ORDINANCE 88 - 49 To amend the Outline Plan RE: 1400 College Mall Road (Kerasotes Theaters)

 RE:
 1400 College Mall Road (Kerasotes Theaters)

 WHEREAS,
 the Common Council pass 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, PCD-67-88, and recommended that the petitioner, Kerasotes Theaters, be granted an outline plan amendment and request that the Common Council consider their petition for outline plan amendment on certain property;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY HE 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 20.13 of the Bloomington Municipal Code, that an outline plan amendment be approved for property located at 1400 College Mall Road and further described as follows:

Part of the southwest quarter of the southwest quarter of Section 2, Township 8 North, Range 1 West lying in Perry Township, Monroe County, Indiana more particularly described as follows:

Commence at the southwest corner of said quarter quarter; thence south 88 degrees 57 minutes 27 seconds east along the south line of said quarter quarter 402.71 feet to the south end of the east right of way line of College Mall Road, siad point being the true point of beginning of the herein described tract; thence north 04 degrees 29 minutes 32 seconds east along said east right of way line 362.41 feet to a 1/2 inch diameter iron pipe; thence north 00 degrees 53 minutes 48 seconds west along said east right of way line 168.53 feet to the westward extension of the south line of Jackson Creek Shopping Center; thence south 89 degrees 2 mintues 11 seconds east along said extension and along said south line of said Shopping Center 696.11 feet to an existing woven wire fence; thence south 1 degree 37 minutes 14 seconds east along said fence 531.81 feet to said south line of quarter quarter; thence north 88 degrees 57 minutes 27 seconds west along said south line of quarter quarter 742.21 feet to the point of beginning containing 8.7 acres, more or less, subject to the easement for an emergency storm water retention basin as presently bounded by a chain link type fence, a utility easement granted to Indiana Bell Telephone Company on March 7, 1985, the right of way of Moore's Pike, and all other legal easements and rightsof-way.

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

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 (0, 0) day of Nov., 1988.



PAM SERVICE, President Bloomington Common Council

ATTEST:

James R. Regester, President Pro-Tem

) Anu, Williams FATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this $\underline{17}$ day of $\underline{N_{0V}}$, 1988.

City Clerk FATRICIA WILLIAMS,

day of N_{ov} SIGNED and APPROVED by me upon this $\overline{21}$.

A en TOMILEA ALLISON, Mayor

City of Bloomington

SYNOPSIS

Kerasotes Theaters proposes an amendment to their original outline plan at the northeast corner of Moores Pike and College Mall road. A reduction of 460 seats and an increase in the outlot size from one acre to 1.9 acres.



****ORDINANCE CERTIFICATION****

in accordance with 10 30-7-4-605 I nereby certify that the attached
Ordinance Number , is a true and complete copy of Plan Commission
Case Number PCD-67-88which was given a recommendation of approval
by a vote of <u>9</u> Ayes, <u>1</u> Nays, and <u>0</u> Abstentions by the Bloomington
City Plan Commission at a public hearing held on September 12, 1988

9/22/88 Date:

Planking Director Tim Mueller, Secretary

> Penal Ordinance Grant Approval

Other

Administrative Change Short-Term Borrowing

Resolution#

, Tim Mueller, Sec Plan Commission

Received by the Common Council Office this 30 day of September ricia Williams, City Clerk

Appropriation Ordinance # Fiscal Impact Ordinance # Ordinance

Type of Legislation:

Appropriation	 End of Program	
Budget Transfer	 New Program	-
Salary Change	 Bonding	
Zoning Change	 Investments	
New Fees	Annexation	-

Outline Plan Amendment

If the legislation directly affects City funds, the following must be completed by the City Controller:

Planned Expenditure Unforseen Need	•	Emergency Other
Funds Affected by Request:		
Fund(s) Affected		
Fund Balance as of January l	\$	Ş
Revenue to Date	<u></u>	·
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 \times

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

The site is currently receiving city services.

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)

Agency submitting legislation <u>Planning Department</u>



STATEMENT OF JUSTIFICATION

The Petitioner proposes to amend the prior approved Planned Commercial Development by a reduction in the number of theaters and a proportionate increase in the business arterial out lot. The Petitioner does not propose to modify the list of uses but only to add additional space commensurate with the reduced need for parking due to the reduction in the size of the theaters.

Thomas Bunger

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REQUEST FOR WAIVER OF SECOND HEARING

The Petitioner would respectfully request a waiver of the second hearing on this matter.

SEPTEMBER 12, 1988

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BLOOMINGTON PLAN COMMISSION STAFF REPORT PCD-67-88 KERASOTES THEATRE 1400 COLLEGE MALL RD.

Requested is ammendment to the approved outline and development plan with waiver of second hearing for the Kerasotes Theatre site at the NE corner of Moores Pike and College Mall Rd. Proposed is a reduction of 460 seats in the theatre (1588 seats down to 1128) and an increase in the outlot size from one acre to 1.9 acre. A development plan for this site was approved in October of 1987 based on the approved outline plan of September 1987.

The petitioner originally requested no change to the list of allowed uses for the outlot. However the Staff was concerned about two uses and has requested that the petitioner delete department/discount store from the list. Staff also suggests limiting the outlot to a maximum of one sit-down restaurant with no carry-out. Petitioners attorney has indicated to the Staff that they are agreeable to this proposal.

A condition of the original development plan approval called for substantial erosion control measures along the properties east and north sides due to steep grades. Plantings of grass and crown vetch as well as an erosion control mat were to be used to stabilize the slopes. For several reasons this treatment has not been completely effective. The petitioners engineer has been working with the City engineer to correct this situation. A new plan for treatment of the problem areas is anticipated but yet to be recieved.

The newly submitted plan does not incorporate sidewalks which are required. Both the Moores Pike and College Mall Rd. frontages require sidewalks as well as an internal sidewalk connections. Staff has prepared an exhibit showing where walks should be placed. A condition of approval will be that walks be installed as shown on this plan.

Staff will be prepared to make recommendation at the meeting if the issue of erosion control measures can be resolved; otherwise a continuance for final hearing to October 3 is warranted. Approval of the development plan will be conditioned on City Council approval of the ammended outline plan.

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<u>FCD--2-87</u>

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COMMERCIAL, RETAIL
Apparel #9
Arts and Crafts #9
Bakery #8, 9
Bicycle Shops #9
Dairy Products #9
Drugstore, Sundry #9
Florist Shops #9
Gift Shop #9
Hardware #9
Jewelry #9
Variety Store #9

COMMERCIAL TRADE Appliance Repair (Small) #9 Business and Professional Office Candy, Confectionary #9 Laundry and Dry Cleaning #9, 14 Personal Service Funeral Service .

.07.07.00 INSTITUTIONAL

PUBLIC, QUASI-PUBLIĆ Cultural Facilities

MEDICAL FACILITIES Doctor and Dentist Offices #9, 20

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