Passed: 7-0

ORDINANCE 94-29

TO AMEND THE BLOOMINGTON ZONING MAPS FROM SI to RL, GRANT PUD DESIGNATION, AND APPROVE OUTLINE PLAN
Re: 1730 N. Range Road
(Regency Associates, 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, RL/PUD-15-94 and recommended that the petitioner, Regency Associates be granted an amendment to the Bloomington zoning maps, 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 that the zoning be changed from SI to RL for the property located at 1730 N. Range Road. That property is further described as follows:

> A part of the Northeast quarter of the Northwest quarter; and a part of the Northwest quarter of the Northeast quarter of Section Thirty-five (35), of Township Nine (9) North, Range One (1) West, in Monroe County, Indiana, bounded and described as follows, to-wit: **COMMENCING** at the Southwest corner of the Northeast quarter of the Northwest quarter of said Section, running thence East with the bearings of said Section Ninety-nine (99) rods and Twelve and one-half (12½) feet to a corner stone, thence North Seventeen and one-half (17½) degrees West Sixteen (16) rods and Ten (10) links to a corner stone, thence West with the bearings of said Section to the West line of the said Northeast quarter of said Northwest quarter of said Section, thence South to the place of beginning; containing Ten (10) 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 be approved and that the property described be designated a PUD.

SECTION III. The Outline Plan shall be attached and made a part of this ordinance.

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 6th day of July, 1994.

Jim Sherman
JIM SHERMAN, 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 7th day of July, 1994.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 7th day of July, 1994.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance would rezone about 10 acres of land at 1730 N. Range Road from SI to RL/PUD and approve an outline plan a 144 unit development. It offers changes in the outline plan of a previously withdrawn proposal (Ord 94-18) for the development of this same parcel of land.

Signed copies to:
Planning + Tom McCuda
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 94-29 is a true and complete copy of Plan Commission Case Number RL/PUD-15-94 which was given a recommendation of approval by a vote of 6 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on June 6, 1994. Timothy A. Mueller

Date: June 7, 1994

Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 7th day of June, 1994,

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.)

FOUNTAIN PARK EXPANSION
RL/PUD
OUTLINE PLAN STATEMENT

May 27, 1994

This outline plan statement is for Regency Associates' 10-acre RL/PUD expansion to Fountain Park Apartments on Range Road. As an outline plan, this statement in some areas is very specific, yet not specific in others. Additional detail and complete designs shall be prepared and submitted to the Plan Commission for development plan. These designs shall be consistent with this outline plan.

This plan has been prepared to be sensitive to the Lake Watershed issues and evolving policy regarding development in the Lake Watersheds. In addition to this outline plan statement, attached details, and outline plan drawing, we propose to enter into a "Surface Water Control, Installation, Maintenance and Inspection Agreement" with the City to further indicate our commitment and provide additional assurances for the City that our plan will be carried out. Item #8 of that agreement calls for a guarantee to cover the cost of erosion control and water quality control system be in place at the time of construction and run for one year after completion of construction.

The elements of this plan including grading, storm water, drainage, detention, erosion control, and storm water quality measures shall be designed by a Professional Engineer with assistance from appropriate geotechnical and environmental specialists.

LAND USE

Our proposal calls for the change from existing SI zone to RL/PUD that specifically would allow 144 units as follows:

60	2-Bedroom Units	948 S.F. Maximum	56,880 S.F. Maximum
84	Efficiency Units	413 S.F. Maximum	34,692 S.F. Maximum
144	Total Units		91,572 S.F. Maximum

Two parking spaces shall be provided for each of the 2-bedroom unit and one space for each efficiency unit for a total of 204 parking spaces.

SITE PLAN

The site plan will be substantially as shown on the outline plan drawing. No construction is proposed on any slopes of 18% or steeper. Specific tree preservation and removal will be shown on the development plan. The development plan shall closely evaluate and implement opportunities to retain trees between the buildings and the parking areas. Sidewalk shall be placed on the existing 10th Street frontage between Fountain Park's east property line and east driveway.

The setback for Buildings 1 & 2 and 6 are proposed to be 20' from the respective property lines. Parking setback on the south property line is proposed to be 5' minimum along Woodbridge and 0' along the common line with Fountain Park.

STORM WATER

Two ponds will be constructed with this project. They will initially be used as sediment ponds and then be cleaned of sediment and have site water routed through them. In their final state they will continue to serve as sedimentation and also for water quality improvement. Fifty percent of the pond area will be designed and planted as a wetlands.

Approximately 10 acres drainage area from existing Fountain Park will be routed through the ponds.

All of the parking lot runoff will be routed through one or both of the ponds via storm water inlets and piping.

Roof runoff from buildings 1 & 2 and some yard area runoff around buildings 1 & 2 shall be routed through the lower pond.

An engineering analysis shall be done at development plan stage to determine the appropriateness and design criteria of storm water detention for these ponds.

EROSION CONTROL

The erosion control plan for this project shall include the following:

- Routing of storm water through the sedimentation basins.
- Silt fence on downhill side below all disturbed areas.
- Double silt fence reinforced with extra stakes or woven wire fence at points of concentration of storm water flows.

ACCESS

Access will be provided via connection to the roadway in the existing Fountain Park Apartment project. Access will also be to Range Road. Range Road shall be reconstructed from the north end of the current I.U. road improvement to our new entrance on Range Road. The road shall

be 28' back-to-back of curb with asphalt pavement. Right-of-way is being dedicated by Indiana University and the existing Fountain Park complex to accommodate these improvements. Thirty feet of right-of-way shall be dedicated in accordance with the Thoroughfare Plan along existing Range Road on the frontage of this project.

BUILDING CONSTRUCTION

The buildings shall be constructed to minimize impact on the land. They shall be constructed as a slab on grade with a foundation wall at the downhill (back) side to minimize disturbance to surrounding ground and vegetation. To help fit the slope, buildings shall have a lower floor elevation than the adjacent parking lots. A wooden walkway shall be provided from the parking lot to the building entry. (See Fig. #1 & #2 attached.)

CONSTRUCTION SEQUENCING

A detailed construction sequencing plan will be provided at the time of development plan approval. Generally that sequencing shall include the following:

1. Limits of construction shall be marked at the site. Trees to be saved shall be marked.

2. Initial silt fence shall be placed and tree protection fences placed.

3. Construction permits shall be obtained after item 1 and 2 are complete.

4. Detention ponds shall be constructed.

5. Parking area shall be graded as soon as practical so that storm water is collected and routed through the sedimentation ponds.

6. As each building and parking area is completed, finish grading and seeding shall be done as soon as practical.

7. After the complete site has been re-vegetated, the silt fence shall be removed and the area re-vegetated. Sediment ponds shall be cleaned, shaped and planted per the approved design.

PHASES

This project may be developed in two phases because of the uncertainty associated with the grave on the eastern end of the project. Phase I will not disturb that area. It will consist of the western portion of the project; 60 efficiencies and 48 2-bedroom units. Phase II will be the eastern portion consisting of 24 efficiencies and 12 2-bedroom units. This outline plan is proposed to have the entire project approved at one time. The development plans, however, may be broken into two phases so that Phase I may proceed while the cemetery issue is being resolved. It is, however, our hope that the cemetery issue will be resolved quickly and both Phase I & II can go to the Plan Commission for development plan approval at the same time.

Phase II can gain development plan approval by the Plan Commission only when the cemetery issue has been resolved to the satisfaction of the Plan Commission. This would include determination of the extent and location of the cemetery and either a design that leaves the area undisturbed or moves the graves in accordance with all applicable regulations.

Buildings and parking may be moved in Phase II to accommodate the cemetery, but in no case may those buildings or parking encroach beyond the 18% slope line shown on the plans. These units also may not be moved to Phase I of the project. It is understood that units and parking may need to be reduced to accommodate the cemetery.

SURFACE WATER CONTROL
INSTALLATION, MAINTENANCE AND INSPECTION AGREEMENT

This Agreement entered into by and between Regency Park Apartments Limited Partnership, owner and developer and the City of Bloomington for the purpose of providing for the installation, maintenance and inspection of surface water control provision of the development of the lands described on the attached Exhibit "A".

1. The surface water control system shall be designed by a licensed professional engineer. The design shall be supported by appropriate reports of a geo-technical consultant regarding storm water detention, soil stabilization, erosion/siltation control and storm water quality mitigations.

2. The design shall, to the extent reasonably possible, avoid disturbance of existing tree concentrations, conform closely to existing contours and incorporate redundant storm water runoff quality mitigation measures.

3. Design, installation, inspection and operation shall be at no expense to the City of Bloomington.

4. Installation shall be as approved by the Plan Commission of the City of Bloomington on the _____ day of _____, 1994, which approval is incorporated herein by reference.

5. Upon completion the system shall be inspected by an independent geo-technical consultant qualified to inspect surface water control systems to insure compliance with the approved design. Copies of the inspection shall be furnished to the City of Bloomington. Defects, if any are shown, shall be corrected by owner as soon as it is reasonably possible, and the system shall be reinspected. Upon submission of a satisfactory inspection report the City of Bloomington shall have thirty (30) days to approve or disapprove the report. Failure of the City to approve or disapprove the request in thirty (30) days shall constitute approval.

6. Owner shall have the system reinspected one (1) year from the approval date by an independent geo-technical consultant qualified to inspect surface water control systems. Copies of the inspection shall be furnished to the City of Bloomington following the same procedure set forth in paragraph 5. above. Thereafter the system shall be a part of the total development and subject to inspection now in force, or as subsequently amended, regarding inspection of residential rental units.

7. This Agreement shall be recorded and shall be binding on owner, its successors and assigns, and shall be a covenant running with the land. It is enforceable by the City of Bloomington by specific performance or such other remedies as may be available at law and equity including, but not limited to, the right of the City

of Bloomington to take remedial action found necessary and not performed by owner within a reasonable time and to place a lien on the property for the costs incurred.

8. Owner shall secure the construction of the system by a performance bond, cash bond or irrevocable line of credit which bond or line of credit shall remain in full force and effect from date of construction of the development is begun until the approval of the inspection of the system one (1) year following the date of completion of the system as provided in paragraph 5. above.

9. This agreement shall be superseded by any ordinance, rule or regulation duly adopted by the City of Bloomington pertaining to and applicable to similar systems and developments.

IN WITNESS WHEREOF, the parties hereto have executed the above and foregoing Agreement this _____ day of _____, 1994.

REGENCY PARK APARTMENTS
LIMITED PARTNERSHIP

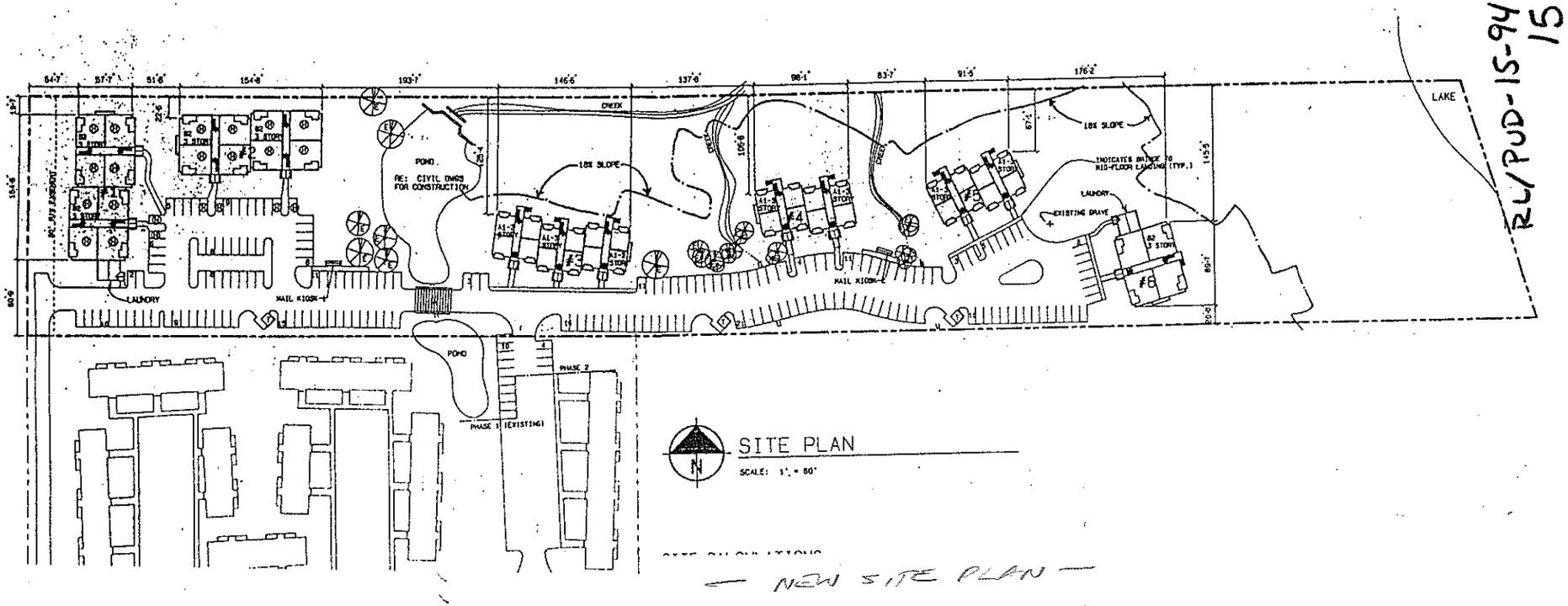
By_____

CITY OF BLOOMINGTON

By_____

RZ/PUD-15-94

15



— NEW SITE PLAN —

MEMO

To: Common Council
From: Planning Dept.
Case No: RL/PUD-15-94
Location: 1730 N. Range Road, Bloomington, IN 47401
Petitioner: Regency Associates
Counsel: Smith Neubecker & Associates, Inc.

On June 6, 1994 the Plan Commission approved a revised plan submitted for the Fountain Park Apartment complex. This petition has changed from the initial plan submitted to the Common Council. This proposal was returned to the Plan Commission when City Council expressed concerns about the project's impact on the Lake Griffy Watershed.
The petitioner requests rezone from SI to RL/PUD and outline plan approval for 144 units on approximately 10 acres located north of the existing Fountain Park Apartments on Range Road.

The petitioner has modified the plan previously submitted. The petitioner retains 144 units in six structures. The new plan converts units in sensitive areas to efficiencies from two-bedroom configurations, thereby reducing the footprint and the required parking. The petitioner has submitted a revised comprehensive outline plan statement which addresses the concerns of the Council. This statement is considered to be a part of the approval rendered by the Plan Commission on June 6, 1994. Density remains 14.4 units per acre. In addition the PUD process will allow the construction to be placed at reduced setback to the street and to adjacent apartment use to the south where the 30' buffer is not required.

12 two-bedroom units will be converted to efficiencies.

Required parking for the development will be reduced by 12 spaces (from 216 spaces to 204 spaces).

The northside buffer will be reduced to 20 feet.

All buildings have been pulled out of the 18% slope area.

Currently, research is being done on a known existing grave site which may be part of a larger cemetery. Verification of the cemetery's boundaries is required. Staff is not prepared to support removal of the graves from the site. Staff anticipates that Development Plan approval of Phase II will be dependent on the resolution of this issue.

Erosion control measures in areas of concentrated drainage have been increased.

RH/PUD-15-94 was approved with the following conditions:

1. That the petitioner's Development Plan be designed with reports by a geo-technical consultant regarding stormwater detention, soil stabilization, erosion control, and storm water runoff quality mitigation.

2. That both of the petitioner's storm water detention ponds be approximately fifty percent vegetated to maximize storm water filtration.

3. That erosion is to be further mitigated by phasing construction. Buildings and associated parking should be constructed serially rather than allowing grading for the entire phase.

4. That the agreement for detention maintenance be in compliance with any new watershed ordinance. In lieu of an existing ordinance, the petitioner must insure annual third party review of surface water control features.

5. That there will be two phases of development on the site, insuring that an adequate survey be made of the existing grave site(s). Development Plan Approval of Phase II, including location of the two buildings involved, is to be determined by the extent and location of the cemetery. The proposed density of Phase II is not to be moved to Phase I.

6. That the project is to be in single ownership. Additional conditions on the maintenance of mitigation measures would be necessary if there were multiple owners.

7. The buffer on the north side of the development is reduced to 20 feet.

8. WAIVER OF SECOND HEARING

BLOOMINGTON PLAN COMMISSION Case No:RL/PUD-15-94
PRELIMINARY STAFF REPORT Date: June-6-94
Location: 1730 N. Range Road, Bloomington, IN 47401

PETITIONER: Name : Regency Associates
Address: 1701 Broadmoor Drive, Suit 200, Champaign, IL 61821

COUNSEL: Name : Smith Neubecker & Associates, Inc.
Address: 4625 E. Morningside Drive, Bloomington, IN 47407

PRELIMINARY HEARING DATE: June 6, 1994

REQUEST: The petitioner requests rezone from SI to RL/PUD and outline plan approval for 144 units on approximately 10 acres located north of the existing Fountain Park Apartments on Range Road. The petitioner requests waiver of second hearing. This proposal was returned to the Plan Commission when City Council expressed concerns about the project's impact on the Lake Griffy Watershed.

PROPOSAL SUMMARY: The petitioner has modified the plan previously submitted. The petitioner retains 144 units in six structures. The new plan converts units in sensitive areas to efficiencies from two-bedroom configurations, thereby reducing the footprint and the required parking. Density remains 14.4 units per acre. In addition the PUD process will allow the construction to be placed at reduced setback to the street and to adjacent apartment use to the south where the 30' buffer is not required.

PROPOSAL CHANGES:
12 two-bedroom units will be converted to efficiencies.

Required parking for the development will be reduced by 12 spaces (from 216 spaces to 204 spaces).

The northside buffer will be reduced by 7.7 feet.

All buildings have been pulled out of the 18% slope area.

Currently, research is being done on a known existing grave site which may be part of a larger cemetery. Verification of the cemetery's boundaries is required. Staff is not prepared to support removal of the graves from the site. Staff anticipates that Development Plan approval of Phase II will be dependent on the resolution of this issue.

Erosion control measures in areas of concentrated drainage have been increased.

Variance is required on the reduction of buffer along the north line of the site:

CRITERIA

§20.13.01.19 Variance. In any case regulations will cause an undue hardship and where the preservation of topographic features requires, or where the unique design quality of a development warrant, the plan commission may vary any provisions of these regulations.

Staff finds unique condition in the modification of design required by compliance with watershed policy. Parking, structures and earth disturbance have been consolidated in the north west section of the parcel, where construction will cause the smallest environmental impact. The site is tree covered on most of its west and north sides. The petitioner will address tree removal and adjust buildings further at Development Plan stage.

RECOMMENDATION:
Staff recommends approval of RH/PUD-15-94 with the following conditions:
1. That the petitioner's Development Plan be designed with reports by a geo-technical consultant regarding stormwater detention, soil stabilization, erosion control, and storm water runoff quality mitigation.
2. That both of the petitioner's storm water detention ponds be approximately fifty percent vegetated to maximize storm water filtration.
3. That erosion is to be further mitigated by phasing construction. Buildings and associated parking should be constructed serially rather than allowing grading for the entire phase.
4. That the agreement for detention maintenance be in compliance with any new watershed ordinance. In lieu of an existing ordinance, the petitioner must insure annual third party inspection of surface water control features.
5. That there will be two phases of development on the site, insuring that an adequate survey be made of the existing grave site(s). Development Plan Approval of Phase II, including location of the two buildings involved, is to be determined by the extent and location of the cemetery. The proposed density of Phase II is not to be moved to Phase I. Graves shall not be relocated. Petitioner understands that this could result in loss of density.
6. That the project is to be in single ownership. Additional conditions on the maintenance of mitigation measures would be necessary if there were multiple owners.

June 6, 1994

To: Tim Mueller

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

Subj: RL/PUD-15-94 Regency Assocs. 1730 N. Range Rd.

Since the previous time this petition came before the Plan Commission, a number of positive changes have been made to respond to concerns about this project's impact on the Lake Griffy watershed. These changes include:

1. shifting the location of building #3 to a position where it avoids 18 percent slopes. The new slope of building #3 is a much more preferable 10 percent.

2. increasing the number of efficiency units (at the expense of 2-bedroom units) from 72 to 84. This reduces both the total building footprint area on the site and the impervious area needed for parking.

3. slightly reducing the amount of vegetation disturbance on the site. Shifting the location of building #3 and changing its footprint will prevent approximately 30 percent less vegetation from being disturbed in that area.

4. shifting the location of buildings away from more sensitive soils. Caneyville soils, which are given severe ratings in the Monroe County Soil Survey for all types of building site development, are located on the 12-18 percent slopes of this site. Since the steepest building site has now been reduced to approximately 14 percent, a greater percentage of buildable area will fall on more stable Crider silt loam soils.

5. adding extra erosion control protection at points where concentrated water runoff could lead to washouts of erosion control barriers. Secondary fencing will now have extra stakes or a woven wire backing to protect concentrated flow areas from heavy stormwater runoff.

6. specifying third party inspections of surface water control features both at their time of installation and one year after installation. The Surface Water Control Installation, Maintenance, and Inspection Agreement submitted by the petitioners is an excellent first step towards developing a model that the City of Bloomington could eventually use to enforce environmental conditions of approval in future lake watershed projects.

cc. Rod Young

Smith Neubecker & Associates, Inc.

Stephen L. Smith P.E., L.S.
President

Daniel Neubecker L.A.
Project Manager

May 27, 1994

City of Bloomington Plan Commission
c/o Lynne Freidmeyer
220 E. 3rd Street
P. O. Box 100
Bloomington, IN 47402-0100

RE: Fountain Park Expansion RL/PUD

Dear Lynne and Plan Commissioners:

Regency Associates, owners of Fountain Park Apartment Complex, respectfully requests consideration by the Plan Commission of their amended proposal to place 144 units on the 10-acre parcel lying immediately north of the existing Fountain Park Complex.

Our application for rezoning from SI to RL/PUD consists of this letter with the following attachments:

- Outline Plan Statement
- Outline Plan Drawing
- Building Section Drawings
- Surface Water Control, Installation, Maintenance and Inspection Agreement

These documents contain the details of our proposal. It has been our objective to incorporate concerns of Plan Commission, Council and staff into our original plan. The result is a well-defined site plan and set of guidelines to be followed in the development plan process and the construction of this project.

We are seeking approval from the Plan Commission at the regularly scheduled June 6th hearing and a waiver of second hearing.

4625 Morningside Drive
Post Office Box 5355
Bloomington, Indiana 47407-5355
Telephone 812 336-6536
FAX 812 336-0513

City of Bloomington Plan Commission
c/o Tim Mueller
May 27, 1994
Page two

Your standard application form, application fee, and legal description are being submitted with this letter. Proof of certified mail notice to adjacent property owners will be submitted prior to the hearing.

Very truly yours,

Stephen L. Smith
Engineer for Regency Associates

SMITH NEUBECKER & ASSOCIATES, INC.

SLS:vp

Enclosures

cc: Ron Miles, Regency Associates
David Eades, Regency Associates
Frank Barnhart
File #2126-2