ORDINANCE 93-49

TO GRANT RS/PUD DESIGNATION AND OUTLINE PLAN APPROVAL
Re: 401 E. Graham Drive
(Wininger Stolberg Group, Petitioners)

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-50-93, and recommended that the petitioners, Wininger Stolberg Group be granted PUD designation and outline plan approval and request that the Common Council consider his 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 and pursuant to Chapter 20.13 of the Bloomington Municipal Code, the property be designated a Planned Unit Development and be approved for an outline plan. The property is located at 401 E. Graham Drive and is further described as follows:

> A part of the northwest quarter of the southeast quarter of Section 9, Township 8 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows: COMMENCING at the northwest corner of the southeast quarter; thence NORTH 89 degrees 27 minutes 29 seconds EAST 944.74 feet along the north line of said quarter quarter section to the Point of Beginning; thence continuing on and along the north line of said quarter quarter section NORTH 89 degrees 27 minutes 29 seconds EAST 380.00 feet to the east line of said quarter quarter section; thence on and along said east line SOUTH 00 degrees 57 minutes 35 seconds EAST 1,325.78 feet to the south line of said quarter quarter section; thence on and along said south line SOUTH 89 degrees 27 minutes 00 seconds WEST 976.50 feet; thence NORTH 41 degrees 22 minutes 22 seconds EAST 389.63 feet; thence NORTH 19 degrees 14 minutes 40 seconds EAST 380.58 feet; thence NORTH 12 degrees 23 minutes 41 seconds EAST 273.27 feet to a non-tangent curve to the left with a radius of 225.00 feet, chord bearing and distance of NORTH 66 degrees 21 minutes 36 seconds WEST 102.69 feet; thence NORTH 10 degrees 26 minutes 56 seconds EAST 75.00 feet, thence NORTH 36 degrees 21 minutes 57 seconds EAST 423.11 feet to the Point of Beginning. Said tract containing 19.77 acres, more or less.

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 3rd day of November, 1993.

Regina Miller

JACK W. HOPKINS, 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 4th day of November, 1993.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 4th day of November, 1993.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance designates this RS zoned 19.77 acre tract of land, located just west of the Bent Tree subdivision, and on the north side of Graham Drive, a planned unit development, and approves an outline plan.

Signed copies to:
Petitioner
Planning
Code Enforcement

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 93-49 is a true and complete copy of Plan Commission Case Number RS/PUD-50-93 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 September 22, 1993.

Date: October 11, 1993

Timothy A. Mueller
Planning Director

Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 12th day of October,

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:

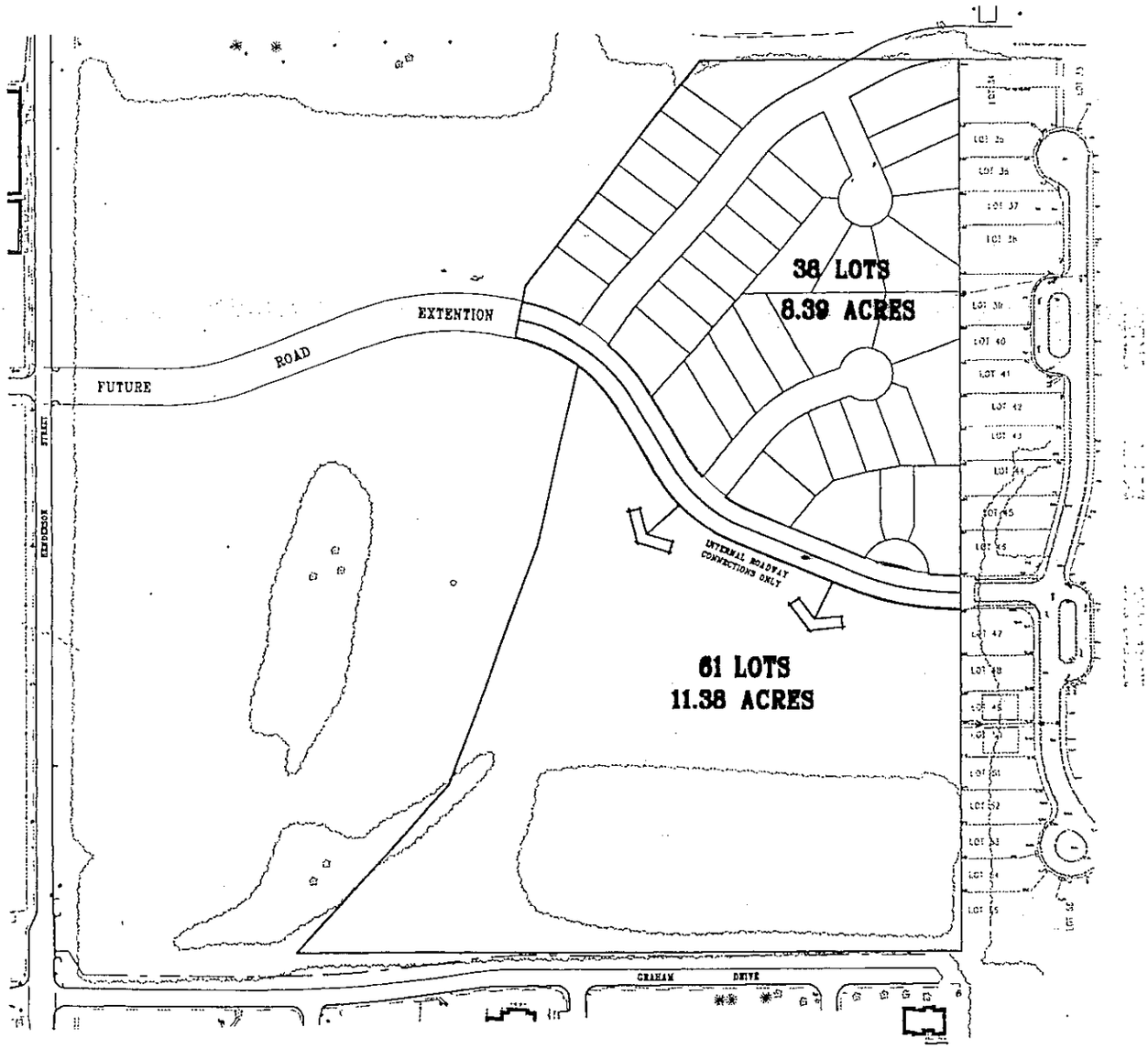
Fund(s) Affected		
Fund Balance as of January 1	$	$
Revenue to Date		
Revenue Expected for Rest of year		
Appropriations to Date		
Unappropriated Balance		
Effect of Proposed Legislation (+/-)		
Projected Balance	$	$

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.)



BENT TREE EXTENTION
PLANNED UNIT DEVELOPMENT

PUD
-50-93
Site Plan

53

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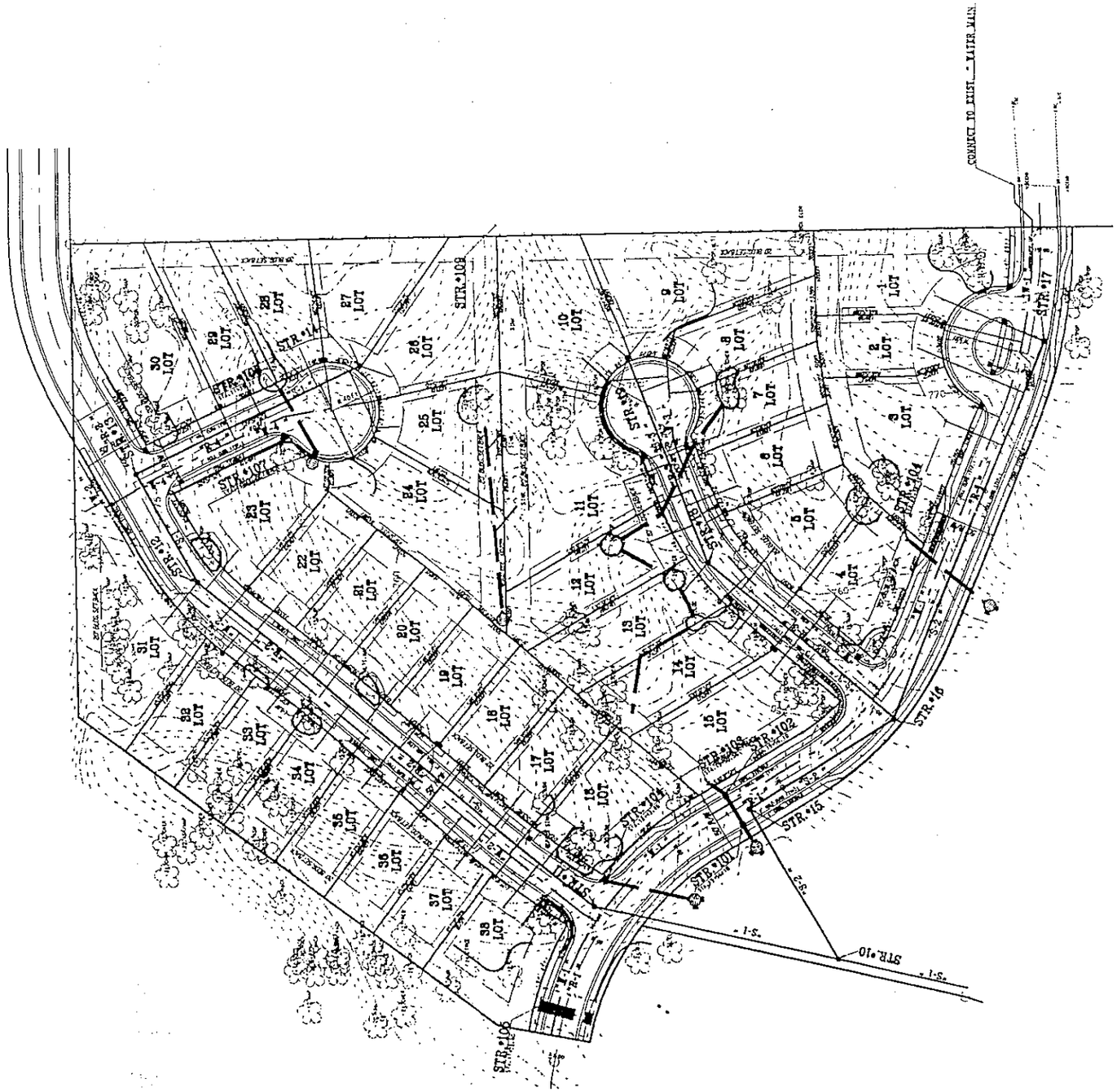

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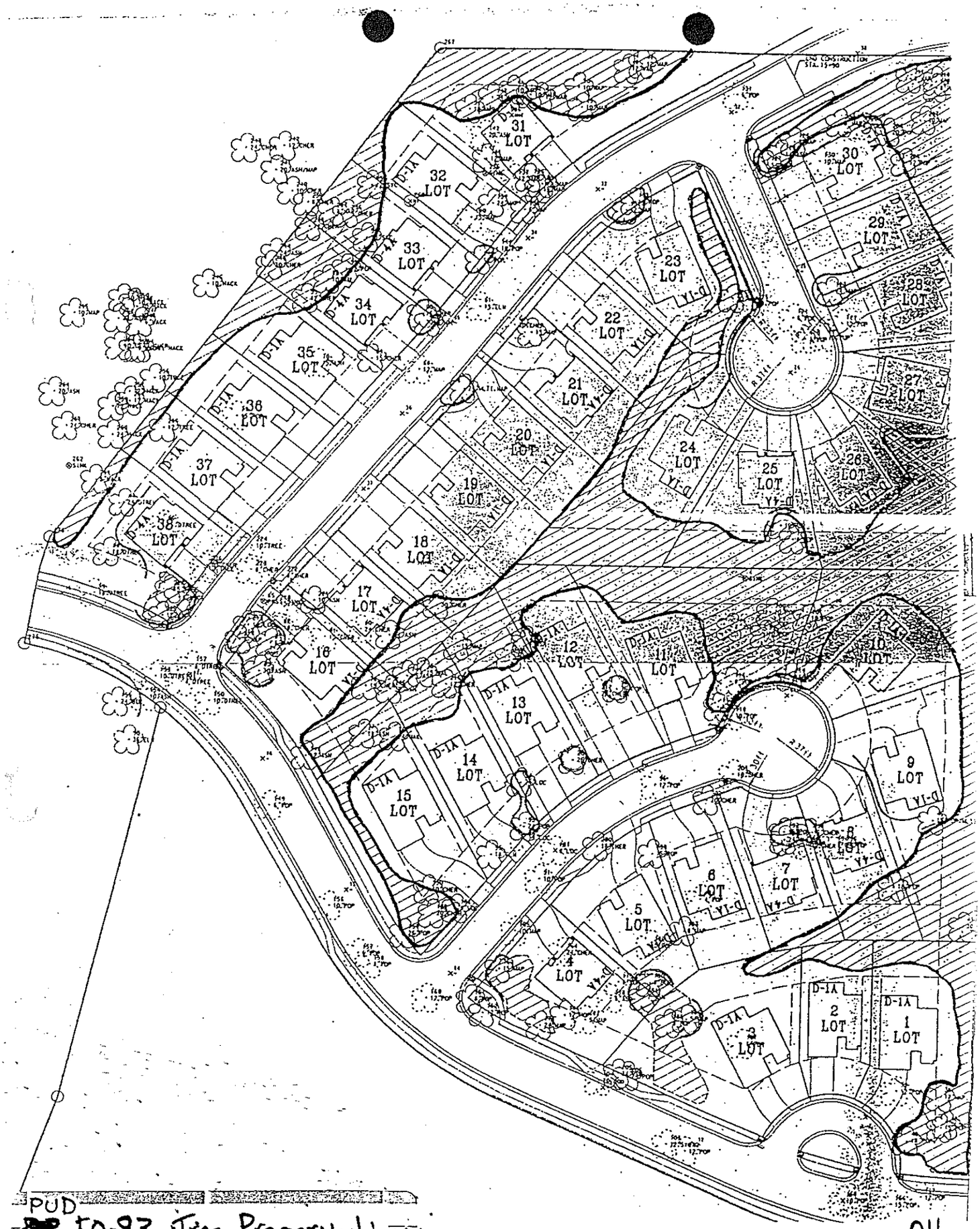

PUD
[redacted]-50-93 Tree Preservation

MEMO TO THE COMMON COUNCIL

LOCATION: 401 E. Graham Dr.
DATE: September 22, 1993
PETITIONER: Wininger Stolberg Group
CASE NUMBER: RS/PUD-50-93

On September 22, 1993 the Bloomington Plan Commission approved a request for PUD designation and outline plan approval for a 19.77 acre parcel located just west of the Bent Tree subdivision and on the north side of Graham Drive. The proposal is split into two phases. The northernmost 8.39 acres will contain 38 single family lots of a similar size to the Bent Tree lots. The southern 11.38 acres is proposed for development at a density of 5.36 units/acre for a total of 61 units. This may be accomplished via small, single family lots or by clustering attached units or a mix of the two. Petitioner wishes to leave that decision open to development plan stage.

The Commission gave preliminary approval of a 31 lot single family plat conforming to the existing RS zoning on the northern 8.39 acres at its August 30 meeting. The purpose of that approval was to allow the petitioner to proceed with infrastructure placement while pursuing this outline plan approval to permit the higher density. That plat includes extensive tree preservation, not only of significant areas to remain undisturbed but also preservation of specimen trees where surrounding grades permitted.

This area is designated Low Density Residential in the Growth Policies Plan. The overall density of 5 units per acre is in compliance with the goals of the Plan for compact urban form on infill parcels. The site is also heavily wooded, which results in a conflict between the Plan's policy of "no net loss of tree cover" and the goal of achieving densities of 5-6 units per acre. Staff feels the petitioner has done a thorough analysis of Phase I and has submitted a plan which works around the trees as much as possible, while still achieving densities as recommended in the plan. This kind of analysis and design can and should occur on Phase II as well.

This proposal was approval with the following conditions:

1. That the road be constructed from the stub at Bent Tree to the western boundary of this PUD with Phase I development plan. That the road be completed from the western boundary of the PUD to Henderson Street prior to Phase II development or within two years of development plan approval of Phase I, whichever comes first.

2. Development plan for each phase will include precise and detailed plans for preservation of existing trees. These plans will include not only which trees are to be preserved, but will also specify the methods to be used to ensure survivability. The trees to be preserved will be as shown on the outline plan, but individual protection measures are subject to development plan review.

3. The decision as to whether Phase II densities will be accomplished with single family lots or clustered attached housing will be left to development plan stage.

4. The right-of-way for the stub road to the west is 50 feet.