RESOLUTION 76-4

SPECIAL: PUD - PLANNED UNIT DEVELOPMENT

WHEREAS, the Common Council of the City of Bloomington, Indiana, passed a Zoning Ordinance amendment and adopted new incorporated zoning maps on June 22, 1973, and

WHEREAS, said zoning ordinance and maps are now incorporated in the "Bloomington Municipal Code" as Title 20 of said Code, and

WHEREAS, the City Plan Commission has recommended that property located within the jurisdiction of the authority of the Zoning Ordinance be designated as a Planned Unit Development.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, that under the authority of Chapter 174 of the 1947 Acts of the General Assembly of the State of Indiana as amended that the following described property be designated an RS/PUD (Residential Single-Family Planned Unit Development):

SECTION 1. That the unincorporated property on maps 13 and 14 of the Zoning Ordinance adopted June 22, 1973, to-wit:

Description - 47 acres (Commonly known as: NW Corner Sare Rd. and Rogers Rd.

A part of the Southeast Quarter of Section 11, Township 8 North, Range 1 West and part of the Southwest Quarter of Section 10, Township 8 North, Range '_West in Monroe County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of Section 11; thence East along the South line of Section 11, 675 feet, more or less, to the East line of the West Half of the Southeast Quarter of the Southeast Quarter of said Section 11, (said point also being the intersection of Rogers Road and Sare Road as now located); thence North along the said West line and the center line of Sare Road, 1450 feet, more or less, to a point 539.28 feet South of the Northeast corner of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of said Section 11; thence West and parallel to the North line of said Quarter Quarter Quarter Section 230:16 feet; thence North and parallel to the East line of the said Quarter Quarter Quarter Section 215.68 feet to a point in the South line of Spicewood Addition; thence West along the South line of lots 1 through 5 in said Spicewood Addition, 433.24 feet (said point being in the West line of said Section 11); thence South along said West line of Section 11 and the East line of said Spicewood Addition 1004.00 feet (said point being in the North line of the South Half of the Southeast Quarter of the Southeast Quarter of Section 10); thence West along the North line of said Half Quarter Quarter Section 529.56 feet; thence North 68.00 feet; thence West 224.98 feet; thence North 66 degrees 11 minutes 16 seconds West 469.97 feet; thence North 85 degrees 11 minutes 16 seconds West 298.37 feet; (said point being in the East line of the Child's School property of the Mo .roe County Community Schools) thence South 14 degrees 43 minutes 41 seconds East along the East line of said School Property 282.78 feet; thence East 89.02 feet, more or less, to the Northwest corner of the South Half of the Southeast Quarter of the Southeast Quarter of Section 10; thence South along the West line of said Half Quarter Quarter Section 660 feet, more or less, to the Southwest corner of the said Half Quarter Quarter Section (said point also being in the center line of Rogers Road); thence East along the South line of Section 10 and the center line of Rogers Road 1320 feet, more or less, to the Place of Beginning, containing, in all, 46.6 acres, more or less.

SECTION 2. That this resolution shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED AND ADOPTED this ______ day of <u>February</u>, 1976, by the Common Council of the City of Bloomington, Monroe County, Indiana.

Clem Blume, President Bloomington Common Council

23 APPROVED this day of February, 1976, by the Mayor.

Francis X. McCloskey City of Bloomington

Plan Commission Meeting, November 3, 1975

<u>PUD-28-75</u> Mr. Rafter presented the staff report on this request for a Planned Unit Development by the Bloomington Development Corporation at the northwest corner of Sare Road and Rogers Road. He said TAC would be reviewing this plan.

Mr. William L. Dankert of Paul Cripe, Inc., Architects, was present along with Bud Bryan representing Bloomington Development Corporation. He said that the intention was to extend the Spicewood Addition by building condominiums and single family residences.

He noted that the requirements are that 75 percent be single family residences but that they are planning 68 percent multi-family, 28 percent single-family, and 5 percent commercial. If all of Spicewood is included, then 55 percent would be single-family residential.

Ms. Gray asked about the dimensions of the right-of-way of Sare Road and indicated that she thought Sare Road would have to be improved.

Mr. Blume moved and Mr. Mizell seconded a motion to place this request on the agenda. Motion passed unanimously. Plan Commission Meeting, November 24, 1975

<u>PUD-28-75</u> - Mr. Rafter presented the request for designation of the Northwest Corner of Sare Road and Rogers Road as a RS/ PUD for the purpose of constructing condominiums, singlefamily residences, and a small shopping center by the Bloomington Development Corporation. He noted that TAC had reviewed the request and determined that there is no drainage problem since the flow will be through the storm sewer system into the natural drainageway that runs through the site; that sewer and water services are available on the site; and that the developer will dedicate 50 feet from the center line along Rogers and 40 feet from the center line along Sare Road for future street expansion. TAC said that the developer should be required to make improvements at access points in terms of providing acceleration and deceleration lanes and passing bubbles.

Mr. Rafter said that the applicant is requesting variances from sections 20.13.02.06 <u>Ratio of Use</u>, 20.13.02.07 <u>Commercial</u> Uses, and 20.13.02.08 <u>Plan Commission Approval</u>, Section E. (See Staff Report).

Mr. Bill Dankert representing Paul I. Cripe, Corp. and Mr. Jim Dankert, Engineer, and Mr. Bud Bryan representing Bloomington Development Corporation were all present.

Mr. Bill Dankert spoke explaining that they were considering this as an extension of Spicewood rather than as a separate development. He said that the number of single-family and condominiums would be decided at the development stage.

Discussion ensued with regard to acceleration and deceleration lanes. Mr. Dankert said that they would be placed at the access points unless otherwise required. Mr. Rafter said that

PUD-28-75 Placed on agenda

> PUD-28-75 Approved

they would be required on both sides of the road and that 300 feet visibility was feasible according to Charles Reardon, the County Highway Engineer, and was required. These would be installed at the developer's expense.

Mr. Bill Nicely who lives south of the project was concerned about the drainage problem. He said he believed there would be drainage problems behind the school and in Sycamore Knolls where basements currently have water problems.

Mr. Lyle Cawkins, a resident of Spicewood, questioned the traffic congestion on Sare Road. He pointed out that exiting onto Moore's Pike from Sare Road is extremely dangerous and suggested that this increased traffic would surely generate accidents.

Mr. Rafter reported that he had talked with Mr. Reardon and that they are doing some work on Sare Road, straightening out curves, and so forth.

Mr. Mizell asked how wide the road could be without having to buy up right-of-way. Mr. Reardon indicated that they would have to acquire additional right-of-way, but that he had found that people are cooperative in giving them right-of-way, according to Mr. Rafter.

Anthony Pizzo who lives on Sare Road testified that the curvy and narrow nature of Sare Road makes it very dangerous and that he thought it ill-advised to create more congestion or traffic in that area until the road work is completed. He suggested postponement of the project until 1977 when the County road work is projected to be completed. He corroborated the statement that there are accidents at Moore's Pike and Sare Rd. He suggested that at least the multiple dwellings and the commercial portions be deleted from the site plan. Mr. Cawkins added that the school bus travels this route and this increases the concern.

Ms. Zietlow asked whether there were drainage projections since there is a history of concern over drainage into Jackson Creek.

Mr. Rafter replied that at this time without development plans indicating the specific location of buildings and impervious surfaces there cannot be any projection except the amount of run-off there is now.

Ron Weber reported that the County plans to improve Rogers Road which is considered an arterial. He said that as a County Councilman he was concerned that there might not be enough money to improve Sare Road adequately. He suggested that the problem might be solved by annexing Sare Road or if that were not possible then the developer be made responsible for the improvement of Sare Road or at least substantial money toward the improvements.

Mr. Mizell raised the question of the variance of common open space from the required 7 acres to 1 acre. He pointed out that the City is continually getting stuck by having to go back and buy additional open space because the developer has not set aside an adequate amount. He pointed out that it is not uncommon for developers to be required to donate land or in-kind match (namely money) for common open space. He pointed out that this particular development company has been very generous in the past, for example, the donation of Child's School. He said he hoped the Commission would be reviewing the subdivision requirements which could require that the developer set aside space for recreational facilities within a subdivision, so that the City does not have to go back and purchase land at a later date to provide such facilities for the residents of that subdivision. He said that he was speaking against the granting of the variance on common open space.

Mr. O'Brien moved and Mr. Royal seconded a motion to approve the request as is. Ms. Pryor offered a friendly amendment that each variance be voted on separately. Mr. O'Brien accepted the amendment but Mr. Royal withdrew his second, leaving the motion without a second.

Mr. Mizell moved to approve the request without granting any variances and requiring that there be some satisfactory solution to the traffic problem on Sare Road. Mr. Blume seconded the motion.

Ms. Gray expressed reservations about requiring the developer to improve Sare Road.

Mr. Snoddy, from the audience, commented that county highways require the same sorts of permissions that state highways do.

Mr. Mizell said that he believed that if the Commission approves this request with the recommendation to Council that some satisfactory solution of the problem of improving Sare Road needs to be found, then he hoped that the Council would begin to talk with the County Council toward that end. He acknowledged that this might be a weak motion, but that it is beyond the power of the Commission to correct the problems of Sare Road, but that it is not beyond the powers of the City Council with the help of the County Council.

Ms. Gray said she had reservations about the motion inasmuch as it might give hope with regard to improving Sare Road where there might not be any.

Discussion ensued with the participation of Bud Bryan and Bill Wilson with regard to common open space. Ms. Gray pointed out that there is 2.2 persons per dwelling in Sycamore Knolls; Mr. Crossman said that he thought it was closer to 2.4, but in any case, lower than anticipated.

Mr. Bud Bryan noted that they were planning a very low density PUD with a small convenience shopping center. He said that they were probably two to three years away from beginning construction, since they have to bring a water main in, and that Sare Road would probably be improved by that time. He said that they were flexible on providing more open space, but that 7 acres would be unreasonable since they have already given $16\frac{1}{2}$ acres to the school plus $4\frac{1}{2}$ acres to a bicycle path along Jackson Creek. He said there would be approximately 50,000 square feet of convenience shopping. Mr. Wilson said that he would like to reserve the right to bring his planner to meet with Mr. Bryan and work out the common open space problems on the hill area. He said that he had been very cooperative in the past and that he felt they could work out a neighborhood park for this area which would be developed jointly. He said that he wanted it on the record that he wished to reserve the right to come in and work out something with Mr. Bryan before development starts. He said that he would be happy to provide a written report to the Commission after they have worked a plan out. He discussed the development of the bicycle path and the problems attendant thereto.

The motion was withdrawn in order to vote on each variance separately.

Ms. Pryor moved and Mr. Sturbaum seconded a motion to vote on each variance separately. The motion passed unanimously.

Ms. Pryor moved and Mr. Sturbaum seconded a motion to grant the ratio of use variance. The motion passed unanimously.

Ms. Pryor moved and Mr. Sturbaum seconded a motion to grant the commercial use variance. The motion passed unanimously.

Mr. Mizell moved and Ms. Pryor seconded a motion to modify the variance for common open space to that amount of space designated by the Parks and Recreation Board as required for the development of a satisfactory neighborhood park to serve that entire area. The motion passed 7 to 1 with Mr. O'Brien voting no.

Mr. Sturbaum moved and Mr. O'Brien seconded a motion to approve the request. Mr. Mizell offered a friendly amendment to the effect that the Plan Commission is concerned about the traffic problem on Sare Rd. and recognizing that the Commission has no power over that particular area. Mr. Blume amended the amendment to include Moore's Pike as having a traffic problem. Mr. Mizell accepted Mr. Blume's amendment to his amendment and the original movers accepted the amendment. The motion passed unanimously.

PLAN COMMISSION STAFF REPORT FINAL HEARING NOVEMBER 24, 1975

PUD-28-75 Bloomington Development Corporation Northwest corner of Sare Rd. and Rogers Rd.

Request has been submitted for the granting of RS/PUD designation by the Plan Commission for a 47 acre piece of property located at the intersection of Sare and Rogers Road (both are classified as local streets).

This Planned Unit Development will consist of a mixture of single-family and condominium/multi-family uses. In addition, a small convenience retail center is proposed at the intersection.

- I. All requirements of outline map as specified in Section 20.13.01.05 has been submitted to the Plan Commission.
- II. Technical Advisory Committee TAC review of applicant's plan at the November 10, 1975, meeting yielded the following comments:
 - Drainage: No soil problems were identified in the area. Drainage will flow through the storm sewer system into the natural drainageway that runs through the site.
 - 2. Sewer and Water: These services are available on the proposed site.
 - 3. Street System: The developer will dedicate 50 ft. from the center line along Rogers and 40 ft. from the center line along Sare Road for future street expansion. The developer should be required to make improvements at access points in terms of providing acceleration and deceleration lanes and passing bubbles.
- III. Substantive Requirements

20.13.02.02 Definition

Minimum requirement of 20 acres has been met. Proposed PUD consists of 46 acres.

20.13.02.03 Criteria for Approval

Criteria has been met. More than two residential uses will be constructed.

20.13.02.04 Total Open Space

The Ordinance requires that 40 percent of land not be covered with structures, streets, or parking. This requirement will be enforced at development plan stage but it appears that open space will far exceed 40 percent.

20.13.02.05 Density

The mximum density permitted is 8 units per acre in an RS zone. The developer proposes 3.6 units per acre.

Staff Report, PUD-28-75

20.13.02.06 Ratio of Use

In an RS zone, at least 75 percent of the residential units must be singlefamily. The proposed development will consist of 46 single-family units (28%) and 120 multi-family units (72%). This is the maximum number of condominiums proposed, future market requirements may demand that the developer construct more single-family units. This issue will be resolved prior to development plan. The applicant is requesting a variance from this section.

20.13.02.07 Commercial Uses

This section restricts commercial uses to those PUDs with 300 units or more. This PUD will only have 166 living units so a variance is also requested from this requirement.

20.13.02.08 Plan Commission Approval

A-D, F-I are factors to be considered as part of the development plan approval.

E. The Ordinance requires that 15 percent of the Planned Unit Development area be common open space. Presently the developer shows 1 acre as common open space which is two percent of the total, (15% of 46.6 = 7 acres). The applicant requests that he be granted a variance from this provision.

Recommendation

The staff believes that the overall site design of the project is well done since it conforms to existing terrain and preserves vegetation, connects with Spicewood Lane that presently terminates in Spicewood subdivision, concentrates condominiums in one section of the site which is adjacent to the commercial area and common open space, and finally because the access points provide good visibility onto public roads.

The applicant has requested variances from several sections of the PUD Chapter. The ratio of use and commercial use variances present little problem and should be approved. The Plan Commission zoning revisions now before Council have eliminated use ratio requirements.

The common open space requirement is an important one especially for residents of multi-family areas. The condominium land totals 20 acres. Calculating I5 percent of this figure we reach a total of three acres which should be the minimum requirement for common open space. Conceivably there will be additional common open space within the condominium areas and along the stream which are not reflected on the outline plan but will be included in development plans.

Upon resolution of these variances, the staff recommends approval of the outline plan.

BLOOMINGTON PLAN DEPARTMENT STAFF REPORT

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Hea	aring Dates:		Case No. P	UD-28-75
٠	Preliminary Hearing Nov	<u>ember 3, 197</u> 5		
	Final Hearing <u>Nov</u>	<u>ember 24, 19</u> 75		
	TAC Hearing			· · · · · · · · · · · · · · · · · · ·
1.	Basic Requirements:		•	
	(a) Proof of legal noti	ice <u>X</u> ;	•	
	(b) Notification of adj	jacent property ow	ners <u> </u>	;
	(c) Filing fee X	• •	· ·	•
2.	General information:	· · ·		•
•	(a) Nature of Request	-		
••	Change of Zone			•
	PUD Plan	ned Unit Development.		•
	Site Plan	·		
	Permit			
	(b) Popular Description	n Northwest corner o	f Sare Road and Ro	gers Rd.
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3.	Name of Petitioner B	loomington Developmen	t Corp.	•
•••		aul I. Cripe, Inc.	······································	
4.	Streets involved:			
	(a) North-South Sare R	load	Classification	Local
	(b) East-West Rogers	•	Classification	
5.			und service of the se	
	(a) Schools		-	
•	(b) Parks			
6.				
0.	1. How would the propose		the existing capac	ity of the
	<pre>street system? 2. Variances are being r</pre>	•		-
	ratio of use requirem3. TAC will review drain	nent, and commercial u		· · · · · · · · · · · · · · · · · · ·

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Plan Commission PUD-28-75 Zoning Map





PUD-28-75

PAUL CRIPE, INC. 15 ARKET STREET INDIAN~COLIS, IND. 46204 636-5411

A BUILDING DESIGN

October 24, 1975

Bloomington Planning Department Box 100 Bloomington, Indiana 47401

> Re: Planned Unit Development Sare Road and Rogers Road

Dear Sir:

Bloomington Development Corporation is the owner of approximately 46.6 acres of ground at the northwest corner of Sare Road and Rogers Road in Bloomington, Indiana. The property abuts the south line of the "Spicewood Addition". It is a rolling, mostly wooded tract of ground that lends itself to a continuation of the character of the Spicewood development and has been purchased for that purpose.

A growing part of the Bloomington housing market has been a demand for quality condominium homes in good residential areas. We feel parts of this ground are ideally suited for this type of development. As you study the enclosed land use plan, you will notice the transition from the existing Spicewood homes to the new detached single-family home sites to the condominium section nearer the Sare Road and Rogers Road thoroughfares to the small convenience retail stores at the intersection. Every attempt has been made to utilize the existing topography and ground cover to blend these uses in a compatible manner of land use development.

The vehicular traffic which is so important in a successful development has been limited to the following:

- 1. The extension of Spicewood Lane south to Rogers Road
- 2. A loop street off of Sare Road on the east
- 3. Dead end cul-de-sacs for the majority of detached single-family lots.
- Dead end parking courts off the public street system for the condominiums.
- 5. Separate access for the shopping area at the intersection.

Bloomington Planning Department October 24, 1975 Re: Sare Road & Rogers Road Page Two

A pedestrian walkway will be provided as shown from Spicewood Lane through the common property area D to the shopping area allowing bicycle and foot traffic access to the different areas without traversing the major streets.

Two of the "Substantive Requirements for Planned Unit Development" are not met in this proposal. The ratio of use requirement for a RS PUD is 75% single household detached dwellings. Our ratio is 28%, but would more closely match the required figure if all of Spicewood Addition were considered (53%). The commercial use requirement is PUD of more than 300 units and no more than 5% gross land area. Our number of units is 166, a density of 3.6 per acre. The 3.4 acre tract is 7% of the total 46.6 acres. Again, if the entire Spicewood Addition were included in the figures, we would more closely meet these requirements. Since this PUD is an extension of the Spicewood area by the same developer, we feel the intent of the oridnance has been met and request a variance of those two items.

Sanitary sewer service is available at several locations as shown on the PUD Outline Plan. A 24" VCP is located at the far northwest portion of the project, an 8" VCP is located at the south end of the existing development along Spicewood Lane and a 8" VCP is located at the Southwest corner of Lot 17 in the existing "Spicewood" development which can serve selected lots in the proposed development. These lines are adequate to serve the proposed development at accessible points.

Water service is readily available from the existing development to the north as illustrated by the PUD Outline Plan. However, current requirements of the municipal water company dictate that a 12" main be extended from High Street to the site east along Rogers Road. This extension would be more than adequate to serve this site.

Please find enclosed the several exhibits, notices and application required for filing of a PUD. It is hoped these plans will meet your needs in reviewing and approving this proposal. The filing fee is also enclosed.

Respectfully_submitted

Bud Bryan, Developer Bloomington Development Company

William L. Dankert, Land Planner Paul I. Cripe, Inc.

WLD/dhl Enclosures

CIVIL ENGINEERING

CIVIL ENGINEERING

PAUL CRIPE, INC. 1: MARKET STREET IN DIAN-POLIS, IND. 46204 636-5413

SUSDIVISION DESIGN BUILDING DESIGN

November 18, 1975

Bloomington Planning Department Box 100 Bloomington, Indiana 47401

> Re: Planned Unit Development Sare Road & Rogers Road

Gentlemen:

The Planned Unit Development that is an extension of the "Spicewood" area at Sare and Rogers Road is being heard by the Plan Commission on November 24, 1975. The purpose for this hearing is to give final approval to the Outline Plan submitted previously on October 24th. In reviewing this PUD with you, certain items are shown which require variances from the Ordinance governing PUDs. The following items and explanations enumerate those variances and we would request that those be included in the approval request being heard on November 24th.

Item 1 - Ordinance 20.13.02.06 Ratio of Use. "In RS PUD at least 75% of the residential units shall be single household detached dwellings." This PUD plan contemplates a minimum of 28% detached dwellings. Certain areas in this plan are considered optional condominium areas that may end up detached single family, as the market may dictate at the time of that section's development. This would increase the percentage by reducing the number of units and increasing the number of single family units. Also, we would like the Planning Department to consider the overall Spicewood area in evaluating the various percentages since the same developer (Bloomington Development Corporation) and the same housing standards will continue to apply in the new area. This would increase the single family units to 53% which is much closer to the figure stated in the ordinance.

<u>Item 2</u> - Ordinance 20.13.02.07 <u>Commercial Uses</u>. We indicate a small neighborhood convenience shopping area serviced by a bicycle/ walking path from the residential areas to this corner. This ordinance requires a minimum of 300 living units for PUDs having commercial uses. Our PUD area has 166 maximum living units. By adding the existing Spicewood area, there are 253 total units. Bloomington Planning Department Re: Sare Road and Rogers Road November 1⁸, 1975 Page Two

Item 3 - Ordinance 20,13.02.0⁸E. "Common open space...A minimum of 15% of the planned unit development area shall be developed for recreation purposes; such recreation land may be part of land designated as common open space." Our Outline Plan has an acre of ground (2.3%) designated Common Open Space. There will be additional areas within each section of condomini ums that will have recreational uses and common open space. We cannot designate these areas until each development plan is completed, which we do not feel to be needed as part of the Outline Plan.

With the exception of the above items, we feel the proposed plan meets the ordinance both in specifications and intent and that this property is ideally suited for the proposed development.

We are also enclosing a revised plan which indicates the proposed drainage pattern and projected quantities of storm water flow with respect to both the off-site and on-site conditions in the general area of development.

The storm water calculations shown on the attached exhibit illustrate the quantity of flow both before and after development based on a 3 inch per hour storm (approximately 100 year frequency). Pursuant to the Ordinance. These calculations indicate that, even at the conservative 100 year frequency, the existing storm structures and natural drainage ways are adequate to handle the storm water runoff incident to development. As a final point, the drainage plan contemplates use of curb inlets, storm sewers, rip rap, seeding and sod to properly carry storm water and control erosion during and following construction.

Please call if you have any further questions.

Yours very truly,

PAULI. CRIPE, INC.

William L. Dankert

WLD*dhl Enclosure

COMMITTEE REPORT-SHEET COMMITTEE Planning/Community Development LEGISLATIVE NUMBER Resolution 7.6-4 PUD SUBJECT MATTER NW corner of Sare & Rogers Road Plan Department ORIGIN DATE OF MEETING Tuesday, January 27 1976 READING Second Reading 🖌 DO PASS **RECOMMENDATION:** NO RECOMMENDATION AT THIS TIME TENTATIVE DO PASS; SUBJECT TO CONDITIONS BELOW MINORITY REPORT FILED NONE DISCUSSION COMMITTEE City Glenner & County Coul, Both Inday and Bud Bytan Blogton Dol. Cop. Nesil I specewood add, appen befor the A. Com. mt face Kord genetican of implomy the cond. of food, 3 yea. Monion - young - Blume 1 to. Rechard

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