ORDINANCE 99-13

TO AMEND THE BLOOMINGTON ZONING MAPS FROM I TO CD
RE: 602, 607, 608, 610, 622, 626, 632, and 638 North Morton Street
(Hirons & Company, 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WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21 which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning," including the incorporated zoning maps, and Title 21, entitled "Land Use and Development;" and

WHEREAS, the Plan Commission has considered this case, ZO-5-99, and recommended that the petitioner, Hirons & Company, be granted a rezone of the property located at 602, 607, 608, 610, 622, 626, 632, and 638 North Morton Street from I to CD;

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, the property at 602, 607, 608, 610, 622, 626, 632, and 638 North Morton Street shall be rezoned from I to CD. The property is further described as follows:

A part of Outlot Number 39 and a part of Grahams Reserve in the City of Bloomington, Indiana, located in a part of the Southwest Quarter of Section 33, Township 9 North, Range 1 West, Monroe County, Indiana, and being more particularly described as follows:

COMMENCING at the northeast corner of The Showers Office and Research Center (Plat Cabinet C, Envelope 129); thence on the north line of The Showers Office and Research Center SOUTH 88 degrees 51 minutes 06 seconds West 279.46 feet; thence NORTH 00 degrees 35 minutes 15 seconds East 87.06 feet to the northerly line of 10th Street and the POINT OF BEGINNING; thence NORTH 00 degrees 35 minutes 15 seconds East 329.41 feet; thence SOUTH 89 degrees 24 minutes 45 seconds East 145.31 feet; thence SOUTH 00 degrees 06 minutes 43 seconds West 201.91 feet to the northerly line of 10th Street; thence on said northerly line the following three (3) courses: 1). SOUTH 81 degrees 15 minutes 06 seconds West 15.95 feet; thence 2). 40.74 feet on a 60.00 foot radius tangent curve to the left whose chord bears SOUTH 62 degrees 14 minutes 33 seconds West 39.96 feet; thence 3). SOUTH 42 degrees 47 minutes 33 seconds West 143.02 feet to the Point of Beginning, containing 0.85 acres, more or less.

Also, Lots 9 through 15 in Hunters Addition to the City of Bloomington, Monroe County, Indiana, as shown by the recorded plat thereof in Plat Cabinet B Envelope 3 in the office of the Recorder of Monroe County, Indiana.

SECTION II. 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 5th day of May, 1999.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

Jacoma Newsome, Deputy Clerk
PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 12 day of May, 1999.

Jacoma Newsome, Deputy Clerk
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 11 day of May, 1999.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance rezones property located at 602, 607, 608, 610, 622, 626, 632, and 638 North Morton Street from Institutional (I) to Downtown Commercial (CD).

Signed copies to:
Planning
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 99-13 is a true and complete copy of Plan Commission Case Number ZO-5-99 which was given a recommendation of approval by a vote of 8 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 31, 1999.

Date: April 12, 1999

Donald F. Hastings, Secretary
Plan Commission

Received by the Common Council Office this ____ day of _____,1999.

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	$_____	$_____

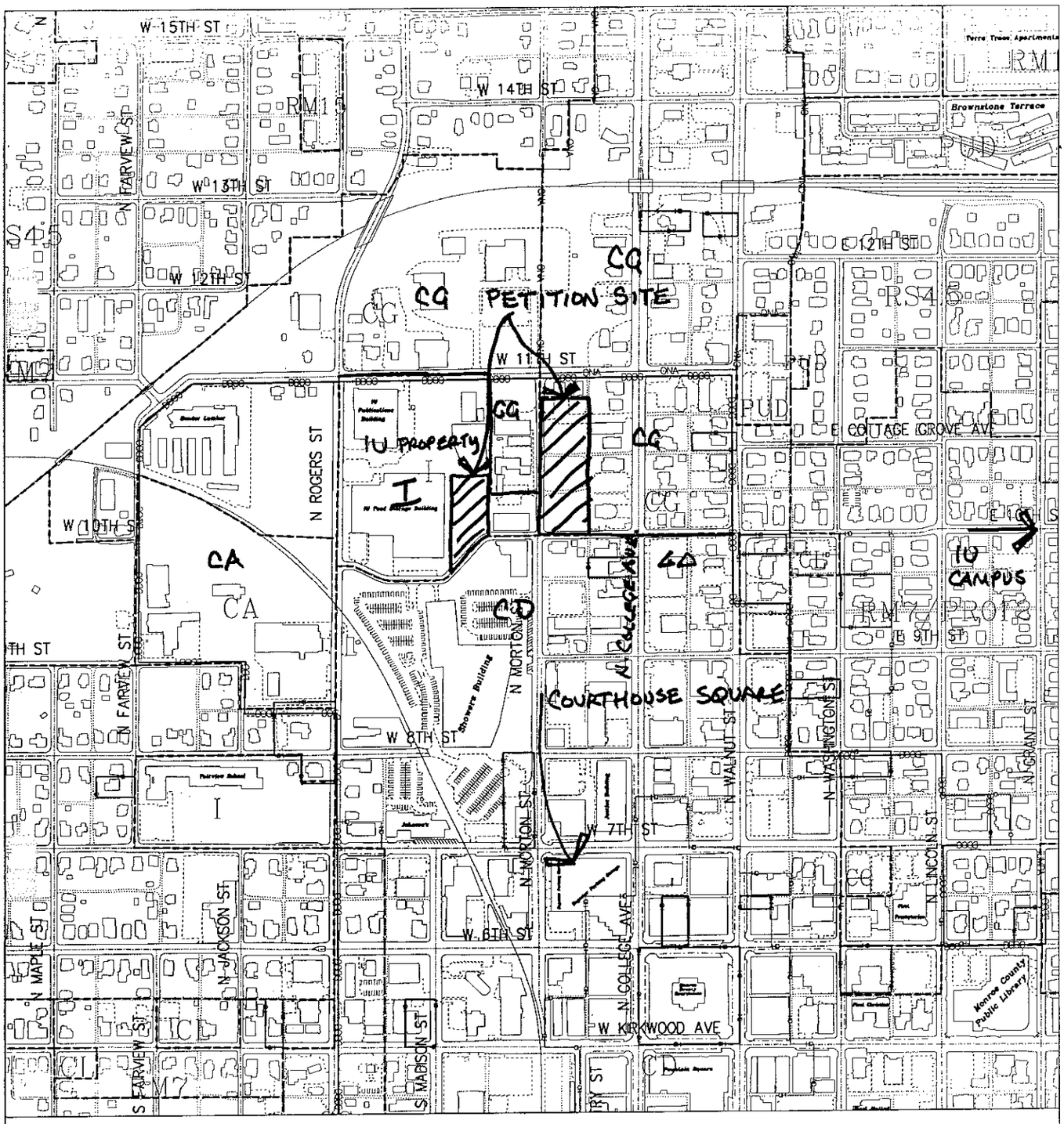
Signature of Controller_____

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



20-5-99

LOCATION/ZONING/LAND USE MAP

City of Bloomington
Planning Department

By: work
15 Feb 99

500 0 500 1000 1500

N

Scale: 1" = 500'

101

For reference only; map information NOT warranted.

To: Common Council
From: Heath Eddy, Planning Department
Subject: ZO-5-99 (Hirons & Company)
Date: April 8, 1999

MEMORANDUM

At the March 29, 1999 Plan Commission hearing, the Commission voted to approve a rezone from Institutional (I) to Downtown Commercial (CD) to allow future development for Hirons & Company. The petitioner, Tom Hirons, requested this zoning change in order to effect the transfer of property from Indiana University, as part of the relocation of Hirons & Company to the Showers Sample building at 531 N. Morton Street.

The petitioner originally petitioned the Plan Commission in 1998 for a rezone of a former physician's medical office along the SR 45/46 Bypass from the existing Single Dwelling Residential (RS2) to Institutional (I) zoning, to construct a new corporate office at the site. This petition raised concerns from several neighbors of the Browncliff neighborhood, as well as the University, regarding the appropriateness of this rezone along an important scenic/gateway corridor. Through a private agreement between Hirons and the University, this petition was withdrawn, with the understanding that Hirons would return with a petition to rezone existing University property in the downtown area.

This petition is a followup to the agreement reached last year. The property is located in the vicinity of the 10th Street/Morton Street intersection, just north of the Showers Center City Hall. The petitioners are requesting a rezone for a total of 2.2 acres, comprising a small area of property (approximately 0.85 acres) behind the existing Indiana University Press at 601 N. Morton St., and a total of seven platted lots along the east side of North Morton Street, comprising about 1.33 acres. The objective is to change the zoning for the 0.85-acre property to enable the development of off-site, adjacent parking for the new Hirons offices at 531 N. Morton Street. The rezone for the seven lots is to complete the transaction of the property from the University to Hirons.

REZONING EVALUATION

The GPP designates the western parcel as ***Indiana University*** and the 7 lots along Morton Street as ***Commercial***. University-designated properties are locations currently owned or identified by the University's long range master plan. In this case, the University has made a decision to sell a portion of their holdings for use by Hirons & Company as a parking lot for its employees. This use of the property is not permitted under the existing zoning, Institutional (I). Therefore, a more appropriate designation

enabling parking lots is required, which would include Downtown Commercial (CD). The area designated as ***Commercial*** is intended for continued development of small-scale retail and specialty opportunities, and a variety of other non-retail uses, that contribute to the consistent design theme of the Downtown. The GPP identifies this site as part of the Urban Core of Bloomington. The area is defined by an attention toward redefining and revitalizing the downtown through a combination of infill development and redevelopment of vacant or rundown structures. Given the GPP's attention to Downtown design consistency, infill development must pay special attention toward the elements of the existing downtown which are consistent and emblematic of the traditional downtown streetscape.

One of the major concerns of staff and the Plan Commission was the design of future development along the Morton Street streetscape. The petitioners shared this concern, given their desire toward revitalizing the Showers Sample building and avoiding typical strip commercial design. As a condition of rezoning approval, the petitioner agreed that a building forward design, with parking on the rear of the sites, was desired, and agreed to place such a site design limitation on the deeds for the vacant parcels along Morton Street. These restrictions are in the form of a deed recordable written commitment, attached as an exhibit.

Conditions of Approval (ZO-5-99):

1) Within six months of rezoning approval, the petitioner shall execute a deed-recordable written commitment for Hunters Addition Lots 9-15 (the vacant parcels along Morton Street) which shall include the following:
   a. State that any development of these lots shall meet the parking requirements of the City of Bloomington's Downtown Development Opportunity Overlay (DDOO) as applied to the CG zoning district;
   b. Site design shall incorporate a requirement of placing the building along the street right-of-way, with parking to the rear of the building, such that a maximum of 25% of the Morton Street frontage allow for parking fronting the street;
   c. No parking areas shall be permitted at the corner of the Morton Street/10th Street intersection; and
   d. All proposed buildings shall incorporate a pedestrian entrance from the Morton Street frontage.

The Plan Commission vote was 8:0 to approve.

Please feel free to call me at 349-3423 should you have questions or need additional information on this matter.

■

Smith Neubecker & Associates, Inc.

Stephen L. Smith P.E., L.S.
President

Daniel Neubecker L.A.
Project Manager

February 26, 1999

City of Bloomington Plan Commission
C/o Heath Eddy
P.O. Box 100
Bloomington IN 47402-0100

RE: Hirons Rezone

Dear Heath and Plan Commissioners:

After consultations with the planning staff regarding the Hiron's rezone, we would like to amend our petition to request that the parcels zoned Institutional be rezoned to CD. We also request that our petition be heard on March 29th with a waiver of the second hearing. We will renotify adjacent property owners to inform them of the change of our request.

Thank you for your consideration for these requests.

Sincerely,

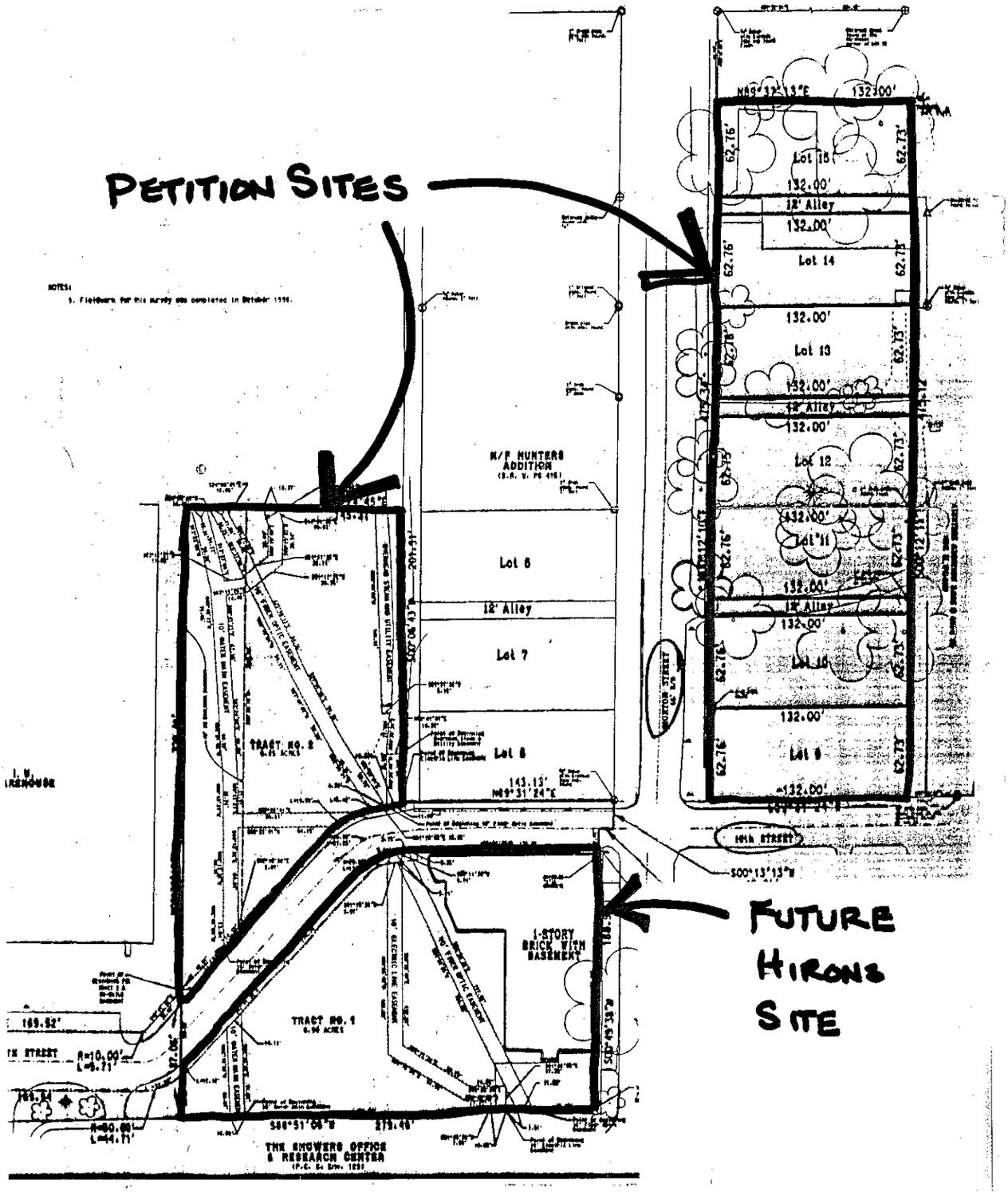
Stephen L. Smith
Smith Neubecker & Associates, Inc.

Cc: Tom Hirons
Bill Finch
Lynn Coyne
file 2781

20-5-99
PETITIONER'S
STATEMENT 102

4625 Morningside Drive
Post Office Box 5355
Bloomington, Indiana 47407-5355
Telephone 812 336-6536
FAX 812 336-0513

J:/2781/corresp/rezone amend



ZO-5-99
SITE PLAN 103

ZONING COMMITMENT

This Commitment is being made in connection with City of Bloomington Plan Commission Case # ZO-5-99 for real estate located in Monroe County, Indiana (hereinafter "real estate"), the legal description of which is attached hereto and incorporated herein as Exhibit A, and which is commonly known as 602, 608, 610, 622, 626, 632, and 638 North Morton Street. The proposal is rezone the real estate from I to CD and this commitment was required as a condition of Plan Commission approval. In accordance with approval by the City of Bloomington Plan Commission, **Hirons & Company("Owners")**, hereby commit to the City of Bloomington for itself, its successors and assigns, that:

Any development of these properties (as defined in the attached legal description) shall meet the parking requirements applied in the City of Bloomington's Downtown Development Opportunity Overlay (DDOO) District, as applied to the CG zoning district.

Site design for said properties shall be required to place buildings along the Morton Street right-of-way, and locate required parking to the rear of said properties. No more than 25 percent of the Morton Street right-of-way frontage of said described lots shall be fronted with parking lot areas, and no parking area will be permitted at the corner of the Morton Street intersection with 10th Street.

All proposed buildings on said properties shall incorporate a pedestrian entrance along the street frontage, in addition to any entrance from rear parking.

Recording of this Commitment is required prior to the issuance of any building permits for said real estate.

This Commitment shall be recorded in the office of the Recorder of Monroe County and shall be binding on the undersigned and upon any subsequent owner or other person acquiring an interest in the real estate.

Prior to the issuance of any permits, a copy of the recorded commitment shall be transmitted to the Planning Department.

This Commitment may be modified or terminated only by action of the City of Bloomington Plan Commission.

This Commitment shall be enforceable by the City of Bloomington or by any adjacent property owner or other interested party as defined by the Plan Commission Rules and Procedures.

Failure to honor this Commitment shall subject the person then obligated hereby to revocation of occupancy permits and other legal action including but not limited to the power of the City of Bloomington to have the work done at the expense of the property owner.

Failure to honor this commitment shall also constitute a violation of the City of Bloomington Zoning Ordinance and shall be subject to all penalties and remedies provided thereunder.

DATED this _____ day of _____, 1999.

By:**"Owner's Signatures Here"** _____

_____

Printed Names _____

_____

ATTEST:

_____

Secretary

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Personally appeared before the undersigned, a Notary Public in and for said County and State, _____ and _____, to me known to be the (President) and (Secretary) of (Owner) who acknowledged execution of the above and foregoing instrument to be their voluntary act and deed for and on behalf of said (Corporation).

WITNESS my hand and Notarial Seal this _____ day of _____, 1999.

_____
Notary Public

My Commission Expires:

_____

_____
Printed Name
Resident of _____ County

This instrument prepared by Patricia S. Bernens, Attorney at Law, City of Bloomington, P. O. Box 100, Bloomington, Indiana 47402