Feb 21, 1996 Continued to March 20, 1996 (mtg cancelled due to weather)
Final Vote: March 27, 1996 8-1 (L. Cole)

ORDINANCE 96-05

TO AMEND THE BLOOMINGTON ZONING MAPS FROM RS3.5/PRO6 AND Q TO PUD, AND APPROVE THE PRELIMINARY PLAN Re: 3200 S. Rockport Rd. (Raymond Moore, 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WHEREAS, the Common Council adopted Ordinance 95-21 which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning", including the incorporated zoning maps, and repealed Title 21, entitled "Land Use and Development" on May 1, 1995; and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-52-95, and recommended that the petitioner, Raymond Moore, be granted PUD designation and preliminary plan approval and request that the Common Council consider their petition to amend the Bloomington zoning maps from RS3.5/PRO6 and Q 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, the preliminary plan be approved and the property be designated a Planned Unit Development. The property is located at 3200 S. Rockport Rd. and is further described as follows:

The east half of the Southwest Quarter of the of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 18 and also the Southwest Quarter of the Northwest Quarter, the east one half of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 17, all in Township 8 North, Range 1 West, Monroe County, Indiana, and more particularly described as follows:

BEGINNING at a stone found marking the southwest corner of said Section 17; thence NORTH 01 degree 28 minutes 25 seconds West 2639.32 feet to an iron post found at the southeast corner of the Southeast Quarter of the Northeast Quarter of Section 18; thence NORTH 89 degrees 51 minutes 33 seconds West 1951.13 feet to a rebar found at the southwest corner of the east one half of the Southwest Quarter of the Northeast Quarter of said Section 17; thence NORTH 01 degree 02 minutes 12 seconds West 1307.17 feet to a rebar found at the northwest corner of said east one half, said point also being on the east line of Tapp Road Subdivision (Plat Cabinet B, Envelope 325); thence SOUTH 89 degrees 30 minutes 41 seconds East 3289.06 feet to a ½" rebar with cap set at the northeast corner of said Southwest Quarter of the Northwest Quarter of Section 18; thence SOUTH 01 degree 06 minutes 39 seconds East 2635.52 feet to an iron pipe found at the northwest corner of the Southeast Quarter of the Southwest Quarter of said Section 17; thence SOUTH 88 degrees 03 minutes 02 seconds East 1297.36 feet to a stone found at the northeast corner of said Southeast Quarter of the Southwest Quarter; thence SOUTH 00 degrees 55 minutes 42 seconds East 1322.82 feet to an iron pipe with cap found at the southeast corner of said Southeast Quarter of the Southwest Quarter of Section 18; thence NORTH 87 degrees 59 minutes 12 seconds West 2616.91 feet to the POINT OF BEGINNING, containing 217.96 acres, more or less.

AND ALSO:

A part of the Southeast Quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

BEGINNING at the northeast corner of said Southeast Quarter; thence SOUTH 01 degree 24 minutes 01 seconds East 2003.70 feet to the east 25.00 foot right-of-way line

of an abandoned railroad spur; thence NORTH 25 degrees 07 minutes 14 seconds West along said east line 42.42 feet; thence SOUTH 64 degrees 52 minutes 46 seconds West 50.00 feet to the West 25.00 foot right-of-way line of said abandoned railroad spur; thence NORTH 25 degrees 07 minutes 14 seconds West along said west line 430.00 feet to the beginning of a curve to the left with a radius of 2839.79 feet, a central angle of 03 degrees 42 minutes 00 seconds and a chord of 183.35 feet bearing NORTH 26 degrees 58 minutes 13 seconds West; thence northwesterly along said curve and along said west line 183.39 feet; thence NORTH 28 degrees 49 minutes 14 seconds West along said west line 1037.69 feet to the centerline of Rockport Road; thence NORTH 36 degrees 43 minutes 49 seconds East along said centerline 234.15 feet to the beginning of a curve to the left with a radius of 300.00 feet, a central angle of 54 degrees 22 minutes 36 seconds, and a chord of 274.15 feet bearing NORTH 07 degrees 01 minutes 26 seconds East; thence northeasterly and northerly along said curve and along said centerline 284.72 feet; thence NORTH 21 degrees 12 minutes 18 seconds West 76.89 feet to the north line of said Southeast Quarter; thence SOUTH 89 degrees 19 minutes 50 seconds East along said north line 634.55 feet to the POINT OF BEGINNING, containing 21.77 acres, more or less.

AND ALSO:

A part of the Southeast Quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

COMMENCING at the northeast corner of the Southeast Quarter; thence NORTH 89 degrees 19 minutes 50 seconds West along the north line of said Southeast Quarter 634.55 feet to the centerline of Rockport Road, being the POINT OF BEGINNING; thence SOUTH 21 degrees 12 minutes 18 seconds East along said centerline 76.89 feet to the beginning of a curve to the right with a radius of 300.00 feet, a central angle of 54 degrees 22 minutes 36 seconds, and a chord of 274.15 feet bearing SOUTH 07 degrees 01 minutes 26 seconds West; thence southerly and southwesterly along said curve and along said centerline 284.72 feet; thence SOUTH 36 degrees 43 minutes 49 seconds West along said centerline 179.22 feet to the East 25.00 foot right-of-way line of an abandoned railroad spur; thence NORTH 28 degrees 49 minutes 14 seconds West along said east line 561.44 feet to the north line of said Southeast Quarter; thence SOUTH 89 degrees 19 minutes 50 seconds East along said north line 383.57 feet to the POINT OF BEGINNING, containing 2.82 acres, more or less.

EXCEPTING THEREFROM:

A part of the Southwest Quarter of Section 17, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

BEGINNING at the southwest corner of said Southwest Quarter; thence NORTH 01 degree 24 minutes 01 seconds West along the west line of said Southwest Quarter 640.46 feet to the East 25.00 foot right-of-way of an abandoned railroad spur; thence SOUTH 25 degrees 07 minutes 14 seconds East along said east line 532.64 feet to the beginning of a curve to the right with a radius of 1457.69 feet, a central angle of 07 degrees 06 minutes 46 seconds, and a chord of 180.84 feet bearing SOUTH 21 degrees 33 minutes 50 seconds East; thence southeasterly along said east line and along said curve 180.96 feet to the south line of said Southwest Quarter; thence NORTH 87 degrees 53 minutes 46 seconds West along said south line 277.12 feet to the POINT OF BEGINNING, containing 2.11 acres, more or less. Containing 240.44 acres, more or less, after said exception.

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 27th day of March, 1996.

JIM SHERMAN, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of April, 1996.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 1 day of April, 1996.

JOHN FERNANDEZ, Mayor
City of Bloomington

James McNamara, Deputy Mayor

SYNOPSIS

This ordinance rezones and establishes a mixed use Planned Unit Development on approximately 240 acres of land located at 3200 S. Rockport Road.

Signed copies:
Planning
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 96-05 is a true and complete copy of Plan Commission Case Number PUD-52-95 which was given a recommendation of approval by a vote of 6 Ayes, 2 Nays, and 1 Abstention by the Bloomington City Plan Commission at a public hearing held on October 30, 1995.

Date: January 23, 1996

Toni K. McClure

Toni K. McClure, Secretary
Plan Commission

Received by the Common Council Office this 23rd day of January, 1996,

Patricia Williams

Patricia Williams, City Clerk

Appropriation Ordinance #_____ Fiscal Impact Statement Ordinance #_____ Resolution #_____

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_____
Unforseen 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.)

FILENAME: ORD-CERT.MRG

AGREEMENT AND COMMITMENT FOR PUBLIC IMPROVEMENTS

This Agreement and Commitment is made and entered into by and between Raymond Moore Enterprises, Inc., ("Developer") and the City of Bloomington, Indiana, ("City"), upon the terms and conditions set forth herein, and

WHEREAS, Developer has requested a Planned Unit Development ("PUD") designation for approximately 235 acres located on the southwest side of Bloomington ("Real Estate") and designated by the Planning Department of the City as PUD-52-95, Plan B; and

WHEREAS, because of the size of the PUD, its development in phases over time and its relationship to improvements in streets and roads in the jurisdictions of both the City and Monroe County ("County"), Indiana, it is necessary to establish a schedule of development for the PUD that acknowledges its dependence on improvements to public streets and roads; and

WHEREAS, Developer recognizes that the existence of certain improvements to public streets and roads is a prerequisite to the development of certain phases of the PUD and that approval of the Plan Commission of the City of Bloomington was contingent upon Developer entering into this Agreement and Commitment;

NOW, THEREFORE, pursuant to Indiana Code 36-7-4-615, Developer

does hereby commit and agree as follows:

1. This Agreement and Commitment shall be binding upon the Developer and the Developer's successors in interest and title to all or any part of the Real Estate and are binding as commitments pursuant to the statutes of the State of Indiana and the ordinances of the City.

2. All references to phases and improvements shall include by reference the PUD approved by the City and as may be approved by the Common Council of the City under reference number PUD-52-95, and more particularly "Plan B" thereof, "Plan A" having been heretofore withdrawn from consideration by the Plan Commission of the City.

3. The improvements set forth below shall be completed prior to completion of the associated phase of the PUD as set forth below. If the required improvements are not completed by the public sector or other developers, then Developer must complete the required improvements as a part of the development of the particular phase with which they are associated if Developer desires to develop that phase. Nothing set forth herein shall require the City or County to construct any of the improvements set forth herein on behalf of the Developer and Developer waives any claim, demand, objection or cause of action against the City or County that may arise from Developer's inability to develop the Real Estate in accordance with the approved PUD as a result of the City or Monroe County not constructing any improvement. Specifically, Developer

acknowledges that the increased land use density and change in zoning classification is dependent upon certain improvements to streets and roads set forth herein and that the Real Estate may be used for other purposes if the PUD is not developed and the improvements not constructed, subject to applicable law and zoning ordinances.

Plan B Phase I, Consisting of Parcels A, B, C, D, F and J as shown on the site plan of Plan "B":

1. Initial development will access only Gordon Pike (a/k/a Fullerton Pike) on the south and to the east to the intersection of Gordon Pike and south Rogers Street.

2. At such time as 100 dwelling units are completed and occupied in all of Parcels A, B, C, D, and F, intersection improvements will be made to the intersection of Gordon Pike and South Rogers Street in accordance with Exhibit 1, attached hereto to the satisfaction of the Monroe County Highway Engineer at the time of construction that the improvements comply with Monroe County requirements.

3. Phase I will not connect to Rockport Road until the improvements mentioned below have been made as provided for in Phase II.

Plan B, Phase II, Consisting of Parcels E, G, H, I, and L as shown on the site plan of Plan "B":

1. Up to 50 residential dwelling units or the equivalent in traffic generation may be developed and occupied before improvements to Rockport Road are required.

2. Prior to further development of Plan B, Phase II, the three curves on Rockport Road adjacent to the site will be corrected. The sharp

curves near the south and north ends of Rockport Road adjacent to Phase II will be constructed with larger radii meeting AASHTO standards. As an alternative to increasing the radius on the north curve adjacent to Phase II, it can be realigned into a T-intersection with Rockport Road and the internal collector street. The curve between the north and south curves adjacent to phase II needs to be super-elevated and this will be corrected. In the event that Adams Street is extended southward, the central curve may also be realigned to tie directly into the new Adams Street as shown on Exhibit 2.

3. Either of the following shall occur before further development of Phase II as shown in Exhibit 3:

   a. The Adams Street extension southward to Rockport Road from Tapp Road is completed; or

   b. Both of the following:

      1.) Improvement at the intersection of Country Club Road and Rockport Roads consisting of a three-lane configuration on Rockport Road extending south of its intersection with Country Club Road for such length as engineering design may require, subject to availability of right of way; and

      2.) Install a westbound left turn lane on Country Club Road at the intersection with Rockport Road for such length as engineering design may require, subject to availability of right of way.

4. This Agreement and Commitment may be modified or terminated by the Plan Commission of the City of Bloomington with approval of the Common Council of the City of Bloomington upon the request of Developer after notice and hearing as provided for in the rules of the Plan Commission and Common Council for similar petitions (planned unit development).

5. The terms and conditions of this Agreement and Commitment may be

enforced by injunction and other legal remedies by the City or Monroe County.

In witness whereof the Developer has hereunto set its hand and seal as of the date set forth below.

Raymond Moore Enterprises, Inc.

By: Raymond Moore

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Subscribed and sworn to before me, a Notary Public, in and for said county and state, this 21st day of March, 1996, at which time Raymond Moore personally appeared and acknowledged the execution of the above and foregoing document to be a voluntary act and deed.

My Commission Expires:
4/10/98

Julie B. Patrick, Notary Public

A resident of Monroe County

This Instrument Prepared By
Lynn H. Coyne, Attorney at Law
ANDREWS, HARRELL, MANN, CHAPMAN & COYNE, P.C.
1720 N. Kinser Pike, P.O. Box 2639
Bloomington, Indiana 47402-2639
Telephone: (812) 332-4200

/14704
rev3/12/96

Agreement to Waive Objection to the Certification Date and to Extend Deadline for Council Consideration of Ordinance 96-05

Whereas, on October 30, 1995 the City of Bloomington Plan Commission voted 6-2-1 in favor of a recommendation approving PUD 52-95; and

Whereas, the recommendation included twelve conditions of approval and the third condition required that an agreement be drafted to the satisfaction of the staff, city and county before the case was forwarded to the Council; and

Whereas, the agreement was drafted to the satisfaction of the above parties on January 22, 1996 and the certification of Plan Commission recommendation was filed with the Common Council on January 23, 1996, which has designated the petition as Ordinance 96-05; and

Whereas, according to I.C. 36-7-4-608 the Council must take final action on this proposal within ninety days after certification of the Plan Commission's recommendation or the recommendation of the Plan Commission goes into effect; and

Whereas, I.C. 36-7-4-608 also provides that the certification must be made within ten days of the Plan Commission's determination of its recommendation; and

Whereas, although inconsistent with the intention of the parties, one interpretation of the statute would preclude the Council action on this petition from taking effect if that action is taken more than one hundred days after the Plan Commission vote; and

Whereas, the Regular Session of the Common Council scheduled for February 7, 1996 falls on the one hundredth day following the vote of the Plan Commission and, in accordance with I.C. 36-7-4-608, the Council could take final action on Ordinance 96-05 that night; and

Whereas, it is in the interest of both parties for the Council to give Ordinance 96-05 full and timely deliberation which ordinarily includes a discussion of the matter at a Committee of the Whole before considering final action at a subsequent Regular Session;

Now therefore,

The Petitioner agrees to waive objection to the timeliness of either the Plan Commission certification or the Council action, and further agrees that he will not in any future proceeding make any argument based on the time limits contained in I.C. 36-7-4-608; provided, these agreements of the Petitioner are contingent upon Common Council taking final action on Ordinance 96-05 no later than ninety days after January 23, 1996.

Further, Petitioner agrees that this agreement shall be included in any contract for sale or lease of the property and shall be binding on any purchaser or lessee or other successor or assigns.

_____ _____

Date Raymond Moore, Petitioner

And, in exchange for this waiver, the President of the Council, who has authority to approve Council agendas (BMC 2.04.270), agrees to place Ordinance 96-05 on the February 7, 1996 agenda for first reading with consideration of it to follow in the ordinary course of Council deliberation, which includes discussion at a Committee of the Whole and final action at one or more subsequent Regular Sessions.

_____ _____

Date Jim Sherman, Council President

See minutes 2/7/96

MEMORANDUM

TO: The Common Council

FROM: Toni McClure, Planning Department

SUBJECT: PUD-52-95, Rayomond Moore and Bloomington Golf Course, 3200 S. Rockport Road

DATE: January 24, 1996

Background and Request: This is a very large and complicated case. The request is for a rezone to PUD and a preliminary plan approval. This multi-use PUD proposal was originally submitted in two alternatives. Plan "A" involved about 300 acres, including a portion of the Bloomington Country Club golf course on the south side of Country Club Dr. between Rogers and Rockport. The site extends west of the country club and Batchelor school, spanning Rockport Rd., and extends south to Fullterton Pike, which is an undeveloped area R.O.W west of the pavement's end at Batchelor school. Under Plan "A", part of the existing golf course area (the land between Rockport and Rogers on Tapp Road) would have been developed with 102 single family lots, 220 multi-family units, and 7 acres/50,000 sq. ft. of commercial area. Most of the golf course would have been relocated to the quarry area to the west. In order for Plan "A" to proceed, the petitioner needed agreement from the Quail Ridge Condo owners and the country club. Full agreement was not secured by the last hearing, so the petitioner withdrew Plan "A" from consideration.

Plan "B", as approved, does not include any part of the existing golf course. The 235 acres in Plan "B" to the west of the country club includes 20 acres of private open space (mostly around the existing quarries), a 19 acre business park on the east side of Rockport Road, a 4 acre commercial center to be located in Phase I, 15 acres of green space in the floodplain on the west boundary of the parcel, and a total of 1,165 dwelling units on the remaining 179 acres (352 single lots, 813 multi-family units and an overall density of 5.5 units per acre).

Internal streets would be public streets built to City standards. Adams street will be extended south from Tapp Road, as part of the Woolery PUD. The revised plans show Adams improved in a three-lane configuration from the Woolery PUD to the north side of the middle curve in Rockport Road in a "T". This would eliminate a substandard radius on existing Rockport Road. Plans also include addition of turn lanes on Rogers St. and Gordon Pike and curve improvements on Rockport.

Zoning: The area is presently zoned RS3.5/PRO6 and Q.

Site Description: This site is mostly vacant land. The southeast portion is mostly mature forest with an intermittent stream. The area in the middle and north west part of the site is open farmland, with mature forest on the west side. The north middle area is old quarry. There is a floodplain and a couple of small wetlands located on the northwest section of the site on the west side of Rockport Road. The topography is gently rolling. The project borders mostly vacant land to the north, south, and west. To the east the project is adjacent to the Bloomington Country Club and Batchelor Middle School.

Proposal Summary: The petitioners are requesting a rezone to a multi-use PUD and preliminary plan approval. There was much discussion about the adequacy of Rockport Road and its intersection with Tapp/Country Club Road, the size and location of the commercial area, the size of the project, drainage, and county and city jurisdictional issues. At the first hearing, the Plan Commission directed staff, the petitioner, the County and the country club to work together and resolve these issues before the next meeting.

At the second hearing, the petitioner withdrew Plan "A." Plan "B" was also substantially modified. The total acreage on Plan "B" is 235 acres.

The uses in Plan "B", as approved, include multi-family uses as follows:

- Parcel A - 25 acres immediately west of Batchelor School and south of golf course - 10 units/acre - 250 units
- Parcel C - 5 acres at southwestern edge of golf course - 9 units/acre - 45 units
- Parcel E - 11 acres at northwestern edge of golf course - 8 units/acre - 88 units
- Parcel G - 15 acres immediately west of Rockport - (10.6 units/acre - 160 units
- Parcel H - 15 acres west of Parcel G - 18 units/acre - 270 units

Plan "B", as approved, includes single family uses as follows:

- Parcel B - 34 acres on the south end of the development west of Parcel "A" - 4 units/acre - 136 units
- Parcel D - 31 acres to the west of the golf course between Parcels C and E - 3 units/acre - 93 units
- Parcel F - 41 acres immediately west of Parcel D - 3 units/acre - 123 units

Plan "B", as approved, also contains the following:

- Business Park - 19 acres located on the east side of Rockport on the inside of the middle curve and limited to the following:
  1. Setbacks per Business Park zoning district -

     Street setbacks:
     From Rockport - 60' from centerline for building, 70' for parking

     From internal roads - 25' from ROW line for building, 35' for parking

     Additional 4' building setback from streets required for each story above one

     Side setbacks:
     Adjacent to non-residential - 15' for building, 8' for parking

     Adjacent to residential - 25' for building, 12' for parking

     Rear setbacks:
     30' for building, 15' for parking

  2. Permitted uses:

     Community Center per code definition
     Churches
     Business and corporate offices other than outpatient health care
     Business Services such as printing, packaging - excluding retail & auto service
     Day care
     Nursing home
     Funeral home
     Schools, including trade and business

- Commercial - 4 acres (shown on plan as Parcel J) to be relocated from Phase II area to Phase I area

  1. Setbacks per Commercial General zoning district

     Street setbacks:
     From Rockport - 45' from centerline for building, 55' for parking

From internal roads - 10' from ROW line for building, 20' for parking

Additional 4' building setback from streets required for each story above one

Side setbacks:

Adjacent to non-residential - 0' for building, .05 times the lot width (rounded to next highest integer) or 3', whichever is greater, up to a maximum of 10' for parking

Adjacent to residential - 10' for building, 10' for parking

Additional 4' building setback from side lot lines is required for each story above one.

Rear setbacks:

Adjacent to non-residential - 10' for building, 6' for parking

Adjacent to residential - 25' for building, 10' for parking

2. Permitted uses include:

Convenience/grocery store limited to a maximum of 10,000 sq. ft. in size
Gasoline station - maximum of two
One video rental store
Restaurant - maximum of two - no drive-through service
One pharmacy/drug store
One barber shop/hair styling salon
One laundry

All of the above uses are limited to a maximum size of 3,000 sq. ft. with the exception of the convenience/grocery store.

- Open Space/Park - 20 acres scattered about the site, with much of the open space located north and east of Parcel I in the north-central portion of the site. Most of the remaining open space is located on the southwestern portion of the site between single family Parcels B and F. This portion of the open space may be partially or wholly used for detention, should detention be required at final plan approval. If detention is not required at final plan approval, the portion of the site slated for possible detention may be developed for residential uses at 3.5 units/acre. In no case, however, shall the open space provided for the development fall below the requirements of the zoning ordinance - 35% for residential use, 25% for

office use, and 10% for all other uses.

- Green Space Floodplain - 15 acres located on the extreme western end of the site south and west of Parcels G and H, known as Parcel L. This is a FEMA floodway and will not be developed. The only disturbance will be a bike trail/sewer main shown on petitioner's plans. The petitioner will dedicate easement or right-of-way as necessary for the sewer placement and petitioner will also establish the trail.

Traffic: The petitioner agreed that increased land use density and change in zoning is dependent upon certain improvements to streets and roads and that petitioner should be responsible for those improvements unless the public sector makes the improvements prior to development. To that end, petitioner submitted a proposed agreement to staff regarding the timing of such improvements. A copy of the agreement is included in this packet; the "meat" of that agreement follows this paragraph.

- Plan B, Phase I, Consisting of Parcels A, B, C, D, F, and J as shown on the site plan of Plan "B"

    1. Initial development will access only Gordon Pike (a/k/a Fullerton Pike) on the south and to the east to the intersection of Gordon Pike and South Rogers Street.

    2. As such time as 100 dwelling units are completed and occupied in all of Parcels A, B, C, D, and F, intersection improvements will be made to the intersection of Gordon Pike and South Rogers Street in accordance with Exhibit 1, attached hereto, to the satisfaction of the Monroe County Highway Engineer at the time of construction that the improvements comply with Monroe County requirements.

- Plan B, Phase II, Consisting of Parcels E, G, H, I, and L as shown on the site plan of Plan "B"

    1. Up to 50 units may be developed and occupied before improvements to Rockport Road are required.

    2. Prior to further development of Plan B, Phase II, the three curves on Rockport Road adjacent to the site will be corrected. The sharp curves near the south and north ends of Rockport Road adjacent to Phase II will be constructed with larger radii meeting AASHTO standards. As an alternative to increasing the radius on the north curve adjacent to Phase II, it can be realigned into a T-intersection with Rockport Road and the internal collector street. The curve between the north and south curves adjacent to Phase II needs to be

super-elevated and this will be corrected. In the event that Adams Street is extended southward, the central curve may also be realigned to tie directly into the new Adams Street as shown on Exhibit 2.

3. Either of the following shall occur before further development of Phase II as shown in Exhibit 3:

   a. The Adams Street extension southward to Rockport Road from Tapp Road is completed; or

   b. Improvement at the intersection of Country Club Road and Rockport Roads consisting of a three-lane configuration on Rockport Road extending 500 feet south of its intersection with Country Club Road.

City staff has worked closely with the county planning and highway departments due to uncertainty over which jurisdiction will approve final plans and because all of the street capacity sticking points are county roads. Please refer to the county's memo of October 23, which follows this report. After Plan Commission approval, petitioner submitted a letter requesting to remain in City planning jurisdiction.

Growth Polices Plan Compliance: The plan recommended residential at up to six units per acre south of the country club and west of Batchelor school, with a smaller amount of residential west of the area between the country club and the quarries. This translated into RS3.5/PRO6 zoning for the residential areas. The residential aspects of the PUD proposal are essentially in compliance for those areas. The existing PRO6 zoning covers about 126 acres which would accommodate 756 of the PUD's 1,165 units.

GPP compliance then is a question primarily for the "quarry" designated area along Rockport. The plan also urges consideration of a regional quarry park in this area, although the plan did not intend that local government attempt to develop such a park or to establish park zoning. The quarry designation in the plan and the zoning ordinance was viewed by few, it any, as intended to preserve land for quarry use against owner's wishes. It reflected current and potential quarry use and previous zoning. Staff views the matter as driven by street capacity concerns, and also views the PUD area as a reasonable round off of the compact urban form perimeter and reasonably consistent with the "leverage public capital" goals if development is phased consistently with Tapp Road improvements.

Drainage: The petitioner met with the City Engineer to discuss drainage issues. There was a lot of concern raised by the Environmental Commission, the Plan Commission, and the public regarding drainage. Staff agrees with the proposal that detention be determined at final plan review. Most of the concerns regarding

detention centered on the Plan "A." Since Plan "A" was withdrawn and drainage on Plan "B" was not of demonstrable concern, detention and drainage will be determined at final plan review.

Plan Commission Approval: The plan commission approval and conditions of approval are listed on the following page.

PUD-52-95 Raymond Moore ~~and Bloomington Golf Course~~
3200 S. Rockport Rd.
Request for rezone of approximately 300 acres from PRO6, Q, and I, to PUD, and preliminary plan approval for a mixed-use golf course community.

Lynn Coyne made the following statement: "We will withdraw Plan A from consideration to allow the country club greater input."

***Joe Hoffmann moved to sever the two plans and treat PUD-52-95, at the petitioner's request, as only consisting of Plan B. Tom Swafford seconded. Approved 8:0

***Joe Hoffmann moved approval of PUD-52-95 with the following conditions:

1. Delete Area J - commercial, and substitute a convenience serving commercial node to be located somewhere accessible to the early phases of the development. That neighborhood commercial node would be limited to a small grocery store, a convenience store, up to two gas stations, one small video rental store, up to two restaurants without drive-up service, one pharmacy/drug store, one barber shop/hair styling salon, and one laundry with no single shop or restaurant being in excess of 3,000 s.f. with the exception of the grocery store or convenience store.
2. Open space in quarry impact area and flood plain is credited to open space requirements for the entire project.
3. An agreement on phasing of the PUD relative to street improvements and developer's willingness to implement improvements if necessary prior to construction have to be drafted to staff, city, and county satisfaction before the case is forwarded to the council and recorded upon council approval. No permits for grading, other improvement, or later phases of the project will be issued until prior commitments for road improvements have been fulfilled.
4. Detention shall be provided or not provided at the discretion of the approving authority for final plans. (This could be Monroe County).
5. Land use list for business park Area I, Plan B to be modified per the marked up verison which follows, with the deletion of hotels/motels.
6. Petitioner's plan, while schematic, shall be construed as suggestive of the type of layout contemplated for the multi-family areas. Petitioner's reference to "standard exterior finishes" and the three-story height reference should be clarified.
7. Site details and specific engineering for final plans shall not be limited by the schematic preliminary. Specific locations and designs of street, open space, drainage, pedestrian, and other facilities are subject to final plan approval. The final plan will come to the Plan Commission for approval (assuming it's in the city's jurisdiction).
8. Representation of "bike trail" and "sewer main" on plans is construed as the petitoner's proposal to dedicate easement or right-of-way and establish the trail.
9. At or near the time of final plan submission, the petitioner will again discuss possible elementary school sites with MCCSC on the understanding that if MCCSC wishes to obtain such a site, then the petitioner would still be entitled to the same total number of

units to be accomodated elsewhere in the final plan. The Plan Commission will review this issue as well at the final plan stage.

10. Incorporate the E.C. recommendations.
11. In the commercial/convenience node, there be a total of up to four acres, and the convenience grocery store be limited to a 10,000 s.f. maximum.
12. A quarry reclamation plan must be submitted for staff approval.

Doug Duncan seconded. Approved 6:2 (1 abstention)

February 5, 1996

Bloomington Plan Commission
c/o Toni McClure, Planning Director
City of Bloomington
401 N. Morton
Bloomington, IN 47404

Re: PUD# 52-95 (Raymond Moore)

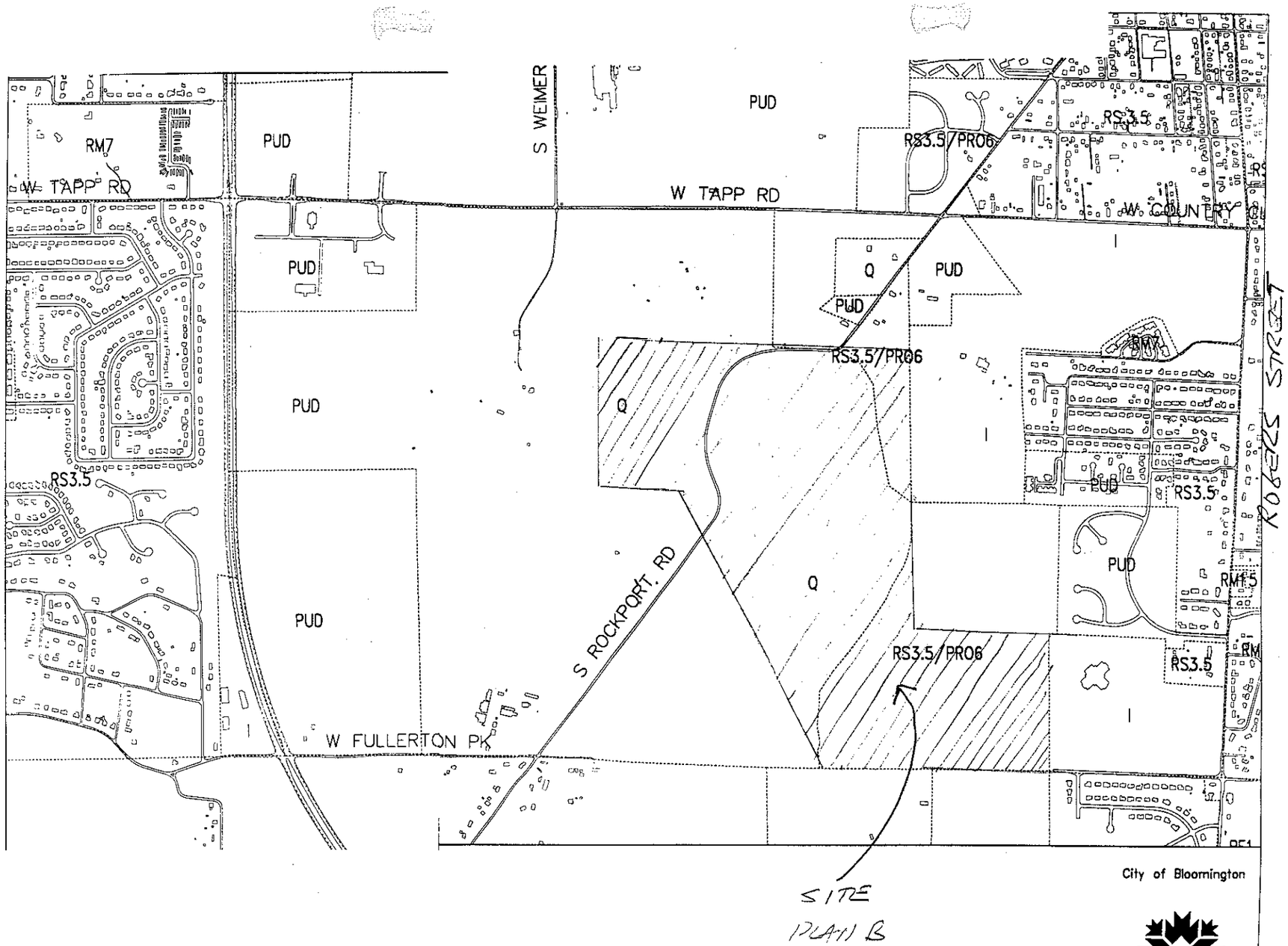
Dear Members of the Plan Commission:

Pursuant to the requirements of the Zoning Ordinance of the City of Bloomington Section 20.05.09.04.C.4, the undersigned hereby agrees to the conditions and stipulations contained in the approval of the Plan Commission of the above-referenced application whether such conditions and stipulations constitute modifications or otherwise.

Sincerely,

Raymond Moore

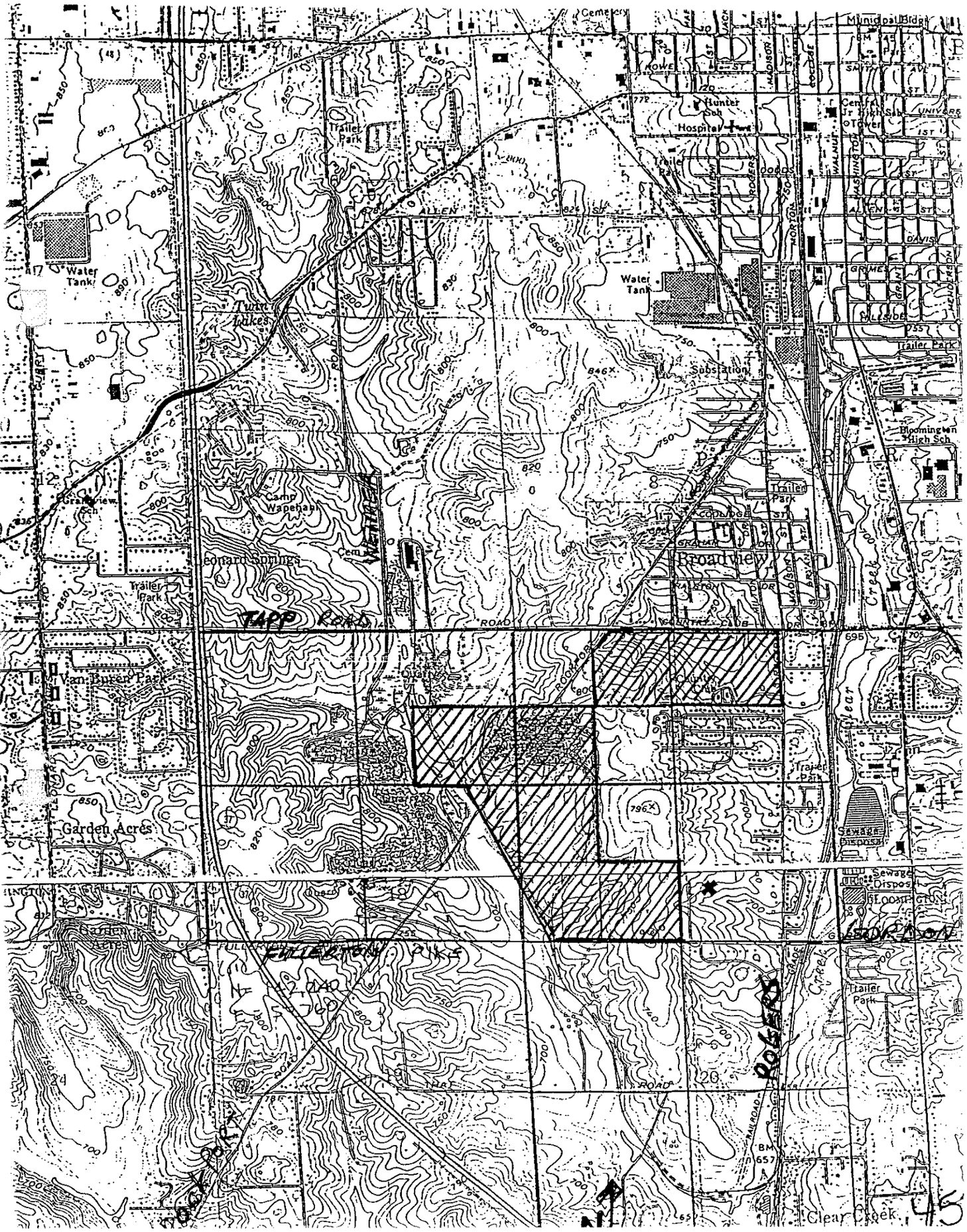
Raymond Moore


W TAPP RD
S WEIMER
W TAPP RD
W COUNTRY
S ROCKPORT RD
W FULLERTON PK
ROBERTS STREET
RM7
PUD
RS3.5
RS3.5/PR06
Q
I
RM15
SITE
PLAN B
City of Bloomington
Scale: 1" = 1000'
N

N 1" = 1000

PUD-52-95
Location/zoning

26


Cemetery
Municipal Bldg
Hunter Sch
Hospital
Central Jr High Sch
Tower
Trailer Park
Water Tank
Twin Lakes
Substation
Bloomington High Sch
Camp Wapehani
Leonard Springs
Broadview
TAPP ROAD
Van Buren Park
Garden Acres
Sewage Disposal
FULLERTON PIKE
ROGERS
Clear Creek
45