Passed 8-0

ORDINANCE 92 - 18
To Amend the Bloomington Zoning Maps to Designate PUD, and Outline Plan Approval
Re: 1420 and 1430 S. Curry Pike
(Hutchcraft)

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-18-92, and recommended that the petitioner, Hutchcraft, be granted an amendment to the Bloomington zoning maps to PUD designation, and outline plan approval and request that the Common Council consider their petition for PUD designation and outline plan approval of certain property.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Through the authority of IC 36-7-4 and pursuant to Chapter 20.13 of the Bloomington Municipal Code, that an outline plan be approved and that the property described below be designated a Planned Unit Development.

A part of the Southwest quarter of Section One (1), Township Eight (8) North, Range Two (2) West, in Monroe County, Indiana, bounded as follows, to-wit: Beginning at a point in the center of the pike road on or near the quarter section line running South from the center of said section Six Hundred (600.0) feet North of the South line of said Section One (1); thence running West One Thousand Two Hundred Eighty-seven (1,287.0) feet; thence running North One Hundred Fifty (150.0) feet; thence running East One Thousand Two Hundred Eighty-seven (1,287.0) feet, to the center of said pike road and to a point Seven Hundred Fifty (750.0) feet North of the South line of said Section One (1), thence South on the center line of said pike road One Hundred Fifty (150.0) feet, to the place of beginning.

A part of the Southwest quarter of Section One (1) Township Eight (8), North, Range Two (2) West in Monroe County, Indiana, bounded as follows, to wit: Beginning at a point in the center of the pike road on or near the quarter section line running South from the center of said Section Seven Hundred Fifty (750) feet North of South line of said Section One (1), Thence West One Thousand Two Hundred Eighty-seven (1,287) feet, thence North One Hundred Twenty and Seventy-six Hundredths (120.76) feet, thence East one Thousand Two Hundred Eighty-seven (1,287) feet, thence South One Hundred Twenty and Seventy-six Hundredths (120.76) feet and to the place of beginning.

SECTION II. The Outline Plan shall be attached hereto and made a part thereof.

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 June, 1992.

Pam Service, PRESIDENT
Bloomington Common Council

ATTEST:

Patricia Williams, CLERK
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 18 day of June, 1992.

Patricia Williams, CLERK
City of Bloomington

SIGNED and APPROVED by me upon this 18th day of June, 1992.

Tomilea Allison, MAYOR
City of Bloomington

SYNOPSIS

This involves a request or PUD designation and outline plan approval for 48 rowhouse units on approximately 7 acres on Curry Pike south of Curry Court.

Signed copies to:
Planning
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 92-18 is a true and complete copy of Plan Commission Case Number RL/PUD-18-92 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 May 18, 1992.

Date: May 19, 1992

Timothy A. Mueller
Planning Director

Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 19th day of May, 1992,

Patricia Williams
Patricia Williams, City Clerk

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

Type of Legislation:

Appropriation
Budget Transfer
Salary Change
Zoning Change
New Fees

End of Program
New Program
Bonding
Investments
Annexation

Penal Ordinance
Grant Approval
Administrative Change
Short-Term Borrowing
Other_____

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

Cause of Request:

Planned Expenditure_____
Unforseen Need _____

Emergency_____
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.)

ORD 92-18

Bloomington Plan Commission

Case #RL/PUD-18-92

Hutchcraft
1420 & 1430 S. Curry Pike

May 18, 1992

Request for PUD designation from RS to RS/PUD and outline plan approval for 48 rowhouse units on approximately 7 acres of land located on Curry Pike south of Curry Court. The parcel of land includes an area of floodplain on the western portion. This (FP) land is not being proposed to be built upon. The surrounding land uses include single family residences on Curry Court to the north, vacant land immediately to the south and then mobile homes, a mobile home park to the west, and manufacturing to the east across Curry Pike.

The petitioner proposes that the central drive be a private street maintained by a homeowner's association. The individual units will be sold on individual lots, with common walls, as opposed to condominium format in which one purchases only his unit, with the land owned in common.

The central drive ends at the Sinking Creek floodplain, which includes much of the site. This will be maintained by a homeowner's association.

The Plan Commission approved this rezone and outline plan with the following conditions:

1) The road is to be private with a homeowners' association for maintenance.

2) The open space in the flood plain may be dedicated for a park or land reserve. No additional approval would be necessary for this transaction.

3) Grading, tree preservation, and exact location of the floodplain will be required with development plan. The project should be spread out to the limits of the floodway.

4) Roadway will be narrowed to conventional two lanes, with wider bays for additional parking.

5) No more than three unrelated adults or primary family may occupy each residence. These restrictions will be included in the covenants and restrictions for the property.

6) A "tot lot" and a multi-purpose recreational court will be placed on the site.

7) The landscape berm around the perimeter of the property will be staggered to increase the buffering effect of the area.

ORD 92-18
Back Ground

May 12, 1992

TO: Council

FROM: Tim Mueller, Planning

SUBJECT: PCD-39-92 Wal-Mart Stores, Inc.

The Plan Commission approved outline plan amendment on May 11 for this 31 acre site at the southwest corner of SR 37 and SR 45.

The front portion of the site received outline plan approval in 1986 (PCD-64-86). The southern portion was added in 1988 (PCD-65-87). The site was divided into three areas (A, B, C) for purposes of permitted uses. Attached is a copy of the map delineating those areas and a chart showing permitted uses in each area. Area D was required to remain an undisturbed buffer.

This request is for outline plan amendment to permit department/discount stores in Area C. Proposed is construction of a Wal-Mart store and Sam's Club on the site; that proposal is on the June 8 Plan Commission agenda for a development plan approval.

The conditions of Plan Commission approval are listed below: (These elements will be incorporated in development plans which will be reviewed by the Plan Commission after outline plan approval.)

- Extra screening and sound buffering of Wal-Mart activity area.
- Preservation of trees around the south and west, if warranted, to be determined by staff in the field.
- Lighting to be designed to avoid spill over to adjacent property - to be reviewed with development plan.
- Outline plan revision is specific to this proposal and includes landscaped south building setback without vehicular service drives, and orientation of Sam's Club loading as proposed (on south end of building).
- With the above conditions included, this outline plan revisions supersedes previous outline plan, and does not constitute approval of the entire plan as submitted. All other plan specifics are issues for development plan consideration.
- Consider neighbors concerns: second entrance, fencing, etc.
- Continue working with neighbors in development plan review.
- The petitioner and staff work with the Environmental Commission to try and work out the concerns they have.