Passed: 8-0

ORDINANCE 95-05

TO AMEND THE BLOOMINGTON ZONING MAPS FROM RS to RL, GRANT PUD DESIGNATION, AND APPROVE OUTLINE PLAN
Re: 1505 W. Allen
(Adams Bend Development, 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-80-94 and recommended that the petitioner, Adams Bend Development 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 RS to RL for the property located at 1505 W. Allen. That property is further described as follows:

A part of Seminary Lot Number 176, a subdivision of a part of Sections 5 and 6, Township 8 North, Range 1 West, Monroe County, Indiana, as depicted in Deed Record K, Pages 1 - 5, and Deed Record N, Pages 503 - 504, and being more particularly described as follows:

BEGINNING at a 5/8" rebar set at the southeast corner of said Seminary Lot Number 176; thence SOUTH 86 degrees 11 minutes 27 seconds West (assigned bearing basis) 638.71 feet along the northerly right-of-way of a 16.5 foot unimproved road to a 5/8" rebar set at the southwest corner of said lot; thence NORTH 04 degrees 47 minutes 56 seconds West 731.77 feet along the west line of said lot to a 5/8" rebar set at the southwest corner of land of Ray; thence NORTH 87 degrees 22 minutes 21 seconds East 147.58 feet along the south line of said land of Ray to a set 5/8" rebar; thence NORTH 04 degrees 47 minutes 56 seconds West 120.81 feet along the east line of said land of Ray to a 5/8" rebar set on the proposed southerly right-of-way of Allen Street; thence NORTH 04 degrees 47 minutes 56 seconds West 26.77 feet along said east line of land of Ray to the existing southerly right-of-way of Allen Street; thence NORTH 87 degrees 22 minutes 21 seconds East 477.28 feet along said existing southerly right-of-way to the northeast corner of said Seminary Lot Number 176; thence SOUTH 05 degrees 44 minutes 15 seconds East 26.77 feet along the westerly right-of-way of a 16.5 foot road to a 5/8" rebar set on the proposed southerly right-of-way of Allen Street; thence SOUTH 05 degrees 44 minutes 15 seconds East 840.05 feet along said westerly right-of-way to the POINT OF BEGINNING, containing 12.15 acres, more or less.

EXCEPTING THEREFROM:

A part of Seminary Lot Number 176, a subdivision of a part of Sections 5 and 6, Township 8 North, Range 1 West, Monroe County, Indiana, as depicted in Deed Record K, Pages 1 - 5, and Deed Record N, Pages 503 - 504, and being more particularly described as follows:

COMMENCING at a 5/8" rebar set at the southwest corner of said Seminary Lot Number 176; thence NORTH 04 degrees 47 minutes 56 seconds West (assigned bearing basis) 714.77 feet along the west line of said lot to a 5/8" rebar set at the POINT OF BEGINNING; thence NORTH 04 degrees 47 minutes 56 seconds West 17.00 feet along said west line to a 5/8" rebar set at the southwest corner of land of Ray; thence NORTH 87 degrees 22 minutes 21 seconds East 147.58 feet along the south line of Ray to a 5/8" rebar set at the southeast corner thereof; thence SOUTH 04 degrees 47 minutes 56 seconds East 17.00 feet to a set 5/8" rebar; thence SOUTH 87 degrees 22 minutes 21 seconds West 147.58 feet to the Point of Beginning, containing 2507 square feet, 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 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 grants a rezone from RS to RL/PUD and approves an outline plan for a 128-unit multi-family residential development on approximately 12.15 acres located at 1505 W. Allen. The existing single family residence which fronts on Allen St. will be preserved.

Signed copy to:
Planning
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 95-05 is a true and complete copy of Plan Commission Case Number RL/PUD-80-94 which was given a recommendation of approval by a vote of 7 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
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: RL/PUD-80-94
Location: 1505 West Allen, Bloomington, IN 47403
Petitioner: Mark and Tanya Figg
Counsel: Smith Neubecker & Assoc., Inc.

On December 12, 1994, the Bloomington Plan Commission approved a request for rezone from RS to RL and outline plan approval of approximately 12.15 acres located on the southwest side of Bloomington just west of the Richland proposal (RS/PUD-79-94). The proposed density is approximately 10.5 units per acre, arranged in 8 and 16 units apartment structures.

The number of units proposed is 128 plus the preservation of an existing single family residence which fronts on Allen Street. The development is bisected by a 70' right-of-way (Adams St.) which will be the future neighborhood link with Tapp Road through several undeveloped tracts of land. This thoroughfare is intended to be the major collector street on the west side running north and south. It will include sidewalks and a bike path.

If the proposal is approved, this petitioner will share construction of the Adams/Allen intersection alignment with the adjacent tract also under consideration this evening. Staff worked with the petitioner to align the proposed collector street through the tract. A major consideration was the location of industrial land directly to the south, where a substandard right-of-way exists. Staff's objective was to avoid placing the road through the industrial land. This requirement caused a division of this petitioner's property. This is a significant design concession for the petitioner. In addition, the format was amended from land consuming duplex development to apartment structures, thereby reducing the lot coverage. Other requests made by staff include the preservation of an existing residence and the mature shade trees surrounding it and preservation of a large (3 acre) tree covered area on the southwest side of the site. This area is planned for detention.

Dedication of a 70' right-of-way on Adams St. and an additional 35' on Allen. Improvements to Allen are not scheduled at this time. The truck route will relieve the corridor of business traffic. In response to a neighbor's concerns, the petitioner will place a pine screen on the northwest side of the property, within the required 30' buffer, adjacent to the closest single family house.

The petitioner has agreed to remove a drive cut from the Adams

Street extension which accesses the 32 unit complex on the east side. This will serve to limit the number of cuts to the street and mitigate traffic congestion.

Two entrances are proposed from the new Adams Street right-of-way. There will be no access from Allen for the multifamily portion of the project. The existing single family drive will remain at its location 150′ west of Adams because of interior constraints.

The Growth Policies plan designates this area as low-density residential. Staff cites two elements of compliance with the plan which serve to justify the higher densities proposed:

1. Infrastructure capacity relative to undeveloped areas.....should primarily control the developed density.
2. Minimizes land consumption and limits land disturbance.

The petitioner has largely complied with staff requests to redesign the site, including construction of a thoroughfare which substantially alters the content of his initial plans. Staff supports higher density in this case because the plan meets special conditions for flexibility on this issue as established in the Master Plan.

RS/PUD-80-94
Conditions of Approval:

1. Intersection design to be deferred to development plan stage.
2. Pine buffer required on the northwest side of the site adjacent to the residential property.
3. Plans for detention to be reviewed by staff for tree preservation.
4. Use of the existing sinkhole as detention to be analyzed by a geotechnical consultant.

December 12, 1994

To: Tim Mueller

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

Subj: RS/PUD-80-94 Adams Bend Development 1505 W. Allen St.

Site Description - The northern portion of the site is largely rolling and open, with scattered specimen trees. There are two tree lines running north-south on the property; one on the east perimeter with some specimen maples and oaks and the other through the center with mainly scrub vegetation. The entire southwest quadrant of the site is a hardwood forest. The parcel does not contain prohibitive slopes; there are areas in the 15 percent range north of the existing single family house and in the area of the proposed collector street extension. A large depression southeast of the existing single family home does need to be evaluated as a possible sinkhole.

Recommendations

Tree Preservation - The Environmental Commission recommends that the following areas be preserved:

1. an area of specimen white oaks and shagbark hickories north of the single family home **(This is being done with the petitioner's plan)**
2. two large white oaks specimens, one about 50 inches in caliper **(This is being done with the petitioner's plan)**
3. a buffer of existing hardwood trees on the southeast perimeter of the site **(This is being done with the petitioner's plan)**
4. a large block of hardwood forest on the southwest quadrant of the site **(The petitioners plan will reduce this area from approximately 3 acres in size to about 1.5 acres)**

If a detention area is constructed within the hardwood forest block on the southwest portion of the site, the Environmental Commission recommends that minimal disturbance of natural cover occur in the placement of the basin.

Karst Topography - The petitioner's will be doing a geotechnical survey of the depression to determine if any karst features are present. If this depression is indeed a sinkhole, the Environmental Commission recommends the following: 1) the rate of stormwater entering the sinkhole should be held to pre-development rates, 2) the sinkhole should not be used as a major stormwater detention area, 3) there should be no direct discharge of runoff from roofs or paved surfaces into the feature.

cc. Rod Young

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RL/PUD-80-94 ENVIRONMENTAL COMMISSION REPORT

Smith Neubecker & Associates, Inc.

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

Daniel Neubecker L.A.
Project Manager

November 17, 1994

Bloomington Plan Commission
c/o Tim Mueller, Director
P.O. Box 100
Bloomington IN 47402-0100

RE: Adams Bend

Dear Tim and Plan Commissioners:

On behalf of our clients, Mark Figg, Tonya VanArsdel-Figg, and Partners, we respectfully request RL/PUD zoning designation and Outline Plan Approval for Adams Bend. The parcel of land is 12.0 acres in size and is located in the southwest corner of the Adams and Allen Street intersection. The new RL/PUD zoning designation will be used to develop a multi-family project.

Based on the Growth Policies Plan, this property area is slated for housing densities of 5-6 dwelling units per acre. A significant opportunity to increase density on this parcel to make up for lost compact urban form exists at this location. The proposed density for this project is 10.7 du/ac, rather than a 15.00 du/ac as allowed in the RL\PUD regulations.

The realignment and extension of Adams Street through this project will open the door for development in this area as identified by the Growth Policies Plan. The extraction of space and cost for this roadway is appropriate justification for added density for this development at this location. The alignment of the Adams Street extension has been reviewed by both the County Engineer and City Engineer. As agreed upon by Ted Rhinehart of the City of Bloomington Public Works Department, the principal collector in excess of standard 31' back to back road will be paid for by the City.

The Outline Plan shows the location of public roadways, access points, parking lots and buildings in a layout that preserves trees, specimen trees and other natural features at the recommendation of the Planning Staff.

All planned unit development requirements for open space and setbacks will be met as identified by existing City of Bloomington codes.

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

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RS/PUD-80-94 Petitioner's Statement

Included with this application is the application form and fee, legal description, site plan, and reduced site plan. Proof of certified mailing notices will be provided prior to the hearing. Should additional information be required, please contact me.

Sincerely,

Michael J. Probst
Smith Neubecker & Associates, Inc.

ADAMS BEND
RL/PUD
OUTLINE PLAN STATEMENT
November 17, 1994

The Adams Bend multi-family project is located on 12.0 acres at the intersection of Allen Street and Adams Street. The project is surrounded by single family and multi-family projects. The site allows and is well suited for multi-family development because of the ability to save natural features that improve the quality of this development. The units will fit well with site topography minimizing site disruption.

RL\PUD RESIDENTIAL MULTI-FAMILY

The Outline Plan drawing shows the elements of this Planned Unit Development to include:

- Roadway circulation and alignment for Adams Street extension
- Schematic building layout with probable unit counts
- Parking lot layout
- Preliminary storm water detention location
- Network of sidewalks for pedestrian movement

The plan will comply with Planned Unit Development set back requirements.

- 30' perimeter setback buffer
- open space 45% (not covered by buildings)
- Common open space requirements

ISSUES

Traffic - Major traffic patterns will be funneled through Adams Street to Second Street minimizing impacts on Allen Street and surrounding streets. The Adams Street extension will be built to City standards of 31' back to back street. Improvements beyond this will be the responsibility of the City of Bloomington Public Works Department as agreed to by the Director for this proposed principal collector.

Site Drainage - Conceptual detention has been designed in two locations. A detailed analysis will be conducted at the Development Plan Stage of this project that will accommodate site water in accordance with City regulations.

Utilities - City sewer and water will be included in this project. Initial contact has been made with the City of Bloomington Utilities Department in order to generate water and sewer concepts, layouts and connections.

RS/PUD-80-94 Outline Plan Statement

Right-of-Way Dedication - Dedication of 70' right-of-way through this property is shown to accommodate the City of Bloomington Planning Department requests for extension of Adams Street. An additional 35' right-of-way dedication on half of Allen Street is shown on the Outline Plan.

Existing House - The existing house will be saved, subdivided with approximately one acre from the original parcel.

Tree Protection - Much effort has gone into saving large specimen trees on this property as shown on the plan.

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RS/PUD-80-94 Site Plan