



# City of Bloomington Common Council

## Legislative Packet

Regular Session  
*followed by*  
Committee of the Whole Discussion

28 November 2007

Office of the Common Council  
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## **Packet Related Material**

### **Memo**

### **Agenda**

### **Calendar**

### **Notices and Agendas:**

- **Council Sidewalk Committee**, Noon, Thursday, December 6<sup>th</sup>, McCloskey Room

### **Legislation for Final Action at the Regular Session on November 28<sup>th</sup>:**

- **Res 07-13** To Approve the Use of Revenues from Municipal Building Vending Machines for City Employee Functions  
*Contact: Daniel Grundmann at 349-3578 or [grundmad@bloomington.in.gov](mailto:grundmad@bloomington.in.gov)*

### **Legislation for First Reading at the Regular Session or Discussion at Committee of the Whole on November 28<sup>th</sup>**

- **App Ord 07-06** To Specially Appropriate from the General Fund, Cumulative Capital Development Fund, Cumulative Capital Improvement – Rate Fund, Fleet Maintenance Fund, Motor Vehicle Highway Fund, Risk Management Fund, Redevelopment Lease Rental Bonds of 1991 Fund, and Parking Facilities Lease Rental Bonds of 1992 Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund for Animal Care & Control, Clerk's Office, and Fire; Appropriating Transfers of Funds within the Fleet Maintenance Fund and the Motor Vehicle Highway Fund; Appropriating Funds from the General Fund for Clerk, Police and Information Technology Services; Appropriating Funds from the Cumulative Capital Development Fund, the Cumulative Capital Improvement – Rate Fund, the Risk Management Fund, the Redevelopment Lease Rental Bonds of 1991, and the Parking Facilities Lease Rental Bonds of 1992 Fund)  
- Memo from Susan Clark, Controller  
*Contact: Susan Clark at 349-3416 or [clarks@bloomington.in.gov](mailto:clarks@bloomington.in.gov)*

**Material Regarding Tax Abatement and Vacation of Right of Way for the Morton Place Condominium Project at 626 North Morton Street**

- **Plan Commission Materials for the Morton Place Condominium Project**
  - Map of Surrounding Area; Staff Memo the Plan Commission; Environmental Commission Memo to Plan Commission; Transportation Memo to Plan Commission; Petitioner Letter to the Plan Commission; Site Plan and Elevations
  
- **Ord 07-26** To Vacate a Public Parcel - Re: A 12-Foot Alleyway Running East/West for 132 Feet Between 622 and 626 North Morton Street (ERL-6, LLC, Elliott Lewis, Petitioner)
  - Map of Area; Aerial Map of Area; Depiction of Plat; Legal Description of Alleyway; Memo to Council from Lynne Darland, Zoning and Enforcement Manager; Petition; Letter from Petitioner; Photos of East/West Alleyway (to be vacated) and North/South Alleyway (to remain public); Transmittal Letter to Utilities; Insert Indicating Responses from Utilities and Emergency Services  
*Contact: Lynne Darland at 349-3529 or darlandl@bloomington.in.gov*
  
- **Memo to Council** from Danise Alano, Director of Economic Development (with tax calculations)  
*Contact: Danise Alano at 349-3406 at alanod@bloomington.in.gov*
  
- **Res 07-14** To Designate an Economic Revitalization Area, Approve a Statement of Benefits, and Authorize a Period of Tax Abatement - Re: Morton Place Condominiums, 626 N. Morton Street (ERL-3, LLC, Petitioner)
  - EDC Res 07-05; Statement of Benefits; Application for Tax Abatement; Rendering of Project
  
- **Ord 07-27** To Designate an Economic Development Target Area (EDTA) - Re: 626 N. Morton Street, Morton Place Condominiums (ERL-3, LLC, Petitioner)
  - EDC Res 07-06

## **Other Items for Discussion at the Committee of the Whole**

- **Res 07-16 Establishing a Bloomington Peak Oil Task Force**
  - Memo to Council from Councilmember Rollo; Prospectus; Selected Literature

*Contact: Councilmember Rollo at 349-3409 or  
rollod@bloomington.in.gov*

## **Minutes from Regular Session:**

*None*

## **Memo**

### **One Item Ready for Final Action at the Regular Session and Five Items Ready for Discussion the Committee of the Whole Scheduled for November 28<sup>th</sup>**

There will be a Regular Session immediately followed by a Committee of the Whole next Wednesday evening. One item is ready for final action and five items are ready for discussion that evening – all of which can be found in this packet.

### **Items Ready for Final Action at Regular Session on November 28<sup>th</sup>**

#### **Res 07-13 - Authorizing Use of Revenues from Municipal Building Employee's Concession Fund for Employee Events**

**Res 07-13** is a routine resolution allowing monies collected from the municipal building vending machines to be used to fund events for employees and members of boards and commissions. According to the Employee Services Department, we have accumulated about \$7,632 from money spent in those vending machines. This resolution allows these monies to be used to pay for any such events that take place this year and next year as well.

### **Items Ready for First Reading and Discussion on November 28<sup>th</sup>**

#### **Item One - App Ord 06-07 End-of-the-Year Appropriations**

**App Ord 07-06** is the end-of-the-year appropriation ordinance that would *transfer* monies within departmental budgets, *add* monies to departmental budgets, and *close* two bond funds. The total additional appropriations amounts to \$131,507

which, once you account for the new revenues from grants and reimbursements valued at \$55,588, results in a net increase of about \$75,919. Please note, however, that because of reversions of unspent funds expected at the end of the year, this ordinance will not lead to an increase in the overall appropriations for the year.

The following summary is derived from a memo from Susan Clark, Controller (enclosed) as well as conversations I've had with her about the appropriations.

### **Transfers within Departmental Budgets – No Additional Monies - Listed by Fund**

#### **General Fund**

**Animal Care and Control** – this department is requesting a transfer of \$10,000 from Medical Services to Institutional and Medical Supplies. This involves funds the department was able to save in the Spay / Neuter Program that it wants to use to purchase microchips and medicine.

**Clerk's Office** – the Clerk requests transferring \$4,000 from Other Supplies to Regular Salaries and Wages (\$2,500) and Temporary Salaries and Wages (\$1,500) to help pay for additional front desk coverage due to the maternity leave of one staff member. *(See below for a related request for additional appropriations.)*

**Fire Department** – this department wishes to transfer \$29,000 from Overtime Salaries to five other lines including: \$16,500 to Other Supplies (to replace a thermal imaging camera and purchase other items); \$500 to Uniforms and Tools; \$500 to Instruction; \$3,000 to Telephone; \$2,000 to Natural Gas; and, \$6,500 to Repairs & Maintenance (to purchase and install a “standpipe” for the Training Tower).

#### **Fleet Maintenance Fund**

**Fleet Maintenance** – this division of the Public Works Department wishes to transfer \$8,000 from Fuel and Oil to Other Services and Charges to cover the costs associated with the City's auction. The department received approximately \$33,000 from the auction and needs to be reimbursed for the cost of the ad and the commission for the auctioneer.

## **Motor Vehicle and Highway Fund**

**Streets** – this division of the Public Works Department wishes to transfer \$20,000 from Fuel and Oil to Other Capital Outlays to complete the second salt storage facility.

**Traffic** – this division of the Public Works Department wishes to transfer \$152,600 from Other Capital Outlays to Other Services and Charges to complete an energy-saving upgrade of the City's 76 signalized intersections. This money will be used to finish replacing light bulbs with LEDs in the signals and to convert the related electric meters to record the reduction in energy usage.

## **Increased Appropriations – Listed by Fund**

### **General Fund - \$7,328 (\$5,588 from New Revenue - Grants)**

**Office of City Clerk** - The Clerk is also requesting an increase in her budget of \$1,740 to be allocated to the following lines: \$900 for Temporary Salaries and Wages (to pay for extra intern hours to cover the front desk - see above); \$300 for PERF (see above); \$40 for Telephone (to pay for long distance calls to parking ticket appellants with cell phones); and \$500 for Advertising (ordinances and hearings).

**Information and Technology Services** – this department provided computers to the Public Transportation Corporation this year and has been reimbursed in the amount of \$4,287 which it wants to return to its Capital Replacement line.

**Police Department (Grants)** – this department received a DUI taskforce grant from the Indiana Criminal Justice Institute in late October for \$30,494 and wishes to forward \$1,301 to the Monroe County Sheriff's Department for grant-related overtime expenses.

### **Cumulative Capital Development Fund – \$50,000 (Reimbursement)**

**Public Works Department** – this department is requesting \$50,000 it received from Indiana Department of Transportation (INDOT) to reimburse the City for transplanting trees along Pete Ellis Drive

### **Cumulative Capital Improvement – Rate Fund - \$36,000**

**Office of the Mayor and Public Works Department** – these departments are requesting an additional appropriation of \$36,000 to contract for streetscape design services for South Walnut Street between 2<sup>nd</sup> and 3<sup>rd</sup> Streets due to this segment's role as a gateway and key corridor for the Bloomington Entertainment and Arts District (BEAD).

### **Risk Management Fund - \$35,000**

**Employee Services Department** – this department is requesting an additional \$35,000 for Workers Compensation expenses for the remainder of the year. This addition would bring the total appropriation for this purpose to \$335,000 in 2007, which is a little less than what was spent last year and would leave approximately \$276,000 in the Risk Management Fund.

### **Closing Out Two Funds - \$3,177**

**Controller's Office** - this department wishes to close out the **Redevelopment Lease Rental Bond of 1991 Fund** (with a balance of \$2,671) and the **Parking Facilities Lease Rental Bonds of 1992 Fund** (with a balance of \$508) and transfer the total balance of \$3,179 to the General Fund.

### **Vacation of Right-of-Way and Tax Abatement Legislation for the Morton Place Condominium Project**

This packet includes a vacation of right-of-way and tax abatement package for a 25-unit condominium project at 626 North Morton Street known as the "Morton Place Condominium" project. The following paragraphs briefly summarize the project and are followed by a more detailed summary of the Council actions needed to make it happen.

#### **Summary of the Morton Place Condominium Project (Drawn from Plan Commission Materials)**

ERL-7, LLC, in consultation with Studio Three Design of Indianapolis, received approval from the Plan Commission on December 5<sup>th</sup> for a 25-unit, 60-bedroom owner-occupied condominium project known as the "Morton Place

Condominiums.” The project is located just north of the Village @ 10<sup>th</sup> and College - an 89 unit, 149 bed apartment building (with some space convertible to commercial uses) approved by the Plan Commission in July. One effect of the proposed vacation / tax abatement package would be to allow the two projects to merge, sharing garage space, a courtyard, and a pool.

**Site and Surrounding Uses.** The site is .38 acre vacant lot on the east side of Morton midway between 10<sup>th</sup> and 11<sup>th</sup> Street, which drops 18 feet from the northeast to the southwest corners of the lot. It is on Commercial Development (CD) zoned land surrounded on the west by offices, on the north by a vacant lot, on the east by single-family and office uses, and on the southeast and south by other projects either proposed or completed by this developer.

**Density, Convertible Space, and Parking.** This project would have 25 units with a total of 60 bedrooms, which would be broken down as follows: 1 1-br unit, 14 2-br units, 9 3-br units and 1 4-br unit. Although the number of bedrooms is lower than the project to the south (which has 149 bedrooms), the average number of bedrooms per unit is higher (2.4 versus 1.7). Two of the first-floor units on the north side of the building will be capable of conversion into 2,700 s.f. of non-residential space. Forty-six parking spaces will serve these units in a buried structured garage accessed from North Morton.

**Parking Waiver:** The Plan Commission waived the maximum limit of 43 parking spaces and allowed 46 spaces because it was close to the .80 space per bedroom recommended by the *Downtown Vision and Infill Strategy Plan* and the spaces could be shared with the Village @ 10<sup>th</sup> and Morton project.

The UDO requires this project to have at least 10 parking spaces for bicycles with at least five in a covered area. This project exceeds that standard by providing 14 secure bicycle spaces, and another 12 bicycle parking spaces divided between the courtyard and along Morton Street.

**Entrances, Overall Layout, and Green Roofs.** This project will be built into the hillside and will merge with the project to the south. There will be an entrance to the second floor of a parking garage that will be shared with the project to the south. A plaza with a pool and landscaping will serve as the roof of the garage and provide a community commons between the two buildings. Other entrances onto Morton Street will lead directly to a few units as well as to a hallway with stairwells and elevators serving the other floors. Both the plaza and



roof over the small fifth floor incorporate green roof vegetation including sedum, ornamental grasses, perennials, flowering shrubs, groundcover, and hostas.

**Streetscape, Surface Materials, and Void-to-solid Requirements.** The petitioner intends to extend a brick sidewalk with pedestrian-scale lighting the full length of this project as well as provide a narrow landscape band next to the building and a tree plot by the street (but will need to remove two mature sugar maples). The surface materials will include limestone, brick (in three colors), some cultured stone (in the courtyard), and cementitious siding (on the less visible portions of the building). The void-to-solid ratio on the first floor is 62% on the first floor and 39% on the upper floors.

**Void-to-Solid Ratio Waiver:** The UDO requires a void-to-solid ratio of at least 70% on the first floor and at least 20% on the upper floors. This requirement is intended to maintain visual interest in the building and mediate or minimize its mass. The staff report notes that the ratios for first floors are designed for retail uses and do not work well with residential ones and concludes that the combined features for this building achieve the underlying goals.

**Height and Step-Back Requirements.** Given the change in grade of the site, the range of height along Morton will be from 53 to 60 feet, and the range of height for the entire building, including the “penthouse” which is stepped-back 50 feet from Morton Street, will be from 54 to 65 feet from the lowest to the highest point on the property.

**Height Waiver:** The UDO requires a waiver for buildings taller than 50 feet in the Downtown Core area in deference to the Downtown Plan which recommends that new buildings “maintain the perceived ... scale of two to four stories.” The staff report concluded that breaking up the exterior through “modulation” and “articulation” and stepping-back the penthouse sufficiently reduced the perceived scale of the building.

**Step-Back Waiver:** The UDO requires that portions of the building over 45 feet tall should be stepped back at least 15 feet from the front “build-to line.” The staff report echoes the above conclusions regarding the height waiver in supporting this waiver as well.

**Neighborhood Concerns.** The neighbors expressed concerns about the project which the staff memo indicates were “mostly addressed by the petitioner.”

Those concerns included the: shadow created by the height of the building, increased pedestrian traffic in the alley, sound of the mechanicals for the building, glare of the lighting, presence of balconies, and loss of use of the east-west alley.

**Environmental Commission Recommendations.** The Environmental Commission recommended that the petitioner provide the following additional benefits and was met with the following staff responses:

- Provide recycling space and pick-up service for all residents  
(Staff Response: not required.)
- Include more green building practices including use of energy-saving lighting and appliances, the recycling or salvaging of construction and demolition debris, and use of local building materials and products  
(Staff Response: not required.)
- Increase permeable surfaces in the green roof areas and incorporate more diverse native prairie plantings into parts of the landscaped space.  
(Staff Response: not required.)

**Conditions of Approval.** On November 5, 2007 the Plan Commission approved the project by a vote 6 – 0 with the following conditions of approval:

- Council approval of the vacation of right-of-way;
- Council approval of a tax abatement conditioned upon the owner-occupancy of the dwelling units for the duration of the tax abatement;
- Inclusion of an owner-occupancy requirement for the units in the condominium governing documents which shall be approved by the Planning and Legal Departments;
- City Utilities Department approval of the utility plan prior to release of any permits;
- Construction of the building using the same materials and architectural details shown on petitioner's elevations; and
- Paving and improving the north-south alley to City of Engineering standards from 10<sup>th</sup> to the north east corner of this project.

**Item Two - Ord 07-26 – Vacating an East/West Alleyway Lying Between 622 and 626 North Morton Street**

**Ord 07-26** vacates an east/west alleyway lying between 622 and 626 North Morton Street on behalf of ELR-6, LLC (Elliott Lewis), who is proposing this 25-unit, 60-bedroom, owner-occupied condominium for that site.

## General Vacation Procedures

Vacations of right-of-ways are governed by specific statutory procedures. Those procedures are found at I.C. 36-7-3-12 et seq. and start with the petitioner filing an application with the Council. 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 where the public can offer its comments and objections against the ordinance to the Council (December 5, 2007). According to statute, the grounds for remonstrance are limited to questions of access and the orderly development of the area. In the event the ordinance is adopted by the Council, then the Clerk must 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. Staff 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, they prepare a report and an ordinance for the Council Office. The City Clerk then assures that an ad is placed in the paper and that abutting property owners have been notified by certified mail of the public hearing.

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 adjacent owners.

The following paragraphs summarize the application of the local criteria to this request as presented in reports and background material provided by Lynne Darland, Zoning and Enforcement Manager.

### **Petition**

ERL-6, LLC (Elliott Lewis) is requesting that the City vacate the alleyway between 622 and 626 North Morton in order to construct this 25-unit, 60-bedroom, owner-occupied Morton Place Condominium project and combine it with an apartment building to be built just south of this project. There is a Petitioner Statement from Studio Three Design along with the Memo from Lynne Darland, Zoning Enforcement Manager, supporting this request.

**Concerns of Surrounding Property Owners.** The petitioner owns three of the four properties that are next to this alleyway. Although the memo accompanying the

vacation does not mention concerns of neighbors regarding the vacation of right-of-way, the Staff Memo to the Plan Commission mentioned some of their concerns about the project, which it says were “mostly addressed by the petitioner.” Those concerns included the: duration of the shadow of the building; increased pedestrian traffic in the alley; sound of the mechanicals; glare of the lighting; presence of balconies; and, loss of use of this east/west alleyway.

**Description of Vacated Property.** This ordinance would vacate a 12-foot wide, 132 foot long east/west alleyway running between Lots 12 and 13 of Hunter’s Addition and would leave the north/south alleyway running the entire length of this block as a public right-of-way. Please note that the legal description of this right-of-way was provided by the petitioner and is set forth in the ordinance and a map is enclosed.

**Current Status - Access to Property.** The staff report indicates that the alleyway is laid with gravel and extends from Morton to College. There is a parallel, paved alleyway further north and a gravel alleyway that runs down the center of the block. The staff report indicates that the vacation of this half-block segment of the southern alleyway will not deprive the other properties on the block of access. It also notes that the petitioner has agreed to pave a portion of the north/south alleyway.

**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 alley way unless they choose to waive those rights. In response to inquiries from the Plan Department to the various utilities, the Petitioner has agreed to work with Insight Communications so that Insight can maintain existing lines or the Petitioner will pay to relocate them. Please note that the Police and Fire departments were also contacted and found no problem with the vacation.

### **Necessity for Growth**

**Future Status** – The staff report found that “all public services can be adequately be served through the immediate right-of-ways” and that “no public utilization of this right-of-way is anticipated by the City”

**Private Utilization** – Please refer to the summary of this project presented earlier in this memo and the Petitioner Letter in the background material. The letter offers the following benefits in support of the request:

- Increasing the number of owner-occupied condominium housing in the downtown area;

- Combining the two projects with a communal plaza, which will include a pool and green roof features between the two buildings;
- Reducing drive access to the site and, consequently, increasing on-street parking and allowing for a hidden parking garage which will adequately serve the residents;
- Paving the north/south alleyway;
- Offering some first floor residential space that can be converted into commercial space in the future; and
- Serving as a catalyst and setting an example for other development in the area.

**Compliance with regulations** – The Staff Report says that the vacation “will not create any issues regarding compliance with local regulations.” The Report recommended approval of a series of waivers pertaining to: height, step-back, parking, and, void-to-solid requirements.

**Relation to City Plans** – The Staff Report indicates that “the proposal is consistent with City plans.” Here the Report stressed the importance of increasing the amount of owner-occupied condominium housing in the downtown.

### **Approvals and Recommendation**

The Report notes that the Board of Public Works voted in favor of the vacation and recommends this vacation.

### **Res 07-14 and Ord 07-27 Proposing a Tax Abatement for the Construction of the 25-Unit Morton Place Condominium Project at 626 North Morton Street**

As noted in previous paragraphs, the petitioner, ERL-3, LLC, is seeking a 10-year tax abatement for the construction of a 25-unit, 60-bed condominium project at 626 North Morton Street. The Memo from Danise Alano, Director of Economic Development, highlights the reasons for the Mayor’s Office support for this project. The support centers on the encouragement of owner-occupied condominium units in the downtown area. Please note that, for the first time, the owner-occupant requirement will be assured by a Memorandum of Agreement between the City and the petitioner (which, I understand, will have what are known as “claw-back” provisions that allow the City to recover deductions that were improperly taken by ineligible owners). That requirement will also be incorporated into the governing documents of the condominium association.

The memo from Alano indicates that the Tax Abatement Guidelines encourage housing opportunities and economic development activities in the downtown. As seen from the following table I have put together from Council Office files, the City has a history of promoting housing in the downtown as a way of revitalizing the area. Please note that the table lists all active residential tax abatement projects – both condominium and rentals – in the downtown area. These projects have all received a 10-year period of abatement.

<u>Year of Abatement</u>	<u>Owner</u>	<u>Project</u>	<u>Address</u>	<u>Estimated Value of the Abatement</u>
<b><u>Condo Projects</u></b>				
1991	CFC, Inc.	Madison Park Home Owner Association	300 + South Madison and 300+ South Morton	\$104,000 / ~ 32 units
1994	CFC, Inc.	Lincoln Place Home Owner Association	303 and 309 E. 7 <sup>th</sup> ; 312 N. Lincoln	\$262,000 / 8 units
2001	Peter Dvorak	Lockerbie Court Condominium	500 N. Walnut	\$308,000 / 10 units
<b><u>Rental Projects</u></b>				
1991	Dave Ferguson	Cantol Wax Bldg	211 N. Washington	\$104,000 / 3 - 5 units
1994	Doug McCoy	314 N. Washington <i>Note: This began as a condo project but converted into rental due to difficult market conditions.</i>		Undetermined / 6 units
1995	CFC, Inc.	Bicycle Apts	200-215 S. Madison	\$220,000 / ~ 76 units
1998	CFC, Inc.	John R. East Home and Max Fulk Warehouse	417 & 421 W. 6 <sup>th</sup> St.	~\$60,000 / 4 units + retail
1999	Ferguson / Seeber	KP Building	114-116 N. Walnut	\$79,000 / 10 units
2000	Daniel and Mary Friedman	Omega	252 N. Walnut	\$351,000 / 13 units + retail
2003	CFC, Inc.	Kirkwood	315 W. Kirkwood and 314 W. 4 <sup>th</sup> St.	\$1.38 million / 59 – 80 units

The following paragraphs will briefly describe the tax abatement legislation and the findings tied to their passage. Those findings will, in turn, correspond to the benefits identified in the memo prepared by Danise Alano.

### Initiative Requires Three Pieces of Legislation Over Two Legislative Cycles

The tax abatement for this condominium project will require two resolutions and an ordinance. The first resolution, **Res 07-14**, designates an Economic Revitalization Area (ERA), approves a statement of benefits, and authorizes a 10-year period of abatement. Please note that, in this case, it does *not* declare the intent to waive certain statutory requirements regarding the timing of the development in relation to the decision to grant the abatement.

The second resolution needed for tax abatements, **Res 07-15**, confirms the first one. *Please note that the statute requires that we hold a legally-advertised public hearing before adopting this “confirming” resolution which is scheduled for December 19, 2007.*

The ordinance for these tax abatements (**Ord 07-27**) establishes an Economic Development Target Area (EDTA) which is necessary for the proposed retail and market-rent residential uses to be eligible for tax abatements.

### **Item Three – Res 07-14 - Designating the ERA, Approving the Statement of Benefits, and Authorizing a 10-Year Period Abatement**

As mentioned above, **Res 07-14** makes three statutory determinations for this condominium project. The following paragraphs summarize those determinations.

**ERA.** The first determination designates the property as an Economic Revitalization Area, which entails a finding that the property is not susceptible to normal growth and development. In that regard, this parcel is:

- an undeveloped lot in the downtown area;
- included in the following incentive districts to encourage development - the Certified Technology Park (CTP) and the Bloomington Urban Enterprise Zone (BUEA); and
- adjacent to following incentive districts - Community Revitalization Enhancement District (CRED) and the Downtown Tax Incremental Finance (TIF) District.

**Statement of Benefits.** The second determination approves the Statement of Benefits. In so doing, it finds that the stated benefits are a reasonable and probable outcome of the development and, in their totality, justify the tax abatement. Those benefits include:

- Providing owner-occupied housing in the downtown which will be assured by a Memorandum of Agreement with the petitioner and the inclusion of that requirement in the governing documents for the condominium association;
- Investing \$6 million in the downtown that will generate \$104,000 in revenues once the abatement expires;
- Constructing a residential facility made of high quality materials, providing nice amenities for the owner occupants and tenants (including a courtyard, pool, exercise facility, and green roof features), and hiding the parking structure underground and below the courtyard;
- Providing a catalyst for future development which will complement the Certified Technology Park;
- Allowing for conversion of two units into approximately 2,700 ft of retail space; and
- Adding two new full-time positions, which although not subject to the Living Wage Ordinance (given the size of the business), will earn a Living Wage.

**Period of Abatement.** The third determination relates to the 10-year period of tax abatement for this project. Please note that the State legislature provides for a 1-10 year period of abatement and that the City has established Tax Abatement guidelines to help determine whether the project should receive a tax abatement and, if so, the number of years it should be abated.

However, these Guidelines are over 10 years old and do not reflect current land use and other city policies. This project is in the downtown as it is drawn today (but not as it was drawn a decade ago), where a project of this type would enjoy a presumptive 10-year period of abatement with at least one factor which might increase and one factor that might decrease it. The one factor that might increase the presumptive period of abatement is its location in the downtown; the factor that might decrease it is the increase in density. (See Guidelines in the Council Office.)

**Tax Calculations – Real and Personal Property** Danise Alano, Director of Economic Development, has provided estimates of the tax consequences of granting these abatements. Those calculations indicate that the owners of these 25 units would, in aggregate, pay approximately \$525,978 and would forego



approximately \$515,562 over the 10-year abatement and pay approximately \$104,154 per year thereafter. Please note that her material also breaks down the estimated tax calculations over the 10-year period for units valued at \$150,000, \$200,000 and \$250,000.

#### **Item Four – Ord 07-27 - Establishing an Economic Development Target Area Designation for the Retail and Market Rent Uses**

**Ord 07-26** designates this condominium project as an Economic Development Target Area (EDTA). The EDTA is a statutory designation that can only be applied to 15 % of the City’s jurisdiction and allows tax abatements for uses that would not otherwise be eligible for them (See I.C. 6-1.1-12.1-3[e][10-11]). In this case, the designation would allow the market-priced residential and possible future retail uses to receive a tax abatement.

In order to grant this designation, State law requires that the Common Council find the property eligible either because of its historic character or because it has “become undesirable or impossible for normal growth and development.” In this case, the support for this designation rests on both the barriers to normal growth and development.

The Economic Development Commission has, in accordance with State law, made a favorable recommendation on the designation. A copy of its resolution is included in the packet.

#### **Item Five - Res 07-16 – Establishing a Peak Oil Task Force**

In July 2006, the Council passed *Resolution 06-07: Recognizing the Peak of World Petroleum Production*. The *Resolution* acknowledged the unprecedented challenge of peak global petroleum production and recognized that the City must prepare for the inevitability of a peak in production and subsequent decline. With the support of the Mayor, the Environmental Commission and the Commission on Sustainability, Council President Rollo proposes to shift this recognition to action by creating a Bloomington Peak Oil Task Force. *Resolution 07-16: Establishing a Bloomington Peak Oil Task Force*, calls for a local task force to assess Bloomington’s vulnerabilities to a liquid fuels shortage and to develop researched and prudent strategies to mitigate the economic and social effects of such a shortage.

As reviewed in both the accompanying *Memo* from Council President Rollo and the *Peak Oil Task Force Prospectus*, global supply of petroleum is finite and production will “peak” at the mid-point of extraction and decline thereafter. This maximum point is popularly known as “peak oil.” While the exact date of peak oil is uncertain, most forecasts locate the date of peak production as occurring within the next 14 years. Many observers point out that peak oil will trigger price volatility and social and economic disruption. As so much of our way of life depends upon the availability of cheap oil – from agriculture to plastics to transportation – President Rollo states that now is the time to start planning for a community shift away from reliance on petroleum and other fossil fuels. This call for action is based in part on a study commissioned by the U.S. Department of Energy advising that communities implement mitigation strategies at least 15-20 years in advance of peak oil to offset and largely avoid the implications of a liquid fuels shortage.

Indeed, since oil prices started to crest beyond 15-year highs in 2004, cities of all sizes have begun to address the challenges of peak oil. As restated in the recent publication, *Post Carbon Cities*: “From targeted investments in local energy production to wide-ranging community vulnerability assessments, the responses of these jurisdictions recognize that peak oil and energy uncertainty pose serious threats to local social, economic and even environmental wellbeing.” (p.37) Leading such efforts are city/community efforts in Portland, Oregon; Willits, California; Tompkins County, NY; Denver, Colorado; San Francisco, California and Austin, Texas to name a few. Closer to home, the Director of Public Health Practice in the Marion County Health Department, Indiana has recognized the dilemma posed by peak oil and has proposed a four-phased process for developing a local public health oil depletion protocol. (*See attached Selected Readings*). As articulated in the *Prospectus*, some of the chief concerns posed by rising oil prices in our community include the interrelated problems of maintaining personal transportation, heating our homes and businesses, producing food while maintaining health, generating safe drinking water and providing a wastewater system and continuing to provide for public safety. The proposed Task Force will work toward answering these challenges by exploring strategies to foster local self-sufficiency and less petroleum dependence. Please consult the attached *Prospectus* for representative issues the Task Force will address in the areas of transportation, food, water, municipal services and energy production and consumption. Notably, both the Bloomington Environmental Commission and the Bloomington Commission on Sustainability have indicated their support of the proposed Task Force.

The Task Force will be composed of seven members – three appointed by the Mayor; three appointed by the Council. One member of the Council will also serve on the Task Force. Members are required to be residents of Monroe County and shall have an understanding of the problem of peak oil, with preference for appointments given to government representatives, citizens with expertise in energy, transportation and agriculture as well as and community and business leaders.

The specific charge of the Task Force is to:

- ***acquire and study current and credible data*** and information on the issues of oil and natural gas production and depletion and the related economic and socio-cultural implications;
- ***seek community feedback*** on vulnerabilities and possible solutions;
- ***coordinate planning*** efforts with county, State and federal entities;
- ***develop a Bloomington Peak Oil Task Force Report*** for approval by the Mayor and Common Council outlining strategies the City and community might pursue to mitigate the effect of declining fuel supplies in areas including, but not limited to: transportation, municipal services, energy production and consumption, food security, water and wastewater; and
- ***work to educate the community*** about the impending energy shortage in the interest of encouraging businesses and residents to reduce dependence on fossil fuels.

Once the Task Force's final *Bloomington Peak Oil Task Force Report* is approved by both the Mayor and the Common Council, the Task Force shall cease to exist. The Task Force is charged with submitting its final *Report* no later than December 31, 2008. After this sunset date, the Task Force may be renewed or reestablished by resolution.

**NOTICE AND AGENDA FOR  
BLOOMINGTON COMMON COUNCIL  
REGULAR SESSION & COMMITTEE OF THE WHOLE  
7:30 P.M., WEDNESDAY, NOVEMBER 28, 2007  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 NORTH MORTON**

**REGULAR SESSION**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:** None

**IV. REPORTS FROM:**

- 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. Res 07-13 – To Approve the Use of Revenues from Municipal Building Vending Machines for City Employee Functions

**VII. LEGISLATION FOR FIRST READING**

1. App Ord 07-06 – To Specially Appropriate from the General Fund, Cumulative Capital Development Fund, Cumulative Capital Improvement – Rate Fund, Fleet Maintenance Fund, Motor Vehicle Highway Fund, Risk Management Fund, Redevelopment Lease Rental Bonds of 1991 Fund, and Parking Facilities Lease Rental Bonds of 1992 Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund for Animal Care & Control, Clerk's Office, and Fire; Appropriating Transfers of Funds within the Fleet Maintenance Fund and the Motor Vehicle Highway Fund; Appropriating Funds from the General Fund for Clerk, Police and Information Technology Services; Appropriating Funds from the Cumulative Capital Development Fund, the Cumulative Capital Improvement – Rate Fund, the Risk Management Fund, the Redevelopment Lease Rental Bonds of 1991, and the Parking Facilities Lease Rental Bonds of 1992 Fund)
2. Ord 07-26 – To Vacate a Public Parcel – Re: A 12-Foot Alleyway Running East/West for 132 Feet Between 622 and 626 North Morton Street (ERL6, LLC, Elliott Lewis, Petitioner)
3. Ord 07-27 – To Designate an Economic Development Target Area - Re: 626 N. Morton Street, Morton Place Condominiums (ERL-3, LLC, Petitioner)

**VIII. PRIVILEGE OF THE FLOOR**

**IX. ADJOURNMENT**

*(over)*

*(and immediately reconvene for)*

## **COMMITTEE OF THE WHOLE**

**Chair: Chris Sturbaum**

1. App Ord 07-06 – To Specially Appropriate from the General Fund, Cumulative Capital Development Fund, Cumulative Capital Improvement – Rate Fund, Fleet Maintenance Fund, Motor Vehicle Highway Fund, Risk Management Fund, Redevelopment Lease Rental Bonds of 1991 Fund, and Parking Facilities Lease Rental Bonds of 1992 Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund for Animal Care & Control, Clerk’s Office, and Fire; Appropriating Transfers of Funds within the Fleet Maintenance Fund and the Motor Vehicle Highway Fund; Appropriating Funds from the General Fund for Clerk, Police and Information Technology Services; Appropriating Funds from the Cumulative Capital Development Fund, the Cumulative Capital Improvement – Rate Fund, the Risk Management Fund, the Redevelopment Lease Rental Bonds of 1991, and the Parking Facilities Lease Rental Bonds of 1992 Fund)
2. Ord 07-26 – To Vacate a Public Parcel – Re: A 12-Foot Alleyway Running East/West for 132 Feet Between 622 and 626 North Morton Street (ERL6, LLC, Elliott Lewis, Petitioner)
3. Res 07-14 –To Designate an Economic Revitalization Area, Approve a Statement of Benefits, and Authorize a Period of Tax Abatement - Re: Morton Place Condominiums, 626 N. Morton Street (erl-3, llc, petitioner)
4. Ord 07-27 – To Designate an Economic Development Target Area - Re: 626 N. Morton Street, Morton Place Condominiums (ERL-3, LLC, Petitioner)
5. Res 07-16 – Establishing a Bloomington Peak Oil Task Force

City of  
Bloomington  
Indiana

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



**Office of the Common Council**  
(p:) 812.349.3409  
(f:) 812. 349.3570  
[council@bloomington.in.gov](mailto:council@bloomington.in.gov)  
[www.bloomington.in.gov/council](http://www.bloomington.in.gov/council)

To: Council Members  
From: Council Office  
Re: Calendar for the Week of November 26-30, 2007

*November is National Adopt a Senior Pet Month!*

**Monday, November 26, 2007**

4:00 pm Neighborhood Improvement Grants, Kelly  
5:00 pm Utilities Service Board, Board Room, 600 E. Miller Dr.  
5:30 pm Bloomington Human Rights Commission, McCloskey

**Tuesday, November 27, 2007**

3:30 pm Housing Trust Fund Board, McCloskey  
5:00 pm Solid Waste Advisory Council, McCloskey  
5:30 pm Bloomington Public Transportation Corporation, Transportation Center, 130 W. Grimes Ln  
5:30 pm Board of Public Works, Council Chambers

**Wednesday, November 28, 2007**

2:00 pm Hearing Officer, Kelly  
6:30 pm Metropolitan Planning Organization Citizens' Advisory Committee, McCloskey  
7:30 pm Common Council Regular Session *immediately followed by a* Committee of the Whole,  
Council Chambers

**Thursday, November 29, 2007**

10:30 am Address Coordination, McCloskey  
7:00 pm Bloomington Transportation Options for People presents Dr. Robert Cervero on Transit,  
Council Chambers

**Friday, November 30, 2007**

*No meetings are scheduled for this date.*



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

# **MEETING NOTICE**

## **Common Council Sidewalk Committee**

**Thursday, 06 December 2007  
Noon  
McCloskey Room  
City Hall, 401 N. Morton**

The purpose of the meeting is to discuss sidewalk projects for 2008. Because a quorum of the Council may be present, this meeting may constitute a meeting of the Council as well as of the Committee under the Indiana Open Door Law. This statement provides notice that the meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Friday, 21 November 2007

**RESOLUTION 07-13**

**TO APPROVE THE USE OF REVENUES  
FROM MUNICIPAL BUILDING VENDING MACHINES  
FOR CITY EMPLOYEE FUNCTIONS**

WHEREAS, approximately \$7,632.00 is available in the City's Municipal Building Employees' Concession Fund for use by the City; and

WHEREAS, this money was contributed by city employees through their use of vending machines in municipal buildings; and

WHEREAS, traditionally this money has been provided for City of Bloomington employee recognition events;

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

Section 1. Funds received from employee use of vending machines located in City of Bloomington facilities shall be dedicated for use at functions for employees, elected officials, and board and commission members of the City for the remainder of 2007 and 2008.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
DAVE ROLLO, 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 \_\_\_\_\_, 2007.

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

**SYNOPSIS**

This resolution dedicates a portion of the funds collected from vending machines located in City facilities for use at functions for employees, elected officials, and board and commission members of the City.



## APPROPRIATION ORDINANCE 07-06

**TO SPECIALLY APPROPRIATE FROM THE GENERAL FUND, CUMULATIVE CAPITAL DEVELOPMENT FUND, CUMULATIVE CAPITAL IMPROVEMENT – RATE FUND, FLEET MAINTENANCE FUND, MOTOR VEHICLE HIGHWAY FUND, RISK MANAGEMENT FUND, REDEVELOPMENT LEASE RENTAL BONDS OF 1991 FUND, AND PARKING FACILITIES LEASE RENTAL BONDS OF 1992 FUND EXPENDITURES NOT OTHERWISE APPROPRIATED**

**(Appropriating Various Transfers of Funds within the General Fund for Animal Care & Control, Clerk’s Office, and Fire; Appropriating Transfers of Funds within the Fleet Maintenance Fund and the Motor Vehicle Highway Fund; Appropriating Funds from the General Fund for Clerk, Police and Information Technology Services; Appropriating Funds from the Cumulative Capital Development Fund, the Cumulative Capital Improvement – Rate Fund, the Risk Management Fund, the Redevelopment Lease Rental Bonds of 1991, and the Parking Facilities Lease Rental Bonds of 1992 Fund)**

- WHEREAS, various departments within the General Fund have requested authorization to transfer funds among budget classifications; and
- WHEREAS, the Fleet Maintenance Division desires to transfer funds from Classification 2 – Supplies to Classification 3 – Services and Charges for auction expenses; and
- WHEREAS, the Street Division desires to transfer funds within the Motor Vehicle Highway Fund from Classification 2 – Supplies to Classification 4 – Capital Outlays for a salt storage building; and
- WHEREAS, the Traffic Division desires to transfer funds within the Motor Vehicle Highway Fund from Classification 4 – Capital Outlays to Classification 3 – Services and Charges for traffic signal upgrades; and
- WHEREAS, the Clerk’s office desires to increase its budgets for personnel, telephone and advertising; and
- WHEREAS, the Police Department has received an OWI grant from the Indiana Criminal Justice Institute, and desires to increase its budget to reimburse Monroe County law enforcement agencies for overtime incurred for additional OWI enforcement; and
- WHEREAS, the Information Technology Services desires to increase its budget for capital replacement for the amount allocated to and reimbursed by Bloomington Public Transportation Corporation; and
- WHEREAS, the Public Works Department (Cumulative Capital Development Fund) has been awarded and wishes to expend a reimbursement grant from the Indiana Department of Transportation for transplanting trees in the state right of way; and
- WHEREAS, due to the significance of South Walnut Street as a gateway to Downtown Bloomington and in particular to the Bloomington Entertainment and Arts District, and to encourage and facilitate downtown redevelopment, the Office of the Mayor, in coordination with the Public Works department (Cumulative Capital Improvement – Rate Fund), desires to contract for streetscape design services for South Walnut Street between 2<sup>nd</sup> Street and 3<sup>rd</sup> Street; and
- WHEREAS, the City has determined the need to appropriate additional funds for Worker’s Compensation and a sufficient balance remains in the Risk Management Fund to pay these expenses; and
- WHEREAS, the Redevelopment Lease Rental Bonds of 1991 Fund is now dormant and pursuant to IC § 36-1-8-5, the Controller desires to transfer the remaining balance to the General Fund; and

WHEREAS, the Parking Facilities Lease Rental Bonds of 1992 Fund is now dormant and pursuant to IC § 36-1-8-5, the Controller desires to transfer the remaining balance to the General Fund;

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

SECTION I. For the expenses of said municipal corporation, the following additional sums of money are hereby appropriated and ordered set apart from the funds herein named and for the purposes herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED
General Fund – Animal Care & Control	
Line 52210 – Institutional & Medical Supplies	\$ 10,000
Line 53130 – Medical Services	-10,000
Total General Fund – Animal Care & Control	<u>0</u>
General Fund – Clerk's Office	
Line 51110 – Salaries and Wages – Regular	2,500
Line 51120 – Salaries and Wages – Temporary	2,400
Line 51220 – PERF	300
Line 52420 – Other Supplies	-4,000
Line 53210 – Telephone	40
Line 53320 – Advertising	500
Total General Fund – Clerk's Office	<u>1,740</u>
General Fund – Fire	
Line 51130 – Salaries and Wages – Overtime	-29,000
Line 52420 – Other Supplies	16,500
Line 52430 – Uniforms and Tools	500
Line 53160 – Instruction	500
Line 53210 – Telephone	3,000
Line 53540 – Natural Gas	2,000
Line 53650 – Repairs & Maintenance	6,500
Total General Fund – Fire	<u>0</u>
General Fund – Police	
Line 53960 – Grants	1,301
Total General Fund – Police	<u>1,301</u>
General Fund – Information Technology Services	
Line 54450 – Equipment – ITS Capital Replacement	4,287
Total General Fund – ITS	<u>4,287</u>
Grand Total General Fund	<u>7,328</u>
Fleet Maintenance Fund	
Line 52240 – Fuel and Oil	\$ -8,000
Line 53990 – Other Services and Charges	8,000
Total Fleet Maintenance Fund	<u>0</u>
Motor Vehicle Highway Fund	
Line 52240 – Fuel and Oil (Street)	-20,000
Line 53990 – Other Services and Charges (Traffic)	152,600
Line 54510 – Other Capital Outlays (Street)	20,000
Line 54510 – Other Capital Outlays (Traffic)	-152,600
Total Motor Vehicle Highway Fund	<u>0</u>
Cumulative Capital Development Fund	
Line 54510 – Other Capital Outlays.	50,000
Total Cumulative Capital Development Fund	<u>50,000</u>

Cumulative Capital Improvement – Rate Fund	
Line 53110 – Engineering and Architectural Services	<u>36,000</u>
Total Cumulative Capital Improvement – Rate Fund	<u>36,000</u>
Risk Management Fund	
Line 53420 – Worker’s Comp. & Risk Admin.	<u>35,000</u>
Total Risk Management Fund	<u>35,000</u>
Redevelopment Lease Rental Bonds of 1991 Fund	
Line 53990 – Other Services and Charges	<u>2,671</u>
Total Redevelopment Lease Rental Bonds of 1991 Fund	<u>2,671</u>
Parking Facilities Lease Rental Bonds of 1992 Fund	
Line 53990 – Other Services and Charges	<u>508</u>
Total Parking Facilities Lease Rental Bonds of 1992 Fund	<u>508</u>
Grand Total All Funds	\$ <u>131,507</u>

SECTION II. 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 by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
DAVE ROLLO, 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 \_\_\_\_\_, 2007.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

SYNOPSIS

This ordinance appropriates transfers within the General Fund for the Animal Care & Control Division, Clerks Office and Fire Department. It also appropriates transfers within the Fleet Maintenance Fund and the Motor Vehicle Highway Fund. It appropriates a grant from the Indiana Criminal Justice Institute for the Police Department. It appropriates monies in the General Fund – Clerk (Salaries & Wages, PERF, Telephone, and Advertising), Information Technology Services Department (ITS Capital Replacement), the Cumulative Capital Development Fund (state reimbursement), the Cumulative Capital Improvement – Rate Fund (design services), the Risk Management Fund (Worker’s Compensation), the Redevelopment Lease Rental Bonds of 1991 Fund (transfer from dormant fund), and the Parking Facilities Lease Rental Bonds of 1992 Fund (transfer from dormant fund).



MARK KRUZAN  
MAYOR

CITY OF BLOOMINGTON

401 N Morton St  
Post Office Box 100  
Bloomington IN 47402

SUSAN CLARK  
CONTROLLER

CONTROLLER'S OFFICE

p 812.349.3412  
f 812.349.3456  
controller@bloomington.in.gov

## Memorandum

**To:** Council Members  
**From:** Susan Clark, Controller  
**Date:** October 21, 2007  
**Re:** Appropriation Ordinance 07-06

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Appropriation Ordinance 07-06 is our comprehensive 2007 year end appropriation. The majority of the items are transfers from one budget category to another. Two requests are increases with offsetting revenue. The City's 2007 Budget will not see an overall increase as our 2007 reversions (savings) as a whole will be higher than the appropriation amount added by this ordinance. In other words, this appropriation will not result in an increase in costs for our taxpayers.

1. **General Fund – Animal Care & Control.** The AC&C Division of Public Works has requested a \$10,000 transfer from Line 53130 – Medical Services to Line 52210 – Institutional and Medical Supplies.
2. **General Fund – Clerk's Office.** The Clerk would like to transfer \$4,000 from Line 52420 – Other Supplies to Line 51110 – Salaries and Wages – Regular (\$2,500) and Line 51120 – Salaries and Wages – Temporary (\$1,500) to provide for additional front desk coverage. In addition, the Clerk would like to increase the budgets in Line 51120 – Salaries and Wages – Temporary (\$900), Line 51220 – PERF (\$300), Line 53120 – Telephone (\$40), and Line 53320 – Advertising (\$500).
3. **General Fund – Fire.** The BFD has requested a transfer of \$29,000 from Line 51130 – Salaries and Wages – Overtime to five lines: Line 52420 – Other Supplies (\$16,500), Line 52430 – Uniforms and Tools (\$500), Line 53160 – Instruction (\$500), Line 53210 – Telephone (\$3,000), Line 53540 – Natural Gas (\$2,000), and Line 53650 – Repairs & Maintenance (\$6,500).
4. **General Fund – Police.** The BPD has been awarded an OWI grant from the Indiana Criminal Justice Institute. We received the \$30,494.15 award on October 29, 2007. Now we are requesting an appropriation of \$1,301.18 to reimburse the Monroe County Sheriff's Department for their grant-related overtime expense.
5. **General Fund – Information and Technology Services.** The ITS Department would like to increase its budget for Line 54450 – Equipment – ITS Capital Replacement by \$4,287 which was expended for computers for the Bloomington Public Transportation Corporation. The BPTC has reimbursed the City. This item is neutral for the 2007 budget.

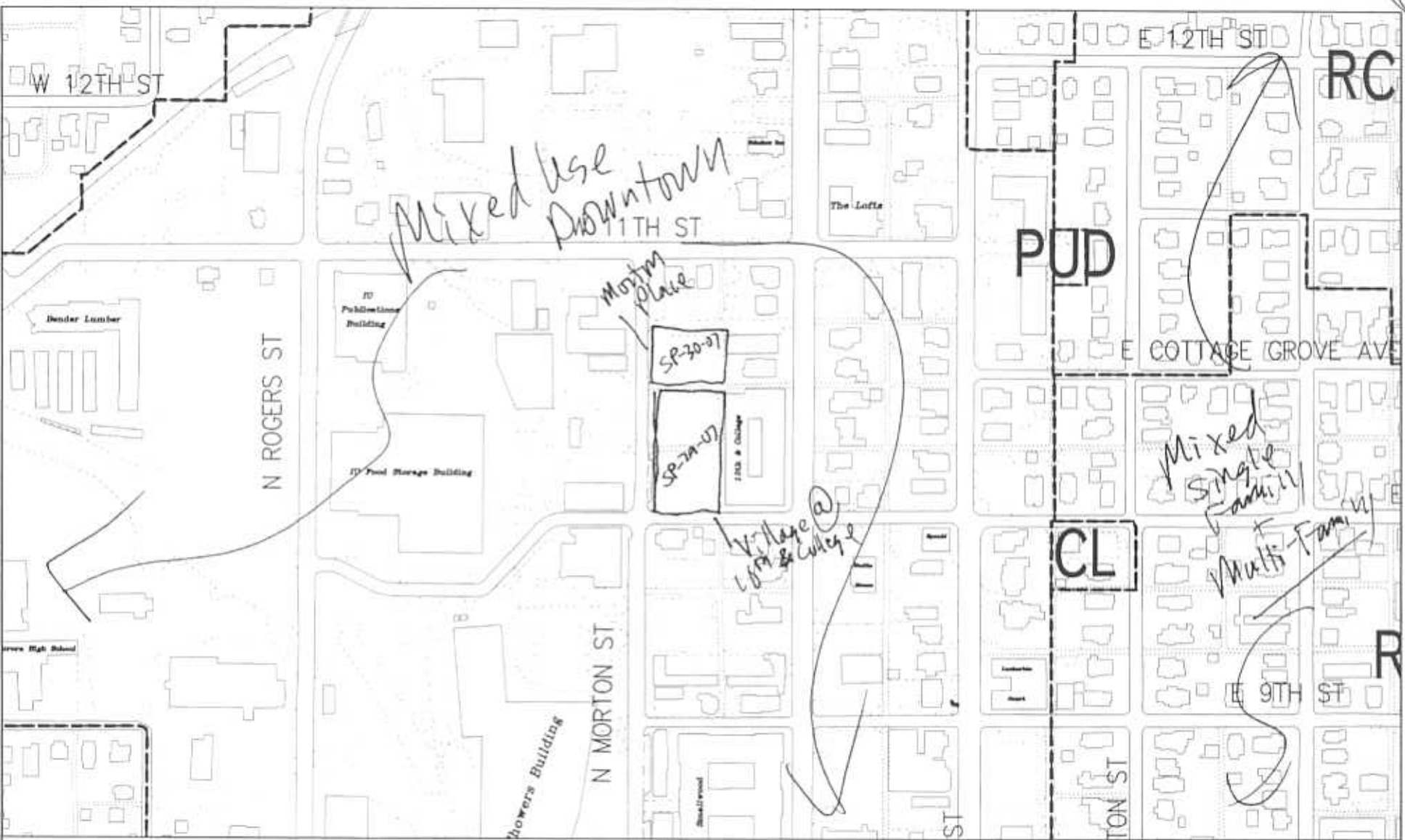
6. **Fleet Maintenance Fund.** The Fleet Maintenance Division of the Public Works Department has requested an \$8,000 transfer from Line 52240 – Fuel and Oil to Line 53990 – Other Services and Charges for costs associated with the City's auction.
7. **Motor Vehicle Highway Fund.** The Street Division of the Public Works Department has requested a \$20,000 transfer from Line 52240 – Fuel and Oil to Line 54510 – Other Capital Outlays for completion of a salt storage building.
8. **Motor Vehicle Highway Fund.** The Traffic Division of the Public Works Department has requested a \$152,600 transfer from Line 54510 – Other Capital Outlays to Line 53990 – Other Services and Charges for traffic signal upgrades.
9. **Cumulative Capital Development Fund.** The Public Works Department has requested a \$50,000 appropriation as a result of the award of a reimbursement grant from the Indiana Department of Transportation for transplanting trees in the state right of way on Pete Ellis Drive. This item is neutral for the 2007 budget.
10. **Cumulative Capital Improvement - Rate Fund.** The Office of the Mayor, in coordination with the Public Works department, seeks an appropriation of \$36,000 to contract for streetscape design services for South Walnut Street between 2<sup>nd</sup> Street and 3<sup>rd</sup> Street. By enhancing the appearance of the South Walnut Street gateway to Downtown Bloomington and in particular, to the Bloomington Entertainment and Arts District, the City will encourage and facilitate downtown redevelopment.
11. **Risk Management Fund.** The Employee Services Department has requested an additional appropriation of \$35,000 from the Risk Management Fund in order to cover Workers Compensation (W/C) expenses. After authorization of this appropriation, the projected year end cash balance in the Risk Fund will be approximately \$276,000 which is approximately equal to a five month reserve.
12. **Redevelopment Lease Rental Bonds of 1991 Fund.** The final maturity for the 1991 Redevelopment Lease Rental Bonds was February 2007; this debt service fund is now dormant. We are seeking approval to transfer the balance of \$2,670.60 to the General Fund.
13. **Parking Facilities Lease Rental Bonds of 1992 Fund.** The final maturity for the 1992 Parking Facilities Lease Rental Bonds was January 2006; this debt service fund is now dormant. We are seeking approval to transfer the balance of \$507.14 to the General Fund.

The grand total of the appropriation is \$131,507. Of that amount, \$55,588 is offset by new revenue. While we have revised the 2007 budget with this appropriation, there will be no net increase to total budgeted expenditures at the end of the year due to reversions from various departments and funds.

Feel free to contact me by email at [clarks@bloomington.in.gov](mailto:clarks@bloomington.in.gov) or by phone at 349-3412 at any time.

**Material Regarding Tax Abatement and Vacation of Right of Way for the Morton Place Condominium Project at 626 North Morton Street**

- **Plan Commission Materials for the Morton Place Condominium Project**
  - Map of Surrounding Area; Staff Memo the Plan Commission; Environmental Commission Memo to Plan Commission; Transportation Memo to Plan Commission; Petitioner Letter to the Plan Commission; Site Plan and Elevations
  
- **Ord 07-26** To Vacate a Public Parcel - Re: A 12-Foot Alleyway Running East/West for 132 Feet Between 622 and 626 North Morton Street (ERL-6, LLC, Elliott Lewis, Petitioner)
  - Map of Area; Aerial Map of Area; Depiction of Plat; Legal Description of Alleyway; Memo to Council from Lynne Darland, Zoning and Enforcement Manager; Petition; Letter from Petitioner; Photos of East/West Alleyway (to be vacated) and North/South Alleyway (to remain public); Transmittal Letter to Utilities; Insert Indicating Responses from Utilities and Emergency Services  
*Contact: Lynne Darland at 349-3529 or darlandl@bloomington.in.gov*
  
- **Memo to Council** from Danise Alano, Director of Economic Development (with tax calculations)  
*Contact: Danise Alano at 349-3406 at alanod@bloomington.in.gov*
  
- **Res 07-14** To Designate an Economic Revitalization Area, Approve a Statement of Benefits, and Authorize a Period of Tax Abatement - Re: Morton Place Condominiums, 626 N. Morton Street (ERL-3, LLC, Petitioner)
  - EDC Res 07-05; Statement of Benefits; Application for Tax Abatement; Rendering of Project
  
- **Ord 07-27** To Designate an Economic Development Target Area (EDTA) - Re: 626 N. Morton Street, Morton Place Condominiums (ERL-3, LLC, Petitioner)
  - EDC Res 07-06



Location Map  
SP-30-07

By: roachja  
6 Sep 07



For reference only; map information NOT warranted.



City of Bloomington  
Planning



Scale: 1" = 300'

**BLOOMINGTON PLAN COMMISSION  
STAFF REPORT**  
Location: 626 N. Morton Street

**CASE #: SP-30-07**  
**DATE: November 5, 2007**

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**PETITIONER:** ERL-7, LLC  
601 N. College Ave., Suite 1A

**CONSULTANT:** Studio Three Design  
8604 Allisonville Rd., Suite 330, Indianapolis

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**REQUEST:** The petitioner is requesting site plan approval in order to build a 60 bedroom condominium building.

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<b>Area:</b>	0.38 Acres										
<b>Zoning:</b>	CD/DCO										
<b>GPP Designation:</b>	Downtown										
<b>Existing Land Use:</b>	Vacant										
<b>Proposed Land Use:</b>	Multi-family Residential										
<b>Surrounding Uses:</b>	<table><tbody><tr><td><b>Southeast</b></td><td>– Mixed use (10<sup>th</sup> and College)</td></tr><tr><td><b>South</b></td><td>– planned Village @ 10<sup>th</sup> &amp; College apartments</td></tr><tr><td><b>West</b></td><td>– Offices</td></tr><tr><td><b>North</b></td><td>– Vacant</td></tr><tr><td><b>East</b></td><td>– Single Family &amp; offices</td></tr></tbody></table>	<b>Southeast</b>	– Mixed use (10 <sup>th</sup> and College)	<b>South</b>	– planned Village @ 10 <sup>th</sup> & College apartments	<b>West</b>	– Offices	<b>North</b>	– Vacant	<b>East</b>	– Single Family & offices
<b>Southeast</b>	– Mixed use (10 <sup>th</sup> and College)										
<b>South</b>	– planned Village @ 10 <sup>th</sup> & College apartments										
<b>West</b>	– Offices										
<b>North</b>	– Vacant										
<b>East</b>	– Single Family & offices										

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**REPORT SUMMARY:** The subject property is located on the east side of N. Morton Street, between W. 10<sup>th</sup> Street and W. 11<sup>th</sup> Street. The property is made up of 2 platted lots totaling 0.38 acres. The property is currently vacant. It is bound on the north, south and east by platted alleys. The property is surrounded by residential uses to the northeast and east, the mixed use 10<sup>th</sup> and College building to the southeast, office uses to the west and southwest and a vacant lot to the north. The property slopes from the northeast to the southwest with 18 feet of grade difference between these two points. The property is zoned Commercial Downtown (CD) and is within the Downtown Core Overlay (DCO).

The petitioner is proposing to construct a 60 bedroom condominium building on this property. The proposed building would have a mix of 1, 2, 3 and 4 bedroom units, with a total of 25 units and 46 parking spaces. Included in the 25 units are two first floor units that could be converted into approximately 2,700 square feet of non-residential space. Construction of this building would also necessitate the vacation of the existing east-west alley between this property and the recently approved Village @ 10<sup>th</sup> & College building to the south. Vacation of this alley would allow these buildings, and more importantly their parking garages, to be merged.

A unique aspect of this downtown project is that the proposed residential units will be arranged as condominiums that will be marketed and sold specifically to owner occupants. The petitioner has applied for tax abatement as a means of providing a fiscal incentive for



potential purchasers of these units. This tax abatement request will be reviewed by the City Council concurrently with the alley vacation petition. As part of the tax abatement proposal, the City is requiring an agreement that would condition the City's positive tax abatement recommendation to the City Council on the petitioner's commitment to have these units be owner-occupied.

**Plan Commission Site Plan Review:** Two aspects of this project require that the petition be reviewed by the Plan Commission, per BMC 20.03.090. These aspects are as follows:

- The project is adjacent to a residential use (mixed-use 10<sup>th</sup> and College building to the southeast and residential uses to the east and northeast)
- The project proposes three waivers to the standards in BMC 20.03.120 and 20.03.130

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## SITE PLAN REVIEW

**Parking:** Within the Downtown Core, the UDO sets a minimum parking development standard for a 60 bedroom building at 37 spaces and a maximum development standard at 43 spaces. The proposed 46 parking spaces is over the maximum parking standard and thus a waiver is necessary. All parking takes place in a structured parking garage that would be mostly below ground. Because of the change in grade on the property, 7 feet of the parking garage level is exposed at the southwest corner of the property and it is completely below ground at the northwest corner.

**Parking Waiver-20.03.120(c):** A waiver from the maximum parking development standard of the UDO is required to allow more than 43 parking spaces. While the proposed parking count is over the maximum standard, the parking amounts to 0.77 spaces per bedroom. This is close to the 0.80 parking spaces per bedroom recommended by The Downtown Vision and Infill Strategy Plan (hereafter referred to as "Downtown Plan") (Pg.4-13). In addition, parking above the minimum number of spaces may be utilized by the adjacent Villages @ 10<sup>th</sup> & College building. Additionally, allowing some additional parking is warranted given the developer's proposal to develop owner occupied condominiums.

**Bicycle Parking:** A 60 bedroom multi-family development requires 10 bicycle parking spaces. At least 5 of these spaces must be covered spaces. No "Class I" bicycle storage is required for this size of development. The petitioner proposes that 14 bicycle parking spaces be located within a secure bicycle room on the first floor, thereby meeting all requirements with "Class I" spaces. In addition to this bicycle room, six spaces are proposed within the courtyard and six spaces are proposed along Morton St, bringing the total to 26 spaces, more than twice that required by the UDO.

**Materials:** The majority of the building is clad in limestone and two to three colors of brick. The north and west sides of the building, visible from adjacent alleys, would also include cementitious siding. All of these materials follow the architectural standard of the DCO. The interior courtyard would include all of these materials and would also add cultured stone to the material list.

**Residential Density:** The property is 16,566 square feet in area, or approximately 0.38 acres. The petition is for 60 bedrooms, or 157 bedrooms per acre. This density is below the 180 bedrooms per acre development standard of the CD/DCO. The chart below compares other similar multi-story apartment buildings in the near downtown area.

Smallwood Plaza	415 N. College Ave.	702 beds	359 beds/acre
Proposed Village @ 10 <sup>th</sup> & College Amend.	602 N. Morton St.	149 beds	196 beds/acre
The Mercury	202 N. Morton St.	84 beds	195 beds/acre
TJL Development (not yet built)	116 E. 6 <sup>th</sup> St.	38 beds	190 beds/acre
Approved Village @ 10 <sup>th</sup> & College	602 N. Morton St.	135 beds	178 beds/acre
10 <sup>th</sup> and College	601 N. College Ave.	123 beds	161 beds/acre
Washington St. Townhouses	240 N. Washington St.	32 beds	160 beds/acre
<b><i>Proposed Morton Place</i></b>	<b><i>626 N. Morton St.</i></b>	<b><i>60 beds</i></b>	<b><i>157 beds/acre</i></b>
The Omega	252 N. Walnut St.	30 beds	150 beds/acre
Lockerbie Court	500 N. Walnut St.	48 beds	130 beds/acre
Pavilion Heights	119 E. 7 <sup>th</sup> St.	36 beds	129 beds/acre
Burnham	444 E. 3 <sup>rd</sup> St.	74 beds	121 beds/acre
Lofts on College	702 N. College Ave.	43 beds	120 beds/acre
The Kirkwood	315 W. Kirkwood Ave.	96 beds	114 beds/acre
Omega Manor	302 N. Washington St.	20 beds	100 beds/acre

**Height:** The height of the proposed building varies because of the differing number of stories at different points in the building and because of a 18-foot change in grade from the northeast corner of the property to the southwest corner. The building is essentially a 4-story building, with a fifth floor "penthouse" level stepped back 50 feet from the street face. Along Morton St. there is a 7 feet change in grade, with the high point to the north. The highest part of this building on the street frontage is 65 feet and the shortest part is 54 feet, as measured from the lowest point of the grade, the southwest corner. When measured from Morton St. immediately in front of the building, heights range from 53 feet to 60 feet. The fifth floor is setback from the street frontage by 50 feet. Without the fifth floor, building height is 54 feet as measured from the lowest point of the grade and ranges from 54 feet to 46 1/2 feet as measured directly in front of the building. An exhibit showing the relative heights of the building has been provided in your packet (Exhibit titled "Relative Heights").

**Height Waiver-20.03.120(b)(2):** A waiver from the architectural standard of the UDO is required to allow a height of more than 50 feet. The Downtown Plan, in the intent for the Downtown Core area (Pg. 2-5) states that "parcels in the Downtown Core Character Area can accommodate taller structures and should be encouraged when they are designed to reflect the traditional scale of buildings at the street level and are articulated into modules that are compatible with the traditional design

context." Guideline 3.9 recommends that new buildings "maintain the perceived building scale of two to four stories in height." It goes on to state that "if a building must be taller, consider stepping upper stories back from the main façade." The proposed building is mostly a 4-story building at the street. The 5-story portion of the building is small in comparison to the rest of the building and is stepped back from the main façade by 50 feet. Staff finds that the perceived height of this building is reduced due to the articulation of the building and the step back of the taller portion. Staff believes that this design allows the perceived height to be 4 stories on the street.

**Step back:** BMC 20.03.130(c)(3) requires that any building over 45 feet in height step back the portion over 45 feet a minimum of 15 feet from the front build-to-line. At the tallest, this building is 65 feet. The fifth floor is stepped back 50 feet from the Morton St. build-to-line. However, there are portions of the façade along the street edge that are up to 54 feet in height, as measured from the lowest part of the grade, without a step back.

**Building Height Step Back Waiver-20.03.130(c)(3):** A waiver from the minimum stepback height architectural standard of the DCO is required to allow portions of the building to be as tall as 54 feet before there is a step back. Much of the justification for this waiver has already been discussed in dealing with the height waiver. Guideline 3.9 recommends that new buildings "maintain the perceived building scale of two to four stories in height." It goes on to state that "if a building must be taller, consider stepping upper stories back from the main façade." The Downtown Plan does not give a recommended height for the step back, but instead recommends step backs for building over 4 stories. The Morton St. frontage has the perceived height of 4 stories. While the fifth floor is taller than recommended by the Downtown Plan, its height is diminished by the 50 foot step back and change in grade on the property.

**Streetscape:** Pedestrian scale lighting is proposed on Morton St. in accordance with the DCO. The DCO also requires a minimum 5 foot wide concrete sidewalk. Existing along Morton St. is a historic brick sidewalk. The petitioner proposes to re-create this brick sidewalk by, hopefully, reusing the existing bricks. This sidewalk matches the sidewalk approved at the adjacent Village @ 10<sup>th</sup> & College building.

There are two existing, mature Sugar Maple street trees along Morton St. While these trees are in good health, construction of the building and rebuilding of the sidewalk and curbs are likely to severely damage their root systems. According to Lee Huss, the City's Urban forester, Sugar Maples typically do not perform well in urban areas due to poor compacted soils, road salts, heat and drought intolerance. The large tree plot and open area to the east has enabled both trees to grow to maturity. With this petition, both of these trees would be removed and replaced.

**Void-to-solid Percentage:** The DCO sets a minimum upper story void-to-solid architectural standard at 20%. The petition contains approximately 39% void-to-solid. The DCO also sets a minimum first floor void-to-solid at 70%, "consisting of display windows,



entries and doors." The building as proposed contains approximately 62% void on the first floor. Unlike the recently approved Village @ 10<sup>th</sup> & College next door, this void percentage is made up of only pedestrian scale doors and windows and not garage doors or display cases.

**Void-to-solid Waiver-20.03.130(b)(2)(A):** A waiver from the architectural standard of the UDO is required to allow portions of the first floor to have less than 70% void area. The need for this waiver is driven by the fact that the first floor is entirely residential uses. A 70% void-to-solid ratio would be typically seen on buildings with retail storefronts, not those with residential uses on the first floor. While first floor retail uses are not required in the DCO, the petitioner has provided more than 2,700 square feet of space than could be converted to non-residential uses in the future if the market so demands. While the Downtown Plan does not specifically address a first floor void-to-solid ratio, it does recommend that new buildings incorporate a base, middle and cap, with the base including "large display windows, kickplates below windows, sign band, and building entrance." This build includes all of these elements, except for the kickplate, and incorporates banding and changes in color and materials to distinguish the base from the middle of the building.

**Green Roof:** This building will utilize two partial green roofs. One green roof area is within the interior courtyard on the roof top of the parking garage. The second green roof area is on top of the fourth floor of the building. These areas will utilize low intensity green roof zones with sedum, a hearty succulent which requires little maintenance, is low growing and can grow in shallow soils. The sedum will be supplemented with ornamental grasses, perennials, flowering shrubs, groundcover and hostas. Larger plants and shrubs and ornamental trees may also be included, possibly in pots.

**Neighbor Comments:** Staff has spoken with the immediately adjacent homeowners to the east on several occasions. Their primary concern is that the height of the building will place their yard in shadow for longer periods than the current development patterns. They also have concerns about increased pedestrian traffic in the alley, noisy mechanicals to the rear of the house, lighting and the desire to not have balconies on the rear of the building. These concerns have mostly been addressed by the petitioner. Finally, these neighbors do currently utilize the east-west alley for access to their house. If the north-south alley is improved, this access could still remain in the long term, but may be disrupted in the short term during construction.

**Alley Vacation:** Construction of this building would also necessitate the vacation of the existing east-west alley between this property and the recently approved Village @ 10<sup>th</sup> & College building to the south. Vacation of this alley would allow these buildings, and more importantly their parking garages, to be merged. By merging the parking garages, the garage can be built nearly completely below grade on this property. This allows for a single shared vehicular entrance in the location already approved with the Village @ 10<sup>th</sup> & College project. There are no public utilities in the alley and the petitioner is working to relocate the private utilities located there. Even with vacation of the alley, the petitioner has designed this building to appear as a separate building from the Village @ 10<sup>th</sup> &

College structure. While they are physically connected through their parking levels, the buildings are separated above this level by about 12 feet, which provides a visual break from the street. The parking level is also notched and stepped back at the alley location to provide additional separation and room for utilities connections. Vacation of this alley would also allow for the creation of two additional on-street parking spaces.

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**ENVIRONMENTAL COMMISSION RECOMMENDATIONS:** The Bloomington Environmental Commission (EC) has made 4 recommendations concerning this development.

- 1.) Provision of recycling space and pick-up service for all residents.

**Staff response:** While these services would certainly be desirable, recycling is not required by the Unified Development Ordinance.

- 2.) Additional green building practices, including the installation of energy savings lighting and appliances, recycling or salvaging of construction and demolition debris, and utilization of local building materials or products.

**Staff response:** While not required by the UDO, the petitioner has already implemented several "green building" practices, including a partial green roof, use of local materials and reuse of the existing brick sidewalk. These items, as well as the other items requested by Environmental Commission, are not required by the Unified Development Ordinance.

- 3.) Increased permeable surface within proposed green roof areas and agreement to incorporate diverse native prairie plantings into a portion of the landscaped space.

**Staff Response:** Green roof elements are not required in the UDO, and the petitioner has already met the standards of the City's landscaping code.

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**Developer Track Record:** Developer Elliot Lewis is the principle behind ERL-7, LLC. Other recent projects completed by this petitioner include the 10<sup>th</sup> and College building, the 4<sup>th</sup> and Indiana building, the recently remodeled of the Odd Fellows Building and the recently approved Village @ 10<sup>th</sup> & College. There are no outstanding zoning violations associated with these developments.

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**Conclusions:** The Planning Department staff finds that the petition satisfies many of the requirements of the Unified Development Ordinance, including use and density. While some parts of the petition do not meet the standards of the DCO, the requested waivers are appropriate based on the merits of proposal, its compatibility with surrounding buildings and compliance with the recommendations of the Downtown Plan.

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**RECOMMENDATION:** Based on the written findings above, staff recommends approval of SP-30-07, and all associated waivers, with the following conditions.

1. This approval is conditioned on approval of the petitioner's alley vacation request by the City Council.
2. This approval is conditioned upon City Council approval of a tax abatement that is conditioned upon owner-occupancy of the dwelling units for the duration of the abatement period. Failure of the tax abatement to be approved by the City Council shall render this site plan approval void.
3. This approval is also conditioned upon inclusion of an owner-occupancy requirement for the units in the condominium governing documents. Failure of the governing documents to be approved by the City Planning and Legal Departments shall render this site plan approval void.
4. Final City Utilities Department approval is required before release of any permits.
5. The proposed building must be constructed utilizing the same materials and architectural details as shown in the petitioner's submitted elevations.
6. The north-south alley to the east of this building shall be paved and improved to the standards of the City Engineering Department from 10<sup>th</sup> Street to the northeast corner of this property.

# MEMORANDUM

**Date:** October 29, 2007

**To:** Bloomington Plan Commission

**From:** Bloomington Environmental Commission

**Through:** Linda Thompson, Senior Environmental Planner

**Subject:** SP-30-07, Morton Place (formerly named ERL-7, Inc., The Village Condominiums) site plan approval and waivers from height and void to solid ratio.

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This memorandum contains the Environmental Commission's (EC) input and recommendations regarding the site plan approval, waivers from height restrictions, and first floor void to solid ratio for SP-30-07, Morton Place formerly named ERL-7, Inc., The Village Condominiums. The Plan depicts a 25-unit, 60-bedroom condominium project located at 626 North Morton Street.

Some of the following issues the EC brings to your attention are directly in response to the Bloomington Municipal Code (Code). Other comments and recommendations are not necessarily required by the Code, but are based on sound environmental planning consistent with the Bloomington Growth Policies Plan.

## ISSUES OF CODE COMPLIANCE:

### 1.) PEDESTRIAN-FRIENDLY ARCHITECTURAL STANDARDS:

As the petitioner acknowledges, as part of the Downtown Core, this development does not fully meet code requirements for first floor void-to-solid percentage (20.03.130 Downtown Core Overlay (DCO); Architectural Standards (b) Architectural Character (2) (A)). Part of the intent of the overlay standards is to ensure detailed storefront modules that are visually interesting to pedestrians (20.03.080). These standards thus help to fulfill our city's Growth Policies Plan Vision for downtown development that maintains Bloomington's historic character and provides more extensive pedestrian options, thus helping to reduce automobile use and associated greenhouse gas emissions and air pollution.

We do, however, acknowledge that the void to solid ratio is nearly met and that the petitioner has included business convertible space along the North side of the building. We also appreciate the attention that has been paid to enhancing the pedestrian scale of the building along Morton Street, including the provision of porches.

## **ISSUES OF SOUND ENVIRONMENTAL PLANNING:**

### **1.) RECYCLING:**

The EC recommends that the petitioner allocate space within the building design to accommodate resident recycling. The pick-up service is readily available in Bloomington if space is planned in advance at the site. Lack of recycling services is the number one complaint that the EC receives from apartment dwellers in Bloomington. Recycling has become an important norm that has many important benefits in energy and resource conservation. The EC feels that recycling is an important contributor to Bloomington's environmental quality and sustainability, and that it will also increase the attractiveness of the condominiums to prospective buyers.

### **2.) GREEN BUILDING:**

The EC appreciates the developer proposing two partial green roofs. Green roofs provide a number benefits, including reduction of the urban heat island effect and reduced stormwater flow. We encourage the developer to consider reducing the area of paver covering in the proposed green roof areas, thus enhancing the beneficial effects of green roofs. In addition, the EC recommends that the developer consider the following additional green building features: Installation of energy saving lighting and appliances (consistent with 20.05.049 GD-01 (a) (1) (B) of the UDO, recycling or salvaging construction and demolition debris (20.05.049 GD-01 (a) (1) (D), and utilization of local building materials or products (20.05.049 GD-01 (a) (1) (E).

### **3.) LANDSCAPING:**

The EC has not yet reviewed a detailed landscape plan for this project. We acknowledge that green roof areas can require specialized vegetation adapted to shallower soils, wind, and high light intensity, and would be happy to work with the developer on specific choices to ensure that exotic invasive plant species are avoided.

For other landscape areas, we suggest that the petitioner consider using diverse native prairie species. These attract butterflies and other beneficial insects, promote biodiversity in the city, do not require inputs of chemical fertilizers or pesticides and are water efficient once established.

For suggestions, please see the EC's Natural Landscaping materials at

[www.bloomington.in.gov/beqi/greeninfrastructure/htm](http://www.bloomington.in.gov/beqi/greeninfrastructure/htm) under 'Resources' in the left-hand column. For excellent photos of native prairie species, see:

[http://www.prairiemoon.com/store/template/product\\_display.php?NID=88&SID=04303bb59359492983a1d255f50dd2d2](http://www.prairiemoon.com/store/template/product_display.php?NID=88&SID=04303bb59359492983a1d255f50dd2d2).

For additional suggestions plus an excellent guide to Midwest sources of native prairie and other species see <http://www.inpaws.org/landscaping.html>.

## **EC RECOMMENDATIONS:**

- 1.) The petitioner shall ensure that recycling space and amenities be provided for all residents and that the most convenient and comprehensive recycling facilities are provided.



- 2.) The petitioner shall agree to incorporate any or all of the following green building practices into the building design: installation of energy savings lighting and appliances, recycling or salvaging construction and demolition debris, and utilization of local building materials or products.
- 3.) The petitioner shall agree to increase the extent of permeable surface within the proposed green roof areas and shall agree to incorporate diverse native prairie plantings into a portion of the landscaped space.

## MEMORANDUM

**TO:** PLAN COMMISSION MEMBERS

**FROM:** JOE FISH, TRANSPORTATION PLANNER  
*Planning Dept. liaison to the Bloomington Bicycle and Pedestrian Safety Commission*

**RE:** THE VILLAGE AT 10<sup>th</sup> & MORTON, PHASE II

**DATE:** AUGUST 31, 2007

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The Bloomington Bicycle and Pedestrian Safety Commission (BBPSC) reviewed the proposed site plan for the Village at 10<sup>th</sup> & Morton, Phase II at its regular meeting on August 20, 2007. The BBPSC is generally satisfied with the site plan, per adherence to the Alternative Transportation provisions of the Unified Development Ordinance. However, the Commission raised opposition to the proposed alley vacation.

The BBPSC believes that the alley provides a useful east-west connection for bicyclists and pedestrians. The Commission recommends that the developer seek alternatives that would allow public bicycle and pedestrian access through the alley. If this is not feasible, a substantial public good beyond what is required by the UDO should be demonstrated.

Regarding bicycle parking, the BBPSC recommends that bicycle racks be provided in such a way as to allow easy access for both residents and guests. Accordingly, bicycle parking should not be concentrated in a single location, but should be dispersed across multiple locations within the site.

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August 13, 2007  
 August 16, 2007 – revised  
 August 27, 2007 - revised

City of Bloomington Planning Department  
 P.O. Box 100  
 Bloomington, IN 47402  
 Attn: Mr. James Roach

RE: "Morton Place"  
 Studio 3 Project #07019.02

**PETITIONERS STATEMENT**

Dear Mr. Roach

Studio 3 Design is pleased to submit the attached condominium development, "Morton Place" for Plan Commission review. The following document outlines the project scope and addresses comments received to date regarding the project. Please take time to review and contact us with any additional questions.

<u>Condominium Unit</u>	<u>Count</u>	<u>Beds</u>
3 Bed Townhouse w/ Den (Type A1)	2 Units	6 Beds
2 Bedroom townhouse (Type A2)	6 Units	12 Beds
1 Bed townhouse w/Loft (Type B1)	1 Unit	1 Bed
3 Bedroom Flat (Type C1)	1 Unit	3 Beds
3 Bed flat w/Den (Type C2)	3 Units	9 Beds
3 Bedroom Townhouse (Type D1)	2 Units	6 Beds
2 Bed townhouse w/Den (Type D2)	2 Unit	4 Bed
3 Bedroom Townhouse (Type E1)	1 Unit	3 Beds
2 Bed Townhouse w/Loft (Type E2)	1 Unit	2 Beds
2 Bedroom Flat (Type F1)	4 Units	8 Beds
2 Bedroom Flat (Type G1)	1 Unit	2 Beds
4 Bedroom Townhouse (Type H1)	1 Unit	4 Beds
	<hr/>	<hr/>
	25 Units	60 Beds

**Parking Counts**

Underground garage parking	46 (Revised 8/27/07)
Street parking	7
Total Provided	53 Parking Spaces Provided (Rev. 8/27/07)
Total Required	37 Required
	13 Additional

### **Project Location**

The project is located between 10<sup>th</sup> Street and 11<sup>th</sup> Street along Morton Street. The surrounding land use includes apartment developments, residential and commercial. The existing site is vacant with the proposed new use to be a condominium development. The adjacent property to the north, which is separated by a 12' alley, is owned by the developer for this project.

To the East is a residential property. The adjacent property, to the South, is currently separated by a 12' alley, and is owned by the developer for this project, with an approved development for an apartment complex planned for the site.

### **Project Concept**

The "Morton Place" condominiums is an exciting new condominium development for Bloomington's downtown. The design revolves around the creation of two internal courtyards framed by a primarily four (4) level "U" shaped structure built on top of an underground parking garage.

A sense of community is formed through the provision of entrances both engaged with the Morton streetscape, open to the courtyards, and organized within climate controlled corridors all arranged to encourage interaction among residents as they come and go throughout the day.

The project acts as an extension of the developer's current project at TENTH & COLLEGE and the planned project "The Village at TENTH & COLLEGE" and has been developed with the knowledge that each site will benefit from the site amenities provided. These include exercise facilities, on-site management office, swimming pool and sun bathing deck, retail facilities for food and clothing options and internal courtyards within secured community space.

### **Building Scale / Massing / Articulation**

The condominiums building sits on top of a single level of underground parking with the respective roof level of the garage becoming a courtyard for the condominiums above.

The perimeter of the building along Morton Street forms the primary facade for the project and has been articulated to meet and exceed local code requirements.

The project takes advantage of the site's 18' elevation change by tucking the parking garage into the hillside and stepping the condominiums up with the grade along Morton Street. The primary façade is broken down into smaller building components marked by designated entry points to the development from Morton and the alleys on the North and East sides of the development. The building massing is further broken down into a rhythm of modular bays articulated with balcony and window openings. A rich palette of building materials divide the four (4) level street front apartments vertically into three (3) distinct zones; base, body and cap. The articulation of the building elements carries onto the bricked streetscape to enhance the development's curb appeal and reinforce the facilities human scale along Morton Street. Entrances and porches along Morton provide a "brownstone" type appeal and enhance opportunities for interaction between the condominiums and the street life.

### **Parking Garage Access**

The parking level is tucked into the hillside and provides reserved, secure parking for the Village's residents. The parking garage has been designed to connect to the Level 2 parking garage planned for the "The Villages @ TENTH & COLLEGE" apartment complex. The access point for the garage level utilizes the existing Level 2 entry off of Morton Street, approximately 206 feet north of the intersection. By connecting underground with the approved garage, the new garage remains completely concealed from view.

The approved Garage access drive is a total of 24 feet in width with two (2) 10-foot wide concrete drives and stone clad openings with a center wall divider. The selected locations allow for ADA compliant pedestrian access, maximized internal parking, limited opportunities for water infiltration and the ability to maintain a lower vertical height to the overall building massing.

In order to connect the two garages underground, the current alley that divides the two properties will need to be vacated.

### **Streetscape**

A steady rhythm of old fashioned street lamps and grated trees, set in a brick paved sidewalk, enhance the curb appeal and simple charm of the development. Where possible, landscaping lines the base of the building and provides a soft transition between the street and the building.

### **Building / Site Entrances:**

The project offers three (3) primary external points of entry and one (1) internal access path for pedestrians; one (1) on Morton street which is ADA accessible, one (1) off of the North alley across from existing surface parking and one (1) ADA accessible access point off of the East alley for Pedestrians, as well as access across the internal plaza/ courtyard level which connects to multiple means of egress through "The Villages @ TENTH & COLLEGE". Additionally, the site is accessible through the garage level via stair and elevator access.

The Primary façade entrance on Morton Street is called out at the street by a canopy which incorporates the project name. Flanking the entry point at the Morton Street and North Alley entrance location is a cut stone sign recessed into the wall which identifies the building address. Each location is accented with appropriate lighting and stands to signify an obvious point of entry for the site.

Additionally, each entrance point provides access to the courtyard level. Two of these points are within the recommended three foot variation from the street sidewalk and are wheelchair accessible. The third entry point off of the North alley is within 4' of the proposed grade.

### **Building Heights**

The primary building elevation along Morton Street steps up with the street elevation and is within a few feet of the targeted height recommendations of the city code. The building façade steps back from the street at the third and fourth floor elevations, to reduce the perceived height of the facade as recommended by the City guidelines. The Northeast corner of the building is expanded to a fifth level. The change in grade at this location conceals the first floor of the building leaving four (4) levels exposed above grade. Additionally, this portion of the building is stepped back from the primary façade by approximately 60 feet.

The city guidelines provide for structures three (3) to four (4) stories in height in this area with setbacks, as the building rises, to maintain the scale and perceived height of a 3 to 4 level structure.

#### **Building Materials**

Limestone, two to three colors of brick, metal and wood trim form the palette for the primary façade. These materials carry onto the North alley elevation where wood patterned cement planks are mixed into the material palette. The East alley elevation primary uses two (2) colors of wood patterned plank and split faced CMU to match the surrounding structures. The internal courtyard elevations use a blend of cultured stone, limestone, brick and wood patterned cement planks.

#### **Site Landscaping**

Morton Street will be lined with street trees in 5' metal grates set in the public right-of-way. We are proposing the creation of a 3 foot landscape band along Morton Street between a brick paved sidewalk and the building site walls.

The courtyards (which exist above the parking garage) are designed to have a mix of concrete paved surfaces, low intensity green roof zones for sedum, and other plantings only requiring a 6" planting bed, as well as some deeper planting beds upward of 2' in depth to allow for larger landscaping species.

The roof of the project is also proposed to house a rooftop retreat area composed of pocketed "green roof" zones dispersed within a paver covered zone and potential roof trellis area. Additional potted plants will be reviewed as options for placement as we investigate the durability and maintenance issues with having landscaping at this level.

Planting materials will most likely consist of ornamental grasses, perennials, flowering shrubs, groundcover, sedum, hostas and where possible – small ornamental trees. Additionally, potted plants may be introduced to enrich the overall environment. More research on specific plantings that will work in this region for this application will need to occur prior to picking specific items to install.

#### **Bike Parking**

Secured covered bike parking locations have been suggested within the covered parking garage. A bike room would be within the first level of the facility and have easy access to in and out of the building.

We would additionally like to propose the creation of a few on-street bike racks along Morton Street as well as a few internal courtyard locations for convenience, as well as visitor bike parking. An additional breakdown of the bike count is noted at the end of this document.

#### **Site Accessibility**

Pedestrians can enter the site at grade or via stair off of Morton Street. The alley to the east provides an opportunity for grade level access at the Southeast corner to the plaza / courtyard. The alley to the north provides for stair access to the plaza/courtyard level.

All levels, including the garage, are tied together by an elevator/stair tower and provide full access for the disabled.

#### **Void to Solid ratio at Morton Street – Level 1.**

The current design provides for a void to solid ratio of 68.5 % void and 31.5% solid at the main level along Morton street. Current recommendations are to reach 70% void. As we do not include retail at this level, we would ask that the ratio provided be considered.

#### **Stormwater Detention**

Stormwater detention and water quality for the project will be addressed with the construction of an underground detention area beneath the floor slab of the lower level parking garage of the adjacent property owned by the developer (The Village @ TENTH & COLLEGE). This system is not unlike other underground detention areas that have been constructed in the City. It will utilize a concrete vault constructed under the lower level floor slab with a reduced outlet pipe to control the discharge rate. The vault is sized to handle the drainage for both "The Villages @ TENTH & COLLEGE" apartment complex and the new Condominium project. Roof drain lines and parking garage drain lines at the condominiums will be collected and will be connected to this system through piping installed as part of The Village apartment project. An Aqua-swirl device will be installed at the outlet of the underground system to provide for water quality enhancement prior to the system's connection to the City storm sewer system at the intersection of 10<sup>th</sup> and Morton. Clean-outs for the underground detention will occur at The Village apartment's garage entrance off of 10<sup>th</sup> street to allow for easy access by service vehicles.

#### **Water Service**

The project will connect to the existing City 18" main along Morton Street. An 8" DIP service line will be extended to service the Condominium site. A master meter will be installed outside of the City right-of-way off Morton Street and will house the necessary meters and fire apparatus. The PIV and Siamese connection will be installed at this location as well. No new mains will need to be installed to provide service for the project.

#### **Sewer Service**

The project will connect to the existing 8" City sewer main along Morton Street. A 6" PVC sewer lateral will be extended from the main to serve the condominiums. No new mains will need to be installed to provide service for the project.

#### **Private Utilities**

Duke Energy and Ameritech/SBC will provide for the service needs of the development.

#### **On-Street Parking**

There are currently metered parking spaces along Morton Street north of the "protected" spaces. Though the location of the spaces will be altered slightly, all metered spaces will remain.



**REVISIONS TO PETITIONER'S STATEMENT  
"MORTON PLACE CONDOMINIUMS"**

**Bike Parking**

- A total of 10 spaces are required for the 60 bed condominium project.
- 6 spaces are provided off of Morton Street for public
- 6 spaces are provided on Level 1 plaza near the pool
- 14 secured spaces are located in a bike room on Level 1, in the northeast corner with quick access to exterior courtyards
- An additional storage room with 12 cages has been provided for use by the condominium tenants. The cages can be used for bike or personal storage.

Total bike spaces provided are 26

**Convertible Space**

The North side of the building, stretching from the northwest to northeast corners, on Level 1 has been designated as convertible space with the hope of attracting condominium residents that would like to have their business within the building.

One (1) three bedroom (1608 SF); one (1) one bedroom (456 SF), and the Level 1 court (456 SF) are initially designated as convertible space.

Total area @ 2702 SF

Thank you again for the opportunity to submit "Morton Place" for review. We are excited about moving forward with the project and look forward to obtaining your comments as we move forward. Please contact me with any additional questions.

Respectfully submitted,

STUDIO 3 DESIGN, INC.

TIMOTHY W. COVER, RA



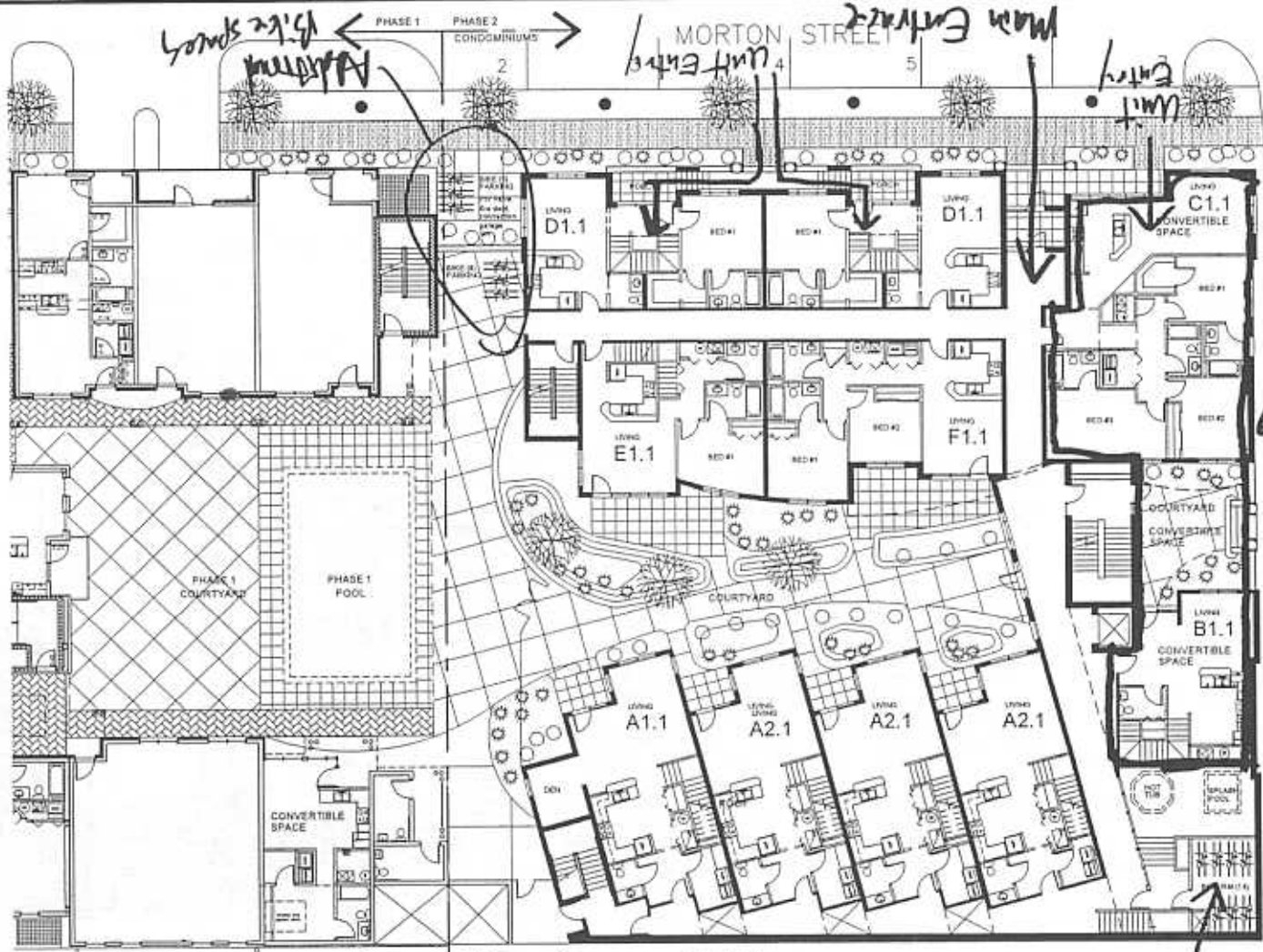
## **Site Plan and Elevations**

DEVELOPER  
ERL-6, LLC

CONCEPT PLAN  
PHASE 2  
PLAZA / LEVEL 1

# MORTON PLACE CONDOMINIUMS

Bloomington, IL



UNIT TYPES	QUANTITY	
	UNITS	BEDS
A1 3 BEDROOM TOWNHOUSE W/DEN	2	6
A2 2 BEDROOM TOWNHOUSE	6	12
B1 1 BEDROOM TOWNHOUSE W/LOFT	1	1
C1 3 BEDROOM FLAT	1	3
C2 3 BEDROOM FLAT W/DEN	3	9
D1 3 BEDROOM TOWNHOUSE	2	6
D2 2 BEDROOM TOWNHOUSE W/DEN	2	4
E1 3 BEDROOM TOWNHOUSE	1	3
E2 2 BEDROOM TOWNHOUSE W/LOFT	1	2
F1 2 BEDROOM FLAT	4	8
G1 2 BEDROOM FLAT	1	2
H1 4 BEDROOM TOWNHOUSE	1	4
TOTALS	25	60



LOT 15

Site Plan  
88-30-07

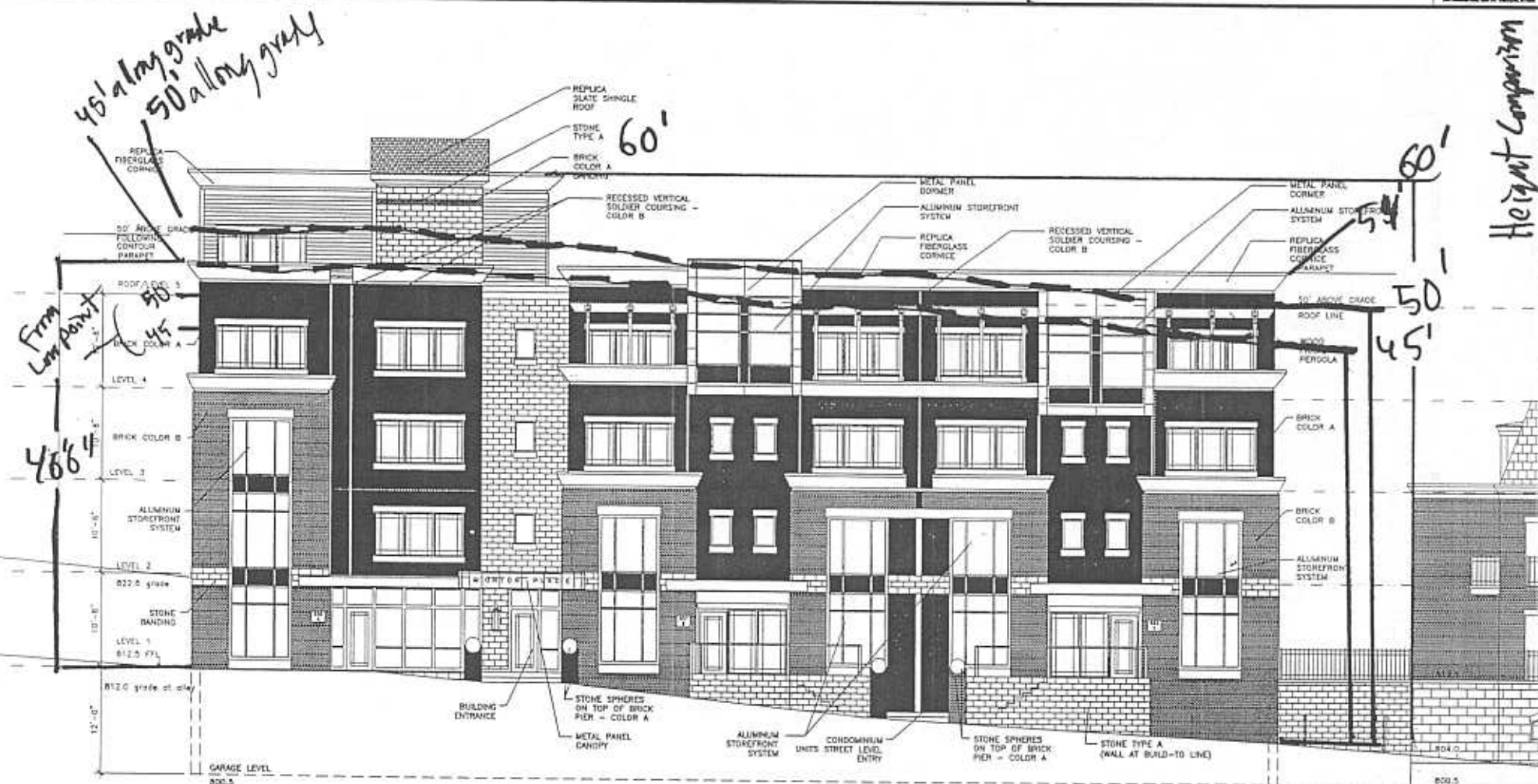
24

CONCEPT EXTERIOR  
ELEVATIONS  
PHASE 2 CONDOS

### CONDOMINIUMS



STUDIO  
THREE  
DESIGN



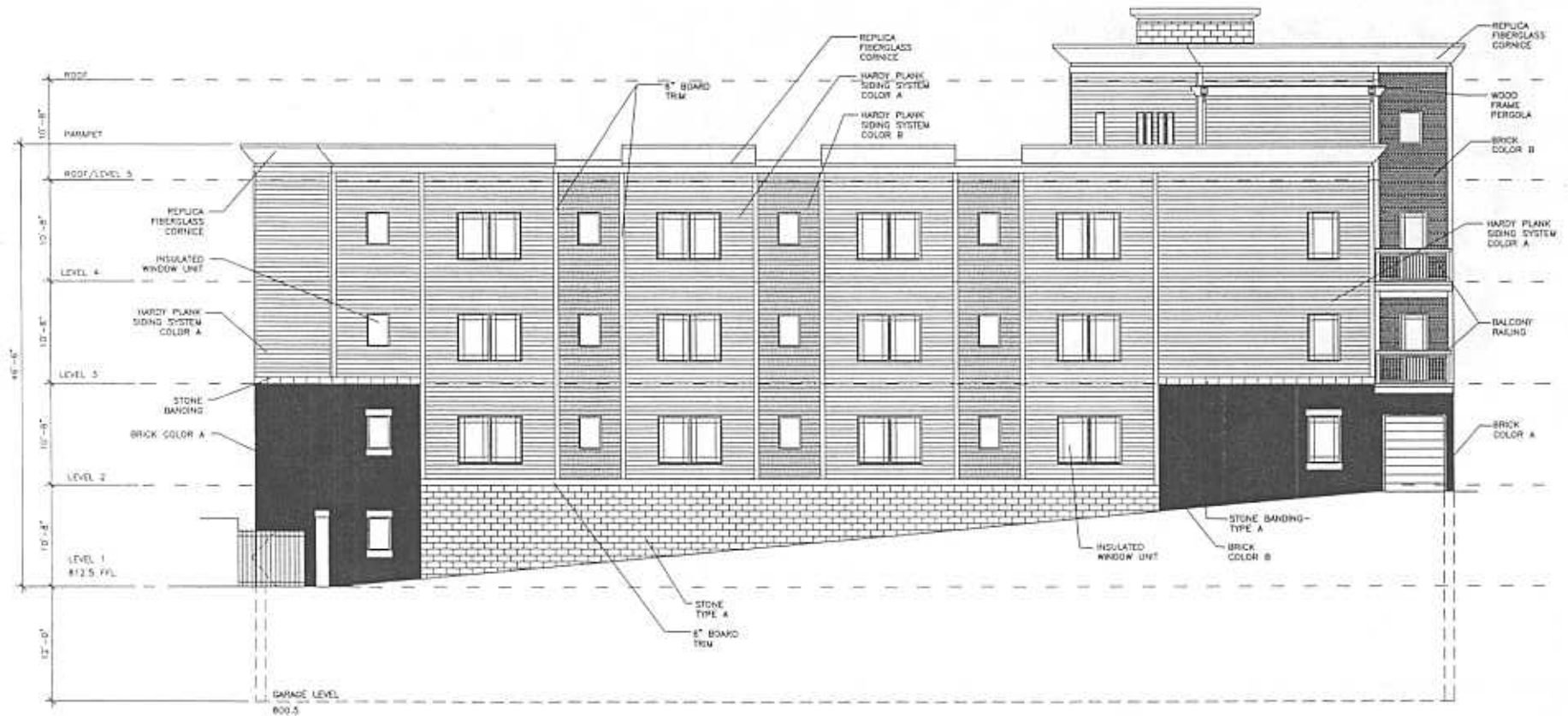
MORTON STREET ELEVATION (West Elevation)  
N.T.S.

DEVELOPER  
ERL-6, LLC

CONCEPT EXTERIOR  
ELEVATIONS  
PHASE 2 CONDOS

# Morton Place

CONDOMINIUMS  
Bloomington, IN



East Elevation (Alley)

N.T.S.

East Elevation SP-30-07

DEVELOPER	CONCEPT EXTERIOR
ERL-6, LLC	ELEVATIONS
	PHASE 2 CONDOS

### CONDOMINIUMS

[illegible]

NORTH ELEVATION (Alley)  
N.T.S.

SP-3A-07

DEVELOPER  
ERL-6, LLC

CONCEPT EXTERIOR  
ELEVATIONS  
PHASE 2 CONDOS

# Morton Place

CONDOMINIUMS  
Bloomington, IN



South

East Elevation (Courtyard)

N.T.S.

SP-30-07

South Interior Elevation



DEVELOPER  
ERL-6, LLC

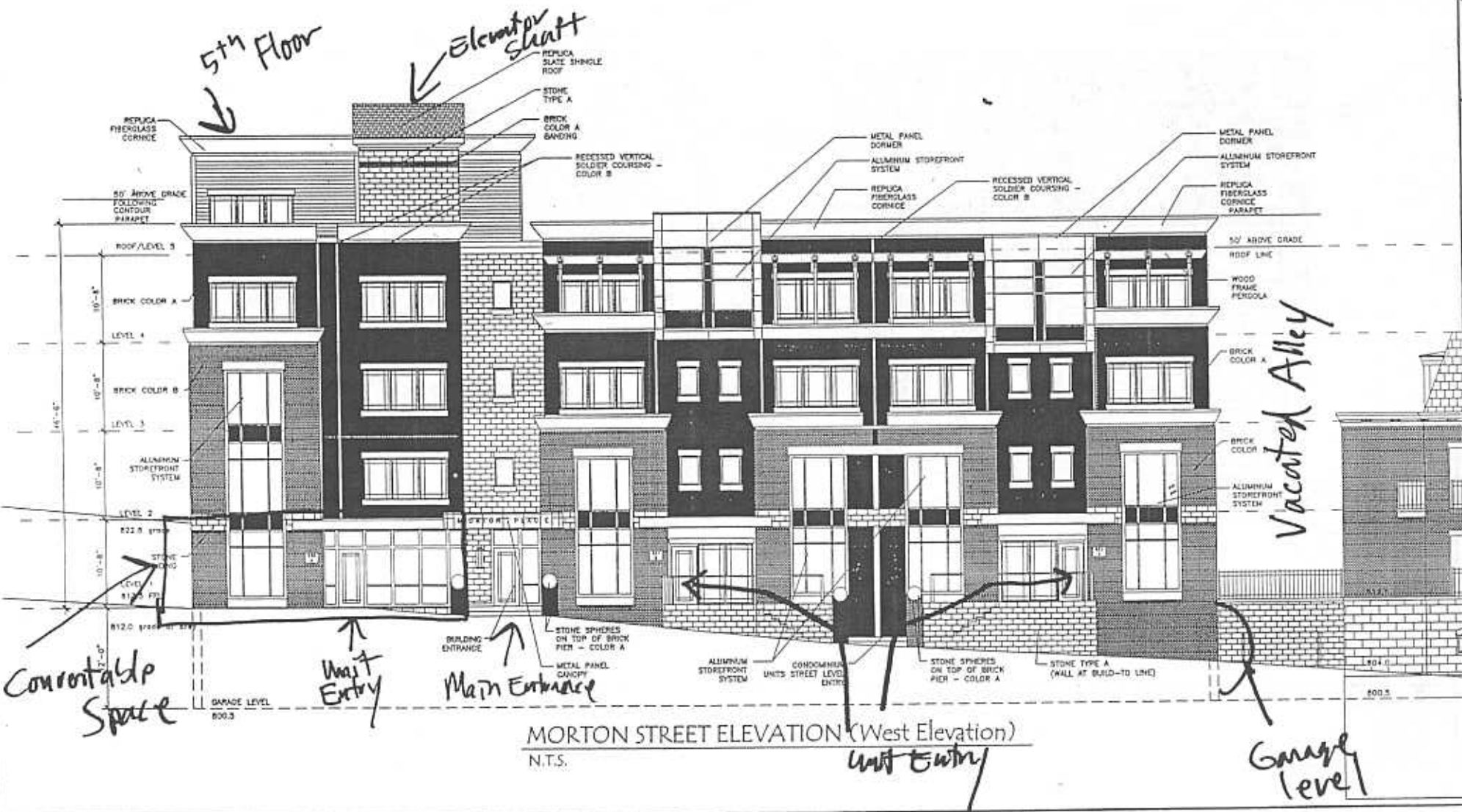
CONCEPT EXTERIOR  
ELEVATIONS  
PHASE 2 CONDOS

# Morton Place

CONDOMINIUMS  
Bloomington, IL



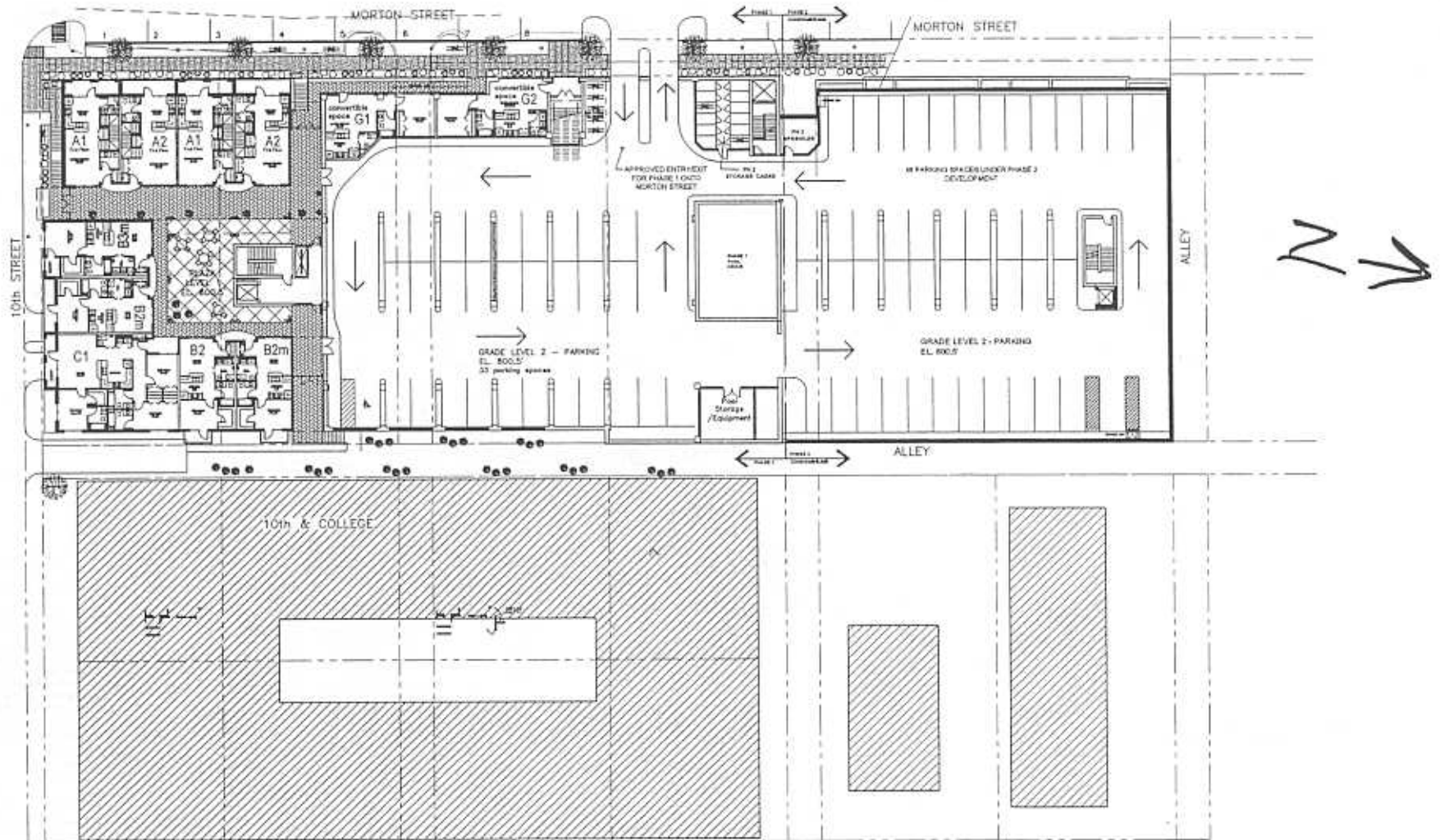
West Elevation SP-30-07



CONCEPT PLAN  
PHASE 2  
GARAGE



STUDIO  
THREE  
DESIGN



## Cannage Plan

SP-30-67

150



DEVELOPER  
ERL-6, LLC

CONCEPT PLAN  
PHASE 2  
LEVEL 5

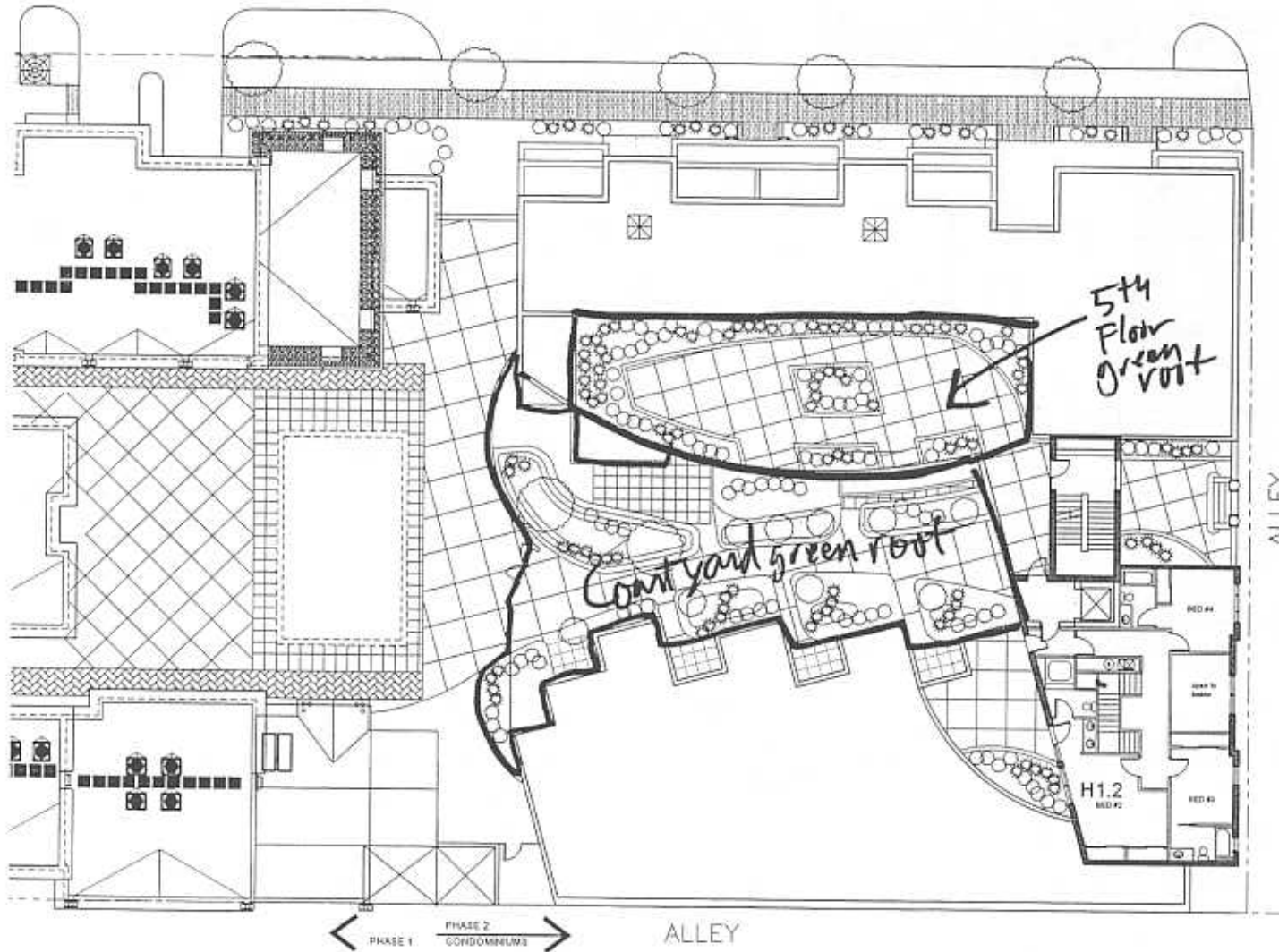
# MORTON PLACE CONDOMINIUMS

Bloomington, IN



STUDIO  
THREE  
DESIGN

1000 N. ALBANY ST., SUITE 200  
BLOOMINGTON, IN 47403  
765.498.1234



EXISTING  
SURFACE PARKING LOT

ALLEY

UNIT TYPES:	QUANTITY	
	UNITS	BEDS
A1 3 BEDROOM TOWNHOUSE W/DEN	2	6
A2 2 BEDROOM TOWNHOUSE	6	12
B1 1 BEDROOM TOWNHOUSE W/LOFT	1	1
C1 3 BEDROOM FLAT	1	3
C2 3 BEDROOM FLAT W/DEN	3	6
D1 3 BEDROOM TOWNHOUSE	2	6
D2 2 BEDROOM TOWNHOUSE W/DEN	2	4
E1 3 BEDROOM TOWNHOUSE	1	3
E2 2 BEDROOM TOWNHOUSE W/LOFT	1	2
F1 2 BEDROOM FLAT	4	8
G1 2 BEDROOM FLAT	1	2
H1 4 BEDROOM TOWNHOUSE	1	4
TOTALS	25	60

Cont Plan  
SP-211-07

31

**ORDINANCE 07-26**

**TO VACATE A PUBLIC PARCEL -  
Re: A 12-Foot Alleyway Running East/West for 132 Feet  
Between 622 and 626 North Morton Street  
(ERL-6, LLC, Elliott Lewis, 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 petitioner, ERL-6, LLC, has filed a petition to vacate an alley right-of-way more particularly described below;

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

SECTION I. Through the authority of I.C. 36-7-3-12, a portion of City owned property shall be vacated.

The property, commonly known as the 12-foot wide alleyway running east / west for 132 feet between 622 and 626 North Morton Street and ending just west of the alleyway running north / south in that same block, is more particularly described as follows:

A platted alley 12 feet in width being a part of Hunter's Addition as recorded in Deed Record U, Page 416, office of the Recorder, Monroe County, Indiana, more particularly described as follows:

Beginning at a 5/8 inch diameter rebar with a cap engraved "Bynum Fanyo 890006" (called "monument" for the remainder of this description) found at the northwest corner of Lot 12 in Hunter's Addition; Thence North 12.00 feet to a monument found at the southwest corner of Lot 13 in Hunter's Addition; Thence on a south line of said Lot 13 east 132.00 feet to a monument found at the southeast corner of said Lot 13; Thence leaving said south line South 12.00 feet to a monument found at the northeast corner of said Lot 12; Thence on the north line of said Lot 12 West 132 feet to the Point of the Beginning, containing 1,584 square feet, more or less.

SECTION II. Pursuant to I.C. 36-7-3-16, the following Utilities have submitted letters to the Common Council indicating that they are not occupying or using any part of this public way and have no objection to the vacation: City of Bloomington Utilities, AT&T, Duke Energy, and Vectren.

SECTION III. 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 \_\_\_\_\_, 2007.

---

DAVE ROLLO, President  
Bloomington Common Council

ATTEST:

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REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

SYNOPSIS

The petitioner, ERL-6, LLC, requests the vacation of a 12-foot wide, 132-foot long alley located between 622 and 626 North Morton Street. The public comment on this ordinance at the Regular Session on December 5, 2007 shall serve as the required public hearing on this action.

11TH ST

The Lofts

702

W 11TH ST

645

639

633

631 629 627

613

607

601

555

644

217  
215

638

632

subject  
alley right of way  
626

622

610

608

602

645

639

635 637  
631 633

629 1/2  
629

10th & College

601

650

632

626

620

614

608

602

112

532

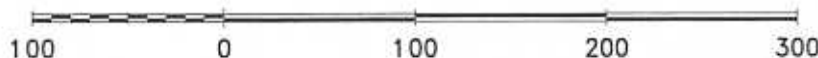
211

531

Waffle

Site Plan

By: darland  
5 Sep 07



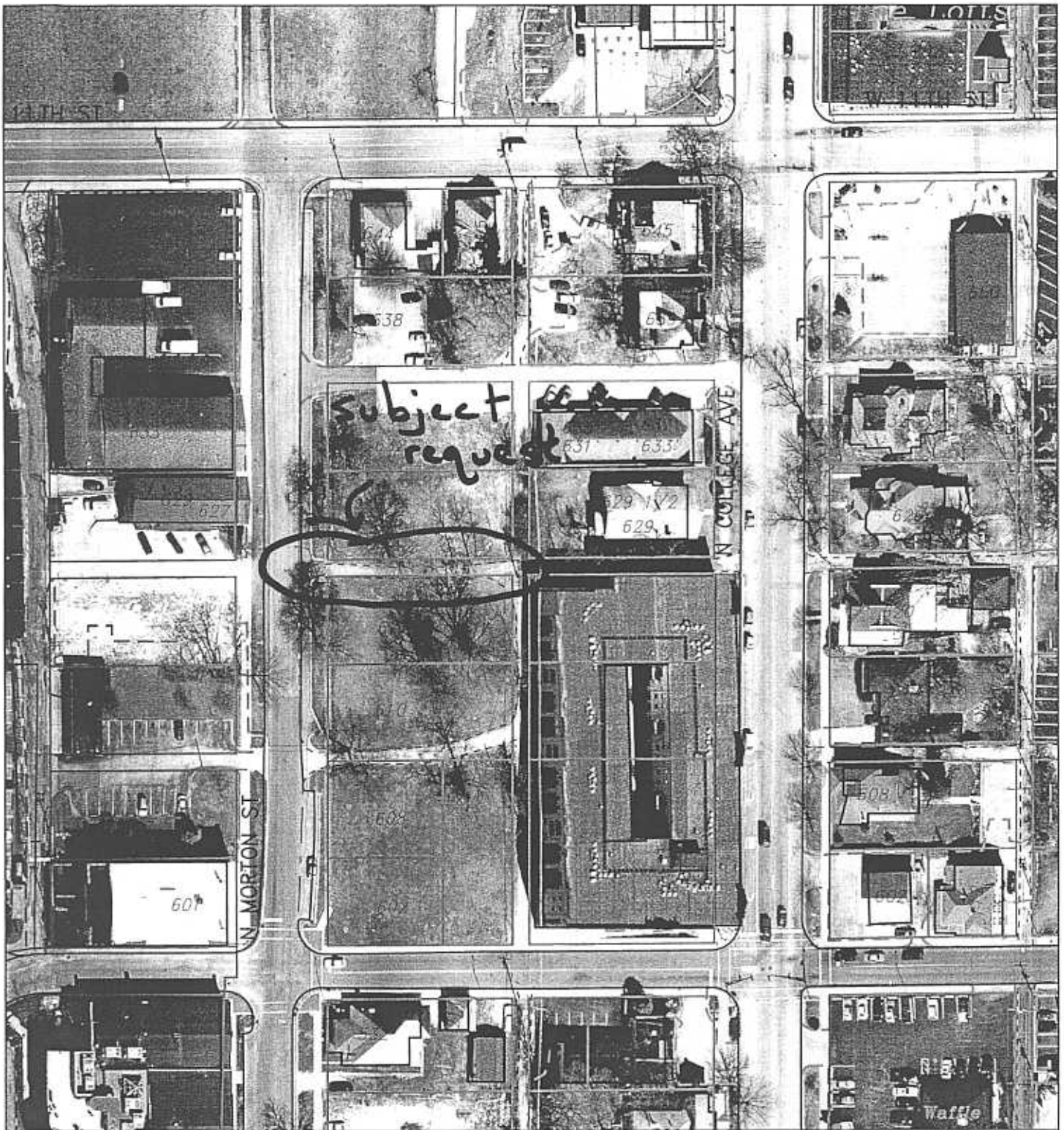
For reference only; map information NOT warranted.

N

City of Bloomington  
Planning

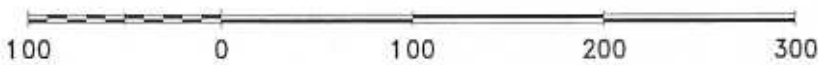


Scale: 1" = 100'



Site Plan

By: darland  
5 Sep 07



For reference only; map information NOT warranted.

N

City of Bloomington  
Planning



Scale: 1" = 100'



SCALE 1"=20'

LOT 14  
HUNTER'S ADDITION

132.00'

LOT 13  
HUNTER'S ADDITION  
ERL-3,LLC  
INST. NO. 2007006063

EAST 132.00'

REBAR FOUND

REBAR FOUND

12' PLATTED ALLEY

REBAR FOUND

WEST 132.00'

REBAR FOUND

POINT OF BEGINNING

LOT 12  
HUNTER'S ADDITION  
ERL-3,LLC  
INST. NO. 2007006063

132.00'

LOT 11  
HUNTER'S ADDITION

62.73'

12' PLATTED ALLEY

LOT 20

62.73' SOUTH

LOT 21

NORTH MORTON ST.

NORTH 62.75'

ALLEY VACATION  
SHEET 2 OF 2  
JOB NO. 5007130

PREPARED BY DYKUN FANXO & ASSOCIATES, INC. 500 N. WALNUT ST. BLOOMINGTON, IL

EXHIBIT \_\_\_\_\_

LEGAL DESCRIPTION

Owner: City of Bloomington  
Source: Deed Record U, Page 416

A platted alley 12 feet in width being a part of Hunter's Addition as recorded in Deed Record U, Page 416, office of the Recorder, Monroe County, Indiana, more particularly described as follows:

Beginning at a 5/8 inch diameter rebar with a cap engraved "Bynum Fanyo 890006" (called "monument" for the remainder of this description) found at the northwest corner of Lot 12 in Hunter's Addition; Thence North 12.00 feet to a monument found at the southwest corner of Lot 13 in Hunter's Addition; Thence on the south line of said Lot 13 East 132.00 feet to a monument found at the southeast corner of said Lot 13; Thence leaving said south line South 12.00 feet to a monument found at the northeast corner of said Lot 12; Thence on the north line of said Lot 12 West 132.00 feet to the Point of Beginning, containing 1,584 square feet, more or less.

Certified this 23<sup>rd</sup> day of August, 2007

Douglas R. Curry

Douglas R. Curry  
Indiana L.S. No. 890006  
Bynum Fanyo & Associates, Inc.  
528 North Walnut Street  
Bloomington, Indiana 47404  
812-332-8030 tel  
812-339-2990 fax



Job No. 5007130





CITY OF BLOOMINGTON  
PLANNING DEPARTMENT  
MEMORANDUM

**DATE:** November 6, 2007  
**TO:** City of Bloomington Common Council Members  
**FROM:** Lynne Darland, Zoning & Enforcement Manager  
**SUBJECT:** Request for vacation of an alley right-of-way  
**PETITIONERS:** ERL-6, LLC., Elliot Lewis

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**LOCATION:** The subject right-of-way that the petitioner is proposing to vacate is an improved alley which runs perpendicular, east/west, to N. Morton Street between lots 12 and 13 of the Hunter's Addition. The subject right-of-way is bounded by vacant lots on the north and south, Morton Street on the west, and an improved north/south running alley on the east.

---

**ALLEY VACATION BACKGROUND:** The portion of the alley requested for vacation is the western section of right-of-way between Morton Street and College Avenue. The petition request involves a right-of-way segment measuring 12 foot wide by 132 foot long. The petitioner is requesting this vacation to allow his developments, The Village at 10<sup>th</sup> and College and Morton Place to be connected. By having the ability to develop the property over the alley, the petitioner will be able to create a parking garage that is below grade, largely concealed from public view, connecting both projects. The petitioner will also pave the north/south alley along the east side of both development sites to offset the loss of the east-west alley and improve the ability of people to travel through the area. The entire property is zoned downtown (CD) and is included in the Downtown Core Overlay.

**BACKGROUND ON DEVELOPMENT PETITION:** The petitioner is proposing to construct a 60 bedroom condominium building on this property. The proposed building would have a mix of 1, 2, 3 and 4 bedroom units, with a total of 25 units and 46 parking spaces. Included in the 25 units are two first floor units that could be converted into approximately 2,700 square feet of non-residential space. At the Plan Commission hearing where the project was approved by a 7-0 vote, the petitioner indicated the possibility that the convertible nonresidential space could be increased to 4,300 square feet.

A unique aspect of this downtown project is that the proposed residential units will be arranged as condominiums that will be marketed and sold specifically to owner occupants. The petitioner has applied for tax abatement as a means of providing a fiscal incentive for potential purchasers of these units. This tax abatement request will be reviewed by the City Council concurrently with the alley vacation petition. As part of the tax abatement proposal, the City is requiring an agreement that would condition the City's positive tax abatement recommendation to the City Council on the petitioner's commitment to have these units be owner-occupied. Additionally, there will be private covenants and restrictions on the project designed to guarantee owner-occupancy.

The majority of the building is clad in limestone and two to three colors of brick. The north and west sides of the building, visible from adjacent alleys, would also include cementitious siding. All of these materials meet the architectural standards of the Unified Development Ordinance (UDO). The interior courtyard would include these materials and would also add cultured stone.



Pedestrian scale lighting is proposed on Morton St. in accordance with the UDO. The UDO also requires a minimum 5 foot wide concrete sidewalk. Existing along Morton St. is a historic brick sidewalk. The petitioner proposes to re-create this brick sidewalk by, hopefully, reusing the existing bricks. This sidewalk matches the sidewalk approved at the adjacent Village @ 10<sup>th</sup> & College building.

This building will utilize a partial green roof which will be located within the interior courtyard on the roof top of the parking garage. The design will feature a green roof zone with sedum; a hearty succulent which requires little maintenance, is low growing, and can grow in shallow soils. The sedum will be supplemented with ornamental grasses, perennials, flowering shrubs, groundcover and hostas. Larger plants and shrubs and ornamental trees may also be included, possibly in pots.

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

- |   |   |
|---|---|
| • City of Bloomington Public Works Department | • PSI Cinergy                           |
| • City of Bloomington Utilities Department    | • Insight Communications                |
| • SBC Ameritech                               | • City of Bloomington Police Department |
|   | • City of Bloomington Fire Department   |
|   | • Vectren                               |

In addition to the Plan Commission site plan approval that was unanimously granted, the request for vacation was heard by the Board of Public Works (BPW) on November 13, 2007. The BPW voted unanimously to recommend vacation of the right-of-way. The petitioner is working with Insight Communications to insure that there is adequate easement for maintenance of existing lines within this right-of-way or, alternatively, that ERL-6, LLC will pay for the relocation of the lines. None of the other utilities have lines in the existing right-of-way proposed for vacation nor do they have any future plans to utilize this right-of-way. City Police and Fire had no objections to vacating this right-of-way.

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**CRITERIA:** The criteria utilized to review a public ROW or easement vacation request are as follows:

**1. Current Status - Access to Property.**

This strip of alley right-of-way is currently improved with gravel as is the eastern segment of the alley that is not being petitioned for vacation. In addition, the north/south alley right-of-way that intersects with the east west alley is also improved with gravel. The properties that are adjacent to these alleys will still be accessible from the remaining north/south alley once the petitioned alley is vacated. In fact, the Plan Commission placed a condition of approval on the condominium site plan request that required the developer to further upgrade the north/south alley.

**2. Necessity for Growth of the City:**

*Future Status:* No public utilization of this right-of-way is anticipated by the City. All public services can be adequately served through the remaining rights-of-way in the immediate area. The Board of Public Works and Engineering Department have reviewed this petition. Neither had concerns for providing services in the future.

*Proposed Private Ownership Utilization:* The vacation of this strip of right-of-way will allow the petitioner to move forward with his development project and to provide the public benefit of owner-occupied condominiums in the downtown area.

*Compliance with Regulations:* The vacation of this right-of-way will not create any issues regarding compliance with local regulations. If the vacation is approved, the entire right-of-way would be deeded to ERL-6, LLC. Vacation of right-of-way would allow the proposed Village at 10<sup>th</sup> and College parking garage to span the alley and serve both projects. This will enhance the Morton Street corridor because it removes the need for a new driveway access point, protects on-street parking spaces, and increases the extent of the sidewalk and tree plot area.

*Relation to Plans:* The proposal is consistent with City Plans. The creation of owner-occupied housing catering to non-student markets is strongly encouraged by the City's *Downtown and Infill Strategies Plan*.

---

**RECOMMENDATION:** Both staff and the Board of Public Works have recommended 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:  
Hearings:**

**Ordinance 07-26**

**Council Chambers  
401 North Morton Street  
7:30 p.m.**

**Regular Session - First Reading  
Committee of the Whole - Discussion  
Regular Session - Final Action**

**November 28, 2007  
November 28, 2007  
December 5, 2007**

**Address of Property**

**Between 622 and 626 North Morton Street**

**Description of Proposed  
Vacation:**

**A 12-foot, improved alley way located between Lots 12 and 13 of  
Hunter's Addition running in an east/west direction for approximately  
132 feet.**

**Name of Petitioner  
Address  
Phone**

**ERL6, LLC., Elliott Lewis  
601 N. College Ave. #1A  
812-331-0788/ 312-515-2000 / Fax 630-359-5202**

**Consultant  
Address  
Phone**

**Studio Three Design  
8604 Allisonville Road, Suite 330 - Indianapolis, IN 46250  
(317) 595-1000 / Fax (317) 572-1236**

**Abutting Property Owners:** (See Attachments - Depiction of Plat and List of Owners)

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: \_\_\_\_\_

*Elliott Lewis*

Date: \_\_\_\_\_

*11/16/07*



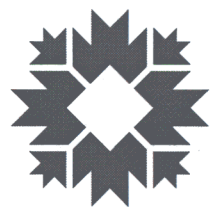


Ord 07-26 Vacation of Alleyway Between Hunter's Addition Lots 12 and 13

By: shermant  
16 Nov 07



City of Bloomington  
Clerk & Council





10th & Morton Adjoiners							
PLAT #	PARCEL NUM	OWNER NAME	ADDRESS	CITY	STATE	ZIP	LEGAL DESCRIPTION
16	013-45890-00	5 North, LLC	1531 Woodruff Ln.	BLOOMINGTON	IN	47401	HUNTER PT LOT 16
20	013-26710-00	BALDNER, KAREN A &	629 N COLLEGE AVE	BLOOMINGTON	IN	47404	HUNTER LOT 20
25	013-21760-00	BEARD, JASON P	602 N COLLEGE AVE	BLOOMINGTON	IN	47404	HUNTER PT LOT 25
29	013-43380-00	BIGO PROPERTIES LLC	629 WOODCREST DR	BLOOMINGTON	IN	47401	HUNTER LOT 29
L1	013-69780-01	Bloomington Municipal	P.O. Box 100	BLOOMINGTON	IN	47402	Showers Lot 1
28	013-02040-00	CHICKERING, RENTALS LLC	533 BIRDIE GALYAN RD	BLOOMINGTON	IN	47408	HUNTER LOT 28
9A	013-60060-00	ERL-3	601 N College Ave Suite 1A	BLOOMINGTON	IN	47404	HUNTER PT LOT 9
9B	013-60070-00	ERL-3	601 N College Ave Suite 1A	BLOOMINGTON	IN	47404	HUNTERS L9 & 10
10	013-60080-00	ERL-3	601 N College Ave Suite 1A	BLOOMINGTON	IN	47404	HUNTER PT LOT 10
11	013-60090-00	ERL-3	601 N College Ave Suite 1A	BLOOMINGTON	IN	47404	HUNTER LOT 11 & ALLEY
14	013-69600-00	ERL-3	601 N College Ave Suite 1A	BLOOMINGTON	IN	47404	HUNTER LOT 14
15	013-74030-00	ERL-3	601 N College Ave Suite 1A	BLOOMINGTON	IN	47404	HUNTER LOT 15
13	013-75790-00	ERL-3	601 N College Ave Suite 1A	BLOOMINGTON	IN	47404	HUNTER LOT 13
12	013-75820-00	ERL-3	601 N College Ave Suite 1A	BLOOMINGTON	IN	47404	HUNTER LOT 12
24	013-14770-00	ERL-4 LLC	509 E 10TH ST APT 1	BLOOMINGTON	IN	47402	HUNTERS LOT 23,24 & VAC ALLEY
22	013-26520-00	ERL-4 LLC	509 E 10TH ST APT 1	BLOOMINGTON	IN	47402	HUNTER LOT 22
21	013-51570-00	ERL-4 LLC	509 E 10TH ST APT 1	BLOOMINGTON	IN	47402	HUNTER LOT 21
L5	013-14110-00	FARMER HOUSE MUSEUM INC, THE	PO BOX 2329	BLOOMINGTON	IN	47401	WOODBURN LOT 5
6A	013-14120-00	FARMER HOUSE MUSEUM INC, THE	PO BOX 2329	BLOOMINGTON	IN	47401	WOODBURN PT LOT 6
6B	013-14130-00	FARMER HOUSE MUSEUM INC, THE	PO BOX 2329	BLOOMINGTON	IN	47401	WOODBURN PT LOT 6
39A	013-74430-01	HIRONS INVESTMENTS LLC	555 N MORTON ST	BLOOMINGTON	IN	47404	OUTLOT PT LOT 39 PLAT L39A
39B	013-74430-02	HIRONS INVESTMENTS LLC	555 N MORTON ST	BLOOMINGTON	IN	47404	PT SW NW 33-9-1W&PT OUTLOT 39
26	013-34320-00	HOLDMAN, DAVID & DIANA	5451 BRUMMETTS CRK RD	BLOOMINGTON	IN	47408	HUNTER LOT 26
30	013-43340-00	Hyllengen, Nancy & Jeremy Milozewicz	110 W 80th St Apt 3R	New York	NY	10024	Hunters Lot 30
5	013-04860-00	LLC, CHAPEL HILL WILDERNESS	1600 W TEMERANCE ST	ELLETTSVILLE	IN	47429	HUNTER LOT 5
4	013-14830-00	LLC, FUCHS INVESTMENT	105 CATRON DR.	RENO	NV	89512	HUNTER'S LOT 4
L7	013-37400-00	MCGLAUN, LTD PARTNERSHIP	3941 W WALNUT LEAF DR	BLOOMINGTON	IN	47403	WOODBURN LOT 7
19	013-17260-00	POWELL, LYLE S & MYRA L	225 S SPRIGGS COURT	BLOOMINGTON	IN	47403	HUNTERS LOT 19
34A & B	013-25320-00	POWELL, LYLE S & MYRA L	3910 EMILIE CT	BLOOMINGTON	IN	47401	ORIGIANL PLT PT OUTLOT 34
L8	013-18860-00	SEEBER, TOM M; SEEBER, JOHN E;	1701 N DUNN STREET	BLOOMINGTON	IN	47408-13	WOODBURN LOT 8
27	013-42020-00	VOIGTSCHILD, JERRY LEE	614 N COLLEGE AVE	BLOOMINGTON	IN	47404	HUNTER LOT 27
3	013-14860-00	WINKLER, ROBERT A & DEANNA C	2161 W MADERO AVE	MESA	AZ	85202	HUNTER LOTS 2,3 & VAC ALLEY
L4	013-69780-04	ZZ CITY OF BLOOMINGTON	PO BOX 100	BLOOMINGTON	IN	47402	SHOWERS OFFICE & RESEARCH LOT4
55	013-71290-00	ZZ INDIANA UNIVERSITY	P.O. BOX 500	BLOOMINGTON	IN	47402	Pt SW NW 33-9-1W
6	013-74370-00	ZZ INDIANA UNIVERSITY	P.O. BOX 500	BLOOMINGTON	IN	47402	
7	013-74380-00	ZZ INDIANA UNIVERSITY	P.O. BOX 500	BLOOMINGTON	IN	47402	
8	013-74390-00	ZZ INDIANA UNIVERSITY	P.O. BOX 500	BLOOMINGTON	IN	47402	
39	013-74430-00	ZZ INDIANA UNIVERSITY,	P.O. BOX 500	BLOOMINGTON	IN	47402	ORIGIANL PLT PT OUTLOT 39



August 28, 2007

City of Bloomington Planning Department  
P.O. Box 100  
Bloomington, IN 47402

Attn: Mr. James Roach

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

Dear Mr. Roach:

Studio 3 Design is pleased to submit the following information on behalf of Elliot Lewis (property owner).

The subject property is an alley located along North Morton Street, between Lots 12 and 13.

#### **Current Use**

The property currently serves as an east-west alley connecting an existing north-south alley and Morton Street. The alley is in disrepair and is not heavily used for access to existing private property.

#### **Surrounding Property**

The alley to be vacated is bound on the west by Morton Street, on the east by a 12 foot wide alley running from 10<sup>th</sup> to 11<sup>th</sup> Street and on the north and south by property owned by Mr. Elliot Lewis.

#### **Access for Property Owner's in Area**

The proposed vacation will not affect the ability for neighboring property owners to gain access to their property. The existing east-west alley and existing north-south alley provides access to the back of all surrounding properties.

#### **Proposed Private Ownership Utilization and Benefits**

The request for a vacation of the current alley is to allow for the connection of Mr. Lewis' existing properties along Morton Street. By connecting the two properties, we are able to create a contiguous parking deck below grade and plaza above grade. The benefits of this approach to the City are as follows:

- The City gains owner occupied condominiums in the downtown area.
- The parking for the condominiums is completely concealed and makes use of previously approved garage entrance and curb cut off of Morton Street.

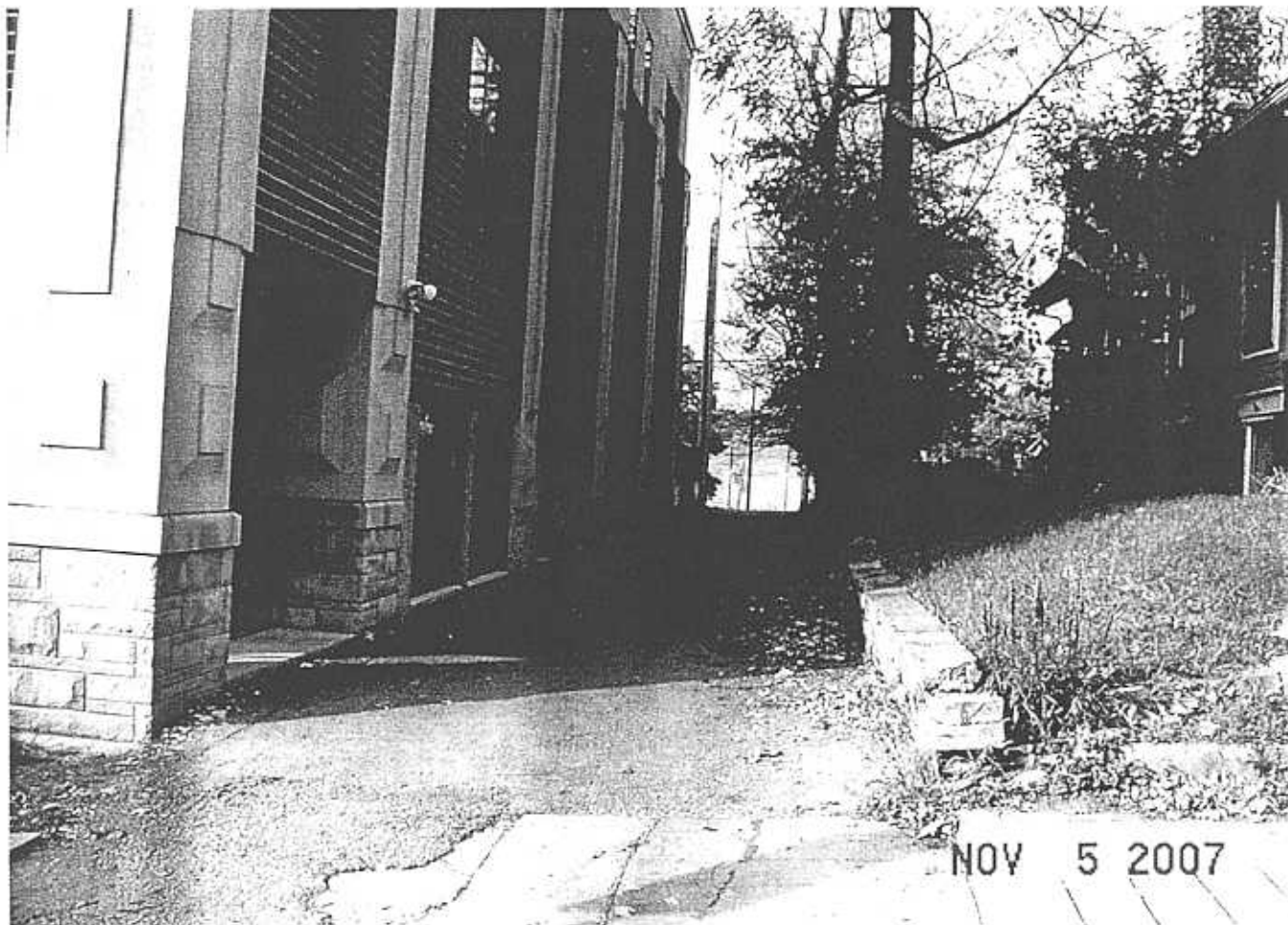
- Forty six (46) parking spaces are created for residents in addition to the ninety eight (98) spaces in the existing garage and fifteen (15) street parking locations provided by The Village at TENTH & COLLEGE project. The 159 added spaces help provide parking for downtown residents at the developments.
- The east-west alley on the north face of the Morton Street property (Lots 13 and 14) and the north-south alley from 10<sup>th</sup> Street to the east-west alley north of Lot 14 get paved and made usable.
- The vacation of the alley allows for the creation of a contiguous plaza with larger green space, pool and public amenities for approximately 300 downtown residents.
- The vacation of the alley makes the Morton Place project viable. In turn, Morton Place acts as a catalyst for future developments on vacant land in the area, as well as an opportunity to attract additional retail and downtown owner occupied housing.
- The Morton Place development brings additional convertible space to Morton Street.

Thank you for considering this request for "vacation" of the existing alley between Mr. Lewis' properties. We believe the benefits of this vacation will serve to improve the overall quality of the area.

Sincerely,

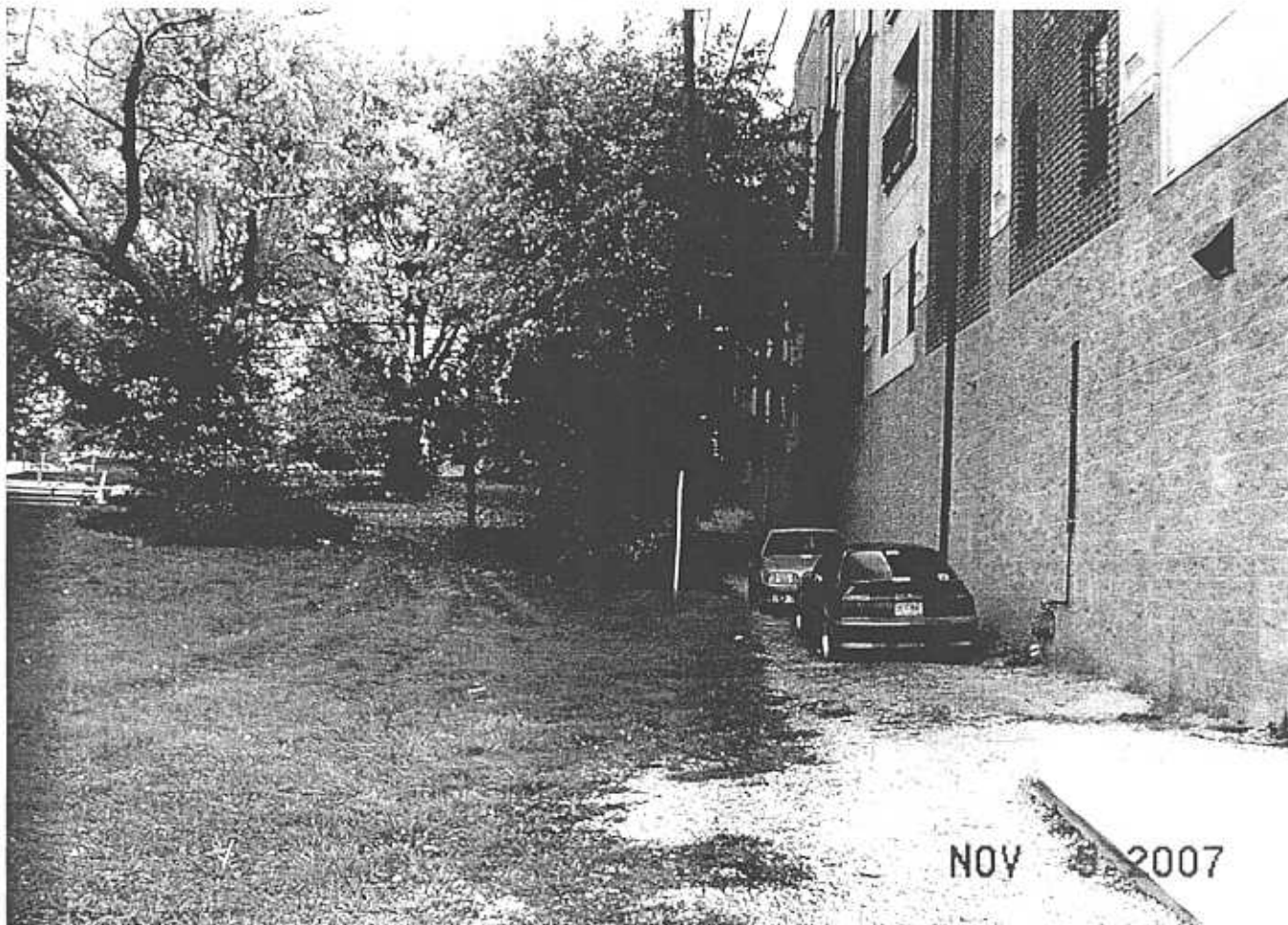
STUDIO 3 DESIGN, INC.  
  
TIMOTHY W. COVER, RA  
Principal













## City of Bloomington Planning Department

### DEVELOPMENT REVIEW TRANSMITTAL

Date: September 5, 2007

Type of Request: right-of-way vacation

Project Name: 602 N. Morton Street (12 foot wide alley right-of-way)

Owner: ERL-6, LLC.

Location: The subject parcel is a 12 foot wide strip of alley right-of-way located between Lots 12 & 13 of Hunter's Addition running east/west for approximately 132 feet. This right-of-way is currently an improved alley between the addresses of 622 and 626 N. Morton Street on the site plans provided.

Proposed Use: The purpose of this vacation request is to allow for the construction of a mixed-use development on this property in the downtown.

Required Approval: Common Council approval

### TENTATIVE SCHEDULE

We need your comments by: September 26, 2007

First Common Council hearing: as scheduled

Second Common Council hearing: as scheduled

Final Common Council hearing: as scheduled

### SIGNIFICANT ISSUES AND QUESTIONS

The petitioner is seeking right-of-way vacation of a segment of alley right-of-way in order to construct a new mixed-use development commonly known as Morton Place and The Villages at 10<sup>th</sup> & College.

Refer to the enclosed site plans, and the petitioner's letter.

Please respond in writing concerning the effect this vacation would have upon your provision of service to this area.

Please reply in writing to:

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

[darlandl@bloomington.in.gov](mailto:darlandl@bloomington.in.gov)

## **ORDINANCE 07-26**

**TO VACATE A PUBLIC PARCEL -  
Re: A 12-Foot Alleyway Running East/West for 132  
Feet  
Between 622 and 626 North Morton Street  
(ERL6, LLC, Elliott Lewis, Petitioner)**

**Responses from Utilities and Safety Services  
(in Council Office)**

**No Interest in Alleyway**

City of Bloomington Utilities  
Duke Energy  
Verizon  
AT&T  
Fire and Police Departments

**Interest in Alleyway**

Insight Communications

*(The response says that the project will “hinder our ability to service the downtown area,” but staff indicates that the issues are being addressed the Petitioner.)*

Bloomington Digital Underground *(Rick Routon mentioned the existence of fiber cable running under the sidewalk, which lies outside of the vacated parcel.)*

## **Initial Tax Abatement Legislation for the Morton Place Condominium Project**

- **Memo to Council** from Danise Alano, Director of Economic Development
- **Res 07-14** To Designate an Economic Revitalization Area, Approve a Statement of Benefits, and Authorize a Period of Tax Abatement - Re: Morton Place Condominiums, 626 N. Morton Street (ERL-3, LLC, Petitioner)
- **Ord 07-27** To Designate an Economic Development Target Area (EDTA) - Re: 626 N. Morton Street, Morton Place Condominiums (ERL-3, LLC, Petitioner)





## Memorandum

**To:** City of Bloomington Common Council  
**From:** Danise Alano, Director of Economic Development  
**Date:** November 13, 2007  
**Re:** Resolution 07-14 and Ordinance 07-27

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### ***Economic Revitalization Area and Tax Abatement (Resolution 07-14)***

ERL-3, LLC (Petitioner) is seeking property tax abatement for a period of ten (10) years for construction of a 25-unit downtown condominium project called Morton Place to be built upon vacant land at 626 N. Morton Street. The project consists of brownstone-style construction and is integrated into the design of the Petitioner's approved apartment project to the south. Morton Place will share various amenities with that project within a secured community space. The proposed amenities include an on-site management office, exercise facilities, a swimming pool and internal courtyards or greenspace. In addition, underground parking will be shielded from view from the street and connected to the Morton Street garage entrance provided with the adjacent apartment complex. A total of 60 bedrooms in the 25 condos are comprised of a mix of one- two-, three- and four-bedroom living units. The project also allows for convertible first-floor retail or commercial space. The project's construction will begin during the summer of 2008, with completion planned for the summer of 2009.

Tax abatements are allowed under Indiana Law in areas that are designated as Economic Development Areas (ERAs). Under Indiana Law, the Bloomington Common Council authorizes the designation of specific properties of the City as ERAs. An ERA must have "become undesirable for or impossible of, normal development and occupancy," because of such factors as "cessation of growth, existence of substandard or obsolete structures and deterioration of character of occupancy." The site for Morton Place is located in "Subarea A" of the current City of Bloomington Tax Abatement Guidelines. Subarea A includes the Commercial Downtown (CD) zone, designated under previous City zoning law as the business zoning district (BD zone). The site has remained undeveloped under current market conditions. As the petitioner states in the attached application, previous development plans have failed in this location.

Among the goals and objectives of the City's tax abatement program, as cited in the program's Guidelines, are to encourage the retention of existing businesses and expand employment opportunities; to encourage the rehabilitation, preservation, and restoration of historic properties; **to promote housing opportunities and economic development activities within the downtown; and to utilize vacant land for new development.** This project specifically addresses the latter two goals. The project will diversify the downtown housing market by adding 25 new owner-occupied downtown households in a density format compatible with the City's Growth

Policies Plan and Unified Development Ordinance. With its proximity to the City's Certified Technology Park, this development is poised to be an attractive housing option for employees of new and expanding high-tech companies. In addition, the convertible first-floor retail or office space provides an opportunity for commercial investment that will serve residents of this development and adjacent apartment complexes, as well as the Certified Technology Park tenants.

The 10-year tax abatement will serve as an inducement to potential condominium buyers as the benefit is conferred to the homeowner.

Note that Resolution 07-15 is required to confirm Resolution 07-14.

Statement of Benefits Summary:

<b>Real Estate Improvement Value</b>	\$6,000,000
<b>Current Zoning</b>	CD
<b>Existing Site</b>	Vacant/Undeveloped
<b>Job Creation</b>	2 FTE for property management
<b>Projected New Wages</b>	\$14/hour
<b>Requested Tax Abatement Term</b>	10-Year

Living Wage Ordinance

Tax abatement is a City incentive which requires adherence to the Living Wage Ordinance. However, ERL-3 and Cedarview Management (both owned by Elliot Lewis) employ fewer than 15 employees, which is the threshold for exemption from the City's Living Wage requirements for for-profit organizations receiving a City incentive. Therefore, this Project is exempt from the Living Wage ordinance. However, note that projected wages for the two employees who will be devoted to Morton Place are proposed at higher than the 2008 Living Wage (\$10.76).

Property Tax Impact (Estimated)

Based upon the value of the improvements as estimated by the Petitioner, the following represents the *estimated* property tax impact of the new construction project in its entirety, as well as examples of potential per-unit tax impacts. Note that assessed values (AV) listed below are estimates and may differ from the actual assessed value of the finished units.

Estimate	Full Project (\$6 MM improvement value)		\$150,000 AV Unit	\$250,000 AV Unit
<b>Additional Property Tax Revenue Over 10-Year Period</b>	\$525,978		\$13,149	\$21,916
<b>Value of Abatement Over 10-Year Period</b>	\$515,562		\$12,889	\$21,482
<b>Annual Property Tax Revenue After Abatement Expiration</b>	\$104,154		\$2,604	\$4,340

*See Attached Schedule for more detail.*

### ***Economic Development Target Area (Ordinance 07-27)***

Designation of this property area as an EDTA is required under Indiana law (IC 6-1.1-12.1-3(e)(11)) because tax abatement may not be awarded to a residential facility unless:

1. it is a multifamily facility that includes at least 20% of the units for low and moderate income users; or
2. **it is located in an EDTA**; or
3. it is in a "residentially distressed" area (which requires additional specific findings regarding loss and/or deterioration of housing in the area).

The qualifications for an EDTA designation are contained in Indiana Code 6-1.1-12.1-7. The geographic area designated as an EDTA must be an area that:

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

As stated above, this site has experienced cessation of growth and lack of development and fits within the criteria of an EDTA designation.

### ***Recommendation: The Office of the Mayor recommends approval of Ordinance 07-27 and Resolution 07-14.***

On November 2, the City of Bloomington Economic Development Commission recommended approval of this property as an EDTA and as an ERA, and recommended approval of property tax abatement for a period of 10 years.

The Office of the Mayor supports the use of tax abatement to encourage downtown housing. At the current stage of development of the downtown housing market we particularly support this project's emphasis on owner-occupied housing. Morton Place will broaden the demographics of residents living in downtown Bloomington and will bring year-round occupants to patronize downtown establishments.

With further commercial opportunities brewing in the Certified Technology Park, with the B-Line Trail less than two blocks away, with the project's proximity to the core of downtown, with the high quality amenities that are proposed within the development itself, and with this tax inducement available to potential purchasers, we see this project as well positioned to be successful in attracting homeowners to downtown. Historically, supplying downtown owner-occupied housing has clearly involved greater risk on the part of the developer than supplying rental units. Tax abatements for the condominium units ameliorate that risk and make this project viable.



***Attached Schedule:***

***Estimated Tax Abatement Value and Property Tax Impact of the Project***

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**1. Project Estimate** (using 2006 pay 2007 tax rates and project investment estimates)

Improvements \$ 6,000,000				
Net Rate <b>0.017359</b> Bloomington City-Bloomington Township				
Annual Taxes without Abatement \$ 104,154				
Year	Abatement Percent	Value Abated	Taxes Payable	Taxes Abated
1	100%	\$ 6,000,000	\$ -	\$ 104,154
2	95%	\$ 5,700,000	\$ 5,208	\$ 98,946
3	80%	\$ 4,800,000	\$ 20,831	\$ 83,323
4	65%	\$ 3,900,000	\$ 36,454	\$ 67,700
5	50%	\$ 3,000,000	\$ 52,077	\$ 52,077
6	40%	\$ 2,400,000	\$ 62,492	\$ 41,662
7	30%	\$ 1,800,000	\$ 72,908	\$ 31,246
8	20%	\$ 1,200,000	\$ 83,323	\$ 20,831
9	10%	\$ 600,000	\$ 93,739	\$ 10,415
10	5%	\$ 300,000	\$ 98,946	\$ 5,208
11	0%	\$ -	\$ 104,154	\$ -
Total Taxes to be Paid (thru Year 10):				\$ 525,978
Total Value of Abatement:				\$ 515,562

**2. Unit with Assessed Value of \$150,000** (based upon 2006 pay 2007 tax rates)

Year	Abatement Percent	Value Abated	Taxes Payable	Taxes Abated
1	100%	\$ 150,000	\$ -	\$ 2,604
2	95%	\$ 142,500	\$ 130	\$ 2,474
3	80%	\$ 120,000	\$ 521	\$ 2,083
4	65%	\$ 97,500	\$ 911	\$ 1,693
5	50%	\$ 75,000	\$ 1,302	\$ 1,302
6	40%	\$ 60,000	\$ 1,562	\$ 1,042
7	30%	\$ 45,000	\$ 1,823	\$ 781
8	20%	\$ 30,000	\$ 2,083	\$ 521
9	10%	\$ 15,000	\$ 2,343	\$ 260
10	5%	\$ 7,500	\$ 2,474	\$ 130
11	0%	\$ -	\$ 2,604	\$ -
Total Taxes to be Paid (thru Year 10):				\$ 13,149
Total Value of Abatement:				\$ 12,889

**3. Unit with Assessed Value of \$200,000** (based upon 2006 pay 2007 tax rates)

Year	Abatement Percent	Value Abated	Taxes Payable	Taxes Abated
1	100%	\$ 200,000	\$ -	\$ 3,472
2	95%	\$ 190,000	\$ 174	\$ 3,298
3	80%	\$ 160,000	\$ 694	\$ 2,777
4	65%	\$ 130,000	\$ 1,215	\$ 2,257
5	50%	\$ 100,000	\$ 1,736	\$ 1,736
6	40%	\$ 80,000	\$ 2,083	\$ 1,389
7	30%	\$ 60,000	\$ 2,430	\$ 1,042
8	20%	\$ 40,000	\$ 2,777	\$ 694
9	10%	\$ 20,000	\$ 3,125	\$ 347
10	5%	\$ 10,000	\$ 3,298	\$ 174
11	0%	\$ -	\$ 3,472	\$ -
Total Taxes to be Paid (thru Year 10):				\$ 17,533
Total Value of Abatement:				\$ 17,185

**4. Unit with Assessed Value of \$250,000** (based upon 2006 pay 2007 tax rates)

Year	Abatement Percent	Value Abated	Taxes Payable	Taxes Abated
1	100%	\$ 250,000	\$ -	\$ 4,340
2	95%	\$ 237,500	\$ 217	\$ 4,123
3	80%	\$ 200,000	\$ 868	\$ 3,472
4	65%	\$ 162,500	\$ 1,519	\$ 2,821
5	50%	\$ 125,000	\$ 2,170	\$ 2,170
6	40%	\$ 100,000	\$ 2,604	\$ 1,736
7	30%	\$ 75,000	\$ 3,038	\$ 1,302
8	20%	\$ 50,000	\$ 3,472	\$ 868
9	10%	\$ 25,000	\$ 3,906	\$ 434
10	5%	\$ 12,500	\$ 4,123	\$ 217
11	0%	\$ -	\$ 4,340	\$ -
Total Taxes to be Paid (thru Year 10):				\$ 21,916
Total Value of Abatement:				\$ 21,482

## RESOLUTION 07-14

**TO DESIGNATE AN ECONOMIC REVITALIZATION AREA,  
APPROVE A STATEMENT OF BENEFITS, AND  
AUTHORIZE A PERIOD OF TAX ABATEMENT -  
Re: Morton Place Condominiums, 626 N. Morton Street  
(ERL-3, LLC, Petitioner)**

- WHEREAS, ERL-3, LLC (“Petitioner”) has filed an application for designation of property it owns at 626 North Morton Street, Bloomington, Indiana as an Economic Revitalization Area (“ERA”) pursuant to IC 6-1.1-12.1 et. seq.; and
- WHEREAS, according to the application, the Petitioner intends to construct upon this vacant property “Morton Place Condominiums,” 25 condominium units with a mix of 1-, 2-, 3- and 4-bedroom units for owner occupancy, which includes 2,702 square feet of the space on the first floor available for commercial use (the “Project”), and wishes to obtain tax abatement for the Project; and
- WHEREAS, the Petitioner has also submitted a Statement of Benefits to the Council and must, prior to May 15<sup>th</sup> of each subsequent year of the tax abatement, provide the County Auditor and the Common Council with further information showing the extent to which the Petitioner has complied with the Statement of Benefits; and
- WHEREAS, on November 2, 2007 the Economic Development Commission reviewed the Petitioner’s application and Statement of Benefits and passed Resolution 07-05 recommending that the Common Council designate the property as an ERA, approve the Statement of Benefits, and authorize a ten (10) year period of abatement for this project; and
- WHEREAS, on \_\_\_\_\_, 2007 a Memorandum of Agreement was entered into under the terms and conditions as reached between the Petitioner and the City of Bloomington for a period during the term of the tax abatement; and
- WHEREAS, the Common Council has investigated the area and reviewed the Application and Statement of Benefits, which are attached and made a part hereof, and found the following:
- A. the estimate of the value of the Project is reasonable;
  - B. the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project as proposed;
  - C. the estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project as proposed;
  - D. any other benefits about which information was requested are benefits that can be reasonably expected to result from the Project; and
  - E. the totality of benefits is sufficient to justify the deduction; and
- WHEREAS, the property described above has experienced a cessation of growth;

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

1. The Common Council finds and determines that the area described above should be designated as an Economic Revitalization Area as set forth in I.C. 6-1.1-12.1-1 et. seq.; and, the Common Council further finds and determines that the totality of benefits of the Project entitle the owner of the property or its successor(s) to a deduction from the assessed value of the related improvements for a period of ten (10) years.
2. In granting this designation and deduction the Common Council incorporates I.C. 6-1.1-12.1-12. It also expressly exercises the power set forth in I.C. 6-1.1-12.1-2(I)(5) to impose additional, reasonable conditions on the rehabilitation or redevelopment beyond those listed in

the Statement of Benefits. In particular, failure of the property owner to make reasonable efforts to comply with the following conditions is an additional reason for the Council to rescind this designation and deduction:

- a. the improvements described in the application shall be commenced (defined as obtaining a building permit and actual start of construction) within twelve months of the date of this designation; and
  - b. the land and improvements shall be developed and used in a manner that complies with local code; and
  - c. only those owners who occupy the units (“Unit Owners”) shall be eligible for the deduction; and
  - d. the Petitioner and subsequent owners or Unit Owners may be required annually by the City of Bloomington to provide information to be used by the City to verify that the Project is used in the manner prescribed in the Statement of Benefits and agreed to in the aforementioned Memorandum of Agreement entered into between the Petitioner and the City.
3. The Common Council directs the Clerk of the City to publish a notice announcing the passage of this resolution and requesting that persons having objections or remonstrances to the ERA designation appear before the Common Council at a public hearing scheduled for the Regular Session on December 19, 2007.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
DAVE ROLLO, 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 \_\_\_\_\_, 2007.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

#### SYNOPSIS

This resolution designates the property located at 626 N. Morton Street as an Economic Revitalization Area (ERA), approves a Statement of Benefits, and authorizes a 10-year period of abatement for the project proposed by the petitioner, ERL-3, LLC. Petitioner is seeking tax abatement in order to attract owner occupants to a 25-unit condominium development, with potential commercial space on the first floor. The resolution also declares the intent of the Council to hold a public hearing during its Regular Session scheduled for December 19, 2007 to hear public comment on the ERA designation before voting on a resolution confirming these actions.

**RESOLUTION 07-05  
OF THE ECONOMIC DEVELOPMENT COMMISSION  
OF THE CITY OF BLOOMINGTON, INDIANA**

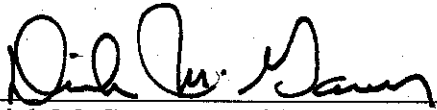
**TO RECOMMEND DESIGNATION OF AN ECONOMIC DEVELOPMENT  
REVITALIZATION AREA, APPROVAL OF A STATEMENT OF BENEFITS AND  
APPROVAL OF A TEN-YEAR TAX ABATEMENT**

- WHEREAS,** the Economic Development Commission of the City of Bloomington, Indiana, recognizes the need to stimulate growth and to maintain a sound economy within the corporate limits of the City of Bloomington, Indiana as well as the need to diversify the mix of housing options in downtown Bloomington; and
- WHEREAS,** the Indiana Code at 6-1.1-12.1 et. seq. provides for the designation of "Economic Revitalization Areas" (ERAs) within which property taxes may be abated on improvements to real estate;
- WHEREAS,** in addition to the ERA designation, an applicant for tax abatement must receive Common Council approval of the Statement of Benefits resulting from the proposed project; and
- WHEREAS,** the Common Council of the City of Bloomington in Ordinance 97-06 gave to the Economic Development Commission the responsibility for making recommendations to the Council regarding requests for tax abatement; and
- WHEREAS,** ERL-3, LLC ("Petitioner") has applied for tax abatement on and has submitted a Statement of Benefits regarding its proposed project known as Morton Place Condominiums at 626 N. Morton Street in Bloomington, Indiana; and
- WHEREAS,** the Economic Development Commission has met and considered Petitioner's application and Statement of Benefits, and has recommended a ten (10) year period of tax abatement on the proposed improvements;

**NOW, THEREFORE, BE IT RESOLVED** that the Economic Development Commission of the City of Bloomington does hereby recommend to the Common Council designate 626 N. Morton Street in Bloomington, Indiana, as an ERA, approve said Statement of Benefits regarding improvements to said site proposed by Petitioner, and approve a ten year tax abatement on said real estate improvements, with the following conditions:

- Section 1.** Only those owners who occupy the units ("Unit Owners") shall be eligible for the tax abatement deduction; and
- Section 2.** Prior to the public hearing of this petition before the Common Council, the Petitioner shall enter into a Memorandum of Agreement with the City of Bloomington, under the terms and conditions as reached between the Petitioner and the City for a period during the term of the tax abatement;

**APPROVED** this 2 day of November, 2007.



---

Dick McGarvey, President  
City of Bloomington Economic Development Commission



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Kurt Zorn, Secretary  
City of Bloomington Economic Development Commission



# STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R2 / 1-07)

Prescribed by the Department of Local Government Finance

20\_\_ PAY 20\_\_

FORM SB-1 / Real Property

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☒ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)  
☐ Eligible vacant building (IC 6-1.1-12.1-4.8)

## INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
2. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, **BEFORE** a deduction may be approved.
3. To obtain a deduction, application Form 322 ERA/RE or Form 322 ERA/VBD, whichever is applicable, must be filed with the County Auditor by the later of: (1) May 10; or (2) thirty (30) days after the notice of addition to assessed valuation or new assessment is mailed to the property owner at the address shown on the records of the township assessor.
4. Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. [IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j)]
5. The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property and under IC 6-1.1-12.1-4.8(1) for vacant buildings apply to any statement of benefits approved on or after July 1, 2000. The schedules effective prior to July 1, 2000, shall continue to apply to a statement of benefits filed before July 1, 2000.

## SECTION 1

### TAXPAYER INFORMATION

Name of taxpayer ERL-3, LLC		
Address of taxpayer (number and street, city, state, and ZIP code) 601 N. College Avenue, Suite 1A, Bloomington, IN 47404		
Name of contact person Elliot R. Lewis	Telephone number (312) 515-2000	E-mail address ERLewis@aol.com

## SECTION 2

### LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body City of Bloomington Common Council		Resolution number
Location of property Lots 13 and 14, Hunter's Addition, Bloomington	County Monroe	DLGF taxing district number
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Vacant lots to be developed as 25 residential condominiums		Estimated start date (month, day, year) April, 2008
		Estimated completion date (month, day, year) July, 2009

## SECTION 3

### ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
0	--	--	--	2	\$25,000-\$75,000

## SECTION 4

### ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	0	0
Plus estimated values of proposed project	\$6,000,000.00	\$6,000,000.00
Less values of any property being replaced	0	0
Net estimated values upon completion of project	\$6,000,000.00	\$6,000,000.00

## SECTION 5

### WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

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

Other benefits

See Statement of Benefits attached.

## SECTION 6

### TAXPAYER CERTIFICATION

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

Signature of authorized representative Elliot R. Lewis	Title Sole Member, ERL-3, LLC	Date signed (month, day, year) 10/25/07
---	----------------------------------	--

**FOR USE OF THE DESIGNATING BODY**

We have reviewed our prior actions relating to the designation of this Economic Revitalization Area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed \_\_\_\_\_ calendar years \* (see below). The date this designation expires is \_\_\_\_\_.
- B. The type of deduction that is allowed in the designated area is limited to:
- |  |                              |                             |
|--|------------------------------|-----------------------------|
| 1. Redevelopment or rehabilitation of real estate improvements | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Residentially distressed areas                              | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Occupancy of a vacant building                              | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
- C. The amount of the deduction applicable is limited to \$ \_\_\_\_\_.
- D. Other limitations or conditions (specify) \_\_\_\_\_
- E. The deduction is allowed for \_\_\_\_\_ years\* (see below).

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

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

\* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.12-12.1-4.

- A. For residentially distressed areas, the deduction period may not exceed five (5) years.
- B. For redevelopment and rehabilitation or real estate improvements:
1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
  2. If the Economic Revitalization Area was designated after June 20, 2000, the deduction period may not exceed ten (10) years.
- C. For vacant buildings, the deduction period may not exceed two (2) years.



## **STATEMENT OF BENEFITS**

The Project will add two well-paid full-time jobs. The estimated annual compensation package for the two positions range from not less than \$25,000 and potentially as high as \$75,000.

The Morton Street Condominium Project strongly supports and helps implement the City of Bloomington policies of increased residential development in the downtown and near downtown areas. The condominium project, rather than an apartment complex, adds to the diversity of downtown residential uses.

The condominium project targets owner-occupied purchasers resulting in more investment in downtown residential properties rather than rental dwelling units. The Project Site has been undeveloped for many years. A previously proposed apartment complex project was rejected/withdrawn. Land that is underutilized does not contribute to economic growth for the Bloomington downtown area. The Condominium Project will add substantially to the tax base for the downtown area, approximately \$7 million. The owner-occupied condominium nature of the project will add to private investment in the downtown area.

The village concept of the Project and integration of the Project with an existing apartment complex with shared amenities will serve as a magnet to bring addition people to the site, further spurring downtown economic investment and growth.

## TAX STATEMENT APPLICATION

OCT 24 2007

RECEIVED

### 1. Ownership

- a. Mr. Elliot Lewis, ERL-3, LLC.  
601 N. college Ave. Suite 1A, Bloomington, 47402  
1-812-331-0788 phone  
1-812-334-2507 fax

- b. 100 % ownership of property

### 2. Property Description

- a. 626 N. Morton Street, Bloomington Indiana 47402  
Lot numbers 13 and 14, as recorded as part of Hunter's Addition  
Lot 13 size: 62.76' x 132'  
Lot 14 size 62.76' x 132'
- b. Lot 13 and Lot 14, Hunter's Addition to the City of Bloomington.

### 3. Current Status of Property:

- a. Zoning: Commercial downtown
- b. Current improvements: Land is currently undeveloped; vacant lots
- c. Current use: Land is currently undeveloped.

The project is located between 10<sup>th</sup> Street and 11<sup>th</sup> Street along Morton Street. The surrounding land use includes apartment developments, residential and commercial. The existing site is vacant with the proposed new use to be a condominium development. The adjacent property to the north, which is separated by a 12' alley, is owned by the developer for this project.

To the East is a residential property. The adjacent property, to the South, is currently separated by a 12' alley, and is owned by the developer for this project, with an approved development for an apartment complex planned for the site.

- d. Market value: \$7 to \$7.5 million
  - 1. Assessed value: Lot 13 \$28,600; property tax assessments: \$887.54
  - 2. Assessed value: Lot 14 \$28,600; property tax assessments: \$886.54
- e. Unique historical or aesthetics: None currently

### 4. Proposed Improvements:

- a. Describe proposed improvements and projected costs.

<u>Condominium Unit</u>	<u>Count</u>	<u>Beds</u>
3 Bed Townhouse w/ Den (Type A1)	2 Units	6 Beds
2 Bedroom townhouse (Type A2)	6 Units	12 Beds
1 Bed townhouse w/Loft (Type B1)	1 Unit	1 Bed
3 Bedroom Flat (Type C1)	1 Unit	3 Beds
3 Bed flat w/Den (Type C2)	3 Units	9 Beds
3 Bedroom Townhouse (Type D1)	2 Units	6 Beds
2 Bed townhouse w/Den (Type D2)	2 Unit	4 Bed
3 Bedroom Townhouse (Type E1)	1 Unit	3 Beds
2 Bed Townhouse w/Loft (Type E2)	1 Unit	2 Beds
2 Bedroom Flat (Type F1)	4 Units	8 Beds
2 Bedroom Flat (Type G1)	1 Unit	2 Beds
4 Bedroom Townhouse (Type H1)	1 Unit	4 Beds

---

**Parking**

Underground garage parking

---

**25 Units**

46

---

**60 Beds****Project Concept**

The "Morton Place" condominiums is an exciting new condominium development for Bloomington's downtown. The design revolves around the creation of two internal courtyards framed by a primarily four (4) level "U" shaped structure built on top of an underground parking garage.

A sense of community is formed through the provision of entrances both engaged with the Morton streetscape, open to the courtyards, and organized within climate controlled corridors all arranged to encourage interaction among residents as they come and go throughout the day.

The project acts as an extension of the developer's current project at TENTH & COLLEGE and the planned project "The Village at TENTH & COLLEGE" and has been developed with the knowledge that each site will benefit from the site amenities provided. These include exercise facilities, on-site management office, swimming pool and sun bathing deck, retail facilities for food and clothing options and internal courtyards within secured community space.

**Building Scale / Massing / Articulation**

The condominium building sits on top of a single level of underground parking with the respective roof level of the garage becoming a courtyard for the condominiums above.

The perimeter of the building along Morton Street forms the primary facade for the project and has been articulated to meet and exceed local code requirements.

The project takes advantage of the site's 18' elevation change by tucking the parking garage into the hillside and stepping the condominiums up with the grade along Morton Street. The primary facade is broken down into smaller building components marked by designated entry points to the development from Morton and the alleys on the North and East sides of the development. The building massing is further broken down into a rhythm of modular bays articulated with balcony and window openings. A rich palette of building materials divide the four (4) level street front apartments vertically into three (3) distinct zones; base, body and cap. The articulation of the building elements carries onto the bricked streetscape to enhance the development's curb appeal and reinforce the facilities human scale along Morton Street. Entrances and porches along Morton provide a "brownstone" type appeal and enhance opportunities for interaction between the condominiums and the street life.

**Parking Garage Access**

The parking level is tucked into the hillside and provides reserved, secure parking for the Village's residents. The parking garage has been designed to connect to the Level 2 parking garage planned for the "The Villages @ TENTH & COLLEGE" apartment complex to be developed on the lots south of the Projects Site. The access point for the garage level utilizes the existing Level 2 entry off of Morton Street, approximately 206 feet north of the intersection. By connecting underground with the approved garage, the new garage remains completely concealed from view.

The approved Garage access drive is a total of 24 feet in width with two (2) 10-foot wide concrete drives and stone clad openings with a center wall divider. The selected locations allow for ADA compliant pedestrian access, maximized internal parking, limited opportunities for water infiltration and the ability to maintain a lower vertical height to the overall building massing.

In order to connect the two garages underground, the current alley that divides the two properties will need to be vacated.

### **Streetscape**

A steady rhythm of old fashioned street lamps and grated trees, set in a brick paved sidewalk, enhance the curb appeal and simple charm of the development. Where possible, landscaping lines the base of the building and provides a soft transition between the street and the building.

City of Bloomington Planning Department

October 23<sup>rd</sup>, 2007

Page 4

### **Building Materials**

Limestone, two to three colors of brick, metal and wood trim form the palette for the primary façade. These materials carry onto the North alley elevation where wood patterned cement planks are mixed into the material palette. The East alley elevation primarily uses two (2) colors of wood patterned plank and split faced CMU to match the surrounding structures. The internal courtyard elevations use a blend of cultured stone, limestone, brick and wood patterned cement planks.

### **Site Landscaping**

Morton Street will be lined with street trees in 5' metal grates set in the public right-of-way. The Project proposes creation of a 3 foot landscape band along Morton Street between a brick paved sidewalk and the building site walls.

The courtyards (which exist above the parking garage) are designed to have a mix of concrete paved surfaces, low intensity green roof zones for sedum, and other plantings only requiring a 6" planting bed, as well as some deeper planting beds upward of 2' in depth to allow for larger landscaping species.

The roof of the project is also proposed to house a rooftop retreat area composed of pocketed "green roof" zones dispersed within a paver covered zone and potential roof trellis area. Additional potted plants will be reviewed as options for placement as we investigate the durability and maintenance issues with having landscaping at this level.

**b. Initial Sketch of project; Attached**

**c. Public improvements needed: None**

**d. Probable start date: Summer 2008**

**Probable completion: Summer 2009**

**e. Jobs created:** In addition to temporary construction related jobs, the project is essentially residential and will directly create jobs. The Project, when completed, will require two full-time property management personnel. The Project will create specific new jobs.

**f. The benefits of this approach to the City are as follows:**

- The City gains owner occupied condominiums in the downtown area.
- The parking for the condominiums is completely concealed and makes use of previously approved garage entrance and curb cut off of Morton Street.
- Forty six (46) parking spaces are created for residents in addition to the ninety eight (98) spaces in the existing garage and fifteen (15) street parking locations provided by The Village at TENTH & COLLEGE project. The 159 added spaces help provide parking for downtown residents at the developments.
- The east-west alley on the north face of the Morton Street property (Lots 13 and 14) and the north-south alley from 10<sup>th</sup> Street to the east-west alley north of Lot 14 get paved and made usable.
- The vacation of the alley allows for the creation of a contiguous plaza with larger green space, pool and public amenities for approximately 300 downtown residents.
- Morton Place acts as a catalyst for future developments on vacant land in the area, as well as an opportunity to attract additional retail and downtown owner occupied housing.
- The Morton Place development brings additional convertible retail space to Morton Street.

##### 5. Eligibility

A. Why does the project qualify as an economic revitalization Area: The Project Site is an undeveloped area that has not developed under current market conditions, including previously failed development plans.

B. Estimated number of new employees and employees retained as a result of the Project: 2  
Salaries and benefits: Annual compensation package valued at \$25,000 to \$75,000.

C. Statement of benefits form: Attached.

I hereby certify that the representations made in this application are true and I understand that if the above improvements are not commenced (defined as obtaining a building permit and actual start of construction, or, for equipment-only abatements, installation of the equipment) within 12 months of the date of the designation of the above area as an Economic Revitalization Area (ERA) or of approval of a Statement of Benefits for the above area, whichever occurs later, the Bloomington Common Council shall have the right to void such designation.

I further certify that the individual(s) or business entity that owns the property for which ERA designation is sought and/or who is applying for designation of said property as an ERA or for approval of a Statement of Benefits on said property, are not in arrears on any payment, fees, charges, fines or penalties owed to the City of Bloomington, Indiana, including, but not limited to, City of Bloomington Utilities, Bloomington Transit, and any other City of Bloomington departments, boards or commissions.

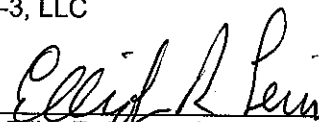
I affirm, under penalties for perjury, that the statements in the foregoing application for tax abatement are true.

OWNER

DATE

ERL-3, LLC

By:

  
Elliot R. Lewis, Sole Member

October 24, 2007

**RECEIVED**

OCT 24 2007



# MORTON PLACE — CONDOMINIUMS

MORTON STREET ELEVATION

Bloomington, Indiana  
August 27, 2007

  
STUDIO  
THREE  
DESIGN

**ORDINANCE 07-27**

**TO DESIGNATE AN ECONOMIC DEVELOPMENT TARGET AREA -**

**Re: 626 N. Morton Street, Morton Place Condominiums**

**(ERL-3, LLC, Petitioner)**

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

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

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

WHEREAS, on November 2, 2007 the City of Bloomington Economic Development Commission held a hearing to consider the request to designate the property located at 626 N. Morton Street, Bloomington, Indiana, as an Economic Development Target Area; and

WHEREAS, at the conclusion of the hearing, the Economic Development Commission adopted Resolution 07-06, which recommended that the Common Council designate the above-described area as an Economic Development Target Area in compliance with Indiana Code 6-1.1-12.1-7(a);

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

1. The property located at 626 N. Morton Street, Bloomington, Indiana is hereby designated as an Economic Development Target Area under the authority of Indiana code 6-1.1-12.1-7(a).
2. 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 \_\_\_\_\_, 2007.

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DAVE ROLLO, President  
Bloomington Common Council

ATTEST:

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REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

SYNOPSIS

This ordinance designates the property located at 626 North Morton Street, called Morton Place Condominiums, as an Economic Development Target Area (EDTA). This designation was recommended by the Economic Development Commission and will enable the proposed owner-occupied condominium project upon currently undeveloped property to be eligible for tax abatement. Final approval of the tax abatement for the construction of the condominium project will also require the adoption of an initial and confirming resolution, which must designate this property as an Economic Revitalization Area (ERA), approve the Statement of Benefits, and authorize a period of abatement.



**RESOLUTION 07-06  
OF THE ECONOMIC DEVELOPMENT COMMISSION  
OF THE CITY OF BLOOMINGTON, INDIANA**

**TO DESIGNATE AN ECONOMIC DEVELOPMENT TARGET AREA**

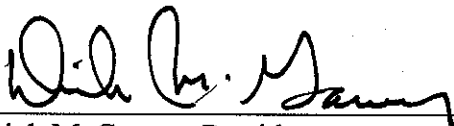
**WHEREAS**, Indiana Code §6-1.1-12.1-7 specifies that an economic development target area may be designated by the Common Council after a favorable recommendation by an economic development commission; and

**WHEREAS**, the Economic Development Commission of the City of Bloomington, at the request of the petitioner, ERL-3, LLC ("Petitioner"), held a meeting on 11/2, 2007 to consider petitioner's application for economic development target area designation of 626 N. Morton Street in the City of Bloomington, Indiana; and

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

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

**APPROVED** this 2 day of NOVEMBER, 2007.



Dick McGarvey, President  
City of Bloomington Economic Development Commission



Kurt Zorn, Secretary  
City of Bloomington Economic Development Commission

## RESOLUTION 07-16

### ESTABLISHING A BLOOMINGTON PEAK OIL TASK FORCE

- WHEREAS, Petroleum accounts for approximately forty percent of the United States' energy consumption and over ninety percent of its liquid fuel needs for transportation; and,
- WHEREAS, Worldwide demand is increasing and is outpacing production; and,
- WHEREAS, The global supply of petroleum is finite and is constrained by geological processes which result in a peaking of production at approximately the midpoint of total extraction; and,
- WHEREAS, Many industry experts warn that global production of petroleum may be nearing the halfway mark and is at, or near, an all-time global peak; and,
- WHEREAS, Global peak will cause the price of oil and natural gas to become more volatile; and,
- WHEREAS, Volatile price signals associated with petroleum scarcity may not allow for smooth market adjustments and effective mitigation efforts in the private sector; and,
- WHEREAS, Experts advise that efforts to mitigate the impending decline in production must occur 15 to 20 years before petroleum production peaks in order to effectively compensate for increasing scarcity; and,
- WHEREAS, The City of Bloomington and its citizens and businesses depend on oil and natural gas for their economic welfare and vital activities including transportation, food, heating and water; and,
- WHEREAS, Many Bloomington residents and businesses are not fully aware of the consequences of a decline in oil and natural gas production and would benefit from a complete and objective analysis of local impacts; and
- WHEREAS, The Bloomington Common Council passed Resolution 06-07: Recognizing the Peak of World Petroleum Production which called for the City and community to prepare for the inevitability of peak oil; and
- WHEREAS, The Common Council has passed Resolution 06-05: Supporting the Kyoto Protocol and the Reduction of Greenhouse Gases and the Mayor has signed on to the *U.S. Mayors' Climate Protection Agreement*, the success of which both hinge on reducing fossil fuel emissions; and
- WHEREAS, The City of Bloomington has a long and demonstrated commitment to sustainability and its three indicators of community well-being: economic vitality, environmental health and social equity;

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

SECTION 1. The Bloomington Peak Oil Task Force shall be established to assess Bloomington's vulnerabilities to a liquid fuels shortage.

- (1) Members. The Task Force shall be composed of seven members.
- (2) Appointments. Three members shall be appointed by the Mayor and three shall be appointed by the Common Council. One member of the Common Council shall also serve on the Task Force.
- (3) Qualifications. Task Force members shall be residents of Monroe County and shall have an understanding of the problem of peak oil. Preference for appointments may be given to government representatives, citizens with expertise in energy, transportation and agriculture, as well as community and business leaders.

SECTION 2. The Task Force's charge shall be:

- a. To acquire and study current and credible data and information on the issues of oil and natural gas production and depletion and the related economic and socio-cultural implications;
- b. To seek community feedback on vulnerabilities and possible solutions;
- c. To coordinate planning efforts with county, State and federal entities;
- d. To develop a *Bloomington Peak Oil Task Force Report* for approval by the Mayor and Common Council outlining strategies the City and community might pursue to mitigate the effect of declining fuel supplies in areas including, but not limited to: transportation, municipal services, energy production and consumption, food security, water and wastewater; and
- e. To work to educate the community about the impending energy shortage in the interest of encouraging businesses and residents to reduce dependence on fossil fuels.

SECTION 3. Sunset provision. The Task Force shall cease to exist once its final *Bloomington Peak Oil Task Force Report* is approved by both the Mayor and the Common Council. The Task Force shall submit its final *Report* to the Mayor and Council no later than December 31, 2008. However, the Task Force may be renewed or reestablished by resolution.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
DAVE ROLLO, 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 \_\_\_\_\_, 2007.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

SYNOPSIS

This resolution recognizes that global petroleum production will soon peak, that such a peak is unprecedented and will reshape many key industries, economies and our current way of life. The resolution calls for the establishment of a *Bloomington Peak Oil Task Force* to assess the community's vulnerability to a liquid fuels shortage and to report its findings to the Mayor and Common Council.



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

To: Members of the Common Council  
From: Dave Rollo, Council President and District IV Representative  
Re: Resolution 07-16: Establishing a Bloomington Peak Oil Task Force  
Date: 20 November 2007

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As the Common Council has resolved, world petroleum production will soon peak -- a phenomenon known as “peak oil.”<sup>1</sup> Reaching peak oil means that world oil production will reach a point of maximum extraction and decline inexorably thereafter. Most estimates place the date of peaking between the present moment and 2020<sup>2</sup> with many experts concluding that we’re already at peak production as total liquids have not exceeded 86 million barrels/day since early 2005 despite fierce demand.<sup>3</sup> The implications of peak oil are immediate and systemic as so much of our everyday lives – from transportation to manufacturing to materials to food production -- depend on the availability of cheap oil.

Adjustment to energy scarcity takes years, perhaps decades, to prevent social and economic dislocation. If peak oil arrives soon, with its expected socio-economic disruption, it will be much harder for communities to implement the means to cope with the ensuing depletion. To mitigate the effects of such a shock, a report commissioned by the Department of Energy (DOE), recommends that communities start to adapt to energy shortages 15- 20 years before global production peak.<sup>4</sup> As most estimates place the peak in 2020 at the latest, we must begin mitigation efforts now.

Not only must we begin now, but our efforts must be decidedly local. Despite the DOE report, other reports pointing out that peak is just around the corner,<sup>5</sup> and the valiant efforts by a small caucus in the U.S. Congress,<sup>6</sup> the federal government has done little to prepare for global peak oil. In its report *Crude Oil: Uncertainty about Future Oil Supply Makes it Important to Develop a Strategy for Addressing a peak and Decline in Oil Production*, the U.S. General

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<sup>1</sup> Resolution 06-07: Recognizing the peak of World Petroleum Production.

<sup>2</sup> *Crude Oil: Uncertainty about Future Oil Supply Make it Important to Develop a Strategy for Addressing a peak and Decline in Oil Production*, GAO-07-283. February 2007. See also: Case Western survey, *Peak-Oil When?* A poll of oil executives which finds most executives expect it “highly likely” that production will decline by 2010. 2007. [http://www.peakoilwhen.org/Report\\_oct07.pdf](http://www.peakoilwhen.org/Report_oct07.pdf)

<sup>3</sup> Energy Information Agency (EIA) Report, 2007.

<sup>4</sup> Hirsch, R. L., Bezdek, R., Wendling, R. *Peaking of World Oil Production: Impacts, Mitigation & Risk Management*. U.S. Department of Energy. National Energy Technology Laboratory. February 2005

<sup>5</sup> See, e.g., Eileen T. Westervelt, et al., *Energy Trends and Their Implications for U.S. Army Installations*, a report prepared for U.S. Army Corps of Engineers, ERDC/CERL

<http://www.energybulletin.net/docs/EnergyTrendsUSArmySummary.pdf>; Oil Depletion Analysis Center, *New capacity fails to boost 2006 production – delays or depletion?*

[http://www.odac-info.org/bulletin/documents/MegaProjects\\_Feb2007.pdf](http://www.odac-info.org/bulletin/documents/MegaProjects_Feb2007.pdf); Fedrik Robelius, *The Highway to Oil – Giant Oil Fields and their Importance for Future Oil Production*. Doctoral Dissertation. Uppsala University, Uppsala, Sweden (2007). [http://www.diva-portal.org/diva/getDocument?urn\\_nbn\\_se\\_uu\\_diva-7625-1\\_fulltext.pdf](http://www.diva-portal.org/diva/getDocument?urn_nbn_se_uu_diva-7625-1_fulltext.pdf)

<sup>6</sup> The peak oil Caucus. [http://www.sourcewatch.org/index.php?title=Peak\\_Oil\\_Caucus](http://www.sourcewatch.org/index.php?title=Peak_Oil_Caucus)

Accounting Office concludes that various government agencies have not even set up a means to communicate and coordinate their efforts in the event of peak oil.<sup>7</sup>

Given this lack of preparation, it is therefore essential that local communities begin the process of adapting to energy depletion. Local governments should lead the way in taking stock of the dependency on fossil fuels, particularly liquid fuels, and in mapping out prudent strategies for energy independence. In fact, local government is uniquely suited to assess such a challenge. Populated with -- or connected to -- local experts, local government is locally accountable and truly has local interests at heart and can respond with the flexibility and motivation larger scales of government cannot.

Several cities have already embarked on local efforts. Kinsale, Ireland, San Francisco, California and Portland, Oregon, have all begun the process of evaluating their dependency, and developing strategies to lessen impacts of oil depletion.<sup>8</sup> Since entering an age of energy scarcity will likely result in economic turmoil, and because of a lag time in implementation of mitigation policies, it is imperative that Bloomington join these communities in making a local effort to plan for our community's health and wellbeing in a post-carbon world. Put simply, preparing for peak oil is just sensible risk management.

*Resolution 07-16: Establishing a Bloomington peak oil Task Force* responds to the challenge of peak oil by establishing a task force whose charge is to assess our community's vulnerability to the impending energy shortage and to make recommendations to both the City and the community. In outlining the work of the *Task Force*, we've drawn upon the work and experience of communities who have already engaged in such assessments. While many of the problems faced by our community will be similar to those faced by others, we are still unique and much of the *Task Force's* work will be devoted to drafting recommendations specific to our own local economy, demographics, resources and other community characteristics. Notably, both the Bloomington Environmental Commission and the Bloomington Commission on Sustainability have indicated their support of the proposed Task Force.

The *Task Force* will be composed of seven members, drawn from both City and County residents with knowledge of the problem and expertise in key sectors such as economy, agriculture, utilities, energy, public safety and transportation. Three members of the *Task Force* will be appointed by the Mayor and three will be appointed by the Common Council. A member of the Council will also serve on the *Task Force*.

In a time of energy and climate uncertainty, responding to peak oil presents our community with immediate challenges. However, this uncertainty also presents us with a great opportunity to make our already-strong commitment to issues of local self-sufficiency and sustainability even stronger. I respectfully request your support.

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<sup>7</sup> *Crude Oil*, supra

<sup>8</sup> *Post Carbon Cities*, supra.



## *Prospectus*

### BLOOMINGTON PEAK OIL TASK FORCE

#### **I. STATEMENT OF THE PROBLEM**

*The problems associated with world oil production peaking will not be temporary, and past “energy crisis” experience will provide relatively little guidance. The challenge of oil peaking deserves immediate, serious attention, if risks are to be fully understood and mitigation begun on a timely basis.*

— Report sponsored by the U.S. Department of Energy <sup>1</sup>

*Identifying and mitigating community vulnerabilities is probably one of the more important – if often unwritten – expectations we have of our local governments.*

--- *Post Carbon Cities: Planning for Energy Uncertainty* <sup>2</sup>

Over the last 150 years, our everyday lives have been radically re-shaped by the availability of inexpensive fossil fuels. Oil fuels our cars, powers our electrical systems, provides the raw material for fertilizer and pesticides used on most of our food crops and is a key component of our ubiquitous plastics industry. Cheap oil and natural gas have clearly allowed us to achieve extraordinary economic and population growth. In fact, the United States consumes twenty-five percent of the world’s oil with petroleum alone accounting for over forty percent of the U.S.’s energy consumption and over ninety percent of its liquid fuel needs for transportation.

However, both petroleum and natural gas are finite, non-renewable resources and our consumption of these resources is growing faster than the biosphere can replace them. Indeed, it took nature 100 million years to produce the energy the world uses in one year.<sup>3</sup> Because such consumption has outpaced production, many industry experts – including the United States government – point out that era of cheap oil is about over and that oil production will inevitably

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<sup>1</sup> Hirsch, R. L., Bezdek, R., Wendling, R. *Peaking of World Oil Production: Impacts, Mitigation & Risk Management*. U.S. Department of Energy. National Energy Technology Laboratory. February 2005. p.5 (hereinafter, *The Hirsch Report*).

<sup>2</sup> Lerch, Daniel. *Post Carbon Cities: Planning for Energy and Climate Uncertainty*. A Guidebook on Peak Oil and Global Warming for Local Governments, p.4. Post Carbon Press. 2007.

<sup>3</sup> Eileen T. Westervelt, et al., *Energy Trends and Their Implications for U.S. Army Installations*, a report prepared for U.S. Army Corps of Engineers, ERDC/CERL TN-05-1, September 2005. See also, International Energy Agency, World Energy Outlook 2005, p. 125

reach a maximum level and decline thereafter. This point of maximum extraction is commonly known as “peak oil.”

Among the forecasts for peak production, most projections locate the peak within the next 14 years, if not sooner. A recent review of 33 peak oil forecasts found that 13 studies estimate peak between 2005 and 2012, 12 place peak between 2012 and 2022 and eight positioned peak between 2025 and never.<sup>4</sup> The early peak projection date is also echoed in a report prepared for the United States Army Corps of Engineers: according to the report, production is approaching its peak and low growth supply can be expected in the next 3-8 years.<sup>5</sup>

If production is widely agreed to peak in the near future, we must begin to think through ways to prepare for a decline in cheap oil. According to a Congressional Report issued by the United States Government Accountability Office (GAO) in early 2007, the peak will present us with unprecedented challenge: “[t]he consequences of a peak and permanent decline in oil production could be even more prolonged and severe than those of past oil supply shocks.”<sup>6</sup> To address this challenge, a study sponsored by the U.S. Department of Energy recommends that communities take steps to mitigate the problem early:

Waiting until world oil production peaks before taking crash program action would leave the world with a significant liquid fuel deficit for more than two decades. Initiating a mitigation crash program 10 years before world oil peaking helps considerably but still leaves a liquid fuels shortfall roughly a decade after the time that oil would have peaked. Initiating a mitigation crash program 20 years before peaking appears to offer the possibility of avoiding a world liquid fuels shortfall for the forecast period.

The obvious conclusion...is that with adequate, timely mitigation, the economic costs to the world can be minimized. ...

It is our sincere hope that readers will look beyond the conflicting forecasts and focus on the consequences of underestimating the enormity of the peak oil problem. Effective mitigation means taking decisive action well before the problem is obvious.<sup>7</sup>

In other words, as the peaking of world oil production will cause us to re-think both our individual and community habits, we should start planning soon. Indeed, as pointed out in a recent guidebook for local governments entitled, *Post Carbon Cities*, local governments are uniquely suited to the task of assessing its community’s dependency on fossil fuels, particularly

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<sup>4</sup> *Crude Oil: Uncertainty about Future Oil Supply Make it Important to Develop a Strategy for Addressing a Peak and Decline in Oil Production*, GAO-07-283. February 2007. According to senior energy program advisor for Science Applications International Corporation, Robert Hirsch, the date of the peak is uncertain “because much of the data needed for an accurate forecast is either proprietary to companies, state secrets of major oil exporting countries, or politically/economically biased.” Hirsch, R.L., *Peaking of World Oil Production: Recent Forecasts*, World Oil 228:4 (2007).

<sup>5</sup> *Energy Trends*, supra.

<sup>6</sup> *Crude Oil*, supra.

<sup>7</sup> *The Hirsch Report*, supra.

liquid fuels, and in mapping out prudent strategies for energy independence.<sup>8</sup> With our community's steadfast commitment to sustainable practices, such as alternative transportation, "buy local" ethic and the reduction of greenhouse gas emissions, we have already started to think through ways to live healthier and more sustainably. However, we can do more. Specifically, we can develop a systematic and comprehensive mitigation plan to address those areas of our everyday life most vulnerable to a decline in cheap fossil fuels: transportation, food, water, heating, and municipal services.

To help the City prepare for a shift in energy reliance, Council President Dave Rollo proposes a *Bloomington Peak Oil Task Force* to explore how the peaking of world oil production might shape the City's ability to maintain City municipal services and how the City of Bloomington might prepare for and build community resilience against energy uncertainty. The City of Bloomington formally recognized that the City must begin preparing for the inevitability of oil peak with the adoption of *Resolution 06-07: Recognizing the Peak of World Petroleum Production*.<sup>9</sup> The establishment of the *Task Force* is the logical and necessary next step. The *Task Force* will join scores of other community groups around the country and world looking for ways to mitigate the effects of dwindling inexpensive fossil fuels.<sup>10</sup>

What follows is a preliminary outline of questions the *Task Force* may ask in the interest of working out solutions to the energy shortage. In devising these questions, the *Task Force* will look to other communities who have pioneered local efforts, such as Portland, Oregon and Tompkins County, NY. Some questions might be construed as outside the purview of City government. However, because the energy shortage will permeate every aspect of our lives and because the City's activities are interdependent with those of the broader community and with other levels of government, it is vital that the City address both its own ability to maintain appropriate levels of service and to ensure that the well-being of its residents is protected.

The concerns documented herein are both for the City's operations and for the health, safety and welfare of all Bloomington residents and businesses. In embarking on this plan for peak oil mitigation, the City is exercising one of its principal roles as a Sustainable City: to foster and unify the three indicia of community well-being -- economic vitality, environmental health and social equity. While, at first blush, planning for the end of cheap oil may seem like a plan that prepares for a bleak future, it actually provides our community with a unique opportunity. Bloomington is a city that strongly values its sense of community and its commitment to sustainability. Preparing for the peak gives us the collective opportunity to make a great community even stronger.

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<sup>8</sup> *Post Carbon Cities*, supra.

<sup>9</sup> *Resolution 06-07: Recognizing the Peak of World Oil Production* can be accessed at: [http://bloomington.in.gov/egov/docs/1153747651\\_559687.pdf](http://bloomington.in.gov/egov/docs/1153747651_559687.pdf)

<sup>10</sup> See, for example: Portland, OR; San Francisco, CA; Willets, CA, Oakland, CA; San Francisco, CA; Sebastopol, CA; Denver, CO; Boulder, CO; Tompkins County, NY; Franklin, NY; Austin, TX; Plymouth, NH; Lawrence Township, NJ; Leigh Valley, PA; Ohio Peak Oil Action Committee; Addison County Relocalization Network (ACoRN) in Middlebury, VT; Massachusetts Climate Action Network; Harvard Local; Vermont Peak Oil Network; Communities outside of the U.S. have also initiated working groups such as Kinsale, Ireland; Totnes, UK; Working, UK; Hamilton, Ontario and Burnaby, BC. Notably Sweden plans to be the first country in the world to be oil independent by 2020.



## **II. STATEMENT OF PURPOSE**

The goal of the *Bloomington Peak Oil Task Force* is to assess Bloomington's vulnerability to changing energy markets and to develop researched and prudent strategies to protect our community. The ultimate goal of the *Task Force* is to shift our community's infrastructure away from fossil fuel reliance.

## **III. PRELIMINARY ORGANIZING QUESTIONS**

The most important challenges posed by rising oil prices in our community include the interrelated problems of maintaining personal transportation, heating our homes and businesses, producing food while maintaining health, generating safe drinking water and a safe wastewater system and continuing to provide for public safety. The *Task Force* proposes to work toward answering these challenges by exploring strategies to foster local self-sufficiency and fossil fuel independence. The following categories sketch out some of the issues the *Task Force* may explore. It is meant only to be illustrative – once the *Task Force* convenes, it will greatly refine and expand the issues tracked under the following headers.

### **A. TRANSPORTATION**

Perhaps the most marked rupture in our way of life occasioned by peak oil will be transportation. Approximately 95 percent of energy used for transportation is from oil.<sup>11</sup> At the onset of peak oil, gasoline and diesel fuel will continue to be freely available, but very expensive – accessible to only a few. Many community members will likely be required to rely more upon public transit and other mode of non-auto transportation. Representative topics the *Task Force* may address include those that assess:

- the expansion of public transit;
- improving the quality and extent of bicycle and pedestrian networks;
- the need for transportation subsidies;
- changes to the current parking standards;
- further incentives to foster compact urban form;
- use of alternatives to asphalt; and
- other challenges to petroleum-intensive road building and road maintenance.

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<sup>11</sup> *Crude Oil*. GAO-07-283

## **B. FOOD**

Approximately 17 percent of all energy used in this country each year goes into growing, processing and delivering food. As the prices of oil and natural gas rise, agricultural productivity will decline and the cost of transporting food will skyrocket.<sup>12</sup> In assessing local vulnerabilities, the *Task Force* will scrutinize local food production, looking at issues such as:

- the percentage of farmland currently in production and that not currently in production;
- the steady-state productive capacity of existing and potential farmland if such land is closed to outside inputs such as cheap fertilizer and fuel;
- the amount of organic fertilizer needed to keep gardens productive;
- encouraging gardening, small-scale agriculture and community-supported agriculture;
- crops needed to sustain local health;
- challenges to self-sufficiency in a mobile, student-heavy community;
- optimal distribution configurations to reduce travel time for both farmer and consumer;
- projected need for apiaries if more fruit trees are planted; and
- preservation techniques are best suited to post-peak oil conditions.

## **C. WATER**

In light of diminishing liquid fuels, the community will need to ensure that its water supply is secure, and water is potable for household use and available for agricultural use.

The City's need to pump much of its water makes its water purification and sewage treatment processes especially vulnerable to a petroleum shortage. Among other questions, the *Task Force* may look at:

- the percentage of the City's water supply dependent on electric pumps;
- the capacity of current water storage tanks;
- alternatives to fossil fuel-dependent inputs for conventional water purification as well as alternatives to fossil fuel-dependent inputs for repair and replacement materials;
- the viability of hydroelectricity generated by the Lake Monroe dam and the feasibility of micro-hydro systems;
- projected need for more irrigation in light of climate change;
- ensuring water safety; and
- larger-scale storage facilities.

## **Waste Disposal**

- age and life of current sewer system;
- alternatives to fossil fuel-dependent inputs for sewage treatment as well as alternatives to fossil fuel-dependent inputs for repair and replacement materials; and
- reducing the amount of energy needed to run the City's sewage and treatment systems.

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<sup>12</sup> See Lester Brown, *Plan B 2.0: Rescuing a Planet Under Stress and a Civilization in Trouble* (NY: W.W. Norton & Co., 2006).

## **D. MUNICIPAL SERVICES**

### **CITY HALL**

The City can anticipate increased electricity, natural gas and fuel costs. It might also experience indirect costs including: decreased property tax due to declining real estate values, reduced State and federal funding, decreased reliability of payments to the City by citizens experiencing economic hardship and an increased demand for City services such as police and fire. The City has already taken a number of steps to shift away from reliance on fossil fuels and to foster conservation. In addition to implementing measures to conserve energy in municipal facilities, the City has introduced biodiesel buses, distributed energy-efficient light bulbs, established a City Hall *Team Green*, hosted fora on energy efficiency, encouraged natural landscaping, encourages City employees to walk, bicycle or ride the bus (for free) and will soon partner with Duke Energy in a pilot program to install solar panels on the roof of City Hall. The *Task Force* will look for further ways to reduce City Hall's reliance on fossil fuels by assessing the:

- “emergency-basis-only” electrical consumption of each City department and the adequacy of current back-up capacity;
- feasibility of using alternative energy for back-up generators and the costs and benefits of such a shift;
- most economical street lighting configuration protective of public safety;
- possibility of cooperating with other entities in shifting to renewable non-fossil fuel energy sources;
- feasibility of retrofitting the City with passive energy efficiency measures; and
- use of biofuels as an emergency fuel supply in City vehicles and feasibility of replacing the extant fleet with hybrids.

### **PUBLIC SAFETY**

Emergency service providers such as police and fire will have the highest fuel priority and will be faced with new challenges occasioned by peak oil. The *Task Force* will work the City's Police and Fire Departments to explore:

#### **Police**

- whether more officers may be needed if peak oil triggers the predicted period of social and economic dislocation; and
- if the current fleet can be retrofitted for biofuels and/or replaced with hybrids.

#### **Fire.**

- the projected increase in cost for operating fire trucks;
- whether securing parts for trucks and other specialized firefighting equipment will become increasingly difficult; and
- whether a petroleum shortage will lead to resident stockpiling and if so, what challenges might this present to fire safety.

## **E. ENERGY PRODUCTION & CONSUMPTION**

### **HEATING**

Reliance on cheap oil and natural gas has allowed many of us to live in poorly-insulated homes with little consequence. As fossil fuels become more expensive, it will be vital that the community work to retrofit homes to become more efficient to prevent hardship. Toward this end, the *Task Force* may look at issues such as:

- incentives for using sustainable energy sources in new buildings, including more locally-produced material;
- the possibility of retrofitting homes for energy efficiency (including, but not limited to passive solar) and subsidies that might be available for those who cannot afford to heat and/or retrofit their homes;
- the feasibility of geothermal heat pumps; and
- encouraging people to live in higher-density configurations.

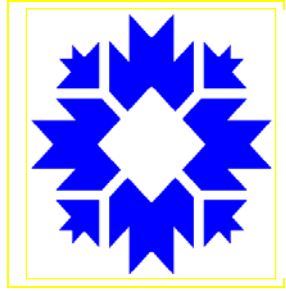
### **ALTERNATIVE ENERGY**

As the *Hirsch Report* and other analyses make clear, alternative sources of electrical energy such as solar panels (photovoltaics), wind power, and hydropower cannot begin to alleviate the near-term transportation crisis, since our petroleum-based equipment will take decades to replace even if it's assumed that we will have the means to do so. But the overall problem will be much worse if we're also lacking affordable electricity. In the interest of fostering use of alternative energy, the *Task Force* may investigate:

- federal, State, and local incentives that might encourage residents install solar power;
- hydropower-generating capacity of the Lake Monroe dam; the cost of such a facility and jurisdictional issues;
- cooperating with I.U. to explore alternatives to fossil fuels; and
- cost/benefit analysis of local alternative energy sources such as: hydroelectricity; solar; geothermal and biogas.

## **F. HEALTH CARE**

If ready access to health care is limited because of both greatly-constrained transportation and high unemployment, how can our community help assure that those who need help receive it? In large part, this topic is beyond the purview of this *Task Force*. However, the Marion County, Indiana Health Department is exploring the implications of peak oil for health care. The *Task Force* may work with, and draw upon the findings of, this group. This category should also address ambulance services. A review of the work of the Marion County Health Department can be found at: <http://postcarboncities.net/node/178>



# Bloomington Peak Oil Task Force

## Selected Readings

### **BOOKS**

**BROWN, Lester,**

*Plan B 2.0: Rescuing a Planet Under Stress and a Civilization in Trouble*, W.W.

Norton & Co. (2006)

Plan B has three components - (1) a restructuring of the global economy so that it can sustain civilization; (2) an all-out effort to eradicate poverty, stabilize population, and restore hope in order to elicit participation of the developing countries; and (3) a systematic effort to restore natural systems.

<http://www.earth-policy.org/Books/PB2/index.htm>

**CAMPBELL, C.J.**

*The Coming Oil Crisis*, Multi-Science Publishing (2004).

An interdisciplinary treatment of how much oil remains to be found and for how long global oil resources can continue to support the expected growth in demand.

Campbell concludes that given current production rates, the mid-point corresponding to peak production, will be reached some time in the first decade of the new millennium. Based on this conclusion, Campbell examines three scenarios and offers some interesting insights into the possible consequences to a world having to adjust to a dwindling oil supply.

**DEFFEYES, Kenneth**

- *Hubbert's Peak: The Impending World Oil Shortage (Revised Edition)*.

Princeton University Press (2002)

Deffeyes employs Hubbert's methods to determine that world oil production will peak in this decade.

- *Beyond Oil: The View from Hubbert's Peak*. Hill and Wang (2005).

Similar to *Hubbert's Peak*, but includes updated information; Deffeyes explains why Hubbert's theory of peak oil obtains and makes a call for public and private entities to develop urgent mitigation plans.

**DARLEY, Julian**

*High Noon for Natural Gas: The New Energy Crisis*, Chelsea Green Publishing (2004)

<http://www.highnoon.ws/>

Darley examines the dependence on natural gas and why such dependence has the potential to cause serious environmental, political, and economic consequences. Darley offers critical analyses of government policy a well-researched picture of the looming energy crisis.

**EBERHART, MARK**

*Feeding the Fire: The Lost History and Uncertain Future of Mankind's Energy Addiction*. Harmony (2007).

Eberhart documents the history of energy and the evolution of energy-dependence. The author examines the consequences of energy dependence and clearly demonstrates the immanence of the crisis that looms if we continue current consumption patterns.

**GOODSTEIN, David**

*Out of Gas: The End of the Age of Oil*. W.W. Norton (2005).

Goodstein outlines the scientific principles of the inevitable fossil fuel shortage and points to the promise afforded by switching to other sources of energy.

**HEINBERG, Richard**

- *The Party's Over: Oil, War, and the Fate of Industrial Societies*

New Society Publishers (2003)

Heinberg, an award-winning author and member of the Core Faculty at Santa Rosa's New College, shows how modern industrial society is completely dependent on fossil fuels and hence vulnerable to reductions in energy availability. He argues that peak oil is imminent, and that oil plays a major role in geopolitics.

- *Powerdown: Options and Actions for a Post-Carbon World*

New Society Publishers (2004)

In this sequel to *The Party is Over*, Heinberg provides an update, reviewing further the four primary ways that our culture can approach these energy supply issues. He determines that the prudent way to handle the energy shortage is by "powering down" through intelligent, informed, cooperative means while simultaneously working to build community solidarity, preserve knowledge, artifacts and tools.

- *The Oil Depletion Protocol* (with Colin Campbell)

New Society Publishers (2006)

Heinberg maps out an agreement whereby nations would voluntarily reduce their oil production and oil imports. The book provides a review of the history and literature of peak oil, explains the protocol and its implications for government and industry; explains how municipalities and citizens can facilitate the process. A protocol for reducing oil dependence by 25% over the next ten years.

**KUNSTLER, James Howard**

***The Long Emergency: Surviving the End of the Oil Age, Climate Change, and Other Converging Catastrophes.*** Atlantic Monthly Press (2005)

Kunstler discusses peak oil in the context of climate change, infrastructure challenges and habitat destruction. The author describes the political, social and economic consequences of peak oil and argues that our way of life will have to become intensely more local, that the economy will have to be structured around food production and that land will have to be reallocated.

**LOVINS, Armory, et al.**

***Winning the Oil Endgame: Innovation for Profit, Jobs and Security.*** Rocky Mountain Institute (2005)

Co-funded by the Pentagon, this study provides a plan for reducing U.S. oil use by 50% by 2025 and ending foreign oil dependency. Lovins outlines 4 shifts required to end foreign oil dependency: 1) doubling the efficiency of using oil, through measures such as ultralight vehicle design, 2) applying creative business models and public policies to speed the profitable adoption of superefficient light vehicles, heavy trucks and airplanes, 3) embarking on the crash development of biofuels, cellulosic ethanol in particular, and 4) applying efficiency measures to save 50% of the projected 2025 use of natural gas.

**MOBBS, Paul**

***Energy Beyond Oil.*** Matador Press (2005)

Mobbs provides a detailed account of the peak oil phenomenon and makes the argument that, while it will be a collective shock, life after the peak promises to be a more sustainable reality.

**ROBERTS, Paul**

***The End of Oil: On the Edge of a Perilous New World.*** Houghton Mifflin (2004)

Roberts documents the alarming rate at which the global supply of petroleum is being depleted and explores which energy sources will replace oil, who will control them, and how disruptive to the current world order the transition from one system to the next. Roberts stresses the importance of acting now to create meaningful, long-term effects.

**SIMMONS, Matthew**

***Twilight in the Desert,*** J. Wiley & Sons (2005)

Simmons, an investment banker, details the long-standing dependence of the U.S. on Saudi oil. With a field-by-field assessment of its key oilfields, he highlights many discrepancies between Saudi Arabia's actual production potential and its seemingly extravagant resource claims, and predicts oil prices approaching \$190/bbl soon.

**STRAHERN, David**

***The Last Oil Shock,*** McArthur & Co. / John Murray (2007)

Good for its thorough treatment of the history of the oil industry, M.K. Hubbert, the world of oil reserves and its finding that most peak oil assessments are so close as to provide a near-consensus that oil will peak before 2020.



**TERTZAKIAN, Peter**

*A Thousand Barrels a Second: The Coming Oil Break Point and the Challenges Facing an Energy Dependent World*, McGraw-Hill Professional (2007)

Tertzakian tracks the impact of energy sources through a historical lens, explaining how inherent mismatches between dwindling supply and growing demand lead to crises that can be resolved only by innovation.

## **ARTICLES**

**APPENZELLER, T. and S. LEEN**, *The End of Cheap Oil*, National Geographic 205 (6), 72–109 (2004).

**BEDNARZ, Dan**

*Leadership, Environmental Scanning, and the Future of Public Health: The Case of Peak Oil*, Paper presented at the annual meeting of the Am. Public Health Assn., Boston 2006.

<http://peakoilmedicine.wordyblog.com/wp-content/uploads/public-health-and-peak-oil-bednarz.pdf>

**BOX, D.**, *The End of Cheap Oil: The Consequences*, The Ecologist (October 2005)

[http://www.theecologist.org/archive\\_detail.asp?content\\_id=505](http://www.theecologist.org/archive_detail.asp?content_id=505)

**CAMPBELL, Colin and Jean H. LAHERRÈRE**, *Global production of conventional oil will begin to decline sooner than most people think, probably within 10 years*, Scientific American, (March 1998) <http://dieoff.com/page140.pdf>

## **ENVIRONMENTAL LITERACY COUNCIL**

*Are We Running Out of Oil?*

<http://www.enviroliteracy.org/article.php/1300.html>

**HIRSCH, Robert**

- *Peaking of World Oil Production: Recent Forecasts*, World Oil Magazine 228:4 (April 2007).
- *The Inevitable Peaking of World Oil Production*, Bulletin of The Atlantic Council of the United States, 16:3 (October 2005)  
[www.d-n-i.net/fcs/pdf/hirsch\\_world\\_oil\\_production.pdf](http://www.d-n-i.net/fcs/pdf/hirsch_world_oil_production.pdf)

**KERR, Richard**

*The Looming Oil Crises Could Arrive Uncomfortably Soon*,

Science, 316:5823, p. 351 (April 20, 2007) <http://energybulletin.net/28886.html>

**LINDEN, Eugene**

Comment: *From Peak Oil to Dark Ages*, Business Week (June 25, 2007)

[http://www.businessweek.com/magazine/content/07\\_26/b4040074.htm?chan=rss\\_topStories\\_ssi\\_5](http://www.businessweek.com/magazine/content/07_26/b4040074.htm?chan=rss_topStories_ssi_5)

**NATIONAL COMMISSION ON ENERGY POLICY**

*Oil Shockwave – An Oil Crisis Executive Simulation*

[www.energycommission.org/site/page.php?report=8](http://www.energycommission.org/site/page.php?report=8)

**ROBELIUS, Fredrick**

*The Highway to Oil – Giant Oil Fields and their Importance for Future Oil Production*

Doctoral Dissertation. Uppsala University, Uppsala, Sweden (2007).

[http://www.diva-portal.org/diva/getDocument?urn\\_nbn\\_se\\_uu\\_diva-7625-1\\_fulltext.pdf](http://www.diva-portal.org/diva/getDocument?urn_nbn_se_uu_diva-7625-1_fulltext.pdf)

**STRAHAN, David**

*Comment - The real casus belli: peak oil*, The Guardian (June 26, 2007)

<http://www.guardian.co.uk/comment/story/0,,2111400,00.html>

**VIDAL, J.**

*The end of oil is closer than you think* The Guardian, Thursday April 21, 2005

<http://www.guardian.co.uk/life/feature/story/0,13026,1464050,00.html>

**WORLD WATCH MAGAZINE**

*Peak Oil Forum*, 19:1, January/February 2006.

<http://www.worldwatch.org/epublish/1/v19n1>

## **GOVERNMENT PUBLICATIONS**

### **U.S. GOVERNMENT ACCOUNTING OFFICE**

*Crude Oil: Uncertainty about Future Oil Supply Make it Important to Develop a Strategy for Addressing a Peak and Decline in Oil Production*, GAO-07-283. February 2007. <http://www.gao.gov/new.items/d07283.pdf>

### **U.S. ARMY CORPS OF ENGINEERS**

Eileen T. Westervelt, et al., *Energy Trends and Their Implications for U.S. Army Installations*, a report prepared for U.S. Army Corps of Engineers, ERDC/CERL TN-05-1, September 2005.  
<http://www.energybulletin.net/docs/EnergyTrendsUSArmySummary.pdf>

### **U.S. DEPARTMENT OF ENERGY**

Hirsch, R. L., Bezdek, R., Wendling, R. *Peaking of World Oil Production: Impacts, Mitigation & Risk Management*. U.S. Department of Energy. National Energy Technology Laboratory. February 2005 (commonly referred to as the “Hirsch Report”).  
[http://www.netl.doe.gov/publications/others/pdf/Oil\\_Peaking\\_NETL.pdf](http://www.netl.doe.gov/publications/others/pdf/Oil_Peaking_NETL.pdf)

### **U.S. CONGRESSIONAL PEAK OIL CAUCUS**

[http://www.sourcewatch.org/index.php?title=Peak\\_Oil\\_Caucus](http://www.sourcewatch.org/index.php?title=Peak_Oil_Caucus)

### **U.S. FEDERAL RESERVE**

*Energy and the Economy*, Remarks by Federal Reserve Chairman Ben S. Bernanke Before the Economic Club of Chicago, Chicago, Illinois, June 15, 2006  
[www.federalreserve.gov/boarddocs/speeches/2006/200606152/default.htm](http://www.federalreserve.gov/boarddocs/speeches/2006/200606152/default.htm)

## **GUIDEBOOKS**

### **THE POSTCARBON INSTITUTE**

<http://postcarboncities.net/>

- Lerch, Daniel, *Post Carbon Cities: Preparing local governments for energy and climate uncertainty*. (forthcoming)  
“Describes the challenges that peak oil and climate change pose to local governments of all sizes, and outlines what local leaders can do in response”  
Executive summary: <http://postcarboncities.net/guidebook>
- *Preparing for Peak Oil at City Hall*  
<http://postcarboncities.net/node/264>

### **THE OIL DEPLETION ANALYSIS CENTRE**

*Preparing for Peak Oil* (aimed specifically at local government in the UK)  
[http://www.odac-info.org/welcome/documents/PFPO\\_Final.pdf](http://www.odac-info.org/welcome/documents/PFPO_Final.pdf)

## **COMMUNITY-BASED PEAK OIL EFFORTS**

- **Marion County Health Department (Indiana)**  
<http://postcarboncities.net/node/178>
- **Portland, Oregon**  
Portland Peak Oil Task Force  
<http://www.portlandonline.com/osd/index.cfm?c=ecije>
- **Tompkins County, NY**  
TC Local  
<http://www.tclocal.org>
- **Franklin, NY**  
<http://www.postcarbon.org/involve/resolution/franklin>
- **Sebastopol, CA**  
Citizens Advisory Group on Energy Vulnerability  
<http://www.ci.sebastopol.ca.us/pdfs/programs/CAGEReport04-03-07.pdf>  
Interview with Sebastopol Mayor:  
<http://globalpublicmedia.com/transcripts/481>
- **San Francisco, CA**  
Municipal Response Presentation:  
<http://www.sfgov.org/site/uploadedfiles/lafco/PeakOilHearing20060728.ppt>  
Resolution:  
<http://www.sfgov.org/site/uploadedfiles/bdsupvrs/resolutions06/r0224-06.pdf>  
Peak Oil Awareness Group: <http://www.sfbayoil.org/>
- **Willits, CA**  
Willits Economic Localization  
<http://www.willitseconomiclocalization.org/>  
Strategic plan:  
<http://www.willitseconomiclocalization.org/files/well/WELLStratPlanDocJuly2006.pdf>
- **Austin, TX**  
Energy Depletion Risks Task Force  
[http://www.ci.austin.tx.us/council\\_meetings/wams\\_item\\_attach.cfm?recordID=5309](http://www.ci.austin.tx.us/council_meetings/wams_item_attach.cfm?recordID=5309)  
<http://postcarboncities.net/node/233>
- **Denver, CO**  
Mayor hosted World Oil Forum 10-11 November 2005 and the City conducted an internal study of material dependencies on oil.  
Interview with Denver Mayor: <http://postcarboncities.net/node/67>

- **Boulder, CO**  
Boulder Relocalization  
<http://www.boulderrelocalization.org/>
- **Lawrence Township, NJ**  
Sustainable Lawrence  
<http://sustainablelawrence.org/>
- **Seattle, WA**  
Seattle Peak Oil Awareness  
<http://www.seattleoil.com/>
- **Ballard, WA**  
Sustainable Ballard  
[http://sustainableballard.org/wiki/index.php?title=Welcome\\_to\\_Sustainable\\_Ballard!](http://sustainableballard.org/wiki/index.php?title=Welcome_to_Sustainable_Ballard!)
- **Bellingham, WA**  
Sustainable Bellingham  
<http://www.relocalize.net/groups/bellingham>
- **Port Townsend, WA**  
Local 2020 Port Townsend Economic Localization  
<http://www.thegreatturning.net/PortTown.php>
- **Houston, TX**  
Houston Peak Oil  
<http://houstonpeakoil.org/>  
Houston Power to People – a City of Houston-led conservation effort  
<http://www.houstonpowertopeople.com/>
- **Leigh Valley, PA**  
The Alliance for Sustainable Communities, Lehigh Valley  
[www.sustainlv.org](http://www.sustainlv.org)
- **Nevada County, CA**  
Alliance for a Post-Petroleum Local Economy (APPLE)  
<http://www.apple-nc.org/index.html>
- **Oakland, CA**  
The Oakland City Council has committed to be oil independent by 2020.  
<http://www.oaklandnet.com/Oil/Pdfs/OilTaskForcePowerPointPresentationcopy.pdf>  
Resolution:  
<http://energypreparedness.net/files/oaklandOilIndependenceResolution.pdf?PHPSESSID=7f7c1ea340ffbe7616047f2dae4bae51>

- **Middlebury, VT**  
Addison County Relocalization Network (ACoRN) in Middlebury, VT  
<http://www.acornvt.org/index.html>
- **Santa Cruz, CA**  
Santa Cruz Post Carbon  
<http://www.relocalize.net/groups/santacruz>
- **Ohio Peak Oil Action Committee**  
<http://www.ohiopeakoilaction.org/resources.html>
- **Massachusetts Climate Action Network**  
<http://www.massclimateaction.org/communitycontactlist.htm>
- **Vermont Peak Oil Network**  
<http://www.vtpeakoil.net/>
- **Harvard Local**  
<http://www.harvardlocal.org/index.shtml>
- **Kinsale, Ireland**  
*Kinsale 2021: An Energy Descent Action Plan*  
[www.FuellingTheFuture.org](http://www.FuellingTheFuture.org)
- **Totnes, UK**  
*Transition Town Totnes*  
<http://www.transitiontowns.org/Totnes/>
- **Burnaby, BC**  
<http://postcarboncities.net/node/164>
- **Sweden's Commission on Oil Independence**  
Swedish Commission on Oil Independence has proposed a number of far-reaching, concrete measures intended to end Sweden's dependence on oil by the year 2020.  
<http://www.social.ministry.se/content/1/c6/06/70/96/7f04f437.pdf>

## **PEAK OIL SITES**

### **ASSOCIATION FOR THE STUDY OF PEAK OIL – USA**

<http://www.aspo-usa.com/>

- **2007 HOUSTON WORLD OIL CONFERENCE**

<http://www.aspo-usa.com/aspousa3/>

### **ASSOCIATION FOR THE STUDY OF PEAK OIL – INTERNATIONAL**

<http://www.peakoil.net/>

*ASPO International is a network of scientists, affiliated with European institutions and universities, having an interest in determining the date and impact of the peak and decline of the world's production of oil and gas, due to resource constraints." It was founded in 2000 by Colin Campbell and Jean Laherrère, a French petroleum geologist.*

### **BLOOMINGPEAK**

<http://www.bloomingpeak.org/>

*A local forum devoted to bringing the topic of peak oil into public discussion.*

### **DRY DIPSTICK**

[www.drydipstick.com](http://www.drydipstick.com)

*A peak oil metadirectory.*

### **THE ENERGY BULLETIN**

<http://www.energybulletin.net/>

*Clearinghouse for current information regarding the peak in global energy supply.*

### **ENERGY INFORMATION ADMINISTRATION, UNITED STATES DEPARTMENT OF ENERGY**

[www.eia.doe.gov](http://www.eia.doe.gov)

*Official Energy Statistics from the U.S. government*

- *See esp. the Administration's report on The Short-term Energy Outlook.*  
<http://www.eia.doe.gov/emeu/steo/pub/contents.html>

### **GLOBAL PUBLIC MEDIA**

<http://www.globalpublicmedia.org/>

*Public service broadcast site sponsored by the Post Carbon Institute.*

### **HUBBERT PEAK OF OIL PRODUCTION**

<http://www.hubbertpeak.com/>

*Named after the late Geophysicist, Dr. M. King Hubbert, this website provides data, analysis and recommendations regarding the upcoming peak in the rate of global oil extraction.*



## **INTERNATIONAL ENERGY AGENCY (IEA)**

[www.iea.org](http://www.iea.org)

*The IEA is an intergovernmental organization, founded by the Organisation for Economic Co-operation and Development (OECD), which “acts as energy policy advisor to 26 member countries in their effort to ensure reliable, affordable and clean energy for their citizens. It is “dedicated to preventing disruptions in the supply of oil, as well as acting as an information source on statistics about the international oil market and other energy sectors and promoting and developing alternate energy sources, rational energy policies, and multinational energy technology co-operation.”*

## **THE OIL DEPLETION ANALYSIS CENTRE**

<http://www.odac-info.org/>

*An independent, UK educational charity working to raise international public awareness of the world’s oil-depletion problem. ODAC believes that lead time is running short for a smooth transition to new energy systems and a less oil-dependent way of life.*

## **THE OIL DRUM**

[www.theoil drum.com](http://www.theoil drum.com)

*Features discussions of ideas related to peak oil, sustainable development and the implications of these ideas on politics and economics.*

## **PEAK OIL**

[www.Peakoil.com](http://www.Peakoil.com)

*Large online community featuring news stories and message boards.*

## **PEAK OIL CHAT**

<http://www.peakoilchat.com/>

*A real time, instant message style discussion on peak oil, economics, alternative energy sources, self sufficiency and sustainability.*

## **PEAK OIL NEWS**

[www.peak-oil-news.info](http://www.peak-oil-news.info)

*Daily updates on peak oil developments.*

## **THE POST CARBON INSTITUTE**

<http://www.postcarbon.org/>

*The Post Carbon Institute assists communities in the effort to relocalize and adapt to an energy constrained world.*

## **RE-LOCALIZATION SITES**

### **BUSINESS ALLIANCE FOR LOCALIZING ECONOMIES (BALLE)**

<http://www.livingeconomies.org>

*BALLE is an alliance of businesspeople around the U.S. and Canada who share the goal of building local living economies. In California, there are local BALLE networks in Berkeley, Napa Valley, Oakland, San Benito County, San Francisco, Santa Cruz County, Sierra Nevada, Sonoma County, and Willits.*

### **RELOCALIZATION NETWORK**

<http://www.relocalize.net/>

*“The Relocalization Network supports Local Post Carbon Groups as they work to develop and implement the strategy of relocalization in their communities. The Relocalization Network Coordinators support the Network by providing on-line communication tools, developing valuable resources, facilitating meaningful and useful connections between Local Groups and cultivating a sense of working together globally on local responses.”*

### **THE COMMUNITY SOLUTION**

<http://www.communitysolution.org/>

*Devoted to low-energy solutions for self-reliant communities.*

### **NEW COLLEGE OF CALIFORNIA, POWERDOWN PROJECT**

<http://www.powerdownproject.org/>

*Based out of the New College of California, the mission of the Powerdown Project is to bring the urgent issues of energy vulnerabilities to communities and their policy makers, through education, outreach and research, and to offer alternative and viable solutions to address energy consumption, production and distribution.*

### **INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL INITIATIVES (ICLEI)**

[www.iclei.org](http://www.iclei.org)

*ICLEI is an international association of local governments, and national and regional local government organizations, that have committed to sustainable development. Through Local Renewables (LR), ICLEI aims “to support and strengthen local governments which promote the generation and supply of renewable energy sources and energy efficiency in the urban environment.” Through the Cities for Climate Protection (CCP), cities are enlisted “to adopt policies and implement measures to achieve quantifiable reductions in local greenhouse gas emissions, improve air quality, and enhance urban livability and sustainability.”*