

City of
Bloomington
Indiana



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

Office of the Common Council
(812) 349-3409
Fax: (812) 349-3570
email: council@city.bloomington.in.us

To: Council Members
From: Council Office
Re: Weekly Packet
Date: December 30, 2002

Packet Related Material

Memo Agenda Calendar

Material Related to Action at Organizational Meeting:

List of Council Positions - Officers, Appointments, and Assignments for 2002
List of Council Positions - Officers, Appointments, and Assignments for 2003
(blank)

List of Interview Committee Assignments (*typically kept for the entire term*)
Council Member Seating Chart for 2002 and 2003 (*blank*)

Legislation and Background Material for Discussion at Committee of the Whole:

Res 03-01 To Designate an Economic Revitalization Area - Re: 315 West Kirkwood and 314 West Fourth Street (CFC, Inc., Petitioner)

- EDC Res 02-07; Redev Com Res 02-51; Map and Photo of Site; Tax Abatement Summary from Nathan Hadley, Economic Development Director; Statement of Benefits; Tax Calculations; Application from Petitioner with Exhibits A (letter), B (elevations); and C (List of Benefits); BZA Staff Report; Excerpts from Tax Abatement Guidelines

Contact: Nathan Hadley at 349-3406 or hadleyn@city.bloomington.in.us

* **Ord 03-01** To Designate An Economic Development Target Area - Re: 315 West Kirkwood & 314 West Fourth Street (CFC, Inc., Petitioner)

- EDC Res 02-08; Exh. A (Legal Description)

Contact: Nathan Hadley at 349-3406 or hadleyn@city.bloomington.in.us

- * **To be Introduced at the Organizational Meeting**

Minutes from Regular Session:

None

Notices and Agendas:

Notice of Demolition Review Study Committee on Wednesday, January 8, 2003 at 5:00 p.m. in the Council Chambers

Memo

Chair of Meeting: Councilmember Ruff

Packet Now Online

The Council packet is now available online by going to:

<http://www.city.bloomington.in.us/council/meetings/2003/index.html>.

This version will be available to the public and is in an Adobe format. Please download and look through it and let us know what you want to see in the future. It's a work in progress and I want to thank Rachel Atz and Jeanette Dix for the many hours of work and planning it took to bring the packet to you in this form.

**Organizational Meeting and Committee of the Whole
on Monday, January 6, 2003**

Statute requires that the Council meet for an Organizational Meeting on the first Monday in January. The Council uses this occasion to elect officers – President, Vice President, and Parliamentarian. Traditionally we have also used this meeting as an opportunity for the newly elected President to assign seats for council members and for the Council to make appointments of council members to various boards and commissions. The new President may also announce some assignments to committees.

Once those matters are resolved, the Council will adjourn and reconvene for a Committee of the Whole to consider a request from CFC for a tax abatement for the old Mace's property.

**Tax Abatement for a Residential Project
at 315 West Kirkwood and 314 West 4th Street**

**Initial Resolution (Res 03-01)
Designating an Economic Revitalization Area (ERA)**

and
Ordinance (Ord 03-01)
Designating an Economic Development Target Area Designations (EDTA)

The next two items of legislation will be discussed on Monday, January 6th and offer two of the three pieces of legislation necessary to grant a tax abatement for a residential project at the old Mace's site in the 300 block of West Kirkwood owned by CFC, Inc.

Three Pieces of Legislation Required Over Two Cycles of the Council

This tax abatement will require three pieces of legislation to be heard over two legislative cycles. The first item in this tax abatement package is a resolution, which gives the initial tax abatement approval for the proposal. It designates the property as an Economic Revitalization Area (ERA), approves the statement of benefits, and authorizes 10-year tax abatement for improvements on real estate.

The second item in this package is an ordinance that will be considered at the same time as the resolution and establishes an Economic Development Target Area (EDTA) for the site. This designation is necessary in order to grant a tax abatement for uses that would not otherwise be eligible for them. In this case, it would allow the multifamily use to receive a tax abatement without requiring that 20% of the units be set aside for affordable housing.

And, the third item legislation needed for these abatements is another resolution confirming the first one. It is scheduled for action on February 5th.

CFC Project for the Mace's Site

The petitioner wishes to invest \$12 million to construct two matched buildings on the old Mace's site that will house from 59 to 80 units at the middle to high end of the rental market. The property contains a 45-year old concrete building that has been vacant for 5 years and asphalt parking lot that has not been repaved since 1977. The buildings will be either 5 or 6 stories high (depending upon the number of units) and have an 80-space underground parking and storage area. The exteriors will be brick with limestone and include balconies and a rooftop deck (*please see packet materials for depictions of the buildings*). The petitioner has also received approval from the BZA for certain variances

(please see last paragraph) and may want to convert some or all of these units to condominiums in the future.

Resolution Designating the ERA, Approving the Statement of Benefits & Authorizing a 10-Year Abatement

As mentioned above, **Res 03-01** makes three statutory determinations regarding the apartment project proposed by CFC for 315 West Kirkwood and 314 West 4th Street. First, it designates the property as an Economic Revitalization Area, which entails a finding that the property is not susceptible to normal growth and development. This designation is required for all tax abatements. In this case, the application and summary support this designation by noting that the site:

- contains a concrete block building that was built in 1955 and served as a grocery store until 1997 and an asphalt parking lot that was last paved in 1977; and
- has been vacant for 5 years.

Second, the resolution approves the Statement of Benefits. In so doing, it finds that the stated benefits are a reasonable and probable outcome of the development. Those benefits include:

- investing \$12 million in the property and increasing the assessed valuation of the site over its current amount of \$350,000 (for land and improvements);
- adding three new full-time employees with a total payroll of approximately \$71,000 and providing 130 temporary jobs during construction with a total payroll of approximately \$6 million;
- providing housing in the downtown area and thereby helping to support downtown businesses and encourage other such developments;
- providing underground parking;
- installing sidewalk, lighting and landscaping along the street consistent with the streetscape plans for West Kirkwood;

Third, the resolution proposes the maximum ten-year period of tax abatement. Please note that statute provides a 1 - 10 year period of abatement. The local guidelines offer presumptive periods of abatements for

projects depending upon their type and location, and then include factors for increasing or decreasing that period. Those guidelines recommend a 10 - year period of abatement for multifamily and condominium projects in this area (see map and excerpts of guidelines). A review of the factors for adjusting that period (see materials) indicates that there is at least one factor present for increasing the period and no factors for decreasing the presumptive period of abatement.

Tax Calculations Nathan Hadley has provided estimates of the tax consequences flowing from this abatement. Those calculations indicate that the property owner would pay approximately \$1.38 million and would forego approximately \$1.36 million over the ten-year abatement.

BZA Approved Higher Densities Under DDOO The local code offers owners of property in the CD district the chance to have certain development and density standards waived by applying to the Board of Zoning Appeals for a conditional use under the Downtown Development Opportunity Overlay District (DDOO).

The BZA approved an increase from 15 to 70 units per acre on condition that the owner:

- design and install streetscape improvements on Kirkwood that are fully compatible with the City's own plans for West Kirkwood;
- obtain approval from the Board of Public Works for: landscaping (at least 3" caliper trees); steps that encroach into the right-of-way; and, on-street lighting; and
- route all site storm water into existing inlets.

Redevelopment Commission Approved Tax Abatement The Redevelopment Commission is required by statute (I.C. 6-1.1-12.1-2(1)) to approve tax abatements that would apply to properties within a Tax Increment Finance (TIF) district. This property is located within the downtown TIF district and the Commission concluded that there was sufficient funds in the TIF to meet its obligations.

Ordinance Establishing EDTA for 315 West Kirkwood and 314 West 4th Street

Ord 03-01 designates the property located in the western half of the 300 block of West Kirkwood as an Economic Development Target Area (EDTA). The

EDTA is a statutory designation that can only be applied to 15 % of the City's jurisdiction and allows tax abatements for uses that would not otherwise be eligible for them. In this case the designation would allow a residential use to receive a tax abatement without having to set aside at least 20% of the units for affordable housing.

In order to grant this designation, state law requires the Common Council to find that the property is eligible because of its historic character (which does not apply here) or because it:

has become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvement or character or occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevented a normal development of property or use of property.

This language is the same as that statute requires for designating an ERA and, as noted above, the application and summary argue that the long period of under-utilization of this property sufficiently demonstrates its failure to develop in accordance with our development goals without economic development incentives.

In accordance with state law, the Economic Development Commission has made a favorable recommendation on the designation. A copy of their resolution and a legal description of the property are included in this packet.

**NOTICE AND AGENDA FOR
COMMON COUNCIL
ORGANIZATIONAL MEETING
7:30 P.M., MONDAY, JANUARY 6, 2003
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 NORTH MORTON**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: None

IV. REPORTS FROM:

- 1. Council Members**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public**

V. ELECTION OF OFFICERS (The newly elected President will assign seating for council members prior to considering appointments to boards and commissions).

VI. APPOINTMENTS TO BOARDS AND COMMISSIONS

VII. LEGISLATION FOR FINAL ACTION

None

VIII. LEGISLATION FOR FIRST READING

1. Ordinance 03-01 To Designate an Economic Development Target Area – Re: 315 West Kirkwood & 314 West Fourth Street (CFC, Inc., Petitioner)

IX. PRIVILEGE OF THE FLOOR (This section of the Agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes.)

X. ADJOURNMENT (and immediately reconvene for the following meeting)

COMMITTEE OF THE WHOLE

Chair: Andy Ruff

1. Resolution 03-01 To Designate an Economic Revitalization Area – Re: 315 West Kirkwood and 314 West Fourth Street (CFC, Inc., Petitioner)

Asked to Attend: Nathan Hadley, Executive Assistant for Economic Development Representative of Petitioner

2. Ordinance 03-01 To Designate an Economic Development Target Area – Re: 315 West Kirkwood & 314 West Fourth Street (CFC, Inc., Petitioner)

Asked to Attend: Nathan Hadley, Executive Assistant for Economic Development Representative of Petitioner

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To: Council Members
From: Council Office
Re: Calendar for the Week of
January 6, 2003 – January 12, 2003
Date: December 30, 2002

Monday, January 6, 2002

5:30 pm Bicycle and Pedestrian Safety Commission/Work Session, Council Chambers
7:30 pm Common Council – Organizational Meeting and Committee of the Whole,
Council Chambers

Tuesday, January 7, 2002

1:30 pm Development Review Committee, McCloskey
3:30 pm Housing Trust Fund Board, McCloskey
5:30 pm Public Transportation Corporation Board, Transit Center
5:30 pm Community Development Block Grants – Physical Improvements Public
Hearing, McCloskey
7:30 pm Telecommunications Council, Council Chambers

Wednesday, January 8, 2002

2:00 pm Hearing Officer, Hooker
4:00 pm Bloomington Housing Quality Appeals, McCloskey
5:00 pm Demolition Review Committee, Council Chambers

Thursday, January 9, 2002

3:30 pm Bloomington Historic Preservation Commission, McCloskey
4:00 pm Solid Waste Management District, Solid Waste Management Facilities
5:30 pm Commission on the Status of Women, Hooker
5:30 pm Community Development Block Grants – Social Services Public
Hearing, Council Chambers

Friday, January 10, 2002

No Meetings Scheduled

**MATERIALS RELATING TO ACTIONS
AT ORGANIZATIONAL MEETING**

COUNCIL OFFICERS, APPOINTMENTS & ASSIGNMENTS FOR 2002

ACTION BY MOTIONS OF THE COUNCIL

President	Chris Gaal
Vice President	Anthony Pizzo
Parliamentarian	Jeffrey Willsey

Citizens Advisory Committee - Community Development Block Grants (CDBG)

Social Services	Anthony Pizzo
Physical Improvements	Timothy Mayer

Commission for Bloomington Downtown	Michael Diekhoff
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Economic Development Commission (City)	Tony Pizzo
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Economic Development Commission (County)	Pat Williams
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Environmental Resource Advisory Committee	Chris Gaal
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Metropolitan Planning Organization	Andy Ruff
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Plan Commission	Jeffrey Willsey
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Solid Waste Management District	Andy Ruff
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Board of the Urban Enterprise Association	David Sabbagh
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Utilities Service Board	Timothy Mayer
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Bloomington Economic Development Corporation	Patricia Cole
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ACTION BY PRESIDENT

Council Social Services Funding Committee (Diekhoff, Gaal, Mayer, Pizzo & Ruff)

Council Sidewalk Committee (Banach, Diekhoff, Mayer & Willsey)

Council Interview Committees for Citizen Appointments to Boards and Commissions (Same as 2001 - see accompanying list)

COUNCIL OFFICERS, APPOINTMENTS & ASSIGNMENTS FOR 2003

ACTION BY MOTIONS OF THE COUNCIL

**President
Vice President
Parliamentarian**

Citizens Advisory Committee - Community Development Block Grants (CDBG)

**Social Services
Physical Improvements**

Commission for Bloomington Downtown

Economic Development Commission (City)

Economic Development Commission (County)

Environmental Resource Advisory Committee

Metropolitan Planning Organization

Plan Commission

Solid Waste Management District

Board of the Urban Enterprise Association

Utilities Service Board

Bloomington Economic Development Corporation

ACTION BY PRESIDENT

Council Social Services Funding Committee *(Five Council Members)*

Council Sidewalk Committee *(Four Council Members)*

Council Interview Committees for Citizen Appointments to Boards and Commissions *(These Generally Stay the Same Throughout the Term - see accompanying list)*

**2002 COUNCIL
BOARD AND COMMISSION INTERVIEW COMMITTEES**

<u>Animal Control</u> Jeffrey Willsey Tony Pizzo Jason Banach	<u>Arts Commission</u> Patricia Cole Chris Gaal Andy Ruff	<u>Bike & Ped Safety Com</u> Patricia Cole David Sabbagh Jeffrey Willsey	<u>Enterprise Board</u> David Sabbagh Patricia Cole Tony Pizzo
<u>Environmental</u> Mike Diekhoff Patricia Cole Chris Gaal	<u>Housing Quality</u> Tim Mayer Chris Gaal Mike Diekhoff	<u>CAFR</u> Tim Mayer Tony Pizzo David Sabbagh	
<u>Human Rights</u> Jeffrey Willsey Chris Gaal Tony Pizzo	<u>Transit</u> Jason Banach Tony Pizzo Tim Mayer	<u>Redevelopment</u> Andy Ruff Patricia Cole Mike Diekhoff	<u>Telecommunications</u> David Sabbagh Mike Diekhoff Tony Pizzo
<u>Traffic</u> Jeffrey Willsey Andy Ruff Patricia Cole	<u>USB</u> Tony Pizzo Chris Gaal Jason Banach	<u>Women's Commission</u> Jeffrey Willsey Chris Gaal David Sabbagh	<u>Zoning Appeals</u> Mike Diekhoff Tim Mayer Jeffrey Willsey
<u>King Birthday Commission</u> Andy Ruff Chris Gaal Mike Diekhoff	<u>Tree Commission</u> Tony Pizzo Jason Banach Chris Gaal	<u>Housing Board of Directors</u> Tony Pizzo David Sabbagh Chris Gaal Jeffrey Willsey	<u>Status of Black Males</u> Chris Gaal Andy Ruff Mike Diekhoff

The President makes appointments to Standing Committees (BMC 2.04.210). Members of the interviewing committee will receive and review applications for appointments to their boards/commissions. The committee then determines whether to interview applicants and, if so, which ones. Typically interviews are set up on Wednesday evening before a council meeting and a decision is made and then forwarded to the full council for the final appointment. Interviews are not mandatory, but meetings are open to the public.

Council Member Seating For 2003

Reference – Seating For the Year 2002

Banach	Diekhoff	Ruff	Pizzo Vice President	Gaal President	Willsey Parliamentarian	Cole	Sabbagh	Mayer

Seating for 2003

			Vice President	President	Parliamentarian			

RESOLUTION 03-01

TO DESIGNATE AN ECONOMIC REVITALIZATION AREA

Re: 315 West Kirkwood and 314 West Fourth Street

(CFC, Inc., Petitioner)

- WHEREAS, Petitioner has filed an application for designation of the property located at 315 West Kirkwood and 314 West Fourth Street as an “Economic Revitalization Area” (“ERA”) pursuant to IC 6.1.1-12.1 et. seq.; and
- WHEREAS, Petitioners seeking designation of the their property as an ERA must submit to the Common Council a Statement of Benefits and must, prior to March 1st of each year, provide the Monroe County Auditor and the Common Council with information showing the extent to which there has been compliance with the Statement of Benefits; and
- WHEREAS, Petitioners intend to construct 2 new buildings on the lots bounded by West Kirkwood, West 4th Street, and Madison Street for use as housing (the “Project”), and wish to obtain tax abatement on the Project; and
- WHEREAS, the Application has been reviewed by the Economic Development Commission, which passed Resolution 02-07 recommending that the Common Council approve the “Economic Revitalization Area” designation for said property to provide a ten-year tax abatement on the improvements to real estate and to approve the new Statement of Benefits; and
- WHEREAS, the Common Council has investigated the area and reviewed the Statement of Benefits and Application, attached hereto and made a part hereof, and found the following:
- A. the estimate of the cost of the Project is reasonable;
 - B. the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project;
 - C. the estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project;
 - D. any other benefits about which information was requested are benefits that can be reasonably expected to result from the Project; and
 - E. the totality of the benefits is sufficient to justify the deduction; and
- WHEREAS, the property described above is within the corporate limits of the City and has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent normal development of property or use of property;

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

SECTION I. The Common Council finds and determines that the area described as 315 West Kirkwood and 314 West Fourth Street should be designated as an “Economic Revitalization Area” as set forth in IC 6-1.1-12.1-1 et. seq.; and the Common Council further finds and determines that the Petitioner shall be entitled to a deduction from the assessed value of the Project for a period of ten (10) years.

SECTION II. In granting this deduction, the Council also expressly exercises the power set forth in IC 6-1.1-12.1-2 (I)(5) to impose additional, reasonable conditions on the rehabilitation or

redevelopment beyond those listed in the Statement of Benefits. Failure of the property owner to make reasonable efforts to comply with these conditions are reasons for the Council to rescind this designation and deduction:

- a. the improvements described in the application shall be commenced (defined as construction of the buildings) within twelve months of the date of this designation and
- b. the land and improvements shall be developed and used in a manner that complies with local code.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2003.

, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2003.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2003.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

Petitioner (CFC, Inc.) has applied for a tax abatement for the property located at 315 West Kirkwood and 314 West 4th Street in order to construct two buildings with 59 to 80 residential units. The resolution designates the property as an "Economic Revitalization Area," approves the Statement of Benefits, and authorizes a ten-year period of abatement. It is the first of two resolutions that must be adopted by the Council before this tax abatement may take effect.

**RESOLUTION 02-07
OF THE
ECONOMIC DEVELOPMENT COMMISSION
OF THE
CITY OF BLOOMINGTON, INDIANA**

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

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

WHEREAS, in addition to the ERA designation, an applicant for tax abatement must receive Common Council approval of the Statement of Benefits resulting from the proposed project; and

WHEREAS, the Common Council of the City of Bloomington in Ordinance 97-06 gave to the Economic Development Commission the responsibility for making recommendations to the Council regarding requests for tax abatement; and

WHEREAS, CFC, Inc. ("Petitioner") has applied for tax abatement on, and have submitted a Statement of Benefits regarding, its proposed project at 315 West Kirkwood Bloomington, Indiana, which consists of 59-80 apartment units; and

WHEREAS, the Economic Development Commission has met and considered Petitioner's application and Statement of Benefits, and have recommended a ten year tax abatement on the proposed improvements; and

NOW, THEREFORE, BE IT RESOLVED that the Economic Development Commission of the City of Bloomington does hereby recommend to the Common Council that it designate the property at 315 West Kirkwood in Bloomington, Indiana, as an ERA and approve said Statement of Benefits regarding improvements to said site proposed by Petitioner and approve a ten year tax abatement on said improvements.

President
Bloomington Economic Development Commission

Secretary

Approved this _____ day of November 2002

**RESOLUTION 02-51
OF THE
REDEVELOPMENT COMMISSION
OF THE
CITY OF BLOOMINGTON, INDIANA**

WHEREAS, Indiana Code 6-1.1-12.1-2(l) provides that when property located in an Economic Revitalization Area (ERA) for tax abatement purposes is also in a Tax Increment Finance (TIF) allocation area, the Redevelopment Commission must approve the application for the abatement prior to the filing of the deduction application with the County Auditor; and

WHEREAS, CFC, Inc., has applied for abatement on the proposed construction of downtown apartments at 315 West Kirkwood and 314 West 4th Street (the “Project”), located in the Downtown TIF Area, which request has been approved by the Economic Development Commission and is pending before the Common Council; and

WHEREAS, the Downtown TIF fund (the “Fund”) contains sufficient monies to meet the obligations that have been approved to date for payment from the Fund, and the approval of the Project will not impair the ability to meet obligations imposed upon the Fund;

**NOW, THEREFORE, BE IT RESOLVED BY THE BLOOMINGTON
REDEVELOPMENT COMMISSION THAT:**

The application for property tax abatement for the Project described above should be, and hereby is, approved, subject to final approval by the Bloomington Common Council.

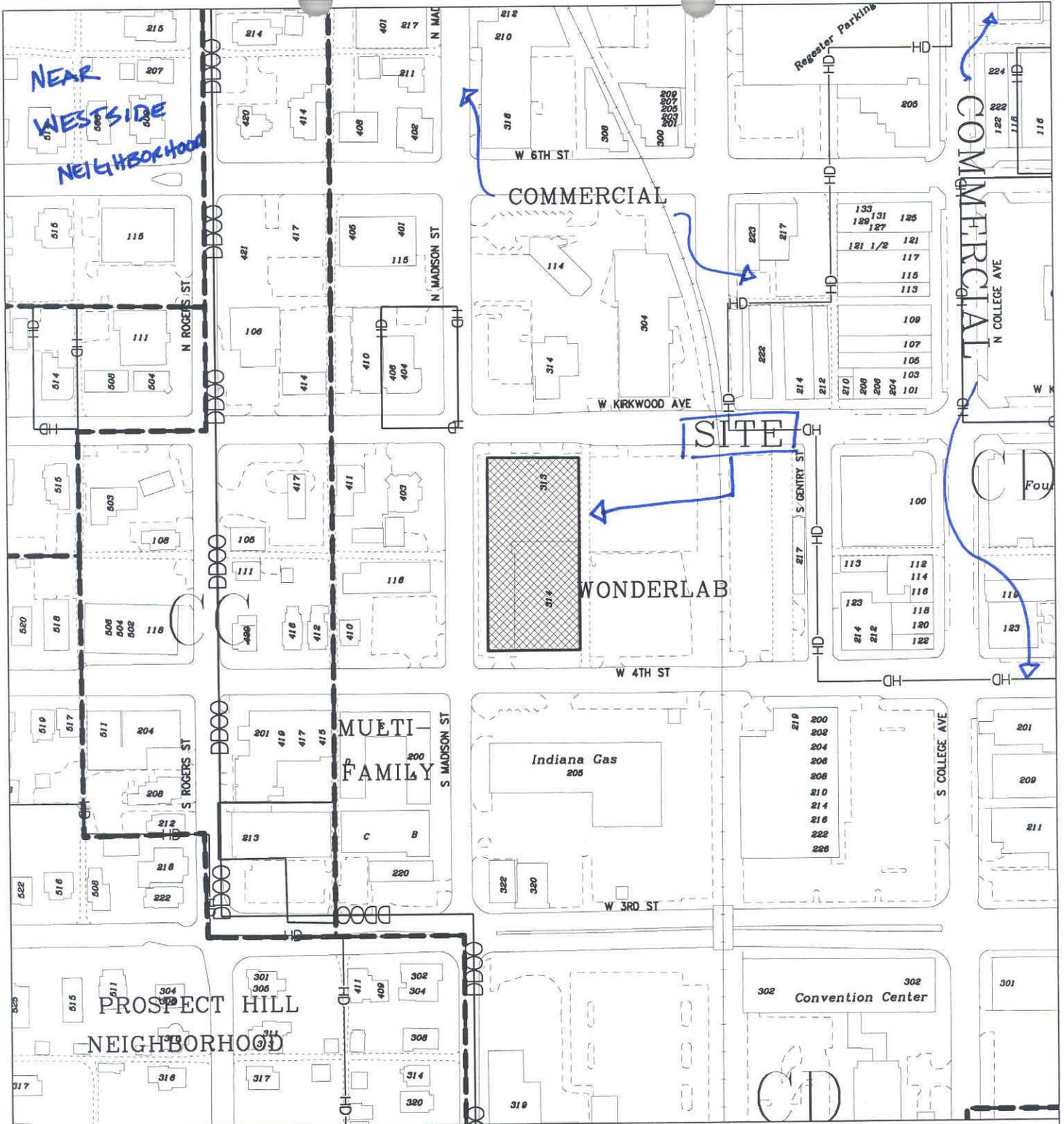
BLOOMINGTON REDEVELOPMENT COMMISSION

David Walter, President

ATTEST:

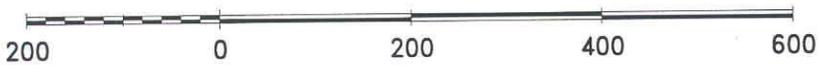
Timothy A. Hanson, Secretary

Date

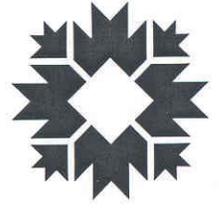


CU-42-02 CFC, INC
 301 W. KIRKWOOD AVENUE
 LOCATION/ZONING/LAND USE MAP
 BOARD OF ZONING APPEALS

By: shayp
 15 Nov 02



City of Bloomington
 Planning



Scale: 1" = 200'

For reference only; map information NOT warranted.

45



WONDER LABS
BUILDING

W. KIRKWOOD

MADISON

CU-42-02
SITE PHOTO
52

Tax Abatement Applicant Summary

Date: November 22, 2002

EDC Resolution: 02-07 and 02-08

Applicant: CFC, Inc.

Project Address: 315 West Kirkwood and 314 West Fourth

Phone: (812) 330-2030

Applicant Contact: Theodore J. Ferguson

Contact Office: 320 West Eighth
Bloomington, IN 47408

Tax Abatement Information:

Purpose: The applicant seeks tax abatement for real estate improvements to construct new multi-family housing between West Kirkwood and West Fourth (*see attached application*).

Real Estate Improvement Value: \$12,000,000 (*see attached application*)

Current Zoning: CD

Existing Site: 4 lots combined.
Vacant concrete block building (former Mace's Grocery) to be removed.

Proposed Improvements: Construction of 59-80 apartment units in 2 buildings

Length of Tax Abatement Requested: 10 years

RECOMMENDATION:

Resolutions 02-07 and 02-08 recommending the property in question be designated as an ERA and EDTA should be forwarded to the City Council for its approval based on the following rationale:

The proposed project is located within an area that has suffered slow growth and deterioration or improvements. Council guidelines state that tax abatement will be primarily awarded in these designated areas when such action addresses the revitalization needs of the area. These identified needs include the retention of existing businesses, historic renovations, creation of new housing opportunities, and expansion of economic development activities within the downtown. The *Guidelines* allow for an increase in the length of the tax abatement based on factors such as creation of new housing and expansion of economic development activities within the downtown. This is a site that has not seen any significant investment in many years. The former Mace's site has sat vacant for 4 years. The new WonderLab building sits adjacent to the site. CFC will construct sidewalks, install lighting, and landscape along Kirkwood consistent with the City's plans for upgrading the Kirkwood streetscape in 2003. This will reduce the city's cost for that project.

As is indicated in the *Statement of Benefits* the construction will cost approximately \$12 million. I recommend a 10-year abatement due to the extensive nature of the proposed project. This is a significant investment on a site that has not seen any for years. This project meets or exceeds other similar projects in the city that have received a 10-year abatement. This project serves significant public and private goals warranting a 10-year abatement.



INSTRUCTIONS:

1. This statement must be submitted to the body designating the economic revitalization area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and / or research and development equipment, or BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after 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 rehabilitation, or prior to installation of the new manufacturing equipment and / or research and development equipment, BEFORE a deduction may be approved.
3. To obtain a deduction, Form 322 ERA, Real Estate Improvements and / or Form 322 ERA / PPME and / or 322 ERA / PPR & DE, must be filed with the county auditor. With 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 assessment is received from the township assessor. Form 322 ERA / PPME and / or 322 ERA PPR & DE must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and / or research and development equipment becomes assessable, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved after June 30, 1991 must submit Form CF - 1 annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. The schedules established under IC 6-1.1-12.1-4(d) and IC 6-1.1-12.1-4.5 (e) effective July 1, 2000 apply to any statement of benefits filed on or after July 1, 2000. The schedules effective prior to July 1, 2000 shall continue to apply to those statement of benefits filed before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer
 CFC, Inc.

Address of taxpayer (street and number, city, state and ZIP code)
 320 West Eighth Street, Showers Plaza, Suite 200, Bloomington, IN 47404

Name of contact person
 Theodore J. Ferguson

Telephone number
 (812) 330-2030

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body
 Bloomington Common Council

Resolution number

Location of property
 314 West Fourth, 315 West Kirkwood

County
 Monroe

Taxing district
 Bloomington City

Description of real property improvements and / or new manufacturing equipment and / or research and development equipment (use additional sheets if necessary)
 59-80 unit residential apartment community with underground parking. Depending upon market response, community may be converted to a condominium arrangement.

	ESTIMATED	
	Start Date	Completion Date
Real Estate	3 / 2003	6 / 2004
New Mfg Equipment		
R & DE		

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	130 3 permanent temporary	\$ 71,000 \$6,000,000

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.

	Real Estate Improvements		Machinery		Research and Development Equipment	
	Cost	Assessed Value	Cost	Assessed Value	Cost	Assessed Value
Current values	—	\$ 210,500				
Plus estimated values of proposed project	\$12,000,000	\$12,000,000				
Less values of any property being replaced	—	\$ 210,500				
Net estimated values upon completion of project	\$12,000,000	\$12,000,000				

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) _____ Estimated hazardous waste converted (pounds) _____

Other benefits: The project will create additional downtown housing for residents anticipated to support downtown businesses. The project will also increase income and property tax revenues for the City of Bloomington. Successful development of this property will encourage others to invest in downtown redevelopment.

SECTION 6 TAXPAYER CERTIFICATION

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

Signature of authorized representative
 James E. Murphy

Title
 President

Date signed (month, day, year)
 11/14/02

EXHIBIT # D

ANNUAL TAX & TAX ABATEMENT CALCULATIONS

FOR: CFC (Mace's Site)

Using 2002 payable 03 Tax Rate and A.V. Estimates

Improvements	\$12,700,000	Net Taxable Unit	\$2,963,037
Bloomington City		Net Tax	\$274,226
Property Tax Rate	0.00000%	---	\$0
Replacement Credit	0.00000%	Estimated Annual Tax	\$274,226
Net of PTRC	9.25490%		

1 YEAR TAX ABATEMENT				
Year	Percentage	Abatement	Tax Payment	Taxes w/o Abatement
1	100%	\$274,226	\$0	\$274,226
		\$274,226	\$0	\$274,226
2 YEAR TAX ABATEMENT				
Year	Percentage	Abatement	Tax Payment	Taxes w/o Abatement
1	100%	\$274,226	\$0	\$274,226
2	50%	\$137,113	\$137,113	\$274,226
		\$411,339	\$137,113	\$548,452
3 YEAR TAX ABATEMENT				
Year	Percentage	Abatement	Tax Payment	Taxes w/o Abatement
1	100%	\$274,226	\$0	\$274,226
2	66%	\$180,989	\$93,237	\$274,226
3	33%	\$90,495	\$183,731	\$274,226
		\$545,710	\$276,968	\$822,678
4 YEAR TAX ABATEMENT				
Year	Percentage	Abatement	Tax Payment	Taxes w/o Abatement
1	100%	\$274,226	\$0	\$274,226
2	75%	\$205,670	\$68,557	\$274,226
3	50%	\$137,113	\$137,113	\$274,226
4	25%	\$68,557	\$205,670	\$274,226
		\$685,565	\$411,339	\$1,096,904
5 YEAR TAX ABATEMENT				
Year	Percentage	Abatement	Tax Payment	Taxes w/o Abatement
1	100%	\$274,226	\$0	\$274,226
2	80%	\$219,381	\$54,845	\$274,226
3	60%	\$164,536	\$109,690	\$274,226
4	40%	\$109,690	\$164,536	\$274,226
5	20%	\$54,845	\$219,381	\$274,226
		\$822,678	\$548,452	\$1,371,131
6 YEAR TAX ABATEMENT				
Year	Percentage	Abatement	Tax Payment	Taxes w/o Abatement
1	100%	\$274,226	\$0	\$274,226
2	85%	\$233,092	\$41,134	\$274,226
3	66%	\$180,989	\$93,237	\$274,226
4	50%	\$137,113	\$137,113	\$274,226
5	34%	\$93,237	\$180,989	\$274,226
6	17%	\$46,618	\$227,608	\$274,226
		\$965,276	\$680,081	\$1,645,357

7 YEAR TAX ABATEMENT				
Year	Percentage	Abatement	Tax Payment	Taxes w/o Abatement
1	100%	\$274,226	\$0	\$274,226
2	85%	\$233,092	\$41,134	\$274,226
3	71%	\$194,701	\$79,526	\$274,226
4	57%	\$156,309	\$117,917	\$274,226
5	43%	\$117,917	\$156,309	\$274,226
6	29%	\$79,526	\$194,701	\$274,226
7	14%	\$38,392	\$235,834	\$274,226
		\$1,094,162	\$825,421	\$1,919,583
8 YEAR TAX ABATEMENT				
Year	Percentage	Abatement	Tax Payment	Taxes w/o Abatement
1	100%	\$274,226	\$0	\$274,226
2	88%	\$241,319	\$32,907	\$274,226
3	75%	\$205,670	\$68,557	\$274,226
4	63%	\$172,762	\$101,464	\$274,226
5	50%	\$137,113	\$137,113	\$274,226
6	38%	\$104,206	\$170,020	\$274,226
7	25%	\$68,557	\$205,670	\$274,226
8	13%	\$35,649	\$238,577	\$274,226
		\$1,239,502	\$954,307	\$2,193,809
9 YEAR TAX ABATEMENT				
Year	Percentage	Abatement	Tax Payment	Taxes w/o Abatement
1	100%	\$274,226	\$0	\$274,226
2	88%	\$241,319	\$32,907	\$274,226
3	77%	\$211,154	\$63,072	\$274,226
4	66%	\$180,989	\$93,237	\$274,226
5	55%	\$150,824	\$123,402	\$274,226
6	44%	\$120,659	\$153,567	\$274,226
7	33%	\$90,495	\$183,731	\$274,226
8	22%	\$60,330	\$213,896	\$274,226
9	11%	\$30,165	\$244,061	\$274,226
		\$1,360,162	\$1,107,873	\$2,468,035
10 YEAR TAX ABATEMENT				
Year	Percentage	Abatement	Tax Payment	Taxes w/o Abatement
1	100%	\$274,226	\$0	\$274,226
2	95%	\$260,515	\$13,711	\$274,226
3	80%	\$219,381	\$54,845	\$274,226
4	65%	\$178,247	\$95,979	\$274,226
5	50%	\$137,113	\$137,113	\$274,226
6	40%	\$109,690	\$164,536	\$274,226
7	30%	\$82,268	\$191,958	\$274,226
8	20%	\$54,845	\$219,381	\$274,226
9	10%	\$27,423	\$246,804	\$274,226
10	5%	\$13,711	\$260,515	\$274,226
		\$1,357,419	\$1,384,842	\$2,742,261

**APPLICATION TO THE
CITY OF BLOOMINGTON
FOR PROPERTY TAX ABATEMENT**

1. OWNERSHIP:

- A. **Name of owner:**
CFC, Inc.
320 West Eighth Street
Showers Plaza, Suite 200
P.O. Box 729
Bloomington, IN 47402
(812) 332-0053
- B. **Percentage ownership:** 100%
- C. **Names of partners:** Not applicable
- D. **Officers of corporation:**
James E. Murphy, President (jmurphy@cfcincorporated.com)
Robert Doty, Vice-President
P.O. Box 729
Bloomington, IN 47402
(812) 332-0053

2. PROPERTY DESCRIPTION:

- A. **Street address:** 314 West Fourth and 315 West Kirkwood; Lots 81, 82, 135 and 136; .815 acre; Bloomington, Indiana.
- B. **Legal description:** Original Plat Inlots 81, 82, 135, and 136 and vacated alley.

3. CURRENT STATUS OF PROPERTY:

- A. **Current zoning designation:** CD
Anticipated zoning changes: Density

- B. **Current improvements to the property:** Vacant, deteriorating concrete block building, built in 1955, which housed various supermarkets until 1997 when building became economically obsolete. Asphalt parking lot last paved in 1977.
- C. **Current use of the property:** None. Building is vacant and not economically suitable for leasing.
- D. **Estimated current market value of land:** \$750,000
Estimated current market value of improvements: \$0
Assessed value of land: \$142,100
Assessed value of improvements: \$210,500
Tax assessment for 2001/payable 2002 on land and improvements: \$10,950.74
- E. **Unique historical structure or aesthetic improvements:** None

4. **PROPOSED IMPROVEMENTS:**

- A. **Proposed improvements and projected costs:** Owner proposes to demolish the existing building and then construct a 59 to 80 unit residential apartment community with underground parking, at a total estimated cost of improvements of \$12,000,000. This cost includes the expense of excavating for the 80 on-site underground parking spaces and of constructing sidewalks, installing lighting, and landscaping along Kirkwood Avenue. (The City of Bloomington had planned to begin making these improvements in the spring of 2003 and will be spared this expense.) *See Description attached as Exhibit A.*

Depending upon market response, Owner may convert all or a portion of the community to a condominium arrangement.
- B. **Sketches of finished project:** *See Elevations attached as Exhibits B-1 and B-2.*
- C. **Public improvements and costs:** None.
- D. **Probable start date:** March 2003
Probable completion date: June 2004
- E. **Type and number of jobs created or retained:** Three (3) permanent full-time positions will be created by the project. These positions will be: leasing manager, maintenance person, and leasing consultant.

Owner expects that approximately 130 temporary jobs will be created, for both skilled and unskilled workers, including contractors, construction workers, plumbers, electricians, etc. Local individuals, firms and companies will fill the temporary jobs that the proposed project creates.

Owner also expects that the project will enable businesses that provide support services to apartments to create additional jobs. Owner anticipates that tenants of the housing will work and shop in the downtown area.

- F. **Beneficial or detrimental economic effect:** The apartments will create additional downtown housing. The residents will shop, eat, bank, transact business and spend money in the downtown area. This will help support businesses in the downtown area.

The City of Bloomington will benefit directly from the increased income and property tax revenue generated by the redeveloped property. The assessed value of the apartments will be much higher than the existing use.

The City of Bloomington will also benefit from the public improvements that Owner will provide along Kirkwood Avenue, namely sidewalks, lighting, and landscaping.

The successful development of this property will encourage other developers to continue to invest in the redevelopment of downtown Bloomington.

Owner does not believe that the proposed project will have any detrimental economic effect on the City.

5. **ELIGIBILITY:**

- A. **Reasons why project site qualifies as an economic revitalization area and an economic development target area:** The project site qualifies as an Economic Revitalization Area and an Economic Development Target Area because the lack of development, cessation of growth, deterioration of improvements, age, obsolescence and substandard buildings have impaired property values and prevented the normal development and use of the property. Expenses associated with the project site include the costs of demolishing the existing building and of excavating stone for the underground parking.

Designation as an Economic Development Target Area is necessary because the proposed residential housing project does not include a set aside of at least twenty percent (20%) of the units for low and moderate income individuals. Owner's market analysis does not support such a set aside.

Owner will construct sidewalks, install lighting, and landscape along Kirkwood Avenue. Owner will spare the City of Bloomington the expense of these public improvements, slated for 2003.

B. Estimated number of new employees and retained employees/salaries and benefits: Three (3) permanent full-time positions will be created by the project. These positions and the anticipated annual salaries are: leasing manager at \$25,000; maintenance person at \$25,000; and leasing consultant at \$21,000. *See Benefits attached as Exhibit C.*

Owner expects that approximately 130 temporary jobs will be created, for both skilled and unskilled workers, including contractors, construction workers, plumbers, electricians, etc. Local individuals, firms and companies will fill the temporary jobs that the proposed project creates. Owner does not know the salaries and benefits of these jobs, but estimates that Owner will spend \$6,000,000 in wages for the project.

C. Statement of Benefits: *See Statement of Benefits attached as Exhibit D.*

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 twelve (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
CFC, Inc.

By: James E. Murphy, President

Dated:_____

CFC, Inc.

320 West Eighth Street Showers Plaza, Suite 200 P.O. Box 729 Bloomington, Indiana 47404
Corporate Office: (812) 332-0053 Fax: (812) 333-4680 Construction Office: (812) 330-7322

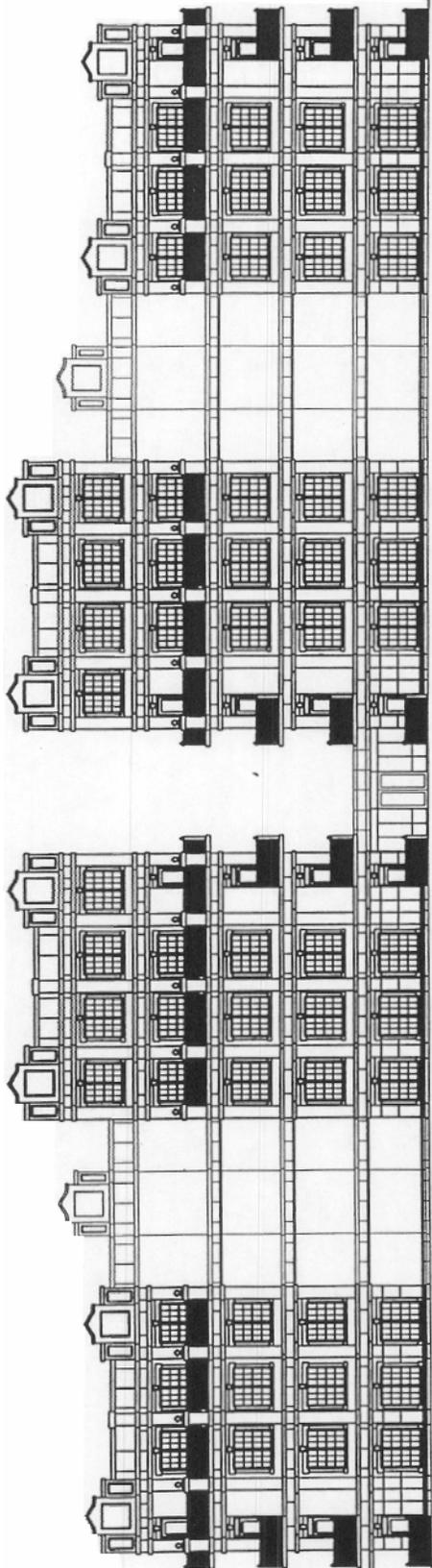
CFC, Inc. intends to construct a 59-80 unit apartment complex on the property (.84 acres) that is currently known by the Maces Grocery store located at 301 West Kirkwood. The building will have a parking garage as much below grade as the site will allow. The garage will be entered from Fourth Street at the southeast corner of the property. There will be a garage door. The garage itself will be ventilated. There will be 80 parking spaces in the garage. There also will be storage lockers with each parking space. The elevator machine rooms will be located in the garage. The grounds above will be landscaped with planters around the perimeter of the building. In between the buildings is an area that will be available for outdoor activities.

The buildings exterior will be brick with limestone accents on all elevations. Exterior corner units have a balcony that will have a railing that will compliment the building and the ornamental iron fence that runs the perimeter of the property. The windows will be large double hung pairs on all elevations. There will be limestone coping on the parapet. Two rooftop decks will be located so'as to provide the best view of the downtown and surrounding area. There will be two elevators serving each set of four buildings. All building will be connected by common area.

The floor plans consist of a studio, one bedroom, two bedroom, two bedroom deluxe, two bedroom townhouse and a 3 bedroom plan. They will have hardwood floors in the living area with carpet in the bedrooms. The interior finishes will be painted drywall. The electrical conduit and structure for example will be exposed to achieve the warehouse loft feeling.

The tree plot between the curb and parking garage will be landscaped with trees, antique lights that CFC has used elsewhere in the downtown. There will be a sidewalk constructed to match the City standards. The main entries to the building will be on Kirkwood Avenue and on Fourth Street.

EXHIBIT # A



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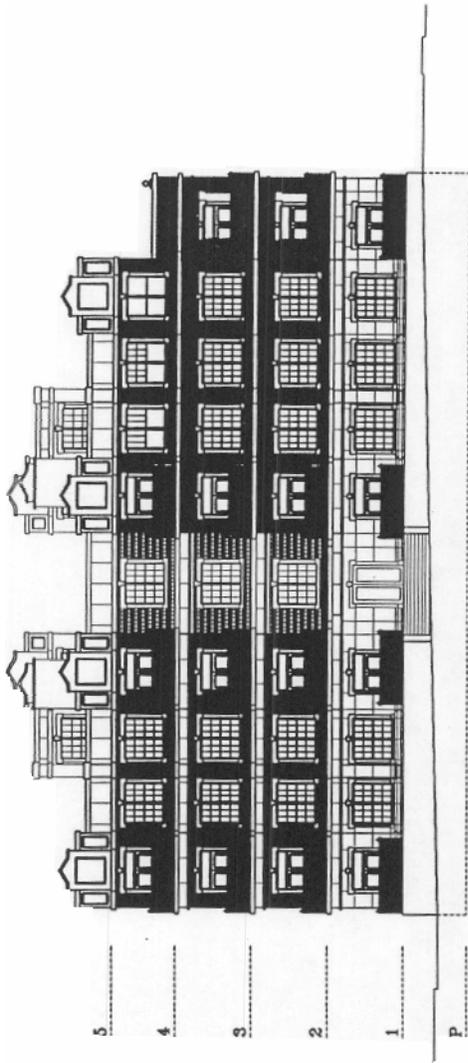


EXHIBIT #

B-2

BENEFITS PROVIDED TO FULL-TIME EMPLOYEES OF CFC, INC. 2002

Benefits Required By Law

Worker's Compensation Insurance COBRA

Unemployment Compensation Benefits

FMLA

Additional Benefits Provided By CFC Incentive Pay

Vacation Days Personal Days Birthday Day Holiday Pay

On-Call Bonus (Maintenance) 401K

Profit Sharing

Health, Dental & Vision Insurance Life Insurance

Disability Income Insurance Medical & Personal Leave Employee Purchase Plan

Employee Award's Program Perfect Attendance Award

Flex-Time

Funeral Leave

Members Choice Federal Credit Union Paid Seminars

25% Apartment Discount

EXHIBIT # C



**City of Bloomington
Planning Department**

FILE COPY

December 6, 2002

NOTICE OF APPROVAL

Petitioner: CFC, Incorporated
Location: 301 W. Kirkwood Ave.

The Board of Zoning Appeals heard case CU-42-02 on November 21, 2002 in the Council Chambers of Showers Center City Hall - Bloomington, Indiana. The petition for a conditional use approval to utilize the Downtown Development Opportunity Overlay provision in the Zoning Ordinance to construct a multi-family structure was approved with the following conditions:

1. Prior to permit issuance, the petitioner shall meet with the City Engineering Department to design the W. Kirkwood streetscape to be compatible with the City's Kirkwood Improvements, Phase Three.
2. All landscaping shown within the right-of-way must receive approval from the Public Works Department prior to their installation.
3. Street trees must be a minimum of 3 inches in caliper. Street tree species must be approved by the City's Urban Forester.
4. All sidewalks and ramps must be constructed to ADA standards.
5. The Public Works Department must approve a street lighting plan prior to issuance of a grading permit.
6. All rooftop and site stormwater must be conveyed to existing stormwater inlets.
7. Number of stories to be limited to no greater than six.

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



Patrick Shay
Development Review Manager

(Applicable when there are changes to the conditions of approval or findings of fact as written within the staff report).

Location: 301 W. Kirkwood Avenue

PETITIONER: CFC, Inc
320 W. 8th Street, Suite 200

COUNSEL: Ted Ferguson
403 E. 6th Street

REQUEST: The petitioner is requesting conditional use approval to utilize the Downtown Development Opportunity Overlay (DDOO) provision of the Zoning Ordinance to construct a 59-unit multi-family structure.

SITE DESCRIPTION: The .84 acre site is currently vacant. It houses a one-story, block building and a large surface parking lot that was the former site of Maces Grocery Store. The property lies within the Downtown Commercial (CD) zoning district and is immediately west of the newly constructed Wonderlab site. Vectren Gas and the Bicycle Apartments are located south and southwest of the proposed project. Commercial and office uses are also found to the north and west.

PETITION SUMMARY: The petitioner is proposing a redevelopment project within the downtown. Specifically, the petitioner proposes to construct two, five-story apartment buildings. Both structures would share a common underground level that would consist of structured parking. The structures would house 59 upscale residential apartments. The bedroom breakdown of the proposed units is as follows:

Studio Units	9	Approximately 700 sf
One Bedroom Units	17	Approximately 900 sf
Two Bedroom Units	29	Approximately 1100 - 1600 sf
Three Bedroom Units	4	Approximately 1775 sf

SITE PLAN ISSUES:

Height, Bulk and Density: The petitioner's proposal meets all height and bulk requirements of the CD district. If the DDOO approval is granted, it would allow the petitioner to exceed the 15 units/acre maximum density allowed in the district. The proposed density of this project is 70 units/acre. The following chart summarizes the density of the petitioner's proposal and several approved downtown residential projects:

Project Location	# of Total Units	Density
Omega Manor	10	50 units/acre
SE corner of 7 th and Walnut	13	65 units/acre
Lockerbie Court	24	65 units/acre
CFC Petition	59	70 units/acre
NE corner of 10 th and College	25	70 units/acre

NW corner of 11 th and College	56	70 units/acre
SW corner of 6 th and Washington	11	81 units/acre
Pavillion Heights	28	100 units/acre
Bicycle Apartments	76	245 units/acre

Staff finds the proposal to be fully compatible with the density of recently approved projects in residential development trends and policies for the downtown area.

Architecture/Design: The proposed architecture utilizes a combination of brick and limestone on all four elevations of the two five-story structures. Corner units have functional balconies. The elevations have also included a decorative parapet with limestone coping. Rooftop decks have also been designed for both of the proposed buildings. The raised concrete first level landing is surrounded by a decorative iron fence with brick supports. The fence compliments the design of the proposed balconies. There have also been additional storage spaces provided within the parking level.

Access: The parking garage would be accessed from W. 4th Street at the southeast corner of the property. Pedestrian access would be gained from two sets of steps, one on W. Kirkwood and one on W. 4th Street. A concern was raised concerning ADA accessibility of the site. Although the steps are not conducive to handicap accessibility, the lower parking level will have access to the enclosed elevators.

Landscaping: There are no specific landscaping requirements for this site. Landscaping must be provided to the satisfaction of the Board. The petitioner has proposed a series of planters that surround the proposed building. Staff finds these planters to be adequate for a downtown residential project.

Right-of-Way Improvements: The petitioner has committed to constructing sidewalks to City standards. They have also committed to creating a tree plot and adding pedestrian scale lights similar to their previous downtown projects. At the DRC meeting, it was noted that additional coordination is needed between the petitioner and the City concerning the W. Kirkwood streetscape. The petitioner's streetscape should be designed consistently with Phase Three of the Kirkwood Improvements. The City's Kirkwood Avenue utility and streetscape project is currently in the process of preliminary design.

Stormwater: Due to the large amount of impervious surface on the existing site, the stormwater effects for this project will be minimal. All surface stormwater will tie into existing curb inlets.

Utilities: The site is adequately served with public water and sanitary sewer.

Signage: No signage has been proposed with this petition. Any signage must meet the requirements of the Zoning Ordinance.

Parking: Due to the CD zoning of this site, no off-street parking is required by the Zoning Ordinance. With this conditional use request, it is in the Board's purview to

analyze the appropriate parking associated with the requested increase in allowable density. The petitioner is proposing to construct a partially below-grade parking garage with approximately 80 spaces. With the 59 units as proposed, the parking ratio for the project is approximately 1.35 spaces per unit and 0.83 spaces per bedroom. Staff finds this number of on-site structured spaces to be more than adequate parking for a downtown residential project.

Neighborhood Input: The petitioners met with the Prospect Hill neighborhood to provide an overview of their plans. Staff has not received any specific comments from the neighborhood. One comment was received from an adjacent business owner regarding parking concerns. These concerns are not specifically with the petitioner's proposal. They center more on the need for additional City garages to accommodate all the new units being proposed.

CRITERIA AND FINDINGS

20.05.04.05 Standards For Conditional Use

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.

Staff's Findings: The proposed development is consistent with what was envisioned with the adoption of the GPP and the Zoning Ordinance. More specifically, the project promotes the goals of the GPP in the following manner:

- Creates higher residential densities within the Urban Core, achieving a more compact urban form while minimizing encroachment into core neighborhoods (Compact Urban Form/Conserve Community Character);
- Effectively reaches the development potential of this parcel without disturbing environmentally sensitive areas (Nurture Environmental Integrity);
- Effectively utilizes existing infrastructure in the urban core, rather than creating a need for new infrastructure associated with non-core developments (Leverage Public Capital);
- Provides additional revenues into the Downtown Tax Increment Finance district (Leverage Public Capital).
- Allows for increased vibrancy and sustainability of Bloomington's Downtown (Sustain Economic and Cultural Vibrancy);
- Decreases the number of Average Daily Trips (ADT) required by centrally locating housing units in close proximity to services (Mitigate Traffic).

Traditional materials, such as brick and limestone, have been used to tie the proposed structure into the remaining downtown area. Although traditional materials have been used, the proposed architecture is unique in the downtown area. This further helps to

Serve Diversity within Bloomington.

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

Staff's Findings: Staff finds no nuisance creation associated with this upscale apartment development. This is the type of development that the City has been encouraging in the downtown.

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;

Staff's Findings: Conversely, this development will have several positive impacts on the surrounding areas. The high quality of architecture will greatly enhance the character of the downtown over the vacant and blighted sight that currently exists. The new downtown residents associated with this site will help to keep the area vibrant. In addition, the high parking ratio of this development will not create undue burden upon the surrounding 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;

Staff's Findings: Due to the urban nature of this site, it can be adequately served by public utilities without great difficulty. No significant off-site utility upgrades are necessary.

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

Staff's Findings: Because the project is located in the CD zoning district with a mixed land use environment, residential neighborhood traffic patterns will not be unduly impacted. Since the project is also located in an urban environment, with access to public transportation, commercial services, and other destination uses, trip generation rates are approximately 1/2 of a typical apartment project located in a suburban 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;

Staff's Findings: *The only existing structure on the site is a one-story block building of no architectural significance. There is no landscaping or greenspace on the site that would be removed with this petition.*

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

Staff's Findings: Staff finds no nuisance or hardship. These items have not been issues with previous downtown residential projects of this type.

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,

Staff's Findings: *The petitioners are not proposing any signage with this petition. Any future signage must meet the requirements of the Zoning Ordinance.*

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

20.05.04.06 Additional Criteria Categories of Conditional Use

X. *Downtown Development Opportunity Overlay. 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.*

Staff's Findings: Because no parking, on-site landscaping, or setback requirements exist in the CD zoning district, the petitioner has no additional code standards that apply.

CONCLUSION: This approval is needed only for the additional density that has been proposed, no variances have been requested. Staff finds the density to be appropriate and desired for this area. Furthermore, staff finds this request to be an excellent redevelopment opportunity for a blighted site and therefore is in support of this project.

RECOMMENDATION: Staff recommends approval of this petition with the following conditions:

1. Prior to permit issuance, the petitioner shall meet with the City Engineering Department to design the W. Kirkwood streetscape to be fully compatible with the City's Kirkwood Improvements, Phase Three.
2. All landscaping shown within the ROW must receive approval from the Public Works Department prior to their installation.

3. Street trees must be a minimum of 3 inches in caliper. Street tree species must be approved by the City's Urban Forester.
4. All sidewalks and ramps must be constructed to ADA standards.
5. Approval from the Board of Public Works is required for any proposed encroachments of steps into the ROW. The Public Works department must also approve a street lighting plan prior to issuance of a grading permit.
6. All rooftop and site stormwater must be conveyed to existing stormwater inlets.

GUIDELINES TO BE USED BY THE REDEVELOPMENT COMMISSION IN
RECOMMENDING TERMS FOR TAX ABATEMENT

	Downtown subarea A	Downtown subarea B	Downtown subarea C	Miller Drive South Central Westside	Other Areas of City
Single family or condominium housing in Economic Development Target Areas	10 Above first floor only	10	10	3	0
Multi-family housing 20% affordable housing	10 Above first floor only	10	0	3	0
Industry/Manufacturing	0	6	0	0	6
Industry/Manufacturing Equipment	0	5	0	0	5
Office space 5,000sq.ft. minimum	3	3	0	0	0
Retail in EDTA only	3	3	0	0	0
Hotel/Convention Center	10	10	0	0	0

A project may be upgraded (ex: from 0 to 3 years) or downgraded (ex: from 6 to 3 years) at the discretion of the reviewing bodies based on such factors as the following:

Increase

1. Well-compensated permanent jobs will be created for residents of the city. Compensation may include wages and benefits such as childcare.
2. If project is a housing development, at least 50% of the units will be set aside and be affordable (HUD Fair Market rent) for low to moderate income individuals. (50-80% area median income)
3. A historic building is rehabbed according to the Secretary of the Interior Standards.
4. Project provides a major public infrastructure improvement paid by the developer.
5. The project is located in the downtown area.
6. If the project is a housing development the units are handicap accessible, and/or the units are designed for occupancy by senior citizens.

Decrease

1. The density of the area is increased by the project, except in the Downtown areas.
2. Historic buildings are not rehabilitated according to the Secretary of the Interiors Standards. Determinations on rehab standards shall be made by the City Historic Preservation Officer, following the guidelines established by the Department of the Interior, and may be appealed to the local Historic Buildings and Study Commission.
3. Project requires major public infrastructure improvements requiring additional cost to the city.
4. Project is not consistent with long range plans for the area.

Ineligible Projects

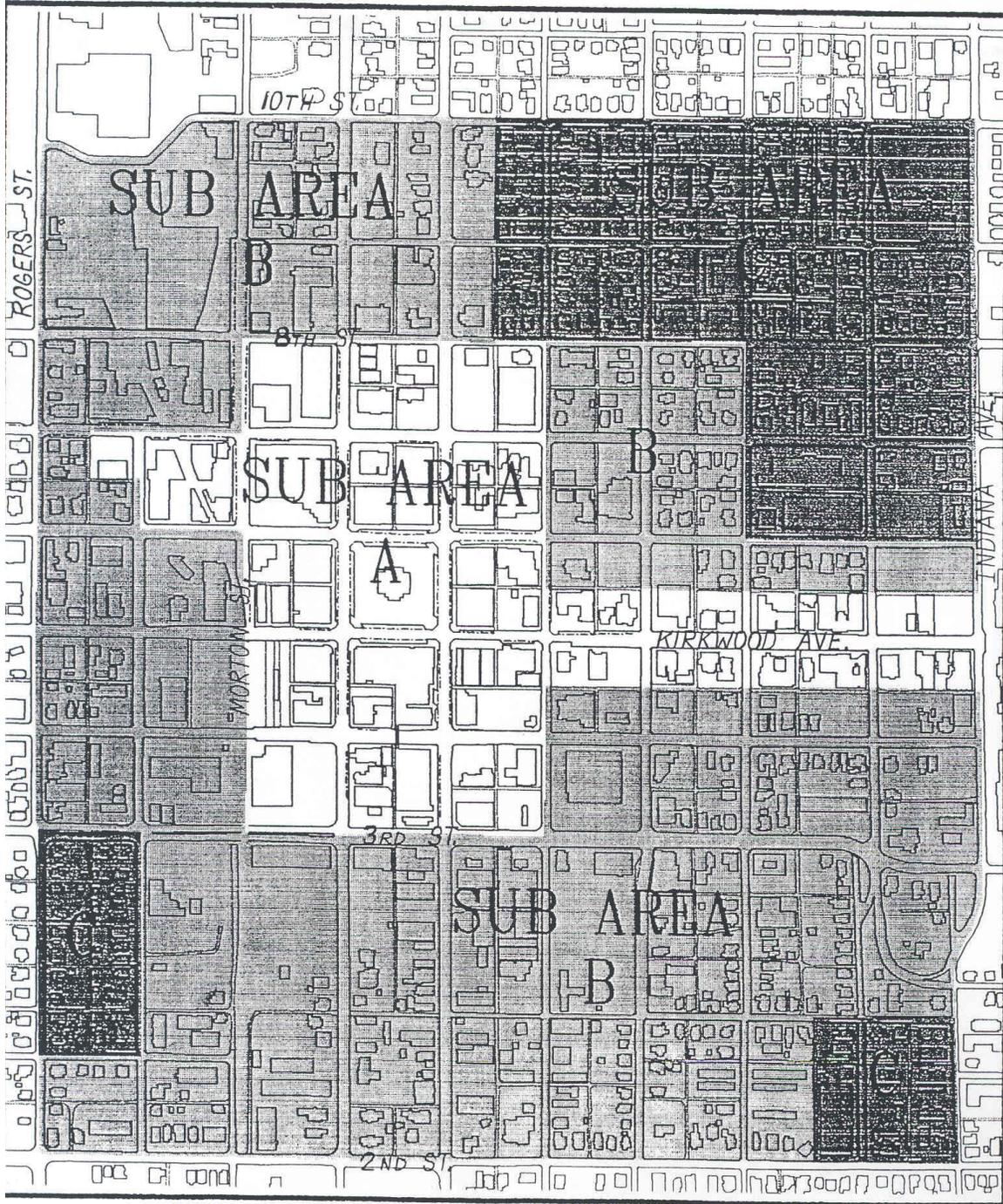
Projects will not be considered if a building permit. Has already been obtained or construction has been initiated. This is because the decision of the Council to designate the Economic Revitalization Area must be based on the finding that the area is "undesirable for normal development."

Projects that involve the demolition or removal of structures listed on the local Historic Register, or eligible for individual listing on the National Historic Register, or that are contributing structures within a nationally or locally designated historic district will not be considered for tax abatement. This is to encourage preservation of the cultural heritage of the community. Determinations on eligibility shall be made by the city Historic Preservation Officer, following the guidelines established by the Department of the Interior, and may be appealed to the local Historic Buildings and Study Commission.

The city council has the right to void the tax abatement designation awarded to a project if the project has not been initiated within twelve (12) months of the reconfirmation date of the tax abatement resolution, or if the actual use is different than that approved.

Tax Abatement for the rehabilitation or development of real property is not eligible for the following types of facilities:

1. Private or commercial golf courses.
2. Country club.
3. Massage parlor.
4. Tennis club.
5. Skating facility (including roller skating, skateboarding, or ice skating).
6. Racquet sport facility (including any handball or racquetball court).
7. Hot tub facility.
8. Suntan facility.
9. Racetrack.
10. Any facility the primary purpose of which is:
 - a. retail food and beverage service;
 - b. automobile sales or service; or
 - c. other retail; unless the facility is located in an economic development target area as established by the Bloomington Economic Development Commission.
11. Residential, unless the facility is a multi-family facility that contains at least twenty percent (20%) of the units available for use by low and moderate income individuals or unless the facility is located in an economic development target area established under section 7 of Indiana statute (I.C. 6-1.1-12.1-7).



ORDINANCE 03-01

TO DESIGNATE AN ECONOMIC DEVELOPMENT TARGET AREA

**Re: 315 West Kirkwood & 314 West Fourth Street
(CFC, Inc., Petitioner)**

WHEREAS, Indiana Code 6-1.1-12-7(a) authorizes the Common Council to designate an area as an Economic Development target Area; and

WHEREAS, statutory criteria require that an area so designated must be an area that:

- (1) has become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration or improvement or character or occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevented a normal development of property or use of property; or
- (2) is designated as a registered historic district under the National Historic Preservation Act of 1966 or under the jurisdiction of a preservation commission organized under Indiana Code 36-7-11, 36-7-11.1 or 14-3-3.2; or
- (3) encompasses buildings, structures, sites or other facilities that are:
 - (A) listed in the national register of historic places under the National Historic Preservation Act of 1966; or
 - (B) listed on the register of the Indiana historic sites and historic structures; or
 - (C) determined to be eligible for listing on the Indiana register by the state historic preservation officer; and

WHEREAS, the City of Bloomington Economic Development Commission considered the request to designate the area commonly known as 315 West Kirkwood and 314 West 4th Street, Bloomington, Indiana, as a Economic Development Target Area at a meeting held on November 22, 2002; and

WHEREAS, the Economic Development Commission voted in Resolution 02-08 to recommend that the Common Council designate the above described area as an Economic Development Target Area in compliance with Indiana Code 6-1.1-12.1-7(a);

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

SECTION 1. The area commonly known as 315 West Kirkwood and 314 West 4th Street, Bloomington, Indiana, described in Exhibit A attached hereto and incorporated herein, is hereby designated as an Economic Development Target Area under the authority of Indiana code 6-1.1-12.1-7(a).

SECTION 2. The favorable recommendation of the Economic Development Commission shall be attached hereto and made a part hereof.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2003.

, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____
day of _____, 2003.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2003.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance designates the area commonly known as 315 West Kirkwood and 314 West 4th Street in Bloomington, Indiana, as an Economic Development Target Area. Such designation will enable the residential use of the buildings to be eligible for tax abatement.

**RESOLUTION 02-08
OF THE
ECONOMIC DEVELOPMENT COMMISSION
OF THE
CITY OF BLOOMINGTON, INDIANA**

WHEREAS, Indiana Code §6-1.1-12.1-7 specifies that an economic development target area may be designated by the Common Council after a favorable recommendation by an economic development commission; and

WHEREAS, the Bloomington Economic Development Commission, at the request of the petitioners (CFC, Inc.) held a meeting on November 22, 2002 to consider petitioner's application for economic development target area designation of 315 West Kirkwood, in the City of Bloomington, Indiana; and

WHEREAS, the Commission has determined after the meeting that the application falls within the statutory qualifications in Indiana Code §6.1.1-12.1-7 and has voted approval of the designation;

NOW THEREFORE, BE IT RESOLVED by the Bloomington Economic Development Commission that the Commission recommends to the City of Bloomington Common Council that an ordinance be passed designating the above described location as an economic development target area.

PASSED this ___ day of November 2002.

President
Bloomington Economic Development Commission

Secretary

Ordinance 03-01
To Designate An Economic Development Target Area
- Re: 315 West Kirkwood & 314 West Fourth Street
(CFC, Inc., Petitioner)

Exhibit A

Legal Description of Property

Street Address:

314 West Fourth Street and
315 West Kirkwood Avenue,
Bloomington, Indiana

Original Plat:

Inlots 81, 82, 135, and 136, and vacated alley

Total Area:

.815 acres

Ordinance 03-01

To Designate An Economic Development Target Area

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**Re: 315 West Kirkwood & 314 West Fourth Street
(CFC, Inc., Petitioner)**

**Please See Res 03-01 for Further Background
Material**



City of Bloomington
Office of the Common Council

MEETING NOTICE

Common Council Demolition Review Study Committee

The Council Demolition Review Study Committee will meet at 5:00 p.m. on Wednesday January 8, 2003. The meeting will be held in Council Chambers at City Hall (401 N. Morton Street). Because a quorum of the Council may be present, this meeting would also constitute a meeting of the Council, as well as of this committee under the Indiana Open Door Law. For that reason, this statement is providing notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Dated and Posted: December 30, 2002