

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

ORDINANCE NO. 74-63

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. As specified in zoning case Z0-30-74.

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 12, of June 22, 1973, be amended to rezone the following described land in the City of Bloomington, Monroe County, Indiana from its present RL- Residential Low Density zoning classification to a BA- Business Arterial zone; to-wit:

A part of the Southeast quarter of the Northeast quarter of Section Eight (8), Township Eight (8) North Range One (1) West, in Monroe County, Indiana, bounded and described as follows, to-wit: Beginning at a point that is Seven Hundred Seventy-five and five tenths (775.5) feet West and Six Hundred Ninety-eight and sixteen hundredths (698.16) feet North of the Southeast corner of the said quarter quarter and in the center of the South Rogers Street Road; thence running North one (1) degree-fifteen (15) minutes West over and along the center line of the said South Rogers Street Road for Two Hundred Eight and seventy-five hundredths (208.75) feet; thence running North eighty-six (86) degrees-thirty (30) minutes East for Two Hundred Eight and seventy-five hundredths (208.75) feet; thence running South one degree fifteen (15) minutes East for Two Hundred Eight and seventy-five hundredths (208.75) feet; thence South eighty-six (86) degrees-thirty (30) minutes West for Two Hundred Eight and seventy-five hundredths (208.75) feet and to the place of beginning. Containing in all One (1) 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 19th day of September 1974.

James S. Acherman
President
Common Council

ATTEST:

Grace E. Johnson
Grace Johnson, City Clerk

ATTEST:

Presented by me to the Mayor of the City of Bloomington, Indiana on the 23rd day of September, 1974.

Grace E. Johnson
Grace Johnson, City Clerk

This ordinance approved and signed by me on the 23
day of September, 1974, at the hour of 4:30
o'clock p. m.

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

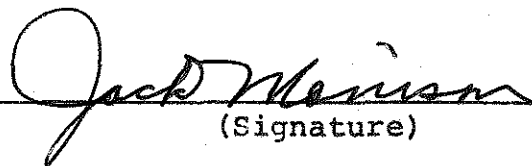
ATTEST:

Grace Johnson
Grace Johnson, City Clerk

I HEREBY MOVE THAT ORDINANCE 74-63

BE INTRODUCED AND READ AT FIRST READING AT THE

COUNCIL MEETING ON September 5, 1974



(Signature)

Questions raised by proposed change of zone for that tract of land owned by the Golden Imperial, Inc., generally located at 2011 S. Rogers St.

1. What does the master plan show for the area? Is current zoning in accordance with the plan? Is the proposed amendment in accordance with the plan?

The J.J. & R plan noted the existence of some commercial uses in the area, but did not designate it for commercial expansion. The general area around the service station is designated residential or environmental protection. The current RL zone is in accordance with the plan, but the proposed BA zoning is not.

2. Is surrounding zoning (and land use) compatible with the proposed change?

See attached zoning and land use maps. Almost all of the developments within the immediate vicinity of the service station are single family residences. The undeveloped parcel of land between the service station and the Railroad has been under consideration as a mobile home park. The zoning is RS to the west and RL on the other 3 sides. A rezoning to BA would be a spot zone.

3. Is the area developed with non-conforming uses and would the change requested make the area more conforming?

In addition to the service station, other non-conforming uses are a Nite-Owl store, a small clothing shop, and 600 ft. to the North, a fruit stand. A BA zone would not be necessary to make the Nite-Owl and clothing shop conforming since they could be permitted in a BL zone.

4. Is the original or existing zoning a mistake from the beginning?

The service station is a pre-existing use, and if an intention of the new zoning maps was to reflect already existing uses, then the zoning was a mistake. However, if commercial expansion of the area was considered inappropriate, then down zoning was correct.

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.

The service station has been at that location for a number of years prior to the adoption of the Zoning Ordinance. Continuance of the business as a non-conforming use would not permit the extensive remodeling considered necessary by the owners to remain competitive. However, economic expediency is not the test of reasonableness. Minor improvements could be made, even as a non-conforming use.

6. Has there been a change of conditions since the establishment of existing zone?

No.

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 site is already developed as a service station and has been for some time. Remodeling the facility should not materially alter traffic patterns in the area. However, a rezoning to BA would not exclude the possibility of replacement of the service station with a different use which would generate excessive traffic.

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.

Traffic in the area could be a problem if a different use on the site in the future would significantly increase the traffic flow along S. Rogers St. and Rockport Rd. Congestion at the intersection of those two roads could affect vehicular safety during rush hours.

3. What effect would the proposed rezoning have upon the existing development?

The rezoning would probably have little effect on the existing residential development on the West side of S. Rogers St. However, there is a large tract of undeveloped land adjacent to the site. Rezoning the service station could affect the residential potential of the tract.

4. Is the boundary of the proposed change the most natural permanent boundary?

The proposed rezoning would be, in effect, a spot zoning. No natural boundaries which could prevent commercial expansion are apparent.

5. What is the effect of the proposed change upon the development pattern of the community?

Perhaps some argument could be offered for the desirability of a neighborhood serving convenience shopping center at the intersection of S. Rogers and Rockport Rd. However, there is little justification for a BA zone for the area.

6. Will the proposed change stimulate additional rezoning requests in the area?

There is a strong possibility that a change of zone would stimulate similar rezoning requests in the area. For example, it would be difficult to deny a rezoning for the adjacent Nite-Owl site, if the owners decided to petition for such a change.

7. What is the amount and quality of currently zoned land available for the proposed use in the area?

There is no commercially zoned land in the neighborhood of the site.

PLAN COMMISSION
STAFF RECOMMENDATION
ZO-30-74
August 26, 1974

GOLDEN IMPERIAL, INC., 2011 S. Rogers St.

Evaluation of this rezoning request has resulted in a number of points which the Staff viewed as critical in arriving at a recommendation. Those points are as follows:

1. There has been no material change in conditions in the area since the new Zoning Ordinance was adopted.
2. The Master Plan did not designate the area for future commercial development.
3. The Nite-Owl could be made conforming by adopting a BL rather than a BA zone.
4. Approval of the request would constitute a spot zone and would very likely stimulate similar requests in the area.
5. The present non-conforming status of the service station does not affect the continued use of the property, although it does affect the amount of remodeling permitted.
6. Granting a rezoning to BA would not restrict future use of the site to its present use.

Because of these points, the Staff must recommend denial of the request for rezoning. The Staff does, however, sympathize with the petitioner's desire to upgrade the facilities and suggests a petition for relief from the BZA to permit the needed remodeling.

WRITTEN JUSTIFICATION

The subject property was developed as a service station approximately 14 years ago and is presently a pre-existing, non-conforming use.

Due to the age of the structural improvements and changes in the demand for services and appearances of service stations, extensive remodeling is needed. Without rezoning, remodeling would be limited to only such items as are necessary to preserve the present structure and use. With rezoning, the improvements will be upgraded, services and appearance will be improved.

The Character of the area will not be detrimentally affected as there will be no change in land use. The immediate area in addition to residential use has a grocery store, mobile home park, truck terminal, railroad switch yard and manufacturing uses.

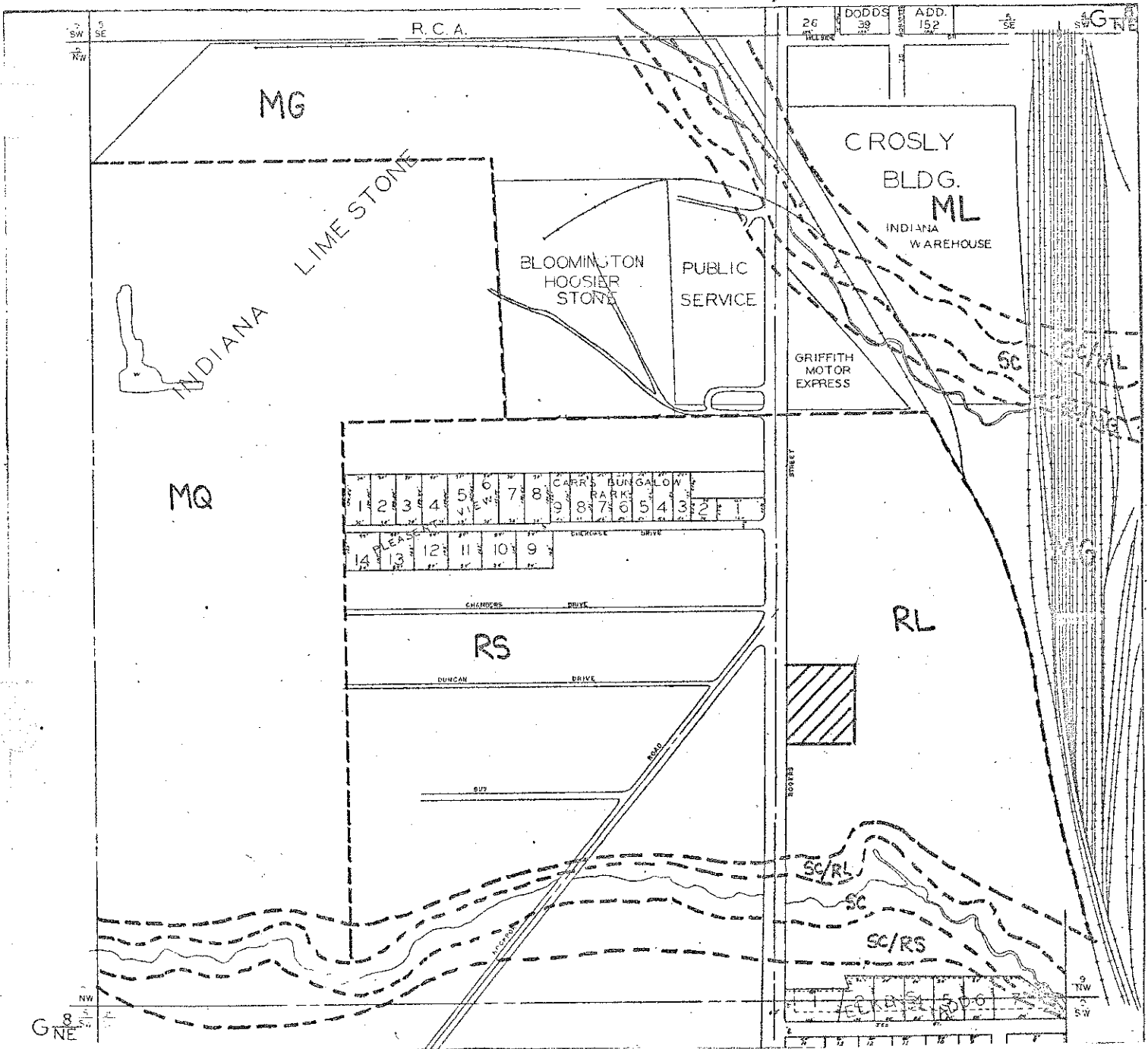
8. What, if any, are alternative potential uses for the property?

The site is already developed so that to make it conforming would require removal of the service station facilities.

PLAN COMMISSION.

20-30-74

ZONING



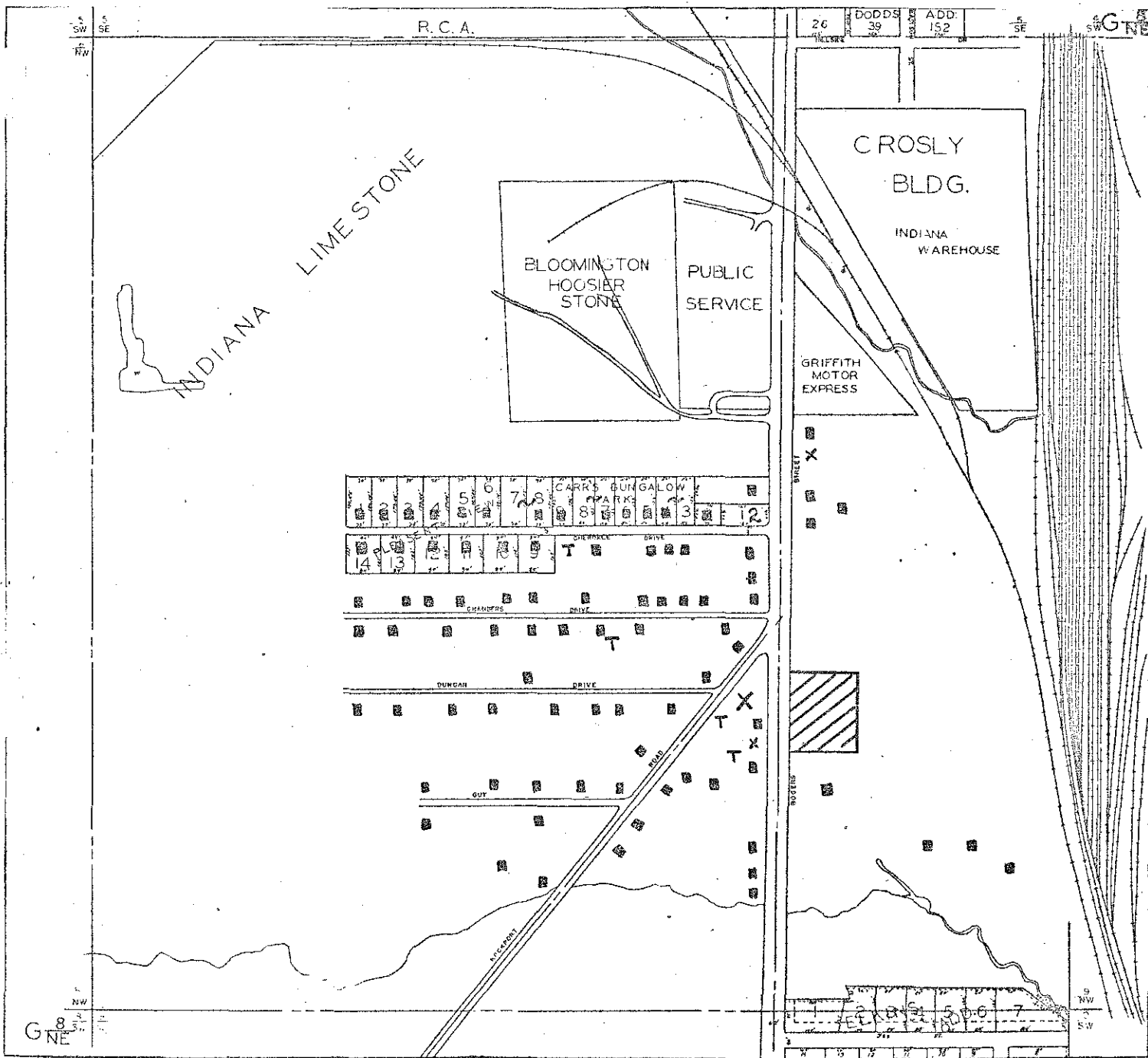
- RS: Residential Single Family
- RL: Residential Low Density
- ML: Light Manufacturing
- MG: General Manufacturing
- MQ: Quarry
- SC: Special Conservation

- SC/RS
 - SC/RL
 - SC/ML
 - SC/MG
- } Floodway Fringe

PLAN COMMISSION

20-30-74

LAND USE



- : Single Family Residence
- 2 : Duplex
- X : Commercial
- T : Trailer