

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

ORDINANCE NO. 74- 106

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:

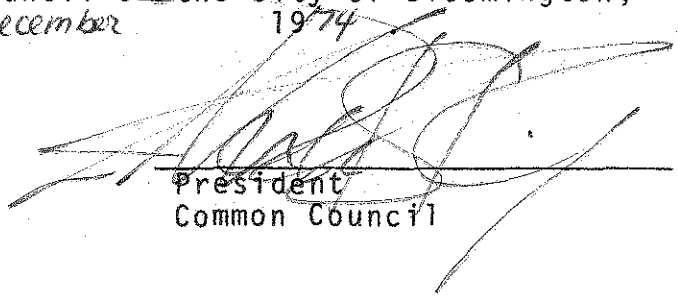
SECTION 1. That the incorporated map number 7, of June 22, 1973, be amended to rezone the following described land in the City of Bloomington, Monroe County, Indiana, from its present BG-General Business zone classification to an ML-Light Manufacturing district, to-wit:

All that part of In Lots Number 297, 298, 299 and 300 in the City of Bloomington, Indiana, which lies East of the East right-of-way line of the Chicago, Indianapolis and Louisville Railway Company, known as the Monon Railroad.

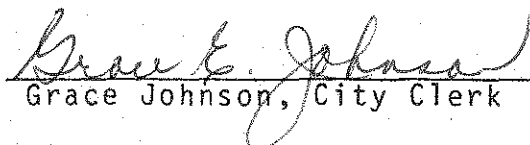
Also, the West 74 feet of Lots 301, 302, 303 and 304 in the original plan in the City of Bloomington, Indiana.

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 20th ~~19th~~ day of December 1974

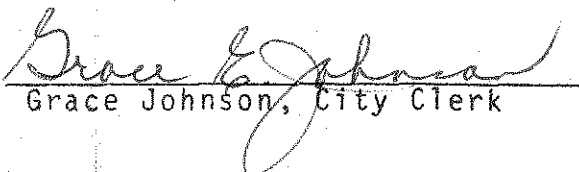

 President
 Common Council

ATTEST:


 Grace Johnson, City Clerk

ATTEST:

Presented by me to the Mayor of the City of Bloomington, Indiana on the 20th day of December, 1974.


 Grace Johnson, City Clerk

This ordinance approved and signed by me on the 20th
day of December, 1974, at the hour of 5
o'clock p m.

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

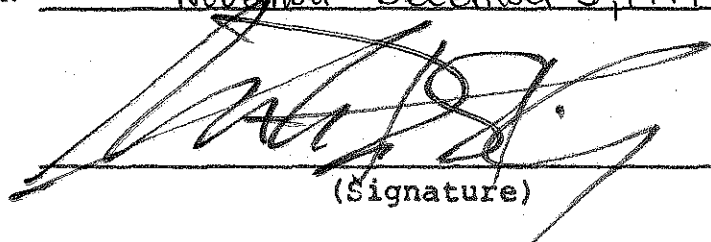
ATTEST:

Grace E. Johnson
Grace Johnson, City Clerk

I HEREBY MOVE THAT ORDINANCE 74-106

BE INTRODUCED AND READ AT FIRST READING AT THE

COUNCIL MEETING ON November December 5, 1974



(Signature)

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

ORDINANCE NO. 74

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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 7, of June 22, 1973, be amended to rezone the following described land in the City of Bloomington, Monroe County, Indiana, from its present BG-General Business zone classification to an ME-Light Manufacturing district, to-wit:

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Also, the West 74 feet of Lots 301, 302, 303 and 304 in the original plat in the City of Bloomington, Indiana.

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____

Grace Johnson, City Clerk

This ordinance approved and signed by me on the _____ day of _____, 197____, at the hour of _____ o'clock _____ m.

Francis X. McCloskey, Mayor
City of Bloomington, Indiana

ATTEST:

Grace Johnson, City Clerk

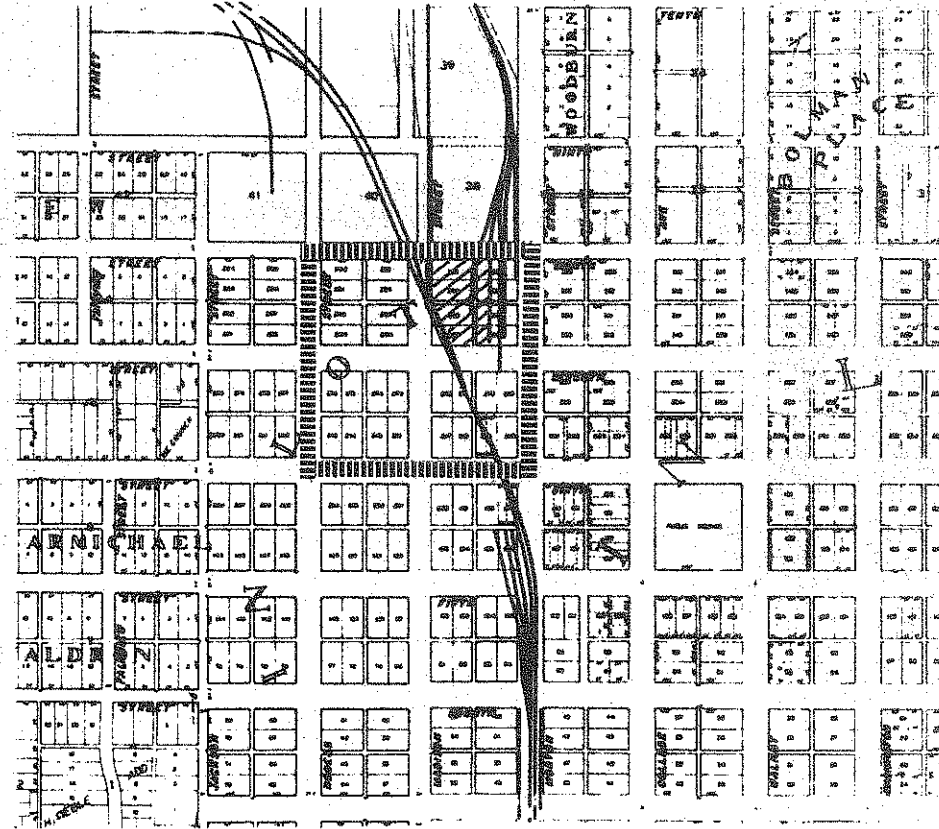
CENTRAL BUSINESS DISTRICT
NEIGHBORHOOD DEVELOPMENT PROGRAM
10 YEAR PLAN

ZO-49-74 - Joseph Storms, 312 W. Seventh St.

Recommendation:

1. As indicated in background information the land use on this and surrounding parcels would clearly indicate an industrial zone.
2. The proposed use in the CBD plan is clearly contrary to industrial usage.
3. An adopted renewal plan takes precedence over the zoning plan but should be compatible with it, consequently the zoning should not be changed without an amendment to the adopted renewal plan. At present there is serious question of implementing the CBD plan in this area.
4. It is suggested that the Plan Commission recommend that Council change this district from BG to ML provided that the Redevelopment Commission amend its adopted renewal plan for the area. If the present land uses are to continue then the zone should be changed. However, if there is reasonable expectation that the redevelopment plans may be implemented then no change should be granted. This decision must be made by the Redevelopment Commission.
5. If this recommendation is forwarded to Council the Redevelopment Commission should have its report to Council prior to final reading.

A motion was made to approve the rezoning as requested subject to approval by the Redelopment Commission. The motion passed unanimously.



■■■■■■■■ MEDIUM DENSITY RESIDENTIAL
WITH BUSINESS ON FIRST LEVEL

BLOOMINGTON PLAN DEPARTMENT STAFF REPORT

Hearing Dates:

Case No. ZO-49-74

Preliminary Hearing November 4, 1974

Final Hearing _____

TAC Hearing _____

PLAN COMMISSION

ZO-49-74

ZONING

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 312 W. Seventh

3. Name of Petitioner Joseph M. Storms

Represented by _____

4. Streets involved:

(a) North-South Madison Classification Major Collector

(b) East-West W. Seventh Classification Major Collector

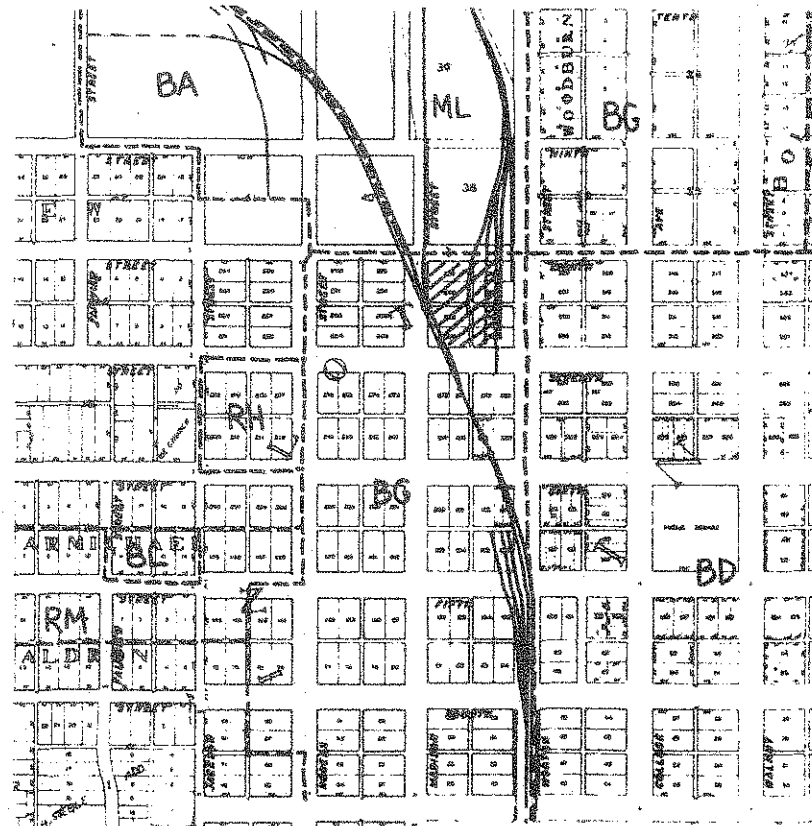
5. Public facilities:

(a) Schools N.A.

(b) Parks N.A.

6. Principal Questions Presented (Staff):

Does proposal conflict with CBD plans, both short and long range.



PLAN COMMISSION

ZO-49-74

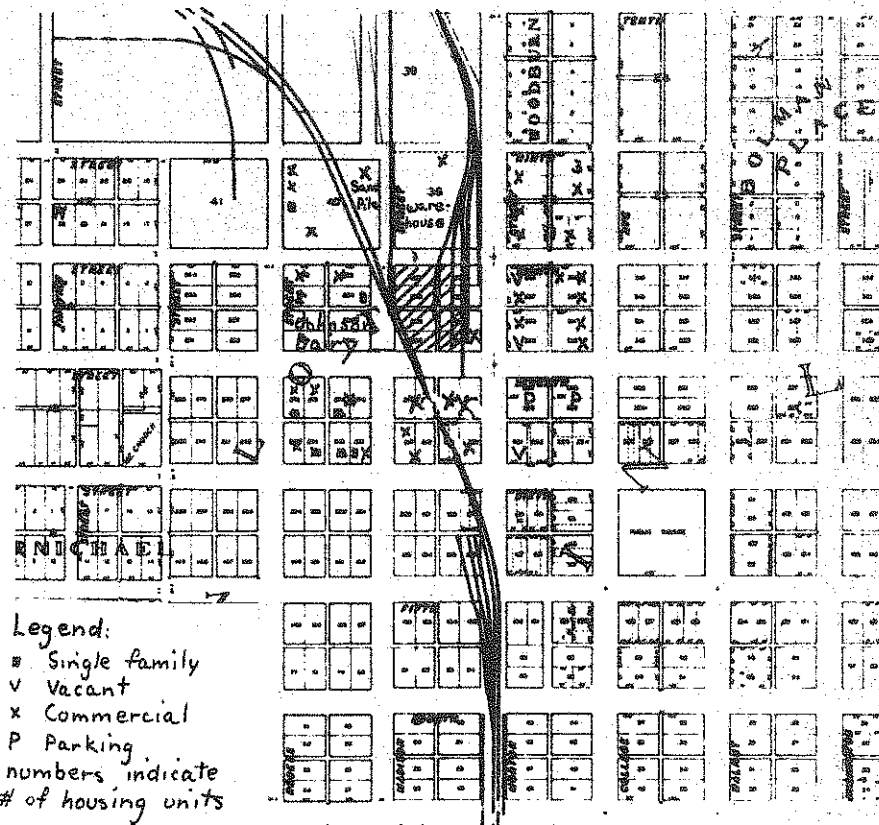
ZONING



Plan Commission

ZO-49-74

Land Use Map



Legend:
■ Single family
V Vacant
X Commercial
P Parking
numbers indicate
of housing units

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 JJ&R Master Plan shows the area as commercial. The existing BA zone is in accord with this broad conceptual category, an ML zone would be in conflict. The CBD 10 year plan shows the area as medium density residential with business on the first level.
2. Is surrounding zoning (and land use) compatible with proposed change.
The Showers factory to the North is zoned ML and used as a warehouse. Johnson's Creamery, to the west is an ML use but is zoned BG. Other surrounding uses are commercial in character and are appropriately zoned BG. The Staff feels that the proposed change would be in conflict with the predominantly commercial character of the area.
3. Is the area developed with non-conforming uses and would the change requested make the area more conforming?
Pete's & Purcell's Transfer and Storage Company and Johnson's Creamery are classified as light manufacturing uses and are therefore non-conforming given the current BG zoning. An ML zone would make the area more conforming.
4. Is the original or existing zoning a mistake from the beginning?
Not necessarily. The BG zoning does not reflect the fact that both Pete's and Purcell's and the Creamery were both in existence when the zoning maps were adopted in 1973. However, BG zoning does reflect CBD long range plans predicated upon eventual removal of the railroad tracks. Therefore, there is a conflict in this case between two planning precepts that:
1) zoning should reflect existing land use.
2) zoning should harmonize with long term development plans.
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 alternative uses are permitted in the BG zone. The current use also has the status of non-conforming and could continue as such.
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.
Yes, redevelopment has occurred in the general area reinforcing its commercial character and making manufacturing less appropriate.

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?
Both Seventh and Madison Streets are classified as major collectors. Transfer and storage activity requiring heavy truck traffic is totally inappropriate on such streets. Poor site design prevents the efficient circulation of truck traffic to and from the site, increasing the burden on the streets involved.
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.
There are no immediate street improvements in the area.
3. What effect would the proposed rezoning have upon the existing development pattern?
Subsequent to completion of the Honon Railway to Bloomington in 1853, a concentration of industrial uses developed along the west side of the railroad tracks between 3rd and 7th Streets. By the time the Illinois Central Railroad was completed in 1906, the industrial area had expanded along the tracks from 2nd to 13th Streets. However, since 1929, when the Showers Furniture Factory reached a peak and began to decline, a number of factors began to alter the character of the area from industrial to commercial. New industries characterized by heavy movement of materials by truck or rail required large sites and locations toward the fringes of the urban area. The Downtown area does not meet the location needs of manufacturing concerns.

Recent expansion of the First National Bank in the area south of Pete's and Purcell's has further altered the character of the area and may stimulate other interest in upgrading and improving the area for commercial use. CBD plans for eventual removal of the railroad tracks would further stimulate such improvements. The proposed rezoning to ML could conflict with or retard this trend, however.
4. Is the boundary of the proposed change the most natural permanent boundary?
A boundary of the ML zone drawn at 7th Street is no more logical than the existing boundary at 8th Street.
5. What is the effect of the proposed change upon the development pattern of the community?
See #3.
6. Will the proposed change stimulate additional rezoning requests in the area?
The block containing Johnson's Creamery would become a likely candidate for rezoning.
7. What is the amount and quality of currently zoned land available for the proposed use in the area?
There is no available land in the area with the appropriate zoning.
8. What, if any, are alternative potential uses for the property?
Any uses permitted in

Relevant portions of Plan Commission Final Hearing minutes,
November 25, 1974:

ZO-49-74 - Joseph Storms, 312 W. Seventh St.

Mr. Reller reported on this request for rezoning from
BG to ML to allow expansion of Pete's and Purcell's
Transfer and Storage Company.

He pointed out that the proposed use in the CBD plan is
clearly contrary to industrial usage. And further that
an adopted renewal plan takes precedence over the zoning
plan, but should be compatible with it, consequently the
zoning should not be changed without an amendment to the
adopted renewal plan. He pointed out that there is seri-
ous question of implementing the CBD plan in this area.

Mr. Storms was present and discussed the need for this
request. He indicated that the State had approved his
request.

Mr. Reller noted that the Department had sent a letter to
CBD-PAC to Ed Tjardes but the Department did not receive
any response. Mr. Reller explained that the CBD plan is
a guide to renewal projects in the area.

Mr. Mizell moved and Mr. O'Brien seconded a motion to
approve this request subject to approval of the Redevel-
opment Commission. The motion passed unanimously.

CASES

ZO-49-74

Approved subject to
approval by Redevel-
opment Commission.

NOTE: Necessary Redevelopment Commission approval is documented
in attached letters.



CITY OF BLOOMINGTON

PO BOX 100, MUNICIPAL BLDG, BLOOMINGTON, INDIANA 47401

Department of
Redevelopment
Phone 812/338-2261 Ext. 260
812/332-9319

Ord. 74-106
ZO-49-74 J. STORMS

December 9, 1974

December 10, 1974

Mr. Clem Blume, President
Plan Commission, City of Bloomington
P.O. Box 100
Bloomington, Indiana 47401

Dear Mr. Blume:

The Redevelopment Commission of the City of Bloomington met in regular session at 7:00 p.m. on Monday, December 9, 1974, at which time it considered a proposal presented by Mr. Joseph Storms for the construction of a vehicle maintenance addition to the present facility at Pete's and Purcell's on W. 7th Street in the Central Business District Project Area of the N.D.P.

On the strength of the recommendation of the Executive Committee of the CBD PAC (see enclosed letter) and after hearing Mr. Storms' proposal, the Redevelopment Commission by unanimous vote, approved the Storms' proposal and directed that this letter be sent to the Plan Commission for your information.

In approving the proposal, the Commission informed Mr. Storms that, notwithstanding the action taken the ten (10) year plan for proposed development in the CBD remains in full effect.

It was simply the feeling on the part of the Commission and the CBD PAC that what was being proposed presented no substantial conflict with the existing plan at this time.

Sincerely,

A. O'Dell Walker, Jr., Executive Director
Department of Redevelopment
City of Bloomington

Dr. Robert Linnemeier
Redevelopment Commission
P.O. Box 100
Bloomington, Indiana 47401

Dear Dr. Linnemeier:

This is to inform you of action taken in consideration of Mr. Storms' proposal to expand his facilities (Pete & Purcell's) to include a garage on the site for vehicle maintenance purposes.

Mr. Storms approached me as Chairman of the CBD PAC and requested that a meeting of the Executive Committee be called in order that he might present his proposal for consideration. I informed Mr. Storms after having consulted with members of the Executive Committee that it would be extremely difficult to convene the group because of the time of year i.e., the merchants are busiest at the Christmas Shopping Season. However, I indicated to Mr. Storms that since he had explained his proposal in detail to me that I would explain it to the members of the Committee, individually, and attempt to get a consensus of the feeling regarding the proposal.

The general consensus of the CBD PAC Executive Committee was in favor of approving the proposal in as much as we felt the plans present no substantial conflict with any immediate plans for development in the CBD Project Area. Furthermore, we would recommend that the Redevelopment Commission act favorably on Mr. Storms proposal as we understand his intentions are to present his proposal to the Commission at tonight's Redevelopment Commission meeting.

Sincerely,

Ed Tjardes, Chairman
Executive Committee
CBD PAC