Passed: 9-0

ORDINANCE 98-07

TO AMEND THE BLOOMINGTON ZONING MAPS
FROM IL/IS TO PUD
AND TO APPROVE THE PRELIMINARY PLAN
Re: 1515 South Rogers Street
(Mark Anderson, 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WHEREAS, on May 1, 1995, the Common Council adopted Ordinance 95-21 which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning," and including the incorporated zoning maps, and Title 21, entitled "Land Use and Development;" and

WHEREAS, the Plan Commission has considered this case, PUD-61-97, and recommended to the Common Council that the petitioner, Mark Anderson, be granted a rezone of the property located at 1515 South Rogers Street from IL/IS to PUD and also receive preliminary plan approval;

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 IL/IS to PUD and the preliminary plan be approved. The property located at 1515 South Rogers Street is further described as follows:

> Part of the Northeast quarter of Section 8, Township 8 North, Range 1 West, bounded and described as follows, to wit:
>
> Commencing at a point in the center of the Wylie Pike Road (now South Rogers Street in the City of Bloomington, Indiana) 7 rods South of the North line of said Section 8, and running thence East a distance of 316 feet, more or less, and to a point due South of the center of the South end of South Madison Street in the City of Bloomington, Indiana, projected and extended South, thence South 6 rods and 6 feet, thence West 316 feet, more or less, and to a point in the center of the said Wylie Pike Road (now South Rogers Street), thence North 6 rods and 6 feet to the place of beginning.

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 18th day of February, 1998.

TIMOTHY MAYER, 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 19th day of February, 1998.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 20 day of February, 1998.

JR Fernandez
JOHN FERNANDEZ, Mayor
City or Bloomington

SYNOPSIS

This ordinance grants a rezone from IL/IS to PUD for a 0.76 acre parcel located at 1515 South Rogers Street and approves a Preliminary Plan for the development of the site. The Preliminary Plan proposes expanding the existing building, paving the vehicular areas, and landscaping the perimeter. It allows a print shop as well as a narrowed list of Limited Industrial uses to operate on this property.

Signed copies to:
Planning
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 98-07 is a true and complete copy of Plan Commission Case Number PUD-61-97 which was given a recommendation of approval by a vote of 11 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on January 26, 1998.

Date: January 27, 1998

Donald F. Hastings, Secretary
Plan Commission

Received by the Common Council Office this 27th day of January, 1998.

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

To: Common Council
From: Lynne Friedmeyer, Planning Department
Subject: PUD-61-97
Date: January 28, 1998

MEMORANDUM

The petitioner is requesting preliminary plan approval and rezone from Limited Industrial/Special Industrial Overlay (IL/IS) to PUD designation for a 0.76 acre parcel located at 1515 S. Rogers St.

The one building on this site, currently vacant, is the location of the former Thrifty Bread Store. The front of the property is paved and gravel. The property lies on the east side of Rogers Street, north of the railroad tracks. It is surrounded by single family residences to the north, multifamily dwellings to the east, the Thomson and Robinson Concrete plants to the west, and a large warehouse building to the south (refer to the zoning/location map). The petitioner requests a change of an allowed land use on the property from bakery to print shop. Also requested is a future expansion of 6,000 square feet to the rear of the existing building.

The Zoning Ordinance states that only two types of uses are allowed on a parcel zoned IL/IS. These are: 1) the current use on a particular parcel on the effective date of the ordinance (bakery) and, 2) all other uses other than the existing use approved in the form of a PUD. The previous use at 1515 S. Rogers Street was a retail bread outlet store and warehouse. A rezone to PUD is required to allow the proposed print shop, regardless of the size of the parcel. This ordinance requirement exempts the petitioner from the three acre code standard normally called out for PUDs. Please see the attached page from the Bloomington Zoning Ordinance.

ANALYSIS: with Policies Plan calls for the area to be "Industrial". When the 1995 Zoning Ordinance and maps were adopted, the area was again reviewed and the determination was to zone the area IL/IS. IL/IS districts were designated in the city's older industrial areas that are located close to residential uses, such as the Thomson and Carlisle plants. Existing IL/IS uses may continue or expand without special zoning approvals. However, when new industrial uses are proposed for IL/IS tracts in close proximity to residential uses, the ordinance requires a PUD process to limit off-site impacts. With this request for PUD designation and preliminary plan, staff will require upgrades to the frontage of the property, including sidewalks and street trees. Areas surrounding the existing building will be landscaped, and the remainder of the gravel parking lot will be paved with approval of any final plan. This will improve the rear parking lot, which is currently a gravel area. An eight foot wood privacy fence will be placed on the

north and east sides of the property to buffer the residential uses.

Right-of-way is required to be dedicated with rezonings. This particular property is located on S. Rogers Street, which is classified as a Secondary Arterial thoroughfare. Dedication of 40 feet from the centerline of the street is typically required. However, there are extenuating reasons not to require the entire 40 feet with this rezone. Similar 40 foot dedications applied to residential properties north of this site would consume existing single family homes along Rogers Street. As a result, staff is requiring thirty feet from the centerline of the street be dedicated for the following reasons: This will facilitate the goal on Rogers Street to have a turn lane for the truck turning movements into and out of the corridor. Please see the Plan Commission packet included in this packet of information.

List of Approved Uses:

Commercial Printing
Beverage Bottling
Building Trade Shops
Light Manufacturing
Cultural Facilities
Day Care Center
Bakery
Machinery and Equipment Repair and Sales
Business Service
Corporate, Contractor, and Non-consumer Oriented Offices
Food Services
Police Station
Fire Station
Research Lab
Schools
Utility Substation and transmission Facility
Warehousing in an Enclosed Structure
Wholesale Trade

Conditions of Approval:

1) Right-of-way dedication of thirty feet from the centerline of S. Rogers Street is required.

2) Landscaping and sidewalk construction are required with the final plan approval.

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3) South Rogers Street access improvements consisting of a 24 foot paved drive and a 40 foot wide paved drive are required with final plan approval.

4) An eight (8) foot wood privacy fence is required along the north and east sides of the property.

5) This property shall be limited to one ground-based sign and wall signage.

6) Restoration of the side and rear lots to ground cover is required with final-plan approval. If the proposed user of the property changes to a use requiring a greater number of parking spaces, all new spaces shall be paved and striped.

7) Delegation of final plan approval to staff.

8) Dumpster to be removed and relocated to the rear of the site and screened.

9) Miniwarehouses be deleted from the list of allowed uses.

Vote Record: (Plan Commission, January 26th, 1998) approved 11:0

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

BLOOMINGTON PLAN COMMISSION
PRELIMINARY REPORT
Location: 1515 S. Rogers Street

CASE NO.: PUD-61-97
DATE: January 26, 1998

PETITIONER: Mark Anderson
ADDRESS: 3400 Arlington Road

COUNSEL: Mike Carmin
ADDRESS: 1720 N. Kinser Pike, Bloomington, IN

FINAL HEARING DATE: January 26, 1998

REQUEST: The petitioner is requesting a rezone from Limited Industrial/Special Industrial Overlay (IL/IS) to PUD designation for a 0.76 acre parcel located at 1515 S. Rogers St. Preliminary plan approval and delegation to staff of final plan approval is also requested. The petitioner has requested waiver of second hearing.

BACKGROUND: The single building on this site, which is currently vacant, is the location of the former Thrifty Bread Store. The front of the property is paved and gravel. The property lies on the east side of Rogers Street, north of the railroad tracks. It is surrounded by single family residences to the north, multifamily dwellings to the east, the Thomson plant to the west, and a large warehouse building to the south (refer to the zoning/location map). The petitioner requests a change of an allowed land use on the property from bakery to print shop. Also requested is a future expansion of 6,000 square feet to the rear of the existing building.

The Zoning Ordinance states that only two types of uses are allowed on a parcel zoned IL/IS. These are: 1) the current use on a particular parcel on the effective date of the ordinance (bakery) and, 2) all other uses other than the existing use approved in the form of a PUD. The previous use at 1515 S. Rogers Street was a retail bread outlet store and warehouse. A rezone to PUD is required to allow the proposed print shop, regardless of the size of the parcel. This ordinance requirement exempts the petitioner from the three acre code standard normally called out for PUDs. Please see the attached page from the Bloomington Zoning Ordinance.

GROWTH POLICIES PLAN: The Growth Policies Plan calls for the area to be "Industrial". When the 1995 Zoning Ordinance and maps were adopted, the area was again reviewed and the determination was to zone the area IL/IS. The IL/IS zone was placed in order to allow the existing uses of the properties to be maintained or expanded without special zoning approvals. However, when new

Plan Commission
Site Id Rpt.

industrial uses are being proposed in such close proximity to residential uses, the ordinance requires a PUD process to limit off-site impacts. With this request for PUD designation and preliminary plan, staff will require upgrades to the frontage of the property, including sidewalks and street trees. Areas surrounding the existing building will be landscaped, and the remainder of the gravel parking lot will be paved with approval of any final plan. This will improve the rear parking area which is currently an undefined gravel area. A privacy fence will be placed on the north and east sides of the property to buffer the residential uses.

ISSUES:

Right-of-way: Right-of-way is required to be dedicated with rezonings. This particular property is located on S. Rogers Street, which is classified as a Secondary Arterial thoroughfare. Dedication of 40 feet from the centerline of the street is typically required. However, there are extenuating reasons not to require the entire 40 feet with this rezone. Similar 40 foot dedications applied to residential properties north of this site would consume existing single family homes along Rogers Street. As a result, staff is requiring thirty feet from the centerline of the street be dedicated for the following reasons: This will facilitate the goal on Rogers Street to have a turn lane for the truck turning movements into and out of the corridor. (See the memo enclosed in this packet from the transportation planner on this issue).

Access: Access management on South Rogers Street will be improved by requiring a 24 foot wide paved drive and a 40 foot wide paved drive. The current situation is an ingress/egress opening which spans the entire width of the property.

Utilities: Sewer, water and electricity now serve the existing building.

Drainage: The drainage for this existing site will be reviewed by the Bloomington Engineering Department at the time of final plan approval for the 6,000 square foot expansion. No changes are proposed for the site at this time.

Tree Preservation: There are a few trees on the property line to the north and east of the property. These trees will not be affected with the proposed rezoning petition.

Landscaping: Proposed landscaping for the site will not meet the current code requirements. Improvements will be made to the site which include street trees, shrubs along the building, and a perimeter privacy fence to the north and east.

Architectural Compatibility: Currently there is one building on the site. The petitioner will upgrade the building and place an awning on the front. One pole sign now exists on the property. The petitioner proposes to remove the pole sign in

favor of a more modern pole sign. Staff generally prefers the installation of a ground-based sign.

List of Uses: In order to allow for increased flexibility in the future use of the property, the petitioner has submitted a list of uses to supplement the proposed printing business. These uses were selected in accordance with the permitted uses of the Limited Industrial zoning district.

Commercial Printing
Beverage Bottling
Building Trade Shops
Light Manufacturing
Cultural Facilities
Day Care Center
Bakery
Machinery and Equipment Repair and Sales
Miniwarehouses
Business Service
Corporate, Contractor, and Non-consumer Oriented Offices
Food Services
Police Station
Fire Station
Research Lab
Schools
Utility Substation and transmission Facility
Warehousing in an Enclosed Structure
Wholesale Trade

RECOMMENDATION: Because there do not appear to be serious issues with this rezone, staff recommends approval, with waiver of second hearing, based on the written findings and the following conditions of approval:

1) Right-of-way dedication of thirty feet from the centerline of S. Rogers Street is required.

2) Landscaping and sidewalk construction are required with the final plan approval.

3) South Rogers Street access improvements consisting of a twenty four foot paved drive and a 40 foot wide paved drive are required with final plan approval.

4) A six (6) foot privacy fence is required along the north and east sides of the property.

5) This property shall be limited to one ground-based sign and wall signage.

Plan Commission
Staff Rpt. 3

6) Paving of the rear lot is required with final plan approval.

7) Delegation of final plan approval to staff.

Plan Commission

MEMORANDUM

To: Lynne Friedmeyer, Zoning Development Coordinator
From: Jeremy Weir, Senior Transportation Planner
Subject: Thrifty Bread Store
Date: January 21, 1998

In regards to Right of Way needs at 1515 South Rogers Street.

- Rogers Street is classified as a Minor Arterial (80 feet of ROW, 40 feet from center line)
- 1515 S. Rogers is located in IL/IS Zone (potential for freight traffic)
- The properties located to the north of 1515 S. Rogers have existing structures that sit approximately 30 feet from the centerline. (Limits the feasibility of widening Rogers Street)

Due to the location of this property and the existing structures located to the north it is reasonable to assume that Rogers street will not be widened to the extent of needing 80 feet of ROW. The IL/IS zoning has the potential of attracting uses that will generate traffic and access cuts that will conflict with the existing heavy traffic volume, calling for an improvement in the form of a center turn lane in the future. Therefore, it is my suggestion that you waive the 40 feet from center line ROW requirement in favor of 30 feet from center line.

Right of Way Analysis
PUD-61-97

MEMORANDUM

TO: Don Hastings

FROM: M. Figg, K. Komisarcik, M. Litwin, D. Rollo

LIAISON: M.E. Gray

DATE: January 26, 1998

SUBJECT: Mark Anderson, 1515 South Rogers Street
Request to rezone approximately 0.76 acres from IL/IS to PUD. This site is known as the former "Rainbow Bakery" building

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The Planning Subcommittee of the Environmental Commission has reviewed this proposal and has no comments on this petition.

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11/24/97
City of Bloomington
Plan Commission, Plat Committee,
Board of Zoning Appeals and
Hearing Officer

Attachment to the General Application
of Mark and Patricia Anderson
Intended uses and Future uses
of the property located at 1515 S. Rogers St.
Bloomington, IN.
Legal description: Part of the Northeast quarter of section 8, Township 8 North, Range 1 West.

The intended immediate use of the above named real estate is for a commercial printing facility, to include but not limited to; screen printing, pad printing, offset, digital, vinyl plotter cutting, photodye sublimation, foil stamping, embossing, debossing, stamping, die cutting, etching, air brushing, and other methods of decorating various substrates including but not limited to; textiles, fabrics, plastics, metals, papers and board materials, glass, rubber, vinyls, polyethelene and polypropeleyne materials, and the wholesale and retail of said services and products by a variety of marketing methods. At this time, screen printing textiles will be the bulk of work done at this facility.

Other future uses may include; beverage bottling, building trade shops, light manufacturing, cultural facilities, day care center, bakery, machinery and equipment repair and sales, mini-warehousing, corporate, contractor, and business service, and other non-consumer oriented office use, food services, police station, fire station, research lab, schools, utilitiy substation and transmission facilities, warehousing and storage within buiding structure, wholesale trade.

Mark Anderson, Owner
812-339-1200

Petitioner's Statement
PLD-61-97

PUD-61-97
Site Plan
Thrifty Sign
Mark Anderson

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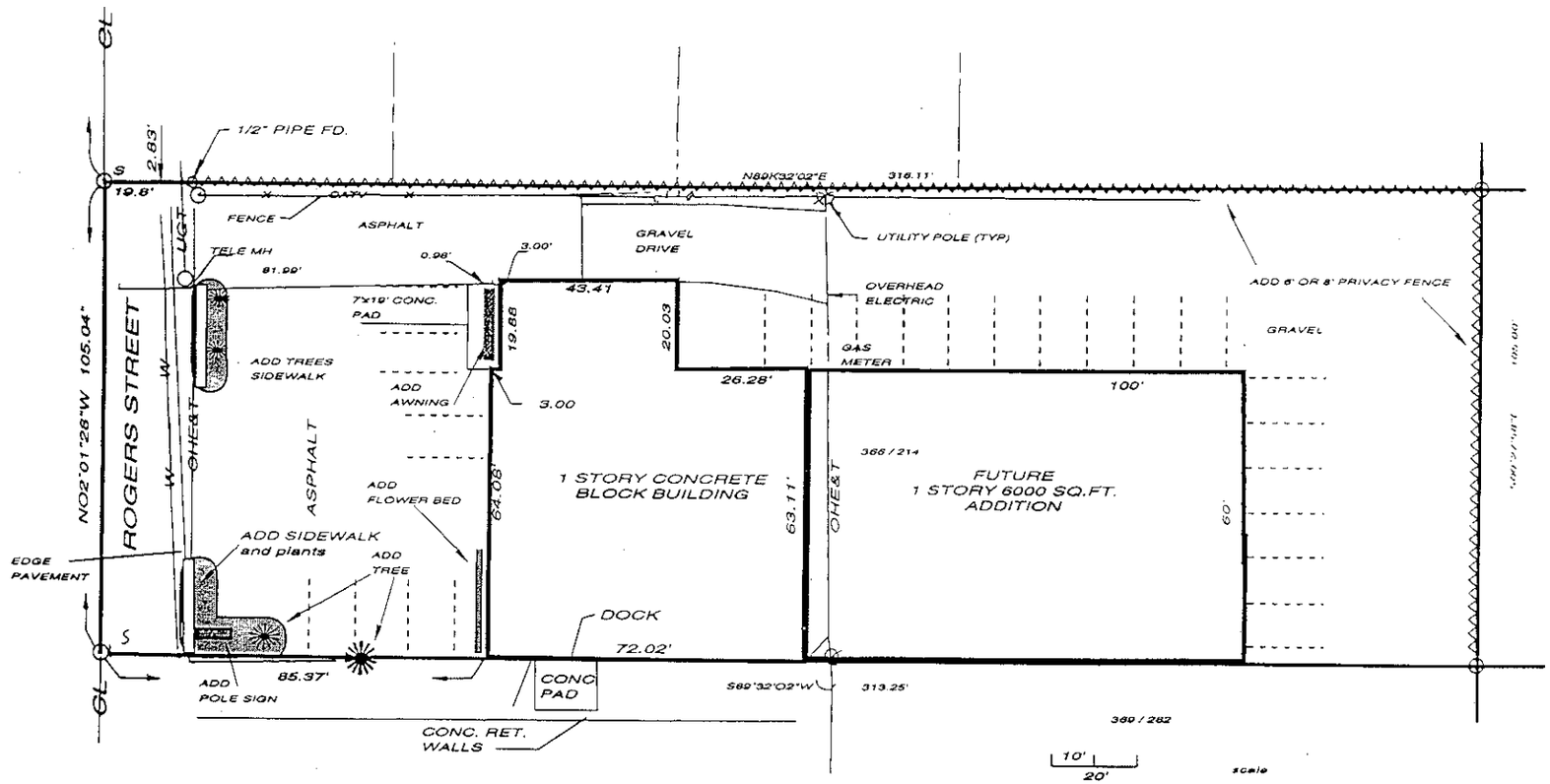

SITE PLAN FOR
1516 S. ROGERS ST.
MARK AND PAT ANDERSON - OWNERS
812-339-1200
FAX 339-1278

PLANNED USE:

PRINTING, SCREEN PRINTING, OFFSET, LITHOGRAPHY
PAD PRINTING, SIGNAGE, AND RELATED AREAS
OF LIGHT MANUFACTUREING AND DECORATING
OR COATING OF VARIOUS PRODUCTS AND SUBSTRATES.
USE WILL ALSO INCLUDE DISTRIBUTION,
WHOLESALE AND LIGHT RETAIL
OF THESE PRODUCTS.