

ORDINANCE 99-38

TO AMEND THE BLOOMINGTON ZONING MAPS
FROM SINGLE DWELLING RESIDENTIAL (RS4.5) TO MEDICAL (M)

Re: 934 West 2nd Street
(Dr. David Byrne, 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WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning," including the incorporated zoning maps, and Title 21, entitled "Land Use and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, ZO-50-99, and recommended that the petitioner, David Byrne, be granted a rezone of the property located at 934 West 2nd Street from Single Dwelling Residential (RS4.5) to Medical (M). 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 20.05.07 and other provisions of Title 20 of the Bloomington Municipal Code, the property located at 934 West Second Street shall be rezoned from Single Dwelling Residential (RS4.5) to Medical (M). The property is further described as follows:

Lot Number Four (4) In John Weaver's Subdivision of Seminary Lot 61 in the City of Bloomington.

SECTION 2. 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 ____ day of _____, 1999.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

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

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this ____ day of _____, 1999.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance approves a rezone of property located at 934 West 2nd Street from Single Dwelling Residential (RS4.5) to Medical (M). The rezone would allow the petitioner, David Byrne, the flexibility to expand his medical office located at 1010 West 2nd Street.

FAILED

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 99-38 is a true and complete copy of Plan Commission Case Number Z0-50-99 which was given a recommendation of approval by a vote of 7 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on September 13, 1999.

Date: September 20, 1999.

Donald F. Hastings
Donald F. Hastings, Secretary
Plan Commission

Received by the Common Council Office this 20 day of September, 1999.

Patricia Williams
Patricia Williams, City Clerk

Appropriation Fiscal Impact
Ordinance # _____ Statement # _____ Resolution # _____
Ordinance

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 _____
Unforeseen 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.)

Interdepartmental Memo

To: Members of the Common Council

From: TM Tom Micuda, Planning Department

Subject: Case# ZO-50-99

Date: September 20, 1999

Attached is the staff report, petitioner's statement, and other exhibits which pertain to Plan Commission Case# ZO-50-99. The Plan Commission voted 7-1 to send the petition to the Council with a favorable recommendation.

BACKGROUND

REQUEST: The petitioner is requesting rezoning approval in order to change the existing zoning designation of a 0.22 acre lot from RS 4.5 (single dwelling residential) to M (Medical).

PROPOSAL SUMMARY: The subject property is a platted lot measuring 62 feet in width by 158 feet in depth. The property contains a vacant one-story home as well as a detached structure. The proposed zoning change is being requested to allow the petitioner to eventually expand his medical office complex located at 1010 West 2nd Street. In the near term, the petitioner will retain the existing home as a billing office for the medical facility. In 1998, the petitioner received a similar approval to rezone a small platted lot at 1030 West 2nd Street (please refer to the exhibit labeled "Petitioner's Property" for further details). Also in this area, the City Council approved a 1995 petition to rezone a ½ acre lot at the northeast corner of 2nd and Walker Streets for future medical usage. Since that time, a new medical office building has been constructed.

REZONING REVIEW ISSUES

ZONING AND LAND USE CONTEXT: In the 1998 rezoning petition, staff supported the creation of Medical zoning at 1030 West 2nd Street due to a predominance of medical land uses and zoning in the area. A similar context is present on the subject site as well. Both medical zoning and existing medical offices are present directly west of the subject site as well as south of 2nd Street. North of this site, on the south side of Howe Street, the area is zoned RS 4.5 and composed almost entirely of single unit rental properties. East of this property, the area is also zoned

R3 4.5 but composed of owner-occupied housing units. More specifically, the attached exhibit labeled "2nd Street Corridor Land Uses" illustrates the predominance of medical land uses that are present along the 2nd Street corridor between Rogers and Walker Streets.

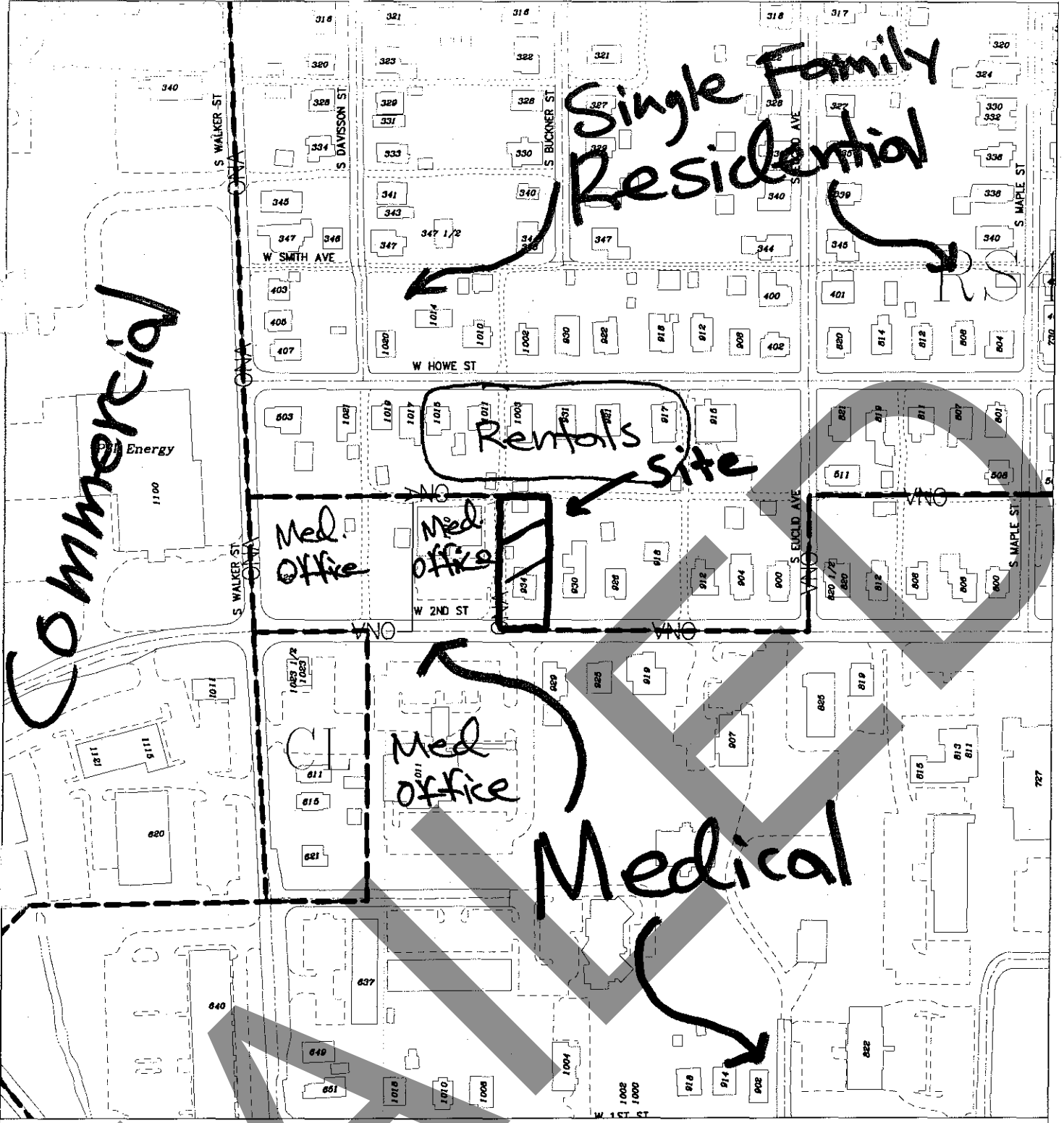
GROWTH POLICIES PLAN COMPLIANCE: The Growth Policies Plan's intended designation of the area containing this parcel is medical. Due to a mapping error, the Growth Policies Plan actually shows this area as "Parks/Open Space". However, this is a mistake caused by the mislocation of the Building Trades Park on the GPP map. An exhibit showing this mislocation is contained in this packet.

East of the intersection of 2nd and Euclid Streets, the GPP recommends the creation of medical land uses on the north side of 2nd Street. Given the site's location on a busy Primary Arterial Thoroughfare, the predominance of medical uses and zoning in the area, as well as this GPP recommendation, staff and the Plan Commission concluded that a future medical land use on this site is more supportable than an insistence on maintaining single family housing stock. Instead, it is recommended that the east-west alley between 2nd Street and Howe Street serve as the logical boundary line between medical and residential land uses.

CONCLUSION

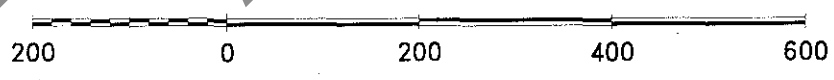
As stated above, this rezoning received nearly unanimous Plan Commission approval on September 13, 1999. Approval was subject to one condition, which is as follows:

- 1 Right-of-way of 50 feet from centerline shall be dedicated along West 2nd Street.

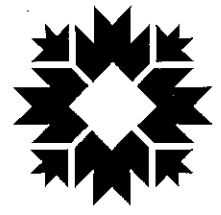


**20-50-99
Location / Zoning Map**

By: work
25 Aug 99



City of Bloomington



Scale: 1" = 200'

For reference only; map information NOT warranted.