1st: 6/6
COMMITTEE: 6/13 6-0
FINAL: 6/20 6-0

ORDINANCE 90 - 25
To Amend the Outline Plan
Re: 4373 W. Gifford Road (Gary Walls)

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-38-90, and recommended that the petitioner, Gary Walls, be granted an amendment to the outline plan and request that the Common Council consider his petition for outline plan amendment on 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 amendment be approved for 4373 W. Gifford Road. The property is further described as follows:

A part of the Southwest quarter of Section 1, Township 8 North, Range 2 West, Van Buren Township, Monroe County, Indiana, more particularly described as follows:

Commencing at the point of intersection of the center line of Gifford Road and the North right-of-way line of the Illinois Central Railroad, said point being approximately 136.82 feet North of the Southwest corner of the Southwest quarter of said section; thence North 00 degrees 46 minutes 52 seconds East along the center line of Gifford Road 982.00 feet to the intersection of Gifford Road to the East; thence North 90 degrees 00 minutes 00 seconds East along Gifford Road 243.00 feet to a P.K. nail and to the point of beginning; thence continuing North 90 degrees 00 minutes 00 seconds East along Gifford Road 306.00 feet to a P.K. nail; thence South 00 degrees 31 minutes 49 seconds West 607.67 feet to a 5/8 inch diameter rebar and to the Northwest right-of-way line of the Illinois Central Railroad; thence South 55 degrees 47 minutes 32 seconds West along said right-of-way 366.88 feet to a wooden fence corner post; thence North 00 degrees 12 minutes 49 seconds East 813.91 feet to the point of beginning, containing 4.96 acres, more or less.

SECTION II. The Outline Plan Amendment, as recommended by the Plan Commission, shall be attached hereto and made a part hereof.

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 20 day of June, 1990.

Iris Kiesling
Iris Kiesling, President
Common Council

ATTEST:

Patricia Williams
Patricia Williams, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21 day of June, 1990.

Patricia Williams

Patricia Williams, City Clerk

SIGNED and APPROVED by me upon this 22 day of June, 1990.

Tomilea Allison

Tomilea Allison, Mayor
City of Bloomington

SYNOPSIS

This amendment to the outline plan allows for duplexes in lieu of 15 single-family lots for property located at 4373 W. Gifford Road. The original outline plan approved in 1987 was for 60 condominium units. An amendment was approved in 1988 to change to the single-family format with 15 lots.

Signed copies
Petitioner
Planning

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 90-25 is a true and complete copy of Plan Commission Case Number RS/PUD-38-90 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and ____ Abstentions by the Bloomington City Plan Commission at a public hearing held on ,

Date: May 24, 1990 ,

Timothy A. Mueller
Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 24th day of MAY, 1990.

Patricia Williams, City Clerk
JIM McNAMARA DEPUTY

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 XX

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)

Zabriskie queried whether the 5 acres could be used as collateral for a bank loan instead of an escrow account with the city. Francis noted that this may be possible. Zabriskie queried the 50 ft. right-of-way requirement. Mueller noted that he did not believe that the situation is at a complete impasse since there are many city streets and county roads which do not have 50 ft. right-of-way.

No remonstrators were present.

***Joe Hoffman moved; Rick Zabriskie seconded that PCD-35-90, Tom Bartlett, be continued to June 11, 1990 and that PCD-37-90, Don Francis, be forwarded to June 11, 1990 for second hearing. Carried 9-0.

The question of whether to proceed with rescinding Francis's PCD was discussed. Staff recommended that any rescinding action be delayed at least until the June 11, 1990 meeting. Commission concurred.

RL/PUD-38-90 Gary Walls
Hickory Grove, 4373 W. Gifford Road
Request for outline plan revision

Chris Spiek reported. Requested is amendment to an approved outline plan and development plan approval with waiver of second hearing for five acres of land located at 4373 W. Gifford Road. An outline plan was approved in 1987 for 60 condominium units on the five acres. The plan was amended in 1988 to a 15 single-family lot format. The petitioner now proposes to amend the outline plan and development plan to allow duplexes to be constructed on the site. All infrastructure (with the exception of sidewalks) and utilities are in place and the lots would remain the same with duplexes being constructed instead of single-family homes. Sidewalks are partially constructed internally and are also required along the Gifford Road frontage. Petitioner is aware of the sidewalk requirement and will make assurance of its completion. Currently two lots have been sold: one lot has an owner-occupied house and the other has no construction as yet. A third lot has a spec house on it which is still owned by the developer. Staff is not opposed to the concept of the change from single-family to duplexes. Surrounding land uses are predominantly multi-family. There are apartments to the north and east and a mobile home park under construction to the south. The property to the west is zoned RL but is currently used for single-family homes. The original PUD allowed for up to 60 units. The current proposal would allow for a maximum of 30 units if the existing single-family houses are converted to duplexes. One concern, however, is protecting the interests of the two owners who purchased lots when the property was platted as single-family lots. Staff has sent letters to both owners and petitioner has spoken with both owners. Staff

has received a comment from the owner of the undeveloped lot who is not opposed to the duplexes. The owner of the developed lot has not responded. Staff feels that all 15 lots should be included in the development plan in order to allow the current single-family houses to be converted to duplexes if the owners so desire. Staff recommends approval of the revised outline plan and development plan with the stipulation that the three single-family lots be included and waiver of second hearing.

Fernandez queried the responses of the single-family lot owners. Spiek noted that the owner-occupied home owner has not responded, but the undeveloped lot owner was not opposed. Stuebe queried whether the notices had been sent by certified mail to the owners of record. Spiek noted that the letters had not been sent by certified mail. Stuebe was concerned that perhaps the homeowner had not received his notification. [The homeowner in question identified himself as being present at the meeting].

The petitioner Gary Walls was present. Walls noted that the duplexes which he plans to construct are 3-bedroom units and are compatible with the existing houses in the subdivision.

Zabriskie queried the value of the house which is existing and the price of the planned duplexes. Walls did not know the price of the existing house but stated that the duplexes will appraise at $110,000, will be 3-bedroom units with 2200-sq. ft. (1100 ft. each), and will rent for approximately $500/mo..

Larry White, owner of occupied house, stated that he probably would not have bought his lot had he known duplexes were going to be built, but that he believed duplexes would be better than the currently overgrown empty lots. He had no objection to the duplexes. Spiek clarified to White that his lot could be converted to duplexes in the future if he so desired.

***Rick Zabriskie moved; Rod Young seconded approval per staff recommendation of the amended outline plan, development plan contingent on City Council approval of the amended outline plan, and waiver of second hearing.

Weger queried whether landscaping and aesthetic details should be dealt with and whether there will be any drainage impacts with duplexes as opposed to single-family homes. Spiek noted that all infrastructure is in place, but that a condition of approval could delegate approval of landscaping, etc., to staff. Mueller noted that no supplementary landscaping was required with the single-family lots and staff level review of landscaping plans would be a good idea.

***Kerry Weger moved; Tim Mayer seconded an amendment to the approval motion to add the requirement that a landscaping plan be submitted to staff and the requirement for additional grading and

seeding if required by planning and engineering departments. Carried 9-0.

***Vote on motion for approval as amended. Carried 9-0.

Tim Mayer suggested that notices which are sent to homeowners by the Planning Dept. be sent by certified mail.

DP-39-90 Stephen Huse
2620 N. Walnut Street
Request for preliminary and final plat for 4-lot subdivision

John Farris reported. Requested is preliminary and final plat approval for a 4-lot subdivision on 6.97 acres located at 2620 N. Walnut Street. Surrounding uses are predominantly RS and commercial. This site is in a BA (business arterial) zone and is referred to as Executive Park North. The existing Noble Romans, Inc., would occupy lot 4 (4.60 acres of the subdivision). Lot 1 (.65 acres), lot 2 (1.20 acres), and lot 3 (.52 acres) would be available for new commercial development. Access to the site would be via existing ingress/egress from Old S.R. 37. Dedication of 50 ft. right-of-way from centerline will be required. Sidewalk along street frontage is required. Sewer and water are available. 10-ft. and 15-ft. utility easements will be required. A paved ditch on the west side of lot 1 will be required to improve storm water drainage. Preservation of trees and existing features are to be indicated on grading plans. Staff recommends approval with waiver of second hearing.

Fernandez queried restrictions in BA zone. Spiek noted that BA is a permissive zoning and each lot will be governed by individual building permits. Hoffman queried traffic generation and street improvements. Spiek noted that improvements to entrance could be required with building permits if warranted. Spiek stated that the Commission is not losing any control since permitted uses will be the same, with the subdivision simply allowing the lots to be sold. Stuebe queried whether there is any way to require individual Plan Commission approvals. Spiek noted that it is not in the authority of the Commission to do so.

Tom Halstead, Smith-Quillman, was present representing the petitioner, Stephen Huse. Halstead stated that there are two current accesses in use. The majority of the property is currently asphalt, with the exception of lot 2 which is a grassy area bounded by a wooded area. Noble Romans, Inc., occupies lot 4 and utilizes about 1/10th of the parking on lot 4. The topography of lot 1 is very sloping. The intent is to sell that lot for an office building or to build an office building and lease it. There is currently a 50-ft. from center of S.R. 37 right-of-way dedication.

90-25

BLOOMINGTON PLAN COMMISSION MAY 21, 1990
STAFF REPORT RL/PUD-38-90
4373 GIFFORD RD.
GARY WALLS

Requested is ammendment to the approved outline plan and development plan approval, with waiver of second hearing, for the property at 4373 Gifford Rd. The five acre site recieved both outline and development plan approval for a 15 lot single family subdivision in 1988. The original outline plan approved in 1987 called for 60 condominium units on the five acres. This plan was ammended in 88 to the single family format. The petitioner now proposes to again ammend the outline and development plans to allow duplexes to be constructed on the site.

The property already has infrastructure in place. A public cul-de-sac and utilities to serve the 15 platted lots exist. Sidewalk was required on both sides of the street and along Gifford. The required walks are only partially installed. There are currently two lots in the subdivision that have been sold. An owner occupied house with sidewalk has been constructed on one lot, one lot is vacant. A third lot has a spec house constructed on it, however it has not been sold and is owned by the original developer of the property.

In concept Staff is not opposed to the change in the format from single family to duplexes. The site was originally zoned RL and a PUD for up to 60 units was approved. The current proposal would allow for a maximum of 30 units if the existing single family houses were converted to duplexes. If not there would be a maximum of 28 units. Surrounding land uses are predominately multi-family. There are apartments to the north and east and a mobile home park under construction to the south across the railroad tracks which border this property. To the west the property is zoned RL but currently is used for single family homes.

However Staff is also sensitive to any concerns of the owners who have purchased lots and constructed single family homes in this subdivision. Staff is in the process of contacting the owners of the lots to obtain their input. Report on the results of this contact will be presented at the hearing. Initial Staff thoughts would be to include the two sold lots as well as the spec house in the petition thereby allowing them to be used for duplexes.

Staff is witholding recommendation pending discussions with property owners of the two sold lots. If issues can be resolved Staff will be prepared to make recommendation at the hearing. Otherwise the case should be scheduled for second hearing.

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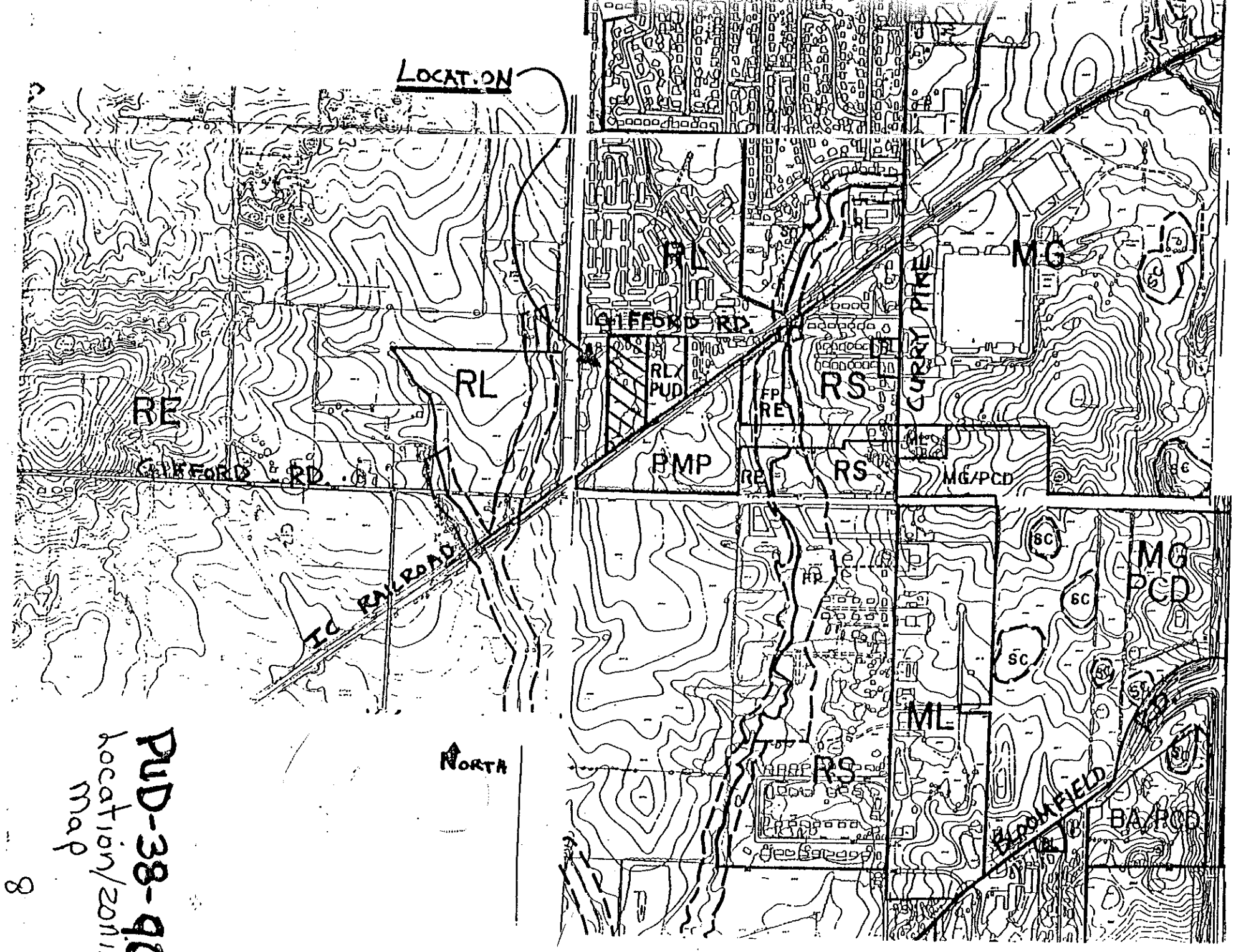
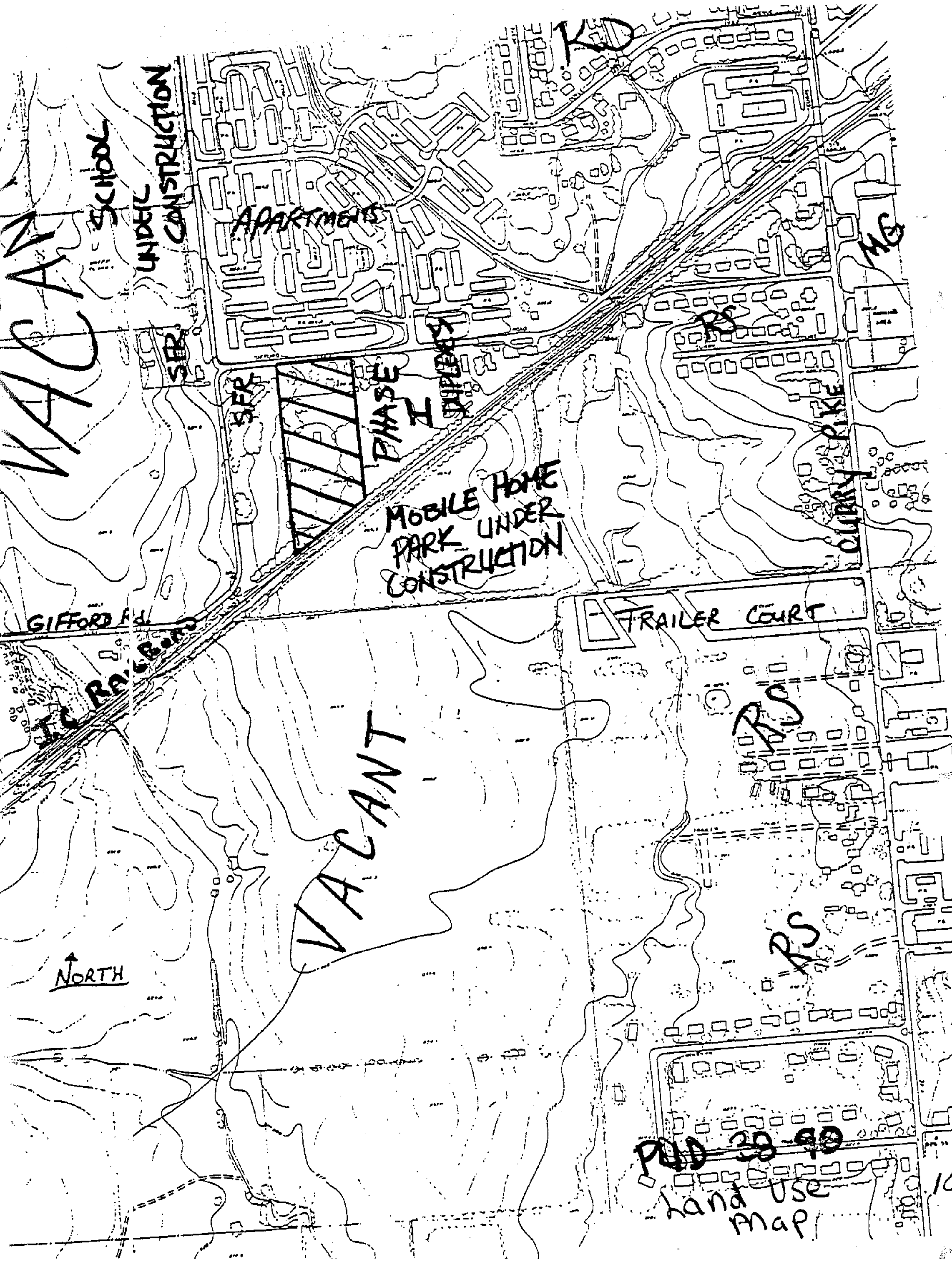
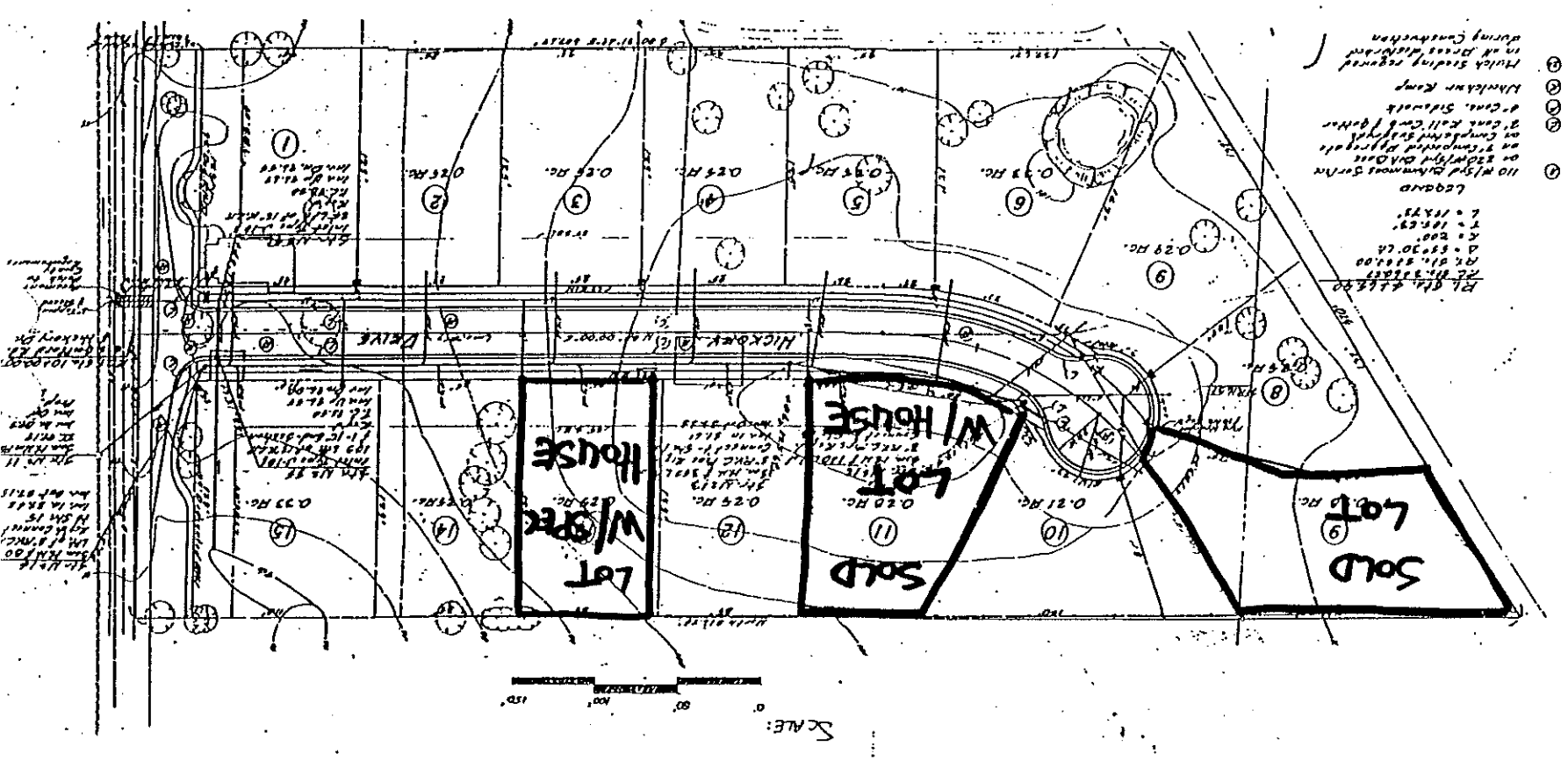


PUD-38-90
Location/Zoning Map

I, GARY D. WALLS WISH TO FILE FOR AN OUTLINE PLAN REVISION TO PUD AT PROPERTY LOCATED ON GIFFORD ROAD, KNOWN AS HICKORY GROVE ESTATES. MY JUSTIFICATION FOR THIS REQUEST IS OTHER MULTI-FAMILY STRUCTURES IN THE IMMEDIATE AREA.

Gary D. Walls

Petitioner's Statement
RL/PUD-38-90


VACANT
SCHOOL UNDER CONSTRUCTION
APARTMENTS
SFR
SFR
PHASE II
DUPLEXES
RD
MG
RS
CURRY PIKE
MOBILE HOME PARK UNDER CONSTRUCTION
GIFFORD Rd.
I.C. RAILROAD
TRAILER COURT
RS
VACANT
RS
NORTH
PUD 38-90
Land Use Map

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Plot Map
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