



MINUTES

PUBLISHED BY THE AUTHORITY OF THE PLANNING COMMISSION OF BLOOMINGTON, ILLINOIS
REGULAR MEETING

OSBORN ROOM, 2ND FLOOR POLICE DEPARTMENT
305 S. EAST STREET, BLOOMINGTON, IL
WEDNESDAY, DECEMBER 7, 2022 4:00 P.M.

Individuals wishing to provide emailed public comment must email comments to publiccomment@cityblm.org at least 15 minutes before the start of the meeting.
Individuals wishing to speak in-person may register at www.cityblm.org/register at least 5 minutes before the start of the meeting

The Planning Commission convened in-person within the Osborn Room inside of the Bloomington Police Department at 4:00 p.m., Wednesday, December 7, 2022, with the following physically present staff members Mr. George Boyle, Assistant Corporation Counsel; Mr. Glen Wetterow, City Planner; and Mr. Jon Branham, City Planner.

The meeting was called to order by Vice-Chairperson Boyd at 4:05 p.m.

ROLL CALL

Attendee Name	Title	Status
Mr. Tyson Mohr	Chair	Absent
Mr. Justin Boyd	Vice Chair	Present
Mr. Thomas Krieger	Commissioner	Present
Mr. Mark Muehleke	Commissioner	Present
Mr. John Danenberger	Commissioner	Present
Mr. Brady Sant-Amour	Commissioner	Absent
Mr. Benjamin Muncy	Commissioner	Absent
Mr. Govardhan Galpalli	Commissioner	Absent
Ms. Anna Patino	Commissioner	Present
Ms. Jacqueline Beyer	Commissioner	Present
George Boyle	Assistant Corporation Counsel	Present
Glen Wetterow	City Planner	Present
Jon Branham	City Planner	Present
Alissa Pemberton	Assistant City Planner	Present
Kimberly Smith	Assistant Director of Economic and Community Development	Present

MEETING MINUTES

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WEDNESDAY, DECEMBER 7, 2022

Mr. Wetterow called the roll. Mr. Krieger - Present, Mr. Danenberger - Present, Mr. Muehleck - Present, Ms. Patino - Present, Ms. Beyer - Present, and Vice-Chair Boyd - Present. With 6 members present, a quorum was established.

Vice-Chair Boyd announced that case Z-16-22 has been tabled until the January regularly scheduled meeting of the Planning Commission. Vice-Chair noted the date would be January 4, 2022, and the meeting time and location would be the same as today's meeting, 4:00pm in the Osborn Room at the Bloomington Police Station.

PUBLIC COMMENT

Vice-Chair Boyd notified those present that public comment is for items now on the agenda.

Lisa Rosen (1 Moore Road), stated her opposition to case Z-16-22. Ms. Rosen noted she was just notified of the item being pulled one and half hours ago. She stated she will try to come back for the January hearing but wanted to let the Commission know she is opposed.

John Brandt (702 Moore Street), stated that he believes the courtesy mail notices were not sent to residents within 500 feet, but a much smaller area. He asked the Board to delay the hearing longer than January, until residents in the area can return after the holidays. He also believes this would give the neighbors more time to contact the individuals he believes should have been contacted but were not. He expressed his opposition to the petition for case Z-16-22.

Vice-Chair Boyd noted that the Commission does not set meeting dates an item is tabled to. This is something the petitioner requests, Vice-Chair Boy highlighted the public may communicate with Staff or email public comments as well. Mr. Wetterow noted that there is the ability to provide a Duly Authorized Agent as a way of speaking for those individuals unable to attend.

There was no additional public comment.

MINUTES

Commissioner Krieger motioned to approve the minutes from the November 2, 2022. Commissioner Patino seconded. A voice vote was held. All ayes. The motion passed.

REGULAR AGENDA

A. Z-14-22 Public hearing, review and action on a petition submitted by Green Fairways Development LLC, requesting approval of a Zoning Map Amendment for the property located at 1710, 1802, 1810 and 1818 Tullamore Avenue, from B-1 (General Commercial) District to P-2 (Public Lands & Institutions) District. PIN(s): 22-18-203-011, 22-18-203-012, 22-18-203-013 and 22-18-203-014.

B. Z-15-22 Public hearing, review and action on a petition submitted by Green Fairways Development LLC, requesting approval of a Zoning Map Amendment for part of the property located at 3801, 3803, 3805, and 3807 Ballybunion Road, from B-1 (General Commercial) District to P-2 (Public Lands & Institutions) District. Part of PIN(s): 22-18-203-006.

C. PS-05-22 Public hearing, review and action on a petition submitted by Green Fairways Development LLC, requesting approval of a Preliminary Plan for the Residences at The Links Subdivision for the properties generally located near the intersection of Ballybunion Road and Tullamore Avenue. PIN(s): 22-18-203-011, 22-18-203-012, 22-18-203-013, 22-18-203-014 and Part of PIN(s) 22-18-203-006 and 22-18-203-010.

City Staff, Glen Wetterow asked the Commission for approval to present all three related cases together. There was no objection. Mr. Wetterow presented the staff report for case Z-14-22, with a recommendation for approval. Mr. Wetterow noted this case is related to case Z-15-22 and PS-05-22. Mr. Wetterow highlighted the uses on the surrounding properties. He noted the development is “mixed.” Mr. Wetterow highlighted that while this area is designated “Regional Commercial” on the Comprehensive Plan it has “not developed that way over time, and now leans more toward the “Local Commercial” and Mixed Use. Mr. Wetterow noted the Zoning Map Amendment meets numerous goals of the City’s Comprehensive Plan. Mr. Wetterow noted the Petitioner has already initiated the process of combining all of the properties into one with County Assessor’s Office. This new single lot will be combined with the property to the east to facilitate the creation the multiple-family dwellings identified in the Preliminary Plan, case PS-05-22.

There were no questions from the Commission for Staff on this case.

Mr. Wetterow presented the staff report for case Z-15-22, with a recommendation for approval. Mr. Wetterow noted this case is related to Z-14-22 and PS-05-22. He noted that on the portion of the property being rezoned is an existing building associated with the golf course/driving range and is not being utilized. The building would be demolished to facilitate the construction of the multiple-family dwellings proposed in the Preliminary Plan, case PS-05-22. Future plat work will be required to subdivide this piece of property and combine it with the property to the west. Mr. Wetterow pointed out the same relationship to the Comprehensive Plan as the prior case (Z-14-22).

Commissioner Beyer asked whether the building needs to be demolished prior to zoning change, or whether that has any impact. Mr. Wetterow responded that there are no implications for the building, related to the rezoning, since the request is to zone to P-2 is more appropriate for golf course/driving range use.

Mr. Wetterow presented the staff report for case PS-05-22, with a recommendation for approval. He noted it is related to cases Z-14-22 and Z-15-22. Mr. Wetterow noted the development will occur where the existing driving range is located. Mr. Wetterow noted the driving range appears not to be

operational presently. Mr. Wetterow reiterated how the properties identified in case Z-14-22 and Z-15-22 would be combined with the existing driving range property to create one property upon which the proposed multiple-family dwellings would be constructed. Mr. Wetterow noted how the proposed use of the property is congruent with the uses of the surrounding properties. Mr. Wetterow noted the Preliminary Plan meets numerous goals of the City's Comprehensive Plan. Mr. Wetterow emphasized City Staff does not have any concerns with the initial development of this property, however Public Works staff is concerned about the total amount of traffic generated from this development when it is completed in its entirety. Thus, Public Works Staff is requesting a traffic impact study be provided by the Petitioner so that future street infrastructure needs/requirements can be determined. Mr. Wetterow highlighted how the traffic impact study was made a condition of approval of the request. Staff has consulted with the Petitioner and 30 days was a reasonable timeframe for completion of the study and to provide City Staff time to review the plan before it goes to City Council for approval. The information from the traffic impact study can be incorporated into revisions of this Preliminary Plan or future amendments to this Preliminary Plan as needed. Mr. Wetterow stated the Preliminary Plan conforms with the standards and purpose of the Subdivision Code and recommends approval.

Commissioner Beyer asked how many buildings are represented on the Preliminary Plan. Mr. Wetterow noted that there are 17 buildings on the site, as presented. Ms. Beyer inquired how many units were planned for each building. Mr. Wetterow stated the Petitioner has an idea of how many units in total 292, but the exact number of units per building is not set and could change over time based upon market needs.

Vice-Chair Boyd inquired about sidewalks. Mr. Wetterow noted sidewalks are included for both streets, Tullamore and Ballybunion and will go through the approaches.

Vice-Chair Boyd opened the public hearing for case Z-14-22.

Elizabeth Megli (115 W. Jefferson St), Attorney for the Petitioner, spoke on behalf of the Petitioner. Ms. Megli asked if she could speak on behalf of all three cases, Z-14-22, Z-15-22 and PS-05-22 as her comments will be similar for each as they are related. Ms. Megli noted the Zoning Map Amendment cases are taking B-1 zoned properties and making them P-2. Ms. Megli noted the Petitioner is not requesting for any exemptions or Variances for the Preliminary Plan. Ms. Megli highlighted how the units will be upscale units. Ms. Megli confirmed that 17 buildings are proposed with 292 total units. She emphasized that off-street parking has been considered and evaluated as part of the project. She noted her client is happy to provide the traffic study within 30 days, as required by staff. The findings of the plan will have to be evaluated to determine needs/requirements and her client will work with the City on addressing those items when appropriate.

Vice-Chair Boyd asked Commission to limit questions to cases Z-14-22 and Z-15-22 for now as they are both rezoning cases. Questions for the Preliminary Plan, PS-05-22 can be asked after these questions.

Commissioner Beyer asked about use and the rezoning and if the use is considered in determining the rezoning, as compared to considering the specific use as related to the Preliminary Plan.

Vice-Chair Boyd noted that the use can be considered with the rezonings requested but the preliminary plan itself can't be considered in making the decision about the rezoning requests.

Mr. Wetterow added additional clarification. Mr. Wetterow noted the rezonings will facilitate the multiple-family dwellings use identified in the Preliminary Plan. Mr. Wetterow noted P-2 zoning permits multiple-family dwellings. Thus, the rezonings must be heard first. Ms. Pemberton noted that if the Zoning Amendments do not succeed then there is no need to proceed with the Preliminary Plan as the project is dependent on the Map Amendments moving forward.

Vice-Chair Boyd noted the considerations before the Commission right now are just related to the Zoning Map Amendments.

Ms. Beyer thanked Staff as that provided the clarification she needed and had no further questions.

No additional testimony was received. However, Mr. Wetterow noted that Staff did receive an email related to the case, but this can only serve as public comment. The email was from the President of the neighboring Dunraven HOA and was in favor of all three cases. Vice-Chair Boyd closed the public hearing.

Vice-Chair Boyd opened the public hearing for case Z-15-22.

No additional testimony was received. Vice-Chair Boyd closed the public hearing.

Vice-Chair asked for a motion to approve Case Z-14-22.

Commissioner Krieger made a motion to establish findings of fact that the proposed Zoning Map Amendment for case Z-14-22 is in the public interest and not solely for the benefit of the petitioner and recommend approval of the petition. The motion was seconded by Commissioner Muehleck.

Mr. Krieger - Yes, Mr. Muehleck - Yes, Mr. Danenberger - Yes, Ms. Patino - Yes, Ms. Beyer - Yes, and Vice-Chair Boyd - Yes (6-0). The motion passed.

Mr. Wetterow noted that the case will go before City Council on January 23, 2023.

Vice-Chair noted Case Z-15-22 was already presented by staff and is now ready to be voted on.

Vice-Chair asked if the Petitioner had any additional comments related to Case Z-15-22. Ms. Megli stated she had nothing to add.

Vice-Chair Boyd asked if there was anyone present to speak for or against Case Z-15-22. There were none present. Vice-Chair Boyd closed the public hearing for Case Z-15-22 and asked the Commission if anyone wanted to make a motion for approval.

Commissioner Krieger made a motion to establish findings of fact that the proposed Zoning Map Amendment for case Z-15-22 is in the public interest and not solely for the benefit of the petitioner and recommend approval of the petition. The motion was seconded by Commissioner Danenberger.

Mr. Krieger - Yes, Mr. Muehleck - Yes, Mr. Danenberger - Yes, Ms. Patino - Yes, Ms. Beyer - Yes, and Vice-Chair Boyd - Yes (6-0). The motion passed.

Mr. Wetterow noted that the case will go before City Council on January 23, 2023.

Vice-Chair Boyd opened the public hearing for case PS-05-22. Vice-Chair noted this is specific to the Preliminary Plan.

Vice-Chair asked if the Petitioner had any additional comments.

Elizabeth Megli (115 W. Jefferson St), Attorney for the Petitioner, stated she did not have any additional comments, but was happy to answer any additional questions the Commission had.

Commissioner Beyer asked how many parking spaces are provided on the plan.

Elizabeth Megli (115 W. Jefferson St), Attorney for the Petitioner, stated there is some parking provided for underneath each building in addition to the parking provided throughout the development. Ms. Megli noted that there are 133 parking spaces provided underneath the buildings and 518 spaces throughout the rest of the development.

Mr. Wetterow noted the numbers provided match the parking plan provided to staff that was reviewed and approved as it was found to have met code requirements.

Vice-Chair Boyd asked if there was bicycle parking included. Ms. Megli stated that she did not believe that had been specifically addressed but this is something the developer would be willing to consider.

Vice-Chair Boyd asked Mr. Boyle if a vote was needed to make the email sent by the HOA a part of the record. Mr. Boyle asked which case the letter was supportive of. Mr. Wetterow responded that it was in support of the entire development, thus all three cases.

Vice-Chair asked for a motion to make the email comment from Dunraven HOA Exhibit 1A for Agenda item 5C.

Commissioner Danenberger made a motion to include the submitted email comment from Dunraven HOA as Exhibit 1A for Agenda item 5C. Commissioner Krieger seconded.

Mr. Krieger - Yes, Mr. Muehleck - Yes, Mr. Danenberger - Yes, Ms. Patino - Yes, Ms. Beyer - Yes, and Vice-Chair Boyd - Yes (6-0). The motion passed.

Commissioner Beyer asked whether any conversations have been had with Unit 5 School District. Mr. Wetterow explained that School District discussions happen at the time of Annexation, not as development occurs. Mr. Wetterow noted that Unit 5 was not specifically notified but this case was published in the newspaper and signs were placed on the property. Mr. Wetterow noted this area is still very undeveloped and Unit 5 will have to likely reevaluate as this area develops and based upon the type of development that occurs.

Commissioner Krieger made a motion to establish findings of fact that the proposed Preliminary Plan for the Residences at The Links Subdivision conforms with the standards and purpose of the Subdivision Code and recommend approval of the petition to City Council with the following condition: that a traffic impact study be provided within 30 days. The motion was seconded by Commissioner Patino.

Vice-Chair Boyd asked if there was any further discussion from the Commission.

Commissioner Beyer has significant concerns about the impact on Unit 5 due to lack of funding to serve existing students. Ms. Beyer noted Unit 5 is asking for a tax increase to provide additional funding. Vice-Chair Boyd explained that he shares the same concerns for Unit 5 but reminded the Commission that the scope of review for this case is related to the Preliminary Plan. Ms. Beyer is concerned the additional students generated from this development might require the construction of an additional school. Ms. Beyer is concerned this might overwhelm Unit 5 and be a burden on all taxpayers within the district.

Commissioner Beyer noted that the restaurant in the area closed abruptly and asked if Staff had any explanation or information on whether that was associated with the issuance of the notice for this case. Ms. Beyer wanted to know if the restaurant was contacted about any of their concerns as it related to this development. Mr. Wetterow noted that the Preliminary Plan focuses on multiple-family dwellings and does not include any commercial development. Mr. Wetterow noted that having some many residents within such a close proximity to the restaurant would likely have been an asset. Staff was not made aware of the restaurant closing and the reasoning for the closing was not availed to staff. This development is unlikely to have negative impact on the neighboring properties and businesses.

Vice-Chair Boyd noted he shares the concerns of Ms. Beyer related to Unit 5 but reminded the Commission that the scope before them is whether or not the Preliminary Plan meets the requirements set forth in the code. He hopes Unit 5 has further discussions but also noted that the community is in desperate need of housing which this project provides. The more the tax burden is spread between more individuals the better. He believes this development is for the betterment

of the community and will voting in favor.

Vice-Chair Boyd asked if any more questions. There were none, so Vice-Chair called the question on the motion to establish findings of fact that the proposed Preliminary Plan for the Residences at The Links Subdivision conforms with the standards and purpose of the Subdivision Code and recommend approval of the petition to City Council with the following condition: that a traffic impact study be provided within 30 days, as made by Commissioner Krieger and seconded by Commissioner Patino.

Mr. Krieger - Yes, Mr. Muehleck - Yes, Mr. Danenberger - Yes, Ms. Patino - Yes, Ms. Beyer - No, and Vice-Chair Boyd - Yes (5-1). The motion passed.

Mr. Wetterow noted that the case will go before City Council on January 23, 2023.

D. Z-16-22 Public hearing, review and action on a petition submitted by OSF Healthcare System, requesting approval of a Zoning Map Amendment for the property located at 3 Moore Road, from R-1A (Single-Family Residence) District to P-2 (Public Lands and Institutions) District. ***(Tabled to January 4th Regular Meeting per request of Petitioner.)***

Vice-Chair Boyd reiterated the item has been tabled to the January 4th Regular Meeting of the Planning Commission per the request of the Petitioner.

E. Z-17-22 Public hearing, review and action on a petition submitted by TKnTK, LLC, for approval of an Annexation Agreement and Zoning Map Amendment for the properties generally located near the intersection of E. Hamilton Road and Bunn Street. PIN(s): 21-15-152-010 and 21-15-151-020. ***(Withdrawn Per Request of Petitioner.)***

Vice-Chair Boyd noted the item has been withdrawn per the request of the Petitioner.

F. PS-06-22 Public hearing, review and action on a petition submitted by TKnTK, LLC, requesting approval of a Preliminary Plan for HDI Subdivision for the properties generally located near the intersection of E. Hamilton Road and Bunn Street. PIN(s): 21-15-152-010, 21-15-151-018, 21-15-102-005, 21-15-102-006 and 21-15-151-020.

City Staff, Mr. Wetterow presented the report with a recommendation for approval. Mr. Wetterow highlighted the location of the property and noted the uses located on the neighboring properties. Mr. Wetterow emphasized the purposed of the Preliminary Plan was to ensure the properties were subdivide and combined in a manner to facilitate in the development of the property, specifically for the development of a solid waste transfer station on one of the properties to the rear. The subdivision of the property ensures the proper separation from the proposed use and residential properties which is required for a license the Petitioner is seeking from the State. Mr. Wetterow noted that some of the existing buildings on the properties will be either demolished or modified to accommodate the solid waste transfer station. Mr. Wetterow reiterated the solid waste transfer station would be developed on the property furthest to the east which is the farthest away from the residential uses along Bunn Street and Hamilton Street. Mr. Wetterow noted the review of this Preliminary Plan was focused on standards for a Preliminary Plan. The siting of the solid waste transfer station will be

handled via a siting hearing which the County will host so any concerns related to the use would be more appropriately addressed at that meeting. Mr. Wetterow highlighted this property is not within the city limits and is not going to be annexed into the City. The City only has purview for approving the Preliminary Plan because it falls within the extraterritorial jurisdiction (ETJ) of the City. The City only has oversight on the layout of the property. Mr. Wetterow noted the Petitioner made a request to not provide any sidewalks but after consulting with Public Works Staff it was determined sidewalks need to be installed on at least one side of the street. The recommendation to the Commission reflects the installation of sidewalks on one side of the street.

Vice-Chair Boyd asked if there were any questions from the Commission. There were none, so he opened the public hearing on case PS-06-22 and asked if the Petitioner was present to speak on the case.

Tom Kirk (Bloomington, IL), spoke on behalf of the petition. Mr. Kirk noted the acronym TKnTK stands for Tim Kirk and Tom Kirk. They are both fifty percent owners of that business. Mr. Kirk also noted that he and his brother, Tim Kirk, also own Henson Disposal who provides trash service to those individuals not living in Bloomington or Normal. They have roughly 4,000 customers and one of the properties they use for this business is indicated on the Preliminary Plan and will be where they expand the business. Mr. Kirk noted the property is in the County and he has owned it for roughly 15 years. What he needed for the proposed business was a road, so they are subdividing the property to allow for the construction of the road leading back to the properties. A total of six lots will be created and will continue to be used by his company. The road being proposed is being designed to City specifications because at one point he was looking to annex into the City but is no longer desiring to yet kept the road design standards the same. Mr. Kirk noted he has spent a lot of time and money on this project and is working with a lot of professionals to make sure the project is done correctly. Mr. Kirk believes the Preliminary Plan meets all of the requirements requested of them by the Code. Mr. Kirk noted the reasoning behind the request for the waiver to provide no sidewalks is safety related. Mr. Kirk does not want to encourage foot traffic on these properties. This area is going to be an industrial park with a lot of larger vehicles and heavy machinery moving around the area and on the road. He does not want people walking back into this area. He wants individuals to come back into this area in a vehicle, not on foot.

There were no questions from the Commission.

No additional testimony was received. Vice-Chair Boyd closed the public hearing on case PS-05-22 and opened up discussion within the Commission.

Vice-Chair Boyd noted that the old Code only required a sidewalk on one side, but the Commission requested that be changed to two in the new Code. The Petitioner's reasoning for the request makes sense to Vice-Chair Boyd and asked Staff if they had anything else to add as to why Public Works staff requested there be at least one sidewalk. Was the request a compromise? Mr. Wetterow stated the request for one sidewalk was deemed to be an appropriate compromise to the requested waiver.

There were no further discussions so Vice-Chair Body asked if there was a motion for approval.

Commissioner Krieger made a motion to establish findings of fact that the Preliminary Plan for the HDI Subdivision conforms with the standards and purpose of the Subdivision Code and recommend approval of the petition to City Council with the following waiver: to allow installation of a sidewalk on only one side of the street. The motion was seconded by Commissioner Danenberger.

Mr. Krieger - Yes, Mr. Muehleck - Yes, Mr. Danenberger - Yes, Ms. Patino - Yes, Ms. Beyer - Yes, and Vice-Chair Boyd - Yes (6-0). The motion passed.

Mr. Wetterow noted that the case will go before City Council on January 23, 2023.

G. Z-24-21 Public Hearing, review and action on text amendments, modifications and deletions to the Bloomington Zoning Ordinance, Chapter 44 of the City Code, submitted by the Bloomington City Council (Resolution 2021-31) relating to (1) auto sale exclusions, definition, and zoning; (2) updating certain zoning classifications; (3) reviewing residential uses that were previously permitted by right or via Special Use in commercial districts should again be allowed; (4) zoning for snack food manufacturing; (5) zoning for assisted living facilities; and (6) the review and submission process and commission schedules. Continued from October Meeting.

City Staff, Ms. Pemberton presented the report. Ms. Pemberton noted the Commission is not voting on what is being proposed. The purpose of presenting amendments at this time is to make the Commission aware and provide significant time to review the proposed changes and address any. Staff plans to bring the amendments for a vote at the January or February meeting. Ms. Pemberton noted that the sections highlighted in green in the packet are amendments that have been already approved by the Commission. The sections highlighted in yellow and red are proposed amendments what the Commission should focus on during their review.

The first amendment Ms. Pemberton explained addressed allowing Use Provisions to be waived as part of a Special Use Permit process, removing the requirement to grant Variances for Use Provisions. By allowing conditions and waivers associated with Special Use Permits a conversation can be had with Petitioners by the Commission and City Council to determine what is appropriate for each specific site/use. This would eliminate Variances associated with uses, as variances are bulk and site specific and should be tied to the land not a use. Additionally, the conditions and waivers would fall off when discontinuance of use happens. If a Variance is still needed, it will need to be heard and approved by the ZBA. The variance would stay, but the conditions and waivers would cease with discontinuance of use. To improve efficiency, the amendments also suggest moving Special Uses to fall under the purview of the Planning Commission and provide waivers to use provisions. Ms. Pemberton noted the number of cases where a Special Use was applied for and a Variance for a use provision was requested.

Vice-Chair Boyd noted he had two concerns, which were really one concern and one question. His concern with moving Special Uses to the Commission was related to the potential increase in number of cases coming before the Commission would increase the length of their already-lengthy meetings. He inquired whether the Planning Commission and Zoning Board of Appeals could be combined into one, as he was aware of other communities that function in this manner. This would address his concern about being able to achieve quorum and finding individuals to serve on the Board and Commission. Vice-Chair Boyd asked if this has ever been previously considered. Ms. Pemberton noted that at least back to the 1960s the two have been separated and she has not seen evidence that the ZBA addressed items like text amendments. Ms. Pemberton explained how the Vice-Chair's concern related to the increased number of cases will be addressed by the next amendment for discussion that changes the applicability of Legislative Site Plan Review and would result in a reduction in the Site Plan cases coming before the Commission.

Ms. Pemberton presented a chart which indicated what Staff believes happened when the zoning districts were consolidated, and legislative site plan requirements were incorrectly transferred to the new districts. In the old Code the "B" districts did not require legislative site plans. The districts that were designed to have legislative site plans were the "C" districts, (C-2 and C-3). Ms. Pemberton noted the types of uses permitted within those districts and how the uses permitted aligned more with local commercial and office, both of which would likely be adjacent to residential properties. There were numerous site and size restrictions associated with these districts and the intent was to protect the surrounding residential properties. There were nuances with how the legislative site plans were assigned that were missed when the districts were consolidated. The requirement went from being applied to a couple of districts to all districts, which was not the original intent of the legislative site plan requirement. The intent appears to have been to review some commercial development but not every single commercial development. Evidence shows that the current regulation structure has slowed down development within the City. Additionally, Ms. Pemberton noted that legislative site plans as they exist now, are not providing any significant benefit to the community. Ms. Pemberton provided a chart indicating the legislative site plans cases that have come before the Commission in the last few years; the chart highlighted that when the case was adjacent residential properties was the best indicator of public participation. Staff's recommendation, based upon available case data and the intent of the previous code, is to amend the code so that the intent (protecting neighborhoods and residential properties) fits into our current districts. This would result in legislative site plan requirements falling under the C-1, B-2 and D-2 Districts. These are the districts designed to fall between commercial and residential. For any other projects that appear to be of concern, the current Code allows the Petitioner or Staff to request a Legislative Site Plan Review. This amendment would reduce the number of Plan Review cases coming before the Commission, but not remove the process where evidence shows it to be beneficial.

Vice-Chair Boyd wanted to clarify that it was just the three zoning districts in which a legislative site plan would be required. Ms. Pemberton responded in the affirmative. The Code still accounts for Special Use requirements when certain uses are adjacent to residential, regardless of District.

Vice-Chair Boyd would really like to have staff explore the idea of combining Planning Commission and Zoning Board of Appeals for purpose of ensuring thorough review and achieving quorum. Ms. Pemberton stated Staff would investigate this and would report back to the Commission.

Commissioner Krieger left at 4:58pm.

Ms. Pemberton discussed the next text amendment proposed to the Commission which addresses Commercial Parking Lot and Bus and Taxi Passenger Terminals. Ms. Pemberton noted staff is seeking guidance on these amendments. Ms. Pemberton highlighted that staff is looking through the old version of the Code and actively evaluating the B-1 zoning district to determine how to reduce overly-burdensome requirements and limit the number of cases that come before the Commission. When the districts were consolidated, the regulations got consolidated as well and resulted in a mismatch between the intent and regulations associated with some districts. An example would be that under the current Code, hospitals are a Special Use in B-1 zoning when previously they were permitted. Additionally, the intent and purpose of B-1 zoning would be supportive of the placement of a hospital within as a permitted use. Under the old code, both uses (Commercial Parking Lot and Bus and Taxi Passenger Terminals) were permitted uses, however under the current code they are Special Uses. Staff can't find any evidence of any discussion as to why this change occurred. They are beneficial uses, yet at the same time could have potential impacts associated with them. Ms. Pemberton asked the Commission to review these uses and think about if they should be permitted or Special Uses, as transportation and access uses can have significant impacts on economic development.

Ms. Pemberton noted the next proposed text amendment addressed Places of Worship. In the old code the use was permitted by right, but under the current code it is a Special Use in the B-1 zoning district. Staff is asking the Commissioner to consider reverting the use back to permitting by right in B-1. There have already been numerous Special Use requests for Places of Worship in B-1. The use aligns with the intent of B-1 and makes sense to be a permitted use.

Ms. Pemberton noted the next proposed text amendment addressed definitions related to industrial uses. Ms. Pemberton noted that text amendments will never fully cease because technologies and uses evolve, so definitions—and sometimes uses—need to be revised or added. The previous philosophy was to list every use and add more as they were needed; Staff is proposing more broad definitions that are category-based and well-defined by their impacts. Ms. Pemberton noted other communities that have shifted in this direction and only define a few specific uses that do not fit well into a category or need to be called out because of their unique nature and impact. Ms. Pemberton noted the current code already breaks up light and heavy industrial but there are no general definitions or use “line items” for each, and Staff struggles to match real-world uses with the uses and definitions currently in the code. Staff proposes adding “Light Industrial, not listed below” and “Heavy Industrial, not listed below” to the use tables, and intends to review definitions from other communities, but carefully evaluate those definitions to make sure they are succinct and applicable to our City. Staff will be bringing these definitions back before the Commission for their consideration. Ms. Pemberton and Mr. Wetterow noted the general locations within town where the

M-1 and M-2 zonings are located within town to give the Commission an idea of the areas of the City which would be impacted. The Commission was generally supportive of the concept.

Vice-Chair Boyd asked if there were any questions or comments from the Commission. There were none. Ms. Beyer noted she had not had a chance to review all the changes. Staff informed her that is ok as the intent was just to bring this before the Commission for discussion and review. Staff also encouraged the Commissioners to call, email or visit staff if they have questions.

Vice-Chair inquired if Staff was aware of how much of the code was changed in 2019 and how much of the code has been reverted since it was changed. Ms. Pemberton noted she has reviewed the minutes from the Commission meetings in which the text amendments were discussed and has received much insight; many of the changes being presented now are instances where the changes to the code that were adopted do not align with the discussions had at those meetings.

Mr. Wetterow noted there was an individual present who wished to speak about the proposed text amendments.

Vice-Chair Boyd opened the public hearing for case Z-24-21.

Neil Finlen of the Farnsworth Group (2709 McGraw Drive), wanted to applaud staff on the work they have done on addressing these issues and streamlining the development process. Mr. Finlen believes the changes will still ensure the integrity of the projects while removing unintended hurdles in the development process. Mr. Finlen noted the housing crisis the community is experiencing and how the changes staff have proposed have aided developers in providing a streamlined process to provide the much-needed housing. Mr. Finlen noted the Planning Department is finally fully staffed and with quality staff. Mr. Finlen applauded the relationship they have developed with the development community and businesses. Mr. Finlen emphasized that the amendments would shift putting more of the decision making into the hands of the planning staff and only have those items that rose to the need be brought before the Commission for review.

There were no other individuals present to speak. Vice-Chair Boyd closed the public hearing portion of case Z-24-21.

Vice-Chair Boyd inquired as to when the text amendments would be formally coming before the Commission. Ms. Pemberton noted it could be as early as the January meeting but most likely a meeting or two after that. Vice-Chair Boyd encourage the Commission to reach out to Staff is they have any questions or comments related to the information presented today.

No questions for Staff from the Commission.

OLD BUSINESS - None.

NEW BUSINESS

Ms. Beyer inquired if there was going to be a special meeting. Ms. Pemberton noted there was no longer a need for a special meeting as Mr. Danenberger was able to be present today to ensure quorum was achieved. The next meeting will be the regularly scheduled January meeting which is on January 4, 2023.

ADJOURNMENT

Vice-Chair Boyd asked for a motion to adjourn. Commissioner Patino made said motion. The motion was seconded by Commissioner Danenberger. A voice vote was held, and all Commissioners responded in the affirmative. Motion passed (6-0). The meeting adjourned at 5:10 P.M.

Exhibit 1A for Agenda item 5C (PS-05-22)

From: Dunraven Community <dunravencommunity@gmail.com>
Sent: Tuesday, December 6, 2022 5:50 PM
To: Public Comment
Subject: Planning Commission 12/7/22 Meeting

Dear Planning Commission Members,

The Board of Directors of The Dunraven Homeowners Association wishes to voice our support for the petitions submitted by Green Fairways Development LLC for Zoning Map amendment as cases Z-14-22, Z-15-22 and PS-05-22.

The Dunraven subdivision runs the entire east border of The Links golf course. Our community currently consists of 160 duplex and townhome residences, 40 of which directly back to The Links golf course.

The Links has always provided a green space and buffer from our nearest neighbors to the West. A number of our residents enjoy and use the facilities as well. This has always been an attraction and our owners feel a benefit to our community. Upon hearing of the current owners intent to sell The Links, our residents had questions and concerns regarding property values and quality of life.

Very early in the process, the petitioning developers reached out to us to inform us of their interest in acquiring the property. The developers were genuinely interested in being a good neighbor and how their proposals would impact Dunraven. We soon learned that we share the goal of maintaining and continuing the golf course piece of the parcel. The developers embrace the benefit of the facility to our community at large.

The developers have been diligent through several meetings and numerous conversations in keeping our board informed with progress and developments with the city in making their petition. And we as a board, have kept our residents informed as well.

We feel that we have a good relationship with the developers, working toward a common goal.

Therefore, we support the developers petitions listed above.

Sincerely,

Mark Seyller
President
Dunraven HOA