 Permit

2.96.040 Prohibition

2.96.050 Report of Conflict of Interest

2.96.060 Appointment of Qualified Temporary Replacement

2.96.010 Purpose

The purpose of Chapter 2.96 is to satisfy the requirements of IC 36-1-27-1 through IC 36-1-27-4.

2.96.020 Conflict of Interest

As used in this chapter, “conflict of interest” means a direct or indirect financial interest in the issuance of a permit, pursuant to IC 36-1-27-1.

2.96.030 Permit

As used in this chapter, “permit” has the meaning set forth in IC 36-7-4-1109 (b).

2.96.040 Prohibition

A building commissioner, building code official or inspector of the City of Bloomington may not issue a permit, or oversee the issuance of a permit through a subordinate, if the building commissioner, building code official, or inspector has a conflict of interest.

2.96.050 Report of Conflict of Interest

A building commissioner, building code official, or inspector of the City of Bloomington shall report a conflict of interest to her, his or their department head and to the City’s conflicts officer.

2.96.060 Appointment of Qualified Temporary Replacement

Promptly upon receipt of a conflict of interest report made under this chapter, the department head, in consultation with the City’s conflicts officer, shall appoint a qualified temporary replacement building commissioner, building code official or inspector. The employee with a conflict will have no role in the permit review process.

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

SECTION 3. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2019.

Attest:

DAVE ROLLO, President

Bloomington Common Council

NICOLE BOLDEN, Clerk
City Of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2019.

NICOLE BOLDEN, Clerk
City Of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2019.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance brings the City of Bloomington into compliance with IC 36-1-27-1 through IC 36-1-27-4, by creating a formal procedure to insure that building commissioners, building code officials and inspectors avoid conflicts of interest.

MEMO

TO: City of Bloomington Common Council

FROM: Barbara E. McKinney, assistant city attorney/conflicts officer

DATE: September 3, 2019

RE: Ordinance 19-19 update to Title 2 of the Bloomington Municipal Code

The attached ordinance contains an addition to Title 2 of the Bloomington Municipal Code to bring the City's code into compliance with a new state law.

The Indiana State Legislature passed PL 3-2019 in the 2019 session, and the law went into effect on July 1, 2019. See IC 36-1-27-1 *et seq.* It requires local governments to enact an ordinance that establishes a procedure to address conflicts of interest that prevent a building commissioner, building code official or inspector from issuing specified types of permits. The ordinance must include a procedure for the commissioner, official or inspector to report a conflict of interest and must include a procedure for the City to appoint a qualified temporary replacement building commissioner, building code official or inspector in the case of a conflict of interest.

IC 36-1-7-2 says that "permit" has the meaning set forth in IC 36-1-27-2. IC 36-1-27-2 says that a permit includes any of the following: an improvement location permit, a building permit, a certificate of occupancy, approval of a site-specific development plan, approval of a primary or secondary plot, approval of a contingent use, conditional use, special exception or special use and approval of a planned unit development. The City has employees in both the Planning Department and in the Housing and Neighborhood Development who issue some of the listed permits, approvals and certificates. Thus, the City needs to pass an ordinance to cover possible conflicts of interest for these employees.

The ordinance defines a conflict of interest as a direct or indirect financial interest in the issuance of a permit. It prohibits covered employees from issuing a permit, or from overseeing the issuance of a permit through a subordinate, if the covered employee has a conflict of interest. The ordinance requires the covered employee to report any such conflicts to his, her or their department head and to the City's conflicts officer. And it requires the department head to promptly, upon receipt of the disclosure of the conflict and after consultation with the conflicts officer, appoint a qualified temporary replacement employee.

The City strives to go beyond the letter of the law in conflicts situations, requiring employees to avoid not only actual conflicts of interest but also, to the extent practical, even the clear appearance of a conflict of interest. The City will

provide training to all covered employees to make sure they understand both the legal and the City's definition of conflicts as well as their obligation to promptly report any such conflicts.

The Administration requests your approval of these changes.

**AMENDMENTS TO BMC TITLE 2 (ADMINISTRATION AND PERSONNEL)
AS PROPOSED BY ORDINANCE 19-19 (CONFLICTS OF INTEREST)
(High-lighted in Red Font)**

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.02 Boards and commissions**
- 2.04 Common Council**
- 2.08 Executive Branch**
- 2.09 Board of Public Works**
- 2.10 Department of Public Works—Establishment**
- 2.11 Department of Public Works—Divisions**
- 2.12 Boards, Commissions and Councils**
- 2.13 Plan Commission**
- 2.14 Planning and Transportation Department**
- 2.15 Advisory Board of Zoning Appeals**
- 2.16 Historic Preservation Commission**
- 2.17 Board of Public Safety**
- 2.18 Bloomington Redevelopment Commission**
- 2.19 Housing and Neighborhood Development**
- 2.20 Bloomington Board of Park Commissioners**
- 2.21 Department of Law**
- 2.22 Human Resources Department**
- 2.23 Community and Family Resources Department**
- 2.24 Utilities**
- 2.25 Information and Technology Services Department**
- 2.26 Controller’s Department**
- 2.27 Ordinance Violations Bureau**
- 2.28 Bloomington Living Wage Ordinance**
- 2.29 Green Building Program**
- 2.30 Statutory Boards and Commissions**
- 2.31 Responsible Bidder Ordinance**
- 2.32 Police Collective Bargaining**
- 2.33 Department of Economic and Sustainable Development**
- 2.34 Firefighters Collective Bargaining**
- 2.44 Airports**
- 2.52 Property Sales**
- 2.56 Miscellaneous Provisions**
- 2.76 Bloomington Public Transportation Corporation**
- 2.96 Conflicts of Interest**

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Changes proposed by Ord 19-19 – Section 1:

Chapter 2.96

CONFLICTS OF INTEREST

Sections:

2.96.010 Purpose

2.96.020 Conflict of Interest

2.96.030 Permit

2.96.040 Prohibition

2.96.050 Report of Conflict of Interest

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