Passed: 8 – 1 (Pam Service)

**ORDINANCE 97-02**

**TO AMEND THE PRELIMINARY PLAN**
**Re: 121 & 123 Westplex Avenue**
**(Bob Shaw, Petitioner)**

WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21 which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning", including the incorporated zoning maps, and repealed Title 21, entitled "Land Use and Development"; and

WHEREAS, the Plan Commission has considered this case, PUD-101-96, and recommended that the petitioner, Bob Shaw, be granted an amendment to the preliminary plan and request that the Common Council consider their petition;

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

SECTION I. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, a preliminary plan amendment be approved for property located at 121 and 123 Westplex Avenue and further described as follows:

Lot Six (6) in WESTPLEX PARK, as shown by the recorded plat thereof recorded at Plat Cabinet C, Envelope 14, in the office of the Recorder of Monroe County, Indiana.

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 22nd day of January, 1997.

Anthony Pizzo
ANTHONY PIZZO, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 23rd day of January, 1997.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 23 day of January, 1997.

JR Fernandez
JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the preliminary plan for the Westplex PUD to add a duplex structure which was removed from the plan when the Textillery Weavers, Inc. expansion was approved.

Signed copies to:
Planning Dept
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 97-02 is a true and complete copy of Plan Commission Case Number PUD-101-96 which was given a recommendation of approval by a vote of 11 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on December 16, 1996.

Date: January 2, 1997

Donald F. Hastings, Secretary
Plan Commission

Received by the Common Council Office this 2nd day of January, 1997.

Patricia Williams, City Clerk

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

Type of Legislation:

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

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

Cause of Request:

Planned Expenditure_____ Emergency_____
Unforseen 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 | $_____ | $_____ |

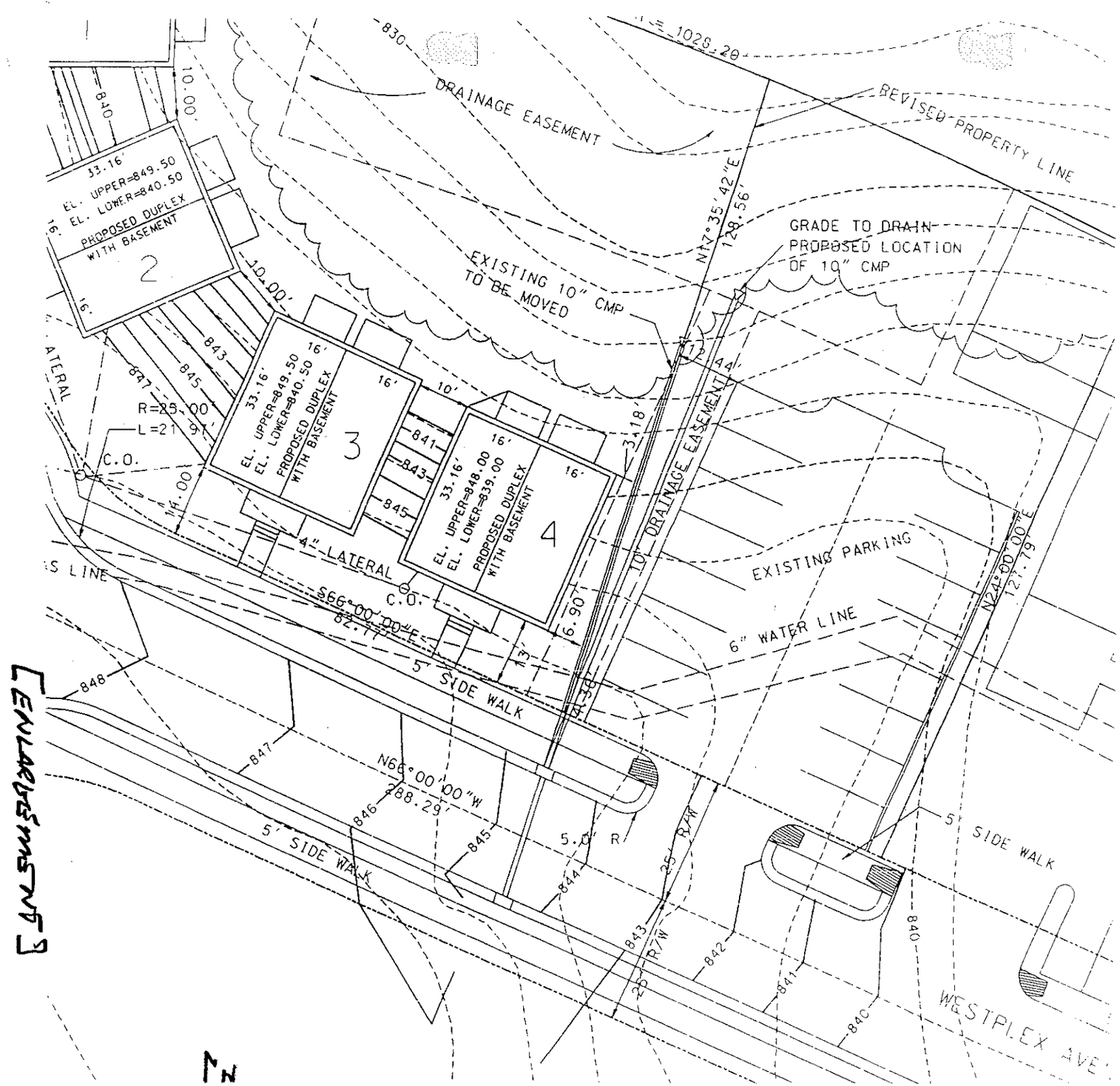
Signature of Controller_____

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.)

FILENAME: ORD-CERT.MRG


DRAINAGE EASEMENT
REVISED PROPERTY LINE
EXISTING 10" CMP TO BE MOVED
GRADE TO DRAIN PROPOSED LOCATION OF 10" CMP
N17°35'42"E 128.56'
10' DRAINAGE EASEMENT
EXISTING PARKING
6" WATER LINE
N24°00'00"E 127.79'
33.16'
EL. UPPER=849.50
EL. LOWER=840.50
PROPOSED DUPLEX WITH BASEMENT
2
3
4
EL. UPPER=848.00
EL. LOWER=839.00
R=25.00
L=21.91'
C.O.
4" LATERAL
S66°00'00"E 82.11'
N66°00'00"W 288.29'
5' SIDE WALK
25' R/W
WESTPLEX AVE
N

N
ILLINOIS CENTRAL RAILROAD
EXISTING 2" CMP
L=464.1' R=1025.20'
DRAINAGE EASEMENT
REVISED PROPERTY LINE
GRADE TO DRAIN PROPOSED LOCATION OF 10" CMP
EXISTING 10" TO BE MOVED
33.16' EL. UPPER=848.00 EL. LOWER=839.00 PROPOSED DUPLEX WITH BASEMENT
1
33.16' EL. UPPER=849.50 EL. LOWER=840.50 PROPOSED DUPLEX WITH BASEMENT
2
33.16' EL. UPPER=849.50 EL. LOWER=840.50 PROPOSED DUPLEX WITH BASEMENT
3
33.16' EL. UPPER=848.00 EL. LOWER=839.00 PROPOSED DUPLEX WITH BASEMENT
4
5' SIDE WALK
4" LATERAL
C.O.
R=29.00
L=21.91'
6" WATER LINE
GAS LINE
2' ROLL CURB AND GUTTER
N66°00'00"W 288.29'
S66°00'00"E 82.77'
N89°46'21"W 12.38'850
S89°46'21"E 42.00'
N00°17'40"W 131.66'
N17°35'42"E 128.56'
N24°00'00"E 127.79'
EXISTING PARKING
TEXTILE
WESTPLEX
50' R/W
5' R
18'
9.50'
10.00'
14.00'
6.90'
3.18'
12.44'
24'
9'
50'R
42'R
R=50.00'

BLOOMINGTON PLAN COMMISSION
PRELIMINARY REPORT
Location: 121 & 123 Westplex Ave.

CASE NO.: PUD-101-96
DATE: December 16, 1996

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PETITIONER: Name : Robert Shaw
Address: 1609 N. Kinser Pike

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COUNSEL: Name : Bledsoe Tapp & Assoc.
Address: 359 Landmark Ave.

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PRELIMINARY HEARING DATE: 12/16/96
FINAL HEARING DATE: 1/6/97

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REQUEST: The petitioner is requesting a preliminary plan amendment and final plan approval to place a duplex that was shown on the original plan. A waiver of second hearing has been requested.

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SUMMARY REPORT: In January 1995, Textillery Weavers, Inc. petitioned the Plan Commission to allow a small expansion of their building in order to expand their business. This was presented under case # PCD-92-94. This company weaves rugs and small items. This petition was approved with the condition that the duplex directly to the west on Lot #6 be removed from the plan. At that time, the staff and Plan Commission felt that the duplex would be too close to the industry and that an evergreen barrier should be planted to provide a buffer between the two uses. The petition was then forwarded to the Common Council. The council approved the petition, but made it quite clear that they disagreed with the removal of the duplex. They felt the duplex provided a source of affordable housing and that the Texillery parking lot next to the housing would not create a difficult living situation. The petitioner took the council's opinion under advisement and is now seeking to place the duplex back into the plan as originally approved.

Staff supports the plan based on the comments of the Common Council and the plan provided by the petitioner. The drainage along the west side of the proposed duplex has been moved and piped north into the existing detention area. Evergreen planting will be placed between the parking lot and the duplex. Parking has already been designed to accommodate this duplex. Please see the current site plan and the previous report dated January 30, 1995.

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ISSUES:
R.O.W. Dedication: R.O.W. has already been dedicated for this development.

Access: Access will not change from the current configuration on

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STAFF REPORT

Westplex Dr.

Utilities: Utilities are in place.

Drainage: Drainage will not change with the addition of this duplex. Drainage will be reevaluated before any permits are issued.

Tree Preservation: There is a large area of heavy vegetation and trees to the north of this proposed duplex. This was to remain undisturbed on the previous plan. This area is also to remain undisturbed with the current proposal.

Landscaping: A buffer of evergreen shrubs will be placed between the duplex and the parking lot of Textillery Weavers. Street trees are required.

Architectural Compatibility: The duplex will be the same architectural design as the duplexes already built in this PUD. Currently none of the duplexes or the parking lot for the duplexes on the north side of Westplex Ave. have been constructed.

Sidewalks: Sidewalks will be constructed as the duplexes are built.

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RECOMMENDATION: Based on the written findings above, staff recommends approval of this petition with waiver of second hearing.

1) A vegetative buffer of evergreen shrubs will be placed between the business and residential properties to staff satisfaction.

2) There may be no disturbance or tree removal on the railroad property (right-of-way). Trees in the nondisturbance area are to be protected with snow fencing.

# Bledsoe Tapp & Co., Inc.

*-Quality Land Surveying and Design Services-*

BEN E. BLEDSOE, L.S.
PHILIP O. TAPP, L.S.
359 Landmark Avenue
Bloomington, IN 47404
(812)336-8277
(812)384-1114
FAX: (812)336-0817


November 7, 1996

**Lynne Friedmeyer**
**City of Bloomington Planning Department**
**401 N. Morton Street**
**P.O. Box 100**
**Bloomington, IN 47402-0100**

RE: Lot 6, Westplex Park
Outline Plan Amendment and Preliminary and Final Plan Approval

**Dear Lynne:**

On behalf of the developer, Robert V. Shaw (Westplex Park, Inc.), we are respectfully requesting Outline Plan approval and Preliminary and Final Plan approval for the above referenced project.

The request is to add one duplex unit back to the plan that was removed when the textillery business expanded on Lot 7.

Originally, Lot 6 had eight 2-bedroom units arranged in four duplex buildings and two 16 space parking lots. Lot 6 is a part of the Westplex development which is a multi-use PUD comprised of small business and residential uses.

When the textillery business expanded in January of 1995, they wanted to purchase the eastern 16 space parking lot from Lot 6 and use the parking for their facility on Lot 7. They came to the Plan Commission with this request and received approval.

As a condition of approval, the petitioner was requested to remove what is shown as Building #4 on the plan to allow for more landscaping. The petitioner agreed to this request.

Once the petition was approved at the Plan Commission it moved on to the City Council for final approval. The Council expressed concern that two affordable housing units were being eliminated just for the sake of adding a few pine trees in an area that already has a considerable amount of vegetation. The Council reluctantly approved the petition in order to allow the textillery business to continue with their plans, but urged the petitioner to reamend the plan to put back in the two affordable units and come back through the process for approval.

PETITIONER'S EX
STATEMENT

**Outline Plan Amendment**
**Preliminary & Final Plan Approval**
**Westplex Park, Lot 6**
**November 7, 1996**

The Council recognized that the eastern 16 space parking lot already existed and merely moving the lot line made no difference on the existing plan shown for Lot 6.

Utilities and stormwater facilities are already in place for this project.

The architecture of the building is the same as originally proposed and what has been constructed previously in the Westplex development.

We are requesting this item be placed on your December 16, 1996 Plan Commission meeting for approval. Due to the completeness of this application and communication with staff, we are requesting a waiver of second hearing.

Please contact our office if you require any further clarification.

Sincerely,

Philip O. Tapp, L.S.
Bledsoe Tapp & Co., Inc.

cc: Bob Shaw
File #1040