Passed: 7-0

ORDINANCE 95-16

TO AMEND THE BLOOMINGTON ZONING MAPS FROM RS/PUD TO BL/PCD
Re: 3800 N. Prow Rd.
(Lee Marchant, 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, BL/PCD/RS/PUD-62-94, and recommended that the petitioner, Lee Marchant, be granted an amendment to the Bloomington zoning maps, and PCD designation 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 and pursuant to Chapter 20.13 of the Bloomington Municipal Code, that the zoning be changed from RS/PUD to BL/PCD for the property located at 3800 N. Prow Rd. The property is further described as follows:

A part of the east half of the Northwest Quarter of Section 20, Township 9 North, Range 1 West, Monroe County, Indiana, and being more particularly described as follows:

COMMENCING at a rebar found at the northwest corner of said east half; thence SOUTH 88 degrees 50 minutes 11 seconds East 650.0 feet along the north line of said half; thence leaving said north line SOUTH 00 degrees 02 minutes 37 seconds East 30.01 feet to a point on the proposed southerly right-of-way line of Acuff Road, said point also being the POINT OF BEGINNING; thence leaving said southerly right-of-way SOUTH 00 degrees 02 minutes 37 seconds East 368.73 feet; thence SOUTH 53 degrees 33 minutes 20 seconds West 140.30 feet to a 5/8" capped rebar found at the northeast corner of land of Bloomington Meadows, L.P.; thence leaving said north line NORTH 00 degrees 01 minutes 03 seconds West 454.36 feet to the proposed southerly right-of-way of Acuff Road; thence along said right-of-way SOUTH 88 degrees 50 minutes 11 seconds East 112.74 feet to the Point of Beginning, containing 1.07 acres, more or less.

SECTION II. The Outline 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 22nd day of March, 1995.

Iris Kiesling

IRIS KIESLING, President
Bloomington Common Council

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 23 day of March, 1995.

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 28th day of March, 1995.

Deputy Mayor For

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance expands the BL/PCD portion of this development by rezoning 1.068 acres of RS/PUD land.

Signed copies to
Petitioner
Planning

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 95-16 is a true and complete copy of Plan Commission Case Number BL/PCD/RS/PUD-62-94 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 February 20, 1995.

Date: February 21, 1995

Timothy A. Mueller

Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 21st day of February, 1995,

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.)

****ORDINANCE CERTIFICATION****

In accordance with Indiana Code Section 36-7-4-605 I hereby certify that the Plan Commission, after notice and a public hearing, did favorably recommend by a vote of 8 Ayes, 1 Nay, at its public hearing of February 23, 1995, the following: 1. that Title 20, Zoning, along with its incorporated zone maps, and Title 21, Land Use and Development, of the Bloomington Municipal Code, be repealed; and, 2. That the proposed replacement zoning ordinance, a true and complete copy of which is contained in Section III of the attached Ordinance number 95-21, be adopted, along with its incorporated zone maps, as Title 20, Zoning, of the Bloomington Municipal Code.

Date: February 28, 1995

Timothy A. Mueller
Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 2nd day of March, 1995,

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: Common Council
From: Planning Department
Date: February 21, 1995
Case No.: BL/PCD-RS/PUD-62-94
Location: 3800 N. Prow Rd.
Petitioner : Lee Marchant
Counsel: Smith Neubecker & Assoc., Inc.

On February 20, 1995, the Bloomington Plan Commission approved an expansion of the BL/PCD portion of the business area of this development by 1.068 acres, and preliminary and final plat approval for subdivision of three lots. The BL/PCD will have a 1.25 and a 5.02 parcel. The remaining parcel (45.75 acres) is the RS/PUD.

This land has a history of approvals. In November 1984, a portion of this land was granted PUD/PCD approval (PUD/PCD-66-84). In October 1994, the Plan Commission granted approval of a rezone and outline plan approval of an expansion of the existing Kivett-Burns PUD and a rezone from RE to RS/PUD and BL/PCD. Proposed were 43.6 acres as residential and five acres as business park.

With the current proposal, the addition of the 1.068 acres will allow the proposed business office to meet their required parking. Staff and the Plan Commission encouraged a larger parcel for the business portion of this site at the time of rezone in Oct. 1994. This area south of Acuff Rd. was to be employment and business in the Growth Policies Plan. The subdivision of the land will allow the parcels to be sold and developed. At the time of development, the plans will come to the Plan Commission for development plan approval.

The area to be rezoned to business use will consume a small portion of single family homes. The residential density will not increase in the RS/PUD portion of the development.

Right-of-way dedication is required along Acuff Rd., Prow Rd., and Kinser Rd. (30' from the centerline of the road for each).

The Growth Policies Plan designates the northern portion of this site "employment". These areas are to be planned corporate business parks. The lower portion of the site is designated "low density residential". While this plan does not conform to the Master Plan completely, the components are in place and Planning has received a letter from the owner of the parcel to the north stating an understanding of the goals of the Master Plan for this area.

Smith Neubecker & Associates, Inc.

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

Daniel Neubecker L.A.
Project Manager

January 30, 1995

Tim Mueller, Director
City of Bloomington Planning Department
P.O. Box 100
Bloomington IN 47402-0100

RE: BL/PCD RS/PUD Amendment and Subdivision
Kinser Pike PUD

Dear Tim:

We are seeking approval to amend our planned development (approved by the Council 12/07/94) to increase the BL/PCD area by 1.068 acres and decrease the RS/PUD portion by like amount.

In the process of rezoning, we began working with General Acceptance Corporation, a local finance company, to locate their corporate offices on this parcel. We are pleased that this project is evolving and that we need to enlarge the business area to accommodate their needs. General Acceptance Corporation will take five acres and build approximately 60,000 s.f. of office space in two or more phases. The remaining 1.25 acres shall be developed at a later date in accordance with the list of uses in the original planned commercial development. We would expect that the most probable uses will be from the retail portion of that list. This will create a three lot subdivision.

We are also seeking preliminary and final plat approval to allow subdivision of the business portion of the Park. We are proposing common driveways to Acuff Road and Prow Road with cross access easements as a part of this subdivision.

General Acceptance Corporation will be seeking development plan approval within the next couple of months for early 1995 construction. This developing project promises to be a significant boost to the business park concept in this area of our community. We also request waiver of second hearing.

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

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Your standard application form and a modified site plan are being submitted with this letter. Proof of notice to adjacent property owners will be submitted prior to the hearing.

Sincerely,

Mike Probst
Smith Neubecker & Associates, Inc.

cc: file 2280
Ruth Jensen
Joel Ripmaster
Lee Marchant

October 31, 1994

City of Bloomington Plan Commission
c/o Tim Mueller, Director
P. O. Box 100
Bloomington, IN 47402-0100

RE: Kinser Pike Planned Development

Dear Mr. Mueller and Plan Commissioners:

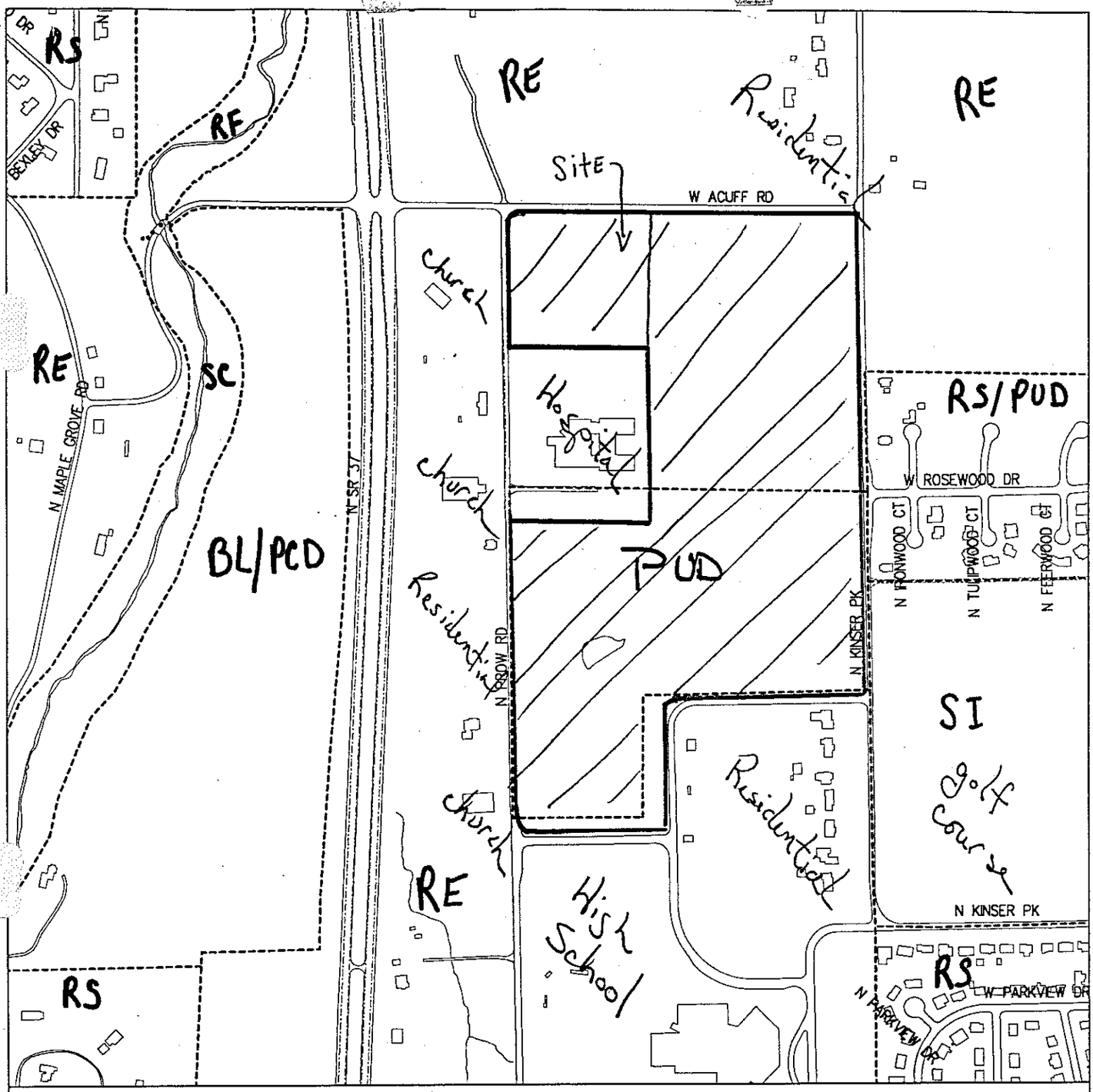
We currently have a petition pending before the Bloomington Plan Commission for designation of a residential and business planned development. In the context of this rezone petition, you have requested information about our parcel of land that lies north of Acuff Road. This letter is to confirm that we understand that the growth policies plan calls for this area to be an "employment center" and that your proposed zoning maps propose the area to be designated Business Park.

Our current petition includes the transition from residential use on Kinser Pike to the business park use at Acuff and Prow. Specifically, the transition from residential to business is being made at the east line of our 5 acre business parcel.

Our land lying north of Acuff will become business park land use. The land will most likely be developed as a comprehensive planned development with a range of business and business support uses consistent with the Bloomington Growth Policies Plan.

Very truly yours,

Joel D. Bipmaster
Representative for Ruth Burns Jensen



Land Use/Zoning Map

3800 N. Prow Road

BL/PCD/RS/PUD-62-94

Date: 19 Sep 1994

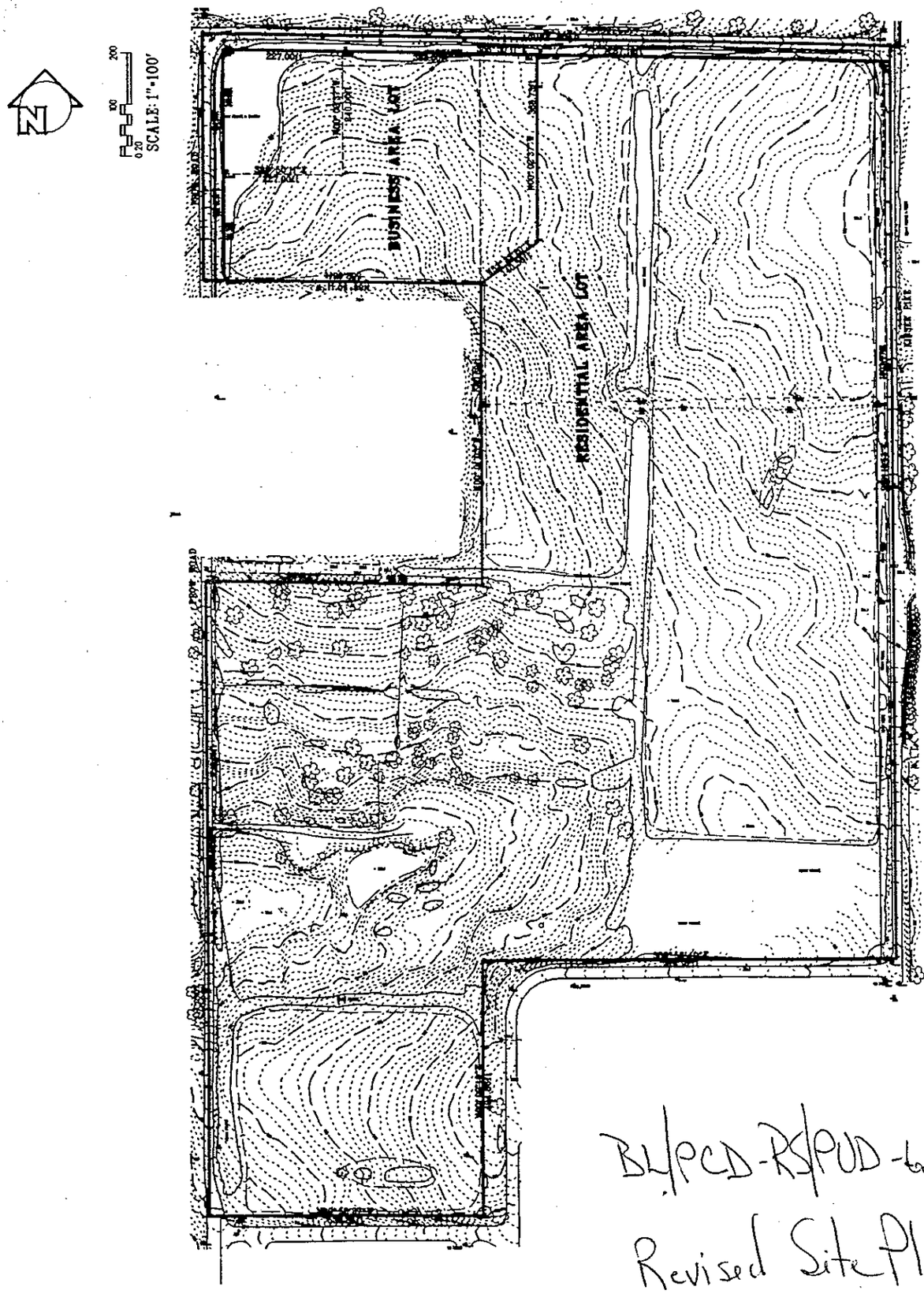
500 0 500 1000 1500

N

City of Bloomington

Scale: 1" = 500'

20



BL/PCD-RS/PUD-62-91
Revised Site Plan
24

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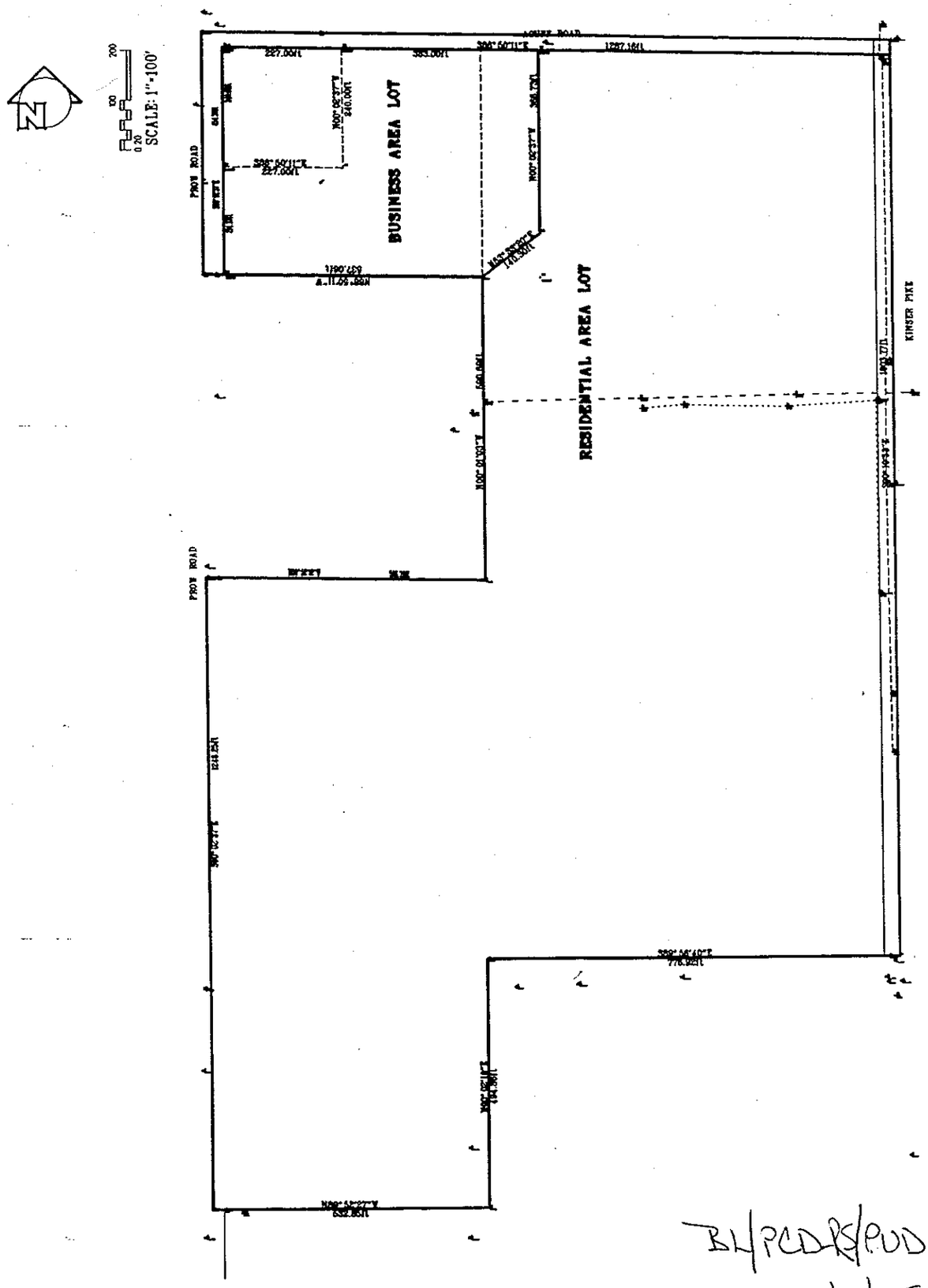

BL/PCD-RS/PUD-62-94
Three Lot Subdivision
25

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