

ORDINANCE 21-02

TO REZONE A 10.097 ACRE PROPERTY FROM PLANNED UNIT DEVELOPMENT (PUD) TO MIXED-USE CORRIDOR (MC)

- Re: 300 S. State Road 446, 4500 E. 3rd St., 4518 E. Third St., and Properties Located at E. Third Street and Identified by the Monroe County Parcel ID No. 015-32 120-01 (53-08-01-200-007.000-009) and Parcel ID No. 015-13546-00 (53-08-01-205-023.000-009) (Bill C. Brown Revocable Trust, Petitioner)

WHEREAS, Ordinance 20-06, which repealed and replaced the official zoning map within Title 20 of the Bloomington Municipal Code Entitled, "Unified Development Ordinance" went into effect on April 18, 2020; and

WHEREAS, the Plan Commission has considered this case, ZO-25-20, and recommended that the petitioner, Bill C. Brown Revocable Trust, be granted an approval to rezone 10.097 acres from Planned Unit Development (PUD) to Mixed-Use Corridor (MC); and,

WHEREAS, the Plan Commission therefore requests that the Common Council consider this petition;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.06 of the Bloomington Municipal Code, the zoning of the property located at 300 S. State Road 446, 4500 E. 3rd St., and 4518 E. Third St., **along with two parcels located along E. Third Street further described below** shall be changed from Planned Unit Development (PUD) to Mixed-Use Corridor (MC). The property is further described as follows:

Parcel 1

A part of the Northeast Quarter of the Northwest Quarter of Section 1, Township 8 North, Range 1 West, in Monroe County, Indiana, being more particularly described as follows, to-wit:

Beginning at a point on the East line of said quarter quarter that is 867.38 feet South (assumed bearing) of the Northeast corner of said quarter-quarter, thence North 89 degrees 38 minutes 18 seconds West for a distance of 668.00 feet, thence North over and along an existing fence line for a distance of 4L3.00 feet, thence South 89 degrees 03 minutes 55 seconds East for a distance of 306.47 feet, thence South 0 degrees 21 minutes West for a distance of 161.95 feet, thence South 89 degrees 38 minutes 18 seconds East for a distance of 312.09 feet, thence South 0 degrees 10 minutes 44 seconds West for a distance of 224.73 feet, thence North 89 degrees 19 minutes 1L seconds East for a distance of 5L.L7 feet, thence South for a distance of 24.58 feet to the place of beginning.

EXCEPTING THEREFROM, a strip 30 feet of even width off the entire South side of the above described land, containing in all after said exception 4.238 acres, more or less.

Parcel Number 015-30750-01 (53-08-0L-200-0L9.000-009)
Commonly known as 300 South State Road 446, Bloomington, Indiana 47401

Parcel 2

Lot Number 4 in Century Village Phase II, and Amendment to Century Village Lot 2, Phase 1, Final Plat, as shown by the Plat thereof recorded in Plat Cabinet HB, Envelope 199, in the Office of the Recorder of Monroe County, Indiana.

Parcel Number 015-10930-00 (53-03-01-200-014.000-009)
Commonly known as 4500 N. Third St, Bloomington, IN 47401

Parcel 3

A part of the North half of the Northwest quarter of Section 1, Township 8 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows: Commencing at the Northeast corner of the Northwest quarter of the Northwest quarter; thence North 89 degrees 36 minutes 31 seconds West along the North line of said Section L a distance of 238.93 feet; thence leaving said North line South 02 degrees 10 minutes 1-9 seconds East 48.79 feet to the south right-of-way of State Road #46 (E. Third Street); thence South 89 degrees 36 minutes 31 seconds East 748.16 feet along said South right-of-way to the point of beginning; thence South 89 degrees 36 minutes 31 seconds East 115.00 feet along said South right-of-way to a found iron pipe; thence South 00 degrees 52 minutes 22 seconds East 796.34 feet; thence North 89 degrees 35 minutes 48 seconds West 115.00 feet; thence North 00 degrees 52 minutes 22 seconds West 196.32 feet to the point of beginning; containing 0.52 acres, more or less.

Parcel No. 015-32 120-01 (53-08-01-200-007.000-009)
Commonly known as E. Third Street, Bloomington, IN 47401

Parcel 4

Lot Number 2 in Century Village III, as shown by the plat thereof recorded in Plat Cabinet D, Envelope LO7, in the office of the Recorder of Monroe County, Indiana.

Parcel No. 015-32L20-02 (53-08-01-300-013.002-009)
Commonly known as 4518 E. Third Street, Bloomington, IN 47401

Parcel 5

Lot Number 78 in Baker Subdivision III, as shown by the plat thereof recorded in Plat Cabinet C, Envelope L69, in the office of the Recorder of Monroe County, Indiana;

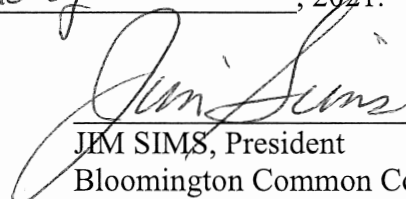
Parcel No. 015-13546-00 (53-08-01-205-023.000-009)
Commonly known as E. Third Street, Bloomington, IN 47401

SECTION 2. This rezoning shall be approved as attached hereto and made a part thereof.


SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 17th day of February, 2021.



JIM SIMS, President
Bloomington Common Council

ATTEST:

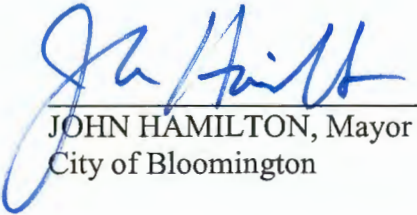


NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 18 day of February, 2021.


NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 24th day of February, 2021.


JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 21-02 rezones 10.097 acres from Planned Unit Development (PUD) to Mixed-Use Corridor (MC).

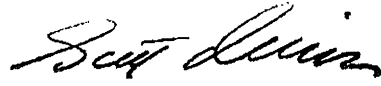
Note: At the February 17, 2021 Regular Session, the Council adopted Amendment 01, which revised the title and a portion of Section 1 to more accurately identify the affected property, and corrected the street address associated with Parcel 1.

Distributed to: Clerk, Council Attorney, Planning and Transportation, Mayor, Legal, Council.

****ORDINANCE CERTIFICATION****


In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 21-02 is a true and complete copy of Plan Commission Case Number ZO-25-20 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on December 14, 2020.

Date: December 23, 2020



Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 24th day of December, 2020. [REDACTED]



Nicole Bolden, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation Budget Transfer Salary Change Zoning Change New Fees	End of Program New Program Bonding Investments Annexation	Penal Ordinance Grant Approval Administrative Change Short-Term Borrowing Other
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If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

Fund(s) Affected _____		
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No _____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)



By: roblng
11 Dec 20



For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 300'

PETITIONERS' REZONING STATEMENT

Petitioners request for rezoning of the Century Village Planned Unit Development to mixed use – corridor (MC). This petition excludes rezoning Lot 1, Century Village Phase 1 as shown by the plat in Cabinet C in the Envelope 164 (Radio Station Office Building) and the small tract on which the radio station transmission tower was erected.

Uniform development ordinance states the purpose for the MC zone as “intended to accommodate medium-scaled developments with a mix of store front retail, professional office, and/or residential dwelling units along arterial and collector corners at a scale larger than the neighborhood-scale uses accommodated by the MN zoning district.

Current Planned Unit Development Zone. The Century Village II planned unit development was approved on October 1, 2004 as ordinance 04-32. The Century Village PUD encompassed 14.32 acres and identified a list of permitted uses as:

- Assisted Living Facility
- Day Care Centers
- Financial Institutions with a drive thru
- Hotel/Motel
- Office, including medical and professional
- Personal Services (hair care, tanning, etc.)
- Radio/TV Stations
- Retail Sales in enclosed buildings, limited to first floor and five thousand square feet per user
- Banquet Facility
- Restaurants, sit down, with pickup only window for carryout orders being allowed
- Restaurant, limited service
- Group Hub – limited to a minimum of 50% floor area committed to tavern/restaurant area
- Social Services
- Covered Offices

The PUD also permitted multifamily use located on second floor and above and limited to a maximum of fifty units. Site design required access to the development from East 3rd Street via single access point with the interior road to Century Village directly aligned with the existing E. Morningside Drive street connection to E. 3rd Street. East access to Century Village Complex was authorized two connections at South State Road 446.

PUD Development. The Century Village PUD acreage was subsequently platted and replatted or by amended plats created eleven lots. Seven lots are developed with the following uses:

- Office Buildings (three lots)
- Common Parking and Overflow Parking (two lots)

- Condominiums (Century Suites short-term and transient rentals)
- Restaurant
- Banquet Facility
- Radio Station Office and Transmission Tower

Development Land. The undeveloped lots and undeveloped portions of lots total approximately eleven acres.

Proposed/anticipated future development of the eleven acres includes:

- Multifamily Housing (primarily located on the northern one-half of the development ground in Century Village Complex. The multifamily buildings would be along the E 3rd Street frontage.
- Business and personal services offices (first floor use in the multifamily buildings adjacent to E 3rd Street frontage)
- Storage/Self-service Units (developed on the southern approximate one-half of the development land/Century Village PUD area). The Storage units would have direct access to South State Road 46.

Adjacent and Surrounding Uses. The Century Village PUD is bordered on the north by E 3rd Street/East State Road 46. Uses on the north side of E. 3rd Street include a convenience mart/gas station, a multifamily apartment development, a commercial building, an ice cream store and a general contractor trade office. The PUD is bordered on the east by State Road 446. On the east side of 446 is a single-family residential home, undeveloped strip of land, a connecting road at East Fall Creek Drive which extends eastward and is bordered on the north and south side by single-family homes. Adjacent to the south side of Century Village is a multifamily apartment complex. The PUD is bordered to the west by multifamily apartments and a restaurant at the northwest corner of Century Village frontage on E 3rd Street.

Environmental Issues. No karst features or environmentally sensitive features or areas are known to exist within Century Village. The eleven acres of development area is primarily open space, vacant land with few trees. The development of the eleven acres in addition to adding a treescape, is expected to preserve all existing specimen trees. On site drainage controls and water quality measures would be developed in conjunction with any further development of the project.

Petitioners' Intent: A planning policy for the City of Bloomington is to examine the existing PUD zones upon adoption of the new Uniform Development Ordinance. The City will examine the existing PUD zones carried forward with the new zoning map and consider appropriate rezonings to identify specific zoning classifications in the new UDO. Prior to development of the remaining eleven acres in the Century Village PUD, petitioners seek to advance the consideration of rezoning of the Century Village PUD to an appropriate zone in accordance with the recently approved UDO. The mixed use corridor zone is the most appropriate zoning classification for the Century Village PUD. The property is located on two corridors – E 3rd Street and South State Road 446. The permitted uses in the Century Village PUD are most closely aligned with the uses permitted for the MC zone in accordance with the use table. The

anticipated development for the eleven acres in the Century Village PUD is consistent with the MC table of permitted uses. The development standards applicable to the MC zone are appropriate for the existing developments as well as anticipated development of the eleven acres.

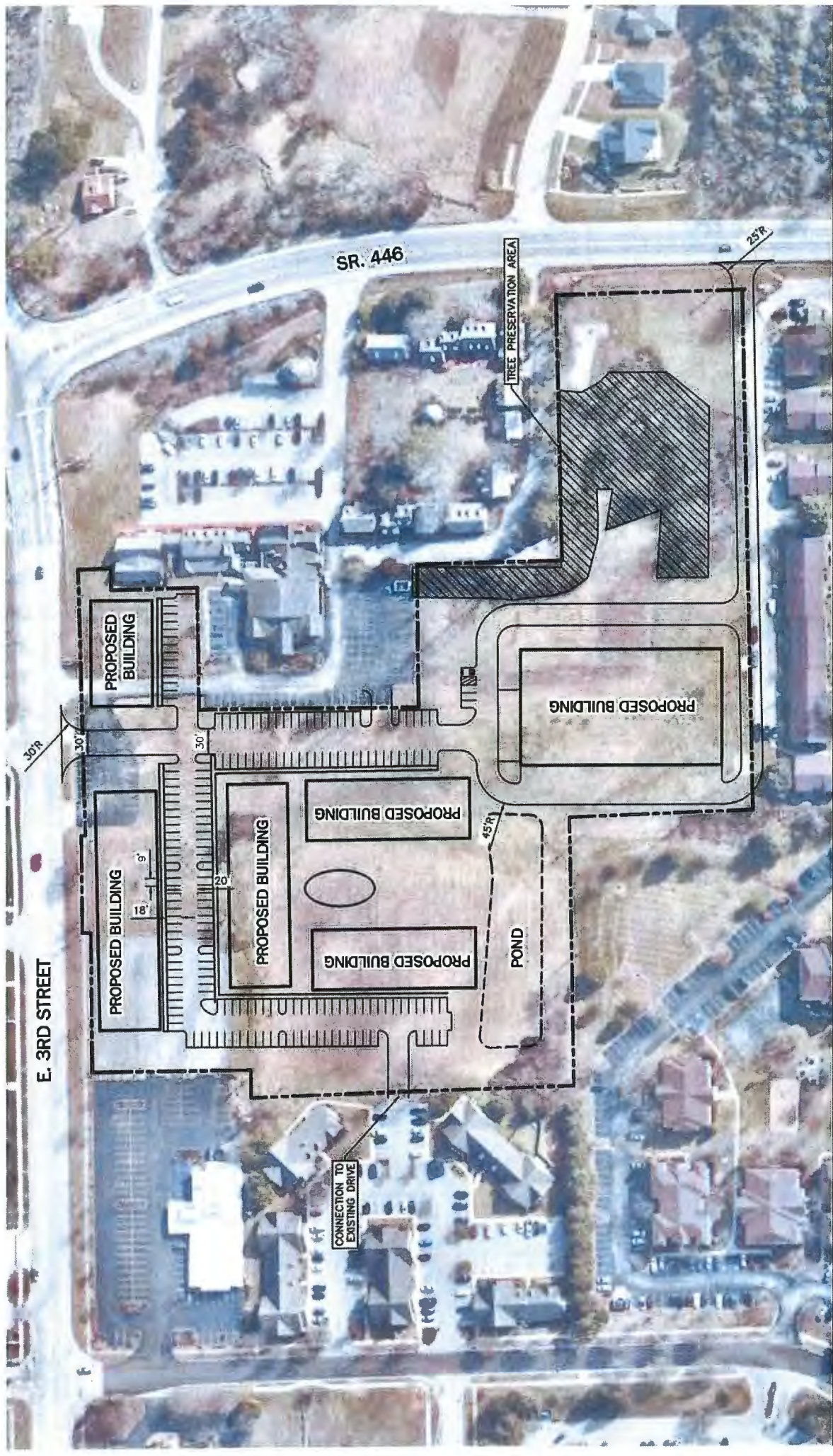
Development would utilize the MC development standards for multifamily housing. It is expected that the development would maintain the current PUD standard for first floor nonresidential use in multifamily buildings along the E 3rd Street frontage.

Petitioner requests waiver of second hearing before the Plan Commission.



Michael L. Carmin
Attorney for Petitioner

423574

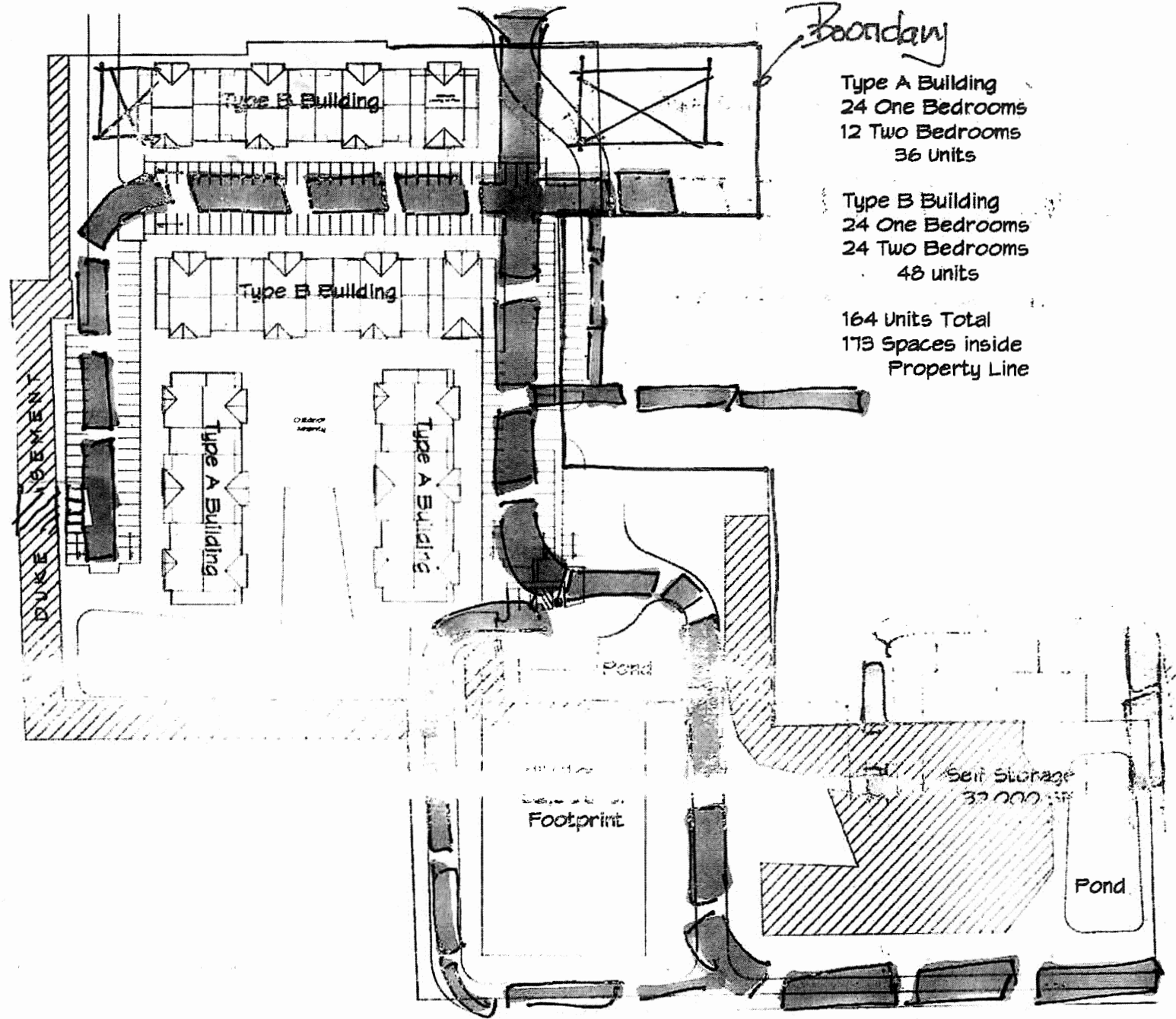


Site Exhibit
Bloomington Century Village PUD - Rezone
E. 3rd Street & SR. 446
Bloomington, IN



SCALE 1" = 100'

October 8, 2020



Type A Building
 24 One Bedrooms
 12 Two Bedrooms
 36 Units

Type B Building
 24 One Bedrooms
 24 Two Bedrooms
 48 units

164 Units Total
 173 Spaces inside
 Property Line



Front Elevation Concept - Building B




US Architects
(765) 405-1220

A Concept Sketch for
Century Village Storage
Bloomington, Indiana
September 2020

December 11, 2020

City of Bloomington Plan Commission
c/o Ryan Robling

Re: Century Village PUD Rezoning

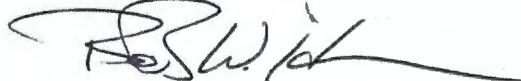
Dear Mr. Robling:

I am writing on behalf of Sound Management, LLC ("Sound Management"). Sound Management is the owner of Century Village Phase 1, Lot 1 which contains a broadcast office and studio for its radio stations. It also leases a .058 acre parcel in Century Village for its broadcast tower. Call, LLC, an affiliated entity, actually owns the tower. There is an easement for a transmission line that runs between the broadcast studio and the tower. Sound Management's predecessor, University Broadcasting Company, LLP, acquired the property and tower in 1996 from a prior radio operator. Its broadcast operations and the tower are specifically permitted uses in the Century Village PUD. Sound Management has made a substantial investment in its assets and operation and anticipates continuing operations from Lot 1 and the broadcast tower that is located in the Century Village PUD for years to come.

We are aware that Bill Brown has initiated a rezoning petition to covert the Century Village PUD (exclusive of Lot 1 and the broadcast tower) to an appropriate zone under the recently adopted City of Bloomington Unified Development Ordinance. Sound Management declined to join the rezoning petition as to Lot 1 and the tower site. We understand that in all of the possible zones in the new zoning ordinance, the communication tower is permitted only as a conditional use. As you can imagine operation of the broadcast tower as it currently exists is critical to the continued operation of Sound Management's business.

While Sound Management, LLC does not object to Mr. Brown's petition, it does object to any change which would restrict Sound Management's current operations or cause the broadcast tower to be a conditional use now or in the future. It is not reasonable to expect Sound Management to voluntarily or intentionally subject its use of the property to a zoning change that imposes conditional use standards on its business critical communication tower. Sound Management, LLC and Call, LLC have far too much invested in the radio station's site and communication tower as a permitted use.

Sincerely,



Robert T. Wildman

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