

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

ORDINANCE NO. 74-95

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 RS-Residential Single Family to BA-Business Arterial classification, to-wit:

A part of Out Lot 120 Maple Heights Addition to the City of Bloomington, Indiana, more particularly described as follows:

Beginning at a point at the intersection of the South line of 17th Street and the West line of Madison Street, which point is also the Northeast corner of Out Lot #120 in Maple Heights Addition and being Twenty (20) feet South and Twenty-five (25) feet West of the corner stone of Sections 28, 29, 32, and 33; thence South along the West line of Madison Street for 149.75 feet to a point; thence West parallel to the South line of 17th Street for 200.00 feet; thence North parallel to the West line of Madison Street for 149.75 feet to a point in the South line of 17th Street; thence East along the South line of 17th Street for 200 feet and to the place of beginning.

And, beginning at a point that is the Northeast corner of said Out Lot 120, thence running West 200.00 feet to the true point of beginning; thence South for 174.75 feet; thence West for 120.76 feet; thence North for 174.75 feet; thence East for 120.76 feet and to the true point of beginning.

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 _____ 19 ____.

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 _____, 19 ____.

ZO-44-74 - Forrest H. Wheeler, 17th and Madison

ZO-44-74
Placed on agenda

Mr. Keller reported that the Staff had filed this request for rezoning from RS to BA to cover a greater area than Mr. Wheeler requested in order to review the zoning for this larger area.

Oct. 7, 1974

Mr. Wheeler was represented and it was pointed out that prior to the adoption of the Master Plan this land had been zoned for business.

Mr. O'Brien moved and Mr. Sturbaum seconded a motion to place this request on the agenda. The motion was passed unanimously.

Ms. Pryor raised the question of scheduling a work session. The Planning Dept. will schedule such a session in the near future.

ZO-44-74 - Forrest Wheeler and Marathon Oil Co., 401 and 403 W. 17th St.

ZO-44-74
Approved staff recommendation.

Mr. Keller read and explained the staff recommendation of partial rezoning of the Wheeler property and full rezoning of the Marathon property.

Oct. 28, 1974

Ms. Freeman representing her parents the Hammers read the letter sent to her parents by Mr. Wheeler. The Hammer property is adjacent to the Wheeler property. Ms. Freeman asked for clarification of what the rezoning would mean. Mr. Keller explained to her the consequences of rezoning. She did not state any objections.

The height restriction on any building would be 80 ft.

A motion was made and seconded to approve the request. The vote was 5 to 3, resulting in no action. Sturbaum, O'Brien, and Dunlap voted to approve the request; D'Esopo, Pryor, Mizell, Gray, and Dees voted against approving the request.

Mr. Dees moved and Mr. Mizell seconded a motion to approve the staff recommendation of rezoning all of the Marathon property and part of the Wheeler property to BA. (See Staff report) It was made clear that there was to be a 25 ft. buffer zone between BA property and the adjacent RS property. The motion passed unanimously; 8 to 0.

PLAN COMMISSION
STAFF REPORT
ZO-44-74-Forrest Wheeler Marathon Oil Co.
October 28, 1974

Mr. Wheeler has requested evaluation of rezoning from RS to BA for property adjacent to the Marathon service station located on the southwest corner of 17th and Madison Streets. As manager of the Marathon station, he is representing the oil company in seeking rezoning for the site of the station as well. The Wheeler property is unimproved although the petitioner would like to develop the land for commercial use.

The Staff is of the opinion that the Marathon property was improperly zoned RS when the new maps were adopted and therefore recommends that all of the Marathon property be rezoned from RS to BA. The Marathon lot has a depth of 149.75 feet measuring from the South line of 17th Street.

Although the Wheeler property has a depth of 301 feet, the Staff recommends that only the front portion of the property be rezoned to conform with the depth of the Marathon lot. The rationale for this division is primarily protection of adjacent residential properties while permitting Mr. Wheeler to use the front portion of his property commercially.

In the BA zone, rear yards abutting residential zones are required to be 25 feet by the zoning ordinance. In order to provide Mr. Wheeler with a usable land area of 149.75 feet in depth, an additional 25 feet should be rezoned to the rear. The rear yard should be planted with appropriate screening material as an added protection for the homes to the South. This would become effective upon application for site plan review.

RAYMOND GRAHAM

3215 N. SMITH PIKE
BLOOMINGTON, INDIANA 47401

R.P.E. 8409 INDIANA

ORREST WHEELER - Purchase from Drake

A part of Out Lot 120-Maple Heights Addition to the City of Bloomington, Indiana, more particularly described as follows: Beginning at a point that is the North-east Corner of Out-Lot Number 120 in Maple Heights Addition to the City of Bloomington, Indiana, which point is Twenty (20) feet South and Twenty-five (25) feet West of the corner stone of Sections Twenty-eight (28), Twenty-nine (29), Thirty-two (32) and Thirty-three (33), thence running West 200.00 to the true point of beginning; thence South for 149.75 feet; thence East for 63.00 feet; thence South for 151.25 feet; thence West for 190.00 feet; thence North for 301.00 feet; thence East for 120.76 feet and to the true point of beginning.

Subject to legal right of way of State Road #46.

MARATHAN OIL COMPANY

Beginning at a point at the intersection of the South line of 17th Street and the West line of Madison Street, which point is also the Northeast corner of Out Lot #120 in Maple Heights Addition and being Twenty (20) feet South and Twenty-five (25) feet West of the corner stone of Sections 28, 29, 32 and 33; thence South along the West line of Madison Street for 149.75 feet to a point; thence West parallel to the South line of 17th Street for 200.00 feet; thence North parallel to the West line of Madison Street for 149.75 feet to a point in the South line of 17th Street; thence East along the South line of 17th Street for 200 feet and to the place of beginning.

ABSTRACT OF TITLE to the following described real estate located in Monroe County, State of Indiana, to wit:

Part of the Northeast quarter of Section Thirty-two (32), Township Nine (9) North, Range One (1) West, bounded and described as follows, to-wit: Commencing at the Northeast corner of Out Lot Number One Hundred Twenty (120), which point is Twenty (20) feet South and Twenty-five (25) feet West of the corner stone of Sections Twenty-eight (28), Twenty-nine (29), Thirty-two (32) and Thirty-three (33), running thence South One Hundred Forty-nine and Seventy-five hundredths (149.75) feet, thence West One Hundred Thirty-seven (137) feet, thence South One Hundred Fifty-one and Twenty-five Hundredths (151.25) feet; thence West One Hundred Eighty-three and Seventy-six Hundredths (183.76) feet, more or less, and to the West line of Out Lot 120, thence North along the West line of said Out Lot 120, Three Hundred and One (301) feet to the North line of said Out Lot, thence East along the North line of said Out Lot Three Hundred Twenty and Seventy-six Hundredths (320.76) feet, and to the point of beginning.

EXCEPTING THEREFROM part of the Northeast Quarter of Section 32, Township 9 North, range 1 west, bounded and described as follows, to-wit: Beginning at a point of the intersection of the south line of 17th Street and the West line of Madison Street in Bloomington, Indiana, which is also the Northeast corner of Out lot #120 in Maple Heights Addition to said City of Bloomington, Monroe County, Indiana, and is 20 feet South and 25 feet West of the corner stone of Sections 28, 29, 32, and 33; thence South along the West line of Madison Street a distance of 149.75 feet to a point; thence West, parallel to the South line of 17th Street, a distance of 200 feet to a point; thence North, parallel to the West line of Madison Street, a distance of 149.75 feet to a point in the South line of 17th Street; thence East, along the South line of 17th Street, a distance of 200 feet to the point of beginning.