

City of Bloomington Common Council

Legislative Packet

6 March 2013

Regular Session followed by a Committee of the Whole

Please consult the [Legislative Packet](#) issued in interest of the 27 February 2013 meeting for legislation and background material regarding Ordinance 13-05 and Resolution 13-07. All other legislation and relevant documents are contained herein.

Office of the Common Council
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Bloomington, Indiana 47402
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<http://www.bloomington.in.gov/council>



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Second Reading:

- **Ord 13-05** To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Amending Chapter 2.04 (Common Council) Pursuant to Recommendations of the Council Rules Committee of 2012-2013
- **Res 13-07** Standing Committees of the Common Council – Re: To Affirm All Active, Dissolve All Inactive, and Establish One New Standing Committees

Contact:

Darryl Neher, Chair of the Committee, 349-3409 or neherd@bloomington.in.gov or Dan Sherman, Attorney/Administrator, 349-3562 or shermamd@bloomington.in.gov

Please see the Weekly Council Legislative Packet prepared for the Special Session and Committee of the Whole on [27 February 2013](#) for the legislation, summary, and related information

Legislation and Background Material for First Reading at the Regular Session and Discussion at the Committee of the Whole Immediately Following the Regular Session on March 6th:

- **Ord 13-04** Revising Participation Fees for Certain Businesses Located Within the Bloomington Urban Enterprise Zone and a Tax Increment Finance Area that Receive an Enterprise Zone Investment Deduction
 - Attachment A (Map of Enterprise Zone and its Intersection with Three TIF Districts);

- Memo from Lisa Abbott, Director of HAND and Danise Alano-Martin, Director of the Economic and Sustainable Development departments;
- Spreadsheet of Deductions within the Downtown, Adams and Thomson TIF Districts

Contact:

Lisa Abbott at 349-3401 or abbotl@bloomington.in.gov

Danise Alano-Martin at 349-3477 or alanod@bloomington.in.gov

- **Ord 13-06** To Amend the Bloomington Zoning Maps from Commercial Arterial (CA) to a Planned Unit Development (PUD) To Be Known As Patterson Park as well as to Approve a Preliminary Plan and District Ordinance - Re: 445 S. Patterson Drive (Trinitas Ventures, LLC, Petitioner)
 - Certification (6-3)
 - Aerial and Zoning Maps of the Site and Surrounding Area
 - Memo to Council from Pat Shay, Development Review Manager
 - Patterson Park Outline Plan – Updated January 30, 2013
 - Narrative Description
 - Development Areas and Land Use Standards
 - Map of Areas A, B & C
 - Area A and B
 - Area A
 - Area B
 - Area C
 - Project Schedule
 - Examples of Structures
 - Area Map
 - Alternative Site Plans (Including Set Provided by Plan Staff); and
 - Elevational Views of Structures
 - Staff Report to Commission – February 4, 2013
 - Memo from the Environmental Commission – January 24, 2013
 - Staff Report to Commission – November 5, 2012

- **Ord 13-07** To Vacate Public Parcels - Re: Two Segments of a Seminary Lot Alley which are 16.5 Feet Wide and a Total of 1,180 Feet Long with One Segment Running East to West through the Patterson Pointe PUD and the Other Running in the Same Direction Through the Proposed Patterson Park PUD (Adam's Crossing, LLC and Rogers Group, Inc. Petitioners)
 - Aerial Map of with Vacated Alley Highlighted;
 - Map of Site and Surrounding Zoning;
 - Staff Report to Council from Lynne Darland, Zoning and Enforcement Manager;
 - Petition and List of Owners of Abutting Property;
 - Letter from Petitioner;
 - Survey and Legal Description;
 - Insert Indicating Responses from Utilities and Emergency Services;

Contact: Lynne Darland at 34-3529 or darlandl@bloomington.in.gov

Minutes from Regular and Special Sessions in 2013:

- January 16th (Regular Session)
- February 20th (Regular Session)
- February 27th (Executive Session)
- February 27th (Special Session)

Reminders of Meetings

- | | | |
|-----------------|--|-------------------------------------|
| ○ Monday | Staff Council Internal
Work Session | McCloskey Room
(at Noon) |
|-----------------|--|-------------------------------------|

Memo

**Regular Session Followed by Committee of the Whole
Next Wednesday, March 6th**

There are two meetings next Wednesday because the Council will not meet the following week (which falls on Spring Break). The first meeting is a Regular Session and the second is a Committee of the Whole. At the Regular Session an ordinance and resolution are ready for consideration under Second Readings. They implement some of the recommendations in the 2012-2013 Rules Committee Report, which was accepted by the Council at the Special Session last Wednesday and, along with the aforementioned legislation, can be found online as indicated above. Then three

ordinances will be introduced at end of the first meeting and discussed at the Second. Those three ordinances are enclosed with this packet and summarized herein.

First Readings:

Item One - Ord 13-04 – Capturing Lost TIF Revenues By Increasing Certain Enterprise Zone Participation Fees and Transferring that Increase in Fees to the Affected TIF Funds

This ordinance is largely the story of the relationship between two State-enabled economic development programs and how the potential revenue shortfall created by one triggers the need to shift money to the other. This summary is informed by the memo to the Council provided by Lisa Abbott, Director of HAND and Danise Alano-Martin, Director of Economic and Sustainable Development department. It starts with a change in State Law in 2005 that provided a tax deduction known as an Enterprise Zone Investment Deduction (EZID) that, in effect, reduces the revenues for some of our Tax Incremental Finance (TIF) districts. The TIF districts do not receive revenues because the EZID taps the same revenue stream as the TIF district - property taxes on new investment to real estate after a base period of assessment. **Ord 13-04** would preserve some of the lost revenues by capturing them through the Bloomington Urban Enterprise Zone (Zone) and then transferring them to the TIF district funds in a process that is explained in the latter part of this memo.

Enterprise Zones

Enterprise Zones offer a package of tax incentives that help revitalize and generate employment in distressed areas within a locality. Bloomington established its Zone in 1991. It runs down the center of the City, intersects with the Downtown, Adams, and Thomson TIF districts (See Attachment A), and is governed by a Bloomington Urban Enterprise Association (BUEA). Among other responsibilities, the BUEA decides how to spend the revenues it receives from Zone businesses. Zone businesses pay a participation fee based upon a portion of the tax benefits gained by virtue of their location within the Zone. These tax benefits include: deductions and credits, the gross income tax exemption, the wage tax credit, the investment cost credit, and the loan interest credit. The participation fee is set by the Council and is currently 20%.

Enterprise Zone Investment Deduction (EZID) (IC 6-1.1-45)

The EZID is one of those tax benefits available to Zone businesses. It provides for a non-graduated, 10-year deduction for eligible investments within an Enterprise Zone.

These eligible investments include the purchase, construction and rehabilitation of buildings as well as the purchase and retooling of equipment. The amount of the abatement equals 100% of the assessed valuation for each year of the 10-year period of abatement. Tax payers may obtain the deduction by making a timely application with the County Auditor and receiving approval of the City Council if the project is located within a TIF district.

TIF Districts and the Fiscal Impact of the EZID on Three TIF Districts

TIF districts capture property tax revenues over a base line amount and use that money for public investments in or, in some cases, serving that district. As mentioned in the opening paragraph of this summary, the EZID will deprive the three intersecting TIF districts of future revenues because the deduction is based, in part, on the same revenue stream – property taxes on new investment to real estate. In 2012, for example, the Thomson, Adams, and Downtown TIF districts did not receive any part of the approximately \$1.3 million of these deductions. *(Please see the attached spreadsheet)*

Ordinance Increases Participation Fee for EZID Projects and Shifts Increase to TIF Districts

While recognizing the importance of this deduction as an incentive for development, this ordinance proposes to preserve some of the property tax revenue from new economic development projects for use by the underlying TIF districts. It does so by raising the participation fees for an EZID from 20% to 29% and transferring that 9% increase in fee to the City for deposit in the respective TIF funds. As indicated in the attached spreadsheet, this increase would have garnered about \$95,000 for the affected TIFs in 2012.

Item Two – Ord 13-06 – Rezoning an 8.49 Acre Parcel on the East Side of Patterson Drive from Commercial Arterial to Planned Unit Development (PUD) (Trinitas Ventures, LLC, Petitioner)

Ord 13-06 amends the City's zoning maps to rezone an 8.49 acre parcel on the east side of Patterson Drive from Commercial Arterial (CA) to Planned Unit Development (PUD) to construct a residential and commercial project at the request of Trinitas Ventures, LLC. The Council's actions also include approving the Preliminary Plan and District Ordinance.

Given the Council's familiarity with the project – having discussed it at work sessions in late December and February, the conciseness of the staff memo, and the lack of time to adequately present the material, this memo will very briefly touch on a few points regarding this proposal.

First, it's fair to say that by virtue of this ordinance, the petitioner will primarily be getting a largely residential project in an area slated for predominantly commercial development and the City, in return, will primarily be getting two public right-of-ways – Prospect and Howe – that would not have been required with a traditional rezone.

Some logical consequences of this exchange are lower net developable land,¹ higher residential densities, and tall, more massive structures. In order to mediate the adverse effect this intensity of development may have on the quality of life within the project, the ordinance creates three distinct areas with separate standards.

Alternative Plans. After discussing the project with members of the Council (at a work session in mid-December), the Petitioners developed two alternate Preliminary Plans. They differ in regard to the parking for the internal drive between Third Street and Prospect Street. To provide a more pedestrian-friendly experience, one provides parallel parking on this drive, but sacrifices green space by adding parking behind the buildings. The other provides perpendicular parking on the drive and preserves a courtyard, green space behind the buildings. According to the Staff Report, the Petitioners expect the Council to choose between these plans. At this point, I anticipate that will take the form of a Reasonable Condition.

Item Three - Ord 13-07 - Vacating Two Segments of Alley Right-of-Way in the Patterson Pointe and Patterson Park PUDs (Adams Crossing, LLC and Rogers Group, Inc., Petitioners)

Ord 13-07 vacates two long segments of an alleyway within the Patterson Pointe and Patterson Park PUDs. The petition was brought forward by Trinitas Venture, LLC (Travis Vencel) with permission of the current owners of these parcels (Adams Crossing, LLC and Rogers Group, Inc.). Vacation of these segments will allow both projects to go forward without any impairments to the title of the property.

¹ The riparian buffer on the east side of the site contributes to that result as well.

General Vacation Procedures

Vacations of right-of-ways are governed by specific statutory procedures set forth at I.C. 36-7-3-12 et seq. and start with the Petitioner filing a petition with the Council. Under these procedures, the Clerk must assure that owners of property abutting the right-of-way are notified by certified mail of the proposed action and must also advertise the hearing wherein the public may offer the Council its comments and objections (March 27, 2013). Those objections or grounds for remonstrance are generally limited by statute to questions of access, use of public ways, and the orderly development of the area and unit as a whole. (See I.C. 36-7-3-13) Please note that aside from a failure of notice or an instance of impropriety, there is little recourse for those who object to the denial of vacation of right-of-way. In the event the ordinance is adopted, the Clerk must then file a copy with the County Recorder and the County Auditor.

In Bloomington, we begin with a pre-petition application submitted to the Planning Department. Lynne Darland, Zoning and Enforcement Manager, then reviews the request and notifies all the utility services, safety services, and the Board of Public Works of the proposed action. After receiving the responses and evaluating the proposal in terms of local criteria (described below), she prepares a report and an ordinance for the Council.

Please note that the Council's action to vacate a right-of-way or an easement must be done in the public interest. It extinguishes the City's interest in the property and generally has the effect of splitting the right-of-way between the owners of adjacent lots.

The following applies the local criteria to this request and is a summary derived from reports and background material provided by the Plan Department.

Petition – Description of Proposed Project

The Staff Report notes that this long, 16.5-foot wide alleyway was overlooked with approval of the Patterson Pointe PUD and was not considered when the circulation plan for the Patterson Park PUD was approved by the Plan Commission. The Patterson Pointe PUD is already under development and the Patterson Park PUD will be considered by the Council on the same agenda as this ordinance.

Concerns of Surrounding Property Owners. The Staff Report from Darland does not mention any concerns from neighbors.

Description of Vacated Property. The property includes two segments of a Seminary Lot alley right-of-way that is 16.5 feet wide and runs from near Adams Street on the east to a portion of the Landmark PUD on the west. In total, the two segments are 1,180-feet long, with one segment running east to west through the Patterson Pointe PUD and the other running in the same direction through the Patterson Park PUD. Please note that the survey map and the legal description of this right-of-way were provided by the Petitioner and the legal description is also set forth in the ordinance.

Interest of Utilities and Safety Services. I.C. 36-7-3-16 protects utilities which occupy or use all or part of the public way from losing their rights upon the vacation of the right-of-way, unless they choose to waive those rights. The Staff Report and materials indicate that the various utilities and safety services had no objections with the vacation of these alley segments.

Current Status - Access to Property.

This alleyway is not on the City's GIS database and was also overlooked with the approval of the Patterson Pointe PUD in 2010. Access to the Patterson Pointe PUD includes two entrances each on West Third and Patterson Drive and a continuation of what appears to serve as a parking lot on the south. Access to the Patterson Park PUD will be considered with Ord 13-06, which precedes this ordinance on the agenda Wednesday night. That access includes two points on Patterson Drive, one point on West Third and two potential connections to the east.

Necessity for Growth

Future Status – The Staff Report indicates that “[f]uture vehicular, bicycle and pedestrian access in this area can still be accommodated through the use of West Third Street, West Second Street, Patterson Drive, Adams Street,” extensions of Howe Street (with a 60-foot wide right-of-way) and Prospect Street (with an 80.5-foot wide right-of-way), and the newly constructed Isaac Drive.

Non-City Utilization – The Staff Report indicates that the vacated portions of this alleyway will be owned by the petitioners.

Compliance with regulations –The Staff Report says that the vacation “will not create any issues regarding compliance with local regulations” and, as a previously unknown right-of-way, did not appear on any City transportation documents.

Relation to City Plans – The Staff Report indicates that “the proposal is consistent with City plans” and that “loss of this right-of-way does not conflict with the City’s Thoroughfare Plan or Growth Policies Plan.

Approvals and Recommendation

The Staff Report indicates that the Board of Public Works voted to recommend approval of this action and that the Planning Department supports it as well. (See Recommendation from the Board of Public Works which is attached to the ordinance.)

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
REGULAR SESSION AND
COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, MARCH 6, 2013
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST. (ROOM 115)**

REGULAR SESSION

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR:	January 16, 2013	Regular Session
	February 20, 2013	Regular Session
	February 27, 2013	Executive Session
	February 27, 2013	Special Session

IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)

1. Councilmembers
2. The Mayor and City Offices
3. Council Committees
4. Public

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 13-05 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending Chapter 2.04 (Common Council) Pursuant to Recommendations of the Council Rules Committee of 2012-2013

Recommendation: Do Pass 9 – 0 – 0

2. Resolution 13-07 Standing Committees of the Common Council – Re: To Affirm Existing and Active Ones, Establish a New One, and Dissolve All Inactive Ones

Recommendation: Do Pass 8 – 0 – 0

VII. LEGISLATION FOR FIRST READING

1. Ordinance 13-04 Revising Participation Fees for Businesses Located Within The Bloomington Urban Enterprise Zone and a Tax Increment Finance Area That Receive an Enterprise Zone Investment Deduction

2. Ordinance 13-06 To Amend the Bloomington Zoning Maps from Commercial Arterial (CA) to a Planned Unit Development (PUD) to be Known as Patterson Park As Well As to Approve a Preliminary Plan and District Ordinance - Re: 445 S. Patterson Drive (Trinitas Ventures, LLC, Petitioner)

3. Ordinance 13-07 To Vacate Public Parcels - Re: Two Segments of a Seminary Lot Alley which are 16.5 Feet Wide and a Total of 1,180 Feet Long with One Segment Running East to West through the Patterson Pointe PUD and the Other Running in the Same Direction Through the Proposed Patterson Park PUD (Adam’s Crossing, LLC and Rogers Group, Inc. Petitioners)

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

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

(Then adjourn and immediately reconvene for a)

COMMITTEE OF THE WHOLE

Chair: Steve Volan

1. Ordinance 13-04 Revising Participation Fees for Businesses located within the Bloomington Urban Enterprise Zone and a Tax Increment Finance Area That Receive and Enterprise Zone Investment Deduction

Asked to Attend: Doris Sims, Assistant Director, Housing and
Neighborhood Development Department

2. Ordinance 13-06 To Amend the Bloomington Zoning Maps from Commercial Arterial (CA) to a Planned Unit Development (PUD) to be Known as Patterson Park As Well As to Approve a Preliminary Plan and District Ordinance - Re: 445 S. Patterson Drive (Trinitas Ventures, LLC, Petitioner)

Asked to Attend: Tom Micuda, Director, Planning Department
Pat Shay, Development Review Manager, Planning
Department

3. Ordinance 13-07 To Vacate Public Parcels - Re: Two Segments of a Seminary Lot Alley which are 16.5 Feet Wide and a Total of 1,180 Feet Long with One Segment Running East to West through the Patterson Pointe PUD and the Other Running in the Same Direction Through the Proposed Patterson Park PUD (Adam's Crossing, LLC and Rogers Group, Inc. Petitioners)

Asked to Attend: Tom Micuda, Director, Planning Department
Pat Shay, Development Review Manager, Planning
Department



City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 4 – 8 March 2013

Monday, 4 March

12:00 pm Staff – Council Internal Work Session, McCloskey
4:30 pm Plat Committee, Hooker Room
5:00 pm Redevelopment Commission, McCloskey
5:30 pm Bicycle and Pedestrian Safety Commission Work Session, Hooker Room
5:30 pm Plan Commission, Council Chambers

Tuesday, 5 March

5:00 pm Commission on the Status of Women 2013 Women’s Leadership Development Event, "Civic Engagement: Keep Calm and Make a Difference," City Hall
7:30 pm Bloomington Telecommunications Council, Council Chambers

Wednesday, 6 March

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

Thursday, 7 March

12:00 pm Utilities Services Board – Special Session, Utilities Board Room, 600 E. Miller Dr.
4:00 pm Bloomington Digital Underground Advisory Council, McCloskey
5:30 pm Commission on the Status of Women, McCloskey

Friday, 8 March

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

Posted and Distributed: Friday, 1 March 2013

ORDINANCE 13-04

**REVISING PARTICIPATION FEES FOR BUSINESSES LOCATED WITHIN
THE BLOOMINGTON URBAN ENTERPRISE ZONE AND A TAX
INCREMENT FINANCE AREA THAT RECEIVE AN ENTERPRISE ZONE
INVESTMENT DEDUCTION**

- WHEREAS, the Bloomington Urban Enterprise Zone (“Zone”) and its administrative entity, the Bloomington Urban Enterprise Association (“BUEA”), were created in 1991 pursuant to IC 4-4-6.1 (now IC 5-28-15) to provide access to tax credits for Zone businesses and develop programs to promote economic development within the designated Zone boundaries; and
- WHEREAS, the BUEA obtains funding for its programs by assessing an annual participation fee from Zone businesses receiving tax credits and incentives in the amount of 20% of the credit or incentive; and
- WHEREAS, in 2005 the Indiana legislature passed IC 6-1.1-45 regarding the Enterprise Zone Investment Deduction (EZID), which allows taxpayers making qualified investments, as defined in IC 6-1.1-45-7, in an enterprise zone to obtain a 100% abatement on the investment for ten years; and
- WHEREAS, the Zone contains parts of several Tax Increment Finance (TIF) areas, as shown on the map attached hereto as Attachment A and incorporated herein by reference, in which TIF revenues have been included in revenue forecasts for City projects, and abatement of 100% of new assessed value for ten years could significantly reduce TIF revenue and negatively impact the City’s ability to perform projects needed for public safety and welfare, and for economic development; and
- WHEREAS, when a taxpayer applies for an EZID for a project located within a TIF allocation area, the Common Council must approve the EZID pursuant to IC 6-1.1-45-9(d)(3); and
- WHEREAS, IC 5-28-15-5(b) allows the legislative body of a municipality containing an enterprise zone to set participation fees for zone businesses that receive incentives described in IC 5-28-15-3, which are tax credits or exemptions available under IC 5-28-15, IC 6-1.1-45, IC 6-3.1-7, IC 6-3.1-10, and IC 6-3-3-10 (“Incentives”); and
- WHEREAS, the Zone business participation fee, as established by the BUEA prior to the enactment of IC 5-28-15-5(b), is 20% of the amount of the Incentive(s) received by the business; and
- WHEREAS, in addition to the fee to the BUEA, the Indiana Economic Development Corporation (IEDC) receives a fee in the amount of 1% of the amount of the Incentive(s) for each Zone business receiving Incentives, pursuant to IC 5-28-15-5(a)(4)(A); and
- WHEREAS, the BUEA and the Bloomington Redevelopment Commission agree that it is desirable for the participation fee to be increased by 9% and for the BUEA to provide the 9% to the Redevelopment Commission to allow it to recoup a portion of the TIF revenues lost due to the EZID; and
- WHEREAS, if a Zone business is located within a TIF allocation area and a taxpayer receives an EZID for such a Zone business, the BUEA participation fee would be increased to 29%; and

WHEREAS, the participation fee established herein is intended to apply in all TIF districts that overlap with the Zone, so that if TIF district boundaries are revised from those shown on the map in Attachment A, the participation fee shall be effective in any territory added to a TIF district;

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

SECTION 1. The Zone participation fee shall be 29% of the amount of the EZID for each year the EZID is in effect for each Zone business for which a taxpayer applies for and receives approval from the Monroe County Auditor that the taxpayer's proposed project is a qualified investment under IC 6-1.1-45-7 and from the Common Council under IC 6-1.1-45-9Id)(3) and the qualified investment is located in a TIF allocation area.

SECTION 2. The BUEA Board of Directors has agreed to transfer to the City 9% of the participation fee for each approved EZID within a TIF allocation area, and once said fees have been received by the City, they shall be deposited in the City's Redevelopment Fund.

SECTION 3. The map of the Zone and intersecting TIF districts referred to in the fourth Whereas clause as Attachment A shall be attached to the ordinance and incorporated by reference into the ordinance. In accordance with IC 36-1-5-4, two copies of this map are on file in the Office of the City Clerk for public inspection. In the event that the boundaries of any TIF district that overlaps with the Zone are changed, the participation fee established herein shall apply in any territory added to a TIF district that overlaps with the Zone.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2013.

DARRYL NEHER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2013.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2013.

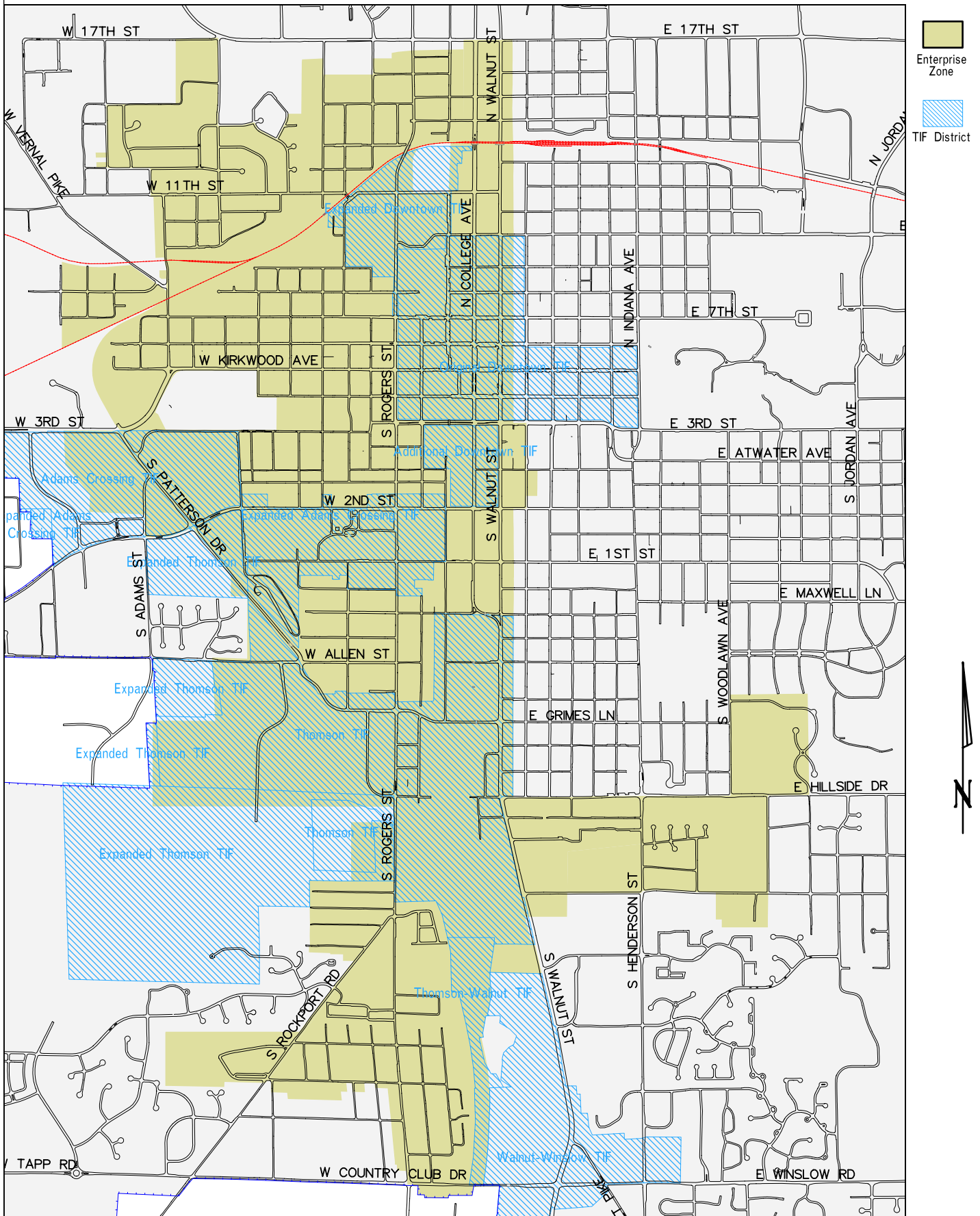
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance increases the participation fee to the Bloomington Urban Enterprise Association for business located in the Enterprise Zone that receive an Enterprise Zone Investment Deduction (EZID) and are located in a Tax Increment Finance District from 20% to 29%, with the increased portion to be paid by the BUEA to the City to partially offset lost TIF revenue.

Bloomington Urban Enterprise Zone & TIF Districts

Nov 16, 2012



City of Bloomington
Geographic Information System

For use as map information only, information is NOT warranted.

Scale: 1" = 1800'

TuetifLP

Memo

To: Bloomington City Council
From: Doris Sims, Assistant Director, Housing and Neighborhood Development
CC: Lisa Abbott, Danise Alano-Martin
Date: February 27, 2013
Re: Enterprise Zone Investment Deduction (EZID) Council Resolution to revise the Bloomington Urban Enterprise (BUEA) participation fee for businesses located within a BUEA zone and also a Tax Increment Financing (TIF) Area

Background Information on Enterprise Zone Investment Deduction (EZID)

The Enterprise Zone Investment Deduction (EZID) allows a ten-year property tax deduction for a qualified investment within an Urban Enterprise Zone (I.C. 6-1.1-45). For properties not in a TIF allocation area, this deduction (similar to tax abatement) is automatic with the proper and timely application to the County Auditor.

When an EZID is received, the taxpayer receiving it pays an annual participation fee to the Bloomington Urban Enterprise Association (BUEA) in the amount of 20% of the savings received from the EZID. The Common Council is given authority to set the participation fee under IC 5-28-15-5(b).

Basic information about the EZID is listed below:

- EZID is defined as the property tax deduction available from the increased value of an Enterprise Zone business property due to real and personal property investment by the business.
- The deduction equals the difference between the assessed property value following the qualified investment and the assessed property value of a base year (the year preceding the qualified investment).
- The amount of the deduction (100%) will be the same for each year (is non-graduated).
- The EZID continues for ten years, and can extend past the expiration of the Enterprise Zone (Bloomington's zone designation will expire in March 2017).

- Claimants must pay a 20% participation fee annually to the BUEA on the savings received and 1% to the State of Indiana on any savings more than \$1,000.
- Qualified investment within an Enterprise Zone location includes:
 1. purchase of a building, or new manufacturing or production equipment;
 2. costs associated with the repair, rehabilitation, or modernization of an existing building and related improvements;
 3. onsite infrastructure improvements;
 4. construction of a new building; and
 5. costs associated with retooling existing machinery.
- To claim the deduction a taxpayer must fill out Form EZ-2 and file it annually with the County Auditor between March 1 and May 15. The Auditor determines the eligibility of each investment and is required to notify each applicant of his/her determination by August 15. If the investment is located within a TIF allocation area, the Common Council must also approve the deduction. If all necessary approvals are made, the taxpayers can take the deduction the following year.
- Claimants must also annually file a Form EZB-R with the Indiana Economic Development Corporation and BUEA by June 1.

Tax Increment Finance Districts (TIFs)

Tax Increment Finance districts (TIFs) capture the increase in property taxes in a designated TIF allocation area that occurs after a specified base date and reserve those funds for use in or serving that allocation area. TIF districts are established by the Redevelopment Commission and Common Council under IC 36-7-14. Within a TIF district, one or more allocation areas may be established. (In Bloomington, the allocation area for each TIF district has the same boundaries as that entire district.) Similar to the EZID, in a TIF allocation area the assessed value of all the property located within the boundaries of the allocation area is “frozen” at a base date and 100% of the taxes generated due to the increase in the assessed value after that date from properties located within the allocation area goes to a special Redevelopment fund to be used for public improvements within or serving the TIF allocation area. The remainder of the property taxes (generated from assessed value in place prior to the base date) continues to be distributed to all the taxing entities.

Currently the City of Bloomington has six TIF districts, and the BUEA overlaps with three of them: Thomson-Walnut-Winslow, Downtown, and Adams Crossing.

The Impact of the Investment Deduction within a TIF Allocation Area

Both an EZID and a TIF capture 100% of property taxes generated from the increased assessed value (after the base date) of property located within their respective boundaries. However, in an EZID this tax savings goes to the property owner, whereas in a TIF it goes to the Redevelopment Commission. In an EZID that is also within a TIF allocation area, the diversion of these tax revenues affects the Redevelopment Commission's ability to make public improvements, such as roads, sidewalks, and infrastructure. Therefore, the EZID statute, at IC 6-1.1-45-9(d)(3), requires EZIDs within TIF allocation areas to be approved by the Common Council.

Recommendation

Both the EZID and TIF provide an economic development tool to attract private investment. However, with both tied to the incremental increase in property tax, it puts a strain on the City to continue to provide public services for the businesses without the TIF revenues to offset these costs. Since each business that receives the EZID deduction pays an annual participation fee to the BUEA of 20% of its tax savings, it is being recommended that this fee be increased to 29%, with the additional 9% going to the Redevelopment Commission. This will allow for the business to continue receiving a tax benefit, while at the same time providing to the Redevelopment Commission some of the revenue that it loses by the granting of the EZID.

Taxpayer Name:	Business Name, if different:	Mailing Address:	City	State	ZIP	Zone location, if different:	2012 Investment Deduction Tax Savings	BUEA Participation Fee	Additional 9% for those in a TIF District	TIF
Higgins, Dyan & Samuel*		336 S. Walnut St.	Bloomington	IN	47401		\$ 583.64	\$ 116.73	\$ 52.53	Additional Downtown
Mellencamp, John & Elaine		5087 Lower Schooner Rd.	Nashville	IN	47448	350 S.Walnut St., Bloomington, IN	\$ 550.68	\$ 110.14	\$ 49.56	Additional Downtown
Ray International LLC		502 W. 2nd St.	Bloomington	IN	47403		\$ 17,788.39	\$ 3,557.68	\$ 1,600.96	Expanded Adams
SIPW Properties LLC		1010 W. 2nd Street	Bloomington	IN	47403		\$ 3,352.53	\$ 670.50	\$ 301.73	Expanded Adams
Bloomington Iron and Metal		P.O. Box 339	Bloomington	IN	47402	503 North Rogers, Bloomington, IN 47404	\$ 1,682.00	\$ 336.40	\$ 151.38	Expanded Downtown
Eleventh and Rogers, LLC		P. O. Box 3134	Bloomington	IN	47402	700 North Rogers, Bloomington, IN 47404	\$ 2,362.31	\$ 472.46	\$ 212.61	Expanded Downtown
Hirons&Company*		555 North Morton St.	Bloomington	IN	47404		\$ 1,436.00	\$ 287.20	\$ 129.24	Expanded Downtown
Advance Designs Corporation		1169 West 2nd St.	Bloomington	IN	47403		\$ 138.87	\$ 27.77	\$ 12.50	Expanded Thomson
ERL-8, LLC							\$ 134,783.24	\$ 26,956.65	\$ -	N/A
ERL-11, LLC		601 N. College Ave.	Bloomington	IN	47404	532 North Morton, Bloomington, IN 47404	\$ 39,111.46	\$ 7,822.29	\$ -	
Carlisle Industrial Brake and Friction		1031 E. Hillside Dr.	Bloomington	IN	47401		\$ 44,415.61	\$ 8,883.13	\$ -	None
ERL-5, LLC						601 N College Ave, Bloomington, IN	\$ 5,138.66	\$ 1,027.73	\$ -	None
Feet First LLC		1917 S. Walnut St	Bloomington	IN	47401	1901-03 S Walnut, Bloomington, IN	\$ 21,305.74	\$ 4,261.15	\$ -	None
J. Barrows LLC*		676 S. College Ave.	Bloomington	IN	47401		\$ 162.88	\$ 32.58	\$ -	None
Prospect Hill, LLC		P.O. Box 1683	Bloomington	IN	47404	511-513 West 4th St., Bloomington, IN 47404	\$ 6,749.00	\$ 1,349.80	\$ -	None
Todd Carpenter Property Mgmt LLC	Carpenter and Associates	811 N. Walnut	Bloomington	IN	47404		\$ 655.55	\$ 131.11	\$ -	
Storage Express Holdings, LLC		225 West Dodds	Bloomington	IN	47403		\$ 574.74	\$ 114.95	\$ -	None
Washington Place Residence LLC		304 W. Kirkwood	Bloomington	IN	47404	342 S.Washington St., Bloomington, IN 47401	\$ 35,218.06	\$ 7,043.61	\$ -	None
Ron Stanhouse	Alley Bar	214 West Kirkwood	Bloomington	IN	47404		\$ 6,801.82	\$ 1,360.36	\$ 612.16	Original Downtown
L'Atelier		411 W. Kirkwood	Bloomington	IN	47408		\$ 1,869.68	\$ 373.94	\$ 168.27	Original Downtown
McDaniel Rentals LLC		3701 Rachels Glen	Bloomington	IN	47408	219 N.Walnut St., Bloomington, IN	\$ 10,771.98	\$ 2,154.39	\$ 969.48	Original Downtown
Tariq Kahn (Serendipity Bar)	Serendipity Martini Bar	201 S. College Ave.	Bloomington	IN	47401		\$ 12,033.00	\$ 2,406.60	\$ 1,082.95	Original Downtown
Walnut Street Partners LLC		P.O. Box 40	Bloomington	IN	47402	402 N. Walnut Street, Bloomington IN 47404	\$ 47,461.50	\$ 9,492.30	\$ 4,271.54	Original Downtown
AFR Partners, LLC		PO BOX 40	Bloomington	IN	47402	405-409 West Patterson, Bloomington, IN 47404	\$ 17,834.92	\$ 3,566.98	\$ 1,605.14	Thomson
Cook Pharmica						1501 S Strong Dr, Bloomington, IN	\$ 929,780.30	\$ 185,956.06	\$ 83,680.23	Thomson
Weston, Michael & Cindy	Weston Insurance Co.	1880 S. Walnut St.	Bloomington	IN	47403		\$ 3,662.77	\$ 732.55	\$ 329.65	Thomson
TOTALS							\$ 1,346,225.33	\$ 269,245.06	\$ 95,229.93	Walnut - Winslow

* Received EZID, but did not pay participation fee

ORDINANCE 13-06

**TO AMEND THE BLOOMINGTON ZONING MAPS FROM COMMERCIAL
ARTERIAL (CA) TO A PLANNED UNIT DEVELOPMENT (PUD) TO BE KNOWN AS
PATTERSON PARK AS WELL AS TO APPROVE A PRELIMINARY PLAN AND
DISTRICT ORDINANCE
- Re: 445 S. Patterson Drive
(Trinitas Ventures, LLC, Petitioner)**

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

WHEREAS, the Plan Commission has considered this case, PUD-39-12, and recommended that the petitioner, Trinitas Ventures, LLC, be granted a request to rezone the property to a Planned Unit Development. The Plan Commission thereby requests that the Common Council consider this petition;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the property located at 445 S. Patterson Drive shall be rezoned from Commercial Arterial (CA) to a Planned Unit Development (PUD). The property is further described as follows:

Lot 2 of the Patterson Park, Phase One; Final Plat, as shown by the recorded plat thereof, recorded in Plat Cabinet "C", envelope 330, in the Office of the Recorder of Monroe County, Indiana

ALSO:

Lot 5 of the Patterson Park, Phase Two; Final Plat, as shown by the recorded plat thereof, recorded in Plat Cabinet "C", envelope 401, in the Office of the Recorder of Monroe County, Indiana

ALSO:

Commencing at a P.K. nail found marking the northeast corner of the Northwest quarter of said Section 5; Thence on the north line of said Northwest quarter North 88 degrees 48 minutes 50 seconds West (basis of bearings being the plat of Patterson Park, Phase One; Final Plat, recorded as Instrument Number 2003011010 in Plat Cabinet "C", envelope 330, Monroe County Recorder) 972.50 feet; Thence leaving said north line of the Northwest quarter South 1 degree 11 minutes 10 seconds West 31.66 feet to a rebar with a surveyor cap found on the west line of a subdivision known as Weddle Park and recorded as Instrument Number 320910 in Plat Cabinet "C", envelope 85, Monroe County Recorder; Thence on the west line of Weddle Park and on and along the centerline of a creek South 28 degrees 18 minutes 36 seconds East 314.83 feet to a rebar with a surveyor cap found at the true Point of Beginning;

A part of Seminary Lots 137, 138, 143, 144, 145, and 146 in the City of Bloomington, as recorded in Deed Record Book "N" at page 503 in the office of the Recorder of Monroe County, Indiana, and with all being a part of Section 5, Township 8 North, Range 1 West, Perry Township, said county and state, more particularly described as follows:

Thence continuing South 28 degrees 18 minutes 36 seconds East 103.09 feet; Thence South 29 degrees 00 minutes 08 seconds East 251.30 feet; Thence South 27 degrees 44 minutes 02 seconds East 220.79 feet; Thence leaving the west line of Weddle Park and the creek South 82 degrees 20 minutes 34 seconds West 15.14 feet to a rebar found; Thence continuing South 82 degrees 20 minutes 34 seconds West 96.61 feet to a rebar with a surveyor cap found at the southeast corner of Lot 2 in Patterson Park, Phase One: Final Plat, recorded as Instrument Number 2003011010 in Plat Cabinet "C", envelope 330, Monroe County Recorder; Thence

on the boundary lines of Lot 2 North 36 degrees 02 minutes 25 seconds West 61.34 feet to a rebar found; Thence South 53 degrees 57 minutes 35 seconds West 38.00 feet to a MAG nail found; Thence North 36 degrees 02 minutes 25 seconds West 60.00 feet to a MAG nail found; Thence South 53 degrees 57 minutes 35 seconds West 50.00 feet to a rebar with a surveyor cap set; Thence South 36 degrees 02 minutes 25 seconds East 60.00 feet to a MAG nail found; Thence South 53 degrees 57 minutes 35 seconds West 165.66 feet to a MAG nail found on the east right of way line of Patterson Drive; Thence leaving the boundary lines of Lot 2 and on the Patterson Drive right of way line North 38 degrees 57 minutes 37 seconds West 341.22 feet to a rebar with a surveyor cap found at the beginning of a curve concave to the east and having a radius of 5003.01 feet; Thence on said curve Northwesterly 89.38 feet through a central angle of 1 degree 01 minute 25 seconds; Thence on a non-tangent line North 36 degrees 19 minutes 45 seconds West 167.71 feet to a rebar found; Thence North 14 degrees 05 minutes 03 seconds West 72.98 feet to a MAG nail found; Thence North 1 degree 16 minutes 51 seconds West 79.31 feet to a rebar found marking the southwest corner of Lot 5 in Patterson Park, Phase Two; Final Plat, recorded as Instrument Number 2005004879 in Plat Cabinet "D", envelope 1, Monroe County Recorder; Thence leaving the Patterson Drive right of way line and on the south line of Lot 5 North 90 degrees 00 minutes 00 seconds East 467.49 feet to the Point of Beginning containing within said bounds 5.999 acres according to a survey by Douglas R. Curry, Registered Surveyor No. 890006 in December of 2012.

SECTION 2. The Preliminary Plan and District Ordinance shall be approved and 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 _____, 2013.

DARRYL NEHER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2013.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2013.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance approves the rezoning of 8.49 acres located at 445 S. Patterson Drive from Commercial Arterial (CA) to Planned Unit Development (PUD) and approves the Preliminary Plan and District Ordinance for this property to allow for a mixed-use development.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 13-06 is a true and complete copy of Plan Commission Case Number PUD-39-12 which was given a recommendation of approval by a vote of 6 Ayes, 3 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on February 4, 2013.

Date: February 12, 2013



 Thomas B. Micuda, Secretary
 Plan Commission

Received by the Common Council Office this 12th day of FEBRUARY, 2013.



 Regina Moore, City Clerk

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

Appropriation Budget Transfer Salary Change Zoning Change New Fees	End of Program New Program Bonding Investments Annexation	Penal Ordinance Grant Approval Administrative Change Short-Term Borrowing Other
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If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

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

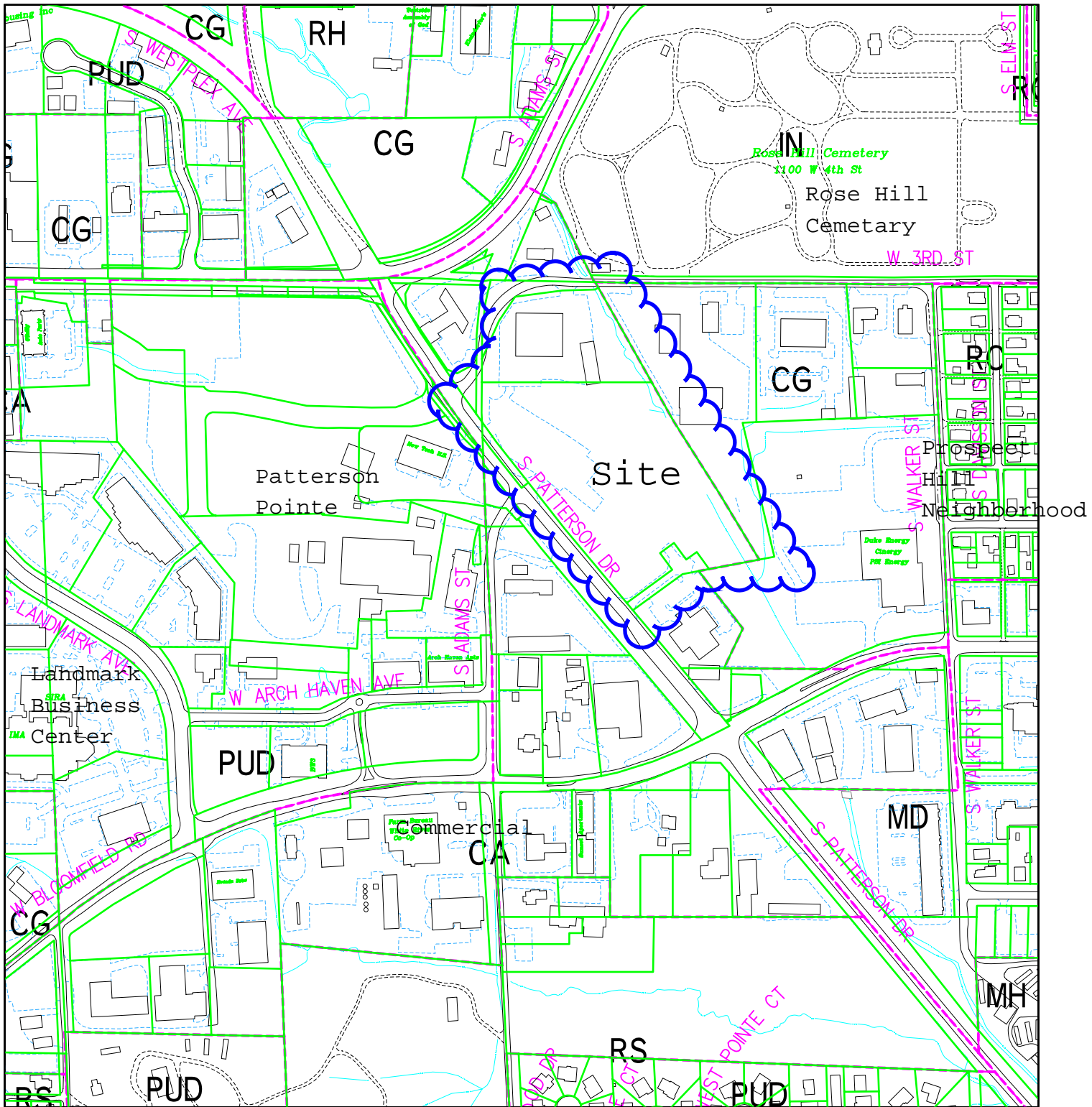
Signature of Controller

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

Yes _____ No _____

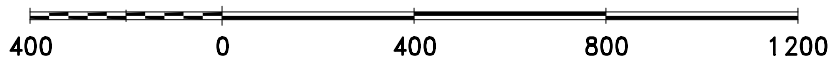
If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

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

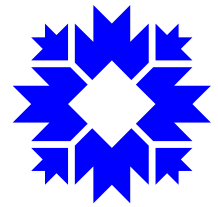


PUD-39-12 Trinitas
 445 S. Patterson Drive
 Location/Zoning/Land Use map
 Plan Commission

By: shapp
 3 Aug 12

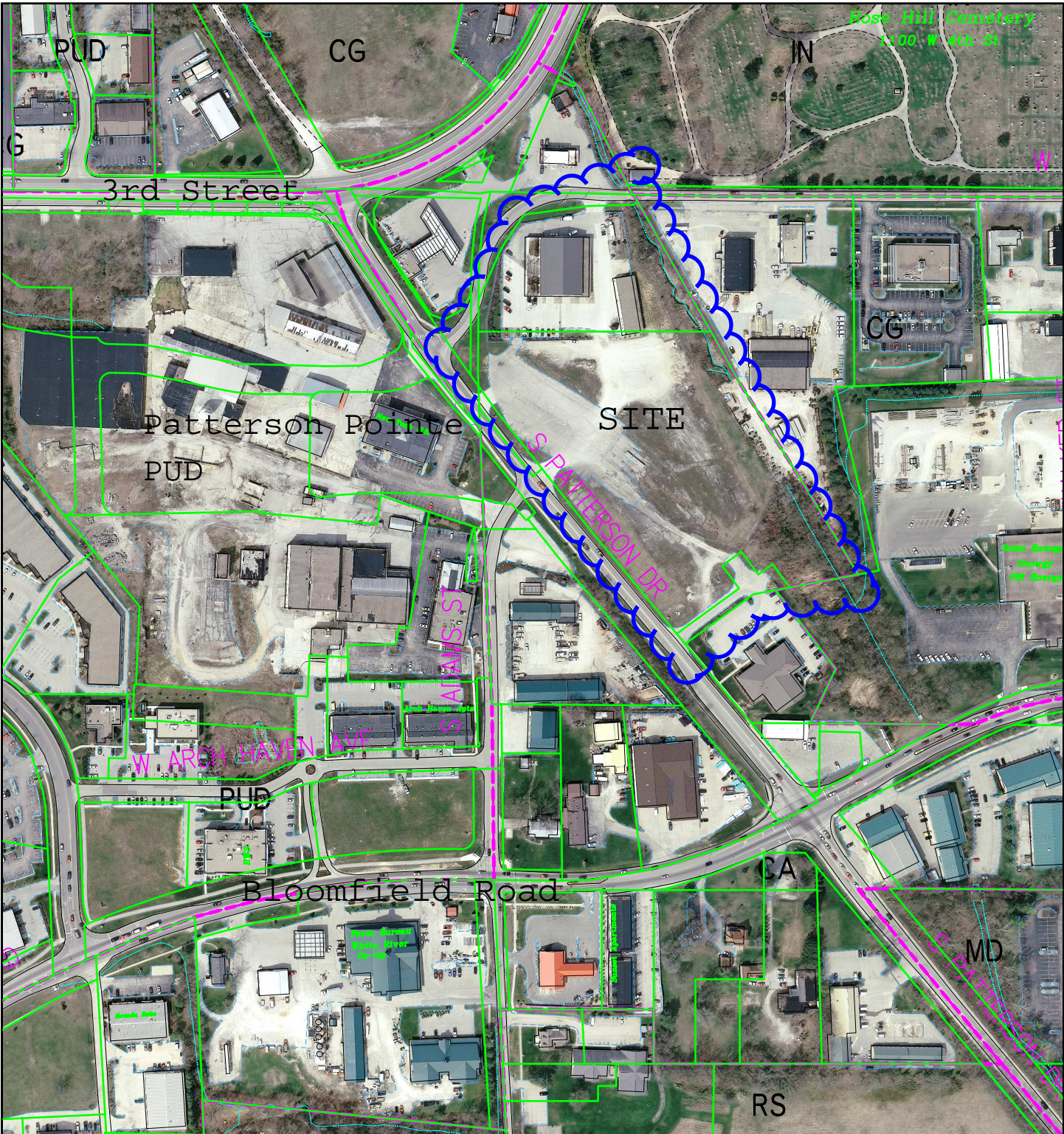


City of Bloomington
 Planning



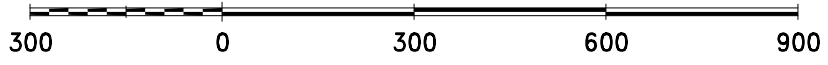
Scale: 1" = 400'

For reference only; map information NOT warranted.

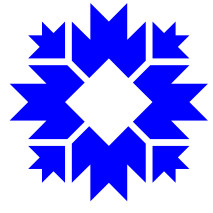


PUD-39-12 TRINITAS
 445 S. PATTERSON
 AERIAL PHOTO

By: shapp
 3 Aug 12



City of Bloomington
 Planning



Scale: 1" = 300'

For reference only; map information NOT warranted.

Interdepartmental Memo

To: Members of the Common Council
From: Patrick Shay, Development Review Manager
Subject: Case # PUD-39-12
Date: February 13, 2013

Attached are the staff reports, petitioner's statement, maps, and exhibits which pertain to Plan Commission Case # PUD-39-12. The Plan Commission heard this petition at its February 4, 2013 meeting and voted 6-3 to send this petition to the Common Council with a favorable recommendation.

REQUEST: The petitioners are requesting a rezone to Planned Unit Development (PUD) and approval of a Preliminary Plan and District Ordinance for 8.49 acres currently zoned Commercial Arterial.

REPORT: The petitioners are seeking to rezone 8.49 acres along the east side of S. Patterson Drive south of W. 3rd Street. The Commercial Arterial (CA) property includes a 2.25 acre tract that currently has an existing commercial truck maintenance facility and a larger vacant tract that has been used for parking in the past. Surrounding uses include a mixed-use PUD to the west, industrial to the east, an office to the south, and a gas station to the north. The property is also encumbered by a floodplain located along the eastern property line.

The current zoning on the property only permits residential units on the upper floors of any structures. The petitioners are seeking a PUD approval to allow for ground floor residential units to be constructed. The PUD would also increase the allowable density from 15 units/acre to 20 units/acre.

The proposed PUD includes three areas of development (Areas A-C). Area A is the southern portion of the site that includes 4.95 acres. This area has been designed to allow a multi-family development of up to 25 units/acre density with site serving services (leasing office, fitness center, etc.). Other commercial uses are not anticipated, but would still be permitted on this site. Area B is a 0.91 acre portion in the central portion of the site that fronts on Patterson Dr. This area is intended to be developed with a mixture of residential and non-residential uses with a minimum of 10,000 square feet of first floor non-residential space. Finally, Area C is proposed to have future redevelopment that would include additional multi-family units that would be designed and constructed in a separate and architecturally distinct manner from Area A.

The petitioner is proposing two future public rights-of-way across this site. These streets (Prospect St. and Howe St.) are desirable to gain future connectivity between Patterson Dr and the Prospect Hill neighborhood to the east. The proposed Preliminary Plan illustrates the location and width of the right-of-way for these streets. These rights-of-way would reduce the amount of developable land from 8.49 acres to approximately 7.07 acres.

The site also includes a riparian corridor and floodplain along the eastern property line. The petitioners will be working with staff to restore this area with future final plans. No development, except pedestrian amenities and eventually the two street extensions, is proposed for this area. The petitioners will seek state and federal permits to restore this area.

On-street Parking: The petitioners have explored the potential to add parallel parking on Patterson Drive. It has been determined that parallel spaces could be added along portions of Patterson Dr. and Old 3rd St. These spaces have been shown on the proposed Preliminary Plan. The addition of parking would include a reduction of lane width and pavement widening along the subject property.

Traffic Signal/Control Device: The final implementation of any on-street parking spaces would be done in conjunction with the implementation of a traffic signal or other traffic control device along Patterson Drive. There is a condition on development of the Patterson Pointe PUD to the west that a traffic signal be installed at the intersection of Old 3rd St. and Patterson Dr. With this new development request coupled with the connection of Adams Street to the Prospect Street extension, it is likely that the location of this signal will be shifted to this new intersection. Final resolution of this issue and the resultant on-street parking arrangement on Patterson Drive will be addressed with a more detailed study at Final Plan stage.

Non-Residential Space: This PUD was brought forward to essentially allow ground floor residential apartment units within a commercial district. In response to staff concerns, the petitioner has included a minimum of 10,000 square feet of first floor, non-residential space on Area B. The required square footage will not include any non-residential on-site services provided primarily for on-site residents. These will be provided in Area A.

The proposed District Ordinance also outlines other uses that would be allowed in the PUD. Although it is anticipated that the bulk of the property will be developed with residential structures, non-residential and mixed-use development would be a permitted alternative for this property. The Plan Commission found the proposed list of uses to be appropriate for the proposed PUD.

Density: The current density allowance for the property is 15 units/ac allowed on upper floors. With the addition of the two proposed public streets through the site, the overall acreage will decrease from 8.49 acres to approximately 7.07 acres. The Plan Commission recommended increasing the density to 20 units/acre for the net acreage. This would effectively increase the gross density of the property from the currently allowed 15 un/ac to approximately 16.7 un/ac. Furthermore, staff recommends creating individual maximums for each of the three areas. The petitioners have proposed the following density allotments:

	Acreage – Gross	Acreage – Net	Max. Density - Net	Approx. DUEs
Area A	4.95	3.53	25	88
Area B	0.91	0.91	15	14

Area C	2.63	2.63	15	39
Total	8.49	7.07	20	141

Occupancy: The petitioner has proposed to limit the occupancy of all units within the PUD to a maximum of 3 unrelated adults for any unit with 1-3 bedrooms, 4 unrelated adults for any 4 bedroom unit, and 5 unrelated adults for any 5 bedroom units.

Parking: The UDO does not require any parking for this property. The maximum number of parking spaces is based on the specific non-residential uses eventually constructed. It also would include 1 parking space per bedroom of residential use. The petitioners have proposed a slightly modified parking maximum. They have proposed 0.8 spaces per bedroom and a general 1 space per 250 square feet of non-residential space. These spaces could be shared between Areas A, B, and C.

The petitioners have also proposed to utilize compact car spaces. The UDO does not currently allow compact car spaces. The petitioners have proposed that a maximum of 20% of the parking spaces have reduced dimensions of 7.5 feet x 16 feet.

Bike Parking: The petitioners have proposed to increase the number of bicycle parking spaces that are required from 1 space per 6 bedrooms (multi-family) and 4 total spaces for the non-residential space to 50% of the number of vehicle parking spaces provided. They have also proposed to provide a minimum of 50% of these spaces as Class I spaces. Staff is very supportive of this proposal. Since parking for the multi-family units on this property is a maximum, the petitioner has committed that the total number of bicycle parking spaces shall not be less than the UDO standard of 1 space per 6 bedrooms regardless of the number of parking spaces provided.

Height: The petitioners are proposing structures between 2 and 4 stories for Area A with a maximum height limitation of 50 feet. Buildings along Patterson Dr. are proposed to be restricted to a maximum of 3 stories in height. Area B is proposed to be between 2 and 3 stories in height with a limitation of 50 feet. Area C is proposed to allow structures of 1 to 3 stories in height with a 35 foot height limitation.

Architecture: The petitioners have worked with staff to create architectural standards for the development. These standards are intended to create a minimum level of architectural detail for the proposed structures as well as to require architectural diversity between the three development areas. Although conceptual architecture has been submitted with this petition, specific architecture would be reviewed with future final plans.

Different standards have been created for residential and non-residential portions of buildings. These standards address several items such as massing, entry detailing, articulation, rooflines, eaves, diversity, and 360 degree architecture.

Pedestrian Facilities: Staff has determined that an 8-foot multi-use path is appropriate to be constructed on the east side of Patterson Drive and the south side of W. 3rd Street. The site will also be required to have a complete internal pedestrian network. The petitioners have also proposed to place an 8-foot multi-use path within the riparian buffer that would connect Patterson Drive at the southwest corner of the property to W. 3rd Street to the northeast corner of the property. This will create a looped pedestrian system of approximately 0.4 miles in length. The petitioners have proposed to install the path adjacent to Areas A and B with the first phase and construct the remaining portions of the path adjacent to Area C, including the portion within the riparian buffer, with redevelopment of Area C.

Setbacks: The Plan Commission allowed some flexibility in the siting of buildings along existing and future rights-of-way. The petitioner has proposed front yard setbacks that will achieve the Plan Commission’s stated goal of creating a hardscaped front setback of 20 feet between the curblineline of the adjacent street and the front of the proposed buildings. This area would also include 5’ x 5’ tree grates.

Neighbor’s Encroachment: The existing industrial use to the east currently encroaches onto a portion of the subject property. This paved encroachment is used as an outdoor storage yard. This encroachment is also located on top of an enclosed culvert within the regulated floodway. The petitioners have had discussions with the adjacent property owner. This approval would require the petitioner to resolve the encroachment (including the timing of removal and restoration of the area) with the first final plan of the PUD.

Impervious Surface Coverage: Similar to the proposed density allotments, different percentages of impervious surface coverage are proposed that would achieve compliance with the 60% coverage for the net acreage of the site. The site is proposed to have the following impervious surface coverage maximums:

	Acreage – Net	Maximum Impervious Surface Coverage
Area A	3.53	60%
Area B	0.91	70%
Area C	2.63	55%
Total	7.07	60%

Signage: The petitioners have proposed three freestanding ground signs of 32 square feet and 6 feet in height located at entrances onto 3rd St. and Patterson Dr. (2). The petitioners are proposing to use the general wall sign standards of the CA district for the non-residential portions of buildings and are also proposing to be able to place 1 projecting sign within Areas A and B subject to the projecting sign standards of the Commercial Downtown (CD) zoning district.

Alternate Site Plans: In discussions with members of the City Council, the petitioners were encouraged to explore an alternative site plan that created more of a streetscape between what will be Prospect Street and 3rd St. The petitioners’ submittal includes 2 Preliminary Plans. One shows an internal drive between

these streets with perpendicular parking and greenspace between structures at the western portion of Area C. The second site plan alternative shows this drive with parallel parking spaces on both sides of the drive with a traditional tree plot and sidewalk network. This site plan also shows a parking area in the same place as the greenspace in the first conceptual plan. The petitioners are expecting the Council to select one of the two conceptual plans as their preferred Preliminary Plan.

Phasing: The petitioners anticipate that Area A will be developed first in either 1 or 2 phases. It would be anticipated that Area B would be developed second, with Area C being developed last due to the existing business that is located on this portion of the property.

Plat: Due to the proposal to create 3 development areas, the discovery of an unvacated alley, and required environmental easements, the Plan Commission recommended that the petitioners receive a revised plat approval for this property prior to any building permit issuance.

Final Plans: The petitioners have proposed that the final plan for Area A be delegated to staff while final plans of Areas B and C be approved by the Plan Commission.

GROWTH POLICIES PLAN COMPLIANCE: With this request, the petitioners must demonstrate compliance with the Growth Policies Plan (GPP). This 8.49 acre site is within an area designated by the GPP as a "Community Activity Center (CAC)." The Plan Commission considered several relevant policies identified within the GPP, specifically those related to development of Community Activity Center areas (CACs):

- *Rather than serving a single neighborhood, commercial uses in and surrounding the CAC will be developed so as to be accessible to multiple neighborhoods by non-motorized means, without becoming a major destination for the entire City and/or region.*

The petitioners have increased the required amount of non-residential space from 5000 square feet to 10,000 square feet to be located in Area B. The PUD also allows a wide range of non-residential uses on all areas of the property. This non-residential space will be centrally located and will have additional pedestrian access to the surrounding development through the construction of several sidewalks and multi-use paths. Furthermore, the potential continued construction of the Prospect and Howe Street extensions to the east will allow the non-residential space to be accessed by the Prospect Hill neighborhood.

- *As the central commercial node of the surrounding area, public gathering space is an ideal addition to the mix of uses. Residents will need outdoor space to access, and public open space can provide a valuable amenity to customers of the commercial units.*

Although the petitioners have proposed common greenspace for the residents, they have also proposed to construct an 8' multi-use path through the floodplain area. This path will be placed in a pedestrian easement that will allow for public use. When this path is added to the proposed public sidepath along Patterson Dr. and 3rd St., a loop of 0.4 miles would be created with approximately half being placed within a riparian area to be restored with this development. Additionally, public gathering space along both Patterson Drive and Prospect Street is potentially available due to the commercial development proposed for Area B as well as the large sidewalk areas.

- *The primary land use in the CAC should be medium-scaled commercial retail and service uses*

Even though commercial uses would be allowed in the proposed PUD, a relatively small portion of the development is proposed as commercial. If the entire CAC is looked at to include the Patterson Pointe PUD, there is the potential for 40,000+ square feet of retail/office uses.

- *Residential units may also be developed as a component of the CAC, and would be most appropriate when uses are arranged as a central node rather than along a corridor.*

Staff has worked with the petitioners to revise their preliminary plan to create a break in the proposed residential streetscape with a commercial or mixed-use structure located at the intersection of S. Adams Street and Patterson Dr. Furthermore, the development has been separated into areas that will have distinct architectural characteristics and further achieve a nodal approach to the development.

- *Provision of public spaces should be used as an incentive to allow additional residential units or commercial space to be developed as part of the planning approval process.*

As previously stated, the petitioners are proposing to create a small looped path as well as wider sidewalk areas in an attempt to achieve this provision of the GPP.

- *Public Transit access should be a major component of the urban services provided for any Community Activity Center.*

Although transit service is not located immediately adjacent to the site, transit service is currently available to the north at W. 3rd St. and to the south on W. 2nd Street. In addition, the petitioners currently operate a private shuttle service to another local apartment complex, The Village at Muller Park. The petitioners have committed to providing shuttle service for this site as well. Provision for this service has been added as a condition of approval.

- *A formal streetscape will help to define a Community Activity Center as a distinct node of activity serving a group of neighborhoods.*

A formal streetscape is possible with this petition. Street trees and a sidepath would be installed with this petition along the entirety of Patterson Drive and 3rd St. Along Patterson Drive and Prospect Street, a wide sidewalk and tree grates will be used to create a downtown type environment. The petitioners have also shown how on-street parking could be provided into the design along Patterson Drive.

- *The CAC should take on the form of an urban center, with a pedestrian focus and several floors of usable space, both commercial and residential.*

Although the conceptual site plan creates an urban streetscape, the overall development still has some suburban elements. The inclusion of building forward design, future local street connections, potential on-street parking, and mix of uses and housing types helps better create the desired urban design.

- *Buildings should be developed with minimal street setbacks to increase pedestrian and transit accessibility.*

The proposed PUD allows for minimal street setbacks as does the existing zoning on the property. The petitioners' conceptual site plan shows a building forward urban streetscape along Patterson Dr.

- *Parking should be located and designed with an emphasis on minimizing pedestrian obstacles to accessing businesses.*

Staff finds that the proposed building forward design on all streets coupled with ample sidewalk network actually maximizes pedestrian usage.

- *Incentives should be created to encourage the inclusion of second-story residential units in the development of Community Activity Centers.*

The current zoning allows for second-story residential units up to 15 units/acre. The petitioners are asking for ground floor units in addition to upper floor units.

- *In order to buffer pedestrians on busy corridors as well as reduce off-street parking needs, on-street parking and tree plots should be encouraged in new developments and maintained on built roadways.*

Tree plots will be incorporated into any site design for this property. The petitioners have shown how on-street parking could be achieved on Patterson Drive, Old 3rd Street, and the internal streets.

In addition to these general policies toward CACs, the *Adams Street/Patterson Drive Subarea* provides specific policy guidance for the development of this property. The subarea includes recommendations concerning land use, urban

services and site design. Specifically, the following policy statements are noted (page 60 of the GPP):

- *Road upgrades will spark investment toward commercial retail facilities. Balancing these market demands with a need to further develop other types of nonresidential uses (employment based) will be critical.*

The subarea plan envisions a primarily non-residential use of this area. Although there is some non-residential use with this PUD, the project is predominantly residential in nature. Given the amount of existing office space in the Landmark area and potential commercial development (over 30,000 square feet on the Patterson Pointe PUD), staff finds it reasonable to add some significant residential density to the area.

- *New commercial and employment development in this Subarea should be accommodated with new transit stop facilities.*

Although transit service is located to the north and south of this property, there is no immediately adjacent transit service to this site. The petitioners are required to provide a residential shuttle service to the property.

- *Access to arterial roadways (3rd Street, Patterson Drive, Bloomfield Road) must be tightly controlled as part of the development review process.*

Only two access points are proposed on Patterson Dr. and one on 3rd St. With approximately 750 feet of street frontage along Patterson Dr. and 500 feet of frontage on 3rd St., staff finds the three access points to provide adequate access.

- *Redevelopment and intensification should be accompanied by increased landscaping, greenspace opportunities, and building forward design.*

The property has floodplain and riparian buffers located on the eastern portion of the site. Although the petitioners originally proposed a reduced greenspace standard for this site, they have now committed to meeting the current UDO maximum impervious surface coverage standards. Although more detail is needed, the petitioners are proposing to restore a large portion of floodplain and riparian buffer area with this petition.

- *Opportunities for additional stormwater detention as well as pedestrian connectivity between Bloomfield Road and West 3rd Street should also be considered for this area.*

The petitioners are required to incorporate water quality features for the proposal.

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

1.) The first sentence under Floodway: in the PUD Outline Plan shall be changed to read “The project will preserve the floodway and the floodway fringe, which together make up the floodplain, and will also protect the riparian buffer.”

Staff’s Response: Staff agrees with this recommendation and has added this as a proposed condition of approval.

2.) The riparian buffer and the floodplain shall both be placed within a preservation/conservation easement on the plat, and a Facilities Plan shall be created and approved.

Staff’s Response: This is already a requirement that will be addressed with the future final plan for this area.

3.) Green Infrastructure BMPs, specifically daylighting the buried section of the creek and constructing linear rain gardens adjacent to parking lots, shall be required in this PUD.

Staff’s Response: Although desirable, full daylighting of this section of the creek is difficult to accomplish without more ownership on the east side of the piped area. Staff agrees that this issue should be further explored with the future final plan for Area A.

4.) On page 14 of the Outline Plan, the fourth paragraph references “redevelopment of the stream.” Currently there is no plan for redevelopment or restoration. The EC recommends that the Petitioner develop a restoration plan for the entire stream at this time, which includes daylighting it.

Staff’s Response: Staff agrees that a more detailed restoration plan must be developed and recommends that such a plan be approved with the first final plan.

5.) The Petitioner shall provide space for recyclable materials to be stored for collection, and a recycling contractor to pick it up.

Staff’s Response: During the Plan Commission meeting, the petitioner indicated that this service would be provided.

CONCLUSION: The Plan Commission found that the petitioner’s proposal allows a balanced redevelopment of this area that is consistent with the goals and policies of the Growth Policies Plan. This is an important and large property centrally located with good proximity to services and is not located immediately adjacent to a single family neighborhood. The proposed development will also provide additional density to strengthen the viability of the adjacent Patterson Pointe PUD. The Plan Commission also found that the proposal will be consistent with the area in terms of density, massing, and uses. The inclusion of commercial space and mixture of housing types, coupled with the potential street connectivity, better reflect the recommendations of the Growth Policies Plan for Community Activity Center development.

RECOMMENDATION: The Plan Commission voted 6-3 to forward case #PUD-39-12 to the Common Council with a positive recommendation, subject to the following conditions:

- 1) The maximum density, maximum impervious surface coverage, setbacks, and height shall be as recommended by staff within this report except that the setbacks along Patterson Dr. and the first block of Prospect will be determined in a manner that maximizes the sidewalk width from the curb to the building with a maximum of 20 feet, if possible, subject to staff approval. **(Addressed by revised District Ordinance)**
- 2) The code citations for signage in the District Ordinance shall be corrected. **(Addressed by revised District Ordinance)**
- 3) Bicycle parking shall be required as proposed by the petitioner with no less than 1 space per 6 bedrooms being provided. These spaces must be distributed between the proposed structures. **(Addressed by revised District Ordinance)**
- 4) The height of buildings in Areas A and B shall be limited to 50 feet. All roof overhangs shall be required to be a minimum of 2 feet. **(Addressed by revised District Ordinance)**
- 5) Maximum occupancy of these units shall be 3 unrelated adults for all 1, 2, and 3 bedroom units, 4 unrelated adults for 4 bedroom units, and 5 for all 5 bedroom units. **(Addressed by revised District Ordinance)**
- 6) With the first final plan for this PUD, the petitioner must work with staff to develop a restoration plan for the riparian/floodplain area that addresses disturbance, plantings, and removes the existing encroachment.
- 7) The petitioner must maintain a private shuttle service to downtown and campus unless this condition is altered by the Plan Commission in the future due to availability of public transit service on Patterson Drive. **(Addressed by revised District Ordinance)**
- 8) The petitioner must remove the "Building Orientation and Frontage" section of the District Ordinance proposal. **(Addressed by revised District Ordinance)**
- 9) The conceptual site plans are illustrative and do not constitute site plan approval. Items such as but not limited to street trees, sidewalks, ramps, architecture, setbacks, and parking will be approved with the final plans.
- 10) No work within the floodplain is permitted prior to the issuance of all required state and federal permits.
- 11) Prior to any building permit issuance, the petitioner must receive preliminary and final plat approval of a revised plat for the entire PUD. This plat must include language regarding the future dedication and construction of the two proposed local streets (Prospect St. and Howe St.). A recordable commitment requiring the future dedication of right-of-way and construction of the streets to the east property lines must be included on the deeds for the corresponding lots on the plat.
- 12) References to "floodway" within the District Ordinance must be revised to "floodplain". All floodplain areas and riparian buffer areas must be placed within conservation easements per the UDO on the plat. The multi-use trail within this area must also be placed within a pedestrian easement.

- 13) The petitioner must revise the Preliminary Plan and District Ordinance to reflect this approval prior to submittal to the Common Council.
(Addressed by revised District Ordinance)
- 14) The petitioner must submit a traffic study with the first final plan to analyze the appropriate street and intersection design as well as the appropriate location for the required traffic control device. Staff must approve the scope of analysis and the final recommendations prior to the installation of public improvements.

Patterson Park Planned Unit Development



Patterson Park PUD Outline Plan

August 11, 2012

Updated, January 30, 2013

Prepared by

Trinitas Ventures, LLC

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Patterson Park

Planned Unit Development

The Patterson Park Planned Unit Development proposes the redevelopment of a vacant former industrial site and a partially occupied truck-maintenance facility into a mixed-use development that will achieve compact urban form and spur redevelopment activity in the area. The site has been an eyesore for the City of Bloomington since the construction of Patterson Drive, and their aesthetic value, economy, and functionality will be substantially improved by the proposed redevelopment.

The plan promotes further redevelopment through changing the nature of this former industrial area by converting nearly nine (9) acres to residential and commercial uses. This development is a mixed-use planned development that is predominantly multi-family on the south, mixed use in the center, and residential to the north.

The density is consistent with adjacent properties and its design and requirements are comparable to the Patterson Pointe PUD to the west, which was approved in 2009. The development proposes three to four-story townhome-style structures, commercial space, and a mixture of one, two, three, four, and five-bedroom units at the intersection of Patterson Drive and Adams Street. The plan not only focuses the development towards Patterson Drive and away from the floodway and traditional residential development to the east but also allows for future connectivity. Although on-street parking is not required, the PUD commits to providing on-street parking on Patterson Drive, Old 3rd Street, and along two internal street extensions known as Prospect Street and Howe Street.

The project will blend the residential area to the east and the commercial area to the west with a transitional use of appropriate design and density. As this site redevelops with a new-urbanism style, the adjacent areas will be supported by the additional residents that can walk to the retail, office, restaurants, and services located within one-half mile of the property.

The diverse residents (Student, Seniors and Families) will provide necessary residential base to support the additional retail planned for the Third Street Corridor, and the construction of residential units between 2nd and 3rd streets will create the ability to walk to the neighborhood that serves commercial properties to the north and south. The Growth Policy Plan calls for compact urban form as the first goal of the plan. It calls for maximizing existing infrastructure to limit expenditures on the public and limiting the need for sprawl. This proposal utilizes compact urban form as the basis for the site design. Policy two of the Growth Policy Plan is Sustain

Economic and Cultural Vibrancy. This PUD fulfills that policy by spurring redevelopment activity along an important, but underutilized arterial street corridor.

The plan attains compact urban form by maximizing existing infrastructure to reduce public expenditures and limit suburban sprawl, mitigating traffic congestion, providing pedestrian access to downtown amenities, and capitalizing on two nearby Bloomington Transit routes.

The Patterson Corridor is well-situated for pedestrian oriented developments. The site is located within 1.5 miles from employment opportunities, Indiana University, downtown, IU Health Bloomington Hospital, and the former Thomson facility and is well-served by public transportation with bus service every 30 minutes on both 2nd Street to the south and Kirkwood/3rd Street to the north.

The redevelopment extends the traditional neighborhood design within the existing street network by constructing residential style streets (public and private) as well as pedestrian paths to provide residents with an urban living experience. This type of development allows for compact urban form outside the downtown core but well within the urban-service boundaries and allows for access to the amenities of Downtown Bloomington—only 1 mile away—while still maintaining a neighborhood experience and a sense of place.

The internal roadways system is designed to enhance the pedestrian experience both along Patterson Drive and along the internal systems. The extensions of Howe Street and Prospect Street have been designed as public streets with on-street parking, sidewalks, and tree plots. Parking areas have been designed internal to the site and to allow for connectivity to the area and access for emergency vehicles. The parking area is intended for the storage of automobiles, therefore it is screened from the street as much as possible.

Concern for green space and open space is a key component of the design. Common courtyards, backyards, open space, and recreational spaces allow residents and visitors to gather as a community. The area along the creek will be improved and include a pathway and passive recreational areas.

In addition to the roadway design, green space, and existing public transportation that promote sustainability, Trinitas will provide private shuttle service for its residents. This service will serve the downtown commercial district, the campus and other shopping opportunities seven days a week. The service will often run late-night hours to provide residents safe access to the downtown nightlife as well as west-side shopping. Indeed, the comprehensive availability of alternative transportation coupled with the functionality of design will greatly reduce the negative effects of automobile usage a new development may bring to the area.

The project proposes to redevelop a brown field site well within the urban service boundary of the City to promote economic activity in the area while adding new-urbanism concepts. This development will greatly enhance the City of Bloomington as well as fulfill the housing and commercial needs of its residents.

Development Areas and Land Uses Standards

Patterson Park Planned Unit Development proposes residential and commercial mixed uses that complement the surrounding areas. The design provides for flexibility and interaction between the existing commercial and residential in the area as well as the New Tech High School located directly across Patterson Drive.

The standards are based on those in the Unified Development Ordinance High Density Residential and Commercial Arterial districts. The property is currently zoned Commercial Arterial; thus, the use of these standards is consistent with the area and existing code requirements. As shown on the attached map, the site is divided into three areas—each with similar land-use standards. Area’s A and C will have development standards based on the RH district, unless otherwise stated. Area B will have development standards based on the CA district, unless otherwise stated. Final site plans may vary from what is illustrated in this outline plan but will still meet the overall standards for the planned unit development.

Development Standards - The following development standards shall apply to the overall development.

Architecture: The buildings in Areas A, B, and C will have the exterior architectural controls and guidelines listed below. These guidelines are intended to establish an attractive pedestrian streetscape in combination with new-urbanism principles. Residential structures may have a downtown-style, townhouse-style, or a combination of each. Those walls not visible from the public street shall have finished facades that are complementary to the visible facades in terms of materials and architectural detailing.

Residential Architecture – Any portion of a building that is intended for residential use must meet the following standards:

- Windows must be incorporated into all elevations so that sections of blank wall do not exceed 40 feet along any individual story of the building.
- All windows on facades utilizing horizontal siding must include trim boards of a minimum 2 inches in width and of a contrasting color to the main wall. Facades utilizing masonry materials must incorporate pronounced sill and lintels.
- Rooflines may not exceed 100 feet without an architectural change in style, height, or a façade recession or projection of a minimum of 4 feet in depth.

- No building shall exceed 200 feet in length.
- No building may have more than 40 feet between pedestrian entries on any facade visible from a public street
- All pedestrian entries must include architectural details such as, but not limited to, pilasters, recessed entry façade, arches, and porches, so as to make the entry prominent.
- Buildings utilizing sloped roofs must have a minimum slope of 4:12 and contain eaves that extend a minimum of 1 foot from the supporting wall.
- Buildings utilizing flat roofs must install a white membrane roof or vegetated green roof and must also utilize a parapet wall.

Non-residential Architecture – Any portion of a building façade that is designed to accommodate a non-residential use must include the following architectural items:

- Storefront glass on no less than 50% of the first floor façade visible from a public street.
- Awnings must be incorporated into a minimum 50% of storefront windows with a minimum cumulative width no less than 20% of the building frontage.
- A decorative base and building cap must be utilized.
- Primary pedestrian entries must include:
 - Recessed entry of a minimum 4 feet in depth
 - Architectural details such as, but not limited to, pilasters, raised parapet, recessed entry façade, and/or arches so as to make the entry prominent.

Architectural diversity – Residential structures in Area C must be architecturally dissimilar to residential structures located in Area A

360* architecture - All sides of individual buildings shall have a finished façade that is complementary to the main façade in terms of materials and architectural detailing.

Any building facing a public street must include sidewalk connections to adjacent sidewalks from all pedestrian entries.

The submitted architectural renderings are intended to illustrate the proposed quality and character of buildings to be constructed within the development. Detailed architectural drawings and elevations will be submitted to the staff and/or Plan Commission for review and approval with future final plans.

Building Orientation and Frontage: Entrances along Patterson Drive and Prospect Street shall have one entrance at least every 100 feet. Facades facing Patterson Drive and Prospect Street shall not have a blank uninterrupted length exceeding 40 feet. The facades facing Patterson Drive and Prospect Street shall include at least three of the following elements:

Building Setback standards: If any property lines should be created, these property lines shall not require side, front, or rear setbacks for buildings or parking as defined in the Unified Development Ordinance (“UDO”), unless otherwise stated herein. Front setbacks are as noted below:

- Patterson Drive
 - 1 foot for building #1
 - 3 feet for building #2
 - 10 feet for buildings #8 and 9
- Old West Third Street
 - 10 feet for buildings #10, #11, #12, #16
- Proposed Prospect Street
 - 10 feet for building #8
 - 3 feet for building #16
 - 2.5 feet for building #2
- Proposed Howe Street
 - 2.5 feet for building #3 and 5

Dwelling Units (Maximum Residential Density): A maximum of 20 units per acre (utilizing the DUE system) of the UDO shall be allowed and shall be weighted based on the number of bedrooms and square footage as follows:

- One Bedroom with less than 700 Square feet = 0.25 unit
- Two Bedroom with less than 950 Square feet = 0.66 unit
- Three Bedroom = 1 unit
- Four Bedroom = 1.5 units
- Five Bedroom = 2 units

Floodway: The project will preserve the floodway and the riparian area. Development within the area is limited to public infrastructure and recreational facilities. The owner will work with the Planning Staff and the Indiana Department of Natural Resources to secure the necessary permits and complete restoration prior to occupancy.

Materials: The following materials are permitted as primary exterior finish materials on facades:

- Brick
- Split face or ground face CMU
- Limestone
- Cement board lap siding
- Transparent glass

The following materials are permitted as secondary finish materials on facades:

- Transparent glass
- Cement board lap siding
- Limestone
- Metal
- Brick
- Split face or ground face CMU

Maximum Impervious Surface Coverage: The requirements shall be met by each Area or as an aggregate of the PUD as a whole but do not need to be met by an individual parcel. The maximum coverage area shall be 60 percent. The pervious area shall consist of grass, landscaping, stream, planters or other pervious materials.

Parking requirements: The requirements shall be met by each Area or as an aggregate of the PUD as a whole, but do not need to be met by an individual parcel.

- Parking shall be no more than 0.8 spaces per bedroom for residential uses.
- Parking for commercial uses shall not exceed one space per 250 square feet. Parking shall have rear yard and side yard setback of seven feet.
- Parking requirements may be calculated and shared across Areas A, B, and C.
- Parking may have no more than 20 percent compact automobile spaces and shall be a minimum of 16 feet in depth and 7.5 feet in width.
- Bicycle Parking shall be 50 percent of the automobile parking provided, of which 50 percent shall be Class I. Such parking will be dispersed throughout the project.
- Parking setback shall be
 - 20 feet behind front of buildings fronting Patterson Drive and Old 3rd Street
 - 6 feet behind front of buildings fronting on future Howe Street
 - 0 feet behind front of buildings fronting on future Prospect Street

Pedestrian access: The project is well-served by transit services and has potential for private, point-to-point service, thus reducing the need for the personal automobile. As a result, the project should be well-connected for pedestrian access within and throughout the project to allow easy access to other transportation options. This connectivity will be best accomplished by a series of interconnected sidewalks and pathways.

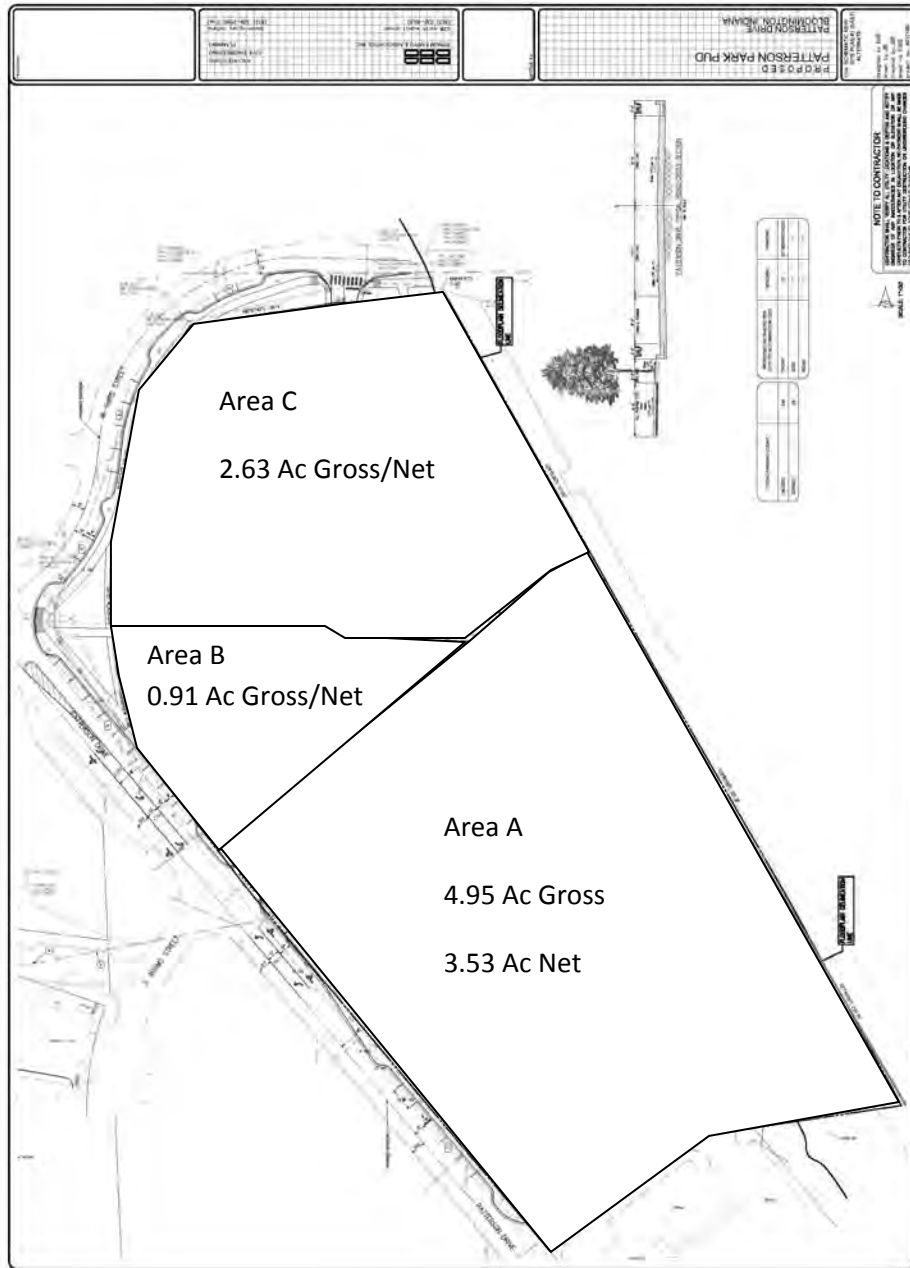
Property Lines: If any property lines are created, they are not subject to the lot and setback requirements of the UDO. Said property lines shall not require side, front or rear setback for buildings or parking as defined in the UDO, unless otherwise stated herein.

Services (including mechanical, utility and trash services): Utility services boxes, telecommunication devices, cables, vents, flues, chillers, fans, trash receptacles, dumpsters and service bays located on private property shall be screened from view from the public street. No dumpsters will be located within the front setback area of any public street.

Sign Standards: The project will potentially have three, free-standing signs located near the entrances at Patterson and Third Street. Each of these signs shall have a maximum square footage of 32 square feet per side and have a maximum height of six feet. Wall signs are allowed on primary commercial structures that conform to the UDO (20.05.079). Wall signs are not permitted on primary residential structures. Projection signs shall be allowed on a single structure in Area A and Area B in accordance with the UDO (20.05.084), however limited to one sign per Area.

Windows: Windows shall comprise a minimum of 20 percent of the wall area of each floor above the first floor on elevations facing Patterson Drive, Prospect Street, Old Third Street and Howe Street.

Map of Areas A, B and C



Approximate Scale

Areas A and B Areas A and B are located along the east side of Patterson Drive. These areas shall have buildings along Patterson Drive with a building forward design and maintain a setback to allow for on-street parking. Parking for buildings fronting Patterson Drive shall be located behind the buildings.

Prospect Street is designed to be a public street with two-sided angled parking, sidewalk and tree plot. Construction of the extension of Prospect Street will be constructed only to the floodway; however, right-of-way for the street will extend to the eastern property line and will be dedicated to allow for future construction and connectivity.

The development design of Areas A and B is intended to provide a commercial area at the intersection of Patterson and Adams/Prospect with commercial style buildings and uses that create an interaction between the street and the structures. The buildings are intended to have active uses on the main level at the intersection to create a walkable sense of place. Uses on the street level may include residences; however, residential uses are discouraged at the intersection of Patterson Drive and Prospect Street. Commercial uses are intended to be predominately area serving, with those north of Prospect Street (Area B) required to be more than just resident serving. Uses on the south side of Prospect Street (Area A) may include resident uses and including but not limited to a Community Center, Fitness Center, Health Spa, Leasing Office, and Recreation Center. Buildings in Area A may be developed as two-four (2-4) stories with flat or pitched roofs not to exceed fifty-five (55) feet. Buildings on the north side of Prospect Street (Area B) may be developed as two-three (2-3) stories with flat or pitched roofs not to exceed 50 feet.

Area A (4.95 Acres Gross, 3.53 Acres Net)

Area A shall have buildings along Patterson Drive with a building forward design and maintain a setback to allow for on street parking. The streetscape will include a five-foot tree plot and a side path. Buildings in Area A may be developed as two to four (2-4) stories with flat or pitched roofs not to exceed fifty-five (55) feet. The buildings along Patterson Drive are limited to three (3) stories.

The main floor of the buildings in Area A may include residential uses, although at least 6,000 square feet at Patterson Drive and Prospect Street will not be a residential use. An allowed list is included for both residential and non-residential buildings. Most of the buildings are envisioned to be three to four stories high and have pedestrian entrances every 100 feet.

The following development standards shall apply to Area A:

- Building Height shall be maximum of 55 feet and minimum of 25 feet.
- Maximum impervious services shall not exceed 60%.
- Maximum residential density – maximum of 20 units per acre as an aggregate of the PUD with a maximum of 25 units per net acre.
 - One, two, three, four and five-bedroom units are allowed.
 - Occupancy is limited four persons in any four-bedroom unit and five persons in any five-bedroom unit.

The following uses shall be allowed in Area A (**non-residential uses will be limited to no greater than 10,000 square feet**).

Apparel and shoe sales	Art gallery
Art studio	Arts/Crafts/Hobby store
Barber/Beauty shop	Bicycle sales and repairs
Billiard/Arcade room	Bookstore
Business/Professional office	Cellular phone/Pager services
Community center	Computer sales
Copy center	Dwelling multi-family
Fitness center/Gym	Fitness/Training studio
Florist	Gift shop
Health spa	Jewelry shop
Music/Media sales	Office Supply sales
Photographic studio	Recreation center
Restaurant, limited service	Retail-low intensity
Social Services	Tailor/Seamstress shop
Tanning salon	

Area B (0.91 Acres)

Area B shall have buildings along Patterson Drive with a building forward design and maintain a setback to allow for on-street parking. The streetscape will include a five-foot tree plot and a side path. Buildings in Area B may be developed as two-three (2-3) stories with flat or pitched roofs not to exceed fifty (50) feet.

The main floor of the buildings may include residential uses, although at least 10,000 square feet at Patterson Drive and Prospect Street must have first floor nonresidential space, the use of which will be extended to non-residents as well as residents of the PUD. This structure may or may not have residential units above the main level. An allowed list of uses for both residential and non-residential buildings is described below.

The following development standards shall apply to Area B:

- Building Height shall be a maximum of 50 feet and minimum of 20 feet.
- Maximum impervious services shall not exceed 70%.
- Maximum residential density – maximum of 20 units per acre as an aggregate of the PUD with a maximum of 25 units per net acre.
 - One, two, three, four and five-bedroom units are allowed.
 - Occupancy is limited to four persons in any four-bedroom unit and five persons for any five-bedroom unit.

The following uses as well as those uses allowed in Area A shall be allowed in Area B:

Auto Parts sales	Bank/Credit Union
Brewpub	Convenience store (without gas)
Drug Store	Day Care center –adult
Day Care center - child	Government offices
Grocery/supermarket	Medical clinic
Research center	Restaurant

Area C (2.63 Acres)

Area C will allow for the use of the existing structure or will have new buildings. Any new buildings constructed in Area C may include residential uses on the main floor and may be developed as one to three stories tall with flat or pitched roofs not to exceed 35 feet with a preference that they be two-three (2-3) stories tall. An entrance to the property will be placed at the existing entrance on Third Street. Parking for buildings fronting Patterson Drive shall be located behind the buildings. The streetscape will include a five-foot tree plot and a side path or sidewalk. An allowed list of uses for both residential and non-residential buildings is described below.

The following development standards shall apply to Area C:

- Building Height of new structures shall be a maximum of 35 feet and minimum of 16 feet.
- Buildings shall not exceed 75 feet in length.
- Maximum impervious services shall not exceed 60%.
- Maximum residential density – maximum of 20 units per acre as an aggregate of the PUD with a maximum of 18 units per net acre.
 - One, two, three, four and five-bedroom units are allowed.
 - Occupancy is limited to four persons in any four-bedroom unit and five persons for any five-bedroom unit.

The following uses as well as those uses allowed in Area A shall be allowed in Area C:

Auto Parts sales	Bank/Credit Union
Brewpub	Convenience store (without gas)
Drug Store	Day Care center –adult
Day Care center - child	Dwelling single-family
Government offices	Grocery/supermarket
Medical clinic	Research center
Restaurant	School-trade or business
Tanning salon	Transportation terminal

Project Schedule:

Areas A and B will be developed first because they are vacant and immediately ready for redevelopment. The proposed residential units for these areas will support the existing and any potential new commercial development, including Patterson Pointe and the existing development along Third and Second Streets. The development of Area A is proposed to begin in the Spring of 2013 and be completed prior to the fall of 2014. Area A may be developed as one or two phases depending on market demand. Final Plan approval of Area A is delegated to staff to allow for construction to start as soon as possible.

Area B residential development may occur with Area A or later. The commercial building on Area B is anticipated to be built for a specific tenant or when several tenants are secured, the specific timing of which is not known. Final Plan approval of Area B is delegated to the Plan Commission

Area C will be developed when the existing user of the large building on Area C no longer remains on the property. Final Plan approval of area C is delegated to Plan Commission.

Mass grading of the site will be completed with the first phase; however, utility relocation may be congruent with the phasing of the development. The extension of Prospect Street will be constructed to the floodway with the first area of development. Redevelopment of the stream areas will be with each adjacent area (A or C).

The intersection improvements at Patterson and Adams/Prospect will be completed as required by City Staff and as determined by final plan and most likely will be completed prior to occupancy of any area of development.

The streetscape and public improvements along Patterson Drive will be completed prior to occupancy of the first phase of development and include public improvements in both areas A and B. The public improvements along Old Third Street will be completed at the time the redevelopment of Area C occurs.

Examples of Structures







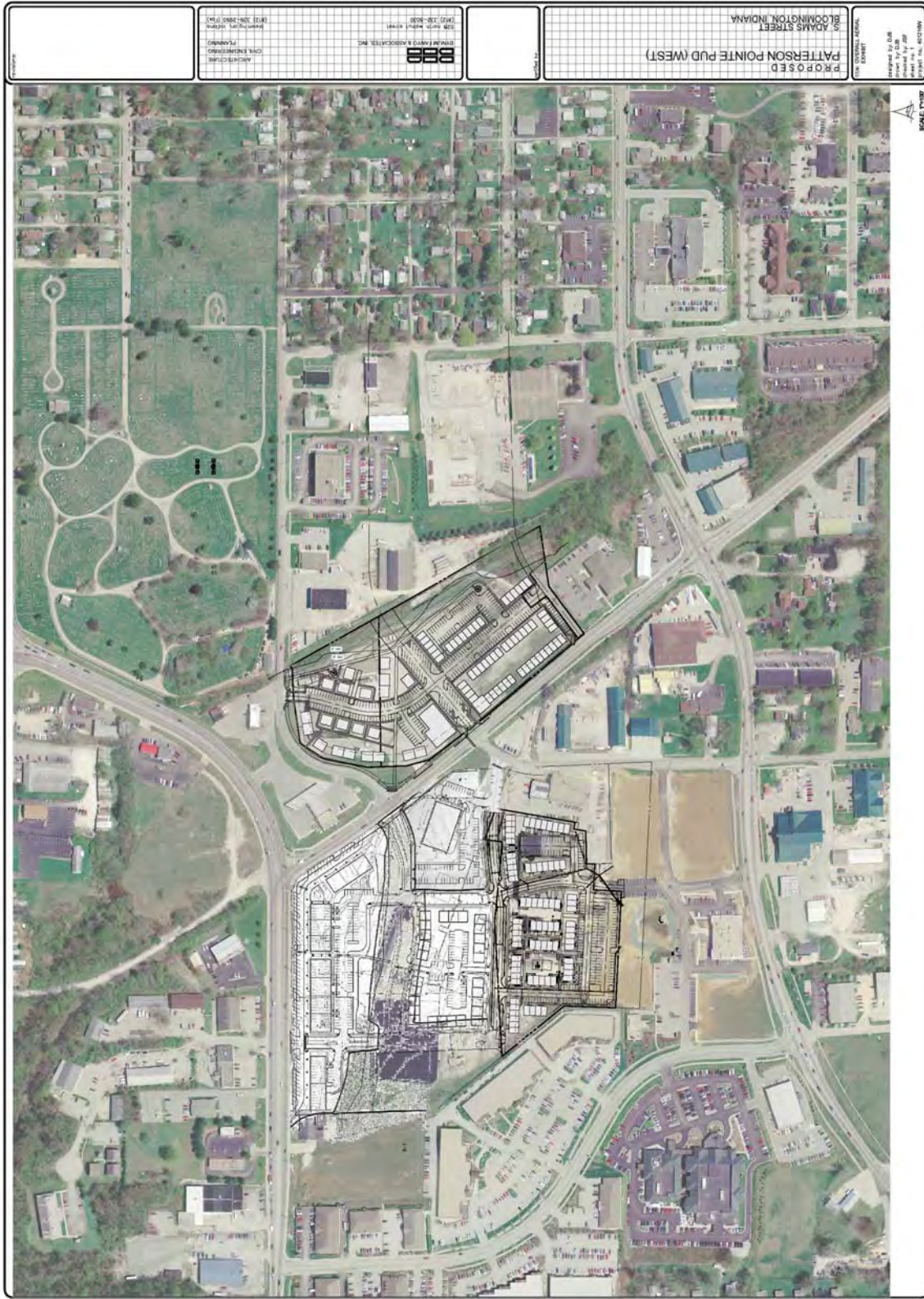
TRINITAS®

PATTERSON PARK
Bloomington, IN
DECEMBER 18, 2012 PROJECT #2073

CSO Architects
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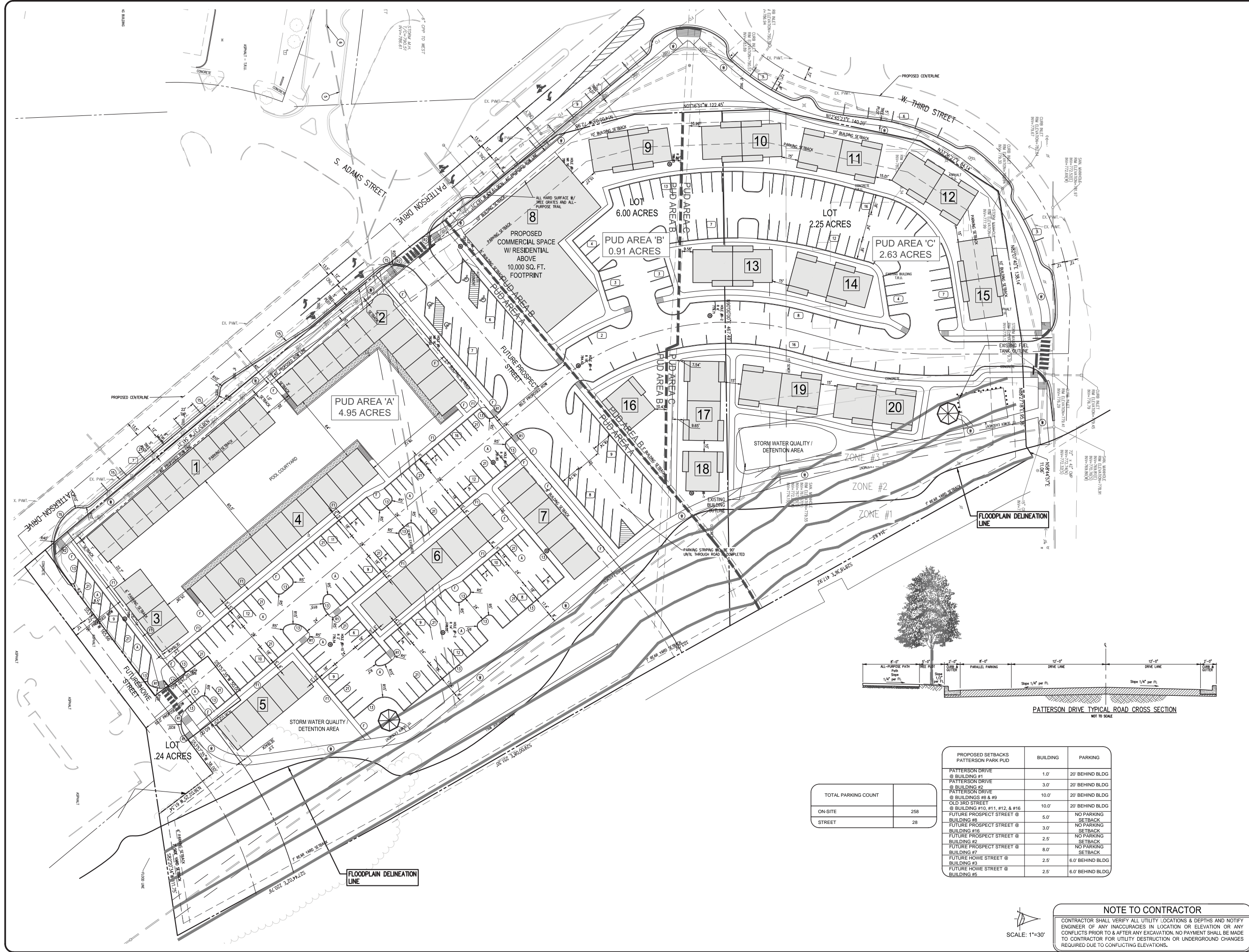


Area Map, Including proposed Patterson Park PUD and Approved Patterson Pointe PUD.



Map of Patterson Drive and PUD.





TOTAL PARKING COUNT	
ON-SITE	258
STREET	28

PROPOSED SETBACKS PATTERSON PARK PUD	BUILDING	PARKING
PATTERSON DRIVE @ BUILDING #1	1.0'	20' BEHIND BLDG
PATTERSON DRIVE @ BUILDING #2	3.0'	20' BEHIND BLDG
PATTERSON DRIVE @ BUILDINGS #8 & #9	10.0'	20' BEHIND BLDG
OLD 3RD STREET @ BUILDING #10, #11, #12, & #16	10.0'	20' BEHIND BLDG
FUTURE PROSPECT STREET @ BUILDING #8	5.0'	NO PARKING SETBACK
FUTURE PROSPECT STREET @ BUILDING #16	3.0'	NO PARKING SETBACK
FUTURE PROSPECT STREET @ BUILDING #2	2.5'	NO PARKING SETBACK
FUTURE PROSPECT STREET @ BUILDING #7	8.0'	NO PARKING SETBACK
FUTURE HOWE STREET @ BUILDING #3	2.5'	6.0' BEHIND BLDG
FUTURE HOWE STREET @ BUILDING #5	2.5'	6.0' BEHIND BLDG

NOTE TO CONTRACTOR
 CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

revisions:

ARCHITECTURE
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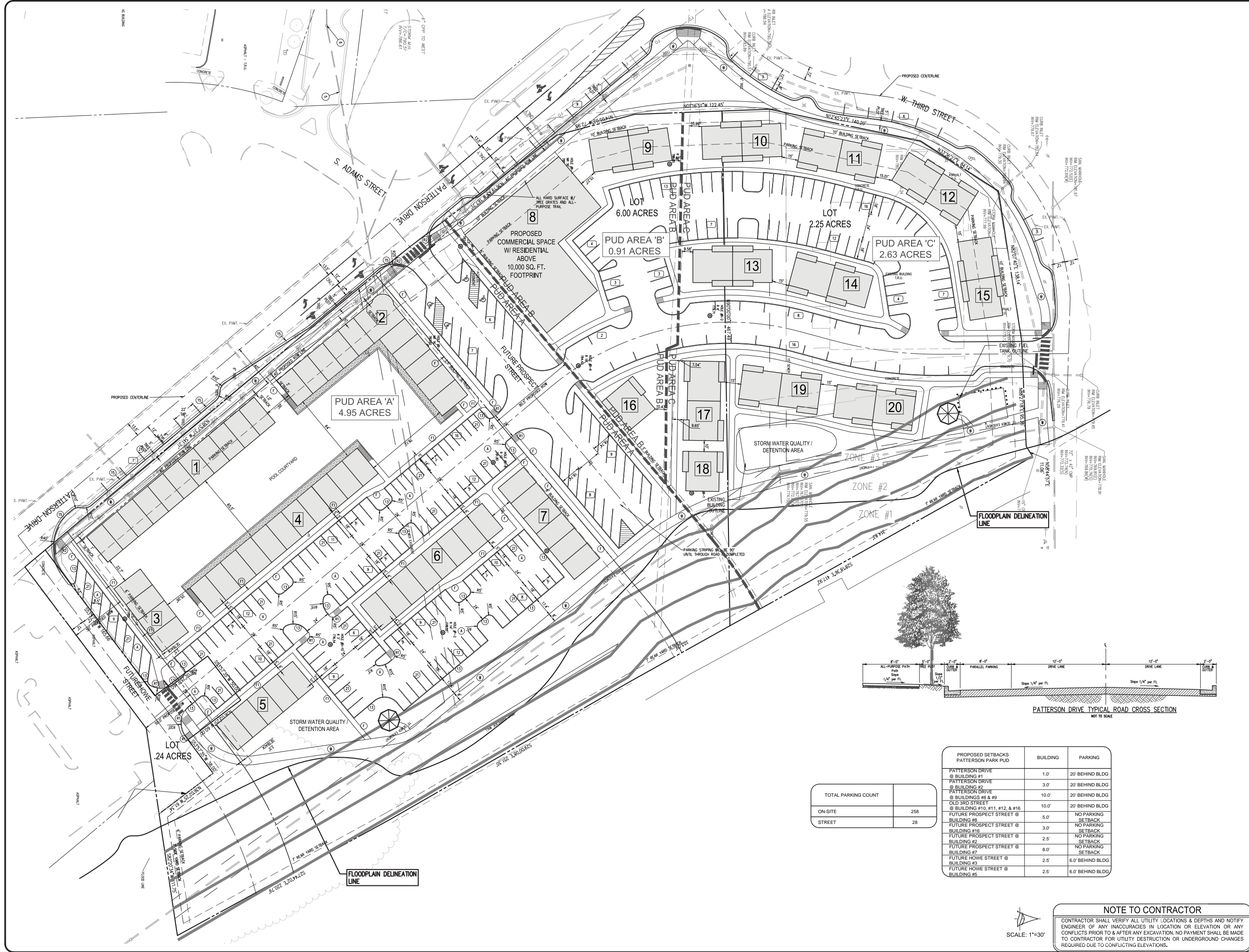
BEB
 BYNUM FANYO & ASSOCIATES, INC.
 528 north walnut street
 (812) 332-8030

certified by:

**PROPOSED
 PATTERSON PARK PUD
 PATTERSON DRIVE
 BLOOMINGTON, INDIANA**

title: SCHEMATIC NEW
 SITE PLAN #1 (EAST)
 - ALTERNATE #3

designed by: DJB
 drawn by: JR
 checked by: JSF
 sheet no: C302
 project no.: 401216E



TOTAL PARKING COUNT	
ON-SITE	258
STREET	28

PROPOSED SETBACKS PATTERSON PARK PUD	BUILDING	PARKING
PATTERSON DRIVE @ BUILDING #1	1.0'	20' BEHIND BLDG
PATTERSON DRIVE @ BUILDING #2	3.0'	20' BEHIND BLDG
PATTERSON DRIVE @ BUILDINGS #8 & #9	10.0'	20' BEHIND BLDG
OLD 3RD STREET @ BUILDING #10, #11, #12, & #16	10.0'	20' BEHIND BLDG
FUTURE PROSPECT STREET @ BUILDING #8	5.0'	NO PARKING SETBACK
FUTURE PROSPECT STREET @ BUILDING #16	3.0'	NO PARKING SETBACK
FUTURE PROSPECT STREET @ BUILDING #2	2.5'	NO PARKING SETBACK
FUTURE PROSPECT STREET @ BUILDING #7	8.0'	NO PARKING SETBACK
FUTURE HOWE STREET @ BUILDING #3	2.5'	6.0' BEHIND BLDG
FUTURE HOWE STREET @ BUILDING #5	2.5'	6.0' BEHIND BLDG



SCALE: 1"=30'

NOTE TO CONTRACTOR
 CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

revisions:

ARCHITECTURE
 CIVIL ENGINEERING
 PLANNING
 BLOOMINGTON, INDIANA
 (812) 339-2880 (Fpx)

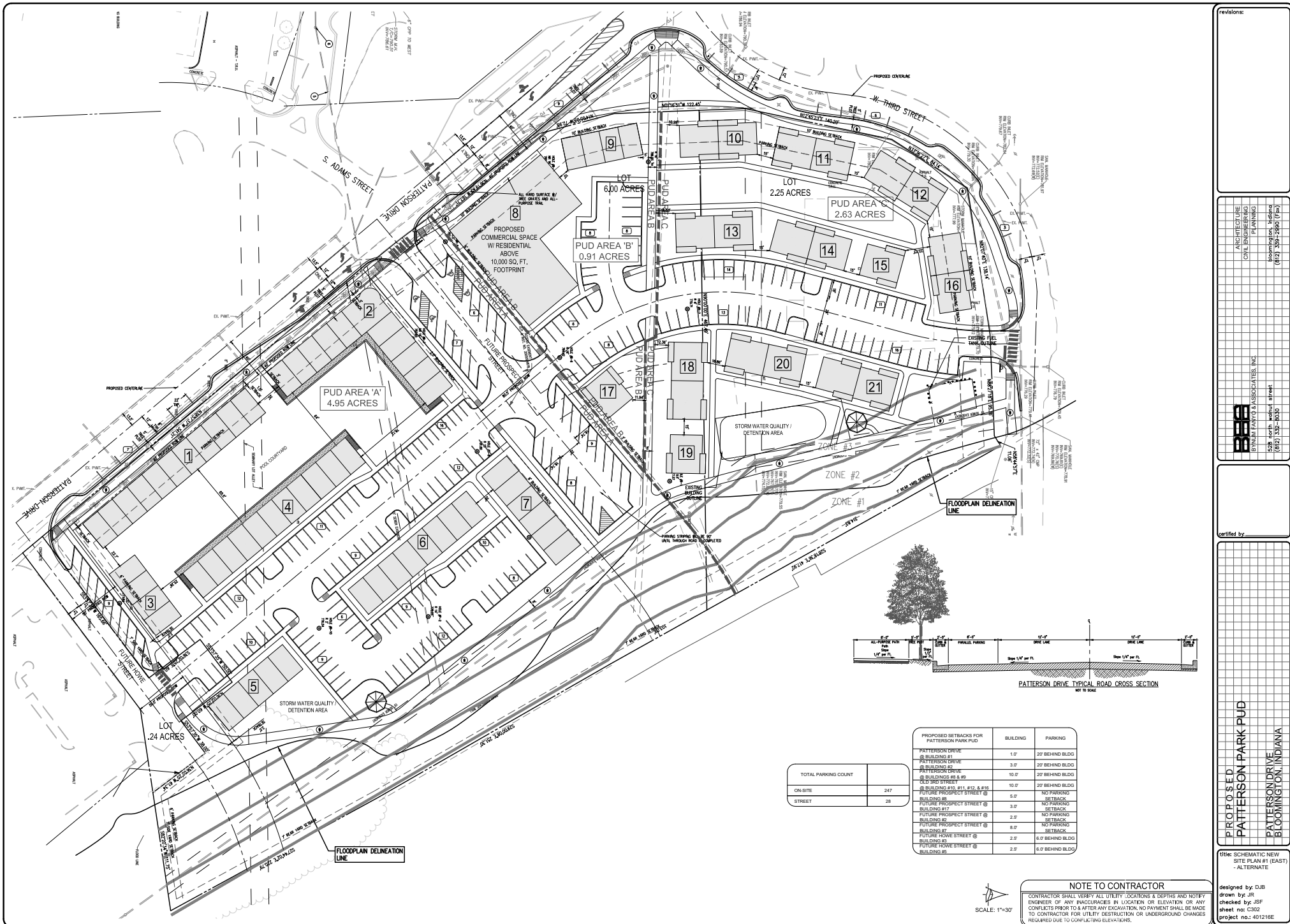
BEB
 BYNUM FANYO & ASSOCIATES, INC.
 528 north walnut street
 (812) 332-8030

certified by:

**PROPOSED
 PATTERSON PARK PUD
 PATTERSON DRIVE
 BLOOMINGTON, INDIANA**

title: SCHEMATIC NEW
 SITE PLAN #1 (EAST)
 - ALTERNATE #3

designed by: DJB
 drawn by: JR
 checked by: JSF
 sheet no: C302
 project no.: 401216E



revisions:

LAND SURVEYING
CIVIL ENGINEERING
PLANNING

BEE
BYNUM PATTY & ASSOCIATES, INC.
1528 North Walnut Street
(812) 339-4800 (OFFICE)
(812) 339-4800 (FAX)

verified by:

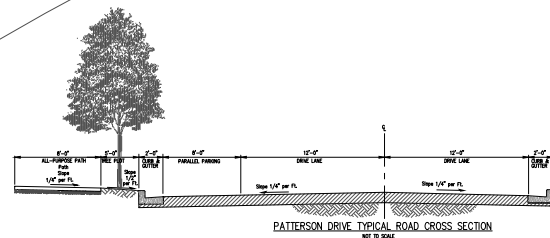
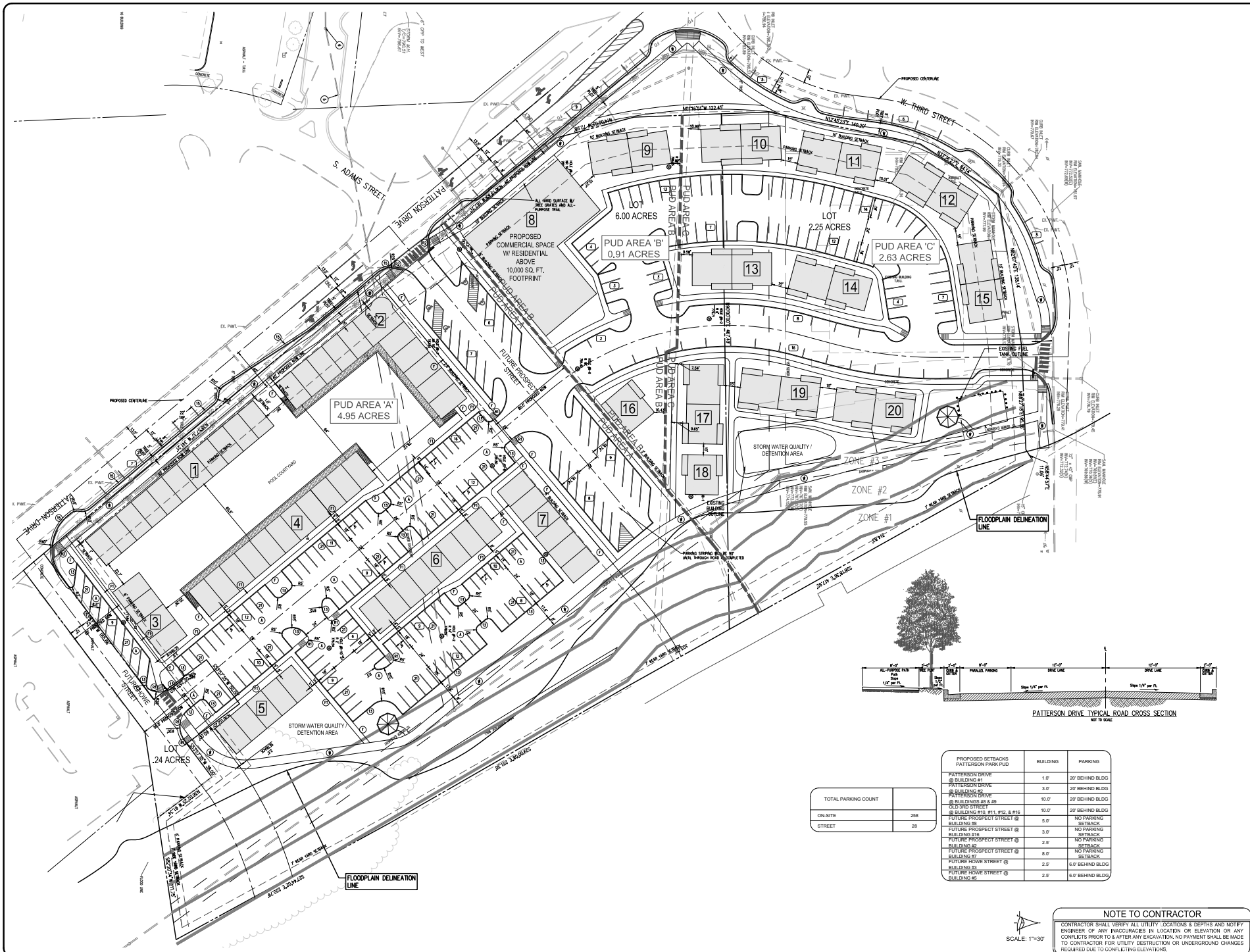
PROPOSED PATTERSON PARK PUD
PATTERSON DRIVE
BLOOMINGTON, INDIANA

title: SCHEMATIC NEW SITE PLAN #1 (EAST) - ALTERNATE

designed by: DJB
drawn by: JR
checked by: JSF
sheet no: C302
project no: 401216E

NOTE TO CONTRACTOR
CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

SCALE: 1"=30'



TOTAL PARKING COUNT	
ON-SITE	256
STREET	28

PROPOSED SETBACKS	BUILDING	PARKING
PATTERSON DRIVE @ BUILDING #1	1.0'	20' BEHIND BLDG
PATTERSON DRIVE @ BUILDING #2	3.0'	20' BEHIND BLDG
OLD ROAD STREET @ BUILDINGS #3 & #9	10.0'	20' BEHIND BLDG
OLD ROAD STREET @ BUILDINGS #10, #11, #12, & #16	10.0'	20' BEHIND BLDG
FUTURE PROSPECT STREET @ BUILDING #5	5.0'	NO PARKING SETBACK
FUTURE PROSPECT STREET @ BUILDING #6	3.0'	NO PARKING SETBACK
FUTURE PROSPECT STREET @ BUILDING #7	2.5'	NO PARKING SETBACK
FUTURE PROSPECT STREET @ BUILDING #8	8.0'	NO PARKING SETBACK
FUTURE HOWE STREET @ BUILDING #4	2.5'	6.0' BEHIND BLDG
FUTURE HOWE STREET @ BUILDING #15	2.5'	6.0' BEHIND BLDG



NOTE TO CONTRACTOR
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revisions:

DESIGNED BY: J. B. FANTY
 CIVIL ENGINEERING
 PLANNING
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 (812) 339-4800 (OFFICE)
 (812) 339-4800 (CELL)

BY: J. B. FANTY & ASSOCIATES, INC.
 1528 North Walnut Street
 (812) 339-4800

verified by:

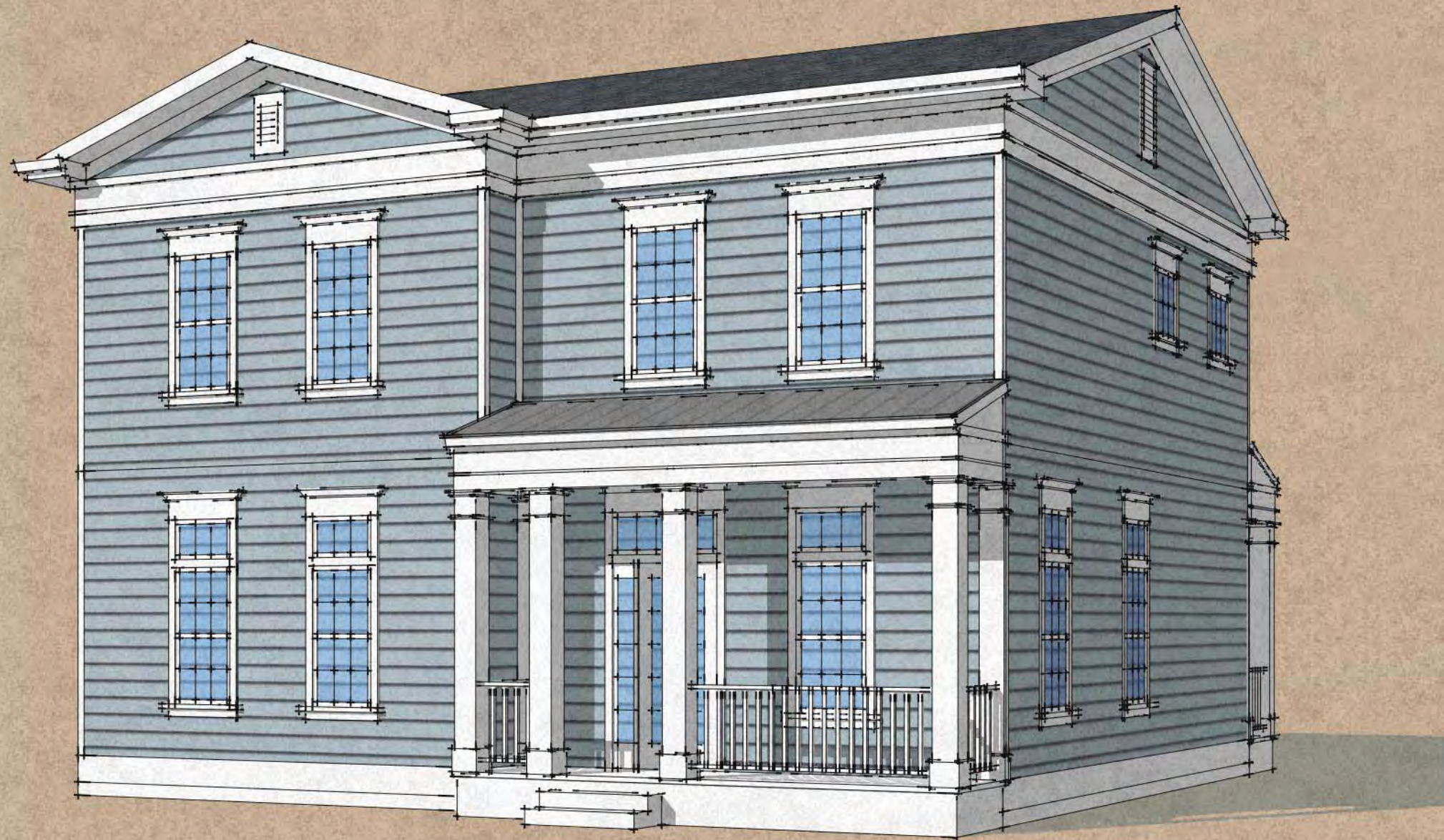
**PROPOSED
 PATTERSON PARK PUD
 PATTERSON DRIVE
 BLOOMINGTON, INDIANA**

title: SCHEMATIC NEW
 SITE PLAN #1 (EAST)
 - ALTERNATE #3

designed by: DJB
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 project no: 401216E







FRONT PERSPECTIVE SHOWING:
LAP SIDING, ASPHALT SHINGLES AT MAIN ROOF,
AND STANDING-SEAM METAL ROOF OVER ENTRY PORCH



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



FRONT PERSPECTIVE SHOWING:
BRICK, ASPHALT SHINGLES AT MAIN ROOF,
AND STANDING-SEAM METAL ROOF OVER ENTRY PORCH

TRINITAS®

PATTERSON PARK COTTAGES

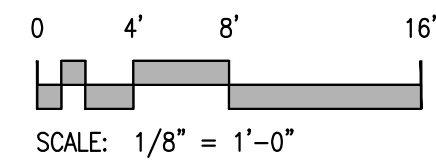
Bloomington, IN
December 6, 2012 PROJECT #12162

 **CONTEXT**
landscape architecture

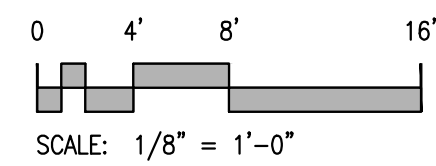

CSO Architects
ARCHITECTURE • INTERIOR DESIGN

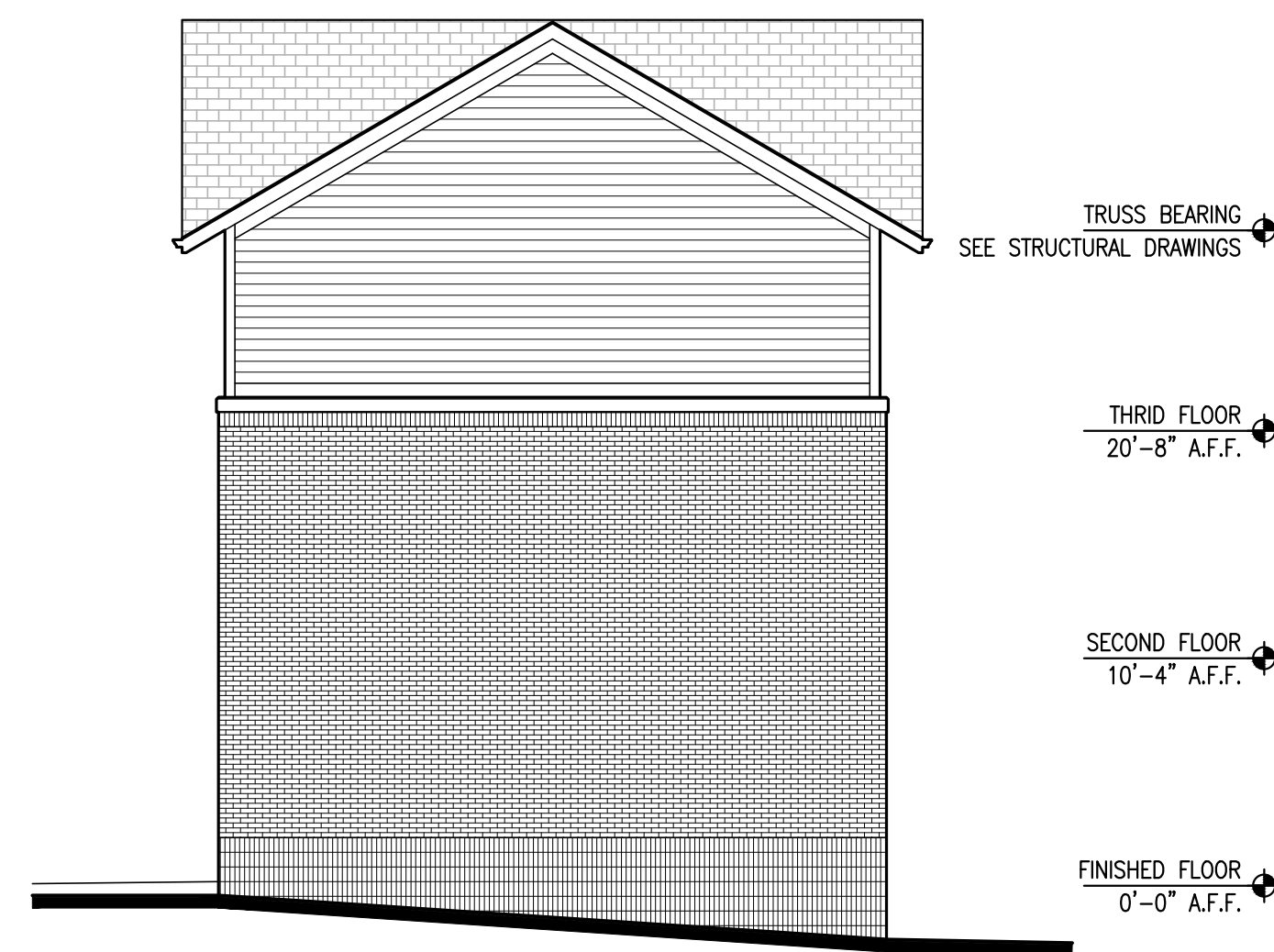


**BUILDING 6 - STREET VIEW
WEST ELEVATION**



**BUILDING 4 - STREET VIEW
EAST ELEVATION**

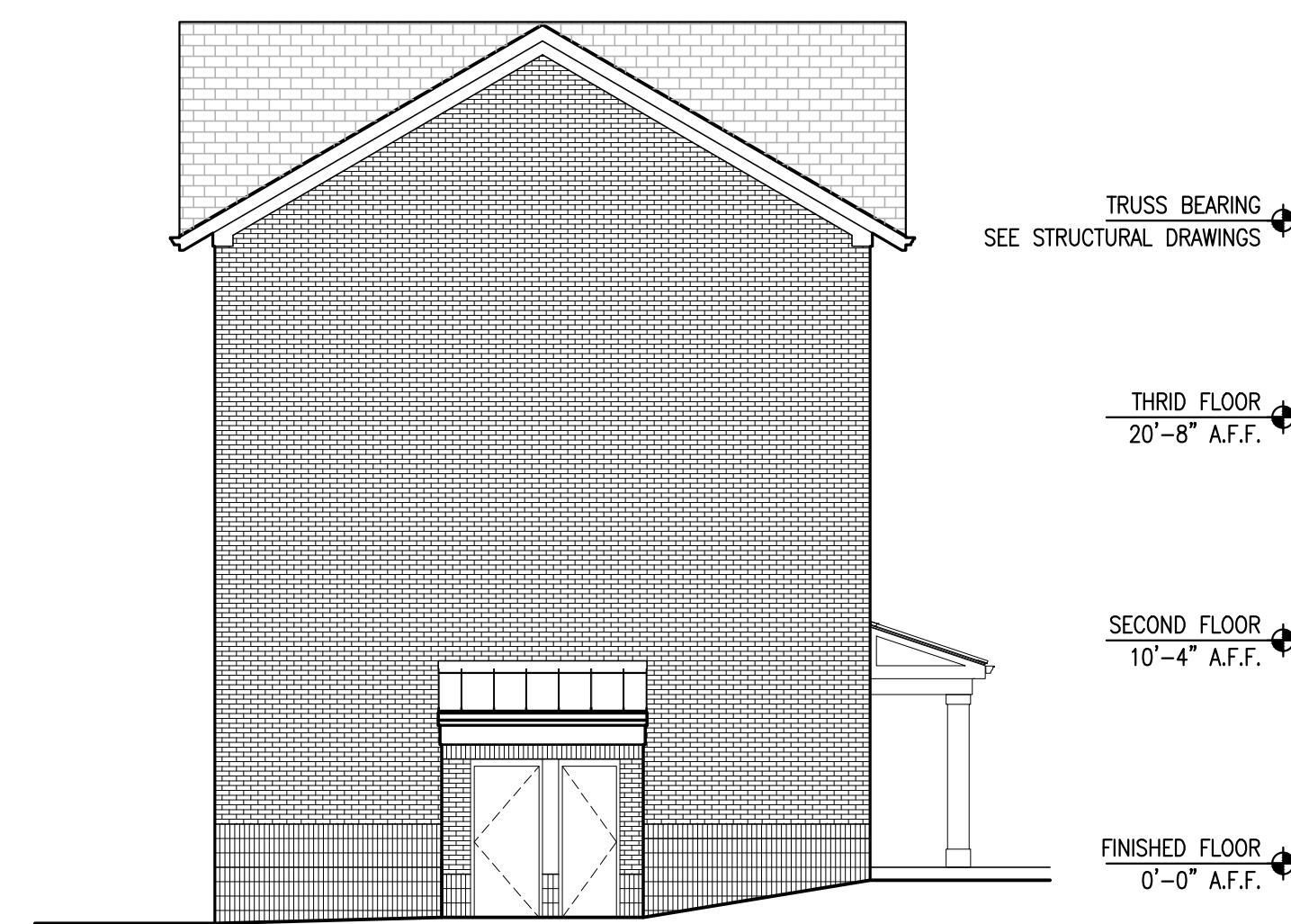




**BUILDING 16
WEST ELEVATION**
4
16A151 SCALE: 1/8" = 1'-0"



**BUILDING 16
SOUTH ELEVATION**
3
16A151 SCALE: 1/8" = 1'-0"



**BUILDING 16
EAST ELEVATION**
2
16A151 SCALE: 1/8" = 1'-0"



**BUILDING 16
NORTH ELEVATION - PATTERSON DRIVE STREET VIEW**
1
16A151 SCALE: 1/8" = 1'-0"

SCOPE DRAWINGS:
These drawings indicate the general scope of the project in terms of architectural design, including the placement of all structural, mechanical and electrical systems.
The drawings do not necessarily indicate or describe all work required for full performance and completion of the requirements of the Contract.
On the basis of the general scope indicated or described, the Owner understands that it is their responsibility to obtain the proper permits and completion of the work.

REVISIONS:

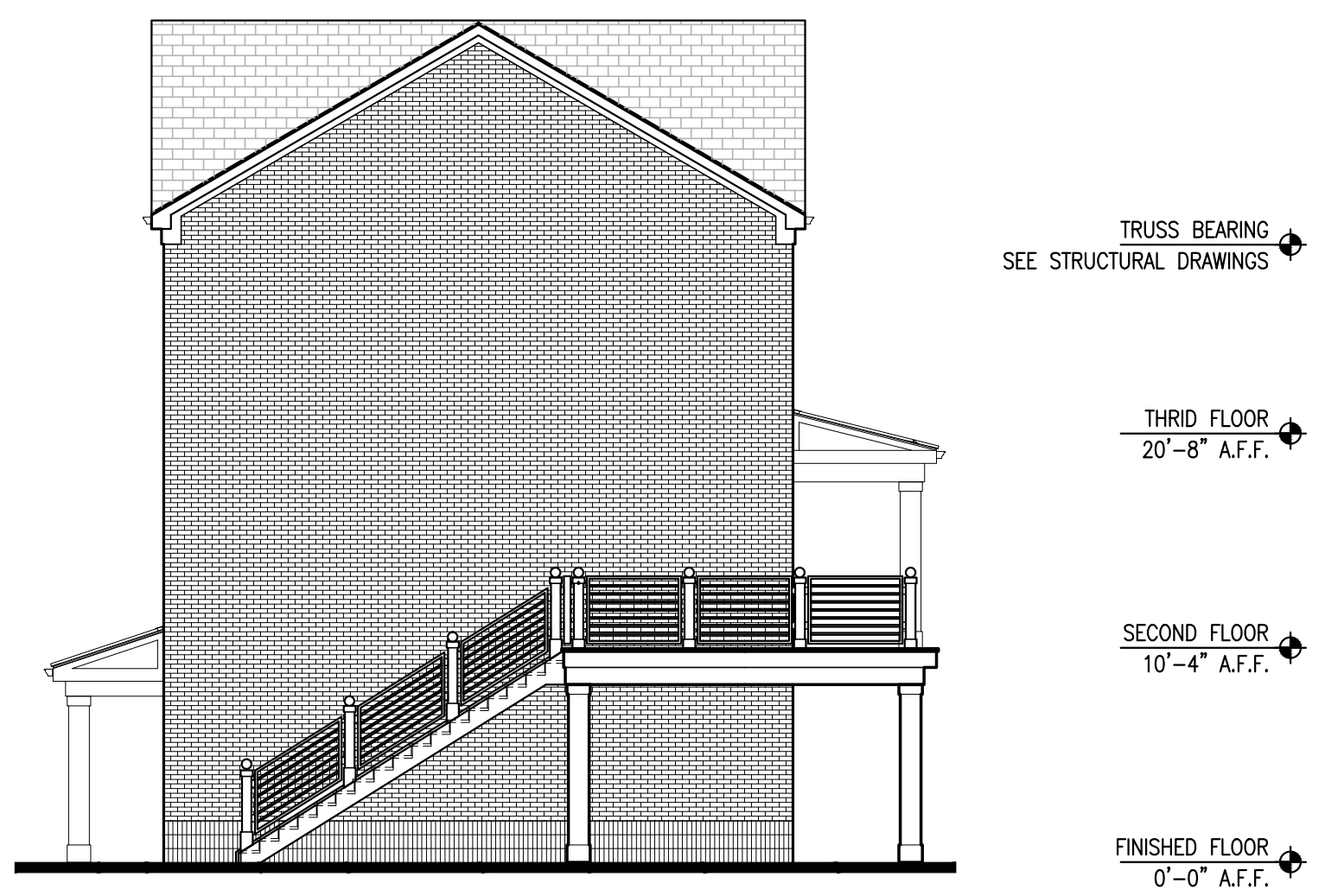
ISSUE DATE	DRAWN BY	CHECKED BY
02/15/2013	NS	JTM

DRAWING TITLE:
**BUILDING 16
EXTERIOR
ELEVATIONS**

CERTIFIED BY:

DRAWING NUMBER
16A151

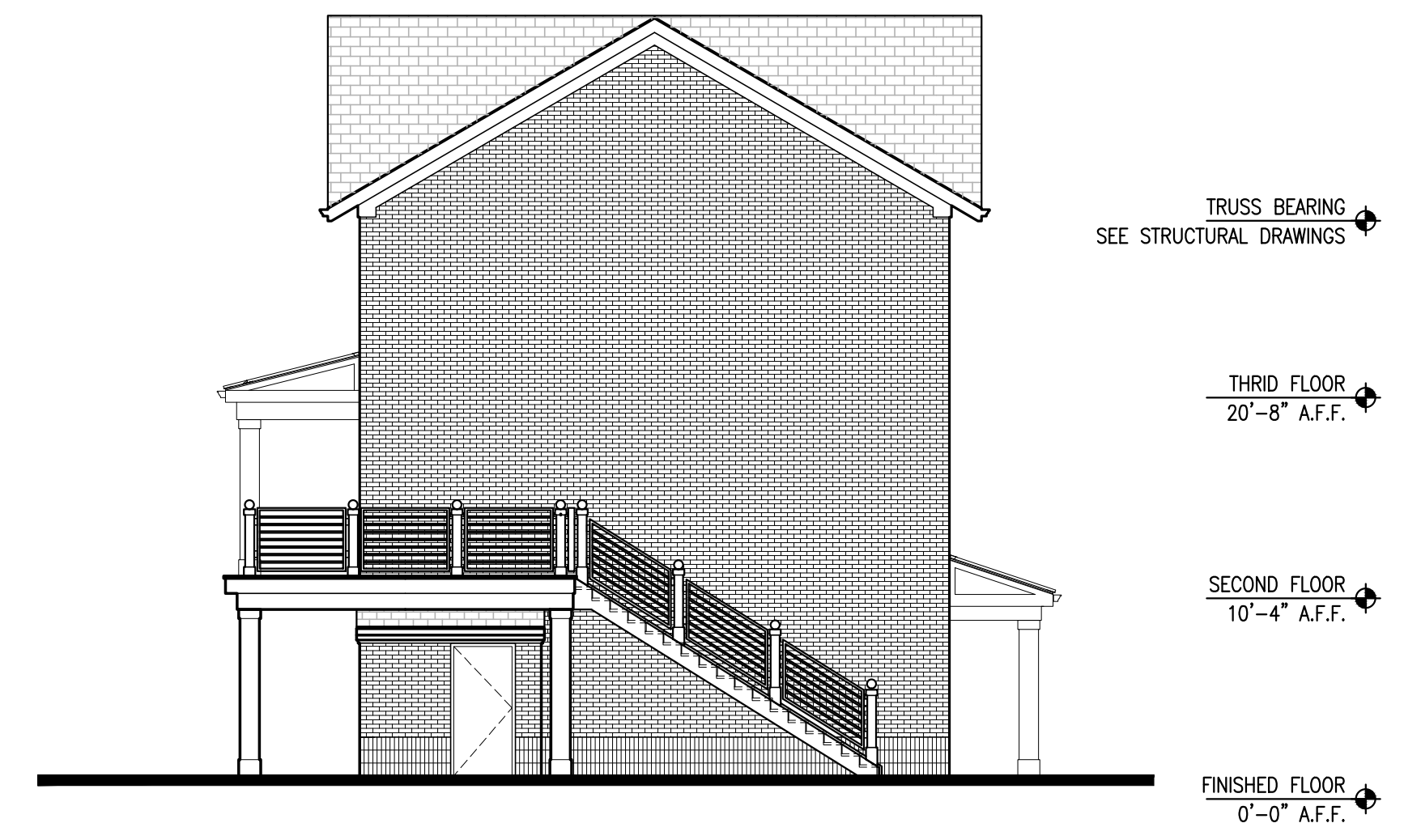
PROJECT NUMBER
12073



BUILDING 16 WEST ELEVATION
 4
 17A151 SCALE: 1/8" = 1'-0"



BUILDING 17 SOUTH ELEVATION
 3
 17A151 SCALE: 1/8" = 1'-0"



BUILDING 16 EAST ELEVATION
 2
 17A151 SCALE: 1/8" = 1'-0"



BUILDING 17 NORTH ELEVATION - PATTERSON DRIVE STREET VIEW
 1
 17A151 SCALE: 1/8" = 1'-0"

OWNER
TRINITAS
 TRINITAS VENTURES LLC

CSO Architects
 ARCHITECTURE • INTERIOR DESIGN
 8831 Kaysone Crossing - Indianapolis, IN 46240
 Main 317.846.7800 - Fax 317.574.0957 - csocinc.net
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PROJECT:
**TRINITAS AT
 PATTERSON POINTE**
 BLOOMINGTON, INDIANA

SCOPE DRAWINGS:
 These drawings indicate the general scope of the project in terms of architectural design, including the determination of all structural, mechanical and electrical systems.
 The drawings do not necessarily indicate or describe all work required for full performance and completion of the improvement of the District.
 On the basis of the general scope indicated or described, the owner contractor shall furnish all items required for the proper execution and completion of the work.

REVISIONS:

ISSUE DATE	DRAWN BY	CHECKED BY
02/15/2013	NS	JTM

DRAWING TITLE:
BUILDING 17 EXTERIOR ELEVATIONS

CERTIFIED BY:

DRAWING NUMBER
17A151

PROJECT NUMBER
12073

**BLOOMINGTON PLAN COMMISSION
SECOND HEARING STAFF REPORT
LOCATION: 445 S. Patterson Drive**

**CASE #: PUD-39-12
DATE: February 4, 2013**

PETITIONERS: Trinitas
201 Main Street, Lafayette IN 47901

CONSULTANT: Bynum Fanyo & Associates, Inc.
528 N. Walnut Street, Bloomington

REQUEST: The petitioners are requesting a rezone to Planned Unit Development and approval of a Preliminary Plan and District Ordinance for 8.49 acres currently zoned Commercial Arterial.

REPORT: The petitioners are seeking to rezone 8.49 acres along the east side of S. Patterson Drive south of W. 3rd Street. The Commercial Arterial (CA) property includes a 2.25 acre tract that currently has an existing commercial truck maintenance facility and a larger vacant tract that has been used for parking in the past. Surrounding uses include a mixed-use PUD to the west, industrial to the east, an office to the south, and a gas station to the north. The property is also encumbered by a floodplain located along the eastern property line.

The current zoning on the property only permits residential units on the upper floors of any structures. The petitioners are seeking a PUD approval to allow for ground floor residential units to be constructed. The PUD would also increase the allowable density from 15 units/acre to 20 units/acre.

The first hearing for this petition was on November 5. Since that time, the petitioners have continued to meet with staff to revise the proposed Preliminary Plan and District Ordinance to better fit within City policies and goals.

The petitioners have submitted a revised District Ordinance and Preliminary Plan. The plan has been revised to include a larger amount of dedicated non-residential space, two public street connections, a greater mix of housing types, a partial reduction in height, an allowance of 5 bedroom units, and additional architectural samples.

Since the first hearing, staff has determined that two public rights-of-way are appropriate across this site. These streets are desirable to gain future connectivity between the Patterson Drive area and the Prospect Hill neighborhood. Staff has worked with the petitioners to incorporate the necessary right-of-way for these streets. These rights of way would reduce the amount of developable land from 8.49 acres to approximately 7.07 acres.

On-street Parking: Based upon discussion with members of the Common Council, staff directed the petitioners to explore the potential to add parallel parking on Patterson Drive. It has been determined that parallel space can be added along portions of Patterson Dr. with the reduction of lane width and a pavement widening along the subject property. Concerns have been raised with

adding parking along existing truck route as well as creating only a small portion of the street that has on-street parking.

Permitted Uses:

Non-Residential Space: This PUD was brought forward to essentially allow ground floor residential use within a commercial district. One of the biggest points of discussion at the first hearing centered on how much non-residential space would be appropriate for this site. Staff was initially concerned with the petitioners' original proposal to provide a minimum of 5000 square feet of first floor non-residential space along Patterson Dr. Based upon comments received from Commissioners and Common Council members, staff has worked with the petitioners to revise the petition to include a minimum of 10,000 square feet of first floor, non-resident oriented, non-residential space on Area B. The required square footage will not include any non-residential on-site services provided primarily for on-site residents.

The proposed District Ordinance also outlines other uses that would be allowed in the PUD. Although it is anticipated that the bulk of the property will be developed as residential structures, the petitioners wanted to make sure that non-residential and mixed-use development would be a permitted alternative for this property. Staff finds that the proposed list of uses is appropriate for this PUD.

Density: The two site plan options presented at the first hearing had shown gross densities of 14.47 un/ac and 17.71 un/ac respectively, the District Ordinance had proposed to allow up to 20 un/ac on the overall site. This would exceed the current density allowance of 15 units/ac. With the addition of the two proposed public streets through the site, the overall acreage will decrease to approximately 7.07 acres.

Although staff is not supportive of a gross density of 20 units/acre, staff is supportive of increasing the density to 20 units/acre for the net acreage. This would effectively increase the gross density of the property from the currently allowed 15 un/ac to approximately 16.7 un/ac. Furthermore, staff recommends creating individual maximums for each of the three areas. The petitioners have shown individual maximum net densities of 25 un/ac, 25 un/ac, and 18 un/ac for the three respective areas. However, if these densities are aggregated, they would permit approximately 22.4 un/ac. Staff recommends that the individual areas be limited to the following densities:

	Acreage – Gross	Acreage – Net	Max. Density - Net	Approx. DUEs
Area A	4.95	3.53	25	88
Area B	0.91	0.91	15	14
Area C	2.63	2.63	15	39
Total	8.49	7.07	20	141

Occupancy: At the first hearing, the petitioners had proposed to prohibit 5 bedroom units and limit the occupancy of the 4 bedroom units to a maximum of 4 unrelated adults. The petitioners are now proposing to allow 5 bedroom units that will be counted as 2 units toward the overall DUE count of each Area. They have

also proposed to limit occupancy of 4 bedroom units to 4 unrelated adults. Staff would also propose to limit the number of unrelated adults permitted in the 1, 2, and 3 bedroom units to a maximum of 3.

Parking: The UDO does not require any parking for this property. The maximum number of parking spaces is based on the specific non-residential use and would also include 1 parking space per bedroom of residential use. The petitioners have proposed a slightly modified parking maximum. They have proposed 0.8 spaces per bedroom and a general 1 space per 250 square feet of non-residential space. These spaces may be shared between Areas A, B, and C.

The petitioners have also proposed to utilize compact car spaces. The UDO does not currently allot for compact car spaces. The petitioners have proposed that a maximum of 20% of the parking spaces have reduced dimensions of 7.5 feet x 16 feet.

Bike Parking: The petitioners have proposed to increase the number of bicycle parking spaces that are required from 1 space per 6 bedrooms (multi-family) and 4 total spaces for the non-residential space to 50% of the number of vehicle parking spaces provided. They have also proposed to provide a minimum of 50% of these spaces as Class I spaces. Staff is supportive of this proposal. Since parking for the multi-family use on this property is a maximum, staff recommends adding a condition of approval that the total number of bicycle parking spaces shall not be less than the UDO standard of 1 space per 6 bedrooms regardless of the number of parking spaces provided.

Height: The petitioners are proposing structures between 2 and 4 stories for area A with a maximum height limitation of 55 feet. Area B is proposed to be between 2 and 3 stories in height with a limitation of 50 feet. Area C is proposed to allow structures of 1 to 3 stories in height with a 35 foot height limitation.

Staff has concern with purely residential structures of 4 stories in height on this property. Staff finds that 3 stories of a maximum 50 feet to be more appropriate to the surrounding context and sees no justification for exceeding the maximum height of the existing zoning district. The property sets at a higher elevation than the Prospect Hill neighborhood to the east and will be in close proximity to Patterson Drive.

Architecture: Staff has worked closely with the petitioners since the first hearing to create architectural standards for the development. These standards are intended to create a minimum level of architectural detail for the proposed structures as well as to require architectural diversity between the three development areas. Although conceptual architecture has been submitted with this petition, specific architecture would be reviewed with future final plans.

Different standards have been created for residential and non-residential portions of buildings. These standards address several items such as massing, entry detailing, articulation, rooflines, eaves, diversity, and 360* architecture. Staff is in agreement with all of the proposed architectural standards with one

recommended change. Staff recommends that the eaves of the structures be required to have a 2 foot rather than a one foot projection from the building wall. With the massing of the proposed buildings, staff finds that a 2-foot overhang would be more appropriate.

Pedestrian Facilities: Staff has determined that an 8-foot multi-use path is appropriate to be constructed on the east side of Patterson Drive and the south side of W. 3rd Street. The site will also be required to have a complete internal pedestrian network. The petitioners have also proposed to place an 8-foot multi-use path within the floodplain that would connect Patterson Drive at the southwest corner of the property to W. 3rd Street to the northeast corner of the property. This will help to create a loop pedestrian system with the public pedestrian facilities of approximately 0.4 miles in length. Staff recommends that this path be placed within a pedestrian easement with a future plat. This will provide an additional public amenity.

The petitioners have proposed to install the path adjacent to Areas A and B with the first phase and construct the remaining portions of the path adjacent to Area C, including the portion within the floodplain, with redevelopment of Area C.

Setbacks: The petitioners have proposed several varying front setbacks to fit the conceptual plan. These setbacks range from 1 to 10 feet in width. Staff finds it more appropriate with a vacant site to require the proposed plan to fit the setbacks and finds a minimum setback of 5 feet from the all future dedicated rights-of-way. In addition, staff recommends that any structures also be located a minimum of 10 feet from public sidewalks/sidepaths.

The petitioners have also requested reduced parking setbacks from the future rights-of-way for Prospect St. and Howe St. They have proposed 0 feet from Prospect St. and 6 feet from Howe St. Staff cannot justify this reduction and recommends the setback remain 20 feet behind the front of all buildings facing a public street, including Prospect and Howe Streets.

Neighbor's Encroachment: The existing industrial use to the east currently encroaches onto a portion of the subject property. This paved encroachment is used as an outdoor storage yard. This encroachment is also located on top of an enclosed culvert within the regulated floodway. The petitioners' Preliminary Plan options do not show this encroachment.

Staff finds that this PUD should include a commitment to remove this encroachment within the floodplain. The petitioners are working on specific language regarding this encroachment. Staff recommends that the encroachment be required to be removed prior to any building permit issuance.

Impervious Surface Coverage: With the original submittal, the petitioners' conceptual site plan showed compliance with the 60% maximum impervious surface coverage, the proposed District Ordinance has a maximum impervious surface coverage of 70%. Staff finds no justification in not requiring the petitioners to meet the 60% maximum impervious coverage standard. However,

similar to the proposed density allotments, staff is supportive of allocating different percentages of impervious surface coverage that continue to allow for compliance with the 60% coverage for the net acreage of the site. Although the petitioners have agreed in their statement to meet the overall 60%, they have proposed individual maximum impervious surface standards that would potentially exceed the 60% maximum.

Staff recommends that the three areas create individual maximum impervious surface coverage standards that when combined with will ensure that no more than 60% of the net acreage of the site be utilized for impervious surface coverage. Staff recommends the following impervious surface coverage maximums:

	Acreage – Net	Maximum Impervious Surface Coverage
Area A	3.53	60%
Area B	0.91	70%
Area C	2.63	55%
Total	7.07	60%

Signage: Since the first hearing, the petitioners have revised their sign proposal to align significantly with the current UDO. The project would be permitted three freestanding ground signs of 32 square feet and 6 feet in height located at entrances onto 3rd St. and Patterson Dr. The petitioners are proposing to use the general wall sign standards of the CA district for the non-residential portions of buildings and are also proposing to be able to utilize the projecting sign standards of the Commercial Downtown (CD) with a limitation of one projecting sign each for Areas A and B. Staff agrees that the CA standards should dictate the commercial wall signage, but finds no justification to allow projecting signs that are not usually permitted outside of the CD district.

Alternate Site Plans: In discussions with members of the City Council, the petitioners were encouraged to explore an alternative site plan that created more of a streetscape between what will be Prospect Street and 3rd St. The petitioners' submittal includes 2 conceptual site plans. One shows an internal drive between these streets with perpendicular parking and greenspace between structures at the western portion of Area C. The second site plan alternative shows this drive with parallel parking spaces on both sides of the drive with a traditional tree plot and sidewalk network. This site plan also shows a parking area in the same place as the greenspace in the first conceptual plan. Staff is seeking guidance from the Plan Commission and Council as to the preferred plan.

Phasing: The petitioners anticipate that Area A will be developed first in either 1 or 2 phases. It would be anticipated that Area B would be developed second with Area C being developed last due to the existing business that is located on this portion of the property.

Furthermore, the restoration of the creek/floodplain and the construction of the sidepath along the street and along the creek/floodplain are proposed to be phased with the adjacent development areas. Although staff understands the

desire to phase these improvements, this will delay pedestrian movements through and around this site until all of the three development areas are constructed.

Plat: Due to relocated property lines, the discovery of a unvacated alley, redrawn property lines, and required environmental easements, staff recommends that the petitioners be required to receive a new plat approval for this property prior to any building permit issuance.

Prior to a plat approval, the petitioners must also seek and gain approval of an alley vacation for a recently discovered Seminary Alley that runs east and west across the property. Staff is supportive of this vacation request as the two proposed future road rights-of-way will better achieve street connectivity than the existing alley.

Traffic Signal: The petitioners have been coordinating closely with the developers of the Patterson Pointe development to the west. With that project, a traffic signal was required to be installed at the intersection of 3rd St. and Patterson Dr. With the proposed project and the inclusion of a commercial node at the intersection of S. Adams St. and Patterson Dr. staff would like to work with both petitioners and the City Engineering Department to determine the best location for the required signal. Staff is requesting that the Commission and Council allow the final location to be determined by staff with the future final plan for this development.

Final Plans: The petitioners have proposed that the final plan for Area A be delegated to staff while final plans of Areas B and C be approved by the Plan Commission. Staff is supportive of this request.

GROWTH POLICIES PLAN COMPLIANCE: With this request, the petitioners must demonstrate compliance with the Growth Policies Plan (GPP). This 8.49 acre site is within an area designated by the GPP as a “Community Activity Center (CAC).” Staff has analyzed several relevant policies identified within the GPP and is highlighting the following polices outlined for CACs:

- *Rather than serving a single neighborhood, commercial uses in and surrounding the CAC will be developed so as to be accessible to multiple neighborhoods by non-motorized means, without becoming a major destination for the entire City and/or region.*

The petitioners have increased the required amount of non-residential space from 5000 square feet to 10,000 square feet to be located in Area B. The PUD also allows a wide range of non-residential uses on all areas of the PUD. This non-residential space will be centrally located and will have additional pedestrian access to the surrounding area through the construction of several sidewalks and multi-use paths.

- *As the central commercial node of the surrounding area, public gathering space is an ideal addition to the mix of uses. Residents will need outdoor*

space to access, and public open space can provide a valuable amenity to customers of the commercial units.

Although the petitioners have proposed common greenspace for the residents, they have also proposed to construct an 8' multi-use path through the floodplain area. Staff recommends that this path be placed in a pedestrian easement that will allow for public use. When this path is added to the proposed public sidepath along Patterson Dr. and 3rd St., a loop of 0.4 miles would be created with approximately half being placed within a floodplain area to be restored with this development.

- *The primary land use in the CAC should be medium-scaled commercial retail and service uses*

Even though commercial uses would be allowed in the proposed PUD, a relatively small portion of the development is proposed as commercial. If the entire CAC is looked at, the predominant use is medium scale retail and office.

- *Residential units may also be developed as a component of the CAC, and would be most appropriate when uses are arranged as a central node rather than along a corridor.*

Staff has worked with the petitioners to revise their preliminary plan to create a break in the proposed residential streetscape with a commercial or mixed-use structure located at the intersection of S. Adams Street and Patterson Dr. Furthermore, the development has been separated into areas that will have distinct architectural characteristics and further achieve a nodal approach to the development.

- *Provision of public spaces should be used as an incentive to allow additional residential units or commercial space to be developed as part of the planning approval process.*

As previously stated, the petitioners are proposing to create a small looped path in an attempt to achieve this provision of the GPP.

- *Public Transit access should be a major component of the urban services provided for any Community Activity Center.*

Although transit service is not located immediately adjacent to the site, transit service is currently available to the north at W. 3rd St. and to the south on W. Bloomfield Road. In addition, the petitioners currently operate a private shuttle service to another local apartment complex, The Village at Muller Park. The petitioners have committed to providing shuttle service for this site as well. Provision for this service has been added as a condition of approval.

- *A formal streetscape will help to define a Community Activity Center as a distinct node of activity serving a group of neighborhoods.*

A formal streetscape is possible with this petition. Street trees and a sidepath would be installed with this petition along the entirety of Patterson Drive and 3rd St. The petitioners have also shown how on-street parking could be incorporated into the design of Patterson Dr.

- *The CAC should take on the form of an urban center, with a pedestrian focus and several floors of usable space, both commercial and residential.*

Although the conceptual site plan creates an urban streetscape, the overall development still has some suburban elements. The inclusion of building forward design, future local street connections, and potential on-street parking as well as the inclusion of a mix of uses and housing types helps to better create the desired urban design.

- *Buildings should be developed with minimal street setbacks to increase pedestrian and transit accessibility.*

The proposed PUD allows for minimal street setbacks as does the existing zoning on the property. The petitioners' conceptual site plan shows a building forward urban streetscape along Patterson Dr.

- *Parking should be located and designed with an emphasis on minimizing pedestrian obstacles to accessing businesses.*

Staff finds that the proposed commercial and any additional potential commercial will be adequately accessible with little pedestrian obstacles.

- *Incentives should be created to encourage the inclusion of second-story residential units in the development of Community Activity Centers.*

The current zoning allows for second-story residential units up to 15 units/acre. The petitioners are asking for ground floor units in addition to upper floor units.

- *In order to buffer pedestrians on busy corridors as well as reduce off-street parking needs, on-street parking and tree plots should be encouraged in new developments and maintained on built roadways.*

Tree plots will be incorporated into any site design for this property. The petitioners have shown how on-street parking could be achieved if it is ultimately determined to be desired along Patterson Dr.

In addition to these general policies toward CACs, the *Adams Street/Patterson Drive Subarea* provides specific policy guidance for the development of this property. The subarea includes recommendations concerning land use, urban services and site design. Specifically, the following policy statements are noted (page 60 of the GPP):

- *Road upgrades will spark investment toward commercial retail facilities. Balancing these market demands with a need to further develop other types of nonresidential uses (employment based) will be critical.*

The subarea plan envisions a primarily non-residential use of this area. Although there is some non-residential use with this PUD, the project is predominantly residential in nature.

- *New commercial and employment development in this Subarea should be accommodated with new transit stop facilities.*

Although transit service is located to the north and south of this property, there is no immediately adjacent transit service to this site. The petitioners would provide a residential shuttle service to the property.

- *Access to arterial roadways (3rd Street, Patterson Drive, Bloomfield Road) must be tightly controlled as part of the development review process.*

Only two access points are proposed on Patterson Dr. and one on 3rd St. With approximately 750 feet of street frontage along Patterson Dr. and 500 feet of frontage on 3rd St., staff finds the three access points to provide adequate access with minimum street interruptions.

- *Redevelopment and intensification should be accompanied by increased landscaping, greenspace opportunities, and building forward design.*

The property has floodplain and riparian buffers located on the eastern portion of the site. Although the petitioners originally proposed a reduced greenspace standard for this site, they have now committed to meeting the current UDO maximum impervious surface coverage standards. Although more detail is needed, the petitioners are proposing to restore a large portion of floodplain and riparian buffer area with this petition.

- *Opportunities for additional stormwater detention as well as pedestrian connectivity between Bloomfield Road and West 3rd Street should also be considered for this area.*

The petitioners are required to incorporate water quality features for the proposal.

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

1.) The first sentence under Floodway: in the PUD Outline Plan shall be changed to read "The project will preserve the floodway and the floodway fringe, which together make up the floodplain, and will also protect the riparian buffer."

Staff's Response: Staff agrees with this recommendation and has added this as a proposed condition of approval.

2.) The riparian buffer and the floodplain shall both be placed within a preservation/conservation easement on the plat, and a Facilities Plan shall be created and approved.

Staff's Response: This is already a requirement that will be addressed with the future final plan for this area.

3.) Green Infrastructure BMPs, specifically daylighting the buried section of the creek and constructing linear rain gardens adjacent to parking lots, shall be required in this PUD.

Staff's Response: Although desirable, full daylighting of this section of the creek is difficult to accomplish without more ownership on the eastside of the piped area. Staff agrees that this issue should be further explored with the future final plan for Area A.

4.) On page 14 of the Outline Plan, the fourth paragraph references "redevelopment of the stream." Currently there is no plan for redevelopment or restoration. The EC recommends that the Petitioner develop a restoration plan for the entire stream at this time, which includes daylighting it.

Staff's Response: Staff agrees that a more detailed redevelopment must be developed and recommends that a full redevelopment plan be approved with the first final plan.

5.) The Petitioner shall provide space for recyclable materials to be stored for collection, and a recycling contractor to pick it up.

Staff's Response: Staff agrees with the EC that this is a highly desirable service to provide, but finds this issue to be better addressed through a larger community discussion.

CONCLUSION: Staff finds that with some alteration, the petitioners have revised the proposed Preliminary Plan and District Ordinance in a manner that allows for a more balanced redevelopment of this area that is consistent with the goals and policies of the Growth Policies Plan. This is an important and large property centrally located with good proximity to services and is not located immediately adjacent to a single family neighborhood. The proposed development will also provide additional density to strengthen the viability of the adjacent Patterson Pointe PUD. Staff finds that with the recommended changes, the proposal will be consistent with the area in terms of density, massing, and uses. The inclusion of commercial space and mixture of housing types, coupled with the potential street connectivity, better reflect the recommendations of the Growth Policies Plan for Community Activity Center development.

RECOMMENDATION: Staff recommends forwarding PUD-39-12 to the Common Council with a positive recommendation, subject to the following conditions:

1. The maximum density, maximum impervious surface coverage, setbacks and height shall be as recommended by staff within this report.
2. The code citations for signage in the District Ordinance shall be corrected. No projecting signs will be permitted within this PUD.
3. Bicycle parking shall be required as proposed by the petitioner with no less than 1 space per 6 bedrooms being provided. These spaces must be distributed between the proposed structures.
4. The height of buildings in Areas A, B, and C shall be limited to 3 stories and 50 feet. All roof overhangs shall be required to be a minimum of 2 feet.
5. Maximum occupancy of these units shall be 3 unrelated adults for all 1, 2, and 3 bedroom units, 4 unrelated adults for 4 bedroom units, and 5 for all 5 bedroom units.
6. With the first final plan for this PUD, the petitioner must work with staff to develop a restoration plan for the riparian/floodplain area that addresses disturbance, plantings, and removes the existing encroachment.
7. The petitioner must maintain a private shuttle service to downtown and campus unless this condition is altered by the Plan Commission in the future due to availability of public transit service on Patterson Drive.
8. The petitioner must remove the "Building Orientation and Frontage" section of the District Ordinance proposal.
9. The conceptual site plans are illustrative and do not constitute site plan approval. Items such as but not limited to street trees, sidewalks, ramps, architecture, setbacks, and parking will be approved with the final plans.
10. No work within the floodplain is permitted prior to the issuance of all required state and federal permits.
11. Prior to any building permit issuance, the petitioner must receive preliminary and final plat approval of a revised plat for the entire PUD. This plat must include language regarding the future dedication and construction of the two proposed local streets (Prospect St. and Howe St.). A recordable commitment requiring the future dedication of right-of-way and construction of the streets to the east property lines must be included on the deeds for the corresponding lots on the plat.
12. References to "floodway" within the District Ordinance must be revised to "floodplain". All floodplain areas and riparian buffer areas must be placed within conservation easements per the UDO on the plat. The multi-use trail within this area must also be placed within a pedestrian easement.
13. The petitioner must revise the Preliminary Plan and District Ordinance to reflect this approval prior to submittal to the Common Council.

MEMORANDUM

Date: January 24, 2013
To: Bloomington Plan Commission
From: Bloomington Environmental Commission
Through: Linda Thompson, Senior Environmental Planner
Subject: PUD-39-12: Patterson Park, Trinitas
445 S. Patterson St.
Second Hearing

This memorandum contains the Environmental Commission's (EC) input and recommendations regarding a change in zoning from Commercial Arterial (CA) to Planned Unit Development (PUD), creating the District Ordinance, and a Preliminary Plan for 8.5 acres. The EC is not entirely confident that this proposal fulfills the intent of a PUD, as described in 20.04.010 District Intent.

ISSUES OF SOUND ENVIRONMENTAL DESIGN:

1.) FLOODPLAIN:

In the proposed Patterson Park PUD Outline Plan, dated January 14, 2013, page 7, Floodway: the document reads "The project will preserve the floodway and the riparian buffer." The EC recommends changing that to "The project will preserve the floodway and the floodway fringe, which together make up the floodplain, and will also protect the riparian buffer." The UDO protects the whole floodplain, not only the floodway; therefore, everywhere in the Outline Plan that the word floodway is used, it should be replaced with the word floodplain.

2.) CONSERVATION EASEMENTS:

The BMC 20.07.070 (d); Environmental Easements, states "All areas that are determined not to be developable per Chapter 20.05; Environmental Standards shall be placed within preservation/conservation easements on the plat." The EC believes that this Outline Plan (District Ordinance) should have such language for the riparian buffer and the floodplain (which contains both the floodway and the floodway fringe). Additionally, both the riparian buffer and floodplain easements should have a Facilities Plan as described in 20.07.090, which could be combined given they overlap so closely.

3.) GREEN INFRASTRUCTURE:

According to the U.S. Environmental Protection Agency (EPA) (<http://water.epa.gov/infrastructure/greeninfrastructure/index.cfm>), "Green infrastructure is an approach that communities can choose to maintain healthy waters, provide multiple environmental benefits and support sustainable communities. Unlike single-purpose gray stormwater infrastructure, which uses pipes to dispose of rainwater, green infrastructure uses vegetation and soil to manage rainwater where it falls. By weaving natural processes into the built environment, green infrastructure provides not only stormwater management, but also flood mitigation, air quality management, and much more."

The riparian buffer planned for the site is an example of a green infrastructure best management practice (BMP). In addition to the buffer BMP, the EC recommends that the Petitioner research and if possible

“daylight” the section of the creek that is currently directed to an underground culvert. Also, the grounds adjacent to the parking lots should have linear rain garden–type swales to slow and filter stormwater flowing from those parking lots.

4.) RECYCLING:

The EC recommends that the petitioner allocate space within the site design to accommodate recycling. Recycling pick-up service is readily available in Bloomington if space is planned in advance at the site. Outdoor container space should be within an enclosure either shared with the landfill-destined trash container, or within an enclosure dedicated to recyclable materials. The EC believes that recycling is an important contributor to Bloomington’s environmental quality and sustainability. Furthermore, lack of recycling services is the number one complaint that the EC receives from apartment dwellers in Bloomington. Recycling has become an important norm that has many benefits in energy and resource conservation. Recycling is thus an important contributor to Bloomington’s environmental quality and sustainability and it will also increase the attractiveness of the apartments to prospective tenants.

EC RECOMMENDATIONS:

- 1.) The first sentence under Floodway: in the PUD Outline Plan shall be changed to read “The project will preserve the floodway and the floodway fringe, which together make up the floodplain, and will also protect the riparian buffer.”
- 2.) The riparian buffer and the floodplain shall both be placed within a preservation/conservation easement on the plat, and a Facilities Plan shall be created and approved.
- 3.) Green Infrastructure BMPs, specifically daylighting the buried section of the creek and constructing linear rain gardens adjacent to parking lots, shall be required in this PUD.
- 4.) On page 14 of the Outline Plan, the fourth paragraph references “redevelopment of the stream.” Currently there is no plan for redevelopment or restoration. The EC recommends that the Petitioner develop a restoration plan for the entire stream at this time, which includes daylighting it.
- 5.) The Petitioner shall provide space for recyclable materials to be stored for collection, and a recycling contractor to pick it up.

PETITIONERS: Trinitas
201 Main Street, Lafayette IN 47901

CONSULTANT: Bynum Fanyo & Associates, Inc.
528 N. Walnut Street, Bloomington

REQUEST: The petitioners are requesting a rezone to Planned Unit Development and approval of a Preliminary Plan and District Ordinance for 8.49 acres currently zoned Commercial Arterial.

REPORT: The petitioners are seeking to rezone 8.49 acres along the east side of S. Patterson Drive south of W. 3rd Street. The Commercial Arterial (CA) property includes a 2.25 acre tract that currently has an existing commercial truck maintenance facility and a 6 acre vacant tract. Surrounding uses include a mixed-use PUD to the west, industrial to the east, an office to the south, and a gas station to the north. The property is also encumbered by a floodplain located along the eastern property line.

The current zoning on the property only permits residential units on the upper floors of any structures. The petitioners are seeking a PUD approval to allow for ground floor residential units to be constructed. The PUD would also increase the allowable density from 15 units/acre to 20 units/acre.

The petitioners have submitted a proposed District Ordinance and Preliminary Plan. The Preliminary Plan shows a general layout of how the property could be developed if the rezoning is granted. In general, the proposal includes 3 or 4-story structures constructed in a building forward manner with surface parking lots located to the east (rear). They have also shown a centrally located community space.

The petitioners have shown two potential development options. The first option (Option 1) would retain the large existing truck maintenance facility on Area B, at least in the short term. Another small building associated with the northern property is proposed to be removed and replaced with additional surface parking for the multi-family development. The petitioners have also shown a second Preliminary Plan concept (Option 2) that would include the removal of the large industrial building and replacement of the structure with 30 additional units.

Density: Although the overall density of the two Preliminary Plan options has been shown with 14.47 un/ac and 17.71 un/ac respectively, the District Ordinance as proposed would allow up to 20 un/ac on the overall site. This is more than the current density allowance of 15 units/ac.

Parking: The UDO does not require any parking for this property. The maximum number of parking spaces is based on the specific non-residential use and would also include 1 parking space per bedroom of residential use. The petitioners have proposed a slightly modified parking maximum. They have proposed 0.8 spaces per bedroom and a general 1 space per 250 square feet of non-residential space. Preliminary Plan Option 1 (not including the industrial building) would allow up to 357 spaces for 341 bedrooms and 5000 square feet of non-residential space. They have shown 252 parking spaces. Option 2 would have a maximum of approximately 437 spaces for 421 bedrooms and 5000 square feet of non-residential space.

Height: The petitioners are proposing an increased height allowance for this property from 50 feet to 55 feet.

Architecture: The petitioners have proposed architectural restrictions for the PUD. These restrictions are very similar to the existing Arterial architectural restrictions of the UDO. They have limited the primary materials to brick, split and ground face block, limestone, and cement board lap siding. Staff would recommend glass and natural stone be added back into this list. EIFS has been removed from the list of permitted materials.

Some additional requirements of the current standards are proposed to be altered with the District Ordinance. Some of these items are the potential for doing a covered doorway rather than an awning or canopy, changes in building façade height of 3 feet rather than 5 feet, wall recesses of 2 feet rather than 3%, no minimum roof pitch, and removal of primary entry details. There are several other architectural details that staff would like to review with the petitioners prior to a second hearing. The petitioners have provided staff with sample architectural concepts that are being considered.

It is unclear if the preliminary architecture would be designed in a fashion that would allow for easy conversion to first floor commercial space. Staff would like more details on this prior to a second hearing.

Non-Residential Space: The petitioners are proposing to provide a minimum of 5000 square feet of first floor non-residential space along Patterson Dr. Staff notes that clubhouses and amenities for multi-family residents are not considered non-residential space. Furthermore staff does not find 5000 square feet of non-residential space to be adequate for this 8.49 acre tract. For reference, the existing industrial building at the northern end is approximately 17,000 square feet and could be replaced under this proposal with a fully residential use.

Occupancy: The petitioners have committed to prohibiting any 5 bedroom units and limiting the occupancy of the 4 bedroom units to a maximum of 4 unrelated adults. Occupancy of other unit types has not specifically been limited past UDO standards.

Pedestrian Facilities: The owner of the property was required to bond for pedestrian facilities along both Patterson Dr. and 3rd St. with a previous

subdivision of this site. These facilities have not been constructed. The petitioners have shown an 8-foot sidepath along the entire street frontage of Patterson Dr. and 3rd St. The petitioners' Option 1 Preliminary Plan does not include the 3rd St. sidepath. Staff would recommend that the entire pedestrian facility be installed with any future development of this site.

Neighborhood: The Prospect Hill Neighborhood Association has met with the petitioners to review this petition. Staff has not received any negative comments from the public regarding this petition.

Scale: Although building forward design is desirable, staff is seeking guidance from the Plan Commission on whether the proposed Preliminary Plan is compatible with the surrounding area in terms of scale. The buildings have few breaks along Patterson and no street parking. These structures are proposed to be up to 4 stories and 55 feet in height. There are mostly one and two-story structures surrounding this property with taller structures permitted in the future redevelopment of the Patterson Pointe PUD.

Neighbor's Encroachment: The existing industrial use to the east currently encroaches onto a portion of the subject property. This paved encroachment is used as an outdoor storage yard. This encroachment is also located on top of an enclosed culvert within the regulated floodway. The petitioners' Preliminary Plan options do not show this encroachment. Prior to second hearing, staff would like clarification regarding this encroachment. Furthermore, staff recommends the removal of this encroachment.

Impervious Surface Coverage: Although the petitioners' Preliminary Plan shows compliance with the 60% maximum impervious surface coverage (Option 1 =59% and Option 2 = 56%), the proposed District Ordinance has a maximum impervious surface coverage of 70%. Due to the presence of the floodway and riparian buffer area, staff has concerns with an increase in the impervious surface coverage. Staff would like Plan Commission guidance on this issue prior to second hearing.

Signage: The petitioners are proposing three individual freestanding signs of 50 square feet and 5 feet in height. They are also proposing to allow projecting signs for commercial uses on these lots. Projecting signs are currently only permitted within the Commercial Downtown zoning district.

Permitted Uses: The petitioners have included a proposed list of uses for the PUD. This list has been largely reduced from the CA list of permitted uses. The list also includes multi-family dwelling units. This is the main issue of concern with this petition. Although staff has no significant concerns with the non-residential uses proposed, it might be appropriate to continue to permit a wider range of uses on this site.

GROWTH POLICIES PLAN COMPLIANCE: With this request, the petitioners must demonstrate compliance with the Growth Policies Plan. Staff has identified several concerns regarding this requirement. The GPP designates this 8.49 acre

site as a “Community Activity Center (CAC).” Staff has analyzed several relevant policies identified within the GPP and is highlighting the following policies outlined for CACs:

- *Rather than serving a single neighborhood, commercial uses in and surrounding the CAC will be developed so as to be accessible to multiple neighborhoods by non-motorized means, without becoming a major destination for the entire City and/or region.*

Although the proposed PUD would allow commercial, the petitioners have committed to only a minimum of 5000 square feet of non-residential space.

- As the central commercial node of the surrounding area, public gathering space is an ideal addition to the mix of uses. Residents will need outdoor space to access, and public open space can provide a valuable amenity to customers of the commercial units.

Although the petitioners have proposed a common green space for the residents on the property, they have not proposed any public open spaces on the property.

- The primary land use in the CAC should be medium-scaled commercial retail and service uses

Even though commercial uses would be allowed in the proposed PUD, very little commercial space is proposed with the request. It is unlikely that medium-scaled commercial retail and service uses would be located with this proposal. Any non-residential use is most likely going to be small-scale commercial use that would primarily serve the proposed apartment units.

- Residential units may also be developed as a component of the CAC, and would be most appropriate when uses are arranged as a central node rather than along a corridor.

Unlike the PUD that was approved on the west side of Patterson Drive (Patterson Pointe PUD), the proposed multi-family is not arranged as central node and is proposed to be located along the Patterson Dr. corridor.

- Provision of public spaces should be used as an incentive to allow additional residential units or commercial space to be developed as part of the planning approval process.

The proposal is required to preserve the floodplain and riparian buffer area along the eastern property line. As proposed, this would provide some greenspace, but would not provide any public spaces. Furthermore, these areas are currently required to be preserved under the provisions of the UDO.

- Public Transit access should be a major component of the urban services provided for any Community Activity Center.

Although transit service is not located immediately adjacent to the site, transit service is currently available to the north at W. 3rd St. and to the south on W. Bloomfield Road. In addition, the petitioners currently operate a private shuttle service to another local apartment complex, The Village at Mueller Park. This shuttle service could be extended to this site as well.

- A formal streetscape will help to define a Community Activity Center as a distinct node of activity serving a group of neighborhoods.

A formal streetscape is possible with this petition. Many street trees are in place and sidewalk/sidepath would be installed with this petition along the entirety of Patterson Drive and 3rd St. The petitioners have not proposed any on-street parking. On-street parking is partially complicated by the designation of Patterson Dr. as a truck route.

- The CAC should take on the form of an urban center, with a pedestrian focus and several floors of usable space, both commercial and residential.

Although the conceptual site plan creates an urban streetscape, the overall development has some suburban elements. Furthermore, there is little commercial space that would be required with this proposal.

- Buildings should be developed with minimal street setbacks to increase pedestrian and transit accessibility.

The proposed PUD allows for minimal street setbacks as does the existing zoning on the property. The petitioners' conceptual site plan shows a building forward urban streetscape along Patterson Dr.

- Parking should be located and designed with an emphasis on minimizing pedestrian obstacles to accessing businesses.

Again, there are very little business uses proposed with the current plan. If commercial uses were included with the proposal, there would most likely be little pedestrian obstacles from the businesses.

- Incentives should be created to encourage the inclusion of second-story residential units in the development of Community Activity Centers.

The current zoning allows for second-story residential units up to 15 units/acre. The petitioners are asking for ground floor units.

- In order to buffer pedestrians on busy corridors as well as reduce off-street parking needs, on-street parking and tree plots should be encouraged in new developments and maintained on built roadways.

Tree plots will be incorporated into any site design for this property. The petitioners are not proposing any on-street parking.

In addition to these general policies toward CACs, the *Adams Street/Patterson Drive Subarea* provides specific policy guidance for the development of this property. The subarea includes recommendations concerning land use, urban services and site design. Specifically, the following policy statements are noted (page 60 of the GPP):

- Development should insure that commercial services are conveniently located to serve employment uses in the Subarea, as well as designed to allow for non-vehicular access from nearby residential areas.

Again, there is only a limited amount of non-residential space proposed with this development.

- Road upgrades will spark investment toward commercial retail facilities. Balancing these market demands with a need to further develop other types of nonresidential uses (employment based) will be critical.

The subarea plan clearly envisions a primarily non-residential use of this property, either retail or non-retail.

- New commercial and employment development in this Subarea should be accommodated with new transit stop facilities.

Although transit service is located to the north and south of this property, there is no immediately adjacent transit service to this site. The petitioners have discussed the potential of providing a residential shuttle service to the property.

- Access to arterial roadways (3rd Street, Patterson Drive, Bloomfield Road) must be tightly controlled as part of the development review process.

Only two access points are proposed on Patterson Dr. and one on 3rd St. With approximately 750 feet of street frontage along Patterson Dr. and 500 feet of frontage on 3rd St., staff finds the three access points to provide adequate access with minimum street interruptions.

- Redevelopment and intensification should be accompanied by increased landscaping, greenspace opportunities, and building forward design.

Although the property has floodplain and riparian buffers located on the eastern portion of the site, the petitioners are proposing a reduced greenspace standard for this site. This is directly counter to this subarea policy.

- Opportunities for additional stormwater detention as well as pedestrian connectivity between Bloomfield Road and West 3rd Street should also be considered for this area.

The petitioners are required to incorporate water quality features for the proposal.

ENVIRONMENTAL COMMISSION: The EC recommended denial of this PUD request. If this petition request is not denied, the EC recommends the following as conditions of approval in the District Ordinance.

- 1) The Petitioner shall design a riparian buffer in compliance with the Bloomington Municipal Code 20.05.041.
- 2) The riparian buffer and the floodplain shall both be placed within a preservation/conservation easement on the plat, and a Facilities Plan shall be created and approved.
- 3) Green Infrastructure BMPs, specifically daylighting the buried section of the creek and constructing linear rain gardens adjacent to parking lots, shall be required in this PUD.
- 4) The Petitioner shall redesign the plan such that at most, 60% of the surface is allowed to be impervious.
- 5) The Petitioner should make a commitment to apply green building practices to create high performance, low carbon-footprint structures.
- 6) The Petitioner shall provide space for recyclable materials to be stored for collection, and a recycling contractor to pick it up.
- 7) The Petitioner shall create a Landscape Plan for the entire PUD site that includes the conservation easement areas (floodplain and riparian buffer), as well as interior and parking lot landscaping standards.

STAFF ANALYSIS: Staff finds the current petition does not meet the intent of a mixed-use development with primarily non-residential uses. The GPP clearly does not envision a primarily residential development on this property. Although the market for non-residential space is currently limited, the availability of vacant, flat properties of this size and central location are extremely limited. The City has invested a great deal of resources to improve the surrounding streetscapes and infrastructure through recent projects including W. 3rd St and the construction of the Patterson Dr. extension in anticipation of long-term development and redevelopment of this area by predominantly non-residential uses as evidenced by the critical sub-area designated for this and the surrounding properties. Furthermore, staff finds that the current zoning is more consistent with the GPP guidance for this property than the proposed Planned Unit Development.

REQUESTED FEEDBACK: Staff requests that the Plan Commission give direction to staff regarding this PUD proposal regarding the following questions:

- Is a reduction of non-residential space to 5000 square feet for 8.49 acres appropriate?

- Is an increase in density to 20 units/acre appropriate?
- Is a proposed streetscape without on-street parking and 3-4 story (55' max height) buildings lining Patterson Drive appropriate?
- Does the proposed rezone provide a public benefit?
- Are the first floors of the proposed buildings viable for future commercial tenant spaces?
- Should the proposed construction be contingent upon adjacent intersection improvements?
- Should the UDO signage standards be utilized or a revised sign package including projecting signs?
- Is an increased impervious surface coverage appropriate?
- Does the proposed rezone provide for adequate environmental protections of the floodway and riparian buffer?
- Is the proposed rezone consistent with the Growth Policies Plan, particularly the Adams Street/Patterson Drive subarea?

RECOMMENDATION: Staff recommends forwarding this petition to a second hearing.

ORDINANCE 13-07

TO VACATE PUBLIC PARCELS -

**Re: Two Segments of a Seminary Lot Alley which are 16.5 Feet Wide and a Total of 1,180 Feet Long with One Segment Running East to West through the Patterson Pointe PUD and the Other Running in the Same Direction Through the Proposed Patterson Park PUD
(Adam's Crossing, LLC and Rogers Group, Inc. Petitioners)**

WHEREAS, I.C. 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, the petitioners, Adam's Crossing, LLC and Rogers Group, Inc., have filed a petition to vacate parcels of City property more particularly described below; and

WHEREAS, pursuant to I.C. 36-7-3-16, the City received written communications from utility services regarding their interests in the right-of-way and those communications are on file and available for inspection at the City Planning and Clerk and Council Office at 401 North Morton Street, Bloomington, Indiana (47402);

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 I.C. 36-7-3-12, a portion of City owned property shall be vacated. The property includes two segments of a Seminary Lot alley right-of-way which are 16.5 feet wide and a total of 1,180-feet long, with one segment running east to west through the Patterson Pointe PUD and the other running in the same direction through the Patterson Park PUD. This right-of-way is more particularly described as follows:

A strip of ground, platted as an alley, being a part of the Seminary Lots as recorded in Deed Record "N" at page 503 in the office of the Recorder in Monroe County, Indiana, more particularly described as follows:

Beginning at the southwest corner of Seminary Lot 142; Thence on the south line of Seminary Lot 142 North 89 degrees 07 minutes 42 seconds East (basis of bearings being the plat of Landmark Business Center Phase V recorded as Instrument 2004025058 in Plat Cabinet "C", envelope 386, Monroe County Recorder) 516.81 feet to the east line of Lot 2 in Landmark Business Center Phase V; Thence leaving the south line of Seminary Lot 142 and on the east line of Lot 2 South 9 degrees 47 minutes 46 seconds West 16.79 feet to the north line of Seminary Lot 147; Thence leaving the west line of Lot 2 and on the north line of Seminary Lot 147 and Seminary Lot 148 South 89 degrees 07 minutes 42 seconds West 703.55 feet to the west line of said Lot 2; Thence leaving the north line of Seminary Lot 148 and on the west line of Lot 2 North 39 degrees 02 minutes 36 seconds West 20.99 feet to the south line of Seminary Lot 141; Thence leaving said west line of Lot 2 and on the south line of Seminary Lot 141 North 89 degrees 07 minutes 42 seconds East 202.81 feet to the point of beginning.

A strip of ground, platted as an alley, being a part of the Seminary Lots as recorded in Deed Record "N" at page 503 in the office of the Recorder in Monroe County, Indiana, more particularly described as follows:

Beginning at the southwest corner of Seminary Lot 144; Thence on the south line of Seminary Lot 144 North 90 degrees East (basis of bearings being the plat of Patterson Park, Phase One; Final Plat recorded as Instrument 2003011010 in Plat Cabinet "C", envelope 330, Monroe County Recorder) 54.60 feet to the west line of a subdivision known as Weddle Park and recorded as Instrument 320910 in Plat Cabinet "C", envelope 85, Monroe County Recorder; Thence leaving the south line of said Seminary Lot 144 and on the west line of Weddle Park South 27 degrees 44 minutes 02 seconds East 18.64 feet to the north line of Seminary Lot 145; Thence leaving said west line of Weddle Park and on the north line of Seminary Lot 145 and Seminary Lot 146 South 90 degrees West 465.92 feet to the east right of way line of Patterson Drive as dedicated to the City of Bloomington and recorded in Deed Record 484 at page 222, Monroe County Recorder; Thence leaving the north line of Seminary Lot 146 and on the east right of way line of Patterson Drive North 38 degrees 57 minutes 37 seconds West 21.22 feet to the south line of Seminary Lot 143; Thence leaving said right of way line and on the south line of Seminary Lot 143 North 90 degrees East 415.99 feet to the point of beginning.

SECTION 2. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2013.

DARRYL NEHER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2013.

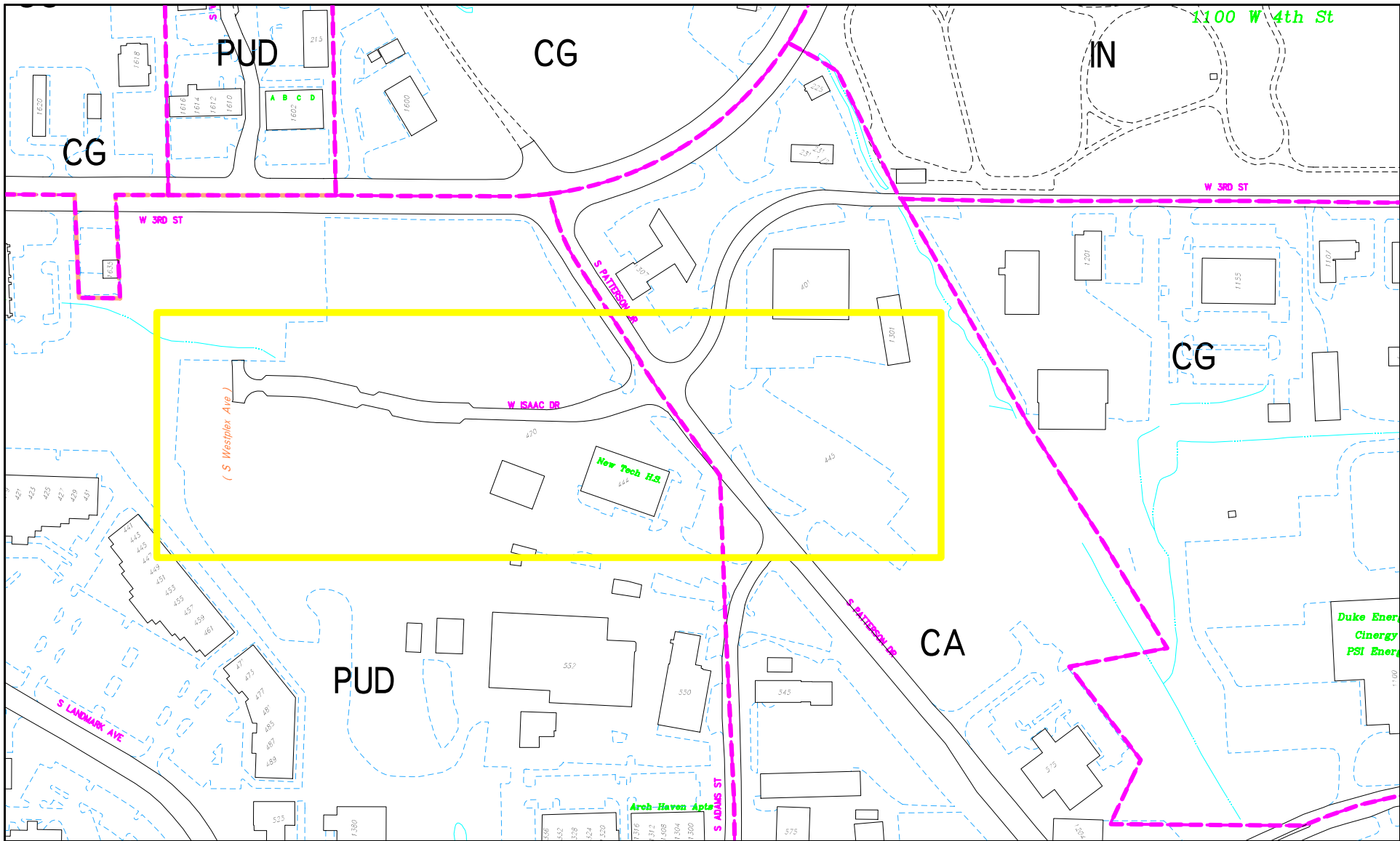
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2013.

MARK KRUZAN, Mayor
City of Bloomington

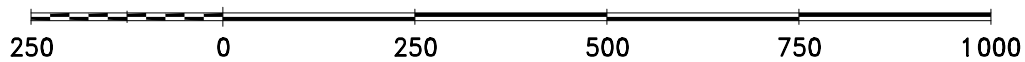
SYNOPSIS

The petitioners, Adams Crossing, LLC and Rogers Group, Inc, request vacation of two Seminary Lot Alley segments of right-of-way with one segment running east to west through the Patterson Pointe PUD and the other running in the same direction through the proposed Patterson Park PUD. The request is to allow the Patterson Park and Patterson Pointe developments to proceed with their development plans.



**Ord 13-07 Vacation of Right-of-Way at Patterson Pointe and Park PUDs
Surrounding Zoning**

By: shermand
28 Feb 13



For reference only; map information NOT warranted.



City of Bloomington
Clerk & Council



Scale: 1" = 250'



**CITY OF BLOOMINGTON
PLANNING DEPARTMENT
MEMORANDUM**

DATE: February 13, 2013
TO: City of Bloomington Common Council Members
FROM: Lynne Darland, Zoning & Enforcement Manager
SUBJECT: Request for vacation of alley right-of-way
PETITIONERS: Adam's Crossing, LLC/Rogers Group, Inc.

LOCATION: The general location of the Seminary alley right-of-way petitioned for vacation is south of West Third Street, north of West Second Street, east of Patterson Drive, and west of Adams Street. The alley segment is divided into two sections; one running east to west through the Patterson Pointe PUD. The second runs in the same direction between the east property line of the proposed Patterson Park PUD and Patterson Drive. The two alley segments petitioned for vacation measure 16.5 feet wide by approximately 1,180 feet in length.

BACKGROUND: During a title search of the property proposed for the Patterson Park PUD development, it was discovered that there is a Seminary alley right-of-way that still exists and runs over four properties. This right-of-way was undetected by title searches until now and was not shown on the City's GIS system. The purpose of this vacation request is to allow for the development of the Patterson Park PUD and for the approved site plan for the Patterson Pointe development to move forward. The alley is not needed for access to either of the development sites. These properties have access from other existing or proposed rights-of-way.

UTILITY INTRESTS: The following utility and city service organizations have responded to this request with no objections for the vacation of the existing right-of-way:

- The City of Bloomington Public Works Department
- The City of Bloomington Utilities Department
- The City of Bloomington Information & Technology Services Department (ITS)
- AT&T
- Duke Energy
- Comcast Communications
- City of Bloomington Police Department
- City of Bloomington Fire Department
- Vectren

The request for vacation was heard by the Board of Public Works (BPW) on February 12th of this year. The BPW voted to recommend vacation of the right-of-way. City Fire, Police, CBU and ITS have no objections to the proposed vacation. ATT Midwest, Comcast, Vectren, and Duke Energy have no lines in the alley and have no objections to the vacation.

CRITERIA: The criteria utilized to review a public ROW or easement vacation request are as follows:

1. Current Status - Access to Property.

Access to the Patterson Pointe PUD was approved during the rezoning process in 2010. A public right-of-way known as Isaac Drive has already been constructed. This right-of-way will be one part of a public street system that will serve the entire PUD. Future right-of-way for the Howe Street and Prospect Street extensions will give the proposed Patterson Park PUD ample access to the site and excellent future connectivity to the area in general. As previously stated, both the Fire and Police Departments find that they can adequately serve the proposed buildings and adjoining uses without use of this right-of-way segment.

2. Necessity for Growth of the City:

Future Status: Utilization of this right-of-way segment is not needed for community growth. Future vehicular, bicycle, and pedestrian access in this area can still be accommodated through the use of West Third Street, West 2nd Street, Patterson Drive, Adams Street, the Howe Street, and Prospect Street extensions, and newly constructed Isaac Drive. The extension of Howe Street will have a 60 foot wide right-of-way that flairs even wider to the east. The extension of Prospect Street will have an 80.5 foot wide right-of-way to accommodate on-street parking on both sides. Both streets will be dedicated with the Patterson Park PUD approval. All public utilities can adequately be served through use of easements.

Proposed Private Ownership Utilization: The interested parties to this right-of-way are Adam's Crossing, LLC and Rogers Group, Inc. The vacated right-of-way would be owned by these parties respectively.

Compliance with Regulations: The vacation of this Seminary alley right-of-way will not create any issues regarding compliance with local regulations. Since this right-of-way was not known, there are no regulations in the City's Unified Development Ordinance or other City codes that require usage of the right-of-way for any transportation need.

Relation to Plans: This proposal is consistent with City Plans. Loss of this right-of-way does not conflict with the City's Thoroughfare Plan or Growth Policies Plan.

RECOMMENDATION: Both the Planning Department and the Board of Public Works have recommended that the City vacate the alley right-of-way in question.



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

Petition for Vacation of Public Right-of-Way

Ordinance:		<u>Ord 13-07</u>
Hearings:		
Council Chambers	Regular Session - First Reading	March 6, 2013
401 North Morton Street	Committee of the Whole - Discussion	March 6, 2013
7:30 p.m.	Special Session – Public Hr & Final Action	March 27, 2013

Address of Property Lot 2 of Landmark Business Center, Phase V; 401 S. Patterson Drive: and 545 & 550 S. Adams Street, Bloomington, IN, 47403

Description of Proposed Vacation: Two segments of a Seminary Lot Alley which are 16.5 feet wide and a total of 1,180 feet long with one segment running east to west through the Patterson Pointe PUD and the other running in the same direction through the proposed Patterson Park PUD

Name of Petitioner Trinitas Ventures, LLC (Travis Vencel) for Adams Crossing, LLC and Rogers Group, Inc.

Address 201 Main Street, Suite 1000, Lafayette, IN 47901
Phone 765-464-2800

Consultant Jeffrey S. Fanyo, PE, Bynum Fanyo and Associates, Inc.
Address 528 N. Walnut Street (jfanyo@bynumfanyo.com)
Phone 812-332-8030

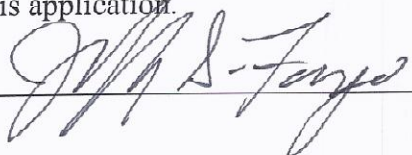
Abutting Property Owners: *See Attached Sheet*

This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

I (we) agree that the applicant will provide a list of and notify all adjacent property owners by certified mail at the applicant's expense.

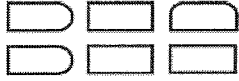
I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.

Signature:  Date: 3/1/13

Owners of Property Abutting Parcels to be Vacated by City of Bloomington
Ordinance 13-07 (Provided by Lynne Darland, Senior Zoning Planner, Bloomington, and
Revised by Jeffrey Fanyo, Representative of Petitioner)

1. City of Bloomington
PO Box 100
Bloomington, IN 47402
2. Stone Belt Arc, Inc.
2815 E. 10th Street
Bloomington, IN 47408
3. Public Service Company of Indiana, Inc
550 S. Tyron Street DEC 41B
Charlotte, NC 28202
4. Adams Crossing LLC
525 S. Landmark Ave.
Bloomington, IN 47402
5. EuDaly Investments
351 S. Landmark Ave.
Bloomington, IN 47404
6. Weddle Bros. Construction Co. Inc.,
PO Box 1330,
Bloomington, IN 47402



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

January 31, 2013

City of Bloomington Planning Department
401 N. Morton Street, Suite 160, City Hall
Bloomington, Indiana 47402

RE: Patterson Pointe and Patterson Park PUD Vacation of Seminary Lot Alley

City of Bloomington Planning Department or To Whom It May Concern:

This letter with attached exhibits and application serves as an informative packet requesting petition to vacate the existing 'Seminary Lot Alley' currently routed through parcels and lots desired for development. These lots and parcels planned for improvements are: Lot #2 of the Landmark Business Center, Phase V and 401 S. Patterson Drive in Bloomington, Indiana (see attached aerial exhibit for locations and surroundings).

These lots and parcels for development are currently not accessed by this Seminary Lot Alley and no other parcels, lots or public connection depend on this platted easement for access. As part of the development improvements, the parcel located east of Patterson Drive (401 S. Patterson Drive) will introduce two new (80.5' and 50.0' wide) dedicated public ROW strips. These public dedicated ROW strips are planned to provide future connections to Howe St. and Prospect St. This introduced ROW will provide the necessary replacement of the Seminary Lot Alley for public use and connectivity (see attached aerial exhibit.) The lot for proposed development improvements west of Patterson Drive (Lot #2 of the Landmark Business Center, Phase V) will also provide new introduced dedicated public ROW (Milieu Drive) as part of the project. This will be a 57.0' wide dedicated public ROW that that will replace the Seminary Lot Alley by running nearly parallel to the north of it by an average of 30.0'. This parcel will also provide a future 50.0' public dedicated ROW (Dolimah Avenue) to connect businesses and residential areas to the south.

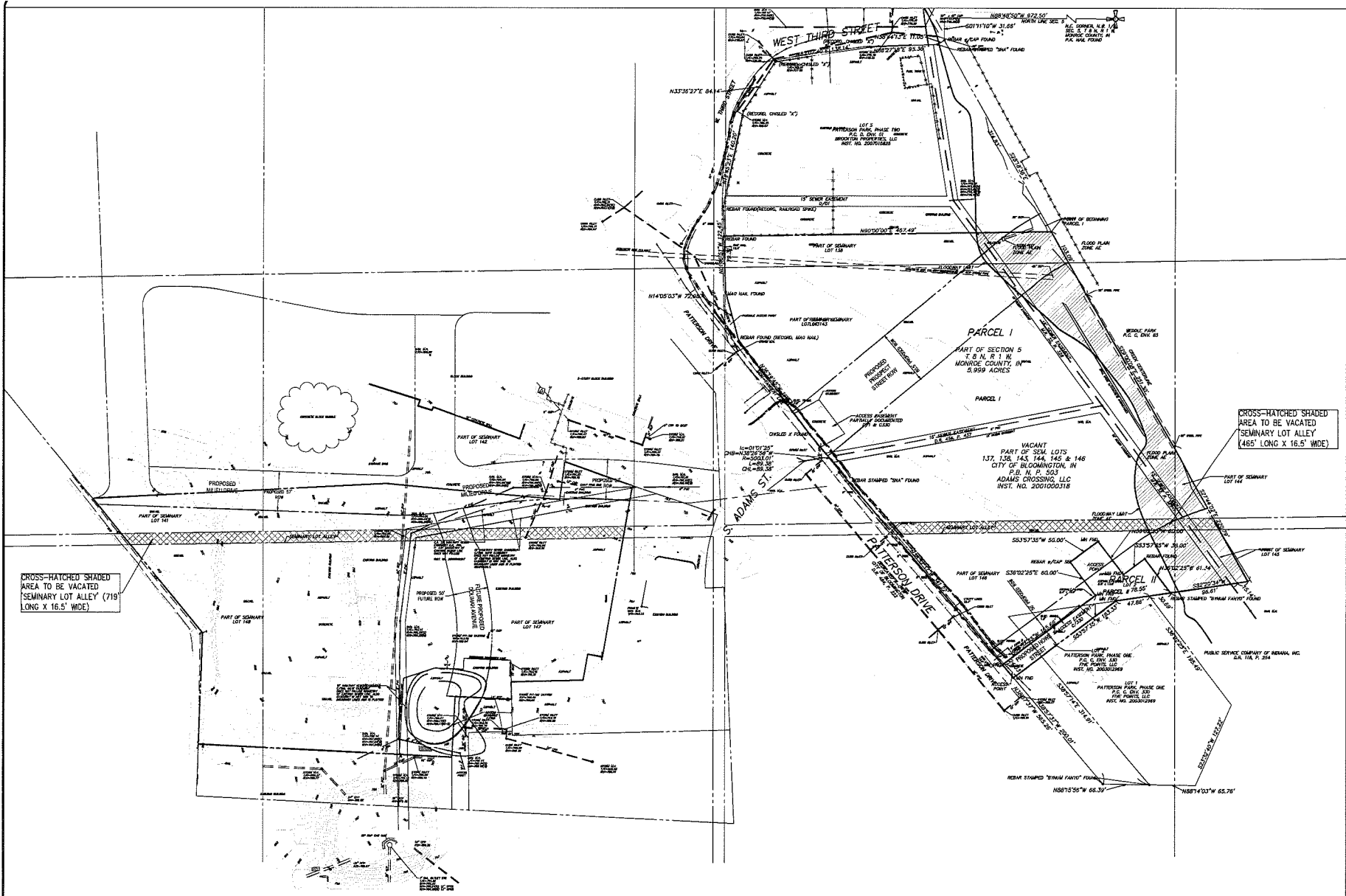
We believe this vacation of the Seminary Lot Alley and dedication of public ROW as laid out is consistent with the Bloomington Master Plan, Thoroughfare Plan, and Patterson Pointe PUD connectivity layout. Please contact us with any concerns or questions.

Sincerely,

Daniel J Butler, EIT, Project Civil Engineer

528 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990



CROSS-HATCHED SHADED AREA TO BE VACATED SEMINARY LOT ALLEY (719' LONG X 16.5' WIDE)

CROSS-HATCHED SHADED AREA TO BE VACATED SEMINARY LOT ALLEY (465' LONG X 16.5' WIDE)

revisions:

ARCHITECTURE	
CIVIL ENGINEERING	
PLANNING	
LANDSCAPE ARCHITECTURE	
ENVIRONMENTAL ENGINEERING	
TRAFFIC ENGINEERING	
UTILITY ENGINEERING	
WATER RESOURCES ENGINEERING	
WIND ENGINEERING	
COLLEGE OF ARCHITECTURE	
COLLEGE OF ENGINEERING	
COLLEGE OF LANDSCAPE ARCHITECTURE	
COLLEGE OF PLANNING	
COLLEGE OF TRAFFIC ENGINEERING	
COLLEGE OF UTILITY ENGINEERING	
COLLEGE OF WATER RESOURCES ENGINEERING	
COLLEGE OF WIND ENGINEERING	
528 north walnut street	
(612) 332-3030	

BBB
 BRYANT BROTHERS & ASSOCIATES, INC.
 528 north walnut street
 (612) 332-3030

certified by:

PROPOSED
 PATTERSON POINTE AND
 PATTERSON PARK PUDS
 S. ADAMS STREET LAND'S PATTERSON DRIVE
 BLOOMINGTON, INDIANA

title: VACATED ALLEY
 EXHIBIT

designed by: DJB
 drawn by: DJB
 checked by: JSF
 sheet no: 1
 project no.: 401216



EXHIBIT _____

SEMINARY LOTS ALLEY LEGAL DESCRIPTION

**SEMINARY LOTS 141,142,147 & 148
BLOOMINGTON, INDIANA**

A strip of ground, platted as an alley, being a part of the Seminary Lots as recorded in Deed Record "N" at page 503 in the office of the Recorder in Monroe County, Indiana, more particularly described as follows:

Beginning at the southwest corner of Seminary Lot 142; Thence on the south line of Seminary Lot 142 North 89 degrees 07 minutes 42 seconds East (basis of bearings being the plat of Landmark Business Center Phase V recorded as Instrument 2004025058 in Plat Cabinet "C", envelope 386, Monroe County Recorder) 516.81 feet to the east line of Lot 2 in Landmark Business Center Phase V; Thence leaving the south line of Seminary Lot 142 and on the east line of Lot 2 South 9 degrees 47 minutes 46 seconds West 16.79 feet to the north line of Seminary Lot 147; Thence leaving the west line of Lot 2 and on the north line of Seminary Lot 147 and Seminary Lot 148 South 89 degrees 07 minutes 42 seconds West 703.55 feet to the west line of said Lot 2; Thence leaving the north line of Seminary Lot 148 and on the west line of Lot 2 North 39 degrees 02 minutes 36 seconds West 20.99 feet to the south line of Seminary Lot 141; Thence leaving said west line of Lot 2 and on the south line of Seminary Lot 141 North 89 degrees 07 minutes 42 seconds East 202.81 feet to the point of beginning.

Certified this _____ day of February, 2013

Douglas R. Curry
Indiana L.S. No. 890006
Bynum Fanyo & Associates, Inc.
528 N. Walnut St.
Bloomington, IN 47404
812-332-8030

EXHIBIT _____

SEMINARY LOTS ALLEY LEGAL DESCRIPTION

**SEMINARY LOTS 143,144,145&146
BOOMINGTON, INDIANA**

A strip of ground, platted as an alley, being a part of the Seminary Lots as recorded in Deed Record "N" at page 503 in the office of the Recorder in Monroe County, Indiana, more particularly described as follows:

Beginning at the southwest corner of Seminary Lot 144; Thence on the south line of Seminary Lot 144 North 90 degrees East (basis of bearings being the plat of Patterson Park, Phase One; Final Plat recorded as Instrument 2003011010 in Plat Cabinet "C", envelope 330, Monroe County Recorder) 54.60 feet to the west line of a subdivision known as Weddle Park and recorded as Instrument 320910 in Plat Cabinet "C", envelope 85, Monroe County Recorder; Thence leaving the south line of said Seminary Lot 144 and on the west line of Weddle Park South 27 degrees 44 minutes 02 seconds East 18.64 feet to the north line of Seminary Lot 145; Thence leaving said west line of Weddle Park and on the north line of Seminary Lot 145 and Seminary Lot 146 South 90 degrees West 465.92 feet to the east right of way line of Patterson Drive as dedicated to the City of Bloomington and recorded in Deed Record 484 at page 222, Monroe County Recorder; Thence leaving the north line of Seminary Lot 146 and on the east right of way line of Patterson Drive North 38 degrees 57 minutes 37 seconds West 21.22 feet to the south line of Seminary Lot 143; Thence leaving said right of way line and on the south line of Seminary Lot 143 North 90 degrees East 415.99 feet to the point of beginning.

Certified this _____ day of February, 2013

Douglas R. Curry
Indiana L.S. No. 890006
Bynum Fanyo & Associates, Inc.
528 N. Walnut St.
Bloomington, IN 47404
812-332-8030

ORDINANCE 13-07

TO VACATE PUBLIC PARCELS -

Re: Two Segments of a Seminary Lot Alley Which are 16.5 Feet Wide and a Total of 1,180 Feet Long; One Section Running East to West through the Patterson Pointe PUD, the Other Running in the Same Direction Through the Proposed Patterson Park PUD (Adam’s Crossing, LLC and Rogers Group, Inc. Petitioners)

Responses from Utilities and Safety Services
(Available in the Council Office)

I.C. 36-7-3-16 (b) provides that utilities that are occupying and using all or part of the right-of-way for the location and operation of their facilities at the time the vacation proceedings are instituted may continue to do so after the vacation of right-of-way, unless they waive their rights by filing written consent in those proceedings.

Safety Services Interest in the Alley Ways

Police Department *Is “fine with the right-of-way vacation.”*
Fire Department *Has “no issues with the right-of-way vacation.”*

Utility Interests in the Alley Ways

Vectren *Has “no facility within this alley way right-of-way.”*

Duke *“Do not oppose the alley vacation request.”*
Comcast *See “no problem with this request.”*
City of *“The only utilities CBU has within this strip are currently within easements or will be within easements when the final plats are approved... has no objection with the requested vacation...”*
Bloomington Utilities Dept *“has no facilities within this right-of-way.”*
AT&T *Has “no reservations with this request.”*
Bloomington Digital
Underground



Board of Public Works Staff Report

Project/Event: Alley Vacation – 401 S. Patterson Drive, 550 S. Adams Street, 545 S. Adams Street, and 420 S. Patterson Drive

Petitioner/Representative: Adams Crossing, LLC

Staff Representative: Rick Alexander

Meeting Date: February 12, 2013

Report: During a title search for the property known as Patterson Park, it was discovered that there is a Seminary alley right-of-way that runs east/west over four separate developments. Patterson Park is a mixed use development on the east side of Patterson Drive south of Third Street. These other properties include Patterson Pointe, City of Bloomington, and Stone Belt Employment Services. This Seminary alley, measures 16.5 feet in width and 1,559 feet in length, and has gone undetected by title searches until now. The Seminary alley is not identified on the City of Bloomington's GIS mapping system.

Recommendation and Supporting Justification: Planning has heard from all of the utility companies as well as BPD & BFD and none of them object to the loss of this public right of way. The Public Works staff supports this request to vacate. The development will result in construction jobs as well as jobs in the commercial portions of the developments. The alley is not needed for access to any of the four properties. All of the properties either have access or will have access from other public rights-of-way.

Recommend Approval Denial by _____ Rick Alexander

In the Council Chambers of the Showers City Hall on Wednesday, January 16, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
January 16, 2013

Roll Call: Mayer, Neher, Rollo, Ruff (arr: 8:45pm), Sandberg, Spechler, Volan, Granger, Sturbaum
Absent: None

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

Minutes from the Organizational meeting of January 9, 2013 were approved by a voice vote.

APPROVAL OF MINUTES

Marty Spechler said the only way to reduce gun violence in this country was to reduce the number of guns available to purchase. He said anything else, mental health issues, putting police in schools, was really a distraction from this issue.

REPORTS
COUNCIL MEMBERS

Steve Volan noted the passing of Rosemary Miller, saying she was a woman of great vision who led the John Waldron Art Center campaign. He said she would be missed.

Tim Mayer noted Rosemary Miller's passing and that of Mike Hostettler, former Chief of Police for the City of Bloomington.

Chris Sturbaum noted the uniqueness of Rosemary Miller and the fact that she started the bulk of her historic preservation 'career' after she retired at the age of 65. He said her optimism and "Let's do it" attitude inspired him every day.

Dorothy Granger said her residents' breakfast would not be held in January. Granger said that she would be interested in hearing what topics residents wanted to know more about for future sessions, and encouraged folks to email her.

Darryl Neher said his constituent meeting would be held on Saturday, January 19, 2013 in the McCloskey Room at 11:00 am. He said he would review the 2012 legislative year and preview the 2013 year's work.

There were no reports from the Mayor or other offices at this meeting.

The MAYOR AND CITY OFFICES

There were no reports from council committees at this meeting.

COUNCIL COMMITTEES

President Neher called for public comment, but there was none in this segment of the meeting.

PUBLIC

It was moved and seconded that Ordinance 13-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-1. She announced that *the public comment portion of the deliberation on this item would serve as the publicly noticed hearing on the item.* It was moved and seconded that Ordinance 13-01 be adopted.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
Ordinance 13-01 To Vacate a Public
Parcel – Re: A 50-foot Wide, 768-
Foot Long Segment of South Tech
Boulevard Running North of West
Schmaltz Boulevard (Public
Investment Corporation, Petitioner)

Tom Micuda, Director of Planning, said that the petitioner had submitted the request so that they could sell adjacent properties to Hoosier Energy for a building project. He outlined the basics of the project, listing points of support for this project as 1)- 4.5 extra acres of woods and open space saved with aggregated lots rather than individual lot development, 2)- Tech Park Blvd does not have connectivity to

surrounding areas and will not be needed by the public, 3)- Gate access is not done on public streets and Hoosier Energy needs that feature for security, and 4)- GPP has designated this area as an employment center. He said emergency services and Utilities had all been notified and had no issues with the vacation. He said the Board of Public Works had supported this vacation.

Micuda answered a question that came from the committee hearing regarding the land value. He said the value as \$86,000 based on the value of lots in the tech park. He said he did not hear back from the other business owner in the park, but took it to mean that there were no concerns.

Spechler asked about the wooded area between the site and future I-69. He expressed his preference for a wooded buffer. Micuda pointed out on a map the areas of concern, adding that Lot 8 would remain wooded unless additional parking would be needed in the future. He said Lot 1 would be a location for an I-69 interchange, with the remainder used for green space by Hoosier Energy, the purchaser of the aggregated lots.

Rollo asked about a fire station in the area. Micuda said that a satellite or perimeter fire station would probably be needed in the area of Tapp Road and Fullerton Pike. He said that a lot was set aside for city purchase in a proposed development south and east of Mill Creek, but the development was not built and the lot was not purchased by the city. Micuda said there was vacant property in the Tapp/Fullerton area for a fire station when it would be needed, but it was not a requirement of this area.

Rollo asked if there was due consideration given in terms of overextension of fire protection services for this area. Micuda said yes. Rollo asked if, in the event that a fire station was needed, it would be financed with TIF funds. Micuda said the financing plan was not firm. He said that the development of 150-200 acres of land in the area would be the trigger for the need of a fire station. Rollo asked what station serviced this area at the present time. Micuda said he believed the area would be served by the West 3rd Street Station with support from the station at Miller Drive.

Neher asked the petitioner for comments. Bob Richhart, Vice President of Management Services with Hoosier Energy, said he had no comments but would entertain questions.

President Neher, asking for public comment, noted that this portion of the deliberation would serve as the legally advertised public hearing on the vacation petition.

There were no public comments.

Council comments:

Sturbaum thanked the petitioners for staying in the community, and said he was glad to be able to help make it happen. He said that Hoosier Energy was helping the community by choosing to locate their headquarters there.

Mayer also thanked the petitioner. He said that the Bloomington Economic Development Corporation meeting had been held earlier that evening, and that Hoosier Energy was mentioned along with Duke for providing the community with reliable energy. He thanked them.

Rollo noted that the GPP from 1992 called for the concept of concurrency, or having infrastructure and services in anticipation of

development. He said this was still a concern of his, and said there should be a focus on expediting plans for a fire station in this area.

Spechler said his district regularly had annoying power outages, and there was every reason to urge the commercial utility companies to look to improving the reliability of their service. He noted that Hoosier Energy was a co-operative.

Volan clarified that Spechler's district was not served by Hoosier Energy and that comments about another company's quality of service were not germane to this issue.

Ordinance 13-01 received a roll call vote of Ayes: 8, Nays: 0 (Ruff had not yet arrived at the meeting.)

It was moved and seconded that Resolution 13-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-1-0. Moore said *the resolution also declared the intent of the Council to hold a public hearing on February 6, 2013 to hear public comment on the ERA designation.*

Resolution 13-02 To Designate an Economic Revitalization Area, Approve the Statement of Benefits, and Authorize a Period of Abatement - Re: Tech Park Blvd, Schmaltz Blvd, Lots 1, 6, 7, 8, 10, 11, 12, 13, Mill Creek PUD (Hoosier Energy Rural Electric Cooperative, Inc, Petitioner)

It was moved and seconded that Resolution 13-02 be adopted.

Danise Alano Martin, Director of Economic and Sustainable Development, presented the proposed project and the tax abatement request. She said the project met the basic requirements of increase in assessed value and retention of quality jobs. She showed an overview of the 10-year tax abatement and noted that the taxes to be paid in that time totaled \$1.95M while the taxes not paid by Hoosier Energy would total \$1.91M. She said that the tax abatement would not include personal property of about \$2M which would be taxed at the full tax rate.

Alano Martin noted that the company had provided information on evaluative criteria for the abatement which included their contributions to community service, community character, quality of life and conservation, environmental stewardship and sustainability issues. She noted the company was seeking LEED certification, discussed their prospective ranking in the certification process, and added that they may be able to achieve a higher level of certification.

Alano Martin explained the required Memorandum of Understanding that would be attached to the tax abatement that would include enforcement language, remedies and consequences if compliance was not achieved.

Alano Martin noted that by naming the site an Economic Revitalization Area the council was finding that there were obstacles to normal development and redevelopment which she believed to be the case. She noted only one parcel of the PUD had been developed in the past years, and that conservation easements, topography and odd shaped lots may have also contributed to this obstacle to development.

Alano Martin said that the council would also need to find that the tax abatement did not adversely affect the Tapp Road TIF District. As background she gave a history of the TIF and noted the 2018 expiration date with an optional 5 year extension. In building a case for a finding that the tax abatement would not adversely affect the TIF, she said that there would be no need for new public investment in the area and that there would not be an impact on the TIF's ability to repay a debt, as there was no current debt. She added that benefits to the TIF would be additional revenue and achievement of the above mentioned goals of expanding business and employment opportunities at this site.

Alano Martin reported that the staff agreed with the Economic Development Commission's recommendation of a 10-year abatement

for the property, found that there was no adverse affect on the TIF, and recommended the approval of the resolution. She noted that the public would have a chance to state concerns or objections with the consideration of a confirming resolution that would follow this proposal.

Neher asked the petitioners to make any statement they wished. Bob Richhart, Vice President of Management Services with Hoosier Energy, said he had no comments but would answer questions.

Volan asked staff for clarification on the need for public investment that would require the TIF funds to complete. Alano Martin said there would be no need for new roads or other infrastructure investments. Volan asked if the time extension for the TIF allowed by the state was a one time extension. Alano Martin said that the TIF statute had changed over time. She noted that the council had established an end date for this TIF as there was no 'sunset' in law at the time. She noted that later the law was changed to allow a five year extension to any TIFs with ending dates. Volan asked what would happen with regards to Hoosier Energy if the TIF expired in 10 years. Alano Martin said the taxes would be distributed differently if the TIF expired before the tax abatement.

Spechler asked Alano Martin to comment on the capture of tax revenue, asking if it could be or should be used elsewhere in the city since she had noted it was not needed in the TIF. Alano Martin noted that she did not mean to indicate that the revenue would not be needed by the TIF. She said the current Tapp Road construction and Wapehani Park trail improvements have been funded by the TIF. She added that connectivity between Clear Creek Trail, Twin Lakes and Weimer Road areas would be funded with TIF money in the future. She said that the new revenue created by this tax abatement would add to the TIF.

Spechler said there was a danger of capturing tax revenues for specific projects which might not be the top priority of the city. He said he didn't see the purpose of extending the TIF.

Neher asked if the Memorandum of Understanding (MOU) was a function of a new policy through the Economic Development Department or this project. Alano Martin said the MOU was part of new general standards for tax abatements that were adopted by the Common Council in 2011.

Volan asked about the eventual revenue allotted to all taxing units. Alano Martin noted that TIF districts had a specific ending date but that some tax abatements had an ending date after the expiration of the TIF. The taxes collected after the TIF expired would be allocated among all taxing units rather than remaining in the TIF fund.

Volan asked what would happen to the money in the TIF when it expired. Alano Martin said that the funds could be used for any legal purpose the city would need, but the funds would not be redistributed to other taxing units.

Volan asked if there had ever been a tax abatement given outside of a TIF district. Alano Martin said there had been. She said that there was an extra step in awarding a tax abatement within a TIF but it was all put together in this proposal.

Volan asked about the public hearing. She also noted that there needed to be a public notice for a public hearing on the tax abatement and that would take place within the consideration of the confirming resolution, Resolution 13-03.

Volan asked for information about LEED certification for this project. He noted the information that had been provided from Hoosier Energy and also noted that the prospective points for certification had changed since he first saw the proposal.

Richhart said that they were working with the architect, and that things were in flux. He said that as things developed they were looking for the inclusion of features that could gain more certification points.

Volan asked if the MOU would include LEED certification. Alano Martin said the petitioner stated on the Statement of Benefits that they would have a LEED certified project. Volan added that the petitioner was only committing to the lowest certification. Richhart said that they would achieve the minimum level and would try to achieve a higher level. Volan asked if the cost of the building and therefore LEED level of certification was in flux. Richhart said that the building costs were within a budget, and that final board approval had not yet been given.

Neher asked for public comment on the petition.

Larry Jacobs, Chamber of Commerce Government Relations Manager for the City, spoke in favor of the project and tax abatement. He said Hoosier Energy was a good company that paid employees well, and that they were good citizens. He said that it was a good thing to achieve a LEED certification, and that the council should consider the track record of the company.

Fred Jones, Business Agent for IBEW Local 1393, said he had worked with Hoosier Energy for 24 years and that they were good to work with. He said IBEW and Hoosier Energy were in the middle of a four year contract at this time. He also said that he came to answer questions from council members.

Buff Brown said Hoosier Energy was an example of a good company, and their longevity and commitment to the area was great. He said that the system of spending money in the TIF districts for infrastructure projects was not as public as it should be. He added that it had been eleven years since the Growth Policies Plan was written and that this project did not benefit connectivity, an important part of that plan. He noted the cul-de-sac would be owned privately and also that Tapp Road did not warrant the four lanes that had been built. He noted trees would be cut, and parking lots would be built, that there was no connectivity and that people could not ride a bike to this area. He said this was a good example of how an area was not built with the policies of the GPP.

Rollo said he would support this proposal but also wanted to acknowledge that Buff Brown was a preeminent constituent expert on transportation and community. He said that in any other case he, too, would be focused on connectivity issue. He said in this case there were site constraints with the environmentally sensitive area.

Spechler said although he didn't know much about LEED certification he was glad to hear that Hoosier Energy was doing a cost benefit analysis of elements of the certification. He said economists know that moving closer to environmental purity cause costs to rise and benefits decline, so a higher certification might not be worth while. He said he would not support a unidirectional push to get to a Platinum or Gold certification at all costs. He said Hoosier Energy had ways to use their money to benefit the community other than environmental purity. He said the proposal was good for the workers, good for the city and good for the Hoosier Energy customers.

Volan expressed disappointment at arguments from the public and colleagues. He noted that he had voted to vacate the right-of-way connected to this project, and added that connectivity through the Wapehani Bike Park could allow people to ride a bike to this site. He

said the \$86,000 value of the right-of-way paled in comparison to the \$1.9M that the city was being asked to 'vacate' for ten years for the sake of the project. He said that was a high standard and that questions should be asked. He said Alano Martin asked the council to consider community character, community service, and quality of life/sustainability and added that it was reasonable to ask questions about LEED certification. He said that 'working very hard' at something without a commitment wasn't equal to the city's commitment of forgoing \$1.9M in taxes. He said that the Memorandum of Understanding listed the requirements of LEED certification of 40 points when the previous week the petitioner said they were seeking a higher Silver certification, and at this meeting said they could achieve 58 points, just two points from the highest certification. He added that it didn't give him enough of a promise, and he had trouble supporting this proposal for that reason. He said that in the future, all buildings should be LEED certified with costs spelled out. He also said that asking a question should not be construed as disrespectful or critical of the personal quality of the presenter.

Mayer said he would support the ERA designation that would lead to the tax abatement. He said that in the last GPP the area was designated for development and since then the Pines neighborhood and the Broadview school had been rebuilt there (as Summit Elementary School). He said roads, sewers, road extensions, and other improvements were still needed in the area and more TIF money would be used well.

Resolution 13-02 received a roll call vote of Ayes: 8, Nays: 1 (Volan).

It was moved and seconded that Ordinance 13-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 6-1-0. It was moved and seconded that Ordinance 13-02 be adopted.

Patty Mulvihill, Assistant City Attorney, explained each part of the ordinance that would bring the Municipal Code into compliance with state and federal regulations. She noted that there were seven segments to the ordinance, six of which were non-discretionary as they would bring local zoning code in compliance with state law.

- She said that appeal rights to a zoning decision had been changed from 14 days to 5 days and our code needed to be modified accordingly.
- She noted that vesting rights (from the time the approval was granted until action on the project) were also changed from seven years to ten years, and again, the local code needed to be changed.
- She added that since the state code changed the period of approvals from two to three years, it allowed the city to change the code accordingly, and thus cleaned up many discrepancies in the local code. She said the state code change necessitated a change in the procedure to allow for a plat vacation even if not all owners of land in the Final Plat are in agreement.
- She noted that it had been recently discovered that state and federal regulations currently prohibit the use of greywater, and thus the proposal would delete any reference to greywater.
- She said that according to recent federal law, local units of government were prohibited from denying request for modification to cell phone towers if the dimensions of the base stay the same.
- She noted that the proposal also would require a developer to dedicate a right-of-way to the city within 180 days of a PUD approval or zoning map change.

Ordinance 13-02 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" and Title 20 of the Bloomington Municipal Code Entitled "Unified Development Ordinance" - Re: Various Changes to Make the Local Code Consistent with Other Provisions of the Code, State and Federal Law, and Best Practice

Rollo asked if the change for appeals was at the city's discretion. Mulvihill said it was not, but that the planning staff would work closely with the developers to make sure that this change would be clear.

Rollo asked about any creative ways that greywater could be used. Mulvihill said that greywater could not be used for irrigation purposes according to state and federal law. She noted that if there was a specific question as to what greywater could be used for, she would look into it.

Rollo said creative allowance for treating greywater made sense. He said he was interested in distinguishing between putting greywater into our water treatment process and the creative use of greywater. He said he'd like to know what the allowance could be, and if it was possible to discuss this further. He said permaculturists used greywater to reduce the amount of greywater going into utilities systems. Mulvihill said that the Sustainability Department was looking into ways that it could be used, but at this point in time, the wording needed to be removed from the code. Rollo was pleased with this answer.

Volan asked if a company could put anything on a cell phone tower. Mulvihill said that she inserted the federal language into this proposal and then read the words for the record. Volan asked about microwave transmission that might be damaging birds or mammals. She said her focus was the denial of adding, removing or replacing equipment, but that she could look into his question.

Volan questioned the right-of-way issue. Mulvihill said that the proposed change was written because if a PUD was not developed, the right-of-way to the city often did not get granted, and the city would later need to either purchase or use eminent domain to acquire these areas, especially if it needed the rights-of-way before the property was divided and developed. Tom Micuda, Director of Planning affirmed that the proposed provision would put the right-of-way dedication up front in the process, and would insure that the city got the land areas needed, whether the PUD was developed or not.

Granger asked about the changes to Title 2 which referred to Areas Intended for Annexation. Micuda said that the planning Interlocal agreement, which allocated jurisdiction for areas outside the city, had not been agreed upon by the city and county. He said that disagreement was still the current situation. He said that because of the situation, what had been called "The Areas Intended for Annexation" was regulated through the county. The ordinance changes reflected the county control versus city control over the areas. Granger asked for clarification on annexation of these areas. Micuda said the city still had the ability to annex the areas some time in the future, but under this change in wording, they would not have official designation under city zoning control.

Spechler asked for the definition of greywater and asked if the term extended to retention ponds which might be used for irrigation. Micuda said the term referred to the output of laundry, dishwashing and other household use. Spechler said the pond was attractive and saved water usage.

Mayer, council member serving on the Utilities Service Board, said that Utilities defined greywater as water that had been used for domestic use.

Spechler asked about a right-of-way issue and the acquirement of such private property. Micuda explained that in exchange for a zoning change that would increase the value of the property for future development, state law and zoning practice specified that a right-of-way be dedicated to the city for public infrastructure support as a trade-off for increasing the value of the land. He said it was clearly understood in the PUD process that this would occur. Micuda said it was not considered to be a

'taking' as described by Spechler, but a legitimate part of the development process.

Mayer clarified that the cell tower proposed language in the ordinance was to adopt the federal rule. He asked about current code. Mulvihill said the current code was not clear and thus the need for adoption of the federal language.

Ordinance 13-02 received a roll call vote of Ayes: 9, Nays: 0

It was moved and seconded that Resolution 13-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 5-0-3. It was moved and seconded that Resolution 13-01 be adopted.

It was moved and seconded that Amendment #1 be considered.

Ruff explained his amendment. He said it made small, important changes and additions to the statement that would be guiding the upcoming Growth Policies Plan update. He said the changes used language from an earlier draft of the statement that had been written by staff that was based on public input. He said that the earlier statements better reflected the vision of the community. He noted he was the council representative on the committee, that Sturbaum was the council member serving on the Plan Commission and that they were well suited to consider and propose the changes. He noted that Sturbaum added a few words that clarified that no forms of transportation would be interfered with or chastised, but that there were community benefits in less dependence on the automobile.

Sturbaum said the added words indicated that the city wanted to enhance options with safe, efficient, accessible and connected systems of transportation. He said choice and options would help decrease dependence on cars. He noted the addition of the word 'historic' as a way to indicate that there were legal ways to save historic properties. He said that these changes clarified brief statements that perhaps had lost some clarity for brevity.

Neher asked staff to respond to the amendment. Tom Micuda, Director of Planning, expressed support for the amendment and also said that staff was anxious to get to Phase II. He said he was open to questions any time.

Volan said after reading the phrases he needed more clarification on wanting to reduce the dependence on the auto. He said the focus should be on reducing vehicle miles traveled. He said this would also placement of buildings and asked if this language could be included. Sturbaum answered that that issue was actually handled with other points in the statement.

Volan asked if Micuda could say that the idea of reducing vehicle miles traveled was embodied in other areas of the visioning statement. Micuda said that it was. He added that there was a deliberate avoidance of the use of the 'language of planning' so that the average person would understand concepts. He said that the reduction of vehicle miles traveled would come out more clearly in Phase II when goals and objectives would be discussed.

A call for public comment brought Buff Brown to the podium. He said that Bloomington Transportation Options for People existed for just this purpose, to reduce the amount of driving and cars and to make Bloomington a bike-pedestrian-transit friendly community. He said their

Resolution 13-01 To Adopt a New Vision Statement for Updating the Growth Policies Plan

Amendment #1 to Resolution 13-01
This amendment is sponsored by Councilmembers Ruff and Sturbaum. It changed the proposed Vision Statement of Growth Policies Plan as outlined in the staff memo to Council to describe some of the Vision's components with greater particularity. Specifically, the proposed amendment more clearly defines the City's priorities to: 1) provide a transportation infrastructure that encourages reduced reliance on the automobile; 2) foster neighborhoods as mixed-use centers with access to essential services; 3) invest in economic development that is equitable, supports small business and is sustainable; 4) nurture a resilient, environmentally-friendly community through the judicious use and protection of natural resources, the protection of historic resources and support of local food production; and 5) support healthy lifestyles through the provision of a high-quality parks and greenspace infrastructure. Most of the changes offered in this amendment derive from language previously recommended by City Planning staff and have been informed by robust public feedback.

Amendment #1 to Resolution 13-01
(cont'd)

intent was the protection of the planet and that the car was a huge liability for the planet. He said in the past ten years the GPP, Commission on Sustainability, Environmental Commission and the US Climate Agreement signed by the mayor have all indicated that current driving habits were unsustainable. He said cars were the problem and urban areas should be compact and less car dependent. He said this was a huge subject and he advocated for bold language in this statement. He said communities that had taken this stance had experienced lower death rates from car accidents, lower pollution, and more livability. He said that language from eleven years ago was not sufficient to make changes needed. He asked that council members consider that “being Bloomington” stood for sustainability and livability.

Glen Carter expressed his support for the amendment.

Larry Jacobs, Chamber of Commerce City Government Relations Manager, noted that he liked the term ‘enhance’ and also liked the terms ‘vehicle miles traveled.’ He said that ‘less dependence on the automobile’ was not acceptable language to the Chamber.

Council comments:

Spechler said he supported the amendment. He said citizens should be given better options, but should not be impeded in their choice of using the automobile. He said that people needed to be convinced to change their ways with options and education about their personal actions in saving the planet. He said his constituents used cars for shopping and other things, and that we would need to tolerate their use of cars. He said he would never vote for anything that would impede the use of an automobile, but he appreciated the notion of freedom of choice in this amended language.

Granger said she liked the amendment, said the few new words were strategically placed and would facilitate the rest of the process.

Sandberg said she supported the statement and said that words do matter. She said that simpler, less divisive language afforded her the ability to vote for this amendment.

Volan said the new language was not simpler, and that the steering committee had made an effort to simplify the language to the point where it was detrimental to the content. He said that this amendment was restoring the language that had necessary specificity. He said that ‘vehicle miles traveled’ was not in conflict with anything stated in the amendment. He said the inclusion of that language would enhance the community dialogue, but took encouragement from Micuda’s statement that the meaning would pervade through the process. He said it was better to pass this, but he would continually advocate for the use of “vehicle miles traveled’ in the specific language of the GPP.

Rollo said he appreciated the crafting of the amendment and supported it with one exception. He said the language substitute in guiding principle eleven was agreeable, but lamented that ‘reducing the community’s environmental footprint’ was struck from the sentence. He said that that language provided a direction for using metrics for measuring impact. He said it was important to establish this, measure it and reduce the environmental impact. He asked the council to consider this in amending and adopting the final document.

Mayer said the committee sent the council members 16 points as guiding principles for review while just a few were modified with this amendment. He said he hoped that the rest of the points would be scrutinized with the same intensity in the future. He noted that the

degree of specificity in only a few of the principles should be applied to the rest of the principles. He noted that 'footprint' was removed from the document and noted that it was a contemporary word that would be replaced in time.

Amendment #1 to Resolution 13-01
(cont'd)

Sturbaum thanked the council members for their collaboration and agreement on this issue. He noted that the principles that were not changed were strong enough to stand as they were crafted. He also noted that if the principles were followed and implemented, the number of vehicle miles traveled would be reduced. He said this was a goal no matter how it was achieved.

Ruff thanked Sturbaum for joining him in this work. He thanked the council members, staff members, the mayor and council office staff for their work in preparing the documents. He said this work allowed the principle to be clarified: *providing more opportunities for transportation to reduce dependency on oil*. He noted Volan's concern regarding vehicle miles traveled, but agreed with others that the concept was encompassed in the document. He said that the idea was to provide freedom of mobility for those too young, too old or too poor to drive, increase the freedom of future generations to enjoy a more livable community and planet when looking to the future.

Amendment #1 to Resolution 13-01 received a roll call vote of Ayes: 9, Nays: 0.

There were no additional comments or presentation from the staff for the resolution as amended.

Resolution 13-01 as amended

Council questions:

Volan asked Micuda about his statement of being anxious to get to Phase II. He noted that at least three members of the council have said that they want to see language of the vision statement tweaked. He asked if work on Phase II could begin before the resolution was approved by the council. Micuda said that was up to the council. He said the vision statement would give all parties an idea of direction, setting the stage for Phase II, the Comprehensive Plan. He said there was no statutory requirement, but it was proposed to be a guide to the rest of the process. He said the entire Growth Policies Plan, including the vision statement, would be considered later in the process and that language could be amended then.

Public comment:

Larry Jacobs, Chamber of Commerce City Government Relations Manager, said the Chamber was in support of the work and work product on this document. He thanked the committee and staff for their work and urged the council to support the resolution.

Buff Brown, Bloomington Transportation Options for People, said he had participated in the Growth Policies Plan a decade before and said he enjoyed the process very much. He said that the transportation and land use wording did not have quite enough direction for the past ten years. He said the GPP was the constitution of the city, guiding what the city should do, and said it needed real measureable numbers to work towards. He said that a reduction in car crashes could be achieved by putting more bikes and pedestrians on the street to calm traffic. He said pollution numbers and vehicle miles traveled could be reduced with measurable targets.

Rollo said that 'environmental or ecological footprint' was a common measure of human demands on the earth's ecosystems, and a core principle of sustainability. He added that references to measurements

and quantifiable data were needed for specific goals. He said to not do this would be to create a document with grandiose visions and no teeth. He said his major focus would be on reduction of carbon emissions to alleviate the stress on major ecological systems.

Spechler said setting quantitative targets was attractive if there were reasonable targets and if they had names, but this was not the case. He said that vehicle miles traveled was fallacious because the city was increasing in population and thus the vehicle miles traveled would also increase. He said annexation would also increase this measure, as well as increasing the popularity of the downtown area. He said caution needed to be taken with slogans and phrases to make sure measurements were quantitative targets not in conflict with other values. He said carbon footprint was an odious term and that he did not salute to words such as 'sustainability.' He said his concern was for the effect of any of these measures on human life in the community. He said education was needed to convince people that reduction in usage of their cars was desired.

Volan said the adoption of the resolution would not preclude additional tweaking. He said he was distressed to hear that 'vehicle miles traveled' was fallacious, and noted that a sign of the reduction of 'vehicle miles traveled' was that the average Bloomingtonian rode the transit 85 times per year. He said neighborhood markets and apartments with first floor retail were goals that should be included in the GPP. He hoped for continued conversation, and expressed his support of the resolution.

Neher said that both words and form matter. The more a vision statement was loaded with details, the more a confusion of that form was created. He said that policy decisions that should be made by a governing body would be made in the document. He said he supported the vision statement, but encouraged council members to consider the level of details and metrics expressed in a different level of the Growth Policies Plan. He noted that a discussion of goals was needed in addition to that of specific measurements.

Resolution 13-01 as amended received a roll call vote of Ayes: 9, Nays: 0

It was moved and seconded that Resolution 13-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 6-0-0. It was moved and seconded that Resolution 13-04 be adopted.

Resolution 13-04 To Consolidate the Council Board and Commission Interviewing and Nominating Committees

Neher discussed the resolution on behalf of the Rules Committee, which discussed the proposal with staff from the Office of the City Clerk. He said that this would enable interviews to be held simultaneously, would improve communication within each committee, and would allow for ease in scheduling. He added that the Rules Committee was forwarding this on for adoption before an actual report on the committee's work. He said three committees would be formed rather than 24 committees. He added that the council president would name council members to the committees. He said his intent was to place one at-large member on each committee.

Spechler asked if the president would group common interests together. Neher said the groupings were not centered around commonalities, but with a broad range of interests. He noted his intent to assign council members to the committee that would be interviewing applicants to boards or commissions of interest to them.

There was no public comment on this proposal.

Mayer thanked the Clerk and Deputy Clerk for their work on the proposal.

Resolution 13-04 (cont'd)

Resolution 13-04 received a roll call vote of Ayes: 8, Nays: 1 (Volan)

Ordinance 13-03 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Authorizing the Expanded Use of Parking Meters in the Downtown and Related Changes

LEGISLATION FOR FIRST
READING
Ordinance 13-03

There was no public comment in this section of the meeting.

PUBLIC COMMENT

Dan Sherman, Council Attorney/Administrator reminded council members that the next Internal Work Session would be held on Friday, January 25, 2013.

COUNCIL SCHEDULE

The meeting was adjourned at 10:33 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

for approval

In the Council Chambers of the Showers City Hall on Wednesday, February 20, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
February 20, 2013

Roll Call: Neher, Rollo, Ruff, Sandberg, Spechler, Volan, Granger, Sturbaum
Absent: Mayer

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

There were no committee reports at this meeting.

REPORTS

Marty Spechler spoke on the Keystone XL oil pipeline and its presidential approval. He said since the environmental risks to water supplies in the US had been addressed this measure should be approved by President Obama. Spechler said the oil was needed to keep gas prices down and to replace dirty coal. He said Canada saw the pipeline as vital to its growth, and if it's not approved Canada may sell the oil to China where the resulting pollution would be worse. He said using the Alberta Oil Sands to replace Venezuelan heavy crude would guarantee abundant energy far into the future.

COUNCIL MEMBERS

Steve Volan said two weeks ago he went to Indianapolis to testify against HB1311. He said the bill included a provision that would have prevented out of state college students from voting in Indiana elections. He said he believed that the provision had been taken out of the bill. Volan noted recent night club fires in college towns, Santa Maria, Brazil and Rhode Island. He said that causes of the fires involved bands using pyrotechnics and the night club having flammable foam in the ceiling. He said the loss of life in these college communities made him think of the details of our own fire code.

Dave Rollo said he and Spechler agreed on 90% of issues, but he took exception with support for the Keystone XL Pipeline. He said the oil was extracted with what was essentially a mining operation from sand that was the consistency of asphalt and was dirty oil. He said the oil had to be stripped by natural gas and steam pressure, put in settling ponds and that the yield was 2.5 units of energy for every one expended in getting the oil.

He said this was extracting the worst grades of oil and the sole reason that Canada could not meet their Kyoto obligation. The maximum production would be 3-3.5 million barrels per day. The US uses about 18 million barrels per day while Canada would be exporting less oil because of their own needs. He said for climate reasons, it was a waste of energy, a threat to the climate because of the amount of carbon released in the process, and was an indication that we needed to come to terms with the fact that conventional oil production was nearing an end. He said what was needed was a massive conservation and efficiency project to prevent climate havoc and to adapt to a new energy reality. He said he was vehemently opposed to the pipeline and hoped that President Obama would reject it.

Byron Bangert, Chair of the Human Rights Commission, presented the 2012 Human Rights Award to long-time attorney and activist Guy Loftman.

The MAYOR AND CITY OFFICES

- 2012 Human Rights Award

True to his activist nature, Loftman thanked the Commission for the award, saying "Let us all struggle together." He invited all to a

community discussion entitled “The New Jim Crow” on April 2, 2013 at 7 pm at the Second Baptist Church at 8th and Rogers.

2012 Human Rights Award (cont’d)

There were no reports from council committees at this meeting.

COUNCIL COMMITTEES

President Neher called for public comment:

PUBLIC

David Gulyas, resident of W 8th Street, said that the Near West Side Neighborhood Association was opposed to the proposed waste transfer facility to be located near there. He said several other neighborhood associations were also opposed to the location in the residential area. He shared a study that was conducted regarding a similar facility in Colorado and provided copies to the council. He cited the study finding that this land use was considered noxious, the location of the facility was often in low income or minority neighborhoods, and that significant impacts on property values in the areas of these facilities had been found up to 1.8 miles from the site. He said dust, noxious odors, high traffic levels, high noise levels and rodents and vermin would be the result of this facility, and that neighbors feared these health and safety concerns.

Glen Carter lauded Guy Loftman for receiving the Human Rights Award. Carter said he agreed with the previous speaker, and that his studio was adjacent to the transfer facility, and he was worried about the environmental impacts on air quality and attraction of vermin. He also said that he worried about the reconstruction of a corner gathering place on 6th and Lincoln. He hoped that a bench and tree would be replaced soon and that the purpose of the construction was not to eliminate the gathering of homeless people there. He said other areas and businesses had eliminated such gathering places for buskers, musicians and folks who want to sit and converse. He said this was discrimination and an alarming trend.

Nicole Johnson congratulated Guy Loftman. She also opposed the waste transfer facility, especially considering that the proposal was to not have an interchange on Vernal Pike if I-69 were built. She said this would mean the access to this waste transfer facility would be through neighborhoods. She said she was working on a project that would bring economic discrimination in Bloomington to an end through art. She said that homeless persons would be interviewed and archived for an exhibit. She also wanted the council to know that the community was awaiting the return of the space at 6th and Lincoln that she called “The Office.”

Daniel McMullen mentioned a “Day of Resistance” (being coordinated by the Tea Party) that would address gun rights. He noted that he was in support of the US Constitution, and invited council members to attend.

President Neher appointed the following council members to council interview committees:

APPOINTMENTS TO BOARDS AND COMMISSIONS

- Committee A- Spechler, Mayer, Sturbaum
(covers Animal Control, Board of Zoning Appeals, Commission on Aging, Historic Preservation Commission, Housing Quality Appeals Board, Public Transportation Corporation, Redevelopment Commission, Urban Enterprise Association)
- Committee B- Granger, Volan, Ruff
(covers Bike and Pedestrian Commission, Bloomington Digital Underground Advisory Committee, Commission on the Status of Black Males, Commission on the Status of Women, Environmental Commission, Reverend Dr. Martin Luther King, Jr. Birthday Commission, Telecommunications Council, Traffic Commission)

- Committee C- Neher, Rollo, Sandberg (covers Bloomington Arts Commission, Commission on Hispanic and Latino Affairs, Commission on Sustainability, Commission on the Status of Children and Youth, Housing Trust Fund, Human Rights Commission, Tree Commission, Utilities Service Board)

APPOINTMENTS TO BOARDS
AND COMMISSIONS (*cont'd*)

It was moved and seconded that Resolution 13-06 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-1.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS

It was moved and seconded that Resolution 13-06 be adopted.

Resolution 13-06 To Approve Recommendations of the Mayor for Distribution of Community Developer Block Grant (CDBG) Funds for 2013.

Lisa Abbott, Director of Housing and Neighborhood Development (HAND), gave a brief overview of the distribution of funds from the Federal Housing and Urban Development agency. She addressed a question from the committee meeting regarding the Rockport Road construction. She exhibited a map that showed the proposed 1600 foot sidewalk, stormwater improvements, new pavement and lowering of the hill at Rockport and Coolidge to improve the line of sight. She said that the project would link a housing project that served low income residents with Summit Elementary School, parks and the Community Kitchen.

A call for public comment on this legislation brought one person to the podium. Larry Jacobs, member of the Monroe County United Ministries board, thanked the council for the appropriation for the 96 children in the school. He noted the appreciation of the MCUM board and staff for this funding.

Sturbaum said that the CDBG fund was actually our tax money coming back to be spent at the local level, and that the expenditures were carefully considered and distributed wisely.

Sandberg said she was part of the panel that made the decisions for the social service portion of the CDBG funding. She thanked the committee for their work. She added that the process was bittersweet because every agency did good work, and there was only \$118,000 to allocate which made decision making hard. She noted that the question was whether to award a large amount to a few agencies to make a difference, or a little money to many more agencies. She added that federal dollars were shrinking, and noted that the Jack Hopkins Social Services Funding process was about to begin, noting that two of the CAC members would be serving on that committee with council members. She thanked Marilyn Patterson and Bob Woolford who guided the committee through their processes. She said it was heart wrenching to see the needs of this community and wished more could be done to serve those needs.

Granger noted that she would not be voting on this legislation because of her affiliation with Middle Way House, one of the applicants and awardees.

Spechler said HAND oversight of this HUD funding was important and was the responsibility of the HAND staff.

Volan said he never envied the work of this committee, and appreciated the effort made in this endeavor. He noted House Bill 1313 that would eliminate rental inspection programs within the state. He noted that Abbott was also working on this issue at the state level.

Neher asked for the council's indulgence to have Abbott speak to this issue that was of great concern to the city.

Abbott reported that she had been to the state house to speak to the committee that was hearing the bill that would impose a moratorium on all new rental housing inspection programs in cities across the state which would prohibit cities and towns from amending any existing programs or adopting any new fees during this time. She said her understanding was that because Bloomington already had code in place, it wouldn't impact the city at this time. She added that this issue would be sent to a summer study committee and said that things could change in a day. She added that the proposal was tying the hands of cities that wanted to strengthen their housing and neighborhoods and in turn strengthen economic development in the state. Abbott thanked her staff for their work in support of the legislation.

Neher said that economic pressure on the non-profit agencies was incredible. He thanked the committee and public for their continuing support of these agencies.

Resolution 13-06 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 1 (Granger abstained from voting on this item as she is employed by Middle Way House, one of the recipients, despite the fact that the funds would not impact her position at the agency.)

It was moved and seconded that Resolution 13-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no committee recommendation on this item.

Resolution 13-05 Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City

It was moved and seconded that Resolution 13-05 be adopted.

Ashley Thurmon, Bloomington Housing Authority (BHA) Controller, and intern Amber Gress told of the 1961 agreement with the City of Bloomington that would make a payment for services provided by the city in lieu of taxation. She said that the city annually waived these payments, and said that BHA was asking that a payment of \$27,879 be waived.

Spechler asked about recent evictions in the complex. Thurmon said that HUD had a strict grading schedule of local housing authorities, and that one of the most stringent issues was collection of rents. She said that the money was necessary for services. Spechler asked about other violations, and Thurmon said she didn't have immediate knowledge of these particular situations.

There were no comments from the public at this time.

Council comments:

Spechler wondered if, with the growing homeless problem in the city, that there could be a measure of leniency with respect to evictions for non-payment of rent.

Sandberg thanked Thurmon and Gress for the work that they did, and added that the restrictions that they face in their work come from HUD. She said that the social services community knew that they had to work within the rules to keep getting funding in order to provide services. She said it was not easy to deal with people who were struggling in this manner, and expressed her support of this waiver of payment.

Volan said that in tough times the loss of housing might be contributing to the homelessness in the community. He also pointed out that the work of the Bloomington Housing Authority could not do the work of all social agencies, as it had a specific mission. He said both Sandberg's and Spechler's statements were well made.

Resolution 13-05 (cont'd)

Sandberg noted a recent conversation with a colleague about people who come out of jail with nothing, and few resources to start a new life. She said it was not good to point fingers, and that all resources needed to be brought to the table to find shelter for all. She said she welcomed the chance to raise this issue in public.

Sturbaum said there was a role to be played by the people being served and it was a complicated issue.

Neher expressed his support of the resolution, and added that there would be a community dialogue to envision how Bloomington as a community could help those most vulnerable. He said he would give specifics at a later date.

Resolution 13-05 received a roll call vote of Ayes: 8, Nays: 0

There was no legislation to introduce at this meeting.

LEGISLATION FOR FIRST
READING

There was no public comment in this section of the meeting.

PUBLIC COMMENT

There were no changes in the council schedule, but Dan Sherman, Council Attorney/Administrator reminded council members of their committee meetings at the end of the week.

COUNCIL SCHEDULE

The meeting was adjourned at 8:40 pm.

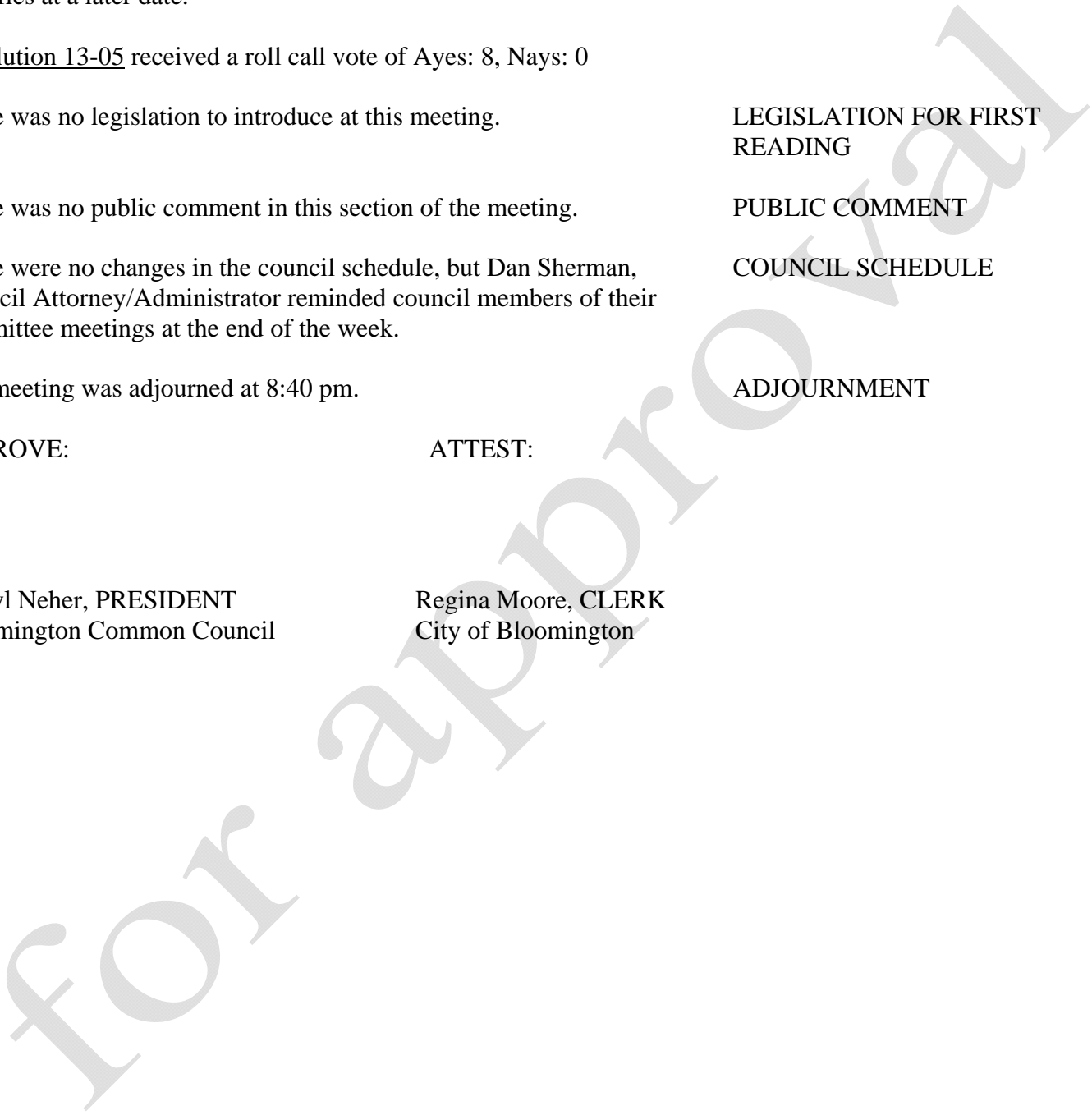
ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington



MEMORANDUM OF EXECUTIVE SESSION

An Executive Session of the City of Bloomington Common Council was held on Wednesday, February 27, 2013 at 5:30pm in the Council Chambers, room 115, of the Showers City Hall located at 401 North Morton Street.

The purpose of the Executive Session, authorized by IC 5-14.1.5-6.1 (b)(2)(c) and (b)(13), was to discuss the implementation of security systems and information and intelligence intended to prevent, mitigate, or respond to the threat of terrorism.

The following persons attended the meeting:

Tim Mayer, Susan Sandberg, Dorothy Granger, Darryl Neher, Steve Volan, Marty Spechler, Daniel Sherman, Regina Moore, Nicole Bolden and Officer Scott Oldham, BPD.

I hereby certify that no decisions were made or subject matter discussed in the Executive Session other than the subject matter specified herein and in the posted notice of the actual session.

Dated this 27th day of February, 2013.

Darryl Neher, President
Bloomington Common Council

Attest:

Regina Moore, Clerk
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, February 27, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
February 27, 2013

Roll Call: Mayer, Neher, Ruff, Sandberg, Spechler, Volan, Granger, Sturbaum
Absent: Rollo

ROLL CALL

Council President Neher gave the Agenda Summation. He noted the Committee of the Whole meeting that would follow immediately after this meeting.

AGENDA SUMMATION

Neher gave a summary of the report submitted to the council by the 2012-2013 Rules Committee.

REPORTS FROM COUNCIL
COMMITTEES

- 2012-2013 Council Rules Committee Report

He said the areas discussed were to increase council efficiency and addressed four areas of concern:

- Interview and nominating functions of the council
- Management of the council legislative cycle
- Length of meetings
- Conforming local code to actual practices and changes in state law

He said the first issue was covered by the passage of Ordinance 13-04 (passed in January of 2013) which consolidated nominating and interview committees.

He said the report proposed would allow the president to announce a five week legislative cycle if it was needed for more discussion or deliberation. He said that this would inform all parties at the beginning of the cycle.

He said length of meetings was a point of deliberation for the committee but no action was proposed because the five week cycle would possibly make for shorter meetings.

He said inactive committees would be dissolved, and establish the Sidewalk Committee, Jack Hopkins Social Service Funding Committee, the Interview and Nominating Committees as standing committees. He said that the other specifics would be addressed in the following committee meeting.

Neher added that the proposal regarding a fiscal impact statement which had been in the code since 1959. He said that a sample statement was included in the proposal, but did not need to be voted on separately.

Neher thanked clerk and council staff for their help, and Granger, Mayer and Ruff for serving on the committee.

There was no public comment on this report.

Volan said he attended some of the meetings and was pleased that the report addressed issues that were of concern to him, especially the provision that would allow a longer legislative cycle. He encouraged support of this report.

Spechler said determining the need for a longer legislative cycle should be at the discretion of the president, subject to reversal of the council. Neher said the president would initially determine this, and the decision could be modified by the council.

Granger said she learned much about the workings of the council by sitting on the committee and urged others to take that opportunity when it arose next.

Neher noted one other recommendation of the report that referred to the 2008 Rules Committee report chaired by Sandberg that outlined the protocol for the council. He said that this report reaffirmed the mode of operation for council meetings.

- 2012-2013 Council Rules Committee Report (*cont'd*)

It was moved and seconded that the council accept the 2012-2013 Council Rules Committee Report. The motion to accept the report received a roll call vote of Ayes: 8, Nays: 0.

Ordinance 13-05 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Amending Chapter 2.04 (Common Council) Pursuant to Recommendations of the Council Rules Committee of 2012-2013

LEGISLATION FOR FIRST READING
Ordinance 13-05

President Neher reminded council members of an Internal Work Session on Monday, March 4, 2013 to be held in the McCloskey Room.

COUNCIL SCHEDULE

Neher also noted that Ordinance 13-03 (Downtown Parking) would be considered at the Wednesday, March 20th Regular Session of the Council. He also noted that he had called a Special Session of the Council to consider the three items to be considered during the first legislative cycle in March. That Special Session would be held immediately before the previously scheduled Committee of the Whole on March 27, 2013.

The meeting was adjourned at 7:43 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

