Oct 1, 1997 Ayes: 4 Nays: 4
(No Action Vote)
Oct 15, 1997 Passed: 8-1
(Pom Service)

ORDINANCE 97-38

TO AMEND THE BLOOMINGTON ZONING MAPS FROM RS3.5 TO PUD, AND AMEND THE PRELIMINARY PLAN
Re: 3300 Sare Road (Parcel G)
(Eby Development & Management Co., Petitioner)

WHEREAS, the Common Council adopted Ordinance 95-21 which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning", including the incorporated zoning maps, and repealed Title 21, entitled "Land Use and Development" on May 1, 1995; and

WHEREAS, the Plan Commission has considered this case, PUD-36-97, and recommended that the petitioner, Eby Development & Management Co., be granted PUD designation and preliminary plan approval, and request that the Common Council consider their petition to amend the Bloomington zoning maps from RS3.5 to PUD and approve the preliminary plan;

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

SECTION I. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the preliminary plan be approved and the property be designated a Planned Unit Development. The property is located at 3300 Sare Road (Parcel G) and is further described as follows:

A part of Section 15, Township 8 North, Range 1 West, Monroe County, Indiana, and being more particularly described as follows:

COMMENCING at a PK nail found at the Northeast Quarter of Section 15; thence SOUTH 00 degrees 10 minutes 14 seconds West 1054.06 feet on the east line of said Northeast Quarter; thence NORTH 89 degrees 17 minutes 17 seconds West 403.49 feet to a 5/8" rebar found; thence NORTH 89 degrees 16 minutes 16 seconds West 1169.80 feet on the south line of land of Sherwood Oaks Christian Church (D.R. 429, PG. 326); thence SOUTH 33 degrees 53 minutes 52 seconds West 1269.94 feet on the east line of Cedarwood Subdivision (Plat Cabinet C, Envelope 86) and Rolling Oak at The Stands (Plat Cabinet B, Envelope 358) to a 6 ½" axle; thence SOUTH 55 degrees 56 minutes 37 seconds East 251.29 feet to a 5/8" rebar; thence 316.25 feet on a 2787.69 foot radius tangent curve to the left whose chord bears SOUTH 59 degrees 16 minutes 56 seconds East 316.08 feet to a 5/8" rebar; thence SOUTH 62 degrees 31 minutes 54 seconds East 93.76 feet to a 5/8" rebar; thence SOUTH 11 degrees 19 minutes 28 seconds West 807.53 feet to a 5/8" rebar and being the POINT OF BEGINNING; thence 56.60 feet on a 545.00 foot radius tangent curve to the right whose chord bears SOUTH 58 degrees 14 minutes 54 seconds East 56.57 feet to a 5/8" rebar with cap stamped "SNA"; thence 320.21 feet on a 1598.35 foot radius tangent curve to the right whose chord bears SOUTH 40 degrees 56 minutes 58 seconds West 319.67 feet to a 5/8" rebar with cap stamped "SNA"; thence NORTH 48 degrees 10 minutes 22 seconds West 326.16 feet to a 5/8" rebar stamped "SNA"; thence NORTH 24 degrees 34 minutes 37 seconds East 257.42 feet to a 5/8" rebar with cap stamped "SNA"; thence 106.02 feet on a 545.00 foot radius tangent curve to the right whose chord bears SOUTH 66 degrees 47 minutes 47 seconds East 105.86 feet to the Point of Beginning, containing 2.50 acres, more or less.

SECTION II. The Preliminary Plan shall be attached hereto and made a part thereof.

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 15th day of October, 1997.

ANTHONY PIZZO, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 16th day of October, 1997.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 16 day of October, 1997.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

Requested are two preliminary plan amendments to the Canada Farm Planned Unit Development, the first of which allows for "Convalescent, Nursing, or Rest Homes" as a permitted land use for Parcel G of this PUD; and the second adds 0.2 acres of land zoned RS3.5 to the PUD.

Signed copies to:
Planning
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 97-38 is a true and complete copy of Plan Commission Case Number PUD-36-97 which was given a recommendation of approval by a vote of 6 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on September 8, 1997.

Date: September 9, 1997

Donald F. Hastings, Secretary
Plan Commission

Received by the Common Council Office this ____ day of _____,1997.

Patricia Williams, City Clerk

Appropriation Ordinance #_____ Fiscal Impact Statement #_____ Ordinance Resolution #_____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other_____

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure_____ Emergency_____
Unforseen Need _____ Other_____

Funds Affected by Request:

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

Signature of Controller_____

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

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

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

FILENAME: ORD-CERT.MRG

BLOOMINGTON PLAN COMMISSION
PRELIMINARY REPORT
LOCATION: 3300 Sare Rd.

CASE#: PUD-36-97
DATE : September 8, 1997

PETITIONER:	Name:	Eby Development & Management Co.
	Address:	706 N. Lindenwood Drive, Olathe, KS 66062
COUNSEL:	Name:	Smith Neubecker and Associates
	Address:	4625 E. Morningside Drive, Bloomington

REQUEST: The petitioners are requesting two preliminary plan amendments to the Canada Farm Planned Unit Development (PUD). The first is a preliminary plan amendment to add "Convalescent, Nursing, or Rest Homes" to the approved list of uses for Parcel G of the Canada Farm Planned Unit Development (PUD). The second is an amendment to add 0.2 acres of land zoned RS 3.5 to this parcel. Final plan approval to allow construction of a 42 unit assisted living facility has also been requested. At this time, no subdivision petition has been made. This will be necessary in the future to separate the proposed 2.5 acre assisted living parcel from the remainder of Parcel G. A waiver of second hearing for the PUD amendments has also been requested.

BACKGROUND: This petition, in much the same form, was approved by the Plan Commission at its May 19, 1997 meeting. However, the petition was denied at the Common Council by a 5-4 vote. The dominant concern expressed by the Council centered around the petitioner's proposed utilization of the dwelling unit equivalency (D.U.E) provision. D.U.E's are allowed in multifamily and commercial zoning districts as a mechanism for reducing the density value of efficiency, one bedroom, and two bedroom units. Under the D.U.E provision, three efficiency units have the same density value as one (1) single three bedroom unit. Staff thought the application of D.U.E's for the original request was appropriate given the low impacts of assisted living facilities on traffic generation, parking, and open space consumption. However, council members expressed concern that D.U.E's should be specifically applied to more affordable housing projects, not market rate elderly housing. ***In recognition of this concern, the petitioners have refiled the case minus the D.U.E request.*** With 42 efficiency units being proposed for this project and 96 total units allowed for Parcel G, the remaining 13.5 acres of the parcel are limited to no more than 54 units. Under the original request, the petitioners would have had the right to develop 81 units on the remaining 13.5 acres. A second concern of the Council concerned the project's original design, which placed the parking lot on the front side of the building, rather than to the rear or side. **This petition reflects a revised site plan which moves the building closer to the street and places parking to the side.**

AMENDMENT #1: The first amendment to the Canada Farm PUD would allow the land use "Convalescent, Nursing, or Rest Homes" to be included as a permitted use for the northern 2.5 acres of Parcel G. Parcel G was originally approved for a total of 96

multifamily units at a density of 6 units per acre. Although the proposed density of the assisted living facility is high (42 units on 2.5 acres =16.8 units per acre), there are several mitigating factors. First, the petitioner has now agreed to lose density on the remaining 13.5 acres. Second, efficiency units are being constructed instead of more typical higher bedroom count housing. Third, the specific assisted living use being proposed has proportionately less parking, more greenspace, and lower traffic impacts in comparison with typical multifamily housing.

AMENDMENT #2: The second amendment would authorize the transfer of 0.2 acres of land zoned RS 3.5 into Parcel G of this PUD. This is a very straightforward transaction that is typically performed at staff level. The 0.2 acres is essentially the area of a standard city lot and would be incorporated into the PUD in order to straighten out the west property line of the development. This inclusion of land allows for much greater site planning flexibility The loss of 0.2 acres will not impact the RS 3.5 property. It has yet to be formally subdivided into a single family development.

FINAL PLAN APPROVAL: During the first Plan Commission approval of this project, staff highlighted three key site planning issues that would govern final plan approval. Staff and the petitioner have been working on these issues for several weeks and have resolved all issues to staff satisfaction. The first issue concerned access control onto Sare Rd. Parcel G is a large but shallow parcel with a substantial length of frontage along Sare Rd. With this road having an arterial designation, staff recognizes the need to limit the number of access points on Parcel G in order to achieve maximum traffic flow. Staff's first choice was either a single or shared access point off of Canada Park Drive. However, the combination of a deeply wooded ravine on the south property line, sloping grades from east to west, and the need for maximum handicapped accessibility prevented staff's first access choice. Staff could have opted to recommend approval of a site plan featuring parking along Sare Rd. and access off of Canada Park Drive. However, in order to achieve a more neotraditional design (as supported by the Growth Policies Plan and members of the City Council), buildings have been re-positioned as close to the front setback area as possible. To address the access control issue, staff and petitioner walked the entire length of Parcel G and have determined that there are other opportunities to share access cuts along the larger, central portion of this parcel. The requirement for shared access on the remainder of Parcel G will be a condition of approval for this petition.

A second issue related to the above discussion is project aesthetics. Individual Plan Commissioners and Council members expressed concern that the petitioner's original site plan depicted too much parking along the Sare Rd. They were in favor of more of a village concept featuring parking toward the rear or side setback and the building hugging the front setback area. Given the presence of the wooded ravine and need for handicapped accessibility, it is difficult to completely "hide" the parking in the rear of the property. However, the

petitioner's revised plan definately improves the streetscape of the project. To this point, staff has seen color photographs of the petitioner's proposed building, but not formal architectural elevations. Submittal and staff approval of these elevations will be a condition of approval for this petition.

The final site planning issue originally cited by staff concerns the preservation of the wooded ravine. In order to achieve all of the aesthetic and access goals discussed above, a small amount of tree disturbance is necessary. However, the petitioner's proposed site plan shows good environmental sensitivity. With this approval, staff is recommending that the building extension currently shown on the southwest corner of the structure be relocated elsewhere to insure greater tree preservation.

RECOMMENDATION: Staff recommends approval of this petition, with waiver of second hearing, with the following conditions:

1. Drainage and erosion control design shall be to City Engineering satisfaction. Drainage and erosion control design shall emphasize runoff water quality and protection of the ravine located along the south property line.

2. Staff approval of architectural elevations and final landscaping plan. The petitioner shall also submit the proposed facility layout for staff review. Objectives for staff review shall include integration of outdoor site amenities (supported in the Growth Policies Plan and sound planning practice), such as walking paths, porches and seating areas.

3. Prior to the issuance of any permits, all erosion control and tree protection fencing shall be installed by the petitioner and inspected by staff.

4. Prior to the issuance of a building permit, preliminary/final plat approval is required.

5. Access design of the Sare Rd. entrance shall be to City Engineering satisfaction.

6. Should this land use ever be converted to traditional multifamily usage, the future parking area depicted on the site plan must be constructed.

7. No pole signs are allowed for this development. All signage must be approved by staff.

8. Shared access via Sare Rd. shall be required with future final plans for Parcel G.

MEMORANDUM

TO: Don Hastings

FROM: M. Figg, K. Komisarcik, M. Litwin, M.E. Murphy, D. Rollo, M. Wedekind

DATE: September 8, 1997

SUBJECT: PUD-36-97, Eby Development & Management Company, 3300 Sare Road
Request for final plan approval for a 42-unit assisted care facility known as The Sterling House

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The Planning Subcommittee of the Environmental Commission has reviewed petition and has the following comments on this proposal.

Site This 2.5 acre site is open except on the southern property edge which is boarded by a small tributary to the East Fork of Jackson Creek. This tributary has a narrow strip of forested area on either side of the tributary. This forested area ranges from approximately 15' to 80' wide and consists of a range of mature trees and edge vegetation..

Drainage Easement The forested area along the edge of the tributary functions as a riparian buffer. The Planning Subcommitte recommends that this area be preserved to the maximum extent possible. The Planning Subcommittee recommends that this area including the tributary and the vegetation that boarders it, be included in a drainage easement and/or open space for this parcel.

Erosion Control The Planning Subcommittee recommends that the erosion control for the portions of the Canada Farm PUD that are currently being built (Sare Road, Southern Oaks and Steeplechase) be to staff satisfaction before final plan approval is rendered for this parcel.

Smith Neubecker & Associates, Inc.

Stephen L. Smith P.E., L.S.
President

niel Neubecker L.A.
ect Manager

July 10, 1997

City of Bloomington Plan Commission
c/o Tom Micuda, Planner
P. O. Box 100
Bloomington, IN 47402-0100

RE: Canada Farm Assisted Care Outline Plan Amendment
Sterling House Final Plan Approval

Dear Tom and Plan Commissioners:

We are seeking an outline plan amendment and final plan approval to allow the Sterling House Assisted Care Housing Project to be constructed on Parcel G of the Canada Farm.

Outline Plan Amendment. A planned unit development outline plan amendment is being sought to add two tenths of an acre to Parcel G at a density of 6 units per acre. This two tenths of an acre is being added to square off Parcel G and make it more amenable to this project. We are also seeking an amendment to the outline plan to allow assisted care housing on the northern 2 1/2 acres of the newly defined Parcel G.

It has been well documented by the staff by way of the last two petitions for assisted care that assisted care has less parking needs, less traffic generation, and provides more open space than is required from an equivalent number of typical multi-family apartments. Each efficiency unit in this project will count as one full unit in Area G and thereby reduce the number of units in the balance of Area G.

A legal description of the .2 acre, which is being added to Area G is included with this letter. We are seeking waiver of second hearing since the substance of this petition has previously been heard by the Plan Commission.

Final/Development Plan Approval. We are also seeking final plan approval for the 42 units of assisted care on the northern 2 1/2 acres of Parcel G. With a maximum of 42 units of assisted care constructed, then 54 units will be left on the balance of Parcel G. We understand that approval on the part of the Plan Commission would be contingent upon Council approval of the planned unit development amendment. This petition includes the detail plans and architectural elevations previously submitted. A reduced site plan and a legal description of the 2 1/2 acres are being submitted with this petition. We are also seeking one hearing approval since this is a final plan request.

66

4625 Morningside Drive
Post Office Box 5355
Bloomington, Indiana 47407-5355
Telephone 812 336-6536
FAX 812 336-0513

j:\2377\Corresp. TMicuda.SLS

PUD-36-97
Petitioner's Statment

City of Bloomington Plan Commission
c/o Tom Micuda
July 10, 1997
Page two

Your application and application fee are being submitted with this letter. Proof of notification will be submitted prior to the hearing.

Very truly yours,

Stephen L. Smith
SMITH NEUBECKER & ASSOCIATES, INC.

SLS:vp

Enc: Application Form
Application Fee
Reduced Site Plan
Description of .2 Acre Parcel
Description 2.5 Acre Parcel

cc: File 2377

67

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Eby

DEVELOPMENT & MANAGEMENT CO.

Developers of Assisted Living and
Quality Retirement Communities.

June 13, 1997

Tom Micuda
Bloomington Planning
P.O. Box 100
Bloomington, IN 47402-0100

Dear Tom:

Thank you for the opportunity to explain the benefits of Assisted Living and the industry standards which Sterling House has been instrumental in developing. I have enclosed numerous items which will help educate the Planning Board as well as those persons on your Planning staff. Items for review are brochures from the Assisted Living Facilities Association of America (ALFAA) giving an excellent summary of Assisted Living; brochures from existing Sterling House facilities which Eby Development and Management Company manages, including room dimensions; brochures explaining in more detail the services provided in a Sterling House; a press release dated June 10, 1997 explaining that there are currently 80 operating Sterling Houses and that ground has been broken on the 100th Sterling House project.

Sterling House Corporation is an industry leader in Assisted Living and Eby Development has participated as a franchisee since the early days of the Sterling House concept. Eby Development has the exclusive right to develop Sterling House facilities in Indiana and has chosen Bloomington, Indiana, as the first location in which to build.

In more detail, then, the Bloomington, Indiana, development will be similar to other Sterling House projects. Our project will consist of a 42 unit, one-story building covering approximately 23,000 square feet on a 2.5 acre tract. The rooms are all private locking apartments with a sitting area, kitchenette, bathroom with a walk-in shower, bedroom, and closet. Our common areas, which occupy 40% of the building square footage, are open and nicely furnished with couches, chairs, tables, lamps, and even a stone fireplace. This encourages the socialization which most seniors enjoy, yet often do not have if they are alone in their own home.

The typical resident of a Sterling House is 85 years of age who does not drive and can not totally care for himself or herself. They do not need a nursing facility just assistance with those activities of daily living. Services we provide are assistance with bathing, dressing, medications, ambulatory challenges, incontinence, and dementia problems. These services are determined based on our assessment of the resident and are provided through

68

706 N. Lindenwood Drive ■ Olathe, Kansas 66062

(913) 782-3200

four levels of care. We serve three home cooked meals a day and offer many different activities. Our residents are all private pay. The atmosphere in the Sterling House is warm and cozy, not institutional like a nursing home. We even allow our residents to keep their pets.

Our philosophy is to enhance the quality of life of each resident and to provide services in such a way to promote independence and dignity for each resident with the involvement of the family. The resident may age in place at the Sterling House and will not have to move from one senior housing option to another.

Sterling House is residential in appearance and atmosphere. It is built in a square which makes it easy to get around and the distance from the furthest point to the dining area is minimized. Our courtyard is well landscaped and provides a chance for our residents to be outside, yet still feel safe. The land uses around us are residential. Our residents, family, and guests will come to us from residential neighborhoods. It is our belief that our land use benefits the community as a whole and this neighborhood in particular.

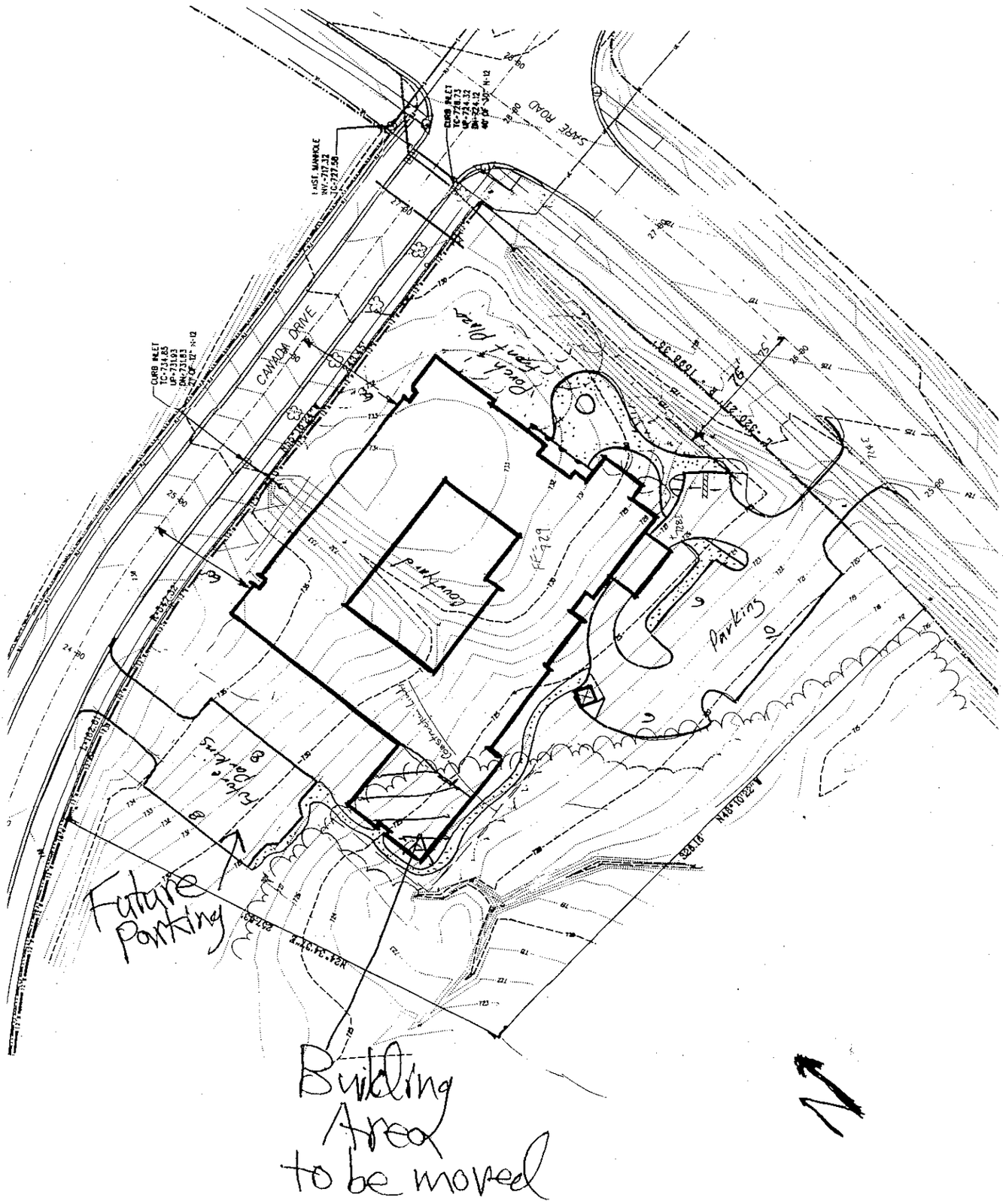
I certainly feel, then, that Sterling House sets the standards for the Assisted Living industry. Hopefully, this information will be helpful to you and your staff. If you need any further information, please call (913) 782-3200.

Respectfully Submitted,

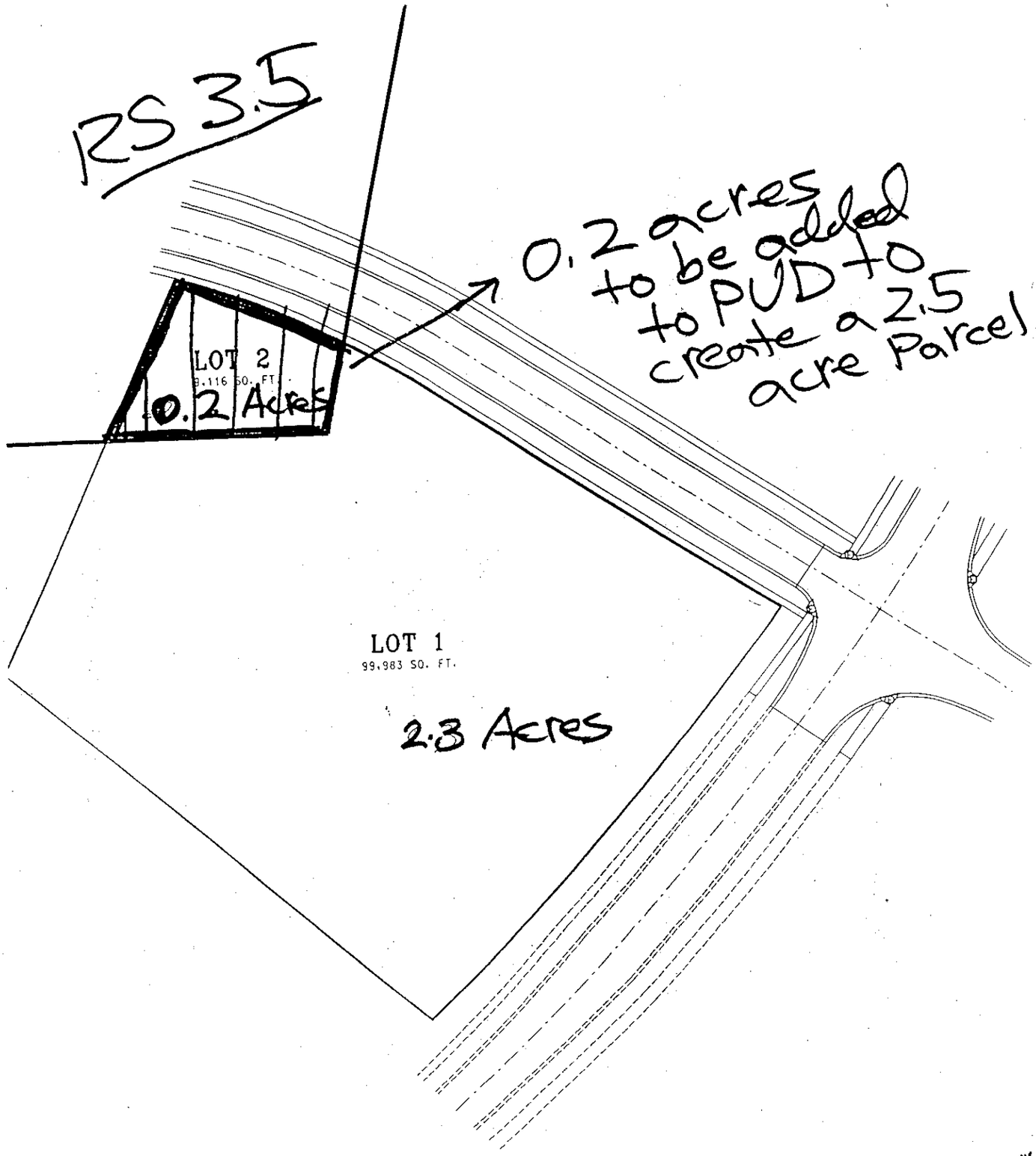
Chad B. Cook
V/P Development

706 N. Lindenwood Drive ■ Olathe, Kansas 66062

(913) 782-3200



PUD-36-97
Site Plan 71



PUD-36-97
Acreage Addition
Exhibit 73

74
PUD-36-97
Sign Elevation