

1st: 6/20
COMMITTEE: 6/27 D.P. 7-1
FINAL: 7/13 6-0

ORDINANCE 90 - 34
To Amend the Outline Plan
Re: Winslow Plaza (Northeast corner of Henderson & Winslow)
(Kenton Robinson)

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, BL/PCD-51-90, and recommended that the petitioner, Kenton Robinson, be granted an amendment to the outline plan and request that the Common Council consider his petition for outline plan amendment 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 and pursuant to Chapter 20.13 of the Bloomington Municipal Code, that an outline plan amendment be approved for Winslow Plaza located at the northeast corner of Henderson Street and Winslow Road. The property is further described as follows:

Part of the southwest quarter of the southeast quarter of Section 9, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Commencing at the northwest corner of said quarter quarter section, said corner being a 5/8" rebar with yellow plastic cap set this survey; thence on and along the west line of said quarter quarter section SOUTH 0 degree 15 minutes 22 seconds East (assumed bearing) 688.45 feet; thence NORTH 90 degrees 00 minutes 00 seconds East, 40.00 feet to the east right-of-way line of Henderson Street, said corner marked by a 5/8" rebar with yellow plastic cap set, and being the point of beginning; thence continue NORTH 90 degrees 00 minutes 00 seconds East, 472.45 feet to the west line of Henderson Court (Book 264 page 348, Office of the Recorder) and marked by a 5/8" rebar with yellow plastic cap set; thence SOUTH 1 degree 41 minutes 30 seconds West, 630.27 feet on and along the west line of Henderson Court to the south line of said quarter quarter section and a railroad spike set this survey; thence on and along said south line NORTH 90 degrees 00 minutes 00 seconds West, 451.00 feet to a railroad spike set on the east right-of-way line of Henderson Street and said point being 40.00 feet East of the southwest corner of said quarter quarter section; thence on and along said east right-of-way NORTH 0 degrees 15 minutes 22 seconds West, 630.00 feet to the point of beginning, containing 6.67 acres, more or less and subject to any legal rights of way and easements.

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

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 3rd day of July, 1990.

Iris Kiesling

Iris Kiesling, President
Bloomington Common Council

ATTEST:

Patricia Williams
Patricia Williams, City Clerk

PRESENTED by me to the Mayor of the City of
Bloomington, Monroe County, Indiana, upon this 5th day of
July, 1990.

Patricia Williams
Patricia Williams, City Clerk

SIGNED and APPROVED by me upon this 5th day of
July, 1990.

Tomilea Allison
Tomilea Allison, Mayor
City of Bloomington

SYNOPSIS

This amendment to the outline plan replaces a previously approved home improvement business with a flower shop and permits the flower shop to exceed the 3,000 sq. ft. maximum allowed for retail use in the PCD. With this replacement, the flower shop will be the only approved use to exceed the 3,000 sq. ft. limit.

Signed copies to:
Planning
Rehman

ORDINANCE CERTIFICATION

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 90-34 is a true and complete copy of Plan Commission Case Number RL/PCD-51-90 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and Abstentions by the Bloomington City Plan Commission at a public hearing held on June 11, 1990.

Date: June 12, 1990

Timothy A. Mueller
Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 13 day of June, 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 _____	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 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)

BLOOMINGTON PLAN COMMISSION
STAFF REPORT
BL/PCD-51-90
NE corner of Henderson & Winslow
Kenton Robinson & Sue Mitchell

June 11, 1990

Requested is outline plan amendment to allow a retail use of more than 3,000 sq. ft. of gross floor area for one of three proposed outlots in the Peoples Square development. The proposed building would consist of approximately 5,184 sq. ft. of gross floor area. Outline plan approval restricted retail floor area to 3000 sq. ft. per use. Plan commission and City Council approval for the over 3,000 sq. ft. flower shop is required.

Requested also is development plan approval for the construction of a flower shop, called Whitehouse Flowers, in what would become outlot 1 of the subdivision. Outlot 1 would consist of .49 acre and be located closest to Winslow Rd. Up to two other outlots are proposed. Access to the lot would be through existing internal road. Access to the other two lots would also be through internal road. These outlots would complete development in the center.

Details relevant to Whitehouse Flowers are incomplete. Fully engineered development, drainage, grading, and landscape plans are needed. Current site plan shows the building and parking setbacks are not met. Required is 75 ft. and 60 ft. from the centerline of Winslow for the building and parking, respectively. Staff recommends that the Commission not act on the development plan at this hearing. Fully engineered plans are required for any development plan approval. Action should be deferred on the development plan until engineered plans conforming to code requirements are submitted. Staff is also concerned about the relative size of the outlots. It appears that the building for Whitehouse Flowers will not fit on the size lot proposed (100ft. deep by 208ft. of frontage on Winslow) and meet required setbacks.

Staff recommends forwarding the proposed revision to the outline plan to second hearing. The development plan portion of the request should be continued until engineered plans are submitted.

Fernandez queried how this project will interface with the City's plan to improve Allen and Adams. Spiek stated that the petitioner's design will integrate with City improvements. Swafford queried the in-between property which is overgrown with weeds and piled up dirt. Spiek noted that it would be a county nuisance issue.

No remonstrators were present.

***Bill Stuebe moved; Rick Zabriskie seconded approval of PUD-50-90 per staff recommendation and the following conditions: 1) marking of trees to be saved prior to construction; 2) reduction of 5 ft. in setback requirement for front or rear of lots 4, 9, 16, 20, 27, 31, 37, 42; 3) reduction of sideyard setbacks with a requirement of 5 ft. minimum, minimum of a total of 16 ft. for both sideyards, and a minimum of RS separation of 15 ft. between adjacent houses; 4) sidewalks along Adams and Allen Streets as well as internal sidewalks; and 5) right-of-way dedication of 35-ft. from centerline of Allen and Adams. Carried 9-0.

Young felt that marking trees for preservation adds expense to a project. Mueller felt that tree preservation is critically important to the community and that the staff has had mixed results with marking and not marking trees with different developers. The intent is to make it more difficult for mistakes to happen.

BL/PCD-51-90 Sue Mitchell/Kenton Robinson
Winslow Plaza (NE corner of Henderson & Winslow)
Request for development plan approval and
revision of outline plan

John Farris reported. Requested is outline plan amendment to allow a retail use of more than 3,000 sq. ft. for one of three proposed outlots in Winslow Plaza. The proposed building would consist of approximately 5,148 sq. ft.. This outlot would consist of .49 acres and would be located closest to Winslow Road. Access to the lot would be through existing internal road. Two other potential outlots will be developed later. Plan Commission and City Council approval are required to exceed the 3,000 sq. ft. limit. Requested also is development plan approval for the construction of White House Flowers on this outlot. Details for the White House Flowers building are incomplete. Fully engineered development, drainage, grading, and landscape plans are needed. The current site plan does not meet building and parking setbacks.

Chris Spiek spoke regarding the different aspects to this petition. 1) Development plan approval for White House Flowers building; 2) Revision of the outline plan to allow in excess of 3,000 sq. ft. for retail space; and 3) The outlot question in general. Staff is not opposed to the larger building. A

previous revision to the outline plan included a home improvement store in excess of 3,000 sq. ft.. Staff recommends approval of the outline plan amendment to permit the larger building in excess of 3,000 sq. ft. allowing that portion of the request to be forwarded to the City Council for action. Staff recommends that the development plan for White House Flowers be forwarded to July 9, 1990 for second hearing with fully engineered plans required at that time. A final issue is the subdivision of the outlots.

Weger queried whether proposed is an increase from two to three outlots. Yes. Weger queried any architectural controls. Spiek noted that none were required with the outline plan but with a revision such could be included. Fernandez queried whether this use would preclude the previously approved home improvement center. Yes. Stuebe felt that it was important to not try to squeeze an oversized building on an outlot. Swafford felt that two lots would be more advisable than three.

Mike Carmin was present representing one of the petitioners, Kenton Robinson, who is the owner requesting subdivision and approval of the outlot configuration. Carmin stated that the property has been to the Commission on five occasions, beginning in 1984 (PCD-24-84) with approval of seven individual building sites plus a Peoples State Bank branch; in 1987 (PCD-64-87) approval of a strip center with mini-warehouses; in 1987 (PCD-75-87) approval was changed back to individual building sites; in 1988 (PCD-52-88), approval of a new development with a strip building, mini-warehouses, and an area in the southeast corner for future development. The outlot in the northwest corner was dropped in 1988. Robinson is requesting approval of subdivision for outlot 1 (app. 100 ft. x 280 ft.) and waiver of second hearing, creating only one new lot at this time with no specific plan for the remainder of the land.

Discussion ensued regarding the number of outlots previously approved. Petitioner's understanding was that the southeast corner was left for future development with no stipulation as to how many tracts it would be divided into. Weger queried what would happen if the Planning Dept.'s concerns about the White House Flowers building not fitting on the lot were to prove accurate. Carmin stated that the dimensions of the lot would not be changed and that he believed the building would fit. Mueller stated that it is necessary to send the outline plan revision to the Council to begin their action on that issue. Staff would be reluctant to endorse a specific lot line until fully engineered plans are submitted for the White House Flowers building. Staff prefers to treat the creation of the lot line as part of the development plan and deal with it after fully engineered plans are received.

