

City of Bloomington Common Council

Legislative Packet

Regular Session

19 March 2008

Office of the Common Council P.O. Box 100 401 North Morton Street Bloomington, Indiana 47402

812.349.3409

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City of Bloomington Indiana City Hall 401 N. Morton St. Post Office Box 100 Bloomington, Indiana 47402



Office of the Common Council (812) 349-3409 Fax: (812) 349-3570 email: <u>council@bloomington.in.gov</u> To:Council MembersFrom:Council OfficeRe:Weekly Packet MemoDate:March 14, 2008

Packet Related Material

Memo Agenda Calendar <u>Notices and Agendas</u>: *None*

Legislation for Final Action:

• <u>App Ord 08-01</u> To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating Grant Funds from the General Fund for Animal Care & Control)

- Memo to Council from Susan Clark, Controller Contact: Susan Clark at 349-3416 or clarks@bloomington.in.gov

• <u>Ord 08-03</u> To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration And Personnel" - Re: Amending Section 2.23.060 Entitled "Commission on the Status of Women – Establishment" to Increase Its Size from Seven to Nine Commissioners

Memo to Council from Susan Sandberg, President

Contact: Susan Sandberg at 349-3409 or sandbers@bloomington.in.gov Isabel Piedmont at 349-3409 or piedmoni@bloomington.in.gov

Please see the <u>29 February 2008 Council Legislative Packet</u> for the legislation, summary, and related materials

- <u>**Res 08-06</u>** Recognizing the Special Value of the Backcountry Area of Morgan-Monroe and Yellowwood State Forests and Urging that it be Permanently Protected from Commercial Logging</u>
 - Memo from Councilmember Rollo; Map of the Backwoods Area Contact: Councilmember Rollo at 349-3409 or rollod@bloomington.in.gov

Legislation and Background Material for First Reading:

 Ord 08-01 To Amend the Preliminary Plan for the Woolery Planned Unit Development (PUD) to Allow 38 Attached Single Family Units on Parcel G
 Re: 1302 W Countryside Lane (Langley Construction)
 Certification (6 – 3); Map of Entire Woolery PUD; Map of Parcel G; Aerial Photo of Parcel G; Memo from Eric Greulich, Zoning Planner; Petitioner Statement; Preliminary Plat for Parcel G; Landscape Plan for Parcel G; Rendering of Town Homes; Staff Report for February 11th Plan Commission Meeting; Staff Report for January 14th Plan Commission Meeting; Environmental Commission Report for January 14th Plan Commission Meeting.
 Contact: Eric Greulich at 349-3526 or greulice@bloomington.in.gov

Minutes from Regular Session:

None

Memo

Reminder: Rules Committee meets on Monday at Noon in the Council Library

Three Items Ready for Final Action and One Item Ready to be Introduced at the Regular Session on Wednesday, March 19th

There are three items ready for final action and one item ready for introduction at the Regular Session next Wednesday. Two of the three items ready for final action are ordinances that come forward from the Committee of the Whole on March 5th and can be found along with related information in the <u>29 February 2008 Council Legislative</u> <u>Packet</u>. The additional item for final action (<u>Res 08-06</u>) and one item ready for introduction (<u>Ord 08-01</u>) can be found in this packet and are summarized herein.

Final Action

Item Three - <u>Res 06-08</u> – Recognizing the Special Value of the Backcountry Area of Morgan-Monroe and Yellowwood State Forests and Calling for the Permanent Protection of this Area from Commercial Logging

<u>Res 08-06</u> documents the recreational and ecosystem services of the Backcountry Area of Morgan-Monroe and Yellowwood State Forests and calls for immediate

cessation of State plans to log this area and for the permanent protection of the Backcountry.

Established in the 1980s as what many consider to be a "wilderness area," the Backcountry is the only area in Morgan-Monroe open to backpack camping. The area is also valuable for the key ecosystem services - such as carbon sequestration, wildlife habitat, protection of biodiversity, water and erosion control - it provides.

This area is slated for commercial logging under the Indiana Department of Natural Resources, Division of Forestry's *Strategic Plan, 2005-07*. Under the *Plan*, the Division of Forestry will increase commercial logging by 500% in a five-year period in an effort to raise revenues. As pointed out in the *Resolution*, this is contrary to the public sentiment insofar as a 2001 Indiana University poll indicated that a majority of Indiana citizens oppose all commercial logging in publicly-owned State forests.

Councilmember Rollo's *Memo* accompanying this *Resolution* indicates that Indiana's 13 State forests account for just 150,000 acres, or 1 percent of the land in Indiana. Less than 1,500 acres of this land is old growth forests. Old growth forests provide a unique and important habitat for many plant and animal species, store large amounts of carbon above and below the ground and collectively mitigate the effects of global warming. Councilmember Rollo points out that this mature forest has potential to develop into an old growth forest if left undisturbed.

The *Resolution* maintains that, not only will logging trigger damaging environmental and recreational losses, but the losses will be "opaque and hidden from public scrutiny under a recent change to State law that exempts the Indiana Division of Forestry from the provisions of the Indiana Environmental Policy Act, absolving the Division of its duty evaluate the environmental impact of its actions (I.C. §14-23-4-1(b))"

The *Resolution* further explains that when Mayor Kruzan served as Indiana State Representative for District 61, he introduced House Bill 1342 in 2002, which proposed a ban on logging State forest land. Current District 61 Representative and former City Council Member, Matt Pierce, has introduced House Bill 1370, which requires the Indiana Department of Natural Resources to prepare: annual statements of proposed removal of merchantable timber from State forests and proposed replanting of trees; an environmental impact statement before the department may proceed with the proposed activities; a procedure for public comment with respect to the proposed activities and the environmental impact statements. The bill also prohibits the removal of timber less 500 yards from a trail in Morgan-Monroe and Yellowwood State Forests and bans the removal of timber during migratory bird nesting season.

Res 08-06 resolves that:

- The recreational and environmental value of the Backcountry Area of Morgan-Monroe and Yellowwood State Forests far outweigh the short term gain in revenue from commercial logging.
- All plans for commercial logging in the Backcountry Area of Morgan-Monroe and Yellowwood State Forests should be cancelled.
- The entire Backcountry Area as it now exists on maps of Morgan-Monroe and Yellowwood State Forests should be permanently protected from commercial logging.

Lastly, the *Resolution* directs the City Clerk to distribute copies of the *Resolution* to the Governor, Division of Forestry and local State representatives.

First Readings

Item One - <u>Ord 08-01</u> Amending the Preliminary Plan for of the Woolery PUD to Allow 38 Attached Single Family Homes on Parcel G

<u>Ord 08-01</u> would amend the Preliminary Plan for the Woolery PUD by allowing 38 town homes in lieu of 19 detached, single family homes on Parcel G at the request of the Petitioner, Langley Construction. This summary is drawn from the Memo and materials provided by Eric Greulich, Zoning Planner, and other material available in the Council Office.

Site and Surroundings. Parcel G is a 5.12 acre vacant and half-wooded site surrounded by Thomson Community Park on the north, single family residences (Woolery Woods) on the east, single and multi-family residences on the south, and Summit Elementary School on the west.

Proposal. The Petitioner proposes developing approximately 3 acres on the west and north of the site and preserving approximately two acres of mature woods on south east side of the site. He would extend Adams Hill Circle from Countryside Lane north and east, to where it would connect with the road stub on the adjoining

parcel. An internal road in the pattern of a backward "Z" will serve the 38 town homes, with the eastern end of both the top and bottom connecting with the Adams Hill Circle. The town home units would align above the top, below the bottom and along the diagonal of the roadway and be lined with 76 perpendicular parking spaces. Each home would have "high efficiency heat pumps, extra insulation and thorough sealing of the exterior."

The proposal calls for the approval of a higher density and the waiver of parking and sidewalk requirements.

In support of this change, the Petitioner also noted that these homes would be listed be listed at an affordable market rate of about \$89,000 to \$95,000 per unit.

Growth Policies Plan. This parcel is within an "urban growth area" of the Urban Residential land use category. Development in these areas should "encourage higher densities, ensure street connectivity, and protect existing residential fabric" and the land use pattern should "incorporate mixed residential densities, housing types, and nonresidential service where supported by adjacent land use(s)." Urban services in these areas should be maintained and "when possible improved" by, for example, new sidewalk links, new bike paths, and burying utilities underground. The design of sites should:

- "optimize street, bicycle, and pedestrian connectivity to adjacent neighborhoods (and) commercial activity centers;"
- Ensure that new neighborhoods have "defined center or focal point;"
- "Ensure that new common open space is truly usable and accessible (and) (p)rovide linkages between such open space and other public places;" and
- "Provide marginally higher developmental densities while ensuring the preservation of sensitive environmental features and taking into consideration ... the relationship with adjacent existing neighborhoods."

Increase Density of Parcel (But Not of Overall PUD). The Petitioner wants to construct 19, 2-bedroom and 19, 3-bedroom town home units, which would increase the density of this parcel from 3.5 to 7.4 units per acre. However, given previous changes allowing the new school, a church and assisted living facility, the overall density for the entire PUD would be about half of the 1,197 originally authorized.

Pedestrian Facilities - Waiver. This project has an internal set of sidewalks that adequately serves the units and also has connections to Summit School, Thomson Park, and along roadways to surrounding neighborhoods. The waiver of the sidewalk on the one block of Adams Hill Circle was contested at the Plan Commission, but

prevailed because a majority thought it was not needed (due to the presence of a sidewalk on the other side of the street) and would cut into the 2.0 acre tree preserve it would border.

Parking - Waiver. The Plan Commission agreed with the Petitioner's request to reduce the parking requirements from 95 (one per bedroom) to 76 parking spaces. This was largely based on the Petitioner's experience with town homes nearby and the benefits gained by reducing the amount of impervious surfaces on the site.

Environmental Commission. The Environmental Commission commended the Petitioner for protecting the 2.0 acres of forested area (which will be common land maintained by the Home Owners' Association) and supported the sidewalk and parking waivers because "they would promote this development's ability to preserve substantial greenspace." It encouraged the Petitioner to use "diverse native perennial species" and, while complimenting him for utilizing some green development practices, also encouraged him to consider additional ones such as solar photovoltaic cells, energy-savings lighting and appliances, recycled and local building material, permeable pavement, and water conservation techniques.

Utilities and Storm water. The storm water facilities on the adjacent Parcel L were built by the Petitioner to handle this project and other utilities will able to adequately serve this site as well.

Plan Commission Action. After hearings on January 14^{th} and February 11^{th} , the Plan Commission voted 6 - 3 to forward this amendment of the Preliminary Plan for the Woolery PUD to the Council on condition the Petitioner:

- Provides a pedestrian connection to Summit School and coordinates its location with MCCSC;
- Installs a pedestrian connection to Thomson Park and coordinates final design with staff in the Planning and Parks and Recreation Departments;
- Constructs the buildings consistent with the submitted details and, in particular, uses brick or similar approved materials on the first floor of buildings facing a public street;
- Obtains a grading permit prior to any site grading or disturbance; and
- Includes the definitions for all types proposed easements on the final plat.

NOTICE AND AGENDA BLOOMINGTON COMMON COUNCIL REGULAR SESSION 7:30 P.M., WEDNESDAY, MARCH 19, 2008 COUNCIL CHAMBERS SHOWERS BUILDING, 401 N. MORTON ST.

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: None

IV. REPORTS FROM:

- 1. Councilmembers
- 2. The Mayor and City Offices
- **3.** Council Committees
- 4. Public

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. <u>Appropriation Ordinance 08-01</u> To Specifically Appropriate From the General Fund Expenditures Not Otherwise Appropriated (Appropriating Grant Funds from the General Fund for Animal Care & Control)

Committee Recommendation: Do Pass 9 - 0 - 0

2. <u>Ordinance 08-03</u> To Amend the Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Amending Section 2.23.060 Entitled "Commission on the Status of Women – Establishment" to Increase Its Size from Seven to Nine Commissioners

Committee Recommendation: Do Pass 9 - 0 - 0

3. <u>Resolution 08-06</u> Recognizing the Special Value of the Backcountry Area of Morgan-Monroe and Yellowood State Forests and Urging that It be Permanently Protected from Commercial Logging

Committee Recommendation: Not applicable.

VII. LEGISLATION FOR FIRST READING

 Ordinance 08-01 To Amend the Preliminary Plan for the Woolery Planned Unit Development (PUD) to Allow 38 Attached Single Family Units on Parcel G
 Re: 1302 W Countryside Lane (Langley Construction)

VIII. PRIVILEGE OF THE FLOOR (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes)

IX. ADJOURNMENT

City of
Bloomington
IndianaCity Hall
401 N. Morton St.
Post Office Box 100
Bloomington, Indiana 47402



Office of the Common Council (p:) 812.349.3409 (f:) 812. 349.3570 council@bloomington.in.gov www.bloomington.in.gov/council

To:Council MembersFrom:Council OfficeRe:Calendar for the Week of March 17-21, 2008

Monday, March 17, 2008

12:00	pm	Council Rules Committee, Council Library
4:00	pm	Council for Community Accessibility, McCloskey
4:30	pm	Plat Committee, Hooker Room
5:00	pm	Farmers' Market Advisory Council, Showers Building, Suite 250
5:00	pm	Utilities Service Board, Board Room, 600 E. Miller Dr.
5:30	pm	Bicycle and Pedestrian Safety Commission, Hooker Room
5.20	-	Dian Commission, Council Chambers

5:30 pm Plan Commission, Council Chambers

Tuesday, March 18, 2008

- 4:00 pm Board of Public Safety, McCloskey
- 4:00 pm Community and Family Resources Commission, Hooker Room
- 5:30 pm Animal Control Commission, McCloskey
- 5:30 pm Bloomington Public Transportation Corporation, Transportation Center, 130 W. Grimes Lane
- 5:30 pm Board of Public Works, Council Chambers

Wednesday, March 19, 2008

- 9:30 am Tree Commission, Rose Hill Cemetery Office, 930 W. Fourth St.
- 4:00 pm Martin Luther King Jr., Birthday Commission, McCloskey
- 7:00 pm Council of Neighborhood Associations, Hooker Room
- 7:30 pm Common Council Regular Session, Council Chambers

Thursday, March 20, 2008

8:00 am Bloomington Housing Authority, Housing Authority, 1007 N. Summit, Community Room

Friday, March 21, 2008

City Holiday – Offices Closed.



MEETING NOTICE

Common Council Rules Committee

Monday, 17 March 2008 Noon Council Library (City Hall, 401 N. Morton, Suite 110)

Because a quorum of the Common Council may be present, this meeting may constitute a meeting of the Council as well as of this Committee under Indiana Open Door Law. Therefore, this provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Friday, February 29, 2008

RESOLUTION 08-06

RECOGNIZING THE SPECIAL VALUE OF THE BACKCOUNTRY AREA OF MORGAN MONROE AND YELLOWWOOD STATE FORESTS AND URGING THAT IT BE PERMANENTLY PROTECTED FROM COMMERCIAL LOGGING

- WHEREAS, the Backcountry Area of Monroe Country in the Morgan-Monroe and Yellowwood State Forests was established in the early 1980s as a special area "to be enjoyed by the wilderness seeker as a place of solitude and repose" and has not been commercially logged since its establishment; and
- WHEREAS, the Backcountry Area is enjoyed by many hikers and backpackers and is the only area open to backpack camping in the Morgan-Monroe and Yellowwood State Forests; and
- WHEREAS, in addition to recreational opportunities, the Backcountry Area provides many other ecosystem services that improve the quality of life of residents of Monroe County, including carbon sequestration, wildlife habitat, protection of biodiversity, water and air purification, storm water control and protection of soils from erosion; and
- WHEREAS, the Backcountry Area is now under threat of commercial logging by the Division of Forestry of the Indiana Department of Natural Resources's statewide plan to increase logging by 500% in a five-year period in an effort to raise revenues; and
- WHEREAS, Indiana State forests are public resources that comprise less than one percent (1%) of the land area within the State, but also comprise approximately thirty percent (30%) of the land available for public recreation; and
- WHEREAS, the short-term gain in revenues from commercial logging of the State forests is contrary to the wishes of a majority of the citizens of Indiana who, according to an Indiana University poll conducted in 2001, oppose all commercial logging in these publicly-owned State forests; and
- WHEREAS, to lose this mature forest and the long-term value it provides in recreational and tourism opportunities and clean air and water, among many other ecosystem services, to the short-term gain in revenues from commercial logging is a travesty to current and future visitors to the forest; and
- WHEREAS, not only will logging trigger these damaging losses, but the losses will be opaque and hidden from public scrutiny under a recent change to State law that exempts the Indiana Division of Forestry from the provisions of the Indiana Environmental Policy Act, absolving the Division of its duty evaluate the environmental impact of its actions (I.C. §14-23-4-1(b)); and
- WHEREAS, the City of Bloomington has a long history of preserving greenspace, and the protection of our region's forested land is an important part of the City's sustainability ethic; and
- WHEREAS, as a former Indiana State Representative for District 61, City of Bloomington Mayor Mark Kruzan introduced House Bill 1342 in 2002, which proposed a ban on logging State forest land; and
- WHEREAS, current Indiana State Representative for District 61 -- and former Bloomington Common Council representative -- Matt Pierce, has introduced House Bill 1370, which requires the Indiana Department of Natural Resources to prepare: annual statements of proposed removal of merchantable timber from State forests and proposed replanting of trees; an environmental impact statement before the department may proceed with the proposed activities; a procedure for public comment with respect to the proposed activities and the environmental impact statements. The bill also prohibits the removal of timber less 500 yards from a trail in Morgan-Monroe and Yellowood State Forests and bans the removal of timber during migratory bird nesting season;

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

1. The recreational and environmental value of the Backcountry Area of Morgan-Monroe and Yellowwood State Forests far outweigh the short term gain in revenue from commercial logging.

2. All plans for commercial logging in the Backcountry Area of Morgan-Monroe and Yellowwood State Forests should be cancelled.

3. The entire Backcountry Area as it now exists on maps of Morgan-Monroe and Yellowwood State Forests should be permanently protected from commercial logging.

4. The City Clerk shall distribute copies of this resolution to Governor Mitch Daniels, the Division of Forestry in the Indiana Department of Natural Resources, and local State representatives.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of ______, 2008.

SUSAN SANDBERG, President Bloomington Common Council

SIGNED and APPROVED by me upon this ____ day of _____, 2008.

MARK KRUZAN, Mayor City of Bloomington

ATTEST:

REGINA MOORE, Clerk City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmember Rollo. It recognizes the special value of the Backcountry Area of Morgan-Monroe and Yellowwood State forests, urges that it be permanently protected from commercial logging, and directs the City Clerk to forward the legislation to Governor Mitch Daniels, the Division of Forestry in the Indiana Department of Natural Resources, and local State representatives.



To:	Members of the Common Council
From:	Dave Rollo, District IV Representative
Re:	<u>Resolution 08-06</u> : Recognizing the Special Value of the Backcountry Area of Morgan-Monroe and Yellowood State Forests and Urging that it Be Permanently Protected from Commercial Logging
Date:	14 March 2008

<u>Resolution 08-06</u> recognizes the recreational and ecosystem services of the Backcountry Area of Morgan-Monroe and Yellowood State Forests and calls for immediate cessation of State plans to log this area and for the permanent protection of the Backcountry.

The Backcountry area is located in the northeast corner of Monroe County in the Morgan-Monroe State Forest and extends into the Yellowood State Forest of Brown County. Established in the early 1980s, it considered by many to be a wilderness area and is the only area open to backpack camping in Morgan-Monroe State Forest. In addition to the recreational opportunities, the Backcountry provides many other ecosystem services that improve the quality of life of many Monroe County residents, including carbon sequestration, wildlife habitat, protection of biodiversity, water and air purification and storm water control and protection of soils from erosion.

As pointed out in the *Resolution*, this fragile Backcountry is under threat of commercial logging by the Division of Forestry of the Indiana Department of Natural Resources's statewide plan to increase logging by 500% in a five-year period.¹ Notably, this plan has been outlined without any public comment. Indeed, a 2001 Indiana University poll indicated that a majority of Indiana *oppose* all commercial logging in these publicly-owned State forests.

However, under the State's 2005-07 *Strategic Plan*, the public's voice is lost. Under the *Plan*, the State may log State forests without any public comment and without assessing the environmental impact of such a measure. The Indiana Environmental Policy Act (IEPA)² requires all State agencies to include in every recommendation for State action significantly affecting the quality of the human environment a detailed statement by the responsible official on the: environmental impact of the proposed action; adverse environmental effects that cannot be avoided; alternatives to proposed action; the

¹ IDNR, Division of Forestry, Strategic Plan, 2005-2007.

² <u>I.C. §13-12-4-1 et. seq.</u>

relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity and any irreversible and irretrievable commitments of resources that would be involved. In 2006, the Indiana legislature passed an amendment to IEPA exempting the Indiana Division of Forestry from the provisions of the Indiana Environmental Policy Act, absolving the Division of its duty evaluate the environmental impact of its actions.³

Instead of an Environmental Impact Statement, IDNR requires that the private logging companies contracted to log the State's forests follow Best Management Practices. Such practices are designed to lessen the environmental harm of logging and include measures such as prohibiting cutting from steep slopes, installing erosion protection measures, cleaning up trash and not letting fluids (oil, gas and lubricants) into the soil. However, many observers and volunteer monitors point out that these guidelines are often overlooked and that the IDNR does not always implement erosion controls.⁴

What's more, very little of Indiana's forested land is subject to public oversight. Indiana's 13 State forests account for just 150,000 acres, or 1 percent of the land in Indiana. Less than 1,500 acres of this land is old growth forests. Old growth forests provide a unique and important habitat for many plant and animal species, store large amounts of carbon above and below the ground and collectively mitigate the effects of global warming.

Given the indisputable ecosystem services provided by the Backcountry, the scant amount of our State's forests in public hands subject to public access and scrutiny, the absence of an opportunity for public comment and the Division of Forestry's absolution from assessing the environmental impacts of its actions, the State's immediate plans for logging the backcountry should be cancelled and this mature forested area should be left undisturbed and given the opportunity to mature into an old growth forest. This will not happen unless the area is permanently protected from commercial extraction.

I appreciate your support of *Resolution 08-06*.

³ <u>I.C. §14-23-4-1(b)</u>

⁴ Indiana Forest Alliance; account relayed in Herald-Times, "Logging Plan Cutting a Deep Wound: Bitter Dispute About Use of State's Natural Heritage Escalates." February 24, 2008.



Satellite Photo of Morgan-Monroe State Forest Backcountry Area



ORDINANCE 08-01

TO AMEND THE PRELIMINARY PLAN FOR THE WOOLERY PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW 38 ATTACHED SINGLE FAMILY UNITS ON PARCEL G - Re: 1302 W Countryside Lane (Langley Construction)

- 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-39-07, and recommended that the petitioner, Langley Construction, be granted an amendment to the Preliminary Plan, and now requests that the Common Council consider this 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 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the Preliminary Plan for approximately 5.12 acres of property in Parcel G of the Woolery Planned Unit Development located at 1302 W. Countryside Lane be amended. The property is further described as follows:

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

COMMENCING at the Northwest corner of said Southwest quarter; thence SOUTH 87 degrees 28 minutes 42 seconds EAST, a distance of 733.17 feet to the true point of beginning marked by a 5/8 inch rebar with yellow cap; thence continuing SOUTH 87 degrees 28 minutes 42 seconds EAST, a distance of 578.36 feet to a 5/8 inch rebar with yellow cap; thence SOUTH 00 degrees 15 minutes 36 seconds EAST, a distance of 437.35 feet to a 5/8 inch rebar with yellow cap on the North right-of-way line of Countryside Lane; thence SOUTH 89 degrees 44 minutes 25 seconds WEST along said right-of-way, 378.26 feet to a 5/8 inch rebar with yellow cap and the point of curvature of a tangent curve to the left having a radius of 530.00 feet and a chord bearing and distance of SOUTH 86 degrees 14 minutes 47 seconds WEST, 64.60 feet; thence westerly along said curb and right-of-way through a central angle of 06 degrees 59 minutes 17 seconds, a distance of 64.64 feet to a 5/8 inch rebar with yellow cap; thence leaving said rightof-way NORTH 00 degrees 00 minutes 00 seconds EAST, a distance of 147.54 feet to a 5/8 inch rebar with yellow cap; thence NORTH 26 degrees 58 minutes 26 seconds WEST, a distance of 302.19 feet to a 5/8 inch rebar with yellow cap; thence NORTH 00 degrees 00 minutes 00 seconds EAST, a distance of 51.88 feet to the point beginning, containing 5.123 acres, more or less.

SECTION II. The Preliminary Plan shall be attached hereto 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 AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ______ day of ______, 2008.

SUSAN SANDBERG, President Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2008.

REGINA MOORE, Clerk City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2008.

MARK KRUZAN, Mayor City of Bloomington

SYNOPSIS

This ordinance would amend the Preliminary Plan for the Woolery PUD by allowing 38 attached single family homes on Parcel G.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 08-01 is a true and complete copy of Plan Commission Case Number PUD-39-07 which was given a recommendation of approval by a vote of <u>6</u> Ayes, <u>3</u> Nays, and <u>0</u> Abstentions by the Bloomington City Plan Commission at a public hearing held on February 11, 2008.

day of

Date: February 18, 2008

Thomas B. Micuda, Secretary Plan Commission

ad but the Common Council Office this

Received by the Common Council Office this

Regina Moore, Cit-

Appropriation Ordinance # Fiscal Impact Statement Ordinance #

Resolution #

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 2008.

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

Cause of Request:

Planned Expenditure	Emergency	
Unforseen Need	Other	
Unforseen Need	Other	

Funds Affected by Request:

Fund(s) Affected		
Fund Balance as of January 1	S	S
Revenue to Date	\$	S
Revenue Expected for Rest of year	\$	S
Appropriations to Date	\$	S
Unappropriated Balance	\$	S
Effect of Proposed Legislation (+/-)	\$	\$
Projected Balance	\$	S

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.)

FUKEBANEI ORD=CERT MRG

Langley, LLC

PUD-39-07

Overall PUD







By: greulice					. N
18 Feb 08	 200	0	200	400	I
		For reference on	ly; map informatior	n NOT warranted.	I



Interdepartmental Memo

To:Members of the Common CouncilFrom:Eric Greulich, Zoning PlannerSubject:Case # PUD-39-07Date:February 20, 2008

Attached are the staff report, petitioner's statements, maps, and exhibits which pertain to Plan Commission Case # PUD-39-07. The Plan Commission heard this petition at its February 11, 2008 meeting and voted 6-3 to send this petition to the Common Council with a favorable recommendation.

REQUEST: The petitioner is requesting a preliminary plan amendment to the Woolery Planned Unit Development (PUD) to allow 38 attached single family units on Parcel G of the Woolery PUD. Also requested is preliminary plat approval and delegation of final plan review to staff.

SITE INFORMATION:

Lot Area:	5.12 acres
Current Zoning:	Planned Unit Development (Woolery PUD)
GPP Designation:	Urban Residential
Existing Land Use:	Vacant lot, wooded
Proposed Land Use:	Multi-family Residences
Surrounding Uses:	North – Thomson Community Park
Surrounding Uses:	North – Thomson Community Park South – Single and Multi-family Residences East - Single Family Residences (Woolery Woods) West – School (Summit Elementary)

REPORT: The site is located on the north side of W. Countryside Lane across from the intersection with Adams Hill Circle. The property is a mix of open meadow on the west half of the property and mature trees on the east half. This parcel was originally approved for medium density (4 units/acre) single family units, but has not been developed.

There have been several amendments to the Woolery PUD since its approval in 1994. Parcel E (originally approved for medium density multi-family) was amended to allow a church, parcels H and G (originally approved for medium density single family) were amended to allow Summit school, and parcel D (originally approved for medium density multi-family) was amended to allow an assisted living facility. Each of these amendments has reduced the overall number of units within the PUD. Overall the number of residential units constructed has decreased from the original 1,197 units to approximately 525 units.

The petitioner is requesting an amendment for this parcel to allow 38 multi-family condominium units. This development would be platted so that homeowners would own the buildings and the rest of the area would be common area. There will be a homeowners association to maintain the common area. The units would

be a mix of 2 and 3-bedroom units. The petitioner is requesting to require only 2 parking spaces per unit regardless of the number of bedrooms. This request is due to the high owner occupancy rate of similar units in Woolery and to limit excess parking.

The proposed amendment is requested to facilitate a substantial increase in the amount of tree preservation that could be achieved on this parcel versus a single family subdivision, and to provide market rate, affordable dwelling units. With this petition, approximately 2 acres of the 2.4 acres of mature trees on this property would be preserved. This area of preservation would also be contiguous with an area of preservation in Woolery Woods to the east.

Based on the size of the property, approximately 18 single family lots could be platted with the existing zoning for an overall density of 3.5 units/acre. This proposal would provide 38 units for a proposed density of 7.4 units/acre. Although the density of this project is higher than the originally approved single family units, the overall density of the Woolery PUD has been substantially reduced over time through previous amendments.

PRELIMINARY PLAN ISSUES:

Growth Policies Plan: The 2002 Growth Policies Plan identifies this area as *Urban Residential.* The GPP states that these areas should be developed with a mixture of densities and housing types with good access to roads, public water and sewer, and other public services. The GPP states the general site design goals for these areas include:

- "Optimize street, bicycle, and pedestrian connectivity to adjacent neighborhoods." This development will have pedestrian connections to the Woolery Woods residential development to the east, to Thomson Park to the north, and to Summit School to the west. This will provide excellent opportunities for pedestrian connections to surrounding properties.
- *"Provide for marginally higher development densities while ensuring the preservation of sensitive environmental features."* The increase in density and land use allows for development on this parcel to be concentrated on the west side of the property which allows for the larger, higher quality trees on the east side of the property to be preserved. This degree of protection would not be achieved with a single family development. A single family subdivision would conceptually preserve approximately 0.77 acres of the wooded areas on the site, while this petition would preserve approximately 2.0 acres.

Pedestrian Facilities: The proposed site plan has a series of sidewalks to provide connections both internally and to surrounding properties. There is a connection shown to Thomson Park to the north, as well as connections to Woolery Woods to the east, and to an existing sidepath along the north side of Countryside Lane. The petitioner is also willing to construct a sidewalk to connect this development to Summit School to the west. The exact location will be coordinated with MCCSC.

The Plan Commission approved the site plan without requiring a sidewalk on the east side of the Adams Hill Circle extension. Waiving the sidewalk requirement along this portion of the road decreased disturbance and allowed for greater tree preservation in the tree preservation lot.

Affordability: Although the proposed project is not utilizing any of the Affordable Housing incentives offered in the Unified Development Ordinance, they are developing this project as an affordable housing project. The proposed selling prices of these units is around \$90,000 and are targeted to first time home buyers as affordable starter homes. This is the same type of product and price point as the townhomes that the petitioner has constructed on Parcel L to the south, that the petitioners have had great success with.

Architecture: The proposed building type and finishing materials will be similar to the townhomes constructed on Parcel L. The buildings are proposed to be two-story with brick on the first story and vinyl siding on the second story. All portions of the buildings that face a public street will have brick or similar approved material on the first story. In addition, the petitioner will add shutters around the windows instead of the previously proposed aluminum wrap. The petitioner has also agreed to utilize a higher rated insulation in the attic and walls to lower heating costs.

Parking: The Plan Commission approved a reduced parking requirement to only allow 2 parking spaces per unit regardless of the number of bedrooms. The proposed 38 units would consist of 19 two-bedroom units and 19 three-bedroom units for a total of 95 bedrooms, which would normally require 95 parking spaces. With this proposal there would be 76 parking spaces. This reduction was approved to more accurately match the true need and market of these units, to minimize excessive parking, and reduce the amount of impervious surface coverage.

Access: With this development Adams Hill Circle would be extended as a public road through this site and connect to a road stub that was installed with the Woolery Woods development to the east. There would be two connections to the Adams Hill Circle extension with a private driveway that would circle through the development.

PLAT ISSUES:

RIGHT-OF-WAY: The proposed plat shows the required 50' of right-of-way for the extension of Adams Hill Circle. The required five-foot wide concrete sidewalks and street tree plot have been shown except on the east side of Adams Hill Circle, which was not required to have a sidewalk or tree plot.

UTILITIES/STORMWATER: The detention pond that was constructed for the Langley Townhomes on Parcel L was sized large enough to handle the stormwater detention needs for Parcel G as well. The required easements for utility lines have been shown on the proposed plat.

ENVIRONMENTAL: Tree Preservation and Conservancy Easements have been shown for the areas intended to be preserved. The language for these easements must be shown on the final plat. A condition of approval has been written for this.

FINAL PLANS: With the proposed amendment, staff would review future final plans.

RECOMMENDATION: The Plan Commission voted 6:3 to forward this petition to the Common Council with a positive recommendation including the following conditions of approval:

- 1. A pedestrian connection must be provided to Summit School. The location of this connection shall be coordinated with MCCSC.
- 2. Proposed buildings must be consistant with submitted details. All portions of a building facing a public street must have brick or other similar approved material on the first floor.
- 3. A grading permit is required prior to any site grading or disturbance.
- 4. A pedestrian connection is required to Thomson Park. The final design of this connection shall be coordinated with Staff and the Parks Department.
- 5. The definitions for all proposed easements must be included on the final plat.

Philip O. Tapp & Company, Inc.

October 14, 2007

Mr. Eric Greulich Bloomington City Planning Showers Building Bloomington, IN 47404

RE: Woolery Farm PUD Amendment, Portion of Parcel G

Dear Eric:

On behalf of the petitioners, Chris & Aaron Langley, we respectfully request an amendment to the Woolery PUD for a portion of Parcel "G". This amendment would allow the construction of 38 townhomes on 5.123 acres in lieu of 20 single family homes.

This portion of Parcel G is the last remaining portion of the Woolery PUD to seek development approval. The Woolery PUD was approved over 10 years ago and has seen several amendments throughout its development. Most of the changes have resulted in a substantial reduction to the residential density of the project.

Three substantial changes were the construction of a church on Parcel "E", a school on a portion of Parcel "G" & "H" and an assisted living center on a portion of Parcel "D". The original approved residential density was for approximately 1,200 units. Actual residential development including 38 townhomes on Parcel "G" will result in about 525 residential units or less than half of the originally approved residential units.

The Langley's are seeking this amendment for several reasons. Two of these major reasons are their commitment to providing quality affordable housing and secondly is developing property while maintaining environmentally sensitive areas.

In regard to quality affordable housing, the Langley's have a long history in Bloomington, 2nd generation local builders, of providing quality homes at a very affordable price. They have built many single family homes as well as 49 townhomes on the Woolery PUD. The townhomes they built on Parcel "L" are a very affordable non-subsidized home. The townhomes sell for a range of \$89,000 - \$95,000, depending on the size and finishings. The homes have been sold for owner/occupied homes. This is the product they would like to construct on Parcel "G".



5040 Lizzy Lane Bloomington, IN 47403 Phone: 812-327-8522 • Fax: 812-825-5702

PWD-39-07 Petitiones Statemen

Mr. Eric Greulich October 15, 2007 Page 2

The homes utilize high efficiency heat pumps, extra insulation and thorough sealing of the exterior. The exterior finish consist of a mixture of brick, stone and vinyl siding and have a very attractive street scape.

The second primary reason this amendment is being requested is to work with some of the environmental constraints of the site. The overall Woolery Farm contained very few areas of forest and canopy trees. There were some areas of woods that were preserved with construction of the school, Sunflower Gardens, and Adams Hill.

The 5.12 acres of Parcel "G" has approximately 2.4 acres of existing tree canopy. By utilizing the townhome concept, we will be able to save about 2 acres of the tree canopy. If we were to develop the property in a typical single family lot approach, we would probably only save about 0.8 acres. The townhomes allow us to save over twice the amount of tree canopy. This tree area will be preserved in perpetuity by the homeowner's association.

Other items that make this type of development so desirable on this property are its close proximity to Summit Elementary School and Thomson Park, as well as pedestrian trails and bus stops on Rockport Road (0.3 - 0.4 miles). Utilities have already been stubbed to the site adequate in size for this development. A detention/water quality pond has already been installed on Parcel "L" which was sized for stormwater from this development.

Two development standard waivers are being requested with this amendment. One is to allow only 2 parking spaces/unit regardless of whether it is a 2 or 3 bedroom unit. Approximately ½ (19 units) may be 3 bedroom units. This would require 19 more spaces than shown on the plan. Since this project is not a student rental housing project, the owners of the units only have one or two cars. The development of the first 49 townhomes confirms and supports the need for parking and adequacy of this waiver request.

The second waiver is to not construct a sidewalk along the East side of the North/South entry road next to the existing woods. Since no units are on that side of the street and pedestrian connections are adequately provided elsewhere on the site, it seems appropriate not to have more needless disturbance into the wooded area.

Mr. Eric Greulich October 15, 2007 Page 3

We have worked closely with staff in developing this plan and tried to provide extensive development detail on site layout, utilities and grading with this plan. For this reason we are requesting that final plan approval be given to Planning Staff for review and approval.

Attached with this letter are the following:

- Submittal fee \$276
- Site Plan
- Woolery PUD map
- Notification list
- Pictures of proposed buildings

Thank you for your consideration of this request.

Sincerely,

Phillip O. Tapp

Registered Land Surveyor

Cc: Chris & Aaron Langley File #6043

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PRELIMINARY PLAT







TREE FENCE

EXISTING TREE





BLOOMINGTON PLAN COMMISSION FINAL HEARING REPORT LOCATION: 1302 W. Countryside Lane

CASE #: PUD-39-07 DATE: February 11, 2008

PETITIONER: Langley Construction 5040 Lizzy Lane, Bloomington

COUNSEL: Philip O. Tapp & Company, Inc 5040 Lizzy Lane, Bloomington

REQUEST: The petitioner is requesting a preliminary plan amendment to the Woolery Planned Unit Development (PUD) to allow 38 attached single family units on Parcel G of the Woolery PUD. Also requested is preliminary plat approval and delegation of final plan review to staff.

SITE INFORMATION:

Lot Area:	5.12 acres
Current Zoning:	Planned Unit Development (Woolery PUD)
GPP Designation:	Urban Residential
Existing Land Use:	Vacant lot, wooded
Proposed Land Use:	Multi-family Residences
Surrounding Uses:	North – Thomson Community Park
	South – Single and Multi-family Residences
	East - Single Family Residences (Woolery Woods)
	West – School (Summit Elementary)

CHANGES FROM FIRST HEARING: In response to Plan Commission comments, the petitioner has added several internal sidewalk connections within the development to connect to adjacent sidewalks. At the first hearing several Plan Commission members had requested the petitioner identify possible areas where additional parking spaces could be added. Several places have been identified where parking could be added, but the site plan has not been modified to include any additional spaces. Staff still feels that the proposed 2 parking spaces per unit is adequate to serve this development. The petitioner has submitted parking counts from their similar townhome development on Parcel L to support the proposed parking ratio. In regards to building construction and design, the petitioner has committed to utilizing a higher rated insulation in the attic and walls, and will use a higher quality cementitious siding.

REPORT: The site is located on the north side of W. Countryside Lane across from the intersection with Adams Hill Circle. The property is a mix of open meadow on the west half of the property and mature trees on the east half. This parcel was originally approved for medium density (4 units/acre) single family units, but has not been developed.

There have been several amendments to the Woolery PUD since its approval in 1994. Parcel E (originally approved for medium density multi-family) was amended to allow a church, parcels H and G (originally approved for medium

density single family) were amended to allow Summit school, and parcel D (originally approved for medium density multi-family) was amended to allow an assisted living facility. Each of these amendments has reduced the overall number of units within the PUD. Overall the number of residential units constructed has decreased from the original 1,197 units to approximately 525 units.

The petitioner is requesting an amendment for this parcel to allow 38 multi-family condominium units. This development would be platted so that homeowners would own the buildings and the rest of the area would be common area. There will be a homeowners association to maintain the common area. The units would be a mix of 2 and 3-bedroom units. The petitioner is requesting to require only 2 parking spaces per unit regardless of the number of bedrooms. This request is due to the high owner occupancy rate of similar units in Woolery and to limit excess parking.

The proposed amendment is requested to facilitate a substantial increase in the amount of tree preservation that could be achieved on this parcel versus a single family subdivision, and to provide market rate, affordable dwelling units. With this petition, approximately 2 acres of the 2.4 acres of mature trees on this property would be preserved. This area of preservation would also be contiguous with an area of preservation in Woolery Woods to the east. Based on the size of the property approximately 18 single family lots could be platted with the existing zoning for an overall density of 3.5 units/acre. This proposal would provide 38 units for a proposed density of 7.4 units/acre. Although the density of this project is higher than the originally approved single family units, the overall density of the Woolery PUD has been substantially reduced over time through previous amendments.

PRELIMINARY PLAN ISSUES:

Growth Policies Plan: The 2002 Growth Policies Plan identifies this area as *Urban Residential.* The GPP states that these areas should be developed with a mixture of densities and housing types with good access to roads, public water and sewer, and other public services. The GPP states the general site design goals for these areas include:

- "Optimize street, bicycle, and pedestrian connectivity to adjacent neighborhoods." – This development will have pedestrian connections to the Woolery Woods residential development to the east, to Thomson Park to the north, and to Summit School to the west. This will provide excellent opportunities for pedestrian connections to surrounding properties.
- "Provide for marginally higher development densities while ensuring the preservation of sensitive environmental features." – The increase in density and land use allows for development on this parcel to be concentrated on the west side of the property which allows for the larger, higher quality trees on the east side of the property to be preserved. This degree of protection would not be achieved with a single family development. A single family subdivision would conceptually preserve

approximately 0.77 acres of the tree areas, while this petition would preserve approximately 2.0 acres.

Pedestrian Facilities: The proposed site plan has a series of internal sidewalks to provide connections both internally and to surrounding properties. There is a connection shown to Thomson Park to the north, as well as connections to Woolery Woods to the east, and to an existing sidepath along the north side of Countryside Lane. The petitioner is also willing to construct a sidewalk to connect this development to Summit School to the west. The exact location will be coordinated with MCCSC.

The petitioner is requesting to construct a sidewalk along the west side of the Adams Hill Circle extension and not install one on the east side along the tree preservation lot. A sidewalk will be constructed along both sides of the remaining public road in this development. The portion of the road in question is adjacent to the tree preservation area. Waiving the sidewalk requirement along this portion of the road will decrease disturbance and allow for greater tree preservation. If a sidewalk is required, staff recommends a 6' monolithic sidewalk in place of the standard 5' tree plot.

Architecture: The proposed building type and finishing materials will be similar to the townhomes constructed on Parcel L to the south. The buildings are proposed to be two-story with brick on the first story and cementitious siding on the second story. All portions of the buildings that face a public street will have brick or similar approved material on the first story. In addition, the petitioner will add shutters around the windows instead of the previously proposed aluminum wrap. The petitioner has also agreed to utilize a higher rated insulation to lower heating costs.

Parking: The petitioner is requesting a parking requirement of 2 parking spaces for each unit, regardless of the number of bedrooms. The proposed 38 units would consist of 19 two-bedroom units and 19 three-bedroom units for a total of 95 bedrooms, which would require 95 parking spaces. With this proposal there would be 76 parking spaces, 19 fewer parking spaces than required. This reduction is requested to more accurately match the true need and market of these units, to minimize excessive parking, and reduce the amount of impervious surface coverage.

The petitioner has submitted parking counts from their townhome project constructed on Parcel L to the south. This study shows that the typical maximum number of spaces used was around 50 spaces for the 49 units. The parking lot was approved with a total of 113 spaces.

Access: With this development Adams Hill Circle would be extended as a public road through this site and connect to a road stub that was installed with the Woolery Woods development to the east. There would be two connections to the Adams Hill Circle extension with a private driveway that would circle through the development.

PLAT ISSUES:

RIGHT-OF-WAY: The proposed plat shows the required 50' of right-of-way for the proposed extension of Adams Hill Circle. The required five-foot wide concrete sidewalks and street tree plot have been shown as required. No sidewalk has been shown along the east side of the Adams Hill Circle.

UTILITIES/STORMWATER: The detention pond that was constructed for the Langley Townhomes on Parcel C was sized large enough to handle the stormwater detention needs for Parcel G as well. The required easements for utility lines have been shown on the proposed plat.

ENVIRONMENTAL: Tree Preservation and Conservancy Easements have been shown for the areas intended to be preserved. The language for these easements must be shown on the final plat. A condition of approval has been written for this.

ENVIRONMENTAL COMMISSION: The Environmental Commission recommends the petitioner incorporate the exclusive use of native species and green building techniques. Staff encourages the petitioner to pursue the use of only native species in the landscape plan. Furthermore, the EC supports the reduction in parking as well as the removal of the sidewalk along the east of Adams Hill Circle. The EC has also requested the petitioner to incorporate green building practices to the extent possible and Staff supports this request.

DEVELOPER TRACK RECORD: The petitioner, Langley Construction, has constructed and managed the townhomes on the adjacent Parcel L, and has constructed many of the single family homes within the Woolery PUD. There are no outstanding violations on any of their projects.

RECOMMENDATION: Staff recommends forwarding this petition to the Common Council with a positive finding and the following conditions of approval:

- A pedestrian connection must be provided to Summit School. The location of this connection shall be coordinated with MCCSC.
- Proposed buildings must be consistant with submitted details. All portions of a building facing a public street must have brick or other similar approved material on the first floor.
- 3. A grading permit is required prior to any site grading or disturbance.
- A pedestrian connection is required to Thomson Park. The final design of this connection shall be coordinated with Staff and the Parks Department.
- 5 The definitions for all proposed easements must be included on the final plat.

BLOOMINGTON PLAN COMMISSION FIRST HEARING REPORT LOCATION: 1302 W. Countryside Lane

CASE #: PUD-39-07 DATE: January 14, 2008

PETITIONER:	Langley Construction
	5040 Lizzy Lane, Bloomington

COUNSEL: Smith Neubecker & Associates 453 S. Clarizz Blvd, Bloomington

REQUEST: The petitioner is requesting a preliminary plan amendment to the Woolery Planned Unit Development (PUD) to allow multi-family units on Parcel G of the Woolery PUD. Also requested is delegation of final plan review to staff.

SITE INFORMATION:

Lot Area:	5.12 acres
Current Zoning:	Planned Unit Development (Woolery PUD)
GPP Designation:	Urban Residential
Existing Land Use:	Vacant lot, wooded
Proposed Land Use:	Multi-family Residences
Surrounding Uses:	North – Thomson Community Park
	South – Single and Multi-family Residences
	East - Single Family Residences (Woolery Woods) West – School (Summit Elementary)

REPORT: The site is located on the north side of W Countryside Lane across from the intersection of Adams Hill Circle. The property is a mix of open meadow on the west half of the property and mature trees on the east half. This parcel was originally approved for medium density (4 units/acre) single family units, but has not been developed.

There have been several amendments to the Woolery PUD since its approval in 1994. Parcel E (originally approved for medium density multi-family) was amended to allow a church, parcels H and G (originally approved for medium density single family) were amended to allow Summit school, and parcel D (originally approved for medium density multi-family) was amended to allow an assisted living facility. Each of these amendments has reduced the overall number of units within the PUD. Overall the number of residential units constructed has decreased from the original 1,197 units to approximately 525 units.

The petitioner is requesting an amendment for this parcel to allow 38 multi-family condominium units. The units would be a mix of 2 and 3-bedroom units. The petitioner is requesting to require only 2 parking spaces per unit regardless of the number of bedrooms. This request is due to the high owner occupancy rate of similar units in Woolery and to limit excess parking.

The proposed amendment is requested to allow a substantial increase in the amount of tree preservation that could be achieved on this parcel and to provide market rate, affordable dwelling units. With this petition, approximately 2 acres of the 2.4 acres of mature trees on this property would be preserved. This area of preservation would also be contiguous with an area of preservation in Woolery Woods to the east. Based on the size of the property approximately 18 single family lots could be platted with the existing zoning for an overall density of 3.5 units/acre. This proposal would provide 38 units for a proposed density of 7.4 units/acre. Although the density of this project is higher than the originally approved single family units, the overall density of the Woolery PUD has been substantially reduced over time through previous amendments.

PRELIMINARY PLAN ISSUES:

Growth Policies Plan: The 2002 Growth Policies Plan identifies this area as *Urban Residential.* The GPP states that these areas should be developed with a mixture of densities and housing types with good access to roads, public water and sewer, and other public services. The GPP states the general site design goals for these areas include-

- "Optimize street, bicycle, and pedestrian connectivity to adjacent neighborhoods." – This development will have pedestrian connections to the residential development, Woolery Woods, to the east, to Thomson Park to the north, and to Summit School to the west. This will provide excellent opportunities for pedestrian connections to surrounding properties.
- "Provide for marginally higher development densities while ensuring the preservation of sensitive environmental features." – The increase in density and land use allows for development on this parcel to be concentrated on the west side of the property which allows for the larger, higher quality trees on the east side of the property to be preserved. This degree of protection would not be achieved with a single family development. A single family subdivision would conceptually be able to preserve approximately 0.77 acres of the tree areas, while this petition would be able to preserve approximately 2.4 acres.

Pedestrian Facilities: The proposed site plan has a series of internal sidewalks to provide connections both internally and to surrounding properties. There is a connection shown to Thomson Park to the north, as well as connections to Woolery Woods to the east, and to an existing sidepath along the north side of Countryside Lane. The petitioner is also willing to construct a sidewalk to connect this development to Summit School to the west. The exact location will be coordinated with MCCSC.

The petitioner is requesting to construct a sidewalk along the west side of the Adams Hill Circle extension and not install one on the east side along the tree preservation lot. A sidewalk will be constructed along both sides of the remaining public roads in this development. The portion of the road in question is adjacent to the tree preservation area and there are no plans for any improvements in that

area. The lack of a sidewalk along this portion of the road will decrease disturbance and allow for greater tree preservation.

Architecture: The proposed building type and finishing materials will be the same as the townhomes constructed on Parcel L to the south. The buildings are proposed to be two-story with brick or masonry on the first story with vinyl siding on the second story. All portions of the buildings that face a public street will have brick or masonry on the first story.

Parking: The petitioner is requesting a parking requirement of 2 parking spaces for each unit, regardless of the number of bedrooms. The proposed 38 units would consist of 19 2-bedroom units and 19 3-bedroom units, which would normally require a total of 95 parking spaces. With this proposal there would be approximately 19 fewer parking spaces than required. This reduction is requested to more accurately match the true need and market of these units and to minimize excessive parking and impervious surface coverage.

Access: With this development Adams Hill Circle would be extended as a public road through this site and connect to a road stub that was installed with the Woolery Woods development to the east. There would be two connections to the Adams Hill Circle extension with a private driveway that would circle through the development.

ENVIRONMENTAL COMMISSION: The Environmental Commission recommends the petitioner incorporate the exclusive use of native species and green building techniques. Staff encourages the petitioner to pursue these if possible.

DEVELOPER TRACK RECORD: The petitioner, Langley Construction, has constructed and managed the townhomes on the adjacent Parcel L, and has constructed many of the single family homes within the Woolery PUD. There are no outstanding violations on any of their projects.

ITEMS FOR DISCUSSION: Staff is seeking comments from the Plan Commission regarding

- the proposed parking requirements. Staff's goal is to reduce parking as much as possible, but requests Commission guidance on this issue.
- sidewalk construction
- architecture and finishing materials
- overall site layout.

RECOMMENDATION: Staff recommends forwarding this petition to the February 11, 2008 Plan Commission hearing for the required 2nd hearing.

MEMORANDUM

Date:	January 3, 2008
To:	Bloomington Plan Commission
From:	Bloomington Environmental Commission
Through:	Linda Thompson, Senior Environmental Planner
Subject:	PUD-39-07, Parcel G of Woolery: Request for amendment to PUD to allow 38 townhomes in lieu of 20 single family homes.

This memorandum contains the Environmental Commission's (EC) input and recommendations regarding a request for an amendment to PUD-39-07, Parcel G of Woolery. The request is for allowing a change from 20 single-family homes to 38 townhomes on the last five acres in the Woolery PUD within part of parcel G.

The EC commends the petitioner for requesting a plan change to protect a forested area. The EC also commends the petitioner for planning energy efficient features such as heat pumps and energy-wise sealing and insulation, and for its plan to include recycling pick-up for this development. The EC also appreciates the affordable nature of the planned housing and its proximity to bus stops, pedestrian trails, Thomson Park, and Summit Elementary School. All of these elements support Bloomington's commitment to sustainability, including the recent green building initiative promoted by the EC and the Mayor's Office, as well as Bloomington's commitments to reduce greenhouse gas emissions (e.g. Mayor's Climate Protection Agreement and City Resolution 06-05 Supporting the Kyoto Protocol and the Reduction of the Community's Greenhouse Gas Emissions).

Some of the following issues the EC brings to your attention are directly in response to the Bloomington Municipal Code (Code). Other comments and recommendations are not necessarily required by the Code, but are based on sound environmental planning consistent with the Bloomington Growth Policies Plan.

ISSUES OF CODE COMPLIANCE:

1.) PUD STANDARDS:

The petitioner is requesting two deviations from typical standards with this amendment; to allow fewer parking spaces than required, and to avoid constructing a sidewalk on the east side of the entry road. The EC supports both of these requests, as they would promote this development's ability to preserve substantial greenspace.

ISSUES OF SOUND ENVIRONMENTAL PLANNING:

1.) LANDSCAPING:

In general, we encourage the use of diverse native perennial species, which promote biodiversity in the city, do not require chemical fertilizers or pesticides, and are water efficient once established. Seven of the eleven species listed on the plant list are native (all except Serbian Yew, Judd Viburnum, Princess Spirea, and Japanese Maple), and we commend the petitioner for choosing natives.

For other native choices, please see the EC's Natural Landscaping materials at <u>www.bloomington.in.gov/beqi/greeninfrastructure/htm</u> under 'Resources' in the left column. For additional suggestions plus a guide to Midwest sources of native plants see: <u>http://www.inpaws.org/landscapeing.html</u>.

2.) GREEN BUILDING:

The petitioner has already shown excellent initiative in green building design and may want to include additional Sustainable Development features (20.07.200) that would support the city's green building initiative while enhancing economic savings for residents. Such features include: energy saving lighting and appliances (20.07.200 SD-01 (a) (1) (B)); solar photovoltaic cell systems (20.07.200 SD-01 (a) (1) (C)); recycled or salvaged construction and demolition debris (20.07.200 SD-01 (a) (1) (D)); utilization of local building materials or products (20.07.s00 SD-01 (a) (1) (E)); use of permeable pavement materials (20.07.200 SD-01 (a) (2) (A)); use of native vegetation and other conservation design techniques to convey and filter storm water for common and public space irrigation (20.07.200 SD-01 (a) (2) (C)).

The EC compliments the developer for employing some green development practices. The EC regularly recommends that green design practices be incorporated into plans, thus supporting Bloomington's commitment to sustainability, as evidenced by the City's adoption of the Mayors' Climate Protection Agreement, and the passage of City Council resolutions supporting the Kyoto Protocol and reducing our community's greenhouse gas emissions, and by its recognition of and planning for peak oil.

EC RECOMMENDATIONS:

1.) The petitioner should consider including additional native species into the landscaping plan.

2.) The petitioner should consider additional sustainable development practices, such as solar photovoltaic cells, energy savings lighting and appliances, recycled or salvaged construction and demolition debris, utilization of local building materials or products, permeable pavement, conservation design for storm water management, and capture and reuse of greywater.

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