

1st READING: 9/16/89  
COMMITTEE: 9/13/89  
O.P. 6-0-1  
2ND READING: 9/20/89  
PASSED: 6-0-1

ORDINANCE 89 - 41  
To Amend the Zoning Maps from RH to BL and  
To Grant Outline Plan Approval and Designate PCD/PUD  
RE: The Southeast Corner of Pete Ellis Drive and John Hinkle Place  
(R. Istrabadi and C. Curry)

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, PUD/PCD-54-89, and recommended that the petitioners, Istrabadi and Curry, be granted an amendment to the Bloomington zoning maps and request that the Common Council consider their petition for rezoning of certain property.

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 RH to BL for property located at the southeast corner of Pete Ellis Drive and, and more particularly described as follows:

A part of the southwest quarter of Section 35, Township 9 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Beginning at the intersection of north right-of-way of the Illinois Central Gulf Railroad and the east right-of-way of Pete Ellis Drive; thence NORTH 12 degrees 50 minutes 59 seconds EAST along said east right-of-way 275.00 feet; thence leaving said right-of-way SOUTH 77 degrees 09 minutes 01 seconds EAST 27.0 feet to a tangent curve to the left the radius which bears NORTH 12 degrees 50 minutes 59 seconds EAST 350.00 feet through a central angle of 22 degrees 20 minutes 02 seconds EAST thence along said curve 136.43 feet; thence SOUTH 10 degrees 22 minutes 47 seconds WEST 301.67 feet to the north right-of-way of said Illinois Central Gulf Railroad; thence NORTH 77 degrees 06 minutes 26 seconds WEST along said right-of-way 173.0 feet to the point of beginning, containing 1.08 acres, more or less.

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 including the parcel described above be designated a Planned Commercial Development. The property is further described as follows:

A part of the southwest quarter of Section 35, Township 9 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Beginning at the intersection of north right-of-way of the Illinois Central Gulf Railroad and the east right-of-way of Pete Ellis Drive; thence NORTH 12 degrees 50 minutes 59 seconds EAST along said east right-of-way 275.00 feet; thence leaving said right-of-way SOUTH 77 degrees 09 minutes 01 seconds EAST 27.0 feet to a tangent curve to the left the radius which bears NORTH 12 degrees 50 minutes 59 seconds EAST 350.00 feet through a central angle of 25 degrees 38 minutes 32 seconds EAST thence along said curve 156.64 feet; thence NORTH 77 degrees 12 minutes 25 seconds EAST 100.05 feet; thence SOUTH 15 degrees 03 minutes 57 seconds WEST 353.22 feet to the north right-of-way of said railroad; thence NORTH 77 degrees 06 minutes 26 seconds WEST along said right-of-way 255.0 feet to the point of beginning, containing 1.80 acres, more or less.

SECTION III. 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 property located directly east of the parcel described above be designated a Planned Unit Development. The property is further described as follows:

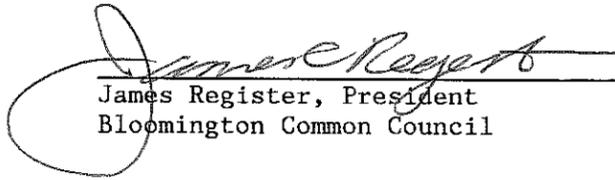
A part of the southwest quarter of Section 35, Township 9 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

COMMENCING at the intersection of north right-of-way of the Illinois Central Gulf Railroad and the east right-of-way of Pete Ellis Drive; thence SOUTH 77 degrees 06 minutes 26 seconds EAST 255.0 feet to the point of beginning; thence NORTH 15 degrees 03 minutes 57 seconds EAST 353.22 feet to a nontangent curve to the right the radius which bears SOUTH 12 degrees 47 minutes 35 seconds EAST 173.28 feet through a central angle of 60 degrees 50 minutes 14 seconds; thence along said curve 183.99 feet; thence SOUTH 41 degrees 55 minutes 07 seconds EAST 141.70 feet to a tangent curve to the left the radius which bears NORTH 48 degrees 04 minutes 53 seconds EAST 354.05 feet through a central angle of 35 degrees 30 minutes 43 seconds; thence along said curve 219.44 feet; thence SOUTH 00 degrees 37 minutes 09 seconds EAST 197.61 feet to the north right-of-way of said Illinois Central Gulf Railroad; thence NORTH 77 degrees 06 minutes 26 seconds WEST along said right-of-way 56.27 feet to the point of beginning containing 3.41 acres, more or less.

SECTION IV. The Outline Plans, as recommended by the Plan Commission, shall be as attached hereto and made a part hereof.

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

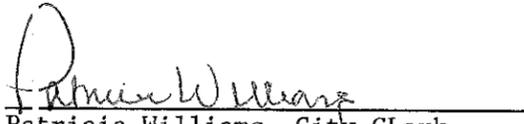
PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 20<sup>TH</sup> day of SEPTEMBER, 1989.

  
James Register, President  
Bloomington Common Council

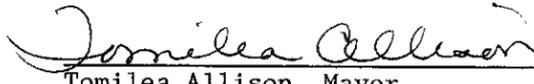
ATTEST:

  
Patricia Williams, City Clerk  
James McNamara, Deputy Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21 day of September, 1989.

  
Patricia Williams, City Clerk  
James McNamara, Deputy Clerk

SIGNED and APPROVED by me upon this 22 day of September, 1989.

  
Tomilea Allison, Mayor  
City of Bloomington

SYNOPSIS

This ordinance rezones 60% of the 1.8 acre parcel at the southeast corner of Pete Ellis Drive and John Hinkle Place from RH to BL, designates the entire 1.8 acres as a Planned Commercial Development, and approves an outline plan for offices. It also designates the 3.4 acre parcel directly to the east as a Planned Unit Development, and approves an outline plan for 120 suites for the elderly, with common dining facilities.

*Copies to Planning  
Petitioner - STEPHEN SMITH*

\*\*\*ORDINANCE CERTIFICATION\*\*\*

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 89-41, is a true and complete copy of Plan Commission Case Number PUD/PCD-54-89 which was given a recommendation of approval by a vote of 8 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on August 21, 1989,

Timothy A. Mueller  
Tim Mueller, Director  
Plan Commission

Date: August 28, 1989

Received by the Common Council Office this 29<sup>th</sup> day of AUGUST, 1989.

James McNamara  
Patricia Williams, City Clerk  
JAMES MCNAMARA, DEPUTY

Appropriation Ordinance # \_\_\_\_\_ Fiscal Impact Statement # \_\_\_\_\_ Resolution# \_\_\_\_\_  
Ordinance

Type of Legislation:

Appropriation _____	End of Program _____	Penal Ordinance _____
Budget Transfer _____	New Program _____	Grant Approval _____
Salary Change _____	Bonding _____	Administrative Change _____
Zoning Change <u>XX</u>	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 \_\_\_\_\_  
Unforeseen 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 XX

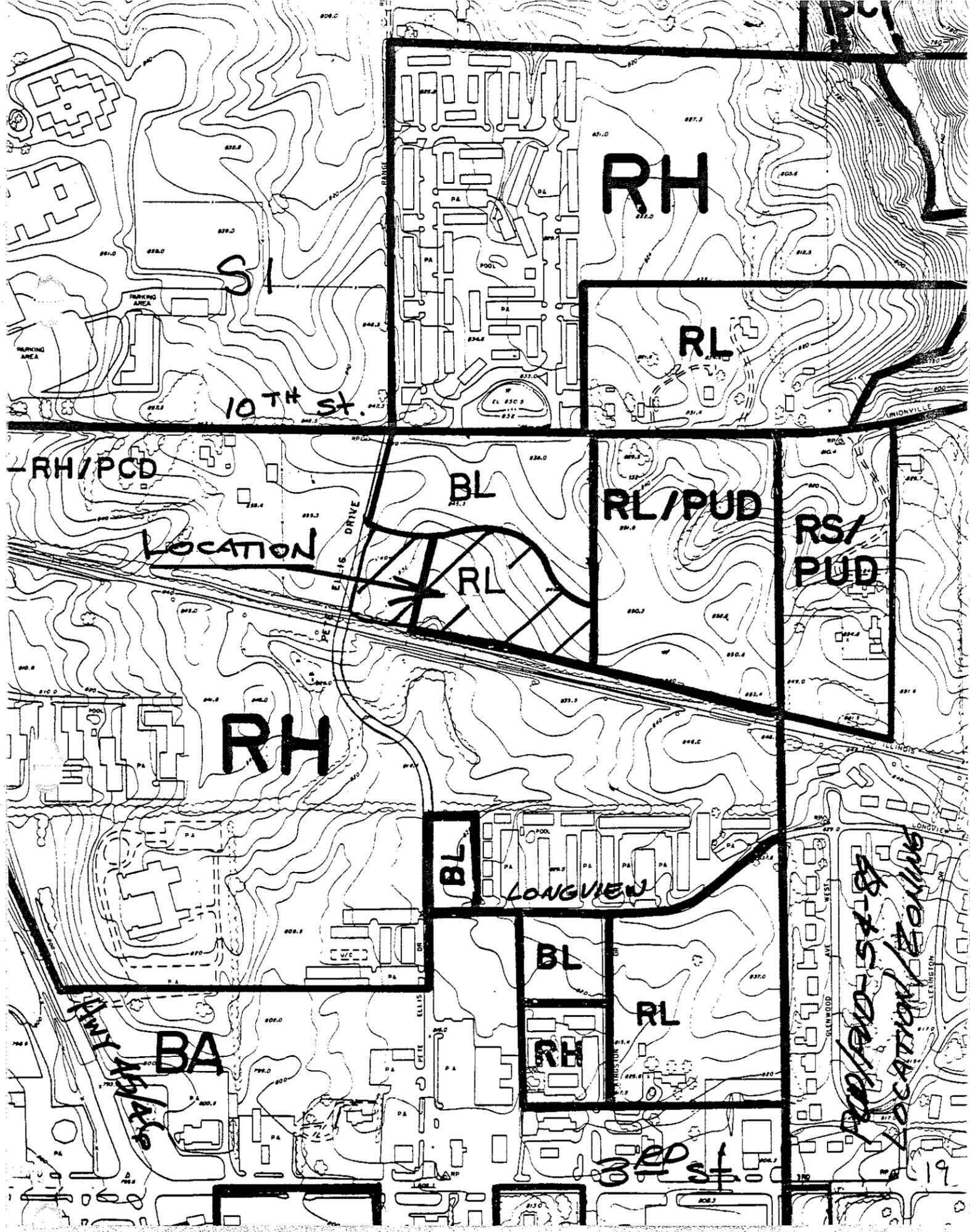
If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

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)

Agency submitting legislation \_\_\_\_\_ Planning Department

By Timothy Mueller Date August 28, 1989





Bloomington Plan Commission  
Final Report  
Istrabadi/Curry -- PCD/PUD-54-89  
Subdivision, Outline Plan, PUD & PCD

August 21, 1989

This request involves three components:

(1) Subdivision of the 5.22 acre tract into three parcels:

- A: 3.44 acres adjacent to Woodbridge II, for retirement suites
- B: .9 acres adjacent to A for offices and shops
- C: .9 acres at corner for offices and shops

There are no subdivision problems. The abutting streets are existing and the parcel configurations consistent with permitted and proposed uses. The only new infrastructure involved is sidewalk on all frontage.

(2) PUD designation of the RL zoned parcel A and outline plan approval of a 105 suite residential complex for the elderly.

Section 20.13.01.08 of the zoning code provides that an outline plan may be approved if it is consistent with the general plan and is an effective and unified treatment of the development possibilities of the site, and meets the specific criteria for planned unit development.

The 1969 plan shows the area as multi-family and research park, with the area of this site, the post office, and Woodbridge II as the latter. We can interpret the concept of the research park as voided by the subsequent comprehensive zoning of the area as multi-family. The proposal is consistent with the multi-family objective and is an effective and unified response to the site and surroundings.

Specific criteria will require variance. The Plan Commission may vary the specific criteria:

20.13.01.19 Variance. In any case where these regulations will cause an 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.

The staff finds that the proposal, in terms of the specific elderly tenancy and their reduced intensity of use, warrants variance based on "unique design quality." The variances are:

Density maximum in RL zone is 15 units/acre, or 51 for this 3.44 acre site. Proposed are 43.6 suites/acre. While not specifically apartments, the suites are not addressed in the regulations. The variance should be granted only for kitchenless suites limited to senior citizens. If that use ceases, then the 15 unit/acre maximum for RL/PUD would apply to the adaptive reuse.

parking per the recent code changes, efficiency apartments require 1 parking space. Assuming that ratio to be appropriate for these suites, the requirement would be 103 plus employee spaces. 60 spaces are proposed (.6 per suite). Data from similar projects supports this ratio. Variance is warranted on the same basis previously cited, on condition that development plans show area reserved for a 1:1 plus employees ratio, and that the commission reserve the right to demand that the reserved parking area be developed if needed to accommodate the project's demand.

(3) The two .9 acre parcels "B" and "C" would be rezoned from RH to BL to enable PCD designation and approval of an outline plan for offices and retail shops. The code requires that at least 60% of an office park be in a B zone. Staff recommends that 60% of the sites be zoned BL and that the entire 1.8 acres be designated a planned commercial development. Staff supports the inclusion of professional offices in the plan as a reasonable extension of the medical uses permitted under current zoning and a reasonable use given the post office and Pete Ellis Drive's collector status. However, staff recommends against the proposed retail shops, despite the limits proposed by the petitioner (included in packet). The constraints strike the staff as splitting hairs to sustain a land use that would not be supported in general. To do this in general would create quite an administrative burden as such approvals accumulated over the years. The limits would be difficult to enforce since occupancy of space after initial construction's final inspections generally takes place without review or permit. Further, a significant proportion of proposals do not materialize in their initial format.

As discussed for the retirement suites, plan compliance is open to interpretation and staff finds this acceptable given the already permitted medical offices and the existing post office (exempt from local regulation). The proposal is an effective and unified treatment of site and surroundings.

One variance is required, from the 5 acre minimum PCD site. Staff favors the variance based on the unique design quality: merely extrapolates already permitted office use; relates well to surroundings; good architectural design; integrated with retirement suite project.

SUMMARY OF RECOMMENDATIONS:

1. Approved subdivision, sidewalks required, all frontages.
2. PUD designation and outline plan approval on Parcel A with density & parking variance with conditions:
  - a. density variance applies only to kitchenless suites for senior citizens
  - b. 1:1 plus employee parking to be shown as reserved on development plans and provided upon city demand if needed.
3. Rezoning of 1.1 acre RH to BL, designation of 1.8 acres, parcel "B" & "C", as PCD, approval of outline plan for medical and professional offices. Requested retail uses should be excluded. Variance from 5 acre PCD parcel minimum.

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August 7, 1989

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

Terrell Quillman  
Vice President

David Neubecker L.A.  
Project Manager

Ben Bledsoe L.S.  
Surveyor Manager

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

RE: PCD/PUD-54-89 Pete Ellis at John Hinkle Place

Dear Commissioners:

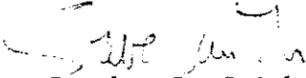
This letter is intended to clarify the commercial element of our proposed BL/PCD. The intent with the retail commercial in the BL portion of this project is to provide services to the nearby residential developments. We are proposing professional offices with some retail space. The retail space is to be contained within the office structure, thereby having an office type architecture rather than a traditional retail strip center look. It is not intended to have an arterial business appearance.

To guarantee the complimentary nature of the retail element of this proposal, we are proposing specific controls as a part of the PCD.

1. A maximum of 30% of the building space could be used for retail/commercial.
2. Each structure would include space for office use.
3. Each retail user will be limited to approximately 2,000 square feet.
4. The retail use would be intended to attract the neighboring tenants and not mortorists from other parts of town. The retail shall be integrated within the office structure and have an office building architecture that is compatible with the retirement housing architecture. The architectural concept of the retirement housing project will be submitted prior to the final hearing for outline plan.

We believe that the retail component of our proposal is a desirable and compatible element within this neighborhood.

Very truly yours,

  
Stephen L. Smith  
Engineer PCD/PUD 54-89

PETITIONER'S Statement  
PCD/PUD 54-89

cc: file 1438  
Cliff Curry  
Jim Register  
R. Istrabadi

4625 Morningside Drive  
Post Office Box 155  
Bloomington, Indiana 47402  
Telephone 812 336-6536  
FAX 812 336-0513

8541 Bash Street  
Suite 102  
Indianapolis, Indiana 46250  
Telephone 317 841-9102  
FAX 317 841-9120

July 18, 1989

City of Bloomington  
Plan Commission and  
Board of Zoning Appeals  
PO Box 100, Municipal Building  
Bloomington IN 47402

To assist you in your review, we have prepared the following summary.

CONCEPT

The Retirement Residence is a 105 suite facility for the elderly. Our concept is designed for those who are still ambulatory, but in need of some support. Private rooms afford the advantages of independent living while the services included provide support, security and friendship. The private suites include studio, one and two bedroom versions. Each is similar to an apartment except a kitchen is not included.

Services include three prepared meals daily, housekeeping, laundering, private bus transportation and various activities. Staff are "in house" 24 hours a day. The monthly rent payment covers the private room, all services and utilities.

Typically our resident will be a single person in their late 70's or 80's. Approximately 10% of the rooms will be rented by couples making a total building population of 116. Fewer than 25% of the residents will be driving their own cars.

SITE DESIGN

Neighborhood compatibility is achieved in the site planning and building design. The wing ends and building center step down from three to one story which provides for privacy and a gentle change of scale. Care was taken to minimize the impact to the existing community.

The site is to be extensively landscaped. Usable outdoor spaces include extensive lawn and a partially covered patio off the craft and exercise rooms. There are paths which connect all exits from the building to provide walking areas for the residents.

OFFICE 47, HIGH SE PO BOX 47 SALEM, OREGON 97308-0047 (503) 399-1090 FAX (503) 399-0565

Vehicle access is proposed from John Hinkle Place. We have provided parking for 60 cars. (Our experience indicates an average need for one space for each four rooms or 26 spaces in this case.)

BUILDING DESIGN

The building construction will be wood frame with brick and wood siding.

The building interior design has common areas for a variety of uses. There is a common dining room, beauty shop, crafts room, tv room, lounges and exercise room. The circulation is organized around a central atrium.

Each room will be connected to the manager with both emergency pull cords and voice communications. The building will be fully fire sprinklered.

I am enclosing data gathered from our experience with our projects. If you have questions or need additional information, please do not hesitate to contact us.

Sincerely,

*Clifford Curry*  
Clifford Curry

PLANNED DEVELOPMENT

PETE ELLIS DRIVE & JOHN HINKLE PLACE

BLOOMINGTON, INDIANA

TRACT "A"	3.44 ACRES
TRACT "B"	.90 ACRES
TRACT "C"	.90 ACRES
TOTAL SITE:	5.24 ACRES

THE THREE PROPOSED BUILDINGS ON THE 5.24 ACRE SITE ARE PARTS OF AN OVERALL PLAN OF COMPLIMENTARY USES AND SERVICES FOR THIS SITE AND ADJACENT RESIDENTIAL DEVELOPMENTS. THE RETIREMENT FACILITY WILL BRING A LOW IMPACT RESIDENTIAL USE ADJACENT TO THE WOODBRIDGE APARTMENTS, WOODBRIDGE POST OFFICE AND ILLINOIS CENTRAL RAILROAD. THE PROFESSIONAL OFFICES AND POSSIBLE SMALL RETAIL COMPONENT WOULD OFFER MEDICAL, DENTAL, LEGAL, ACCOUNTING, OR OTHER PROFESSIONAL SERVICES WITH THE POSSIBILITY OF A NEIGHBORHOOD STORE.

TRACT "A" -- RL TO RL/PUD

PUD DESIGNATION REQUESTED ON EXISTING RL ZONING. PETITION PLANS 105 SUITES IN SINGLE BUILDING RETIREMENT COMMUNITY WITH COMMON KITCHEN AND DINING ROOM FACILITIES AND SHUTTLE SERVICE. PETITIONER SHALL SUPPLY PARKING DATA TO SUPPORT REQUESTED .6 SPACES PER SUITE.

TRACTS "B" AND "C" -- RH TO BL/PCD

THE PLAN WOULD CALL FOR EXPANSION OF ALLOWED RH USES OF MEDICAL/DENTAL OFFICES TO INCLUDE OTHER PROFESSIONAL OFFICES AND SERVICES. THE OFFICE BUILDINGS WOULD BE UP TO 10,000 SQUARE FEET ON TRACT "B" AND UP TO 4000 SQUARE FEET ON TRACT "C". PETITIONERS REQUEST INCLUSION OF RH "SPECIAL EXCEPTIONS" USES OF BAKERY, DRUGSTORES, SUNDRIES, FLORIST, GROCERS AND BOOKSTORES FOR THE CORNER LOCATION AS A PART OF THE 4000 SQUARE FEET BUILDING ON TRACT "C".

*PCD/PUD-54-89*  
*Petitioners'*  
*Statement*

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