

ORDINANCE 17-08

**TO AMEND THE APPROVED PLANNED UNIT DEVELOPMENT (PUD) DISTRICT
ORDINANCE AND THE PRELIMINARY PLAN ATTACHED TO PARCEL I OF THE
WOOLERY PUD**

**(Allowing Multi-family dwellings as a permitted use and approving development standards
associated with such use)**

- Re: 2182 W. Tapp Road

(Regency Consolidated Residential, LLC, petitioner)

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning," including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled "Subdivisions," went into effect on February 12, 2007; and

WHEREAS, the Plan Commission has considered this case, PUD-30-16, and recommended that the petitioner, Regency Consolidated Residential, LLC, be granted an approval to amend the District Ordinance and the Preliminary Plan to add "multifamily dwellings" to the list of permitted uses for Parcel I of the Woolery PUD, allowing for a new multi-family apartment complex. The Plan Commission thereby requests that the Common Council consider this petition; and

WHEREAS, the Plan Commission approved PUD-30-16 with the following conditions:
1) The PUD final plan approval will be reviewed by the Plan Commission;
2) All landscaping for this project shall be native species;
3) If deemed necessary by the Planning and Transportation Department during final plan review, the petitioner shall install a left-turn lane into this project from Tapp Road; and,
4) The petitioner shall provide the workforce housing component of the PUD for a minimum of 99 years.

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 20.04 of the Bloomington Municipal Code, the list of permitted uses for Parcel I of the Woolery PUD shall be amended for the property located at 2182 W. Tapp Road. The property is further described as follows:

Lot 1 in Woolery Planned Community, Phase IX, as shown on the Plat thereof recorded as Instrument Number #2012008140 in the office of the Recorder of Monroe County, Indiana

SECTION II. This amendment to the District Ordinance and the Preliminary Plan shall be approved as attached hereto, as described above, and made a part thereof.

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 by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 17th day of May, 2017.


SUSAN SANDBERG, 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 18th day of May, 2017.


NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 18th day of May, 2017.


JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

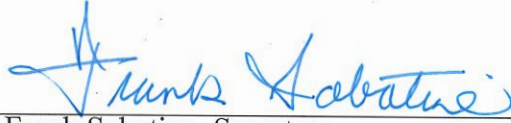
This ordinance amends the District Ordinance and Preliminary Plan of the Woolery PUD to add "multifamily dwellings" as a permitted use on Parcel I and approves development standards associated therewith.

Distributed to: Mayor, Clerk, Council Administrator, Legal, Controller, Planning

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 17-08 is a true and complete copy of Plan Commission Case Number PUD-30-16 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 March 6 2017.

Date: March, 13, 2017



Frank Sabatine, Secretary
Plan Commission

Received by the Common Council Office this 13th day of March, 2017.



Nicole Bolden, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation Budget Transfer Salary Change Zoning Change New Fees	End of Program New Program Bonding Investments Annexation	Penal Ordinance Grant Approval Administrative Change Short-Term Borrowing Other
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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.)

VOLUNTARY ZONING COMMITMENT

- WHEREAS, Indiana Code (I.C.) § 36-7-4-1512(a)(3) provides that when a legislative body is approving or amending a PUD district ordinance, an owner of real property is allowed to make a written commitment as part of its request for the PUD amendment; and
- WHEREAS, where a property owner provides a written commitment in interest of its petition for a PUD amendment, such commitment must comply with the provisions of I.C. § 36-7-4-1015; and
- WHEREAS, Regency Consolidated Residential LLC (“Owner”), is, or will soon become, the fee simple owner of property at 2182 W. Tapp Road (“the Property”); and
- WHEREAS, Owner petitioned the Bloomington Common Council for an amendment to the Planned Unit Development (PUD) District Ordinance and the Preliminary Plan attached to Parcel I of the Woolery PUD of the Property (PUD #16-30 and Ordinance 17-08); and
- WHEREAS, the aforementioned amendment provides for multi-family dwellings as an additional permitted use, and provides for the waiver of certain development standards associated with such use; and

NOW THEREFORE, Owner voluntarily provides and records this *Voluntary Zoning Commitment* in connection with PUD #16-30 and Ordinance 17-08.

1. Legal Description of Property

Lot 1 in Woolery Planned Community, Phase IX, as shown on the Plat thereof recorded as Instrument Number #2012008140 in the Office of the Recorder of Monroe County, Indiana.

2. Binding

This *Voluntary Written Commitment* is binding on the Owner of the Property. Upon recordation in the Office of the Recorder of Monroe County, Indiana, this commitment shall become binding on any subsequent owner, or anyone who acquires an interest in the Property.

3. Recording

This *Voluntary Written Commitment* shall be recorded in the Office of the Recorder of Monroe County, Indiana on or before September 22, 2017.

4. Modification. This *Voluntary Written Commitment* shall only be modified by action of the Bloomington Common Council.

5. Termination. This *Voluntary Written Commitment* shall terminate upon the first of either: 1) action by the Bloomington Common Council; or 2) a determination is made that the project as described in PUD #16-30 and Ordinance 17-08 was, or will not be, built in whole or in part.

6. Enforcement

An action to enforce any provision of this *Voluntary Written Commitment* may be brought in Monroe Circuit Court by the Bloomington Common Council pursuant to I.C. § 36-7-4-1015(d)(1).

7. Workforce Housing Units

Owner makes the following voluntary commitments regarding workforce housing:

- a. 10% of the multi-family units constructed on Parcel I shall be devoted to workforce housing.
- b. Workforce housing shall be available to residents who work at least thirty-five (35) hours per week and whose total household income is less than 120% of the Area Median Income for the household size.
- c. The rent structure is subject to paragraph 7.f, below, and on the date of this Commitment rent for a one-bedroom workforce housing unit shall not exceed six hundred forty seven dollars per month (\$647) and the rent for a two-bedroom workforce housing unit shall not exceed nine hundred and fifty dollars per month (\$950).
- d. In no event may the rent for a workforce housing unit exceed eighty-five percent (85%) of the market rate rent for those units.
- e. The workforce housing units shall be available for ninety-nine (99) years. This 99-year period shall commence once both occupancy and rental permits have been issued for the Property.
- f. The Housing and Neighborhood Development Department, City of Bloomington ("HAND"), will annually provide income eligibility guidelines and rent structure guidelines to the Owner for use in this workforce housing project and Owner will adjust accordingly. The income eligibility and rent structure (paragraphs 7.b - .d, above) will be modified from time to time in accordance with guidelines provided by HAND, or successor City of Bloomington department.

8. Copy

Prior to the issuance of any permits, a copy of the recorded *Voluntary Written Commitment* shall be provided to the City of Bloomington's Planning and Transportation Department and to the Office of the Common Council.

9. Violation

Failure to honor this commitment shall constitute a violation of the City of Bloomington's Unified Development Ordinance and shall be subject to all penalties and remedies provided thereunder. Failure to honor this Commitment shall subject person(s) obligated hereby to revocation of occupancy permits and other legal action.

DATED this 30 day of May, 2017.

REGENCY CONSOLIDATED RESIDENTIAL LLC

By: Mark Avis
Mark Avis, President

ATTEST:

STATE OF ILLINOIS)
) SS: 0
COUNTY OF CHAMPAIGN)

Personally appeared before me, a Notary Public in and for said County and State, Mark Avis, known to be President of Regency Consolidated Residential LLC, who acknowledged execution of the above and foregoing instrument to be his or her voluntary act and deed.

WITNESS my hand and Notarial Seal this 30 day of May, 2017.

Sarah Siuts
Printed Name of Notary Public

Sarah Siuts
Signature of Notary Public

My Commission Expires:

9/9/20



I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Michael L. Carmin

This instrument approved by Michael L. Carmin, Attorney at Law, CARMINPARKER, PC, P.O. Box 2639, 116 West 6th Street, Suite 200, Bloomington, Indiana 47404.