

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

ORDINANCE NO. 74 - 105

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 MB- Light Manufacturing zoning district, 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, said point being 600.50 feet East of the Northwest corner of said South one half of the Northwest quarter; thence continuing along said line and running East for 98 feet; thence leaving said north line of the South one half of the Northwest quarter and running South $09^{\circ}-35'-30''$ East for 144 feet; thence East for 290 feet and to the centerline of the Old Salem Road, said centerline of road being 17.33 feet West of the centerline of State Road 37; thence with the centerline of the Old Salem Road and running South $18^{\circ}-59'$ East for 103.39 feet and to a point that is 6.14 feet West of the centerline of said State Road 37; thence leaving the centerline of said Old Salem Road and running West for 154 feet; thence South $03^{\circ}-44'$ West for 462.60 feet; thence West for 300 feet; thence North $03^{\circ}-08'-30''$ East for 702.44 feet and to the point of beginning, excepting, that portion of the property which is presently zoned SC- Special Conservation.

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 5th day of December 1974.

James S. Akerman
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 6th day of December, 1974.

Grace E. Johnson
Grace Johnson, City Clerk

This ordinance approved and signed by me on the 12 day of December, 1974, at the hour of 12:30 o'clock p m.

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

ATTEST:

Grace E. Johnson
Grace Johnson, City Clerk

I HEREBY MOVE THAT ORDINANCE 74-105
BE INTRODUCED AND READ AT FIRST READING AT THE
COUNCIL MEETING ON November 21, 1974

(Signature)

Relevant portion of Plan Commission minutes for November 4, 1974 hearing are presented below:

ZO-45-74 - Hoosier Drywall and Supply, Inc., 1824 S. Walnut. ZO-45-74
Mr. Crossman presented the staff report for this request for Approved
final review of a rezoning petition for a change from BA to
ML for an existing business. The notifications of adjacent
property owners was presented. Ms. Gray and Mr. O'Brien
inspected the site and their only concern was for ingress and
egress. Mr. Charles Langley represented Hoosier Drywall.
Mr. Langley said that the car bodies would be removed as time
allows. There was discussion with regard to traffic and road
accessibility. There was no discussion from the public.

Ms. Dunlap moved and Mr. O'Brien seconded a motion to approve
the rezoning of this property from BA to ML except for the
SC portion of the property. The motion passed unanimously.

BLOOMINGTON PLAN DEPARTMENT STAFF REPORT

HOOSIER DRYWALL SUPPLY, INC.
PHONE 339-5647 P. O. BOX 753
1824 S. WALNUT STREET
BLOOMINGTON, INDIANA 47401

ZO-45-74
PETITIONER'S
STATEMENT

Hearing Dates: Case No. ZO-45-74

October 7, 1974

Preliminary Hearing October 7, 1974

Final Hearing October 28, 1974 (Note: Petitioner did not attend Oct. 28 hearing, so case was continued. Final action was taken at the Nov. 4 hearing.)

TAC Hearing _____

1. Basic Requirements:

- (a) Proof of legal notice X _____;
- (b) Notification of adjacent property owners X _____;
- (c) Filing fee \$25 paid _____.

2. General information:

(a) Nature of Request--

Change of Zone BA to ML _____

PUD _____

Site Plan.... _____

Permit..... _____

(b) Popular Description _____
1824 S. Walnut

3. Name of Petitioner Hoosier Drywall and Supply, Inc.

Represented by Charles W. Langley, Sec.

4. Streets involved:

(a) North-South South SR 37 Classification Principle arterial

(b) East-West _____ Classification _____

5. Public Facilities:

(a) Schools _____

(b) Parks _____

6. Principal Questions Presented (Staff):

Property does not front on a public street. A major question would involve provision of adequate access to the building.

To The City Planning Commission,

We respectfully submit our request to re-zone the subject property from a B.A. to an M.L. The reason for this request is because the present uses of the property, and that of surrounding properties, is more of an M.L. than is the B.A. classification which it is presently zoned.

During the city's recent re-zoning, we feel that it should have been placed in the M.L. Classification, due to the fact the property in years past has utilized the rail road spur lines as well as utilizing 25,000 square feet for manufacturing of stone products.

For the past three years the property has been used for wholesale and retail sales as well as a warehouse storage center. We feel that in the future it would be best served under the M.L. classification.

Respectively,

Charles W. Langley
Charles W. Langley

CWL:cfy

PLAN COMMISSION
 STAFF REPORT
 Z0-45-74-Hoosier Drywall and Supply, Inc.
 October 28, 1974

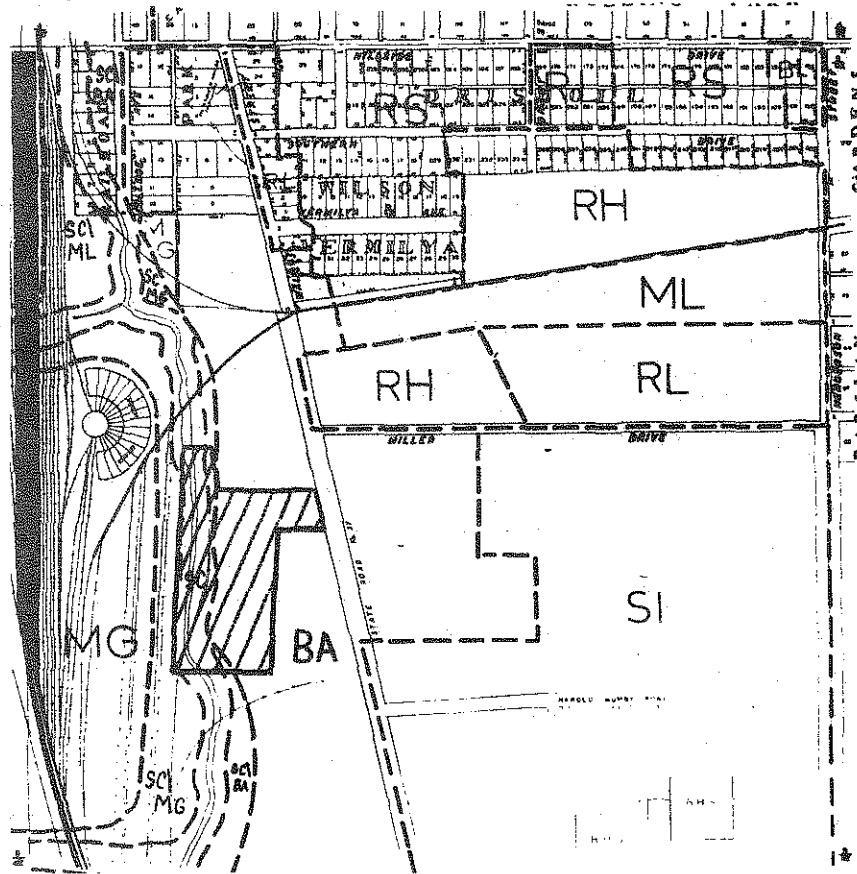
The applicant seeks an ML reclassification from existing BA for property outlined on the attached maps. Review by the Staff indicates a probable error in the zoning at the time of adoption. The Staff recommends rezoning of the applicant's property to ML-Light Manufacturing with the following exception:

That portion of the applicant's property which is presently SC-Special Conservation should remain as currently classified.

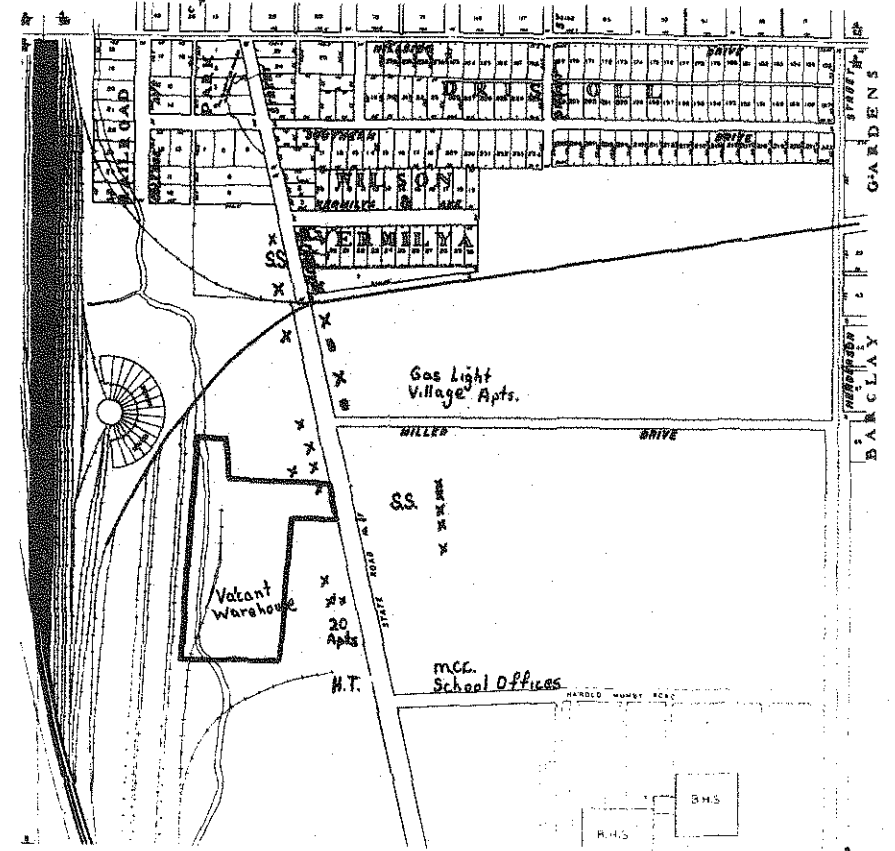
(Note: This case was given a preliminary hearing on October 7, 1974 and was given a final vote on November 4, 1974. The Plan Commission voted 9 to 0 to approve the requested rezoning with the exception of that portion of the property which is presently zoned SC-Special Conservation. It was felt that the floodway protection zone should remain intact, even if the rest of the property were rezoned from BA to ML.)

Nov. 4, 1974	Roll Call	SP-52-74	Z0-45-74	Z0-49-74	Z0-50-74	Z0-51-74			
STURBAUM	X								
O'ESOPO	✓	✓	✓	✓	✓	✓	✓	✓	✓
PRYOR	✓	✓	✓	✓	✓	✓	✓	✓	✓
MIZELL	✓	✓	✓	✓	✓	✓	✓	✓	✓
GRAY	✓	✓	✓	✓	✓	✓	✓	✓	✓
BLUME	✓	✓	✓	✓	✓	✓	✓	✓	✓
MORROW	✓	✓	X	✓	✓	✓	✓	✓	✓
O'BRIEN	✓	✓	✓	✓	✓	✓	✓	✓	✓
ISTRABADI	✓	✓	X	✓	✓	✓	✓	✓	✓
DUNLAP	✓	✓	✓	✓	✓	✓	✓	✓	✓
DEES	X								
SNODDY	✓	✓							
		Approval of minutes of October 28, 1974		Motion to deny request for site plan approval passed, 7 to 2.		* Motion to approve passed 9 to 0. HOOSIER DRYWALL & SUPPLY		Motion to place on agenda passed 9 to 0.	
						Motion to place on agenda passed 9 to 0.			
						Motion to place on agenda passed 9 to 0.			
						Motion to place proposed revised parking ordinance on agenda passed 9 to 0.			
						Motion to place entrance corridor zoning on agenda passed 9 to 0.			

Plan Commission
ZO-45-74
Existing Zoning



Plan Commission
ZO-45-74
Land Use Map



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?

The JJR Maps show the area as general industrial on both sides of the railroad tracks, although the frontage property on South 37 is shown as commercial. Actual boundaries of the two use areas are not drawn with a great deal of precision so that reclassification of a portion of the area would not necessarily conflict with the plans.

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

The site is adjacent to a conservation zone protecting Clear Creek. West of the SC zone is an MG zone incorporating the railroad property. Zoning on the other three sides of the site is BA. Land use fronting on S. 37 is predominantly BA in character although Sims Motor Transport to the North would be more appropriate in an ML zone.

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

Non-conforming uses in the area include Sims Motor Transport to the North, and possibly, the Herald Telephone to the South. As noted in the petitioner's statement, use of the subject property in the past would have been more appropriate in an ML rather than a BA zone.

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

The Staff is of the opinion that the present zone classification does not reflect existing use and as a result an error on the original mapping does exist.

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 although the petitioner's plans would require an ML 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.

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?

Adequate provisions for safe ingress and egress to South 37 should 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?

The western boundary which would be Clear Creek is a logical zone boundary. The uses along the boundary parallel to Ind. 37 form the eastern boundary. The northern boundary is set by use. The Southern boundary is open.

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

The development pattern is well established in this area and will not be substantially altered.

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

Only as additional ML uses are proposed. The Commission should probably re-study this area.

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 in the present BA classification.