Passed 5-4 (Diekhoff, Mayer, Service, Sherman)

ORDINANCE 99-14

TO AMEND THE BLOOMINGTON ZONING MAPS FROM RS3.5/PRO6 AND PUD TO PUD AND TO APPROVE THE PRELIMINARY PLAN RE: 2031 South Weimer Road (Cora Ann Sudbury c/o Harvey Sudbury, 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WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21 which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning," including the incorporated zoning maps, and Title 21, entitled "Land Use and Development;" and

WHEREAS, the Plan Commission has considered this case, PUD-80-98, and recommended that the petitioner, Cora Ann Sudbury and Harvey Sudbury, be granted a rezone of the property located at 2031 South Weimer Road from RS3.5/PRO6 and PUD to PUD and also receive preliminary plan approval. The Plan Commission thereby requests that the Common Council consider their petition.

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 at 2031 South Weimer Road shall be rezoned from RS3.5/PRO6 and PUD to PUD and the preliminary plan shall be approved. The property is further described as follows:

A part of the east half of Section 7, Township 8 North, Range 1 West, Monroe County, Indiana, and being more particularly described as follows:

COMMENCING at the northwest corner of the Northeast Quarter of said Section 7; thence SOUTH on the west line of the Northeast Quarter 2040 feet; thence EAST parallel with the north line of said section 1598.94 feet to the POINT OF BEGINNING; thence SOUTH 1620.58 feet; thence WEST 693.21 feet; thence NORTH 07 degrees 49 minutes 10 seconds East 595.83 feet; thence NORTH 25 degrees 38 minutes 08 seconds East 327.63 feet; thence SOUTH 87 degrees 27 minutes 43 seconds East 97.40 feet; thence NORTH 29 degrees 07 minutes 18 seconds East 143.28 feet; thence NORTH 38 degrees 39 minutes 18 seconds West 57.74 feet; thence NORTH 09 degrees 40 minutes 39 seconds East 209.78 feet; thence NORTH 40 degrees 01 minute 50 seconds East 472.89 feet to the Point of Beginning, containing 16.60 acres, more or less.

A part of the East half of Section 7, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at a point that is 1320.00 feet South of the Northwest corner of the Northeast quarter of said Section 7, said point being on the West line of said quarter and in Weimer Road, thence leaving said West line and said road and running East and parallel to the North line of said Section for 1800.00 feet; thence North 50 degrees 28 minutes 39 seconds East for 1088.96 feet and to a point on the East line of said Section 7; thence running with said Section line South for 3023.50 feet; thence leaving said section line and running West for 1041.06 feet; thence North and parallel with the East line of said Section for 1620.50 feet; thence West for 1598.94 feet and to the West line of said Northeast quarter and in said Weimer Road; thence running on said line and in said road North for 710.00 feet and to the point of beginning containing in all 88.44 acres, more or less. Subject to a 25.00-foot easement from the centerline of said Weimer Road for County Highway right-of-way.

Also a part of the Northwest quarter of the Northwest quarter of Section 8, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at a point that is 760.00 feet East of the Northwest corner of said Section 8 and on the North line of said Section, thence continuing on said North line East for 395.00 feet; thence leaving said

line and running South for 1320.00 feet and to the South line of said quarter quarter; thence running on said line West for 1155.00 feet and to the West line of said Section 8; thence running on said West section line North for 693.00 feet; thence leaving said line and running North 50 degrees 28 minutes 39 seconds East for 985.26 feet and to the Point of beginning. Containing in all 29.53 acres, more or less.

Also a part of the Northwest quarter of the Southwest quarter of Section 8, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at the Northwest corner of said quarter quarter, thence running with the North line of said quarter quarter East for 577.50 feet; thence leaving said line and running South 43 degrees 24 minutes 32 seconds West for 840.37 feet and to the West line of said Section 8, thence running with said Section line North for 610.50 feet and to the point of beginning. Containing in all 4.05 acres more or less.

Also a part of the North half of the Northeast quarter of Section 7, Township 8 North, Range 1 West. Also a part of the Northwest quarter of the Northwest quarter of Section 8, Township 8 North, Range 1 West all in Monroe County, Indiana and being more particularly described as follows:
A part of the North half of the Northeast quarter of Section 7, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at the Northwest corner of said quarter; thence running on the North line of said Section East for 2640.00 feet and to the Northeast corner of said Section 7; thence leaving said North line and running with the East line of said Section South for 627.00 feet; thence leaving said East line and running South 50 degrees 28 minutes 39 seconds West for 1088.96 feet; thence running West and parallel with the North line of said Section for 1800.00 feet and to the West line of said quarter and to a point in Weimer Road, thence running with said West line and in said road North for 1320.00 feet and to the point of beginning. Containing in all 73.32 acres more or less. Subject to a 25.00-foot easement from the centerline of said Weimer Road for County Highway Right-of-way.

A part of the Northwest quarter of the Northwest quarter in Section 8, Township 8 North Range 1 West, Monroe County, Indiana described as follows: Beginning at the Northwest corner of said Section 8; thence running in the North line of said Section East for 760.00 feet; thence leaving said line and running South 50 degrees 28 minutes 39 seconds West for 985.26 feet and to a point on the West line of said Section; thence running on said West section line North for 627.00 feet and to the point of beginning. Containing in all 5.47 acres more or less.

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 5th day of May, 1999.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

Jacoma Newsome, Deputy Clerk
PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 12 day of May, 1999.

Jacoma Newsome, Deputy Clerk
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 11 day of May, 1999.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance rezones approximately 217 acres located at 2031 South Weimer Road from Single Dwelling Residential/Planned Residential Overlay (RS3.5/PRO6) and Planned Unit Development (PUD) to Planned Unit Development (PUD). This ordinance also approves the Preliminary Plan that would allow for a mixture of residential, commercial, office, and light industrial land uses.

Signed copies to:
Planning
Petitioner

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 99-14 is a true and complete copy of Plan Commission Case Number PUD-80-98 which was given a recommendation of approval by a vote of 7 Ayes, 2 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 29, 1999.

Date: April 12, 1999

Donald F. Hastings, Secretary
Plan Commission

Received by the Common Council Office this 4th day of April, 1999.

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