# MONROE COUNTY PLAN REVIEW COMMITTEE



July 13, 2017 6:00 pm

Monroe County Government Center 501 N. Morton Street, Suite 224 Bloomington, IN 47404

# A G E N D A MONROE COUNTY PLAN REVIEW COMMITTEE

North Showers Building, 501 N. Morton Street, Suite 224, Bloomington, IN July 13, 2017 6:00 p.m.

**OLD BUSINESS:** None.

**NEW BUSINESS:** 

3. 1706-REZ-06 Saeedi Rezone from Estate Residential 1 (RE1) PAGE 3

to General Business (GB)

One (1) 0.88 +/- acre parcel in Sections 16 & 17 of Bloomington Township

at 4611 & 4631 N State Road 37 Business. Zoned RE1.

#### MONROE COUNTY PLAN REVIEW COMMITTEE

July 13, 2017

**PLANNER** Carly Petersen

**CASE NUMBER** 1706-REZ-06, Saeedi Rezone

**PETITIONER** Gul & Zakira Saeedi

**ADDRESS** 4611 & 4631 N Old State Road 37 Business

**REOUEST** Rezone from Estate Residential 1 (RE1) to General Business (GB)

**ACRES** 1.61 acres +/-

**ZONE** RE1

**TOWNSHIP** Bloomington **SECTION** 16 & 17

**COMP PLAN** 

**DESIGNATION:** MCUA Open Space, MCUA Phase II - Gateway North (G3)

#### **EXHIBITS**

1. Petitioner Letter

- 2. Petitioner Deed
- 3. Monroe County Planning Department Use Determination Letter, dated March 26, 2015
- 4. Site Plan

#### RECOMMENDATION

TBD

#### **SUMMARY**

The petition site is a 1.61 +/- acre parcel located in Bloomington Township and maintains frontage along N Old State Road 37 Business, which is classified as a Minor Arterial. The site is part of the former 2-mile fringe immediately surrounding the City of Bloomington, and is zoned Estate Residential 1 (RE1) under Chapter 833 of the Monroe County Zoning Ordinance. The petitioner is requesting to rezone the site to General Business (GB) under Chapter 802 of the Monroe County Zoning Ordinance, with the intent of changing the use of the site to Automotive Sales. Automotive Sales are only permitted in the GB district.

The site contains four structures, including a single-family dwelling, and three commercial/storage structures. The permitted use of the site is Automotive Repair Shop, which has been established as a legal, pre-existing non-conforming use. North Old State Road 37 Business supports a limited number of existing uses, including residential uses, vacant commercial parcels to the Northeast, golf course and other businesses to the North.

It is unclear whether there are residents living in the single-family dwelling. A rezone to General Business would not grandfather a residential use on this site. The site could not be used for residential purposes if rezoned.

FEMA Floodway surrounds the site. The Base Flood Elevation is 586.9 feet. The site for rezone is predominantly above 588 feet.

City of Bloomington Utilities has stated that there is not a plan to connect this area to sewer at present time.

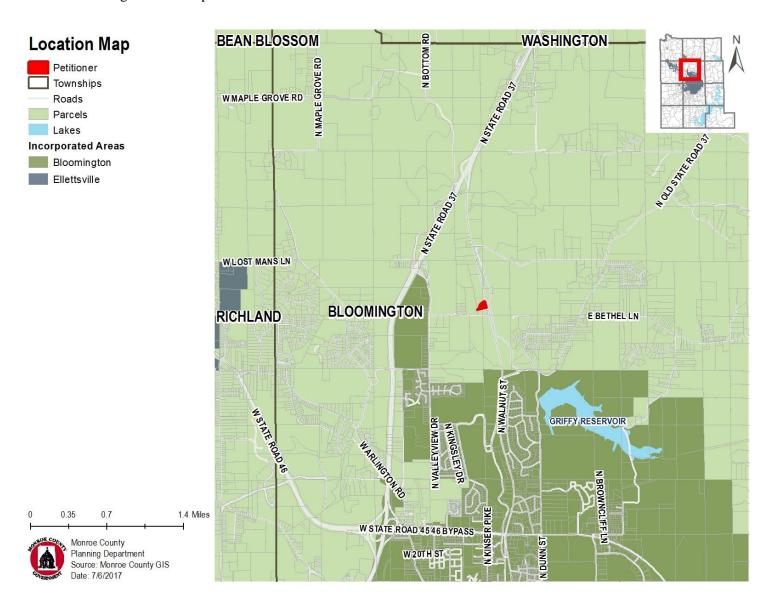
The Planning Department conducted an inspection on June 19, 2017 and found a number of vehicles in various states of disrepair, auto parts and solid waste items. The property owner has been under zoning enforcement action for junkyard/junk vehicle violations and is working with the Zoning Inspector to come into compliance. The Building Department has been requested to look into whether there was a remodel on the single-family dwelling that did not have permits.

#### PLAN REVIEW COMMITTEE

TBD

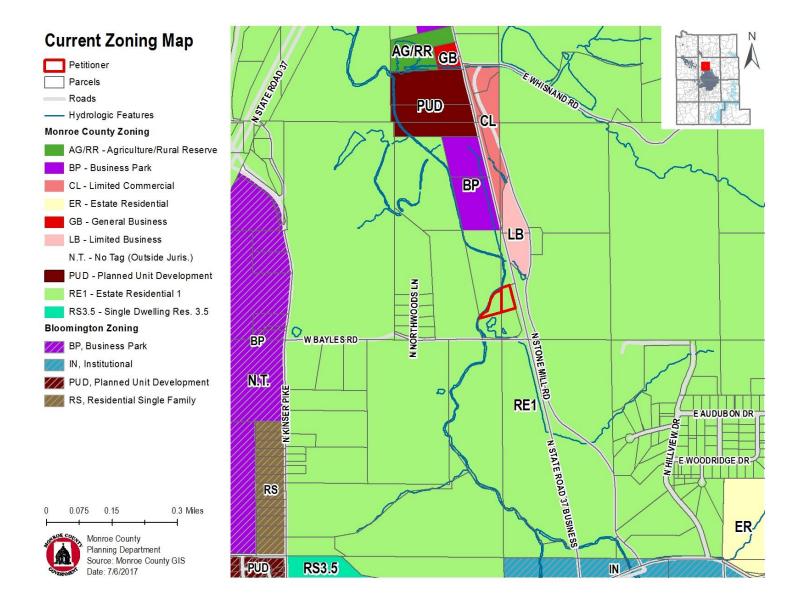
#### **LOCATION MAP**

The parcel is located in the 4611 & 4631 N Old State Road 37 Business in Sections 16 & 17 of Bloomington Township.



#### **ZONING**

The site is zoned Estate Residential 1 (RE1). The neighboring properties are also zoned RE1. There are properties to the North that are zoned Limited Business (LB), Business Park (BP), Limited Commercial (CL), Planned Unit Development (PUD) and General Business (GB).



#### SITE CONDITIONS

The site contains four structures, including a single-family dwelling, and three commercial/storage structures used as an Automotive Repair Shop.

FEMA Floodway surrounds the site. The Base Flood Elevation is 586.9 feet. The site for rezone is predominantly above 588 feet. There are no known karst features on site.

There is a water line that runs alongside N Old State Road 37 Business. City of Bloomington Utilities has stated that there is not a plan to connect this area to sewer at present time.



## SITE PICTURES



Figure 1. Facing north; frontage along N Old SR 37 Business.



Figure 2. Facing south; frontage along N Old SR 37 Business.



Figure 3. Facing southwest, sign.



Figure 4. Facing west, single family dwelling.



Figure 5. Facing west; commercial building 1.



Figure 6. Facing southwest; commercial building 2.



Figure 7. Facing west; commercial building 3.



Figure 8. Facing south; containers/storage area.

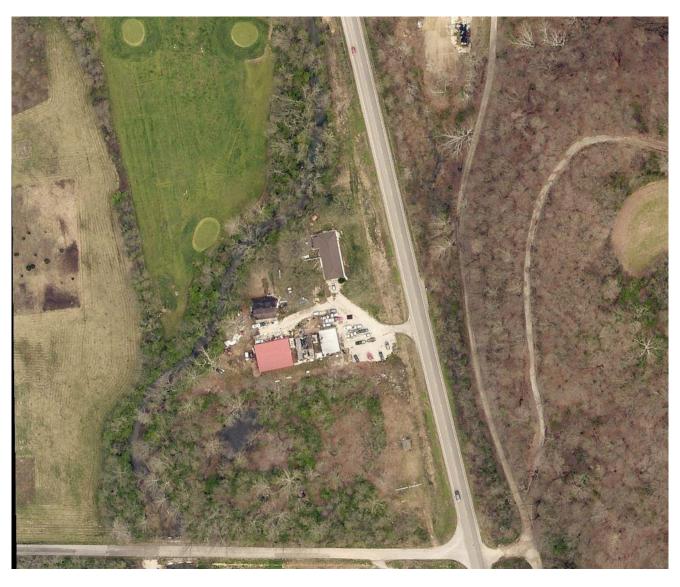


Figure 9. Facing north; birds-eye view.

#### COMPREHENSIVE PLAN DISCUSSION

The petition site is located in the **Open Space** designation of the Monroe County Urbanizing Area Plan (MCUA), which states:

#### 5.1.8 Parks and Open Spaces

Protected open Space includes public parks and privately-owned lands dedicated for active or passive recreation or environmental preservation.

Examples include karst farm Park, Will Detmer Park, and portions of both residential and non-residential development areas reserved as open space. Protected open spaces include floodplains and riparian corridors where development is either prohibited or strongly discouraged. The future land Use Plan is not intended to illustrate all lands intended for preservation; future open space areas will be determined through the county's parkland acquisition process and the development plan review process.

#### A. Transportation

#### **Streets**

Most parks and open spaces should have some amount of public street frontage. This is less critical for greenways, but occasional street frontage is still appropriate. Street frontage serves as the "front door" of the open space, provides visual access into the space, and relates the park to the larger public realm of the community.

Automobile access to community parks is important, and these larger parks will typically include dedicated parking areas. Neighborhood Parks should provide on-street parking adjacent to the open space, but off-street surface lots should be avoided if possible. Greenway systems should include small trail-head parking areas at strategic locations.

#### Bike, pedestrian, and Transit modes

Pedestrian and bicycle access to parks and open spaces is critical. All major parks should be linked together into a comprehensive bikeway system, including greenway trails and roadway facilities where appropriate. Neighborhood parks should be accessible by sidewalk, and located within a 5-minute walk for nearby residents. Transit access to major park destinations should be provided wherever possible.

#### B. Utilities

#### Sewer

Sewer access is desirable to serve restrooms and other park facilities, but is not always necessary.

#### Power

Overhead utility lines should be buried to minimize visual disruption of scenic views.

#### C. Open Space Types

#### **Park Types**

A variety of park types should be integrated throughout the Urbanizing Area, depending on the surrounding development context:

- + Greenways
- + Community Parks
- + Neighborhood Parks
- + Plazas, Squares, and Greens
- + Pocket Parks and Streetscape Seating Areas

Refer to the other land use types described in this section for appropriate open space types.

#### Agriculture

Many open space types can incorporate community-oriented agriculture. Refer to the other land use types described in this section for more information about integrated agriculture.

#### D. Public Realm Enhancements

#### **Street and Traffic Signs**

Public parks should be identified as part of a comprehensive wayfinding system, oriented to motorists, bicyclists and pedestrians.

#### Lighting

Lighting should be of a pedestrian-scale, including lamp posts, bollard lighting, and ground lighting depending on park type and intended periods of use.

#### Street/Site furnishings

Parks should incorporate numerous seating options, with co-located waste receptacles. Furnishings should be durable yet attractive and designed to complement the surrounding landscape and character of the open space and are ideal opportunities for public art. Furnishings should be coordinated within a park, but may be unique among different parks.

#### E. Development guidelines

#### **Parking ratios**

Parking requirements will vary depending on the scale, function and location of the park.

#### Site design

Parks in higher density and more urban development areas will typically have a more formalized design. Larger community-scale parks and greenways should be more naturalized and designed to be integrated with the surrounding landscape.

#### **Building form**

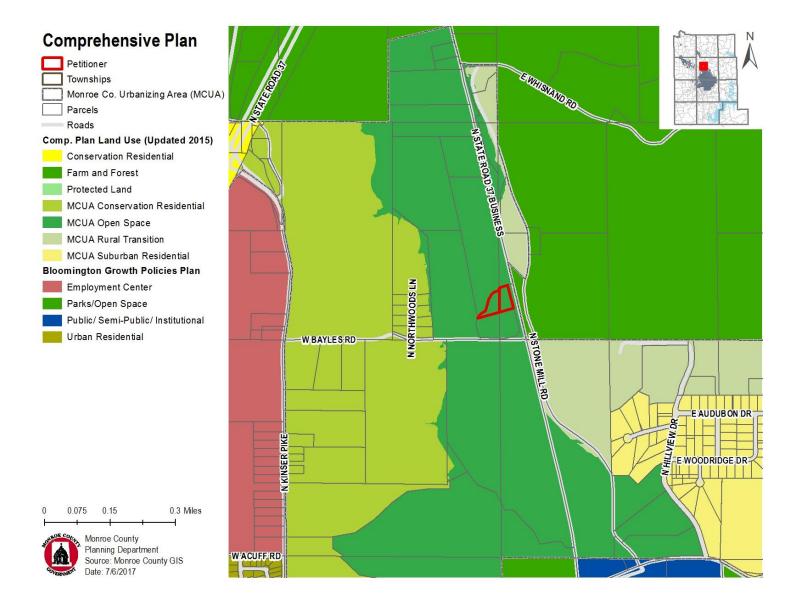
Park facilities are encouraged to incorporate high amounts of window transparency both to maximize views for occupants and to minimize the visual impact of building masses on the landscape. Contemporary building designs with flat or shed-style roofs are encouraged to minimize the visual impact of roof profiles.

#### **Materials**

Appropriate building and site materials include limestone, wood, glass, architectural metal, and weathered steel.

#### **Signs**

Signs should be coordinated throughout the public park system to assist with wayfinding and enhance community identity.

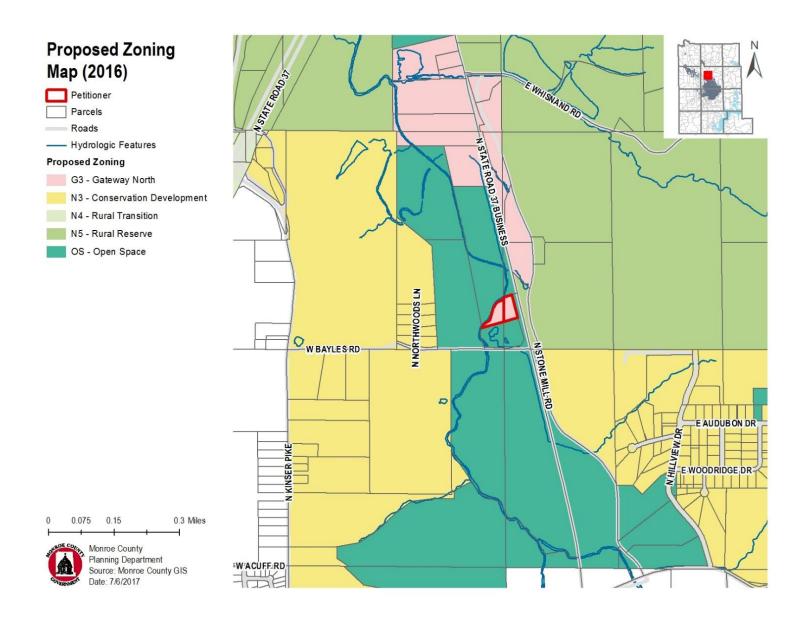


#### Monroe County Urbanizing Area Plan Phase II: Gateway Districts

Gateway Districts are intended to provide a positive first impression with a unique mixture of uses, engaging design, and vibrant connections to urban areas.

#### **Gateway North (G3)**

This district is intended to promote small-scale, limited commercial infill and redevelopment that will welcome visitors to the City of Bloomington and Indiana University.



# **Building Type Locations**

	GATEWAY DISTRICTS			EMPLOYMENT DISTRICTS			NEIGHBORHOOD DISTRICTS				SPECIAL DISTRICTS		
	GATEWAY WEST	<b>САТЕWAY SOUTH</b>	GATEWAY NORTH	WEST SIDE EMPLOYMENT	SOUTH SIDE EMPLOYMENT	AIRPORT	URBAN INFILL NEIGHBORHOOD	NEIGHBORHOOD DEVELOPMENT	CONSERVATION DEVELOPMENT	RURALTRANSITION	QUARRY LANDSCAPE	OPEN SPACE	CIVIC
	<b>G1</b>	G2	<b>G</b> 3	<b>3</b>	<b>2</b>	E3	NI	N2	N3	N4	1	œ	(V)
Single Family - Small Lot (Rear-Loaded)		+					+	+	+				
Single Family - Small Lot (Front-Loaded)		+					+	+	+				
Single Family - Contemporary							+	+					
Single Family - Mid-Century							+	+					
Single Family - Rural Residential									+	+			
Attached Townhome	+	+		+			+	+					
Attached Courtyard		+		+				+					
Two-Family Home (Duplex)		+					+	+	+	+			
Multi-Family	+	+		+			+	+					
Commercial	+	+	+	+	+		+	+					
Commercial Outlot	+	+	+	+	+								
Neighborhood Mixed-Use	+	+					+	+					
Mixed-Use	+	+		+			+	+					
Office Building	+	+	+	+	+		+	+					
Civic/Institutional Building	+	+	+				+	+					+
Flex Building - Option A	+	+	+	+	+	+							
Flex Building - Option B				+	+	+							
Large-Format Flex Industrial				+	+	+							
Re-Use/Retrofit	+	+	+	+	+	+	+	+	+	+	+	+	+

#### FINDINGS OF FACT - REZONE

According to Section 831-3. Standards for Amendments of the Zoning Ordinance: In preparing and considering proposals to amend the text or maps of this Zoning Ordinance, the Plan Commission and the Board of County Commissioners shall pay reasonable regard to:

#### (A) The Comprehensive Plan;

#### **Findings:**

- The Comprehensive Plan (Monroe County Urbanizing Area Plan) designates the property as Open Space;
- Protected open spaces include floodplains and riparian corridors where development is either prohibited or strongly discouraged;
- Monroe County Urbanizing Area Plan Phase II proposed zoning for the site as Gateway North (G3);
- Gateway Districts are intended to provide a positive first impression with a unique mixture of uses, engaging design, and vibrant connections to urban areas;
- Gateway North (G3) district is intended to promote small-scale, limited commercial infill and redevelopment that will welcome visitors to the City of Bloomington and Indiana University;
- The rezone request is to change the zone district for the petition site from Estate Residential 1 (RE1) to General Business (GB);
- The site contains four structures, including a single-family dwelling, and three commercial/storage structures;
- The permitted use of the site is Automotive Repair Shop, which has been established as a legal, pre-existing non-conforming use;
- The petitioner wants to change the use of the site to Automotive Sales, which are only permitted in the GB district;
- The immediately adjoining uses are open space, residential and commercial in nature;
- The site is adjacent to the location of CBU water utilities;
- There is currently no access to sewer for this site;
- The site is currently on septic a septic permit will be required at site plan review;

#### (B) Current conditions and the character of current structures and uses in each district;

#### **Findings:**

- See Findings under Section A:
- The current zoning is Estate Residential 1 (RE1);
- The 1.61 +/- acre site meets design standards for the General Business (GB) district;
- The site exceeds the minimum lot width standard of 50' for GB, and there is no minimum lot size standard in this district;
- Access to the site is from N Old State Road 37 Business, a Minor Arterial with 100' right of way;
- FEMA Floodway surrounds the site with a Base Flood Elevation of 586.9 feet;
- The site is predominantly above 588 feet;
- The property to the north is open space;
- The property to the west is open space;
- The property to the east is open space and agricultural, and there is a vacant lot zoned Limited Business (LB) to the northeast;
- The property to the south is open space;
- Adjoining properties are zoned Estate Residential 1 (RE1)
- Nearby property to the northeast was rezoned from Limited Commercial (CL) to LB with ordinance #2016-02;

- City of Bloomington Utilities provided a will serve letter for sewer on the nearby property to the northeast in ordinance #2016-02, and that letter has since been revoked;
- A rezone to General Business (GB) would allow the petitioner to apply for a site plan review to change the use of the site to Automotive Sales;

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

#### **Findings:**

- See Findings under Section A and Section B;
- The immediately adjoining uses are open space/floodway;
- There are commercial uses in the near vicinity;
- The number of uses permitted in the GB district is extensive;
- The character of the GB district is defined as that which is primarily intended to meet the needs for heavy retail business uses;
- The site is constrained by FEMA Floodway, which limits the potential for business expansion;
- A less intensive business zone or use may be more suitable in this area;

#### (D) The conservation of property values throughout the jurisdiction; and

#### **Findings:**

- The effect of the approval of the rezone on property values is difficult to determine;
- Values may vary significantly dependent upon future planning and zoning in the area;
- Floodway property is typically valued low;
- The immediately adjoining uses are open space/floodway;
- Nearby property to the northeast was rezoned from Limited Commercial (CL) to LB with ordinance #2016-02;
- The site would conform to required height, bulk, area, and density provisions;

#### (E) Responsible development and growth.

#### **Findings:**

- See Findings under Section A, Section B, and Section C;
- Access to the site will continue to be derived from N Old State Road 37 Business;
- The site is adjacent to the location of CBU water utilities;
- There is currently no access to sewer for this site;
- The site is constrained by FEMA Floodway, which limits the potential for business expansion;
- Future development under the GB district will be required to undergo site plan review and meet full site plan compliance, including parking and landscaping requirements;

July 5, 2017

Applicant: Gul Saeedi

To: City of Bloomington Planning Commission Subject: General Business Zone Request (GB) Location: 4611 & 4631 N. Old State Road 37

To Whom It May Concern:

I am writing today in regards rezone the property located on 4611 & 4631 N. Old State Road 37. My intent is to establish a clean, working car dealership. The plan is to remove any excess and junk vehicles/parts away and replace with functioning cars and trucks.

I am requesting a rezone for the properties (4611 & 4631 N. Old State Road 37). The rezone I will require would be a General Business (GB) zone. Attached I have included a zone survey that represents my intentions for the property and the potential business establishment on the respective property. Please contact me with further questions and concerns. Thank you!

Sincerely,

-Gul Saeedi

(812)-320-5050

110 W. 6th Street

Bloomington, IN 47404

RECEIVED

JUL 0 6 2017

MONROE COUNTY PLANNING

#### EXHIBIT 2: Petitioner Deed (TRACT 2 IS PETITION SITE) - Pg 1 of 3

**DULY ENTERED FOR TAXATION** 

APR 02 2015

Auditor Monroe County, Indiana

2015004115 WAR \$20.00 04/02/2015 01:41:47P 3 PGS Eric Schmitz Monroe County Recorder IN Recorded as Presented

File Number: 39743

#### **WARRANTY DEED**

MARION E. DOUGLAS and DORIS M. DOUGLAS, Husband and Wife ("Grantor"), of MONROE County, Indiana, CONVEYS AND WARRANTS to GUL M. SAEEDI and ZAKIRA SAEEDI, Husband and Wife ("Grantee"), of MONROE County, Indiana, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is acknowledged, the following described real estate in MONROE County, Indiana:

#### TRACT 1:

A part of the southwest quarter of the northwest quarter of Section 16, and a part of the southeast quarter of the northeast quarter of Section 17 and all being in Township 9 North, Range 1 West: Beginning at a point that is 240 feet West and 20 feet North of the Southwest corner of the Southwest quarter of the Northwest quarter of said Section 16, the same being the intersection of the North right-of-way of the Phillip Hill Road with the center line of Griffey Creek; thence running over and along the said North right-of-way line of the said Phillip Hill Road the following courses and distances: South 87 degrees 29 minutes east for 285 feet; North 78 degrees East for 168 feet; North 27 degrees East for a distance of 76 feet and to the intersection of the West right-of-way line of State Highway #37; thence running North 15 degrees 16 minutes West over and along the said West right-of-way line of State Highway 37 for a distance of 275 feet; thence running south 74 degrees 44 minutes West for a distance of 340 feet and to the center line of Griffey Creek; thence running over and along the center line of said Griffey Creek the following courses and distances: South 20 degrees West for 60 feet; South 35 degrees West for 120 feet and South 14 degrees East for a distance of 150 feet more or less to the place of beginning; containing in all 3.22 acres, more or less.

Tax Parcel No. 53-05-16-200-008.000-004 & 53-05-17-100-009.000-004 Auditor's Parcel No. 012-26365-00 & 012-26360-00

#### TRACT 2:

A part of the Southeast quarter of the Northeast quarter of Section 17 and a part of the Southwest quarter of the Northwest quarter of Section 16 all in Township 9 North, Range 1 West, Bloomington Township, Monroe County, Indiana. Beginning at a point that is 330 feet North and 170 feet East of the Southwest corner of the Southwest quarter of the Northwest quarter of said Section 16 and on the west right-of-way line of New State Highway #37; thence running North 15 degrees 16 minutes West over and along the said West right-of-way line for a distance of 290 feet; thence leaving the said West right-of-way line south 74 degrees 44 minutes West for a distance of 150 feet and to the center line of Griffey Creek; thence running South 20 degrees over and along the center line of said creek for a distance of 340 feet; thence leaving the center line of the said creek and running North 74 degrees 44 minutes East for a distance of 340 feet and to the place of beginning, containing 1.61 acres, more or less.

Tax Parcel No. 53-05-16-200-007.000-004 & 53-05-17-100-006.000-004 Auditor's Parcel No. 012-06405-00 & 012-06400-00

#### EXHIBIT 2: Petitioner Deed – Pg 2 of 3

#### SUBJECT TO:

- 1. Taxes for 2014, due and payable in 2015, and all subsequent taxes and assessments.
- 2. Stormwater Assessment for 2014, due and payable in 2015, and all subsequent taxes and assessments.
- 3. Taxes for 2015, due and payable in 2016.
- 4. Real estate taxes and assessments for subsequent years, not yet due and payable.
- Any and all conditions, agreements, limitations, restrictions, covenants, encumbrances, easements, and mineral and oil and gas interests, if any, which are either observable or of record.
- 6. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records.
- 7. Rights of way for drainage tiles, ditches, feeders and laterals, if any.
- All public highways and rights-of-way, and all conditions, restrictions, covenants, encumbrances, and easements, apparent or of record.
- Easements as set forth in a certain Quit-Claim Deed from Hoosier Outdoor Advertising, Inc., an Indiana corporation to HOA Properties, LLC, an Indiana limited liability company, recorded February 29, 2008,a s Instrument Number 2008003280, in the office of the Recorder of Monroe County, Indiana.
- Perpetual easement for guy wire as shown in a certain Warranty Deed recorded November 17, 1960, in Deed Record 136, at page 288, in the office of the Recorder of Monroe County, Indiana.

NOTE: Balance of page left blank intentionally. Signatures and acknowledgements appear on following page(s).

## **EXHIBIT 2: Petitioner Deed – Pg 3 of 3**

Grantor has executed this Warranty Deed on March 31, ,20 95
MARION E. DOUGLAS  MARION E. DOUGLAS  DORIS M. DOUGLAS
STATE OF INDIANA ) ) SS: COUNTY OF MONROE )  Before me. Susan D. Cais a Notary Public in and for said County and State, this
March 31, 2015, personally appeared MARION E. DOUGLAS and DORIS M. DOUGLAS, Husband and Wife, who acknowledged the execution of the annexed instrument.
SUSAN D. CRAIG Jucan D. Craig Notary Public Residing in Lawrence Collifer of Lawrence County, Indiana My Commission Expires
Mailing addresses: February 6, 2016  Per IC 32-21-2-3(b): Mailing address to which statements should be mailed under IC 6-1.1-22-8.1:
925 S. Brighton Crest Bloomington, TN 47401
Per IC 32-21-2-3(b): Street address or rural route address of Grantee if above mailing address is NOT a street address or rural route address:
This Instrument Prepared By MORRIS H. ERICKSON, Attorney at Law Bloomington, Indiana

"I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law."

Morris H. Erickson

#### EXHIBIT 3: Monroe County Planning Department – Use Determination Letter – Page 1 of 2

#### MONROE COUNTY PLANNING DEPARTMENT

Monroe County Government Center 501 N. Morton Street, Suite 224 Bloomington, IN 47404

Telephone: (812) 349-2560/Fax: (812) 349-2967

http://www.co.monroe.in.us/tsd/Government/Infrastructure/PlanningDepartment.aspx



March 26, 2015

Mr. Gul M. Saeedi 110 W 6TH ST Bloomington, IN 47404

**RE:** Application for Vehicle Dealer Business License

Applicant: B-Town Auto LLC

Location: 4631 N State Road 37 Business, Bloomington, IN 47404

Dear Mr. Saheedi:

Based upon my meeting with Mr. and Mrs. Douglas on Tuesday afternoon and a review of the their rental documentation, I have determined that legal, pre-existing nonconforming use status for business usage for the commercial buildings has been established on the site. We will permit an automobile repair facility to be located on the site as a continuation of the recent "grandfathered" business use.

Under this interpretation, an "automotive sales" or an "automotive paint shop" is <u>not</u> considered to be a grandfathered use. The real estate located at 4631 N State Road 37 Business, Bloomington, IN, is zoned RE1. Under the Monroe County Zoning Ordinance, the "automotive sales" use is only allowed in a General Business (GB) zone and the "automotive paint shop" use is only allowed in the Light Industry (LI) and Heavy Industry (HI) zones.

In order to use this site for "automotive sales", it would be necessary for the site to be rezoned to General Business (GB). If the Petition to Amend the Zoning Map was approved, a site plan meeting development standards for General Business (GB) District including paving, lighting and landscaping would need to be approved.

Please let me know if you have any questions.

Larry J. Wilson, AICP

Director, Monroe County Planning Department

Monroe County Government Center

501 N. Morton St., Suite 224

Bloomington, IN 47404

(812) 349-2561

lwilson@co.monroe.in.us

### EXHIBIT 3: Monroe County Planning Department – Use Determination Letter – Page 2 of 2

#### Copies:

David Schilling, Monroe County Legal Department
Jason Eakin, Assistant Director, Monroe County Planning Department
Jacqueline Scanlan, Senior Planner, Monroe County Planning Department
Carly Petersen, Planner/GIS Specialist, Monroe County Planning Department

