

ORDINANCE 96-44

**TO AMEND THE BLOOMINGTON ZONING MAPS FROM
IL/IS TO PUD,
AND TO APPROVE THE PRELIMINARY PLAN
Re: 1020 W. Allen St.
(William H. Lutgens, 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WHEREAS, the Common Council adopted Ordinance 95-21 which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning", including the incorporated zoning maps, and repealed Title 21, entitled "Land Use and Development" on May 1, 1995; and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-76-96, and recommended that the petitioner, William H. Lutgens, be granted PUD designation and preliminary plan approval, and request that the Common Council consider their petition to amend the Bloomington zoning maps from IL/IS to PUD and approve the preliminary plan;

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, a Planned Unit Development be designated and a preliminary plan be approved for the following property. The property is located at 1020 W. Allen St. and is further described as follows:

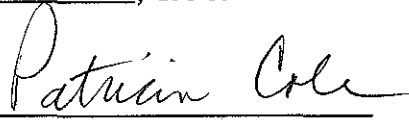
Part of the Seminary Lots 58 and 59 as recorded in Plat Book 1 Page 6, in the Office of the Recorder, Section 5, Township 8 North, Range 1 West, Perry Township, Monroe County, Indiana, more particularly described as follows:

COMMENCING at the Southwest corner of said Seminary Lot 58; thence on and along the West line of said lot NORTH 03 degrees 03 minutes 19 seconds WEST, 200.00 feet to the point of beginning; thence continue NORTH 03 degrees 03 minutes 19 seconds WEST, 642.63 feet to the South right-of-way line of a railroad; thence on and along said right-of-way SOUTH 40 degrees 05 minutes 22 seconds EAST, 622.42 feet; thence leaving said right-of-way SOUTH 00 degrees 00 minutes 00 seconds EAST, 353.51 feet to the North right-of-way of Allen Street; thence continue SOUTH 00 degrees 00 minutes 00 seconds EAST, 11.75 feet to the South line of said Seminary Lot 58; thence continue on and along said lot line NORTH 90 degrees 00 minutes 00 seconds WEST, 205.91 feet; thence leaving said lot line NORTH 03 degrees 03 minutes 19 seconds WEST, 11.77 feet to the North right-of-way of Allen Street; thence continue NORTH 03 degrees 03 minutes 19 seconds WEST, 188.23 feet; thence NORTH 90 degrees 00 minutes 00 seconds WEST, 150.00 feet to the point of beginning, containing 4.43 acres, more or less.

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 6th day of November, 1996.



PATRICIA COLE, Vice President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me, to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 7th day of November, 1996.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 12 day of November, 1996.

John Fernandez
JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance rezones approximately 4.43 acres located at 1020 West Allen Street from Limited Industrial/Special Industrial Overlay (IL/IS) to Planned Unit Development (PUD). It also approves a preliminary plan that would allow both a microbrewery and Limited Industrial (IL) uses on this site.

Signed copies to:
Petitioner
Planning

ORDINANCE CERTIFICATION

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 96-44 is a true and complete copy of Plan Commission Case Number PUD-76-96 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 October 7, 1996.

Date: October 8, 1996

Don Hastings
DONALD F. HASTINGS, Secretary
Plan Commission

Received by the Common Council Office this 8th day of October, 1996,

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: Bloomington Common Council
From: Planning Department
Case No.: PUD-76-96
Date: October 9, 1996
Location: 1020 W. Allen
Petitioner: William Lutgens
Counsel: Bledsoe Tapp & Assoc., Inc.

On October 7, 1996 the City of Bloomington Plan Commission voted to approve a rezone from Limited Industrial/Special Industrial Overlay (IL/IS) to PUD designation for a 4.43 acre parcel located at 1020 W. Allen St. Preliminary plan approval was also granted to allow a microbrewery use at 1020 W. Allen and IL uses on the remainder of the site. All final plans, except for the microbrewery use, will require approval by the Plan Commission.

The subject property located at 1020 W. Allen St. is currently zoned IL/IS. The 4.43 acre parcel is surrounded by the proposed Adams St. truck route and the Walker St. Mobile Home Manor to the north, a building trades business to the east, a ceramics shop, a feed store business and Westpointe Subdivision to the west, and semi-truck parking to the south. The site itself is an open flat field with perimeter vegetation and a very small wetland area in the middle of the site. This area has cattails and grasses growing in a concentrated area. The parcel appears to need regrading to allow the water to drain properly. No tree removal has been requested with this petition. The Environmental Commission visited the site, but had no comments on this case.

The Zoning Ordinance states that two types of uses are allowed on a parcel zoned IL/IS. These are: 1) The current use on a particular parcel on the effective date of the zoning ordinance and 2) All other uses approved as PUDs (section 20.07.15.02). The previous use at 1020 W. Allen was a moving and storage company. Behind this building are warehouses. The warehouse use is not changing, but the building which housed the moving company use is requesting a change of use to a microbrewery with a small tasting room. A PUD is required due to the code requirements for the IL/IS zone.

The petitioner is requesting a list of uses that include microbreweries and all uses allowed in the IL list of uses as listed in the zoning ordinance. The list of uses is compatible with the area. The Growth Policies Plan calls for the area to be Low Density Residential. However, when the zoning ordinance and maps were adopted, the area was again reviewed and the determination made to zone the area IL/IS. With this request for PUD designation and preliminary plan approval, upgrades to the frontage of the property including sidewalks and street trees are required. The two existing buildings must be landscaped and

paved with approval of any final plan. Currently the parking areas are undefined gravel areas that are badly rutted. A 24 foot wide access drive has been proposed for construction to serve the 4.43 acre parcel. No access is proposed to the truck route from the north side of this property. The city traffic engineers have expressed a goal of keeping access on the route to a minimum.

CONDITIONS OF APPROVAL

PUD-76-96

William H. Lutgens
1020 W. Allen St.

Request for rezone of approximately 4.43 acres from IL/IS to PUD with the IL list of uses, and preliminary plan approval for a micro brewery. Also requested is that final plan review be delegated to staff for approval.

Approved conditions of approval, with waiver of second hearing, based on the written findings as outlined in the staff report and the following conditions of approval:

1. The sites of the two existing buildings, parking areas, and access drive be upgraded with the first final plan approval.
2. Sidewalks and street trees be placed per code or bonded for at final plan approval.
3. No connection to the proposed Thomson Truck Route is authorized with this approval.
4. Drainage and utilities placement be finalized at final plan stage.
5. The Plan Commission is reserving the right to review the final plans when they come in with the one exception that the Plan Commission is allocating to the staff, the review of the micro-brewery plans only.

LIST OF APPROVED USES (PUD-76-96)

Beverage bottling
Building trade shops
Cultural facilities
Day care centers
Fire stations
Light Manufacturing
Machinery and equipment repair
Microbreweries
Mini-warehouses
Offices - limited to corporate offices, contractor's offices,
business services, and other non-oriented office use
Police stations
Print shops
Research laboratories
Schools, elementary, middle, and high
Schools, trade and business
Utility substations and transmission facilities (5)
Warehousing and storage, within enclosed buildings
Wholesale trade

Staff Report

BLOOMINGTON PLAN COMMISSION
PRELIMINARY REPORT
Location: 1020 W. Allen St.

CASE NO.: PUD-76-96
DATE: October 7, 1996

PETITIONER: Name : William H. Lutgens
Address: 409 S. Walnut St.

COUNSEL: Name : Bledsoe Tapp & Assoc.
Address: 359 Landmark Ave.

PRELIMINARY HEARING DATE: October 7, 1996
FINAL HEARING DATE: October 28, 1996

REQUEST: The petitioner is requesting a rezone from IL/IS to PUD designation for a 4.43 acre parcel located at 1020 W. Allen St. Preliminary plan approval for the existing buildings and delegation to staff of final plan approval is also requested. The petitioner has requested waiver of second hearing.

REPORT SUMMARY: The property is located at 1020 W. Allen St. This area is currently zoned IL/IS. The 4.43 acre parcel is surrounded by the proposed truck route and the Walker St. Mobile Home Manor to the north, a building trades business to the east, a ceramics shop, a feed store business and Westpointe Subdivision to the west, and semi-truck parking to the south. The site itself is an open flat field with perimeter vegetation and a small wetland area in the middle of the site. This area has cattails and grasses growing in a concentrated area. The parcel appears to need to be regraded to allow the water to drain properly.

The Zoning Ordinance states that two types of uses are allowed on a parcel zoned IL/IS. These are: the current use on a particular parcel on the effective date of the ordinance and all other uses as a PUD. The previous use at 1020 W. Allen was a moving and storage company. Behind this building are warehouses. The warehouse use is not changing, but the building which housed the moving company use is requesting a change of use to a microbrewery with a small tasting room. PUD is required due to code requirements. Please see the attached page from the Bloomington Zoning Ordinance.

The petitioner is requesting a list of uses that include microbreweries and all uses allowed in the IL list of uses as listed in the zoning ordinance. Please see the list of attached IL uses. Staff feels the list of uses is compatible with the area. The Growth Policies Plan calls for the area to be Low Density Residential. However, when the zoning ordinance and maps were adopted, the area was again reviewed and the determination was to zone the area IL/IS. With this request for PUD designation and preliminary plan, staff will require upgrades to the frontage of the property including sidewalks and street

trees. The two existing buildings must be landscaped and paved with approval of any final plan. Currently the parking areas are undefined gravel areas that are badly rutted. A 24 foot wide access drive has been proposed to be constructed to serve the 4.43 acre parcel. No access is proposed to the truck route from the north side of this property. The city traffic engineers have expressed a goal of keeping access on the route to a minimum.

Although the site plan depicts several separate lots on the site, no subdivision is being requested. The lots are shown only to suggest other buildable areas on the parcel in the future. The lots may not be sold without proper subdivision.

ISSUES:

Access: Access for this parcel will be via a 24 foot wide paved drive. The drive will be constructed in the location of the existing gravel entrance.

Utilities: Water and electricity now serve the building to the south adjacent to W. Allen St. Sewer for this development is not in place according to the Bloomington Utilities Department. Upgrades to the sewer must be made to satisfaction of the Utilities Department at final plan stage. All other utility placement must be approved at final plan stage.

Drainage: The drainage for this existing site will be reviewed by the Bloomington Engineering Department.

Tree Preservation: There are many mature trees on the perimeter of this site. No trees will be removed. The trees will count toward the required landscaping requirement.

Landscaping: Landscaping for the existing uses will be placed with the approval of the final plan for the first user. This would include street trees, perimeter and parking lot landscaping.

Architectural Compatibility: Currently there are two buildings on the site. Both are metal pole structures. No changes are planned.

RECOMMENDATION: Staff recommends approval of this petition with waiver of the second hearing with the following conditions of approval:

- 1) The sites of the two existing buildings, parking areas, and access drive be upgraded with the first final plan approval.
- 2) Sidewalks and street trees be placed per code or bonded for at final plan approval.
- 3) No connection to the proposed Thomson Truck Route is

authorized with this approval.

4) Drainage and utilities placement be finalized at final plan stage.

Current Zoning Uses

CHAPTER 20.07

mitigation measures are determined to be needed, feasible, and of acceptable design, by the appropriate public agency up to a maximum density bonus of 1.25 units per acre in the PRO6 overlay or 2.5 units per acre in the PRO12 and PRO20 overlays.

6. **Aesthetic Features:** Where aesthetic features are provided, such as entryways, special street lighting, ponds, or other such features, a density bonus of one (1) dwelling unit per \$1,000 of construction cost of the aesthetic feature adjusted annually from a 1995 base year per the construction cost index as reported in the Engineering News Record, shall be granted by the Plan Commission up to a maximum density bonus of .75 units per acre in the PRO6 overlay or 1.5 units per acre in the PRO12 and PRO20 overlays.

20.07.15.02 Special Industrial Overlay

- A. **Purpose.** This industrial overlay is intended for those locations within Bloomington where industrial uses exist in close proximity to residential uses. The community recognizes the need to retain these industrial uses which generate substantial employment for residents of Bloomington and the surrounding area. However, the community also recognizes the need to control development in these locations to protect surrounding residential land uses. The special industrial overlay is intended to provide for the continued vitality of those industrial uses located within the established neighborhoods of Bloomington while protecting surrounding areas from inappropriate future change in use through planned unit development review of such changes.

- B. **Permitted Uses.** Permitted uses in the Special Industrial overlay district (IS) shall be limited to the following two types of uses:

1. The current use of the property on the effective date of the ordinance placing the overlay upon the property. Expansion of the current use of the property shall be permitted subject to the height, bulk, and density requirements of the IL zoning district.
2. All other uses may be permitted as a planned development.

- C. **Conditional Uses.** None.

- D. **Performance Standards.** Industrial uses in the BP district shall conform to the industrial performance standards of 20.06.05.01 in addition to the generally applicable standards of this ordinance.

Proposed List of Uses

CHAPTER 20.07

20.07.11.00 LIMITED INDUSTRIAL

20.07.11.01 Purpose and Intent

This district provides for industrial uses of limited intensity. The purpose of the district is to encourage a high quality of design including buffering, landscaping, signage, entry features and architecture. This district accommodates those light industrial uses which are less offensive to nearby commercial or residential areas. The specific intent of this district is to:

- A. Accommodate industrial development which does not create substantial environmental impacts to surrounding properties. Such impacts include noise, vibration, unregulated outdoor storage, and traffic.
- B. Create industrial environments which accommodate light industrial uses.
- C. Create environments for industrial uses which are attractive and well designed.
- D. Provide for limited commercial opportunities which serve the surrounding industrial area.

20.07.11.02 Permitted Uses

The following uses are permitted in the IL District subject to site plan requirements, all necessary permits and approvals, the performance controls of 20.06.05.00, and other applicable requirements. Some uses are permitted only under specific conditions or with certain limitations. For such uses a number or numbers will appear in brackets. Refer to said number(s) in Table 7-2 found in Section 20.07.16.01 of this zoning ordinance, to ascertain what conditions or limitations may apply to that use in this zoning district.

Beverage bottling
Building trade shops
Cultural facilities
Day care centers
Fire stations
Light manufacturing
Machinery and equipment repair
Mini-warehouses
Offices - limited to corporate offices, contractor's offices, business services, and other non consumer-oriented office use
Police stations
Print shops
Research laboratories
Schools, elementary, middle, and high
Schools, trade and business
Utility substations and transmission facilities (5)
Warehousing and storage, within enclosed buildings
Wholesale trade

20.07.11.03 Conditional Uses

The following uses may be permitted in the IL District subject to the issuance of a conditional use permit pursuant to Section 20.05.04.00 of this zoning ordinance. Conditional uses are also subject to site plan requirements, all necessary permits and approvals, and other applicable requirements. Unless otherwise specified, all conditional uses must meet the general standards

Environmental Commission Report

MEMORANDUM

TO: Don Hastings

FROM: K. Komisarcik, M. Litwin, M.E. Murphy, D. Rollo, M. Wedekind

DATE: October 7, 1996

SUBJECT: PUD-76-96, 1020 W. Allen St.
Request for PUD designation, preliminary plan approval, and delegate the final plan to staff for approval. A micro brewery and small tasting room is a potential tenant for the existing warehouse building on Lot 1.

The Planning Subcommittee of the Environmental Commission has no comments on this proposal.

Bledsoe Tapp & Co., Inc.

-Quality Land Surveying and Design Services-

BEN E. BLEDSOE, L.S.
PHILIP O. TAPP, L.S.
359 Landmark Avenue
Bloomington, IN 47404
(812)336-8277
(812)384-1114
FAX: (812)336-0817

August 27, 1996

LYNNE FRIEDMEYER
CITY OF BLOOMINGTON
PLANNING DEPARTMENT
401 N. MORTON STREET
P.O. BOX 100
BLOOMINGTON, IN 47402

RE: Allen Street Property PUD

Dear Lynne:

On behalf of the petitioner, Mr. William Lutgens, we are respectfully requesting PUD designation on the above referenced parcel.

This property is a small in-fill parcel containing 4.43 acres and two existing buildings. The one structure has been used for a warehousing and moving business and the other building has been used for mini warehouses. The property is currently zoned IL/IS.

Mr. Lutgens has a potential tenant for Lot 1 to occupy the existing warehouse building. This tenant wishes to open and operate a micro brewery with a small tasting room. This is an allowed use in the IL zone, but due to the IS overlay and given this is a change from its current use, a PUD is required to accommodate this tenant.

After much discussion with staff, it was decided to bring the entire 4.43 acre tract in for PUD designation rather than just the portion of the property for the micro brewery.

The property is bounded to the north by the proposed Thompson Truck Route, to the east by existing IL/IS zoned ground, to the south by Thomson Consumer Electronics and the west by some IL/IS and an unimproved right-of-way for Weimer Street with West Pointe Subdivision on the other side of the right-of-way.

The project will be serviced by a shared private driveway that will be maintained jointly by the property owner or owners. Sewer and water will be supplied by the City of Bloomington Utility Department.

As final plans come forward for each lot, the plans shall conform to the IL list of uses and setbacks. Landscaping and site improvements will also be made to conform to the current City ordinance.

Petitioner's Statement

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Allen Street Property PUD

August 27, 1996

Page 2

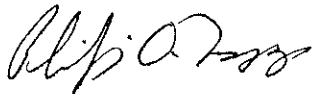
Right-of-way dedication along Allen Street and Walker Street have been planned for and shall be made as a part of this plan.

We are also requesting that final plan review and approval be deferred to staff level.

Please place this item on your September 16th agenda for discussion.

Do not hesitate to contact our office if you require further clarification.

Sincerely,



Philip O. Tapp, L.S.

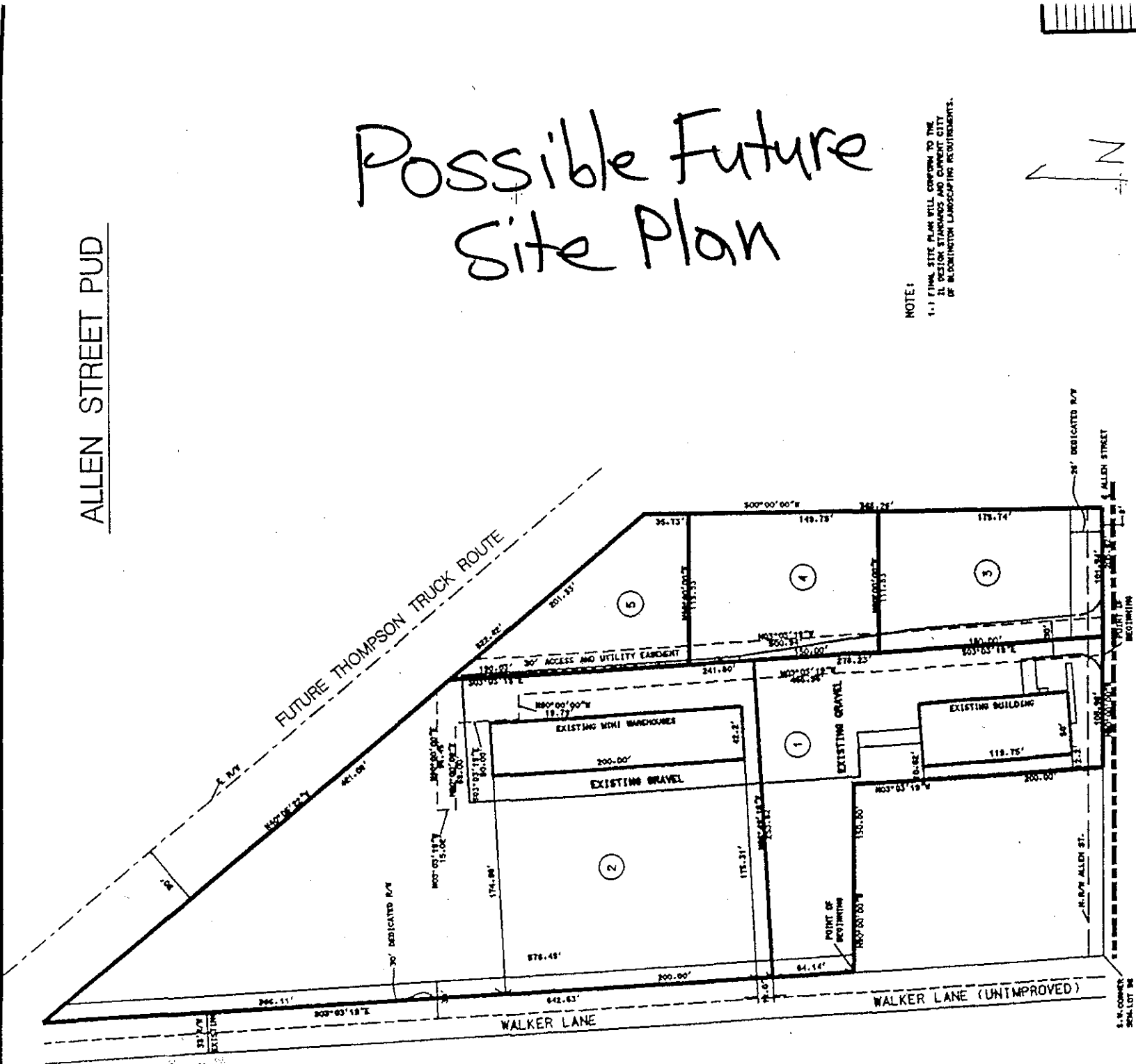
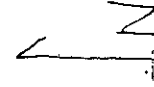
Bledsoe Tapp & Co., Inc.

cc: Dave Minnick
File 0988

ALLEN STREET PUD

Possible Future Site Plan

NOTE:
1.1 FINAL SITE PLAN WILL CONFORM TO THE
LATEST CITY OF BIRMINGHAM AND COUNTY CITY
OF BIRMINGHAM LANDSCAPING REQUIREMENTS.



PUD-76-96