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**From:** Mike Cordaro <mike@peerlesscap.com>  
**Sent:** Wednesday, March 23, 2022 3:20 PM  
**To:** Christine Bartlett; Joe Patrick; Ryan Cohen; Blaine Reames  
**Cc:** lucass@bloomington.in.gov  
**Subject:** Additional Information Provided for Johnson Creamery Agenda Item  
**Attachments:** 20220311 Modified Order.pdf; Staff Proposed Boundary Map.pdf; Factors for Removing Historic Designation (MBC 8.08.070).docx; 6028 Subdivision Schematic & Alley Vacation overlay.pdf; Johnson Creamery - PD Proposed Revised Historic Site Boundary 22\_0314.pdf

Dear Councilmembers,

My name is Michael Cordaro and I am writing to you as the owner of the Johnson's Creamery building. I understand that there is an agenda item today to approve an ordinance to create a new Historic District specifically for the JC building, and I would like to present some factors for consideration that would ultimately be amendments to the ordinance proposed by Staff and the HPC.

The two main concerns we have are:

**#1 - The Boundary Map proposed by Staff.**

**#2 - The inclusion of the Smoke Stack Structure as a designated structure**

Taking them in order, we would like to highlight the issues with this map as proposed by Staff.

Below is an image of the proposed map.



First of all, this boundary was, self admittedly by Gloria Colom during our March 15th HPC Meeting, somewhat arbitrarily done. The width of this boundary and lack of detail and precision raises questions.

- 1) Is the western Facade not part of the designation? This appears to be chopped off by the line drawn.
- 2) Is the northmost portion of the smokestack not included in the boundary?

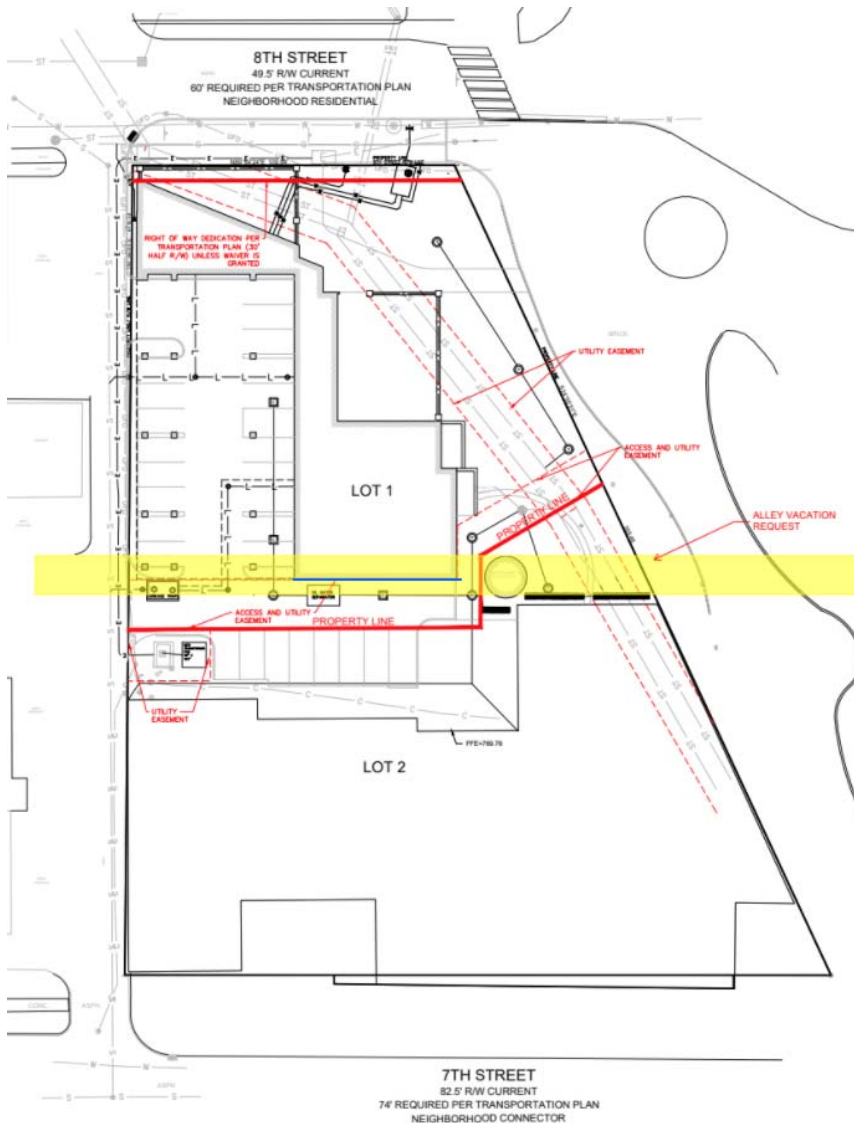
We can guess at the intent, but the questions still remain.

Second, the legal description that they used seems to have some inconsistencies with what the city believes to be true regarding the status of the Alley that bisects the north and south portions of the property.

013-23790-00 ORIG PLAT 293-296, PT 297 & 298, & **VAC STS & ALLEY;** (1.132A) in the City of Bloomington, Monroe County, Indiana.

This brings up a question about whether the alley is vacated or not? Based on this legal description it seems like the city is suggesting that it is.

Third, we raised the issue at the HPC meeting that this boundary line actually goes through the approved new development project that we are working to get started.



In the image above, the yellow band running left to right is the location of the alley that we are looking to confirm vacated status.

The Staff proposed boundary runs somewhere around the top of that yellow band, but as you can see, this conflicts with the building site plan for the approved apartment building (I marked the south wall of the building with a [Blue Line](#).) The plan was approved by the Bloomington Plan Commission on October 18, 2021.

Furthermore, we have been working with Liz Carter in the Zoning Department on subdividing the parcel to allow for financing of the new apartment building, and you can see that the proposed property line (and access easement for both owners) is marked on this drawing in [Solid Red](#)

If the boundary line proposed by staff were adopted, this would cause unknown and unnecessary issues with the plans for the approved project.

We have drawn an alternate map (Attached to this Email), which would basically follow the foundation of the building so that all historical elements are included and thus protected by HPC jurisdiction. There is nothing historical about the vast amount of parking lot that the Staff Proposed boundary would include, so amending the Ordinance to utilize our boundary map should serve the same purpose from a historical preservation standpoint, just without all of the other issues.

## **Issue Number 2 - Historical Designation of the Smoke Stack**

We would like the Council to amend this ordinance to remove the smoke stack as a designated structure.

We have been issued a Modified Unsafe Building Order from HAND, which requires us to demolish the smoke stack to no more than 60' in height. (Order dated March 11, 2022 Attached) Based on the engineering report you have in your packet, you will see that we cannot repair or rebuild the smokestack back up to 140 feet. According to the engineers report to meet building code in the same location today "it would have to be constructed from literally the ground up with different wall profiles and with a new foundation."

By reducing the structure to 60' in height, it ultimately removes the historical significance of this structure, and having to go through HPC to be able to comply with this order will only cause unnecessary delays in removing the public safety hazard that exists today. Adding potential delays to the process of removing the safety hazard, and opening the B-Line and Farmer's Market is not in either of our best interest.

Furthermore, we believe that the smoke stack itself would be eligible for removal of historical designation (based on Municipal Code 8.08.070). If it is kept as a historical structure, we would likely move to have it considered for removal of its designation, which could cause further delays in getting the structure into a safe condition. We have compiled a list of the factors and our responses to those factors (See Attached) as evidence that the smoke stack would clearly qualify for removal of designation. Instead of designating and then removing, we would like the Council to amend the Ordinance to explicitly exclude this structure so that we can comply with HAND's Order as quickly as possible.

If both of these amendments were adopted, we as the owners would be in support of moving forward with a full designation at tonight's meeting. However absent these amendments, we believe it is prudent that the councilmembers take more time to discuss and consider revisions to the Ordinance before voting.

I would like to close by saying, I was intending to be at tonight's meeting in person, but my entire family has gotten the stomach flu, so I will have to attend via Zoom. I apologize in advance for my absence.

On behalf of myself and my team at Peerless Development, we appreciate your time and consideration of our requests, and we look forward to resolving these issues.

Kind regards,

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