

City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 10 March 2021

Land Use Committee at 5:30 pm

**Please see the notes on the [Agenda](#) addressing public meetings during the public health emergency. For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
LAND USE COMMITTEE
WEDNESDAY | 5:30 PM
10 MARCH 2021

Per Executive Orders issued by the Governor, this meeting will be conducted electronically.

The public may access the meeting at the following link:

<https://bloomington.zoom.us/j/97619336822?pwd=U3B4WW9KT3BMaHdkTXhpMXF5SnZOdz09>

Chair: Isabel Piedmont-Smith

- A. Ordinance 21-07 – To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD. Re: 300 W. Hillside Drive (Tom Brennan, Petitioner)

Asked to attend: Eric Greulich, Senior Zoning Planner
Petitioner

- B. Ordinance 21-08 – To Amend the City of Bloomington Zoning Maps by Rezoning 87 Acres from Planned Unit Development to Mixed-Use Corridor (MC) – Re: 3100 W. Fullerton Pike (Bill C Brown Revocable Trust, Petitioner)

Asked to attend: Eric Greulich, Senior Zoning Planner
Petitioner

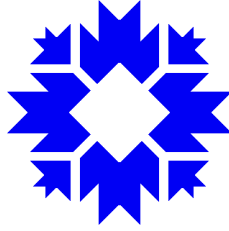
STATEMENT ON PUBLIC MEETINGS DURING THE PUBLIC HEALTH EMERGENCY

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

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

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

Posted: 05 March 2021



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

NOTICE

Wednesday, 10 March 2021

***Land Use Committee
at 5:30 pm***

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As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-07 – To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD. Re: 300 W. Hillside Drive (Tom Brennan, Petitioner)

Synopsis

Ordinance 21-07 amends the District Ordinance and Preliminary Plan for Parcel E of the Thompson PUD to allow for the construction of 19 townhomes and 104 multifamily residences.

Relevant Materials

- Ordinance 21-07
- Certification of Ord 21-07 by Plan Commission
- Staff Memo from Eric Greulich
- Maps
- Thomson PUD Narrative
- Illustrative Site Plan Context
- Renderings
- District Ordinance and Preliminary Plan
- Fiscal Impact statement

Certified by Plan Commission

Ord 21-07 was certified to the Council by the Plan Commission on January 20, 2021 with a favorable recommendation (7-1) with the following conditions of approval:

1. The proposed buildings in the Final Plan must be consistent with the currently submitted elevations including orientation, modulation, and materials. The west elevations of all buildings must be similar to the design of the east elevations as presented.
2. The District Ordinance shall be amended prior to Council to allow a maximum 80% impervious surface coverage and minimum 20% landscape area for the Lot with Building #7 and the maximum height of that building shall be limited to 4 stories or 50'.
3. Per the petitioner statement, the townhome buildings must be designed to LEED standards and the commercial buildings must be LEED Silver certified.
4. A minimum of 6' wide concrete sidewalk and 5' wide tree plot are required along the south side of Hillside Drive adjacent to Building #7.
5. The District Ordinance shall be amended to require two design elements for the Pedestrian Entrances as required in the UDO.



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Summary

The Council's review of a PUD proposal is guided by state statute. Council has wide discretion but must have a rational basis for its decision. Within ninety (90) days after such a proposal is certified to the Council by the Plan Commission, the Council may adopt or reject the proposal and may also exercise powers set forth under Indiana Code 36-7-4-1500 et seq. Those powers include:

- Imposing reasonable conditions;
- Conditioning the issuance of a certificate of zoning compliance on bond or certain guarantees; and
- Allowing or requiring the owner of real property to make written commitments.

If the Council fails to act on the proposal within 90 days after certification the ordinance would take effect as if it had been adopted as certified by the Plan Commission.¹

In consideration of Ordinance 21-07, the Indiana Code directs that Council shall pay reasonable regard to the following²:

- the [comprehensive plan](#);
- current conditions and the character of current structures and uses in each district;
- the most desirable use for which the land in each district is adapted;
- the conservation of property values throughout the jurisdiction; and
- responsible development and growth.

It is not necessary that Council find absolute conformity with each of the factors outlined above. Rather, Council is to take into consideration the entire constellation of criteria, balancing the statutory factors.

Further, the BMC calls for the Council to consider the following criteria relevant to a PUD proposal³:

- Is consistent with the purpose of the UDO and the Planned Unit Development District; and
- The petitioner has demonstrated that the proposed rezoning is compatible with surrounding development or can be made compatible with surrounding development through commitments or conditions; and
- Any portion of the PUD zoning district to be occupied by multifamily, mixed-use, or industrial development shall provide a greater level of internal connectivity and

¹ IC 36-7-4-608

² IC 36-7-4-603

³ BMC 20.04.070



connectivity to surrounding developments than would be required by this UDO if the project were not being developed in a PUD zoning district; and

- Each multifamily, mixed-use, or nonresidential principal structure in the PUD zoning district shall provide a greater level of design quality than would be required by this UDO if the project were not being developed in a PUD zoning district; and
- At least one of the following criteria are met:
 - The proposed PUD zoning district will include construction of a substantial open space, recreational, entertainment, or cultural amenity that will be open to and usable by the general public, and that would not otherwise be required by this UDO. Reconfiguration of open space required by this UDO does not satisfy these criteria;
 - The proposed PUD zoning district will protect a significant ecological, natural, historical, architectural, or archeological resource that was not already protected from development by this UDO or by state or federal law. Avoidance of designated floodplains or wetland areas, or the provision of additional buffers around such areas, does not satisfy these criteria; or
 - The proposed PUD zoning district provides affordable housing beyond the amounts that the petitioner would have been required to provide in order to earn a Tier 1 or Tier 2 affordable housing incentive under Section 20.04.110(c)(5) by either:
 - Income-restricting at least 10 percent more of the dwelling units at or below the income levels required to earn a Tier 1 or Tier 2 incentive, or
 - Income restricting the same number of dwelling units required to earn a Tier 1 or Tier 2 affordable housing incentive, but limiting incomes to at least 10 percent lower AMI level than would have been required to earn a Tier 1 or Tier 2 incentive 20.04.110(c)(5)

The findings of the Planning Commission are outlined in the staff memo from Eric Greulich.

Finally, the BMC also provides that permitted uses in a PUD are subject to the discretion and approval of the Plan Commission and the Council. Permitted uses are determined in consideration of the Comprehensive Plan, existing zoning, land uses contiguous to the area being rezoned, and the development standards outlined in the UDO. If the terms of the PUD approved by the Common Council do not clearly address the availability of specific uses in all or part of the development, then the uses and use-specific standards that would otherwise be applicable to development of the same character and scale if it were zoned



City of Bloomington Indiana

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

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

into one of the base zoning districts in BMC 20.02.020 through 20.02.040 as determined by the Planning and Transportation Director, shall apply. ⁴

What Happens Next

Council's role ends with the adoption or rejection of the zoning ordinance. There is no obligation to develop a property after the adoption of a zoning ordinance but if a developer chooses to do so, the zoning ordinance provides the framework for how the property can be developed. In the event Council adopts Ordinance 21-07, the next step would be for a developer to present a site plan to the Plan Commission for approval. Once a site plan is submitted, the Plan Commission reviews the plan to ensure that it meets with the provisions of the zoning ordinance including any reasonable conditions and commitments. There is no time constraint for the submission of a site plan; but once approved, a site plan is valid for a defined period of time.

Contact

Eric Greulich, Senior Zoning Planner, greulice@bloomington.in.gov, (812) 349-3526

⁴ BMC 20.02.050

ORDINANCE 21-07

**TO AMEND THE CITY OF BLOOMINGTON ZONING MAPS BY AMENDING THE
DISTRICT ORDINANCE AND PRELIMINARY PLAN FOR PARCEL E OF THE
THOMSON PUD**

**- Re: 300 W. Hillside Drive
(Tom Brennan, Petitioner)**

WHEREAS, Ordinance 20-06, repealed and replaced the official zoning map within Title 20 of the Bloomington Municipal Code Entitled, "Unified Development Ordinance"; and

WHEREAS, the Plan Commission has considered this case, PUD-17-20, and recommended that the petitioner, Tom Brennan, be granted an approval to amend the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD to allow for the construction of 19 townhomes and 104 multifamily residences; and;

WHEREAS, the Plan Commission therefore 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 20.06 of the Bloomington Municipal Code, the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD shall be amended. The property is further described as follows:

A part of the Southeast Quarter of Section 5 Township 8 North Range 1 West and Part of Lot 53 of Dodds Addition to the City of Bloomington, all of which is situated in Monroe County, IN and being more particularly described as follows:

Commencing at the northwest corner of Lot 53 of Dodds Addition to the City of Bloomington being marked by a 5/8 inch diameter rebar; thence SOUTH 01 degrees 52 minutes 17 seconds EAST along the west line of said Lot 53, (Basis of Bearings per ALTA-ASCM Survey dated December 30th, 1998 by Bledsoe Tapp & Riggert, Inc., Job #2429), a distance of 372.39 feet to the Point of Beginning of this description being marked by a 5/8 inch rebar with yellow plastic cap stamped "BRG PC50920004", (BRG rebar); thence continuing SOUTH 01 degrees 52 minutes 17 seconds EAST along the west line of said Lot 53 a distance of 617.56 feet to a 1/2 inch rebar marking the southwest corner of said Lot 53 being on the north right of way of Hillside Drive; thence leaving said west line and along said north right of way NORTH 89 degrees 40 minutes 30 seconds EAST a distance of 168.01 feet to a BRG rebar; thence leaving said north right-of-way NORTH 02 degrees 05 minutes 50 seconds WEST a distance of 124.23 feet to a point inside an existing concrete block building as-built; thence SOUTH 90 degrees 00 minutes 00 seconds EAST a distance of 40.00 feet to the east line of said Lot 53; thence NORTH 87 degrees 54 minutes 10 seconds EAST a distance of 2.00 feet to a BRG rebar; thence NORTH 02 degrees 05 minutes 50 seconds WEST parallel to the east line of said Lot 53 a distance of 499.26 feet to a BRG rebar; thence SOUTH 88 degrees 06 minutes 51 seconds WEST through said Lot 53 being 1.0 feet north of the north face of existing steel columns as-built inside a concrete block building a distance of 207.45 feet to the Point of Beginning, containing 2.85 acres, more or less. Subject to any and all easements, agreements, and restrictions of record.

ALSO

Tract 2:

Lot Number 1 in the Libey Subdivision, as shown by the recorded plat thereof, recorded in Plat Cabinet C, Envelope 245, in the office of the Recorder of Monroe County, Indiana.

SECTION 2. The District Ordinance and the Preliminary Plan shall be approved as 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 _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 21-07 would amend the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD to allow for the construction of 19 townhomes and 104 multifamily residences.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 21-07 is a true and complete copy of Plan Commission Case Number PUD-17-20 which was given a recommendation of approval by a vote of 7 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on January 11, 2021.

Date: January 20, 2021


 Scott Robinson, Secretary
 Plan Commission

Received by the Common Council Office this 20th day of January, 2021.


 Nicole Bolden, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

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 X Sk

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.)

Interdepartmental Memo

To: Members of the Common Council
From: Eric Greulich, Senior Zoning Planner
Subject: PUD-17-20
Date: January 19, 2021

Attached are the staff report, petitioner's statement, maps, and exhibits which pertain to Plan Commission case PUD-17-20. The Plan Commission heard this petition at the January 11, 2021 hearing and voted 7-1 to send this petition to the Common Council with a favorable recommendation. The Plan Commission report is attached.

REQUEST: The petitioner is requesting an amendment to the preliminary plan and district ordinance for the Thomson PUD to allow 19 townhomes and 104 multi-family residences on Parcel E.

BACKGROUND:

Area:	3.7 acres
Current Zoning:	Planned Unit Development
Comp Plan Designation:	Urban Corridor and Switchyard North Focus Area
Existing Land Use:	Office and Warehouse
Proposed Land Use:	Mixed Use
Surrounding Uses:	North – Warehouse (Storage Express) West – Single family residences (McDoel Neighborhood) East – Switchyard Park South – Crosley Warehouse (community center)

REPORT: The site is located at 300 E. Hillside Drive and is zoned Planned Unit Development (Thomson PUD). The petition site is at the east end of the Hillside Drive stub and includes a 2.85 acre property on the north side of Hillside Drive and a 0.85 acre property on the south side of Hillside Drive. Surrounding zoning includes the Thomson PUD to the north and south, Residential Small Lot (R3) to the west, and Mixed Use Institutional (MI) to the east. The surrounding properties have been developed with a mix of single family residences to the west, a storage warehouse to the north, Crosley Warehouse (community center) to the south, and the Switchyard Park to the east. This site has been developed with a 150,000 square foot warehouse that has a property line about 2/3 through the warehouse and a surface parking lot. The northern 1/3 of the warehouse, which is owned separately and contains Storage Express, is not part of this petition.

The petitioner is proposing to remove the southern 2/3 of the warehouse and redevelop the property north of Hillside Drive with several buildings, including a four-story, mixed-use building with 5,000 square feet of commercial space, 18 internal parking spaces, and 30 units; a five-story, mixed-use building with 2,000 square feet of commercial space, 16 internal parking spaces, and 32 units; and 4, three-story owner-occupied townhome buildings with a total of 19 units. A surface parking lot behind the units with 60 parking spaces would span all of the development north of Hillside Drive to be used by the residents. The property to the south of Hillside Drive would feature a five-story, multi-family building with 42 units and 90 internal parking spaces. The bottom two floors of the building south of Hillside Drive would be entirely parking. A 5' wide tree plot and 5' wide sidewalk from this site to Rogers Street has been shown along the north side of Hillside Drive. No sidewalk or tree plot on the south side of Rogers Street has been shown yet. The

petitioner has committed that the mixed-use and multi-family buildings will be LEED silver certified. The townhome buildings will also be built to a comparable requirement. Each building will have a minimum of 15% of the units set aside for affordable housing as required by the UDO.

One of the main continuing areas for discussion with this petition has been the desired housing type, density, and building design along the Switchyard Park. Last year, at the request of the Administration, a conceptual design for the redevelopment of two large areas adjacent to Switchyard Park was envisioned by the design consultant of Switchyard Park. One of the two areas in the study was this location. The other location in that study is the area where Night Moves was located and Meineke currently exists on S. Walnut Street. The desire of the Administration was to explore redevelopment opportunities of these important properties. The study aimed to provide a guide for appropriate development that would place as many eyes as possible on the trail for security, provide optimal utilization of a public open space and park, add housing stock to the community, and provide high quality development along a major open space and trail system reflective of the City's substantial investment in the Park. The Consultant's design showed four story buildings along the entire frontage of the park with the 4th floors stepped back. The design also showed buildings directly facing the trail. A commercial component along the ground floor of the buildings is also desired to provide services to the residents, neighborhood, and trail users. The plan scaled back to two stories closer to the neighborhood to the west with a parking area along the back for further separation from the neighborhood. Although that study and conceptual design was an internal request and not a publicly approved document, it showed a design that complimented the Switchyard Park and its purpose was to envision a development that placed an appropriate design and density along the Park.

The petitioner's redesigned site plan more closely matches that document and desire to place more units along the Switchyard Park. The location of this property directly on the Switchyard Park creates an important need for architecture and interaction along the facades facing the Park and the Department felt that possible additional improvements can be made to the townhome buildings to improve the look of them along the Park façade, and those were addressed since last month.

COMPREHENSIVE PLAN: This property is designated as *Urban Corridor* and within the *Switchyard North Focus Area*. The Comprehensive Plan identifies several characteristics and provides land use guidance for this area.

Additional guidance specifically includes-

- The City is making a long-term investment in the Switchyard Park, and redevelopment efforts along the Park must focus on capitalizing on both the direct and indirect benefits of that commitment. These interests must serve multiple needs related to entrepreneurship, employment, single family and multifamily housing, and green building.
- Increases in residential density around the Switchyard Park are strongly supported for both market rate and sustainably affordable units.
- Secondly, locations should also utilize the underlying Land Use District designations within this chapter and apply the Transform theme for approvals.
- Optimize street, bicycle, and pedestrian connectivity to adjacent neighborhoods and other 20-minute walking destinations.
- Ensure that appropriate linkages to neighborhood destinations are provided.

One of the predominant themes throughout the Comprehensive Plan is the need to add housing

stock to meet the community's housing needs. Especially housing for families and young professionals. The Comprehensive Plan is clear that areas adjacent to Switchyard Park should be planned with increased residential densities, for the benefit of a wide array of residents, not a select few.

PRELIMINARY PLAN:

Uses/Development Standards: The proposed District Ordinance outlines specific standards for each parcel as well as a list of permitted uses. Neither the site plan nor a subdivision are being approved at this time, only the standards that will govern those later approvals.

The Plan Commission and the Department had two concerns regarding the proposed standards for the building south of Hillside Drive that have been addressed in the District Ordinance. First, the District Ordinance proposed a 100% maximum impervious surface coverage allowance for the property. The Plan Commission required that this be adjusted to a maximum 80% and a minimum 20% landscape area, which matches the standards proposed for the other two commercial lots. Second, the petitioner was proposing to allow a 5-story building. The Plan Commission was concerned about the height of this building since it is closer to the neighborhood than the two other buildings of similar height located on the other parcels to the north. This building is only three floors of dwelling units and the bottom two floors are strictly parking. The Plan Commission required that a minimum 15' stepback was required along the west side of the building. The overall building is allowed to then be 5 stories or 65' tall.

Parking, Streetscape, and Access: The petitioner is showing a 24' wide parking aisle running through the site with perpendicular parking spaces on either side. The parking aisle connects to Hillside Drive and stubs to the north property line for future extension once the adjacent property to the north redevelops. A roundabout is shown interior to the parking area to meet Fire Department needs. There is a 5' wide sidewalk and 5' wide tree plot proposed along the north side of Hillside Drive that would connect from Rogers Street to the Park, although this is an off-site improvement, this is essential to connecting this development to Rogers Street. No sidewalk or tree plot are shown along the Hillside Drive frontage along Building #7 and must be shown with the final plan approval. There are 4 internal pedestrian connections, including a central courtyard, shown to connect this development to Switchyard Park. Approval from the Parks Department must be received prior to any work on Park's property.

Alternative Transportation: This petition would be required to meet all of the standards of the UDO for bicycle parking and would require one bicycle parking space per five bedrooms. The Department encourages the petitioner to incorporate several areas of covered bicycle parking spaces along the Park frontage for the residents of the development.

Architecture/Materials: Renderings of all of the proposed buildings have been submitted and are included in the packet. With the revisions to the building elevations along the Trail, the design of these buildings presents a much better appearance from the Trail and achieves the type of design and interaction that is appropriate.

The Department is still concerned about the bottom two floors of building #7 proposed south of Hillside Drive, however with the bottom floors being used for parking garage there is little that can be done to improve that portion of the building. The bottom two floors of that building still consist entirely of parking with no active ground floor use, especially along the Park façade. An

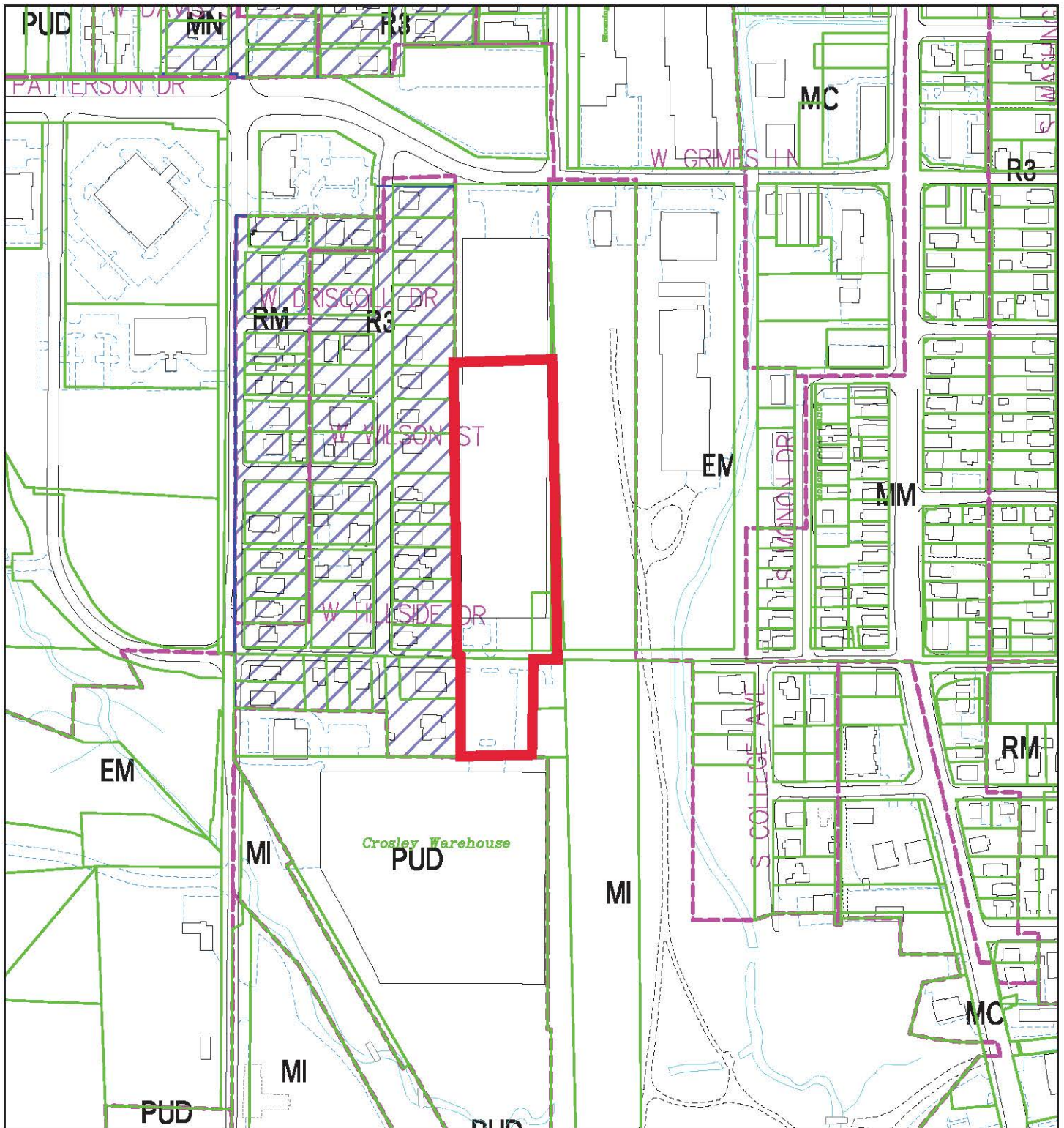
additional area of concern regarding Building #7 involves the proposed height and massing of this building adjacent to the single family neighborhood. This concern is also reiterated in the review memo from Schmidt and Associates. Unlike the other two multi-family buildings (Building #1 and #2) to the north, there is not a drive aisle and parking area and large buffer to separate the massing of those buildings from the single family residences. The Department believes that a 5-story building adjacent to the residences is not appropriate and has recommended a condition of approval to limit the height of Building #7 to 4 stories or 50’.

Environmental Considerations: There are no known environmental constraints on this property.

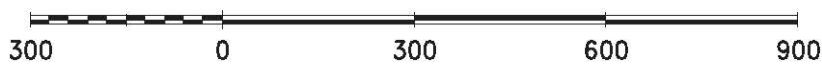
CONCLUSION: Based on the revised elevations and submitted renderings, the Plan Commission found that the proposed preliminary plan and District Ordinance matches the goals of the Comprehensive Plan and needs of the community. The review from Schmidt and Associates provides several good recommendations for small design improvements that will be more closely reviewed with the final plan approval.

RECOMMENDATION: The Plan Commission voted 7-1 to forward this petition to the Common Council with a positive recommendation and the following conditions of approval:

1. The proposed buildings in the Final Plan must be consistent with the currently submitted elevations including orientation, modulation, and materials. The west elevations of all building must be similar to the design of the east elevations as presented.
2. The District Ordinance shall be amended prior to Council to allow a maximum 80% impervious surface coverage and minimum 20% landscape area for the Lot with Building #7 and the maximum height of that building shall be limited to 4 stories or 50’.
3. Per the petitioner statement, the townhome buildings must be designed to LEED standards and the commercial buildings must be LEED Silver certified.
4. A minimum 6’ wide concrete sidewalk and 5’ wide tree plot are required along the south side of Hillside Drive adjacent to Building #7.
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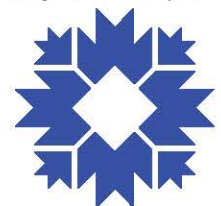


By: greulice
11 Dec 20



For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 300'



017



1101 S. WALNUT STREET - BLOOMINGTON, IN. 47401
TELEPHONE: (812) 332-6258 FACSIMILE: (812) 332-8658

Thompson PUD Narrative

300 West Hillside Drive Tract E-Thompson PUD

Overview-Existing site

The site as it exists, is a large industrial use site with access only from Hillside drive along it's south border. The parcel is 208 ft x 618 ft or 2.95 acres in size, and a .7 acre site currently entirely paved as a parking lot. The North parcel currently contains a single story steel building that was long used as a warehouse with loading docks, while the rail yard was used as a hub for the RCA TV manufacturing facility.

Currently, the structure is used as a mixed-use industrial complex for storage, warehousing and light manufacturing. It has some office spaces and is bordered at its north portion by a self-storage business, located on a separate parcel that is not a part of this PUD request.

Location

The location of this site and the changes that have occurred adjoining it, are the reasons for bringing this PUD request forward. The initial purchase by the city of Bloomington and the conversion of the rail yard into the city's largest park, with a new future, have not only made the redevelopment of this site feasible, but necessary. The city's investment in the new Switchyard park has changed forever, the need to have an industrial or warehouse use at this site. The entire western border of the site borders on many existing, small scale, single family homes. No connections to any existing city blocks exist along this western border. The site is adjacent to the McDoel Gardens historic district, a district consisting of a diversity of home sizes and styles. The site is the last few remaining sites, not in a flood plain, that a mixed-use community may be built along the new Switchyard park and the B-Line trail. This is an ideal location for a new, walk-able neighborhood, away from the traditional student housing and connected to the park.

Changes not foreseen in the initial Thompson PUD

The Thompson PUD was created to keep a healthy balance of industrial uses within Monroe County and a way to ensure it remained where we had access to rail service and even a newly constructed Patterson Drive, which was created to connect this warehouse and truck traffic, to highway 37 for better access to these industrial uses. Residential uses were not included within this PUD because they were not seen as compatible with the industrial uses and their needed warehouses and rail yard. All of this changed when the RCA (Thompson Consumer Electronics) plant was closed and removed, and the park idea was generated as a new use. Like that change from rail to a park, this change from warehouse, to residential just makes sense.

Key PUD Attributes

Architectural Character

While it is important that the new uses be compatible with the traditions exhibited by vernacular rail yard structures, the larger commercial structures will be a more modern interpretation of these building archetypes. These structures will be of larger sized brick masonry veneers, metal and cement board panels, and large, metal framed windows to imitate older building styles. The residential town home structures on lot 3 (Buildings 3,4,5,6) will be of similar style and materials to the mixed-use apartment structures with smaller scale brick veneers, cement board panels and siding.

Uses

Commercial spaces will be provided at a portion of the ground floor of the two larger, mixed use structures with residential apartments on the upper floors. Some parking will be provided within these mixed use buildings, along with some on-street parking. These commercial spaces will be the closest commercial spaces to Switchyard park and should be uses that complement the park visitor's experience. The neighborhood will be a mix of apartment structures and owner occupied town homes. First floor uses shall be those uses as allowed in the MN requirements in the UDO. This site is the closest site to Switchyard park for access to small scale retail services, so it is hoped that smaller square foot ground floor spaces will provide amenities for both users of the park and the existing neighborhood.

Site

A new, two-way street will connect the south end of the site to Hillside Drive for parking and access to the site and act as part of a buffer between the existing residential homes along South Madison Street. This buffer will also have a 14 foot bufferyard. Currently, the existing warehouse sits within 2 feet of the west existing property line, with no real buffer yard. The access drive will have a potential for extension to the north parcel for future connectivity if that lot were to be developed at a future time. The new site plan is also designed for a future pedestrian path to connect near West Wilson Street, if a connection would be possible in the future to allow for neighborhood access to the park. Within lot 3, will be a large green space of over 70 feet in width, that will act as a main connector from this development to the park and as a landscaped rain garden. Two other large paths will connect the park to this development and vice versa, to provide access to the B-line and the community connectivity of our linear park system.

Mass, Scale and Form

The project is a medium scale density and structures. Building heights will vary as they do in Downtown Bloomington and yet there will be a strong sense of similarity in scale, through the use of banding and materials. Setting upper floors back from the building front along the park will also contribute to a visual reduction in height.

The residential Town home structures, with smaller footprints, will be three stories, and are orientated to project their short facade along the park and allow for more views from each unit into the park and keep the site from presenting itself as a long wall of structures. This will allow for a better connectivity through the site to the park.

LEED requirements

The residential Town home single family units will require all units to meet the LEED for homes designation with items such as:

- Heat Island effect
- Rainwater management
- Non-toxic pest control
- Water efficiency
 - Outdoor water
 - Indoor water
- Minimum energy performance
- Energy Monitoring
- Homeowner education
- Annual energy use
 - Solar panels
- Efficient hot water distribution
- HVAC systems
- Materials and resources
 - Durable materials
 - Recycled content
- Construction waste management
- Material efficient framing
- Indoor environmental quality
- Solar compatibility
- Heat Island effect-Roofing
- Ventilation
- Radon resistant construction
- Air filtering
- Low emitting products

The commercial structures will also require at a minimum, LEED Silver designations and many of the LEED for homes requirements as well as other more detailed requirements.

This will include at a minimum:

- Green roofs and rooftop Solar Panels
- Rainwater management
- Minimum energy performance
- Energy efficient HVAC and plumbing systems

Affordability

The multifamily structures would provide at a minimum, 15% of the apartment units as affordable units per the City of Bloomington's definition and requirements as defined in the UDO. This would also include a total of 3 of the Town home units. (15% of the 19 townhome units). The south parcel is proposed to be Senior or affordable housing, or apartments as well and 15% of those units or 7 of the proposed 42 units, will be designated affordable as well.

Site Breakdown

Lot 1 structure

- 4 stories (1 grade level parking/commercial level-3 residential stories)
- 14,300 sq feet footprint
- 24- Two bedroom units
- 6- One bedroom units
- 54 total bedrooms
- 30 total units
- 5 units affordable per city requirements
- 5,000 sq ft available, ground floor commercial space
- 18 total parking spaces within building
- Parking available maximum 34 spaces = .62 ratio

Lot 2 structure

- 5 stories (1 grade level parking/Commercial level-4 residential stories)
- 10,000 sq feet footprint
- 24-Two bedroom units
- 8-One bedroom units
- 56 total bedrooms
- 32 total units
- 5 units affordable per city requirements
- 2,000 sq ft available, ground floor commercial space
- 16 total in-building parking spaces
- Parking available maximum 33 spaces = .58 ratio

Lot 4-South Hillside structure

- .7 acres
- 5 stories (2 grade level parking levels-3 residential stories)
- 21,600 sq feet footprint
- 39-Two bedroom units
- 3-One bedroom units
- 81 Total bedrooms
- 7 units affordable per city requirements
- 90 total in-building parking spaces
- Parking available maximum 90 spaces = 1.10 ratio (Parking available for commercial uses and 20 spaces are reserved to Storage Express per a use agreement).

Residential Town home lot 3 (19 total units)

- 3 story-single family Town homes (Owner occupied)
- 785 sq ft footprint (2,400 sq ft total unit-each)
- Each Town home has a maximum of 4 bedrooms
- Total 19 units and 76 bedrooms
- Parking available maximum 31 spaces = .40 ratio

Our vision, and even outlined in the existing Thompson PUD, is to “minimize negative land use impacts on adjacent residential properties”, and “increase the viability of the PUD and its industrial component by providing office, retail, AND RESIDENTIAL USES. The existing PUD does not reduce truck traffic along Hillside Drive. The existing PUD does recognize that Tract E is adjacent to a core neighborhood and will require special design challenges if the use changes-it is this very reason we feel that the plan as presented meets and enhances the existing PUD as well as the adjacent McDoel neighborhood. No other development has the ability to provide the community access, diversified housing types, or affordable entry into home ownership as this proposal along the B-Line and Switchyard park. Our proposal with affordable homes, apartments, commercial uses, and green design, is an appropriate mix that will encourage investment and home ownership. This development will provide an attractive landscape along the edge of the park and respect the homes that border it to the west.

Thank you for your consideration.

Doug Bruce NCARB-LEED AP
TABOR/BRUCE ARCHITECTURE & DESIGN, Inc.
1101 S Walnut Street
Bloomington, IN 47401
(812) 332-6258

Commercial Lot 1-Building 1

Utilizing MM-Mixed-Use Medium Scale zoning district

Changes to the following:

Impervious surface coverage (maximum) 80%

Landscape area (minimum) 20%

Primary structure height G (maximum) 65 feet or 5 stories

Low slope roofs allowed with parapets

No minimum vehicle parking requirements

Minimum 14-foot landscaped buffer yard (Type 2 per Table 04-19-14 feet not 15 feet) from adjacent single family residential dwellings.

Neighborhood transition zoning does not apply

20.02.060 Overlay district requirements to be met

(2) Building entrances

(5) Upper floor setbacks. Any facade along the B-Line trail, above the 4th story, shall set back a minimum of 5 feet.

(6) Windows and doors on the primary facade. 60% required for first floor facing the B-Line trail and a public street.

(7) Primary Entrances. Meet two of the UV, DE, DG, ST Standards

(8) Facade articulation. Meet the requirements for (B). Require minimum offset depth of 4 feet.

(9) Facade materials. Prohibited materials. Vinyl, highly reflective, wood, smooth or split faced concrete block, and stucco.

Primary building entrances

Any façade of a primary building facing a public street or B-Line trail shall be considered a primary façade.

All primary facades shall meet Table 02-26 standards for Windows and Door areas as DC requirements

All primary facades of a primary building shall incorporate the requirements of Table 02-27, Primary Pedestrian Entrances-DC requirements.

B-Line trail frontage standards

A minimum of one pedestrian entrance shall be provided for any primary building façade facing the B-Line trail.

Building entrances shall incorporate Two or more of the following:

- 1 Benches (Minimum of two)
- 2 Bike racks
- 3 Public art
- 4 Landscaped area or planter
- 5 Plaza or patios
- 6 Protruding canopy
- 7 Recessed entry

Allowed uses (upper floors only)

Multifamily apartments

Allowed commercial uses (Ground floor only) per 20.02.020 Table for MN including parking within the ground level floor of the building.

Building setbacks

Front (East) 10 feet

Front (South) 12 feet

Side (North) 15 feet

Rear (West) 65 feet

Parking setbacks

West-0 feet (Buffer yard only)

South-20 feet behind primary structure's front building wall

East and north 0 feet

Bicycle parking required per Table 04-13

Commercial Lot 2-Building 2

Utilizing MM-Mixed-Use Medium Scale zoning district

Changes to the following:

Impervious surface coverage (maximum) 80%

Landscape area (minimum) 20%

Primary structure height G (maximum) 65 feet or 5 stories

Low slope roofs allowed with parapets

No minimum vehicle parking requirements

Minimum 14-foot landscaped buffer yard (Type 2 per Table 04-19-14 feet not 15 feet) from adjacent single family residential dwellings.

Neighborhood transition zoning does not apply

20.02.060 Overlay district requirements to be met

(2) Building entrances

(5) Upper floor setbacks. Any facade along the B-Line trail, above the 4th story, shall set back a minimum of 10 feet.

(6) Windows and doors on the primary facade. 60% required for first floor facing the B-Line trail and a public street.

(7) Primary Entrances. Meet two of the UV, DE, DG, ST Standards.

(8) Facade articulation. Meet the requirements for (B). Require minimum offset depth of 4 feet.

(9) Facade materials. Prohibited materials. Vinyl, highly reflective, wood, smooth or split faced concrete block, and stucco.

Primary building entrances

Any façade of a primary building facing a public street or B-Line trail shall be considered a primary façade.

All primary facades shall meet Table 02-26 standards for Windows and Door areas as DC requirements

All primary facades of a primary building shall incorporate the requirements of Table 02-27, Primary Pedestrian Entrances-DC requirements.

B-Line trail frontage standards

A minimum of one pedestrian entrance shall be provided for any primary building façade facing the B-Line trail.

Building entrances shall incorporate Two or more of the following:

- 1 Benches (Minimum of two)
- 2 Bike racks
- 3 Public art
- 4 Landscaped area or planter
- 5 Plaza or patios
- 6 Protruding canopy
- 7 Recessed entry

Allowed uses (upper floors only)

Multifamily apartments

Allowed commercial uses (Ground floor only) per 20.02.020 Table for MN including parking within the ground level floor of the building.

Building setbacks

Front (East) 10 feet

Side (North & South) 10 feet

Rear (West) 65 feet

Parking setbacks

West-0 feet (Buffer yard only)

East and South and North 0 feet

Bicycle parking required per Table 04-13

LOT 3-Townhome buildings 3-4-5-6 (19 units total in 4 buildings)

Utilizing RM-Residential Multifamily zoning district

Changes only to the following:

Building Setbacks

Front (East) 5 feet minimum

Rear (West) 65 feet Minimum

Side yard (North and South) 8 feet Minimum

Parking setbacks

West-0 feet (Buffer yard only)

East and South and North 0 feet

No garage or carport allowed

Minimum 14-foot landscaped buffer yard (Type 2 per Table 04-19-14 feet not 15 feet) from adjacent single family residential dwellings.

Impervious surface coverage (Maximum) 70%

Landscape area (minimum) 30%

Primary structure height F (maximum) 40 feet or 3 stories

Low slope roofs allowed with parapets

No minimum vehicle parking requirements

Neighborhood transition zoning does not apply

Anti-Monotony standards do not apply.

20.02.060 Overlay district requirements to be met

(2) Building entrances

(6) Windows and doors on the primary facade. 60% required for first floor facing the B-Line trail.

(7) Primary Entrances. Meet two of the UV, DE, DG, ST Standards

(8) Facade articulation. Meet the requirements for (B). Require minimum offset depth of 4 feet.

(9) Facade materials. Prohibited materials. Vinyl, highly reflective, wood, smooth or split faced concrete block, and stucco.

Allowed uses:

Dwelling Multi Family units (Townhomes) allowed. Maximum number of units for Lot 3, 20 units. per 20.03.030 Residential uses

B-Line trail frontage standards

A minimum of one pedestrian entrance shall be provided for any primary building façade facing the B-Line trail.

Building entrances shall incorporate Two or more of the following:

- 1 Benches (Minimum of two)
- 2 Bike racks
- 3 Public art
- 4 Landscaped area or planter
- 5 Plaza or patios
- 6 Protruding canopy
- 7 Recessed entry

Bicycle parking required per Table 04-13

Commercial Lot 4-Building 7

Utilizing MM-Mixed-Use Medium Scale zoning district

Changes to the following:

Impervious surface coverage (maximum) 80%

Landscape area (minimum) 20%

Primary structure height G (maximum) 65 feet or 5 stories

Upper floor setback. The 5th story facing the western property line shall be stepped back no less than 15 feet from the property line

Low slope roofs allowed with parapets

No minimum vehicle parking requirements

Neighborhood transition zoning does not apply

Building setbacks

Front (North) None

Rear (South) 6 feet

Side (East & West) 5 feet

Parking setbacks

Same as building setbacks

20.02.060 Overlay district requirements to be met

(2) Building entrances

(5) Upper floor setbacks. None required.

(6) Windows and doors on the primary facade. 60% required for first floor facing a public street.

(7) Primary Entrances. Meet two of the UV, DE, DG, ST Standards

(8) Facade articulation. Meet the requirements for (B). Require minimum offset depth of 4 feet.

(9) Facade materials. Prohibited materials. Vinyl, highly reflective, wood, smooth or split faced concrete block, and stucco.

Primary building entrances

Any façade of a primary building facing a public street or B-Line trail shall be considered a primary façade.

All primary facades shall meet Table 02-26 standards for Windows and Door areas as DC requirements

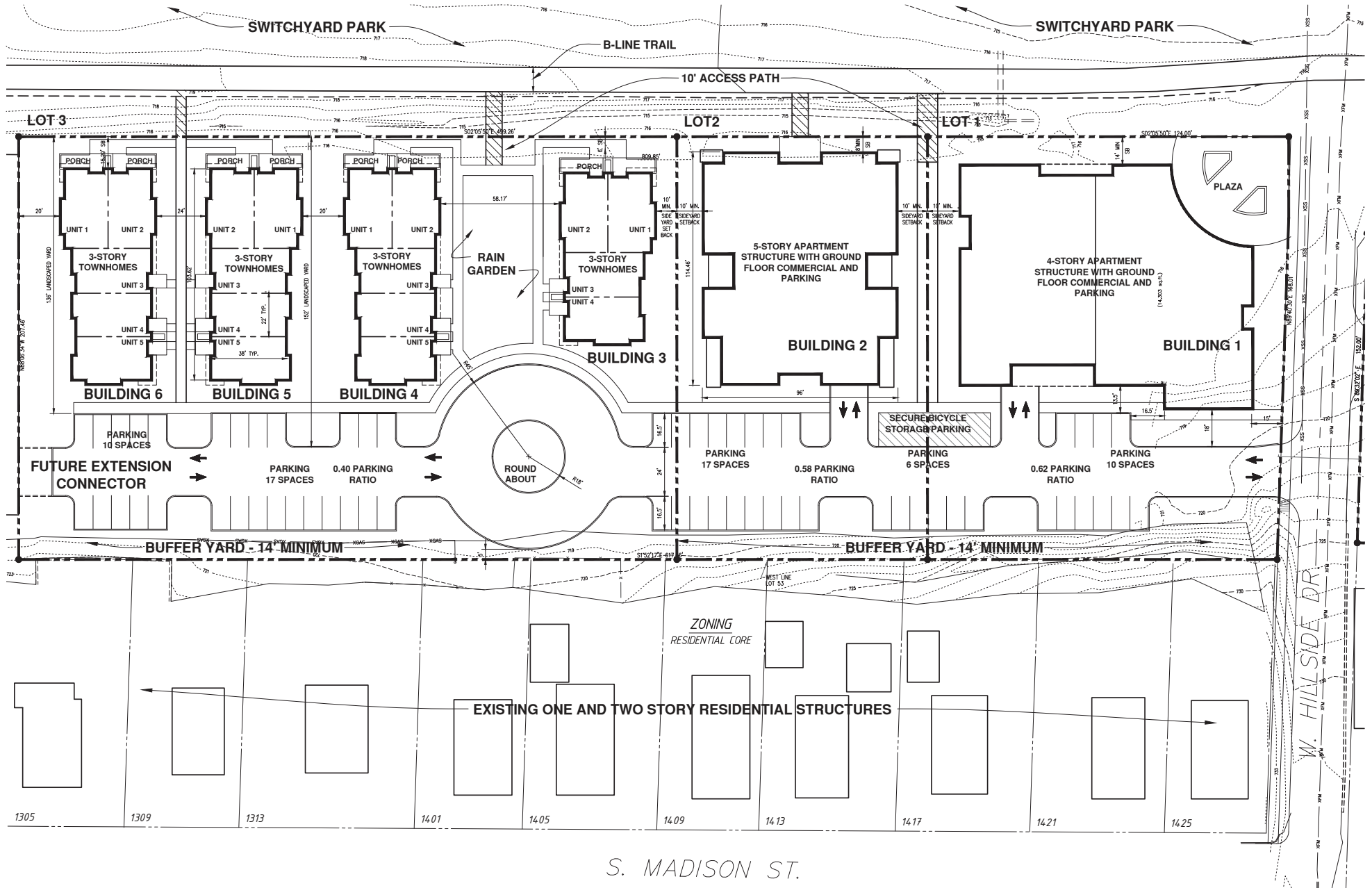
All primary facades of a primary building shall incorporate the requirements of Table 02-27, Primary Pedestrian Entrances-DC requirements.

Allowed uses (upper floors only)

Multifamily apartments

Allowed commercial uses (Ground floor only) per 20.02.020 Table for MN including parking within the ground level floor of the building.

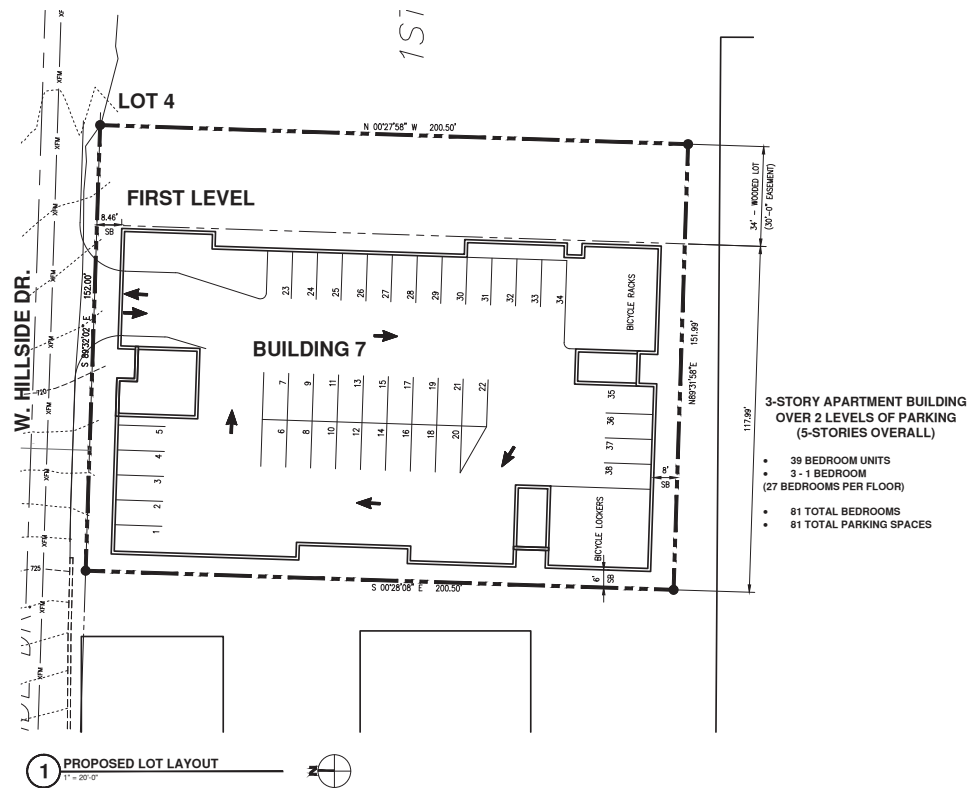
Bicycle parking required per Table 04-13



SCHEMATIC LOT LAYOUT - 2020G

PROJECT NAME:	PROJECT LOCATION:	DATE:
SWITCHYARD	WEST HILLSIDE AND THE B-LINE	DECEMBER 28, 2020
DESIGN PHASE:	CONCEPT PLANNING	DRAWING SCALE:
	© 2020 TABOR BRUCE ARCHITECTURE & DESIGN	1" = 20' 0"





SCHEMATIC LOT LAYOUT - SOUTH LOT

PROJECT NAME:	PROJECT LOCATION:	DATE:
SWITCHYARD	WEST HILLSIDE AND THE B-LINE	DECEMBER 28, 2020
DESIGN PHASE:	2020 TABOR BRUCE ARCHITECTURE & DESIGN	DRAWING SCALE:
CONCEPT PLANNING		1" = 20'-0"

















CURVED WALL ELEVATION



ELEVATION FACING PARK

BUILDING 1 PROPOSED ELEVATIONS

PROJECT NAME:	PROJECT LOCATION:	DATE:
SWITCHYARD	WEST HILLSIDE AND THE B-LINE	DECEMBER 28, 2020
DESIGN PHASE:	DESIGNING SCALE:	
CONCEPT PLANNING	© 2020 TABOR BRUCE ARCHITECTURE & DESIGN	1/8" = 1'-0"





ELEVATION FACING PARK



SIDE ELEVATION

BUILDING 2 PROPOSED ELEVATIONS

PROJECT NAME:	PROJECT LOCATION:	DATE:
SWITCHYARD	WEST HILLSIDE AND THE B-LINE	DECEMBER 28, 2020
DESIGN PHASE:	DESIGNING SCALE:	
CONCEPT PLANNING	2020 TABOR BRUCE ARCHITECTURE & DESIGN	1/8" = 1'-0"





ELEVATION FACING HILLSIDE DRIVE



SIDE ELEVATION

BUILDING 7 PROPOSED ELEVATIONS

PROJECT NAME:	PROJECT LOCATION:	DATE:
SWITCHYARD	WEST HILLSIDE AND THE B-LINE	DECEMBER 28, 2020
DESIGN PHASE:	DESIGNING SCALE:	
CONCEPT PLANNING	2020 TABOR BRUCE ARCHITECTURE & DESIGN	1/8" = 1'-0"





ELEVATION FACING PARK



SIDE ELEVATION

BUILDINGS 3-6 PROPOSED ELEVATIONS

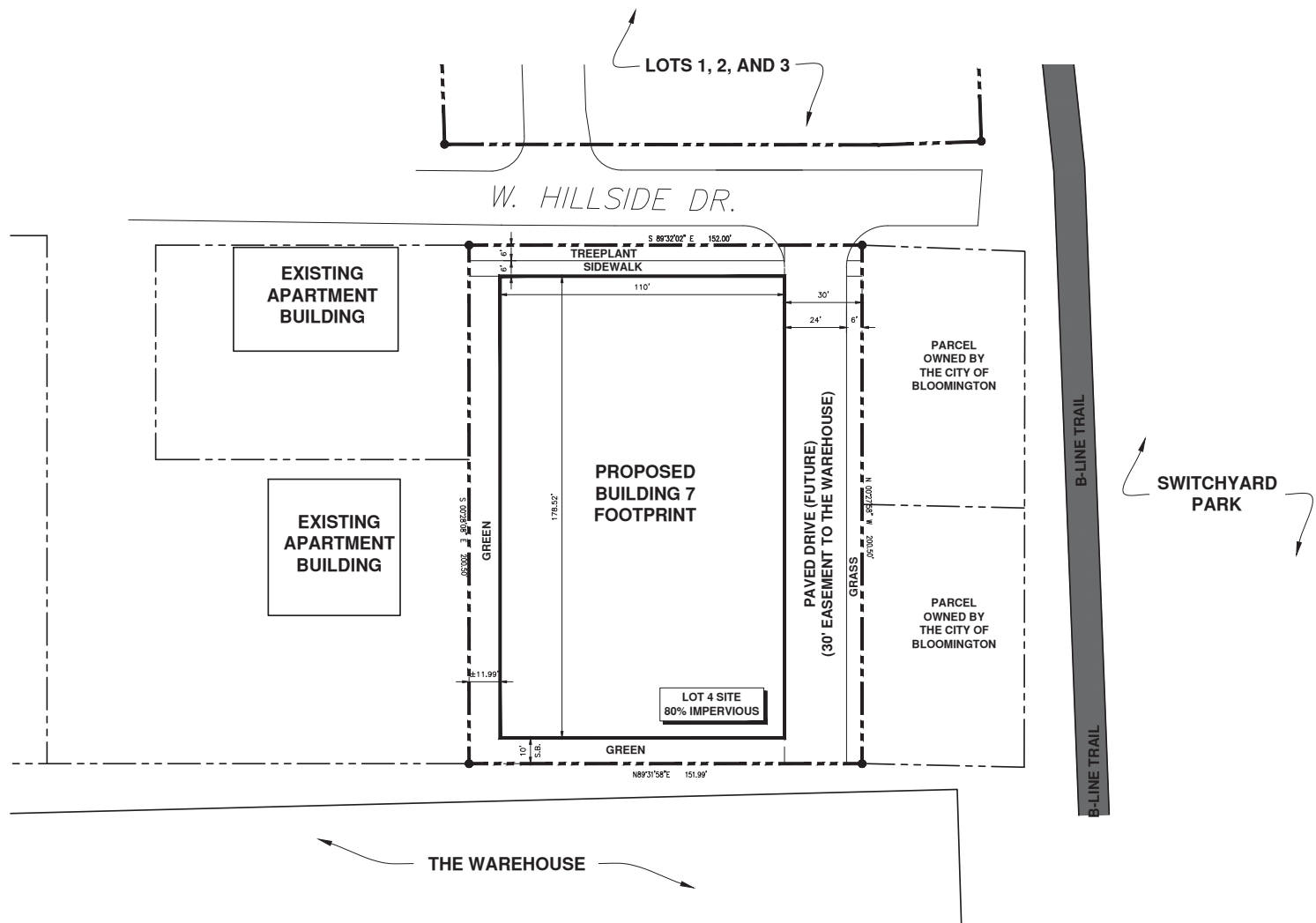
PROJECT NAME:	PROJECT LOCATION:	DATE:
SWITCHYARD	WEST HILLSIDE AND THE B-LINE	DECEMBER 28, 2020
DESIGN PHASE:	DESIGNING SCALE:	
CONCEPT PLANNING	© 2020 TABOR BRUCE ARCHITECTURE & DESIGN	1/4" = 1' 0"











NEW SCHEMATIC LOT LAYOUT - 2020G

PROJECT NAME:	PROJECT LOCATION:	DATE:
SWITCHYARD	WEST HILLSIDE AND THE B-LINE	FEBRUARY 22, 2021
DESIGN PHASE:	DESIGNING SCALE:	
CONCEPT PLANNING	© 2021 TABOR BRUCE ARCHITECTURE & DESIGN	1" = 20' 0"





BLOOMINGTON COMMON COUNCIL FISCAL IMPACT STATEMENT

Per BMC §2.04.290, any legislation that makes an appropriation or has a major impact on existing city appropriations, fiscal liability, or revenues shall be accompanied by a fiscal impact statement.

LEGISLATION NUMBER AND TITLE

Ord 21-07 - To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for Parcel R of the Thomson PUD.
Re: 300 W. Hillside Drive (Tom Brennan, Petitioner)

PROPOSED EFFECTIVE DATE

TBD

FISCAL IMPACT. 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, briefly explain below.

This legislation seeks to amend the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD to allow for the construction of 19 townhomes and 104 multifamily residences. There is no major fiscal impact associated with this ordinance. Fiscal impact will be re-evaluated at the time the property is developed.

FISCAL IMPACT FOUND. If the legislation appropriates funds and/or will have a major fiscal impact, please complete the following:

	FY -- CURRENT	FY -- SUCCEEDING	ANNUAL CONTINUING COSTS THEREAFTER
REVENUES			
EXPENDITURES			
NET			

IMPACT ON REVENUE (DESCRIBE)

IMPACT ON EXPENDITURES (DESCRIBE)

FUTURE IMPACT. Describe factors which could lead to significant additional expenditures in the future.

FUNDS AFFECTED: TO BE COMPLETED BY CITY CONTROLLER

If the proposal affects City funds, please describe the funds affected and the effects of the legislation on these funds.

Signature of Controller



Signature of City Official
responsible for submitting legislation

2/19/2021



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-08 – To Amend the City of Bloomington Zoning Maps by Rezoning 87 Acres from Planned Unit Development to Mixed-Use Corridor (MC) – Re: 3100 W. Fullerton Pike (Bill C Brown Revocable Trust, Petitioner)

Synopsis

Ordinance 21-08 rezones 87 acres from Planned Unit Development to Mixed-Use Corridor (MC).

Relevant Materials

- Ordinance 21-08
- Certification of Ord 21-08 by Plan Commission
- Staff Memo from Eric Greulich
- Use for MC District
- Memo from Bloomington Environmental Commission to Bloomington Plan Commission
- Maps
- Commitment Concerning the Use and Development of Real Estate
- Petitioner's Rezoning Statement
- Conservancy and Karst Easements
- Illustrative Site Plan Context
- Permitted Uses MP Zone
- Petition of Bill C. Brown
- 1999 Interdepartmental Memo from Tom Micuda, Planning Department
- Fiscal Impact Statement

Certified by Plan Commission

Ord 21-08 was certified by the Plan Commission to the Council on January 20, 2021 and was given no recommendation by a vote of 6-2-1.

Summary

The Council's review of a proposal to change the city's zone maps is guided by state statute.¹ Within ninety (90) days after such a proposal is certified to the Council by the Plan Commission, the Council may adopt or reject the proposal.² If the Council fails to act on the proposal within 90 days after certification, the ordinance would take effect as if it had been adopted as certified by the Plan Commission.³ As a condition to the adoption of a rezoning proposal, the owner of a parcel of real property may be required or allowed to make a commitment concerning the use or development of that parcel, subject to certain requirements contained in state law.⁴

¹ IC 36-7-4 et. seq.

² IC 36-7-4-608(f)

³ IC 36-7-4-608(f)(4)

⁴ IC 36-7-4-1015



In preparing and considering zoning proposals, Council shall pay reasonable regard to the following⁵:

- the [comprehensive plan](#);
- current conditions and the character of current structures and uses in each district;
- the most desirable use for which the land in each district is adapted;
- the conservation of property values throughout the jurisdiction; and
- responsible development and growth.

Zoning Commitments

As a condition to the adoption of a rezoning proposal, the owner of a parcel of real property may be required or allowed to make a commitment concerning the use of development of that parcel.⁶ Commitments are subject to a number of statutory provisions as to form, binding effect, modification, or termination, and effectiveness. Indiana Code provides that commitments shall be recorded and that after recording, commitments are binding on subsequent owners or any other person who acquires an interest in the property. Commitments may contain terms providing for their expiration or terms that provide that the commitment automatically terminates. During the time a rezoning proposal is being considered by the Council, it is possible for an owner to make a new commitment or modify the terms of a commitment that was made when the proposal was being considered by the Plan Commission. In this case, the Petitioner has proposed a Commitment concerning the use and development of the subject property, which would prohibit a number of otherwise permitted uses in the MC Zone. A copy of the proposed Commitment is included in the Exhibits.

What Happens Next

Council's role ends with the adoption or rejection of the zoning ordinance. There is no obligation to develop a property after the adoption of a zoning ordinance but if a developer chooses to do so, the zoning ordinance provides the framework for how the property can be developed. In the event Council adopts [Ordinance 21-08](#), the next step would be for a developer to present a site plan to the Plan Commission for approval. Once a site plan is submitted, the Plan Commission reviews the plan to ensure that it meets with the provisions of the zoning ordinance including any commitments. There is no time constraint for the submission of a site plan; but once approved, a site plan is valid for a defined period of time.

Contact

Eric Greulich, Senior Zoning Planner, greulice@bloomington.in.gov, (812) 349-3526

⁵ IC 36-7-4-603

⁶ IC 36-7-4-1015

ORDINANCE 21-08

**TO AMEND THE CITY OF BLOOMINGTON ZONING MAPS BY REZONING 87
ACRES FROM PLANNED UNIT DEVELOPMENT TO MIXED-USE CORRIDOR (MC)
- Re: 3100 W. Fullerton Pike
(Bill C. Brown Revocable Trust, Petitioner)**

WHEREAS, Ordinance 20-06, repealed and replaced the official zoning map within Title 20 of the Bloomington Municipal Code Entitled, “Unified Development Ordinance”; and

WHEREAS, the Plan Commission has considered this case, ZO-23-20, and forwarded with no recommendation the petition from Bill C. Brown Revocable Trust to rezone 87 acres from Planned Unit Development to Mixed-Use Corridor (MC).

WHEREAS, the Plan Commission therefore 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 20.06 of the Bloomington Municipal Code, the zoning for the property at 3100 W. Fullerton Pike shall be amended to be zoned to Mixed-Use Corridor (MC). The property is further described as follows:

A part of the Southwest Quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at a point 884.99 feet West of the Southeast corner of said Southwest Quarter, said point being on the South line of said Southwest Quarter, thence North 00 degrees 00 minutes 00 seconds East for a distance of 2628.76 feet to the North line of said Southwest Quarter, thence South 89 degrees 57 minutes 30 seconds West over and along said North line for a distance of 1682.50 feet to the East right-of-way of State Road 37, thence over and along the East right-of-way by the following courses and distances: South 01 degrees 11 minutes 19 seconds East 310.82 feet Southeasterly 703.88 feet on an arc to the left having a radius of 5564.58 feet and being subtended by a long chord bearing South 04 degrees 47 minutes 19 seconds East 703.41 feet; South 05 degrees 59 minutes 03 seconds East, 293.42 feet; Southeasterly 1266.37 feet on an arc to the left having a radius of 5584.58 feet and being subtended by a long chord bearing South 17 degrees 55 minutes 30 seconds East, 1263.66 feet; South 69 degrees 50 minutes 09 seconds East 215.25 feet; North 89 degrees 16 minutes 53 seconds East 488.72 feet; South 01 degrees 41 minutes 45 seconds East 57.64 feet to the South line of said Southwest Quarter, thence North 89 degrees 32 minutes 51 seconds East over and along said South line for a distance of 505.39 feet to the point of beginning. Containing 90.89 acres, more or less.

EXCEPTING THEREFROM a part of the Southwest Quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana and being that part lying within the right-of-way lines depicted on the Right-of-Way Parcel Plat, marked as EXHIBIT B, in that certain Agreed Finding and Judgment recorded September 1, 2016, at Instrument No. 2016012211, in the office of the Recorder of Monroe County, Indiana and described as follows: Beginning at a point on the South Line of said Section, North 88 degrees 49 minutes 50 seconds West 921.00 feet, (884.99 feet by Instrument Number 2008006074), from the Southeast corner of said quarter Section, said Southeast corner being designated as point “81825” on said Plat; thence North 88 degrees 49 minutes 50 seconds West 505.39 feet along said South Line to the Southwest corner of the above described Parcel ; thence North 0 degrees 14 minutes 08 seconds West 73.33 feet, (57.64 feet by said Instrument Number 2008006074), along a West line of the above described Parcel to a South line of the above described Parcel; thence North 89 degrees 39 minutes 34 seconds West 495.34 feet, (488.72 feet by said Instrument Number 2008006074), along said South Line to the Northeastern boundary of the intersection of State Road 37 and said Fullerton Pike as described in Deed Record 205, page 157; thence North 68 degrees 46 minutes 36 seconds West 215.25 feet along the boundary of the intersection of said State Road 37 and Fullerton Pike to the Northeastern boundary of said State Road 37; thence along the boundary of said State Road 37, Northwesterly 17.17 feet along an arc to the right having a radius of 5,584.58 feet and subtended

by a long chord having a bearing of North 23 degrees 16 minutes 26 seconds West and a length of 17.17 feet to point “4183” designated on said Plat; thence North 87 degrees 49 minutes 24 seconds East 633.67 feet to point “4182” designated on said Plat; thence North 77 degrees 21 minutes 33 seconds East 230.49 feet to point “4181” designated on said Plat, thence South 52 degrees 57 minutes 06 seconds East 157.61 feet to point “4180” designated on said Plat; thence South 89 degrees 25 minutes 55 seconds East 227.35 feet to the East Line of the above described Parcel; thence South 1 degree 03 minutes 00 seconds West 157.61 feet along said East Line to the point of beginning and containing 3.770 acres, more or less, inclusive of the presently existing right-of-way which contains 0.239 acres, more or less, leaving after said exception 87.12 acres, more or less.

SECTION 2. This rezoning shall be approved and the zoning maps amended.

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 _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 21-08 would rezone 87 acres from Planned Unit Development to Mixed-Use Corridor (MC).

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 21-08 is a true and complete copy of Plan Commission Case Number ZO-23-20 which was given no recommendation by a vote of 6 Ayes, 2 Nays, and 1 Abstentions by the Bloomington City Plan Commission at a public hearing held on January 11, 2021.

Date: January 19, 2021



Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 20th day of January, 2021.



Nicole Bolden, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

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 X 

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.)

Interdepartmental Memo

To: Members of the Common Council
From: Eric Greulich, Senior Zoning Planner
Subject: ZO-23-20
Date: January 19, 2021

Attached are the staff report, petitioner's statement, maps, and exhibits which pertain to Plan Commission case ZO-23-20. The Plan Commission heard this petition at the January 11, 2021 hearing and voted 6-2-1 to send this petition to the Common Council with no recommendation. The Plan Commission report is attached.

REQUEST: The petitioner is requesting to rezone 87 acres from Planned Unit Development (PUD) to Mixed Use Corridor (MC).

BACKGROUND:

Area:	87 acres
Current Zoning:	Planned Unit Development
Comp Plan Designation:	Employment
Existing Land Use:	Undeveloped
Proposed Land Use:	None
Surrounding Uses:	North – Southern Indiana Medical Park South – Undeveloped (County Jurisdiction) East – Quarry (County Jurisdiction) West – Interstate 69 (County Jurisdiction)

REPORT: This 87 acre property is located at the northeast corner of State Road 37 and W. Fullerton Pike. The site is currently undeveloped. This property was zoned Planned Unit Development (PUD) in 1988 (PCD-36-88) largely for industrial uses. The property received a final plan approval for an assisted care living facility in 1997 (PUD-6-97) and a PUD amendment in 1999 (PUD-15-99) to include a nine-hole, Par 3 golf course to the list of approved uses. This site was also evaluated in 2003 and 2004 in association with rezoning requests for the large vacant property to the north (Southern Indiana Medical Park II). No formal approvals for this parcel were sought at that time. A site plan approval (PUD-10-15) was approved in 2015 to allow for some of the topsoil from this site to be removed for the construction of I-69. The portions of the site that contain tree canopy coverage and riparian buffers were set aside in the required easements with the 2015 site plan approval.

The petitioner is requesting to rezone this property from a Planned Unit Development to Mixed-Use Corridor (MC). No development plan is being requested at this time and no conceptual site plan has been submitted. For reference, on the draft zoning map that has been proposed, this area is proposed to be rezoned to Mixed-Use Employment. While there are some uses within the Mixed-Use Corridor District (MC) that are also allowed in the Mixed-Use Employment (ME) district, there are some specific uses that may not be appropriate for this area including big box retail, car washes, vehicle sales, bar/tavern, and vehicle repair. Through the map update and text amendment process, the Department is evaluating possible changes to the use list for the Mixed-Use Employment district.

The petitioner has submitted a list of proposed uses that would be restricted on the property through a zoning commitment. The following uses are proposed to be prohibited on the property-

- ◆ Student housing or dormitory
- ◆ Sexually oriented business
- ◆ Bed & Breakfast
- ◆ Tattoo or piercing parlor
- ◆ Pawn shop
- ◆ Retail sales (big box)
- ◆ Transportation terminal
- ◆ Vehicle fleet operations, small
- Vehicle fleet operations, large

While this list does restrict certain uses that would be low employee generating uses and not appropriate for this location, there are still many uses that would be allowed that don't match the intent of the Comprehensive Plan. For reference, the Department has included in the packet a comparison chart of the list of uses between the Mixed Use Corridor (MC) zoning district and the Mixed Use Employment (ME) zoning district. As the Department has discussed in previous reports and presentations, the rezoning of this property to Mixed Use Corridor (MC) would not fit the intent and goals of the Comprehensive Plan. While we understand the petitioner's desire to increase the list of uses on the property to improve marketability, the rezoning would substantially decrease the likelihood of the property to be developed in a manner consistent with the recently approved Comprehensive Plan for predominantly employment generating uses. In addition, the Department is concerned that rezoning this property would lead to requests to rezone other ME zoned properties.

20.06.070(b)(3)(E)(i)(1) ZONING MAP AMENDMENT PLAN COMMISSION REVIEW AND RECOMMENDATION:

The following criteria are those that the Plan Commission must consider when reviewing a zoning map amendment request.

[a] The recommendations of the Comprehensive Plan;

PROPOSED FINDING: The Comprehensive Plan designates this site as 'Employment Center'. The Employment Center district includes professional and business offices, light assembly plants, flex-tenant facilities, and research and development centers. The Plan also states that the Employment Center district should contain a mix of office and light/high-tech manufacturing uses that provide quality employment opportunities for the Bloomington community. The proposed district, MC, would not align as well with the Employment Center category as the Employment or Mixed-Use Employment zoning districts would.

[b] Current conditions and character of structures and uses in each zoning district;

PROPOSED FINDING: The site is undeveloped and is in a prime location for employment uses with direct access from Interstate 69. This ease of access to a regional interstate makes this an ideal location for employment uses that would employ people from a wide area surrounding this site.

[c] The most desirable use for which the land in each zoning district is adapted;

PROPOSED FINDING: The most desirable use for this land is to follow the recommendations of the recently adopted Comprehensive Plan that call out for employment uses. The Comprehensive Plan recommendation for this site is in keeping with the Employment Center designation for this entire area along Interstate 69 and continues the employment uses to the north of this site. In addition, the amount of undeveloped property within the community that is zoned for Mixed Use Employment is much less than the amount of land zoned for Mixed Use Corridor, which places a great importance on preserving land for Employment uses.

[d] The conservation of sensitive environmental features;

PROPOSED FINDING: The environmental features on this site were set aside in the 2015 approval and placed in the required easements.

[e] The conservation of property values throughout the jurisdiction; and

PROPOSED FINDING: The rezoning of this PUD to either the Mixed Use Employment district or the Mixed Use Corridor are not anticipated to have any negative impacts on adjacent property values throughout the jurisdiction.

[f] Responsible development and growth

PROPOSED FINDING: The rezoning of this property to Mixed Use Corridor (MC) would result in the loss of a large area of property that is appropriately located adjacent to a regional interstate system that would best be served for Employment Uses. This location is not easily accessed from within the City and therefore not ideal for uses with high daily vehicular traffic as are typically found with uses in the MC zoning district such as restaurants, bars/taverns, retail shops, etc. It is also essential to protect property that is best served for Employment uses to maintain responsible development and growth for the community by providing areas for office parks and other employment uses to locate. Furthermore, the Comprehensive Plan designates Employment Center for many similar locations and this request, if approved, may introduce numerous inconsistencies with the pending zoning map updates.

CONCLUSION: Although the Department recommended denial of the petition, the Plan Commission struggled with a consensus on a recommendation for this petition. Some members of the Plan Commission believed that some flexibility was needed to allow for this property to redevelop, however were concerned about implications for other properties within the Community that were zoned as Mixed-Use Employment and a precedent for other properties to follow suit with rezoning petitions. Additional problems revolved around possible changes to the use list for the Mixed-Use Employment district that might accommodate some of the proposed uses that the petitioner is seeking. The Plan Commission was concerned that forwarding this to the Council with a negative recommendation might result in the petition not being heard and the Plan Commission felt that additional conversations were warranted for this petition at the Council.

The Department believes that the rezoning of this site to Mixed Use Corridor would not match the Comprehensive Plan designation of the site as Employment Center. While some of the uses in MC are conducive to employment, many more uses are not and the EM or ME zoning districts are more

appropriate for this prominent intersection, and in line with the Comprehensive Plan. In addition, the Department has proposed to rezone this Planned Unit Development to Mixed Use Employment in the proposed draft zoning map and approving this rezoning to a Mixed Use Corridor District could create problems for other properties with the Employment designation within the City.

RECOMMENDATION: The Plan Commission voted 6-2-1 to forward this petition to the Common Council with no recommendation.

Use	MC	ME
RESIDENTIAL USES		
Household Living		
Dwelling, single-family (detached)	P*	P*
Dwelling, duplex	C*	
Dwelling, triplex	C*	
Dwelling, fourplex	P*	
Dwelling, multifamily	P	P*
Dwelling, live/work	P*	
Group Living		
Assisted living facility	P	
Continuing care retirement facility	P	
Group care home, FHAA small	P*	
Group care facility, FHAA large	P*	P*
Nursing or convalescent home	P	P
Opioid rehabilitation home, small	P*	
Opioid rehabilitation home, large	P*	P*
Residential rooming house	P	C*
Student housing or dormitory	P*	
Supportive housing, small	C	
Supportive housing, large	C	
PUBLIC, INSTITUTIONAL, AND CIVIC USES		
Community and Cultural Facilities		
Art gallery, museum, or library	P	
Club or lodge	P	
Community center	P	
Conference or convention center	P	P

Crematory	C	
Day-care center, adult or child	P*	C*
Government service facility	P	P
Meeting, banquet, or event facility	P	P
Mortuary	P	
Park	P	P
Place of worship	P	C
Police, fire, or rescue station	P	P
Urban agriculture, noncommercial	P*	P*
Educational Facilities		
School, college or university	C	C
School, public or private	P*	C*
School, trade or business	P	P
Healthcare Facilities		
Medical clinic	P	P
Methadone treatment facility	P*	
Opioid rehabilitation facility	C*	C*
COMMERCIAL USES		
Agricultural and Animal Uses		
Crops and pasturage	A*	A*
Kennel	C*	
Orchard or tree farm, commercial	A*	A*
Pet grooming	P*	
Plant nursery or greenhouse, commercial	P	P
Veterinarian clinic	P*	

Entertainment and Recreation

Amenity center	P	P
Country club	P	
Recreation, indoor	P	
Recreation, outdoor	C	P
Sexually oriented business	P*	

Food, Beverage, and Lodging

Bar or dance club	P	
Bed and breakfast	P	
Brewpub, distillery, or winery	P*	P*
Hotel or motel	P	C
Restaurant	P	P*

Office, Business, and Professional Services

Artist studio or workshop	P	C
Check cashing	C	
Financial institution	P	C
Fitness center, small	P	A
Fitness center, large	P	
Office	P	P
Personal service, small	P	P
Personal service, large	P	P
Tattoo or piercing parlor	P	

Retail Sales

Building supply store	P	
Grocery or supermarket	P	P
Liquor or tobacco sales	P	
Pawn shop	P	

Retail sales, small	P	P
Retail sales, medium	P	
Retail sales, large	P	
Retail sales, big box	P	
Vehicles and Equipment		
Equipment sales or rental	P*	
Transportation terminal	P	
Vehicle fleet operations, small	P	
Vehicle fleet operations, large	P	
Vehicle fuel station	P*	P*
Vehicle impound storage		
Vehicle parking garage	P	P
Vehicle repair, major	P*	
Vehicle repair, minor	P*	
Vehicle sales or rental	P	P
Vehicle wash	P*	
EMPLOYMENT USES		
Manufacturing and Processing		
Commercial laundry	P	
Food production or processing	C	C
Manufacturing, artisan	P	C
Manufacturing, light		P
Storage, Distribution, or Warehousing		
Contractor's yard	P	C
Distribution, warehouse, or wholesale facility	C	C
Storage, self-service	P*	P*
UTILITIES AND COMMUNICATION		
Communication facility	C*	C*

Solar collector, ground- or building-mounted	A*	A*
Utility substation and transmission facility	P*	P*
Wind energy system, large		P*
Wind energy system, small	A*	A*
ACCESSORY USES		
Chicken flock	A*	A*
Drive-through	A	
Dwelling, accessory unit	A*	A*
Electric vehicle charging facility	A	A
Greenhouse, noncommercial	A	A
Home occupation	A*	A*
Outdoor retail and display	T*	
Outdoor trash and recyclables receptacles	A*	A*
Recycling drop-off, self-serve	A	A
Swimming pool	A*	A*
TEMPORARY USES		
Book buyback	T*	
Construction support activities	T*	T*
Farm produce sales	T*	T*
Real estate sales or model home	T*	T*

Seasonal sales	T^*	T^*
Special event	T	T



City of Bloomington
Bloomington Environmental Commission

MEMORANDUM

Date: November 9, 2020

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Subject: ZO-23-20: Bill C. Brown Revocable Trust Rezone
3100 W. Fullerton Pike

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

The EC has no objection to the rezoning of this property with the following conditions of approval.

COMMENTS

1. Conservation Easement signs

All easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each sign shall be a maximum of one and one-half square feet in area. A minimum of one public sign is required, regardless of easement size. The property owner shall be responsible for installing and maintaining required signage.

2. Additional information regarding the karst geology

At the time of the previous petitioner's request, the EC recommended a through geologic investigation. The reason is that the soil is very thin and there are sinkholes and springs on the site and the surrounding area. Excavation of the soil and bedrock will likely expose more sensitive features. Because karst features that are not now obvious should also be protected if exposed, the EC believes the geologic investigation should be conducted. The staff report from 2015 states that staff thinks this investigation should be completed at the time of rezone, which is now.

Below you find the part of the staff report referred to. Additionally, you will find the 2015 EC memo requesting further investigations. The part that is struck out, does not relate to this petition.

BLOOMINGTON PLAN COMMISSION CASE NO: PUD-10-15

STAFF REPORT DATE: April 13, 2015

LOCATION: 3100 W. Fullerton Pike

PETITIONER: Bill C. Brown

300 S. SR 446, Bloomington

ENVIRONMENTAL COMMISSION: The Environmental Commission has reviewed this petition and offered the following recommendations:

1.) The Petitioner should get a geological evaluation to describe what karst features are hidden beneath the ground surface and describe how the surface and subsurface water regime will be impacted with soil excavation.

2.) The Petitioner should get an evaluation from a Soil Scientist that describes the health and vitality of the subsurface soil that will eventually be on the surface.

Staff's Response (1 & 2): Staff finds that the proposed testing would only be appropriately required if it were attached through a rezoning process and not at a final plan stage. The proposed grading meets the environmental standards and will be protected in a manner consistent with the UDO and the PUD.

3.) The Petitioner should reconsider the location of the road bed to avoid the high quality woods to the north.

Staff's Response: Staff finds that the proposed location is both appropriate and consistent with the past approvals for this property and the property to the north. Furthermore, no construction of the road is proposed and future construction will be reviewed by the Plan Commission.

CONCLUSION: As previously stated, this proposal does not include any buildings or use of the property and only proposes grading activities. The proposal must receive Plan Commission approval only because no grading can occur without a PUD final plan approval. The proposed grading will not excessively denude the site of usable soil and will not encroach into environmentally sensitive portions of the site as regulated by the Unified Development Ordinance. Therefore, staff is supportive of this request.

RECOMMENDATION: Staff recommends approval of PUD-10-15 with the following conditions:

1. The petitioner must retain 50 percent of the topsoil for use on-site to promote stabilization of the soil after grading.

2. No grading is permitted without an approved grading permit.

3. Required easements for slopes over 18 percent, riparian buffers, and karst features must be identified and recorded prior to the release of a grading permit



City of Bloomington
Bloomington Environmental Commission

MEMORANDUM

Date: April 6, 2015
To: Bloomington Plan Commission
From: Bloomington Environmental Commission
Through: Linda Thompson, Senior Environmental Planner
Subject: PUD-10-2015, Bill Brown Trust, Fullerton Pike
South SR 37 and West Fullerton Pike

This memorandum contains the Environmental Commission's (EC) input and recommendations regarding a request for a PUD Final Plan for grading work. The request includes removal of several feet of topsoil and road bed preparation. The EC believes this project will have negative environmental effects that may not be apparent at first glance, thus does not support the proposal.

ISSUES OF SOUND ENVIRONMENTAL DESIGN:

1.) KARST PROTECTION:

There are two sinkholes on the western edge of the site where it is nearly the highest point on the property. The sinkholes will be protected during excavation, and afterwards the outer edge of the sinkholes will be higher than the surrounding surface. To help envision this after grading is complete, imagine a volcano that extends upward from the ground surface, or perhaps a sump drain that is elevated above the floor. What this means is that no water will be able to flow into the sinkholes, thus cutting off the existing water supply to the subsurface karst system. The UDO (20.05.042 (a) (6)) states "Stormwater discharge into a karst feature shall not be increased over its pre-development rate. In addition, such discharge into a karst feature shall not be substantially reduced from pre-development conditions." The EC fears that depleting the sinkholes of their current water infiltration will diminish the water reaching the spring just downslope and change the entire water regime leading to the wetlands near the bottom of the watershed.

Because of the probable negative impact to this entire ecosystem, the EC believes that the Petitioner should do more research regarding the effects of changing the hydrologic behavior in the entire watershed. Some information to be gleaned before approval include the following.

A geotechnical audit that identifies karst features that may be uncovered with excavation, thus revealing the limitations such features impose on site development, and predict changes in hydrologic behavior.

This will require a geologic investigation conducted by a Professional Geologist. The investigation results need to include, depict, illustrate, and/or portray at least the following to the satisfaction of the EC and the Senior Environmental Planner.

- a. A karst inventory for the whole sub watershed. The site is an integral part of a regional karst system and does not stand alone; therefore, it cannot be evaluated without considering the whole surface and subsurface drainage system. This includes all karst features (sinkholes, springs, grikes, underground water conduits, fracture liniments, voids, caves, etc.) expressed on the surface and in the subsurface.*
- b. Due to the intensity of karst features in the vicinity, any soil borings used to portray the bedrock surface should be drilled on a grid spaced more densely than typically used to identify a bedrock surface.*
- c. After identifying any newly-found karst features, which will contribute to the control and form the drainage regime, the stormwater and groundwater flow patterns must be identified and mapped.*
- d. Map the bedrock topography (this means the top of the subsurface rock and not the surface soil topography) and locate bedrock voids.*
- e. The results of the research and methods used to reach the conclusions of the above suggestions should be included within the environmental review plan. Examples of research methods that could be employed are:*

*Natural Potential (NP)
Electrical Resistivity Tomography (ERT)
Seismic
Electromagnetic (EM)
Microgravity
Infrared Thermal Scanning
Dye Tracing
Exploratory Soil Boring
Exploratory Rock Coring
Ground-Penetrating Radar*

2.) DENUDED SOIL BIOLOGY:

Because there are so many living organisms in soil, the EC recommends that a Soil Scientist be employed to describe what the remaining surface will contain and whether or not it will be able to support life. If terra Rosa is all that is left on the surface, amendments may need to be applied in order for plant life to regenerate. The soil ecosystem is teeming with biodiverse organisms that enable plants to take up nutrients necessary for survival. A chart from Colorado State University Extension <http://www.ext.colostate.edu/mg/gardennotes/212.html> exemplifies this.



City of Bloomington Bloomington Environmental Commission

*Table 1.
Organisms typically found in one cup of undisturbed native soil*

<i>Organism</i>	<i>Number</i>
<i>Bacteria</i>	<i>200 billion</i>
<i>Protozoa</i>	<i>20 million</i>
<i>Fungi</i>	<i>100,000 meters</i>
<i>Nematodes</i>	<i>100,000</i>
<i>Arthropods</i>	<i>50,000</i>

3.) ROAD CONNECTION:

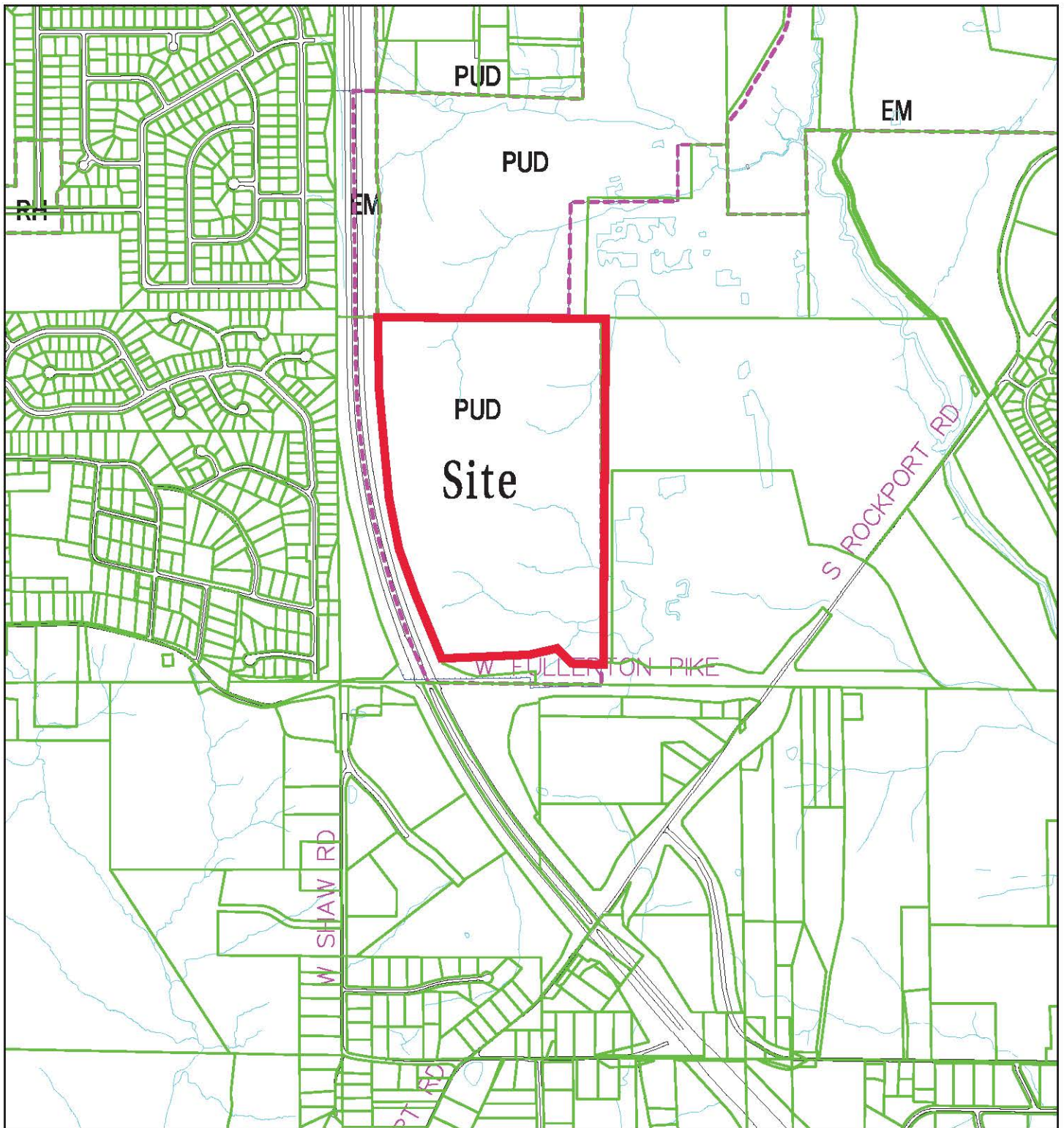
The EC is not in favor of the future road stubbing into the adjoining woods at the location shown on the plans. In the past, there was much discussion regarding saving the mature woodland to the north of this property. The EC would still recommend protecting that woods.

EC RECOMMENDATIONS:

- 1.) The Petitioner should get a geological evaluation to describe what karst features are hidden beneath the ground surface and describe how the surface and subsurface water regime will be impacted with soil excavation.*
- 2.) The Petitioner should get an evaluation from a Soil Scientist that describes the health and vitality of the subsurface soil that will eventually be on the surface.*
- 3.) The Petitioner should reconsider the location of the road bed to avoid the high quality woods to the north.*

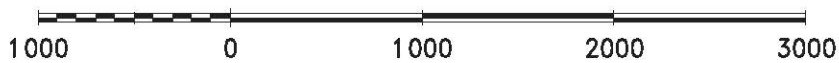
RECOMMENDED CONDITIONS OF APPROVAL for November 9, 2020

1. All signs that were required to be installed at the edges of the Conservancy Easements shall be installed now. This requirement is found in both the previous and current UDOs.
2. A geologic evaluation of the hydrology, soil health, and karst features will be conducted by a Licensed Professional Geologist (LPG) per the request in the April 6, 2015 EC memo to the Plan Commission before the issuance of any permits.



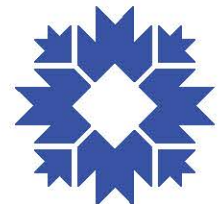
Bill Brown Fullerton Pike

By: greulice
9 Oct 20

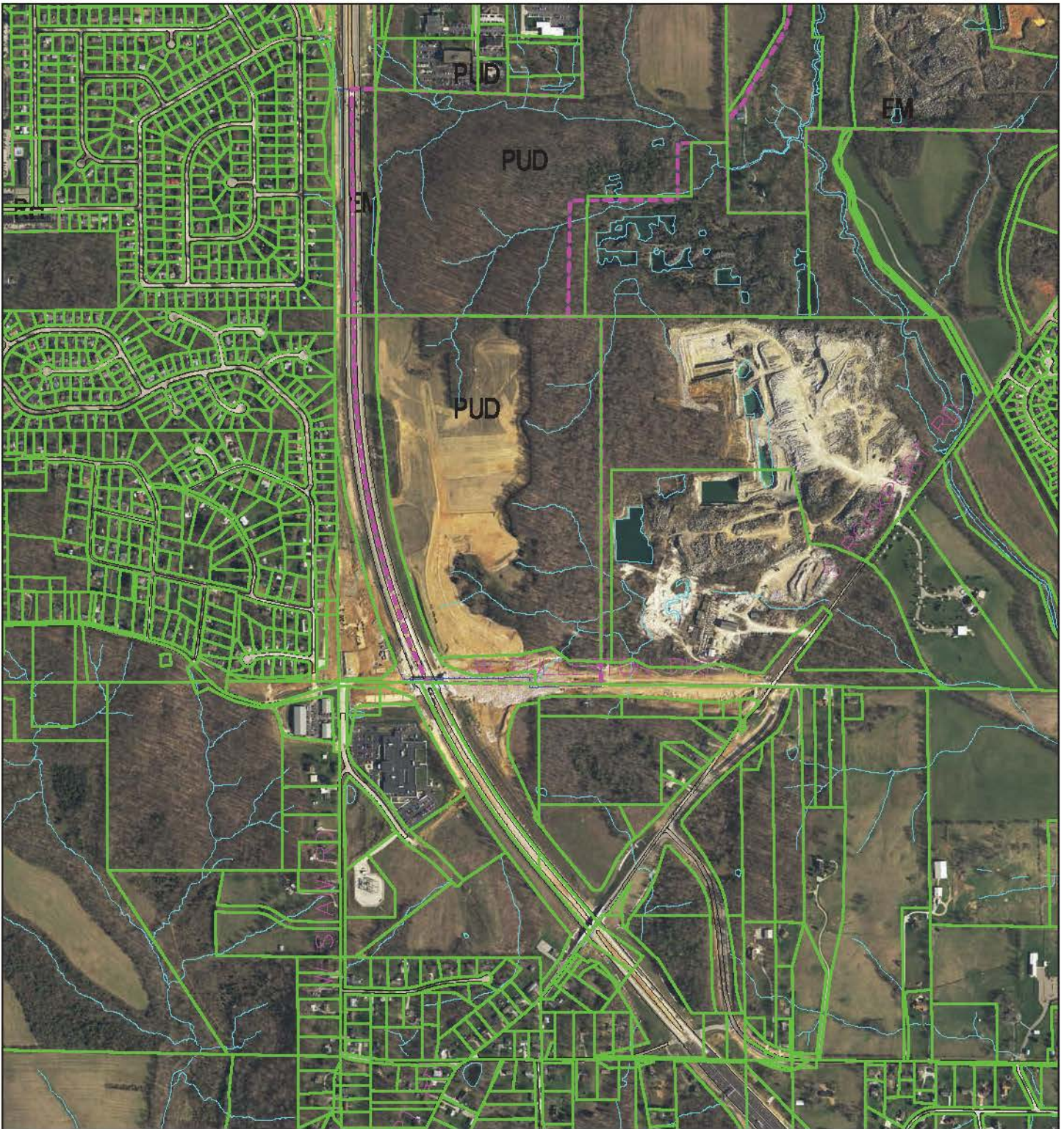


For reference only; map information NOT warranted.

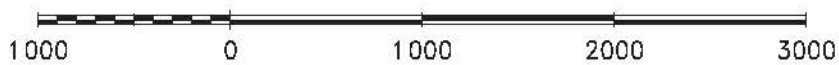
City of Bloomington
Planning & Transportation



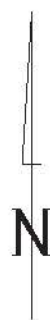
Scale: 1" = 1000'



By: greulice
9 Oct 20



For reference only; map information NOT warranted.



City of Bloomington
Planning & Transportation



Scale: 1" = 1000'

COMMITMENT CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

Bill C. Brown Revocable Trust (“Owner”) makes the following commitment to the City of Bloomington Plan Commission (the “Commission”) regarding the use and development of the following described real estate in Monroe County, Indiana:

Section 1: Real Estate.

A part of the Southwest Quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at a point 884.99 feet West of the Southeast corner of said Southwest Quarter, said point being on the South line of said Southwest Quarter, thence North 00 degrees 00 minutes 00 seconds East for a distance of 2628.76 feet to the North line of said Southwest Quarter, thence South 89 degrees 57 minutes 30 seconds West over and along said North line for a distance of 1682.50 feet to the East right-of-way of State Road 37, thence over and along the East right-of-way by the following courses and distances: South 01 degrees 11 minutes 19 seconds East 310.82 feet Southeasterly 703.88 feet on an arc to the left having a radius of 5564.58 feet and being subtended by a long chord bearing South 04 degrees 47 minutes 19 seconds East 703.41 feet; South 05 degrees 59 minutes 03 seconds East, 293.42 feet; Southeasterly 1266.37 feet on an arc to the left having a radius of 5584.58 feet and being subtended by a long chord bearing South 17 degrees 55 minutes 30 seconds East, 1263.66 feet; South 69 degrees 50 minutes 09 seconds East 215.25 feet; North 89 degrees 16 minutes 53 seconds East 488.72 feet; South 01 degrees 41 minutes 45 seconds East 57.64 feet to the South line of said Southwest Quarter, thence North 89 degrees 32 minutes 51 seconds East over and along said South line for a distance of 505.39 feet to the point of beginning. Containing 90.89 acres, more or less.

EXCEPTING THEREFROM a part of the Southwest Quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana and being that part lying within the right-of-way lines depicted on the Right-of-Way Parcel Plat, marked as EXHIBIT B, in that certain Agreed Finding and Judgment recorded September 1, 2016, at Instrument No. 2016012211, in the office of the Recorder of Monroe County, Indiana and described as follows: Beginning at a point on the South Line of said Section, North 88 degrees 49 minutes 50 seconds West 921.00 feet, (884.99 feet by Instrument Number 2008006074), from the Southeast corner of said quarter Section, said Southeast corner being designated as point “81825” on said Plat; thence North 88 degrees 49 minutes 50 seconds West 505.39 feet along said South Line to the Southwest corner of the above described Parcel ; thence North 0 degrees 14 minutes 08 seconds West 73.33 feet, (57.64 feet by said Instrument Number 2008006074), along a West line of the above described Parcel to a South line of the above described Parcel; thence North 89 degrees 39 minutes 34 seconds

West 495.34 feet, (488.72 feet by said Instrument Number 2008006074), along said South Line to the Northeastern boundary of the intersection of State Road 37 and said Fullerton Pike as described in Deed Record 205, page 157; thence North 68 degrees 46 minutes 36 seconds West 215.25 feet along the boundary of the intersection of said State Road 37 and Fullerton Pike to the Northeastern boundary of said State Road 37; thence along the boundary of said State Road 37, Northwesterly 17.17 feet along an arc to the right having a radius of 5,584.58 feet and subtended by a long chord having a bearing of North 23 degrees 16 minutes 26 seconds West and a length of 17.17 feet to point "4183" designated on said Plat; thence North 87 degrees 49 minutes 24 seconds East 633.67 feet to point "4182" designated on said Plat; thence North 77 degrees 21 minutes 33 seconds East 230.49 feet to point "4181" designated on said Plat, thence South 52 degrees 57 minutes 06 seconds East 157.61 feet to point "4180" designated on said Plat; thence South 89 degrees 25 minutes 55 seconds East 227.35 feet to the East Line of the above described Parcel; thence South 1 degree 03 minutes 00 seconds West 157.61 feet along said East Line to the point of beginning and containing 3.770 acres, more or less, inclusive of the presently existing right-of-way which contains 0.239 acres, more or less, leaving after said exception 87.12 acres, more or less.

Section 2: Excluded Uses.

- a. Owner has applied for rezoning of the Real Estate from PUD to Mixed Use – Corridor (MC).
- b. The City of Bloomington Unified Development Ordinance at Section 20.03.020 Allowed Use Table identifies permitted and conditional uses of the property in the MC zone.
- c. In consideration for Owner's Petition to Rezone the real estate from PUD to MC, Owner makes this Commitment Concerning the Use and Development of Real Estate.

Section 3: Statement of Commitment.

- a. Bill C. Brown, Trustee, Bill C. Brown Revocable Trust is the owner of the Real Estate.

Deed Reference: Instrument No. 2008006074

- b. Owner commits that the Real Estate will not be allowed for use for the following uses otherwise permitted in the MC zone, Unified Development Ordinance:

◆ Student housing or dormitory

- ◆ Sexually oriented business
- ◆ Bed & Breakfast
- ◆ Tattoo or piercing parlor
- ◆ Pawn shop
- ◆ Retail sales (big box)
- ◆ Transportation terminal
- ◆ Vehicle fleet operations, small
- Vehicle fleet operations, large

Section 4: Binding Effect.

- a. Failure to honor these commitments shall constitute a violation of the zoning ordinance and shall be subject to the penalties for the violation in addition to all other enforcement remedies.
- b. These commitments are binding on the owners of the Real Estate, including any part thereof and any lot comprising part of the Real Estate derived from a subdivision of the Real Estate.
- c. These commitments may be modified or terminated only upon approval the City of Bloomington Plan Commission.

Section 5: Recording. This Commitment shall be recorded by or on behalf Owner and upon failure to do so the Director of the City of Bloomington Planning Department is authorized to record this Commitment in the Office of the Recorder of Monroe County, Indiana at the expense of Owner. A copy of the recorded Commitment bearing the recording stamp of the Recorder of Monroe County, Indiana shall be submitted to the City of Bloomington Planning Department within thirty (30) days of approval of the Petition to Rezone the Real Estate from PUD to MC.

Section 6: Enforcement. This Commitment is perpetual and is binding on the Owner and all successors in interest to the Real Estate. This Commitment may be enforced by the City of Bloomington Plan Commission.

IN WITNESS WHEREOF, Owner has caused this Commitment to be executed as of the ____ day of January 2021.

Bill C. Brown Revocable Trust

By: _____
Bill C. Brown, Trustee

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Before me, a Notary Public in and for said county and state, this ____ day of January, 2021, at which time Bill C. Brown personally appeared and acknowledged the execution of the above and foregoing Commitment Concerning the Use and Development of Real Estate to be a voluntary act and deed.

My Commission Expires: _____

Notary Public

(Name Printed)

A resident of _____ County, Indiana

CERTIFICATE OF PROOF

WITNESS to the signature(s) on the foregoing instrument to which this Proof is attached:

Witness Signature

Witness Name (must be typed/printed)

PROOF:

STATE OF INDIANA
COUNTY OF MONROE

Before me, a Notary Public in and for said County and State, on January ____, 2021, personally appeared the above named WITNESS to the foregoing instrument, who, being by me duly sworn, did depose and say that he/she knows Bill C. Brown to be the individual described in and who executed the foregoing instrument; that said WITNESS was present and saw said Bill C. Brown execute the same; and that said WITNESS at the same time subscribed his/her name as a witness thereto.

My Commission Expires: _____

Notary Public

(name printed)

A resident of _____ County

Commission No.: _____

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Michael L. Carmin.

This Instrument Prepared By
Michael L. Carmin, Attorney at Law
CARMINPARKER, P.C.
116 W. 6th St., Suite 200, P.O. Box 2639
Bloomington, Indiana 47402-2639
Telephone: (812) 332-6556

425381 / 2761-5

PETITIONER'S REZONING STATEMENT

Bill C. Brown Revocable Trust, Petitioner, requests rezoning of the PUD land located at Fullerton Pike and I-69 (northeast corner) consisting of 87.12 acres to mixed use-corridor (MC).

Unified Development Ordinance states the purpose for the MC zone as “intended to accommodate medium scaled developments with a mix of store front retail, professional office, and/or residential dwelling units along arterial and collector corners at a scale larger than the neighborhood-scale uses accommodated by the MN zoning district.”

Current Planned Unit Development zone. The existing PUD contains a variety of permitted uses, including:

- ◆ Commercial, retail
- ◆ Commercial, trade
- ◆ Commercial, wholesale
- ◆ Industrial – manufacturing and processing uses
- ◆ Industrial – non-processing use (warehouse)
- ◆ Professional, corporate and commercial offices
- ◆ Healthcare (extended care)
- ◆ Mail order sales offices and storage with limited retail

PUD Development. The Fullerton Pike PUD remains undeveloped. Approximately three acres of the PUD land along the south property line adjacent to Fullerton Pike was acquired by State of Indiana in connection with the I-69 development project. West Fullerton Pike adjacent to the PUD was widened and a roundabout constructed.

Proposed/Anticipated future development of the property includes:

- ◆ Hotel/motel
- ◆ Trade offices
- ◆ Governmental uses, including a training center
- ◆ Other employment uses
- ◆ Multi-family apartments

Adjacent and surrounding uses. The property is bordered on the east by a limestone quarry operation, on the north by vacant, undeveloped land, on the west by I-69 and west of I-69 are single family home developments, southwest is the Monroe Hospital development and the remaining land bordering on the south side of Fullerton Pike is one single family lot and undeveloped ground.

Environmental Issues. In August, 2015, Petitioner granted to the City of Bloomington conservancy and karst easements encumbering the PUD to identify, protect and preserve natural areas, slope areas, drainage ways and karst features.

Petitioner's Intent. The MC zone closely matches the PUD permitted uses. The property is bordered by I-69, an established corridor through the Monroe County community. Fullerton Pike is under development and is projected with land improvements and further development east to become a corridor from I-69 to South Walnut Street/Old State Road 37. The permitted uses in the MC zone are closely aligned with the breadth and scope of permitted uses in the existing PUD. Development standards for the MC zone are suitable for future development at this location. A specific development of the property is not planned at this time. Petitioner has been approached for possible development of a hotel in the southwest corner of the property, adjacent to I-69. Petitioner has also been approached to develop a large part of the property as a training center for fire and emergency services. It is expected that the City of Bloomington will seek to rezone the PUD at a future date. In order to promote development of the property, Petitioner seeks to clarify the zoning classification consistent with the recently adopted new Unified Development Ordinance with permitted uses appropriate to the zone without undue delay.

Petitioners request waiver of second hearing before the Plan Commission.


Michael L. Carmin
Attorney for Petitioners

423648

2015011604 EASE \$36.00
08/18/2015 12:26:50P 12 PGS
Eric Schmitz
Monroe County Recorder IN
Recorded as Presented



CONSERVANCY AND KARST EASEMENTS

THIS INDENTURE WITNESSETH, that Bill C. Brown Revocable Trust, hereinafter called GRANTOR, of Monroe County, State of Indiana grants to The City of Bloomington, the Grantee, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, Conservancy Easements and Karst Easements as defined below and as described on the attached exhibit "A"

Conservancy Easement – This easement is to protect natural areas and includes wooded areas, sloped areas, drainage ways and karst features. The following restrictions apply within the easement area;

- Any land disturbing activity including the placement of a fence, or alteration of any vegetative cover, including mowing, is prohibited in the easement area.
- Removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic species is allowed only after first obtaining written approval from the City of Bloomington Planning & Transportation Department.
- In cases where removal of exotic invasive species is proposed, the restoration of disturbed areas with native plant material is allowed with written approval from the City of Bloomington Planning & Transportation Department prior to any proposed removal and restoration.
- Karst areas within this Conservancy Easement are also subject to any additional restrictions provided by the Karst Conservancy Easement.

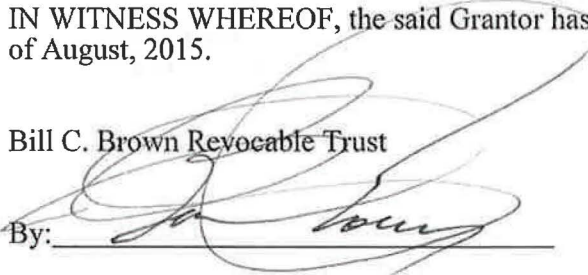
Karst Easement – This easement is to protect the Karst features. The following restrictions apply within the easement area;

- No land disturbing activity, including the placement of a fence or the placement of any fill material is allowed within the easement area.
- No structures shall be located within 10 of the easement.
- Storm water discharge into the easement area shall not be substantially changed. The easement are shall not be used for storm water detention.
- Spring or cave entrances shall not be modified except for the placement of a gate to prevent human access.
- Mowing is allowed in the easement area. Removal of dead or diseased trees that pose a safety risk or impede draining as well as removal of exotic invasive species is allowed only after first obtaining written approval from the City of Bloomington Planning & Transportation Department.
- Right is granted to the City of Bloomington to enter the property to inspect the easement and alter or repair the karst feature.
- Any use of pesticides, herbicides, or fertilizers is prohibited within the easement area.

- Where removal of exotic invasive species is proposed, the restoration of the disturbed area with native plant material is allowed. Written approval of the City of Bloomington Planning & Transportation Department is required prior to any proposed removal and restoration.

IN WITNESS WHEREOF, the said Grantor has executed this instrument this _____ day of August, 2015.

Bill C. Brown Revocable Trust

By: 

Bill C. Brown, Trustee

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

SUBSCRIBED AND SWORN TO before me this 17th day of August, 2015.


My Commission Expires:

August 10, 2016

Larry J. Beckman / Larry J. Beckman
Notary Public

Resident of Monroe County

I affirm, under penalties of perjury that I have taken reasonable care to redact each social security number from this document unless required by law.


Stephen L. Smith



This instrument prepared by Smith Brehob & Associates, Inc.
453 South Clarizz Boulevard, Bloomington, IN 47401

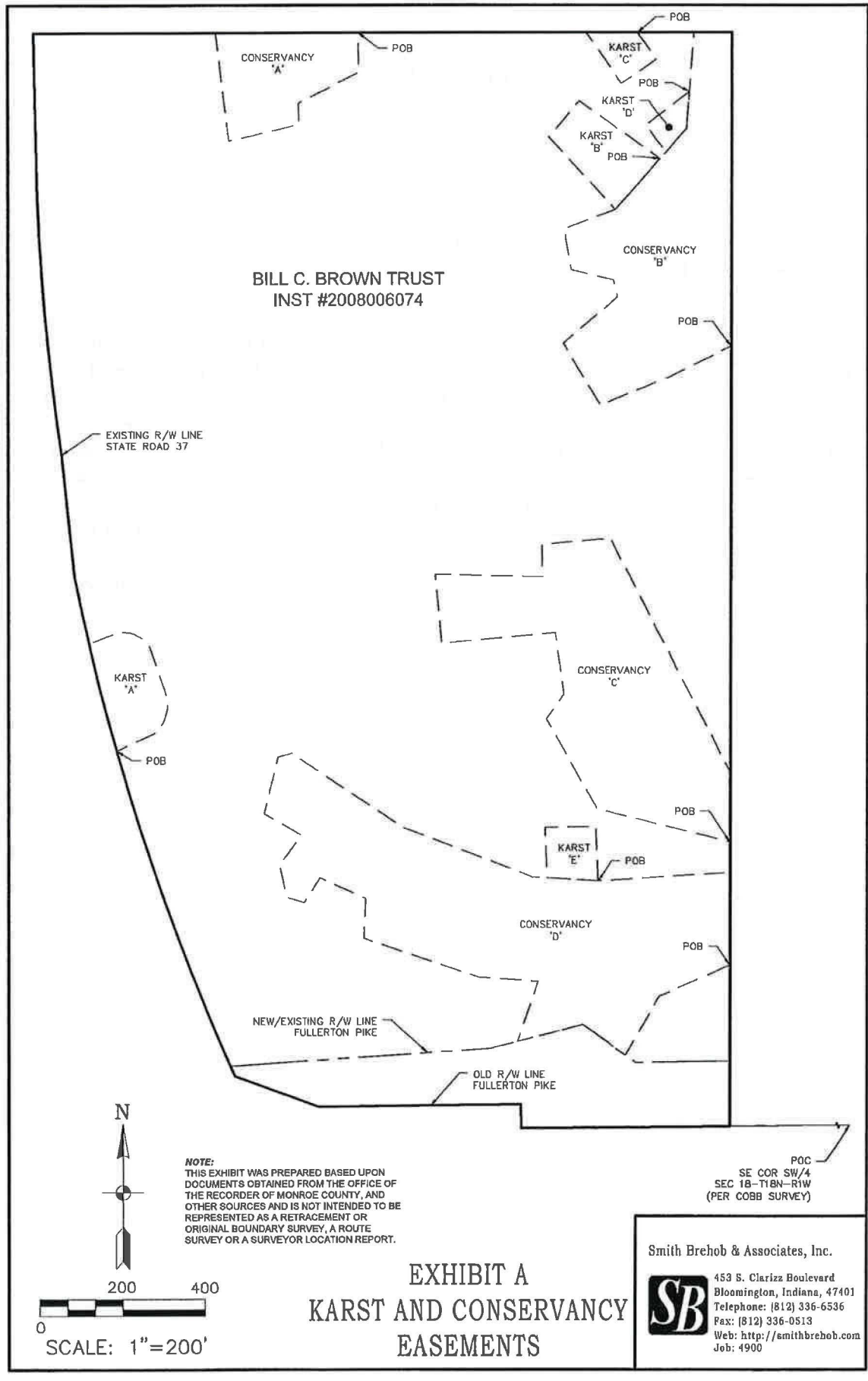


Exhibit "A"
"Conservancy Easement A"

Project Number: 4900

LEGAL DESCRIPTION:

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence leaving said south line and following east line of said property North 00 degrees 01 minutes 11 seconds East 2628.76 feet, thence leaving said east line and following north line of said property South 89 degrees 56 minutes 28 seconds West 901.21 feet to the POINT OF BEGINNING; thence continuing along said north line South 89 degrees 56 minutes 28 seconds West 341.42 feet; thence South 06 degrees 53 minutes 17 seconds East 261.41 feet; thence North 76 degrees 41 minutes 22 seconds East 171.94 feet; thence North 01 degrees 40 minutes 08 seconds West 50.99 feet; thence North 62 degrees 58 minutes 56 seconds East 164.48 feet; thence North 01 degrees 23 minutes 27 seconds West 94.63 to the POINT OF BEGINNING, containing 1.45 acres more or less.

Exhibit "A"
"Conservancy Easement B"

Project Number: 4900

LEGAL DESCRIPTION:

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence leaving said south line and following east line of said property North 00 degrees 01 minutes 11 seconds East 1875.23 feet to the POINT OF BEGINNING; thence continuing on said east line of said property North 00 degrees 01 minutes 11 seconds East 753.53; thence leaving said east line and following the north line of said property South 89 degrees 56 minutes 28 seconds West 90.98 feet; thence leaving the north line of said property South 04 degrees 21 minutes 56 seconds West 231.89 feet; thence South 41 degrees 22 minutes 46 seconds West 259.24 feet; thence South 69 degrees 32 minutes 56 seconds West 131.82 feet; thence South 10 degrees 29 minutes 21 seconds East 100.61 feet; thence South 76 degrees 26 minutes 07 seconds East 105.45 feet; thence South 14 degrees 04 minutes 29 seconds East 40.30 feet; thence South 49 degrees 51 minutes 40 seconds West 173.60 feet; thence South 31 degrees 06 minutes 21 seconds East 173.72 feet; thence North 67 degrees 57 minutes 31 seconds East 184.23 feet; thence North 63 degrees 22 minutes 02 seconds East 162.02 feet to the POINT OF BEGINNING, containing 4.71 acres more or less.

Exhibit "A"
"Conservancy Easement C"

Project Number: 4900

LEGAL DESCRIPTION:

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence leaving said south line and following east line of said property North 00 degrees 01 minutes 11 seconds East 683.70 feet to the POINT OF BEGINNING; thence leaving east line of said property North 76 degrees 08 minutes 59 seconds West 331.31 feet; thence North 29 degrees 35 minutes 48 seconds West 249.48 feet; thence North 35 degrees 30 minutes 41 seconds East 73.49 feet; thence North 08 degrees 02 minutes 01 seconds West 148.13 feet; thence South 84 degrees 43 minutes 31 seconds West 277.39 feet; thence North 05 degrees 21 minutes 35 seconds West 166.77 feet; thence South 88 degrees 38 minutes 10 seconds East 261.19 feet; thence North 01 degrees 24 minutes 29 seconds West 77.69 feet; thence North 84 degrees 51 minutes 42 seconds East 166.16 feet; thence South 27 degrees 17 minutes 23 seconds East 632.66 feet to said east line; thence South 00 degrees 01 minutes 11 seconds West along said east line 167.37 feet to the POINT OF BEGINNING, containing 5.52 acres more or less.

Exhibit "A"
"Conservancy Easement D"

Project Number: 4900

LEGAL DESCRIPTION:

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence leaving said south line and following the east line of said property North 00 degrees 01 minutes 11 seconds East 388.00 feet to the POINT OF BEGINNING; thence continuing on the east line of said property North 00 degrees 01 minutes 11 seconds East 222.40 feet; thence leaving the east line of said property South 86 degrees 18 minutes 32 seconds East 320.63 feet; thence North 86 degrees 24 minutes 33 seconds West 159.11 feet; thence North 69 degrees 14 minutes 20 seconds West 333.42 feet; thence North 56 degrees 32 minutes 29 seconds West 325.46 feet; thence South 73 degrees 43 minutes 37 seconds West 33.43 feet; thence South 13 degrees 51 minutes 44 seconds West 139.77 feet; thence South 59 degrees 58 minutes 16 seconds East 103.04 feet; thence South 36 degrees 17 minutes 33 seconds West 87.83 feet; thence South 12 degrees 13 minutes 16 seconds East 80.84 feet; thence South 73 degrees 34 minutes 39 seconds East 44.21 feet; thence North 32 degrees 16 minutes 02 seconds East 70.27 feet; thence South 65 degrees 49 minutes 55 seconds East 120.47 feet; thence South 02 degrees 24 minutes 30 seconds West 96.59 feet; thence South 71 degrees 25 minutes 46 seconds East 293.77 feet; thence South 86 degrees 04 minutes 49 seconds East 145.63 feet; thence South 19 degrees 22 minutes 08 seconds West 152.98 feet to existing right-of-way line of Fullerton Pike, the next (2) calls are along said right-of-way; thence (1) North 75 degrees 42 minutes 16 seconds East 163.63 feet; thence (2) South 54 degrees 36 minutes 23 seconds East 125.98 feet; thence North 30 degrees 20 minutes 41 seconds East 163.31 feet; thence North 66 degrees 09 minutes 05 seconds East 163.63 feet to the POINT OF BEGINNING, containing 7.68 acres more or less.

Exhibit "A"
"Karst Easement A"

Project Number: 4900

LEGAL DESCRIPTION:

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence continuing on said south line South 89 degrees 30 minutes 53 seconds West 505.39 feet; thence leaving said south line and following on the old right-of-way of Fullerton Pike the following three (3) courses: (1) North 01 degrees 09 minutes 42 seconds West 57.41 feet; thence (2) South 89 degrees 16 minutes 53 seconds West 488.72 feet; thence (3) North 69 degrees 50 minutes 09 seconds West 215.25 feet to the east right-of-way line of State Road 37; thence following said east right of way 834.38 feet along a 5584.58 foot radius curve to the right whose chord bears North 20 degrees 08 minutes 28 seconds West 833.61 feet to the POINT OF BEGINNING; thence continuing on said east right of way 266.36 feet along a 5584.58 foot radius curve to the right whose chord bears North 14 degrees 29 minutes 40 seconds West 266.33 feet; thence leaving said east right-of-way, North 69 degrees 14 minutes 58 seconds East 65.38 feet; thence 99.33 feet along a 75.00 foot radius curve to the right whose chord bears South 69 degrees 47 minutes 12 seconds East 92.23 feet; thence South 19 degrees 19 minutes 25 seconds East 128.66 feet; thence 90.65 feet along a 100.00 foot radius curve to the right whose chord bears South 19 degrees 43 minutes 29 seconds West 90.65 feet; thence South 65 degrees 29 minutes 03 seconds West 102.22 feet to the POINT OF BEGINNING, containing 0.83 acres more or less.

Exhibit "A"
"Karst Easement B"

Project Number: 4900

LEGAL DESCRIPTION:

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence leaving said south line and following east line of said property North 00 degrees 01 minutes 11 seconds East 2628.76, thence leaving said east line and following north line of said property South 89 degrees 56 minutes 28 seconds West 90.98 feet, thence leaving said north line, South 04 degrees 21 minutes 56 seconds West 231.89 feet, thence South 41 degrees 22 minutes 46 seconds West 96.09 feet to the POINT OF BEGINNING; thence North 54 degrees 42 minutes 31 seconds west 239.53 feet; thence South 40 degrees 17 minutes 55 seconds West 113.89 feet; thence South 42 degrees 50 minutes 38 seconds East 237.24 feet; thence North 41 degrees 22 minutes 46 seconds East 163.15 feet to the POINT OF BEGINNING, containing 0.75 acres more or less.

Exhibit "A"
"Karst Easement C"

Project Number: 4900

LEGAL DESCRIPTION:

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence leaving said south line and following east line of said property North 00 degrees 01 minutes 11 seconds East 2628.76, thence leaving said east line and following north line of said property South 89 degrees 56 minutes 28 seconds West 227.30 feet to the POINT OF BEGINNING; thence continuing along said north line South 89 degrees 56 minutes 28 seconds West 123.29 feet; thence South 34 degrees 53 minutes 29 seconds East 148.62 feet; thence North 55 degrees 47 minutes 03 seconds East 102.05 feet; thence North 35 degrees 30 minutes 02 seconds West 79.41 feet to the POINT OF BEGINNING, containing 0.27 acres more or less.

Exhibit "A"
"Karst Easement D"

Project Number: 4900

LEGAL DESCRIPTION:

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence leaving said south line and following east line of said property North 00 degrees 01 minutes 11 seconds East 2628.76, thence leaving said east line and following north line of said property South 89 degrees 56 minutes 28 seconds West 90.98 feet, thence leaving said north line, South 04 degrees 21 minutes 56 seconds West 143.21 feet to the POINT OF BEGINNING; thence South 52 degrees 42 minutes 22 seconds West 131.34 feet; thence South 37 degrees 12 minutes 37 seconds East 80.78 feet; thence North 41 degrees 22 minutes 46 seconds East 73.95 feet; thence North 04 degrees 21 minutes 56 seconds East 88.69 feet to the POINT OF BEGINNING, containing 0.17 acres more or less.

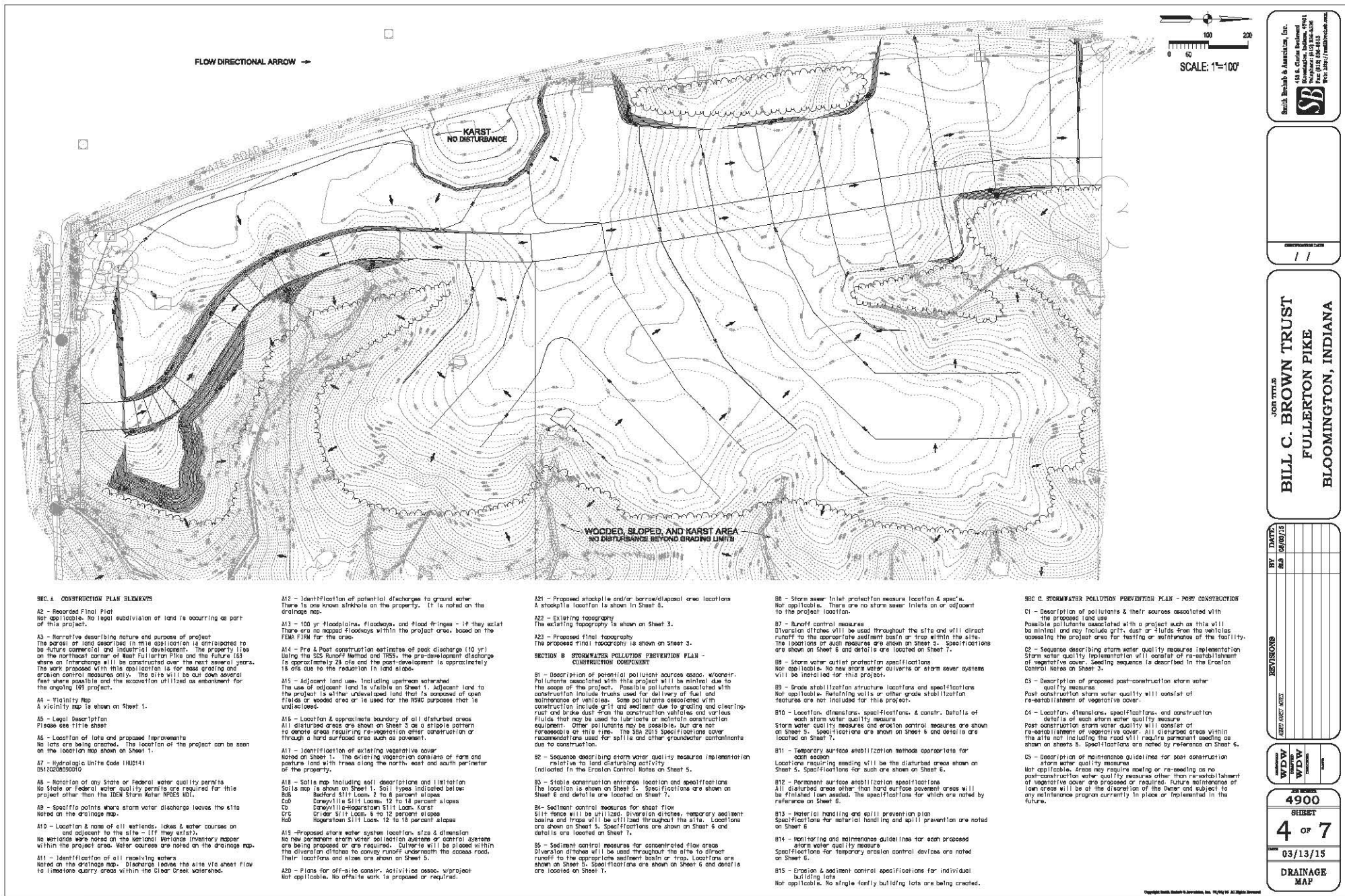
Exhibit "A"
"Karst Easement E"

Project Number: 4900

LEGAL DESCRIPTION:

A part of the Southwest Quarter of Section 18, Township 9 North, Range 1 West, in Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southeast corner of said quarter section; thence South 89 degrees 30 minutes 53 seconds West 885.32 feet on the south line of said quarter section to the southeast corner of Bill C. Brown Trust Fullerton Pike (Instrument #2008006074, in the Office of the Recorder, Monroe County, Indiana), thence leaving said south line and following east line of said property North 00 degrees 01 minutes 11 seconds West 610.40 feet, thence leaving said east line South 86 degrees 18 minutes 32 seconds West 320.63 feet to the POINT OF BEGINNING; thence North 02 degrees 01 minutes 59 seconds West 131.01 feet; thence South 88 degrees 52 minutes 18 seconds West 123.52 feet; thence South 02 degrees 30 minutes 11 seconds East 120.91 feet; thence South 86 degrees 24 minutes 33 seconds East 123.11 feet to the POINT OF BEGINNING, containing 0.36 acres more or less.



SEC. A. CONSTRUCTION PLAN ELEMENTS

- A2 - Recorded Final Plat
Not applicable. No legal subdivision of land is occurring as part of this project.
- A3 - Narrative describing nature and purpose of project
The parcel of land described in this application is anticipated to be future commercial and industrial development. The property lies on the northeast corner of East Fullerton Pike and the future I-65 where an interchange will be constructed over the next several years. The work proposed with this application is for road grading and erosion control measures only. The site will be cut down several feet where possible and the excavation utilized as embankment for the ongoing I-65 project.
- A4 - Vicinity map
A vicinity map is shown on Sheet 1.
- A5 - Legal description
Please see title sheet.
- A6 - Location of lots and proposed improvements
No lots are being created. The location of the project can be seen on the location map shown on Sheet 1.
- A7 - Hydrologic Units Code (HUC141)
0510202030010
- A8 - Notation of any State or Federal water quality permits
No State or Federal water quality permits are required for this project other than the TDEC Storm Water NPDES AGI.
- A9 - Specific points where storm water discharge leaves the site
Noted on the drainage map.
- A10 - Location & name of all wetlands, lakes & water courses on and adjacent to the site - (if they exist)
No wetlands were noted on the National Wetlands Inventory map within the project area. Water courses are noted on the drainage map.
- A11 - Identification of all receiving waters
Noted on the drainage map. Discharge leaves the site via sheet flow to limestone quarry area within the Clear Creek watershed.

- A12 - Identification of potential discharges to ground water
There is one known sinkhole on the property. (It is noted on the drainage map.)
- A13 - 100 yr Floodplains, floodways, and flood fringes - if they exist
There are no mapped floodways within the project area, based on the FEMA FIRN for the area.
- A14 - Pre & Post construction estimates of peak discharge (10 yr)
Using the SCS runoff Method and 1955, the pre-development discharge is approximately 25 cfs and the post-development is approximately 15 cfs due to the reduction in land slope.
- A15 - Adjacent land use, including upstream watershed
The use of adjacent land is visible on Sheet 1. Adjacent land to the project is either undeveloped land that is composed of open fields or wooded area or is used for the HWC purpose that is undeveloped.
- A16 - Location & approximate boundary of all disturbed areas
All disturbed areas are shown on Sheet 3 as a stippled pattern to denote areas requiring re-vegetation after construction or through a hard surfaced area such as pavement.
- A17 - Identification of existing vegetative cover
Noted on Sheet 1. The existing vegetation consists of farm and pasture land with trees along the north, east and south perimeter of the property.
- A18 - Soils map including soil descriptions and limitation
Soils map is shown on Sheet 1. Soil types indicated below:
B6 - Bedford Silt Loam, 2 to 6 percent slopes
C6 - Caryville Silt Loam, 12 to 14 percent slopes
C6 - Caryville-Hopewell Silt Loam, Karst
C7C - Cedar Silt Loam, 6 to 12 percent slopes
H6 - Hopewell Silt Loam, 12 to 18 percent slopes
- A19 - Proposed storm water system location, size & dimension
No new permanent storm water collection system or control systems are being proposed or are required. Culverts will be placed within the diversion ditch to convey runoff underneath the access road. Their locations and sizes are shown on Sheet 5.
- A20 - Plans for off-site control activities (seep, w/p/soil)
Not applicable. No off-site work is proposed or required.

- A21 - Proposed stockpile and/or borrow/discard area locations
There is one stockpile location is shown in Sheet 5.
- A22 - Existing topography
The existing topography is shown on Sheet 3.
- A23 - Proposed final topography
The proposed final topography is shown on Sheet 3.
- SECTION B. STORMWATER POLLUTION PREVENTION PLAN - CONSTRUCTION COMPONENT
- B1 - Description of potential pollutant sources (seep, w/soil)
Pollutants associated with this project will be minimal due to the scope of the project. Possible pollutants associated with construction include grout and sediment due to grading and clearing, fuel and brake dust from the construction vehicles and various fluids that may be used to lubricate or maintain construction equipment. Other pollutants may be possible, but are not foreseeable on this site. The SWA 2015 Specifications cover recommendations used for spill and other groundwater contaminants due to construction.
- B2 - Sequence describing storm water quality measures implementation
Indicated in the Erosion Control Notes on Sheet 5.
- B3 - Stable construction entrance location and specifications
The location is shown on Sheet 5. Specifications are shown on Sheet 6 and details are located on Sheet 7.
- B4 - Sediment control measures for sheet flow
Silt fence will be utilized. Diversion ditches, temporary sediment basins and traps will be utilized throughout the site. Locations are shown on Sheet 5. Specifications are shown on Sheet 5 and details are located on Sheet 7.
- B5 - Sediment control measures for concentrated flow area
Diversion ditches will be used throughout the site to direct runoff to the appropriate sediment basin or trap. Locations are shown on Sheet 5. Specifications are shown on Sheet 6 and details are located on Sheet 7.

- B6 - Storm sewer inlet protection measure location & spec's
Not applicable. There are no storm sewer inlets on or adjacent to the project location.
- B7 - Runoff control measures
Diversion ditches will be used throughout the site and will direct runoff to the appropriate sediment basin or trap within the site. The locations of such measures are shown on Sheet 5. Specifications are shown on Sheet 6 and details are located on Sheet 7.
- B8 - Storm water outlet protection specifications
Not applicable. No new storm water culverts or storm sewer systems will be installed for this project.
- B9 - Grade stabilization structure locations and specifications
Features are not included for this project.
- B10 - Location, dimensions, specifications, & constr. details of each storm water quality measure
Storm water quality measures and erosion control measures are shown on Sheet 5. Specifications are shown on Sheet 6 and details are located on Sheet 7.
- B11 - Temporary surface stabilization methods appropriate for each season
Locations requiring seeding will be the disturbed areas shown on Sheet 5. Specifications for such are shown on Sheet 6.
- B12 - Permanent surface stabilization specifications
All disturbed areas other than hard surface pavement areas will be finished (see seeded). The specifications for which are noted by reference on Sheet 6.
- B13 - Material handling and spill prevention plan
Specifications for material handling and spill prevention are noted on Sheet 6.
- B14 - Monitoring and maintenance guidelines for each proposed storm water quality measure
Specifications for temporary erosion control devices are noted on Sheet 6.
- B15 - Erosion & sediment control specifications for individual building lots
Not applicable. No single-family building lots are being created.

- SEC. C. STORMWATER POLLUTION PREVENTION PLAN - POST CONSTRUCTION
- C1 - Description of pollutants & their sources associated with the proposed land use
Possible pollutants associated with a project such as this will be minimal and may include grout, dust or fluids from the vehicles accessing the project area for testing or maintenance of the facility.
- C2 - Sequence describing storm water quality measures implementation
Storm water quality implementation will consist of re-establishment of vegetative cover. Seeding sequence is described in the Erosion Control Notes on Sheet 7.
- C3 - Description of proposed post-construction storm water quality measures
Post construction storm water quality will consist of re-establishment of vegetative cover.
- C4 - Location, dimensions, specifications, & construction details of each storm water quality measure
Post construction storm water quality will consist of re-establishment of vegetative cover. All disturbed areas within the site not including the road will require permanent seeding as shown on Sheet 5. Specifications are noted by reference on Sheet 6.
- C5 - Description of maintenance guidelines for post construction storm water quality measures
Not applicable. Areas may require mowing or re-seeding as no post-construction water quality measures other than re-establishment of vegetative cover are proposed or required. Future maintenance of lawn areas will be at the discretion of the Owner and subject to any maintenance program currently in place or implemented in the future.

REV	DATE	DESCRIPTION
1	08/05/15	ISSUED FOR PERMIT
2		
3		
4		
5		
6		
7		
8		
9		
10		

DATE	BY	APP'D	DATE

PCL-36-8688

Permitted Uses MP Zone

MP Manufacturing--Park

20.07.05.00 BUSINESS

A. Commercial, Retail

NA

B. Commercial Trade

1. Business Service
2. Business & Prof. *23
3. Schools (Trade & Bus.)
4. Building Trades Shop
5. Warehouses

C. Commercial, Wholesale

1. Building Material *24
2. Farm Products *24
3. Farm Supplies *24
4. Food Products
5. Household Goods

20.07.06.00 INDUSTRIAL

A. Manufacturing, Processing

1. Apparel
2. Bakery, Dairy Products, Confectionary
3. Beverage, Bottling
4. Chemicals & Chemical Products
5. Clock, Scientific Instruments
6. Drugs & Pharmaceuticals
7. Electronic Equipment
8. Furniture
9. Machinery, tool & die *25
10. Meat, Poultry, Seafood *18
11. Medical Equipment
12. Metal Fabrication *25
13. Musical Instruments
14. Paper Products
15. Printing/Newspapers
16. Research Laboratories
17. Misc. Small Products
18. Sporting Goods, Toys, Novelties

B. Industrial Non-processing

1. Warehouse, Storage

*18 Processing or freezing of dressed meat and poultry permitted in all M zones. Slaughter or dressing must receive special permission of the Plan Commission and is permitted only in the MG zone.

*23 Corporate only; consumer-oriented offices prohibited.

*24 All activities and storage must be conducted within a fully enclosed building.

*25 Proposed facility shall be reviewed by Plan Commission and may be permitted only if its impacts are found to be consistent with those of other uses permitted in the MP district.

PETITION OF BILL C. BROWN

Fullerton Pike and State Road 37 By-Pass

The Petitioner submits the following additional statement in support of his Petition.

ADDITIONAL USES.

Professional corporate and commercial offices
Health care (extended care)
Motel with sit down restaurant (limited to 100 lodging units and 125 seating capacity for restaurant. Restaurant will have no drive-up or carry-out)
Mail order sales offices and storage with limited retail (retail will be a secondary or ancillary use only and will be limited to 3,000 square feet of sales and display)

COVENANTS. (to be part of the approval and made a covenant on the plat)

1. No tract shall be smaller than two (2) acres.
2. Buildings shall cover no more than thirty-five percent (35%) of the site.
3. All open space will be landscaped.
4. Existing vegetation/topography will be maintained to the maximum extent reasonably possible.
5. Loading docks and outside storage shall be screened by landscaping or decorative fence (if fence, the appearance and design shall be subject to the Architectural Committee approval)
6. All buildings and their maintenance will be subject to architectural approval by a committee selected by the developer. The following minimum standards shall be required:
 - a. No smooth surface concrete block will be used more than eighteen inches (18") above grade.
 - b. No pole barn construction will be permitted. No exterior walls giving the appearance of pole barn construction will be permitted.
 - c. One Hundred percent (100%) of exterior walls visible from State Road 37 By-Pass and Fullerton Pike shall be of masonry or glass construction. Use of metal for exterior walls will be permitted only if the metal has architectural style and is approved by the developer's architectural committee.
7. No structure or building shall be erected within fifty feet (50') of the right-of-way of State Road 37 By-Pass or Fullerton Pike.

OTHER AGREEMENT: Developer agrees to phase in the improvement of the Fullerton Pike entrance as the traffic generation of the development requires to meet accepted standards.

CONDITIONS OF APPROVAL FOR BROWN INDUSTRIAL PARK - FULLERTON PIKE

1. Eliminate hotel/restaurant
2. Limit mail order/retail to
 - one only
 - maximum retail 3,000 sq. ft.
 - minimum mail order 12,000 sq. ft.
 - retail limited to products distributed by mail order component of business
3. Road access north and east - location to be determined at development plan
4. Fullerton access to be 390' east of east edge of northbound 37 pavement
5. Upgrade Fullerton from east end of entrance improvements to 3 lanes and improved pavement specifications
6. The design standards in the packet will govern development plan approval by Plan Commission. MP landscape requirements apply.

Motion for approval carried 64 (no's were: Behnke, Bonnell, Cooksey, Kiesling)

Interdepartmental Memo

To: Members of the Common Council

From: TMTom Micuda, Planning Department

Subject: Case # PUD-15-99

Date: May 25, 1999

Attached are the staff reports, petitioner's statements, location maps, and site plan exhibits which pertain to Plan Commission Case # PUD-15-99. The Plan Commission voted 9-0 to send the petition to the Council with a favorable recommendation.

BACKGROUND

The petitioners are requesting a preliminary plan amendment to the permitted land use list for this 90 acre Planned Unit Development (PUD). This amendment would allow a nine-hole, Par 3 golf course to be constructed on the central 30 acres of this tract.

The property in question is located at the northeast corner of Fullerton Pike and State Road 37. This parcel was originally granted PUD approval in 1988. The focus of the 1988 PUD was to create pre-zoned land for both light and heavy manufacturing land uses. In addition to these uses, the petitioner was granted the right to develop health care facilities at this location.

For nine years, no final plan approvals were ever granted by the Plan Commission and the property remained vacant. However, on April 28, 1997, a final plan was approved which would have allowed the construction of a large assisted care facility. More specifically, the final plan authorized construction of a 96 unit assisted care facility on five acres, 32 condominium units on an additional 10 acre tract, future business park/office uses along SR 37 and Fullerton Pike, and future elderly housing on approximately 37 acres of sensitive wooded area to the east.

The owner of the PUD has since informed staff that the 1997 final plan approval will not be acted upon by the petitioner. This is due to a lack of sewer service. The nearest sewer line with adequate capacity is located at Tapp Road and cannot be realistically extended until adjacent property is developed. With this limitation in mind, the petitioner is seeking a PUD amendment to allow a nine hole, Par 3 golf



Per BMC §2.04.290, any legislation that makes an appropriation or has a major impact on existing city appropriations, fiscal liability, or revenues shall be accompanied by a fiscal impact statement.

Ord 21-08 - To Amend the City of Bloomington Zoning Maps by
Rezoing 87 Acres from PUD to MC - Re: W. Fullerton Pike
Bill C. Brown Revocable Trust, Petitioner

LEGISLATION NUMBER AND TITLE

PROPOSED EFFECTIVE DATE

TBD

FISCAL IMPACT. 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, briefly explain below.

This legislation seeks to rezone 87 acres from PUD to MC.
There is no major fiscal impact associated with this ordinance.
Fiscal impact will be re-evaluated at the time the property is developed.

FISCAL IMPACT FOUND. If the legislation appropriates funds and/or will have a major fiscal impact, please complete the following:

	FY -- CURRENT	FY -- SUCCEEDING	ANNUAL CONTINUING COSTS THEREAFTER
REVENUES			
EXPENDITURES			
NET			

IMPACT ON REVENUE (DESCRIBE)

IMPACT ON EXPENDITURES (DESCRIBE)

FUTURE IMPACT. Describe factors which could lead to significant additional expenditures in the future.

FUNDS AFFECTED: TO BE COMPLETED BY CITY CONTROLLER

If the proposal affects City funds, please describe the funds affected and the effects of the legislation on these funds.

Signature of Controller

2/19/2021

 2/19/2022
Signature of City Official responsible for submitting legislation