

ORDINANCE 86 - 59

To Amend the list of uses for the  
Planned Commercial Development  
RE: the Southeast Corner of Tenth Street  
and the 46 Bypass (Jerry Gates)

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, PCD-25-81, and recommended that the petitioner, JERRY GATES, be granted an amendment to an approved Planned Commercial Development outline plan that the Common Council consider their petition for amendment to said approved outline plan for 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 outline plan be amended for property located at the Southeast corner of East Tenth Street and the 46 Bypass, and more further described as:

A part of the Southeast quarter of Section 34, Township 9 North, Range 1 West, Monroe County, Indiana, bounded and described as follows: Beginning at the Northeast corner of said quarter in said Section 34 and in the Centerline of State Road 45, thence leaving said State Road centerline and running South along the East line of said Section for 374.14 feet and to the North right-of-way of the Illinois Central Railroad, thence with said railroad right-of-way North 80 degrees 03 minutes 54 seconds West for 425.02 feet and to a point where said railroad right-of-way intersects the East right-of-way of State Road 446 Bypass, thence leaving the railroad right-of-way and with said State Road right-of-way North 24 degrees 12 minutes 56 seconds West for 146.84 feet, thence North 30 degrees 00 minutes 28 seconds East for 158.64 feet, thence North for 23.07 feet and to a point where said Bypass right-of-way intersects the centerline of 10th Street or State Road 45, thence with said State Road centerline North 89 degrees 06 minutes 13 seconds East for 399.49 feet and to the point of beginning. Containing 3.36 acres, more or less. Subject to the right-of-way of State Road 446 Bypass running over and across the West side of the above-described real estate. Subject to the right-of-way of State Road 45 running over and across the North side of the above-described real estate. Subject to the right-of-way of the Illinois Central Railroad running along and adjacent to the South side of the above-described real estate.

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 amended for the above-mentioned Planned Commercial Development.

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 19 day of November, 1986.

James Regester  
JAMES REGESTER, President  
Bloomington Common Council

ATTEST:

Patricia Williams  
PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of  
Bloomington, Monroe County, Indiana, upon this 20 day of  
November, 1986.

Patricia Williams  
PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 20 day of  
November, 1986.

Tomilea Allison  
TOMILEA ALLISON, Mayor  
City of Bloomington

SYNOPSIS

Approval of this ordinance would amend the outline plan for  
this planned commercial development to add several new uses to  
the list of permitted uses. The 3.3 acre development at the  
southeast corner of East Tenth and the 46 Bypass is owned by  
Jerry Gates and still has some vacancies.

*approved  
Dennis  
Jerry Gates*

\*\*\*\*ORDINANCE CERTIFICATION\*\*\*\*

In accordance with IC 18-7-4-508, I hereby certify that the attached Ordinance Number 86- , is a true and complete copy of Plan Commission Case Number PCD-25-81 which was given a recommendation of approval by a vote of 6 Ayes, 0 Nays, and 1 Abstentions by the Bloomington City Plan Commission at a public hearing held on October 20 1986

Timothy A. Mueller  
Planning Director

Date: October 24, 1986

Tim Mueller, Secretary  
Plan Commission

Received by the Common Council Office this \_\_\_\_\_ day of \_\_\_\_\_,

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 _____	Investments _____	Short-Term Borrowing _____
New Fees _____	Annexation _____	Other _____

Change to the outline plan (list of uses change).

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 X

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

The property 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 October 24, 1986

PCD-25-81 Jerry Gates  
October 20, 1986  
STAFF REPORT

This development was approved in 1980 as a Planned Commercial Development. The PCD format involves approval of an agreed upon list of permitted uses customized for the specific development. Thereafter, the list governs; uses not on the approved list are not permitted.

The approved plan evolved from an initial request for about 10 acres with a broad list of uses, essentially a full scale strip shopping center with discount department stores and supermarkets among the permitted uses. The subsequent proposal which was approved in 1980 was 3+ acres and a carefully considered list of uses designed to exclude those commercial uses having high trip generation rates and those which might attract children from University School.

The school concern is obvious. Present plans retain University Elementary until 1991. The middle school is gone. ~~Traffic concerns are based on the extreme congestion being experienced on the Bypass, and to a lesser extent, on tenth. Tenth, a State Road, is not a priority for improvement.~~ Considerable intense zoning yet to be developed exists along 10th: the Post Office site and lots of apartment land. Staff has advocated caution to avoid creating a need to improve 10th at the expense of more pressing existing priorities.

The State considered 4-lane improvements to the Bypass, then downgraded plans to improvement to the 2 lanes, then decided not to do anything. We should continue to push them for the more major improvement, but as of now it is not in their plans.

Of particular concern here is the volume of southbound traffic on the Bypass turning left into the center. The length of the left turn phase of the signal affects capacity of other movements at the intersection. This concern may seem petty in the context of the use of a few storefronts, but is quite relevant in terms of the size and use of the center as a whole. The scale down from the original 10 acres and the use limitation was fundamental to the approval by Commission and Common Council.

The requested change would include 4 new uses with potentially high traffic generation per unit floor area. The trips generated by these four are not likely to materially affect the 10th and the Bypass intersection by themselves. However, the overall shopping center characteristics could, and staff continues to believe that the original approval premise of low traffic uses was sound and should be maintained.

Specific traffic generation information will be presented at the hearing. Staff has no objection to the waiver of 2nd hearing requested by the petitioner.

List of Uses  
Approved in 1980  
by Plan Commission

Petitioner's  
Requested Additional  
Uses - 1984

Additions and Deletions  
Approved by Plan Commission  
November, 1984

1. Townhouses attached to retail/office buildings and upper floor apartments
2. Arts and Crafts Businesses
3. Bicycle Shops
4. Florists Shops
5. Gift Shops
6. Jewelry Shops
7. Appliance Repair (small)
8. Business and Professional Offices
9. Personal Service Businesses
10. Cultural Facilities
11. Furniture Store
12. Appliance Store (large)
13. Home decor/accessory store (lamps, windows, flooring, bath, kitchen, etc.)
14. Movie Theatre
15. Antiques
16. Specialty School/Daycare
17. Research Lab
18. Funeral Home
19. Church

SUPPORTED BY STAFF

1. Appliance Store (small)
2. Books/Newstands
3. Pet Shops
4. Printing
5. Business Service
6. Loan Office/Finance Co.
7. Schools (Trade & Bus.)
8. Musical Instruments
9. Computer Hardware & Software

NOT SUPPORTED BY STAFF

1. Apparel (not to exceed 3000 sq. ft.)
2. Hardware (not to exceed 3000 sq. ft.)
3. Sporting Goods
4. Dry Cleaning
  
5. Auto Parts/Supplies (new)
6. Deli, Carry Out with no inside seating
7. Pizza, Carry Out and delivery w/no inside seating
8. Video Sales and Rental

APPROVED

- Appliance Store (small)
- Books/Newstands
- Pet Shops
- Printing
- Business Service
- Loan Office/Finance Co.
- Schools (Trade & Bus.)
- Musical Instruments
- Computer Hardware & Software (excluding video sales)

- Apparel (not to exceed 3000 sq. ft.)
- Hardware (not to exceed 3000 sq. ft.)
- Sporting goods
- Dry Cleaning

DENIED

- Auto Parts/Supplies (new)
- Deli, Carry Out with no inside seating
- Pizza, Carry Out and delivery with no inside seating
- Video Sales and Rental

# TENTH & THE BYPASS

Phone (812) 33-GATES

Jerry W. Gates, Partner  
2600 E. Tenth Street  
Bloomington IN 47401

September 18, 1986

Plan Commission  
City of Bloomington  
Municipal Building  
Bloomington IN 47402

Ladies and Gentlemen,

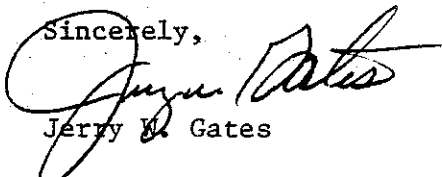
Tenth & The Bypass desires to expand the existing named uses imposed. Our appeal and request is directly to the Plan Commission Members.

Tim Mueller has been against this development from the beginning and a negative presentation is expected. However, Tenth & The Bypass feels that it is an asset to the City of Bloomington and our neighbors. It is an attractive development which has received many favorable comments. It has not presented a traffic problem or drainage problem, nor has it been an attractive nuisance for children. In fact none of the problems planning portrayed as inevitable have occurred.

We have had requests from the following businesses and desire to have our uses expanded to include the following:

1. Deli
2. Audio - Video Equipment and Tape Rentals
3. Pizza
4. Laundry

Sincerely,



Jerry W. Gates

JWG/jg

