

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

ORDINANCE NO. 74- 107

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:

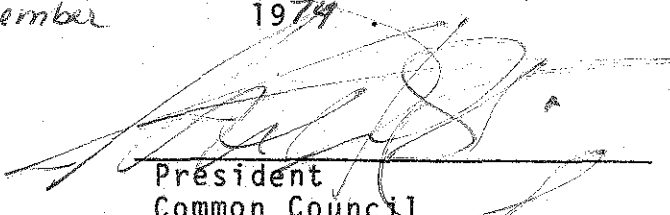
SECTION 1. That the incorporated map number 6, of June 22, 1973 be amended to rezone the following described land in the two-mile fringe unincorporated area which is contiguous to the City of Bloomington and which is under the jurisdiction of the the City Plan Commission and the Common Council from its present RS-Residential Single Family zone classification to a BA-Business Arterial district, to-wit:

A part of Seminary Lot 186 in the Northeast Quarter of Section 6, Township 8 N R 1 W bounded and described as follows:

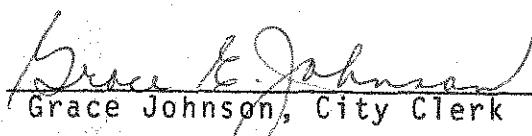
Beginning at a point 544 feet South of the Northeast corner of Seminary Lot 186, thence South over and along the East line of said Seminary Lot 186, three hundred (300) feet; thence West two hundred fifty (250) feet; thence North three hundred (300) feet; thence East two hundred fifty (250) feet to the place of beginning, containing 1.72 acres, 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 ~~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 20<sup>th</sup>  
day of December, 1974, at the hour of 6  
o'clock p. m.

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

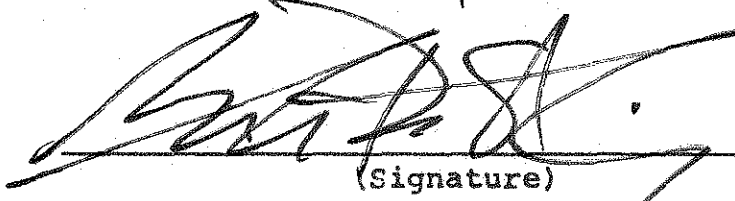
ATTEST:

Grace E. Johnson  
Grace Johnson, City Clerk

I HEREBY MOVE THAT ORDINANCE 74-107

BE INTRODUCED AND READ AT FIRST READING AT THE

COUNCIL MEETING ON December 5, 1974

  
(Signature)

Plan Commission  
Staff Report  
Final Meeting  
November 24, 1974

ZO-50-74 - Ben R. Mitchell, Bloomfield Road

The staff would recommend rezoning of a portion of the advertised property:

An area of 1.72 acres as follows:

Beginning at the Southeast property corner running North 300 feet, West 250 feet, South 300 feet, East 250 feet to the point of beginning.

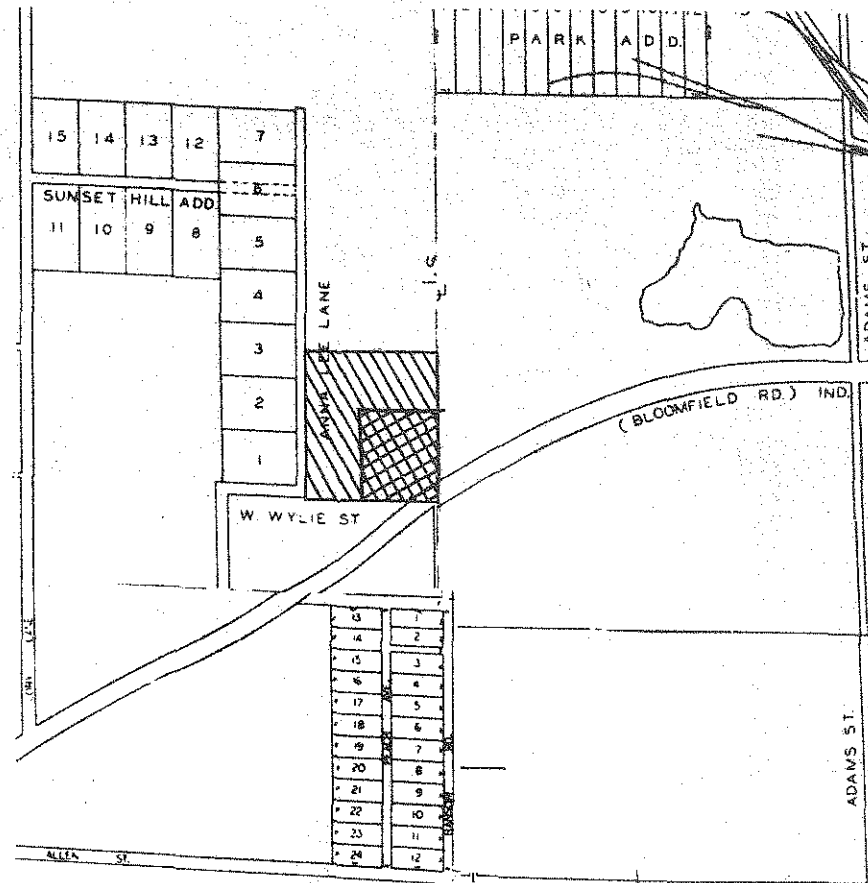
This area would provide the petitioner with a reasonable land area for the anticipated expansion while affording protection for residential use to the North and West. The area recommended is shown on the attached map.

A motion was made to approve the rezoning for the tract of land described in the staff report directly above. The motion passed unanimously.

Plan Commission

ZO-50-74

Suggested Zoning Pattern



BLOOMINGTON PLAN DEPARTMENT STAFF REPORT

Hearing Dates: Case No. ZO-50-74

Preliminary Hearing November 4, 1974

Final Hearing \_\_\_\_\_

TAC Hearing \_\_\_\_\_

1. Basic Requirements:

(a) Proof of legal notice X;

(b) Notification of adjacent property owners \_\_\_\_\_;

(c) Filing fee paid.

2. General information:

(a) Nature of Request--

Change of Zone RS to BA

PUD ..... \_\_\_\_\_

Site Plan.... \_\_\_\_\_

Permit..... \_\_\_\_\_

(b) Popular Description Bloomfield Road

3. Name of Petitioner Ben R. Mitchell

Represented by \_\_\_\_\_

4. Streets involved:

(a) North-South \_\_\_\_\_ Classification \_\_\_\_\_

(b) East-West SR. 45 Classification Principle Arterial

5. Public Facilities:

(a) Schools N.A.

(b) Parks N.A.

6. Principal Questions Presented (Staff):

Possibility that mapping error was made when new zoning maps were adopted.

STATEMENT IN SUPPORT OF REQUESTED REZONING

ZO-50-74

The subject property has been leased and used by Minton Body Shop since 1967. Prior to this use of the property by Minton, it had the following uses: 1955-1967 - City Body Shop; 1951-1955 - Implement Sales.

The proposed rezoning is requested to permit the remodeling and construction of a needed additional space for the body shop and in particular, a separate paint room. Additional space will be constructed to the rear of the present building and the appearance of the building will be improved by the complete blacktopping of the parking lot and remodeling of the front of the building.

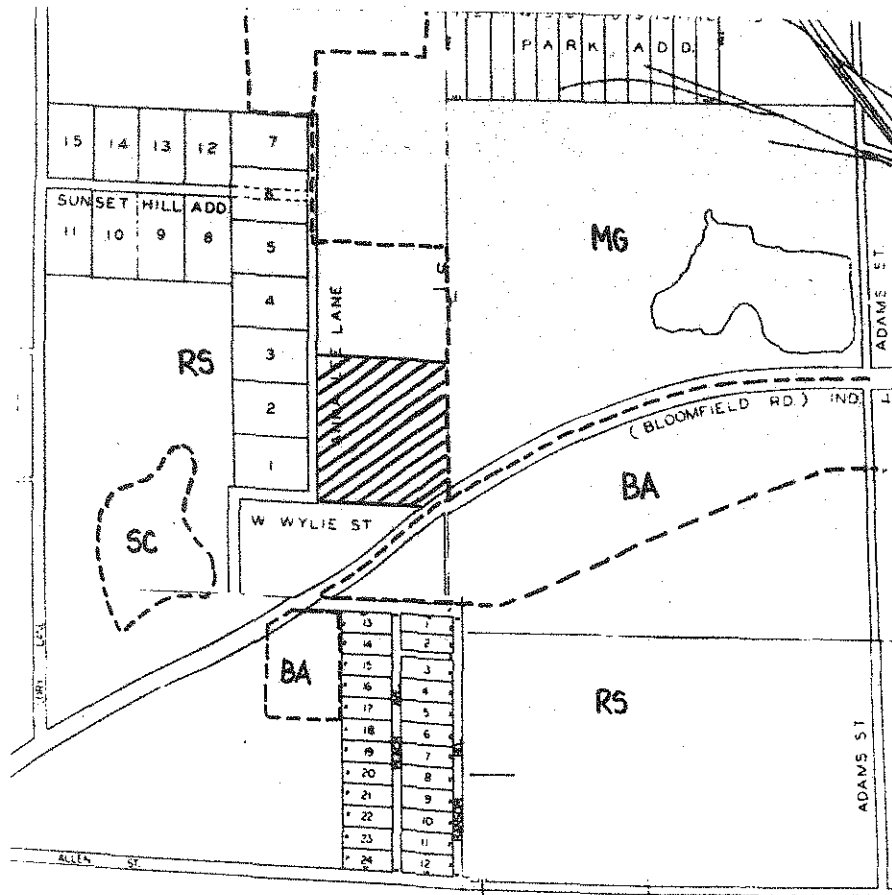
The subject property is in an area of general business and industrial uses including east and northeast of this property the Ralph Rogers companies, having various industrial and business uses, such as the manufacture of concrete blocks, roof trusses, the storage of heavy vehicles, wholesale and retail sales of building materials. Also in the immediate area are the Farm Bureau retail sales and Farm Bureau storage and farm sales, Farm Bureau automobile and tractor service and service station, Pro Service Station, Murphy's Garden Center and a used car lot and Sunset Hill Fence Company.

The proposed rezoning will not change the character of the neighborhood and will permit improvements to be made in an area already committed to business and industrial uses.

PLAN COMMISSION

ZO-50-74

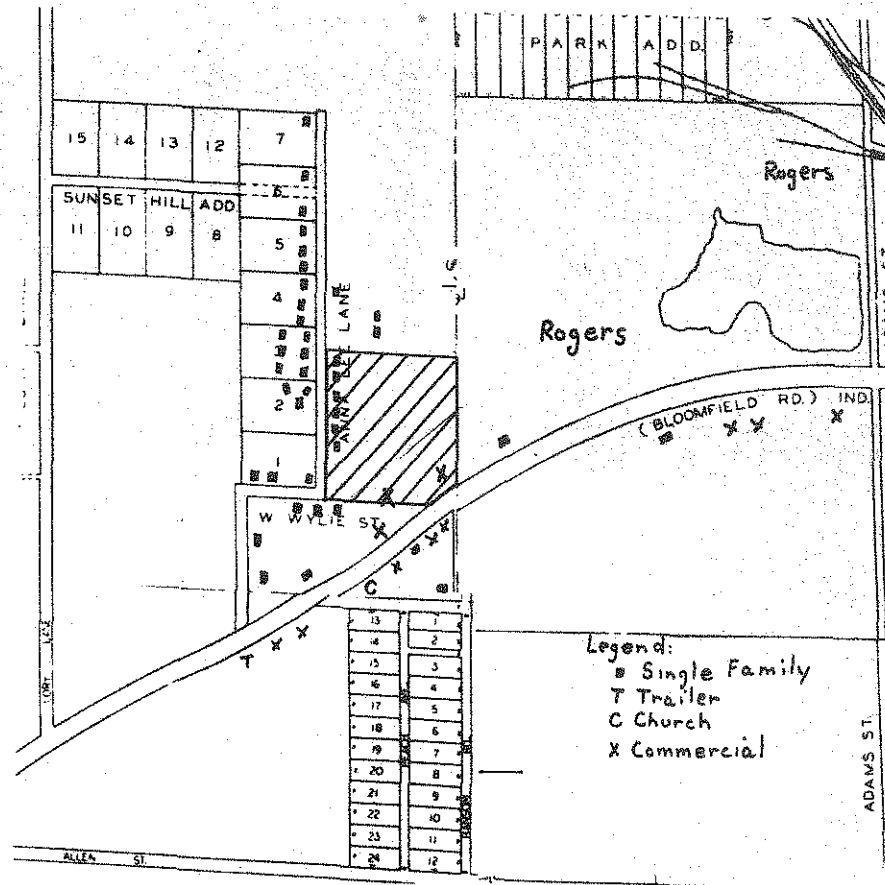
ZONING



Plan Commission

ZO-50-74

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 Master Plan shows the area as residential which would conflict with a BA designation. However, the commercial uses in the area were in existence prior to adoption of the plan.
2. Is surrounding zoning (and land use) compatible with proposed change. Zoning and land use to the West and North are residential, and to the South commercial. Rogers (ML zone classification) lays to the East. Rezoning of a portion of the subject area would be a logical extension of the existing BA zone. However, that portion of the area used residentially and facing other residences should remain RS.
3. Is the area developed with non-conforming uses and would the change requested make the area more conforming?  
Minton's Body Shop, Murphy's Garden Center, and Sunset Hill Fence Company are all non-conforming uses although only Minton's is entirely within the advertized area. A BA zone would make the area more conforming.
4. Is the original or existing zoning a mistake from the beginning? Possibly; the Master Plan and zoning adopted in 1973 failed to reflect existing land use in the subject area.
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; the Body Shop has the status of a legally existing non-conforming use, and as such would be allowed to continue. However; proposed improvements to the site would be limited to 30% of assessed value.
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?  
Rezoning would permit site improvements to an existing business. Rezoning would probably not alter current traffic patterns in the area since the use already exists.
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.  
The street involved is a State highway and any improvements would be determined by the State. The closest sewer line is between 1/4 and 1/2 mile away and there are no plans to provide a link in the near future.
3. What effect would the proposed rezoning have upon the existing development pattern?  
Rezoning a portion of the subject area would reflect the existing development pattern in the area. The only vacant land in the area is on the South side of SR 45 and is currently zoned BA.
4. Is the boundary of the proposed change the most natural permanent boundary?  
The land behind the shop slopes heavily and could provide a natural boundary to the North. The request is a logical extension of an existing BA zone, but measures to protect the existing residences to the West and North should be provided.
5. What is the effect of the proposed change upon the development pattern of the community?  
  
See number three (3)
6. Will the proposed change stimulate additional rezoning requests in the area?  
The site of Murphy's Garden Center is a likely candidate for a future rezoning request.
7. What is the amount and quality of currently zoned land available for the proposed use in the area?  
There is vacant, BA-zoned land to the Southeast of the subject area. However, the use involved is not proposed, but already in existence.
8. What, if any, are alternative potential uses for the property?  
The use is already developed.