ORDINANCE 81-40

To Amend the Bloomington Zoning Maps, Dated June 7, 1978

WHEREAS, the Common Council passed a Zoning Ordinance amendment and adopted a 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, ZO/PCD-10-81, and recommended that the petitioner, Walnut Park Development, be granted an amendment to the Bloomington zoning maps and request that the Common Council consider their petition for rezoning of certain property:

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 18-7-4 that the zoning be changed from BA and RL with RF and UF overlay to 25% RL, 75% BA and ML with RF and UF overlay not being altered, for property located at N.W. corner of South Walnut Street and Country Club Drive:

BA & RL to BA:

A part of the Southwest Quarter of Section 9, Township 8 North, Range 1 West, Monroe County, Indiana described as follows:

Commencing at the Southwest corner of the aforesaid Southwest quarter section, thence on the South line of said quarter section North 89° 10' 37" East 723.22 feet to a point, said point being marked by a one inch disk labeled Survey Point and being located in Country Club Drive; thence North 17° 34' 32" West 167.17 feet; thence North 2° 21' 38" East 692.69 feet; thence North 89° 52' 02" East 240.00 feet to the real point of beginning; thence continue North 89° 52' 02" East 625.34 feet to a point on the West right-of-way line of Old State Road 37; thence South along said West right-of-way line on a curve to the right having a radius of 924.95 feet and a chord bearing South 7° 01' 30" West 352.23 feet; thence South 18° 12' 00" West along said West right-of-way line 139.98 feet; thence South 89° 10' 37" West 531.57 feet; thence North 0° 49' 23" West 488.80 feet to the poing of beginning and containing 6.65 acres more or less.

RL to ML:

A part of the Southwest Quarter of Section 9, Township 8 North, Range 1 West, Monroe County, Indiana described as follows:

Commencing at the Southwest corner of the aforesaid Southwest quarter section, thence on the South line of said quarter section North 89° 10' 37" East 723.22 feet to the real point of beginning, said point being marked by a one inch disk labeled Survey Point and being located in Country Club Drive; thence North 17° 34' 32" West 167.17 feet; thence North 2° 21' 38" East 692.69 feet; thence North 89° 52' 02" East 240.00 feet; thence South 0° 49' 23" East 848.80 feet; thence South 89° 10' 37" West 230.27 feet to the point of beginning and containing 5.04 acres more or less.

To Remain RL:

A part of the Southwest Quarter of Section 9, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows:

Commencing at the Southwest corner of the aforesaid Southwest quarter section, thence on the South line of said quarter section North 89° 10' 37" East 723.22 feet to a point, said point being marked by a one inch disk labeled Survey Point and being located in Country Club Drive; thence on and along said Country Club Drive and on the South line of said quarter section North 89° 10' 37" East 230.27 feet to the real point of beginning; thence North 0° 49' 23" West 360.00 feet; thence North 89° 10'37" East 531.57 feet to the West right-of-way line of old State Road 37; thence South 18° 12' 00" West along said West right-of-way line 199.92 feet; thence along said West right-of-way line on a curve to the left having a radius of 2,321.83 feet and a chord bearing South 15° 56' 55" West 178.60 feet to a point on the South line of said quarter section, said point being marked by a one inch disk labeled survey point; thence South 89° 10' 37" West along said South line 414.87 feet to the point of beginning and containing 3.89 acres more or less.

SECTION II. Through the authority of IC-18-7-4 and pursuant to Chapter 20.13 of the Bloomington Municipal Code that an outline plan be approved and that all of the property on the Northwest corner of South Walnut Street and Country Club Drive be designated a Planned Commercial Development (PCD), more particularly described as follows:

A part of the Southwest quarter of Section Nine (9), Township Eight (8) North, Range One (1) West, Monroe County, Indiana, described as follows:

Commencing at the Southwest corner of the aforesaid Southwest quarter section, thence on the South line of said quarter section North 89 degrees 10 minutes 37 seconds East 723.22 feet to the real point of beginning, said point being marked by a one inch disk labeled Survey Point and being located in Country Club Drive; thence on and along said Country Club Drive and on the South line of said quarter section North 89 degrees 10 minutes 37 seconds East 645.14 feet to a point on the Westerly right of way of Old State Route No. 37, said point being marked by a one inch disk labeled Survey Point; thence on said Westerly right of way with a curve to the right, said curve having a radius of 2321.83 feet and a chord bearing North 15 degrees 56 minutes 55 seconds East 178.60 feet, for an arc distance of 178.64 feet to a 5/8" iron pin; thence continuing on said right of way North 18 degrees 12 minutes East 339.90 feet to a 5/8" iron pin, thence continuing on said right of way with a curve to the left, said curve having a radius of 924.95 feet and a chord bearing North 07 degrees 01 minutes 30 seconds East 352.23 feet, for an arc distance of 354.39 feet to a point, said point being referenced by a 5/8" iron pin being South 89 degrees 52 minutes 02 seconds West 1.00 feet distane therefrom; thence leaving said right of way South 89 degrees 52 minutes 02 seconds West 865.34 feet to a point in the center of Clear Creek, said point being referenced by a 5/8" iron pin being North 89 degrees 52 minutes 02 seconds East 18.00 feet distart therefrom; thence on and along said center of Clear Creek South 02 degrees 21 minutes 38 seconds West 692.69 feet to a point, said point being referenced by a 5/8" iron pin being East 26.00 feet distant therefrom; thence continuing on and along said center of Clear Creek South 17 degrees 34 minutes 32 seconds East 167.17 feet to the point of beginning' containing 15.579 acres, more or less.

Subject to a 25 foot North right of way for Country Club Drive, said right of way being measured from the centerline of the existing roadway.

SECTION III.

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

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 15th day of April, 1981.

Alfred I. Towell, President
Bloomington Common Council

ATTEST:

Nora M. Connors,
City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 16th day of April, 1981.

Nora M. Connors,
City Clerk

SIGNED and APPROVED by me upon this 21st day of April, 1981.

Francis X. McCloskey, Mayor
City of Bloomington

SYNOPSIS

This ordinance would rezone 75% of the property located at the NW corner of S. Walnut Street and Country Club Drive from RL and BA to BA and ML, leaving the remaining 25% RL. The entire parcel will be designated a Planned Commercial Development, an outline plan will be approved, and the RF and UF overlays will not be affected. The petitioner is Walnut Park Development, and a retail/commercial center is planned for the site.

****ORDINANCE CERTIFICATION****

In accordance with IC 18-7-4-508, I hereby certify that the attached Ordinance Number 81-40, is a true and complete copy of Plan Commission Case Number ZO/PCD-10-81, which was give a recommendation of APPROVAL, by a vote of Ayes: 6, Nays: 3, Abstentions: 0, by the Bloomington City Plan Commission at a public hearing held on MARCH 23, 1981.

Date: MARCH 26, 1981.

Timothy A. Mueller
~~Planning Director~~
Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 26 day of March, 1981.

Nora M. Connors, City Clerk

Fiscal Impact Statement

Appropriation Ordinance # _____ Ordinance # 80-39 Resolution # _____

Type of Legislation:

Appropriation		End of Program		Penal Ordinance	
Budget Transfer		New Program		Grant Approval	
Salary Change		Bonding		Administrative Change	
Zoning Change	XXX	Investments		Short-Term Borrowing	
New Fees		Annexation		Other	PLANNED COMMERCIAL DEVELOPMENT

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

Cause of Request:

Planned Expenditure		Emergency	
Unforeseen 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 XXX

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion. The site is not in the City. Annexation is anticipated since it is contiguous and will be served. Upon annexation and completion, significant property tax revenues as well as service costs will accrue to the City. All capital costs are to be borne by the developer.

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)

Agency submitting legislation CITY OF BLOOMINGTON PLANNING DEPARTMENT

By: Tim Mueller, Director Date: MARCH 26, 1981