ORDINANCE 99-05

TO AMEND THE BLOOMINGTON ZONING MAPS FROM IL/IS TO PUD AND APPROVE THE PRELIMINARY PLAN

Re: 1107 South Fairview Street (Pastor Jon Quigley, Petitioner)

- WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21 which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning," including the incorporated zoning maps, and Title 21, entitled "Land Use and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, the Plan Commission has considered this case, PUD-78-98, and recommended that the petitioner, Pastor Jon Quigley, be granted a rezone of the property located at 1107 South Fairview Street from IL/IS to PUD and also receive preliminary plan approval. The Plan Commission thereby requests that the Common Council consider their petition;

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

SECTION I. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the following property shall be rezoned from IL/IS to PUD and the accompanying preliminary plan shall be approved. The property is located at 1107 South Fairview Street and is further described as follows:

Lots 11, 12, 13, 14, 15, 16 of Duncan Subdivision

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.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 17th day of Jehman, 1999.

> TIMOTHY MAYHR, President Bloomington Common Council

ATTEST:

10 hina Willian PATRICIA WILLIAMS, Clerk City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 18th day of **February**, 1999.

Janua William PATRICIA WILLIAMS, Clerk City of Bloomington

HN PERNANDEZ, May

City of Bloomington

SYNOPSIS

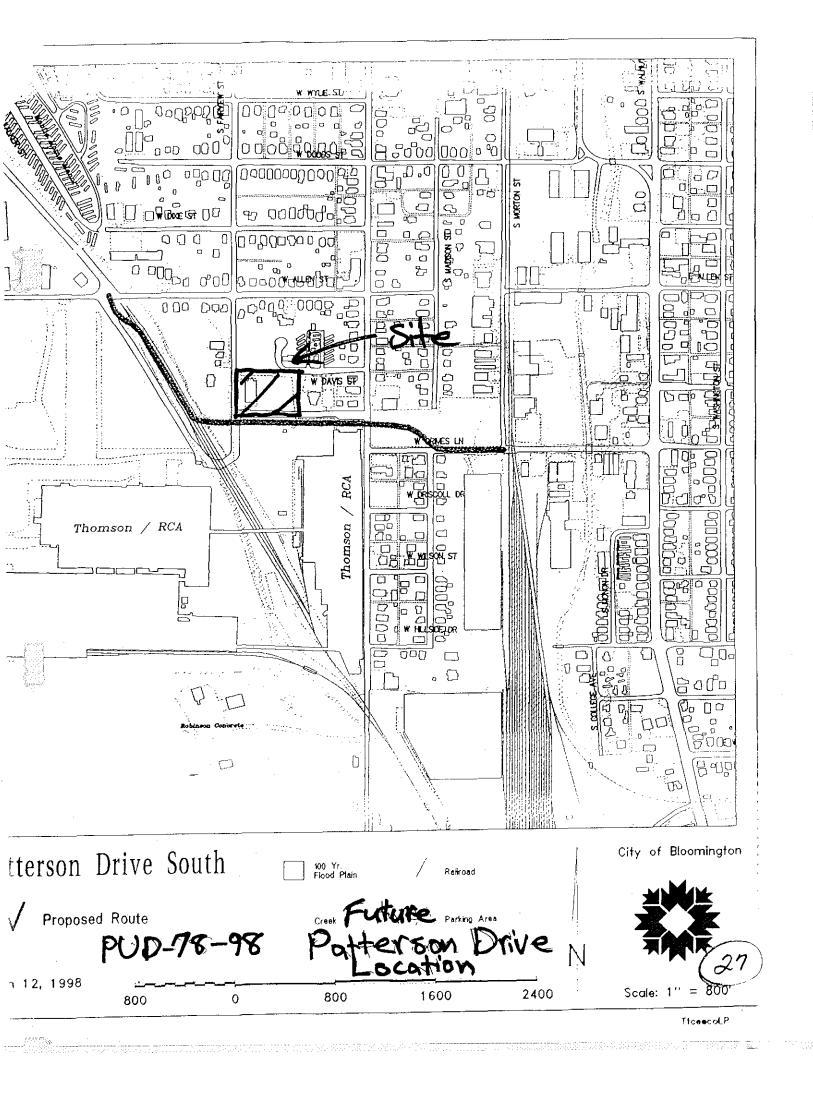
This ordinance approves a rezone for 1107 South Fairview Street from a Light Industrial/Special Industrial Overlay (IL/IS) to a Planned Unit Development (PUD). This ordinance also approves a Preliminary Plan that would allow for a church and a limited list of light industrial land uses on this site.

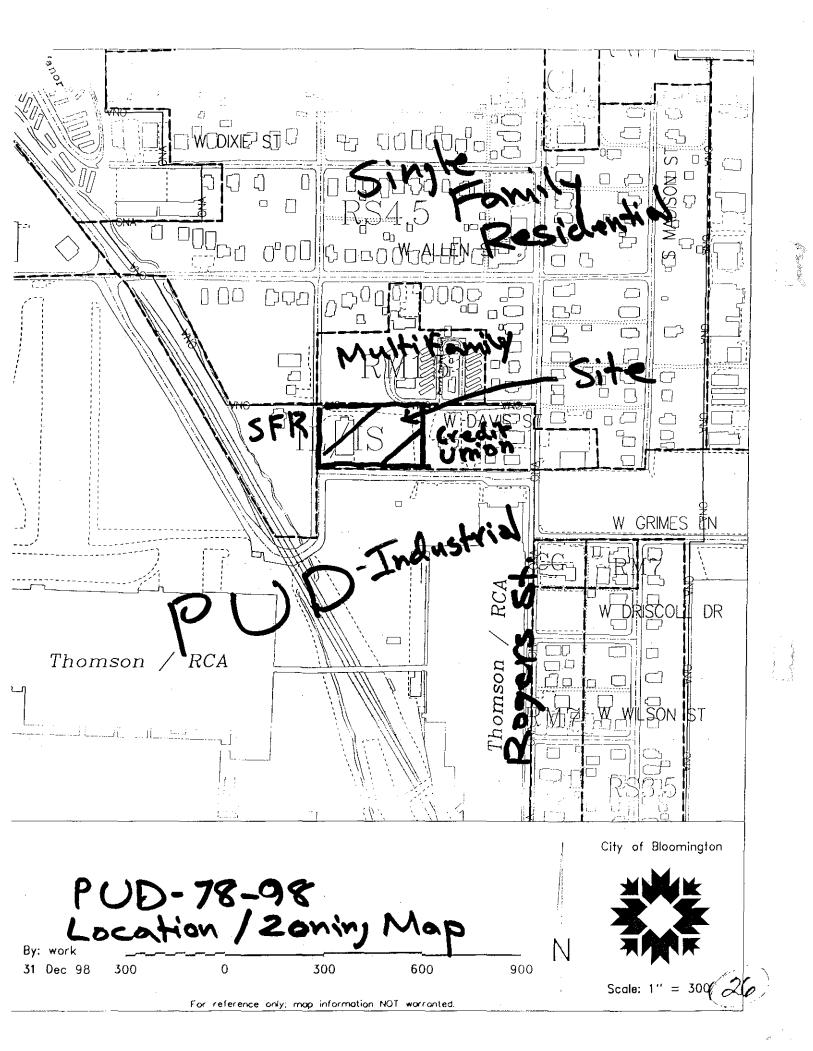
Signed copie to.
Planning
Petition

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance

Number 99-05 is a true an	nd complete	copy of Plan C	ommission	Case Number PUD-	
78-98 which was given a	recommendat	ion of approva	al by a vo	te of <u>9</u> Ayes, <u>C</u>	
Nays, and 0 Abstent	ions by the	Bloomington	City Plan	Commission at a	
public hearing held on Ja	anuary 11, 1	1999.			
Date: January 14, 1999	Donald F. Hastings, Secretary Plan Commission				
Received by the Common Co	uncil Office	e this 14th day	r of Janu	<u>au</u> , 1999.	
Patricia Williams, City (J	
Appropriation Ordinance #	Fiscal ImpactStatement #Re Ordinance		Resoluti	esolution #	
Type of Legislation:					
Appropriation Budget Transfer Salary Change Zoning Change New Fees	End of Program New Program Bonding Investments Annexation		Penal Ordinance Grant Approval Administrative Change Short-Term Borrowing Other		
If the legislation direcompleted by the City Cor		ts City funds	s, the fo	llowing must be	
Cause of Request:					
Planned ExpenditureUnforseen Need	anned Expenditure forseen Need		EmergencyOther		
Funds Affected by Request	::				
Fund(s) Affected Fund Balance as of Januar Revenue to Date Revenue Expected for Rest Appropriations to Date Unappropriated Balance Effect of Proposed Legisl	of year _ -		_ _ 	\$	
Projected Balance	\$	5	_	\$	
	Signature c	of Controller_			
Will the legislation hav fiscal liability or rever	e a major i nues? Yes	lmpact on exis No	sting City	appropriations,	
If the legislation will reason for your conclusion	not have a m on.	najor fiscal in	mpact, exp	lain briefly the	
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.)					





Interdepartmental Memo

To: Members of the Common Council

From: Tom Micuda, Planning Department

Subject: Case # PUD-78-98

Date: January 25, 1999

Attached are the staff reports, petitioner's statements, location maps, and site plan exhibits which pertain to Plan Commission Case # PUD-78-98. The Plan Commission voted 9 - 0 to send the petition to the Council with a favorable recommendation.

BACKGROUND

Request: The petitioner is requesting to rezone this approximately 1.0 acre site from Light Industrial/Special Industrial Overlay (IL/IS) to Planned Unit Development (PUD). Also requested is preliminary and final plan approval, with waiver of second hearing, to allow occupancy by a church as well as a future 2,050 square foot building expansion.

Proposal Summary: The property in question is located at the northeast corner of Fairview Street and a private street known as RCA Drive. Previously, this site was utilized as a meeting hall for the International Brotherhood of Electrical Workers. The petitioner would like to purchase the lot and change the use from a lodge hall to church. Due to its proximity to the abandoned Thomson/RCA plant, the site is zoned IL/IS. This overlay designation only allows property owners the right to maintain or expand the existing land use on the property. The purpose of the overlay is to protect surrounding residential areas from the intrusion of new, potentially noxious industrial uses. In this case, however, the IL/IS overlay places a great restriction on the property because the existing land use is non-industrial in nature. Staff supports the PUD concept in order to replace the no-longer viable lodge hall with a new church and future light industrial uses.

Patterson Drive/Grimes Lane Project: The predominant issue governing site planning issues on this property is the City of Bloomington's proposed Patterson Drive/Grimes Lane roadway project. This project, which is part of the City's Transportation 2000 initiative, will extend Patterson Drive from its current terminus west of this site to connect to Grimes Lane and eventually South Walnut Street. Completion of this roadway will create a continuous truck route between West

Third and Walnut Street. The Patterson Drive project is currently in its design phase and expected to be completed by the end of this year. In terms of how the subject site will be affected, sidewalk and street trees will be installed by the City along the southern edge of this property. This will relieve the petitioners of this requirement. A maximum of two drive cuts will be allowed along the newly realigned roadway; a vast improvement over the current situation which features uncontrolled access to RCA Drive. All necessary right-of-way to complete the roadway project is currently available. No additional dedication is necessary. As a condition of this rezoning approval, the petitioner will be required to grant the City right-of-entry to complete grading activities associated with improvements to the future intersection of Patterson Drive/Grimes Lane and Fairview Street.

REZONING ANALYSIS

1. Zoning Context: As illustrated in the map enclosed with this packet, the site in question is surrounded by the following land uses and zoning:

East - Members Choice Credit Union, zoned IL/IS

North - Apartment Complex and Mobile Home Park, zoned RM15

West - Single Family Residence, zoned IL/IS

South - Thomson, zoned PUD

These zoning designations are indicative of the fact that the subject property is located in a transitional area between the Thomson industrial park and the single family residential neighborhood to the north.

2. Growth Policies Plan Compliance: The property in question is designated "Core Neighborhood" on the Growth Policies Plan map. Close inspection of the map shows recommended industrial land uses south of RCA Drive and a Core Neighborhood designation on those properties north of RCA Drive. When the 1995 zoning maps were adopted in order to implement the GPP, an IL/IS zoning designation was extended to the north side of RCA Drive due to the presence of existing nonresidential uses north of this street (the lodge hall, Members Choice Credit Union. Given the parcel's nonresidential zoning as well as its current use as a lodge hall, staff does not favor a residential-type PUD. With regards to preserving the land for strict industrial usage, there are several mitigating factors which argue against this approach. First of all, the parcel's one acre size does not make it particularly attractive for a large industrial prospect. Second, there are already several hundred acres of available industrial land which were rezoned as part of the Thomson PUD. Third, and finally, the existing structure on the site is readily adaptable for an institutional-type use. In conclusion, staff finds that the proposed church land use is a good "transitional" fit between the Thomson site to the south and the older residential neighborhood to the north.

3. Key Site Planning Issues:

Landscaping: In addition to the City's street tree installation along Patterson Drive/Grimes Lane, the petitioners are required to install screening shrubs along the south border of the property, street trees along Fairview Street, and shrub landscaping within the Fairview setback. No existing vegetation will be removed in association with this rezoning.

Sidewalks: As stated previously, the City will install sidewalk along the Patterson Drive/Grimes Lane frontage. In addition, sidewalk is required along Fairview Street. This sidewalk would connect to an existing sidewalk installed along the frontage of the apartment complex to the north. The petitioner does not wish to construct this sidewalk and will be petitioning the Board of Zoning Appeals for a determinate sidewalk variance.

- **4. List of Uses:** As stated in the petitioner's statement, the primary proposed use for this site is a church. In addition, a small number of IL-type land uses have been added should the church wish to move to a future location. Staff has no issue with this list except to point out that the petitioner's use labeled "offices/businesses" shall not allow any commercial utilization. Only corporate offices, contractor's offices, and other non-consumer offices uses shall be permitted.
- 5. Waiver of 3 Acre Requirement: Zoning Ordinance Section 20.05.09.03 "Requirements for Planned Unit Developments" requires that the minimum gross area for PUDs be at least three (3) acres in size. Normally, the Planning staff does not support waivers of this standard. However, a waiver is supportable with this 1 acre petition due to the unique nature of the zoning designation for this site. Ordinance Section 20.07.15.02 specifies that whenever a property zoned IL/IS changes its land use, the new land use must be approved as a PUD. No other zoning district or overlay has such a restrictive change of use requirement. Rather than force the property owner to aggregate an additional two acres or maintain the current lodge hall land use, staff is supportive of a waiver of the 3 acre requirement.

CONCLUSION

As stated above, this project received unanimous Plan Commission approval on January 11, 1999. Approval was subject to five conditions, which are as follows:

1. The petitioners shall be required to grant the City of Bloomington right-of-entry to complete grading activities associated with improvements to the future intersection of Patterson Drive/Grimes Lane and Fairview Street.

- 2. The petitioner's use labeled "offices/businesses" shall not allow any commercial utilization. Only corporate offices, contractor's offices, and other non-consumer offices uses shall be permitted.
- 3. Sidewalk is required to be bonded for or installed along Fairview Street unless variance is granted by the Board of Zoning Appeals.
- 4. The petitioners are required to complete all of the site improvements as specified in this staff report.
- 5. All future final plans for this site shall be reviewed by staff, with staff having the discretion of bringing the final plan before the Plan Commission in event of a compliance issue.

BLOOMINGTON PLAN COMMISSION PRELIMINARY REPORT

Location: 1107 South Fairview St.

CASE NO.: PUD-78-98 DATE: January 11, 1999

PETITIONER: Pastor Jim Quigley

ADDRESS: Great Harvest Ministry Center, 1111 West 17th St.

COUNSEL: Smith Neubecker & Associates, Inc.

ADDRESS: 4625 East Morningside Drive

FINAL HEARING DATE: February 1, 1999

REQUEST: The petitioner is requesting to rezone this approximately 1.0 acre site from Light Industrial/Special Industrial Overlay (IL/IS) to Planned Unit Development (PUD). Also requested is preliminary and final plan approval, with waiver of second hearing, to allow occupancy by a church as well as a future 2,050 square foot building expansion.

REPORT SUMMARY: The property in question is located at the northeast corner of Fairview Street and a private street known as RCA Drive. Previously, this site was utilized as a meeting hall for the International Brotherhood of Electrical Workers. The petitioner would like to purchase the lot and change the use from a lodge hall to church. Due to its proximity to the abandoned Thomson/RCA plant, the site is zoned IL/IS. This overlay designation only allows property owners the right to maintain or expand the existing land use on the property. The purpose of the overlay is to protect surrounding residential areas from the intrusion of new, potentially noxious industrial uses. In this case, however, the IL/IS overlay places a great restriction on the property because the existing land use is non-industrial in nature. Staff supports the PUD concept in order to replace the no-longer viable lodge hall with a new church and future light industrial uses.

The predominant issue governing site planning issues on this property is the City of Bloomington's proposed Patterson Drive/Grimes Lane roadway project. This project, which is part of the City's Transportation 2000 initiative, will extend Patterson Drive from its current terminus west of this site to connect to Grimes Lane and eventually South Walnut Street. Completion of this roadway will create a continuous truck route between West Third and Walnut Street. The Patterson Drive project is currently in its design phase and expected to be completed by the end of this year. In terms of how the subject site will be affected, sidewalk and street trees will be installed by the City along the southern edge of this property. This will relieve the petitioners of this requirement. A maximum of two drive cuts will be allowed along the newly realigned roadway; a vast improvement over the current situation which features uncontrolled access to RCA Drive. All necessary right-of-way to complete the roadway project is currently available. No additional dedication is necessary. As a condition of this rezoning approval, the petitioner will

Plan Commission Statt Report be required to grant the City right-of-entry to complete grading activities associated with improvements to the future intersection of Patterson Drive/Grimes Lane and Fairview Street.

-

ISSUES:

Zoning and Land Use Context: As illustrated in the map enclosed with this packet, the existing lodge hall site is surrounded by the following land uses and zoning:

East - Members Choice Credit Union, zoned IL/IS

North - Apartment Complex and Mobile Home Park, zoned RM15

West - Single Family Residence, zoned IL/IS

South - Thomson, zoned PUD

These zoning designations are indicative of the fact that the subject property is located in a transitional area between the Thomson industrial park and the single family residential neighborhood to the north. The proposed church use represents an excellent transition between these dissimilar land use patterns.

Growth Policies Plan Compliance: The property in question is designated "Core Neighborhood" on the Growth Policies Plan map. Close inspection of the map shows recommended industrial land uses south of RCA Drive and a Core Neighborhood designation on those properties north of RCA Drive. When the 1995 zoning maps were adopted in order to implement the GPP, an IL/IS zoning designation was extended to the north side of RCA Drive due to the presence of existing nonresidential uses north of this street (the lodge hall, Members Choice Credit Union. Given the parcel's nonresidential zoning as well as its current use as a lodge hall, staff does not favor a residential-type PUD. With regards to preserving the land for strict industrial usage, there are several mitigating factors which argue against this approach. First of all, the parcel's one acre size does not make it particularly attractive for a large industrial prospect. Second, there are already several hundred acres of available industrial land which were rezoned as part of the Thomson PUD. Third, and finally, the existing structure on the site is readily adaptable for an institutional-type use. In conclusion, staff finds that the proposed church land use is a good "transitional" fit between the Thomson site to the south and the older residential neighborhood to the north.

SITE PLANNING ISSUES

Development Standards: Height, building coverage, and floor area ratio standards will match those required in the IL zoning district. Building and parking setbacks will conform to the existing site, with the exception of a reduced building setback along Fairview Street which will allow for the future 2,050 square foot building expansion.

Utilities: This site is already served by City of Bloomington water and sewer as well as all private utilities.

Drainage: Due to the site's proximity to 100-year floodway, no detention will be required. Drainage issues on this site and its surroundings will be addressed by the City during the Patterson Drive/Grimes Lane roadway project. Site drainage must also be approved by the Engineering Department as part of the petitioner's future building expansion.

Landscaping: In addition to the City's street tree installation along Patterson Drive/Grimes Lane, the petitioners are required to install screening shrubs along the south border of the property, street trees along Fairview Street, and shrub landscaping within the Fairview setback. No existing vegetation will be removed in association with this rezoning.

Parking: All church parking requirements are currently met on this site. As a condition of this rezoning, the petitioners are required to provide three handicapped parking spaces and four bicycle parking spaces. In addition, the parking lot must be re-striped.

Sidewalks: As stated previously, the City will install sidewalk along the Patterson Drive/Grimes Lane frontage. In addition, sidewalk is required along Fairview Street. This sidewalk would connect to an existing sidewalk installed along the frontage of the apartment complex to the north. The petitioner does not wish to construct this sidewalk and will be petitioning the Board of Zoning Appeals for a determinate sidewalk variance.

Environmental: There are no sinkholes, wetlands, intermittent streams, 100-year floodway, or significant areas of steep slopes on this site.

Signage: The petitioner wishes to install a ground sign at the southwest corner of the site. Sign area will meet code requirements.

List of Uses: As stated in the petitioner's statement, the primary proposed use for this site is a church. In addition, a small number of IL-type land uses have been added in case the church should wish to move to a future location. Staff has no issue with this list except to point out that the petitioner's use labeled "offices/businesses" shall not allow any commercial utilization. Only corporate offices, contractor's offices, and other non-consumer offices uses shall be permitted.

RECOMMENDATION: Based on the written findings above, staff recommends approval of this rezoning, preliminary plan, and final plan (with waiver of second hearing) with the following conditions:

- 1. The petitioners shall be required to grant the City of Bloomington right-of-entry to complete grading activities associated with improvements to the future intersection of Patterson Drive/Grimes Lane and Fairview Street.
- 2. The petitioner's use labeled "offices/businesses" shall not allow any commercial utilization. Only corporate offices, contractor's offices, and other non-consumer offices uses shall be permitted.
- 3. Sidewalk is required to be bonded for or installed along Fairview Street unless variance is granted by the Board of Zoning Appeals.
- 4. The petitioners are required to complete all of the site improvements as specified in this staff report.
- 5. All future final plans for this site shall be reviewed by staff, with staff having the discretion of bringing the final plan before the Plan Commission in event of a compliance issue.



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

President

Daniel Neubecker L.A.

December 3, 1998

Tom Micuda
City of Bloomington Plan Commission
P. O. Box 100
Bloomington, IN 47402-0100

RE: Electricians Union Hall Rezoning

On the behalf of our client, Pastor Jim Quigley, of the Great Harvest Ministry Center, we respectfully request PUD zoning, preliminary plan approval, and final development plan approval for approximately 1.0 acre of land which represents the Union Hall property.

This site is currently zoned IL/IS and was used as a meeting place for Electrical Union workers. Under the existing City zoning regulations, new uses for this facility are not allowed without PUD zoning. This petition is to provide additional uses for this property which will allow the opportunity for an effective adaptive reuse of the building.

This petition is to allow a primary land use and to also include secondary land uses to make the building more flexible for future tenants.

Primary Uses Church

Secondary Uses
Wholesale Trade
Community Center
Daycare Center
Offices/Businesses
Light Manufacturing
Building Trade Shops
Machinery and Equipment
Business Services

This list represents the reasonable uses the site can support without disturbing adjacent neighbors. It also provides a mix of new uses that will meet future economic demands.

As a part of this PUD application, the owner would like the ability to expand the building and adjust the bulk/height/density standards for more effective building usage.

4625 Morningside Drive
Post Office Box 5355
Bloomington, Indiana 47407-5355
Telephone 812 336-6536 J:/2818/Corresp./Rezone.tr





Tom Micuda December 3, 1998 Page 2

The owner plans site upgrades, which will be fully described in the Outline Plan Statement. We look forward to working with the Planning staff towards a successful conclusion. We are also requesting waiver of the second hearing for this petition.

Sincerely,

Michael J. Probst, A.S.L.A.

SMITH NEUBECKER & ASSOCIATES, INC.

MJP:vp

Cc: File #2818

(29)

PUD OUTLINE PLAN STATEMENT FOR PRELIMINARY PLAN APPROVAL AND FINAL PLAN APPROVAL

Introduction

The petitioner is requesting PUD designation and preliminary plan approval for 1.0 acre of land to allow for new site uses and to expand the existing building by adjusting site development criteria. The site is located at the intersection of Fairview Street and Davis Street near Thomson Manufacturing Plant. This area of Bloomington has been marked for revitalization as designated by the City of Bloomington Enterprise Zone. As a part of this application, the petitioner is requesting a waiver of the minimum acreage size for a PUD.

Compliance with Growth Policies Plan

The City of Bloomington Master Plan identifies this area as industrial ground for business opportunities.

The property is adjacent to Thomson Industrial Park; therefore, the proposed land uses should support and augment the Thomson Property.

This is accomplished first by allowing a new stable primary use for the property so that it will not fall into disrepair. Second, the property should be zoned to allow for a variety of future uses that will give the property flexibility and longevity as outlined below.

Primary Uses Church

Secondary Uses
Wholesale Trade
Community Center
Daycare Center
Offices/Businesses
Light Manufacturing
Building Trade Shops
Machinery and Equipment
Business Services

This simple approach puts this property in position to comply with the Master Plan Policies, which are as follows:

(30)

The seven principles of the Master Plan are fulfilled through the reuse of the building and property. Economic and cultural vibrancy is effectively achieved by having a permanent tenant maintaining the site. The preservation and adaptive reuse of the building can be seen as a method of conserving community character. Compact urban form is promoted by using and allowing the opportunity to upgrade the property. The fourth principle of the Master Plan that is satisfied by the rezoning application is nurturing environmental integrity, which is accomplished by saving property line vegetation. The vegetation will be used for credit towards new landscaping material that would be required by Landscape Code.

The proposed additional uses for the property will provide opportunities for diversity in this area of the community; thus achieving the Master Plan principle of serving diversity. As a part of this petition the owner will dedicate right-of-way that in the future will promote improved traffic. The final Master Plan principle that this project can fulfill is preserving community character. The property can preserve community character by preserving the building and allowing new uses that will maintain the community fabric.

The proposal can easily satisfy all seven principles of the Master Plan and also be an asset to this area of town.

Environmental Issues

The site is located within the City limits of Bloomington and is a stable urban site. The property exhibits no natural environmental constraints. There is no karst features, no steep slopes, no wetlands or no water resources. The existing site improvements are stable, reusable, and are outside the 100-year flood plains. The site has natural vegetation which will be saved and counted towards site landscaping requirements. The protected plants will be shown on the landscape plan.

Site Development Criteria

The following are adjustments to the City of Bloomington Zoning Ordinance height, bulk and density standards that will permit the proposed land uses under IL Zoning district:

Setbacks – Fairview Street:

Minimum building setback from road centerline = 25'
Minimum parking lot setback from road centerline = 25'
Setbacks - Davis Street based on new location as per RQAW Corp.:
Minimum building setback from road centerline = 60'
Minimum parking setback from road centerline = 60'

31)

Parking Setbacks:

Side Yard:

Minimum parking lot setback = 2'

Rear Yard:

Minimum rear yard setback = 2'

Building Setback

16' from Fairview Right-of-Way

Right of way dedication will be provided as requested by the City of Bloomington along Fairview Street.

Landscape Requirements

The petitioner is proposing to provide landscaping along Fairview and along Davis Street at the direction of the City Planning Department. The Planning Department's focus for this landscaping is to buffer between streets and parking. The extent of the landscaping will be streets and shrubbery along Fairview Street. The City Planning Department wants additional landscaping consisting of evergreen and deciduous shrubbery to be installed at the completion of Davis Street improvements.

Final Plan Issues

The project upgrades and improvements will be as follows:

Parking lot improvements will be to repaint the parking spaces and the removal of asphalt in the front of the building and between the parking area adjacent to Davis Street. These improvements will be installed at the same time Davis Street is constructed.

Enclosed with this application is a landscape plan identifying the additional plants needed to comply with Code. A breakdown of plant credit and plant requirement is included.

Signage

The petitioner plans to install a ground sign. The ground sign will be two sided with each side having a maximum of 72 square feet each side.

Utilities

Water, sewer and electrical power are all on site and provide the necessary capacity to support the building.

J:/2818/Corresp./Outline.pln

(32)

Parking

The project has a seating capacity of 200 people. This requires 50 parking spaces. The project plan shows approximately 67 spaces.

Sidewalks

A determinate sidewalk variance is requested for the installation of a sidewalk within the right-of-way running parallel to Fairview Street.

Drainage

There is no on-site drainage structures. The project sheet flows to asphalt parking area to the south.

PUD-78-98 Proposed Site Plan

OCLART BOTANICAL NAME COMMON MAME SIZE

JCCT 17
JUNIDATUS Chin. "Solid Tip"
Elect 15
Evergorien Shrube
Estley JuniDar 18"
Estley JuniDar 18"
Estley JuniDar 12"
Red Migrie 2"Col

