

1st: 7/18

COMMITTEE: 7/25 P.D. 7-0

FINAL: 8/1 9-0

ORDINANCE 90 - 39

To Amend the Zoning Maps from RS to BL and Designate PCD
Re: Property located at 405 N. Adams and 1308 Vernal Pike
(Bruce Glasgow)

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-44-90, and recommended that the petitioner, Bruce Glasgow, be granted an amendment to the Bloomington zoning maps and outline plan approval and PCD designation and request that the Common Council consider the petition for change of zoning, outline plan approval and PCD designation on certain property.

NOW, THEREFORE, BE IT 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 RS to BL for property located at 405 N. Adams Street and 1308 Vernal Pike, and more particularly described as follows:

PARCEL A:

A part of the Southwest Quarter of Section 32, Township 9 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at the intersection of the centerline of Vernal Pike with the South right of way of the (former) Chicago, Indianapolis and Louisville Railroad, said intersection being 3076.13 feet South and 1450.74 feet East of the Northwest corner of said Section 32, thence South 54 degrees, 37 minutes, 32 seconds East over and along the centerline of Vernal Pike for a distance of 151.44 feet, thence South 53 degrees 50 minutes 43 seconds East continuing over and along said centerline for a distance of 276.56 feet, thence leaving said centerline running North 00 degrees 00 minutes West for a distance of 93.59 feet, thence South 87 degrees 53 minutes 34 seconds West for a distance of 14.31 feet, thence North 00 degrees 00 minutes West for a distance of 170.00 feet to the South right of way of the aforesaid railroad, thence South 87 degrees 53 minutes 34 seconds West over and along said right of way for a distance of 332.70 feet to the point of beginning. Containing 0.99 acre, more or less. Subject to all easements and rights of way of records.

PARCEL B NORTH:

A part of the Southwest Quarter of Section 32, Township 9 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at a point on the West edge of the roadway of Adams Street 170.00 feet South 00 degrees 00 minutes East of the South right of way of the (former) Chicago, Indianapolis and Louisville Railroad, said point being 3228.95 feet South and 1917.52 feet East of the Northwest corner of said Section 32, thence South 00 degrees 00 minutes East over and along the West edge of said Adams Street for a distance of 50.00 feet, thence South 87 degrees 53 minutes 34 seconds West for a distance of 120.08 feet, thence North 00 degrees 00 minutes West for a distance of 50.00 feet, thence North 87 degrees 53 minutes 34 seconds East for a distance of 120.08 feet to the point of beginning. Containing 0.14 acre, more or less. Subject to all easements and rights of way of record.

PARCEL C:

A part of the Southwest Quarter of Section 32, Township 9 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at a point on the West edge of the roadway of Adams Street 170.00 feet South 00 degrees 00 minutes East of the South right of way of the (former) Chicago, Indianapolis, and Louisville Railroad, said point being 3228.95 feet South and 1917.52 feet East of the Northwest corner of said Section 32, thence South 87 degrees 53 minutes 34 seconds West parallel to the South right of way of the said railroad for a distance of 134.39 feet, thence North 00 degrees 00 minutes West for a distance of 170.00 feet to the South right of way of the said railroad, thence North 87 degrees 53 minutes 34 seconds East over and along said South right of way for a distance of 116.66 feet to the West edge of the roadway of the aforesaid Adams Street, thence South 10 degrees 08 minutes 05 seconds East over and along said West edge for a distance of 100.69 feet, thence South 00 degrees 00 minutes East continuing over and along said West edge for a distance of 70.23 feet to the point of beginning. Containing 0.50 acre, more or less. Subject to all easements and rights of way of record.

Containing in all, 1.63 acres.

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 described above be designated a Planned Commercial Development.

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

SECTION IV. 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 1st day of August, 1990.



Iris Kiesling, President
Bloomington Common Council

ATTEST:



Patricia Williams, City Clerk

PRESENTED by me to the Mayor of the City of
Bloomington, Monroe County, Indiana, upon this 2nd day of
August, 1990.

Patricia Williams
Patricia Williams, City Clerk

August, 1990. SIGNED and APPROVED by me upon this 2nd day of

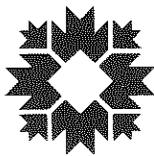
Tomilea Allison
Tomilea Allison, Mayor
City of Bloomington

SYNOPSIS

This ordinance rezones 1.63 acres from RS to BL/PCD and grants outline plan approval. The petitioner proposes to build a welding fabrication shop on a portion of the property. The remainder of the site will be developed at a later date. The approved list of uses includes building trade shops, business and professional offices.

Signed copies
Planning
Petitioner

City of
Bloomington
Indiana



Planning
Department

Post Office Box 100
Municipal Building
Bloomington, Indiana 47402

Telephone 812 339 2261
Extensions 65/69

To: Council

From: Tim Mueller - Planning Director

Re: Ordinance 90-39

Date: July 19, 1990

This Ordinance rezones most of the triangular area bounded by Vernal Pike, Adams Street, and the Railroad R.O.W. from RS to BL and approves a PCD outline plan for a welding shop, trade shops, professional and business offices. The south tip of the triangle occupied by the residence/tattoo parlor (different owner) and south is not included. The initial phase, still subject to development plan approval, will be the welding shop on Parcel A.

The outline plan consists of the petitioner's statement, his rough plan, and the conditions of Plan Commission approval:

1. No access to Adams with this approval; will be considered with development plan approval for Parcel C.
2. No outdoor storage.
3. R.O.W. dedication, both streets.
4. Sidewalks both streets.

May 24, 1990

To the Staff of the Planning Commission:

I am requesting this change of zoning for the purpose of a welding fabrication shop. This property is currently trashy, and has two unhabitable houses on it. I plan to remove the houses, clean up the area, and build a new building for the shop. In doing so, this property will be cleaned up and should enhance the appearance of the neighborhood.

I think this would be an excellent business area. In fact, a lot of the properties to the West on Vernal Pike are businesses, such as J.B. Salvage, Rotor Rooter, Mac Staggs Construction. There is also a house on Parcel B center of this property that currently has a tattoo business in it. Also, the property on Adams just North of this property is vacant, but zoned for business.

I also plan to hire more employees. I currently own a welding shop on Old State Road 446 which has been in business for 20 years. I would like to relocate closer to the city to increase my business. I would be able to hire at least 5 new employees if these plans go through.

I strongly feel that my plans for this property constitute a very positive upgrading for this neighborhood and at the same time, provides me with an excellent location for my shop.

Sincerely,

Bruce Glasgow

Bruce Glasgow

Petitioner's Statement
BL/PCD-44-90

689

BLOOMINGTON PLAN COMMISSION
STAFF REPORT BL/PCD-44-90
405 N. ADAMS/1308 VERNAL PIKE
BRUCE GLASGOW

JUNE 11, 1990

Requested is rezoning from RS to BL/PCD and outline plan approval for approx. 1.5 acres of land at the intersections of W. 8th., Adams, and Vernal Pike. Petitioner also requests waiver of second hearing. The site is triangular in shape with frontage on both Adams and Vernal Pike. The petitioner would purchase the entire triangle formed by Adams, Vernal Pike, and the railroad line to the north, with the exception of a small .15 acre lot fronting on Adams. The PCD would include all the property in the triangle with the exception of the occupied residence/tattoo parlor and the small parcel directly to the south of the house at the intersection of Adams and Vernal. (identified as parcel B south on petitioners proposed outline plan)

Proposed is construction of a welding fabrication shop on the site. The property is currently vacant and unkempt with two uninhabitable houses that are proposed to be removed with the new construction. Adjacent use are mixed. There is a single house directly adjacent to this site fronting on Adams St. The residence is the site of a tattoo parlor that was approved by the BZA as a home occupation. Along Vernal to the NW the land use is predominately building trade shop type uses. There also is a scrap metal salvage yard as well as several residences along Vernal Pike. The property is bordered on the north by railroad tracks. There is vacant land zoned BA directly to the north of the tracks on Adams St.

A 60 by 80ft. building is proposed on one acre of the site orientated toward Adams. Access would be provided from both Vernal and Adams. A approx. 1/2 acre developable remnant (identified as parcel C on petitioners proposed outline plan) would remain undeveloped at this time. The petitioner proposes only the welding shop at this time. Staff recommends the approved list of uses for this PCD be limited to building trade shops and professional or business offices. The petitioner has also agreed to stipulate no outdoor storage with this development.

The ongoing Staff policy in regard to this area has been to encourage redevelopment of the Vernal Pike corridor. This redevelopment has taken form in the past several years in approval of a number of rezonings and/or PCD's along Vernal. Staff sees this area as continuing to develop in a non-residential fashion with building trade shop type uses. Introduction of high traffic commercial uses has been discouraged. This proposal is consistent with policy for this area, and as such Staff is supportive of the request.

Staff is prepared to recommend approval of this rezoning and PCD with waiver

of second hearing subject to the following conditions.
PCD will include parcels A, B north, and C as shown on submitted site survey. (1.63 acres total) Parcel B south will not be included.
List of uses as follows: building trade shops (no outdoor storage), business or professional offices.

Right-of-way dedication on both Adams (35ft. from centerline) and Vernal (40ft. from centerline) will be required.
Development plan approval will require fully engineered plans including site grading/drainage, landscaping, and sidewalks on Adams and Vernal.

BLOOMINGTON PLAN COMMISSION
FINAL STAFF REPORT BL/PCD-44-90
405 N. ADAMS/1308 VERNAL PIKE
BRUCE GLASGOW

July 9, 1990

Right-of-way dedication on both Adams (35ft. from centerline) and Vernal (40ft. from centerline) will be required. Development plan approval will require fully engineered plans including site grading/drainage, landscaping, and sidewalks on Adams and Vernal.

Requested is rezoning from RS to BL/PCD and outline plan approval for approx. 1.5 acres of land at the intersections of W. 8th., Adams, and Vernal Pike. The site is triangular in shape with frontage on both Adams and Vernal Pike. The petitioner would purchase the entire triangle formed by Adams, Vernal Pike, and the railroad line to the north, with the exception of a small .15 acre lot fronting on Adams. The PCD would include all the property in the triangle with the exception of the occupied residence/tattoo parlor and the small parcel directly to the south of the house at the intersection of Adams and Vernal. (identified as parcel E south on petitioners proposed outline plan)

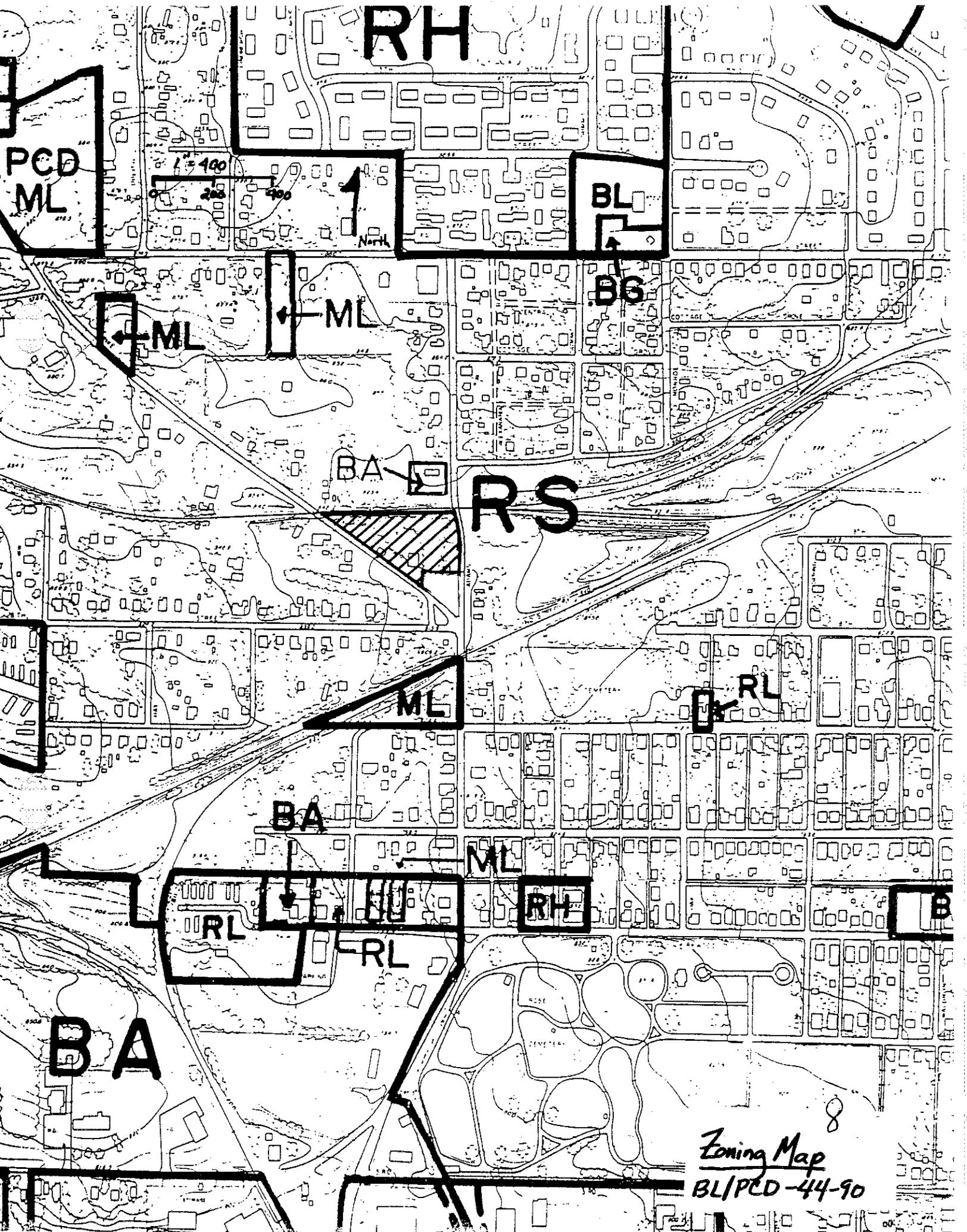
Proposed is construction of a welding fabrication shop on the site. The property is currently vacant and unkempt with two uninhabitable houses that are proposed to be removed with the new construction. Adjacent uses are mixed. There is a single house directly adjacent to this site fronting on Adams St. The residence is the site of a tattoo parlor that was approved by the BZA as a home occupation. Along Vernal to the northwest, the land use is predominately building trade shop type uses. There also is a scrap metal salvage yard as well as several residences along Vernal Pike. The property is bordered on the north by railroad tracks. There is vacant land zoned BA directly to the north of the tracks on Adams St.

A 60 by 80ft. building is proposed on one acre of the site orientated toward Adams. Access would be restricted to Vernal Pike only with no access to Adams Street on this phase of development. An approximately 1/2 acre developable remnant (identified as parcel C on petitioners proposed outline plan) would remain undeveloped at this time. Access from Adams Street would be held for future development. The petitioner proposes only the welding shop at this time. Staff recommends the approved list of uses for this PCD be limited to building trade shops and professional or business offices. The petitioner has also agreed to stipulate no outdoor storage with this development.

The ongoing Staff policy in regard to this area has been to encourage redevelopment of the Vernal Pike corridor. This redevelopment has taken form in the past several years in approval of a number of rezonings and/or PCD's along Vernal. Staff sees this area as continuing to develop in a non-residential fashion with building trade shop type uses. Introduction of high traffic commercial uses has been discouraged. This proposal is consistent with policy for this area, and as such Staff is supportive of the request.

Staff is prepared to recommend approval of this rezoning and PCD with subject to the following conditions.
PCD will include parcels A, B north, and C as shown on submitted site survey. (.65 acres total) Parcel E south will not be included.
No access to Adams St. during this phase. Parcel C will be reviewed at development plan stage with regard to access onto Adams St.
List of uses as follows: building trade shops (no outdoor storage), business or professional offices.

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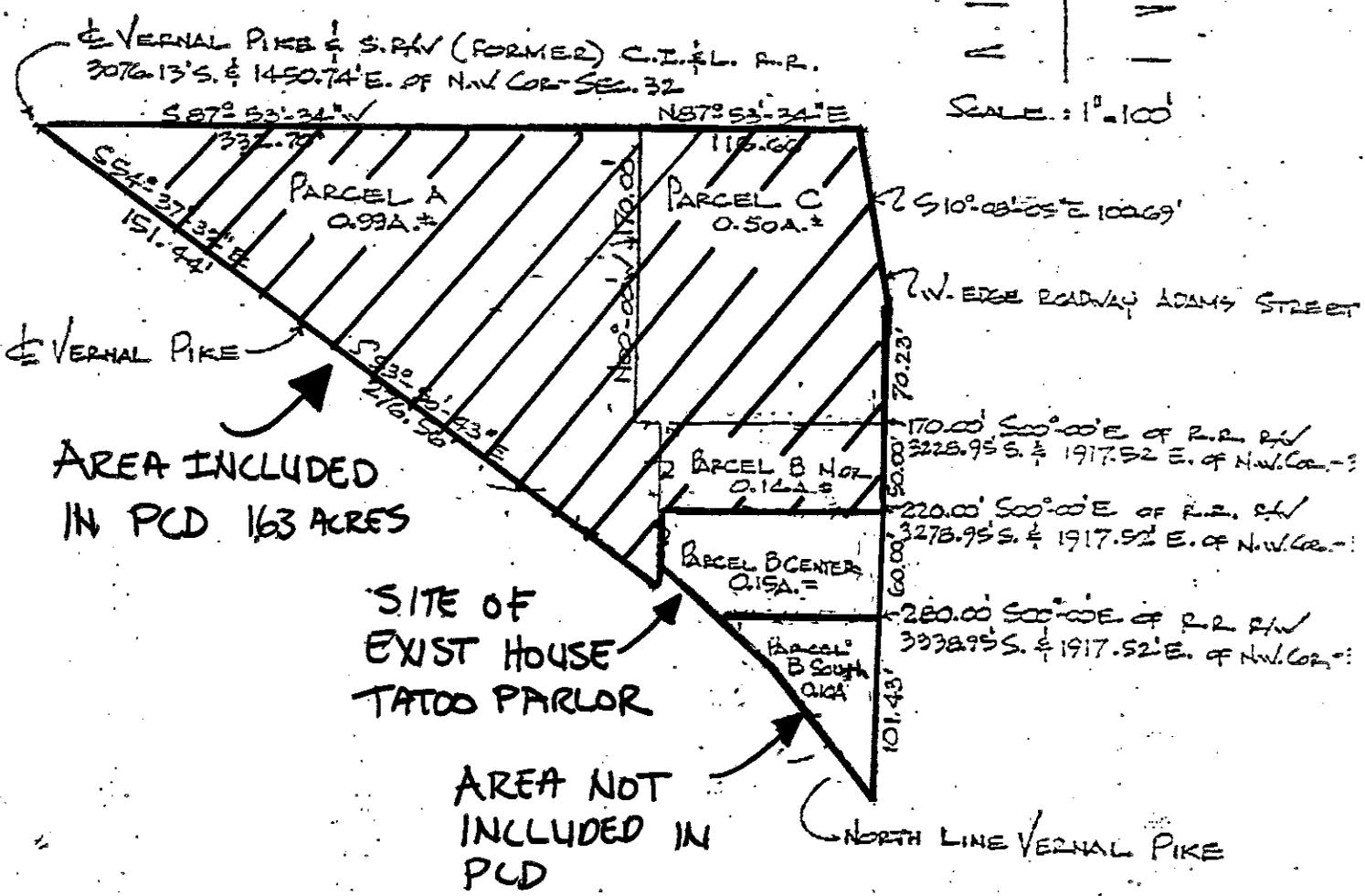
8
Zoning Map
BL/PCD-44-90

BLOOMINGTON ENGINEERING COMPANY

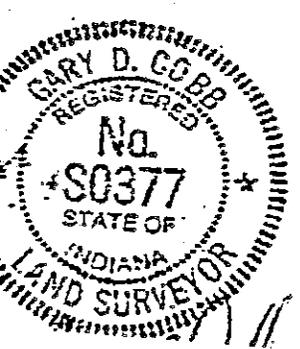
SURVEY ENGINEERING
 R.R. #1, BOX 113A
 SOLSBERRY, INDIANA 47459
 PHONE 812-876-6642



SCALE: 1" = 100'



SURVEY PLAT
 PART OF S. 1/4 OF SECTION
 32 - T9N - R1W
 MONROE COUNTY, INDIANA
 JANUARY 8, 1990



11a

Lynne Friedmeyer reported. This is the second hearing on a request for a rezoning from RS to BL/PCD and outline plan approval for approximately 1.5 acres located at the intersections of W. 8th St., Adams St., and Vernal Pike. The site is triangular in shape with frontage on both Adams and Vernal Pike. The PCD would include all the property in the triangle formed by Adams, Vernal Pike, and the railroad line to the north with the exception of the occupied residence/tattoo parlor and a small parcel directly to the south of the house at the intersection of

Adams and Vernal. Petitioner proposes to construct a welding fabrication shop on the site which would consist of a 60 ft. by 80 ft. building on one acre of the site oriented toward Adams. Access would be restricted to Vernal Pike only with no access to Adams for this phase of development. Approximately 1/2 acres would remain undeveloped at this time. Staff recommends that the approved list of uses for this PCD be limited to building trade shops and professional or business offices. The petitioner has agreed to stipulate no outdoor storage for this development. The ongoing staff policy in this area has been to encourage redevelopment of the Vernal Pike corridor. This proposal is consistent with policy for this area. Staff recommends approval with the following conditions: 1) PCD will include parcels A, B north, and C as submitted on site survey (1.63 acres), Parcel B south is excluded; 2) No access to Adams Street with this phase; Parcel C will be reviewed at development plan stage with regard to access to Adams Street; 3) List of uses as follows: building trade shops (no outdoor storage), business or professional offices; 4) Right-of-way dedication on Adams (35 ft. from centerline) and on Vernal (40 ft. from centerline); 5) Development plan approval will require fully engineered plans including site plan, grading/drainage, landscaping, and sidewalks on Adams and Vernal.

Cooksey queried whether the illegal cut-throughs from the tattoo parlor will be eliminated. Spiek noted that the petitioner will clean up the site, make a single access to Vernal, and the cut-throughs should be eliminated.

The petitioner, Bruce Glasgow, was present.

Wayne Johnson, remonstrator at the previous meeting, felt that the elimination of access to Adams has satisfied his objections.

***John Fernandez moved; Kerry Weger seconded approval of BL/PCD-44-90 per staff recommendation and conditions. Carried 9-0 (Zabriskie absent for vote).

~~DRAFT~~
Not Approved

Chris Spiek reported. Requested is rezoning from RS to BL/PCD and outline plan approval for 1.5 acres of land at the intersection of West 8th St., Adams St., and Vernal Pike with waiver of second hearing. The site is triangular in shape with frontage on both Adams and Vernal Pike. The PCD would include the entire triangle formed by Adams, Vernal Pike, and the railroad line to the north with the exception of the occupied residence/tattoo parlor fronting on Adams and a small parcel to the south of the house at the intersection of Adams and Vernal. The property is currently vacant and unkempt with two uninhabitable houses that will be removed. Adjacent land uses are mixed. Along Vernal Pike to the northwest the use is predominantly building trade shop type uses. Staff policy has been to encourage redevelopment of the Vernal Pike corridor in this fashion. The continuing trend is development in a non-residential manner. This proposal is consistent with policy for the area.

Proposed is construction of a 60 by 80 ft. building to be used as a welding fabrication shop on one acre of the site orientated toward Adams. Access would be via both Vernal and Adams. Approximately 1/2 acres of developable land would remain

undeveloped at this time. Petitioner proposes only the welding shop at this time; however, staff recommends that a list of uses be approved for this PCD and limited to building trade shops and professional or business offices. The petitioner has agreed to stipulate no outdoor storage with this development. Staff recommends approval with waiver of second hearing (unless Commission concerns warrant second hearing). Conditions for approval would be 1) right-of-way dedication on Adams (35 ft. from centerline) and Vernal (40 ft. from centerline); 2) development plan submitted with fully engineered plans, including drainage, landscaping, paving, etc.; 3) required sidewalks along Vernal and Adams Streets; 4) list of uses to be building trade shops, business or professional offices only; and 5) no outside storage.

Fernandez queried whether there are existing sidewalks on Adams. No. Swafford queried whether only three of the BL uses would be allowed. Yes (as listed above). Swafford queried the flooding at the intersection. Spiek noted that if the flooding is aggravated by this site it should be alleviated with the development. Cooksey queried whether the tattoo shop had developed into a body shop for motorcycles, etc. and noted that vehicles cut through Vernal Pike driveways. Spiek noted that violations are handled on a by-complaint basis and that staff will investigate.

The petitioner, Bruce Glasgow, was present. Glasgow stated that he plans to building either a 60 x 80 or 40 x 60 ft. building and to clean up the lot and build a Graeber type building with horizontal doors on the front.

Remonstrators:

Phil Ison was not concerned with the proposed use but was concerned with the tattoo shop and motorcycle problems. He felt the rezoning might help the neighborhood. Wayne Young felt that the neighborhood did not need a metal fabrication shop to save it. He felt industrial operations should be limited to already zoned land and that there are abandoned commercial buildings in the neighborhood which could be utilized. Tom Wilson, representative of the present owner of the real estate, stated that this property has been on the market for a considerable time and this appears to be the only viable opportunity of cleaning up the site. This particular parcel has been used as an industrial dumping site and is detrimental to the neighborhood. The proposed use would clean up the site. Ron Foley, City Council First District representative, stated that there is a problem with the motorcycles on the west side and that the problem is being addressed. John Bavender, West 6th Street property owner, was unopposed to the use as long as buffering and aesthetics are incorporated. Bavender concurred with a previous statement that there are other empty commercial buildings in the area which could be utilized. Mary Young was concerned with traffic problems on Adams Street and increased truck traffic.

Discussion ensued regarding the policy of encouraging light industrial uses on Vernal Pike. Fernandez felt that perhaps there should be some differentiation between Vernal Pike and Adams as it gets closer to residential zoning. Mueller noted that it is a difficult area to judge with the question being where the light industrial should stop. Staff feels the Vernal frontage should be business uses with low traffic generation. Cooksey queried the noise level with this type of business. Glasgow stated that it is a small scale family operation and that the neighbors of his current shop have no objections. The shop does light welding and small structural work (i.e., ornamental railings). Sturbaum queried whether supply trucks could be routed via Vernal Pike. Glasgow stated that there are very few supply trucks and that Vernal would be the logical route. Fernandez queried any plans for parcel B and C. Swafford clarified that parcel B remains RS and there are no immediate plans for parcel C.

***John Fernandez moved; Rick Zabriskie seconded approval of BL/PCD-44-90 with waiver of second hearing.

Fernandez was uncomfortable with the idea of a rezoning without a second hearing. Fernandez withdrew his motion.

***John Fernandez moved; Rick Zabriskie seconded forwarding BL/PCD-44-90 to July 9, 1990 for second hearing. Carried 8-1 (Young dissenting). Young felt the petition did not require a second hearing.