

City of Bloomington Common Council

Legislative Packet – Addendum

(Issued on Wednesday, 09 December 2020)

Containing materials related to the following meetings:

Wednesday, 09 December 2020

- 5:30 pm -- *Special Session*
- 5:35 pm -- *Public Safety Committee*
- 6:15 pm -- *Land Use Committee*
- 7:30 pm -- *Administration Committee*
- 8:30 pm -- *Community Affairs Committee*

**Please see the notes on the [Agenda](#) about this week's Standing Committee and about addressing public meetings during the public health emergency.*

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

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL**

**SPECIAL SESSION
WEDNESDAY, 09 DECEMBER 2020
5:30 PM**

Per Executive Orders issued by the Governor, these meetings will be conducted electronically. The public may access the meetings at the following link:

<https://bloomington.zoom.us/j/96355877377?pwd=UkhadHJSMXNVek1pejd4WVNLUEdudz09>

I. ROLL CALL

II. AGENDA SUMMATION

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

IV. LEGISLATION FOR FIRST READING

1. Ordinance 20-33 - To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Chapter 2.02 (Boards and Commissions – *Revised*) and Chapter 2.04 (Common Council – *Revised*)

V. COUNCIL SCHEDULE

VI. ADJOURNMENT *(to be followed immediately by Public Safety Committee)*

Statement on public meetings during public health emergency:

As a result of Executive Orders issued by the Governor, the Council and its committees may adjust normal meeting procedures to adhere to guidance provided by state officials. These adjustments may include:

- *allowing members of the Council or its committees to participate in meetings electronically;*
- *posting notices and agendas for meetings solely by electronic means;*
- *using electronic meeting platforms to allow for remote public attendance and participation (when possible);*
- *encouraging the public to watch meetings via Community Access Television Services broadcast or livestream, and encouraging remote submissions of public comment (via email, to council@bloomington.in.gov).*

Please check <https://bloomington.in.gov/council> for the most up-to-date information about how the public can access Council meetings during the public health emergency.

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**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL**

PUBLIC SAFETY COMMITTEE

**WEDNESDAY, 09 DECEMBER 2020
5:35 PM**

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<https://bloomington.zoom.us/j/96355877377?pwd=UkhadHJSMXNVek1pejd4WVNLUEdudz09>

Chair: Jim Sims

1. Resolution 20-18 - To Approve and Authorize the Execution of a Collective Bargaining Agreement Between the City of Bloomington and the Bloomington Metropolitan International Association of Fire Fighters, Local 586
2. Ordinance 20-32 - An Ordinance to Amend Ordinance 20-22, Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2021

Statement on public meetings during public health emergency:

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Posted: Wednesday, 09 December 2020

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL**

LAND USE COMMITTEE

**WEDNESDAY, 09 DECEMBER 2020
6:15 PM**

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<https://bloomington.zoom.us/j/96355877377?pwd=UkhadHJSMXNVek1pejd4WVNLUEdudz09>

Chair: Isabel Piedmont-Smith

1. Ordinance 20-28 - To Amend the City of Bloomington Zoning Maps by Rezoning 7.22 Acres of Property from Planned Unit Development (PUD) to Mixed-Use Student Housing (MS) - Re: 301 E. Brownstone Drive (The Standard at Bloomington, LLC, Petitioner)

Statement on public meetings during public health emergency:

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**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL**

ADMINISTRATION COMMITTEE

**WEDNESDAY, 09 DECEMBER 2020
7:30 PM**

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<https://bloomington.zoom.us/j/96355877377?pwd=UkhadHJSMXNVek1pejd4WVNLUEdudz09>

Chair: Steve Volan

1. Ordinance 20-29 - To Amend Title 1 (General Provisions) of the Bloomington Municipal Code - Re: Amending Chapter 1.08 to Harmonize the Design of the City Logo and City Seal
2. Ordinance 20-33 - To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Chapter 2.02 (Boards and Commissions – *Revised*) and Chapter 2.04 (Common Council – *Revised*)*

*This item appears on the agenda for the Administration Committee pursuant to a preliminary referral of anticipated legislation by the Council President. At its December 9th Special Session, the Council may confirm this preliminary referral, or refer legislation to a different Council committee, including the Committee of the Whole. Therefore, notice is provided that a committee meeting will occur and will be open for the public to attend, observe, and record what transpires.

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**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
COMMUNITY AFFAIRS COMMITTEE**

**WEDNESDAY, 09 DECEMBER 2020
8:30 PM**

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Chair: Ron Smith

1. Ordinance 20-30 -To Establish the Citizens' Redistricting Advisory Commission (To Establish an Independent Redistricting Commission)

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ORDINANCE 20-33

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

Re: Chapter 2.02 (Boards and Commissions – *revised*) and Chapter 2.04 (Common Council – *revised*)

WHEREAS, portions of Title 2 of the Bloomington Municipal Code (“BMC”) have not been updated in decades, and a review of such has determined that Chapters 2.02 and 2.04 should be amended; and

WHEREAS, BMC Chapter 2.02, which details the process to be followed upon a board or commission vacancy, contains sections that have not been updated in over forty years and revisions to this process are needed to reflect changes in technology and availability of information; and

WHEREAS, since 2014, the Council has rescheduled its summer recess from August to allow the recess to begin in either June or July, and the practice of scheduling its summer recess as needed should be reflected in BMC 2.04.050; and

WHEREAS, the use of standing committees by the Common Council throughout 2020 has demonstrated that certain amendments should be made to BMC Sections 2.04.255 and 2.04.270; and

WHEREAS, as previously acknowledged in Ordinance 13-05, BMC Section 2.04.290 requires the submittal of fiscal impact statements with certain pieces of legislation, but had not been practiced for decades and such statements are not necessary; and

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

SECTION 1. Section 2.02.010 shall be deleted in its entirety and replaced with a new Section 2.02.010 entitled “Boards and Commissions - Public information required”, which shall read as follows and the amended title of the section shall be reflected in the table of contents for this chapter:

2.02.010 – Boards and Commissions - Public information required.

Each city board or commission, or a city employee officially designated to facilitate the work of the board or commission, shall ensure that the following information about the board or commission is publicly available and accurately maintained on the city’s website:

- (1) The name of the board or commission;
- (2) The purpose or purview of the board or commission;
- (3) The current membership of the board or commission, including the term start and end dates for each seat;
- (4) Any requirements for eligibility;
- (5) The duties of the members on the board or commission;
- (6) An estimate of the time required to fulfill the duties; and
- (7) Compensation, if any is provided.

SECTION 2. Section 2.02.020 shall be deleted in its entirety and replaced with a new Section 2.02.020 entitled “Vacancy - Announcement”, which shall read as follows and the amended title of the section shall be reflected in the table of contents for this chapter:

2.02.020 – Vacancy-Announcement.

At least one month before the expiration of an appointment, and immediately on the vacancy's occurrence in the case of an unexpected vacancy, an announcement shall be sent to the local media that either includes or directs the public to the information required by 2.02.010 about the board or commission. The announcement shall also include a statement on how to apply for the vacant position(s).

SECTION 3. Section 2.02.030 shall be amended by changing the word “synopsis” to “announcement” in the first sentence, so that the section shall read:

No appointments shall be made sooner than fifteen days after submission of the announcement to the media, unless the mayor declares to the common council that an emergency situation exists on a board or commission due to the vacancy, and the mayor recommends and common council votes unanimously to make the appointment before the fifteen days have run.

SECTION 4. Section 2.04.050(e) shall be amended to read as follows:

(e) "The council may choose to schedule a summer recess, provided the council meets at least once a month. If such a recess is scheduled, no legislation shall be heard for first reading at the final regular session prior to the recess."

SECTION 5. Section 2.04.255 shall be amended to read as follows:

(a) When a committee is to consider legislation referred by the council, it shall convene its meeting on the second or fourth Wednesday of the month. The council may decide by majority vote to cancel any such committee meeting, or to meet at an alternative date and time. Motions for referral to a standing committee shall be entertained before a motion for referral to the committee of the whole and shall include the approximate time at which the committee will convene.

(1) If more than one standing committee has had legislation referred to it during the same period of time, the committees shall not be scheduled at the same time, so that any council members may attend any meeting.

(2) Such committee meetings shall not begin before 5:30 p.m. or after 9:45 p.m.

(b) The president shall have the authority to refer legislation to the appropriate committee when the legislation is introduced for first reading, but such a referral may be changed by a motion approved by a majority of the council. The president shall have the authority to call and schedule committee meetings on second and fourth Wednesdays in anticipation of the introduction of legislation.

(c) A council committee shall not meet on legal holidays as enumerated in Indiana Code § 1-1-9-1, and shall not meet to hear legislation during the Council’s official recess, on the Wednesday evening immediately before Thanksgiving Day, or on or between the fourth Wednesday in December and New Year's Eve.

SECTION 6. Section 2.04.270 shall be amended by revising the third sentence, so that the sentence shall read:

The president shall approve the agendas for regular sessions, special sessions called by the president or voted upon by the council, and committees convened to consider legislation referred to them, and the council staff shall prepare and distribute copies of the agendas and legislation to the council members, the mayor, and corporation counsel.

SECTION 7. Section 2.04.290, entitled “Ordinances and resolutions—Fiscal impact statement required,” shall be deleted in its entirety.

SECTION 8. If any section, sentence, 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 9. 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 by the Common Council of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 2020.

STEPHEN VOLAN, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2020.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2020.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmember Volan and would amend portions of Title 2 of the Bloomington Municipal Code entitled “Administration and Personnel.” The ordinance makes the following changes:

- It requires that certain information about each city board or commission be maintained on the city’s website and revises the process to be followed upon a board or commission vacancy.
- It revises BMC Section 2.04.050 (“Regular Meetings”) to clarify that the Council may schedule its summer recess as needed.
- It revises BMC Section 2.04.255 (“Committees – Scheduling”) to clarify council committee scheduling and the process of referring legislation to a council committee.
- It revises BMC Section 2.04.270 (“Ordinances and resolutions—Filing, copies and agendas”) to specify that the Council President is authorized to approve the agendas for committee meetings convened to consider legislation referred to them.
- It deletes BMC Section 2.04.290 (“Ordinances and resolutions—Fiscal impact statement required”).

Note: This ordinance was revised after distribution in the Legislative Packet but before being introduced for first reading at the December 9, 2020 Special Session. The revision added the third Whereas clause, inserted a new Section 4, amended Section 5 to clarify council committees shall not meet to hear legislation during any scheduled summer recess, and renumbered subsequent sections accordingly.

Questions from Land Use Committee on Ord. 20-28
Brownstone Terrace Rezone
Dec. 7, 2020

We know our discussion is focused on the re-zone, so some of these answers may not yet be known, because they are more relevant to the site plan.

A. Parking and Transportation

1. Will parking spot rental be de-coupled from rent? **Parking will be decoupled from rent.**
2. Is there an option to decrease the number of parking spots to the minimum required (.5/bed), 536? **Based upon parking demand at comparable properties pre-COVID in Bloomington, we estimate demand to be roughly 65% of our total bed count. Ensuring we have adequate supply to meet demand is critical to our residential rental assumptions.**
3. Will 212 bicycle parking spaces be in the garage and additional spots at every entrance, or is 212 a total of garage + entrance spots? **212 is the total number of bicycle parking spaces being proposed currently. Approximately 30 to 40 spaces total will be located near the building primary entrances (10-14 per entrance) with the remainder (172-182) being located inside the building.**
4. How are you coordinating with Bloomington Transit to re-institute a bus stop directly adjacent to the property, since the relocation of Route 1 removes the 14th Street stops? **As this development site is significantly more pedestrian to major student oriented hubs (academics/sports complex/downtown) vs comparative properties in this market, and the proximity of other public transit solutions within blocks of our site, we believe we are well suited to meet renter needs. As such, we are not re-instituting a stop directly adjacent to the property. After the service changes Bloomington Transit will be implementing in the future to Route 1 (BT has informed us they are waiting until after the Covid-19 pandemic to implement these changes– previously Jan. 1, 2021 was the anticipated date) there will no longer be stops on 14th Street. This site will be served by Routes 1 and 6 and the nearest stops will be at Walnut and College a few blocks west of the site (see the Pedestrian Connectivity exhibit).**

There may be some confusion relating to the condition added by planning staff to our plan commission recommendation (shown below):

The petitioner must coordinate with Bloomington Transit on the incorporation of a shuttle pick-up and shuttle service. No private shuttle service is allowed.

The intention here by planning commission was to prevent us from doing our own private shuttle (which we were NOT planning on doing). We anticipate most of our residents will walk or cycle to campus and other destinations, utilize the campus shuttle stops at Luddy Hall, or utilize the Bloomington Transit routes currently available. We are not seeking to add or change the Bloomington Transit

routes that currently exist as we think they serve the project site well even after Route 1 is relocated.

5. How will residents living here get to a grocery store? Which one is closest? The “KroMarsh” on the north side is closest, followed closely by the downtown Kroger. Route 1 currently does and will continue to provide service from this project site to the Kinser Kroger. The stops will be relocated from 14th St to Walnut and College but will still be easily accessible from this project site. Residents could also take the Route 1 south to the transit center and walk to the Seminary Square Kroger. For basic items residents can also utilize the N Walnut CVS one block from the project site.
6. What does the Transportation Plan or P&T call for re: sidewalk width along 14th? In dense areas, I thought at least 8 foot wide sidewalks are encouraged. 14th St is designated as a Neighborhood Connector (NC) and the typical cross section calls for a 7ft wide sidewalk as shown on our plans.
7. Will there be any change to the 14th and Dunn intersection, for example, adding a 4-way stop? If this development is projected to add 800 daily car trips, it might be difficult to cross Dunn via bike or on foot without a stop for cars, especially with the 14th St. jog. The Transportation Engineer did not indicate a need for intersection improvements such as 4-way stop control at this intersection. We will forward this comment to the engineer for their feedback.
8. Was a bike lane on 14th considered? How wide are the car lanes on 14th St? Does the Transportation Plan speak to this at all? I'd love to see a protected bike lane next to the sidewalk on the south side. The Transportation Plan calls for this stretch of 14th St to be a “Neighborhood Greenway”. Per the Plan: “Neighborhood greenways (also referred to as bicycle boulevards or neighborhood bikeways) are lowspeed, low-volume shared roadways that create a high-comfort walking and bicycling environment.” For this reason the default right of way width of 74’ (which includes protected bike lanes) was reduced to 60’ due to the bicycles sharing the road with vehicles on bicycle boulevards. This is shown on pages 38 and 137 of the transportation plan. This is why no protected bicycle lanes are being installed as part of this project. An example of what the plan is calling for here is located west of Bryan Park along E Allen St.
9. Will there be tree plots on 14th? I think this was recommended and added, but not adjusted in the photo renderings? Page 128 of the packet for the Land Use Committee meeting shows the latest site plan that has the tree plots shown along E 14th St.
10. Are the drive cuts to enter the property the minimum allowable widths according to the BMC? The drive cuts are the maximum permitted in the UDO but the *minimum* permitted by the Bloomington Fire Department. We cannot reduce the width of these drives and we cannot reduce any of the drives shown due to fire access.

B. Climate

1. Is there any consideration for expanding solar to the entire development, and including those up-front costs as a portion of rent while eliminating electric bills for tenants? [We studied solar as part of our program and were able to effectively implement it for our parking structure. That said, the amount of roof top area is not sufficient to power the entire building given the density, the amount of green space included in our site plan, and roof top mechanical required for this project.](#)
2. I see recycling will be on-site. Is it possible to also include compost to decrease the amount of trash going to landfills? There could be an Earth Keepers compost station on site. [We are open to discussing composting solutions.](#)
3. When was Brownstone Terrace built? [Brownstone Terrace was built 1985 and is nearing the end of its useful life.](#)
4. Is there something wrong with Brownstone Terrace, structurally, for instance, such that Petitioner plans to demolish the development? [The existing site is considered to be in "Fair" condition presently with 5 year repair needs totaling approximately \\$800,000 including:](#)
 - [Retaining wall replacement](#)
 - [Repaving / sidewalk replacement](#)
 - [Pool Repairs](#)
 - [Siding Repairs/Replacement](#)
 - [Roof Systems](#)
 - [Condensing Units](#)
 - [Carpet](#)
 - [Kitchen Appliances](#)
5. What is the expected life of the buildings in the proposed development? [100-150 Years](#)

C. Housing

1. Can you remind me of the definition of workforce housing - what % of AMI? [Residents whose annual income is not more than 120% of HUD's AMI for Monroe County, IN at the time of the lease. The base rental rate shall not exceed an amount equal to 25% of the adjusted AMI at the time of the lease.](#)
2. Have you considered allowing any of the units to be owner occupied? [Due to our capital sources we are unable to incorporate this concept.](#)
3. Why were balconies facing Old Northeast neighborhood minimized? [During our neighborhood meetings it was specifically requested that we remove southern facing balconies due to noise concerns.](#)

D. General

1. Can we see examples of previous work done by Landmark Properties? [Attached separately in our submittal package.](#)
2. Has this gone before the Environmental Commission? Have these plans been reviewed by the Bike/Ped Commission? Or does this not happen until there is a proposed site plan? [The Environmental Commission did review the project. A](#)

memo from the commission dated October 12, 2020 is attached to these responses. We are not aware of the Bike/Ped Commission reviewing the project but have reached out to planning staff to confirm.

3. I noticed that many or most of the designated affordable units will be on the south side of the buildings. This makes it particularly disappointing to me that balconies are being minimized or removed on this side of the development. Can balconies be added back in on the building's south side? After all, there is an entire railroad corridor between the proposed development and the homes on 12th Street to the south. Balconies were removed from that side of the building due to feedback from our community meeting. If this is something you want to proceed with we can look to redistribute the existing balconies across all four façades.



City of Bloomington
Bloomington Environmental Commission

MEMORANDUM

Date: October 12, 2020

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Subject: ZO-20-20: The Standard at Bloomington LLC, Brownstone Terrace Apartments
301 E. Brownstone Drive

The purpose of this memo is to convey the environmental concerns and recommendations for conditions of approval from the Environmental Commission (EC) with the hope that action will follow to enhance its environment-enriching attributes. The request is to rezone the property from Planned Unit Development to Mixed Use Student Housing.

The EC has no objection to the rezoning of this property. The Petitioner has been working with the Senior Environmental Planner on several issues that are not relevant at this rezone stage, but the EC is encouraged with the progress.

The EC encourages the Petitioner to use the National Green Building Standard, Emerald rating instead of only Silver, but is encouraged by the proposed green building features nevertheless.



DEVELOPMENT | CONSTRUCTION | MANAGEMENT | INVESTMENT



URBAN LIVING

The Standard offers Landmark's purpose-built luxury mid-rise and high-rise student housing product. This urban product is typically located pedestrian to campus, with a superior amenity package suited for both academic work and entertainment. These features frequently include:

Safety and Service:

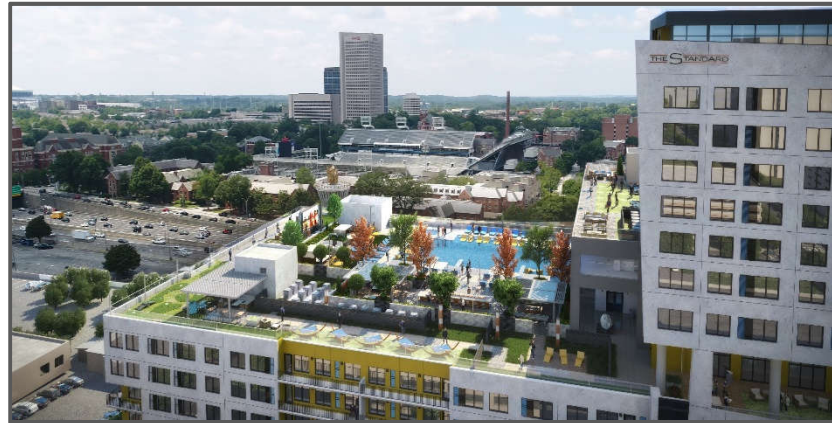
- On-site Property Manager
- 24/7, On-Call management
- Unit Offered to Local Police
- Electronic Key Fob Security

Activities:

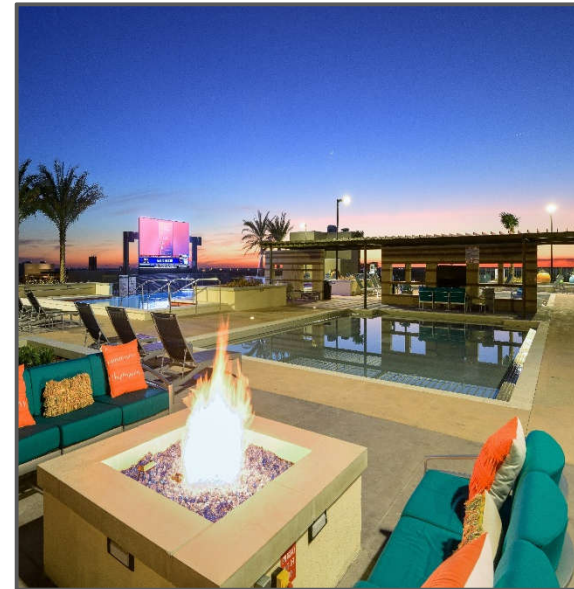
- Computer Lab
- Group and Private Study
- Golf Simulator
- Grilling Area
- Fitness Center
- Yoga Studio
- Gaming Area

Leisure:

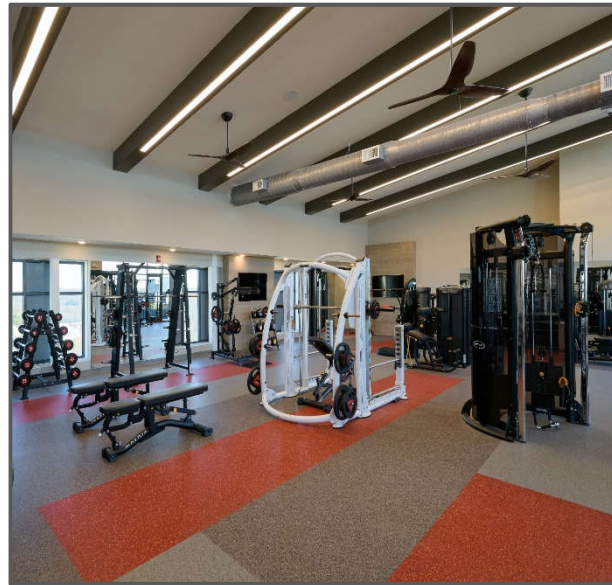
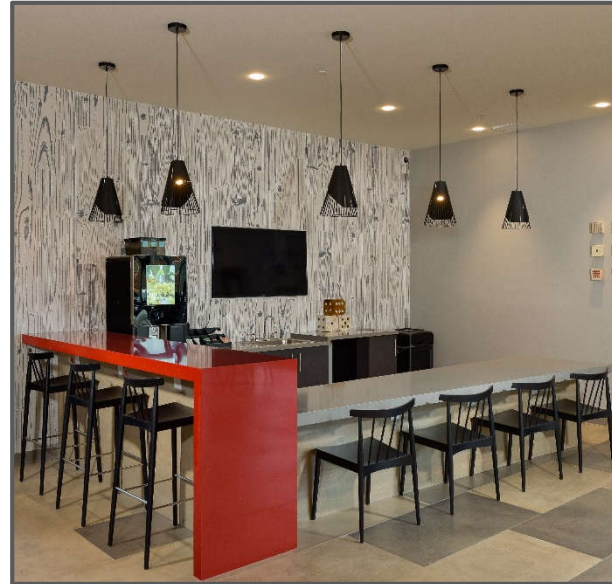
- Interior Amenity Area
- Coffee Bar
- Rooftop or Amenity Deck
- Pool Area
- Saunas



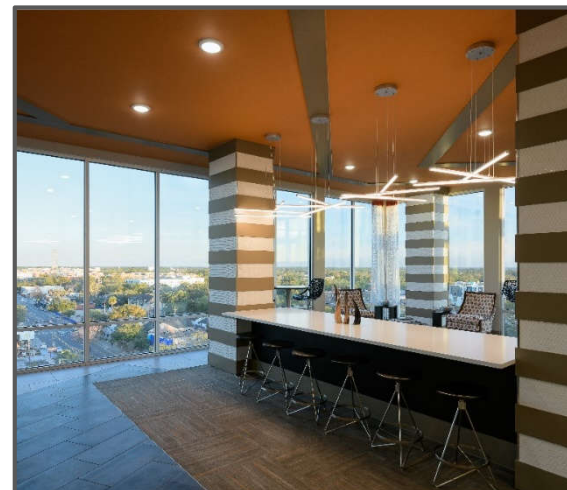
OUTDOOR AMENITY



INDOOR AMENITY



REPRESENTATIVE PRODUCT



REPRESENTATIVE ARCHITECTURE



REPRESENTATIVE ARCHITECTURE

