Passed: 8-0

ORDINANCE 95-02

TO AMEND THE BLOOMINGTON ZONING MAPS FROM RE to RS, GRANT PUD DESIGNATION, AND APPROVE OUTLINE PLAN
Re: 2130 S. Smith Rd.
(Matt Cascio, 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-75-94 and recommended that the petitioner, Matt Cascio 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 RE to RS for the property located at 2130 S. Smith Rd. That property is further described as follows:

> Lots Number Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23), twenty-four (24), in Rolling Hills Addition, the same being a subdivision of the East half of the Northeast quarter of Section Eleven (11), Township Eight (8) North, Range One (1) West, in Monroe County, Indiana, according to the recorded plat there of in the Office of the Recorder of Monroe County, Indiana.

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 18th 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 rezones approximately 2.5 acres located at 2130 S. Smith Rd. from RE to RS. It also grants a PUD designation and approves an outline plan for an 11-unit duplex-condominium development on this property. The existing single family home will be retained and incorporated as part of this project.

Signed copies to
Planning
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 95-02 is a true and complete copy of Plan Commission Case Number RS/PUD-75-94 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 November 28, 1994.

Date: December 15, 1994

Timothy A. Mueller
Tim Mueller, Secretary
Plan Commission

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

Patricia Williams
Patricia Williams, City Clerk

Appropriation Ordinance #_____ Fiscal Impact Statement Ordinance #_____ Resolution #_____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other_____

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure_____ Emergency_____
Unforseen Need _____ Other_____

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	$_____	$_____
Revenue to Date	_____	_____
Revenue Expected for Rest of year	_____	_____
Appropriations to Date	_____	_____
Unappropriated Balance	_____	_____
Effect of Proposed Legislation (+/-)	_____	_____
Projected Balance	$_____	$_____

Signature of Controller_____

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues? Yes_____ No_____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

MEMO

To:	Common Council
From:	Planning Department
Case No:	RS/PUD-75-94
Date:	November 28, 1994
Location:	2130 South Smith Road, Bloomington, IN 47401
Petitioner:	Matt Cascio
Counsel:	Bynum Fanyo & Associates, Inc.

On November 28, 1994, the Bloomington Plan Commission approved a request for rezone from RE to RS and outline plan approval for a duplex condominium development on approximately 2.5 acres of land. The petitioner proposes 11 units including one existing single family home which is to be retained. The project is located on the west side of Smith Road south of Moores Pike. The density of the proposed project is 4.4 dwelling units per acre. The floor plans include three bedrooms and attached one car garages. Back out spaces will be available in the private driveways.

The preliminary plan showed a road cut located approximately 120' north of the property line. Staff noted and an adjacent owner confirmed that this location is dangerous. Although it may meet AASHTO standards for sight distance, drivers seldom maintain the 35 mph speed limit required. The petitioner has moved the access to a location north of the existing culvert and far enough from the property line to assure the construction of adequate decel tapers within the given right-of-way. The new plan locates a single duplex on the north of the through street. The petitioner is given authority to relocate the access further to the north if the adjacent property owner provides easement for taper construction.

The street will be public and meets all dimensional standards. Sidewalks are provided on both sides and the Smith Road frontage. The intent is to develop an east/west linkage through the neighborhood, allowing eventual access to some undeveloped parcels. In the analysis of alignment of the required through street with a stub east from Hyde Park (GIS map included), the plan shows potential to provide linkage through to the adjacent planned unit develpment. Tree preservation is acceptable with this plan.

Buffers will be maintained at 30' except for a ten foot buffer of the west side of the project. Variance is warranted by the design requirement of the through street placed on the project.

RS/PUD-75-94
Conditions of Approval:
1. Subject to Engineering review of drainage calculations.
2. 10' Buffer on the west side of the site.
3. Location of accessto Smith Rd. to be determined at development plan stage.

November 28, 1994

To: Tim Mueller

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

Subj: RS/PUD-75-94 Matt Cascio 2130 S. Smith Rd.

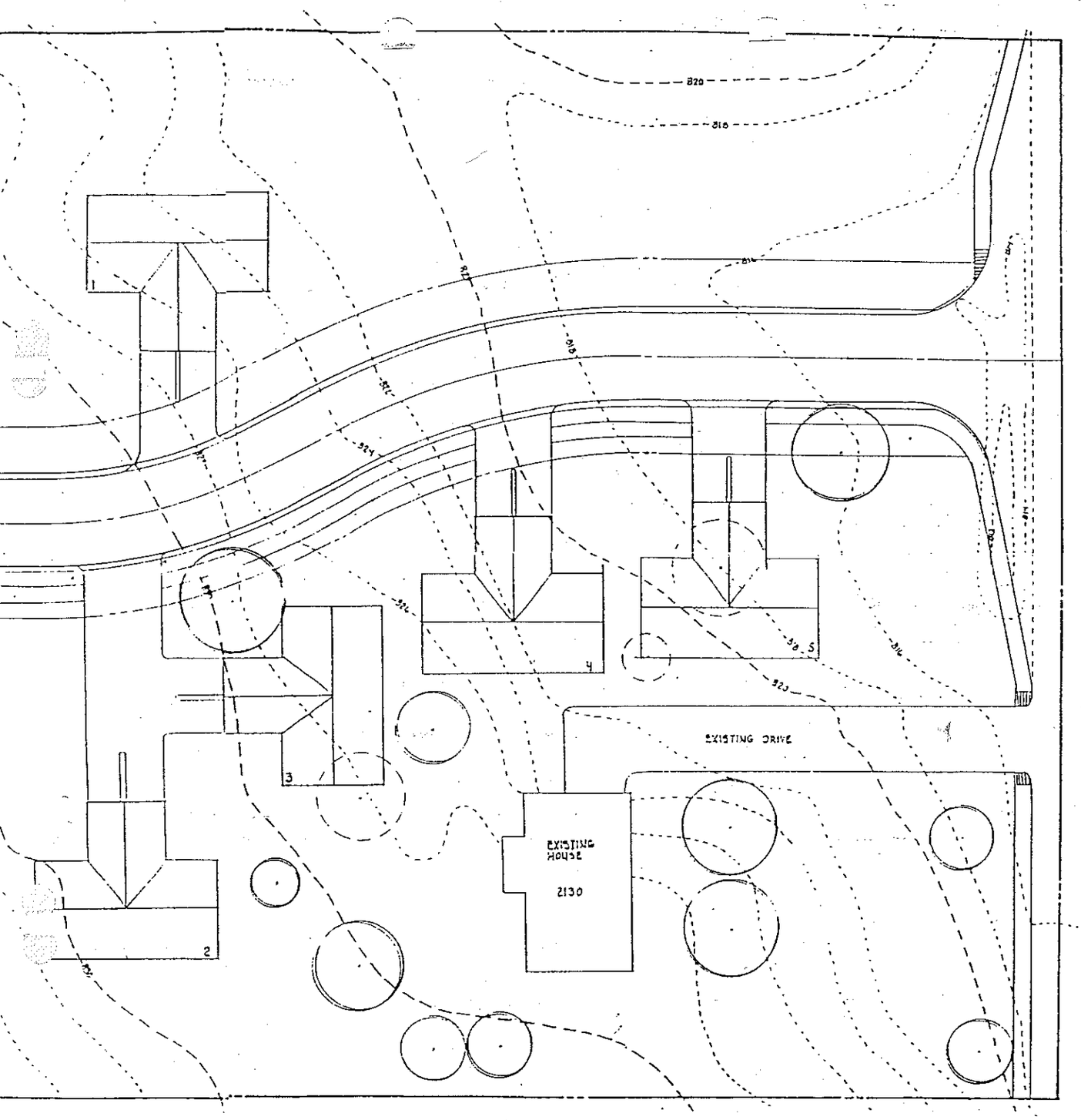
Site Description - The property in question is relatively flat, with a gradual slope from the west to northeast corner of the parcel. There is one small karst feature on the site: a shallow depression along the northcentral property line. According to an adjacent property owner, it provides a surface outlet for an underground stream. Specimen trees are concentrated mainly on the southern half of the property and are a mixture of evergreens and hardwoods.

Tree Preservation - I identified 15 specimen trees on the property, along with some smaller caliper trees and shrubs. The petitioner's latest version of the outline plan shows that 13 trees can be preserved, including a large sycamore, an elm, and several nice silver maples. There is a sugar maple tree along the north property line that was not spotted by the petitioners. If it is located on the property, it should be included in the tree inventory of future development plans. The Environmental Commission is pleased with the way the petitioner's outline plan preserves specimen trees.

Drainage - The northeast portion of the property does pond water due to surface drainage and also as a result of groundwater flow that bubbles up from a karst feature in the area. The Environmental Commission recommends that the relocated access drive not be located over this small karst feature. If the road is located to the south of the feature, both surface flow and water from groundwater recharge can be conveyed under the access road to the culvert on Smith Road.

Landscaping and Erosion Control - These issues will be addressed at development plan stage.

cc. Rod Young



REVISED SITE PLAN

RS/PUD-75-94 Revised Site Plan 42

BLOOMINGTON PLAN COMMISSION
FINAL STAFF REPORT

Case No:RS/PUD-75-94
Date: November 28, 1994

Location: 2130 South Smith Road, Bloomington, IN 47401

PETITIONER: Name : Matt Cascio
Address: 4388 W. State Road 46

COUNSEL: Name: Bynum Fanyo & Associates, Inc.
Address: 700 North Walnut, Bloomington, IN 47408

FINAL HEARING DATE: November 28, 1994

REQUEST: The petitioner requests rezone from RE to RS and outline plan approval for a duplex development on approximately 2.5 acres of land. The petitioner proposes 11 units including one existing single family home which is to be retained. The project is located on the west side of Smith Road.

PROPOSAL SUMMARY: The petitioner proposes 5 duplex units and preservation of the existing single family house on either side of a street extending east and west from its intersection with Smith. The density will remain at 4.4 units per acre. The floor plans include three bedrooms and attached one car garages. Back out spaces will be available in the private driveway.

REPORT

At the preliminary hearing concerns were raised about the safety of the location of the proposed access. The preliminary plan showed a road cut located approximately 120' north of the property line. Staff noted and an adjacent owner confirmed that this location is dangerous. Although it may meet AASHTO standards for sight distance, drivers seldom maintain the 35 mph speed limit required. The petitioner has moved the access to a location north of the existing culvert and far enough from the property line to assure the construction of adequate decel tapers within the given right-of-way. Staff expects verification of the right-of-way and a design based upon these limitations. The new plan locates a single duplex om the north of the through street.

Drainage plans will be modified by the new position of the access. Run-off will be piped beneath the access road to the existing culvert.

The street will be public and meets all dimensional standards. Sidewalks are provided on both sides and the Smith Road frontage. The intent is to develop an east/west linkage through the neighborhood, allowing eventual access to some undeveloped parcels. In the analysis of alignment of the required through street with a stub east from Hyde Park (GIS map included), the plan shows potential to provide linkage through to the adjacent planned unit develpment.

The new plan may remove two trees in order to relocate the duplex closest to the street. Staff has no objection to this plan. All of the several iterations of this project have required some tree removal and the proposed number does not seem excessive.

Buffers will be maintained at 30' except for a ten foot buffer of the west side of the project. Variance is warranted by the design requirement of the through street placed on the project by staff. The petitioner was able to demonstrate both tree preservation and siting of 6 duplexes with an initial plan.

RECOMMENDATION

Staff recommends approval of RS/PUD-75-94 with the following condition:

1. Subject to Engineering review of drainage calculations.
2. 10' Buffer on the west side of the site.

BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

October 3, 1994

City of Bloomington
Plan Commission
PO Box 100
Bloomington, Indiana 47402

RE: Cascio – Smith Road

Dear Plan Commission Members:

Our client respectfully requests a rezone from RE to RS and Outline Plan Approval for an RS/PUD on 2.5 acres located at 2130 S. Smith Road. The site contains an existing house, which is to remain along with 10 units in 5 proposed duplexes. The proposed duplexes contain 3 bedrooms each. Two parking spaces plus a one car garage are proposed. 30' setbacks are maintained on all sides of the site, except for the West edge where we are requesting variance from the 30' requirement, down to a 15' setback. There is no existing development adjacent to the West edge, so reducing the setback will cause no distress to the adjacent land uses. The proposed access drive will stub to the West edge of the site in order to prevent land–locking the adjacent property. Existing trees have been sited, and the design reflects efforts to preserve as many as possible. Our client has the equipment to relocate existing trees, and has offered to do so for trees marked for removal.

We have been working with members of the planning staff in an effort to meet density requirements and provide access to those areas deemed necessary. Please feel free to contact us with any questions you may have.

Very truly yours,

BYNUM FANYO & ASSOCIATES, INC.

John Blackketter

xc: BFA File #409464

700 NORTH WALNUT STREET BLOOMINGTON, INDIANA 47404 812-332-8030