

**ORDINANCE 21-35**

**TO AMEND THE CITY OF BLOOMINGTON ZONING MAPS BY REZONING 1.31 ACRES OF PROPERTY FROM MIXED-USE EMPLOYMENT (ME) TO MIXED-USE MEDIUM SCALE (MM)**

**- Re: 135, 201, 215 S. Westplex Avenue  
(Wheeler Mission, Petitioner)**

WHEREAS, Ordinance 20-06 repealed and replaced the official zoning map within Title 20 of the Bloomington Municipal Code Entitled, "Unified Development Ordinance"; and

WHEREAS, the Plan Commission has considered this case, ZO-22-21, and recommended that the petitioner, Wheeler Mission, be granted an approval to rezone 1.31 acres from Mixed-Use Employment (ME) to Mixed-Use Medium Scale (MM); 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 for the properties located at 135, 201 and 215 S. Westplex Avenue shall be amended to be zoned as Mixed-Use Medium Scale (MM). The properties are further described as follows:

Lot Number Eight (8) in WESTPLEX PARK, an Addition to Monroe County, Indiana, as shown by the recorded plat thereof recorded in Plat Cabinet C, Envelope 14, in the office of the Recorder of Monroe County, Indiana

LOT NUMBER NINE (9) IN WESTPLEX PARK, AN ADDITION TO MONROE COUNTY, INDIANA, AS SHOWN BY THE RECORDED PLAT THEREOF, RECORDED IN PLAT CABINET "C", ENVELOPE 14, IN THE OFFICE OF THE RECORDER OF MONROE COUNTY, INDIANA.

Lot Number 10 of Westplex Park, as shown by the Plat thereof, recorded in Plat Cabinet "C", Envelope 14, in the Office of the Recorder of Monroe County, Indiana.

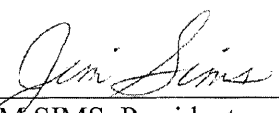
Subject to any and all easements, agreements, and restrictions of record.

SECTION 2. This rezoning shall be approved and the zoning maps amended.

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 20 day of October, 2021.

  
\_\_\_\_\_  
JIM SIMS, President  
Bloomington Common Council

ATTEST:



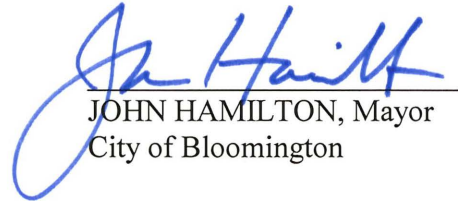
NICOLE BOLDEN, Clerk  
City of Bloomington

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



NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 22<sup>d</sup> day of October, 2021.



JOHN HAMILTON, Mayor  
City of Bloomington

SYNOPSIS

Ordinance 21-35 rezones 1.31 acres from Mixed-Use Employment (ME) to Mixed-Use Medium Scale (MM).

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

\*\*\*\*ORDINANCE CERTIFICATION\*\*\*\*

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 21-35 is a true and complete copy of Plan Commission Case Number ZO-22-21 which was given a recommendation of approval by a vote of 8 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on August 9, 2021.

Date: August 18, 2021



\_\_\_\_\_  
Scott Robinson, Secretary  
Plan Commission

Received by the Common Council Office this 18th day of August, 2021.



\_\_\_\_\_  
Nicole Bolden, City Clerk

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

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

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.)

## Interdepartmental Memo

**To:** Members of the Common Council  
**From:** Eric Greulich, Senior Zoning Planner  
**Subject:** ZO-22-21  
**Date:** August 18, 2021

Attached are the staff report, petitioner's statement, maps, and exhibits which pertain to Plan Commission case ZO-22-21. The Plan Commission heard this petition at August 9, 2021 hearing and voted 8-1 to send this petition to the Common Council with a favorable recommendation. The Plan Commission report is attached.

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**REQUEST:** The petitioner is requesting to rezone 1.31 acres from Mixed-Use Employment (ME) to Mixed-Use Medium Scale (MM).

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**BACKGROUND:**

<b>Area:</b>	1.31 acres
<b>Current Zoning:</b>	Mixed-Use Employment (ME)
<b>Comp Plan Designation:</b>	Urban Corridor
<b>Existing Land Use:</b>	Office and Homeless Shelter
<b>Proposed Land Use:</b>	Office and Homeless Shelter
<b>Surrounding Uses:</b>	North – Office and light manufacturing South – Office and light manufacturing East – Office West – Office and retail

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**REPORT:** The petition site encompasses three properties that total 1.31 acres and are located at 135, 201, and 215 S. Westplex Ave. The properties are zoned Mixed-Use Employment (ME). The property is currently developed with several office buildings that house a variety of uses by the petitioner including office space, community meeting space, and sleeping facilities. Surrounding land uses include other commercial offices and manufacturing buildings.

The petitioner recently acquired the building at 201 S. Westplex Avenue and would like to expand their use into that building. The building would be used to provide overnight sleeping accommodation for those experiencing homelessness, community meeting and training spaces, as well as on-site office space for staff. The petitioner would also be proposing an addition to combine the existing buildings at 201 and 215 S. Westplex.

The Unified Development Ordinance identifies the petitioner's land use as "supportive housing", which is not a permitted or conditional use in the current Mixed-Use Employment district. The petitioner is requesting to rezone the three properties to Mixed-Use Medium Scale (MM) in order to allow for the expansion of their use on the site.

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**COMPREHENSIVE PLAN:** The Comprehensive Plan designates this site as 'Urban Corridor'. The Urban Corridor district is identified as having excellent access to major roadways, utilities, and other services like transit, fire, and police service. This district generally has high intensity uses and is expected to change by incorporating mixed uses and increasing activity. This petition furthers many goals of the Comprehensive plan by expanding social service uses, providing housing for members of our community experiencing homelessness, and providing services along an existing corridor with

good pedestrian facilities, multi-modal access, and transit service. The Comprehensive Plan specifically addresses this in

Goal 5.1 Housing Affordability- Improve access to affordable housing for a continuum of needs in Bloomington, including people experiencing homelessness, low-income, and moderate-income households.

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**20.06.070(b)(3)(E)(i)(1) ZONING MAP AMENDMENT PLAN COMMISSION REVIEW AND RECOMMENDATION:**

The following criteria are those that the Plan Commission must consider when reviewing a zoning map amendment request.

[a] The recommendations of the Comprehensive Plan;

**ADOPTED FINDING:** The Comprehensive Plan designates the site as Urban Corridor and identifies this area as appropriate for high intensity uses and notes that these areas are well served by existing infrastructure. A diversity of land uses in this district is also encouraged. In addition, providing a mix of housing for residents of the community, including those experiencing homelessness, is encouraged in multiple sections of the Comprehensive Plan.

[b] Current conditions and character of structures and uses in each zoning district;

**ADOPTED FINDING:** The site has currently been developed with several buildings owned by the petitioner that provide the requested service. The location of the site immediately adjacent to a Bloomington Transit route along 3<sup>rd</sup> Street as well as recent improvements to 3<sup>rd</sup> Street for protected bike lanes further increases the multi-modal transportation options for users at this location. Approval of this request would allow for improvements to the existing facilities and allow expanded service offerings for members of the community.

[c] The most desirable use for which the land in each zoning district is adapted;

**ADOPTED FINDING:** The Comprehensive Plan states that a wide range of land uses is appropriate within this district. The rezoning of this site to Mixed-Use Medium Scale (MM) would also match adjacent land to the east that is zoned the same.

[d] The conservation of sensitive environmental features;

**ADOPTED FINDING:** There are no known sensitive environmental features on this site.

[e] The conservation of property values throughout the jurisdiction; and

**PROPOSED FINDING:** The proposed rezoning and expansion of services at this facility is not expected to have any negative impacts on adjacent property values since there is not a proposed increase in the number of beds. In addition, the rezoning of this property would match the zoning of the properties to the east and north.

[f] Responsible development and growth

**ADOPTED FINDING:** The rezoning of this site will help further many goals of the Comprehensive Plan and facilitate additional resources available to the community. The Comprehensive Plan states that this district is appropriate for higher intensity uses and the high level of access to this site makes it even more ideal for different forms of access.

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**CONCLUSION:** The Plan Commission found that the rezoning of this site to Mixed-Use Medium Scale would match the Comprehensive Plan designation and goals of the site as Urban Corridor. Although this site was recently rezoned from a Planned Unit Development to Mixed-Use Employment based on the approved list of uses in the PUD and the Comprehensive Plan, the rezoning of this site to Mixed-Use Medium Scale would match the zoning of adjacent properties and allow for many of the uses originally approved within the previous PUD. The rezoning of these properties to Mixed-Use Medium scale would not affect adjacent businesses and would allow this use to expand and better serve the needs of the overall community in an area that is appropriate and in-line with the Comprehensive Plan.

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**RECOMMENDATION:** The Plan Commission voted 8-1 to adopt the proposed findings and forward this petition to the Common Council with a favorable recommendation and the following conditions:

1. A compliant site plan, including a landscape plan, shall be submitted for each location with submittal of the associated building permit application. All improvements shall be installed before final occupancy is issued for each site.
2. A plan for the correction of any deficiencies to existing sidewalk ramps and facilities along this road frontage of the petition properties will be submitted of the building permit application and will be installed before final occupancy is issued.
3. Right-of-way dedication consistent with the Transportation Plan is required within 180 days of approval by Common Council.