

# CITY OF BLOOMINGTON



## PLAN COMMISSION

November 15, 2021

5:30 p.m.

Zoom Meeting:

<https://bloomington.zoom.us/j/89759936356?pwd=eINQeGxyM1lwL3lwU0p5cU10ejd2dz09>

Meeting ID: 897 5993 6356

Passcode: 402853

**CITY OF BLOOMINGTON  
PLAN COMMISSION  
November 15, 2021 at 5:30 p.m.**

❖**Virtual Meeting:**

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**ROLL CALL**

**MINUTES TO BE APPROVED:** October 18, 2021

**REPORTS, RESOLUTIONS AND COMMUNICATIONS:**

**PETITIONS CONTINUED TO:** December 13, 2021

- DP-20-21     **Bledsoe Riggert Cooper James**  
3111 S Walnut Street Pike  
Request: Primary Plat approval of 33 single family lots on 10.34 acres in Ivy Chase Subdivision Phase II.  
Case Manager: Eric Greulich
- PUD/DP-24-21     **Robert V Shaw**  
N Prow Road: 3500 block of N Hackberry Street  
Request: Petitioner requests Final Plan and Preliminary Plat amendment for Ridgefield PUD and Subdivision Section V.  
Case Manager: Jackie Scanlan
- SP-37-21     **Cederview Management**  
3391 S Walnut Street  
Request: Major site plan approval to allow the construction of a 34,000 sq.ft. office building for a behavioral health facility for children with autism in the Mixed-Use Corridor (MC) zoning district.  
Case Manager: Eric Greulich
- DP-35-21     **Joe Kemp Construction**  
2400 S Adams Street  
Request: Primary plat approval of 9 single family lots, 18 attached single family lots and 3 common area lots on 3.87 acres.  
Case Manager: Eric Greulich

**CONSENT AGENDA:**

- DP-33-21     **Cederview Management**  
3391 S Walnut Street  
Request: Primary plat approval to allow for a two lot subdivision of 5.46 acres.  
Case Manager: Eric Greulich

**\*\*Next Meeting December 13, 2021**

**Last Updated: 11/12/2021**

**Auxiliary aids for people with disabilities are available upon request with adequate notice.**

**Please call [812-349-3429](tel:812-349-3429) or e-mail [human.rights@bloomington.in.gov](mailto:human.rights@bloomington.in.gov).**



**PETITIONS:** November 15, 2021

SP-32-21     **TCVC, LLC**  
532 N Morton Street  
Request: Major site plan approval to extend a temporary approval of first floor residential instead of commercial space.  
Case Manager: Eric Greulich

DP-34-21     **Habitat for Humanity of Monroe Co., Inc.**  
650 W Guy Avenue  
Request: Secondary plat approval for a subdivision of 5.34 acres for 30 residential lots and 3 common area lots in a Planned Unit Development (PUD) district.  
Case Manager: Eric Greulich

Petition Map: <https://arcg.is/1ff8q0>

**\*\*Next Meeting December 13, 2021**

**Last Updated: 11/12/2021**

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**BLOOMINGTON PLAN COMMISSION  
STAFF REPORT  
Location: 3391 S. Walnut Street**

**CASE #: DP-33-21  
DATE: November 15, 2021**

**PETITIONER:** Cedarview Management  
601 N. College Ave., Bloomington

**CONSULTANTS:** Studio 3 Design, Inc.  
8604 Allisonville Road, Indianapolis

**REQUEST:** The petitioner is requesting primary plat approval to allow for a two lot subdivision of 5.46 acres in the Mixed-Use Corridor (MC) zoning district.

**BACKGROUND:**

**Area:** 5.46 acres  
**Zoning:** Mixed-Use Corridor  
**Comp Plan Designation:** Urban Corridor  
**Existing Land Use:** Undeveloped  
**Proposed Land Use:** Behavioral Health Facility  
**Surrounding Uses:** North – Office  
West – Animal Shelter/Recycling Facility  
East – Single and Multi-family residences  
South – Office

**REPORT:** The property is located at 3391 S. Walnut Street and is zoned Mixed-Use Corridor (MC). Surrounding zoning includes Mixed-Use Corridor (MC) to the north and south, Residential Multifamily (RM) to the east, and Mixed Use Institutional (MI) to the west. The surrounding properties have been developed with a mix of single and multi-family residences to the east, offices to the north and south, and public service facilities to the west. This site is undeveloped and has several trees along the property border with no known sensitive environmental features.

The Plan Commission approved a preliminary and final plat for this property in 2006 under case #DP-15-06 for a 12-lot commercial subdivision. A grading permit was also approved to allow for general site grading and installation of a sidepath and street trees along the frontage. Although the site improvements and limited infrastructure were completed, the plat was not recorded and has expired. The petitioner is now requesting primary plat approval to allow for a two-lot subdivision of the property. The proposed lots would be 3.28 acres and 2.187 acres in size. Delegation of secondary plat approval to staff has also been requested.

A separate petition has been filed (SP-37-21) to approve a new behavioral health facility on the proposed lot #1.

**20.06.060(b)(3)(E) PRIMARY PLAT REVIEW:** The Plan Commission or Plat Committee shall review the primary subdivision petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision ), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the following standards:

- i. All subdivision proposals shall be consistent with the need to minimize flood damage.
- ii. All subdivision proposals shall have public utilities and facilities such as sewer, gas,

- iii. electrical, and water systems located and constructed to minimize flood damage.
- iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards
- iv. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of 50 lots or five acres.
- v. All subdivision proposals shall minimize development in the SFHA and/or limit intensity of development permitted in the SFHA
- vi. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

**PROPOSED FINDING:** This site is not located in a 100-year regulated floodplain and the petitioner has designed an on-site stormwater management system to meet the City Standards. New public utilities will be extended to this development. Base flood elevation data can be shown on the secondary plat, however this site is not located in a 100-year regulated floodplain so there is no established base flood elevation for this site. No portion of this property is located in a Special Flood Hazard Area (SFHA) and the property is accessed directly from S. Walnut Street so there is adequate access for emergency service vehicles and personnel.

**20.06.040(d)(6)(B) General Compliance Criteria**

- i. Compliance with this UDO
- ii. Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards
- iv. Compliance with Prior Approvals
- v. Consistency with Comprehensive Plans and Other Applicable Plans
- vi. Consistent with Intergovernmental Agreements
- vii. Minimization or Mitigation of Adverse Impacts
- viii. Adequacy of Road Systems
- ix. Provides Adequate Public Services and Facilities
- x. Rational Phasing Plan

**PROPOSED FINDING:** This plat meets all of the requirements of the UDO, no variances or waivers are required for this subdivision. There are no other known applicable regulations that would apply to this subdivision. Final approval from the City of Bloomington Utilities Department is required prior to the issuance of any permits. Although there were a previous subdivision approval for this site, that was not recorded and there are no other prior applicable approvals. The property is designated as Urban Corridor in the Comprehensive Plan and this subdivision would be consistent with the goals and objectives of the Plan. There are no known intergovernmental Agreements that pertain to this site. There are no expected adverse impacts as a result of this plat. A site plan will be reviewed under a separate approval and any expected adverse impacts could be addressed with that petition. There are no known environmental features that are subject to the UDO. Adequate stormwater management areas will be reviewed with the site plan approval. This site is immediately adjacent to Walnut Street which is a primary arterial road. As part of this approval a new 10' wide concrete sidewalk will be installed along the entire property frontage, thus improving pedestrian access to the site. No phasing is expected with the plat.

**20.06.040(d)(6)(D) Additional Criteria Applicable to Primary Plats and Zoning Map Amendments (Including PUDs)**

i. Consistency with Comprehensive Plan and Other Applicable Plans

The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other adopted plans and policies.

ii. Consistent with Intergovernmental Agreements

The proposed use and development shall be consistent with any adopted intergovernmental agreements and shall comply with the terms and conditions of any intergovernmental agreements incorporated by reference into this UDO.

iii.

1. The proposed use and development shall be designed to minimize negative environmental impacts and shall not cause significant adverse impacts on the natural environment. Examples of the natural environment include water, air, noise, stormwater management, wildlife habitat, soils, and native vegetation.
2. The proposed use and development shall not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.
3. The proposed use and development shall not result in significant adverse fiscal impacts on the city.
4. The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.

iv.

1. Adequate road capacity must exist to serve the uses permitted under the proposed development, and the proposed use and development shall be designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.
2. The proposed use and development shall neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

v. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

vi. Rational Phasing Plan

If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date and shall not depend upon subsequent phases for those improvements

**PROPOSED FINDING:** There are no expected adverse impacts as a result of this plat. A site plan will be reviewed under a separate approval and any expected adverse impacts could be addressed with that petition. There are no known environmental features that are subject to the

UDO. Adequate stormwater management areas will be reviewed with the site plan approval. There are no known natural, scenic, or historical features of significant importance on this site. There are no identified adverse fiscal impacts with this petition. A neighborhood meeting is not required with primary plat approval. This project is immediately adjacent to Walnut Street which is identified as a General Urban typology. Access to this site is obtained from a major arterial road. As mentioned previously, this project is immediately adjacent to Walnut Street and will therefore not draw any traffic through residential streets. No problems with providing utility services to this site have been identified. The City of Bloomington Utilities Department must approve all utility connections and services prior to issuance of a grading permit. No phasing of the plat is expected.

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**PLAT REVIEW:**

**Lot Establishment Standards:** The minimum lot size in the MC zoning district is 5,000 square feet and the minimum lot width is 50'. The proposed lot #1 will be 357' wide and 3.28 acres. The proposed lot #2 will be 334' wide and 2.187 acres. Both proposed lots meet the minimum lot width and size requirements. The proposed subdivision also meets the standards outlined for a Commercial/Employment Subdivision (CL) type.

**Right-of-Way standards:** Walnut Street is classified as a General Urban typology and is required to have 90' of total dedication (45' from centerline). There is currently 50' of dedicated right-of-way from centerline along this property, so no additional right-of-way dedication is required.

**Alternative Transportation:** A 10' wide concrete sidewalk is required with the General Urban street typology and the existing 8' wide asphalt sidepath must therefore be removed.

**Environmental Considerations:** While there are several scattered trees on the property border, there is not a mature canopy that is required to be preserved. There are no known sensitive environmental features.

**Utilities:** Each lot will be meeting stormwater quality and detention requirements on each respective lot. No common detention facilities or common area lots are proposed.

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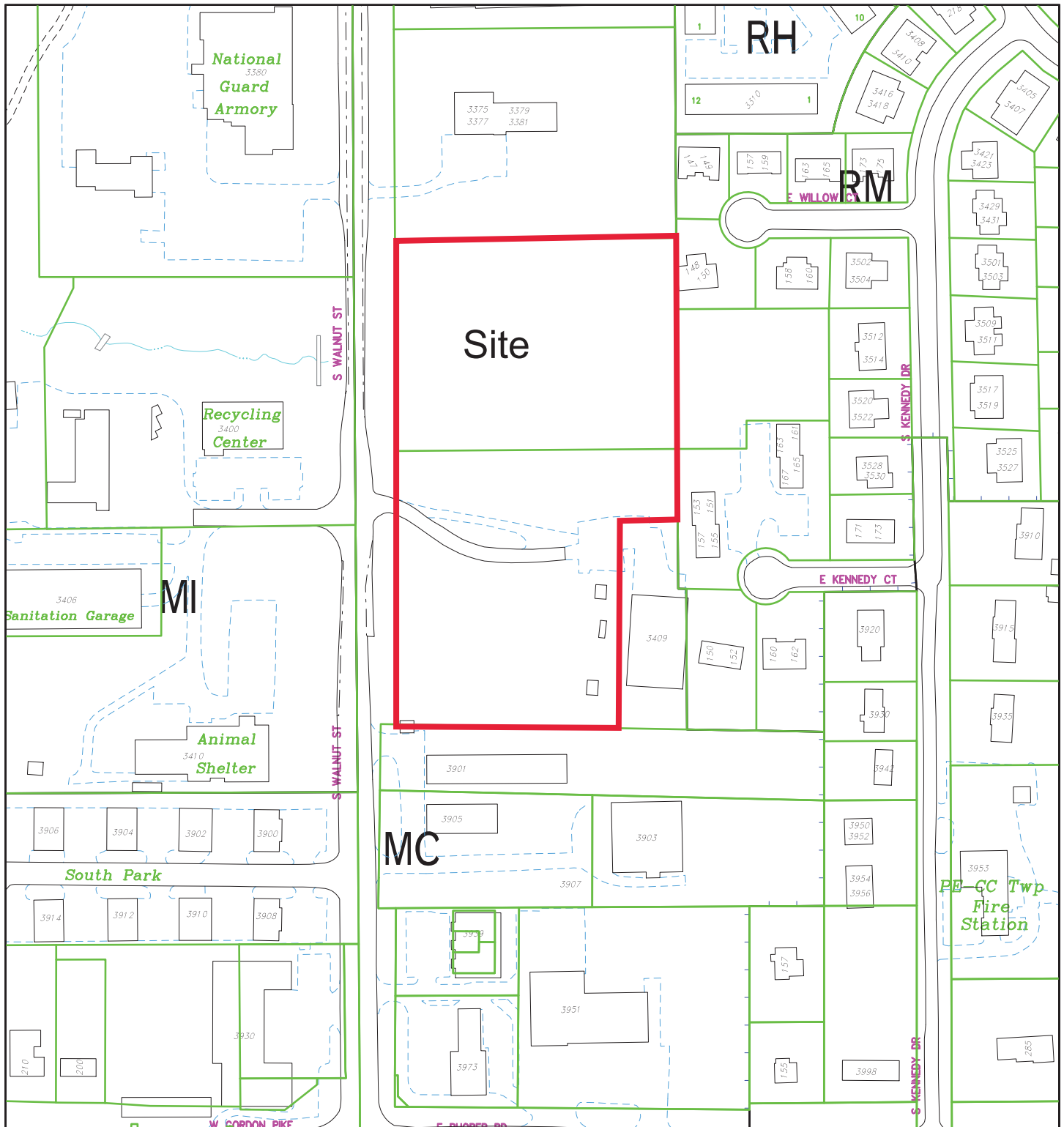
**CONCLUSION:** The proposed plat meets all of the requirements of the UDO.

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**RECOMMENDATION:** The Planning and Transportation Department recommends that the Plan Commission adopt the proposed findings and approve the primary plat of DP-33-21 with the following conditions:

1. Distance from road centerline to property line must be shown on secondary plat to verify compliance with required right-of-way.
2. All easements on secondary plat must use language outlined in the UDO.
3. The existing asphalt sidepath must be removed and a minimum 10' wide concrete sidewalk installed along the entire property frontage.
4. Secondary plat approval is delegated to staff.
5. All off-site encroachments on Lot #2 from the adjacent use must be resolved with site plan approval on Lot #2.



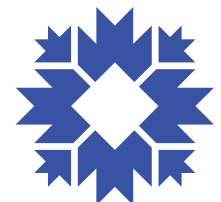


By: greulice  
12 Nov 21



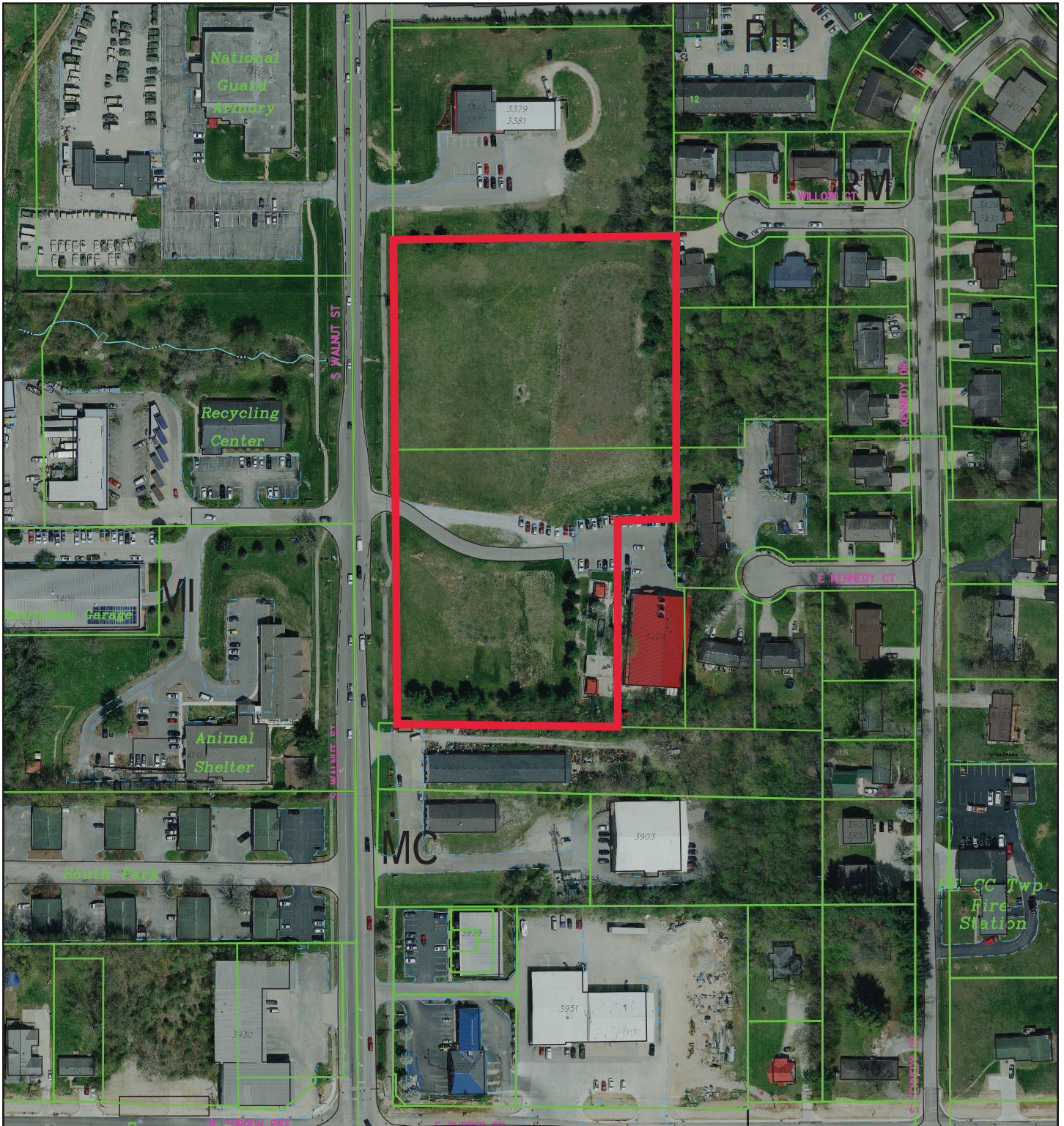
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City of Bloomington  
Planning

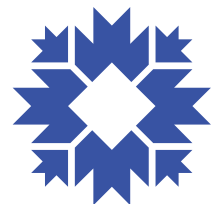


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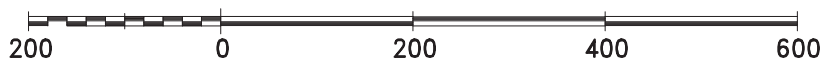


City of Bloomington  
Planning



Scale: 1" = 200'

By: greulice  
12 Nov 21



For reference only; map information NOT warranted.





**October 12, 2021**  
**Revised 10-13-21**

City of Bloomington Planning Department  
 P.O. Box 100  
 Bloomington, IN 47402

Attn: Mr. Eric Greulich

**RE: Little Star ABA**

**PETITIONERS STATEMENT**

Dear Eric;

Studio 3 Design is pleased to submit the attached Behavioral Health Facility for children with Autism, “**Little Star ABA**”. On behalf of our client, **we respectfully request approval of a major development and preliminary plat approval for a (2) two lot subdivision.**

Lot 1 (3.7 acres) will be for Little Star ABA development. Lot 2 (1.75 acres) will not be developed or included as part of the Little Star project. Total site being divided into two lot subdivision is 5.45 acres.

**We are requesting that Secondary plat approval be delegated to staff.**

The following document outlines the project scope. Please take time to review and contact us with any additional questions.

**The attached petition is based on the current UDO.**

**Project Location**

The project site is located on a **5.45** parcel of land that is currently undeveloped on the East side of South Walnut Street. The property is adjacent to 3404 South Walnut (Paws Dog Daycare), though that property is not included in the subdivision request.

**Project Description**

The project will consist of a single building, purpose built for a single tenant – Little Star ABA. Little Star provides one on one therapy for children and young adults with autism. The Behavioral intervention they provide is divided into three age groups – each with their own distinct zone within the facility. The three zones are Early Behavioral Intervention (EBI), Childhood Behavioral Intervention (CBI) and Teen and Adult Behavioral Intervention (TABI). The patients arrive throughout the day and work with their therapist for varying timeframes. Most clients are on site for the majority of the day.

### **Project Site Access and Drive Functionality:**

Access to the site will be provided by reconfiguration of the existing drive south of the proposed building and construction of a new drive north of the proposed building to create a loop through the site. The new northern drive is located 123' from the property line and 162' from the existing drive on the adjacent property.

The south drive will provide a shared access between Lots 1 and 2 of the proposed subdivision as well as to the existing Paws property within an access easement.

The north and south drive access creates a loop around the building for patient and staff access as well as fire department access to all sides of building. Patients will arrive at varying times throughout the day. Unlike a school, there is not a set start time where all patients and staff arrive at the same time. Parents will park and walk their child into the facility. There are two primary entrances with patient only parking lining the sidewalk on the north and south sides of the building. Staff parking can serve as overflow parking (if there is a large group arriving at the same time. Ample parking has been provided on site to prevent stacking of vehicles out to South Walnut Street.

Outdoor picnic and playground areas have been incorporated into the design. The playground/picnic areas will be secured with fencing to keep patients safe on site in a controlled environment.

### **Building Entrances:**

The building has (4) distinct points of entry. One facing Walnut Street that serves access to outdoor space and the public sidewalk, one facing to the north that serves as a primary drop-off for (EBI) and (CBI) patients as well as staff from the north parking lot. One facing the East which serves primarily staff parking and one entrance facing South that serves as the primary entrance for (TABI) patients. Each entrance will have a canopy cover at the door, lighting and be articulated to be viewed as a building entrance. Each entry point will be ADA accessible and served by an accessible route.

### **Parking Counts**

The UDO allows for 3.3 parking spaces per 1000 sf of building area for this facility. The building gross square footage is 34,190 sf, therefore 113 spaces allowed. As designed, the site provides for 112 spaces for patient and staff needs (20 patient spaces, 92 staff spaces).

### **Setbacks**

All building and parking setbacks for the project meet or exceed the required setbacks outlined in the UDO.

### **Building Materials and Massing**

The building is designed with 360 degree architecture. Building overall massing is a single story with 3 primary pop up zones at dining and exercise room. Activity spaces are further defined in the massing as lowered volumes pushing out of the main building mass. Entrance points are articulated and highlighted with canopies and lighting and recessed at the primary entrances.

Building materials are kept simplistic for a clean, defined appearance. Two to three colors of utility brick will wrap the façade on 4 sides with simple banding and an articulation of a water table and sills and heads at openings. The three raised zones of the building (one for each age group served, will be clad in a metal panel system that provides a rich vibrant color in contrast to the more subdued brick façade. Storefront glazing wraps the building and is organized based on the function of the space behind it. 12' storefront will be provided at the raised metal panel zones, 8'-8" storefront will be located at common area activity and classroom zones and points of entry, and punched openings starting at 6' aff will be provided in patient areas to allow natural light while maintaining privacy and limiting distraction for the patients while they are working in their one on one settings.

### **Bike Storage/ Parking**

Bike racks will be provided for staff to meet the Ordinance requirements for those that that may live close enough to commute. Patients will always be brought to site by a parent/ guardian in a vehicle and escorted into the facility to prevent a patient from wandering off or getting out to the street.

### **Site Environmental Conditions**

Impervious surface coverage permitted by zoning is 60%. As designed, impervious surface coverage will be 58%. There are no karst features, steep slopes, water resources or floodway areas on site. The existing tree line areas along the east and north property lines will be preserved.

### **Environmental Building Considerations**

The developer is interested in providing a building that is sensitive to the concerns of today's-built environment. The building will be designed to meet the requirements of the IECC and ASHRAE Standard 90.1, as well as several state-specific codes as required by the federal government. As such, we are reviewing the incorporation of the following into the project:

- "Green friendly" building materials – This includes both materials with recycled content as well as building materials that have been harvested and manufactured within a 500-mile radius. Examples of these materials include cementitious siding/panels, brick, CMU blocks, and cast concrete.
- High efficiency appliances and building systems.
- Energy efficient windows with low-E glazing
- White reflective roofing membrane for energy conservation and reduced heat island effect.
- Use of larger window openings for natural day lighting of interior spaces to cut down on the use of artificial lighting and promote healthy environments in group areas.
- Energy efficient lighting fixtures (LED) throughout the project
- Bike parking for staff
- Recycling on site
- The incorporation of native vegetation in landscape zones

### **Encroachments:**

- Non- Required

### **Trash Removal**

Trash removal has been provided off of the drive on the South side of the building. The grade will be leveled at this location to assist in the roll-out of trash containers on pick-up days. The location is easily accessible to staff as well as the trash collection and recycling collection companies.

A dumpster enclosure matching the building materials will be provided on site for trash and recycle material.

### **Site Utilities**

There are existing sanitary sewer, water and storm water facilities on the site from a previously proposed development. Some lines are within easement and others are not. The project will remove and or relocate utility lines not necessary for this development and place permanent easement along lines to remain and lines that cross through this site to serve adjacent properties.

The existing sanitary sewer, water and storm water facilities can meet the project needs for service. Water service for domestic and fire suppression will be brought in at the south side of the building. A riser room will be located at the South entrance.

Sanitary will exit the building to the North tying into existing lines on site.

Electrical will be feed from Walnut Street to a new transformer on the south side of the building.

Primary electrical room will be on the south side of the building near the South entrance.

### **Storm Water Management**

Water quantity and water quality requirements will be addressed through the construction of rain gardens and storm water detention basins within and adjacent to the parking lot. All surface runoff will be directed through a rain garden to enhance water quality prior to discharge to the municipal collection system. Rain garden areas will be planted with the appropriate native seed mixture. The larger storm water detention basin on site may need to be fenced to prevent clients/ children from potentially gaining access to the area following a rain when there may be water standing in the pond.

### **Site Landscape**

The existing tree lines along the north and east property lines will be preserved. A Type 3 Buffer yard is required along the east property line. Existing trees within the tree line can meet the deciduous tree requirement. A 6' opaque screen fence will be installed in lieu of a row of evergreen trees to complete the buffer yard requirement. Parking lot perimeter, street tree and interior landscaping will meet code requirements.

### **Public Improvements for Subdivision**

The Thorofare Plan prescribes a right-of-way width of 90' (45' half) from centerline for South Walnut Street. The existing right-of-way along this property is 50' from centerline. As such, no additional right-of-way dedication will be required. The Thorofare Plan also calls for a 10' concrete sidewalk along the property's frontage. The existing 7'-8' wide asphalt path will be removed and replaced with a 10' wide sidewalk. Street trees will also be installed at 40' spacing along the property's frontage. No other public improvements are required.

### **Variiances**

**We do not anticipate the need for any variances to the UDO with this submittal.**

Respectfully submitted,

Little Star ABA  
Page 5

STUDIO 3 DESIGN, INC

A handwritten signature in black ink, reading "Tim Cover". The signature is written in a cursive, flowing style with a large initial 'T' and 'C'.

Tim Cover, Architect





**BLOOMINGTON PLAN COMMISSION  
STAFF REPORT  
Location: 532 N. Morton Street**

**CASE #: SP-32-21  
DATE: November 15, 2021**

**PETITIONER:** TCVC, LLC. (Cedarview Management)  
601 N. College Ave, Suite #1, Bloomington

**CONSULTANTS:** Michael L. Carmin  
116 W. 6<sup>th</sup> Street, Bloomington

**REQUEST:** The petitioner is requesting major site plan approval to allow the extension of a temporary approval of first floor residential use instead of commercial space.

**BACKGROUND:**

**Area:** 0.2 acres  
**Current Zoning:** Mixed Use Downtown (MD) – Downtown Core Overlay  
**Comp Plan Designation:** Downtown  
**Existing Land Use:** Multi-family Residential  
**Proposed Land Use:** Multi-family Residential  
**Surrounding Uses:** North – Office  
 West – Office  
 East – Showers Building/B-Line Trail  
 South – Office

**REPORT:** The subject property is located at the southeast corner of W. 10<sup>th</sup> Street and N. Morton Street. The property is a 0.2 acre platted lot that contains a 4-story multi-family building called “Morton Mansions”. This building was approved by the Plan Commission on April 5, 2010 (SP-08-10) and was occupied in August of 2010. The property is bordered on the east by a platted alley and is surrounded by commercial or multi-family uses on all sides. Properties to the north and northeast are multi-family and mixed use buildings also owned by the petitioner. The property is zoned Mixed-Use Downtown (MD) and is within the Downtown Core Overlay (DCO).

This site received site plan approval in 2010 to construct a mixed-use building (SP-08-10) with 1,200 square feet of ground floor commercial space and apartments above. In 2011, the petitioner received approval of a site plan amendment to convert the approximately 1,200 square feet of non-residential space on the first floor of the building to a single 3-bedroom apartment (SP-03-11). At the time of the approval in 2011, the UDO required that buildings in this area of the Downtown Core Overlay be constructed with 50% non-residential space on the first floor. The petitioner received a waiver with the original site plan approval in 2010 to reduce the amount of non-residential space to 24%. The 2011 petition dropped the first floor non-residential percentage from 24% to 0%. Also approved in 2011 was an amendment to the previously approved parking waiver to allow for a further reduction.

The Plan Commission approved the 2011 amendment and first floor commercial space waiver with a 5-year sunset clause. The initial 5-year sunset expired in July 2016, at which time the petitioner filed a petition to reapprove the ground floor use (SP-20-16). The Plan Commission

reapproved the waiver in 2016 with another 5-year sunset expiration and required a zoning commitment stating the approval would expire in July 2021, unless reapproved. The Plan Commission felt it was appropriate to tie the waiver to the development of the Trades District, thus the reasoning behind the 5-year timelines. Other than the recently constructed Trades District Parking Garage and an approval to reuse the Mill Building, no new buildings have been constructed in the Trades District since 2011. In the 2011 and 2016 approvals, the Plan Commission stated the reasons for the approval and the sunseting were a desire to not see the space remain empty and they questioned the viability of commercial uses in this location, especially with the uncertain development timeline of the Trades District.

Currently, the UDO does not require ground floor commercial space at this location, however, any ground floor dwelling unit shall be located at least 20' behind the front façade of the building. The Department supports the renewal of this waiver for another 5 years, however after that 5 year period has expired, the property must be brought into compliance.

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#### **DEVELOPMENT STANDARDS & INCENTIVES:**

**Non-Residential Uses on the First Floor:** This site is not required to have ground floor non-residential uses. However, as mentioned, there is a Use Specific requirement that says that each dwelling unit located on the ground floor shall be located at least 20' behind each building façade facing a public street.

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**COMPREHENSIVE PLAN:** The Comprehensive Plan designates this property as Downtown. The Downtown designation “is a mixed use, high intensity activity center serving regional, community-wide, and neighborhood markets. Bloomington must strive to improve downtown as a compact, walkable, and architecturally distinctive area in the traditional block pattern that serves as the heart of Bloomington while providing land use choices to accommodate visitors, business, shoppers and residents.’ Land use policies for this area state that:

*Goal 4.1 Maintain Historic Character. Encourage redevelopment that complements and does not detract from the Downtown’s historic, main street character.* The building has been designed to complement and mirror the design of the historic Showers Building and Johnson Creamery Building.

*Goal 2.3 Resilient Public Spaces: Ensure public spaces are of high quality, engaging, and active.* The design of this building and plaza space along the B-Line Trail actively engages with the trail and creates a quasi-public space. The design of the building also complements the B-Line Trail with the stepbacks and extended awning along the Trail.

*Goal 3.2 Built Environment and Green Space: Drive increased efficiency and reduced environmental impacts in the built environment.* The incorporation of the four elements of the Sustainable Development Incentives will reduce the heat island effect of the petition as well as provide solar energy to reduce the building’s energy demands. These items directly further some of the stated goals of the Comprehensive Plan to improve the site design of buildings in the built environment.

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**SITE PLAN REVIEW:** The Plan Commission shall review the major site plan petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(g)



(Review and Decision ), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

**20.06.040(d)(6)(B) General Compliance Criteria**

- i. Compliance with this UDO
- ii. Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards
- iv. Compliance with Prior Approvals
- v. Consistency with Comprehensive Plans and Other Applicable Plans
- vi. Consistent with Intergovernmental Agreements
- vii. Minimization or Mitigation of Adverse Impacts
- viii. Adequacy of Road Systems
- ix. Provides Adequate Public Services and Facilities
- x. Rational Phasing Plan

**PROPOSED FINDING:** The building and site plan have not been reviewed for compliance with the UDO since this waiver is related to a specific Plan Commission condition of approval that allowed a particular land use of this building only. This approval is consistent with the requirements of previous approvals, however as mentioned, the Department recommends that no additional time be granted beyond the proposed 5-year compliance deadline. No problems have been identified with meeting all stormwater and utility connections. No adverse impacts on adjacent properties has been identified. The site is adjacent to existing public roads and alleys and will be easily accessed, with Bloomington Transit service immediately nearby also. The petition is consistent with the Comprehensive Plan which encourages infill development and reuse of underutilized properties. No phasing is planned.

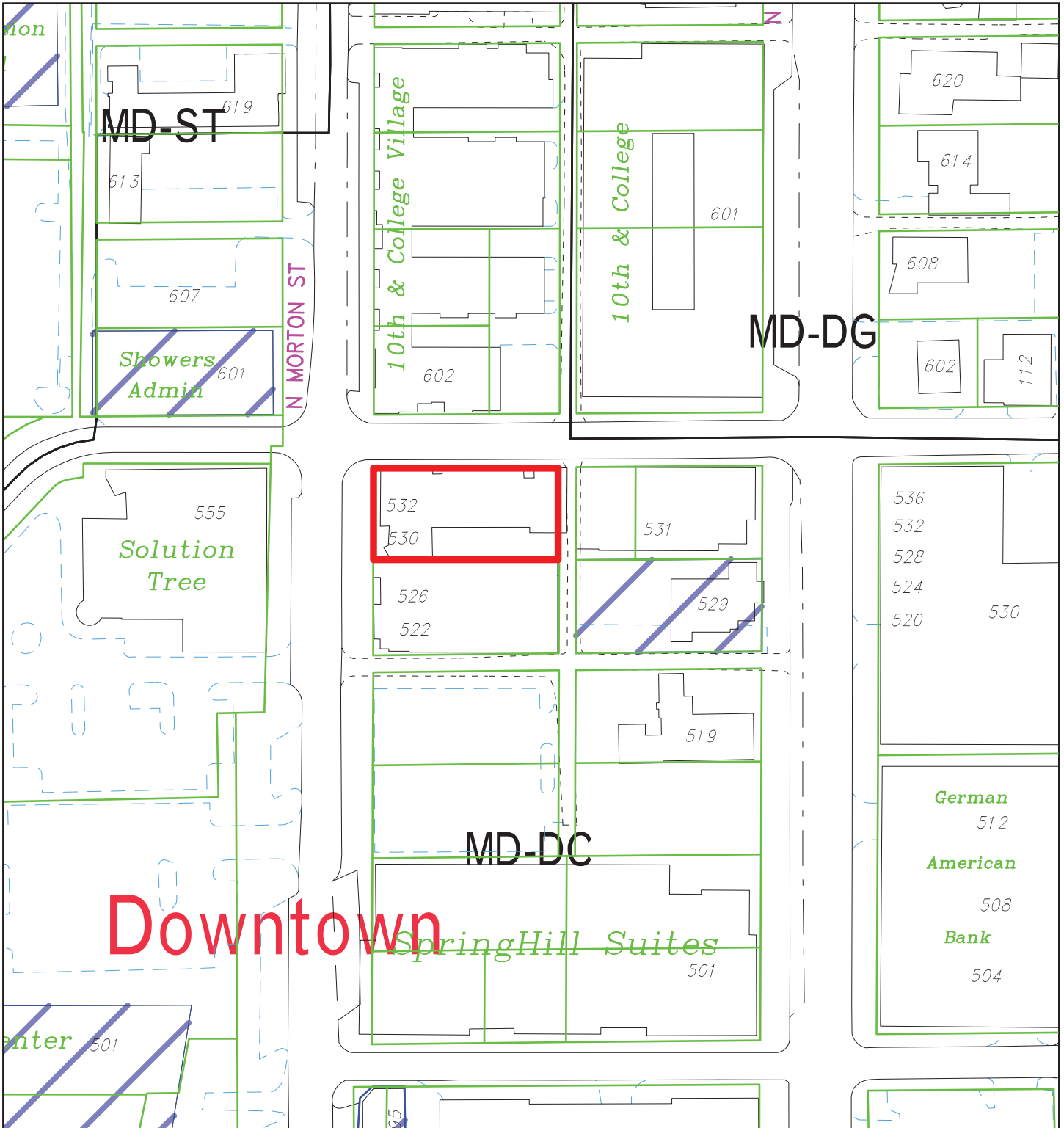
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**CONCLUSION:** This petition maintains the space as convertible and allows for the possibility of commercial space in the future. With future development of the Trades District, additional opportunities may arise for office, retail and restaurant uses in this building to serve the employees and residents of the Trades District.

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**RECOMMENDATION:** The Department recommends approval of SP-32-21 with the following conditions of approval:

1. This approval allows for an additional 5-year compliance period. The property must be brought into compliance by November 15, 2026. A zoning commitment to the effect is required to be recorded.

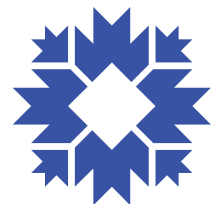


By: greulice  
19 Oct 21



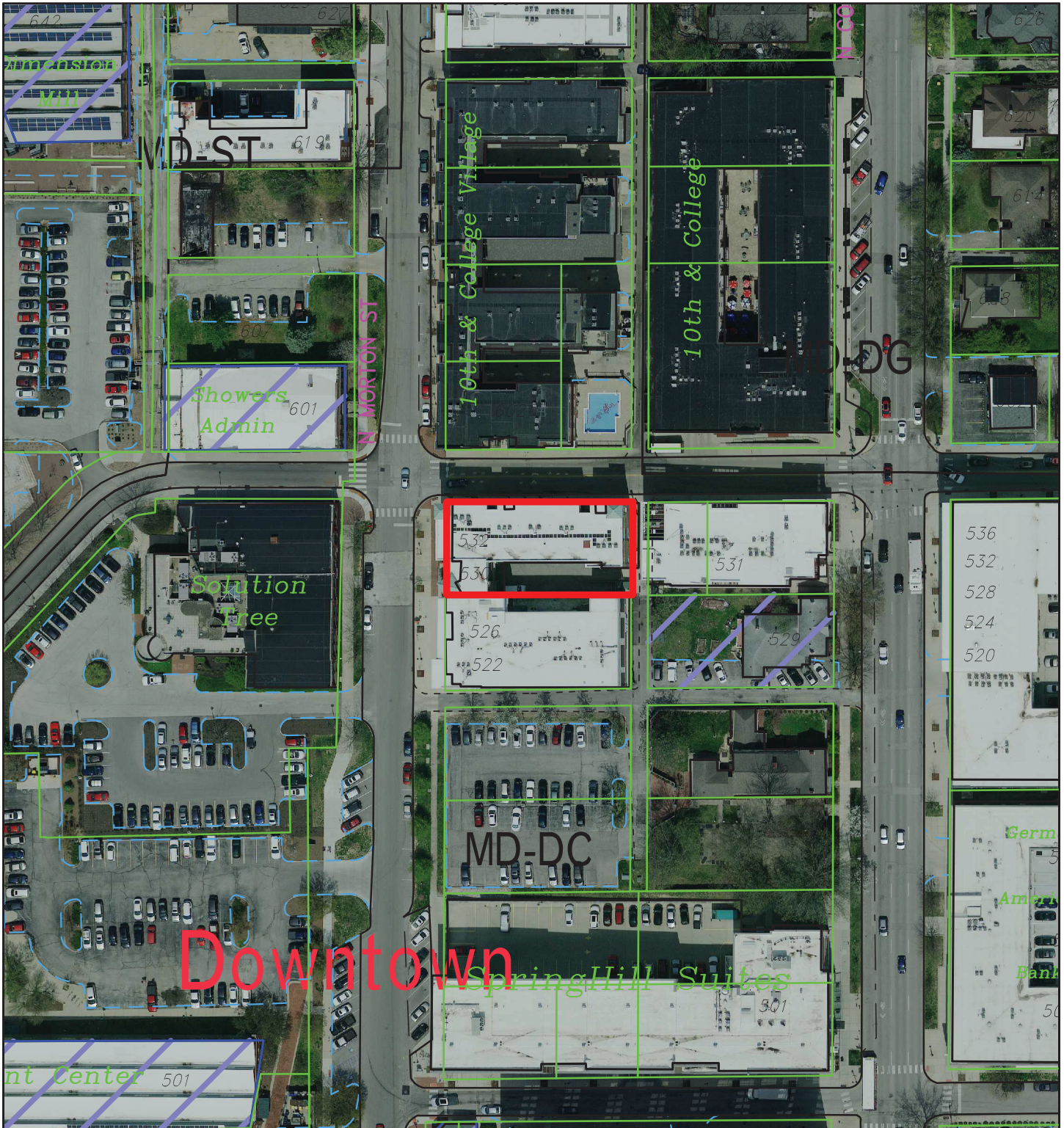
For reference only; map information NOT warranted.

City of Bloomington  
Planning

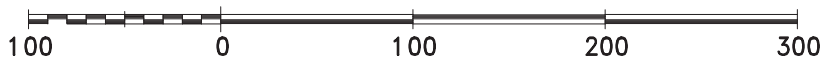


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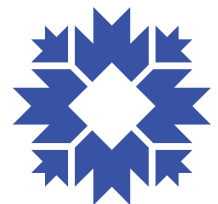


By: greulice  
12 Nov 21



For reference only; map information NOT warranted.

City of Bloomington  
Planning



Scale: 1" = 100'



116 West 6<sup>th</sup> Street, Suite 200  
P.O. Box 2639  
Bloomington, Indiana 47402-2639  
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FAX: 812.331.4511  
michael@carminparker.com

October 5, 2021

City of Bloomington Planning Commission  
401 N. Morton Street, Suite 130  
Bloomington, Indiana 47404

RE: Extension of Waiver

TCVC, LLC is the owner of the property at the common address 532 N. Morton Street, Bloomington, Indiana. The property is Lot 7 in Woodburn's Addition to the Town of Bloomington.

Under Case No. SP-20-16, the Plan Commission approved a waiver for ground floor residential use in the northwest corner of the structure erected on Lot 7.

The waiver was conditional. Petitioners signed and recorded a zoning commitment as a condition of the waiver.

By its terms, the waiver expired on July 11, 2021 unless the Planning commission renews or extends the waiver. Petitioner requests an extension of the waiver for an additional five (5) years through July 11, 2026.

The circumstances supporting the waiver when it was approved in 2016 remain. The surplus of available first floor non-residential use space was recently exacerbated by the opening of the Fourth Street Garage and additional first floor non-residential use space available along Walnut Street and all of that space remains unfinished and unoccupied. There also continues to be vacant second floor commercial use space in the downtown area.

The corner of the structure has been developed as an apartment for residential use during the waiver period. Petitioner intends to continue the apartment use in the northwest corner of the structure during the period of the extension of the waiver for an additional five (5) years.

Very truly yours,

A handwritten signature in black ink that reads 'Michael L. Carmin'.

Michael L. Carmin

MLC/gdm  
431422 / 23476-1





PC--Summary Minutes: April 5, 2010

**SP-08-10 ERL-10 (Morton Mansions)**

532 N. Morton

Site plan review for a mixed-use 4-story 15-unit apartment building and associated site planning waivers

(Jim Roach)

James Roach presented the staff report. The petitioner is requesting site plan approval in order to build a new four-story building with 1,200 square feet of commercial space and 15 multi-family dwelling units. The proposal is to demolish existing house. The house is not on the City's survey of historic sites and structures. He presented the petitioner's digital model. The building fills up the majority of the lot. Vehicular access on the south side of the property leads to 11 parking spaces in an enclosed garage. There is one surface parking space. Vehicles would enter from Morton St. on a one-way drive running through the building. Vehicles exiting the building will access the east alley. The petitioner will use a brick sidewalk pattern like he has in other developments in the area. Street trees and street lights will be installed on Morton St. On 10<sup>th</sup> St. there will be a monolithic 6-foot wide curb and sidewalk. The density is lower than maximum density. The petitioner is requesting eight waivers from UDO design standards. Thirteen off-street parking spaces are required—proposed is 12, so a waiver from parking standards is requested. Staff supports this waiver. The building is mostly 49 feet tall. The Downtown Core maximum is 50 feet. Three corner parapets raise the height above the 50 foot maximum. The required step back is not present but most of the building is under the 50 ft. max. Staff supports this waiver. First floor retail is required south of 10<sup>th</sup> St. Proposal is for 24% of 1<sup>st</sup> floor retail. This site plan includes one ground floor retail space. Staff supports this waiver since it meets the spirit of the requirement. The building frames the corner at 10<sup>th</sup> & Morton. Void-to-solid ratio—the Morton St. facade meets the requirement. Most of 10<sup>th</sup> St is 54% void. If more windows were installed the view would be into garage space. Staff supports this waiver. Another waiver is required since the windows are wider than they are tall. The vertical feel is achieved with the style of window. Staff supports the waiver. The south façade includes cementitious siding. It covers more than 20% so a waiver is needed. The vacant lot to the south will likely develop and hide the siding. Staff supports the waiver. There is a very narrow right-of-way width on 10<sup>th</sup> St. The proposal now is to continue the existing 6-foot monolithic sidewalk. Staff supports waiver from street tree and street light requirements just along 10<sup>th</sup> St. There won't be lamp post but there will be lighting on the building. Based on the written findings above, staff recommends approval of SP-08-10, and all associated waivers, with the following conditions.

1. **A total of 9 bicycle parking spaces are required.**
2. **A final street lighting plan and all right-of-way encroachments must be approved by the Board of Public Works. Street lighting shall be full cut-off, fully shielded, pedestrians scale lighting.**
3. **Final City Utilities Department approval is required before release of any permits.**
4. **The proposed building must be constructed utilizing the same materials and architectural details as shown in the submitted elevations.**
5. **Removal of the existing City street tree and new street tree planting shall be coordinated with the City's Urban Forester. This shall include obtaining a tree work permit prior to tree removal.**

Tim Cover with Studio 3 Design spoke for the petitioner, Elliott Lewis. They will provide one parking space offsite and remove one of the requested waivers. They believe the waivers are justified. They will be improving an unattractive corner, provide construction jobs and tax dollars for the future. They will have some small units. The caps are non-habitable space. They offered that one bedroom apartment on the ground floor could be convertible if needed for retail space. They would like to use translucent coating on ground floor 10<sup>th</sup> St. windows to allow light in.

Elliott Lewis spoke as the petitioner. He addressed the waivers. The building doesn't meet all the requirements but is close. They have done some good things. They have provided affordable housing

PC--Summary Minutes: April 5, 2010

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for the residents of the existing house. 75% of the units in this building are 1 and 2 bedroom units. With the UDO, there are now 275,000-400,000 sq. ft. of available commercial space downtown. Their double stack parking has worked very well. They provide plenty of parking.

Jack Baker asked why they didn't don't have a physical model.

Roach said that it is their right to provide a digital model.

Fernandes asked what the difference was between this and an elevation.

Roach said that this is a massing model and is allowed by the UDO.

Sturbaum asked for details on the aluminum.

Cover said will be silver so that it will match the areas across the street.

Sturbaum asked what color the window sashes would be. (Cover said white.)

Sturbaum asked why they didn't allow for street trees along 10<sup>th</sup> St. Planters could be set up much like CFC has done on the downtown square and could alleviate the bareness of the corner.

Roach said focused on street trees and ADA regulations for clearance.

Lewis asked how they would do what they could but they hadn't considered window boxes or planters. He offered to talk to Sturbaum about this idea.

Cover said they could use planter window boxes on the ground level. (Sturbaum liked the idea.)

Cover said they would accept a condition for this.

Reid said they might need encroachments for that.

Cover said that the building is set back a couple of feet so they could do it.

Pece asked if the lights would be public or private. (Roach said private.) He liked the window boxes.

Baker asked they should have a condition of approval for the lights on the building.

Roach said no, it is part of the proposal. Staff would like to work with the petitioner on choice of lights.

Pat Williams asked if they would consider changing the name.

Lewis explained why they couldn't

There was no public comment.

**\*\*\*Vencel moved approval of SP-08-10 with the conditions as in the staff report and associated waivers. Vencel added Condition #6: One off-site parking spot will be incorporated into this petition. Condition #7: Flower boxes will be placed on the north side of the building subject to staff approval. Milan Pece seconded.**

Pece said this project is such an improvement from what is there now.

PC--Summary Minutes: April 5, 2010

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Sturbaum said that it was a good-looking project. Have materials been submitted to staff? (Staff said yes.)

Baker praised the project.

**Roll call vote was taken. The petition was approved by a vote of 7:0.**

*The meeting was adjourned at 9:09 pm*

*\*\*Next Plan Commission hearing scheduled for May 10, 2010*

**BLOOMINGTON PLAN COMMISSION  
STAFF REPORT  
Location: 532 N. Morton Street**

**CASE #: SP-08-10  
DATE: April 5, 2010**

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**PETITIONER: ERL-10, LLC  
601 N. College Ave., Suite 1A**

**CONSULTANT: Studio Three Design  
8604 Allisonville Rd., Suite 330, Indianapolis**

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**REQUEST:** The petitioner is requesting site plan approval in order to build a four story building with 1,230 square feet of commercial space and 15 multi-family dwelling units.

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<b>Area:</b>	<b>0.20 Acres</b>
<b>Zoning:</b>	<b>Commercial Downtown/Downtown Core Overlay</b>
<b>GPP Designation:</b>	<b>Downtown</b>
<b>Existing Land Use:</b>	<b>Vacant rooming house</b>
<b>Proposed Land Use:</b>	<b>Mixed use, commercial and multi-family Residential</b>
<b>Surrounding Uses:</b>	<b>Northeast</b> – Mixed-use (10 <sup>th</sup> and College) <b>North</b> – Village @ 10 <sup>th</sup> & College apartments <b>West</b> – Offices <b>South</b> – Vacant <b>East</b> – Office, retail

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**REPORT SUMMARY:** The subject property is located at the southeast corner of W. 10<sup>th</sup> Street and N. Morton Street. The property is made up of a single 0.2 acre platted lot that currently contains a vacant, 1-story, rooming house. It is bound on the east by a platted alley and is surrounded by commercial or multi-family uses on all sides. Properties to the north and northeast are multi-family and mixed use buildings also owned by the petitioner. The property is zoned Commercial Downtown (CD) and is within the Downtown Core Overlay (DCO).

The petitioner proposes to construct a 4-story mixed use multi-family and commercial building on the property. The proposed building would have approximately 1,230 square feet of commercial space and a mix of 1, 2, and 4-bedroom units, with a total of 15 units and 30 bedrooms. The first floor would contain the commercial space, 11 parking spaces within a garage (one additional surface space is also provided) and a single 1-bedroom apartment with direct access from 10<sup>th</sup> St. All other units would be located in the upper floors and have access from the rear of the building. Vehicles would enter the site from Morton St. and access stacked parking spaces in the first floor garage, then exit the site onto the north-south alley to the east.

**Plan Commission Site Plan Review:** Two aspects of this project require that the petition be reviewed by the Plan Commission, per BMC 20.03.090. These aspects are as follows:



- The proposal is adjacent to a residential use (mixed-use 10<sup>th</sup> and College building to the northeast and residential use to the north (Village @ 10<sup>th</sup> and College)
- The proposal includes eight waivers to the standards in BMC 20.03.120 and 20.03.130

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## SITE PLAN REVIEW

**Residential Density:** The property is approximately 0.2 acres in area. The petition is for 15 units with 30 bedrooms. The DCO allows for 60 units per acre, or 12 units on this property. The proposed density, once DUEs are considered, is 9.98 DUEs or 49.9 DUEs per acre. This density is below the maximum density of the DCO.

**Parking:** The petitioner is proposing 12 off-street parking spaces, 11 spaces within the garage and 1 surface space. Within the DCO, the UDO sets a minimum parking requirement for the project's 30 bedrooms at 13 off-street parking spaces. With the recent changes to the UDO and the move toward maximum parking requirements in most zoning districts in the City, the parking reduction for proximity to bus service was removed. However, there are still areas of the City, namely several downtown overlays including the DCO, that still require a minimum number of parking spaces. The petitioner is proposing 12 parking spaces instead of the required 13 spaces. A waiver is required.

**Parking Waiver-20.03.120(c)(2):** The 12 proposed parking spaces are supplemented with on-street parking on both sides of Morton St. to the north and on the west side of Morton St. adjacent to the site. In addition, a well connected sidewalk network connects the site to bus service on both Morton St. and College Ave. further justifying reduction of parking spaces. Under the UDO in effect from 2007-2009, this petition would have met parking requirements with the permitted bus line reduction. The Downtown Vision and Infill Strategy Plan (hereafter referred to as "Downtown Plan") (Pg.4-13) recommends 0.8 spaces per bedroom. While the petition provides only 0.4 spaces per bedroom, a lower ratio is supported by on-street spaces on nearby streets, established pedestrian network, reduced need due to the two nearby bus lines and the City's policy move toward maximum parking standards with the recent UDO update. The chart below compares other similar multi-story apartment buildings near this area.

<i>Project</i>	<i>Overlay</i>	<i>Bedrooms</i>	<i>On-site parking/ Off-site parking</i>	<i>Adjacent on-street parking</i>
<i>Petition</i>	<i>DCO</i>	<i>30</i>	<i>12/0</i>	<i>0 (2 on west side of Morton)</i>
9 North (not built) 508 N. College Ave.	DCO	109	71/6	4
10 <sup>th</sup> and College 601 N. College Ave.	DGO	123	76/8	5
Village @ 10 <sup>th</sup> & Morton 602 N. Morton St.	DCO	116	65/0	10
Omega Properties 639 & 645 N. College	DGO	34	9/0	4

Horizons (not built) 626 N. Morton St.	DCO	64	32/0	5
5 North Townhouses 644 N. Morton Street	DCO	24	10	1
Station 11 (not built) 701 N. College Ave.	DGO	90	63/0	0

**Ground floor non-residential:** The petitioner has proposed a single 1,230 square foot non-residential lease space at the corner of 10<sup>th</sup> St. and Morton St. This space accounts for approximately 24% of the first floor square footage. The DCO requires that 50% of the first floor of a building south of 10<sup>th</sup> St. to be non-residential space. A waiver is required.

**Ground Floor Non-residential Space Waiver-20.03.120(e)(2):** A waiver is required to allow only 24% of the ground floor to be non-residential space instead of the required 50%. The Downtown Plan makes no specific recommendation concerning the percentage of first floor non-residential space. The Plan has many polices concerning pedestrian friendly streetscapes and designing first floor storefronts. Staff finds that the proposed ground floor non-residential space percentage is driven by the DCO's requirement to provide parking for the apartments. More than 50% of the first floor is parking garage space for the 15 units and 30 bedrooms. The building design frames the corner of the building and the street while still creating a pleasing ground floor building façade along 10<sup>th</sup> Street. The impacts of the ground floor non-residential waiver are also diminished by the petitioner's willingness to design the single ground floor apartment as "convertible space" that might be converted to non-residential in the future.

**Bicycle Parking:** A 30 bedroom multi-family development requires 5 bicycle parking spaces. Class-1 and covered spaces are not required. In addition, the commercial space requires 4 bicycle parking spaces for a total of 9 spaces. The site plan currently shows 6 bicycle parking spaces. Three addition spaces must be provided. The site plan shows the spaces located partially in the Morton Street right-of-way. This will require an encroachment resolution to be approved by the Board of Public Works.

**Materials:** The majority of the building is clad in brick, cast stone and metal panels. The metal panels are used on the "tower" elements and the building cap/cornice. The south side of the building also utilizes cementitious siding. Cementitious siding is only permitted in this overlay as a secondary exterior finish material covering no more than 20% of any façade. The south side façade is proposed to be 47% cementitious siding. A waiver is required to allow cementitious siding as a primary exterior finish material.

**Material Waiver-20.03.130(b)(4)(A)(v):** A waiver from the standards of the UDO is required to allow cementitious siding as a primary exterior finish material, covering more than 20% of the south façade. The Downtown Plan provides guidance on building materials in Guidelines 3.10 through 3.12. Guideline 3.10 states that materials should appear similar to those used traditionally and that masonry is preferred for new construction. Guideline 3.11 states that "New materials may be considered" as long as they appear similar to traditional materials, are detailed to



express human scale, have demonstrated durability and avoid large expanses of featureless siding. Cementitious panels are used only on the functional rear of the building. Planning staff believes that the amount of cementitious siding is appropriate on this façade because, when the adjacent property to the south is developed, it will likely no be visible from the from the street. Staff recommends approval of the waiver.

**Height:** The building is essentially a 4-story building, with rooftop architectural elements that increase the height. The majority of the building mass is at 48' 10". The pitched "caps" of the three towers add about 9 feet to the height of the building. At its tallest, the building is 57' 5". The maximum height in the DCO is 50 feet.

**Height Waiver-20.03.120(b)(2):** A waiver from the architectural standard of the UDO is required to allow a height of more than 50 feet. The Downtown Plan, in the intent for the Downtown Core area (Pg. 2-5) states that "parcels in the Downtown Core Character Area can accommodate taller structures and should be encouraged when they are designed to reflect the traditional scale of buildings at the street level and are articulated into modules that are compatible with the traditional design context." Guideline 3.9 recommends that new buildings "maintain the perceived building scale of two to four stories in height." It goes on to state that "if a building must be taller, consider stepping upper stories back from the main façade." The proposed building is 4-stories in height, which complies with the policies of the Downtown Plan.

**Step back:** The DCO requires that any building over 45 feet in height step back the portion over 45 feet a minimum of 15 feet from the front build-to-line. At the tallest, this building is 57'5" tall. All portions of the building, including the height above 45 feet are built to the build-to-line without a step back.

**Building Height Step Back Waiver-20.03.130(c)(3):** A waiver from the minimum stepback height architectural standard of the DCO is required to allow portions of the building to be as tall as 57' 5" without a step back. Much of the justification for this waiver has already been discussed in dealing with the height waiver. Guideline 3.9 recommends that new buildings "maintain the perceived building scale of two to four stories in height." It goes on to state that "if a building must be taller, consider stepping upper stories back from the main façade." The Downtown Plan does not give a recommended height for the step back, but instead recommends step backs for buildings over 4 stories. The building is 4 stories with only the parapet and "tower caps" extending the height above 45 feet. Staff recommends approval of this waiver.

**Window Design:** The DCO requires windows that are at a minimum 1:1.5 ratio of width to height. Several window openings on the front of the building are of a proportion that is closer to 1:0.8 because the openings are wider than they are tall.

**Window Design Waiver-20.03.130(b)(3)(C):** A waiver from the standards of the

UDO is required to allow windows that are less than 1:1.5. The Downtown Plan's recommendations of upper story windows (guidelines 3.13-3.14) call for windows with a vertical emphasis and trim that aligns with adjacent traditional buildings. While the overall window openings do not meet the required ratio, components of the windows are vertically oriented and meet the requirement. These windows allow for increased sunlight into the units and add visual interest to the building. Although the windows could be modified to meet the guidelines, staff finds it appropriate to allow some flexibility in design to achieve more variety in building façades and allow a more modern design.

**Streetscape:** Pedestrian scale lighting is proposed on Morton St. in accordance with the DCO. The DCO also requires a minimum 5 foot wide concrete sidewalk. Instead of a concrete sidewalk on Morton St., the petitioner proposes to extend the brick sidewalk that was installed further to the north. The brick portion would be in the main pedestrian travel route, while the rest of the sidewalk would be concrete.

There is one existing street tree along Morton St. While this tree is of a size where it might survive transplanting or construction of a tree grate around it, these options are complicated by an existing underground fiber-optic line. The petitioner is still in discussions with the City's Urban Forester on the fate of this tree, but it will most likely be removed and a new tree planted. A total of two street trees would be located along Morton St.

The DCO also requires decorative pedestrian scale street lamps along each street frontage. One light is planned along Morton St.

Along 10<sup>th</sup> St., the petitioner proposes a 6 foot wide monolithic curb and sidewalk due to the narrow right-of-way width. This is similar to the streetscape from Walnut to west of Morton St. The narrow sidewalk makes installing street lights and trees along 10<sup>th</sup> Street difficult without cutting into this small lot's buildable area or narrowing the street. Staff recommends that decorative wall lights be incorporated into the north façade to illuminate 10<sup>th</sup> St. and that the street tree requirement be waived.

**Street Trees and Lights Waiver-20.03.130(a)(4-5):** The 10<sup>th</sup> St. right-of-way is only 38 feet wide. Only 6 feet of right-of-way exists outside of the existing travel lanes. Staff finds that priority should be given to the pedestrian sidewalk within the limited space available at this location. City Engineering and Public Works have found that the street should not be narrowed along this stretch of frontage to provide additional room for streetscaping features. Given the existing right-of-way, street trees and lights cannot be placed and still maintain an ADA compliant sidewalk. Staff recommends approval of this waiver.

**Entrances:** The building contains two prominent pedestrian entrances. The entrance on 10<sup>th</sup> St. accesses the first floor unit and the upper floor units. The entrance on Morton Street accesses the commercial space. Both entrances contain the required 4 foot recess as well as canopies, lighting, building name and address.



**Void-to-solid Percentage:** The DCO sets a minimum upper story void-to-solid architectural standard at 20%. The petition contains approximately 42% void-to-solid. The DCO also sets a minimum first floor void-to-solid at 60%, "consisting of display windows, entries and doors." The building as proposed contains approximately 65% void on Morton St., including the vehicular entrance. The building also contains approximately 54% void on 10<sup>th</sup> Street. This frontage includes approximately 64% void at the retail frontage, which meets the UDO requirement, and windows along the parking garage. The windows along the garage are proposed to be transparent glass to come closer to meeting the UDO requirement. There has been some discussion between the petitioner and staff to change this to an opaque glass in order to hide the cars from view, but this would reduce the void-to-solid percentage.

**Void-to-solid Waiver-20.03.130(b)(2)(A):** A waiver from the architectural standard of the UDO is required to allow portions of the first floor along 10<sup>th</sup> St. to have less than 60% void area. The need for this waiver is driven by the fact that more than half of the first floor is garage parking. A 60% void-to-solid ratio could be designed but would create larger openings for view of parked cars. The first floor retail component of the project meets the void percentage requirements. While the Downtown Plan does not specifically address a first floor void-to-solid ratio, it does recommend that new buildings incorporate a base, middle and cap, with the base including "large display windows, kickplates below windows, sign band, and building entrance." This building includes all of these elements and incorporates changes in color and materials to distinguish the base from the middle of the building.

**Utilities:** Water and sanitary sewer services are available in Morton Street. Stormwater will be captured and directed to the nearby public storm sewers. Stormwater and utility plans have been submitted to the City Utilities Department and are under review.

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**ENVIRONMENTAL COMMISSION RECOMMENDATIONS:** The Bloomington Environmental Commission (EC) has made 3 recommendations concerning this development.

- 1.) The building plan shall be modified to include 50% commercial space on the first floor level.

**Staff response:** The petition includes 1,230 square feet of ground floor non-residential space that includes 60% of the building frontage on Morton St. and 30% of the frontage on 10<sup>th</sup> St. Staff finds that the design of the building is consistent with the policies of the Downtown Plan.

- 2.) The building should be more attractive along 10th Street to enhance the streetscape and pedestrian experience.

**Staff response:** The required parking and narrow right-of-way provide little opportunity for more pedestrian interest along 10<sup>th</sup> St.

- 3.) The petitioner should commit to "green" building practices that will have tangible energy-saving benefits for both the petitioner and any future tenants.

**Staff response:** The petitioner has stated a willingness to use recycled bricks from the brick sidewalk to the north, use of products that contain recyclable materials (most likely carpeting), use of a reflective roof, Low-E windows and Energy Star certified appliances. These features are all above and beyond UDO requirements.

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**DEVELOPER TRACK RECORD:** Developer Elliot Lewis is the principle behind ERL-10, LLC. Other recent projects completed by this petitioner include the 10<sup>th</sup> and College building, the 4<sup>th</sup> and Indiana building, the remodeling of the Odd Fellows Building and the recently completed Village at 10<sup>th</sup> and College. The Horizons @ 10<sup>th</sup> and College building was approved in 2009 but has not yet been built. There are no outstanding zoning violations associated with these developments.

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**CONCLUSIONS:** The Planning Department staff finds that the petition satisfies many of the requirements of the Unified Development Ordinance, including use and density. While some parts of the petition do not meet the standards of the DCO, the requested waivers are appropriate based on the merits of proposal, its compatibility with surrounding buildings and compliance with the recommendations of the Downtown Plan.

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**RECOMMENDATION:** Based on the written findings above, staff recommends approval of SP-08-10, and all associated waivers, with the following conditions.

1. A total of 9 bicycle parking spaces are required.
2. A final street lighting plan and all right-of-way encroachments must be approved by the Board of Public Works. Street lighting shall be full cut-off, fully shielded, pedestrians scale lighting.
3. Final City Utilities Department approval is required before release of any permits.
4. The proposed building must be constructed utilizing the same materials and architectural details as shown in the submitted elevations.
5. Removal of the existing City street tree and new street tree planting shall be coordinated with the City's Urban Forester. This shall include obtaining a tree work permit prior to tree removal.

6 ~~6~~ 1 off site  
 7 Flower boxes, subject to staff

## MEMORANDUM

**Date:** March 23, 2010

**To:** Bloomington Plan Commission

**From:** Bloomington Environmental Commission

**Through:** Linda Thompson, Senior Environmental Planner

**Subject:** SP-08-10, Morton Mansions  
532 Morton St.  
Request for a 4-story mixed use building

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This memorandum contains the Environmental Commission's (EC) input and recommendations regarding a request for approval for a Site Plan and waivers affecting the construction of a 4-story, 15-unit, multi-use building. The site is located within the Commercial Downtown District with the Downtown Core Overlay.

Some of the following issues the EC brings to your attention are directly in response to the Bloomington Municipal Code. Other comments and recommendations are not necessarily required by the Code, but are based on sound environmental planning that is consistent with the Bloomington Growth Policies Plan (GPP).

### **ISSUES OF CODE COMPLIANCE:**

#### 1.) FIRST FLOOR COMMERCIAL:

The EC believes that the UDO-required retail space of 50% on the first floor is justified, and does not support a waiver to allow the requested 24%. With potential convertible space adding 18% more, that still leaves only 42% commercial floor space. The EC recommends adding more commercial space within the first floor.

### **ISSUES OF SOUND ENVIRONMENTAL PLANNING:**

#### 1.) STREETScape AND PEDESTRIAN CHARM:

The EC believes that the plan does not provide a pedestrian-welcoming character along 10<sup>th</sup> Street. The rockfaced concrete block base, stark sidewalk, and "canyon" effect created by being so closely spaced to the building on the opposite side of 10<sup>th</sup> Street, leaves little desirability for walking. The EC recommends enhancing the look and feel of the first floor along 10<sup>th</sup> Street.

#### 2.) GREEN BUILDING:

The EC acknowledges that the petitioner is "reviewing the incorporation of" a few sustainable



building features as listed in the Petitioner's Statement. The EC recommends that the petitioner use bona fide sustainable features that don't fall into the category of standard construction design. For example, windows should be rated for a low solar heat gain coefficient (SHGC) of less than or equal to 0.30 to prevent summer heat accumulation, and a U-factor of less than or equal to 0.30 to retain winter heat indoors.

Green building features are consistent with the spirit of the Unified Development Ordinance and supported by Bloomington's overall commitment to sustainability and its green building initiative (<http://Bloomington.in.gov/greenbuild>). Sustainable building practices are explicitly called for by the Mayors' Climate Protection Agreement signed by Mayor Kruzan, by City Council resolution 06-05 supporting the Kyoto Protocol and reduction of our community's greenhouse gas emissions, and by City Council resolution 06-07, which recognizes and calls for planning for peak oil.

### **EC RECOMMENDATIONS:**

#### Code-related recommendation

1.) The building plan shall be modified to include 50% commercial space on the first floor level.

#### Other Recommendations

2.) The building should be more attractive along 10<sup>th</sup> Street to enhance the streetscape and pedestrian experience.

3.) The petitioner should commit to "green" building practices that will have tangible energy-saving benefits for both the petitioner and any future tenants.





March 9, 2010  
**Revised March 22, 2010**

City of Bloomington Planning Department  
 P.O. Box 100  
 Bloomington, IN 47402

Attn: Mr. James Roach

**RE: Morton Mansions**

**PETITIONERS STATEMENT**

Dear Mr. Roach

Studio 3 Design is pleased to submit the attached apartment development, "Morton Mansions" for Plan Commission review. The following document outlines the project scope and addresses comments received to date regarding the project. Please take time to review and contact us with any additional questions.

<u>Apartment Types</u>	<u>Count</u>	<u>Beds</u>
1 Bedroom Flat	8 Units	08 Beds
2 Bedroom Flat	3 Units	06 Beds
4 Bedroom Flat	4 Units	16 Beds
	<hr/>	<hr/>
	<b>15 Units</b>	<b>30 Beds</b>

**Property density:**

Site: 66' x 132' = .2 acres  
 60 apartments/ acre= 30 apartments or **12 units allowed**

1 bed .25 units x 8 = 2.00 units  
 2 bed .66 units x 3 = 1.98 units  
4 bed 1.5 units x 4 = 6.00 units

**9.98 units provided (12 units permitted)**

**Non-Residential space - Retail**

Retail space is required at this location and has been provided as part of this submittal. The building is located at the SE corner of Tenth and Morton streets. The UDO suggest 50% of the first floor area be non-residential use.

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 Page 2

The project has provided dedicated retail at the corner of 10<sup>th</sup> and Morton streets – the most ideal location as well as convertible retail space on 10<sup>th</sup> street that is ADA compliant. Each of these locations represents a reasonable size for an office or small retail site.

Gross Level 1 footprint:	5,194 sf	
Retail 10th & Morton	1,206 sf	<b>24% of total</b>
10 <sup>th</sup> st. convertible space	910 sf	<b>41% of total</b>

Our site is very small at 66' x 132' and the retail component has been balanced with parking requirements, drive access, and the creation of an accessible unit on the main level.

### Parking Counts

Required parking for 30 beds.	<b>13 spaces</b>
Level 1 parking garage	11 spaces
Level 1 on site parking	01 spaces
<b>Total on-site</b>	<b>12 spaces</b>

**Bus line:** Project is located on the Bloomington Bus line with a stop ideally suited for this site. We feel that this should be taken into consideration as a reasonable justification for granting a parking waiver for 1 parking space.

### Project Location

The project is located at the corner of Tenth and Morton Street. The surrounding land use includes an apartment complex (Tenth & College Village) across Tenth street to the North, an empty lot to the South, Office buildings across Morton street to the West and a commercial office building across the alley to the East. The lot currently has a run down home being used as a rental property and two garages. The home and garages are not historic and will be cleared to construct this project.

### Project Concept

The design draws on the simple charm of a large country manner house. The buildings architecture is defined by strong massing, verticality of building elements, and simple corner towers that are reminiscent of the guard towers that once defined the perimeter of the manner. The overall forms, detailing and material palette has been simplified to provide a modern twist that is less literal in its execution. The structure takes a simple shape for building efficiency and stacks the building over retail and parking. Internally, the manner is divided into smaller dwelling units all accessed off of a common covered exterior walkway system that has been sized to serve as the primary path to each unit.

### Building Scale / Massing / Articulation

The Morton Street and Tenth street elevations form the primary facades for the project and have been articulated to create a defined base body and cap for the building. A dark brick tone capped with a stone water table wraps the entire building and creates the base. A lighter shade of brick defines the body of the building with the darker base color brick used to accentuate the building setbacks and heighten the perceived depth of the recesses. Stone bands are introduced at each floor line to articulate the façade and break down the building scale.

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Page 3

At the three primary corners of the building, a tower element detailed in metal panel projects out slightly from the wall plane to form bookends for the façade. Each tower is capped with a simple pyramidal top that slopes back and away from the street front. The cap of the building is defined by a simple metal panel system that wraps the building and ties into the tower elements.

The feel of the building, while different in character, picks up on the materials and warm tones of the neighboring Village project and is intended to take on a complimentary feel while still having a look of its own.

A pattern of large windows detailed with simple heads and sills wrap the building. A rich palette of building materials with banding at the floor lines breaks the four level street front apartments vertically into smaller components and accent the façade. The articulation of the building elements carries onto the streetscape, low level landscaping, street trees set in grates, free standing post lighting and the incorporation of salvaged brick pavers work together to enhance the development's curb appeal and reinforce the facilities human scale along Morton and Tenth Street. The overall streetscape will form a continuation of the Village streetscape and complete the transformation of the east side of Morton Street into a vibrant urban setting.

#### **Window detailing:**

In several areas, windows have been ganged together to obtain the best natural lighting possible for the interior of apartment living spaces. The issue of providing the UDO requested proportions or the windows has been addressed through the incorporation of a vertical mullion between each window unit allowing for the rectangular units to be grouped together to create the best possible natural interior lighting. To further articulate the windows and help them read as 3 individual panes of glazing, the center section has been detailed as a single fixed unit with either clear or tinted glazing that picks up on the metal panel cap above.

#### **Parking Access**

Parking is located under the building on the South façade and is accessed and exited through a one way drive system. Residents will enter from Morton Street and travel under the building to the back of the site where covered parking is provided under the building. When leaving. Residents will pull out to the alley on the east where they can turn North and exit onto Tenth street.

#### **Streetscape**

A simple rhythm of (2) grated trees and a single old fashion street lamp set in a hard-scape sidewalk with a pattern of brick pavers enhance the curb appeal and charm of the development. Where possible, additional landscaping and spots for bike racks have been provided. Additional landscaping is shown in planter beds along the base of the building to pick-up on and continues the streetscape rhythm established by the Village project.

An existing tree along Morton Street is being reviewed to determine if it can remain where located and be reasonably protected through-out the construction. The developer will most likely need to pay to remove the tree and provide a new tree on site as shown.



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 Page 4

### Site Accessibility

Pedestrians can enter the site at grade off of Morton Street under the building Canopy, from Tenth Street, or from the South face / parking area. The primary entrance from Morton Street provides an accessible entry path to the buildings elevator core. All other building access points are through secured stair towers. One additional unit has been placed at grade with an accessible entry at street level.

### Building Façade modules

Morton mansions addresses the UDO's requirement for a physical break in the horizontal plain of the building every 66' horizontally or less through two relevant approaches.

1. Balcony zones create 4' to 5' set backs that are vertically stacked across the elevation.
2. Materials, texture change and color are used to accent the module with a darker color brick set in the balcony recesses that form the break.

### Building Heights

The site slopes approximately 4 feet with a low point at the SW corner (Morton and neighboring property) and a high point at the NE corner (Tenth and alley intersection). The building sets its main level in relation to the site to allow for accessible entrances into the building lobby.

The project is a 4 story structure (garage, plus 3 levels of apartments). The attached elevations provide target points for the various parapet heights along the façades as measured from the Retail floor level. Building heights are within the context of the surrounding buildings (the Village apartment community directly across the street) and up to 4 stories lower than its neighbor (Smallwood).

The buildings perimeter with the exception of the 4 tower locations at the corners is at 48' -8" above finish floor. This is under the max height of 50' established by the UDO.

The buildings 4 corners are delineated by simplified tower elements. Three tower caps designed as simple pyramidal caps, extend the building height to +57'-5" above grade at these locations only.

Throughout this process, the capped tower has drawn the greatest discussion pertaining to the requested height waiver.

When compared to recent waivers granted for buildings where 100% of the floor area housing habitable space required a waiver for height, the tower cap is a decorative piece and represents the following:

Gross roof area:		6, 150 sf	
Tower cap base	128sf x (3)	384 sf	.07% of the roof area for height waiver over 50'
Tower cap top	2 sf x (3)	6 sf	.001% of the roof area for height waiver at 57'

We believe that the building caps (which do not contain habitable space) do not represent a significant deviation from the UDO guidelines and further feel that as a decorative, non-habitable space, should be approved.



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### **Building Materials**

Architectural cast stone and two colors of brick form the palette for the Morton, Tenth and alley facades. The South façade (interior court façades) is clad in brick and stone at the East and West bookends with a series of brick and cementitious panelized columns defining the covered walkway system. A metal panel cap with clean and consistent detailing wraps all sides of the building. Under the walkway overhang (on a secondary façade, cement board siding in a deeper tone are framed with white trim boards and broken up with a pattern of entry doors and windows. The overall palette comes together to form a rich and inviting atmosphere.

### **Bike Storage/ Parking**

An effort has been made to make the facility "bike friendly" through the incorporation of bike parking focused around the Morton Street building entry point for the convenience of the residents. (6) Visitor spaces will be provided at the buildings main entrance. A secured bike room is not required based on the building scale and number of units.

### **Environmental Commission Considerations**

The developer is interested in providing a building that is sensitive to the concerns of today's built environment. As such, we are reviewing the incorporation of the following into the project:

- Reuse of salvaged brick pavers from the sidewalk along Morton Street.
- "Green friendly" building materials- inclusion of products that incorporate recycled materials- primary example being carpeting products and recycled limestone.
- Energy efficient windows with low-E glazing
- White reflective roofing membrane for energy conservation
- Energy star appliances where applicable
- Use of larger window openings for natural day lighting of interior spaces, inclusive of parking areas.

### **Void to Solid Ratio**

The street level has been articulated with large storefront panels protected by fabric canopies at the retail zones along Morton and Tenth Street. The upper level windows have been ganged together to maximize the natural lighting with-in the units and increase the percentage of void to solid massing.

Current guidelines suggest a target void to solid of 60% for the first level. The current design meets the requirements for the upper levels and comes close on the lower levels- the break down is as follows:

<u>Location:</u>	<u>Void to solid percentage:</u>
Retail at corner	<b>64%</b> (meets code)
10 <sup>th</sup> street elevation	<b>54%</b> (6 % short of meeting code)
Morton street elevation	<b>65%</b> (meets code)
Upper levels	<b>42% min.</b> (meets code)

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### **Build to Line**

The project meets the intent of the UDO with the building (including balcony projections) at the build to line on Morton Street and Tenth Streets.

### **Building Entrances**

The building has (1) pedestrian entry off of 10<sup>th</sup> Street, (2) pedestrian entrances off of Morton street and (2) secondary pedestrian entrances into stair towers from the parking lot. Additionally there are two vehicular routes into the site- one off the alley to the east and one off of Morton Street. Each of the (3) primary pedestrian entrances are accented with lighting and covered by canopies, or protective overhangs. Building signage and address stones are at the 10<sup>th</sup> and Morton Street building entrances as well. The 10<sup>th</sup> Street and Morton Street entrances are recessed back 4' from the building front. The third primary entrance is to the buildings elevator core. This entrance is accessed off of Morton Street under the main building canopy at the drive. An ADA compliant walkway extends under the building and along the window openings at the retail space to a covered entrance with mail boxes, lighting and access control.

### **Encroachments:**

The project will require the following encroachments with the city:

- Meter pit, encroaches underground by 3' past the property line. This encroachment is not in the sidewalk zone.
- Morton street light pole
- Morton street trees
- Morton street landscape bed- does not encroach on the sidewalk zone
- Morton street bike racks – do not encroach on sidewalk zone
- Morton street fabric canopies- canopies are not over the side walk zone
- 10th street fabric canopies – extend 2' over the sidewalk zone.
- Cap on corner tower at corner of 10<sup>th</sup> & Morton, at approx +50' above grade, extend 6" over the property line.

### **Stormwater Detention**

Based on the Site size, storm water detention is not required.

### **Trash Removal**

Trash removal has been provided off of the East alley. The grade will be leveled at this location to assist in the roll-out of trash containers on pick-up days. The alley will be modified to have a concrete apron for the garbage truck to demises the opportunity for the truck to damage the paved surface.

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### **Water Service & Meter Pit**

The project will connect to the main along Morton Street. A master meter will be installed outside of the City R/W off the South alley and will house the necessary meters and fire apparatus. The PIV connection will be installed at this location. A separate Siamese connection will be back fed from the meter pit and provided near the corner of Morton Street and the Alley for easy Fire Department access. No new mains are anticipated to be installed to provide service for the project.

### **Grease Pit**

A location has been identified in the drive off of Morton Street for a future Greese pit. A dedicated line will be run from the retail space to this location for future hook-up, should a restaurant tenant come to this location. The owner is targeting office or small retail shops such as clothing specialty stores.

### **Move-In/ Move-Out & Delivery Access to the Site**

Access to the site is anticipated to occur along Morton Street and along the East alley.

### **Sewer Service**

The project will connect to the city sewer mains at one location. The location will be made to the existing City sewer main rounding down Morton Street. All connections will be lateral connections with standard patching of the street as required. No new mains will need to be installed to provide service for the project.

### **Private Utilities**

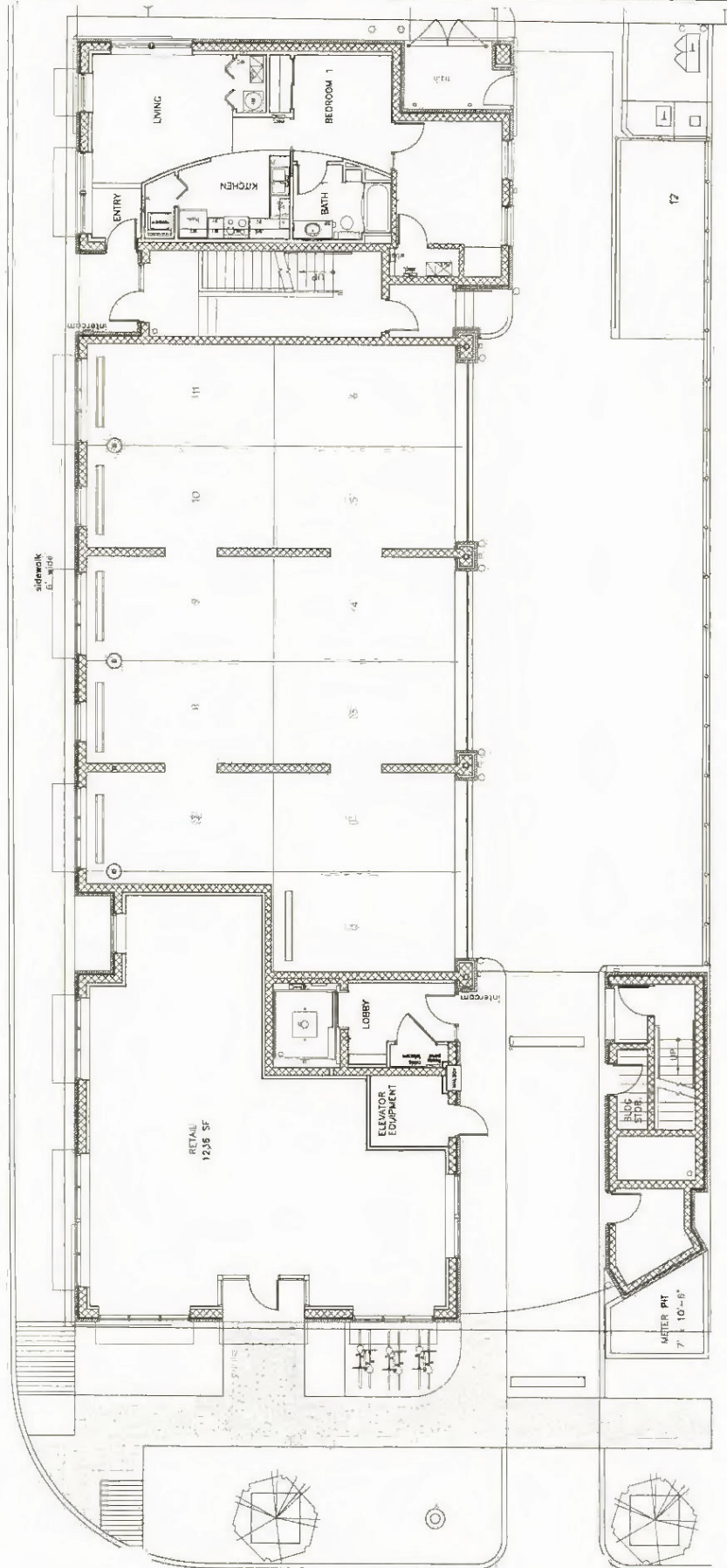
Duke Energy and Ameritech/SBC will provide for the service needs of the development. We anticipate the placement of one transformer at the Southeast corner of the site along the alley. A junction box for the phone lines to feed the development will also be in this area.

Respectfully submitted,



STUDIO 3 DESIGN, INC  
TIMOTHY W. COVER, RA

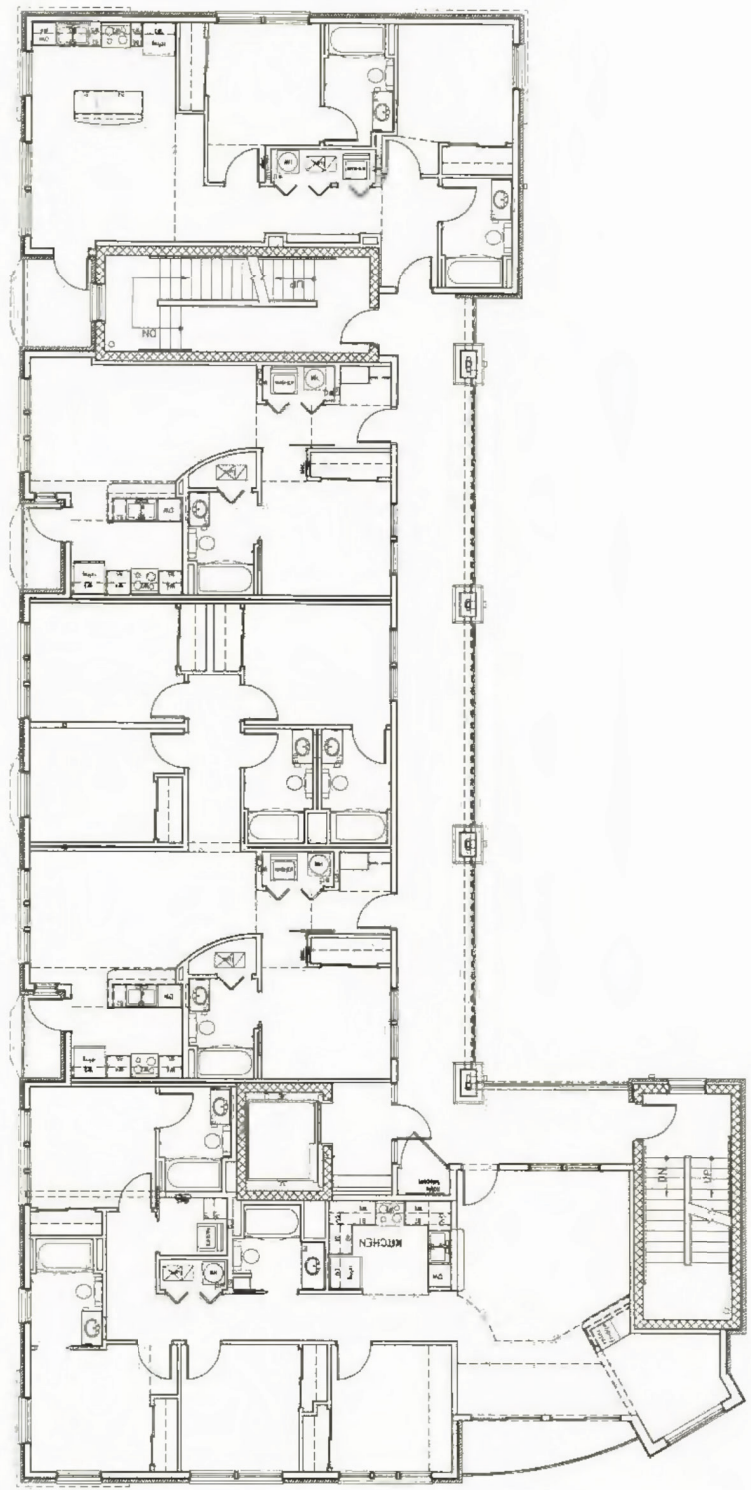




FIRST FLOOR PLAN  
 3/32" = 1'-0"

88





SECOND FLOOR PLAN  
 5/32" = 1'-0"

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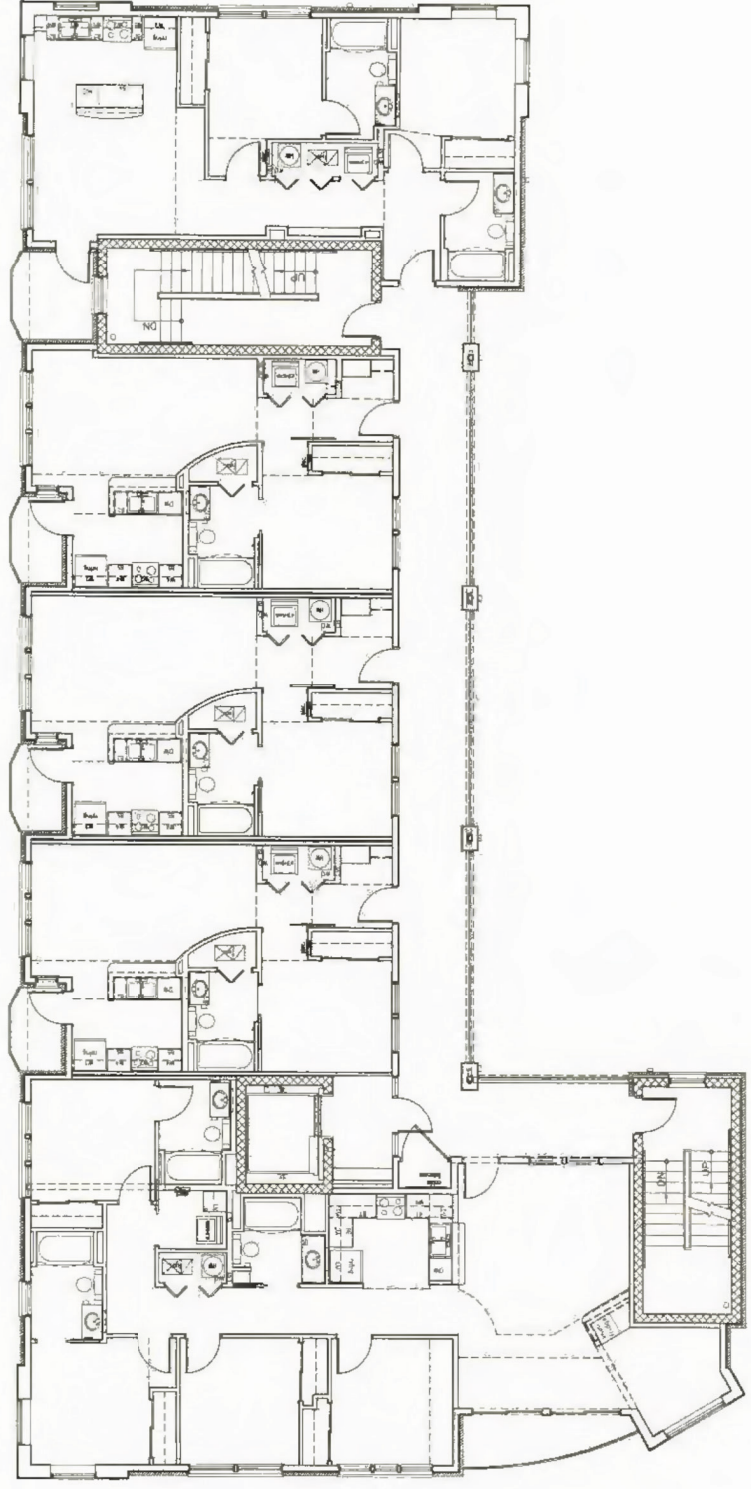
STUDIO THREE DESIGN  
 300A Riverside Plaza, Suite 200, Bloomington, IN 47403  
 317.325.1234  
 www.studiodesign.com

ERL-10, LLC  
 Morton Mansions  
 Bloomington, Indiana

PROJECT NO. 10025  
 DATE 3-22-10

SHEET DESCRIPTION THIRD FLOOR PLAN

SHEET NUMBER A3




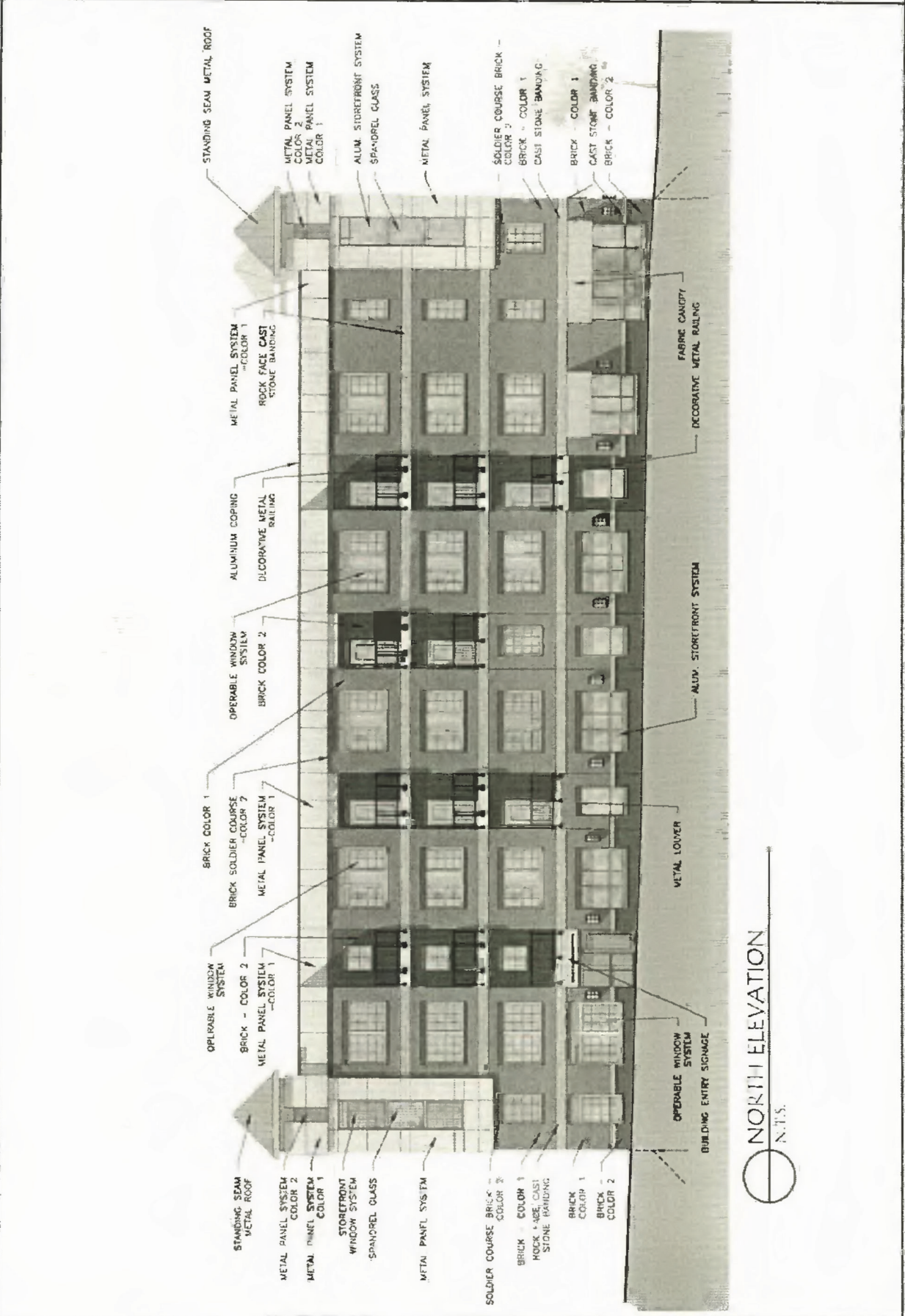
THIRD FLOOR PLAN  
 3/32" = 1'-0"






92

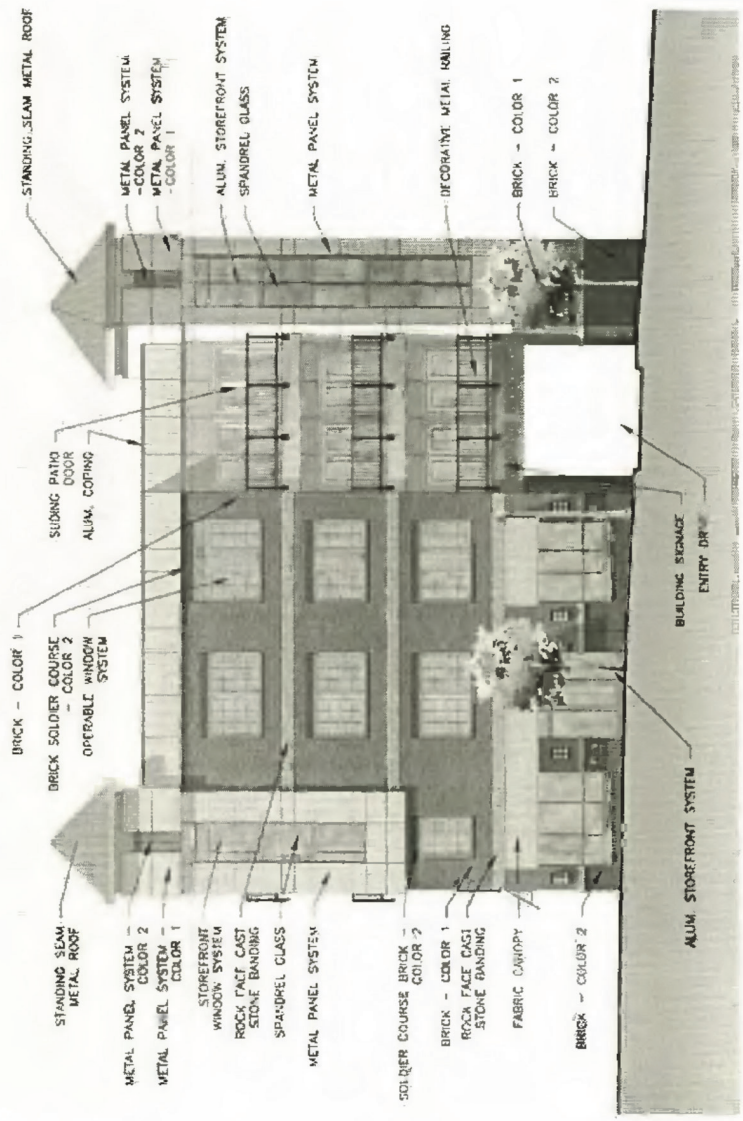
SHEET NO. AS	SHEET DESCR. NORTH ELEVATION	PROJECT NO. 10025	Morton Mansions Bloomington, Indiana	
		DATE 3-22-10		




 NORTH ELEVATION  
 N.T.S.



SHEET NO. A6	SHEET DESCRIPTION WEST ELEVATION	PROJECT NO. 10025	Morton Mansions Bloomington, Indiana	
		DATE 3-22-10		

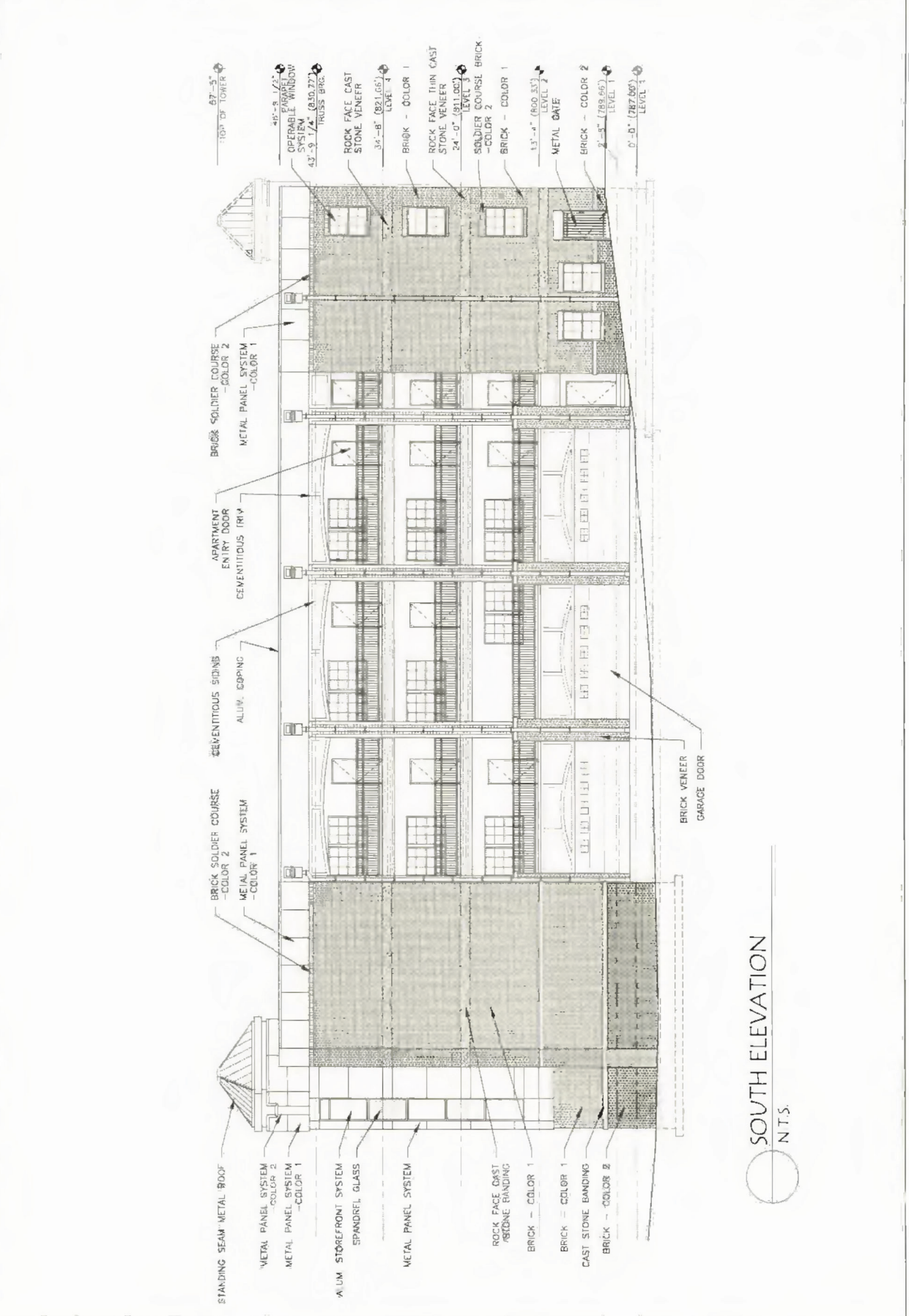


WEST ELEVATION  
N.T.S.

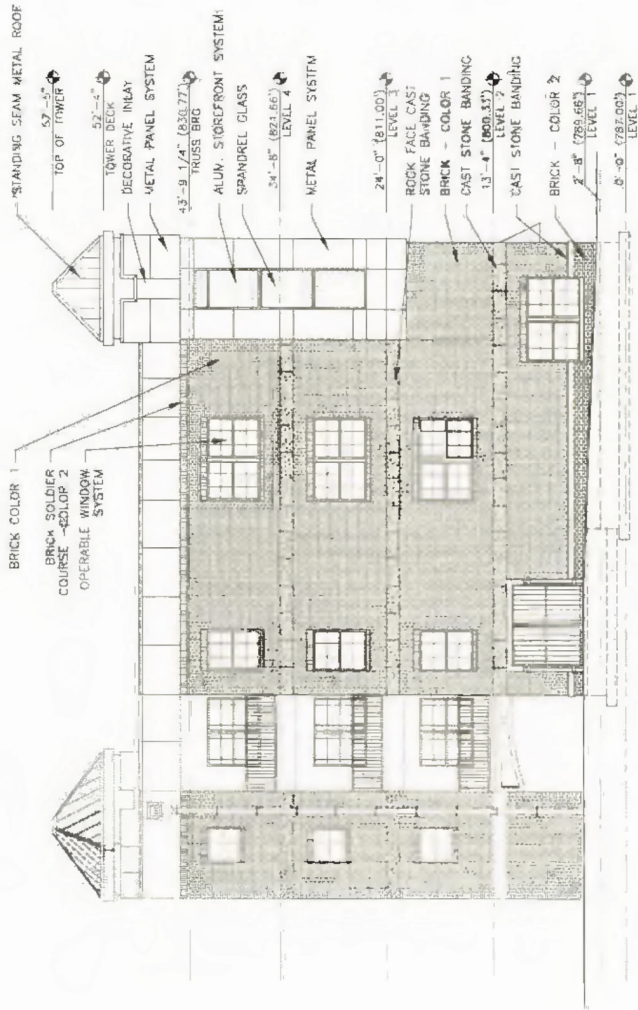
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PROJECT NO. 10025	DATE 3-22-10	SHEET DESCRIPTION SOUTH ELEVATION	SHEET NUMBER A7
	Morton Mansions Bloomington, Indiana		



SOUTH ELEVATION  
N.T.S.



EAST ELEVATION  
 N.T.S.





STUDIO  
THREE  
DESIGN

# MORTON MANSIONS

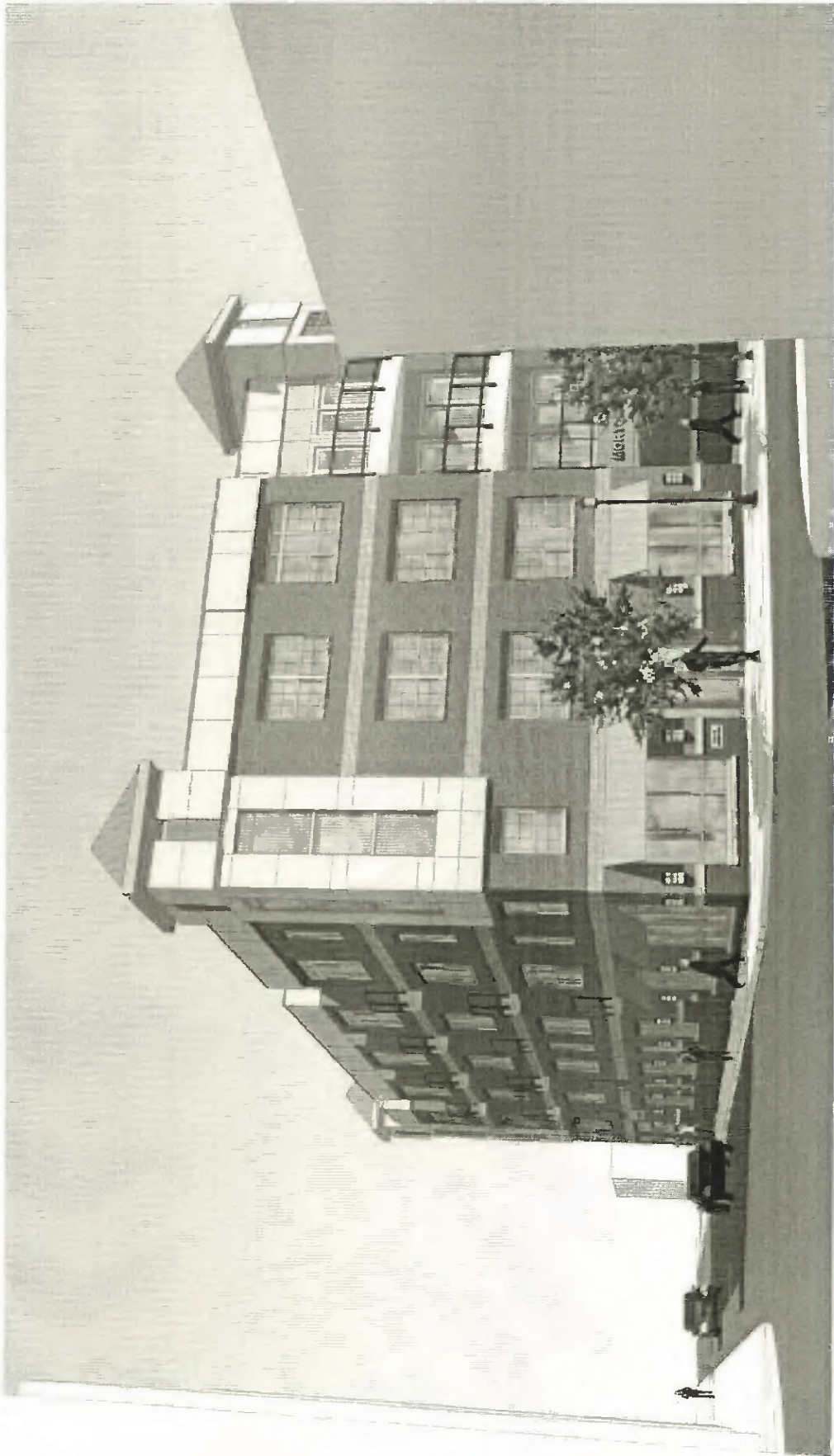
Bloomington, Indiana  
March 22, 2010

ERL-10, LLC

*Model  
Images*

96





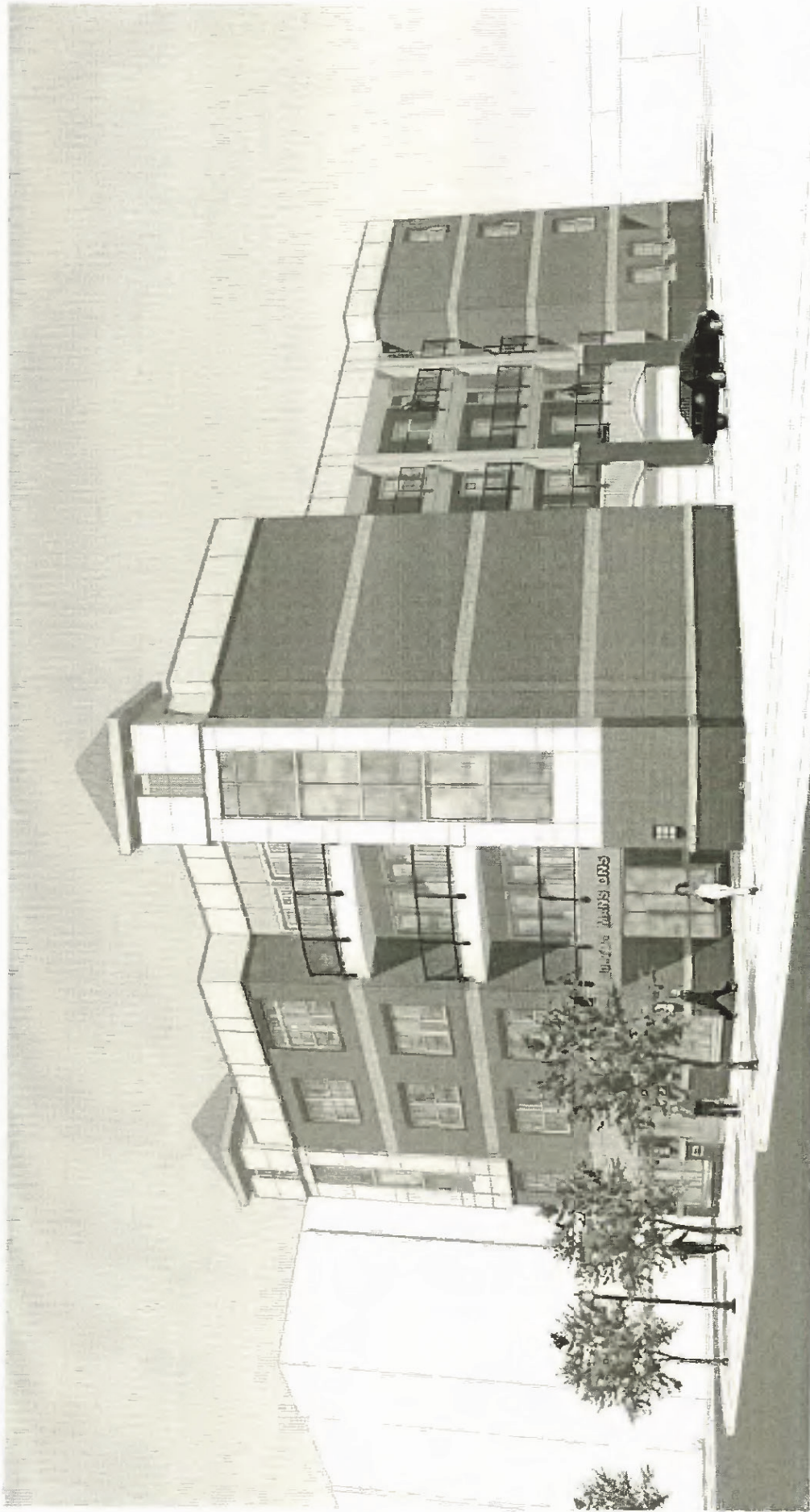
STUDIO  
THREE  
DESIGN

# MORTON MANSIONS

Bloomington, Indiana  
March 22, 2010

ERL-10, LLC

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STUDIO  
THREE  
DESIGN

# MORTON MANSIONS

Bloomington, Indiana  
March 22, 2010

ERL-10, LLC

98





STUDIO  
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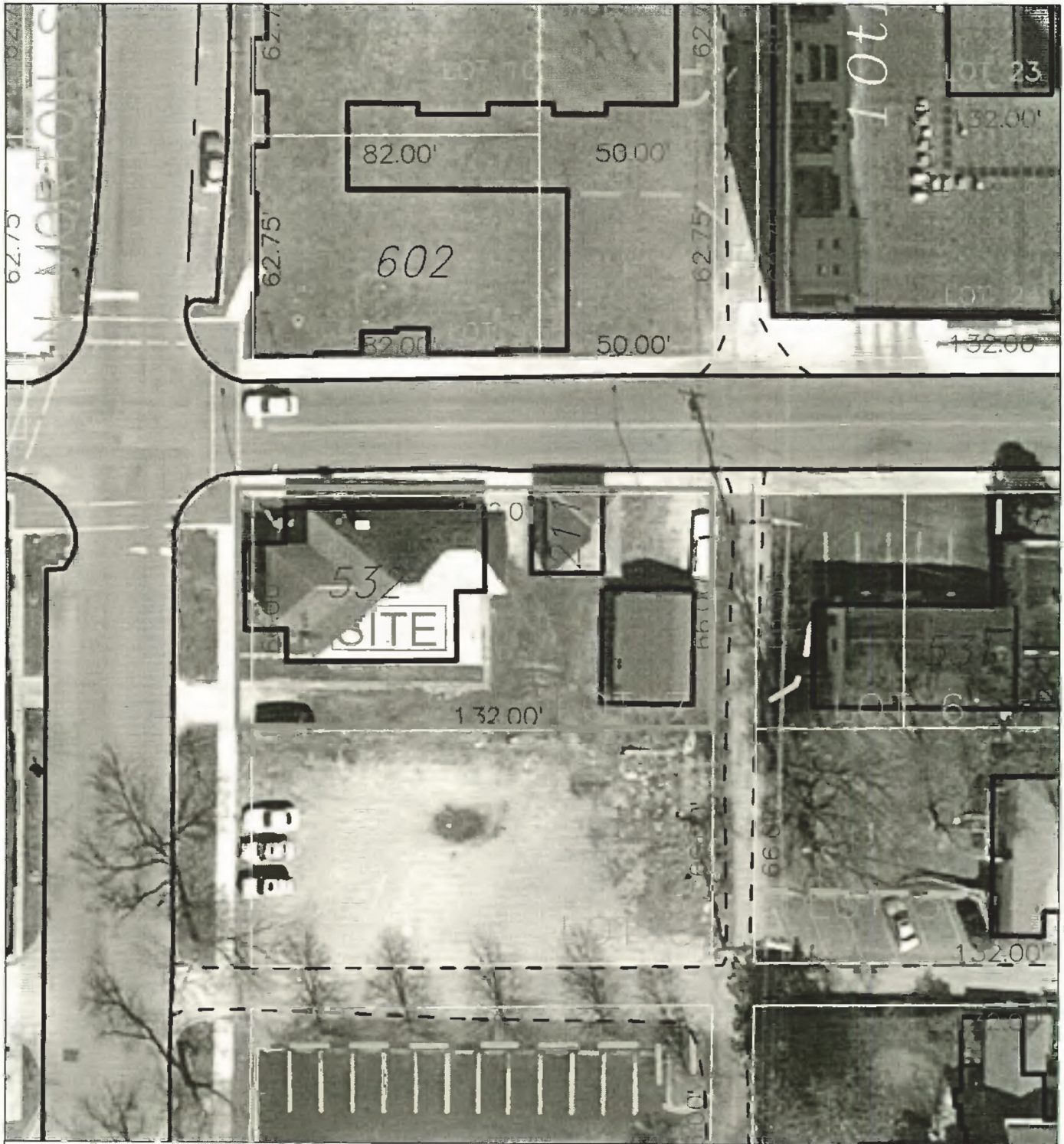
# MORTON MANSIONS

Bloomington, Indiana  
March 22, 2010

ERL-10, LLC

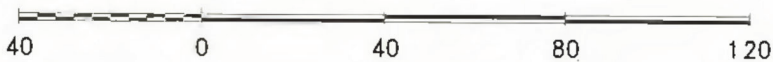
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*Aerial Map*

By: roachja  
1 Mar 10



For reference only; map information NOT warranted.



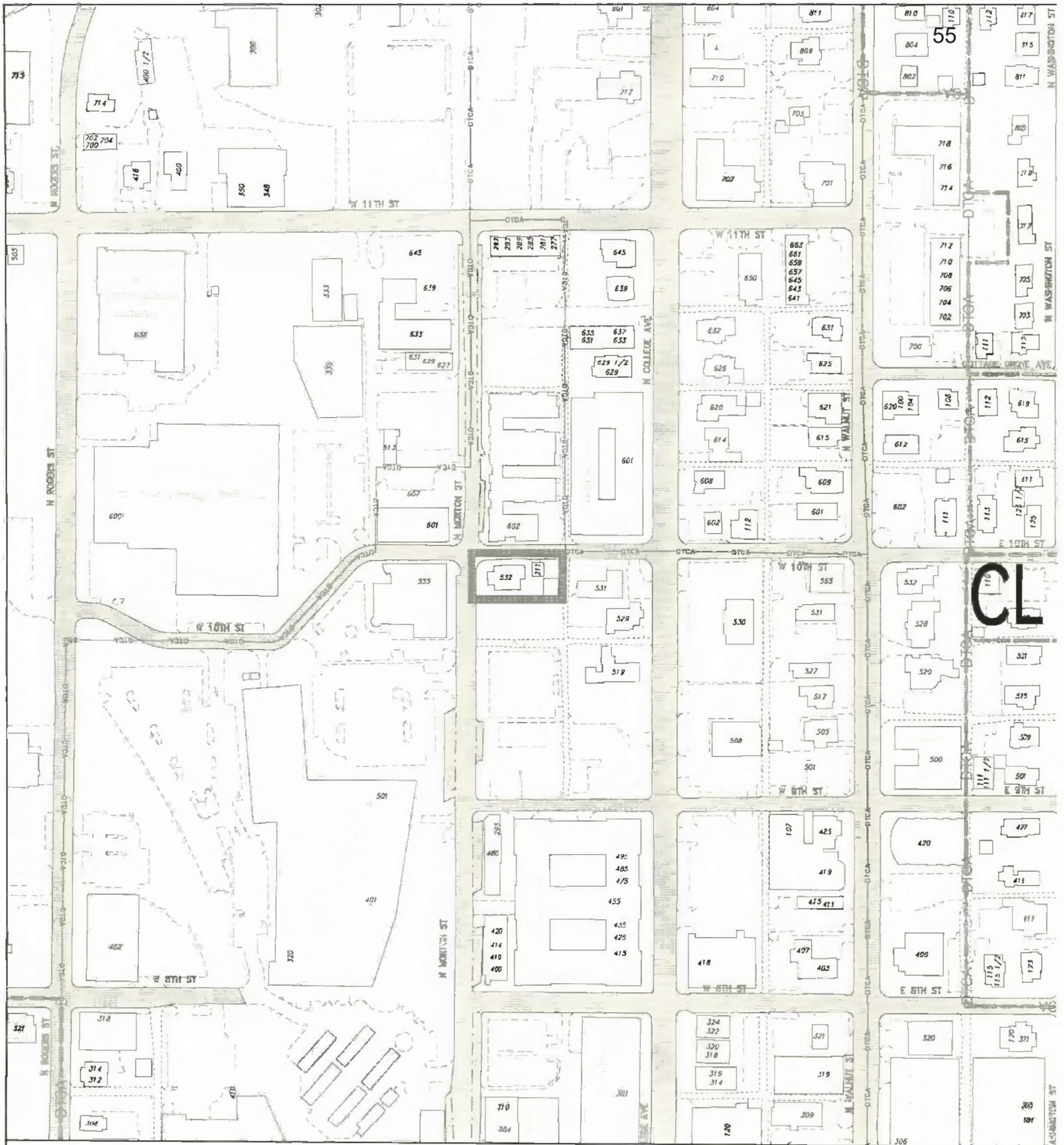
City of Bloomington  
Planning



Scale: 1" = 40'

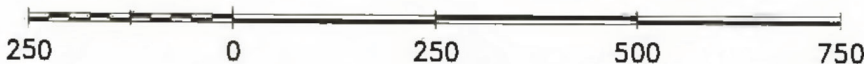
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*Location / Zoning / Land Use Map*

By: roachja  
1 Mar 10



City of Bloomington  
Planning



Scale: 1" = 250'

For reference only; map information NOT warranted.

**PETITIONS CONTINUED TO AUGUST 8, 2016**

**ZO-13-16**      **VMP Developments**  
 3380, 3440, and 3480 W Runkle Way  
 Request to rezone property from Commercial General (CG) to Commercial Arterial (CA).  
*Case Manager: Eric Greulich*

**ITEMS FOR THE CONSENT AGENDA:**

**SP-18-16**      **TCVC, LLC**  
 601 N College Ave.  
 Site plan approval to convert existing building space into a 2-bedroom apartment.  
*Case Manager: James Roach*

**SP-20-16**      **ERL-10, LLC**  
 532 N Morton St.  
 Site plan approval to extend a temporary approval of first floor residential instead of commercial space.  
*Case Manager: James Roach*

Jack Baker asked if anyone wanted to pull an item from the Consent Agenda for a full hearing.

Floor was opened for public comment. There was none.

\*\*Hoffmann made a motion for approval. Piedmont-Smith seconded. Motion passed through unanimous voice vote.

**PETITIONS:**

**SP-12-16**      **H. M. Mac**  
 403 S Walnut, 114 E Smith, 404 S Washington  
 Site plan review for a 4-story mixed use building and a 4-story multifamily building  
*Case Manager: James Roach*

James Roach presented the staff report. This is the third hearing on this petition. It was heard in May and June. This is a site plan request for two properties in the downtown located in the Downtown Core overlay. The properties are south of Smith Ave between Walnut St and Washington St. They are split by an alley that runs north and south through the property. The Project School is immediately to the north. The western of the two lots contains the building currently used by the Chocolate Moose. These lots are 0.98 acres. All five buildings currently on the property will be demolished with this project and two new 2 4-story buildings are proposed. Building 1 is a mixed use building with commercial space for the Chocolate Moose and at least one other business on the 1<sup>st</sup> floor and residential space in the above floors. Building 2, the eastern building, has lower level garage parking and three floors of multifamily housing above.

Since the June meeting there have been a couple of changes. The first change is to the streetscape along Washington St. There was a lot of debate about what that streetscape should look like. The original proposal was for a 6' wide combined curb and sidewalk with no room for street trees or street lights and a landscaping zone between the sidewalk and the building with lights attached to the buildings. Since the last meeting the petitioner has gone back and found opportunities to make the building less deep to create the standard streetscape with a 5' wide street tree and streetlight zone and a 5' sidewalk. They also found opportunities to include street trees and street lights on Smith Ave. This takes off 2 of the waivers you were reviewing last month



2016011712 MIS \$13.00  
 08/24/2016 12:37:06P 2 PGS  
 Eric Schmitz  
 Monroe County Recorder IN  
 Recorded as Presented



### ZONING COMMITMENT

This Commitment is being made in connection with an approval given by City of Bloomington Plan Commission Case Number SP-20-16 for real estate located at 532 North Morton Street in Monroe County, Indiana (hereinafter "real estate"), the legal description which is:

Lot Number Seven (7) of Woodburn's Addition to the Town of Bloomington, being a subdivision of Lot Number Thirty Seven (37), bounded as follows: Commencing at the Northwest Corner of said Lot Number Thirty Seven (37); running thence South (66) feet; thence East (132) feet; thence North (66) feet; thence West (132) feet to the place of beginning, commonly known as 530 North Morton Street, Bloomington, Indiana (hereinafter, "the Real Estate").

Which real estate is owned by TCVC, LLC, an Indiana limited liability company, ("Owners") pursuant to a deed recorded under Instrument #2015002791 in the Office of the Recorder of Monroe County, Indiana on March 3, 2015.

The Owner hereby commit, on its own behalf and on behalf of its successors and assigns, that:

**The waiver granted by the City of Bloomington Plan Commission under Case Number SP-20-16 allowing for a ground floor residential unit at the northwest corner of the structure shall expire on July 11, 2021, unless the waiver is renewed and extended by a vote of the City of Bloomington Plan Commission.**

This Commitment shall be recorded in the office of the Recorder of Monroe County and shall be binding on the Owner and upon any subsequent owner or other person acquiring an interest in the Real Estate and shall run with the land.

Prior to the issuance of any permits, a copy of this recorded Commitment shall be transmitted to the City of Bloomington Planning Department.

This Commitment may be modified or terminated only by action of the City of Bloomington's Plan Commission. This Commitment shall be enforceable by the City of Bloomington, any adjacent property owner or other interested party as defined by the Plan Commission's Rules and Procedures.

Failure to honor this Commitment shall subject the person then obligated hereby to revocation of occupancy permits and other legal action, including but not limited to the power of the City of Bloomington to

have work done at the expense of the property owner. Failure to honor this Commitment shall also constitute a violation of the City of Bloomington Zoning Ordinance (commonly known as the Unified Development Ordinance) and shall be subject to all penalties and remedies provided thereunder.

Dated this 23<sup>rd</sup> day of August, 2016.

By Elliot Lewis for TCVC, LLC Elliot Lewis, Member  
Owner's Signature Printed Name

ATTEST:

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MONROE )



Personally appeared before me, a Notary Public in and for said County and State, Elliot Lewis and \_\_\_\_\_, to me known to be the owner of the attached real estate who acknowledged execution of the above and foregoing instrument to be his or her voluntary act and deed.

WITNESS my hand and Notarial Seal this 23<sup>rd</sup> day of August, 2016.

Kristie Charles  
Printed Name of Notary Public

Kristie Charles  
Signature of Notary Public

My Commission Expires:  
May 9, 2018

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

This instrument prepared by Anahit Behjou, Attorney at Law, City of Bloomington, P.O. Box 100, Bloomington, Indiana 47402.



2016011712 MIS \$13.00  
08/24/2016 12:37:06P 2 PGS  
Eric Schmitz  
Monroe County Recorder IN  
Recorded as Presented



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This Commitment may be modified or terminated only by action of the City of Bloomington's Plan Commission. This Commitment shall be enforceable by the City of Bloomington, any adjacent property owner or other interested party as defined by the Plan Commission's Rules and Procedures.

Failure to honor this Commitment shall subject the person then obligated hereby to revocation of occupancy permits and other legal action, including but not limited to the power of the City of Bloomington to

have work done at the expense of the property owner. Failure to honor this Commitment shall also constitute a violation of the City of Bloomington Zoning Ordinance (commonly known as the Unified Development Ordinance) and shall be subject to all penalties and remedies provided thereunder.

Dated this 23<sup>rd</sup> day of August, 2016.

By Elliot Lewis for TCVC, LLC Elliot Lewis, Member  
Owner's Signature Printed Name

ATTEST:

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MONROE )



Personally appeared before me, a Notary Public in and for said County and State, Elliot Lewis and \_\_\_\_\_, to me known to be the owner of the attached real estate who acknowledged execution of the above and foregoing instrument to be his or her voluntary act and deed.

WITNESS my hand and Notarial Seal this 23<sup>rd</sup> day of August, 2016.

Kristie Charles  
Printed Name of Notary Public

Kristie Charles  
Signature of Notary Public

My Commission Expires:  
May 9, 2018

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

This instrument prepared by Anahit Behjou, Attorney at Law, City of Bloomington, P.O. Box 100, Bloomington, Indiana 47402.



**City of Bloomington  
Planning and Transportation Department**

**NOTICE OF APPROVAL**

July 12, 2016

Petitioner: ERL-10, LLC  
Location: 532 N Morton

The Plan Commission heard case SP-20-16 in the Council Chambers of Showers Center City Hall - Bloomington, Indiana. The petition for site plan approval to extend a temporary approval of first floor apartment instead of commercial space was approved with the associated waivers and following conditions:

1. Petitioner must record an amended zoning commitment which will sunset on July 11, 2021 unless the Plan Commission grants an additional extension.
2. All previous terms and conditions of SP-08-10 are still binding on this petition.

Unless otherwise specified by the Commission at the time of approval, any approval granted by the Plan Commission shall expire one (1) year after the date granted by the Commission, unless a building permit has been obtained and construction of the structure or structures has commenced.

Jack Baker, Plan Commission President

Christy Langley, Planning and Transportation Director



**BLOOMINGTON PLAN COMMISSION  
STAFF REPORT  
LOCATION: 532 N. Morton Street**

**CASE #: SP-20-16  
DATE: July 11, 2016**

**PETITIONER: ERL-10, LLC  
601 N. College Ave., Suite 1A, Bloomington**

**CONSULTANT: Studio Three Design  
8604 Allisonville Rd., Suite 330, Indianapolis**

**REQUEST:** The petitioner is requesting an amendment to a site plan approval to extend the length of time for first floor residential use.

<b>Area:</b>	<b>0.20 Acres</b>
<b>Zoning:</b>	<b>Commercial Downtown/Downtown Core Overlay</b>
<b>GPP Designation:</b>	<b>Downtown</b>
<b>Existing Land Use:</b>	<b>Multi-family residential</b>
<b>Proposed Land Use:</b>	<b>Multi-family residential</b>
<b>Surrounding Uses:</b>	<ul style="list-style-type: none"> <li><b>Northeast</b> – Mixed-use (10<sup>th</sup> and College)</li> <li><b>North</b> – Village @ 10<sup>th</sup> &amp; College apartments</li> <li><b>West</b> – Offices</li> <li><b>South</b> – Mixed use (under construction)</li> <li><b>East</b> – Office, retail</li> </ul>

**REPORT SUMMARY:** The subject property is located at the southeast corner of W. 10<sup>th</sup> Street and N. Morton Street. The property is a 0.2 acre platted lot that contains a 4-story multi-family building called “Morton Mansions”. This building was approved by the Plan Commission on April 5, 2010 (SP-08-10) and was occupied in August of 2010. The property is bordered on the east by a platted alley and is surrounded by commercial or multi-family uses on all sides. Properties to the north and northeast are multi-family and mixed use buildings also owned by the petitioner. The property is zoned Commercial Downtown (CD) and is within the Downtown Core Overlay (DCO).

In 2011, the petitioner received approval of a site plan amendment to convert the approximately 1,200 square feet of non-residential space on the first floor of the building to a single 3-bedroom apartment (SP-03-11). This space had been vacant since the building was finished in August of 2010. This petition increased the unit count from 15 to 16 units, but the building stayed within the maximum density permitted on the property. The Plan Commission approved this amendment and first floor commercial space waiver with a 5-year sunset. That approval sunsets in July 2016. While staff recommended denial of the petition in 2011, staff recommended that instead of tying the end of the waiver to a specific date, it may have been more appropriate to tie the approval to the redevelopment of the Trades District which had just recently been announced. No new buildings have been constructed in the Trades District since 2011. The Plan Commission stated the

reasons for the approval and the sunseting as a desire to not see the space remain empty and they questioned the viability of commercial uses in this location, especially with the uncertain development timeline of the Trades District. A copy of the minutes of that meeting are included in the packet.

The UDO requires that buildings in this area of the Downtown Core Overlay be constructed with 50% non-residential space on the first floor. The petitioner received a waiver with the original site plan approval to reduce the amount of non-residential space to 24%. The 2011 petition dropped the first floor non-residential percentage from 24% to 0% and required the waiver to be amended. Also approved in 2011 was an amendment to the previously approved parking waiver to allow for a further reduction.

**Plan Commission Site Plan Review:** One aspect of this project requires that the petition be reviewed by the Plan Commission, per BMC 20.03.090.

- The petition includes two amended waivers to the standards in BMC 20.03.120 and 20.03.130

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## SITE PLAN REVIEW

**Residential Density:** The property is approximately 0.2 acres in area. This petition increased the bedrooms from 30 to 33 bedrooms and the unit count from 15 to 16 units. The DCO allows for 60 units per acre, or 12 units on this property. The current density, once DUEs are applied, is 10.98 DUEs or 54.9 DUEs per acre. This density is below the maximum density of the DCO.

**Ground floor non-residential:** In 2010, the Plan Commission approved a partial waiver from the first floor non-residential space percentage requirement. This approved a reduction from 50% to 24%. The 2011 site plan amendment further reduced that percentage from 24% to 0%. An amended waiver is required.

**Ground Floor Non-residential Space Waiver-20.03.120(e)(2):** The 2005 Downtown Vision and Infill Strategy Plan (hereafter referred to as "Downtown Plan") includes several design guidelines concerning first floor uses. Design guideline 3.18 recommends that a ground floor level of a building encourage pedestrian activity through features related to commercial use, such as seating, storefronts, recessed entrances and display windows. This petition still include large display windows that may be converted to commercial space at some time in the future.

This property is in an area that includes a mix of residential and office uses, including office uses on the 2 opposite corners of this intersection and further north on Morton St. New retail and restaurant uses are located on the Smallwood Plaza block to the south. Office uses are also found on the west side of Morton Street at the Showers complex as well as between 11<sup>th</sup> and 10<sup>th</sup> Streets. Additional opportunities may arise in the future for more

retail and office uses in this area as the Trades District continues to be built out.

**Parking:** The building contains 12 off-street parking spaces, 11 spaces within the garage and 1 surface space. The minimum off-street parking requirement for the 33 existing bedrooms is 16. The petitioner is proposing to maintain the existing 12 parking spaces instead of providing the required 16 spaces. An amended waiver is required.

**Parking Waiver-20.03.120(c)(2):** While the Downtown Plan (Pg.4-13) recommends 0.8 spaces per bedroom, the building has existed since 2011 with 0.36 spaces per bedroom with no known adverse impacts to the surrounding area. The lower ratio is supported by on-street spaces on nearby streets, an established pedestrian network, and reduced need due to the two nearby bus lines.

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**CONCLUSIONS:** This petition maintains the space as convertible and allows for the possibility of commercial space in the future. With future development of the Trades District, additional opportunities may arise for office, retail and restaurant uses in this building to serve the employees and residents of the Trades District.

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**RECOMMENDATION:** Based on the written findings above, staff recommends approval of SP-20-16 with the following conditions:

1. Petitioner must record an amended zoning commitment which will sunset on July 11, 2021 unless the Plan Commission grants an additional extension.
2. All previous terms and conditions of SP-08-10 are still binding on this petition.





Attn: James Roach

RE: **Morton Mansions- Commercial space conversion to apartment  
June 6<sup>th</sup>, 2016**

Property Owner: ERL -10, LLC  
601 N. College Avenue, Suite 1A  
Bloomington , Indiana 47404

### PETITIONERS STATEMENT

Dear Mr. Roach;

Studio 3 Design is pleased to submit the following request for an extension of a current waiver for staff and plan Commission consideration.

#### Project Location:

Morton Mansions Apartment building is located at 532 Morton Street (SE corner of 10<sup>th</sup> Street and Morton Street.

The building has been open and operational for approximately 5 years at this location.

#### Current Waiver

The project was approved by the Plan Commission in 2011 with a Waiver to development standards that allowed for the replacement of 1,206 gross sf (1026 net usable sf) of non-residential space with a residential use on the first floor of the building (sketch attached). The waiver as approved allowed for a 5 year approval from the date of final occupancy (August 22, 2016). Upon reaching that date, the apartment would either need to be converted to a non-residential use or an extension would need to be approved by Plan Commission.

#### Request

We are requesting that the current Waiver to allow for a residential use on the first floor of the Morton Mansions apartment building located at 532 Morton Street be **extended for a period of Five (5) years from the expiration date of the current waiver to August 22, 2021** at which time the space would either be converted to a non-residential use or an extension would need to be approved by Plan Commission.

### **Background and reasoning for request.**

At the time of the original request for a waiver to the requirement for non-residential use to be permitted at this location, there was minimal interest by retailers to locate along Morton Street. The owner pursued multiple businesses from yoga studios to wine bars to small restaurants to fill the 1026 sf space. These efforts were discussed at Commission and a request was made and approved to allow for the space to be used for a residential purpose.

The thoughts at that time were that the Bloomington Tech Park planned for on the West side of Morton Street would be well underway prior to the expiration of the waiver and that demand for retail would become stronger in the area.

Since this time, neighboring developments along Morton Street have been granted waivers for limited non-residential space (under 700 sf) on level 1 and established businesses such as the IU Press (located directly across from the Morton Mansion's site) have choose to relocate. Retail / non-residential spaces have remained difficult to lease and maintain occupied just one block to the East on College Ave. – a primary artery for traffic compared to Morton Street. Additionally, and for this same reason, 4 non-residential use units on College Avenue just to the north of the 10<sup>th</sup> and College building were recently approved to be converted to apartments. Finally and perhaps the most important consideration is that the Tech Park, viewed as the catalyst for sparking demand for non-residential use in the area, is still in it's infancy on getting started.

The apartment unit located on the first floor is currently occupied and leased for the up-coming school year and provides a viable use for this location in lieu of an empty space on the corner.

While we are excited about the growth opportunities that the Tech Park could bring, history has shown that this development process will take time. We feel it will be another 5 to 10 years before there is enough development associated with the area to create potential demand for additional non-residential space at this corner.

As such, we respectfully request that the commission approve our request to extend the current waiver for a period of 5 years.

Sincerely;

Tim Cover  
Studio 3 Design

DEVELOPER  
ERL-10, LLC

5-10-2011

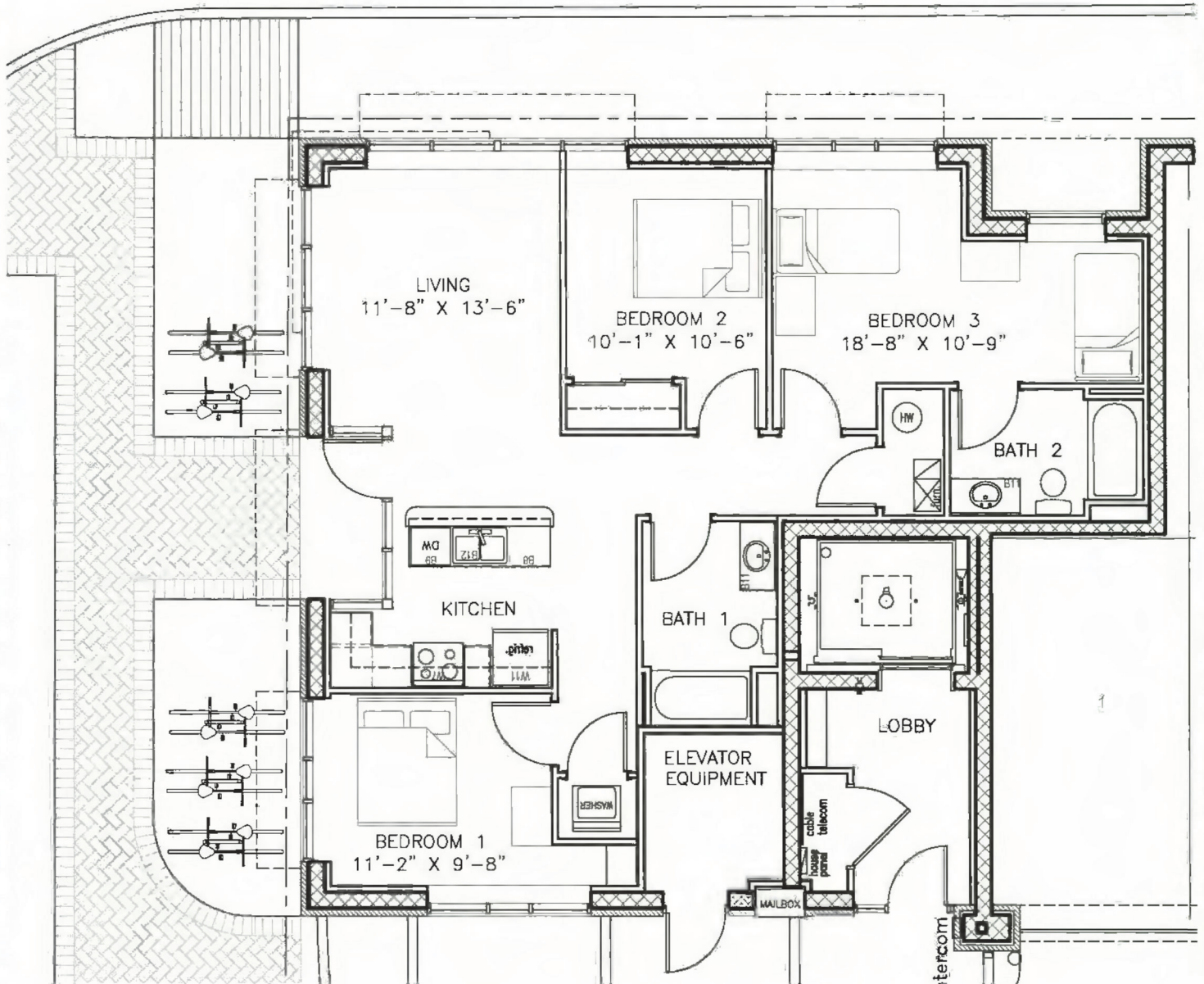
# MORTON MANSIONS

a TENTH & COLLEGE Property

Bloomington, IN

67  
STUDIO  
THREE  
DESIGN

317.595.1000 main 317.572.1238 fax  
5601 Alameda Road Suite 300 Indianapolis IN 46250



## 3 BEDROOM APARTMENT FLOOR PLAN

1/8" = 1'-0"

BEDROOMS: 3  
BATHROOMS: 2

LOCATION: LEVEL 1  
GROSS SQ. FT. = 1206  
NET SQ. FT. = 1026



**PETITIONS:****SP-03-11      ERL-10 (Morton Mansions)  
532 N. Morton St.**

Site plan amendment to convert 1<sup>st</sup> floor commercial space in the "Morton Mansions" building to residential space.  
(Case Manager: James Roach)

James Roach presented the staff report. He detailed the surrounding properties and their uses. The property is 1/5 acre, zoned Commercial Downtown and is within the Downtown Core Overlay. On the site is a 4-story mixed-use building. The upper levels contain 14 apartments. The 1<sup>st</sup> floor contains one apartment, parking spaces and one currently vacant non-residential space at the corner of 10<sup>th</sup> and Morton. The petition is to change that site plan to allow the petitioner to convert the vacant ground floor non-residential space into convertible space. The petitioner would like to use that as residential space at this time. It could change back into non-residential space in the future. This is being reviewed by the PC because there are two amended waivers associated with this. In 2010, the PC approved a little more than 1200 sq. ft. of commercial area on the ground floor which is currently vacant. The UDO requires 50% of the area of the ground floor to be leasable, non-residential space. The PC approved a reduction to 24%. The petitioner wants this space to immediately change to a single 3- bedroom apartment. That reduces the non-residential ground floor space to 0%. There would be no changes to the exterior of the building. The petitioner has made considerable effort to lease the space and has not been able to. They have had problems leasing their non-residential space at 10<sup>th</sup> and College. There are low traffic counts and limited parking in this area. This area is changing all the time and more development will take place in the medium future. Staff believes this change to be inconsistent with the Downtown Plan and recommends denial. The 2010 site plan allowed for a reduction from a required 13 spaces down to 12 spaces. The proposal tonight increases the required parking from 13 to 16 spaces but the petitioner requests that only the existing 12 spaces be required.

Elliott Lewis, the petitioner, said that businesses have been closing. The problem is that the Planning staff is saddled with a requirement that was put into place before the recession, the economy and the lack of funds for developers happened. The Planning staff can't quickly undue this requirement but the PC can. He questioned whether this was the right requirement to enforce now. He has tried earnestly to rent this as retail space. The current office spaces in the area are owner-occupied buildings. He explained how many different kinds of businesses they have tried to entice. He has had trouble keeping his commercial spaces at 10<sup>th</sup> and College filled even though that is a much better location than the space on Morton St. This is the last city lot within this overlay requiring ground floor commercial. There is around 125,000 to 150,000 sq. feet of available commercial space in the downtown and campus area now. He asked for a definition of "medium time plan." He noted that his petition that was granted an extension tonight is another example of sluggish development. He said that parking at Morton Mansions isn't that crucial. Many renters are coming to live downtown without cars. The main issue now is the economy. He listed 15 businesses that have closed within the last couple of years. He is proud of the improvements that he has made to the downtown including new buildings and more people.

Scott Burgins asked staff if there were other factors besides the economic climate that resulted in staff's recommendation.

Micuda said that this is a relatively new ordinance (circa 2009). We've only had one other test case (the Mike Snapp petition). Staff is trying to enforce a new ordinance and doesn't have a lot of precedence that suggests deviation from the ordinance. Staff has a lot of sympathy with the petitioner. There are legitimate issues associated with leasing this space. He listed lack of on-street parking (particularly on 10<sup>th</sup> St.), The lot was so small and 10<sup>th</sup> St. was so constrained, we couldn't do what we

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would usually do which would be putting a lot of parking on 10<sup>th</sup> St. Morton is still an evolving corridor. We've had some success but this project is part of the process. The recommendation was a difficult one to make.

Susan Fernandes said she knows that Mr. Lewis knows that most of the PC really wants the activity that commercial on the ground floor would bring. She wasn't sure what scenario would turn these residences back to commercial. She wanted to know what could happen to have them decide to do that.

Lewis said explained how they moved their old office space downstairs and leased their old office out as an apartment—then they expanded the business next door into the apartment's space. He cited other examples. He is very willing to convert residential to retail if the opportunity arises. He doesn't see that happening for 8-10 years on Morton St.

Fernandes asked why landlords would prefer either commercial or residential space to lease.

Lewis said many factors come into play and it varies from location to location. Retail is generally more profitable.

Isabel Piedmont-Smith asked staff if there is a way to require the petitioner to revisit the issue in a couple of years.

Micuda said that is an option that the PC can pursue.

Piedmont-Smith asked if there are other locations on the outskirts of the Downtown Overlay District having similar difficulties in leasing. Could this set a dangerous precedent?

Micuda said that there are projects that have been approved but not yet constructed. One example is the Stephens Olds-Honda site. Another is the Omega building on S. Walnut—however, that approval has expired.

Tom Seeber asked about the treatment of the windows if the residential is approved. You said that the façade wouldn't change.

Lewis said blinds would be installed.

Seeber asked if there would be a commercial door or an inside door.

Lewis said it would have an inside door.

Seeber asked if staff is hearing this from a lot of people.

Micuda said it has been approved for the Mike Snapp building on S. College. The PC allowed the conversion with the condition that it would be revisited when the Convention Center expands. He suggested that with the Lewis project the PC could put a number of years as a condition or link it to the development of the IU 12 acres.

Milan Pece asked what time frame we could be looking at until we get a critical mass of people in this area.

Micuda said he thought that a 5-year time period would be adequate to revisit the issue.

Pece said that when we did this, the PC did not require every ground floor in the downtown to be commercial or retail. The PC stipulated this requirement to apply to certain strategic streets. The

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Council applied it to the entire downtown. He didn't think it would work until we get more people downtown.

Micuda said that this issue was heavily discussed by the PC when considering Mr. Lewis' 10<sup>th</sup> and College development. Because of the interest from some PC and City Council members, we put it out as a possible amendment to the UDO in 2009. That amendment would apply to certain street frontages. The PC turned it down. Council by a 5-4 vote reversed the PC recommendation. The issue came back to PC where it was approved despite some disagreements.

Baker asked Micuda if he wanted to define "mistimed" for Lewis.

Micuda said that in the state of the city speech the mayor announced that there was an agreement between IU and the City that the City would purchase the 12 acres later this year. It will go to Council since the City will have to take out a bond associated with purchasing the property. When that occurs we will be undergoing a Master Plan process regarding creating a development vision as well as how the property might be subdivided and developed in the future. That process will probably end sometime in 2012. At that time, we would start marketing the property, the property will be subdivided and it will be sold and developed. That is what Jim meant by "medium time." It will be 1 ½ to 2 years before you could expect the first user.

Baker asked Lewis asked where he thought he might put in ground floor commercial. How far north, etc?

Lewis said he wouldn't look at doing it in these times unless he had a tenant in mind. He would probably not look beyond Kirkwood, the courthouse square, College and Walnut (2<sup>nd</sup> to 17<sup>th</sup>) at least for the next 5 years.

Joe Hoffmann asked why ERL-9 doesn't have ground floor commercial.

Micuda said anything north of 10<sup>th</sup> St. is exempt.

Burgins asked Lewis how full his residential apartments are.

Lewis said they are mostly full except for a few apartments and some commercial space at 10<sup>th</sup> and College.

Burgins asked if there is more opportunity for residential buildings in this area.

Lewis said yes.

Public Comment:

Ken Ritchie, a commercial lender with Old National Bank, said that Mr. Lewis is a customer of his. He has respect for what the Council and Commission has tried to determine the best uses for our land and how we grow. You have a good opportunity to set precedent in order to make good judgments about how to bend this regulation to accommodate economic circumstance. Over time the market corrects a problem that we have. We don't have a lot of demand in this area for commercial space. Lenders are going to have a lot more stringent lending standards from here out. He believes that it will be 8-10 years before the area experiences much growth along that corridor.

Tim Cover with Studio Three Design said he has respect for Master Plans. They have looked at multiple options for this site. They have looked at expanding the space to suit different tenants. There is not a need for additional parking if their petition is approved. An occupied unit provides more safety and life than an empty shell. They would look at this as convertible space and ask that the PC lets the market drive the change over time instead trying to guess at this point when the change might be



realistic.

Suzanne O'Connell, a longtime Bloomington resident, supports local downtown development versus taking something outside and doing big box development. She is the former secretary of the Monroe County Apartment Association Board, a real estate broker and a property manager. She believes that you should always look at your highest and best use for a property is. At this time, the 10<sup>th</sup> and Morton space is truly a residential space. If you put the residential in there, you will get the activity and the foot traffic that will drive future retail. Limited on-street parking and apartment residents make this space unattractive for commercial users.

Kyle Richards, an IU student majoring in finance/real estate, said he has been researching the restrictions the City of Bloomington puts on retail space in the Downtown Overlay zone because it was a direct restriction for them in their case study. He believes the location of Morton Mansions is not conducive to retail or office space. Vacant retail space is bad for the developer and the city. He questioned the inclusion of Morton in Downtown zoning.

Scott Owens, a real estate broker with Remix, underscored the amount of effort that Lewis has put into marketing this space. He praised Lewis for providing so many floor plans and being flexible to assist his marketing. In the future it has great potential just not in the current economic times. He worked for 4 years on the Hillside Shops project. It took a lot of work and concessions. He works with a lot of potential developers from out-of-town who aren't comfortable with the ground floor commercial requirement. He encouraged considering changing that requirement especially as you get further away from the primary retail locations. Larger national restaurants want more dedicated parking downtown.

Hoffmann asked staff if there is a particular format for the motion for approval with conditions of approval. Your recommendation is to deny; so no conditions have been set forth. What would be the way to draft a time limit requirement on it?

Roach said the form would be a recordable zoning commitment that would be recorded at the County Recorder's Office and tied to the deed.

Hoffmann asked if there would have been any other conditions that staff would have insisted upon.

Micuda said he didn't think they need conditions regarding the request unless you want to do something with the aesthetics of a residential use on the first floor.

Hoffmann said it seems that there are other ways of generating pedestrian interest in a building other than it being commercial space—perhaps some kind of art work or something else.

Micuda said that staff would prefer not getting into issues concerning the petitioner's aesthetic choices. He would rather leave it up to the developer. If you do want to approve the petition, staff would like you to consider a time frame for revisiting the issue.

Hoffmann asked if the motion should include something discouraging external changes.

Roach said he would actually like to see some changes to the front of the building such as replacing the large windows. But, it is not part of the proposal or something that you are reviewing tonight.

**\*\*\*Joe Hoffmann moved to deny SP-03-11 on the grounds that the proposed site plan is not consistent with the UDO and the GPP. Adrian Reid seconded.**

Chris Smith said that this ordinance seems to fly in the face of what we all want for our city by allowing space to sit vacant. We should set a precedent today by giving a waiver from this. Around the

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Courthouse Square, we should require 1<sup>st</sup> floor commercial. People have to drive longer distances to find places to live because we are allowing spaces to remain vacant. Landlords will be motivated to convert back to commercial if the space is viable. A sunset clause would be okay if the idea is to revisit the issue not just to automatically require commercial. He will vote no on the denial. He would support a 5-year sunset clause if the petitioner is okay with that.

Reid said he would vote for the denial but could support a compromise with a 5-year sunset clause.

Hoffmann agreed with Smith's comments concerning putting more people in what is now a vacant spot. He would vote for a time-limited approval. He told the petitioner that the follow-up comment was overkill. He understands why real estate professionals and commercial lenders want to kill off this limitation on use in parts of the downtown area. It's about money and that's not a bad thing—in fact it's a good thing. There is an argument on the other side, too. It is a supply and demand world. He heard that there are people interested in leasing commercial space but they won't pay enough.

Lewis said he wanted to withdraw his petition.

Hoffmann said he didn't have to withdraw his petition.

Lewis said he was going to withdraw his petition. It's not about money. He said he would withdraw his petition. We can be over.

Hoffmann said he couldn't stop Lewis from withdrawing his petition—you're probably going to get approved but that's up to you.

Lewis said then he would sit back down.

Baker clarified that the petition was still in play.

Hoffmann said he doesn't want this to be a fight tonight about whether this policy needs to be revoked or abolished. It is about a specific piece of property and a specific issue that even staff said they had a lot of sympathy for. He heard staff agreeing with a lot of what Lewis said. If you turn it into something that's about trying to get rid of the policy in general, then you lose me. He thinks the policy has many supporters as well as detractors. Markets don't move quickly and right now it's terrible. That is why we need to be flexible on a case-by-case basis.

Baker agreed with staff that technically this would push us to deny the petition. He would support a compromise. We have had other cases like this. There is only slight harm being done to the community by having a space that cannot be rented at this time. There is benefit in having something in place. Maybe we will want to review this policy but that would be at a later time.

Pece will vote no on the motion and hope that we come back with something more reasonable.

Seeber said he thinks we do need to open up to a broader discussion of the policy. The petitioner originally wanted to have all residential and now to put a residential use in a commercial façade is not a good system. The City should study this area. It is at best medium density area with 3 and 4 story buildings and to think that every square foot of ground floor is going support commercial is unrealistic. It is less than a year since this building was built and we are now conceding that commercial probably won't work here. He would rather we had from the outset let him design it for full residential. This is not part of the petition but he wanted to include in his comments that this is something that we should look at. He will vote against the denial.

Piedmont-Smith said she thinks that mixed-use is very important for the future of our city. Considering that one of our guiding documents is the Peak Oil Task Force report (the Redefining Prosperity



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report). It is consistent for our city vision for the future. We need to cut down on gasoline transportation and encourage pedestrians by interesting streetscape. The economic situation will change and as oil prices continue to rise the type of development that is in town that is close to amenities and destinations will become more valuable. This is not a bad policy. With respect to this particular case, she is willing to make an exception and revisit the issue in the future.

Fernandes agreed with what Piedmont-Smith just said. As she understands it, this proposal came forward under this zoning requirement. This was not a surprise. We waived half of the commercial requirement to begin with. Now we are being asked to waive the 2<sup>nd</sup> half down to 0. She is extremely concerned that we don't have a lot of downtown multi-family proposals that will ask for the same thing. She would like to make sure that the motion makes it clear that we don't regard this as setting a precedent. She could support revisiting this case in perhaps 3 years. First floor commercial makes the area more memorable.

Burgins said some developers don't want to build parking or reduce their parking and then say there's a problem with parking. Now is not the time to hold Mr. Lewis to commercial. He will vote against the motion to deny and look at 5-years or some sort of development changes—whether it is 11<sup>th</sup> St. or the IU property.

The motion is to deny the petition. A "Yes" vote would deny the petition while a "No" vote would reject the motion and lead to another motion.

Lewis said the lot is 1/70 the size of the Honda/Olds site. We will put in fixed flower boxes as soon as the weather turns on the Morton Mansion façade. They will spend around \$100,000 on this apartment. He asked the PC to take this into consideration when deciding on the length of time the apartment can exist. They have been working on renting the commercial space since Feb. 2010. He said he has a lot of available leased parking at both 10<sup>th</sup> and College and Morton Mansions. He complained to Hoffmann about his earlier comments.

**\*\*\*Roll call vote was taken. The motion failed by a vote of 1:8.**

**\*\*\*Joe Hoffmann moved approval of SP-03-11 with both of the requested waivers (the parking waiver as well as ground floor non-residential waiver) but with a condition of approval that the petitioner will record a recordable zoning commitment that will cause this waiver in 5 years unless it is renewed by vote of the Plan Commission. Chris Smith seconded.**

Burgins said he was fine with 5 years with some sort of other trigger like additional density or development in the area.

Micuda said he was inclined to stick with 5 years.

Fernandes asked about the precedent setting. Would we give everybody 5 years?

Micuda said we have 2 petitions where we have essentially over-ruled the ordinance. They were understandable given the circumstances. He would prefer a time trigger than a surrounding development trigger. The details of this case create more comfort for lack of precedent.

Fernandes asked what we would say to the 10<sup>th</sup> and Walnut developers.

Hoffmann said we would say it's on Walnut which makes it different than being on Morton.

Micuda said he would have a hard time saying that it is not viable.

There was more discussion regarding setting precedence.



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Seeber said he thought the time frame should be a little longer. It is not economically viable to spend \$100,000 to remodel for an apartment which would be worth about \$90,000 in rent over the 5 years. He might as well let it sit vacant.

Hoffmann asked if Seeber wanted to make an amendment to the time frame. It's possible that we would extend the time frame at the 5-year review.

They asked for feedback from the petitioner.

Baker said he would like to hear the PC's comments first.

Pece asked if the petitioner is prohibited from voluntarily converting back to non-residential. (Hoffmann said no.)

Hoffmann said that on the issue of precedence it needs to be clearly recorded as to why they are voting the way we are in this case. This will not tie anyone's hands in the future.

Smith said he would like the time frame to be as long as possible.

Lewis said he would like the waiver to be for 8-10 years.

**\*\*\*Tom Seeber moved to approve an amendment to the original motion allowing the waivers for 10 years. Milan Pece seconded.**

Fernandes said that she would not support 10 years.

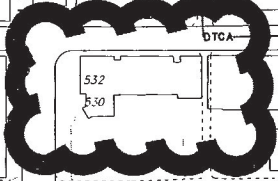
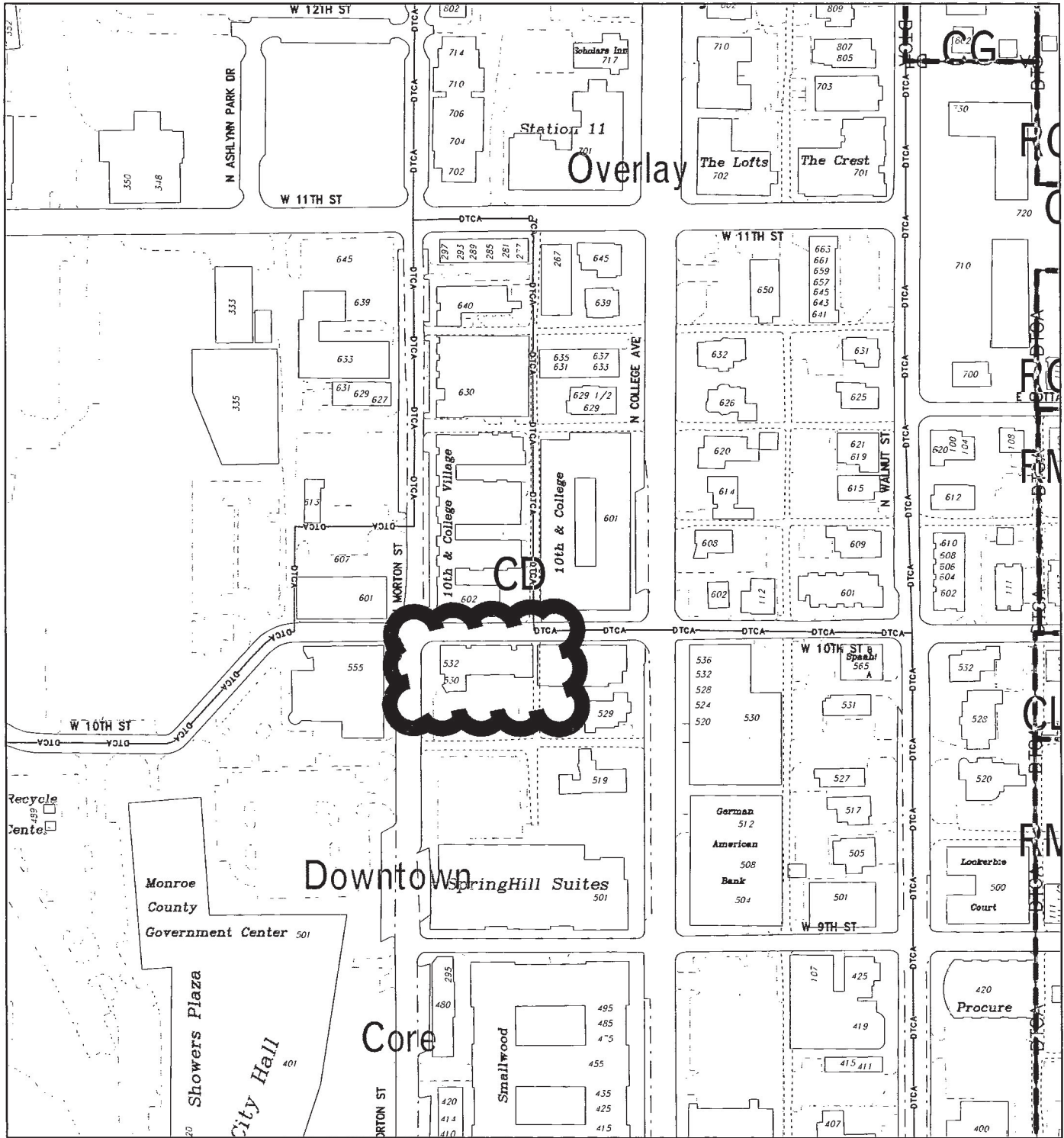
Burgins said he would vote no on 10 years.

**\*\*\*Roll call vote on the amendment was taken. The motion failed by a vote of 5:4.**

**\*\*\*Tom Seeber move to approve an amendment to the original motion allowing the waivers for 8 years. Milan Pece seconded. Roll call vote was taken. The motion failed by a vote of 5:4.**

Hoffmann said since this will be a recordable commitment the termination will occur in 5 years unless the PC votes to extend it.

**\*\*\*Roll call vote was taken on the original motion. The motion was approved 9:0.**



Recycle  
Center

Monroe  
County  
Government Center 501

Showers Plaza  
City Hall 401

Downtown

Spring Hill Suites  
501

Core

Smallwood  
495  
485  
475  
455  
435  
425  
415

German  
512  
American  
508  
Bank  
504

Lookerbie  
Court  
500

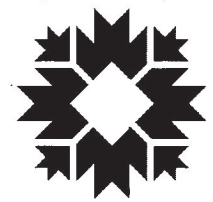
Procure  
420

By: roachja  
7 Jul 16



For reference only; map information NOT warranted.

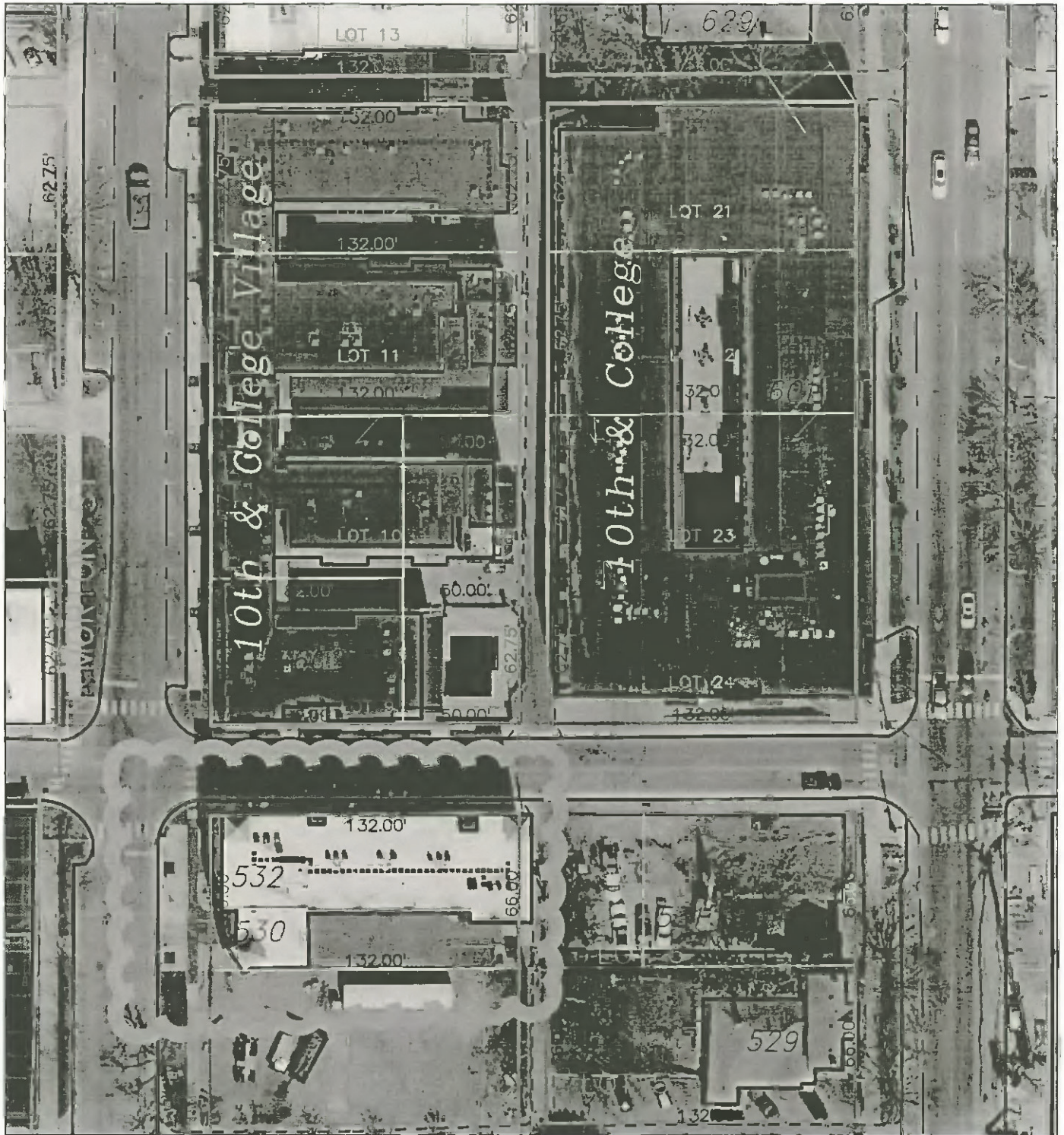
City of Bloomington  
Planning & Transportation



Scale: 1" = 200'







By: roachja  
7 Jul 16



For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation



Scale: 1" = 60'





2016011712 MIS \$13.00  
 08/24/2016 12:37:06P 2 PGS  
 Eric Schmitz  
 Monroe County Recorder IN  
 Recorded as Presented



### ZONING COMMITMENT

This Commitment is being made in connection with an approval given by City of Bloomington Plan Commission Case Number SP-20-16 for real estate located at 532 North Morton Street in Monroe County, Indiana (hereinafter "real estate"), the legal description which is:

Lot Number Seven (7) of Woodburn's Addition to the Town of Bloomington, being a subdivision of Lot Number Thirty Seven (37), bounded as follows: Commencing at the Northwest Corner of said Lot Number Thirty Seven (37); running thence South (66) feet; thence East (132) feet; thence North (66) feet; thence West (132) feet to the place of beginning, commonly known as 530 North Morton Street, Bloomington, Indiana (hereinafter, "the Real Estate").

Which real estate is owned by TCVC, LLC, an Indiana limited liability company, ("Owners") pursuant to a deed recorded under Instrument #2015002791 in the Office of the Recorder of Monroe County, Indiana on March 3, 2015.

The Owner hereby commit, on its own behalf and on behalf of its successors and assigns, that:

**The waiver granted by the City of Bloomington Plan Commission under Case Number SP-20-16 allowing for a ground floor residential unit at the northwest corner of the structure shall expire on July 11, 2021, unless the waiver is renewed and extended by a vote of the City of Bloomington Plan Commission.**

This Commitment shall be recorded in the office of the Recorder of Monroe County and shall be binding on the Owner and upon any subsequent owner or other person acquiring an interest in the Real Estate and shall run with the land.

Prior to the issuance of any permits, a copy of this recorded Commitment shall be transmitted to the City of Bloomington Planning Department.

This Commitment may be modified or terminated only by action of the City of Bloomington's Plan Commission. This Commitment shall be enforceable by the City of Bloomington, any adjacent property owner or other interested party as defined by the Plan Commission's Rules and Procedures.

Failure to honor this Commitment shall subject the person then obligated hereby to revocation of occupancy permits and other legal action, including but not limited to the power of the City of Bloomington to



**BLOOMINGTON PLAN COMMISSION  
STAFF REPORT  
Location: 650 W. Guy Avenue**

**CASE #: DP-34-21  
DATE: November 15, 2021**

**PETITIONER:** Habitat for Humanity  
213 E. Kirkwood Ave., Bloomington, IN

**CONSULTANTS:** Smith Design Group, Inc.  
2755 E. Canada Drive, Bloomington

**REQUEST:** The petitioner is requesting secondary plat approval for a subdivision of 5.34 acres for 30 residential lots and 3 common area lots in a Planned Unit Development zoning district.

**BACKGROUND:**

**Area:** 5.34 acres  
**Zoning:** Planned Unit Development  
**Comp Plan Designation:** Neighborhood Residential (Thomson PUD) and Mixed Urban Residential  
**Existing Land Use:** Undeveloped  
**Proposed Land Use:** Dwelling, Single-family (attached and detached)  
**Surrounding Uses:** North – Commercial/Industrial (Thomson PUD)  
 West – RCA Community Park  
 East – Dwelling, Single-family  
 South – Dwelling, Single-family

**REPORT:** The property is located at 650 W. Guy Avenue and is zoned Planned Unit Development (Thomson PUD). The overall 12.5 acre property is located at the west end of the stubs of Cherokee Drive, Chambers Drive, Duncan Drive, and Guy Avenue with Bernard Drive to the south. Surrounding zoning includes the Thomson PUD to the north, Residential Medium Lot (R2) to the east and south, and Parks and Open Space (PO) to the west. The surrounding properties have been developed with a mix of single family residences to the east and south, industrial uses within the Thomson PUD to the north, and the RCA Community Park to the west. This site is undeveloped and has several trees along the property border and no known sensitive environmental features.

The Plan Commission approved an amendment to the Thomson PUD District Ordinance and a Preliminary Plan under PUD-10-20 to allow for this property to be redeveloped by Habitat for Humanity for a single family residential development known as “Osage Place”. The petitioner received final plan and primary plat approval under case #SP/DP-24-20 to allow for 69 single family lots and 7 common area lots to be developed on the 12.5 acre property. The development would include 63 detached single family residences and 6 attached single family residences. A grading permit was issued under CZC# C20-482 to allow for the site grading and installation of infrastructure for Phase 1.

The petitioner is now requesting secondary plat approval to plat 5.34 acres of the 12.5 acres as Phase 1 of the development. The proposed plat would include 30 residential lots and 3 common area lots.

**SECONDARY PLAT REVIEW:** The Plan Commission shall review the secondary plat petition



and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

### **20.06.040(d)(6)(B) General Compliance Criteria**

- i. Compliance with this UDO
- ii. Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards
- iv. Compliance with Prior Approvals
- v. Consistency with Comprehensive Plans and Other Applicable Plans
- vi. Consistent with Intergovernmental Agreements
- vii. Minimization or Mitigation of Adverse Impacts
- viii. Adequacy of Road Systems
- ix. Provides Adequate Public Services and Facilities
- x. Rational Phasing Plan

**PROPOSED FINDING:** The petition meets all of the requirements and standards of the UDO and the approved PUD District Ordinance. No problems have been identified with meeting all stormwater and utility connections. No adverse impacts on adjacent properties have been identified. The site plan includes the extension of existing public streets through this development and has 5 separate public roads through the site. There are Bloomington Transit routes within a short walking distance to the east on both Rogers St. and Rockport Rd. The petition is consistent with the Comprehensive Plan which encourages infill development and reuse of underutilized properties. The phasing shown is consistent with what was approved with the final plan and primary plat.

---

### **PLAT REVIEW:**

**Uses/Development Standards:** The Plan Commission approved the Residential Urban (R4) zoning district for the development standards with the PUD and the Traditional Subdivision type for the subdivision request, with some proposed modifications. The approved modifications are as follows-

**Rear Yard Setback-** a 20' rear yard building setback was approved instead of 25'.

**Minimum Lot Width-** for the attached single family lots only, a minimum 30' width was approved rather than the 35' requirement.

**Minimum Lot Size-** for the attached single family lots only, a minimum lot size of 3,000 square feet was approved rather than the minimum standard of 4,000 square feet.

**Minimum number of lots served by an alley-** although the Traditional Subdivision type requires a minimum of 67% of the lots within the overall development be served by an alley, this petition was approved to allow 57%, which is shown on the plat.

**Parking, Streetscape, and Access:** The petitioner is showing public streets throughout the project with some of these streets having on-street, parallel spaces along both sides. All internal roads and alleys will be public. The layout of lots and alley-loaded lots are as approved with the PUD. The internal alleys will be 14' wide and in 20' of dedicated right-of-way. The petitioner is proposing to preserve existing trees along several of the property boundaries and was not required to utilize alley loaded garages for all of the lots to increase preservation possibilities and to minimize

impacts to surrounding uses.

The overall petition would involve extending all of the existing adjacent stub streets to the east to connect through this development, as well as providing a new stub street to the north. This phase will include the platting of right-of-way for the extension of Bernard Drive, as well as portions of Duncan Drive and Cherokee Drive. The Plan Commission approved the extensions of Duncan to only have 44' of dedicated right-of-way since they are requesting to not have on-street parking on either side and are extensions of substandard right-of-way. Those sections of the street would be required to be signed with No Parking signs. A temporary turn around area is required at the end of Cherokee Drive and was approved with the grading permit. This will be removed when Phase 2 is platted and Cherokee Drive will be a through street.

**Proposed Lots:** The proposed lots would be approximately 3,000 square feet for the lots with attached residences and 4,000 sq. ft. for the lots with detached residences. This is consistent with the approved final plan and preliminary plat. There are areas of tree preservation set aside along the west and north property lines and specific individual trees shown to be preserved along the east property lines. The areas of preservation along the north and west sides of this plat have been shown in the required conservation easement. The easement language on the final plat must be changed to be consistent with the language outlined in the Unified Development Ordinance. The Common Area lots must also be labeled or listed as non-buildable lots.

**Alternative Transportation:** The proposed site plan features several multi-modal transportation facilities. All of the internal streets will have sidewalks along both sides. In addition, there is an 8' wide multi-use path shown running east/west through the site that aligns with Chambers Drive to the east and provides a multi-use path to the RCA Park immediately to the west that can be used by residents of the existing neighborhoods. The portions of the 8' wide multi-use path have all been shown within a pedestrian easement on Common Area lots and will be privately owned and maintained.

The petitioner will also be making a \$40,000 contribution to a project to construct a multi-use path along an east/west electric line corridor that runs along the north side of this site and will connect Weimer Road to Rogers Street. This contribution must be received prior to issuance of a grading permit.

**Environmental Considerations:** The petition site is currently undeveloped with almost 60' of grade change from the south end of the site to the north end. While there are several scattered trees on the property, there is not a mature canopy that is required to be preserved. The petitioner has designed the site plan to preserve the trees along the property boundaries along the west and north sides, and will be able to save several other trees on the east. These have been shown to be located within conservancy easements. There are no known sensitive environmental features.

---

**CONCLUSION:** The development plan associated with this subdivision request offers a highly needed housing type for the community, in an appropriate location. The lack of sensitive environmental features allows for a dense, infill project with a high degree of connectivity, while still allowing for preservation of the few high quality trees on the site. The proposed secondary plat is consistent with the approved primary plat and final plan and meets the UDO requirements.

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**RECOMMENDATION:** The Planning and Transportation Department recommends that the Plan Commission approve the secondary plat, DP-34-21, with the following conditions:

1. Approved per terms and conditions of Plan Commission case #PUD-10-20 and SP/DP-24-20.
2. Addresses must be shown on the plat prior to signature.
3. All common area lots must be identified as not buildable lots of record.
4. All easements must be listed and defined on the final plat per the language outlined in the UDO.
5. The pedestrian easement shown through the common area lots should be placed within an easement and not as a centerline.





City of Bloomington  
Bloomington Environmental Commission

## MEMORANDUM

Date: November 15, 2021  
To: Bloomington Plan Commission  
From: Bloomington Environmental Commission  
Subject: DP-34-21: Osage Place Preliminary Plant  
650 Guy Avenue

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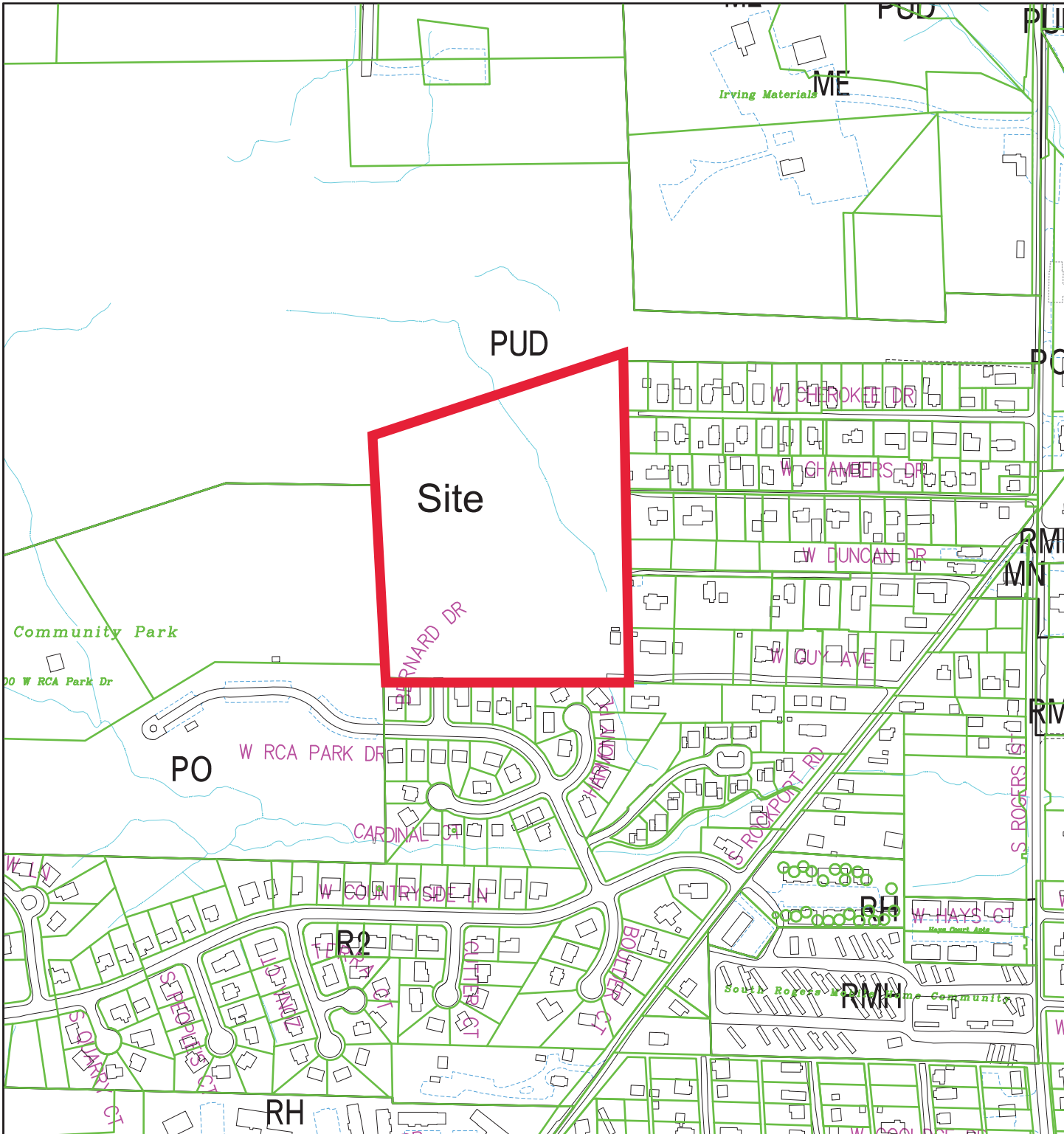
The purpose of this memo and all Environmental Commission (EC) memos involving the Plan Commission and new development in Bloomington, is to convey the environmental concerns and subsequent recommendations for conditions of approval. The Environmental Commission's objective is that the results of our review and suggestions will lead to enhancement of the ecosystem services provided, and the climate-change mitigation attributes of the site.

### **Comments**

- 1.) There is signage required around the perimeter of easements per UDO 20.05.04, Easements. To make the number and locations clear from the beginning, the EC recommends that the location of all signs be shown on the Plat.
- 2.) The draft plat does not clearly depict that the Conservation Easements (CE) are also Common Areas. The EC believes that all of the dedicated CE areas should be in a common areas and not on private property.

### **Recommended Conditions of Approval**

- 1.) Show the locations of signage associated with the easements.
- 2.) Show on the plat that all Conservation Easements are in common areas and not on private property.

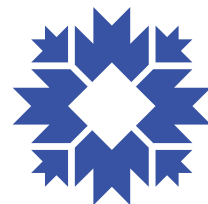


By: greulice  
12 Nov 21



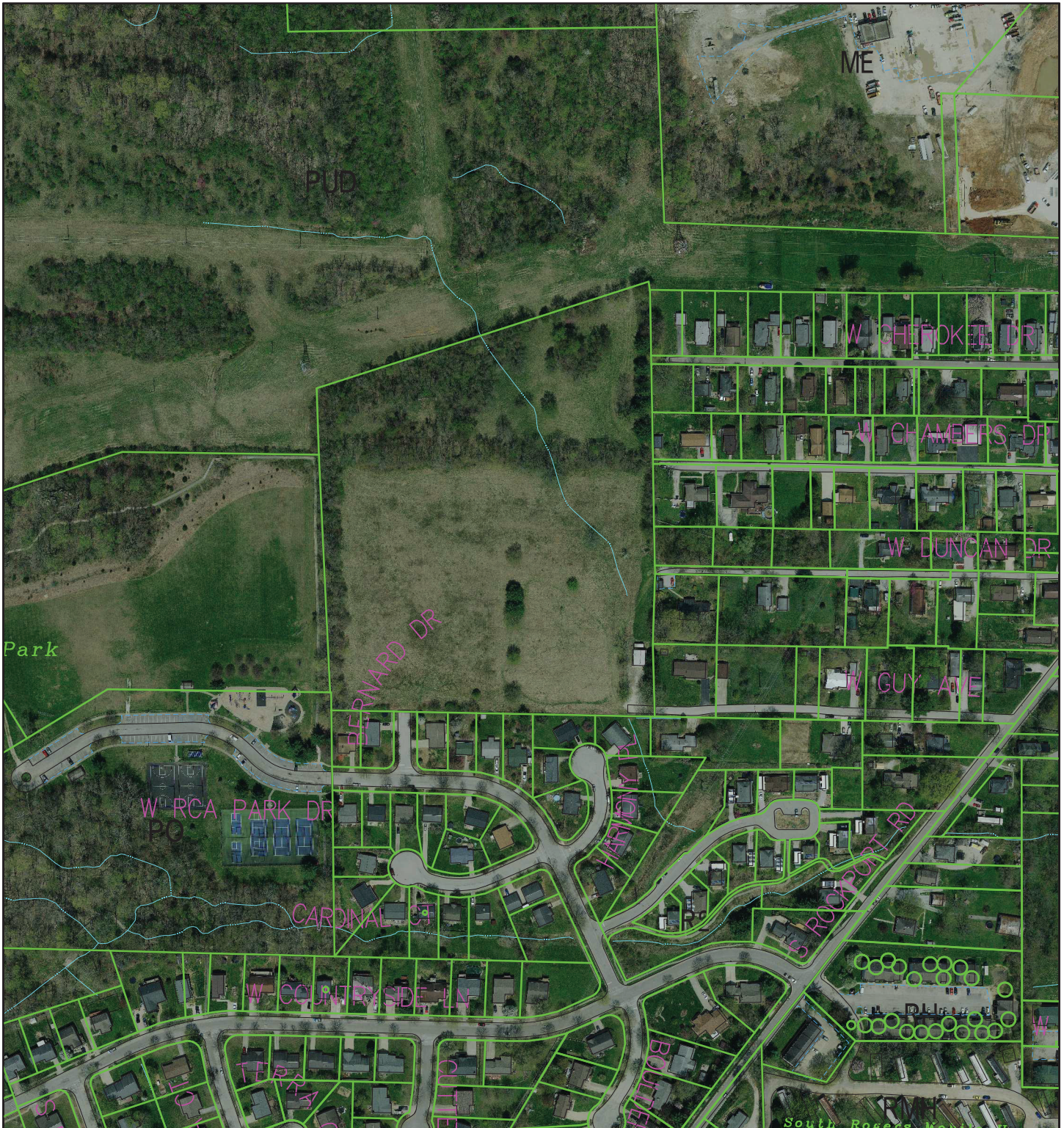
For reference only; map information NOT warranted.

City of Bloomington  
Planning

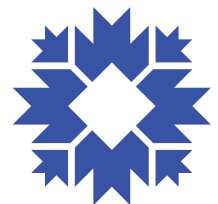


Scale: 1" = 400'





City of Bloomington  
Planning



Scale: 1" = 300'

By: greulice  
12 Nov 21



For reference only; map information NOT warranted.





Todd M. Borgman, PS  
Katherine E. Stein, PE  
Donald J. Kocarek, LA  
Stephen L. Smith, Founder

**“Professional design and survey since 1979”**

## **Petitioner’s Statement Osage Subdivision Phase 1**

### **Purpose**

The purpose of this final plat is to create Phase 1 of Osage Place Subdivision, a Habitat for Humanity development.

### **Location**

The subject property is located at the end of the dead-end streets of S Bernard Drive, W Guy Avenue, W Duncan Drive, W Chambers Drive and W Cherokee Drive.

Address: 650 W Guy Avenue

### **Parcels**

This plat will create 30 lots for single family housing and 3 common areas for pedestrian access and stormwater drainage.

### **R/W Dedication**

Right-of-way dedication is in accordance with the Thoroughfare plan and the Unified Development Ordinance.

### **Pedestrian Easements**

Pedestrian easements are being created across common area lots 75 and 76. These easements will encompass new pathways.

### **Conservancy Easements**

Conservancy easements are being created to restrict any land-disturbing activities within selected areas.



# **FACILITIES PLAN**

## **FOR**

### **Osage Place**

Prepared by:  
Smith Design Group, Inc  
2755 E Canada Drive, Ste 101  
Bloomington, IN 47401



FACILITIES PLAN

Osage Place

**Table of Contents**

**Maintenance Responsibility** ..... 3  
    Common Area Facilities ..... 3  
    Open Lawn Area Maintenance ..... 3  
**Storm Water Facilities**..... 3  
    Storm Water Detention ..... 3  
    Basin Maintenance..... 4  
    Storm Sewer Inlet ..... 4  
**Changes in Management** ..... 4  
**Right-of Entry** ..... 5  
**Technical Questions** ..... 5  
Additional comments or actions to be taken      Time Frame ..... 6  
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## FACILITIES PLAN

### Osage Place

---

#### **Project Description**

The project consists of 12.90 acres of property located at the north end of Bernard Road. The development will consist of a single-family residential development as well as Common Area lots. This project will be built in phases. This facilities plan includes all sections of the Osage Place neighborhood. Exhibit A shows the location of the site.

#### **Maintenance Responsibility**

The Home Owners Association (HOA) shall be solely responsible for the maintenance of the Common Area Lots and storm water facilities outside of public right of way within the Osage Place neighborhood as described in this Facilities Plan.

#### **Common Area Facilities**

Common Areas are located throughout the Osage Place neighborhood as shown in Exhibit B. Within these areas are open lawn area, wooded conservation area, stormwater facilities and multi-use path. Common Area Lots are Lot 31, 71, 72, 73, 74 & 76

#### **Open Lawn Area Maintenance**

The open lawn areas within the Common Area lots shall be mowed on a regular basis during the growing season. Leaves shall be collected in a timely manner during the fall to prevent them from being carried downstream and clogging storm sewer inlets. Any litter or refuse shall be removed and disposed of properly.

#### **Conservancy Easement Area Maintenance**

All conservancy easement areas are delineated with signs. Land disturbance activities including mowing are prohibited. The removal of dead or diseased trees is permitted or trees that pose a safety risk or impede drainage are allowed to be removed only after first seeking written approval from City of Bloomington Planning Department. Invasive species may be removed and restored with native plantings with the written approval from City of Bloomington Planning Department.

#### **Storm Water Facilities**

##### **Storm Water Detention**

Storm water detention facilities are provided in 2 above ground detention basins. Basin 1 is located within the south portion of the property on Lot 31. Basin 2 is located within the eastern portion of the property on Lot 71. Exhibit B shows the location of the detention basins. These facilities are located within the common areas of the development and are the responsibility of the HOA.

## FACILITIES PLAN

### Osage Place

#### **Basin 1**

This above ground basin provides both water quality treatment and water quantity release rate control. The bottom of the basin contains a mix of amended soils and pea gravel with an underdrain and is designed to promote storm water infiltration and water filtration. The outlet control structure is designed to provide for extended detention times, forcing storm water infiltration and release through an under drain system within the pea gravel layer. The location of the basin is shown on Exhibit B. Details of the outlet control structure and amended soils are shown on Exhibit C.

#### **Basin 2**

This above ground basin provides both water quality treatment and water quantity release rate control. The bottom of the basin contains a mix of amended soils and pea gravel with an underdrain and is designed to promote storm water infiltration and water filtration. The outlet control structure is designed to provide for extended detention times, forcing storm water infiltration and release through an under drain system within the pea gravel layer. The location of the basin is shown on Exhibit B. Details of the outlet control structure and amended soils are shown on Exhibit D

#### **Basin Maintenance**

Maintenance and periodic inspection of the detention basins will be required. The basins should be inspected on a quarterly basis. The basins should be kept clean of trash and debris that could clog the outlet control structure. Accumulated sediment 6 in. depth or more should be promptly removed from the basin and the outlet control structures. The side slopes of the basin shall be mowed on a regular basis during the mowing season.

#### **Storm Sewer Inlet**

Maintenance and periodic inspection of all common area storm sewer inlets as well as the storm sewer located with the drainage easements on Lots 1, 12, 13, 57, 59 will be required. The inlets should be kept clean of trash and debris that could clog the storm sewer system. Accumulated sediment 6 in. depth or more should be promptly removed from the inlets to prevent the storm sewer system from not operating as designed.

#### **Changes in Management**

The operation and maintenance requirements described in this Facilities Plan shall run with the land. The HOA shall be responsible for notifying the City of Bloomington of any change in management or third party property management company. Any change in



## FACILITIES PLAN

Osage Place

---

management or third party property management company shall be documented in the Facilities Plan.

**Right-of Entry**

The HOA hereby gives the City of Bloomington the right-of-entry over and across the property to inspect the facilities described in this Facilities Plan.

**Technical Questions**

Any questions regarding the appropriate maintenance or repairs should be directed to Smith Design Group, Inc. 812-336-6536.

FACILITIES PLAN

Osage Place

# APPENDIX A

## Stormwater Inspection Report

Date of Inspection \_\_\_\_\_

Company Name \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, ZIP \_\_\_\_\_

Phone \_\_\_\_\_

Inspector \_\_\_\_\_

### Detention Basin

Erosion Present            Y            N

Sediment Present        Y            N

Sediment Removed      Y            N

Describe Nature and Repair Required \_\_\_\_\_

\_\_\_\_\_

### Outlet Structure

Sediment Present        Y            N

Sediment Removed      Y            N

Damage                    Y            N

Describe Nature and Repair Required \_\_\_\_\_

\_\_\_\_\_

### Storm Sewer Structures

Sediment Present        Y            N

Sediment Removed      Y            N

Damage                    Y            N

Describe Nature and Repair Required \_\_\_\_\_

\_\_\_\_\_

### Rip Rap Aprons

Erosion Present        Y            N

Debris Present         Y            N

Repairs Made            \_\_\_\_\_

\_\_\_\_\_

### Drainage Swales

Sediment Present        Y            N

Erosion Present         Y            N

Repairs Made            \_\_\_\_\_

\_\_\_\_\_

Additional comments or actions to be taken

Time Frame

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

FACILITIES PLAN

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Osage Place

**Exhibits**

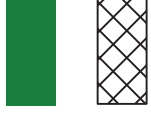






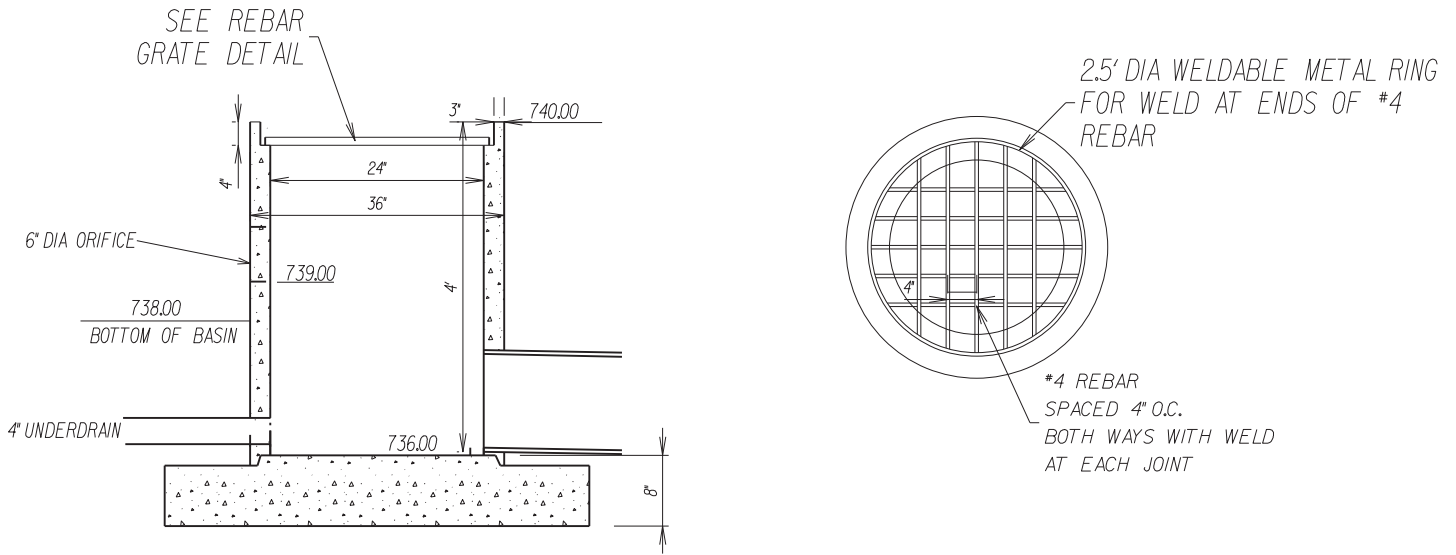
# EXHIBIT B

COMMON AREA  
 CONSERVATION AREA



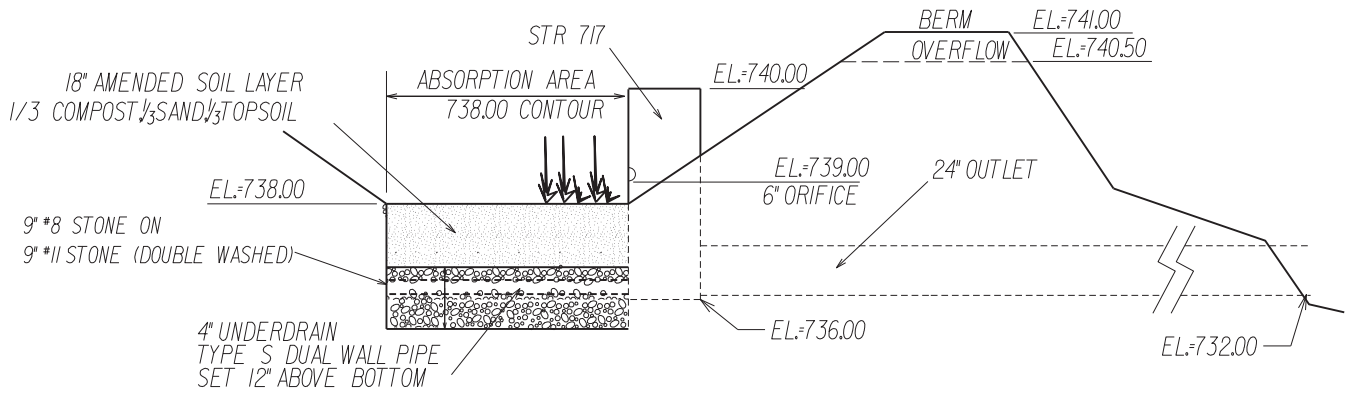
**SMITH  
 DESIGN  
 GROUP**  
 CIVIL ENGINEERING - LAND SURVEYING  
 2755 E Canada Dr. Suite 101 Bloomington, IN 47401  
 (812) 336-6536 - smithdgroup.com

# EXHIBIT C



### STR 717 DETAIL

NO SCALE



### BASIN 1 DETAIL

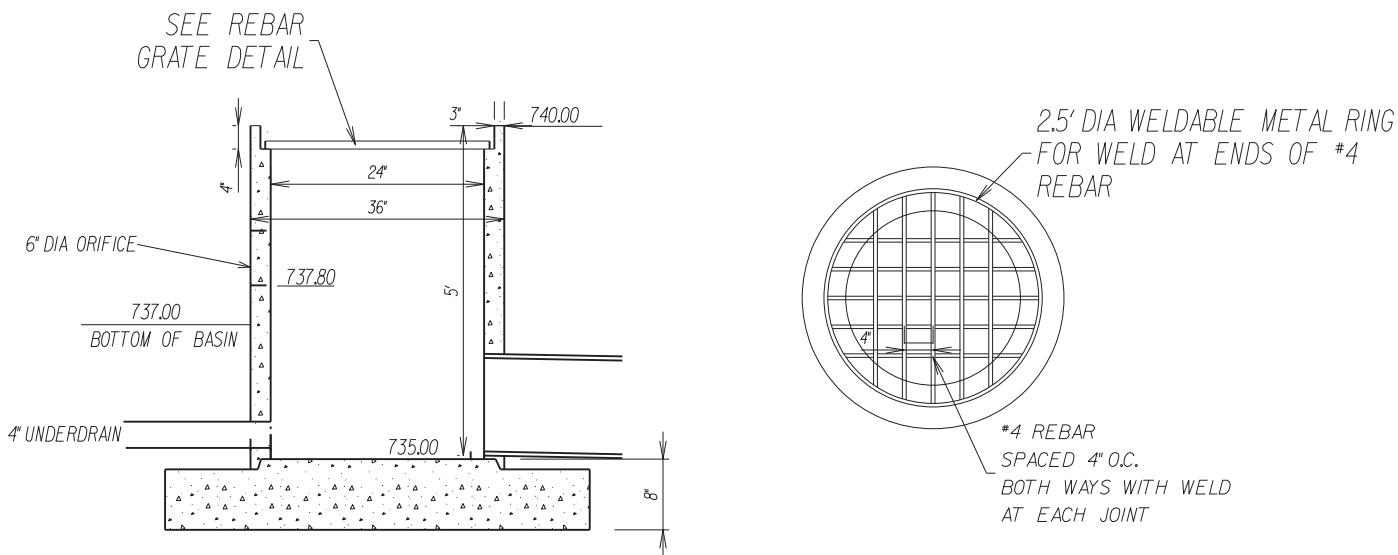
NO SCALE



CIVIL ENGINEERING - LAND SURVEYING  
 2755 E Canada Dr Suite 101 Bloomington, IN 47401  
 (812) 336-6536 - smithdgroup.com

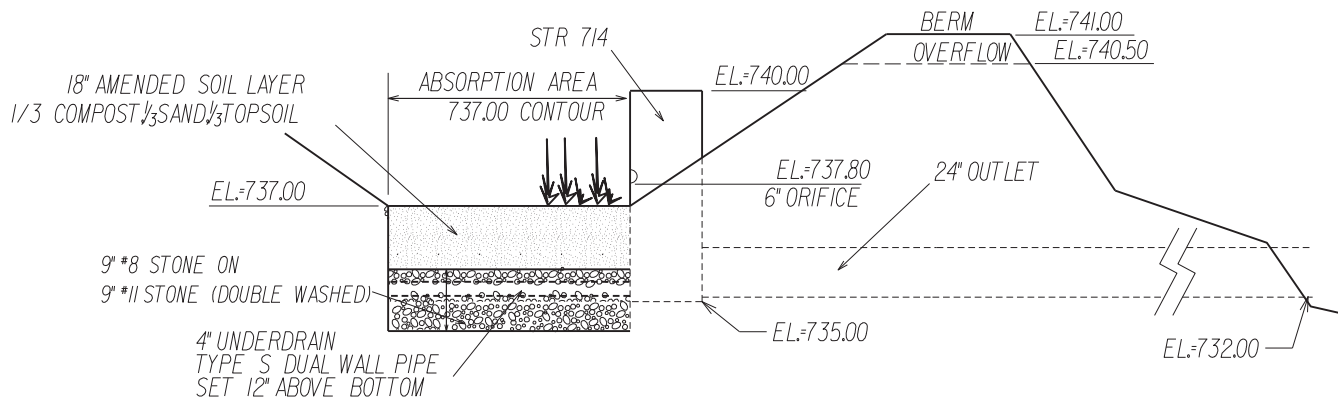


# EXHIBIT D



**STR 714 DETAIL**

NO SCALE



**BASIN 2 DETAIL**

NO SCALE



CIVIL ENGINEERING - LAND SURVEYING  
2755 E Canada Dr Suite 101 Bloomington, IN 47401  
(812) 336-6536 - smithdginco.com













02/05/21  
 DATE OF REVISION

OSAGE PLACE PHASE 1  
 BLOOMINGTON, INDIANA  
 HABITAT FOR HUMANITY

BY	DATE	REVISIONS
MS	12/21/20	1. INITIAL DESIGN
MS	12/21/20	2. REVISED PER COMMENTS
MS	12/21/20	3. REVISED PER COMMENTS
MS	12/21/20	4. REVISED PER COMMENTS
MS	12/21/20	5. REVISED PER COMMENTS

NO.	DESCRIPTION
K-1	REVISIONS
K-2	REVISIONS
K-3	REVISIONS
K-4	REVISIONS
K-5	REVISIONS

5254  
 SHEET  
 5 OF 26

02/05/21  
 NORTH  
 GRADING PLAN



PLAN SET IS FOR PHASE 1 ONLY  
 PHASE 2 IS SHOWN FOR REFERENCE ONLY  
 AND IS NOT FOR CONSTRUCTION

- GRADING & EROSION CONTROL LEGENDS**
- PROPOSED 1' CONTOUR
  - PROPOSED 5' CONTOUR
  - EXISTING ELEVATION
  - SOIL BORING
  - SILT TRAP
  - INLET PROTECTION
  - STORM DRAIN
  - STORM DRAIN COVER
  - PAVED SIDE WALK
  - UNPAVED SIDE WALK
  - UNPAVED SIDE WALK
  - FLOOR LINE
  - FOUNDATION
  - GRADING LIMITS
  - SILT FENCE

PLEASE REFER TO THE NOTES ON SHEET 5253 FOR A LIST OF PERMITS, REGULATIONS, AND STANDARDS. CONSULT WITH THE LOCAL HEALTH DEPARTMENT AND OTHER AGENCIES FOR ANY OTHER GRADING REQUIREMENTS. THE LOCAL HEALTH DEPARTMENT SHALL BE NOTIFIED OF ANY GRADING.

**GENERAL NOTES**

1. SET WITH SECTION GROUP 2014 STANDARD SPECIFICATIONS FOR CONSTRUCTION REQUIREMENTS ARE GIVEN IN THE FOLLOWING LOCATIONS: A. UNLESS OTHERWISE NOTED, ALL GRADING SHALL BE TO THE FINISHED GRADE ELEVATION.
2. LOCATION OF EXISTING UTILITIES ARE TO BE VERIFIED IN THE FIELD. IF FIELD ADJUSTMENTS ARE NECESSARY, NOTIFY THE LOCAL HEALTH DEPARTMENT.

**GRADING NOTES**

1. FF-1: IF SHOWN ON THE PLAN, RECOMMENDED FINISH FLOOR ELEVATION.
2. FF-2: IF SHOWN ON THE PLAN, RECOMMENDED BASEMENT FLOOR ELEVATION.
3. ELEVATION SHOWN ON THE PLAN, RECOMMENDED FINISH FLOOR ELEVATION.
4. ELEVATION SHOWN ON THE PLAN, RECOMMENDED FINISH FLOOR ELEVATION.
5. ELEVATION SHOWN ON THE PLAN, RECOMMENDED FINISH FLOOR ELEVATION.
6. ELEVATION SHOWN ON THE PLAN, RECOMMENDED FINISH FLOOR ELEVATION.
7. ELEVATION SHOWN ON THE PLAN, RECOMMENDED FINISH FLOOR ELEVATION.
8. ELEVATION SHOWN ON THE PLAN, RECOMMENDED FINISH FLOOR ELEVATION.
9. ELEVATION SHOWN ON THE PLAN, RECOMMENDED FINISH FLOOR ELEVATION.
10. ELEVATION SHOWN ON THE PLAN, RECOMMENDED FINISH FLOOR ELEVATION.



5254 SHEET 5 OF 26  
 02/05/21  
 NORTH  
 GRADING PLAN  
 SCALE: 1"=30'  
 PROFESSIONAL ENGINEER  
 MATTHEW S. SMITH  
 NO. 12345  
 STATE OF INDIANA  
 CIVIL ENGINEERING - LAND SURVEYING  
 2015 E. CHASE ST. SUITE 101 BLOOMINGTON, IN 47408  
 (317) 332-6888 - MMS@S-D-SMITH.COM









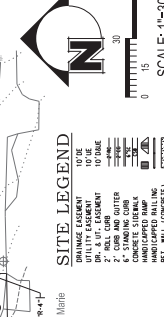
02/05/21  
 PHASE 1  
 BLOOMINGTON, INDIANA  
 OSAGE PLACE PHASE 1  
 JOB TITLE

HABITAT FOR HUMANITY  
 BLOOMINGTON, INDIANA  
 OSAGE PLACE PHASE 1  
 JOB TITLE

NO.	DATE	BY	DESCRIPTION
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7	02/05/21	MS	REVISED PER CITY COMMENTS
8	02/05/21	MS	REVISED PER CITY COMMENTS
9	02/05/21	MS	REVISED PER CITY COMMENTS
10	02/05/21	MS	REVISED PER CITY COMMENTS

5254  
 SHEET  
 4 OF 26  
 SOUTH  
 SITE PLAN

GENERAL NOTES  
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 3) ALL UTILITIES SHALL BE DEPTH MARKED AND LOCATED PRIOR TO CONSTRUCTION.  
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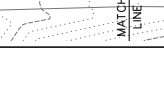
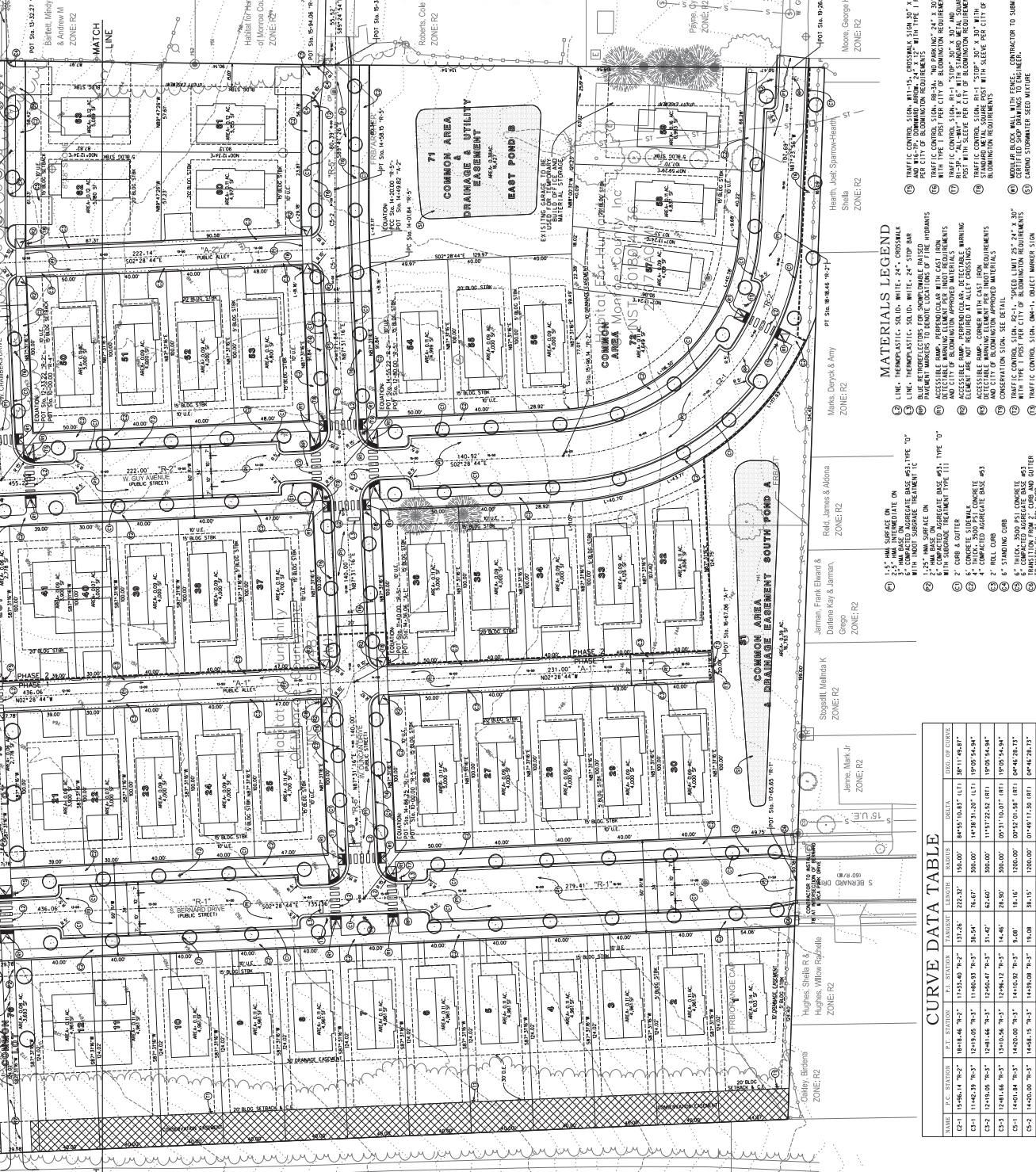


**SITE LEGEND**  
 1. RETAINMENT WALL  
 2. CURB AND GUTTER  
 3. CONCRETED DRIVEWAY  
 4. CONCRETED SIDEWALK  
 5. CONCRETED WALKWAY  
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**MATERIALS LEGEND**

NO.	DESCRIPTION	REQUIREMENTS
1	LINK, THERMOPLASTIC SOLID, WHITE, 24" STOP BAR	AS PER CITY SPECIFICATIONS
2	PAVEMENT MARKERS TO BE LOCATED AT THE INTERSECTIONS OF ALL ALLEYS AND CURBS	AS PER CITY SPECIFICATIONS
3	RECEIVER MARKERS TO BE LOCATED AT ALL INTERSECTIONS	AS PER CITY SPECIFICATIONS
4	RECEIVER MARKERS TO BE LOCATED AT ALL INTERSECTIONS	AS PER CITY SPECIFICATIONS
5	RECEIVER MARKERS TO BE LOCATED AT ALL INTERSECTIONS	AS PER CITY SPECIFICATIONS
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**CURVE DATA TABLE**

STATION	P.C. STATION	P.T. STATION	P.L. STATION	ANGLE (DEG)	LENGTH (FEET)	AREA (SQ. FEET)	PERCENT
0+00	0+15.00	0+30.00	0+15.00	90.00	225.00	225.00	100.00
0+30	0+45.00	0+60.00	0+45.00	90.00	225.00	225.00	100.00
0+60	0+75.00	0+90.00	0+75.00	90.00	225.00	225.00	100.00
0+90	1+05.00	1+15.00	1+05.00	90.00	225.00	225.00	100.00
1+15	1+25.00	1+45.00	1+25.00	90.00	225.00	225.00	100.00
1+45	1+65.00	1+85.00	1+65.00	90.00	225.00	225.00	100.00
1+85	2+05.00	2+25.00	2+05.00	90.00	225.00	225.00	100.00
2+25	2+45.00	2+65.00	2+45.00	90.00	225.00	225.00	100.00
2+65	2+85.00	3+05.00	2+85.00	90.00	225.00	225.00	100.00
3+05	3+25.00	3+45.00	3+25.00	90.00	225.00	225.00	100.00
3+45	3+65.00	3+85.00	3+65.00	90.00	225.00	225.00	100.00
3+85	4+05.00	4+25.00	4+05.00	90.00	225.00	225.00	100.00
4+25	4+45.00	4+65.00	4+45.00	90.00	225.00	225.00	100.00
4+65	4+85.00	5+05.00	4+85.00	90.00	225.00	225.00	100.00
5+05	5+25.00	5+45.00	5+25.00	90.00	225.00	225.00	100.00
5+45	5+65.00	5+85.00	5+65.00	90.00	225.00	225.00	100.00
5+85	6+05.00	6+25.00	6+05.00	90.00	225.00	225.00	100.00
6+25	6+45.00	6+65.00	6+45.00	90.00	225.00	225.00	100.00
6+65	6+85.00	7+05.00	6+85.00	90.00	225.00	225.00	100.00
7+05	7+25.00	7+45.00	7+05.00	90.00	225.00	225.00	100.00
7+45	7+65.00	7+85.00	7+65.00	90.00	225.00	225.00	100.00
7+85	8+05.00	8+25.00	8+05.00	90.00	225.00	225.00	100.00
8+25	8+45.00	8+65.00	8+45.00	90.00	225.00	225.00	100.00
8+65	8+85.00	9+05.00	8+85.00	90.00	225.00	225.00	100.00
9+05	9+25.00	9+45.00	9+05.00	90.00	225.00	225.00	100.00
9+45	9+65.00	9+85.00	9+45.00	90.00	225.00	225.00	100.00
9+85	10+05.00	10+25.00	9+85.00	90.00	225.00	225.00	100.00





