

## Land Use Committee City of Bloomington Common Council

Report on Referral of:

Ordinance 18-14 To Expand a Planned Unit Development (PUD) and Amend the Associated District Ordinance and Preliminary Plan - Re: 4500, 4518 E. 3<sup>rd</sup> Street & 306 S. State Road 446 (Fountain Residential Partners, Petitioner).

### Referral and Deliberations

Date	Entity	Action
8/23/18	Plan Commission	Certification of Action
9/19/18	Regular Session	Introduction and Referral to Land Use Committee
9/28/18	Land Use Committee	Met with Developer
10/3/18	Land Use Committee	Considered Proposal
10/24/18	Land Use Committee	Considered Recommendations on Reasonable Conditions; Arranged for Report to the Council

### Recommendations

Committee held hearings on Oct. 3 (2 hours) and Oct. 24. Latter hearing was extended to 2.5 hours to accommodate public comment. Committee members individually met in between hearings with constituents from the area around the project, including non-city residents.

Project has changed significantly since first seen by LUC in June.

**Four RCs were recommended unanimously by the Committee.**

They required the new mix of 1-, 2-, 3- and 4-BR units proposed by the petitioner, a "porkchop" at the north entrance to the project off Third with cooperation from INDOT, that the southern access drive to 446 be combined with Knightridge if feasible, and that parking be unbundled from rent. (Each RC will need to be voted on by the full Council.)

CM Volan withdrew a fifth RC that would swap structured parking and more density for transit funding; he hopes to rework it with the cooperation of the petitioner and Bloomington Transit. CM Sturbaum contemplated, but did not propose, an RC requiring all of the 4-BR units to be converted into two 2-BR units each. In discussion of the idea, the petitioner said that only some

4-BR units were currently designed to be "convertible," but expressed interest in exploring the possibility of making more or all of the 4-BRs convertible.

At least ten public commenters spoke, almost all in opposition to the project. Their reasons included an exacerbation of traffic, a fivefold increase from currently-allowed density, the inappropriateness of student housing in this area, the lack of mixed use, and an apparent lack of demand in comparable multifamily housing with the claim that IU enrollment is falling.

**Do Pass Recommendation: 2** (Piedmont-Smith, Sturbaum) - **0 - 2** (Volan, Chopra).  
Committee is ambivalent about this project. More time is needed to explore details of RCs 2, 3 and 5, and the question of "convertible 4-BRs," with the petitioner, INDOT, Bloomington Transit, and the appropriate IU office of institutional research.

**Recommendation for Council to Postpone Further Consideration of this PUD from Oct. 31 to Nov. 14: 4-0-0**

This was intended to give petitioner time to work on issues raised by the reasonable conditions.

**COMMON COUNCIL LAND USE COMMITTEE**  
**\*\*\* Reasonable Conditions Form \*\*\***

**Ordinance #:** 18-14

**Reasonable Condition #:** RC – 01

**Submitted By:** Councilmember Piedmont-Smith, District V

**Date:** 16 October 2018

**Proposed Reasonable Condition:**

1. Require new unit and one, two, three, and four-bedroom counts as reflected in a revised proposal submitted by the developer at the Land Use Committee’s 03 October hearing. The required bedroom and unit counts shall be those reflected in the 10/1/18 “Revised Proposal” table in the attached, “Exhibit A.” The number of four-bedroom units shall be maximums.

**Synopsis**

This Reasonable Condition requires a new mix of one, two, three, and four-bedroom units as proposed by the developer in its revised proposal as presented to the Land Use Committee on 03 October 2018 and as reflected in “Exhibit A.” The purpose of this reasonable condition is to increase the chances of attracting a greater diversity of residents to the new development, rather than catering mostly to the student population. The number of four-bedroom units shall be maximums.

**10/24/18 LUC Committee Action:** Do Pass 4-0-0, as amended  
**10/31/18 Council Action:**

LUC - RC 01 – Exhibit A

Fountain Residential Partners

PUD – 12 - 18

	Efficiency	One Bedroom		Two Bedroom	Three Bedroom	Townhouses		Four Bedroom	Totals
<u>Revised Proposal (10/1/2018)</u>	S 1	A 1	A 2	B 1	C 1	TH 1	TH 2	D 1	
Units	36	24	14	38	40	26	26	28	232
DUE*	7.2	6	3.5	25.08	40	39	39	42	202
Bedrooms	36	24	14	76	120	104	104	112	590

COMMON COUNCIL LAND USE COMMITTEE  
\*\*\* Reasonable Conditions Form \*\*\*

Ordinance #: 18-14  
Reasonable Condition #: RC – 02  
Submitted By: Councilmember Piedmont-Smith, District V  
Date: 16 October 2018

**Proposed Reasonable Condition:**

1. Require a right-in, right-out access only at SR 46 and the development's entrance to channelize traffic flow and deter left-hand turns *subject to final approval by Indiana Department of Transportation (INDOT)*.

**Synopsis**

This Reasonable Condition requires a right-in, right-out access only at SR 46 and the development's entrance. Otherwise known as a "pork chop" entrance/exit, the intent of this condition is to deter left-hand turns, thereby increasing safety of traffic on SR 46 at the entrance to the development.

**10/24/18 LUC Committee Action:**

- Amend to add language in italics – adopted by unanimous consent
- Do Pass as Amended - adopted by a vote of 4 - 0

**10/31/18 Council Action:**

**COMMON COUNCIL LAND USE COMMITTEE**  
**\*\*\* Reasonable Conditions Form \*\*\***

**Ordinance #:** 18-14  
**Reasonable Condition #:** RC – 03  
**Submitted By:** Councilmember Piedmont-Smith, District V  
**Date:** 16 October 2018

**Proposed Reasonable Condition:**

1. Require a new access drive from SR 446 be built on the existing drive on the north side of Knightridge Apartments, subject to UDO compliance of the Knightridge site and INDOT approval.

**Synopsis**

This Reasonable Condition requires that instead of the access drive currently proposed by the developer, the developer instead build the new access drive from SR 446 on the existing drive on the north side of Knightridge Apartments. The intent of this condition is to reduce the paved surface areas in this development by using an existing paved drive. This condition is subject to UDO compliance of the Knightridge site and INDOT approval.

**10/24/18 LUC Committee Action:** Do Pass  
**10/31/18 Council Action:**

COMMON COUNCIL LAND USE COMMITTEE  
\*\*\* Reasonable Conditions Form \*\*\*

Ordinance #: 18-14  
Reasonable Condition #: RC – 04  
Submitted By: Councilmember Volan  
Date: 23 October 2018

Proposed Reasonable Condition:

1. Require that all parking on the premises be at all times unbundled (i.e., paid for separately from rent). In addition, no incentives involving discounted parking shall be offered that in any way may induce a potential tenant to rent or renew a lease.

Synopsis

This Reasonable Condition is sponsored by Cm. Volan and requires that parking be “unbundled” from rent and not be subject to discounts or other incentives intended to induce potential tenants to lease or renew a lease in this Planned Unit Development.

10/24/18 LUC Committee Action:

- Do Pass on RC 04 - Adopted by a vote 4 – 0

10/31/18 Council Action:

(October 23, 2018)

**Relevant Policy Goals** -- This Reasonable Condition (RC) unbundles the payment for a parking space from the payment for rent of an apartment. Among others, this RC meets the following goals and policies in at least some way.

### 2013 Vision Statements

#3. Meet basic needs and ensure self-sufficiency for all residents

#16: Provide a safe, efficient, accessible and connected system of transportation that emphasizes public transit, walking, and biking to enhance options to reduce our overall dependence on the automobile

### Comp Plan Goals and Policies

Policy 1.5.3: Implement infrastructure plans and projects that anticipate growth and reduce community vulnerability.

Goal 6.1 Increase Sustainability: Improve the sustainability of the transportation system.

Policy 6.1.2: Balance economic, environmental, accessibility, and equity issues in local transportation decisions.

Policy 6.1.3: In land use decisions, require sufficient density through infill, redevelopment, and reuse of vacant or under-utilized parcels to support multimodal transportation and discourage urban sprawl.

Policy 6.1.4: Locate transit and multimodal facilities near higher-density developments and employment and retail centers, social services, and community facilities.

Goal 6.2 Improve Public Transit: Maintain, improve and expand an accessible, safe, and efficient public transportation system.

Goal 6.4 Prioritize Non-Automotive Modes: Continue to integrate all modes into the transportation network and to prioritize bicycle, pedestrian, public transit, and other non-automotive modes to make our network equally accessible, safe, and efficient for all users.

Policy 6.4.2: As capacity needs increase, focus on multimodal improvements and optimization of the existing transportation system rather than adding more lanes for passenger vehicles.

Policy 6.6.1: Implement creative parking strategies to minimize inefficiencies and facilitate equitable use of public space, including potential adaptive reuse of structures as needs may evolve.

Goal 6.7 Educate the Public: Increase residents' safe use of transportation options that minimize negative environmental and infrastructure impacts.

Programs Ch6 > Motor Vehicle Parking

Regularly examine parking demand, utilization, and alternatives in the Downtown area and City-wide.



## Signatures for Land Use Committee Report

Note: Your signature below indicates approval of the Report pursuant to BMC 2.04.230 Standing committees-Reports (a), which requires that reports be in writing and be signed by a majority of the membership.

Note: Pursuant BMC 2.04.230 (e), a member may file a minority report and move that it be substituted for the committee report.

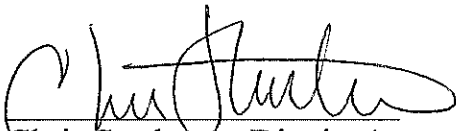


Stephen Volan, District VI (Chair)

10/31/18

Date

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Chris Sturbaum, District 1

10/31/18

Date

Allison Chopra, District III

Date



Isabel Piedmont-Smith, District V

10/31/18

Date