

ORDINANCE 96-25

**TO AMEND THE PRELIMINARY PLAN
Re: 3501, 3525 & 3547 Stoneybrook Drive
(Church of God, Petitioner)**

WHEREAS, the Common Council adopted Ordinance 95-21 which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning", including the incorporated zoning maps, and repealed Title 21, entitled "Land Use and Development" on May 1, 1995; and

WHEREAS, the Plan Commission has considered this case, PUD-58-95, and recommended that the petitioner, Church of God, be granted an amendment to the preliminary plan and request that the Common Council consider their 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, a preliminary plan amendment be approved for the property located at 3501, 3525, 3547 Stoneybrook Drive and further described as follows:

A part of the East half of Section Nineteen (19), Township Nine (9) North, Range One (1) West, Monroe County, Indiana, and more particularly described as follows:

Commencing at the Southwest corner of the Southeast quarter of said Section 19; thence North 00 degrees 00 minutes 00 seconds East 1269.38 feet; thence North 90 degrees 00 minutes 00 seconds East 310.37 feet to the point of beginning; thence North 11 degrees 26 minutes 18 seconds East 525.95 feet; thence North 88 degrees 58 minutes 39 seconds East 114.31 feet; thence North 15 degrees 49 minutes 02 seconds East 548.42 feet to Stouts Creek Road; thence South 67 degrees 02 minutes 33 seconds East along said road 139.19 feet; thence North 12 degrees 29 minutes 50 seconds East 837.06 feet to the West right-of-way line of State Highway No. 46; thence along said right-of-way South 67 degrees 04 minutes 18 seconds East 223.90 feet; thence along said right-of-way South 61 degrees 14 minutes 54 seconds East 174.21 feet; thence along said right-of-way South 48 degrees 48 minutes 33 seconds East 204.07 feet; thence along said right-of-way South 33 degrees 55 minutes 22 seconds East 123.43 feet; thence leaving said right-of-way South 47 degrees 31 minutes 33 seconds West 127.52 feet; thence South 39 degrees 37 minutes 10 seconds West 87.59 feet; thence South 62 degrees 34 minutes 27 seconds East 341.68 feet to the West right-of-way of State Highway No. 46; thence along said right-of-way South 24 degrees 43 minutes 52 seconds East 651.81 feet; thence North 89 degrees 31 minutes 06 seconds West 418.41 feet to the West bank of Stouts Creek; thence along said West bank South 21 degrees 48 minutes 03 seconds West 249.72 feet; thence along said West bank South 05 degrees 26 minutes 32 seconds East 119.57 feet; thence along said West bank South 42 degrees 15 minutes 47 seconds West 170.70 feet; thence leaving said West bank South 71 degrees 01 minutes 16 seconds West 188.16 feet; thence South 86 degrees 10 minutes 41 seconds West 397.97 feet; thence North 00 degrees 00 minutes 00 seconds East 40.09 feet; thence South 86 degrees 10 minutes 41 seconds West 397.97 feet; thence North 78 degrees 39 minutes 48 seconds West 217.85 feet to the point of beginning, containing 38.985 acres, more or less. Subject to all easements and rights-of-way of record.

SECTION II. The Preliminary Plan Amendment, as recommended by the Plan Commission, shall be attached hereto and made a part of this ordinance.

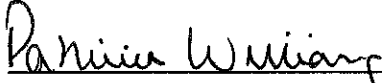
SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 16 day of October, 1996.



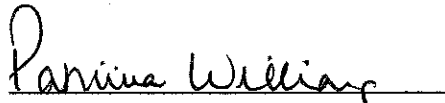
PATRICIA COLE, Vice President
Bloomington Common Council

ATTEST:



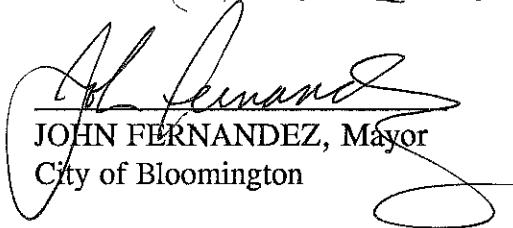
PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of October, 1996.



PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 17 day of October, 1996.



JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance would amend the preliminary plan for the Stoneybrook Park Planned Unit Development (PUD), which was approved in 1995 as a 27-lot subdivision. The amendment would allow a place of worship to be a permitted land use on Lots 1, 2, and 3 of the subdivision.

ORDINANCE CERTIFICATION

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 96-25 is a true and complete copy of Plan Commission Case Number PUD-58-95 which was given a recommendation of approval by a vote of 8 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on July 22, 1996.

Date: August 1, 1996

Toni K. McClure

Toni K. McClure, Secretary
Plan Commission

Received by the Common Council Office this 9th day of August, 1996,

Patricia Williams
Patricia Williams, City Clerk

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

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 _____
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.)

Note

*: The through street (Stony Brook Dr.) may be widened in the future to accommodate future traffic flow.

Memo

TO: The Common Council

FROM: Tom Micuda, Zoning Planner

SUBJ: PUD-58-95, Stoneybrook Park Inc., 3635 West State Road 46

DATE: August 9, 1996

BACKGROUND AND REQUEST: The petitioner is requesting a preliminary plan amendment to allow a church to be built on three adjoining lots (Lots 1, 2, and 3) within the Stoneybrook Park Planned Unit Development (PUD). Stoneybrook Park is located on the south side of State Road 46, north of the Hoadley Stone Quarry, west of Stouts Creek, and east of scattered single family housing along S.R 46. On October 4 1995, the Common Council gave this 36 acre site a PUD designation to authorize a 27 lot single family subdivision. The Planning staff was granted the authority to review the petitioner's final engineered plans. A Notice of Final Plan Approval was issued by staff on October 5, 1995. Later in 1995, the petitioners received a site grading permit to begin work on the subdivision's infrastructure. To date, a gravel base has been installed for the main through street and some utility work has been completed. No significant site grading has yet occurred.

PROPOSAL SUMMARY: Church of God wishes to amend the preliminary plan for the PUD to allow a singular church to be placed on Lots 1, 2, and 3 of this subdivision. This plan amendment is required because the only permitted land use in this PUD is single family detached housing. The church has developed a preliminary site layout which will eventually require staff-level final plan review for such issues as parking, landscaping, lighting, buffering, signage, architecture, etc. The current plan for the church shows required parking on Lot 3, the church site on Lot 2, and a double septic field and open space on Lot 1. Despite not being required to have stormwater detention with the original preliminary plan, the petitioners originally designated Lot 1 as an area for a wet detention pond amenity. The petitioners have discovered that this area will be difficult to utilize for detention due to the presence of shallow bedrock. They would like to place the septic system on Lot 1 and not install the detention pond. Per Condition of Approval #3, the septic system can only encroach into the area designated for detention if drainage calculations prove that detention is not necessary. This will be determined by staff during final plan review.

ISSUES:

Access and Traffic: With the intensification of this PUD, staff was concerned about safe access. As a result, the petitioners must place their main access point for the church opposite a cul-de-sac which runs between Lots 4 and 9. In order to further minimize the number of drive cuts onto the through street, the church's secondary access point will be to Stouts Creek Road. Because it is possible that the subdivision's through street may tie into the County's proposed Curry Pike realignment, the church will be required to construct acceleration/deceleration lanes opposite the cul-de-sac. In addition, accel/decel lanes will also be required along the church's frontage with

State Road 46. An issue raised at the Council meeting last year is the accommodation of left turning into the PUD from S.R. 46. The typical method of addressing this issue is through the installation of a passing blister. The necessity of a blister along S.R. 46 will be evaluated at final plan stage.

Neighborhood Compatibility: The addition of a church to the permitted use list in this PUD will affect both the character of the PUD and the single family homes located west along Stouts Creek Road. With this in mind, staff will pay particular attention during final plan approval to the following items: 1) screening of residential properties from vehicular lights, downlighting of the church parking lot, 3) compatible signage, 4) hours of operation, 5) and architectural compatibility.

Environmental Issues: The report from the Planning Subcommittee of the Environmental Commission is included in this packet. The only recommendation of the Planning Subcommittee was that no building activity except for a possible stormwater detention basin occur on Lot 1. This recommendation is reflected in the conditions of this PUD amendment. Lot 1 will only contain open space, stormwater detention (if required), or a portion of the church's septic system. If Lot 1 is not utilized for detention, the petitioners will need to meet County Health Department guidelines regarding placement of septic fields in the vicinity of drainageways.

Plan Commission Action: The Plan Commission voted unanimously 8:0 to approve this amendment with the following conditions:

1. Lots 1, 2, and 3 are for church use only and must come back to staff for final plan approval.
2. The access drive for the church must be placed directly across from the cul-de-sac to the east as shown on the petitioner's site layout.
3. Septic fields may not encroach into the retention pond located on Lot 1 unless staff determines at or before final plan stage that such retention is unnecessary.
4. Accel/decel lanes are required on the S.R. 46 frontage at the time of final plan approval for the church. Staff reserves the right to require a passing blister on S.R. 46 at the time of final plan approval.
5. Accel/decel lanes on the Curry Pike frontage for the church shall be required at final plan stage.
6. In the final plan, the petitioner will be required to provide for appropriate screening between the parking lots and adjacent residential properties.

Petitioner's Statement

21 May, 1996

City of Bloomington Planning Department
401 North Morton Street
Bloomington, Indiana 47404

Dear Plan Commission:

We respectfully request that you consider this application for an amendment to the outline plan for Stoneybrook Park (PUD 58-95). The PUD was approved for single family residence only. We now have a client who is very interested in putting a church on three of the lots (1, 2, & 3) in this subdivision. We are also requesting the development plan be deferred to staff for approval. A waiver of the second hearing is also requested.

- The proposed use and development will be consistent with the Comprehensive Plan and will not interfere with the achievement of the objectives of the Comprehensive Plan. The area planned for the church is residential in nature. Churches, serving residents, are often located in residential areas.
- The proposed use and development will not create nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights. Church activities are complimentary to a residential neighborhood.
- The proposed use and development will not have adverse impact upon adjacent property, character of the area, or public health, safety, and general welfare.
- The proposed use and development will be served adequately by streets, utilities, and stormwater management structures. Septic fields will be installed that are appropriately sized for the development.
- The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. The property on which the Church of God intends to locate is bounded by State Road #46 West on the North, Stoneybrook Drive on the East and Stouts Creek Road on the South. Stoneybrook Drive is located on the planned future route for Curry Pike, a collector. The main driveway comes off Stouts Creek Road half a block West of its intersection with Stoneybrook Drive
- The proposed use and development will not result in the excessive destruction, loss, or damage of any natural, scenic or historic feature of significant importance. Stoneybrook Park is located in gentle rolling pastures.
- The hours of operation will be typical, with no outside group activities after ten o'clock pm. Outside lighting will be limited to lighting the cross on the building, possibly a small sign, and probably one safety light for the parking lot. Trash and waste collection will comply with neighborhood standards and will not pose a hazard, hardship, or nuisance to the neighborhood.
- Signs will be kept to a minimum.
- The design of the structure will compliment the houses which are expected to be built in this neighborhood.

Sincerely,

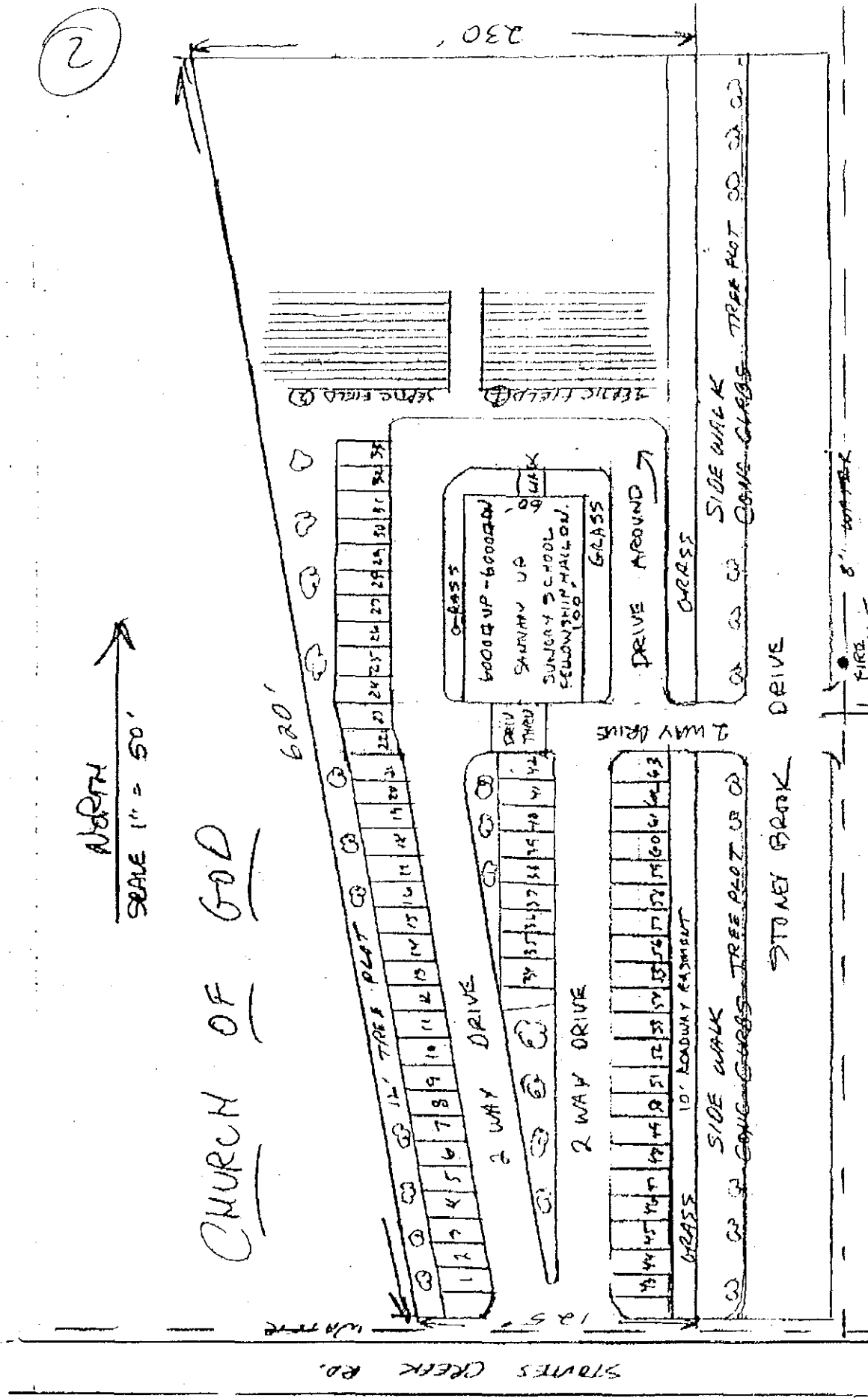


Veronica Hites
Drafting Technician
Bynum Fanyo, & Associates
528 North Walnut Street
Bloomington, Indiana 47404
(812) 332-8030

2

North
SCALE 1" = 50'

CHURCH OF GOD



Cut de sac

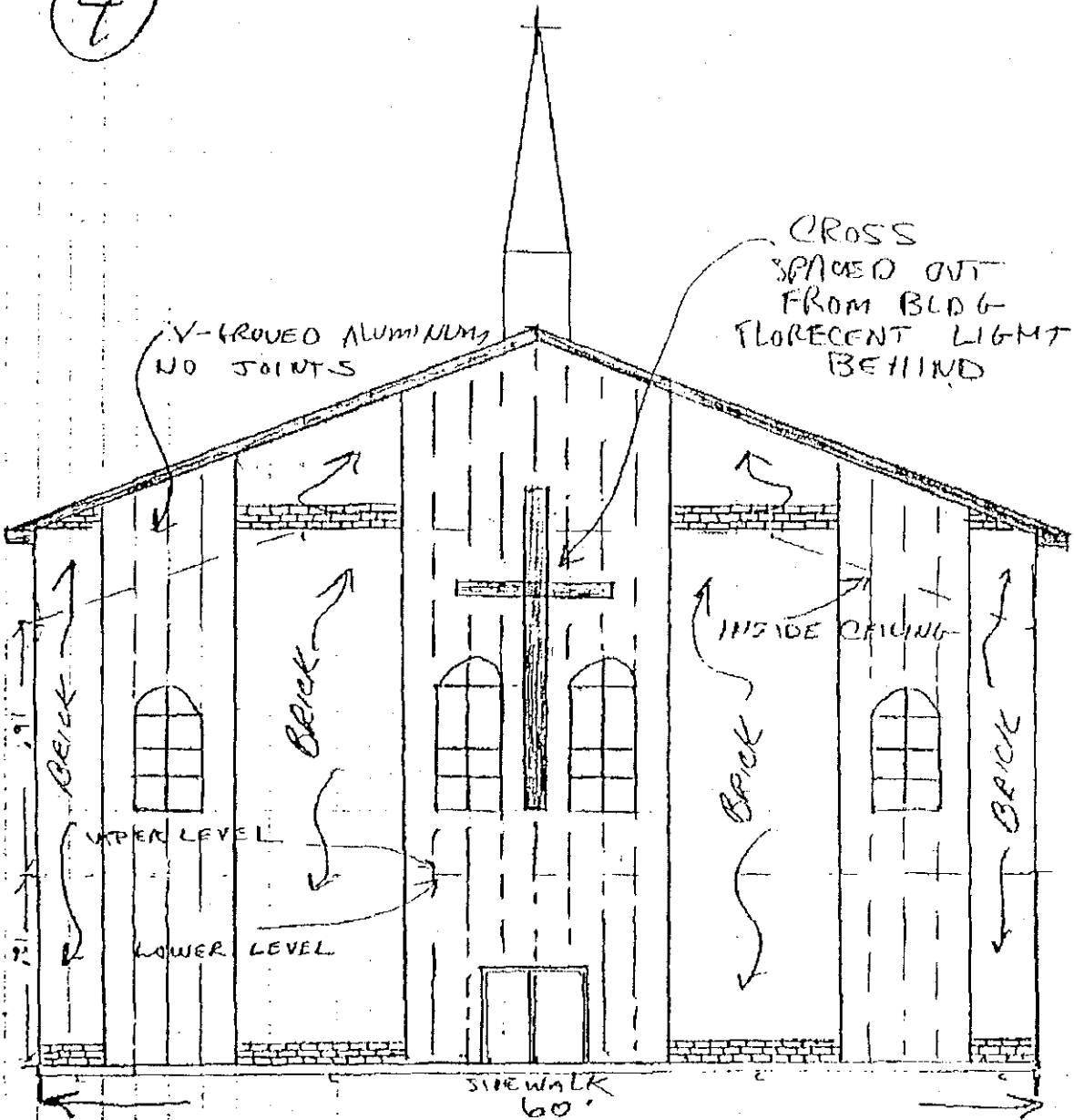
7-22-96

PUD-58-95
Site Plan

6

LOCATED ST. MARY BROOK - MARY KATH.

4



ELEVATION LOOKING AT HW 46

ALSO LIGHTING PLAN

7-22-96

PUD-58-95
Architecture

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