

To: Bloomington Community

From: Hopi Stosberg, City Council District 3 Representative

Date: March 30, 2026

Over the last few days I have been contacted by community members regarding my support for delaying a vote on the Hopewell Planned Unit Development Ordinance for another week. The conversations I have had about this demonstrate that there is some confusion within the community about the delay and the project itself. In a desire to be as clear and transparent with the community as possible, I have authored this press release. I hope it brings some clarity to the process, project details, and concerns that deserve time to assess and evaluate.

Summary: This document includes: (1) summary of the Planned Unit Development (PUD) process, (2) information and critical concerns specifically related to the Hopewell PUD, (3) an evaluation of PUD affordability requirements and the Hopewell PUD; (4) Appendix A, the Hopewell Development Ordinance as it was presented to the Plan Commission in February with highlighted changes from the January presentation; and (5) Appendix B, an excerpt from the Hopewell Staff Report presented at the January Plan Commission meeting with planning staff recommendations compared to the February development ordinance (Appendix A) and assessed for compliance.

(1) The Planned Unit Development Process

To start with, I would like to clarify what a Planned Unit Development (PUD) is and the normal process of approval. A PUD is a negotiation between the Petitioner and the City of Bloomington. The Petitioner wants to build something that does not adhere to the usual development rules (in Bloomington this is the Unified Development Ordinance, or UDO). A PUD allows for a new set of rules to be developed only for that project area. There are minimum requirements that must be met in order for a project to qualify to be a PUD (imagine the chaos if any property could apply to be a PUD!).

In addition to those requirements, the petitioner must agree to certain terms. Essentially, they get something so they can build according to rules they write and the City gets something to make sure that what is being built is good for the community. In a normal PUD process, the petitioner works with the Bloomington Planning Department and when the petition is deemed to have met the basic requirements, it is sent to the Plan Commission.

At least two Plan Commission hearings are required. Usually at the first hearing planning staff present the petition, highlight areas of current non-compliance and recommend changes to the petitioner. Commissioners also ask questions, clarify intent and language, raise concerns, and may request changes. At the second hearing concerns have usually been addressed through changes to the district ordinance. Planning staff highlight where changes were made to bring the project into compliance or respond to concerns brought up by commissioners. Reasonable conditions may be added by planning staff and/or commissioners to address remaining unmet requirements or best practices. At this point, depending on the concerns and changes, the ordinance may get sent to a third Plan Commission hearing, or may be sent on to the City Council for final approval. PUDs must be approved by the City Council as a final step in the process.

At the City Council level, councilmembers may raise additional concerns, add reasonable conditions, or otherwise request the petitioner make changes to ensure the project aligns with city goals. Again, this is a negotiation-the petitioner is asking for an exception to normal rules and the City Council is the last body to double check and make sure that this negotiation ends up being a good deal for the community.

(2) The Hopewell PUD

The Hopewell PUD petition is unique because the petitioner is the Bloomington Redevelopment Commission (RDC). The RDC is a city commission whose purpose is to oversee the Housing and Neighborhood Development (HAND) Department. The commission manages a very large budget, most of which are tax dollars from Tax Increment Financing (TIF) Districts. The executive director of the RDC is also the department head for HAND, a position appointed by the mayor. Mayor Thomson has been highly involved in the Hopewell PUD presentations to council. Due to the role the mayor is playing in the presentation and her advocacy of this PUD, it ends up feeling like one branch of government is asking for a land use exception from the other branch. In my opinion it becomes more important than ever for the City Council, as the legislative branch, to ensure that the plan being supported and pushed by the executive branch is what is best for the community. We are checking and balancing each other, as is designed by the government structure. This brings me to an area of concern.

Starting with the second hearing at the Plan Commission, there has been pressure to get this through as fast as possible, including the petition being put on the Council agenda for first reading on February 18, even though submission material deadlines for that meeting (that are in city code) had been violated (the motion to introduce at this meeting failed). The mayor herself encouraged a vote to adopt the ordinance at the first reading on March 4, even though normal and due process for ordinances are two readings at Council. If the plan were as solid and

great as the petitioner is purporting, then there should be no fear of council looking closely at the details and digging into what is required for a PUD. The attitude of the administration has made me look even closer at details that I usually leave to planning staff to evaluate.

This leads me to my second area of major concern. The disrespect and pushing aside of our professional planning staff and their expert opinions with regard to this petition. I have served on the Plan Commission for over 2 years. It is very normal for the first hearing to include a lengthy staff report and presentation detailing what the petitioner needs to change for the second hearing. At the second hearing the presentation focuses on the changes that were made, based on the staff report, to meet requirements.

That is not the way things played out for the Hopewell petition. In Appendix B you will find my evaluation of the January Staff Report with commentary indicating whether or not the petitioner had acted on the advice of staff and if they had not, what the February staff report said about that item. Some of those staff comments were incorporated into the version presented to council due to a reasonable condition added at Plan Commission for the petitioner to work with me to clarify and correct language. If the petitioner had respected the professional city planning staff and made the adjustments as directed in January, that condition would not have been necessary. There are many recommendations made by staff in January that were not reflected in the February development ordinance and were not clarity adjustments. If there were good reasons to not comply with the January staff report, those reasons should have been highlighted during the February presentation. They were not.

In addition to this document analysis, usual procedure dictates that city planning staff present the petition to city council. That did not happen. On March 4, the mayor, who is not actually a member of the RDC, gave an introduction, then the presentation was turned over to a hired consultant. Planning staff were present, but only stepped forward when asked specifically if they had a presentation, which they did not. Planning staff did not speak at all at the second reading. Professional city staff were cut out of the rehearsed presentation of this petition. This is disturbing. I depend on our professional city staff to help interpret and understand both the requirements of the UDO and what exceptions are being asked for in petitions like this. The lack of their involvement is concerning, as is the way their recommendations were blatantly ignored by the petitioner (see Appendix B). This leaves me in a position of being unable to utilize the professional interpretations of our staff. Thus, I have to use other avenues of research to understand and interpret. This takes time. To be very clear, I do not fault staff in any way. Their hands are tied.

Please see Appendix B for a detailed evaluation of the January staff report and the many examples of staff feedback that were not incorporated.

(3) Permanently Affordable Housing

The UDO requires that PUDs create permanently affordable units as part of what the City gets from this process. This requirement is found in two places. First, under [the Qualifying Standards](#) (Section 20.02.050.b.3) there is a requirement for 15% of units to be permanently affordable through deed restrictions for people with incomes under 120% of the HUD Area Median Income (AMI) for Monroe County. This section has a qualifier that this requirement can be adjusted or forfeited. Second, found under [additional approval criteria \(20.06.070\(4\)\(E\)iii\)](#) a PUD must go above and beyond that minimum requirement, to either offer additional affordable units under the 120% AMI or to offer units that are priced at 110% of AMI or lower. In my perspective, all affordability offered must meet the original requirement to be permanent using deed restrictions, unless there is an adjustment or forfeit of the requirement.

The Hopewell PUD states that 15% of units would be permanently affordable, but the petitioner proposes methods other than deed restrictions to meet that affordability. An additional 50% of units are cited to be “affordable” at market rates, but they do not commit any of those units to permanent affordability. Thus, the proposal for Hopewell fails to meet PUD affordability requirements, and would require an adjustment as allowed by that section of the UDO.

Any adjustment or waiver to the usual rules requires careful consideration and assessment. It also requires transparency. The Plan Commission was never told that this PUD would require an adjustment to the required affordability guidelines or that by forwarding it with a positive recommendation they were indicating support of the adjustments. Councilmember Flaherty and I independently explored this issue. His questions and staff answers confirm that the petitioner is requesting the council approve a proposal that deviates from PUD requirements on affordability (see pages 122-123 of the [March 25 council packet](#)).

Furthermore, on January 14, 2026, Council passed [Ordinance 2026-02](#) to increase affordability requirements for PUDs by changing the initial qualifying standards to require the development to provide 15% of their units to be permanently affordable to incomes below 90% of the HUD AMI. I had been working with staff on that language change since summer of 2024. It is only because of the administration’s violation of state statutory deadlines that this language was not changed earlier. If those violations had not occurred, the Hopewell PUD would have been required to meet an even higher bar for permanent affordability. Thus, it is entirely reasonable to expect the petitioner, as a part of city government, to meet the standards we now require.

The city itself skimping on permanent affordability requirements related to development of property owned by the city is deeply disappointing. Permanent affordability is a must, and to

waive or adjust any requirements to the affordability clause need a convincing argument that I have not yet received.

Appendix A

Hopewell District Ordinance

As presented at the Plan Commission meeting February 9, 2026

****Highlighted portions** represent additions/changes from the January 12, 2026 submission. ~~Strikethrough portions~~ represent deletions from the January 12 submission.**

Petitioner's Statement

Hopewell South Planned Unit Development (PUD)

Blocks 8, 9, and 10 (714 S. Rogers Street and Adjacent Parcels), Bloomington, Indiana

Legal Description(s):

015-63600-00 Seminary Pt Lot 45

015-48120-00 Dixie Highway Lots 148-150

015-48090-00 Sem Pt Lot 52

Parcel ID(s):

53-08-05-100-014.000-009

53-08-05-100-028.000-009

53-08-05-402-115.000-009

Submitted to: City of Bloomington Planning & Transportation Department

Submitted by: FlintlockLAB

Date: January 30, 2026

1. Purpose of the Planned Unit Development

(Per UDO §20.02.040(a) and §20.06.070(c)(2)(A))

The purpose of the Hopewell South Planned Unit Development (PUD) is to implement a coordinated plan for redevelopment of approximately 6.3 acres of the former IU Health Bloomington Hospital site, bounded by W. 1st Street, Wylie Street, and S. Rogers Street, to create a connected, mixed residential neighborhood that supports attainable homeownership for Bloomington residents.

The PUD is designed as a pilot project to test zoning and subdivision reforms that, if successful, may later inform citywide UDO amendments. By restoring the historic street grid, introducing small-lot housing types, and allowing lane and trail frontages, the PUD fosters a more

walkable, fine-grained, and human-scaled urban pattern than what current standards permit under the base R4: Residential Urban district.

The project also includes Block 8, identified for use for public safety or non-residential use. Its inclusion ensures coordinated infrastructure, access, and stormwater planning across the full redevelopment area.

2. Qualifying Standards and Eligibility

(UDO §20.02.040(b))

The proposed Hopewell South PUD meets all required qualifying standards as follows:

(1) Minimum Area:

The PUD includes more than five acres (around 6.3 acres), combining Hopewell South Blocks 8, 9, and 10 to meet the minimum threshold required under UDO §20.02.040(b)(1).

(2) Location:

The property lies outside the Mixed-Use Downtown (MD) zoning district, satisfying §20.02.040(b)(2).

(3) Affordable Housing Commitment:

Long term affordability protections are critical, as this style of development (Traditional Neighborhood Development, or TNDs) in other communities tends to sell for far higher price per square foot than more conventional suburban style housing in adjacent neighborhoods. Small, attainable priced homes are highly in demand and can often escalate in cost faster than median incomes.

The Hopewell South Development will be a Tier 1 Affordable Housing Development per UDO 20.04.110(C) Affordable Housing. At least 50 percent of total dwelling units within the PUD will be affordable to home buyers under 100% AMI **which demonstrates our strong commitment to provide affordability.** At least 15 percent of total dwelling units within the PUD permanently income-limited to households earning less than 120% of Area Median Income (AMI). **There are many mechanisms to protect long term affordability that the Redevelopment Commission may consider such as but not limited to a silent second mortgage, equity share agreement, right of first offer/refusal, and partnerships with non-profit organizations who can more easily execute deed restrictions.**

(4) Need for PUD (Conventional Zoning Insufficient):

The Hopewell South site cannot be developed to achieve the City's housing goals under existing R4 standards due to dimensional restrictions, minimum lot area and width, and frontage requirements. An analysis of development under the current zoning regulations allowed for only 28 homes to be constructed, at price points unattainable to a Bloomington resident earning the area median income.

The proposed PUD is fully in line with the goals of R4 zoning, but calibrates specific requirements to achieve better built outcomes.

R4 PURPOSE: The R4 district is intended to accommodate residential uses on small urban scale lots that offer a diverse mix of housing opportunities consistent with the Comprehensive Plan and other adopted plans. Properties in the R4 district typically have access to many public services that are accessible to pedestrians, cyclists, and vehicles. This district may be used as a transition between small-lot residential development and urban-scale residential, commercial, and institutional development.

The project's overall aim is to deliver attainable homeownership opportunities. The requested PUD will **reduce the average home price by more than 30% and provide 70% more total homes** than can be built by right under existing R4 zoning.

The homes allowed under the proposed PUD will range in price from \$90,000 starter cottages up to \$650,000 three bedroom family homes. The average home price in the neighborhood will be around **\$270,000** compared to an average price of over **\$425,000** under current code R4 constraints. Proposed changes will allow smaller, more efficient lots and flexible frontage and increase the total number of homes. Small, attainable one bedroom houses are highly in demand by Bloomington's large number of single-person households, yet the lot cost for a 4,000 SF lot cannot be supported by this small, desirable home.

The proposed changes both reduce the cost per home for land and infrastructure and also provides for a more economically sustainable neighborhood for the city. More compact lots with small homes provide a higher tax value per acre (more working residents per block) with the same cost to provide infrastructure maintenance. The higher number of homes also better supports the intended commercial and mixed use development in the surrounding Hopewell blocks.

The development as proposed provides a total of 90-100 homes, and almost 30% of them will meet Universal Design Standards, exceeding the minimum 20% threshold. About half of these Universal Design Standards Homes are fully ADA compliant, providing ample opportunities for ensuring homes for seniors and those with mobility limitations.

The PUD enables:

- Small lot homes for attainable fee simple home ownership;
- Reduced setbacks and coverage limits; and
- Legal recognition of **lanes**, trails, and parks as frontage.

These modifications are necessary to achieve the city's attainable housing objectives and to provide diverse ownership housing within walking distance of downtown.

(5) Ownership and Control:

The land is under unified control of the City of Bloomington Redevelopment Commission, meeting §20.02.040(b)(5). FlintlockLAB serves as the city's planning and design consultant and authorized petitioner.

(6) Highly-Valued Design Features:

The Hopewell South PUD embraces multiple features identified in §20.02.040(b)(6), including:

- **Protection of natural, environmental, and scenic resources and green spaces.**
 - The site is predominantly a vacant previously developed site with minimal tree canopy coverage.
 - By providing almost four times the number of homes allowed by the current zoning, this in-town parcel with access to services, amenities, and jobs can protect a significant amount of undeveloped agricultural and green spaces in more sensitive locations and the edge of town.

- **Retaining natural landforms throughout the development**
 - The site generally slopes from southeast to northwest. There are no karst features, springs, wetlands, or other environmental constraints on the property. The current landform will be retained with minimal mass grading.

- **Low Impact Development (LID) and green infrastructure stormwater systems**
 - Pedestrian oriented “green streets” collect, clean, and carry stormwater in planted green infrastructure systems to stormwater detention areas along Jackson Street.

- **Solar orientation of building forms and other passive energy efficient design strategies**
 - All homes designed to be solar-ready.
 - Small homes (480 SF – 2255 SF range, 1,000 SF on average) utilize fewer resources to build and require less energy to operate than typical suburban homes (average size 1800 – 2600 SF).
 - Small homes in walkable and bikeable locations are naturally dramatically more energy efficient than large homes at the edge of town, which require significant transportation infrastructure to reach and significantly more daily car trips to accommodate daily needs.

- **No block greater than 1,400 feet in the development**
 - Small block perimeters with high pedestrian permeability, and a hierarchy of streets that prioritize pedestrian safety and multi-modal transportation.
 - An inner block grid of pedestrian-only green streets further calibrate the pattern of the development to multi-modal transportation.

- **Centralized gathering and recreation spaces of an appropriate size for the entire development, or designed to serve an area larger than the entire development**
 - The code changes directly legalize the creation of a central gathering and recreation space in car-free public green spaces. Internally and externally connected open space systems, including this central green corridor.

- o Additional public recreation and gathering space planned for the northeast corner of Jackson St. and Wylie.
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3. Development Standards

The Hopewell South PUD modifies existing development standards to achieve the project's affordability and design goals.

PARCEL A Development Standards (Blocks 9 + 10)

Base Zoning R4

Minimum Lot Width: none

Minimum Lot Size: none

Setbacks:

Front 0' / 12' on Wylie

Side 0' / 5' abutting the edges of the PUD

Rear 5' / 3' abutting a lane

Setbacks shall be for primary and accessory structures and for parking.

Structures shall not be allowed to be encroach into public right of way.

Maximum Height: 50'

Impervious surface coverage: No maximum

Allowable Uses: Accessory Dwelling Units, Dwelling Duplex, Dwelling Tri-plex, and Dwelling Multifamily shall be considered allowed use within the PUD without conditions.

Lot Frontage:

Lot Frontage requirements may be met by a street, lane, paved trail, common green space, or other right of way or access easement that provides continuous vehicular, pedestrian and utility access to the lot, provided that all fire code and building code requirements are met.

UDO 20.04.020(D)2 *Lot and Space Requirements* shall not apply to the PUD area.

Where a lot has only non-street frontage, the frontage as described above shall be considered equivalent to street frontage for the purposes of development

standards, permitting, and address assignment, except in instances where a lot has both **lane** and pedestrian frontages.

In such cases, the project shall designate a “Building Front” on the development plan. The designated building front shall comply with all applicable frontage requirements—including orientation, entry visibility, and porch requirements—regardless of the location of legal or vehicular access.

Building Front shall be assumed to be the primary pedestrian access for non-street frontage lots **(IE a front porch and front door facing a trail or common green space with pedestrian access).**

This provision supersedes any conflicting frontage or access provisions in the Unified Development Ordinance.

Architectural Design Standards:

UDO 20.04.070(3)H-K *Residential Design Standards* shall not apply within the PUD as long as the buildings are substantially similar to those shown in the final approved PUD Plan.

Modifications to buildings after initial building occupancy shall be required to be compliant with all prevailing architectural design standards at the time of modification.

Accessory Dwelling Unit Requirements:

Attached and Detached Accessory Dwelling Units shall not be subject square footage limitations; height limitations specific to ADUs; general limitations of to comply with UDO 20.03.030(5); setbacks; or number of ADUs per lot provided the ADUs are substantially similar to those shown in the approved final PUD plan.

Accessory Dwelling Units shall not be subject to any owner occupancy residency requirements.

UDO 20.03.030(5)E.i shall not apply, Accessory Dwelling Units shall be limited instead to a maximum of 840 conditioned square feet. **Height and setback requirements for ADUs shall match those of the primary structure.**

Miscellaneous Provisions:

Single Family Attached Access: only one entrance facing the street frontage is required. An individual dwelling unit shall be addressed on the street or **lane** that it faces. (Replacing UDO 20.03.030(b)2.a *Use Specific Standards, Single Family Attached Access*).

UDO 20.03.030(b)5.B *Use Specific Standards, Dwelling Multifamily*, up to 12 multi-family dwellings on one single lot or parcel of land shall be allowed.

UDO 20.04.060(g)4 *On-Street Parking* shall be modified to allow on-street parking within the PUD area. **There shall be no minimum number of required**

vehicle parking spaces for all uses regardless of whether the use directly abuts the parking space.

UDO 20.04.060(i)2.i *Vehicle Parking Location* shall not apply, and parking for units may be located on a different lot as the building or use (or may be shared) as long as appropriate use easements are provided.

UDO 20.04.070(D)5 *Neighborhood Transition Standards* shall not apply as long as the PUD height limitations are met.

UDO 20.04.080(G) *Buffer Yards* requirements shall not apply.

UDO 20.04.080(H) *Parking Lot Landscaping* shall not apply to parking areas of 4 or more spaces located on lanes.

Common landscape maintenance shall be provided by an HOA established prior to final plat.

PARCEL B Development Standards (Block 8)

Site exhibits depicting Block 8/Parcel B are conceptual only. Site design will be determined through subsequent study, coordination, and review. These standards and requirements shall apply only if the site is developed with a police, fire or rescue station. If it is developed in some other manner, standards of the MM district shall apply.

The final landscape plan can be reviewed with final plan approval, with limited landscaping requirements around parking areas and along the south side of the property.

Base Zoning MM+ TRO

Setbacks:

Front 0'

Side 0' / 5' abutting the edges of the PUD

Rear 5' / 3' abutting an lane

Parking shall be set back a minimum of 0' from the property line, per historic development pattern.

Architectural Design Standards

Non-conforming existing architectural features surrounding the building shall be exempt from TRO requirements. New architectural features shall be compliant except as specifically noted.

UDO 20.04.080(G) *Buffer Yards* shall not apply to this block, as the existing development pattern remains largely unchanged and does not require the addition of a buffer yard between it and historically existing surrounding parcels.

UDO 20.04.080(H) *Parking Lot Landscaping* shall not apply, as vegetative screening around parking areas can obstruct sightlines and create safety and security concerns when monitoring the site, whether passively or through camera systems. The general extents and use of the surface parking lot remain consistent with historic conditions.

Fencing taller than 4 feet may be permitted on Parcel B.

UDO and TRO lighting standards would not apply for public safety uses.

PUD Standards Common to Both Parcels

Landscape

~~Common landscape maintenance shall be provided by an HOA established prior to final plat.~~

Existing trees intended to be retained shall comply with tree protection fencing per UDO 20.04.080(c).

On-street Parking:

On-street parking may be provided on all lanes, Fairview, and Jackson as parallel, angled, or 90 degree spaces loading off the drive lanes.

Where angled or head-in spaces have been provided adjacent to a sidewalk, wheelstops **or a wider sidewalk to maintain clear width** shall be required

Street Standards

Minimum Right of Way Width per PUD street standards

Sidewalk Minimum Width:

5' unless existing, in which case width shall match historic width and placement.

8' when utilized as a multi-use path

Tree Plot / Green Infrastructure Minimum Width:

5' unless existing, in which case width shall match historic width and placement.

One drive cut access will be allowed on Jackson St, 1st St, Rogers St, and Wylie St. Each drive access shall be a minimum of 50' from the closest street intersection.

Stormwater Standards Compliance required with all existing stormwater standards

Parking: parking is required to comply with the base zoning requirements, and is exempt from TRO parking standards.

Phasing:

The subdivision will be completed in multiple phases over a period of several years, depending on market conditions and absorption of units.

Utility Standards Compliance required with all existing utility standards

Appendix B

Excerpts from the Hopewell Staff Report

As published with the January 12, 2026 Plan Commission meeting packet

****Please note I have color-coded my comments related to the staff memo. Green font indicates that the district ordinance was changed as directed. Orange font indicates that either changes were not made or changes may be inadequate. Red font is my commentary related to the requested changes that were not made.****

DISTRICT ORDINANCE: The District Ordinance sets the development and use requirements for the PUD. Those items that are not specifically discussed in the District Ordinance revert to the relevant UDO regulations per 20.02.040(c)(3) and 20.02.040(d)(3).

The Preliminary Plan and District Ordinance identifies two parcels within the PUD with specific development standards for each- Parcel A which will be developed with residential uses and Parcel B which contains the previous convalescent building.

Parcel A- The base zoning district will be Residential Urban Lot (R4) with the modifications outlined in the District Ordinance and summarized below:

- Setbacks: Proposed setbacks include a 0' front setback, side setbacks of 0' and 5' along the edges of the PUD, and a rear setback of 5' or 3' abutting an alley.

The rear building setback language needs to be revised to reference a 'Lane' rather than an alley and all setbacks need to clarify that they are primary building setbacks. Accessory structure setbacks also need to be addressed if they are proposed to be modified. Language should also be included that no portions of a building may encroach into the right-of-way.

All references to "alley" were changed to "lane". Setback clarifications were completed.

- Minimum Lot Width and Lot Area: There are no minimum lot area or lot width

requirements proposed.

- Maximum Height: 50'
- Impervious Surface Coverage: No maximum.
- Lot Frontage: Lot Frontage requirements may be met by a street, alley, paved trail, common green space, or other right of way or access easement that provides continuous vehicular, pedestrian, and utility access, provided that all fire code and building code requirements are met.

The reference to an alley must be revised to reference a 'Lane'. In addition, clarification is needed within the District Ordinance for lots with frontage on both a typical street and a 'Lane' in regards to which is considered a front and which is a rear in those situations and to allow a through lot, which would not be allowed within the UDO per Section 20.05.050(e)(1)(C).

References to "alley" were changed to "lane".

An example was added, but the example did not seem to address the primary concern with a dwelling between a street and a lane. "Through lots" are not mentioned in the February staff report and there is no longer a concern about lots between streets and lanes.

I do not think petitioner remediation followed staff comments. This leaves frontage open to interpretation.

- Architectural Design Standards: The proposed District Ordinance states that "Section 20.04.070(d)(3) H-K Residential Design Standards shall not apply within the PUD as long as the buildings are substantially similar to those shown in the final approved PUD Plan."

The Department feels that this language may be problematic and very subjective in terms of assessing if a building is "similar" to what is shown in the catalog and would prefer to remove that portion that says "as long as the buildings are substantially similar to those shown in the final approved PUD Plan". In addition, the language cited above needs to be revised to reference the designs shown with the "Preliminary Plan", not the final plan. Also, the language stating that "Modifications to buildings after initial building occupancy shall be required to be compliant with all prevailing architectural design standards at the time of modification" seems unnecessary and should be removed.

There were no changes made that address this department concern. In the February staff report it is stated that the "Department would apply this to mean . . .".

The meaning of the document should be clearly stated and not require the department to interpret a meaning.

- Accessory Dwelling Unit Requirements: The proposed District Ordinance outlines several standards and modifications for Accessory Dwelling Units (ADU's), however the Department recommends that this section could be clarified to address what the specific restrictions are, rather than stating the sections of the current UDO that are not applicable. For instance, it would be preferred to state that neither an ADU or the primary structure shall be required to be owner occupied rather than stating a section of the UDO that does not apply, what the setbacks and maximum height are, and to state that detached ADU's have a maximum size of 840 square feet with no restriction on attached ADU's.

There were no changes made that address this department concern. In the February staff report, the ordinance guidelines are restated with a corrected UDO citation.

The ADU requirements remain unclear. **Note, this was an area that I worked with the petitioner to clarify before coming to council. This should not have been a necessary step.**

- Miscellaneous Provisions: The proposed changes regarding on-site parking referenced in 'On-Street Parking' and 'Vehicle Parking Location' would not be needed if language was included to state that there are no parking minimums required for any use. The language negating Transition Zone and Buffer Yard standards is not needed since this property borders properties zoned Residential Small Lot (R3) and no Transition Zone or Buffer Zone standards would apply.

A note about "no parking minimums" was added, but no other language was changed. In the February report staff appear to have put language in the report to clarify the intent of the project. A bold sentence in the report recommends a change, but there is no mechanism to actually get that change into the development ordinance.

Staff advice was not taken to modify and simplify the section. I'm unclear as to whether the staff interpretation is correct. **Note, parking and especially "on-street parking" was language that I worked with the petitioner to clarify before it came to council. This should not have been a necessary step.**

- Permitted Uses: The District Ordinance needs to be amended to state that the uses "Dwelling, triplex"; "Dwelling, duplex"; and "Dwelling, multifamily" are permitted uses in the PUD since these are listed as conditional uses in the UDO for the R4 district and the intent with this PUD is to make those uses allowed by-right. And it should address if the Use Specific standards are applicable.

Allowance was specifically made to allow the triplex, duplex, and multifamily units. Use Specific Standards were not addressed, so whatever use specific standards exist in the UDO will also apply here. This is completely left out of the February staff report.

I am uncertain without going line by line through each Use Specific Standard whether this was truly the intention of the petitioner since the standards were not mentioned in any way. **Please note, I requested during my clarifications with them that they add a full use table to the development ordinance. After that table was added there was realization that some uses may not be appropriate. I have authored a reasonable condition to address that issue. That condition has been approved by the council. The reasonable condition requests use table changes, so changes that should be made to any Use Specific Standards can probably fall under this condition if the petitioner needs to make changes to those.

Parcel B- The base zoning district will be Mixed-Use Medium Scale (MM) with the Transform Redevelopment Overlay (TRO) standards and per the modifications outlined in the District Ordinance. The District Ordinance also states that- “....These standards and requirements shall apply only if the site is developed with a police, fire or rescue station. If it is developed in some other manner, standards of the MM district shall apply.”

The sentence should be modified to state that “.....If it is developed in some other manner, standards of the MM district and TRO district shall apply”.

“And TRO district” was not added to the sentence. Staff added it in the February staff report.

This change would have been ridiculously easy for the petitioner to make. Not making this change indicates to me that they did not think it necessary to give attention to feedback from Bloomington planning staff.

The proposed modifications are summarized below-

- Setbacks: Proposed setbacks include a 0’ front setback, side setbacks of 0’ and 5’ along the edges of the PUD, and a rear setback of 5’ or 3’ abutting an alley.

The references to an alley need to be changed to reflect the proposed correct street typologies. This language also needs to clarify if these setbacks are for buildings or parking, or both. In addition, the MM district and TRO have a build-to-range, so the District Ordinance needs to address if there is a maximum setback and what percentage of a building needs to be within the build-to-range.

All references to “alley” were changed to “lane”. A parking setback was added.

I do not see where maximum setbacks or build-to-ranges were addressed in the district ordinance. The February staff report has no comment regarding setbacks.

I do not know why maximum setbacks matter or what the build-to-range is. If this is not applicable to this PUD, then it should have been stated as such in the February report. It

is my contention that it was left out since the ordinance would still not have complied with the needed details, so staff were directed to leave out any mention.

- Architectural Design Standards: The District Ordinance states that- “Non-conforming existing site features surrounding the building shall be exempt from TRO requirements. New site features shall be compliant except as specifically noted.”

The Department is unsure what this language is specifically intended to allow or not allow and further clarification is needed. The language regarding Buffer Yard standards can be eliminated since no buffer yard would be required since the property has proposed street frontage along all four property sides and buffer yards are not applicable to front yards. The District Ordinance also states that no landscaping shall be required for any portions of the site. This provision only applies if the use is that of a “Police, Fire, or Rescue Station”. However, there is currently a large green space with landscaping along the south side of the property along Wylie Street that is also adjacent to residential units to the south, it is recommended that a landscaping component for that area could be appropriate.

The term “architectural” was added prior to the word “features”. No other changes were made. The February staff report states Buffer Yards and Parking Lot Landscaping shall not apply. No mention is made to the large greenspace and existing landscaping or the consideration of landscaping components bordering residential units in the February report.

Again, it looks like staff recommendations were simply ignored and the most minimal change was made. I do not think adding the word “architectural” in front of features actually adds clarification. Additionally, completely ignoring consideration of landscaping bordering residential units is inconsiderate to the neighborhood.

The Department also recommends consideration be given to any fencing needs if the site is used as a “Police, Fire, or Rescue Station” and provisions be included within the District Ordinance.

Fencing exceeding 4 feet was added as an allowance.

- Parking: This is not addressed in the District Ordinance, however the TRO district limits the maximum number of parking spaces for any use other than Household Living Uses to 50% of what is otherwise allowed. The number of parking spaces shown appears to exceed what might be allowed and the Department suggests language addressing this specifically.

Language was added to clarify that parking is exempt from TRO parking standards.

PUD Standards Common to Both Parcels

- Landscape: The District Ordinance lists two provisions- 1) Common landscape maintenance shall be provided by an HOA established prior to final plat; and 2) Existing trees intended to be retained shall comply with tree protection fencing per UDO 20.04.080(c).

The Department has no comments regarding these provisions.

- On-Street Parking: The District Ordinance states- “On-street parking may be provided on all lanes, Fairview, and Jackson as parallel, angled, or 90 degree spaces loading off the drive lanes.”

The Engineering and Planning and Transportation Department have concerns with allowing on-street parking on the proposed ‘Lanes’ as these are proposed with only 18’ of asphalt for drive lanes and allowing on-street parking on these areas would not be appropriate. Preferred language should be that on-street parking shall be as shown on the proposed cross sections.

No changes were made to on-street parking. At the meeting the petitioner tried to define “on-street parking” as parking next to the lane. The February staff report eliminated all references to concerns about on-street parking in the lanes.

Clearly both Engineering and Planning staff had concerns in January. Those concerns don’t just disappear. Additionally, at the January Plan Commission meeting commissioners mentioned concerns with parking. Both staff and commission concerns were completely ignored. **Note, I did work with the petitioner as part of a reasonable condition to clarify parking requirements so the definition of “on-street parking” in the petition is consistent with the UDO. This should not have been necessary.**

- Street Standards: As mentioned, there are specific cross sections shown for each of the existing and proposed streets. These cross sections deviate from the Transportation Plan both in terms of the proposed amount of right-of-way to be dedicated and also in terms of the improvements shown within each cross section. Those will be discussed more thoroughly with the Preliminary Plan review within this report.

The District Ordinance proposes the following standards:

- o Minimum Right-of-Way: per the Preliminary Plan.
- o Sidewalk Minimum Width: 5’ unless existing, in which case width shall match historic width and placement.; 8’ when utilized as a multi-use path
- Tree Plot / Green Infrastructure Minimum Width: 5’ unless existing, in which case width shall match historic width and placement.

Locations of multi-use paths within the development need to be indicated on the Preliminary Plan.

Multi-use paths were not indicated on the primary plan. February staff report states these must be noted, but there is no reasonable condition added to the approval to require the plan be updated.

This is unacceptable. I believe Reasonable Conditions from Councilmember Flaherty address this concern.

- Storm water Standards: Compliance required with all existing storm water standards.

The Department recommends that the PUD should address the maintenance of storm water structures that are located in Common Areas and whether these are to be maintained by a Homeowner's Association or the City.

This was unchanged in the district ordinance. The February staff report is silent on the need to address storm water maintenance in common areas.

Leaving this unaddressed leaves open the possibility of future battles over how repairs to infrastructure in the common areas are to be maintained and who is responsible for payment. This really needs to be addressed somewhere.

- Phasing: The subdivision will be completed in multiple phases over a period of several years, depending on market conditions and absorption of units.

The Department recommends that this language needs to be clarified to specify when proposed infrastructure will be installed as each phase of the PUD develops. This will be essential as platting moves forward to determine what improvements are required with each phase.

This essential component was not addressed in the plan. The February staff report retains this requirement and a reasonable condition was proposed by staff that addresses this need.

The phasing plan is altogether inadequate for this project. Reasonable conditions clarify its necessity, but the petitioner should have responded to this request from January without necessitating the reasonable condition.

- Utility Standards: Compliance required with all existing utility standards.

Environment: There are no known regulated environmental features on the properties within this PUD. The petitioner is proposing no changes to the UDO regulations related to environmental standards in this PUD. Since the PUD is completely silent on environmental regulations, per UDO 20.02.040(d)(3), the UDO regulations of the base zoning district are applied to development in the PUD.

Access and Connectivity: The petitioner is proposing no changes to the UDO regulations related to access and connectivity in this PUD, therefore the base zoning districts would apply throughout the PUD.

However, the Preliminary Plan for Block 8 shows a new drivecut on 1st Street that would not be allowed. If the PUD is completely silent on access and connectivity regulations, per UDO 20.02.040(d)(3), the UDO regulations are applied to development in the PUD. Some of the regulations that will be derived directly from the UDO include regulations related to driveways and access, pedestrian and bicycle circulation, and public transit. The Department recommends that the petitioner evaluate the access and drive needs of the PUD for any needed changes to the Access and Drive requirements of the District Ordinance.

A paragraph is added to clarify that one drivecut will be allowed on Jackson St, 1st S, Rogers St, and Wylie St. However, that allowance is under standards common to both parcels, making this a confusing addition since that allowance should only apply to Block 8. The February staff report clarifies that this allowance only applies to Block 8.

Once again, staff are clarifying the intent of the ordinance within their staff recommendation. This should not be necessary. The document itself should be clear without additional staff interpretation.

Driveways and Access: The District Ordinance does not have any specific regulations regarding access and drives, however there are multiples lots that are shown as “through lots” with frontages on streets and proposed lanes. The PUD should address if those lots are allowed a drivecut on those adjacent frontages, or if access must come from the interior lanes. The District Ordinance should also address drivecuts, as mentioned above.

Language was not added to clarify drivecuts on adjacent frontages as directed. The February staff memo states that language should be included in final plan approval to address this. A reasonable condition was added.

Staff direction should have been followed instead of staff needed to add a reasonable condition.

Pedestrian and Bicycle Circulation: Internal sidewalks are shown throughout the development connecting to the proposed interior open space and along proposed streets.

The Preliminary Plan needs to specify what the width will be of the interior sidewalks that are not included in the public street cross sections. The Department is still evaluating the appropriate widths for the interior sidewalks, especially since some of the proposed dwelling units will only be accessed from a sidewalk connection and a facility wider than 5’ might be appropriate. If multiuse paths are proposed within the PUD, those need to be indicated on the Preliminary Plan.

No language was added to specify interior sidewalk width or multi-use paths. The February staff report states that the “Preliminary Plan needs to specify the width of the interior sidewalks that are not included in public street cross sections”, and “If multi-use paths are proposed within the PUD, those need to be indicated on the Preliminary Plan”. No reasonable condition was added to cover this specification requirement.

Pedestrian needs and specifications have not been highly considered in this proposal. This is an example of that lack of consideration and another example where the staff report was completely ignored by the petitioner. I am uncertain as to why staff didn't add a reasonable condition to cover this. I believe Reasonable Conditions brought forth by Councilmember Flaherty address this concern.

Public Transit: Rogers Street is the only road along the PUD that is served by Bloomington Transit and they have not expressed an interest in a bus shelter along this frontage. If a future need is identified, that can be addressed with the final plans.

Lighting: The petitioner is proposing no changes to the UDO regulations related to lighting in this PUD. Since the PUD is completely silent on lighting regulations, per 20.02.040(d)(3), the base zoning district standards of the UDO are applied to development in the PUD.

However the Department encourages the incorporation of specific language for pedestrian scale lighting facilities within the PUD with conceptual locations shown on the Preliminary Plan.

No changes were made to lighting in the development ordinance. The February staff report again states a pedestrian scale lighting plan is needed. A reasonable condition is added to satisfy this requirement.

Again, it should not be necessary for staff to add reasonable conditions like this. The petitioner should have responded to this requirement from staff.

Signs: The petitioner is proposing no changes to the UDO regulations related to signage allowances in this PUD. Since the PUD is completely silent on sign regulations, per 20.02.040(d)(3), the base zoning district standards of the UDO are applied to development in the PUD.

Subdivision Regulations: The PUD is proposing to allow lot frontage requirements for new lots to be met by the presence of a street, alley, paved trail, common green space, or other right of way or access easement that provides continuous vehicular, pedestrian, and utility access, provided that all fire code and building code requirements are met. In addition, there are no minimum lot size or minimum lot width requirements proposed within the residential portions of the PUD.

As mentioned, with the possibility of lots being created that only front on sidewalks, those lots

may be desired to have sidewalk access that is wider than 5' to provide greater accessibility.

Sidewalk facility specifications have been ignored, as discussed above.

****Please note some of the staff report is skipped.****

The proposed cross sections for all of the existing and proposed roads are summarized below:

- Rogers Street
 - The Transportation Plan would require a total 84' of right-of-way (42' from centerline). There is currently approximately 20-25' of right-of-way from centerline. The proposed cross section within the PUD for Rogers Street shows a dedication of 41.25' from centerline for right-of-way.

The Department finds that approximately 30.5' of right-of-way is appropriate and would allow for the installation of the following along this property frontage- a 10' sidewalk, 5' tree plot, 6 inch curb, 5' bike lane, and a 10' vehicular travel lane. The cross section (and all remaining cross sections) also needs to be modified to remove the labeling of "No Utility Zone" since we cannot prevent other utilities from locating within the right-of-way. The dedication of 30.5' of right-of-way from centerline would allow for appropriate right-of-way and infrastructure, and also not place the existing building in right-of-way.

"No Utility Zone" on street cross sections was removed. Additionally, the sidewalk width was changed from 10' to 5'.

****Please note these are the only changes to the street cross sections between the January and February Plan Commission meetings.****

- 1st Street
 - The Transportation Plan would require 60' of right-of-way and that currently exists, therefore no new right-of-way must be dedicated. In addition, the City recently completed a road improvement project for 1st Street along this frontage and installed all necessary improvements that include a 6' wide sidewalk and 5' tree plot with street trees along this frontage. No on-street parking was installed along the 1st Street corridor, including along this PUD frontage. No improvements along 1st Street are required.
- Jackson Street
 - The Transportation Plan would require a total of 60' of right-of-way. With this petition Jackson Street would be constructed through this site to connect to 1st Street to the north and Wylie Street to the south. The City's recent

improvements to 1st Street constructed an intersection along 1st Street for Jackson Street to connect to and it is in place. In order to maximize housing potential, while also balancing appropriate infrastructure needs, the petitioner is proposing a 48' right-of-way that would include 5' sidewalks and 5' tree plots on both sides, 2- 10' travel lanes, and a 7' on-street parking lane on the east side.

The cross section needs to be modified to include a 1' inset for the sidewalk from the edges of the right-of-way.

The 1' inset was not added. The February report is silent on this issue.

I have no idea why the inset is important, but it is an element on residential street cross sections in the Transportation Plan.

- Wylie Street

- The Transportation Plan would require a total of 60' of right-of-way. There is currently approximately 40' of right-of-way. The proposed cross section shows maintaining the existing right-of-way line with no additional dedication. There is currently an approximately 4.5' monolithic sidewalk along the north side of Wylie Street along this frontage. There is also on-street parking along the north side of Wylie Street along this property frontage which is proposed to remain. The proposed cross section also shows maintaining the current monolithic sidewalk.

An assessment of the current sidewalk shows that it is not in functional condition and must be replaced. There appears to be sufficient right-of-way to allow the installation of a 5' sidewalk along the entire PUD frontage.

There does not appear to be enough room for a compliant 5' tree plot with street trees within the current right-of-way, however future survey work with the primary plat will determine how much right-of-way is present and can allow for street trees to be installed. Final determination will be assessed with the primary plat.

The Wylie cross section didn't change. Building set-backs were added along Wylie and there should be space for appropriate pedestrian infrastructure. I'm uncertain as to whether this has been reconsidered in any way, but the documentation hasn't changed.

Pedestrian and street scape experience matters and should be looked at more carefully than it has been. As mentioned above, Councilmember Flaherty is proposing Reasonable Conditions to address adequate pedestrian infrastructure.

- Fairview Street

- The Transportation Plan would require a total of 60' of right-of-way. Fairview

Street currently extends through the site and would be removed and reconstructed with this proposal. In order to maximize housing potential, while also balancing appropriate infrastructure needs, the petitioner is proposing a 48' right-of-way that would include 5' sidewalks and 5' tree plots on both sides, 2-10' travel lanes, and a 7' on-street parking lane on the east side.

The cross section needs to be modified to include a 1' inset for the sidewalk from the edges of the right-of-way.

The 1' inset was not added. The February report is silent on this issue.

I have no idea why the inset is important, but it is an element on residential street cross sections in the Transportation Plan.

- Lanes
 - Within the development there is a new road type proposed identified as a 'Lane'. These are public streets with 20' of right-of-way and 18' of travel lanes. These would function to serve the rear of many of the units, but also serve as the only primary public road access points for some of the lots. There is a 1' "concrete ribbon" that is shown along the borders of the travel lanes that the Department is evaluating. Additional modifications to this cross section are likely before the second hearing.

Lanes are a major deviation in street design from the Transportation Plan. Staff state in January that modifications are likely, but no modifications are made between January and February. Staff are silent on this matter in the February report.

Lanes were a topic of discussion at the January Plan Commission meeting, with a variety of topics and concerns raised related to parking, safety, and pedestrian experience. All those comments and concerns were ignored by the petitioner. A proposed reasonable condition from Councilmember Flaherty addresses lane width.

Traffic Analysis: A traffic analysis was not determined to be needed with this PUD since a traffic study analysis was done with a previous study in 2021. The proposed number of units is not expected to trigger the installation of any additional traffic management signals or turning lanes. Internal stop signs will be placed as needed.

Description of Character: The petitioner includes a description of the concepts for this property in the petitioner's statement. The petitioner seeks to develop distinct developments that help address the community's need for housing, while providing affordable, owner occupied housing.

Phasing: The petitioner has proposed three overall phases for the development that align with each existing block. It is expected that the site will develop from west to east, starting with Block #10.

A detailed phasing plan is needed outlining what infrastructure will be installed with each phase. This is essential to determining what infrastructure must be included with each plat. The Department is continuing to evaluate the phasing needs of various city departments to help refine the phasing plan.

A detailed, or even a reasonable, phasing plan was not included. A reasonable condition was added to address this.

A phasing plan is a basic part of a PUD application and should have been included without additional reasonable conditions.

Environmental Plan: As noted earlier in the report, there are no known regulated environmental features on this property. The proposed District Ordinance does not propose any changes to the UDO regulations regarding environmental features, therefore the base zoning district standards of the UDO apply.

Architectural Character: The petitioner proposes a specific set of design plans for all of the buildings within the PUD. There will be a housing catalog that owners will choose from, which will include build-ready plans to submit for permitting. The proposed residences in the housing catalog will be reviewed ahead of time for compliance with City standards to decrease permit review times. The District Ordinance addresses some specific elements of the proposed standards for the residential buildings, however it would be beneficial to outline any specific aspects of the residences that are essential components, for instance- depth of porches, required diversity of exterior finishing materials, roof pitch, etc.

No language was added around aspects of design. The February staff report repeats this language.

Not having more specific language related to these aspects adds the possibility of developer discretion, especially the more time passes. This is concerning.