Passed: 8-1 (Pam S)

ORDINANCE 94-10

TO AMEND THE OUTLINE PLAN
Re: 2708 S. Walnut St.
(Marsh Supermarket, Petitioner)

WHEREAS, the Common Council passed a zoning ordinance amendment and adopted new incorporated zoning maps on June 7, 1978 which are now incorporated in Title 20 of the Bloomington Municipal Code; and

WHEREAS, the Plan Commission has considered this case, PCD-63-93 and recommended that the petitioner, Marsh Supermarket be granted an amendment to the outline plan and request that the Common Council consider his petition;

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

SECTION I. Through the authority of IC 36-7-4 that an outline plan amendment be approved for 2708 S. Walnut St., Bloomington, Indiana. The property is further described as follows:

A part of the Northwest Quarter of Section 16, Township 8 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows: **COMMENCING** at the northwest corner of said Northwest Quarter section; thence NORTH 89 degrees 30 minutes 48 seconds East along the north line of said Quarter Section 738.39 feet to the Point of Beginning; thence continuing along said north line of said Northwest Quarter NORTH 89 degrees 30 minutes 48 seconds East 636.65 feet to a non-tangent curve to the left having a radius of 2319.86 feet, through a central angle of 10 degrees 08 minutes 04 seconds and a long chord bearing of SOUTH 10 degrees 05 minutes 44 seconds West; thence along said curve 410.33 feet; thence NORTH 84 degrees 58 minutes 18 seconds West 20.00 feet to a non-tangent curve to the left having a radius of 2339.86 feet, through a central angle of 03 degrees 10 minutes 59 seconds and a long chord bearing of SOUTH 03 degrees 26 minutes 14 seconds West; thence along said curve 129.99 feet; thence SOUTH 01 degrees 50 minutes 43 seconds West 369.00 feet; thence NORTH 86 degrees 37 minutes 20 seconds West 406.95 feet; thence SOUTH 26 degrees 01 minutes 46 seconds West 158.42 feet; thence NORTH 90 degrees 00 minutes 00 seconds West 150.00 feet; thence NORTH 90 degrees 00 minutes 00 seconds West 150.00 feet; thence NORTH 00 degrees 00 minutes 00 seconds East 200.00 feet; thence NORTH 10 degrees 47 minutes 48 seconds East 313.15 feet; thence NORTH 25 degrees 15 minutes 00 seconds East 195.00 feet; thence NORTH 01 degrees 00 minutes 00 seconds West 206.00 feet; thence NORTH 17 degrees 00 minutes 00 seconds West 128.90 feet to the Point of Beginning, containing 12.375 acres, more or less.

SECTION II. The Outline Plan Amendment, as recommended by the Plan Commission, shall be attached hereto and made a part hereof.

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 2nd day of March, 1994.

Jim Sherman

JIM SHERMAN, President
Bloomington Common Council

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 3rd day of March, 1994.

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 3rd day of March, 1994.

Tomilea Allison

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance grants an outline plan amendment to the ML/PCD granted in 1990 under PCD-20-90. There are three changes to the outline plan: 1) the allowable square footage of the buildings is increased from 60,000 s.f. to 69,700 s.f.; 2) the 50' setback line along a 120' segment of the south property line is reduced to 24'; and, 3) the parking area and setbacks on the southwest corner of the site are added to the PCD designation.

Signed copies to:
Petitioner
Planning
Code Enforcement

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 94-10 is a true and complete copy of Plan Commission Case Number PCD-63-93 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 January 31, 1994.

Date: February 7, 1994

Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____,

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.)

MEMO

To: Common Council
From: Planning Department
Case No: PCD-63-93
Date: 2-7-94
Location: 2708 S. Walnut St.
Petitioner: Marsh Supermarkets (Wininger/Stolberg)

The outline plan was approved in 1990 for Walnut Station. Currently the two outlots are developed into a bank and an auto oil change service. There is also a row of shops. The large anchor store area is vacant. This proposal is for the development of the anchor store.

On January 31, 1994 the Bloomington Plan Commission approved an outline plan amendment and the development plan for a new Marsh Supermarket. The store is planned as the anchor store for the Walnut Station PCD. The store conforms with the approved outline plan with three exceptions. The proposed store is 60,000 s.f. where a maximum allowed at outline plan approval was 60,000 s.f. for all of the buildings. The small shops total 9,700 s.f. for a total of 69,700 s.f. The second outline plan amendment is for the 50 ft. setback line to the south. Proposed is a 24' setback line for the back approximately 120 feet. This area will be used for a drive. The third outline plan amendment is to add the area of the parking lot which is located in the ML zone plus the appropriate setbacks into the PCD designation. The petitioner owns several additional acres zoned ML which are not part of the PCD. There will be not disturbance of the floodplain.

The retaining wall on the south property line will be constructed. Two trees, a maple and a sycamore, are proposed to be removed for the wall construction. The two cedars will be transplanted. The landscape plan shows replacement of the maple tree and sycamore trees. Street and sidewalk improvements are now complete along S. Walnut St. No further work will be done in the floodway area.

Access to the Marsh store will be from S. Walnut St. The improvements are complete at this time. Sidewalks have been constructed along S. Walnut St. Internal walks will be completed with this project. Parking for the store is required to meet code of 5.5 per 1,000 s.f. of gross floor space. The requirement is met.

Trees will be preserved per the previous plan approval with the exception of two trees along the south line (a maple & a sycamore). The trees are proposed to be removed in order to build a retaining wall. According to the Environmental Commission the maple tree is not in good health. The sycamore tree will be replaced equivalent value. Landscaping will meet city code. Replacement value for the trees to be removed is required.

The following conditions of approval are:

1) A four ft. chain link fence be built along the south and southwest property line abutting the residence at 2750 S. Highway 37.

2) The parking lot and security lighting be directed as not to intrude into the neighbor's home.

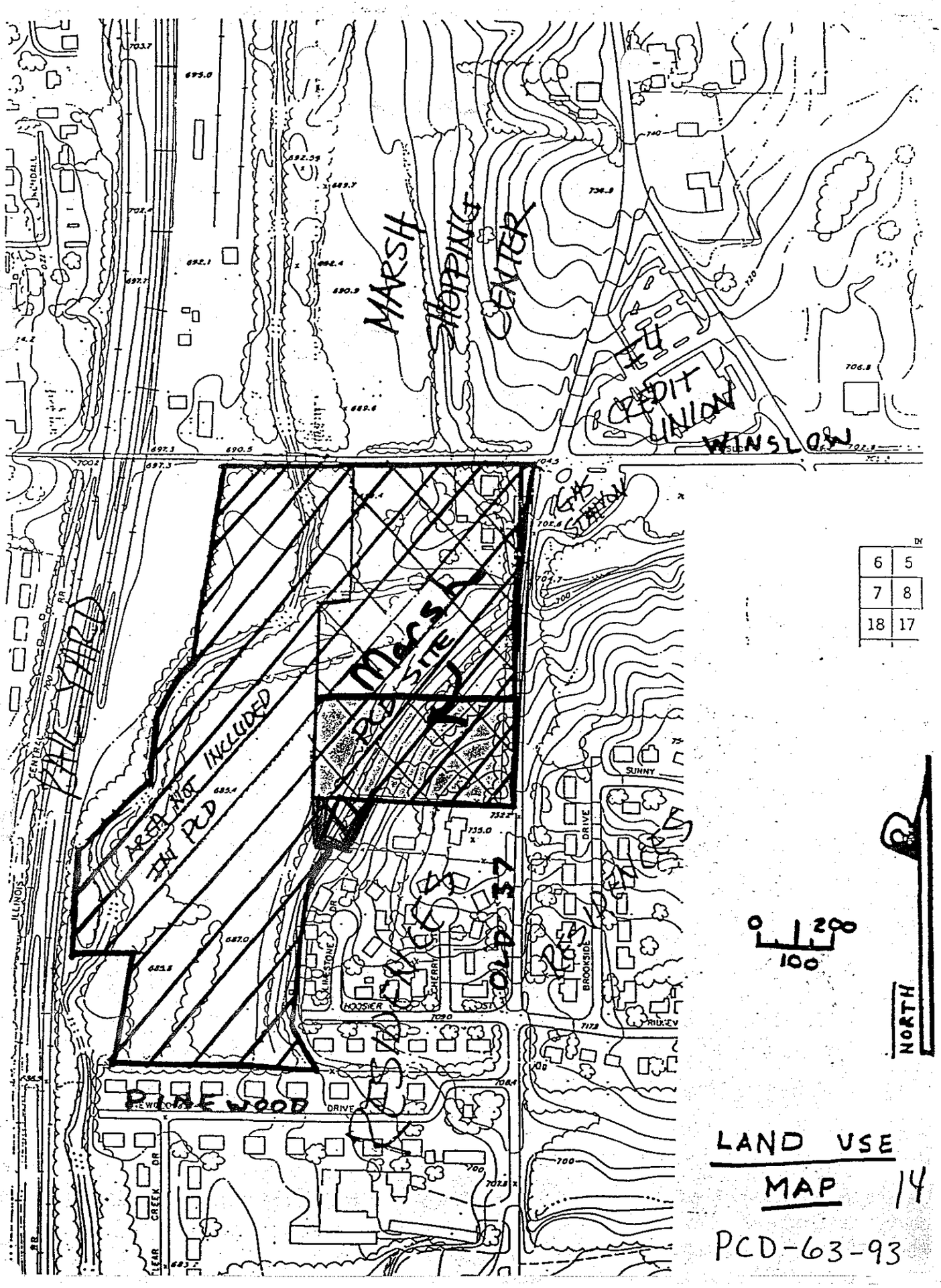
3) Maintenance of the side yard along the south property line be the responsibility of Wininger/Stolberg before the Marsh Store is constructed. After construction begins, Marsh will be responsible for the maintenance of the sideyard.

4) The sewer be constructed and moved to the Utilities satisfaction.

5) The trees to be removed are replaced with equal D value in new trees.

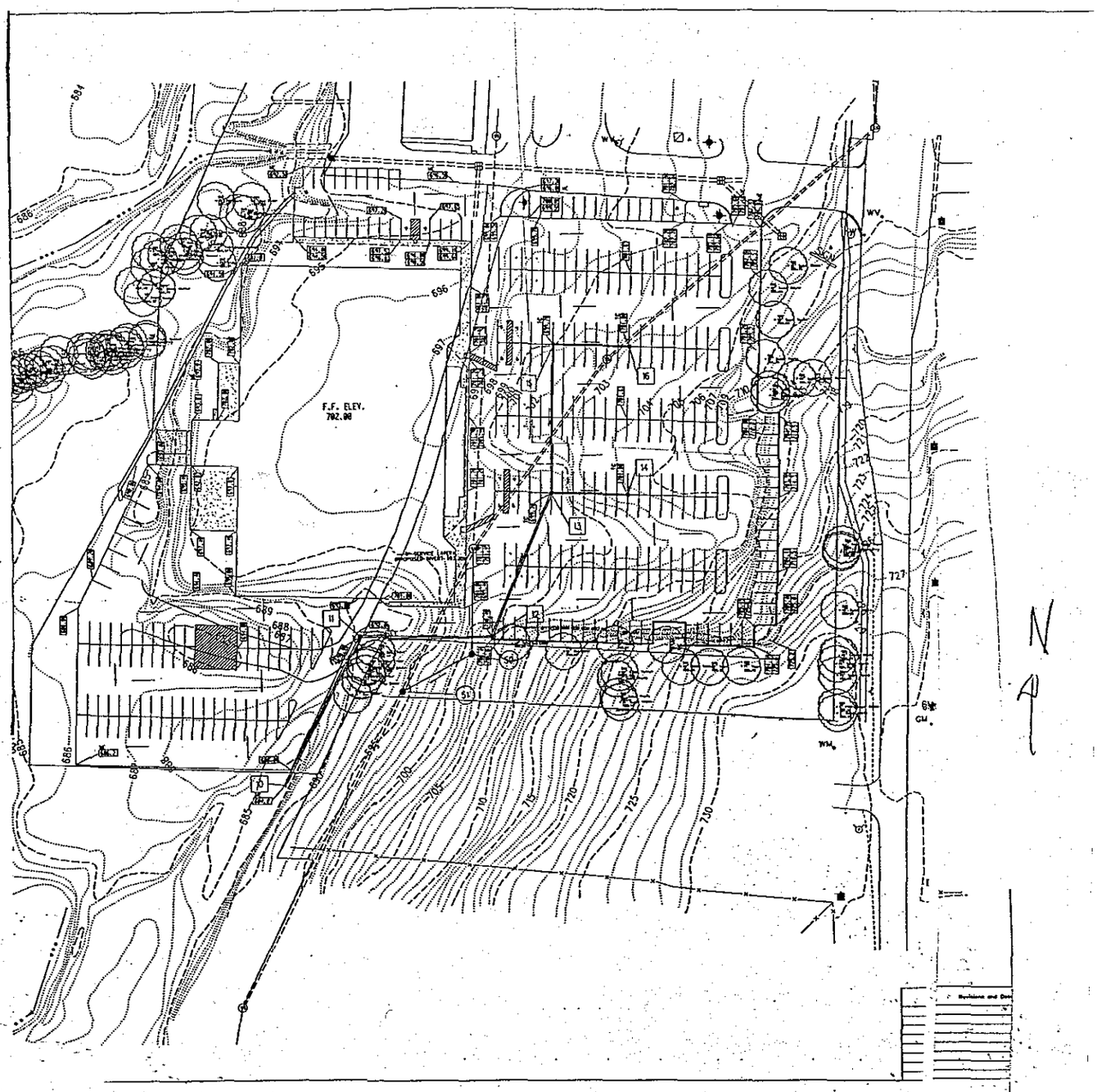
6) Fencing will be placed ten feet beyond the dripline of all preserved trees. No materials or equipment may be placed in these areas.

7) The barrow pit must be cleaned up, graded and seeded.

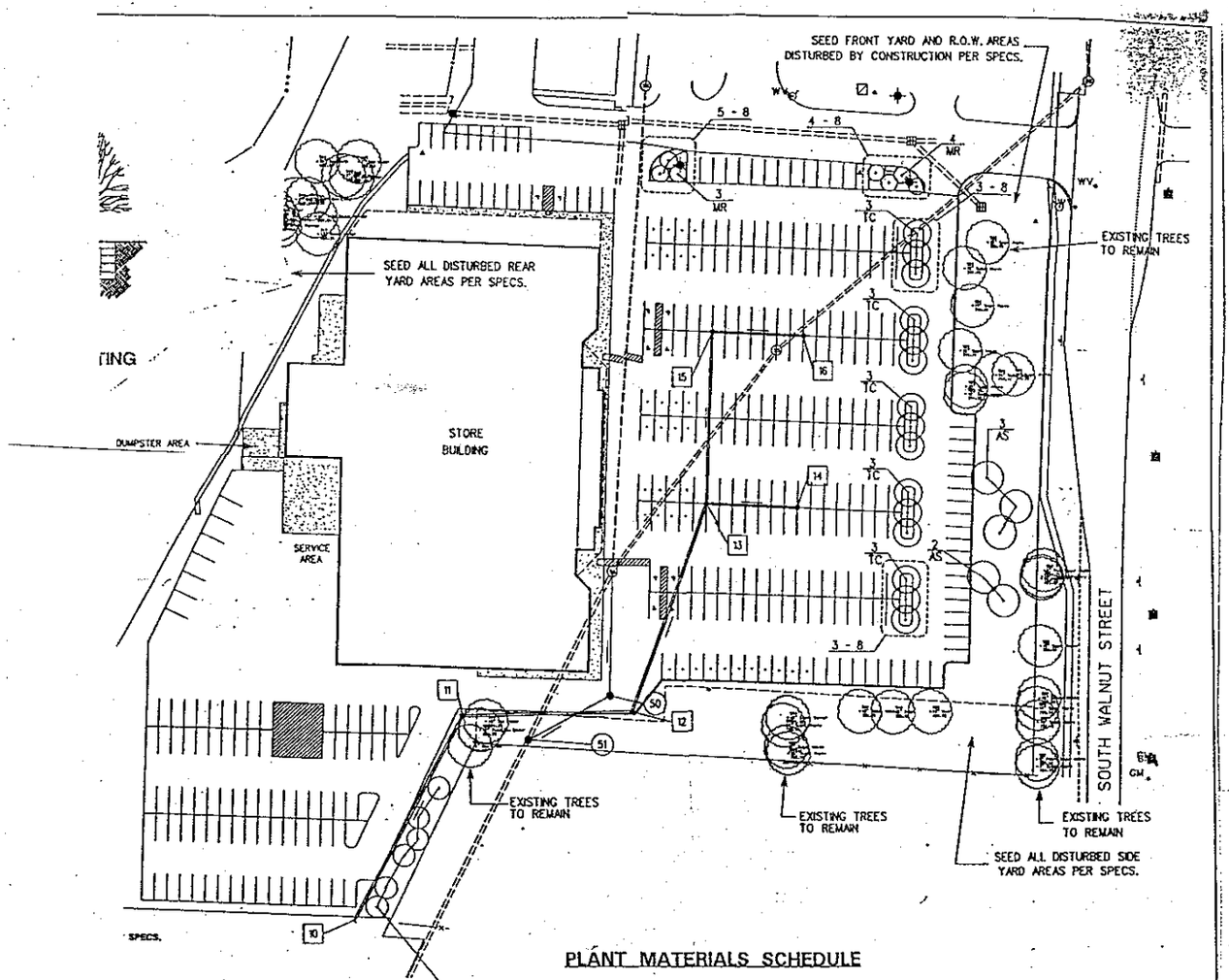


LAND USE MAP 14

PCD-63-93



PCD-63-93
Site Plan + Grading



PLANT MATERIALS SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	QUAN.	SIZE	NOTES
AS	ACER SACCHARUM "GREEN MOUNTAIN"	GREEN MOUNTAIN SUGAR MAPLE	06	3" B&B	STRONG CENTRAL LEADERS, LOW BRANCHING
MF	MALUS FLORIBUNDA	FLOWERING CRAB	06	2-1/2" B&B	FULL HEADS, BRANCHING AT 3'
MR	MALUS "RED JEWEL"	RED JEWEL CRAB	07	3-1/2" B&B	MATCHING SPECIMENS
TC	TILIA CORDATA "GREENSPIRE"	GREENSPIRE LITTLELEAF LINDEN	15	3" B&B	HEADED TO 6', MATCHING

BLOOMINGTON MARSH 05R

Designed by: LH
Drawn by: MBR
Checked by: CALH
Approved by: BCH

MSE Engineering
MSE CORPORATION
941 NORTH MERIDIAN STREET
INDIANAPOLIS, IN 46204-1961
317, 634-1888
317, 634-3576 FAX

Title: LANDSCAPE PLAN

Scale 1" = 40' Job No. 11-9635 Sheet No. 8 of 8

PCD-63-93
Site Plan
15

INTERDEPARTMENTAL MEMO

To: Members of the Common Council

From: Tom Micuda, Environmental Review Coordinator

Subj: PCD-63-93 Marsh Supermarkets; Status of the Wininger/Stolberg Group's Department of Natural Resources Floodway Permit

I have been directed by the Bloomington Environmental Commission to notify the Common Council about the status of the Wininger/Stolberg Group's Department of Natural Resources floodway permit. The Group received a Certificate of Approval of Construction in a Floodway on August 6, 1990 as part of the Bloomington Plan Commission's approval of the Walnut Station Neighborhood Shopping Center. In April 1991, a complaint was filed with the DNR about the site. The Environmental Commission became aware that this complaint existed last Thursday, but the specific nature of the complaint is unknown. The DNR was to inspect the site last week, but the visit was postponed. My best guess is that they will eventually perform the inspection in the next two months. At this time, the DNR has no record that any violations of its floodway agreement with the Wininger/Stolberg Group have occurred.

I have visited the site several times in conjunction with the Plan Commission's review of the case on January 31, 1994. My Environmental Commission report addresses two items pertaining to the DNR's floodway permit. These two items are: (1) that "no felled trees, brush, or other debris be left in the floodway of the stream" and (2) "all disturbed areas be effectively protected from erosion during the construction period". The Plan Commission condition of approval that "the borrow pit must be cleaned up, graded and seeded" will allow these two DNR items to be addressed during site construction.

During the coming year, I will work closely with the DNR and the Wininger/Stolberg Group to make sure that full compliance occurs if any other additional DNR directives are rendered. I will attend the Council meeting on March 2 and answer any questions that you might have.

Sincerely,

Tom Micuda

Tom Micuda

cc. Wininger/Stolberg Group