

City of Bloomington Common Council

Legislative Packet

05 March 2014

Regular Session and Committee of the Whole

All background material and legislation contained herein.

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Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Resolution for Consideration Under “Second Reading and Resolutions” at the Regular Session on Wednesday, March 5th :

- **Res14-03** To Initiate a Proposal to Amend the Text of the Unified Development Ordinance, Chapter 20 of the Bloomington Municipal Code, in Accordance with Indiana Code Sections 36-7-4-602(b) & 36-7-4-607(b) (Proposal to Protect the Character of the Courthouse Square and University Village Overlay Districts by Treating the Location or Expansion of a “Standardized Restaurants” in those Districts as a Conditional Use)
 - Memo to Council; Map of Courthouse Square and University Village Overlay Districts

*Contact: Tom Micuda at 349-3423 or micudat@bloomington.in.gov or
Patty Mulvihill at 349-3426 or mulvihill@bloomington.in.gov*

Ordinance and Background Material to be Introduced at the Regular Session and Discussed at the Committee of the Whole to be Held One After the Other on Wednesday, March 5th:

- **Ord 14-03** To Rezone a 6.96 Acre Property from Residential Core (RC) to a Planned Unit Development to be Known as the B-Line Neighborhood and Approve a Preliminary Plan and District Ordinance - Re: 901 W. Cottage Grove Avenue (Habitat for Humanity of Monroe County, Petitioner)
 - Certification (5-3); Map of Site and Surrounding Area; Memo to Council; Staff Report for 24 Feb 2014 (First) Hearing; Memo from Environmental Commission (24 January 2014);

Petitioner's Statement and District Ordinance (24 Jan 2014); Site Plans (Including Tree Preservation Plan), Preliminary Plat and Plan; Site Section Drawings and Illustrative Home Floor Plans and Elevations; Outline of Homeowner Association Documents; Petition from Residents Opposing Waiver of Second Hearing

Contact: Pat Shay at 349-3524 or shayp@bloomington.in.gov

Minutes from Regular Session:

- January 15, 2014
- February 5, 2014

Memo

**Two Pieces of Legislation at Two Meetings on Wednesday, March 5th
Regular Session Followed By Committee of the Whole on Wednesday, March 5th**

There is a resolution ready for final action at the Regular Session next Wednesday and an ordinance ready for introduction at that Regular Session and discussion at the Committee of the Whole immediately following it. Both items are included in this material and summarized below.

**March 12th –
Special Session Scheduled – Committee of the Whole to be Cancelled**

Please note that there is a Special Session scheduled for the following week (March 12th) where Ord 14-02 (Establishment of the University Courts Historic District) and the aforementioned ordinance are scheduled for second reading. Please also, note that there are no items for the Committee of the Whole scheduled for later that evening and this meeting should be cancelled.

**Resolution for Consideration Under “Second Readings and Resolutions” at the
Regular Session Next Wednesday**

Res 14-03 directs the Plan Commission to prepare amendments to BMC Title 20 (Unified Development Ordinance) that would treat “standardized restaurants” locating or expanding within the Courthouse Square and University Village Overlay districts as a conditional use. Please know that this summary is informed by a review of the legislation and a memo provided by Patty Mulvihill, Assistant City Attorney, and Tom Micuda, Planning Director.

The Courthouse Square Overlay is comprised of the grid of nine blocks including and encompassing the courthouse square and the University Village Overlay is encompassed by Sixth Street on the north (with one notch on the north east corner of Sixth and Grant), Indiana on the east, Third Street on the south, and Washington Street on the West. *See the enclosed maps.*

As the memo reminds the reader, these overlays contain the courthouse square, Buskirk-Chumley Theater, one-of-a-kind shops, unique restaurants like Nicks English Hut, Trojan Horse, and the ethnic restaurants in “repurposed bungalow homes” along Restaurant Row that are well-known “cornerstones of what makes Bloomington the town it is and drives the economy envisioned by Bloomington leadership.”

The resolution finds that these two overlay districts have been “specifically identified as unique and in need of protection via a variety of sources.” Some of these sources include the:

- last two Growth Policies Plans, which devoted whole sections to the downtown;
- Interim Report of Indiana Historic Sites and Structures Inventories, which has identified at least 50 historic structures in these areas;
- Downtown Vision and Infill Strategy, which mapped and defined the character of these areas,
- UDO which codified these overlay districts, and
- Bloomington Entertainment and Arts District, which encompasses these districts and promotes their vitality.

The memo and resolution express concern that the popularity and vitality of these areas will draw additional standardized restaurants that, without monitoring and regulation, may become excessive and “conflict with the City’s goal of a diverse and unique restaurant base and continued and sustainable economic growth as envisioned ...in these areas.” Given these concerns and a review by City Legal of how other communities have responded to them,¹ this proposal takes the next step toward protecting these areas.

¹ Patty Mulvihill provided a file with about two dozen ordinances. Another observer of regulating formula businesses states that “The towns leading the charge are, for the most part, upscale tourist destinations concerned with a healthy economy. They worry that franchises will cause their tourist-based economies to suffer, that franchises will reduce them to just another non-descript roadside stop in a nation of strip malls.” Regulation of Formula Businesses, Brobrowski, The Urban Lawyer, Vol 44, No. 1, Winter 2012, page 230.

Grounded in serving and advancing the “public health, safety, comfort, morals, convenience, and general welfare of the City,” the resolution calls for the Board of Zoning Appeals to review the location or expansion of these standardized restaurants as a conditional use. A "Conditional use" under our local code, “means a use specifically designated as such in this title which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular zoning district and which may be conducted only pursuant to a conditional use approval granted by the board of zoning appeals.”² This form of review has been described as “regulat(ing) that middle tier of uses between those so offensive that they are prohibited and those so innocuous that they are allowed as of right.”³

It then sets forth the parameters of the process to be added to the local code which:

- defines a “standardized restaurant” as:

“A restaurant or bar devoted to the preparation and offering for sale of food or beverages to the public for consumption either on or off the premises, which is required by contractual or other arrangement to offer standardized menus, ingredients, food preparation, employee uniforms, company logos, or exterior design.”

- Please note that this definition targets “sameness” without regard to whether the business is owned locally, regionally or nationally.
- requires the City’s Board of Zoning Appeals to issue a conditional use permit before a standardized restaurant may be established or expanded in those overlay districts;
 - Please note that “standardized restaurants” currently located within these overlay districts would become lawful non-conforming uses (per BMC 20.01.110) and be able to operate in accordance with BMC 20.08 (Lawful Non-Conforming Lots, Sites, Structures, and Uses)
- sets forth three specific standards to guide the BZA review along with the general conditional use standards set forth in BMC 20.05.023(b).⁴ These standards are as follow:

² Per BMC 20.11.020 (Definitions)

³ The Regulation of Formula Businesses and the Dormant Commerce Clause Doctrine, Mark Bobrowski, The Urban Lawyer, Vol 44, No. 1, Winter 2012

⁴ “No conditional use approval shall be granted pursuant to [Chapter 20.09](#), Processes, Permits, and Fees unless the petitioner shall establish that the standards for the specific conditional use are met and that the following general standards are met:

- **Balance of Local, Regional and National-Based Businesses** - Approval of the proposed use is strictly conditioned upon the proposed use contributing to an appropriate balance of local, regional, and national-based businesses with the regulated area;
- **Project Visual Appearance Reflecting or Complementing Historic Character of Areas** - The proposed use must utilize a unique visual appearance that reflects or complements the historic character of the regulated area and not project a visual appearance that is homogenous with its design elements in other communities;
- **Not Result in Over-Concentration of Standardized Restaurants** – The proposed use will not result in an over-concentration of standardized restaurants within the regulated area.

Procedure and Schedule.

As noted previously, the resolution directs the Plan Commission to prepare amendments to the UDO. This step is authorized under IC 36-7-4-602(b) and IC 36-7-4-607(b)-(c), which gives the Plan Commission no more than 60 days to hold a public hearing on the matter. In order to satisfy this time frame, the resolution anticipates that the Commission will meet on March 10th for this purpose.

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- (1) The proposed use and development must be consistent with the growth policies plan and may not interfere with the achievement of the goals and objectives of the growth policies plan;
 - (2) The proposed use and development will not create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;
 - (3) The proposed use and development will not have an undue adverse impact upon adjacent property, the character of the area, or the public health, safety and general welfare;
 - (4) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;
 - (5) The proposed use and development will neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
 - (6) The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic or historic feature of significant importance;
 - (7) The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood;
 - (8) Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of character, in the board of zoning appeals' determination, shall not be approved; and
 - (9) The proposed use and development complies with any additional standards imposed upon that particular use by this chapter. Per BMC 20.05.023(b)

The Council will then have 90 days after certification of Plan Commission action to adopt, amend, or reject the proposal.⁵ In the event the Council amends or rejects the proposal, it must return the matter to the Plan Commission with a written explanation for its action. Then, the Plan Commission would have 45 days to respond and, if it disapproves the action of the Council, the Council would then need to confirm that action within 45 days of certification of Plan Commission disapproval.

Legality

The memo notes that local regulations of “standardized restaurants” have, on occasion, been challenged under “what is known as Dormant Commerce Clause of the United States Constitution.” The principle, in essence, prohibits discrimination against interstate commerce. With that in mind, the memo concludes “that if done properly, and in accordance with long-standing legal principles, regulation of standardized restaurants via a conditional use permit is permissible and proper.”

Ordinance to be Introduced at the Regular Session and Discussed at the Committee of the Whole to be Held on Wednesday, March 5th

Ord 14-03 would rezone 6.96 acres of land from Residential Core (RC) to Planned Unit Development (PUD) to authorize the development of 35 affordable homes on behalf of Habitat for Humanity. This overview will be brief and is intended to point the reader to the memo and material provided by the Plan Staff included in this packet for a more careful consideration of the issues.

Site and Surroundings The site is a 6.96 acre football-shaped island bordered by the B-Line Trail at the bottom of a slope on the north and the Indiana Railroad tracks on the south. It is “100% wooded (with) pockets of significant elevation change” due, in part, to the deposit of railroad fill many years ago. Please note that the petitioner owns 1.33 acres of small properties on the east and west of this site that will be placed in conservation easements and will *not* be part of the PUD. Beyond these right-of-ways, the site is surrounded by the Opportunity House and single-family neighborhoods on the north, commercial properties on the east, Reverend Butler Park on the southeast, and single family neighborhoods on the southwest and west.

Proposal The petitioner is proposing “a compact subdivision (with) reduced lot sizes to accommodate up to 35 (affordable) single family homes” designed in a

⁵ Should the Council fail to act within that time frame, the recommendation of the Plan Commission goes into effect after the 90 days have elapsed.

mix of one and two-story, vinyl-clad bungalows of various styles.⁶ The houses will face an interior public street and an open commons. The street will enter the site from a realigned Diamond Street that will cross the B-Line Trail on the northeast side of the property and connect with both ends of an alley (also public) that will run behind the houses on the south near the railroad tracks. Sidewalks and tree plots will line the public street. One multiuse path will connect with the B-Line Trail on the west and another will follow the Trail and connect with Reverend Butler Park on the east through one of the parcels owned by the petitioner but not part of the PUD. Utilities will enter the site through Diamond Street and stormwater will be captured by street inlets and flow to bio-filtration areas on the east and west end of the PUD.

Growth Policies Plan

One Plan Commissioner cast this proposal as a balancing of “competing public goods.” Those public goods are put in the context of the Growth Policies Plan and briefly noted below:

Compact Urban Form – Revised development regulations for near-downtown and near-campus areas to encourage increased residential densities

- The memo notes that this site is within 300 feet of the Commercial Downtown zoning district which, in absence of other factors, would support higher densities.

Nurture Environmental Integrity – Adopt a tree preservation ordinance that emphasizes species diversity, protecting blocks of high quality vegetation and natural corridors, and preserving community-wide tree crown cover

- The development will reduce the tree canopy by 64% while the UDO requires preservation of 50%. The memo supports the reduction, in part, because of the low quality of the woodlands, but primarily because of the over-riding community goal of providing affordable housing “particularly in locations close to urban services.”
- Note that a few years ago the City, through the Parks and Recreation Department, had an opportunity to purchase this land, but declined to do so.
- Under this heading, it’s worth noting that the Environmental Commission filed a Memo, which recommended:
 - Holding a second hearing on the project;
 - Seriously reconsidering development of the site;
 - Converting the tree preservation easements into conservation easements;

⁶ All but 8 structures with 16 homes located along the railroad tracks will be detached, single-family dwellings.

- Adhering to tree preservation, pervious surface, and steep slope protection standards in the UDO;
- Requiring Petitioner to use green, sustainable building and design with Low Impact Development practices.
- The Staff Report responded to the recommendations and addressed at least one in the Conditions of Approval.

Conserve Community Character – Revise the Zoning Ordinance to include standards for infill development in residential areas that are consistent and compatible with pre-existing development.

- The development proposes reductions in lot sizes, setbacks, and lot widths from that prescribed in the Residential Core zoning district, which the memo indicates is a “central question with the proposal.” Under the GPP Land Use policies, the “grid-like street system, alley access to garages, small street setbacks and a mixture of owner-occupants and rental tenants” characterize the RC areas and “must be protected and maintained.” Compatibly designed and sensitively-located multifamily uses, however, may be appropriate.
- The memo finds that the “petitioner’s proposal largely complies with these policies.” Other than the site-driven lack of multiple points of vehicular access, reduced lot dimensions, and the presence of some duplexes, the project is compatible with RC districts, particularly in regard to the offer of owner-occupied, modestly priced homes “very reflective of nearby design styles.”

Schedule – Due to what I understand was an error in publishing notice, the hearing on this petition was conducted about two weeks after intended at a Special Meeting of the Plan Commission held on Monday, February 24th. At that time, over objections from nearby residents, the Commission waived Second Hearing and forwarded the ordinance to the Council. Given Spring Break and the particular needs of the petitioner, the Council has scheduled this ordinance for introduction at the Regular Session and discussion at a Special Committee of the Whole on March 5th and second reading at a Special Session on March 12th.

The needs of the petitioner relate to its inventory of housing sites and the requirements of federal funding necessary for part of this project. Habitat does not have other housing sites to meet its goal of building about a dozen houses a year and development here this summer will allow Habitat to begin construction of what amounts to a 3-year inventory of affordable housing. As explained at the Commission, federal funds necessary for this project prohibit the removal of trees

between from April through October (to avoid interfering with the life cycle of the Indiana Bat).

Neighborhood Input at the Plan Commission – After three neighborhood meetings (one a few years ago, one in December, and another on February 5th), the residents:

- Requested more time and a second hearing to inform neighbors and fully understand the proposal (and provided a petition with over 50 signatures which is included in the packet);
- Cited the Environmental Commission Report and echoed its concerns about the loss of wooded property in the neighborhood (along with the need to preserve and enhance the vegetative buffer to the surrounding area and B-Line Trail), and contamination due to railroad operations;
- Were concerned about drainage and flooding;
- Thought the project had excessive density and would have adverse traffic impacts to Diamond Street, West Cottage Grove, and West 11th Street; and
- Acknowledged but were not overly concerned about a homeless encampment on the site and current safety on the B-Line Trail.

Approval at Plan Commission – After one hearing, the Plan Commission voted 5 – 3 to forward this petition to the Council with the following Conditions of Approval (in some instances paraphrased by the Council Office):

- Two parcels will be included in the PUD and two remnants will be placed in conservation easements on the plat for the subdivision;
- The petitioner will install an 8-foot asphalt pedestrian path from the B-Line Trail to Reverend Butler Park on the remnant parcel east of the project. The work will be done in consultation with the Public Works and Parks and Recreation departments and may result in dedication of the path to the Parks Department.
- No attached units will be placed along the B-Line Trail (Lots 24-35).
- An 8-foot sidepath will be installed along one side of the extension from Cottage Grove/Diamond Street to the B-Line Trail;
- Final utility and drainage designs will be approved with final plan;
- The rear-yard setback along the alley must be increased to 18-feet from the right-of-way line.
- The proposed tree preservation easements should be evaluated at the final plat stage for possible designation as conservation easement.
- The submission of building exterior designs at the time of the review of building permits shall be consistent with the information contained in the Commission packet.

- The petitioner shall work with the Plan Department at final plan stage to develop a detailed tree preservation and landscaping plan focused most specifically on creating maximum perimeter vegetation buffers and planting new larger caliper plant species.
- The petitioner shall work with City staff and the Bicycle and Pedestrian Safety Commission to develop a detailed B-Line crossing plan for the extension of the public street into the PUD site.
- Staff shall review initial tree removal; the Commission shall review all future final plans.
- The internal path connection between Lot 24 and Lot 25 must be amended from 4 to 5 feet in width.



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

To Council Members
From Council Office
Re Weekly Calendar – 03 – 07 March 2014

Monday, 03 March

5:00 pm Redevelopment Commission, McCloskey
5:30 pm Bicycle and Pedestrian Safety Commission Work Session, Hooker Room

Tuesday, 04 March

7:30 pm Telecommunications Council, Council Chambers

Wednesday, 05 March

12:00 pm Bloomington Urban Enterprise Association, McCloskey
2:00 pm Hearing Officer, Kelly
5:30 pm Commission on Hispanic and Latino Affairs, McCloskey
7:30 pm Common Council Regular Session and Committee of the Whole, Council Chambers

Thursday, 06 March

4:00 pm Bloomington Digital Underground Advisory Council, McCloskey
5:30 pm Commission on the Status of Women, McCloskey

Friday, 07 March

1:30 pm Metropolitan Planning Organization Policy Committee, Council Chambers

Posted and Distributed: Friday, 28 February 2014

RESOLUTION 14-03

**TO INITIATE A PROPOSAL TO AMEND THE TEXT OF
THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 20
OF THE BLOOMINGTON MUNICIPAL CODE, IN ACCORDANCE
WITH INDIANA CODE SECTIONS 36-7-4-602(b) & 36-7-4-607(b)
(Proposal to Protect the Character of the Courthouse Square and University Village
Overlay Districts by Treating the Location or Expansion of a “Standardized Restaurants”
in those Districts as a Conditional Use)**

- WHEREAS, the Common Council, via the City’s zoning ordinance, known locally as the Unified Development Ordinance (Title 20 of the Bloomington Municipal Code), is required by Indiana Code 36-7-4-601(c)(3) to act for the purpose of promoting the public health, safety, comfort, morals, convenience, and general welfare of the City of Bloomington; and
- WHEREAS, the Common Council, via the Unified Development Ordinance, is required by Indiana Code 36-7-4-601(d)(2)(E) to regulate districts within the City to ensure that the historic and architectural heritage of the Bloomington community is protected; and
- WHEREAS, the Common Council, via the Unified Development Ordinance, is required by Indiana Code 36-7-4-601(d)(2)(G) to regulate districts within the City by placing restrictions on particular kinds of intensities of uses; and
- WHEREAS, the Common Council has the authority under Indiana Code 36-7-4-602(b) and 36-7-4-607(b) to initiate a proposal to amend the text of the Unified Development Ordinance; and
- WHEREAS, the Common Council finds that the properties contained within the City’s Courthouse Square Overlay and University Village Overlay combine to create a very unique atmosphere in the heart of downtown Bloomington; and
- WHEREAS, the Common Council values the importance of the connections between community character and commerce; and
- WHEREAS, the Common Council finds that the geographic areas defined by the Courthouse Square and University Village Overlays have a history of being specifically identified as unique and in need of protection via a variety of sources, including, but not limited to, the following: the 1991 Growth Policies Plan; the 2000-2001 “Big Dig” improvements along Kirkwood Avenue; the 2002 Growth Policies Plan; the 2002 Interim Report of Indiana Historic Sites and Structures Inventory; the 2005 Downtown Vision and Infill Strategy Plan; the 2006 creation of the Bloomington Entertainment and Arts District; and the 2007 Unified Development Ordinance, which codified the two Overlays; and
- WHEREAS, the Common Council reasonably believes additional standardized restaurants could, in the foreseeable future, make their way to those areas contained within the Courthouse Square and University Village Overlays due to the popularity and vitality of these areas; and
- WHEREAS, the Common Council believes the addition or expansion of excessive standardized restaurants in the boundaries of the Courthouse Square and University Village Overlays, if not monitored and regulated, will conflict with the City’s goal of a diverse and unique restaurant base and continued and sustainable economic growth as envisioned by the Mayor and the Common Council in these areas; and
- WHEREAS, Indiana Code 36-7-4-602(b)(1) gives the Common Council authority to initiate a proposal to amend the text of the Unified Development Ordinance and require the Plan Commission to prepare said proposal;

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

SECTION I. The public health, safety, comfort, morals, convenience, and general welfare of the City of Bloomington will best be served and advanced by monitoring and regulating the establishment of new and expanded standardized restaurants in the Courthouse Square Overlay and University Village Overlay through the issuance of Conditional Use Permits by the City's Board of Zoning Appeals, which shall require the amendment and supplementation of certain provisions of the City's Unified Development Ordinance.

SECTION II. The City of Bloomington Plan Commission is hereby required to prepare a proposal to amend the City's Unified Development Ordinance ("Ordinance") which does the following:

- A. Defines a standardized restaurant in the Ordinance as "a restaurant or bar devoted to the preparation and offering for sale of food or beverages to the public for consumption either on or off the premises, which is required by contractual or other arrangement to offer standardized menus, ingredients, food preparation, employee uniforms, company logos, or exterior design.";
- B. Requires the issuance of a Conditional Use Permit by the City's Board of Zoning Appeals before a standardized restaurant may be established or expanded in the Courthouse Square Overlay and University Village Overlay areas; and
- C. Establishes specific conditional use standards in the Ordinance to guide the Board's review so that proposed standardized restaurants in the Courthouse Square and University Village Overlay areas must comply with:
 1. The conditional use standards currently found in Section 20.05.023(b); of the Ordinance; and
 2. Additional conditional use standards that shall read as follows:
 - a. Approval of the proposed use is strictly conditioned upon the proposed use contributing to an appropriate balance of local, regional, and national-based businesses within the regulated area;
 - b. The proposed use must utilize a unique visual appearance that reflects or complements the community character of the regulated area and not project a visual appearance that is homogenous with its design elements in other communities; and
 - c. The proposed use will not result in an over-concentration of standardized restaurants within the regulated area.

SECTION III. The City of Bloomington Plan Commission is hereby required to prepare and consider the above-described proposal to amend the City's Unified Development Ordinance in accordance with Indiana Code Sections 36-7-4-604, 606 and 607.

SECTION IV. The City of Bloomington Plan Commission is hereby required to consider the above-described proposal to amend the City's Unified Development Ordinance at its March 10, 2014, meeting in order to fulfill the legal requirement that the proposal be heard within sixty (60) days.

SECTION V. If any sections, sentence or provision of this resolution, 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 resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

SECTION VI. This resolution 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 _____, 2014.

DARRYL NEHER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

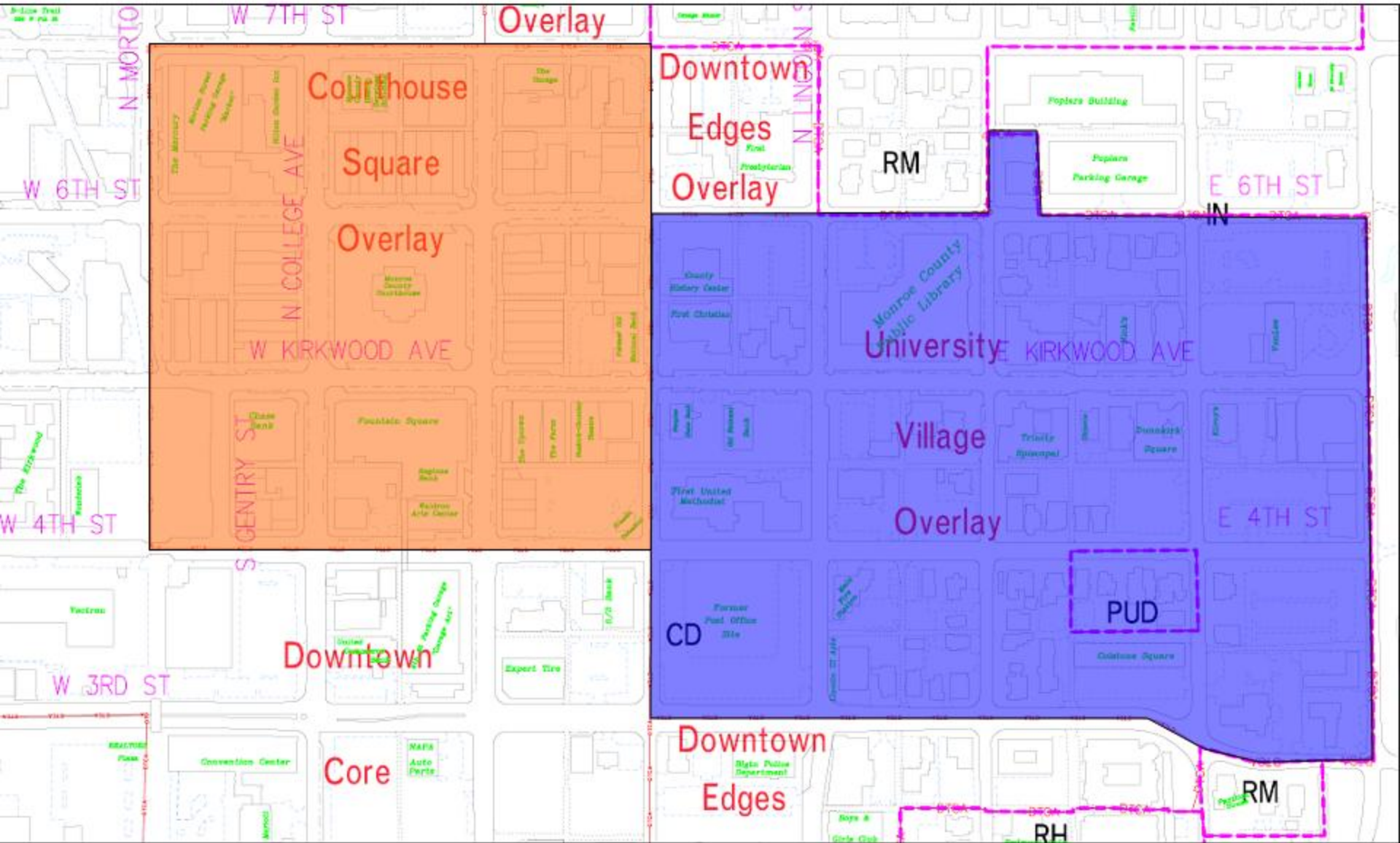
PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2014.

SIGNED and APPROVED by me upon this _____ day of _____, 2014.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution directs the City of Bloomington Plan Commission to prepare a proposal to amend the City's Unified Development Ordinance to create a process whereby businesses known as 'Standardized Restaurants' are required to obtain Conditional Use approval in order to locate and expand in two downtown overlay districts. These districts are the Courthouse Square Overlay (CSO) and the University Village Overlay (UVO). The purpose of the amendment is to ensure balance and diversity of restaurant activity in the most historic, vibrant, and eclectic areas of the downtown—areas which the City relies upon heavily for economic development purposes. The amendment directs the Commission to prepare the proposal by creating specific Conditional Use criteria to provide the Board of Zoning Appeals with guidance in determining whether proposals for Standardized Restaurants do not negatively impact these two downtown overlay districts, to wit: (1) Approval of the proposed use is strictly conditioned upon it contributing to an appropriate balance of local, regional, and national-based businesses within the regulated area; (2) The proposed use must utilize a unique visual appearance that reflects or complements the historic character of the regulated area and not project a visual appearance that is homogenous with its design elements in other communities; and (3) The proposed use will not result in an over-concentration of standardized restaurants within the regulated area.



MEMO:

To: City of Bloomington Common Council
From: Patty Mulvihill, Assistant City Attorney
Tom Micuda, Planning Director

Date: February 12, 2014

Re: Amendments to UDO Regarding Standardized Restaurants

The City's Courthouse Square and University Village Overlays exemplify the uniqueness of Bloomington—they quintessentially and uniquely define the Bloomington community. These two portions of the City contain the historic Courthouse area—an area which still very much resembles how the Courthouse looked when it was first established, and which is one of only three (3) historic courthouse districts in the State of Indiana with a historic courthouse, opera house and jail. Kirkwood Avenue is comprised of one-of-a-kind shops and restaurants, many unique and locally significant. When one thinks of Kirkwood they think of Nick's English Hut, the Buskirk Chumley Theater and the Trojan Horse Restaurant—all unique and locally-grown. Kirkwood Avenue is the City's main pedestrian corridor to and from Indiana University and a favorite of ESPN's to film during game days. Restaurant Row is contained within these Overlays; a tiny local street that packs a big global punch—in repurposed bungalow homes. A dozen or so ethnic restaurants that one would typically only find in a major metropolitan area, Ethiopian food as an example, have made Restaurant Row their home. Because these two Overlays contain the cornerstones of what make Bloomington the town it is and drives the economy envisioned by Bloomington leadership, their uniqueness must be protected and preserved. In an effort to protect the delicate balance of these two Overlays, a regulation which monitors the creation and expansion of standardized restaurants is essential.

Since 1991, with the adoption of that year's Growth Policies Plan the City has affirmatively stated that these areas of Downtown warrant more stringent protection than other areas of town. The Growth Policies Plan of 1991 made it clear that the areas contained a mix of uses, that this mix of uses should be maintained and that the City should strive to keep the areas pedestrian in scale.

As the years progressed the statements made in the 1991 Growth Policies Plan were reiterated, emphasized and expounded upon in other important City documents and plans. The message from all statements is loud and clear: protect and preserve Bloomington's unique culture and economy by protecting and preserving these areas. For example, the 2002 Growth Policies Plan noted that these areas have a "small town" atmosphere that must be enriched and maintained. The 2005 Downtown Vision and Infill Strategy Plan specifically highlighted the Courthouse Square, Kirkwood Avenue and Restaurant Row as being one-of-a-kind and in need of preservation. Additionally, the City's Historic Preservation Commission adopted its 2002 Survey and noted that over fifty (50) structures in the Overlay districts are in some way historic. Also, with the adoption of BEAD in 2006 the City specifically created three BEAD Districts which almost wholly encompass the two Overlays—these Districts note that these Overlays contain the heart of Bloomington and are worthy of special recognition.

Because the richness of character in the Courthouse Square and University Village Overlays has been consistently recognized by the City, it is imperative that the City continue to actively protect this character. In determining how to best continue its preservation efforts of these Bloomington-only features, an examination of other communities was undertaken. Results from this examination were clear: multiple cities and towns have begun regulating the creation and expansion of standardized restaurants in their core areas so as to properly maintain their unique character. In all, it appears, at a minimum, that at least twenty-two (22) cities or towns (predominantly in eastern and western coastal towns) have chosen to regulate different types of standardized businesses in an effort to protect their unique community character.

The regulation of standardized restaurants has not been without challenges in these other areas of the country. Challengers to the new protections claimed such protections violated what is known as the Dormant Commerce Clause of the United States Constitution. Some challengers were successful, but others failed. What the court decisions of these challenges revealed leads the City to believe that if done properly, and in accordance with long-standing legal principles, regulation of standardized restaurants via a conditional use permit is permissible and proper. The thoughtful effort, attention, and intense scrutiny Bloomington has already paid to the planning and design of the Courthouse Square and University Village Overlays laid the groundwork and provides the explanation for the proposed legislation.

Standardized restaurants are not currently regulated or defined by the Unified Development Ordinance (UDO). As such, standardized restaurants would be a new use and require the creation of a definition. After a careful reading of existing standardized restaurant ordinances from other communities, the City's proposed definition of this new use is as follows:

“A restaurant devoted to the preparation and offering for sale of food or beverages to the public for consumption either on or off the premises, which is required by contractual or other arrangement to offer standardized menus, ingredients, food preparation, employee uniforms, company logos, or exterior design.”

Any current or new business that meets this definition will be classified as a standardized restaurant. Current businesses who meet this definition will be considered lawfully nonconforming uses; in other words, they will be grandfathered and their business will continue uninterrupted as long as they maintain in their current location and do not expand. New businesses that meet this definition and want to locate in either Overlay may do so long as they obtain a conditional use permit from the City's Board of Zoning Appeals. The regulation will also apply to an existing standardized restaurant which opts to expand its square footage.

In order to obtain a conditional use permit from the Board, applicants will need to meet the current standards in obtaining such a permit, and also meet special standards for standardized restaurants. The current standards in place are standards that any and all conditional uses throughout the City must meet—these are standards mandated, at least in part, by the Indiana Code. These current standards include the following:

- The proposed use and development must be consistent with the Growth Policies Plan and may not interfere with the achievement of the goals and objectives of the Growth Policies Plan;

- The proposed use and development will not create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;
- The proposed use and development will not have an undue adverse impact upon adjacent property, the character of the area, or the public health, safety and general welfare;
- The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, storm water management structures, and other services, or that the applicant will provide adequately for such services;
- The proposed use and development will neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- The proposed use and development will not result in excessive destruction, loss or damage of any natural, scenic or historic feature of significant importance;
- The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood; and
- Signage shall be appropriate to both the property under consideration and to the surrounding areas. Signage that is out of character in the Board of Zoning Appeals' determination shall not be approved.

These standards are all currently located in Section 20.05.023 of the UDO.

Aside from meeting the above-stated requirements, an applicant for a conditional use permit to establish or enlarge a standardized restaurant in either the Courthouse Square Overlay or University Village Overlay would also need to meet additional standards. Based on the review of standardized restaurant ordinances from other communities, the City proposes the following additional standards:

- Approval of the proposed use is strictly conditioned upon the proposed use contributing to an appropriate balance of local, regional, and national-based businesses within the regulated area;
- The proposed use must utilize a unique visual appearance that reflects or compliments the historic character of the regulated area and not project a visual appearance that is homogenous with its design elements in other communities; and
- The proposed use will not result in an over-concentration of standardized restaurants within the regulated area.

These new standards would be established as a new Section in the UDO, presumably Section 20.05.034 (all other remaining Sections in the Chapter would be renumbered accordingly).

In order to fully create a conditional use permitting process for standardized restaurants in the two Overlays several changes to the UDO must occur. Most changes are non-substantive, but necessary for consistency and procedural accuracy. This Memo really only highlights the two substantive changes—creation of the new land use, standardized restaurant, and the proposed conditional use process to evaluate such future requests.

ORDINANCE 14-03

**TO REZONE A 6.96 ACRE PROPERTY FROM RESIDENTIAL CORE (RC) TO A
PLANNED UNIT DEVELOPMENT
TO BE KNOWN AS THE B-LINE NEIGHBORHOOD
AND APPROVE A PRELIMINARY PLAN AND DISTRICT ORDINANCE
- Re: 901 W. COTTAGE GROVE AVENUE
(Habitat for Humanity of Monroe County, Petitioner)**

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning", including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled "Subdivisions", went into effect on February 12, 2007; and

WHEREAS, the Plan Commission has considered this case, PUD-01-14, and recommended that the petitioner, (Habitat for Humanity of Monroe County), be granted a request to rezone the property to a Planned Unit Development. The Plan Commission thereby requests that the Common Council consider this petition;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the property located at 901 West Cottage Grove Avenue shall be rezoned from Residential Core (RC) to a Planned Unit Development (PUD). The property is further described as follows:

A parcel of land located in the South Half of the Northeast Quarter and the North Half of the Southeast Quarter of Section 32, Township 9 North, Range 1 West of the Second Principal Meridian, in Bloomington, Monroe County, Indiana, described as follows:

Beginning at the point where a line that lies parallel and/or concentric with and 25 feet normally distant Northwesterly from the center of the Main Tract of the Indiana Rail Road Company intersects the South line of the 60 foot wide right of way of CSX Transportation, Inc.; thence run Southwesterly along last said parallel and/or concentric line a distance of 1,100 feet to a point; thence run Northwesterly at right angle to the last described course a distance of 245 feet, more or less, to a point on the said South line of the 60 foot wide right of way of CSX Transportation, Inc.; thence Easterly along said South right of way line a distance of 1,100 feet, more or less, to the point of beginning.

Also

A part of the East Half of Section 32, Township 9 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows:

COMMENCING at the East Corner of Habitat for Humanity of Monroe County, Inc. (Instrument Number 2010019986) at a point where a line that parallels and/or concentric with and 25 feet normally distant Northwesterly from the center of the Main Tract of the Indiana Railroad Company intersects the South line of the 60 foot wide right-of-way of CSX Transportation, Inc.(the B-line trail) ; thence run Southwesterly along last said parallel and/or concentric line a distance of 1100 feet to the Southwest Corner of Habitat of Monroe County, Inc. being the POINT OF BEGINNING; thence continuing Westerly 30 foot perpendicular Northerly and parallel to the railroad track of the Indiana Railroad 351 feet to the East right-of-way of Monroe Street; thence along said East right-of-way, North 96.50 feet to the South line of the B-Line Trail; thence along said South line, 337.98 feet along a 1530.91 foot radius curve to the left to the West line of Habitat for Humanity of Monroe County, Inc.; thence Southeasterly along said West line, 235 feet to the POINT OF BEGINNING, containing 1.39 acres more or less.

SECTION 2. The Preliminary Plan and District Ordinance are hereby approved and shall be attached hereto and made a part thereof.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance 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 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2014.

DARRYL NEHER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2014.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2014.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance approves the rezoning of 6.96 acres located at 901 W. Cottage Grove Avenue from Residential Core (RC) to Planned Unit Development (PUD) and approves the Preliminary Plan and District Ordinance for this property to allow for an attached and detached single family development of 35 affordable homes.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 14-03 is a true and complete copy of Plan Commission Case Number PUD-01-14 which was given a recommendation of approval by a vote of 5 Ayes, 3 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on February 24, 2014.

Date: February 25, 2014



 Thomas B. Micuda, Secretary
 Plan Commission

Received by the Common Council Office this 25th day of FEBRUARY, 2014.



 Regina Moore, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

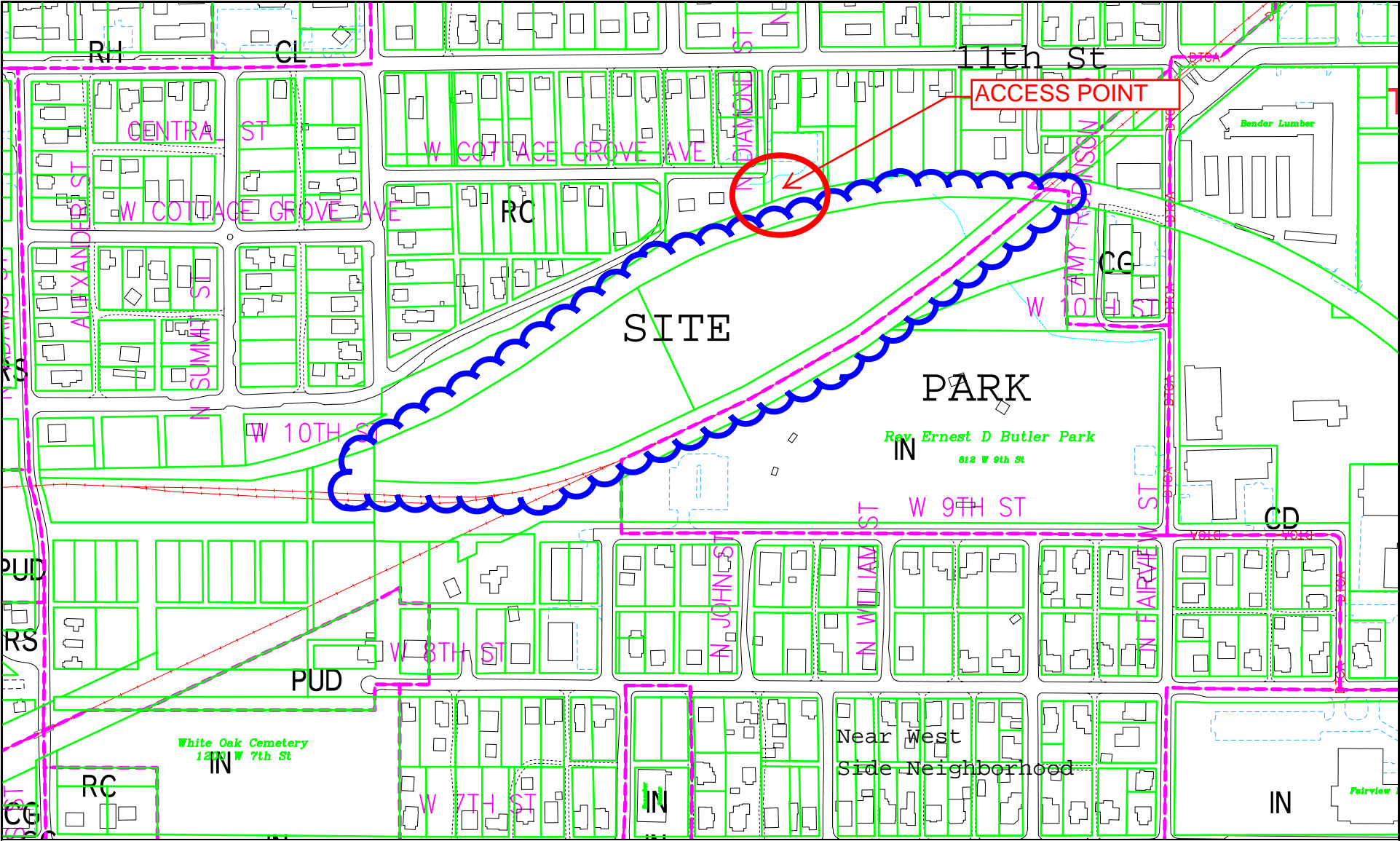
Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No _____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)



PUD-01-14
Location/Zoning Map

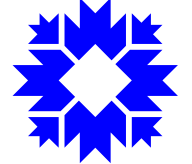
By: shapp
3 Jan 14



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 300'

Interdepartmental Memo

To: Members of the Common Council
From: Patrick Shay, Development Review Manager
Subject: Case # PUD-1-14
Date: February 24, 2014

Attached are the staff reports, petitioner's statement, maps, and exhibits which pertain to Plan Commission Case # PUD-1-14. The Plan Commission heard this petition at its February 24, 2014 meeting and voted 5-3 to send this petition to the Common Council with a favorable recommendation.

REQUEST: The petitioner is requesting a rezone to Planned Unit Development (PUD) and approval of a Preliminary Plan and District Ordinance for 6.96 acres currently zoned Residential Core.

REPORT: This site is an aggregation of parcels that are bound on the north by the City's B-Line Trail and the south by an active rail line. The site is undeveloped and nearly 100% wooded and has pockets of significant elevation change. It was owned in the past by the railroad and has been transferred to private ownership over the last several years. These parcels have several challenges to development. In addition to the topographical and tree coverage issues, this site has no current vehicular access and is irregularly shaped. Access is difficult due to the lack of adequate adjacent right-of-way, restrictions of at-grade rail crossings, topography, and the desire to limit access across the B-Line Trail.

With these factors in place, a subdivision compliant with current UDO standards would prove cost restrictive. The petitioner, a non-profit that provides desirable affordable housing opportunities, purchased the property and is proposing a compact subdivision that would include reduced lot sizes to accommodate up to 35 single family (attached and detached) homes. These homes would all be placed on individual lots. This proposal includes more homes than would be permitted under a more conventional subdivision. This is one of the reasons a PUD approach is being proposed. However, the petitioner's proposal would provide a desired community benefit in supplying approximately 3 years of construction sites for income eligible, owner occupied housing. In addition, these homes would be uniquely located on a near downtown site with nearby services such as parks, schools, trails, shopping opportunities, and public transportation.

The petitioner has worked with staff to develop a plan that will retain a significant portion of the vegetation and provide for adequate stormwater retention. The plan also creates a loop street network with half of the loop being a full public street with parallel parking on both sides and a rear loading alley along the southern property line adjacent to the active rail line. All of the homes would face a central green to be placed within common area and would include covered front porches. The homes along the north property line, adjacent to the trail, would include front porches on both the internal street and facing the B-Line trail.

The petitioner has proposed to allow flexibility in the layout of the development to permit individual lots to have either attached or detached units with a maximum of 8 attached structures (16 total units). The Plan Commission was comfortable with this proposal, but recommends that all of the units fronting the B-Line Trail be detached units.

PRELIMINARY PLAN ISSUES:

Access: The petition site is not currently accessible for vehicles. The site cannot be accessed from the south due to the adjacent rail line. There is currently an unimproved right of way, N. Diamond St, that terminates into the B-Line trail adjacent to the petition site. This right-of-way is very narrow and would intersect the site at a point with a significant elevation change immediately adjacent to the B-Line Trail. The petitioner has worked with the adjacent property owner (Opportunity House) to propose a more desirable vehicular access point further to the east. The proposed access point will be placed within right-of-way and will cross a small drainage way. The new access will extend from the existing terminus of W. Cottage Grove Ave. and cross the B-Line trail where an existing pedestrian pathway at trail grade has been informally established. Although additional street connections would be desirable, the existing topography and the rail line to the south make additional connections completely infeasible.

Alley: In addition to the proposed public street, the petitioner has proposed to provide an alley to the south to provide looped vehicular access. This alley will allow adequate emergency access, access to parking areas for Lots 5-20, and trash/recycling services. This alley has been designed with a 20-foot right-of-way and 14 feet of pavement to be consistent with the UDO requirements.

Pedestrian Facilities: The new access into the site and the internal street will have 5-foot sidewalks on both sides. There will also be an additional 5-foot sidewalk along the southern boundary of the common green area to access the individual units on Lots 5-20. As is typical, there will not be any sidewalks within the alley right-of-way. The petitioner has also proposed an additional pedestrian connection to the B-Line Trail on the western portion of the site. The path is shown at 4 feet in width. The Plan Commission recommended that this path be widened to 5 feet.

Architecture: The petitioner has worked with their consultant to propose multiple housing alternatives. They have also worked to integrate differing housing types and heights to the proposal to avoid monotonous construction, especially along the B-Line. The approximate 12 homes along the B-Line would all be detached homes. These homes would be a mixture of one and two-story structures with varying rooflines. Three additional one-story homes would be located to the west and four, one-story homes with walk-out basements would be located adjacent to the stormwater pond and preservation area to the east. Lastly, there will be approximately 8, two-story attached single family structures (16 homes) along the southern property line. The proposed homes would be clad in vinyl and sample architecture has been provided.

Parking: There are approximately 50 on-street spaces proposed with this request and 32 spaces along the proposed alley. This provides 82 spaces for the 35 proposed units. A minimum of 70 spaces would typically be required for such a project, so the proposal is consistent with other single family and paired home projects.

Environmental: The 7 acre property is almost 100% wooded. From a tree quality standpoint, only the perimeter of the property contains large mature trees. An aerial photograph of the site reveals that in the 1960s the property was almost entirely free of tree cover. The property contains no karst features, streams, or wetlands. There are some steep slopes on the west end of the site and along the B-Line. However, the west end of the site (property most recently owned by the railroad) is not being proposed for any development. Along the B-Line, the homes are being proposed well away from a steep slope extending south from the trail. No disturbance to this slope area will be occurring.

With regards to the vegetation, the City's tree preservation standards require 50% of the existing tree canopy to be saved. The petitioner is requesting a PUD approach because the economics of the proposal dictate a greater number of buildable lots and more disturbance area than the ordinance typically allows. Strict compliance with code would require the petitioner to save 3.48 wooded acres of the 6.96 acre site. The petitioners are proposing to save roughly 2.52 acres of woods (36% of the site). Preservation efforts will be concentrated along the B-Line Trail, the active railroad corridor to the south, east end of the site (where stormwater will be held) and west end of the site (on land acquired from the railroad).

Development Standards: With the District Ordinance, the petitioner has proposed several variations to the underlying RC zoning. These standards include small lots (2,015 square foot minimum), reduced lot widths (31-foot minimum), 10-foot rear setbacks (17 feet for the structures along the alley) and front build-to line. The petitioner has designed the subdivision to locate the homes on one of the side lot lines. This will allow for one large side yard rather than two small side yards in the hope of providing a more usable space for future owners. To accommodate these 0-foot setbacks, the future plat would show a 2-foot eave overhang easement as well as a 5-foot no build easement to allow windows to be installed on the property line.

Utilities: The petitioner is proposing to extend an existing 8" water line from Diamond Street and continue under the internal street. An 8" sanitary sewer line will follow a similar path with individual laterals being made to this extension. Stormwater for the site will largely be collected within the street system and directed to detention and biofiltration ponds on both the east and west end of the property.

Street Trees: Street trees will be located on both sides of the new public street within a standard tree plot, but will not be located on the proposed alley.

Common Areas: The subdivision plat will include covenants and a facilities maintenance plan that will dictate the use and responsibilities for all common areas and easements. This includes the larger common area at the center of the proposed development. A draft of this document has been submitted to staff with this proposal and will be finalized with the future final plat request. The petitioner indicates that the common area will not be designed until future homeowners have a chance to express preferences for certain amenities (gardens, playfields, orchards, playground equipment, etc.)

Right-of-Way: The proposed street includes two 10-foot travel lanes as the drive extends west into the site. There will also be 8' parallel parking spaces on both sides of the street. When added to the 5-foot wide sidewalk and street trees on both sides of the street, there will be a total right-of-way of 61 feet for the first section of street extending across the B-Trail, with the internal section necessitating 56 feet of right of way. The alley will be placed within a 20-foot right-of-way.

Final Plans: Future final plans will be heard by the Plan Commission. However, the Plan Commission determined that the initial tree removal for the site be permitted at staff level.

Neighborhood Input: The petitioner has held three formal neighborhood meetings since acquiring the property, with the last two being held in early December and on February 5. Many neighbors have also met with the petitioner more informally to discuss the project. Overall, the input received by staff has been largely positive and supportive. Issues cited in the most recent neighborhood meeting include:

- Density in excess of surrounding patterns
- Loss of the wooded property, which is fondly viewed as a desired break in the urban landscape as well as a wildlife habitat
- Whether the Commission should allow the requested waiver of second hearing
- Importance of tree preservation along the perimeter of the property and the enhancement of these natural buffers with significant new landscaping, particularly more forest appropriate species rather than ornamental varieties
- Connectivity to Butler Park as well as how the proposed B-Line crossing will be handled
- Traffic impacts to Diamond Street
- Design and maintenance of the proposed public green

GROWTH POLICIES PLAN: The GPP designates this particular property as "Residential Core." Applicable land use guidance for how this property should develop is as follows:

Compact Urban Form (Page 5) – *Revise development regulations for near-downtown and near-campus areas to encourage increased residential densities.*

Staff notes that the development location is less than 300 feet from the Commercial Downtown zoning district. Absent other factors, development at higher densities is appropriate in such areas.

Nurture Environmental Integrity (Page 9) – *Adopt a tree preservation ordinance that emphasizes species diversity, protecting blocks of high quality vegetation and natural corridors, and preserving community wide tree crown coverage.*

The tree preservation issue is an important decision point in this case because the ordinance following the GPP requires 50% canopy preservation and this petition is proposing 36%. The Plan Commission could certainly have taken the position that the proposal must comply with this standard. Mitigating circumstances opposing strict compliance include the relatively young condition of the wooded habitat, the community goal for affordable housing – particularly in locations close to urban services, and the general goal of providing higher density infill development. The Plan Commission ultimately supported these other community goals rather requiring the PUD to strictly comply with code.

Conserve Community Character (Page 18) – *Revise the Zoning Ordinance to include standards for infill development in residential areas that are consistent and compatible with preexisting development.*

This is also a central question with the proposal because the petitioner is requesting smaller lot sizes, setbacks, and lot widths than prescribed by the Residential Core zoning district. If the property was embedded in either the Near West Side Neighborhood (south of Reverend Butler Park) or the area along 11th Street or Cottage Grove Ave. (no neighborhood association), this degree of code deviation would likely be inappropriate. However, because the property is more isolated due to its location between a City trail and an active rail line, a higher density development pattern is reasonable and ultimately supportable.

Core Residential Land Use Policies (Page 30) – The petitioner’s property contains this land use designation. The intent section for this land use designation notes: “Core Residential areas are characterized by a grid-like street system, alley access to garages, small street setbacks, and a mixture of owner-occupants and rental tenants.” This section goes on to prioritize that such “areas must be protected and maintained.” However, the GPP does also note that “Multi-family residential and neighborhood-serving commercial uses may be appropriate for this district when compatibly designed and properly located to respect and complement single family dwellings.”

The petitioner’s proposal largely complies with these policies. The one and two story structures have similar square footages and massing in comparison to existing nearby housing stock. Roof pitches are a little flatter than homes in the Near West Side Neighborhood but quite compatible with the housing stock to the north. Other than lot dimensions, the layout of the proposal is compatible featuring alley access, small street setbacks, narrow lot widths, and on-street

parking. Differences include the inability to provide multiple access points due to unique site conditions, the presence of some duplex structures, and reduced lot sizes. However, most importantly, the proposed development is designed to be owner occupied, modest in cost, and contain homes that are very reflective of nearby design styles.

CONCLUSION: Overall, the Plan Commission found this development to be an extremely desirable affordable housing project and reasonable rezoning request given the site's more isolated context than other core neighborhood locations. It is difficult for affordable housing providers to construct new housing units within close proximity to the downtown and City services. Although this development includes a higher density of single family homes than would be automatically permitted by zoning, the increase in units is necessary to develop this difficult site. In addition, staff finds that the petitioner's designs for house styles are the proper scale, contain enough variety in color, massing, and roof lines, and reflect nearby housing characteristics.

RECOMMENDATION: The Plan Commission voted 5-3 to forward case # PUD-1-14 to the Common Council with a positive recommendation, subject to the following conditions:

1. Only the two parcels located between the B-Line Trail and the rail line shall be rezoned to Planned Unit Development (PUD). The remaining remnant parcels shall be placed within conservation easements on the plat for the subdivision.
2. The petitioner shall work with the Planning and Parks and Recreation staffs to install an 8-foot asphalt pedestrian path from the B-Line Trail to Reverend Butler Park. This pathway is to be located on a remnant railroad property east of the PUD site, with the possible dedication of said property to Parks.
3. No attached units shall be placed on Lots 24-35.
4. One side of the Cottage Grove extension from Diamond Street to the B-Line Trail shall include an 8-foot wide sidepath connecting to the B-Line Trail.
5. Final utility and drainage designs will be approved with the final plan.
6. The rear yard setback along the alley must be increased to 18 feet from the right-of-way line.
7. The proposed tree preservation easements should be evaluated at the final plat stage for possible designation as conservation easements.
8. At the time of building permit review, the submitted building exterior designs shall be consistent with the information contained in this packet.
9. The petitioner shall work with the Planning staff at the final plan stage to develop a detailed tree preservation and landscaping plan focused most specifically in creating maximum perimeter vegetation buffers and planting new larger caliper plant species.
10. The petitioner shall work with City staff, with input from the Bicycle and Pedestrian Safety Commission, to develop a detailed B-Line crossing plan for the extension of the public street into the PUD site.

11. Initial tree removal shall be reviewed at staff level. All future final plans shall be reviewed by the Plan Commission.
12. The internal path connection between Lot 24 and Lot 25 must be amended to 5 feet in width.

BLOOMINGTON PLAN COMMISSION
STAFF REPORT – First Hearing
LOCATION: 901 W. Cottage Grove Ave.

CASE #: PUD-1-14
DATE: February 24, 2014

PETITIONER: Habitat for Humanity of Monroe County
 213 E. Kirkwood Ave, Bloomington

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

Kirkwood Design Studio
 113 E. 6th St, Bloomington

REQUEST: The petitioner is requesting to rezone approximately 7 acres from Residential Core (RC) to Planned Unit Development (PUD), District Ordinance approval, Preliminary Plan approval, and preliminary plat approval of a 44-lot subdivision. The petitioner is also requesting a waiver of the required second hearing.

SITE INFORMATION:

Lot Area:	Approximately 6.96 acres (8.29 acres for plat)
Proposed Units/Lots:	35
Current Zoning:	Residential Core
Proposed Zoning:	Planned Unit Development
GPP Designation:	Core Residential
Existing Land Use:	Vacant, Wooded
Proposed Land Use:	Attached and Detached Single Family Residential
Surrounding Uses:	North – B-Line Trail, Single Family, Opportunity House South – Rev. Butler Park, Single Family Residential East – Commercial West – Single Family

REPORT: This site is an aggregation of parcels that are bound on the north by the City's B-Line Trail and the south by an active rail line. The site is undeveloped and nearly 100% wooded and has pockets of significant elevation change. It was owned in the past by the railroad and has been transferred to private ownership over the last several years. These parcels have several challenges to development. In addition to the topographical and tree coverage issues, this site has no current vehicular access and is irregularly shaped. Access is difficult due to the lack of adequate adjacent right-of-way, restrictions of at-grade rail crossings, topography, and the desire to limit access across the B-Line Trail.

With these factors in place, a subdivision compliant with current UDO standards would prove cost restrictive. The petitioner, a non-profit that provides desirable affordable housing opportunities, purchased the property and is proposing a compact subdivision that would include reduced lot sizes to accommodate up to

35 single family (attached and detached) homes. These homes would all be placed on individual lots. This proposal includes more homes than would be permitted under a more conventional subdivision. This is one of the reasons a PUD approach is being proposed. However, the petitioner's proposal would provide a desired community benefit in supplying approximately 3 years of construction sites for income eligible, owner occupied housing. In addition, these homes would be uniquely located on a near downtown site with nearby services such as parks, schools, trails, shopping opportunities, and public transportation.

The petitioner has worked with staff to develop a plan that will retain a significant portion of the vegetation and provide for adequate storm water retention. The plan also creates a loop street network with half of the loop being a full public street with parallel parking on both sides and a rear loading alley along the southern property line adjacent to the active rail line. All of the homes would face a central green to be placed within common area and would include covered front porches. The homes along the north property line, adjacent to the trail, would include front porches on both the internal street and facing the B-Line trail.

The petitioner has proposed to allow flexibility in the layout of the development to permit individual lots to have either attached or detached units with a maximum of 8 attached structures (16 total units). Staff is comfortable with this proposal, but recommends that all of the units fronting the B-Line Trail be detached units.

PRELIMINARY PLAN ISSUES:

Access: The petition site is not currently accessible for vehicles. The site cannot be accessed from the south due to the adjacent rail line. There is currently an unimproved right of way, N. Diamond St, that terminates into the B-Line trail adjacent to the petition site. This right-of-way is very narrow and would intersect the site at a point with a significant elevation change immediately adjacent to the B-Line Trail. The petitioner has worked with the adjacent property owner (Opportunity House) to propose a more desirable vehicular access point further to the east. The proposed access point will be placed within right-of-way and will cross a small drainage way. The new access will extend from the existing terminus of W. Cottage Grove Ave. and cross the B-Line trail where an existing pedestrian pathway at trail grade has been informally established. Although additional street connections would be desirable, the existing topography and the rail line to the south make additional connections completely infeasible.

Alley: In addition to the proposed public street, the petitioner has proposed to provide an alley to the south to provide looped vehicular access. This alley will allow adequate emergency access, access to parking areas for Lots 5-20, and trash/recycling services. This alley has been designed with a 20-foot right-of-way and 14 feet of pavement to be consistent with the UDO requirements.

Pedestrian Facilities: The new access into the site and the internal street will have 5-foot sidewalks on both sides. There will also be an additional 5-foot sidewalk along the southern boundary of the common green area to access the individual units on Lots 5-20. As is typical, there will not be any sidewalks within

the alley right-of-way. The petitioner has also proposed an additional pedestrian connection to the B-Line Trail on the western portion of the site. The path is shown at 4 feet in width. Staff proposes that this path be widened to 5 feet.

Architecture: The petitioner has worked with their consultant to propose multiple housing alternatives. They have also worked to integrate differing housing types and heights to the proposal to avoid monotonous construction, especially along the B-Line. The approximate 12 homes along the B-Line would all be detached homes. These homes would be a mixture of one and two-story structures with varying rooflines. Three additional one-story homes would be located to the west and four, one-story homes with walk-out basements would be located adjacent to the stormwater pond and preservation area to the east. Lastly, there will be approximately 8, two-story attached single family structures (16 homes) along the southern property line. The proposed homes would be clad in vinyl and staff has included sample architecture in your packet.

Parking: There are approximately 50 on-street spaces proposed with this request and 32 spaces along the proposed alley. This provides 82 spaces for the 35 proposed units. A minimum of 70 spaces would typically be required for such a project, so the proposal is consistent with other single family and paired home projects.

Environmental: The 7 acre property is almost 100% wooded. From a tree quality standpoint, only the perimeter of the property contains large mature trees. An aerial photograph of the site reveals that in the 1960s the property was almost entirely free of tree cover. The property contains no karst features, streams, or wetlands. There are some steep slopes on the west end of the site and along the B-Line. However, the west end of the site (property most recently owned by the railroad) is not being proposed for any development. Along the B-Line, the homes are being proposed well away from a steep slope extending south from the trail. No disturbance to this slope area will be occurring.

With regards to the vegetation, the City's tree preservation standards require 50% of the existing tree canopy to be saved. The petitioner is requesting a PUD approach because the economics of the proposal dictate a greater number of buildable lots and more disturbance area than the ordinance typically allows. Strict compliance with code would require the petitioner to save 3.48 wooded acres of the 6.96 acre site. The petitioners are proposing to save roughly 2.52 acres of woods (36% of the site). Preservation efforts will be concentrated along the B-Line Trail, the active railroad corridor to the south, east end of the site (where stormwater will be held) and west end of the site (on land acquired from the railroad).

Development Standards: With the District Ordinance, the petitioner has proposed several variations to the underlying RC zoning. These standards include small lots (2,015 square foot minimum), reduced lot widths (31-foot minimum), 10-foot rear setbacks (17 feet for the structures along the alley) and front build-to line. The petitioner has designed the subdivision to locate the homes on one of the side lot lines. This will allow for one large side yard rather

than two small side yards in the hope of providing a more usable space for future owners. To accommodate these 0-foot setbacks, the future plat would show a 2-foot eave overhang easement as well as a 5-foot no build easement to allow windows to be installed on the property line.

Final Plans: Future final plans will be heard by the Plan Commission. However, staff recommends that the initial tree removal for the site be permitted at staff level.

Neighborhood Input: The petitioner has held three formal neighborhood meetings since acquiring the property, with the last two being held in early December and on February 5. Many neighbors have also met with the petitioner more informally to discuss the project. Overall, the input received by staff has been largely positive and supportive. Issues cited in the most recent neighborhood meeting include:

- Density in excess of surrounding patterns
- Loss of the wooded property, which is fondly viewed as a desired break in the urban landscape as well as a wildlife habitat
- Whether the Commission should allow the requested waiver of second hearing
- Importance of tree preservation along the perimeter of the property and the enhancement of these natural buffers with significant new landscaping, particularly more forest appropriate species rather than ornamental varieties
- Connectivity to Butler Park as well as how the proposed B-Line crossing will be handled
- Traffic impacts to Diamond Street
- Design and maintenance of the proposed public green

GROWTH POLICIES PLAN: The GPP designates this particular property as “Residential Core.” Applicable land use guidance for how this property should develop is as follows:

Compact Urban Form (Page 5) – *Revise development regulations for near-downtown and near-campus areas to encourage increased residential densities.*

Staff notes that the development location is less than 300 feet from the Commercial Downtown zoning district. Absent other factors, development at higher densities is appropriate in such areas.

Nurture Environmental Integrity (Page 9) – *Adopt a tree preservation ordinance that emphasizes species diversity, protecting blocks of high quality vegetation and natural corridors, and preserving community wide tree crown coverage.*

The tree preservation issue is an important decision point in this case because the ordinance following the GPP requires 50% canopy preservation and this petition is proposing 36%. The Plan Commission could certainly take the position that the proposal must comply with this

standard. Mitigating circumstances opposing strict compliance include the relatively young condition of the wooded habitat, the community goal for affordable housing – particularly in locations close to urban services, and the general goal of providing higher density infill development. Staff ultimately supports these other community goals rather requiring the PUD to strictly comply with code.

Conserve Community Character (Page 18) – *Revise the Zoning Ordinance to include standards for infill development in residential areas that are consistent and compatible with preexisting development.*

This is also a central question with the proposal because the petitioner is requesting smaller lot sizes, setbacks, and lot widths than prescribed by the Residential Core zoning district. If the property was embedded in either the Near West Side Neighborhood (south of Reverend Butler Park) or the area along 11th Street or Cottage Grove Ave. (no neighborhood association), staff would find this degree of code deviation to not be appropriate. However, because the property is more isolated due to its location between a City trail and an active rail line, a higher density development pattern is reasonable and ultimately supportable.

Core Residential Land Use Policies (Page 30) – The petitioner’s property contains this land use designation. The intent section for this land use designation notes: “Core Residential areas are characterized by a grid-like street system, alley access to garages, small street setbacks, and a mixture of owner-occupants and rental tenants.” This section goes on to prioritize that such “areas must be protected and maintained.” However, the GPP does also note that “Multi-family residential and neighborhood-serving commercial uses may be appropriate for this district when compatibly designed and properly located to respect and complement single family dwellings.”

The petitioner’s proposal largely complies with these policies. The one and two story structures have similar square footages and massing in comparison to existing nearby housing stock. Roof pitches are a little flatter than homes in the Near West Side Neighborhood but quite compatible with the housing stock to the north. Other than lot dimensions, the layout of the proposal is compatible featuring alley access, small street setbacks, narrow lot widths, and on-street parking. Differences include the inability to provide multiple access points due to unique site conditions, the presence of some duplex structures, and reduced lot sizes. However, most importantly, the proposed development is designed to be owner occupied, modest in cost, and contain homes that are very reflective of nearby design styles.

PRELIMINARY PLAT ISSUES:

Utilities: The petitioner is proposing to extend an existing 8” water line from Diamond Street and continue under the internal street. An 8” sanitary sewer line will follow a similar path with individual laterals being made to this extension. Stormwater for the site will largely be collected within the street system and

directed to detention and biofiltration ponds on both the east and west end of the property.

Street Trees: Street trees will be located on both sides of the new public street within a standard tree plot, but will not be located on the proposed alley.

Common Areas: The subdivision plat will include covenants and a facilities maintenance plan that will dictate the use and responsibilities for all common areas and easements. This includes the larger common area at the center of the proposed development. A draft of this document has been submitted to staff with this proposal and will be finalized with the future final plat request. The petitioner indicates that the common area will not be designed until future homeowners have a chance to express preferences for certain amenities (gardens, playfields, orchards, playground equipment, etc.)

Right-of-Way: The proposed street includes two 10-foot travel lanes as the drive extends west into the site. There will also be 8' parallel parking spaces on both sides of the street. When added to the 5-foot wide sidewalk and street trees on both sides of the street, there will be a total right-of-way of 61 feet for the first section of street extending across the B-Trail, with the internal section necessitating 56 feet of right of way. The alley will be placed within a 20-foot right-of-way.

Plat Area: The preliminary plat for this approval includes the approximate 6.96 acres requesting rezoning, but also several remnant lots that the petitioner has also purchased from the railroad. These lots are not proposed to be included in the PUD, but will be included on the final plat. These are not buildable lots and must be dedicated as common area and conservation/tree preservation easements with the final plat.

ENVIRONMENTAL COMMISSION: The Bloomington Environmental Commission (EC) has made 7 recommendations concerning this development.

1.) The request for one single hearing should be denied and two hearings be held as required.

Staff's Response: See below

2.) The EC recommends that any development of this site be seriously reconsidered.

Staff's Response: Staff understands the petitioner's desire to preserve this area. However, the owner of the property has chosen to move forward with this development request.

3.) The Tree Preservation Easements should instead be dedicated to Conservation Easements.

Staff's Response: Proposed Condition of Approval #8 addresses this issue and recommends that the Plan Commission determine the type of environmental easements with the future final plan approval.

4.) The Site Plan should adhere to the UDO standards for tree protection and pervious surface.

Staff's Response: The EC report states that PUD's are not intended for the purpose of "getting around" the City's development standards and that the "site should be developed following the UDO standards, at least." Staff respectfully disagrees with this assessment. The PUD process is only necessary when proposed development does not meet UDO standards. The PUD process specifically allows flexibility in development standards to be balanced with the benefits of the overall development. In this case, the petitioner is seeking to allow a reduction in lot areas, tree preservation, and a provision for attached single family housing. These reductions will allow for a predictable, compact, owner-occupied, and affordable neighborhood to be created in close proximity to the downtown.

Even with the reduced lot sizes, the petitioner has not requested any change to the 45% maximum impervious surface coverage of any of the individual lots.

5.) The Petitioner should use green, sustainable building practices to reduce the carbon foot print of homes, resulting in lower expenses for the homeowners.

Staff's Response: Habitat for Humanity of Monroe County has demonstrated a history of efficient construction with the direct intent of reducing the future energy burdens of homeowners.

6.) The Petitioner should design with Low Impact Development practices.

Staff's Response: The petitioner has committed to the use of biofiltration areas on both the eastern and western portion of the site. These details will be reviewed more fully at the final plan stage.

7.) The UDO rules for steep slope protection should be followed.

Staff's Response: No alterations to the steep slope regulations are being proposed. The steep slopes on the property are not natural slopes and were created with the cut and fill associated with the construction of the adjacent rail lines. In addition, the majority of the steeper slopes will be maintained and placed within easements along the B-Line Trail and on the westernmost portion of the property.

WAIVER OF SECOND HEARING: The petitioner has requested a waiver of the second required hearing for this rezoning request. One reason for this request is the desire to receive a decision prior to April 1, 2014. This decision will allow for the petitioner to commence with the felling of some trees prior to a prohibition on

tree removal within Indiana Bat habitat areas. This is an issue because the petitioner will be seeking Federal funds for the project. A two hearing process would result in such clearing not taking place until November. By July, the petitioner projects that they will run out of available lots for up to 20 needy families. Although staff is comfortable with the petitioner's request, this decision is strictly up to the Plan Commission.

CONCLUSION: Overall, staff finds this development to be an extremely desirable affordable housing project and reasonable rezoning request given the site's more isolated context than other core neighborhood locations. It is difficult for affordable housing providers to construct new housing units within close proximity to the downtown and City services. Although this development includes a higher density of single family homes than would be automatically permitted by zoning, the increase in units is necessary to develop this difficult site. In addition, staff finds that the petitioner's designs for house styles are the proper scale, contain enough variety in color, massing, and roof lines, and reflect nearby housing characteristics.

RECOMMENDATION: Staff recommends a waiver of the required second hearing to forward this petition to the Common Council with a favorable recommendation and the following conditions of approval:

1. Only the two parcels located between the B-Line Trail and the rail line shall be rezoned to Planned Unit Development (PUD). The remaining remnant parcels shall be placed within conservation easements on the plat for the subdivision. The preliminary plat approval is contingent upon approval of this rezone.
2. The petitioner shall work with the Planning and Parks and Recreation staffs to install an 8-foot asphalt pedestrian path from the B-Line Trail to Reverend Butler Park. This pathway is to be located on a remnant railroad property east of the PUD site, with the possible dedication of said property to Parks.
3. One side of the Cottage Grove extension from Diamond Street to the B-Line Trail shall include an 8-foot wide sidepath connecting to the B-Line Trail. The extension of Cottage Grove Avenue to the subject property must be deeded to the City of Bloomington as right-of-way prior to issuance of any building permits.
4. No attached units shall be placed on Lots 24-35.
5. Final utility and drainage designs will be approved with the final plan.
6. The rear yard setback along the alley must be increased to 18 feet from the right-of-way line.
7. At the time of building permit review, the submitted building exterior designs shall be consistent with the information contained in this packet.
8. The petitioner shall work with the Planning staff at the final plan stage to develop a detailed tree preservation and landscaping plan focused most specifically in creating maximum perimeter vegetation buffers and planting new larger caliper plant species. The proposed tree preservation easements should be evaluated at the final plat stage for possible designation as conservation easements.

9. The petitioner shall work with City staff, with input from the Bicycle and Pedestrian Safety Commission, to develop a detailed B-Line crossing plan for the extension of the public street into the PUD site.
10. Initial tree removal shall be reviewed at staff level. All future final plans shall be reviewed by the Plan Commission.
11. The internal path connection between Lot 24 and Lot 25 to the B-Line Trail must be amended to 5 feet in width.

MEMORANDUM

Date: January 24, 2014
To: Bloomington Plan Commission
From: Bloomington Environmental Commission
Through: Linda Thompson, Senior Environmental Planner
Subject: PUD-1-14, Habitat for Humanity neighborhood
901 W. Cottage Grove

This memorandum contains the Environmental Commission's (EC) recommendations regarding a request to re-zone a Residential Core area to a Planned Unit Development (PUD); and Preliminary Plan, PUD District Ordinance, and Preliminary Plat approvals. The site is about 8.3 acres, with a request to subdivide it into 43 lots with 35 paired and single homes. The Petitioner is requesting allowance of only one hearing instead of two.

EC CONCERNS

1.) ONE HEARING:

The EC believes that this proposal has enough significant environmental issues that a single hearing is not appropriate. Therefore the EC recommends that this petition go through the required two-hearing process.

2.) SOIL AND WATER QUALITY QUESTIONS:

The Unified Development Ordinance (UDO) does not contain any requirements or limitations regarding substances classified as hazardous. Those types of rules are enforced by the state or federal agencies that manage each of the various programs. As part of the City's review of the project for possible future Federal funding, environmental assessments were provided to the City for review. Staff notes that a modified Phase I report did reveal some pockets of contamination, and the petitioner has explained them to be confined to the undeveloped area of the PUD. Although this is not a City planning review issue, the Environmental Commission likes to be assured that properties are free of any contamination questions prior to supporting proposed development projects. The Commission urges the petitioner to work with any regulatory agencies to provide assurances to this effect.

3.) FOREST HABITAT PRESERVATION:

The EC inspected sample areas throughout the site and found that it has extensive tree growth, with most of the area being dominated by mixed-age native hardwoods. The dominant species include black cherry, ash, and tuliptree. Also observed were sugar maple, sycamore, red oak,

silver maple, cottonwood, hackberry, sassafras, and boxelder. The understory contains native shrubs and vines with light to medium stands of invasive species such as bush honeysuckle and multiflora rose interspersed throughout. There is a rather dense stand of bush honeysuckle at the northeast end in an area planned to be disturbed by the development. The composition of the herbaceous layer and extent of native plants cannot be determined until the growing season begins.

Clearing of this site will result in substantial loss of forest wildlife habitat and forest ecosystem services within the City planning jurisdiction. Consequently, the EC believes that this site would best serve the city's environmental integrity if left undeveloped and remained a wooded, wildlife habitat in perpetuity.

4.) TREE PRESERVATION EASEMENT:

The area intended for Tree Preservation Easement contains a similar tree composition as described above but also contains a stand of small sassafras trees, and a greater abundance of large sycamores and cottonwoods. The understory contains light stands of invasive species and considerable woody debris. The EC recommends that the invasive shrubs be removed so that the understory can regain vitality or remain healthy. The EC also recommends conducting an herbaceous plant species survey in the spring to determine the quality of the understory native species and the locations of the higher quality areas that should be protected. Tree preservation should not be limited to keeping trees over six inches diameter at breast height (DBH), but should also take into account species diversity and spacing of healthy trees. All large snags should be preserved for songbirds, bats, and other wildlife.

Because this site would better serve our local and regional ecosystem services left undisturbed, the EC believes that the Tree Preservation Easement area should at least be dedicated to Conservation Easement instead of Tree Preservation Easement as described in UDO 20.07.070, and 20.05.080: Easement Standards. The difference between the two easement types is that a Conservation Easement “prohibits any land-disturbing activities including the placement of a fence, or alteration of any vegetative cover, including mowing, within the easement area”, and a Tree Preservation Easement “prohibits the removal of any tree over six (6) inches DBH within the easement area.” Both easement types require signage and may be cleared of invasive species with written permission.

5.) FOLLOW UDO ENVIRONMENTAL STANDARDS:

The EC believes that any PUD should not reduce its environmental protection if it results in being inferior to the UDO standards. These standards went through a public process and were vetted by the citizenry and voted on by our lawmakers. A PUD is not intended for the purpose of getting around the city's provisions; thus, a wholly forested site should be developed following the UDO standards, at least. Therefore the EC recommends that the site preserve the UDO required amount of wooded land and pervious surface.

6.) GREEN BUILDING:

The Petitioner gave a verbal commitment to green building and site design, but the PUD District Ordinance does not state a commitment. The EC recommends that state-of-the-art green building features be employed in this project. According to the U.S. EPA, buildings contribute

38% of all greenhouse gases produced. Green building and environmental stewardship are of utmost importance to the people of Bloomington, and sustainable features are consistent with the spirit of the UDO. Additionally, they are supported by Bloomington's overall commitment to sustainability and its green building initiative (<http://Bloomington.in.gov/greenbuild>).

Sustainable building practices are explicitly called for by the Mayors' Climate Protection Agreement signed by Mayor Krusan; by City Council Resolution 06-05 supporting the Kyoto Protocol and reduction of our community's greenhouse gas emissions; by City Council Resolution 06-07, which recognizes and calls for planning for peak oil; and by a report from the Bloomington Peak Oil Task Force, "Redefining Prosperity: Energy Descent and Community Resilience Report."

The EC recommends that the Petitioner commit to designing the building with as many best practices for energy savings as possible. Some examples of BMPs that go beyond the Building Code include enhanced insulation; high efficiency heating and cooling; Energy Star doors, windows, lighting, and appliances; high efficiency toilets; programmable thermostats; sustainable floor coverings; and recycled products such as carpet and counter tops.

7.) LOW IMPACT DEVELOPMENT:

The EC expects any PUD District Ordinance to contain a pledge to protect and enhance environmental quality in developing parcels by ensuring cutting-edge stormwater management, karst protection, habitat conservation, and tree preservation. Therefore, the EC recommends that the plan be crafted to include state-of-the-art Low Impact Development (LID) best practices.

The premise of LID is to manage rainfall at the source using decentralized small-scaled controls that will infiltrate, filter, store, evaporate, and detain runoff close to its source. Examples of the types of LID practices that could be used are listed below.

1. Floodwater storage that can manage runoff timing
2. Multiple small biofiltration basins and trenches
3. Vegetated roofs
4. Pervious pavement
5. Well-planned native landscaping
6. Remove curbs and gutters to allow sheet flow
7. Rain gardens with native phytofiltrating plants

8.) STEEP SLOPES:

The steep slopes around the perimeter of the site should be protected as the UDO 20.05.039 requires.

EC RECOMMENDATIONS:

- 1.) The request for one single hearing should be denied and two hearings be held as required.

- 2.) The EC recommends that any development of this site be seriously reconsidered.
- 3.) The Tree Preservation Easements should instead be dedicated to Conservation Easements.
- 4.) The Site Plan should adhere to the UDO standards for tree protection and pervious surface.
- 5.) The Petitioner should use green, sustainable building practices to reduce the carbon foot print of homes, resulting in lower expenses for the homeowners.
- 6.) The Petitioner should design with Low Impact Development practices.
- 7.) The UDO rules for steep slope protection should be followed.

Smith Brehob & Associates, Inc.



Providing professional land planning, design, surveying and approval processing for a sustainable environment.

Stephen L. Smith P.E., L.S.
Steven A. Brehob B.S., C.R.T.

January 24, 2014

City of Bloomington Planning Department
C/o Pat Shay
Showers Building
Bloomington, Indiana

Re; B-Line Neighborhood
Preliminary Plat and Planned Unit Development
Supplemental Submission

Dear Pat,

Several changes have been made to the B-Line neighborhood proposal based on feedback that we have received since the initial application was made on January 9, 2014.

The primary change in the plan is movement of two homes from the single detached home area and the addition of two homes in the paired home area and changing three of the detached homes to two story homes. This change provides better balance of the open area on each lot. The two story homes provide variety/change in the detached home area. Additional design data and drawings have also been submitted to CBU for the water, storm water and sewer systems.

The revised District Ordinance, site plans, preliminary plat and plan, site section drawings and illustrative home floor plans and elevations are being submitted with this letter. An outline of the homeowners association documents has been prepared and is also being submitted. The final documents will be prepared with the final plat.

Very truly yours,

Stephen L. Smith
Smith Neubecker & Assoc., Inc.

Cc; file
KDS
Habitat

**PUD-01-14
Petitioner's Statement
& District Ordinance**



Habitat B-Line Neighborhood
Planned Unit Development District Ordinance
 Updated 1/24/14

Monroe County Habitat is proposing an environmentally sensitive and sustainable new urbanist style neighborhood on their property along the B-Line trail. Up to 35 paired and single homes are proposed. The neighborhood adjoins the B-Line trail; residents will have an easy walk to schools, parks, other neighborhoods and downtown Bloomington.

The proposal is for small lots with common open green areas and retention of wooded areas as common space. Each of the lots either fronts on the B-line trail, fronts on the common green or backs on the common wooded areas. The proposal is for small lots in a dense infill location but with significant preserved and accessible shared open space.

The architecture of the homes has been developed to respond to this environment. The building forward designs with front porches help to create the neighborhood. The homes along the B-line also have porches facing the B-line trail.

This District Ordinance, the Preliminary Plan Drawing and supporting documents provides the program and development standards for Habitat's *B-Line Neighborhood*.

Architecture

Habitat for Humanity's principle of 'simple, decent housing' will guide the architecture of the Habitat B-Line neighborhood. There will be a mix of house sizes, ranging from 2-bedrooms to 4-bedrooms.

Homes at Perimeter

The houses around the perimeter of the site to the north, west and east sides will be mainly single story with a mix of three (3) two story houses, except at the east side where the grade allows for a lower level. The single story houses will have a simple bungalow form which is found in the adjacent neighborhoods. The houses will have either a 5:12 gable, hip or combination hip/gable roof. A single story, 5:12 maximum roof slope allows for construction by Habitat volunteers.

Since these houses border the B-line trail and have desirable views to wooded areas to the east and west, each house will have a porch at the front and the back. The dual-sided nature of the houses will provide an appropriate public façade to the B-Line trail.



Houses will sit along the property line on the low side of the lot to maximize the side yards. Both porches are located along the same side of the house which relates to the private side yard. Along the rear side yard will be a five foot deep exterior storage room.

To impart variety to the streetscape no two houses next to each other will have the same roof form or siding color.

Paired Homes along Public Green

While the two-story paired homes have the overall appearance of one large house, a three foot offset in plan, distinct roof massing and separate porches provide a visual distinction between the houses in the pair. These two-story paired houses create a defined edge to the south side of the public green. The roofs are a combination of gable and hip forms. Each unit will have a porch to the front or to the side yard. These paired homes will consist of (2) two-bedroom houses, (2) three-bedroom houses or (1) two-bedroom and (1) three-bedroom house. A storage room is located to the rear of each house.

Materials

All of the houses will have vinyl horizontal lap siding like Certainteed Mainstreet (Reference attached full range of manufacturers color chart), 3-tab asphalt shingle roofing, double hung windows with vinyl trim, vinyl soffit, pre-finished metal fascia, painted wood porch railings and columns, and six-panel insulated steel or fiberglass entry doors.

The Site Plan

The site plan/subdivision plat provides for a connection to Diamond Street and crossing the B-line trail to enter the site. 35 home sites are arranged along a public street with parallel parking and an alley with perpendicular parking on the south side. A common green lies between the street right of way and the homes on the south side of the road. A small turnaround is provided at the west end of the road for cars and small trucks. Larger service and emergency vehicles can smoothly flow through the turnaround and back out of the neighborhood using the alley.

All of the home sites are on the central part of the site. The wooded low area to the east and the rougher topographic area to the west will be preserved as common green space owned by the owners association. Habitat owns several smaller tracts that are separated from the main parcel by rail road and street right of way. These small tracts will also be preserved and become common green area for the association.

The parcel that Habitat owns to the east of the primary site provides a connection from the B-line trail to the Ninth Street Park. An 8' paved multiuse path will connect the park property with the B-line trail. This connection is particularly important since Habitat is obligated by agreement with Indiana Railroad to place a



chain link fence along the entire south property line that is adjacent to the railroad. The fence will block the popular path from Diamond Street to the Ninth Street Park area.

The PUD includes the 6.96 acre main parcel and 1.33 acres in other small parcels separated by railroad and street rights of way for a total of 8.29 acres. All of the parcels are included the property deeds, shown on the title sheet/preliminary plat and summarized in an attached spreadsheet. Approximately 4.44 acres of the 8.29 acres is being disturbed for development of the neighborhood. The south end of the Opportunity House parking lot parcel is being dedicated as right of way. The Preliminary Plat includes the creation of the parcels described above from the overall rail road holdings and the dedication of right of way from Opportunity House.

Lots 1 – 4 and 19 - 35 are planned for single family detached home while lots 5 – 18 are planned for attached single family homes. The lots are sized and this PUD provides that any of the lots could accommodate detached or attached homes. Attached homes will be split by the property line as a 0' setback and have a yard setback on the other side of the lot. Detached homes will have 0' setback on one side and the larger yard setback on the other side. A 5' no build easement will be placed on the lot adjacent to the 0' setback. A 2' easement will also be provided to allow the roof to overhang the adjacent lot for a 0' setback situation. These easements will be placed on the final plat for the lots planned for detached homes. If lot planned for an attached home is changed to detached, the easements will be added to the lots at that time. If two lots planned for detached homes are changed to attached homes, the plat will need to be amended to delete the easements. Refer to the attached "Easement Typical" detail.

Development Standards

The *B-line Neighborhood* is a residential subdivision in the RC zone. Development standards for the project will be those of the RC zone, the Traditional Subdivision with affordable housing incentives except as provided in this District Ordinance. The attached table "B-line neighborhood Development Standards" and the following establish standards for the PUD;

- At least 35% of the lots in the subdivision will be served by an alley
- The minimum tree plot shall be 5'
- The loop street, alley, parking and lot layout as shown on the Outline Plan Drawing is the allowed subdivision configuration
- Tree preservation shall be as shown on the Preliminary Plan drawing

Infrastructure Plan

Streets



The *B-Line Neighborhood* will be served by a main street with turnaround and an alley. The street from Diamond Street to the connection to the alley will be 24' of driving lanes with curbs, 5' tree plot, street trees and 5' sidewalk. 8' parking lanes are provided as shown on the plan. After connecting with the alley the street narrows to 20' of travel lanes. The right of way will be set at the back of the sidewalk; the entry road right of way will be 61'. The main road within the project will have a 56' right of way.

The streets will have street trees per the Unified Development Ordinance.

The alley will be 14' paved in a 20' right of way in accordance with the Unified Development Ordinance.

The streets and the alley will be dedicated to the City.

Water Supply and Sanitary Sewer

There are existing City water lines to the north of the project. An 8" main is proposed to be connected to an existing line in Diamond Street and extended along the street to the turnaround.

Sanitary sewer is available on the north side of the B-Line trail in the vicinity of the Diamond Street connection. An 8" gravity sewer will connect at that location and run along the main street to the turnaround.

Communication is ongoing with City of Bloomington Utilities regarding the details of these connections; details that are expected to be determined at Final Plan review.

Storm Water Plan

Most of the storm water runoff in the neighborhood will be directed to the street and alley, collected in inlets and then conveyed via storm sewer to detention and bio-filtration areas at the east and west ends of the site. Much of the water will filter into the groundwater in the bio-filtration areas shown on the preliminary plan. Overflow at the eastern bio-filtration area will go to the 36" storm sewer constructed with the B-line trail. Some detention is provided in the natural valley at that location. The storm water at the west end of the site currently percolates into the groundwater and also through the railroad fill to the natural draw on the south side of the tracks. This project adds the bio-filtration and retains the percolation currently taking place at that location.



Most of the house downspouts will be connected with 4" plastic pipe to a collector lines that will connect to the storm sewer system. The yard areas will drain away from the houses as shown on the plans.

Communication is ongoing with City of Bloomington Utilities regarding the design.

Common Area

The tree preservation areas, bio-filtration areas and the common green will be owned and maintained by the owners association.

The tree preservation areas will be placed in "Tree Preservation Easements" after initial construction is complete. The association will manage those areas within those restrictions. The UDO defines "Tree Preservation Easement; An easement that prohibits the removal of any tree over 6 inches in diameter at breast height within the easement area, and allows removal of dead and diseased trees that pose a safety risk or impede drainage, only after first obtaining written approval from the Planning Department."

The association will determine what improvements might be made in the common areas (subject to applicable rules and regulations).

A preliminary draft of the Facilities Maintenance Plan is being submitted with this District Ordinance. The final plan will be submitted with the final subdivision plat.



<i>Habitat B-Line Neighborhood</i>		
District Ordinance		
Development Standards		
<u>Development Standard</u>	<u>Minimum</u>	<u>Note</u>
Lot width at the building setback line	31'	Lots for which attached homes are anticipated are typically 31' to 32' and for detached homes are typically 40' to 44'
Lot Area	2015 sf	this represents the smallest lot at 31' by 65'
Front building setback and build to line from Street r/w*	10'	The covered porch must also meet this setback; steps may encroach into the setback
Front building setback and build to line from Common area*	5'	The covered porch must also meet this setback; steps may encroach into the setback
Side yard building setback	0'	Detached homes are planned to be set to one side of the lot to allow a larger more usable yard on the other side; 5' no build and 2' eve overhang easements will be placed on the adjacent lot
Combined building side yard minimum	10'	
Rear Yard building Setback	10'	
Rear Yard building Setback from Alley	17'	
*Homes may set up to 2' from the build to line as determined by the developer to accommodate unique lot/site restraints		



Habitat B-Line Neighborhood
District Ordinance
Acreage Details

	Acres
Primary Development Parcel	
Habitat Original Parcel	5.49
Indiana Railroad Parcel #2	1.47
subtotal	6.96
 Additional Habitat Parcels Separated by Railroad and Street Right of Way	
Indiana Railroad Parcel #1	0.71
Indiana Railroad Parcel #3	0.06
	0.05
	0.06
	0.33
subtotal	0.12
Total B-Line Neighborhood Acreage	1.33
	8.29
 Area disturbed by development	4.44
% of Primary Site	64%
% of Total Habitat Parcels	54%
 Area placed in central Common	0.34
% of Primary Site	5%
% of Total Habitat Parcels	4%



CIVIL ENGINEERING
LAND PLANNING &
LAND SURVEYING
BLOOMINGTON, INDIANA

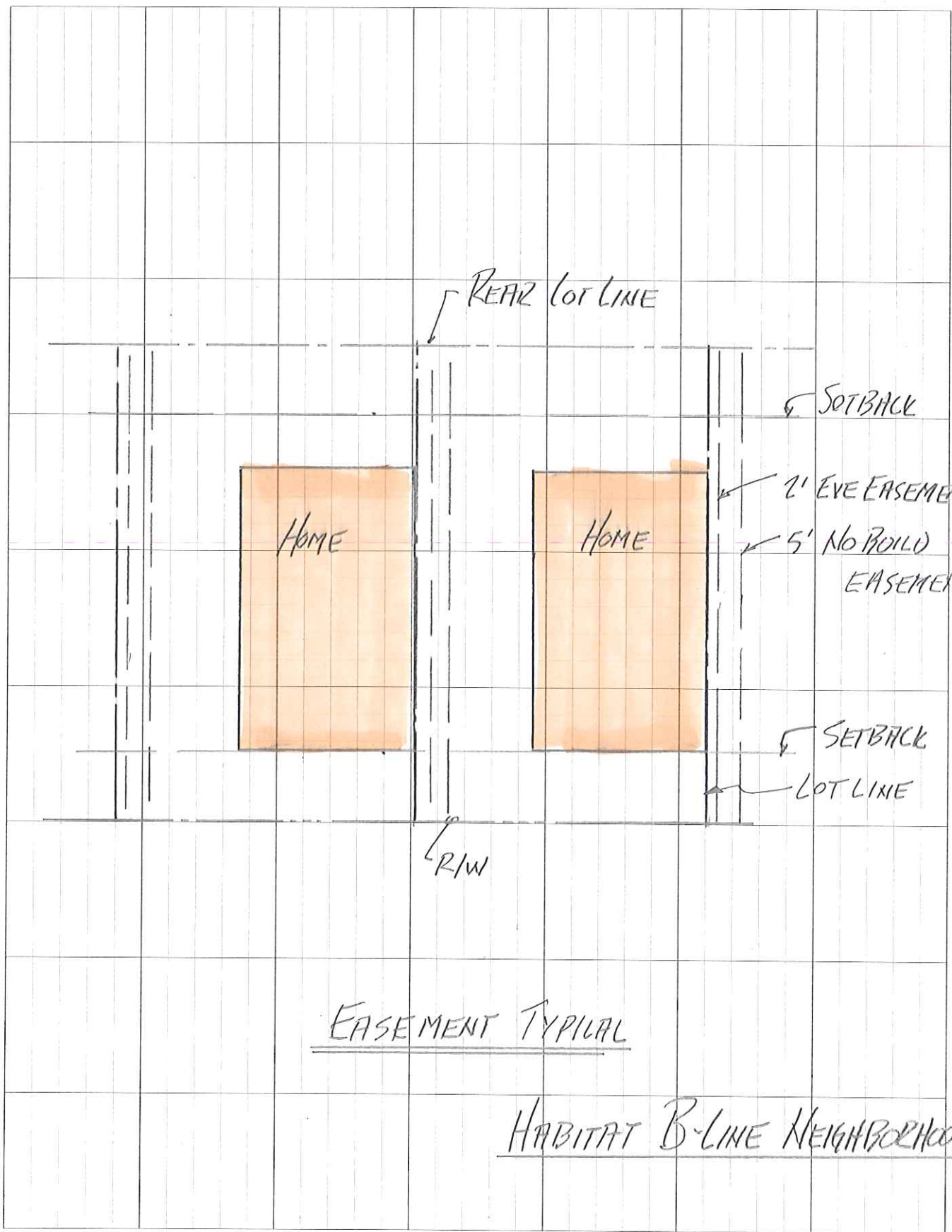
Subject _____

Project No. _____

Compiled by _____ Checked by _____

Client _____

Date _____ Sheet No. ____/____





B-Line Neighborhood Association

Certificate of Incorporation

Articles of incorporation will be filed with the Indiana Secretary of State to establish the B-Line Neighborhood Owners Association. These articles will provide for the name of the association, principal office location, registered agent, powers and duties of the Association, membership and other misc. organizational items.

Bylaws

The Bylaws set up the organizational and management structure of the Association. It will include definitions, meetings, selection and responsibilities of the Board of Directors, officers and their duties and responsibilities, record maintenance, assessments, etc.

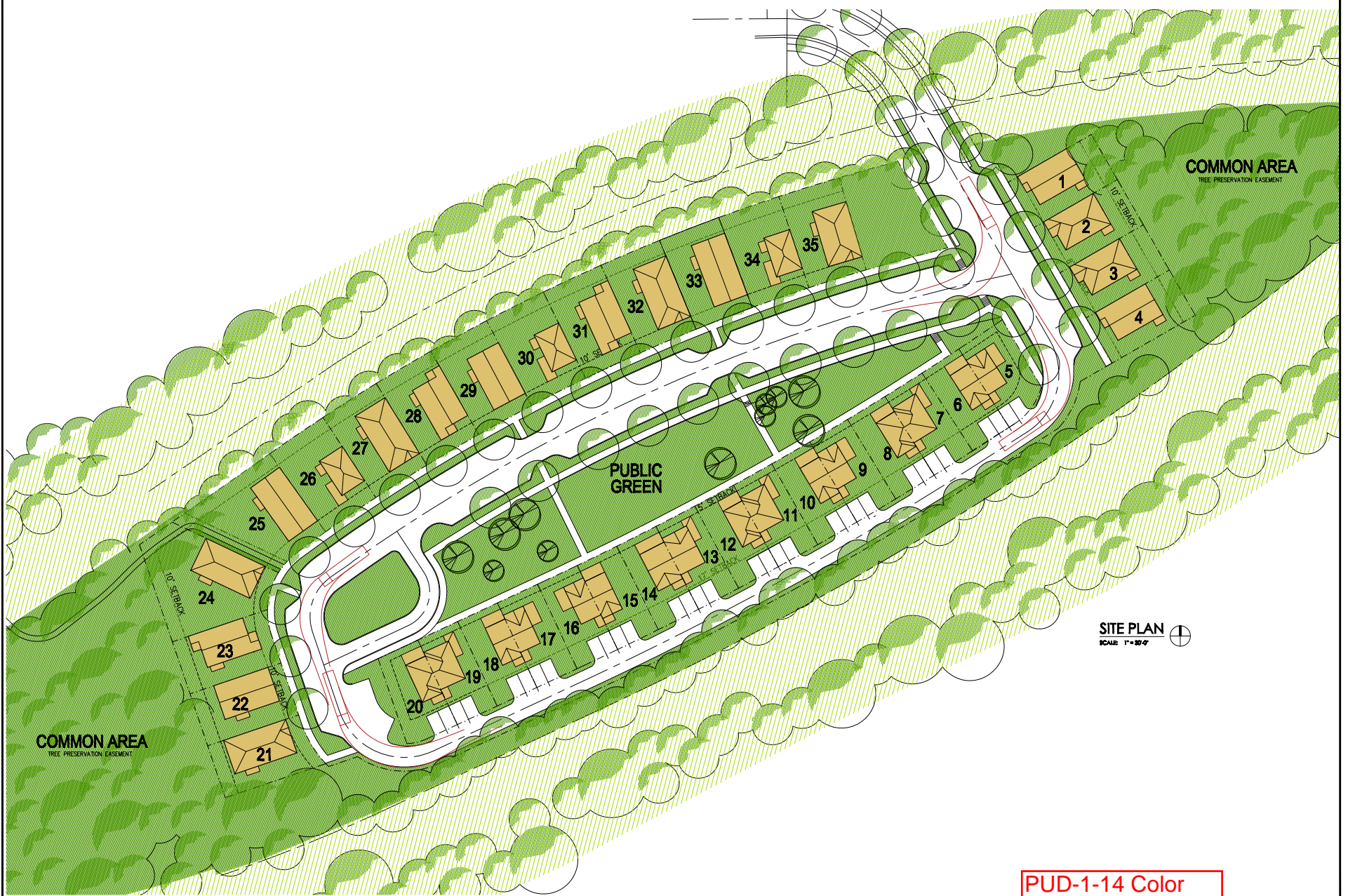
Covenants Conditions and Restrictions (CCRs)

The CCRs provide details regarding the common areas, the assessments, voting rights, land use restrictions, site and building restrictions and guidelines, definition of easements, insurance for the Association, definitions etc. The following specific items are planned to be a part of the CCRS;

1. Common area will be conveyed from the Developer to the Association before conveyance of the last lot.
2. The central common green shall be available to recreational use of all of the lot owners per guidelines established by the Association.
3. The Common Area with tree preservation easements will be managed and maintained per the definition of that easement in the UDO and will be used or have their use limited by guidelines established by the Association.
 - a. For example the Association might provide for trails or play equipment in some of the tree preservation areas and allow little if any activity in others.
4. The Association will own the common areas and be responsible for their maintenance and use in accordance with all applicable regulations and zoning.
5. The Developer will surrender control of the Association with the sale of the last lot or 12/31/24 whichever is sooner.
6. There will be an annual assessment and the Association will have the right to lien lots if necessary to collect assessments.
7. Each lot is restricted to single family detached or attached housing, one unit per lot.



8. The Association Board will serve as the architectural committee
9. Definition of easements
 - a. Tree preservation easement per the definition in the Unified Development Ordinance (UDO)
 - b. Storm water easement
 - c. No build easements
 - d. House eve easement
10. Use restrictions;
 - a. Non operable vehicle not allowed
 - b. No buildings or sheds other than the primary residential structure
 - c. All utilities shall be underground
 - d. No noxious or offensive activities
 - e. No boats or campers may be stored in the street right of way or on any lot
 - f. All trash will be kept neatly in designated containers behind the front of the house except on trash collection day
 - g. No yard incinerators
 - h. Downspouts shall be connected to the storm sewer system where designated on the development plans
 - i. No fence in front of the front of a house or behind the rear of a house
 - j. Fence standards
 - k. Fence between homes must allow access to the no build easement area for the benefiting lot.
 - l. Responsible to maintain home and property; mowing, rubbish etc
 - m. Home additions must match the architectural style of the home and be reviewed and approved by the Association
 - n. Satellite dishes and antennae
 - o. All homes will have an operable front porch light
 - p. Clotheslines are acceptable behind the front of the house
 - q. No additional subdivision
 - r. No blocking or obstruction of storm water flows
 - s. No blocking of intersection line of sight
 - t. Maintain the sidewalk and street r/w and/or alley right of way adjacent to the lot



SITE PLAN
SCALE: 1"=30'-0"

PUD-1-14 Color
Preliminary Plan

ARCHITECTURE + PLANNING
KIRKWOOD
designbuild inc.

130 S. AMHERST
BLOOMINGTON, IN 47403-1000
WWW.KIRKWOODDESIGNBUILD.COM

CERTIFIED

REVISIONS

Habitat for the Neighborhood
Habitat for Humanity of Monroe County
INDIANA
BLOOMINGTON

PROJECT NO.: 2019-02
DATE: 1.24.14
DRAWN BY: BAK
CHECKED BY:

SITE PLAN

S1

B-LINE NEIGHBORHOOD

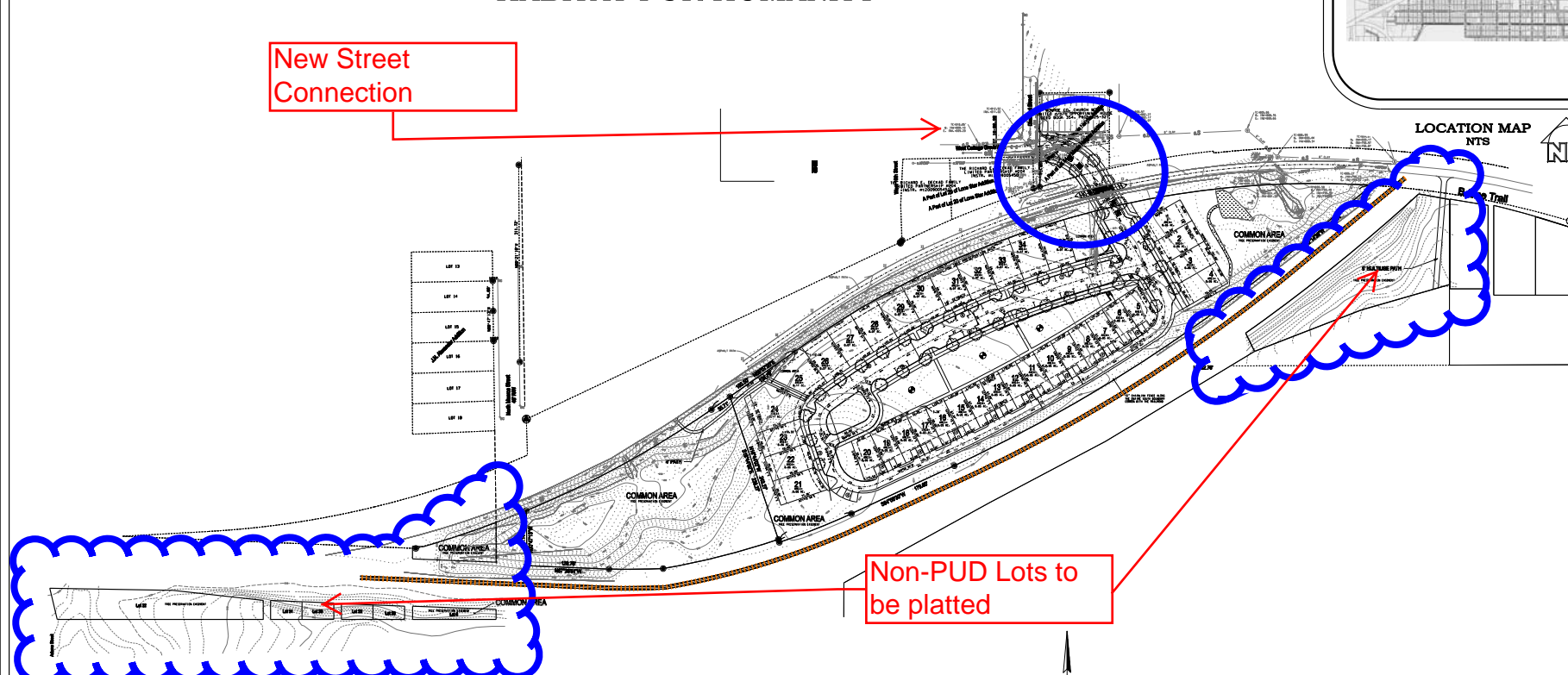
MONROE COUNTY
HABITAT FOR HUMANITY

PROJECT
LOCATION



New Street
Connection

LOCATION MAP
N.T.S.



Non-PUD Lots to
be platted

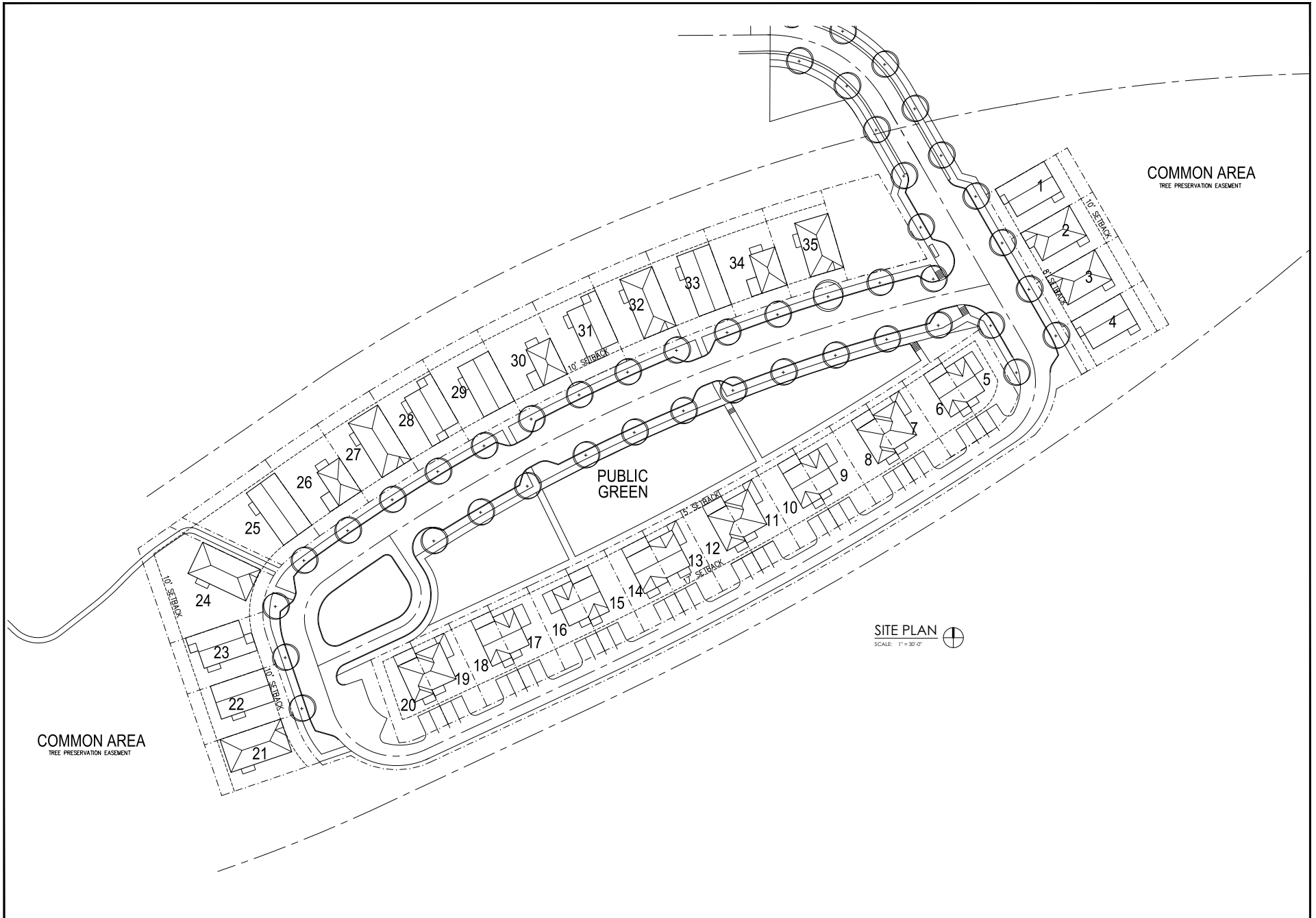
SITE MAP
N.T.S.

HE
DARD

SMITH BARRIS ASSOCIATES INC. BIRMINGHAM, ALABAMA

JOB NUMBER: 4553

PUD-1-14
Preliminary Plat
Layout



KIRKWOOD
ARCHITECTURE + PLANNING
1131 E. 4TH STREET
BLOOMINGTON, IN 47408
WWW.KIRKWOODARCHITECT.COM

CERTIFIED

REVISIONS

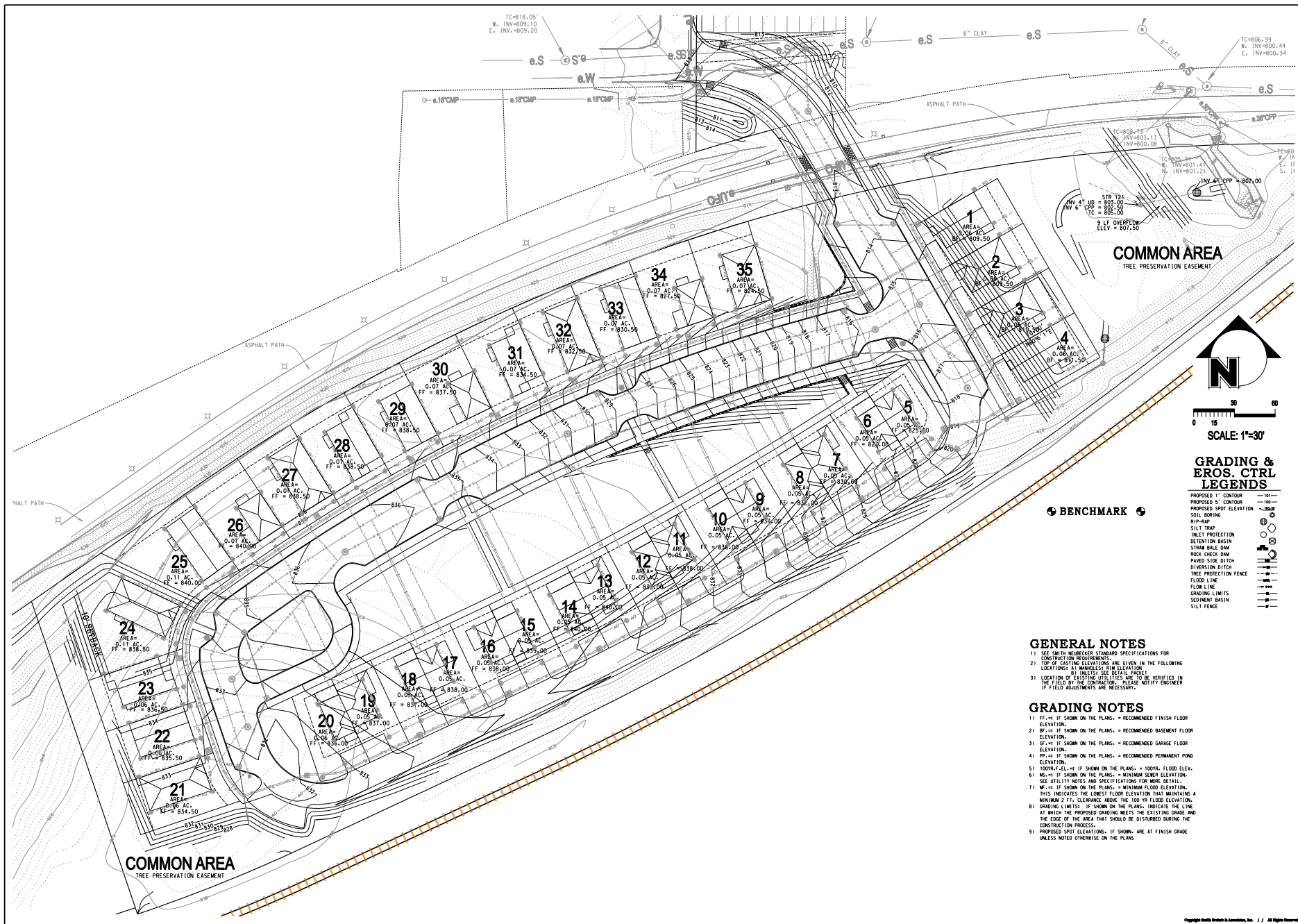
Habitat's B-Line Neighborhood
Habitat for Humanity of Monroe County
INDIANA
BLOOMINGTON

PROJECT NO.: 2013-42
DATE: 1.24.14
DRAWN BY: BAK
CHECKED BY:

SITE PLAN

S1

PUD-01-14 Preliminary Plan



Smith Brubaker & Associates, Inc.
 445 S. Center Boulevard
 Monroeville, PA 15146
 Tel: 412-251-5500
 Fax: 412-251-5513
 Web: http://smithbrubaker.com

CONSTRUCTION DATE
 //

B-LINE NEIGHBORHOOD
MONROE COUNTY
HABITAT FOR HUMANITY



SCALE: 1"=30'

GRADING & EROS. CTRL LEGENDS

- PROPOSED 1' CONTOUR
- PROPOSED 5' CONTOUR
- PROPOSED SPOT ELEVATION
- SOIL BORING
- RIP-RAP
- SILT TRAP
- INLET PROTECTION
- DETENTION BASIN
- STRAIN BALE DAM
- ROCK CHECK DAM
- PAVED SIDE DITCH
- DIVERSION DITCH
- TREE PROTECTION FENCE
- FLOOR LINE
- GRADING LIMITS
- SEDIMENT BASIN
- SILT FENCE

GENERAL NOTES

- 1) SEE SMITH NEIGHBORHOOD STANDARD SPECIFICATIONS FOR CONSTRUCTION REQUIREMENTS.
- 2) TOP OF CASTING ELEVATIONS ARE GIVEN IN THE FOLLOWING LOCATIONS: AT MANHOLE; RIM ELEVATION AT INLETS; SEE DETAIL PACKET AT INLETS.
- 3) LOCATION OF EXISTING UTILITIES ARE TO BE VERIFIED IN THE FIELD BY THE CONTRACTOR. PLEASE NOTIFY ENGINEER IF FIELD ADJUSTMENTS ARE NECESSARY.

GRADING NOTES

- 1) FF=+ IF SHOWN ON THE PLANS. = RECOMMENDED FINISH FLOOR ELEVATION.
- 2) BE=- IF SHOWN ON THE PLANS. = RECOMMENDED BASEMENT FLOOR ELEVATION.
- 3) GE=+ IF SHOWN ON THE PLANS. = RECOMMENDED GARAGE FLOOR ELEVATION.
- 4) PP=+ IF SHOWN ON THE PLANS. = RECOMMENDED PERMANENT POND ELEVATION.
- 5) 100YR-F-EL=+ IF SHOWN ON THE PLANS. = 100YR. FLOOD ELEV.
- 6) WC=+ IF SHOWN ON THE PLANS. = MINIMUM SEWER ELEVATION. SEE UTILITY NOTES AND SPECIFICATIONS FOR MORE DETAIL.
- 7) WF=+ IF SHOWN ON THE PLANS. = MINIMUM FLOOD ELEVATION. THIS INDICATES THE LOWEST FLOOR ELEVATION THAT MAINTAINS A MINIMUM 2 FT. CLEARANCE ABOVE THE 100 YR FLOOD ELEVATION.
- 8) GRADING LIMITS. IF SHOWN ON THE PLANS, INDICATE THE LINE AT WHICH THE PROPOSED GRADING MEETS THE EXISTING GRADE AND THE EDGE OF THE AREA THAT SHOULD BE DISCOURAGED DURING THE CONSTRUCTION PROCESS.
- 9) PROPOSED SPOT ELEVATIONS. IF SHOWN, ARE AT FINISH GRADE UNLESS NOTED OTHERWISE ON THE PLANS.

NO.	DATE	REVISIONS

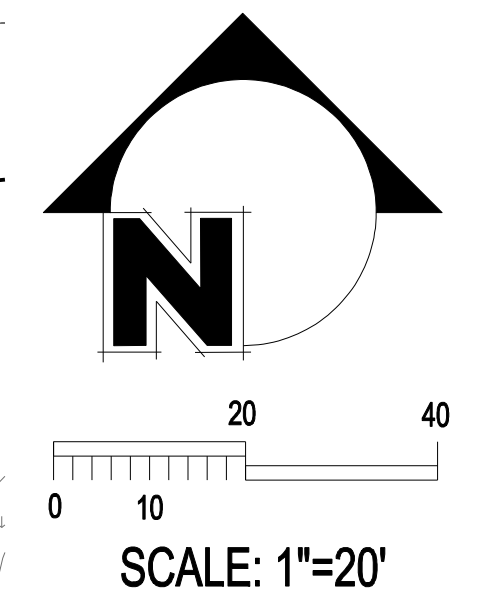
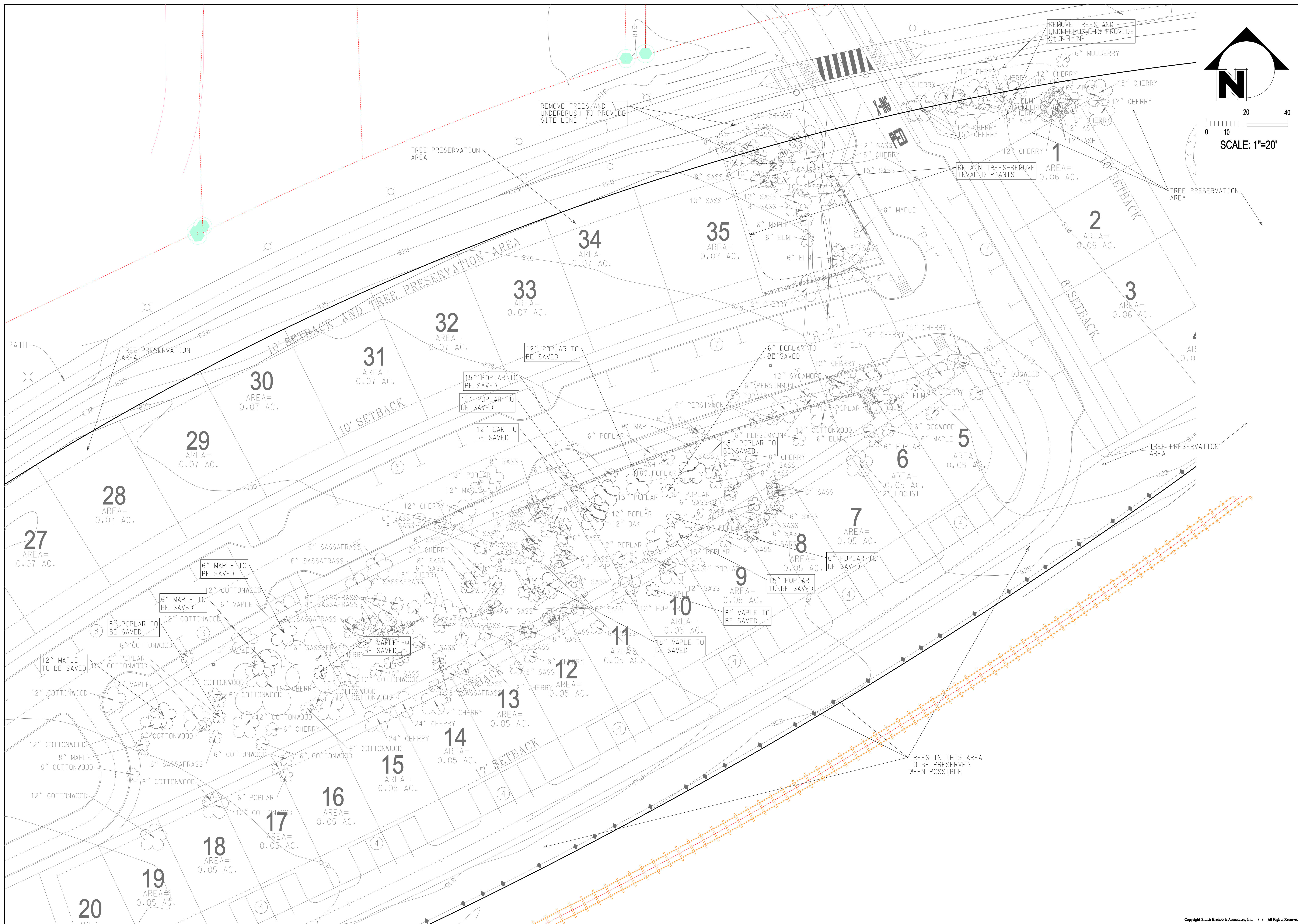
NO.	DATE	REVISIONS

4553
 SHEET


3 OF 11
 DATE 1/09/14

GRADING PLAN

PUD-01-14
 Grading Plan



Smith Brubach & Associates, Inc.
 453 S. Claitor Boulevard
 Bloomington, Indiana 47401
 Telephone: (812) 336-6396
 Fax: (812) 336-0613
 Web: http://smibrebob.com



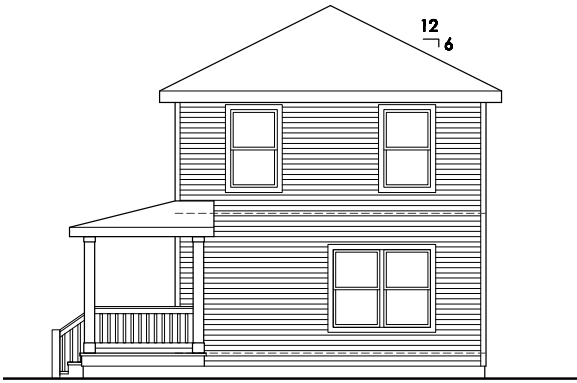
CERTIFICATION DATE	/ /
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B-LINE NEIGHBORHOOD
MONROE COUNTY
HABITAT FOR HUMANITY

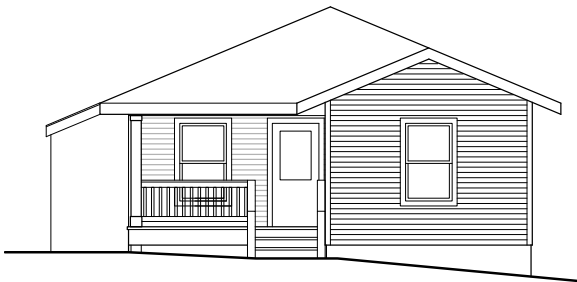
REVISIONS	BY	DATE

DESIGNED	DRAWN	CHECKED	DATE
SLS	RGB	SLS	

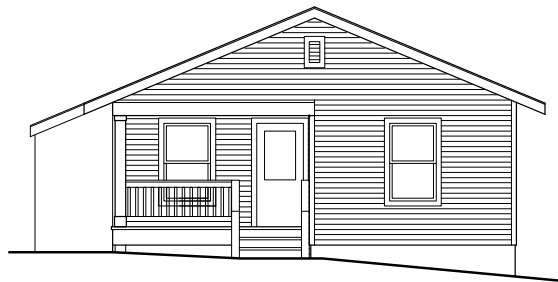
JOB NUMBER
4553
 SHEET
6 OF 11
 DATE
 1/09/14
 TREE
 PRESERVATION
 EXHIBIT



D HIP ROOF
3/4 BEDROOM HOUSES



A HIP ROOF WITH GABLE BAY
2/3/4 BEDROOM HOUSES



B GABLE ROOF WITH INSET PORCH
2/3/4 BEDROOM HOUSES



C GABLE ROOF WITH GABLE PORCH
2/3 BEDROOM HOUSES

FRONT ELEVATIONS

SINGLE FAMILY HOUSE ELEVATIONS

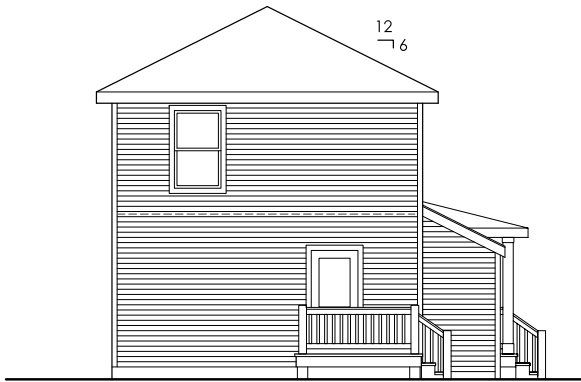
HABITAT'S B-LINE NEIGHBORHOOD

HABITAT FOR HUMANITY OF MONROE COUNTY

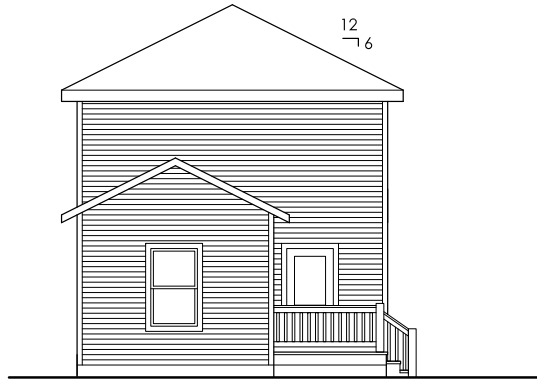
1.24.14



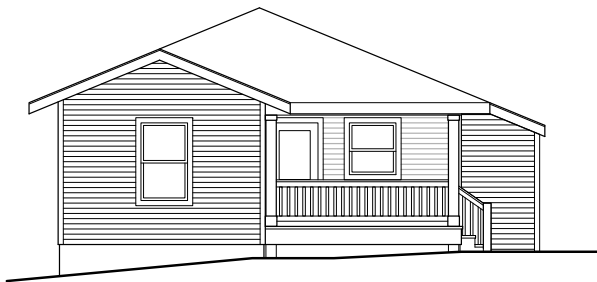
PUD-01-14
Elevations for
detached homes



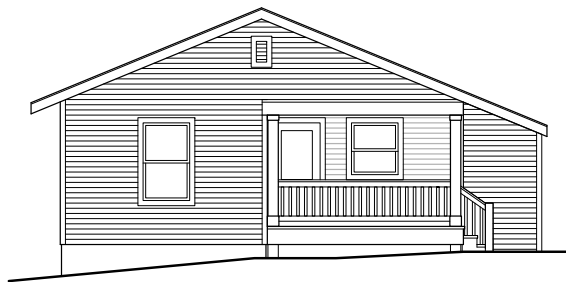
D HIP ROOF
3 BEDROOM HOUSES



E HIP ROOF
4 BEDROOM HOUSES



A HIP ROOF WITH GABLE BAY
2/3/4 BEDROOM HOUSES



B GABLE ROOF WITH INSET PORCH
2/3/4 BEDROOM HOUSES



C GABLE ROOF WITH GABLE PORCH
2/3 BEDROOM HOUSES

REAR ELEVATIONS

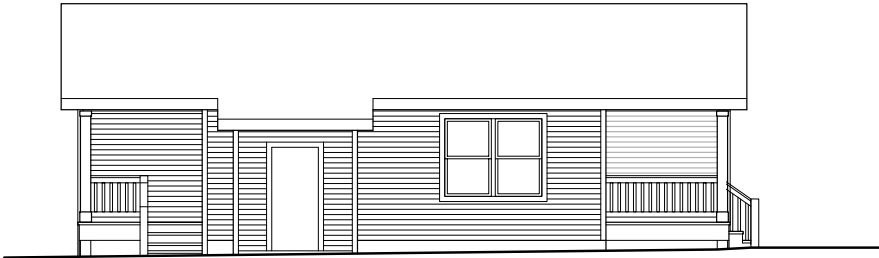
SINGLE FAMILY HOUSE ELEVATIONS

HABITAT'S B-LINE NEIGHBORHOOD

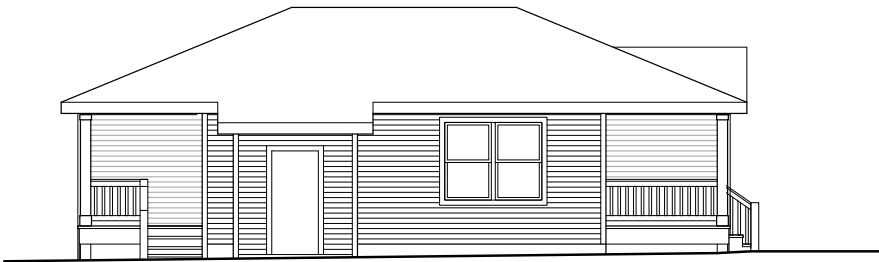
HABITAT FOR HUMANITY OF MONROE COUNTY

1.24.14

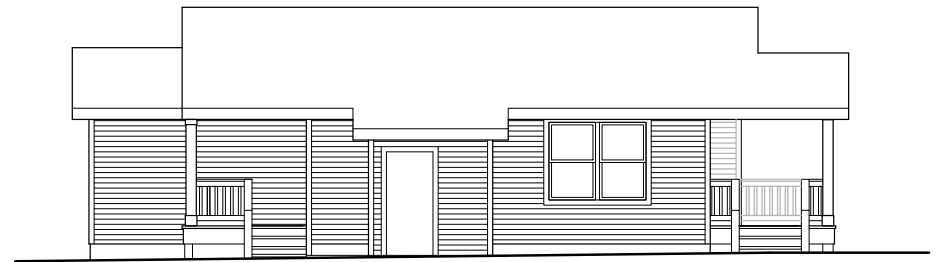




B GABLE ROOF WITH INSET PORCH
2/3/4 BEDROOM HOUSES



A HIP ROOF WITH GABLE BAY
2/3/4 BEDROOM HOUSES



C GABLE ROOF WITH GABLE PORCH
2/3 BEDROOM HOUSES

SIDE ELEVATIONS



A HIP ROOF WITH GABLE BAY
3-BEDROOM HOUSES



B HIP ROOF WITH GABLE PORCH
4-BEDROOM HOUSES

SIDE ELEVATIONS

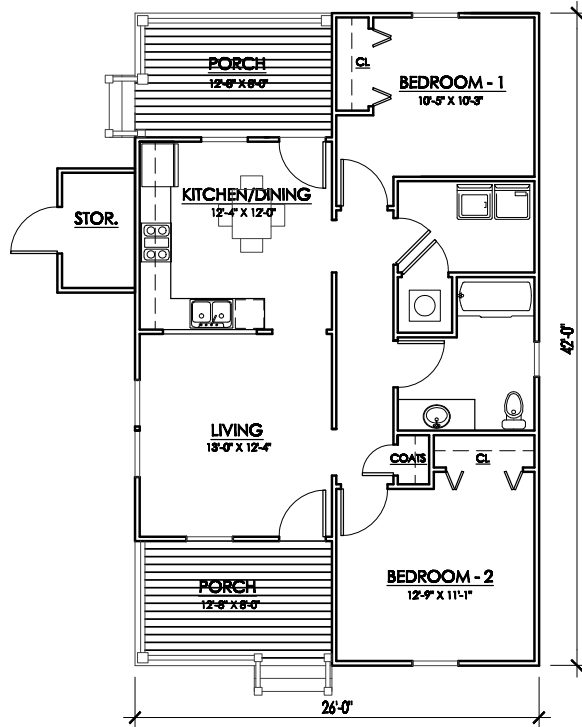
SINGLE FAMILY HOUSE ELEVATIONS

HABITAT'S B-LINE NEIGHBORHOOD

HABITAT FOR HUMANITY OF MONROE COUNTY

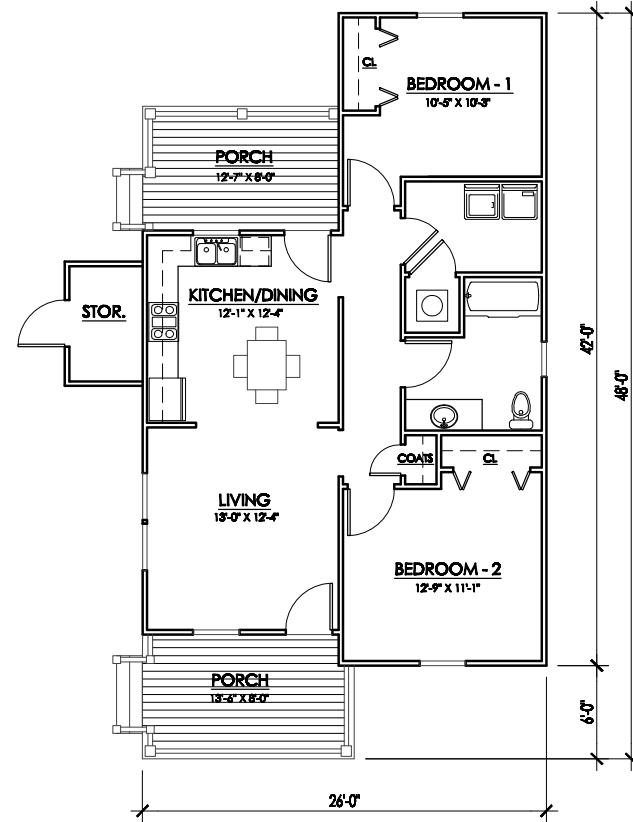
1.24.14





A INSET PORCH PLAN
SCALE: 1/8" = 1'-0"

890 NET SQUARE FEET



B GABLE PORCH PLAN
SCALE: 1/8" = 1'-0"

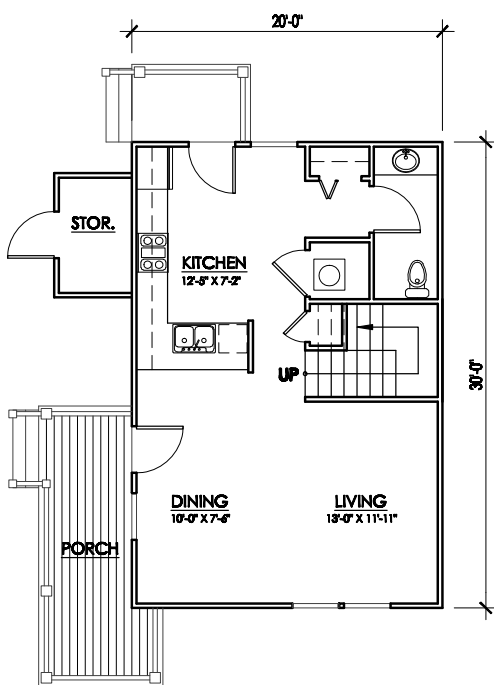
890 SQUARE FEET

SINGLE FAMILY HOUSE TYPE: 2-BEDROOM, 1-STORY

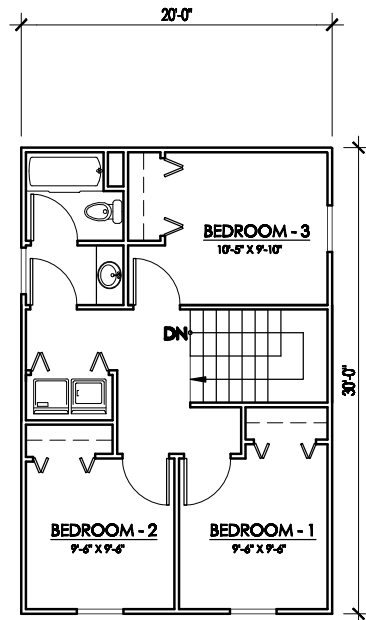
HABITAT'S B-LINE NEIGHBORHOOD
HABITAT FOR HUMANITY OF MONROE COUNTY
1.24.14



PUD-01-14 Floor Plans
for detached homes



FIRST FLOOR

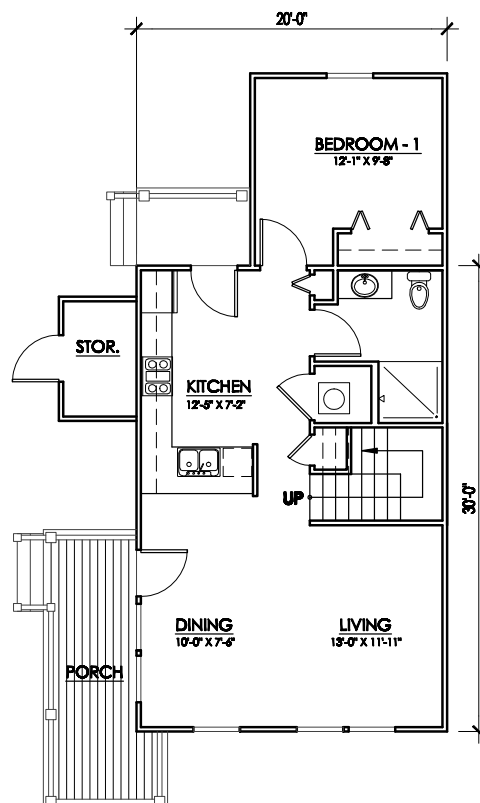


SECOND FLOOR

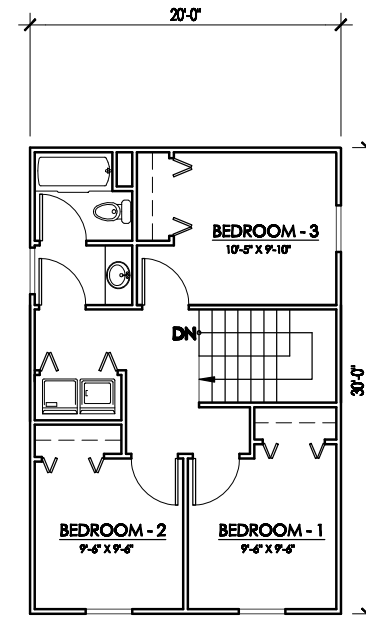
A 3-BEDROOM, 2-STORY PLAN

SCALE: 1/8" = 1'-0"

1082 SQUARE FEET



FIRST FLOOR



SECOND FLOOR

B 4-BEDROOM, 2-STORY PLAN

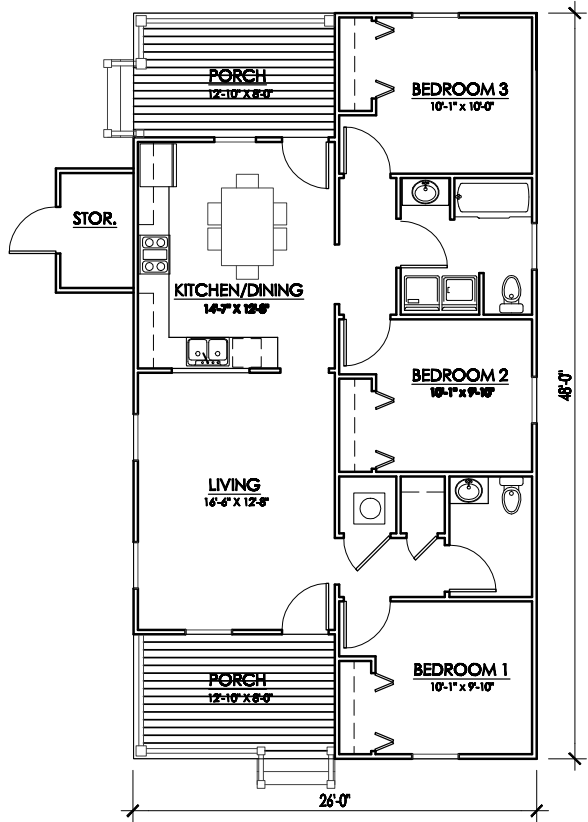
SCALE: 1/8" = 1'-0"

1240 SQUARE FEET

SINGLE FAMILY HOUSE TYPES: 3-BEDROOM, 2-STORY & 4-BEDROOM, 2-STORY

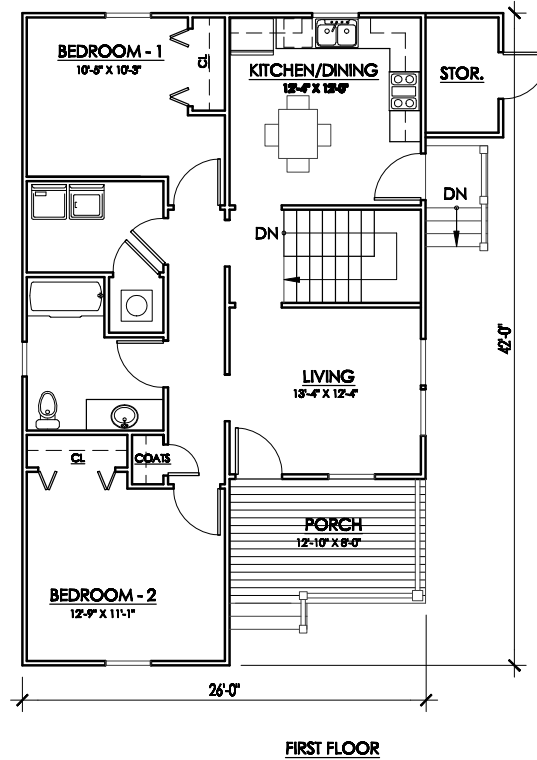
HABITAT'S B-LINE NEIGHBORHOOD
 HABITAT FOR HUMANITY OF MONROE COUNTY
 1.24.14





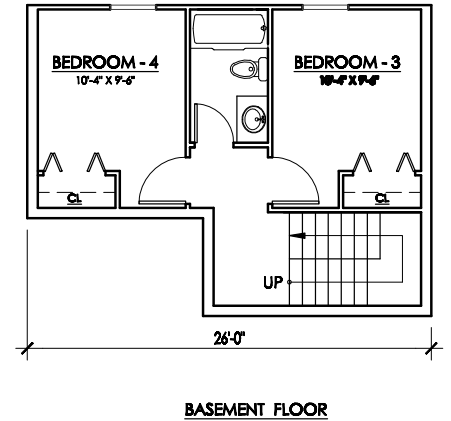
A 3-BEDROOM PLAN
SCALE: 1/8" = 1'-0"

1040 SQUARE FEET



B 4-BEDROOM WITH BASEMENT PLAN
SCALE: 1/8" = 1'-0"

1240 SQUARE FEET





A HIP ROOF WITH GABLE BAY
3-BEDROOM + 2-BEDROOM COMBINATION



B GABLE ROOF WITH GABLE BAYS
(2) 2-BEDROOM COMBINATION



C GABLE ROOF WITH GABLE BAYS
(2) 3-BEDROOM COMBINATION

FRONT ELEVATIONS

SINGLE FAMILY ATTACHED HOUSE ELEVATIONS

HABITAT'S B-LINE NEIGHBORHOOD

HABITAT FOR HUMANITY OF MONROE COUNTY

1.24.14



PUD-01-14 Elevations
for attached homes



A HIP ROOF WITH GABLE BAY
3-BEDROOM + 2-BEDROOM COMBINATION



B GABLE ROOF WITH GABLE BAYS
(2) 2-BEDROOM COMBINATION

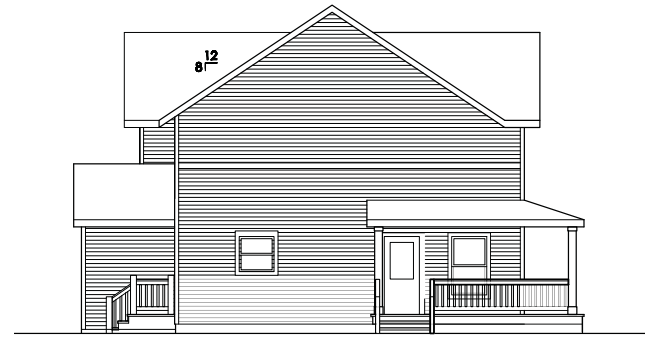


C GABLE ROOF WITH GABLE BAYS
(2) 3-BEDROOM COMBINATION

REAR ELEVATIONS



A HIP ROOF WITH GABLE BAY
(1) 3-BEDROOM & (1) 2-BEDROOM COMBINATION



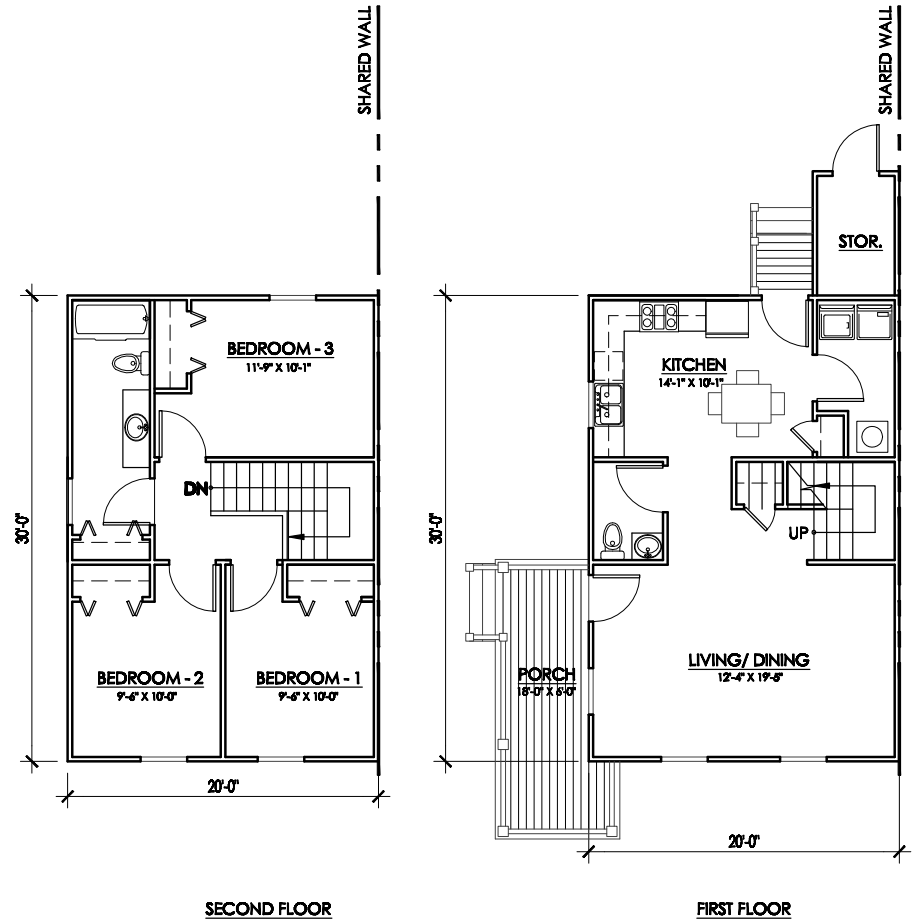
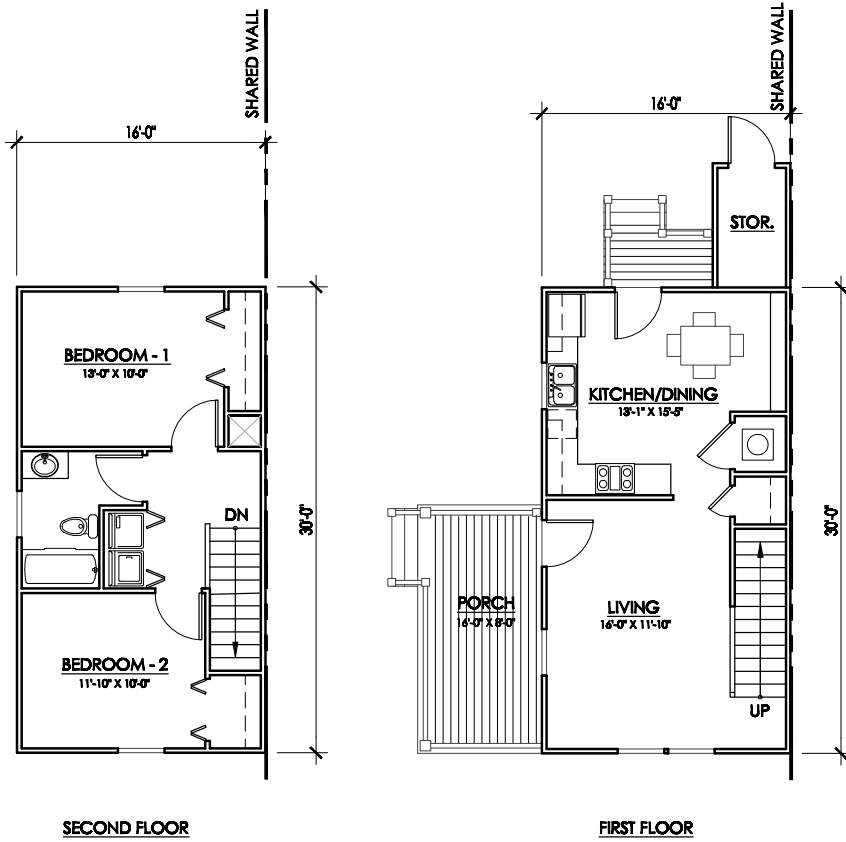
B GABLE ROOF WITH GABLE BAY
(2) 2-BEDROOM COMBINATION

SIDE ELEVATIONS

SINGLE FAMILY ATTACHED HOUSE ELEVATIONS

HABITAT'S B-LINE NEIGHBORHOOD
HABITAT FOR HUMANITY OF MONROE COUNTY
1.24.14





A 2-BEDROOM HOUSE PLANS

SCALE: 1/8" = 1'-0"

900 NET SQUARE FEET

B 3-BEDROOM HOUSE PLANS

SCALE: 1/8" = 1'-0"

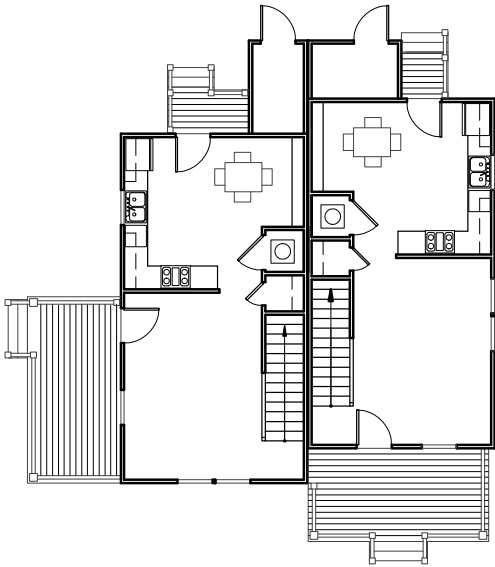
1100 NET SQUARE FEET

SINGLE FAMILY ATTACHED HOUSE TYPES: 2-BEDROOM, 2-STORY AND 3-BEDROOM, 2-STORY

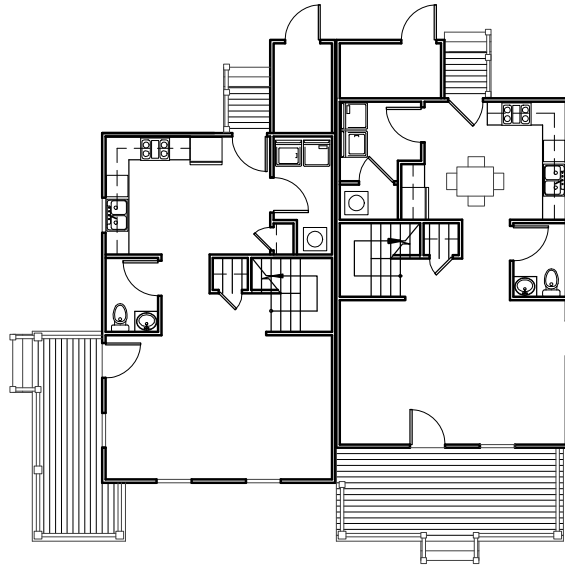
HABITAT'S B-LINE NEIGHBORHOOD
 HABITAT FOR HUMANITY OF MONROE COUNTY
 1.24.14



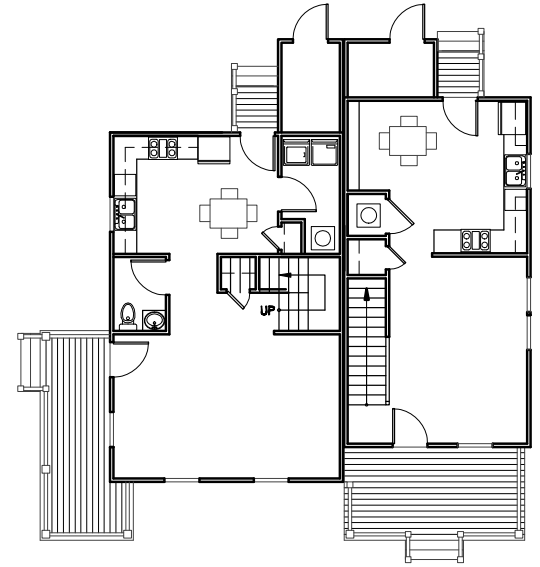
PUD-01-14 Floor Plans
 for attached homes



A (2) 2-BEDROOM HOUSE
SCALE: 3/32" = 1'-0"



B (2) 3-BEDROOM HOUSE
SCALE: 3/32" = 1'-0"

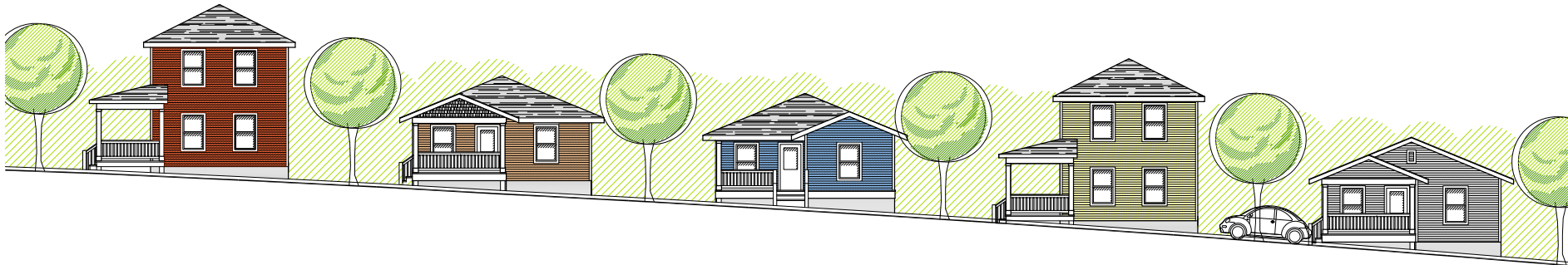


C (1) 3-BEDRM & (1) 2-BEDRM HOUSE
SCALE: 3/32" = 1'-0"

SINGLE FAMILY ATTACHED HOUSE COMBINATIONS

HABITAT'S B-LINE NEIGHBORHOOD
HABITAT FOR HUMANITY OF MONROE COUNTY
1.24.14



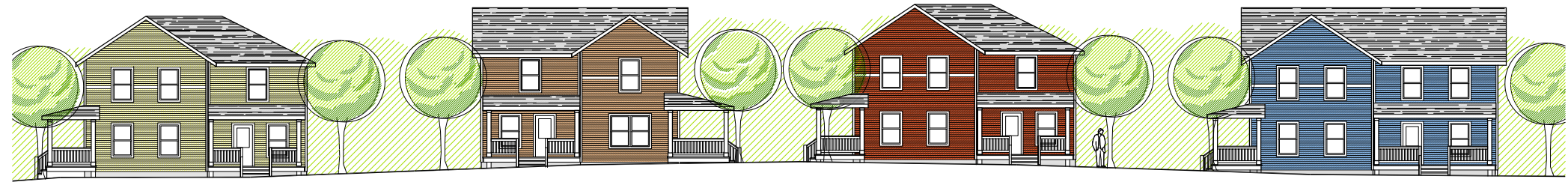


PARTIAL STREET ELEVATION, SINGLE-FAMILY RESIDENCES

HABITAT'S B-LINE NEIGHBORHOOD
HABITAT FOR HUMANITY OF MONROE COUNTY
1.24.14



PUD-01-14 Sample
Street Perspectives



PARTIAL STREET ELEVATION, PAIRED HOUSING

HABITAT'S B-LINE NEIGHBORHOOD

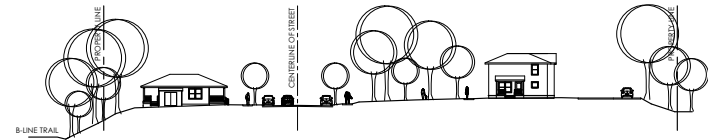
HABITAT FOR HUMANITY OF MONROE COUNTY

1.24.14





D SECTION
SCALE: 1" = 30'-0"



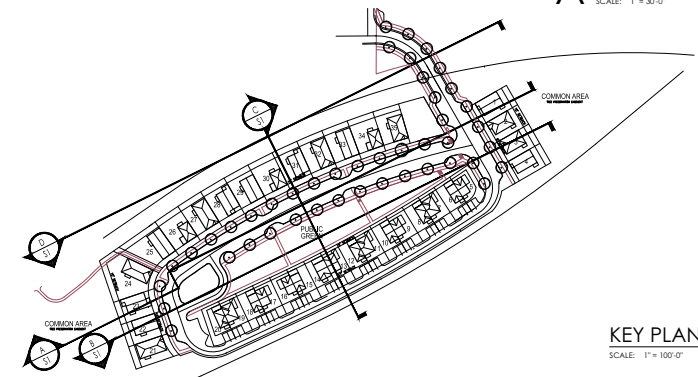
C SECTION
SCALE: 1" = 30'-0"



B SECTION
SCALE: 1" = 30'-0"



A SECTION
SCALE: 1" = 30'-0"



KEY PLAN
SCALE: 1" = 100'-0"

ARCHITECTURE • PLANNING

KIRKWOOD
DESIGN STUDIO, LLC

CERTIFIED

REVISIONS

Habitat's B-Line Neighborhood
Habitat for Humanity of Monroe County
BLOOMINGTON INDIANA

PROJECT NO.: 2013-02
DATE: 1.24.14
DRAWN BY: GK
CHECKED BY: MKK

SITE ELEVATIONS & SECTIONS

S2

PUD-01-14 Sample Cross Sections



LOOKING EAST



LOOKING WEST

Petition to Request the 2 Required Hearings for the B-Line Neighborhood Proposal

Petition summary and background: The B-Line Neighborhood is proposed for development as a PUD (Planned Unit Development) in a wooded parcel directly south of the B-Line trail between Fairview and Adams Streets. Because it is being proposed as a PUD, the development will not be bound by existing zoning requirements. The proposal submitted for approval includes the removal of 64% of the tree canopy from the site (restricted to 50% without a PUD) and an increase in current density restrictions (24 units) to include 35 units. Neighbors have expressed concern to the petitioner about this proposal over the course of three neighborhood meetings and deserve the opportunity of the full public process to express their concerns to the Plan Commission at the required two public meetings (Feb 24 and Mar. 10).

Action petitioned for: We, the undersigned, are concerned citizens who urge the Plan Commission members to deny the request of the petitioner to waive the required second hearing at Plan Commission of the B-Line Neighborhood proposal and to give the public the opportunity to participate in the full – and required – public hearing process of two meetings.

Printed name	Signature	Address	Comment	Date
1. CAROL GULYAS	<i>Carol Gulyas</i>	908 W. 8th St.		2/24/14
2. Jane Goodman	<i>Jane Goodman</i>	715 W 13th St		
3. Sandra Clothier	<i>Sandra Clothier</i>	1030 W. 6th St.		2/24/14
4. Ruth Beady	<i>Ruth Beady</i>	1012 W. 10th Street	I need time to inform & call our neighbors	2/24/14
5. Jane Kupersmith	<i>Jane Kupersmith</i>	1219 W. Cottage Grove		
6. DIAN KUNDAW	<i>Dian Kundaw</i>	1011 W. Cottage Grove		2/24/14
7. Lucy Schaich	<i>Lucy Schaich</i>	708 W. 12th St		2/23/14
8. Kristen Becher	<i>Kristen Becher</i>	622 N Monroe St	Please follow the democratic procedure of a 2nd meeting for public education	2/24/14
9. Rick Deh	<i>Rick Deh</i>	817 W 11th St		2/24/14
10.				
11.				

Petition to Request the 2 Required Hearings for the B-Line Neighborhood Proposal

<p>Petition summary and background:</p>	<p>The B-Line Neighborhood is proposed for development as a PUD (Planned Unit Development) in a wooded parcel directly south of the B-Line trail between Fairview and Adams Streets. Because it is being proposed as a PUD, the development will not be bound by existing zoning requirements. The proposal submitted for approval includes the removal of 64% of the tree canopy from the site (restricted to 50% without a PUD) and an increase in current density restrictions (24 units) to include 35 units.</p> <p>Neighbors have expressed concern to the petitioner about this proposal over the course of three neighborhood meetings and deserve the opportunity of the full public process to express their concerns to the Plan Commission at the required two public meetings (Feb 24 and Mar. 10).</p>
<p>Action petitioned for:</p>	<p>We, the undersigned, are concerned citizens who urge the Plan Commission members to deny the request of the petitioner to waive the required second hearing at Plan Commission of the B-Line Neighborhood proposal and to give the public the opportunity to participate in the full – and required – public hearing process of two meetings.</p>

Printed name	Signature	Address	Comment	Date
1. MARTIN POSEY		629 N. FAIRVIEW		FEB 23 14
2. Chris Kupersmith		1219 W. Cottage Grove		2-23-14
3. Tom Sherton		1214 W. Cottage Grove		
4. DAUN FIELDS		619 N ADAMS ST BLOOMINGTON IN 47403		2-24-13
5. Rusty Peterson		601 N Summit St Bloomington		2/24/13
6. Emily Winter		601 N. Summit		2/24/13
7. Hazel Bea		601 N. Summit		2/24/13
8. LORRAINE MARTIN		624 N. FAIRVIEW ST.		2/23/13
9. Diana Kupersmith		1401 W. 8th		2/23/13
10. Mark Richardson		604 N. Adams St. Bloomington		2/24/14
11. ISABEL VERNAZA		420 N. OAK St. Bloomington		2/23/14

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Action petitioned for:

We, the undersigned, are concerned citizens who urge the Plan Commission members to deny the request of the petitioner to waive the required second hearing at Plan Commission of the B-Line Neighborhood proposal and to give the public the opportunity to participate in the full – and required – public hearing process of two meetings.

Printed name	Signature	Address	Comment	Date	Previously Notified
1. JAMES GOODMAN		708 W 10th		2/24/14	Yes
2. Cheyenne Kollum		605 N. Fairview street		2-23-14	NO
3. Judy Sammerville		719 W. 11th St		2/23/14	?
4. Ron Raymond	RON RAYMOND	814 W. 11th ST.		2/28/14	No
5. Aaron Jones		633 N Maple st		2/23/14	No
6. JAR WITH		639 N. MAPLE		2/23/14	NO
7. Melvin Hadden	Hadden	821 West 11th		2/23/14	No
8. Daley Thompson		825 W. 11th Street		2/23/14	NO
9. Dane deRiesthal	1 Dane deRiesthal	901 W 11th st		2/23/14	NO
10. Donna Bell	Donna Bell	815 West 11th St.		2/24-14	Yes

	Full Name	Street Address	Do you live within one or two blocks	Did you receive a letter notifying you	Comments
1	David Friedel	401 N. Adams Street	Yes	Yes	I own the property at 401 N. Adams Street, but do not live there. It is a rental property.
2	Sam Sturbaum	1708 e Arden Dr. 47401			
3	John Terrill	905 N. Maple St.	No	No	In my opinion the northwest side neighborhoods of Bloomington are being over developed. I don't support any development at all in the B-line woods because the green space area it contains is important to the ecology of the entire Maple Heights neighborhood in which I live. The city needs to put a stop to the over development going on in this part of town. Enough is enough.
4	Ashley Schoolman	819 1/2 W. Kirkwood Ave. Bloomington IN 47404	No	No	I live within 4 blocks of Butler Park and am a regular user of the north part of the B-line. The proposed development in any form will destroy the character of the trail as an attractive green space and will bring along with it all the negative aspects of high-density housing. This concern is wholly separate from the fact that the geological, chemical waste, and infrastructural aspects of this tract of land as I understand them are inhospitable for any sort of housing development and costly to overcome. I would like to urge Habitat for Humanity to reconsider this project altogether.
5	Jamie Hodges	651 S Walker Street	Yes	No	
6	Kelly Painton	3500 W Yellowstone Ct. Bloomington, IN	No		
7	E. Chris Lynch	720 W. 7th Street	No	No	
8	Vincent Edwards	214 East 15th St	No	No	
9	Michelle Melhouse	418 N Maple St, 47404	Yes	No	
10	Cassedhe Barry	907 W. 8th St.			
11	Celia Grundman	907 W. 8th St., Bloomington, IN	No	No	
12	Kara Dexter	620 W. Howe St.			
13	Nee'a Hulbert	1304 S. Grant St.	No	No	
14	Nee'a Hulbert	1304 S. Grant St.	No	No	
15	Ian Lowry	924 N Fairview St	No	No	
16	Alexis Hludzenski	702 W. 11th St. Bloomington, IN	Yes	No	
17	Sue Rall	4924 E Lentz rd Bloomington In	No	Yes	
18	Erich Nolan	606 N. Summitt Street	Yes	No	
19	Amy Giambelluca	600 w. Howe St.	No	No	
20	Lindsey Howard	420 E. Hillside Dr. Bloomington, IN	No	No	
21	Romayne Dorsey	1103 N Woodburn Ave	No	No	
22	Chris Donohue	1305 W. 11th St	No	No	
23	Raina Polivka	720 W. 7th Street, Bloomington, IN	Yes	No	

In the Council Chambers of the Showers City Hall on Wednesday, January 15, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
January 15, 2014

Roll Call: Ruff, Sturbaum, Sandberg, Granger, Neher, Mayer, Rollo, Volan, Spechler,
Absent: None

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

The minutes of the Regular Session of June 5, 2013, the Special Session of October 9, 2013 and the Organizational Session of January 8, 2014 were approved by a voice vote.

APPROVAL OF MINUTES

Steve Volan reported that the Materials Recovery Facility would be discussed by the Monroe County Solid Waste Management District during the coming year. He said that city residents might need to separate clear glass and colored glass from the rest of their recyclables as clear glass is more valuable. He said this would reduce the expense of both recycling and waste removal. He looked forward to reporting more on this issue in the spring.

REPORTS

- COUNCIL MEMBERS

Tim Mayer thanked the Street Department and Public Works employees for their work during the inclement season. He said the same folks fill potholes, plow streets and pick up leaves. He asked that people be patient as the workers rotate between these jobs according to weather.

Dorothy Granger reported that January is National Stalking Awareness Month, and that 6.6 million people were stalked yearly in the United States, and that one in six women and one in nineteen men have experienced stalking victimization at some point in their lives.

Chris Sturbaum said he was disappointed in the Indiana governor for putting the marriage amendment to a vote, noting that it would be similar to voting on school integration. He said he was also disappointed in the governor for failing to expand Medicaid. He also expressed disappointment that IU Health had not settled negotiations with United Health Care with regards to health insurance provisions. He said that meant that many citizens and city employees could not use Bloomington Hospital at this time. He said it was an example of for profit health care at work, not to serve people, but to wrangle the most dollars out of the health care system.

Darryl Neher asked citizens to pay attention to the state legislature and their activities as a number of bills not receiving coverage were important. He noted the "ag gag" bill that would hide abuses from the public eye and make whistle blowing a crime. He said other Indiana laws already covered the issues in the bill.

There were no reports from the Mayor or City Offices at this meeting.

- The MAYOR AND CITY OFFICES

It was moved and seconded to amend Council Attorney/Administrator Dan Sherman's Disclosure of Conflict of Interest form to include his name and address on the initial page of the document.

- COUNCIL COMMITTEES
 - 2014 Sidewalk Committee Report

The motion to amend the document was approved by a voice vote.

It was moved and seconded to accept Dan Sherman's amended Disclosure of Conflict of Interest regarding a sidewalk project that might have been discussed by the committee for funding. The project that would pass by his residence was not discussed or funded this year.

The motion to accept the Disclosure was approved by a voice vote.

Sherman noted the composition of the Sidewalk Committee and acknowledged city staff that provided support for the committee. He said

that purpose of the committee was to make recommendations for the surplus money from the Neighborhood Parking Permit Program set aside in the Alternative Transportation Fund. He said the amount was \$300,000, a \$75,000 increase over the last two years.

Sherman said safety, roadway classification, pedestrian usage, proximity to destination, linkages to other sidewalks and cost/feasibility were the criteria for recommendations. Sherman noted that the following recommendations from the committee:

- | | |
|--|-------------|
| • Kinser Pike from Colonial Crest to 17 th Street – East Side | \$38,068.80 |
| • 17 th – Maple to Madison – South Side | \$46,060.30 |
| • E. 7 th Street at SR 45/46 Bypass | \$20,000 |
| • Leonard Springs Between 400 South of
Bloomfield Road to Tapp Road – East Side | \$15,000 |
| • Sheffield Drive – Morningside Dr. to
Providence Drive – West Side | \$55,143 |
| • Maxwell Lane – Jordan to Sheridan Drive – North Side | \$96,279.38 |
| • Traffic Calming - Set Aside | \$15,000 |

Council questions:

Mayer asked if there was a reason the state project didn't include stairs and ramp amenities to the E 7th Street project when they changed the by-pass last year. Sherman said that there was no discussion of a ramp, but that the state offered to put in stairs. In return they wanted a commitment from the city to put a sidewalk on 7th Street, which the city estimated at a cost of over \$100,000. He said the committee didn't recommend that project. Mayer asked about the time frame. Sherman said it may have been during the construction phase, was within the last three to four years.

Spechler asked for clarification that the sidewalk just discussed was to the west side of the by-pass and not the east side which was newly constructed as a pedestrian/bicycle boulevard.

Spechler also asked for clarification on the Sheffield sidewalk extension.

There was no public comment on this report.

Sturbaum said he had been on the committee for a long time and that the city was playing catch-up to put in sidewalks where none were required before the planning and zoning took effect. He said sometimes connections were a really good way to benefit the most people and residences. He said the list to catch up is discouragingly long, but that was this prioritizing was so important.

Rollo said he agreed and added that there were inadequate stormwater facilities which added a further burden, as well. He thanked the Utilities department for working with the sidewalk committee. He thanked the committee for the Maxwell sidewalk completion, saying that it had been added to bit by bit for several years. He said the best people who could advocate for these projects were people who lived in areas that needed this pedestrian amenity and urged them to contact the council office.

Volan said he appreciated the committee's consideration of the 17th Street sidewalk section that was brought to the attention of the council by an eleven year old girl. He said the recommendations were generally well thought out.

Spechler noted the criteria for projects included safety which, he said, was his highest priority. He noted that each project's potential for increasing pedestrian and bicycle use was considered, but it was hard to forecast to what extent this would actually occur. He noted the committee looked at the entire city.

Mayer thanked the committee for considering the SR45/46 bypass underpass. He said that the original proposal was to open 7th Street to the west with a signalized intersection. He said the city worked with the state to include this feature. He said the next proposal was a pedestrian overpass,

which was not encouraged by IU, and the proposal died. He noted that he and Mike Diekhoff (former District 3 council member) proposed that the state provide a pedestrian access across the bypass one way or another. He said it was unfortunate that the state didn't complete the underpass, which would have connected the Polly Grimshaw bicycle path that ran east along the railroad tracks from the bypass into the Park Ridge neighborhood with the signed bike path on 7th Street. He said he was looking forward to these improvements that have taken a long time to happen.

It was moved and seconded to approve the 2014 Sidewalk Committee Report.

The motion was approved by a roll call vote of Ayes: 9, Nays: 0.

Volan gave the committee report for the Street Design and Engineering Standards Committee. He read a proposed amendment into the report to reflect an additional and final meeting. He asked Ruff and Spechler, the two other committee members to speak to the report.

- o Street Design and Engineering Standards Committee

Ruff said he thanked staff for the time that they spent on the effort, and Volan for taking the initiative to create the committee. He said he felt that both of the main points of the mission and function of the committee were met.

Spechler thanked Volan for his efforts in producing the report. He said he could not accept part A-5 for two reasons, and said he had urged the committee to eliminate the point. He said the words in that section of the report "*the Public Works Department did not reflect a working appreciation of the Mitigate Traffic Policy Essence of the 2002 Growth Policies Plan*" was Volan's interpretation emphasis in reading the GPP. Spechler said that his reading was that in accepting that plan, the council committed to improve the possibilities for safe pedestrian and bicycle use, but not to reduce the importance of motor vehicle traffic except to reduce the number of trips.

Spechler said his other objection was the implied and obvious criticism of the Public Works Department, noting the working appreciation phrase. He said the report also contained the words "*We question its commitment to this portion of the GPP.*" He said he didn't remember anything of this sort on the part of the representatives of the Public Works Department. He said before the council approves criticisms of a department of the city the council should go over the minutes of the meetings to see whether this interpretation was justified or not.

He said he didn't object to criticizing agents or employees of the city where necessary, but he noted that it needed to be carefully considered for morale, competence and ability to read the GPP in the city. He said the committee didn't go back to read the minutes, and the first meeting was held months ago. Spechler said he objected to making criticisms in an arbitrary and off handed way to say that they don't have a working appreciation of the GPP, which he said was to say that don't appreciate what is public policy in the city. He again stated that he felt this was wrong. He said the second sentence of 'we question' did not include him. He said the wording of the GPP had been approved, and that in his view the words 'mitigating traffic' meant that the city should improve the alternative ways of moving around the city without prejudicing people's choice to use their automobile because of weather, distances or handicaps. He said he did not join anyone on the council who was anti-automobile, adding that it was dead wrong. He said the interpretation presented in the report seemed to mean that automobile were downgraded and the other means of moving around the city were prioritized. He noted he had supported sidewalks and bike lanes, but said we should also improve the safety and convenience of motor traffic in the city.

Neher asked Sherman to explain the difference between accepting a report and approving a report.

Council Attorney/Administrator Dan Sherman said that under Robert's Rules of Order 'acceptance' meant to take into possession, and 'approval' meant to actually endorse the recommendations.

Rollo asked if the committee considered the anticipation of bicycle and pedestrian need when evaluating traffic flow. He further explained that pedestrians and bicyclists were discouraged from attempting to use certain routes because of current configurations of infrastructure. He used the changed in the Hyde Park/Moore's Pike cross walk as an example, saying that pedestrians would not have thought of using that crossway until a cross walk was created there.

Volan said this was the greatest debate of the committee, and the term for this condition was 'induced traffic' which meant *'if you build it, they will come.'* He said by adding lane capacity to a road, more people will use the road. He said the same thing would happen with sidewalks. Volan said Spechler was wrong on assertions of how the point was made about induced traffic. Volan said that as chair of the committee he felt responsible to review and transcribe each of the recorded televised meetings, but for practicality he removed much of the material from his initial effort.

Volan said that in the initial meeting he and Ruff had asked Mr. Wykoff about the notion of 'induced traffic.' He said Wykoff 'described no understanding of the concept.' He said his point came from a very specific line of questioning that did not receive a satisfactory answer. He said it was a shame that INDOT did not build sidewalks with the same enthusiasm that they built interstates. He said the lack of understanding of 'induced traffic' was ironic considering that Spechler, tonight in previous reports, said 'building sidewalks encourages more walking.' Volan said that was the very definition of induced traffic. He said the comment was not made in an offhand way, and the fact that the city engineer did not have a working understanding of the concept should give people pause.

He said the statement was not arbitrary, and the invocation of 'complete streets' in this document was an important note to make as it did not prioritize walking and biking over driving. He said it called for them all to be treated equally. He urged council members to not make a critique of ideas or actions automatically a quality of the people espousing the ideas. He reiterated that the report was a critique of ideas and actions, not a critique of the people who work for the city or of the council.

Sturbaum said he had been watching the neighborhood transportation process that had been born out of a desire to solve traffic problems that neighbors saw in their neighborhoods, a bottom-up solution. He said that if we drift away from that model for a top-down statistical analysis model, we would be less proactive. He said to solve problems as they bubble up, the best and quick solutions are provided.

Sturbaum said he was willing to rewrite the NTSP, but it was concerned that the changes would be written by the Planning Department would rewrite it, that only the most vocal neighborhoods would get attention. He feared that the rewrites would depend more on data than on the experience of the neighbors. He asked if there was a drift away from the original model of neighbors solving problems in their own neighborhoods.

Volan said it was a good question. He said that the section C-4 said that the "data relevant to the determination of where there are traffic safety problems is not readily forthcoming." He noted that the statement was

not that the problems themselves were not 'readily forthcoming,' just that hard data was not there. Speaking to Sturbaum's larger point, he said that he didn't believe that any member of the committee believed that the process should be more top-down. He corrected what he called a misimpression that the council approved the notion of an NTSP but that the document was written entirely by the Public Works Department. He said that it needed to be rewritten and that duty would still lie within the city administration, and that the council would approve the document. In answer to Sturbaum's question he said that the intent was still to have a bottom-up approach to neighborhood traffic problems, and also to improve the guidelines in tightening the time frame. He said the council should expect to approve the language that Planning would produce.

There were no public comments on the Special Committee Report.

Spechler, in his final comments, said he had criticized the idea that the Public Works Department did not reflect a working appreciation of the mitigate traffic policy essence of the 2002 Growth Policies Plan. He said the elaboration just provided was even worse. He said that to identify the employee and to criticize him for failing to appreciate Volan's theory of induced traffic was not acceptable to him. He said that to say that a person did not accept the theory was not merely a criticism of an idea but also a criticism of an expert within the city administration for failing to appreciate a theory. He said the theory of 'induced traffic' was not found in the GPP and was Volan's idea. Spechler said he absolutely opposed the idea of criticism directed towards a member of the administration for their statements in committees about ideas. He said that this would not encourage open discussion about ideas and was the wrong way to go. He added that he had told Volan several times that this was a poor time to operate the committee.

He concluded by saying that the point of A-5 as elaborated upon was even worse than its inclusion in the report. He rejected this as a message of the council and would vote against it if it were being adopted rather than being received by the council. He said he supported the final recommendations, and had also recommended to Volan that the accounts of the hearing should not have been included. He wanted the public to know that this member of the administration was not irresponsible or deaf to the issue in his participation in the committee hearings.

Ruff, as a third member of the committee, said he was sensitive to Spechler's concerns that ideas and comments be conveyed in a most productive, constructive and diplomatic manner. He added that it was difficult to discuss a significant change in orientation of past policies without at least an indirect criticism of what had been done before.

He said there were reasons that the engineer of public works now had included the planning director as part of the supervisory structure of his position and product. He said there was a reason for the hiring of a new transportation engineer with significant authority and input into infrastructure decisions with regards to streets and roadways. He added that there was a reason that many street improvement projects were now being initiated through the Planning Department instead of Public Works. He said the reason was not a secret, but a deliberate change.

Ruff said that some road improvements do create hostility with regards to bicycle and pedestrians and 'induced traffic.' He added that the term was a well documented term in planning. He added that the concept was in conflict with the policy essence in the Mitigate Traffic of the GPP. He said progress and change should be made productively and without blaming, naming or pointing fingers. He added that changes were called for and being implemented by the administration, and while he understood the section that Volan wanted to include in the report on

this matter, he understood Spechler's concerns. He also encouraged people who had concerns about this issue to watch the conversation and exchange between himself, Volan and the members of the Public Works Department who were present at the hearing.

Sturbaum said he was pleased with the report because his 'to do list' included revising the NTSP. He said the simple change of using the 95th percentile in thresholds was a smart thing to do. He said it was good for neighborhoods to revise this and think about how streets affect environments. He said the best dynamic was to listen to neighbors' concerns along with the data; it brought about a better decision that looking at only one of those factors. He thanked the council members and staff for their work on the committee and was glad that that one of the top recommendations was to revise the NTSP.

Granger said she was looking forward to the revision, and would help the council in considering legislation. She also thanked the committee.

Rollo said he appreciated the work of the committee and looked forward to the process of revisions, adding it was a reflection of changing times. He used an example of the build-out of the Moore's Pike area; there was no access for people on the south side of the street. He said the engineers, developers, and council could not imagine people wanting to walk across that street to get to the regional center there. He added that there would be conflict as people worked through different paradigms, and that his experience was that the three engineers were looking at the situation in different ways. He said that hard traffic was dominant and it was natural to look at things that way. He said walking, biking and public transportation were being considered more than in the 1990s. He said the infrastructure built over decades will take a long time to catch up with these concepts.

Rollo added that we should try to anticipate needs by finding destinations where pedestrian safety would be a concern. He said it was not always apparent and there was not always someone to advocate for these areas.

Neher said he appreciated the report as the forthcoming GPP discussion would benefit from the report that clearly outlined the opportunities and dangers ahead.

Volan said Rollo's comment about the city proactively looking for traffic safety problems was an issue that was debated in the final meeting of the committee. He said the commission decided that the city should focus on issues that at least one person had suggested. He said point C-2 was carefully crafted to clarify this unanimous decision by the committee.

Volan said he, as chair, deserved criticism for taking a long time to deliver the report. He said no one had criticized him for the delay, and he wouldn't take it personally if they did. He said no one related to the report should take any criticism personally, but it did not absolve him of the obligation to critique and criticize ideas that were wanting or that he disagreed with or that he believed his constituents disagreed with. He wanted to make sure that the phrase 'policy essence' was not misinterpreted. He said the GPP's chapters had headings that referred to policy essence, and that it was a clear policy recommendation of that document and he was trying to follow the recommendations as the will of the city as a whole.

He said he didn't anticipate the dissention on this particular issue taking such a long time, but appreciated the debate. He said debate on any one point should not obscure the utility of the whole report. He said he concurred with Sturbaum in looking forward to the revision and revival of the NTSP. He thanked clerk and council staff for their support

of the special committee and hoped that this would be a model for more efficient special committees in the future.

He concluded by saying that a critique of ideas was not a critique of people.

It was moved and seconded to accept the amended report from the Street Design and Engineering Standards Committee.
The motion was approved by a voice vote.

President Neher called for public comment.

- PUBLIC

John Lawrence, Representative of the Executive Committee of the Council of Neighborhood Associations (CONA), invited people to the first annual CONA Celebration on January 27th in Fountain Square Ballroom at 7 pm.

Glen Carter said he would be disappointed in the city if there were not arrangements made for a low barrier summer shelter for homeless individuals. He said there was a need for people to have shelter, and it was not just for people with addictions. He talked about the disease of addictions and mental illness and that those persons deserve some shelter, restrooms and clean drinking water. He noted that the Ubuntu Shelter Group was working to create this shelter program.

It was moved and seconded that the council affirm the mayor's appointment of John Saunders, Chris Cockerham, Sam DeSollar, Marjorie Hudgins, and Marleen Newman to the Historic Preservation Commission.

APPOINTMENTS TO BOARDS AND COMMISSIONS

The nominations were approved by a voice vote which was not unanimous.

There was no legislation for final action at this meeting.

LEGISLATION FOR SECOND READING

There was no legislation to be introduced at this meeting.

LEGISLATION FOR FIRST READING

There was no public comment at this portion of the meeting.

PUBLIC COMMENT

It was moved and seconded to cancel the Committee of the Whole meeting scheduled for January 22, 2014 and hold a Special Session to take up a special resolution: Resolution 14-01 Supporting the Full Expansion of Medicaid in Indiana through the Affordable Care Act. The motion was approved by a voice vote.

COUNCIL SCHEDULE

The meeting was adjourned at 9:12 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, February 5, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
February 5, 2014

Roll Call: Ruff, Sturbaum, Sandberg, Granger, Neher, Mayer, Rollo, Volan, Spechler,
Absent: none

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES
REPORTS

Marty Spechler noted that CVS pharmacy and drug store chain had announced they would no longer sell tobacco products. He applauded them for not selling these products that he said killed people. He noted e-cigarettes just encouraged the addiction and sent the message to young people that it was okay to smoke. He advocated an increase in the cigarette tax and alcoholic beverages to replace the business property tax or the declining revenue from casino gambling. He said this would be good for the state and good for young people.

- COUNCIL MEMBERS

Steve Volan noted that on March 1st the area code 930 would overlay the 812 area code as a second area code for southern Indiana. He said callers would need to use a ten digit phone number by the beginning of September. He advised people to change the saved numbers in their phones to accommodate this.

Dave Rollo said he had been following the results of the Fukushima reactor meltdown disaster of March 2011 during a tsunami. He relayed malfeasance in the clean up efforts, pollution in the Pacific with radioactive isotopes, and environmental devastation that had not been covered by the press to the extent that the global crisis deserved. He likened the issue to the movie "The China Syndrome." He called for an expert international team to appeal to higher governmental agencies to monitor the issue and to insure transparency.

Tim Mayer thanked the workers in the Public Works and Utilities departments for their work in clearing snow, fixing broken water mains around-the-clock in the recent bad weather.

Dorothy Granger welcomed a number of IU students of Lisa Marie Napoli who were in attendance at the meeting.

Susan Sandberg noted that it was the middle of the season for filing for the 2014 county and township elections. She thanked those who were running for office this year.

Sturbaum addressed the student visitors to the meeting. He said government was developed at this small scale, and as it got larger it had badly behaved people and was dysfunctional. He said that he was saved from real cynicism by working at the local level where real problems exist and real people solve them. He said the council listens to citizens and think hard about what is right to do.

Darryl Neher reminded people to help their differently-abled neighbors clear their sidewalks in times of snow events.

There were no reports from the mayor or other city offices this evening.

- The MAYOR AND CITY OFFICES
- COUNCIL COMMITTEES

There were no reports from council committees at this meeting.

Gene DeFelice noted that the Fukushima crisis affected people locally because lots of our fish and produce came from the Pacific and West coast. He said the Monroe County Solid Waste District director was advocating

- PUBLIC

for a Materials Recovery Facility (MRF), and part of that advocacy was promoting a three acre greenhouse for the community. He said this would help secure a local food supply, keep materials out of landfills, recover organic waste with composting, and lease the space to local farmers. He said the community wanted this type of facility. He also noted that there was a Citizens Advisory Committee to the MCSWD and a MRF working group that people could get involved with.

Glenn Carter talked about the homeless situation in Bloomington and said to those in that position it was an incomprehensible tragedy. He said he was thankful that when he was in that situation he had the resources of facilities and resources in Bloomington to help him get off the streets. He noted the Ubuntu Shelter Group was working on this issue and invited people to an upcoming meeting to work on a low barrier year round shelter. He said that addiction was a disease recognized by the AMA since 1955, and was not a moral issue.

Dave Schliebaum said he was currently a night manager at a Laundromat that was open 24 hours a day on the east side of town. He said both he and the business owner were worried both about the people who attempted to sleep in the business at night, and the business that might be left open in inclement weather. He said he consulted the Shalom Center and the Interfaith Winter Shelter about getting these people into the shelters and offered to transport the people to the shelter to no avail. He asked what he should do about the problem that had crept up in the last couple of years.

There were no appointments to Boards or Commissions at this meeting.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There was no legislation for second reading or final action.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Ordinance 14-01 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish Local Historic Designation of a "Conservation District" - Re: Matlock Heights Conservation District (Bloomington Historic Preservation Commission, Petitioner)

LEGISLATION FOR FIRST READING

Ordinance 14-01

Susan Sandberg said she was a co-owner of a home in this neighborhood and would not be deliberating on this item.

There was no public comment at this portion of the meeting.

PUBLIC COMMENT

Dan Sherman, Council Attorney/Administrator, noted that there was an Internal Work Session scheduled for Friday. Neher polled council members, determined that there would not be enough present to hold the session, and asked for a motion to cancel.

COUNCIL SCHEDULE

The motion to cancel the Internal Work Session was approved by a voice vote.

The meeting was adjourned at 8:08 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington