Committee 9/12 2-0-2
2nd Reading 9/19 8-0

ORDINANCE 90 - 60
To Amend the Zoning Maps from RE to BL/PCD
Re: Property located at 4996 North Old State Road 37
(Donald Flick)

WHEREAS, the Common Council passed a Zoning Ordinance 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-76-90, and recommended that the petitioner, Donald Flick, 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 RE to BLD for property located at 4996 North Old State Road 37, and more particularly described as follows:

A part of the Northeast quarter of the Northeast quarter of Section 17, Township 9 North, Range 1 West, and a part of the Southeast quarter of the Southeast quarter of Section 8, Township 9 North, Range 1 West, Monroe County, Indiana, described as follows:

Commencing at the Southeast corner of the aforesaid Northeast quarter of the Northeast quarter of Section 17, thence on the East line of said quarter quarter North 00 degrees 17 minutes 06 seconds West 38.30 feet to the real point of beginning; thence continuing on said East line North 00 degrees 17 minutes 06 seconds West 616.43 feet to the Northeast corner of the aforesaid quarter quarter section; thence on the East line of the aforesaid Southeast quarter of the Southeast quarter of Section 8 North 00 degrees 01 minute West 703.40 feet to the Northeast corner thereof; thence on the North line of said quarter quarter section South 88 degrees 11 minutes 34 seconds West 367.59 feet to a point on the right of way of State Road No. 37; thence on and along said right of way with the following courses and distances; thence South 13 degrees 01 minute 56 seconds East 400.56 feet; thence South 18 degrees 16 minutes 12 seconds East 100.70 feet; thence South 28 degrees 57 minutes 17 seconds East 105.00 feet; thence South 77 degrees 17 minutes 33 seconds West 65.00 feet; thence South 13 degrees 51 minutes 12 seconds East 500.10 feet; thence South 26 degrees 44 minutes 38 seconds East 103.08 feet; thence South 34 degrees 30 minutes 20 seconds East 168.07 feet to the point of beginning, containing 6.67 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.

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

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 19 day of December, 1990.

Iris Kiesling

IRIS KIESLING, President
Bloomington Common Council

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20 day of December, 1990.

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 21st day of December, 1990.

Tomilea Allison

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance rezones 6.67 acres located at 4996 North Old State Road 37 from RE to BL, designates the property as a Planned Commercial Development, and approves an outline plan for one professional office building.

Signed copies to:
Planning
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 90-60 is a true and complete copy of Plan Commission Case Number BL/PCD-76-90 which was given a recommendation of approval by a vote of 6 Ayes, 4 Nays, and ____ Abstentions by the Bloomington City Plan Commission at a public hearing held on November 19, 1990.

Date: November 26, 1990,

Timothy A. Mueller
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 X

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)

MEMO TO CITY COUNCIL MEMBERS:
RE: Donald Flick BL/PCD at 4996 N. Old 37

This petition for rezoning from RE to BL/PCD was approved by the Plan Commission on Nov. 19th. The site contains approx. 6.7 acres and is located between Old 37 and Stone Mountain Rd. south of the intersection of Old 37 and Whisnand Rd.

The terms of the Commissions approval stipulated the following.
Only one building is authorized at this time in the PCD. Petitioner may return to the Commission for an amendment to the outline plan at a later date after completion on the new Master Plan for additional buildings in the development.
Relocation of Stone Mountain Rd. from its current alignment. The road would be shifted east of its present location to provide adequate separation between the intersections of Old 37 and Whisnand, and Stone Mtn. and Whisnand Rd. The exact alignment of the new road was deferred to development plan approval. The County must also approve the relocation since this is a County Rd.
Aesthetics of both the proposed building and the site landscaping as well as signage will require Commission approval as a part of the development plan.
Tree preservation is required and is subject to review and modification by the Commission at development plan stage.
The approved list of uses for this development include professional, business, and government offices, and laboratory and research facilities only as accessory uses to a primary office use.
The Commission reserved the right to consider rescinding this zoning if the development hasn't occurred within 18 months of approval.

Included with this memo are site exhibits, and the minutes from the Nov. 19th, Commission meeting.

PLAN COMMISSION
Monday, November 19, 1990

The Plan Commission met Monday, November 19, 1990 at 7 p.m. in the Council Chambers of the Municipal Building. Members present were Cooksey, Fernandez, Hoffman, Mayer, Riggert, Stuebe, Sturbaum, Swafford, Weger, Zabriskie, and Sample. Absent was Young.

Approval of the October 8, 1990 minutes was deferred to the next meeting.

REPORTS, RESOLUTIONS & COMMUNICATIONS

Tim Mueller announced that MP-60-90, Plan Commission, Request for code amendment for determinate sidewalk variances should be continued to the December 10, 1990 meeting. SP-54-90, 84 Lumber, 3500 block of South Walnut Street, Request for site plan approval, should be tabled. ***Joe Hoffman moved; Rick Zabriskie seconded tabling SP-54-90. Carried 9-0 (Mayer absent for vote).

Tim Mueller introduced new Planning Department staff member, Craig Berndt.

Laraine Cooksey stated that she was upset by an H-T article which implied that the City Council had already determined the outcome of the Stancombe/C.O.T.A. petition. She felt that if this was indeed the case, the Commission should not spend time hearing the case. Tim Mueller stated that the case has not been discussed by the Council. The case was read into the record by title only for procedural purposes. Discussion and vote will be held after the Commission recommendation.

PETITIONS

BL/PCD-76-90 Donald Flick
4996 N. Old State Rd. 37
Request for planned commercial development approval

Tim Mueller reported. This case was continued to this meeting with the understanding that the case would be resumed at the point of Commission discussion. Staff's recommendation at the previous meeting was for approval with waiver of second hearing and the following conditions:

1. Rezone and PCD on only approximately 4 acres of the 6.7 acre site, with variance from the minimum 5-acre PCD requirement.

2. Relocation of Stone Mountain Road.

3. One building allowed in the PCD at this time. Full engineering at development plan stage.



4. The Commission reserves the right to review and approve proposed building design and site landscaping at development plan stage.

5. The Commission reserves the right to require adjustments to tree preservation plan if necessary.

6. List of uses: Professional, government, and business offices, cultural facilities, laboratories and research facilities, educational facilities.

***Joe Hoffman moved; Bill Riggert seconded approval of BL/PCD-76-90 per staff recommendation with waiver of second hearing.

***Joe Hoffman moved; Tim Mayer seconded amendments to the approval motion as follows: 1) The PCD would include the entire 6.7 acres with the remainder (area outside the requested 4 acres) designated as open space; 2) Addition of signage control to staff's condition #4; 3) Deletion of reference to educational services and cultural facilities from the list of uses; and 4) Modification of reference to laboratory and research facilities to make it clear that those uses will be permitted only as accessory uses to a primary office use. Amendments carried 10-0.

Cooksey felt that the petitioner could come back at a later date and get the conditions removed.

***Kerry Weger moved; Tim Mayer seconded an additional amendment to include a statement that the petitioner understands and agrees that it shall be the Commission's and Council's right to rescind the zoning should the proposal not be developed as presented during the 18-month timetable. Carried 10-0.

***Vote on approval motion as amended. Carried 6-4 (Cooksey, Fernandez, Weger, Zabriskie dissenting).

PUD-79-90 Shelburne Estates Development Corp.
East of Shelburne Dr. & approximately 1/2 mile north of S.R. 46
Request for development plan approval

Lynne Friedmeyer reported. Requested is development plan and preliminary and final plat approval with waiver of second hearing for 22 acres of land in the Shelburne Estates development. Proposed is a continuation of the single-family development with 26 lots proposed ranging in size from approximately 17,000 sq. ft. up to 69,000 sq. ft.. Streets will be built to public standard and dedicated to the county as well as stubbing to the property lines to allow for future extensions. Water and sewer will be provided by Ellettsville and Eastern Richland Sewer Corp. respectively. The Engineering Dept. has reviewed the storm water drainage proposal and believes the basin provided with Phase I is adequate to serve this phase as well. An erosion control plan has been submitted. Staff recommends approval with waiver of second hearing.

October 29, 1990

BLOOMINGTON PLAN COMMISSION
STAFF REPORT
BL/PCD-76-90
DONALD FLICK 4996 N. OLD ST. RD. 37

Requested is rezoning from RE to BL/PCD and outline plan approval for approx. 6.7 acres located on the eastside of Old 37 directly across from the former Y and W theater. Proposed is a professional office development.

The submitted outline plan has been again amended since the original petition was filed (PCD-53-90). This new submission includes only one building on-site and eliminates the residential component. The petitioners intent in this regard would be to construct the one building and come back to the Commission at a later date upon completion of the Master Plan and request an addition to the PCD. The one building is proposed to be located at the foot of the hill near Whisnand Rd. Access to the triangular shaped parcel would be from Whisnand Rd. just east of its intersection with Old 37. No new access to Old 37 is is proposed. There is a current County road (Stone Mountain Rd.) that runs parallel with Old 37 and bisects the site. This road would provide internal access to the proposed development. Parking would be provided to the north adjacent to Whisnand Rd. Stone Mountain Rd. is currently a gravel road. The petitioner proposes to upgrade the road with development. The road would be brought up to current standards from Whisnand to a point just south of the proposed building. The proposed list of uses has also been amended since the original hearings. Uses not supported by the Staff have been eliminated from the list. The new list includes only professional offices, cultural facilities, research facilities, and educational services. The Staff is supportive of the list as proposed.

The site is currently undeveloped. It has varied topography with the portion of the site nearest Old 37 being level. This area is also in the floodway fringe for Griffy Creek. The remainder of the site is the face of a hillside with grade differentials from the flood fringe to the top of the hill of approx. 100ft. The bottom area is basically devoid of mature trees, however the hillside is tree covered.

A major concern is the status of Stone Mountain Rd. Staff advocates at least a partial relocation of the road. The existing intersection of Stone Mtn. and Wisnand Rds. is very close to Wisnands intersection with Old 37. There is a potential for traffic conflicts between these close intersections especially if development occurs along Stone Mtn. Staff would recommend that the intersection of Wisnand and Stone Mtn. Rds. be relocated to the east away from Old 37. Staff recommends that the exact location and alignment of the road and the proposed building be determined with development plan approval.

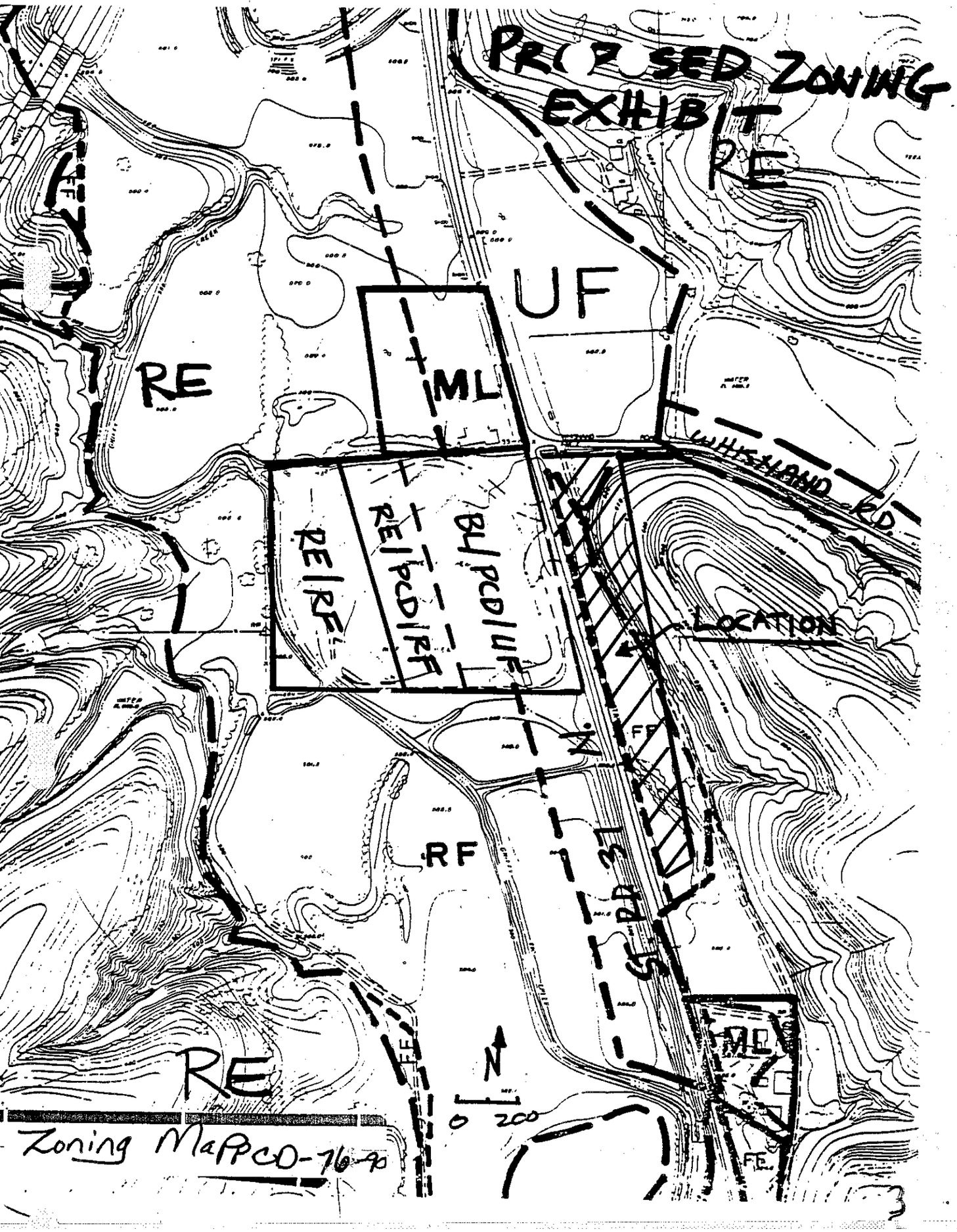
Staff feels a professional office park development with no high traffic commercial uses is appropriate for this site. Aesthetics are also important at this location. Any approval granted

should incorporate aesthetic standards for both the buildings and the overall site design. This would include provisions on tree preservation. The petitioner has submitted a rendering of the proposed phase I building, and will supplement that with additional information at the hearing. A proposal for a buffer of ornamental fruit trees and other appropriate landscaping would be a part of the development. In addition a plan spotting existing trees in the development area including size of trees has been submitted. A total of 12 trees are indicated as needing to be removed for this development. This will leave at least 50 trees in immediate proximity to the development area. (not counting other trees on-site) The petitioner has submitted a cross-section for the proposed building showing how the structure would be integrated into the hillside. The Staff has reviewed the proposal and feels that it is feasible to place the building as proposed. Full detailing of the structure and associated grading work would be required with development plan.

Staff recommends the rezoning to BL/PCD and outline plan approval including waiver of second hearing with the following conditions.

1. Rezone and PCD on only approx. 4 acres of the 6.7 acre site; this would include all the area south of Whisnand Rd. and east of Stone Mtn. Rd. (see exhibit). Since the proposed PCD site will be less than 5 acres variance is required from this provision of the code. Staff supports variance based on the fact that this total site contains more than 5 acres (6.7). Also the topographic features on this site and the unique design quality of this proposal warrant variance.
2. Relocation of the portion of Stone Mtn, Rd. at its intersection with Wisnand Rd. The exact location and alignment of the relocated road as well as the placement of the building in relation to the relocated road will be determined at development plan stage.
3. Only one building is allowed in this PCD at this time. Full engineering of the proposed structure to be built into the foot of the hillside will be required with development plan.
4. The proposed building in the PCD will have aesthetic requirements. The Commission reserves the right to review and approve proposed building design and site landscaping at development plan stage.
5. Development plan must address tree preservation. Spotting of existing trees in development area on submitted plans will be required. Commission and Staff reserve the right to require adjustments to plan if necessary to preserve trees.
6. List of uses will include; Professional, government, and business offices, cultural facilities, laboratories and research facilities, educational services.

The Staff recoginizes that the petitioner intends to possibly come back to the Commission at a later date after completion of the Master Plan for an addition to this PCD.


PROPOSED ZONING
EXHIBIT
RE
UF
RE
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WHISNAND RD.
RE/RF
RE/PCD/RF
BL/PCD/UF
LOCATION
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ST RD 37
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Zoning Map PCD-76-90

12 September 1990

BLOOMINGTON AT THE CROSSING
PROJECT DESCRIPTION

## THE SITE

The site is particularly long and narrow (approx. 1300'x 300') which fronts on Old State Road 37 just south of Whisnand Road. It is diagonally bisected by a one-lane county road (Stone Mountain or Stone Mill Road). The northeast half of the site is dominated by a wooded hillside. The southwest half is a flat, low-lying area with few or no trees.

## THE DEVELOPMENT CONCEPT

The BLOOMINGTON AT THE CROSSING project is intended to create an office/commercial precedent for the north suburban section of Bloomington, and in turn provide an aesthetic entry into the city from the north. Achievement of this aim is dependent on the successful integration of site and buildings, with the preservation of the wooded hillside as the main objective.

Development would occur at or near the base of the hill, on the flat portions of the site. Removal of mature trees would be minimized to the greatest extent possible. Parking areas would be screened with additional landscaping and berming.

The design of the buildings would reflect the corporate objectives of the tenants, as well as the aesthetic objectives mentioned above. Exterior materials would be predominantly brick and glass.

Phase I of the development would consist of a single commercial office building on the north end of the site, set into the base of the hill. Any future development would be predicated on the completion of the Bloomington Master Plan.

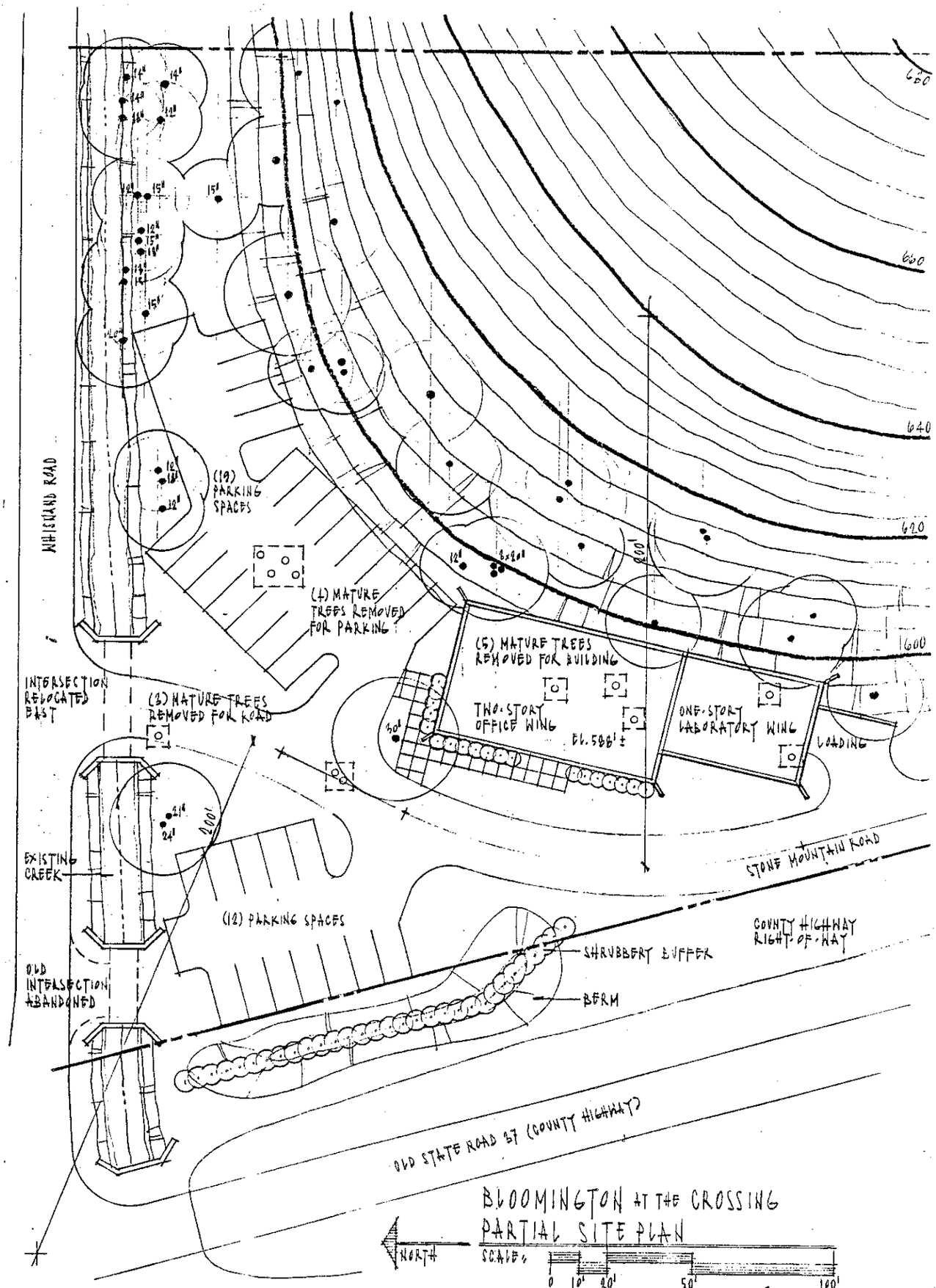
Internal access to the development would be by Stone Mountain Road from its intersection with Whisnand Road. As part of the initial development, this intersection would be relocated east, approximately 200 feet from the intersection of Whisnand and Old 37. This would alleviate possible traffic problems between the close intersections. During Phase 1, Stone Mountain Road would be brought up to current construction standards to a point just beyond the office building. Further improvement of the road would coincide with further development of the site.



## PROPOSED USES OF SITE

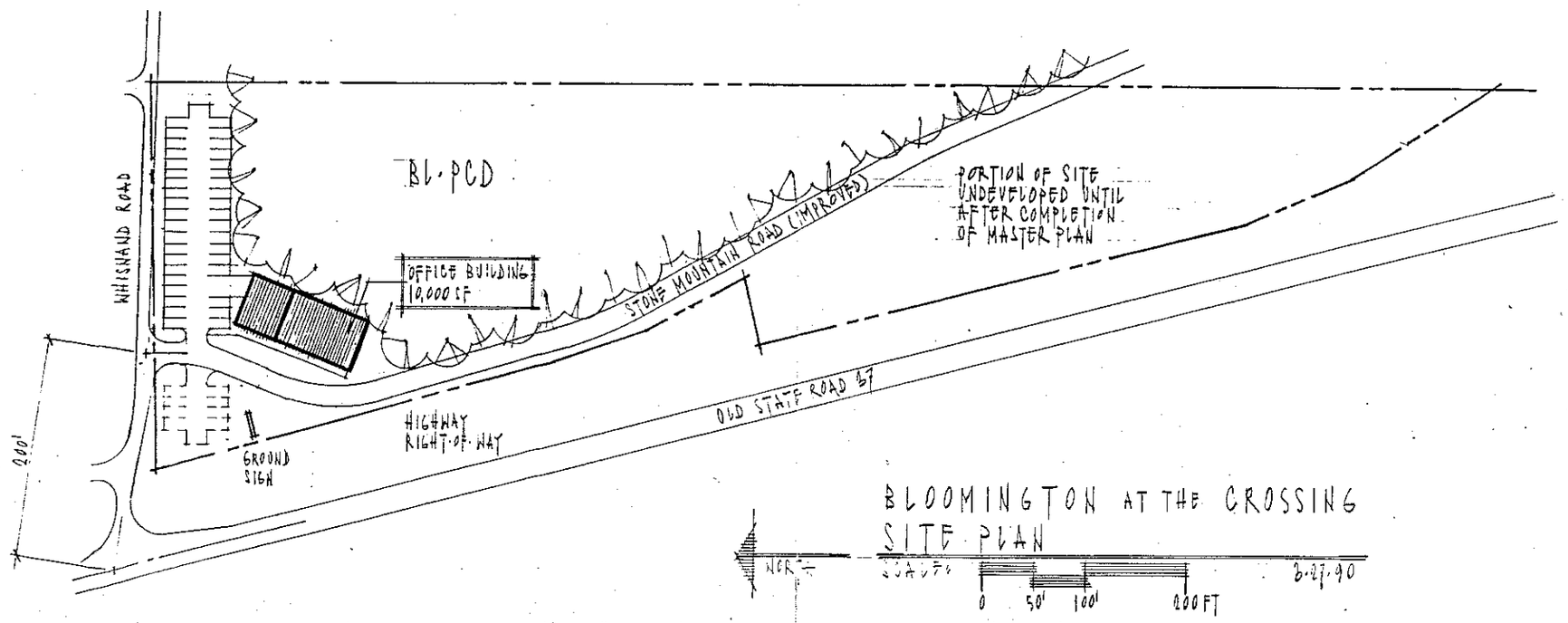
The buildings will be of the following destination-oriented uses:

- Professional, government, and business offices
- Cultural facilities
- Laboratories and research facilities
- Educational services




BLOOMINGTON AT THE CROSSING
PARTIAL SITE PLAN

SITE PLAN
PCD-76-90 8


BL·PCD
WHISNAND ROAD
OFFICE BUILDING
10,000 SF
STONE MOUNTAIN ROAD (IMPROVED)
PORTION OF SITE
UNDEVELOPED UNTIL
AFTER COMPLETION
OF MASTER PLAN
HIGHWAY
RIGHT-OF-WAY
OLD STATE ROAD 67
GROUND
SIGN
200'
BLOOMINGTON AT THE CROSSING
SITE PLAN
NORTH
SCALE:
0
50'
100'
200 FT
8-27-90

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