

MEMORANDUM

Date: March 19, 2024

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Subject: PUD-18-23: Sudbury Development Partners, LLC. (Summit District PUD)
South Weimer Road
Request to rezone to a Planned Unit Development and a request for approval of a District Ordinance and Preliminary Plan

The purpose of Environmental Commission's memorandums to the Plan Commission (PC) is to express the environmental concerns and recommendations of the Environmental Commission (EC) with the hope that action will be taken to safeguard and enhance the environment-enriching attributes that provide ecosystem services to all of Bloomington. The EC believes that any Planned Unit Development (PUD) District Ordinance (DO) should not reduce the environmental protection requirements to less than the minimum Unified Development Ordinance (UDO) standards and be *at least* as environmentally protective as any regular development that would be following the standard UDO regulations. The purpose of a PUD is not to avoid environmental standards.

This is a large site that will influence about 140 acres of Bloomington's ecosystem services, carbon footprint, and plant and animal biodiversity. Additionally, it is located within the 'circle' of the wildlife habitat corridor, and is rated number five of the top ten areas of Greenspace, according to the 2017 Bloomington Habitat Connectivity Plan. The size of this site alone necessitates the very best environmental protections. In addition to the large size, there are countless environmental features dotting the entire area, including mature tree stands, streams and riparian buffers, steep slopes, wetlands, sinkholes, and rich biodiversity.

The EC understands the current demand for housing, but is opposed to prioritizing that need over the need for environmental protection during this time of climate and ecological crisis. Climate change and biodiversity loss has long-term impacts on all residents and must be prioritized.

The EC has a number of recommendations pertaining to the Summit District Ordinance dated March 4, 2024 that they would like to have addressed by the Petitioner. Some issues stem from the UDO and some others from current preferred practices (CPPs) that are not covered in the UDO.

Regulatory comments:

1. FLOODPLAIN

The Stantec Exhibit #4, Mapped Floodplain, shows the FEMA Floodway and the IDNR Best Available Flood Mapping boundary for the floodway. The floodplain boundary should be used as

the limits of disturbance because it represent the limits of the Base Flood Elevation and the 1-percent-annual-chance flood. A floodplain is the area susceptible to being inundated by floodwaters, and is comprised of the floodway and the floodway fringe. The floodway includes the channel and adjacent overbank areas necessary to effectively convey floodwaters. The floodway fringe are lands outside the floodway, at or below the Base Flood Elevation, that store but do not effectively convey floodwaters. Please redraw this to show the boundary of the floodplain as the limits of disturbance.

2. TREE & FOREST PRESERVATION

The Stantec Exhibit #6, Canopy Estimates shows that the Tree and Forest canopy coverage is incomplete and not depicted properly. There is Tree and Forest Canopy coverage missing in the northeastern block of the site. Is this intended to be the forest cover after the base coverage is calculated and the minimum required vegetation canopy is left, or is this the base coverage? Additionally, it appears the boundary was not measured at ten feet beyond the dripline of the trees as the UDO requires. Please recalculate the Tree and Forest Canopy cover to include the ten feet beyond the drip lines and all closed canopy areas to derive the base coverage. Provide the base coverage acreage and the calculations for getting a final Tree and Forest protection acreage for the trees to be protected in easements. The EC would like to see one illustration with the original tree coverage and all the environmental features on top of each other.

3. PARK & OPEN SPACE

The DO, page 4, (5) reads “Unless expressly stated otherwise in this PUD, to resolve any conflict that might exist, Districts designated PO shall adopt UDO provisions of the PO zoning district.” That is 20.02.030 (b) PO- Parks and Open Space.

The UDO definition for a park is: “A parcel of land available to the public for passive and/or active recreation and is maintained and governed by the Bloomington parks department.” The definition for open space is: “An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas, streams and floodplains, meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, platted lot area, private yards, patio areas, or land scheduled for future development.”

The UDO states that “The PO district is intended to accommodate and protect City-owned parks and open spaces and to limit structures and land uses to those compatible with the City’s management plan for such,” which would be the Parks and Recreation (P&R) Department’s long-term plan. It allows for structures, parking lots, and impervious surfaces. The only exception the EC would agree with would be a paved trail head.

This means the tree and forest areas, riparian buffers, floodplains, and wetlands could all be converted to amenity space for the development, and not actually preserved. These areas need to be protected within easements not as parks and open spaces, but as the environmental features that they are.

The EC understands that the PUD PO District needs to be called a district of some kind, but the Use Table, page 23 of the DO also allows such uses as swimming pools, seasonal sales, special events, EV charging facilities, and solar and wind systems either ground or building mounted. Figure 12 on page 18 also states that the PO district is allowed 10% impervious surface coverage

and that the building setback is 15 feet, which is the same width as for residential lots. The EC believes there is no reason to have a building setback on a lot that is supposed to be preserved. The EC believes the PO District should follow all of the same UDO standards as found in the Environmental and Easement sections for preservation and conservation.

4. PRIVATELY OWNED PARKS

In circumstances where there is a conservation easement along the back of individually-owned lots, the owners usually encroach into it. It has turned out to be a poor idea for homeowners with small lots to own a part of a conservancy easement. The EC recommends that all protected areas be placed in common areas as the UDO directs.

5. DENSITY

The PUD DO, page 19 in Figure 12 shows that all three residential districts are allowed up to 70% impervious surface coverage, and 90% and 95% for the mixed use. The PO district is allowed 10% impervious surface despite supposedly being preserved land. The EC opposes this. Although Bloomington and the EC focus on density, the EC believes that these amounts of impervious surface coverage are too dense for good quality of life and environmental ecosystem services.

The lot size for the R zoning district is 1000 sq. ft. (5000 sq. ft. in UDO). For the lots in RH1 & RH2 the sizes are both 2000 sq. ft. These are awfully small to get a house or other structure on and then to have any kind of greenspace, garden, or play area for single-family dwellings.

For zone R the lot width is 15 ft. wide, (UDO allows for 50 ft.) which means it would be about 66 ft. deep. There are 5 ft. setbacks on each side, a 3 ft. setback on the back, and 5-15 ft. on the front. If the lot is 15 ft. wide minus 10 ft. side setbacks, doesn't that mean the house can only be 5 ft. wide? At 66 ft. deep minus 3 ft. in back, and 15 ft. in the front (making it 15 instead of 5 to accommodate for street trees & sidewalk), the hypothetical house could be 5 ft. by 48 ft. in size. Is this incorrect?

6. LANDSCAPE AREA

Figure 12, page 19, shows that there are no minimum landscape size requirements for **any** of the 6 districts. Can the Petitioner please explain what this means? Additionally, with density and impervious surface coverage so high, it appears there is no way that UDO landscape rules will be able to apply.

7. ACCESSORY USES

The EC believes that the Petitioner should add to the Use Table Figure 13, on page 23, accessory uses including chicken flocks, bee hives, noncommercial greenhouses, home occupations, and recycling drop off or self-serve facilities. Forbidding these uses is too restrictive for homeowners in today's world of sustainability.

8. SURFACE PARKING LOTS

All surface parking lots should contain 'Green Infrastructure' to capture all surface stormwater from the lots before flowing into Clear Creek. Examples include, bioswales, permeable pavement, openings in curbs, infiltration basins, etc.

9. STEEP SLOPE CALCULATION

The steep slope areas depicted on EX-2 show that on the 12-18% slopes, the 50% of slopes that are allowed to be used was calculated incorrectly, according to the UDO. The EX-2 legend states 12-18% slope (approx. 17 acres) = 12% of **total 139-acre site**, therefore the allowable impact = 50% = 8.5 Acres. The UDO states “Any development on slopes between 12 percent and 18 percent shall be allowed a maximum disturbance of 50 percent of the **total slope area**.” It does not allow for using the total acreage of the site to calculate the acreage of slopes that can be disturbed. Slope protection needs to be recalculated.

Additionally, it appears that on some of the slopes that exceed 18% (Excessive Slopes) there are plans for development instead of total protection as the UDO calls for. Please remove those areas from the development design.

10. RIPARIAN BUFFER OMISSION

The Landscape and Open Space Plan shows that some of the riparian buffer in the southern edge of the site is not protected at all.

11. SINKHOLE PROTECTION

In EX-8, Karst Points, some of the sinkholes have not been protected at all and show development over them. Please adjust land-disturbing activities to delineate 35 ft. (25 ft. for the Karst Conservation Easement (KCE) and 10 ft. for construction setback) out from the last closed contour of every sinkhole.

12. NEW SINKHOLE OPENING PLAN

This entire site is riddled with evidence of karst geology. It would be very surprising if a currently-unidentified sinkhole or cave were not exposed during construction activities. This may require the consultation of a 3rd party Certified Professional Geologist (CPG). Please include in the DO the Petitioner’s plan for karst protection in the event a sinkhole or cave is encountered at a later date.

Also, will the Petitioner require sinkhole insurance for all structures?

13. SINKHOLE IDENTIFICATION

Please show an illustration of the contours of all the sinkholes so it may be easily seen where the last closed contours are thought to be.

14. CAVE

There is a reported cave near Arbor Ridge that is not shown. Please address this. Are you sure there are no springs?

Non-regulatory comments:

1. HOME OWNERS ASSOCIATION ALLOWANCES

Many times a Home Owners Association (HOA) is started by the developer, then transferred to the people who have moved there after the subdivision is sufficiently populated. The EC asks that the HOA specifically allows clothes lines, chicken coops, bee hives, solar panels, gardens, tall native plants, and any other environmental accoutrements that homeowners often desire for sustainability.

2. ELECTRIC VEHICLE PARKING CHARGING STATIONS

Even though the Petitioner proposes the same number of electric vehicle (EV) parking sites as required by the UDO, the EC believes they need more. Instead of two EV spaces per fifty regular spaces, the EC suggests four EV spaces per fifty regular spaces.

3. HEAT-PROTECTED BUS STOPS

In an effort to reduce the Urban Heat Island Effect, all bus stops should be covered and have at least one large tree planted on its south or west side to provide shade.

4. RIPARIAN BUFFER MEASUREMENT

The riparian buffers should be measured from the top-of-bank, not the centerline of the stream. The EC realizes the UDO was recently changed to now use the centerline as the way to begin delineating the first edge of a riparian buffer, but the EC believes this is contrary to industry standards and should not be used. There is one stream that bisects the property that is highly incised and if the centerline is used, it will miss much of the protection that the stream and its steep banks require. Measuring from the top of bank won't have much influence on the other creeks on this site. Please recalculate the location of the riparian buffers.