

ORDINANCE 88 -57

To Amend the Zoning Map from RS/PUD to BL and Approve an Outline Plan
RE: Southeast Corner Smith Road and East Third St. (Wininger/Stolberg Group)

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-66-88, and recommended that the petitioner, Wininger/Stolberg Group, be DENIED 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 RS/PUD to BL for property located at the southeast corner of Smith Road and East Third Street, and more particularly described as follows:

A part of the North half of the Northwest quarter of Section 1, Township 8 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows:

Commencing at the northeast corner of the northwest quarter of the northwest quarter; thence North 89 degrees 36 minutes 31 seconds West along the north line of said section 1 a distance of 238.93 feet; thence leaving said north line South 02 degrees 10 minutes 19 seconds East 58.80 feet to the point of beginning, said point being on the south right-of-way of State Road 46 (East Third Street); thence continuing South 02 degrees 10 minutes 19 seconds East 186.30 feet to an iron pipe found; thence South 89 degrees 35 minutes 42 seconds East 129.86; thence South 01 degrees 02 minutes 21 seconds East 381.33 feet; thence South 88 degrees 57 minutes 42 seconds West 1174.97 feet; thence North 01 degrees 02 minutes 24 seconds West 416.53 feet; thence South 89 degrees 32 minutes 23 seconds East 396.50 feet; thence North 01 degrees 00 minutes 44 seconds West 180.80 feet to a point on the south right-of-way South 89 degrees 36 minutes 30 seconds East 645.23 feet 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 as an addition to the existing approved PCD.

SECTION III. That the previously approved Outline Plan be amended, and the above described area be included in the Outline Plan as described in the attached exhibits and said exhibits shall be made a part hereof.

SECTION IV. This ordinance shall be in full force and effect from 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 ____ day of _____, 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 ____ day of _____, 1988.

PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this ____ day of _____,
1988.

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance rezones additional area from RS/PUD to BL, adds an additional area of approximately 7 acres to the established 18.2 acre PCD on the south side of East Third between Smith Road and Century Village, and approves an outline plan for a shopping center with an expanded range of permitted uses. The ordinance also approves a revised outline plan for the mixed use residential PUD south of the PCD area, which is reduced due to the PCD expansion.

****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-66-88 which was given a recommendation of DENIAL by a vote of 8 Ayes, 1 Nays, and 1 Abstentions by the Bloomington City Plan Commission at a public hearing held on November 15, 1988

Timothy A. Mueller
Planning Director

Date: November 15, 1988,

Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 15 day of November,

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 _____

RS/PUD to BL 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 _____
Unforeseen Need _____

Emergency _____
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.

This property is not within the City's 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 Dept.

By Timothy Mueller Date 11/15/88

CITY PLAN COMMISSION
STAFF REPORT

NOVEMBER 14, 1988

*This case will not be heard until after 8:00 p.m.

PCD-66-88 WININGER/STOLBERG - EAST POINTE
Rezoning from RS to BL, PCD Outline Plan approval.

This request remains essentially as proposed before the continuance at the meeting of October 3. The October 3 staff report and recommendation is resubmitted for this hearing. This supplementary report updates the plan and clarifies an issue. The plan has been modified slightly to show a 75 foot landscaped building and parking setback from Smith Road for the Shopping Center. Storm water detention is incorporated in a 200' setback from Smith Road in the residential area just south of the shopping center.

The request now includes an expansion of the BL zone into the present RS/PUD area. The code requires that at least 60% of a PCD be zoned business on the underlying zoning map. The PCD approved in 1984 was somewhat larger, at 18.2 acres, than the BL zone, but the 60% standard was met.

The existing BL area is less than 60% of the 25.25 acres now proposed for the PCD (total including Ryans and the 6.4 acres of Baker's behind Ryans). Therefore, approval of the request must include some additional BL land. The attached exhibit shows the area that the petitioner requests to be added to the underlying BL.

The other exhibit shows the extent of the PCD approved in 1984, and the area now proposed. Staff has been asked to clarify how the current proposal differs from the 1984 approval. The 1984 PCD approval encompasses 18.2 acres; the current petition would bring the total PCD size to 25.25 acres, including Ryans and the 6.4 acres of Baker land behind Ryans. The EastPointe center itself is 16 acres in size (to Park Ridge centerline).

The proposed outline plan revision includes EastPointe and the 6.4 acres behind Ryans, a total of 22.4 acres. In this 22.4 acre area, permitted uses would be expanded beyond those permitted in the 1984 approval.

The 1984 approval included the following uses:

1. Motel/Restaurant Complex
2. Funeral Service
3. Sit-down Restaurant
4. Branch Bank
5. Professional Offices
6. Clinics
7. Neighborhood and Specialty shops with a maximum of 3000 sq. ft. each:
Antiques, Apparel, Arts & Crafts, Bakery, Books, Dairy, Hardware, Products, Drugstore & Sundry, Florists, Furniture, Gifts, Jewelry, Liquor Store, Sporting Goods, Business Service, Personal Service, Grocery & Meat, Appliance.

CITY PLAN COMMISSION
STAFF REPORT

WININGER/STOLBERG - EAST POINTE PAGE TWO

NOVEMBER 14, 1988

*This case will not be heard until after 8:00 p.m.

The motel was anticipated to use 8 acres; the neighborhood and specialty shops are limited to a maximum of 7 acres. Ryans materialized as the one permitted restaurant. No other outlots are permitted. Entrance improvements were explicitly deferred to Development Plan Review. Their absence on the Outline Plan should not be construed as no required improvements.

The foregoing report supplements our earlier report, included in this packet.

OUTLINE PLAN STATEMENT
EASTPOINT BA/PCD-RS/PUD
September 20, 1988

The Wininger/Stolberg Group proposes to develop the southeast corner of Highway 46 and Smith Road as shown on the attached outline plan drawing. EastPoint, a proposed shopping center, will be developed on the front 22.3 acres of this site. The back 24.2 acres will be developed as an RS/PUD at an over all density of six (6) units per acre. This zoning request is an amendment to the 1984 zoning for this piece of land owned by the Bakers. The project is intended to serve as a retail center with orientation of land uses and traffic towards Third Street via two primary entrances; one at Smith Road and one across from Park Ridge Road. The specific elements of the outline plan are summarized under the following headings: Land Use, Traffic and Circulation, Lighting and Landscape, Utilities - Storm, Sanitary Sewer, and Water Supply.

This outline plan statement is intended to supersede previous correspondence and discussions relative to the details of this plan.

LAND USE

SHOPPING CENTER AREA "A"

General Description

Shopping Center Area "A" will consist of a retail shopping center anchored by a supermarket/drugstore. This area will also include other retail shops with the following permitted uses:

Funeral service, sit down restaurant, branch bank, professional office, clinics, neighborhood and specialty shops including: antiques, apparel, nursery, arts and crafts, bakery, books, dairy, hardware products, drugstore/sundry, florists, furniture, gifts, jewelry, liquor store, sporting goods, business service, personal service, grocery and meats, appliance.

Other permitted uses include:

Bicycle shop, laundry (pick-up only), appliance repair, candy confectionary, cultural facilities, religious organizations, daycare center, doctor and dentist office, auto parts and supplies (new), discount store, appliance/electronics, pet store (domestic), used merchandise, variety store, auto care center, printing (jobs, service), home improvement center, video rentals.

SHOPPING CENTER AREA "B"

Same as Shopping Center Area "A".

FUTURE DEVELOPMENT AREAS

Future Development Area #1

This area, as shown on the attached outline plan, is located south of the proposed Smith Road entrance. Uses will be restricted to the following:

- Daycare center.
- Professional office, including medical and dental.

Further restrictions in this area include the following:

- Increased set back to allow for a 25 foot landscaped buffer (see attached rendering).
- No commercial signage. Signage permitted is as shown on the attached rendering.
- Building orientation restrictions include brick or architectural block will be required on the west and south walls of any building in this area. Roofs will be shingled and pitched. No loading or service drives will be permitted in the Smith Road set back. Any outside mechanicals will be fully screened.
- Entrance theme and landscaping shall be provided in the same character and quality as shown on the attached rendering.

Future Development Area #2

The area is located north of the proposed Smith Road entrance and south of existing commercial uses. Permitted uses shall be restricted to the following:

- Daycare center.
- Branch bank.
- Professional office, including medical and dental.
- Neighborhood and specialty shops with a maximum of 3,000 square feet. Shops restricted to the following uses: antiques, apparel, bakery, books, dairy, hardware products, florists, furniture, gift shop, jewelry, sporting goods, business service and personal service.

Further restrictions in this area include the following:

- Increased set back to allow for a 25 foot landscaped buffer (see attached rendering).
- No commercial signage. Signage permitted is as shown on the attached rendering.
- Building orientation restrictions include brick or architectural block will be required on the west wall of any building in this area. Roofs will be shingled and pitched. No

- loading or service drives will be permitted in the Smith Road set back. Any outside mechanicals will be fully screened.
4. Entrance theme and landscaping shall be provided in the same character and quality as shown on the attached rendering.

Future Development Area #3, #4, and #5

This area fronts on the major arterial Highway 46 East. Permitted uses include the following:

Those uses as outlined in Shopping Center Area "A", plus one sit down restaurant and one restaurant with drive-thru facility.

Future Development Areas Construction Restriction

Wininger/Stolberg Group agrees to restrict the development and construction of the areas designated 1-5 above until the center is developing behind them.

TRAFFIC AND CIRCULATION

Circulation of traffic on this site will be in accordance with the original Baker PUD/PCD and provide access to Third Street, Smith Road and stub roads to the east property line and the south property line with full development of the site. An updated traffic study has been prepared and dated September 19, 1988, and includes input from the City of Bloomington Planning and Engineering staffs and the Indiana Department of Highways. The plan calls for orientation of the bulk of traffic to the Third Street arterial. Specific improvements are shown on the outline plan drawing.

Smith Road from Third Street to the project entrance will be widened to three lanes and realigned in accordance with the City's long standing plan. Construction of this road will be provided by Wininger/Stolberg Group with the City providing right-of-way acquisition and utility relocation. The third lane provided on Smith Road will provide the opportunity for independent left turns from Smith Road into the project site and left turns from Smith Road to Third Street. The entrance to the project from Smith Road is aligned to encourage traffic to use Smith Road and the traffic signal to get onto westbound Third Street. A second major entrance is proposed across from Park Ridge Road onto Third Street. This entrance will provide left turn storage areas for left turn movements into the site and also for left turns from Third Street into Park Ridge. Right turn deceleration lanes and a right turn acceleration lane will also be provided.

A second entrance to Third Street will be provided west of Park Ridge Road and serve as a right-in/right-out only movement. This entrance will be improved with a right turn deceleration taper and lane. The acceleration taper will be a full lane that will extend to the other entrance on Third Street.

The entrance driveway to Smith Road will be at least three lanes wide accommodating one inbound lane, one left turn outbound lane, and one right turn outbound lane. The driveway at the Third Street/Park Ridge entrance will have two inbound lanes and two outbound lanes. The specific geometrics on site will be determined at the development plan stage when specific site plans are prepared.

These entrance improvements are to be constructed as a part of the PCD and are designed to accommodate the full development, i.e. both the commercial and residential areas.

LANDSCAPING AND LIGHTING

Wininger/Stolberg Group commits to an increase set back along Smith Road as shown on the outline plan, which will provide for a 25 foot landscape buffer. A colored rendering, attached shows the character and quality of the proposed landscape plan and entrance from Smith Road. No commercial signage will be allowed in the landscape buffer area along Smith Road. Signage permitted is as shown on the attached rendering. Entrance theme and landscaping of the Smith Road access will be developed to allow a transition from residential to professional office to the proposed center in a manner to respond aesthetically to those residents due west of the project.

The south property line of the proposed project will also provide a 25 foot landscape buffer between the proposed center and the remaining residential land to the south.

LIGHTING

The function of a quality engineered outdoor lighting design promises good vision and orientation so the area is safe and usable at night. The Wininger/Stolberg Group and its electrical subcontractors are committed to glare-free sight illumination with sharp cut-off at boundaries. Specific details of the lighting plan for EastPoint will be presented at development plan stage.

Products under consideration for this application are recognized industry wide for their performance standards. Glare and spill light have been all but eliminated so that lighting installation at EastPoint will not be a nuisance to the neighborhood.

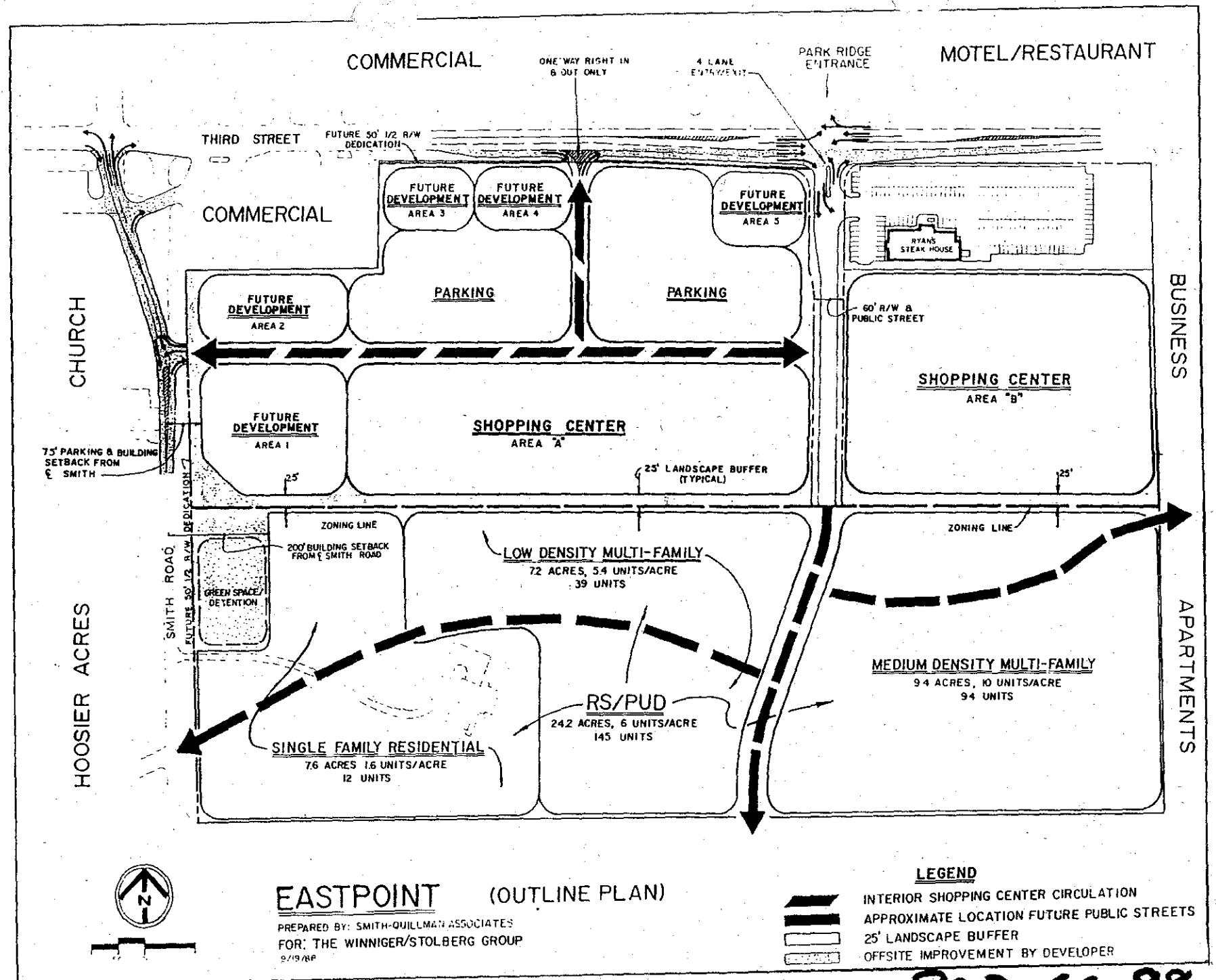
UTILITIES - WATER, SANITARY, AND STORM

WATER SUPPLY. The water supply for this project will come from the 12" City main which lies on Third Street. This main is served from the Tank on State Road 446. An adequate volume of water is available at a pressure ranging from 30-40 psi. We propose to run an 8" main down the Park Ridge Road entrance to the south section of the commercial area and an 8" main from Third Street along Smith Road to the south end of the commercial area and connect these two along the back of the shopping center. A 6" line will be used as necessary to serve the outlots along Third Street. Early discussion with the City of Bloomington Utilities indicated that they will probably oversize the Smith Road watermain. Because of the proximity of the east water tank, these line extensions will not cause any measurable reduction of water pressure or flow in the Park Ridge and Hoosier Acres subdivisions. Eventually, the RS/PUD development will extend water lines to its south property line on Smith Road. This will allow a connection to the existing dead end line in Hoosier Acres, thereby, improving the pressure, flow and water quality in the Hoosier Acres neighborhood.

SANITARY SEWER. The commercial area west of the Park Ridge entrance will consist of 8" gravity lines flowing to the intersection of Smith Road and Third Street and connecting to an existing 12" main in that location. There are two options for servicing the eastern portion of this site. The first option is a lift station which would pump sewer to the gravity line in the first commercial area. A second option available is the connection to the Knight Ridge lift station. Eight inch lines would be run through the remainder of the RS/PUD area and connect to the Hoosier Acres gravity sewer.

STORM WATER. Storm water from the area west of the Park Ridge Road entrance will flow westerly and to a proposed detention basin near the Smith Road frontage. This detention basin will be sized to provide a reduction of 10% in the run off rate from the 25 year and smaller storms. This will result in an improvement to the existing conditions in the Hoosier Acres ditches that are downstream from this land. The land east of the Park Ridge entrance will flow to the eastern part of the site and will be detained before it is discharged to existing storm water pipes in the Century Village area.

Schematic plans for each of these services have been prepared with supporting computations. This information is being submitted to the appropriate review body.



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