Passed 7-0

57

ORDINANCE 93-45

TO AMEND THE OUTLINE PLAN
Re: 300 S.R. 446
(Bill C. Brown, 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, PCD-26-93, and recommended that the petitioner, Bill C. Brown be granted an amendment to the outline plan and request that the Common Council consider his 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 an outline plan amendment be approved for 300 S.R. 446, Bloomington, Indiana. The property is further described as follows:

> A part of the Northwest quarter of Section 1, Township 8 North, Range 1 West, Monroe County, Indiana, bounded and described as follows: **BEGINNING** at a point on the south right-of-way line of State Road 46, said point of beginning being 41.82 feet South and 364.00 feet West of the northeast corner of said northwest quarter; thence from said point of beginning and with the west line of Century Village and running SOUTH 00 degrees 27 minutes 25 seconds EAST for 216.00 feet; thence NORTH 89 degrees 11 minutes WEST for 35.00 feet; thence SOUTH 00 degrees 27 minutes 25 seconds EAST for 84.42 feet; thence SOUTH 86 degrees 36 minutes 13 seconds EAST for 35.07 feet; thence SOUTH 00 degrees 27 minutes 25 seconds EAST for 113.94 feet; thence leaving the west line of Century Village and running SOUTH 89 degrees 29 minutes 23 seconds WEST for 306.43 feet; thence NORTH 00 degrees 53 minutes 10 seconds WEST for 412.99 feet to the south right-of-way line of State Road 46, thence NORTH 88 degrees 56 minutes 35 seconds EAST along said right-of-way line 309.54 feet to the point of beginning.

SECTION II. The Outline Plan Amendment, as recommended by the Plan Commission, shall be attached hereto and made a part hereof.

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 15th day of September, 1993.

JACK W. HOPKINS, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 16th day of September, 1993.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 16 day of September, 1993.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance allows the Century Village PCD located at 300 S.R. 446 to continue to use the access drive off of E. 3rd St. Any additional development will trigger reconsideration of the previously approved alignment of the access drive with Morningside. Existing development approvals are for the current level of use, plus 70 additional hotel units, and is contingent upon no road access to Park Ridge Road.

Signed copies
Planning
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 93-45 is a true and complete copy of Plan Commission Case Number PCD-26-93 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 1 Abstentions by the Bloomington City Plan Commission at a public hearing held on August 9, 1993.

Timothy A. Mueller
Planning Director

Date: August 23, 1993

Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____,

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.)

DRAFT

DRAFT

PCD-26-93 **Bill C. Brown**
300 S.R. 446
Request for an outline plan amendment for the driveway portion of the site

Toni McClure reported. The petitioner has a permit from the state for the existing access drive. Staff feels the drive needs to line up with Morningside Dr. Issues are: the petitioner can't close off the existing access drive due to utility easements, and there's an ingress/egress easement which provides access to the RH zoned property to the south. These easements were already in place when the petitioner purchased this property. A 1989 outline plan amendment provides a two-way (in/out) drive. This request is for an outline plan amendment to allow the drive to remain in its current location for the time being. Staff supports this request. The petitioner owns property behind Ryan's Steakhouse, and staff believes the parcel will develop in conjunction with the existing Century Village development. This development will increase traffic. The petitioner's intent is to build more hotel suites and will commit in writing that no access from Park Ridge Rd. will come through the development. That eliminates staff's concern for potential traffic. Staff recommends approval of the outline plan amendment with the drive in the current location, up to the development potential of 70 hotel units on the developable parcel, and no connection to Park Ridge Rd. Any development beyond that, and/or high traffic development on this lot, would result in reconsidering whether the drive should line up with Morningside Dr.

Rod Young asked why staff thinks the streets should line up.

Toni McClure stated because of safety factors.

Joe Hoffmann discussed the property to the south, and suggested that the approval be conditioned so this location is only valid as long as the property owner to the south doesn't come forward with a request to move their easement as well.

Toni McClure stated the easement would be negotiated.

Steve Smith, representing the petitioner, stated the driveway was approved in 1980 for the current location. The petitioner's intent is to continue Century Village/Century Suites, and thru-traffic is not wanted. The drive "as is" accomodates this type of development. This is a request to amend the outline plan "back" as it used to be. Thru-traffic is not anticipated. A right-turn-in benefits the development.

***Rod Young moved approval of PCD-26-93 subject to staff recommendations: 1) This drive in this location is acceptable up to a maximum development of 70 additional units with no road access to Park Ridge Rd., but the question will be revisited with higher intensity development, and will be revisited with the development of the outlot that lines up with Morningside. 2) This approval will be revisited if the property owner to the south develops. Jim Sherman seconded.

Rod Young and Joe Hoffmann discussed development of the property to the south. Hoffmann stated he could rephrase the motion so that it doesn't have anything to do with the parcel itself, but with use of the easement.

End of tape 1 side a

Joe Hoffmann stated this issue will not have to come back to the commission if the driveway doesn't exceed the proposed level.

Tim Mueller stated the vacant ground where the easement runs, is subject to an approval process itself.

Traffic issues were discussed.

Joe Hoffmann stated the approval should be valid only if no efforts are made to put more use onto the easement.

Toni McClure stated the petitioner is willing to move the access as long as the other property owner is willing to pay for it.

Tim Mueller stated the easement runs through the petitioner's property and if the drive is relocated to another location, there will be two encumberances on his land. If the other property owner has to relocate it, they can renegotiate the easement.

Wording for the motion was discussed. Mueller stated any additional development above and beyond the 70 additional hotel units, from any source, will require additional approvals. At that point, discretion will be retained to either allow use of this drive, or require lining it up to Morningside.

After more discussion, Rod Young withdrew his motion.

Tim Mueller stated the expansion of Chapman's Rest. is under construction and the petitioner would like to have this issue resolved.

***Joe Hoffmann moved approval of PCD-26-93 (outline plan amendment) with the existing drive location being allowed to exist for current use, proposed use, and the potential additional 70 hotel units, but that at such time as the access is sought to be used for any additional development from any source whatsoever, the plan commission reserves the discretion at that time to determine whether or not this access may continue to be used for such additional development or whether it would have to be relocated to line up with Morningside Dr.; Kerry Weger seconded. Approved 7:0 (Young abstained)

Plan Commission Discussion:

Joe Hoffmann asked staff to have Legal look this over.

Tim Mueller stated this outline plan amendment will have to go to the council with the plan commission's recommendation.

Joe Hoffmann stated this motion provides the opportunity to go back to this developer and require the access to be moved, if and when, the south parcel develops.