Passed: 8-0
Sherman absent

ORDINANCE 99-48

TO AMEND THE PRELIMINARY PLAN FOR THE SERVICE MERCHANDISE PLANNED UNIT DEVELOPMENT (PUD)
Re: 123 South Kingston Drive
(Marsh Supermarkets, Petitioner)

WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning," including the incorporated zoning maps, and Title 21, entitled "Land Use and Development"; and

WHEREAS, the Plan Commission has considered this case, PUD-55-99, and recommended that the petitioner, Marsh Supermarkets, be granted a preliminary plan amendment for the property located at 123 South Kingston Drive, part of an existing PUD;

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 20.05.09 of the Bloomington Municipal Code, the preliminary plan for the Service Merchandise Planned Unit Development shall be amended. The property is located at 123 South Kingston Drive and is further described as follows:

A part of the Southwest Quarter of Section 35, Township 9 North, Range 1 West, Monroe County, Indiana, and more particularly described as follows:

BEGINNING on the south line of said southwest quarter, north 89 degrees 27 minutes 27 seconds west 422.20 feet of the southeast corner of said southwest quarter; thence north 00 degrees 34 minutes 00 seconds east 190.00 feet to 5/8 inch rebar with cap set; thence northwesterly along a curve to the left having a radius of 12.00 feet and a deflection angle of 53 degrees 7 minutes 48 seconds for an arc distance of 11.13 feet to a 5/8 inch rebar with cap set; thence north 52 degrees 33 minutes 48 seconds west 100.66 feet to a /58 inch rebar with cap set; thence north 89 degrees 27 minutes 27 seconds west 76.97 feet to a 5/8 inch rebar with cap set on the easterly right of way of kingston place, thence northeasterly along said right of way along a curve to the left having a radius of 121.13 feet for an arc distance of 50.71 feet to a 5/8 inch rebar with cap set; thence continuing on said right of way north 00 degrees 19 minutes 00 seconds east 538.21 feet to a 5/8 inch rebar with cap set; thence leaving said right of way south 89 degrees 25 minutes 30 seconds east 111.87 feet to a 5/8 inch rebar with cap set; thence south 70 degrees 46 minutes 50 seconds east 136.38 feet to a 5/8 inch rebar with cap set; thence south 89 degrees 25 minutes 30 seconds east 92.00 feet to a 5/8 inch rebar with cap set; thence south 56 degrees 59 minutes 1 second east 50.00 feet to a 5/8 inch rebar with cap set; thence south 00 degrees 21 minutes 32 seconds west 47.49 feet to a 5/8 inch rebar with cap set; thence south 20 degrees 01 minutes 34 seconds west 77.82 feet to a 5/8 inch rebar with cap set; thence south 1 degrees 5 minutes 46 seconds west 159.71 feet to a 5/8 inch rebar with cap set; thence north 89 degrees 27 minutes 27 seconds west 51.37 feet to a 5/8 inch rebar with cap set; thence south 496.36 feet to the south line of said southwest quarter; thence along said south line north 89 degrees 27 minutes 27 seconds west 147.20 feet to the point of beginning, containing 5.23 acres, more or less.

SECTION II. The Preliminary Plan shall be attached hereto and made a part thereof.

SECTION III. 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 15th day of December, 1999.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 16th day of December, 1999.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 16th day of December, 1999.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the preliminary plan for the 1993 Planned Unit Development known as the Service Merchandise PUD. The amendment would allow a supermarket to be considered a permitted land use, facilitating the eventual location of a Marsh Grocery Store in the former Service Merchandise building.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 99-48 is a true and complete copy of Plan Commission Case Number PUD-55-99 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 November 8, 1999.

Date: November 16, 1999

Donald F. Hastings, Secretary
Plan Commission

Received by the Common Council Office this ____ day of _____,1999.

Patricia Williams, 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_____
Unforseen 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.)

FILENAME: ORD-CERT.MRG

Interdepartmental Memo

To: Members of the Common Council

From: Tom Micuda, Development Review Manager TM

Date: November 16, 1999

Subj: Plan Commission Case # PUD-55-99

Attached are the staff reports, petitioner's statements, and other exhibits which pertain to Plan Commission Case # PUD-55-99. The Plan Commission voted 9-0 to send this petition to the Council with a favorable recommendation.

BACKGROUND

REQUEST: The petitioner is requesting a preliminary plan amendment to a Planned Unit Development (PUD) approved in 1993. The proposed amendment would allow a supermarket to be considered a permitted land use, facilitating the eventual location of a Marsh Supermarket in the former Service Merchandise building.

PREVIOUS ZONING APPROVALS ON THE PROPERTY: Prior to 1993, the property in question comprised a total of 9.5 acres and was zoned RL (Multifamily Residential-low density) and BA (Business Arterial). A visual view of this property is depicted in Exhibit #1 labeled "Pre-1993 Zoning Map." On June 12, 1992, a petition was filed with the Planning Department to rezone the entire tract to a Planned Commercial Development which would have allowed the construction of an 81,000 square foot Marsh Supermarket. Although the petitioner eventually scaled back the size of the supermarket to 65,000 square feet, this petition was withdrawn prior to any Plan Commission hearing due to opposition from the surrounding neighborhood.

On October 13, 1992, a new request for the site was filed with the City. Rather than seek commercial zoning over the entire 9.5 acres, this petition sought to subdivide the property into a 5.2 acre commercial tract and a 4.3 acre multifamily parcel. More specifically, the petitioners requested approval to develop the 5.2 acre commercial site with a 60,000 square foot single retail store, specified as either Service Merchandise or similar type store. As for the 4.3 acre residential site, the initial request was for a list of uses including 15 unit per acre apartments, a nursing home, funeral home, day care center, and professional offices.

After Plan Commission hearings on November 16, 1992, January 11, 1993, and February 15, 1993, the proposed rezone was approved with the following provisions:

1. **For the commercial parcel - a maximum of three tenants allowed within a single building of 51,250 square feet, minimum tenant size of 20,000 square feet to allow for destination retail users, an allowance for a 10,000 s.f future building addition**
2. **For the residential parcel – a maximum allowed unit count of 22, limited to 11 duplexes. No other land uses were permitted for the 4.2 acre parcel.**
3. **A list of prohibited uses, including Food Service or Sales, Grocery Stores, Discount Department Stores, Entertainment Rentals, Lumber Yards, Outlots.**
4. **No 24 hour business operations within the commercial area**
5. **Commitment to install two traffic calming medians along East Longview Avenue**

Copies of the February 15 staff report and meeting minutes, Park Ridge Neighborhood conditions, petitioner's statement, and approved site plans have been included in the packet (labeled Exhibit #2 – 1993 Case History).

After the rezoning approval was approved by the City Council, the petitioners received Plan Commission development plan approval for a Service Merchandise store on April 26, 1993. This approval featured a 51,250 square foot building footprint, 271 parking spaces, right-in/right-out access off East 3rd Street, improvements to the Kingston Drive/East 3rd Street signal to allow for a third lane on Kingston. A copy of the approved development plan, with some notes concerning future landscaping requirements, is included in the packet and labeled as Exhibit #3.

SUMMARY OF THE PETITIONER'S AMENDMENT REQUEST: Although the petitioner's request requires a lengthy PUD amendment process, the on-site changes to the former Service Merchandise site are minor in nature. The petitioner proposes to utilize the existing 51,250 square foot building on the property, with a minor addition occurring on the front façade to create Marsh's traditional vestibule entry. More specifically, the petitioner is foregoing the PUD's allowance for a maximum of 61,250 square feet of commercial space in favor of 53,000 square feet. In terms of parking, no additional parking spaces will be added to support the proposed use. In fact, ten spaces are proposed for removal in order to accommodate new landscaping that will address stricter code requirements. More specifically, landscaping is proposed to be added to the front setback along Kingston Drive, eastern border along the car dealership, interior area of the parking lot, and buffer area along the vacant multifamily zoned land to the north. With regards to signage, the petitioner has committed to scaling down existing building signage and free-standing signage to conform to more restrictive code requirements.

PUD AMENDMENT ANALYSIS

In its analysis of the petitioner's amendment request, staff has focused its attention on several key issues. These issues are as follows:

1. **Off-Site Impacts**
2. **Growth Policies Plan Compliance**
3. **Site Planning Requirements**

OFF-SITE IMPACTS

1. **Mitigation of Traffic Impacts** – Based on the petitioner's area-wide traffic analysis, it is anticipated that the location of a Marsh grocery store would increase weekday PM peak traffic at the 3rd Street/Clarizz Blvd. intersection, the 3rd Street right-in/right-out, the 3rd Street/Kingston intersection, and portions of both Kingston Dr. and Longview Ave. The projected increases in traffic at the 3rd St./Kingston intersection as well as the right-in/right-out can be accommodated by the roadway improvements which were installed as part of the Service Merchandise PUD. Increased congestion on Kingston and Longview still does not degrade these roadways to unacceptable levels of service. The key factor in terms of mitigating traffic impacts is the future installation of signals at the 3rd and Clarizz and 3rd and Pete Ellis intersections. In the case of the Clarizz intersection, the petitioner's land use proposal does increase PM peak traffic counts by 6.4%. In the case of Pete Ellis Drive, the petitioner's new land use would not demonstrably increase traffic counts; however, the immediate need for a signal is much higher at this location due to higher overall traffic warrants.

Because the functionality of all of the affected 3rd Street intersections is so mutually dependent on each intersection's signal status, staff and the petitioner have agreed to use the congestion impacts at the 3rd and Clarizz intersection as a surrogate measure to evaluate the land use impacts to 3rd Street as a whole. This requires the petitioner to provide a pro-rata traffic impact contribution to the City, in the form of a letter of credit or performance bond, for signalization improvements to either the Pete Ellis or Clarizz intersections. Based on a future signal cost of $300,000 and a traffic congestion impact of 6.4%, the petitioners initially proposed a pro-rata contribution of $19,200. However, staff and the petitioner ultimately agreed to a contribution of $25,000 in order to address the following issues: 1) possible increased costs associated with the synchronization of multiple signals, 2) possible underestimation of eastbound 3rd Street trips which would create a greater need to accommodate left turns at affected intersections.

In terms of possible future signal implementation, staff and the petitioner's consultant held a meeting with an INDOT signals analyst from the Seymour District.

Currently, INDOT is studying the petitioner's traffic analysis to determine whether traffic warrants on Pete Ellis Drive and Clarizz Boulevard are substantial enough to dictate the future installation of a test signal. Both the City and the petitioner are prepared to strongly advocate INDOT to allow signals at both intersections. Staff does not recommend that the City Council withhold a decision on this land use amendment while the lengthy INDOT signal approval process continues.

2 **Traffic Impacts to Longview (cut-through traffic)** – As illustrated in the petitioner's statement located within Exhibit #2, the 1992 Service Merchandise approval included a commitment from the petitioner to install traffic calming improvements along East Longview Avenue. More specifically, the petitioner agreed to construct two east-west oriented curbed medians between the travel lanes of Longview Avenue. The first median was projected to be 30 feet in east-west length and located just east of the Longview/Kingston intersection. The second median was projected to be 100 feet in length and located at the border between the residential portion of the PUD and the entrance to the Park Ridge Subdivision. Because both medians were tied to construction of the yet-to-be developed residential portion of the PUD, these calming improvements were never installed.

Although the petitioner's traffic study does not project large traffic volume increases east of the Longview/Kingston intersection, the petitioners have initiated traffic calming discussions with the impacted neighborhood. The petitioners have already received Board of Public Works approval for the proposed residential entry signage and pedestrian crosswalk at the intersection of Kingston and Longview. The installation of these features will begin the process of controlling volumes and speeds of traffic between the Park Ridge neighborhood and Kingston Drive. With assistance and technical support being lent by the petitioner, the Park Ridge Association has begun circulating a traffic calming petition around the neighborhood - the first step toward securing the installation of more substantial calming devices on Longview Avenue. The Engineering Department has also agreed to begin counting speeds and volumes on Longview. It is clear from the actions taken by the petitioner, that a serious commitment is being made towards providing permanent mitigation measures to offset potential vehicular traffic increases on Longview Avenue.

3 **Buffering Impacts** – The Service Merchandise petitioner addressed commercial project buffering through both the provision of a specific landscape treatment along the rear (north) side of the commercial building as well as the commitment to construct a 5 unit per acre duplex development between Longview Avenue and the 5.2 acre commercial site. With the petitioner's request to increase hours of operation to accommodate a 24-hour supermarket, a buffering plan to mitigate the effects of noise and lighting is even more critical. During an inspection of the recently planted Service Merchandise buffer, staff observed that the existing buffer was both poorly maintained and generally insufficient.

The petitioner's buffering plan represents an improvement over the existing condition of the property. Based on the existing condition of the site, buffering is clearly needed along the northern side of the existing building. This buffering will soften the view of the rear façade, physically screen loading activities from view, and act as a partial sound barrier for both existing neighbors and the future users of the vacant property to the north. To this end, the petitioners have committed to planting 189 8-foot tall upright junipers along the property's northern and eastern interface. This buffering is also depicted in Exhibit #4. In the staff's view, upright junipers are the most effective natural screening material which can be utilized to buffer dissimilar land uses. All buffering vegetation as well as the above-mentioned landscaping upgrades must be installed by the petitioner and inspected by staff prior to the release of a final occupancy permit for the proposed grocery store.

GROWTH POLICIES PLAN COMPLIANCE

The proposed PUD amendment request is located within the College Mall Shopping District Subarea. GPP text for this subarea can be found within the 1992 petitioner's statement included in Exhibit #2. Within this subarea, the GPP specifically recommended the following buildout scenario for the entire 9.5 acre tract:

"Along the north side of East 3rd Street at Kingston Drive a limited amount of commercial frontage is undeveloped. This area may be appropriate as a mixed use planned development with commercial activities on the frontage with medium density multi-tenant residential towards the northern end of the site."

The proposed 1992 rezone was generally considered to be compatible with the above recommendation due to the set aside of a multifamily development parcel to the north and the location of proposed retail tenants along the 3rd Street/Kingston frontage. Unfortunately, the College Mall Subarea Plan is silent concerning the whether or not it is necessary to restrict commercial development intensity along the 3rd Street portion of the site. The only significant guidance provided in the Plan can be found in the following special planning consideration:

"Seek large tract, single destination, single use commercial rather than a multi-tenant commercial project."

This recommendation would appear to support both the previously approved Service Merchandise store as well as the petitioner's single user supermarket request. However, the key factor which ultimately affected staff's GPP compliance recommendation is the degree to which off-site traffic impacts could also be addressed within the context of this request. Based on the petitioner's

commitment to address both 3rd Street and Longview impacts, staff finds that the proposed PUD amendment complies with the recommendations of the College Mall Subarea Plan.

SITE PLANNING REQUIREMENTS

Architecture – Staff is pleased with the petitioner's proposed front façade and believes it represents an improvement over the existing Service Merchandise building.

Signage – The petitioner has committed to meeting all requirements of the Scenic/Gateway Signage Ordinance. This would allow for the future removal of the existing Service Merchandise pole sign on 3rd Street as well as a significant reduction in wall signage.

Landscaping Compliance – Since the first Plan Commission hearing, the petitioner's landscape plan has been upgraded to meet code requirements (Please note Exhibit #4). More specifically, the petitioner will be providing the following landscaping upgrades on the property:

a. **Landscaped Islands** - Three new landscaped islands will be installed within the existing parking lot.
b. **Parking Lot Trees** – Four new shade trees and two new ornamental trees will be added to the interior of the existing parking lot.
c. **Parking Lot Shrubbery** – 118 new shrubs will be added to the interior of the existing parking lot.
d. **Perimeter Trees** – Four new shade trees and 10 new ornamental trees will be added to the southern and western perimeters of the site.
e. **Perimeter Shrubs** – Not counting specific residential buffering requirements which will be discussed in the next section of this report, 218 new shrubs will be planted along all sides of the existing site.

Allowable Parking Ratio – At the first Plan Commission hearing, staff informed the Commissioners that the petitioners were seeking a waiver from the heavy retail parking requirement in order to use a parking ratio of 5 parking spaces per 1,000 square feet rather than a ratio of 6 spaces per 1,000 square feet. To this end, the updated petitioner's statement (see Exhibit #5) contains a letter from Marsh which provides justification for this desired ratio. Based on the local store examples submitted by Marsh as well as staff's experience reviewing recent Kroger petitions, it is clear that the typical methodology for evaluating grocery store petitions has been to utilize a ratio of approximately 4.5 spaces per 1,000 square feet. This is because the existing Marsh and Kroger grocery stores are always accompanied by additional retail tenant spaces and thereby reviewed by staff under the category of shopping centers. Since it is staff's observation that spillover parking is not

currently a problem with existing grocery stores regulated as shopping centers, staff recommends using the 5 space per 1,000 parking ratio for this land use amendment.

Noise Impacts – As part of this land use amendment, the petitioners have committed to the following restrictions:

a. **Loading/Trucking Operation Hours** – No loading or trucking operations will be allowed to be conducted between the periods of 11:00pm and 6:00am.
b. **Additional Store Operations** – All additional store activities shall comply with the decibel limits contained in the City of Bloomington Noise Ordinance

Pedestrian Accommodations – As part of this land use amendment, the petitioners have committed to providing two important pedestrian improvements. The first is the installation of a four foot concrete sidewalk along both the east side of Kingston Drive and the south side of Longview Avenue. This sidewalk will create a safer link for pedestrians traversing from the Park Ridge neighborhood to the proposed new grocery store.

The second accommodation is in response to Plan Commissioner concerns regarding the pedestrian accessibility of the Marsh storefront to the existing sidewalk along East 3rd Street. To this end, the petitioners have committed to constructing a narrow concrete walkway between East 3rd Street and the Marsh storefront along the entire east property boundary with the car dealership. This walkway could be widened to a full 5 foot sidewalk either through a cooperative effort between the City, petitioner, and adjacent property owner or as an explicit requirement accompanying a future land use petition on the car lot. Both this accommodation as well as the Longview/Kingston sidewalk are illustrated in Exhibit #6, labeled "Pedestrian Accommodations." As a condition of this project's approval, both pedestrian accommodations must be installed by the petitioner and inspected by City staff prior to a final occupancy permit for the grocery store.

Lighting Impacts – The petitioners have contracted a lighting company based in Indianapolis to test the existing light fixtures on the vacant Service Merchandise site. As a condition of this PUD amendment approval, a lighting plan must be submitted at final plan stage which demonstrates compliance with City code requirements.

CONCLUSION

As stated above, this PUD amendment request received unanimous Plan Commission approval. This approval was subject to the following conditions:

1. This PUD formally amends the Service Merchandise approval for the 5.2 acre commercial tract and allows a single permitted land use – a supermarket. Any other land use request will require Plan Commission and City Council Preliminary Plan amendment approval.

2. This PUD authorizes a building area of no greater than 53,000 square feet (allowing a vestibule addition only). No additional building square footage increase is permitted in this PUD.

3. Final site plan approval which will allow future occupancy of the Marsh grocery store shall be delegated to the Planning staff.

4. Prior to receiving any permit, the petitioner shall make a $25,000 pro-rata contribution, in the form of cash, renewable letter of credit, or performance bond, to the City Engineering Department in order to facilitate future traffic signal installation at either the East 3rd Street/Pete Ellis or the East 3rd Street/Clarizz intersections.

5. All landscaping and buffering improvements referenced in this staff report shall be installed by petitioner and inspected by Planning staff prior to the issuance of a final occupancy permit.

6. No loading or truck operation hours shall be conducted on the 5.2 acre PUD site between 11:00pm and 6:00am. All additional store activities shall comply with the decibel limits contained in the City of Bloomington Noise Ordinance.

7. All pedestrian improvements outlined in this staff report shall be installed by the petitioner and inspected by City staff prior to the issuance of a final occupancy permit.

8. Entry signage and pedestrian crossing improvements approved at the October 26, 1999 meeting of the Board of Public Works shall be installed by the petitioner and inspected by City Engineering staff prior to the issuance of a final occupancy permit.

9. Prior to receiving any final plan approval, the petitioner shall submit a lighting plan which demonstrates compliance with Zoning Ordinance lighting requirements.

10. With this approval, the petitioner remains obligated to providing technical support to the Park Ridge Neighborhood Association in its attempt to secure permanent traffic calming measures along Longview Avenue.

11. The above-referenced petitioner commitments concerning buffering and noise control shall be formalized into a deed recordable commitment which will run in perpetuity with the 5.2 acre PUD site. Said commitment shall be approved by the Planning Department prior to the petitioner's receipt of any permit.

Staff Reports for Amendment to Service Merchandise PUD

Prepared for the Following Meetings:

10/11/99

11/8/99

BLOOMINGTON PLAN COMMISSION
FINAL REPORT
Location: 123 South Kingston Drive

CASE NO.: PUD-55-99
DATE: November 8, 1999

PETITIONER: Marsh Supermarkets
ADDRESS: 9800 Crosspoint Blvd. Indianapolis, IN 46256

COUNSEL: Smith Neubecker & Associates, Inc.
ADDRESS: 4625 East Morningside Drive

PRELIMINARY HEARING DATE: October 11, 1999

REQUEST: The petitioner is requesting a preliminary plan amendment to a Planned Unit Development (PUD) approved in 1993. The proposed amendment would allow a supermarket to be considered a permitted land use, facilitating the eventual location of a Marsh Supermarket in the former Service Merchandise building.

SUMMARY OF FIRST HEARING ISSUES

At the October 11 hearing, staff, Plan Commissioners, and remonstrators raised the following issues which required resolution prior to the formalization of a staff recommendation on this PUD amendment. These issues are as follows:

1. **Mitigation of Traffic Impacts** – Based on the petitioner's area-wide traffic analysis, it is anticipated that the location of a Marsh grocery store would increase weekday PM peak traffic at the 3rd Street/Clarizz Blvd. intersection, the 3rd Street right-in/right-out, the 3rd Street/Kingston intersection, and portions of both Kingston Dr. and Longview Ave. The projected increases in traffic at the 3rd St./Kingston intersection as well as the right-in/right-out can be accommodated by the roadway improvements which were installed as part of the Service Merchandise PUD. Increased congestion on Kingston and Longview still does not degrade these roadways to unacceptable levels of service. The key factor in terms of mitigating traffic impacts is the future installation of signals at the 3rd and Clarizz and 3rd and Pete Ellis intersections. In the case of the Clarizz intersection, the petitioner's land use proposal does increase PM peak traffic counts by 6.4%. In the case of Pete Ellis Drive, the petitioner's new land use would not demonstrably increase traffic counts; however, the immediate need for a signal is much higher at this location due to higher overall traffic warrants.

Because the functionality of all of the affected 3rd Street intersections is so mutually dependent on each intersection's signal status, staff and the petitioner have agreed to use the congestion impacts at the 3rd and Clarizz intersection as a surrogate measure to evaluate the land use impacts to 3rd Street as a whole. This

2nd Hearing Report

will require the petitioner to provide a pro-rata traffic impact contribution to the City, in the form of a letter of credit or performance bond, for signalization improvements to either the Pete Ellis or Clarizz intersections. Based on a future signal cost of $300,000 and a traffic congestion impact of 6.4%, the petitioners have proposed a pro-rata contribution of $19,200. Staff recommends that this contribution be increased to $25,000 for the following reasons: 1) possible increased costs associated with the synchronization of multiple signals, 2) possible underestimation of eastbound 3rd Street trips which would create a greater need to accommodate left turns at affected intersections. Staff anticipates reaching agreement with the petitioner concerning this contribution amount.

In terms of possible future signal implementation, staff and the petitioner's consultant held a meeting with an INDOT signals analyst from the Seymour District. Currently, INDOT is studying the petitioner's traffic analysis to determine whether traffic warrants on Pete Ellis Drive and Clarizz Boulevard are substantial enough to dictate the future installation of a test signal. Both the City and the petitioner are prepared to strongly advocate INDOT to allow signals at both intersections. Staff does not recommend withholding a decision on this land use amendment while the lengthy INDOT signal approval process continues.

2. **Landscaping Compliance** – Since the first Plan Commission hearing, the petitioner's landscape plan has been upgraded to meet code requirements (Please note Exhibit #1). More specifically, the petitioner will be providing the following landscaping upgrades on the property:

a. **Landscaped Islands** - Three new landscaped islands will be installed within the existing parking lot.
b. **Parking Lot Trees** – Four new shade trees and two new ornamental trees will be added to the interior of the existing parking lot.
c. **Parking Lot Shrubbery** – 118 new shrubs will be added to the interior of the existing parking lot.
d. **Perimeter Trees** – Four new shade trees and 10 new ornamental trees will be added to the southern and western perimeters of the site.
e. **Perimeter Shrubs** – Not counting specific residential buffering requirements which will be discussed in the next section of this report, 218 new shrubs will be planted along all sides of the existing site.

3. **Residential Buffering** – Based on the existing condition of the site, buffering is clearly needed along the northern side of the existing building. This buffering will soften the view of the rear façade, physically screen loading activities from view, and act as a partial sound barrier for both existing neighbors and the future users of the vacant property to the north. To this end, the petitioners have committed to planting 189 8-foot tall upright junipers along the property's northern and eastern interface. This buffering is also depicted in Exhibit #1. In

the staff's view, upright junipers are the most effective natural screening material which can be utilized to buffer dissimilar land uses. All buffering vegetation as well as the above-mentioned landscaping upgrades must be installed by the petitioner and inspected by staff prior to the release of a final occupancy permit for the proposed grocery store.

4. **Allowable Parking Ratio** – At the first hearing, staff informed the Plan Commission that the petitioners were seeking a waiver from the heavy retail parking requirement in order to use a parking ratio of 5 parking spaces per 1,000 square feet rather than a ratio of 6 spaces per 1,000 square feet. To this end, the updated petitioner's statement contains a letter from Marsh which provides justification for this desired ratio. Based on the local store examples submitted by Marsh as well as staff's experience reviewing recent Kroger petitions, it is clear that the typical methodology for evaluating grocery store petitions has been to utilize a ratio of approximately 4.5 spaces per 1,000 square feet. This is because the existing Marsh and Kroger grocery stores are always accompanied by additional retail tenant spaces and thereby reviewed by staff under the category of shopping centers. Since it is staff's observation that spillover parking is not currently a problem with existing grocery stores regulated as shopping centers, staff recommends using the 5 space per 1,000 parking ratio for this land use amendment.

5. **Noise Impacts** – As part of this land use amendment, the petitioners have committed to the following restrictions:

a. **Loading/Trucking Operation Hours** – No loading or trucking operations will be allowed to be conducted between the periods of 11:00pm and 6:00am.
b. **Additional Store Operations** – All additional store activities shall comply with the decibel limits contained in the City of Bloomington Noise Ordinance

6. **Pedestrian Accommodations** – As part of this land use amendment, the petitioners have committed to providing two important pedestrian improvements. The first is the installation of a four foot concrete sidewalk along both the east side of Kingston Drive and the south side of Longview Avenue. This sidewalk will create a safer link for pedestrians traversing from the Park Ridge neighborhood to the proposed new grocery store.

   The second accommodation is in response to Plan Commissioner concerns regarding the pedestrian accessibility of the Marsh storefront to the existing sidewalk along East 3rd Street. To this end, the petitioners have committed to constructing a narrow concrete walkway between East 3rd Street and the Marsh storefront along the entire east property boundary with the car dealership. This walkway could be widened to a full 5 foot sidewalk either through a cooperative effort between the City, petitioner, and adjacent property owner or as an explicit requirement accompanying a future land use petition on the car lot. Both this

accommodation as well as the Longview/Kingston sidewalk are illustrated in Exhibit #2, labeled "Pedestrian Accommodations." As a condition of this project's approval, both pedestrian accommodations must be installed by the petitioner and inspected by City staff prior to a final occupancy permit for the grocery store.

7. **Traffic Calming** – The petitioners have already received Board of Public Works approval for the proposed residential entry signage and pedestrian crosswalk at the intersection of Kingston and Longview. The installation of these features will begin the process of controlling volumes and speeds of traffic between the Park Ridge neighborhood and Kingston Drive. With assistance and technical support being lent by the petitioner, the Park Ridge Association has begun circulating a traffic calming petition around the neighborhood - the first step toward securing the installation of more substantial calming devices on Longview Avenue. The Engineering Department has also agreed to begin counting speeds and volumes on Longview. It is clear from the actions taken by the petitioner, that a serious commitment is being made towards providing permanent mitigation measures to offset potential vehicular traffic increases on Longview Avenue.

8. **Lighting Impacts** – The petitioners have contracted a lighting company based in Indianapolis to test the existing light fixtures on the vacant Service Merchandise site. A full report on this issue will be presented at Monday's hearing. In lieu of this information, staff will address the lighting compliance issue with a condition of approval.

RECOMMENDATION: Based on the written findings above, staff recommends approval of this petition with the following conditions:

1. This PUD formally amends the Service Merchandise approval for the 5.2 acre commercial tract and allows a single permitted land use – a supermarket. Any other land use request will require Plan Commission and City Council Preliminary Plan amendment approval.

2. This PUD authorizes a building area of no greater than 53,000 square feet (allowing a vestibule addition only). No additional building square footage increase is permitted in this PUD.

3. Final site plan approval which will allow future occupancy of the Marsh grocery store shall be delegated to the Planning staff.

4. Prior to receiving any permit, the petitioner shall make a $25,000 pro-rata contribution, in the form of cash, renewable letter of credit, or performance bond, to the City Engineering Department in order to facilitate future traffic

signal installation at either the East 3rd Street/Pete Ellis or the East 3rd Street/Clarizz intersections.

5. All landscaping and buffering improvements referenced in this staff report shall be installed by petitioner and inspected by Planning staff prior to the issuance of a final occupancy permit.

6. No loading or truck operation hours shall be conducted on the 5.2 acre PUD site between 11:00pm and 6:00am. All additional store activities shall comply with the decibel limits contained in the City of Bloomington Noise Ordinance.

7. All pedestrian improvements outlined in this staff report shall be installed by the petitioner and inspected by City staff prior to the issuance of a final occupancy permit.

8. Entry signage and pedestrian crossing improvements approved at the October 26, 1999 meeting of the Board of Public Works shall be installed by the petitioner and inspected by City Engineering staff prior to the issuance of a final occupancy permit.

9. Prior to receiving any final plan approval, the petitioner shall submit a lighting plan which demonstrates compliance with Zoning Ordinance lighting requirements.

10. With this approval, the petitioner remains obligated to providing technical support to the Park Ridge Neighborhood Association in its attempt to secure permanent traffic calming measures along Longview Avenue.

11. The above-referenced petitioner commitments concerning buffering and noise control shall be formalized into a deed recordable commitment which will run in perpetuity with the 5.2 acre PUD site. Said commitment shall be approved by the Planning Department prior to the petitioner's receipt of any permit.

BLOOMINGTON PLAN COMMISSION **CASE NO.: PUD-55-99**
PRELIMINARY REPORT **DATE: October 11, 1999**
Location: 123 South Kingston Drive

PETITIONER: Marsh Supermarkets
ADDRESS: 9800 Crosspoint Blvd. Indianapolis, IN 46256

COUNSEL: Smith Neubecker & Associates, Inc.
ADDRESS: 4625 East Morningside Drive

FINAL HEARING DATE: November 8, 1999

REQUEST: The petitioner is requesting a preliminary plan amendment to a Planned Unit Development (PUD) approved in 1993. The proposed amendment would allow a supermarket to be considered a permitted land use, facilitating the eventual location of a Marsh Supermarket in the former Service Merchandise building.

PROPERTY HISTORY: Prior to 1993, the property in question comprised a total of 9.5 acres and was zoned RL (Multifamily Residential-low density) and BA (Business Arterial). A visual view of this property is depicted in Exhibit #1 labeled "Pre-1993 Zoning Map." On June 12, 1992, a petition was filed with the Planning Department to rezone the entire tract to a Planned Commercial Development which would have allowed the construction of an 81,000 square foot Marsh Supermarket. Although the petitioner eventually scaled back the size of the supermarket to 65,000 square feet, this petition was withdrawn prior to any Plan Commission hearing due to opposition from the surrounding neighborhood.

On October 13, 1992, a new request for the site was filed with the City. Rather than seek commercial zoning over the entire 9.5 acres, this petition sought to subdivide the property into a 5.2 acre commercial tract and a 4.3 acre multifamily parcel. More specifically, the petitioners requested approval to develop the 5.2 acre commercial site with a 60,000 square foot single retail store, specified as either Service Merchandise or similar type store. As for the 4.3 acre residential site, the initial request was for a list of uses including 15 unit per acre apartments, a nursing home, funeral home, day care center, and professional offices.

After Plan Commission hearings on November 16, 1992, January 11, 1993, and February 15, 1993, the proposed rezone was approved with the following provisions:

1. **For the commercial parcel - a maximum of three tenants allowed within a single building of 51,250 square feet, minimum tenant size of 20,000 square feet to allow for destination retail users, an allowance for a 10,000 s.f future building addition**

PUD-55-99
First Hearing
Packet

2. **For the residential parcel – a maximum allowed unit count of 22, limited to 11 duplexes. No other land uses were permitted for the 4.2 acre parcel.**
3. **A list of prohibited uses, including Food Service or Sales, Grocery Stores, Discount Department Stores, Entertainment Rentals, Lumber Yards, Outlots.**
4. **No 24 hour business operations within the commercial area**
5. **Commitment to install two traffic calming medians along East Longview Avenue**

Copies of the February 15 staff report and meeting minutes, Park Ridge Neighborhood conditions, petitioner's statement, and approved site plans have been included in the packet (labeled Exhibit #2 – 1993 Case History).

After the rezoning approval was approved by the City Council, the petitioners received Plan Commission development plan approval for a Service Merchandise store on April 26, 1993. This approval featured a 51,250 square foot building footprint, 271 parking spaces, right-in/right-out access off East 3rd Street, improvements to the Kingston Drive/East 3rd Street signal to allow for a third lane on Kingston. A copy of the approved development plan, with some notes concerning future landscaping requirements, is included in the packet and labeled as Exhibit #3.

SUMMARY OF PETITIONER'S REQUEST: Although the petitioner's request requires a lengthy PUD amendment process, the on-site changes to the former Service Merchandise site are minor in nature. The petitioner proposes to utilize the existing 51,250 square foot building on the property, with a minor addition occurring on the front façade to create Marsh's traditional vestibule entry. More specifically, the petitioner is foregoing the PUD's allowance for a maximum of 61,250 square feet of commercial space in favor of 52,000 square feet. In terms of parking, no additional parking spaces will be added to support the proposed use. In fact, ten spaces are proposed for removal in order to accommodate new landscaping that will address stricter code requirements. More specifically, landscaping is proposed to be added to the front setback along Kingston Drive, eastern border along the car dealership, interior area of the parking lot, and buffer area along the vacant multifamily zoned land to the north. With regards to signage, the petitioner has committed to scaling down existing building signage and free-standing signage to conform to more restrictive code requirements.

PUD AMENDMENT ANALYSIS

In its analysis of the petitioner's amendment request, staff has focused its attention on several key issues. These issues are as follows:

1. **Off-Site Impacts**
2. **Growth Policies Plan Compliance**
3. **Site Planning Requirements**

OFF-SITE IMPACTS: The current petitioner for the grocery store land use is aware of the history of concern regarding the location of a supermarket at the interface with the Park Ridge Neighborhood. In their response to the multiple rezoning petitions filed in 1992, residents of the neighborhood have expressed concerns over such issues as: 1) cut-through traffic on Longview Avenue through Park Ridge, particularly near Park Ridge West Park, 2) congestion and traffic safety problems on both Kingston and 3rd Street, 3) lack of need due to existing grocery store sites, 4) lack of compliance with the Growth Policies Plan, 5) pedestrian safety due to lack of sidewalks on Longview, 6) light pollution, 7) runoff and tree loss associated with the large amount of impervious surface, and 8) noise pollution associated with 24-hour operations. With these issues in mind, staff directed the petitioner to provide a thorough impact analysis, with the focus being an assessment of traffic impacts to both the Park Ridge Neighborhood as well as the immediate roadway network.

1) **Traffic Impacts to immediate roadway network** - Key results of the petitioner's traffic study are included in the packet and labeled as Exhibit #4. In summary, the petitioners recognize that the proposed Marsh store will be a larger trip generator than the former Service Merchandise use 5,799 average trips per day as opposed to 2,419 ADT). However, the petitioners assert, with validity, that traffic generated by grocery stores is typically drawn from a smaller geographic area than a destination retail user like Service Merchandise. Additionally, a certain percentage of grocery store trip generation (estimated to be 28 percent in the traffic study) is accounted for by existing traffic already using the eastside roadway network. This phenomenon is known as passerby traffic. The result of these above-mentioned factors is that traffic impacts for grocery stores tend to be heavier but more localized than for destination retail establishments.

More specifically, the petitioner's study concludes that traffic volumes are projected to increase at the right-in/right-out access of 3rd Street as well as at three key intersections: 1) 3rd and Clarizz, 2) 3rd and Kingston, and 3) Kingston and Longview. The stimulus for these three intersection impacts is the grocery store's relative proximity to such service areas as Park Ridge, Park Ridge East, Tamarron, near eastside neighborhoods such as Green Acres, Hoosier Acres, and approved multifamily housing complexes such as Latimer Farm. Examples of noteworthy increases projected to occur during weekday PM peak hours are as follows:

	Without Marsh	With Marsh
Right-In/Right-Out off 3rd St. (entrance only)	39 trips	204
3rd/Kingston (left turns onto 3rd	151	308
3rd/Clarizz (westbound on 3rd)	841	917
Kingston/Longview (left turns from Kingston)	113	154

In terms of mitigating the projected traffic impacts, the petitioner's study concludes that increased trip generation to and from East 3rd Street can be accommodated by two previously constructed Service Merchandise improvements – the current right-in/right-out access cut off 3rd Street and a Kingston Drive left-turn lane at the 3rd Street intersection. With regards to the 3rd and Clarizz and 3rd and Pete Ellis intersections, the study assumes that near-term signalization of both intersections will be needed to allow existing levels of service to be maintained after grocery store development. In summary, the petitioner's study concludes that grocery store traffic impacts can be accommodated through a combination of recently constructed Service Merchandise roadway improvements and likely INDOT signal improvements to the Clarizz and Pete Ellis intersections with 3rd Street.

After analyzing the petitioner's traffic study, staff has identified several issues which require resolution between the first and second hearings of this request. These issues include:

1. **The timing of the petitioner's amendment versus the timing of signalization improvements to key East 3rd Street intersections.** There is no immediate schedule for signalization of either the Pete Ellis or Clarizz intersections, and final decisions for such installation will be ultimately made by INDOT. Further signalization coordination between the City, INDOT, and the developer is necessary. Plan Commission input is needed regarding whether the petitioner should be allowed to actually occupy the site in advance of these future improvements.

2. **Pro-rata contribution for future signalization improvements.** During approvals for both the Latimer Farm development and the Clarizz Blvd. office park PUD, the Plan Commission required respective petitioners to financially guarantee a pro-rata share of the projected signalization cost to the 3rd Street/Clarizz intersection. Plan Commission input is needed concerning whether additional pro-rata contributions are warranted based on traffic impacts.

3. **Additional roadway improvements.** Between first and second hearings, staff will work with the City Engineer and the petitioner's consultant to determine whether additional improvements are needed to such affected areas as the right-in/right-out intersection (for example, additional tapering or lane widening), and the 3rd Street/Kingston intersection (signal timing changes, pavement markings).

---

2) Traffic Impacts to Longview (cut-through traffic) – As illustrated in the petitioner's statement located within Exhibit #2, the 1992 Service Merchandise approval included a commitment from the petitioner to install traffic calming improvements along East Longview Avenue. More specifically, the petitioner

agreed to construct two east-west oriented curbed medians between the travel lanes of Longview Avenue. The first median was projected to be 30 feet in east-west length and located just east of the Longview/Kingston intersection. The second median was projected to be 100 feet in length and located at the border between the residential portion of the PUD and the entrance to the Park Ridge Subdivision. Because both medians were tied to construction of the yet-to-be developed residential portion of the PUD, these calming improvements were never installed.

Although the petitioner's traffic study does not project large traffic volume increases east of the Longview/Kingston intersection, the petitioners have initiated preliminary traffic calming discussions with the impacted neighborhood. At this point, the petitioners have proposed a 55 foot long curbed median containing residential entry signage. This median is proposed to be located approximately 35 feet east of the center point of the Longview/Kingston intersection. A raised pedestrian crosswalk would also be provided across Longview as a secondary speed control measure. A site plan depicting this proposal is included in the packet (Exhibit #5).

Between the first and second hearing of this petition, staff will coordinate with the City Engineer to evaluate the effectiveness of the proposed traffic calming design as well as other measures which may be contemplated by either the petitioner or affected neighborhood.

---

3) Buffering Impacts – The Service Merchandise petitioner addressed commercial project buffering through both the provision of a specific landscape treatment along the rear (north) side of the commercial building as well as the commitment to construct a 5 unit per acre duplex development between Longview Avenue and the 5.2 acre commercial site. With the petitioner's request to increase hours of operation to accommodate a 24-hour supermarket, a buffering plan to mitigate the effects of noise and lighting is even more critical. During a preliminary inspection of the recently planted Service Merchandise buffer, staff observed that the existing buffer was both poorly maintained and generally insufficient. The petitioner's buffering plan represents an improvement over the existing condition of the property. Within that context, the petitioner should consider creating a mechanism such as a landscape easement which would better insure permanent health of the proposed buffer plantings. Staff will continue to work with the petitioner to refine the buffering plan as well as discuss long-term preservation strategies.

GROWTH POLICIES PLAN COMPLIANCE: The proposed PUD amendment request is located within the College Mall Shopping District Subarea. GPP text for this subarea can be found within the 1992 petitioner's statement included in Exhibit #2. Within this subarea, the GPP specifically recommended the following buildout scenario for the entire 9.5 acre tract:

"Along the north side of East 3rd Street at Kingston Drive a limited amount of commercial frontage is undeveloped. This area may be appropriate as a mixed use planned development with commercial activities on the frontage with medium density multi-tenant residential towards the northern end of the site."

The proposed 1992 rezone was generally considered to be compatible with the above recommendation due to the set aside of a multifamily development parcel to the north and the location of proposed retail tenants along the 3rd Street/Kingston frontage. Unfortunately, the College Mall Subarea Plan is silent concerning the whether or not it is necessary to restrict commercial development intensity along the 3rd Street portion of the site. The only significant guidance provided in the Plan can be found in the following special planning consideration:

"Seek large tract, single destination, single use commercial rather than a multi-tenant commercial project."

This recommendation would appear to support both the previously approved Service Merchandise store as well as the petitioner's single user supermarket request. However, the key factor affecting the staff's ultimate GPP compliance recommendation is the degree to which off-site traffic impacts, which seemed to have been managed with the Service Merchandise rezoning, can also be addressed within the context of this request. Given the uncertainty regarding signalization improvements on East 3rd Street as well as the neighborhood cut-through issue, this recommendation must be considered pending.

SITE PLANNING REQUIREMENTS: Prior to the second hearing for this petition, staff will continue to work with the petitioner to resolve compliance issues concerning the following site planning requirements:

Parking – Currently, the vacant Service Merchandise site contains 274 parking spaces. Based on the petitioner's proposal to add landscaped islands as well as an entry vestibule, it is estimated that at least 260 spaces will be available for the proposed 52,000 supermarket. This creates a proposed parking ratio of 5 spaces per 1,000 square feet. Normally, staff requires supermarkets to adhere to the "Heavy Retail" parking requirements contained in Section 20.06.02.02 (Table 6-1) of the Zoning Ordinance. This would require a 6 parking space per 1,000 square feet ratio (312 spaces). The petitioners have requested a waiver of this typical standard, citing reduced parking needs associated with Marsh stores as well as anticipated pedestrian traffic from nearby residential units. At this point, staff is not comfortable granting such a waiver without the submittal of specific need information from the petitioners.

Landscaping – In addition to evaluating the petitioner's buffering plan, staff must also evaluate the petitioner's calculations which have been designed to determine

the necessary upgrades which are required to bring the site into compliance with more restrictive landscaping standards. This review must not only be numerical in nature, but must also include a health assessment of current plant material. Staff hopes to present a preliminary landscaping assessment at the first hearing.

Architecture – Staff is pleased with the petitioner's proposed front façade and believes it represents an improvement over the existing Service Merchandise building.

Signage – The petitioner has committed to meeting all requirements of the Scenic/Gateway Signage Ordinance. This would allow for the future removal of the existing Service Merchandise pole sign on 3rd Street as well as a significant reduction in wall signage.

Lighting – Although the Service Merchandise petitioner specifically committed to the installation of downcast lighting, both staff and the affected neighborhood have inquired about whether the existing lighting actually complies with both code requirements and the assertions made in the previous rezone. The petitioner's consultant has informed staff that the lighting will likely be tested.

Noise associated with trash pickup, food deliveries, site cleaning and sweeping – Noise issues were among the subjects discussed during a neighborhood meeting held by the petitioners on September 30. To this end, the petitioners have committed to establishing delivery and site cleaning hours which are in compliance with the City's Noise Control Ordinance.

RECOMMENDATION

Staff recommends forwarding this petition to a second hearing on November 8, 1999. Key issues which must be resolved prior to a final staff recommendation for this hearing include: 1) Limiting project noise and lighting impacts, perhaps through the use of a sound wall on the north side of the of existing building, 2) reaching agreement concerning the proposed landscaping and buffering plan, 3) resolving the parking ratio compliance issue, 4) project timing in relation to signalization improvements on East 3rd Street, 5) developer funding and INDOT coordination in relation to signalization improvements, which may include improvements to the Kingston signal or contributions toward a future signal at Pete Ellis Drive or Clarizz Boulevard. Resolution of this issue is still pending further analysis of signal needs by INDOT and City Engineering, and 6) better determining cut-through traffic impacts and developing a framework for possible mitigation.

MEMORANDUM

TO Don Hastings

FROM: M. Figg, K. Komisarcik, M. Litwin

LIAISON: J. Walters

DATE: October 5, 1999

SUBJECT: PUD-55-99 Marsh Supermarkets, 123 S. Kingston
Preliminary plan amendment to add a supermarket land use to the permitted use list for a PUD originally approved in 1992.

The Planning Subcommittee of the Environmental Commission has reviewed this petition and has no comments regarding the proposal.

PUD-55-99
EC Report

Petitioner Materials

Letter

Outline Plan Amendment

Additional Information Dated:
- **10/4/99**
- **10/29/99**
- **10/28/99 (Parking Data)**

Site Plans and Design Documents
- **Landscape Plan**
- **Pedestrian Ways**
- **Cross Walk and Signage**
  (at Kingston and Longview)
- **Front View (Elevation) of Building**

Smith Neubecker & Associates, Inc.

Stephen L. Smith P.E., L.S.
President

Da eubecker L.A.
Proj Manager

September 8, 1999

Plan Commission
C/o Don Hastings, Director
Bloomington Planning Department
P.O. Box 100
Bloomington IN 47402-0100

RE: PUD 86-92

Dear Don and Commissioners:

We respectfully request, on behalf of Marsh Supermarkets, an amendment to PUD 86-92 to allow supermarket use. The site, zoned to for Service Merchandise in 1993, now sits vacant. Marsh has been seeking an eastside site for many years and now has the opportunity to rehabilitate and occupy this site.

Our proposal, while utilizing the existing site and building, proposes significant architectural, landscape and buffer enhancements. The enhancements are outlined in this proposal and will be provided and discussed in detail as the zoning process gets started.

We look forward to working with you over the next several months to make Marsh a reality at this location.

Very truly yours,

Steve

Stephen L. Smith
Smith Neubecker & Associates, inc.

Cc: Lennie Hayes
Eric Stolberg
File

Enclosures: Outline Plan
Traffic Impact Study

PUD-55-99
Petitioner's Statement

Morningside Drive
Office Box 5355
mington, Indiana 47407-5355
hone 812 336-6536

Planned Unit Development
86-92
Outline Plan Amendment

This petition is to amend the 1992-93 Outline Plan to allow the use "Supermarket" to be added to allowable list of land uses. The following paragraphs provide the specific proposed elements of the PUD amendment.

Land Use

"Supermarket" is to be added to the list of allowed uses. The Supermarket will occupy the existing building and be allowed to construct a vestibule on the front for customer accommodations. The hours of operation of the Supermarket will not be regulated.

Parking

The gross size of the supermarket with vestibule is expected to be about 52,000 square feet. Strict adherence to the zoning code would require 312 parking spaces, 274 parking spaces are currently on the site. Ten of those spaces will be lost for additional landscape islands and for the vestibule. This proposal is therefore to provide a minimum of 260 parking spaces. This is a ratio of 5/1000 square feet, a figure deemed to be acceptable by the petitioner, Marsh Supermarkets. In addition to the real demand being slightly less than 6/1000 square feet, this site has numerous multi-family units within easy walking distance, reducing the parking demand.

Landscaping

A detailed analysis of site landscaping has been performed. The site was developed under the "old" zoning code and will therefore require some landscape enhancements.

The attached evaluation table identifies the site areas deficient in landscaping. The areas of the site needing upgrading are as follows:

1. Street Trees along Kingston Drive – No street trees needed.
2. Street yard landscaping along Kingston Drive – 8 additional small trees 77 medium evergreen shrubs.
3. Street trees along Third Street – No additional street trees needed based on partial credit from 30" Poplar tree.
4. Street yard landscaping along Third Street – No new landscaping is required based on existing conditions.
5. Front yard landscaping – No new landscaping required.
6. Site yard landscaping along east property line – 47 medium deciduous shrubs and 47 medium evergreen shrubs.

7. Rear yard along north property line – No new landscaping is required based on existing conditions.
8. Parking Lot – The number and size of Landscape islands do not fulfill the city code requirements. Additional landscaping will need to include 155 medium shrubs planted in existing islands and around the parking lot. Additional landscape islands in the parking areas will be needed to comply with maximum number of parking spaces in a row. Two and a half islands will be needed.

These are initial estimates of additional landscaping needed to meet the code on the entire Service Merchandise site. Final number of plants will be based on the type of plants selected. A fully detailed plan will be presented as a part of the final development plan application.

Buffer Landscaping

The buffer landscaping provided by Service Merchandise in 1993 is in place on adjacent property that was a part of the original PUD. With the increase in intensity of use, this proposal includes substantial supplemental materials along the rear loading dock portion of the site. One hundred fifty upright junipers, 6' ~~caliper~~ will be placed along the northern and eastern edge of the truck dock area. These are relatively quick growing tall (up to 40' high) and effective buffering material intended to provide screening of this area from the residential use to the north and east. This buffer is in addition to the patio homes area approved as a part of the 1993 PUD.

Architecture

Marsh intends to rework the structure, including the exterior to fit into their normal architectural scheme. Elevation drawings and a rendering will be provided to the City prior to the first Plan Commission hearing.

Signage

The signage package will be in full compliance with present city signage regulations. Signage will be presented for approval at the final development plan application.

Traffic Impacts

A detailed traffic analysis of the impact of changing this site from a Service Merchandise (or other similar allowed use) to a supermarket is being submitted with this petition. The report indicates that the improvements made for Service Merchandise in 1993 are appropriate today for a supermarket.

Smith Neubecker & Associates, Inc.

Stephen L. Smith P.E., L.S.
President

D: leubecker L.A.
Pr Manager

October 4, 1999

City of Bloomington Plan Commission
C/o Tom Micuda, Planner
P. O. Box 100
Bloomington, IN 47402-0100

RE: PUD 86-92

Dear Tom and Commissioners:

Additional information has been prepared and is being submitted with this supplemental submission #1 for PUD 86-92 for Marsh Supermarkets. These supplemental items include:

- The owner of the property is Munday Realty, Inc., not Marsh Supermarkets as noted in the original PUD application.
- A letter of authorization for me to make the application in behalf of Munday Realty and Marsh is enclosed.
- Our proposal includes complete reconstruction of the front of the existing building to a much richer look. A colored front building elevation is included with this submission.
- The vestibule mentioned in the original application has been schematically designed. It is illustrated on the building elevation and on the plan view drawing included with this submission. The gross floor area is about 2400 s.f. No parking spaces are lost with the addition of the vestibule.
- Additional detail has been developed regarding buffering and landscaping. A detailed plan with cross-section is being submitted with this packet. The intense plantings around the rear of the building are intended to compliment the existing buffering to hide the rear work area. This buffering will hide the truck docks, truck maneuvering, and trash areas.
- The memorandum of 9-22-99 to Jeremy Weir and Jane Flieg regarding cut-through traffic in the Park Ridge neighborhood is also being submitted. This is a review of the impacts of the speed humps on Morningside Drive that indicates a substantial reduction in traffic volume.
- The hours of the loading/truck operation and any site cleaning/sweeping shall be in full compliance with the City of Bloomington Noise Control Ordinance.

PUD-55-99
Updated Petitioner's Statement
71

525 Morningside Drive
Post Office Box 5355
Bloomington, Indiana 47407-5355
Telephone 812 336-6536

- The Park Ridge entry features at Longview and Kingston will be installed as a part of this petition. Details will be subject to Plan Commission and Board of Public Works approval. A schematic plan is being submitted with this letter. Detailed drawings are being prepared and will be submitted in a couple of weeks.
- A sidewalk will be constructed on the east side of Kingston and the south side of Longview to Glenwood, subject to right-of-way availability and feasibility.

  A detailed look at these issues is underway.

- We will provide support for the initiation of a review of "Traffic Calming" opportunities and needs along Longview.

A meeting was held in the Service Merchandise building with concerned citizens from the Park Ridge neighborhood. This was a very constructive meeting. Hearing their concerns is helping us to focus on their issues. Several of the items included here are a result of that meeting.

We also ask that the Plan Commission delegate the final plan for this PUD to the Planning staff. This is an existing site. The outline plan is providing significant details of proposed changes. The final plan, therefore, becomes a process of checking compliance with the outline plan; not warranting a Plan Commission public hearing.

I will continue to be in communication with you over the next several weeks as prepare for the Plan Commission hearing process.

Very truly yours,

Steve

Stephen L. Smith
SMITH NEUBECKER & ASSOCIATES, INC.

SLS:vp

Enclosures

Cc: Lennie Hayes, Eric Stolberg, Geoff Grodner, Bill Finch, File #1965WS-52

J:/1965/Corresp./PUD.ltr

Smith Neubecker & Associates, Inc.

Stephen L. Smith P.E., L.S.
President

Daniel Neubecker L.A.
Project Manager

October 29, 1999

City of Bloomington Plan Commission
C/o Tom Micuda
P. O. Box 100
Bloomington, IN 47402-0100

RE: PUD 86-92 Supplemental Submission #2

Dear Tom and Plan Commissioners:

We are continuing to fine tune our PUD Amendment to allow Marsh Supermarkets to occupy the Service Merchandise site on East 3rd Street. Additional information is now being submitted to you as supplemental submission #2 as follows:

- Longview, Kingston sidewalk and residential entry on Longview. Commitment has been made by the petitioner to construct a sidewalk along the east side of Kingston and then along the south side of Longview to Glenview Avenue in Park Ridge and to build a residential entry feature on Longview Avenue immediately east of Kingston. The Board of Public Works, at its public hearing on October 26th, approved this concept for improvements in the public right-of-way subject to final details being approved by the Public Works staff.

- Site landscaping. Mike Probst, Smith Neubecker & Associates' landscape architect, met with you at the site for a close examination of the proposed project landscaping. Several changes were made as a result of that meeting. A new plan has been submitted.

- Parking. Marsh Supermarkets believes that this site has adequate parking to meet their needs. This opinion is based on extensive experience with Marsh facilities around the State of Indiana. A memorandum from Lennie Hayes, Vice President of Real Estate for Marsh Supermarkets, is attached to this submission.

- Loading hours. The operations at this facility will be in full compliance with the City of Bloomington Noise Control Ordinance. Additionally, there shall be no loading or trucking operation at the site from 11:00 p.m. to 6:00 a.m.

- Site lighting. A detailed analysis of the adequacy of the lighting and any proposals for change to the lighting will be done prior to the hearing.

Morningside Drive
Office Box 5355
Bloomington, Indiana 47407-5355
Telephone 812 336-6536
FAX 812 336-0513

J:/1965WS/Corresp./Submission2.ltr

PUD-55-99
Updated Petitioner's

Tom Micuda
October 29, 1999
Page two

- Traffic calming. Efforts to control existing and potential cut-through traffic on Longview Avenue are underway. The residential entry and crosswalk at Kingston is a traffic calming technique. A petition is currently being circulated in the Park Ridge neighborhood to obtain necessary signatures for application to begin the traffic calming evaluation process. The City Engineer has agreed to count traffic speed and volume on Longview.

- Sidewalk. A limited pedestrian access can be provided along the east side of the site from 3rd Street to the Marsh building. Beginning at 3rd Street, a sidewalk can meander under and around the large trees and in the greenspace for the first 200' of the site. A narrow sidewalk (2 ½' wide) could be constructed in the greenspace along the east side of the site. If the adjoining property owner is interested, there is a possibility of constructing a 5' sidewalk straddling property line.

- Third Street traffic. Access to the Marsh site will be adequately handled by the original Service Merchandise access improvements. Marsh will increase the traffic volumes on 3rd Street in the vicinity of this site and will more than likely decrease traffic volumes on other parts of the east side road network. Marsh is willing to contribute, consistent with recent area rezone projects, to improvements for 3rd Street traffic flow. A comparison of total trips in the weekday peak hour at the intersection of 3rd Street and Clarizz in the existing condition versus with Marsh indicates a 6.4% increase in volume at that intersection. Marsh is willing to commit, with concurrence from the City, 6.4% of the estimated $300,000 required to reconstruct and signalize the 3rd and Clarizz intersection. This monetary contribution could be used for any enhancements to 3rd Street traffic flow.

J:/1965WS/Corresp./Submission2.ltr

Smith Neubecker & Associates, Inc.

Tom Micuda
October 29, 1999
Page three

These items along with our previous submissions show Marsh's strong commitment to provide a quality project that fits into the east side Bloomington neighborhoods. We seek your positive recommendation and the positive recommendation of the Plan Commission for our PUD Amendment.

Very truly yours,

Steve

Stephen L. Smith
SMITH NEUBECKER

SLS:vp

Enclosures

Cc: Lennie Hayes
Geoff Grodner
Eric Stolberg
Randy Lloyd
Jane Flieg
File 1965WS.M2

J:/1965WS/Corresp./Submission2.ltr

PARKING REQUIREMENTS

MEMORANDUM

Date: October 28, 1999

To: City of Bloomington Plan Commission

From: Lennie Hayes

Subject: PUD 55-99 Marsh Supermarkets, 123 S. Kingston

At the Commission's discussion of the subject project at its October 11th meeting it was mentioned that the 261 parking spaces shown on the site plan is below code for a supermarket and that the Commission would like to hear the Petitioner's (Marsh) reasons as to why the 261 spaces is adequate and would not jeopardize neighboring properties. Accordingly, we feel the 261 spaces are adequate for our needs for the following reasons:

1. A 53,000 sq. ft. store gives a parking ratio of one space per 203 sq. ft. While many Cities require a ratio of one space per 150 sq. ft., it has been our experience that many spaces are not needed for a supermarket. A number of other Cities have ratios of one space per 200 or even 250 sq. ft. Our proposed ratio is in line with what we have at some locations and would be allowed in some other Cities.

2. The other Marsh stores in Bloomington have the following ratios:

South Walnut -	38,204 sq. ft. Marsh 18,750 sq. ft. B-Shops 56,954 ÷ 220 spaces = 258
Kinser Pike -	55,000 sq. ft. Marsh 6,000 sq. ft. B-Shops 61,000 ÷ 330 spaces = 185
West 3rd St. -	37,208 sq. ft. Marsh ÷ 185 spaces = 201

3. As you will note these ratios are close to that at the subject. There are B-shops at the Walnut and Kinser stores which have a lesser required ratio; however, a supermarket's business is spread over more hours and days per week than the B-shops and the one space per 200-250 sq. ft. is adequate for a supermarkets needs.

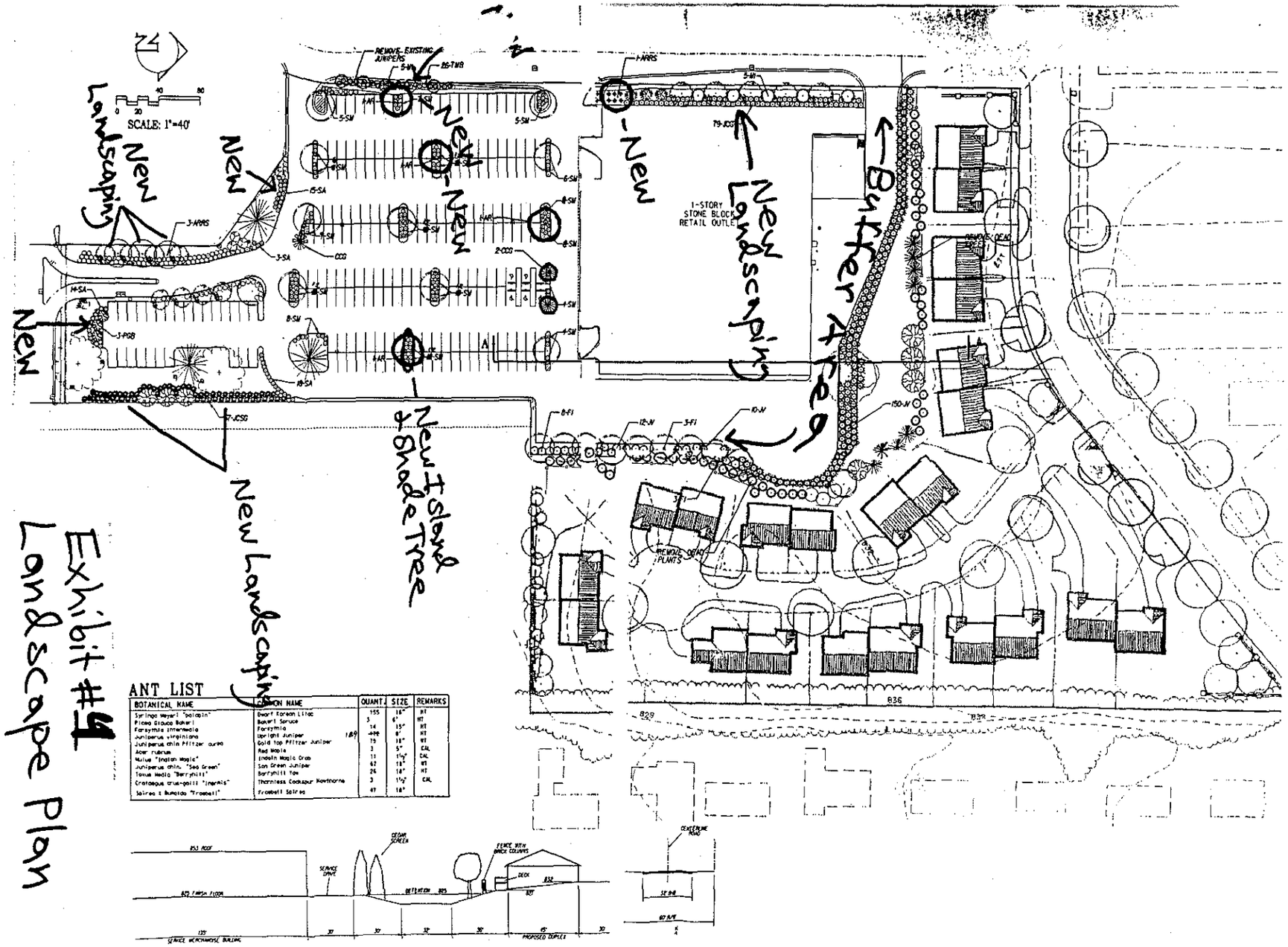
4. We will probably never have more than 40-50 employees working in the store at any one time. Of those, all will not drive to work, some are driven, i.e. younger service clerks, and with the heavy concentration of university students in the area, we expect many employees to walk or bicycle to work at the store. Thus, it is unlikely employees will use more than maybe 25-30 spaces at any one time. That will leave 225-235 spaces for customers. We will never have that many customers in the store at one time.

5. Because of the many apartments and students nearby, we anticipate a significant portion of our customers at this location will be pedestrians or bicyclists and thus less than a normal demand or need for parking spaces.

The most important reason we think the parking is adequate for a supermarket is our experience at other stores. Two hundred sixty one spaces is a lot, we will not fill them all. We would not invest the large amount of capital needed for the store if we did not have enough parking spaces to make it successful. It would be bad business on our part.

Please advise should you need additional information.

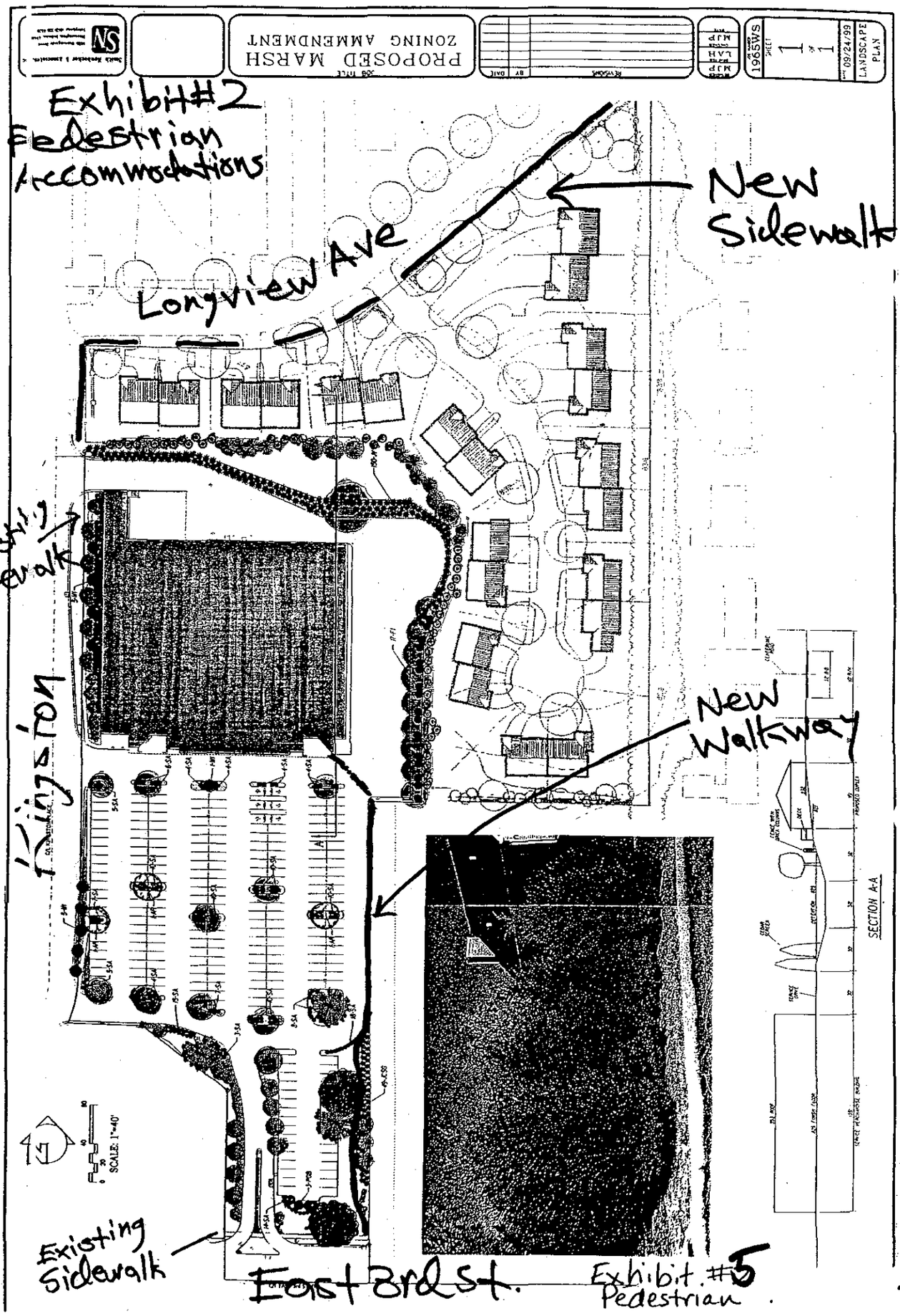
LDH/eab

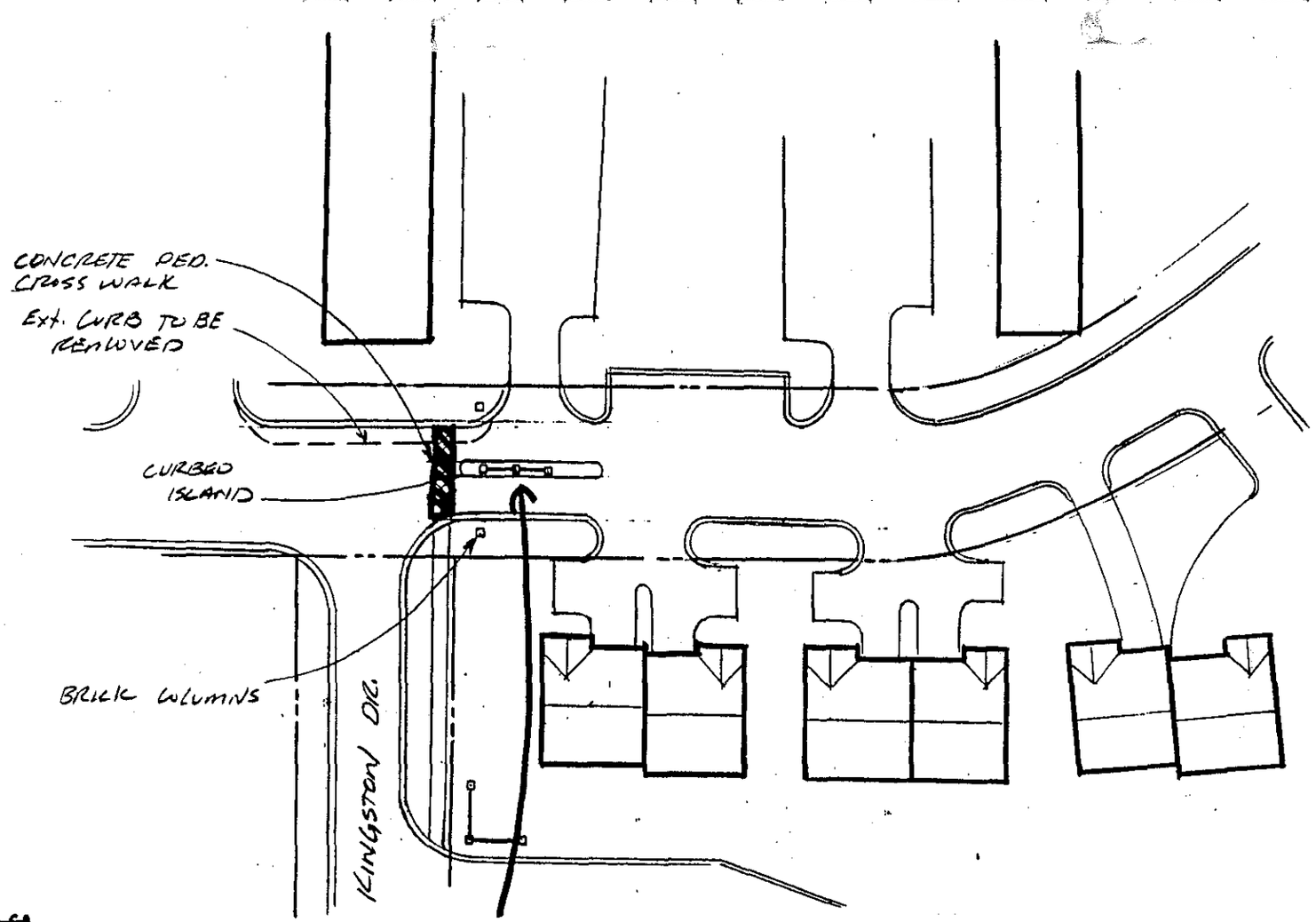


ANT LIST

BOTANICAL NAME	COMMON NAME	QUANT.	SIZE	REMARKS
Syringa Meyeri "Palibin"	Dwarf Korean Lilac	155	18"	HT
Picea Glauca Bakeri	Bakeri Spruce	5	6'	HT
Forsythia Intermedia	Forsythia	14	15"	HT
Juniperus virginiana	Upright Juniper	189	6'	HT
Juniperus chin Pfitzer aurea	Gold Top Pfitzer Juniper	19	18"	HT
Acer rubrum	Red Maple	3	5"	CAL
Malus "Indian Magic"	Indain Magic Crab	13	1½"	CAL
Juniperus chin. "Sea Green"	Sea Green Juniper	62	18"	HT
Taxus Media "Berryhill"	Berryhill Yew	26	18"	HT
Crataegus crus-galli "inermis"	Thornless Cockspur Hawthorne	3	1½"	CAL
Spiraea x Bumalda "Froebeli"	Froebeli Spirea	47	18"	

Exhibit #4
Landscape Plan


Exhibit#2
Pedestrian
Accommodations
New
Sidewalk
Longview Ave
Existing
Sidewalk
Livingston
New
Walkway
SECTION A-A
SCALE: 1"=40'
Existing
Sidewalk
East 3rd St.
Exhibit #5
Pedestrian
PROPOSED MARSH
ZONING AMMENDMENT
1965WS
09/24/99
LANDSCAPE
PLAN



Park Ridge Sign

SITE PLAN

TRAFFIC CALMING STRUCTURE
CURBED ISLAND & RAISED PEDESTRIAN CROSS WALK

1"=40'

PUD-55-99
Crosswalk and Entry Design

43

PUD-55-99
Building Elevation

MARSH
GONNA MAKE YOU SMILE

PROPOSED MARSH SUPERMARKET 54 - BLOOMINGTON, INDIANA

(FORMER SERVICE MERCHANDISE)

99013
9-15-99

Byrum
Architects