ORDINANCE 17-33

TO AMEND THE ZONING MAPS FROM INDUSTRIAL GENERAL (IG) TO INSTITUTIONAL (IN) AND FROM INDUSTRIAL GENERAL (IG) TO RESIDENTIAL HIGH-DENSITY MULTIFAMILY (RH) - Re: 1611 S. ROGERS STREET (City of Bloomington)

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning", including the incorporated zoning maps, and incorporated Title 19 of the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, ZO-21-17 and recommended that the petitioner, City of Bloomington, be granted an approval to rezone 5.39 acres from Industrial General (IG) to Institutional (IN) and to rezone 0.62 acres from Industrial General (IG) to Residential High-Density Multifamily (RH). 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 zoning of 5.39 acres of property located at 1611 S. Rogers Street shall be changed from Industrial General (IG) to Institutional (IN). The property is further described as follows:

A part of the Northeast quarter of Section 8, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of said Northeast quarter; thence NORTH 00 degrees 29 minutes 49 seconds WEST along the east line of said quarter a distance of 1224.54 feet; thence leaving said east line SOUTH 89 degrees 30 minutes 11 seconds WEST 197.64 feet to the northeast corner of the tract conveyed to Robert V. and Nancy L. Shaw by deed recorded in Deed Book 425, page 359 in the office of the Recorder of Monroe County, Indiana and the **POINT OF BEGINNING**; thence SOUTH 88 degrees 16 minutes 15 seconds WEST along the north line of said Robert V. and Nancy L. Shaw a distance of 361.83 feet; thence leaving said north line NORTH 00 degrees 32 minutes 56 seconds EAST a distance of 167.13 feet; thence SOUTH 88 degrees 16 minutes 15 seconds WEST a distance of 162.13 feet; thence NORTH 00 degrees 32 minutes 56 seconds EAST a distance of 617.26 feet; thence NORTH 00 degrees 16 minutes 13 seconds EAST a distance of 140.57 feet to a point on the southern line of the 12.04 acre tract conveyed to the City of Bloomington by deed recorded as instrument number 2003036240 in the office of the Recorder of Monroe County, Indiana and the beginning of a non-tangent curve concave to the southwest having a radius of 428.30 feet and a chord which bears SOUTH 39 degrees 02 minutes 19 seconds EAST 144.26 feet; thence southeasterly along the south and west lines of said City of Bloomington tract the next three (3) courses:

1. SOUTHERLY along said curve an arc distance of 144.95 feet; thence
2. SOUTH 29 degrees 20 minutes 35 seconds EAST 565.07 feet to the beginning of a curve concave
to the west having a radius of 2808.41 feet and a chord which bears SOUTH 25 degrees 53 minutes 19 seconds EAST 338.47 feet; thence
3. SOUTHERLY along said curve an arc distance of 338.67 feet to the POINT OF BEGINNING and containing 5.39 acres, more or less.

.

SECTION 2. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the zoning of 0.62 acres of property located at 1611 S. Rogers Street shall be changed from Industrial General (IG) to Residential High-Density Multifamily (RH). The property is further described as follows:

Commencing at the Southeast corner of said Northeast quarter; thence NORTH 00 degrees 29 minutes 49 seconds WEST along the east line of said quarter a distance of 1224.54 feet; thence leaving said east line SOUTH 89 degrees 30 minutes 11 seconds WEST 197.64 feet to the northeast corner of the tract conveyed to Robert V. and Nancy L. Shaw by deed recorded in Deed Book 425, page 359 in the office of the Recorder of Monroe County, Indiana; thence SOUTH 88 degrees 16 minutes 15 seconds WEST along the north line of said Robert V. and Nancy L. Shaw a distance of 361.83 feet to the **POINT OF BEGINNING**; thence continuing along said north line SOUTH 88 degrees 16 minutes 15 seconds WEST a distance of 162.13 feet; thence leaving said north line NORTH 00 degrees 32 minutes 56 seconds EAST a distance of 167.13 feet; thence NORTH 88 degrees 16 minutes 15 seconds EAST a distance of 162.13 feet; thence SOUTH 00 degrees 32 minutes 56 seconds WEST a distance of 167.13 feet to the point of beginning, and containing 0.62 acres, more or less.

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 23RD day of August, 2017.

Susan Sandberg
SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

N Bolden
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 24th day of August, 2017.

N Bolden
Nicole Bolden, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 31st day of August, 2017.

John Hamilton
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance would rezone 5.39 acres from Industrial General (IG) to Institutional (IN) to allow the development of the property for the Switchyard Park and rezone 0.62 acres from Industrial General (IG) to Residential High-Density Multifamily (RH) to allow for an affordable apartment development.

Distributed to: Mayor, Clerk, Council Administrator, Legal, Controller, Planning and Transportation

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 17-33 is a true and complete copy of Plan Commission Case Number ZO-21-17 which was given a recommendation of approval by a vote of 5 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on August 14, 2017.

Date: August 15, 2017

Terri Porter, Secretary
Plan Commission

Received by the Common Council Office this 15th day of August, 2017.

Nicole Bolden, 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.)

FUKEBANEI ORD=CERT.MRG