

1st: 5/16
COMMITTEE: 5/25
O.P. 40-2
FINAL: 6/6 7-1 (PS)

ORDINANCE 90 - 21

To Amend the Zoning Maps from RE/UF and RE/RF to BL/UF
and to Grant Outline Plan Approval and Designate PCD
Re: 4987 N. St. Rd. 37 (Steve Smith)

WHEREAS, the Common Council passed 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, CU/PCD-6-90, and recommended that the petitioner, Steve Smith, be granted an amendment to the Bloomington zoning maps and request that the Common Council consider their petition for rezoning of certain property.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Through the authority of IC 36-7-4 that the zoning be changed from RE/UF and RE/RF to BL/UF for property located at 4987 N. St. Rd. 37, and more particularly described as follows.

The easterly 400' by parallel lines, parallel to the east line, of the tract comprised of parcels A and B below.

Parcel A

Part of the North Half of the Northeast Quarter of the Northeast Quarter of Section Seventeen (17), and part of the South Half of the Southeast Quarter of the Southeast Quarter of Section Eight (8) in Township Nine North (9), Range One (1) West, in Monroe County, Indiana, more particularly described as follows, to-wit: Beginning at the Northwest corner of the said North Half Quarter Quarter Section; thence South Zero (00) degrees Zero (00) minutes Six (06) seconds West along the West line of the said North Half Quarter Quarter Section Two Hundred Five and Eleven hundredths (205.11) feet; thence South Ninety (90) degrees Zero (00) minutes Zero (00) seconds East Five Hundred Seventy-four and one hundredth (574.01) feet; thence North Zero (00) degrees Zero (00) minutes Zero (00) seconds Eight Hundred Thirty-eight and Eleven hundredths (838.11) feet to the North line of the said South Half Quarter Quarter Section; thence South Eighty-eight (88) degrees Eleven (11) minutes Thirty-four (34) seconds West along the North line of the said South Half Quarter Quarter Section Five Hundred Seventy-three and Eighty-five hundredths (573.85) feet to the Northwest corner of the said South Half Quarter Quarter Section; thence South Zero (00) degrees Two (02) minutes Thirty (30) seconds West along the West line of the said South Half Quarter Quarter Section Six Hundred Fourteen and Eighty-nine hundredths (614.89) feet to the place of beginning, containing Ten and Ninety-two hundredths (10.92) acres, more or less.

Parcel B

Part of the North Half of the Northeast Quarter of the Northeast Quarter of Section Seventeen (17), and part of the South Half of the Southeast Quarter of the Southeast Quarter of Section Eight (8) in Township Nine (9) North, Range One (1) West, in Monroe County, Indiana, more particularly described as follows: Commencing at the Northwest corner of the said North Half Quarter Quarter Section; thence South Zero (00) degrees Zero (00) minutes Six (06) seconds West along the West line of the said North Half Quarter Quarter Section Two Hundred Five and Eleven hundredths (205.11) feet; thence South Ninety (90) degrees Zero (00) minutes Zero (00) seconds East Five Hundred Seventy-four and one hundredths (574.01) feet and to the real place of beginning; thence North Zero (00) degrees Zero (00) minutes Zero (00) seconds Eight Hundred Thirty-eight and Eleven hundredths (838.11) feet to the North line of the said South Half Quarter Quarter Section; thence North Eighty-eight (88) degrees Eleven (11) minutes Thirty-four (34) seconds East along the North line of the said South Half Quarter Quarter Section Two Hundred Ninety and four hundredths (290.04) feet to

the center line of the Twenty-two (22) foot wide concrete pavement of State Road #37; thence South Twelve (12) degrees Fifty-five (55) minutes Fifty-six (56) seconds East along the said Center line Eight Hundred Sixty-nine and Thirty hundredths (869.30) feet to a line which bears South Ninety (90) degrees Zero (00) minutes Zero (00) seconds East from the place of beginning; thence South Ninety (90) degrees Zero (00) Minutes Zero (00) seconds West Four Hundred Eighty-four and Forty-four hundredths (484.44) feet to the place of beginning, containing Seven and Fifty hundredths (7.50) acres, more or less.

SECTION II. Through the authority of IC 36-7-4 and pursuant to Chapter 20.13 of the Bloomington Municipal Code, that an outline plan be approved and that the property including the parcel described above be designated a Planned Commercial Development. The property is further described as follows:

BL/PCD/UF

The easterly 400' by parallel lines, parallel to the east line, of the tract comprised of parcels A and B below.

Parcel A

Part of the North Half of the Northeast Quarter of the Northeast Quarter of Section Seventeen (17), and part of the South Half of the Southeast Quarter of the Southeast Quarter of Section Eight (8) in Township Nine North (9), Range One (1) West, in Monroe County, Indiana, more particularly described as follows, to-wit: Beginning at the Northwest corner of the said North Half Quarter Quarter Section; thence South Zero (00) degrees Zero (00) minutes Six (06) seconds West along the West line of the said North Half Quarter Quarter Section Two Hundred Five and Eleven hundredths (205.11) feet; thence South Ninety (90) degrees Zero (00) minutes Zero (00) seconds East Five Hundred Seventy-four and one hundredth (574.01) feet; thence North Zero (00) degrees Zero (00) minutes Zero (00) seconds Eight Hundred Thirty-eight and Eleven hundredths (838.11) feet to the North line of the said South Half Quarter Section; thence South Eighty-eight (88) degrees Eleven (11) minutes Thirty-four (34) seconds West along the North line of the said South Half Quarter Quarter Section Five Hundred Seventy-three and Eighty-five hundredths (573.85) feet to the Northwest corner of the said South Half Quarter Quarter Section; thence South Zero (00) degrees Two (02) minutes Thirty (30) seconds West along the West line of the said South Half Quarter Quarter Section Six Hundred Fourteen and Eighty-nine hundredths (614.89) feet to the place of beginning, containing Ten and Ninety-two hundredths (10.92) acres, more or less.

Parcel B

Part of the North Half of the Northeast Quarter of the Northeast Quarter of Section Seventeen (17), and part of the South Half of the Southeast Quarter of the Southeast Quarter of Section Eight (8) in Township Nine (9) North, Range One (1) West, in Monroe County, Indiana, more particularly described as follows: Commencing at the Northwest corner of the said North Half Quarter Quarter Section; thence South Zero (00) degrees Zero (00) minutes Six (06) seconds West along the West line of the said North Half Quarter Quarter Section Two Hundred Five and Eleven hundredths (205.11) feet; thence South Ninety (90) degrees Zero (00) minutes Zero (00) seconds East Five Hundred Seventy-four and one hundredths (574.01) feet and to the real place of beginning; thence North Zero (00) degrees Zero (00) minutes Zero (00) seconds Eight Hundred Thirty-eight and Eleven hundredths (838.11) feet to the North line of the said South Half Quarter Quarter Section; thence North Eighty-eight (88) degrees Eleven (11) minutes Thirty-four (34) seconds East along the North line of the said South Half Quarter Quarter Section Two Hundred Ninety and four hundredths (290.04) feet to the center line of the Twenty-two (22) foot wide concrete pavement of State Road #37; thence South Twelve (12) degrees Fifty-five (55) minutes Fifty-six (56) seconds East along the said Center line Eight Hundred Sixty-nine and Thirty hundredths (869.30) feet to a line which bears South Ninety (90) degrees Zero (00) minutes Zero (00) seconds East from the place of beginning; thence South Ninety (90) degrees Zero (00) Minutes Zero (00) seconds West Four Hundred Eighty-four and Forty-four hundredths (484.44) feet to the place of beginning, containing Seven and Fifty hundredths (7.50) acres, more or less.

SECTION III. Through the authority of IC 36-7-4 and pursuant to Chapter 20.13 of the Bloomington Municipal Code, that an outline plan be approved and that property located directly west of the parcel described above be designated a Planned Commercial Development. The property is further described as follows:

RE/PCD/RF

The easterly 600' by parallel lines less the easterly 400' by parallel lines, parallel to the east line, of the tract comprised of parcels A and B below.

Parcel A

Part of the North Half of the Northeast Quarter of the Northeast Quarter of Section Seventeen (17), and part of the South Half of the Southeast Quarter of the Southeast Quarter of Section Eight (8) in Township Nine North (9), Range One (1) West, in Monroe County, Indiana, more particularly described as follows, to-wit: Beginning at the Northwest corner of the said North Half Quarter Quarter Section; thence South Zero (00) degrees Zero (00) minutes Six (06) seconds West along the West line of the said North Half Quarter Quarter Section Two Hundred Five and Eleven hundredths (205.11) feet; thence South Ninety (90) degrees Zero (00) minutes Zero (00) seconds East Five Hundred Seventy-four and one hundredth (574.01) feet; thence North Zero (00) degrees Zero (00) minutes Zero (00) seconds Eight Hundred Thirty-eight and Eleven hundredths (838.11) feet to the North line of the said South Half Quarter Quarter Section; thence South Eighty-eight (88) degrees Eleven (11) minutes Thirty-four (34) seconds West along the North line of the said South Half Quarter Quarter Section Five Hundred Seventy-three and Eighty-five hundredths (573.85) feet to the Northwest corner of the said South Half Quarter Quarter Section; thence South Zero (00) degrees Two (02) minutes Thirty (30) seconds West along the West line of the said South Half Quarter Quarter Section Six Hundred Fourteen and Eighty-nine hundredths (614.89) feet to the place of beginning, containing Ten and Ninety-two hundredths (10.92) acres, more or less.

Parcel B

Part of the North Half of the Northeast Quarter of the Northeast Quarter of Section Seventeen (17), and part of the South Half of the Southeast Quarter of the Southeast Quarter of Section Eight (8) in Township Nine North (9) North, Range One (1) West, in Monroe County, Indiana, more particularly described as follows: Commencing at the Northwest corner of the said North Half Quarter Quarter Section; thence South Zero (00) degrees Zero (00) minutes Six (06) seconds West along the West line of the said North Half Quarter Quarter Section Two Hundred Five and Eleven hundredths (205.11) feet; thence South Ninety (90) degrees Zero (00) minutes Zero (00) seconds East Five Hundred Seventy-four and one hundredths (574.01) feet and to the real place of beginning; thence North Zero (00) degrees Zero (00) minutes Zero (00) seconds Eight Hundred Thirty-eight and Eleven hundredths (838.11) feet to the North line of the said South Half Quarter Quarter Section; thence North Eighty-eight (88) degrees Eleven (11) minutes Thirty-four (34) seconds East along the North line of the said South Half Quarter Quarter Section Two Hundred Ninety and four hundredths (290.04) feet to the center line of the Twenty-two (22) foot wide concrete pavement of State Road #37; thence South Twelve (12) degrees Fifty-five (55) minutes Fifty-six (56) seconds East along the said Center line Eight Hundred Sixty-nine and Thirty hundredths (869.30) feet to a line which bears South Ninety (90) degrees Zero (00) minutes Zero (00) seconds East from the place of beginning; thence South Ninety (90) degrees Zero (00) Minutes Zero (00) seconds West Four Hundred Eighty-four and Forty-four hundredths (484.44) feet to the place of beginning, containing Seven and Fifty hundredths (7.50) acres, more or less.

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

SECTION V. 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 6th day of JUNE,
1990.

Iris Kiesling
Iris Kiesling, President
Bloomington Common Council

ATTEST:

James Mc Namara
~~Patricia Williams, City Clerk~~
JAMES McNAMARA DEPUTY

PRESENTED by me to the Mayor of the City of Bloomington,
Monroe County, Indiana, upon this 6th day of JUNE,
1990.

James Mc Namara
~~Patricia Williams, City Clerk~~
JAMES McNAMARA DEPUTY

SIGNED and APPROVED by me upon this 11th day of
JUNE, 1990.

Tomilea Allison
Tomilea Allison, Mayor
City of Bloomington

SYNOPSIS

This ordinance rezones approximately 7 acres from RE/UF and RE/RF to BL/UF.
It also designates this tract as a PCD and approximately 3 acres directly
adjacent to the west as RE/PCD/RF. Outline plan approval is granted for the
entire 10 acre PCD.

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 90-21 is a true and complete copy of Plan Commission Case Number CU/PCD-6-90 which was given a recommendation of approval by a vote of 6 Ayes, 2 Nays, and ___ Abstentions by the Bloomington City Plan Commission at a public hearing held on May 7, 1990.

Date: May 10, 1990

Timothy C Mueller
Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 11 day of May, 1990.

Patricia Williams
Patricia Williams, City Clerk

Appropriation Ordinance # _____ Fiscal Impact 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 <u>XX</u>	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 XX

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)

Signed copies to:
Planning
Petitioners
Engineering

90-21

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PLAN COMMISSION
STAFF REPORT
CU/ZO-6-90
Steve Smith
4987 N. S.R. 37 Business

May 7, 1990

STAFF REPORT
CU/ZO-6-90

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LAND USES (continued)

Business and Professional Office
Business Service
Office Warehouse -- Office orientation to the highway, warehouse oriented to the rear.

**Staff recommends that the list of uses include the following language for Building Trade Shops and Mini-Warehouse uses: Plan Commission reserves the right to approve outdoor storage and to regulate its scope; if approved, such storage shall be fully screened from view from adjacent properties or from SR 37 with solid fencing of approved design.

Staff recommends approval with conditions:

1. Plan Commission retains discretion to set standards of front display area landscaping, screening of rear storage, and building design at development plan review.
2. Development plan to upgrade existing decel land and passing blister, to the volumes and/or speeds involved. The blister will not be eliminated.
3. Trees and brush along the stream bank will be preserved.
4. Effective stabilization of cut and fill areas will be required.
5. Staff does not recommend deletion of Furniture and Appliance sales use but directs Commission's attention to it.

Requested is package of changes -- Rural Floodway to Urban Floodway to enable fill, RE to BL, outline plan, and PCD designation -- to permit a three-lot commercial development. The lot to the south would accommodate the petitioner's "Boat Quarters" boat sales and service facility, currently located at Kinser Pike and the 45/46 Bypass. The other two lots would be available for the proposed list of uses.

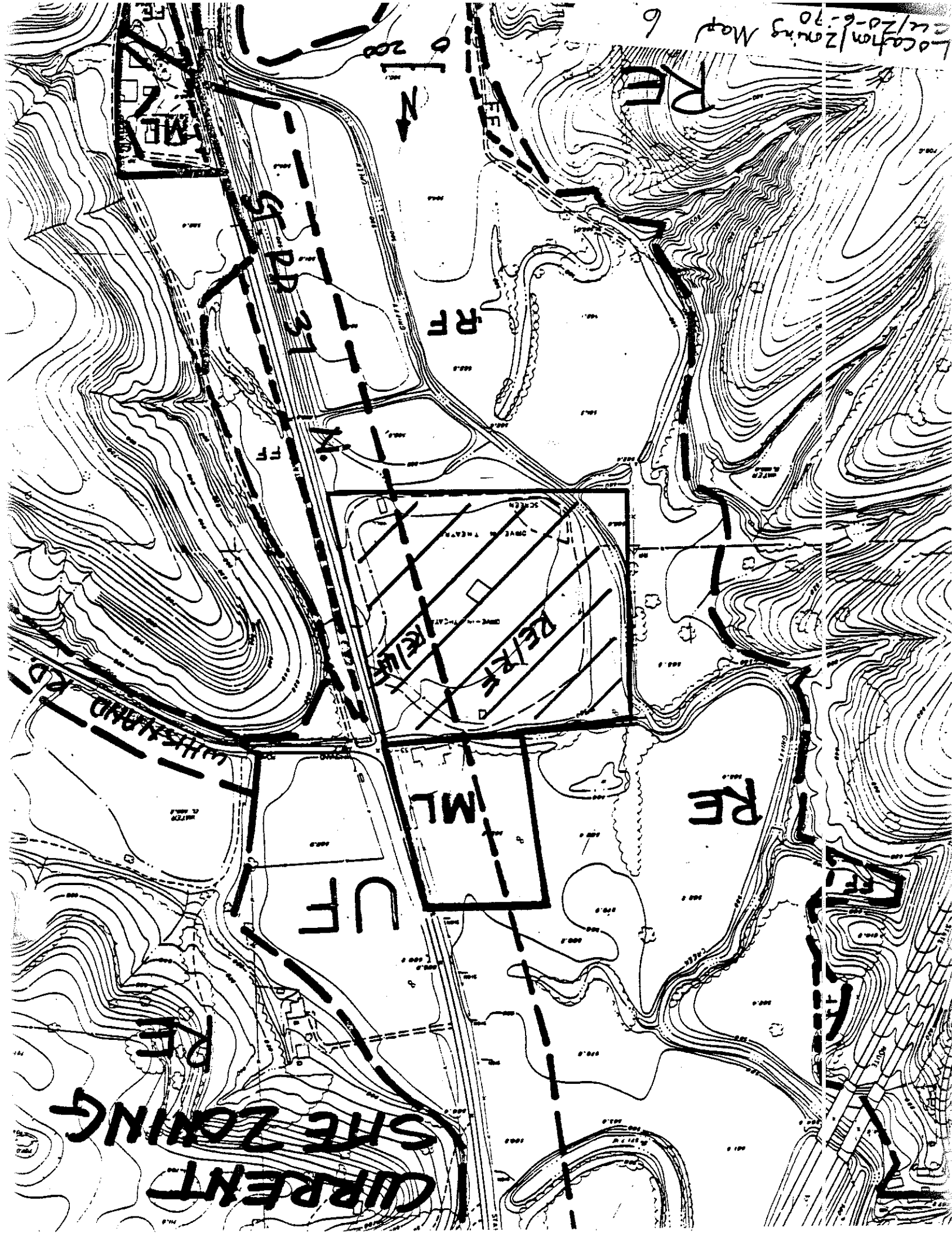
A significant issue in the earlier hearing was the future policy for this corridor and whether to proceed with this approval prior to completion of the plan. Staff had noted that the flood zoning precludes residential use, so that offices and aesthetically sound light industry seems the most restrictive possibility. Staff recommended that restaurants, general retail, auto service, used cars, etc., be avoided until the plan is completed. A middle-ground set of uses which might be compatible in this corridor include new automobile sales, boat sales, etc., with screened storage in the back, utilizing flood prone area not suitable for building. After considerable discussion on the specific constraints on boat display in the front, petitioner requested continuance to this meeting to review his needs and develop a specific front display proposal.

The new plan shows 20 boat display spaces in the approximately 300 ft. lot width, in six groupings with three or four boats per group. The concept surrounds the display spaces with green space. The concept plan accurately dimensions each space at 10' x 20'. The impression is one of display boats within a landscaped front yard, not of a parking area. The specific landscaping plan would be reviewed with future development plans. The concept would be mandated by this outline plan approval. Staff finds the concept acceptable, noting the need for good execution of the idea in the development plan. As reported earlier, staff favors the accommodation of uses such as this in this corridor with good screening of storage and good streetside aesthetics.

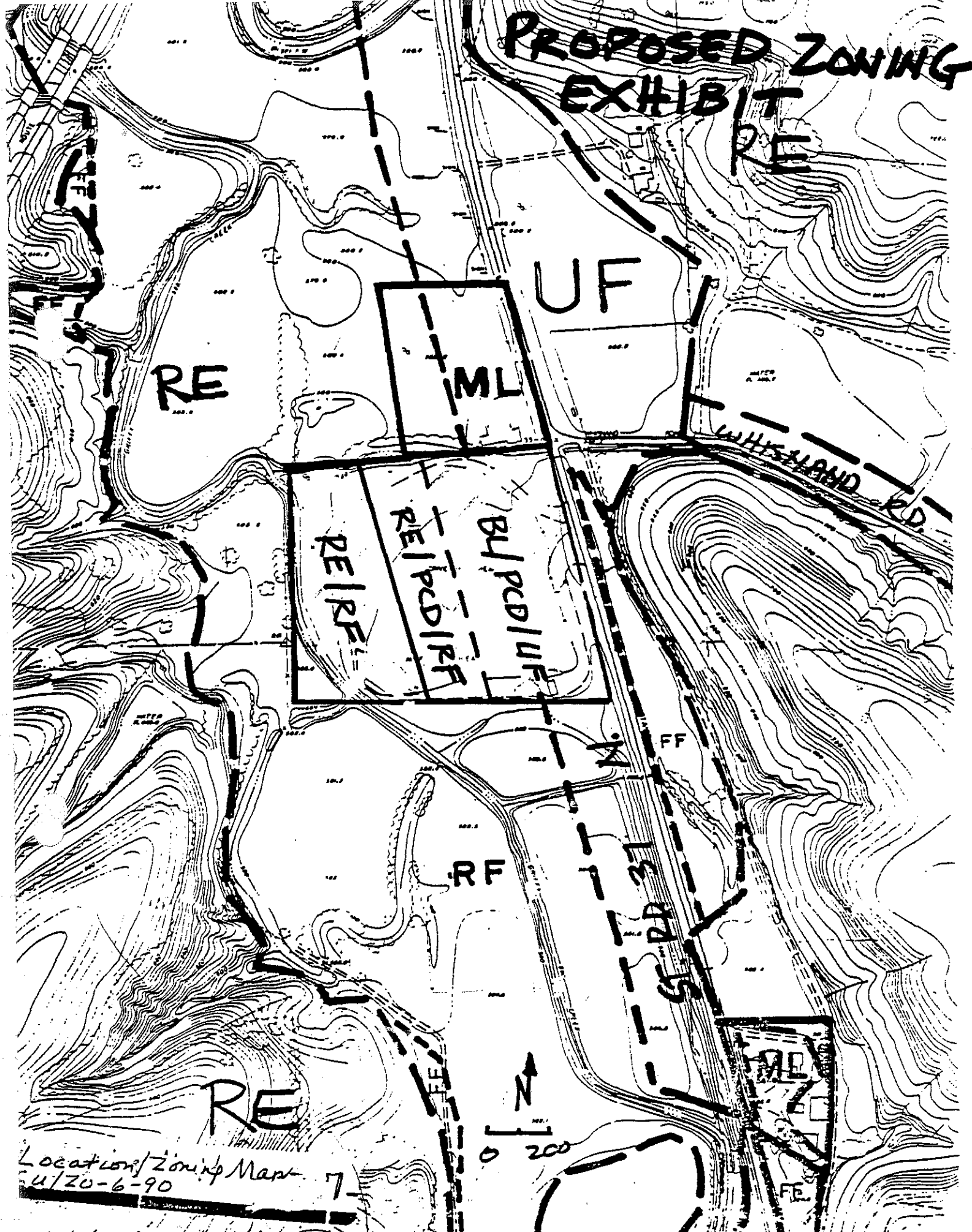
The new list of uses differs from the earlier list only in the addition of office with warehouse space and the deletion of auto and truck sales (staff would have no objection to inclusion of new auto sales).

LAND USES

Marine Sales (one operation) -- Limit outside display visible from Highway 37 to 20 boats.
Furniture & Appliance -- Greater than 7,500 gross sq. ft.
Funeral Service
Hotel/Motel
Schools -- Trade and Business
Theaters (Not Drive-in)
Building Trade Shop -- Any outdoor storage to be screened from highway view.
Mini Warehouses -- This would include storage for boats.
Research Laboratories
Cultural Facilities



PROPOSED ZONING EXHIBIT



Location/Zoning Map
4/20-6-90

Smith Quillman Associates, Inc.



Stephen L. Smith P.E., L.S.
President

Terry Quillman
Vice President

Daniel Neubecker L.A.
Project Manager

Ben Bledsoe L.S.
Surveyor Manager

April 30, 1990

City of Bloomington Planning Commission
% Tim Miller, Director
City of Bloomington Planning Department
P.O. 100
Bloomington, IN 47402

Ref: Boat Quarters BA/PCD

Dear Planning Commissioners:

The permit for construction in a floodway for the above referenced project has now been secured from the Indiana Department of Natural Resources and we are ready to proceed with the rezoning process. After a couple of months of no activity, I felt it appropriate to provide this letter and restate the position of the petitioner. The petition remains unchanged in all but a few areas. We are proposing that for the boat sales and service use the building be placed 125' from the proposed 50' right-of-way line. In front of the building there would be an entrance drive and up to 20 boats on display. These boats would be displayed in small groupings with grass, trees and landscaping complimenting their setting. The proposal calls for a vast majority of the display area to be green space.

The land use list has also been modified slightly to exclude automobile and truck sales, but to include furniture and appliance stores with more than 7500 square feet. The list has also been amended to include office warehouse space with the office portion of the structure fronting on Old Highway 37. The specific outline plan conditions are as follows:

LAND USE

The site has a net of about 17.5 acres after dedication of 50' right-of-way along State Road 37. We are proposing that 7.8 acres of the property, consisting primarily of the creek and the floodplain, remain as open space. The remaining 9.9 acres is proposed to be zoned BL/PCD and RE/PUD. The specific list of land uses is attached to this letter. There shall not be a 3000 square foot size limitation on the uses.

OUTLINE PLAN DRAWING

The drawing is schematic in nature and shows three parcels, including the Boat Quarters site. There shall be one driveway with internal access between the parcels. The Boat Quarters site would have 10,000 to 20,000 square feet of main building space to be used for boat sales, service and storage.

4625 Morningside Drive
Post Office Box 155
Bloomington, Indiana 47402
Telephone 812 336-6536
FAX 812 336-0513

8541 Bash Street
Indianapolis, Indiana 46250
Telephone 317 841-9102
FAX 317 841-9120

RECEIVED

MAY 01 1990

THE PLANNING DEPARTMENT

Smith Quillman Associates, Inc.



City of Bloomington Planning Commission
Page 2

Additional building space is proposed for storage behind the main building. There is a staging and parking area between the two structures. Outside storage would be allowed behind the storage structure. The first 125' of the site from the right-of-way line would be limited to the outside display of up to twenty boats. The area would have driveway and some parking, but otherwise be grassed and landscaped to compliment the display of the boats. Boats would be displayed in small groupings of one to four boats.

ACCESS

We are proposing to use the existing entrance improvements to serve the entire site. The entrance improvement requirements have not at this point been determined. It appears as though the existing entrance may be adequate, but a detailed evaluation of what is there and what is necessary will be made during the development plan process for the first phase of construction. The entrance improvements will be subject to reevaluation with each development plan to ensure that they are adequate based on land use and traffic.

AESTHETICS

The Boat Quarters and some of the other land uses listed will consist basically of large warehouse type structures. We are, however, proposing that the fronts of these buildings that face Old State Road 37, regardless of use, be architecturally designed and include elements such as glass, display windows and masonry highlighting. There will be no standard concrete block walls visible from State Road 37. The intent is to provide an architecturally pleasing view from Old State Road 37.

The Boat Quarters main building shall be constructed on the front side of brick and glass. It shall be a long shallow building which when combined with landscaping at the ends of the building will block the view of boat storage in the rear. Special attention shall be paid to landscaping, particularly as it relates to screening of rear storage areas and providing a quality appearance in the front of the buildings along Old State Road 37.




City of Bloomington Planning Commission
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SIGNAGE

We propose that the signage be in accordance with the BA Zone sign ordinance, except that there would be a maximum of three pole signs, two new and the existing marquee. The two new pole signs would be limited in height to 25' versus 35' otherwise allowed in the code.

We respectfully request that we be placed on the agenda for final hearing at your regularly scheduled May 7th Plan Commission Meeting.

Very truly yours,


Stephen L. Smith
President

SLS:cb
Enclosures: Certificate of Approval
Construction of Floodway
Land Use List

cc: File 1468
Steve T. Smith



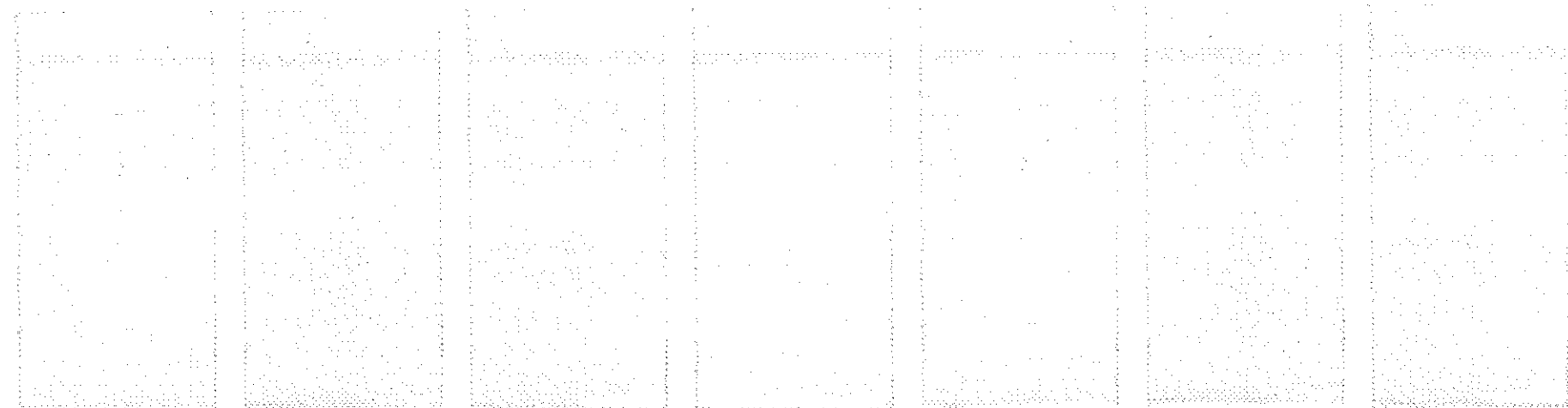
STEVE SMITH BA/PCD
4987 NORTH STATE ROAD 37
LAND USES

- Marine Sales - (One operation) limit outside display visible from highway 37 to 20 boats.
- Furniture & Appliance - greater than 7,500 gross square feet.
- Funeral Service
- Hotel/Motel
- Schools - Trade and Business
- Theaters (Not Drive-in)
- Building Trade Shops - Any outdoor storage to be screened from highway view.
- Mini Warehouses - This would include storage for boats.
- Research Laboratories
- Cultural Facilities
- Business & Professional Office
- Business Service
- Office Warehouse - Office orientation to the highway warehouse orientated to the rear.

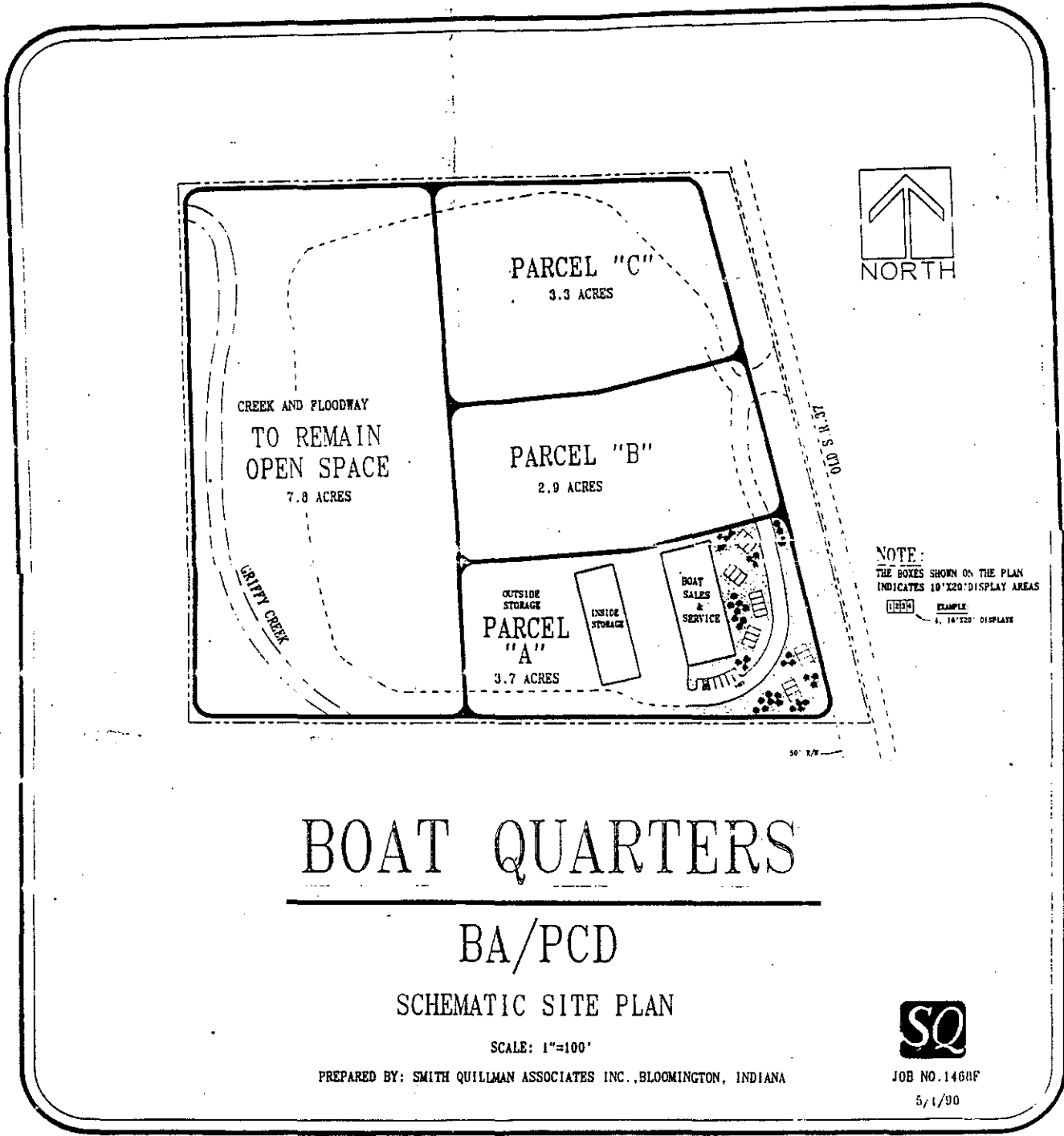
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CD

CD







SITE PLAN
 C4/20-6-90
 11

OUTSIDE
STORAGE
PARCEL
"A"
3.7 ACRES

INSIDE
STORAGE

BOAT
SALES
&
SERVICE

NOTE:
THE BOXES SHOWN ON THE PLAN
INDICATES 10'X20' DISPLAY AREAS



EXAMPLE:
4, 10'X20' DISPLAYS

SITE PLAN
2/20-6-90

50' R/W

QUARTERS