

City of Bloomington Common Council

Legislative Packet

4 April 2012

*Please consult the [legislative packet](#) issued in interest of the
21 March 2012 Common Council meeting for
Ordinance 12-06 and Ordinance 12-07.*

*Please consult the [legislative packet](#) issued in interest of the
28 March 2012 Common Council meeting for Resolution 12-03.*

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402
812.349.3409

council@bloomington.in.gov
<http://www.bloomington.in.gov/council>



Packet Related Material

Memo
Agenda
Calendar
Notices and Agendas:

None

Legislation for Second Reading:

- **Res 12-03** Resolution of the City of Bloomington, Indiana Consenting to the Financing of Improvements to the YMCA of Monroe County, Inc. Through the Issuance of Economic Development Revenue Bonds by Monroe County, Indiana

Contact: Adam Wason, 349-3419, wasona@bloomington.in.gov

Please see the [Council Legislative Packet](#) prepared for the 28 March 2012 Committee of the Whole to find the legislation, summary and related materials for this item.

- **Ord 12-06** To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel”: Re: Changing the Name and Focus of Section 2.23.050 from the “Community and Family Resources Commission” to the “Commission on the Status of Children and Youth”

Contact: Pete Giordano at 349.3559 or giordanp@bloomington.in.gov

- **Ord 12-07** To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re: To Amend Chapter 15.26 Entitled “Neighborhood Traffic Safety Program” to Approve Installation of Traffic Calming Devices in the Prospect Hill Neighborhood (on West Third Street) and to Amend BMC 15.32.090 - Schedule N (Limited Parking) per 90-Day Order

Contact:

Justin Wykoff at 349-3417 or wykoffj@bloomington.in.gov or

Roy Aten at 349-3591 or atenr@bloomington.in.gov

Please see the [Council Legislative Packet](#) prepared for the 21 March 2012 Regular Session to find the legislation, summary and related materials for the latter two items.

Legislation and Background Material for First Reading:

- **Ord 12-08** To Vacate a Public Parcel – To Vacate a Public Parcel - Re: Alley Right-of-Way Running North/South between North College Avenue and North Morton Street, North of West Ninth Street (KPM Hotel group, Petitioner)
 - Aerial Map of with Vacated Alley Highlighted; Map of Site and Surrounding Zoning; Staff Report to Council from Lynne Darland, Zoning and Enforcement Manager; Petition; Survey and Legal Description; Letter from Petitioner; Insert Indicating Responses from Utilities and Emergency Services; Plan Staff Report – 5 March 2012 Plan Commission Meeting; Petitioner Statement to Plan Commission; Site Plan; 3-D Conceptual Elevations from All Four Sides; Photos of the Vacated Property

Contact: Lynne Darland at 34-3529 or darlandl@bloomington.in.gov

Minutes from Special and Regular Sessions:

- March 7, 2012 (Special Session)

Memo

**Reminder: Staff/Council Internal Work Session on Monday, April 2nd at Noon
in the McCloskey Room**

**Three Items Ready for Second Readings and One Item Ready for Introduction
at the Regular Session on Wednesday, April 4th**

There are three items ready for second readings and one item ready for introduction at the Regular Session next Wednesday. The three items ready for second reading can be found online as indicated above. The one item ready for introduction can be found in this packet and is summarized herein.

First Readings:

**Item One - Ord 12-08 - Vacating a Segment of the North/South Alley Running
Between North College and North Morton, Just North of West Ninth Street
(KPM Hotel Group, Petitioner)**

Ord 12-08 vacates a segment of the north/south alley between North College and North Morton, just north of West 9th Street. The petition was brought forward on behalf of KPM Hotel Group in order for them to build a 155-room, 5-6 story “Springhill Suites by Marriott” hotel.

General Vacation Procedures

Vacations of right-of-ways are governed by specific statutory procedures set forth at I.C. 36-7-3-12 et seq. and start with the Petitioner filing a petition with the Council. Under these procedures, the Clerk must assure that owners of property abutting the right-of-way are notified by certified mail of the proposed action and must also advertise the hearing wherein the public may offer the Council its comments and objections (April 18, 2012). Those objections or grounds for remonstrance are generally limited by statute to questions of access, use of public ways, and the orderly development of the area and unit as a whole. (See I.C. 36-7-3-13) Please note that aside from a failure of notice or an instance of impropriety, there is little recourse for those who object to the denial of vacation of right-of-way. In the event the ordinance is adopted, the Clerk must then file a copy with the County Recorder and the County Auditor.

In Bloomington, we begin with a pre-petition application submitted to the Planning Department. Lynne Darland, Zoning and Enforcement Manager, then reviews the request and notifies all the utility services, safety services, and the Board of Public Works of the proposed action. After receiving the responses and evaluating the proposal in terms of local criteria (described below), she prepares a report and an ordinance for the Council.

Please note that the Council's action to vacate a right-of-way or an easement must be done in the public interest. It extinguishes the City's interest in the property and generally has the effect of splitting the right-of-way between the owners of adjacent lots.

The following applies the local criteria to this request and is a summary derived from reports and background material provided by the Plan Department.

Petition – Description of Proposed Project

This alley borders on four lots at the southern end of the block just north of West 9th Street between North College and North Morton. This site was razed a few years ago to make way for another hotel project that was never built and slopes down from North College to North Morton. It is surrounded by Indiana University parking lots and properties on the north (with the Farmer House museum further north), the new German American Bank building on the east, the massive Smallwood building on the south and the Showers Complex on the west. The Petitioner submitted a plan for a hotel at this site (Site Plan) to the Plan Commission for its approval. After hearings in February and March, the Commission approved the Site Plan, the highlights of which include:

- a 155-room, 5-6 story hotel under the “Springhill Suites by Marriott” banner;
- a modern design with brick, limestone, metal and glass exterior with entrance detailing on the College and Morton;
- a footprint that is notched on the northeast corner to preserve trees on the IU property to the north and offset along West 9th to accommodate trees along the street;
- a small retail presence on the southeast corner of the property;
- three new on-street parking spaces and a 1.5-story 133-space structured parking facility accessed off of West 9th Street; and
- numerous waivers which the Staff Report attributes to the hotel use, modern design, streetscapes on three sides of the building; and severe drop in grade along 9th Street.

Concerns of Surrounding Property Owners. The Staff Report from Darland does not mention any concerns from neighbors.

Description of Vacated Property. This property includes a 12-foot wide alley right-of-way running approximately 132 feet north of West 9th Street between North College and North Morton. Please note that the survey map and the legal description of this right-of-way were provided by the Petitioner and the legal description is also set forth in the ordinance.

Interest of Utilities and Safety Services. I.C. 36-7-3-16 protects utilities which occupy or use all or part of the public way from losing their rights upon the vacation of the right-of-way, unless they choose to waive those rights. The Staff Report and materials indicate the following responses from utility services regarding access to, or facilities within, these right-of-ways:

- CBU – has no objections to the request;
- Comcast – has no problems here;
- AT&T – has facilities in the alley and will either need an easement of similar dimensions or an agreement in writing to reimburse them for relocating the existing lines elsewhere;
- Duke - has facilities in this alley that can be removed since they presently serve no customers at the adjacent four lots;
- Vectren – has a 4” cast iron gas main in the alley and will need 120-day notice in order to arrange for its removal;

Please also note that the Police, Fire and ITS Departments were also contacted and found no problem with the vacation.

Current Status - Access to Property.

The existing alley is rough with broken asphalt, runs north/south, and allows mid-block access from 9th to 11th Street. Traffic counts were done for three (fair-weather) days in early February and revealed an average of 30 cars a day used the alley. This traffic mostly occurred at 8:00 a.m. and 5:00 p.m. and related to the Indiana University parking lots to the north. Pedestrian counts were done for 9.5 hours on cold day in early February. It revealed 17 trips during that time. Remaining access on North College, 9th Street, North Morton and the east/west alley to the north led the Report to indicate “no concerns about loss of accessibility.”

Necessity for Growth

Future Status – The Staff Report indicates that “[f]uture vehicular, bicycle and pedestrian access in this area can still be accommodated through the use of North College, North Morton, West 9th Street and the nearby east/west alley” and “all public utilities can be adequately served through use of easements.” It also notes that “infill ...projects that promote an active downtown ... while providing structured parking are encouraged and clearly offset the loss of this small section of right-of-way.”

Non-City Utilization – The Staff Report indicates that the petitioner owns property on both sides of the right-of-way and has worked with Indiana University which owns the properties immediately to the north.

Compliance with regulations –The Staff Report says that the vacation “will not create any issues regarding compliance with local regulations” and goes on to note that the vacation makes way for the recently approved hotel project.

Relation to City Plans – The Staff Report indicates that “the proposal is consistent with City plans” and that “loss of this right-of-way does not conflict with the City’s Thoroughfare Plan.” It also indicates that “encouraging appropriate infill and redevelopment projects in the City’s downtown to enhance vibrancy and diversity is a goal of the Unified Development Ordinance, the Growth Policies Plan, and the Downtown Vision & Infill Strategy Plan.” Lastly, it sets forth the following benefits resulting from the development of a hotel on this site:

- “Enhancement of downtown tourism
- Hospitality-related employment
- More nearby business customers
- (Revenues) to the Downtown TIF
- Business anchor for the Morton Street corridor, and
- A new land use to mix with existing housing.”

Approvals and Recommendation

The Staff Report indicates that the Board of Public Works voted to recommend approval of this action and that the Planning Department supports it as well.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, APRIL 4, 2012
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: March 7, 2012

IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)

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

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Resolution 12-03 Resolution of the City of Bloomington, Indiana Consenting to the Financing of Improvements to the YMCA of Monroe County, Inc. Through the Issuance of Economic Development Revenue Bonds by Monroe County, Indiana

Committee Recommendation: Do Pass 9 - 0 - 0

2. Ordinance 12-06 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" Re: Changing the Name and Focus of Section 2.26.050 from the "Community and Family Resources Commission" to the "Commission on the Status of Children and Youth"

Committee Recommendation: Do Pass 9 - 0 - 0

3. Ordinance 12-07 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" – Re: To Amend Chapter 15.26 Entitled "Neighborhood Traffic Safety Program" to Approve Installation of Traffic Calming Devices in the Prospect Hill Neighborhood (on West Third Street) and to Amend BMC 15.32.090 – Schedule N (Limited Parking) per 90-Day Order

Committee Recommendation: Do Pass 3 - 0 - 6

VII. LEGISLATION FOR FIRST READING

1. Ordinance 12-08 To Vacate a Public Parcel – Re: Alley Right-of-Way Running North/South between North College Avenue and North Morton Street, North of West Ninth Street (KPM Hotel Group, Petitioner)

VIII. ADDITIONAL PUBLIC COMMENT * (A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the Agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.



City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 2 - 7 April 2012

Monday, 2 April

12:00 pm Staff - Council Internal Work Session, McCloskey
5:00 pm Redevelopment Commission, McCloskey
5:30 pm Bicycle and Pedestrian Safety Commission – Work Session, Hooker Room

Tuesday, 3 April

1:30 pm Development Review Committee, McCloskey
4:00 pm Neighborhood Improvement Grant Council Meeting, Kelly
4:00 pm Board of Park Commissioners, Parks and Recreation Conference Room 250
5:00 pm Human Rights Commission Awards Ceremony, Council Chambers
7:00 pm *ImagineBloomington*, Childs Elementary School, 2211 S. High St.
7:30 pm Telecommunications Council, Council Chambers

Wednesday, 4 April

10:00 am Tree Quote Opening, Kelly
12:00 pm Bloomington Urban Enterprise Association, McCloskey
2:00 pm Hearing Officer, Kelly
5:30 pm Commission on Hispanic and Latino Affairs, McCloskey
7:00 pm *ImagineBloomington*, Templeton Elementary School, 1400 S. Brenda Lane
7:30 pm Common Council Regular Session, Council Chambers

Thursday, 5 April

4:00 pm Bloomington Digital Underground Advisory Council, McCloskey
5:30 pm Commission on the Status of Women, McCloskey

Friday, 6 April

City Holiday – City Offices Closed

Saturday, 7 April

8:00 am Bloomington Community Farmers' Market, Showers Common, 401 N. Morton

Posted and Distributed: Friday, 30 March 2012

ORDINANCE 12-08

TO VACATE A PUBLIC PARCEL

- Re: Alley Right-of-Way Running North/South between North College Avenue and North Morton Street, North of West Ninth Street (KPM Hotel group, Petitioner)

WHEREAS, I.C. 36-7-3-12 authorizes the Common Council to vacate public ways and places, upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, the Petitioners, (KPM Hotel Group) have filed a petition to vacate a parcel of City property more particularly described below; and

WHEREAS, pursuant to I.C. 36-7-3-16, the City received written communications from utility services regarding their interests in the right-of-way and those communications are on file and available for inspection at the City Planning and Clerk and Council Office at 401 North Morton Street, Bloomington, Indiana (47402);

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

SECTION 1. Through the authority of I.C. 36-7-3-12, a portion of City-owned property shall be vacated. The property is a segment of alley right-of-way running north/south between North College Avenue and North Morton Street, north of Ninth Street in the Woodburn's Addition of the City and is more particularly described as follows:

A part of Woodburn's Addition to the City of Bloomington as recorded in Plat Cabinet B, Envelope 3 in the Office of the Recorder in Monroe County, Indiana and described as follows:

Beginning at the southeast corner of Lot 12 in said Woodburn's Addition; thence North 00 degrees 40 minutes 42 seconds East 132.12 feet to the northeast corner of Lot 11; thence South 89 degrees 34 minutes 07 seconds East 12.00 feet to the northwest corner of Lot 2; thence South 00 degrees 40 minutes 42 seconds West 132.12 feet to the southwest corner of Lot 1; thence North 89 degrees 30 minutes 22 seconds West 12.00 feet to the Point of Beginning, containing 0.036 acres, more or less.

SECTION 2. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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 _____, 2012.

TIMOTHY MAYER, 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 _____, 2012.

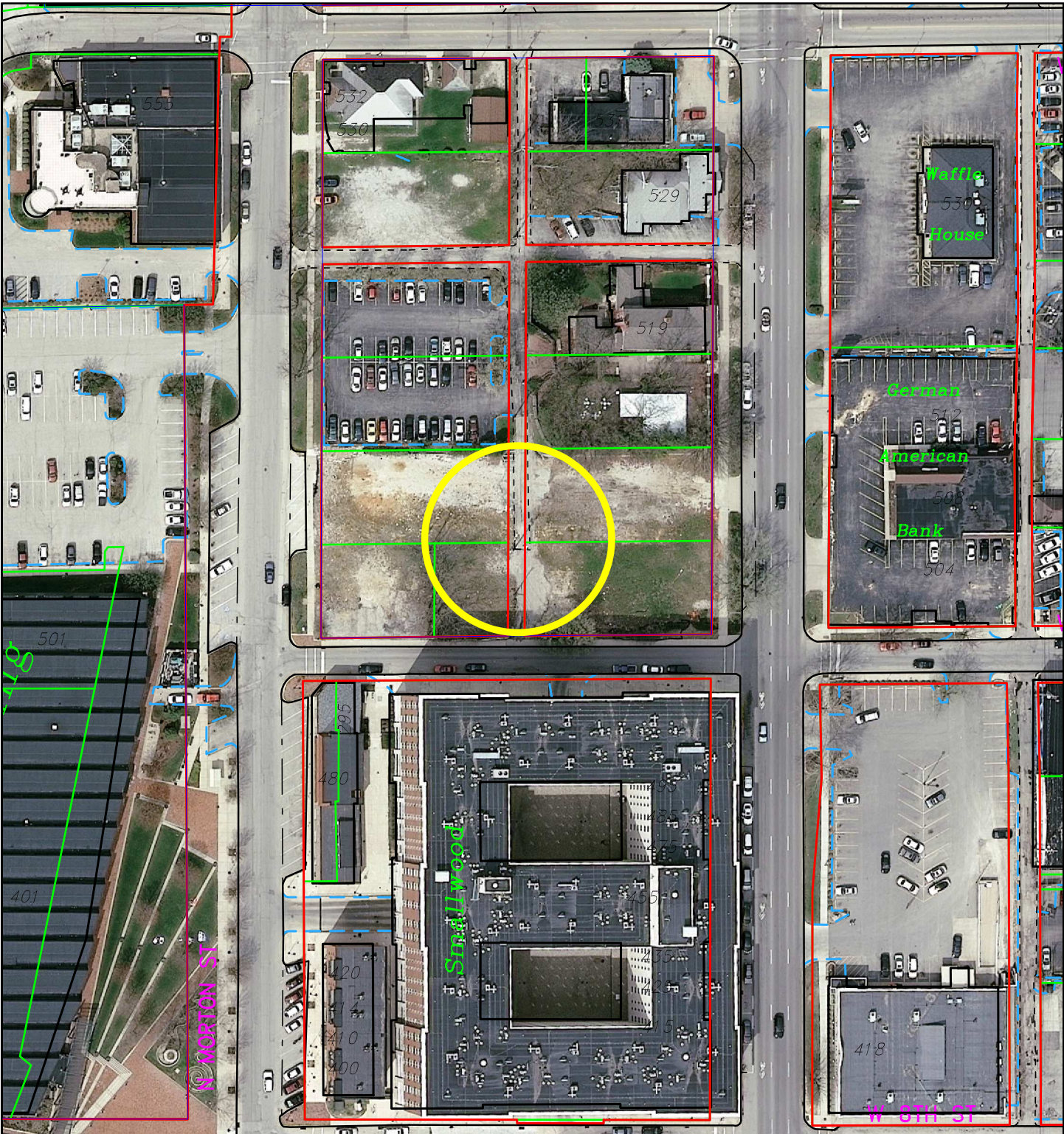
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2012.

MARK KRUZAN, Mayor
City of Bloomington

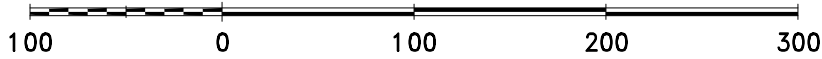
SYNOPSIS

The petitioner, KPM Hotel Group, requests vacation of a segment of alley right-of-way bounded by North College Ave. and North Morton Street, north of West 9th Street in order to construct a hotel.

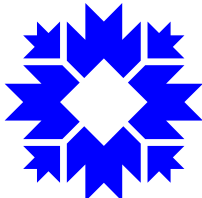


Ord 12-08 – Vacation of Right-of-Way – 501 N. College

By: shermand
 26 Mar 12
 File: LPKPM

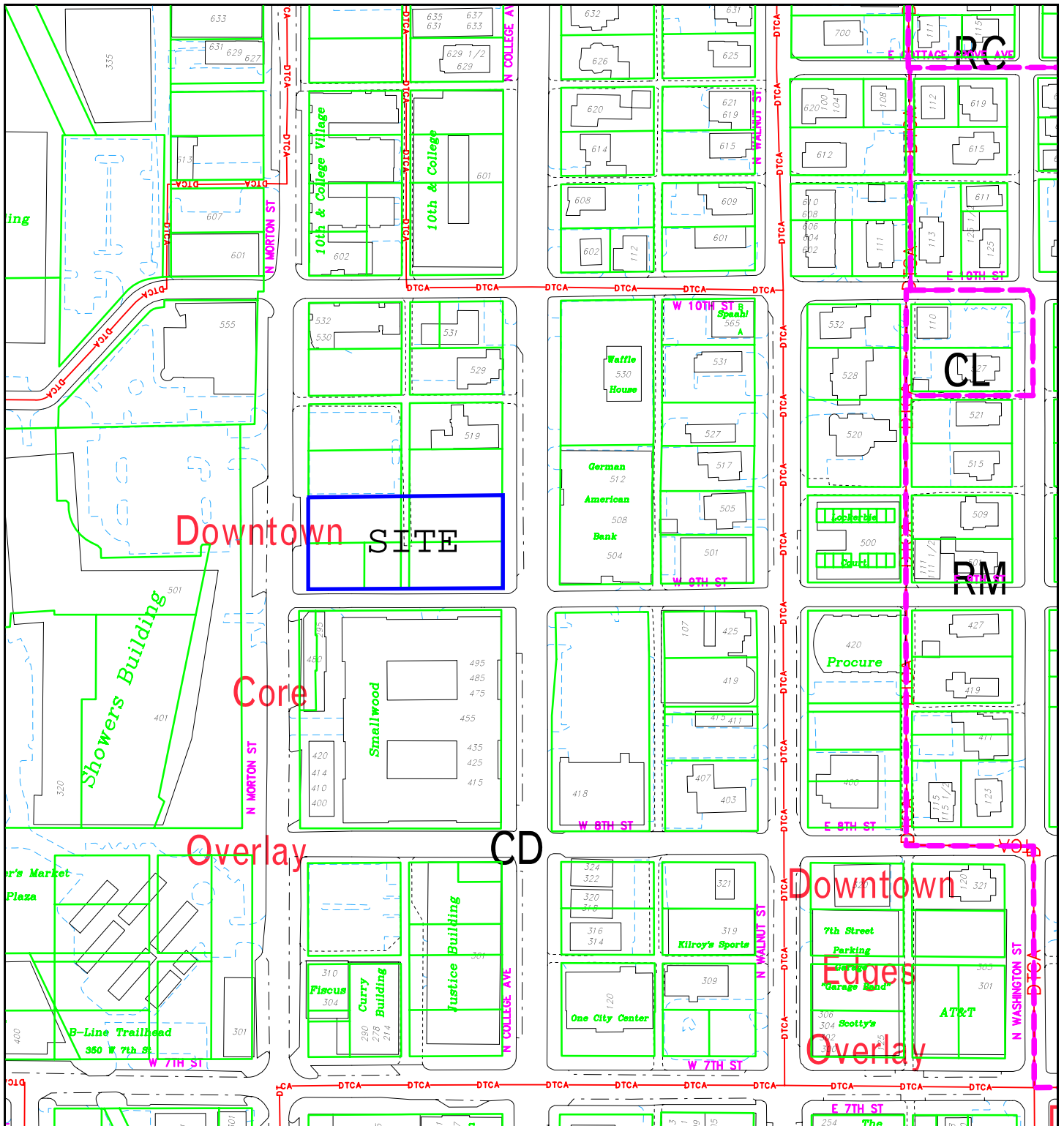


City of Bloomington
 Clerk & Council



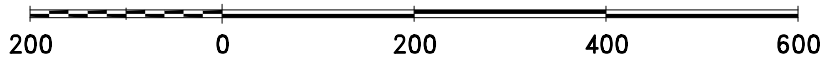
Scale: 1" = 100'

For reference only; map information NOT warranted.



SP-35-11 KPM
 Hotel Group
 Location/Zoning/
 Land-use Map

By: shapp
 31 Oct 11



For reference only; map information NOT warranted.

City of Bloomington
 Planning

N

Scale: 1" = 200'



**CITY OF BLOOMINGTON
PLANNING DEPARTMENT
MEMORANDUM**

DATE: March 26, 2012
TO: City of Bloomington Common Council Members
FROM: Lynne Darland, Zoning & Enforcement Manager
SUBJECT: Request for vacation of alley right-of-way
PETITIONERS: KPM Hotel Group (Paul Pruitt)

LOCATION: The location of this right-of-way segment is north of West 9th Street between College Avenue and Morton Street. The alley segment runs north/south from West 9th Street and measures 12 feet wide by 132.12 feet in length.

BACKGROUND: The purpose of this vacation request is to allow for the redevelopment of vacant property by KPM Hotel Group to construct a hotel. This proposed hotel building replaces the already demolished Downtown Motel, two houses and a bar/tavern.

The proposed hotel will be a Springhill Suites by Marriott. The site plan for the proposed hotel was approved unanimously on March 5, 2012 by the Plan Commission. This hotel will provide 155 rooms and be served by 133 parking spaces in a structured garage. Access for the parking will be from an entrance on 9th Street. The hotel will be 5 stories on the N. College Ave. frontage and 6 stories along Morton Street. There will be a separate, small retail space on the Morton Street frontage to increase the activity level on this street.

This property is located in the Commercial Downtown zoning district and is also in the Downtown Core Overlay (DCO) district. The intent of this district overlay is to ensure that the scale and mass of new buildings are compatible with historic structures in the area, and to promote infill and redevelopment using residential densities and building heights that are higher in comparison to other areas in the downtown. Both the Growth Policies Plan and the Downtown Vision & Infill Strategy Plan support redevelopment of this site as well as the incorporation of integrated structured parking.

The request for vacation is supported by City staff and approved by the Board of Public Works (BPW). City Fire, Police, CBU and ITS Departments have no objections to the proposed vacation. ATT Midwest, Comcast, and Duke Energy have lines in the alley, but have no objections to the relocation of these lines to accommodate construction. Vectren has a four inch low pressure main that will need to be relocated. Once Vectren receives specific plans from KMP Hotel Group to remove the gas main, Vectren will have no objections to the vacation.

The existing right-of-way runs north-south, providing cross-access to 9th Street, 10th Street, and 11th Street. For the specific property under consideration, the right-of-way allows the site to be accessed from the middle of the block along 9th Street. Because the property also has frontage on Morton, College, and 9th Street, loss of this right-of-way does not affect the ability to access this property. As

previously stated, both the Fire and Police Departments find that they can adequately serve the property, proposed building and adjoining uses without use of this right-of-way segment.

Traffic counts were completed on this segment of the alley on Monday, January 30, Tuesday, January 31, and Wednesday, February 1, 2012. There was no snow on the ground and temperatures ranged from 32 to 50 degrees Fahrenheit. For the 72 hour period there was an average of 30 vehicles per day. It appeared that most vehicles trips were at 8am and 5pm from the Indiana University parking lot directly north of the hotel site. A pedestrian count was conducted on February 7, 2012. There was no snow on the ground and temperatures ranged from 37 to 48 degrees Fahrenheit. The pedestrian count yielded 17 total trips in 9 ½ hours. It should also be noted the some areas of this alley segment are rough and have sections of broken asphalt. Because vehicles and pedestrians in this area have the ability to use Morton Street, College Ave., 9th Street, and an east-west alley between 9th and 10th Street, staff has no concerns about loss of accessibility.

Future Status: Future vehicle, bicycle, and pedestrian access in this area can still be accommodated through the use of North College Avenue, North Morton Street, West 9th Street, and the nearby east-west alley. All public utilities can be adequately served through use of easements. Infill development projects that promote an active downtown area while providing structured parking are encouraged and clearly offset the loss of this small section of right-of-way.

Proposed Private Ownership Utilization: The only interested party to this right-of-way is KPM Hotel Group. KPM Hotel Group owns the property on both sides of this alley right-of-way. Indiana University owns the adjacent property to the north. Indiana University has worked with the KPM Hotel Group and has no concerns about the loss of this right-of-way.

Compliance with Regulations: The vacation of this alley right-of-way will not create any issues regarding compliance with local regulations. Furthermore, the right-of-way vacation is required to ensure construction of the proposed hotel structure. The Plan Commission voted to approve the hotel site plan on March 5, 2012.

Relation to Plans: This proposal is consistent with City Plans. Encouraging appropriate infill and redevelopment projects into the city's downtown to enhance vibrancy and diversity is a goal of the Unified Development Ordinance, the Growth Policies Plan, and the Downtown Vision & Infill Strategy Plan. Loss of this right-of-way does not conflict with the City's Thoroughfare Plan. Furthermore, the specific development of a hotel on this site provides the following benefits to the community:

- Enhancement of downtown tourism
- Hospitality-related employment
- More nearby business customers
- Property tax enhancement to the Downtown TIF
- A business anchor for the Morton Street corridor, and
- A new land use to mix with existing housing.

UTILITY INTERESTS: The following utility and city service organizations have responded to this request with no objections for the vacation of the existing right-of-way:

- **The City of Bloomington Public Works Department**
 - **The City of Bloomington Utilities Department**
 - **The City of Bloomington Information & Technology Services Department (ITS)**
 - **AT&T**
 - **Duke Energy**
 - **Comcast Communications**
 - **City of Bloomington Police Department**
 - **City of Bloomington Fire Department**
 - **Vectren**
-

RECOMMENDATION: Both the Planning Department and the Board of Public Works recommend that the City vacate the right-of-way in question.



**City of Bloomington
Office of the Common Council**

Petition for Vacation of Public Right-of-Way

Ordinance: Ord 12-08
Hearings:

Council Chambers	Regular Session - First Reading	4 April 2012
401 North Morton Street	Committee of the Whole - Discussion	11 April 2012
7:30 p.m.	Regular Session – Public Hr & Final Action	18 April 2012

Address of Property 501 North College Avenue

Description of Proposed Vacation: The southern portion of the north/south alley running between 9th and 10th Street and North College and North Morton. This portion of the alley lies between Woodburns Addition Lots 1, 2, 11 & 12, is approximately 12 feet wide, and runs 132 feet north of 9th Street.

Name of Petitioner KPM Hotel Group (Paul R. Pruitt)
Address 1202 East Sample Road, Bloomington, IN 47408
Phone 317-796-1281 (prpruitt@aol.com)

Consultant Doug Bruce (Tabor/Bruce Architecture)
Address 1101 South Walnut, Bloomington, IN 47401
Phone 812-332-6258 (dbruce@taborbruce.com)

Abutting Property Owners: Trustees of Indiana University,
P.O. Box 500, Bloomington, IN 47405

This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

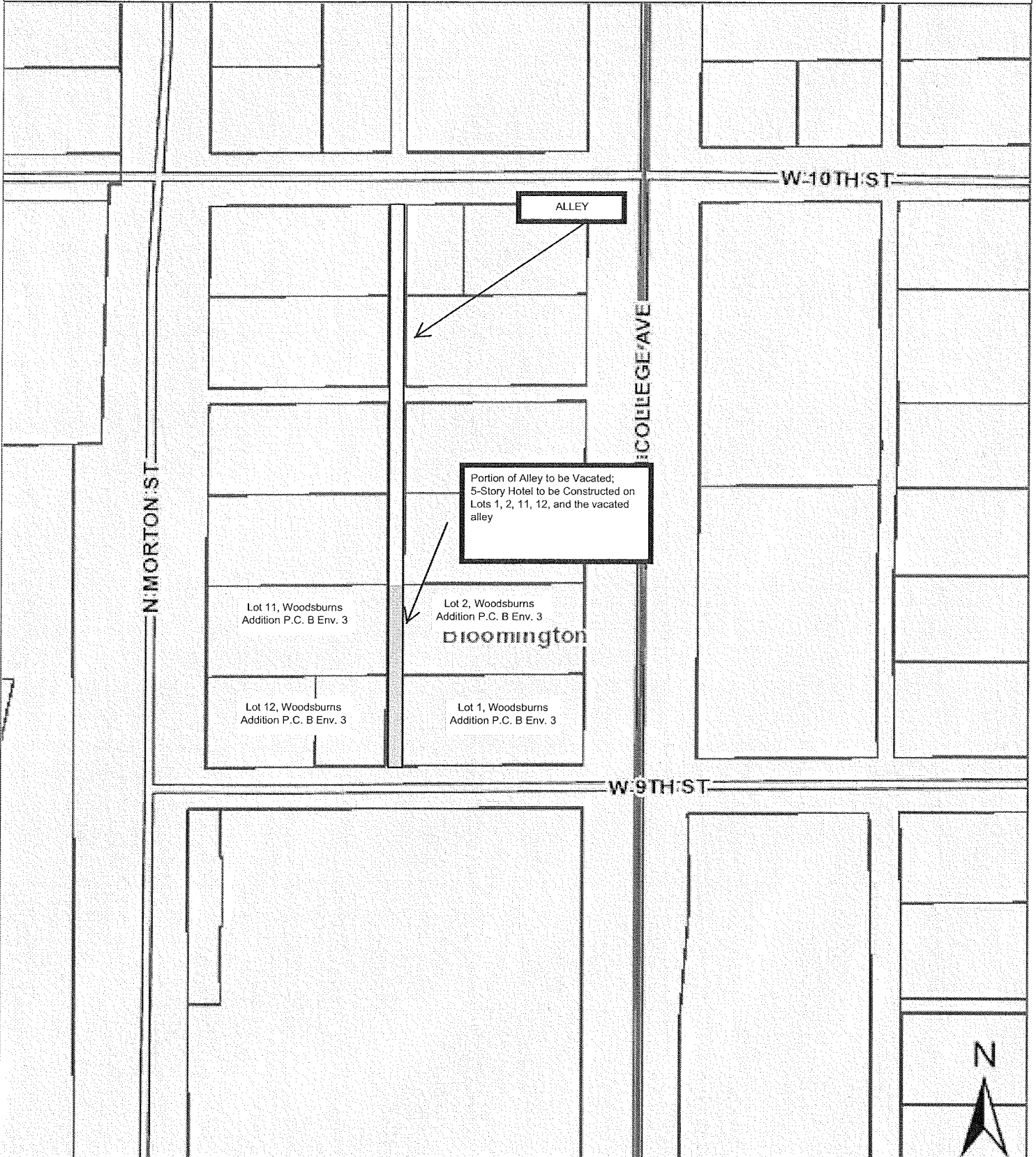
I (we) agree that the applicant will provide a list of and notify all adjacent property owners by certified mail at the applicant's expense.

I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.

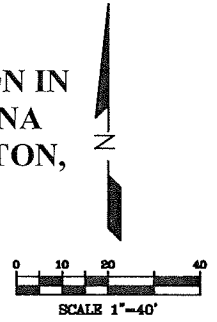
Signature: Paul Pruitt Date: 3-27-12

Proposed Public Right-of-Way Vacation
Southern Portion of Alley Between Lots 1, 2, 11, and 12

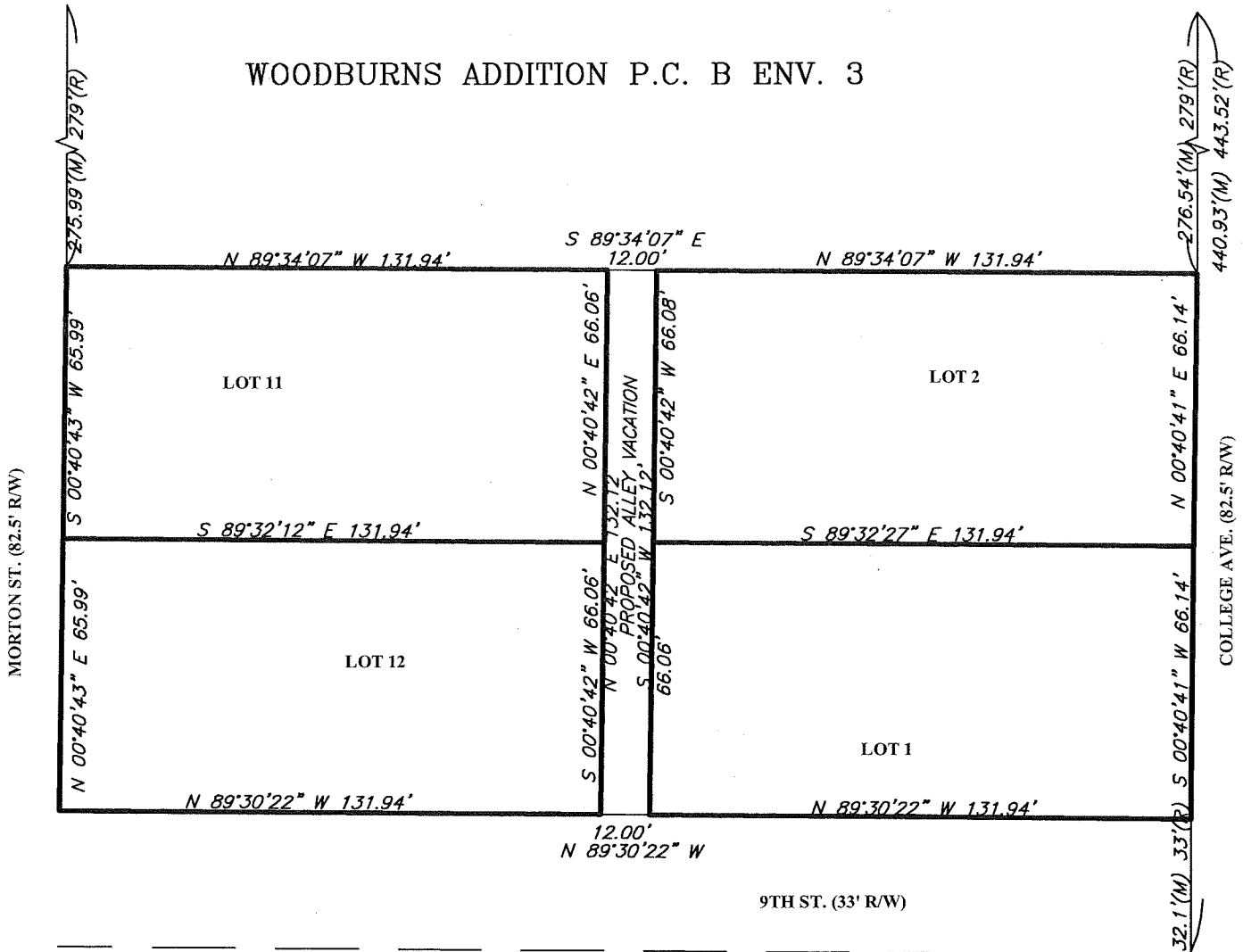


**LOTS 2, 11, 12 AND PART OF LOT 1 AND PROPOSED ALLEY VACATION IN
 WOODBURN'S ADDITION TO THE CITY OF BLOOMINGTON, INDIANA
 BEING A SUBDIVISION OF OUT LOT 37 IN THE CITY OF BLOOMINGTON,
 MONROE COUNTY, INDIANA**

JOB No. 5824



WOODBURNS ADDITION P.C. B ENV. 3



**LOTS 2, 11, 12 AND PART OF LOT 1 AND PROPOSED ALLEY VACATION IN
WOODBURN'S ADDITION TO THE CITY OF BLOOMINGTON, INDIANA
BEING A SUBDIVISION OF OUT LOT 37 IN THE CITY OF BLOOMINGTON,
MONROE COUNTY, INDIANA**

JOB No. 5824

Description

Lot Number One (1) in Woodburn's Addition to the City of Bloomington, Indiana, being a subdivision of Out Lot Number Thirty-seven (37) in the City of Bloomington, Indiana, and bounded as follows, to-wit: Commencing at a point 344 3/4 feet South of the Northeast corner of said Out Lot Number 37, thence running West 132 feet, thence South 65 3/4 feet thence running East 132 feet; thence running North 65 3/4 feet and to the place of beginning.

Also, Lot Number Twelve (12) in Woodburn's Addition to the City of Bloomington, Monroe County, Indiana, being a subdivision of Out Lot No. 37 in said City and bounded and described as follows: Commencing 344 3/4 feet South of the Northwest corner of said Out Lot No. 37, running thence East 132 feet, thence South 64 3/4 feet; thence West 132 feet; thence North 65 3/4 feet to the place of beginning. EXCEPTING THEREFROM 52 feet of even width off the East end of said Lot No. 12 in Woodburn's Addition as hereinabove described.

ALSO, Fifty-two (52) feet off the East end of Lot Number Twelve (12) in Woodburn's Addition to the City of Bloomington, Monroe County, Indiana, being a subdivision of Out Lot Number Thirty-seven (37) in said City bounded and described as follows, to-wit: Commencing Three Hundred Forty-four and Three-fourths (344 - 3/4) feet South of the Northwest corner of said Out Lot Number Thirty-seven (37); running thence East One Hundred Thirty-two (132) feet, thence South Sixty-five and Three-fourths (65 - 3/4) feet; thence South Sixty-five and Three-fourths (65 - 3/4) feet; thence West One Hundred Thirty-two (132) feet; thence North Sixty-five and Three-fourths (65 - 3/4) feet to the place of beginning.

Lot Number Eleven (11) in Woodburn's Addition to the City of Bloomington, Indiana, being a subdivision of Out Lot Number Thirty-seven (37) bounded as follows, to-wit: Commencing 279 feet South of the Northwest corner of said Lot Number 37; thence East 132 feet; thence South 65 - 3/4 feet; thence West 132 feet; thence North 65 - 3/4 feet to the place of beginning.

Also, Lot Number Two (2) in Woodburn's Addition to the City of Bloomington, Indiana, being a subdivision of Out Lot No. 37 bounded as follows, to-wit: Commencing 279 feet South of the Northwest corner of said Lot Number 37; running thence West 132 feet; thence South 65 - 3/4 feet; thence East 132 feet; thence North 65 3/4 feet to the place of beginning.

Also, Proposed Alley Vacation

A part of Woodburn's Addition to the City of Bloomington as recorded in Plat Cabinet B, Envelope 3 in the Office of the Recorder in Monroe County, Indiana and described as follows:

Beginning at the southeast corner of Lot 12 in said Woodburn's Addition; thence North 00 degrees 40 minutes 42 seconds East 132.12 feet to the northeast corner of Lot 11; thence South 89 degrees 34 minutes 07 seconds East 12.00 feet to the northwest corner of Lot 2; thence South 00 degrees 40 minutes 42 seconds West 132.12 feet to the southwest corner of Lot 1; thence North 89 degrees 30 minutes 22 seconds West 12.00 feet to the Point of Beginning, containing 0.036 acres, more or less.

Owners (Name & Address) of All Property Abutting the Proposed Vacation

Indiana University

Lynn Coyne, Assistant Vice President for Real Estate and Economic Development

812 855 4100

lyncoyne@indiana.edu

November 9, 2011

City of Bloomington Planning Department
Attention: Lynne Darland
P.O. Box 100
Bloomington, IN 47402

RE: Pre-Petitioner Review
Public Right-of-Way Vacation

Ms. Darland:

Please find herein, and attached, information regarding the above-referenced matter.

Public Right-of-Way

The public right-of-way in question is a portion of a North-South interior alley which terminates to the South at 9th Street, and to the North at 10th Street, in between parcels of land which face College Avenue and Morton Street.

Current Use

The portion of the alley proposed to be vacated (Southern portion between Lots 1, 2, 11, and 12, as shown in attached exhibits) is in poor repair, and is not heavily used for accessing existing private property.

Adjacent Property Owners

The proposed vacation will not affect the ability of the adjacent property owner, Indiana University, to gain access to their property. Access is available via both Morton Street and College Avenue. In addition, the alley will terminate at the Southern portion of their properties, thereby still creating access via the alley at its 10th Street terminus, if desired.

Proposed Private Ownership Utilization and Benefits

The request for the vacation of the proposed portion of the alley is to allow for the connection of Lots 1, 2, 11, and 12, which are currently intersected by this portion of the alley, in order to create a continuous land parcel in connection with the development of a 155 room branded hotel development, and specifically, a continuous below-grade parking deck as part of the hotel's dedicated parking garage. The benefits of the this are as follows:

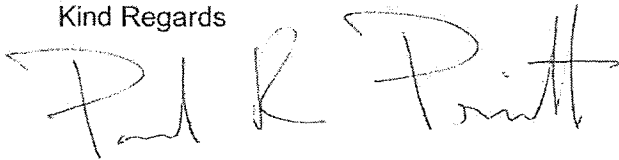
- <> The City gains a 155-room branded hotel in Bloomington's core downtown district;

KPM Hotel Group

- <> The hotel's dedicated parking garage is concealed within the structure of the building (continuous below-grade parking deck and at-grade deck);
- <> The vacation of the alley makes the branded hotel development viable. The development will increase the real estate tax base in a TIF district, create an expected 30-40 permanent jobs in downtown Bloomington, and further bolster the economic vitality of downtown Bloomington and its tourism industry.

Thank you very much for considering this request.

Kind Regards

A handwritten signature in cursive script that reads "Paul R. Pruitt". The signature is written in dark ink and is positioned to the right of the typed name.

Paul R. Pruitt

ORDINANCE 12-08

TO VACATE A PUBLIC PARCEL

- Re: Alley Right-of-Way Running North/South between North College Avenue and North Morton Street, North of West Ninth Street (KPM Hotel group, Petitioner)

Responses from Utilities and Safety Services

(Available in the Plan Department and Clerk/Council Office)

I.C. 36-7-3-16 (b) provides that utilities that are occupying and using all or part of the right-of-way for the location and operation of their facilities at the time the vacation proceedings are instituted may continue to do so after the vacation of right-of-way, unless they waive their rights by filing written consent in those proceedings.

Utility Interests in the Alley Ways

Vectren	Has a 4” cast iron main facility in this alley. Upon request to retire it by the Petitioner, which Vectren says that it will need 120 days to design, submit necessary paper work, acquire materials, schedule and complete the removal.
Duke	Has “no objections” to this vacation. It has facilities in this alley that can be removed since they presently serve no customers on these four lots.
Comcast	Has “no problem” here.
City of Bloomington Utilities Dept ATT Midwest	Has “no objection” to this request. Has no objections to the vacation as long as the Petitioner provides ATT Midwest with a utility easement of the same dimensions as the existing right-of-way or agrees in writing to reimburse ATT Midwest for expenses incurred in relocating the existing facilities.
Bloomington Digital Underground	Has “no reservations” with this request.

Safety Services Interest in the Alley Ways

Police Department	Has no objections.
Fire Department	Is fine with granting the vacation

**BLOOMINGTON PLAN COMMISSION
SECOND HEARING STAFF REPORT
Location: 501 N. College Avenue**

**CASE #: SP-35-11
DATE: March 5, 2012**

**PETITIONERS: KPM Hotel Group
1202 E. Sample Rd, Bloomington**

**CONSULTANT: Tabor/Bruce Architecture
1101 S. Walnut St, Bloomington**

REQUEST: The petitioners are requesting site plan approval to allow construction of a 155-room hotel in the Commercial Downtown (CD) Zoning District.

Area:	Approximately 0.84 Acres
Zoning:	Commercial Downtown (CD)
Downtown Overlay:	Downtown Core Overlay (DCO)
GPP Designation:	Downtown
Existing Land Use:	Vacant
Proposed Land Use:	Hotel
Surrounding Uses:	East - Mixed-Use
	South - Mixed-Use (Smallwood)
	West - Office (Showers Complex)
	North - Office, Parking (IU)

FIRST HEARING SUMMARY: This proposal was presented to the Plan Commission at its February 6 meeting. There was significant discussion regarding the petition. The discussion generally focused on the following issues:

- Lack of non-residential space along Morton St.
- Visual interest on 9th St. Façade
- Desire for better architectural modeling
- Parking needs
- Morton Streetscape
- College Streetscape and entrance detailing

Overall, there were positive comments regarding the addition of a new hotel downtown rather than additional student housing. There was strong guidance to the petitioners to create some active presence along N. Morton Street. Additional concern was expressed regarding architectural treatments along W. 9th St.

CHANGES SINCE FIRST HEARING: Since the first hearing, the petitioners have made several revisions to the petition. Significant changes to the proposal include the following items:

Non-residential Space on Morton St.: The petitioners have revised their plan to include a small retail tenant space at the corner of Morton St. and 9th St. Although relatively small, one of the petitioners' representatives has a similar sized retail tenant within another building he owns along W. Kirkwood Ave. This change addresses staff and the Plan Commission's main concern that there had not been an adequate level of pedestrian and architectural interest along the Morton St. façade. This change greatly improves the pedestrian interest along this street frontage.

New massing models: The petitioners have provided new graphic massing models with additional contextual buildings. These model exhibits are provided in your packet.

Architectural Changes.: The petitioners have revised the 9th St. elevations in response to the Plan Commission's first hearing comments. The number of mechanical louvers has been reduced along 9th St. A canopied, pedestrian entry has also been added in a central location. In addition, the petitioners have extended the wall modulation above the garage entry to grade, creating some modulation at the street level. Further, an art mural has been included on the 9th St. façade. The petitioners have altered the Morton façade to accommodate the proposed commercial space. The angle display windows have been removed and replaced with spandrel glass, an additional exterior door has been proposed, the canopy at the corner has been slightly enlarged, and the small plaza area has been removed.

Retention of on-street parking along Morton St.: The petitioners originally planned to remove several on-street parking spaces along Morton St. to create a small public plaza space. This streetscape has now been revised to retain the 5 existing angled spaces and add three additional spaces in place of an existing parallel parking space. The parking will help with the viability of the small retail space that has been proposed. The Public Works Department must approve the new spaces prior to grading permit issuance.

Revisions to College Ave. entry: At the request of a few Plan Commission members, the petitioners have replaced several small windows near the College Ave. entrance with larger storefront glass and have enlarged the glass and metal entry canopy. An entry detail for this entrance has been included in your packet.

SITE PLAN REVIEW DEVELOPMENT STANDARDS

Maximum Impervious Surface: The petitioners' project would be permitted to cover as much as 100% of the site with impervious surface. As currently proposed, the petitioners are close to maximizing the allowable impervious surface coverage.

Height: As measured by the UDO, the proposed hotel stands approximately 71 feet in height. This exceeds the Plan Commission review threshold of 50 feet. As proposed, this structure is taller than the Morton Mansions project to the north (57 feet) and lower than the adjacent Smallwood Plaza building to the south.

Height Waiver - 20.03.120(b): Staff finds that 71 feet is a typical height associated with a hotel. For reference, the Hilton Garden Inn is approximately 67 feet in height. As stated, the proposed structure is lower along the College Ave. frontage (approximately 57 feet). Staff finds the proposed height to be appropriate for the site and compatible in scale with the surrounding area. Staff recommends that the Plan Commission approve the additional height for the proposed building.

Parking: As a non-residential use within the DCO, the petitioners are not required to install any parking spaces for this development. The UDO parking standard for a hotel is one parking space per lodging unit. The petitioners have revised their garage plan to include 133 parking spaces for their 155 rooms. Unlike most uses in the downtown, staff finds parking for a hotel use to have a larger inherited need over other potential uses. The petitioners are proposing these spaces within 1.5 levels of a partially structured parking garage below the hotel that would be accessed from a single drive cut onto W. 9th Street.

The Plan Commission requested additional parking information from the petitioners regarding other downtown hotels. The petitioners have found that the Hilton Garden Inn secures parking spaces based upon a ratio of approximately 85-90% of their anticipated occupancy rates. The petitioners are proposing a .86 space per room ratio for the total rooms available.

Bicycle Parking: The petitioners are required to place a minimum of four covered bicycle parking spaces. Staff recommends that these spaces be placed near the pedestrian entrance and within the garage. Although not required, staff encourages the petitioners to place more bicycle parking spaces than required due to the size of the development.

Setbacks: The proposed building is located at the build-to line for both Morton St. and College Ave. However, the proposed hotel building is set back approximately 6 feet from the 9th St. right-of-way line to allow for a full sidewalk with tree grates to be installed. The proposed structure meets the sideyard setback of 0 feet along the north property line.

Front Setback Waiver (9th St.) – 20.03.120 (d)(1): Staff is supportive of this waiver. This waiver would allow the petitioners to achieve another desired design element by installing street trees along 9th St. The proposed structure will still have the feeling of a structure built at the property line since the sidewalk will extend to the structure. An easement must be placed on the portion of the sidewalk that is outside of the right-of-way.

Ground Floor Non-Residential Uses: This project is in an area that requires non-residential use along all street frontages and a minimum 50% of the ground floor level. In addition, structured parking is not considered as a non-residential use within the CD district. This requirement is further complicated due to having multiple ground floors due to the severe grade change found on the property. Staff finds that the ground floor hotel lobby space along the College Ave. frontage satisfies the UDO requirement. However, along the 9th St. and Morton St. facades, staff finds that the requirement has not been met.

This requirement has two main purposes. The first is an attempt to restrict solely residential buildings within commercially viable areas. The second is to create a more vibrant streetscape that creates pedestrian interest at the street level. As a solely non-residential structure, the proposal clearly meets the first intent of this requirement. The petitioners have revised their plans for Morton St. to include a small, 658 square-foot retail space at the intersection of 9th St. and Morton St.

Ground Floor Non-residential Waiver – 20.03.120(e): Due to the large amount of structured parking associated with this project, it does not meet the ground floor non-residential requirements. With the submitted changes, staff supports this waiver. The use of the property certainly meets the first intent of this requirement mentioned above. The addition of the small retail space at the corner of the building will create additional pedestrian interest and activity as intended by this requirement. Staff recognizes that a priority has been placed on the east and west streetscapes due to higher pedestrian and vehicular traffic levels. Additional “storefronts” are also more difficult along 9th St. due to the significant elevation changes from east to west.

ARCHITECTURAL STANDARDS: Architectural elevations and a color model of the proposed structure have been included in your packet.

Building Frontage, Alignment, Orientation and Entrances: The structure is proposed to be constructed with a building forward design that fills both the corners at 9th St. and Morton St. and 9th St. and College Ave. Although the proposed structure meets the 70% minimum street frontage guideline for the DCO, the majority of the building is located approximately 5 feet closer to College Ave. than the adjacent historic Woodburn House to the north. There is approximately 96 feet between the historic structure and the proposed structure. Staff finds that the additional 5 feet of setback will have a negligible impact due to the large distance between the buildings.

Alignment Waiver – 20.03.130 (a)(2): Staff is supportive of this waiver. Staff also took this proposal for an informal review by the Historic Preservation Commission (HPC). The HPC had no concerns with the alignment of the proposed structure in relation to the adjacent historic building.

The structure has been “notched” at the northeast corner to allow for better survivability of two of three adjacent trees located on the IU property immediately to the north. The building includes a parking structure that is below grade at this part of the property. The petitioners have met with the adjacent property owner to discuss the proposed plan.

All three street frontages would require pedestrian entrances. The petitioners originally had not planned to include a pedestrian entrance along 9th St. due to its grade changes. However, the petitioners have added a centrally located pedestrian entry along 9th St. that will directly access the upper level of the structured parking deck. They have also included a canopy structure above this entry and the vehicle entry point.

Streetscape: The petitioners will be improving much of the existing sidewalk/street tree

area for this project to comply with the UDO standards. These improvements include sidewalk reconstruction and ADA ramp upgrades as well as 5' x 5' tree grates. There are currently two existing street trees located at the corner of 9th St. and College Ave. and 9th St. and Morton St. The petitioners have proposed to remove both of these street trees. The tree along Morton is a smaller tree that could be transplanted. However, the tree along College Ave. is a larger box elder. In 2008, the street tree at 9th St. and College Ave. was going to be retained in a partially grassed tree plot to lessen the potential impact to the tree during and after construction. After discussions with the City's Urban Forester, it has been determined that the existing tree is an undesirable box elder. He has recommended that this tree be removed and replaced with a tree with better urban characteristics. He also recommended that the proposed street tree species be altered to create more variety in this area.

The current 9th St. right-of-way is very narrow and does not have adequate width to allow both a sidewalk and street trees within the right-of-way. As previously stated, the petitioners have proposed to set the structure back from this right-of-way line several feet to allow street trees to be installed. This will place portions of the sidewalk outside of the right-of-way. Although not desirable, staff finds this to be a better alternative to not having street trees. Portions of the sidewalk outside of the right-of-way will have to be placed within a pedestrian easement. Staff has worked with the City's Urban Forester to determine the appropriate tree species for this frontage due to the high degree of shade it will receive.

The UDO requires that the petitioners utilize pedestrian scale lighting of a maximum 15 feet in height. The DCO allows either traditional or contemporary style lights to be used. The petitioners have shown several lights on their current site plan. Current street light policy would require a total of 5-6 street lights; one at each of the adjacent intersections, additional lights on College Ave. and Morton St., as well as 1-2 additional lights on 9th St. These lights have been shown on the revised site plan. Final style and locations must be approved by the Public Works Department.

Mechanicals: The UDO requires all mechanicals to be screened through a combination of screening and location. The petitioners will achieve these screening requirements by placing a majority of mechanicals on the roof and incorporating screening walls.

Void-to-Solid Percentage – The DCO gives guidance for the first level of a building to have a minimum of 60% void to solid and upper floors to have a minimum of 20% void-to-solid. The petitioners meet the 20% upper level requirement but due to the grade change on 9th St. and the lower level garage space, they do not meet the first floor void-to-solid requirement.

Void-to-Solid Waiver – 20.03.130(b)(2): Staff finds that the petitioners have achieved a storefront design along the two main street frontages of Morton St. and College Ave. The 9th Street façade falls far short of this requirement except at the areas adjacent to the intersections. Similar to the waiver from ground floor non-residential requirements, this deficiency is mainly due to the large amount of grade differential between Morton St. and College Ave. Furthermore, this space is largely

the underground parking area. Staff is supportive of this waiver with a priority given to the two main street frontages.

Windows: As proposed, the upper level windows do not meet the minimum 1.5 to 1 window height to width ratio. If the conditioner units are included, they would visually meet this requirement. Many of the windows also do not have the required lintels or sills. This is due to the style of the building and requires a waiver. Although a new storefront has been added to the Morton St. frontage, the petitioners are proposing to utilize spandrel glass along a portion of this frontage to give the appearance of storefront in front of the structured garage area. A waiver is required to do non-transparent glass at this location.

Window Design Waiver – 20.03.130(b)(3): These waivers are due mostly to two things. First, the style of the building is not a traditional building that would utilize a more traditional sill and lintel. In addition, the use of this building as a hotel necessitates the need for individual PTAC (HVAC) units for the rooms. The inclusion of the units below the windows creates a visual opening that meets the intent of the 1.5:1 ratio as required. Staff is supportive of these waivers as well as a waiver for the spandrel glass as described above.

Materials: The petitioners are proposing a building with a mix of limestone, brick, and metal panels. No material waivers are requested with this proposal.

Additional Design Elements: Due to the style of building chosen, the building does not have a pronounced cap.

Building Cap Waiver – 20.03.130(b)(5)(A): Staff is supportive of this waiver. Although this standard could be met, the waiver is requested to allow for a more modern looking building to be constructed.

Entrance Detailing: The proposed entry along College Ave. utilizes a metal and glass canopy structure and recess to clearly identify entrances. Although not shown on the plans, the petitioners will be able to modify the College Ave. entrance to meet entrance standards. A building address, signage, and lighting must be added to this entrance. There are two entrances proposed on Morton St. The first is a pedestrian entry to the structured parking garage. In response to the Plan Commission's comments at the first hearing, the petitioners have added a commercial storefront along Morton St. This space has included an exterior pedestrian entrance and entrance canopy that will wrap around the corner of the building.

MASS, SCALE, AND FORM:

Building Façade Modulation: The UDO requires building offsets of a minimum 3% of the total façade width on all the Morton St. and 9th St. facades. Due to the length of the proposed building, the 9th St. offset would need to be just over 8 feet to meet this guideline. Although, the petitioners have not designed this building that meets these offsets, the proposed architecture has included modulation and relief for the upper levels of the building along College Ave. and 9th St.

Façade Modulation Waiver – 20.03.130(c)(1): Staff is supportive of this waiver. The standard could be met if the proposed offsets were continued to the right-of-way line. However, it is the desire to create room for street trees on 9th Street that created the need for this waiver. This design is also typical of a hotel use where rooms are aligned in long corridors that make these large off-sets difficult.

Building Height Step Down: The UDO requires buildings next to historically surveyed structures to include a building step down of the first building module. It may be no higher than 1 story or 14 feet, whichever is less, as compared to the highest elevation of the historic structure. It is estimated that the adjacent structure is approximately 28 feet in height. That would limit the proposed building to a maximum of 42 feet instead of the current proposal of 56.5 feet in height.

Building Height Step Down – 20.03.130(c)(2): The adjacent historic Woodburn House is nearly 96 feet between the structures. Staff took this proposal to the HPC for an informal review. The HPC expressed no concerns with the waiver of this standard due to the significant distance between buildings. Staff is supportive of this waiver.

Building Height Step Back: The DCO guides structures over 45 feet in height to step back upper levels 15 feet from the lower levels along street frontages. The proposed structure is 59 feet in height along Morton St. and reduces in height as it approaches College Ave. due to the grade change across 9th St. Similar to other hotels in the downtown including the Hilton Garden Inn, the petitioners have not proposed to recess the upper floors of the structure.

Building Height Step Back Waiver – 20.03.130(c)(3): Staff supports this waiver. Other downtown hotels have not been approved/constructed with these step-backs. The proposed building is set back from the adjacent building to the north and is lower than the Smallwood building to the south. Staff does not find that the step back will provide a significant benefit for these streetscapes.

ENVIRONMENTAL COMMISSION: The Environmental Commission reviewed this petition and offered the following recommendations:

1. The petitioner should salvage useable old or leftover material from the construction activities and make these materials available for reuse or recycling.

Staff's response: Although not required, staff would also encourage the petitioners to salvage leftover construction material. The petitioners have stated that they will have a waste management plan to significantly reduce the amount of construction waste discarded in a landfill.

2. The petitioner should provide space for recycle-destined material to be stored for pick up.

Staff's response: Although not required, staff has encouraged the petitioners to include designated space for recycling within the structure.

3. The petitioner should include as many green building features as possible.

Staff's response: The petitioners have provided additional details regarding green building features that have been incorporated into the proposal. These have been included with the petitioner's statement within the packet.

4. The petitioner should enhance the character, aesthetics, and usability of the site along all three streets with increased landscaping and other visual and ecological enhancements.

Staff's response: There is little opportunity for landscaping along any of the street frontages. Staff finds the only practical way to achieve this goal would be through the addition of a green wall. Staff would encourage the petitioners to explore the addition of green wall technologies along 9th St.

5. The petitioner should change the street tree species to Regal Prince Oak (*Quercus robur* x bi-color) along Morton Street and College Avenue, and to Boulevard Lindon (*Tillia Americana* 'bi-color) along Ninth Street. All tree grates shall be at least five feet by five feet.

Staff's Response: Staff agrees with the EC and has addressed this concern with recommended condition of approval number 1.

DEVELOPER TRACK RECORD: The main partner of KPM is Paul Pruitt. He has been involved in one other downtown proposal at the southwest corner of E. Kirkwood Ave. and S. Washington Street. Although a new condo project was approved on that site, construction never occurred and the existing building was extensively remodeled. No violations have been associated with that project or the petitioners.

CONCLUSION: Ultimately, staff finds the revised proposal to address the majority of concerns raised at the first Plan Commission meeting. This is especially evidenced by the addition of the small retail space at the intersection of Morton St. and 9th St. Staff finds that the majority of waivers are justified due to; the proposed desirable use as a hotel, the more modern architecture being proposed, and the characteristics of the property including having three street frontages and a severe grade change across the property.

RECOMMENDATION: Staff recommends approval of SP-35-11 with the following conditions:

1. The petitioners must revise the street tree species to Regal Prince Oak along Morton Street and College Avenue, and to Boulevard Linden along Ninth Street. Alternative street tree species may be permitted in consultation with the City's

Urban Forester.

2. Any portions of the proposed public sidewalk along W. 9th Street must be placed within a pedestrian easement prior to issuance of final occupancy.
3. No new parking spaces are authorized with this approval unless approval from the Public Works Department is received.
4. The primary pedestrian entrance along College Ave. must include the required lighting, signage and address.
5. The "planting strip" shown along Morton St. must be revised to show a widened concrete sidewalk.
6. All street lights must be pedestrian scale street lights. Style and location of these lights must be approved by the Public Works Department prior to installation.
7. This approval is contingent upon the granting of an alley vacation request by the Common Council.
8. A parabolic mirror or similar method approved by the City Engineering Department must be incorporated into the vehicle entry along W. 9th St.

November 9, 2011

City of Bloomington Planning Department
Attention: Mr. Tom Micuda
P.O. Box 100
Bloomington, Indiana 47402

**RE: Petitioner's Statement
Proposed Branded Hotel Development
9th Street & N. College Avenue**

Sir:

We are pleased to submit the attached proposed branded hotel development ("Development") for plan commission review. Please see the enclosed plans, detailing the current design.

Location

The site of the Development is currently vacant land located along 9th Street, spanning the block from N. College Avenue to Morton Street. A Candlewood Suites Hotel was previously approved on the site in 2008. The surrounding land uses include a variety of residential and commercial uses, including the Smallwood Apartment Complex (South), 501 N. College, which contains the new downtown German American Bank branch (East), a surface parking lot and residential structure owned by Indiana University (North), and the historic Showers Building across Morton Street (West). The site is currently dissected on its North-South axis by a 12' alley, a portion of which will require vacation in order for the Development to proceed.

Concept

The conceptual underpinning of the Development is to introduce a vibrant 155-room addition to the Bloomington-area hotel stock, in the heart of the downtown core, which will be the first new lodging delivery to the downtown since 2006. The petitioner is in discussions with Marriott regarding the site.

Design

Building and Materials. The Development is comprised of a 5-story, L-shaped building, situated on top of a 2-level parking structure which is fully integrated with the building, and the site, which slopes substantially from East to West (~16 feet). The primary material palette consists of two different colors of brick (dark and light), and limestone. The building's design inspiration is modern, complimenting the buildings recently constructed on Morton Street and on North College Avenue, as well as the Showers building, but includes the use of materials which pay homage to Bloomington's heritage, such as limestone. Glass is utilized to highlight the key corners and facades of the building, as well as changes in the exterior brick between light and dark shades. The longer North and South elevations of the building undulate both horizontally,

via recessing of portions of the façade, and vertically, via changes in parapet lengths/heights, in addition to variation between light and dark brick to add visual interest.

Site Placement. The building is situated on the site with consideration for its adjacent neighbors; for example, the building is held back ~ 20 feet from the residential structure utilized for alumni events by Indiana University, as well as various older trees which are planted very close to the site property line in this area (North). The private parking garage serving the Development takes advantage of the substantial slope of the site (~16 feet) from East (N. College) to West (Morton Street), tucking the two levels of parking into the hillside, allowing for architectural integration of the entire structure.

Façade Treatment. The building's primary facade is the North College Avenue elevation, where the proposed hotel lobby entrance is located, along with substantial windows which open the hotel lobby, gym, and pool area to the streetscape. This elevation is further emphasized by the proposed blade sign for the proposed hotel, which is reinforced by an integrated brick blade spanning the height of the building, steel canopies over the storefront windows, a 'wing' steel canopy over the lobby entrance, various limestone, and the addition of glass at the building corner. The Morton Street façade mirrors many elements of the North College elevation, including a blade sign for the proposed hotel, storefront glass at street level with steel canopies, and additional glass at the building corner. The 9th Street elevation undulates both vertically and horizontally, with the East and West end-caps highlighted by additional glass at the building corners, as well as wrapping steel canopies, and mirroring brick color schemes.

Streetscape Treatment. Grated street trees will be added around the building elevations in the sidewalks, as well as additional landscaping where possible.

Access & Parking. The primary pedestrian entry to the Development is located on North College Avenue (front door to lobby). A guest-drop off will be provided on North College, in front of the proposed hotel entry. The secondary pedestrian entry to the Development is located on Morton Street. All levels of the Development, including the garage, are tied together by an elevator/stair towers, and provide full access for the disabled.

Vehicular access to the dedicated parking garage is provided via a two-way entry on 9th Street, with 24 foot drive lanes throughout the garage. The current design accommodates ~90% parking ratio relative to the 155 guest rooms of the proposed hotel. In order to provide this parking, a portion of the aforementioned 12' alley will need to be vacated.

Room Mix & Ancillary Amenities. The current proposed room mix contains a majority of 'queen/queen' rooms. Ancillary amenities, in addition to those standard to this caliber of hotel (lobby, lobby bar, pool, gym, business center), include ~2,800 square feet of meeting space located adjacent to the proposed hotel's lobby, with windows facing 9th Street.

Community Impact

Investment in Downtown Bloomington. The proposed branded hotel represents an exciting, and substantial, investment in downtown Bloomington. The project investment is currently estimated at \$16.5 Million dollars.

Impact. The proposed branded hotel represents an opportunity for community job creation, not only in the form of the typical 35-40 jobs put in place with the opening of this type of hotel, but also in the form of an estimated 250-300 construction jobs during the projected 12-month

KPM Hotel Group

construction period. The proposed hotel will further bolster and support tourism in the area, which represents a \$280 MM per year industry in Monroe County, supporting in excess of 3,800 jobs. The hotel is estimated to generate annual taxable gross revenues of \$6.5 Million per year, driving Innkeepers Tax Revenue of \$325,000 per year. Innkeepers Tax Revenues currently benefit the County Convention and Visitor's Bureau (60%) and the County Convention Center (40%).

Thank you for the opportunity to submit the proposed branded hotel development for review. We look forward to working together on this Development.

Kind Regards,

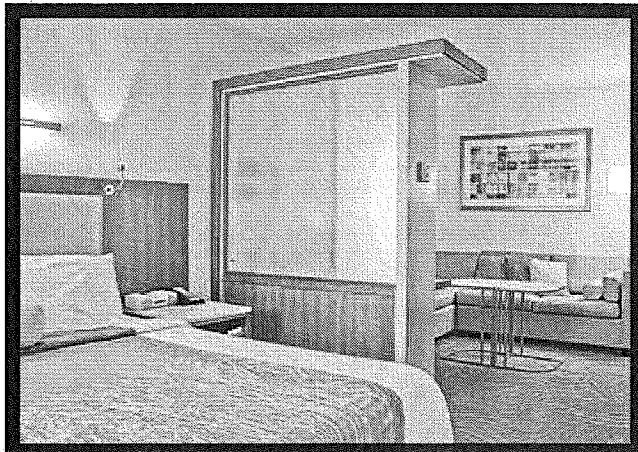
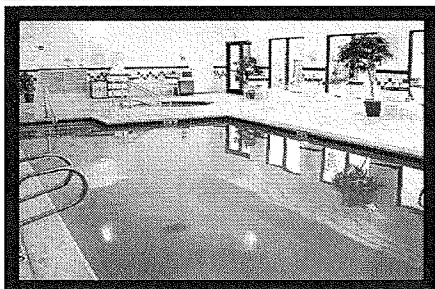
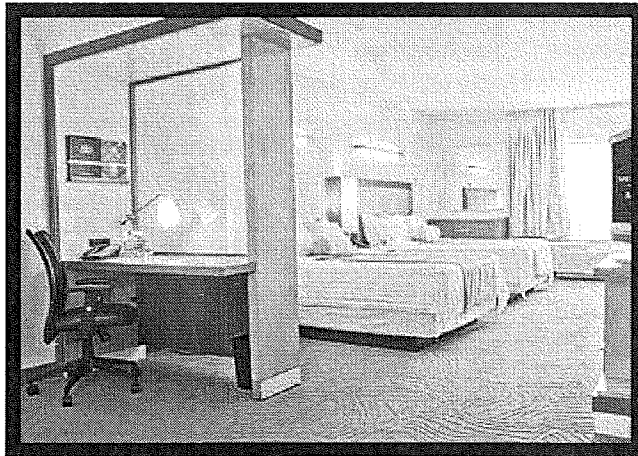
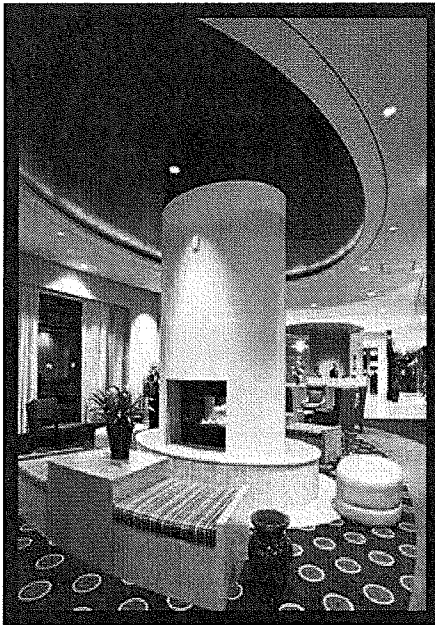
Paul R. Pruitt

Proposed 155-Room Hotel
9th & College (directly North of the Smallwood Apartment Complex)

Hotel Overview

Type: Select-Service
Rooms: 155
Parking: Dedicated on-site structured parking (90% parking ratio)
Amenities: Gym; Pool; Lobby; 2-3 Meeting Rooms on lobby-level
Brand: SpringHill Suites by Marriott*

The proposed branded hotel will add the first new Class-A select service hotel to downtown Bloomington in six years. Marriott is an international lodging leader, with more than 3,500 properties under its various 'flags'; Marriott-branded hotels were voted "Best Sales & Service" and "Best U.S. Hotel Chain" by Travel Weekly Magazine readers (December 21, 2011). Marriott's guest loyalty program has ~ 34 million members. The SpringHill Suites by Marriott maintains the highest guest satisfaction scores in the Marriott brand portfolio, confirming the efficacy and desirability of the brand which has been selected for the proposed hotel development.



* The applicant of the proposed hotel submitted a SHS franchise application to Marriott on November 4, 2011, and expects final confirmation of the award of the franchise on or about January 13, 2011.

Hotel Economic Impact

\$17 MM Investment in Downtown Bloomington

The total cost to deliver the proposed hotel is ~ \$17 MM (including land). This investment is meaningful as it relates to the ongoing long-term revitalization/re-energizing of downtown Bloomington, from the rescue and re-use of the Courthouse, to CFC's major investment in downtown commercial retail/office space, to the concerted effort to bring people to downtown via the approval of substantial residential housing. Building more centrally-located hotels will further diversify Bloomington's mixed-use revitalization, allowing visitors to not just commute to downtown, but to stay downtown, with the ability to walk to local restaurants, retail, the B-line trail, and the I.U. campus, in keeping with, and supportive of, the vision of a pedestrian-friendly, sustainable City.

Job Creation in Downtown Bloomington

The proposed SpringHill Suites by Marriott hotel will create an estimated 35 new permanent jobs. In addition, an estimated 300 construction jobs will be generated during the 12-14 month projected development period.

Fiscal Impact – Tax Revenue

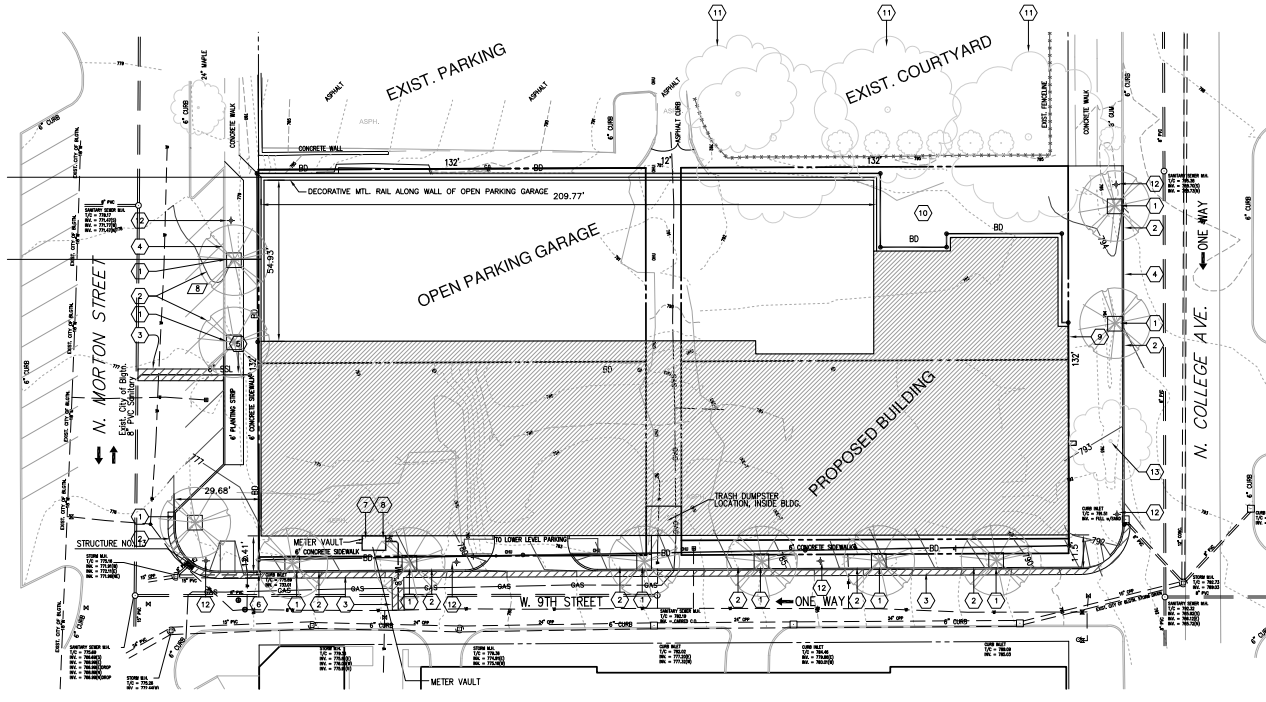
The proposed hotel will generate a variety of new tax proceeds, as estimated below:

Sales Tax Revenue	
Current Sales Tax Rate	7.00%
Projected Average Annual Taxable Revenue	6,500,000
Average Annual Sales Tax Revenue Generated	\$ 455,000
Gross Tax Revenue Generated over 30 years	\$ 13,650,000
Innkeepers Tax Revenue	
Current Monroe County Innkeepers Tax Rate	5.00%
Projected Average Annual Taxable Revenue	6,500,000
Average Annual Innkeepers Tax Revenue Generated	\$ 325,000
Gross Tax Revenue Generated over 30 years	\$ 9,750,000
Real Estate Tax Revenue	
Projected Real Estate Tax Rate	2.50%
Projected Assessed Value	\$ 17,000,000
Projected Average Annual Real Estate Tax Revenue	\$ 425,000
Gross Tax Revenue Generated over 30 years	\$ 12,750,000

Economic Multiplier Benefits

The proposed hotel (and all new downtown hotels) will also benefit the local economy via increased spending by the hotel's visitors, employees, and suppliers at downtown businesses.

THESE PLANS ARE COPYRIGHTED AND ARE SUBJECT TO COPYRIGHT PROTECTION AS "PROFESSIONAL WORK" UNDER THE TITLE OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED. SECONDARY TRADE AND TRADEMARKS ARE SHOWN AS ARCHITECTURAL MARKS. COPYRIGHT PROTECTION ACT OF 1909. THE PROTECTION INCLUDES BUT IS NOT LIMITED TO THE ORIGINAL FORM AS WELL AS THE ARRANGEMENT AND COMPOSITION OF SPACES AND ELEMENTS OF THE DESIGN UNDER SUCH PROTECTION. UNAUTHORIZED USE OF THESE PLANS, MARK OR NAME REPRESENTS, OR LEGALLY RESULT IN THE OBSTRUCTION OF CONSTRUCTION OF BUILDINGS BEING DESIGNED AND/OR UNLAWFUL COMPOSITION TO THEIR BUILT ARCHITECTURE & DESIGN.



1 SITE UTILITIES PLAN
1" = 20'

UTILITY NOTES

1. MS-1 IF SHOWN ON THE PLANS, MINIMUM SEWER ELEVATION, IT INDICATES THE LOWEST FLOOR ELEVATION THAT WILL ALLOW GRAVITY SEWER SERVICES WITHOUT A SPECIAL BLACK WATER VALVE. ANY FLOOR ELEVATION THAT WILL BE SERVED BY GRAVITY SEWER MUST BE ABOVE THE FIM ELEVATION OF THE UPSTREAM SANITARY MANHOLE. IF NOT A BROWNER VALVE MUST BE INSTALLED ACCORDING TO SECTION 400 (A) OF THE UNIFORM PLUMBING CODE. SEE SPECIFICATIONS PACKET FOR MORE DETAIL.
2. SEE SPECIFICATIONS FOR SIZES OF WATER SERVICE LINES AND SEWER LATERALS NOT SPECIFICALLY NOTED ON THE PLANS.
3. ON ALL EXISTING SANITARY MAINS, WIRES SHALL BE CUT AND SLEAVED IN PLACE BY CITY OF BLOOMINGTON UTILITIES PERSONNEL WITH THE CITY OF BLOOMINGTON UTILITIES FURNISHING ALL MATERIAL, EQUIPMENT, AND LABOR NECESSARY FOR INSULATION. DEVELOPER SHALL PROVIDE ALL NECESSARY EXCAVATION, SHORING, BRACKETS, AND SURFACE REMEASUREMENTS. PLEASE CONTACT ERIK REYNOLDS AT (317) 349-3627 FOR MORE INFORMATION.
4. WHEN CONNECTING A NEW PIPE TO AN EXISTING MAIN HOLE, THE MAIN HOLE SHALL BE CORE-DRILLED. PIPE SHALL BE CONNECTED TO THE MAIN HOLE BY EITHER A FLEXIBLE BOOT FOR 4" OR 6" DIAMETER CONCRETE OR APPROVED EQUAL. TIE-IN THROUGH SHALL BE WROUGHT AS NECESSARY TO DIRECT TO THE FLOW FROM THE NEW PIPE. INVERT OF CONNECTION SHALL BE NO MORE THAN ONE FOOT HIGHER THAN THE INVERT OUT FOR THIS STRUCTURE.
5. IN ACCORDANCE WITH SECTION 4.5.2.1.1.1 OF THE CSU CONSTRUCTION SPECIFICATIONS ALL SEWER LATERALS SHALL HAVE ALL CLEAN-OUTS, WHETHER IN GRASSY AREAS OR IN PAVEMENT, SHALL BE SUB-SURFACE AND PROTECTED BY A SURFACE METAL CASTING SUCH AS EAGLE JORDAN CHARLOTTA NO. 8-1074-A. IN GRASSY AREAS, THE CASTING SHALL BE PROVIDED WITH A CIRCULAR CONCRETE COLLAR FLUSH WITH THE TOP OF THE CASTING AND THE GROUND SURFACE. THE COLLAR SHALL BE MINIMUM 6" THICK AND SHALL EXTEND AT LEAST 6" BEYOND THE OUTSIDE OF THE CASTING ON ALL SIDES. IN PAVEMENT, THE TOP OF THE CASTING SHALL BE FLUSH WITH THE SURROUNDING PAVEMENT. THE TOP OF THE CLEAN-OUT SHALL BE NO MORE THAN 3" BELOW THE TOP OF THE CASTING. A P10 INSULATED SOLID COPPER LOCATOR WIRE SHALL BE WRAPPED AROUND ALL NON-METALLIC PIPES SO THAT THE INSULATION IS MADE AT LEAST EVERY PIPE JOINT. SPICES ARE TO BE MADE WITH AN APPROVED CONNECTOR, AND ARE TO BE SUITABLY PROTECTED AGAINST CORROSION. THE WIRE IS TO BE BROUGHT TO THE SURFACE WITH A CLEAN-OUT IN A CASTING. ALSO SEE THE CSU CONSTRUCTION SPECIFICATIONS FOR THE "STANDARD SANITARY LATERAL CLEAN-OUT DETAIL P10".
6. WHEREVER CSU PIPE IS USED FOR SOWEL, ALL WIRES SHALL BE HARDO, SIZED FOR CSU ON THE MAIN AND SDR-35 ON THE BRANCH/TRANSITION FROM CSU TO SDR-35 PIPE SHALL BE MADE BY USE OF A HARDO 2-800 TO SDR-35 ADAPTER WIRES.
7. ALL D.I.P. USED FOR SANITARY SEWER SHALL HAVE CERAMIC EPOXY LINING, MINIMUM THICKNESS 40 MILS, AND SHALL BE PROTECTED 401, AS MANUFACTURED BY HOUGHTON PROTECTIVE COATINGS. WIRES FOR D.I.P. SHALL BE HARDO D.I.P. TO SDR-35 ADAPTER WIRES.
8. A PERMANENT INDICATING VALVE IS TO BE INSTALLED 12" ABOVE THE FLOOR ON THE FIRE LINE AT THE TERMINATING POINT. THIS VALVE WILL BE USED TO MONITOR PRESSURE TEST LEAKS, AND WILL REMAIN AS PART OF THE SYSTEM ONCE ALL IS COMPLETE. THE LINE WILL NOT BE DEMOLISHED FOR CONNECTION TO THE FIRE SUPPRESSION SYSTEM.
9. ALL PROJECTS WILL REQUIRE A PRE-CONSTRUCTION MEETING WITH THE CITY OF BLOOMINGTON UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR AND/OR DEVELOPER MUST CONTACT THE UTILITIES ENGINEER AT (317) 349-3633 TO SCHEDULE A MEETING.
10. CONTRACTOR SHALL NOTIFY THE CITY OF BLOOMINGTON UTILITIES ENGINEERING DEPT. ONE (1) WORKING DAY PRIOR TO CONSTRUCTION OF ANY WATER, STORM, OR SANITARY SEWER UTILITY WORK. A CSU INSPECTOR MUST HAVE NOTICE NO WORK CAN BE INSPECTED, DOCUMENTED, A PROPER 60-MINUTE HEAD-UP WITH A CONTRACTOR WORKS ON RESIDING, A CSU DESIGNATED HOLIDAY, OR BEYOND NORMAL CSU WORK HOURS, THE CONTRACTOR WILL PAY THE INSPECTORS OVERTIME. FOR CSU WORK HOURS & HOLIDAY INFORMATION, PLEASE CONTACT THE CITY OF BLOOMINGTON UTILITIES ENGINEERING DEPT. AT (317) 349-3665.
11. CONTRACTOR SHALL CONTACT TRINA JOHNSON AT (317) 349-3639, FOR REMOVAL OF EXISTING WATER SERVICE.

SITE PLAN NOTES:

1. CITY OF BLOOMINGTON APPROVED METAL TREE GRATE.
2. NEW AUTUMN FLAME RED MAPLE (ACER REBRUM) DECIDUOUS STREET TREE, MIN. 2" CALIPER.
3. SAW CUT & PATCH EXIST. PAVT. REPLACE CONC. CURBING WHERE DISTURBED.
4. EXIST. CONC. CURB.
5. PROPOSED 6" SDR 35 PVC SEWER LATERAL. CONNECT TO EXIST. 8" CITY OF BLOOMINGTON SANITARY LINE.
6. 12" SDR 35 PVC STORM DRAIN. CONNECT TO EXIST. CITY OF BLOOMINGTON STORM DRAIN SYSTEM.
7. APPROX. LOC. OF NEW WATER METER VAULT. 6" FIRE LINE & MIN. OF 2" DOMESTIC FIRE AL. FDC & FIT MASTER METER IN ACCORDANCE WITH CITY OF BLOOMINGTON DETAIL 7A.
8. NEW FIRE LINE DOUBLE CHECK VALVE PRT. SEE CITY OF BLOOMINGTON DETAIL 7A FOR FIT CONSTRUCTION.
9. NEW FDC MOUNTED ON BUILDING FACE.
10. NEW TRANSFORMER & SWITCH GEAR LOC.
11. EXIST. OAK TREE TO BE SAVED.
12. NEW STREET LIGHT.
13. EXIST. 36" ASH TREE TO REMAIN.

SITE LAYOUT NOTES:

- ALL DIMENSIONS SHOWN ARE MINIMUM.
 - ALL BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF FRAMING (M.N.O.)
 - DOWNSPOUTS NEED TO CONNECT TO AN UNDERGROUND STORM WATER SYSTEM.
- NOTES TO SITE ENGINEERS:
- LOCAL REGULATIONS MUST BE REVIEWED TO INSURE THAT ALL PLAN REQUIREMENTS ARE MET.
 - THE GEOTECHNICAL ENGINEER SHALL BE RESPONSIBLE FOR DESIGN OF THE "PAVEMENT SECTIONS" HOWEVER, THE DESIGNER SHALL BE RESPONSIBLE FOR SHOWING THE PAVEMENT DESIGN ON THE PLANS, INCLUDING DIFFERENTIATING BETWEEN STANDARD AND HEAVY DUTY PAVEMENT AREAS.
 - ALL APPLICABLE STATE (DOT) AND LOCAL (PUBLIC WORKS DEPARTMENT) CONSTRUCTION STANDARDS AND SPECIFICATIONS SHALL BE USED AS REQUIRED FOR SITE SPECIFIC ISSUES.
 - ALL CURB RADI ARE 3' UNLESS OTHERWISE NOTED.

GENERAL SITE NOTES:

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND VERIFYING THAT ALL PERMITS AND APPROVALS ARE OBTAINED FROM THE RESPECTIVE CITY, COUNTY, AND STATE AGENCIES PRIOR TO STARTING CONSTRUCTION.
- CONTRACTOR SHALL VERIFY LOCATION AND INVERT ELEVATIONS OF EXISTING SEWERS PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL INCLUDE IN THEIR BID PROPOSAL COSTS FOR CUTTING AND PATCHING AS REQUIRED TO COMPLETELY INSTALL THE NEW WORK INDICATED.
- CONTRACTOR SHALL INCLUDE ALL TAP FEES AND APPLICATION FEES IN HIS BID PROPOSAL AS NECESSARY TO COMPLETELY INSTALL THE WORK INDICATED.
- INFORMATION SHOWN WAS OBTAINED FROM AN OWNER FURNISHED SITE SURVEY, FIELD CONDITIONS OR FROM THE MONROE COUNTY D.I.S. SYSTEM. DISCREPANCIES TO EXIST BETWEEN SOME EXISTING MEASUREMENTS AND D.I.S. SUPPLIED DATA. INFORMATION BASED UPON THE USE OF THESE DRAWINGS SHALL BE WRITTEN WITH A CIVIL ENGINEER OR STAMPED SURVEY. THE ARCHITECT MAKES NO WARRANTIES, EITHER EXPRESSED OR IMPLIED OF THE DATA CONTAINED ON THIS DRAWING.
- CONTRACTOR WILL COORDINATE EXACT UTILITY LOCATIONS WITH THE OWNER AND LOCAL UTILITY COMPANIES PRIOR TO COMMENCING ANY WORK.
- THE CONTRACTOR IS TO MAINTAIN A COMPLETE AND OPERABLE UTILITY SYSTEM. UTILIZE PERMANENT AND/OR TEMPORARY ROUTINGS TO ACCOMPLISH AND MAINTAIN A FUNCTIONAL SYSTEM AT ALL TIMES.
- CONTRACTOR SHALL COORDINATE ALL DEMOLITION WORK WITH OWNER REPRESENTATIVES AND ADJUST HIS SCHEDULE TO OWNER REQUIREMENTS.
- CONTRACTOR SHALL COORDINATE REMOVAL AND/OR RELOCATION OF IRRIGATION LINES AND SPRINKLER HEADS WITH OWNER IF APPLICABLE.
- COORDINATE STORAGE AND STAGING AREAS WITH OWNER.



REVISIONS

RENOVATION & ADDITION FOR:
PROJECT NAME
STREET
BLOOMINGTON, INDIANA 47404

PROJECT NO. 4511
DATE 02/09/12
DRAWN BY T. POTTS
CHECKED BY D. BRUCE
SHEET NAME SITE UTILITIES PLAN
SHEET NO. AS101

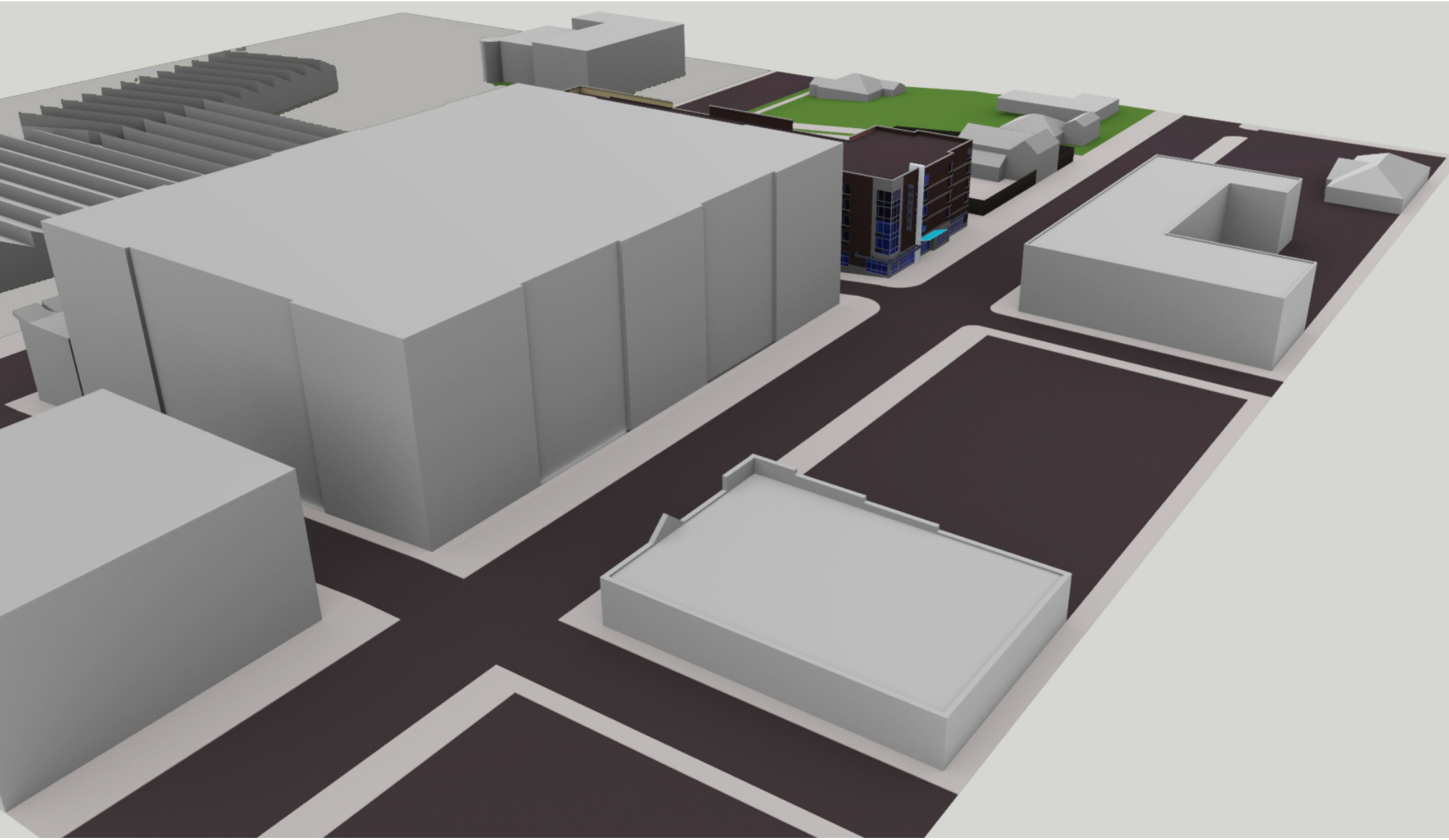
AS101

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SP-35-11 MODEL
LOOKING SOUTHEAST



SP-35-11 MODEL
LOOKING NORTHWEST



SP-35-11 MODEL
LOOKING NORTHEAST



2012/1/9 4:49

In the Council Chambers of the Showers City Hall on Wednesday, March 7, 2012 at 7:43 pm (after a Committee of the Whole meeting) with Council Vice President Susan Sandberg presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
March 7, 2012

Roll Call: Neher, Rollo, Ruff, Sandberg, Spechler, Sturbaum, Volan, Granger
Absent: Mayer

ROLL CALL

Council President Mayer gave the Agenda Summation

AGENDA SUMMATION

It was moved and seconded that Resolution 12-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no committee meeting held on this item. It was moved and seconded that Resolution 12-02 be adopted.

LEGISLATION FOR SECOND
READING

Resolution 12-02 To Authorize Expenditures from the Industrial Development Fund to Support an Economic Development Project (Cigital, 100 South College Avenue)

Adam Wason, the Assistant Director of Economic and Sustainable Development, asked the council to allow staff to enter into an Economic Development Finance Agreement regarding funds from the Industrial Development Fund of the Downtown Community Revitalization and Enhancement District (CRED). He said the agreement would be with the high tech security software firm named Cigital.

Wason reviewed the history of the CRED creation with regarding the goals of opportunities for employment, attraction of new business, and retaining or expanding a business in the downtown area. He reviewed the funding of the CRED, and resources the CRED provided to the ESD Department. He explained the parameters of the Economic Development Finance Agreement, and the authorization of the use of funds.

Wason noted that Envisage received funds to retain high paying, high tech jobs in the downtown, and was the last business to do so. He said that in coming years, the administration would leverage private investment in the expansion of facilities associated with the Bloomington/Monroe County Convention Center.

Wason reviewed Cigital background and services as well as their plans for establishing an assessment center in Bloomington. Wason noted that Cigital had conducted a site selection process and found that Bloomington had the right mix of technical talent, location and quality of life for their employees. He read a quote from Brian Mizell, VP for Operations for Cigital that indicated their support for the city's efforts to foster a sustainable, creative and welcoming community; noted that they were the qualities that attracted the company to Bloomington, and they believed that their presence in the downtown would strengthen these efforts, improve the downtown and strengthen the community's technology cluster.

Wason said 25 new jobs would be created in the next two years, with the annual average wage of \$75,000. He said the costs and investments would include IT and security upgrades for the space in the Chase Bank building, hardware expenditures and extensive costs for furniture and fixtures. He noted that after the benchmark of \$52,000.00 of Cigital expenditures was met, \$32,000 of IDF expenses would be available to the company. He noted that the BICAC recommended approval of this agreement, and added a stipulation that the company remain in the downtown CRED or within the city's Certified Technology Park for five years.

Wason said the Economic Development Finance Agreement would include clawback provisions should the employment goals and other stipulations not be met. He noted representatives from Cigital were present to answer questions.

Volan asked about previous examples of CRED funds given to attract companies to create a context for the current request. Wason said the

last incentive package offered from the Downtown CRED was for Envisage Technologies to increase employment by 23 new positions and thus increase their annual payroll to \$2.2M. He said the benchmarks for construction and reimbursements were different from the current proposal.

Volan asked for the amount of CRED money allocated to Cigital, to which Wason said \$150,000 was authorized for payment in 2009. Volan asked if they had been substantially compliant with the agreement, to which Wason noted they had been.

Granger asked if the percentage of cost to be reimbursed in this case was typical of the CRED agreements. Wason said that the projected new annual payroll and number of new employees created a base for the arrangements and agreements, and said the proposal was not atypical.

Danise Alano-Martin, Director of the Economic and Sustainable Development Department, said the amount of this agreement was smaller than that provided to Envisage. She noted that the needs of the company and comfort of the city in providing for those needs were factors in the agreement. She said that the city could agree to fund things that would only stay with the facility, but overall investment and job creation factored in heavily, too.

Rollo asked for the balance of the Industrial Development Fund. Wason said the Downtown CRED had about \$5.3M.

Spechler said this was wonderful news. He then asked when the connection with the company was made, who made the first overture and when the negotiations started and who first mentioned the opportunity for investment. Wason said that the first contact was made by Cigital the previous summer. He said that the State of Indiana's Development Corporation, the Bloomington Economic Development Corporation and then the city. He said that city staff, Ron Walker of the BEDC and Cigital representatives were in close contact for the previous month with finalizing site searching and proposals. Spechler asked if the council approved the resolution, was Wason sure that the company would come to Bloomington. Wason said he was.

Volan asked if it was an investment in office space that would attract a company or an investment in a company. Wason said it was both, and noted the stipulations were in effect until 2017.

Ruff asked how the agreement was enacted. Wason said that the resolution was authorizing the staff of the Economic and Sustainable Development Department and city administration to negotiate with Cigital representatives in an amount not to exceed \$32,000. He said the benchmarks for the build out of the office space, the employment levels, and annual wages would be negotiated.

Ruff noted the benchmarks and conditions listed in the packet might be estimates. Wason said that was true, but was not specific to line items, but to the general areas. Ruff said the items that would trigger the clawback were more of interest to him. Wason said that if the company didn't make the investment in the building it would be considered an initial non-compliance which would void the agreement. He said the clawbacks were associated with the employment levels and payroll amounts using a percentage of the annual payroll amount and number of jobs created as points for clawbacks.

Ruff asked if the council would be involved in firming up the provisions of the agreement after they approved the resolution. Alano-Martin said the items in the resolution noted as benchmarks would be in the agreement and that any negotiations would be regarding additional language or more specificity.

Resolution 12-02 (cont'd)

Ruff noted as this was an expansion of a growing firm, the company would not be moving existing employees to Bloomington, and asked about the interest of the existing workforce. He specifically asked if there had been any commitments from Cigital to hire locally. Wason referred the question to Brian Mizelle, VP of Operations for Cigital. He said that the jobs were new to the company and they had already hired five employees. He noted that the Office Manager with him was a Bloomington resident and that three more new employees were Indiana University students; he said the fifth person was from Johns Hopkins University. He said the company was using the relationships with the University to keep their graduates in Bloomington.

Volan asked about Cigital's site search. Mizelle said that they looked throughout the Midwest, from Austin to Ann Arbor, and looked for resources that would fit their skill levels. He said the School of Informatics and Computing was a big part of their decision, along with the cost of living and quality of life. He said most of their decision came down to looking for skills of new graduates that fit their needs in the Assessment Center.

Volan asked about the nature of the Assessment Center in Cigital's business. Mizelle said it was the first Center outside of the Headquarters in Dulles, Virginia. He said it was a growing part of the business and allowed clients to work remotely with the company.

Volan asked for a description of another city's offer to the company. Mizelle said that 'criteria' was the first issue and Bloomington came to the top of the list, and that at this point they were not looking anywhere else. He said that assistance from the State of Indiana and the City of Bloomington had solidified their decision.

Spechler said that \$60,000 didn't seem like much money to equip an office of this type. He asked if the company would expand or build in another place to accommodate the employees. Mizelle said that the space was adequate for the employees, but the infrastructure and security needs might amount to more cost. Spechler asked if the city would be asked to provide more resources to the company if they expanded. Mizelle said that he hoped to expand in Bloomington, but didn't anticipate asking for anything at this time.

Ruff asked if Cigital had any competitors in Bloomington. Mizelle said he was not aware of any, but added that the work was very specialized in application software security, and most other firms were located in other places worldwide.

A call for public comment brought Larry Jacobs, City Government Relations Manager for the Chamber of Commerce, who spoke in favor of the resolution. He added that the Chamber had researched the company and found nothing to criticize.

Ron Walker, President of the Bloomington Economic Development Corporation, said that the process had started last summer and that they had hosted a delegation of Cigital officials --the CEO, their Founder and Human Resources Director -- and talked about quality of life issues, competitiveness, and availability of talent in the area. He said that they set up a meeting of successful tech company CEOs in Bloomington for conversation about their issues. He said that those CEOs sold Bloomington and were great ambassadors for the city.

Sandberg called for final comments.

Volan said that 18 years before, he was in a similar situation as he looked for a place to start up his technology company, the first internet access provider in Bloomington. He said his choice was between

Bloomington and Chicago, and said that Bloomington had the right mix of technical talent and quality of life. He said he felt good about his decision every time he noted another company establishing in Bloomington. He said it was a win for the creative class when the administration of the city acted on the belief that quality of life is economic development. He noted his support, despite the haste of the decision in hearing this resolution on one night. He added that there was no harm to public good in having a decision made later in the month. He noted his appreciation of the Economic and Sustainable Development Department and of Cigital's decision to locate in the city.

Neher thanked the staff for their work and welcomed Cigital to the community. He said that the Certified Tech Park Advisory Committee had just met the day before and that this was a timely issue. He said that this affirmed the direction of the city and the opportunities that the property of the Certified Tech Park afforded the community. He invited citizens to participate in the visioning of what the city could grow and be.

Ruff said he agreed with the positive comments and that it was a great validation of the work of the community over the last several decades. He wished them great success. He then pointed out the complexity of the world, economy and democracy regarding the clients of Cigital – a couple of the “too big to fail” banks. He noted that those companies dumped large amounts of money into the political system to try to undermine reforms and federal legislation that were clearly in the interest of the public. He reiterated that things were not simple any more.

Resolution 12-02 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Ordinance 12-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis. It was moved and seconded that Ordinance 12-04 be adopted.

Ordinance 12-04 To Amend the Bloomington Zoning Maps from Institutional (IN) to Residential Multifamily (RM) - Re: 718 East 8th Street (Cheryl Underwood, Petitioner)

Volan moved and Sturbaum seconded to postpone Ordinance 12-04 to the meeting of March 21, 2012. Volan said the reason he wanted to postpone was that council members had expressed a concern that they not be involved with a court case that had tangled up the discussion of this issue. He said the summary judgment hearing was scheduled for March 16th. He said tabling could be able to be done at a later time.

Spechler said that he supported Volan's motion with the understanding that the matter could be postponed again, depending on if the hearing took place on schedule.

Dan Sherman, Council Attorney and Administrator, clarified that the council had until April 2nd to take up this matter, 90 days after the matter was certified to the council. He said that failure to act by that date would, allow the decision of the Plan Commission to stand. He reiterated that their decision was to deny the rezone accompanied by a request for Planning Staff to review the entire University Courts area and other similar rezones.

Neher asked for clarification on the reason for postponement. Volan reiterated that the postponement was not to wait for an official decision, but rather that the arguments needed to be made before the judge. He said that it would be unlikely that a verdict would be made before April 2nd. He said his intent was to let the negotiations between the petitioner and the city continue without prejudice from the council by tabling the motion at this meeting.

Ordinance 12-04 (cont'd)

Spechler asked if a final decision by the Plan Commission was actually final, or if it could be brought up again. Sherman counseled that it could not be brought up again in its current form. He said that if the issue would be revisited it would be under a different time frame, but that according to statute, if the council didn't act by April 2nd, the Plan Commission decision would go into effect.

Volan clarified that state statute gave authority of land use to both the council and the plan commission, but the council could change the verdict of the plan commission within that 90 day period.

The motion to postpone Ordinance 12-04 to March 21st received a roll call vote of Ayes: 8, Nays: 0.

The meeting was adjourned at 8:35 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Timothy Mayer, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

UNAPPROVED