

ORDINANCE 15-07

*Passed 3-2 (Speckler,
Rollo)
Granger, Volow absent.*

TO AMEND THE PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE AND PRELIMINARY PLAN TO REVISE THE APPROVED LIST OF USES WITHIN THE SHORTSTOP FOOD MART PLANNED UNIT DEVELOPMENT (PUD) -

**Re: 901 N. SMITH ROAD
(Eastside Investments, LLC, 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WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning", including the incorporated zoning maps, and incorporated Title 19 of the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-1-15, and recommended that the petitioner, Eastside Investments, LLC, be granted an amendment to the Planned Unit Development District Ordinance and Preliminary Plan for the property located at 901 N. Smith Road. The Plan Commission 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 Planned Unit Development (PUD) District Ordinance and Preliminary Plan for the property located at 901 N. Smith Road be amended to revise the list of uses. The property is further described as follows:

A part of the Northeast quarter of Section Thirty-five (35), Township Nine (9) North, Range One (1) West, in Monroe County, Indiana, bounded and described as follows, to-wit: Beginning at a point in the center of the Smith Pike Road, said point being 79.70 feet measured Northwesterly along the center of said road from its intersection with the South line of said Northeast quarter; thence North 87 degrees West for a distance of 544 feet; thence running North 03 degrees 10 minutes East for a distance of 66 feet; thence running North 83 degrees 30 minutes East for a distance of 162 feet; thence running North 49 degrees 23 minutes West for a distance of 121 feet and to the center of State Road #45; thence in a Northeasterly direction on and along the center of State Road #45 to its intersection with the center of the Smith Pike Road; thence in a Southeasterly direction on and along the center of said road to the place of beginning.

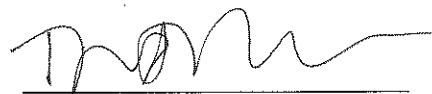
EXCEPTING THEREFROM a part of the Northeast quarter of section 35, Township 9 North, Range 1 West in Monroe County, Indiana, bounded and described as follows: Beginning at a point that is 95.95 feet North and 420.87 feet West of the Southeast corner of the Northeast quarter of Section 35; thence from said point of beginning and running North 87 degrees 35 minutes 39 seconds West for 157.24 feet; thence North 04 degrees 44 minutes 16 seconds East for 66.03 feet; thence North 82 degrees 42 minutes 14 seconds East for 161.68 feet; thence North 49 degrees 53 minutes 47 seconds West for 79.67 feet and to the Southerly right-of-way line of State Road #45; thence with the Southerly right-of-way line of State Road #45 and running North 54 degrees 51 minutes 47 seconds East for 68.68 feet; thence North 66 degrees 21 minutes 47 seconds East for 36.63 feet; thence leaving the Southerly right-of-way line of State Road #45 and running South 04 degrees 10 minutes 19 seconds West for 91.26 feet; thence South 26 degrees 18 minutes 35 seconds West for 60.18 feet; thence South 04 degrees 29 minutes 28 seconds West for 53.67 feet and to the point of beginning; containing 0.42 acre, more or less.

SECTION 2. The amendment to the PUD District Ordinance 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 22nd day of APRIL, 2015.




DAVE ROLLO, President
Bloomington Common Council

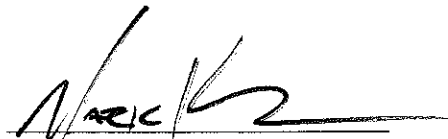
ATTEST:


REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 23rd day of APRIL, 2015.


REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 23rd day of APRIL, 2015.



MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the PUD District Ordinance and Preliminary Plan for the Short Stop Food Mart Planned Unit Development located at 901 N. Smith Road. The amendment would revise the permitted use list to include the existing uses as well as all uses permitted within the Commercial Limited zoning district.

Signed copies to:
Controller Clerk
Legal (3)
Plan / Map
Petitioner