City of Bloomington
Common Council

Legislative Packet

Regular Session

immediately followed by

Committee of the Whole Discussion

05 September 2007

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

812.349.3409

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

City of Bloomington Indiana

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

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

To: Council Members
From: Council Office
Re: Weekly Packet Memo
Date: August 31, 2007

Packet Related Material

Memo
Agenda
Calendar
Notices and Agendas:
None

Budget Legislation to be Introduced at the Regular Session and Discussed at the Committee of the Whole on September 5th and Scheduled for Final Action at the Special Session on September 12th:

Please see the separate 2008 Budget Packet for the two appropriation ordinances, the three salary ordinances, and Transit ordinance, and related background material

For Questions Regarding the:
Civil City Appropriation Ordinances - Please Contact:
Susan Clark, Controller, at 349-3416 or clarks@bloomington.in.gov
(or reach the appropriate department director)
Utility Appropriation Ordinance - Please Contact:
Patrick Murphy, Director, at 349-3650 or murphyp@bloomington.in.gov
Salary Ordinances - Please Contact:
Daniel Grundmann, Director of Employee Services at 349-3578
or grundmad@bloomington.in.gov
Transit Ordinance
Lew May, Director of Bloomington Transit at 332-5688
or lmay@kiva.net

Non-Budget Legislation and Background Material for Discussion at Committee of the Whole on September 12th and Final Action on the 19th:

- **Ord 07-21** To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" (Inserting Chapter 2.23.080 Establishing the Commission on Hispanic and Latino Affairs)
  - Memo from Pete Giordano, Director of the Community and Family Resources Department
  Contact: Pete Giordano at 349-3559 or giordanp@bloomington.in.gov

- **Material Regarding Tax Abatement for The Plaza at Third and Lincoln, a Mixed Use Redevelopment of Leonard's Laundry at 300 East 3rd Street**
  - Memo to Council from Danise Alano, Director of Economic Development; Staff Report to the Economic Development Commission (EDC); Aerial Map of Site
  Contact: Danise Alano at 349-3406 at alanod@bloomington.in.gov

  - **Res 07-08** To Designate an Economic Revitalization Area, Approve a Statement of Benefits, Authorize a Period of Tax Abatement, and Declare Intent to Waive Certain Statutory Requirements - Re: 300 East Third Street (The Plaza at Third and Lincoln LLC, Petitioner)
    - EDC Res 07-03; Statement of Benefits; Tax Calculations; Application for Tax Abatement; Site Plan and Elevations

  - **Ord 07-22** To Designate an Economic Development Target Area (EDTA) -Re: 300 East Third Street (The Plaza at Third and Lincoln LLC, Petitioner)
    - EDC Res 07-04

- **Ord 07-23** To Vacate a Public Parcel - Re: The Portion of the West 9th Street Right-of-Way Running from North Rogers Street to the B-Line Trail (CFC, Inc., Petitioner)
  - Map of Right-of-Way; Survey and Legal Description; Plat Map of Area; Aerial Map of Site and Surrounding Area; Memo to Council from Lynne Darland, Zoning and Enforcement Manager; Letter from Petitioner; Petition; Site Plan; Insert – Indicating that Responses from Utility and Safety Services are Available in the Council Office
  Contact: Lynne Darland at 349-3529 or darlandl@bloomington.in.gov

Minutes from Regular Session:
June 6, 2007

Memo

Chair of Meeting: Ruff

Two Legislative Rounds for the First Three Weeks of September

Six Items for Discussion at Committee of the Whole on September 5th and Final Action at Special Session on September 12th
and
Four Items for Discussion at Committee of the Whole on September 12th and Final Action on September 19th

We will follow our practice of squeezing two legislative rounds in the first legislative cycle of September, which runs from September 5th to 19th. This schedule allows the Council to take action on the budget well before the September 30th deadline and also handle the other items that are ready for action by the middle of September.

The first legislative round will be set aside for six pieces of legislation which are directly related to the 2008 budget. This legislation will be introduced and discussed at the Regular Session and Committee of the Whole on September 5th and is scheduled for final action at a Special Session on September 12th. They can be found in the special budget packet distributed simultaneously with the weekly packet. Please note that a resolution supporting the Employee Free Choice Act is scheduled to be given final action on the 12th as well and will be included in next week's packet.

The second legislative round includes four non-budget pieces of legislation. The ordinances will be introduced at the Regular Session on September 5th and then the ordinances and one resolution will be discussed at a Committee of the Whole after the Special Session on September 12th. All four are then scheduled for final action at the Regular Session on September 19th. This legislation is summarized below and included in this packet.

2008 Budget Packet (Separate from this Packet)

The 2008 budget packet has been enclosed with, but is separate from, the weekly packet. The Budget Packet contains:

- an index of all 2008 budget-related materials;
- six ordinances and background material related to the 2008 Budget (including Transit); and
- a list of responses to questions raised, but unanswered during the Departmental Budget hearings in July.

The memos and background material for the 2008 Budget Packet are briefly highlighted below:

- **App Ord 07-04 (Civil City Budget for 2008)** – includes a spread sheet from Susan Clark, Controller, which indicates the changes in the budget from July to September. Those changes total $126,303 and include:
  - $123,345 to reflect lease purchase payments for a pumper truck for the Fire Department; and
  - $3,138 for the Planning Department to increase funds for the Environmental Commission intern and consultants, and for Planning staff travel.

- **Ord 07-17 (Salary Ordinance for Police Officers and Firefighters)** – includes a memo from Daniel Grundmann, Director of Employee Services, which briefly summarizes the compensation package these police officers and fire fighters will receive as a result of collective bargaining agreements negotiated with the City.

- **Ord 07-18 (Salary Ordinance for Civil City for 2008)** – includes a memo from Daniel Grundmann, Director of Employee Services, which highlights the changes between the 2007 and 2008 Civil City Salary Ordinances, which include:
  - changing 6 job titles in the Community and Family Resources Department;
  - bringing divisions within the Legal and Public Works Departments directly under those departments (rather than listing them alphabetically throughout Section 1 of the ordinance;
  - eliminating three garage attendants from the Parking Enforcement Department (following our decision to contract for those services);

- adding the word "Utilities" to the titles of the Assistant Directors in the that department and shifting the Web/Information Manager from Engineering to Accounting & Finance;
- reflecting changes in AFSCME union employees as a result of their collective bargaining agreements; and
- adjusting the salary ranges for common law positions.

- **Ord 07-19 (Salary Ordinance for Elected Officials for 2008) –** includes a memo from Daniel Grundmann, Director of Employee Services, which briefly explains how the increase in elected officials salaries is tied to compensation for an employee in the middle of the City's annual compensation adjustment grid.

- **Ord 07-20 (Reviewing the Transit Budget for 2008)** – includes the Transit budget, which remains unchanged from July.

Note: The Controller's Office will provide the Council Office with entirely new September Budget materials which you will need to insert in your binders in place of the July materials.

Non-Budget Legislation for Final Action on September 19th

Ord 07-21 Amending Title 2 to Establish a Commission on Hispanic and Latino Affairs

Ord 07-21 establishes a Commission on Hispanic and Latino Affairs to be housed in the City's Community and Family Resources Department (CFR). The Commission is a response to a growing Hispanic/Latino population in Bloomington and the need to foster cross-cultural understanding and to improve the social, cultural and economic challenges faced by this population. According to the 2004 U.S. Census data, the Hispanic/Latino population was estimated at 269, 267 or 4.3% of Indiana's total population. In 2003, the State of Indiana formed a 20-member Commission on Hispanic/Latino Affairs to identify and research issues affecting Hispanic/Latino communities and to promote cooperation and understanding between Hispanic/Latino communities and other communities throughout the State.

See http://www.in.gov/ichla/;
See also the Commission's 2007/2008 Strategic Plan
http://www.in.gov/ichla/pdf/2007-2008CommissionStrategicPlan.pdf .

In Monroe County, the Hispanic/Latino population is estimated to be 2.1% (per 2004 Census data). As spelled out in the accompanying *Memorandum* from CFR Director Pete Giordano, similar to the State Commission, the Bloomington Commission will identify and research issues that impinge the Hispanic and Latino populations in Bloomington, especially in the areas of health, education, public safety and cultural competency. As outlined in the ordinance, the Commission's purpose is to:

- Develop action committees addressing the challenges of members of the Hispanic and Latino population in the areas of education, health, employment and public safety; and

- Serve as a catalyst to promote positive public and private remedies to the multi-faceted issues confronting Latinos and Hispanics in our community and the resulting effects on the entire community; and

- Network with like-minded groups such as the Indiana Commission on Hispanic/Latino Affairs, Su Casa Columbus, Indiana University Latino Cultural Center (La Casa) and local organizations to share ideas and information and to collaborate on projects where appropriate; and

- Celebrate Latino and Hispanic history and contributions to the Bloomington community and in the United States.

The Commission will be composed of seven members – four appointed by the mayor and three by the Council. The initial term of one mayoral and one Council appointment shall end on January 31, 2008; the terms of remaining Commission members will run for two years and end on January 31, 2009. Thereafter, all terms shall run for two years and expire on January 31. Commission members shall be residents of Monroe County who represent organizations serving Bloomington's Hispanic/Latino residents or who have expertise and/or interest in quality of life issues as they relate to the Hispanic/Latino community. The Commission will be housed in CFR's

Safe and Civil City division and will be staffed by a CFR employee. The ordinance calls for the Commission to submit identical reports to the Mayor and Common Council by the end of February of each year "describing the activities of the Commission in the previous calendar year as well as future plans."

Res 07-08 and Ord 07-22 Proposing a Tax Abatement for the Redevelopment of Leonard's Laundry at 300 East Third Street into a Mixed Residential and Retail Project

The Plaza at Third and Lincoln LLC, comprised of Clayton Nunes and Jigme Norbu, is seeking a tax abatement for redeveloping the former Leonard's Laundry site at 300 East Third Street. As you may recall, the City designated this building as historic and saved it from demolition in 2005 with the hope that a package of incentives would attract investment to redevelop the site, which had been vacant for at least 13 years. Earlier this year, representatives of the Petitioner approached the City about incentives that might be available for a possible project for the property and subsequently purchased the property for $675,000. The project will conform to the Secretary of Interior's standards for historic preservation and include an atrium and four retail/office spaces on the first floor (10,000 s.f.) and four apartments on the second floor (5,000 s.f.). A desire to fill the apartments by this fall has led the Petitioners to get the project underway well before action on this legislation (which will require waivers as discussed below). The work alone required cleaning up the interior and shoring up structural elements and will cost about $1 million.

Initiative Requires Three Pieces of Legislation Over Two Legislative Cycles

The tax abatement for this mixed use project will require two resolutions and an ordinance. The first resolution, **Res 07-08**, designates an Economic Revitalization Area (ERA), approves a statement of benefits, and authorizes a five-year period of abatement. Please note that, in this case, it also declares 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 07-09**, confirms the first one and formally waives some statutory requirements. *Please note that the statute requires that we hold a legally-advertised public hearing before*

adopting this "confirming"' resolution. This public hearing is scheduled for October 3, 2007.

The ordinance for these tax abatements (**Ord 07-22**) 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.

Resolution Designating the ERA, Approving the Statement of Benefits, Authorizing a 10-Year Period Abatement, and Declaring Intent to Waive Certain Statutory Requirements

As mentioned above, **Res 07-08** makes four statutory determinations for this mixed use 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 has been:

- vacant for at least 15 years and suffered costly deterioration over that period of time;
- subject to historic preservation regulations, which narrowed the pool of interested investors; and
- included in the following incentive districts to encourage development - the Community Revitalization Enhancement District (CRED), Bloomington Urban Enterprise Zone, 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:

- rehabilitating and reusing a historic property in conformance with local historic and planning objectives and regulations;
- increasing the property value of this parcel by an additional $960,000 to a total of $1.639 million;
- investing approximately $550,000 in public improvements including installing new drives and repairing existing sidewalks and roadways, and connecting utility lines; and
- adding two new positions (one-half being seasonal, part-time) to manage the facility (see application).

Period of Abatement. The third determination relates to the 10-year period of tax abatement for these projects. 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. Under the Guidelines, this project would receive a 3-year presumptive period of abatement for the physical improvements, with two factors which would increase the period of abatement and none that might decrease it. The two factors increasing the presumptive period of abatement are the historic rehabilitation of the building in conformance with the U.S. Secretary of Interior's standards and its location in the downtown area. (See Guidelines in the Council Office.)

Waiver of Statutory Requirements. Both resolutions make a fourth determination which declares intent to waive certain statutory requirements regarding the timing of development. State statute requires that the initiation of redevelopment occur after the submittal of a completed statement of benefits by the Petitioner and after the designation of the ERA and the making of certain findings of facts by the Common Council. The Petitioner has asked the Council to waive those requirements in order to allow it to get the residential component underway before school began. This resolution declares your intent to waive those requirements after the statutorily-required public hearing, which has been scheduled for October 3, 2007.

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 owner of the property would pay approximately $144,490 and would forego approximately $141,629 over the 10-year abatement and pay approximately $28,612 per year thereafter. Please note that this property straddles Bloomington and Perry Townships and, therefore, is taxed by each one.

An Ordinance Establishing an Economic Development Target Area Designation for the Retail and Market Rent Uses

Ord 07-22 designates this redevelopment 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 retail and market-rent residential 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 as well as its historic character.

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.

Ord 07-23 – Vacating a Portion of West 9th Street Located Directly South of 502 North Rogers Street (CFC, Inc., Petitioner)

Ord 07-23 would vacate a portion of West 9th Street located south of 502 North Rogers running from Rogers Street to the B-Line Trail at the request of CFC, Inc., in order to provide needed parking for its adjacent medical clinic and, perhaps, spill-over parking for the Showers Center, which is now for the first time is fully rented.

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 has an opportunity to comment and object to the ordinance (which is scheduled for the Council Regular Session on September 19, 2007). According to statute, the grounds for remonstration 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

CFC Inc. is requesting that the City vacate the portion of West 9th Street located south of its building at 502 North Rogers Street running from North Rogers to the B-Line Trail in order to provide more parking for its operations.

Concerns of Surrounding Property Owners. The petitioner owns all of the abutting property except the B-Line Trail, which is now owned by the City of Bloomington. The memo from Lynne Darland, Zoning and Enforcement Manager, recommends approval of this request.

Description of Vacated Property. The portion of West 9th Street to be vacated runs 95.13 feet west of Rogers on the south side and 81.60 feet west of Rogers on the north side of this approximately 18.92 foot wide right-of-way and comprises approximately 1,671.87 square feet in total. Please note that the legal description of this right-of-way was provided by the petitioner and is set forth in the ordinance. A survey map is also enclosed with the materials.

Current Status - Access to Property. The staff material indicates this parcel has served as an unimproved parking lot since CFC, Inc. acquired 502 North Rogers in 1989. The portion of Ninth Street on the west side of Rogers was vacated years ago. While this strip would provide access to the new B-Line Trail, there is other access off Rogers just north of 502 North Rogers.

Necessity for Growth

Future Status (Utilities and Safety Services) – I.C. 36-7-3-16 protects utilities who occupy or use all or part of the public way from losing their rights upon the vacation of the alley way unless the utility chooses to waive those rights. Lynne has contacted all the utilities and all except one have no interest in this parcel. She notes that the petitioner is working with Duke Energy regarding the maintenance of some power lines within the easement. The Police and Fire departments were also contacted and did not object to the vacation.

Private Utilization – The petitioner has submitted a site plan that would demolish the existing building (currently used for storage and in-house carpentry work) and would provide additional parking for their clinic to the south and, perhaps, spill-over parking for the Showers Center to the east.

Compliance with regulations – The Memo to Council says that the vacation "will not create any issues regarding compliance with local regulations."

Relation to City Plans - Growth Policies Plan (GPP) Guidelines and Zoning Requirements This site falls within the GPP's Downtown area which is described as "a mixed use, high intensity activity center serving regional, community-wide, and neighborhood markets" where the City must promote "a compact, walkable, and architecturally-distinctive [environment consistent with] … the traditional block pattern that serves as the heart of the [City] while providing land use choices to accommodate visitors, business, shoppers, and residents."

The staff memo indicates this site is in the CD (Downtown Commercial) district and included in the Downtown Core Overlay (DCO). The medical clinic has been at this location for quite some time and is a permitted use in the CD district. The expansion of the parking lot would need to comply with Unified Development Ordinance design standards for parking lots, which cover the dimensions of the spaces and aisles, composition of the surface (hard) and apron (cement) (BMC 20.05.069 (PK-01 [Parking Standards]). Other standards that, in all likelihood, would apply include those relating to:

- Entrance Drives (BMC 20.05.035 [Entrance and Drive Standards; General]);
- Landscaping (BMC 20.05.053 LA-02: Landscaping Standards: General Parking]);

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
REGULAR SESSION & COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, SEPTEMBER 5, 2007
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

REGULAR SESSION

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: June 6, 2007 (Regular Session)

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

None

VII. LEGISLATION FOR FIRST READING

1. Appropriation Ordinance 07-04 An Ordinance for Appropriations and Tax Rates (2008 Civil City Budget for the City of Bloomington)

2. Appropriation Ordinance 07-05 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service, and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana, for the Year 2008

3. Ordinance 07-17 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2008

4. Ordinance 07-18 An Ordinance Fixing the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2008

5. Ordinance 07-19 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2008

6. Ordinance 07-20 An Ordinance Reviewing and Modifying the Budget of the Bloomington Public Transportation Corporation for the Year 2008

7. Ordinance 07-21 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" (Inserting Chapter 2.23.080 Establishing the Commission on Hispanic and Latino Affairs)

8. Ordinance 07-22 To Designate an Economic Development Target Area – Re: 300 E. Third Street (The Plaza at Third and Lincoln, LLC, Petitioner)

9. Ordinance 07-23 To Vacate a Public Parcel – Re: The Portion of the West 9th Street Right-of-Way Running from North Rogers Street to the B-Line Trail (CFC, Inc., Petitioner)

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

IX. ADJORNMENT

(over)

Posted & Distributed: Friday, August 31, 2007

COMMITTEE OF THE WHOLE

Chair: Andy Ruff

1. Ordinance 07-17 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, For the Year 2008

Asked to Attend: Daniel Grundmann, Director, Employee Services

2. Ordinance 07-18 An Ordinance Fixing the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2008

Asked to Attend: Daniel Grundmann, Director, Employee Services

3. Ordinance 07-19 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2008

Asked to Attend: Daniel Grundmann, Director, Employee Services

4. Appropriation Ordinance 07-04 An Ordinance for Appropriations and Tax Rates (2008 Civil City Budget for the City of Bloomington)

Asked to Attend: Susan Clark, Controller

5. Appropriation Ordinance 07-05 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service, and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana, for the Year 2008

Asked to Attend: Patrick Murphy, Director, Utilities/Administration

6. Ordinance 07-20 An Ordinance Reviewing and Modifying the Budget of the Bloomington Public Transportation Corporation for the Year 2008

Asked to Attend: Lew May, General Manager, Bloomington Transit

City of
Bloomington
Indiana

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To: Council Members
From: Council Office
Re: Calendar for the Week of September 3-9, 2007

Monday, September 3, 2007

City Holiday: Labor Day – Offices Closed.

Tuesday, September 4, 2007

11:00	am	Bloomington Multicultural Festival Planning Committee, Hooker Room
1:30	pm	Development Review Committee, McCloskey
4:00	pm	Griffy Lake Master Plan Steering Committee, McCloskey
5:00	pm	Utilities Service Board, Board Room, 600 E. Miller Dr.
5:00	pm	Solid Waste Advisory Council, McCloskey
5:30	pm	Bloomington Public Transportation Corporation, Transportation Center, 130 W. Grimes Lane
5:30	pm	Bicycle & Pedestrian Safety Commission Workshop, Hooker Room
5:30	pm	Board of Public Works, Council Chambers
7:30	pm	Telecommunications Council, Council Chambers

Wednesday, September 5, 2007

12:00	pm	Bloomington Urban Enterprise Association, McCloskey
2:00	pm	Emergency Family Shelter, McCloskey
5:00	pm	*Drool in the Pool* – Leashed, well-behaved dogs are welcome to swim and play at Bryan Park Pool, 1100 S. Woodlawn Ave.
7:30	pm	Common Council Regular Session immediately followed by a Committee of the Whole, Council Chambers

Thursday, September 6, 2007

8:00	am	Community Development Block Grant Informational Meeting, McCloskey
11:30	am	Solid Waste Management District Board, Monroe County Courthouse, Judge Nat U. Hill, III Room
1:30	pm	*Don't Borrow Trouble*, Kelly
4:00	pm	Bloomington Digital Underground Advisory Committee, McCloskey
5:00	pm	*Drool in the Pool* – Leashed, well-behaved dogs are welcome to swim and play at Bryan Park Pool, 1100 S. Woodlawn Ave.
5:30	pm	Commission on the Status of Women, McCloskey

Friday, September 7, 2007

1:30	pm	Metropolitan Planning Organization Technical Advisory Committee & Policy Committee, McCloskey
1:30	pm	Bloomington Transportation Options for People presents Dr. Robert Cervero on Transportation Planning, Council Chambers

Saturday, September 8, 2007

8:00	am	Bloomington Community Farmers' Market & *A Fair of the Arts*, Showers Common

Sunday, September 9, 2007

10:00	am	*Storm Drain Chasers* – Volunteers needed to help prevent storm drain pollution and litter by placing signs adjacent to storm drains, 17th Street Waterfall Overlook, Miller-Showers Park
1:00	pm	*2007 Bloomington Start! Heart Walk* – Participants have the opportunity to improve their health by walking and support life-saving programs by raising funds to help fight heart disease and stroke, Olcott Park, 2300 E. Canada Dr.

Posted and Distributed: Friday, August 31, 2007

ORDINANCE 07-21

TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "ADMINISTRATION AND PERSONNEL" (INSERTING CHAPTER 2.23.080 ESTABLISHING THE COMMISSION ON HISPANIC AND LATINO AFFAIRS)

WHEREAS, in 2003 the Indiana State Legislature established the Commission on Hispanic/Latino Affairs (I.C. 4-23-28-1), and this 20-member commission identifies and researches issues affecting Hispanic/Latino communities and promotes cooperation and understanding between Hispanic/Latino communities and other communities throughout the State; and,

WHEREAS, in the 2007/2008 Strategic Plan of the Indiana Commission on Hispanic/Latino Affairs ("ICHLA"), the ICHLA noted its vision was to "work to enable all Indiana Hispanics/Latinos with the opportunity to contribute to the social, cultural and economic development of the State"; and,

WHEREAS, according to the 2004 U.S. Census data, the Hispanic/Latino population in Indiana was estimated at 269,267 or 4.3% of Indiana's total population; and,

WHEREAS, while the Hispanic/Latino population contributes to Indiana's workforce, culture, diversity and quality of life, opportunities exist to improve social, cultural and economic challenges faced by Hispanic/Latino communities; and,

WHEREAS, local commissions are instrumental in encouraging the development of programs at the local level that focus on long-range solutions to the issues facing Hispanic/Latino residents and in bridging the cultural gaps between Hispanics/Latinos and non-Hispanics/Latinos;

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

SECTION 1. Chapter 2.23 of the Bloomington Municipal Code entitled "Community and Family Resources Department" shall be amended by inserting section 2.23.080, which shall be entitled "Commission on Hispanic and Latino Affairs" and which shall read as follows:

2.23.080 Commission on Hispanic and Latino Affairs – Establishment.

There is created in the Community and Family Resources Department the Commission on Hispanic and Latino Affairs:

(1) Members. The Commission shall be composed of seven members.

(2) Appointments. Four members shall be appointed by the Mayor and three by the Common Council.

(3) Qualifications. Commission members shall be residents of Monroe County who represent organizations serving Bloomington's Hispanic/Latino residents or who have expertise and/or interest in quality of life issues as they relate to the Hispanic/Latino community.

(4) Terms. The initial terms of one mayoral and one Council appointment shall expire on January 31, 2008. The terms of the remaining initial appointments shall be for two years and shall expire on January 31, 2009. Thereafter, all terms shall be for two years and shall expire on January 31.

(5) Purpose and duties. The Commission shall do the following:

(a) Develop action committees addressing the challenges of members of the Hispanic and Latino population in the areas of education, health, employment and public safety; and

(b) Serve as a catalyst to promote positive public and private remedies to the multi-faceted issues confronting Latinos and Hispanics in our community and the resulting effects on the entire community; and

(c) Network with like-minded groups such as the Indiana Commission on Hispanic/Latino Affairs, Su Casa Columbus, Indiana University Latino Cultural Center (La Casa) and local organizations to share ideas and information and to collaborate on projects where appropriate; and

(d) Celebrate Latino and Hispanic history and contributions to the Bloomington community and in the United States.

(6) Reporting requirement. The Commission shall submit identical written reports to the Mayor and the Common Council Office by the end of February of each year describing the activities of the Commission in the previous calendar year as well as future plans. Any issues or concerns regarding the Commission itself, its organizations or its purpose shall also be addressed in this report.

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 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 creates a Commission on Hispanic and Latino Affairs. The Commission will work to alleviate the problems Hispanics and Latinos experience in education, health, employment and public safety.

MEMORANDUM

DATE: August 29, 2007
TO: Bloomington City Council
FROM: Pete Giordano, Director, Community and Family Resources Department
Beverly Calender-Anderson, Safe and Civil City Director
RE: City of Bloomington Commission on Hispanic and Latino Affairs

According to the 2004 U.S. Census data, the Hispanic/Latino population in Indiana was estimated at 269, 267 or 4.3% of Indiana's total population. In addition to contributing to our local workforce, culture, diversity and quality of life, the Hispanic/Latino population confronts a number of challenges in everyday Hoosier life. We propose to establish a Commission on Hispanic and Latino Affairs to promote cooperation and understanding among cultures while helping our community work toward economic, educational and social equity for Hispanic/Latino residents of Bloomington, Ind.

The Commission on Hispanic and Latino Affairs will identify and research issues that impact the Hispanic and Latino populations in Bloomington, especially in the areas of health, education, public safety and cultural competency.

The Commission will be composed of seven (7) members – four (4) appointed by the Mayor and three (3) appointed by the Common Council. Potential areas the commission may cover include:

- Addressing the challenges of members of the Hispanic and Latino populations in the areas of education, health, employment and public safety;
- Serving as a catalyst to promote positive public and private remedies to multifaceted issues facing confronting Latinos and Hispanics in our community;
- Networking and collaborating with like-minded community groups on projects where appropriate; and
- Celebrating Latino and Hispanic history and contributions to the Bloomington community and in the nation.

The enabling ordinance fully outlines the purpose and duties of the Commission as well as term limits and reporting requirements.

We look forward working with you to establish this Commission, which is so important for our community.

Material Regarding Tax Abatement for The Plaza at Third and Lincoln, a Mixed Use Redevelopment of Leonard's Laundry at 300 East 3rd Street

- Memo to Council from Danise Alano, Director of Economic Development
- Staff Report to the Economic Development Commission
- Aerial Map of Site

- **Res 07-08** To Designate an Economic Revitalization Area, Approve a Statement of Benefits, Authorize a Period of Tax Abatement, and Declare Intent to Waive Certain Statutory Requirements - Re: 300 East Third Street (The Plaza at Third and Lincoln LLC, Petitioner)
- EDC Res 07-03
- Statement of Benefits
- Tax Calculations
- Application for Tax Abatement
- Site Plan and Elevations

- **Ord 07-22** To Designate an Economic Development Target Area (EDTA) - Re: 300 East Third Street (The Plaza at Third and Lincoln LLC, Petitioner)
- EDC Res 07-04

City of Bloomington
Mark Kruzan, Mayor

Office of the Mayor
Economic Development

Memorandum

To: City of Bloomington Common Council

From: Danise Alano, Director of Economic Development

Date: August 29, 2007

Re: Resolution 07-08 and Ordinance 07-22

Economic Revitalization Area and Tax Abatement (Resolution 07-08)

The Plaza at Third and Lincoln, LLC (Petitioner) is seeking property tax abatement for a period of ten (10) years for its historic restoration of the former Leonard's Home Laundry building. The project includes the addition of a new common lobby area and revitalization of the property into four (4) retail/commercial spaces on the ground floor and four (4) loft-style apartments on the second floor.

Formerly the home to the Leonard's dry cleaning and laundry business since the early 20th Century, the building has now been vacant for several years, since the close of the business. In 2000, the structure was listed on the National Register of Historic Places. The following year, the City included it in the City of Bloomington Survey of Historic Sites. And, in 2005 the Common Council approved a recommendation of the Historic Preservation Commission to grant the structure local historic designation status.

IC 6-1.1-12.1-1 defines an **Economic Revitalization Area** as an area "which has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property." The term also includes "any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues."

Since the close of the Leonard's Home Laundry business (prior to 2000) the structure has been unoccupied. As the site sat vacant and unused for several years under prior ownership, the building and structural elements have deteriorated, adding cost unknowns for potential purchasers and developers of the property. Without a business or residential tenant at the site, employment and tax revenues have been at a stand-still since the close of the business.

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Upon acquisition of the property in March 2007, the Petitioner undertook cleanup efforts of debris resulting from the damage to the building as well as from its occasional use by trespassers. In addition, the Petitioner immediately undertook efforts to shore up structural elements. All improvements during the rehabilitation and adaptive reuse project are being made according to the Secretary of the Interior's standards for historic preservation. Once fully restored and constructed, the four retail and/or commercial establishments and four high-end loft apartments will be available. A common lobby area will serve both the commercial retailers as well as the residents. Its restored exterior will pay homage to its former role in the community as a locally grown service industry which predominantly employed women, which survived the Great Depression, and which evolved its business plan many times over to adjust to such time-changing events as the widespread use of the automobile and the eventual inclusion of washers and dryers in most family homes.

Statement of Benefits Summary:

Real Estate Improvement Value	$1,650,000
Current Zoning	CD
Existing Site	Vacant
Job Creation	NA
Projected New Annual Wages	NA
Requested Tax Abatement Term	10-Year

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 rehabilitation project:

Additional Property Tax Revenue Over the 10-Year Period	$144,490
Value of Tax Abatement Over the 10-Year Period	$141,629
Annual Property Tax Revenue After Abatement Expiration	$28,612

See Attached Schedule (Note that the property is divided between Perry Township and Bloomington Township).

Economic Development Target Area (Ordinance 07-22)

Designation of this property area as an EDTA is required under current law (IC 6-1.1-12.1-3(e)(11)) because a 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).

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Among the qualifications for a geographic area to be designated as an EDTA (IC 6-1.1-12.1-7) include that the area:

- 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
- 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 outlined above, the structure on this property is listed on the National Register of Historic Places and locally designated as well.

Recommendation: The Office of the Mayor recommends approval of Ordinance 07-22 and Resolution 07-08.

The Office of the Mayor supports the use of tax abatement for historic restoration coupled with adaptive reuse of properties. The return of this property to usable commercial space and its additional conversion to downtown housing will have a tremendous and positive impact on this main corridor of our downtown.

In July, 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.

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Memorandum

To: Bloomington Economic Development Commission

From: Danise Alano, Director of Economic Development

Date: July 27, 2007

Re: Staff Report

BIILF Financial Update

As of July 20, 2007, the Business Investment Incentive Loan Fund (the "Fund") has a balance of $589,869.83 with the majority of the funds invested through December at an investment rate of 5.42%.

Bloomington Cooperative Services dba Bloomingfoods Market & Deli is making timely loan repayments for their $100,000 loan approved by the EDC in March.

Resolution 07-03*: *Recommend Approval of ERA, Approval of Statement of Benefits, Waiver of Certain Statutory Requirements, and Approval of 10-year Tax Abatement for The Plaza at Third and Lincoln LLC

Indiana Law allows up to a 10-year abatement on the increased assessed valuation due to construction or rehabilitation improvements in the areas of the city where development needs to be encouraged.

***Project Summary**:* The building on the southeast corner of Third and Lincoln Streets has been deteriorating and vacant for several years. The Plaza at Third and Lincoln LLC recently acquired ownership of the site and is undertaking an adaptive reuse project to create nearly 10,000 square feet of retail/office rental space on the first floor with 5,000 square feet of upscale loft-style apartments on the second floor. Petitioner is following Secretary of Interior guidelines for the historic restoration portion of the project.

***Real Estate Improvement Value**:* $1,650,000

***Current Zoning**:* Commercial Downtown (CD)

***Existing Site**:* The existing brick building is listed on the National Register of Historic Places and was previously the business location of Leonard's Home Laundry and Drycleaners which began operation at the site in 1922. The building has a two-story portion built in 1922 and an addition built in 1948. The building has been vacant for several years. Prior to the Petitioner's acquisition, the property was in an accelerating state of decline.

***Job Creation**:* The petitioner will add approximately 1.5 employees at an average of $15 per hour for care and maintenance of the property, and another 0.5 seasonal employee for additional maintenance. In addition, the petitioner estimates that the existing businesses which are committed to relocate to this site will be able to expand as a result of the improvements. In addition, temporary construction jobs will be created during the project's implementation.

Historic Rehabilitation and Adaptive Reuse: The nature of this project – a market-rate, mixed-use retail and residential rental project – does not provide for the creation of a high volume of new jobs for the community. The major benefits to the public of this project include historic renovation and the adaptive reuse and revitalization of a blighted high-profile corner in the City's downtown.

The brick façades facing Third Street and facing Lincoln Streets will be preserved and rehabilitated. The petitioner will adhere to Secretary of Interior standards for historic rehabilitation on the project. The petitioner's has developed a plan to preserve the character of the building through the conservation of the exterior, while reconfiguring the interior to maximize the property's commercial potential.

The adaptive reuse includes the construction of a common lobby shared by the retail and office space, and providing access to the loft apartments. The lofts will feature high ceilings, original windows, hardwood floors and brick walls. Each of the four two-bedroom lofts is expected to rent for about $1,200 per month. The commercial space is projected to be complete by October and will rent for between $10 and $12 per square foot.

Indiana Law allows the Bloomington Common Council to waive certain statutory requirements in the context of tax abatement approval. Under Indiana Law, a Statement of Benefits must be submitted and the area designated as an ERA prior to the initiation of the redevelopment project seeking abatement.

The Office of the Mayor supports the waiver of this requirement in order to facilitate the timely rehabilitation of this property after its years of abandonment. The petitioner first met with Staff prior to closing on its acquisition of the property and brought forward an aggressive construction schedule projecting an occupancy date of the Fall 2007. It was deemed at that time unlikely that the required hearings of the Common Council could be scheduled prior to September due in part to July budget hearings and the traditional August recess. Rather than delay the petitioner's construction schedule and consequently push it into potentially unfavorable construction seasons, we ask that the EDC recommend the Common Council waive the requirement.

Under Indiana Law, the Bloomington Common Council designates specific properties of the City as "Economic Revitalization Areas (ERA)." 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."

This property has been vacant for several years. After subsequent years of downsizing, the laundry and dry cleaning business closed in 2000. Since that time, the 17,000 square foot

building has remained vacant and the building and property have continued to deteriorate. In 2000, the property was listed on the National Register of Historic Places upon the owner's successful nomination. In 2001, the City of Bloomington also listed the site on its Survey of Historical Sites. In 2004, The City captured this corner of East Third Street in the boundaries of its downtown Community Revitalization Enhancement District (CRED) in 2004, making available the potential to utilize the state-managed tax credit program to spur rehabilitation and renovation of the property. As further evidence that the City and the State of Indiana have identified the area in which this property is located as in need of economic revitalization, the property is also in the Bloomington Urban Enterprise Zone, the downtown Tax Increment Finance district and the Bloomington Entertainment and Arts District.

The tax abatement guidelines cite several goals and objectives, including: 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 new project will revitalize a vacant building and dilapidated property in a major east-west corridor of the community, making it available for commercial tenants. One committed tenant, JII Salon, currently operates on N. Morton Street and will have room to expand its operations in The Plaza at Third and Lincoln. The petitioner is in negotiations with another existing Bloomington business, which is also expected to be able to expand their operations upon relocating to the site.

The project's proximity to Third Street Park will make it an attractive residential option in downtown Bloomington. Its upscale loft design may help to diversify the downtown residential demographics, bringing a broader base of customers for the many products and services available in our downtown.

Ultimately, both the Petitioner and Staff believe that the restoration and rejuvenation of this corner at Third and Lincoln will stimulate a more encompassing revival throughout this section of our downtown. *Staff recommends support for a 10-year property tax abatement for real property improvements at 300 East Third Street and recommends approval of Resolution 07-03.*

Resolution 07-04*: *Recommend Approval of Economic Development Target Area

Under Indiana Law, a tax abatement may not apply to residential property unless: the facility is a multifamily facility that contains at least twenty percent (20%) of the units available for use by low and moderate income individuals; or the facility is located in an economic development target area established under IC 6-1.1-12.1-7; or the area is designated as a residentially distressed area.

The residential component of this property is intended to be market-rate, loft-style rental dwelling units. Because this area is not designated as a residentially distressed area nor are any of the units intended to be affordable housing, the designation of Economic Development Target Area (EDTA) must be approved by the Common Council in order for the redevelopment to be

eligible for abatement. *Staff recommends support for EDTA designation of 300 East Third Street and recommends approval of Resolution 07-04.*

City of Bloomington

File | View | Go To | Query | Tools | Overlay | City | Emergency | Utilities | County | Help

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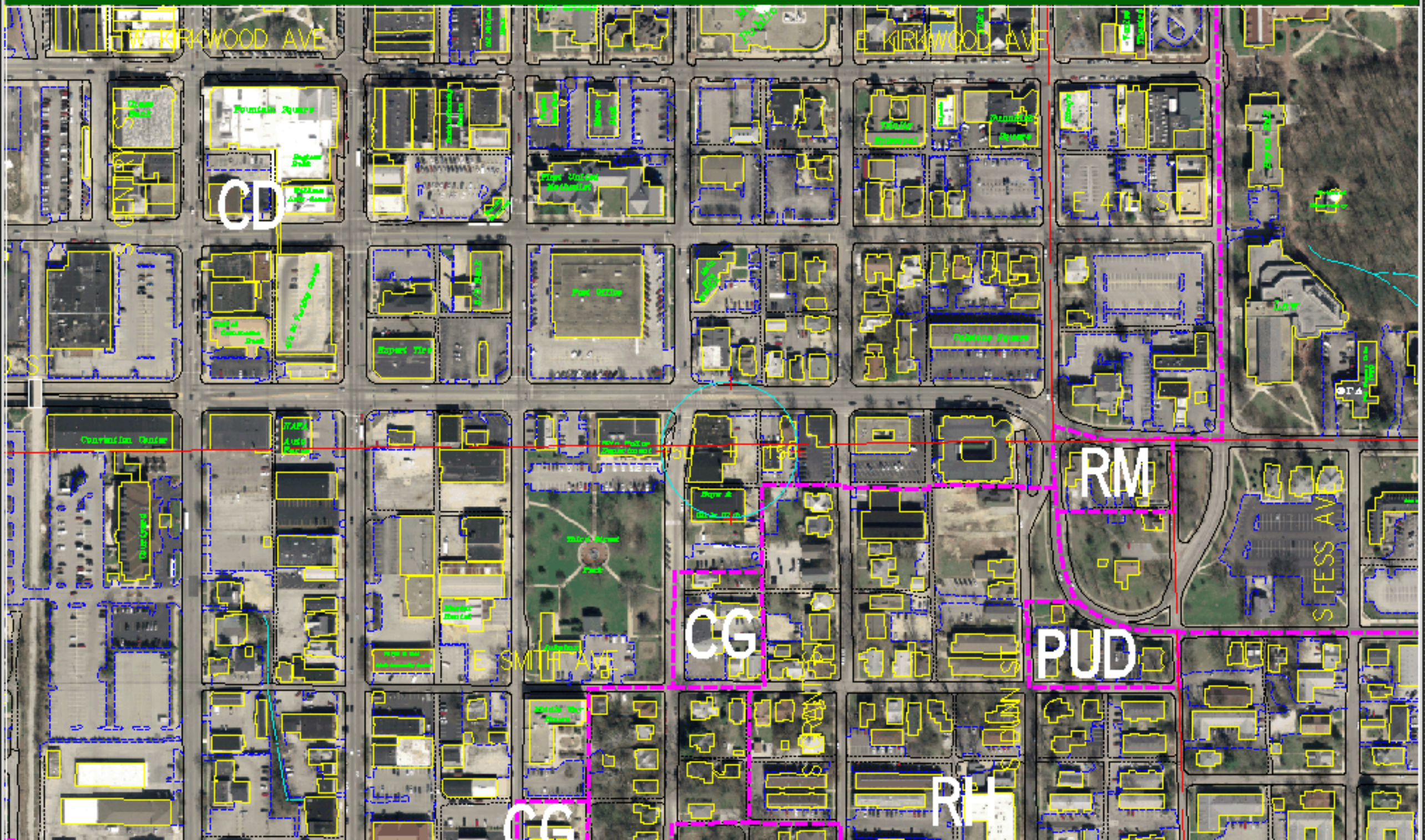


RESOLUTION 07-08

TO DESIGNATE AN ECONOMIC REVITALIZATION AREA,
APPROVE A STATEMENT OF BENEFITS,
AUTHORIZE A PERIOD OF TAX ABATEMENT AND DECLARING INTENT TO WAIVE CERTAIN STATUTORY REQUIREMENTS
- Re: 300 E. Third Street
(The Plaza at Third and Lincoln, LLC, Petitioner)

WHEREAS**,** The Plaza at Third and Lincoln, LLC ("Petitioner") has filed an application for designation of property it owns at 300 E. Third Street, Bloomington, Indiana as an Economic Revitalization Area ("ERA") pursuant to IC 6-1.1-12.1 et. seq.; and

WHEREAS, according to this material, the Petitioner intends to restore the exterior of the former Leonard's Home Laundry building at the address listed herein and construct a common lobby area in order to reutilize the property as four (4) retail spaces on the ground floor and four (4) apartments on the second, in accordance with the Secretary of the Interior's standards for historic preservation ("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 15th 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, IC 6-1.1-12.1-11.3 authorizes the Council, after it has held a public hearing, to waive the statutory requirement that the initiation of redevelopment occur after the submittal of a completed Statement of Benefits by the Petitioner and after the designation of the ERA and the making of certain findings of facts by the Common Council; and

WHEREAS, on July 27, 2007 the Economic Development Commission reviewed the Petitioner's application and Statement of Benefits and passed Resolution 07-03 recommending that the Common Council designate the property as an ERA, approve the Statement of Benefits, authorize a ten (10) year period of abatement for this project and waive the aforementioned statutory requirements; 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, pursuant to IC 6-1.1-12.1-11.3, the Petitioner has requested that the Council waive the statutory requirement that the initiation of redevelopment occur after the submittal of a completed Statement of Benefits by the Petitioner and after the designation of the ERA and the making of certain findings of facts by the Common Council; and

WHEREAS, the Common Council is favorably disposed to granting the foregoing waivers and will schedule the statutorily required public hearing before the end of the year to consider the matter; 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.

3. In granting this designation and deduction the Common Council, pursuant to I.C. 6-1.1-12.1-11.3, declares its intent to waive the following statutory requirements after holding the statutorily required public hearing:

a. I.C. 6-1.1-12.1-11.3(a)(2) Failure to submit the completed Statement of Benefits form to the designating body before the initiation of the redevelopment for which the person desires to claim a deduction under [I.C. 6-1.1-12.1].
b. I.C. 6-1.1-12.1-11.3(a)(3) Failure to designate an area as an economic revitalization area before the initiation of the redevelopment for which the person desires to claim a deduction under [I.C. 6-1.1-12.1].
c. I.C. 6-1.1-12.1-11.3(a)(4) Failure to make the required findings of fact before designating an area as an economic revitalization area under section 2, 3, or 4.5 of [I.C. 6-1.1-12.1].

4. 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 or to the waiver of the project commencement requirements appear before the Common Council at a public hearing on October 3, 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 300 E. Third Street as an Economic Revitalization Area (ERA), approves a Statement of Benefits, declares the intent to waive certain statutory requirements and authorizes a 10-year period of abatement for the project proposed by the petitioner, The Plaza at Third and Lincoln, LLC. The Petitioner is seeking a tax abatement in order to restore the historic Leonard's Home Laundry building and construct common lobby space for retail space on the ground floor and housing on the second. The resolution also declares the intent of the Council to hold a public hearing on October 3, 2007 to hear public comment on the ERA designation before voting on a resolution confirming these actions.

RESOLUTION 07-03

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, WAIVER OF CERTAIN STATUORY REQUIREMENTS 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; 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, The Plaza at Third Street LLC ("Petitioner") has applied for tax abatement on and has submitted a Statement of Benefits regarding its proposed project at 300 East Third Street in Bloomington, Indiana; and

WHEREAS, IC 6-1.1-12.1-11.3 provides for the waiver of certain statutory requirements, including that the initiation of redevelopment occur after the submittal of a completed Statement of Benefits by the Petitioner and after the ERA designation and Common Council approval; 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 that it designate 300 East Third Street in Bloomington, Indiana, as an ERA, approve said Statement of Benefits regarding improvements to said site proposed by Petitioner, waive the statutory requirements that the Statement of Benefits be submitted and the area designated as an ERA before initiation of the redevelopment, and approve a ten year tax abatement on said real estate improvements.

APPROVED this 27 day of ~~Sep~~ July, 2007.

Dick McGarvey, President
City of Bloomington Economic Development Commission

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: THE PLAZA AT THIRD AND LINCOLN LLC

Address of taxpayer (*number and street, city, state, and ZIP code*): PO BOX 1605, BLOOMINGTON, IN 47402

Name of contact person	Telephone number	E-mail address
CLAYTON NUNES	323-7355	

SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body		Resolution number
Location of property: 300 E THIRD ST	County: MONROE	DLGF taxing district number
Description of real property improvements, redevelopment, or rehabilitation (*use additional sheets if necessary*): HISTORIC RESTORATION OF EXISTING BUILDING. CREATION OF 4 APARTMENTS & 4 RETAIL SPACES - ADDITION OF LOBBY AREA & PUBLIC SPACES - SITE IMPROVEMENTS - PARKING LOT		Estimated start date (*month, day, year*):
		Estimated completion date (*month, day, year*):

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

Current number	Salaries	Number retained	Salaries	Number additional	Salaries

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	11 000	11,000
Plus estimated values of proposed project	1,650,000	
Less values of any property being replaced		
Net estimated values upon completion of project	1,639,000	

SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

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

Other benefits

SECTION 6 — TAXPAYER CERTIFICATION

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

Signature of authorized representative	Title	Date signed (*month, day, year*)
[signature]	PROJECT MANAGER	7-18-2007

Attached Schedule:
Estimated Tax Abatement Value and Property Tax Impact of the Project

Total Project Improvements:	**$ 1,650,000**
Bltn Township Taxes:	$ 72,293
Perry Township Taxes:	$ 72,197
Total Taxes to be Paid (thru Yr 10):	**$ 144,490**
Bltn Township Value:	$ 70,861
Perry Township Value:	$ 70,767
Total Value of Abatement:	**$ 141,629**

Bloomington Township Estimates

Value of Improvements	$ 825,000	
2006 Tax Rate (Net)	1.7352%	Bloomington City - Bltn Twnshp
Annual Taxes without Abatement	$ 14,315	

Year	Abatement Percent	Abatement	Taxes Payable	Taxes Abated
1	100%	$ 825,000	$ -	$ 14,315
2	95%	$ 783,750	$ 716	$ 13,600
3	80%	$ 660,000	$ 2,863	$ 11,452
4	65%	$ 536,250	$ 5,010	$ 9,305
5	50%	$ 412,500	$ 7,158	$ 7,158
6	40%	$ 330,000	$ 8,589	$ 5,726
7	30%	$ 247,500	$ 10,021	$ 4,295
8	20%	$ 165,000	$ 11,452	$ 2,863
9	10%	$ 82,500	$ 12,884	$ 1,432
10	5%	$ 41,250	$ 13,600	$ 716
	Total Taxes to be Paid (thru Year 10):			$ 72,293
	Total Value of Abatement:			**$ 70,861**

Perry Township Estimates

Value of Improvements	$ 825,000	
2006 Tax Rate (Net)	1.7329%	Bloomington City - Perry Twnshp
Annual Taxes without Abatement	$ 14,296	

Year	Abatement Percent	Abatement	Taxes Payable	Taxes Abated
1	100%	$ 825,000	$ -	$ 14,296
2	95%	$ 783,750	$ 715	$ 13,582
3	80%	$ 660,000	$ 2,859	$ 11,437
4	65%	$ 536,250	$ 5,004	$ 9,293
5	50%	$ 412,500	$ 7,148	$ 7,148
6	40%	$ 330,000	$ 8,578	$ 5,719
7	30%	$ 247,500	$ 10,007	$ 4,289
8	20%	$ 165,000	$ 11,437	$ 2,859
9	10%	$ 82,500	$ 12,867	$ 1,430
10	5%	$ 41,250	$ 13,582	$ 715
	Total Taxes to be Paid (thru Year 10):			$ 72,197
	Total Value of Abatement:			**$ 70,767**

401 N. Morton Street • Bloomington, IN 47404
Office of the Mayor
Phone (812) 349-3406 • Fax (812) 349-3455
www.bloomington.in.gov

Property Tax Abatement Program Application

1. Ownership:

A. List full name, address, and telephone number of each owner of the property.

The Plaza at Third and Lincoln LLC
300 E Third St
Bloomington, IN 47401
323-7355

B. **List the percentage ownership of each owner if more than one owner.**

Clayton Nunes, Member in The Plaza at Third and Lincoln LLC, 50%
Jigme Norbu, Member in The Plaza at Third and Lincoln LLC, 50%

C. **If owner is a partnership, list the name, address, and telephone number of each general and/or limited partner and the percentage of interest in the property held by each general and/or limited partner.**

n/a

D. **If owner is a corporation, list the name, address, and telephone number of all officers.**

Clayton Nunes, Member
PO Box 1605
Bloomington, IN 47402
323-7355

Jigme Norbu, Member
PO Box 1605
Bloomington, IN 47401
323-7355

2. Property Description:

A. Give street address, lot number and dimensions.

300 East Third Street
Bloomington, IN 4740l
Lot 5, Lot 6, Orchard Addition

B. Attach legal description of property to the application.

Copy from deed attached.

3. Current Status of Property:

A. **State current zoning designation and if applicable, describe and anticipated zoning changes.**

Presently part of the Downtown Zone, (UDO) Unified Development Ordinance.

B. **Describe current improvements to the property, including age of building (s).**

Existing building built in two parts, 1922 and 1947. Historic buildings in various states of disrepair, boarded up.

C. **Describe the current use of the property, including the names of businesses currently operating and the current number of jobs.**

Property formerly the Leonard's Home Laundry and Drycleaner's. Buildings have been vacant for at least 15 years.

D. **Give estimates of current market value of the land and improvements; separately list the current assessed valuation and property tax assessment on the land and buildings.**

The current market value of the land and improvements: $675,000
There are four parcels of land, the following is the totals for all:
Assessed valuation of land: $731,800
Assessed valuation of improvements: $11,000
2007 Property tax assessment on land and building: $14127.58

E. **Describe any unique historical structure or aesthetic improvements.**

Property is presently on the National Historic Register.

4. Proposed Improvements:

A. **Describe proposed improvements and projected costs.**

Historic restoration of exterior of building
Creation of four large loft-type apartments on the second floor. The apartments will range from 1100 to 1500 square feet and will rent from $1200 to $1600 per month.
Creation of quality retail space on the first floor.
Providing 20 parking spaces for retail and tenants.

Addition of lobby area and common areas to provide access for tenants.
Developing site to meet existing codes.

B. **Include sketch of finished project, if available.**

Provide sketch – elevation drawings and site plan attached.

C. **List any public improvements and costs that will be necessary.**

Public improvements will include new driveway entry to parking .
Connection of perimeter drains to storm sewers.
Providing new sewer lines and water lines to property.
Repairing sidewalks and roadways that are cut in the process.
We expect site improvements and utility connections and repairs to cost in excess of $55000.

D. **List the probable start/completion dates of the project.**

Project began when purchased, March 1, 2007. Construction has been divided into three phases.

The first phase consists of securing the building, including repairing the roof and roof structure where it had caved in, and clearing out all debris. It also includes constructing the second floor apartments.

The second phase consists of construction of the addition to the structure to provide access to the retail corridor and the apartments on the second floor.

The third phase is to build out the retail spaces on the first floor and to complete the historical restoration of the exterior and to complete the site plan.

Projected residential occupancy, August 2007
Projected commercial occupancy, October 2007

E. **List the type and number of jobs that will be retained or created by the project.**

Approximately 15 people have been employed for demolition and cleanup work, in addition to a project manager and a historian. At least another 50 individuals will be involved in the construction phases of the project. These would be considered temporary jobs.
The property owners will add at least one and one half employees for daily maintenance and operations. Parking lot clean up and snow removal will add another part-time person.

There will be four retail spaces. At the present time space has been leased to a beauty spa facility and we are negotiating with a frame shop. With four

retailer of this type and with this much square footage, we would expect them to employ from 60 to 80 full and part-time individuals.

Construction:	67, Temporary
Management:	2, 1 ½ Maintenance and ½ part-time
Retail	60-80

F. **Describe any beneficial or detrimental economic effect (other than jobs) that the proposed project will likely have on the city.**

The greatest beneficial impact this project will have is to eliminate what has been considered a blighted quarter block in the heart of downtown. This building has been a detriment to occupancy for all properties in the area within two blocks. By improving this property all neighboring properties should see an increase in demand for retail space and therefore more products, jobs and taxes.

5. Eligibility:

A. State reasons why the project site qualifies as an Economic Revitalization Area as defined under State Law ("Lack of Development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings of other factors which have impaired values or prevent a normal development or property or use of property." In the case of manufacturing equipment, "any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescent may lead to a decline in employment and tax revenue.")

This is definitely an area where development has ceased because of the restrictions that this quarter block has met by various developers. The property has been abandoned and has deteriorated over the last 15 years. Developers have shown a lack of interest in proceeding with this as an historic restoration project. Extraordinary delays because of the historic nature of this parcel and environmental concerns have kept others from attempting this project and we have shown our willingness to deal with these problems. We have proposed a plan to preserve the character of the building while attempting to maximize the commercial potential of the site. There are increased costs associated with this approach and the limitations that come with it. When working with an old building, there are structural problems that must be managed to meet codes and make space usable. The floor of the first level of this building is below grade and the parking area is barely adequate. Because of the historic character of this property, tearing things down and starting over is not an option. Timing is also a consideration because there are many commissions that have oversight to the construction processes. This property has been identified by planning for revitalization. It is next to the

third Street Park and it is a part of BUEA, Bloomington Urban Economic Area, CRED, and TIF districts. We will be increasing the tax revenue and the employment from basically zero and putting it into the 21st Century.

B. **State the estimated number of new employees and employees retained as a result of the project. Also include salaries and a description of employee benefits.**

From 130 to 150 jobs will be created with this project. Construction jobs range from $10 to $20 per hour with benefits limited by their employer. Project management jobs will produce an average of $15 and hour. Retail jobs will range from part-time unskilled workers at minimum wage to licensed beauticians whose earnings can easily be $30 per hour. Skilled workers in other areas such as a frame shop will begin in the $15 per hour range and go upward to $25 per hour for management. Shop owners should easily receive salaries close to the upper level of these wages.

C. Complete and submit the attached Statement of Benefits form with narrative application.

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.

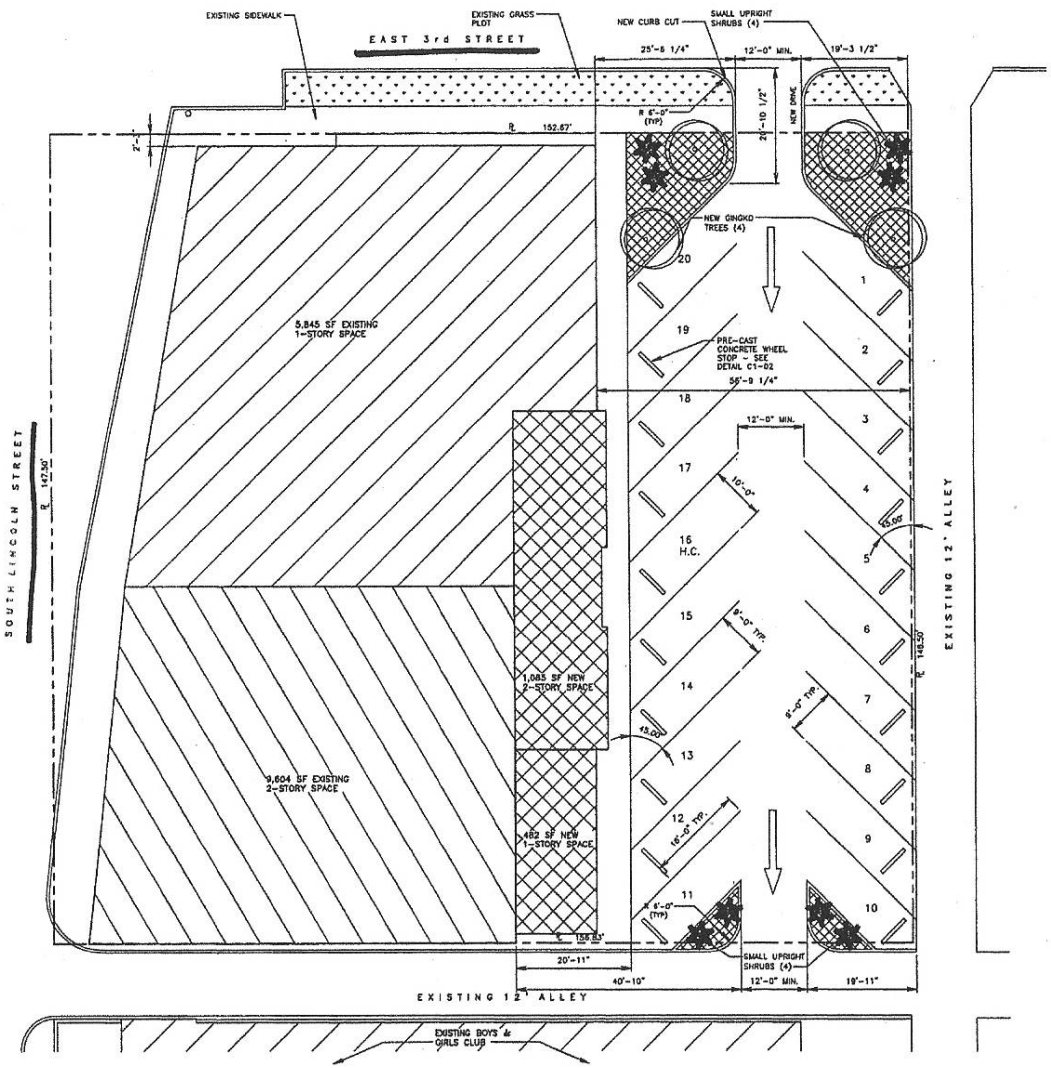
I further certify that the individual(s) or business entity that owns the property for which ERA designation is sought and/or who is applying for designation of said property as an ERA or for approval of a Statement of Benefits on said property, are not in arrears on any payments, fees, charges, fines 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
_____	_____
_____	_____
_____	_____

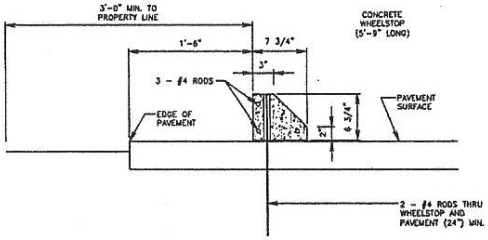
*All owners must sign; all general partners must sign; the president of the corporation must sign.

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



1 SITE PLAN

SCALE: 1" = 10'-0"



2 PRECAST CONCRETE WHEELSTOP DETAIL

SCALE: 1 1/2" = 1'-0"

GENERAL NOTES:

- DO NOT SCALE DRAWINGS. DIMENSIONS SHALL PREVAIL. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS RELATED TO THE WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY. IF CONTRACTOR FAILS TO VERIFY DIMENSIONS AS INDICATED, ANY AND ALL CORRECTIVE ACTIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- OVERALL BUILDING PLANS ARE FOR GENERAL INFORMATION ONLY. REFER TO ENLARGED FLOOR PLANS FOR DETAILED INFORMATION
- ALL INTERIOR DIMENSIONS ARE SHOWN STUD TO STUD AND DO NOT INCLUDE WALL FINISHES.
- ALL DOOR OPENINGS SHALL BE LOCATED 4" FROM ADJOINING WALL UNLESS NOTED OTHER WISE.
- CONTRACTOR TO VERIFY PLACEMENT OF ANCHOR BOLTS TO ADJOINING MATERIALS PRIOR TO PLACEMENT OF BOLTS AND SHALL PROTECT ANY EXPOSED ANCHOR BOLTS.

SITE LAYOUT PLAN NOTES:

1. VERIFY NUMBER OF ACCESSIBLE PARKING SPACES REQUIRED.
2. ALL DIMENSIONS SHOWN ARE MINIMUM.
3. ALL STANDARD PARKING SPACES ARE 8' x 18' (TYPICAL).
4. ALL SIDEWALKS ARE 5' CONCRETE MINIMUM. (UNLESS OTHERWISE NOTED)
5. ## PARKING SPACES TOTAL
6. 24' DRIVE (TYPICAL)
7. SITE ACREAGE = ## ACRES
8. ALL PARKING LOT DIMENSIONS ARE TO THE CENTER LINE OF PAINT STRIPES AND/OR TO THE FACE OF THE CURB UNLESS OTHERWISE NOTED.
9. ALL BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF FRAMING UNLESS OTHERWISE NOTED.
10. ALL PAINTED STRIPES ARE TO BE 4" WIDE (UNLESS OTHERWISE NOTED.)
11. DOWNSPOUTS NEED TO CONNECT TO AN UNDERGROUND STORM WATER SYSTEM.

NOTES TO SITE ADAPT ENGINEERS:

1. LOCAL REGULATIONS MUST BE REVIEWED TO INSURE THAT ALL PLAN REQUIREMENTS ARE MET.
2. THE GEOTECHNICAL ENGINEER SHALL BE RESPONSIBLE FOR DESIGN OF THE "PAVEMENT SECTIONS." HOWEVER, THE DESIGNER SHALL BE RESPONSIBLE FOR SHOWING THE PAVEMENT DESIGN ON THE PLANS, INCLUDING DIFFERENTIATING BETWEEN STANDARD AND HEAVY DUTY PAVEMENT AREAS.
3. ALL APPLICABLE STATE (DOT) AND LOCAL (PUBLIC WORKS DEPARTMENT) CONSTRUCTION STANDARDS AND SPECIFICATIONS SHALL BE USED AS REQUIRED FOR SITE SPECIFIC ISSUES.
4. ALL CURB RADII ARE 3' UNLESS OTHERWISE NOTED.

SITE LAYOUT DRAWING NOTES:

(NOTES FOR LAND DEVELOPMENT MANAGERS)

1. SANITARY SEWER. MINIMUM INV=94.50 AT 5' OFF BUILDING.
2. ELECTRICAL SERVICE
3. TELEPHONE SERVICE
4. GAS SERVICE (WITH METER)
5. FIRE PROTECTION WATER
6. DOMESTIC WATER.

N

TABOR BRUCE ARCHITECTURE & DESIGN

REVISION

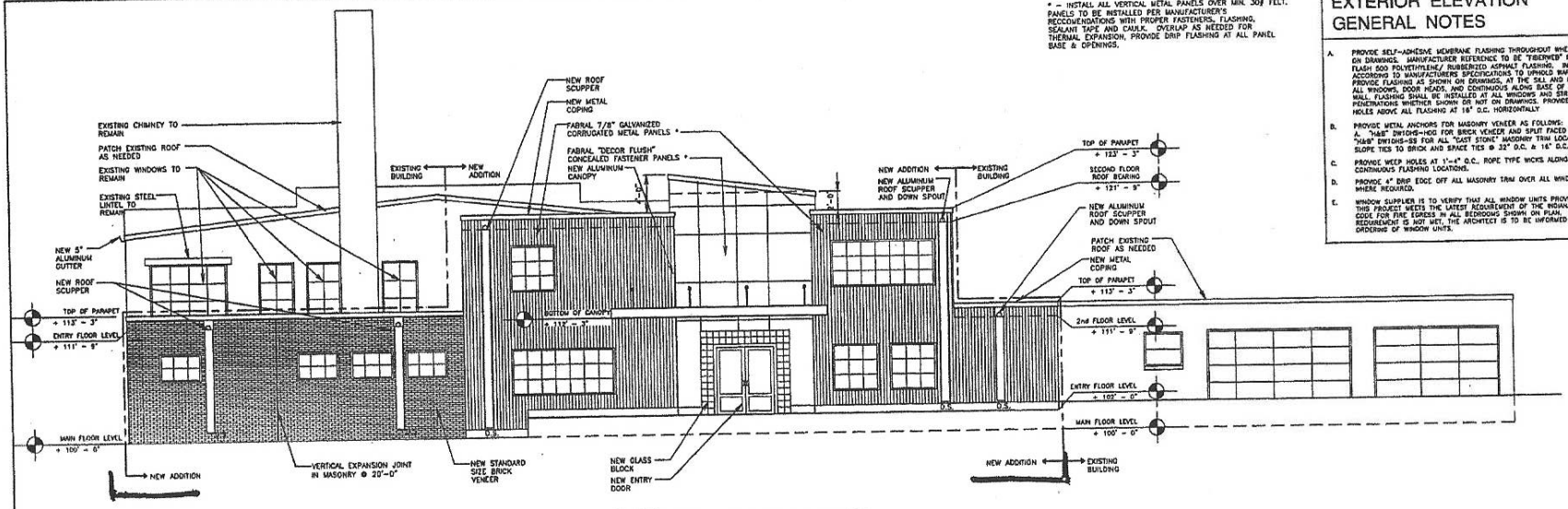
A RENOVATION OF THE HISTORIC HOME LAUNDRY FOR:
N + N ENTERPRISES LLC.
309 SOUTH LINCOLN STREET

RICHARD DOUGLAS BRUCE
ARCHITECT
STATE OF MISSOURI

PROJECT NO.	1807
DATE	JUNE 2007
DRAWN BY	WTJW, MR
CHECKED BY	D. BRUCE
SHEET NAME	SITE PLAN
SHEET NO.	C1

SP-23-07
SITE PLAN

Jul 09, 2007 - 11:36am
J:\CURRENT2007\LENARDS HOME LAUNDRY\ civil Site.dwg



* – INSTALL ALL VERTICAL METAL PANELS OVER MIN. 30# FELT. PANELS TO BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS WITH PROPER FASTENERS, FLASHING, SEALANT TAPE AND CAULK. OVERLAP AS NEEDED FOR THERMAL EXPANSION, PROVIDE DRIP FLASHING AT ALL PANEL BASE & OPENINGS.

EXTERIOR ELEVATION GENERAL NOTES

A. PROVIDE SELF-ADHESIVE MEMBRANE FLASHING THROUGHOUT WHERE SHOWN ON DRAWINGS. MANUFACTURER REFERENCE TO BE "THERMOWEB" MODEL AQUA FLASH 500 POLYETHYLENE/ RUBBERIZED ASPHALT FLASHING. INSTALL ACCORDING TO MANUFACTURERS SPECIFICATIONS TO UPHOLD WARRANTY. PROVIDE FLASHING AS SHOWN ON DRAWINGS, AT THE SILL AND HEAD OF ALL WINDOWS, DOOR HEADS, AND CONTINUOUS ALONG BASE OF MASONRY WALL. FLASHING SHALL BE INSTALLED AT ALL WINDOWS AND STRUCTURAL PENETRATIONS WHETHER SHOWN OR NOT ON DRAWINGS. PROVIDE WEEP HOLES ABOVE ALL FLASHING AT 16" O.C. HORIZONTALLY

B. PROVIDE METAL ANCHORS FOR MASONRY VENEER AS FOLLOWS: A. "HAS" DW10HS-HOG FOR BRICK VENEER AND SPLIT FACED VENEER AND "HAB" DW10HS-SS FOR ALL "CAST STONE" MASONRY TRIM LOCATIONS. SLOPE TIES TO BRICK AND SPACE TIES @ 32" O.C. & 16" O.C. VERTICALLY.

C. PROVIDE WEEP HOLES AT 1'-4" O.C. ROPE TYPE WICKS ALONG ALL CONTINUOUS FLASHING LOCATIONS.

D. PROVIDE 4" DRIP EDGE OFF ALL MASONRY TRIM OVER ALL WINDOW HEADS WHERE REQUIRED.

E. WINDOW SUPPLIER IS TO VERIFY THAT ALL WINDOW UNITS PROVIDED FOR THIS PROJECT MEETS THE LATEST REQUIREMENT OF THE INDIANA BUILDING CODE FOR FIRE EGRESS IN ALL BEDROOMS SHOWN ON PLAN. IF A REQUIREMENT IS NOT MET, THE ARCHITECT IS TO BE INFORMED PRIOR TO ORDERING OF WINDOW UNITS.

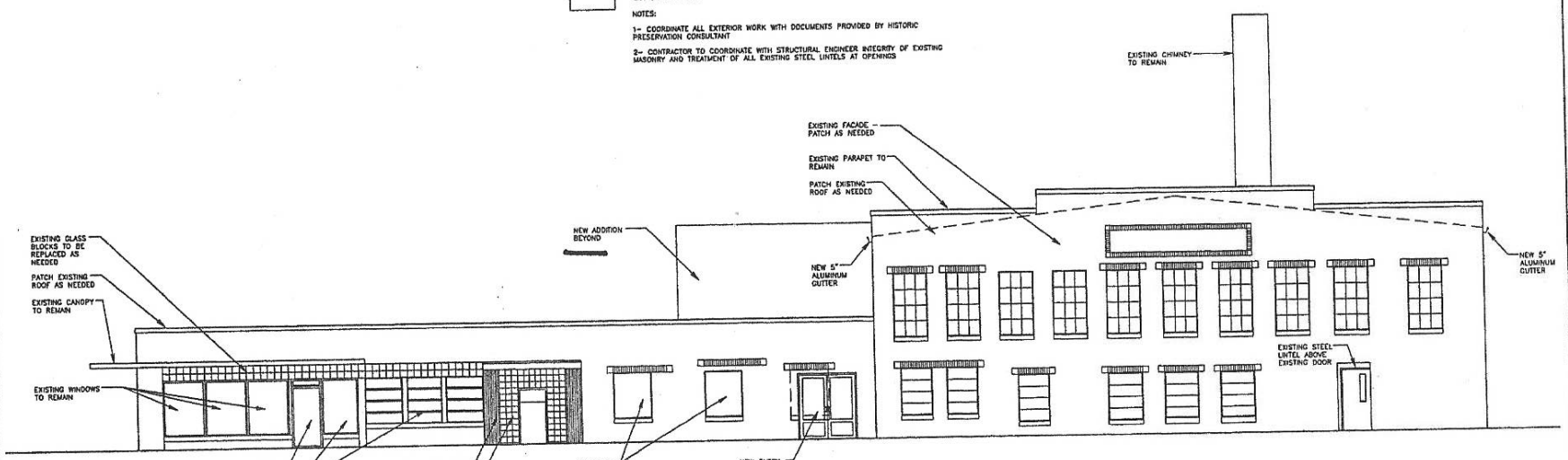
1 NEW EAST ELEVATION

SCALE:3/16"=1'-0"

NOTES:

1- COORDINATE ALL EXTERIOR WORK WITH DOCUMENTS PROVIDED BY HISTORIC PRESERVATION CONSULTANT

2- CONTRACTOR TO COORDINATE WITH STRUCTURAL ENGINEER INTEGRITY OF EXISTING MASONRY AND TREATMENT OF ALL EXISTING STEEL LINTELS AT OPENINGS



2 NEW WEST ELEVATION

SCALE:3/16"=1'-0"

NOTES:

1- COORDINATE ALL EXTERIOR WORK WITH DOCUMENTS PROVIDED BY HISTORIC PRESERVATION CONSULTANT

2- CONTRACTOR TO COORDINATE WITH STRUCTURAL ENGINEER INTEGRITY OF EXISTING MASONRY AND TREATMENT OF ALL EXISTING STEEL LINTELS AT OPENINGS

Jul 11, 2007 - 1:57pm
J:\CURRENT2007\LEHARDS HOME LAUNDRY\ Elevations (new).dwg

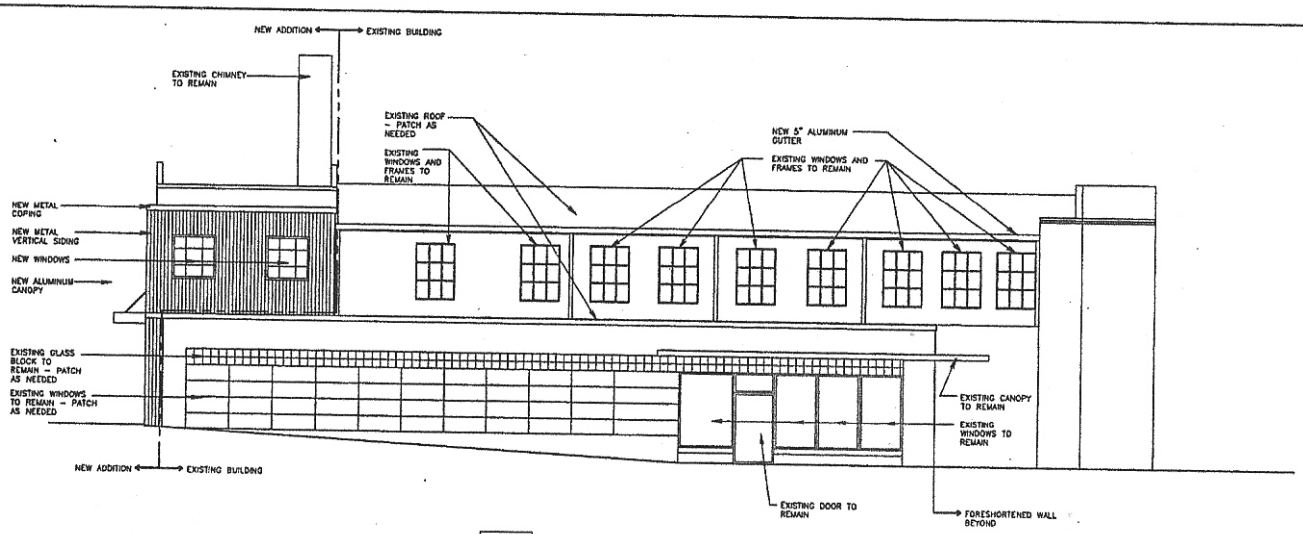
SP-23-07
ELEVATIONS 1/2

TABOR BRUCE

REVISI

A RENOVATION OF THE HISTORIC HOME LAUNDRY FOR:
N + N ENTERPRISES LLC.

PROJECT NO.
DATE
DRAWN BY
CHECKED BY
SHEET NAME
NEW EAST & ELEVATIO
SHEET NO.
A1



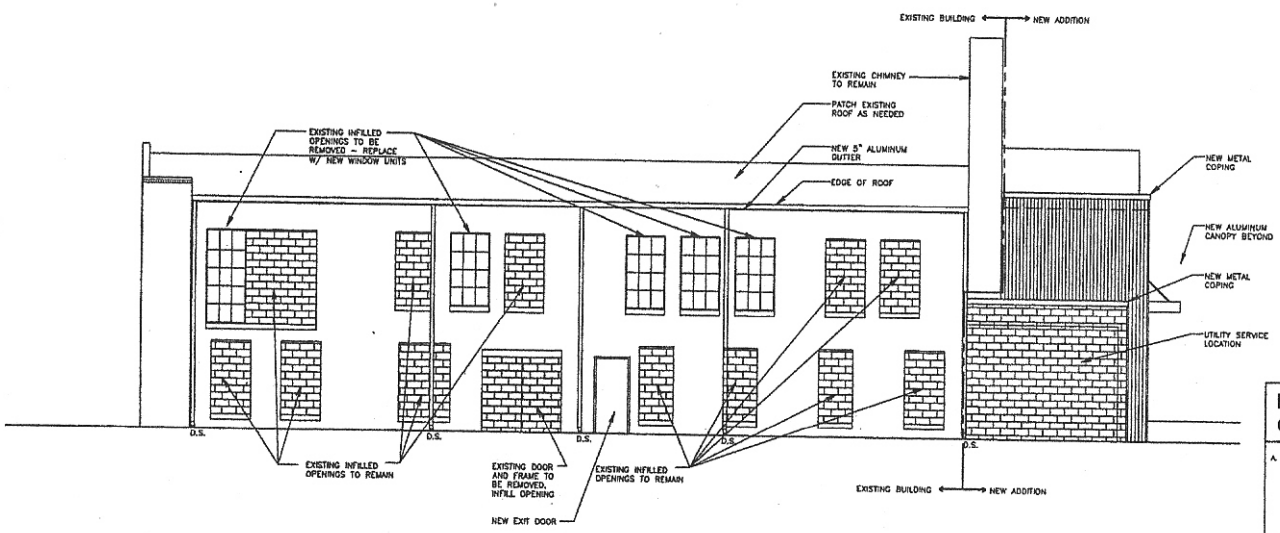
1 NEW NORTH ELEVATION

SCALE:3/16"=1'-0"

NOTES:

1– COORDINATE ALL EXTERIOR WORK WITH DOCUMENTS PROVIDED BY HISTORIC PRESERVATION CONSULTANT

2– CONTRACTOR TO COORDINATE WITH STRUCTURAL ENGINEER INTEGRITY OF EXISTING MASONRY AND TREATMENT OF ALL EXISTING STEEL LINTELS AT OPENINGS



2 NEW SOUTH ELEVATION

SCALE:3/16"=1'-0"

NOTES:

1– COORDINATE ALL EXTERIOR WORK WITH DOCUMENTS PROVIDED BY HISTORIC PRESERVATION CONSULTANT

2– CONTRACTOR TO COORDINATE WITH STRUCTURAL ENGINEER INTEGRITY OF EXISTING MASONRY AND TREATMENT OF ALL EXISTING STEEL LINTELS AT OPENINGS

EXTERIOR ELEVATION GENERAL NOTES

A. PROVIDE SELF-ADHESIVE MEMBRANE FLASHING THROUGHOUT WHERE SHOWN ON DRAWINGS. MANUFACTURER REFERENCE TO BE "FIBERWEB" MODEL AQUA FLASH 500 POLYETHYLENE/ RUBBERIZED ASPHALT FLASHING. INSTALL ACCORDING TO MANUFACTURERS SPECIFICATIONS TO UPHOLD WARRANTY. PROVIDE FLASHING AS SHOWN ON DRAWINGS, AT THE SILL AND HEAD OF ALL WINDOWS, DOOR HEADS, AND CONTINUOUS ALONG BASE OF MASONRY WALL. FLASHING SHALL BE INSTALLED AT ALL WINDOWS AND STRUCTURAL PENETRATIONS WHETHER SHOWN OR NOT ON DRAWINGS. PROVIDE WEEP HOLES ABOVE ALL FLASHING AT 16" O.C. HORIZONTALLY

B. PROVIDE METAL ANCHORS FOR MASONRY VENEER AS FOLLOWS:
A. "HAB" DWI01HS-100 FOR BRICK VENEER AND SPLIT FACED VENEER AND "HAB" DWI01HS-55 FOR ALL "CAST STONE" MASONRY TRIM LOCATIONS. SLOPE TIES TO BRICK AND SPACE TIES @ 32" O.C. & 16" O.C. VERTICALLY.

C. PROVIDE WEEP HOLES AT 1'-4" O.C., ROPE TYPE WICKS ALONG ALL CONTINUOUS FLASHING LOCATIONS.

D. PROVIDE 4" DRIP EDGE OFF ALL MASONRY TRIM OVER ALL WINDOW HEADS WHERE REQUIRED.

E. WINDOW SUPPLIER IS TO VERIFY THAT ALL WINDOW UNITS PROVIDED FOR THIS PROJECT MEET THE LATEST REQUIREMENTS OF THE WINDOW MANUFACTURER FOR FIRE RATED WALLS AS DETERMINED BY THE ARCHITECT. IF A REQUIREMENT IS NOT MET, THE ARCHITECT IS TO BE NOTIFIED PRIOR TO ORDERING OF WINDOW UNITS.

A RENOVATION OF THE HISTORIC HOME LAUNDRY FOR:
N + N ENTERPRISES LLC.

TABOR ARRICE

REVISI

HOWARD DOUGLAS ARCHITECT
AR1930000
STATE OF OREGON

PROJECT NO.	1807
DATE	JUNE 20
DRAWN BY	EP
CHECKED BY	D. BRUD
SHEET NAME	NEW NORTH & SOUTH ELEVATIONS
SHEET NO.	A1C

11, 2007 – 1:56pm
/RRENT2007\LENARDS HOME LAUNDRY\ Elevations (new).dwg

ORDINANCE 07-22

TO DESIGNATE AN ECONOMIC DEVELOPMENT TARGET AREA
- Re: 300 E. Third Street (The Plaza at Third and Lincoln, 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 July 24, 2007 the City of Bloomington Economic Development Commission held a hearing to consider the request to designate the property located at 300 E. Third Street, Bloomington, Indiana, known as the Leonard's Home Laundry Building, as an Economic Development Target Area; and

WHEREAS, at the conclusion of the hearing, the Economic Development Commission adopted Resolution 07-04, 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 300 E. Third 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.

_____
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 designates the property located at 300 E. Third Street, known as the Leonard's Home Laundry Building, as an Economic Development Target Area (EDTA). This designation was recommended by the Economic Development Commission and will enable the proposed mixed use of commercial and residential apartments of the rehabilitated historic building upon the property to be eligible for tax abatement. Final approval of the tax abatement for the renovation and construction of the mixed-use retail/commercial space and residential apartments 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 07-04
OF THE ECONOMIC DEVELOPMENT COMMISSION
OF THE CITY OF BLOOMINGTON, INDIANA

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

WHEREAS, the Economic Development Commission of the City of Bloomington, at the request of the petitioner, The Plaza at Third Street LLC ("Petitioner"), held a meeting on July 27, 2007 to consider petitioner's application for economic development target area designation of 300 East Third 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 27 day of July ,2007.

Dick McGarvey, President
City of Bloomington Economic Development Commission

Kurt Zorn, Secretary
City of Bloomington Economic Development Commission

ORDINANCE 07-23

TO VACATE A PUBLIC PARCEL -
Re: The Portion of the West 9th Street Right-of-Way Running from North Rogers Street to the B-Line Trail
(CFC, Inc., 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 has filed a petition to vacate an alley right-of-way more particularly described below;

WHEREAS, pursuant to I.C. 36-7-3-12, the Common Council has set aside the public comment portion of its deliberation of this ordinance at its Regular Session on September 19, 2007 as the public hearing on this action and the City Clerk has provided notice of that hearing;

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 is commonly known as the portion of the West 9th Street right-of-way located directly south of 502 North Rogers and is more particularly described as follows:

> Land between Graham's Reserve and Out Lot 40, beginning at the Northwest corner of out lot 40 and on the East right-of-way line of Rogers Street; thence East, 95.13 feet to the westerly right-of-way line of the C.I. and L. Railroad; thence North 35 degrees 34 minutes 09 seconds West, 23.26 feet along said railroad right-of-way; thence West, 81.60 feet to the East right-of-way of Rogers Street, thence South 18.92 feet to the beginning and containing 1671.87 square feet.

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 this action: City of Bloomington Utilities, City of Bloomington Information and Technology Services; SBC, 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:

_____
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, CFC, Inc., requests vacation of the portion of the West 9th Street right-of-way located directly south of 502 North Rogers running from North Rogers to the B-Line Trail. The public comment on this ordinance at the Regular Session on September 19, 2007 shall serve as the required public hearing on this action.

SE 32-9-1W

By: darlandl
26 Mar 07

100 0 100 200 300

N

City of Bloomington
Planning

Scale: 1" = 100'

For reference only; map information NOT warranted.

GSR G.S. RIDGWAY and ASSOCIATES, Inc.

- architects
- engineers
- surveyors

317 MAIN STREET
P.O. BOX 722 VINCENNES, INDIANA 47591
TELEPHONE 812/882-6550
FAX 812/882-6558

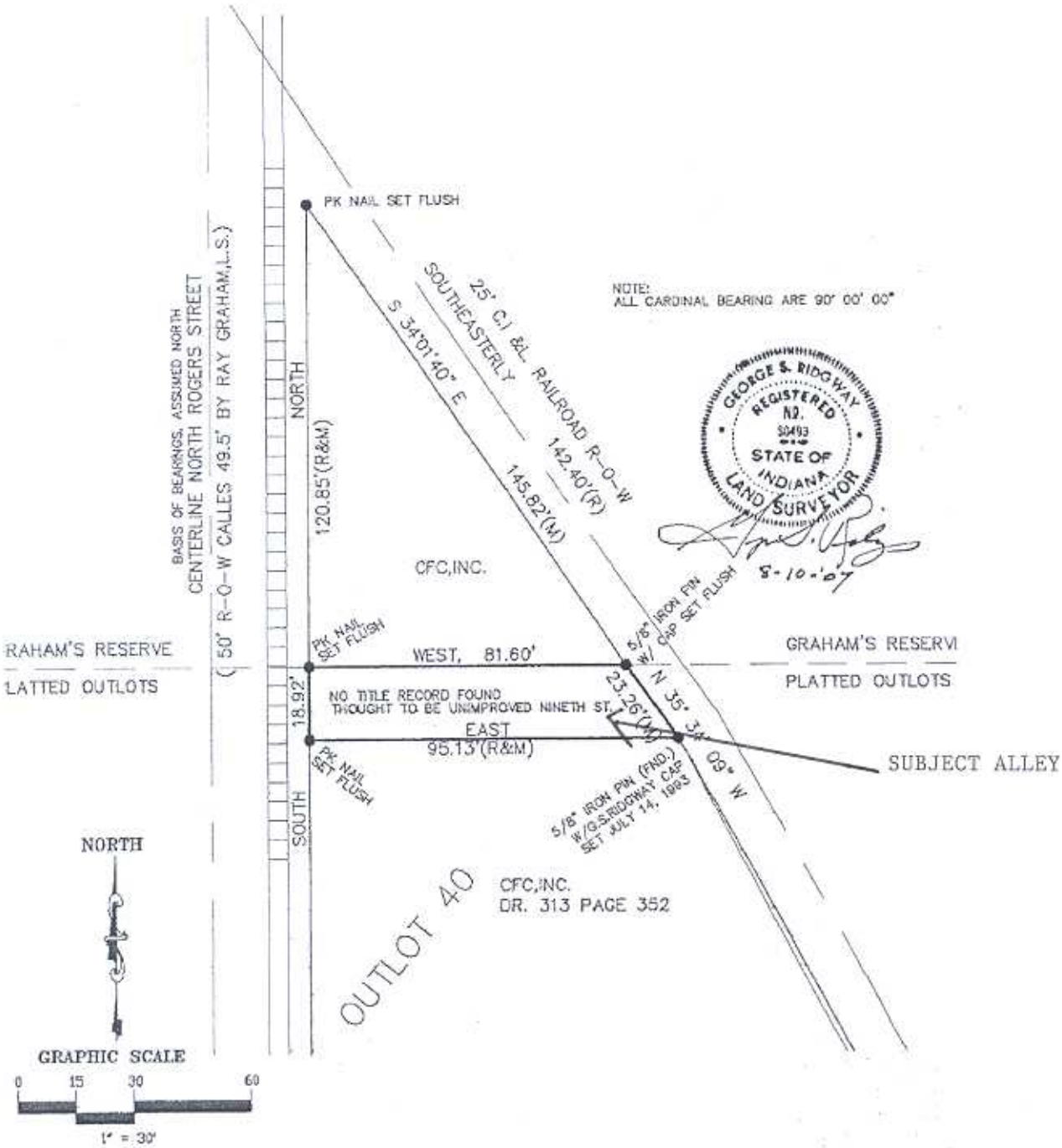
Registered in Indiana, Illinois, Kentucky, Tennessee, and Pennsylvania

CERTIFICATE OF SURVEY

THIS IS TO CERTIFY THAT I, GEORGE S. RIDGWAY, A REGISTERED LAND SURVEYOR, LICENSED IN ACCORDANCE WITH THE LAWS OF THE STATE OF INDIANA, DID ON JULY 27, 1999 PERFORM A RETRACEMENT SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE AT THE REQUEST OF CFC, INC.

LEGAL DESCRIPTION

SEE ATTACHED.



SUR-3212- 2007 plat

RETRACEMENT SURVEY PLAT

LAND BETWEEN GRAHAM'S RESERVE AND OUT LOT 40
ROGERS STREET, BLOOMINGTON, INDIANA

(FOR: CFC, INC.) (OWNER: CFC, INC.) SCALE: 1" = 30'

GSR | G.S. RIDGWAY and associates, inc
▪ architect
▪ surveyor

11686 N. Spanger Road
P. O. Box 122 ▪ Westphalia, Indiana 47596
Telephone 812.694.8787 ▪ Fax 812.694.8788
Toll Free 1.866.477.2724 (1.866.GSR.Architect)
E-mail: george@gsridgway.com

LEGAL DESCRIPTION

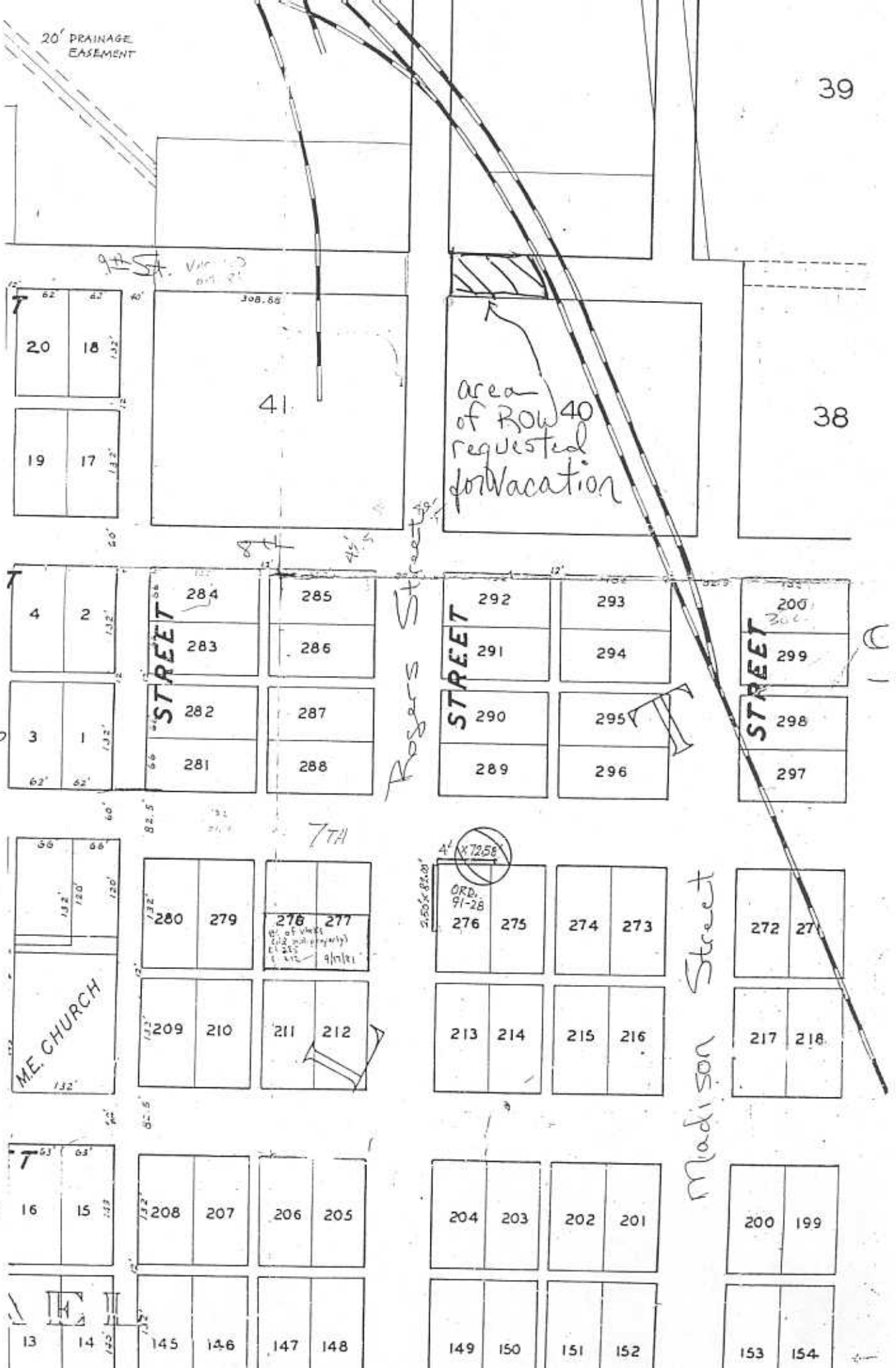
Part of the City of Bloomington, Monroe County, State of Indiana, bounded and described as follows:

Land between Graham's Reserve and out lot 40; beginning at the Northwest corner of out lot 40 and on the East right-of-way line of Rogers Street; thence East, 95.13 feet to the westerly right-of-way line of the C.I. and L. Railroad; thence North 35 degrees 34 minutes 09 seconds West, 23.26 feet along said railroad right-of-way; thence West, 81.60 feet to the East right-of-way of Rogers Street; thence South 18.92 feet to the beginning and containing 1671.87 square feet.

GEORGE S. RIDGWAY
REGISTERED
NO.
S0493
STATE OF
INDIANA
LAND SURVEYOR

8-10-07

1964 quarter section plat map



City of Bloomington

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CITY OF BLOOMINGTON
PLANNING DEPARTMENT
MEMORANDUM

DATE: August 15, 2007
TO: City of Bloomington Common Council Members
FROM: Lynne Darland, Zoning & Enforcement Manager
SUBJECT: Request for vacation of a street right-of-way
PETITIONERS: CFC, Inc., Jim Murphy, President

LOCATION: The subject street right-of-way that the petitioner is proposing to vacate runs perpendicular to N. Rogers Street directly south of the B-line Trail and is the extension of 9th Street. The property is bounded by the B-line Trail on the north and east, Rogers Street on the west, and CFC property on the south.

BACKGROUND: The petition request involves a 60 foot wide by approximately 81.6 foot long swath of 9th Street right-of-way along the south side of 502 N. Rogers Street. The petitioner thought this right-of-way had been vacated several years ago and has been paying property taxes on this right-of-way since at least 1999. CFC was ready to consider making improvements to 502 N. Rogers and in the process could not verify that the adjacent 9th Street right-of-way had been vacated. CFC wishes to clear up any questions concerning the ownership of the land prior to investing in designs. The entire property is zoned downtown (CD) and is included in the Downtown Core Overlay.

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**
- **City of Bloomington Utilities Department**
- **SBC Ameritech**
- **PSI Cinergy**
- **Insight Communications**
- **City of Bloomington Police Department**
- **City of Bloomington Fire Department**
- **Vectren**

The request for vacation was heard by the Board of Public Works (BPW) on August 7, 2007. The BPW voted unanimously to recommend vacation of the right-of-way. The petitioner is working with Duke Energy to insure that there is adequate easement for maintenance of existing power lines within this right-of-way. 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.

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 right-of-way is located within an area that has been maintained as a gravel parking lot for 502 N. Rogers Street for many years. The right-of-way runs the length of the south property line for around 81.6 feet. Access to the B-line Trail will remain very convenient at the north end of this property. The loss of right-of-way does not impact accessibility to the surrounding properties.

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 future road widening or 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 a development project and to improve the overall visual quality of this property. At this time, the petitioner has not brought forward a specific proposal. However, future development would bring forward the following improvements to the area: 1) sidewalk replacement along Rogers Street, 2) new street trees and landscaping, 3) paved and striped parking, 4) either a refurbished building or new building construction, and 5) connectivity to the new B-Line Trail.

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 CFC, Inc.

Relation to Plans: The proposal is consistent with City Plans. Possible uses such as offices and retail are permitted uses in the Downtown (CD) zoning district.

RECOMMENDATION: Both staff and the Board of Public Works have recommended that the City vacate the right-of-way in question.

CFC, Inc.

Bloomington's Best Addresses

Corporate Office
320 West Eighth Street, Suite 200
PO Box 729
Bloomington, IN 47402-0729
812 332-0053
Fax: 812 333-4680
E-mail: cfcinc@cfcincorporated.com
www.cfcincorporated.com

Commercial Properties
Leasing Office
320 West Eighth Street, Suite 200
PO Box 729
Bloomington, IN 47402-0729
812 332-0053
Fax: 812 333-4680
E-mail: cfcinc@cfcincorporated.com
www.leasecfc.com

Grant Street Inn
310 North Grant Street
Bloomington, IN 47408
812 334-2353
Fax: 812 331-8673
www.grantsinn.com

Fountain Square Mall
101 West Kirkwood Avenue, Suite 010
Bloomington, IN 47404
812 332-0053
Fax: 812 335-6691
E-mail: promo@cfcincorporated.com
www.fountainsquaremall.com

Residential Properties
The Bicycle Apartments
Jackson Heights Apartments
Knightridge Apartments
Maxwell Terrace Apartments
Barclay Square Apartments
Leasing Office
3000 South Walnut Street Pike
Bloomington, IN 47401
812 339-1584
Fax: 812 335-6697
E-mail: apts@cfcincorporated.com
www.cfcapartments.com

The Kirkwood
Leasing Office
315 West Kirkwood Avenue, Suite 113
Bloomington, IN 47404
812 330-7302
Fax: 812 331-9585
E-mail: kirkwood@cfcincorporated.com
www.thekirkwood.com

May 10, 2007

Office of the Common Council
PO Box 100
Showers City Hall
Bloomington IN 47402

Dear Council Members:

CFC, Inc. requests the vacation of the alley which is located between 8th and 10th Streets on the west side of North Rogers, which is directly south of our property at 502 N. Rogers Street. The alley is 81.6 feet +/- and has been inactive for several years. We have had title work performed and have been unable to find proof of prior vacation of the alley. In addition, CFC, Inc. has been paying property tax on the alley as shown on previous tax statements (see attached). CFC/Cook owns the properties to the south and to the north of the subject alley and are considering developing the property to the north and vacation of the alley would allow for better use of the property.

Sincerely,
CFC, Inc.

Jim Murphy

Jim Murphy
President

City of Bloomington
Office of the Common Council

Petition for Vacation of Public Right-of-Way

Ordinance:		Ord 07-23
Hearings:		
Council Chambers	**First Reading**	September 5, 2007
401 North Morton Street	**Committee of the Whole**	September 12, 2007
7:30 p.m.	**Final Action**	September 19, 2007

Address of Property 502 North Rogers Street (Directly south of)

Description of Proposed Vacation: The portion of West 9th Street running from North Rogers Street to the B-Line Trail and having a width of approximately 18.92 feet.

Name of Petitioner CFC, Inc.
Address 320 West Eighth Street, Suite 200
P.O. Box 729
Bloomington, IN 47402-0729
Phone 332-0053

Consultant N/A
Address N/A
Phone N/A

Abutting Property Owners: *(Please attach a List)*

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: Jim Murphy Date: 8/31/07

ADJACENT PROPERTY OWNERS

City of Bloomington
Planning Department
401 N Morton Street
Bloomington IN 47404

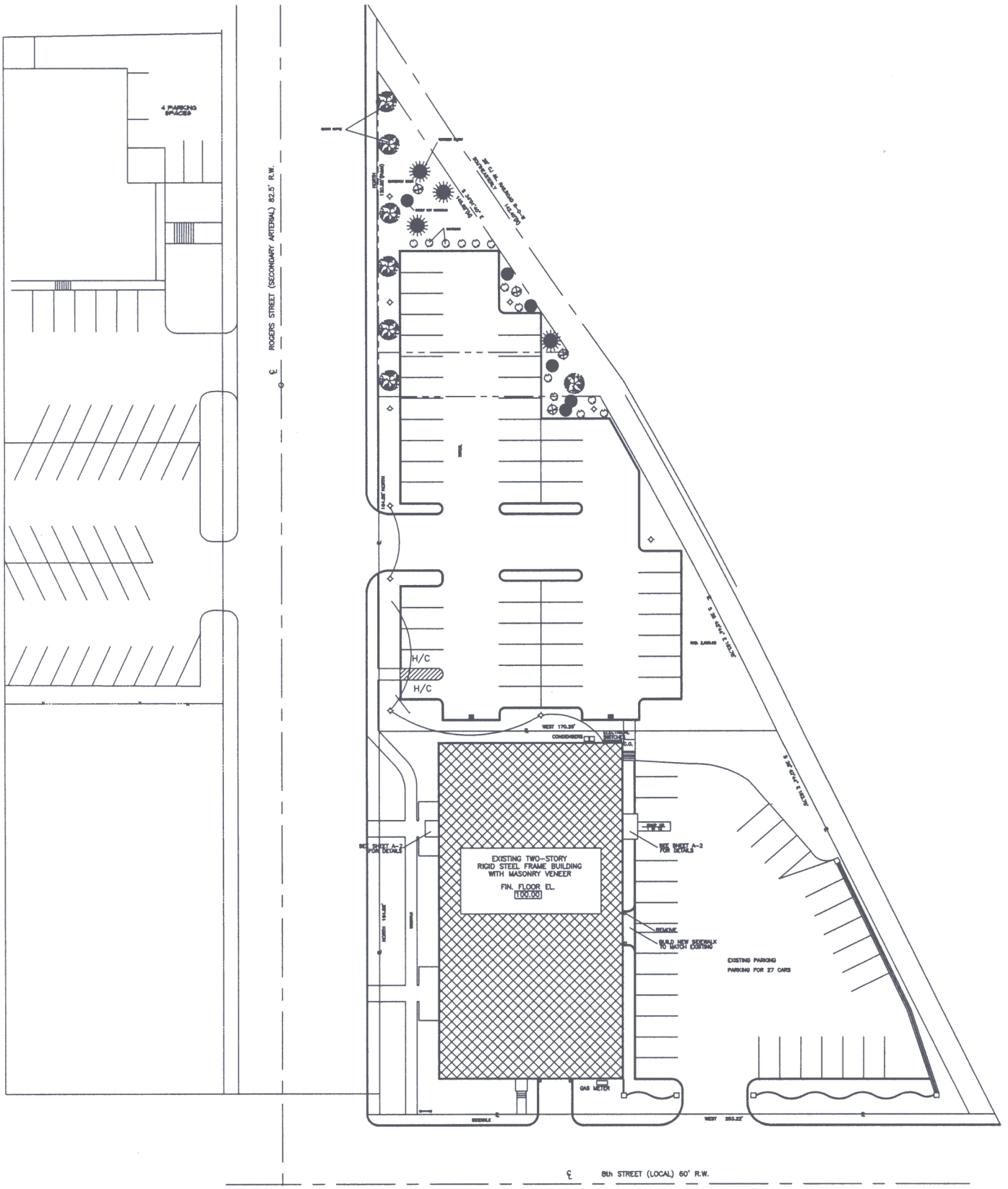
Cook Group Inc.
c/o CFC, Inc.
P.O. Box 729
Bloomington IN 47402-0729

- Bicycle parking facilities (BMC 20.05.014 AT-05 [Alternative Transportation: Bicycle Parking Standards; Nonresidential and Mixed Use]);
- Lighting (BMC 20.05.061 LG-03 [Lighting Standards; Non-Residential]); and
- Signage (BMC 20.05.064 SI-07 [Sign Standards; Commercial Downtown])

It's also my understanding that the site plan would need to obtain Plan Commission approval for the number of parking spaces being proposed in the DCO.

Approvals and Recommendation

The memo notes that the Engineering Department reviewed the proposal and the Board of Public Works voted in favor of the vacation on August 7th and recommends this vacation.



LANDSCAPE PLAN

SCALE 1" = 20'

<u>Ord 07-23</u> To Vacate a Public Parcel – Re: The Portion of the West 9th Street Right-of-Way Running from North Rogers Street to the B-Line Trail (CFC, Inc., Petitioner)

<u>In Council Office</u>

Responses from Utility and Safety Services

COMMON COUNCIL
REGULAR SESSION
JUNE 6, 2007

In the Council Chambers of the Showers City Hall on Wednesday, June 6, 2007 at 7:30 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

ROLL CALL

Roll Call: Wisler, Ruff, Sandberg, Rollo, Sturbaum, Volan, Sabbagh, Mayer
Absent: Diekhoff

AGENDA SUMMATION

Council President Rollo gave the Agenda Summation

APPROVAL OF MINUTES

The minutes of May 16, 2007 were approved by a voice vote.

REPORTS: COUNCILMEMBERS

Brad Wisler commented on the announcement that Finelight was going to move from downtown to the west side of the city by saying that we should pay attention to this. He asked what businesses would do when faced with obstacles such as parking or height issues in locating or developing downtown. He said that if locating downtown is the difficult option, locating outside of town would be the easy option, and that would create sprawl and even more use of cars with more parking lots. He said he was disappointed, and hoped that in future situations, we would have a better understanding of options and consequences.

David Sabbagh reminded all that this date in history, June 6, 1944 was D-Day. He noted that we should remember what went on during that day and with the "Greatest Generation" and asked all to remember them on this day.

Steve Volan said he was putting together a report on the 15th Annual Conference on New Urbanism that he and Council member Sturbaum had recently attended in Philadelphia. He said he was anxious to share the ideas and information with the other council members.

Andy Ruff said that the New York Times had recently reported Maryland to be the first state to require a Living Wage. He read sections of the article that said the state was the first to "honor work and fight poverty." He noted that Bloomington was one of the 145 cities mentioned in the article that require a living wage.
Ruff said he appreciated Wisler's comments about sprawl, however he but noted that Finelight was moving to an existing building within city limits in a heavily developed area with existing parking lots within the city limits and not to a green space that was not already developed. He said that we need to think about ways to make other areas of our urbanized community more livable and more like our downtown that provides services, work and residential opportunities.

Susan Sandberg said she would reserve her parking comments for a later meeting after all proposals were reserved. She did, however, note that the June 30th Picnic at the Pops outdoor concert would be a wonderful evening for families and invited all to get tickets. She also said that she was singing in the chorus at this event.

Chris Sturbaum said that Finelight was not gone forever, and that they are still interested in staying downtown and the city was still trying to get them parking, and was trying to take time to find the best solution to their parking problem. He said that a New Urbanist recently visited Bloomington to give a talk and said that Bloomington didn't have to be a beggar city, one that will do anything to get folks to come there. He noted that mutual respect and talks could keep Finelight downtown. Sturbaum reported on a talk by the Congress for New Urbanism founder Andres Duany who designed Seaside, Florida. He said that the group

for approval

Councilmember Comments *(cont'd)*

examined walkable communities and real estate and now is looking at a sustainable lifestyle for the world. He said this was a world wide movement looking for ways for people to live without dependence on cars. He noted that the Congress addressed problems after Hurricane Katrina by helping towns build new types of residences called Katrina Cottages that would withstand flooding as alternatives to the $75,000 trailers sent to the area that were unsatisfactory. He shared other snippets of new urban concepts with the council that included street sizes, speed limits and traffic planning, contextual architecture, naturally occurring retirement communities, work units in the home, mixed uses, and the science of how we live in communities. He thanked the council for sponsoring his and council member Volan's trip.

Tim Mayer said his observation was that Seaside, Florida homes were for the rich and famous but wasn't exciting in architecture. He then announced that he and his wife, Sue, celebrated their 45th wedding anniversary on June 1st, and thanked his wife for her love and being by his side.

Sturbaum said he had found a couple more things to add to his report, saying that so much of our income goes to maintenance of cars, that we could put more money into houses if we didn't use cars as much. He said any free time gained by an 8-hour work day, was depleted by the commute to work that people have to make. He also noted that a LEED (Leadership in Energy and Environmental Design) certified house located far away from work was not the best holistic sense of sustainability.

Rollo noted it was great news from Maryland about their Living Wage Ordinance and thanked Andy Ruff for his leadership in the passage of Bloomington's Living Wage Ordinance.

MAYOR and CITY OFFICES

Assistant Deputy Mayor Sara Ollis reported on Be Safe Bloomington's June activities starting with the Mayor's State of the City Address. She noted that public safety, sun safety and pet safety programs as well as fire station tours would take place during the month.

COUNCIL COMMITTEES

There were no reports at this meeting.

PUBLIC INPUT

Dewey Prior with Crossroads (a division of New Leaf, New Life), a non profit committee of formerly incarcerated people with some others, said his group was working to reduce recidivism in the justice system. He said they met monthly for this end, trying to create a halfway house, privately owned work release center and a homeless center for veterans. He explained some of the program and stated that anyone who needed their help could come to their meetings at 6:30 on Thursdays at the Trinity Episcopal Church.

Lucille Bertuccio stood with Earth Elder friends Ria Colvey, Marty Crouch, Betsy Caulfield, Ann Kreilkamp, and Carol Polsgrove to speak to the council about global climate change, peak oil, extinction of species and habitat destruction. She asked that the council consider seven generations into the future with all of their decisions, taking note of the environmental stresses on children today.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Lynn Schwartzberg and Joii Byrd be appointed to the Bloomington Community Arts Commission. It was also moved and seconded that Mike Cagle be reappointed to that commission. All appointments were approved by a voice vote.

for approval

LEGISLATION FOR SECOND READING
Ordinance 07-10 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (2501 South Leonard Springs Road)

It was moved and seconded that Ordinance 07-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that the committee recommendation was to forward this item to this meeting with a recommendation of 8-0-0. It was moved and seconded that Ordinance 07-10 be adopted.

Controller Susan Clark said that the owners of this property approached the city asking that their property be annexed into the city limits. She noted that during the public hearing two weeks earlier the fiscal plan for this project was adopted by the council. She noted that the annexation would go into effect on July 10, 2007, thirty days after publication and upon filing. She noted that Ted Najam, one of the property owners, was present for questions.

Najam said he was present as a property owner, not in any other legal capacity. He noted that the actual size of the property, .86 acre or .52 acre, was questioned at the previous meeting, and said that the difference was that right of way sections had been taken by INDOT for the upgrade of the intersection.

President Rollo noted that there had been a lengthy question period at the last meeting.

Diana Igo said that she lived on Hickory Drive in Highland Village and used this intersection daily to avoid the even more heavily traveled intersections to the east. She opposed the annexation saying that the new use would bring more traffic and congestion to the intersection and would decrease safety. She alluded to previous concerns about the property's access with regards to proximity to the intersection. Rollo thanked Igo for both her statement and a letter she had sent to the council regarding her concerns.

Sandberg noted that Richard Martin had presented many issues at the committee meeting and asked Micuda if Mr. Martin's concerns regarding access to the property had been considered. Micuda said he would prefer to address that in the zoning portion of the discussion.

Referring to the proposed use of this property after annexation being a liquor store, Sturbaum asked if Wal-Mart sold the same types of liquors that Big Red Liquors sold, and if these two properties would be in direct competition. Wade Shanower, president of Big Red Liquors was present and said that there were some competitive elements, with the chief differences being BRL selling cold beer and about 2000 additional products.

Volan asked what would happen if the parcel was annexed and yet the change in zoning was not approved. Mayer and Council Attorney Dan Sherman noted that at the time properties are annexed into the city they are given zoning designation; otherwise the property would be unregulated.

Volan asked for a comment on the current status of the intersection and the likelihood that safety improvements would be made. Micuda said the intersection was upgraded by the State of Indiana in 1995, that lane capacity was added at that time, and therefore he did not anticipate that the state would do an additional upgrade any time soon. He said the intersection was heavily congested and had been upgraded to deal with the number of vehicles. He also added that intersections with more use would naturally have a greater number of accidents, but that didn't mean that the intersection was not able to handle traffic needs.

for approval

Ordinance 07-10 *(cont'd)*

Volan asked if the city would ever need to 'calm' traffic there. Micuda said that the intersection was the jurisdiction of the state of Indiana, and they would not be likely to do this. Volan asked about other intersections as examples of heavily traveled areas; Micuda noted that they were all within the city jurisdiction.

Ruff asked if controlling ingress and egress would be considered an intersection improvement. Micuda said that after the council committee discussion on this matter it was decided that there should be a plan for ingress/egress control on the property. He said that these early discussions have indicated a good plan was to have a right in/right out access control on State Route 45 with left turn restrictions from Leonard Springs Road onto the property.

Mayer noted that under county zoning, this property was zoned as commercial. Micuda said that the city would also propose the commercial zoning for the annexed property. Discussion ensued about different types of commercial use and the number of trips they might generate. Micuda said that the liquor store use would probably fall in the middle of this spectrum.

Ordinance 07-10 received a roll call vote of Ayes: 8, Nays: 0.

Ordinance 07-08 To Amend the Bloomington Zoning Maps and Zone Property Currently in the Monroe County Planning Jurisdiction to Commercial General (CG) in Anticipation of Annexation – Re: 2501 South Leonard Springs Road (Small Town Properties, Petitioner)

It was moved and seconded that Ordinance 07-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that the committee recommendation had been to forward this item to this meeting with a recommendation of 8-0-0. It was moved and seconded that Ordinance 07-10 be adopted.

Planning Director Tom Micuda noted that this ordinance was being presented so that there would be no lapse in zoning designations on the property as it was annexed into the city and that the property would be developed under city zoning standards. He said that Commercial General was the middle of the three tiers of commercial zoning. He noted that the Plan Commission had unanimously approved this designation.
Micuda presented visuals that showed land uses in the area of the property in question as well as a plan for the ingress/egress to the property, emphasizing that this was just conceptually reviewed by the city engineer, and was not a firm proposal or site plan at this point.
Najam thanked Micuda, Trisha Bernens, and Susan Clark for their help in this process. He said that the property had four entrances when it was purchased, but that was before INDOT upgraded the road and left the property with only two entrances. He said it was his intention to work with the planning staff to find an acceptable solution to the ingress/egress issue. His other comments alluded to the size of his lot in relation to the Wal-Mart lot, the local ownership of both Small Town Properties and Big Red Liquors, and the trip generation for this liquor store was in the mid range of traffic. He showed a visual with a 'concept' of the building appearance without commitment to any materials or colors.

Wisler asked about the direction of traffic to the property. Micuda said his opinion was that the most dominant traffic movement to the property would move west on State Road 45 turning left on Leonard Springs Road. Najam said he and Big Red Liquors were discussing access from Leonard Springs Road, as it was very important to the site use. Micuda said that corner lots that are less than an acre at intersections were very hard to plan access for.

Wisler asked about further modes of access, to which Micuda and Mayer speculated about various routes to access the property.

Draft approval

Ordinance 07-08 *(cont'd)*

Sturbaum asked why there could not be some connectivity through the Wal-Mart property. While reiterating that the access points to the property were currently conceptual, Micuda said the steep terrain and large trees made access from the south to the property difficult. Sturbaum asked if the city could force access from that direction, to which Micuda replied that the idea had not yet come up, and that he had no answer at this time.

Volan and Micuda discussed the wording of possible signage that would address the access to the property. Najam said he understood the development plan for this property would be made for the highest traffic times, and noted that it might be possible to restrict turning movements during certain hours of the day. He said he wanted to explore this option with the engineers for the entrance on Leonard Springs Road.

Wisler asked if the final approval of the plan for the property was at the staff level plan review. Micuda said the only way it would need to be a public review would be if a zoning variance was requested.

Rollo said that fast food restaurant or gas station/convenience store uses would generate more trips to this site. He asked Micuda what he thought of access to this property being determined by time of day according to traffic patterns. Micuda said that it would be a discussion for the city engineers, but he would be open to that discussion.

Sturbaum noted a scenario where a shopper wanting to go to three different stores in the area would need to use the highway three different times to do so, saying that it was a strange way to control traffic.

Diana Igo used her experiences in traveling through this intersection on a daily basis as a foundation for suppositions of traffic patterns after the liquor store is built. She expressed concern for safety in traffic flow in what she called an incredibly busy area at all times of the day.

Cliff Meadows asked how often the petitioner would anticipate needing police service. Najam said that in a prior meeting it was established that liquor stores need them infrequently. Shanower said that in the eleven properties that Big Red operates in the city, there were about three police calls to their stores for public disturbances within the last year.

Nick Ivey said that left turns from the nearby property at the southwest corner of the intersection should not be allowed.

Rollo asked if Micuda could clarify any of the points made by the public commenter. Micuda noted that traffic counts in the area are close to 30,000 vehicles per day on State Route 45, and the access control decisions were difficult but important for businesses in busy intersections. He noted that access decisions were made on a case by case basis while talking to all parties involved. He clarified that the decision would be made at the staff level, and would not be reviewed at the Plan Commission.

Sturbaum asked if there was an accident report summary for the intersection, to which Micuda said that information would be obtained before a decision of access would be made for the property.

Volan asked how jurisdictional control over intersections was determined. Micuda said that when one or two state highways comprise an intersection, that intersection is within the state's jurisdiction.

Wisler pointed out that the question was on the rezone and that the staff would make the decision about the traffic pattern. He added that the action of rezoning would not contribute to the traffic problem.

for approval

Volan said that was true but that the discussion of the zoning was appropriate. He asked Micuda about different zoning designations and their effect on the property access. Micuda said that a different zoning designation would not have much effect on access, but would reduce the range of land uses that would be permitted on the property, many of which would generate lower traffic rates.

Ordinance 07-08 *(cont'd)*

Sturbaum said he believed that staff would make a good decision on the access for this property, and since this action would expand the tax base and support local businesses he was going to vote for it.

Rollo noted that there were concerns that warranted discussion on the rezone. He said that he appreciated the citizens concerns and the fact that they spoke in specifics regarding the ingress/egress issues, and also indicated that he would defer to the planning and engineering staff to work through the difficulties.

Ordinance 07-10 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Ordinance 07-04 Authorizing the City of Bloomington, Indiana to Issue Its "Economic Development Revenue Bonds, Series 2007 (Jill's House, Inc. Project)" and Approving Other Actions in Respect Thereto

Ordinance 07-04

There were no comments at this point in the meeting.

PUBLIC INPUT

The meeting was adjourned at 9:25 p.m.

ADJOURNMENT

APPROVE:

ATTEST:

Dave Rollo, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

for approval