Passed 9-0

RESOLUTION 96-05

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, APPROVING THE ECONOMIC DEVELOPMENT PLAN FOR THE NORTH KINSER PIKE AND PROW ROAD ECONOMIC DEVELOPMENT AREA

WHEREAS, pursuant to IC 36-7-14, the Redevelopment Commission of the City of Bloomington, Indiana, has declared the area between State Road 37 on the west, N. Kinser Pike on the east, Acuff Road on the south, and two parcels south of Acuff Road along Prow Road referred to as Bloomington Meadows, L.P. and General Acceptance Corporation to be an economic development area, hereinafter referred to as the "North Kinser Pike and Prow Road Economic Development Area." Said Area is located within the corporate limits of the City of Bloomington, Indiana, and is described as follows:

A part of the north half of Section 20 and a part of Section 17, all in Township 9 North, Range 1 West, Monroe County, Indiana, and being more particularly described as follows:

COMMENCING at the northeast corner of the Northwest Quarter of said Section 20; thence NORTH 20 feet, more or less, to the north right-of-way of Acuff Road and the Point of Beginning; thence WEST 678 feet, more or less, along said north right-of-way; thence along Park School Corner the following two (2) courses: 1. SOUTH 419 feet, more or less; thence 2. SOUTH 53 degrees 33 minutes WEST 140.30 feet; thence along Bloomington Meadows L. P. the following two (2) courses: 1. SOUTH 591 feet; thence 2. WEST 512 feet, more or less to the east right-of-way of Prow Road; thence NORTH 1095 feet, more or less, along said east right-of-way to the north right-of-way of Acuff Road; thence EAST 92.32 feet along said north right-of-way of Acuff Road to the east right-of-way of State Road 37; thence along said east right-of-way the following fourteen (14) courses: 1. NORTH 64 degrees 05 minutes 05 seconds West 55.25 feet; thence 2. NORTH 89 degrees 15 minutes 30 seconds West 50.00 feet; thence 3. NORTH 86 degrees 58 minutes 04 seconds West 250.20 feet; thence 4. NORTH 65 degrees 18 minutes 35 seconds West 69.49 feet; thence 5. NORTH 02 degrees 49 minutes 50 seconds West 800.00 feet; thence 6. NORTH 04 degrees 00 minutes 44 seconds East 251.79 feet; thence 7. NORTH 02 degrees 49 minutes 50 seconds West 218.50 feet; thence 8. 265.94 feet along a 3644.72 foot radius tangent curve to the right; thence 9. northerly 1000 feet, more or less, to the south line of the aforementioned Northwest Quarter of Section 17; thence 10. NORTH 16 degrees 52 minutes 46 seconds East 49.73 feet; thence 11. NORTH 15 degrees 13 minutes 13 seconds East 154.03 feet; thence 12. 489.65 feet along a 3674.72 foot radius tangent curve to the right; thence 13. NORTH 27 degrees 46 minutes 35 seconds East 771.12 feet; thence 14. NORTH 28 degrees East 850 feet, more or less, along said east right-of-way to the east right-of-way of Kinser Pike; thence SOUTH 60 degrees East 770 feet, more or less, along said east right-of-way of Kinser Pike; thence SOUTH 4150 feet, more or less, along said east right-of-way of Kinser Pike to the north right-of-way of Acuff Road; thence WEST 30 feet along said right of way to the POINT OF BEGINNING, containing 170 acres, more or less.

WHEREAS, in accordance with the procedures outlined in IC 36-7-14 the Bloomington Redevelopment Commission has completed and referred to the Common Council of the City of Bloomington, Indiana, an Economic Development Plan for the North Kinser Pike and Prow Road Economic Development Area dated February 1996; and

WHEREAS, the Bloomington Redevelopment Commission on February 23, 1996, declared the Area to be an economic development area, and declared that it will be of public utility and benefit to carry out certain public actions as may be required to implement the Plan, as evidenced by a copy of said body's duly certified Declaratory Resolution approving said Economic Development Plan, which is attached hereto; and

WHEREAS, a Growth Policies Plan has been prepared and used as a guide for general development for the City of Bloomington, Indiana; and

WHEREAS, the Plan Commission of Bloomington, Indiana, which is the duly designated and acting official planning body for the City of Bloomington, Indiana, has submitted to the Common Council its report respecting said Economic Development Plan and has certified that the Economic Development Plan conforms to the general plan of the City of Bloomington, Indiana, and has issued its written order approving said Declaratory Resolution and said Economic Development Plan, and the Common Council has duly considered said report, recommendations, and certification of the Plan Commission; and

WHEREAS, the State of Indiana has provided that declaratory resolutions adopted pursuant to IC 36-7-14 may provide for the special allocation and distribution of property taxes levied on real property in the economic development area described in the Declaratory Resolution;

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Bloomington, Monroe County, Indiana, that:

1. It is hereby found and determined that the North Kinser Pike and Prow Road Economic Development Area as described herein is an economic development area pursuant to IC 36-7-14.

2. The Economic Development Plan for the North Kinser Pike and Prow Road Economic Development Area, having been duly reviewed and considered, is hereby approved, and the City Clerk is hereby directed to file said copy of the Economic Development Plan with the minutes of this meeting.

3. It is hereby found and determined that said Economic Development Plan for the North Kinser Pike and Prow Road Economic Development Area conforms to the general plan for the City of Bloomington, Indiana, and the approving order of the Bloomington Plan Commission adopted on March 4, 1996, is hereby approved.

4. It is hereby found and determined that the North Kinser Pike and Prow Road Economic Development Area is an allocation area for purposes of tax increment financing pursuant to IC 36-7-14.

5. In order to implement and facilitate effectuation of the Economic Development Plan hereby approved, it is found and determined that certain official actions must be taken by the Common Council with reference, among other things, to changes in zoning, street vacations, and other public actions, and accordingly, the Common Council hereby

(a) pledges its cooperation in helping carry out said Economic Development Plan;

(b) requests the various officials, departments, boards, and agencies of the City of Bloomington, Indiana, having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in the manner consistent with said Economic Development Plan; and

(c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate said Economic Development Plan.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 27th day of March, 1996.

JIM SHERMAN, President
Bloomington Common Council

SIGNED AND APPROVED by me upon this 1 day of April, 1996.

JOHN FERNANDEZ, Mayor
City of Bloomington

James McNamara, Deputy Mayor

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

SYNOPSIS

This resolution approves the documents and makes the findings that are necessary to establish approximately 171 acres of property located along North Kinser Pike and Prow Road as Economic Development and Tax Allocation Areas. Establishing these areas will allow the City, among other things, to use property tax revenues generated from some of the new investment in that property to fund public improvements for that property. In accordance with statutory procedure, the Redevelopment Commission has approved a Declaratory Resolution and an Economic Development Plan. These, in turn, were reviewed by the Plan Commission, which approved them in the form of a written order. And, assuming this legislation is passed by the Common Council, the Redevelopment Commission must adopt another resolution before the Economic Development and Tax Allocation Areas go into effect.

Signed copies to:
Redevelopment
Planning Dept.
Jamie Brugger

MEMO

To: City Council Members
From: Doris J. Sims, Redevelopment Director
Subject: TIF Resolution
Date: March 22, 1996

At your March 27 Council Meeting, you will be reviewing the Tax Increment Finance (TIF) Declaratory Resolution and the Economic Development Plan (EDP) for the property located on North Kinser Pike and Prow Road.

Under Indiana Statute, a Redevelopment Commission may designate an area an Economic Development Area. To be designated an Economic Development Area, the Redevelopment Commission must have an economic development plan for the area which outlines the opportunities for business development and the promotion of employment in the area. Further, the Redevelopment Commission must establish that the EDP for the area cannot be accomplished by the regulatory processes or by the ordinary operation of private enterprises because of lack of public improvements, low land values, or other similar conditions in the area and the public health and welfare would benefit from the activities that would be undertaken by the EDP. The EDP for the area is attached to the Declaratory Resolution.

As an Economic Development Area, the Redevelopment Commission also has the authority to establish the area as an allocation area and use the tax increment of any improvements completed in the area to finance the economic development or redevelopment of the area. What the tax increment funds can be used for are outlined under #13 of the Resolution. Proposed use of TIF funds in the North Kinser Pike/Prow district are outlined in the Economic Development Plan.

The Declaratory Resolution that defines the TIF and EDP area has been approved by the Redevelopment Commission and also the Plan Commission for conformity to the plan of development for the area. Once Council approval is received, a public hearing will be held by the Redevelopment Commission to approve a Confirmatory Resolution. Public notice of this meeting will be advertised along with a notice of the estimated economic costs and benefits of the TIF and its impact on tax revenues within the taxing unit.

If you should have any questions prior to the meeting, please feel free to contact Bob Woolford or me in the Redevelopment Department.

RESOLUTION 96-01

RESOLUTION OF THE PLAN COMMISSION OF THE CITY OF BLOOMINGTON, INDIANA, CONCERNING THE DECLARATION OF AN ECONOMIC DEVELOPMENT AREA, AND THE ECONOMIC DEVELOPMENT PLAN FOR THE ECONOMIC DEVELOPMENT AREA

WHEREAS, pursuant to IC-36-7-14, approval of an economic development plan for an economic development area is required of the Bloomington Redevelopment Commission, Plan Commission, and Common Council; and

WHEREAS, the Common Council of the City of Bloomington, Indiana, under the provisions of IC 36-7-14, may give its approval of the economic development plan only after the Plan Commission of the Locality has issued its written order approving a declaratory resolution and economic development plan approved and adopted by the Redevelopment Commission of the Locality; and

WHEREAS, the Bloomington Redevelopment Commission has approved and adopted a Declaratory Resolution and Economic Development Plan for the **North Kinser Pike and Prow Road Development Area**, and has submitted said Resolution and Plan to the Plan Commission of the City of Bloomington, Indiana, both of which are attached hereto and made a part hereof:

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission of the City of Bloomington, Indiana, as follows:

1. That the Economic Development Plan for the Economic Development Area conforms to the General Plan of Development for the City of Bloomington.

2. That the Economic Development Plan and Declaratory Resolution in behalf of the Economic Development Area are hereby approved, and this Resolution shall constitute and be deemed a written order approving said Plan and Declaratory Resolution.

3. The Declaratory Resolution and the Plan are in all respects hereby approved, ratified, and confirmed.

4. That the Acting Planning Director is hereby directed to file a copy of said Declaratory Resolution and the Economic Development Plan for the Economic Development Area with the minutes of this meeting.

ADOPTED this 4th day of March, 1996.

Tom Swafford, President

ATTEST: Toni K. McClure
Toni K. McClure, Acting Planning Director

BLOOMINGTON PLAN COMMISSION

CASE NO: RS-9-96
DATE: March 4, 1996

Requested is approval of a new Tax Increment Finance district (TIF). Under State Law the Plan Commission is required to consider the establishment or expansion of a TIF district and pass a resolution declaring that the economic development plan for the economic development area (TIF) conforms to the general development of the City (Master Plan).

The proposal involves the establishment of a new TIF in an area known as the North Kinser Pike/Prow Road Economic Development Area. This area is slated for employment/business park uses and the city administration wishes to ensure development of the necessary infrastructure in order to attract the kind of business park development envisioned by the Growth Policies Plan. Improvements to Prow Road are particularly important in the event that S.R. 37 becomes I-69 and access to the highway via Kinser or Acuff is closed off. The Redevelopment Commission approved the Economic Development Plan for the Kinser Pike/Prow Road Economic Development Area on February 23, 1996. The next step in the process is this Plan Commission Resolution. From there the TIF plans are presented to the City Council in resolution form.

The TIF district is in conformance with the general plan for development of the city. The Kinser Pike/Prow Road development area is identified in the Growth Policies Plan for industrial development and employment sectors. The purpose of the TIF is to promote and encourage economic development in this area through the improvement to public and private infrastructure which will serve the TIF area. When a TIF district is established, we calculate the tax revenue currently generated by that district. As development occurs, the "increment" (additional tax revenue beyond the base amount established at time of TIF adoption) is used to finance improvements as set forth in the economic development plan for the area. If specified in the TIF resolution, the governing agency may "loan" money to the TIF area. This money can be used to make improvements in order to attract the desired development. Once the development occurs, the "increment" is used to pay the governing agency back. In this case, it is possible that we may wish to fund improvements to Acuff and Prow Roads and also the extension of utilities in order to be able to effectively market the area for the kinds of uses recommended by the Growth Policies Plan.

RECOMMENDATION: Staff has reviewed the TIF district and finds that it is in conformance with the general plan for the City and recommends approval of this resolution in favor of the TIF district.

ECONOMIC DEVELOPMENT PLAN

for the

NORTH KINSER PIKE AND PROW ROAD AREA ECONOMIC DEVELOPMENT AREA

Department of Redevelopment
Bloomington, Indiana

Doris Sims
Executive Director

Robert Woolford
Redevelopment Specialist

February 1996

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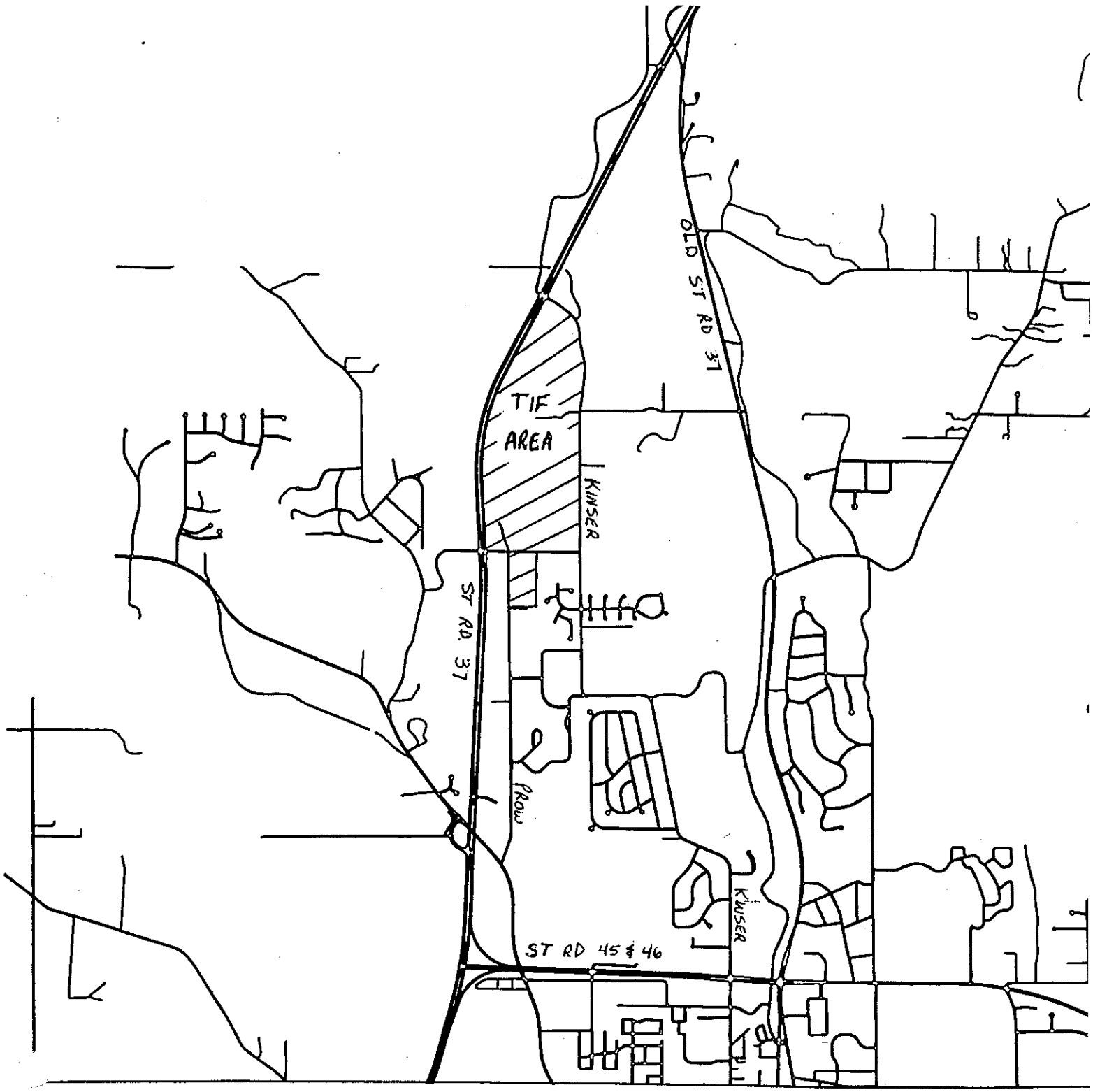


City of Bloomington

TIF AREA

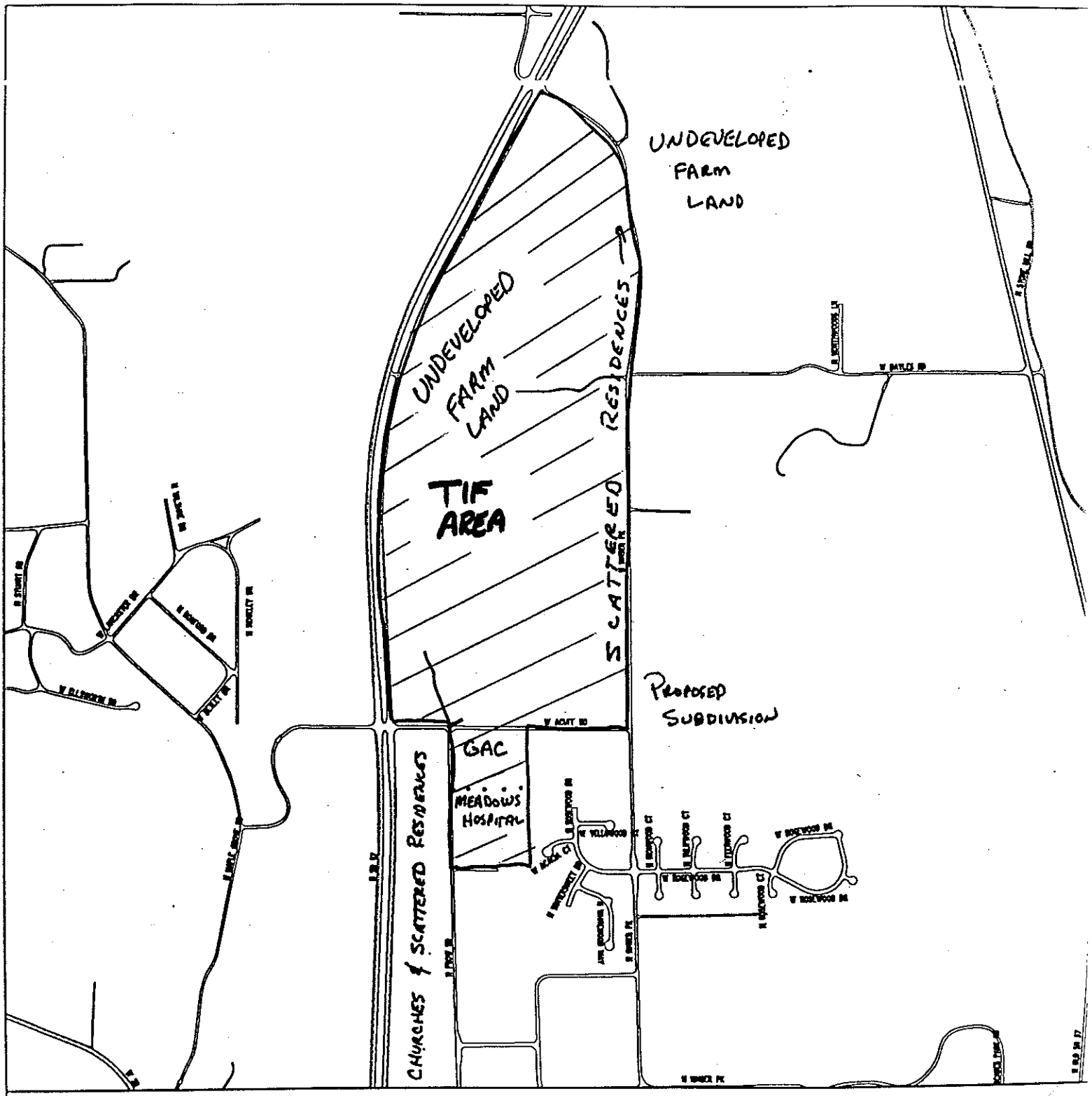
By: woolforr
11 Mar 1996

N

2500 0 2500 5000 7500

Scale: 1" = 2500'

EXHIBIT 21



NORTH KINSER PIKE AND PROW ROAD TIF

LAND USE DESIGNATIONS

TIF AREA

City of Bloomingt...

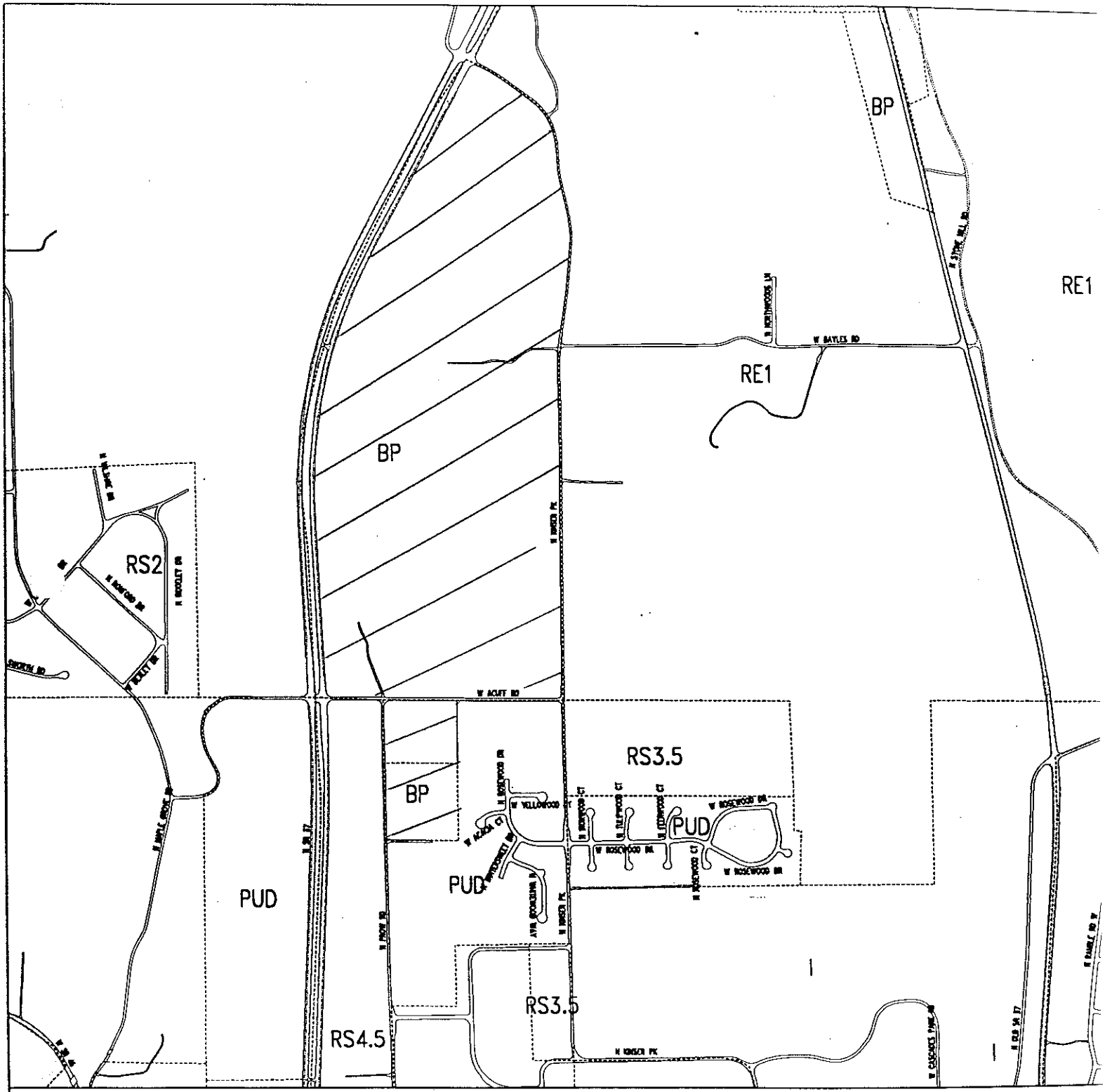
By: woolforr

Date: 5 Jan 1996

1000 0 1000 2000 3000

N

Scale: 1" = 1000'



NORTH KINSER PIKE AND PROW ROAD

ZONING DESIGNATIONS

TIF AREA

By: work

Date: 3 Jan 1996

1000 0 1000 2000 3000

N

City of Bloomington

Scale: 1" = 1000'

SUMMARY

This economic development plan provides guidance for planning, development and redevelopment objectives within the North Kinser Pike and Prow Road Economic Development Area (EDA).

The EDA encompasses approximately 171.5 acres, all of which is located within the corporate boundaries of the City of Bloomington, which is a redevelopment district. This area was annexed in the North Kinser Pike and Prow Road Annexation under ordinance 95-61.

Major subdivisions of the EDA include a large tract of undeveloped land north of Acuff Road that is zoned as a business park, and two tracts of land south of Acuff Road with one area zoned a business park and the other as a planned unit development.

The North Kinser Pike and Prow Road EDA is an allocation area for the purposes of distribution and allocation of property taxes, as permitted under Indiana's tax increment financing (TIF) regulations (Indiana Code § 36-7-14-43(6) and 50 IAC 8). The base valuation assessment date for the allocation area is March 1, 1995.

Objectives of this plan include promotion of gainful employment, and attraction of major new business enterprises.

This plan conforms with the City's Growth Policies Plan, which identifies the North 37 Bypass corridor area as a significant tract with strong Route 37 corridor visibility and with scenic vistas. The Growth Policies Plan recommends that the site should be reserved as a landmark corporate headquarters or corporate campus site. It also conforms with the Transportation Improvement Plan.

GEOGRAPHIC DESCRIPTION

A part of the north half of Section 20 and a part of Section 17, all in Township 9 North, Range 1 West, Monroe County, Indiana, and being more particularly described as follows:

COMMENCING at the northeast corner of the Northwest Quarter of said Section 20; thence NORTH 20 feet, more or less, to the north right-of-way of Acuff Road and the Point of Beginning; thence WEST 678 feet, more or less, along said north right-of-way; thence along Park School Corner the following two (2) courses: 1. SOUTH 419 feet, more or less; thence 2. SOUTH 53 degrees 33 minutes WEST 140.30 feet; thence along Bloomington Meadows L. P. the following two (2) courses: 1. SOUTH 591 feet; thence 2.

WEST 512 feet, more or less to the east right-of-way of Prow Road; thence NORTH 1095 feet, more or less, along said east right-of-way to the north right-of-way of Acuff Road; thence EAST 92.32 feet along said north right-of-way of Acuff Road to the east right-of-way of State Road 37; thence along said east right-of-way the following fourteen (14) courses: 1. NORTH 64 degrees 05 minutes 05 seconds West 55.25 feet; thence 2. NORTH 89 degrees 15 minutes 30 seconds West 50.00 feet; thence 3. NORTH 86 degrees 58 minutes 04 seconds West 250.20 feet; thence 4. NORTH 65 degrees 18 minutes 35 seconds West 69.49 feet; thence 5. NORTH 02 degrees 49 minutes 50 seconds West 800.00 feet; thence 6. NORTH 04 degrees 00 minutes 44 seconds East 251.79 feet; thence 7. NORTH 02 degrees 49 minutes 50 seconds West 218.50 feet; thence 8. 265.94 feet along a 3644.72 foot radius tangent curve to the right; thence 9. northerly 1000 feet, more or less, to the south line of the aforementioned Northwest Quarter of Section 17; thence 10. NORTH 16 degrees 52 minutes 46 seconds East 49.73 feet; thence 11. NORTH 15 degrees 13 minutes 13 seconds East 154.03 feet; thence 12. 489.65 feet along a 3674.72 foot radius tangent curve to the right; thence 13. NORTH 27 degrees 46 minutes 35 seconds East 771.12 feet; thence 14. NORTH 28 degrees East 850 feet, more or less, along said east right-of-way to the east right-of-way of Kinser Pike; thence SOUTH 60 degrees East 770 feet, more or less, along said east right-of-way of Kinser Pike; thence SOUTH 4150 feet, more or less, along said east right-of-way of Kinser Pike to the north right-of-way of Acuff Road; thence WEST 30 feet along said right of way to the POINT OF BEGINNING, containing 170 acres, more or less.

ZONING AND LAND USE

The EDA includes areas zoned for business park and a planned unit development. Implementation of this plan does not require rezoning or acquisition of land by the City.

The following is a brief overview of the primary land uses within the EDA:

1. Planned Unit Development (PUD)

   The planned unit development covers approximately 5 acres and is located south of Acuff Road. This is the future site of General Acceptance Corporation, an office building, which is to open during the summer of 1996. This plan does not recommend altering or replacing this usage.

2. Business Park (BP)

There are two distinct business park areas that cover approximately 165 acres (97% of the EDA). One area lies north of Acuff Road (approximately 158 acres) and is undeveloped farm land with scattered homes along N. Kinser Pike. The other area is south of Acuff fronting Prow Road (approximately 7 acres) and is the site of Meadows Hospital, a psychiatric treatment center. This plan does not recommend altering or replacing this usage.

The development and enhancement of the business parks are the primary importance under this plan. Public improvements will be provided as required by new construction in the EDA, and will include both public services and transportation services.

DEVELOPMENT PLAN OBJECTIVES

1. This plan provides funding necessary for infrastructure improvements, which will provide incentive for new enterprises to locate in the EDA. New construction activities will promote significant opportunities for gainful employment in both the public and private sectors.

   Potential infrastructure improvements include installation of new and upgrade of existing water, sewer, drainage and transportation services. These services are currently available only in limited areas of the EDA, and future development will require enhancing both the availability and capacity of these systems.

2. This plan cannot be accomplished by normal regulatory processes or through the ordinary operation of private enterprise. Implementation of this plan will result in a more timely generation of funds that can be directly allocated to specific public service and transportation infrastructure improvements.

3. Public health and welfare will benefit by accomplishment of this plan. The anticipated infrastructure improvements can be paced to precede other developments, ensuring that negative impact on the public will be minimized or avoided.

4. The accomplishment of this plan will be a public utility and benefit as measured by the attraction and retention of permanent jobs, increases in the property tax base, and improved diversity of economic opportunities within the EDA.

5. This plan conforms with the City's Growth Policies Plan and the Transportation Improvement Plan. Prow, Acuff and North

Kinser Roads are secondary collector roads. None of these roads has the capacity to carry the loads that will result from the development of these areas; increasing their carrying capacities should be paced to precede development. It should also be noted that in the event I-69 is developed, preliminary reports recommend that the intersections of ST. RD. 37 and Acuff Road and the intersection of ST. RD. 37 and N. Kinser Road will be closed. In this case, Prow Road may be upgraded to a primary arterial. Specific plan provisions that could be supported include:

Phase I: Prow Road/Acuff Road intersection improvements. (As shown on Exhibit 19.) Intersection plans include improvements on Prow Road from the intersection with Acuff Road to approximately four hundred (400) feet south of Acuff and improvements on Acuff Road from the Highway 37 Bypass right-of-way to approximately three hundred (300) feet east of Prow Road. These improvements include:

Prow Road approach will be upgraded to a four-lane configuration.
Acuff west of Prow Road will be upgraded to a three-lane configuration.
Acuff Road east of Prow Road will be widened to two twelve (12) foot lanes with turn lanes.
All sections will include street trees, curb and gutter and related storm sewer improvements and other incidental construction.

Some additional right-of-way may be required on the west side of Prow Road. The remaining improvements will be constructed within existing right-of-way. The estimated cost for the Phase I improvement is $310,000.

Phase II: Kinser Road/Acuff Road intersection improvement. (As shown on Exhibit 20.) Intersection plans include improvements on Kinser Road two-hundred (200) feet each side of the intersection with Acuff Road. Kinser Road will be widened to a total width of twenty-four (24) feet. Curb, gutter, storm sewers, sidewalk and street trees will be installed. Acuff Road will be improved for six hundred (600) feet west of Kinser Road. Improvements will include widening to a total width of twenty-four (24) feet, installation of curb and gutter, storm sewers, sidewalk, and street trees. Curb return radii at the intersection will be increased to forty (40) feet for improved sight distance and turning movements. The estimated cost for this improvement is $200,000.

Phase III: Sanitary sewers that will serve area #3 as shown on Exhibit 20.

Phase IV: Water mains that will serve area #3 as shown on Exhibit 20.

Phase V: Prow Road Improvements. (As shown on Exhibit 19.) Prow Road will be upgraded to a four (4) lane section from approximately four hundred (400) feet south of Acuff Road to the Bloomington North High School's north entrance. Vertical alignment corrections for improved sight distance will be undertaken along with installation of curb and gutter, storm sewers, sidewalk and street trees. Some additional right-of-way may be required on both sides of Prow Road. The estimated cost for this improvement is: $900,000

Phase VI: Prow Road Improvements. (As shown on Exhibit 19.) Prow Road will be upgraded to a four (4) lane section from the Bloomington North High School's north entrance to the intersection of Arlington Road. Horizontal and vertical alignment of the exiting Prow Road will be corrected. Curb and gutter, storm sewers, sidewalk and street trees will be installed. Some additional right-of-way may be required on both sides of Prow Road. The estimated cost for this improvement is: $850,000. The Indiana Department of Transportation currently has plans to upgrade the intersection of Prow Road and Arlington Road.

Phase VII: Acuff Road/Highway 37 Intersection Improvements. (As shown on Exhibit 19.) Depending on the status of the proposed I-69 project at the time of development of the TIF district, the Acuff Road/Highway 37 intersection may have to be upgraded. Improvements will include addition of turn lanes on Acuff road and acceleration/deceleration lanes on Highway 37. The estimated cost of this improvement is $30,000.

If infrastructure improvements need to be constructed before adequate TIF revenues have accumulated to pay for these improvements, then the city may advance from the Special Non-Reverting Improvement Fund, an amount to substantially complete these projects listed above in Phases I through IV as these areas develop. The city will repay the advance from TIF revenues as funds become available over time. Phases V through VII will be funded as TIF revenues become available.

PROVISIONS FOR AMENDING THE PLAN

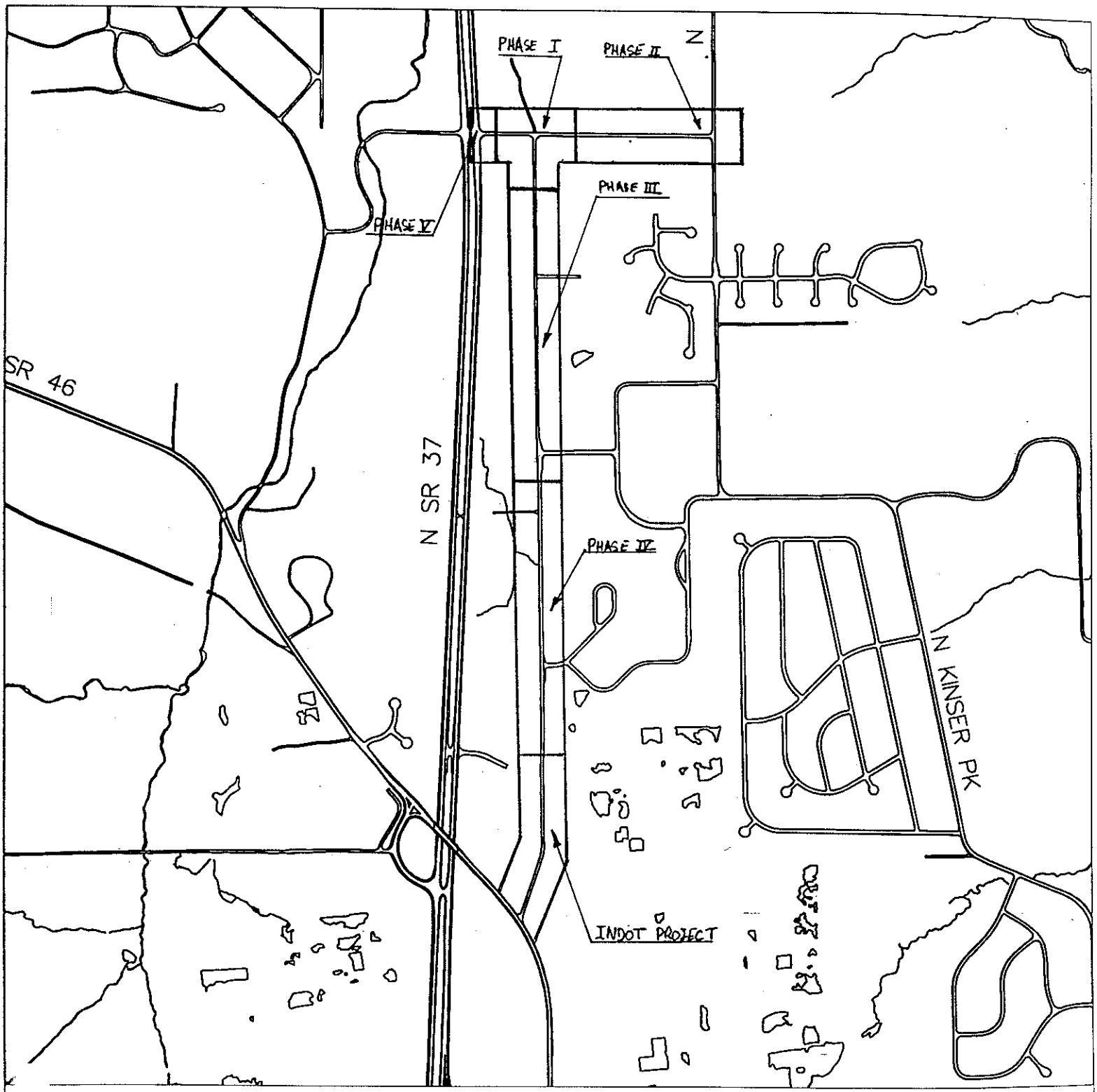
This plan may be amended as outlined under Indiana Code § 36-7-14-17.5. Modifications could arise from property

acquisition for right-of-way improvements or other public purposes, or from enlargement of the EDA.

Adjustments resulting from experience during project execution are authorized in the administration of this project, provided that the intent of this approved Economic Development Plan is not changed. Any modification which substantially changes the approved Economic Development Plan will be subject to the requirements of applicable State codes for plan amendment.

ASSESSED PROPERTY VALUES

N. Kinser Pike and Prow Road TIF					
Assessed Values, March 1, 1995					
Name	Lot #	Tax Parcel #	Acres	A.V. Land	A.V. Imp.
Bloomington City - 17.1					
W. Grubb	20	012-09530-00	9.77	4,700	6,830
M. & J. Melton	22	012-16180-00	64.34	5,670	
R. Voelkel	24	012-26390-00	2.50	630	
R. Walker	25	012-26510-00	2.50	2,870	10,670
W. Bintz	26	012-06100-00	1.64	2,670	17,130
W. Bintz	27	012-06090-00	0.38	100	
M. Hill	28	012-11450-00	0.62	170	
M. Hill	29	012-11460-00	0.36	100	
H. Andersen	33	012-09900-00	1.03	2,500	17,270
T. Thompson	34	012-05820-00	0.85	2,400	15,030
T. Thompson	35	012-24700-00	0.85	200	
J. Gladfelter	36	012-24690-00	0.85	2,400	19930
S. Boltinghouse	37	012-15830-00	1.00	2500	18,500
T. Fleming	38	012-00070-00	0.85	2,400	28,460
M. Edwards	39	012-00070-01	0.85	2,400	16,370
J. Lambert	48	012-14390-00	0.85	2,400	12,900
K. Giles	49	012-08740-00	0.85	2,400	23,900
M. Jacobs	50	012-13130-00	0.85	2,400	12,230
J. Butcher	51	012-03880-00	1.00	2,500	18,930
J. Butcher	52	012-03860-00	3.00	3,000	8,130
M. Hill	53	012-11470-00	52.08	7,430	37,500
R. Jensen	55	012-14140-00	75.11	8,000	1,030
		Subtotal	222.13	$59,840	$197,880
Bloomington City - 20.1					
R. Jensen	15	012-14790-00	1.55	400	
Bloomington Meadows, L.P.	6a	012-14130-00	10.72	24,460	453,090
		Subtotal	12.27	$24,860	$453,090
		Total	234.40	$84,700	$650,970



Kinser/Prow TIF

City of Bloomington
Engineering Department

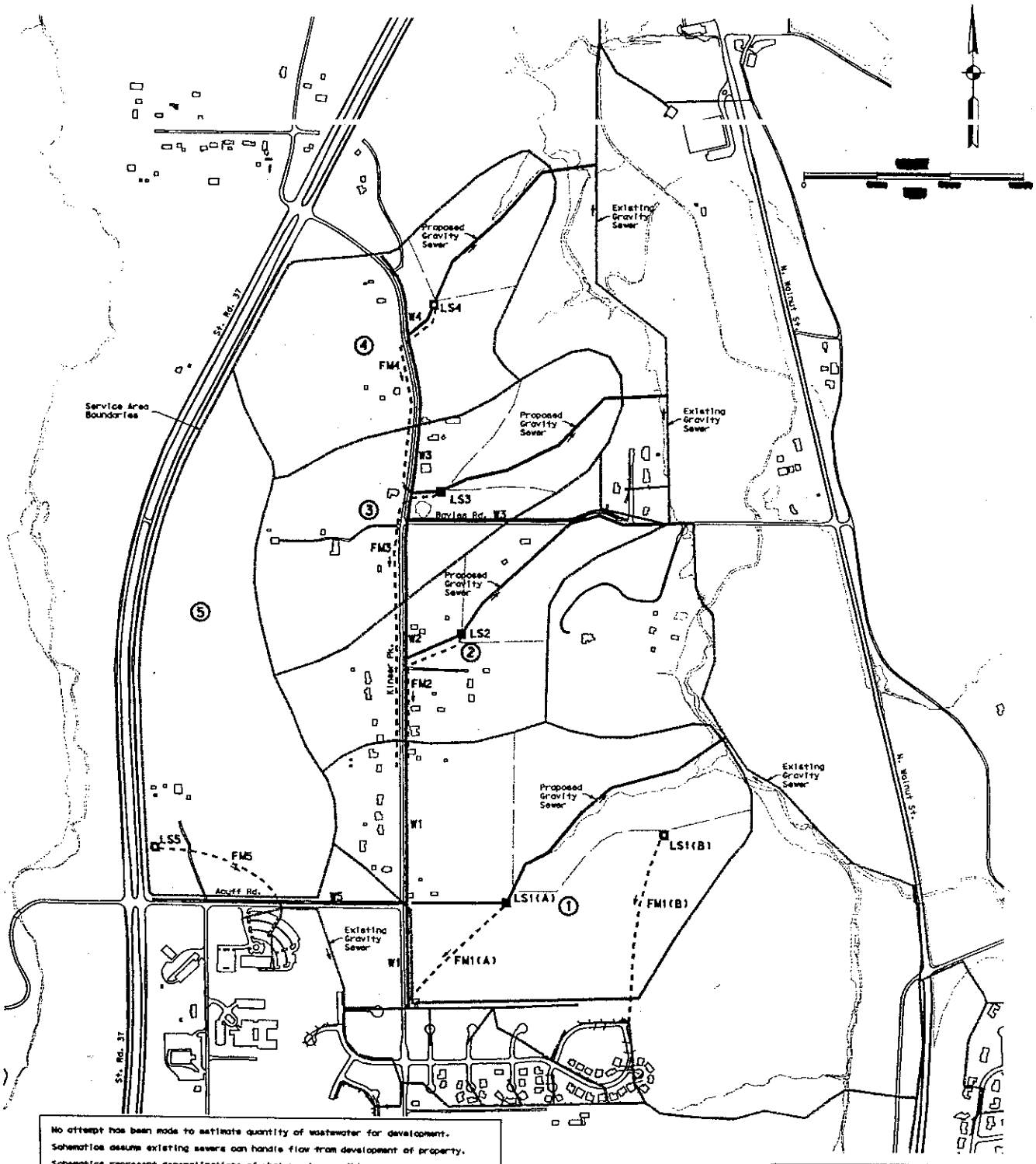
By: leavittm
8 Jan 1996

1000 0 1000 2000 3000

N

Scale: 1" = 1000'

EXHIBIT 19



No attempt has been made to estimate quantity of wastewater for development.

Schematics assume existing sewers can handle flow from development of property.

Schematics represent generalizations of what may be possible.

This drawing is prepared for the purpose of showing possible sewer alternatives to serve the North Kinser Pike annexation area. It is not intended to be a sewer plan for the area. Actual sewer locations will be determined in accordance with CBU rules and regulations.

Areas may be served with gravity sewers or lift stations as shown.

Lift station options reduce service area by the sub-area boundary lines.

Sewer connections utilizing Northwood gravity lines are subject to a 1990 sewer reimbursement agreement of $516 per acre until 2005. The amount due will be adjusted for inflation from 1990. This connection fee is not included in the estimates shown here.

Area 1

Water	$90.000	
Gravity Sewer	$160.000	
Lift Station & Force Main (A)	$60.000	
Lift Station & Force Main (B)	$80.000	

Area 2

Water	$50.000	Plus Area 1 Water
Gravity Sewer	$130.000	
Lift Station & Force Main	$60.000	Plus Area 1 Gravity or LS 1A

Area 3

Water	$140.000	Plus Area 1 and 2 Water
Gravity Sewer	$120.000	
Lift Station & Force Main	$100.000	Plus Area 1 Gravity or LS 1A

Area 4

Water	$60.000	Plus Area 1, 2, and 3 Water
Gravity Sewer	$120.000	
Lift Station & Force Main	$80.000	Plus Area 1 and 3 Sewer

Area 5

Water	$90.000	

MAP LEGEND

- (5) Service Area Boundary and Reference Number
- Sub-area boundary
- Proposed Sanitary Sewer
- LS3 Proposed Lift Station and Reference Number
- FM3 Proposed Force Main and Reference Number
- Existing Sanitary Sewer
- W3 Proposed Water Line and Reference Number

SCHEMATIC
WATER AND SEWER SERVICE
NORTH KINSER PIKE AND
PROW ROAD AREA

STATEMENT OF BENEFITS

State Form 27167 (R3 / 11-91)
Form SB - 1 is prescribed by the State Board of Tax Commissioners, 1989
The records in this series are CONFIDENTIAL according to IC 6-1.1-35-9

FORM SB - 1

INSTRUCTIONS:

1. *This statement must be submitted to the body designating the economic revitilization area prior to the public hearing if the designating body requires infc mation from the applicant in making its decision about whether to designate an Economic Revitilization Area. Otherwise this statement must be submitte to the designating body BEFORE a person installs the new manufacturing equipment, or BEFORE the redevelopment or rehabilitation of real property fc which the person wishes to claim a deduction. A statement of benefits is not required if the area was designated an ERA prior to July 1, 1987 and th "project" was planned and committed to by the applicant, and approved by the designating body, prior to that date. "Projects" planned or committed to aft July 1, 1987 and areas designated after July 1, 1987 require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)*
2. *Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitatior or prior to installation of the new manufacturing equipment, BEFORE a deduction may be approved.*
3. *To obtain a deduction, Form 322 ERA, Real Estate Improvements and / or Form 322 ERA / PP, New Machinery, must be filed with the county auditor. Wit respect to real property, Form 322 ERA must be filed by the later of: (1) May 10; or (2) thirty (30) days after a notice of increase in real property assessmer is received from the township assessor. Form 322 ERA / PP must be filed between March 1 and May 15 of the assessment year in which new manufac turing equipment is installed, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 an June 14 of that year.*
4. *Property owners whose Statement of Benefits was approved after July 1, 1991 must submit Form CF - 1 annually to show compliance with the Statement c Benefits. (IC 6-1.1-12.1-5.6)*

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer

Thomas Seeber, David L. Ferguson, Randy Cassady

Address of taxpayer *(street and number, city, state and ZIP code)*

1320 N. College Avenue, Bloomington, IN 47404

Name of contact person	Telephone number
David L. Ferguson	(812) 330-2031

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body		Resolution number
Bloomington Common Council		
ocation of property	County	Taxing district
526 N. Morton St., Bloomington, IN 47404	Monroe	Bloomington City

Description of real property improvements and / or new manufacturing equipment to be acquired *(use additional sheets if necessary)*

15,480 sq.ft. Total space (3168 commercial, 12,312 housing)
2,800 sq.ft. existing space with negative value to be rehabilitated.

Estimated starting date: May 1996

Estimated completion date: January 1997

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
0	0	0	0	1 pt-time	$7.00/hr.

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	Real Estate Improvements		Machinery	
	Cost	Assessed Value	Cost	Assessed Value
Current values	150,000	49,950 (@ 33.3%)		
Plus estimated values of proposed project	811,400	270,196		
Less values of any property being replaced	--	8,630		
Net estimated values upon completion of project	961,400	311,156		

SECTION 5 OTHER BENEFITS PROMISED BY THE TAXPAYER

1. Approximately 3168 Sq. ft. of commercial space will be available. Employment levels by the tenants is unknown at this time.
2. Approximately 20 rental units will be available.
3. Employment of staff maintenance - 1 part-time position/no benefits.
4. Will provide 4 one-bedroom units--handicap adaptable apartments-- on first floor, opening into courtyard.

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed *(month, day, year)*
Tom Seeber	Partner	3-27-96

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____ calendar years * *(see below)*. The date this designation expires is _____.

B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements; ☐ Yes ☐ No
2. Installation of new manufacturing equipment; ☐ Yes ☐ No
3. Residentially distressed areas ☐ Yes ☐ No

C. The amount of deduction applicable for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1987, is limited to $ _____ cost with an assessed value of $ _____.

D. The amount of deduction applicable to redevelopment or rehabilitation in an area designated after September 1, 1988 is limited to $ _____ cost with an assessed value of $ _____.

E. Other limitations or conditions *(specify)*_____

F. The deduction for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1991is allowed for:
☐ 5 years ☐ 10 years

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved: *(signature and title of authorized member)*	Telephone number ( )	Date signed *(month, day, year)*
Attested by:	Designated body	

* If the designating body limits the time period during which an area is an economic revitilization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4 or 4.5 Namely: *(see tables below)*

NEW MANUFACTURING EQUIPMENT

For Deductions Allowed Over A Period Of:

Year of Deduction	Five (5) Year Percentage	Ten (10) Year Percentage
1st	100%	100%
2nd	95%	95%
3rd	80%	90%
4th	65%	85%
5th	50%	80%
6th		70%
7th		55%
8th		40%
9th		30%
10th		25%

REDEVELOPMENT OR REHABILITATION OF REAL PROPERTY IMPROVEMENT

For Deductions Allowed Over A Period Of:

Year of Deduction	Three (3) Year Deduction	Six (6) Year Deduction	Ten (10) Year Deduction
1st	100%	100%	100%
2nd	66%	85%	95%
3rd	33%	66%	80%
4th		50%	65%
5th		34%	50%
6th		17%	40%
7th			30%
8th			20%
9th			10%
10th			5%

96-11
RESOLUTION
OF THE
REDEVELOPMENT COMMISSION
OF THE
CITY OF BLOOMINGTON, INDIANA

WHEREAS, the Redevelopment Commission of the City of Bloomington recognizes the need to stimulate growth and to maintain a sound economy within the corporate limits of the City of Bloomington, and

WHEREAS, the Indiana Code at 6-1.1-12.1 et.seq. provides for the designation of "Economic Revitalization Areas" within which property taxes may be abated on improvements to real estate, and

WHEREAS, property owners seeking designation for their property as an Economic Revitalization Area must complete a statement of benefits and must, prior to March 1st of each year, provide the county Auditor and the Common Council with information showing the extent to which there has been compliance with the statement of benefits

WHEREAS, the Redevelopment Commission of the City of Bloomington has adopted Resolution 93-82 and the Common Council has adopted Resolution 93-36 providing for a procedure for the prompt and careful processing of applications for designation of "Economic Revitalization Area", and

WHEREAS, an application for designation of an "Economic Revitalization Area" for the certain property located at 526 N. Morton Street has been received and reviewed by the Redevelopment Department and Planning Department of the City of Bloomington,

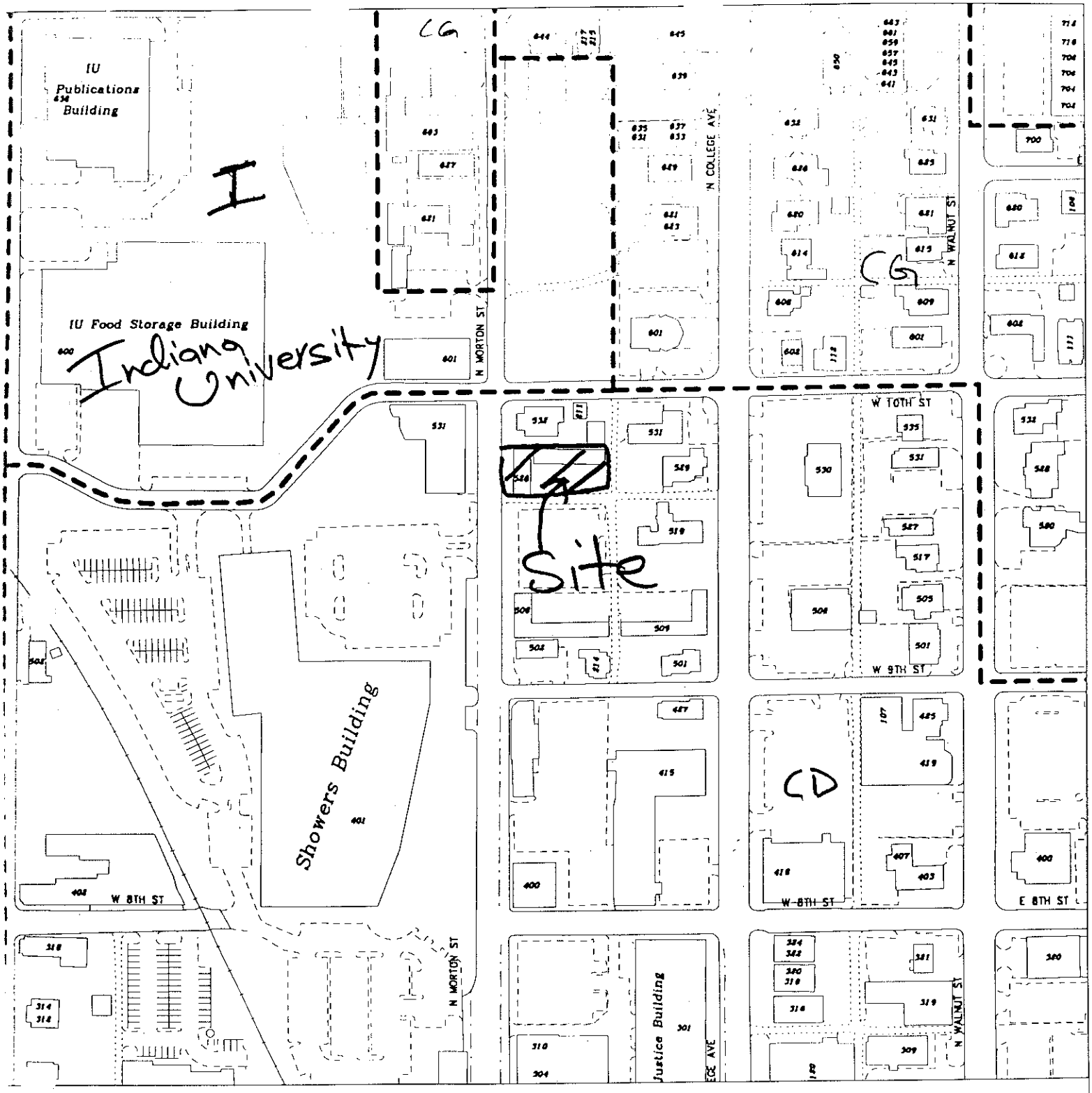
NOW, THEREFORE, BE IT RESOLVED that the Redevelopment Commission of the City of Bloomington does hereby recommend to the Common Council of the City of Bloomington that it approve said application for designation of the property located at 526 N. Morton Street as an Economic Revitalization Area.

BE IT FURTHER RESOLVED that the term of the "Economic Revitalization Area" designation on improvements to real property be designated by the vote of the Common Council, for a period of 10 years.

_____
, President

_____
David Walter, Secretary

_____
Date



CU-18-96 TOM SEEBER

LOCATION/ZONING/LAND-USE MAP

526 N. MORTON

BZA

By: work

8 Mar 1996

200 0 200 400 600

N

City of Bloomington
Planning Department

Scale: 1" = 200'

37

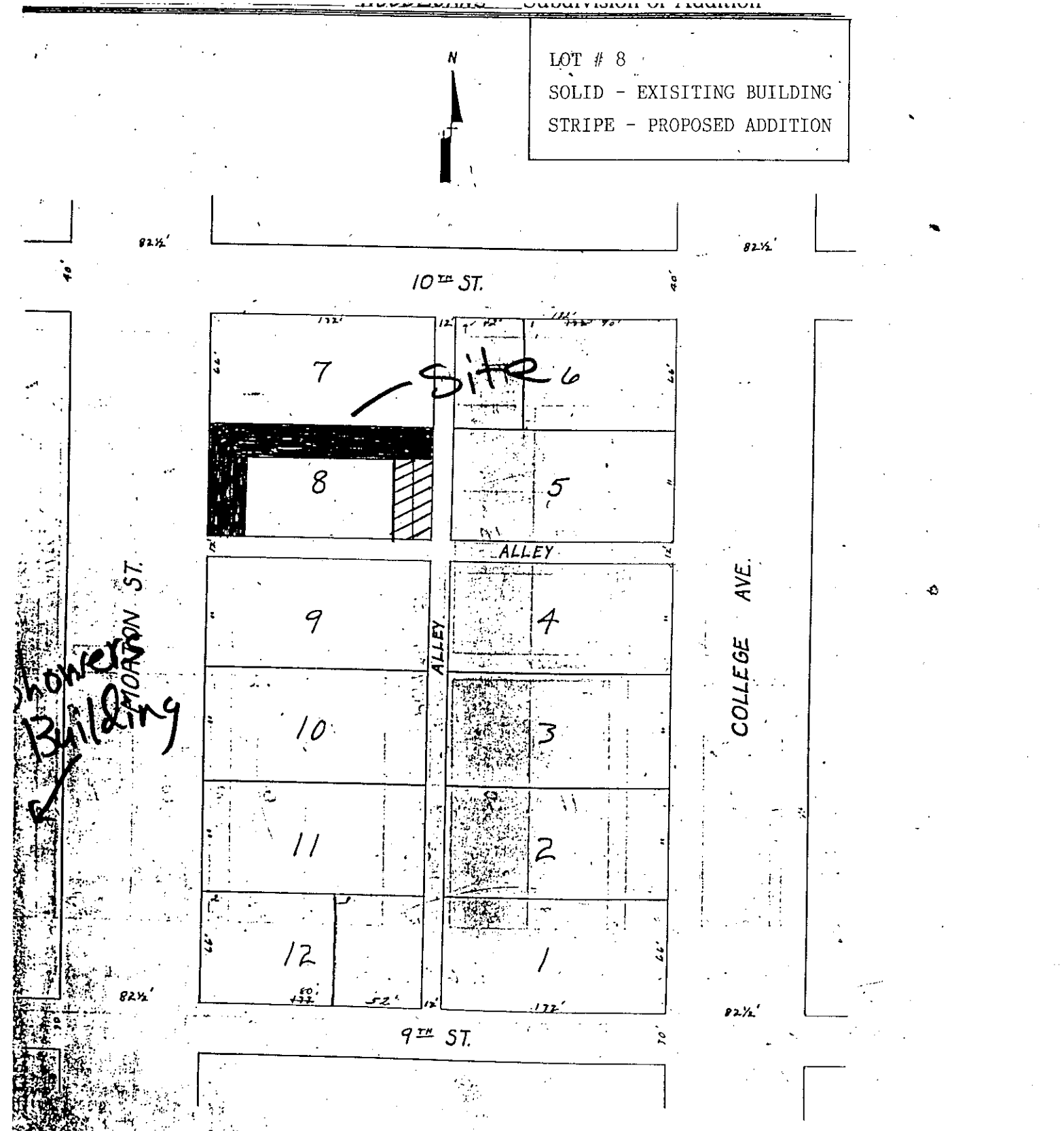
ASSESSOR'S PLAT FOR

Section_____ Township BLOOMINGTON CITY Range_____

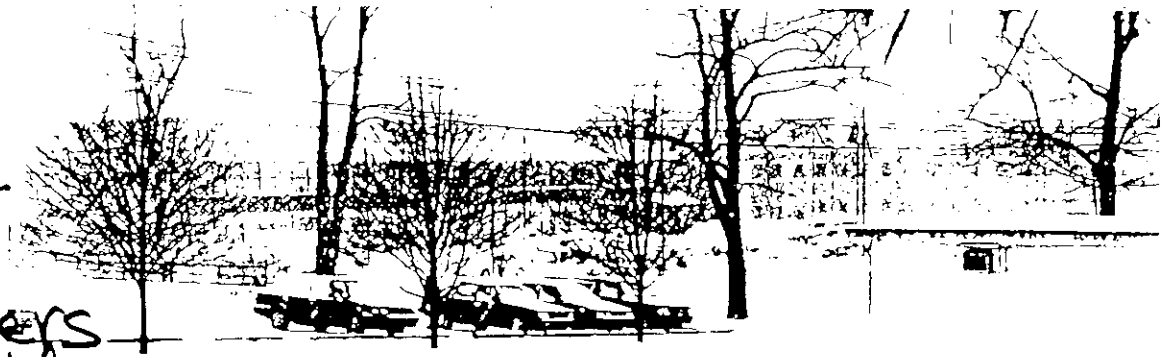
EXHIBIT - B

Acres_____ According to U. S. Survey

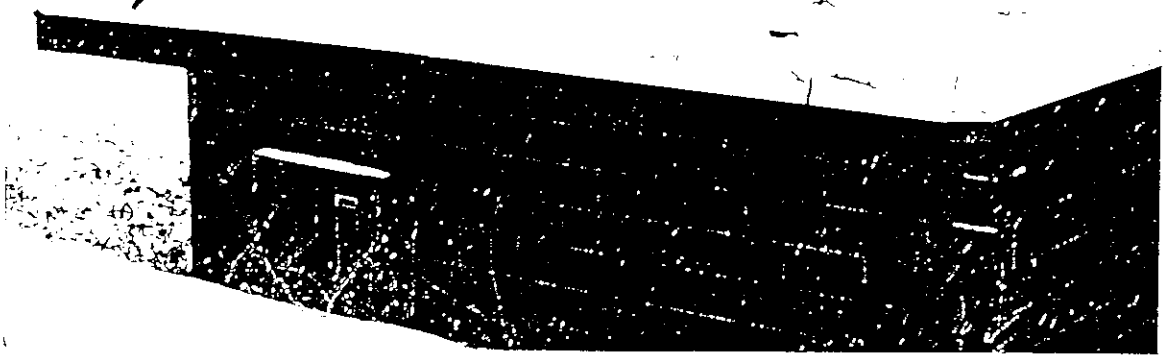
Lot _____ Block _____ WOODBURNS Subdivision or Addition



CU-18-96
Site Location



Showers Building



Looking Southwest from property

Photos

Looking West

Looking Northeast

Photos #3

CITY OF BLOOMINGTON
DEPARTMENT OF REDEVELOPMENT
PROPERTY TAX ABATEMENT PROGRAM

Staff Report on Application for Designation
as an
Economic Revitalization Area

1. Description of Property
526 N. Morton Street
Woodburn Addition, Lot #8, 66' x 132'

2. Owner-Applicant
Investment Properties:
Tom Seeber Ph. 330-2000
1320 N. College Avenue, Bloomington, IN 47404

David L. Ferguson Ph. 330-2031
403 E. 6th Street, Bloomington, IN 47408

Randy Cassady Ph. 876-1389
5185 W. St. Rd. 46, Bloomington, IN 47404

3. Proposed Development
Demolish existing building and construct a three-story structure with a courtyard. The project will provide a total of 20 apartments and 2 retail/commercial spaces. Second and third floors will house residential tenants only. The first floor will have two retail/commercial tenants and four handicapped adaptable residential units for tenants. First floor residential tenants will abut the courtyard only and will not have street front views or access.

4. Public Improvements Needed or Required
Street trees are required in this zone and the sidewalk may need repair after construction.

5. Estimate of Yearly Property Tax Revenues to be Abated
See attached chart.

6. Would the Granting of Such a Designation be in Accordance with Existing City Policies?
The City's Tax Abatement Guidelines provide for 3 years' tax abatement in "Downtown Subarea B" for retail in an Economic Development Target Area (EDTA) only and 10 years for multi-family housing (20% affordable housing) above the first floor only. The petitioner has applied for EDTA designation for the retail and housing portion of the proposed project. As an EDTA, the affordable housing provision can be waived, and the petitioner has requested such waiver. Even though affordable housing is not part of the retail/housing mix, the staff recommends 10 years tax abatement for this project. This recommendation is based on the tax abatement guidelines which allows the abatement period to be upgraded based on such factors as a project being in the downtown area and a housing development with handicapped accessible units. There is a need for more housing in the downtown area, specifically those which are handicapped accessible/adaptable. In addition, this project is anticipated to provide a positive economic impact on the downtown by drawing more people to live and shop in the

downtown area. This area qualifies as an Economic Revitalization Area due to the substandard structures that exist on the property. The property has been vacant for several years which has led to the deterioration of the structures and pose a health and safety risk. The property is also located in a part of the downtown which has been a slow growth area. It is hoped with the addition of this project along with the new Showers Facility, it will lead to a revitalization of the properties along Morton Street. The historic preservation review reported no apparent historical or architectural significance for the property. This property is in the Downtown TIF area. It is currently zoned Downtown Commercial (CD) with the DDOO overlay (Downtown Development Opportunity Overlay). The petitioner was granted a Conditional Use approval and a sideyard setback variance by the Board of Zoning Appeals on March 21, 1996. The condition of approval is that the architecture and building materials are to be constructed as depicted (see BZA Notice of Approval).

TAX ABATEMENT CALCULATIONS FOR REAL PROPERTY
FOR: INVESTMENT PROPERTIES
Using 1995 payable 1996 Tax Rate and A.V. Estimates
Mar-96

Improvements	811,400			Current A.V.	18,530
Rate	33.33%			From State. Benefit	
Est. Assessed Value from				Bldgtn City 1995Tax Rate:	.111521
"Statement of Benefits":	270,467			Property Tax Payable:	2,066
Bldgtn City 1995Tax Rate:	.111521				
Property Tax Payable:	30,163				

3 YEAR TAX ABATEMENT			Petitioner's T. A.	Current Value
Year	Percentage	Deduction	Payment	Payment
1	100.00%	30,163	0	2,066
2	66.67%	20,109	10,053	2,066
3	33.33%	10,053	20,109	2,066
Total Abatement		60,325	30,163	6,199

6 YEAR TAX ABATEMENT				
Year	Percentage	Deduction		
1	100%	30,163	0	2,066
2	85%	25,638	4,524	2,066
3	66%	19,907	10,255	2,066
4	50%	15,081	15,081	2,066
5	34%	10,255	19,907	2,066
6	17%	5,128	25,035	2,066
Total Abatement		106,173	74,804	12,399

10 YEAR TAX ABATEMENT				
Year	Percentage	Deduction		
1	100%	30,163	0	2,066
2	95%	28,655	1,508	2,066
3	80%	24,130	6,033	2,066
4	65%	19,606	10,557	2,066
5	50%	15,081	15,081	2,066
6	40%	12,065	18,098	2,066
7	30%	9,049	21,114	2,066
8	20%	6,033	24,130	2,066
9	10%	3,016	27,146	2,066
10	5%	1,508	28,655	2,066
Total Abatement		149,305	152,322	20,665

STATEMENT OF BENEFITS

State Form 27167 (R3 / 11-91)
Form SB - 1 is prescribed by the State Board of Tax Commissioners, 1989
The records in this series are CONFIDENTIAL according to IC 6-1.1-35-9

FORM SB - 1

INSTRUCTIONS:

1. *This statement must be submitted to the body designating the economic revitilization area prior to the public hearing if the designating body requires info mation from the applicant in making its decision about whether to designate an Economic Revitilization Area. Otherwise this statement must be submitte to the designating body BEFORE a person installs the new manufacturing equipment, or BEFORE the redevelopment or rehabilitation of real property f which the person wishes to claim a deduction. A statement of benefits is not required if the area was designated an ERA prior to July 1, 1987 and th "project" was planned and committed to by the applicant, and approved by the designating body, prior to that date. "Projects" planned or committed to aft July 1, 1987 and areas designated after July 1, 1987 require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)*
2. *Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitatio or prior to installation of the new manufacturing equipment, BEFORE a deduction may be approved.*
3. *To obtain a deduction, Form 322 ERA, Real Estate Improvements and / or Form 322 ERA / PP, New Machinery, must be filed with the county auditor. Wit respect to real property, Form 322 ERA must be filed by the later of: (1) May 10; or (2) thirty (30) days after a notice of increase in real property assessmer is received from the township assessor. Form 322 ERA / PP must be filed between March 1 and May 15 of the assessment year in which new manufac turing equipment is installed, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 an June 14 of that year.*
4. *Property owners whose Statement of Benefits was approved after July 1, 1991 must submit Form CF - 1 annually to show compliance with the Statement c Benefits. (IC 6-1.1-12.1-5.6)*

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer

Thomas Seeber, David L. Ferguson, Randy Cassady

Address of taxpayer *(street and number, city, state and ZIP code)*

1320 N. College Avenue, Bloomington, IN 47404

Name of contact person	Telephone number
David L. Ferguson	(812) 330-2031

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

ne of designating body	Resolution number
Bloomington Common Council	

Location of property	County	Taxing district
526 N. Morton St., Bloomington, IN 47404	Monroe	Bloomington City

Description of real property improvements and / or new manufacturing equipment to be acquired *(use additional sheets if necessary)*	Estimated starting date
15,480 sq.ft. Total space (3168 commercial, 12,312 housing) 2,800 sq.ft. existing space with negative value to be rehabilitated.	May 1996
	Estimated completion date: January 1997

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
0	0	0	0	1 pt-time	$7.00/hr.

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	Real Estate Improvements		Machinery	
	Cost	Assessed Value (@ 33.3%)	Cost	Assessed Value
Current values	150,000	49,950		
Plus estimated values of proposed project	811,400	270,196		
Less values of any property being replaced	--	8,630		
Net estimated values upon completion of project	961,400	311,156		

SECTION 5 OTHER BENEFITS PROMISED BY THE TAXPAYER

1. Approximately 3168 Sq. ft. of commercial space will be available. Employment levels by the tenants is unknown at this time.
2. Approximately 20 rental units will be available.
3. Employment of staff maintenance - 1 part-time position/no benefits.
4. Will provide 4 one-bedroom units--handicap adaptable apartments--on first floor, opening into courtyard.

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative	Title	Date signed *(month, day, year)*
Tom Seeber	Partner	3-27-96

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____ calendar years * *(see below)*. The date this designation expires is _____.

B. The type of deduction that is allowed in the designated area is limited to:
   1. Redevelopment or rehabilitation of real estate improvements; ☐ Yes ☐ No
   2. Installation of new manufacturing equipment; ☐ Yes ☐ No
   3. Residentially distressed areas ☐ Yes ☐ No

C. The amount of deduction applicable for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1987, is limited to $ _____ cost with an assessed value of $ _____.

D. The amount of deduction applicable to redevelopment or rehabilitation in an area designated after September 1, 1988 is limited to $ _____ cost with an assessed value of $ _____.

E. Other limitations or conditions *(specify)*_____

F. The deduction for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1991is allowed for:
☐ 5 years ☐ 10 years

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved: *(signature and title of authorized member)*	Telephone number .( )	Date signed *(month, day, year)*
Attested by:	Designated body	

* If the designating body limits the time period during which an area is an economic revitilization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4 or 4.5 Namely: *(see tables below)*

NEW MANUFACTURING EQUIPMENT

For Deductions Allowed Over A Period Of:

Year of Deduction	Five (5) Year Percentage	Ten (10) Year Percentage
1st	100%	100%
2nd	95%	95%
3rd	80%	90%
4th	65%	85%
5th	50%	80%
6th		70%
7th		55%
8th		40%
9th		30%
10th		25%

REDEVELOPMENT OR REHABILITATION OF REAL PROPERTY IMPROVEMENT

For Deductions Allowed Over A Period Of:

Year of Deduction	Three (3) Year Deduction	Six (6) Year Deduction	Ten (10) Year Deduction
1st	100%	100%	100%
2nd	66%	85%	95%
3rd	33%	66%	80%
4th		50%	65%
5th		34%	50%
6th		17%	40%
7th			30%
8th			20%
9th			10%
10th			5%

City Of Bloomington
Property Tax Abatement Application

1. **OWNERSHIP:**

   A. Tom Seeber
   1320 N. College Ave.
   Bloomington, IN 47404
   812-330-2000

   David L. Ferguson
   403 E. 6th St.
   Bloomington, IN 47408
   812-330-2031

   Randy Cassady
   5185 W. St. Rd. 46
   Bloomington, IN 47404
   812-876-1389

   B. 50.0% 25.0% 25.0%

   C. Same answer as in A & B above.

   D. Not applicable.

2. **PROPERTY DESCRIPTION:**

   A. 526 N. Morton St. Lot #8, 66'x132'

   B. Lot #8, Woodburn Addition.

3. **CURRENT STATUS OF PROPERTY:**

   A. CD/Downtown Development Opportunity Overlay (We are currently requesting a conditional use under the overlay district).

   B. Old cement block building built in 1962, in terrible condition and creating a visual and physical hazard.

   C. All buildings are vacant and have been for some time.

   D. Lot #8 Woodburn Addition, Parcel # 013 188 60 00

   Current market value of land and improvements $150,000.

5/96	Land	$14,530	
	Impr.	9,230	
		23,760	Assessed Valuation

   94-95 Taxes $1,784.18

   E. None.

4. **PROPOSED IMPROVEMENTS:**

   A. A 3-Story "C" shape structure with a large courtyard in the middle. Street and alley frontages will be occupied by commercial tenants. First floor residential tenants will abut the courtyard only and will not have street front views or access. The four first floor units will be handicap adaptable. The entire second and third floors will be used for residential housing. One-bedroom apartments will rent for approximately $425.00 on the open market. Two bedroom units will rent for $600 per month. We anticipate construction to include 13 one-bedroom units and 7 two-bedroom units, although we will adjust these numbers to fit market demand at the time of construction.

   B. Included.

   C. None.

   D. Start: May 1996 Finish: February 1997

E. Part-time maintenance person to clean common area, maintain electric, plumbing and HVAC systems. People who will be employed by commercial tenants are unknown at this time. This project will create thirty short-term construction jobs totaling $420,000 in local labor wages.

F. Downtown needs more housing! We have a wonderful mix of office, retail shopping and restaurants, but lack residential space. People are working, shopping and eating downtown, but more need to live downtown to create a vibrant community. The existing building at this site has been vacant for years. Providing more space for downtown residents will improve the beauty of the downtown by transforming the location of this vacant building into a useful, attractive building filled by downtown residents. This project will create economic excitement; the presence of vacant buildings in a downtown area paints a picture of economic stagnation.

Residents of the building will shop, eat, bank, transact business, recreate and spend money downtown. They will support downtown businesses. Bloomington will benefit from increased income and property tax revenue generated by the property. The assessed value of the new building and apartments will be greater than the building that currently exists; vacant and decrepit. The successful development of this property should serve as a model and catalyst for other developers to invest in the redevelopment of downtown Bloomington for housing.

5. ELIGIBILITY:

A. This project site qualifies as an Economic Revitalization Area as defined under State Law because it satisfies each of the requisite tests. There has been a lack of development in the area. Beginning to the immediate north, the rooming house at 532 N. Morton Street has remained unchanged for years. The subject property itself has been mostly abandoned, vacant and unused for as long as anyone can remember. The front room has been the only portion occupied, and then only sporadically.

To the south, we have all watched the ST Semicon factory deteriorate for years and it remains an unsightly mess. Solutions to the environmental problems at the ST Semicon remain elusive, and its presence contributes in a negative way to the subject property. The building on the site is deteriorated and dilapidated. The price of land in the downtown area is high, necessitating high-density development, but the existing improvements are structurally suspect for multistory buildings and will need to be removed before real "revitalization" can take place. Moreover, the existing structures are obsolete in many ways. For example, the current doorways are narrower than required by the state building code. Renovation of this substandard building as it now exists would not serve the best interests of the community nor would it contribute in any real sense to the economics of the area.

B. We will employ a part-time maintenance person at $7.00 per hour. No benefits are anticipated. Additionally, we will make extensive use of subcontractors to make repairs to the electrical, plumbing, HVAC and other building components. Wages of subcontractors are unknown but plumbers and electrical unions prevailing wage rates are anticipated in those areas of expertise.

C. Included.

I hereby certify that the representations made in this application are true and I understand that if the above improvements are not commenced (defined as obtaining a building permit and actual start of construction) within 12 months of the date of the designation of the above area as an Economic Revitalization Area, the Bloomington Common Council shall have the right to void such designation.

OWNER		DATE
	(Tom Seeber)	2-7-96
	(David L. Ferguson)	2-7-96
	(Randy Cassady)	2-7-96

*All owners must sign; all general partners must sign; the president of the corporation must sign.

Please submit this Application along with a non-refundable fee of $100.00. Checks should be made out to the City of Bloomington.

Redevelopment Department
220 East Third Street
Bloomington, Indiana 47402
(812) 331-6401

PROFORMA

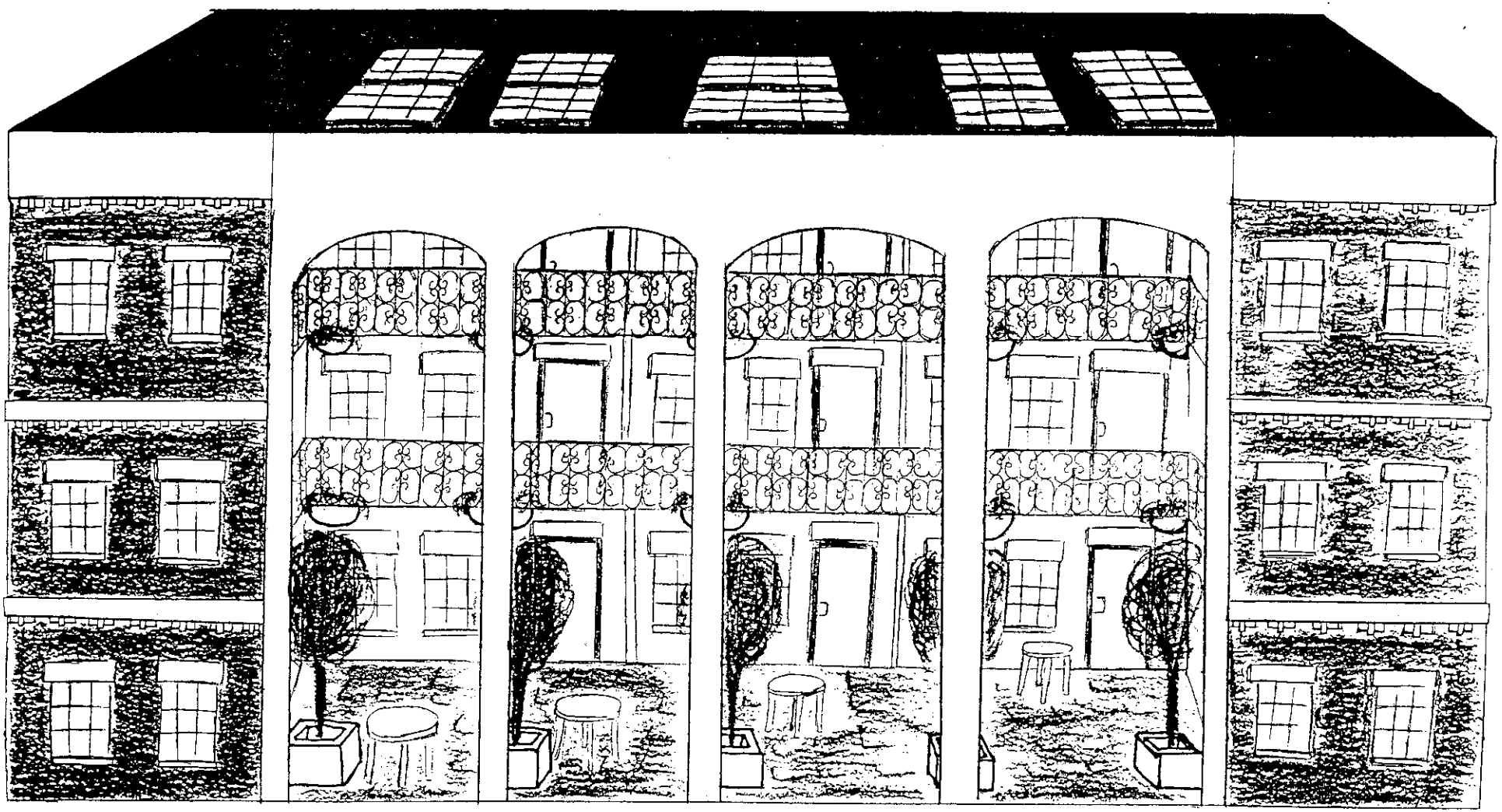
526 N. Morton Street
Bloomington, IN 47404

Projected Construction Costs:		
a) Land Acquisition		$150,000
b) Basic Construction (frame, vinyl ext.) 15,600 sq. ft. @ $45		702,000
c) "Extras"		
Brick veneer Morton & Alley face 3800 sq. ft. x $6/sq. ft.	28,800	
Limestone work (rough est.)	$10,000	
Arches over patio (rough est.)	$10,000	
Covered Patio (roof trusses, supports)	$25,600	
Courtyard Amenities (simulated brick floor, light posts, fireplace, lighting, etc...	$10,000	
Wrought Iron Railings (380 linear feet x 4')	15,000	
Miscellaneous Improvements	$10,000	
TOTAL EXTRAS		109,400
TOTAL PROJECT COST		$961,400

811,40

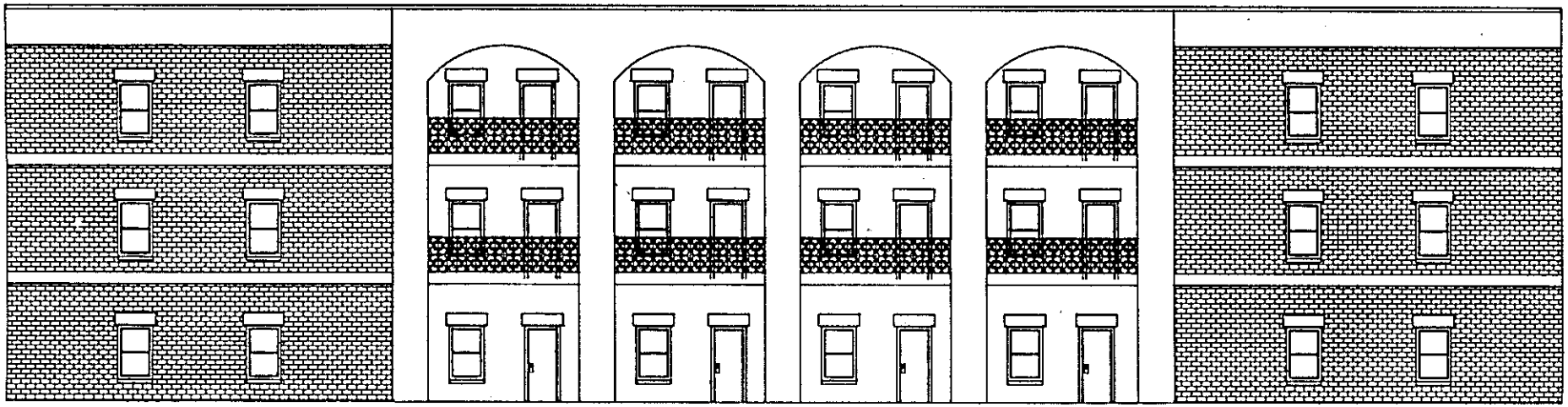
MONTHLY BUDGET PROJECTIONS:		
Monthly Income:		
13 one-bedroom units @ $400	$5,200	
7 two-bedroom units @ $650	4,550	
Commercial space 3168 ft. x $10/ft year	2,640	
TOTAL MONTHLY INCOME		$12,390
Monthly Expenses:		
Vacancy Allowance (5% gross rents)	$600	
Taxes (based on 10% annual rents)	1,240	
Insurance	700	
Maintenance (triple net comm. 20 units @ $100)	2,000	
Management (5% rents)	600	
TOTAL MONTHLY EXPENSES		5,140
TOTAL AVAILABLE FOR DEBT SERVICE		$7,250
ESTIMATED MONTHLY DEBT SERVICE (20 years, 8.25%)		$8,192
ESTIMATED MONTHLY SHORTFALL (0 down)		**$942**

Looking North



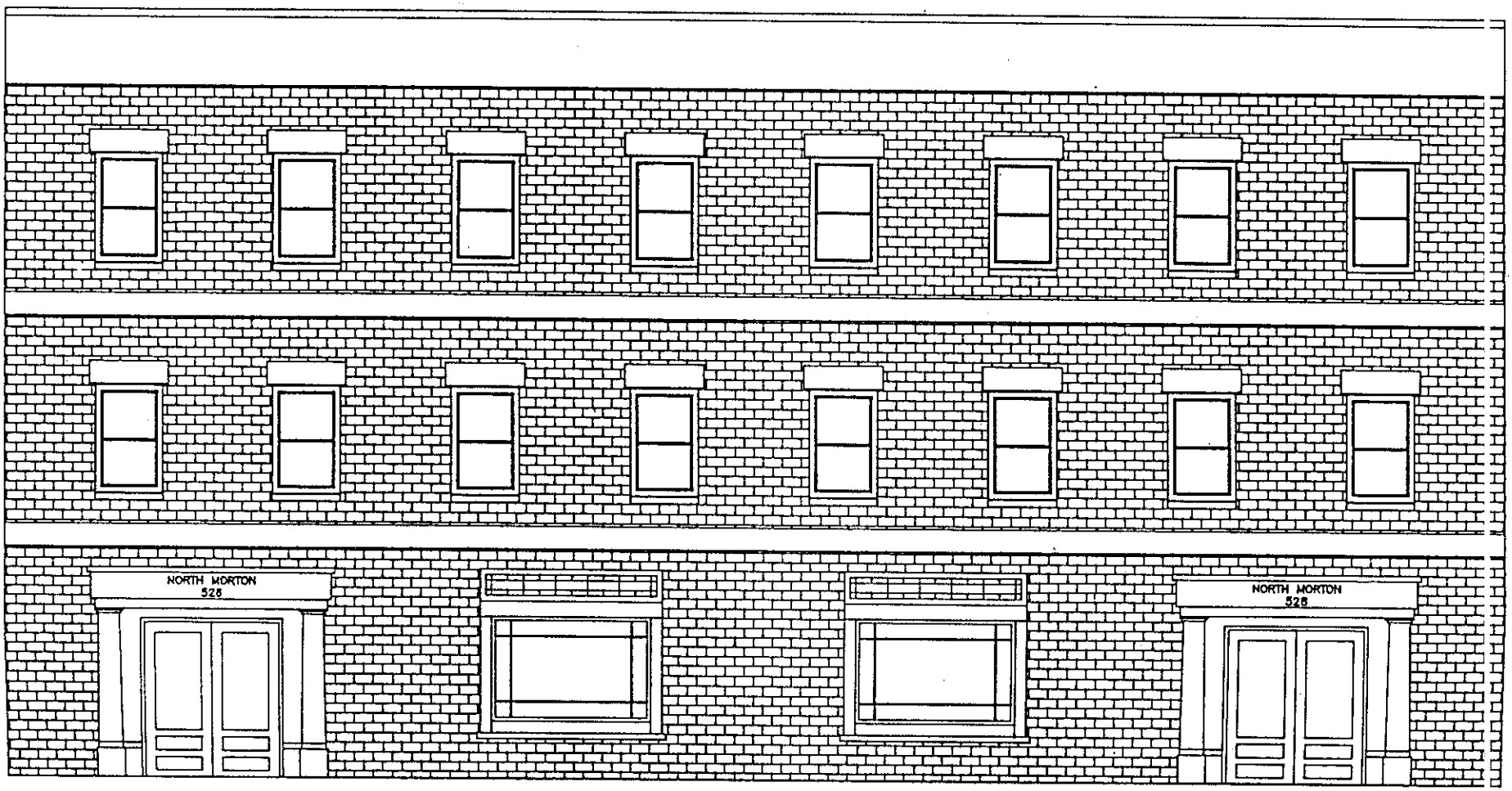
Looking North

Looking North



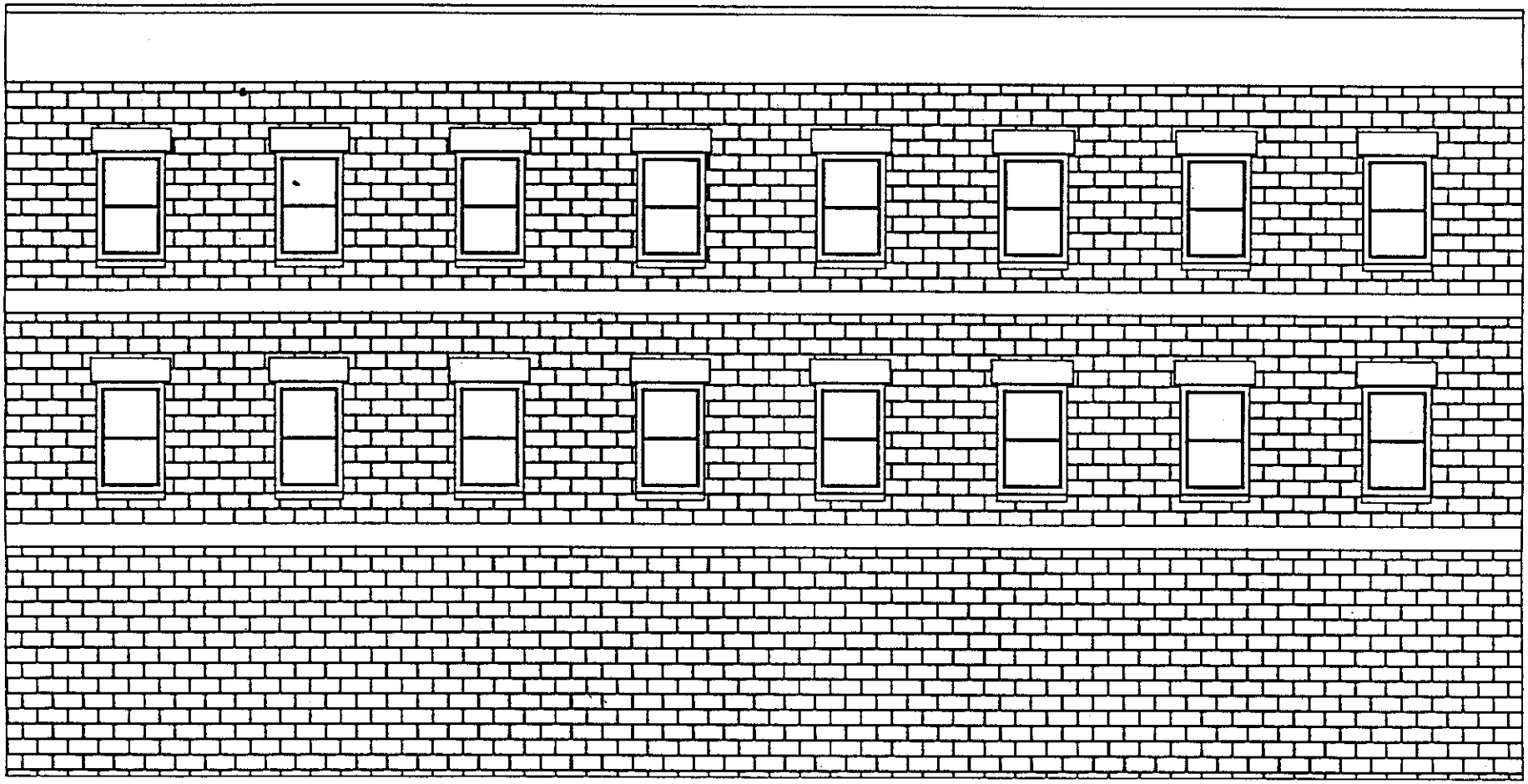
NORTH ELEVATION

Looking East



EAST

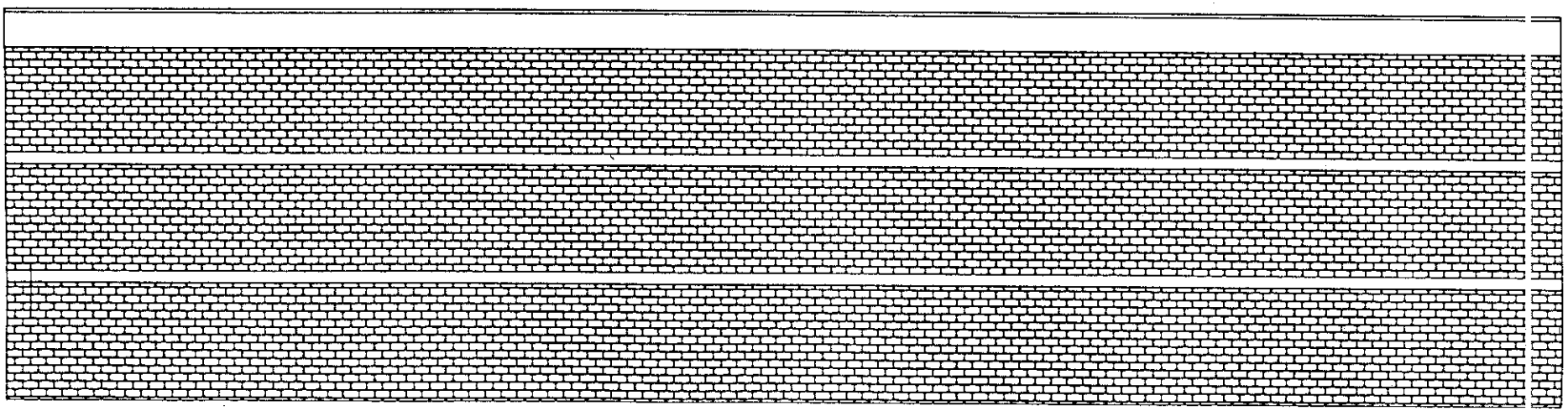
Looking West



Looking

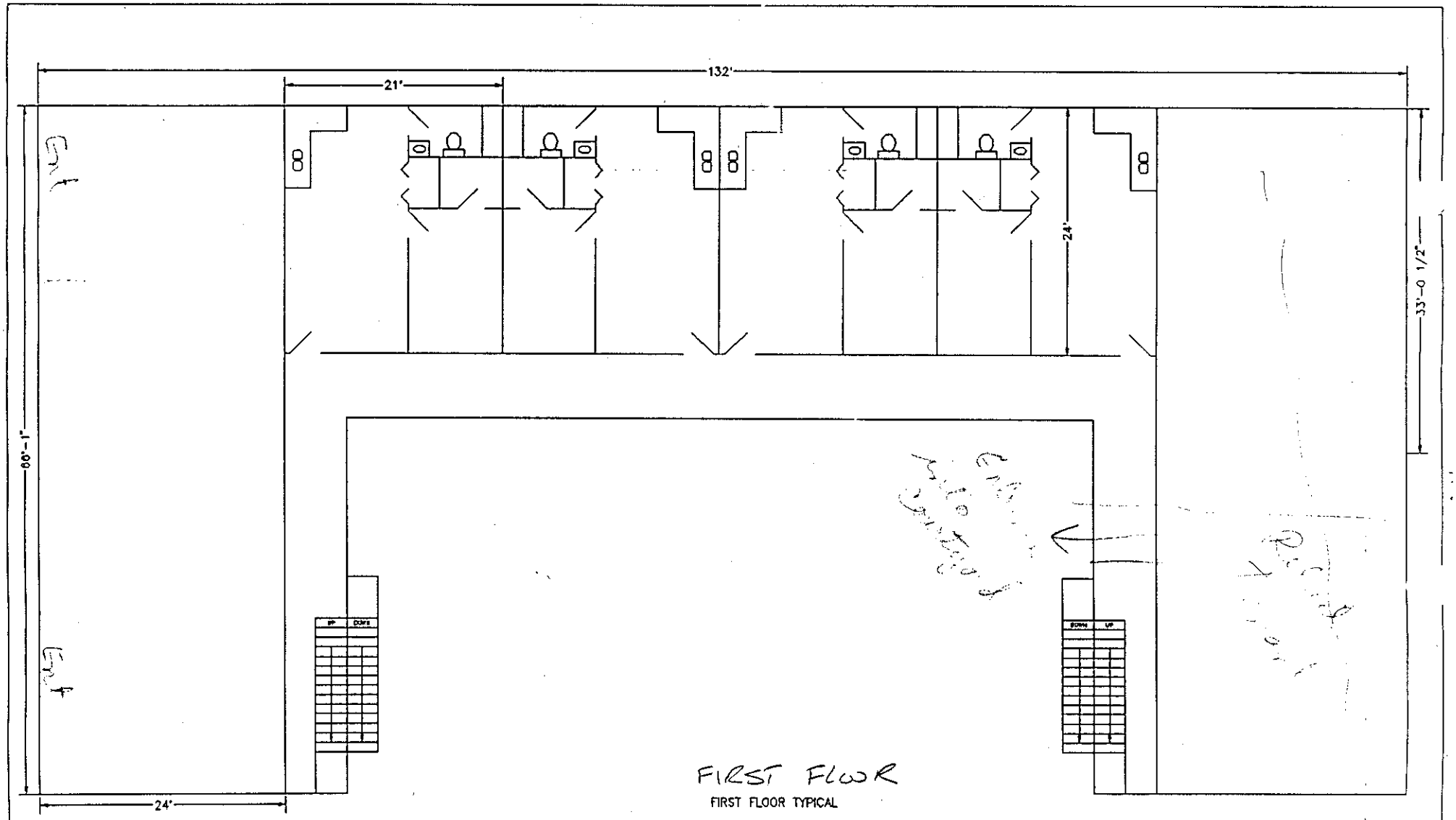
WEST ELEVATION

Looking South



SOUTH ELEVATION

Looking North ↑



FIRST FLOOR

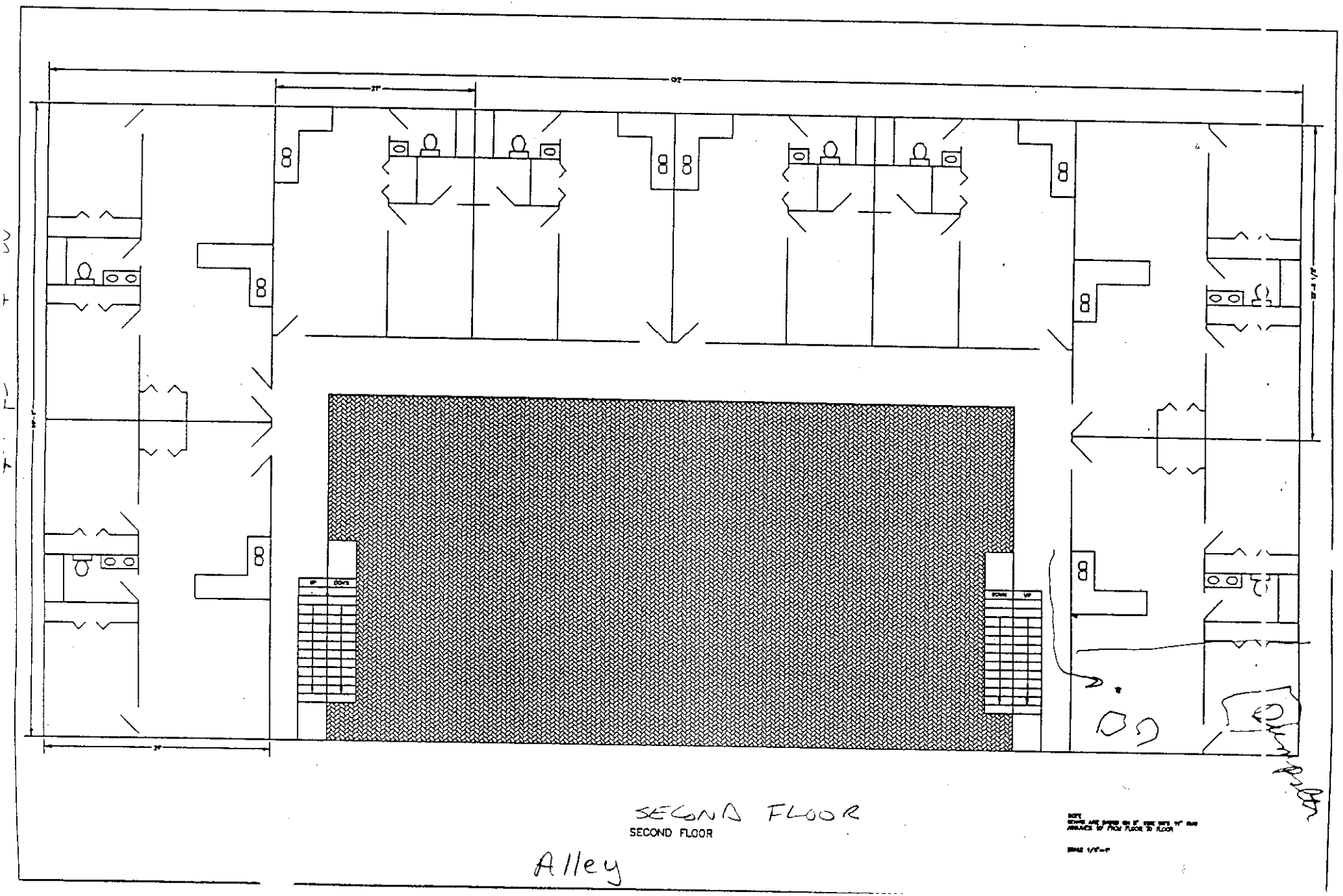
FIRST FLOOR TYPICAL

NOTE:
STAIRS ARE BASED ON 8" RISE WITH 11" RUN
ASSUMES 10' FROM FLOOR TO FLOOR

SCALE 1/4"=1'

The McGlynn Property

North



SECOND FLOOR

SECOND FLOOR

Alley

City of
Bloomington
Indiana

Post Office Box 100
Bloomington, Indiana 47402

March 22, 1996

NOTICE OF APPROVAL

Petitioner: Tom Seeber, David Ferguson, Randy Cassidy
Location: 526 N. Morton Street

The Board of Zoning Appeals heard case __CU-18-96__ on __March 21, 1996__in the Council Chambers of Showers Center City Hall - Bloomington, Indiana. The petition for a conditional use to allow use of the Downtown Development Opportunity Overlay (DDOO) in the CD zone by constructing a building that would house apartments and commercial space, and also a sideyard setback variance of 6 feet was approved with the following conditions:

1) The architecture and building materials are constructed as depicted.

Unless otherwise specified by the Board at the time of approval, any order or variance granted by the Board of Zoning Appeals shall expire:

A. In the case of new construction or modifications to an existing structure:

1. Two years after the date granted by the Board, unless a building permit has been obtained and construction of the structure or structures has commenced; or,

2. At the date of termination established by the Board as a condition or commitment if different from (1) above.

B. In the case of occupancy of land which does not involve new construction:

1. Two years after the date granted by the Board, unless an occupancy permit has been obtained and the use has commenced; or

2. At the date of termination established by the Board as a condition or commitment if different from (1) above.

C. If an Appeal by writ of certiorari is taken from an order granting a variance, the time during which such Appeal is pending shall not be counted in determining whether the variance or order has expired under Subsections A and B of this Section.

D. The Board may provide by rule for the granting of extensions of variances.

Planning Staff

Interdepartmental Memo

To: Nancy Brinegar, Redevelopment

From: Lynne Friedmeyer, Planning

Subject: Tax Abatement Application - John Seeber, David L. Ferguson, and Randy Cassidy, located at 526 N. Morton St.

Date: March 26, 1996

I have reviewed the application for tax abatement for the property located at 526 N. Morton St., submitted by John Seeber, David L. Ferguson, and Randy Cassidy. My response to your questions appears below.

1. Does the envisioned construction meet the current zoning requirements?

The existing zoning is CD with the DDOO overlay. The petitioner requested and was granted a Conditional Use approval and a sideyard setback variance by the Board of Zoning Appeals on March 21, 1996. The setback variance was for the north sideyard. The required setback is 6 feet from the property line. The Board of Zoning Appeals approved a zero ft. setback from the property line. There was one condition of approval. This was that: The architecture and building materials are constructed as depicted. Please see the attached BZA packet and Notice of Approval for this case.

2. Would any variances be required, and are they likely to be approved?

See #1. The necessary conditional Use approval and side setback variance were approved by the Board of Zoning Appeals on March 21, 1996.

3. Are any public improvements needed?

To my knowledge, curbs and sidewalks are in place. Street trees are required in this zone. The sidewalk may need repair after construction.

4. Are there any probable significant environment problems likely to result?

To my knowledge, no significant environmental problems are likely to result with the commercial use and residential apartments proposed on this site. The existing structure will be razed, and the facility will be new construction.

5. Please prepare a street map/plat of the property?

A street map showing the location and zoning of the property is enclosed. Please call me if you have further questions.

CASE # : CU-18-96
DATE : March 21, 1995

Petitioner : David Ferguson, Tom Seeber, Randy Cassidy
Location : 526 N. Morton St.
Consultant : none
Property Owner : same as above

Request : Conditional Use to allow use of the Downtown Development Opportunity Overlay provisions in the CD zone
Request : Sideyard setback variance of six ft.
Existing : one story block building
Proposed : three story brick building

REPORT

The petitioners are requesting a conditional use approval and side setback variance from the Board of Zoning Appeals in order to construct a new building which would house apartments and commercial space in the downtown zone. The existing vacant block building currently on the site would be razed. This rather unsightly structure was formerly used as a hotel several years ago. In more recent years the structure was used for storage. This parcel of land is located just northeast of the City Showers Complex on N. Morton. It is surrounded by multifamily uses on the north and businesses to the south, east, and west. Indiana University owns the buildings across Morton St. to the west.

This parcel is located in the CD (commercial downtown) zone and is also in the area of the Downtown Development Opportunity Overlay. This is an area of the downtown district in which innovative reuse and new construction of period architecture is encouraged to keep the central portion of the city alive and thriving. The Zoning Ordinance allows for less restrictive setbacks and higher density through the Conditional Use approval process. Standards for meeting the Conditional Use criteria are required and have been met with this proposal. Architecture and the use of the building are important criteria in this case.

The proposed building would be a three story brick and limestone structure with arches and an open area under roof for outdoor seating to compliment the commercial use. The shape of the building is a `C' configuration. Because the building fills the entire parcel to the property lines, the back commercial portion of the building will be accessed from the inner courtyard area. The ground floor would include commercial areas across the entire front of the building and the entire back of the building and four one bedroom apartments. These ground floor apartments will be handicapped accessible. The two upper floors will contain four two-bedroom apartments and four one-bedroom apartments each. The total number of apartment units in the building is twenty. Please see the attached archtectural drawings and floor plans.

CRITERIA AND FINDINGS

20.05.04.05 Standards For Conditional Use Permits

No conditional use permit shall be granted pursuant to this Chapter unless the applicant shall establish that the specific standards for the conditional use are met and that the following general standards are met.

A. The proposed use and development must be consistent with the Comprehensive Plan and may not interfere with the achievement of the goals and objectives of the Comprehensive Plan.

The proposed development of this site commences with the razing of a vacant, poorly maintained building. This is in order to construct a building that provides residential and commercial space and is architecturally compatible to the surrounding area. This proposal meets the goals of the comprehensive plan by encouraging activity and the continued viability of the downtown area.

B. The proposed development will not create nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;

This development will be both commercial and residential use. No manufacturing or machine type noise will be allowed. The commercial use will have to be compatible with the quiet residential use. Lighting will be soft and downcast.

C. The proposed use and development will not have an undue adverse impact upon adjacent property, the character or the area, or the public health, safety and general welfare;

This project will upgrade the existing property. The existing building is in poor repair and stands vacant. The proposed development will begin by razing the existing structure and starting over with new construction of a three story brick and limestone building. The building will hopefully attract residents to the apartments and businesses to the commercial portion. This will increase the value of the surrounding properties and encourage more development in the area.

D. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;

All city services are available to this property.

E. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

The property is located on Morton St. in the northern portion of the downtown area. The properties to the south, west, and east are businesses. There is a rooming house directly to the north and then a large parcel of vacant land. The commercial businesses will draw foot traffic from the surrounding facilities including Indiana University offices and the City Building. Many people that live in the downtown area do not drive, so traffic impacts should be minimal. Please note that on-site parking is not required in the CD zone.

F. The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic or historic feature of significant importance;

The existing structure on this parcel has no major historic significance. There are a few trees that have grown up under the foundation of the building that must be removed. However, these are not specimen trees.

G. The hours of operation, outside lighting, and trash and waste collection must not pose a hazard hardship, or nuisance to the neighborhood.

The building will have a blank wall facing the residential rooming house to the north. The hours of operation must be compatible with these residential uses since the apartments are a part of this development proposal. All lighting will be downcast.

H. Signage shall be appropriate to both the property under consideration and to the surrounding area. Sign age which is out of character, in the Board's determination, shall not be approved; and,

No signage proposal has been presented to the Planning Staff. However, signage will be limited to wall signage due to the fact that the building will be placed on the front property line. This leaves no space for a pole or ground sign to be placed outside of the Morton St. right-of-way. The petitioners are aware of this.

I. The proposed use and development complies with any additional standards imposed upon the particular use by Section 20.05.04.06.

See below.

Downtown Development Opportunity Overlay

X. Development opportunities authorized as a conditional use in the downtown development opportunity overlay shall meet the requirements of Section 20.07.15.05 in addition to the general criteria for conditional use.
Please see the attached pages from the **City of Bloomington Zoning Ordinance, As adopted and effective May 1, 1995.**

CU-18-96
526 N. Morton St.
Variance Required: Side setback six ft. from the north property line.

CRITERIA AND FINDINGS

SECTION 20.05.05.03 of the zoning ordinance provides that a variance may be granted if the criteria listed below are met. In consideration of these criteria it will be taken into account that conditions peculiar to the property involved do not apply generally in the district, and the aforesaid conditions are such that denial of variance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not constitute unnecessary hardship. Following each criterion is the staff`s recommended finding, to be adopted as the Board`s finding if the recommendation is concurred with.

A. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the variance will relieve practical difficulties.

Staff's Finding: This is very narrow parcel measuring 66 ft. in width. To keep the architecture compatible with the surrounding area and provide a residential component to the structure, *a setback variance of six ft. is needed.* Without this variance, the three floors of the residential portion would be indented in the building. This would not be particularly attractive and would leave a space that could not be utilized.

B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Staff's Finding: Staff finds no adverse effects. See criteria C. under Conditional Uses.

C. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

Staff's Finding: Staff finds no injury. In the CD district, a six foot setback is required for a side property line. This is to allow egress in case of emergency, should a side entrance/exit be the only means of access. This building complies with the Indiana Building Code for mixed use buildings, and the access is met through other windows and doors.

RECOMMENDATION

Staff recommends approval with the condition that
1) the archtecture and building materials are constructed as depicted.

20.07.15.05 Downtown Development Opportunity

A. Purpose: The Downtown Development Opportunity overlay affords additional development opportunity over that provided by the underlying zoning regulations. The opportunity overlay is intended to encourage development by enabling taller structures at higher density with reduced off-street parking standards.

B. Application and effect: The use regulations of the underlying district shall remain in effect in any case. The opportunity overlay spans various underlying zoning districts. The development standards for these districts remain in effect within the opportunity overlay except as may be modified by conditional use approval granted hereunder. Alternatively, any property within the overlay may be developed in accordance with the development standards of the underlying district. The boundaries of the opportunity overlay are delineated on the map in Section 20.07.15.05.D and on the zoning map. The additional opportunity is considered and granted as a conditional use permit.

C. Additional opportunity: Any of the following may be granted, individually or in combination, as a conditional use permit on any property within the opportunity overlay:

1. Off-Street Parking in districts other than CD:

Type of Use	Reduced Standards of Overlay
a. Residential Uses:	
Lodging Houses	0.5 space per resident
Efficiency Apartments	0.5 spaces per dwelling unit
One Bedroom Apartments	0.8 spaces per dwelling unit
Two Bedroom Apartments	1.0 spaces per dwelling unit
Three Bedroom Apartments	1.5 spaces per dwelling unit
Apartments with more than Three Bedrooms	as required by section 20.06.02.02, Table 6-1
b. Non-Residential Uses:	
Retail, Restaurants, Theaters, Personal and Business Services, Banks, Offices, Bars and Taverns	Seventy-five percent (75%) of the requirement specified in Section 20.06
All Other	As required by Section 20.06.02.02, Table 6-1

2. Yards and Street Setbacks:

a. Side and rear yards for all parking areas and for buildings adjacent to residential districts shall be as required by the underlying district.

b. Any portion of a building used for residential occupancy and having windows shall be at least ten (10) feet from side and rear property lines.

c. No side or rear yard is required for any other building, including stories used for parking or other non-residential uses below residential floors, except as required by 20.07.15.05.C.2.a, above.

d. Street setback for parking areas shall be at least five (5) feet.

e. This provision shall not apply in the CD district. In other districts within this overlay district, a minimum street setback of 5' shall be provided for

30

buildings, in addition an open landscaped court shall be provided at each street frontage. Such court shall be at least five (5) square feet in area for each one (1) foot of lot width on the abutting street frontage. A single court at an intersection may be counted for both street frontages. Such open court area may be arranged as a court facing part of the street frontage or as additional setback facing the whole frontage and shall be unencumbered by any upper floor overhang. Such court may include walks and decorative features such as fountains or sculpture.

3. Density and Bulk Regulations: Conditional uses approved pursuant to this section are not subject to the lot area per unit, minimum usable open space per unit, maximum building coverage, or maximum floor area ratio standards found in Table 7-3 of Section 20.07.16.02 of this zoning ordinance, or the maximum residential density provisions of the underlying zoning district.

4. Landscaping: All courts, yards, setbacks and parking areas shall be landscaped to the satisfaction of the Board of Zoning Appeals. Such landscaping should meet the requirements of Section 20.06.04.02 of this zoning ordinance to the extent consistent with sound landscape design for the reduced spaces.

CITY OF BLOOMINGTON
INTERDEPARTMENTAL MEMO

To: Nancy Brinegar

From: Dee McEntire

Date: February 20, 1996

Subject: Historic Preservation Review

The property at 526 N. Morton St. is occupied by a large, nondescript concrete block building probably dating from the 1950s or 1960s, and does not appear to hold any historical or architectural significance.

The property falls outside the proposed boundaries of the West Side Historic District that has been submitted to the state historic preservation office for nomination to the National Register of Historic Places. Neither is the property listed in Bloomington's 1986 survey of historic sites and structures.

It should be noted, however, that the proposed new building is across the street from the Showers Brothers complex of buildings, which is part of the proposed West Side Historic District. Without reviewing the elevation plans for the project, I cannot comment upon what effect the new construction will have upon the historical and architectural character of the Showers Center buildings and streetscape.

If I can be of further assistance, please contact me. Thank you for your cooperation.

FERGUSON FERGUSON & LLOYD
Attorneys at Law
403 East Sixth Street • Bloomington, Indiana 47408-4098 • Tel. 812.332.2113 • Fax 812.334.3892

David L. Ferguson Ph. 812.330.2031

RECEIVED
FEB 1996
By_____

February 6, 1996

Tom Micuda, Planner
City of Bloomington
P.O. Box 100
Bloomington, IN 47402

Dear Tom:

As an addendum to our application for a use variance for 526 N. Morton, I want to supplement section 1 of our application regarding the project's compliance with the Growth Policies Plan:

The Growth Policies Plan, as an "implementation measure" for Conserving Community Character (section J on page 35) charges the Commission for Downtown and the Redevelopment Commission with the responsibility for identifying opportunities for new downtown housing. Also noted as an "implementation measure" is "providing public incentives in the form of tax abatements and low interest rehabilitation loans to decrease development costs."

Under the "objectives" for Sustaining Economic Vibrancy, (number 9 on page 38), the Growth Policies Plan states that the City needs to improve the assessed value of downtown ...; increase property reinvestment; decrease vacancy rates in the downtown core buildings, especially on upper floors.

I would also note that in the Land Use Category section of the Growth Policies Plan, the downtown is noted (page 47) as a location appropriate for high density housing.

While not technically from the Growth Policies Plan, the section of the zoning ordinance regarding Downtown Commercial (27.07.10.01) under "Purpose," the City intended this district to:

A. Implement the Comprehensive Plan core concept.

B. Facilitate harmonious and compatible development.

C. Promote housing development.

D. Promote pedestrian-oriented street frontage utilization.

I believe this project satisfies each of those purposes of this district.

I hope this assists you in your preparation of our proposal. Let me know if you have any questions or concerns.

Thank you for your consideration.

Best regards,

David L. Ferguson

DLF/bs

Tom Seeber
1320 N. College Avenue
Bloomington, IN 47404
(812) 330-2004

January 31, 1996

Board of Zoning Appeals
City of Bloomington
401 N. Morton Street
Bloomington, IN 47404

Dear Sirs:

Enclosed you will find our "Petitioner's Statement" for our proposed project at 526 North Morton street. Included in our statement you will find responses to the specific areas addressed in 20.05.04.05.

Our concept fulfills many of the goals of the master plan as outlined in our petition. The general concept for the building is to provide downtown housing to those interested in a primarily pedestrian lifestyle. We anticipate many of our residents being employed by IU, the City, CFC and other proximate downtown businesses.

The character of the building we are proposing lends itself to a social atmosphere and contributes to the character of downtown Bloomington with a mixed use of commercial and residential tenants on the same site and each complimenting the others' existence. The concept is reminiscent of the New Orleans French Quarter where first floor commercial tenants and upper floor residents are drawn together in a cohesive community, interacting on a regular basis.

The commercial uses we envision include a coffee house and/or café to serve those working in the downtown area. Again, we envision a predominantly pedestrian draw where city and IU employees might walk over for a cup of coffee or lunch in the courtyard.

We have applied for Home Rental Housing Program funds and hope to apply for tax abatement in order to provide lower rents for as many units as possible. City funding decisions for such projects are pending and we are committed to proceed with this option should the funds be available.

If you require any additional information please do not hesitate to contact us.

Yours truly,

Tom Seeber

PETITIONER'S STATEMENT
FOR CONDITIONAL USE

at

526 N. Morton Street
Bloomington, Indiana

PROJECT OVERVIEW

We are requesting a variance of the following items for the subject property.

a) Variance from the 6' setback rule (Table 7-3, #4 (p. 197))
b) Variance from the 15 units per acre limitation (20.07.10.05.A. (p. 158))

EXHIBIT SCHEDULE

Subject property photos are included for your review as exhibit A

Subject property site plan (existing and as proposed) is included for your review as Exhibit B.

Subject property lighting plan (as proposed) is included for your review as Exhibit C.

Subject property top view (as proposed) is included for your review as Exhibit D.

Subject property south view (as proposed) artist's rendering is included for your review as Exhibit E.

GENERAL COMMENTS

Request for Variance from Setback (a)

Current code would allow us to expand the existing structure an additional two floors (see (a) above) without meeting the 6' setback rule. While it is technically possible for us to do so, it would be far more cost effective and provide a more sound structure if we could eliminate the existing structure and begin this project from the ground up.

Because this property is in the CD district, we encourage the BZA to consider the traditional uses in this area where buildings are built lot-line to lot-line with common walls. We have designed our units so that all openings face the courtyard to the south. With a firewall on the entire north perimeter we would not be required to provide a setback for fire-safety regulations. Additionally, anyone developing the lot to the north would then be able to build on the lot line with their openings facing Morton street to the west, the alley to the east, and 10th street to the north.

Request for Variance from Density Requirements

Please see RESPONSES below for specific information.

RESPONSES (Per 20.05.04.05)

A. The proposed use and development must be consistent with the Comprehensive Plan and may not interfere with the achievement of the goals and objectives of the Comprehensive Plan;

The growth policies plan arose out of seven principles (p. 9). Four of these are particularly well served by the proposed project: compact urban form, mitigation of traffic, conserve community character and sustaining economic vibrancy. Contained development is less costly to develop and to serve (p. 10). Compactness stands opposite of urban sprawl (p. 10). The Growth Policies Plan urges us to seek a more compact urban form and to restrain outward spatial expansion (p. 11) and to encourage contiguous urban development (11).

The objectives of compact urban form include stimulation of development of downtown Bloomington as a mixed use, high intensity activity center of regional significance. The objectives of mitigation of traffic is to reduce congestion. "Reducing auto trip-making not only reduces congestion but improves air quality and saves energy." (p. 23). This project is aimed at those who work in the downtown/near downtown area. Increasing the number of downtown residents who work downtown will reduce the number of auto trips required in the city.

Conserving community character is a fundamental public policy to be achieved "in the downtown, [by] promot[ing] redevelopment or adaptive reuse of vacant, or underutilized buildings or spaces" and "retain[ing] and expand[ing] affordable housing (p. 32). This project promotes redevelopment of an underutilized building and space, and should the Home Rental Housing program find it worthy of involvement, could expand the available affordable housing in Bloomington. Another objective of conserving community character is to "increase the number of downtown housing units with a goal of adding 15-20 units per year over the next decade" (p. 33). This project helps us reach our annual goal.

Among the implementation measures for sustaining economic vibrancy is to "recharacterize downtown zoning as a mixed use, high-density employment, governmental and residential center serving neighborhood, community wide and regional markets" (p. 38). This project will help increase the density of residential use in the downtown area.

"Throughout the downtown area vacant and underutilized buildings can be evidenced. As a planning objective, the intensity of use of these underused or vacant buildings should be increased. Upper story floor space is especially difficult to fill. Encourage adaptive reuse; encourage residential activities; encourage use by business services. If an activity does not have any adverse effect on traffic or surrounding activities, through light, odors or excessive noise, it should be encouraged to fill unused or underused spaces and buildings" (p. 56). The residential use proposed by this project has no adverse effects on the surrounding activities, and should be encouraged to fill this unused space and building.

B. The Proposed use and development will not create nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;

We have done numerous other downtown housing and commercial projects and have had no problems with neighbors from noise, smoke, odors, vibrations or lights. Examples of such projects include Rogers Building, 100 E. Sixth; Gentry Street and South College Apartments. Plans for this project do not vary substantially in style or character from these units and we anticipate no nuisance to our on-site residents or commercial tenants, from the activities to be conducted on our property. Nor do we anticipate any such nuisances to our neighbors from activities on our property.

C) The proposed use and development will not have an undue adverse impact upon adjacent property, the character of the area, or the public health, safety and general welfare;

The property is currently vacant and has been so for some time. The building on the north property line was an old hotel and has been vacant for many, many years. This vacancy has created an unsightly appearance and lends itself to crime, loitering, trash dumping, and other hazardous and undesirable activities. By developing the property, bringing in active residents and increasing the value of our property we will be making the adjacent properties more valuable and more secure.

D) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;

All public utilities are on-site. Access is via major streets surrounding the new City Building.

E. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

Our commercial uses will be typical of other similar size lots in the CD district so traffic loads from commercial activities will not differ substantially from any other CD use. Residents who work downtown will operate to reduce congestion by eliminating auto trips. There are no residential streets in the area.

F) The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic or historic feature of significant importance.

No historical significance on our property.

G) The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood;

We anticipate the possibility of a coffee shop and/or café serving during normal operating hours. Noise levels will be controlled for commercial tenants so as not to disturb our own residential tenants and therefore it would be impossible for their activities to disturb neighboring tenants. We have not set a maximum hour of operations for these occupants.

Outside lighting will be minimal but enough to provide added security without disturbing the neighbors. See the lighting plan enclosed as Exhibit C for more information. Trash storage and collection will be from the east alley and trash storage shall be in a sealed area.

H) Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage which is out of character, in the Board's determination, shall not be approved and,

We anticipate minimal signage for our commercial tenants, subject to our review and all city codes. Signage will be typical of the type used by the anticipated businesses as described above. The building will have a name and a modest display sign to identify the building and its address will be displayed on Morton street. We will provide window coverings for all residents which shall be appropriate to the building design and shall be required to be used. This shall provide a uniform appearance of all windows from

the street.

I) The proposed use and development complies with any additional standards imposed upon the particular use by Section 20.05.04.06.

Not identified in any section other than "X. Downtown Development Overlay.", which requires conformity to 20.07.15.05.

Refer to 20.07.15.05. (pgs. 186-187)

From paragraph A

...encourage development by enabling taller structures at higher density...

From paragraph C-3.

Density and Bulk Regulations ... not subject to ... maximum residential density provision of the underlying zoning district.