

(Failed 0-9)

ORDINANCE 04-04

TO AMEND THE BLOOMINGTON ZONING MAPS FROM Q TO PUD
AND TO ADOPT THE PRELIMINARY PLAN FOR
THE SOUTHERN INDIANA MEDICAL PARK II PLANNED UNIT DEVELOPMENT
Re: 2401 West Tapp Road (Southern Indiana Medical Park II, LLC, Petitioners)

WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning", including the incorporated zoning maps, and Title 21, entitled "Land Use and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, PUD-50-03, and made no recommendation regards the request by the petitioners, Southern Indiana Medical Park II, LLC, to rezone the property located at 2401 West Tapp Road from Quarry (Q) to Planned Unit Development (PUD) and approve a preliminary plan for the Southern Indiana Medical Park II PUD. The Plan Commission thereby requests that the Common Council consider this petition without recommendation;

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 be rezoned from Quarry (Q) to Planned Unit Development, the preliminary plan be approved, and the list of permitted uses be amended for the property at 2401 West Tapp Road. The property is further described as follows:

The following described real estate in Monroe County, State of Indiana, to-wit: The Northwest quarter of Section 18, Township 8 North, Range 1 West, also the West half of the Northwest quarter of the Northeast quarter of Section 18, Township 8 North, Range 1 West, except the following described part thereof, to-wit: Beginning at the Northeast corner of said tract of land, running thence South 40 rods; thence West 36 feet; thence northeast to a point on the North line of said described real estate one rod West of the place of beginning; thence east one rod to the place of beginning.

ALSO, the West half of the Southwest quarter of the Northeast quarter of said Section 18, Township 8 North Range 1 West.

ALSO, a part of the East half of the Northwest quarter of the Northeast quarter of Section 18, Township 8 North, Range 1 West, described as follows, to-wit: Beginning at the Southwest corner of said tract of land; thence running North 40 rods; thence East 36 feet; thence Southwest to a point on the South line of said tract of land, 1 rod East of the place of beginning; thence West 1 rod to the place of beginning.

EXCEPTING THEREFROM: a part of the Northwest quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at the Southwest corner of said quarter section; thence North 00 degrees 18 minutes 31 seconds West 2640.94 feet along the west line of said quarter section to a Southern boundary of Tapp Road; thence Northeasterly 32.93 feet along said Southern boundary to the North line of said quarter section; thence South 89 degrees 52 minutes 00 seconds East 267.53 feet along said North line to a South boundary of Tapp Road; thence Easterly 134.93 feet along said South boundary to a Southern boundary of Tapp Road; thence Southeasterly 99.33 feet along said Southern boundary to a South boundary of Tapp Road; thence Easterly 75.24 feet along said South boundary; thence South 77 degrees 38 minutes 45 seconds West 238.18 feet; thence South 50 degrees 23 minutes 08 seconds West 124.40 feet; thence South 00 degrees 12 minutes 00 seconds East 250 feet; thence South 07 degrees 47 minutes 41 seconds East 151.33 feet; thence South 00 degrees 12 minutes 00 seconds East 1150 feet; thence South 05 degrees 54 minutes 38 seconds East 251.25 feet; thence South 04 degrees 33 minutes 49 seconds West 301.04 feet; thence South 00 degrees 12 minutes 00 seconds East 406.69 feet to the South line of said quarter section; thence North 89 degrees 16 minutes 00 seconds West 295.02 feet along said South line to the point of beginning.

ALSO EXCEPTING THEREFROM: Lot Number One of 2300 Tapp Road Subdivision, being a part of Section 18, Township 8 North, Range 1 West, in Monroe County, Indiana, as shown by the plat thereof recorded in Plat Cabinet "B", Envelope 325, in the office of the Recorder of Monroe County, Indiana.

ALSO EXCEPTING THEREFROM: A part of the Northwest quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana described as follows: Beginning at a point that is 609.61 feet South 88 degrees 38 minutes 01 second East of the Northwest corner of said Northwest quarter, said point being on the North line of said Northwest quarter and in Tapp Road; thence South 88 degrees 38 minutes 01 second East over and along said North line for a distance of 1136.44 feet; thence South 01 degree 49 minutes 58 seconds East for a distance

of 1108.71 feet; thence North 88 degrees 38 minutes 01 second West for a distance of 1177.49 feet to the East right of way of Indiana State Road #37; thence Northerly over and along said right of way by the following courses and distances: North 00 degrees 12 minutes 00 seconds West 571.61 feet; thence North 07 degrees 47 minutes 41 seconds West; 151.33 feet; thence North 00 degrees 12 minutes 00 seconds West 250.00 feet; thence North 50 degrees 23 minutes 08 seconds East 124.40 feet; thence North 78 degrees 05 minutes 33 seconds East 238.18 feet to the point of beginning.

ALSO EXCEPTING THEREFROM: A part of the southwest quarter of the Northwest quarter and a part of the West half of the Southwest quarter of the Northeast quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana described as follows: Beginning at a point on the East line of said West half of the Southwest quarter of the Northeast quarter of said Section 18, said point being 583.86 feet South 01 degree 07 minutes 12 seconds East of the Northeast corner of said half quarter quarter; thence South 01 degree 07 minutes 12 seconds East for a distance of 723.29 feet to the Southeast corner of said half quarter quarter; thence North 89 degrees 04 minutes 15 seconds West over and along the East-West half section line of said Section 18 for a distance of 1713.54 feet; thence North 00 degree 55 minutes 45 seconds East for a distance of 728.23 feet; thence North 89 degrees 32 minutes 56 seconds East for a distance of 762.29 feet; thence North for a distance of 401.89 feet; thence East for a distance of 259.31 feet; thence South 00 degrees 26 minutes 13 seconds East for a distance of 494.67 feet; thence East for a distance of 661.15 feet to the point of beginning. Containing after all exceptions 100.94 acres more or less.

SECTION II. The Preliminary Plan shall be attached hereto and made a part thereof.

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 _____ day of _____, 2004.

MICHAEL DIEKHOFF, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

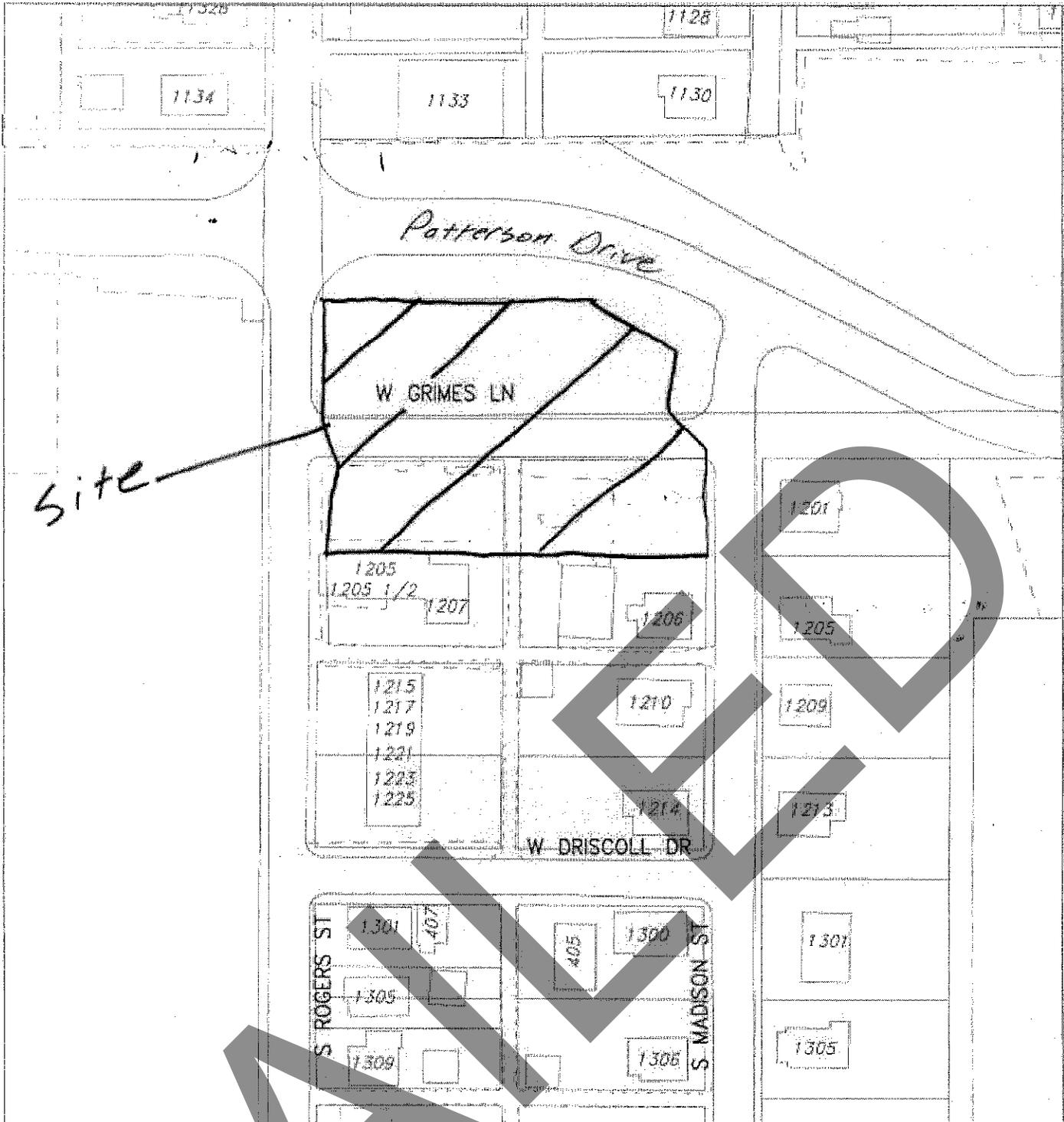
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance rezones 101 acres on West Tapp Road from Quarry to Planned Unit Development and approves a preliminary plan for the Southern Indiana Medical Park II. This proposal comes forward without recommendation from the Plan Commission and would allow for a mix of office, medical, and industrial uses as well as accessory commercial uses and preserves 63 acres of forested land.



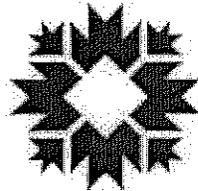
Parcel lines

By: greulice
26 Jan 04



For reference only; map information NOT warranted.

City of Bloomington
Planning

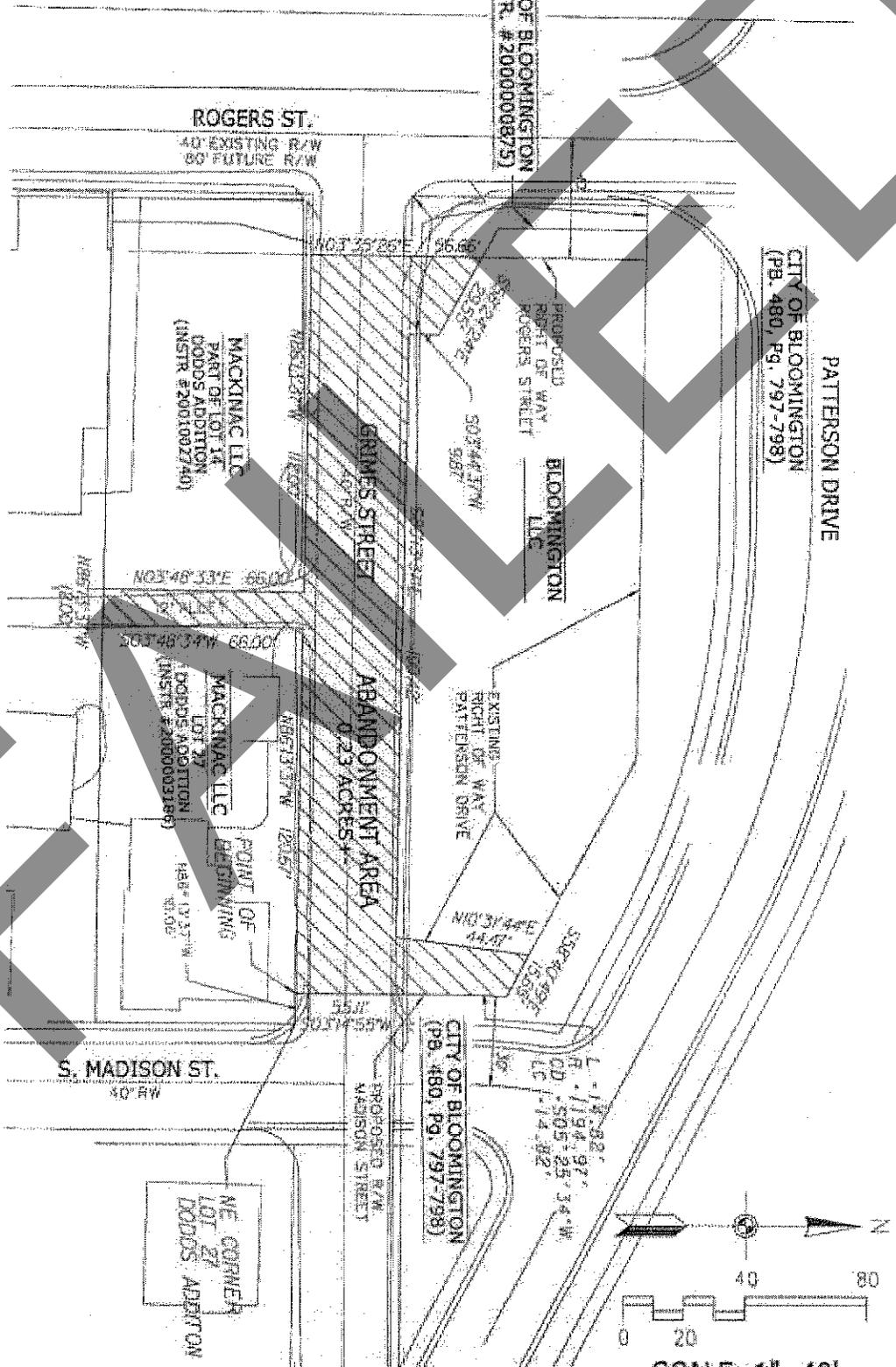


Scale: 1" = 100'

N

PROJECT NO.: 3121
PROJECT NAME: GRIMES PARCEL A R/W ABANDONMENT

DRAWN BY: LAH
CHECKED BY: JDR
DATE: 01/26/04



PARCEL A EXHIBIT

Smith-Neubecker & Associates, Inc.
453 S. Claitor Boulevard
Bloomington, Indiana 47407-6066
Telephone: (812) 336-6006
FAX: (812) 336-0513
www.snaia.com



Interdepartmental Memo

To: Members of the Common Council
From: Eric Greulich, Zoning Planner
Subject: Right-of-way vacation for McDoel Grocery
Date: February 4, 2004

Attached are the staff reports, petitioner's statements, and map exhibits which pertain to the Randy Lloyd/McDoel Grocery petition to vacate right-of-way (ROW) along W Grimes Lane.

REQUEST: The petitioner is requesting to vacate 0.23 acres of right-of-way along W Grimes Lane in between S Rogers Street and S Madison Street and a partial alley vacation running south from W Grimes Lane.

LOCATION:

1. The proposed right-of-way vacation is a section of W. Grimes Lane that extends from S. Rogers Street to S. Madison Street. The portion of Grimes Lane right-of-way requested for vacation is approximately 33 feet in width and approximately 250 feet in length.
2. Also requested for vacation is the north/south running alley from W. Grimes Lane, between Rogers Street and Madison Street. The portion of the alley requested to be vacated measures 12 feet wide by approximately 70 feet long.

BACKGROUND: The petitioners are proposing to construct a two story mixed-use building at the southeast corner of W Patterson Drive and S Rogers Street. The building would house a neighborhood grocery with approximately 9 residential units located on the second floor. This site includes three properties and is bisected by the right-of-way for W Grimes Lane. This proposal was reviewed by the Plan Commission in January 2004 and sent to the City Council with a favorable recommendation contingent upon the approval of right-of-way vacation by the Council.

The majority of the site is vacant with some existing parking. The section of right-of-way on the property is no longer heavily utilized due to the extension of W Patterson Drive. Grimes Lane is classified as a primary collector on the Master Thoroughfare Plan. Only a section of Grimes Lane is proposed for vacation. The remainder will merge into Patterson Drive.

The Board of Public Works considered this petition at a meeting held on January 13, 2004 and voted to endorse this request with several conditions and modifications. The Board approved the vacation of right-of-way along W Grimes Lane and S Madison Street, along with the partial alley vacation. The Board did not support the petitioner's entire request for vacation of right-of-way along W Patterson Drive along either the north (Parcel B) or the south side of W Patterson Drive as future public improvements along this corridor may be needed. The Board would, however, be willing to hear future requests for non-structural encroachments should the petitioner establish a need for one in the future.

The following utility and city service organizations have responded to this request with no objections for the vacation of the existing rights-of-way with the understanding that the petitioner will grant new easements for the utilities and also pay the entire cost of any relocation work.

Bloomington Fire Department
Bloomington Police Department
Bloomington Public Works Department
Bloomington Utility Department
Insight Communications
Vectren
PSI/Cinergy
Ameritech/SBC

CRITERIA: The criteria utilized to review a public ROW or easement vacation are as follows:

1. **Current status – access to property:**

There are three private properties involved (adjacent) to the portion of Grimes Lane proposed to be vacated. The two properties south of W. Grimes Lane can currently be accessed by S. Rogers Street, W. Grimes Lane, or the alley right-of-way which runs between them. The property north of Grimes Lane can currently be accessed by W. Grimes Lane and/or S. Rogers Street. With vacation of the rights-of-way, access will be from the extension of the rights-of-way.

2. **Necessity for Growth of the City:**

- a. **Future Status:** The right-of-way proposed for vacation is currently utilized by the City of Bloomington Utilities Department (CBU), Ameritech, Vectren, PSI/Cinergy, and Insight Communications. Each of these services state that they have no objections to the vacation of the right-of-way as long as utility easements are in place and that the owners pay the entire cost of any and all utility relocation work.

- b. **Proposed Private Ownership Utilization:** The ownership of the alley rights-of-way will be granted half to each adjacent owner. This includes- Mackinac LLC; Bloomington LLC; and Harold A. Harrell. All owners are located at 1720 N Kinser Pike.
- c. **Compliance with Regulations:** With acceptance of the easements by the Board of Public Works to the City for these existing utilities, vacation of this right-of-way presents no compliance issues.
- d. **Relation to Plans:** The current site layout uses Grimes Lane and the alley rights-of-way for access to the parking lots, as well as providing some access to local traffic. The working plan is to place a building and parking lot in the proposed right-of-way to be vacated.

CONCLUSION: Staff finds that currently there is no significant public-sector utilization of the rights-of-way to be vacated. Since Patterson Drive has been extended, this section of Grimes Lane has been partially restricted and is heavily underused. The utility companies have no objections to the vacation of the right-of-way. The City of Bloomington Police and Fire Departments also have no objections. The Board of Public Works voted to endorse the petition with three conditions. The Board of Public Works does not object to the vacation since they have no plans for the right-of-way since the Patterson Drive extension was completed.

Furthermore, this petition has been anticipated since the construction of the Patterson Drive extension. The new roadway has replaced the function of Grimes Lane in this location. Staff finds this request to be justified in the fact that the Patterson Drive extension incorporated a portion of this parcel that made it much smaller and more difficult to develop. The proposed use and site planning for the property are more in line with the Growth Policies Plan than what could be constructed on the two smaller pieces of property that exist on both sides of the Grimes Lane ROW. Through this vacation request, the petitioner will be able to construct a more appropriate development that will be a desirable redevelopment project.

RECOMMENDATION: Planning Staff recommends approval of this petition with the following conditions:

1. Adequate right-of-way according to the current City of Bloomington Thoroughfare Plan (40 feet from the centerline of Rogers Street) shall be dedicated to the City of Bloomington as public right-of-way.
2. Madison Street shall retain a right-of-way of no less than stated in the current City of Bloomington Thoroughfare Plan (25 feet from the centerline of Madison Street).
3. At the expense of the petitioner, utilities will be given easements/relocated in the vacated area to ensure their interests are accommodated.

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

CITY OF BLOOMINGTON
COMMON COUNCIL

FILE # _____
1st READING _____
COMMITTEE _____
FINAL HEARING _____

Office of the Common Council
P.O. Box 100, Municipal Building
Bloomington, IN. 47402
(812) 331-6409, ext. 12, 13

Address of Property 405 W GAMES LANE

Applicant's Name RIMDY LOGD / MCDUEN GRADING

Address 1720 N. KINSEY PK Phone 330-0077

Counsel or Consultant SMITH NEUBECKER & ASSOCIATES

Address 453 CLARKE BLVD Phone 336 6536

This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

I (we) agree that the applicant will notify all adjacent property owners by certified mail at the applicant's expense.

I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.

Signature: [Handwritten Signature]