

**MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, OCTOBER 26, 2016, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS**

MEMBERS PRESENT: Mr. Pearson, Mr. Protzman, Ms. Schubert, Mr. Scritchlow, Mr. Balmer, Mr. Penn, Chairman Stanczak

MEMBERS ABSENT: Mr. Suess, Mr. Boyd

OTHERS PRESENT: Ms. Katie Simpson, City Planner; Mr. Tom Dabareiner, Director of Community Development. Mr. George Boyle, City Attorney, Mr. Doug Hammel, Houseal Lavigne Associates, Mr. John Houseal, Houseal Lavigne Associates

CALL TO ORDER: Chairman Stanczak called the meeting to order at 4:01 PM

ROLL CALL: Mr. Dabareiner called the roll. With eight members in attendance, a quorum was present.

PUBLIC COMMENT: There being no public comments the Commission moved on to approval of the minutes.

MINUTES: The Commission reviewed the October 12, 2016 minutes. Mr. Scritchlow moved to approve the October 12, 2016 minutes; Mr. Penn seconded the motion, which was passed by a voice vote of 7-0-1. Mr. Balmer voted “present.”

REGULAR AGENDA:

Workshop and discussion on the City of Bloomington Zoning Ordinance Update — Houseal Lavigne Associates

Chairman Stanczak announced the regular agenda item. Mr. Dabareiner gave a brief introduction to the zoning ordinance update process. He explained the City of Bloomington recently completed and adopted a new comprehensive plan which has received state and national recognition. Mr. Dabareiner provided background on the comprehensive plan public outreach process involving 6,000 Bloomington residents. He explained the zoning ordinance is a tool for implementing the City’s new comprehensive plan. Mr. Dabareiner introduced John Houseal and Doug Hammel, from Houseal Lavigne Associates, the consulting firm that will be working with the City on the zoning ordinance update project. He explained he has worked with this firm on past projects and has had a positive experience. Mr. Dabareiner explained the consulting firm would facilitate an exercise during the meeting tonight. Mr. Dabareiner mentioned Houseal Lavigne Associates won the award for Best Planning Consultant nationally in 2014.

John Houseal, Houseal Lavigne Associates, introduced himself and Doug Hammel, Principal Associate. He explained he and his firm would be working with the city for the next seven to nine months. Mr. Houseal stated the comprehensive plan would serve as a foundation for the zoning ordinance update. Mr. Houseal discussed the difference between the comprehensive plan and the zoning ordinance. He stated that the intention of this update is to help the city realize their goals and objectives related to land use and development by focusing on the details of the ordinance and ensuring the zoning ordinance dovetails with the comprehensive plan as a tool to implement the plan. He explained they will also examine land use procedures throughout this process as well.

Mr. Houseal explained the firm has held a conference call with city staff to go over all aspects of the code. He stated the firm held a workshop earlier today with local architects, attorneys, land owners, and contractors to find out what is and is not working with the ordinance. He explained it was important to understand the ordinance with regard to neighboring communities. He emphasized the importance of hearing the Planning Commissioner's perspectives regarding zoning and the zoning process. Mr. Hammel distributed a questionnaire to the Commission. Mr. Dabareiner confirmed the questionnaire was the same as that which was distributed in the prior meeting with land owners and architects. Mr. Houseal explained the questionnaire would serve as talking points for the meeting and described the four questions on the questionnaire in more detail. He summarized that the first questions related to the types of permitted uses in the zoning districts. Mr. Houseal stated the second question regarded concerns related to development standards and gave the Commissioners a few examples including bulk requirements, FAR, parking, landscaping, and lot coverage. He explained the third question was related to zoning procedures including submittal requirements, new permitting, planning and development decision making. Mr. Houseal recounted that a local developer mentioned Bloomington's development process is perceived as more arduous and complicated than neighboring communities. He explained the fourth question related to aspects not related to the zoning code but in other aspects of the City's development code. Mr. Houseal provided the example of the City's sign ordinance and explained how changes in federal regulation may conflict with the city's current sign ordinance as well as aspects of the zoning ordinance. Mr. Boyle provided legal background on the Reed vs Gilbert case and the Supreme Court's ruling regarding sign regulations and restrictions. Mr. Balmer noted other regulatory bodies that also must be taken into consideration during this process.

Mr. Houseal asked the Commission to identify issues with current land use. Mr. Balmer explained there is confusion between zoning designation and permitted uses. He stated we have also encountered situations where a particular use is not contemplated by the present code. Mr. Houseal suggested that at the end of this process the City might find a need to create a new zoning district that allows for new uses in order to achieve a goal in the Plan. Mr. Scritchlow asked if the intention of the update is to simplify and clarify the current zoning districts. He explained that the City currently has a number of districts which are similar and redundant. Mr. Houseal explained they will be considering every aspect of the City's zoning and that they are not bound by the districts that currently exist. Mr. Houseal provided the example of a transitional district in the downtown area to help a city realize its development goals in the area. He discussed the potential of a transitional district along

the constitution trail or in the warehouse district which are currently zoned manufacturing but would no longer be compatible with the industrial uses.

Mr. Scritchow asked how changes to the code that create legal nonconforming statuses would be addressed. Mr. Houseal explained the goal is to minimize the creation of nonconformities. He stated an exceptional number of nonconformities in an area is an indication of the need to change the standards for that district.

Mr. Pearson asked how zoning would relate to current districts in our downtown such as the bar district or the cultural district. Mr. Houseal explained that some of these issues may be related to the regulation of uses but others might be better addressed through branding and marketing. There was brief discussion about role of zoning versus the role of other permitting and licensing processes. Mr. Pearson noted the challenge that changes in technology and terminology create for keeping permitted uses in zoning classifications current. He was concerned if the zoning code update would address redundant and rhetorical words. Mr. Houseal explained the intent is to develop a list and identify the general character and characteristics of the use with narrative to make the permitted use tables easier to use.

Mr. Balmer identified distribution centers as a trending use in the manufacturing districts, particularly areas located on the fringes of the community and in infill sites. He explained the code is inadequate at addressing this use in these areas. Mr. Houseal confirmed the most problematic districts are those which historically were classified as industrial. He discussed a few circumstances and solutions the city might consider for these areas. He noted some might become transitional areas, some may maintain characteristics of traditional industrial uses, and some might become new industrial parks and incubators. He emphasized the need to look at the comprehensive plan and consider the direction the city hopes to take on the various industrial areas around Bloomington.

Mr. Scritchlow asked if the process for accommodating businesses with uses not contemplated in the zoning code will be more streamlined. Mr. Houseal explained Houseal Lavigne Associates' goal is to reduce the amount of ambiguity and need for legal interpretation of the code. He envisions the new code would incorporate the right to appeal an administrative decision to a board such as the Planning Commission whenever there is a conflict between staff interpretation and the applicant's interpretation.

Mr. Balmer identified procedures as a form of conflict and asked if this process will work to address that. Mr. Houseal explained there should be fair certainties and expectations for what is expected between each party. He stated the importance on being competitive with the development process ensuring it is fair, straight forward, and that developers are well informed on expectations for the process. He explained they hope to take a deep look at all aspects of the procedures including the applications. Mr. Pearson asked if this would pertain to a separate chapter of the code. Mr. Houseal explained that typically the zoning code has a specific section for procedures and applications regarding special uses, variances, rezonings and PUDs. It is a reference document. He noted the goal of the update is to tailor the zoning ordinance to be more user friendly and to restructure the code to

meet the needs of the users. He mentioned the only procedure which may have its own section in the ordinance would possibly be Planned Unit Developments.

Ms. Schubert commented that many who find the city's process to be challenging are local developers that may not be as familiar with the procedures and zoning code and may not be able to afford an attorney to handle the process. She mentioned these small businesses and local developers are those that we want to set up for success. Mr. Houseal explained that navigating these procedures can be challenging if the developers are not familiar with them. He also noted that several people during the developers meeting earlier referenced the "one stop shop" approach in Peoria and Normal for PUDs. He emphasized the need to approach our process so we facilitate good development and so we are more user-friendly. Mr. Houseal stated that there are a number of goals in the comprehensive plan which require private investment to be achieved and that we must set up investors and developers for success so they want to invest in Bloomington.

Mr. Scritchlow asked about the combination of the Planning Commission and ZBA as a part of the "one stop shop" approach. Mr. Dabareiner explained the combination of the boards is important to supporting the "one stop shop" process and eliminating the potential for two or three steps in the process that staff is attempting to fast track this change and have it in place before the end of the update process. Mr. Dabareiner explained the combination of the boards will have to be reviewed by the Planning Commission first because it involves changing the zoning ordinance. Mr. Houseal noted that they anticipated incorporated a new, single board into the zoning ordinance.

Mr. Scritchlow asked if there are any ways to build screening, lighting and other nuisance mitigating factors into the process rather than addressing these issues when the property owners apply for a permit. Mr. Houseal distinguished the need to accommodate these factors in instances of 'as of right' development, where the developer can simply apply for a permit and no public hearing processes are required, versus accommodating these factors during a PUD and site plan procedures. Mr. Scritchlow clarified that he was also interested in how we can work with neighbors and developers to address a solution. Mr. Houseal explained that if it is straight zoning the developer would have to meet the requirements, if they are seeking relief then the developer would have to provide that justification. He mentioned the ability to include, in the PUD ordinance, a requirement to meet with neighbors and discuss these issues prior to submittal. He explained the PUD can facilitate a negotiation between developers and neighbors. Mr. Dabareiner commented that the PUD has been underutilized in this community and the PUD is a powerful tool that can help to achieve a win-win. Mr. Houseal suggested that a properly drafted PUD process can help city's achieve more creative developments, can become a preferred approach for developers, and can increase flexibility for the neighborhood and the developer in a streamlined process.

Mr. Pearson asked for clarification about a term, "bulks" on the handout. Mr. Houseal explained this was a scrivener's error and should not have the "s". He explained this should be "bulk standards" and refer to the things that define the physicality of the development of a building.

Mr. Scritchlow asked if PUDs were typical used for larger parcels. Mr. Houseal explained that PUDs do not have to be used for larger parcels. He provided a brief history of PUDs and noted their relevance to developments with multiple buildings on a property, such as a university campus. He explained that PUDs evolved to include various triggers such as multiple buildings on a single lot, geographical location or size of land or size of the building.

Mr. Pearson inquired about the timeline for development. Mr. Houseal explained the draft code will not address permitting. He clarified the timeframe as from idea, conception to development approval and their objective is to reduce the time and process it takes to move through this process. Mr. Dabareiner mentioned that over the past two years the city has reduced the building review time for projects from an average of 35 days to 9 days. Mr. Houseal shared his experiences with other communities review processes and boards.

Mr. Pearson asked which single factor came up during the meeting with developers. Mr. Houseal explained that the biggest factor that emerged was the perception from other developers of working with the city. He explained the warehouse district and zoning around the constitutional trail were mentioned, but everything seemed to deal with the process. Mr. Houseal commented that there was no mention of the bulk and density requirements nor setback standards. Mr. Houseal explained that they will be following up with the developers that gather a clear understanding of the perception.

Mr. Balmer asked about the project timeline. Mr. Houseal explained that realistically it will be about a nine month timeline. He explained that Houseal Lavigne Associates has begun to dissect the comprehensive plan and to meet with staff. Mr. Houseal discussed how the new code will strategically incorporate graphics to provide more clarity for the laymen. Mr. Scritchlow asked if the ordinance will become easier to use online. Mr. Dabareiner explained the city will be working to move the code online.

Chairman Stanczak expressed that he feels encouraged by Houseal Lavigne Associates' comments during this meeting and is enthusiastic about what the zoning ordinance can become.

OLD BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT: Mr. Pearson moved to adjourn; seconded by Mr. Balmer, which passed unanimously by voice vote. The meeting was adjourned at 5:10 pm.

For further information contact:
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