

1st: 5/16
COMMITTEE: 5/25 D.P. 5-1
FINAL: 6/6 7-1 (PS)

ORDINANCE 90 - 22

To Amend the Zoning Maps from H to ML and RF to UF
and To Grant Outline Plan Approval and Designate PCD

Re: Property located at the Southwest Corner of S. Walnut St. and Country Club Dr.
(Wininger/Stolberg Group)

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, PCD-30-90, and recommended that the petitioner, Wininger/Stolberg Group, be granted an amendment to the Bloomington zoning maps and outline plan approval and PCD designation and request that the Common Council consider the petition for change of zoning, outline plan approval and PCD designation on 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 H to ML for property located at 105 Country Club Drive, and more particularly described as follows:

A part of the West half of the Northwest quarter of Section 16, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows.

Beginning at the Northeast corner of the Northwest quarter of the Northwest quarter of Section 16, Township 8 North, Range 1 West; said point being on the centerline of Country Club Road for a distance of Two Hundred (200) feet, thence South for a distance of Three Hundred (300) feet, thence East Two Hundred (200) feet to a point on the East line of the Northwest quarter of the Northwest quarter of said section line for Three Hundred (300) feet and to the point of beginning.

SECTION II. Through the authority of IC-36-7-4 that the zoning be changed from RF to UF for property located at the southwest corner of Country Club Drive and South Walnut Street, and more particularly described as follows:

A part of the northwest quarter of Section 16, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Commencing at the northwest corner, northwest quarter of said Section 16: thence North 88 degrees 58 minutes 10 seconds East 746.35 feet; thence South 1 degree 01 minute 50 seconds East 150.00 feet to the point of beginning; thence North 88 degrees 58 minutes 08 seconds East 347.22 feet; thence South 0 degrees 11 minutes 42 seconds East 100.00 feet; thence North 88 degrees 58 minutes 08 seconds East 50 feet; thence South 0 degrees 11 minutes 42 seconds East 50 feet; thence South 84 degrees 47 minutes 48 seconds East 150.67 feet; thence South 6 degrees 14 minutes 37 seconds West 50 feet; thence South 69 degrees 05 minutes 20 seconds West 464.74 feet; thence South 47 degrees 35 minutes 45 seconds West 459.65 feet; thence North 18 degrees 43 minutes 44 seconds East 720.19 feet to the point of beginning, containing 4.6 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 the property including the parcels described above be designated a Planned Commercial Development. The property is more particularly described as follows:

A part of the northwest quarter of Section 16, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Beginning on the north line of said Section 16, said point of beginning being NORTH 88 degrees 58 minutes 10 seconds EAST 572.25 feet from the northwest corner of said northwest quarter; thence from said point of beginning SOUTH 05 degrees 29 minutes 04 seconds WEST for 409.28 feet;

thence SOUTH 19 degrees 44 minutes 04 seconds WEST for 202.00 feet; thence SOUTH 43 degrees 29 minutes 04 seconds WEST for 145.00 feet; thence SOUTH 24 degrees 29 minutes 04 seconds WEST for 74.00 feet; thence SOUTH 05 degrees 29 minutes 04 seconds WEST for 129.00 feet; thence SOUTH 32 degrees 29 minutes 04 seconds WEST for 74.61 feet; thence SOUTH 86 degrees 37 minutes 20 seconds EAST 506.48 feet to the southwest corner of a tract of land that is described in a deed from Mary E. McConnell, et al to William E. and Ruby M. Workman, and recorded December 17, 1968, in Deed Record 187, page 355, in the office of the Recorder of Monroe County, Indiana; thence with the westerly line of said Workman tract and running NORTH 26 degrees 01 minutes 46 seconds EAST for 158.42 feet to the northwest corner of said Workman tract; thence along the north line of said Workman tract and running SOUTH 86 degrees 37 minutes 20 seconds EAST for 411.62 feet and to the west side of Old State Road 37; thence along the west side of Old State Road 37 and running NORTH 01 degrees 56 minutes 44 seconds EAST for 356.14 feet; thence NORTH 00 degrees 23 minutes 23 seconds WEST for 58.80 feet; thence NORTH 06 degrees 14 minutes 37 seconds EAST for 156.02 feet; thence NORTH 00 degrees 11 minutes 42 seconds WEST for 316.38 feet to the north line of said Section 16; thence with the north line of said Section 16 and running SOUTH 88 degrees 58 minutes 08 seconds WEST for 723.54 feet and to the point of beginning, containing 17.30 acres, more or less.

and

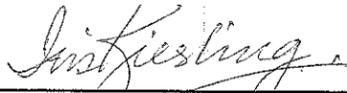
A part of the northeast quarter of the northwest quarter of Section 16, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows:

Beginning at the northwest corner of the northeast quarter of the northwest quarter of said Section 16, said point being on the centerline of Winslow Road; thence East for 103 feet, and to the centerline of State Road #37; thence on and along said centerline of State Road #37 on a curve to the left having a chord bearing of south 10 degrees 02 minutes 57 seconds west and a distance of 321.27 feet; thence leaving said centerline and running West for 42 feet, thence North 00 degrees 53 minutes 41 seconds West for 316.38 feet and to the point of beginning. Containing in all 0.53 acres, more or less. Subject to a 25 foot right-of-way along the centerline of Winslow Road. Containing after said deductions 0.27 acres, more or less.

SECTION IV. The Outline Plan, as recommended by the Plan Commission, shall be 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 6TH day of JUNE, 1990.

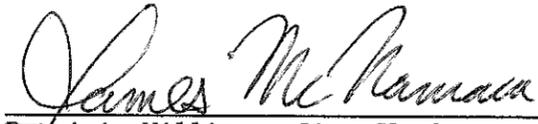


Iris Kiesling, President
Bloomington Common Council

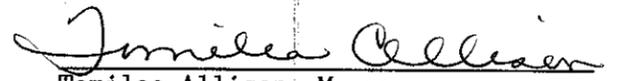
ATTEST:


Patricia Williams, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 8TH day of JUNE, 1990.


~~Patricia Williams, City Clerk~~
JAMES McNAMARA DEPUTY

JUNE SIGNED and APPROVED by me upon this 11th day of
, 1990.


Tomilea Allison, Mayor
City of Bloomington

SYNOPSIS

This ordinance rescinds the historic zoning and changes it to ML (Light Manufacturing) for the 1.3 acres at 105 Country Club Drive. It also rezones 4.6 acres at the southwest corner of Country Club Drive and South Walnut Street from RF (Rural Floodway) to UF (Urban Floodway) and designates 17.5 acres at the southwest corner of Country Club Drive and South Walnut Street as a planned commercial development (PCD) and grants outline plan approval.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 90-22 is a true and complete copy of Plan Commission Case Number PCD-30-90 which was given a recommendation of approval by a vote of 8 Ayes, 0 Nays, and Abstentions by the Bloomington City Plan Commission at a public hearing held on May 7, 1990.

Date: May 10, 1990

Timothy A. Mueller
Tim Mueller, Director
Plan Commission

Received by the Common Council Office this 11 day of May, 1990.

Patricia Williams
Patricia Williams, City Clerk

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)

Signed copies to:
Planning
Engineering
Petitioner

Smith Quillman Associates, Inc.



OUTLINE PLAN STATEMENT

This statement is intended to define, in detail, the pertinent outline plan elements of the proposed planned commercial development for the Winger Stolberg Development Group project at the southwest corner of South Walnut Street and Country Club Drive.

The entire property totals approximately 24.3 acres. Requested is a PCD designation for the purpose of developing a neighborhood convenience shopping center on 10 acres of the site as defined on the outline plan map, labeled Exhibit A. The purpose of the PCD designation is to allow some flexibility in our list of uses. Consequently no change is requested to underlying zoning except as defined in this outline plan statement and those changes shall be only for that portion of the property designated on the outline plan map as planned commercial development. Zoning for the areas outside of the designated PCD remain unchanged.

PROPOSED LAND USES

The following are the proposed list of land uses for the PCD. Please note those with and * by them indicate land uses already allowed in the underlying ML Zone which encompasses approximately 11 acres of the total site. Please refer to the Outline Plan Map (Exhibit A) for configuration of the areas "A" and "B".

AREA A:

Outlots (2)

1. Video Rental & Sales
- *2. Bank (Branch)
- *3. Convenient Foot Mart w/Gasoline Sales as an Accessory
4. Liquor Store
- *5. Business Service
- *6. Business and Professional Office
- *7. Eating, Drinking (Restaurant)
- *8. Restaurant with Drive-Thru
- *9. Auto Parks, Service/Supplies, New

Smith Quillman Associates, Inc.



AREA B:

Commercial Retail:

- | | |
|------------------------------|--|
| Antiques | *Business Service |
| Apparel | *Business & Professional Office |
| *Appliance/Electronics Store | *Candy, Confectionery |
| *Arts & Crafts | *In-Line Eating, Drinking (Restaurant) |
| Bakery | *Laundry and Dry Cleaning |
| Books, Newspaper | *Personal Service |
| *Dairy Products | Printing |
| Department/Discount Store | *Recreation |
| *Drugstore, Sundry | *Day Care Center |
| Florist Shop | Doctor & Dentist Office |
| Furniture | Clinics and Services |
| Gift Shop | *Auto Parts/Supplies, New |
| *Grocery & Meats | Veterinary Service |
| *Hardware/Home Improvement | Video Rental and Sales |
| Liquor Store | *Variety Store |
| Pet Shops | *Bank (Branch) |
| Sporting Goods | |

*Allowed in an ML Zone

Within the confines of the proposed PCD the following uses normally allowed in the existing ML or BA zone will no longer be allowed:

- | | |
|----------------------------|------------------------------|
| Auto Truck Sales | Apparel Manufacturing |
| Bicycle Shops | Bakery, Dairy Products |
| Farm Equipment | Confectionery Manufacturing |
| Mobile Home Sales | Beverage Bottling |
| Motorcycle Sales | Chemicals and Chemical |
| Used Merchandise | Products Manufacturing |
| Auto Repair | Clock, Scientific Instrument |
| Auto Storage Yard | Manufacturing |
| Furniture Repair | Furniture Manufacturing |
| Schools (Trade & Business) | Meat, Poultry, Seafood |
| Taxi Stands | Processing or Freezing |
| Tire Recapping | Musical Instrument |
| Theaters | Manufacturing |
| Building Trade Shop | Paper Product Manufacturing |
| Warehouses | Printing/Newspaper |
| Mini-Warehouses | Research Laboratories |
| Wholesale Farm Products | Motor or Bus Terminals |
| Wholesale Farm Supplies | Warehouse, Storage |
| Wholesale Food Products | Religious Organizations |
| Wholesale Household Goods | Civil, Community Clubs |
| | Communication, Transmission |
| | Utilities |
| | Storage Utilities |
| | Rehabilitative Facilities |



Sidewalks shall be constructed along the right-of-way for both street frontages. In addition, an interior sidewalk through the development and connecting to those along the road frontages will be provided.

FLOODPLAIN TREATMENT AND EROSION CONTROL

Development of this site will require filling a portion of the 100 year floodway. Approval from the Indiana Department of Natural Resources (IDNR) will be acquired to allow this type of construction. Application to the IDNR is underway. Since processing will take around six months, we ask that this approval be contingent upon receiving the appropriate permits from the IDNR before any permits for construction can be issued by the City of Bloomington. If the IDNR permits are not issued, construction will not be allowed within the 100 year floodway, which is delineated on the Outline Plan Map.

A strict erosion control plan and schedule, in accordance with the IDNR approvals and as required by the City of Bloomington Plan Commission shall be submitted for approval at the development plan stage.



SETBACKS, BUFFERS AND RIGHTS-OF-WAY

At development plan stage, the developer agrees to dedicate right-of-way to the appropriate public body according to the City of Bloomington Master Thoroughfare Plan.

	STANDARD SETBACKS			PROPOSED SETBACKS
	ML	RL	BA	Proposed Project
*Principal Arterial				
Parking	60	60	60	60
Building	75	75	75	75
*Secondary Arterial				
Parking	50	50	50	50
Building	65	65	65	65
*Principal Collector				
Parking	45	45	45	45
Building	60	60	60	60
*Secondary Collector				
Parking	40	40	40	40
Building	55	55	45	55
**Local				
Parking	10			10
Building	25			25
Side Yard	12	8	NR	50'
Rear Yard	20	25	NR	50'

*Setbacks are measured from centerline of road

**Setback is from right-of-way

The 50' setback shown along the south property line of the PCD is included to buffer residential use of the adjacent land. In the event this property reverts to a use allowed under its current ML zone, the 50' setback would be reduced to the normal 12' setback.

Landscape requirements shall be met according to the landscape code for commercial uses.

STREET IMPROVEMENTS/SIDEWALKS

Street and entrance improvements will be intended to extend and compliment the improvements planned by the City of Bloomington for this intersection. The planned cuts to Whitehouse Flowers will be eliminated with this development. Please see the "Road Improvements Plan", Exhibit "B" for further details.

PLAN COMMISSION
STAFF REPORT
PCD-30-90
Winger/Stolberg Group
Southwest corner of Walnut Street and Country Club Drive
PCD outline plan

May 7, 1990

Requested are a number of zoning approvals to accommodate a 10-acre shopping center on the southwest corner of South Walnut St. and Country Club Drive. The existing zoning pattern includes Urban and Rural Floodplain overlays, historic overlay, RL, ML, and BA.

The approvals are summarized as follows:

1. PCD designation of approximately 10 acres currently zoned RL, ML, and BA.
2. Outline plan approval.
3. Rezoning the 10-acre PCD from part UF, part RF to all UF, to enable future fill approval.
4. Removal of the Historic designation from the homesite (house has been relocated as authorized in HP-18-90).

Please refer to maps for details of these rather scrambled zones.

Entrance improvements have been refined since the last hearing. Three lanes will be provided on Country Club from just east of the bridge to Walnut, providing left turn lanes for turns into the existing shopping center, the new center and Walnut Street. Because the Walnut Street grade will be changed when the city's corridor project is built, the east end of these Country Club improvements will be temporary and will be rebuilt with the Walnut Street project.

As previously submitted, the Walnut entrance used the existing northbound lane for left turns (low volume anticipated) and accommodated through traffic by a passing blister. Staff prefers that there be two northbound lanes, one left/through and the other for through traffic.

The plan still shows a new lane on the west side, so that there would be two southbound lanes at the entrance, one through, the other through and right turn-in. The two through lanes would merge to one just south of the entrance. The revision provides four lanes at the entrance.

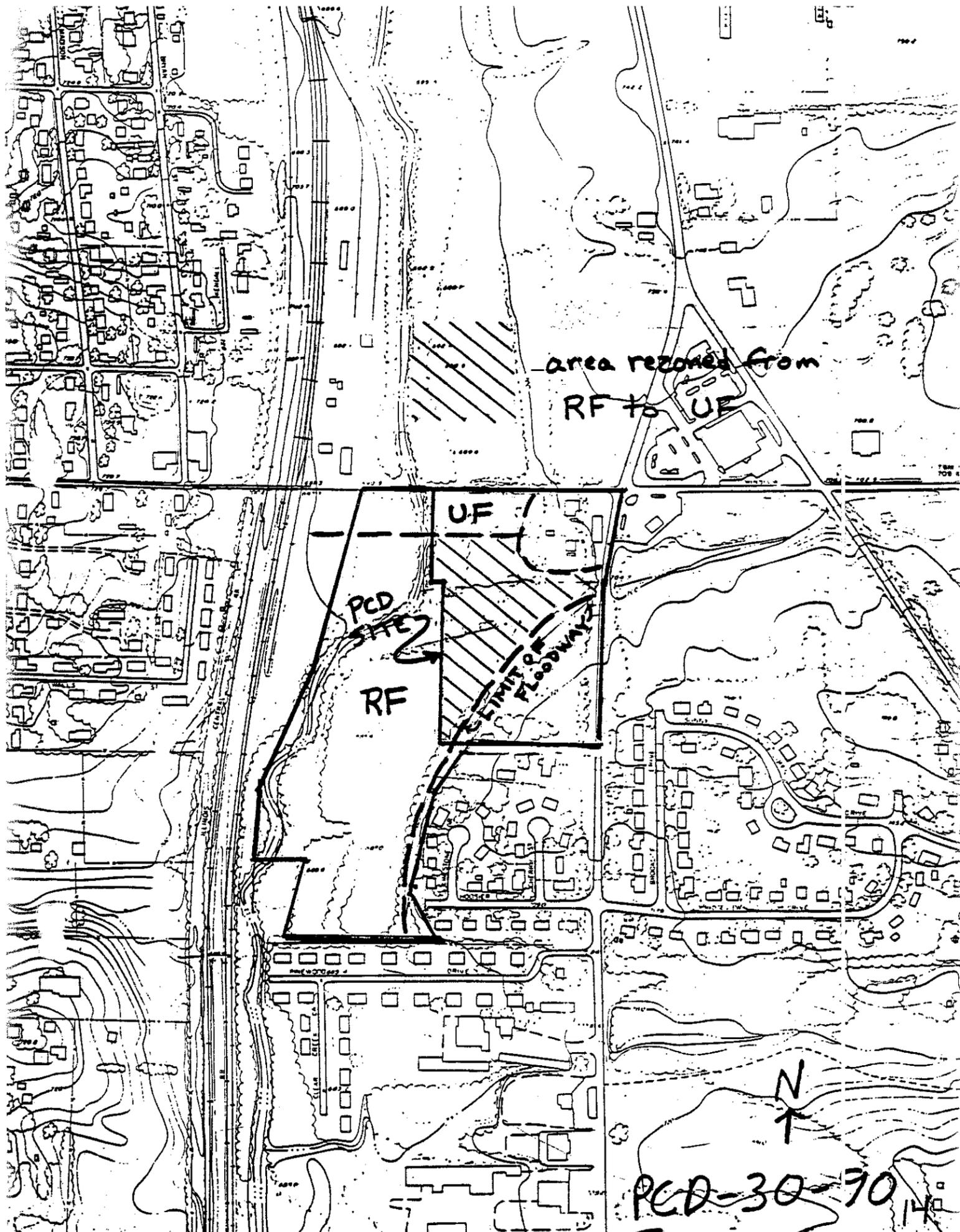
For reasons cited in the preliminary report -- existing permissive zoning, street complications due to existing BA zoned flower shop, location on main thoroughfare adjacent to business, good outline plan and acceptable traffic improvements -- staff recommends approval with conditions:

1. Specific cut and fill areas subject to state Dept. of Natural Resources approval and Plan Commission approval. This may result in more open space and less building than anticipated on outline plan.

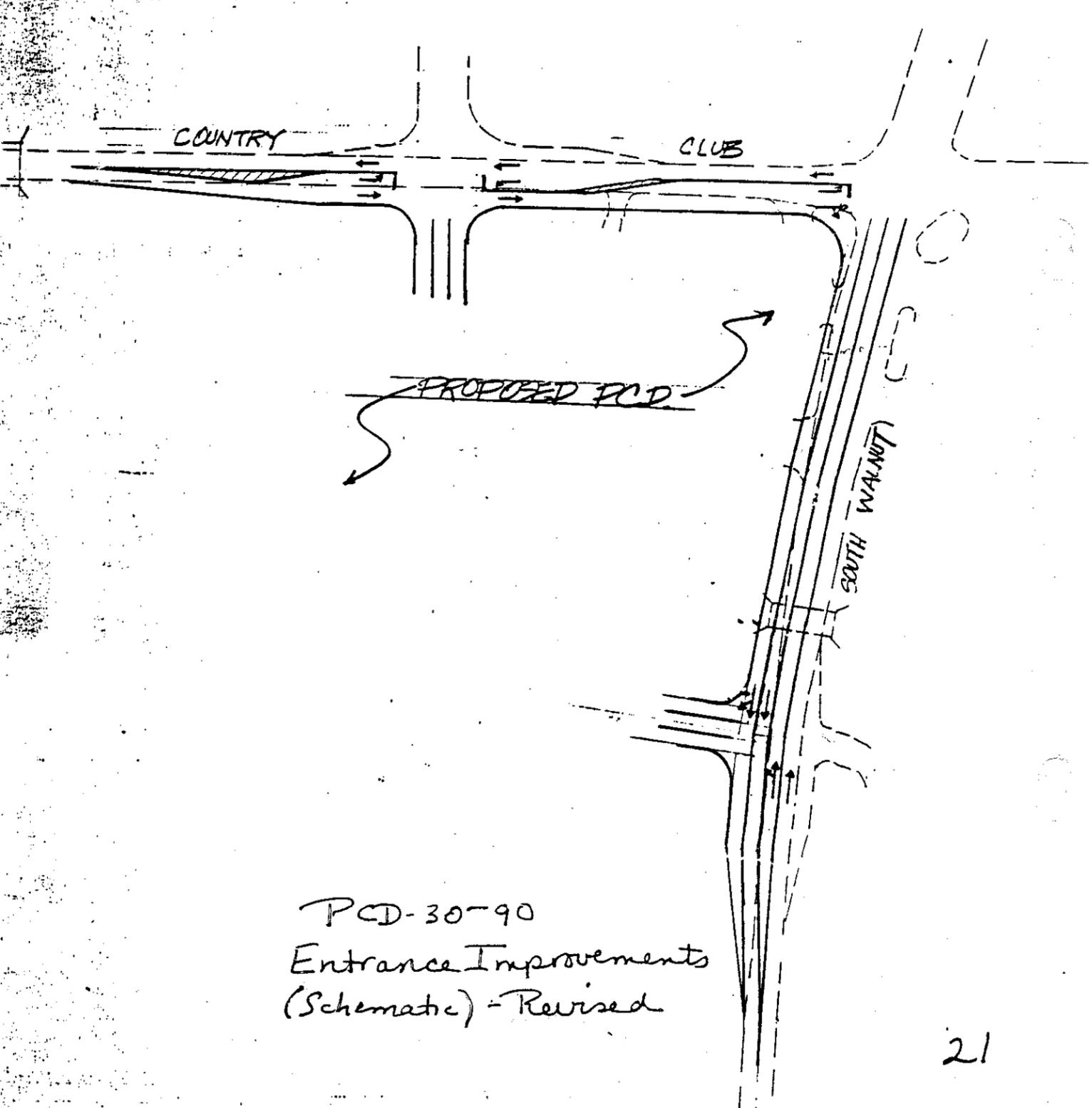
PLAN COMMISSION
STAFF REPORT, Page 2
PCD-30-90

May 7, 1990

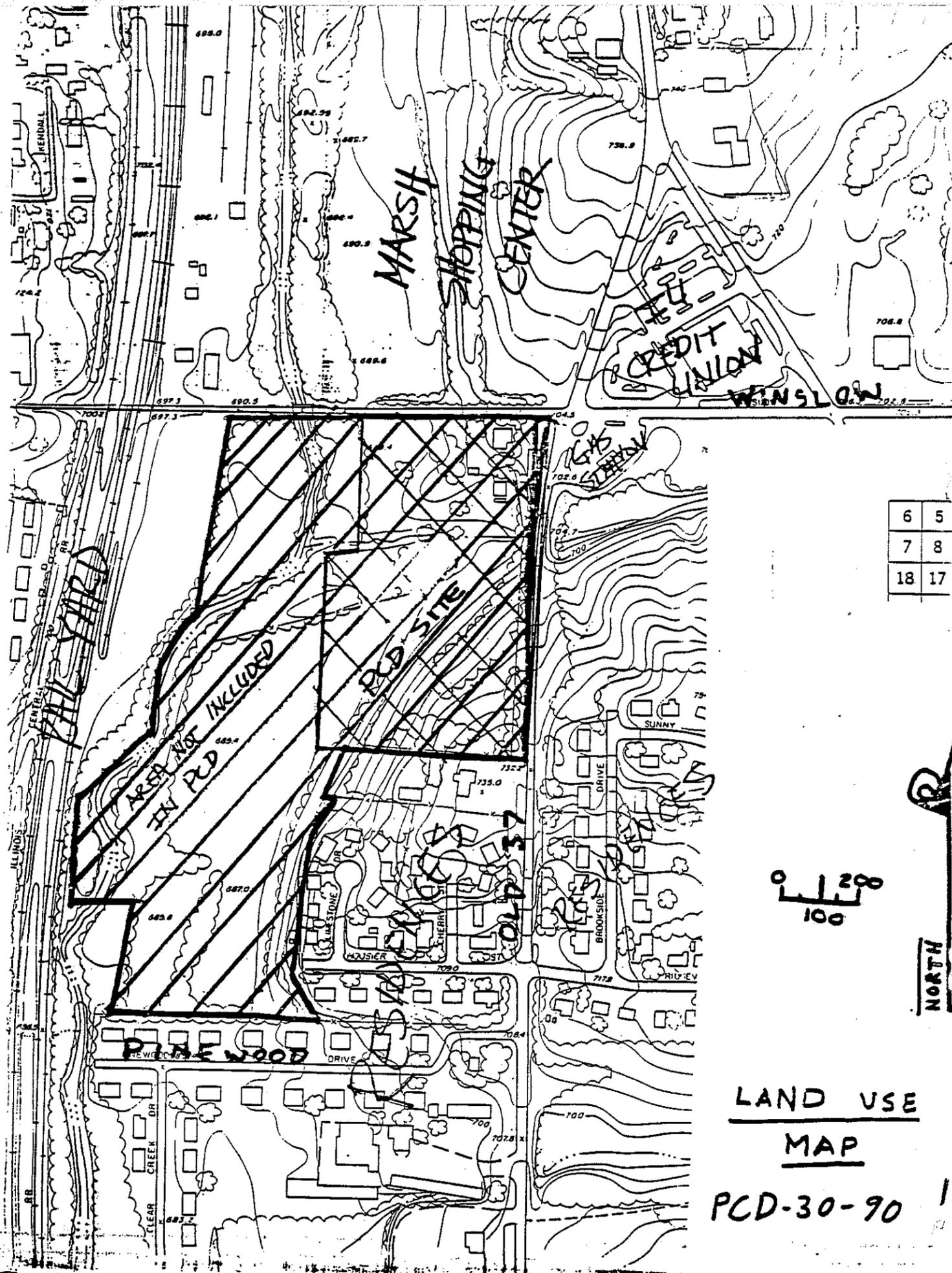
- 90-22
2. Plan Commission retains discretion to require preservation of trees along creek and require effective erosion control and restoration measures for cut and fill areas in the floodplain.
 3. Plan Commission retains discretion to require significant preservation of existing trees in area A and B and parking area.
 4. Plan Commission retains discretion to require public pedestrian or bicycle access along creek if a plan for such emerges before final approvals of this development.
 5. Entrance improvements are schematic in nature, showing general level of improvements. Specific taper lengths, storage capacities, etc., will be engineered for development plan approval.
 6. Sidewalks are required and proposed by petitioner. The city's Walnut Street project includes most of these sidewalks. At development plan approval, we should consider applying the developer's sidewalk responsibility to another location.
 7. Development plan will provide appropriate grading for future widening of the west side of Walnut Street by the public.



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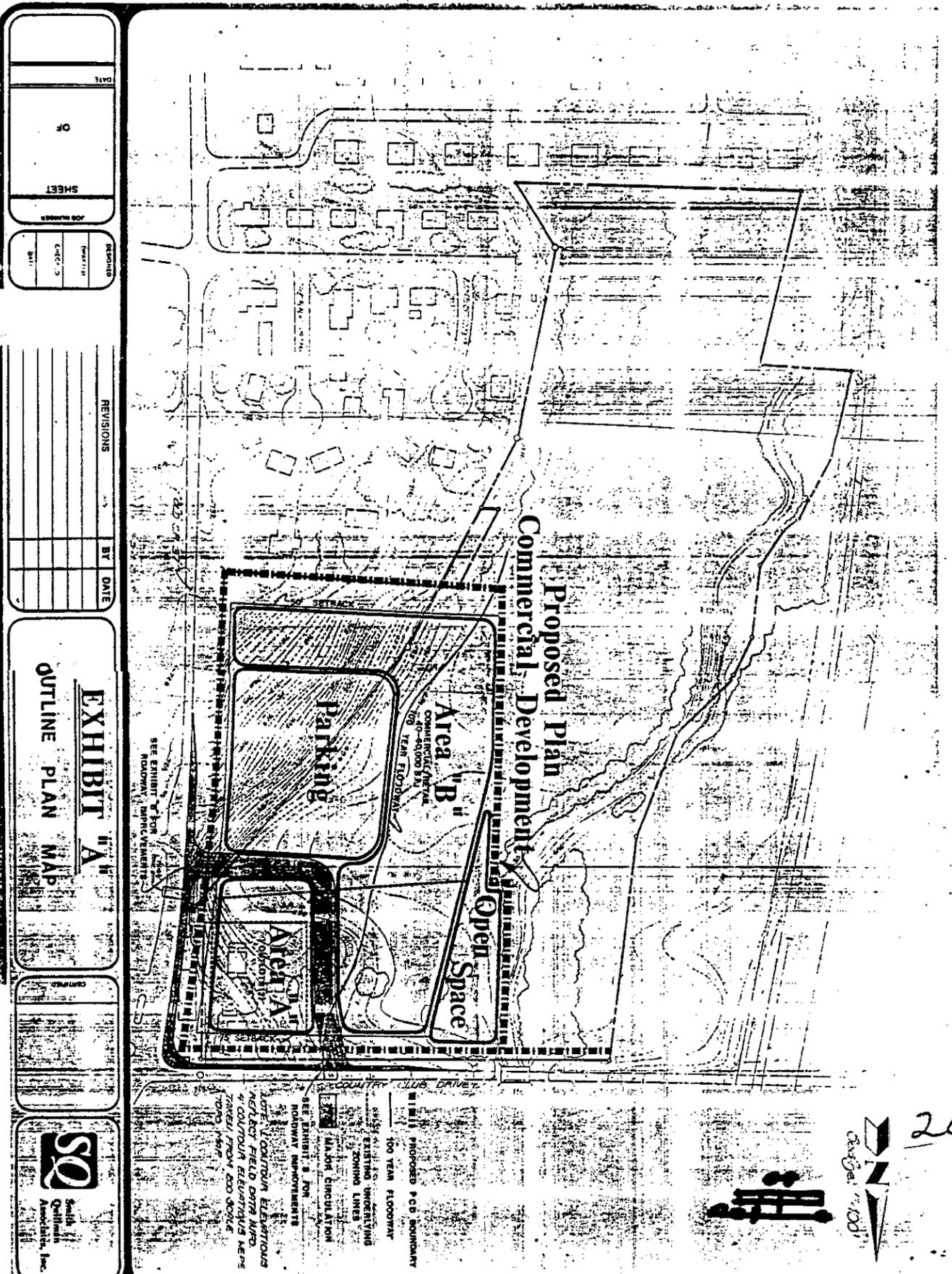


PCD-30-90
Entrance Improvements
(Schematic) - Revised



LAND USE
MAP

PCD-30-90 19



DATE	
OF SHEET	01
JOB NUMBER	
DESIGNED BY	CHC-C
CHECKED BY	SM

REVISIONS	BY	DATE

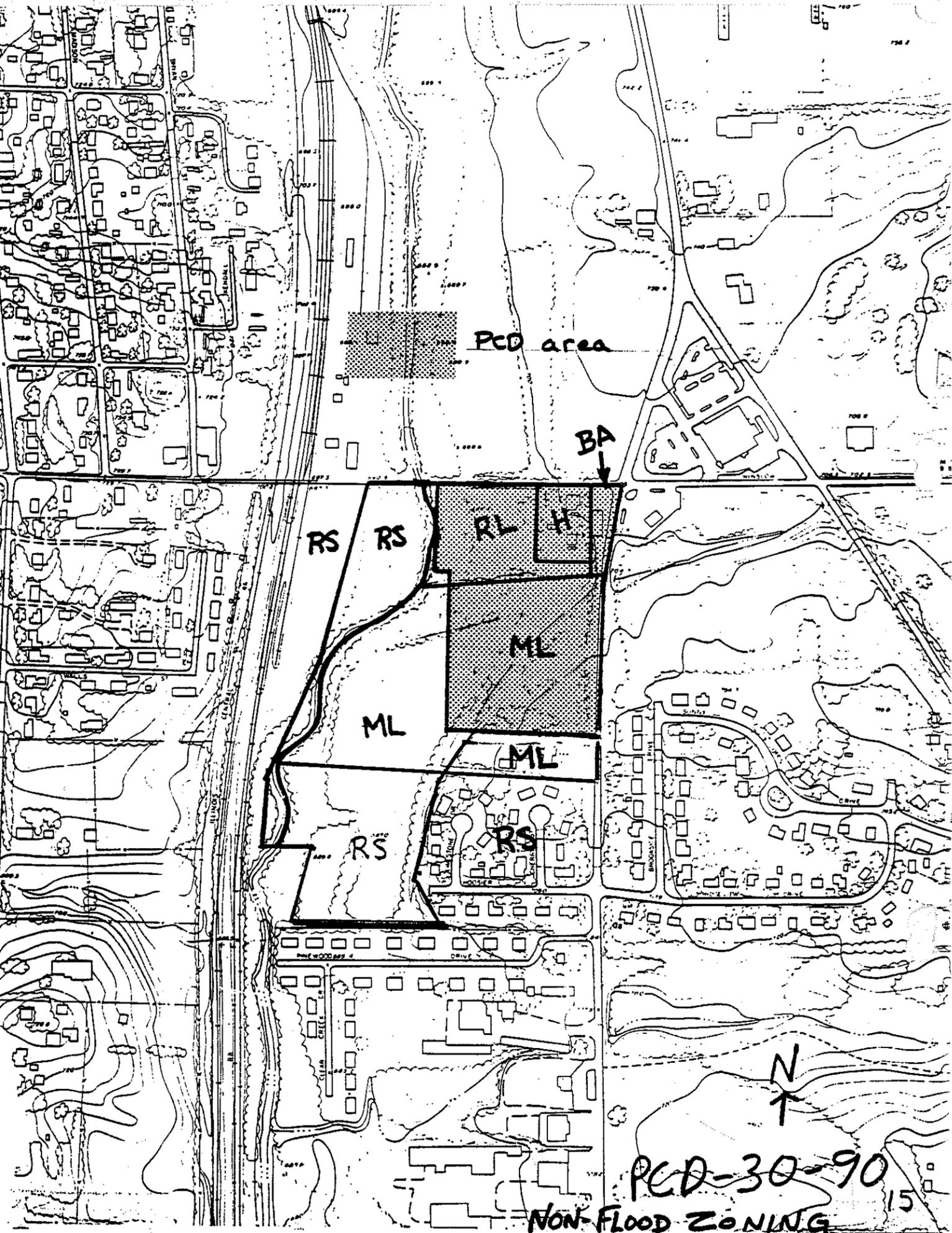
EXHIBIT A
OUTLINE PLAN MAP

SO
Smith
Quinnell
Associates, Inc.

SEE EXHIBIT "B" FOR
ROADWAY IMPROVEMENTS

COUNTRY CLUB DRIVE
100 YEAR FLOODWAY
EXISTING UNDEVELOPED ZONING LINES
PROPOSED PCD BOUNDARY
SEE EXHIBIT "B" FOR ROADWAY IMPROVEMENTS
SEE EXHIBIT "C" FOR MAJOR CIRCULATION
LOT 1 - COUNTRY CLUB DRIVE
LOT 2 - COUNTRY CLUB DRIVE
LOT 3 - COUNTRY CLUB DRIVE
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SITE PLAN



Smith Quillman Associates, Inc.



March 28, 1990

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

Terry Quillman
Vice President

Daniel Neubecker L.A.
Project Manager

Ben Bledsoe L.S.
Surveyor Manager

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

RE: Country Club and South Walnut Street PCD

Dear Tim:

The following documents encompass our submittal to the Plan Commission of which we respectfully request the removal of the Historic Designation and addition of a Planned Commercial Development Designation (PCD) for a 10 acre portion of the property located at the southwest corner of South Walnut Street and Country Club Drive. The owner and petitioner is Winger Stolberg Development Group, Inc.

JUSTIFICATION

Existing zoning patterns on the 24.3 acre site are very mixed. The predominant zoning (approximately 11 acres) is light manufacturing (ML). The majority of our requested PCD covers a portion of this ML zone. The next largest area of zoning is the RS zone (approximately 9.1 acres). None of the land zoned RS is included in the proposed PCD. There is approximately 2.8 acres of land zoned RL. Most of the RL zone is within the requested PCD. There is approximately 1.1 acres zoned Historic (H) all of which is within the requested PCD. We are requesting removal of the Historic designation on this site as the main house has now been successfully relocated to the South Rogers Street site. Finally, there is a .3 acre site, zoned BA, which is currently the location of Whitehouse Flowers. With the demolition of this building, most of this BA site will be dedicated to the city for right-of-way and road improvements. A small portion will remain and fall within the proposed PCD.

Existing land uses in the area are also mixed, but predominately commercial, retail, or light manufacturing oriented. The proposed convenience shopping center will blend well with the existing uses. The site is surrounded on three sides by commercial and manufacturing zoning. Walnut Park Shopping Center, anchored by a Marsh Supermarket, is immediately to the north. To the northeast is the new administrative offices for the Indiana University Credit Union which will also include a drive-through bank facility. Due east is a Marathon gas station and a Pizza Hut sit-down restaurant. To the west is light manufacturing and the CSX railway lines. To the south is a large lot single family home. Then a small subdivision. Beyond that to the south the commercial/retail/manufacturing uses continue.

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

Smith Quillman Associates, Inc.



The existing roadways are heavily traveled. The City's planned improvements to South Walnut Street and the intersection of Country Club and South Walnut will alleviate these problems. With our development we will extend and complement the City's proposed improvements along South Walnut and Country Club Drive to handle any impacts our development will have upon the existing traffic patterns. In addition, driveway cuts planned at the intersection for the Whitehouse Flowers establishment will no longer be necessary. This will greatly reduce potential conflicts at this intersection. The entire project frontage will have two controlled access points, one along South Walnut Street (approximately 300-500' south of the intersection) and one along Country Club Drive (to line up with the existing Walnut Park entry).

Water mains exist along both Country Club Drive and South Walnut Street. An existing sanitary sewer main bisects the proposed PCD.

The PCD will consist of approximately 10 acres (as shown on the attached outline plan drawing). The total square footage for the center will be between 40-60,000 square feet. The final square footage will depend on topographic considerations, detailed engineering, and floodplain requirements, worked out by the Indiana Department of Natural Resources, Smith Quillman Associates, Inc., Project Engineers, and the City Engineering and Planning Staff. The center will incorporate many of the commercial retail uses already approved in the ML zone and will add some additional uses under the PCD designation. Many more intense uses of the ML zone will be deleted in the PCD area.

A 50' landscaped buffer will be provided along the South property line of the PCD. The rear of the building in Area B will face residual property owned by the development and zoned ML or RL.

The convenience center will be architecturally attractive with special attention to landscape design, signage, and site lighting.

Construction is slated for late summer/early fall, 1990.

Included with this letter of justification are the outline plan statement, outline plan map, site context map, proposed road improvements exhibit, application form, legal description and application fee. Proof of notice to adjacent property owners will be submitted prior to the hearing.

Please contact me if you wish to discuss this application in further detail. Thank you in advance for your consideration.

Very truly yours,

Dan Neubecker, L.A.
Project Manager

Petitioner's
Statement
CD-3a-90

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