Passed: 7-0

ORDINANCE 97-08

TO AMEND THE BLOOMINGTON ZONING MAPS FROM RS3.5/PRO6 TO PUD AND APPROVE THE PRELIMINARY PLAN
Re: 1401 Hillside Drive
(Sarkes Tarzian, Inc., 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WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21 which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning", including the incorporated zoning maps, and repealed Title 21, entitled "Land Use and Development;" and

WHEREAS, the Plan Commission has considered this case, PUD-102-96, and recommended that the petitioner, Sarkes Tarzian, Inc., 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 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 1. 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 1401 Hillside Drive and is further described as follows:

Lot 1 Tarzian Subdivision as recorded and located in Plat Cabinet B, Envelope 303.

SECTION 2. The Preliminary Plan shall be attached hereto and made a part thereof.

SECTION 3. 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 19 day of February, 1997.

Anthony Pizzo
ANTHONY PIZZO, 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 20 day of February, 1997.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 20 day of February, 1997.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance will rezone 8.6 acres from RS3.5/PRO6 to PUD and grant preliminary plan approval for an office development of limited scope.

Signed copies to:
Planning
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 97-08 is a true and complete copy of Plan Commission Case Number PUD-102-96 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on January 13, 1997.

Date: January 21, 1997

Donald F. Hastings, Secretary
Plan Commission

Received by the Common Council Office this 21st day of January, 1997.

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

MEMORANDUM

To: Common Council
From: Toni McClure
Subject: Ordinance 97-08
Date: January 31, 1997

This memo will be brief since you are already acquainted with the petition. The request is for rezoning from RS 3.5/PRO 6 to PUD and preliminary plan approval for the 8.6 acre Sarkes Tarzian, Inc. property at 1401 Hillside Drive. The recommendation from the Plan Commission is for approval as per the final staff report for the January 13, 1997 Plan Commission meeting, with two changes to the conditions of approval. These two changes were a result of continuing negotiations between Sarkes Tarzian, Inc. and the surrounding neighborhood residents. They are as follows:

1. "Research Labs" were removed from the list of permitted uses.
2. Condition #3 was amended to require the petitioner to record a commitment with the deed to guarantee that no more than 20,000 square feet in the aggregate will be developed on this site within the next 25 years.

In addition, the petitioner has agreed to file a rezoning petition for the property owned by Sarkes Tarzian, Inc. just north of this site (the former radio station parcel) which would lower the permitted density of development on that site. The petitioner has also agreed not to oppose a rezoning to lower density of the remainder of the Tarzian land (owned by Mary Tarzian), should such a rezoning be initiated by the Plan Commission or Council. These commitments were not Plan Commission conditions of approval; they are commitments made to the surrounding neighbors and not to the Plan Commission.

As always, please call me if you have any questions or concerns.

CONDITIONS OF APPROVAL - JANUARY 13, 1997
SARKES TARZIAN INC.
PUD-102-96

The following list of uses are permitted in this PUD:

- Radio/TV station;
- Restricted offices, consisting of non-retail office uses not expected to engender significant daily traffic (other than employee traffic), not involving product distribution or storage and specifically excluding medical, dental, and attorney offices;

and with the following conditions:

1) In order to maximize tree preservation, the drive, parking, and buildings must be placed as nearly as possible to match the renderings submitted with this petition.

2) The drive into this site will not be connected to any adjacent property on its north, east, or west property lines. Any such proposed connection in the future would require a preliminary plan amendment approved by Plan Commission and Council.

3) Building placement with this PUD is strictly limited to 15,000 square feet total, comprising the two structures. Any increase in square footage or number of buildings would require a preliminary plan amendment approved by Plan Commission and Council. In addition, the petitioner agrees to record a committment with the deed to guarantee that no more than 20,000 square feet in the aggregate will be developed on this site within the next 25 years.

THESE CONDITIONS ARE IN DRAFT FORM. THEY HAVE NOT BEEN OFFICIALLY APPROVED BY THE PLAN COMMISSION.

FINAL STAFF REPORT

Case #: PUD-102-96
Date: January 13, 1997

Petitioner: Sarkes Tarzian Inc.
Counsel: Smith Neubecker & Associates, Inc.

Property Address: 1401 Hillside Drive

Request: Rezone from RS3.5/PRO6 to PUD, and preliminary plan approval to allow development of two office buildings on 8.6 acres

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This 8.6 acre parcel is located on Hillside Drive across from its intersection with Highland. Surrounding uses include single and multi-family to the south, undeveloped land and the Carlisle factory to the west, and undeveloped and single family to the north and east. This parcel was subdivided off the remainder of the Tarzian parcel in 1985 under Case # DP/PUD-53-85. At that time, PUD approval was also granted to allow one or two structures containing corporate offices and a radio/tv station. Final plan approval was not granted prior to the adoption of the replacement zoning ordinance in 1995.

When the comprehensive rezoning took place in 1995, this PUD was inadvertently left off the map. As you may recall, this parcel was included in a package of zoning map amendments intended to correct the adopted 1995 maps earlier this year. It received an approval recommendation from the Plan Commission. Neighbors, however, were concerned about the land uses on this property as well as the RS 3.5/PRO 6 zoning on the remainder of the Tarzian site. The petitioner requested that the Council not approve that map amendment in order to give them time to work with neighbors and develop a plan which would fit better into 1995 Bloomington than the 1985 approval did.

PROPOSAL

This site is heavily wooded with large, native, mature trees. Included in this packet is a tree survey with the location of the proposed drive and structures drawn in to demonstrate attention to tree preservation. In addition, the site contains an old quarry hole which will be preserved as a site amenity.

The proposal includes the construction of two buildings on the site. They are to be located in the northwest corner of the site on a relatively flat, non-vegetated portion of the site. Each building will be two stories; Phase One is the first building and will have a total of approximately 10,000 square feet. Phase Two is the southern building and will have a total of approximately 5,000 square feet. The proposed architecture is residential in character; see sketches included in this packet.

The 1985 approval included location of one structure of approximately 13,000

square feet with attendant parking just south of the quarry; the current proposal relocates the construction to the northwest corner of the site with parking also located in an area where there are fewer trees and less need for massive grading. This packet includes a copy of the 1985 preliminary plan as well as the current proposal's preliminary plan.

ISSUES

Land Use
The 1985 approval included only two uses: Corporate offices and Radio/tv station. Although the petitioner does plan to locate the Sarkes Tarzian corporate offices and WTTS/WGTC radio station on this site at this time, they would like the flexibility in the future to be able to use the structures for other uses with similar characteristics. Plan Commissioners expressed concern at the preliminary hearing about the potential for some of the proposed uses to be incompatible with the surrounding residential uses. Following is the revised list of proposed uses, which attempts to address the Commission and neighborhood concerns:

- Radio/TV station;
- Research Labs;
- Restricted offices, consisting of non-retail office uses not expected to engender significant daily traffic (other than employee traffic), not involving product distribution or storage and specifically excluding medical, dental, and attorney offices.

Staff feels that the revised list of proposed uses is more in line with the 1985 approval and, in fact, clarifies the proposed office use. Corporate office is a somewhat vague term; this proposal specifically calls out the types of offices which generate minimal traffic.

Growth Policies Plan Compliance
The Growth Policies Plan calls for low density residential at about 6 units per acre in this area. Normally, staff would not be willing to support non-residential uses in an area designated for residential use in the Plan. However, this property has two mitigating factors. First, the 1985 approval was for non-residential use. The intent of the Plan Commission and the Council in 1995 was to carry all previously approved PUD's forward to the new map. Secondly, the proposed uses and structure location allow for preservation of natural features to an extent that simply would not be possible under the current zoning. Single family development at 3.5 units per acre would require the removal of many more trees than this proposal.

Roadways
The proposal calls for the drive for this property to line up with the intersection of Highland and Hillside. The drive will terminate at the parking lots for the two structures and will not be stubbed to any property lines. Concern has been expressed in the past about the fact that if the drive was to be extended and

become a public road, the traffic through the adjacent local neighborhood streets could be unnecessarily increased.

While staff continues to support roadway connections between adjacent residential areas and between adjacent non-residential areas, we do not see any advantage to the connection of this proposed non-residential use to existing nearby residential uses.

This is a preliminary plan, at which time generalized road locations and connections are set out. This plan does not show any connection to the remainder Tarzian parcel. Therefore, any future desire to connect to the remainder parcel would require petitioner to obtain an amendment to the preliminary plan to allow such connection. This would require both Plan Commission and Council approval and would require notification of adjacent property owners, giving them an opportunity for input as well.

Tree Preservation and Open Space
As stated earlier in this report, petitioner proposes to preserve all the trees on the north and east portions of the site. The only trees to be removed will be those necessary to place the drive, parking, and buildings. As can be seen on the tree survey exhibit, the petitioner has placed the drive, parking, and buildings in such a way as to maximize tree preservation and open space.

Signage
Petitioner proposes to place signage at the entrance to the development on a low stone wall. Elevation drawings are included in the packet. These signs will be unobtrusive and will contribute to the residential "feel" of the project.

RECOMMENDATION
Staff recommends approval of this petition with the following list of uses:

- Radio/TV station;
- Research Labs;
- Restricted offices, consisting of non-retail office uses not expected to engender significant daily traffic (other than employee traffic), not involving product distribution or storage and specifically excluding medical, dental, and attorney offices;

and with the following conditions:

1) In order to maximize tree preservation, the drive, parking, and buildings must be placed as nearly as possible to match the renderings submitted with this petition.

2) The drive into this site will not be connected to any adjacent property on its north, east, or west property lines. Any such proposed connection in the future would require a preliminary plan amendment approved by Plan Commission and Council.

3) Building placement with this PUD is strictly limited to 15,000 square feet total, comprising the two structures. Any increase in square footage or number of buildings would require a preliminary plan amendment approved by Plan Commission and Council.

MEMORANDUM

TO: Don Hastings

FROM: K. Komisarcik, M. Litwin, M.E. Murphy, D. Rollo, M. Wedekind

DATE: January 13, 1997

SUBJECT: PUD-102-96, 1501 Hillside Drive
Request for a rezone of approximately 8 acres from RS3.5/PRO6 to PUD and preliminary plan approval for Tarzian's operation center and corporate headquarters

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The Planning Subcommittee of the Environmental Commission has reviewed this petition and has the following comments on this proposal.

Site Description This 8.5 acre site is slightly rolling and is mostly wooded with mature trees. This site has been quarried in years past and has a quarry hole approximately 250' in diameter and 25' to 50' deep.

Tree Preservation The petitioner has designed the site to maximize tree preservation. The planned road has been placed where there are no significant trees along a small ridge where the quarried stone was transported. The two planned buildings are placed in open areas where there are no trees. The Planning Subcommittee supports this approach.

Quarry holes As mentioned above there is one fairly large quarry hole on this site. The petitioner is planning to keep all construction and building activity away from this area. The Planning Subcommittee supports this.

Karst Topography There is an area of depression on the southeast portion of the site. A site visit indicated that this feature might be a sink hole. However, without a geological investigation, it is difficult to discern whether or not this feature is a sink hole. This difficultly is due to the site disturbance from the quarrying activity. This depression is 80' east of the planned road that accesses the site. Due to the distance, the Planning Subcommittee has no concerns regarding this feature.

Andrews
Harrell
Mann
Chapman
&
Coyne
P.C.

William H. Andrews
Harold A. Harrell
Robert D. Mann
Ronald L. Chapman
Michael L. Carmin
Susan H. Nelson
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RECEIVED
JAN 6 1997
BY

January 3, 1997

Bloomington Planning Department
401 North Morton Street
Bloomington, IN 47404

Re: Sarkes Tarzian, Inc. PUD 102-96
Our File No.: 12202-1

Dear Staff:

This letter is an amendment to the petitioner's statement previously submitted on behalf of Sarkes Tarzian, Inc. This letter is in follow-up to our conference held on December 23, 1996, at which time we discussed possible amendments to the proposed list of uses for this PUD.

When addressing the City Council on the issue of rezoning the Sarkes Tarzian property to the previous PCD, on behalf of Sarkes Tarzian, Inc. I represented that it was the petitioner's intention to return to the Plan Commission with a list of specific office uses in order to eliminate confusion or uncertainty for the permitted uses. This is the reason for the specific designation of the types of offices as contained in this PUD petition. Comments during the December 16th Plan Commission meeting indicate that this effort may not have been successful and, more importantly, the attempt to list specific office uses may be engendering more confusion and uncertainty rather than less.

After considering these issues, Sarkes Tarzian, Inc. proposes to amend the list of uses to the following:

1. Radio/TV station;
2. Research labs;
3. Restricted offices, consisting of non-retail office uses not expected to engender significant daily traffic (other than employee traffic), not involving product distribution or storage and specifically excluding medical, dental and attorney offices.

We believe that this list in spirit is consistent with the more specific list of types of office uses previously submitted. However, we recognize that even in describing

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specific types of office uses, it is possible that a particular user would conduct their office operation in such a way as to engender significant daily traffic count. We believe that the description of a restricted office use is sufficiently detailed to permit code enforcement in conjunction with the Planning Staff to interpret a particular office the use and determine whether it falls within this restriction. This is very similar to the Staff function of interpreting a proposed land use that is not specifically identified in the table of uses to determine the use to which it is most similar and therefore the zone in which the use would be permitted. The exercise of discretion and judgment required by the Planning Staff in interpreting the restricted office use is very similar to that required to interpret proposed land uses generally.

I believe that this list of uses is consistent with our discussion on December 23rd. If you believe further discussion is warranted or if there are any questions, please contact me. If not, please include this list of uses as an amendment to the petition of Sarkes Tarzian, Inc.

Very truly yours,

Michael L. Carmin

MLC/mjk
cc: Geoff Vargo
Mike Probst
32606\12202-1

TARZIAN PLANNED UNIT DEVELOPMENT

Overall Plan and Purpose

The Bloomington Comprehensive Plan and the current zoning on this property calls for a medium density residential development. The proposed development consists of eight acres facing Hillside Drive surrounded by undeveloped land. The Outline Plan provides an environmentally sensitive approach to developing the site. The saving of trees and natural elements of the site are important program elements of this proposal.

The parcel is currently zoned RS3.5/PRO6 for residential uses. The previous zoning for the eight acres was PCD (Planned Commercial District) approved in 1985.

The proposed planned unit development is a refinement of the original PCD. The proposed PUD is formatted to the new City of Bloomington zoning ordinance. The rezoning proposal will be very similar to the original PCD but tailored to Sarkes Tarzian Inc. needs today rather than the old land zoning of 1985. The rezoning is an improvement from the previous land plan and these planning improvements will provide long term viability to the project. Limited additional office uses for the property will be included in the plan, providing future flexibility.

As part of rezoning process this petition outlines additional uses that are compatible to surrounding land activities and allows for a more stable development.

Permitted Office Uses

Architect, Engineer and other consultant services
Computer Services
Corporate Headquarters and corporate center
Governmental Institution
Insurance
Marketing and Advertising Services
Professional office
Radio/TV Station
Research Labs
Social & Fraternal Organization's Corporate Offices

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Project Description:

The fundamental purpose of this petition is to allow the relocation and upgrading of Sarkes Tarzian radio station and Corporate Headquarters.

This proposal will show two residential scale buildings of 10,000 square feet and 5,000 square feet. The building uses will include radio station operations and executive offices. The idea of locating Sarkes Tarzian to this wooded lot has been a corporate vision for over 10 years.

The current proposal moves the building to the open area on the west portion of the site avoiding the more environmentally sensitive areas. The drive and parking areas are also being located to minimize site impacts.

Master Plan Compliance

Compact Urban Form

The relocation of Sarkes Tarzian within the City limits on their existing land will maintain employment locally and reduce urban sprawl.

Nurture Environmental Integrity

The outline plan shows an environmentally sensitive layout of building and parking for the purpose of maintaining the natural environment. This plan respects the natural environment.

Leverage Public Capital

Utility and public improvements are already in place at this site and therefore, there is no need to extend expensive utilities to the site. Public improvements such as road and sidewalks are in place and will support this development.

Mitigate Traffic

The site directly accesses Hillside Drive, a secondary arterial road.

Serve Diversity

The significant relationship between working and living must be enhanced and improved by creating a mixture of work environments in close proximity to living environments. These land use relationships are proper on urban fabric and will help reduce commuting time and help create urban diversification.

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Conserve Community Character

The proposal provides for a high quality office environment while preserving a significant stand of woodland and an old quarry excavation within the city limits.

Sustain Economic and Cultural Vibrancy

The proper promotion of local businesses to sustain economic and cultural vibrancy is critical, therefore the upgrading and expansion of Sarkes Tarzian, Inc. will be an economic plus for the Bloomington Community.

Code Compliance and Definition Height, Bulk and Setback Issues

Setbacks

1. West side yard setback of 15' for both building and parking.
2. Rear yard setback of 30' for both building and parking.
3. Front yard setback of 25' for both building and parking.
4. Set back from secondary arterial street 65' for building from centerline and 75' for parking from centerline.

Height

Height of building limitations will be a maximum of 45' measured as defined in City of Bloomington Zoning Ordinance.

Parking Lot and Drive Length

A private parking lot is planned with an access drive exceeding 1200' in length and terminating inside the project.

Parking Issues

The project will comply with minimum parking code requirements and minimum handicapped requirements as shown ADA standards.

Open Space

The City of Bloomington Zoning Ordinance requires business zoned property to provide 25% of the site be dedicated to open space. This project will provide more than the 25% open space as defined on the plan in quarry area and it will be left in its natural condition. The open space will be held in private ownership.

Facilities Plan

The proposed development can be supported by the existing utilities and roadway systems that surround the project. Additional study will be conducted to evaluate storm drainage needs.

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Landscape Plan

The project will comply with required landscaping regulations and a plan will be submitted with the final plan application.

Phasing

The project will potentially be phases over time with two phases. The first phase will be the Radio Station building and the second phase will be the corporate offices. The buildings are marked in the plan as phasing 1 and 2.

Architecture

The architecture is designed in a residential character to blend with the surrounding community. Natural materials will be selected as finishes for the building. To increase the residential feel of the buildings, pitched roofs will be included in the final design. An illustrative architectural elevation is being submitted with this application.

Entry Signage

A low stone wall with the name of the development will provide residential character to the signage. See the plan for a preliminary design for the entry.

Environmental Assessment

Water Resources

The property has been investigated for possible locations of water resources such as FEMA flood plain, ponds and streams. These resources were investigated by field reconnaissance FEMA maps and GIS data. Water resources can be defined as possible constraints to development. No water resources were found on site.

Steep Slopes

The location of slopes greater than 18% are identified on the Environmental Assessment Plan. Very few exceed 18% slopes. The areas that are identified as steep slopes were found around the quarry.

The treatment of steep slopes will be to minimize any construction around them. Due to their limited location they can be avoided. The majority of steep slopes will be protected because they are located within planned open space areas. Any grading activities occurring in areas of more than 18% slope will be stabilized during and after construction.

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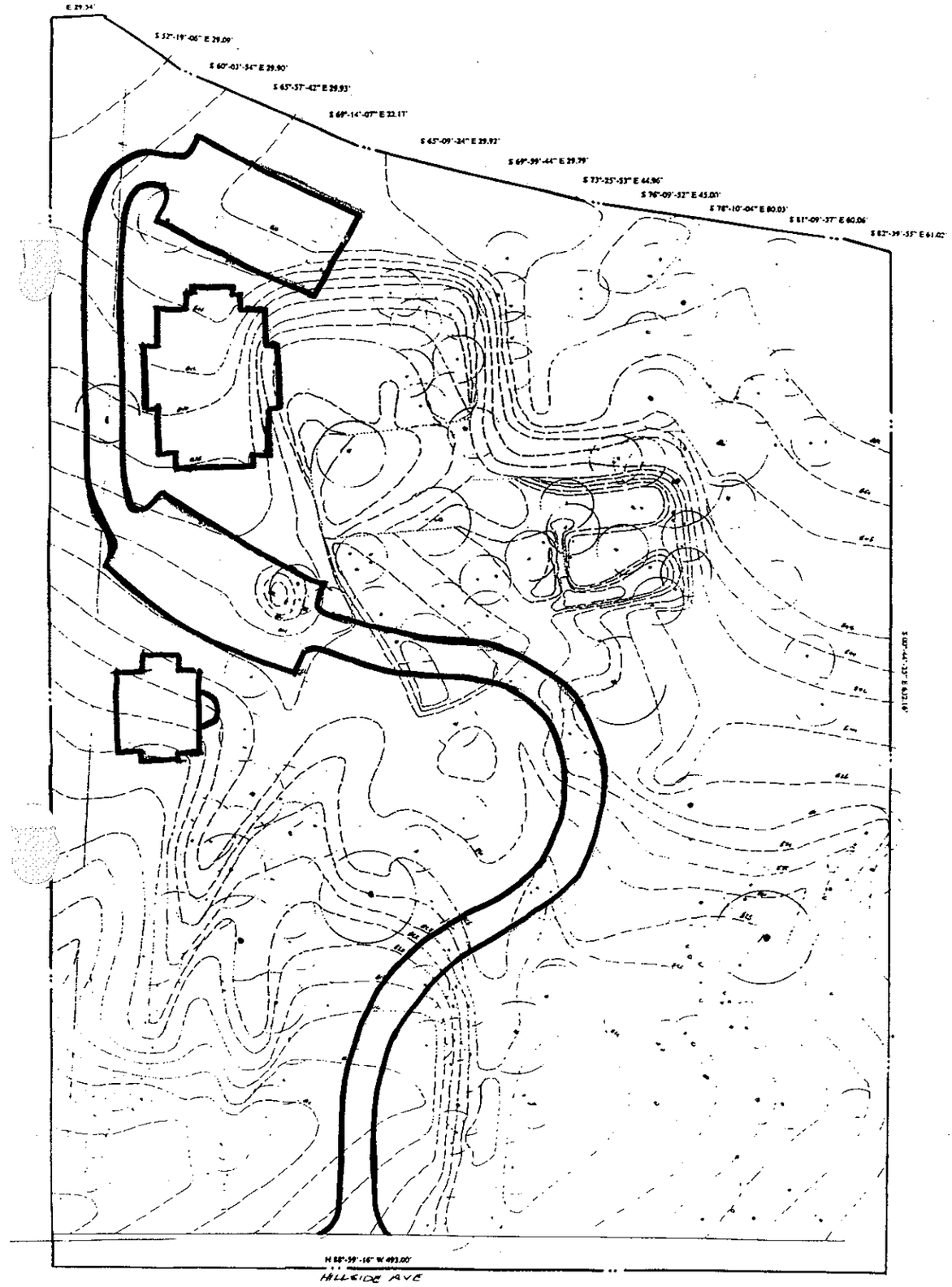
Karst Terrain

A preliminary audit of karst features over the site was conducted to determine possible impacts on this development. both site reconnaissance and site topography data were used to identify any karst area. The audit indicated no observable sinkholes or karst features. Karst is not a constraint to this proposed development.

Wetlands

An on-site review was conducted to determine the locations of possible wetlands. Other data was reviewed in an attempt to identify wetlands. The Monroe County Soil Survey was reviewed for Hydric Soils on site, but none were found. The National Wetland Inventory was also reviewed and no evidence of wetlands was found. Therefore, no mitigation is planned.



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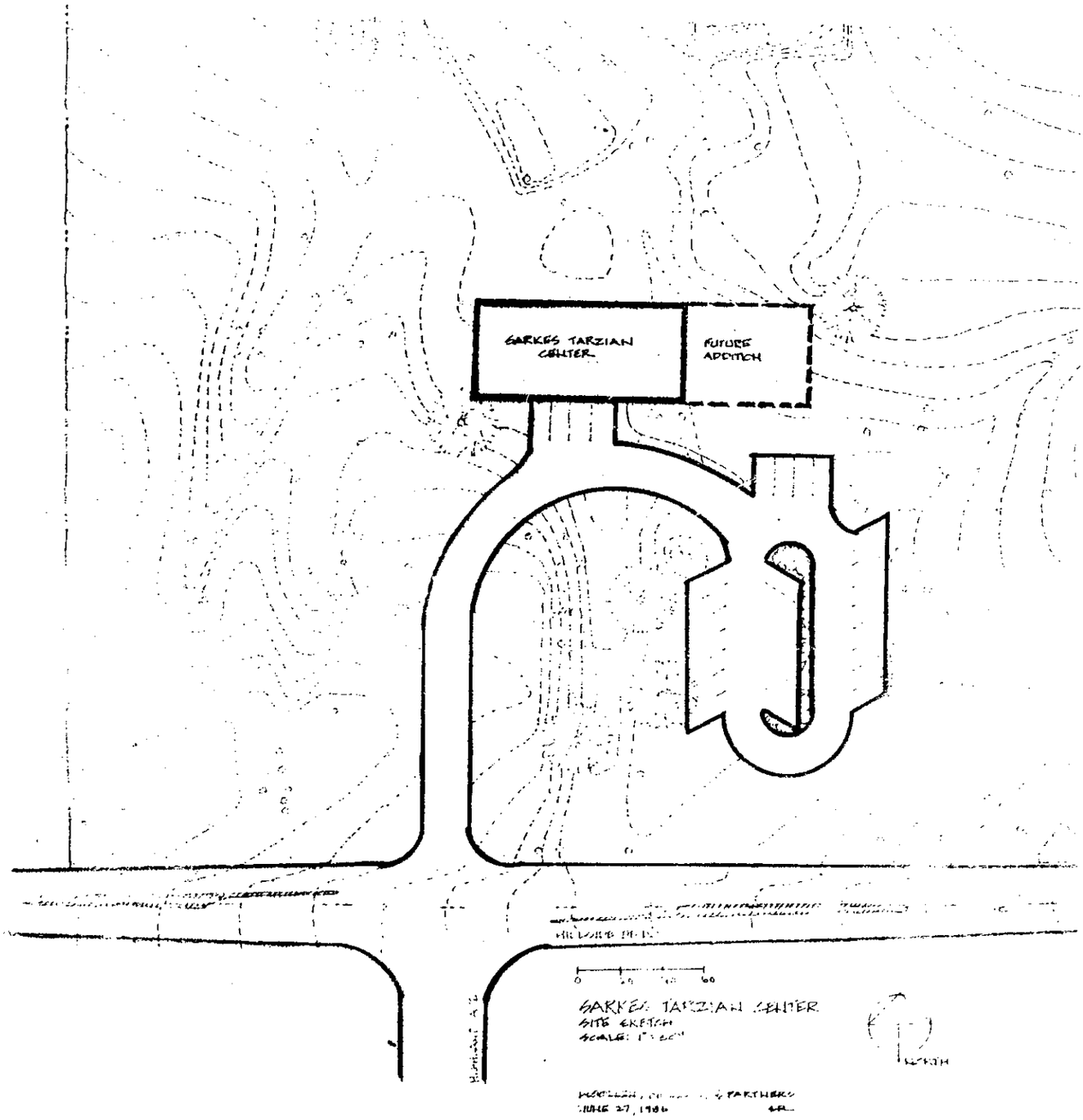
PUD-102-96

Tree Survey



PUD-102-96
1985 Approved Plan

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PUD-102-96

PUD-102-96

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PUD-108-96

NEIGHBORHOOD MEETING
TARZIAN PROPERTY
DECEMBER 2, 1996

On December 2, 1996 a neighborhood meeting was conducted and the following issues were discussed:

1. The neighbors were concerned about additional office buildings located on the Tarzian property in the future. The neighbors were assured that the PUD proposed includes only two buildings as shown. No additional buildings are planned and if they are, the project must be rezoned again.
2. The neighborhood group was concerned about adjacent property to the north, east and west. They were concerned that expansion of business use can go on beyond the eight acres. This surrounding land is zoned RS3.5 and most likely will be built that way, which will include a substantial buffer surrounding the existing residential areas.
3. The neighbors appreciated the protection of the natural environment.
4. Another concern is the removal of the fence surrounding the property. As part of this development, the Owner stated that the fence would be painted to improve visual image.
5. The neighbors were concerned that commercial uses could be allowed in this PUD. The proposals outlined uses do not include commercial retail uses.
6. The existing antenna was an item of slight concern as to whether it was to be removed or relocated as part of the petition. The antenna is not a part of this petition.
7. The existing abandoned building was also a concern of the neighbors. They asked what is the future of the building. The building is to be razed.
8. The extension of Jordan Street through the project is a big concern to the neighbors which they prefer not see happen. The extension is not necessary based on the needs of this proposed PUD because of minimal use of the site.
9. A neighbor mentioned the idea of deed restriction as a way to control only new uses or building. Attorney said this is an unnecessary regulation that should not be added to the petition.

These issues will be dealt with in more detail prior to the hearing.

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