**ORDINANCE 94-15**

**TO AMEND THE BLOOMINGTON ZONING MAPS FROM MG to BA, GRANT PCD DESIGNATION, AND APPROVE OUTLINE PLAN**
**Re: 1360 Bloomfield Road**
**(Rogers Group, Inc., Petitioner)**

WHEREAS, the Common Council passed a Zoning Ordinance amendment and adopted new incorporated zoning maps on June 7, 1978 which are now incorporated in Title 20 of the Bloomington Municipal Code; and

WHEREAS, the Plan Commission has considered this case, BA/PCD-8-94 and recommended that the petitioner, Rogers Group, Inc. be granted an amendment to the Bloomington zoning maps, PCD designation, and outline plan approval 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 that the zoning be changed from MG to BA for the property located at 1360 Bloomfield Road. That property is further described as follows:

BEGINNING at the northeast corner of said Section 6; thence WEST 53 feet, more or less; thence SOUTH 474 feet, more or less, along land of Eudaly, Inc.; thence WEST 370 feet, more or less, along land of Eudaly, Inc.; thence SOUTH 621 feet, more or less, along the Sunset Hill Addition; thence EAST 420 feet, more or less, along land of Funkhouser to the West line of the aforesaid Section 5; thence SOUTH along said West line to the North right-of-way of State Road #45; thence easterly along said North right-of-way to the West right-of-way of Adams Street; thence NORTH 320 feet, more or less, along said West right-of-way; thence NORTH 85 degrees West 310 feet, more or less; thence SOUTH 60 degrees West 140 feet, more or less; thence NORTH 85 degrees West 500 feet, more or less; thence NORTH 5 degrees East 410 feet, more or less; thence NORTH 85 degrees West 170 feet, more or less; thence NORTH 80 feet, more or less, to the Southeast corner of Lot #3 in Lakeview Addition; thence North 400 feet, more or less, along the East line of said Lot #3; thence West 73.5 feet, more or less, along land of Hector to the East line of Lot #2; thence NORTH 172 feet, more or less, along said East line to the North line of the aforesaid Section 5; thence West 147 feet, more or less, along said North line to the Point of Beginning, containing 27 acres, more or less.

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

SECTION III. The Outline Plan shall be attached and made a part of this ordinance.

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 18 day of MAY, 1994.

JIM SHERMAN, President
Bloomington Common Council

ATTEST:

D.C.C.

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 19 day of MAY, 1994.

D.C.C.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 19 day of MAY, 1994.

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance grants a rezone from MG to BA/PCD and approves an outline plan for a mixed-use, retail and light-industrial, planned commercial development on 27 acres located at 1360 Bloomfield Rd.

Signed copies to:
Planning
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 94-15 is a true and complete copy of Plan Commission Case Number BA/PCD-8-94 which was given a recommendation of Approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on April 25, 1994.

Date: April 26, 1994

Timothy A. Mueller

Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 5th day of April, 1994,

Patricia Williams

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.)

# MEMO

| | |
|---|---|
| To: | City Council |
| From: | Planning Department |
| Case No: | BA/PCD-8-94 |
| Date: | April 25, 1994 |
| Location: | 1360 Bloomfield Road |
| Petitioner: | Rogers Group, Inc. |

On April 25, 1994, the Bloomington Plan Commission approved a petition for a rezone from MG to BA/PCD and two lot subdivision.

The 25 acre site is located on the northwest corner of Adams & Bloomfield extending north to Whitehall Pike behind the Rogers Building Supply facilities. Proposed is a mixed-use retail light-industrial planned commercial development. Access would include entrances to Adams & Bloomfield and a new public street link between Bloomfield and Whitehall via the new 3rd Street EuDaly Business Park. Retail uses would occupy both sides of the new street toward Bloomfield Road. Light industrial uses would be permitted along with retail to the north. The Outline plan consists of the site plan, petitioner's statements of January 13, 1994 and March 21, 1994 as modified by the April 21 statement, and the roadway improvement exhibit. All are subject to the mutually agreed upon Plan Commission conditions of approval as listed below.

The proposed has evolved through the course of the Plan Commission's consideration. The list of uses has been refined and out-of-pocket developer street improvements have been revised, to eliminate the developer's Adam's street improvements in favor of an equivalent increase in developer improvements to Bloomfield Road.

The code allows approval of a Planned Development if it is "consistent with the general plan for the city, and is an effective and unified treatment of the development possibilities of the...site and meets all specific criteria...". The development plan will meet all specific criteria, and the recognition of the proposal as "an effective and unified treatment of the site" is inherent in the commission's review.

Compliance with the "general plan" i.e., the Growth Policies Plan was discussed in depth. While the specific land use exhibits in the plan color the site "industrial", there was little discussion of this designation. It was consistent with the approach generally taken with centrally located existing industrial tracts, i.e., to retain industrial zoning to accommodate the existing industries and their expansion. The existing street deficiencies in the vicinity may also have been a factor.

**Memo continued...**

A shopping center in this location arguably serves some of the plan's narrative objectives in terms of traffic mitigation, redirection of growth, and commercial service. The concept of TIF funded city improvements to Bloomfield east of Adams & to Adams has been carefully considered by the city administration and discussed with individual Council members, and staff perceives a consensus in favor of the idea. If TIF revenues from the proposed project, and any nearby development stimulated by the project, can be utilized to accelerate needed street improvements. The proposal is construed as serving the plans goal to leverage public capital.

Please see the following list of approved uses and the conditions of approval.

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Rogers Group, Inc.

List of uses as taken from the BA list as follows:

Antiques
Apparel
Appliance Stores
Arts and Crafts
Auto Parts - New
Bakery
Bicycle Shops
Books
Newsstands
Dairy Products
Department, Discount Stores
Drug Stores, Sundries
Floral Shops
Furniture and Appliances
Gift Shop
Grocery
Hardware
Jewelry
Liquor Store
Pet Shops
Sporting goods
Used Merchandise
Variety Store
Banks Branch
Business Service
Business and Professional Office
Candy Confectionery
Eating, Drinking, Restaurant
Furniture Repair
Gasoline Service Station
Laundry and Dry Cleaning
Personal Service
Printing

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CONDITIONS OF APPROVAL:

1. Substitution of additional Bloomfield improvements for the originally proposed Adams Street improvements with the addition of 100' decel taper at the Bloomfield entrance.

2. New north-south street is a fundamental and required component of the outline plan.

3. Dedication of the land for a street stub to the west lot line.

4. Outline plan is conceptual. Specific engineering details, and specific lot/building configurations to be addressed in development plans.

5. Adding building supply retail to the list of uses and deleting the uses that are specified in the petitioner's letter of March 21, 1994.

6. All street improvements at Bloomfield and Whitehall entrances as shown on the outline plan are to be implemented at once with the initial phase of development accessing those locations. Staging of all other street improvements, specifically the north-south through road, will be determined at development plan stage by the Plan Commission.

7. Site grades and sidewalks should be designed to accommodate future street widening.

8. In our role as an advisory body to the City Council, the Plan Commission advises very strongly that this proposal should be approved by the City Council, only if the City Council is willing to establish a TIF district and utilize the revenue from the district to implement Bloomfield Road improvements as outlined in the petitioner's corridor study. In addition, we advise the City Council to make a commitment to improve Adams Street with the TIF money in the immediate vicinity of the intersection with Bloomfield Road.