Passed: 7-0-1
(Young)

ORDINANCE 96-36

TO AMEND THE BLOOMINGTON ZONING MAPS
BY REZONING SIX VARIOUSLY DESIGNATED PROPERTIES TO PUD
Re: 4021 & 4023 West 3rd Street
480 Church Lane
2124 South Smith Road
4650 Chatham Drive
3300 South Leonard Springs Road
3701 East Tenth Street
(City of Bloomington, 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WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21 which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning", including the incorporated zoning maps, and repealed Title 21, entitled "Land Use and Development"; and

WHEREAS, the staff of the Plan Department has reviewed the changes in the incorporated zoning maps made by Ordinance 95-21 and has recommended further amendments that are intended to recognize previously approved Planned Unit Developments; and

WHEREAS, the Plan Commission has considered ZO-44-96, and recommended that the Common Council amend Bloomington zoning maps from CG to PUD; and

WHEREAS, the Plan Commission has considered ZO-51-96, and recommended that the Common Council amend Bloomington zoning maps from RS3.5/PRO6 to PUD; and

WHEREAS, the Plan Commission has considered ZO-53-96, and recommended that the Common Council amend Bloomington zoning maps from RE1 and RS3.5 to PUD; and

WHEREAS, the Plan Commission has considered ZO-55-96, and recommended that the Common Council amend Bloomington zoning maps from RE1 and RS3.5 to PUD; and

WHEREAS, the Plan Commission has considered ZO-56-96, and recommended that the Common Council amend Bloomington zoning maps from RE1 to PUD; and

WHEREAS, the Plan Commission has considered ZO-57-96, and recommended that the Common Council amend Bloomington zoning maps from I and RS.35/PRO6 to I and PUD; and

WHEREAS, the Common Council has considered these rezonings in *seriatim* by voting on each rezone individually and then voting on the ordinance as a whole;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

Section 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the property located at 4021 & 4023 West Third Street be designated part of the existing Planned Unit Development known as the Full-O-Pep/Big Red Liquor site. The property is further described as follows:

A part of the Northeast quarter of the Northwest quarter of Section One (1), Township Eight (8) North, Range Two (2) West, in Monroe County, Indiana, bounded and described as follows: **BEGINNING** at a point that is 223.03 feet west and 333.0417

feet south of the northeast corner of said quarter quarter said point beginning at the southwest corner of the tract of land heretofore conveyed to James Ross Williams, Jr., and others, as set out in Deed Record 146 at page 495 of the records of the Recorder of Monroe County, Indiana; thence north two hundred ninety six and seventy seven hundredths (296.77) feet along the west line of the tracts conveyed to James Ross Williams, Jr., and others, in Deed Record 146 at page 495 of the records of the Recorder of Monroe County, Indiana, and the Ohio Oil Company, as described in deed set out in Deed Record 142 at page 152 of the records of the Recorder of Monroe County, Indiana, and to the south right-of-way line of State Highway No. 48; thence running north eighty-nine (89) degrees and two (2) minutes west over and along the said south right-of-way line for a distance of one hundred twenty (120) feet; thence running west and continuing over and along said south right-of-way line of Highway No. 48 for a distance of one hundred seventy (170) feet; thence running south for two hundred ninety nine and seventy one hundredths (299.71) feet on a line twenty (20) feet west of and parallel to the west line of the tract conveyed to Rueff and Poertner in Deed Record 167 at page 497 of the records of the Recorder of Monroe County, Indiana to the south line of a twenty (20) foot easement running east and west; thence running north eighty nine (89) degrees twenty five (25) minutes east over and along the said South line of the said twenty (20) foot easement for a distance of one hundred seventy (170) feet; thence running north eighty nine (89) degrees eleven (11) minutes east for a distance of one hundred twenty (120) feet to the place of beginning.

Section 2.The Common Council gave the above item a Do Pass Recommendation of (8) - (0) - (0) at their Committee of the Whole dated September 4, 1996 and voted to approve the above rezone by a vote of (7) - (0) - (1) at their Regular Session dated September 18, 1996.

Section 3. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the property located at 480 Church Lane be designated part of the existing Planned Unit Development known as the Whispering Pines area. The property is further described as follows:

Whispering Pines subdivision as shown by the recorded plat thereof.

Section 4.The Common Council gave the above item a Do Pass Recommendation of (8) - (0) - (0) at their Committee of the Whole dated September 4, 1996 and voted to approve the above rezone by a vote of (7) - (0) - (1) at their Regular Session dated September 18, 1996.

Section 5. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the property located at 2124 South Smith Road be designated part of the existing Planned Unit Development known as the St. Remy site. The property is further described as follows:

The area platted as the Village of St. Remy in the office of the Recorder of Monroe County, Indiana.

Section 6.The Common Council gave the above item a Do Pass Recommendation of (8) - (0) - (0) at their Committee of the Whole dated September 4, 1996 and voted to approve the above rezone by a vote of (7) - (0) - (1) at their Regular Session dated September 18, 1996.

Section 7. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the property located at 4650 Chatham Drive be designated part of the existing Planned Unit Development known as the Shelburne Estates area. The property is further described as follows:

The parcels known as Shelburne Estates Phase I, Shelburne Estates Phase II, and Shelburne Forest as recorded in the office of the Recorder of Monroe County, Indiana.

Section 8.The Common Council gave the above item a Do Pass Recommendation of (8) - (0)

- ( ) at their Committee of the Whole dated September 4, 1996 and voted to approve the above rezone by a vote of (7) - (0) - (1) at their Regular Session dated September 18, 1996.

Section 9. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the property located at 3300 South Leonard Springs Road be designated part of the existing Planned Unit Development known as the Cedar Chase/Heatherwood site. The property is further described as follows:

> The South Half of the South Half of the Northwest Quarter of Section 13, Township 8 North, Range 2 West, in Monroe County, Indiana, excepting therefrom the following: **A PART** of the South Half of the Northwest quarter of Section 13, Township 8 North, Range 2 West bounded and described as follows, to-wit: **BEGINNING** at the Northeast corner of said South half of the South half of said Northwest Quarter, thence running South along the East line of said Northwest Quarter for a distance of 100 feet, thence running West parallel to the North line of the South Half of the South Half of said Northwest Quarter for a distance of 435.6 feet, thence running North parallel to the East line of said Northwest quarter for a distance of 100 feet to the North line of the South half of the South half of said Northwest Quarter, thence running East along the North line of the South Half of the South Half of said Northwest Quarter 435.6 feet to the point of beginning, containing 1 acre more or less.
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> Also Excepting therefrom a part of the South Half of the South Half of the Northwest Quarter of Section 13, Township 8 North Range 2 West, bounded and described as follows: **BEGINNING** at a point on the East line of said Northwest Quarter that stands 100 feet South of the Northeast corner of the South Half of the South Half of the said Northwest Quarter, thence running South along the East line of said Northwest Quarter for a distance of 100 feet, thence West parallel to the North line of the South Half of the South Half of said Northwest Quarter for a distance of 435.6 feet, thence running North parallel to the East line of said Northwest Quarter for a distance of 100 feet, thence running East parallel to the North line of the South Half of the South Half of said Northwest Quarter for a distance of 435.6 feet to the point of beginning, containing 1 acre more or less.

Section 10.The Common Council gave the above item a Do Pass Recommendation of (7) - (0) - (0) at their Committee of the Whole dated September 4, 1996 and voted to approve the above rezone by a vote of (7) - (0) - (1) at their Regular Session dated September 18, 1996.

Section 11. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the property located at 3701 East Tenth Street be designated part of the existing Planned Unit Development known as the Tamarron site. The property is further described as follows:

> Tamarron, as recorded in Plat Cabinet C, Envelopes 45, 81, 107, and 108 in the office of the Recorder, Monroe County, Indiana.
>
> **ALSO, A PART** of the Northeast quarter of Section 35, Township 9 North, Range 1 West, Bloomington, Township, Monroe County, Indiana, more particularly described as follows: **COMMENCING** at the Northeast corner of said Section 35 and being marked by a railroad spike found; thence on the East line of said Section 35 South 00 degrees 00 minutes 00 seconds East (assumed bearing) 644.84 feet to the point of beginning; thence continue South 00 degrees 00 minutes 00 seconds East 670.00 feet; thence leaving said East line South 90 degrees 00 minutes 00 seconds West 563.70 feet; thence North 27 degrees 42 minutes 51 seconds West 566.67 feet; thence North 87 degrees 22 minutes 44 seconds West 181.30 feet; thence North 02 degrees 37 minutes 16 seconds East 220.00 feet to the South line of Rachel's Glen as recorded in Plat Book 8, Page 270, Office of the Recorder; thence on said South line South 87 degrees 22 minutes 44 seconds East 200.00 feet; thence South 02 degrees 37 minutes 16 seconds West 14.00 feet; thence South 87 degrees 22 minutes 44 seconds East 800.00 feet to

the point of beginning, containing 12.47 acres more or less.

SUBJECT to the right-of-way of Russell Road being a part of the Northeast quarter of Section 35, Township 9 North, Range 1 West, Bloomington Township, Monroe County, Indiana more particularly described as follows; **COMMENCING** at the Northeast corner of said Section 35 and being marked by a railroad spike found; thence on the East line of said Section 35 South 00 degrees 00 minutes 00 seconds East (assumed bearing) 644.84 feet to the point of beginning; thence continue South 00 degrees 00 minutes 00 seconds East 670.00 feet; thence leaving said East line South 90 degrees 00 minutes 00 seconds West 30 feet; thence North 00 degrees 00 minutes 00 seconds West 671.38 feet; thence South 87 degrees 22 minutes 44 seconds East 30.06 feet to the point of beginning, containing 0.47 acres more or less.

Section 12.The Common Council gave the above item a Do Pass Recommendation of (8) - (0) - (0) at their Committee of the Whole dated September 4, 1996 and voted to approve the above rezone by a vote of (7) - (0) - (1) at their Regular Session dated September 18, 1996.

Section 13. 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 18 day of September, 1996.

Patricia Cole

PATRICIA COLE, Vice 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 20 day of September, 1996.

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 20 day of September, 1996.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance was initiated by the staff of Planning Department and is intended to correct changes made in Ordinance 95-21 which overlooked six previously approved Planned Unit Developments.

Signed copies to:
Planning