

*(Passed 8-1)
Volan*

ORDINANCE 09-01

TO AMEND THE BLOOMINGTON ZONING MAPS TO DESIGNATE 38 ACRES IN THE PROCESS OF BEING TRANSFERRED FROM THE MONROE COUNTY TO THE CITY PLANNING JURISDICTION AS A PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW UP TO 38 SINGLE FAMILY DETACHED DWELLING UNITS

**- Re: 2865 East Rhorer Road
(YFD, LLC)**

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning", including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled "Subdivisions", went into effect on February 12, 2007; and

WHEREAS, the Plan Commission has considered this case, PUD-33-08, and recommended that the petitioner, YFD, LLC, be granted a rezone of the property located at 2865 East Rhorer Road to Planned Unit Development (PUD) and preliminary plan approval allowing 38 single family detached dwelling units. The Plan Commission thereby requests that the Common Council consider this 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 20.04 of the Bloomington Municipal Code, the 38.31 acres of property located at 2865 East Rhorer Road, which is in the process of being transferred from the Monroe County to the City of Bloomington Planning jurisdiction be designated as a Planned Unit Development (PUD). The property is further described as follows:

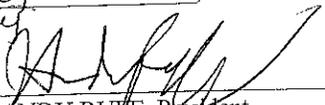
The Southeast quarter of the Southeast quarter Section Fifteen (15), Township Eight (8) North, Range One (1) West, excepting therefrom the following: Beginning at the Southwest corner of said quarter quarter; running thence North on the West line thereof 340 feet; thence East and parallel with the South line thereof 250 feet; thence South and parallel with the West line of said quarter quarter 340 feet, and to the South line thereof; thence West on the said South line 250 feet, and to the point of beginning, containing two (2) acres, more or less containing after said exception Thirty-eight (38) acres, more or less.

ALSO, all of the Grantors interest in a tract of land being that part of the Southwest quarter of the Southeast quarter of Section 14, Township 8 North, Range 1 West, lying west of the west boundary of Fox Chase Subdivision, containing .35 acre, more or less, and more particularly described in the Quit Claim Deed from S.P.C. Development Corporation to Jack D. Deckard and Nan L. Deckard dated February 25, 1993 and recorded March 14, 1994, in Deed Record 420 page 425, and the Boundary Line Agreement between the parties recorded March 14, 1994 in Miscellaneous Record 225, pages 9-10, in the Office of the Recorder of Monroe County, Indiana.

SECTION II. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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 21st day of ~~FEBRUARY~~ JANUARY, 2009.


ANDY RUFF, President
City of Bloomington Common Council

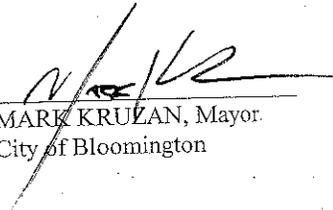
ATTEST:


REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 22nd day of JANUARY, 2009.


REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 22nd day of JANUARY, 2009.


MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance rezones a 38.31 acre property currently located in the Monroe County Planning Jurisdiction to Planned Unit Development, allowing future development of up to thirty-eight (38) single family detached housing units.

Note: On January 21, 2009, the Common Council adopted Reasonable Condition - 1 (RC-1) which reads as follows:

The final plan to develop the 38.31 acre property with up to 38 single-family detached dwelling units as designated by this Planned Unit Development shall incorporate the Conservation Subdivision design type specified in the Unified Development Ordinance.

Signed copies to:

Legal (10)
Controller

planning
petitioner

Monroe County Building Dept

Monroe County GIS
COB-GIS Laura Haley

Monroe County Recorder

CA/CA (3)

clerk
deputy

****ORDINANCE CERTIFICATION****

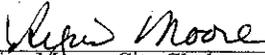
In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 09-01 is a true and complete copy of Plan Commission Case Number PUD-33-08 which was given a recommendation of approval by a vote of 8 Yes, 0 Nays, and 1 Abstentions by the Bloomington City Plan Commission at a public hearing held on November 10, 2008.

Date: ~~November 20, 2008~~ DECEMBER 22, 2008



 Thomas B. Micuda, Secretary
 Plan Commission

Received by the Common Council Office this 22nd day of DECEMBER, 2008.



 Regina Moore, City Clerk

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

Use of Request:

Planned Expenditure _____	Emergency _____
Unforeseen 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.

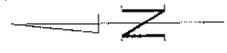
If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)



City of Bloomington
Clerk & Council



Scale: 1" = 800'



Ord 09-01 - Designating a PUD for 38.31 Acres at 2685 East Rhorer Road
2006 Aerial Photo of Surrounding Land Uses.

By: sherman
29 Dec 08
File: LLOrd0901

For reference only; map information NOT warranted.

Interdepartmental Memo

To: Members of the Common Council
From: Tom Micuda, AICP, Planning Director
Subject: Case # PUD-33-08
Date: December 9, 2008

Attached are the staff reports, petitioner's statements, maps, and exhibits which pertain to Plan Commission Case # PUD-33-08. The Plan Commission heard this petition at its October 6th and November 8th meetings and voted 8-0-1 to send this petition to the Common Council with a favorable recommendation.

REQUEST: The petitioner is requesting Preliminary Plan approval to rezone a 38.31 acre property in the County's Planning Jurisdiction to Planned Unit Development (PUD). Additionally, the petitioner is also requesting an amendment to the *Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in regard to Planning and Zoning Jurisdiction* in order to transfer this property into the City's Planning Jurisdiction. The request for jurisdiction transfer was heard and approved by the Monroe County Commissioners at their June 20th meeting.

BACKGROUND:

Proposed Units:	38
Lot Area:	38.31 acres
Proposed Density:	0.99 units/acre
Current Zoning:	Residential-Estate (RE1) – County's Planning Jurisdiction
GPP Designation:	No designation due to location in County's Jurisdiction
Existing Land Use:	Residential with one single family home (previously used for agriculture)
Proposed Land Use:	Single family residential – one acre lots
Surrounding Uses:	North – one single family home (zoned RS) West – Canada Farm PUD; scattered single family homes East – Fox Chase subdivision South – scattered single family homes

REPORT SUMMARY: The petitioner is requesting to transfer 38.31 acres currently located in the County's Planning Jurisdiction into the City's Planning Jurisdiction. The reason for this request is that the petitioner controls an additional 114 acres within the City's Jurisdiction and would like to have a future development request heard by one governmental review body rather than petition for separate developments in the City and County. An aerial map showing the additional 114 acres in the City's Jurisdiction plus the 38.31 acre property proposed to be transferred can be found on Exhibit #1.

The 38.31 acre property located in the County's Planning Jurisdiction is currently zoned RE1. This zoning designation would allow future single family residential development on one acre lots. Located directly to the east is the Fox Chase single family subdivision,

which was created in the early 1990s when the City had planning control of the old 2-mile fringe. This subdivision is now in the County's Jurisdiction. Located to the west of this property are scattered single family homes on one acre lots in the County's Jurisdiction including a small 5-lot subdivision on Deerfield Drive. Located to the northwest of this property is Parcel I of the Canada Farm PUD. This 13 acre parcel, which is yet to be developed, is zoned for a total of 13 housing units, multifamily or single family. Located to the north of this property is a large tract of land, approximately 96 acres, that is in the City's Planning Jurisdiction and accessed from Snoddy Road. This parcel is zoned Residential Single Family (RS). Council members may recall that this parcel was rezoned to RS by Plan Commission/Council action during the UDO adoption process back in 2007. At the same time, the ownership parties of these properties dedicated the 32 acre Goat Farm property to the City's Parks Foundation. Minutes of the Plan Commission discussion concerning this rezoning have been provided in the packet.

In terms of process, the Bloomington Common Council must vote on whether or not to amend the City/County *Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to Planning and Zoning Jurisdiction* to allow this 38 acres to be transferred and then designated as part of the City's Areas Intended for Annexation (AIFA). The Monroe County Commissioners have already given permission for this jurisdiction transfer. Both the Plan Commission and Council must also determine how the 38 acres should be zoned in order to ensure appropriate zoning controls should the Council approve the land transfer request.

Because the City does not have an equivalent zoning designation to the County's RE1 zoning district, the petitioners are requesting approval for a PUD so that they can gain the same property right (38 single family housing units) as they have if the property were subdivided in the County. The petitioners have not submitted a preliminary plan in association with this request because they've committed to bring forward a larger, detailed PUD proposal for this acreage as well as the additional 114 acres they control within the City's Jurisdiction. The Plan Commission was willing to accept this deviation in the typical PUD process due to the unique circumstances surrounding the request.

RESULTS OF PLAN COMMISSION HEARINGS: The Commission was supportive of the petitioner's PUD request, but had some questions for staff at the October 6th hearing as well as final comments at the November 10th hearing.

Issue #1 – Street Connectivity: Multiple Plan Commissioners expressed support for future development of the 38.31 acres to have as much street connectivity as possible, both within the development and accessing adjacent properties. One Commissioner added that street connectivity was particularly important in this case due to safety concerns along Rhorer Road. Staff concurs with the Commission that connectivity will be a critical issue in evaluating a more detailed PUD for both this 38.31 acre property and the petitioner's adjoining 114 acres. However, no decisions should be made at this time until a more detailed PUD preliminary plan is submitted for evaluation by the Plan Commission and City Council.

Issue #2 – Development Density adjoining the Deerfield Subdivision: One resident who lives at one of the five lots located within the Deerfield subdivision off Rhorer Road spoke at the October 6th hearing. Her concern was making sure that there was not too much development density being proposed for the property north of her lot in Deerfield. The lots within Deerfield are almost exactly one acre in size. The property north of Deerfield is not being proposed for rezoning at this time but is controlled by the petitioner and would be subject to re-evaluation as part of an eventual 152 acre PUD request.

The property north of Deerfield was approved as part of the Canada Farm PUD for 13 housing units (multifamily or single family) on 13 acres. If developed in this manner, the resultant density would be the same as the Deerfield subdivision. Clearly, the petitioner would have the right to ask for greater or less density in this area as part of a future PUD. However, such a request would be subject to both Plan Commission and Council review with input from Deerfield residents.

Issue #3 – Implications for Potential Change to City's Urbanized Edge: As noted by staff and Plan Commissioner Joe Hoffmann, both the 1991 and 2002 Growth Policies Plan identified the East Fork of Jackson Creek as the City's urbanized edge. This is noted later in the staff report under Criteria 2 for the rezoning request.

Staff concurs with Commissioner Hoffmann that the acceptance of this property into the City's Planning Jurisdiction with one unit per acre density coupled with the 2007 rezoning of the petitioner's property along Snoddy Road potentially moves the urbanized edge eastward. Because there is a discontinuity between these actions and the land use recommendations of the GPP outlined later in the report, staff recommends that future consideration of the petitioner's larger PUD request be accompanied by an amendment to the GPP's East Jackson Creek Subarea to determine land use, urban services, and site design recommendations beyond the East Fork of Jackson Creek. Both Plan Commissioner Hoffmann and Council representative Isabel Piedmont-Smith expressed concern about the potential impacts of more urban density development which could occur in the future beyond the east fork of Jackson Creek.

CRITERIA FOR REZONING REQUEST

- 1. ZONING/DENSITY OF SURROUNDING PROPERTIES:** The zoning and surrounding densities for adjacent properties can be found on Exhibit #2. All areas located east, south, and southwest of the 38 acre site are zoned RE1. In terms of actual development density, the Fox Chase subdivision contains a density of 0.9 units per acre. The scattered single family lots and Deerfield subdivision are almost exactly 1 unit per acre. Areas located adjacent and south of Rhorer Road contain lot sizes ranging from 1 to 17 acres in size. Parcel I of the Canada Farm, located northwest of the site, has been approved for one unit per acre development. Finally, the 96 acre parcel located north of the site is zoned RS and would allow for approximately 4 units per acre residential

development.

Based on surrounding zoning and development densities, the proposed one unit per acre density of this PUD is compatible and appropriate for the 38 acre site.

2. **GROWTH POLICIES PLAN – JACKSON CREEK SUBAREA:** Both the subarea map and associated policies are contained in this packet and labeled as Exhibits #3 and 4. Although the 38 acres is not contained within this subarea, the recommendations for areas east of the East Fork of Jackson Creek are applicable to the site. In terms of land use, both the subarea map and text recommend conservation residential development for areas located east of the East Fork. Specifically, recommendation #2 under *Land Use Policies* proposes that *“Reduced densities (less than 1 unit per acre) are appropriate for the area east of Jackson Creek.”* The GPP subarea map and policies do not specify how much less than one unit per acre is appropriate for areas beyond the East Fork. However, the Conservation Residential land use designation on Page 32 of the GPP does indicate that “The minimum lot size [for this designation] should be at least 2.5 acres.” Page 32 of the GPP is identified as Exhibit #5 in the packet.

From staff's point of view, there is a discrepancy that the Plan Commission and Council must resolve when comparing these GPP policies to the actual zoning and surrounding densities located in both the City and County Planning Jurisdictions. If the Commission and/or Council finds that a 2.5 acre zoning designation is more appropriate for this property given the GPP's recommendations, the petitioner would simply opt to keep the property in the County's zoning jurisdiction where it could be subdivided for one-acre lots or even rezoned for higher density development. As a general rule, staff typically places a greater weight on actual zoning and surrounding development densities when making rezoning recommendations as opposed to relying on more general GPP guidance.

3. **CONDITION OF PROPERTY TO SUPPORT ONE-UNIT PER ACRE DENSITY –** A final factor that must be considered when determining appropriate zoning is the condition of property and its ability to support the proposed development. Although these conditions are proposed to be more specifically evaluated if the petitioners bring forward a larger PUD proposal in 2009, some preliminary evaluations can be made.

Environmental Considerations – There do not appear to be any karst features on the property. There does appear to be FEMA floodplain in the extreme northwest corner of the property in association with a tributary that drains into the East Fork of Jackson Creek. The southern half of the property contains very little tree cover and gentle slopes. The northeast quadrant of the site also contains gentle slopes with some scattered trees. The more environmentally sensitive areas include the northwest quadrant of the property as well as a tributary of the East Fork which traverses the center of the site.

Connectivity – Future development of the property will create connectivity decisions for the Plan Commission and Council. Please see the connectivity map labeled Exhibit #6. To the east, a street stub has been connected to this property in association with the Fox Chase subdivision. Additionally, with future development of this 38.31 acres, it would make logical sense to consider providing street stubs to the north (the 96 acre tract controlled the petitioner) and west (Parcel I of the Canada Farm, also controlled by the petitioner).

At the extreme southeast corner of this site, Harrell Road intersects with Rhorer Road. When the City had planning control of the two-mile fringe, the City's pre-1991 Thoroughfare Plan showed Sare Road extending from Rogers Road through this property and connecting with Harrell Road. When the Canada Farm development was approved in 1996, Sare Road was approved to be constructed west of the East Fork of Jackson Creek. However, a roadway stub was approved (Canada Drive) to eventually connect from Sare Road through this property to Harrell Road. Whether or not this stub is extended from the Canada Farm PUD to this site will have to be thoroughly studied in association with a more detailed PUD request for the petitioner's entire acreage. On one hand, the extension of this stub would allow for more direct access to school, park, and future commercial services associated with the Canada Farm PUD. It also makes sense to ease vehicular trips on Rhorer and Snoddy Roads. On the other hand, an extension of this street stub would impact the floodplain, mature trees, and steep slopes surrounding the East Fork of Jackson Creek. Although a street stub extension would be consistent with the development approval of the Canada Farm PUD, it would be in conflict with the East Jackson Creek Subarea policy in the GPP which does not recommend road connections across the Jackson Creek floodplain (please note recommendation #3 in the Urban Services section of the subarea – Exhibit 4).

Utilities – The developer proposes to serve this site with both City water and sewer. Sewer is available due the presence of an interceptor along the East Fork of Jackson Creek. Water is available along Sare Road and would have to be extended eastward across the Creek.

In addition, the City Utilities Department has developed plans for the future construction of a redundant water transmission line that would convey water service from the Lake Monroe treatment facility to the City of Bloomington. Designs for this transmission line show water service running across the front of this property along Rhorer Road to a connection point at the Sare/Rhorer intersection. If a roadway network was connected through the interior of this site to the Canada Drive stub, the water transmission line connection to Sare Road could be considerably shortened with reduced installation costs.

Impacts to Monroe County Community School Corporation (MCCSC) –

Planning staff has spoken to MCCSC officials concerning impacts of this potential site development. MCCSC officials noted that development of the 38 acre site would have minimal impact to the Binford Rogers School District serving this area. MCCSC officials concur with Planning staff that a larger PUD encompassing all 152 acres of the petitioner's landholding would impact elementary school enrollments. Planning has encouraged MCCSC to talk to property owners in the area to prepare for potential enrollment impacts of such a PUD request.

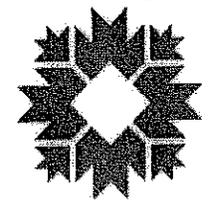
RECOMMENDATION: The Plan Commission is forwarding the PUD request to the Common Council with a positive recommendation. However, in order for the PUD request to be considered for this property (Ordinance 09-01), the Council must also act on Resolution 09-01 to amend the City/County Interlocal Cooperation Agreement. Action on this resolution would allow the 38.31 acre property to be transferred into the City's Areas Intended for Annexation (AIFA).



Parcel 1 - 96 acres / 4 units per acre
 Parcel 2 - 13 acres / 1 unit per acre
 Parcel 3 - 5 acres / 5.9 units per acre
 Parcel 4 - Undevelopable

By: graulice
 3 Oct 08

City of Bloomington
 Planning



Scale: 1" = 1000'



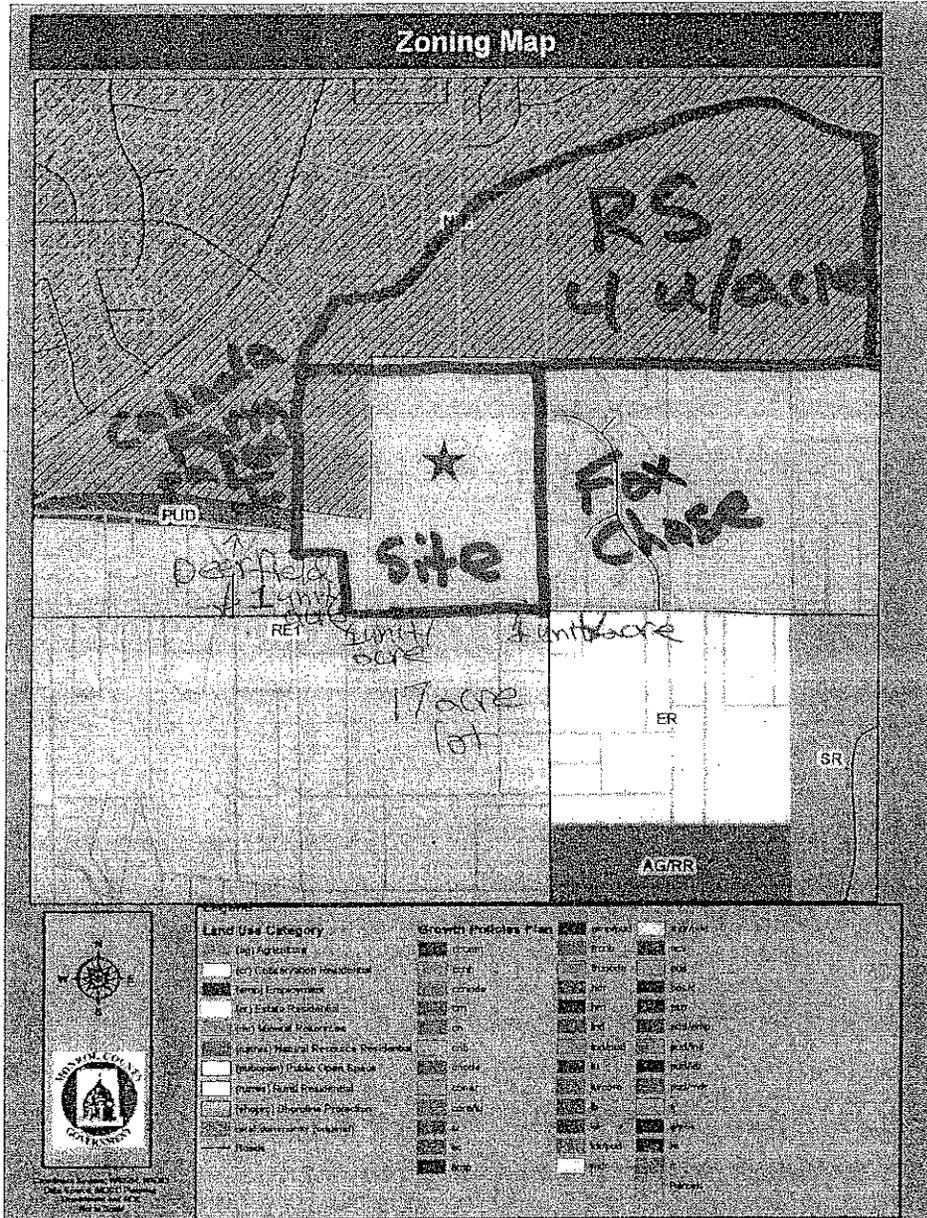
For reference only; map information NOT warranted.

EXH #/

ADJACENT USES/ZONING

Adjacent uses are mixed density residential. Adjacent zoning is Estate Residential 1 and 2.5 (RE1 and RE2.5 - both Former Fringe zoning districts), Conservation Residential, Estate Residential and PUD.

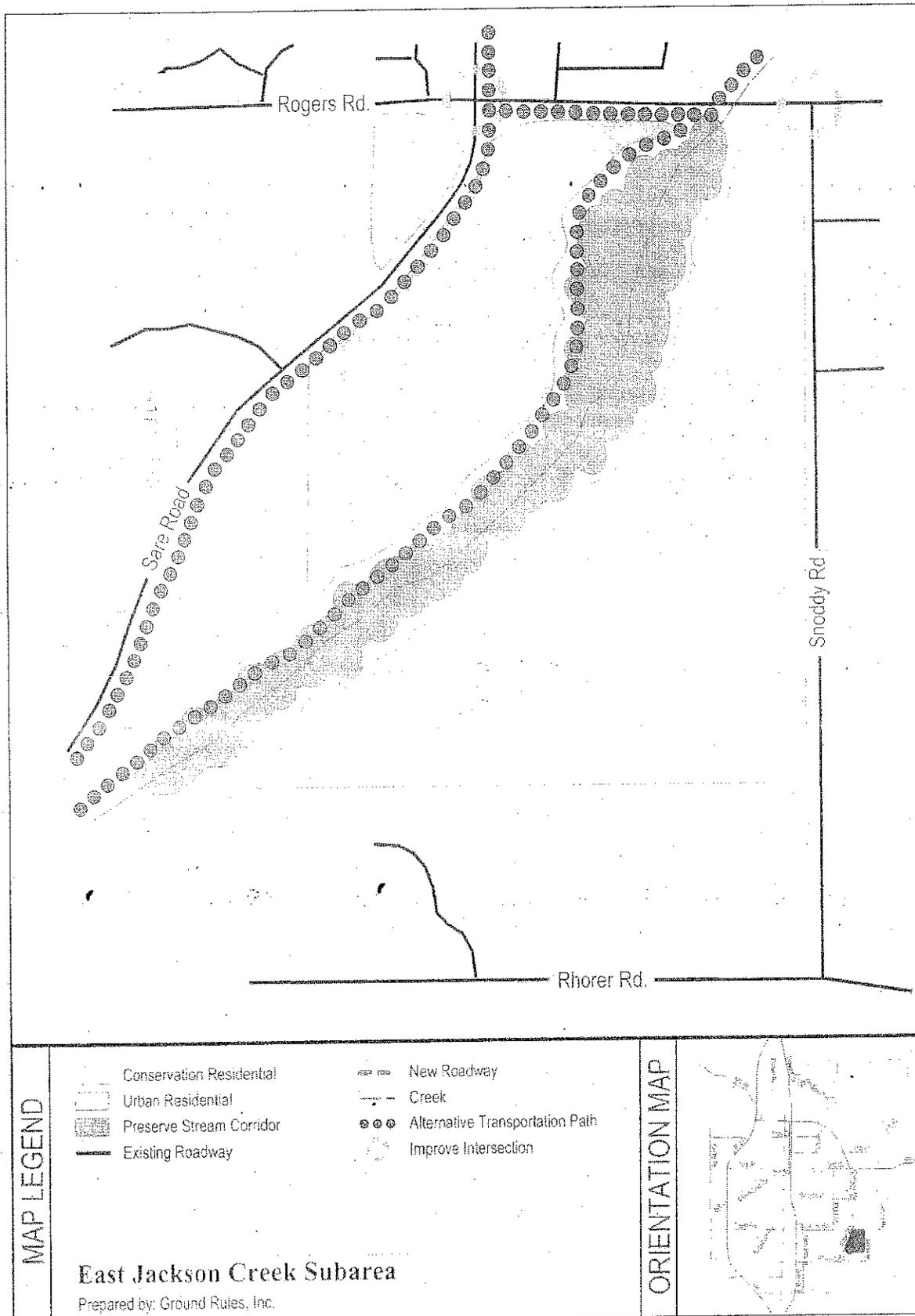
It appears the site is located outside the Urban Services Boundary. The boundary line is located just to the northwest of the site.



PUD-33-08
 Exhibit #
 (14)



PART 3: Critical Subareas



EXH. #3



PART 3: Critical Subareas

East Jackson Creek Subarea

Intent

This site is located south of Rogers Road, west of Snoddy Road, east of the Canada Farm PUD and Sherwood Oaks Christian Church, and runs south to the City's planning jurisdiction boundary. This area is divided by the floodway of the East Fork of Jackson Creek. This Subarea is intended to provide additional residential development opportunities at mixed urban densities, while defining the southeastern urban edge of Bloomington.

Land-Use Policies

- *Urban scale densities are appropriate west of Jackson Creek, with a mix of residential types encouraged to complement existing development patterns.*
- • *Reduced densities (less than 1 unit per acre) are appropriate for the area east of Jackson Creek.*
- *Development must be sensitive to the environmental constraints present in the area. As well, the preservation of Jackson Creek's floodplain should be incorporated into plans using conservation easements and greenways.*

Urban Services

- *The intersection of Rogers and Sare Road has poor geometry for a 4-way intersection, necessitating the existing four-way stop configuration. This intersection will require full signalization as development progresses south of Rogers Road.*
- *The poor sight distance at the Rogers Road/Snoddy Road intersection must be improved as additional traffic is generated from this Subarea.*
- • *Road connections across the Jackson Creek floodplain are not recommended due to topographic and other environmental constraints. Options for additional pedestrian connections should be explored with each development east of Jackson Creek.*

Site Design

- *A goal for this Subarea is to utilize innovative residential design to minimize site disturbance and protect scenic areas. Clustering and smaller lot sizes should be considered as an alternative to large-lot subdivision.*
- *Additional recommended elements of site design should include pedestrian facilities, such as sidewalks or asphalt pathways, to connect with Schmaltz Farm Park as well as the future commercial/office development within the Canada Farm PUD. A major sidepath facility should be installed along the south side of Rogers Road connecting Schmaltz Farm Park with the Sare Road pathway accessing the Canada Farm PUD.*



PART 2: The Geography of the Policies

Conservation Residential

Intent

This category identifies areas possessing special natural environmental characteristics that require careful attention with regard to development proposals. It includes areas within the Lake Monroe and Lake Griffy watersheds as well as areas containing steep slopes and woodlands. This category also identifies areas that may be poorly served by public water, sewer, and roads. Any development in Conservation Residential areas should be low in density and clustered in a manner that protects environmentally sensitive lands and preserves infrastructure capacity.

Land Use

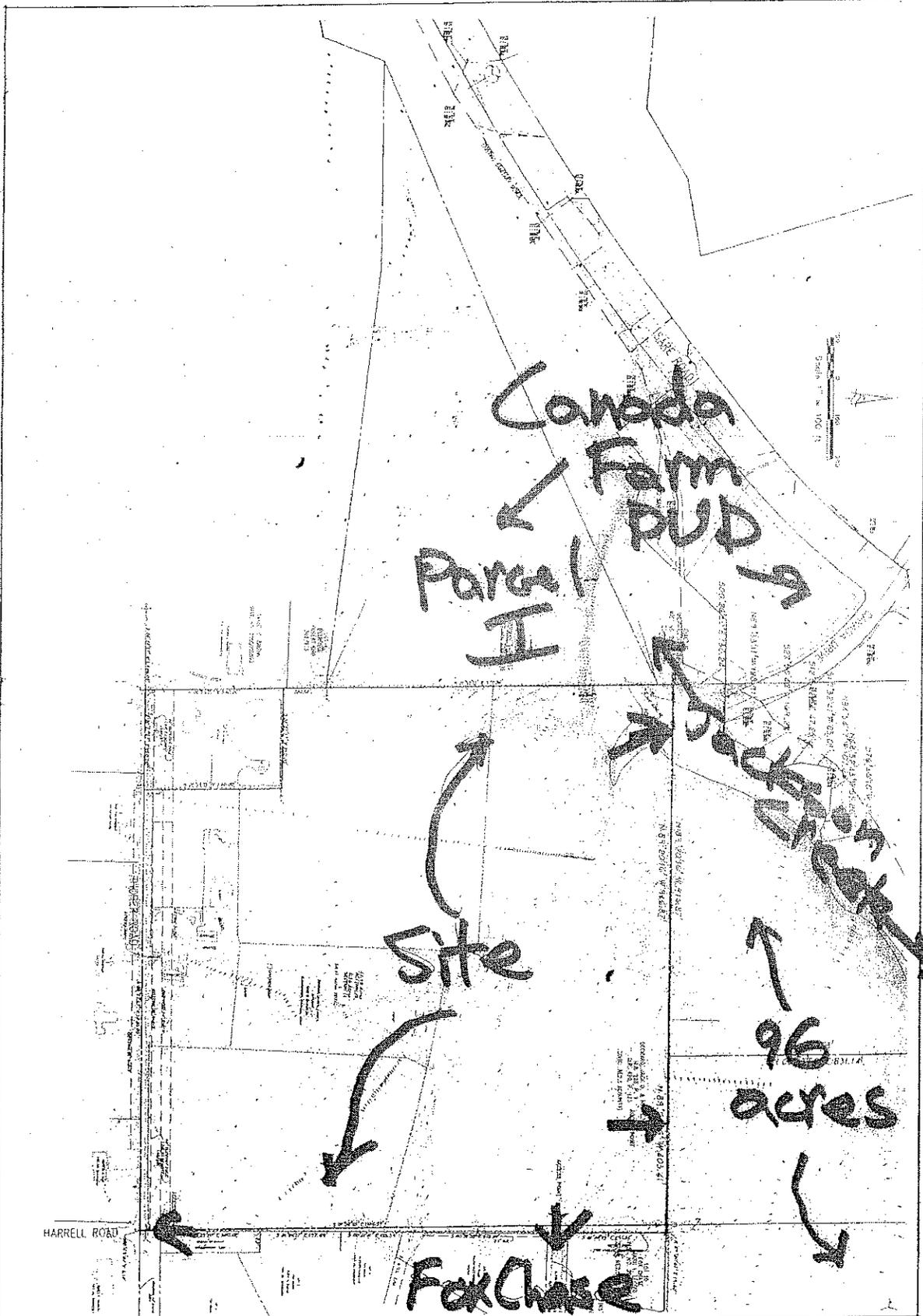
→ Due to the environmental characteristics of these areas, large lot single family development should be permitted and urban densities discouraged. The minimum lot size should be at least 2.5 acres.

Urban Services

Conservation Residential areas are typically located on rural roads, with County services and access to City water. Sewer service in these areas is spotty. With respect to new development, all sewer service requests should be closely scrutinized. Other public facilities, such as sidewalks and drainage structures, should be required to ensure that there are no incentives to develop substandard subdivisions.

Site Design

As development in Conservation Residential Areas will be single-family residential in nature, dwellings and structures will comply with the development standards as set out in the Zoning and Subdivision Ordinances. Further, dwellings and structures shall be sited so not to hinder any environmentally sensitive areas or conditions. Access to property located within these areas should be from existing streets and roads. The development and construction of new public roadways within these areas should be discouraged. Development standards should encourage clustering of homes in order to limit the consumption of open space as much as possible. Subdivision regulations should require that designated common open spaces not include open areas of private lots.



<p>Designed by Drawn by Checked by</p>	<p>Proposed DECKARD PROPERTY Bloomington, Indiana</p>	<p>BANKS BANKS YARD & ASSOCIATES, INC. 508 North Laurel Street (317) 338-2000</p>	<p>ARCHITECTURE DIXIE DESIGNING PLANNING Bloomington, Indiana (317) 338-2000 (ext. 100)</p>
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Exhibit #6