

ORDINANCE 88 - 37

To Amend the Zoning Maps from RE to BL/PCD and  
Grant Outline Plan Approval

RE: State Road 37 and South of Acuff Road (Donald Mitchell)

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-27-88, and recommended that the petitioner, Don Mitchell and Stoutes Creek Development Association, 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 RE to BL/PCD for property located at the southwest corner of S.R. 37 and Acuff Road, and more particularly described as follows:

Part of the Northwest quarter of the Northwest quarter of Section 20 Township 9 North, Range 1 West, described as follows:  
Beginning at the Southwest corner of said quarter quarter, thence North 89 degrees 19 minutes 10 seconds East 674 feet to the West right-of-way of State Road #37, thence in a Northerly direction along said West right-of-way line the following courses and distances: North 02 degrees 50 minutes 10 seconds East 245.48 feet; thence North 1018.08 feet along an arc to the left and having a radius of 11,314.16 feet and subtended by a long chord having a bearing of North 0 degrees 15 minutes 30 seconds East and a length of 1017.74 feet; thence North 48 degrees 24 minutes 40 seconds West 73.86 feet; thence North 89 degrees 15 minutes 30 seconds West 200 feet; thence North 64 degrees 05 minutes 30 seconds West 16.50 feet; thence leaving said road #37 right-of-way North 89 degrees 15 minutes 30 seconds West 274.45 feet; thence South 61 degrees 40 minutes West 42.75 feet; thence the following courses and distance along a county road: South 24 degrees 02 minutes West 267.75 feet; thence South 21 degrees 02 minutes East 296.53 feet; thence South 06 degrees 30 minutes West 89.57 feet; thence South 54 degrees 39 minutes West 121.84 feet and to the West Section line; thence South along the West Section line 619 feet to the point of beginning, containing in all 19.53 acres, more or less.

A part of the West half of Section 20, Township 9 North, Range 1 West, Monroe County, Indiana, bounded and described as follows: Beginning at a point that is 1318.25 feet West of the Northeast corner of the said half in said Section 20 and on the West right-of-way of State Road #37, thence running with the said State Road the following courses and distances, South 03 degrees 11 minutes 26 seconds West for 1052.90 feet; thence South 02 degrees 05 minutes 20 seconds West for 251.32 feet; thence South 05 degrees 51 minutes 15 seconds West for 213.24 feet; thence leaving said State Road #37 right-of-way and running West for 564.77 feet; thence North 00 degrees 54 minutes 16 seconds East for 1515.09 feet; thence South 89 degrees 58 minutes 05 seconds East for 630.36 feet and to the point of beginning.

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 above designated property be designated a Planned Commercial Development.


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

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 17 day of August, 1988.

  
PAM SERVICE, 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 18 day of August, 1988.

Patricia Williams  
PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 26 day of August,  
1988.

Tomilea Allison  
TOMILEA ALLISON, Mayor  
City of Bloomington

SYNOPSIS

This ordinance would rezone about 40 acres along the west side of S. R. 37  
bypass south of Acuff Road from RE to BL, designate the site a Planned Commercial  
Development and approve an Outline Plan. The southerly 12 acres would accomodate  
a Hotel Convention center. 18 additional acres would accomodate a light industrial  
and office park. The balance would be open space along Stoutes Creek.

*Signed copies: 8/31/88  
planning  
petitioner*

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

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number \_\_\_\_\_, is a true and complete copy of Plan Commission Case Number PCD-27-88 which was given a recommendation of approval by a vote of 6 Ayes, 3 Nays, and 0 Abstentions by the Bloomington

City Plan Commission at a public hearing held on July 18, 1988

6-3 vote for unaccepted modification to (by the petitioner) Petitioner proposed Planning Director  
Date: 7/29/88 his own request. Tim Mueller, Secretary  
Plan Commission

Received by the Common Council Office this 28 day of July, 1988

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 _____

RE to BL/PCD with outline plan approval.

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.

The property is not within the incorporated limits.

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 7/29/88

CITY OF BLOOMINGTON

Interdepartmental Memo

TO: Council SUBJ: Outline Plan - Don Mitchell  
FROM: Tim Mueller DATE: July 28, 1988

The Outline Plan for this PCD includes the petitioner's statement of May 6 and the site plan. The statement addresses permitted uses and other development constraints, including some architectural controls. The site plan shows the hotel/convention center on 12 acres, office/industrial development on 18 acres, with the balance of the 40 acres open space. Certain proposed uses were deleted in the course of the hearings. These are crossed out on the statement.

A key issue was the provision of street access across Ivy-Tech to S.R. 46. The Plan Commission recommendation is no development other than RE single family until this street is committed. Please refer to the staff report for the contingencies on this street.

The petitioner does not agree to the Commission's recommendation relative to the street, so the Plan Commission recommendation is to be construed as a denial of the petitioner's request.

The request up for consideration by the Council is what the petitioner agreed to in the course of the Commission's hearings:

Approve on the condition that the S.R. 46 access is a prerequisite for the hotel/convention center. In case the road could not be built, a back-up land use would have to be specified for it's site. Staff will support this alternative with the light industrial/office park use as regulated for the rest of the development as the back-up use. As discussed in earlier cases on this site, industrial development has lower trip generation characteristics and economic benefits to the community. We have supported the concept of well regulated industrial development here without the S.R. 46 access.

This alternative, one of four identified in the staff report, had staff support.



**BLPCD OUTLINE PLAN STATEMENT  
STOUTS CREEK DEVELOPMENT  
MAY 6, 1988**

- I. SITE PLAN - A schematic site plan has been developed for this 39 acre tract on the west side of State Road 37 and south of Acuff Road. The schematic plan and the rendering show the general concept which we are proposing for the development of the land. The hotel/conference center shall be situated on the 12 acre site at the south end of the project. The remaining parcels shall be designated as an office/warehouse park. A public roadway will be constructed from Acuff Road to the south end of the project consisting of 24' pavement with curb and gutter and sidewalk on one side. Substantial building and paving setbacks will be provided to ensure that quality green space is developed with the project. A paving and building setback line is shown 20' east of the top of the Stouts Creek valley bank. Other setbacks will be provided as follows:

Roadway	R/W	Paving Setback		Parking		Building	
		City	Proposed	City	Proposed	City	Proposed
S.R. 37	150+	0	20'	0	20'	0	50'
Acuff	30'	0	20'	10'	20'	15'	30'
Local	30'	0	20'	10'	20'	15'	30'
West Pl		30'	30'	30'	30'	30'	60'
South Pl		0	10'		10'	30'	30'

The area in Stouts Creek valley west of the building and set back line shall be used for residential or park type purposes only.

- II. LAND USE - The Stouts Creek Development is proposed to be anchored by hotel and conference center and an office/~~warehouse~~ park. The specific uses include those related and supplemental to the hotel/conference center use and potential park users. The hotel/conference center would include uses that would be totally contained within one structure. These uses include: hotel amusement/indoor, antiques, arts and crafts, books, newsstands, florist shop, gift shop, jewelry, variety store, branch bank, business services, office, restaruant (sit-down), conference center, personal service. The remainder of the land would be the office ~~warehouse~~ park with land uses as follows: business service, business and professional office, printing<sup>(1)</sup>, radio and television staion, ~~recreation - health and fitness facility, warehouse,~~ clock scientific instrumentation, drugs and pharmaceuticals, electronic equipment, musical instruments, paper products, ~~printing, newspapers,~~ research laboratory, service and distribution<sup>(2)</sup>, day care centers, clinics and services, doctors and dentists, rehabilitative facilities, ~~service and civil clubs.~~ The land in the Stouts Creek Valley would remain residential estate and park uses.

- (1) no commercial printing  
(2) no motor terminal

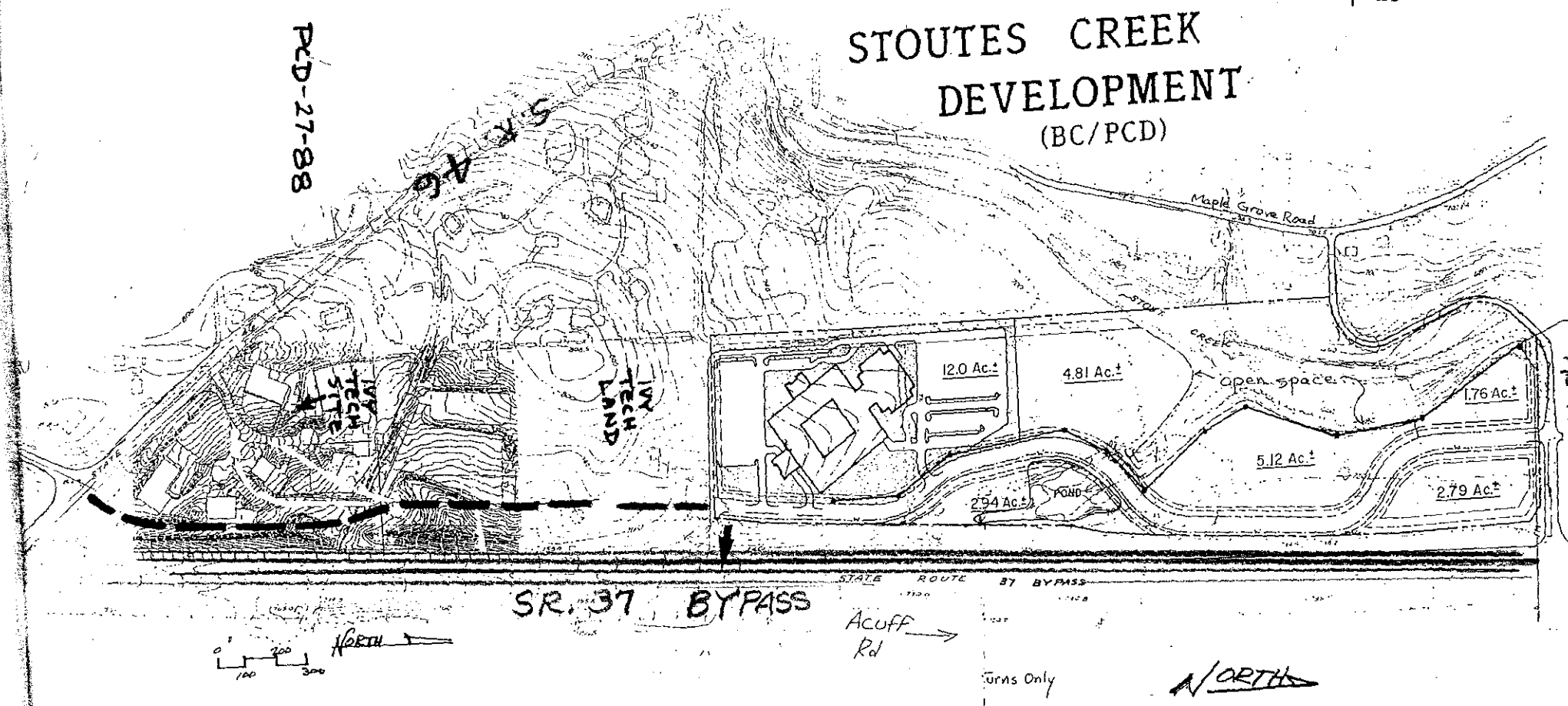


- III. TRAFFIC ACCESS - A roadway will be provided connecting Acuff Road with the entrance to State Road 37 at the southeast corner of the property. It is proposed that this road be public. The entrance to State Road 37 is proposed as a right-in/right-out only. The dimensions of the entrance are shown on the outline drawing. Discussions are currently underway with the Department of Highways on this item. The outline plan also shows the proposed improvements to Acuff Road. These improvements are also being discussed with the Department of Highways, County Engineering and City Engineering.
- IV. UTILITIES - Public sewer and water are proposed as a part of this project. A city water main crosses the site at the south end. We propose to extend the water line along the roadway to Acuff Road. Sanitary sewer will flow gravity to the north end of the site where it will be pumped eastward and eventually flow into the Cascades interceptor sewer. Several options are currently being considered for the route of this force main.
- V. ARCHITECTURAL - Architectural controls will be provided by the Plan Commission and by the Developer via the development plan process and the covenants and restrictions of the park. We propose that the following criteria be used at the development plan stage to evaluate the architectural quality of each development:
1. The wall of any building fronting on State Road 37 or Acuff Road, will not be a plain block or steel wall, but must have an architecturally pleasing design. Architecturally pleasing would include partially veneered, windows, possibly finished masonry, including concrete block with architectural style such as brick appearance or fluted.
  2. All roofs shall be sloped in appearance and no mansard roofs or completely flat roofs will be allowed.
  3. No loading docks or service areas shall be visible from State Road 37 or Acuff Road.
  4. No outside storage will be allowed.
  5. All parking and service areas shall be paved.
  6. The increased paving and building setbacks as outlined under site plan above shall be enforced.
  7. All sites shall meet the city landscaping ordinance.
  8. The hotel conference center facility shall be of the quality of that depicted in the rendering being submitted, though the specific architectural style and features may change based on the final design needs of the user.

PCD-27-88

# STOUTES CREEK DEVELOPMENT (BC/PCD)

PCD-27-88



# STOUTES CREEK DEVELOPMENT (BC/PCD)

PRD-27-88

