

# City of Bloomington Common Council

## Legislative Packet

**Wednesday, 18 May 2016**

**Regular Session**

*For legislation and background material regarding  
Ordinance 16-01 please consult the  
[04 May 2016 Legislative Packet](#).*

*All other material contained herein.*

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



## Packet Related Material

**Memo**

**Agenda**

**Calendar**

**Notices and Agendas:**

*None*

### **Legislation for Second Reading:**

- Legislation and Background Material for First Reading:  
Ord 16-01 –To Amend Chapter 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Amending 20.05.051 (“Home occupation – General”), 20.05.064 (“Municipal services – General”), 20.05.079 (“Sign standards – General”), 20.05.080 (“Sign standards – Temporary signs”), 20.05.081 (“Sign standards – Residential”), 20.05.082 (“Sign standards – Permanent display cabinets”), 20.05.083 (“Sign standards – Nonresidential”), 20.05.084 (“Sign standards – Commercial limited”), 20.05.085 (“Sign standards – Commercial downtown”), 20.05.086 (“Sign standards – Sandwich board signs”), 20.05.097 (“Special conditions – Community garden”), 20.05.110 (“Temporary uses and structures – Generally”), 20.07.070 (“Easement standards”), 20.07.160 (“Street and right-of-way standards”), 20.07.190 (“Street sign standards – Residential, commercial and industrial”), and 20.11.020 (“Defined Words”) to Render Provisions of the Bloomington Municipal Code Regulating Signs Compliant with the U.S. Supreme Court’s Holding in *Reed v. Town of Gilbert*
  - Am 01 (Sponsor, Piedmont-Smith) – Limiting Multi-Family signage in Single-Family neighborhoods - *forthcoming*
  - Am 02 (Sponsor, Piedmont-Smith) – Requiring Permanent Display Cabinets to be attached to an applicable building - *forthcoming*
  - Am 03 (Sponsor, Ruff) – Amending definition of sign to clarify that it applies to ones viewable from a Public Place - *forthcoming*

*Contacts: Patty Mulvihill – 812.349.3552 or [mulvihip@bloomington.in.gov](mailto:mulvihip@bloomington.in.gov)*

*James Roach – 812.349.3527 or [roachja@bloomington.in.gov](mailto:roachja@bloomington.in.gov)*

*For the legislation, supporting material, and summary, please see the Council Weekly Legislative Packet issued for the [4 May 2016 Regular Session](#).*

## **Legislation and Background Material for First Reading:**

- **Ord 16-07** To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: Kirkwood Manor Historic District Located at 322 East Kirkwood Avenue (The Ellis Company, LP, Petitioner)
  - Aerial Map;
  - Memo to Council from Bethany Emenhiser, Program Manager, Housing and Neighborhood Development Department; and
  - Exhibit A - Map of District;
  - Exhibit B - Staff Report to Council Tying Designation to Criteria.

*Contact:*

*Bethany Emenhiser at 349-3401 or emenhisb@bloomington.in.gov  
Anahit Behjou, at 349-3426 or behjoua@bloomington.in.gov*

## **Minutes from Regular Session:**

*None (on the agenda)*

## **Memo**

### **Reminder of Meetings Next Week:**

Monday - Jack Hopkins SSF Committee - Pre-Allocation Meeting at 6:30 pm  
Wednesday - Regular Session at 7:30 pm  
Thursday - Jack Hopkins SSF Committee – Allocation Hearing – 4:00 pm  
Friday - Staff-Council Internal Work Session – noon

### **One Ordinance Ready for Second Reading and One Ordinance Ready for Introduction at the Regular Session on May 18<sup>th</sup>**

There is one ordinance ready for Second Reading and one ordinance ready for introduction at the Regular Session next Wednesday. The former ordinance can be found online as indicated above and includes some amendments that are summarized below. The latter ordinance is included in this packet and summarized below.

## Second Readings:

### **Item One – Ord 16-01 (Amending Title 20, Unified Development Ordinance (UDO), to Bring Sign Regulations in Conformance with Recent Supreme Court Decision) – Possible Amendments**

In the course of the discussion at the last Committee of the Whole on Ord 16-01 (Regulation of Signs in the UDO), a few Council members proposed or inquired about possible amendments. Patty Mulvihill, City Attorney, and James Roach, Development Review Manager, Planning and Transportation Department have been following-up with those Council members and are formulating amendments for their review. At this point, here are the sponsors and conceptual statements for some possible amendments (and please let staff know if Council members have others in mind):

- Am 01 (Sponsor, Piedmont-Smith) – Limiting Multi-Family Signage in Single-Family neighborhoods – *forthcoming*;
- Am 02 (Sponsor, Piedmont-Smith) – Requiring permanent display cabinets to be attached to an applicable building – *forthcoming*; and
- Am 03 (Sponsor, Ruff) – Amending definition of sign to clarify that it applies to ones viewable from a public place or right-of-way - *forthcoming*

## First Readings:

### **Item One – Ord 16-07 – Amending Title 8 (Historic Preservation and Protection) to Establish Kirkwood Manor Located at 322 East Kirkwood Avenue as a Historic District (The Ellis Company, LLP, Petitioner)**

Ord 16-07 would designate the property known as the “Kirkwood Manor” located at 322 East Kirkwood Avenue as a historic district and arose in the course of discussion surrounding the designation of the Greater Restaurant Row Historic District in March of this year. It comes forward at the request of the property owner (The Ellis Company, LLP) and after action by the Historic Preservation Commission on April 14<sup>th</sup>.

The remainder of this summary starts with an overview of Title 8, regarding Historic Preservation and Protection, and is followed by a summary of this designation in particular. The summary draws upon the memo and material provided by Bethany Emenhiser, Program Manager, HAND Department, and Anahit Behjou, Assistant City Attorney, along with other information available on the City’s webpage and elsewhere online.

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

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

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

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

### **Surveys**

At a State level, the Indiana Division of Historic Preservation and Archaeology (DHPA) is responsible for “prepar(ing) and maintain(ing) a register of Indiana historic sites and historic structures and establishing criteria for listing historic sites and historic structures on the register.” IC 14-21-1-15. This information is in the Indiana State Historic Architecture and Archeological Research (SHAARD) database. At a local level, the Commission is also responsible for preparing a survey, which identifies properties that may be proposed for historic designation and may serve as a basis for historic designations. IC 36-7-11-6; BMC 8.08.060; BMC 8.08.010. In the past, the City has provided Interim Reports to the State which were incorporated into the SHAARD. As noted in March, more recently, the State has inventoried local properties without the help of local commissions.

## **Districts, Areas, and Ratings**

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

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

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

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

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

- any addition, reconstruction, or alteration that conspicuously changes the external appearance of *historic* structures, and appurtenances to those structures, viewable from a public way in what are classified as “primary” and “secondary” areas; as well as
- any addition, reconstruction, or alteration that conspicuously changes the external appearance of a *non-historic* structure viewable from a public way or any change to or construction of any wall or fence along the public way in what are classified as “primary” areas.

**Areas.** Within each district, the City may distinguish between primary or secondary areas.

- The primary area is the principle area of historic/architectural significance; and
- the secondary area is an adjacent space whose appearance could affect the preservation of the primary area and is needed to assure the integrity of the

primary area. *Please note that the Commission to date has not sought to establish any “secondary” areas.*

**Age and Ratings.** Each property within a district of sufficient age may be rated as outstanding, notable, contributing, or noncontributing, according to its level of its significance<sup>1</sup> as elaborated below (per BMC 8.02.020):

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

## **Designation Procedures**

According to the BMC, in order to bring forward a historic designation, the Historic Preservation Commission must hold a public hearing<sup>2</sup> and submit a map and staff report (Report) to the Council. The map identifies the district and classifies properties, and the Report explains these actions in terms of the historic and architectural criteria set forth in the ordinance (see BMC 8.08.010[e]).

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<sup>1</sup> Please note that, in some cases, the condition of the property, particularly exterior alterations, may affect its “significance.”

<sup>2</sup> With advertised notice to the public at large and written notice to individual affected property owners. BMC 8.08.010 (d)(3)

As is true with this designation, the Commission may impose interim protection on the district that prevents any conspicuous alteration of the exterior of the property until the Council acts on the designation.<sup>3</sup> Please note that under local demolition delay provisions, the Commission may review applications for demolition or partial demolition of sites and structures included in the relevant survey(s) and has an opportunity to consider historic designation of such properties. (See BMC 8.08.016 and BMC 20.09.230). If recent changes proposed by the Council go into effect, requests for partial demolition of contributing properties in single family districts will be subject to review and action by Commission staff within seven business days of submittal.

The ordinance typically:

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

### **Ord 16-07 - Genesis, Boundaries, and Zoning of the Kirkwood Manor Historic District**

As alluded to in the opening paragraph of this summary, Kirkwood Manor was initially included within the Greater Restaurant Row Historic District, but removed when the owner suggested that it was more appropriate for the property to be designated on its own.

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<sup>3</sup> While “the Commission may approve a Certificate of Appropriate at any time during interim protection .. (it) shall have no effect ...unless the map (of the historic district) is approved by the common council.” BMC 8.08.015(e)



## **Historic and Architectural Criteria for this Designation**

The property is at the southwest corner of East Kirkwood Avenue and Grant Street and originally platted in 1818. According to the Report, the building was designed by a “well-known local architect J.L. Nichols,” who, after working out west for a few years, returned to Bloomington and is thought to have designed “hundreds of structures around the city.” This building is a variant of the Queen Anne architectural style known as the Free Classic style. This subtype of the Queen Anne style was popular after 1890, which was at the latter period of the Queen Anne trend in architecture, and as is characterized by classic decorative detailing (e.g. the groups of two and three pillars and the use of dentil molding on the porch).

The building was constructed in 1899 as a home for Harry Jefferson. By 1907, it was identified as a fraternity house and, in June 1911, records suggest that it was occupied by the Bet Eta chapter of Sigma Nu. Sometime between 1913 and 1927, an addition was constructed (mostly likely with the help of J.L. Nichols).

This property is within the Commercial Downtown (CD) zone and lies within the University Village Overlay District. It is “listed as an anchor in the Kirkwood Corridor in the 2012 Preservation Plan for Historic Bloomington and the 2005 Downtown Vision and Infill Strategy Plan ... (and) serves as a link between the Courthouse Square and Indiana University...”

For these reasons, the Commission recommended the historic designation with a rating of “notable” based upon the following criteria for **architectural significance**:

The building:

- Is the work of a designer whose individual work has significantly influenced the development of the community;
- Is the work of a designer of such prominence that such work gains its value from the designee’s reputation; and
- Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the city.

**Happy Birthday Tim and Sue Mayer – May 14<sup>th</sup>**

**NOTICE AND AGENDA**  
**BLOOMINGTON COMMON COUNCIL REGULAR SESSION**  
**7:30 P.M., WEDNESDAY, MAY 18, 2016**  
**COUNCIL CHAMBERS**  
**SHOWERS BUILDING, 401 N. MORTON ST.**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES**

**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 16-01: To Amend Chapter 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Amending 20.05.051 (“Home occupation – General”), 20.05.064 (“Municipal services – General”), 20.05.079 (“Sign standards – General”), 20.05.080 (“Sign standards – Temporary signs”), 20.05.081 (“Sign standards – Residential”), 20.05.082 (“Sign standards – Permanent display cabinets”), 20.05.083 (“Sign standards – Nonresidential”), 20.05.084 (“Sign standards – Commercial limited”), 20.05.085 (“Sign standards – Commercial downtown”), 20.05.086 (“Sign standards – Sandwich board signs”), 20.05.097 (“Special conditions – Community garden”), 20.05.110 (“Temporary uses and structures – Generally”), 20.07.070 (“Easement standards”), 20.07.160 (“Street and right-of-way standards”), 20.07.190 (“Street sign standards – Residential, commercial and industrial”), and 20.11.020 (“Defined Words”) to Render Provisions of the Bloomington Municipal Code Regulating Signs Compliant with the U.S. Supreme Court’s Holding in *Reed v. Town of Gilbert*

Committee Recommendation:            Do Pass            7-0-2

**VII. LEGISLATION FOR FIRST READING**

1. Ordinance 16-07 – To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: Kirkwood Manor Historic District Located at 322 East Kirkwood Avenue (The Ellis Company, LP, Petitioner)

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

**IX. COUNCIL SCHEDULE**

**X. ADJOURNMENT**

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

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



**City of Bloomington  
Office of the Common Council**

To Council Members  
From Council Office  
Re Weekly Calendar – 16 – 21 May 2016

**Monday, 16 May**

12:00 pm Board of Public Works – Work Session, Kelly  
5:00 pm Redevelopment Commission, McCloskey  
5:00 pm Utilities Services Board, Utilities  
5:30 pm Farmers’ Market Advisory Council, Parks  
6:30 pm Jack Hopkins Social Services Funding Committee – Pre-Allocation Meeting, Council Library

**Tuesday, 17 May**

11:30 am Plan Commission – Work Session, Kelly  
4:00 pm Board of Public Safety, McCloskey  
5:30 pm Animal Control Commission, Kelly  
5:30 pm Board of Public Transportation Corp., Transit  
5:30 pm Board of Public Works, Chambers  
5:30 pm Commission on the Status of Children & Youth, Hooker Room

**Wednesday, 18 May**

2:00 pm Hearing Officer, Kelly  
2:30 pm Affordable Care Act Committee, McCloskey  
4:00 pm Board of Housing Quality Appeals, McCloskey  
6:00 pm Council of Neighborhood Associations, Hooker Room  
7:30 pm Common Council – Regular Session, Chambers

**Thursday, 19 May**

8:00 am Bloomington Housing Authority, Bloomington Housing Authority, 1007 N. Summit Rd., Community Room  
10:00 am Link Violence: Monroe County Domestic Violence Task Force, McCloskey  
12:00 pm Monroe County Suicide Prevention Coalition, McCloskey  
3:30 pm Bloomington Municipal Facilities Corp., Dunlap  
4:00 pm Jack Hopkins Social Services Funding Committee – Allocation Hearing, Chambers  
5:15 pm Monroe County Solid Waste Management District, Courthouse, Judge Nat. U. Hill, III Room  
7:00 pm Environmental Commission, McCloskey

**Friday, 20 May**

12:00 pm Common Council – Work Session, Council Library  
12:00 pm Domestic Violence Taskforce, McCloskey

**Saturday, 21 May**

8:00 am Bloomington Community Farmers’ Market, Showers Common, 401 N Morton St  
9:00 am Farmers’ Market – Active Living Coalition Health Fair, Atrium & Chambers

*\*Auxiliary aids for people with disabilities are available upon request with adequate notice. Please contact the applicable board or commission or call [\(812\) 349-3400](tel:8123493400).*

**ORDINANCE 16-07**

**TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED  
“HISTORIC PRESERVATION AND PROTECTION”  
TO ESTABLISH A HISTORIC DISTRICT –**

**Re: Kirkwood Manor Historic District Located at 322 East Kirkwood Avenue  
(The Ellis Company, LP, Petitioner)**

- WHEREAS, the Common Council adopted Ordinance 95-20 which created a Historic Preservation Commission (“Commission”) and established procedures for designating historic districts in the City of Bloomington; and
- WHEREAS, the current owner of 322 East Kirkwood Avenue (“Kirkwood Manor”), The Ellis Company LP, voluntarily contacted and requested the Commission to recognize the Kirkwood Manor as a historic property; and
- WHEREAS, on April 14, 2016, the Commission held a public hearing for the purpose of allowing discussion and public comment on the proposed historic designation of the Kirkwood Manor; and
- WHEREAS, at the same hearing, the Commission found that the building has architectural significance that merits the protection of the property as a historic district; and
- WHEREAS, at the same hearing, the Commission approved a map and written report which accompanies the map and validates the proposed district by addressing the criteria outlined in Bloomington Municipal Code 8.08.010; and
- WHEREAS, the report considered by the Commission at this hearing notes that this property is a “Notable” structure that was designed in the Queen Anne architectural style with decorative detailing in the Free Classic subtype of this style; and
- WHEREAS, at the same hearing, the Commission voted to submit the map and report to the Common Council which recommend local historic designation of said properties to the Common Council for its consideration; and
- WHEREAS, at the same hearing, the Commission also placed the Kirkwood Manor under interim protection pending action by the Common Council under Bloomington Municipal Code 8.08.015;

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

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

The legal description of this property is further described as:

Parcel Number: 53-05-33-310-128.000-005: 013-13450-00 ORIG PLAT 113 in the City of Bloomington, Monroe County, Indiana.

SECTION 2. The property known as “Kirkwood Manor” located at 322 East Kirkwood Avenue shall be classified as “Notable”.

SECTION 3. Chapter 8.20 of the Bloomington Municipal Code, entitled “List of Designated Historic and Conservation Districts,” is hereby amended to insert “Kirkwood Manor - 322 East Kirkwood Avenue” and such entry shall read as follows:

Kirkwood Manor                      322 East Kirkwood Avenue.

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
ANDY RUFF, President  
City of Bloomington

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

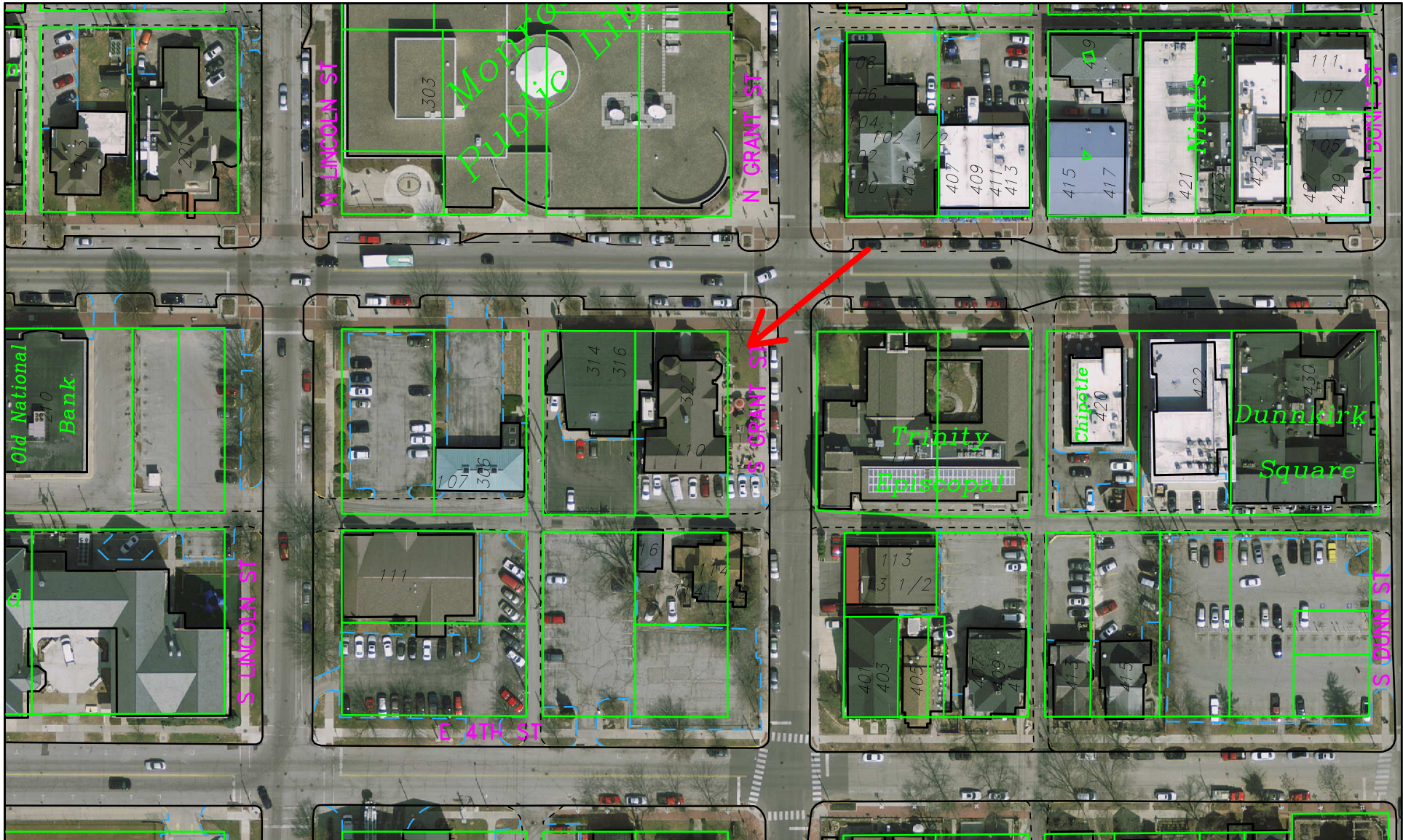
\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

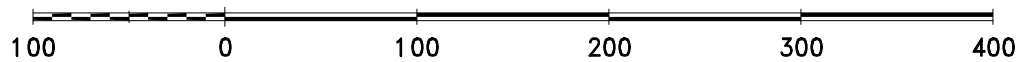
#### SYNOPSIS

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled “The List of Designated Historic Districts” in order to designate “Kirkwood Manor - 322 East Kirkwood Avenue” as a historic district. The Ellis Company, LLP sought this action and after a public hearing on April 14, 2016, the Historic Preservation Commission (Commission) recommended that the structure be designated historic with a rating as “Notable” based upon certain architectural criteria set forth in Title 8 of the Bloomington Municipal Code entitled “Historic Preservation and Protection.” Historic designation of a property under Title 8 of the Bloomington Municipal Code provides for the Commission or staff to approve a certificate of appropriateness before conspicuous changes to the exterior of sites and structures may be made and, thereby, helps assure that the historic significance of properties are preserved.



Ord 16-07 Historic Designation of the Kirkwood Manor at 322 East Kirkwood  
 The Ellis Company, LP, Petitioner  
 Legal Description: 013-13450-00 Orig Plat 113

By: shermand  
 12 May 16



For reference only; map information NOT warranted.



City of Bloomington  
 Clerk & Council



Scale: 1" = 100'

# MEMO:

**To: City of Bloomington Common Council**  
**From: Doris Sims, Director of Housing & Neighborhood Development**  
**Bethany Emenhiser, Project Manager**  
**Patty Mulvihill, City Attorney**  
**Anahit Behjou, Assistant City Attorney**  
**Date: May 9, 2016**  
**Re: Request to Designate 322 East Kirkwood Avenue as a Historic District**

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The structure located at 322 East Kirkwood Avenue (“the Property”) is located at the southwest corner of E. Kirkwood Ave. and S. Grant St. The property is part of the City of Bloomington’s original plat that was surveyed in 1818 by James Borland.

The Property was designed in the Queen Anne architectural style with decorative detailing in the Free Classic subtype of this style. Free Classic uses less ornamentation than typical Queen Anne’s.

Other architectural elements observed in this structure that are representative of the Free Classic subtype are the porch-support columns in groups of two or three, dentil detailing, and general classical elements. This subtype became popular after 1890, which is toward the end of the Queen Anne popularity.

An addition to the rear of the Property was added at an unknown time. A construction report from 1923 discusses a project for a two-story fraternity house, owned by Sigma Nu and built by Nichols at 204 S. Indiana; however, this property is the only one in the vicinity at this time that matches that description. In the 1927 Sanborn map (Figure 4) an addition is shown, which would indicate that it was added some time in the years between the 1913 and 1927 Sanborn Maps. It can be concluded that the construction news release from June 1923 was about this addition, which continues to be an integral part of the structure today.

Because the Property has been altered since its construction in 1899, it is classified as a “Notable” structure. A “Notable” rating signifies that the Property does not merit the outstanding rating, but it is still above average in its importance. A notable structure may be eligible for the National Register.

On March 21, 2016, the Property was submitted to the Historic Preservation Commission (“Commission”) for review. The reason the Property was submitted to the Commission was that the current owner of the Property, The Ellis Company LP, voluntarily contacted and requested the Commission to recognize the Property as a historic property.

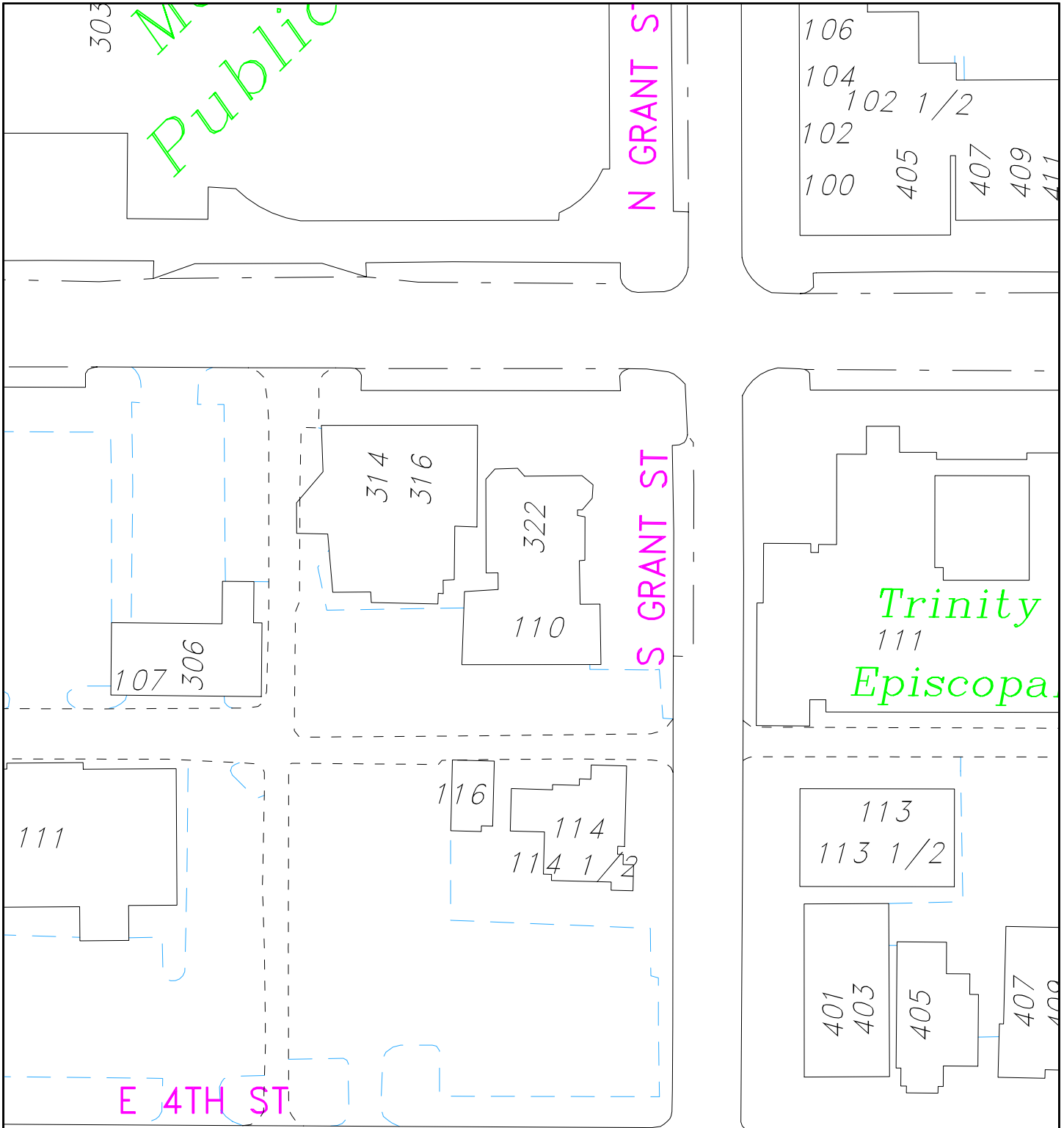
On April 14, 2016, the Commission held a public hearing for the purpose of allowing discussion and public comment on the proposed historic designation of the Kirkwood Manor. At the same meeting, the Commission found that the building has historic and architectural significance that merits the protection of the property as a historic district. Moreover, the Commission approved a

map and written report which accompanied the map. The Commission voted to submit the map and report to the Common Council which recommend local historic designation for the Property. Lastly, the Commission placed the Property under interim protection pending action by the Common Council under Bloomington Municipal Code 8.08.015.

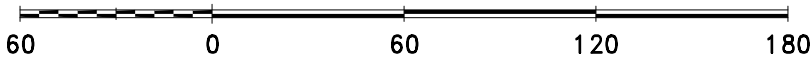
Attached to this Memo you will find a map of the Property, it is labeled Exhibit A and the Report adopted by the Commission at its April 16, 2016, public hearing, it is labeled Exhibit B.



Exhibit A



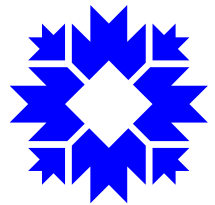
By: emenhisb  
18 Apr 16



For reference only; map information NOT warranted.



City of Bloomington  
Housing & Neighborhood



Scale: 1" = 60'

**322 E. Kirkwood (Kirkwood Manor)**

Staff Report

Bloomington Historic Preservation Commission



**Basis for Historical Significance:**

- Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or
- Is the site of an historic event; or
- Exemplifies the cultural, political, economic, social, or historic heritage of the community.

**Basis for Architectural Significance:**

- Embodies distinguishing characteristics of an architectural or engineering type; or
- **Is the work of a designer whose individual work has significantly influenced the development of the community; or**
- **Is the work of a designer of such prominence that such work gains its value from the designee's reputation; or**
- Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or

- Contains any architectural style, detail, or other element in danger of being lost; or
- **Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the city; or**
- Exemplifies the built environment in an era of history characterized by a distinctive architectural style.

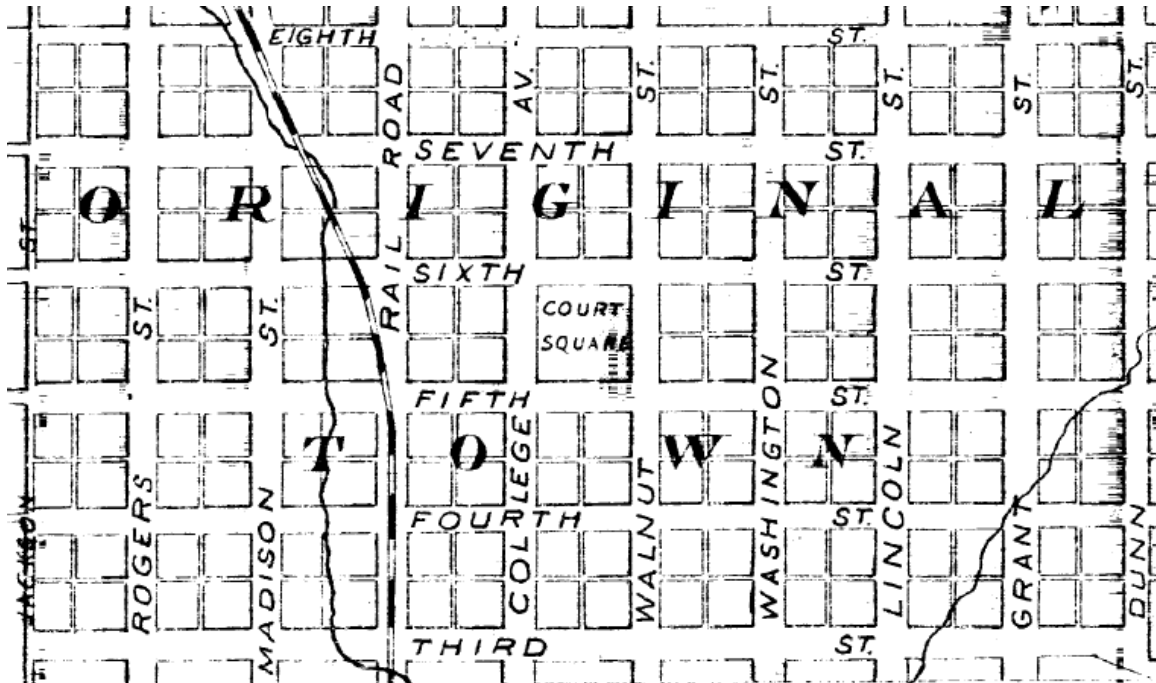


Figure 1: 1856 Atlas (Bloomington Original Plat)

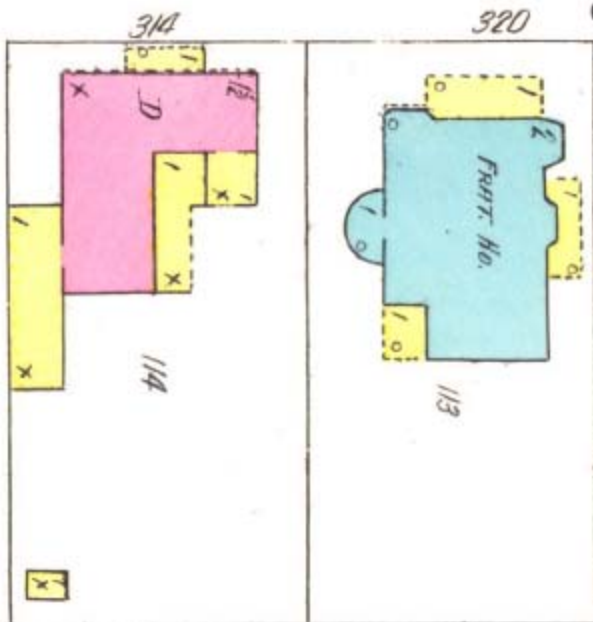


Figure 2: 1907 Sanborn Map

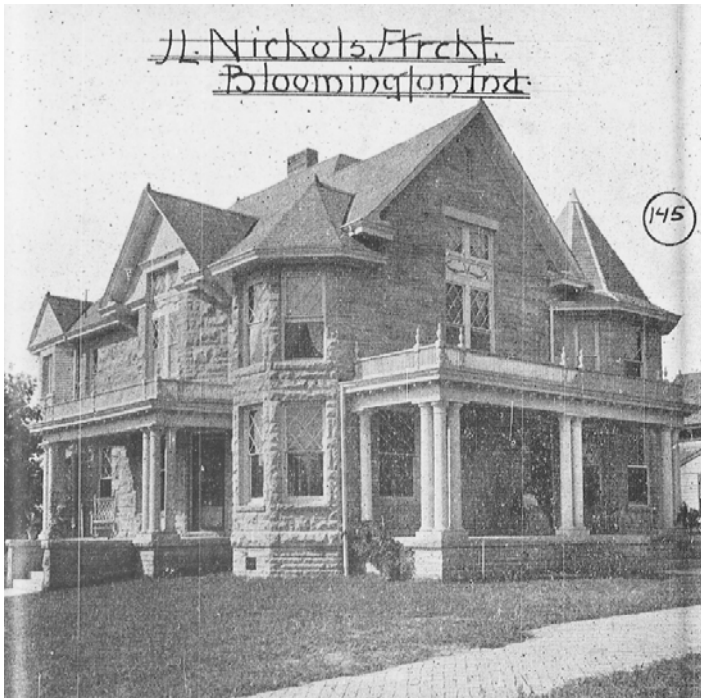
Kirkwood Manor (322 E. Kirkwood Ave.) is located at the southwest corner of E. Kirkwood Ave. and S. Grant St. The property is part of the City of Bloomington’s original plat that was surveyed in 1818 by James Borland. It was originally built for Harry Jefferson and was designed by well-known local architect J.L. Nichols in 1899 according to a local construction news release.<sup>1</sup> This construction date is further confirmed by the 1898 Sanborn Map, which shows a vacant lot but by the 1907 Sanborn Map it is constructed.

<sup>1</sup> Research by Bill Coulter: *Construction News*, Vol. IX, No. 10 (September 6, 1899): 326  
 “Bloomington, Ind.; OWNER, Harry Jefferson; ARCH., J.L.Nichols; cond., plans; Exterior walls, brick and stone; Roof, slate; heat, hot water; light, gas and electric. Bids close September 10.”

John L Nichols was born in Bloomington, Indiana and after working some years out west, came back to Bloomington. Nichols, one of Bloomington's own, designed many buildings in many other areas of Bloomington ranging from commercial, residential and even dabbling into theaters with the Princess Theater. He is attributed to hundreds of structures around the city.

The 2001 IHSSI Interim Report gave a Notable rating to this structure and appears to be an oversight in the 2015 IHSSI update, as it was not listed, but has had little change since 2001.

The house was designed in the Queen Anne architectural style with decorative detailing in the Free Classic subtype of this style. About a third of Queen Anne structures have elements of this subtype. Free Classic uses less ornamentation than typical Queen Anne's. Other architectural elements observed in this structure that are representative of the Free Classic subtype are the porch-support columns in groups of two or three, dentil detailing, and general classical elements. This subtype became popular after 1890, which is toward the end of the Queen Anne popularity.<sup>2</sup> The end of the 19<sup>th</sup> century architecture saw a shift from the Romantic Style Houses (1820-1880) that focused on influences from European architecture to more a nostalgic colonial and America focus. This focus can be



attributed to three main influences among other cultural and societal happenings: the Centennial celebration in 1876; a survey of colonial home by architecture firm McKim, Mead and White in 1877; and the Columbian Exposition in Chicago in 1893.

By the turn of the century, Kirkwood Manor was also beginning a new life, the house is now labeled as a Fraternity House in the 1907 Sanborn Map (Figure 2). Presumably, the fraternity was Sigma Nu, which moved its chapter, Beta Eta, to 322 E. Kirkwood in June 1911.<sup>3</sup> Figure 3 shows the structure in

**Figure 3: Nichols Album of Artistic Dwellings, pg. 89, "The Jefferson"**

<sup>2</sup> Virginia McAlester, *A Field Guide to American Houses: The Definitive Guide to Identifying and Understanding America's Domestic Architecture*, 2nd ed. (New York: Knopf, 2013), 346.

<sup>3</sup> Research by Bill Coulter: "Sigma Nu News," *The Arbutus* (1912): 155

"Sigma Nu was the first fraternity to occupy a house at Indiana University. The chapter moved into its first home in 1894. In June 1911, a two-story stone residence was purchased and remodeled by the fraternity, for use as a permanent chapter home."

its original configuration, but had an addition at some point to the rear. A construction report from 1923 discusses a project for a two-story fraternity house, owned by Sigma Nu and built by Nichols at 204 S. Indiana, however, this property is the only one in the vicinity at this time that matches that description.<sup>4</sup> In the 1927 Sanborn map (Figure 4) an addition is shown that it was added between the 1913 and 1927 Sanborn Maps. It can be concluded that the construction news release from June 1923 was about this addition, which continues to be an integral part of the structure today.

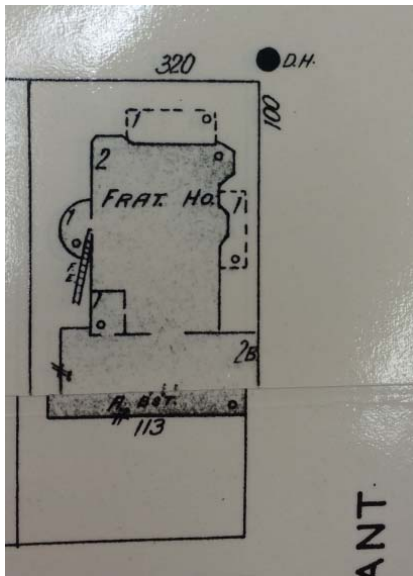


Figure 4: 1927 Sanborn Map



Figure 5: Mathers Museum (Shaw East 1999-04-0036)

This property is in the commercial downtown (CD) zone and within the University Village overlay in the Unified Development Ordinance. The property is also listed as an anchor in the Kirkwood Corridor in the 2012 Preservation Plan for Historic Bloomington and the 2005 Downtown Vision & Infill Strategy. The Kirkwood Corridor is a part of the larger encompassing University Village Area. The Kirkwood Corridor serves as the link between the Courthouse Square and Indiana University, as such, protecting anchor structures in this district is crucial.

<sup>4</sup> Research by Bill Coulter: “Contracts Awarded—Bloomington,” *Indiana Construction Recorder*, Vol. V, No. 10 (June 9, 1923): 7.

“Fraternity House: \$30,000. 2 sty. & bas. Bloomington. Archt. John L. Nichols, 204 South Indiana Ave., Bloomington. Owner, Sigma Nu Fraternity, Bloomington. General contract awarded to Pickett and Gill Construction Co., Lebanon, Indiana.”