

Passed: 8-0

**ORDINANCE 97-54**

**TO AMEND THE PRELIMINARY PLAN  
FOR THE BELL TRACE PLANNED UNIT DEVELOPMENT (PUD)**

**Re: 3630 East Tenth Street  
(CarDon & Associates, Petitioner)**

WHEREAS, the Common Council adopted Ordinance 95-21 which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning", including the incorporated zoning maps, and repealed Title 21, entitled "Land Use and Development" on May 1, 1995; and

WHEREAS, the Plan Commission has considered this case, PUD-54-97, and recommended that the petitioner, CarDon & Associates, be granted an amendment to the preliminary plan and request 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 that a preliminary plan amendment be approved for 3630 East Tenth Street, Bloomington, Indiana. That property is further described as follows:

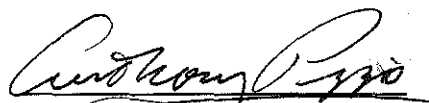
A part of the Southeast quarter and a part of the Northeast quarter, all in Section 35, Township 9 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of said Southeast quarter said point being on the centerline of State Road #45; thence South 88 degrees 08 minutes 13 seconds East along said centerline 127.55 feet to a curve concave Northwesterly with a radius of 900.00 feet and a chord bearing North 85 degrees 17 minutes 52 seconds East for a distance of 205.80 feet; thence Northeasterly along said curve and said centerline 206.25 feet; thence North 78 degrees 43 minutes 57 seconds East along said centerline 190.70 feet; thence North 80 degrees 51 minutes 41 seconds East along said centerline 93.02 feet; thence leaving said centerline South 01 degrees 53 minutes 16 seconds West 1211.30 feet to the Northerly right-of-way of the Illinois Central Railroad; thence North 74 degrees 50 minutes 32 seconds West along said right-of-way 621.66 feet; thence leaving said right-of-way North 01 degrees 39 minutes 30 seconds East 983.75 feet to the point of beginning, containing 15.40 acres, more or less.

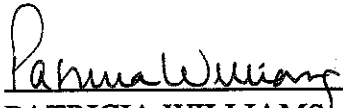
SECTION II. The Preliminary Plan Amendment, as recommended by the Plan Commission, shall be attached and made a part of this ordinance.

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.

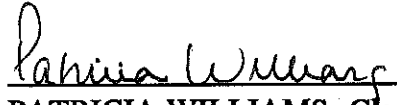
PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 10<sup>th</sup> day of December, 1997.

  
ANTHONY PIZZO, President  
Bloomington Common Council


ATTEST:

  
PATRICIA WILLIAMS, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 10<sup>th</sup> day of December, 1997.

  
PATRICIA WILLIAMS, Clerk  
City of Bloomington

SIGNED AND APPROVED by me upon this 10 day of December, 1997.

  
JOHN FERNANDEZ, Mayor  
City of Bloomington

SYNOPSIS

This ordinance amends the preliminary plan for the 15-acre Bell Trace PUD by changing the mix of apartments and assisted care beds and by moving the assisted care beds into a one story building located at the southeast corner of the site.

Signed copies  
Petitioner  
Planning

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

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 97-54 is a true and complete copy of Plan Commission Case Number PUD-54-97 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on November 17, 1997.

Date: November 20, 1997

Donald F. Hastings  
Donald F. Hastings Secretary  
Plan Commission

Received by the Common Council Office this \_\_\_\_ day of \_\_\_\_\_, 1997.

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 \_\_\_\_\_

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:** Common Council  
**FROM:** Lynne Friedmeyer, Planning Department  
**DATE:** November 20, 1997  
**CASE NO:** PUD-54-97  
**LOCATION:** 3630 E. Tenth Street  
**PETITIONER:** CarDon, LLC  
**COUNSEL:** Bynum Fanyo & Associates, Inc.

On November 17, 1997, the Bloomington Plan Commission approved a request for preliminary and final plan amendments of a 15 acre PUD in order to allow the nursing home portion of the facility to be placed in a separate building on the southeast corner of the site.

The PUD preliminary and final plan approvals in 1994 and 1996, respectively, allowed a retirement community with 40 assisted health care beds and 210 apartments (broken into 72 detached units and 138 apartments in the main building). Proposed are 48 perimeter units, 42 assisted care beds, and 160 apartments for a total of 250 units. This change in the layout of the facility does not change the density approved for the site.

The reasoning behind this proposed amendment concerns the internal functioning of the nursing home. Instead of having the nursing home beds on three separate floors with separate nursing stations and living areas, the petitioner would like to focus the nursing home component of the facility into one area. By constructing a building to house this nursing home component of the PUD, the internal arrangement of the main building becomes more flexible and also allows for the apartments to be slightly larger and more accommodating. Please refer to the petitioner's statement.

The site is located on the south side of E. 10th St., east of Woodbridge apartments, west of the Grandview Subdivision, north of the Park Ridge neighborhood, and south of the new Barrington Place condominium development. This 15 acre parcel has a large green rolling yard on the northern half of the site with trees along the perimeter. The southern half of the site has several mature pine and deciduous trees. Some of the trees were marked to be preserved at the preliminary plan stage. These trees will be protected throughout the construction period. No trees originally slated for preservation will be removed with these PUD amendments. At this time one of the detached units (a duplex structure) is under construction.

At the preliminary plan approval in 1994 several conditions were imposed. 1) The sole use of the property is to be a retirement type community for residents 55

years of age or older. 2) The property is to have a recorded commitment attached to it restricting occupancy to persons 55 years of age or older. The document has been recorded. 3) One story buildings only are to be placed on the east and south frontages of the property. 4) Engineered water quality mitigation plans with full details are required at final plan stage to Plan Commission satisfaction. (These conditions have been paraphrased.) Please refer to the Plan Commission report dated August 26, 1996 included in the packet.

In terms of the Growth Policies Plan, the map designates this parcel high density residential. The PUD was approved in accordance with that goal as a living facility for the elderly. This preliminary and final plan amendment do not change the use or intensity on this parcel. The nursing home portion of the project is being moved to allow better functioning of the facility.

The original approval of the architecture remains the same. The main building will be a colonial style structure of brick and vinyl. The front of the proposed nursing home building will be as depicted, but without dormers. Brick will cover 20% of the sides and rear. The roof will be shingled. The front will have white columns and white vinyl trim. Dormers will be placed along the roof as depicted. Shutters will be placed on the front windows. The one story attached units will be brick on all four sides with white vinyl trim and shingled roofs to match the main building. The proposed nursing facility will be a one floor version of the main building. Please see the attached drawings.

**PUD-54-97**

**Conditions of Approval**

- 1) Parking meets the code requirements. Staff reserves the right to work with the owner as the facility develops in order to eliminate some spaces if it becomes obvious that parking is in excess of what is needed. Such areas must be landscaped to staff's satisfaction.
- 2) No trees identified for preservation in the original approval shall be permitted to be removed with this amendment.
- 3) All other previous conditions of approval for Case # PUD-68-96 apply to this amendment.

PRELIMINARY PLAN

**BLOOMINGTON PLAN COMMISSION  
PRELIMINARY REPORT**

**CASE NO.: PUD-54-97  
DATE: November 17, 1997**

**Location: 3630 E. 10th St.**

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**PETITIONER: Name : CarDon, LLC  
Address: 304 W. Howe St.**

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**COUNSEL: Name : Bynum Fanyo & Assoc., Inc.  
Address: 528 N. Walnut**

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**PRELIMINARY HEARING DATE: November 17, 1997  
FINAL HEARING DATE: December 8, 1997**

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**REQUEST:** The petitioner is requesting preliminary and final plan amendments of this existing fifteen acre PUD in order to relocate the nursing home portion of the facility to the southeast corner of the site. Originally approved were 72 perimeter detached units, 40 assisted care beds, and 138 apartments for total of 250 units. The proposed change would allow 48 perimeter units, 42 assisted care beds, and 160 apartments for a total of 250 units. The density of the development remains unchanged. Laundry and food preparation areas for this nursing home facility will also be placed in the proposed building.

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**SUMMARY REPORT:** This PUD was approved by the Bloomington Plan Commission under case # RL/PUD-5-94 on 4/4/94. The petitioner was granted a five year extension of the preliminary plan on 10/9/95. This allowed the buyers time to secure the financing needed to construct the development. The final plan approval was later approved in August, 1996 under case # PUD-68-96. The approvals at that time allowed a retirement community with 40 assisted health care beds and 210 apartments (broken into 72 detached units and 138 apartments in the main building). The reasoning behind this proposed amendment concerns the internal functioning of the nursing home. Instead of having the nursing home beds on three separate floors with separate nursing stations and living areas, the petitioner would like to focus the nursing home component of the facility into one area. By constructing a building to house this nursing home component of the PUD, the internal arrangement of the main building becomes more flexible and also allows for the apartments to be slightly larger and more accommodating. Please refer to the petitioner's statement.

The site is located on the south side of E. 10th St., east of Woodbridge apartments, west of the Grandview Subdivision, north of the Park Ridge neighborhood, and south of the new Barrington Place condominium development. This 15 acre parcel has a large green rolling yard on the northern half of the site with trees along the perimeter. The southern half of the site has several mature pine and deciduous trees. Some of the trees were marked to be preserved at the preliminary plan stage. These trees will be protected throughout the construction

period. No trees originally slated for preservation will be removed with these PUD amendments. At this time one of the detached units (a duplex structure) is under construction.

At the preliminary plan approval several conditions were made. 1) The sole use of the property is to be a retirement type community for residents 55 years of age or older. 2) The property is to have a recorded commitment attached to it restricting occupancy to persons 55 years of age or older. The document has been recorded. 3) One story buildings only are to be placed on the east and south frontages of the property. 4) Engineered water quality mitigation plans with full details are required at final plan stage to Plan Commission satisfaction. (These conditions have been paraphrased.) Please refer to the Plan Commission report dated August 26, 1996 included in the packet.

The developer and their consultants invited the surrounding neighbors to attend an informational meeting on Wednesday, November 12, 1997. To date, staff has not received any calls from the adjoining property owners.

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**ISSUES:**

**Growth Policies Plan Compliance:** The Growth Policies Plan designates this parcel high density residential. The PUD was approved in accordance with that goal as a living facility for the elderly. This preliminary and final plan amendment do not change the use or intensity on this parcel. The nursing home portion of the project is being moved to allow better functioning of the facility.

**Access:** The ingress/egress point from this site was established at the preliminary plan stage. Traffic studies were completed to help assess the safest access point possible along this busy road. Access will be from one point only on John Hinkle Drive. This development will have no drive cuts directly onto E. 10th St. At this time the drive is completed and paved for the first phase of the site.

**Sidewalks:** Five foot wide concrete sidewalks will be constructed along the frontage of E. 10th St. and will connect to the development's entrance on John Hinkle Dr. A four foot sidewalk will be continued from this front sidewalk and skirt around the perimeter of the property as a walking path for the residents of the development. The walking path will be constructed of either concrete or asphalt so that wheelchairs may travel easily. The path will meander so that there will be a natural setting for walks and so that the maximum number of trees will be preserved. The petitioner has worked with staff in designing a trail for the path that causes the least tree disturbance. The sidewalk and path are to be constructed with the first phase.

**Parking:** Parking for this facility will likely exceed the need in light of the fact that most of the residents either will not drive or will have only one car. The petitioner



has met the code requirements for multifamily dwellings and rest homes, and many of the units will have attached garages. After speaking with the owner of the project, it was agreed to keep the parking flexible. Staff and the petitioner recognize the need for adequate parking for employees as well as visitors. However, should it become obvious that some parking could feasibly be deleted from the plan, the space will be landscaped to staff satisfaction. Any changes in the parking must be approved by staff.

**Utilities:** All utilities are in place for the construction of this project.

**Drainage:** Drainage on this property is very sensitive due to its location in the Lake Griffy watershed. A large detention pond has been constructed and stabilized near E. 10th St. and is currently functioning. The smaller detention area on the eastern side of the property has been built to assure that the Grandview neighborhood is not impacted by storm water or flooding. Maintenance of the pond will be a part of the owner's responsibility.

**Tree Preservation:** Trees that are near proposed buildings and detention areas were spotted for preservation. No additional trees will be removed with this amendment.

**Landscaping:** Street trees will be placed 40 feet on center along E. 10th St. These will be large deciduous native trees. The remainder of the site will be landscaped to meet code requirements and as approved on the previous plans.

**Architectural Compatibility:** The original approval of the architecture remains the same. The main building will be a colonial style structure of brick and vinyl. The front of the building will be as depicted. Brick will cover 20% of the sides and rear. The roof will be shingled. The front will have white columns and white vinyl trim. Dormers will be placed along the roof as depicted. Shutters will be placed on the front windows. The one story attached units will be brick on all four sides with white vinyl trim and shingled roofs to match the main building. The proposed nursing facility will be a one floor version of the main building. Please see the attached drawings.

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**RECOMMENDATION:** Staff recommends approval of this petition with waiver of the second hearing, based on the written findings, with the following conditions of approval:

1) Parking meets the code requirements. Staff reserves the right to work with the owner as the facility develops in order to eliminate some spaces if it becomes obvious that parking is in excess of what is needed. Such areas must be landscaped to staff's satisfaction.

2) No trees identified for preservation in the original approval shall be permitted to be removed with this amendment.

3) All other previous conditions of approval for Case # PUD-68-96 apply to this amendment.

**MEMORANDUM**

TO: Don Hastings

FROM: M. Figg, K. Komisarck, M. Litwin, D. Rollo, M. Wedekind

LIAISON: M.E. Gray

DATE: November 17, 1997

SUBJECT: PUD-54-97, CarDon & Associates, 3630 East 10th Street  
Preliminary and final plan amendment in order to relocate the nursing home  
portion of the facility to the SE corner of the site

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Since no members of the Planning Subcommittee attended the regularly scheduled Environmental Commission's Planning Subcommittee meeting, there is no report from the Environmental Commission.



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

October 16, 1997

City of Bloomington  
Planning Department  
401 N. Morton Street  
Bloomington, Indiana 47404

Re: Bell Trace Final Plan Amendment

Dear Plan Commission Members,

On behalf of our client, CarDon, Inc., we are respectfully requesting an amendment to the Preliminary and Final Plan Approval for the above referenced PUD project with waiver of second hearing. This amendment consists of constructing a 42 bed assisted care facility in the southeast corner of the site, thus removing the assisted care facilities from the main central building as was previously proposed and approved. This proposed shift of units does not affect the overall proposed density or impact of the project. The proposed plan will have 42 assisted care beds in a separate building, 160 apartments in the large central building, and 48 garden apartments around the perimeter, as opposed to 138 apartments and 40 assisted care beds in the large central building and 72 garden apartments, as originally approved.

The purpose of this request is to allow for the assisted care facilities to be placed entirely on one floor, and not broken up into 3 floors, as originally proposed. This will place people of similar needs in one area, preventing separation, and making more efficient care possible. The lobby, recreational area, and nursing station will be larger and more comfortable as only one of each is needed, not one of each on three different floors. Food preparation and laundry service facilities will also be moved to the new building.

This request will also allow the enlargement of the individual apartment units in the main building. For example, a typical two-bedroom unit will go from 700 square feet to 850 square feet. This will provide a more comfortable dwelling for the people that still have mobility but desire the convenience of having meals prepared for them and not having to care for the upkeep

528 NORTH WALNUT STREET  
812-332-8030

Petitioner's Statement  
BLOOMINGTON INDIANA 47404  
PUD-54-97  
FAX 812-339-2990  
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City of Bloomington  
Planning Department  
October 16, 1997  
Page 2

of their units.

We have checked the lot coverage from the approved plan and this plan and it has gone from 110,500 square feet to 107,200 square feet. This is due in part to the fact that the five and six-plexes have been eliminated. The approved plan had 72 garden units along the east and south side of the project. We are proposing that 48 of these units are now to be constructed.

The result of this approval will be that the assisted care units can all be on one floor not three as approved. There will be larger apartment units as well as larger common and support areas for the convenience of our tenants. Those residents within the retirement community who require a higher level of health care to maintain activities of daily living will be more comfortable in a separate building that has access to all the benefits of this facility without the potential commotion that may disturb their daily routine and activities.

If you have any questions, please feel free to contact this office at anytime.

Very truly yours,

BYNUM FANYO & ASSOCIATES, INC.



John W. Blacketter

xc: BFA File #409632

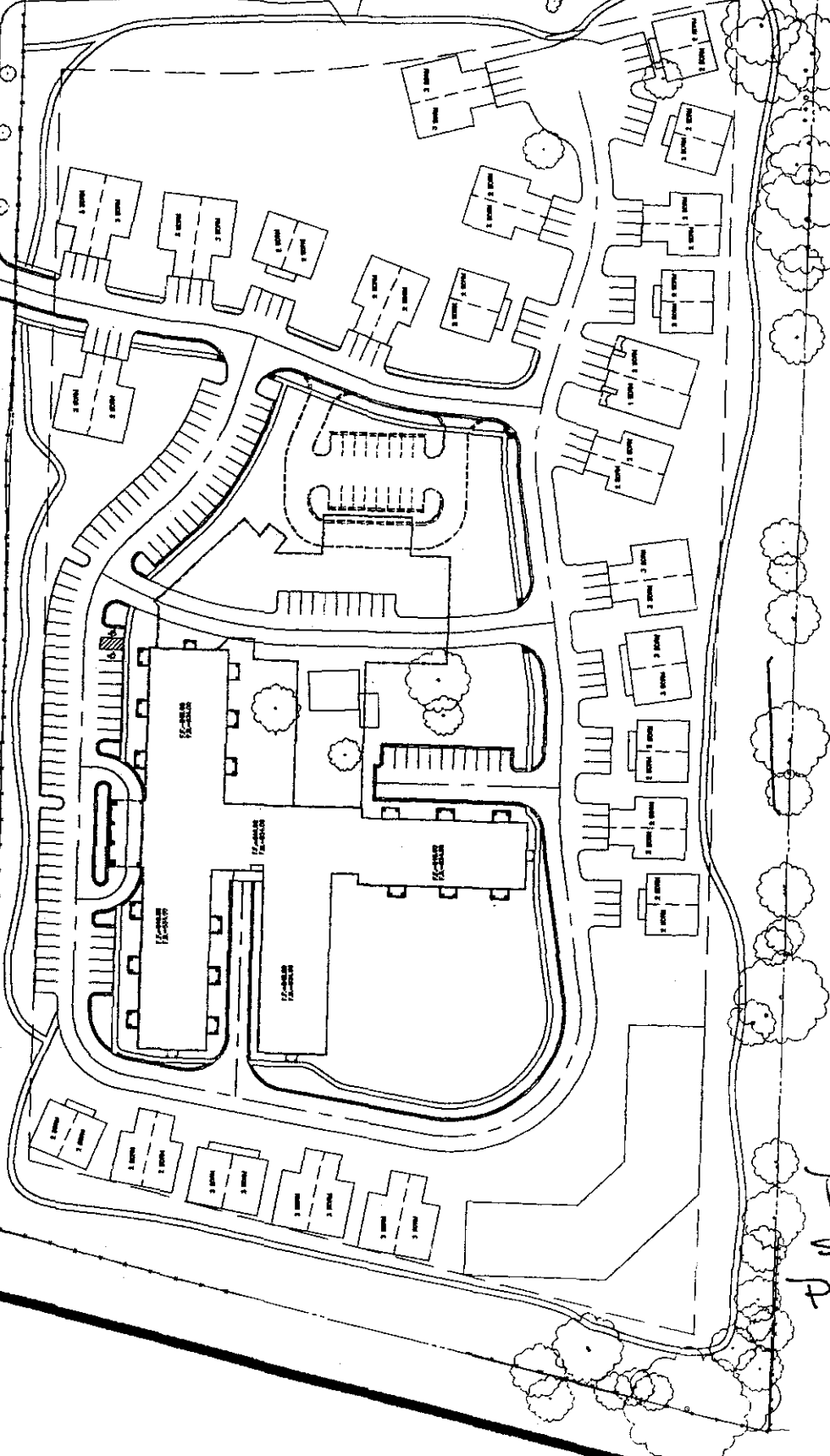
JOHN HINKLE PLACE

HIGHWAY

45



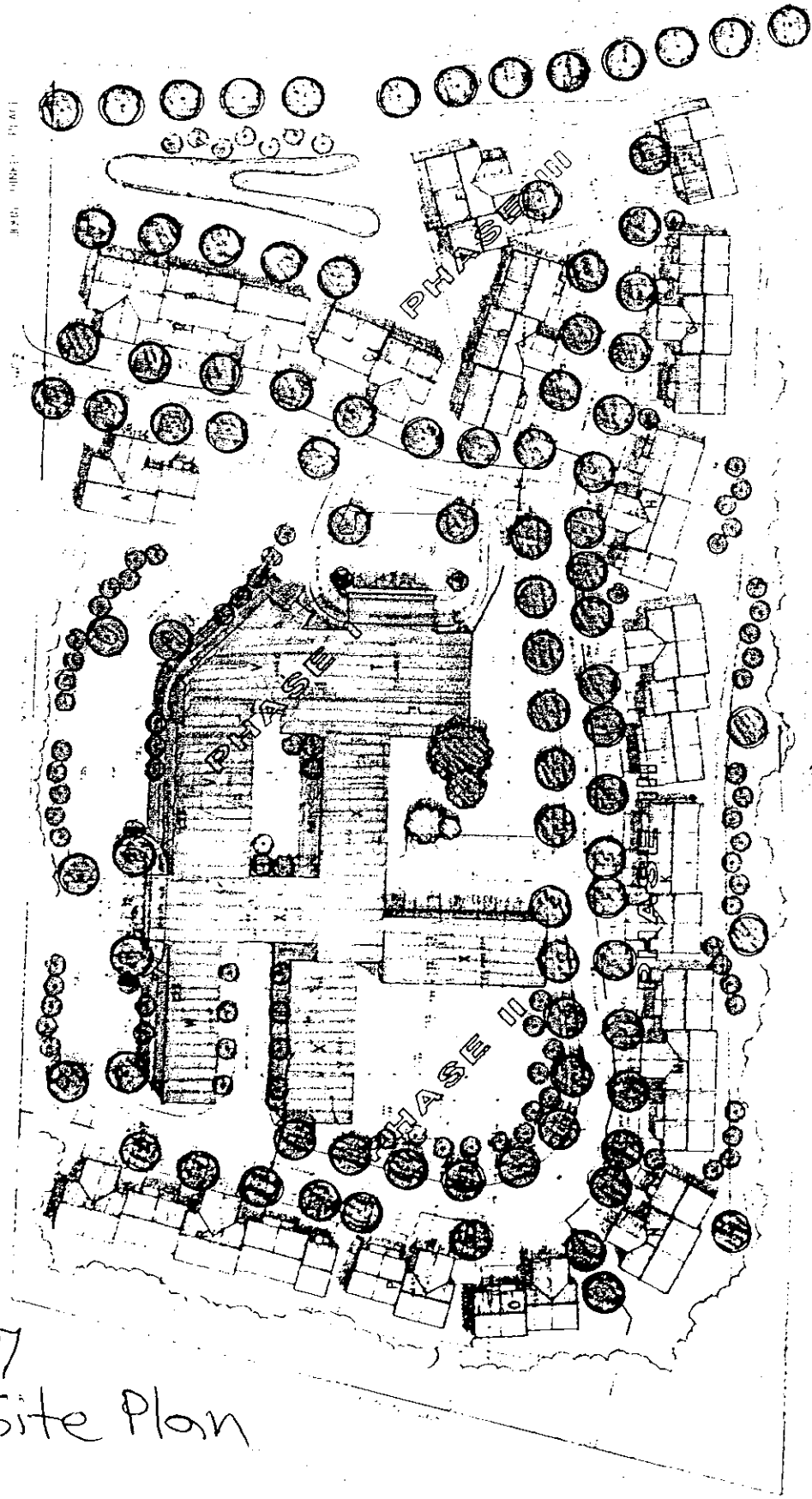
A SITE PLAN



Proposed  
site Plan  
PUD-54-97



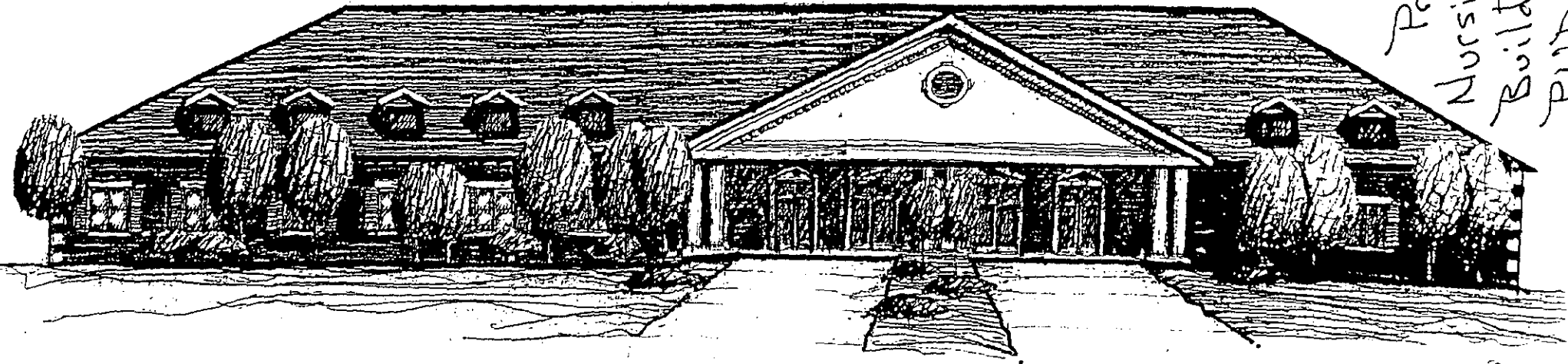
- LEGEND
- GARDEN APARTMENTS
  - COMMUNITY CENTER
  - APARTMENT BUILDINGS
  - ASSISTED CARE NURSING CENTER



PUD-54-97  
Original Site Plan

44

Proposed  
Nursing Home  
Building Architecture  
PUD-54-97





Approved & detached  
units "cottages"

PUD-54-97

45

