* Withdrawn by petitioner letter of 6.19.96 attached
Not introduced for 1st Reading
* Passed on July 17, 1996

ORDINANCE 96-08

TO AMEND THE PRELIMINARY PLAN
Re: 2080 & 2101 Tapp Road
(Bob Shaw and Ron Rubeck, Petitioner)

WHEREAS, the Common Council adopted Ordinance 95-21 which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning", including the incorporated zoning maps, and repealed Title 21, entitled "Land Use and Development" on May 1, 1995; and

WHEREAS, the Plan Commission has considered this case, PUD-64-94, and recommended that the petitioners, Bob Shaw and Ron Rubeck, be granted an amendment to the preliminary plan 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 a preliminary plan amendment be approved for 2080 & 2101 Tapp Road, Bloomington, Indiana. That property is further described as follows:

SECTION I

A part of the Southwest Quarter of Section 8 and a part of the Southeast Quarter of Section 7, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

A part of the West half of the Southwest quarter of Section 8, Township 8 North, Range 1 West, bounded as follows to-wit: Beginning at the Southwest corner of said Southwest quarter of Section 8, running thence EAST on the section line 47 rods and 5-1/2 links; thence NORTH 46 rods and 15 links; thence EAST 31 rods and 12 links to the East boundary line of the West half of the said Southwest quarter; thence NORTH 114 rods and 22 links to the Northeast corner of the West half of said quarter section, running thence Southwest along the North boundary line of the Northwest quarter of the Southwest quarter of said Section 8 a distance of 44 rods and 18 links; thence SOUTHWEST 50 rods and 15-1/2 feet to a point on the West boundary line of Section 8 located 37 rods South of the Northwest corner of the Southwest quarter of said Section 8; thence SOUTH 124 rods to the place of beginning, containing 66.75 acres, more or less.

Also, a part of the Southeast Quarter of Section 7, Township 8 North, Range 1 West, bounded and described as follows, to-wit: Beginning at the Southeast corner of the said Southeast quarter of said Section 7, running thence NORTH 98 rods and 8 feet; thence WEST 130 rods; thence SOUTH 98 rods and 8 feet to the South section line of Section 7; thence EAST 130 rods along said section line to the place of beginning, containing 80 acres more or less in Section 7.

Excepting therefrom a part of the Southeast Quarter of Section 7, Township 8 North, Range 1 West, Monroe County, Indiana, and being more particularly described as follows:

COMMENCING at the Southeast corner of said quarter section; thence WEST parallel with the centerline of Tapp Road 930.00 feet to the POINT OF BEGINNING; thence continuing WEST parallel with the centerline of Tapp Road 800.00 feet; thence NORTH 670 feet; thence Northeasterly 650.00 feet; thence Southeasterly 470.00 feet; thence SOUTH 420.00 feet to the POINT OF BEGINNING, containing 13.5 acres, more or less.

The total parcel after the exception, containing 133 acres, more or less.

SECTION II

A part of the Southeast Quarter of Section 7, Township 8 North, Range 1 West, Monroe County, Indiana, and more particularly described as follows:

COMMENCING at the Southeast corner of said quarter section; thence WEST parallel with the centerline of Tapp Road 930.00 feet to the POINT OF BEGINNING; thence continuing WEST parallel with the centerline of Tapp Road 800.00 feet; thence NORTH 670 feet; thence Northeasterly 650.00 feet; thence Southeasterly 470.00 feet; thence SOUTH 420.00 feet to the POINT OF BEGINNING, containing 13.5 acres, more or less.

SECTION III

A part of the Northwest Quarter of Section 17 and a part of the Northeast Quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana, and being more particularly described as follows:

BEGINNING at the Northwest corner of the Northwest quarter of said Section 17; thence EAST 1499.00 feet to Rockport Road; thence SOUTH 33 degrees 325.00 feet West along Rockport Road; thence WEST 799.00 feet; thence SOUTH 600.00 feet; thence SOUTH 49 degrees 218.00 feet West; thence SOUTH 66 degrees 374.00 feet East to the centerline of Rockport Road; thence along the centerline of Rockport Road SOUTH 34 degrees 127.00 feet West; thence SOUTH 39 degrees 52.00 feet West; thence SOUTH 62 degrees 45.00 feet West; thence WEST 598.00 feet along the North right-of-way of Rockport Road; thence NORTH 1040.00 feet; thence EAST 68.00 feet to the POINT OF BEGINNING, containing 23 acres, more or less.

SECTION II. The Preliminary Plan Amendment, as recommended by the Plan Commission, shall be attached and made a part of this ordinance.

SECTION III. 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 17th day of July, 1996.

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 17th day of July, 1996.

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 17 day of July, 1996.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance would amend the Preliminary Plan for the Planned Unit Development located at 2080 and 2101 Tapp Road and approved by the Common Council on December 7, 1994. The amendments would: 1) add "Churches" and "Schools" to the permitted use list for Parcels B, C, D, and E; 2) add a multi-family land use tract west of Country View Apartments; and 3) add permitted uses for the business park tract west of Rockport Road.

Signed copies to:
Planning Dept
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 96-08 is a true and complete copy of Plan Commission Case Number PUD-64-94 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 April 15, 1996.

Date: April 22, 1996

Toni K. McClure

Toni K. McClure, Secretary
Plan Commission

Received by the Common Council Office this 22 day of April, 1995,

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.)

FILENAME: ORD-CERT.MRG

Memo

To: The Common Council

From: Tom Micuda, Zoning Planner

Date: April 23, 1996

Subj: PUD-64-94, Bob Shaw and Ron Rubeck, 2080 & 2101 Tapp Road

COUNCIL BACKGROUND: In early 1995, the Common Council approved a preliminary plan and rezoning for a 170 acre parcel located at the northeast corner of Tapp and Weimer Road. The petition incorporated a mixed use development format which included:

1. A 13.5 acre commercial tract approved for Arterial Commercial (CA) land uses (Parcel I on the original plan included in the packet).

2. Three high density multifamily tracts totaling 50.03 acres on the west side of the site (Parcels A,B, and C). A total of 750 units were approved at a density of 15 units per acre.

3. Two medium density multifamily tracts totaling 13.41 acres in the center of the site (Parcels D and E). A total of 134 units were approved at a density of 10 units per acre.

4. One high density single family or multifamily tract totaling 18.36 acres (Parcel F). A total of 91 units were approved at a density of 5.0 units per acre.

5. Two medium density single family tracts totaling 48.05 acres on the eastern portion of the site (Parcels G and H). A total of 191 units were approved at a density of 4.0 units per acre.

6. A Business Park tract south of Tapp Road and west of Rockport Road totaling 23.07 acres.

For the entire development, a total of 1,166 housing units were approved at a density of 6.86 units per acre.

AMENDMENTS TO THE ORIGINAL PRELIMINARY PLAN:

The original petitioners received subdivision approval in early 1995 in order to facilitate the sale of the commercial parcel (Tract I) to an investor. Parcel A has also been retained by the original petitioners for future development. New owners are interested in purchasing the remainder of the PUD and have received Plan Commission approval for the following amendments to the preliminary plan:

1. The addition of a separate parcel (Parcel L) on the eastern edge of the development for medium density multifamily land use. The acreage of the proposed parcel is 4.9 acres and is proposed to be developed at 49 units or 10 units/acre. The petitioners felt that this new multifamily parcel was necessary to provide a more gradual development transition west of Countryview Apartments. Both staff and the Plan Commission were sympathetic to this request. With this amendment, Parcels G and H would be reduced 2.9 acres and 2 acres in size, respectively, to accommodate this new parcel. A total of 18 single family units would be eliminated to be replaced by the 49 multifamily units. The petitioners originally proposed that this amendment not be accompanied by a reduction in density elsewhere in the PUD. In other words, their proposal would have increased the number of total dwelling units from 1166 to 1197 (7.04 units per acre).

The Planning staff was somewhat concerned with the project's overall increase in density beyond 7 units per acre. This is a small change in development density but would set a precedent whereby PUDs could be amended to fit the density needs of new property purchasers. As a result, the Plan Commission placed a condition of approval upon the petition to support the multifamily land use adjacent to Countryview on the condition that development density be reduced elsewhere by 31 units; 15 units on Parcel B and 16 units on Parcel C. This density reallocation is binding upon the petitioner unless an alternative reduction in density is presented and accepted by Planning staff prior to the City Council's final approval.

2. The addition of "Churches" and "Schools" to the approved list of land uses for Parcels B, C, D, and E. The petitioners have been in contact with representatives from the school corporation, and it is not hard to envision a future church user being interested in this location as development progresses. At the preliminary hearing, several members of the Plan Commission expressed concern that decisions about church/school use within this PUD should be deferred until development of the property begins. That way, residents within the PUD would have control over land use decisions on Parcels B,C,D, and E, rather than only having input on site plan review issues. Staff, however, was very comfortable with having the church/school land use being permitted on the four parcels. In the past, staff has observed that disagreements regarding church/school development petitions have typically focused on site plan issues such as traffic, lighting, noise, and compliance with development standards (sidewalks, paving, landscaping). By granting the church/school use a permitted status on the four parcels, the Plan Commission does not inhibit its right to Final Plan review authority over all of these site plan issues. Staff also recommended that the school land use be restricted to "elementary, middle, and high schools" (K-12) in order to address Plan Commission concerns that trade or business schools (i.e. a trucking school) would be permitted on any of the parcels.

3. 3. Add "Office Supply", "Sit-down restaurant not to exceed 5,000 square feet (no drive-thru)", and "Golf Driving Range" to the list of uses in the Business Park parcel (Parcel J).

The petitioners felt strongly that an office supply store was needed due to the site's proximate location near the Southern Indiana Medical Park and the yet to be developed light industrial park north of Tapp Road and west of Weimer Road. The site itself also has 13.5

commercial acres and 23.07 business park acres that could be potentially served by an office supply use. Staff concurred with this reasoning, and the Plan Commission adopted Condition of Approval #3 to add "office supply stores" as a permitted use in Area J.

The golf driving range idea was put forth by the petitioners as a possible land use alternative for a portion of Parcel J. Staff would not support this kind of amendment if this parcel was designated for employment land usage in the Growth Policies Plan. The plan shows this area as a combination of "Medium Density Residential" and "Planned Unit Development". The corridor study for Rockport and Tapp Road shows the area as a possible site for a "Medium Residential PUD". The original petitioners did not utilize this recommended land use due to their perceived need to situate an employment-based tract near the Southern Indiana Medical Park and the vacant light industrial tract west of Weimer Road. Obviously, staff views medium density residential development in Parcel J as the most compatible land use to the Master Plan. However, since this use was never put forth with the original proposal, staff does not see the merit of imposing it on this new petition. Since a golf driving range use does not interfere with any Master Plan goals for furthering employment in this area, staff and the Plan Commission did not object to its inclusion.

The concept of a sit-down restaurant in Parcel J was discussed at some length by the Plan Commission during the original rezoning request. The restaurant use was deleted along with other retail uses so as to not create a commercial incentive in any other area outside of Parcel I. At the same time, this petitioner believes that having a deli or small restaurant that could cater to the foot traffic of surrounding employment uses would not cause conflict with the intent of the PUD. Staff sees this as a valid point, and recommended that the restaurant use be permitted in Parcel J. This is provided that: 1) the restaurant be sit-down only (no drive-thru), 2) the restaurant be no greater than 5,000 square feet and, 3) the restaurant use only be considered by the Plan Commission when 50 percent of Parcel J is built-out. These are conditions that were not included in the original rezoning petition, and staff is confident that such conditions will allow the overriding business park land use to be protected.

Plan Commission Approval:

The Plan Commission voted 9:0 to approve the petitioner's request with the following conditions of approval:

1. That multifamily Parcel L be allowed only with the provision that the overall development density be reduced elsewhere on the site by 31 dwelling units; 16 from Parcel C and 15 from Parcel B, unless the petitioner, through staff, changes the reallocation of density on the site prior to the City Council's final approval of this amendment.

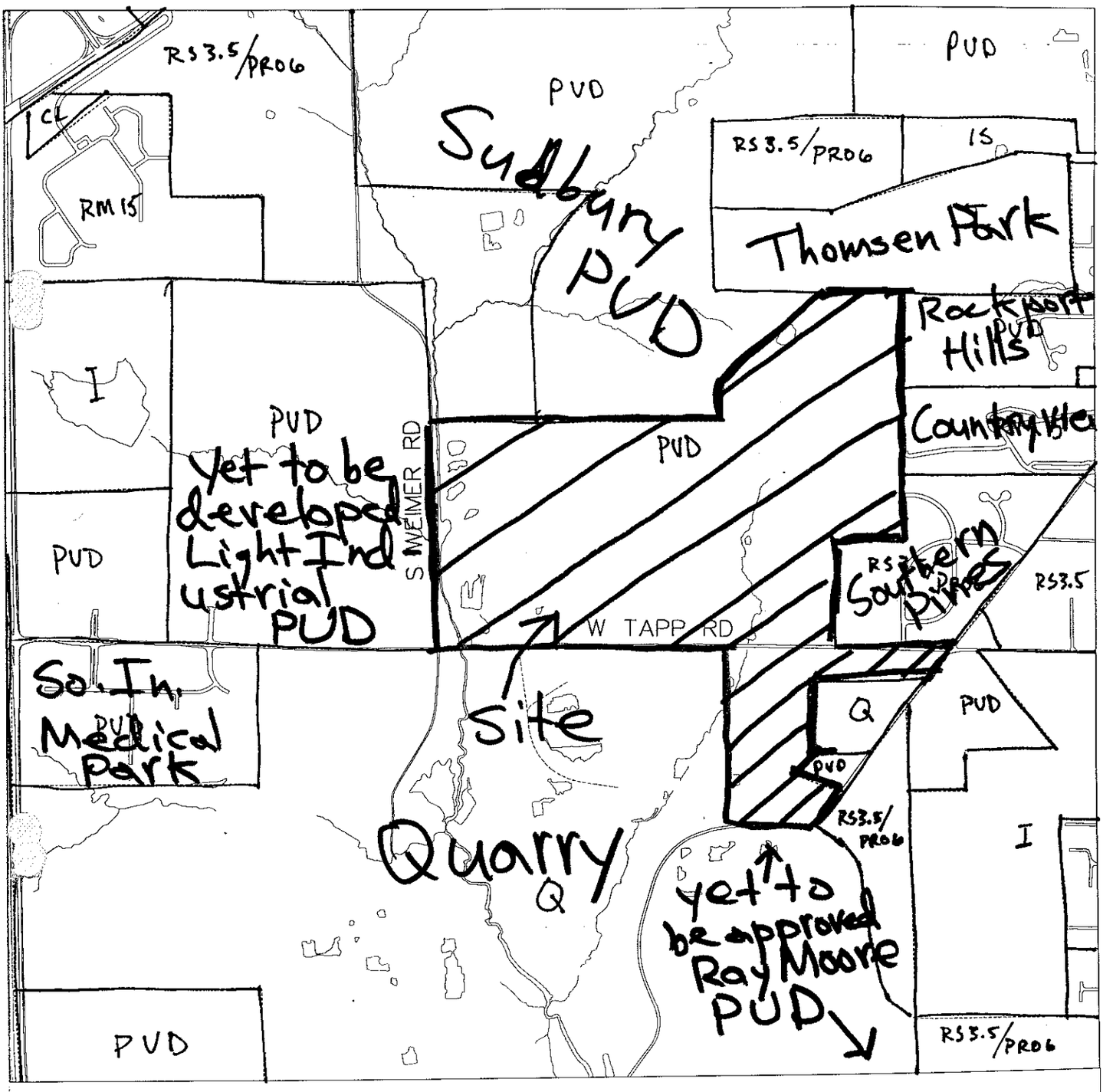
2. That "elementary", "middle", and "high" schools (K-12) and "churches" be classified as permitted land uses in Parcels B,C,D, and E, with primary traffic orientation being to Adams Street.

3. The PUD is amended to add "office-supply stores" in Area J..

4. That one sit-down restaurant of no greater than 5,000 square feet be authorized for Parcel J provided that the restaurant use only be considered or approved by the Plan Commission when 50 percent of the parcel is built-out.

5. The setbacks for Parcel L meet Multifamily Residential (RM7) zoning standards.

6. That all previous conditions of approval for PUD-64-94 be binding on this petition.



PUD-64-94 BOB SHAW AND RON RUBECK

LOCATION/ZONING/LAND-USE MAP

PLAN COMMISSION

2080 & 2101 TAPP ROAD

By: work

18 Mar 1996

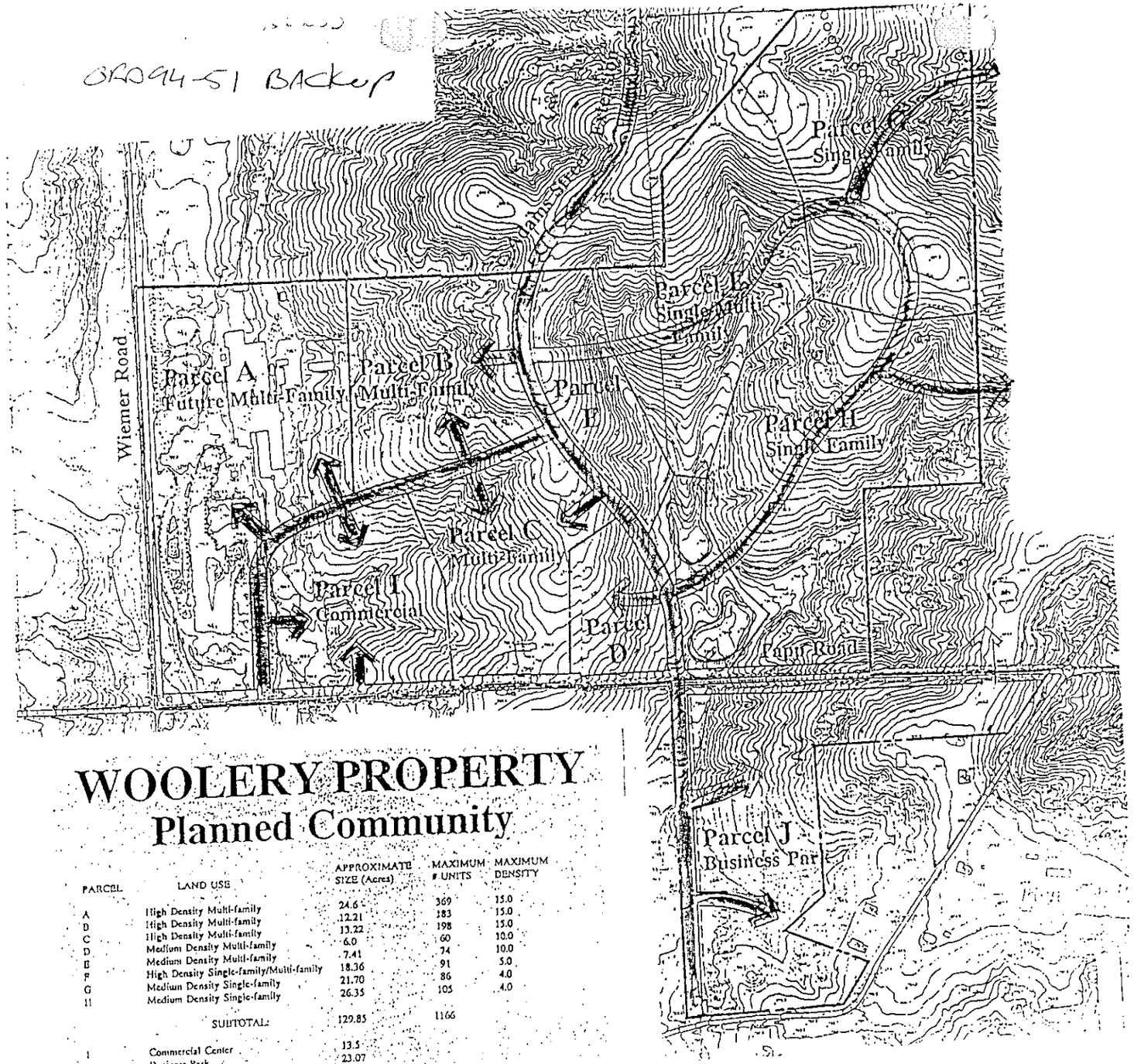
1000 0 1000 2000 3000

N

City of Bloomington
Planning Department

Scale: 1" = 1000'

ORD94-51 BACKUP



WOOLERY PROPERTY

Planned Community

PARCEL	LAND USE	APPROXIMATE SIZE (Acres)	MAXIMUM # UNITS	MAXIMUM DENSITY
A	High Density Multi-family	24.6	369	15.0
B	High Density Multi-family	12.21	183	15.0
C	High Density Multi-family	13.22	198	15.0
D	Medium Density Multi-family	6.0	60	10.0
E	Medium Density Multi-family	7.41	74	10.0
F	High Density Single-family/Multi-family	18.36	91	5.0
G	Medium Density Single-family	21.70	86	4.0
H	Medium Density Single-family	26.35	105	4.0
	SUBTOTAL:	129.85	1166	
I	Commercial Center	13.5		
J	Business Park	23.07		
K	Detention Buffer (not included in other tracts)	3.8		
	TOTAL:	170.22	1166	78.0

RS/PUD-BA/BL/PCD-64-94
Revised Site Plan

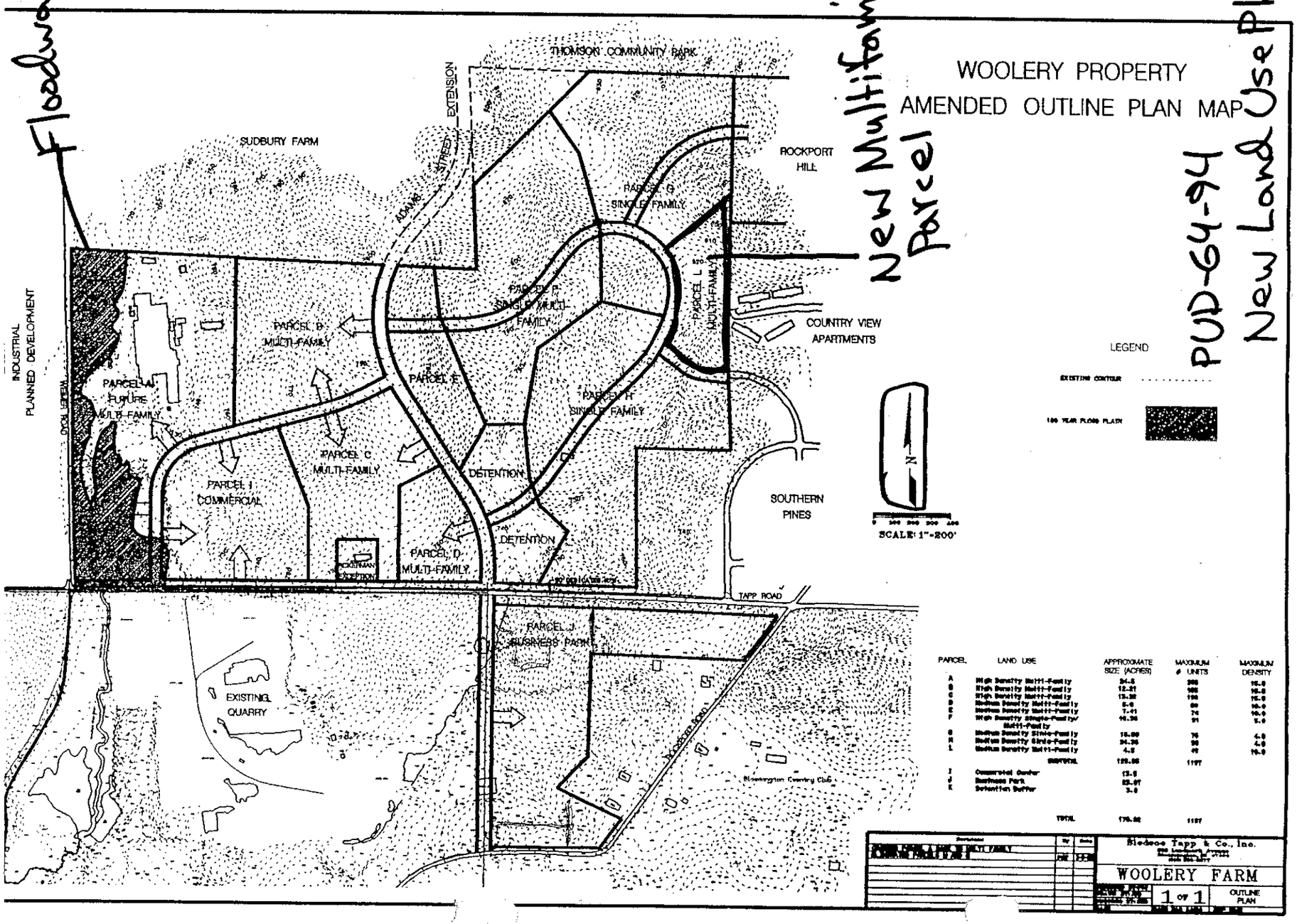
81

Floodway

New Multifamily Parcel

PUD-64-94
New Land Use Plan

WOOLERY PROPERTY
AMENDED OUTLINE PLAN MAP



PARCEL	LAND USE	APPROXIMATE SIZE (ACRES)	MAXIMUM # UNITS	MAXIMUM DENSITY
A	High Density Multi-Family	24.5	300	12.0
B	High Density Multi-Family	12.21	150	12.0
C	High Density Multi-Family	13.30	160	12.0
D	Medium Density Multi-Family	5.0	60	12.0
E	Medium Density Multi-Family	7.41	74	10.0
F	High Density Single-Family/ Multi-Family	10.30	51	5.0
G	Medium Density Single-Family	15.00	75	4.0
H	Medium Density Single-Family	24.30	98	4.0
L	Medium Density Multi-Family	4.0	48	12.0
	SUBTOTAL	155.00	1197	
J	Commercial Center	13.0		
I	Business Park	23.07		
K	Detention Buffer	3.0		
	TOTAL	176.00	1197	

BLOOMINGTON PLAN COMMISSION
FINAL REPORT
Location: 2080 & 2101 Tapp Rd.

CASE NO.: PUD-64-94
DATE: April 15, 1996

PETITIONER: Name: Bob Shaw and Ron Rubeck
Address: 1609 N. Kinser Pike

COUNSEL: Name: Bledsoe Tapp & Co., Inc.
Address: 359 Landmark Ave.

PRELIMINARY HEARING DATE: March 25, 1996

REQUEST: The petitioners are requesting an amendment to a preliminary plan approved in early 1995 by the Common Council.

BACKGROUND: In early 1995, the Common Council approved a preliminary plan and rezoning for a 170 acre parcel located at the northeast corner of Tapp and Weimer Road. The petition incorporated a mixed use development format which included:

1. A 13.5 acre commercial tract approved for Arterial Commercial (CA) land uses (Parcel I on the original plan included in the packet).

2. Three high density multifamily tracts totaling 50.03 acres on the west side of the site (Parcels A,B, and C). A total of 750 units were approved at a density of 15 units per acre.

3. Two medium density multifamily tracts totaling 13.41 acres in the center of the site (Parcels D and E). A total of 134 units were approved at a density of 10 units per acre.

4. One high density single family or multifamily tract totaling 18.36 acres (Parcel F). A total of 91 units were approved at a density of 5.0 units per acre.

5. Two medium density single family tracts totaling 48.05 acres on the eastern portion of the site (Parcels G and H). A total of 191 units were approved at a density of 4.0 units per acre.

6. A Business Park tract south of Tapp Road and west of Rockport Road totaling 23.07 acres.

For the entire development, a total of 1,166 housing units were approved at a density of 6.86 units per acre.

PRELIMINARY PLAN AMENDMENTS

The original petitioners received subdivision approval in early 1995 in order to facilitate the sale of the commercial parcel (Tract I) to an investor. No action was taken on either that parcel or the remainder of the development until the present request to amend the preliminary plan for the whole tract with the exception of Parcel I. The amendments are as follows:

Final Staff Report

1. Add a separate parcel (Parcel L) on the eastern edge of the development for medium density multifamily land use. The acreage of the proposed parcel is 4.9 acres and would be developed at 49 units or 10 units/acre. Parcels G and H would be reduced 2.9 acres and 2 acres in size, respectively, to accommodate this new parcel. A total of 18 single family units would be eliminated to be replaced by the 49 multifamily units. This request would increase the number of total dwelling units from 1166 to 1197 and increase the residential density from 6.86 units per acre to 7.04 units per acre.

Staff Analysis: Staff does not object to the inclusion of a multifamily parcel next to Countryview Apartments. The new petitioner is concerned about marketing single family land use directly next to Countryview Apartments without having a transitional multifamily housing project to buffer the higher density. Staff is somewhat concerned with the project's overall increase in density beyond 7 units per acre. This represents a small change in development density but sets a precedent whereby PUDs could be amended to fit the density needs of new property purchasers. Staff is willing to support the multifamily land use adjacent to Countryview on the condition that development density be reduced by 31 units on the remainder of the PUD.

2. Add "Churches" and "Schools" to the approved list of land uses for Parcels A, B, C, and D. The petitioners have been in contact with representatives from the school corporation, and it is not hard to envision a future church user being interested in this location as development progresses.

Staff Analysis: At the preliminary hearing, members of the Plan Commission expressed concern about locating a church/school site on Parcel A due to its lack of access to the future Adams Street extension. With this in mind, staff recommends deleting the church/school use from Parcel A and allowing the use to be permitted on Parcel E (adjacent to the future Adams Street and closer to Thomsen Park).

Also at the preliminary hearing, several members of the Plan Commission expressed concern that decisions about church/school use within this PUD should be deferred until development of the property begins. That way, residents within the PUD would have control over land use decisions on Parcels B,C,D, and E, rather than only having input on site plan review issues. Staff, however, is comfortable with having the church/school land use being permitted on the four parcels. In the past, staff has observed that disagreements regarding church/school development petitions have typically focused on site plan issues such as traffic, lighting, noise, and compliance with development standards (sidewalks, paving, landscaping). By granting the church/school use a permitted status on the four parcels, the Plan Commission does not inhibit its right to Final Plan review authority over all of these site plan issues. Staff recommends

that the school land use be restricted to "elementary, middle, and high schools" in order to address Plan Commission concerns that trade or business schools (i.e. a trucking school) would be permitted on any of the parcels.

3. 3. Add "Office Supply", "Sit-down restaurant not to exceed 5,000 square feet (no drive-thru)", and "Golf Driving Range" to the list of uses in the Business Park parcel (Parcel J).

Staff Analysis: The petitioners feel strongly that an office supply store is needed due to the site's proximate location near the Southern Indiana Medical Park and the yet to be developed light industrial park north of Tapp Road and west of Weimer Road. The site itself also has 13.5 commercial acres and 23.07 business park acres that could be potentially served by an office supply use. Staff concurs with this reasoning. The petitioner's request to add the office supply use to Parcel J might be redundant since "business service" uses are already approved for this parcel. Staff sees two options with this request: 1) incorporating a condition of approval which states that the approved business service use for this PUD includes office supply stores, or 2) adding "office supply" to the approved list of uses. Staff recommends option # 1.

The golf driving range idea has been put forth by the petitioners as a possible land use alternative for a portion of Parcel J. Staff would not support this kind of amendment if this parcel was designated for employment land usage in the Growth Policies Plan. The plan shows this area as a combination of "Medium Density Residential" and "Planned Unit Development". The corridor study for Rockport and Tapp Road shows the area as a possible site for a "Medium Residential PUD". The original petition did not utilize this recommended land use due to a perceived need to situate an employment-based tract near the Southern Indiana Medical Park and the vacant light industrial tract west of Weimer Road. Obviously, staff views medium density residential development in Parcel J as the most compatible land use to the Master Plan. However, since this use was never put forth with the original proposal, staff does not see the merit of imposing it on the new petition. Since a golf driving range use does not interfere with any Master Plan goals for furthering employment in this area, staff does not object its inclusion.

The concept of a sit-down restaurant in Parcel J was discussed at some length by the Plan Commission during the original rezoning request. The restaurant use was deleted along with other retail uses so as to not create a commercial incentive in any other area outside of Parcel I. At the same time, this petitioner believes that having a deli or small restaurant that could cater to the foot traffic of nearby employment uses would not cause conflict with the intent of the PUD. Staff sees this as a valid point, and recommends that the restaurant use be permitted in Parcel J. This is provided that: 1)the restaurant be sit-down only (no

drive-thru), 2) the restaurant be no greater than 5,000 square feet, 3) the restaurant use only be considered by the Plan Commission when 50 percent of Parcel J is built-out and, 4) the petitioner demonstrate that the restaurant use will primarily serve the businesses/employees of Parcel J.

RECOMMENDATION: Staff recommends approval of PUD-64-94 with the following conditions:

1. That multifamily Parcel L be allowed only with the provision that the overall development density be reduced by 31 dwelling units.

2. That "elementary, middle, and high schools" and "churches" be classified as permitted land uses in Parcels B,C,D, and E.

3. The approved "business service" use on Parcel J be clarified to include office supply stores.

4. That one sit-down restaurant of no greater than 5,000 square feet be authorized for Parcel J provided that: 1) the restaurant use only be considered by the Plan Commission when 50 percent of the parcel is built-out and, 2) the petitioner shall demonstrate that the restaurant use will primarily serve the businesses/employees of Parcel J.

5. The setbacks for Parcel L meet Multifamily Residential (RM7) zoning standards.

6. That all previous conditions of approval for PUD-64-94 be binding on this petition.

PUD-64-94

Bob Shaw and Ron Rubeck
2080 & 2101 Tapp Rd.
Request to amend the preliminary plan approved on December 7, 1994 for the Woolery property. The proposed amendments are as follows: Add churches and schools to the permitted use list, create an additional multi-family land use tract west of Countryview Apartments, increase the commercial land use component from 13.5 acres to approximately 29 acres, and create additional uses for the business park tract west of Rockport Road.

Toni McClure reported. The Council adopted the preliminary plan, Ordinance 94-51, on December 7, 1994. The petitioner at that time was Woolery Stone Company. Bob Shaw and Ron Rubeck acquired the entire Woolery property except for Parcel I (commercial component). The amendments being requested are as follows: 1) Add a separate parcel (Parcel L) on the eastern edge of the development for medium density multi-family land use. A density of 49 units (10 units/acre) is proposed for this 4.9 acre parcel. Parcels G and H will be reduced 2.9 acres and 2 acres, respectively, to accommodate the new parcel. A total of 18 single family units will be eliminated and replaced by 49 multi-family units. 2) Add "Churches" and "Schools" to the approved list of land uses for Parcels A, B, C, and D. 3) Add "Office Supply", "Sit-down restaurant not to exceed 5,000 s.f. (no drive-thru)", and "Golf Driving Range" to the list of uses in the Business Park parcel (Parcel J). Staff's opinion is that any school/institutional use should have immediate access to the Adams St. extension. The western portion of Parcel A is located in a FEMA floodway known as the West Fork of Clear Creek, and the Environmental Commission recommends avoiding any activity in the floodplain all together. Staff recommends forwarding this petition to a second hearing on April 15, 1996.

Joe Hoffmann asked about the present status of Weimer Rd. and Tapp Rd. improvements.

Toni McClure stated the county plans to improve Weimer Rd. Tapp Rd. will need serious improvements over the next 20 years.

Joe Hoffmann and Toni McClure talked about the TIF district. Hoffmann and McClure talked about the best locations for school/institutional uses. McClure stated staff's opinion is that the location should have immediate access to the Adams St. extension.

Mary Ellen Murphy, representing the Planning Subcommittee of the Environmental Commission, expressed concern about the floodplain on the west portion of the site. The E.C. recommends that there be no construction activity in the floodplain.

Phil Tapp, Bledsoe, Tapp, & Co., Inc., represented the petitioners. Density is being transitioned with multi-family being located adjacent to Country View apartments. Parcels A, B, C, and D were chosen for school/institutional uses because the terrain is most suitable. The sit-down restaurant will be a maximum of 5,000 s.f., and is intended to serve people working in the business park. The restaurant will not be constructed until Parcel J is 50% built out.

Tom Swafford expressed concern about Parcel A not having access to the Adams St. extension, and asked the petitioner to consider school/institutional uses on Parcels B, C, & D only.

***Milan Pece moved to forward PUD-64-94 to a second hearing on April 15, 1996; Joe Hoffmann seconded. Approved 8:0

Plan Commission Discussion:

FILENAME: PC-3-25.96

Minutes from Preliminary Plan commission Hearing

Joe Hoffmann stated a school should be oriented with access to the Adams St. extension.

Bill Sturbaum asked that the "school" land use be clarified and specific.

Tim Mayer talked about not prezoning for church use at this time and letting homeowners speak on the issue (reference made to the Sherwood Oaks Christian Church situation).

MEMORANDUM

TO: Toni McClure

FROM: Jim Capshew, Jeff Ehman, K. Komisarcik, ME Murphy, M. Wedekind

DATE: April 8, 1996

SUBJECT: PUD 64-94 Bob Shaw and Ron Rubeck, 2080 & 2101 Tapp Road
Request to amend the preliminary plan approved on December 7, 1994 for the Woolery Property. The proposed amendments are as follows: Add churches and schools to the permitted use list, create an additional multi-family land use tract west of Countryview Apartments, and create additional uses for the business park track west of Rockport Road.

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

Floodway The western portion of Parcel A is located in a FEMA floodway known as the West Fork of Clear Creek. The West Fork of Clear Creek runs parallel to Weimer Road and crosses under Tapp road. There are several small man-made ponds within the FEMA floodway. These ponds were constructed for operations related to the Woolery Stone Company. Since these ponds were constructed, some wetlands vegetation has taken root. The Planning Subcommittee recommends that no building occur within the limits of the FEMA floodway. In addition, the Planning Subcommittee recommends that the ponds and their wetlands be preserved.

Environmental Commission Report

BLOOMINGTON PLAN COMMISSION
FINAL STAFF REPORT

Case No:RS/PUD-BA/BL/PCD-64-94
Date: October 31, 1994

Location: 2080 and 2101 Tapp Road, Bloomington, IN 47403

PETITIONER: Name : Woolery Stone Company
Address: P.O. Box 40, Bloomington, IN 47402

COUNSEL: Name : Smith Neubecker & Associates, Inc.
Address: 4625 E. Morningside Drive, P.O. Box 5355, Bloomington, IN 47407

FINAL HEARING DATE: 10-31-94

REQUEST: This is the final hearing for rezone from MQ to RS/PUD, BL/PCD and BA/PCD and outline plan approval of a 170 acre parcel of land located on the city's southwest side. The project incorporates mixed uses including single family residential, multifamily residential, neighborhood serving retail and business centers.

PROPOSAL SUMMARY: This is the site of the Woolery Stone mill and adjacent acreage now used as pasturage. The area is currently zoned MQ and SC. Two branches of Clear Creek run through the site.

This petition features the parcelization of a large tract of land for future development. It was determined at the preliminary hearing that this proposal is largely in compliance with Master Plan objectives for the area.

As an overview, this petition will provide a 70' right-of-way running north and south through the project to link with Adams Street at its Allen Street intersection. This major collector will access the large Sudberry tract to the northwest and several smaller developable parcels to the north. Additionally, streets will be stubbed to Rockport Hills and Southern Pines: two single family developments which link the Woolery project to Rockport Road. Standards for interior roads are described within the petitioner's statement.

Sidewalks will be built on both sides of interior streets. Sidewalks are required on Tapp. The sidewalk requirement for Weimer will be deferred to development plan stage, because of the location of the stream and the need for a less urbanized design than will be appropriate at other locations.

The ten proposed development tracts will feature low density single family on the east side of the site facing developed tracts and blend to higher density towards the west. The existing Woolery Mill site is expected to stay in operation for some time to come.

The neighborhood serving commercial node proposes approximately 100,000 square feet of space. Uses will include service related uses on a scale designed to serve adjacent residential development. Petitioner wishes to retain the frontage on Tapp, because of the uncertain nature of the phasing of this development. Substantial adjacent residential development would

PUD-64-94 Original Staff Report 13

need to occur prior to commercial development to justify its location away from the street.

REPORT

Residential development will average 7 units per acre overall. Petitioner has requested reduced setbacks for the single family and attached units (6′ minimum, 9′ combined sideyard requirements, 20′ front yard,). Front setback from Adams Street will remain at 25′. The petitioner is also requesting a reduced buffer (25′) on the adjacent development.

Because of the multi-use nature of this plan and the elaborate neighborhood linkages incorporated in it, staff encourages flexibility in regards to site design. Staff supports variance on the grounds that this site provides secondary access and pedestrian paths to multiple subdivision and park projects. Tree preservation, cluster development potential and the need to construct street stubs to multiple sites also support the granting of this variance.

bike and pedestrian paths
The petitioner will either incorporate a 5′ bicycle lane into the right-of-way for the Adams Street extension or will provide additional easement. The petitioner has met with the Parks Department and agrees to provide a bicycle/pedestrian path to Thomson Park which can be used by service vehicles. In addition the petitioner is willing to work with Parks to create another path following the creek next to Weimer Road. Implementation of this path will be linked to construction on the Woolery Mill site, expected to be one of the final phases to develop. Plans for this path, which will link the proposed quarry parks to the south with Wapahani and Twin Lakes, will be determined at development plan stage.

Weimer Road widening
Staff has requested that the petitioner dedicate 50′ of ROW along Weimer as they will on Tapp. The petitioner has agreed to comply. Weimer will be upgraded to an arterial street in the new thoroughfare plan.

Firestation
Petitioner will not be required to reserve land for this purpose. Other sites are more appropriate.

ISSUES

Tree preservation: Before accepting any development plan request, staff will require that trees be spotted.

Retail uses in the Business Park: The petitioner has removed retail uses from the business park, located south of Tapp. They request

that the sit-down restaurant, branch bank, day care and business service uses be retained. Of these, staff has some reservations about traffic levels associated with a restaurant. This should be discussed at the hearing.

Access to the Business Park: The entrance to the business park area has been modified to be in line with the Adams Street collector which runs through the residential development to the north. It will also be located adjacent to the undeveloped Hoadley property to the west and may provide secondary access to it. This plan avoids road construction in the area of the sinkhole. The petitioner may request an additional drive cut to Tapp to provide access to a single lot. This will be resolved at development plan stage.

RECOMMENDATIONS AND COMMENTS:
Staff recommends approval of RS/PUD-BA/BL/PCD-64-94 with the following conditions:
1. 50′ right-of-way dedication on Weimer.
2. Because of the environmental sensitivity of parcel A, the sidewalk requirement on Weimer, the proposed pedestrian/bicycle path and the location of any accesses will be deferred to development plan approval.
3. That all sinkholes be located prior to development plan stage and that the petitioners submit information about depth-to-bedrock on the site.
4. Primary access to the Business Park is to be aligned with the Adams Street collector on the west side of this phase. Additional accesses to this site shall be determined at development.
5. Setback and buffer variances as requested.

Bledsoe Tapp & Co., Inc.

-Quality Land Surveying and Design Services-

BEN E. BLEDSOE, L.S.
PHILIP O. TAPP, L.S.
359 Landmark Avenue
Bloomington, IN 47404
(812)336-8277
(812)384-1114
FAX: (812)336-0817

January 25, 1996

Toni McClure
City of Bloomington Planning Department
401 N. Morton Street
P.O. Box 100
Bloomington, IN 47402-0100

RE: Woolery Farm, Outline Plan Amendment

Dear Toni & Plan Commission:

On behalf of our petitioners, Mr. Robert Shaw and Mr. Ron Rubeck, we respectfully request consideration of several amendments to the above referenced PUD, Case No. RS/PUD-BA/BL/PCD-64.94.

They have optioned the entire Woolery property, except for Parcel I. They have reviewed the existing requirements of the original Outline Plan and familiarized themselves with its goals and how it interfaces with the surrounding properties adjacent to the Woolery property.

The original Outline Plan is very complete and is a good start for the planning of how the Woolery property will develop. However, with all plans, there are changes that can be made when implementation proceeds to better achieve the original goals and accommodate changes that occur on surrounding properties and the ever changing needs of the community.

The following proposed changes maintain the integrity of the original Outline Plan, as well as the Growth Policies Plan.

Note: Items with an * have [illegible] from the proposal. Initial, Petitioners.

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WOOLERY STONE/TAPP ROAD/PUD-BA/PCD-BL/PCD AND CL/PCD
AMENDED OUTLINE PLAN STATEMENT
JANUARY 24, 1996

AMEND THE RS/PUD AS FOLLOWS:

- Reduce Parcel A to 9 acres of multi-family residential at 15 units/acre for a maximum number of 135 units.

- Add Parcel L next to Country View Apartments for a medium density multi-family residential development.
  Parcel L is 4.9 acres to develop at a maximum density of 10 units/acre for a maximum number of 49 units.

  The purpose of Parcel L is to transition the high density existing Country View Apartments to the proposed single-family Parcels G and H.

- Reduce Parcel G to 18.8 acres and leave the density at 4 units/acre for a maximum number of 75 units.

- Reduce Parcel H to 24.35 acres and leave the density at 4 units/acre for a maximum number of 98 units.

- Add the following uses to Parcels A,B,C and D:
  - Churches
  - Schools (Elementary, Middle and High)

- All other components of the original RS/PUD to remain the same.

AMEND THE BL/PCD BUSINESS PARK AS FOLLOWS:

- Add the following uses under support services:
  - Office supply
  - Sit-down restaurant not to exceed 5000 square feet (no drive-thru)
  - Golf driving range

- All other components of the original BL/PCD to remain the same.

AMEND THE BA/PCD COMMERCIAL SHOPPING CENTER:

- Add Parcel N containing 5 acres. Parcel N is located on the Northeast corner of Weimer and Tapp Roads.

- All other components of the original BA/PCD to remain the same.

ADD CL/PCD COMMERCIAL SERVICES/RETAIL CENTER:

- The Commercial Services/Retail Center (Parcel M) is located on the Western portion of the property next to Weimer Road. This location will serve as a buffer to Residential from the Industrial zoned ground West of Weimer Road. This

location will serve the proposed Woolery neighborhood by both pedestrian and vehicular traffic without crossing Tapp Road. The proposed services/retail uses will fit with the needs of the developing neighborhoods in this area. Proposed land uses include:

- bed and breakfast
- personal services
- day care centers
- residential care homes
- dwelling units above home occupations
- social services rooming/lodging home
- offices
- retail sales (limited to 5000 square feet)
  arts and crafts; gift shop; drug stores; hardware; florist shops; jewelry and food sales
- parks and playgrounds
- schools (elementary, middle and high)

The following amendments to the plan reduce the number of residential units from 1166 to 963 and increase the amount of commercial development from 13.5 acres to 29.1 acres.

Woolery Farm
Outline Plan Amendment
January 25, 1996

Commitments to traffic mitigation, site drainage, utilities, common open space, pedestrian circulation and environmental sensitivity remain as per the original Outline Plan.

Included with this application letter are the following:

- application form
- application fee
- Amended Outline Plan Drawing

Proof of legal notifications and certified mailings will be provided prior to the hearing.

Please contact our office if you require any further clarification regarding this petition.

Sincerely,

Philip O. Tapp, L.S.
Bledsoe Tapp & Co., Inc.

cc: Bob Shaw
File #0848 Management

Bledsoe Tapp & Co., Inc.

-Quality Land Surveying and Design Services-

BEN E. BLEDSOE, L.S.
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FAX: (812)336-0817

March 8, 1996

Toni McClure
Planning Department
City of Bloomington
401 N. Morton Street
P.O. Box 100
Bloomington, IN 47402

RE: Woolery Farm, Outline Plan Amendment

Dear Toni & Plan Commission:

This letter is to clarify some modifications to the Outline Plan Amendment submitted to you January 25, 1996. We would like to make the following clarifications to our original proposal.

Remove parcels "M" and "N" (BA/PCD and CL/PCD) from our request and let that area revert back to its originally approved multi-family use as Parcel "A". Parcel "A" would then go back to its original size of 24.6 acres containing 369 maximum units (15 units/acre).

All other items of the original amendment request are to remain the same.

Enclosed are revised Outline Plan exhibits.

Please contact our office if you require any further clarification.

Please place this on your March 25, 1996 Plan Commission agenda for discussion.

Sincerely,

Philip O. Tapp, L.S.
Bledsoe Tapp & Co., Inc.

cc: Bob Shaw
Ron Ruebeck
File #0848

Enclosures

Revised, Petitioners 1

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EXCERPT FROM NOVEMBER 9, 1994 MEMO TO COUNCIL
Re: WOOLERY STONE COMPANY/TAPP ROAD

Ord 94 -51 would rezone 170 acres of the Woolery Stone Mill property on Tapp Road (currently MQ) to allow for almost 1200 mixed density, residential units (RS/PUD - 129 acres), a commercial node (BA/PCD -13.5 acres), and an office park (BL/PCD - 23 acres). This site is surrounded by undeveloped single family residential (RS) and quarry (MQ) land on the north, a low density residential neighborhood (RS/PUD, and RL) that we recently annexed near Thomson Park on the east, quarry (MQ) and light manufacturing (ML/PCD) land on the south, and light industrial (ML/PCD) land on the westside of Weimer Road.

The Growth Policies Plan discusses this site in the Tapp and Weimer Road "critical subareas" (see packet). It envisions a small commercial node on Tapp Road with low density residential on the north and medium density residential on the south of Tapp Road and a quarry park further south. These new neighborhoods were to be well planned developments with diverse housing types and mixed densities and an integrated system of pedestrian and bicycle paths. The public investment in the area called for improvements on Tapp Road, acquisition of Thomson Park, and development of a new east/west collector street north of Tapp Road. The overall densities were projected at 4 to 5 units per acre.

Given that the 23 acre business park south of Tapp Road is next to an operating quarry, the staff and Commission did not feel tied to the multifamily use suggested in the Growth Policies Plan. It will have as much as 130,000 sf of floor area available for churches, institutions, offices, and research facilities, and a small list of support services that were reduced by the Plan Commission to branch banks, business services and day care.

The 3.5 acre commercial node on Tapp Road will have a maximum floor area of 100,000 sf (see Petitioner's 10/25 statement) and according to the staff materials, is intended to serve the nearby neighborhoods. The long list of retail uses includes taverns and stores selling appliances, clothes, candy, groceries and meat, gifts, and, among other products, sporting goods.

The 1199 residential units are on the north of Tapp Road and are divided into multifamily tracts on the west and single family on east (next to existing neighborhoods). According to the petitioner's Table 1, "Land Use and Density Summary", these residential properties have the following density and acreage: 50 acres of high density multifamily (15 DUA), 13 acres of medium density multifamily (10 DUA), 18 acres of high density single family (5 DUA), and 48 acres of medium density single family (4 DUA). In order to accommodate these densities, the petitioner is seeking a waiver of the setback requirements, so that the front and rear yard would have a minimum of 20 feet in length and the side yard would have a minimum of 6 and an aggregate of no more than 15'.

The proposed road network offers two significant benefits to the community as a whole. First it offers an extension of Adams Street (with a 70' ROW) that would eventually provide another north/south route on the west side of Bloomington. Second, it offers a number of bike and pedestrian paths including one on Adams (with an additional 5' easement), one to Thomson Park, and another to be part of a latter phase that would follow the creek on Weimer Road.

Otherwise, the outline of the road network shows the Adams Street Extension as the spine of the project where on the north of Tapp Road one road intersects from the west and another makes a loop on the east with two branches joining adjacent roadways. On the south of Tapp Road, two other roads break off from this spine to serve the business office park. And, the commercial node is served off Tapp and an internal road. The dedication of right-of-way on Tapp will be 50' and the one for Weimer will be 30'. And, all internal roads, except cul-de-sacs, will have a 60' right-of-way and be built to full 31' city standards. There will also be sidewalks on the perimeter streets and on both sides of internal streets.

The Environmental Commission Report says there are "great opportunities for tree preservation" and it recommends that the petitioner identify and design around these tree concentrations before development plans are submitted to the staff. Careful drawing of lot lines and use of setback variances, retaining walls and open space would help preserve these trees. There is an urban floodway along Weimer Road with numerous ponds and wetland habitats that occasionally flood and there is an intermittent stream in the center of the property that is designated as a special conservancy district. One large sinkhole in Tract J and a series of others in the northern portion of Tract H should all be located before submission of the development plan. As always the report recommends a special protocol for the treatment of these sink holes. The staff would also like petitioner to share what information he has (soil borings) regarding depth to bedrock. Matters pertaining to landscaping and erosion control are deferred to plan development stage.

On October 31st the Plan Commission voted 9-0-0 to approve this project with six conditions of approval. These conditions would waive the setback and buffer requirements; dedicate 50' of right-of-way on Weimer Road; put primary access to business park onto Adams Street extention with secondary ones determined at a later point; delete restaurant as an allowed use in the commercial node; require petitioner to identify sinkholes prior to development stage and share depth to bedrock information.

MEMO

TO: Common Council
FROM: Planning Department
Date: November 2, 1994
Case #: RS/PUD/BA/BL/PCD-64-94
Location: 2080 and 2101 Tapp Road, Bloomington, IN 47403
Petitioner: Woolery Stone Company
Counsel: Smith Neubecker & Associates, Inc.

On 10-31-94 the Bloomington Plan Commission approved a request for a rezone from MQ to RS/PUD, BL/PCD, and BA/PCD, and outline plan approval of a 170 acre parcel of land located on the city's southwest side. The project incorporates mixed uses including single family residential, multi-family residential, neighborhood serving retail, and business centers. This is the site of the Woolery Stone Mill and adjacent acreage now used as pasturage. The area is currently zoned MQ and two branches of Clear Creek run through the site.

This petition will provide a 70' right-of-way running north and south through the project to link with Adams Street at its Allen Street intersection. This major collector will access the large Sudberry tract to the northwest and several smaller developable parcels to the north. Additionally, through streets will be provided for Rockport Hills and Southern Pines; two single family developments which link the project to Rockport Road. Standards for interior roads are described within the petitioner's statement. The petitioner will dedicate 50' of R.O.W. along Weimer as they will on Tapp. Weimer will be upgraded to an arterial street in the new thoroughfare plan.

The entrance to the business park area will be constructed in line with the Adams Street collector which runs through the residential development to the north. It will also be located adjacent to the undeveloped Hoadley property to the west and may provide secondary access to that property. This plan avoids road construction in the area of the sinkhole.

The petitioner proposes three bicycle paths:

1) The petitioner will either incorporate a 5' bicycle lane into the right-of-way for the Adams Street extension or will provide additional easement.

2) The petitioner has met with the Parks Department and agrees to provide a bicycle/pedestrian path to the Thomson Park which can be used by service vehicles.

3) The petitioner is willing to work with Parks to create another path following the creek next to Weimer Road. Implementation of this path will be linked to construction on the Woolery Mill site, expected to be one of the final phases to develop. Plans for this path, which will link the proposed quarry parks to the south with Wapahani and Twin Lakes, will be determined at development plan stage.

Original Council Memo

The 10 proposed development tracts will feature low density single family on the east side of the site facing developed tracts and blend to higher density towards the west. The existing Woolery Mill site is expected to stay in operation for some time to come. The neighborhood serving commercial node proposed approximately 100,000 s.f. of space. Uses will include service related uses on a scale designed to serve adjacent residential development. **Please refer to the list of uses in the petitioner's statement.**

Residential development will average seven units per acre overall. Petitioner was granted reduced setbacks for the single family and attached units (6' minimum, 9' combined side yard requirements, 20' front yard). The setback from Adams Street will remain at 25'. The petitioner was also granted a reduced buffer (25') on the adjacent development to the east, since the buffer would separate similar uses.

The proposed development is in close compliance with the Master Plan. The housing components and densities are as recommended in the plan. The retail area is somewhat larger than the plan's specifications, in consideration of Weimer Road's projected status as a thoroughfare and the potential for some spin-off demand from the nearby medical complex. The shopping site represents a good opportunity to achieve the plans goal of shopping in proximity to residential areas without the conflicts attendant to such zoning in developed areas. The plan shows multi-family south of Tapp Rd. between Rockport and the quarry. The petitioner preferred not to put residential adjacent to an operating quarry. Staff and Commission agreed; the multi-family in this location did not reflect any significant plan goal and the office park was viewed as a useful substitute. Churches and institutions are among the permitted uses as staff's instigation, because certain such uses have found site selection difficult recently. The Commission pared all of the retail uses out of the office park component.

BL/PCD Business Park

Twenty-three acres of this development are proposed as BL/PCD Business Park to open the market for Corporate Employment Centers and other business employers. The 23 acre site will support about 130,000 square feet of professional office space. This project could be a planned business campus with grouped structures, or several buildings each with separate ownership. The development plan will provide the details of the proposal and may come in the form of a subdivision to allow sale of lots for office building construction.

The project is located next to an operating quarry, therefore business will supply the safest land use alternative to multi-family uses.

The scope and scale of the project requires multi-accesses to both Tapp Road and Rockport Road. The proposed land uses are intended to fit into the Corporate Employment Center goal and to take advantage of this strategic location relative to State Road 37. The proposed land uses include:

Parcel J Land Uses

- Churches
- Institutions
- Offices: Corporate, Professional, and Medical
- Research Facilities and Laboratories
- Support Services not to exceed a total of 10,000 square feet, these uses could include:

Branch Bank	~~Drug Store~~
Business Services	~~Funeral Services~~
~~Convenience Shopping~~	~~Gift Shop~~
Day Care	~~Sit-down Restaurant~~

BA/PCD Commercial Shopping Center

Parcel I Land Uses

The commercial site for this project is proposed on the northeast corner of Weimer and Tapp Roads. This location will effectively serve the surrounding neighborhoods and specifically residential neighborhoods to the north by both pedestrian and vehicular traffic without crossing Tapp Road. The proposed commercial uses will fit with the needs of the surrounding neighborhoods and businesses. The proposed land uses include:

Antiques	Candy/Confectionery	Jewelry
Apparel	Dairy Products	Liquor
Appliances	Drug Store	Pet Shop
Art/Craft	Dry Cleaning	Printing/Copy Service
Bakery	Florist Shop	Restaurants
Banks	Gasoline Service Station	Sporting Goods
Bicycle Shop	Gift Shop	Taverns
Books	Grocery & Meats	Variety Store
Business Services		

List of Uses

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
Steven K. Emery
John K. Hanson
Lance W. Wonderlin
Angela F. Parker
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47402-2639

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812 331-4511
Facsimile

June 19, 1996

James Sherman
President, City Planning Commission
401 N. Morton Street
Showers Building
Bloomington, Indiana 47404

Re: Woolerly PUD Modification, PUD 64-94
Our File No.: 13213-6

Dear Mr. Sherman:

Please withdraw the above-referenced matter from the City Council agenda for Wednesday, June 19, 1996. I understand, as does my client, Westward Ho, LLC, that by withdrawing this matter from the agenda at the Council, that any modification to PUD 64-94 will require approval by the Plan Commission followed by approval from the Common Council.

Thank you for your consideration in this matter.

Sincerely,

Steven K. Emery

Steven K. Emery

SKE:jht
cc: Ron Rubeck
John West
Bob Shaw
/22181

Andrews
Harrell
Mann
Chapman
&
Coyne
P.C.

William H. Andrews
Harold A. Harrell
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June 27, 1996

Jim Sherman
President, City of Bloomington
Planning Commission
401 N. Morton
Bloomington, IN 47404

Re: PUD 64-94
Our File No.: 13213-6

Dear Mr. Sherman:

My client, Westward Ho, LLC, has had a change of plans with regard to the PUD modification approved by the Plan Commission on April 15, 1996, which among other things, allows a golf driving range and church use in the business park section of the Woolery Farm PUD.

Please reinstate this matter on the agenda of the City of Bloomington Common Council for consideration prior to the 90-day deadline which, by my calculation, would run on July 21, 1996.

Thank you for your consideration in this matter.

Sincerely,

Steven K. Emery

SKE:jht
cc: Dan Sherman
Tom Micuda
/22735