Passed: 8-0

ORDINANCE 98-48

**TO AMEND THE BLOOMINGTON ZONING MAPS
TO EXPAND THE BLOOMINGTON ZONING JURISDICTION
DUE TO ANNEXATION AND TO ASSIGN A ZONING DESIGNATION
Re: 1700, 1701, 1751, 1801, 1900, 1901, 1903, 1921, 1923, & 2001 South Liberty Drive
(City of Bloomington, Petitioner)**

WHEREAS, on February 20, 1986, the Common Council adopted Ordinance 86-09, which designated the property commonly known as Park 37, as a Planned Commercial Development (PCD) and approved an Outline Plan for the development of the site pursuant to Plan Commission case MG/PCD-108-85; and

WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning," including the incorporated zoning maps, and Title 21, entitled "Land Use and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

WHEREAS, subsequently the County asserted zoning authority over this parcel and, pursuant to an interlocal agreement with the City, adopted the previously approved PCD designation and Outline Plan; and

WHEREAS, the City has since taken action to annex portions of this PUD, and desires to include the annexed portions within it's planning and zoning authority and to acknowledge the previously approved PCD and Outline Plan (now referred to as PUD and Preliminary Plan); and

WHEREAS, the Plan Commission has considered this case, ZO-68-98, and recommended that the petitioners, the City of Bloomington, be granted a rezone of the property located at 1700, 1701, 1751, 1801, 1900, 1901, 1903, 1921, 1923, & 2001 South Liberty Drive from County PUD to PUD and also reaffirm the preliminary plan approval; and

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

SECTION 1. Through the authority granted to the City by statute, including IC 36-7-4, and pursuant to provisions of the Bloomington Municipal Code, including Chapters 20.03 and 20.05, the City's zoning jurisdiction shall be expanded to include this recently annexed property and further, that this property shall be designated as a Planned Unit Development and governed by the Preliminary Plan as approved by Ordinance 86-09. The property is located at 1700, 1701, 1751, 1801, 1900, 1901, 1903, 1921, 1923, & 2001 South Liberty Drive and is further described as follows:

A part of the Northeast Quarter of Section 12 and a part of the Southeast Quarter of Section 1, Township 8 North, Range 2 West, Monroe County, Indiana, and being more particularly described as follows:

Beginning at the Northeast corner of said Northeast Quarter; thence South 89 degrees 28 minutes 07 seconds West 80.27 feet on the north line of said quarter section to a northeast corner of Lot 3 in Park 37 and to the POINT OF BEGINNING; thence on the west right-of-way of State Road 37 the following two (2) COURSES: 1) South 0 degrees 06 minutes 44 seconds West 49.95 feet; thence 2) South 47 degrees 12 minutes 10 seconds East 43.27 feet to the west line of Annexation Ordinance Number 95-53; thence on said west line the following six (6) courses: 1) South 10 degrees 04 minutes 26 seconds West 390.03 feet; thence 2) South 39 degrees 26 minutes 33 second West 683.90 feet; thence 3) South 27 degrees 26 minutes 46 seconds West 195.85 feet; thence 4) South 8 degrees 31 minutes 28 seconds East 317.93 feet; thence 5) North 86 degrees 53 minutes 41 seconds West 376.94 feet; thence 6) North 89 degrees 49 minutes 43 seconds West 70.00 feet to the west right-of-way of Liberty Drive; thence on said west right-of-way the following two (2) courses: 1) North 0 degrees 10 minutes 19 seconds West 261.27 feet;

thence 2) 211.04 feet on a 1785.00 feet radius tangent curve to the right whose chord bears North 3 degrees 12 minutes 54 seconds East 210.92 feet to the southeast corner of Lot 2 in Park 37; thence South 89 degrees 28 minutes 58 seconds West 745.08 feet on the south line of said Lot 2 to the southwest corner thereof; thence North 0 degrees 29 minutes 53 seconds East 1037.10 feet on the west line of said Lot 2 and also Lot 5 to the north right-of-way of Constitution Avenue; thence on said north right-of-way the following three (3) courses: 1) 175.49 feet on a 865.97 feet radius non-tangent curve to the right whose chord bears South 84 degrees 43 minutes 31 seconds East 175.19 feet; thence 2) South 78 degrees 55 minutes 12 seconds East 128.10 feet; thence 3) 163.34 feet on a 805.97 feet radius tangent curve to the left whose chord bears South 84 degrees 43 minutes 33 seconds East 163.06 feet to the aforementioned north line of the northeast quarter of Section 12; thence North 89 degrees 28 minutes 08 seconds East 1223.96 feet on said north line to the POINT OF BEGINNING; said described tract containing 40.043 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 and upon annexation of the property.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 18th day of November, 1998.

TIMOTHY MAYER, 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 19th day of November, 1998.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 19 day of November, 1998.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance extends the City's zoning jurisdiction to include the approximately forty (40) acres of recently annexed Park 37 property located on South Liberty Drive and re-establishes the PUD designation and Preliminary Plan previously approved by the Common Council.

Signed copy to:
Planning
County Planning

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 98-48 is a true and complete copy of Plan Commission Case Number ZO-68-98 which was given a recommendation of approval by a vote of 8 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on October 26, 1998.

Date: October 27, 1998

Don Hastings

Donald F. Hastings, Secretary
Plan Commission

Received by the Common Council Office this 27th day of October, 1998.

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.)

FILENAME: ORD-CERT.MRG

To: Common Council
From: Lynne Friedmeyer, Planning Department
Subject: ZO-57-98 (Summit Housing Consortium, Inc.)
Date: October 28, 1998

MEMORANDUM

Summit Housing Consortium, Inc. is requesting a rezone from Limited Commercial (CL) to Multifamily Residential (RM15) for approximately 0.56 acres of land located at 1121-1133 W. 12th Street. This project is proposed on a vacant infill parcel. The parcel fronts on West 12th Street, and is surrounded by Crestmont Housing Development to the west and north, a Seven-Eleven Convenience Store and the Eleventh Street Express carry-out restaurant to the south, and the Indiana University Optometry Clinic to the east. The zoning adjacent to this property is RM15 to the north and west, and CL to the east and south.

Proposed is a seven unit/ one bedroom apartment building for the elderly. The building will be one story and handicapped accessible for all units. This complex is proposed to provide to affordable elderly housing. As a tax credit project, the low rents are guaranteed for a minimum of fifteen years. On October 21, 1998, the Hearing Officer approved a variance for the parking setback or building setback from 12th Street depending on the site plan approved by the Plan Commission.

At the October 5, 1998 preliminary hearing, the Plan Commission expressed only one concern about this project. This concern centered around the location of the proposed apartment building along the property's 12th Street frontage. Several commissioners felt that the apartment building would be more compatible with the surrounding apartment buildings if it were placed forward on the lot toward the street. By placing the building toward the street, the elderly tenants would be able to sit on their front porches in a more traditional neighborhood fashion. However, issues about security of having parking placed on the rear of the site were also raised.

As shown in the exhibit labeled "Alternative Site Plan", staff addressed the Plan Commission's design concerns by shifting the buildings forward on the site, moving the parking to the rear, and modifying the landscaping layout. Both this site plan and the petitioner's preferred site plan (see exhibit labeled "Original Site Plan") have been included in this packet. Staff recommended approval of this rezoning and site plan request, with the provision that the Alternative Site Plan be accepted. However, at the October 26th hearing, new information was brought forth stating that the rear of the apartments accessed through the bedroom of the units. Anyone, parking in the rear to visit or bring in groceries, would enter through the bedroom. Both staff and the Plan Commission agreed that this was not the optimal plan. The original site plan was approved with four conditions of approval (see below).

■

The GPP designates this land "Medium Density Residential". These areas are intended to be developed at between 7 and 12 units per acre with multifamily housing. Access to parks, pathways, sidewalks, and convenience to employment and shopping areas are goals of the GPP for areas designated Medium Density Residential. To this end, the Bloomington Public Transportation Corporation runs the Blue Line bus route along both 11th Street and 13th Street every half hour. The bus stop is approximately one block from this proposed development. In addition, staff is working to assure that sidewalks will be provided along 12th Street to connect to Monroe Street, making an important connection in the sidewalks.

The proposed density of this development is 12.4 units per acre, making it slightly above the recommended 12 units per acre in the GPP. Mitigating circumstances for this slight increase in density are that these units are one bedroom apartments for the elderly. This is unlike many of the multifamily apartments which are multiple bedrooms and allow up to five adults in each unit. This complex will have little traffic impact on the neighborhood.

CONDITIONS OF APPROVAL
CASE # ZO-57-98

On October 26, 1998 the Plan Commission approved the rezone subject to the approval of the original site plan and with the following conditions of approval:

1) The petitioner's drainage design must be approved by the City Engineering Department prior to permit issuance.

2) Prior to issuance of any Certificate of Occupancy, all landscaping and sidewalk installation shall be inspected by City staff. Sidewalk must be extended across both this property and the Indiana University property to the east.

3) No signage is authorized for this development site.

4) All units must be constructed as depicted by the petitioners and described in this staff report.

The Plan Commission vote was 7:1:1 to approve.

Please feel free to call me at 349-3423 should you have questions or need additional information on this matter.

■

BLOOMINGTON PLAN COMMISSION **CASE #: ZO-57-98**
FINAL REPORT **DATE: October 26, 1998**
LOCATION: 1121-1133 W. 12th Street

PETITIONER: Name: Summit Housing Consortium, Inc.
Address: 1007 North Summit, Bloomington, IN 47402

CONSULTANT: Name: Davis Homes, LLC
Address: 3755 E. 82nd Street, Indpls., IN 46240

REQUEST: The petitioner is requesting a rezone from Limited Commercial (CL) to Multifamily Residential (RM15), as well as site plan approval for approximately 0.56 acres of land located at 1121-1133 W. 12th Street.

ISSUES FROM THE PRELIMINARY HEARING: At the October 5, 1998 preliminary hearing, the Plan Commission expressed only one concern about this project. This concern centered around the location of the proposed apartment building along the property's 12th Street frontage. Several commissioners felt that the apartment building would be more compatible with the surrounding apartment buildings if it were placed forward on the lot toward the street. By placing the building toward the street, the elderly tenants would be able to sit on their front porches in a more neotraditional fashion. With this design configuration, the parking would be placed on the rear of the lot. Staff has worked with the petitioner to examine the feasibility of that design. With the original design, a street setback variance was required for the parking. With a more traditional neighborhood site plan, a street setback variance is required for the building. While staff is partial to an alternative, traditional neighborhood design because it is more compatible with the surrounding on-street residential character, the petitioner does not support this concept and has expressed concern for the safety of the elderly people being so close to the street. Another issue for the petitioners is the security of having parking placed on the rear of the site.

As shown in the exhibit labeled "Alternative Site Plan", staff has addressed the Plan Commission's design concerns by shifting the buildings forward on the site, moving the parking to the rear, and modifying the landscaping layout. Both this site plan and the petitioner's preferred site plan (see exhibit labeled "Original Site Plan") have been included in this packet. Staff recommends approval of this rezoning and site plan request, with the provision that the Alternative Site Plan be accepted. Staff does not recommend both the rezoning and site plan approval of the petitioner's layout.

BACKGROUND AND PROPOSAL SUMMARY: This project is proposed on a vacant infill parcel, 0.562 acres in size. The parcel fronts on 12th Street, and is surrounded by Crestmont Housing Development to the west and north, a Seven-

Eleven Convenience Store and the Eleventh Street Express carry-out restaurant to the south, and the Indiana University Optometry Clinic to the east. The zoning adjacent to this property is RM15 to the north and west, and CL to the east and south.

Proposed is a seven unit/ one bedroom apartment building for the elderly. The building will be one story and handicapped accessible for all units. This complex is proposed to provide to affordable elderly housing. As a tax credit project, the low rents are guaranteed for a minimum of fifteen years.

ISSUES:

Growth Policies Plan: The GPP designates this land "Medium Density Residential". These areas are intended to be developed at between 7 and 12 units per acre with multifamily housing. Access to parks, pathways, sidewalks, and convenience to employment and shopping areas are goals of the GPP for areas designated Medium Density Residential. To this end, the Bloomington Public Transportation Corporation runs the Blue Line bus route along both 11th Street and 13th Street every half hour. The bus stop is approximately one block from this proposed development. In addition, staff is working to assure that sidewalks will be provided along 12th Street to connect to Monroe Street, making an important connection in the sidewalks.

The proposed density of this development is 12.4 units per acre, making it slightly above the recommended 12 units per acre in the GPP. Mitigating circumstances for this slight increase in density are that these units are one bedroom apartments for the elderly. This is unlike many of the multifamily apartments which are multiple bedrooms and allow up to five adults in each unit. This complex will have little traffic impact on the neighborhood. The units will be handicapped accessible and limited to a maximum of two adults.

Right-of-way: Twelfth Street at this location is classified as a local thoroughfare. The current right-of-way width of 60 feet matches the required dedication for a rezoning. As a result, no additional right-of-way is required to be dedicated with this rezone.

Parking: The proposed apartment complex totals 7 one-bedroom units. Eleven parking spaces are required for this complex. Eleven parking spaces are illustrated on both plans. Seven of the spaces provided are handicapped parking spaces. A bicycle parking area has been depicted. The parking lot meets all dimensional code requirements.

Height, Bulk, and Density Requirements: Both site plans meet all height, bulk and density requirements with the exception of building/parking setbacks along 12th Street. This encroachment will require setback variance from the 25 foot

requirement prior to construction. In terms of parking lot setbacks in the area, the parking lot directly west of this proposed development, on the Bloomington Housing Authority property, sits approximately 10 feet from the right-of-way line. The parking lot at the Indiana Optometry Clinic sits on the right-of-way line. Variance from this setback will be sought by the petitioner. As stated above, staff would prefer to vary the building setback along 12th Street rather than the parking lot setback.

Access: Both site plans show ingress and egress for the proposed apartments from a single access point along 12th Street. The drive cut will be 24 feet in width and has good sight visibility on both plans.

Environmental Assessment: This half acre parcel has no environmental issues. The property very flat with no karst features, and only two scrub trees near the street. These trees, which are located within two feet of a utility pole, will be removed and replaced with street trees.

Architecture: This proposed one story apartment building will be vinyl siding on the front and rear with brick on both sides. There will be front and back porches with each unit. The front living room windows are a bay window style to bring more light and air to the units. The roof will be a typical shingled roof with gutters and downspouts. Please refer to the architectural elevations.

Signage: The petitioner has stated that no signage will be placed on this small apartment complex, as it is a part of the Bloomington Housing Authority which borders two sides of this development.

Landscaping: Both site plans depict landscaping which meets all code requirements. All plantings will meet minimum size requirements. Street trees along 12th Street will be planted to meet the street tree requirement.

Sidewalks: Five foot wide concrete sidewalks are proposed for the frontage of the property. There is currently a gap in the sidewalk route along Twelfth Street in front of the Indiana University Optometry Clinic. The Housing and Neighborhood Development Department (HAND) has committed to building this missing link of sidewalk on the I.U. property at the same time the sidewalk for this proposed project is constructed.

Drainage: The drainage calculations have been received by the City Engineer and must be approved prior to permit issuance.

Utilities: All utility services are available in the area.

RECOMMENDATION: Based on the written findings above, staff recommends approval of this rezone and the Alternative Site Plan only with the following conditions of approval:

1) The petitioner's drainage design must be approved by the City Engineering Department prior to permit issuance.

2) Prior to issuance of any Certificate of Occupancy, all landscaping and sidewalk installation shall be inspected by City staff. Sidewalk must be extended across both this property and the Indiana University property to the east.

3) No signage is authorized for this development site.

4) All units must be constructed as depicted by the petitioners and described in this staff report.

5) No permits for the site plan shall be considered without prior setback variance approval.

Davis
HOMES, LLC

VIA FACSIMILE – (812) 349-3535

October 13, 1998

J. Lynn Friedmeyer, AICP
Bloomington Planning Department
Showers Center City Hall
401 North Morton Street
P.O. Box 100
Bloomington, Indiana 47402

RE: Summit View Development
Site Plan

Dear Lynn:

I have attached a revised site plan of the elderly housing component of the Summit View development. Stu Huckelberry, of our development department has attempted to layout this structure on the specific site in several different positions, however, because of the design of the structure itself, it is nearly impossible to accommodate the parking at the rear of the building. The attached site plan represents our best effort in placing the parking at the rear.

As you can see by this site plan, the distance from the west edge of the parking drive to the property line is only 5" and the parking lot at the rear would set within 15' of the rear property line. The building itself, on the east would only have a setback from the property line of 8'.

It would be our desire to continue with the site plan that was provided as part of our original zoning application. We feel that the building layout would be more conducive by allowing more distance between the building and the property lines.

Based on this review, as we stated above, we would respectfully request that our original site plan be considered for the variance of the development standards as related to the parking area setbacks. We would like to place the parking area of the development at the front of the building as originally proposed, and by doing such, the parking area would encroach into the setback limits of the development standards.

3755 East 82nd Street, Suite 120 Indianapolis, Indiana 46240 (317) 595-2800

ZO-57-98
Petitioner's
Statement (42)

In addition, as you are aware, it was requested that we modify our landscape plan by inter-mixing the proposed pine trees along 12th street with the maples that were proposed at the rear. We are in the process of modifying the landscape plan to accommodate this request and upon completion, I will forward to your attention the revised landscape plan for your review and approval.

If you should have any questions regarding the matters hereof, [please contact either Stu Huckelberry or me at (317) 595-2809.

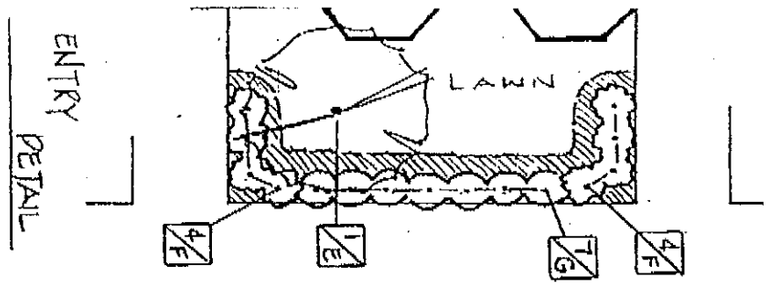
Sincerely,

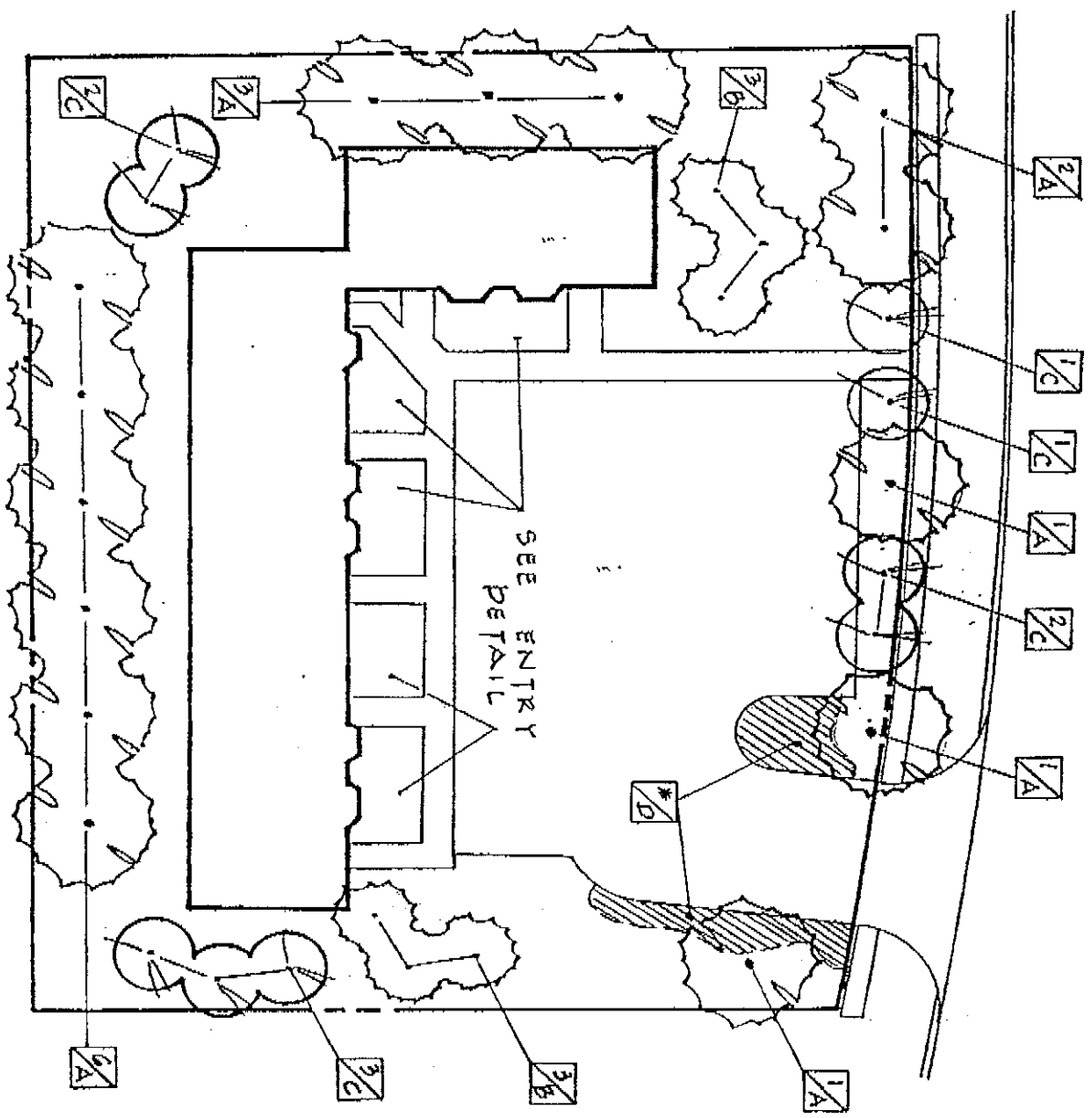
Bill

Bill Parrish

Attachment

cc: Stu Huckelberry, Davis Homes, LLC
Darryl Marshall, Summit Housing Consortium, Inc.



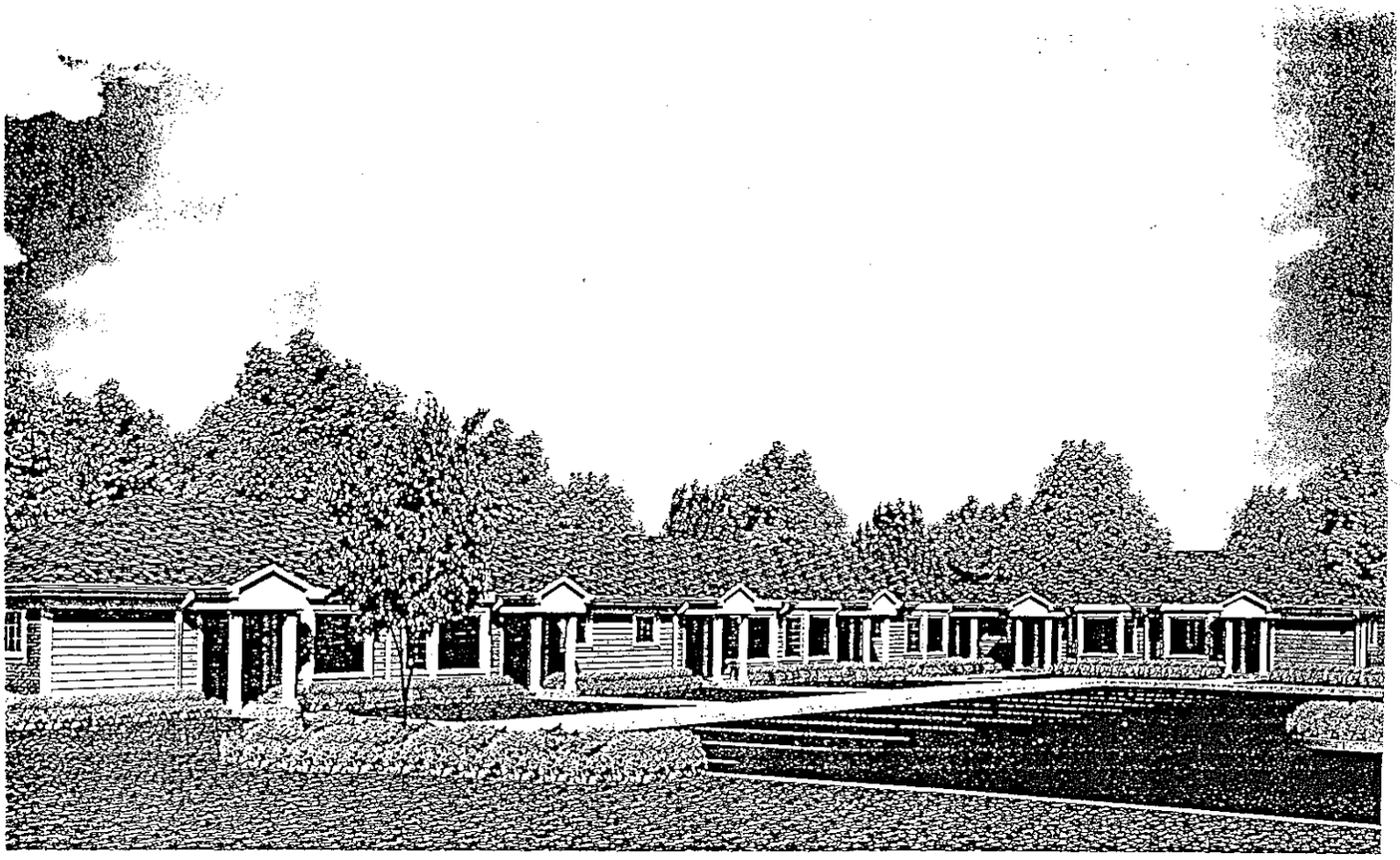


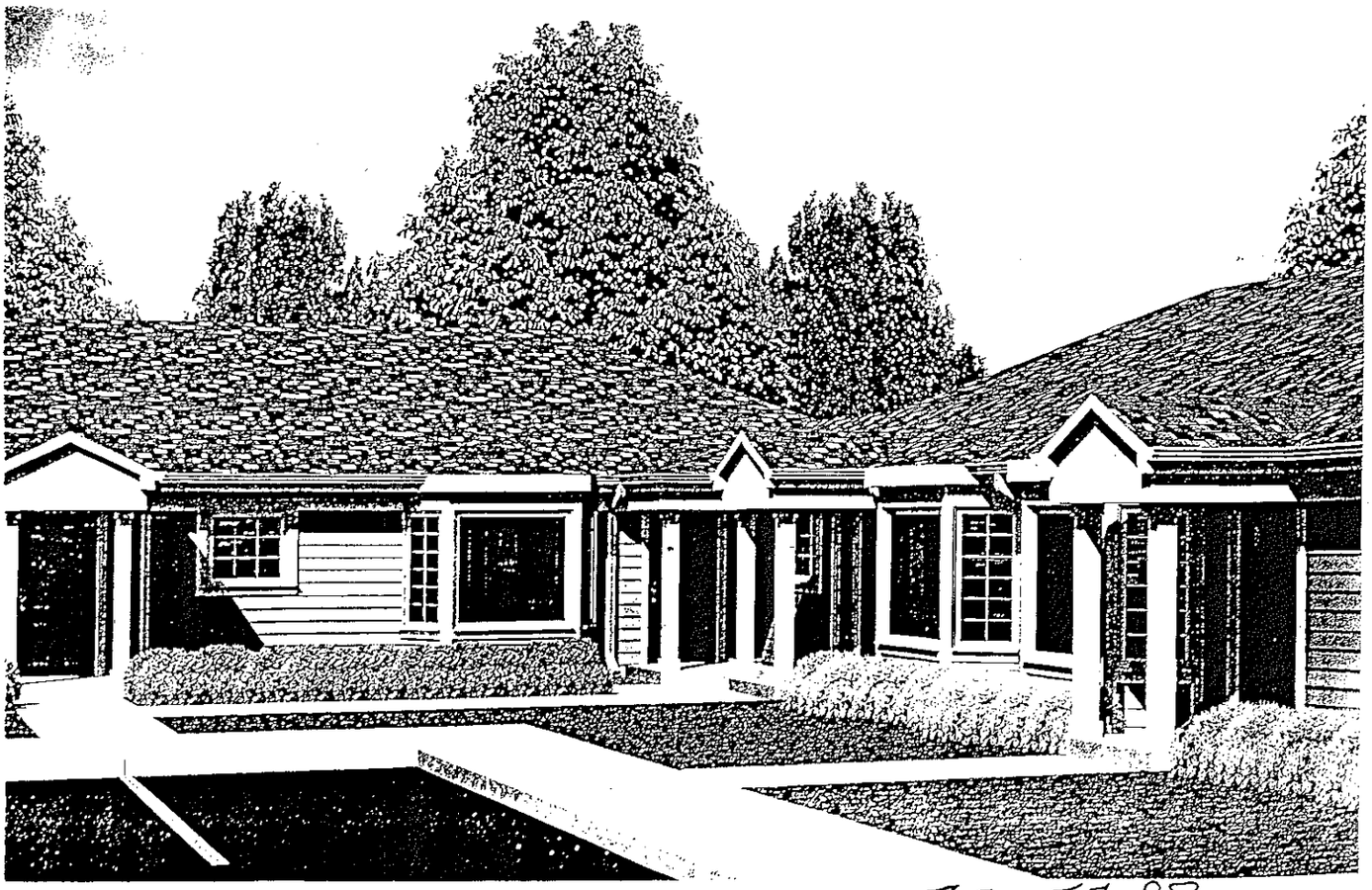
PLANTING SCHEDULE

ID	Botanical Name	Common Name	Size	Quantity
A	Acer rubrum	Red Sunset Maple	2"cal.	14
B	Malus species	Snowdrift Crabapple	1.5" cal.	6
C	Pinus nigra	Austrian Pine	6'	9
D	Juniperis horizontalis	Andorra Juniper	24"	68
E	Magnolia stellata	Star Magnolia	1.5"cal.	5
F	Taxus species	Hicksii Yew	24"	40

Summitt View	**LANDSCAPE PLAN**	Revised 10-15-98

ZO-57-98
Original Site (45)





ZO-57-98
Architectural (47)