



City of Bloomington Common Council

Legislative Packet

Special Session

23 May 2007

*Please consult this packet and the [Legislative Packet](#) issued for the 16 May 2007
Regular Session for the relevant legislation and background material.*

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402

812.349.3409

council@bloomington.in.gov
<http://www.bloomington.in.gov>



To: Council Members
From: Council Office
Re: Weekly Packet Memo
Date: May 18, 2007

Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- **Notice** of Cancellation of Committee of the Whole and the Scheduling of a Special Session for 23 May 2007 at 7:30 p.m.

Legislation and Background Material for First Reading at Special Session on 23 May 2007 and Forwarding for Final Action at Regular Session on 6 June 2007:

- **Ord 07-08** To Amend the Bloomington Zoning Maps and Zone Property Currently in the Monroe County Planning Jurisdiction to Commercial General (Cg) in Anticipation of Annexation - Re: 2501 South Leonard Springs Road (Small Town Properties, Petitioner)
 - Certification (6 – 0); Map of Surrounding Zoning; Aerial Photo of Site; Memo to Council from Tom Micuda, Director of Planning; Staff Report to the Plan Commission; Petitioner Statement; Site Plan

Contact: Tom Micuda at 349-3459 or micudat@bloomington.in.gov

Annexation Legislation for Scheduled for Various Actions at Special Session on 23 May 2007:

- **Ord 07-10** An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (2501 South Leonard Springs Road)

Contact: Susan Clark at 349-3416 or clarks@bloomington.in.gov
Tricia Bernens at 349-3426 or bernenst@bloomington.in.gov
- **Res 07-05** To Adopt a Written Fiscal Plan and to Establish a Policy for the Provision of City Services To an Annexed Area (2501 South Leonard Springs Road)

Contact: Susan Clark at 349-3416 or clarks@bloomington.in.gov
 - Please see the [Legislative Packet](#) issued for the 16 May 2007 meetings for the legislation and background material.

Other Legislation Proposed for Final Action at Special Session on 23 May 2007:

- **Ord 07-11** To Amend Title 15 Entitled “Vehicles and Traffic” – Re: Parking Near Sixth and Madison Streets

Contact: Justin Wykoff at 349-3593 or wykoffj@bloomington.in.gov

- *Please see the [Legislative Packet](#) issued for the 16 May 2007 meetings for the legislation and background material.*

Minutes from Regular Session:

None

Memo

Common Council Canceled Committee of the Whole and Scheduled a Special Session for 23 May 2007 when Various Actions will be Taken on Four Items

As a result of your action last Wednesday, the Council will hold a Special Session instead of a Committee of the Whole on Wednesday, 23 May 2007, where it is scheduled to take various actions as indicated in the table below (which also lists items scheduled for final action at the 6 June 2007 Regular Session). Please note that all the legislation except Ord 07-08, which zones the proposed annexed parcel and can be found in this packet, can be found in the [Legislative Packet](#) prepared for the 16 May 2007 meetings.

Wednesday, May 23rd

<u>Meeting</u>	<u>Anticipated Action</u>	<u>Item</u>
Special Session	Introduce	<u>Ord 07-08</u> (Zoning Annexed Parcel)
	Public Hearing	<u>Ord 07-10</u> (Annexation)
	Motion to Forward to June 6 th Reg Session	<u>Ord 07-10</u> (Annexation)
	Motion to Adopt	<u>Res 07-05</u> (Fiscal Plan)
	Discuss and Motion to Forward to June 6 th Reg Session	<u>Ord 07-08</u> (Zoning Annexed Parcel)
	Motion to Adopt	<u>Ord 07-11</u> (Sixth and Madison Street Parking)

Wednesday, June 6th

Regular Session	Motion to Adopt	<u>Ord 07-10</u> (Annexation)
	Motion to Adopt	<u>Ord 07-08</u> (Zoning Annexed Parcel)

Ord 07-08 – Designating Initial Commercial General (CG) Zoning for Proposed Annexation of Land at 2501 South Leonard Springs Road

Ord 07-08 would establish initial Commercial General (CG) zoning for property located at 2501 South Leonard Springs Road that is being considered for annexation by the Council during this legislative cycle. This property currently lies within the Monroe County and is zoned Commercial Arterial (CA).

History and Future Development of the Site. This half-acre site is located at the southeast corner of Bloomfield Road and Leonard Springs Road and consists of a paved area and vacant commercial building. Over the years it has been used as a gas station, an auto repair shop, and a car lot. Small Town Properties, LLC has owned the property since 1992 and has initiated or seen significant changes at the site over that period of time, which have included the removal of an underground storage tank and the purchasing of a portion of the site to widen the intersection in 1995 and the laying of a sanitary sewer line in 1997. Since 1992 the zoning has changed from Limited Business (BL) to Commercial Limited (CL), and, finally in 1997, to Commercial Arterial (CA) with a restrictive covenant which added outdoor auto sales and related services to CL uses. The owner now intends to redevelop it as a package liquor store.

Surrounding Uses. Aside from the Bloomfield and Leonard Springs roadways, the site is surrounded by areas within the Monroe County Planning Jurisdiction which includes: vacant residential land across Bloomfield Road on the north; a hardware store and the Super Walmart on the east; the entrance to and parking for the Super Walmart on the south; and, a convenience store across Leonard Springs Road on the west.

Criteria for Zoning

As Tom Micuda, Director of Planning, notes in his memo to the Council, the decision to establish initial zoning for land is not specifically addressed in the Unified Development Ordinance (UDO), but is analogous to the rezoning of a parcel. For that reason, the Staff Report to the Plan Commission and Memo to the Council frame this action in terms of the six criteria for rezoning a parcel, which are briefly summarized below:

Growth Policies Plan. The Monroe County Comprehensive Plan was written when Grandview Elementary School occupied the site now filled with the Super Walmart and, therefore, calls for an out-of-date “Public/Semi-Public” designation for this area.

However, the memo concludes that the long history of commercial use here and the prevailing commercial use in the surrounding land “do not contradict” the County’s or City’s comprehensive plans.

Current Conditions and Character of Structures and Uses in Each Zoning District. The existing building and paved areas and the long history of commercial uses justify the proposed CG zoning.

The Most Desirable Use for Which the Land in Each Zoning is Adopted. The memo favored the CG zoning after exploring alternate commercial zoning, including the Commercial Limited (CL) designation., which is more suitable for a low traffic and predominantly residential area, and Commercial Arterial (CA), which did not offer as much control over automobile oriented land uses.

Conservation of Sensitive Environmental Features. There are no sensitive environmental features on this property and the few trees on the site can be preserved and will not be affected by the CG zoning.

Conservation of Property Values throughout the Jurisdiction. The long history of commercial zoning and use on this site justify the CG zoning for this particular parcel and the predominance of commercial zoning and use on the surrounding properties suggest that the new designation will not jeopardize those property values.

Responsible Development and Growth. The memo finds that development under CG zoning would be compatible with existing zoning and uses here and in the surrounding area whether the property stayed in the County or was annexed to the City. It also notes that this zoning will require relocating the drive cuts away from the intersection, adding sidewalks, tree plots, and landscaping, and building a higher quality commercial structure when this property develops. Lastly, the memo indicates that the property owner has terminated its lease for a billboard which will need to be removed from the site.

Timing of Ordinance and Effective Date of Zoning

This ordinance is being considered at the same time the Council considers the annexation of this parcel and would go into effect at the same time as the annexation.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL SPECIAL SESSION
7:30 P.M., WEDNESDAY, MAY 23, 2007
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

IV. LEGISLATION FOR FIRST READING

1. Ordinance 07-08 To Amend the Bloomington Zoning Maps and Zone Property Currently in the Monroe County Planning Jurisdiction to Commercial General (CG) in Anticipation of Annexation – Re: 2501 South Leonard Springs Road (Small Town Properties, Petitioner)

V. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 07-10 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (2501 South Leonard Springs Road)

- Public Hearing
- Motion to Forward to Regular Session on June 6, 2007 for Final Action

Asked to Attend: Tricia Bernens, City Attorney

2. Resolution 07-05 To Adopt a Written Fiscal Plan and to Establish a Policy for the Provision of City Services to an Annexed Area (2501 South Leonard Springs Road)

Asked to Attend: Susan Clark, Controller

3. Ordinance 07-08 To Amend the Bloomington Zoning Maps and Zone Property Currently in the Monroe County Planning Jurisdiction to Commercial General (CG) in Anticipation of Annexation – Re: 2501 South Leonard Springs Road (Small Town Properties, Petitioner) Motion to Forward to Regular Session on June 6, 2007 for Final Action

- Motion to Forward to Regular Session on June 6, 2007 for Final Action

Asked to Attend: Tom Micuda, Director, Planning Department

4. Ordinance 07-11 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re: Parking Near Sixth and Madison Streets

Committee Recommendation: Do Pass 2 – 0 – 3

VI. ADJOURNMENT

City of
Bloomington
Indiana

City Hall
401 N. Morton St.
Post Office Box 100
Bloomington, Indiana 47402



Office of the Common Council
(p:) 812.349.3409
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To: Council Members
From: Council Office
Re: Calendar for the Week of May 21-26, 2007

Monday, May 21, 2007

4:00 pm Council for Community Accessibility, McCloskey
5:00 pm Jack Hopkins Social Services 2007 Funding Committee Allocation Hearing, Council Chambers
5:30 pm Bloomington Human Rights Commission, McCloskey
5:30 pm Bicycle & Pedestrian Safety Commission, Hooker Room
6:30 pm *Home Construction & Remodeling for Energy Efficiency*, Rogers Room, Bloomington Convention Center, 302 S. College Ave.

Tuesday, May 22, 2007

3:30 pm Housing Trust Fund, McCloskey
4:00 pm Board of Park Commissioners, Council Chambers
4:00 pm Diversity Film Festival Planning Committee, Hooker Room

Wednesday, May 23, 2007

1:00 pm Safe Routes to School Education Group, Hooker Room
2:00 pm Hearing Officer, Kelly
5:30 pm Traffic Commission, Council Chambers
6:30 pm Metropolitan Planning Organization Citizens' Advisory Committee, McCloskey
7:30 pm Common Council Special Session, Council Chambers

Thursday, May 24, 2007

6:00 pm Homebuyer's Club, McCloskey

Friday, May 25, 2007

No meetings are scheduled for this date.

Saturday, May 26, 2007

8:00 am Bloomington Community Farmers' Market, Showers Common



City of Bloomington
Office of the Common Council

MEETING NOTICE

THE COMMON COUNCIL HAS:

CANCELLED THE
COMMITTEE OF THE WHOLE DISCUSSION
PREVIOUSLY SCHEDULED FOR
WEDNESDAY, MAY 23, 2007 AT 7:30 P.M.

AND

SCHEDULED A
SPECIAL SESSION
FOR THAT SAME TIME

IN THE
COUNCIL CHAMBERS, ROOM 115,
401 N. MORTON STREET.

Dated & Posted: Friday, May 18, 2007

ORDINANCE 07-08

TO AMEND THE BLOOMINGTON ZONING MAPS AND ZONE PROPERTY CURRENTLY IN THE MONROE COUNTY PLANNING JURISDICTION TO COMMERCIAL GENERAL (CG) IN ANTICIPATION OF ANNEXATION

**Re: 2501 South Leonard Springs Road
(Small Town Properties, Petitioner)**

WHEREAS, Ordinance 06-24 approved the Unified Development Ordinance (“UDO”), which repealed and replaced both Title 20 of the Bloomington Municipal Code entitled, “Zoning,” and Title 19 of the Bloomington Municipal Code, entitled “Subdivisions;” and

WHEREAS, the Plan Commission has considered this case, ZO-09-07, and recommended that the petitioner, Small Town Properties, be granted a Commercial General (CG) zoning designation for the property located at 2501 South Leonard Springs Road. The Plan Commission thereby 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 I. Through the authority of IC 36-7-4 and pursuant to Chapter 20.09.160 of the Bloomington Municipal Code, the initial zoning for the property located at 2501 South Leonard Springs Road be designated as Commercial General (CG). The property is further described as follows:

A part of the Southeast quarter of Section 12, Township 8 North, Range 2 West, Monroe County, Indiana, described as follows: Beginning at the point of intersection of the centerline of State Road 45 and the North-South centerline of said Section 12, said point of intersection being 1877.19 feet North of the Southwest corner of the Southeast quarter of said Section 12, thence South 0 degrees 0 minutes East over and along the said section North-South centerline for a distance of 187.00 feet; thence South 88 degrees 48 minutes 11 seconds East for a distance of 169.00 feet, thence North 0 degrees 0 minutes East parallel to the North-South centerline of said Section 12 for a distance of 147.57 feet, thence South 90 degrees 0 minutes West for a distance of 16.39 feet; thence North 14 degrees 23 minutes 48 seconds West for a distance of 140.57 feet to the centerline of State Highway 45, thence South 49 degrees 06 minutes 45 seconds West over and along said centerline for a distance of 15.50 feet; thence South 51 degrees 53 minutes 10 seconds West continuing over and along said centerline for a distance of 134.59 feet to the point of beginning, and containing 0.86 acres, more or less.

EXCEPTING THEREFROM the following-described real estate conveyed by Small Town Properties to the State of Indiana, to-wit: A part of the Southeast Quarter of Section 12, Township 8 North, Range 2 West, Monroe County, Indiana, described as follows: Commencing at the southwest corner of said quarter section; thence North 0 degrees 02 minutes 50 seconds East 1,690.19 feet (distance deduced from D.R. 403, page 189) along the west line of said quarter section to the southwest corner of the owners’ land; thence South 89 degrees 57 minutes 10 seconds East 18.00 feet along the south line of the owners’ land to the East boundary of Leonard Springs Road and the point of beginning of this description: thence North 0 degrees 02 minutes 50 seconds East 162.99 feet along the boundary of said Leonard Springs Road to the southeastern boundary of S.R. 45; thence along the boundary of said S.R. 45 Northeasterly 140.43 feet along an arc to the left and having a radius of 1,939.86 feet and subtended by a long cord having a bearing of North 49 degrees 59 minutes 01 second East and a length of 140.40 feet to the eastern line of the owners’ land; thence South 14 degrees 20 minutes 58 seconds East 28.20 feet along said eastern line; thence Southwesterly 114.34 feet along an arc to the right and having a radius of 1,964.86 feet and subtended by a long cord having a bearing of South 49 degrees 57 minutes 34 seconds West and length of 114.32 feet; thence South 0 degrees 02 minutes 50 seconds West 127.96 feet; thence North 89 degrees 57 minutes 10 seconds West 10.00 feet; thence South 0 degrees 02 minutes 50 seconds West 24.47 feet to the south line of the owners’ land; thence North 89 degrees 57 minutes 10 seconds West 17.00 feet along said south line to the point of beginning, and containing 0.165 acres, more or less.

AND a part of the Southeast Quarter of Section 12, Township 8 North, Range 2 West, Monroe County, Indiana, described as follows: Commencing at the southwest corner of said quarter section; thence North 0 degrees 02 minutes 50 seconds East 1,690.19 feet (distance deduced from D.R. 403, page 189) along the west line of said quarter section to the southwest corner of the owners' land; thence South 89 degrees 57 minutes 10 seconds East 18.00 feet along the south line of the owners' land to the East boundary of Leonard Springs Road and the point of beginning of this description: thence North 0 degrees 02 minutes 50 seconds East 162.99 feet along the boundary of said Leonard Springs Road to the southeastern boundary of S.R. 45; thence along the boundary of said S.R. 45 Northeasterly 140.43 feet along an arc to the left and having a radius of 1,939.86 feet and subtended by a long cord having a bearing of North 49 degrees 59 minutes 01 second East and a length of 140.40 feet to the eastern line of the owners' land; thence South 14 degrees 20 minutes 58 seconds East 28.20 feet along said eastern line; thence Southwesterly 114.34 feet along an arc to the right and having a radius of 1,964.86 feet and subtended by a long cord having a bearing of South 49 degrees 57 minutes 34 seconds West and length of 114.32 feet; thence South 0 degrees 02 minutes 50 seconds West 127.96 feet; thence North 89 degrees 57 minutes 10 seconds West 10.00 feet; thence South 0 degrees 02 minutes 50 seconds West 24.47 feet to the south line of the owners' land; thence North 89 degrees 57 minutes 10 seconds West 17.00 feet along said south line to the point of beginning, and containing 0.165 acres, more or less.

SECTION II. This ordinance shall be in full force and effect after its passage by the Common Council and approval by the Mayor and upon the effective date of Ordinance 07-10 which annexes this parcel into the City of Bloomington.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2007.

DAVE ROLLO, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2007.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2007.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance creates a Commercial General (CG) zoning designation for approximately 0.52 acre of property located at 2501 South Leonard Springs Road. This property is currently located in the Monroe County Planning Jurisdiction, but is anticipated to be annexed into the City pending consideration by the Common Council.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 07-08 is a true and complete copy of Plan Commission Case Number ZO-09-07 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on May 14, 2007.

Date: May 15, 2007 (as referenced in the Planning Department memo and supporting documents given to Council)


Thomas B. Micuda, Secretary
Plan Commission

Received by the Common Council Office this 15th day of May, 2007.


Regina Moore, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

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 _____

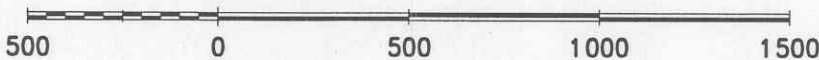
If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

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.)



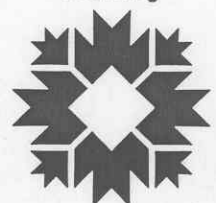
20-9-07 Zoning Map

By: micudat
10 May 07

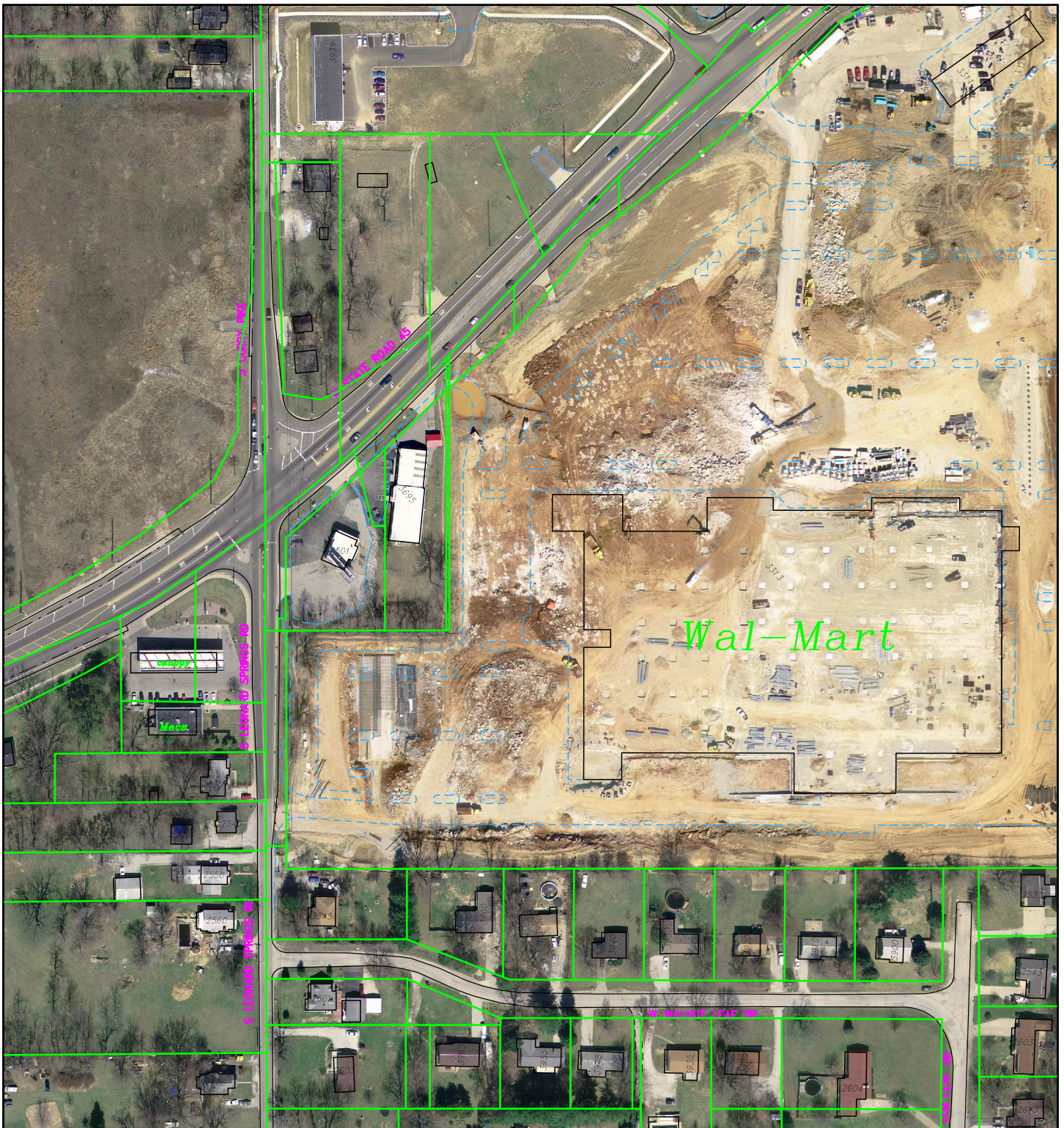


For reference only; map information NOT warranted.

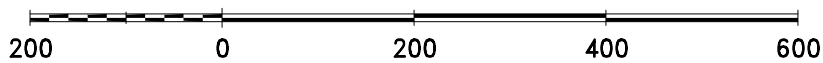
City of Bloomington
Planning



Scale: 1" = 500'



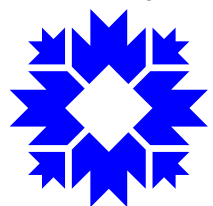
By: weiserj
17 May 07



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 200'

Interdepartmental Memo

To: Members of the Common Council
From: Tom Micuda, Planning Director
Subject: Case # ZO-09-07
Date: May 15, 2007

Attached are the staff reports, petitioner's statements, maps, and exhibits which pertain to Plan Commission Case # ZO-09-07. The Plan Commission voted 7-0 to send this petition to the Common Council with a favorable recommendation.

REQUEST: The petitioner is requesting a Commercial General (CG) zoning designation for approximately 0.52 acre of property located at 2501 South Leonard Springs Road. This property is currently zoned CA and located in the Monroe County Planning Jurisdiction. However, the petitioner has requested voluntary annexation of this property into the City.

SITE INFORMATION:

Area: 0.52 acre
Current Zoning: No City zoning; property currently zoned Arterial Commercial (CA) in the County's jurisdiction
GPP Designation: No designation due to property's location in County
Existing Land Use: No active use; property has one building formerly used for vehicle repair and automobile sales
Surrounding Uses: **South** – entrance/parking for Super Wal-Mart store
East – hardware store
North – Vacant property; zoned residential
West – Convenience Store

REASON FOR PETITION: This property, which is located at the southeast corner of State Road 45 and Leonard Springs Road, is located outside of the City's Planning Jurisdiction. The westernmost point of the Planning Jurisdiction in this general area is the former Wal-Mart property to the south of State Road 45 and the Mayfield's Cafeteria site on the north side of State Road 45. However, as a result of an unusual "strip" annexation that occurred in the late 1960's, both State Road 45 and Leonard Springs Road have been incorporated into the City's municipal boundaries adjoining the property in question.

Because of the property's unusual contiguity with roads already within the City's municipal boundaries, the property owner is seeking voluntary annexation of the 0.52 acre site into the City limits. This will require consideration by the City Council, and annexation hearings at the Council have been scheduled for May 23rd and June 6th. The owner has requested annexation in order allow the use of the property by Big Red Liquors for an eventual new store location. State law requires that the store being planned by Big Red Liquors in the future be located in an incorporated area.

JUSTIFICATION FOR REZONING: While the City Council will make the decision on whether the petitioner's request for voluntary annexation is justified, the Plan Commission's decision is a simpler one. The Plan Commission simply needs to recommend an appropriate zoning designation for the property so that if the annexation is approved by Council, there would be an immediate zoning classification for the property that could govern development. Without such a designation, which would take effect in the same timeframe as the annexation, the property would essentially have no zoning and thus have no restrictions on land use and development standards.

CRITERIA FOR DECISION: While the petition is technically not a "rezoning" since the site is not currently located within the City's Planning Jurisdiction, this staff report utilizes Section 20.09.160 of the Unified Development Ordinance, *Amendments to Zoning Map*, to analyze whether or not the property should receive a CG zoning designation upon annexation into the City. Within this section, there are six criteria that should be considered by the Plan Commission:

(A) The recommendations of the Growth Policies Plan;

Staff Finding: The Monroe County Comprehensive Plan designates this property as "Public/Semi-Public." The reason for such a designation was the former presence of the Grandview Elementary School on the property to the south and east. That property was rezoned several years ago and eventually developed as a commercial use. Given the long-time commercial zoning of the 0.52 acre site as well as the current commercial zoning designations of surrounding parcels, future commercial land usage does not contradict either the Monroe County Comprehensive Plan or the City's Growth Policies Plan.

(B) Current conditions and character of structures and uses in each zoning district;

Staff Finding: The CG zoning designation proposed for this property fits the current condition of both the property and its single structure. For many years, the property was utilized for a Marathon service station, which is a permitted use with special conditions in the CG zoning district. Although future development would almost certainly remove the structure currently located on the property, this existing structure is clearly a commercial building surrounded by parking previously utilized by commercial patrons. Based on previous commercial uses and the commercial nature of both the site and existing structure, Commercial General zoning is an appropriate designation for the property.

(C) The most desirable use for which the land in each zoning district is adapted;

Staff Finding: Because the site is located at a high traffic intersection and not adjoining an existing neighborhood, Commercial Limited zoning is not an appropriate designation. Because the property has been utilized for automobile

sales and service and the property is already zoned CA within the County's zoning jurisdiction, there is certainly an argument that could be made for simply using that same designation if the property was annexed into the City. However, the CG zoning designation does prohibit or provide design restrictions on some automobile oriented land uses such as drive throughs and auto body shops that can create some site planning challenges. As a result, staff determined that a slightly more restrictive commercial zoning district is more appropriate.

(D) The conservation of sensitive environmental features;

Staff Finding: There are no sensitive environmental features on this property. There are a few small, scattered trees on this site that can be preserved with future development. The creation of CG zoning does not affect this issue.

(E) The conservation of property values throughout the jurisdiction;

Staff Finding: As stated previously in this report, the property has a long history of both commercial zoning and commercial site usage. As a result, a CG zoning designation will result in development completely consistent with past site use. Additionally, surrounding properties such as the adjoining hardware store, Super Wal-Mart, and the convenience store west of Leonard Springs Road are already zoned commercial within the County's jurisdiction. Future commercial use of this property will not jeopardize the value of those surrounding properties.

(F) Responsible development and growth;

Staff Finding: Future development of this site, whether it's associated with a new Big Red Liquor store or another land use permitted in the CG zoning district, is compatible with the area and similar to what would eventually happen to the property should it remain in the County's Planning Jurisdiction. In addition, future development would add site plan features such as sidewalks, tree plots, additional landscaping, and a higher quality commercial building to the property. With future building construction, a large billboard on the site will be removed as a contingency of the lease agreement between the property owner and the billboard company. Existing drivecuts on the site will also be reworked to increase their distance away from the adjoining street intersection.

CONCLUSION: Given the property's existing commercial zoning within the County's Planning Jurisdiction, past commercial land utilization, and commercial nature of surrounding properties, the Plan Commission unanimously supported the Planning Department's recommendation to create commercial zoning for this property. This City zoning designation would not go into effect unless the Council adopts the voluntary annexation request.

**BLOOMINGTON PLAN COMMISSION
PRELIMINARY AND FINAL REPORT
LOCATION: 2501 Leonard Springs Road**

**CASE NO: ZO-09-07
DATE: May 14, 2007**

PETITIONER: Small Town Properties
665 North Walnut Street

COUNSEL: Bynum Fanyo & Associates
528 North Walnut Street

REQUEST: In association with a voluntary annexation request, the petitioner is requesting that property currently located in the County's Planning Jurisdiction be zoned Commercial General (CG) in accordance with the City's Unified Development Ordinance. This zoning designation would only take effect if annexation is also approved by the Common Council. A waiver of second hearing is being requested.

BACKGROUND:

Area: 0.52 acre

Current Zoning: No City zoning; property currently zoned Arterial Commercial (CA) in the County's jurisdiction

GPP Designation: No designation due to property's location in County

Existing Land Use: No active use; property has one building formerly used for vehicle repair and automobile sales

Surrounding Uses: **South** – entrance/parking for Super Wal-Mart store

East – hardware store

North – Vacant property; zoned residential

West – Convenience Store

REASON FOR PETITION: This property, which is located at the southeast corner of State Road 45 and Leonard Springs Road, is located outside of the City's Planning Jurisdiction. The westernmost point of the Planning Jurisdiction in this general area is the former Wal-Mart property to the south of State Road 45 and the Mayfield's Cafeteria site on the north side of State Road 45. However, as a result of an unusual "strip" annexation that occurred in the late 1960's, both State Road 45 and Leonard Springs Road have been incorporated into the City's municipal boundaries adjoining the property in question.

Because of the property's unusual contiguity with roads already within the City's municipal boundaries, the property owner is seeking voluntary annexation of the 0.52 acre site into the City limits. This will require consideration by the City Council, and annexation hearings at the Council have been scheduled for May 23rd and June 6th. The owner has requested annexation in order allow the use of the property by Big Red Liquors for an eventual new store location. State law requires that the store being planned by Big Red Liquors in the future be located in an incorporated area.

JUSTIFICATION FOR REZONING: While the City Council will make the decision on whether the petitioner's request for voluntary annexation is justified, the Plan Commission's decision is a simpler one. The Plan Commission simply needs to recommend an appropriate zoning designation for the property so that if the annexation is approved by Council, there would be an immediate zoning classification for the property that could govern development. Without such a designation, which would take effect in the same timeframe as the annexation, the property would essentially have no zoning and thus have no restrictions on land use and development standards.

CRITERIA FOR DECISION: While the petition is technically not a "rezoning" since the site is not currently located within the City's Planning Jurisdiction, this staff report utilizes Section 20.09.160 of the Unified Development Ordinance, *Amendments to Zoning Map*, to analyze whether or not the property should receive a CG zoning designation upon annexation into the City. Within this section, there are six criteria that should be considered by the Plan Commission:

(A) The recommendations of the Growth Policies Plan;

Staff Finding: The Monroe County Comprehensive Plan designates this property as "Public/Semi-Public." The reason for such a designation was the former presence of the Grandview Elementary School on the property to the south and east. That property was rezoned several years ago and eventually developed as a commercial use. Given the long-time commercial zoning of the 0.52 acre site as well as the current commercial zoning designations of surrounding parcels, future commercial land usage does not contradict either the Monroe County Comprehensive Plan or the City's Growth Policies Plan.

(B) Current conditions and character of structures and uses in each zoning district;

Staff Finding: The CG zoning designation proposed for this property fits the current condition of both the property and its single structure. For many years, the property was utilized for a Marathon service station, which is a permitted use with special conditions in the CG zoning district. Although future development would almost certainly remove the structure currently located on the property, this existing structure is clearly a commercial building surrounded by parking previously utilized by commercial patrons. Based on previous commercial uses and the commercial nature of both the site and existing structure, Commercial General zoning is an appropriate designation for the property.

(C) The most desirable use for which the land in each zoning district is adapted;

Staff Finding: Because the site is located at a high traffic intersection and not adjoining an existing neighborhood, Commercial Limited zoning is not an appropriate designation. Because the property has been utilized for automobile

sales and service and the property is already zoned CA within the County's zoning jurisdiction, there is certainly an argument that could be made for simply using that same designation if the property was annexed into the City. However, the CG zoning designation does prohibit or provide design restrictions on some automobile oriented land uses such as drive throughs and auto body shops that can create some site planning challenges. As a result, staff determined that a slightly more restrictive commercial zoning district is more appropriate.

(D) The conservation of sensitive environmental features;

Staff Finding: There are no sensitive environmental features on this property. There are a few small, scattered trees on this site that can be preserved with future development. The creation of CG zoning does not affect this issue.

(E) The conservation of property values throughout the jurisdiction;

Staff Finding: As stated previously in this report, the property has a long history of both commercial zoning and commercial site usage. As a result, a CG zoning designation will result in development completely consistent with past site use. Additionally, surrounding properties such as the adjoining hardware store, Super Wal-Mart, and the convenience store west of Leonard Springs Road are already zoned commercial within the County's jurisdiction. Future commercial use of this property will not jeopardize the value of those surrounding properties.

(F) Responsible development and growth;

Staff Finding: Future development of this site, whether it's associated with a new Big Red Liquor store or another land use permitted in the CG zoning district, is compatible with the area and similar to what would eventually happen to the property should it remain in the County's Planning Jurisdiction. In addition, future development would add site plan features such as sidewalks, tree plots, additional landscaping, and a higher quality commercial building to the property. With future building construction, a large billboard on the site will be removed as a contingency of the lease agreement between the property owner and the billboard company. Existing drivecuts on the site will also be reworked to increase their distance away from the adjoining street intersection.

CONCLUSION: Given the property's existing commercial zoning within the County's Planning Jurisdiction, past commercial land utilization, and commercial nature of surrounding properties, staff supports the petitioner's request to zone this property Commercial General contingent upon the Council's decision on voluntary annexation. Ultimately, it will be the Council's decision to address the annexation question and approve the final zoning designation. However, staff believes the Plan Commission's recommendation to create commercial zoning is a straightforward decision.

RECOMMENDATION: Based on the findings in the staff report, staff recommends approval of Case #ZO-09-07 with waiver of second hearing.

Petitioner's Statement

2501 South Leonard Springs Road

Small Town Properties petitions for a change of zone to Commercial General (CG) for 0.52 acre located at the southeast corner of the State Road 45 West and Leonard Springs Road intersection. The street address is 2501 South Leonard Springs Road.

In 1995 the site was reduced from its legal description of 0.86 acre to 0.52 acre when INDOT acquired right-of-way to re-construct the intersection. In 1997 the property was connected to the City's sanitary sewer system.

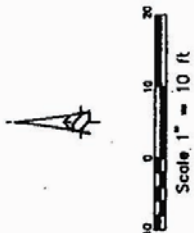
CG zoning is requested in order to permit development of this property to its highest, best, and most appropriate use, retail sales. This property is an out-lot of Wal-Mart and is located adjacent to Highway 45 Hardware and across from the BP convenience store.

The site was for many years a Marathon service station. In 1995 the underground storage tanks were removed under an IDEM-approved closure. The site has been used by different tenants as a garage to service automobiles and for outdoor automobile sales. If CG zoning is approved, the existing structure will be removed and the site will be developed with a new site plan.

This property has been zoned for business use for many years. When Small Town Properties first acquired the property in 1992, it was zoned Limited Business (BL). Under Monroe County's ordinance, the property was zoned Limited Commercial (CL). In 1997 the Monroe County Plan Commission and Board of Commissioners re-zoned the parcel from Limited Commercial (CL) to Arterial Commercial (CA), with a restrictive covenant attached limiting uses to those allowed in a CL zone plus outdoor automobile sales and related services.

CG zoning is consistent with the past and present commercial use of this property, will not create a detrimental impact on surrounding uses, and will enable the owner to develop the site to meet current development standards.

20-9-07
Petitioner's Statement
(28)



TOTAL SQUARE FOOTAGE: 23,051 SF.
 PROPOSED BUILDING: 13,534 SF.
 PROPOSED PARKING: 8,238 SF.
 PROPOSED WALKS: 360 SF.
 TOTAL HARD SURFACE COVERAGE:
 12,495 SF. (53%)
 TOTAL REMAINING OPEN SPACE:
 10,556 SF. (47%)

