

ORDINANCE 99-44

**TO AMEND THE PRELIMINARY PLAN FOR THE SHERWOOD RANCH
PLANNED UNIT DEVELOPMENT (PUD)**

**Re: 1621 East Rhorer Road
(Richard P. Rechter, Petitioner)**

WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning," as well as the incorporated zoning maps, and Title 21, entitled A Land Use and Development; and

WHEREAS, the Plan Commission has considered this case, PUD-52-99, and recommended that the petitioner, Richard P. Rechter, be granted a preliminary plan amendment for the property located at 1621 East Rhorer Road, part of an existing PUD;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the preliminary plan for the Sherwood Ranch Planned Unit Development shall be amended. The property is located at 1621 East Rhorer Road and is further described as follows:

A part of the Southwest Quarter of Section 15, Township 8 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows:

COMMENCING at the Southwest corner of said Southwest Quarter; thence North 89 degrees 46 minutes 14 seconds East 1009.24 feet along the south line of said Southeast Quarter; thence North 11 degrees 47 minutes 54 seconds East 594.48 feet to the point of beginning; thence North 11 degrees 47 minutes 54 seconds East 249.81 feet; thence North 15 degrees 31 minutes 50 seconds West 262.41 feet; thence South 90 degrees 00 minutes 00 seconds West 472.44 feet to the East line of Sherwood Estates, Section III (Plat Book 8, page 150); thence along said East line the following four (4) courses: 1) South 00 degrees 08 minutes 02 seconds East 242.06 feet; thence 2) South 18 degrees 20 minutes 12 seconds West 25.32 feet; thence 3) South 08 degrees 31 minutes 39 seconds West 167.15 feet; thence South 03 degrees 22 minutes 42 seconds East 65.00 feet; thence leaving said line South 89 degrees 52 minutes 51 seconds East 519.98 feet to the point of beginning, containing 5.96 acres, more or less.

EXCEPTING THEREFROM:


A part of the Southwest Quarter of Section 15, Township 8 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows:

COMMENCING at the Southwest corner of the Southwest quarter of said Section 15; thence South 89 degrees 46 minutes 14 seconds East, 1009.24 feet along the South line of said Southwest quarter; thence North 11 degrees 47 minutes 54 seconds East, 594.48 feet to point of beginning in the centerline of Jackson Creek, said point of beginning being the same as described in Deed Book 440, page 221, in the Office of the Recorder of Monroe County, Indiana; thence along said centerline North 14 degrees 27 minutes 26 seconds East, 184.80 feet; thence along said centerline North 02 degrees 29 minutes 12 seconds West 96.34 feet; thence along said centerline North 40 degrees 31 minutes 08 seconds West, 52.86 feet; thence along said centerline North 10 degrees 51 minutes 41 seconds West, 185.28 feet; thence North 90 degrees 00 minutes 00 seconds West, 87.32 feet; thence South 07 degrees 08 minutes 17 seconds East, 487.72 feet; thence South 11 degrees 16 minutes 13 seconds West, 13.55 feet; thence South 89 degrees 52 minutes 51 seconds East, 56.66 feet to the point of beginning, containing 1.128 acres, more or less.


SECTION II. The Preliminary 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.

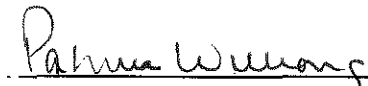
PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 10th day of November, 1999.


TIMOTHY MAYOR, President
Bloomington Common Council

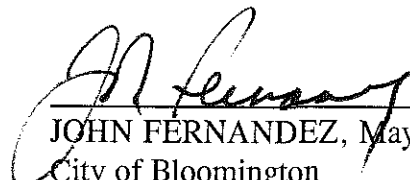
ATTEST:


PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 11th day of November, 1999.


PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 12th day of November, 1999.

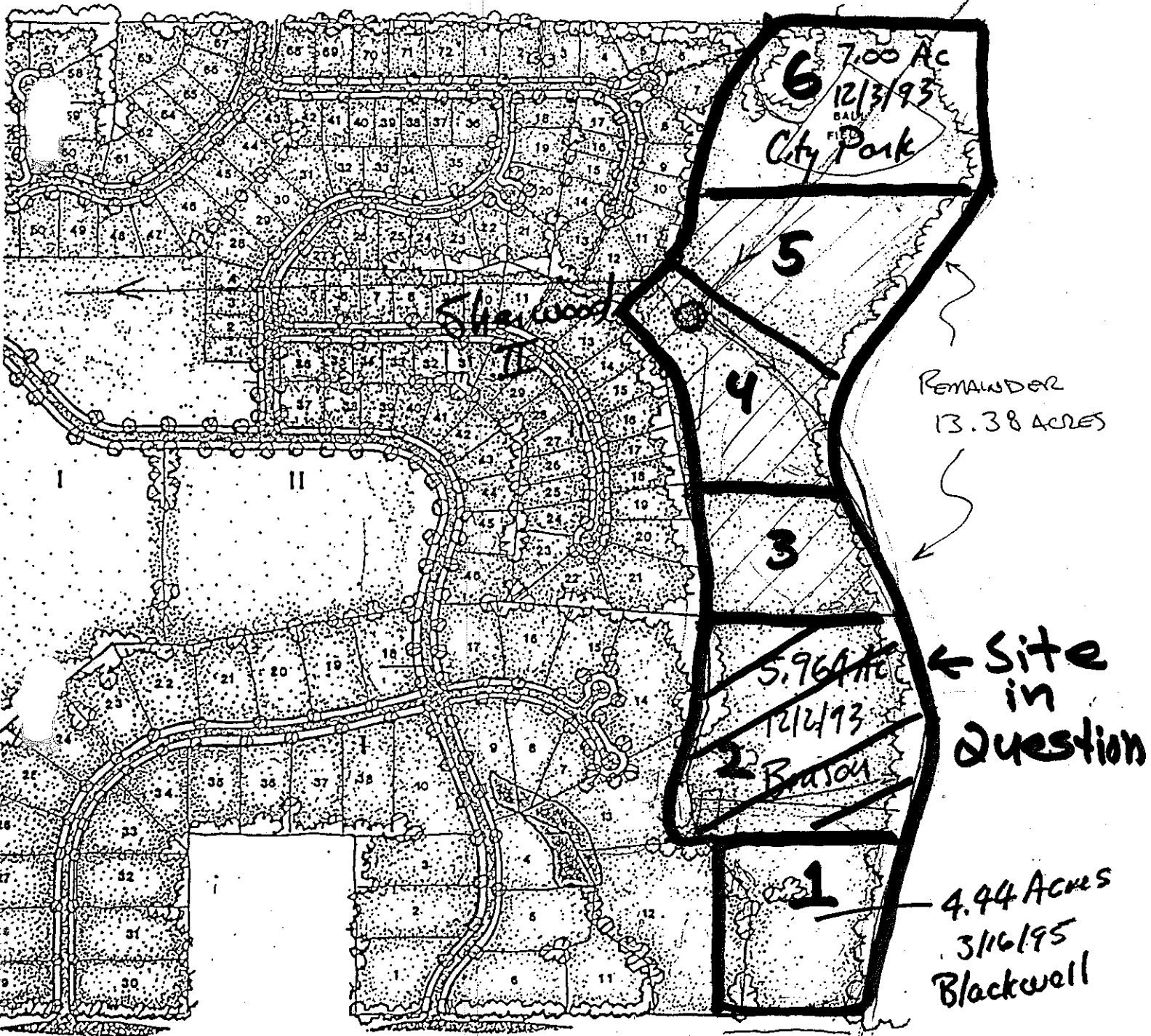

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the preliminary plan for the 1987 Planned Unit Development known as Sherwood Ranch. The amendment would allow construction of a 2,400 nonresidential storage barn on Lot #2 of this single-family subdivision.

Signed copies to:
Planning
Petitioner

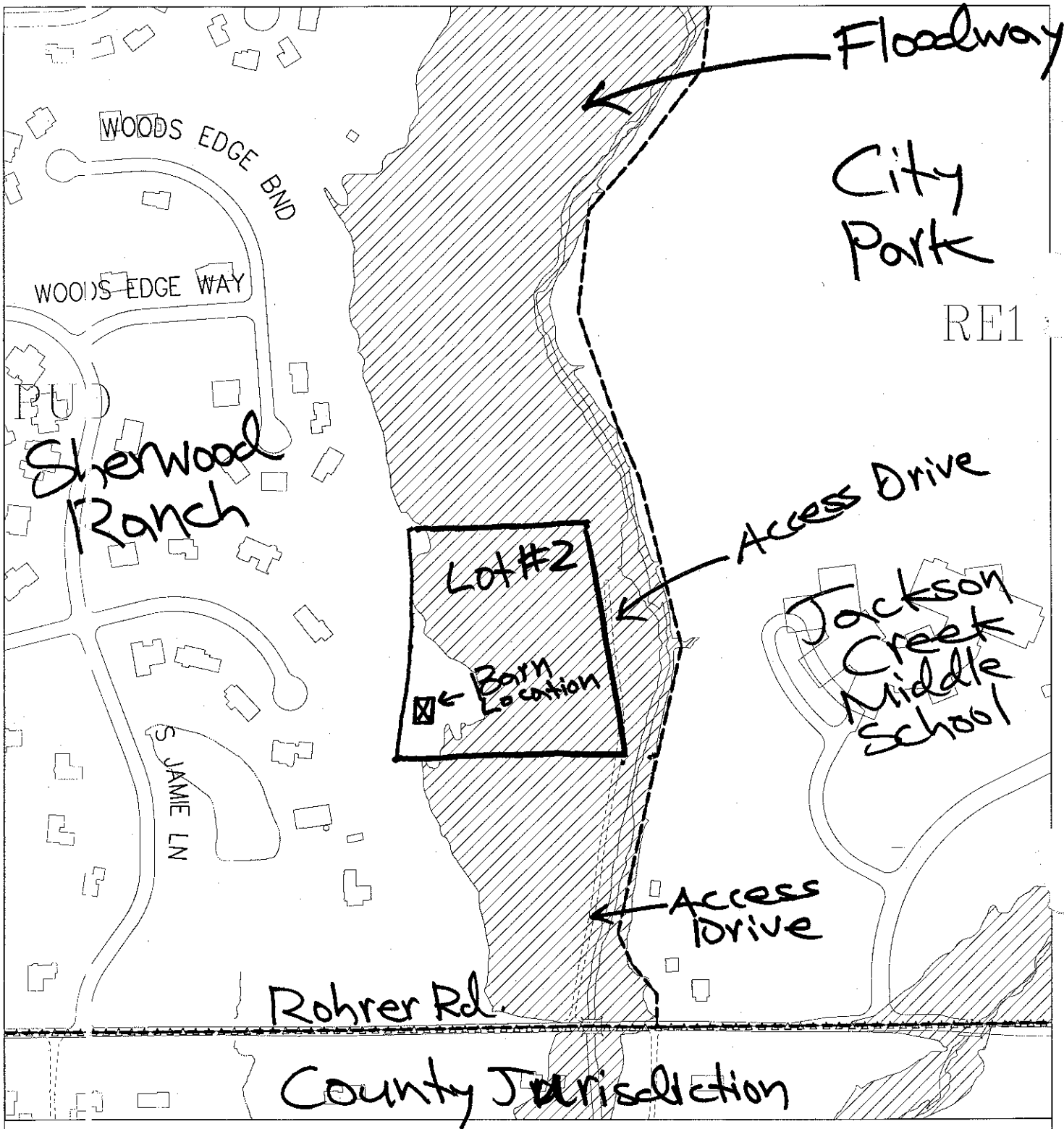
Sherwood Oaks II



Sherwood Estates

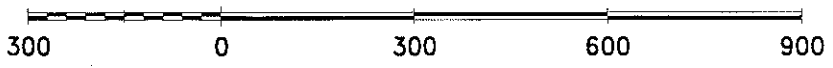
MAP Exhibit # 1
Overall PUD Layout
PUD-52-99

WOOD DEVELOPMENT

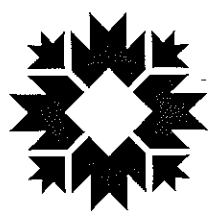


PUD-52-99
Location / Zoning Map

By: work
14 Sep 99



City of Bloomington



Scale: 1" = 300'

For reference only; map information NOT warranted.

Interdepartmental Memo

To: Members of the Common Council

From: TM Tom Micuda, Development Review Manager

Subject: Case # PUD-52-99

Date: October 15, 1999

Attached is the staff report, petitioner's statement, and map exhibits which pertain to Plan Commission Case # PUD-52-99. The Plan Commission voted 9-0 to send this petition to the Common Council with a favorable recommendation.

BACKGROUND

REQUEST: The petitioner is requesting a preliminary plan amendment to allow a non-residential structure to be placed on Lot #2 of the Sherwood Ranch Planned Unit Development.

BACKGROUND: The Sherwood Ranch PUD was originally approved in 1987. Along the eastern edge of the PUD, six large lots were subdivided for future single family residential development (See Map Exhibit #1). Since 1987, five of the lots have been purchased by private property owners while Lot #6 has been incorporated into the Sherwood Oaks Park property. No development has occurred on any of the lots with the exception of a sewer lift station on Lot #4.

PROPOSAL SUMMARY: For many years, the petitioner maintained an antique automobile storage barn on the Rogers Farm property, located north of Moores Pike. With the sale and development of the Rogers Farm, the petitioner is in need of a new location for his antique vehicles.

The petitioner's new desired location for the storage barn is Lot #2 of the Sherwood Ranch PUD. Lot #2 is 4.7 acres in size and bounded by the Jackson Creek floodway on the east, Lot #1 and Rohrer Rd. to the south, single family homes to the west, and vacant land (Lots 3-6) to the north. The proposed barn will be a 2,400 square foot structure (40' x 60'). The submitted site plan illustrates that the barn will be located 60 feet from the west property line and 130 feet from the south property line of Lot #2.

Because the Sherwood Ranch PUD is only approved for single family housing, a preliminary plan amendment is required to authorize the proposed nonresidential land use. While this use differs from the single family nature of the remainder of the PUD, there are ample mitigating factors which support the proposed land use amendment.

1. **Topographic Condition of the Property** – The grade elevation of Lot #2 is over 40 feet lower than the nearest single family home located on Lot #13. The presence of this severe grade difference causes the proposed storage barn to be virtually invisible from surrounding single family properties.
 2. **Architecture** – The petitioner has proposed an architectural design which will allow the structure to resemble a farm barn rather than a pole barn. A rendering of the structure is contained within this packet. This will allow the storage building to blend in very well with rural character of the surrounding area.
 3. **Land Use and Utility Restrictions** – The proposed use will be limited to vehicle storage only. No automobile repair or auctions may be conducted on the premises. Additionally, the only utility service which will be available to the barn is electricity.
-

CONCLUSION: While staff is always cautious regarding amendments to previously approved Planned Unit Developments, both staff and the Plan Commission essentially viewed this particular request as a very minor land use change. Plan Commission approval was subject to two conditions, which are as follows:

1. Prior to receiving building permit approval to construct the proposed storage building, the petitioner is required to present proof of Indiana Department of Natural Resources (DNR) approval to construct the proposed gravel entry drive within the 100-year floodway of Jackson Creek.
2. This PUD amendment limits the petitioner to construction of a 2,400 square foot vehicle storage building. This building shall be constructed to resemble a barn (with red siding and cupola) and will not be used to house automobile repair or auction activities.

BLOOMINGTON PLAN COMMISSION
STAFF REPORT
LOCATION: 1621 East Rohrer Rd.

CASE#: PUD-52-99
DATE : October 11, 1999

PETITIONER: Name: Richard P. Rechter
Address: 890 Woodscrest Drive

REQUEST: The petitioners are requesting a preliminary plan amendment to allow a non-residential structure to be placed on Lot #2 of the Sherwood Ranch Planned Unit Development. Both a waiver of second hearing as well as final plan approval are being requested.

BACKGROUND: The Sherwood Ranch PUD was originally approved in 1987. Along the eastern edge of the PUD, six large lots were subdivided for future single family residential development. These six lots are illustrated in Map Exhibit #1. Since 1987, five of the lots have been purchased by private property owners, while the northern lot (Lot #6) has been incorporated into the Sherwood Oaks Park property. No development has occurred on any of the lots with the exception of a sewer lift station on Lot #4.

For many years, the petitioner utilized a storage barn on what is now the Rogers Farm PUD to house antique automobiles and other antique equipment. With the sale and development of the Rogers Farm, the petitioner is in need of a new location for this land use. Because the Sherwood Ranch PUD is only approved for single family housing, a preliminary plan amendment is required to authorize the proposed automobile storage barn. In 1997, the petitioner successfully obtained Plan Commission approval for this same amendment to construct a storage barn on Lot #5 of the Sherwood Ranch PUD. However, the petitioner withdrew this amendment request at the City Council level because of concerns that the proposed storage barn would be located too close to the City's pathway facilities and too far from Rohrer Rd. A location closer to Rohrer Rd. is desired by the petitioner for security purposes. The previous location of the proposed storage barn can be seen on Map Exhibit #2.

PETITIONER'S PROPOSAL: The petitioner's new desired location for the storage barn is Lot #2 of Sherwood Ranch. Originally, the property was 5.85 acres in size. However, 1.13 acres along the Jackson Creek boundary was sold to the City of Bloomington Utilities Department in 1997 for the purposes of constructing both a new sewer interceptor and multiuse trail. Lot #2 now contains an area of 4.7 acres. This acreage is illustrated in Map Exhibit #3.

The proposed storage barn will be a 2,400 square foot, single story structure (40' x 60'). The submitted site plan (see Map Exhibit #4) illustrates that the barn will be located 60 feet from the west property line and 130 feet from the south property line of Lot #2. The structure itself has been designed to resemble a typical farm

Plan Commission
Report

barn rather than a pole building. Because the actual barn location is situated well over 40 feet below the grade level of the homes located in Sherwood Ranch, the structure will be largely invisible from nearby residences.

SITE PLAN REVIEW ISSUES

Access: Currently, a gravel drive with an entrance off Rohrer Rd. provides access to the eastern edge of Lot #2. Given the low intensity of usage being proposed, it is not necessary for the petitioner to upgrade this driveway to a higher standard. The petitioner already possesses a legal right to gain access through Lot #1 due to an ingress/egress easement which has been previously established.

Utilities: With the exception of electricity, no utilities are being connected to the proposed barn.

Floodway Disturbance: As indicated on the Location/Zoning Map, the majority of Lot #2 is located in the 100-year floodway of Jackson Creek. However, the petitioner proposes to erect the barn in a non-floodway location. The limit of the petitioner's floodway disturbance will be the placement of a crushed stone entry drive which will run westward from the eastern edge of Lot #2 to the proposed barn structure. Staff has verified that disturbance for the entry drive requires permit approval by the Indiana Department of Natural Resources (DNR).

Drainage: Staff has contacted the Stormwater Utility Engineer regarding the need for stormwater improvements. The Engineer has determined that no drainage structures are necessary due to the small-scale nature of the proposed project.

Tree Preservation: No trees will be removed to create either the barn construction site or the gravel drive.

JUSTIFICATION FOR THE PUD AMENDMENT

The Growth Policies Plan designates this property for "Neighborhood Conservation." This designation recommends the continuation of land use patterns which are established in existing neighborhoods. Although the proposed storage barn represents a land use departure from the single family residential development of Sherwood Ranch, the proposed scale of use is so small that this departure will not negatively impact the single family character of the Sherwood Ranch PUD. The proposed barn-like architecture of the storage building will blend in nicely with the rural setting along Jackson Creek. In addition, because the barn location is situated over 40 feet below the grade level of the homes located in Sherwood Ranch, the structure will be largely invisible from nearby residences.

RECOMMENDATION: Based on the written findings above, staff recommends approval of this petition with the following conditions:

1. Prior to receiving building permit approval to construct the proposed storage building, the petitioner is required to present proof of Indiana Department of Natural Resources (DNR) approval to construct the proposed gravel entry drive within the 100-year floodway of Jackson Creek.
2. This PUD amendment limits the petitioner to construction of a 2,400 square foot vehicle storage building. This building shall be constructed to resemble a barn (with red siding and a cupola) and will not be used to house automobile repair or auction activities.

MEMORANDUM

TO: Don Hastings

FROM: M. Figg, K. Komisarcik, M. Litwin

LIAISON: J. Walters

DATE: October 5, 1999

SUBJECT: PUD-52-99 Richard P. Rechter, 1621 W. Rhorer Road
Preliminary plan amendment to the Sherwood Ranch PUD to allow a non-residential storage building. Also requesting final plan approval and waiver of 2nd hearing.

The Planning Subcommittee of the Environmental Commission has reviewed this petition and has no comments regarding the proposal.

EC Report
51



ROGERS GROUP INVESTMENTS, INC.

RICHARD P. RECHTER

August 27, 1999

City Planning Department
Mr. Tom Micuda
City of Bloomington
401 N. Morton
Bloomington, IN 47404

Dear Tom,

Enclosed find the following documents for my proposed non-residential structure to be used for a preliminary plan amendment, that will be an exception to the PUD. I have enclosed an application and check for \$375.

As we discussed, I propose to build a barn for storage of my antique automobiles along with some other antique equipment that I have, along with a tractor with which I propose to maintain the 4.7 acres with.

Enclosed also a large drawing marked "Site Plan" which gives the boundaries of property and the local of the structure and the drive. As you can see the proposed building is more than 130 feet from the South property line and 60 feet from the West property line.

I am enclosing also with Exhibit "A" a survey of the tract that includes an access easement. This exhibit includes property that was subsequently sold to the City of Bloomington and I am enclosing Exhibit "B" which show a taking of 1.13 acres with a copy of warranty deed labeled Exhibit "C" which leaves a residue of 4.722 acres. I am enclosing Quit-Claim Deed labeled Exhibit "D" that ties back to the site plan, which I have enclosed.

I would ask you to submit to Planning Commission on October 11th 1999 and request the 2nd hearing be waived. This would allow the City Commission to act hopefully on October 22nd and November 23rd.

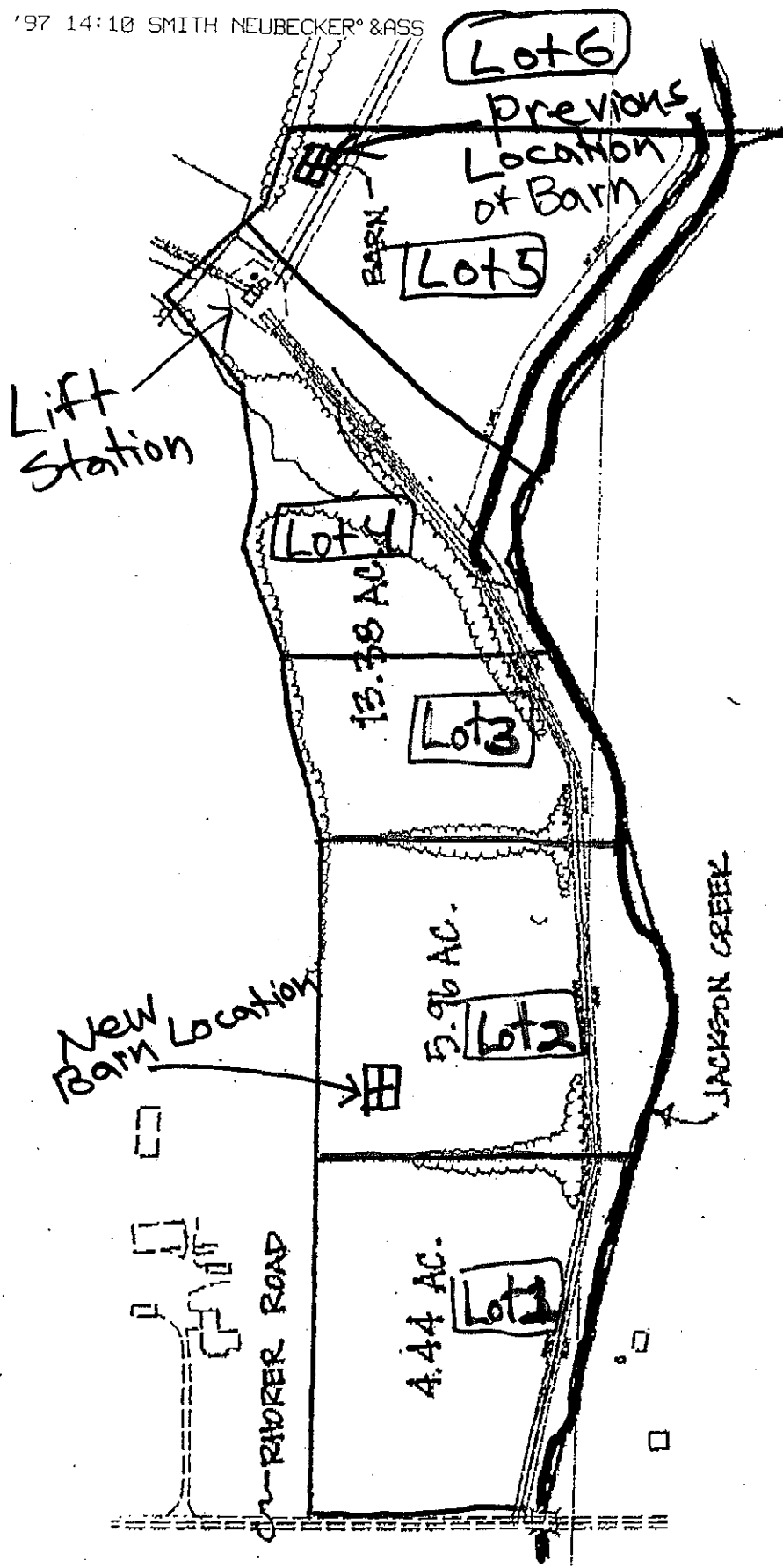
In addition I plan on having only electricity run to the building, so do not require water or sanitary facilities.

Thank you for you attention to this matter if you have any questions please give me a call.

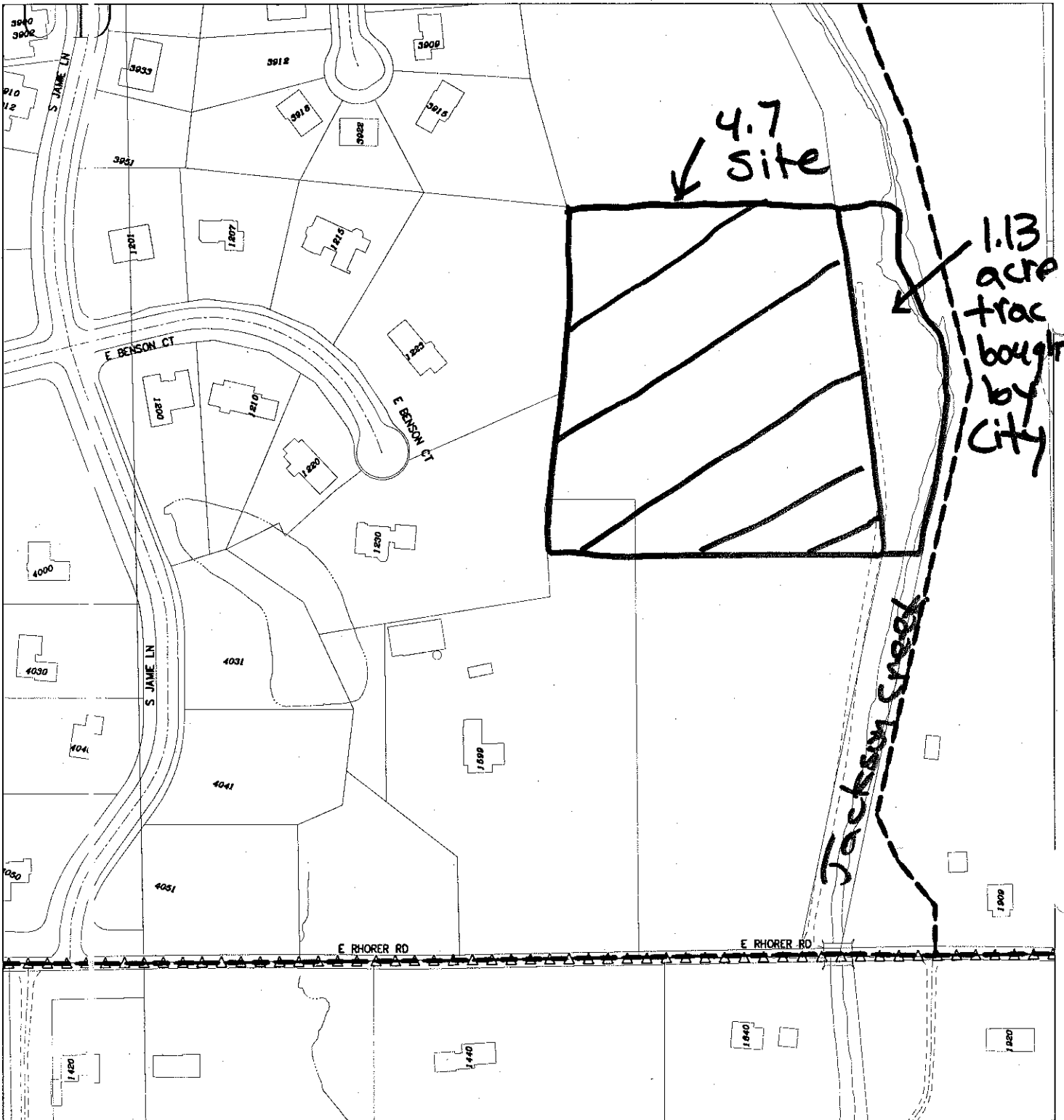
Sincerely,

Richard P. Rechter

PUD-52-99
Petitioner's
Statement
53

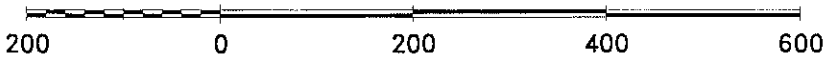


Map Exhibit #2
Previous and
Proposed Location
of Barn 5/

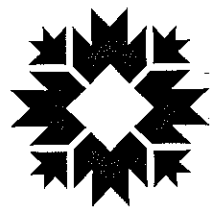


MAP Exhibit # 3
 Revised Site Acreage
 PUD-52-99

By: work
 14 Sep 99

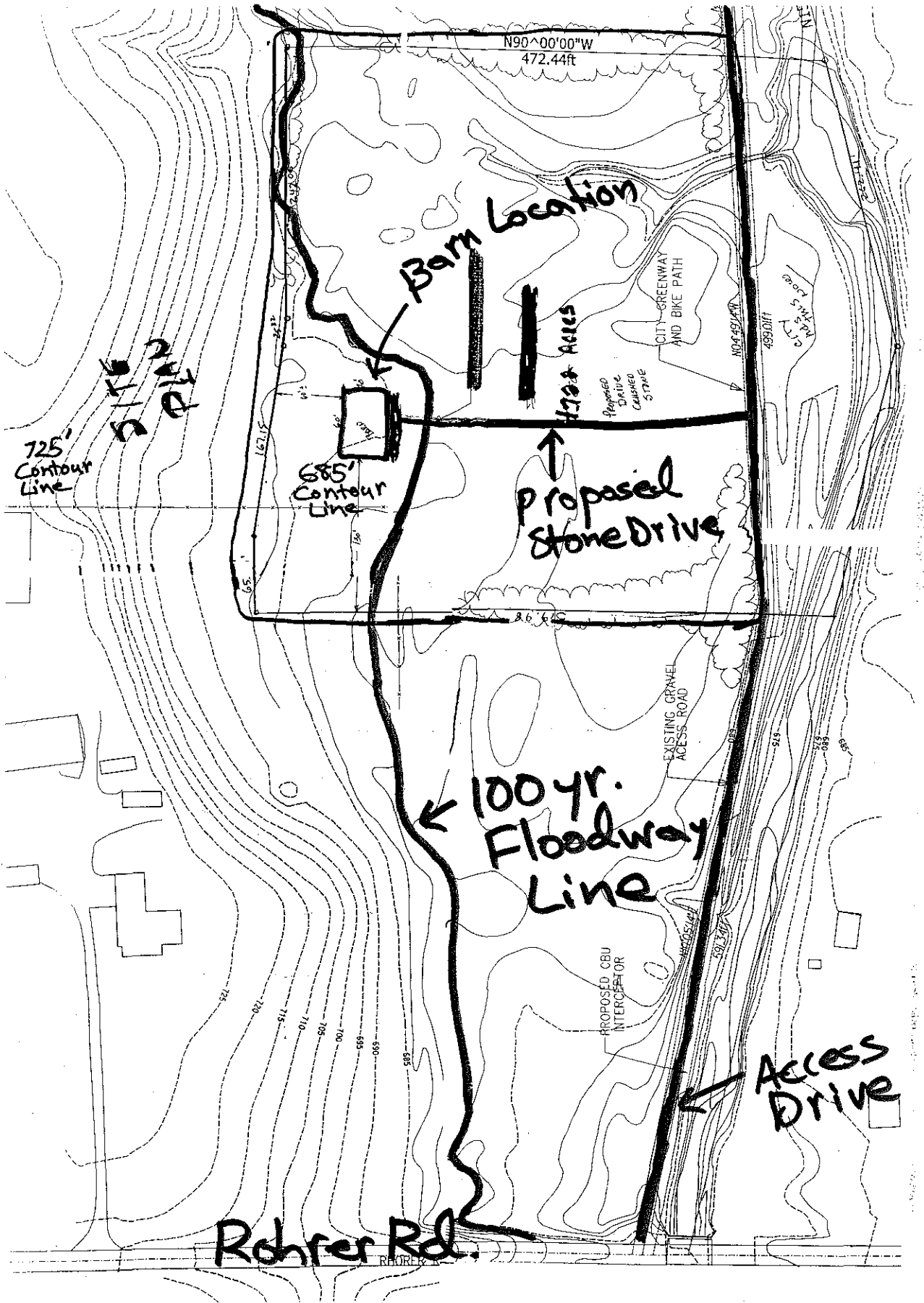


City of Bloomington



Scale: 1" = 200'

For reference only; map information NOT warranted.



PUD-52-99
Map Exhibit #4 Site Plan