

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

ORDINANCE NO. 74 - 81

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 6, 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 District to a BA-Business Arterial classification, to-wit:

All of Out Lot Number One Hundred Eighteen (118), in the Northeast quarter of Section Thirty-two (32), Township Nine (9) North, Range One (1) West, except a strip One hundred forty-four (144) feet in width off the entire West side of said Out Lot; and to rezone the following described land from its present RS-Residential Single Family District to a BA-Business Arterial classification, to-wit: Lots twenty-six (26), twenty-eight (28), thirty (30) and thirty-two (32) in Dolan Addition to the City of Bloomington.

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 _____, 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 18 day of October, 1974.

Grace E. Johnson
Grace Johnson, City Clerk

This ordinance approved and signed by me on the 21st
day of October, 197 , at the hour of 2:30
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 74-81

BE INTRODUCED AND READ AT FIRST READING AT THE

COUNCIL MEETING ON October 3, 1974

A handwritten signature in dark ink, appearing to be "W. J. ...", written over a horizontal line.

(Signature)

Sept. 23, 1974	Roll Call	Motion to Approve Minutes	Motion to Hear	Motion to Approve Cond. Use	Motion to place on Agenda	Motion to Approve	Motion for Site Plan to be brought before Commission	Motion to Approve
		SP-42-74	CU-41-74	PUD-19-74	ZO-37-74			ZO-39-74
STURBAUM	✓	✓	✓	✓	✓	Abst.	✓	✓
O'ESOP	✓	✓	X	X	✓	X	✓	X
PIOR	✓	✓	X	✓	✓	✓	✓	X
MIZELL	✓	✓	X	✓	✓	X	✓	X
GRAY	✓	✓	X	✓	✓	✓	✓	X
BLUME	✓	✓	✓	✓	✓	✓	✓	✓
MORROW	✓	✓	✓	✓	✓	✓	✓	✓
O'BRIEN	✓	✓	✓	✓	✓	X	✓	✓
ISTRABADI	✓	✓	X	✓	✓	✓	X	✓
DUNLAP	✓	✓	✓	✓	✓	✓	✓	✓
DEW	X							
SANDY	✓							
			No Action 5 to 5	9-1	10-0	6-3	9-1	
						BLOOMINGTON VENDORS		
								RALPH THRASHER

BLOOMINGTON PLAN DEPARTMENT STAFF REPORT

Hearing Dates:

Case No. 70-37-74

Preliminary Hearing September 3, 1974

Final Hearing September 23, 1974

TAC Hearing _____

1. Basic Requirements:

(a) Proof of legal notice in order ;

(b) Notification of adjacent property owners in order ;

(c) Filing fee \$25.00 .

2. General information:

(a) Nature of Request--

Change of Zone From RL and RS to BA

PUD _____

Site Plan.... _____

Permit..... _____

(b) Popular Description Neals Vendors

3. Name of Petitioner Bloomington Vendors, Inc.

Represented by Richard Schmalz

4. Streets involved:

(a) North-South Jackson Street Classification Local

(b) East-West Sixteenth Street Classification Local

5. Public Facilities:

(a) Schools _____

(b) Parks _____

6. Principal Questions Presented (Staff):

Where would be the most appropriate boundary line for the BA zone?

Request Justification 20-37-74
PETITIONER'S
STATEMENT

Immediate expansion on
Section C to accommodate increased
business from our total operation.
Remainder of request provides
for future expansion and buffer
for immediate expansion area.

Staff Recommendation
Case Z0-37-74

Plan Commission

Z0-37-74

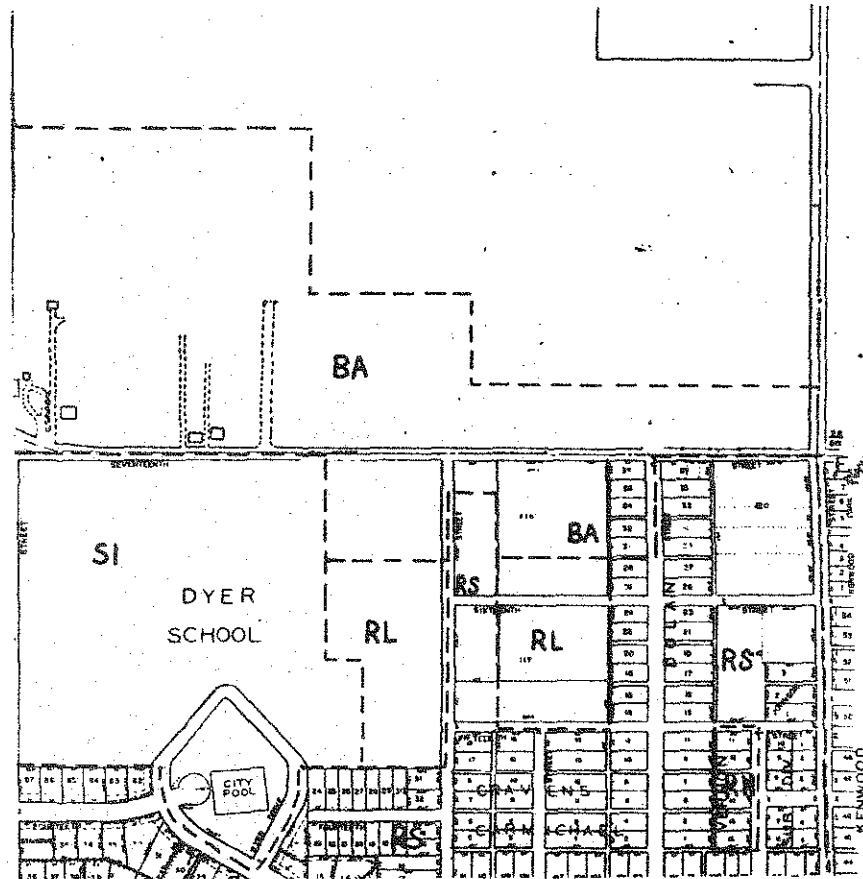
Proposed Zoning

The Staff would recommend reclassification of a portion of the requested property as follows:

That portion of the property which lies north of a line parallel to 17th St. and dividing lots 30 and 28 in the Dolan addition. This line constitutes the extension of an unimproved alley shown on the plat map. (See attached map)

The rationale for this division is as follows:

- A. The depth of the BA zone to the west of Maple is comparable.
- B. Protection to adjacent residential lands is afforded.
- C. Sufficient RL land would remain for purposes of development.



REZONING REQUEST INFO

ZO-37-74

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?

Jackson is classified as a local street. Care would be needed during site plan review to guard against excessive burden on use of the streets. Sixteenth St. between Jackson and Maple is unimproved. Sewer is available. A line runs along back property lines of lots 26 through 32.

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.

No street pattern alterations are proposed.

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

The property is presently vacant, except for a single family home on lot 28. The land use pattern to the south and east is decidedly single family in character. The introduction of BA uses on the entire property could hasten deterioration of the residential property through introduction of non-compatible uses.

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

A more logical boundary would be drawn between lots 28 and 30 which would coincide with boundary for BA zone West of the property. This alternative would offer more protection for existing homes in the area.

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

Noted in Question 3.

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

Probably not.

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

The 17th St. commercial corridor of BA zoning is generally developed. Some lands to the west of Maple St. are now vacant. The potential acquisition of existing zoned lands by the applicant is not probable.

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

Any uses permitted in the RL zone.

REZONING REQUEST INFO

20-37-74

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?

The area is shown as general residential. However, property on the North side of 17th St. is shown as commercial. Since the plan is general in conception, commercial uses on the South side of 17th do not necessarily conflict with plans for the area.

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

Zoning is RS to East and West of the property, RL to the South. A BA zone lies between the property and 17th St. Land use is residential on East, South, and West sides of the site. Land use to the North is commercial. Petitioner proposes expansion of existing BA zone which would result in single family houses facing commercial uses across Jackson St.

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

Non-conformity is not an issue in the case.

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

Possibly. An argument could be made that the boundary of the BA zone should have been drawn at the second alley south of 17th rather than the first.

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 subject land is zoned RL. The uses in an RL zone could be developed, however, the petitioner has not proposed or indicated a desire to do so. The probable use, i.e., the expansion of Neal's Vendors, is not permitted in the RL zone.

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.

In the Council Chambers, Municipal Building,
Bloomington, September 23, 1974, 7:40 p.m.

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

Members absent: Dees

O'Brien moved and Istrabadi seconded a motion
to approve the minutes of the September 3, 1974,
meeting. The minutes were unanimously approved.

Ms. D'Esopo reported that the land use committee
has not met in at least a year. She also reported
that the Environmental Commission has a new sub-
committee to study population growth and long-range
policy for the Environmental Commission.

Mr. Blume read the letter from the Utilities Service
Board to the Plan Commission asking for a statement
of the Commission's policy and plans.

After considerable discussion with regard to the
need for a work session, it was decided that there
will be a meeting on Monday, September 30, 1974, in
the Planning Conference Room. The agenda will in-
clude the following items:

1. BL Zoning
2. Plan for Entrance Corridors
3. Utilities Board Letter
4. Amendments to Site Plan Review Ordinance
5. Discussing of amending rules in order to
reverse the order of the agenda so that
"Communications, Reports, and Resolutions"
appear at the end of the meeting.
6. Discussion of area between 15th and 16th
as to its being zoned RL. What did it used
to be, what is it now, and what did PAC
recommend?

Ms. D'Esopo noted that she, and others on the Plan
Commission had not received Mrs. Ott's letter con-
cerning Carrico.

A work session will be held sometime in mid-October
upon completion of the draft of the revision of the
Sign Ordinance. The Commission asked that the amend-
ment to the site plan ordinance be forwarded to Council.

SP-42-74 Mrs. Dickason's request for a site plan
review for a 4-plex to be located at 401 S. Mitchell.
Mr. Reller reported that she applied for a building
permit early in August, 1974. The property at that
time was zoned RM. Mr. Clendening spoke to the request
and noted that the Eastside Neighborhood Association
began its request for rezoning from RM to RS in July
1974.

PLAN COMMISSION

ROLL CALL

COMMUNICATIONS, REPORTS,
AND RESOLUTIONS

Plan Commission, September 23, 1974

2.

Dean McClelland testified for the Eastside
Neighborhood Association stating that they
hoped the Commission would not review the
site plan. She pointed out that traffic
is already bad at that corner.

It was pointed out that the Mayor had not signed
the ordinance changing the zoning from RM to RS
at 7:35 p.m., but after checking it was reported
that he had signed it by 8:20 p.m. as of this date.

Mr. Morrow moved to hear SP-42-74 and O'Brien
seconded the motion. The vote was 5 to 5: Sturbaum
Blume, Morrow, O'Brien, Dunlap voted yes; D'Esopo,
Pryor, Mizell, Gray, and Istrabadi voted no. Be-
cause of the vote split, no action resulted, and
SP-42-74 was not heard.

CU-41-74 - First Church of the Nazarene

Mr. Reller reported on this request for a conditional
use permit to allow expansion of an existing church.

A representative from the church showed sketches of the
proposed building.

Mr. Reller noted that if the conditional use is granted
variances must be applied for to the BZA.

One of the requirements is that there be 135 parking
spaces. The church will ask for permission to have
only 68 spaces.

Traffic problems in this residential neighborhood were
discussed and the church's representative pointed out
that they have a good deal of walk-in attendance.

Mr. Morrow moved and Mr. O'Brien seconded a motion to
approve conditional use. The motion passed 9 to 1;
Ms. D'Esopo voted against the motion.

PUD-19-74 - Hinkle Planned Mobile Home Park, S. Rogers

Mr. Reller reported on the review of development plans
given outline approval at the June 24 hearing. He
noted that this would constitute the preliminary hear-
ing and that if approved it would come before the Com-
mission on Oct. 7 for final approval.

Mr. Clendening appeared for the applicant. He discus-
sed the plans noting that 100 cubic foot storage lockers
may be placed under each trailer, or perhaps a central
locker storage area would be provided. He also said
that the applicant will file a performance bond and will
be checking with the Board of Works. Mr. Sturbaum asked
if the lockers will be permanent or non-permanent instal-

CASES

CU-41-74

Approved conditional
use.

PUD-19-74

Motion to place on
agenda was approved.