

RESOLUTION 75-5

SPECIAL: PUD(PLANNED UNIT DEVELOPMENT)

WHEREAS, the Common Council of the City of Bloomington, Indiana passed a Zoning Ordinance amendment and adopted new incorporated zoning maps on June 22, 1973, and

WHEREAS, said Zoning Ordinance and maps are now incorporated in the "Bloomington Municipal Code" as Title 20 of said Code, and

WHEREAS, the City Plan Commission has recommended that property located within the jurisdiction of the authority of the Zoning Ordinance be designated as a Planned Unit Development.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, that under the authority of Chapter 174 of the 1947 Acts of the General Assembly of the State of Indiana as amended that the following described property be designated a BG/PUD (General Business/Planned Unit Development):

SECTION 1. That the property incorporated on map 7 of the Zoning Ordinance adopted June 22, 1973, to-wit:

Description - 31,086 square feet (Commonly known: 4th and Dunn)

Part of East Fractional Lot No. 353 on the East side of Bloomington, Indiana, bounded as follows, to-wit: Beginning at a point, marked by a corner stone, on the East line of said Fractional Lot No. 353, 69 feet South of the Northeast corner of said Fractional Lot No. 353, (said point being 82 feet South of the South side of the sidewalk along the south side of Fourth Street, as now located and improved in the said City of Bloomington) running thence South 50 feet; thence West 69 feet, more or less, to a point 45 feet East of the West line of said Fractional Lot No. 353; thence North 50 feet; thence East 69 feet, more or less, to the place of beginning.

Also, a part of East Fractional Lot No. 353 in the City of Bloomington, Indiana, bounded and described as follows, to-wit: Beginning at a point 132 feet South of the Northeast corner of said East Fractional Lot No. 353, running thence West 69 feet, more or less, to a point 45 feet East of the West line of said Fractional Lot; thence North 12 feet, more or less, to the South line of that part of East Fractional Lot No. 353, owned by Elizabeth H. Dunn, deceased, thence East 69 feet more or less to the East line of said East Fractional Lot No. 353; thence South on said East line of said East Fractional Lot No. 353, 12 feet, more or less, to the place of beginning.

A part of East Fractional Lot Number Three Hundred Fifty-three (353) on the East side of the City of Bloomington, Indiana, bounded as follows, to-wit: Beginning at a point Forty-five (45) feet East of the Northwest corner of said Lot; running thence South Sixty-nine (69) feet; thence East Sixty-nine (69) feet, more or less, to the West line of Dunn Street; thence North Sixty-nine (69) feet, more or less, to the Northeast corner of said Lot; thence West to the place of beginning.

ALSO, a strip of ground on the North of and immediately adjacent to East Fractional Lot Number Three Hundred Fifty-three (353) in the City of Bloomington, Indiana, described as follows, to-wit: Beginning at a point Forty-five (45) feet East of the Northwest corner of said Lot; running thence North about Thirteen (13) feet to the South line of the South sidewalk on East Fourth Street; thence East, along said South line, about Sixty-nine (69) feet; thence South about Thirteen (13) feet to the Northeast corner of said Lot; thence West, along the North line of said Lot about Sixty-nine (69) feet, to the place of beginning.

A part of In-Lot Three (3), Four (4), and a part of East Fractional Lot 353, described as follows: Commencing at a point in the north line of said In-Lot Number Four (4), One hundred eleven (111) feet due east of the northwest corner of said In-Lot Number Four (4), thence running South One hundred thirty-two (132) feet; thence East sixty-six (66) feet; thence North one hundred thirty-two (132) feet; thence West sixty-six (66) feet to the place of beginning, Except so much of said tract as was heretofore deeded to Harvey C. Bruner and his wife, said exception being bounded as follows: Beginning at a point on the north line of In-Lot Number Four (4), one hundred eleven (111) feet due east of the northwest corner of said In-Lot Number Four (4), thence South one hundred thirty-two (132) feet; thence East thirty-two (32) feet; thence North One Hundred thirty-two (132) feet; thence West thirty-two (32) feet to the place of beginning.


A part of Inlots 3 and 4 and a part of east fractional lot number 353 in the City of Bloomington, Indiana bounded as follows: Commencing at a point on the north line of Inlot number 4 111 feet due east of the northwest corner of said Inlot number 4; thence south 132 feet; thence east 32 feet; thence north 132 feet; thence west 32 feet to the place of beginning.

A part of Inlots 3 and 4 in the City of Bloomington, Indiana, bounded as follows, to-wit: Commencing at the northwest corner of said Inlot number 4, thence running east 50 feet, thence south 132 feet, thence west 50 feet to the alley, thence north 132 feet to the place of beginning.

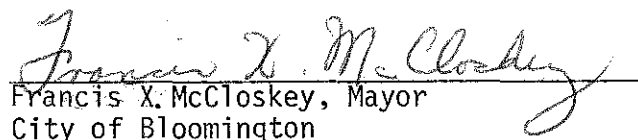
Part of Inlots 3 and 4 in the City of Bloomington, Monroe County, Indiana, bounded and described as follows: Commencing at a point 50 feet east of the northwest corner of said Inlot 4 running thence east 61 feet; thence south 132 feet; thence west 61 feet; thence north 132 feet to the place of beginning.

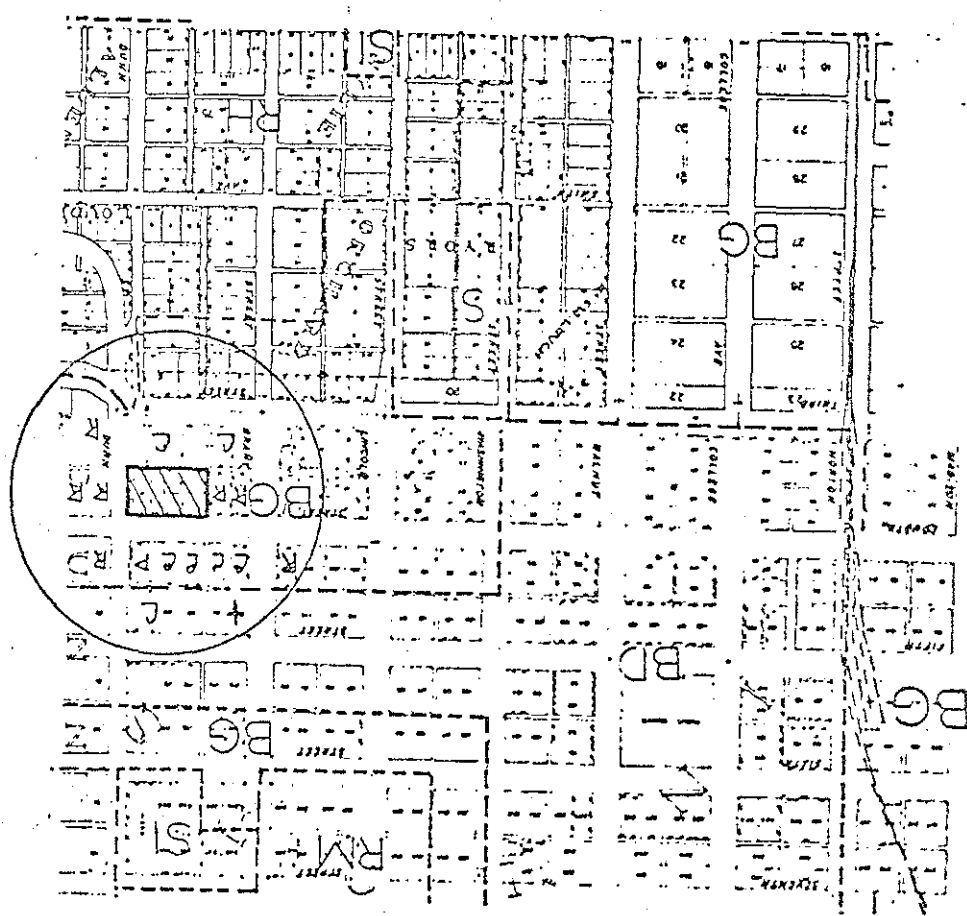
SECTION 2. That this resolution shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED AND ADOPTED this 5 day of February, 1976 by the Common Council of the City of Bloomington, Monroe County, Indiana.

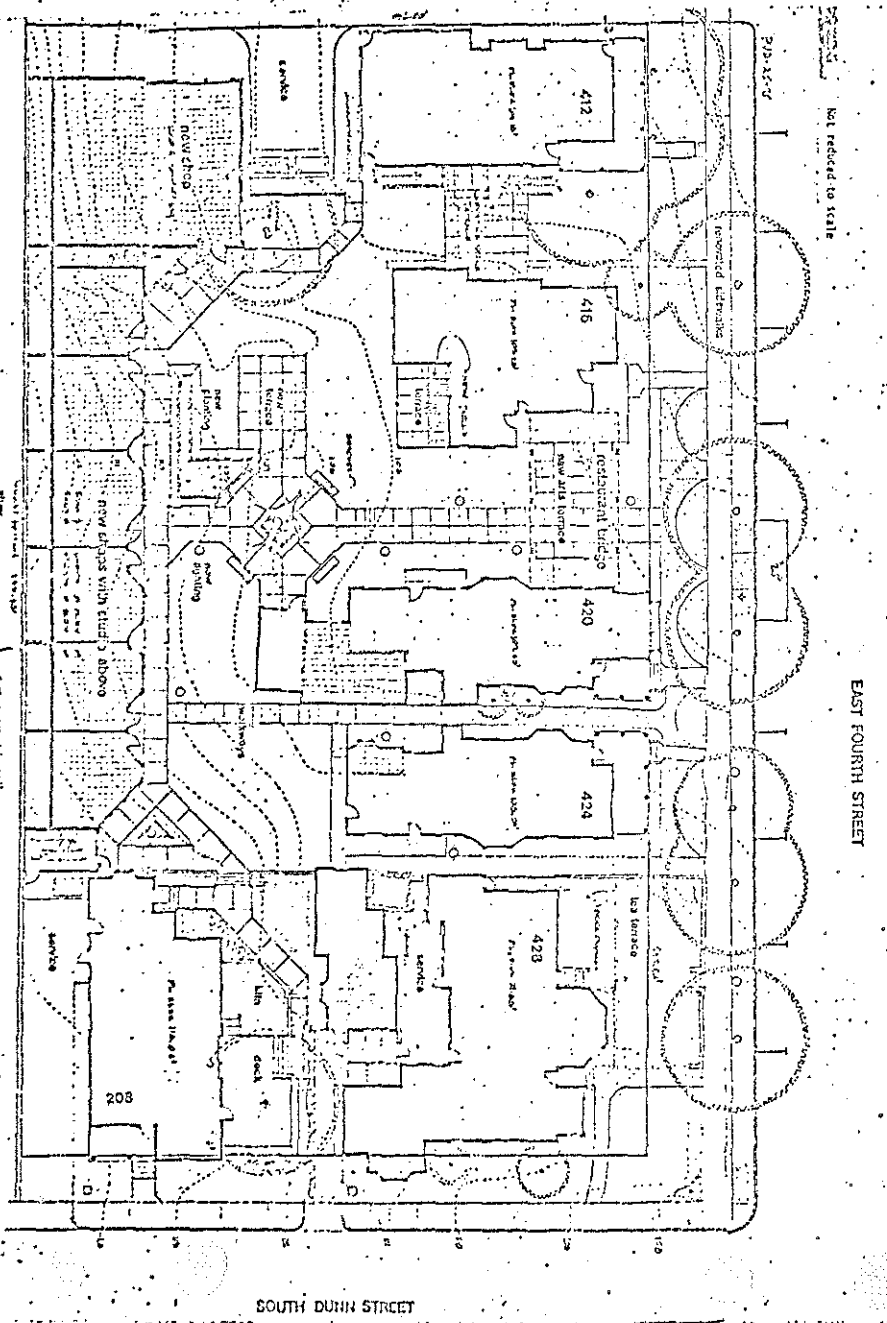
  
Clem Blume, President  
Bloomington Common Council

APPROVED this 9 day of February, 1976, by the Mayor.

  
Francis X. McCloskey, Mayor  
City of Bloomington



Plan Commission  
 PUD-25-75  
 Land Use Map



future plaza level plan

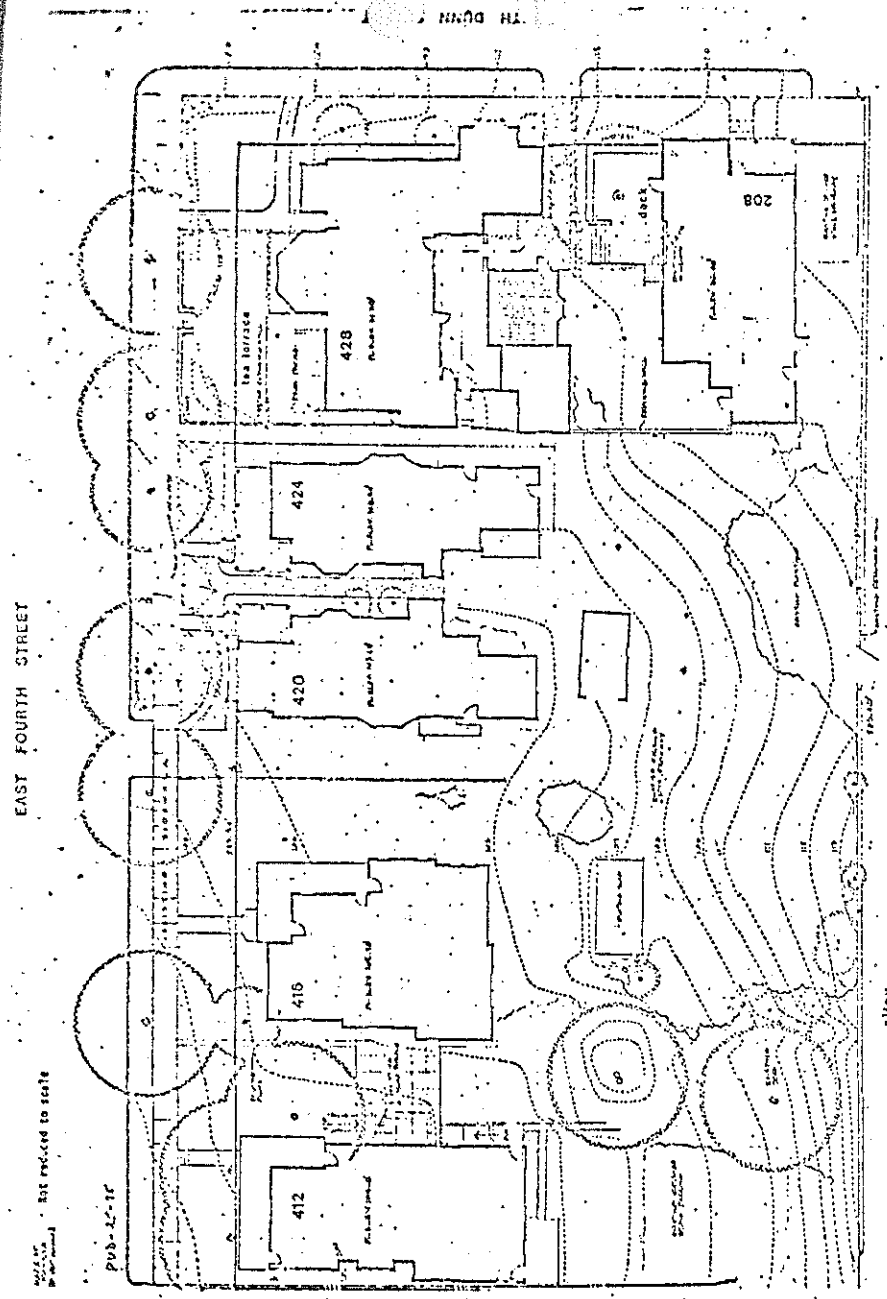


EXHIBIT  
STATEMENT OF JUSTIFICATION

The Petitioners ask for designation as a planned unit development in order to continue and expand work which has already substantially begun in the area North of Colstone Square, South of 4th St. and West of Dunn St.

Petitioners proposal will allow retention and restoration of the basic structures which now exist in that area. The shops which will be included in that area will be very compatible with the general area in that they are small walk-in type operations. Petitioners ask that parking requirements be waived in order to avoid the necessity of destroying some of the structures presently located in the area.

Respectfully submitted,

BUNGER, HARRELL & ROBERTSON

BY Gary J. Clendening  
Gary J. Clendening

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P.O. Box 787  
Bloomington, Indiana  
Phone 332-9295

There is a stop sign at 4th Street which requires East-West traffic to stop for pedestrians. If outline plan is approved then the Traffic Commission should consider the need for installing a stop sign on Dunn Street.

Recommendation

The primary question raised by this case is the appropriateness of granting a complete variance from the parking requirements for this proposed development. The site is in a BG General Business zone which requires adequate off-street parking.

For a number of reasons, the staff believes that it would be in the public interest to grant this variance.

1. In order to provide the required number of spaces, the developer would need to pave at least half of the site. The drainage and aesthetic degradation that would result would be great and therefore should be prevented if possible. Drainage has been a particular problem on Kirkwood so anything we can do to prevent additional run-off into this area should be seriously considered.
2. The scarcity of parking in this area could be remedied somewhat by requiring that the developer incur the costs of installing parking meters or other forms of parking regulation on both sides of 4th Street in front of his project (between Dunn and the alley). This would encourage turnover.
3. The concept of a total site design whereby new retail areas would be developed in conjunction with and complementary to established structures is a good one and the addition of interior walkways, fountain, and green space would add another amenity to the downtown.
4. The downtown, unlike other sections of the city, is designed to serve pedestrian, bicycle, public transit, as well as vehicular traffic. Therefore, a variance in this case would be reasonable.

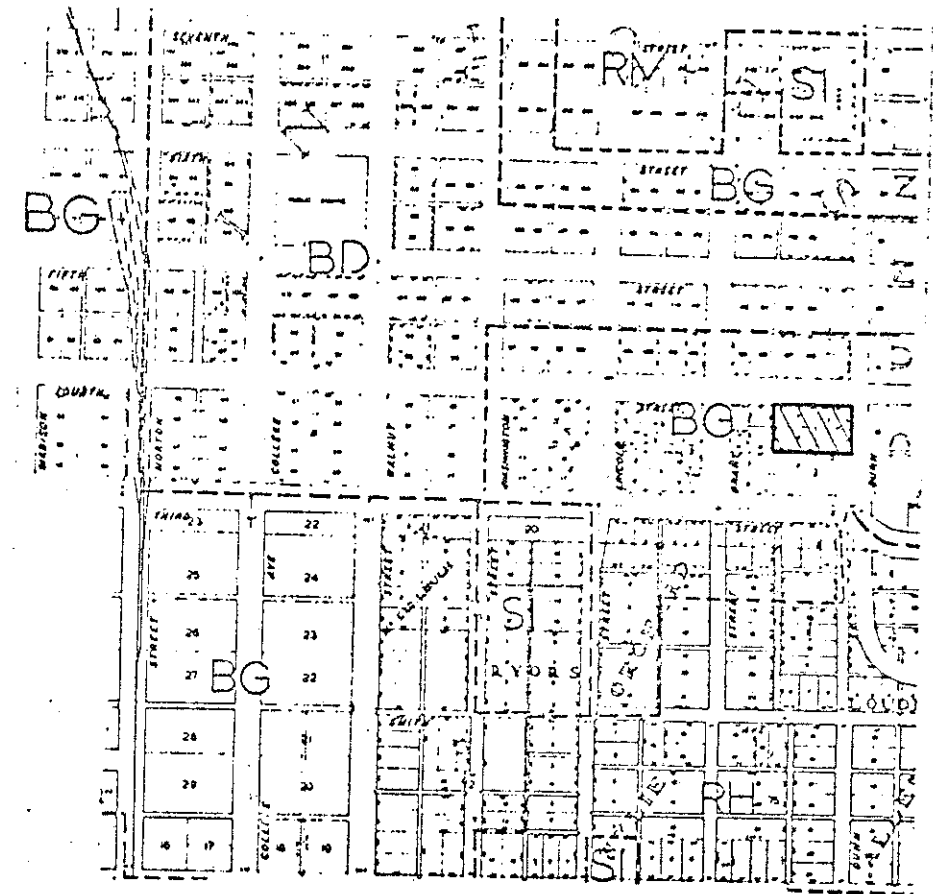
The other variances required (minimum lot area and setback) are minor technicalities which should be granted considering the location of this development.

For these reasons, the staff recommends approval of the outline plan with the condition that the applicant and the City Council agree to the regulating of parking along 4th Street in front of this project.

Plan Commission

PUD-25-75

Zoning Map



PUD-25-75 Bruce Storm, SW Corner of 4th and Dunn

Petitioner requests outline plan approval for a Planned Commercial Development to be located at the southwest corner of 4th Street (a local street) and South Dunn Street (a secondary arterial).

The development is the first "in-town" PUD requested under this ordinance. The petitioner states that "the shops which will be included in the area will be compatible with the general area in that they are small walk-in type operations." There will be an emphasis on commercial activity of the arts and crafts variety.

- I. All elements of the Outline Map, Section 20.13.01.05, have been submitted to the Plan Commission.
- II. TAC considerations on November 10, 1975

TAC made the following suggestions:

1. Drainage be retained on the site by installing dry wells at strategic run-off points as approved by the City Engineer.
2. The Development Plan be reviewed by the Fire Department to guarantee fire equipment access to proposed buildings in the rear of the project.

III. Substantive Requirements

20.13.03.03 Uses Permitted

The proposed use can be considered a community shopping center which is an acceptable category.

20.13.03.04 Zones in Which Permitted

Over 60 percent of the land area is zoned business.

20.13.03.05 Plan Commission Approval

Criteria are met.

20.13.03.06 Bulk and Area Regulations

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	5 acres	31,086 sq. ft.
Setback	50 feet	Pre-existing-5 ft. off Dunn and 10 ft. off 4th St.
Lot Coverage	50 percent	48 percent
Height	45 feet	

The applicant requests PUD designation for a site within the downtown area and which is presently two-thirds developed. For this reason, he requires a variance from minimum lot area and setback regulations as provided in Section 20.13.01.19.

20.13.03.07 Floor Area Ratio

Floor Area Ratio: Required - 1.0  
Proposed - .5

20.13.03.08 Parking

- A. Number of spaces required: For a shopping center, the ordinance requires 5.5 spaces per 1,000 sq. ft. gross floor area. Applicant has approximately 8,151 sq. ft. of floor area in existing buildings and proposes a restaurant of 666 sq. ft. and building new shops consisting of 6,200 sq. ft. for a total of 15,017 sq. ft. At the standard of 5.5, this would require 82 spaces. If the lower standard is used, namely, 3 spaces per 1,000 sq. ft. which is applied to light retail uses such as those proposed, the requirement is 45 spaces. The Planning Dept. approximates that in order to provide 45 spaces of 90° parking, the applicant would need to pave 13,122 sq. ft. or an area measuring 21' x 162'. The petitioner shows no parking on his site plan and requests a variance from these regulations.
- B. Loading: Applicant's site plan shows an off-street loading area on the western side of his site which would serve two vehicles and a one vehicle loading area on the east side. This is believed to be adequate for the development.

20.13.03.09 Storage

No outdoor storage is requested.

20.13.03.10 Landscaping

This information is not required at outline plan approval stage.

20.13.03.11 Access and Streets

No new curb cuts are requested or internal vehicular drives will be constructed if the site plan is approved as requested.

20.13.03.12 Signs

This information is not required at outline plan approval stage.

20.13.03.13 Off-Street Parking

See 20.13.03.08

20.13.03.14 Pedestrian Access

Since the primary access proposed to this development is to be pedestrian in nature, it is important to review existing pedestrian traffic patterns in the area. The intersection of 4th and Dunn is not pedestrian-oriented due to the fact that Dunn Street is a through street for southbound traffic and cars are not required to stop prior to crossing 4th Street. Therefore, pedestrians must dart across whenever possible.

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Hearing Dates: Case No. PUD-25-75

Preliminary Hearing November 3, 1975

Final Hearing November 24, 1975

TAC Hearing \_\_\_\_\_

1. Basic Requirements:

- (a) Proof of legal notice X \_\_\_\_\_;
- (b) Notification of adjacent property owners X \_\_\_\_\_;
- (c) Filing fee X \_\_\_\_\_.

2. General information:

(a) Nature of Request--

Change of Zone \_\_\_\_\_  
 PUD ..... Planned Commercial Development  
 Site Plan.... \_\_\_\_\_  
 Permit..... \_\_\_\_\_

(b) Popular Description Southwest corner of E. 4th and Dunn Streets

3. Name of Petitioner Bruce Storm

Represented by Gary J. Clendening

4. Streets involved:

- (a) North-South Dunn Street Classification Secondary Arterial
- (b) East-West Fourth Street Classification Local

5. Public Facilities:

- (a) Schools Indiana University, one block east
- (b) ~~Public~~ Public Parking lot across 4th Street

6. Principal Questions Presented (Staff):

1. Can applicant justify waiver of parking requirements?
2. Effect on drainage of proposed development?
3. Effect of development on present pedestrian and vehicular traffic circulation in area?

Plan Commission Meeting, November 3, 1975  
 PUD-25-75 Bruce Storm's request for designation of 4th and Dunn as Planned Unit Development was presented by Mr. Rafter. Mr. Rafter said that the questions to be addressed were parking requirements, drainage, and effect on pedestrian traffic. He pointed out that the Technical Advisory Committee would be reviewing these matters on November 10 and that their report would be presented to the Commission. PUD-25-75  
Placed on agenda

Mr. Bill Steiger substituting for Mr. Gary Clendening who is representing Mr. Storm presented the petitioner's request. He said that the thrust of this development is to attempt to preserve and upgrade the buildings in the area. He pointed out that there is a city lot across Fourth Street and that they felt that the little shops would primarily attract pedestrian traffic from the Kirkwood area. He suggested that black topping vacant land around the buildings for parking would be unsightly and would also increase water run-off. He indicated that they were asking for a parking waiver. Mr. Storm indicated that he had not yet purchased the two westernmost houses since there was no point in his owning them if the request were turned down. Mr. Storm described the plans for the southernmost part of the property with proposed artist's studios.

Jerry Kager representing Don Collier of Colstone Square said that they are concerned about the parking problem which might be generated.

Mr. O'Brien moved and Ms. Pryor seconded a motion to place this request on the agenda for the November 24 meeting with a report from TAC. Motion passed unanimously.

Plan Commission Meeting, November 24, 1975  
 PUD-25-75 - Mr. Rafter presented Mr. Bruce Storm's request for designation of the property at 4th and Dunn, SW corner, as a Planned Commercial Development. He noted that if the request is approved then the Traffic Commission should consider the installation of a stop sign on Dunn Street. He discussed the variances requested by the applicant: minimum lot area and setback regulations, parking regulations. The staff recommended approval of the PUD designation provided that some regulation of the parking problem could be instituted. PUD-25-75  
Continued

Mr. Frank Barnhart representing Mr. Don Collier of Colstone Sq. raised the question of the location of the alley north of Colstone Square and south of the proposed development site. Mr. Barnhart said that the newly paved area north of Colstone Sq. belonged to Colstone and is not an alley. He maintained that the area immediately north of the newly paved Colstone Square area is the dedicated alley.

Mr. Gary Clendening representing Mr. Storm spoke to the parking problem noting that the esthetic possibilities of the restoration of the area would be seriously jeopardized if the parking requirement were enforced. To create large areas of blacktop would create drainage problems and be unsightly, destroying the

concept of the project. He said that perhaps the entire area should have been rezoned BD since only a parking lot separates it from a BD zone, which requires no parking. He said that of the possible solutions this request for designation as a PUD was at the suggestion of the Planning Dept. He noted that the houses in this area will probably deteriorate further unless something of this kind is done.

Mr. Barnhart then spoke representing the Colstone Corporation and its tenants. He said that he thought there was an inconsistency between the Hudgins request which required 12 parking spaces for a small business and this request for total parking variance for a number of businesses. He emphasized that Colstone Square is having problems with people other than their customers using the parking lot. He said these people are rude, sometimes obscene, when asked not to park in the Colstone lot unless they are shopping at Colstone Square. He said windows had been broken and there had been violence perpetrated against shop owners in Colstone Square and that he attributed this to the aggravated parking situation. He also said that there had been threats to GAF of removal of a substantial contract related to the University. He suggested that there needs to be a reasonable amount of parking on the Storm's property.

Discussion ensued with regard to the location of the alley, Mr. Barnhart maintaining that the alley is where the old curb cut exists next to the telephone pole. Ms. Gray asked him whether he was saying that the southernmost buildings of the proposed development were encroaching on dedicated alley. He answered that he was saying that.

He also suggested that if there is a drainage problem in the area then not only are paved areas undesirable but additional buildings and walks will cause run-off as well. He said that Colstone Corporation does not oppose the Storm development called Picadilly Square, but only is concerned about further traffic congestion and parking problems generated by the development. He suggested that the parking requirement be restudied and that a reasonable requirement for this particular situation be instituted. He said that 82 spaces was clearly too much, and that perhaps a reconsideration of the parking requirement could be undertaken.

Mr. Don Tolliver of TC's Beauty Salon adjacent to the Colstone Square parking lot testified that he has parking problems already and that people get angry when asked not to park unless they are coming into his shop.

Jerry Marsischky representing the Neighborhood Association said that he feared that PUD was being used to circumvent the zoning requirements and get around a BD zoning request.

Jerry Bales of Citadel Finance at Colstone Square testified that none of his traffic is walk-in. He said people get very upset if you ask them to move. He said he thought the development should have some kind of parking, and that he didn't want to pay Mr. Collier for parking that his customers can't use.

Joe Wray of GAF Print Express at Colstone Square testified that he agreed with the other shop owners that some kind of parking should be required and that he had indeed been threatened with the loss of a contract because a customer was angry at the parking situation.

Don Collier, owner of Colstone Square, said that he was concerned with the increase of traffic at Dunn and 4th. He also testified that they had experienced violence from people being asked not to use the Colstone parking lot if they were going to shop elsewhere.

Mr. Blume noted that he thought the parking could be worked out but that if the alley is indeed north of the paved area of Colstone Square then they could not permit Mr. Storm's buildings to be built on public right-of-way.

Mr. Storm testified that he had had the property surveyed and since he did not know that the question of the location of the alley would come up he had not brought his survey with him. He assured the Commission that none of his proposed buildings were located on public right-of-way. He also pointed out that the artists' studios and galley across the southside of the property are not uses which generate a great deal of in and out traffic.

Ms. Dunlap pointed out that the City parking lot is directly across the street from the development.

Mr. Blume discussed the staff proposal that metered parking be installed along 4th St. at Mr. Storm's expense and asked Mr. Storm how he felt about this. Mr. Storm said that he had understood that the

Planning Dept. staff thought that regulated parking on 4th St. would be beneficial in any case and that he felt a bit blackmailed if asked to pay for such metering.

Mr. Clendening said that he wasn't sure that the best parking regulation would be meters, since meters, he understood, had not been beneficial to the City and did not in fact create the turnover in parking which is anticipated.

Mr. Clendening said he appreciated the parking problems experienced by Colstone Square but did not feel that attributing them to this project was fair. He said that there wasn't proof that the rudeness and violence were attributable to Picadilly Square shoppers; that they might be anyone. He said that this innuendo was resented. He noted that the people who were rude and violent were not created by the project and he resented that implication.

He said they would be happy to obtain BD zoning and would alter their petition to a request for BD zoning. He said no matter what solution is requested they would all require parking variance.

Ms. Gray said she felt that until the location of the alley is determined by survey that there was a real question.

Mr. Blume moved to delay the request until the location of the alley is established. Mr. O'Brien seconded the motion.