

ORDINANCE 88 - 49
To amend the Outline Plan
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 THE 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:

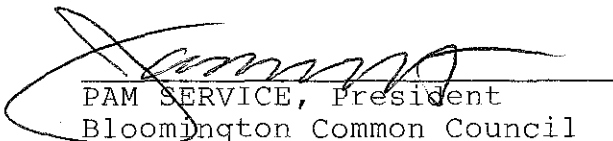
Part of the southwest quarter of the southwest quarter of Section 2, Township 8 North, Range 1 West lying in Perry Township, Monroe County, Indiana more particularly described as follows:

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, said 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 minutes 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 rights-of-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 16 day of Nov., 1988.


PAM SERVICE, President
Bloomington Common Council

ATTEST:

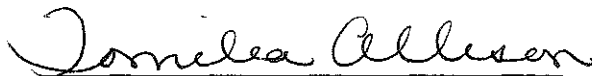
James R. Regester,
President Pro-Tem


PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City
of Bloomington, Monroe County, Indiana, upon this 17
day of Nov, 1988.


PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 21
day of Nov, 1988.


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 IC 36-7-4-605 I hereby certify that the attached Ordinance Number _____, is a true and complete copy of Plan Commission Case Number PCD-67-88 which was given a recommendation of approval by a vote of 9 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on September 12, 1988

Date: 9/22/88

Timothy A. Mueller
Planning Director

Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 30 day of September

Patricia Williams - Deputy
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 _____	Investments _____	Short-Term Borrowing _____
New Fees _____	Annexation _____	Other _____

Outline Plan Amendment

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

Cause of Request:

Planned Expenditure _____
Unforeseen Need _____

Emergency _____
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 x

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

The site is currently receiving city services.

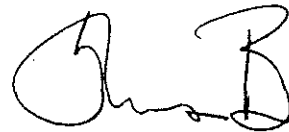
If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary)

Agency submitting legislation Planning Department

By Timothy Mueller Date 9/22/88

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 Bungler

REQUEST FOR WAIVER OF SECOND HEARING

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

SEPTEMBER 12, 1988

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.

COMMERCIAL TRADE CONTINUED

14. Schools (Trade and Business)
15. Telephone Exchanges
16. Theaters (Not Drive-In)

20.07.06.00 INDUSTRIAL

MANUFACTURING/PROCESSING

1. Research Laboratories
2. ~~Printing, Newspaper~~

20.07.07.00 INSTITUTIONAL

A. PUBLIC, QUASI-PUBLIC

1. Cultural Facilities
2. Lodge Halls
3. Public Assembly Halls
4. Religious Organizations
5. Civic Community Clubs

B. UTILITIES

1. ~~Communication, Transmission~~

C. MEDICAL FACILITIES

1. Clinics and Services
2. Doctor & Dentist Offices

A. COMMERCIAL, RETAIL

1. Amusements, outdoor
2. Amusements, indoor
3. Antiques
4. Apparel
5. Appliance Stores, Small
6. Arts and Crafts
7. ~~Auto Parts/Supplies, Van~~
8. Bakery #8
9. Bicycle Shops
10. Books, Newsstands
11. Dairy Products
12. Department/Discount Stores
13. Drugstore, Sundry
14. ~~Farm Equipment~~
15. ~~Farm Produce~~
16. Florist Shops
17. Furniture and Appliances
18. Gift Shop
19. ~~Grocery and Meats~~
20. Hardware
21. Jewelry
22. ~~Liquor Store~~
23. Pet Shop (Domestics)
24. Shopping Center
25. Sporting Goods
26. Used Merchandise
27. Variety Store

B. COMMERCIAL TRADE

1. Appliance Repair (Small)
2. ~~Auto Repairs #12~~
3. ~~Auto Wash~~
4. Business Service
5. Business and Prof. Office
6. Candy, Confectionary
7. Eating, Drinking (Restaurant - No Carry Out, Sit-Down with Table Service Only)
8. Furniture Repair
9. Laundry and Dry Cleaning #14
10. Personal Service
11. Printing (Job, Service)
12. ~~Radios and TV Sets~~
13. ~~Recreation~~

DELETE FROM APPROVED LIST

← LIMIT TO ONE
FOR ENTIRE 1.9 ACRE OUTLOT

A. COMMERCIAL, RETAIL

1. Apparel #9
2. Arts and Crafts #9
3. Bakery #8, 9
4. Bicycle Shops #9
5. Dairy Products #9
6. Drugstore, Sundry #9
7. Florist Shops #9
8. Gift Shop #9
9. Hardware #9
10. Jewelry #9
11. Variety Store #9

B. COMMERCIAL TRADE

1. Appliance Repair (Small) #9
2. Business and Professional Office
3. Candy, Confectionary #9
4. Laundry and Dry Cleaning #9, 14
5. Personal Service
6. Funeral Service

20.07.07.00 INSTITUTIONAL

A. PUBLIC, QUASI-PUBLIC

1. Cultural Facilities

C. MEDICAL FACILITIES

1. Doctor and Dentist Offices #9, 20

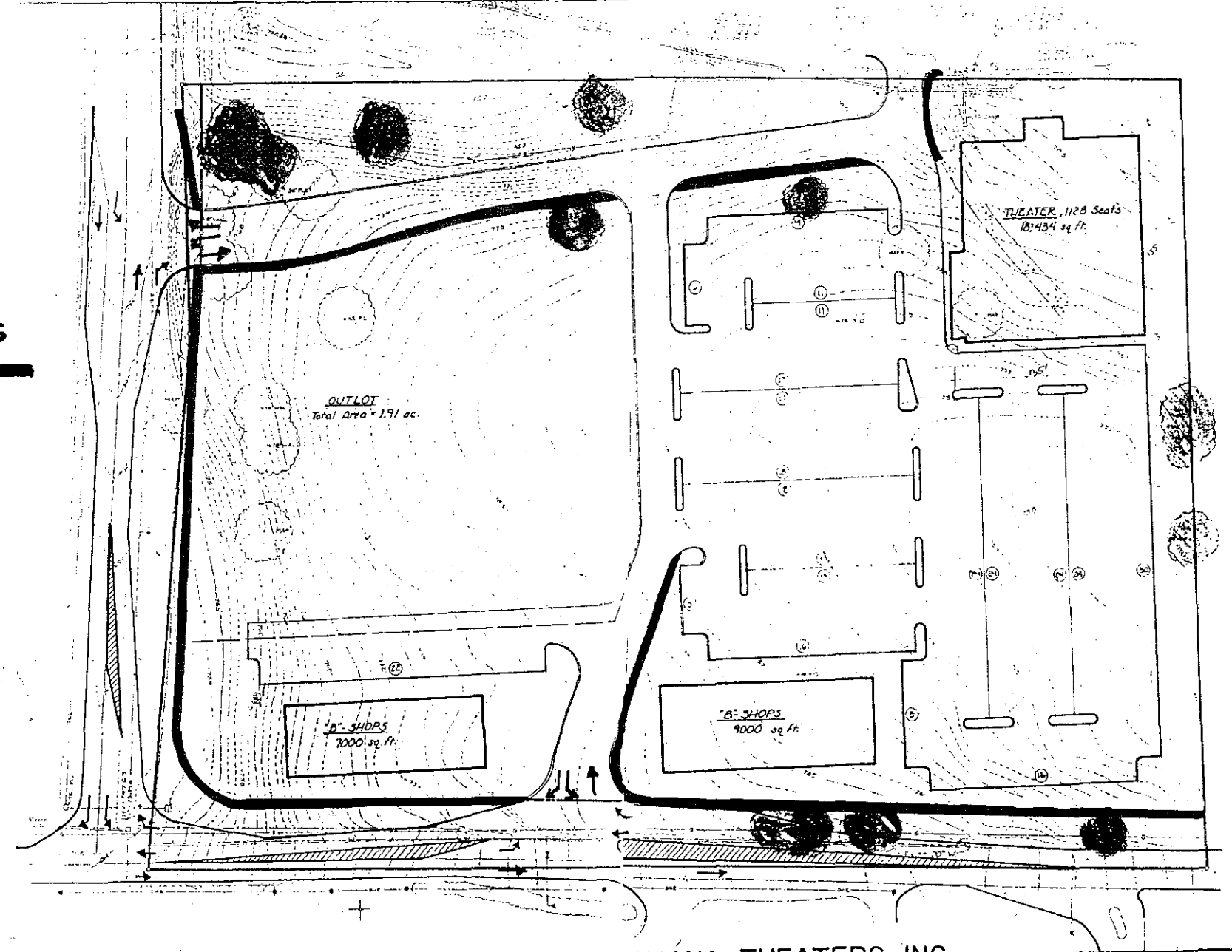
[illegible]

GENERAL
SLOPE 3
* ON E1 SL
"CV" IN A
1987 1204
"NORTH A"
BLANKET
SPECIFIC:
120.4 STA
* ON 3
IN ACC
1987 1
APPLY
SEED
IN DEC
STAN!

1. KERASOTES THEATRE

REVISED OUTLINE PLAN

Sidewalk
Locations



VEDACOTES INDIANA THEATERS INC

29