First Rd
Comm. 5-0-1
2nd Reading 7-0-1

ORDINANCE 91 - 16
To Amend the Zoning Maps from BA to RL
and to Grant Outline Plan Approval and Designate PUD and PCD
Re: Property located in the 1600 block of West Third Street
(Westplex Park, Inc., Robert Shaw)

WHEREAS, the Common Council passed a Zoning Ordinance 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, RL/PUD-10-91 and BA/PCD-20-91, and recommended that the petitioner, Westplex Park, Inc., be granted an amendment to the Bloomington zoning maps; outline plan approval; and PUD and PCD designation and request that the Common Council consider the petition for change of zoning, outline plan approval and PUD and PCD designation 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 that the zoning be changed from BA to RL for property located in the 1600 block of West Third Street, and more particularly described as follows:

Part of the Southwest quarter of Section 32, Township 9 North, Range 1 West, Bloomington Township, Monroe County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said quarter section; Thence North 00 degrees 17 minutes 40 seconds West along said West line 467.89 feet; thence North 89 degrees 42 minutes 20 seconds East 261.43 feet to the point of beginning; thence North 00 degrees 17 minutes 40 seconds West 326.17 feet to the North line of the Illinois Central Railroad and to a point on a curve to the right with a radius of 1028.20 feet, a central angle of 17 degrees 44 minutes 30 seconds, and a chord bearing South 72 degrees 35 minutes 43 seconds East 317.11 feet; thence Southeasterly along said curve and said right-of-way 318.38 feet; thence South 24 degrees 00 minutes 00 seconds West 152.78 feet; thence North 90 degrees 00 minutes 00 seconds West 58.25 feet; thence South 00 degrees 00 minutes 00 seconds West 95.72 feet; thence North 88 degrees 44 minutes 08 seconds West 180.57 feet to the point of beginning, containing 1.645 acres, more or less; and

Part of the Southwest quarter of Section 32, Township 9 North, Range 1 West, Bloomington Township, Monroe County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said quarter section; thence North 00 degrees 17 minutes 40 seconds West along the West line of said quarter section 469.34 feet to a rebar and to the point of beginning; thence North 00 degrees 17 minutes 40 seconds West along West line 331.65 feet to a rebar on the South line of the Illinois Central Railroad and to a point on a curve to the right with a radius of 1028.20 feet, a central angle of 14 degrees 36 minutes 47 seconds and a chord bearing South 88 degrees 46 minutes 21 seconds East 261.53 feet; thence Easterly along said South right-of-way and said curve 262.24 feet; thence South 00 degrees 17 minutes 40 seconds East 326.16 feet; thence north 88 degrees 44 minutes 08 seconds West 21.84 feet to a rebar;

thence North 89 degrees 57 minutes 29 seconds West 149.95 feet to a rebar; thence North 84 degrees 37 minutes 47 seconds West 49.65 feet; thence South 82 degrees 44 minutes 04 seconds West 40.55 feet to the point of beginning, containing 2.00 acres, more or less.

Containing in all 3.645 acres more or less.

SECTION II. Through the authority of IC 36-7-4 and pursuant to Chapter 20.13 of the Bloomington Municipal Code, that an outline plan be approved and that the property including the parcel described above be designated a Planned Unit Development.

SECTION III. Through the authority of IC 36-7-4 and pursuant to Chapter 20.13 of the Bloomington Municipal Code, than an outline plan be approved and that the property including the parcel described below be designated a Planned Commercial Development:

A part of the Southwest quarter of Section 32, Township 9 North, Range 1 West, Bloomington Township, Monroe County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter; thence South 88 degrees 44 minutes 8 seconds East along the center line of West Third Street 539.69 feet to the point of beginning; thence North 00 degrees 17 minutes 40 seconds West 475.00 feet; thence North 88 degrees 44 minutes 08 seconds West 97.59 feet; thence North 00 degrees 00 minutes 00 seconds East 95.72 feet; thence North 90 degrees 00 minutes 00 seconds East 58.25 feet; thence North 24 degrees 00 minutes 00 seconds East 152.78 feet to the south line of the Illinois Central Railroad right-of-way and to a point on a curve to the right with a radius of 1028.20 feet, a central angle of 15 degrees 22 minutes 34 seconds and a chord bearing South East 275.10 feet; thence Southeasterly along said right-of-way and said curve 275.93 feet to the beginning of a curve to the right with a radius of 561.52 feet, a central angle of 15 degrees 49 minutes 32 seconds and a chord bearing South 42 degrees 38 minutes 45 seconds East 154.60 feet; thence Southeasterly along said right-of-way and said curve 155.10 feet; thence North 88 degrees 44 minutes 08 seconds West 25.69 feet; thence South 00 degrees 17 minutes 40 seconds East 268.00 feet; thence North 88 degrees 44 minutes 08 seconds West 150.00 feet; thence South 00 degrees 17 minutes 40 seconds East 210.00 feet to the center line of West Third Street; thence North 88 degrees 44 minutes 08 seconds West along said center line 150.00 feet to the point of beginning, containing 3.893 acres, more or less.

Subject to a right-of-way for West Third Street of 50 of even width off of the entire South side of said tract.

SECTION IV. The Outline Plan, as recommended by the Plan Commission, shall be attached hereto and made a part hereof.

SECTION V. 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 20 day of March, 1991.

JOHN FERNANDEZ, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21 day of March, 1991.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 21st day of March, 1991.

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance rezones 3.645 acres from BA to RL/PUD. Proposed is construction of 36 duplex units, 20 of which will be constructed and operated by South Central Community Mental Health Center as group housing for their clients. This ordinance also approves an outline plan for 3.893 acres of commercial BA land adjacent to the RL/PUD. Uses in this BA/PCD will be limited to low traffic generating uses compatible with the adjoining residential development. A list of allowed uses is attached.

Signed copies to:
Planning Dept.
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 91-16 is a true and complete copy of Plan Commission Case Number BA/PCD-20-91 which was given a recommendation of approval by a vote of 7 Ayes, 2 Nays, and ____ Abstentions by the Bloomington City Plan Commission at a public hearing held on March 4, 1991.,

Date: March 5, 1991,

Timothy A. Mueller
Tim Mueller, Secretary
Planning Director
Plan Commission

Received by the Common Council Office this 5th day of March, 1991.

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 X 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 IC 36-7-4-605 I hereby certify that the attached Ordinance Number 91-16 is a true and complete copy of Plan Commission Case Number RL/PUD-10-91 which received a recommendation of approval by a vote of 6 Ayes, 4 Nays, and ____ Abstentions by the Bloomington City Plan Commission at a public hearing held on February 18, 1991.

Case Number BA/PCD-20-91 will be heard by the Plan Commission on March 4, 1991.

Date: February 25, 1991,

Timothy A. Mueller
Tim Mueller, Secretary
Plan Commission Director

Received by the Common Council Office this 26 day of Feb, 1990,

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 X

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)

March 13, 1991

To: Clerk/Council Office

From: Planning Dept.

Re: List of approved uses - Westplex PCD

This ordinance has two parts. The first is a change of zone from BA to RL for 3.645 acres and outline plan approval. Up to 36 duplex units would be built on the site. Twenty of the units would be owned and operated by South Central Community Mental Health as group housing for their clients. The remaining units would be built and managed by the current land owner Bob Shaw.

The other component of this request would designate 3.893 acres of existing BA land directly adjacent to the RL/PUD as a BA/PCD. The intent of the Commission in this regard is to insure compatible commercial land uses adjacent to the residential planned development. Both uses, the commercial and the residential, will be served by the same public street.

The approved uses for the BA/PCD are as follows with the uses marked by an asterisk (*) being permitted only in the building facing Third Street:

<u>Commercial, Retail</u>
- Antiques
- *Apparel
- Arts and Crafts
- Florist Shops
- *Furniture and Appliances
- Gift Shop

<u>Commercial Trade</u>
- Appliance Repair (Small)
- *Bars and Taverns
- Business Service
- Business and Professional Offices
- *Eating, Drinking (Restaurant, sit-down only, no carry-out)
- Furniture Repair
- Music Rehearsal/Recording Studio
- Personal Services
- Printing (Job, Service)
- Radio and TV Stations
- Schools (Trade and Business)
- Telephone Exchanges
- Building Trades Shops
- Warehouses (Mini)
- Warehousing

<u>Manufacturing</u>
- Apparel Manufacturing
- Furniture Manufacturing
- Musical Instrument Manufacturing
- Research Laboratories
- Scientific Instrument Manufacturing

<u>Special Exceptions</u>
- Day Care Centers
- Rehabilitative Facilities
- Mental Health Facilities
- Civic Community Clubs