

ORDINANCE 00-06

TO AMEND THE BLOOMINGTON ZONING MAPS FROM RS3.5/PRO6 TO PUD AND TO APPROVE THE PRELIMINARY PLAN

Re: 3209 East Moores Pike (Dorothy Grubb, Petitioner)

WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning," including the incorporated zoning maps, and Title 21, entitled "Land Use and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

WHEREAS, the Plan Commission has considered this case, PUD-3-00, and recommended that the petitioner, Dorothy Grubb, be granted a rezone of the property located at 3209 East Moores Pike from RS3.5/PRO6 to PUD and also receive Preliminary Plan approval;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the property located at 3209 East Moores Pike shall be rezoned from RS3.5/PRO6 to PUD and the Preliminary Plan shall be approved. The property is further described as follows:

A part of the Southwest quarter of the Southwest quarter of Section Two (2), Township Eight (8) North, Range One (1) West, described as follows:

Beginning at the Southeast corner of said quarter quarter, thence West Ten (10) rods, thence North Thirty-two (32) rods, thence East Ten (10) rods to the East line of said quarter quarter, thence South Thirty-two (32) rods to the place of beginning, and containing two (2) 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 15th day of March, 2000.

Handwritten signature of Timothy Mayer, President of Bloomington Common Council.

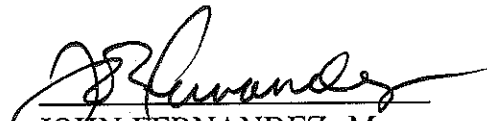
ATTEST:

Handwritten signature of Regina Moore, Clerk of Bloomington.

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 6th day of March, 2000.

Handwritten signature of Regina Moore, Clerk of Bloomington.

SIGNED AND APPROVED by me upon this 6th day of March, 2000.


JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance rezones approximately 2.2 acres of property located at 3209 East Moores Pike from RS3.5/PRO6 to PUD. It also approves a Preliminary Plan that allows the construction of a new office building with a maximum of 32,000 square feet and a limited range of office uses.

*Copies to: Petitioner
Planning
Controller
Legal*

**BLOOMINGTON PLAN COMMISSION
PRELIMINARY PLAN REPORT (SECOND HEARING)
LOCATION: 3209 Moores Pike**

**CASE NO.: PUD-3-00
DATE: January 31, 2000**

PETITIONER: Dorothy Grubb
ADDRESS: 3209 Moores Pike

COUNSEL: Smith Neubecker & Associates, Inc.
ADDRESS: 453 Clarizz Blvd.

PRELIMINARY HEARING: January 5, 2000
FINAL HEARING: January 31, 2000

REQUEST: The petitioner is requesting a rezone of 2.2 acres from RS3.5/PRO6 to Planned Unit Development (PUD) and preliminary plan approval for a 32,000 square foot office building. The petitioner is also requesting delegation of final plan approval to staff.

CHANGES TO SITE PLAN: Since the January 5 hearing, the petitioner has submitted a revised site plan similar to one that was shown at that meeting. The new site plan introduces an eight foot multi-use path along the northern property line with stubs to University Commons, the Redbud Hills Retirement Community, and the Jackson Creek Shopping Center. In addition, the parking area has been reconfigured to create a centrally located pedestrian way. A passing blister along the southern end of Moores Pike has also been added.

RESOLUTION OF FIRST HEARING ISSUES: Several issues were raised at the January 5 Plan Commission Hearing concerning this petition. Since the first hearing, staff and the petitioner have worked to resolve these issues. The current status of these issues are outlined as follows:

- 1. Passing blister on Moores Pike:** The Plan Commission addressed concerns that this project could create a potential back-up situation at its Moores Pike entrance. This concern centered on left-in movements during peak traffic times. Staff worked with the petitioner and the City Engineer to determine that there is adequate right-of-way along the south side of the road to install a passing blister at the Moores Pike entrance. The addition of this blister will not interfere with the existing landscaping for the adjacent property in Bittner Woods.
- 2. Accel/Decel lanes along Moores Pike:** The petitioner has met with the City Engineer, where it was determined that this site did not meet the warrants to require accel/decel lanes at the entrance to this project. The lack of accel/decel lanes will allow for additional tree preservation to occur.

*Final Hearing
Staff Report*

- 3. Tree Preservation:** The petitioner has committed to saving all of the existing trees on the front of this property. However, there are a few trees that currently have questionable health, as well as a possibility that two of the trees must be removed due to sight distance problems at the Moores Pike entrance. To compensate for the potential loss of these trees as well as any trees which could be negatively impacted during construction, the petitioner has agreed to enter into a recordable commitment to replace any removed or damaged trees with new stock of a minimum 3 ½ inch caliper.
- 4. Car lights spilling onto adjacent property:** During the first hearing, a Plan Commission member also asked whether lights from cars exiting the subject parcel would cause glare into the single family home to the south. There is a distance of approximately 200 feet between the entrance of this project and the home in question. There is also both ample landscaping (including evergreen species) and an opaque fence along the home's north property line that would adequately screen any car lights.
- 5. Architecture of the western façade and lighting of the front parking area:** Since the initial hearing, the petitioner has submitted architectural renderings of the proposed office building. These renderings are only schematic and do not represent the final architecture, but the petitioner is willing to commit to using windows on the western and eastern facades to enhance the aesthetics and increase the compatibility with the surrounding uses. In addition to the architecture, the petitioner has also agreed to place 36 inch high bollard lights within the front parking area along Moores Pike. The petitioner had previously agreed to pedestrian scale lighting of no more than ten feet in height, but is now willing to use the bollard lights to allay any lighting concerns for the front of the building. These lights will be similar to those at the recently constructed office building in the new Clarizz Office Park.
- 6. Vehicular/pedestrian connection to Jackson Creek Shopping Center, University Commons, and Redbud Hills:** The petitioner is currently exploring the potential of connecting this site to the Jackson Creek Shopping Center via a vehicle connection. The petitioner is willing to accommodate for this connection, but must first receive the approval from the manager of the adjoining parcel. If this connection cannot be made with a vehicular access, then the petitioner is still proposing to place an 8 foot multi-use path along the rear of the property that will stub to both the University Commons and Redbud Hills properties. Staff would prefer to see the vehicular access, if feasible, to give an alternative route to Moores Pike. If this connection is not feasible, than a bike/pedestrian connection could adequately serve the site. Staff did analyze this connection for potential cut-through traffic. Staff found that this connection provided almost no cut-through incentive, and therefore would not create a problem.

7. **Permitted Uses:** At the first hearing for this petition, the Plan Commission requested that staff research and create a more specific list of uses that would be appropriate for this site. The Plan Commission felt that professional office was too broad of a category to be permitted without further clarification/restrictions. With this in mind, staff researched past PUD cases as well as consulted the ITE Manual with regards to trip generation rates for different office uses. As a result, a more specific list of uses was developed that focuses on restricting uses that would create a nuisance to surrounding uses by either noise or traffic. Staff then conferred with the petitioner, who has agreed to the use list as follows:

Permitted Uses:

- Business/Professional Offices (including but not limited to accounting, consulting, legal, real estate, and insurance)
- Corporate Offices
- Governmental Offices
- Contractor's Offices (only subject to the "Further Restrictions" as outlined below)
- *Medical Offices
- *Dental Offices
- *Clinics

These uses are limited to 16,000 square feet. If mixed use is requested, the maximum gross square footage allowed would be 32,000 square feet, with all () use square footage being doubled when calculating the total square footage. For example, 8,000 square feet of medical office space and 16,000 of professional office space would be allowed in this PUD under the calculation $[8,000(2) + 16,000 = 32,000]$.

Specifically Prohibited Uses:

- Veterinary Clinics
- Bureau of Motor Vehicle Offices
- Post Offices

Further Restrictions on Permitted Uses:

- No outdoor storage of equipment or materials
- No warehouse/garage space is permitted

RECOMMENDATION: Staff recommends approval of PUD-3-00 with the following conditions:

1. Final Plan review for this PUD shall be delegated to the Planning Staff.
2. Office land uses for this PUD shall be limited as outlined in this staff report.

3. In addition to the architectural restrictions outlined within the Revised (1-24-00) Preliminary Plan Statement, the petitioner must include windows for both the east and west building elevations.
4. Pending approval from the adjacent property owner, the final plan for this PUD shall incorporate a bicycle or vehicular connection to the Jackson Creek Shopping Center. The minimum required connection shall be an 8 foot multi-use path. All other pedestrian improvements shall be installed in accordance with the petitioner's preliminary site plan.
5. The design of the passing blister on Moores Pike shall be reviewed by the City Engineer at final plan stage.
6. The front parking area shall only utilize 36 inch high bollard light fixtures.
7. Signage for this PUD shall be reviewed under the Scenic/Gateway Corridor sign regulations.
8. Final drainage/detention design shall be approved at the final plan stage.
9. A 40 foot right-of-way dedication from the centerline of Moores Pike is required.
10. As a requirement of final plan approval, the petitioner is required to file a recordable commitment which will insure the preservation of existing trees during construction. More specifically, this agreement will address inspections by the City's Urban Forester, the time period of these inspections, and tree replacement requirements.