Passed: 5-0

ORDINANCE 94-24

TO AMEND THE BLOOMINGTON ZONING MAPS FROM RS to BL, GRANT PCD DESIGNATION, AND APPROVE OUTLINE PLAN
Re: 821 Anna Lee Lane
(Ben Mitchell, Petitioner)

WHEREAS, the Common Council passed a Zoning Ordinance amendment and adopted new incorporated zoning maps on June 7, 1978 which are now incorporated in Title 20 of the Bloomington Municipal Code; and

WHEREAS, the Plan Commission has considered this case, BL/PCD-26-94 and recommended that the petitioner, Ben Mitchell be granted an amendment to the Bloomington zoning maps, PCD designation, and outline plan approval and request that the Common Council consider their petition;

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 that the zoning be changed from RS to BL for the property located at 821 Anna Lee Lane. That property is further described as follows:

> A part of Seminary Lots Numbers One Hundred Eighty-six (186) and One Hundred Eighty-seven (187) in the East half of Section Six (6), Township Eight (8) North, Range One (1) West, bounded as follows, to-wit: Commencing at a stone Fifty-eight and one-half (58½) feet North of the Southwest corner of said Seminary Lot Number One Hundred Eighty-six (186); thence South Six (6) degrees East Two Hundred Forty-four (244) feet to the North line of the right-of-way of State Road Number 45; (formerly known as the Bloomfield Road); thence in a Northeasterly direction with the meanderings of said roadway One Hundred Fifty-two (152) feet; thence North Forty (40) degrees West One Hundred Eighty-six (186) feet; thence West Fifty-seven and one-half (57½) feet to the place of beginning.

SECTION II. Through the authority of IC 36-7-4 and pursuant to Chapter 20.13 of the Bloomington Municipal Code, that an outline plan be approved and that the property described be designated a PCD.

SECTION III. The Outline Plan shall be attached and made a part of this ordinance.

SECTION IV. 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 3rd day of August, 1994.

Anthony Pizzo, M.D.
JIM SHERMAN, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 4th day of August, 1994.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 4th day of August, 1994.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance approves the rezone of half acre parcel from RS to BL/PCD and the outline plan for a mixed-use low-intensity commercial site located at 821 Anna Lee Lane.

Signed copies to Planning Returned

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 94-24 is a true and complete copy of Plan Commission Case Number BL/PCD-26-94 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on June 6, 1994.

Timothy A. Mueller

Date: June 7, 1994

Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____,

Patricia Williams

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:

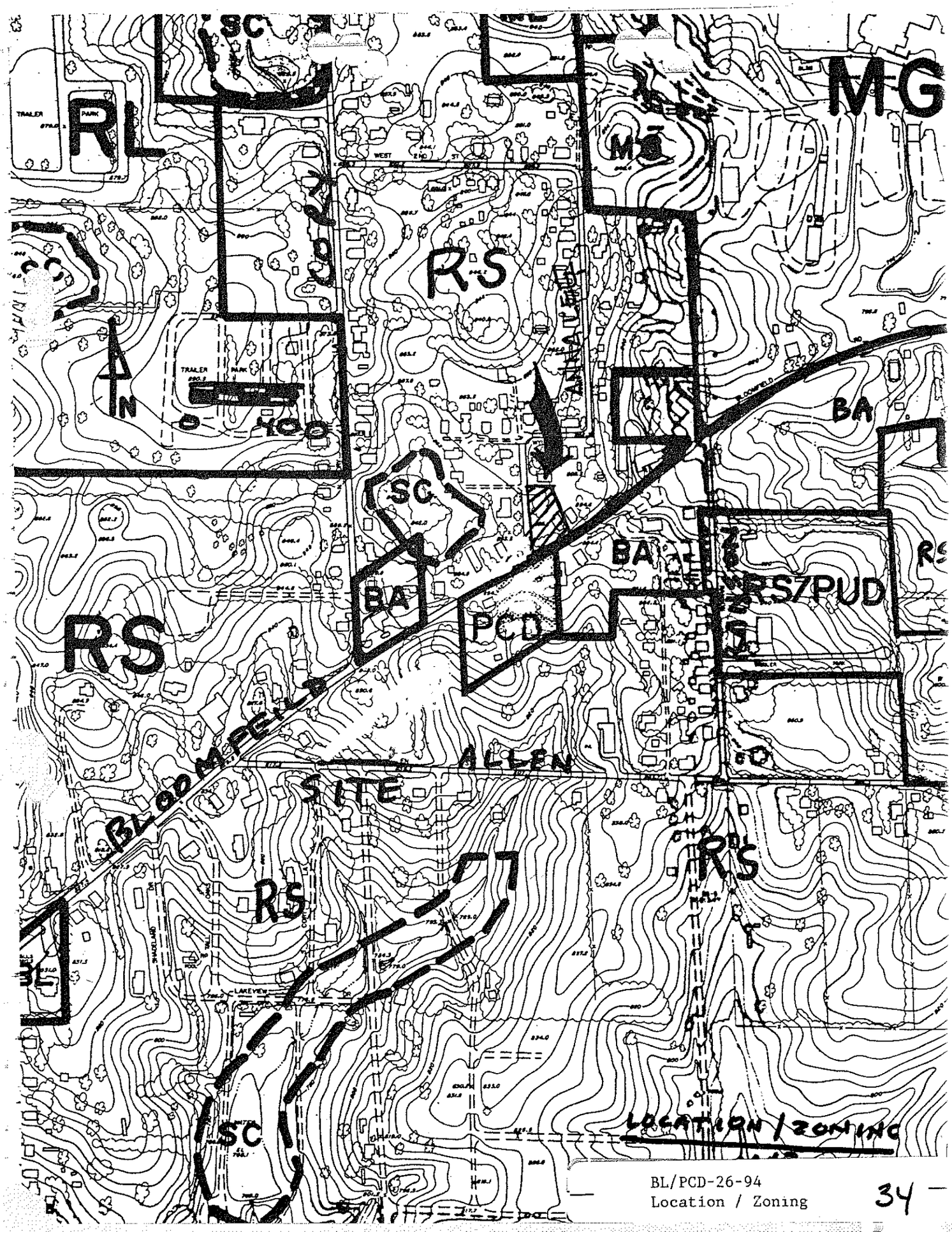
Fund(s) Affected	_____	_____
Fund Balance as of January 1	$_____	$_____
Revenue to Date	_____	_____
Revenue Expected for Rest of year	_____	_____
Appropriations to Date	_____	_____
Unappropriated Balance	_____	_____
Effect of Proposed Legislation (+/-)	_____	_____
Projected Balance	$_____	$_____

Signature of Controller_____

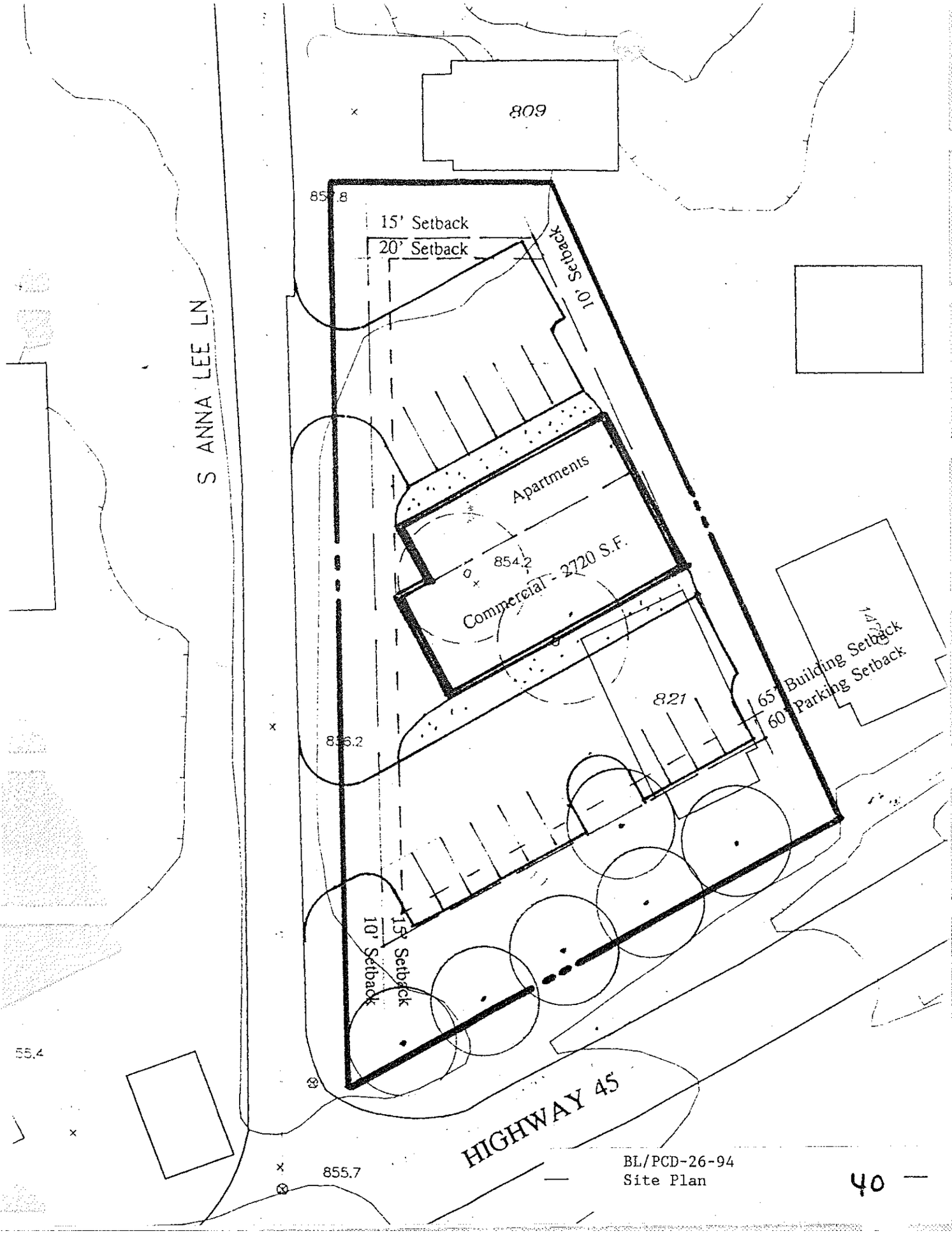
Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues? Yes_____ No_____

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.)



BL/PCD-26-94
Location / Zoning



BL/PCD-26-94
Site Plan

Smith Neubecker & Associates, Inc.

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

Daniel Neubecker L.A.
Project Manager

- PC APPROVAL CERTIFIED 6/7/94
- COUNCIL HAS 90 DAYS TO ACT BEFORE PUD AUTOMATICALLY GOES INTO EFFECT
[8/3/94 LAST REGULAR DATE FOR COUNCIL ACTION]

June 10, 1994

Dan Sherman
Council Attorney
Bloomington Common Council
P. O. Box 100
Bloomington, IN 47402

RE: Ben Mitchell BL/PCD

Dear Dan:

In accordance with our telephone conversation this morning, we are asking that the Council delay hearing Ben Mitchell's BL/PCD at the corner of 2nd Street and Anna Lee Lane. We obviously want to attend the hearings, but have schedule conflicts in late June and early July. We are, therefore, asking that the Council committee hearing for our project be heard at your regularly scheduled meeting on July 27th and that the final hearing be at your regularly scheduled meeting on August 3rd.

We appreciate your understanding of our situation.

Very truly yours,

Stephen L. Smith
SMITH NEUBECKER & ASSOCIATES, INC.

SLS:vp

cc: File
Ben Mitchell

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

BACKUP 94-24

MEMO

To: Common Council
From: Planning Dept.
Case no.: BL/PCD-26-94
Location: 821 Anna Lee Lane
Petitioner: Ben Mitchell
Counsel: Smith Neubecker & Associates, Inc.

On June 6, 1994 the Bloomington Plan Commission approved a request for Rezone, Planned Commercial designation, and Outline Plan Approval of a .5 acre lot from RS to BL/PCD.

The site is currently occupied by a single family house and garage. There are several large trees lining Bloomfield Road and two located in the center of the lot. These trees have been identified as mature silver maples. The site is adjacent to single family residential on its north and east side and commercial uses to the south.

The petitioner is proposing a mixed use, low intensity commercial site. Apartments will be located behind. Access is provided from Anna Lee which is a local street. Entrances for either uses will be separate. Approximately 2720 square feet of business space is anticipated and these uses are largely uses appropriate to the BL zone. The petitioner has been advised that medical office space may create parking difficulties which must be resolved by review at the time that an occupancy permit is granted.

A 50′ right-of-way dedication from the centerline of Bloomfield is required. Anna Lee Lane will require 30′ dedication. This plan will remove two silver maples from the interior of the lot.

Acel/decel lanes will be constructed to match the improvements on the opposite side of the street. Improvements to the other accesses on Anna Lee Lane will be determined at development plan stage. Sidewalks will be constructed on both frontages.

Water is available on this site, however the sewer construction anticipated in the area is not complete at this time. Previous approvals have required sewer service to this area. It has been delayed. Any approval of this site is contingent upon its completion. It is anticipated that provision will be complete by Development Plan approval, and no application will be accepted until completion of the line.

The Growth Policies Plan supports a mixed use concept in order to make the transition from business areas along the corridor to the residential neighborhood to the north and west. The plan for this site provides an opportunity to create a buffer to existing residential properties in anticipation of the steady turn over of residential to commercial use along this corridor as far as Cory Lane.

Approved list of uses for BL/PCD-26-94

apparel
arts and crafts
bakery
bicycle shop
dairy products
drug store, sundry
florist shops
gift shop
hardware
jewelry
variety store
appliance repair
business and professional offices
candy confectionery
personal service
day care center
doctor/dentist office

BL/PCD-26-94

Ben Mitchell
821 Anna Lee Lane
Request for rezone of a .5 acre parcel from RS to BL/PCD and outline plan approval.

Conditions of approval.

1. Variance to the north and east buffers of 15' and 10' respectively.

2. Sewer provisions be completed before occupancy permits will be issued for this site.

3. Improvements along Bloomfield be consistent with improvements required on the south side of the street, design of site entrances to be resolved at development plan stage.

4. Analysis of the need for detention be required at development plan stage.

Smith Neubecker & Associates, Inc.

April 6, 1994

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

Daniel Neubecker L.A.
Project Manager

Bloomington Plan Commission
c/o Tim Mueller, Director
P.O. Box 100
Bloomington IN 47402-0100

RE: Anna Lee Lane Commercial Property

Dear Commissioners:

On behalf of Ben Mitchell, we request the rezoning of an existing parcel of land from RS to BL-PCD. This proposal is based on land use recommendations of the City of Bloomington Growths Policies Plan. The Masterplan identifies this location as "Commercial Containment Property".

The proposed land use is a commercial building in the front portion of this building and residential apartments in the back portion. The combined use allows for commercial opportunities to front on Highway 45 with a positive transition to residential uses to the north.

The approximate size of the project is 0.5 acres and it located at the corner of Highway 45 and Anna Lee Lane. The City regulations require a minimum 5.0 acre parcel for PCD designation, therefore, we are asking for a waiver of this requirement.

The outline plan shows the building location and its relationships to the proposed parking and existing on-site vegetation. The back parking lot is primarily for residential uses with the front parking used for the commercial portions of this building. The separation helps minimize potential conflicts between uses. As part of the PCD designation we have defined setbacks that serve this development properly to give buffer for unlike land uses. Based on the Masterplan, the surrounding land uses are all anticipated to be commercial, therefore, the need for large setbacks and buffers is unwarranted. The following are the proposed setbacks.

Rear Yard	20 feet
Side Yard	10 feet

Setbacks from the right-of-way will be based on distances from road centerlines as defined in the Bulk Height and Density Tables of City Standard Codes. The parking setback from Highway 45 centerline is 60 feet and the building setback from Highway 45 centerline is 65 feet. The parking setback from Anna Lee Drive right-of-way is 10 feet and the building setback is 15 feet.

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

This project fits with the City of Bloomington Growth Policies Plan, therefore it is a worthy addition to the City Urban fabric.

The outline plan drawing, outline plan statement, standard application form and fee, and legal description are being submitted with this letter. Proof of notice to adjacent owners will be submitted prior to the first hearing.

Sincerely,

Michael J. Probst
Smith Neubecker & Associates, Inc.

cc: Ben Mitchell
file 2235

ANNA LEE LANE COMMERCIAL PROPERTY

OUTLINE PLAN STATEMENT
APRIL 8, 1994

This proposed commercial project is a small site that will allow small scale commercial enterprise and allow for rental residential units. This creates a multi-functional project, allowing prime commercial opportunities along Highway 45 with on-site residential buffer. The multiple uses are designed with a minimum of conflicts to the different uses.

SCHEMATIC PLAN

The outline plan drawing shows the critical element of this small planned commercial development. These include:

- Roadway access to S. Anna Lee Lane only.
- Right-of-way dedication along Highway 45.
- Trees to be saved along Highway 45.

PROPOSED LAND USES

This development is intended to provide retail commercial service for the west side of Bloomington. The list is taken from BL uses;

Apparel
Art and Craft
Bakery
Bicycle Shop
Dairy Products
Drug Store, Sundry
Florist Shops
Gift Shop
Hardware
Jewelry
Variety Store
Appliance Repair
Business & Professional Offices
Candy Confectionery
Personal Service
Day Care Center
Director/Dentist Office

TRAFFIC AND ACCESS

To minimize traffic congestion all vehicular traffic will be accessed to Anna Lee Lane instead of a secondary access road onto Highway 45.

PROPERTY SETBACKS

The setbacks requested as part of PCD designation match BL zoning setbacks, and these setbacks are as follows:

Rear Yard Setback:	20'
Side Yard Setback:	10'
Anna Lee Lane Yard Setback (from R/W)	
Building:	15'
Parking:	10'
Highway 45 Yard Setback (from centerline)	
Building:	65'
Parking:	60'

OTHER VARIANCES

Minimum lot area of PCD for this project is 0.5 acres rather than standard 5.0 acres.

BUFFERS AND LANDSCAPING

This project will meet minimum City of Bloomington landscape requirements.

PARKING

The parking provided will be based on the City of Bloomington minimum requirements for proposed land uses.

BLOOMINGTON PLAN COMMISSION
FINAL REPORT
Location: 821 Anna Lee Lane

CASE NO.: BL/PCD-26-94
DATE: June 6, 1994

PETITIONER: Ben Mitchell
Address: Owens Bryan & Reed, 509 East Third St., Bloomington, IN

COUNSEL:
Name : Smith Neubecker & Associates, Inc.
Address: 4625 Morningside Drive, Bloomington, IN 47407-5355

REQUEST: Final Hearing for a request for Rezone, Planned Commercial designation, and Outline Plan Approval of a .5 acre lot from RS to BL/PCD.

EXISTING USE AND DESCRIPTION: The site is currently occupied by a single family house and garage. There are several large trees lining Bloomfield Road and two located in the center of the lot. These trees have been identified as mature silver maples. The site is adjacent to single family residential on its north and east side and commercial uses to the south.

REPORT: The petitioner is proposing a mixed use, low intensity commercial site. Apartments will be located behind. Access is provided from Anna Lee which is a local street. Entrances for either uses will be separate. Approximately 2720 square feet of business space is anticipated and these uses are largely uses appropriate to the BL zone. The petitioner has been advised that medical office space may create parking difficulties which must be resolved by review at the time that an occupancy permit is granted.

The petitioner will require variance from the 30' buffer and variance from access being provided from an arterial street. Both of these are PCD development standards. The petitioner has provided a 10' setback to the east and a 20' to the rear or north.

CRITERIA

20.13.01.19 Variance: In any case where these regulations will cause undue hardship and where the preservation of topographic features requires, or where unique design quality of a development warrant, the plan commission may vary any provisions of these regulations

Staff finds grounds for the buffer variance on the basis of unique design quality. This is a small site, the mixed use character of which is a priority in the Master Plan. Staff supports the variance in order to obtain the land use constraints provided by the PUD process. In a addition, The Plan Commission will review architectural compatibility at the Development Plan stage. The interests of the community are served by retaining the PUD designation, allowing an organized public review of the site plan and granting variance rather than permitting a rezone without these constraints.

ISSUES

R.O.W. DEDICATION: A 50' right-of-way dedication from the centerline of Bloomfield is required. Anna Lee Lane will require 30' dedication.

TREE PRESERVATION: This plan will remove two silver maples from the interior of the lot. The Environmental Commission has reviewed this removal and agreed that the trees are undesirable for this kind of development. Staff continues to review the impact of expected entrance improvements on the six trees lining Bloomfield.

ACCESS: The Engineering Department has reviewed the plan and anticipates that all improvements to Bloomfield will be compatible in design to entrance improvements required by the PCD located directly opposite this site. A suggestion are accel and decel tapers on Bloomfield with additional 25' tapers to the double entrance off Anna Lee Lane. The petitioner will submit a traffic study at the hearing.

LANDSCAPING : A landscape plan will be submitted at development plan stage.

GRADES: The land is quite flat. Staff anticipates little earth disturbance other than in the footprint and parking areas.

DRAINAGE: Calculations will be reviewed during Development Plan. Petitioner is alerted that some modification of the plan may be necessary if detention is required.

SIDEWALKS: Sidewalks are required on both frontages.

UTILITIES: Water is available, however the sewer construction anticipated in the area is not complete at this time. Previous approvals have required sewer service to this area. It has been delayed. Any approval of this site is contingent upon its completion. It is anticipated that provision will be complete by Development Plan approval, and no application will be accepted until completion of the line.

Master Plan Compliance: Staff has encouraged a mixed use concept in order to make the transition from business areas along the corridor to the residential neighborhood to the north and west. The plan for this site provides an opportunity to create a buffer to existing residential properties in anticipation of the steady turn over of residential to commercial use along this corridor as far as Cory Lane.

RECOMMENDATION: Staff recommends approval with the following conditions:

1. Sewer provisions be completed before occupancy permits will be issued for this site.
2. Improvements along Bloomfield be consistent with improvements required on the south side of the street, design of site entrances to be resolved at Development Plan stage.
3. Analysis of the need for detention be required at Development Plan stage.

June 6, 1994

To: Tim Mueller

From: T. Micuda, K. Komisarcik, G. Heise,
M. Wedekind, P. Werner

Subj: BL/PCD-26-94 Ben Mitchell 821 Anna Lee Lane

The site is largely flat and open, which should limit any problems with erosion control and drainage. Landscaping for the reduced setbacks is a development plan issue. At this stage, the only real issue is tree preservation. Eight silver maple trees are located on the property and all are of specimen quality. Most of the maples are along 2nd. St. The petitioner has indicated that all of these maples can be preserved with the help of a notch in the parking area that provides additional room for the northernmost tree. The two interior trees are the largest on the site but our measurements have them both located within the proposed building's footprint. Given the likely root span and brittleness that typically characterize older silver maples, the building's footprint would have to be shifted more than just a few feet to save these two interior trees.

It is our understanding that improvements are being considered for the Anna Lee/2nd St. intersection to correct visability and traffic problems. Improving the intersection may impact the silver maples along 2nd St., and we will comment on that issue at the Plan Commission meeting as details are worked out.

cc. Rod Young