1ST READING: 9/6/89
COMMITTEE: 9/13/89
D.P.: 5-2
2ND READING: 9/20/89
PASSED 5-2

ORDINANCE 89 - 39
To Grant Revised Outline Plan Approval
Southeast Corner of E. 10th & SR. 45-56 Bypass (Jerry Gates)

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, PCD-44-89, and recommended that the petitioner, Jerry Gates, be denied approval of a revised outline plan and request that the Common Council consider their petition for approval of a revised outline plan on 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 36-7-4 and pursuant to Chapter 20.13 of the Bloomington Municipal Code, that a revised outline plan be approved for the property located at the southeast corner of E. 10th Street and S.R. 45-46 Bypass. The property is further described as follows:

A part of the Southeast quarter of Section 34, Township 9 North, Range 1 West, Monroe County, Indiana, bounded and described as follows: Beginning at the Northeast corner of said quarter in said Section 34 and in the Centerline of State Road 45, thence leaving said State Road centerline and running South along the East line of said Section for 374.14 feet and to the North right-of-way of the Illinois Central Railroad, thence with said railroad right-of-way North 80 degrees 03 minutes 54 seconds West for 425.02 feet and to a point where said railroad right-of-way intersects the East right-of-way of State Road 446 Bypass, thence leaving the railroad right-of-way and with said State Road right-of-way North 24 degrees 12 minutes 56 seconds West for 146.84 feet, thence North 30 degrees 00 minutes 28 seconds East for 158.64 feet, thence North for 23.07 feet and to a point where said Bypass right-of-way intersects the centerline of 10th Street or State Road 45, thence with said State Road centerline North 89 degrees 06 minutes 13 seconds East for 399.49 feet and to the point of beginning. Containing 3.36 acres, more or less. Subject to the right-of-way of State Road 446 Bypass running over and across the West side of the above-described real estate. Subject to the right-of-way of State Road 45 running over and across the North side of the above-described real estate. Subject to the right-of-way of the Illinois Central Railroad running along and adjacent to the South side of the above-described real estate.

SECTION II. The Outline Plan, as requested but denied by the Plan Commission, shall be as 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 20TH day of SEPTEMBER, 1989.

James Regester
James Regester, President
Bloomington Common Council

ATTEST:

James McNamara
Patricia Williams, City Clerk
James McNamara, Deputy Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21 day of September, 1989.

Patricia Williams

Patricia Williams, City Clerk
James McNamara, Deputy Clerk

SIGNED and APPROVED by me upon this 22 day of September, 1989.

Tomilea Allison

Tomilea Allison, Mayor
City of Bloomington

SYNOPSIS

This ordinance revises the permitted uses for the existing 10th & the Bypass Planned Commercial Development to include all of the uses permitted in the BL zone. Added would be the following retail uses: dairy products; drug stores; ~~grocery and meat~~s; variety stores; candy, confectionary stores; and laundromat.

Referred to:
Planning
Petitioner - JERRY GATES

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 89-39, is a true and complete copy of Plan Commission Case Number PCD-44-89 which was given a recommendation of denial by a vote of 6 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on August 7, 1989,

Date: August 28, 1989,

Timothy A. Mueller
Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 28 day of August, 1989,

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	XX	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 XX

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 effec 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 Planning Department

By Timothy Mueller Date August 28, 1989

BLOOMINGTON PLAN COMMISSION AUGUST 7, 1989
STAFF REPORT PCD-44-89
JERRY GATES/TENTH AND THE BYPASS

Requested is a revision to the approved list of uses for the Tenth and the Bypass shopping center. The original project was approved as a PCD in 1980. The list of allowed uses was formulated at that time. It has been amended twice since then to add additional uses (see attached list of uses outline). Now proposed is adding all BL uses that are not already allowed.

The key issue is the addition of uses which are higher in their traffic generation characteristics. Staff would have no objection to other uses consistent with the original approval decision, but simply not identified at that time.

The available references do not cover all retail uses. In our past deliberations, we have relied on judgment that most of those approved are relatively low in their rate of daily trips per floor area. Lower traffic retail uses, such as apparel stores, generate about 40 daily trips per 1000 sq. ft. Among those proposed now, a convenience grocery has the highest published trip rate of 578 trips/1000 sq. ft. (1734 trips for one 3000 sq. ft. store).

If limited to 15-16 hours, the rate drops to 322 (966 for a 3000 sq. ft. store), but 24 hour is customary and we have no means to regulate hours of operation. A "variety store" is somewhat ambiguous. While we have no published statistics, a use such as a small "big lots" store would seem above the norm for retail. Similarly, a laundromat seems high in its traffic, and a drug store can be, if it is the variety store type.

In the past reconsiderations, uses identified as higher traffic have been approved over staff objections. These included Pizza, Deli, and Video Rentals in 1986, and Dry Cleaning in 1984. It appears to staff that the original constraints are eroding over time and turnover on the Plan Commission and Council.

Staff takes the position that the original intent be maintained until something significant happens to 10th and to the bypass. At such time higher traffic uses could be considered. The laundry, drug store, and variety store are questionable as were some of the uses added in 1984 and 1986. The convenience grocery use flies in the face of the original intent.

The other BL uses -- special exceptions, conditional uses, and residential uses -- simply are not relevant to this existing facility and should not be added.

Staff will support any lower traffic use which the petitioner cares to add, but recommends denial of the request as submitted.

The sidewalks and right-of-way dedication are required by the earlier approvals. Staff recommends against waiver or deferral of the 10th St. sidewalk now. We are discussing the By-Pass sidewalk with the state and will report at the hearing.

List Uses Approved in 1980 by Plan Commission	Additions and Deletions Approved by Plan Commission November, 1984	Uses Approved October, 1986	Requested Additional Uses
1. Townhouses attached to retail/office buildings and upper floor apts.	APPROVED	Deli (no drive-up)	All BL Uses not currently allowed:
2. Arts and Crafts Businesses	Appliance Store (small)	Video Equipment/Tape Rentals	
3. Bicycle Shops	Books/Newstands	Pizza	
4. Florists Shops	Pet Shops	Bakery	Dairy Products *
5. Gift Shops	Printing		Drug Store, Sundry *
6. Jewelry Shops	Business Service		Grocery & Meats *
7. Appliance Repair (small)	Loan Office/Finance Co.		Variety Store *
8. Business and Professional Offices	Schools (Trade & Bus.)		Candy, Confectionary *
9. Personal Service Businesses	Musical Instruments		Laundry & Dry Cleaning *
10. Cultural Facilities	Computer Hardware & Software (excluding video sales)		Doctor & Dentist Offices *
11. Furniture Store	Apparel (not to exceed 3000 sq. ft.)		*3000 sq. ft. limit
12. Appliance Store (large)	Hardware (not to exceed 3000 sq. ft.)		allowed with special exception:
13. Home decor/accessory store (lamps, windows, flooring, bath, kitchen, etc.)	Sporting Goods		Day Care Centers
14. Movie Theatre	Dry Cleaning		Rehabilitative Facilities
15. Antiques	DENIED		allowed with conditional use:
16. Specialty School/Daycare	Auto Parts/Supplies (new)		Religious Organizations
17. Research Lab	Deli, Carry Out with no inside seating		Schools, Parks, Playgrounds
18. Funeral Home	Pizza, Carry Out and delivery with no inside seating		Civic Community Clubs
19. Church	Video Sales and Rental		Allowed Residential Uses:
			Duplex
			Townhouse
			Fourplex
			Apartments

date 5-24