

ORDINANCE 2024-07

**TO AMEND THE CITY OF BLOOMINGTON ZONING MAPS BY REZONING A 138.51 ACRE PROPERTY FROM PLANNED UNIT DEVELOPMENT (PUD) AND RESIDENTIAL MEDIUM LOT (R2) TO PLANNED UNIT DEVELOPMENT (PUD) AND TO APPROVE A DISTRICT ORDINANCE AND PRELIMINARY PLAN
- Re: S. Weimer Road
(Sudbury Partners LLC, Petitioner)**

WHEREAS, Ordinance 20-06, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Unified Development Ordinance," went into effect on April 18, 2020; and

WHEREAS, the Plan Commission has considered this case, PUD-18-23, and recommended that the petitioner, Sudbury Partners LLC, be granted an approval to rezone 138.51 acres from Planned Unit Development (PUD) and Residential Medium Lot (R2) to a Planned Unit Development (PUD), and an approval for a District Ordinance and Preliminary Plan; and

WHEREAS, the Plan Commission therefore 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 20.06 of the Bloomington Municipal Code, the zoning of the property located at the S. Weimer Road property described below shall be changed from Planned Unit Development (PUD) and Residential Medium Lot (R2) to Planned Unit Development (PUD). The property is further described as follows:

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

Commencing at a 5/8 inch rebar at the Southwest corner of the Northeast quarter of said Section 7; thence North 01 degree 37 minutes 11 seconds West along the west line of said quarter a distance of 610.00 feet to a 5/8 inch rebar with yellow plastic cap stamped "BRG, INC 6892", hereinafter referred to as a rebar with BRG cap, at the Point of Beginning; thence North 01 degree 37 minutes 11 seconds West along said west line a distance of 753.08 feet to a mag nail at the Southwest corner of the North half of said quarter; thence South 88 degrees 01 minute 59 seconds East along the north line of said north half a distance of 1796.39 feet; thence North 50 degrees 34 minutes 15 seconds East 1061.42 feet to the east line of the Northeast quarter of said Section 7; thence South 02 degrees 31 minutes 28 seconds East along said east line a distance of 704.03 feet to a drill hole in the top of a 8" x 8" stone at the Southeast corner of the Northeast quarter of said Northeast quarter; thence South 01 degree 41 minutes 33 seconds East along the east line of said Northeast quarter a distance of 710.38 feet to a 5/8 inch rebar at the northwest corner of Lot 4 in Thompson Community Park, of record in Plat Cabinet C, Envelope 69 in the office of the Recorder of Monroe County, Indiana; thence South 01 degree 43 minutes 04 seconds East along the east line of said quarter and the west line of said Thompson Community Park a distance of 609.81 feet to a drill hole in the top of an 8" x 8" stone at the Southeast corner of said Northeast quarter; thence South 01 degree 35 minutes 11 seconds West along the west right-of-way of Adams Street Extension as dedicated by the plat of Woolery Planned Community Phase VIII, of record in Plat Cabinet C, Envelope 379 in the office of the Recorder of Monroe County, Indiana, a distance of 80.28 feet to a rebar with BRG cap at the beginning of a curve concave westerly having a radius of 785.00 feet and a chord which bears South 05 degrees 57 minutes 18 seconds West 119.96 feet; thence Southerly along said curve an arc length of 120.08 feet to a rebar with BRG cap on the north line of the property conveyed to Philip and Barbara Tapp by Instrument Number 2011001304 in the office of the Recorder of Monroe County, Indiana; thence along the north line of Tapp the next four (4) courses:

1. North 79 degrees 38 minutes 29 seconds West 70.68 feet to a 5/8 inch rebar with Tapp cap; thence
2. North 75 degrees 49 minutes 21 seconds West 531.71 feet to a 5/8 inch rebar with Tapp cap; thence
3. South 70 degrees 59 minutes 29 seconds West 349.09 feet to a 5/8 inch rebar with Tapp cap; thence

4. North 82 degrees 58 minutes 17 seconds West 114.38 feet to a rebar with BRG cap; thence

North 01 degree 37 minutes 11 seconds West 785.38 feet to a rebar with BRG cap; thence North 36 degrees 20 minutes 08 seconds West 209.87 feet to a rebar with BRG cap; thence North 88 degrees 10 minutes 15 seconds West 850.00 feet to a rebar with BRG cap; thence South 01 degree 37 minutes 11 seconds East 178.71 feet to a rebar with BRG cap; thence North 88 degrees 57 minutes 44 seconds West 629.92 feet to the Point of Beginning, containing 65.63 acres, more or less.

A part of the North half of the Northeast quarter of Section 7, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Commencing at a 5/8 inch rebar at the Southwest corner of said Northeast quarter; thence North 01 degree 37 minutes 11 seconds West along the west line of said quarter a distance of 610.00 feet to a 5/8 inch rebar with yellow plastic cap stamped "BRG, INC 6892", hereinafter referred to as a rebar with BRG cap; thence continuing along said west line North 01 degree 37 minutes 11 seconds West 753.08 feet to a mag nail at the Southwest corner of the North half of said Northeast quarter and the Point of Beginning; thence continuing along said west line North 01 degree 37 minutes 11 seconds West 194.56 feet to a mag nail; thence North 88 degrees 34 minutes 57 seconds East along the south line of Lot 3 in Sudbury Farm, Phase 1, of record in Plat Cabinet C, Envelope 272 in the office of the Recorder of Monroe County, Indiana, a distance of 258.71 feet to a mag nail at the Southeast corner of said Lot 3; thence North 28 degrees 40 minutes 00 seconds East along the east line of said Lot 3 a distance of 245.45 feet to a rebar with BRG cap at the northeast corner of said Lot 3; thence South 67 degrees 55 minutes 45 seconds East along the south line of Sudbury Drive, as dedicated by the plat of said Sudbury Farm, a distance of 529.86 feet to a rebar at the beginning of a curve concave Northerly having a radius of 680.00 feet and a chord which bears South 74 degrees 47 minutes 28 seconds East 161.56 feet; thence Easterly along said curve an arc length of 161.94 feet to a rebar at the southeast corner of said platted Sudbury Drive; thence North 08 degrees 27 minutes 32 seconds East 80.09 feet to a rebar on the south line of the Arbor Ridge at Sudbury Farm, a Replat of Lot 7 in Sudbury Farm, Phase 1, of record in Plat Cabinet C Envelope 272 in the office of the Recorder of Monroe County, Indiana and the beginning of a non-tangent curve concave Northerly having a radius of 600.00 feet and a chord which bears North 82 degrees 19 minutes 57 seconds East 330.58 feet; thence along the south and east lines of said Arbor Ridge the next seven (7) courses:

1. Easterly along said curve an arc length of 334.91 feet to a rebar with BT cap; thence
2. North 66 degrees 18 minutes 33 seconds East 517.50 feet to a rebar with BT cap at the beginning of a curve concave Westerly having a radius of 25.00 feet and a chord which bears North 21 degrees 12 minutes 02 seconds East 35.42 feet; thence
3. Northerly along said curve an arc length of 39.36 feet to a rebar with BT cap; thence
4. North 23 degrees 32 minutes 04 seconds West 160.11 feet to a rebar with BT cap at the beginning of a curve concave easterly having a radius of 1030.00 feet and a chord which bears North 13 degrees 52 minutes 16 seconds West 354.74 feet; thence
5. Northerly along said curve an arc length of 356.52 feet to a rebar with BT cap; thence
6. North 85 degrees 42 minutes 27 seconds West 130.48 feet to a rebar with BT cap; thence
7. North 01 degree 30 minutes 36 seconds East, passing a rebar at 236.74 feet, a total distance of 246.82 feet to a rebar with BRG cap on the north line of said Northeast quarter; thence

South 87 degrees 18 minutes 14 seconds East along said north line a distance of 1017.37 feet to a 4" x 4" cut limestone at the Northeast corner of said quarter; thence South 02 degrees 31 minutes 28 seconds East along the east line of said quarter a distance of 627.00 feet; thence South 50 degrees 34 minutes 15 seconds West 1061.42 feet to the south line of the North half of said Northeast quarter; thence North 88 degrees 01 minute 59 seconds West 1796.39 feet to the Point of Beginning, containing 33.52 acres, more or less.

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

Beginning at a 4" x 4" cut limestone at the Northwest corner of said quarter; thence South 84 degrees 51 minutes 05 seconds East along the north line of said quarter a distance of 20.38 feet to a rebar with BFA cap at the Southwest corner of Seminary Lot 178; thence continuing along the north line of said quarter South 88 degrees 14 minutes 26 seconds East a distance of 739.62 feet; thence South 50 degrees 34 minutes 15 seconds West 947.62 feet to the west line of said quarter; thence North 02 degrees 31 minutes 28 seconds West along said west line a distance of 627.00 feet to the Point of Beginning, containing 5.44 acres, more or less.

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

Beginning at a drill hole in the top of an 8" x 8" stone at the Southwest corner of said quarter quarter; thence North 02 degrees 31 minutes 28 seconds West along the west line of said quarter quarter a distance of 704.03 feet; thence North 50 degrees 34 minutes 15 seconds East 947.62 feet to the north line of said quarter quarter; thence South 88 degrees 14 minutes 26 seconds East along said north line a distance of 395.00 feet; thence South 02 degrees 31 minutes 28 seconds East, parallel with the west line of said quarter quarter, a distance of 1325.21 feet to the south line of said quarter quarter; thence North 88 degrees 28 minutes 09 seconds West along said south line a distance of 1154.54 feet to the Point of Beginning, containing 29.65 acres, more or less.

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

Commencing at a 5/8 inch rebar at the Southwest corner of the Northeast quarter of said Section 7; thence North 01 degree 37 minutes 11 seconds West along the west line of said quarter a distance of 610.00 feet to a rebar with yellow plastic cap stamped 'BRG INC 6892', hereinafter referred to as a rebar with BRG cap; thence South 88 degrees 57 minutes 44 seconds East 1598.94 feet to a rebar with BRG cap at the Point of Beginning; thence South 01 degree 37 minutes 11 seconds East 785.38 feet to a rebar with BRG cap on the north line of the property conveyed to Philip and Barbara Tapp by Instrument Number 2011001304 in the office of the Recorder of Monroe County, Indiana; thence North 82 degrees 58 minutes 17 seconds West along said north line a distance of 371.92 feet to a rebar with BRG cap; thence North 27 degrees 30 minutes 07 seconds East 132.19 feet to a rebar with BRG cap; thence North 40 degrees 16 minutes 29 seconds West 57.74 feet to a rebar with BRG cap; thence North 05 degrees 59 minutes 40 seconds East 197.75 feet to a rebar with BRG cap; thence North 38 degrees 24 minutes 39 seconds East 486.98 feet to the Point of Beginning, containing 4.27 acres, more or less.

SECTION II. This District Ordinance and the Preliminary Plan shall be approved as attached hereto and made a part thereof. The Director of the Planning and Transportation Department is hereby authorized and directed to consolidate the adopted Council reasonable conditions (except RC #8) and applicable Plan Commission conditions (#1, 2, 6, 7, and 10) into the text of the attached District Ordinance.


SECTION III. 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 IV. 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 15 day of May, 2024.


ISABEL PIEDMONT-SMITH, President
Bloomington Common Council


ATTEST:


NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20 day of May, 2024.


NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 20 day of May, 2024.


KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 2024-07 would rezone a 138.51 acre property from Planned Unit Development (PUD) and Residential Medium Lot (R2) to a Planned Unit Development (PUD) and approve a PUD District Ordinance and Preliminary Plan.

Note: On May 1, 2024 and May 15, 2024, the Council adopted the following Reasonable Conditions to this proposal:

- *RC 01 – Re: compliance with electric vehicle charging standards*
- *RC 02 – Re: reducing maximum base heights in two districts, eliminating a step-back requirement for certain buildings, and setting a maximum height of 55 feet for buildings along Sudbury Drive in Everest Center in the Arbor Ridge transition zone*
- *RC 03 – adding additional accessory uses to the allowed use table*
- *RC 04 – Re: development restrictions on land with slopes between 12% and 25%*
- *RC 05 – renumbering a use-specific standard applicable to surface parking lots*
- *RC 06 – lowering the affordability threshold applicable to certain units to 100% of the AMI until January 1, 2027, after which the affordable units will be required to meet the affordability qualifying standard in the UDO*
- *RC 07 – clarifying that a minimum of 10% of the units in each planned neighborhood must meet the permanent affordability standard*
- *RC 08 – clarifying that the City Engineer will decide which off-site improvements are required to be part of a MOU to be executed between the City and petitioner*
- *RC 09 – Re: stormwater detention requirements to be incorporated in each phase of the proposed development as plans are proposed*
- *RC 10 – Reflecting that petitioner will enter into a written commitment to:*
 - *ensure that a minimum amount of housing units in each neighborhood and in the overall PUD will be developed to enable individual ownership;*
 - *include a provision in HOAs applicable to certain housing types to prohibit ownership of more than two units by one individual or entity within the HOA; and*
 - *report on plans for rental or condominium development as part of the planning approval process*
- *RC 11 – Re: on-site recycling services*
- *RC 12 – requiring an update to the Traffic Analysis, Sewer Analysis, and Preliminary Plan before the total number of units within the PUD may exceed 4,250*

Also note: On May 15, 2024, the Council adopted Amendment 01-Revised to this ordinance. The amendment revised Section 2 to authorize the Director of Planning and Transportation to incorporate applicable conditions imposed by the Plan Commission and Common Council within the attached District Ordinance. It also made a correction to terminology within the attached District Ordinance.

Distributed to: Clerk, Council Attorney, Engineering, Legal, Mayor, and Planning & Transportation.