Committee 6-0-1
motion to postpone 2-4 (denied)
Final Vote: Ayes 4, Nay: 2
(ordinance did not rec. a majority. Therefore no action was taken)
9/11/91 Ayes: 7
NAYS: 1 (DK)
Abs: 1 (GR)

ORDINANCE 91-44

To Amend the Zoning Maps to Designate PUD
and to Grant Outline Plan Approval
Re: Property located West of Smith Road between Moores Pike & East Rogers Road
(Dan Grossman, petitioner)

WHEREAS, the Common Council passed a Zoning Ordinance 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-74-90, and recommended that the petitioner, Dan Grossman, be granted an amendment to the Bloomington zoning maps and outline plan approval and PUD designation and request that the Common Council consider the petition for outline plan approval and PUD designation on certain property.

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 Outline Plan Approval be granted for property located West of Smith Road between Moores Pike & East Rogers Road more particularly described as follows:

A part of the Southeast quarter of Section 11, Township 8 North, Range 1 West Monroe County, Indiana, more particularly described as follows:

Commencing at the northwest corner of the southwest quarter of said section marked by a stone; thence SOUTH 00 degrees 07 minutes 24 seconds WEST along the west line of said southwest quarter 38.59 feet; thence SOUTH 89 degrees 52 minutes 36 seconds EAST 661.10 feet to a railroad spike in the centerline of Sare Road; thence SOUTH 88 degrees 24 minutes 42 seconds EAST along a fence line marking the north line of said southwest quarter 1959.51 feet to the northwest corner of the southeast quarter of said section and marked by a fence corner; thence along the north line of the southeast quarter of said section SOUTH 87 degrees 55 minutes 35 seconds EAST 120.55 feet; thence continuing along said north line SOUTH 88 degrees 06 minutes 04 seconds EAST 1212.31 feet to the point of beginning; thence SOUTH 00 degrees 24 minutes 04 seconds EAST 141.74 feet; thence SOUTH 50 degrees 58 minutes 41 seconds WEST 151.43 feet; thence SOUTH 18 degrees 10 minutes 40 seconds EAST 255.44 feet; thence SOUTH 61 degrees 06 minutes 40 seconds WEST 143.98 feet; thence SOUTH 30 degrees 43 minutes 33 seconds EAST 154.87 feet; thence NORTH 73 degrees 48 minutes 58 seconds EAST 604.54 feet; thence SOUTH 87 degrees 45 minutes 06 seconds EAST 165.91 feet; thence NORTH 78 degrees 53 minutes 30 seconds EAST 659.66 feet to the east line of said southeast quarter; thence NORTH 00 degrees 33 minutes 06 seconds EAST along the east line of said southeast quarter 159.72 feet; thence leaving said east line NORTH 88 degrees 17 minutes 52 seconds WEST along the land of Fred W. Sinn as recorded in Deed Book 125, page 367 in the office of the Recorder of Monroe County, Indiana and parallel with the north line of said southeast quarter 528.00 feet to the southwest corner of the Sinn property; thence NORTH 00 degrees 33 minutes 06 seconds EAST along the Sinn property and parallel with the east line of said southeast quarter 181.50 feet to the northwest corner of the Sinn property and the north line of said southeast quarter; thence along said north

line NORTH 88 degrees 17 minutes 52 seconds WEST 785.84 feet, and to the point of beginning, containing 13.52 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 rezoning from RE to RS and Planned Unit Development Designation and Outline Plan Approval be granted for property located west of Smith Road between Moores Pike and East Rogers Road, more particularly described as follows:

A part of the Southeast Quarter of Section 11, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Commencing at the northwest corner of the southwest quarter of said section marked by a stone; thence SOUTH 00 degrees 07 minutes 24 seconds WEST along the west line of said southwest quarter 38.59 feet; thence SOUTH 89 degrees 52 minutes 36 seconds EAST 661.10 feet to a railroad spike in the centerline of Sare Road; thence SOUTH 88 degrees 24 minutes 42 seconds EAST along a fence line marking the north line of said southwest quarter 1959.51 feet to the northwest corner of the southeast quarter of said section and marked by a fence corner; thence along the north line of the southeast quarter of said section SOUTH 87 degrees 55 minutes 35 seconds EAST 120.55 feet; thence continuing along said north line SOUTH 88 degrees 06 minutes 04 seconds EAST 1212.31; thence continuing along said north line SOUTH 88 degrees 17 minutes 52 seconds EAST 663.84 feet to the point of beginning; thence continuing along said north line SOUTH 88 degrees 17 minutes 52 seconds EAST 122.00 feet to the northwest corner of the land of Fred W. Sinn as recorded in Deed Book 135, page 367 in the office of the Recorder of Monroe County, Indiana; thence SOUTH 00 degrees 33 minutes 06 seconds WEST along the land of Sinn and parallel with the east line said southeast quarter 181.50 feet to the southwest corner of the land of Sinn; thence SOUTH 88 degrees 17 minutes 52 seconds EAST along the land of Sinn and parallel with the north line of said southeast quarter 528.00 feet to the southeast corner of Sinn located on the east line of said southeast quarter; thence leaving the land of Sinn SOUTH 00 degrees 33 minutes 06 seconds WEST along the east line of said southeast quarter 159.72 feet; thence leaving said east line SOUTH 78 degrees 53 minutes 30 seconds WEST 659.66 feet; thence NORTH 00 degrees 06 minutes 11 seconds EAST 487.61 feet to the point of beginning, containing 3.97 acres, more or less.

SECTION III. The Outline Plan, as recommended by the Plan Commission, shall be attached hereto and made a part hereof.

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 11th day of September, 1991.

JOHN FERNANDEZ, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 12th day of September, 1991.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 13th day of September, 1991.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance grants PUD designation to 13.5 acres of RE zoned land and grants outline plan approval for (44) condominium units.

Signed copies to
Planning
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-508 I hereby certify that the attached Ordinance Number 91-44, is a true and complete copy of Plan Commission Case Number RS/PUD-74-90 which was given a recommendation of approval by a vote of 7 Ayes, 3 Nays, and 1 Abstentions by the Bloomington City Plan Commission at a public hearing held on Monday, July 8, 1991.

Date: July 9, 1991,

Timothy A. Mueller
Planning Director
Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 9th day of July, 1991,

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 X

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)

Agency submitting legislation Planning Department

By Tim Mueller Date July 9, 1991

July 9, 1991

TO: Common Council

FROM: Planning Department

SUBJECT: RS/PUD-74-90

This ordinance adds about four acres to a previously approved RS/PUD (PUD-44-88), and approves an outline plan for a 44 unit condominium project on about 13.5 acres. Attached, "EXHIBIT A" shows the four acres added to the PUD as "Tract D". Tracts "A", "B", and "C" were rezoned from RE to RS and designated a PUD for an expansion of the Hyde Park single-family subdivision. Subsequently, the Hyde Park expansion was scaled down to the parcel shown approximately as "Tract B" on "Exhibit A". Now, Dr. Dan Grossman, the original owner of all the tracts, seeks a PUD outline plan approval for the 44 units on Tracts "C" and "D".

The petition was considered by the Commission in November 1990, then continued until June 24, 1991 at Dr. Grossman's request. The proposal seen at that time involved 24 units and a street between Hyde Park and Smith Road in a location south of Grossman's farm pond along the edge of the floodplain of the east fork of Jackson Creek. The proposal seen on June 24 and approved July 8 involves 44 units and a revised street location, north of the farm pond, with less floodplain and wetland interference. The related Hyde Park addition will be responsible for construction of the new street from Olcott Blvd. to the east side of the pond. From the pond to Smith, the street will be the responsibility of the developer of this PUD.

The outline plan consists of the attached site plan, the attached sketch of Smith Rd. intersection improvements (a concept subject to engineering refinement), and the Plan Commission's conditions of approval:

1) Access to the street be afforded to owners of adjacent property to the north (no "spite strip").

2) Dedication of pedestrian way along south side of road adjacent to east fork of Jackson Creek to connect to similar strip in Hyde Park addition.

3) Intersection design should preserve trees on

adjacent property to north. To this end, decel lane configuration might be compromised.

4) Left turn storage should be provided on Smith. R.O.W. limitations due to compromised dimensions are possible.

5) This is an outline plan establishing permitted concept. Specific design, engineering, and issues such as sidewalks, street standards, etc., will be determined at Development Plan approval. No variance from established requirements is granted with this outline approval.

6) Staff has discretion to adjust the street and sidewalk between Olcott Blvd. to preserve trees, particularly two on the south property line of the last house on Olcott Blvd.

7) If approval for the road extension to Smith Road were to be denied by the State agencies that have to approve it, or if a better road site were to become available due to development north of this site prior to the time that this development was ready to go forward to development plan, then the Commission would have the discretion to require the developer of this site to contribute to the other road, not build one.

The Plan Commission vote was 7:3 for approval, with one abstention.