Passed: 7-2 (Service Kiesling)

ORDINANCE 95-46

TO AMEND THE PRELIMINARY PLAN
Re: 5701 W. S.R. 48
(Standard Development, LLC, 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WHEREAS, the Common Council adopted Ordinance 95-21 which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning", including the incorporated zoning maps, and Title 21, entitled "Land Use and Development" on May 1, 1995; and

WHEREAS, the Plan Commission has considered this case, PUD-62-95, and recommended that the petitioners, Standard Development LLC, be granted an amendment to the preliminary plan and request that the Common Council consider their petition;

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

SECTION I. Through the authority of IC 36-7-4 that a preliminary plan amendment be approved for 5701 W. S.R. 48, Bloomington, Indiana. That property is further described as follows:

A part of the west half of section 2, Township 8 North, Range 2 West, Monroe County, Indiana, more particularly described as follows:

Commencing at the northwest corner of said Section 2; thence SOUTH 88 degrees 20 minutes 22 seconds EAST 1558.88 feet to the point of beginning; thence SOUTH 01 degrees 44 minutes 04 seconds WEST 50.00 feet; thence SOUTH 88 degrees 20 minutes 22 seconds EAST 33.11 feet; thence SOUTH 01 degrees 28 minutes 17 seconds WEST 45.60 feet to a non-tangent curve to the right having a radius of 575.00 feet and a length of 229.08 feet; thence SOUTH 24 degrees 17 minutes 54 seconds WEST 130.97 feet to a tangent curve to the left having a radius of 585.00 feet and a length of 349.59 feet; thence NORTH 80 degrees 03 minutes 32 seconds 70.00 feet to a non-tangent curve to the right having a radius of 655.00 feet and a length of 39.79 feet; thence SOUTH 28 degrees 06 minutes 16 seconds WEST 126.50 feet; thence NORTH 47 degrees 29 minutes 00 seconds WEST 72.27 feet; thence NORTH 62 degrees 56 minutes 08 seconds WEST 180.08 feet; thence SOUTH 85 degrees 42 minutes 41 seconds WEST 56.85 feet; thence SOUTH 66 degrees 19 minutes 51 seconds WEST 51.14 feet; thence SOUTH 45 degrees 02 minutes 30 seconds WEST 126.40 feet; thence NORTH 88 degrees 44 minutes 30 seconds WEST 187.48 feet; thence SOUTH 83 degrees 39 minutes 58 seconds WEST 60.08 feet; thence NORTH 89 degrees 57 minutes 50 seconds WEST 125.27 feet; thence NORTH 00 degrees 02 minutes 10 seconds EAST 549.29 feet; thence SOUTH 88 degrees 20 minutes 22 seconds EAST 264.00 feet; thence NORTH 00 degrees 00 minutes 00 seconds EAST 330.00 feet; thence SOUTH 88 degrees 20 minutes 22 seconds EAST 832.88 feet to the point of beginning containing 16.58 acres more or less.

Excepting therefrom; A part of the west half of section 2, Township 8 North, Range 2 West, Monroe County, Indiana, more particularly described as follows:

Commencing at the northwest corner of said Section 2; thence SOUTH 88 degrees 20 minutes 22 seconds EAST 1558.88 feet; thence SOUTH 01 degrees 44 minutes 04 seconds WEST 50.00 feet; thence SOUTH 88 degrees 20 minutes 22 seconds EAST 130.74 feet to the point of beginning; thence SOUTH 16 degrees 12 minutes 46 seconds WEST 557.19 feet; thence NORTH 88 degrees 20 minutes 22 seconds WEST 237.00 feet; thence NORTH 01 degrees 39 minutes 38 seconds EAST 539.31 feet; thence SOUTH 88 degrees 20 minutes 22 seconds EAST 377.00 feet to the point of beginning containing 3.80 acres more or less.

Containing in all 12.78 acres more or less.

SECTION II. The Preliminary Plan Amendment, as recommended by the Plan Commission, shall be attached and made a part of this ordinance.

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 November, 1995.

Iris Kiesling

IRIS KIESLING, President
Bloomington Common Council

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 16th day of November, 1995.

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 17th day of November, 1995.

Tomilea Allison

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance approves a preliminary plan amendment in regard to the existing fifteen foot combined side yard setback requirement for the intial 12.87 acre phase of this planned unit development. The amendment will allow six feet setbacks on each side yard for both one-story and two-story dwellings, which will yield a minimum combined side yard setback requirement of twelve feet.

Signed copies to:
Planning
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 95-46 is a true and complete copy of Plan Commission Case Number PUD-62-95 which was given a recommendation of approval by a vote of 8 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on October 9, 1995.

Date: October 23, 1995

Timothy A. Mueller
Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 23 day of October,

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.)

Memo

To: The Common Council

From: Tom Micuda, Zoning Planner

Date: October 23, 1995

Subj: PUD-62-95, Limited Liability Corp. (LLC), 5701 West State Road 48

Council Background: In late 1994, the Common Council approved a preliminary plan to create a 250 acre Planned Unit Development (PUD) in the area bounded by State Road 48, Kirby Road, and Gifford Road. The preliminary approval called for the creation of a mixed use development featuring a 34.2 acre industrial park along Kirby Road, a 3.8 acre neighborhood commercial parcel along State Road 48, a 6.4 acre park, and over 200 acres of single and multiple family tracts (up to 896 total housing units). Twelve separate land use tracts (A through M) were created with this PUD.

Request: At the October 9, 1995 Plan Commission meeting, the petitioners received unanimous approval for a final plan approval, a preliminary plat approval to create a 41-lot subdivision, and preliminary plan amendment to alter approved sideyard setbacks. The specific request was to create 41 single family lots on 12.78 acres in the extreme northwest corner of the 250 acre PUD. The proposed density of development (3.21/acres) and land use (single family housing) are consistent with the preliminary plan approved by Council.

Preliminary Plan Amendment: At preliminary plan stage, the petitioners requested the following setbacks:

Frontyard - 20 feet
Rearyard - 25 feet
Sideyard - 6 feet minimum, 15 feet combined (one & two story)

In order to allow for a potential building footprint of 48 feet in width instead of 45 feet, the petitioners seek to amend their preliminary plan to shrink the combined sideyard setback to 12 feet for both one and two story construction. On a 60 foot wide lot, this would allow for a 48 foot wide ranch style home with two 6 foot side setbacks. The petitioners desire this reduction in sideyard setbacks as a result of discussions with possible future home builders who are finding a market for larger building footprints on smaller lots. Developments such as the Winslow Farm, Gentry Estates (Gentry Honors), Southern Pines (corner of Rockport and Tapp), and Walnut Creek (Highland Avenue) are having success using the reduced setback concept.

Other Subdivision Issues: The 41 lots are proposed to be approximately 6,500 square feet in area and will have a mixture of one and two story homes in the $100,000 range. The proposal meets all subdivision criteria: right-of-way will be dedicated, sidewalks will be placed along all streets (including State Road 48), street trees will be planted. City standards for street width and curb and gutter will be met. A boulevard entrance drive will be constructed off of State Road 48; the entrance itself will have an acceleration/deceleration land and a passing blister. All City of Bloomington utilities will service the site. Substantial landscaping will be placed in the following areas: 1) along the neighborhood commercial interface, 2) between the boulevard entrance and a residential property to the east, 3) within the boulevard street median, 4) along the State Road 48 frontage (Landscaped mounds and decorative walls will be installed in addition to street trees). Two temporary stormwater detention basins will serve this site; they have been designed to hold the same ratios of extra stormwater as specified in the preliminary plan. They have also been designed with one inch outlet openings that will allow stormwater to be retained onsite for as long as five days after a rain event.

Preliminary Plan Compliance Issues: This tract, along with the 250 acre parcel, is located within the Cave Creek watershed. Both the adjacent airport and a small subdivision located further west (Cavewood Estates) have suffered flooding problems in the past. The Cavewood Estates situation is particularly problematic in that the subdivision was constructed just to the north of a cave opening that drains the entire watershed. During larger storm events (10-year events and greater), the volume of Cave Creek drainage cannot be handled by the opening and causes water to be backed up over some 20-25 acres of low-lying ground. During preliminary plan stage in 1994, the petitioners were directed to design a unique stormwater detention system that would not only store the post-development runoff of the 250 acre tract, but also hold back additional acre feet of stormwater. In addition, the detention system was designed so that water would be manually released (rather than released through structure openings) only when downstream properties were not at risk from flooding conditions. With this in mind, very detailed preliminary plan conditions of approval were created. In the staff and Plan Commission's view, all of these conditions have been addressed with the October 9 approval. However, an explanation of these conditions will still be included in this memo.

Condition of Approval #1 - Geotechnical Study - Preliminary plan condition #1 required the petitioners to submit a geotechnical study of the stormwater detention site. This condition was designed to ease Environmental Commission and adjacent property owner concerns over whether the stormwater detention system would retain water given the predominance of karst terrain in the vicinity of the 250 acre site. The petitioners have submitted a geotechnical study which staff and Plan Commission feel satisfies the condition. The study is typical of geotechnical work in that

it does not guarantee detention basin leakage. The report does note that no surface karst features were detected in the proposed pond area, but specifies that on-site supervision should be required in case underground bedrock voids are detected during excavation.

Condition of Approval #2 - This condition gave the Plan Commission discretion to determine whether the detention system should be constructed: 1) immediately with a first phase, 2) at a later phase to be determined by the Plan Commission. The petitioner's proposal, as adopted by the Plan Commission, is the following:

1. Construction of two temporary detention ponds with site grading for the 41 lot first phase.

2. Application of state and federal floodway construction permits before any of the 41 lots can be final platted for sale.

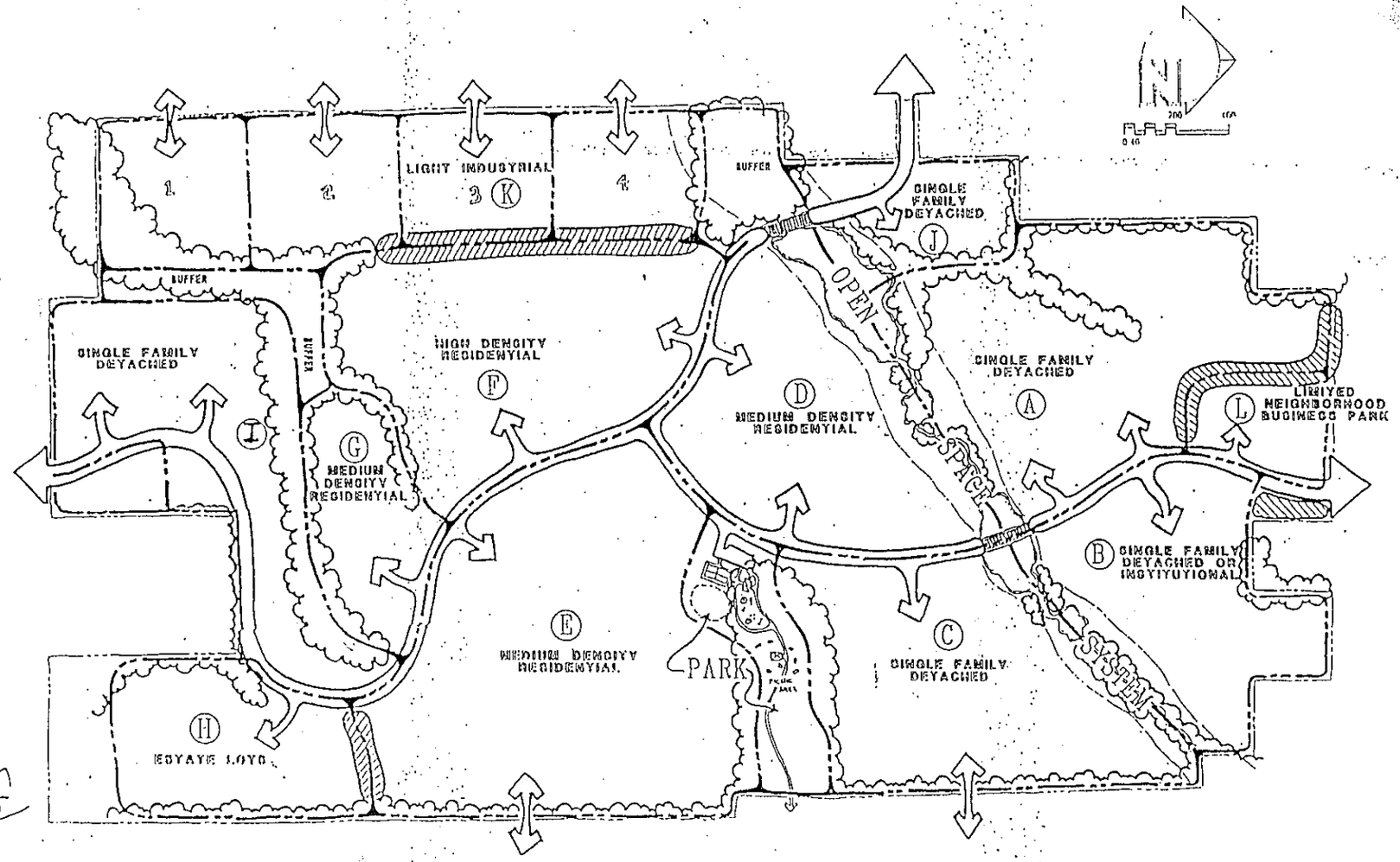
3. No additional residential, commercial, or industrial development would be allowed until all permits have been issued and construction of the basin is underway.

Staff views this resolution as falling within the scope of Condition of Approval #2. At the October 9 hearing, the staff's proposal was that the permit application process be done before any grading permits could be issued and that final permits (plus a local guarantee) be secured before all 41 lots could be platted. The petitioners successfully argued that the staff's proposal would create a large upfront cost (possibly a $500,000 to $750,000 letter of credit for the detention pond alone), and that preliminary plan conditions of approval clearly imposed Residential Estate (One Acre Lot) zoning should the pond not be built.

Condition of Approval #3 - County Maintenance of the Detention System - At the Preliminary Plan stage, it was well understood that a detention system of the size and complexity being proposed should have managerial oversight. The system will be a reservoir-type facility that requires expertise to both oversee the opening of release gates and verify the conditions of downstream properties that might be affected by releases of stormwater. Approval at the October 9 meeting was originally in question due to the inability of the County Drainage Board and petitioners to work out a letter of intent towards Drainage Board management. In order to give the petitioners more time to work with the Board, a condition of approval was placed requiring either a Drainage Board Letter of Intent or County Commissioners resolution before any grading permits can be issued. At its October 11, 1995 meeting, the Drainage Board expressed its willingness to manage the facility, subject to all Drainage Board statutory requirements and conditions. A confirmation copy of this action has been included in your packet.

Summary - By a vote of 8:0, the Plan Commission approved a final plan, preliminary plat, and preliminary plan amendment to create a

41 lot subdivision over 12.78 acres. No other residential, commercial, or industrial development will be considered for the remaining land use tracts until construction has been initiated on the large detention system. Plan Commission approval was rendered subject to six conditions of approval attached on the next page.



FIELD SIGNS

Wiley Farm

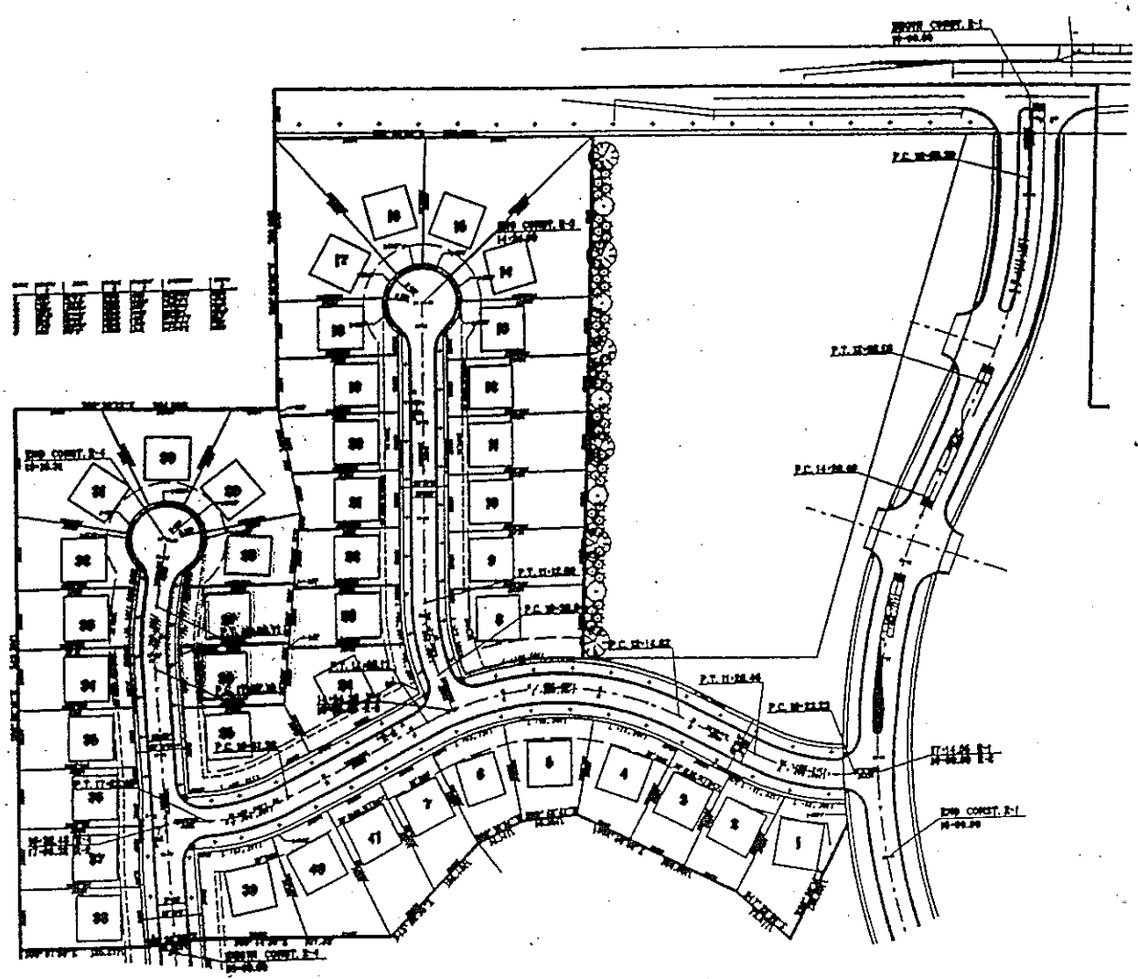
PLANNED DEVELOPMENT

Wiley Farm Planned Development

TRACT	LAND USE	APPROXIMATE SIZE (acres)	MAXIMUM POINTS	MAXIMUM DENSITY
A	Single Family Detached	29.9	84	2.97
B	Single Family Detached or Institutional	11.5	63	3.54
C	Single Family Detached	21.5	66	3.51
D	Medium Density Residential	32.1	100	4.57
E	Medium Density Residential	37.6	190	5.05
F	High Density Residential	25.4	254	10.00
G	Medium Density Residential	9.2	56	6.09
H	Estate Lots	12.8	5	0.39
I	Single Family Detached	21.1	12	1.99
J	Single Family Detached	7.2	15	2.04
	SUBTOTAL	206.4	890	4.34
K	Light Industrial	27.8		
L	Limited Neighborhood Business	3.8		
	Park	6.4		
	Buffer (not included in other tracts)	5.6		
	TOTAL	250.0		

65

PREPARED BY SMITH NEUBECKER & ASSOCIATES, INC



SCALE 1"=50'

CONSTRUCTION LEGEND

GENERAL NOTES

SITE PLAN NOTES

MOTION TO APPROVE
- WITH CONDITIONS OF APPROVAL

PUD-62-95 Standard Development, LLC
5701 W. S.R. 48
Request for preliminary plan amendment, final plan approval, and preliminary plat approval for 41 single family lots on a total of 12.78 acres. This will be Phase I Tract A of the Wiley Farm.

*** Joe Hoffmann moved to forward PUD-62-95 to the October 30, 1995 agenda; Laraine Cooksey seconded. Motion failed 7:1

***Joe Hoffmann moved approval of PUD-62-95 with waiver of second hearing subject to staff's conditions of approvals: (Referring to Option 1 in the staff report) 1) The petitioner is required to apply for state and federal permits to construct the basin in the Cave Creek floodway before final platting of any of the 41 lots. 2) No additional commercial, industrial, or residential development other than the 41 lots will be proposed until all state and federal permits have been issued and construction of the dam and lake itself is underway. 3) The landscape plan for the residential buffer to the east be approved according to staff satisfaction. 4) The trees to be preserved along the west side of the site be spotted and fenced before any grading permits are issued. 5) Before grading permits are issued, either a resolution from the County Commissioners or a letter of intent on behalf of the County Drainage Board or the County Engineer be submitted to the staff indicated present willingness to accept responsibility for operation, management, and supervision of the drainage facility subject to the statute. 6) If the necessary permits are not issued or the lake is not constructed, than pursuant to the outline plan, the petitioner can construct no more than would be permitted under RE zoning and any drainage plan for that alternative will be handled as a development plan issue. Tom Swafford seconded. Approved 8:0

Final Plan
Conditions of
Approval

RL/PUD/MP/PCD-63-94

Brett Davis, J&B Builders, Inc.
5701 W. S.R. 48
Request for rezone of approximately 206.4 acres from RE to RL/PUD and proposed to be developed as a residential project with approximately 896 units, rezone of approximately 31.6 acres from RE to MP/PCD and proposed to be development as 27.38 acres light industrial, 3.8 acres limited neighborhood business, and a 6.4 acre park, and outline plan approval for the approximate 250 acre tract as a whole.

Conditions of approval: (1994 CONDITIONS OF APPROVAL)

1. The petitioner's development plan shall be designed with a report by a geotechnical consultant regarding the proposed stormwater detention system. This report should address the underlying geology of the Cave Creek basin, suitability of the detention basin's design, and measures for handling leakages in the system caused by karst features. If the geotechnical report determines that the 74 acre feet of additional stormwater cannot be deteained, or if the specified storage cannot be accomplished in an appropriate location, then this outline plan provides that the land use shall be as permitted by the current zoning; residential estate (RE).

DRAINAGE RESERVOIR 2. The entire detention facility must be fully completed with Phase I of the petitioner's development plans, or as otherwise determined by the Plan Commission.

3. The development plan shall contain a written agreement between the petitioner's and Monroe County for the operation of the stormwater detention facility by the County. If this written agreement between the petitioner's and the County cannot be secured prior to development plan approval then this outline plan provides that the lane use shall be as permitted by the current zoning; residential estate (RE).

4. Responsibility and ongoing funding for the maintenance of the stormwater detention facility will be provided by homeowner's association agreement. The agreement will enable Monroe County or the City of Bloomington to order maintenance or repairs, or to perform them at the homeowner's expense. This agreement shall be a component of any development plan.

5. Except for the stormwater commitments, the outline plan is a schematic representation; all engineering details, required dedications, and other site plan details are to be considered in the development plan approval process.

6. The Kirby Road entrances will be considered in the development plan review process. The Commission reserves the discretion to combine the entrances or require a service road.

7. Regarding the list of allowed uses: Chemicals and chemical products in the industrial

PUD-62-95
Outline Plan
Conditions of Approval

uses be limited to non-reactive combinations of previously prepared components. Delete Meat/Poultry/Seafood. Metal fabrication be limited to indoor processing and storage only with no significant external impacts. Delete Millwork and Sawmills. Paper products will exclude the manufacturing and use of pulp materials. Delete drugs and pharmaceuticals.

8. The Engineering staff and petitioner examine the possibility and feasibility of additional retention over and above that proposed.