

ORDINANCE OF THE CITY OF BLOOMINGTON  
COUNTY OF MONROE, STATE OF INDIANA

ORDINANCE NO. 75-13

AN ORDINANCE TO AMEND THE BLOOMINGTON  
ZONING MAPS, DATED JUNE 22, 1973

WHEREAS, the Common Council of the City of Bloomington, Indiana passed a zoning ordinance amendment and adopted new incorporated zoning maps on June 21, 1973, and

WHEREAS, said zoning ordinance and maps are now incorporated in the "Bloomington Municipal Code" as Title 20 of said Code, and

WHEREAS, the City Plan Commission has recommended said Bloomington Zoning Maps be amended by the rezoning of certain property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, UNDER AUTHORITY OF CHAPTER 174 OF THE 1947 ACTS OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ALL ACTS SUPPLEMENTARY AND AMENDATORY THERETO:

SECTION 1. That the incorporated map number 13, of June 22, 1973 be amended to rezone the following described land in the two-mile fringe unincorporated area which is contiguous to the City of Bloomington and which is under the jurisdiction of the City Plan Commission from its present BA - Business Arterial Classification to an ML - Light Manufacturing zoning district, excepting that portion of the property which is presently zoned SC - Special Conservation, to wit:

A part of the South one half of the Northwest quarter of Section 9, Township 8 North, Range 1 West, Monroe County, Indiana, bounded and described as follows: Beginning at a point on the North line of said South one half of the Northwest quarter that is 698.50 feet East of the Northwest corner of said South one half of the Northwest quarter; thence continuing along said North line of said South one half of the Northwest quarter and running East for 150.00 feet; thence leaving the North line of said South one half of the Northwest quarter and running South  $09^{\circ} 35' 30''$  East for 144.00 feet; thence West for 150.00 feet; thence North  $09^{\circ} 35' 30''$  West for 144.00 feet and to the point of beginning, containing 0.49 acre, more or less.

SECTION 2. That this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Passed and adopted by the Common Council of the City of Bloomington, Indiana on 24<sup>th</sup> day of April, 1975.



Brian C. De St. Croix, President  
Common Council

ATTEST:

Karel Dolnick  
Karel Dolnick, City Clerk

ATTEST:

Presented by me to the Mayor of the City of Bloomington, Indiana on the 4<sup>th</sup> day of April, 1975.

Karel Dolnick  
Karel Dolnick, City Clerk

This ordinance approved and signed by me on the 29th  
day of April, 1975, at the hour of 9  
o'clock A. m.

Francis X. McCloskey  
Francis X. McCloskey, Mayor  
City of Bloomington, Indiana

ATTEST:

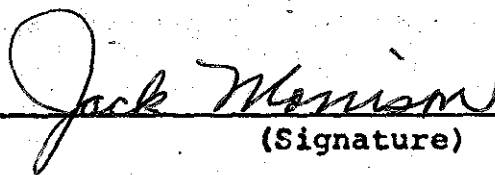
Karel Dolnick  
Karel Dolnick, City Clerk

I HEREBY MOVE THAT ORDINANCE

75-13

BE INTRODUCED AND READ AT FIRST READING AT THE

COUNCIL MEETING ON March 19, 1975

  
\_\_\_\_\_  
(Signature)

ORDINANCE OF THE CITY OF BLOOMINGTON  
COUNTY OF MONROE, STATE OF INDIANA

ORDINANCE NO. 75

AN ORDINANCE TO AMEND THE BLOOMINGTON  
ZONING MAPS, DATED JUNE 22, 1973

WHEREAS, the Common Council of the City of Bloomington, Indiana passed a zoning ordinance amendment and adopted new incorporated zoning maps on June 21, 1973, and

WHEREAS, said zoning ordinance and maps are now incorporated in the "Bloomington Municipal Code" as Title 20 of said Code, and

WHEREAS, the City Plan Commission has recommended said Bloomington Zoning Maps be amended by the rezoning of certain property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, UNDER AUTHORITY OF CHAPTER 174 OF THE 1947 ACTS OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ALL ACTS SUPPLEMENTARY AND AMENDATORY THERETO:

SECTION 1. That the incorporated map number 13, of June 22, 1973 be amended to rezone the following described land in the two-mile fringe unincorporated area which is contiguous to the City of Bloomington and which is under the jurisdiction of the City Plan Commission from its present BA - Business Arterial Classification to an ML - Light Manufacturing zoning district, excepting that portion of the property which is presently zoned SC - Special Conservation, to wit:

A part of the South one half of the Northwest quarter of Section 9, Township 8 North, Range 1 West, Monroe County, Indiana, bounded and described as follows: Beginning at a point on the North line of said South one half of the Northwest quarter that is 698.50 feet East of the Northwest corner of said South one half of the Northwest quarter; thence continuing along said North line of said South one half of the Northwest quarter and running East for 150.00 feet; thence leaving the North line of said South one half of the Northwest quarter and running South 09° 35' 30" East for 144.00 feet; thence West for 150.00 feet; thence North 09° 35' 30" West for 144.00 feet; and to the point of beginning, containing 0.49 acre, more or less.

SECTION 2. That this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Passed and adopted by the Common Council of the City of Bloomington, Indiana on \_\_\_\_\_ day of \_\_\_\_\_, 1975.

\_\_\_\_\_  
President  
Common Council

ATTEST:

\_\_\_\_\_  
Grace Johnson, City Clerk

ATTEST:

Presented by me to the Mayor of the City of Bloomington, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 1975.

BLOOMINGTON PLAN DEPARTMENT STAFF REPORT

Hearing Dates:

Case No. 20-3-75

Preliminary Hearing 2/4/74

Final Hearing 2/24/75

TAC Hearing \_\_\_\_\_

1. Basic Requirements:

(a) Proof of legal notice X;

(b) Notification of adjacent property owners X;

(c) Filing fee paid.

2. General Information:

(a) Nature of Request--

Change of Zone BA to ML

PUD \_\_\_\_\_

Site Plan.... \_\_\_\_\_

Permit..... \_\_\_\_\_

(b) Popular Description 1820 1/2 South Walnut

3. Name of Petitioner Ronald J. Killion

Represented by \_\_\_\_\_

4. Streets Involved:

(a) North-South S. Walnut Classification Principle Arterial

(b) East-West \_\_\_\_\_ Classification \_\_\_\_\_

5. Public Facilities:

(a) Schools not applicable

(b) Parks not applicable

6. Principal Questions Presented (Staff):

Subject property is adjacent to Hoosier Drywall site which was recently rezoned from BA to ML. The principal questions in the two cases are virtually the same, therefore, the two properties could have been considered jointly if the Plan Commission had been so petitioned.

PLAN COMMISSION  
STAFF REPORT  
FEBRUARY 25, 1975

20-3-75 Ronald Killion, 1820 1/2 S. Walnut

The applicant has requested rezoning from BA (Business Arterial) to ML (Light Manufacturing) for property identified on the attached maps. The property is contiguous to the Hoosier Dry Wall site which was recently rezoned from BA to ML. The Staff feels that the principal questions in the two cases are virtually the same and that the two properties could have been considered jointly if a single property owner had been involved. The Staff recommendation for 20-3-75 is identical to that for the Hoosier Dry Wall case, that is, to recommend rezoning of the Killion property to ML-Light Manufacturing, with the exception of any portion of the property which is currently classified as SC-Special Conservation. The Staff feels that the entire SC zone in the area should remain intact.

WAREHOUSE CARPET CENTER  
1820 1/2 So. Walnut  
BLOOMINGTON, INDIANA 47401

20-3-75  
Petitioner's  
Statement

Jan. 27, 1975

City Planning Commission  
Municipal Building  
E. Third Street  
Bloomington, Indiana 47401

Attn: Kay Organ

To The City Planning Commission:

I respectfully submit a request to change the zoning classification of the subject property from Business Arterial (BA) to Light Manufacturing (ML) for the reason that this property is surrounded by properties that are already zoned Light Manufacturing or are being used as Light Manufacturing.

During the City's recent rezoning we feel that this area should have all been zoned in the ML classification due to the characteristics of the area and the uses to which the lands were being put.

At the present time I am operating a carpet retail business and a warehouse. I am constructing a new retail outlet and warehouse on Walnut Street just east of the subject property. I now have the opportunity to sell the subject property but the new owner requires a Light Manufacturing classification.

Very truly yours,

*R. J. Killion*  
Ronald J. Killion

P.S. Enclosed please find a legal description of the subject property.

encl.

RJK/rjm

REZONING REQUEST INFO

The following points should be considered in a rezoning request. (Although all of these points will not be appropriate for any single request.)

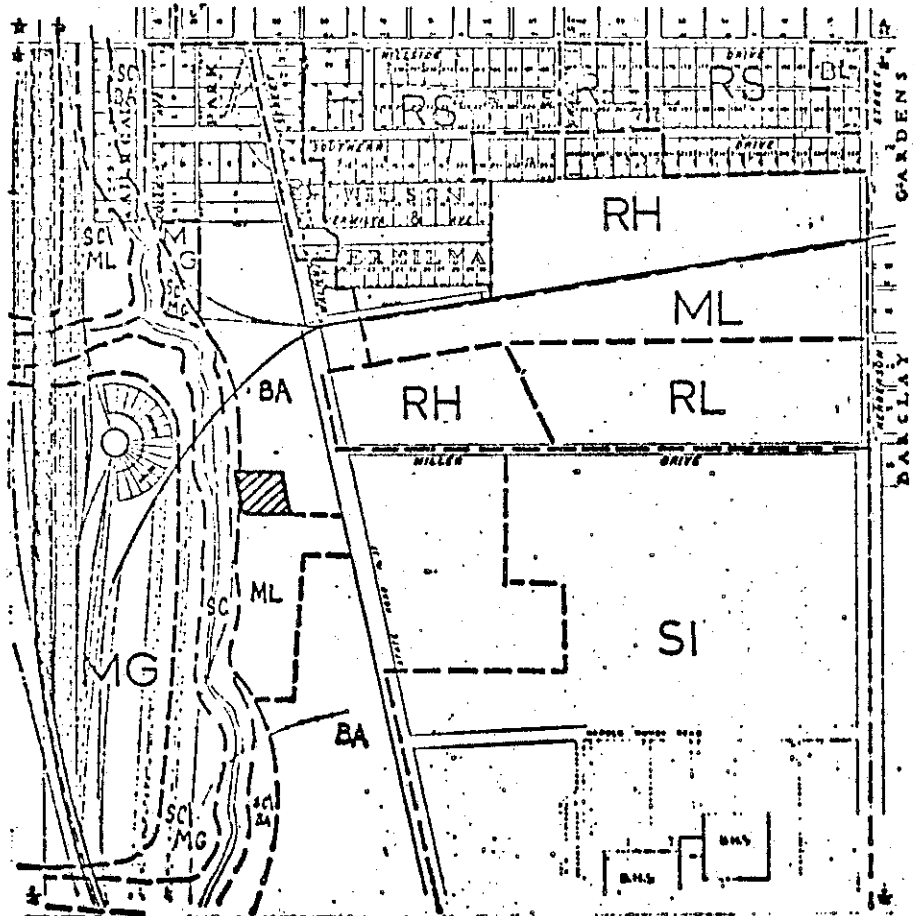
1. What does the master plan show for the area? Is current zoning in accordance with plan? Is proposed amendment in accordance with plan?  
Because of accessibility to rail transportation, the JJR maps show an area on both sides of the railroad tracks as general industrial. The frontage property along South Walnut is shown as commercial. The subject property lies in the middle of the two use areas. Redrawing of the zoning boundary to include the subject property within the existing ML zone would not conflict with the Master Plan for the area, which is conceptual in nature.
2. Is surrounding zoning (and land use) compatible with proposed change.  
The subject property is bounded on the West by a conservation zone (SC/MG and SC) protecting Clear Creek. West of the conservation area is an MG zone incorporating the railroad property. Zoning to the South of the site was recently reclassified to ML. Zoning on the remaining two sides is BA. Land uses fronting on South Walnut are predominantly Business Arterial in character with the exception of Sims Motor Transport Lines to the North and the Herald Telephone to the South which could be classified as light manufacturing uses. The Hoadley Stone Mill to the South, has been used in recent years for warehousing, wholesaling, and light manufacturing uses. The proposed rezoning would not be incompatible with surrounding zoning and land use and, in fact, would constitute a logical transition from BA uses fronting on South Walnut to the MG nature of the railroad yards to the West.
3. Is the area developed with non-conforming uses and would the change requested make the area more conforming?  
As noted in #2, Sims and the Herald Telephone may be non-conforming uses. However, the area under consideration for rezoning does not include them and therefore the issue of non-conforming uses is not really addressed by this petition.
4. Is the original or existing zoning a mistake from the beginning?  
The Staff is of the opinion that the existing zoning is in error. The existing zone classification as BA does not reflect the predominantly industrial usage currently in existence.
5. Does the existing zoning prohibit the owner from practical use of his land? Note: This test only determines the reasonableness of present zoning, not the merit of the requested change.  
No. A number of uses would be permitted in the existing BA zone. However, plans for use of the site include fabrication of products and thus would require ML zoning.
6. Has there been a change of conditions since the establishment of the existing zone? In such a case any requested change in zone must be based upon a benefit to public health, safety, and welfare not upon economic expediency.  
No.

REZONING REQUEST INFO

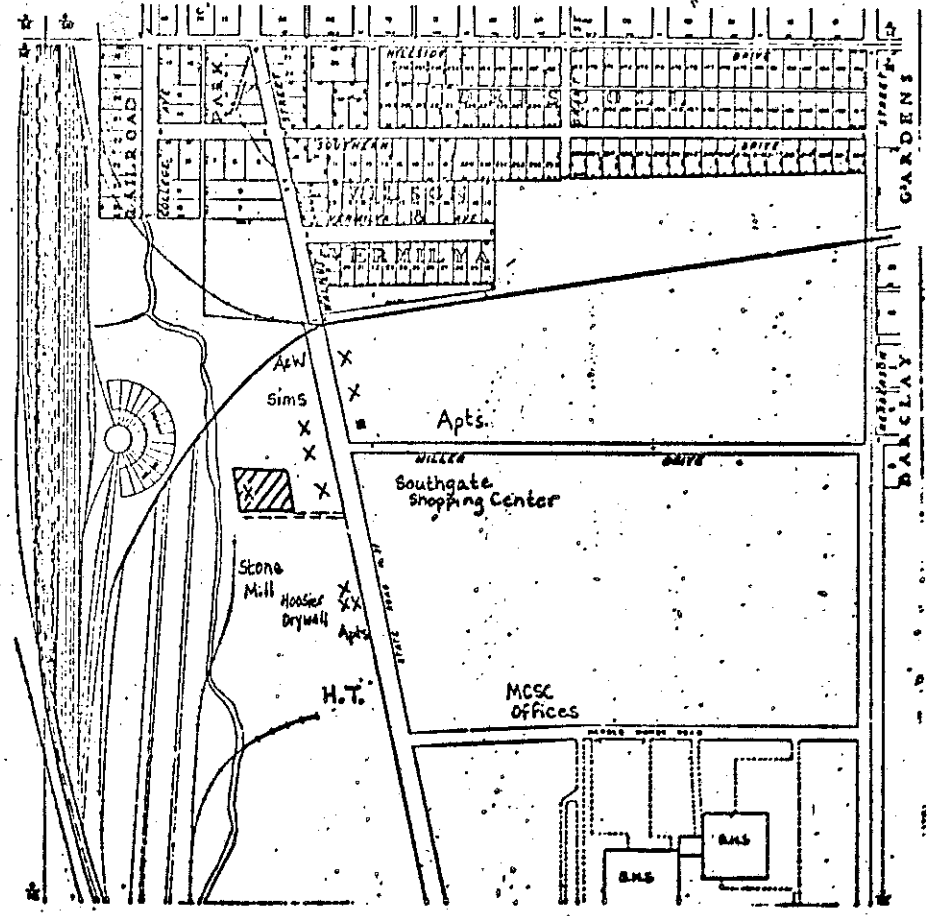
Proposed zoning changes should be evaluated with regard to its community impact.

1. Are there any additional problems which the rezoning proposal will create upon existing streets and utilities and can these problems be satisfactorily solved?  
The volume of traffic generated by ML uses should be less than that generated by retail stores. It can also be expected that the volume of freight required by ML uses should be less than that needed to support MG uses. Therefore, the Staff feels that the proposed rezoning would not create any additional problems upon SR 37. The proposed rezoning should have no effect upon City water and sewer facilities. Adequate provisions for safe ingress and egress to SR 37 will be considered during site plan review.
2. Is the proposed change in accordance with proposed street and utility plans for the area? This item becomes very important if the first question can only be answered negatively.  
N/A
3. What effect would the proposed rezoning have upon the existing development pattern?  
Relatively little.
4. Is the boundary of the proposed change the most natural permanent boundary?  
On the western side, Clear Creek would be a logical zone boundary. The uses fronting on South Walnut form the eastern boundary. The southern boundary is open. The northern boundary is currently established by use.
5. What is the effect of the proposed change upon the development pattern of the community?  
The general development pattern is already well established in the area. The proposal would not substantially alter the pattern.
6. Will the proposed change stimulate additional rezoning requests in the area?  
It was anticipated by the Staff during review of the Hoosier Drywall case that additional ML uses might be proposed in the area. The Commission may choose to re-study the area in order to determine the most logical northern and southern boundaries.
7. What is the amount and quality of currently zoned land available for the proposed use in the area?  
N/A
8. What, if any, are alternative potential uses for the property?  
Any uses permitted in the present BA zone classification.

PLAN COMMISSION  
20-3-75  
EXISTING ZONING



PLAN COMMISSION  
20-3-75  
LAND USE



Plan Commission Date of Meeting February 4 '75	Roll Call	Approval of Minutes	Change of meeting to 2/25/75		Place ZO-3-75 on agenda			
DEES	X							
PRYOR	✓		✓	✓	✓			
ROYAL	✓		✓	✓	✓			
ISTRABADI	✓		✓	✓	✓			
STURBAUM	✓		✓	✓	✓			
GRAY	✓		✓	✓	✓			
O'BRIEN	✓		✓	✓	✓			
MIZELL	<i>Late</i> X✓		—	—	—			
DUNLAP	✓		✓	✓	✓			
D'ESOPPO	✓		✓	✓	✓			
BLUME	<i>Late</i> X✓		—	✓	✓			
SNODDY	✓							

Request for interpretation of BL zone  
tabled until review of BL zone completed



In the Council Chambers, Municipal Building,  
Bloomington, February 4, 1975

PLAN COMMISSION

Members present: Pryor, Royal, Istrabadi,  
Sturbaum, Gray, O'Brien, Mizell, Dunlap,  
D'Esopo, Blume, Snoddy  
Members absent: Dees

ROLL CALL

Mr. Crossman reviewed the meeting dates of the  
Commission. Mr. O'Brien moved and Mr. Istrabadi  
seconded a motion to change the February 24 meeting  
to February 25. The motion passed unanimously.

COMMUNICATIONS, REPORTS  
AND RESOLUTIONS

Resolution No. 1-75 commending William Morrow for his  
service on the Plan Commission was read and the resolu-  
tion was passed unanimously by voice vote. Ms. Gray  
indicated the Commission would miss his technical ex-  
pertise, his wisdom, and his wit.

A request for interpretation of the permissibility of  
locating a retail fabric store in a BL zone was then  
discussed. Mr. Reller presented the staff report which  
recommended that this request be tabled until the re-  
view of the BL zone has been completed.

Tabled pending review  
of BL zone

Mr. O'Brien moved and Mr. Sturbaum seconded a motion to  
table this request pending such review. The motion  
passed unanimously. The petitioner was notified of the  
meeting and their right to appear; the petitioner was  
not present.

ZO-3-75 - Ronald J. Killion, 1820 1/2 S. Walnut. Request  
for rezoning from BA to ML. Mr. Reller presented the  
request and the staff report. Mr. Brian represented the  
petitioner. Mr. O'Brien noted that he thought there were  
ingress-egress problems. Mr. Reller said that staff would  
prepare mylars for the next meeting. Mr. O'Brien moved  
and Ms. Pryor seconded a motion to place this request on  
the agenda. The motion passed unanimously.

ZO-3-75  
Placed on agenda

Ms. Gray announced that the Commission was ready to adjourn  
the public hearing and go into a public work session to dis-  
cuss the BL zoning districts.

Mr. O'Brien moved and Ms. D'Esopo seconded a motion to  
adjourn. The motion passed and the Commission remained in  
Chambers for the public work session.



In the Council Chambers, Municipal Building,  
Bloomington, Indiana, February 25, 1975

Members present: Pryor, Royal, Istrabadi, Sturbaum,  
Gray, O'Brien, Mizell, Dunlap, D'Esopo, Blume, Snoddy

Members absent: Dees

Mr. Crossman reported that a Zoning Administrator,  
David Rafter, has been hired and that he will begin  
work March 17, 1975.

SP-4-75 - Ed Graves, SW corner of Knightridge Rd. and  
East Third. The request for site approval for a devel-  
opment involving more than two structures was presented  
by Mr. Keller, who then introduced Mr. Graves. Mr.  
Graves presented the site plan in some detail, explain-  
ing that the projected complex will have seventeen  
buildings, an arboretum, and will be completed in 3  
years. A third would be done each of the next 3 years.  
The total project cost will be \$1,800,000. It will be  
owned by a limited partnership of artists who will  
create and sell their work on the site. In addition  
they will teach underprivileged children at no cost, as  
well as senior citizens, and others.

Mr. Mizell asked about water run-off from the west.  
Mr. Graves indicated there is a projected pond which  
will be surrounded by the arboretum.

Mr. O'Brien moved and Ms. Pryor seconded a motion to  
place this request on the agenda following review by  
TAC. The motion passed unanimously.

ZD-3-75 - Ronald Killion, 1820 1/2 S. Walnut.  
Mr. Keller presented this request for rezoning from  
BA to ML. He pointed out that this property is con-  
tiguous to the Hoosier Dry Wall site which was recently  
rezoned from BA to ML. The Staff recommendation was to  
rezone to ML except for any portion of the property  
which is currently classified as SC-Special Conserva-  
tion.

Mr. Brian and Mr. Anderson were present.

Mr. O'Brien moved and Ms. Dunlap seconded a motion to  
approve the request. The motion passed unanimously.

Mr. Crossman asked the Commission to take action on  
the Entrance Corridor Ordinance. Considerable discus-  
sion ensued concerning what appropriate action should  
be taken. A motion was made to revoke the original  
action, but this motion was then withdrawn. Mr. O'Brien  
then moved and Mr. Mizell seconded a motion for the  
Commission to hold public hearing on the revised Ordinance.

The motion passed unanimously. This hearing will probably  
take place on March 24, dependent on preparation of the  
final draft by the staff.

The meeting was then recessed for a public work session on  
proposed amendments to the BL (Limited Business) zone.

PLAN COMMISSION

ROLL CALL

COMMUNICATIONS, REPORTS,  
AND RESOLUTIONS  
(continued below)

SP-4-75  
Placed on agenda after  
TAC review

ZD-3-75  
Approved

COMMUNICATIONS, REPORTS,  
AND RESOLUTIONS

Plan Commission Date of Meeting 2/25/75	Roll Call	Approval of Minutes	SP-4-75	ZD-3-75	*				
DEES									
PRYOR	✓	✓	✓	✓	✓				
ROYAL	✓	✓	✓	✓	✓				
ISTRABADI	✓	✓	✓	✓	✓				
STURBAUM	✓	✓	✓	✓	✓				
GRAY	✓	✓	✓	✓	✓				
O'BRIEN	✓	✓	✓	✓	✓				
MIZELL	✓	✓	✓	✓	✓				
DUNLAP	✓	✓	✓	✓	✓				
D'ESOPO	✓	✓	✓	✓	✓				
BLUME	✓	✓	✓	✓	✓				
SNODDY	✓								
						Motion to place on agenda after TAC has reviewed it.			
						Motion to approve request.			
						Motion for the Commission to hold public hearing on the revised Entrance Corridor Zoning Ordinance.			

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