Passed 9-0

ORDINANCE 09-22

TO AMEND THE BLOOMINGTON ZONING MAPS FROM COMMERCIAL LIMITED (CL) TO PLANNED UNIT DEVELOPMENT (PUD) AND TO ADOPT THE PRELIMINARY PLAN FOR THE 1.6 ACRES McDOEL STATION PUD - Re: 223 W. Dodds Street (Bryan White, Petitioner)

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning", including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled "Subdivisions", went into effect on February 12, 2007; and

WHEREAS, the Plan Commission has considered this case, PUD-32-09; recommended that the petitioner, Bryan White, be granted his request to rezone the property from Commercial Limited (CL) to a Planned Unit Development (PUD) and that the preliminary plan be approved; and, thereby requests that the Common Council consider this petition;

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 20.04 of the Bloomington Municipal Code, the property located at 223 W. Dodds Street shall be rezoned from Commercial Limited (CL) to a Planned Unit Development (PUD) and the preliminary plan be approved. The property is further described as follows:

A part of the Southwest Quarter of Section 4, Township 8 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows:

Lots No. 3, 4, 5,6,7,8, and 9 in Lowe's Addition to the City of Bloomington, Indiana, excepting a strip of ground 13 ½ feet in width off of and along the North side of Lot No. 9 in Lowe's Addition to the City of Bloomington, Indiana.

Also, that portion of Park Avenue in said City of Bloomington, Indiana, in Seminary Lot Number 64 described as follows, to-wit: Beginning at the Southwest corner of Lot No. 6 in Lowe's Addition to said City, thence East along Sough line of said lot a distance of 132 feet, to the Southeast corner thereof; thence South 66 feet, to the Northeast corner of Lot No. 5 in Lowe's Addition; thence West along the North line of said Lot No. 5, in Lowe's Addition, a distance of 132 feet, to the Northwest corner thereof; thence North to the place of beginning.

Also, beginning at a point on the West line of Lot 9 in Lowe's Addition to the City of Bloomington, Indiana, which point is 13 ½ feet South of the Northwest corner of said lot; running thence West 14 feet to a point 5 feet East of the East rail of the East track of the Chicago, Illinois and Louisville Railway, thence South parallel with said East rail and 5 feet therefrom 538 feet, thence East 14 feet, more or less, to the West line of Lot No. 2 in said Lowe's Addition, the same being also the West line of said Seminary Lot, of Lowe's Addition, thence North 538 feet to the place of beginning, all of the above in the City of Bloomington, Monroe County, Indiana, and as vacated, as appears in the City Clerk's Office in Record 24, pages 180-181, in the City of Bloomington, Indiana.

SECTION 2. The Preliminary Plan shall be attached hereto and made a part thereof.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. 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 18th day of November, 2009.

ANDY RUFF, President
Bloomington Common Council

ATTEST:

Regina Moore
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 19th day of NOVEMBER, 2009.

Regina Moore
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 20TH day of NOVEMBER, 2009.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance approves the rezoning of 1.6 acres of land at 233 West Dodds Street from Commercial Limited (CL) to a Planned Unit Development (PUD) and approves a Preliminary Plan to provide 17 single family lots in what will be known as the McDoel Station PUD.

Note: On November 18, 2009, the Council adopted RC-01 which required that "All homes in this PUD shall have two stories."

Signed Copies To:
Planning
Controller
Public Works
H.A.N.D.
Legal (2)

CA/CA (2)
Clerk (2)