

**MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, DECEMBER 12, 2018 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

MEMBERS PRESENT: Mr. David Stanczak; Mr. John Protzman; Ms. Megan Headean; Mr. Mark Muehleck; Mr. Tyson Mohr; Ms. Megan McCann; Chairman Justin Boyd

MEMBERS ABSENT: Mr. Kevin Suess; Mr. Thomas Kreiger; Mr. Eric Penn

OTHERS PRESENT: Ms. Katie Simpson, City Planner; Ms. Izzy Rivera, Assistant City Planner; Mr. Bob Mahrt, Community Development Director; Mr. George Boyle, Assistant Corporate Council; Mr. John Houseal, Houseal Lavigne & Associates; Ms. Jackie Wells, Houseal Lavigne & Associates.

CALL TO ORDER: Chairman Boyd called the meeting to order at 4:01 PM. Mr. Mahrt called roll. With seven members present, a quorum was established.

PUBLIC COMMENT: None.

MINUTES: The Commission reviewed the minutes of the October 24, 2018, regular meeting of the Bloomington Planning Commission. Mr. Protzman motioned to approve the minutes as presented; Ms. McCann seconded the motion. The October 24, 2018 minutes were approved by voice vote 7-0.

The Commission reviewed the minutes of the November 28, 2018, regular meeting of the Bloomington Planning Commission. Mr. Stanczak motioned to approve the minutes as presented; Ms. McCann seconded the motion. The November 28, 2018 minutes were approved by voice vote 7-0.

REGULAR AGENDA: Z-26-18 Public hearing, review and action on a petition submitted by Carl V. Thacker Jr., Travis Thacker, Randy Lenz, and Travis Wieland requesting a rezoning of 802 N. Morris Ave, 1111/1109/1107 W. Chestnut St. from R-1C, Single Family Residential District to C-1, Office District. (Ward 7) (Carried over from 11/28/18)

Chairman Boyd introduced the case. Ms. Rivera presented the staff report and stated that staff is providing a positive recommendation for case Z-26-18. Ms. Rivera presented an aerial view, zoning map, and photos of each location. She described the location of each property and highlighted the subject properties' proximity to the rail yard, manufacturing districts, and single family residential districts. She summarized the surrounding zoning districts and uses. Ms. Rivera explained that the current zoning district, for the subject properties is R-1C, Single Family Residential District. She described the permitted uses. Ms. Rivera described the proposed zoning, C-1, Office District, and described the uses in the C-1 District. She explained the C-1

District is intended to function as a buffer between more intense commercial or manufacturing uses and residential uses. She explained that the C-1 District allows for offices, daycares and other uses that could have less of a negative impact on residential uses, and limits the types of commercial uses permitted as well as limits the size of more intense commercial uses such as retail and service. She explained the C-1 District would provide parameters for design, parking, storm water management, and uses at these locations—a benefit to rezoning and eliminating the nonconforming status of these commercial buildings. She provided a brief history of each property and explained that 802 N. Morris Ave has traditionally, been used for commercial purposes and is currently vacant and has experienced vacancy in the past. Ms. Rivera explained that 1111 W. Chestnut St. is a single family home but the zoning change would not change the home's legal conforming status. 1109 W. Chestnut is a vacant lot. 1107 W. Chestnut St has also traditionally been used for commercial purposes. Ms. Rivera explained how the petitions to rezone align with the economic development goals of the Comprehensive Plan and promotes mixed uses development and supports small businesses. She explained staff's analysis of the standards for rezoning properties. She explained the current zoning, and nonconforming status, restricts the ability to use the properties as they have been built and as a consequence the buildings have been vacant and the lots unimproved. She described future developments as a possible amenity to the neighborhood.

Mr. Travis Thacker, the petitioner, was sworn in. Mr. Thacker explained that he owns the building at 802 N. Morris Ave and has experienced difficulties finding a tenant due to the nonconforming status of the property. He summarized the challenges getting a special use permit creates for entering into leases with tenants. He explained that the building was built in the 1950's as a grocery store, and he believes amending the zoning would allow the structure to be useful for the community.

No one, outside of the applicant, spoke in favor of the petition. No one spoke in opposition to the petition. Chairman Boyd declared the public hearing closed. **Ms. Headan motioned to adopt the findings of staff and to recommend approval of case Z-26-18 to rezone the properties at 802 N. Morris Ave, 1111, 1107, and 1109 W. Chestnut St. to C-1 to City Council. Mr. Stanczak seconded the motion. The motion was unanimously approved with the following votes cast: Ms. Headan—yes; Mr. Stanczak—yes; Mr. Protzman—yes; Mr. Muehleck—yes; Mr. Mohr—yes; Ms. McCann—yes; Chairman Boyd—yes.**

Z-24-18 Public hearing, review and action on a comprehensive amendment to the Bloomington Zoning Ordinance, Chapter 44 of the Bloomington City Code, initiated by Resolution 2018-54. (Continued over from 10/24/18)

Chairman Boyd introduced the case and explained this public hearing is continued from the October 24, 2018 regular Planning Commission meeting. Ms. Simpson provided a brief update from staff. Ms. Simpson summarized the outreach and process. She explained staff began reviewing the existing zoning text in 2016 and the consultants, Houseal Lavigne & Associates, provided recommendations for aligning the zoning text with the goals of the City's Comprehensive Plan. She explained meetings were held with local developers, the Realtor's Association and other stakeholders. She stated that multiple meetings were held with the Planning Commission where each draft division was reviewed and the Commission provided

staff and the consultants with feedback and direction. Ms. Simpson stated that City Council passed Resolution 2018-54 on October 1, 2018 which authorized staff to move forward with public hearings to adopt the draft amendment dated July 30, 2018, which was posted online for months before the hearing, as well as to hold public hearings and initiate zoning map amendments that would occur as a result of the revisions to the ordinance text. Ms. Simpson stated that map amendments may be needed to accommodate districts that were created as well as districts that were consolidated and eliminated. She stated that on October 10, 2018 staff and the consultants hosted two public open houses and received valuable feedback from residents. Ms. Simpson explained that that feedback is incorporated into the newest version of the draft ordinance. The most salient changes, she explained, was the decision to not combine two residential districts and incorporating feedback regarding the Downtown Bloomington districts. She explained the newest version also includes feedback from the last public hearing, specifically commentary regarding apiaries and chicken keeping. Ms. Simpson explained that the draft document presented in the packet includes these changes. Staff had a few additional corrections to the document included in the packet and has received a revised version that will be shared with the Commission at the next public hearing. Ms. Simpson showed the existing zoning map and stated there are 29 districts. She showed a diagram illustrating consolidated and new districts. Ms. Simpson showed a proposed zoning map and highlighted the zoning changes that would occur as a result of the text amendment.

Chairman Boyd distributed two letters that were received and entered into the record. The first letter was labeled Exhibit 5-B-1 “Letter from Carlo Robustelli with the subject: proposed Zoning Text Amendment and Map”. The second letter was labeled Exhibit 5-B-2 “Letter from Diane Cote with the subject: Realtor’s concerns regarding City of Bloomington’s proposed Zoning Ordinance.” Chairman Boyd requested testimony from the audience.

Greg Koos, 305 Woodland Ave, stated that he would read a set of remarks which he has written and will provide a copy of. Mr. Koos provided background on his role with the Historic Preservation Commission and stated that he would be taking about the R-3B High Density Multifamily Zoning District in the context of 19th Century Neighborhoods. He stated the proposed zoning map indicates 16 square blocks around the historic downtown that would be zoned R-3B. He stated that these blocks have standing structures which are mixed use residential one and two story structures. Mr. Koos summarized the purpose and intent of the R-3B district presented in the proposed text amendment. He stated these area should be rezoned to R-2, Mixed Residential District instead. He stated that the R-3B zoning district would be displaced, and believes the underutilized and vacant parking lots in the Central Business Districts could support the density imagined by the R-3B District. He also stated that only two blocks of the 16 blocks have been surveyed and that the last historic surveys were completed over 20 years ago. Mr. Koos stated that he feels more historical surveys are needed. He stated this matters because these buildings are significant community resources which contribute to the city tax base—due to the density of the single-family development of the 19th century. He stated that by looking at the maps that Vasu has prepared, it can be seen that the City receives a significant return on these structures. He stated that the infrastructure needed to support them exists. He stated the R-3B district is bias in that it implies only a big developer can take on redevelopment in the R-3B district. Mr. Koos also discussed the sustainability of preserving older housing stock. He asked

the Planning Commission to consider his ideas, observations and notions in making their decision.

Chairman Boyd asked to summarize Mr. Koos' comments as reviewing the density allowed in the R-3B district and having it reflect the density allowed in the R-2 district. Mr. Koos agreed with the summarization.

Mr. Tim Maurer, 317 E. Chestnut St. was sworn in. He stated that he has concerns regarding the process of the zoning ordinance. He stated that he would like the Preservation Commission to hold a public meeting on the proposed text amendment. He feels this would provide the home owners in historic districts the opportunity to comment on the zoning ordinance and make presentations at the preservation Commission meeting.

Ms. Marty Sigel, E. Chestnut St., was sworn in and stated that she does not see major changes to her area. She said she agrees with the previous speakers and provided a copy of her comments. She stated that over the years her neighborhood has experience the Comprehensive Plan of 1979 routinely abandoned in favor of special interests. She stated that she witnessed spot zoning, the abandonment of setback requirements, the expansion of non-conforming uses, and barbed wire fencing—all of which negatively affected the quality of life of her neighborhood. She stated that she saw assessments for single family properties increase while those of multi-family properties decreased, although multifamily properties use more city services, increase stress on water and sewer lines, and reduce the amount of green space. She explained that she served on the Housing Group for the Comprehensive Planning process but resigned because she was surprised to discover that the recommendations involved more density in the central city. She expressed concerns that out-of-state owners would buy properties and would not maintain them. She stated a plan is needed to revitalize Central Bloomington, and asked the Council and various boards to take steps to insure new development protects neighborhoods and enhances neighborhood quality of life.

David Walkner, Franklin Park neighborhood, was sworn in and stated that he supports Mr. Maurer's request and comments. He stated that he also supports Mr. Koos' comments since he believes his properties are located near R-3B zoning districts.

Chairman Boyd clarified that there are no changes to the R-3B district density which is already 70 units per acre and there are no intentions to rezone any properties to R-3B; all properties shown as R-3B on the proposed zoning map are already zoned R-3B.

Ms. Deborah Halprin, incoming board president of the West Bloomington Revitalization Project, was sworn in and stated that she wished to share concerns on the R-3B zoning district. She stated that the West Bloomington Revitalization Project (WBRP) has worked for 10 years to improve the west side community and that she believes the R-3B zoning district presents potential risks that do not align with the mission of the WBRP. She stated that R-3B zoning affects only portions of the West Bloomington target area but she is concerned of a ripple effect that it could have throughout the neighborhood. She said a 70 unit building would change the neighborhood, and to put single family homes into risk of purchase and conversion into multiple family

apartments by absentee landlords also puts the neighborhood at risk. She stated that older and historic neighborhoods in and around downtown need our care and investment.

Mr. Garry Lambert was sworn in and shared comments regarding chickens. He stated that he is supportive of allowing chickens but has concerns of the costs associated with receiving a special use permit. He believes it might be cost prohibitive and would like to see chickens become a permitted use.

Mr. Jeff Henry was sworn in and spoke in favor of apiaries and beekeeping. He stated that bee numbers dropped by 16% this year and he is concerned that only allowing two hives on a property will discourage beekeeping. He explained the environmental importance of bees and pollenating. He stated that beekeeping is more of a hobby rather than a home business, and encouraged the Commission to increase the number of hives allowed.

Mr. Brad Williams was sworn in and spoke in support of Carlo Robustelli's letter. He stated that he is concerned having the R-3B zoning in the 400 block of East Grove St. and that several people oppose this zoning.

Mr. Phill Bowls, 1310 N. Main St, was sworn in. He stated he was the President of the Main St. Association and had questions regarding the proposed ordinance as a hybrid Form-Based Code. He stated that he is concerned the new ordinance may be more restrictive and will devalue his property. He also agreed with Mr. Koos' comments about the sustainability of reusing historic buildings.

Mr. John Wolther was sworn in, and asked if home based businesses would become special uses instead of permitted uses. He stated that he believed the proposed ordinance was more restrictive on home based businesses. He also suggested unrolling the ordinance in phases and looking into the creation of an R-3C district.

Chairman Boyd asked if there are any changes or restrictions to the Main St. corridor. Ms. Simpson explained the Main St. corridor is mostly zoned B-1, Highway Business District which is proposed to combine with the C-3 Regional Shopping District to create the B-1, General Business District. She stated the properties would continue to be zoned B-1, General Business District. She stated some uses, like a truck stop, would require a special use permit under the proposed B-1 district rather than be permitted as of right. Chairman Boyd asked if any of the properties would become nonconforming. Ms. Simpson stated that does not believe these properties would become nonconforming. Mr. Houseal added that these two districts were incredibly similar and the decision to collapse them was because they would not create nonconformities.

Mr. Stanczak stated that Division 8-3 is reserved for a "form-based code" overlay district. Ms. Simpson stated the city has a form-based code, the GAP code, which is applied to the Gridley, Allen, Pricket neighborhood on the west side of Bloomington. She stated that we looked at the possibility of creating a form based overlay district rooted in the GAP regulations that could apply to other parts of the community but decided not to at this time. Nonetheless, she stated, that section of the code is reserved if City Council decided to create an overlay that could

function similar to the historic preservation overlay, in the future. Mr. Houseal added that staff and the consultants are not proposing nor expanding the existing form based code. He stated that originally we considered eliminating the existing form-based code, but the people who are governed by the code wanted it to remain. Mr. Stanczak asked if the GAP code would be incorporated into the proposed ordinance. Mr. Houseal explained that it will not change and it will be pulled into the document.

Mr. Mohr asked if there are lot of instances where we are being more restrictive or in general are the requirements becoming looser. Mr. Houseal stated that the intention was to not make the ordinance overly regulatory nor more restrictive. He stated that while some districts collapsed and a few changes exist, the ordinance is overall less restrictive and collapsing the districts allowed some districts to have uses that are currently prohibited. He recognized that there may occasionally be a use which has been changed to a special use due to the impacts on the adjacent uses. Mr. Mohr asked Ms. Simpson if she agreed with Mr. Houseal's assessment. Ms. Simpson confirmed and added that the current ordinance has lax design standards for fencing and landscaping, for example barbed wire fences are allowed, and the proposed ordinance establishes higher standards which promote better design. Mr. Mahrt added that there are design standards which were added for new development in the downtown district, such as the need for transparency on the first floor. He explained this is what is intended by a 'hybrid form based code'.

Mr. Houseal stated that there are two different types of zoning ordinances—Euclidian Code and Form-Based Code. Euclidian Code regulates things like setbacks, heights, lot coverages and is all numbers, tables and charts. A Form-Based Code, he said, truly regulates and dictates the form of the built environment. A hybrid code is a combination of both. He stated that this ordinance is primarily a Euclidian Code but carries over the Form-Based Code of the existing ordinance.

Chairman Boyd asked the Commission if they would like to have any further discussion regarding chickens and bees. Mr. Mohr asked staff if there is a cost associated with a special use. Ms. Simpson explained that all of the petitions, whether for rezoning, variances or special uses, have an application fee associated with each petition plus the cost of a legal publication.

Chairman Boyd stated that there was a lot of discussion regarding historic preservation and the R-3B district. Ms. Simpson stated that staff reviewed the existing historic preservation ordinances and are not requesting or proposing changes to the language. She stated that staff is also not proposing changes to the existing language for the R-3B district, nor to the zoning map for properties zoned R-3B. The language in the proposed text is the same as the language in the existing ordinance.

Mr. Mohr stated that he finds the current purpose and intention statement for the R-3B district concerning and inapplicable to single family homes. He asked for context regarding why an area would be considered R-3B. Ms. Simpson explained that the language is carried over from the existing ordinance. She stated that these areas have traditionally had a higher density zoning, and the language describing the R-3B district was probably established in the 1960 or 1979 zoning district. Mr. Houseal stated that this is an area where the zoning and development have not changed in decades, so we did not change it. Mr. Houseal stated that is important to provide, and

the area that is usually slated for a variety of housing options such as single family detached, single family attached, multifamily, townhomes, is within walking distance and proximity to downtown. He stated that historically, for the past 40+ years, this area has been zoned for this and since we did not receive concerns about the zoning district, we did not include changes to it going forward. Houseal believes there is some misconception that the R-3B district was added to the proposed ordinance or changed to allow this type of development. He reiterated that there were no changes to the R-3B district. He stated that because it has been like this for decades and we do not see 70 unit per acre buildings means that just because the zoning will allow for the development of a certain type, does not mean that the area will allow it to happen. He explained there are a number of additional conditions, such as assembling and combining properties, which have to be met before development of the maximum allowed scale could occur and that some sites do not lend themselves to this.

Chairman Boyd asked if this would be a good opportunity to revisit the maximum allowed density for the zoning district to ensure that a 70 unit building could not be constructed near a historic home. Chairman Boyd stated that he understands that it has not changed but wondered if the D2 and D3 districts created an opportunity to get to the 70 unit per acre density. Ms. Simpson stated that additional research is needed before we amend the allowed density of the R-3B district because this change would impact other properties outside the Downtown Area. Ms. Simpson provided the example of West Minster Village, a property zoned R-3B and located on the east side of Bloomington. Chairman Boyd asked if it were possible to downzone specific properties near the downtown. Mr. Houseal explained that it is possible but the City may run into a situation where people purchased property with the expectation that they could use for what is allowed by the zoning. Mr. Houseal stated that if the City observes certain areas around town that could require another set of conditions the City could look into creating that district. Chairman Boyd stated that he would be interested into investigating the merits of looking at the R-3B zoning districts surrounding the downtown.

Ms. Simpson added that she still believes additional research would be required since there are a number of homes that were once single family and have been converted into apartments as a way of preserving the exterior of the home. She stated that changing the number of units per acre could result in these homes becoming nonconforming structures. Chairman Boyd stated that he believes there must be a balance somewhere between 12 and 70 units per acre. Ms. Simpson explained that this investigation could be completed apart from the zoning text amendment, and provided that City Council could direct staff to look into these specific areas in more detail in the future, which would then allow staff the time to carry out the necessary public outreach. Mr. Mohr stated that he believes this could be an opportunity to see if R-3A would better fit these areas but has concerns that it will delay adoption of the ordinance, and wondered if this would be better handled as separate from the Comprehensive text amendment. Mr. Houseal stated that he would agree with Mr. Mohr's comment and stated that because there are no changes proposed and this is not something new, it does not necessarily need to be included at the time of this amendment. He stated that downzoning or amendment to the R-3B district such as that endorsed by tonight's is a policy shift rather than a regulatory shift and he stated that future research regarding existing uses, existing densities, historic structures, nonconformities, lot size etc. needs to be conducted and neighborhood outreach performed to make a decision that is in the best interest of the neighborhood. He explained this will take a lot of time and effort and property by

property analysis which is beyond where we are in this process with the zoning ordinance update. Ms. Simpson stated that reviewing the zoning on a specific neighborhood was not part of the original scope of work of this project.

Chairman Boyd reiterated that he believes this is worth investigating and would not like to see the project lost if it is not talked about. Mr. Protzman asked if we could table the R-3B discussion and vote on the proposed ordinance tonight. Chairman Boyd stated that the Commission has a lot of options but that he would recommend a continuance to a date certain for the entire hearing. Mr. Mohr asked if there was a way to make a recommendation to Council to have a separate review of the R-3B district discussion. Mr. Boyle stated that is a possibility. He stated that staff will get a final draft of the ordinance to the Commission and to the public before the next public hearing, and if the Commission decided they could make a recommendation to City Council that, within the next year or so, the Commission reviews the appropriateness of the R-3B district on neighborhoods adjacent to downtown. He stated this could be part of the motion or a separate motion to Council.

Mr. Stanczak stated that he had questions about the enforcement provisions of the zoning ordinance. He stated some appear draconian, specifically the provisions that appear to be extraneous or unrelated to particular concerns the city might have about a property and interim controls on property while something is considered, and asked if these are existing or proposed. Mr. Boyle stated that with regard to the permit parts, some are staff recommended. He stated that the interim controls are probably applied because once something is built is more difficult to change than while it is being built. Mr. Boyle stated that one concern the realtor's had regarded notice of violations. He stated staff has reviewed, in great detail, Division 17 and provided that legal and clear procedures for violations are established. He stated that one thing the City is proposing with regards to the fines is removing the ability to imprison someone for 30 days for violating the ordinance. He stated there was a maximum fine but no minimum. He explained the purpose of a fine is deterrence which cannot be achieved without a minimum. Mr. Boyle said that Holland & Knight recommended the minimum and maximum fines. He stated that in his experience he has not seen a maximum fine assessed. Mr. Houseal added that the language states that the City "may" impose certain actions which gives the City the ability to do this not that they must do this. He stated that this gives a latitude of judgement to the City and not an error of judgement to the property owner.

Mr. Mohr asked about the possibility of eliminating the per employee parking limit with a more suitable factor. Mr. Houseal explained that since the licensing is structured on a child to employee ratio, this was the one instance where it was logical to use employees as a determining factor. Mr. Mohr asked if there is a child to area ratio. Ms. Simpson stated that she is unaware of such a requirement and that staff looked at a square footage ratio for daycares and found results varied requiring anywhere from 2 to 118 parking spaces.

Mr. Stanczak motioned to continue the public hearing until February 13, 2019 at 4:00 p.m. Mr. Protzman seconded the motion. The motion passed unanimously by voice vote with the following votes cast: Mr. Stanczak—yes; Mr. Protzman—yes; Ms. Headan—yes; Mr. Muehleck—yes; Mr. Mohr—yes; Ms. McCann—yes; Chairman Boyd—yes.

Z-25-18 Public hearing, review and action on map amendments to the Official Zoning Map for multiple properties in the City of Bloomington, initiated by Resolution 2018-54. (Continued over from 10/24/18)

Chairman Boyd introduced the case. Ms. Simpson stated that staff had no additional information to present. Chairman Boyd invited testimony from the audience.

Mr. Tim Maurer, 317 E. Chestnut St., was sworn in. He stated that there appears to be an error on the existing zoning map that is being transferred to the new zoning map. He stated that the S4 Zoning Overlay does not appear to be shown on a lot in the Franklin Park district which he believes should have the S4 Zoning Overlay since it was applied in 1983. He added that believes there are errors and omissions in the Historic Preservation division of the ordinance.

Ms. Simpson explained that Mr. Maurer stated that one property is not shown to have the zoning overlay. Ms. Simpson explained that this could have been an error that occurred when the City switched from hand-drawn maps to GIS created maps. She stated that is could also be that this is not an error but that the zoning overlay was removed after 1983. She stated staff is looking into this and investigating it further. Chairman Boyd asked if staff expects to find this as an error. Ms. Simpson explained that she does not know. Chairman Boyd asked if there are any implications for the property owner. Mr. Boyle stated that if there is a change the owner would be notified and this would be addressed by either the owner or City Council.

Mr. Stanczak motioned to continue the public hearing for case Z-25-18 until February 13, 2019 at 4:00 p.m. Ms. Headan seconded the motion. The motion was approved unanimously with the following votes cast: Mr. Stanczak—yes; Ms. Headan—yes; Mr. Protzman—yes; Mr. Muehleck—yes; Mr. Mohr—yes; Ms. McCann—yes; Chairman Boyd—yes.

OLD BUSINESS: none.

NEW BUSINESS: none.

ADJOURNMENT: The meeting was adjourned at 5:37 by voice vote, motioned by Ms. Headan and seconded by Mr. Muehleck.

Respectfully submitted,
Katie Simpson,
City Planner