

**MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, OCTOBER 12, 2016, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS**

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

MEMBERS ABSENT: Mr. Balmer, Mr. Penn, Mr. Suess

OTHERS PRESENT: Ms. Katie Simpson, City Planner; Mr. Tom Dabareiner, Director of Community Development. Mr. George Boyle, City Attorney, Mr. Carey Snedden, Code Enforcement Division Manager, Ms. Jennifer Toney, Grants Administrator.

CALL TO ORDER: Chairman Stanczak called the meeting to order at 4:03 P.M.

ROLL CALL: Mr. Dabareiner called the roll. With six 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 September 14, 2016 minutes. Mr. Pearson moved to approve the August 24, 2016 minutes; Mr. Scritchlow seconded the motion, which passed unanimously by a voice vote of 6-0.

REGULAR AGENDA:

Z-40-16 Amendment to the Annexation Agreement between the City of Bloomington and Tornquist Family Foundation (June 14 2004) for the subdivision commonly known as Woodbury Estates approximately 16.6 acres located south of W. Miller St, north of Butchers Ln and Goose Creek and west of Hinshaw Ave.

Chairman Stanczak introduced the case. Ms. Simpson presented the staff report and recommended in favor of the amended Annexation Agreement with two conditions. She provided history on the original Annexation Agreement from 2004 and the goal to create affordable housing. She showed an aerial photo of the area and described the surrounding land uses. The proposed changes, she added, would recognize that the Tornquist Foundation dedicated six lots to the City, that the developer has no further obligations to the City to construct affordable housing, and any mortgages and liens placed on the properties by the City would be released. Ms. Simpson described how the amount of the mortgages was calculated. She stated that the economic recession changed the market conditions for this subdivision. She added that with this change, the Foundation would be responsible for all application and development fees, which had been waived previously when they were developing affordable housing, and would need to complete the sidewalk network within the subdivision.

Mr. Scritchlow reviewed the calculations for the mortgage amount. Mr. Pearson also reviewed his understanding of the amounts. Ms. Simpson clarified that the original federal grant money was expended in 2004 and the Tornquist Foundation already donated the six lots. Mr. Dabareiner suggested the Commission look at this as an economic development incentive the City wishes to provide for the continued development of housing in this subdivision, but which must come through the Planning Commission because it is an amendment to the Annexation Agreement. Ms. Simpson restated that the original goal is to eliminate the mortgages and that the additional conditions recognize that development of housing which does not target affordable families would be subject to the usual fees and requirements.

Mr. Dabareiner introduced Ms. Jennifer Toney, the City's HUD Grants Administrator. Ms. Toney stated that in 2004 the Tornquist Foundation was provided more than \$354,000.00 for development of Woodbury Subdivision. For that money, she stated, the City would get six lots upon which the City managed the construction of affordable housing on two of the lots, and then donated the rest to Habitat for Humanity to construct housing on the remaining four lots. She continued that each of those six lots was assigned a value which was removed from \$354,000.00, and the remaining balance was divided among the remaining lots which resulted in a \$4,100.00 mortgage that the City filed against each lot and the Tornquist Foundation. As affordable housing was completed, the City released the mortgage amount lot by lot, she said. About 22 or 23 mortgages still exist and the request, according to Ms. Toney, is to release all the remaining mortgages immediately so the Tornquist Foundation will no longer be restricted to build only affordable housing. Ms. Toney stated that if the lots were sold as affordable housing before, the City did not get the mortgage money because it would be waived, so there was no revenue coming to the City anyway. She stated that building costs have increased substantially since 2004 and each property would still be developed at a loss, so this change would reduce the amount of the loss. She explained the HUD income guidelines.

Chairman Stanczak summarized that the expense of the building housing now in the Woodbury subdivision have increased to the point where affordable housing that meets the HUD guidelines cannot be provided.

Mr. Boyle stated that staff is recommending approval of the amendment subject to two additional conditions, first that development fees be paid from this point forward when a house is not sold as affordable housing; and second, that the Tornquist Foundation will construct the remaining sidewalks as housing is developed, along with paths around the park and detention basin.

Ms. Kimberly Jackson, representing the Tornquist Family Foundation, was sworn in. Ms. Jackson stated they would continue development as a not-for-profit. The entire development including land costs so far is \$1.5 million, she added, so the \$354,000.00 from the City was only a portion of the costs. Mr. Scritchlow asked how many houses were already built; Ms. Jackson reported 25 are built and that 14 were built by Habitat for Humanity. She explained the goals of the Tornquist Family Foundation is to fill the gap between the cost to buy a house compared with the ability of a HUD qualified buyer to acquire the house. She noted that because of the mortgage amount the last buyer missed the HUD guidelines and could not purchase the house. She noted that about \$20,000 per house has been added to the cost of building a house due to the

energy conservation code requirements and other new requirements. She stated that if there is any profit, that money is returned to the Foundation to help other buyers.

Chairman Stanczak referred to the additional conditions mentioned by staff and asked if those are acceptable. Ms. Jackson relied they are not acceptable because they were unaware of the additional requests in advance of the meeting. Chairman Stanczak noted that without agreement on the conditions there can be no agreement to approve, so he suggested laying the matter over. Ms. Jackson agreed that the petitioner would like to review the conditions so a layover is desirable.

Mr. David Kletz, 1120 S. Hinshaw, was sworn in. He stated that he is in favor of anything that will complete the development of the subdivision, including the help requested by the Tornquist Family Foundation.

Chairman Stanczak declared the public hearing closed. Mr. Pearson motioned to table consideration of the Amendment case; seconded by Mr. Scritchlow. The following votes were cast: Mr. Pearson—yes; Mr. Scritchlow—yes; Mr. Boyd—yes; Mr. Protzman—yes; Ms. Schubert—yes; Chairman Stanczak—yes. Motion **approved** 6-0.

OLD BUSINESS

None

NEW BUSINESS

Mr. Dabareiner stated the next meeting of the Planning Commission will be the first of several monthly meetings on the zoning ordinance updates. He added that earlier that day, the consultants will be meeting with representatives from the local real estate and building communities to gain insight.

Mr. Dabareiner announced that the Bloomington Comprehensive Plan had won another award, earning Silver through the American Planning Association nationally for sustainable plans.

ADJOURNMENT

Mr. Scritchlow motioned to adjourn; seconded by Mr. Pearson, which passed unanimously by voice vote. The meeting was adjourned at 4:41 PM.