amend: 8-0
Ord as amended: 8-0

ORDINANCE 95-03

TO AMEND THE OUTLINE PLAN FOR PHASE II
AND
GRANT RS/PUD DESIGNATION AND APPROVE OUTLINE PLAN FOR PHASE III
Re: 100 and 1200 Rolling Ridge Way
(Rolling Ridge, Inc., Petitioner)

WHEREAS, the Common Council passed a Zoning Ordinance amendment and adopted new incorporated zoning maps on June 7, 1978 which are now incorporated in Title 20 of the Bloomington Municipal Code; and

WHEREAS, the Plan Commission has considered this case, RS/PUD-57-94, and recommended that the petitioner, Rolling Ridge, Inc. be granted PUD designation and outline plan approval and request that the Common Council consider their petition;

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 20.13 of the Bloomington Municipal Code, that an outline plan be approved and the property designated a Planned Unit Development. The property, located at 1200 Rolling Ridge Way, is further described as follows:

A part of Seminary Lot 198 to the City of Bloomington, Monroe County, Indiana, more particularly described as follows:

BEGINNING at a point on the West line of said Seminary Lot 198, said point being SOUTH 02 degrees 12 minutes 42 seconds EAST a distance of 388.50 feet from the Northwest corner of said Seminary Lot 198 and marked by a P.K. nail; thence leaving said West line SOUTH 87 degrees 41 minutes 52 seconds EAST a distance of 170.00 feet; thence SOUTH 02 degrees 12 minutes 42 seconds EAST a distance of 261.32 feet; thence SOUTH 86 degrees 55 minutes 10 seconds EAST a distance of 474.70 feet; thence SOUTH 04 degrees 38 minutes 41 seconds WEST a distance of 129.50 feet; thence NORTH 86 degrees 52 minutes 24 seconds WEST a distance of 629.42 feet to the West line of said Seminary Lot 198; thence NORTH 02 degrees 12 minutes 42 seconds WEST along said West line, 388.50 feet to the point of beginning, containing 3.00 acres, more or less.

SECTION II. Through the authority of IC 36-7-4 and pursuant to Chapter 20.13 of the Bloomington Municipal Code, that an outline plan amendment be approved for Phase II of the project located at 100 Rolling Ridge Way. The property is further described as follows:

Parts of Seminary Lots 191, 197, and 198 in Section 6, Township 8 North, Range 1, West, Perry Township, Monroe County, Indiana, more particularly described as follows:
COMMENCING at the Southwest corner of said Seminary Lot 191; thence South 87 degrees 01 minutes 48 seconds East along the South line of said lot 221.64 feet to a rebar set in a fence line and to the point of beginning; thence North 03 degrees 46 minutes 35 seconds West along a fence line 329.25 feet to the center of Bloomfield Road; thence North 50 degrees 14 minutes 57 seconds East along said center line 250.45 feet; thence South 05 degrees 18 minutes 45 seconds East along an existing fence line 182.33 feet to a rebar set; thence South 88 degrees 30 minutes 20 seconds East 130.42 feet to an iron pipe found; thence South 04 degrees 56 minutes 22 seconds East 100.00 feet to a rebar set; thence North 88 degrees 30 minutes 20 seconds West 129.78 feet to a rebar set near a fence line; thence South 05 degrees 18 minutes 45 seconds East along said fence line 219.72 feet to the South line of Seminary Lot 191; thence continuing South 05 degrees 18 minutes 45 seconds East 8.34 feet to a rebar set; thence South 87 degrees 01 minutes 48 seconds East 224.94 feet to a rebar set; thence South 02 degrees 36 minutes 09 seconds East 8.29 feet to an

iron pipe found at the Northeast corner of Seminary Lot 198; thence continuing South 02 degrees 36 minutes 09 seconds East 16.83 feet to a rebar set; thence South 87 degrees 01 minutes 48 seconds East 43.39 feet to a rebar set in a fence line; thence South 03 degrees 31 minutes 18 seconds West along said fence line 370.35 feet to a rebar set; thence North 86 degrees 20 minutes 38 seconds West along a fence line 338.57 feet to a wood corner post; thence North 00 degrees 57 minutes 36 seconds East along a fence line 130.41 feet to a wood corner post; thence North 87 degrees 52 minutes 42 seconds West along a fence line 122.09 feet to a wood corner post; thence North 01 degrees 32 minutes 43 seconds West along a fence line 255.30 feet to a rebar set on the North line of Seminary Lot 198; thence North 00 degrees 18 minutes 56 seconds East along a fence line 16.52 feet to the point of beginning, containing 6.224 acres, more or less.

ALSO, part of Seminary Lot 198 bounded as follows, to-wit: Commencing at a point on the West line of said Seminary Lot, 388½ feet South of the Northwest corner thereof; thence South 129½ feet; thence East parallel with the North line of said Seminary Lot, 672½ feet to the East line thereof; thence North with said East line of said Seminary Lot, 129½ feet; thence West to the place of beginning, being a part of the East one-half of Section 6, Township 8 North, Range 1 West. **EXCEPTING THEREFROM** a part of Seminary Lot 198, in the East one-half of Section 6, Township 8 North, Range 1 West, Monroe County, Indiana, bounded and described as follows: BEGINNING at a point on the West line of said Seminary Lot 198, said point of beginning being 488 feet South of the Northwest corner of said Seminary Lot 198; thence from said point of beginning and with said West line and running South for 30 feet; thence parallel with the North line of said Seminary Lot 198 and running East for 672.5 feet and to the East line of said Seminary Lot 198; thence with said East line and running North for 129.5 feet; thence leaving said East line and running West for 339.5 feet; thence South 99.5 feet; thence West for 333 feet and to the point of beginning.

ALSO, a part of Seminary Lot 198, being a part of Section Six (6), Township Eight (8) North, Range One (1) West, bounded and described as follows, to-wit: BEGINNING at a point on the West line of said Seminary Lot, 193.50 feet North of the Southwest corner of said Seminary Lot; thence East parallel with the South line thereof 672.5 feet to the East line of said Seminary Lot; thence North along said East line 129.5 feet; thence West 672.5 feet to the West line of said Seminary Lot; thence South 129.5 feet to the place of beginning. Containing 2.0 acres, more or less.

SECTION III. The Outline Plan shall be attached hereto and made a part thereof.

SECTION IV. 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 18 day of January, 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 19th day of January, 1995.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 19th day of January, 1995.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the outline plan for Phase II and grants an RS/PUD designation and approves an outline plan for Phase III of the Rolling Ridge Development. The amendment to Phase II of this project adds a total of 12 one-bedroom apartments to the basements of building #7 and 11#. The outline plan for Phase III covers three acres behind and to the west of Phase II and includes 4 houses on Weimer Road. It will allow 15 three-bedroom and 15 one-bedroom apartments in three new buildings and will also allow the removal of one house to make room for a storage facility. The rental of the 27 one-bedroom units will be subject to a recordable commitment to follow Section 8 guidelines for a period of five years.

Signed copies to:
Planning
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 95-03 is a true and complete copy of Plan Commission Case Number RS/PUD-57-94 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 December 12, 1994.

Date: December 15, 1994

Timothy A. Mueller

Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____,

_____
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: Common Council
From: Planning Department
Date: December 12, 1994
Case No.: RS/PUD-57-94
Location: 1200 Rolling Ridge Way
Petitioner: Rolling Ridge Inc. (Michael Pauly)
Counsel: Bledsoe Tapp & Co.

On December 12, 1994, the Bloomington Plan Commission approved a request for rezone/PUD designation and outline plan approval of 3 acres, currently zoned RS, as Phase III of Rolling Ridge. This phase will add 15 one-bedroom apts., 15 three-bedroom apts. and three existing homes to the complex. Also requested and approved is a development plan amendment to allow the storage and office space in Building 7 to be converted to 6 one-bedroom apts. This petition brings the density of the overall project to 8.07 units per acre on 13.25 acres.

The three acre site is an "L" shaped parcel which contains four homes. The southern portion of the site is vacant rolling land with trees on the perimeter and in the southeast corner. There are also some large trees around the homes. No sinkholes have been identified on the site.

Three of the four homes will be retained as rental homes along Weimer Rd. The home and garage located to the north along Weimer Rd. are proposed to be razed in order to construct a building for maintenance and storage purposes. This building will be used only as an accessory use for the maintenance of the Rolling Ridge complex only. It is proposed to be a two-story 40' x 80' building. Sidewalks and street trees are required along Weimer Rd. On the southern portion of the site, three apt. buildings are proposed. Building #12 will contain 5 three bedroom apartments and five one-bedroom apts. Building #13 will contain 6 three-bedroom apts. and six one bedroom apts. Building #14 will contain 4 three bedroom units on the upper floor and 4 one bedroom apts. in the basement. There is a body shop business located in the garage of one of the homes which is proposed to be included in the PUD. With this change of zone, the use of the property would be residential only. Please see the site plan.

The petitioner is interested in low rent "affordable one-bedroom units". Staff has received documents which scale the rents in Section 8 housing and documents a lower rent scale as a specific proposal. The lower rents are to be in place for five years and will be administered by the Redevelopment Department.

With the increased density, open space is met, parking does not increase, building footprints do not increase, and tree preservation does not change.

Dedication of right-of-way of 50' will be made along Weimer Rd. Access to the complex off of Bloomfield Rd. will remain. A second entrance to city standards will be placed to Weimer Rd. Entrance improvements to Weimer Rd. will be finalized at development plan stage. Sidewalks are required along Weimer Rd. and interior in the site to provide pedestrian access.

All trees in Phase III can be preserved with the exception of one tree in the footprint of a proposed building and those trees in the fence line that are in the path of two interior access drives. Landscaping of the thirty foot buffer is required. Landscaping will be addressed at development plan stage.

The Growth Policies Plan designates this area "low density residential". This proposal exceeds the suggested density recommendation of the plan. Staff was not supportive of this increase in density originally.

RS/PUD-57-94
Conditions of Approval:

1) The entrance to Weimer be a standard drive width for two way traffic (24') and sidewalks for a pedestrian traffic. Plan Commission reserves the right to specify entrance improvements at development plan stage.

2) Dedication of 50 ft. R.O.W. from the centerline along Weimer.

3) The lower rents are for all one bedroom apartments and must be in place for a minimum of five years. Any rent control proposal shall be drafted in a form acceptable to the City Legal Department prior to Council approval and executed before any permits are issued. The proposal shall include recordable commitment, provision for enforcement/penalty, and specific rent commitments.

December 12, 1994

To: Tim Mueller

From: T. Micuda, K. Komisarcik, G. Heise,
M. Wedekind, P. Werner

Subj: RS/PUD-57-94 Rolling Ridge Inc. (Michael Pauly) 1200 Rolling Ridge Way

Site Description - The site is largely open and flat, with a line of small caliper trees along Phase II of Rolling Ridge, another scrub tree line to the east, scattered specimen trees on the southwest of the site, and a nice grove of specimen trees on the southeast portion of the property. A large pile of debris was observed in this tree grove and on the adjoining property to the east, including some bottles, cans, wire fencing, tires, a few small and large drums, and some engine parts and circuitry.

Tree Preservation - The petitioner's development plan amendment does not affect existing trees. There are only a few minor problems with tree preservation on the ongoing Phase II construction. These include some poured concrete beneath the drip line of a sycamore tree and some compacting of soil due to machinery underneath a maple tree. With regards to the petitioner's rezoning request, there are some excellent tree preservation opportunities. At this time, we recommend that all existing trees on the Phase III site be retained with the exception of an 18 inch persimmon in one of the proposed building footprints and those trees that are in the path of the two proposed access drives and the parking area.

Erosion Control - The petitioner is adequately handling erosion on his property. Although there are areas where silt fencing has been overburdened by soil, there has been no loss of soil onto adjacent properties. There will be some need for soil stabilization on disturbed areas before winter.

Drainage and Landscaping - Both of these issues will be addressed at development plan stage.

Debris Cleanup - As mentioned previously, there is a significant amount of natural and man-made debris located on the extreme southeast portion of the site. Although this debris existed prior to the petitioner's acquisition of land, the Environmental Commission recommends that this debris be cleaned up as part of any future development plan approval. The petitioner may want to think about performing a Phase I Environmental Assessment on the property to protect himself against any future liability.

cc. Rod Young

Bledsoe Tapp & Co., Inc.

-Quality Land Surveying and Design Services-

BEN E. BLEDSOE, L.S.
PHILIP O. TAPP, L.S.
359 Landmark Avenue
Bloomington, IN 47404
(812)336-8277
(812)384-1114
FAX: (812)336-0817

December 5, 1994

Lynne Friedmeyer
City of Bloomington
220 E. Third Street
Bloomington, IN 47402

RE: Outline Plan Approval/Amendment for Rolling Ridge Apartment

Dear Lynne:

This letter is intended to help explain the impact of adding 27 one bedroom apartments to the existing Rolling Ridge Project, which was proposed to have 77 three bedroom apartments when all three phases are complete. The letter will discuss impacts regarding building footprints, parking requirements, tree preservation, utility availability, storm water management, entrance improvements, and open space requirements.

Rolling Ridge Apartments including Phase III is comprised of 13.25 acres. Originally proposed was the construction of 77 three bedroom apartments, 9900 square foot club house, 3200 square foot shop/maintenance building, and the preservation of three existing residential dwellings. This proposal yielded a density of 6 units/acre.

We are now requesting an amendment to the outline plan to allow the addition of 27 one bedroom apartments to the original proposal. The amended proposal yields a density of 8.07 units/acre. The following will explain in more detail the impacts of the modifications.

The original outline plan showed fourteen apartment buildings with a total footprint coverage of 50,820 square foot. Since the proposed 27 one bedroom units will be in the basements of the buildings no increase in footprint area is required.

Parking for the original plan had excess spaces with a total planned number of 272 spaces. The required parking space count with the additional units is 272 spaces. There will be no additional parking coverage required for the plan modifications.

Areas for three preservation and specific trees were identified under the original proposal. These areas and trees will not be affected by the amended proposal.

Availability of City sewer and water to this project is more than adequate to handle the extra 27 units. Water pressure and flow for this area is well above the required minimum.

Sewage lines on the project and City mains receiving the flow from the project have ample capacity to accommodate the minimum increase in flow from these units.

Storm water management and detention facilities planned for Phase III and implemented in Phase II will not be affected by the addition of these 27 units. Since there is no increase in building footprints coverage or extra paving required for parking spaces no additional storm water will be generated from that already designed.

Open space requirements for this project requires 40% of open space, per PUD requirement, with 15% of the area being reserved for common open space. Rolling Ridge Apartments with its original and amended proposal has 63% of open space and only 37% of coverage due to building footprints, parking, and roadway facilities. The project also has 15% of the open space set aside for common area facilities which will contain a club house and internal pedestrian paths around the woods slated for preservation. The open space and entry way have been beautifully supplemented with landscaping and plantings. Mr. Pauly has also transplanted many small saplings that were in areas slated for disturbance that will eventually provide mature canopy trees throughout the project.

The one item that is affected is an issue is density. Density will increase from 6 to 8 units/acre with the addition of these units. As previously discussed in this letter by viewing the plans it can be seen that increased density has a little or no impact on a project when the units or bedroom counts are well thought out. In this case by adding the units in the basement area and utilizing vertical space the increase in density has very little impact on this project.

Traffic will be increased slightly by the addition of the 27 units. From the Institute of Transportation Engineers, Trip Generation Manual for apartments we would expect the following increase. Based on 27 units the average daily traffic increase would be 165 trips per day and 11 trips in the peak morning and evening hours. Rolling Ridge Apartments installed a turn lane acceleration taper and passing blister to accommodate traffic for this project under Phase I. This project is also serviced by a main roadway of acceptable width with <u>no</u> on-street parking.

The minor increase in traffic volume will not decrease the level of service for the entry improvements and roadway services for this project. Adequate improvements were planned for and implanted in previous phases of this development that will service the additional units.

The petitioner has also expressed an interest in dedicating these units to "Section 8" rent control rates for a period of two years.

I hope this letter helps to explain the impact this modified request has on the overall infrastructure and green space requirements for this project.

Please contact our office if you require any further clarification.

Sincerely,

Philip O. Tapp, L.S.
Bledsoe Tapp & Co., Inc.

Signature Date

cc: Mike Pauly
Lynne Coyne
File 450 feasibility

ZONING COMMITMENT

ROLLING RIDGE, INC., Petitioner under Case No. RS/PUD 57-94, pursuant to Indiana law, hereby commits as follows:

1. For a period of five (5) years from the date each one bedroom apartment in the Rolling Ridge Apartment Complex located at 1200 Rolling Ridge Way, is first rented ~~available for rent~~, Rolling Ridge, Inc. will not charge more than the monthly rental amount permitted in accordance with the "Section 8" Housing Assistance Program guidelines published from time to time, and rent each one bedroom apartment to tenants who have income below the median income based on family size as determined from time to time by the U.S. Department of Housing and Urban Development.

2. Rolling Ridge, Inc. shall report to the Redevelopment Department of the City of Bloomington the availability of each one bedroom apartment for rental, the amount of rent, and the amount of rent being charged therefor during the five (5) year period and the income of tenants. The Redevelopment Department of the City of Bloomington shall have the right at any time to inspect the books and records of Rolling Ridge, Inc. with regard to each one bedroom apartment, and to interview any tenant thereof to determine compliance with this Commitment.

3. In the event Rolling Ridge, Inc. does not comply with the terms of this Commitment as determined by the Redevelopment Department of the City of Bloomington, then the occupancy permit for each one bedroom apartment not in compliance with this Commitment shall be deemed suspended until it is brought into compliance; and any funds in excess of the allowable amount shall be refunded to the

appropriate tenant or tenants within thirty (30) days of the written notice of the determination of violation by the Redevelopment Department of the City of Bloomington.

4. Rolling Ridge, Inc. hereby waives any objections to the jurisdiction or authority of the Redevelopment Department of the City of Bloomington, or the City of Bloomington itself, to enforce the terms and conditions of this Commitment, and in the event that the City of Bloomington pursues enforcement of this Commitment in court, then Rolling Ridge, Inc. shall be responsible for court costs and expenses in the event that the City of Bloomington prevails.

5. This Commitment applies only to one bedroom apartments and only for a period of five (5) years for each one bedroom apartment, which period begins on the first (1st) day the one bedroom apartment is ~~available for rent~~ rented.

IN WITNESS WHEREOF, this Zoning Commitment has been executed this _____ day of January, 1995.

ROLLING RIDGE, INC.

By: _____

_____
President

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Before me the undersigned, a Notary Public for said County and State, personally appeared _____, the President of Rolling Ridge, Inc., and acknowledged execution of the above and foregoing "Zoning Commitment", this _____ day of January, 1995.

_____
Notary Public

_____
Printed Name

My Commission Expires:
_____ Residing in _____ County.

This instrument prepared by Lynn H. Coyne, ANDREWS, HARRELL, MANN, CHAPMAN & COYNE, A Professional Corporation, 205 North College Avenue, Suite 400, P. O. Box 2639, Bloomington, Indiana 47402-2639.

Ge95-20