

roll call vote 3-6

filed

ORDINANCE 10-08

**TO AMEND THE BLOOMINGTON ZONING MAPS
FROM QUARRY (QY) TO RESIDENTIAL MULTIFAMILY (RM) -
Re: 3020 and 3040 S. Rockport Road
(Rockport Road Trust LLC, Petitioner)**

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning", including the incorporated zoning maps, and incorporated Title 19 of the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-01-01; recommended that the petitioner, Rockport Road Trust, be *denied* this request to rezone the property from Quarry (QY) to Residential Multifamily (RM); and, 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 20.09.160 of the Bloomington Municipal Code, the property located at 3020 and 3040 S. Rockport Road shall be rezoned from Quarry (QY) to Residential Multifamily (RM). The property is further described as follows:

A part of the Northwest quarter of Section 17, Township 8 North, Range 1 West, bounded as follows, to-wit: Commencing at a point in the centerline of Rockport Road 389 feet Southwest of the intersection of Tapp Road and Rockport Road; thence west 436 feet to an iron stake; thence South 260 feet to an iron stake; thence East 261 feet to the centerline of Rockport Road; thence Northeast 321 feet to the place of beginning. Containing 2 acres, more or less.

Also, a part of the Northwest quarter of Section 17, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at a point that is 1308.39 feet East and 264.22 feet South of the Northwest corner of the said quarter section, said point being in the centerline of Rockport Road; thence over and along the said road centerline South 35 degrees 48 minutes 47 seconds West for 61.66 feet; thence leaving the said road centerline and running West for 436.00 feet; thence South for 260.00 feet; thence East for 251.93 feet and to the aforementioned centerline of Rockport Road; thence over and along the said road centerline South 35 degrees 17 minutes 49 seconds West for 355.32 feet; thence leaving the said road centerline and running West 374.17 feet; thence North for 600.00 feet; thence East for 799.63 feet and to the point of beginning. Containing 6.00 acres, more or less.

SECTION 2. 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 3. 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 _____, 2010.

ISABEL PIEDMONT-SMITH, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this
_____ day of _____, 2010.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2010.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance brings forward a rezoning petition that received a negative recommendation from the Plan Commission. If adopted, the ordinance would approve the rezoning of 8.03 acres of land at 3020 and 3040 S. Rockport Road from Quarry (QY) to Residential Multifamily (RM). In addition, the petition includes a proposed recordable zoning commitment that addresses the timing of future development, environmental protection and site improvements.

Note: The Council adopted Am 01 on August 4, 2010 to correct the name of the RM designation from "Residential Medium Density" to "Residential Multifamily."