

*withdrawn by petitioner
6/1/88*

ORDINANCE 88 - 17

To Amend the Zoning Maps from RE to RS and
Grant Outline Plan Approval and PUD Designation

RE: 39 acres north of Griffy Lake on North Dunn St.
(North Point Development Corp.)

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-29-88, and recommended that the petitioner, North Point Development Corp., be granted an amendment to the Bloomington zoning maps and request that the Common Council consider their petition for rezoning of certain property:

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 that the zoning be changed from RE to RS for property located North of Griffy Lake on North Dunn Street, and more particularly described as follows:

A part of the Southeast Quarter of Section Sixteen (16), Township Nine (9) North, Range One (1) West, Monroe County, Indiana, and more particularly described as follows:

Beginning on a pipe at the southeast corner of said Section, thence North Eighty-eight (88) Degrees and Twenty (20) Minutes West along the South Line of said Section 1528.46 feet to a pipe (said pipe being 281.00 feet East from the center line of State Road #37), thence leaving said South Line North Twenty-two (22) Degrees and Forty-eight (48) Minutes East 972.93 feet (Deed Record North Twenty-five (25) degrees and Thirty (30) Minutes East 1006.00[±] feet) to a pipe (said pipe being 281.00 feet East from the center line of State Road #37), thence South Eighty-nine (89) Degrees and Fifty-three (53) Minutes East 94.78 feet to a pipe, thence North Zero (00) Degrees and Five (05) Minutes East 199.02 feet to a pipe, thence South Eighty-nine (89) Degrees and Fifty-three (53) Minutes East 105.48 feet to a pipe, thence North Zero (00) Degrees and Five (05) Minutes East 270.78 feet to a pipe, thence South Eighty-nine (89) Degrees and Fifty-three (53) Minutes East 952.00 feet to a pipe in the East Line of said Section, thence along said East Line South Zero (00) Degrees and Five (05) Minutes West 1409.00 feet to the place of beginning. Containing 39.09 acres, more or less.

SECTION II. Through the authority of IC 36-7-4 and pursuant to Chapter 20.13 of the Bloomington Municipal Code, that an outline plan be approved and that the above designated property be designated a Planned Unit Development.

SECTION III. The Outline Plan, as submitted by the petitioner, shall be as attached hereto and made a part hereof.

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
____ day of _____, 1988.

PAM SERVICE, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of
Bloomington, Monroe County, Indiana upon this ____ day
of _____, 1988.

PATRICIA WILLIAMS, City Clerk

SIGN and APPROVED by me upon this ____ day
of _____, 1988.

TOMILIA ALLISON, Mayor
City of Bloomington

SYNOPSIS

The petitioner (North Point Development Corporation) proposes
a 39 acre, 52 lot, single family subdivision on the property
north of Griffy Lake and accessing from Dunn Street.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number _____, is a true and complete copy of Plan Commission Case Number RS/PUD-29-88 which was given no recommendation by a vote of 8 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on April 25, 1988.

Timothy A. Mueller
Planning Director

Date: 4/29/88,

Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 29 day of April, 1988.

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 <u>X</u>	Investments _____	Short-Term Borrowing _____
New Fees _____	Annexation _____	Other _____

RE to RS/PUD with outline plan approval and PUD designation

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____
Unforeseen Need _____

Emergency _____
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 X

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)

Agency submitting legislation Planning Department

By Timothy Mueller

Date 4/28/88



BYNUM FANYO & ASSOCIATES, INC.

18 April 1988

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

City of Bloomington
P.O. Box 100
Bloomington, IN 47401

Attn: Mr. Tim Mueller
Re: North Pointe Estates

Dear Tim:

Our client respectfully requests rezoning of approximately 39 acres of land currently zoned RE to RS/PUD. The proposed density to allow construction of 52 single family lots is 1.33 lots per acre. The plan consists of an outline of a 52 lot layout currently in the staffs possession to be fully engineered during development plan approval, construction of 24 feet of asphalt pavement with 2 foot curb and gutters and sidewalks on one side, fencing of the property we have in common with the City of Bloomington Utilities from Dunn Street to our southeast property corner, reconstruction of the Dunn Street and Old, Old S.R. 37 intersection, running an 8-inch sanitary sewer from Old S.R. 37 to service this property, and the erosion and sedimentation control plan previously submitted.

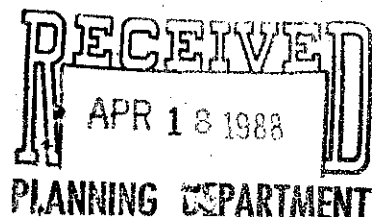
We also ask that the federally accepted design standards of the American Associations of Highway and Transportation Officials (AASHTO) be accepted as governing the design of this development.

If you have any questions regarding the above, please contact me at any time.

Very truly yours,
BYNUM FANYO & ASSOCIATES, INC.


Jeffrey S. Fanyo, P.E.

xc: B. Storm L. Coyne File #408739
700 NORTH WALNUT STREET BLOOMINGTON, INDIANA 47401



812-332-8030

CITY OF BLOOMINGTON

Interdepartmental Memo

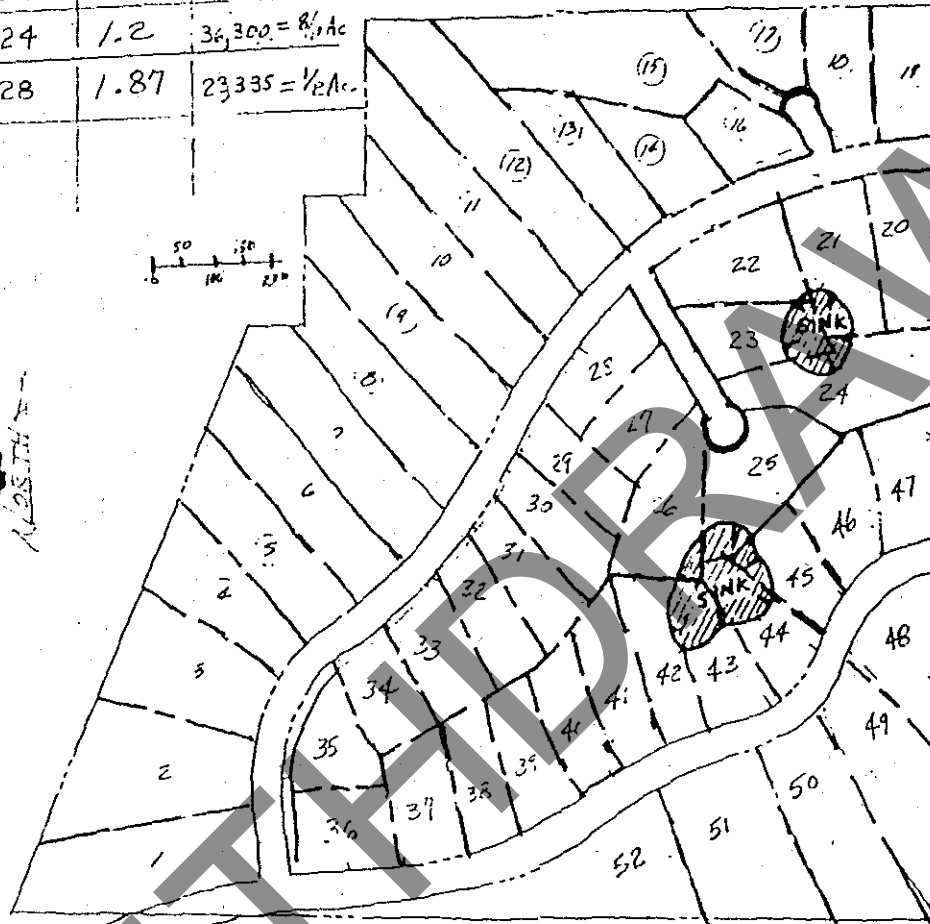
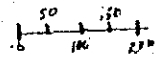
TO: Common Council SUBJ: North Point Development
FROM: Tim Mueller/Planning DATE: April 28, 1988

This proposal involves rezoning of 39 acres north of the City owned Griffy site and east of Dunn Street from RE to RS, with simultaneous outline plan approval and PUD designation. The 39 ridgetop acres would access via a public street across City land from Dunn Street. The intersection of Dunn and Old 37 would be relocated to Hillview to the west for a much better intersection. The outline plan includes the above and a plan for 52 lots with minimum dimensions of 19,000 sq. ft. and 100 ft. width. Although RS would allow many more than 52 lots, the PUD designation would bind the developer to the proposed plan only and would run with the land. Sewer would be extended from Old 37 below Blue Ridge to the site.

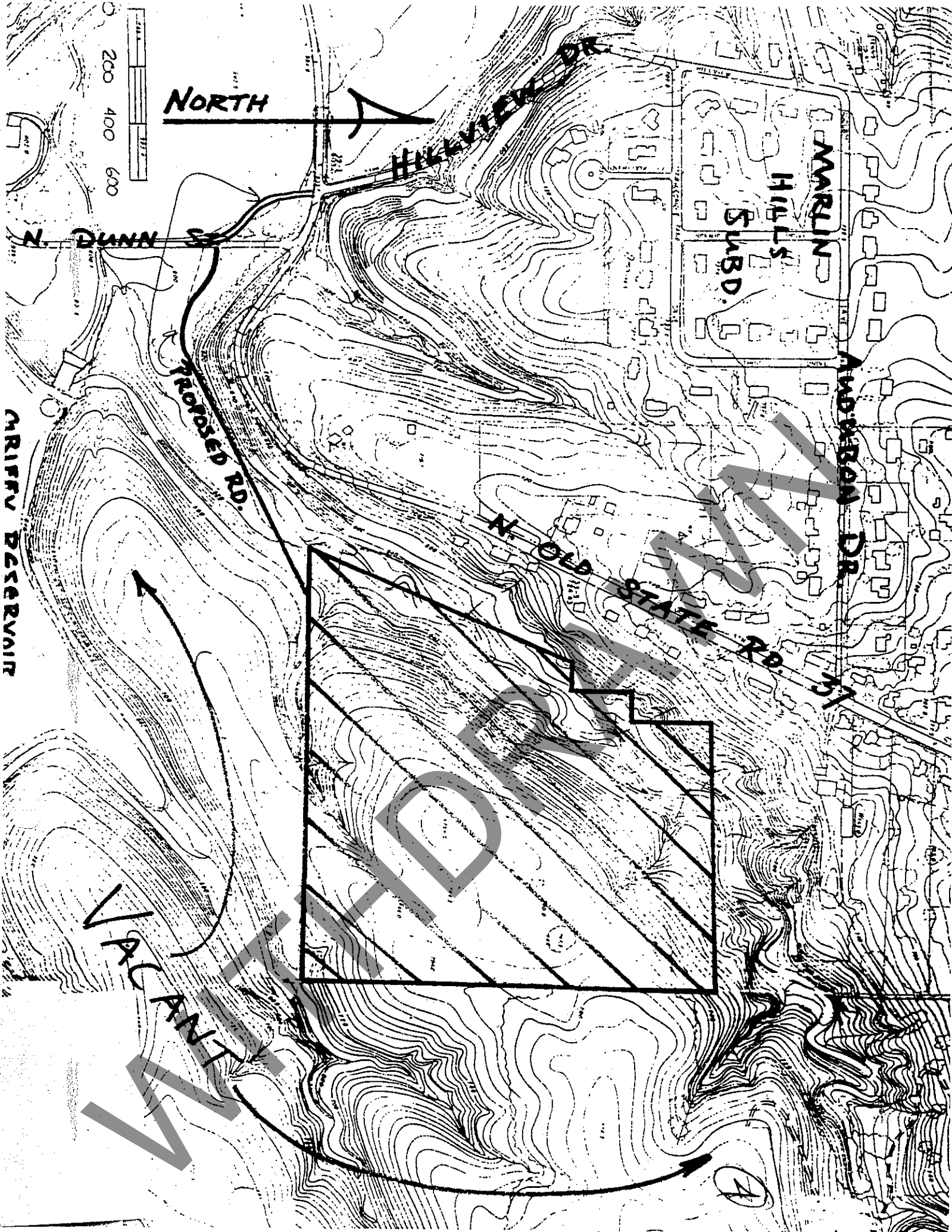
The presence of street access and utilities on the ridgetop upon completion of this development would facilitate development of other properties.

The Plan Commission voted 8 to 1 to forward this petition without recommendation (relevant statute enclosed), after a vote of 5 to 4 against a motion to approve with 2nd hearing waived. Failure to achieve a quorum of 6 constitutes no action.

	ACRES	LOTS	Lot/Ac	Ave Lot Size
TOTAL	39	52	1.33	32,670 = $\frac{3}{4}$ Ac
PERIMETER LOTS	20	24	1.2	36,300 = $\frac{8}{10}$ Ac
INTERIOR LOTS	15	28	1.87	23,335 = $\frac{1}{2}$ Ac
ROADS	4			



COUNTY DESIGN
STANDARDS
MINIMUM LOT SIZE 19,000
MINIMUM 100' WIDE LOT



the reasons for the amendment. The commission has forty-five (45) days in which to consider the amendment and report to the legislative body as follows:

(A) If the commission approves the amendment or fails to act within the forty-five (45) day period, the ordinance stands as passed by the legislative body as of the date of the filing of the commission's report of approval with the legislative body or the end of the forty-five (45) day period.

(B) If the commission disapproves the amendment, the action of the legislative body on the original amendment stands only if confirmed by another vote of the legislative body within forty-five (45) days after the commission certifies its disapproval. If the legislative body fails to confirm its action under this clause, the ordinance is defeated as provided in subdivision (3). [IC 36-7-4-607, added by Acts 1981, P.L. 309, § 23; 1981, P.L. 310, § 33; 1982, P.L. 212, § 3; P.L.355-1983, § 2; P.L.335-1985, § 21.]

36-7-4-608. Proposals to change zone maps incorporated by reference into zoning ordinances — Legislative procedures. — (a) This section applies to a proposal, as described in section 602(c) [36-7-4-602(c)] of this chapter, to change the zone maps incorporated by reference into the zoning ordinance.

(b) If the proposal is not initiated by the plan commission, it must be referred to the commission for consideration and recommendation before any final action is taken by the legislative body. On receiving or initiating the proposal, the commission shall, within sixty (60) days, hold a public hearing in accordance with section 604 [36-7-4-604] of this chapter. Within ten (10) business days after the commission determines its recommendation (if any), the commission shall certify the proposal under section 605 [36-7-4-605] of this chapter.

(c) METRO. This subsection applies if the proposal receives a favorable recommendation from the plan commission:

(1) At the first regular meeting of the legislative body after the proposal is certified under section 605 of this chapter, the legislative body may, by a majority of those voting, schedule the proposal for a hearing on a date not later than its next regular meeting.

(2) If the legislative body fails to schedule the proposal for a hearing under subdivision (1), the ordinance takes effect as if it had been adopted at the first regular meeting of the legislative body after the proposal is certified under section 605 of this chapter.

(3) For purposes of this subdivision, the final action date for a proposal is the date thirty (30) days after the date that the proposal is certified under section 605 of this chapter, or the date of the second regular meeting after the proposal is certified under section 605 of this chapter, whichever is later. If the legislative body schedules the proposal for a hearing under subdivision (1) but fails to act on it by the final action date, the ordinance takes effect as if it had been adopted (as certified) on the final action date. However, the period of time from certification under section 605 of this chapter to the final action date may be extended by the legislative body, with the consent of the initiating plan commission or the petitioning property owners. If the legislative body fails to act on the proposal by the final action date (as extended), the ordinance takes effect as if it had been adopted (as certified) on that extended final action date.

(4) If the legislative body schedules the proposal for a hearing under subdivision (1), it shall announce the hearing during a meeting and

enter the announcement in its memoranda and minutes. The announcement must state:

- (A) The date, time, and place of the hearing;
- (B) A description of the proposed changes in the zone maps;
- (C) That written objections to the proposal filed with the clerk of the legislative body or with the county auditor will be heard; and
- (D) That the hearing may be continued from time to time as may be found necessary.

(5) If the legislative body rejects the proposal at a hearing scheduled under subdivision (1), it is defeated.

(d) METRO. The plan commission may adopt a rule to limit further consideration, for up to one (1) year after its defeat, of a proposal that is defeated under subsection (c)(5).

(e) ADVISORY-AREA. The legislative body shall vote on the proposal within ninety (90) days after the plan commission certifies the proposal under section 605 of this chapter.

(f) ADVISORY-AREA. This subsection applies if the proposal receives a favorable recommendation from the plan commission:

(1) At the first regular meeting of the legislative body after the proposal is certified under section 605 of this chapter (or at any subsequent meeting within the ninety (90) day period), the legislative body may adopt or reject the proposal. The legislative body shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.

(2) If the legislative body adopts (as certified) the proposal, it takes effect as other ordinances of the legislative body.

(3) If the legislative body rejects the proposal, it is defeated.

(4) If the legislative body fails to act on the proposal within ninety (90) days after certification, the ordinance takes effect as if it had been adopted (as certified) ninety (90) days after certification.

(g) ADVISORY-AREA. This subsection applies if the proposal receives either an unfavorable recommendation or no recommendation from the plan commission:

(1) At the first regular meeting of the legislative body after the proposal is certified under section 605 of this chapter (or at any subsequent meeting within the ninety (90) day period), the legislative body may adopt or reject the proposal. The legislative body shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.

(2) If the legislative body adopts (as certified) the proposal, it takes effect as other ordinances of the legislative body.

(3) If the legislative body rejects the proposal, it is defeated.

(4) If the legislative body fails to act on the proposal within ninety (90) days after certification, it is defeated.

(h) ADVISORY-AREA. The plan commission may adopt a rule to limit further consideration, for up to one (1) year after its defeat, of a proposal that is defeated under subsection (f)(3), (g)(3), or (g)(4). [IC 36-7-4-608, as added by Acts 1981, P.L. 309, § 23; 1981, P.L. 45, § 22; P.L.335-1985, § 22; P.L.335-1987, § 1.]

Amendments. The 1987 amendment redesignated former subdivision (2) of subsection (c) as present subdivisions (2) and (3) thereof and rewrote former subdivision (2), which read: "If the legislative body (A) fails to schedule the proposal for a hearing under subdivision (1), or (B) schedules it for a hearing under subdivision (1) but fails to act on it within thirty (30) days after certification,

the ordinance takes effect as if it had been adopted (as certified) thirty (30) days after certification"; redesignated former subdivisions (3) and (4) as present subdivisions (4) and (5) of subsection (c); and substituted "subsection (c)(5)" for "subsection (c)(3)" at the end of subsection (d).

Effective Dates. P.L.345-1987 contained no effective date provision. Pursuant to IC