

# City of Bloomington Common Council

## Legislative Packet

**Wednesday, 26 February 2020**

### *Land Use Committee*

*Starting at 5:45 PM*

For legislation and background material regarding Ordinance 20-04, please view the [05 February 2020 Legislative Packet](#).  
Potential Reasonable Conditions are included herein.

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

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City of  
Bloomington  
Indiana



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To: Council Members  
From: Council Office  
Re: Weekly Packet  
Date: 21 February 2020

## LEGISLATIVE PACKET, AGENDA ITEMS & PACKET CONTENT

### LAND USE COMMITTEE: 26 FEBRUARY 2019 - 5:45 PM

- Memo from Council Office
- Land Use Committee Agenda
- Notices
  - Land Use Committee - Wednesday, 26 February 2020 at 5:45 pm (Chambers)
  - Cancellation of the Committee of the Whole - Wednesday, 26 February 2020
  - Jack Hopkins Social Services Funding Committee - Thursday, 27 February 2020, 6:30 pm (Council Library) - [Organizing Meeting Packet Link](#)
  - Joint Session of City and County Executive and Fiscal Bodies - Monday, 2 March 2020, 5:00 pm (Nat U Hill Room, Courthouse)

#### *Land Use Committee - Wednesday, 26 February 2020 - 5:45 pm*

- **Ordinance 20-04** - To Amend the City of Bloomington Zoning Maps by Rezoning Property from Business Park (BP) and Residential Single Family (RS) to Join an Existing Planned Unit Development (PUD) and to Approve the Associated District Ordinance and Preliminary Plan - Re: 1550 N. Arlington Park Drive (Trinitas, Petitioner) (TRINITAS NORTHWEST PUD)
  - *(New Material)* RC-03 - Re: Transit - Frequency of Weekday/Weekend Service Paid By Trinitas - *Cm. Flaherty, Sponsor - Attached*
    - Email Exchange Between Cm. Flaherty and Lew May, General Manager, Bloomington Transit
    - Alt 1B and Alt 2B - Routes, Times, Days, and Estimated Costs
  - *(New Material)* RC-04 - Re: Require Townhomes Along Main Street through Area B to Follow the Curve of the Street - *Cm. Volan, Sponsor - Attached*
  - *(New Material)* RC-05 - Re: - Increase the Minimum Number of EV Charging Stations from 8 To 12 - *Cm. Piedmont-Smith, Sponsor - Attached*
  - *(Concern - for Discussion)* RC-07 - Possible Mixing of Duplex and Townhome Housing Types in Area "B" and "D" - *No Sponsor - No Text Yet*  
→ Please see the weekly Council Legislative Packet issued for the [05 February 2020 Regular Session](#) for the above legislation, material, and summary.

**LAND USE COMMITTEE – SECOND DISCUSSION – NEW MATERIAL (REASONABLE CONDITIONS) - SUMMARY**

**Item 1:**

**Ordinance 20-04 - To Amend the City of Bloomington Zoning Maps by Rezoning Property from Business Park (BP) and Residential Single Family (RS) to Join an Existing Planned Unit Development (PUD) and to Approve the Associated District Ordinance and Preliminary Plan - Re: 1550 N. Arlington Park Drive (Trinitas, Petitioner) (TRINITAS NORTHWEST PUD)**

The Land Use Committee is scheduled to hold its second discussion of Ordinance 20-04 (Trinitas NW PUD) next Wednesday at 5:45 pm. The first meeting was held on February 12<sup>th</sup> and concluded with general comments and thoughts on possible Reasonable Conditions.

**Follow-Up Questions by Committee Members as well as Other Council Members – Please Submit to P&T and Others by Monday 8:00 am.** In order to make the most of the next meeting, Committee members along with other Council members are invited to submit questions to Eric Greulich over the weekend, so that the questions can be addressed before the meeting by himself or by the petitioner or others.

**Reasonable Conditions.** Over the last week, the committee members have thought about reasonable conditions and, as of this afternoon, have focused on three which have been reduced to writing (one with some figures that would need to be added) and a fourth that may yet lead to text. These are listed below:

- **RC- 03 - Transit – Frequency of Weekday/Weekend Service Paid By Trinitas - Cm. Flaherty, Sponsor - Attached**
  - Synopsis: This Reasonable Condition is sponsored by Cm. Flaherty. It addresses the Petitioner’s commitment to fund transit services and sets forth the minimum frequency, days of operation per year, and hours of operation per weekday and weekends. It also establishes a minimum contribution each year to be adjusted to account for inflation. Lastly, it requires that the commitments run with the District Ordinance, be in writing, and be recorded.
  - *Note: Cm. Flaherty has emailed Lew May with some questions that should fill-in some of the blanks. The figures generated by that exchange have been incorporated into the Reasonable Condition and the email exchange and descriptions of Alt 1B and Alt 2B are attached.*
- **RC - 04 - Require Townhomes Along Main Street through Area B to Follow the Curve of the Street - Cm. Volan, Sponsor – Attached**
  - Synopsis: This Reasonable Condition is sponsored by Cm. Volan. It is intended to orient the townhomes along the main street in Area B toward the street in order to improve the street’s residential character and shall be in the form of a written and recorded commitment.

- **RC - 05 - Increase the Minimum Number of EV Charging Stations from 8 To 12 - Cm. Piedmont-Smith, Sponsor - Attached**
  - Synopsis: This Reasonable Condition is sponsored by Cm. Piedmont-Smith. Under the Sustainability Initiatives of the District Ordinance, the petitioner indicates that there would be a minimum of 2% or 8 plug-in ready parking spaces in Areas B-D for electrical vehicles. In elaboration, this provision also states that the petitioner intends to cover a total of 12 parking spaces with solar arrays sufficient to generate the electricity for those charging stations. This Reasonable Condition would hold the petitioner to those stated intentions and would require that the commitment be in writing and recorded.
- **RC - 07 - Possible Mixing of Duplex and Townhome Housing Types in Area "B" and "D" - No Sponsor - No Text Yet**
  - *During the February 12<sup>th</sup> discussion, committee members expressed interest in having a diversity of housing types in Areas "B" and "D." Of particular interest, was for duplexes mentioned in Areas "D" (which is designated as a cottage or duplex residential area) to be allowed in Area "B" (which is designated as a townhome residential area, where the dwellings are currently planned as rental units but could be individually owned in the future). Given what may be an overlap of visions for these areas, the concern is set forth here with the hope that further discussions with P&T staff and the petitioner may help reconcile concerns or clarify the issues for a possible Reasonable Condition.*

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL**

**5:45 PM, WEDNESDAY, 26 FEBRUARY 2020  
COUNCIL CHAMBERS (#115)  
SHOWERS BUILDING, 401 N. MORTON ST.**

**LAND USE COMMITTEE**

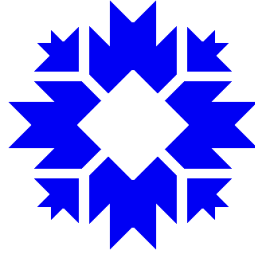
**Chair: Isabel Piedmont-Smith**

1. Ordinance 20-04 To Amend the City of Bloomington Zoning Maps by Rezoning Property from Business Park (BP) and Residential Single Family (RS) to join an existing Planned Unit Development (PUD) and to approve the associated District Ordinance and Preliminary Plan - Re: 1550 N. Arlington Park Drive (Trinitas, Petitioner)

Asked to attend: Eric Greulich, Senior Zoning Planner, Planning and Transportation Department  
Representative for Trinitas Ventures, Petitioner

*Note: The Committee is expected to discuss and recommend several Reasonable Conditions, three of which are found in Legislative Packet.*

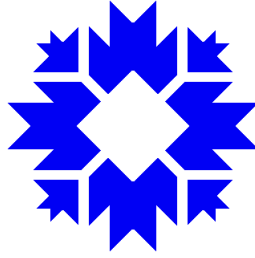
*Note: The Land Use Committee met Wednesday 12 February 2020 and will meet tonight (Wednesday 26 February 2020) to discuss Ordinance 20-04. The Committee must report back to the Common Council no later than the Regular Session on 04 March 2020 when the ordinance will be scheduled for Second Reading. If the Committee fails to report, then Council will consider the Committee to have made no recommendation.*



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

# **NOTICE**

**The Common Council has CANCELLED  
the *Committee of the Whole*  
for 26 February 2020.**



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

# **NOTICE**

## **Land Use Committee Meeting**

**Wednesday, 26 February 2020**

**5:45pm**

**Council Chambers (Suite #115)  
City Hall, 401 North Morton**

*As a quorum of the Council and the Land Use Committee may be present during this meeting, the gathering may constitute a meeting of both the Common Council and the Land Use Committee under Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.*

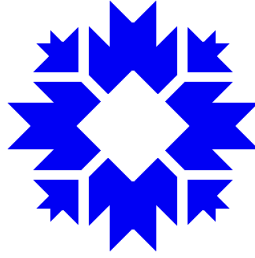
Posted: Friday, 21 February 2020

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401 N. Morton Street  
Suite 110  
Bloomington, IN 47404

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

# **NOTICE**

**Jack Hopkins Social Services  
Funding Committee  
Organizing Meeting**

**Thursday, 27 February 2020  
6:30pm  
Council Library (Suite #110)  
City Hall, 401 North Morton**

*As a quorum of the Council and the Jack Hopkins Social Services Funding Committee may be present during this meeting, the gathering may constitute a meeting of both the Common Council and the Jack Hopkins Social Services Funding Committee under Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.*

Posted: Friday, 21 February 2020



# NOTICE

## JOINT SESSION OF THE

### MONROE COUNTY COMMISSIONERS, COUNTY COUNCIL, CITY OF BLOOMINGTON MAYOR, & COMMON COUNCIL

**MONDAY, 2 MARCH 2020**  
**Starting at 5:00 PM**  
**Monroe County Courthouse**  
**(Nat U. Hill Room)**  
**100 W. Kirkwood Avenue,**  
**Bloomington IN 47404**

### TOPIC:

### THE CONVENTION CENTER INTERLOCAL AGREEMENT

The Monroe County Commissioners, Monroe County Council, City of Bloomington Mayor, and City of Bloomington Common Council intend to meet to continue discussion on the Convention Center Interlocal Agreement.

This Notice is being posted on behalf the City of Bloomington Common Council, in the event a quorum of the City Council attends this meeting. Furthermore, although not participating as a governing body at this meeting, it is possible that a majority of the members of the Monroe County Food & Beverage Advisory Commission may be also be present this. Since the gathering of a majority of that commission may be present, this statement also provides notice of that eventuality.

Pursuant to Indiana Open Door Law (IC 5-14-1.5), this Notice informs the public that this meeting will occur and is open for the public to attend, observe, and record what transpires.

<u>Entity/Governing Body</u>	<u>Address</u>	<u>Phone / Email</u>
John Hamilton, Mayor	401 N. Morton St. (Room 210) P.O. Box 100 Bloomington, IN 47402	812-349-3426 mayor@bloomington.in.gov
Bloomington Common Council	401 N. Morton St. (Room 110) P.O. Box 100 Bloomington, IN 47402	812-349-3409 council@bloomington.in.gov
Monroe County Commissioners	100 W. Kirkwood Ave Bloomington, IN 47404	812-349-2550 commissionersoffice@co.monroe.in.us
Monroe County Council	Same	812-349-7312 counciloffice@co.monroe.in.us

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

**Ordinance #:** 20-04  
**Reasonable Condition #:** 03  
**Submitted By:** Cm. Flaherty, At-Large  
**Date:** 19 February 2020

**Proposed Reasonable Condition:**

1. The Petitioner commits to fund a Bloomington Transit route (Route 10) with the following minimum level of service:
  - 40-minute frequency
  - 360 days of service per year
  - Hours of operation: 7 AM to 10 PM Monday through Friday, and 10 AM to 6 PM Saturday and Sunday
2. The route is estimated to cost \$358,875 in its first year of operation, from August 2022 to August 2023. Petitioner commits to provide this amount of funding at a minimum, including a three (3) percent inflation index for the following two (2) years.
3. Beginning in year four of operation, and every three (3) years thereafter (the beginning of year seven (7), year ten (10), etc.), this commitment is subject to renegotiation between Petitioner and Bloomington Transit. However, Petitioner commits to providing a similar level of service or funding.
4. Should Bloomington Transit choose to alter the proposed service in the future, such as through increased frequency, a different route length, or any other change, in order to better serve Bloomington residents, Petitioner agrees to continue to provide funds equivalent to the amount stipulated in provision 2, above.
5. The final agreement between Petitioner and Bloomington Transit will be subject to the approval of the Bloomington Transit Board of Directors.<sup>1</sup>
4. The commitment to funding transit will run with the District Ordinance and be required of any future owner as long as the District Ordinance applies.
5. This Reasonable Condition shall be in the form of written commitment and shall be recorded.

**Synopsis**

This Reasonable Condition is sponsored by Cm. Flaherty. It addresses the Petitioner's commitment to fund transit services and sets forth the minimum frequency, days of operation per year, and hours of operation per weekday and weekends. It also establishes a minimum contribution each year to be adjusted to account for inflation. It allows for renegotiation with Bloomington Transit every three years and notes that any agreement is subject to Bloomington Transit Board of Directors approval. Lastly, it requires that the commitments run with the District Ordinance, be in writing, and be recorded.

**2/12/20 Land Use Committee Action:** None  
**2/26/20 Land Use Committee Action:** *Pending*  
**3/4/20 Regular Session Action:** *Pending*

(21 February 2020)

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<sup>1</sup> It will be important to note that the final agreement between BT and the petitioner is subject to the approval of the BT Board of Directors. I would suggest that the petitioner and BT staff reach consensus on a draft agreement within 90 days of the Council's approval of the development. Such agreement would then be considered for approval by the BT Board of Directors.

Email Between Cm. Flaherty and Lew May  
Re: Transit Services for Trinitas NW PUD – Alternatives and Estimated Costs  
(2/21/20)

Matt and all,

Please see my responses in red below for each question:

(1) Can you confirm the price of the proposed route 10 with 40-minute frequency, 7 AM - 10 PM M-F and 10 AM - 3 PM Sa-Su, 360 days of service? I believe it was ~\$338k, but I'm looking for the exact amount for our draft language. **The exact amount proposed is \$338,187.00.**

(2) Is the proposal tacked to a specific inflation index in any way? **The costs proposed are for the first year of operation beginning in August 2022 and continuing through August 2023. Beyond the initial year, we would propose an inflation index of 3 percent annually for the following two (2) years. Years 4 and beyond would be subject to renegotiation between the petitioner and BT. I would suggest you add this language to any conditions you set for the petitioner.**

(3) What would it cost to have 360-day service with 40-minute frequency, 7 AM - 10 PM M-F and **10 AM - 6 PM** Sa-Su (instead of 10 - 3)? **We've updated the cost proposals for Alternative 1 and 2 to include service on Saturday and Sunday from 10 AM to 6 PM. Attached you'll find these updated proposals labeled as Alternative 1B and Alternative 2B. We haven't shared these with the petitioner but could if you like.**

(4) Is BT comfortable with the suggestion I made at the 2-12 meeting re: a commitment to a dollar amount equivalent to the 40-minute route plan? Specifically, if BT later decides to run the route differently, for example the proposed longer 60' route but with two buses (and thus a 30' frequency), I want BT to have the flexibility to do so consistent with Trinitas's commitment. Thus, the alternative of providing an equivalent dollar amount for transit, even if the route changes in response to future needs or if BT has increased funding (e.g., from a LIT). Let me know if you are OK with this proposal, and if not, if you would suggest something else in this vein? **I'm fine with what you're suggesting in terms of flexibility for BT to change the route while at the same time maintaining the petitioner's financial commitment to the service.**

(5) We only briefly discussed the possibility of a BT microtransit service as an alternative to a private after-hours shuttle provided by Trinitas. My impression is that this would be more expensive for the petitioner, and thus, perhaps at odds with our goal of expanding their commitment to the proposed #10 route. Do share this assessment or have any other thoughts specific to the after-hour shuttle? **I would agree that an after-hours microtransit service could in certain circumstances be more expensive compared to expanding the petitioner's commitment to the proposed new transit route. The one exception could be if BT introduces an extensive microtransit program in other areas of the City, it may be somewhat less expensive (as compared to late night fixed route service) to simply expand the microtransit service area to include the petitioner's development at the expense of the petitioner. If you're looking to have the petitioner make a commitment to funding and providing an after-hours service, I would**

simply suggest language that says something like, "The petitioner agrees to provide and fund a late transit service using BT with service provided X number of days annually between the hours of Y and Z. The petitioner and BT shall mutually agree on the form of service to be provided."

It will be important to note that the final agreement between BT and the petitioner is subject to the approval of the BT Board of Directors. I would suggest that the petitioner and BT staff reach consensus on a draft agreement within 90 days of the Council's approval of the development. Such agreement would then be considered for approval by the BT Board of Directors.

Just some general commentary - in my discussions with the petitioner, they have expressed that at some point the Council's "ask" of the petitioner will reach the point where amendments to the proposed development no longer make financial sense for them. I don't know what that point is but the petitioner has expressed that concern to me. I'll leave that to the Council to discern what that tipping point may be.

Hope this helps. Let me know if you have any additional questions.

**Attachments**

# Route 10

## Alt. 1B

### Service to Trinitas NW PUD & IU Campus

Service to be provided by 40' ADA-accessible bus

Final cost subject to review and adjustment 6 months prior to project startup.

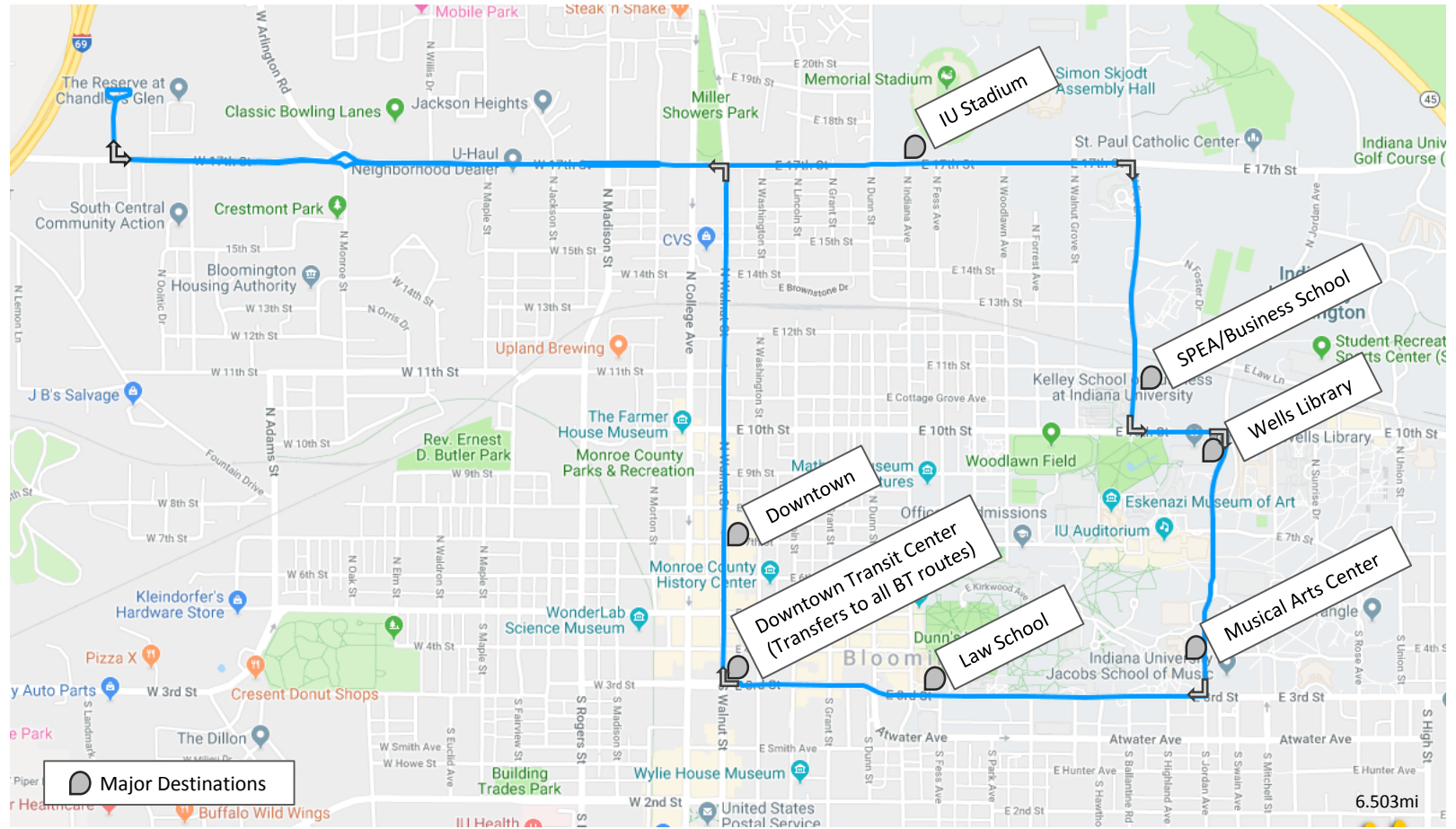
Final proposal subject to approval by BT Board of Directors

#### 2022-2023

#### Direct Operating Costs

- Operator, mechanic wages & benefits
- Parts, tools
- Fuel, fluids

**\$75.32/revenue hour**



#### Monday-Friday

60-Minute Frequency  
Year-Round, 257 days

7:00a-10:00p

**\$290,359**

#### Saturday & Sunday

60-Minute Frequency  
Year-Round, 103 days

10:00a-6:00p

**\$62,064**

#### Total Annual Cost

Year-Round, 360 days

**\$352,423**



# Route 10

Alt. 2B

## Service to Trinitas NW PUD & IU Campus

Service to be provided by 40'  
ADA-accessible bus

Final cost subject to review  
and adjustment 6 months  
prior to project startup.

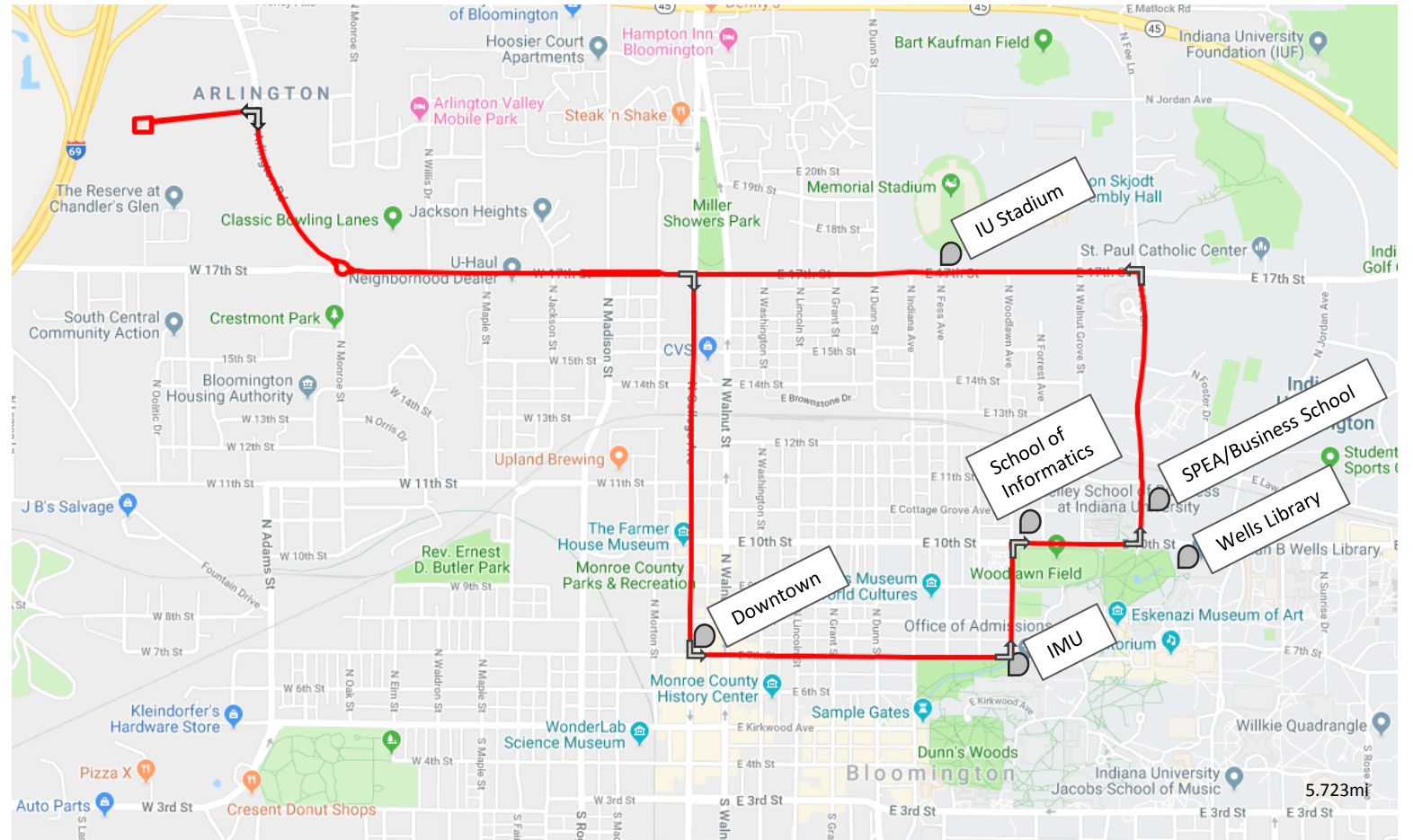
Final proposal subject to  
approval by BT Board of  
Directors

2022-2023

### Direct Operating Costs

- Operator, mechanic  
wages & benefits
- Parts, tools
- Fuel, fluids

**\$75.32/revenue hour**



**Monday-Friday**  
40-Minute Frequency  
Year-Round, 257 days

7:00a-10:20p

**\$296,811**

**Saturday & Sunday**  
40-Minute Frequency  
Year-Round, 103 days

10:00a-6:00p

**\$62,064**

**Total Annual Cost**  
Year-Round, 360 days

**\$358,875**



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

**Ordinance #:** 20-04  
**Reasonable Condition #:** 04  
**Submitted By:** Cm. Volan, District VI  
**Date:** 19 February 2020

**Proposed Reasonable Condition:**

1. The townhomes along the main street running through Area B shall follow the curve of the street. A commitment to this effect shall be in writing and shall be recorded.

**Synopsis**

This Reasonable Condition is sponsored by Cm. Volan. It is intended to orient the townhomes along the main street in Area B toward the street in order to improve the street's residential character and shall be in the form of a written and recorded commitment.

**2/12/20 Land Use Committee Action:** None  
**2/26/20 Land Use Committee Action:** *Pending*  
**3/4/20 Regular Session Action:** *Pending*

(21 February 2020)

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

**Ordinance #:** 20-04  
**Reasonable Condition #:** 05  
**Submitted By:** Cm. Piedmont-Smith, District V  
**Date:** 19 February 2020

**Proposed Reasonable Condition:**

1. The petitioner shall provide a minimum of 12 parking spaces in Areas B-D that are plug-in ready and that solar arrays shall be installed to generate sufficient electricity to power these stations. The commitment shall be in writing and recorded.

**Synopsis**

This Reasonable Condition is sponsored by Cm. Piedmont-Smith. Under the Sustainability Initiatives of the District Ordinance, the petitioner indicates that there would be a minimum of 2% or 8 plug-in ready parking spaces in Areas B-D for electrical vehicles. In elaboration, this provision also states that the petitioner intends to cover a total of 12 parking spaces with solar arrays sufficient to generate the electricity for those charging stations. This Reasonable Condition would hold the petitioner to those stated intentions and would require that the commitment be in writing and recorded.

**2/12/20 Land Use Committee Action:** None  
**2/26/20 Land Use Committee Action:** *Pending*  
**3/4/20 Regular Session Action:** *Pending*

(19 February 2020)