



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

Notice of Special Committee of the Whole on Wednesday, February 4, 2004
Commencing Immediately after the Regular Session

Legislation and Background Material for First Reading:

App Ord 04-01 To Specially Appropriate from the Parks General Fund and the General Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the Parks General Fund to Construct a Storage Facility and Appropriating a Grant from the General Fund – Police Department for Additional Traffic Enforcement)

- Memo from Susan Clark, Acting Interim Controller; Memo from Mick Renneisen, Director of Parks and Recreation; E-mail from Mike Diekhoff, Captain of Uniformed Division, Police Department

Contact: Susan Clark at 349-3416 or clarks@city.bloomington.in.us

Ord 04-02 To Amend the Bloomington Zoning Maps from CG and RM7 to PUD and to Amend the List of Uses for Parcel C of the Thomson PUD - Re: 405 - 407 West Patterson Drive (Randy Lloyd/McDoel Ventures, Petitioners)

- Certification (9-0); Zoning and Site Maps; Memo from Eric Greulich, Zoning Planner; January 12th Staff Report to the Plan Commission; Letter from Petitioner; Outline Plan; Site Plan; Drawing of Building

Contact: Eric Greulich at 349-3526 or greulice@city.bloomington.in.us

Ord 04-03 To Vacate a Public Parcel - Re: A Portion of West Grimes Lane Between South Rogers Street and South Madison Street, a Portion of the 12' Alley Running Approximately 65 feet South of the above Right-of-Way; and, a Portion of the West Side of Madison Street Between Grimes and Patterson Drive (Randy Lloyd/McDoel Grocery, Petitioner)

- Map of Site and of Vacated Property; Memo from Eric Greulich, Zoning Planner; Application

Contact: Eric Greulich at 349-3526 or greulice@city.bloomington.in.us

Res 04-01 To Designate an Economic Revitalization Area, Approve a Statement of Benefits, and Authorize a Period of Tax Abatement - Re: The Woolery Stone Mill Building Located at 2200 West Tapp Road (Woolery Ventures LLC, Petitioner)

- EDC Res 04-03; Zoning Map; Application Summary; Application; Statement of Benefits; Tax Calculations; Wage and Salary Statements; PUD Materials – Site Plan, Elevations, and Floor Plans; Tapp Road TIF District Map and Estimated TIF Revenues from this Project

Contact: Ron Walker at 349-3435 or walkerr@city.bloomington.in.us

Susan Failey at 349-3553 or faileys@city.bloomington.in.us

Ord 04-05 To Designate an Economic Development Target Area (EDTA) - Re: Woolery Stone Mill Building Located at 2200 West Tapp Road

- EDC Res 03-05; Memo Explaining EDTA's from Susan Failey, Assistant City Attorney; Letter from DNR Confirming Historic Status of Stone Mill (Please see Res 04-01 for Further Information Regarding this Tax Abatement Proposal)

Contact: Ron Walker at 349-3435 or walker@city.bloomington.in.us

Susan Failey at 349-3553 or faileys@city.bloomington.in.us

Ord 04-04 To Amend the Bloomington Zoning Maps from Q to PUD and to Adopt the Preliminary Plan for the Southern Indiana Medical Park II Planned Unit Development - Re: 2401 West Tapp Road (Southern Indiana Medical Park II, LLC, Petitioners)

- Certification (No Action at January 12th Plan Commission Meeting); Site Map; Memo from James Roach, Senior Zoning Planner; Staff Report to the Plan Commission; Environmental Memos to the Plan Commission; Outline Plan Statement; Site Plan; Map of Frontage Road; Petitioner's Letter to the Commission; Hospital's Letter to the Commission; Article Entitled "Hospital Wars" from February, 2004 Issue of Money Magazine

Contact: Contact James Roach at 349-3527 or roachja@city.bloomington.in.us

Minutes from Council Meetings:

Organizational Meeting on January 5, 2004

Memo

Chair of Committee of the Whole Meeting: Gaal

Regular Session and Committee of the Whole on February 4th

There is an appropriation ordinance and four other ordinances ready to be introduced at the Regular Session next Wednesday, but no items ready for final action. This

packet includes the five new items along with one resolution, which constitute all the legislation that will be considered between now and the middle of February. Since next week's Regular Session should be short and the discussion of the Southern Indiana Medical Park II PUD (**Ord 04-04**) promises to be lengthy, the President of the Council has called a Special Committee of the Whole to discuss all but that one item after our Regular Session next week. Scheduling this meeting will allow you to set aside the following Wednesday, February 11th for the discussion of the medical park project. You may, however, want to consider scheduling the tax abatement for the Woolery Stone Mill Building for final action at a Special Session on February 11th if that item does not entail too much discussion. That would help lighten the agenda on February 18th.

February 2nd Regular Session – Final Actions

None

February 2nd Regular Session – First Readings

- App Ord 04-01** Appropriating \$150,000 from Parks General Fund to Construct a Storage Facility and a \$25,000 Traffic Safety Grant from General Fund (Police Department)
- Ord 04-02** Bringing Half Acre of CG and RM7 Land into Parcel C of the Thomson Area PUD and Amending the Preliminary Plan to Allow Residential Units on Second Floor (Randy Lloyd/McDoel Grocery)
- Ord 04-03** Vacating Portions of West Grimes and Adjacent Right-of-Ways for the McDoel Grocery Project
- Ord 04-04** Rezoning 101 Acres of Land at 2401 West Tapp Road from Quarry to PUD and Approving Preliminary Plan for a Mix of Office and Medical Uses (Southern Indiana Medical Park II, LLC, Petitioners)
- Ord 04-05** Designating the Woolery Stone Mill Building as an EDTA (Woolery Ventures, LLC – Randy Cassady – Petitioner)

(To be considered with Res 04-01 – see below)

February 2nd Special Committee of the Whole – Items for Discussion

- App Ord 04-01** Appropriating \$150,000 from Parks General Fund to Construct a Storage Facility and a \$25,000 Traffic Safety Grant from General Fund (Police Department)
- Ord 04-02** Bringing Half Acre of CG and RM7 Land into Parcel C of the Thomson Area PUD and Amending the Preliminary Plan to Allow Residential Units on Second Floor (Randy Lloyd/McDoel Grocery)
- Ord 04-03** Vacating Portions of West Grimes and Adjacent Right-of-Ways for the McDoel Grocery Project
- Res 04-01** Designating an Economic Revitalization Area (ERA), Approving a Statement of Benefits, and Authorizing a 10-Year Tax Abatement - Re: The Woolery Stone Mill Building Located at 2200 West Tapp Road (Woolery Ventures LLC, Petitioner)
- Ord 04-05** Designating the Woolery Stone Mill Building as an EDTA (Woolery Ventures, LLC – Randy Cassady – Petitioner)

Items for Discussion at Committee of the Whole on February 4th

Item 1 - App Ord 04-01 – Appropriating \$150,000 from Parks General Fund to Construct a Storage Facility and \$25,000 from the General Fund (Police Department – Traffic Safety Grant)

App Ord 04-01 appropriates money from the Parks General Fund to construct a storage facility on the department’s South Adams Street site and also appropriates a portion of a state criminal justice grant deposited in the General Fund – Police Department for additional traffic enforcement.

The ordinance appropriates \$150,000 from the Parks General Fund for the purpose of constructing a new storage facility at its operations center on South Adams Street. This money had been appropriated last year, but was returned to the Parks General Fund when an effort to bid the project in December received no responses. The new storage facility will replace existing ones at the South Adams site and the former Ballinger Art Center building in Upper Cascades, which do not provide the space or

level of security needed for the supplies and equipment they hold. The memo from Mick Renneisen also notes that the former Ballinger Art Center building will be removed when the skateboard park is constructed this spring.

The ordinance also appropriates \$25,000 of a year-long, county-wide, \$60,000 traffic safety grant from the Indiana Criminal Justice Institute. This money will be used to enforce drunk driving laws. The grant has been deposited in the General Fund (Police Department) and will be used by the City, Indiana University Police Department, and the Monroe County Sheriff's Department to pay for officers to work overtime patrolling the streets. The first installment of the grant was received earlier this year and will be dispersed to the three agencies in the following manner: \$15,000 will go to the Bloomington Police Department and \$10,000 will be split between the IUPD and the Sheriff's Department. The allocation to the City should provide as many as 570 additional hours of traffic enforcement.

**Rezone and Vacation of Right-of-Way for
Randy Lloyd and the McDoel Grocery**

**Item 2 - Ord 04-02 Bringing Half Acre of CG and RM7 Land
into Parcel C of the Thomson Area PUD and
Amending Preliminary Plan to Allow Residential Units on Second Floor
and**

**Item 3 - Ord 04-03 Vacating a Portion of West Grimes Lane Between South
Rogers Street and South Madison Street and Portions of Adjacent Right-of-
Ways for McDoel Grocery Project**

Two ordinances are coming forward that will allow a piece land on Grimes Lane and the new Patterson Drive to be developed into a small grocery store with 9 apartments on the second floor. The first ordinance, **Ord 04-02**, rezones the parcel and the second, **Ord 04-03**, vacates portions of Grimes Lane and adjacent right-of-ways that are no longer needed because of the construction of Patterson Drive. *These ordinances will be discussed at a Special Committee of the Whole on February 4th and are scheduled for final action on February 18th.*

Item 2 - Ord 04-02 brings about a half acre (.64 acres) of General Commercial (CG) and Medium Density Residential (RM7) land into Parcel C of the Thomson Area PUD and amends the preliminary plan to allow apartments on the second floor of retail uses with densities as high as 15 units per acre.

GPP. The site lies on both sides of Grimes Lane. There is a parking lot on the north side, which is in the Thomson PUD (Parcel C), and vacant land on the south side, which is zoned CG and RM7. Together they now occupy the southeast corner of the new intersection of Patterson Drive and Rogers Street and offer what the staff concludes is a good opportunity for a neighborhood activity center at this transition between the employment center uses at the Thomson Area PUD and the core residential uses complimenting the surrounding McDoel neighborhood. These neighborhood activity centers call for pedestrian-oriented uses and streetscapes, good access to public transit, and apartments on the upper floors of retail uses.

Proposed Uses and Architecture. The petitioner intends to construct a building with a 5,500 s.f. grocery store on the first floor and 9 apartments on the upper floors providing an overall density of 8 units per acre. These units will include 6 – 500 s.f. studio apartments, 2 – 650 s.f. 1-bedroom units, and 1 – 700 s.f. 3-bedroom loft. Given the high level of traffic at this location, the Plan Commission and staff required the petitioner to construct the building as it was depicted in his drawings. Those drawings call for brick, limestone, and glass exteriors surfaces, with some dryvit accent features and awnings along the street.

McDoel Neighborhood Plan. The staff report indicates that the petitioner met with the neighborhood association and that the project complimented the McDoel Neighborhood Plan by removing some parking lots and offering a neighborhood grocery store.

Pedestrian Facilities. The petitioner will replace any sidewalks along Patterson and Rogers that might be damaged during the construction of this project. He will also put an entrance to store along the Rogers Street sidewalk and allow the area under the awning to be used as a bus stop.

Road Right-of-Way and Access. The Plan Commission made this project contingent upon the granting of a vacation of right-of-way (see **Ord 04-03**) and found that the points of access to this project were at a sufficient distance from the intersection of Patterson Drive and Rogers Street.

Parking. This project proposes 37 parking spaces rather than the 47 ordinarily required for a grocery store and 9 apartment units. The staff report indicates that the reduction is close to what the PUD requires (80% of the usual requirements), and supports the reduction due to the likelihood that the peak demand for spaces will be in the day for customers of the store and at night for residents of the apartments.

Development Standards. The staff report indicates that the project must meet the following development standards (which are primarily those of the downtown commercial (CD) zone except as noted below):

- Maximum density – 15 units per acre
- Minimum Lot Area and Width – None
- Maximum Height – 35 feet (rather than 40’ to 80’ for the CD district)
- Minimum Yard Requirements
 - 45 foot building set back from Rogers Street; and
 - 60 foot building and parking set back from Patterson Drive
 - 10 foot parking set back between this project and residential property to the south;(Note: The CD district imposes no minimum street or side yard set backs and imposes a 25-foot rear yard setback only when it abuts a residential property).
- Parking – shall be at 75% of code requirements, which amounts to about 37 parking places (rather than none for the CD District).

Approval and Conditions of Approval. The Plan Commission considered this proposal at one hearing on January 12th and approved it by a 9 – 0 vote with conditions of approval which:

- Redesignated this area as a neighborhood activity center (CoA #8); and

Required the petitioner to:

- Limit the residential use in Parcel C to the upper floors (CoA #1);
- Limit the height of buildings to 35 feet (CoA #6) and construct the project as depicted on the drawing he submitted (CoA #5);
- Use pedestrian scale lighting along paths and sidewalks (CoA #2);
- Stripe cross walks for pedestrians on Patterson Drive (CoA #4);
- Locate and bury utilities in order to preserve trees and landscaping (CoA #7);
- Obtain approval of the vacation of right-of-way from the City (CoA #3); and
- Dedicate 40’ of right-of-way on Rogers Street (CoA #9).

Item 3 - Ord 04-03 Vacating Portions of West Grimes and West Madison Streets and an Alleyway

Ord 04-03 is the second piece of this package of legislation and would vacate portions of West Grimes Lane and adjacent right-of-ways in order to allow this grocery store and apartment building to go forward. It concludes that these right-of-ways are no longer needed for public purposes due to the newly constructed Patterson

Drive and will provide a greater benefit to the community by allowing this project to go forward.

General Procedure Vacation Procedures

Vacations of right-of-ways are governed by specific statutory procedures. Those procedures begin with the petitioner filing an application with the City Clerk. The Clerk must assure that owners of property abutting the right-of-way are notified of the proposed action and must also advertise a hearing where the public can offer its comments and objections against the ordinance to the Council (February 18th). According to statute the grounds for remonstrance are limited to questions of access and the orderly development of the area.

In Bloomington, we begin with a pre-petition application submitted to the Planning Department. Staff reviews the request and notifies all the utility services, emergency 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 the abutting property owners have been notified. Please note that the vacation of a right-of-way or easement extinguishes the City's interest in the property and has the effect of splitting the right-of-way between the adjacent owners.

Applying Local Criteria for the Granting of this Vacation of Right-of-Way

The following is a brief summary of the application of our local criteria to this request for a vacation of right-of-way (based upon Eric Greulich's report):

Description of Vacated Property. This ordinance would vacate a portion of:

- West Grimes Lane running from Rogers Street to Madison Street, which is about 33 feet wide and approximately 250 feet long and preserves 40 feet from the centerline of Rogers and 25 feet from the centerline of Madison;
- the west side of South Madison Street from Grimes to Patterson Drive; and
- A 12-foot alley running approximately 65 feet south of the above described portion of West Grimes Street.

Please note that there is a legal description of these right-of-ways set forth in the ordinance and a map that is attached to it. Please also note that these right-of-ways

do not include portions of Patterson Drive which the petitioner also wanted to be vacated. Rather than vacating portions of the new right-of-way, the Board of Public Works said that it was willing to consider requests for non-structural encroachments if the petitioner wished to propose them in the future.

Current Status - Access to Property. The staff report suggests that the construction of Patterson Drive replaced West Grimes and made it unnecessary as a public street. All the affected parcels of land can be reached directly from either South Rogers or South Madison.

Necessity for Growth

Future Status – All of the utilities have been contacted and have no problem with the vacation of right-of-way with the understanding that the petitioner will bear the costs for any that must be relocated.

Private Utilization – (see **Ord 04-02** above for an explanation of the McDoel Grocery project)

Compliance with regulations – (see **Ord 04-02** above for the project’s compliance with city regulations)

Relation to City Plans – (see **Ord 04-02** above for its conformance with the Growth Policies Plan)

Approvals and Recommendation

The staff report found that these right-of-ways are not needed for public access and that the City will benefit more from the McDoel Grocery project than from the continued use of these parcels as public right-of-ways.

**Tax Abatement for the Renovation of
Woolery Stone Mill at 2200 West Tapp Road**

Item 4 - Initial Resolution (Res 04-01**)**

**Designating an Economic Revitalization Area (ERA), Approving a Statement of Benefits, and Authorizing a 10-Year Tax Abatement
and**

Item 5 - Ordinance (Ord 04-05**)**

Designating an Economic Development Target Area Designations (EDTA)

The next two items of legislation offer two of the three pieces of legislation necessary to grant a tax abatement for the renovation and conversion of the Woolery Stone Mill

into a hotel, condominium, restaurant/brew pub, and climbing gym facility. *Please note that they will be discussed at a Special Committee of the Whole on February 4th and are scheduled for final action on either Wednesday, February 11th or 18th.*

Three Pieces of Legislation Required Over Two Cycles of the Council

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

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

And, the third piece of legislation needed for these abatements is another resolution confirming the first one. *It is scheduled for action on March 3rd.*

Woolery Ventures, LLC (Randy Cassady) Renovation of Old Stone Mill

The petitioner, Woolery Ventures, LLC, wishes to invest \$6 million to renovate the 76,000 s.f. historic Woolery Stone Mill in accordance with Secretary of Interior standards. When remodeled, the stone mill will house 42 condominiums (with a mix of 2 and 3 bedroom units), a 55-room hotel and conference center, climbing facility, a restaurant/brew pub, and 99 interior parking spaces. These uses were approved when the Council adopted Ord 02-01, which amended the preliminary plan for Parcel A of the Woolery PUD and included other site improvements that are not part of this abatement (Excerpts from PUD materials are included in the packet). One of those other improvements involved the renovation of an office building, which has received a tax abatement through the county. Since that time the petitioner has agreed to be annexed into the City and become part of the Tapp Road TIF.

Item 4 - Resolution Designating the ERA, Approving the Statement of Benefits & Authorizing a 10-Year Abatement

As mentioned above, **Res 04-01** makes three statutory determinations regarding the apartment project proposed by Woolery Ventures, LLC for the Woolery Stone Mill at 2200 West Tapp Road. First, it designates the property as an Economic Revitalization Area, which entails a finding that the property is not susceptible to normal growth and development. This designation is required for all tax abatements. In this case, the application and summary offer the following in support of this designation:

- the mill was abandoned in 1994, and
- the site was quarried, filled with rubble, and in need of remediation.

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

Those benefits include:

- “renovation of an abandoned limestone mill into a mixed use facility rehabilitated to the historic standards of the Secretary of Interior”;
- investing \$6 million in the property and increasing the assessed valuation of the building from \$244,430 to \$4.444 million; and
- adding 45 new jobs with a total payroll of \$762,000 and providing 100 temporary construction jobs to renovate the building (please see the breakdown of hourly wages in packet).

Third, the resolution proposes the maximum ten-year period of tax abatement. Please note that statute provides a 1 to 10 year period of abatement, and the local guidelines offer presumptive periods of abatements for projects depending upon their type and location, and then include factors for increasing or decreasing that period.

Those guidelines do not recommend any tax abatement for the uses proposed for this project. In particular, hotels, retail facilities, and market-rate, condominium housing are given a presumptive 0-year period of abatement for areas outside of the downtown. (See map and excerpts of guidelines). A review of the factors for adjusting that period indicates that there may be two factors for increasing the period of abatement. The two factors for increasing the period of abatement are the plan to renovate the historic mill in accordance with the Secretary of Interior’s standards and the prospect this project will provide well-compensated, permanent jobs to residents of the City. Please note that the petitioner mentioned to the EDC that he sought this tax abatement, in part, because he agreed to be annexed by the

City and wishes to lower some of the additional project costs incurred by the annexation.

Tax Calculations Ron Walker, Director of Economic Development, has provided estimates of the tax consequences of granting this abatement. Those calculations indicate that the property owner would pay approximately \$548,642 and would forego approximately \$537,778 over the ten-year abatement.

Parcel in Tapp Road TIF District – Need for Redevelopment Commission Approval of Tax Abatement The Redevelopment Commission is required by statute (I.C. 6 -1.1-12.1-2(L)) to approve tax abatements for properties within a Tax Increment Finance (TIF) district and is scheduled to consider this proposal at its February 2nd meeting. This property is located within the Tapp Road TIF district and the Commission will consider this project at its February 2nd meeting. The Controller’s Office estimates that this project will generate approximately \$1.213 million in TIF revenues through the year 2018 after accounting for the abatement (Please see TIF Revenue Calculations).

Item 5 - Ordinance Establishing EDTA for the Woolery Stone Mill Building Located at 2200 West Tapp Road

Ord 04-05 designates the Woolery Stone Mill building located at 2200 West Tapp Road as an Economic Development Target Area (EDTA). The EDTA is a statutory designation that can only be applied to 15 % of the City’s jurisdiction and allows tax abatements for uses that would not otherwise be eligible for them. In this case the designation would allow a retail use to receive a tax abatement as well as a residential use without requiring that at least 20% of the units be set aside for affordable housing.

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 stone mill would qualify for this designation because it has been listed on the National Register of Historic Places (Please see Letter from the State Historic Preservation Officer).

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

**Item for Discussion at Committee of the Whole on Wednesday,
February 11th**

**Ord 04-04 Rezoning 101 Acres of Land on Tapp Road from Quarry to PUD and
Adopting a Preliminary Plan that Allows a Mix of Office, Commercial,
Industrial, and Medical Uses (Including “Inpatient Care Facilities”) and
Preserves Approximately 64 Acres of Land
(Southern Indiana Medical Park II, LLC, Petitioner)**

Ord 04-04 returns a new proposal for Southern Indiana Medical Park II to the Council after the previous one was denied in December. The petitioner - Southern Indiana Medical Park II (Dr. Kamal Tiwari) - had met with Councilmember Rollo and staff, and requested that the last proposal be denied in order for him to refile another more acceptable proposal with the Plan Commission to consider in January.

Highlights of this Memo. Given your familiarity with the previous proposal (it appeared in the November 25, 2003 packet), this memo will focus on:

- the main differences between the old and new proposal;
- new issues that arose at the Plan Commission; and
- the lack of a recommendation and its effect on the proposal and Council action.

New Proposal. The main difference between the old and new proposal concerns the approximately 64 acres of environmentally sensitive land south of the creek known as Phase 2. Under the previous proposal the petitioner would have been allowed to develop portions of that parcel and was also obligated to construct a frontage road to the southern property line. Now the petitioner would preserve those acres from further development and dedicate the right-of-way for the road. The City then would be responsible for building it. Please note that the petition has yet to find an entity to accept and preserve this land.

New Land Use Issue – Inpatient/Outpatient Care. While the other aspects of the proposal remain largely unchanged, a new issue surfaced regarding one of the proposed land uses. Bloomington Hospital requested that “Inpatient and Outpatient Care Facilities” be struck from the list of uses and that “Hospitals” and “Ambulatory Surgical Centers” be specifically prohibited from locating at this site. The hospital argued that its collaboration with the medical community has led to adequate capacity, excellent quality, and ready access to health care in the community. It also argued that allowing inpatient and outpatient care here would

jeopardize the hospital's non-profit mission and its ability to provide ambulance service and indigent care. (please see letter from the hospital in the packet)

The petitioner's attorney responded to the hospital's assertions in a letter to the Plan Commission (please see letter in packet). It says, in part, that the complex will allow medical practices to expand and will draw patients from outside the community. It also points out that the petitioner provides services to medicare and Medicaid clients as well.

Staff noted that hospitals are allowed in Medical (M) and Business Park (BP) zones and that outpatient care facilities exist next door at Southern Indiana Medical Park. While staff found that inpatient and outpatient facilities have effects on surrounding areas that are no different than clinics and offices, they also acknowledged that there may be some merit to the hospital's arguments. In other words, if a new inpatient surgery center cuts into the hospital's future revenues and services, then the project might threaten the orderly growth and development of the community and the efficient provision of health care to the general public. (Please see article from the February, 2004 issue of "Money Magazine" provided by Councilmember Banach entitled "Hospital Wars")

County Zoning. Some people have asked whether hospitals and outpatient facilities are allowed by right in the County. Bob Cowell, Director of the County Planning Department, told me today that "hospitals" are a permitted use in General Business zones and that "medical clinics" (comparable to "outpatient care facilities") are a permitted use in Limited Business and General Business zones. He noted two nearby properties in the county that are zoned General Business and large enough for this project. They include land on the west side of Fullerton Pike and SR 37 and at the former Grandview School.

Plan Commission Action – No Recommendation. The Plan Commission heard comments and deliberated on this petition for about four hours on January 12th. By the end of the evening, eight commissioners remained and entertained three motions which all failed for lack of a majority. The motions and votes were as follows:

Motion to Continue	Vote: 5 - 3
Motion to Adopt Hospital's Position	Vote: 4 - 4
Motion to Limit Inpatient to 20 Beds	Vote: 4 - 4

Effect of No Recommendation on Proposal: There are two important consequences that flow from the failure of the Plan Commission to reach a majority decision on this proposal. First, the proposal will die 90 days after we received the certification (January 26th) in the event the Council is unable to reach a majority decision of its own by that time. Second, the proposal you consider only includes what the petitioner has agreed to and does not include any conditions that may have been imposed by the Plan Commission. My conversations with Plan staff suggest that two important and one minor clarification or condition may have been lost as a result of the lack of a recommendation. They include:

- a commitment by the petitioner to work with the neighbor (Duncan Campbell) and the City to construct and pay for a bridge over the creek on the neighbor's property;
- a definition of "inpatient care facility" that would prevent a full-scale hospital at this location in the future. Staff proposed the following language:
 - "An establishment providing specialized medical services allowing patient stays greater than 24 hours. Such establishment shall not contain ambulance services, emergency/trauma facilities, and extended care units, as well as other uses typically associated with hospitals."

And, of lesser importance,

- Clarifications regarding the timing (first final plat) of the dedication of right-of-way for Tapp Road and the amount of temporary right-of-way needed for the construction of the new intersection.

Effect on No Recommendation on Council Action. Some council members have asked whether the petitioner may change the proposal at this stage of the process. I.C. 36-7-4-608 provides for the Council to adopt or reject proposals that come forward from the Plan Commission without a recommendation. Further research will be necessary in order to determine whether the petitioner may impose additional, binding commitments upon a proposal at this point in the process without the Council being construed as amending it.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
REGULAR SESSION AND COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, FEBRUARY 4, 2004
COUNCIL CHAMBERS IN THE SHOWERS BUILDING, 401 N. MORTON**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: Organizational Meeting January 5, 2004

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 04-01 To Specially Appropriate from the Parks General Fund and the General Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the Parks General Fund to Construct a Storage Facility and Appropriating a Grant from the General Fund – Police Department for Additional Traffic Enforcement)
2. Ordinance 04-02 To Amend the Bloomington Zoning Maps from CG and RM7 to PUD and to Amend the List of Uses for Parcel C of the Thomson PUD – Re: 405-407 W Patterson Drive (Randy Lloyd/McDoel Ventures, Petitioners)
3. Ordinance 04-03 To Vacate a Public Parcel – Re: A Portion of West Grimes Lane Between South Rogers Street and South Madison Street, a Portion of the 12' Alley Running Approximately 65 feet South of the above Right-of-Way; and, a Portion of the West Side of Madison Street Between Grimes and Patterson Drive (Randy Lloyd/McDoel Grocery, Petitioner)
4. Ordinance 04-04 To Amend The Bloomington Zoning Maps from Q to PUD and to Adopt The Preliminary Plan for the Southern Indiana Medical Park II Planned Unit Development – Re: 2401 West Tapp Road (Southern Indiana Medical Park II, LLC, Petitioners)
5. Ordinance 04-05 To Designate an Economic Development Target Area (EDTA) – Re: Woolery Stone Mill Building Located at 2200 West Tapp Road

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. ADJOURN (and immediately reconvene for the following meeting)

(over)

COMMITTEE OF THE WHOLE

Chair: Chris Gaal

1. Appropriation Ordinance 04-01 To Specially Appropriate from the Parks General Fund and the General Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the Parks General Fund to Construct a Storage Facility and Appropriating a Grant from the General Fund – Police Department for Additional Traffic Enforcement)

Asked to Attend: Susan Clark, Interim Controller

2. Ordinance 04-02 To Amend the Bloomington Zoning Maps from CG and RM7 to PUD and to Amend the List of Uses for Parcel C of the Thomson PUD – Re: 405-407 W Patterson Drive (Randy Lloyd/McDoel Ventures, Petitioners)

Asked to Attend: Tom Micuda, Director, Planning Department
Eric Greulich, Zoning Planner, Planning Department
Representative of Petitioner

3. Ordinance 04-03 To Vacate a Public Parcel – Re: A Portion of West Grimes Lane Between South Rogers Street and South Madison Street, a Portion of the 12' Alley Running Approximately 65 feet South of the above Right-of-Way; and, a Portion of the West Side of Madison Street Between Grimes and Patterson Drive (Randy Lloyd/McDoel Grocery, Petitioner)

Asked to Attend: Tom Micuda, Director, Planning Department
Eric Greulich, Zoning Planner, Planning Department
Representative of Petitioner

4. Resolution 04-01 To Designate an Economic Revitalization Area, Approve a Statement of Benefits, and Authorize a Period of Tax Abatement – Re: The Woolery Stone Mill Building Located at 2200 West Tapp Road (Woolery Ventures LLC, Petitioner)

Asked to Attend: Ron Walker, Director of Economic Development
Representative of Petitioner

5. Ordinance 04-05 To Designate an Economic Development Target Area (EDTA) – Re: Woolery Stone Mill Building Located at 2200 West Tapp Road

Asked to Attend: Ron Walker, Director of Economic Development

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
e-mail: council@city.bloomington.in.us

To: Council Members
From: Council Office
Re: Calendar for the Week of
February 2, 2004 – February 6, 2004
Date: January 30, 2004

Monday, February 2, 2004

5:00 pm Redevelopment Commission, McCloskey
5:30 pm Bicycle and Pedestrian Safety Commission – Work Session, Hooker Room
6:00 pm Town Hall Meeting – Congressional Representative Baron Hill, Council Chambers

Tuesday, February 3, 2004

1:30 pm Development Review Committee, McCloskey
5:30 pm Public Transportation Corporation Board, Transit – 130 West Grimes Lane

Wednesday, February 4, 2004

12:00 pm Bloomington Urban Enterprise Association, McCloskey
7:30 pm Common Council – Regular Session, Chambers
immediately followed by
Common Council – Special Committee of the Whole, Chambers

Thursday, February 5, 2004

5:30 pm Commission on the Status of Women, McCloskey

Friday, February 6, 2004

There are no meetings scheduled for today.



City of Bloomington
Office of the Common Council

MEETING NOTICE

THE COMMON COUNCIL WILL HOLD A
COMMITTEE OF THE WHOLE MEETING
ON FEBRUARY 4, 2004, AT 7:30 P.M.

THE COMMITTEE OF THE WHOLE
MEETING WILL IMMEDIATELY FOLLOW
A PREVIOUSLY SCHEDULED REGULAR
SESSION.

BOTH MEETINGS WILL BE HELD IN THE
COUNCIL CHAMBERS, LOCATED AT 401
NORTH MORTON STREET.

APPROPRIATION ORDINANCE 04-01

TO SPECIALLY APPROPRIATE FROM THE PARKS GENERAL FUND AND THE GENERAL FUND EXPENDITURES NOT OTHERWISE APPROPRIATED

(Appropriating Funds from the Parks General Fund to Construct a Storage Facility and Appropriating a Grant from the General Fund – Police Department for Additional Traffic Enforcement)

WHEREAS, the Parks and Recreation Department desires to construct a storage facility using unspent funds from the department’s 2003 capital budget; and

WHEREAS, the City has been awarded a grant from the Indiana Criminal Justice Institute for the Countywide traffic enforcement to reimburse Monroe County law enforcement agencies for overtime incurred; and

WHEREAS, the City has received the first payment of the Indiana Criminal Justice Institute grant;

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

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

	AMOUNT REQUESTED
Parks General Fund	
Line 54510 – Other Capital Outlays	\$ 150,000
Total Parks General Fund	150,000
General Fund – Police Department	
Line 51130 – Salaries and Wages – Overtime	15,000
Line 53960 – Grants	10,000
Total General Fund	\$ 25,000

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

MICHAEL DIEKHOF, 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 _____, 2004.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance appropriates \$150,000 from the Parks General Fund to construct a storage facility on the department’s South Adams Street site. It also appropriates \$25,000 from the General Fund – Police Department, which is a portion of a traffic safety grant awarded by the Indiana Criminal Justice Institute to local police agencies for additional enforcement of the laws prohibiting driving while under the influence of drugs or alcohol.



**City of Bloomington
Office of the Controller**

Memorandum

To: Council Members
From: Susan Clark, Budget and Research Manager
Date: January 26, 2004
Re: Appropriation Ordinance 04-01

In Appropriation Ordinance 04-01, we are requesting authorization for expenditures in two funds.

- 1.) **Parks General Fund:** The Parks Department included \$150,000 in their 2003 capital budget for a new storage facility at the Operations Center on Adams Street. The money had not been spent by the end of 2003 and we were unable to encumber funds for the project since a bid had not been awarded. Thus, the \$150,000 in cash reverted to the fund at the end of the year. We would like to appropriate the money now so that Parks can proceed with the project.

- 2.) **General Fund – Police Department:** The Police Department has received another grant from the Indiana Criminal Justice Institute and is seeking authorization to spend those funds. The amount received on January 13th is \$25,000. The BPD has requested that we allocate \$15,000 to line 51130 – Salaries and Wages – Overtime, and allocate \$10,000 to line 53960 – Grants to pass through to the Monroe County Sheriff's Department and Indiana University Police Department.



**City of Bloomington
Parks & Recreation**

MEMORANDUM

349-3700

Fax 349-3705

TO: Susan Clark
Budget and Research Manager

FROM: Mick Renneisen
Administrator

DATE: January 21, 2004

SUBJ: PARKS APPROPRIATION ORDINANCE FOR A STORAGE FACILITY

The Parks and Recreation Department received a general fund capital appropriation of \$150,000 in FY 2003 for the construction of a storage facility for equipment and supplies. Our existing storage facilities, located at the Operations Center at Adams Street and the old Ballinger Art Center building at Upper Cascades Park, are no longer sufficient for our storage needs. The existing storage facility at Upper Cascades Park is inadequate with regard to size and security, and will be removed as part of the redevelopment of Upper Cascades Park as a skate park and adolescent recreation area to be completed in late spring. In addition, the existing Operations Center storage facility does not provide sufficient space and security for our equipment storage needs.

The project was bid in mid December of 2003. Unfortunately, there were no responses and no bids were received. There was insufficient time left in the fiscal year to meet the legal notice requirements for a re-bid on the project.

The Parks and Recreation Department requests a re-allocation of the \$150,000 so that the project may be re-bid and a new storage facility constructed at the Operations Center on south Adams Street.

Please contact me if you have additional questions.

Subject: [Fwd: appropriation]

Date: Mon, 26 Jan 2004 13:32:48 -0500

From: Susan Clark <clarks@city.bloomington.in.us>

Organization: City of Bloomington

To: Dan Sherman <shermamd@city.bloomington.in.us>,
Rachel Atz <atzr@city.bloomington.in.us>

Subject: appropriation

Date: Thu, 22 Jan 2004 16:42:10 -0500

From: Mike Diekhoff <diekhofm@city.bloomington.in.us>

Organization: City of Bloomington

To: Susan Clark <clarks@city.bloomington.in.us>

Susan,

We have received \$25,000.00 from the Indiana Criminal Justice Institute for traffic enforcement. Could you see that \$10,000. is appropriated to the grants line item and the remaining \$15,000. is appropriated to the overtime line item.

Thanks,

Mike

Susan Clark <clarks@city.bloomington.in.us>

Interim Controller
City of Bloomington

ORDINANCE 04-02

**TO AMEND THE BLOOMINGTON ZONING MAPS FROM CG AND RM7 TO PUD AND TO
AMEND THE LIST OF USES FOR PARCEL C OF THE THOMSON PUD
Re: 405-407 W Patterson Drive (Randy Lloyd/McDoel Ventures, Petitioners)**

WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning", including the incorporated zoning maps, and Title 21, entitled "Land Use and Development;" and

WHEREAS, the Plan Commission has considered this case, PUD-43-03, and recommended that the petitioner, Randy Lloyd, be granted a rezone of the two properties located at 405-407 W. Patterson Drive from General Commercial (CG) and Multi-Family Residential (RM7) to Planned Unit Development (PUD) and also an amendment to the list of approved uses for this section of Parcel C of the Thomson Planned Unit Development (PUD). The Plan Commission thereby requests that the Common Council consider this petition;

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 IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the property at 405-407 West Patterson Drive be rezoned from General Commercial (CG) and Multi-Family Residential (RM7) to Planned Unit Development (PUD) and the preliminary plan be approved and the list of permitted uses be amended. The property is further described as follows:

Lot number 14 and Lot number 27 in Dodds Addition as recorded in Plat Cabinet B Envelope 21, Recorders Office, Monroe County Indiana, the alley that lies between lots 14 and 27 and the Grimes Street R/W that lies north of lots 14, 27 and the alley, containing 0.64 acre, more or less.

SECTION II. The Preliminary Plan shall be attached hereto and made a part thereof.

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

MICHAEL DIEKHOF, 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 _____, 2004.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

MARK KRUZAN, Mayor
City of Bloomington

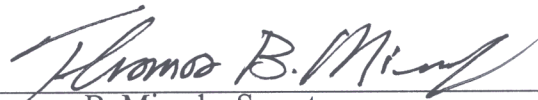
SYNOPSIS

This ordinance brings approximately 0.64 acres of General Commercial and Multi-Family Residential land at 405 – 407 West Patterson Drive into the Thomson Planned Unit Development. The ordinance also amends the list of permitted uses for this portion of Parcel C of the PUD and approves a preliminary plan for the proposed McDoel Grocery store at this location.

****ORDINANCE CERTIFICATION****


In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 04-02 is a true and complete copy of Plan Commission Case Number PUD-43-03 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstention by the Bloomington City Plan Commission at a public hearing held on January 12, 2004.

Date: January 21, 2004



Thomas B. Micuda, Secretary
Plan Commission

Received by the Common Council Office this 26th day of JAN., 2004.


 Regina Moore, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforseen Need _____	Other _____

Funds Affected by Request:

Fund(s) Affected _____	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

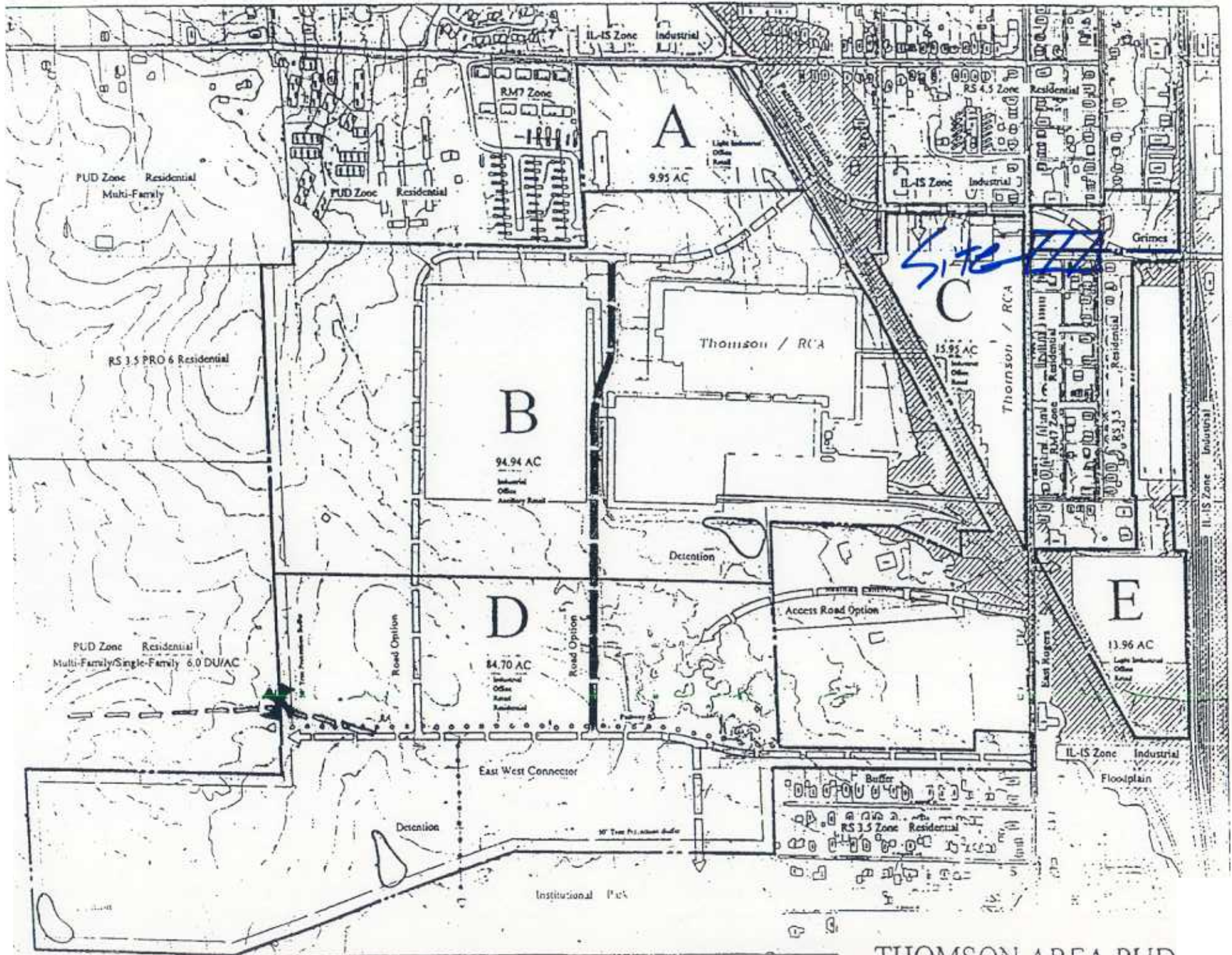
Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

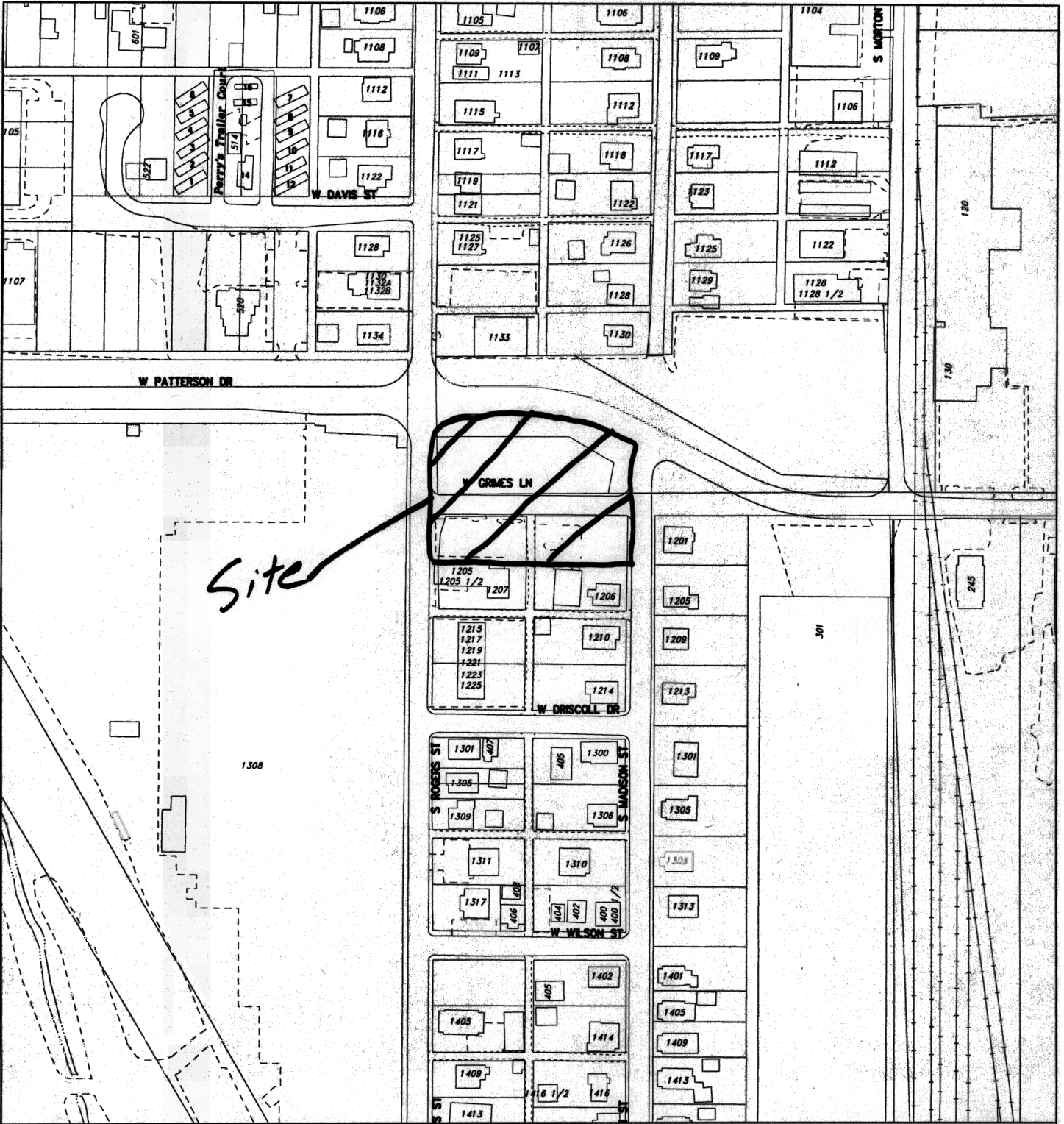
Yes _____ No _____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

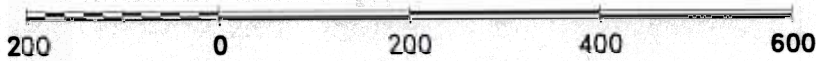
If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)



THOMSON AREA PUD

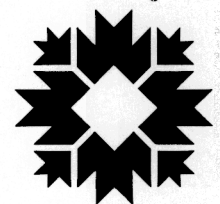


By: greulice
26 Jan 04



For reference only; map information NOT warranted.

City of Bloomington
Planning



Scale: 1" = 200'



Interdepartmental Memo

To: Members of the Common Council
From: Eric Greulich, Zoning Planner
Subject: Case # PUD-43-03
Date: February 4, 2004

Attached are the staff reports, petitioner's statements, and map exhibits which pertain to Plan Commission Case # PUD-43-03. The Plan Commission voted 9-0 to send this petition to the Common Council with a favorable recommendation.

REQUEST: The petitioner is requesting to rezone 0.64 acres from General Commercial (CG) and Multi-Family Residential (RM7) to include this area in the Thomson Area Planned Unit Development (PUD). Also requested is an amendment to the Thomson Area PUD to add "multi-family second floor and above" to the list of approved uses for a portion of Parcel C.

SITE INFORMATION:

Lot Area: 1.14 acres (including vacated right-of-way)
Current Zoning: General Commercial (CG), Multi-Family Residential (RM7), Thomson Planned Unit Development (PUD)
GPP Designation: Employment Center, Core Residential
Existing Land Use: Vacant lot
Proposed Land Use: Mixed Use (retail and residential)
Surrounding Uses: North - Industrial/Single & Multi-Family Residences
South and East - Single & Multi-Family Residences
West - Thomson PUD

REPORT: The petitioners are proposing to construct a two story mixed-use building at the southeast corner of W Patterson Drive and S Rogers Street. The building would house a neighborhood grocery with approximately 9 residential units located on the second floor. This site includes three properties and is bisected by a right-of-way for W Grimes Lane.

The majority of the site is vacant with some existing parking. The section of right-of-way on the property is no longer heavily utilized due to the extension of W Patterson Dr. The petitioner has requested that this portion of W Grimes be vacated. This vacation has been anticipated and was envisioned at the time W Patterson was extended. The portion of the site north of the W Grimes right-of-way is currently within Parcel C of the Thomson Area PUD, while the portion south of the right-of-way is zoned Multi-family residential (RM7) and General Commercial (CG).

The site is adjacent to the vacant property formerly home to the Thomson Consumer Electronics factory and the subsequent Thomson Area PUD, now known as the Indiana Enterprise Center (IEC). The Thomson Area PUD was developed in 1998 to help guide the successful reuse of this large piece of vacant property.

The petitioners are proposing that the two properties located south of W Grimes Lane be rezoned to Planned Unit Development and incorporated into Parcel C. The petitioners have also requested that the list of approved uses for this site be amended to include residential units on the second floor and above (a maximum of 15 units per acre). Although the residential portion of the proposal is not currently permitted within the Thomson PUD, "retail sales in enclosed buildings" is listed as an approved use. This approval would allow a two-story mixed use building to be constructed at this corner. The upstairs would be a mixture of up to 9 apartments or offices and the ground floor would be a 5,500 square foot neighborhood-serving grocery store and café.

PRELIMINARY PLAN ISSUES:

Growth Policies Plan: The 2002 Growth Policies Plan identifies two land use categories on this property, Employment Center and Core Residential. The Employment Center designation was given to the portion of the property already incorporated into the Thomson Area PUD, while the Core Residential land use was designated south of W Grimes Lane due to the established block of residential homes along Rogers Street. In the Core Residential districts, the GPP states that "neighborhood-serving commercial uses may be most appropriate at the edge of Core Residential areas that front arterial street locations." This location is at the northern most end of the Core Residential district and faces two secondary arterial roads. This area is also unique in that it is on the border of a very large property that is slated to be developed as an employment center and office park while at the same time bordered on the north, east, and south by residential homes. The petitioner's proposal would provide a transition between these uses while providing local services to both. This development would be serving the role of a Neighborhood Activity Center (NAC) by providing service to the surrounding homes and Thomson PUD area. The GPP describes a Neighborhood Activity Center as small scale oriented to serve the immediate neighborhood and that residential uses should be limited to multi-family development, ideally on floors above street level commercial uses. The proposed land uses, site design, and urban services meet the intent of the NAC policy. The GPP acknowledges that "...more NAC's could be designated in the future." The site's characteristics meet the criteria detailed for NAC's and therefore could be considered as a desirable location for a new NAC. These characteristics include a bus stop, building forward design, parking on the side and rear with alley access, an appropriate combination of retail and residential uses, and strategic landscaping. The petitioner's proposal has incorporated all of these concepts. Therefore, staff recommends an amendment to change the GPP land use designation of this property to Neighborhood Activity Center.

ROW Issues: Part of the Grimes Lane right-of-way would need to be vacated to allow the construction of the building and parking lot. This street is currently serving as a one-way road which is a remnant created from the Patterson Drive/Grimes Lane extension that occurred in 2001. The Board of Public Works voted to endorse this right-of-way vacation request with three conditions.

Access: This site would have primary two-way access from S Madison Street and S Rogers Street, as well as secondary access from an alley to the south. This site is located along two secondary arterial roads and no traffic would be directed through the surrounding neighborhood. The entrance off of S Rogers Street would be approximately 30' south of the existing Grimes Lane access point. This new entrance would be more than 150' south of the Patterson Drive intersection and would meet the City's standards for driveway distances from an intersection.

Residential Use: The upper floor of the building will contain up to 9 residential units. These would be a mix of six 500 square foot studio apartments, two 650 square foot 1-bedroom units, and one 700 square foot 3-bedroom loft. The overall density at this site would be 8 units/acre, which is the maximum allowed density based on the 1.14 acre lot size and the 7 units/acre zoning restriction.

Pedestrian Facilities: A new 5' concrete sidewalk and street trees were installed along Patterson Drive in 2001 which are in good condition. The petitioner would be responsible for replacing any portions of the sidewalk that are damaged during construction. A portion of sidewalk would need to be installed along Rogers Street where the existing Grimes Lane road will be removed. A pedestrian entrance will be placed at the corner of Patterson and Rogers to accommodate pedestrian traffic. The petitioner has also committed to placing a bus shelter under the awning of the building to provide shelter for Bloomington Transit users.

Architecture: Parcel C of the Thomson PUD contains no architectural requirements. The petitioner has submitted proposed architecture at staff's request since this location is along two major thoroughfares and will be a key corner location. The submitted architectural material is mainly a mix of brick, with limestone or dryvit accent features as well as glass. An awning will also be utilized around the sides of the building facing the streets.

Parking: The petitioner is proposing 37 parking spaces, including two that are handicap accessible. The grocery store and café would need 36 parking spaces and the apartments would require 11 parking spaces. The Thomson PUD supports parking up to 80% of code requirements. The petitioner is proposing to provide parking up to 75% of code requirements, a further 5% reduction from the Thomson PUD standards. Previous projects involving mixed-use types of development have repeatedly shown that a reduction in parking is appropriate since the peak times of use differ between retail and residential needs. In addition, the GPP notes that the number of parking spaces at NAC's should be centered on providing for the residences and not necessarily for the retail use.

Neighborhood Issues: The site is bordered on the north and south by the McDoel Gardens neighborhood. The petitioner did hold a public meeting with the neighborhood association. The proposal does not interfere with the McDoel Gardens neighborhood plan; in contrast, it offers an ideal opportunity to implement several of the strategies of this plan by addressing some of the weaknesses the neighborhood has identified, such as a lack of local retail services and the abundance of vacant lots.

Development Standards: Development on this property shall meet the Downtown Commercial (CD) design standards except as noted below:

- Maximum building height shall be 35'
- Parking setback on the south property lines abutting residentially zoned land shall be 10'
- Building setback from the centerline of Rogers Street shall be 45'
- Parking shall be provided at 75% of code requirements
- Building and parking setback from Patterson Drive shall be 60'

CONCLUSION: One of the overall goals of the Thomson PUD was to adopt a PUD area that includes a balanced mix of office and retail uses that reduces the amount of vehicular traffic. Staff finds that the mixed use of a neighborhood serving grocery/café and residential apartments meets several goals outlined in the GPP. This use will serve as a good transition between industrial/office services and single family uses; it will provide housing for such non-residential uses in close proximity, thus reducing vehicular trips; it will provide neighborhood services; and it will utilize several desirable design standards. The high level of architectural quality and detail will help to ensure that the project is an asset to the community.

RECOMMENDATION: The Plan Commission voted 9-0 to send this petition to the Common Council with a favorable recommendation with the following conditions:

1. The addition of multi-family residences as an approved use on this portion of Parcel C will be restricted to the upper floors only.
2. Pedestrian scaled lighting should be used along all walking paths and sidewalks.
3. This approval is contingent upon vacation of the right-of-way by the Board of Public Works and Common Council.
4. Pedestrian striping shall be placed across W Patterson Drive.
5. Architecture must be consistent with submitted elevations and renderings
6. Building height for this site is restricted to 35'.
7. Utilities shall be placed underground and located so as to minimize potential conflicts with trees and other landscape features.
8. With this petition, the recommended land use designation of this property is changed from Core Residential/Employment to Neighborhood Activity Center.
9. With the vacation of the Grimes Street right-of-way, 40' of right-of-way is required to be dedicated on Rogers Street.



December 15, 2003

Stephen L. Smith P.E., L.S.
Daniel Neubecker L.A.
Steven A. Brehob, B.S.Cn.T.

Bloomington Plan Commission
C/o Pat Shay
Senior Zoning Planner
Bloomington Planning Department
401 North Morton Street
Bloomington, In 47407

Re; Thomson Area PUD
Amendment and Expansion

Dear Pat and Plan Commissioners,

The owners of the Indiana Enterprise Center (IEC) are proposing to develop a neighborhood grocery at the southeast corner of Patterson Drive and South Rogers Street. The building will be two stories and accommodate apartments or offices in the upper floor. This plan has been in process for some time and promises to be a quality start of development in this intersection. An amendment to the PUD that includes expanding the area and adds multifamily use is required to accommodate the project.

We are petitioning to add two lots on the south side of old Grimes lane to the PUD and to include multifamily land use on the land in the PUD on the southeast corner of Rogers and Patterson.

The following items are being submitted with this application:

- Outline Plan Drawing/Site Plan
- Property Description of Expansion Area
- Illustrative Architectural renderings
- Outline Plan Statement
- Application form and fee

A neighborhood meeting was held with the McDoel Neighborhood Association.

We understand that final plan approvals for the Thomson Area PUD are reviewed at the staff level and want to request that final plan approvals for this expanded and revised PUD also be reviewed at the staff level.



A separate application has been made for vacation of street right of way that allows these parcels to be assembled for development. Proof of notification to adjacent owners will be provided prior to the hearing. Since this is a minor revision to the Thomson Area PUD, we ask that the Plan Commission consider our request in a single hearing and waive the second hearing.

Sincerely,

Stephen Smith
Smith Neubecker and Associates

Cc; Randy Lloyd
File 3121 M-2

encl

Thomson Area PUD
Outline Plan Amendment
December 15, 2003

Expansion of PUD Area

The land area in Parcel C of the PUD shall be expanded to include two lots on the south side of Grimes Street and the vacated Grimes Street right of way. The expansion area is described as follows:

Lot number 14 and Lot number 27 in Dodds Addition as recorded in Plat Cabinet B Envelope 21, Records Office, Monroe County Indiana, the alley that lies between lots 14 and 27 and the Grimes Street R/W that lies north of lots 14, 27 and the alley, containing 0.64 acre, more or less.

Land Use

Multifamily land use is added to the list of allowable uses for that portion of Parcel C that lies east of Rogers Street and South of Patterson. The existing Thomson Area PUD allows multifamily in Parcel E.

Clarification is made that the grocery/market and café are allowed land uses in Parcel C under the existing PUD.

Illustrative Site Plan and Architecture

A small grocery/market and café with multifamily or offices above is proposed on parcel C on the southeast corner of Patterson Drive and Rogers Street. The Outline Plan Drawing illustrates the parking, drives and building layout for this proposal. Illustrative building elevations are also included with this application. These plans are intended to be illustrative for outline plan approval with final development plans to be submitted and reviewed by the Plan Staff. Specific elements of the Outline Plan include;

- The building shall be placed at the intersection with pedestrian orientation to the street and with parking and drives placed to the south and east.
- Driveways shall access Rogers Street and South Madison Street only.
- The building shall be two stories.
- The illustrative building elevations indicate the style and quality of the building. The building will be predominately brick with limestone or dryvit features.

Development Standards

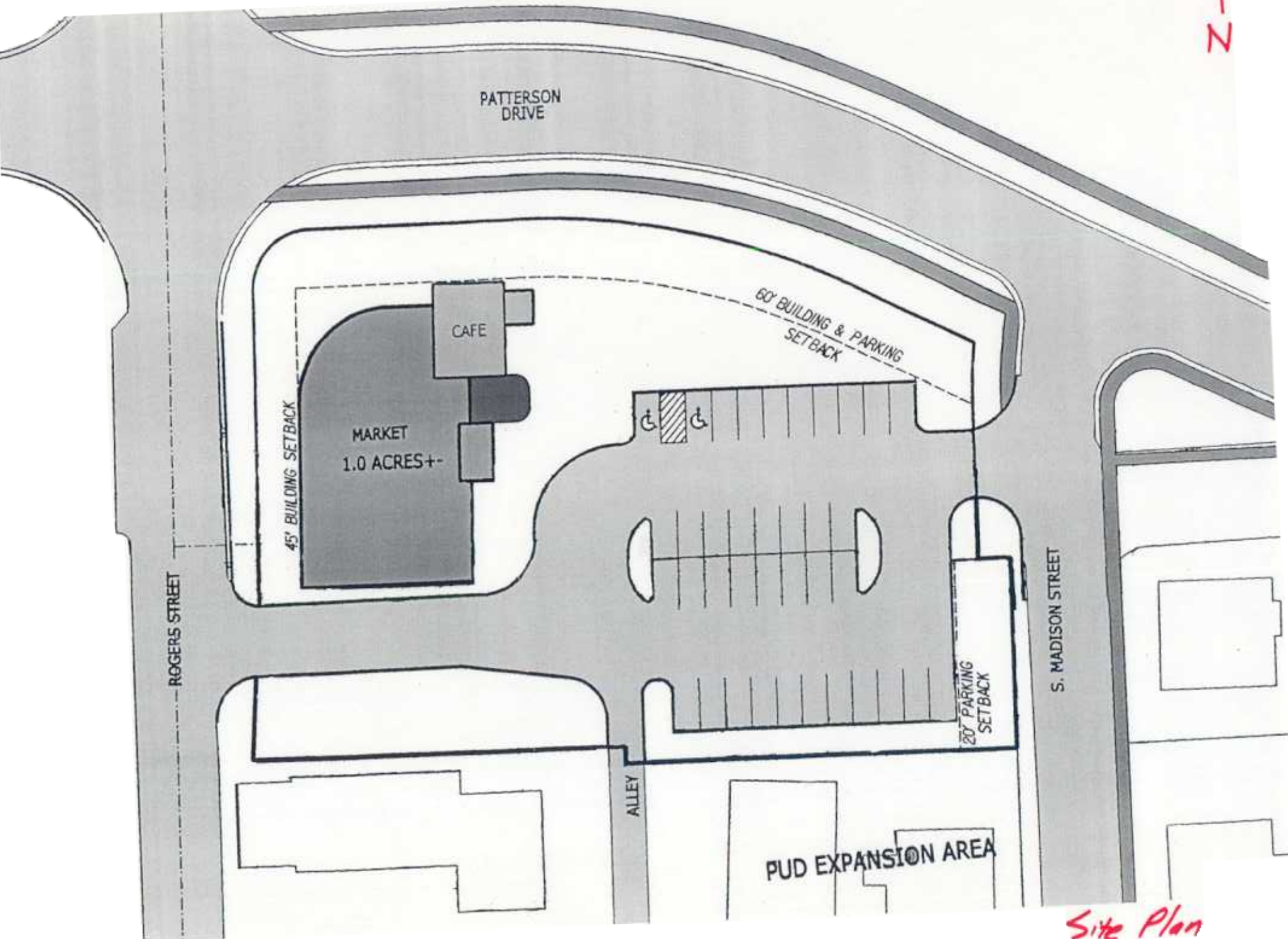
The intersection of Paterson Drive and South Rogers Street becomes a small neighborhood center/village with the proposed grocery/market. Additional light retail may compliment the market on the southwest portion of the intersection. Multifamily or office is proposed above the market. Development standards of the CD zone are proposed to achieve the downtown feel in this area.

Development on Parcel C east of Rogers Street and south of Patterson Drive shall meet the CD zone development standards except as noted here;

- Maximum building height shall be 50'.
- Parking setback on the south property lines abutting residentially zoned land shall be 10'.
- Building setback from the centerline of Rogers Street shall be 45'.
- Parking shall be provided at 75% of code requirements.
- Building and parking setback from Patterson Drive shall be 60'.

Bus Shelter

A bus shelter shall be provided on Rogers Street. The specific location and design shall be determined at Final Plan review. The design could be an awning on the grocery building.



Site Plan



Architecture

ORDINANCE 04-03

TO VACATE A PUBLIC PARCEL

**Re: A Portion of West Grimes Lane Between South Rogers Street and South Madison Street, a Portion of the 12' Alley Running Approximately 65 feet South of the above Right-of-Way; and, a Portion of the West Side of Madison Street Between Grimes and Patterson Drive
(Randy Lloyd/McDoel Grocery, 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, (Randy Lloyd/McDoel Grocery), has filed a petition to vacate a parcel of City property more particularly described below;

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

SECTION I. Through the authority of I.C. 36-7-3-12, a portion of City owned property shall be vacated. The property includes a portion of West Grimes Lane between South Rogers Street and South Madison Street, a portion of 12" alley running approximately 65 feet south of the above right-of-way; and, a portion of the west side of Madison Street Between Grimes and Patterson Drive. The property is depicted in the map that is attached and made a part of the ordinance and is more particularly described as follows:

A Part of Dodds Addition to the City of Bloomington (P.C. "B", Env. 6) and a part of Seminary Lot No. 40 of the Reserved Township of Lands in Monroe County, Indiana Addition to the City of Bloomington, all being a part of the Southeast Quarter of Section 5, Township 8 North, Range 1 West, in Monroe County, Indiana, being more particularly described as follows:

COMMENCING at the Northeast Corner of Lot 27 in said Dodds Addition; thence NORTH 86 degrees 13 minutes 37 seconds West on the North Line of said Lot 27 10.06 feet to the POINT OF BEGINNING; thence continuing on said North Line NORTH 86 degrees 13 minutes 37 seconds West 120.67 feet to the East Line of a 12 foot alley; thence on said East Line SOUTH 03 degrees 48 minutes 34 seconds West 66.00 feet to the Southwest Corner of said Lot 27; thence NORTH 86 degrees 13 minutes 37 seconds West 12.00 feet to the West Line of said alley; thence on said West Line NORTH 03 degrees 48 minutes 33 seconds East 66.00 feet to the Northeast Corner of Lot 14 in said Dodd's Addition; thence on the North Line of said Lot 14 NORTH 86 degrees 13 minutes 37 seconds West 112.00 feet to a point that is 40.00 feet East of the centerline of Rogers Street, said 40.00 feet offset being that required for future Right-of-Way acquisition; thence on said future Right-of-Way NORTH 03 degrees 35 minutes 26 seconds East 56.66 feet to a point on the Northeastern Line of a permanent Right-of-Way grant to the City of Bloomington (Instrument # 2000000875); thence on said Northeastern Line the following two (2) courses: 1) SOUTH 58 degrees 24 minutes 24 seconds East 29.55 feet; 2) SOUTH 03 degrees 44 minutes 37 seconds West 9.87 feet to a point on the North Right-of-Way of Grimes Street; thence on said North Right-of-Way of Grimes Street SOUTH 86 degrees 13 minutes 37 seconds East 199.42 feet to a point on the Southwestern Line of Land of the City of Bloomington (D.B. 480, Pages 797-798) thence on said Southwestern Line NORTH 10 degrees 31 minutes 44 seconds East 44.47 feet; thence SOUTH 58 degrees 40 minutes 49 seconds East 15.65 feet to a point on a proposed West Right-of-Way for South Madison Street being 30 feet West of its centerline; thence on said proposed West Right-of-Way the following two (2) courses: 1) 14.82 feet on a 194.97 foot radius non-tangent curve to the left whose chord bears SOUTH 05 degrees 25 minutes 34 West 14.82 feet; 2) SOUTH 03 degrees 14 minutes 55 seconds West 55.11 feet to the POINT OF BEGINNING containing 0.23 acres, more or less.

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

MICHAEL DIEKHOFF, 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 _____, 2004.

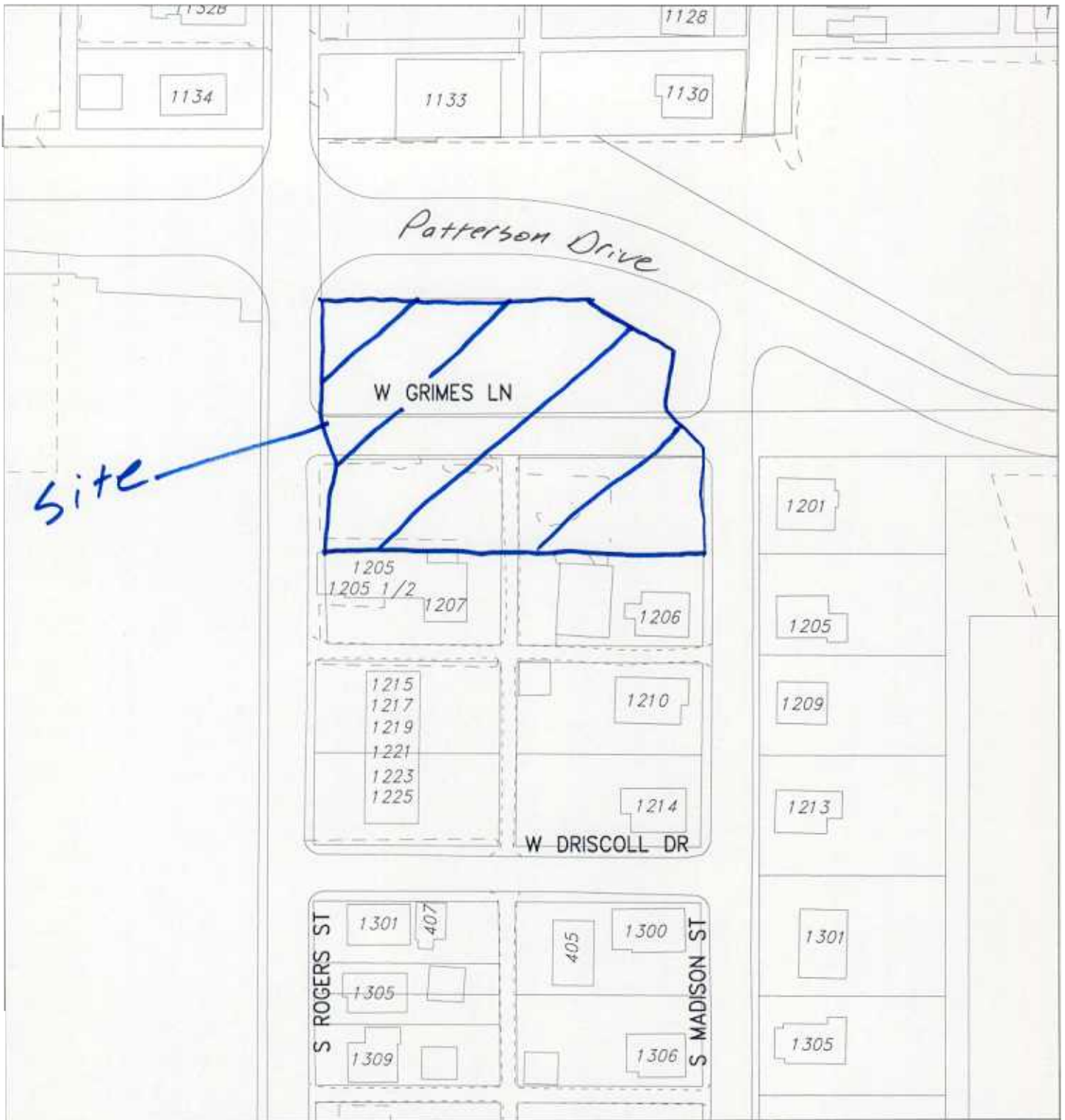
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

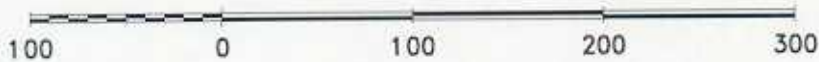
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

The petitioner, (Randy Lloyd, McDoel Grocery), requests vacation of a public parcel which includes a portion of West Grimes Lane between South Rogers Street and South Madison Street, a portion of the 12' alley running approximately 65 feet south of the above right-of-way; and, a portion of the west side of Madison Street between Grimes and Patterson Drive.



By: greulice
26 Jan 04



For reference only; map information NOT warranted.



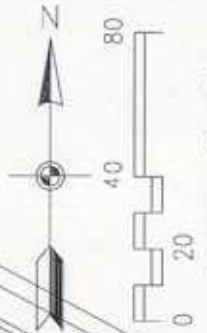
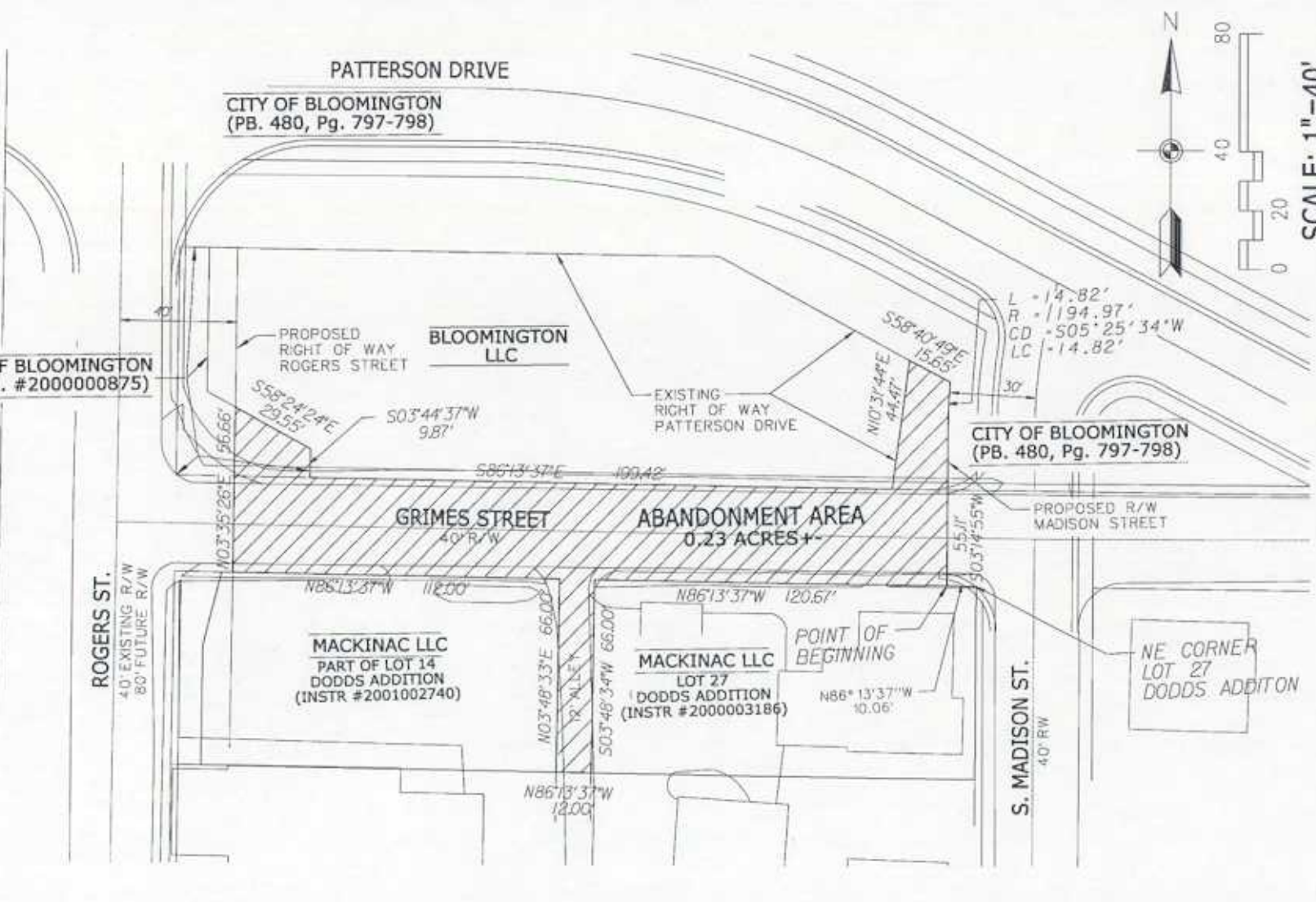
City of Bloomington
Planning



Scale: 1" = 100'

DRAWN BY: LAH
CHECKED BY: JDR
DATE: 01/26/04

PROJECT NO.: 3121
PROJECT NAME: GRIMES PARCEL A R/W ABANDONMENT



Smith, Neubecker & Associates, Inc.
453 S. Claritz Boulevard
Bloomington, Indiana 47407-5356
Telephone: (812) 338-8536
FAX: (812) 338-0513
www.sna-inc.com



PARCEL A EXHIBIT

Interdepartmental Memo

To: Members of the Common Council
From: Eric Greulich, Zoning Planner
Subject: Right-of-way vacation for McDoel Grocery
Date: February 4, 2004

Attached are the staff reports, petitioner's statements, and map exhibits which pertain to the Randy Lloyd/McDoel Grocery petition to vacate right-of-way (ROW) along W Grimes Lane.

REQUEST: The petitioner is requesting to vacate 0.23 acres of right-of-way along W Grimes Lane in between S Rogers Street and S Madison Street and a partial alley vacation running south from W Grimes Lane.

LOCATION:

1. The proposed right-of-way vacation is a section of W. Grimes Lane that extends from S. Rogers Street to S. Madison Street. The portion of Grimes Lane right-of-way requested for vacation is approximately 33 feet in width and approximately 250 feet in length.
2. Also requested for vacation is the north/south running alley from W. Grimes Lane, between Rogers Street and Madison Street. The portion of the alley requested to be vacated measures 12 feet wide by approximately 70 feet long.

BACKGROUND: The petitioners are proposing to construct a two story mixed-use building at the southeast corner of W Patterson Drive and S Rogers Street. The building would house a neighborhood grocery with approximately 9 residential units located on the second floor. This site includes three properties and is bisected by the right-of-way for W Grimes Lane. This proposal was reviewed by the Plan Commission in January 2004 and sent to the City Council with a favorable recommendation contingent upon the approval of right-of-way vacation by the Council.

The majority of the site is vacant with some existing parking. The section of right-of-way on the property is no longer heavily utilized due to the extension of W Patterson Drive. Grimes Lane is classified as a primary collector on the Master Thoroughfare Plan. Only a section of Grimes Lane is proposed for vacation. The remainder will merge into Patterson Drive.

The Board of Public Works considered this petition at a meeting held on January 13, 2004 and voted to endorse this request with several conditions and modifications. The Board approved the vacation of right-of-way along W Grimes Lane and S Madison Street, along with the partial alley vacation. The Board did not support the petitioner's entire request for vacation of right-of-way along W Patterson Drive along either the north (Parcel B) or the south side of W Patterson Drive as future public improvements along this corridor may be needed. The Board would, however, be willing to hear future requests for non-structural encroachments should the petitioner establish a need for one in the future.

The following utility and city service organizations have responded to this request with no objections for the vacation of the existing rights-of-way with the understanding that the petitioner will grant new easements for the utilities and also pay the entire cost of any relocation work.

Bloomington Fire Department
Bloomington Police Department
Bloomington Public Works Department
Bloomington Utility Department
Insight Communications
Vectren
PSI/Cinergy
Ameritech/SBC

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

1. Current status – access to property:

There are three private properties involved (adjacent) to the portion of Grimes Lane proposed to be vacated. The two properties south of W. Grimes Lane can currently be accessed by S. Rogers Street, W. Grimes Lane, or the alley right-of-way which runs between them. The property north of Grimes Lane can currently be accessed by W. Grimes Lane and/or S. Rogers Street. With vacation of the rights-of-way, access will be from the extension of the rights-of-way.

2. Necessity for Growth of the City:

a. **Future Status:** The right-of-way proposed for vacation is currently utilized by the City of Bloomington Utilities Department (CBU), Ameritech, Vectren, PSI/Cinergy, and Insight Communications. Each of these services state that they have no objections to the vacation of the right-of-way as long as utility easements are in place and that the owners pay the entire cost of any and all utility relocation work.

- b. **Proposed Private Ownership Utilization:** The ownership of the alley rights-of-way will be granted half to each adjacent owner. This includes- Mackinac LLC; Bloomington LLC; and Harold A. Harrell. All owners are located at 1720 N Kinser Pike.
- c. **Compliance with Regulations:** With acceptance of the easements by the Board of Public Works to the City for these existing utilities, vacation of this right-of-way presents no compliance issues.
- d. **Relation to Plans:** The current site layout uses Grimes Lane and the alley rights-of-way for access to the parking lots, as well as providing some access to local traffic. The working plan is to place a building and parking lot in the proposed right-of-way to be vacated.

CONCLUSION: Staff finds that currently there is no significant public-sector utilization of the rights-of-way to be vacated. Since Patterson Drive has been extended, this section of Grimes Lane has been partially restricted and is heavily underused. The utility companies have no objections to the vacation of the right-of-way. The City of Bloomington Police and Fire Departments also have no objections. The Board of Public Works voted to endorse the petition with three conditions. The Board of Public Works does not object to the vacation since they have no plans for the right-of-way since the Patterson Drive extension was completed.

Furthermore, this petition has been anticipated since the construction of the Patterson Drive extension. The new roadway has replaced the function of Grimes Lane in this location. Staff finds this request to be justified in the fact that the Patterson Drive extension incorporated a portion of this parcel that made it much smaller and more difficult to develop. The proposed use and site planning for the property are more in line with the Growth Policies Plan than what could be constructed on the two smaller pieces of property that exist on both sides of the Grimes Lane ROW. Through this vacation request, the petitioner will be able to construct a more appropriate development that will be a desirable redevelopment project.

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

1. Adequate right-of-way according to the current City of Bloomington Thoroughfare Plan (40 feet from the centerline of Rogers Street) shall be dedicated to the City of Bloomington as public right-of-way.
2. Madison Street shall retain a right-of-way of no less than stated in the current City of Bloomington Thoroughfare Plan (25 feet from the centerline of Madison Street).
3. At the expense of the petitioner, utilities will be given easements/relocated in the vacated area to ensure their interests are accommodated.

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

CITY OF BLOOMINGTON
COMMON COUNCIL

FILE # _____
1st READING _____
COMMITTEE _____
FINAL HEARING _____

Office of the Common Council
P.O. Box 100, Municipal Building
Bloomington, IN. 47402
(812) 331-6409, ext. 12, 13

Address of Property 405 W GRIMES LANE

Applicant's Name ARMY LOGD / McDOEL GALLERY

Address 1720 N. KINSEY PK Phone 330-0077

Counsel or Consultant SMITH NEUBECKER & ASSOCIATES

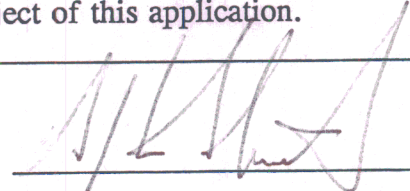
Address 453 CLARIZZ BLVD Phone 336 6536

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 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: 

RESOLUTION 04-01

**TO DESIGNATE AN ECONOMIC REVITALIZATION AREA, APPROVE A STATEMENT OF BENEFITS, AND AUTHORIZE A PERIOD OF TAX ABATEMENT
Re: The Woolery Stone Mill Building Located at 2200 West Tapp Road
(Woolery Ventures LLC, Petitioner)**

WHEREAS, Woolery Ventures LLC (“Petitioner”) has filed an application for designation of the Woolery Stone Mill building on property owned by Petitioner at 2200 West Tapp Road, Bloomington, Indiana, as an “Economic Revitalization Area” (“ERA”) for improvements to the Woolery Stone Mill building pursuant to IC 6-1.1-12.1 et. seq. (the “Project”); and

WHEREAS, the Petitioner has also submitted a statement of benefits to the Council and must, prior to March 1st 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, according to this material, the Petitioner wishes to restore the exterior of the historic Woolery Stone Mill building and convert the interior into condominiums, a hotel and convention center, a restaurant, a climbing gym, and parking spaces (the “Project”); and

WHEREAS, the Economic Development Commission has reviewed the Petitioner’s application and Statement of Benefits and passed Resolution 03-04 recommending that the Common Council designate the building as an ERA, approve the statement of benefits, and authorize a ten-year period of abatement for this project; and

WHEREAS, the Common Council has investigated the area and reviewed the Application and Statement of Benefits, which are attached and made a part hereof, and found the following:

- A. the estimate of the value of the Project is reasonable;
- B. the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project as proposed;
- C. the estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project as proposed;
- D. any other benefits about which information was requested are benefits that can be reasonably expected to result from the Project; and
- E. the totality of benefits is sufficient to justify the deduction; and

WHEREAS, the property described above has experienced a cessation of growth; and

WHEREAS, since the property is also located in the Tapp Road TIF district, I.C. 6-1.1-12.1-2(l) requires the Redevelopment Commission to approve this tax abatement;

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

SECTION 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 Petitioner or its successors shall be entitled to an abatement of property taxes for the Project as provided in IC 6-1.1-12.1-1 et. seq. for a period of ten (10) years.

SECTION 2. In granting this designation and deduction the Common Council incorporates I.C. 6-1.1-12.1-12 and 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 commence the project within twelve months of the date of the designation and to develop and use the land and improvements in a manner that complies with local code are additional reasons for the Council to rescind this designation and deduction.

SECTION 3. The Common Council directs the Clerk of the City to publish a notice announcing the passage of this resolution and requesting that persons having objections or remonstrances to the ERA designation appear before the Common Council at a public hearing on March 3, 2004.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

MICHAEL DIEKHOFF, 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 _____, 2004.

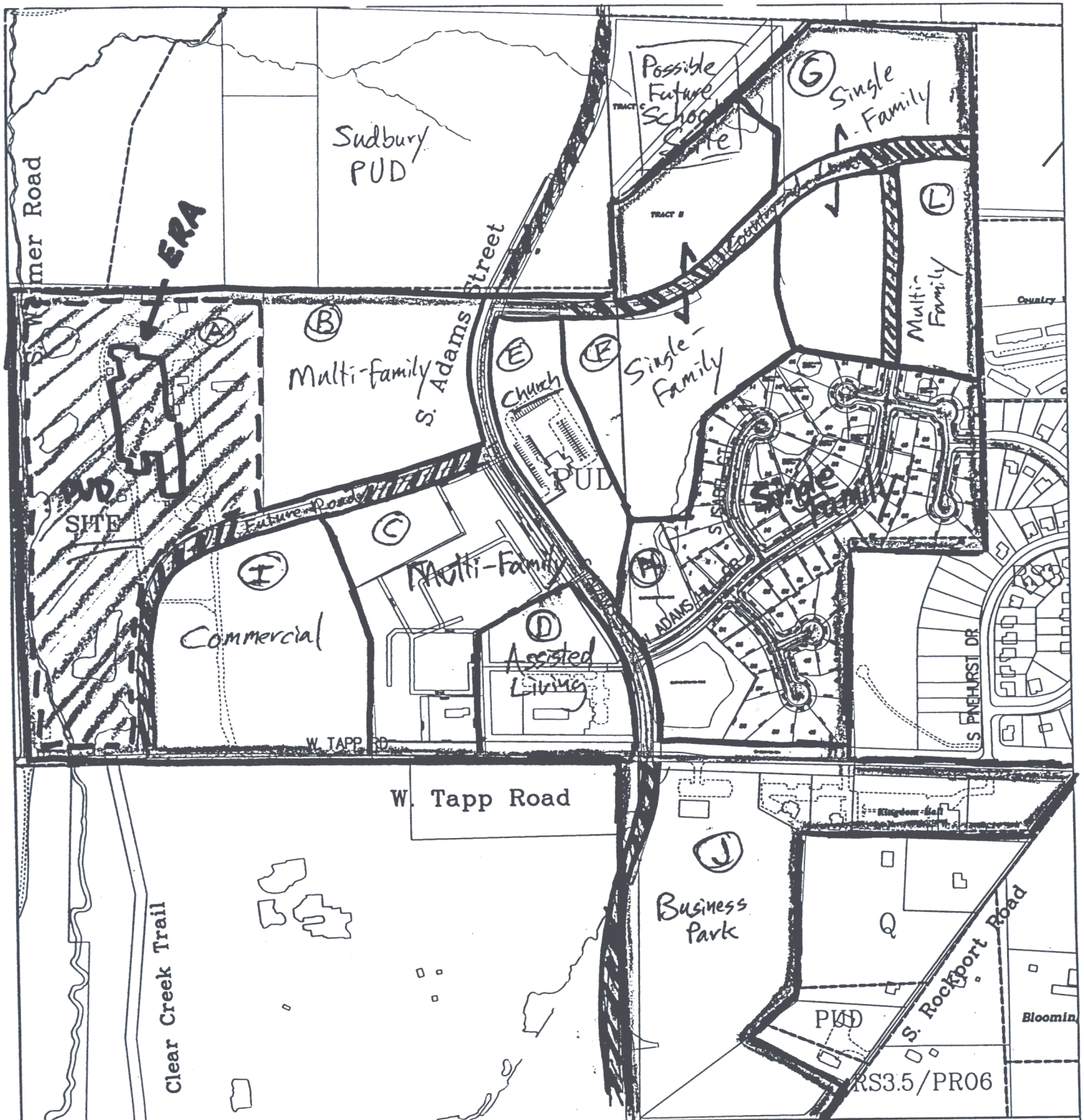
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution designates the Woolery Stone Mill building at 2200 West Tapp Road as an Economic Revitalization Area (ERA), approves a statement of Benefits, and authorizes a 10-year period of abatement for improvements to the building. The petitioner, Woolery Ventures LLC, is seeking a tax abatement in order to restore the exterior of the building and convert the interior into condominiums, a hotel and convention center, a restaurant, and a climbing gym. The resolution also declares the intent of the Council to hold a public hearing on March 3, 2004 to hear public comment on the ERA designation before voting on a resolution confirming these actions.



PUD-35-01

2200 W. Tapp Road

Woolery PUD Preliminary Plan Amendment

Woolery PUD Layout

By: roach/a

31 Oct 01



For reference only; map information NOT warranted.

City of Bloomington
Planning



Scale: 1" = 500'

N

Tax Abatement Applicant Summary

To: City of Bloomington Common Council
From: Ron Walker, Director of Economic Development
Date: January 26, 2004

Regarding:

Resolution: 04-03
Ordinance: 04-05
Applicant: Woolery Ventures, LLC
Project Address: 2200 W. Tapp Road
Phone: 812-876.1121
Applicant Contact: Randy Cassady

Tax Abatement Information:

Purpose: The applicant seeks a ten year tax abatement for real estate improvements to redevelop a limestone mill that has received historic designation by the Department of the Interior.

Real Estate Improvement Value: \$6,000,000 (see attached application)
Current Zoning: PUD approved August 12, 2002
Existing Site: Historic 76,000 square foot limestone mill
Proposed Improvements: Remodel the stone mill into 42 two and three bedroom condominiums; 55-room hotel with conference space; climbing gym facility; and restaurant/brew pub; 99 space parking facility.
New Investment: \$6,000,000
Job Creation: 45 new jobs
Projected New Annual Wages: \$762,000
Length of Tax Abatement Requested: 10 years

RECOMMENDATION:

The Office of the Mayor recommends approval of Resolution 04-03 designating an ERA and approving a 10-year tax abatement on real property improvements for the Woolery Stone Mill building at 2200 Tapp Road.

The Office of the Mayor recommends approval of Ordinance 04-05 designating an EDTA at 2200 Tapp Road. An EDTA is required for tax abatements on retail facilities and residential facilities (unless 20 percent of the residential units are dedicated to low and/or moderate income tenants).

The petitioner plans to remodel the historic stone mill and create a mixed use development consisting of a hotel and conference center, restaurant, climbing gym, and residential condominium units. This is a site that has not seen any significant investment in many years. A Planned Unit Development (PUD) was approved for this property in August 2002. Randy Cassady, owner, voluntarily annexed the property into the City of Bloomington.

As is indicated in the *Statement of Benefits*, the project includes \$6 million in improvements to the Woolery Stone Mill and the creation of approximately 45 jobs (excluding construction relation jobs).

The EDC unanimously approved designation of the area as an EDTA and ERA with recommendation of a 10-year tax abatement.

The application is pending before the Redevelopment Commission, which will meet on February 2, 2004.

This is a significant investment into a historic site that has not seen any investment for many years. The Office of the Mayor supports this project and recommends approval of a 10-year tax abatement.

CITY OF BLOOMINGTON

APPLICATION

PROPERTY TAX ABATEMENT PROGRAM

Provide the following information on a separate sheet and attach it to this application form.

1. OWNERSHIP:

- A. List full name, address and telephone number of each owner of the property.
- B. List the percentage ownership of each owner if more than one owner.
- 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.
- D. If owner is a corporation, list the name, address, and telephone number of all officers.

2. PROPERTY DESCRIPTION:

- A. Give street address, lot number and dimensions.
- B. Attach legal description of property to the application.

3. CURRENT STATUS OF PROPERTY:

- A. State current zoning designation and if applicable, describe any anticipated zoning changes.
- B. Describe current improvements to the property, including age of building(s).
- C. Describe the current use of the property, including the names of businesses currently operating and the current number of jobs.
- D. Give estimate of current market value of land and improvements; separately list the current assessed valuation and property tax assessment on land and buildings.
- E. Describe any unique historical structure or aesthetic improvements.

4. PROPOSED IMPROVEMENTS:

- A. Describe proposed improvements and projected costs.
- B. Include sketch of finished project, if available.
- C. List any public improvements and costs that will be

- necessary.
- D. List the probable start/completion dates of the project.
 - E. List the type and number of jobs that will be retained or created by the project.
 - F. Describe any beneficial or detrimental economic effect (other than jobs) that the proposed project will likely have on the City.

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 or 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 revenues.")
- 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.
- C. Complete and submit the attached Statement of Benefits form with narrative application.

Property Tax Abatement Application for Woolery Mill
Submitted October 15, 2003

1. Ownership
 - a. Woolery Ventures LLC
C/o David L. Ferguson
403 E 8th Street, Bloomington, Indiana
332-2113 ext 203
 - b. 100% ownership
2. Property Description
 - a. See attached
 - b. 2200 Tapp Road
3. Current Status of Property
 - a. PUD approved August 12th, 2002
 - b. None. Buildings vary from 69 years to 79 years old.
Mill constructed during 1924 to 1938 time period.
 - c. None nothing currently operating
 - d. Current Value \$870,000
Current Assessed Valuation 244,340
 - e. Historic 76,000 sq foot limestone mill that will be refurbished to secretary of Interior standards.
4. Proposed Improvements
 - a. The petitioners are proposing to remodel the stone mill and develop approximately 1/3 of it as a hotel and conference center and 2/3 of it as condominium residential units. The hotel will include 55-guest room, approximately 10,500 sq feet of conference center space and a restaurant. The condominium portion will include 42 two and three bedroom units and a fitness center with climbing gym. The plan also incorporates 99 parking spaces underneath the building for residents and employees. Redevelopment of the mill will create three floors within the existing shell of the building and will include a large interior atrium and skylights. Initial construction would include model rooms and development of the plaza between the mill and the road, with full remodeling to follow.
 - b. See attached.
 - c. None
 - d. Probable start November 2003
Probable completion June 2005
 - e. Approximately 100 construction jobs for (1) one year and (6) six months.
Hotel approximately equivalent of (6) six full time jobs, (6) six Managers, Housekeeping, Maintenance, Marketing director.

Restaurant/Brew Pub Conference Center approximately (8) eight jobs Brew Master, Manager, Chef, wait staff kitchen assistants.

Climbing Gym approximately (4) four Managers, Marketing directors, Skills Coordinator, Climbing instructors.
 - f. Once restored and adopted to new uses the preserved Woolery Mill site will encourage a better understanding of the worldwide significance of this important local industry.
5. Eligibility
 - a. Subject property is an obsolete Limestone Fabrication mill that was abandoned in 1994 the entire subject property was previously mined and filled with rubble.
 - b. Construction wages – above average with full benefits.
Restaurant and Climbing Gym wages and benefits to be presented by tenants.

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

members
OWNER

DATE

[Signature]

10/15/03

Mr Casady

10/16/03

Mike Casady

10/16/03

*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.



STATEMENT OF BENEFITS

State Form 27167 (R7 / 12-01)
Prescribed by the Department of Local Government Finance

**FORM
SB - 1**

INSTRUCTIONS:

- This statement must be submitted to the body designating the economic revitalization area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and / or research and development equipment, or **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987 and areas designated after July 1, 1987 require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, or prior to installation of the new manufacturing equipment and / or research and development equipment, **BEFORE** a deduction may be approved.
- To obtain a deduction, Form 322 ERA, Real Estate Improvements and / or Form 322 ERA / PPME and / or 322 ERA / PPR & DE, must be filed with the county auditor. With respect to real property, Form 322 ERA must be filed by the later of: (1) May 10; or (2) thirty (30) days after a notice of increase in real property assessment is received from the township assessor. Form 322 ERA / PPME and / or 322 ERA PPR & DE must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and / or research and development equipment becomes assessable, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved after June 30, 1991 must submit Form CF - 1 annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- The schedules established under IC 6-1.1-12.1-4(d) and IC 6-1.1-12.1-4.5 (e) effective July 1, 2000 apply to any statement of benefits filed on or after July 1, 2000. The schedules effective prior to July 1, 2000 shall continue to apply to those statement of benefits filed before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer
Woolery Ventures LLC

Address of taxpayer (street and number, city, state and ZIP code)
P.O.BOX 122 Ellettsville Indiana 47429

Name of contact person
Randy Cassady

Telephone number
(812) 876-1121

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body
Bloomington City Council

Resolution number

Location of property
2200 Tapp Road

County
Monroe

Taxing district
Perry Township

Description of real property improvements and / or new manufacturing equipment and / or research and development equipment (use additional sheets if necessary)

	ESTIMATED	
	Start Date	Completion Date
Real Estate	Nov.03	June 05
New Mfg Equipment		
R & DE		

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

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
				45	762,000

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

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

	Real Estate Improvements		Machinery		Research and Development Equipment	
	Cost	Assessed Value	Cost	Assessed Value	Cost	Assessed Value
Current values	350,000	244,430				
Plus estimated values of proposed project	6,000,000	4,200,000				
Less values of any property being replaced						
Net estimated values upon completion of project	6,350,000	4,444,430				

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

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

Other benefits:
Renovation of an abandoned limestone mill into a mixed use facility rehabilitated to the historic standards of the secretary of the interior.

SECTION 6 TAXPAYER CERTIFICATION

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

Signature of authorized representative

Title
Member

Date signed (month, day, year)
10/15/03

FOR USE OF THE DESIGNATING BODY

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

- A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
- | | | |
|---|------------------------------|-----------------------------|
| 1. Redevelopment or rehabilitation of real estate improvements; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Installation of new manufacturing equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Installation of new research and development equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Residentially distressed areas | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
- C. The amount of deduction applicable for redevelopment or rehabilitation is limited to \$ _____ cost with an assessed value of \$ _____.
- D. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____.
- E. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____.
- F. Other limitations or conditions (specify) _____

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

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

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

Tax Abatement Calculations for Real Property Improvement

Woolery Ventures, LLC 2200W. Tapp Road

Using 2003 Payable 2004 Tax Rate and AV Estimates

Improvements \$ 6,000,000
 2003 Tax Rate 1.8107%
 Annual Taxes without Abatement \$ 108,642

Year	Abatement Percent	Abatement	Taxes Payable	Taxes Abated
1	100%	\$ 6,000,000	\$ -	\$ 108,642
2	95%	\$ 5,700,000	\$ 5,432	\$ 103,210
3	80%	\$ 4,800,000	\$ 21,728	\$ 86,914
4	65%	\$ 3,900,000	\$ 38,025	\$ 70,617
5	50%	\$ 3,000,000	\$ 54,321	\$ 54,321
6	40%	\$ 2,400,000	\$ 65,185	\$ 43,457
7	30%	\$ 1,800,000	\$ 76,049	\$ 32,593
8	20%	\$ 1,200,000	\$ 86,914	\$ 21,728
9	10%	\$ 600,000	\$ 97,778	\$ 10,864
10	5%	\$ 300,000	\$ 103,210	\$ 5,432
Total Taxes to be Paid:				\$ 548,642
Total Value of Abatement:				\$ 537,778

WOOLERY VENTURES LLC-TAX ABATEMENT INFORMATION

CLIMBING GYM

1 GENERAL MANAGER	15.00 PER HR	BENEFITS \$1.25 PER HR
1 MARKETING MANAGER	10.00 PER HR	BENEFITS \$1.25 PER HR
1 EVENT COORDINATOR	10.00 PER HR	BENEFITS \$1.25 PER HR
2 CLIMBING SKILLS SPECIALIST	8.00 PER HR	
6 PART TIME CLIMBING ASSISTANTS	7.00 PER HR	

BREW PUB

1 BREWMASTER	25.00 PER HR	BENEFITS 1.25 PER HR
1 FOOD SERVICE MANAGER	25.00 PER HR	BENEFITS 1.25 PER HR
2 ASST MANAGERS	10.00 PER HR	
4 SHIFT MANAGERS	8.50 PER HR	
1 KITCHEN MANAGER	8.50 PER HR	
6 KITCHEN & WAIT STAFF	7.00 PER HR	

HOTEL

1 GENERAL MANAGER	22.00 PER HR
1 ASST MANAGER	18.00 PER HR
1 SALES MANAGER	18.00 PER HR
1 MAINTENANCE ENGINEER	16.00 PER HR
5 FRONT DESK ASSOCIATES	8.00 PER HR
9 HOUSEKEEPING	8.00 PER HR

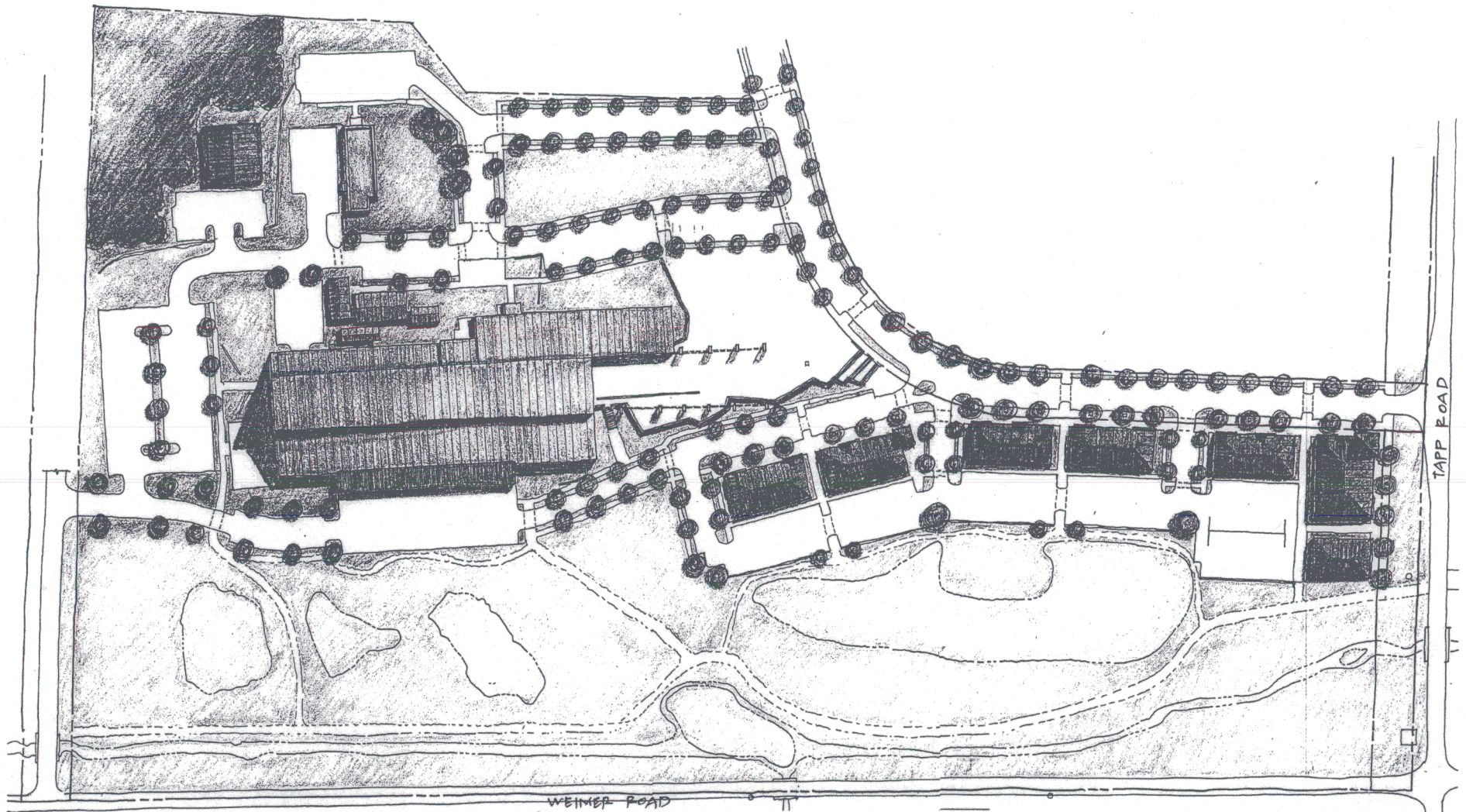
CONSTRUCTION JOBS

ELECTRICIAN	26.19 PER HR + \$12.00 BENEFITS
PLUMBERS	26.10 PER HR + \$10.83 BENEFITS
CARPENTER	23.37 PER HR + \$7.46 BENEFITS
ELEVATOR CONSTRUCTOR	29.14 PER HR + \$12.86 BENEFITS
SHEET METAL WORKER	25.73 PER HR + \$12.30 BENEFITS

Proposed Rental Rates for Woolery mill Condos.

1 bedroom \$ 500.00 to \$ 600.00

2 bedroom \$ \$ 595.00 to \$ 720.00

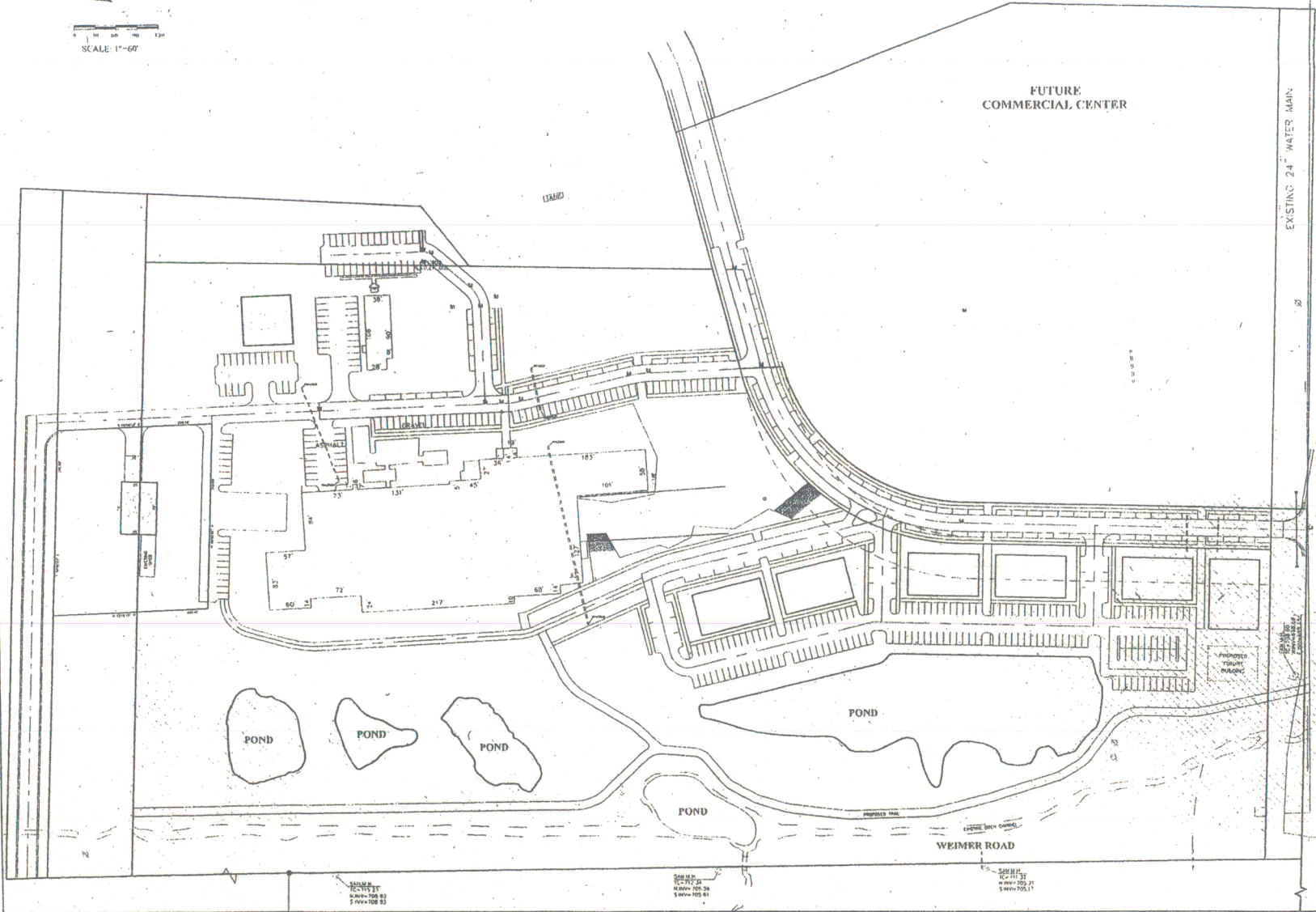
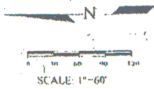


WOOLERY STONE MILL AT WOOLERY FARM - ILLUSTRATIVE MASTER PLAN

PREPARED BY KIRKWOOD DESIGN STUDIO, PC AND BLEDSOE TAPP & RIGGERT, INC.

KIRKWOOD DESIGN STUDIO, PC COPYRIGHT 2001

WOOLERY MILL COMPLEX



FUTURE
COMMERCIAL CENTER

POND

POND

POND

POND

POND

WEIMRR ROAD

EXISTING 24" WATER MAIN

TAPP ROAD

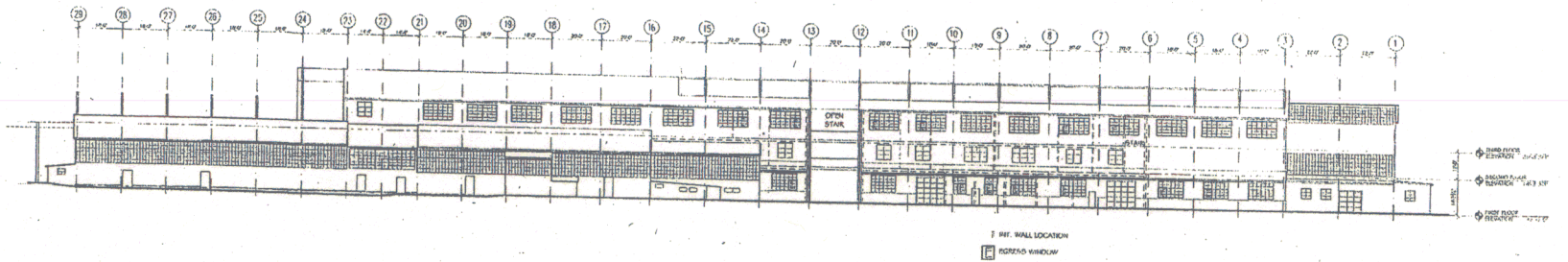
Bledsoe Tapp & Riggert, Inc.
 Quality Land Surveying and Civil Engineering Services
 1211 West Tapp Road
 Indianapolis, IN 47403
 TEL: (317) 554-2917 FAX: (317) 554-2921

**WOOLERY STONE MILL
 AT WOOLERY FARM**
 FOR
WOOLERY VENTURES

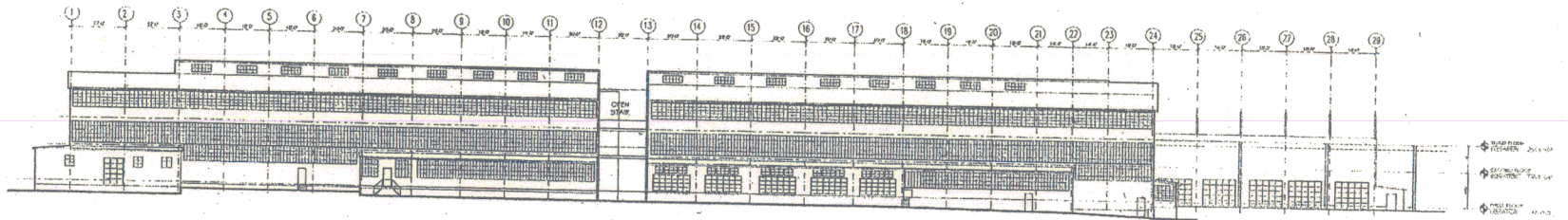
DATE: 04.14.08

SITE PLAN

1 OF **1**
 PROJECT NO. **3700**

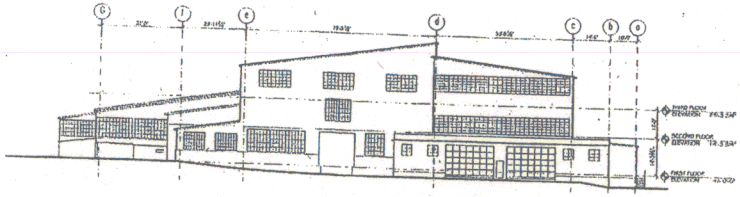


A EAST ELEVATION
SCALE: 1" = 30'

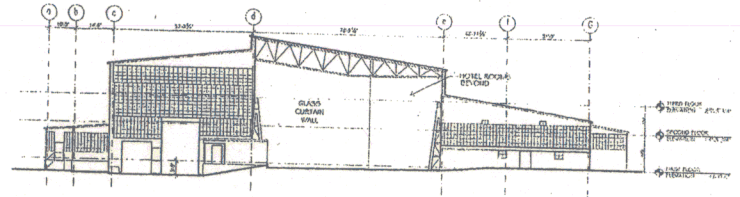


B WEST ELEVATION
SCALE: 1" = 30'

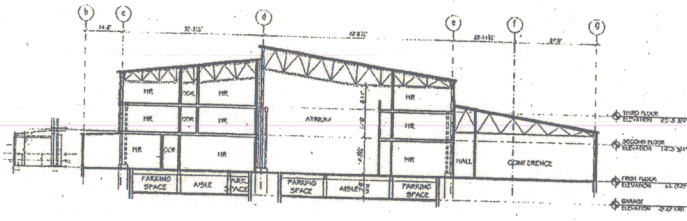
PREPARED BY KIRKWOOD DESIGN STUDIO, P.C.
MAY 7, 2002



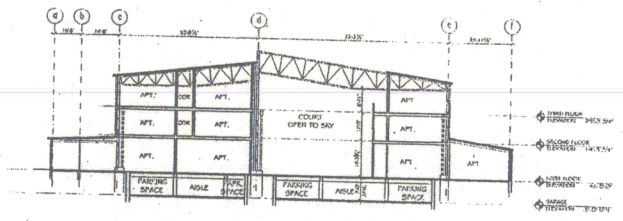
A NORTH ELEVATION
SCALE: 1" = 20'



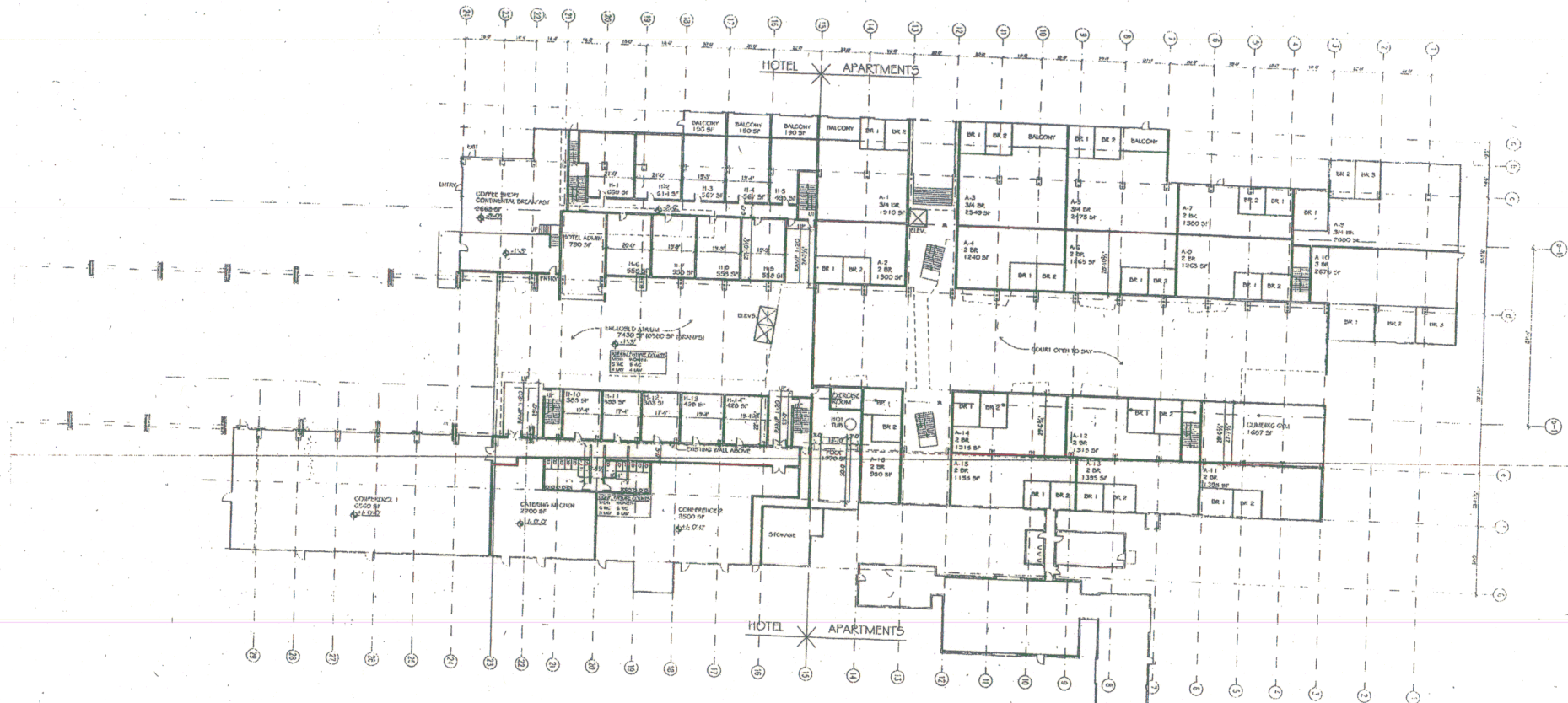
B SOUTH ELEVATION
SCALE: 1" = 20'



C SECTION (THRU HOTEL)
SCALE: 1" = 20'



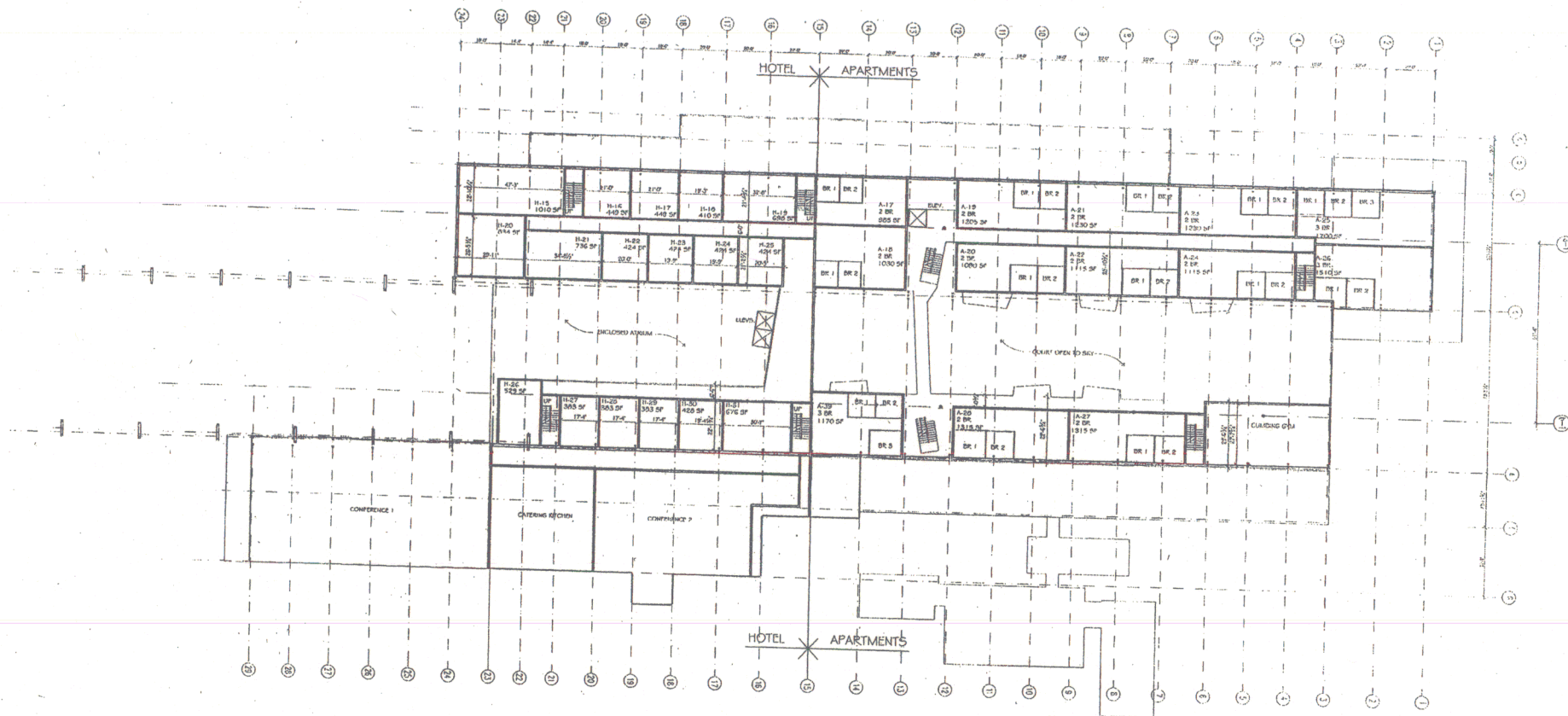
D SECTION (THRU APTS.)
SCALE: 1" = 20'



A SCHEMATIC MAIN FLOOR
 SCALE: 1" = 20'

HOTEL ROOMS:		APARTMENTS:	
MAIN FLOOR	13	MAIN FLOOR	17
SECOND FLOOR	10	SECOND FLOOR	13
THIRD FLOOR	16	THIRD FLOOR	13
TOTAL	49	TOTAL	43

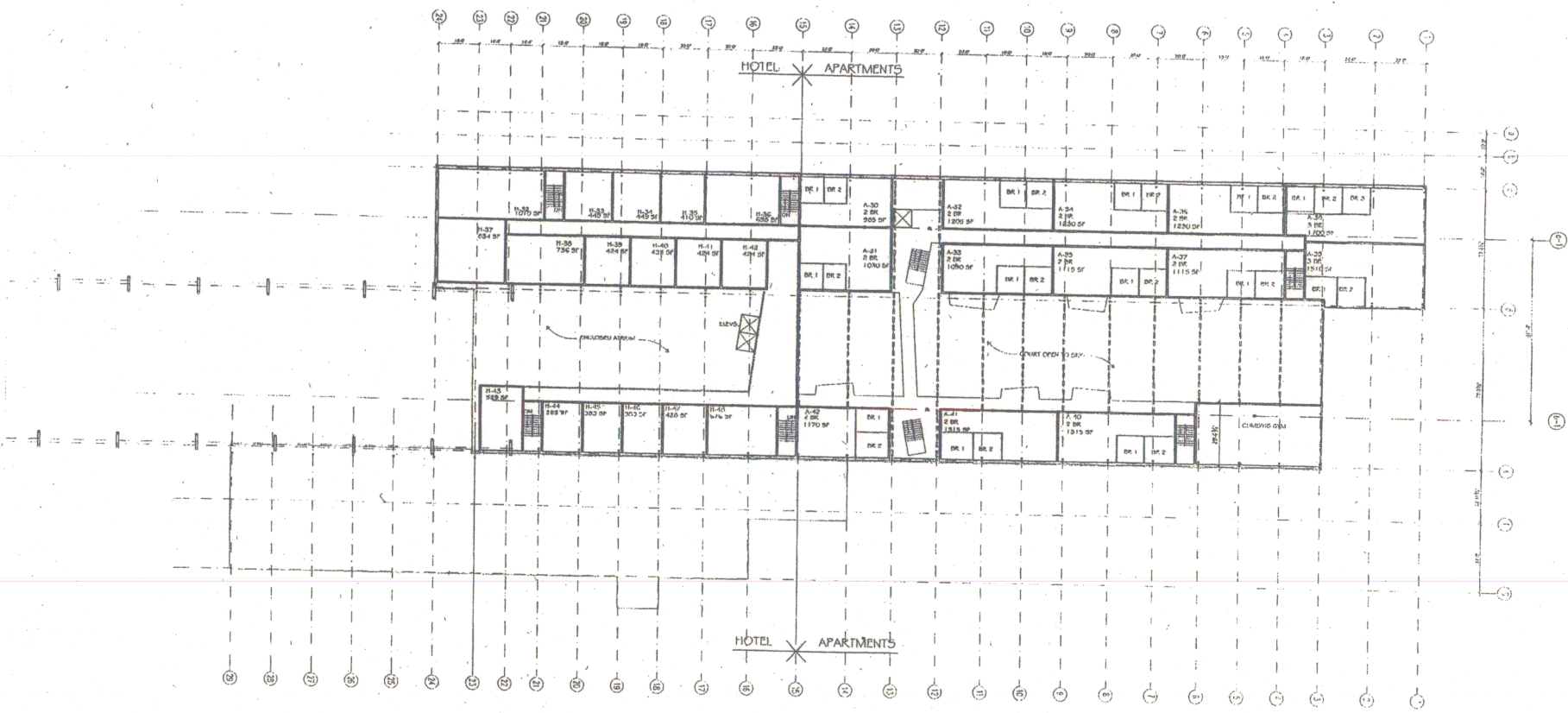
PREPARED BY KIRKWOOD DESIGN STUDIO, P.C.
 MAY 7, 2002



A SCHEMATIC SECOND FLOOR 
SCALE: 1" = 8'

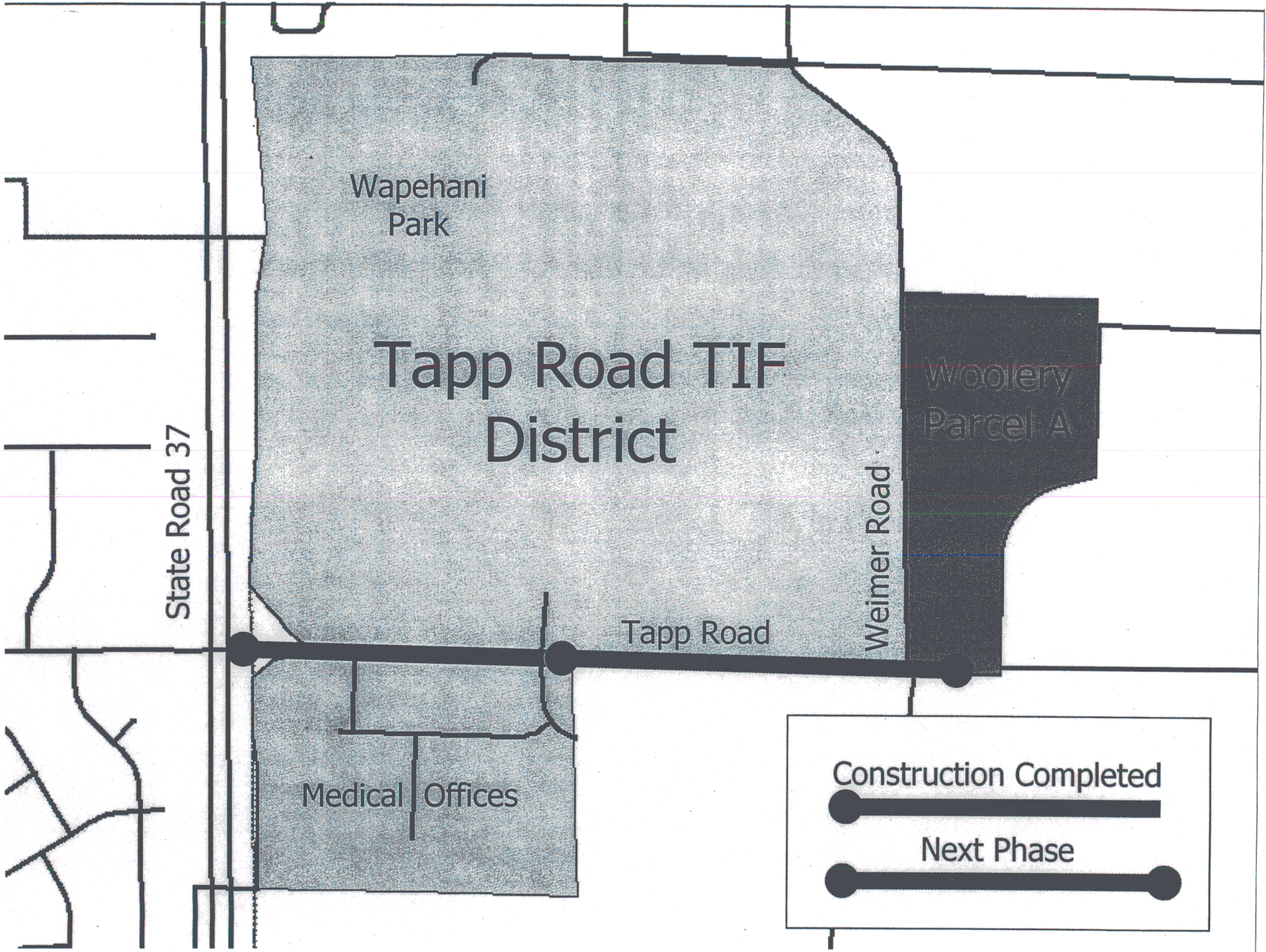
HOTEL ROOMS:		APARTMENTS:	
MAIN FLOOR	8	MAIN FLOOR	17
SECOND FLOOR	21	SECOND FLOOR	13
THIRD FLOOR	21	THIRD FLOOR	13
TOTAL	50	TOTAL	43

PREPARED BY KIRKWOOD DESIGN STUDIO, P.C.
MAY 7, 2002



A SCHEMATIC THIRD FLOOR
 SCALE: 1/4" = 1'-0"

HOTEL ROOMS:		APARTMENTS:	
MAIN FLOOR	8	MAIN FLOOR	17
SECOND FLOOR	21	SECOND FLOOR	13
THIRD FLOOR	21	THIRD FLOOR	13
TOTAL	50	TOTAL	43



Wapehani
Park

Tapp Road TIF District

Woolery
Parcel A

State Road 37

Tapp Road

Weimer Road

Medical Offices

Construction Completed

Next Phase

TIF Revenue Calculations -Tapp Road TIF District			
Woolery Ventures, LLC 2200 W. Tapp Road			
Pay Year	Net Valuation of Increment	Tax Rate*	TIF Revenue
2006	-	2.4119	-
2007	300,000	2.4240	\$ 7,272.00
2008	1,200,000	2.4361	\$ 29,233.20
2009	2,100,000	2.4483	\$ 51,414.30
2010	3,000,000	2.4605	\$ 73,815.00
2011	3,600,000	2.4728	\$ 89,020.80
2012	4,200,000	2.4852	\$ 104,378.40
2013	4,800,000	2.4976	\$ 119,884.80
2014	5,400,000	2.5101	\$ 135,545.40
2015	5,700,000	2.5227	\$ 143,793.90
2016	6,000,000	2.5353	\$ 152,118.00
2017	6,000,000	2.5480	\$ 152,880.00
2018	6,000,000	2.5607	\$ 153,642.00
Total TIF Revenues			\$ 1,212,997.80

* Based on pay 2003 Rate with an annual increase of 0.5%.

ORDINANCE 04-05

**TO DESIGNATE AN ECONOMIC DEVELOPMENT TARGET AREA (EDTA)
Re: Woolery Stone Mill Building Located at 2200 West Tapp Road**

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

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

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

WHEREAS, on November 25, 2003, the City of Bloomington Economic Development Commission held a hearing to consider the request to designate the Woolery Stone Mill building, owned by Woolery Ventures LLC and located at 2200 Tapp Road, Bloomington, Indiana, as an Economic Development Target Area; and

WHEREAS, at the conclusion of the hearing, the Economic Development Commission adopted Resolution 03-05, 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:

SECTION 1. The Woolery Stone Mill building located at 2200 Tapp Road, Bloomington, Indiana is hereby designated as an Economic Development Target Area under the authority of Indiana code 6-1.1-12.1-7(a).

SECTION 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 _____, 2004.

MICHAEL DIEKHOFF, 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 _____, 2004.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this ____ day of _____, 2004.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance designates the Woolery Stone Mill building at 2200 Tapp Road as an Economic Development Target Area (EDTA). This designation was recommended by the Economic Development Commission and will enable the proposed residential and retail uses within the building to be eligible for tax abatement. Final approval of the tax abatement for the renovation and reuse of the Woolery Stone Mill building will also require the adoption of an initial and confirming resolution, which must designate this site as an Economic Revitalization Area (ERA), approve the statement of benefits, and authorize a period of abatement.

**RESOLUTION 03-05
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 (EDTA) may be designated by the Common Council after a favorable recommendation by an economic development commission; and

WHEREAS, the Bloomington Economic Development Commission, at the request of the petitioners (Woolery Ventures LLC) held a meeting on November 25, 2003 to consider petitioner's application for economic development target area designation of 2200 Tapp Road, in the City of Bloomington, Indiana; and

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

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

PASSED this 25 day of November 2003.



President
Bloomington Economic Development Commission



Secretary

INTERDEPARTMENTAL MEMORANDUM

City of Bloomington Legal Department

TO: Common Council Members

FROM: Susan Failey, Asst. City Attorney

RE: Designation of an Area as an Economic Development Target Area

DATE: January 26, 2004

The request for designation of a specific area as an Economic Development Target Area (EDTA) does not involve the approval of a financial arrangement or the issuance of bonds. Rather, it consists of a consideration of criteria and a recommendation to the Common Council that an EDTA designation is appropriate for a specific geographic area.

BACKGROUND

Prior to January 1, 1988, a property owner was eligible to apply to the City for tax abatement even if the proposed use of the improved property was residential or retail. Under current law (IC 6-1.1-12.1-3(e)(11)), tax abatement may not be granted 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).

Retail facilities may not obtain tax abatement unless they are located in an EDTA.

PROCEDURE

Application to the Economic Development Commission is the first step for a property owner seeking to obtain EDTA designation. After considering an application, if the EDC is in favor of the application, it recommends that the Common Council pass an ordinance so designating the area. Not more than 15% of the total geographic area of the City may be in an EDTA. Obtaining the EDTA designation does not insure a developer that he/she will be granted tax abatement. That decision is a separate process acted on by the EDC and the Common Council.

CONSIDERATIONS

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

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

A project must fall within these guidelines in order to be designated as an EDTA.



Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.state.in.us

C: *Sue Johnson*
Nancy Hiestand
Frank O'Bannon, Governor
John Goss, Director
Wathen



RECEIVED

JAN 13 2003

OFFICE OF THE MAYOR
BLOOMINGTON, INDIANA

January 7, 2002

Honorable John Fernandez
401 N. Morton St.
Bloomington, IN 47402

Dear Mayor Fernandez:

The Department of the Interior has notified us that the Woolery Stone Company, 2295 W. Tapp Road, Bloomington, Monroe County, Indiana was entered in the National Register of Historic Places on December 20, 2002.

Authorized by the National Historic Preservation Act of 1966, the National Register of Historic Places is the official inventory of sites with national, state, or local significance in the development of our nation's cultural heritage. Listing on the National Register is official recognition of the significance of the site and provides a measure of protection for the property.

In Indiana the National Register is administered by the Department of Natural Resources. In addition to a degree of environmental protection, owners of listed properties are eligible to apply for matching federal grants for restorations or preservation work, if funds are available. Owners of commercially-used properties are also eligible for federal tax benefits for certified rehabilitation work. Please contact the Division of Historic Preservation and Archaeology should you have any questions about the above programs, telephone 317/232-1646.

Very truly yours,

John R. Goss
State Historic Preservation Officer
JRG:JCS:aew

cc: Eliza Steelwater
Nancy Hiestand

ORDINANCE 04-04

**TO AMEND THE BLOOMINGTON ZONING MAPS FROM Q TO PUD
AND TO ADOPT THE PRELIMINARY PLAN FOR
THE SOUTHERN INDIANA MEDICAL PARK II PLANNED UNIT DEVELOPMENT
Re: 2401 West Tapp Road
(Southern Indiana Medical Park II, LLC, Petitioners)**

WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled “Zoning”, including the incorporated zoning maps, and Title 21, entitled “Land Use and Development;” and

WHEREAS, the Plan Commission has considered this case, PUD-50-03, and made no recommendation regards the request by the petitioners, Southern Indiana Medical Park II, LLC, to rezone the property located at 2401 West Tapp Road from Quarry (Q) to Planned Unit Development (PUD) and approve a preliminary plan for the Southern Indiana Medical Park II PUD. The Plan Commission thereby requests that the Common Council consider this petition without recommendation;

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 IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the property be rezoned from Quarry (Q) to Planned Unit Development, the preliminary plan be approved, and the list of permitted uses be amended for the property at 2401 West Tapp Road. The property is further described as follows:

The following described real estate in Monroe County, State of Indiana, to-wit: The Northwest quarter of Section 18, Township 8 North, Range 1 West, also the West half of the Northwest quarter of the Northeast quarter of Section 18, Township 8 North, Range 1 West, except the following described part thereof, to-wit: Beginning at the Northeast corner of said tract of land, running thence South 40 rods; thence West 36 feet; thence northeast to a point on the North line of said described real estate one rod West of the place of beginning; thence east one rod to the place of beginning.

ALSO, the West half of the Southwest quarter of the Northeast quarter of said Section 18, Township 8 North Range 1 West.

ALSO, a part of the East half of the Northwest quarter of the Northeast quarter of Section 18, Township 8 North, Range 1 West, described as follows, to-wit: Beginning at the Southwest corner of said tract of land; thence running North 40 rods; thence East 36 feet; thence Southwest to a point on the South line of said tract of land, 1 rod East of the place of beginning; thence West 1 rod to the place of beginning.

EXCEPTING THEREFROM: a part of the Northwest quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at the Southwest corner of said quarter section; thence North 00 degrees 18 minutes 31 seconds West 2640.94 feet along the west line of said quarter section to a Southern boundary of Tapp Road; thence Northeasterly 32.93 feet along said Southern boundary to the North line of said quarter section; thence South 89 degrees 52 minutes 00 seconds East 267.53 feet along said North line to a South boundary of Tapp Road; thence Easterly 134.93 feet along said South boundary to a Southern boundary of Tapp Road; thence Southeasterly 99.33 feet along said Southern boundary to a South boundary of Tapp Road; thence Easterly 75.24 feet along said South boundary; thence South 77 degrees 38 minutes 45 seconds West 238.18 feet; thence South 50 degrees 23 minutes 08 seconds West 124.40 feet; thence South 00 degrees 12 minutes 00 seconds East 250 feet; thence South 07 degrees 47 minutes 41 seconds East 151.33 feet; thence South 00 degrees 12 minutes 00 seconds East 1150 feet; thence South 05 degrees 54 minutes 38 seconds East 251.25 feet; thence South 04 degrees 33 minutes 49 seconds West 301.04 feet; thence South 00 degrees 12 minutes 00 seconds East 406.69 feet to the South line of said quarter section; thence North 89 degrees 16 minutes 00 seconds West 295.02 feet along said

South line o the point of beginning.

ALSO EXCEPTING THEREFROM: Lot Number One of 2300 Tapp Road Subdivision, being a part of Section 18, Township 8 North, Range 1 West, in Monroe County, Indiana, as shown by the plat thereof recorded in Plat Cabinet "B", Envelope 325, in the office of the Recorder of Monroe County, Indiana.

ALSO EXCEPTING THEREFROM: A part of the Northwest quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana described as follows: Beginning at a point that is 609.61 feet South 88 degrees 38 minutes 01 second East of the Northwest corner of said Northwest quarter, said point being on the North line of said Northwest quarter and in Tapp Road; thence South 88 degrees 38 minutes 01 second East over and along said North line for a distance of 1136.44 feet; thence South 01 degree 49 minutes 58 seconds East for a distance of 1108.71 feet; thence North 88 degrees 38 minutes 01 second West for a distance of 1177.49 feet to the East right of way of Indiana State Road #37; thence Northerly over and along said right of way by the following courses and distances: North 00 degrees 12 minutes 00 seconds West 571.61 feet; thence North 07 degrees 47 minutes 41 seconds West; 151.33 feet; thence North 00 degrees 12 minutes 00 seconds West 250.00 feet; thence North 50 degrees 23 minutes 08 seconds East 124.40 feet; thence North 78 degrees 05 minutes 33 seconds East 238.18 feet to the point of beginning.

ALSO EXCEPTING THEREFROM: A part of the southwest quarter of the Northwest quarter and a part of the West half of the Southwest quarter of the Northeast quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana described as follows: Beginning at a point on the East line of said West half of the Southwest quarter of the Northeast quarter of said Section 18, said point being 583.86 feet South 01 degree 07 minutes 12 seconds East of the Northeast corner of said half quarter quarter; thence South 01 degree 07 minutes 12 seconds East for a distance of 723.29 feet to the Southeast corner of said half quarter quarter; thence North 89 degrees 04 minutes 15 seconds West over and along the East-West half section line of said Section 18 for a distance of 1713.54 feet; thence North 00 degree 55 minutes 45 seconds East for a distance of 728.23 feet; thence North 89 degrees 32 minutes 56 seconds East for a distance of 762.29 feet; thence North for a distance of 401.89 feet; thence East for a distance of 259.31 feet; thence South 00 degrees 26 minutes 13 seconds East for a distance of 494.67 feet; thence East for a distance of 661.15 feet to the point of beginning. Containing after all exceptions 100.94 acres more or less.

SECTION II. The Preliminary Plan shall be attached hereto and made a part thereof.

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2004.

MIKE DIEKHOFF, 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 _____, 2004.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2004.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance rezones 101 acres on West Tapp Road from Quarry to Planned Unit Development and approves a preliminary plan for the Southern Indiana Medical Park II. This proposal comes forward without recommendation from the Plan Commission and would allow for a mix of office, medical, and industrial uses as well as accessory commercial uses and preserves 63 acres of forested land.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 04-04 is a true and complete copy of Plan Commission Case Number PUD-50-03 which was given NO RECOMMENDATION by the Bloomington City Plan Commission at a public hearing held on January 12, 2004.

Date: January 23, 2004

Thomas B. Micuda, Secretary
Plan Commission

Received by the Common Council Office this ___ day of _____, 2004.

Regina Moore, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

Type of Legislation:

Appropriation Budget Transfer Salary Change Zoning Change New Fees	End of Program New Program Bonding Investments Annexation	Penal Ordinance Grant Approval Administrative Change Short-Term Borrowing Other
--	---	---

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

Fund(s) Affected		
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

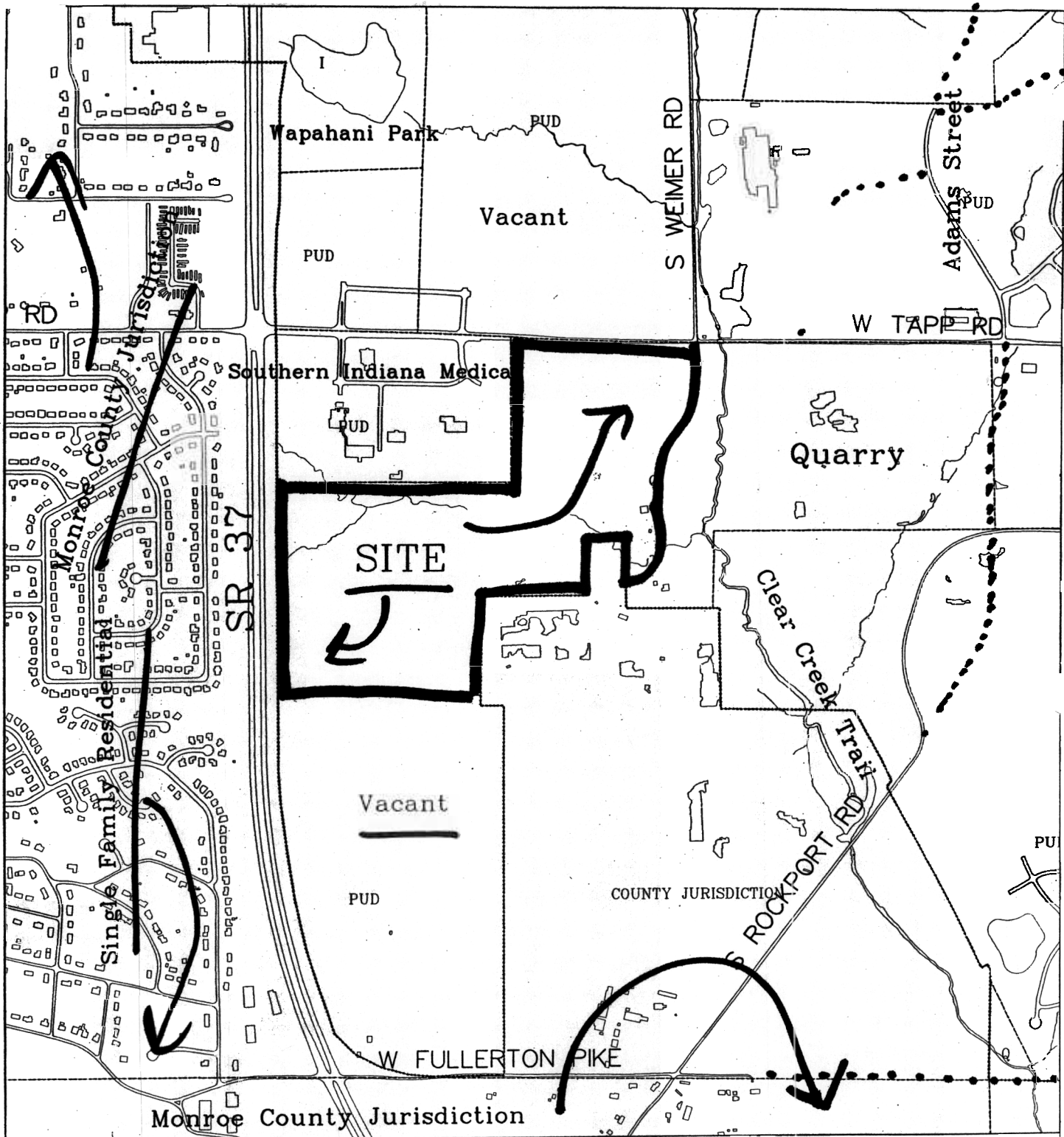
Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No _____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

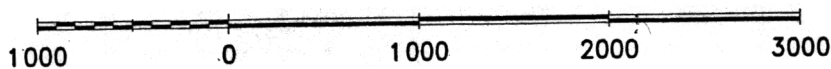
If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)



PUD-50-03

Southern Indiana Medical Park II
 Location, Zoning and Land Use Map

By: roachja
 5 Aug 03



City of Bloomington
 Planning



Scale: 1" = 1000'

For reference only; map information NOT warranted.

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Interdepartmental Memo

To: Members of the Common Council
From: James Roach, Senior Zoning Planner
Subject: Case # PUD-50-03
Date: January 26, 2004

Attached are the staff report, petitioners' statement, and map exhibits which pertain to Plan Commission Case # PUD-50-03. The Plan Commission heard this petition at its January 12, 2004 meeting and made no recommendation to the Common Council.

REQUEST: The petitioners are requesting a rezoning of approximately 101 acres from Quarry (Q) to Planned Unit Development (PUD) and preliminary plan approval for office and industrial uses, as well as accessory commercial uses.

BACKGROUND:

Area:	101 acres
Current Zoning:	Quarry (Q)
GPP Designation:	Employment Center & State Road 37/Tapp Road Subarea
Existing Land Use:	vacant, mostly wooded, abandoned quarries
Proposed Land Use:	Medical offices, professional offices, light industrial, accessory commercial and 63 acres of preserved woods
Surrounding Uses:	North, South – vacant, mostly wooded, industrial land West – Single family residential (Across SR 37) East – Single family residence, Clear Creek Trail Northwest – Medical offices (Southern Indiana Medical Park)

REPORT SUMMARY: The Plan Commission last reviewed a proposal for this property in this fall of 2003. The Plan Commission made a positive recommendation for that petition, PUD-35-03, with a vote of 6-4, at its November 11, 2003 hearing. Prior to review by the Common Council, the petitioners, Southern Indiana Medical Park II, LLC, requested that the Council deny the petition. The petitioners believed that the project, as approved by the Plan Commission, would not be approved by the Council. They intended to make changes to the petition and bring it back to the Plan Commission. The Council granted this request and denied the petition at its December 10, 2003 meeting.

This petition, PUD-50-03, is a result of the changes made after the December denial by the Council. The petitioners still propose to rezone the property from Q

to Planned Unit Development (PUD) and have presented a proposed preliminary plan for approval. This PUD would include a mix of office and industrial uses, several new roads and preservation of approximately 63% of the property.

The major change from the last PUD request is the petitioners' proposal to preserve the entire area formerly known as "Phase 2", now called Lot 2. These 63 acres are located mostly south of the creek and include all of the environmentally sensitive areas on the property including the identified wetland, formerly quarried land, karst features and majority of the wooded acreage. In exchange for preservation of this land, the petitioners asked to not be responsible for construction of the frontage road through this area. Instead, the petitioners would only dedicate right-of-way through Lot 2, and the City would be responsible for construction of the road when it is needed.

The property in question is an approximately 101 acre parcel located immediately east and south of the existing Southern Indiana Medical Park. It is bounded by W. Tapp Road to the north, State Road 37 to the west, undeveloped industrial PUDs to the north and south, and a single family house and the Clear Creek floodplain to the east. Parts of this Quarry (Q) zoned land have been logged and quarried in the past. The majority of the property along Tapp Road has been cleared, but approximately 80 acres of the site remain wooded.

This petition was reviewed by the Plan Commission at its January 12, 2004 hearing. At that hearing, the Plan Commission could not garner enough votes to approve, deny or continue the petition. There was no action on the request and therefore this petition is being forwarded to the Council with no recommendation from the Plan Commission.

GROWTH POLICIES PLAN ANALYSIS: The GPP designates this 101 acre site as an "employment center." This designation was placed on the property because of its location adjacent to the Southern Indiana Medical Park and its access to State Road 37. Specifically, staff notes the following passages:

- The Employment Center district should contain a mix of office and industrial uses providing large-scale employment opportunities for the Bloomington community and surrounding region.
- Employment Center land uses should focus on corporate headquarters and industrial uses, which will provide a stable employment base for the greater Bloomington community.
- Development phasing must emphasize the creation of the office and industrial base before the commercial areas are developed to serve them.

In addition to these general policies toward employment areas, the GPP offers specific guidance for the development of this property. The *State Road 37/Tapp Road Subarea* provides specific policy guidance for the development of this property and the property to the south. The subarea includes recommendations

concerning land use, urban services and site design. Specifically, staff notes the following passages:

- Medical and corporate office land uses are recommended with light manufacturing and site-serving retail also being permitted. Medical offices are particularly desired east of the Southern Indiana Medical Park, while corporate offices should be considered along the State Road 37 frontage near Fullerton Pike.
- The Master Thoroughfare Plan designates a new north-south Secondary Collector through this Subarea to form a realigned four-way intersection at Weimer Road. This roadway should not negatively impact or intrude on high quality and environmentally sensitive areas on this property.
- If State Road 37 is designated a limited access highway, then further planning should consider the closure of the Tapp Road intersection with State Road 37, along with a full interchange developing at the Fullerton Pike intersection.
- For property fronting State Road 37, site planning controls should be emphasized, including a 360 degree building profile along the highway. The presence of parking lots should be limited along SR 37.
- Maintenance of the existing woodland buffer along sections of State Road 37 is critical. The preferred width of this buffer should be at least 100 feet.
- Site design should take into account and reflect the sensitive nature of the Subarea, especially areas with heavy woodland, steep slopes, and karst. Conservation of these areas as greenspace is a required feature, and can significantly enhance the attractiveness of business park development.

The site is adjacent to the existing Southern Indiana Medical Park and has good access to State Road 37. This proposal meets GPP goals of “providing a mix of office and industrial uses providing large-scale employment opportunities for the Bloomington community and surrounding region.” Medical offices are the prime focus of this development. The proposed commercial uses will be “at a scale that serves the employment center but does not generate significant additional business from the community at large.” Specific site planning commitments have been made, including a 360 degree building profile along SR 37, preservation of a 100 buffer along the highway, reduced road profiles and setbacks to limit disturbance, preservation of environmentally sensitive areas and a commitment to stormwater best management practices (BMPs).

PUD REVIEW ISSUES:

Land Use: The proposed list of uses for this PUD has not changed since the last proposal. Uses include a wide range of medical and professional offices, light industrial and ancillary commercial uses. The proposed uses are as follows:

- Medical Offices
- Professional Offices
- Light Manufacturing

- Warehousing (Consumer oriented mini-warehouses shall not be permitted)
- Business Service
- Wholesale Trade
- Personal Services, Restaurants and Business Park supporting retail uses, 5000 sq. ft. maximum per user, 30,000 sq. ft. total (Drive-through commercial uses shall not be permitted)
- Rehabilitative Facilities
- Residential Care Homes
- Convalescent, nursing and rest homes
- Research Laboratories
- Mental Health Facilities
- Clinics for physicians, dentists, or other health care professionals
- Inpatient and Outpatient Care Facilities
- Day Care Facility
- Hotel (limit of one)
- Fire and Police Stations

Prior to the Plan Commission hearing, staff received input from Bloomington Hospital concerning the proposed "Inpatient and Outpatient Care Facilities" use. They provided a statement (included in this packet) that expresses their opposition to these uses. They believe there is already "adequate capacity, excellent quality, and ready access" to healthcare in the community. They also believe that additional inpatient and outpatient facilities at this location would have a negative impact on their non-profit mission and place their ambulance service and indigent care at risk.

Bloomington Hospital requested that the Plan Commission strike "Inpatient and Outpatient Care Facilities" from the list of permitted uses and that the PUD specifically prohibit "Hospitals" and "Ambulatory Surgical Centers." The Medical (M) zoning district, where the Bloomington Hospital is located, is not the only location in the City where hospitals are permitted. They are also permitted in the Business Park (BP) zoning district. In addition, the existing Southern Indiana Medical Park PUD to the west allows for medical offices and has been developed with an outpatient care facility.

Staff reported to the Plan Commission that the construction of inpatient or outpatient care facilities has no particular land use impacts (i.e. traffic, parking, lighting, noise etc.) as compared to medical offices or clinics. If the hospital is negatively impacted by future construction of for-profit inpatient or outpatient facilities, it is difficult to predict whether there would be any larger, community-wide, negative land use impacts. One potential negative impact of an inpatient facility could be an excessive draw of services from a community non-profit hospital. This dispersion of services could negatively affect the hospital's ability to provide the best and most modern services to the general public, as well as the hospital's financial viability. Another negative impact could be redevelopment

issues associated with vacancy of hospital property or nearby medical offices. A final negative impact could be that inpatient health care access would become less convenient due to the dispersal of facilities rather than centralization of all necessary services.

Although there were motions put forward concerning eliminating or limiting the size of the proposed inpatient care facility, the Plan Commission could not reach a decision on this issue.

Fire Station Dedication: This petition includes the dedication of a maximum of 2 acres to the City of Bloomington for use in developing a future fire station. The parcel should have direct access to the frontage road. The Bloomington Fire Department has indicated that this is a desirable location for a fire station even if there is not access to SR 37 from Tapp Road in the future. A station here can access neighborhoods west of SR 37, future neighborhoods to the east and still gain access to SR 37 from the frontage road.

Preservation Areas/Land Gift: Approximately 80 acres of the 101 acre site are wooded. The property also contains steeply wooded ravines, a stream with a wooded riparian corridor, an identified wetland area, and several scattered karst features.

The largest change from the previous proposal is an increase in the amount of preserved area in the development. The previous plan included preservation of approximately 43% of the property. This left only about 19 acres of developable land south of the creek, some of which would be needed for road construction. The petitioners now propose to preserve approximately 63 acres of the property. This acreage encompasses all of Lot 2, south of the creek.

The petitioners have committed to gifting all of Lot 2 to a “preservation group” so that it may be preserved in its entirety. This is a similar arrangement as used to preserve land in other recent developments, such as the “Latimer Woods” and Lots 2 & 4 of the Canterbury Park subdivision, all of which were gifted to the Community Foundation of Bloomington. The petitioners are in discussion with the Bloomington Parks Foundation and the Community Foundation concerning their willingness to accept this land, but to date nothing has been finalized.

Steep slopes: The petition includes the preservation of all land beyond the 18% slope line. These areas are all located within the Lot 2 gifted area.

Wetlands: A wetland determination and delineation was conducted by Earth-Tech. This study found a two-acre sized wetland within the creek bottomland between the developable Lot 1 and the gifted Lot 2. The wetland area will be preserved.

Setbacks: Height, setback and bulk standards are proposed to be the same as the Business Park (BP) zoning district. This is an effort to cluster buildings and keep the development as compact as possible.

Frontage Road Alignment: With the previous petition, the Plan Commission indicated a strong preference for a frontage road location as currently proposed. This location places the road as far as possible from the neighboring historic house and makes it possible to realign Weimer Road and move it out of the Clear Creek floodplain. The City Engineering Department is continuing discussions with the property owner to the north (Public Investment Corp.) and has received verbal agreement for right-of-way dedication for this new location for Weimer.

This alignment places the road west (upstream) of the delineated wetland on the property. This was an issue of considerable debate at the last series of Plan Commission hearings and was previously opposed by the Environmental Commission. The Environmental Commission no longer opposes this location because of the larger benefits the project offers with its preserved 63 acres.

Finally, since the petitioners will receive no direct benefit from the road through Lot 2, they propose to dedicate land in lieu of construction. The cost of this road would be borne by the City, most likely through the expansion of the Tapp Road Tax Increment Finance district, although this is not guaranteed.

Pedestrian Accommodations: The frontage road through the property will be developed with an 8 foot wide asphalt sidepath along one side of the road, as recommended by the Alternative Transportation and Greenways System Plan.” The other side of the road will contain a standard sidewalk. Other internal roads, will include standard 5 foot wide sidewalks on both sides of the streets.

Lighting: The petitioners have committed to limiting lighting to reduce impacts to the neighbor to the east. Lighting fixtures will be a maximum of 15 feet in height and be directional in nature (i.e. down-lighting). In addition, parking lot lighting will be switched to allow for shut off after business hours. Security lights may remain on after-hours.

State Road 37 Buffer: While the previous petition included a commitment to preservation of a 100 foot wide buffer adjacent to State Road 37, this is not necessary with this petition. All land adjacent to SR 37 is included within “gifted Area” of Lot 2.

Stormwater: Stormwater detention for this project will mostly be handled with a detention pond just north of the delineated wetland, on Lot 1. This detention will not take place “in stream.” Smaller detention and water quality basins may be necessary closer to development. Finally, in the area where development interfaces with the preserved Lot 2, proven stormwater quality best management practices will be incorporated in the final plan.

The petitioners also incorporated a condition of approval from the previous petition into this plan that requires them to analyze the pre/post development stormwater run-off of the existing Southern Indiana Medical Park. Necessary upgrades and additions to ensure that the current development does not exceed the pre-development runoff conditions shall be made by the petitioner during Final Plan review.

Impacts to Adjacent Property: The property to the east contains an owner occupied historic house. The owner is in the process of having this property listed on the National Registry of Historic Places. No areas slated for development are closer than 500 feet from the house. Additionally, the approved road alignment will place the road nearly a quarter mile from the house. Large piles of limestone block, a 100 foot vegetative buffer, additional evergreen screening, lighting restrictions and stormwater commitments were designed to ensure that negative impacts to the adjacent property are minimized.

One condition of approval from the previous petition was not incorporated into this revised petition. The Plan Commission required the petitioner coordinate with the downstream property owner, in conjunction with city officials, to construct an appropriate driveway crossing for the downstream property owner. They also required that all costs be borne by the petitioner. This was an attempt by the Plan Commission to limit any negative impacts of increased runoff caused by the development of this property.

PLAN COMMISSION DISCUSSION AND CONCLUSIONS: At the January 12, 2004, meeting, the Plan Commission heard testimony from the petitioners, Environmental Commission, the Bloomington Hospital and citizens both in favor of and opposed to the petition.

In general, the Plan Commission found that this proposal met the goals and objectives of the GPP. The proposed medical and professional offices, light industrial and accessory commercial uses are consistent with the "employment" designation of the property. The proposed location of the frontage road and crossing of the creek will improve vehicular circulation in the area while limiting impacts to the sensitive wetland on the property. Finally, the proposed site planning restrictions and commitment to dedicating land for a future City fire station are also positive benefits.

In general, the Plan Commission believed that the preservation for the 63 acre Lot 2 was an important component of the development. This proposal allows for preservation of not just the environmentally sensitive area, but also the adjacent, connecting forested ridge tops. This proposal also delayed construction of the creek crossing and the frontage road until such time as it is needed.

However, the Plan Commission could not reconcile the concerns of the Bloomington Hospital with the proposal. There was considerable testimony and discussion as to the financial impact of a private, for-profit inpatient care facility on the hospital and its non-profit operation. Based on the uncertainty as to the definition of "inpatient care facility," staff suggested the following definition:

An establishment providing specialized medical services allowing patient stays greater than 24 hours. Such establishment shall not contain ambulance services, emergency/trauma facilities, and extended care units, as well as other uses typically associated with hospitals.

Some Plan Commissioners believed that these issues were not in their purview because they dealt with market competition issues and not strict land use and development issues. Others felt that competition with a non-profit community hospital was different than other free-market competition issues and could have a negative impact to the greater community.

The Plan Commission entertained three motions concerning this petition. None of these motions received the required 6 vote majority needed to pass. It should be noted that only 8 of the 11 Plan Commissioners were in attendance due to one vacant position and two absences. The first motion was to continue the petition to the February 9, 2004 meeting. This motion received a 5-3 vote and was not acted upon. The second motion, to approve the petition without inpatient or outpatient care facilities as a permitted use, received a vote of 4-4 and thus was not acted upon. The final motion, to approve the petition but limit inpatient care facilities to not more than 20 beds, also received a vote of 4-4 and thus was not acted upon. Because no motion could garner a vote by the majority of the members, the Plan Commission was therefore forced to forward this petition to the Council without a recommendation.

Recommendation: The Plan Commission made no recommendation on this petition.

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
LOCATION: 2401 West Tapp Road**

**CASE NO: PUD-50-03
DATE: January 12, 2004**

PETITIONER: Southern Indiana Medical Park II, LLC
2920 McIntyre Dr., Bloomington

COUNSEL: Smith Neubecker and Associates, Inc.
453 S. Clarizz Blvd., Bloomington

REQUEST: The petitioners are requesting a rezoning of approximately 102 acres from Quarry (Q) to Planned Unit Development (PUD) and preliminary plan approval for office and industrial uses, as well as accessory commercial uses. Also requested is a preliminary plat for a two lot subdivision and waiver of the required second hearing.

BACKGROUND:

Area: 102 acres
Current Zoning: Quarry (Q)
GPP Designation: Employment Center & State Road 37/Tapp Road Subarea
Existing Land Use: vacant, mostly wooded, abandoned quarries
Proposed Land Use: Medical offices, professional offices, light industrial, accessory commercial and 60 acres of preserved woods
Surrounding Uses: North, South – vacant, mostly wooded, industrial land
West – Single family residential (Across SR 37)
East – Single family residence, Clear Creek Trail
Northwest – Medical offices (Southern Indiana Medical Park)

REPORT SUMMARY: The Plan Commission last reviewed a proposal for this property at its November 11, 2003 hearing. At that hearing, the Commission voted 6-4 to forward a rezoning request (PUD-35-03) from the same petitioner to the Common Council with a positive recommendation. Prior to the first hearing at the Common Council, the petitioners decided that the petition as it stood was not viable and felt it could not be approved. They requested that the Council deny their previous request so they could make changes and bring it back to the Plan Commission. This petition is a result of those changes.

The petitioners still propose to rezone the property from Q to Planned Unit Development (PUD) and have presented a proposed preliminary plan for approval. This PUD would include a mix of office and industrial uses, several new roads and preservation of approximately 60% of the property.

The major change since the last PUD request is the petitioner's proposal to preserve the entire area formerly known as "Phase 2", now called Lot 2. These 63 acres are located mostly south of the creek and include all of the environmentally sensitive areas

including the identified wetlands, formerly quarried land, karst features and majority of the wooded acreage. In exchange for preservation of this land, the petitioners have asked to not be responsible for construction of the frontage road through this area. Instead, the petitioners would only dedicate right-of-way through Lot 2, and the City would be responsible for construction of the road when it is needed.

GROWTH POLICIES PLAN ANALYSIS: The GPP designates this 102 acre site as an “employment center” and includes it in the *State Road 37/Tapp Road Subarea*. The site is adjacent to the existing Southern Indiana Medical Park and has good access to State Road 37. This proposal meets GPP goals of “providing a mix of office and industrial uses providing large-scale employment opportunities for the Bloomington community and surrounding region.” Medical offices are the prime focus of this development. The proposed commercial uses will be “at a scale that serves the employment center but does not generate significant additional business from the community at large.”

Review of this PUD has centered around the appropriate balance between development, environmental protection, and area-wide transportation needs. The GPP provides guidance on these issues, mainly through the Guiding Principles of “Nurture Environmental Integrity” and “Mitigate Traffic”. With the original plan, the conflict between these competing goals became very evident.

Staff finds a necessity for a vehicular connection linking W. Fullerton Pike to W Tapp Rd. and further north to Bloomfield Rd. Staff also recognizes the desire and need to protect, enhance, and maintain environmentally sensitive areas found within the southwest quadrant of the planning jurisdiction. Two supporting planning documents, the City of Bloomington Environmental Resources Inventory (COBERI) and the Master Thoroughfare Plan (MTP), have identified this site as high priorities. The COBERI report identifies this site as one of the most environmentally constrained properties, while the MTP requires a frontage road to be placed through this site to connect W Fullerton Pk. to W Tapp Rd.

Since the previous Plan Commission hearings, the petitioners have amended their petition in an attempt to balance the two conflicting issues. The additional 19 acres of gifted area on the southern portion of the site will greatly increase the environmental sensitivity of this development. With this gift, no additional development past that needed for the City to construct a future roadway would be permitted in this area. By allowing the roadway, the MTP’s vision of a frontage road can be achieved at such a time in the future that the City deems it necessary.

PUD REVIEW ISSUES:

Land Uses: The proposed list of uses for this PUD has not changed since the last proposal. Uses include a wide range of medical and professional offices, light industrial and ancillary commercial uses.

Since the first petition was reviewed by the Plan Commission, staff has received input from Bloomington Hospital concerning the proposed "Inpatient and Outpatient Care Facilities" use. They have provided a statement (included in your packet) that expresses their opposition to these uses. They believe there is already "adequate capacity, excellent quality, and ready access" to healthcare in the community. They also believe that additional inpatient and outpatient facilities at this location would have a negative impact on their non-profit mission and place their ambulance service and indigent care at risk.

Bloomington Hospital has requested that "Inpatient and Outpatient Care Facilities" be struck from the list of permitted uses and that the PUD specifically prohibit "Hospitals" and "Ambulatory Surgical Centers." Staff would note that the Medical (M) zoning district, where the Bloomington Hospital is located, is not the only location in the City where hospitals are permitted. They are also permitted in the Business Park (BP) zoning district. In addition, the existing Southern Indiana Medical Park PUD to the west contains an allowance for medical offices and has specifically been developed with an outpatient care facility.

In regards to these concerns, staff provides the following guidance. First, the construction of inpatient or outpatient care facilities has no particular land use impacts (i.e. traffic, parking, lighting, noise etc.) as compared to medical offices or clinics. Second, if the hospital is negatively impacted by future construction of for-profit inpatient or outpatient facilities, it is difficult to predict whether there would be any larger, community-wide, negative land use impacts. One possible negative impact could be potential redevelopment issues associated with vacancy of hospital property or nearby medical offices. Another negative impact could be that inpatient health care access would become less convenient due to the dispersal of facilities rather than centralization of all necessary services. Centralization versus dispersion of basic land uses is a relevant land use issue.

Staff would note that hospital uses would not be allowed within the proposed PUD since they were not put forward by the petitioner. However, at this point in time, staff has not been able to sufficiently evaluate whether any further restrictions of medical uses are warranted for this property. If the Plan Commission wishes to make such restrictions, they could proceed with the following options:

- a. The uses of inpatient and/or outpatient care facilities could be removed from this PUD. The petitioners have indicated that such restriction would not allow their request to be feasible.

- b. Individual inpatient and/or outpatient care facilities could be limited either through the number of facilities allowed or through total square footage. The idea in this situation would be allow such use on the property but remove the possibility that a large acreage could be allocated for such for-profit facilities.

Preservation Areas/Land Gift: The largest change in this proposal from the one previously heard by the Plan Commission is an increase in the amount of preserved area in the development. The plan that was previously forwarded to the Council included preservation of approximately 43% of the property. This included all environmentally sensitive areas on Lot 2, south of the creek. This left only about 19 acres of developable land south of the creek, some of which would be needed for road construction.

The new proposal would gift all of Lot 2 to a “preservation group” so that it may be preserved in its entirety. This is a similar arrangement as used to preserve land in other recent developments, “Latimer Woods” and Lots 2 & 4 of the Canterbury Park subdivision, all of which were gifted to the Community Foundation of Bloomington. The petitioners are in discussion with the Bloomington Parks Foundation and the Community Foundation concerning their willingness to accept this land, but nothing has been finalized. Staff recommends that the boundaries of the gifted area and its recipient be finalized with the first final plan and that title of the lot be transferred prior to release of any permits for the property.

While this proposal increases the preserved area on the property by 40%, to 60% of the property including all sensitive lands, the petition as a whole is looked at unfavorably by the Environmental Commission. This opposition is mainly due to the location of the road crossing over the creek (please see the recommendations in the EC report).

Frontage Road Alignment: At the November hearing concerning the previous petition, the Plan Commission indicated a strong preference for a frontage road location as currently proposed. This location places the road as far as possible from the neighboring historic house and makes it possible to realign Weimer Road and move it out of the Clear Creek floodplain. The City Engineering Department is continuing discussions with the property owner to the north (Public Investment Corp.) and has received verbal agreement for right-of-way dedication for this new location for Weimer.

This alignment places the road west (upstream) of the delineated wetland on the property. This was an issue of considerable debate at the last series of Plan Commission hearings. The Environmental Commission has recommended that the road be moved to the east (downstream) of the wetland, in an area previously disturbed by limestone quarrying operations.

Finally, the petitioners have requested that since they will receive no direct benefit from the road through Lot 2, they are proposing to dedicate land in lieu of construction. The cost of this road would be borne by the City most likely through the expansion of the

Tapp Road Tax Increment Finance district. Planning staff has no objection to this request.

Impacts to Adjacent Property: The property to the east contains an owner occupied historic house. The owner is in the process of having this property listed on the National Registry of Historic Places. No areas slated for development are closer than 500 feet from the house. Additionally, the proposed road alignment will place the road nearly a quarter mile from the house. Large piles of limestone block, additional evergreen screening, lighting restrictions and stormwater commitments will ensure that negative impacts to the adjacent property are minimized.

One condition of approval from the previous petition has not been incorporated into this revised petition. The Plan Commission required the petitioner coordinate with the downstream property owner, in conjunction with city officials, to construct an appropriate driveway crossing for the downstream property owner. They also required that all costs be borne by the petitioner. If this PUD is approved, staff recommends that this condition of approval also be included with this petition.

Preliminary Plat: Apart from the request to rezone the property, the petitioners have also requested approval of a two lot preliminary plat. This plat would create a lot for development and a lot to be gifted to a "preservation group." The petitioners suggest that the right-of-way for the frontage road be included as a deed restriction requiring dedication when it is deemed necessary by the City. Planning staff believes this right-of-way dedication should take place immediately, so as to not burden a future land owner with opened ended deed restrictions and to provide a clear record of ownership. If this project is approved, staff recommends a condition of approval which would require that right-of-way for the frontage road through Lot 2 be delineated and dedicated with the first final plan/plat for this development. Staff also recommends that the right-of-way be 65 feet in width and an additional 15 feet of temporary right-of-way be provided, on both sides of the road, to accommodate road construction and grading.

RECOMMENDATION: Due to the submittal of new information, staff has no recommendation at this time. Staff is prepared to make recommendation at the hearing based on Plan Commission discussion concerning the possible land use impacts of outpatient/inpatient care facilities.

MEMORANDUM

To: City of Bloomington Plan Commission
From: The Bloomington Environmental Commission
Date: January 12, 2004
Subject: PUD 35-03: Southern Indiana Medical Park II

The Bloomington Environmental Commission has reviewed the most recent version of the subject PUD, as presented to the Environmental Commission at its meeting of December 18, 2003. Due to the departure of the City's senior environmental planner over the Christmas holidays, the memo originally provided with the Plan Commission packet did not accurately reflect the conclusions of the Commission at the December meeting, so we are providing the following revised memo.

The site plan is similar to the plan previously approved by the Plan Commission in the northern part of the property, however all proposed development has been eliminated from the southern portion, which is proposed to be gifted for permanent preservation. This south area, which is forested with many sensitive environmental constraints, was the source of most of the Environmental Commission's concerns regarding the natural resource impacts of this project. Under the current plan the north-south road would be stubbed at approximately the previously approved location, and an easement would be provided to continue the road through the south part of the property. In summary, the current project has been considerably reduced in size and scope, however all the remaining features are essentially the same as the plan which was approved by the Plan Commission at its November 10, 2003 meeting.

The Environmental Commission supports the current proposal as a significant conservation effort for some of our most sensitive lands, as indicated by the City of Bloomington Environmental Resources Inventory, and hopefully a precedent for preserving more sensitive areas. We greatly appreciate the developer's willingness to compromise and to be open-minded in this regard. The Commission still has concerns about the potential for road development through the southern portion of the site, however we believe that the appropriate place to address that issue is in future review of the City's thoroughfare plan. The Environmental Commission does not have any recommendations regarding how the land is to be protected as long as the protection is permanent; it was our assumption that the word "gifted" on the plan provided in December indicated that the property ownership would be transferred.

MEMORANDUM

TO: City of Bloomington Plan Commission
FROM: Environmental Commission
LIAISON: J. Lynne Friedmeyer, Zoning & Enforcement Manager
DATE: January 12, 2004
SUBJECT: PUD-50-03 Southern Indiana Medical Park II.

The Bloomington Environmental Commission (EC) has reviewed the petition and has the following comments and recommendations.

MISCELLANEOUS:

Approximately 80 acres of this site is heavily wooded. The wooded portion of the site is characterized by steeply wooded ravines, some irregular terrain, a stream with a wooded riparian corridor, a large wetland area, and several karst features scattered throughout the property. Sensitive areas analyses from the City of Bloomington's Environmental Resource Inventory (COBERI project) rates portions of this property as one of the most environmentally sensitive areas within the City's municipal boundaries.

The subarea of the City's Growth Policies Plan states for the State Road 37/Tapp Road that "Site design should take into account and reflect the sensitive nature of this Subarea, especially areas with heavily wooded, steep slopes and karst. Conservation of these areas as greenspace is a required feature, and can significantly enhance the attractiveness of business park development." Furthermore, the Growth Policies Plan states that access and frontage road development "should not negatively impact or intrude on high quality and environmentally sensitive areas on this property."

Taking into account these recently adopted guiding principles, the following recommendations should be considered further to meet City policy and code:

TREE PRESERVATION and OPEN SPACE:

Approximately 80 acres (80%) of this site is heavily wooded. The highest quality vegetation is located in the southwest portion of the site along the steep slopes and ridge tops, as well as on the steep slopes adjacent to the stream's riparian zone. These areas are characterized by mature native tree species such as a variety of maples, oaks, elms, ashes, hickories and tulip trees, as well as a native understory. The lowest quality vegetation is located in the eastern portion of the site and is due to past mining and clearing activities. The eastern-most portion contains clusters of coniferous trees and highly erodible soil conditions due to the shallow bedrock depth and past clearing. Immediately adjacent to this quarry area is a transition area where the lower quality vegetation changes to more

EC Memo
PUD-50-03 (44)

mature higher quality vegetation (also due to past clearing and logging activities). This transition area contains high and low quality vegetation where there is an abundant regeneration of many hardwood species.

The petitioner has proposed to generously gift approximately 63 acres on the southern portion of the site. This is the most sensitive area of the property. However, the petitioner is also being required to dedicate a 65 foot wide path of right-of-way running north/south through this gifted area for a possible future frontage road. The construction of this road would fragment the area for natural habitat and disturb this environmentally sensitive area.

It is generally accepted that larger contiguous patches of open space encourage large healthier populations, support a higher level of species diversity, discourage fragmentation and invasive species, and deter shrinkage/attrition due to barriers and filters created by linear systems and corridors.

This frontage road has been shifted to the west with this plan and skirts the wetlands and crosses the stream in a more sensitive location than previously approved. The frontage road should be relocated to the quarry area in order to protect and preserve the wetlands and water quality of the area.

Finally, in order to ensure the long term protection of proposed open space for this project, all areas set aside as open space and/or the "gifted area" should be placed into a conservation easement.

ENVIRONMENTAL CONSTRAINTS:

KARST

There are several karst features located on this property. All karst features should be protected by conservation easements in clusters, rather than individually.

WATER RESOURCES

As described earlier, a stream bisects this property (an unnamed tributary of the West Fork of Clear Creek running west to east). The highest quality portion of this stream is located in the western portion of the site and contains a wooded wetland, marsh, wooded riparian area, and a meandering stream transitioning to a braided channel with an extensive floodplain. The easternmost portion of the stream that passes through the quarry area is considerably lower in quality – this is due to past mining and clearing activities that have disturbed the entire area.

The petitioner proposes to cross the stream west of the identified wetland areas. This is one of the more environmentally sensitive areas on the site and should be preserved. The EC recommends the stream crossing be relocated to the east of the wetland area, closer to

the quarry, where it is much less environmentally sensitive.

WETLANDS

There are two contiguous identified wetland areas located along the stream. These are located within the riparian zone of the tributary of Clear Creek that bisects the property. One area is a wooded wetland and the other is a marsh, combining to total approximately 2 acres. These wetlands provide valuable ecological services including controlling upstream and downstream flooding during storm events, providing critical habitat for wildlife, improving water quality through biofiltration, and providing habitat to help maintain biodiversity.

The frontage road is proposed to be upstream of the wetland areas immediately adjacent to the identified wooded wetland. Placing the road in this location will have negative impacts on the wetlands such as the removal of critical edge habitat that currently protects the wetland from invasive species, wind and sun; changes to the natural stream dynamics resulting in concentrated stormwater and stream channel flows, increased sediment loads and substantial disturbance during construction. The EC recommends these wetland areas be preserved and protected by conservation easements, and the frontage road be placed as far east as possible - through the low quality old quarry area.

In order to ensure full compliance, as well as avoid unnecessary and late plan amendments, no city permits should be issued prior to City staff receiving copies of all federal, state and local notifications, certifications and permits required for this proposal.

Recommendations:

1. **The Environmental Commission recommends that the proposed frontage road only be constructed between the Tapp Road/Weimer Road intersection and the southern edge of proposed Lot #1. The Commission does not support roadway construction or right-of-way dedication on proposed Lot #2. If a roadway must be constructed on this lot, the stream crossing should occur on the eastern edge of the property in the previously quarried area.**
2. **Karst features should be protected by conservation easements in clusters rather than individually**
3. **All areas set aside as permanent open space should be placed into conservation easements.**
4. **Prior to issuance of any city permits, all federal, state and local agencies should be notified, and appropriate permits obtained**

GPP Compliance

The Growth Policies Plan (GPP) gives us a set of fairly specific recommendations or guidance regarding the development of this site. The site makes up about half of the SR37/Tapp Road Subarea, as it is defined in the GPP. It is our intent to follow these recommendations as closely as possible.

Proposed is an expansion of the existing Southern Indiana Medical Park into approximately 37 acres out of this 102-acre site. Primary uses are proposed as medical and professional offices, uses that are listed as “recommended” by the GPP. In addition, we have added a number of additional uses to our list, at the encouragement of the Planning Department. These uses are delineated later in this document.

The entire southern portion of the property (Lot 2), approximately 63 acres, will be gifted to a preservation group, such as the Parks Foundation or Sycamore Land Trust. The gifted site will be encumbered by a deed restriction, requiring that the new owner must dedicate right-of-way along a yet to be determined route, as needed to construct the planned frontage road, when and if the request is made by the City of Bloomington to do so. An agreement for the gifted area, acceptable to the City of Bloomington Plan Commission, must be executed prior to approval of the first development plan for this project.

The GPP also recommends consideration for inclusion of this subarea into the adjacent TIFF district. We support that recommendation.

Site Inventory

Soils

The site has a variety of soils common to Monroe County. They include Hagerstown silt loam, Wakeland silt loam, Crider silt loam, Caneyville silt loam, and Udorthents-Pits complex.

The Caneyville, Crider, and Hagerstown silt loams are predominant on the site. They are generally readily developed, are well drained, with constraints mostly due to steep slopes and potential bedrock depth.

Along the east-west creek there is a low flat bottom made up of primarily Wakeland silt loam. It is considered a poorly drained soil that is frequently flooded from January through May. Other significant limitations of this soil are wetness and potential for frost action.

Udorthents-Pitts complex is a designation given primarily to areas that have been strongly affected by limestone quarry operations in the past. It typically includes elements such as quarry pits, disturbed soils and limestone rubble, stones and boulders.

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Slopes

We have prepared a slope analysis for this site based upon the 2' contour interval, City GIS maps. Our analysis indicates slopes in the following ranges: 0-8%, 8-12%, 12-18% and 18% and over. The steepest terrain exists in the southern portion of the site below and along the east-west creek. There are several ravines with side slopes in excess of 18% slope. All the wooded areas that exceed 18% slope are located in the gifted, southern section of the property.

Karst Features

A number of potential sinkholes are evident on the GIS contour mapping, but all appear only in the gifted, southern portion of the property.

Water/Drainage Features

There is a small creek that runs east and west across the site. At times it seems to disappear under limestone quarrying rubble and then reappears further downstream. We have defined its approximate course based on contour lines, Aerial Photography and field review.

There are also a couple water/drainage features that branch off from this creek. One drains a portion of the north half of the project, running through a secondary growth wooded area. The second branches off from the east west creek and runs southwest eventually excepting drainage from a section of the SR 37 and land west of SR 37. A major drainage swale, with quite steep side slopes, runs across the property from the middle of the south property line heading northeast. It connects with a minor swale that parallels it, both eventually ending up crossing the quarry area and joining the east-west creek just before it intersects Clear Creek.

A wetlands inventory of the east-west creek and bottomland area has been prepared by Earth-tech. There is jurisdictional wetland that has been identified along the main east-west creek. The wetland area is included in the gifted, southern section of the site, as is the wooded bottomlands along the creek. The proposed future frontage roadway has been routed immediately west of the wetlands to avoid disturbance of it.

Limestone mining features

A portion of this site has been encumbered by prior limestone mining operations. This area is located in the east-central portion of the site and covers approximately 5.3 acres. Bare bedrock, quarry pits and limestone mining rubble is predominant here. These mining operations are particularly evident in the 1961 aerial photograph. Some of the

quarry pits evident in 1961 have been filled in since that time. All the areas disturbed by mining are included in the gifted, southern section of the property (Lot 2).

Wooded areas

Approximately 75% of this site is currently covered with woodlands. According to aerial photographs of this area from 1961, it is evident that about 56% of the site was wooded at that time. Those areas that have re-vegetated since the 1961 photographs consist of generally lower quality vegetation with much cedar, tulip tree, cherry and other weed tree secondary growth. These younger and lower quality vegetated areas on the site are quite evident on 1998 aerial photographs, characterized by the existence of a substantial mix of evergreen species, such as cedar, which are often the first species to establish themselves on barren land.

There are two main areas where this secondary growth is predominant. One is along the west side of the north half of the property, adjacent to the COTA facility. This area showed only hints of vegetation along the drainage swale that runs through it in the 1961 photograph. A buffer of vegetation will be preserved along this drainage swale, except where connecting roadways cross this feature.

The second area evident on the 1961 photograph is a large area that showed no vegetation west of the quarried land.

In the northern portion of this site, there is also a substantial old fencerow of trees, running north and south, which splits the open fields. The tree line varies in size, type and thickness of materials along its length, but generally has some large canopy trees with thick understory along the edges. This tree line will be preserved except where roadways cross this feature to access the eastern most parcel.

The older, more mature vegetative areas on the site include a larger variety of hardwood trees with a few scattered large specimens, like Maple and Oak. Some have trunks as large as 30"- 42" in diameter. Further south along the main ridge, you move out of the large oaks and maples and begin to see predominantly larger tulip trees as scattered specimens. There is one exceptional tulip tree located in the southwest portion of the site that likely measures in the 48"- 60" caliper range. A portion of the southern half of the site, primarily the southeastern corner, has a thinner tree canopy. A few scattered large stumps were observed. We have been told that this area was logged within the past 5 years or so. As a result, the tree canopy is thinner here and secondary regrowth predominates. All of these features are located in the gifted, southern portion of the site, south of the east-west creek.

A more detailed tree community inventory has been prepared as requested by the planning staff, Environmental Commission and Plan Commission members.

Outline Plan

A critical issue delineated in the GPP was careful consideration for environmental impacts for any proposed development, particularly where areas of steep slopes, karst features, and/or woodland areas converge. All areas that are both naturally wooded and exceed a consistent slope of 18%, as well as all the karst features, have been included in the gifted, southern section (Lot 2).

The north portion of our site (Lot 1), above the east-west creek, is the least environmentally sensitive area on the site. It consists primarily of open fields with the flatter slopes and the lowest quality, secondary growth wooded areas. No karst features have been discovered. We propose to preserve a substantial old tree line that runs north-south through the eastern half of this portion of the site. The wooded area on the northwest side of the site, just east of the COTA facility, is a secondary growth area of lesser quality vegetation, most of which was open land 40 years ago. The 1961 aerial photograph and the mix of type, size and quality of vegetation that exists here demonstrate this. Proposed is a buffer in excess of at least 25' on each side of a shallow ravine that runs through this wooded area, while the remaining secondary growth area is slated for development.

The southern portion of the site (Lot 2), below and including the east-west creek and wooded bottomland area is generally the most environmentally sensitive area on the site and is included in the gifted area. There may be a need for some for utility infrastructure crossings and future construction of the frontage road through this area.

The site contains approximately 102 acres. Around 63 acres of woodlands, including the east-west creek and wooded bottomlands are in the gifted area. In addition, another 2.3 acres of tree-line buffers will be preserved in the northern portion of the site. The total gifted and/or preserved acreage of 65 acres represents 64% of the property. Remaining to be developed is approximately 37 acres, which also includes the proposed storm water detention area and the dedication of up to 2 acres of land for a fire/police station.

Use List

The following is intended to fit the generally described uses represented in the GPP.

Medical Offices

Professional Offices

Light Manufacturing

Warehousing

Business Service

Wholesale Trade

Personal Services, Restaurants and Business park supporting retail uses, 5000 sq. ft. maximum for per user, 30,000 sq. ft. total

Rehabilitative Facilities

Residential Care Homes

Convalescent, nursing and rest homes
Research Laboratories
Mental Health Facilities
Clinics for physicians, dentists, or other health care professionals
Inpatient and Outpatient Care Facilities
Day Care Facility
Hotel (limit of one)
Fire and Police Stations

Development Signage

A single project identification/monument sign will be allowed along Tapp Road. This sign will display the name of the development and individual business names and will have a maximum height of 20' and a maximum total area of 200 sq. ft. or 100 sq. ft. per side of a double-sided sign.

Individual sites are allowed to have signage that meets the Scenic/Gateway Corridor regulations for individual nonresidential uses. Directional signage will be utilized to help customers and patients locate specific offices.

Roadway connectivity

The master thoroughfare plan calls for a secondary collector street to be extended from a 4-way intersection at Weimar Road across our site to our south property line. The GPP supports this. However after feedback we have received during our initial proposal from the Plan Commission and at the direction of City Planning staff, we propose to construct a frontage road across the northern, developed portion of our site that connects to Tapp Road at a single new location, approximately halfway between Weimar Road and Deborah Drive. It will be at a high point in Tapp Road for the best sight distance and is also opposite the connection originally proposed in the Mill Creek Village petition for the Public Investment Corporation (PIC) property. The eventual continuation of this frontage road across the PIC property will allow the existing Weimar Road to be abandoned in favor of the new location. This will accomplish the replacement of a substandard section of Weimar Road that is now in the 100-year floodplain, has two substandard curves and a substandard bridge.

We will dedicate and construct a public street across our developable area (Lot 1) to the northern edge of the gifted area (Lot 2). The gifted, southern section of the site (Lot 2) will be encumbered by a deed restriction, requiring the new owner to dedicate right-of-way, along a yet to be determined route, as needed to construct the planned frontage road, when and if the request is made by the City of Bloomington to do so. Also, dedication of utility easements as needed to construct new, or repair existing utility lines to serve the developable area (Lot 1) will be required by deed restriction. These deed restrictions will enable the City of Bloomington or its assignees to complete the construction of the frontage road at some point in the future, should they elect to, and will also allow utility service lines to be constructed as needed to support the new development.

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We propose to continue the road stubbed from the original medical park development (Deborah Drive) to the east, across our site and connecting to the frontage road. This connection will provide for interconnectivity between the two medical park developments and access from the existing medical park to the frontage road.

Finally, since there is no longer a roadway connection from our development to the Tapp Road/ Weimer Road intersection, any impact of such a connection on the adjacent private drive and entry to our east has been avoided completely.

The specific design configuration of our new intersection with Tapp Road will be addressed in greater detail at the development plan stage, when more specific survey and design information is available. It will be coordinated with the design for future Tapp Road reconstruction efforts that is currently underway.

Setbacks and R.O.W. and Roadway Standards

The right-of-way for the north-south frontage road shall be 65', in accordance with the Master Thoroughfare Plan. Eight-foot wide asphalt side paths are proposed for each side of the road with a 22' wide pavement configuration. There will be a tree plot of at least 8' in width.

Other proposed roadways will have 50' right-of-ways with a 5' sidewalk on each side; a 22' pavement width and a tree plot of at least 6' in width.

Street setbacks shall be a minimum of 20' from the R.O.W. for buildings and 30' for parking.

Site Lighting

In order to control the amount of disturbance to the area due to site lighting, we propose to control it in several ways. First, lighting shall be directional in nature and parking lot lighting shall have a 15' maximum pole height. Second, parking lot lighting will be switched and shall be turned off during non-working hours. Building security lighting, however, shall be allowed during closing hours.

Utility Infrastructure

We have been reviewing the utility service infrastructure in this area with City Utilities, and believe we have proposed a "master utility plan" that addresses service to the entire subarea, as recommended in the GPP.

Stormwater Management

The site is located in a large drainage basin with a tributary of Clear Creek bisecting the site from east to west. The majority of the drainage basin of this tributary is located west of the site and west of SR 37. There are two existing culverts that convey runoff under SR 37 and to the tributary that bisects the site.

The plan requires construction of detention and water quality basin at the southeast corner of the project. This basin will be constructed outside of the limits of the streambed and wetland area in the low-lying property on site. The basin will be sized to accommodate the storm water detention needs of the site as well as provide additional storage for the previously developed medical park upstream, if needed to hold runoff to pre-development rates.

Storm drainage systems on site will discharge to grassed waterways leading to the detention / water quality basin. Smaller water quality basins may be constructed in areas closer to developed portion of the site. Details of all basins will be reviewed and designed at the development plan stage.

Drainage plans shall include proven storm water best management practice alternatives for storm water filtration along the developed area (Lot 1) interface with the gifted area (Lot 2).

Sanitary Sewer

The existing 15" VCP sanitary sewer main that crosses the site is operating at capacity and is in need of repair. Additional flows generated by development of this site may require improvements and possible over sizing of the existing main. The extent of over sizing necessary and exact route of the proposed sanitary sewer connections to the existing system will be determined at the development plan stage. It is anticipated that the sanitary sewer within the development will generally follow the roadways, but may have to cross the gifted area bottomlands, to access the existing sewer that runs through this location.

Water Mains

Water service for the site will utilize connections to the existing 20" City main along Tapp Road and connections to the water main system within the existing medical park. A water main will also need to be stubbed to the south end of Lot 1 for future extension, should the frontage road be built. As with sanitary sewer, it is anticipated that the water main system will generally follow the internal roadways. Water modeling of the distribution network will need to be done to determine the exact sizes of the mains necessary with input from CBU on long range planning. Both of these items can be completed at the development plan stage.

Traffic Study

Executive Summary (see attached Traffic Impact Study for more detail)

Tapp and Weimer Roads currently operate at reasonable levels of service. The added traffic from this project, but mostly from background growth and other committed projects in the area will stress the roadways in their current configuration. Continued upgrades that are being planned using TIF District funding will accommodate the increasing traffic volumes.

Specific concerns and recommendations drawn from this study include:

Tapp Road

Continue to upgrade and widen Tapp Road to a five-lane configuration east of SR37.

2. A traffic signal should be planned at the entry to Tapp Road from this project to accommodate this project and the Public Investment development on the north side of Tapp Road.
3. Work closely with INDOT to maintain and upgrade the intersection/interchange of SR 37 and Tapp Road

Weimer Road

- 1 Construct Weimer Road as a good two-lane facility within this project and reconstruct Weimer Road on a new alignment through the Public Investment property to the north

SR 37 and Tapp Road

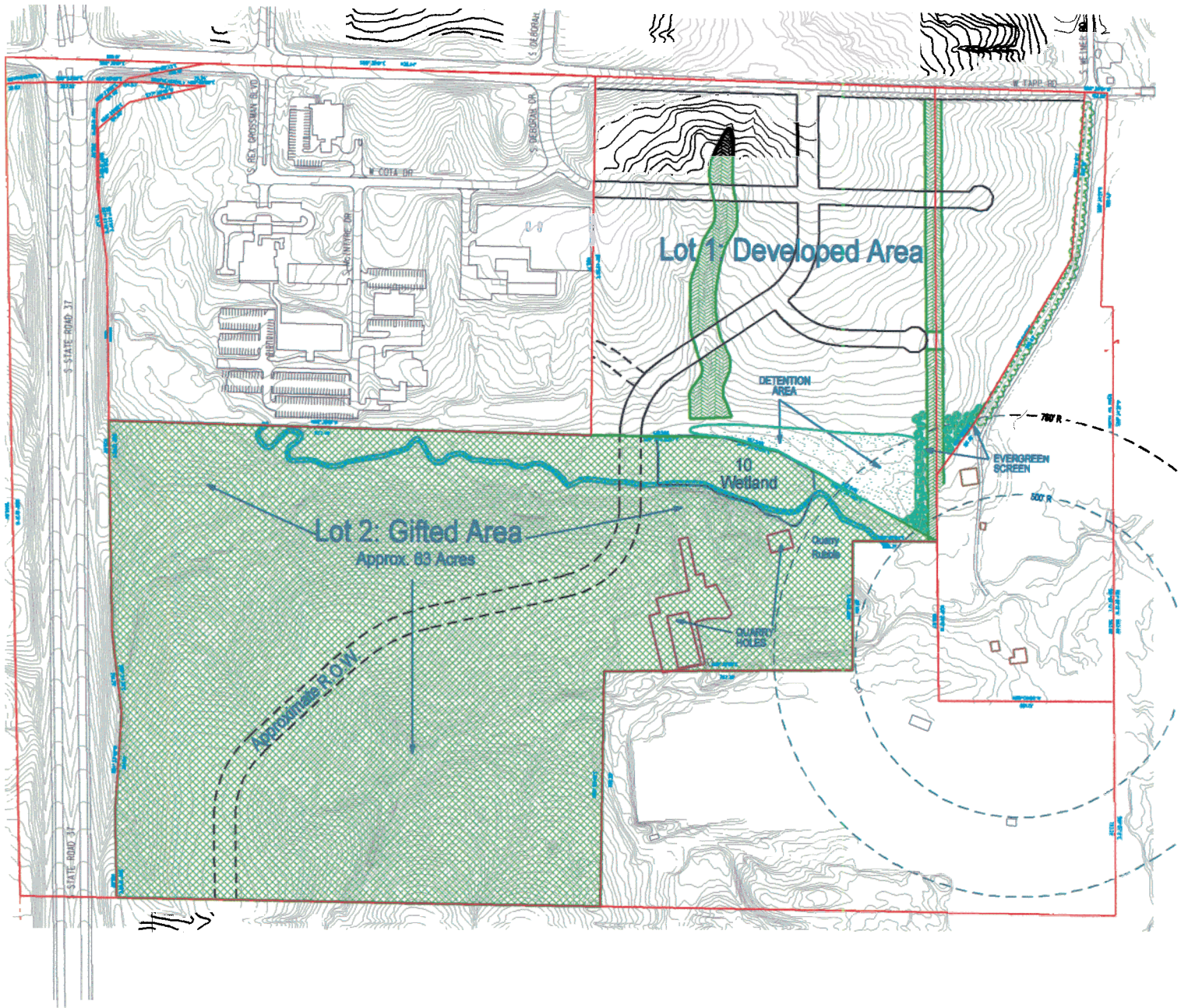
Access should continue to be provided to SR 37 at this location. If INDOT determines that the intersection is too close to the Fullerton Pike or SR 45 interchanges, then a system of collector distributor roadways paralleling SR 37 should be considered.

Other Specific conditions

The petitioner will dedicate a maximum of two acres for a Fire Station/Police Station Facility. This dedication shall be done in developable area (Lot 1) and shall be on a site of the owners choosing. However, the parcel must have direct access to the frontage road. The dedication shall take place with the first final plan/plat for this development.

2. The petitioner will coordinate with the city's consultant on the Tapp Road expansion project to better determine the location and configuration of our new intersection with Tapp Road prior to submitting a development plan for this site.
3. A 15' wide pedestrian easement shall be provided between the east property line and the frontage road, to facilitate a future connection to the Clear Creek Trail. The exact location of this easement shall be determined at final plan stage.

4. The petitioner shall evaluate the existing medical park to insure that its storm water detention system is operating effectively. If it is not, then it will be repaired or it's runoff will be included in the stormwater detention plans for the new development. The petitioner shall complete a pre/post-development stormwater analysis of the entire Southern Indiana Medical Park, including both the existing and proposed sites. The petitioner shall make necessary upgrades and additions, to ensure that the combined developments do not exceed the pre-development runoff conditions.
5. Drainage plans shall include proven storm water best management practice alternatives for storm water filtration at the gifted area (Lot 2) interface during development plan stages.
6. The 63-acre southern area shall be gifted to a preservation group, with appropriate deed restrictions, as delineated previously in this document.
7. Drive-through commercial uses are not permitted. Consumer oriented mini-warehouses will not be permitted.
8. All building facades that are visible from public streets shall have architecture of equal quality to, and be compatible with, the front façade of the building.
9. All final plans will include a lighting plan sufficient to demonstrate compliance with lighting commitments made in this petition.



Protected Areas Legend

Outline Plan

-  No Development
-  Protected Tree Lines



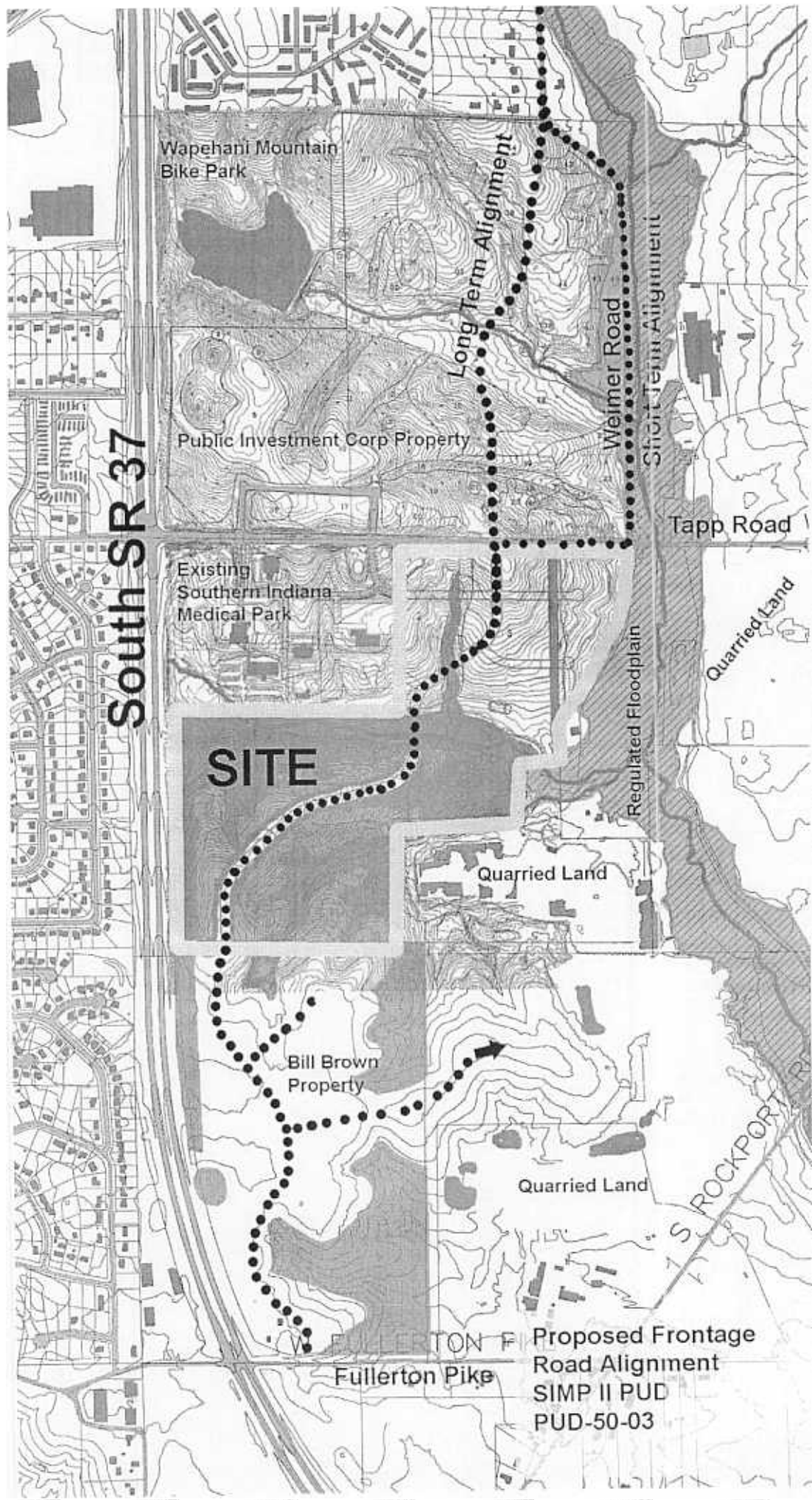
Smith Neubecker & Associates, Inc.

SN 453 S. Clarizz Blvd.
Bloomington, Indiana, 47401
Telephone: (812) 336-6536

Southern Indiana Medical Park II

PUD-50-03

Schematic Site Plan 62



Proposed Frontage
Road Alignment
SIMP II PUD
PUD-50-03

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January 8, 2004

Tom Micuda, Director
City of Bloomington Planning Department
Showers Building
Bloomington, Indiana 47404

Re: Southern Indiana Medical Park II PUD - Response to Comments

Dear Mr. Micuda,

Please allow this letter to serve as the above-referenced petitioner's requested responses to comments received on the Southern Indiana Medical Park II PUD.

History

We began working on this project over 8 months ago. Our first of three Plan Commission meetings was in August. One meeting was skipped in September in order to provide more a detailed study requested by the Plan Commission and Environmental Commission, including wetlands and karst inventories and a tree community inventory. The second and third meetings were held in October and November. Our stated goal from the start was to present a petition that met the goals and ideals of the Growth Policy Plan. We have not strayed from that goal.

At each stage of the process, the petitioner has been very open to suggestions and concerns expressed by the planning staff, the adjoining neighbor, Plan Commission, Environmental Commission and historic preservationists. These were the groups who were with us throughout the process, giving us valuable feedback and helping us craft a complete proposal that we hoped could be supported by everyone involved. In fact, the petitioner was often defending the adjacent historic property owner from roadways and development being pushed closer to his homestead. There was not one request made, that we can recall, that was not accommodated by the petitioner.

At the last Plan Commission hearing, a strong conflict arose between the goal of the environmentalists to protect the fragile woodlands and the historic preservationists to protect the neighbors historic home and site. We received an approval by the Plan Commission, based in several last second conditions structured by one Plan Commission

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Petitioner's response to BHHS Letter

member. However, it was clear that neither of these groups were satisfied with the result. This was not what the petitioner had hoped and worked for. He wished to find a way to accommodate both of these groups, and he determined that gifting the 63-acre woodlands would best respond to these concerns. This was the one thing the petitioner felt could be done that would bring the various interested parties to the table in full support of our proposal.

With the approval from the Plan Commission in hand, the question then became how to accomplish the gifting. Options were discussed with Tom Micuda, City Planning Director and with Dave Rollo, Plan Commission and City Council member. The petitioner's initial suggestion was to publicly announce that the 63 acres would not be developed and would instead be gifted to a preservation group and go to the city council with that knowledge in mind. This would not have put the petitioners Plan Commission approval at risk. Mr. Micuda consulted the City Legal Department for their feedback on this issue. They indicated a discomfort with this concept. Instead, their preferred option was for the petitioner to request a formal denial of the approved petition by the City Council and to go back to the Plan Commission for the sole purpose altering the approval to include gifting the 63-acre woodland.

After much consideration the petitioner agreed to this process, fully understanding that the proposal already had Plan Commission approval, but indeed expecting a rubber-stamp approval of this one simple and generous change to an *already approved* plan.

Uses

Throughout this long process, the petitioner has stayed steady on the list of uses he needed to make this project a feasible one. There was never a single question during this long process about reducing this list, in fact, at the request of the Planning Department; several uses were added to the list. All the parties involved have carefully crafted this project over this period of time and the petitioner has relied upon this process to the point of exercising his option and actually purchasing the land. The project has many key parts, and at this point, there is no single part of the proposal that can be removed without making the project unworkable. The petitioner cannot support removal of any uses anymore than he can support removal of the 63-acre gifting. Each is equally critical to making this a feasible and successful project.

Frontage Road Right of Way Dedication

In our revised proposal, we sought a middle ground between the environmentalist's and City Planning's concerns, by suggesting that the R.O.W. dedication through the gifted area be protected by deed restriction that the City could exercise in the future. The City Planning staff is not comfortable with this proposal and has suggested that we consider tying R.O.W. dedication to the first development plan approval, just as we have with the gifting agreement. Upon further consideration, we support this proposed change in the outline plan and agree to dedicate the R.O.W with the first development plan approval.

Reply to Bloomington Hospital's comments

Petitioner's planned unit development is consistent with and responsive to Bloomington's GPP for the benefit of this community, and it is responsive to the medical marketplace – expanding physicians' office and work spaces, expanding Bloomington's involvement in the health care arena, and expanding the Bloomington healthcare community's draw from surrounding counties. Some of the usage and projects we contemplate are medical offices, an inpatient/outpatient facility, life science centers, and medical manufacturing businesses. We anticipate building a medical complex that will continue to develop for many years to enhance all of the Bloomington community health services. The expansion of petitioner's practices into a larger facility and the offering of additional medical office building space and services as requested by Bloomington physicians, the potential development of life science centers and medical manufacturing operations will make the City of Bloomington an even greater regional center for health care, drawing more citizens seeking healthcare from farther away and enhancing – not diminishing – Bloomington Hospital's operations.

Bloomington Hospital has suggested in its comments that any “for profit” entity *that it does not own* which provides even very limited in-patient services or ambulatory surgery center services will cause the Hospital to incur a “deteriorating financial condition” and an inability to provide indigent services. But in fact, this development does not place the Hospital in any danger.

Despite its “Not for Profit” status, the Hospital's own annual report shows that it made nearly \$7 million in “Profit” during 2002 (2003 figures are not yet available), and revenues of over \$200 million. [Http://www.bhhs.org/pdf/Bhosp_Annual%20Report_03.pdf](http://www.bhhs.org/pdf/Bhosp_Annual%20Report_03.pdf). In fact, as the report shows, over the last several years, Bloomington Hospital has acquired Orange County Hospital, seven family practice offices, and now owns a nursing home as well as managing two others. In addition, Bloomington Hospital has partial ownership of the Southern Indiana Surgery Center and the SIRA Imaging Center. The petitioner's practices are very small compared to the empire supervised by the Bloomington Hospital. It is difficult to imagine that the petitioner's comparatively small practices could have any negative impact on Bloomington Hospital's large and relatively comprehensive operations. And in fact, this project will not.

Bloomington Hospital expressed a concern that additional or expanded private health care services may cause it to have to incur an even greater degree of unreimbursed or indigent health care services. This petitioner, however, has historically had and it has now an exemplary record of providing health care for those with an inability to pay. He was one of the first, if not the first, physician in Bloomington to sign up for providing services under the CHAP program when it was initiated by the effort of Dr. Carol and Jim Touloukian. Petitioner's practice has been and is presently:

Medicare	40%
Medicaid	27%
Private Carrier	23%
CHAP/ self pay	10%

Petitioner provided \$64,000 in CHAP services last year. Moreover, petitioner has historically provided Medicare services “with Assignment”, which means that the patient is not billed for the costs of services which Medicare will not pay for. We think we would be hard pressed to find another physician who has shown greater commitment to indigent services and charity care than petitioner. Petitioner, as well as the Hospital, has made it a part of its mission to provide healthcare services to the indigent, and petitioner has historically provided such services to an extent that rivals other physicians in this community. Its unreimbursed healthcare service delivery to the indigent has been and continues to be exemplary. Petitioner pledges to continue such a commitment.

The so-called “Federal Moratorium” is not an issue here. It is inaccurate to say that the recent Medicare amendment, the Medicare Prescription Drug and Modernization Act of 2003, prevents construction of hospitals, surgery centers, or facilities that compete with non-profit hospitals. The concern the statute addresses is that *physician ownership* of private health care facilities may result in referrals to a facility out of the physician’s economic interest, rather than in the patient’s best interest. Moreover, the moratorium is specifically tied to facilities accepting Medicare and Medicaid patients. It does not say that new construction of a surgery center with very limited in-patient services are prohibited because they pose a threat to major hospitals. We believe the commenter’s reference to this statute is not on point in this matter.

The commenter is concerned about drawing patients away from Bloomington Hospital. Petitioner draws patients from many counties, and has done so for years. And indeed we believe petitioner draws patients from a much larger area than does the Hospital. It brings patients *to* Bloomington, not *from* Bloomington Hospital. We believe this project, being uniquely located on 37 will draw even greater numbers of patients to the Bloomington healthcare community and will, in fact, enhance Bloomington Hospital’s operations. We believe the commenter expressed similar concerns about the development of the Southern Indiana Surgery Center years ago – that a surgery center would harm the hospital by drawing patients away from the hospital. But clearly the Surgery Center’s operations have not had the negative impact on the Hospital that Bloomington Hospital predicted then or that it now predicts is inherent in the construction of “even one more” ambulatory surgery center in Bloomington. This project will have no negative impact on the Hospital. Quite the contrary, we anticipate this project will bring more business to the Hospital and provide the Bloomington community with even greater healthcare services.

Thank you for your assistance in this matter. If you would like additional information, please do not hesitate to call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael O. Ellis". The signature is written in a cursive style with a large, stylized initial "M".

Michael O. Ellis
Attorney for Petitioner

cc: Dan Neubecker
Dr. Kamal Tiwari

Bloomington Hospital & Healthcare System

“Issue Briefing for Community Leaders”

Overview.

Bloomington Hospital & Healthcare System is the leading not-for-profit healthcare provider for South Central Indiana and fulfills multiple needs in our community, particularly for the poor and uninsured. For-profit facilities that take profitable services away from BHHS detract from our ability to stay state-of-the-art. Ultimately, it is not in our community’s best interest to support additional facilities of this type.

Recommendation.

Bloomington & Healthcare System requests the Planning Commission remove “Inpatient and Outpatient Care Facilities” from the petitioners’ use list. Additionally, Bloomington Hospital & Healthcare System requests the following conditions of approval:

- 1) There be no use which falls under the definition of “Hospital” as defined by the City of Bloomington Zoning Ordinance.**
- 2) There be no use which falls under the definition of “Ambulatory Surgical Center” as defined or licensed by the State of Indiana.**

Background.

National and State Perspective.

1. National.

In communities across the country, for-profit facilities (specialty hospitals, surgery centers, etc.) with physician investors, but without the local community hospital’s involvement, are significantly impacting the local hospital’s financial condition. This issue has generated so much concern that the recently passed Medicare legislation contains an 18-month moratorium on new specialty hospitals to give the government time to study the issue.

Letter from BHHS
PUD-50-03

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2. State.

At least one state has already issued a moratorium on these kinds of facilities. This issue is also being addressed in the Indiana legislature. Several alternatives are being studied including a moratorium on new facilities, a return to a certificate of need law, and restricting physician referrals to facilities in which they invest.

Three Key Points.

1. BHHS's mission and meeting our community's needs.

Bloomington Hospital & Healthcare System had over eighteen million (18) dollars of charity care and bad debt in the most recent fiscal year.

Two prime examples of meeting our community's needs are as follows:

▪ **Bloomington Hospital Ambulance Service at Risk.**

Facts:

1. Last year's operational losses for BHAS totaled over \$900,000 – the county paid \$121,000. The hospital covered the remainder of the loss.
2. Most ambulance services are run by cities or counties.
3. Other surrounding counties contribute a greater portion to cover these costs.
4. The community has an award winning ambulance service.

▪ **Bloomington Hospital supports the CHAP Clinic (Community Health Access Program) with a subsidy of \$400,000.**

Facts:

1. Bloomington Hospital operates the only adult primary care clinic in the community that solely serves the indigent.
2. Indigent care continues to grow with the hospital's emergency department – the only safety net for these patients.
3. Collection of community health services under one roof (WIC, Family Planning Clinic, Positive Link, Health Dept. Clinic).
4. Patients not seen at CHAP come to the emergency room and the hospital.
 - a. Bloomington Hospital's Emergency Room provides a substantial amount of uncompensated care for our community and is the safety net for all uninsured and underinsured patients.

2. Capacity, need and collaboration.

Our Healthcare community has successfully collaborated in a number of areas such as the Southern Indiana Surgery Center and the SIRA Imaging Center (both joint ventures with Bloomington Hospital and the mainstream of our physician community). There is adequate capacity, excellent quality, and ready access already present in our healthcare delivery system.

3. Potential Impact of for-profit Facilities upon BHHS and its Mission

- With less profitable revenue streams, our ability to subsidize the unprofitable mission driven services could be jeopardized.
- With a deteriorating financial condition, the ability to provide state of the art equipment, facilities, and programs will be threatened. This could force our patients to seek services in other geographic areas (i.e., Indianapolis, Louisville, etc.).
- All of the above could lead to even greater healthcare costs to local employers or companies looking to locate here.

Conclusion.

It is our understanding that the proposed medical project identifies medical office buildings, as well as inpatient and outpatient services. We believe the proposed medical office facilities are in character with the adjoining facilities. However, we are strongly opposed to any project that would allow an acute care facility or specialty hospital with inpatient or overnight beds. That could be the beginning of a multi-hospital environment without an equal sharing of our mission responsibilities. Furthermore, we believe that even one more ambulatory surgical center is unnecessary and not in the community's best interest for all reasons previously stated.

CM'S - GREAT ARTICLE FROM THIS MONTH'S MONEY MAGAZINE.

VERY OBJECTIVE AND INTERESTING ON A TOPIC WE'LL SEE SOON.

JASON

health

BY PETER CARBONARA AND JOAN CAPLIN

THE HOSPITAL WARS

Are specialty hospitals a model for the future—or a time bomb?

There's a fight going on in Columbus, Ohio. It's about who can own a hospital and what choices patients should have about who takes care of them—and where. The focus is New Albany Surgical Hospital, a 42-bed operation that is owned and run by local doctors and does mostly orthopedic surgery. New Albany, which will be run as a for-profit business, opened in December.

The 30 founding New Albany doctors, each of whom put between \$20,000 and \$400,000 into the \$40 million hospital, say that their venture is a model of what American health care should be—and everything most hospitals are not: efficient, specialized and responsive to its patient-customers.

The operators of the four nonprofit general hospital systems in the area say New Albany is a crass grab for dollars by greedy doctors. Worse, they say, it will rob general hospitals of the lucrative surgical cases they need to pay for the treatment of the very sick and the very poor. The Columbus hospitals are sufficiently threatened that some will no longer allow doctors who are investors in New Albany to admit patients.

More than just a turf battle between doctors and hospital administrators, the Columbus dustup, like similar bouts in other states, is an important public policy question in disguise. Several questions, actually: Who gets to decide how limited medical resources are allocated? Should the way hospitals get paid be radically revamped? And is it bad medi-

cine to run a hospital—or any medical institution—as a for-profit business?

THE NEW ALBANY STORY

About nine o'clock one December morning, his first in the new hospital, Dr. Carl Berasi is standing outside one of New Albany's operating rooms in blue surgical scrubs while a scrum of nurses and technicians prepare his third case of the day. Berasi is a 50-year-old osteopathic orthopedist. (Osteopaths are not M.D.s, but their training is almost identical. Most M.D.s these days accept them as peers.)

Since 6:30 a.m., Berasi, who is also New Albany's chairman and its most prominent public face, has been cranking out knee arthroscopies, each of which takes him about 20 minutes.



Photo illustration by Jerry Mirra

MARCH 22, 2004
Specialty-hospitals rant
full of nasty speculation

health

Berasi hopes to do five operations today. Claspng his hands, still dripping with water and sterilizing soap, Berasi says, "I want the doctor to be the guy looking the patient in the face and hearing his complaints, hearing about the complications. Not some administrator cutting [nurses] on the floor."

The New Albany doctors are members of five practice groups, the largest of which is Berasi's 14-physician OrthoNeuro. "This is something we did out of hope for the future, not frustration with the past," Berasi says. But there was a lot of frustration with the local hospitals where Berasi and his partners have practiced. The doctors were frustrated with the amount of control they had over which nurses treated their patients, over how long they sometimes had to wait to schedule operating room time, over having their volume and mix of cases subject to scrutiny and second-guessing by hospital administrators.

These are the standard gripes of the modern doctor. The OrthoNeuro group, though, was sufficiently unhappy to start planning their own inpatient orthopedic surgery center, which they

would run in partnership with a local hospital. They'd get an added measure of control and also a piece of any profits the facility might earn. (Doctors and hospitals are generally paid separately by insurers.) Joint ventures are not unusual these days, and there are several in the Columbus area. The doctors approached the local hospital groups, talking most seriously to the largest, OhioHealth, which runs seven hospitals. In the end, however, there was no deal.

"There were lots of efforts to work it out," says OhioHealth's chief medical officer, Dr. David Morehead, but "there was a line in the sand. We weren't willing to joint-venture in beds. We've joint-ventured with ambulatory services. But for hospitals, inpatient is the core."

Eventually the orthopedists found their way to Surgical Alliance, a privately held Nashville company that develops for-profit hospitals and ambulatory surgical centers. At New Albany, its first completed project, the doctors got the control they wanted: a 60% ownership stake and 10 of the 12 seats on the hospital board.

THE LOOPHOLE

The United States has about 5,000 hospitals. Most of them offer all kinds of medical services and are run as nonprofit, tax-free institutions. But there are a growing number of exceptions to that model. According to two recent reports by the General Accounting Office (GAO), Congress' nonpartisan investigative arm, there are now 92 specialty hospitals in the U.S. that provide mainly one kind of

medicine—usually surgery, either cardiac or orthopedic. Most were built in the past 10 years; another 26 are under development. (See "Growth Spurt" on page 152.) They tend to be concentrated in the West, Midwest and South, where there are fewer legal restrictions on hospital construction. The GAO estimates

New Albany's founding doctors own 60% of the new hospital

that three-quarters of these hospitals are owned, at least in part, by the doctors who practice in them.

Over the past several years, doctors have had a tougher time making money. Expenses like malpractice premiums have soared, while the amounts that doctors are paid by insurers have dropped. And in hospitals, doctors have increasingly found themselves answering to that new and unloved species of bureaucrat, the hospital administrator with an M.B.A.

But as hospitals became less friendly to doctors, they also became less necessary. Medical and technological advances make it possible to treat in a clinic setting a lot of conditions that used to require hospitalization. Doctors began opening ambulatory clinics, places they owned, which treated patients and sent them home. For doctors this was great—more control and more money, because they were paid both as physicians and as clinic owners.

The party came to an end for doctors in 1989, when Congress, reacting to a wave of unnecessary procedures in ambulatory clinics, prohibited Medicare payments to a doctor for treatment of a patient in a clinic, lab or rehab center in which he had an ownership interest. But the law, known as the Stark Act (for Rep. Pete Stark, the California Democrat who sponsored it), has one critical loophole: It does not prevent a doctor from



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For their part, the New Albany physicians have said they have no such intention and rejected the charge that they are less committed to providing charity care than are the general hospitals.

Denying or revoking doctors' privileges has been the hottest issue in fights over specialty hospitals around the country, and the one that, so far at least, most directly affects patients. If your orthopedist loses privileges at your local hospital, that means he can't operate on your hip there, so you either have to go to another hospital or find a new doctor.

Doctors, even those not associated with specialty hospitals, have bitterly protested what they call "economic credentialing." But hospitals appear to be within their legal rights. In 2001, for instance, the South Dakota Supreme Court upheld a lower court ruling permitting a general hospital to deny privileges to doctors who were also involved with a local specialty hospital.

GOOD MEDICINE?

Whether New Albany can succeed as a business remains to be seen. Its most immediate hurdle is persuading insurance companies to pay its bills. For insurers, that means risking the ire of

Will New Albany drain resources from the traditional hospitals?

the general hospitals that dominate the Columbus market. With only 42 beds, New Albany is a tiny player. Berasi declines to say which insurers New Albany has made deals with, but UnitedHealthcare, the largest hospital insurer in the state, tells MONEY that it will pay for treatment of insured patients at New Albany. In Dayton, however, two of the three largest insurers in the state have not provided coverage for a five-year-old cardiac specialty hospital.

Above and beyond whether it is good

business, the key question is whether New Albany—and the whole specialty hospital idea—is good medicine. Do physician-owned specialty hospitals really drain crucial resources from traditional hospitals?

The American Hospital Association has compiled reports on general hospitals around the country that it says have been hurt by specialty hospitals. Doctors like Berasi tend to reject those claims as anecdotal. They are likewise unmoved by GAO reports concluding that specialty hospitals have treated people who were less sick than those in general hospitals.

MedCath, a public company that has developed 11 specialty hospitals, sponsored its own study comparing seven heart hospitals it partly owns with 1,192 general hospitals that do open-heart surgery. Not surprisingly, its study concluded that its hospitals treated a higher proportion of seriously ill cardiac patients than its competitors did, had lower in-hospital mortality rates and sent its patients home more quickly.

The main problem with these studies is that they're based on tiny, and therefore not very useful, samples. For-profit specialty hospitals, after all, constitute less than 2% of U.S. hospitals. And neither the MedCath nor the GAO analyses had anything to say about what financial damage, if any, specialty hospitals have done to their general-service competitors.

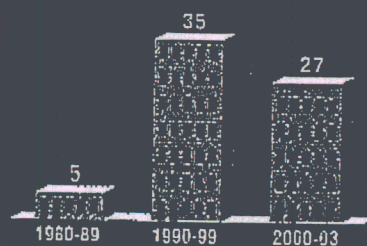
So we're in for yet another study. The Medicare drug bill that President Bush signed in December mandates an 18-month national halt on the construction of new specialty hospitals and a study of the financial effects of those already in existence by a Medicare advisory panel.

Sen. John Breaux, a Louisiana Democrat who supported the measure, is one among numerous members of both houses of Congress who have expressed opposition to physician ownership of specialty hospitals. "Specialty hospitals

Growth spurt

Specialty hospitals make up less than 2% of the U.S. hospital universe, but their numbers have tripled since 1990. About three-quarters are owned in whole or in part by the doctors who practice in them.

SPECIALTY HOSPITALS OPENED IN...



Note: Through March 2003. Sources: General Accounting Office, Centers for Medicare and Medicaid Services.

do a good job," says Breaux, whose home state has eight such hospitals, with 12 more in the works. "The problem is the overall effect. What's the problem from a financial standpoint? Should doctors be banned from owning specialty hospitals, or should other procedures get higher reimbursement?"

And that may be the real point. As long as certain kinds of medicine are more profitable than others, someone is going to try to capture the profit. Surgery's higher profit margins are embedded in Medicare (and insurance company) rates, and the political will to retool that part of the system seems, at the moment, to be zero. Changing any part of Medicare is politically difficult, as the battle to pass the Medicare drug bill made painfully clear.

In the meantime, it will be interesting to see what happens in Columbus. Berasi says, "I've had hospital administrators say, 'We are going to crush you.'" They will certainly try, but Berasi is sure that in New Albany he's got a better mousetrap. He likes to tell a favorite, no doubt apocryphal story about an orthopedic surgeon who was clocked on the golf course one day by an errant five iron. He finished his round as if nothing had happened. Says Berasi: "We're pretty hardheaded." **S**

NEW ALBANY'S Dr. Carl Berasi, right, and Dr. Adolph Lombardi are convinced that a specialized hospital like theirs can provide better orthopedic care.



referring a patient to a *hospital* he owns. And that makes the specialty hospital business legally possible.

What makes the specialty hospital business financially possible is the imbalance in the way both insurance companies and Medicare pay for different kinds of hospital services. Generally speaking—and for reasons that have more to do with tradition than logic—surgery is more lucrative for hospitals than equally important services like maternity wards, emergency rooms and burn units. That stuff typically loses money and is subsidized by the profits hospitals make on hip replacements and coronary bypass operations. For most hospitals, E.R.s and delivery rooms are loss leaders. Hospital administrators keep them because they bring customers in the door who may buy something more profitable later and—well, because hospitals are supposed to take care of sick people. Specialty hospitals, though, don't do everything. They can offer exclusively moneymaking services like hip surgery without having to lose money on an emergency room.

THE BIG BOYS FIGHT BACK

Specialty hospitals—like ambulatory clinics before them—have made the hospital establishment very unhappy. Carmela Coyle, a senior vice president for advocacy and representation at the

American Hospital Association (AHA), says, "This is right at the top of our list. It's among our most important issues, something that can make or break the existence of a full-service community hospital in a very short period of time." Over the past few years the AHA—not to mention numerous state hospital associations—has put its lobbying weight behind proposed state and federal laws designed to close the Stark Act loophole for specialty hospitals.

"If you did a case study of every city where there is a specialty hospital, you'd see there's been a brawl," says Randolph Fenninger, a Washington, D.C. lobbyist for the American Surgical Hospital Association, a trade group for specialty hospitals. The list includes New Orleans, Milwaukee and Kansas City, Mo. And now Columbus.

Since Berasi and his partners announced their plans for New Albany, they've been called "greedy" and "selfish" by the editorial page of the *Columbus Dispatch*, whose president and associate publisher is the chairman of the board of directors of a local hospital. The Ohio legislature considered legislation outlawing specialty hospitals; instead it passed a two-year moratorium on new projects.

But the most immediate threat to the

New Albany doctors is losing their admitting privileges at the other hospitals in the area. It's common for a doctor to have admitting privileges at more than one hospital, and the New Albany investors had intended to continue seeing patients in other hospitals.

OhioHealth has already closed its doors to the doctors who invested in New Albany. "It's been painful," says OhioHealth chief medical officer Morehead. "I respect them, but I wish they hadn't done it. We're not talking about

A local paper has called the New Albany group "greedy" and "selfish"

bad people. We're talking about people who have chosen a different path."

What Morehead and his peers at Columbus' other major hospitals fear about that path is that it will lead doctors who have invested in New Albany to send the well-insured and lucrative cases to their new hospital and leave the general hospitals to take care of the rest—the orthopedic patients who need long hospital stays, the elderly people with pneumonia, the trauma victims in the E.R. and all the other money losers.

In the Council Chambers of the Showers City Hall on Wednesday, January 5, 2004 at 7:30 pm with Council President Gaal presiding over the statutorily required Organizational Session of the Common Council.

COMMON COUNCIL
ORGANIZATIONAL SESSION
January 5, 2004

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Gaal gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Chris Sturbaum thanked those who voted to put him on the council, said he would do the best job he could, and asked folks to keep him on his toes.

MESSAGES FROM
COUNCILMEMBERS

Andy Ruff welcomed Sturbaum and Stephen Volan to the council and Mayor Kruzan to city government and said it was good to have James McNamara back, too. He noted the end of 150 years of rail service to Bloomington, adding that this industry was important to the history and economic development of Bloomington as it served the limestone industry and the Showers furniture factory. He said that we should mark the ending of this era as significant just as we would an opening or ribbon cutting.

Michael Diekhoff welcomed Volan, Sturbaum and Mayor Kruzan to City Hall.

Timothy Mayer wished everyone a happy, healthy and prosperous new year, welcomed Sturbaum and Volan and Mayor Kruzan, and said he was looking forward to working with the new members of council to accomplish good things.

David Sabbagh welcomed new council members and offered to fill them in on anything they needed to know. He welcomed Mayor Kruzan and added that he hoped that he would be present at council meetings many times in the future.

Sabbagh outlined goals for this year as:

- Streamlining the council agenda with regards to public and council comments so that business isn't begun too late in the evening.
- Broadening the membership of boards and commissions along with a review and reauthorization of city boards and commissions.
- Re-establishing a council committee to study affordable housing issues with the administration and other interested parties.
- Establishing a council committee to work with the Mayor and the Bloomington Economic Development Corporation to study economic development in the city.
- Studying and developing tax abatement guidelines.

Dave Rollo welcomed Sturbaum and Volan and said it would be an honor to work with the Kruzan administration in this next term of office.

Stephen Volan thanked those who made him and Sturbaum feel so welcome. He thanked those who worked on his campaign and especially mentioned his parents and Catherine Stafford and her family among others. He also thanked Judge David Welch who administered his oath of office and who inspired him to 'step up' to public service. He mentioned the passing of IU Swimming Coach Doc Counsilman and said he would be missed.

Chris Gaal said that even though there were seven out of nine members returning to the council, this was, indeed, a new council because of the new dynamic with two new council members added to those with experience. He stated that he, along with many other citizens, look forward to a new and more positive relationship with the administration and the new mayor. He ended by saying "Let the honeymoon begin!"

MESSAGES FROM
COUNCILMEMBERS (cont'd)

Mayor Kruzan teasingly said he hoped that he and the council would continue the best "Reality TV" in the city of Bloomington by calling the show Mayor Survivor where proposals from the second floor would be voted out and not down. He thanked Gaal for the challenge of high expectations and said he looked forward to living up to them. He said he had respect for legislative bodies, and understood that there would be differences of opinion, but added that he and would never forget that he serves the same voters as the council, and they deserve the same information and input as the mayor. Kruzan noted that he stated at his very first staff meeting that he understood the council to be as much of a constituency of the administration as the voters themselves. He noted his responsibility to council members as they represent voters in districts adding that he takes politics and governing very seriously. Kruzan said that the newspaper report on the demise of the CSX railroad attributed the rail closing to the project that the city was pursuing, which he said was wrong. He clarified that this was going to happen anyway and that the closing was not the result of the previous administration or council action on the switchyard conversion project. He wished everyone a Happy New Year and a Happy Four Years to all.

MESSAGE FROM THE MAYOR

Sturbaum asked if the door to the mayor's office was always open; Kruzan responded that he would take it off the hinges.

Bud Bernitt said the switchyard was out of control because it didn't have a specific monetary amount attached to it, and that the environmental mediation was questionable. He said that there were too many important issues in the community to dedicate money to and specifically mentioned Martha's House homeless shelter. He added that that former Mayor Fernandez' project drove CSX out of Bloomington. Bernitt said that council member Mayer had made fun of him during the last meeting because he'd talked to an out of state consultant about a trolley system in the rail way. He said that the consultant didn't charge him anything for the advice, while the council and former administration had a consultant they paid \$780,000 to report heavy karst was present in the area. He said Mayer had also made fun of Gray Brothers Cafeteria and their closing and said he found those comments rude with respect to the restaurant's investor and workers. Bernitt said that the project was a reuse of an older building, but that the City of Bloomington had required \$.5M of trees on the parking lot, and that the City also required a \$22,000 hook on fee for sewers for this reuse project. He asked council members to stop and think about their actions and words and how they affected citizens. He concluded by announcing that his property had recently been annexed into the city and that he would be back for the next four years.

PUBLIC INPUT

It was moved and seconded that the following officers be nominated for the following offices for 2003.

ELECTION OF OFFICERS

President Mike Diekhoff
Vice President Andy Ruff
Parliamentarian Timothy Mayer

The nominations received a roll call vote (as requested by Council Member Banach) of Ayes: 9, Nays: 0.

Council Members exchanged seats in accordance with their new positions.

President Diekhoff assigned council members their seats for the year and presented outgoing president Chris Gaal with a gavel to commemorate his service as council president.

Gaal thanked everyone who supported him as president in the last two years, said he had a lot of fun doing it and felt that the council was able to accomplish a lot of great things for the City of Bloomington during that time.

ELECTION OF OFFICERS (cont'd)

It was moved and seconded that the following appointments to various Council Positions be considered:

BOARD AND COMMISSION APPOINTMENTS

Citizens Advisory Committee (Community Development Block Grants)	
-Social Services	Chris Gaal
-Physical Improvements	Timothy Mayer
Commission for Bloomington Downtown	Michael Diekhoff
Economic Development Commission (City)	Chris Sturbaum
Economic Development Commission (County)	Regina Moore
Environmental Resource Advisory Committee	Chris Gaal
Metropolitan Planning Organization	Andy Ruff
Plan Commission	Dave Rollo
Solid Waste Management District	Stephen Volan
Urban Enterprise Association Board	Stephen Volan
Utilities Services Board	Timothy Mayer
Bloomington Economic Development Corporation	Mike Diekhoff

The nominations were approved by a voice vote.

President Diekhoff appointed the following council members to the following council committees:

- Jack Hopkins Social Services Funding Committee --
Chris Gaal, Tim Mayer, Dave Rollo, Andy Ruff, David Sabbagh
- Council Sidewalk Committee --
Tim Mayer, Mike Diekhoff, Chris Sturbaum, Dave Rollo

This being the first meeting of the year, there was no legislation for final action.

LEGISLATION FOR SECOND READING

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 04-01 To Amend the Bloomington Zoning Maps from RS3.5/PRO6 to PUD and to Adopt the Preliminary Plan for the Adams Grove Planned Unit Development – Re: 1201 S. Adams Street (Millennium Property Management, Petitioners)

Ordinance 04-01

There was no public comment.

PUBLIC INPUT

The meeting was adjourned at 8:07 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Michael Diekhoff, President
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington