PLANNING COMMISSION - REGULAR SESSION
OSBORN ROOM, 2ND FLOOR, BLOOMINGTON POLICE DEPARTMENT
305 S. EAST ST., BLOOMINGTON, IL 61701
WEDNESDAY, OCTOBER 4, 2023, 4:00 PM

1. **Call to Order**

2. **Roll Call**

3. **Public Comment**
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 cityblm.org/register at least 5 minutes before the start of the meeting.

4. **Consent Agenda**
Items listed on the Consent Agenda are approved with one motion; Items pulled from the Consent Agenda for discussion are listed and voted on separately.

   A. Consideration and action to approve the Minutes of the July 5, 2023, regular meeting of the Bloomington Planning Commission. *(Recommended Motion: The proposed Minutes be approved.)*

5. **Regular Agenda**

   A. **PS-01-23** - Public Hearing, review and action on a request submitted by Wittenberg Woods **II**, LLC, for approval of an **Amended Preliminary Plan** for Wittenberg Woods at Prairie Vista, for the property generally located at the northwest corner of Lutz Road and S. Morris Avenue, consisting of approximately 12.15 acres (PIN: 21-17-451-005). *(Recommended Motion: Motion to establish findings of fact regarding whether the Amended Preliminary Plan does or does not conform with the standards of the Subdivision Code and the Official Comprehensive Plan, and to make a recommendation for approval or denial to City Council.)*

   B. **Z-12-23** - Public hearing, review and action on a request submitted by Carl Müller and Sara Müller, for approval of an **Annexation Agreement and Zoning Map Amendment** for the subject property, from County R-1 (Single-Family Residential) District to City R-1A (Single-Family Residence) District, pertaining to property commonly known as 1420 Six Points Road (PIN: 21-17-126-001), consisting of approximately 1.5 acres. *(Recommended Motion: Motion to establish findings of fact regarding whether the proposed Zoning Map Amendment is or is not in the public interest, and is or is not solely for the benefit of the Petitioner, and to make a recommendation for approval or denial to City Council.*

Motion to establish findings of fact that the request for approval of the proposed Annexation Agreement is or is not in the public interest, and is or is not solely for the benefit of the Petitioner, and to make a recommendation for approval or denial to City Council.
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6. New Business

7. Adjournment

Individuals with disabilities planning to attend the meeting who require reasonable accommodations to observe and/or participate, or who have questions about the accessibility of the meeting, should contact the City's ADA Coordinator at 309-434-2468 or mhurt@cityblm.org.

REGULAR AGENDA ITEM NO. 4.A.

FOR PLANNING COMMISSION: October 4, 2023

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve the Minutes of the July 5, 2023, regular meeting of the Bloomington Planning Commission.

RECOMMENDED MOTION: The proposed Minutes be approved.

STRATEGIC PLAN LINK:
Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:
Objective 1c. Engaged residents that are well informed and involved in an open governance process

BACKGROUND: The minutes of the meetings provided have been reviewed and certified as correct and complete by the City Clerk. In compliance with the Open Meetings Act, Council Proceedings must be approved thirty (30) days after the meeting or at the second subsequent regular meeting whichever is later. In accordance with the Open Meetings Act, Council Proceedings are available for public inspection and posted to the City's web site within ten (10) days after Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Alissa Pemberton

ATTACHMENTS:
Draft Planning Commission Minutes 2023-07-05

DRAFT
MINUTES
PLANNING COMMISSION - REGULAR SESSION
WEDNESDAY, JULY 5, 2023, 4:00 PM

The Planning Commission convened in regular session at 4:02 PM, July 5, 2023. Vice Chair Boyd called the meeting to order.

Roll Call

Attendee Name	Title	Status
David Lewis	Commissioner	Present
Justin Boyd	Vice Chair	Present
Brady Sant Amour	Commissioner	Present
Thomas Krieger	Commissioner	Present
Anna Patino	Commissioner	Present (Virtual)
Jackie Beyer	Commissioner	Present
William Peradotti	Commissioner	Present
Mark Muehleck	Commissioner	Absent
Goverdhan Galpalli	Commissioner	Absent

Staff Present: Jon Branham, City Planner; Alissa Pemberton, City Planner; John Myers, Assistant City Planner; Jordan Buffington, Planning Intern; George Boyle, Assistant Corporation Counsel; Melissa Hon, Director of Economic & Community Development; Kevin Kothe, Director of Public Works.

Mr. Branham called attendance.
PRESENT: Commissioner Lewis; Vice Chair Boyd; Commissioner Brady Sant Amour; Commissioner Krieger; Commissioner Beyer; Commissioner Peradotti.
With six members present physically, a quorum was established.

Vice Chair Boyd announced that Commissioner Patino is excused from attending in person and is present virtually, per City Code § 2-402B(2)(a) that permits virtual attendance for personal illness or disability, should it be the will of the Commission.

Commissioner Krieger made a motion, seconded by Commissioner Beyer, to allow Commissioner Patino to participate remotely, per City Code § 2-402B(2)(a).
Roll Call.
AYES: Commissioner Lewis; Vice Chair Boyd; Commissioner Brady Sant Amour; Commissioner Krieger; Commissioner Beyer; Commissioner Peradotti
ABSTENTION: Commissioner Patino
Motion passed.

Public Comment

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 cityblm.org/register at least 5 minutes before the start of the meeting.
Note: To be considered Testimony, statements must be made in person or by duly authorized agent, during the public hearing for the specific Regular Agenda item.

No public comment was provided.

Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled from the Consent Agenda for discussion are listed and voted on separately.

Item 4.A. Review and approval of the minutes of the May 3, 2023, regular meeting of the Bloomington Planning Commission.

Commissioner Krieger made a motion, seconded by Commissioner Beyer, to approve the Consent Agenda, as presented.
Roll call.
AYES: Commissioner Lewis; Vice Chair Boyd; Commissioner Brady Sant Amour; Commissioner Krieger; Commissioner Patino; Commissioner Beyer; Commissioner Peradotti
Motion passed.

Regular Session

The following item was presented:
Item 5.A. Consideration and Action to Elect Positions for Planning Commission leadership.

Vice Chair Boyd explained the process of electing new leadership for those who have not been there before and stated they are electing the positions Chair and Vice Chair.

Commissioner Beyer nominated Vice Chair Boyd for Commission Chair. Vice Chair Boyd accepted the nomination. Vice Chair Boyd asked for any other nominations for Commission Chair; none were presented.

Commissioner Beyer made a motion, seconded by Commissioner Krieger, to approve Vice Chair Boyd as the new Commission Chair.
Roll call.
AYES: Commissioner Lewis; Commissioner Brady Sant Amour; Commissioner Krieger; Commissioner Patino; Commissioner Beyer; Commissioner Peradotti
ABSTAINED: Vice Chair Boyd
Motion passed.

Chair Boyd nominated Commissioner Beyer for Commission Vice Chair. Commissioner Beyer accepted the nomination. Chair Boyd asked if there were any other nominations for Vice Chair; none were presented.

Chair Boyd made a motion, seconded by Commissioner Krieger, to approve Commissioner Beyer as the new Commission Vice Chair.
Roll call.
AYES: Commissioner Lewis; Chair Boyd; Commissioner Brady Sant Amour; Commissioner Krieger; Commissioner Patino; Commissioner Peradotti
ABSTAINED: Commissioner Beyer
Motion passed.

The following item was presented:

Item 5.B. Consideration, review, and action on a request submitted by Bloomington 77 Developments, LLC, for approval of an Annexation Agreement and Zoning Map Amendment, from A (Agricultural) to M-1 (Restricted Manufacturing) or B-2 (Local Commercial), pertaining to property commonly located north of West Market Street (State Route 9), near the eastern termination of Old Peoria Court, consisting of approximately 77 acres, more or less (PIN: 13-36-326-002).

Alissa Pemberton presented the Staff Report, with recommendation for approval. She stated the request is for both an Annexation Agreement and an associated Zoning Map Amendment. She noted there are multiple components of the Agreement and additional public hearings will be required before it may be adopted by Council. She explained the timeline for potential annexation and development of the property, noting that the Town of Normal and McLean County have been informed and invited to collaborate to ensure the needs of everyone were accommodated within the Agreement.

Ms. Pemberton noted site considerations including, 1) access to West Market Street (Route 9), which will require a traffic study, intersection design study, and coordination with Illinois Department of Transportation (IDOT) to ensure access design is sufficient; 2) the extension of Enterprise Drive; and 3) the stream located along the western edge of the site which the developers will have to protect, meaning stormwater will need to be moderated sufficiently. She discussed the proposed site plan, including multiple-family housing, commercial area, and a second temporary, locked, emergency access to Old Peoria Court until Enterprise Drive is available as a secondary ingress/egress point. She explained the proposed zoning would be M-1 (Restricted Manufacturing) District, which conforms with the surrounding parcels, and the reservation of right to zone certain acreage to the B-2 (Local Commercial) District based on market and community need. Staff supports either the M-1 or B-2 zoning as appropriate for the subject property.

Staff discussed the benefits to the City of the Agreement, including roughly 790 dwelling units to support existing commercial properties in the area; the installation of sewer and water infrastructure for the surrounding properties (paid for by the Developer); the right-of-way for Enterprise Drive extension; the dedicated of at least 17.9 acres for creation of park, or a fee-in-lieu thereof; and stormwater infrastructure and management. She noted commitments the city will be making, including: the over-sizing of water mains by cost-sharing; allowing an extended timeline for enforcement of the Special Use Permit for

Multiple-Family Dwellings in the M-1 (Restricted Manufacturing) District; possibility of future street maintenance, if roads become public; and standard land entitlement agreements. She noted the goals and objectives from the Comprehensive Plan, of which this Annexation is supportive.

Chair Boyd clarified whether the Planning Commission is voting on the Agreement and the Zoning Map Amendment to M-1. He also asked for clarification on whether the vote would include the future potential Map Amendment(s) to B-2.

Ms. Pemberton explained the right to rezone to B-2 is reserved in the Agreement, if the market sees a less intense commercial use is needed; this would eliminate the need for future public hearings to enact the change(s) since either zoning could be found to be appropriate at this time.

Chair Boyd opened the Public Hearing, inviting the Applicant to present.

Nathan Hinch (201 E. Grove Street #100), Attorney representing Bloomington 77 Development, introduced the development team, provided a short description of the project and subject timeline, and invited Patrick Hoban to speak first.

Patrick Hoban (200 W. College Avenue #402), President of the BN Economic Development Council (EDC), presented data from the EDC's housing study from April, 2022, and Rivian employment data from Q1 of 2022. He explained that combining the original housing study and Rivian's new data, Bloomington is in need of 7-8,000 housing units. He explained the EDC is supportive of any housing, and the Bloomington labor shed has expanded from the typical 60 up to 90 miles in recent years. The EDC is consistently hearing from Businesses—including State Farm, Rivian, and Ferraro—that they are struggling to find and house workers.

Neil Finlen (2709 McGraw Drive), spoke as the project Engineer, to discuss the housing crisis in Bloomington and explain the details of the project and design of the site. He explained how environmental elements of the site and access to Route 9 (Market Street) have been accommodated in the site design. He stated collaboration with IDOT has taken place, and will continue to take place, to ensure safe and sufficient access to Route 9. He explained the emergency access on Old Peoria Road will be temporary and not accessible to residents; this access was only created due to EMS concerns related to having only one access. He discussed the permitting, review, and tap-on fees associated with the project.

Mr. Hinch wrapped up the presentation for the Applicant. He explained that this project complies with current Ordinances, they have not requested any Variances, the project complies with the Comprehensive Plan which sees this area as employment center, and the project is compatible with the uses in the surrounding area.

Luis Sandoval (2515 W. Market Street) stated he lives on Route 9 and has concerns about the potential development. He stated relying on Rivian could lead to issues if Rivian closes, and the new development will add to already increasing traffic. He stated that he and his neighbors value the country/rural living lifestyle that their neighborhood

currently provides. He expressed concerns about the possibility of crime rates increasing and potential negative impacts to the school district.

The Applicant responded. **William Coffey (529 E. 38th Street, Chicago)** spoke for Bloomington 77 Developments and explained the development concept came from what they perceived as a need, after studying the community for multiple years. He explained that they have collaborated with businesses, not isolated to Rivian, and local community members. He stated their research found a majority of housing in Bloomington is owned or student housing, demonstrating a need for housing appropriate for recent graduates or working residents who are not ready to purchase a home. He stated workforce development and affordable housing are major components of the project. He stated the investment you put into the development inspires the treatment of such, and they plan to create a community that addresses common causes of petty crime. He said the development will include community facilities to promote respectful treatment and foster a welcoming community.

Mr. Finlen stated traffic will increase and reiterated collaboration with IDOT will ensure traffic will be appropriately addressed. Discussing schools, he explained that Unit 5 has reviewed the project and is supportive because it will help balance the student population between the high schools.

Jennifer Delgado (2519 W. Market Street) stated she agrees with Mr. Sandoval's statement and expressed concern about the longevity of Rivian and the worker surplus. She noted Mitsubishi's factory closing after over 20 years of operation. She expressed concerns about the retention area and how it will impact her property. She explained that she was told she is on a high water table and is afraid of the effect a retention pond will have on the surrounding area. She questioned if any studies have been completed.

Mr. Finlen responded with details about the strict and comprehensive stormwater detention regulations with which the development will be required to comply. He discussed considerations of designing stormwater detention areas. He stated a belief the stormwater detention may help the situation, but would at least not hurt it.

Chair Boyd asked Staff if any incentives are being provided by the City of Bloomington.

Alissa Pemberton stated that no City incentives are provided as part of this Agreement.

Chair Boyd asked Mr. Hoban to speak on the risk of something happening to Rivian once the proposed project is constructed.

Patrick Hoban stated the risk goes both ways. He said without the housing supply, the businesses will go under due to the lack of people. On the other hand, if the business goes under, we are stuck with the housing stock we created. He also stated that many local businesses, not just Rivian, stated they are struggling to find people and housing.

Joe Kelly (2513 W. Market Street) expressed issues concerning traffic. He explained that commuters already use Old Peoria Court and drive across the dead end to access Route 9, even with barrier poles in place. He stated he is confused on how the temporary

emergency exit can function without becoming an exit for residents of the new development. He expressed concerns that existing residents on Old Peoria Court will be forced to connect to City services and follow city regulations. He also stated he does not see the demand in Bloomington for new housing, especially apartments. He expressed concerns related to safety of families and children around the detention pond.

Ms. Pemberton responded that the proposed annexation is only for the property that is the subject of this case. She explained that existing residents of Old Peoria Court that are County residents will remain under County regulations unless they annex themselves, which they would need to do if they wanted to tap into public water and sewer. She stated the temporary access is required to be gated and locked, using a specific lock that only EMS services have access to. Once the extension of Enterprise drive is completed, the Developers will be required to remove the temporary access and restore or redevelop the land in compliance with the Concept Plan. She explained that detention and retention ponds are required to be designed and maintained in a way that is safe for the public, according to the City's Manual of Practice. Public Works Director, Kevin Kothe, confirmed.

Jason Simmons (2510 Old Peoria Court) stated he sees no benefit from the annexation for the current residents. He stated the traffic and noise in the area continue to worsen, and the proposed development will only increase those issues. He is concerned the detention pond will become a hang out spot, with potential of drinking and similar activities. He stated he does not see the need for additional housing; over half of the people he worked with at Mitsubishi commuted from the surrounding area. He also stated that he asked to connect to City sewer and was told he was going to have to build a sewer main through his yard.

Ms. Pemberton explained the difference between mains and laterals regarding connection to public sewer. She stated homeowners are responsible for connections to public mains, similar to a driveway connecting to a public road. She verified there is no City work being completed on the public sewer because the developer is responsible for utility work on their property. She recommended Mr. Simmons refer additional questions on connecting his property to water or sewer to Public Works. Chair Boyd also recommended the residents talk to Public Works after the meeting due to the scope of the conversation.

John Hoffer (2522 Old Peoria Court) pointed out an open-ended road on the west of the site and expressed concern that the residents are not being told everything about development. He stated that traffic makes it difficult to exit onto Rivian at certain times of the day and he cannot keep his windows open due to traffic noise. He stated his concern for connectivity of transportation other than car. Regarding the detention pond and trails, he stated there are similar developments elsewhere in town which now are badly deteriorated, and expressed concern that the same thing may happen.

Vice Chair Beyer asked Staff and the Developer about direct transportation to Rivian.

Ms. Pemberton stated that Rivian Motorway is designated as a future Complete Street, which will allow for safe biking and walking to and from Rivian,

however this is a long-term project. She stated that Connect Transit is aware of the project. She mentioned that the developer is required to install full-size sidewalks along all roadways within the development but is considering larger sidewalks and other improvements to support multi-modal transportation.

Mr. Finlen further described plans for future traffic patterns and the possible impacts on Old Peoria Road. He explained there is no access planned to Old Peoria Rd, nor would IDOT allow that to happen. He stated that the traffic signals will be connected to the existing signals in order to allow traffic to move smoothly and freely. He confirmed that trail development is planned, for transportation and recreation. He verified collaboration between Connect Transit for possible service to move residents to Rivian or other employers; a routine route will not work, but a micro-service transit route is being discussed. He stated there is no hidden agenda related to the dead-end street on the west side of the Concept Plan. He explained it is common to "future-proof" developments during design, so they do not isolate themselves by limiting their entries and exits. He noted that City Code requires stub-out for future planned roads and utilities so they would be required to place it anyway.

Chair Boyd asked about specifics related to the transportation studies.

Mr. Finlen stated they will need to analyze the Traffic Impact and Intersection Design Study to ensure the intersection works and will be sufficient for traffic. He stated that it is the purview of IDOT, rather than the City, once they interact with State Route 9.

Ms. Pemberton stated the Traffic Study will include the Enterprise Drive extension and dictate the timeline for that project.

John Delgado (2519 W. Market Street) presented the Notice of Public Hearing letter her received from the City, dated June 4, 2023. He expressed concerns about not hearing about the project and public hearing sooner since the Developer stated they have been working on the project for months. He stated that renters do not have "skin in the game" and Rivian could leave at any time.

Assistant Corporation Council, George Boyle, explained the public notice requirement for a meeting like this is at least 15 days, but no more than 30 days. He stated it is not unusual for projects such as this to be in planning for years before public hearing, due to the amount of detail and preparation that need to take place.

Chair Boyd asked Patrick Hoban whether there is a difference in need between apartments and houses, and the benefit housing has to the taxpayer.

Patrick Hoban stated the housing study took place during 2021 and the EDC was not aware of this project at the time. He stated all types of housing are needed for Bloomington, whether it be luxury housing or affordable housing. He was unsure of any direct benefit of apartment housing to the taxpayer, other than alleviating the burden of need and providing more cost-efficient development than detached housing allows. He stated that high density allows for one utility line to serve multiple families, while in a single-family home neighborhood one line serves just one home.

Ms. Pemberton verified the City is not providing any economic development incentives.

Chair Boyd closed the public hearing.

Vice Chair Beyer asked for clarification that the Commission is only looking at the Annexation Agreement and Zoning, that this is not Site Plan Review.

Staff clarified that the Concept Plan is part of the agreement so there is reasonable expectation that the resulting development will resemble what has been presented. Site and design review will still occur as part of building permitting; however, this is essentially the agreed upon project. Staff noted that if the project changes significantly the Developers would need to come back before the Planning Commission to amend the Agreement.

Commissioner Krieger made a motion, seconded by Vice Chair Beyer to establish findings of fact that the request for approval of the proposed Annexation Agreement is in the public interest and not solely for the benefit of the Applicant, and to recommend approval of the request.

Chair Boyd commented that the project will be heard by the Zoning Board of Appeals on July 19 for the Special Use Permit, and then by City Council on July 24. He stated that he disagreed with the statement that the community should accept "any housing," and advocated for the promotion and development of infill land before sprawl. He stated that this project does not fully represent infill or sprawl, and his preference would be to see more core properties redeveloped, but he still supported this project.

Roll call.
AYES: Commissioner Lewis; Chair Boyd; Commissioner Brady Sant Amour; Commissioner Krieger; Commissioner Patino; Vice Chair Beyer; Commissioner Peradotti
Motion passed.

Vice Chair Beyer made a motion, seconded by Commissioner Krieger to establish findings of fact that the request for approval of the proposed Zoning Map Amendment to the M-1 (Restricted Manufacturing) District and/or B-2 (Local Commercial) District is in the public interest and not solely for the benefit of the Applicant, and to recommend approval of the request.
Roll call.
AYES: Commissioner Lewis; Chair Boyd; Commissioner Brady Sant Amour; Commissioner Krieger; Commissioner Patino; Vice Chair Beyer; Commissioner Peradotti
Motion passed.

New Business

Chair Boyd introduced two new Commissioners, David Lewis and William Peradotti, who introduced themselves.

Ms. Pemberton introduced John Myers, new Assistant City Planner. He gave an introduction.

Adjournment

Commissioner Krieger made a motion, seconded by Vice Chair Beyer, to adjourn. Roll call.
AYES: Commissioner Lewis; Chair Boyd; Commissioner Brady Sant Amour; Commissioner Krieger; Commissioner Patino; Vice Chair Beyer; Commissioner Peradotti
Motion carried (viva voce).

The Meeting Adjourned at 5:42pm.

CITY OF BLOOMINGTON

_____ _____
Commission Chair Justin Boyd Staff Liaison Alissa Pemberton

DRAFT

REGULAR AGENDA ITEM NO. 5.A.

FOR PLANNING COMMISSION: October 4, 2023

WARD IMPACTED: Ward 2

SUBJECT: PS-01-23 - Public Hearing, review and action on a request submitted by Wittenberg Woods II, LLC, for approval of an **Amended Preliminary Plan** for Wittenberg Woods at Prairie Vista, for the property generally located at the northwest corner of Lutz Road and S. Morris Avenue, consisting of approximately 12.15 acres (PIN: 21-17-451-005).

RECOMMENDED MOTION: Motion to establish findings of fact regarding whether the Amended Preliminary Plan does or does not conform with the standards of the Subdivision Code and the Official Comprehensive Plan, and to make a recommendation for approval or denial to City Council.

STRATEGIC PLAN LINK:
Goal 4. Strong Neighborhoods
Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:
Objective 4c. Preservation of property/home valuations
Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The Applicant seeks approval of an Amended Preliminary Plan (Phase 5) for Wittenberg Woods at Prairie Vista, which indicated the subject PIN as "Future Phase." The subject property consists of approximately 12.15 acres of vacant land located near the northwest corner of Lutz Road and S. Morris Avenue, zoned R-2 (Mixed Residence) District. An existing Concept Plan has been relied upon for the location and approval of existing underground utilities, and an approved Special Use Permit exists for the use and site structure of the southeastern 4.95 acres of the site (SP-16-22).

Summary of Request:

- Amendment of the original Preliminary Plan to complete the development by subdividing the remaining property into 41 Lots of Record and one Outlot.
- Planned installation of 13 Single-Family Dwelling Units, 20 Two-Family Dwelling Units on zero-lot-line lots (resulting in 10 structures), eight Single-Family Attached Dwelling Units, 56 already approved Multiple-Family Dwelling Units; the Outlot provides stormwater management for the Multiple-Family Dwellings.
- No waivers or exemptions to the Subdivision Code or Zoning Code are requested or provided as part of this Amendment.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Thursday, August 10, 2023. Courtesy notices were mailed to 102 property owners within 500 feet of the subject property. Notice was also published in The Pantagraph

on Monday, September 11, 2023. Courtesy notices were also mailed and a sign posted for the rescheduled hearing date.

FINANCIAL IMPACT: The proposed Amended Preliminary Plan will result in eventual platting for 96 residential dwelling units, of a variety of types and sizes, helping to fulfill the need for quality, non-student housing identified in the EDC's Bloomington-Normal Housing Analysis. This will permit more of the local workforce to live locally, increasing the City's tax base and increasing future revenues for the City. Improving the vacant land will increase property taxes and require the developer to provide financial support for improvements to the adjacent roadways.

Respectfully submitted for consideration.

Prepared by: Alissa Pemberton

ATTACHMENTS:
PS-01-23 - Amended Prelim Plan - Wittenberg Woods Phase 5
2023.08.09_Amended Prelim Plan_Wittenberg Woods Phase 5

PLANNING COMMISSION

TO:	Planning Commission
FROM:	Economic & Community Development Department
DATE:	~~September 6, 2023~~ October 4, 2023 (REISSUED)
CASE NO:	PS-01-23, Amended Preliminary Plan
REQUEST:	Public Hearing, review and action on a request submitted by Wittenberg Woods II, LLC, for approval of an Amended Preliminary Plan for Wittenberg Woods at Prairie Vista, for the property generally located at the northwest corner of Lutz Road and S. Morris Avenue, consisting of approximately 12.15 acres (PIN: 21-17-451-005).

BACKGROUND

Request
The Applicant seeks approval of an Amended Preliminary Plan for Wittenberg Woods at Prairie Vista, which indicated the subject PIN as "Future Phase." The proposed amendment for "Phase 5" will complete the development by subdividing the remaining property into 20 Two-Family Dwelling lots, 13 Single-Family (Detached) Dwelling lots, seven Single-Family (Attached) Dwelling lots, an outlot for stormwater detention, and one large lot for previously approved Multiple-Family Dwellings. No waivers or exemptions to the Subdivision Code or Zoning Code are requested or provided as part of this Amendment.

Property Characteristics
The subject property consists of approximately 12.15 acres of land located near the northwest corner of Lutz Road and S. Morris Avenue, zoned R-2 (Mixed Residence) District. The property is currently vacant except for a small accessory structure and underground utilities. An established Concept Plan has previously been relied upon for the location and approval of public water and sewer main installation, and an approved Special Use Permit (SP-16-22) exists for the use and plan of the southeastern 4.95 acres of the site.

Notice
The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Thursday, August 10, 2023. Courtesy notices were mailed to 102 property owners within 500 feet of the subject property.

Surrounding Zoning and Land Uses

	Zoning	Land Uses
North	R-1C (Single-Family Residence) District	Single-Family Detached Dwellings
South	County R-1 (Single-Family Residential) District	Farm Improved with Buildings, Electrical Substation
East	P-2 (Public Lands & Institutions) District	Right of Way, Golf Course
West	R-1C (Single-Family Residence) District	Single-Family Detached Dwellings

ANALYSIS

Description of Current Zoning District

Existing Zoning: R-2 (Mixed Residence) District

The R-2 District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling unit density. Densities of up to approximately 13 dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling unit types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density (§ 44--401E).

Compliance with the Comprehensive Plan

The proposed Preliminary Plan Amendment contributes to the following Goals and Objectives:

- Goal H-1 (Ensure the availability of safe, attractive and high quality housing stock to meet the needs of all current and future residents of Bloomington), Objective H-1.1 (Ensure that the housing to accommodate the new growth is a broad range (of types, sizes, ages, densities, tenancies and costs) equitably distributed throughout the City recognizing changing trends in age-group composition, income, and family living habits).
- Goal UEW-1 (Provide quality public infrastructure within the City to protect public health, safety and the environment), Objectives UEW-1.7 (Reliable and efficient collections systems (sanitary sewer, combined sewer, and storm sewer systems) to protect public health, safety and the environment), UEW-1.2b (Prioritize new development where City services are available or can be extended efficiently and economically), and UEW-1.2c (Promote compact and orderly development of infrastructure consistent with the overall goals of this comprehensive plan).

The 2035 Comprehensive Plan identifies this area as "Low Density Residential," and defines that as "under 8 units per acre"; at a resulting overall density of 7.98 units/acre the proposed Amendment complies with the Future Land Use Map designation. The Land Use Priorities Map identifies this property as Tier 1, "Vacant and under-utilized land for infill development or redevelopment within the City."

STANDARDS FOR REVIEW FOR PRELIMINARY PLANS

The Planning Commission shall hold at least one public hearing on any Preliminary Plan, during which it shall determine the extent to which the plan conforms or fails to conform with the standards of the Subdivision Code and the requirements of the City's *Manual of Practice for the Design of Public Improvements*. Recommendations shall be made upon the determination that the Preliminary Plan complies, or fails to comply, with the requirements for subdivision and the official Comprehensive Plan, as required by City Code § 24-302F and discussed below.

Request for Amendment to the Preliminary Plan – Subdivision Principles of Planning

A. Adequate vehicular and pedestrian access should be provided to all parcels.

Direct access to a local public road has been provided for all lots created by the Plan. Required 5-foot sidewalks have been provided along both sides of Timberline Drive, Treeline Drive, and the newly created Verkler Court.

B. Local street systems should be designed to minimize through-traffic movements.

To traverse the subdivision as through-traffic, five turns on relatively slow-speed roads would be

required to get from Witten Woods Dr/Morris Ave to Handel Drive/Lutz Road, as opposed to a single turn at the intersection of Lutz/Morris on higher-speed City and Local Collector roads. From a practical standpoint, the design does not encourage through-traffic, even while connecting the currently dead-end Treeline and Timberline Roads.

C. Street patterns should minimize out-of-the-way vehicular traffic.

The proposed street pattern creates traffic pathways that are as direct as possible, allowing for topography, without encouraging through-traffic movement.

D. Local street systems should be logical and comprehensible, and street names should be simple, consistent, understandable and not duplicative.

Two of the roads present in the area of the Plan are continuations of existing roads that have been dead-ended/stubbed for continuation, and the naming of such will continue. The cul-de-sac has been appropriately named as a "Court" and no duplicates have been found.

E. Local circulation systems and land development patterns should not detract from the efficiency of arterial and collector streets.

Access for the area of this Plan will be by completion of the existing and planned local road network and should not detract from, or disrupt, the efficiency of the larger network.

F. Elements in the local circulation system should not have to rely on extensive traffic regulation in order to function efficiently and safely.

Intersections are appropriately spaced to reduce congestion and/or safety concerns; they are designed for standard 90° turns that will not require specialized signage or movement.

G. Traffic generators within residential areas should be considered in the local circulation pattern.

Residential is the only use proposed for lots in the proposed Plan; no alternate traffic generators are present.

H. Planning and construction of local streets should clearly indicate their function.

The local roads in the proposed Plan are designed as such, with direct driveway access to the dwelling units and dual-side sidewalks to provide for the daily movement of residents.

I. The local street system should be designed for a relatively uniform low volume of street traffic.

At the standard 30-foot width, the proposed local roads have been designed to safely permit two-way traffic and on-street parking, without encouraging excessive speeds through overdesign.

J. Local streets should be designed to discourage excessive speeds.

Refer to standard "I".

K. Pedestrian-vehicular conflict points should be minimized.

Crosswalks have been provided only at street intersections, not between such, and the provision

of walks along both sides of the street prevents the need to cross a street access a walking path.

L. An optimum amount of space should be devoted to street uses.

The standard 60-foot right-of-way has been proposed and 30-foot street pavement width has been provided to accommodate a local street, built to City standards, dual-side sidewalks at the required minimum of 5-foot, and the installation and maintenance of the appropriate public utilities.

M. The arrangement of local streets should permit economical and practical patterns, shapes and sizes of development parcels.

The portion of the development that remains to be subdivided is restricted in how the alignment and length of streets can be designed due to the existing streets with which it will be connected. A reasonable and appropriate layout has been provided. The proposed Plan provides lots of a variety of shapes and sizes that meet the minimum requirements for the R-2 (Mixed Residence) District zoning in which it is located.

N. Local streets should be related to topography from the standpoint of both economics, drainage and amenities.

The design for the proposed streets, buried utilities, and grading/drainage allows the use of gravity storm and sanitary sewers, without requiring the construction of a lift station. No topography significant enough to disrupt line of sight during travel is present.

O. Open space areas should be provided, commensurate with the projected population density of the development.

Upon final platting of the area that is the subject of this Preliminary Plan, a Fee in Lieu of Parkland Dedication will be provided to the City, as required by § 24-702-703 of the City Code.

P. Major elements of the street system may be used to help define and buffer different land use areas enhancing their identity and cohesiveness.

The primary streets (Treeline and Timberline) are lined with lots that will result in development similar to what currently exists, or that will create a logical transition between the higher density multiple-family dwellings in the southeast corner of the Plan and the low-density single-family dwellings that lie exterior to the Plan on the north and west. The cul-de-sac spur is surrounded by lots that will result in single-family dwellings, which are more appropriate for the reduced speeds and less frequent use of the street type.

Q. The street and pedestrian circulation pattern in a new residential subdivision shall be compatible with the Comprehensive Plan of the City of Bloomington.

The proposed street and pedestrian circulation patters support the following Comprehensive Plan Goals, Objectives, and Strategies: TAQ-1.1f (Promote the use of connectivity in the local street network), TAQ-1.1h (Continue implementation of design standards for local street alignment and configuration that sustain neighborhood character, improve safety, and incorporates passive disincentives for diversion from collector and arterial streets), TAQ-1.1l (Incorporate sidewalks and other infrastructure into the classified system), and TAQ-1.4c Provide pedestrians with safe access throughout the transportation network, facilitating access to facilities such as transit, businesses, parks and neighborhood centers).

R. Subdivision layout should optimize the overall length of streets.

Refer to Standard "M".

S. Residential area should be conveniently accessible from arterial and collector streets.

The proposed Plan connects Timberline and Treeline Drive, which currently exist as dead ends, terminating just outside of existing subdivisions. Completing this connection will result in convenient access to a City or Local Collector road from either end of the final subdivision.

T. Access points to arterial and collector street facilities should be limited in number, given special design consideration, and whenever possible, located where other features are not competing for driver attention.

No arterial streets are within or adjacent to the Plan area. A no-access strip has been provided at the rear of the property lines where the lots back to Morris Avenue (local collector), ensuring that driveways will be constructed with local access only.

U. Driveway entrances should be minimized on arterial streets and whenever possible on collector streets in residentially zoned areas.

No arterial streets are within or adjacent to the Plan area. The subdivision(s) that result from this plan will be accessible only via local roads, with the large multiple-family lot having a single access from Lutz, a City Collector road.

V. Through-traffic on local residential streets should be avoided where practical.

Refer to Standard "B".

W. Lot layout in residential subdivisions should be designed to reduce the incidence of housing on arterial streets.

No arterial streets are within or adjacent to the Plan area.

X. Public utilities, including water, storm sewer and sanitary sewer facilities, should be existing or proposed by the developer or the City of Bloomington of a size adequate to serve the proposed subdivision and any other future development they may be required to service.

Public water and sewer mains are existing in the location of the proposed Treeline/Timberline extensions and connection. Public Works will review and approve of the sizing and layout requirements for any additional utilities.

Y. The general land use principles and planning standards should be applied to the subdivision as contained in the Comprehensive Plan of the City of Bloomington.

The following principles from the "Future Growth & Land Use Plan" from the City's 2023 Comprehensive Plan are illustrated in the proposed Amendment:

- **Excellence in Design**: "…Design should balance competing priorities and meet multiple needs without compromising quality."
- **Choice:** "Offer a range of housing choices with varying sizes, densities, style and age. Housing types, though different, should be designed to relate to each other to create vibrant and cohesive streetscapes."

- **Connectivity:** "Have a walkable layout with streets that connect in a logical manner throughout the neighborhood, to adjacent developments and other key destinations for seamless transitions…"

Z. Cul-de-sac streets shall be limited in number to encourage more equal utilization of local streets.

The use of the single cul-de-sac in the proposed Plan is appropriate for retaining limited access to Morris Avenue, while still allowing full and efficient use of the subject property.

AA. More than one entrance to a subdivision shall be required where feasible.

Two points of access are provided; one via Treeline and one via Timberline. Long-term, a third access through the access drive for the multiple-family complex on Lot 551 will also exist, but the offset of that alignment and Treeline will not be conducive to regular through-traffic.

BB. Interconnection of adjoining residential subdivisions shall be required where feasible

Refer to Standard "F".

Request for Amendment to the Preliminary Plan – Layout and Design Requirements

A. Subdivisions shall consist solely and exclusively of lots of record, outlots, easements, public right-of-way and public improvements.

The proposed Plan consists of 41 Lots of Record and one Outlot, including easements, right-of-way for public streets, and public improvements including sidewalks and drainage swales.

B. All proposed lots of record shall front on and have access to a public street or roadway. Flag lots are not permitted in R1 and R2 Zoning Districts.

Direct access to a local public road has been provided for all Lots of Record created by the Plan.

C. All proposed lots of record shall meet or exceed the lot size, dimension and area requirements of any applicable zoning regulations of the City of Bloomington and when applicable, the County of McLean.

- All [single-family] detached residential lots meet the minimum lot width of 50 feet, and minimum lot area of 6,600 square feet. Corner lots are appropriately oversized.
- All attached residential (two-family) lots meet the minimum [zoning] lot width requirement of 75 feet and 7,000 square feet, as well as the minimum lot area per dwelling of 3,300 square feet. Corner lots are appropriately oversized.
- The single-family attached (townhome) dwellings that will be constructed on lots 510-516 are not required to comply with minimum lot width or size, per the original Annexation Agreement for the property which guaranteed this type of construction on these lots in the Concept Plan.

D. Outlots may not be used for buildings or parking lots.

Outlot 550, which has only 10 feet of frontage along a public road, will not be permitted to be resubdivided or developed, as it will be required for stormwater management for Lot 551.

E. Rear, side and front yard easements shall be dedicated to the City for use by the City and private utility companies (for gas, electricity, Cable TV, water, storm sewer, sanitary sewer,

etc.) as provided herein.

Fifteen-foot drainage and utility easements run along the front of each property, in addition to a 60-foot right-of-way, within which the utilities lie. General access/utility easements run along all side lot lines that are not zero-lot/interior lot lines, and at least 5-foot easements are present along the rear of each lot, to provide sufficient drainage and access for private utility installation, if necessary.

F. Where residential lots are platted abutting an arterial major street, the "back-up" treatment should be used and a "no-access" strip depicted on those lots adjacent to the arterial street.

All properties front a local road; a 5-foot no-access strip has been provided at the rear of the properties where the lots back to Morris Avenue (local collector).

G. Boundaries of the subdivision shall be drawn to meet or exceed the required standards.

The boundaries of the proposed Amendment include "all contiguous property in common ownership or unified control," as required per § 24-402B of the City Code. The Plan includes sufficient information on the adjacent properties to place the Amendment in the context of the large Plan it proposes to amend, and to meet the requirements of the Manual of Practice 1.05A(2)(b)(iv).

H. **In general, lots shall be as nearly rectangular in shape as practicable.**

With the exception of Lot 551 that will retain an offshoot to the north as buffer between an adjacent property and the lots to be subdivided, all Lots or Record not adjacent to the cul-de-sac are rectangular. Lots adjacent to the cul-de-sac are as rectangular in shape as practicable.

STAFF RECOMMENDATION

Staff finds that the standards for Preliminary Plan (and Amendment thereof) have been adequately addressed in the proposed Plan, after reviewing the relevant factors for consideration, and recommends the Planning Commission take the following action(s):

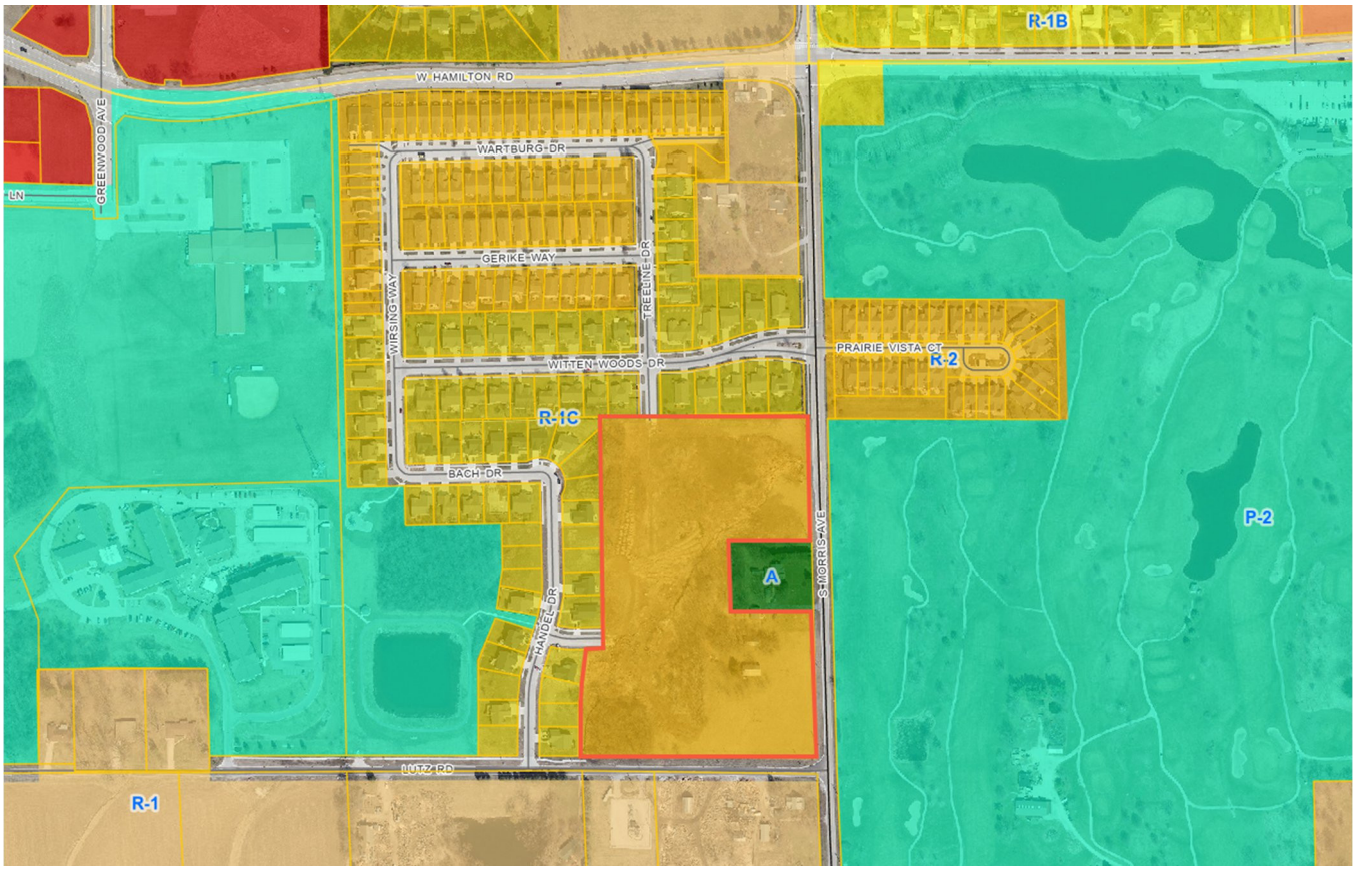
Motion to establish findings of fact that the Amended Preliminary Plan does conform with the standards of the Subdivision Code and the Official Comprehensive Plan and to recommend approval of the request, with a note that any construction plan items and details included in the submission will require additional review and final approval as part of the platting and construction phase(s).

Respectfully submitted,
Alissa Pemberton
City Planner

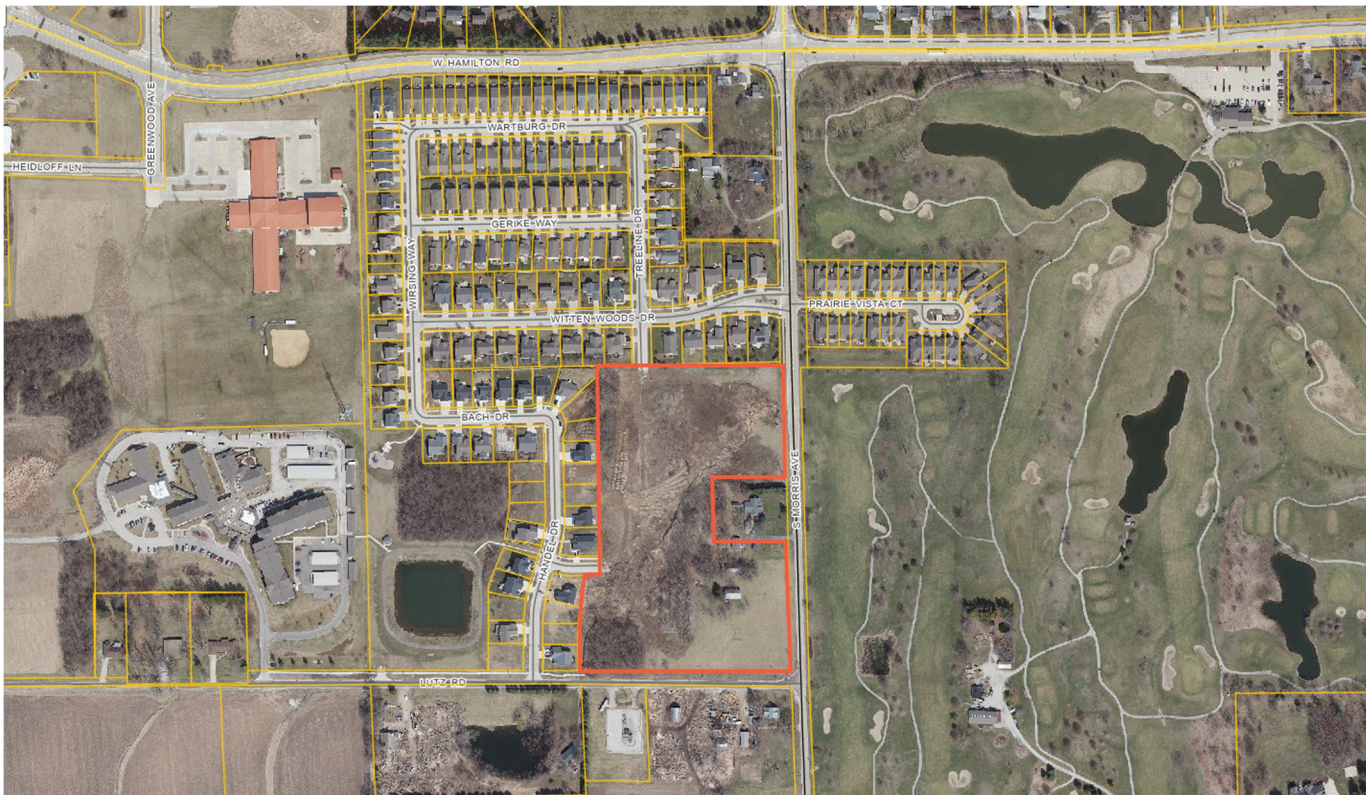
Attachments:

1. Zoning Map
2. Aerial Image
3. Neighborhood notice map
4. Amended Preliminary Plan – Wittenberg Woods at Prairie Vista Phase 5

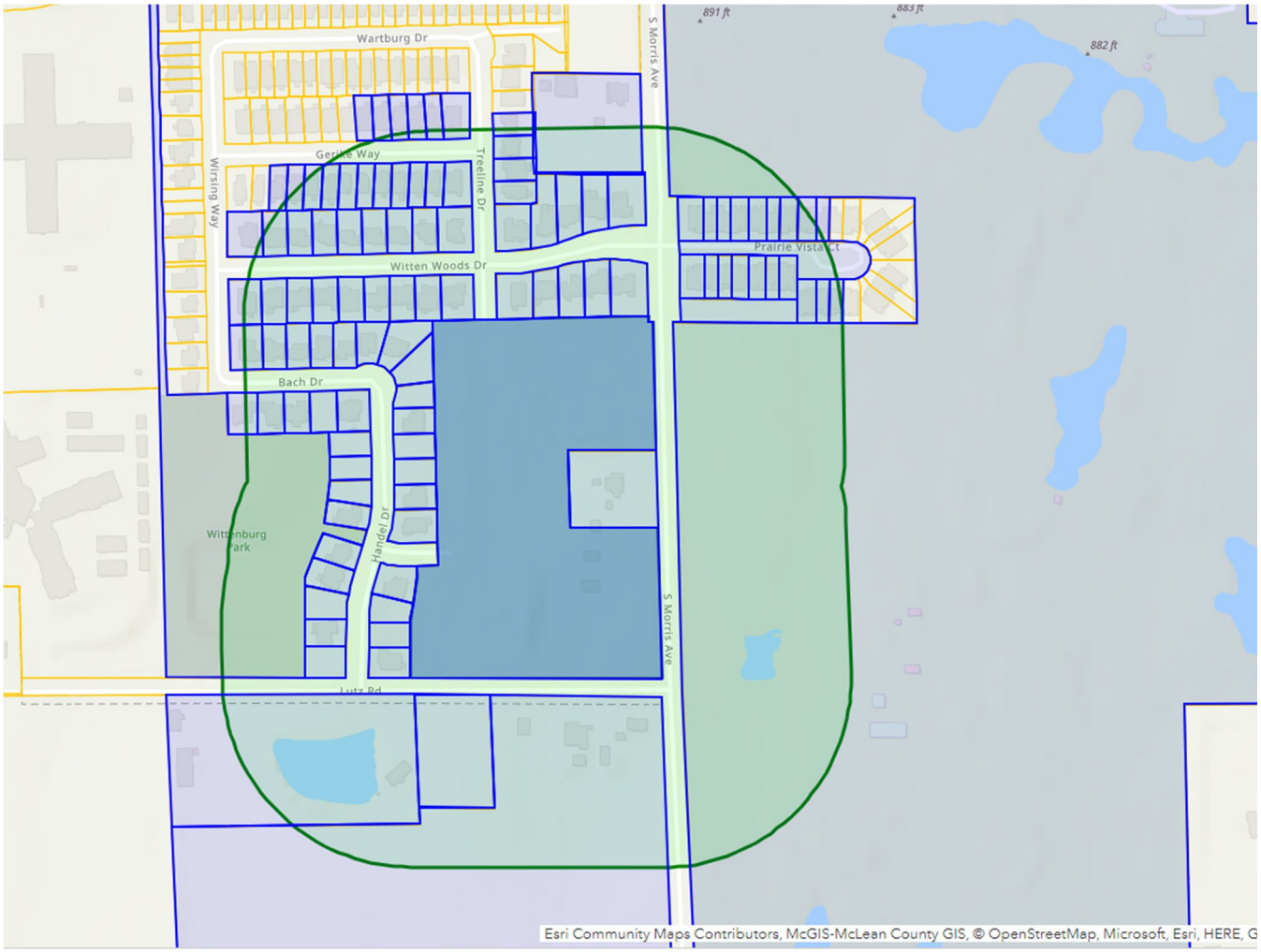
Attachment1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3 - Neighborhood Notice Map



PS-01-23 *Attachment 4*

AMENDED PRELIMINARY PLAN

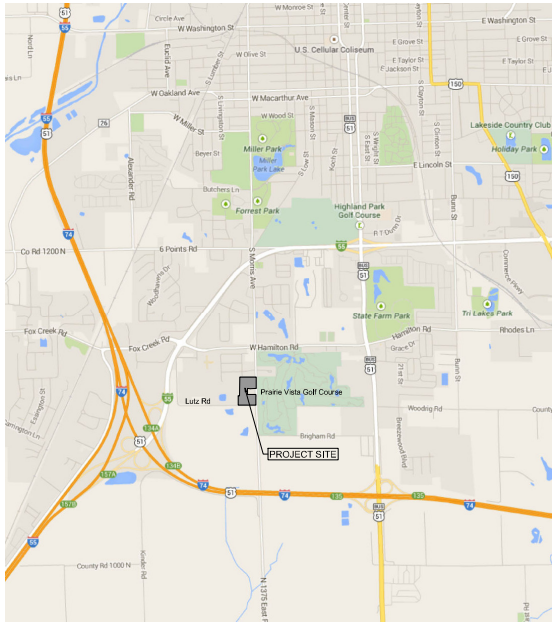
WITTENBERG WOODS AT PRAIRIE VISTA PHASE 5

BLOOMINGTON, ILLINOIS

Description of Property

PIN # : 21-17-451-005

A part of the of West Half of the Southeast Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian more particularly described as follows: Commencing at the Southeast Corner of said West Half, thence north 40.01 feet along the East Line of said West Half to the Point of Beginning. From said Point of Beginning, thence continuing north 365.99 feet along said East Line which forms an angle to the right of 180°-00'-00" with the last described course to the Southeast Corner of a tract of land described in Warranty Deed recorded as Document No. 2015-12731 in the McLean County Recorder's Office; thence west 232.00 feet along the South Line of said tract of land which forms an angle to the right of 91°-26'-00" with the last described course to the Southwest Corner of said tract of land; thence north 202.80 feet along the West Line of said tract of land which forms an angle to the right of 268°-34'-00" with the last described course to the Northwest Corner of said tract of land; thence east 231.98 feet along the North Line of said tract of land which forms an angle to the right of 268°-44'-37" with the last described course to the Northeast Corner of said tract of land, being on said East Line of the West Half of the Southeast Quarter; thence north 362.40 feet along said East Line of the West Half which forms an angle to the right of 91°-15'-24" with the last described course to the Southwest Corner of a tract of land conveyed to the City of Bloomington by Warranty Deed by Corporation recorded September 8, 2005 as Document No. 2005-26735, also being the Southeast Corner of Morris Avenue as dedicated in Wittenberg Woods at Prairie Vista according to the plat recorded September 14, 2004 as Document No. 2004-31490 in said Recorder's Office; thence west 43.02 feet along the South Line of said Morris Avenue which forms an angle to the right of 91°-44'00" with the last described course; thence north 16.15 feet along the West Right-of-Way Line of said Morris Avenue which forms an angle to the right of 268°-16'-01" with the last described course to the Southeast Corner of Lot 106 in said Wittenberg Woods at Prairie Vista; thence west 570.00 feet along the South Line of said Wittenberg Woods at Prairie Vista which forms an angle to the right of 90°-01'-23" with the last described course to the Northeast Corner of Wittenberg Woods at Prairie Vista Second Addition recorded as Document No. 2016-2745 in said Recorder's Office; thence south 647.80 feet along the East Line of said Wittenberg Woods at Prairie Vista Second Addition which forms an angle to the right of 90°-00'-00" with the last described course to the Southeast Corner of Timberline Drive in said Wittenberg Woods at Prairie Vista Second Addition; thence west 56.00 feet along the South Line of said Timberline Drive which forms an angle to the right of 270°-00'-00" with the last described course to the Northeast Corner of Lot 509 in said Wittenberg Woods at Prairie Vista Second Addition; thence south 26.79 feet along the East Line of said Lot 509 which forms an angle to the right of 90°-00'-00" with the last described course; thence southerly 110.42 feet along said East Line of Lot 509 and the East Line of Lot 508 in said Second Addition which form an angle to the right of 189°-57'-34" with the last described course; thence south 156.19 feet along the East Lines of Lots 508, 507 and 506 in said Second Addition which form an angle to the right of 171°-27'-01" with the last described course to the Southeast Corner of said Lot 506, being on North Line of Lutz Road; thence east 692.54 feet along said North Line of Lutz Road which forms an angle to the right of 90°-00'-00" with the last described course to the Point of Beginning, containing 12.755 acres, more or less.



PROPOSED LEGEND

- SANITARY MANHOLE
- STORM MANHOLE
- CURB INLET
- FIRE HYDRANT
- WATER VALVE
- STREET LIGHT
- NO ACCESS STRIP
- 8" W — WATERMAIN
- 10" SS — SANITARY SEWER
- 8" S — STORM SEWER
- PROPERTY LINE
- EASEMENT
- FLOOD ROUTE
- DRAINAGE ARROW
- 847.23 — PAVEMENT ELEVATION
- 1.0% — SLOPES
- SETBACK LINE

INDEX TO SHEETS

1.0 COVER SHEET
2.0 PRELIMINARY PLAN - OVERALL
3.1 SANITARY SEWER PLAN
4.1 STORM SEWER PLAN - TREELINE DRIVE
4.2 STORM SEWER PLAN - VERKLER COURT

OWNER/DEVELOPER:

WITTENBERG WOODS II, LLC
1707 E. HAMILTON RD. SUITE 1A
BLOOMINGTON, IL 61704
309-808-2125

ENGINEER:

CRAIG M. EARL, P.E.
FARNSWORTH GROUP, INC.
2709 MCGRAW DRIVE
BLOOMINGTON, IL 61704
309-663-8435

SURVEYOR:

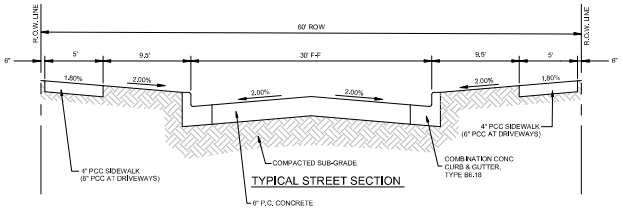
BRENT BAZAN, P.L.S.
FARNSWORTH GROUP, INC.
2709 MC GRAW DRIVE
BLOOMINGTON, IL 61704
309-663-8435

ATTORNEY:

TODD BUGG
100 N. MAIN STREET
BLOOMINGTON, IL 61701
309-828-6241

GENERAL NOTES

1. THIS PRELIMINARY PLAN IS AN AMENDMENT TO THE PREVIOUSLY APPROVED WITTENBERG WOODS AT PRAIRIE VISTA PRELIMINARY PLAN. THIS PLAN REVISES THE PROPERTY TO BE SUBDIVIDED INTO 41 LOTS, NUMBERED 510 THROUGH 549, INCLUSIVE, 551 AND 1 OUTLOT NUMBERED 550. OUTLOT 550 IS SUBJECT TO A UTILITY AND DRAINAGE EASEMENT COVERING ALL OF SAID OUTLOT.
2. BOUNDARY SURVEY AND TOPOGRAPHICAL SURVEY INFORMATION IS BASED ON FIELD SURVEY PREPARED BY FARNSWORTH GROUP, INC. IN FEBRUARY 2023.
3. DIRECT ACCESS TO MORRIS AVENUE FROM LOTS 535 THROUGH 538 WILL NOT BE ALLOWED, A NO-ACCESS STRIP ALONG THE STREET FRONTAGE WILL BE INCLUDED ON THE FINAL PLAT FOR THESE LOTS.
4. THE FRONT AND REAR YARD SETBACK SHALL BE 25' AND THE SIDE YARD SETBACK SHALL BE 6'.
5. STORMWATER DETENTION FACILITIES HAVE ALREADY BEEN PROVIDED OFF SITE FOR LOTS 510 TO 549. DETENTION WILL BE PROVIDED ON OUTLOT 550 TO SERVE LOT 551.
6. ALL SANITARY SEWER, STORM SEWER, SUMP PUMP DRAIN TILES, WATER MAIN AND STREETS SHALL BE CONSTRUCTED IN PUBLIC RIGHT-OF-WAY OR UTILITY EASEMENTS AND SHALL BE DEDICATED TO THE CITY OF BLOOMINGTON FOR MAINTENANCE AND OWNERSHIP.
7. ACCESSIBILITY RAMPS SHALL BE CONSTRUCTED AT ALL LOCATIONS WHERE THE SIDEWALK MEETS THE CURB.
8. NO WAIVERS ARE REQUESTED.
9. PER THE ANNEXATION AGREEMENT BETWEEN WITTENBERG II, LLC, AND THE CITY OF BLOOMINGTON, DATED JULY 14, 2003, LOTS 510-513 (ORIGINALLY REFERRED TO AS LOTS 152-211) ARE PERMITTED TO BE USED FOR "ATTACHED SINGLE FAMILY DWELLINGS" (4 UNIT BUILDINGS) UNDER THE BULK REGULATIONS FOR CLUSTER SUBDIVISIONS (2006 CODE CH. 44-6.5(B)).
10. PER THE ANNEXATION AGREEMENT BETWEEN WITTENBERG II, LLC, AND THE CITY OF BLOOMINGTON, DATED JULY 14, 2003, LOTS 514-516 (ORIGINALLY REFERRED TO AS LOTS 218-220) ARE PERMITTED TO BE USED FOR "ATTACHED SINGLE FAMILY DWELLINGS" (FOUR-UNIT BUILDINGS) PURSUANT TO THE CODE'S PLANNED UNIT DEVELOPMENT PROVISIONS AT AN OVERALL DENSITY OF THE 3 LOTS NOT TO EXCEED 12 DWELLING UNITS PER ACRE.



TYPICAL STREET SECTION

RECOMMENDATION OF PRELIMINARY PLAN APPROVAL BY THE PLANNING COMMISSION OF BLOOMINGTON, ILLINOIS:

"Notice is hereby given that this Amended Preliminary Plan of Wittenberg Woods of Prairie Vista - Phase 5 shown hereon is recommended by the Planning Commission of Bloomington, Illinois, for City Council approval with the modifications contained in Appendix A (if any), which is attached hereto."

The Planning Commission of Bloomington, Illinois

Date: _____

Case #: _____

By: _____
Planning Commission Staff Liaison

NOTICE OF APPROVAL OF PRELIMINARY PLAN BY THE CITY COUNCIL OF BLOOMINGTON, ILLINOIS:

"Amended Preliminary Plan of Wittenberg Woods of Prairie Vista - Phase 5 shown hereon has received approval by the City Council of Bloomington, Illinois, subject to the modifications contained in Appendix A which is attached hereto."

The City Council of Bloomington, Illinois

Date: _____

By: _____
Mayor

Attest:

_____
City Clerk

CRAIG M. EARL
062-54388
LICENSED
PROFESSIONAL
ENGINEER
OF
ILLINOIS

SIGNATURE

DATE
11/30/23
EXPIRATION DATE

JULIE
Call Before You Dig
ILLINOIS ONE-CALL SYSTEM

JOINT UTILITY LOCATION INFORMATION FOR EXCAVATORS: CONTRACTORS SHALL CALL THE TOLL FREE J.U.L.I.E. TELEPHONE NUMBER, 1-800-892-0123, OR VISIT WEBSITE http://www.illinois1call.com AT LEAST 48 HOURS BEFORE STARTING EXCAVATION.

S.E. 1/4 SEC. 17,T.23N., R.2.E, 3 P.M.

Farnsworth GROUP
2709 McGRAW DRIVE
BLOOMINGTON, ILLINOIS 61704
(309) 663-8435 / info@f-w.com
www.f-w.com
Engineers | Architects | Surveyors | Scientists

ISSUE:

#	DATE:	DESCRIPTION:

PROJECT:
Wittenberg Woods II, LLC

Amended Preliminary Plan for Phase 5 Wittenberg Woods at Prairie Vista

Bloomington, Illinois

DATE:	08/09/2023
DESIGNED:	AEO
DRAWN:	CME
REVIEWED:	CNF
FIELD BOOK NO.:	BMI 3402

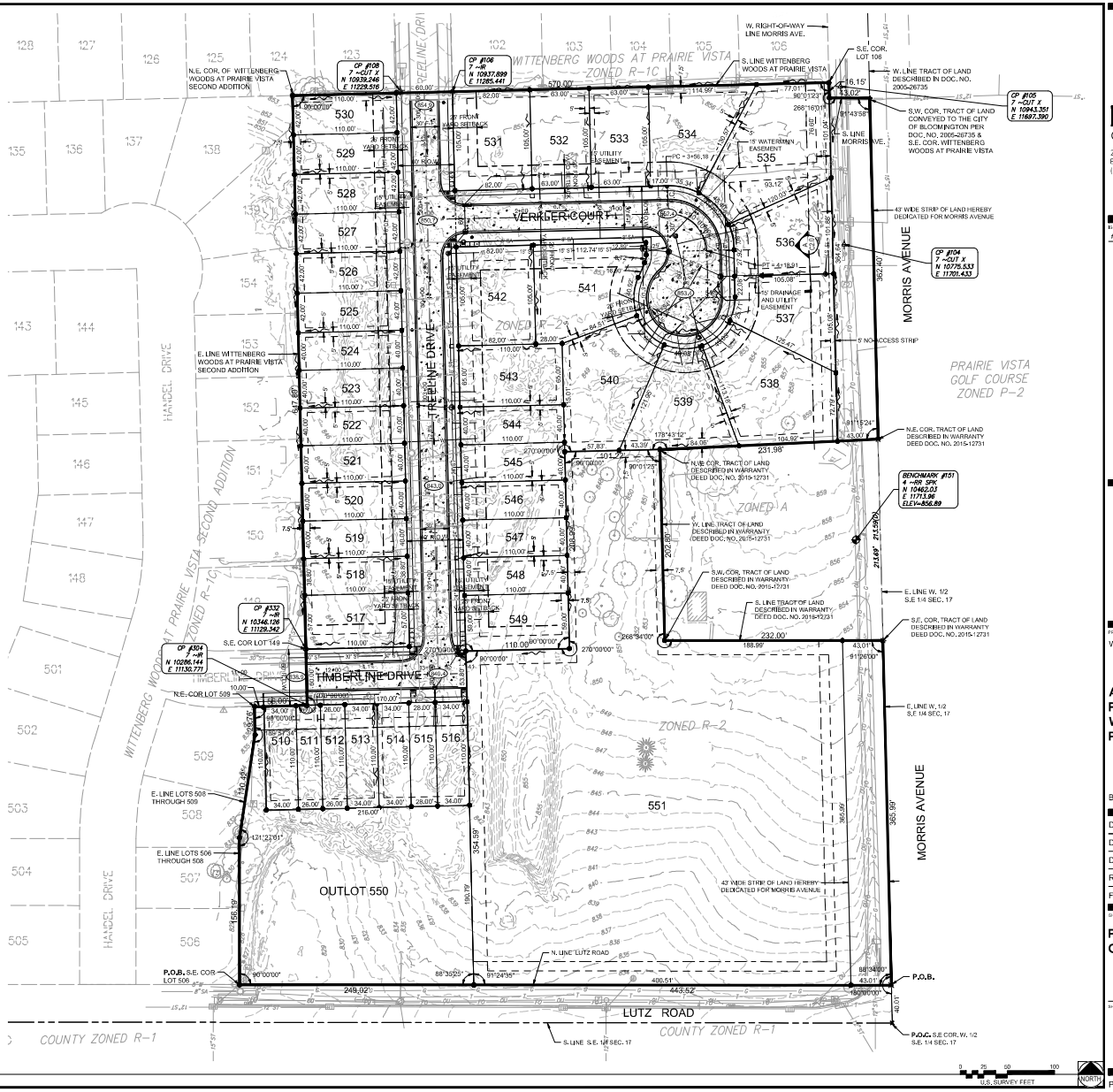
SHEET TITLE:

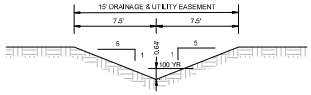
AMENDED PRELIMINARY PLAN COVER SHEET

SHEET NUMBER

C1.0

PROJECT NO.: 0211102.00





FLOOD ROUTE SWALE - SECTION A
-NTS-

1 **PRELIMINARY PLAN - OVERALL**
SCALE: 1" = 50'

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Bloomington, Illinois

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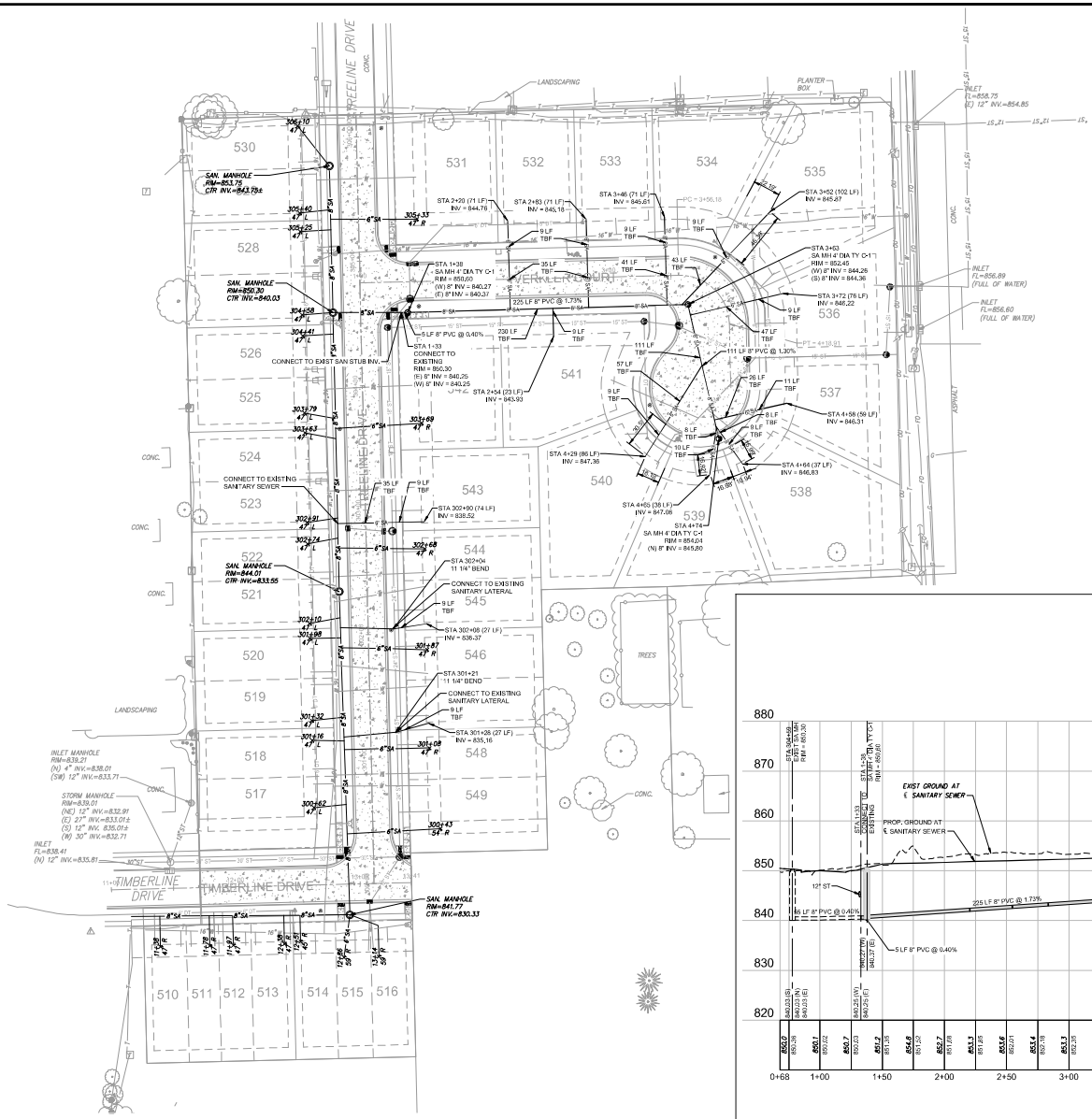
DRAWN:	CME
REVIEWED:	CNF
FIELD BOOK NO.:	BMI 3402

SHEET TITLE:
PRELIMINARY PLAN - OVERALL

SHEET NUMBER:
C2.0

PROJECT NO.: 0211102.00



2 **SANITARY SEWER PLAN**
SCALE: 1"=40'

0 20 40 80
U.S. SURVEY FEET

SANITARY SEWER NOTES:

1. THIS CONSTRUCTION SHALL BE IN ACCORDANCE WITH ANY SPECIAL PROVISIONS ACCOMPANYING THESE PLANS AND THE FOLLOWING SPECIFICATIONS:

   A. "STANDARD SPECIFICATIONS FOR WATER AND SEWER CONSTRUCTION IN ILLINOIS", CURRENT EDITION.
   B. "MANUAL OF PRACTICE FOR DESIGN OF PUBLIC IMPROVEMENTS IN THE CITY OF BLOOMINGTON".

2. UNLESS NOTED OTHERWISE, ALL SANITARY SEWER & SERVICES SHALL BE IN CONFORMANCE WITH THE FOLLOWING:

   A. POLYVINYL CHLORIDE (PVC) PIPE: ASTM D2241 (SDR-PR) NSF 14.
      a. MINIMUM SDR RATING 21 (SDR-21) WITH MINIMUM PRESSURE RATING OF 200 PSI (1380 KPA) AT 23°C.
      b. PIPE MARKING NSF 14.
      c. FITTINGS: SAME AS PIPE
      d. GASKET: ASTM F477 ELASTOMERIC SEAL
      e. JOINT: ASTM D3139
      f. BEDDING, HAUNCHING, AND INITIAL BACKFILL: FROM 4 INCHES BELOW TO 12 INCHES ABOVE THE PIPE SHALL COMPLY WITH ASTM D2321, CLASS IA, AND BE CA-11 CRUSHED STONE OR CRUSHED GRAVEL. TRENCH BACKFILL SHALL ALSO BE CA-11, OR CLSM.

3. ALL UTILITY MAIN AND SERVICE TRENCHES SHALL BE BACKFILLED WITH CA-11 TRENCH BACKFILL MATERIAL IN ACCORDANCE WITH SECTION 208 OF THE IDOT STANDARD SPECIFICATIONS WHERE THE TRENCH IS UNDER OR WITHIN 2 FEET OF EXISTING OR PROPOSED CURB & GUTTER, SIDEWALK OR PAVEMENT; CONTROLLED LOW STRENGTH MATERIAL (CLSM) MAY BE USED IN LIEU OF TRENCH BACKFILL AT NO ADDITIONAL COMPENSATION.

4. TESTING AND INSPECTION OF SANITARY SEWERS FOR ACCEPTABILITY SHALL BE CONDUCTED BY:

   A. EXFILTRATION OF AIR UNDER PRESSURE
   B. CLOSED CIRCUIT TELEVISING
   C. DEFLECTION FOR FLEXIBLE PIPE (MANDREL)

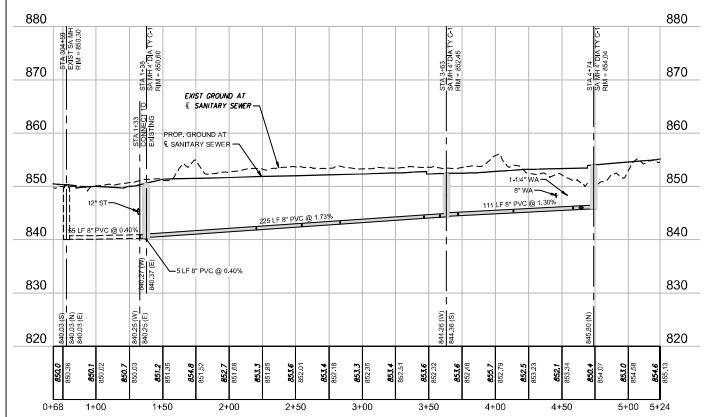
5. LEAKAGE TESTING OF ALL MANHOLES SHALL BE CONDUCTED IN ACCORDANCE WITH ASTM C1244-93, VOL. 4.05.

6. SANITARY SEWER STRUCTURE LABEL DEFINITION:

   SA MH 4' DIA TY A-1
   SA MH: SANITARY SEWER MANHOLE
   4' DIA: DIAMETER OF MANHOLE WITH SIZE INDICATED
   TY A-1: MANHOLE TYPE (A, C OR SPECIAL) - CASTING TYPE (AS DEFINED)

7. TYPE 1 SANITARY MANHOLE CASTING SHALL BE NEENAH R-1772 WITH TYPE B LID & TYPE F CONCEALED PICKHOLE ALL AS ILLUSTRATED ON DETAIL SHEET C7.2.

8. ALL SANITARY SERVICES SHALL HAVE A MINIMUM SLOPE OF 1.0%.



1 **SANITARY SEWER PROFILE - VERKLER COURT**
SCALE: H: 1"=40' V:1"=10'

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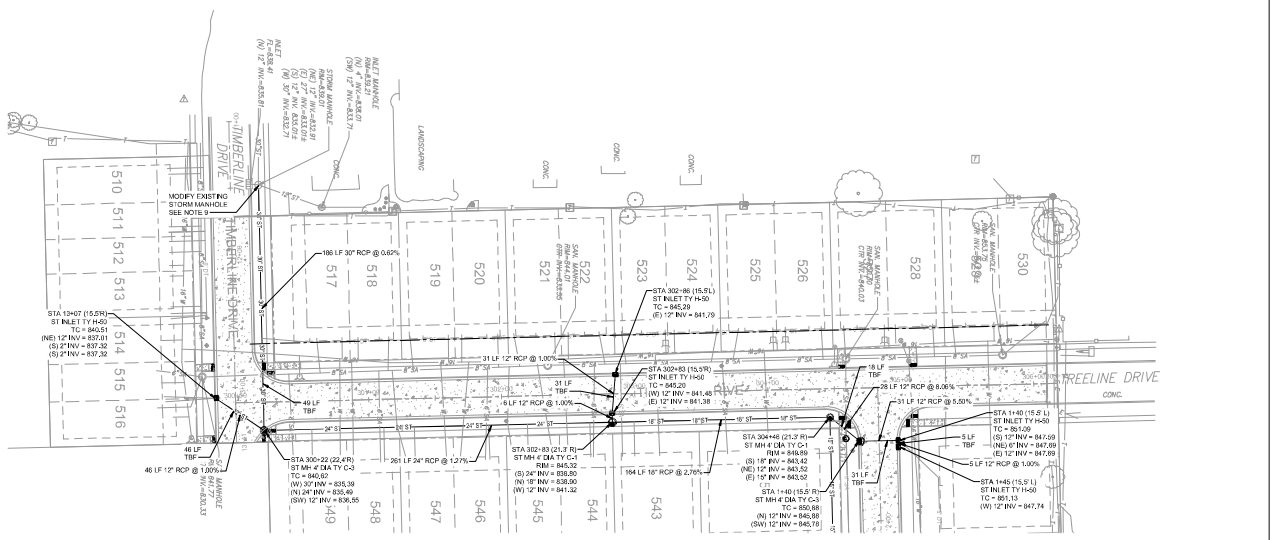
DATE:	08/09/2023
DESIGNED:	AEO
DRAWN:	AEO
REVIEWED:	CME
FIELD BOOK NO.:	BMI 3402

SHEET TITLE
SANITARY SEWER PLAN AND PROFILE

SHEET NUMBER
C3.1

PROJECT NO.: 0211102.00



2 STORM SEWER PROFILE - TREELINE DRIVE

SCALE: 1"=40'

STORM SEWER NOTES:

1. UNLESS NOTED OTHERWISE, ALL STORM SEWER SHALL BE IN CONFORMANCE WITH THE FOLLOWING, WITH EACH PIPE CONSTRUCTED WITH THE PIPE MATERIAL INDICATED IN THE PLAN AND PROFILE PIPE LABELS :

   A. CONCRETE PIPE, REINFORCED: ASTM C 76 CLASS AS SHOWN ON THE PLANS.
      a. GASKETS : ASTM C443 FLEXIBLE RUBBER GASKETS
      b. BEDDING: CLASS C, ASTM C12

2. ALL UTILITY MAIN AND SERVICE TRENCHES SHALL BE BACKFILLED WITH TRENCH BACKFILL MATERIAL IN ACCORDANCE WITH SECTION 208 OF THE IDOT STANDARD SPECIFICATIONS. WHERE THE TRENCH IS UNDER OR WITHIN 2 FEET OF EXISTING OR PROPOSED CURB & GUTTER, SIDEWALK OR AGGREGATE PAVEMENT, CONTROLLED LOW STRENGTH MATERIAL (CLSM) MAY BE USED IN LIEU OF TRENCH BACKFILL AT NO ADDITIONAL COMPENSATION.

3. INLETS AND MANHOLES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARD DETAILS SHOWN ON C7.2.

4. STORM SEWER STRUCTURE LABEL DEFINITION.

   ST MH 4' DIA TY A-1
   ST MH: STORM SEWER MANHOLE
   4' DIA: DIAMETER OF MANHOLE WITH SIZE INDICATED
   TY A-1: MANHOLE TYPE (A, C OR SPECIAL) - CASTING TYPE (AS DEFINED)

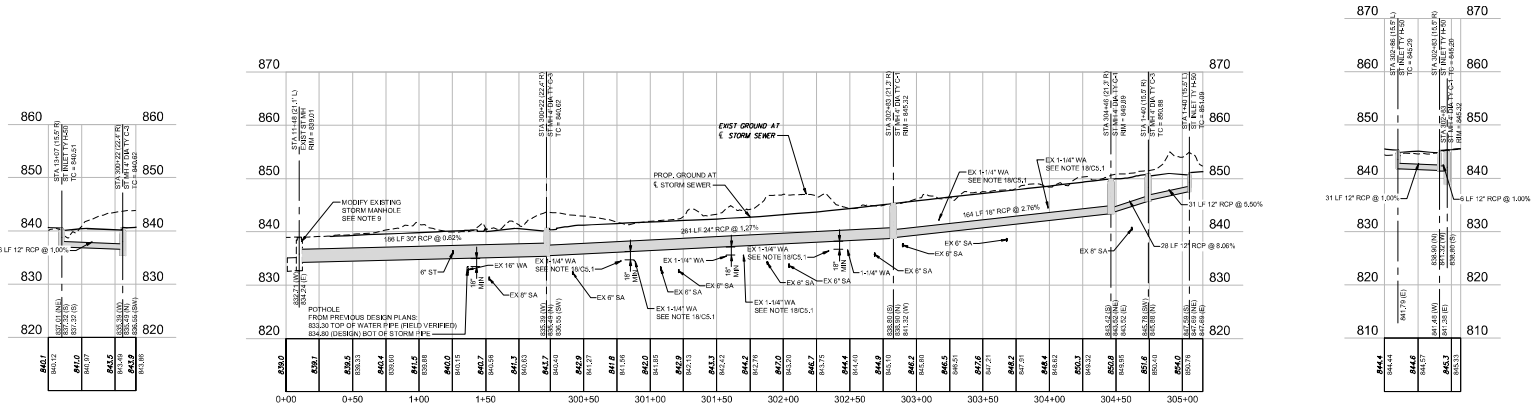
5. TYPE 1 STORM MANHOLE/INLET CASTING SHALL BE NEENAH R-2502-D.
   TYPE 3 STORM MANHOLE/INLET CASTING SHALL BE NEENAH R-3067
   TYPE H-50 STORM MANHOLE/INLET CASTING SHALL BE NEENAH R-3067.
   TYPE 61 STORM INLET CASTING SHALL BE NEENAH R-4342 BEEHIVE.

6. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.

7. ALL STORM SEWER SHOWN SHALL BE PUBLICLY OWNED.

8. ALL EXISTING WATER SERVICES CROSSING PROPOSED STORM SEWER TO BE VERIFIED IN THE FIELD.

9. THE EXISTING 27" PIPE STUB SHALL BE REMOVED, THE MANOLE SHALL BE MODIFIED TO ACCEPT THE PROPOSED 30" STORM SEWER PIPE AT THE INVERT SHOWN. ANY REMAINING HOLE, EXISTING OR MODIFIED, SHALL BE FILLED IN WITH BRICK AND MORTAR.



1 STROM SEWER PROFILES - TREELINE DRIVE

SCALE: H. 1"=40' V: 1"=10'

Farnsworth GROUP
2709 McGRAW DRIVE
BLOOMINGTON, ILLINOIS 61704
(309) 663-8435 / info@f-w.com
www.f-w.com
Engineers | Architects | Surveyors | Scientists

ISSUE

#	DATE:	DESCRIPTION:

PROJECT

Wittenberg Woods II, LLC

Amended Preliminary Plan for Phase 5 Wittenberg Woods at Prairie Vista

Bloomington, Illinois

DATE:	08/09/2023
DESIGNED:	AEO
DRAWN:	AEO
REVIEWED:	CME
FIELD BOOK NO.:	BMI 3402

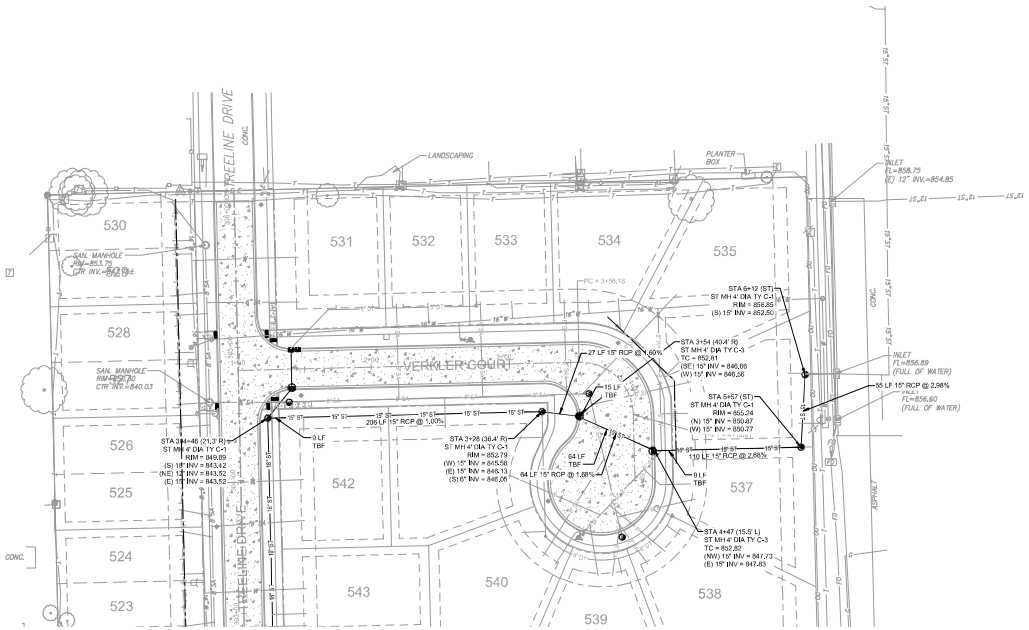
SHEET TITLE

STORM SEWER PLAN AND PROFILE - TREELINE DRIVE

SHEET NUMBER

C4.1

PROJECT NO.: 0211102.00

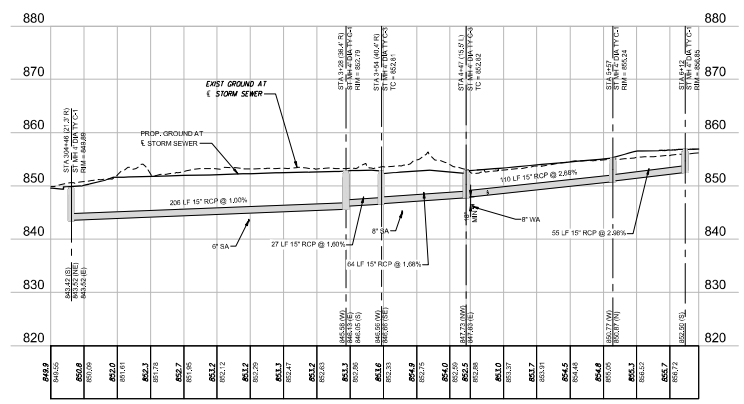


2 STORM SEWER PLAN - VERKLER COURT

SCALE: 1"=40'

0 20 40 80 U.S. SURVEY FEET

NORTH



1 STORM SEWER PROFILE - VERKLER COURT

SCALE: H. 1"=40' V: 1"=10'

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ISSUE

#	DATE:	DESCRIPTION:

PROJECT

Wittenberg Woods II, LLC

Amended Preliminary Plan for Phase 5 Wittenberg Woods at Prairie Vista

Bloomington, Illinois

DATE:	08/09/2023
DESIGNED:	AEO
DRAWN:	AEO
REVIEWED:	CME
FIELD BOOK NO.:	BMI 3402

SHEET TITLE

STORM SEWER PLAN AND PROFILE - VERKLER COURT

SHEET NUMBER

C4.2

PROJECT NO.: 0211102.00

REGULAR AGENDA ITEM NO. 5.B.

FOR PLANNING COMMISSION: October 4, 2023

WARD IMPACTED: Ward 1 and Ward 2

SUBJECT: Z-12-23 - Public hearing, review and action on a request submitted by Carl Müller and Sara Müller, for approval of an **Annexation Agreement and Zoning Map Amendment** for the subject property, from County R-1 (Single-Family Residential) District to City R-1A (Single-Family Residence) District, pertaining to property commonly known as 1420 Six Points Road (PIN: 21-17-126-001), consisting of approximately 1.5 acres.

RECOMMENDED MOTION: Motion to establish findings of fact regarding whether the proposed Zoning Map Amendment is or is not in the public interest, and is or is not solely for the benefit of the Petitioner, and to make a recommendation for approval or denial to City Council.

Motion to establish findings of fact that the request for approval of the proposed Annexation Agreement is or is not in the public interest, and is or is not solely for the benefit of the Petitioner, and to make a recommendation for approval or denial to City Council.

STRATEGIC PLAN LINK:
Goal 5. Great Place - Livable, Sustainable City
Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:
Objective 5a. Well-planned City with necessary services and infrastructure
Objective 5b. City decisions consistent with plans and policies

BACKGROUND: Carl Müller and Sara Müller have submitted a request for approval of an Annexation Agreement for an approximately 1.5-acre already improved property, commonly known as 1420 Six Points Road. Upon Annexation, all acreage is proposed to be zoned R-1A (Single-Family Residence) District.

Summary of the Request:

- Incorporate the property for access to City water for the existing single-family dwelling.
- R-1 (Single-Family Residential) District (County) to R-1A (Single-Family Residence) District (City). Staff recommends amending the Zoning Map to R-1B, rather than R-1A, which is more consistent with the character of development in the area and would not result in the creation of a non-conforming property.
- Property owner responsible for the cost of construction and tap-on.
- Fee-in-lieu for parkland dedication and substandard roadway improvements are accounted for.
- No waivers or incentives are provided as part of this Agreement.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Thursday, August 10, 2023. Courtesy notices were mailed to 67 property owners within 500 feet of the subject property, as well as to Bloomington Township, McLean County, and Unit 5 School District. Notice was also published in The Pantagraph on Monday, September 11, 2023.

FINANCIAL IMPACT: The proposed Annexation and Zoning Map Amendment will allow for continued beneficial use, and incorporation, of a Tier 1 improved property adding to the City's tax base. The Applicant will be responsible for the construction cost of the infrastructure associated with water and/or eventual sewer tap-on. Parkland Dedication obligations will be provided through a fee-in-lieu payment. Tap-on fees and substandard road fees have been incorporated into the Agreement as well.

Respectfully submitted for consideration.

Prepared by: Alissa Pemberton

ATTACHMENTS:
Z-12-23 - Staff Report
Z-12-23 - Annexation Agreement
Z-12-23 - Annexation Agreement Ex B - Muller Annexation Plat

PLANNING COMMISSION

TO: Planning Commission

FROM: Economic & Community Development Department

DATE: ~~September 6, 2023~~ October 4, 2023 (REISSUED)

CASE NO: Z-12-23, Annexation Amendment & Zoning Map Amendment

REQUEST: Public hearing, review and action on a request submitted by Carl Müller and Sara Müller, for approval of an Annexation Agreement and Zoning Map Amendment for the subject property, from County R-1 (Single-Family Residential) District to City R-1A (Single-Family Residence) District, pertaining to property commonly known as 1420 Six Points Road (PIN: 21-17-126-001), consisting of approximately 1.5 acres.

BACKGROUND

Request
The Applicant seeks approval of an Annexation Agreement and Zoning Map Amendment to incorporate the property for access to City water to allow the Applicant to make continued reasonable use of the property. Residential zoning is appropriate, representing the same level of development intensity currently allowed by the County zoning, and no subdivision or additional development is proposed for the property. Residential zoning is also in alignment with the City's Comprehensive Plan and the current development character of the area. No waivers or incentives are provided as part of this Agreement.

Property Characteristics
The subject property consists of 1.5 acres of land on the south side of Six Points Road, less than half a mile west of S. Morris Avenue; it comprises a portion of a 4.93-acre tract of unincorporated land surrounded by the incorporated subdivisions, on the easter border of the Oakwoods Development. The property is improved with a single-family residential dwelling and accessory structure, with direct access to Six Points Road. The 100-foot lot width is substandard for the proposed R-1A zoning classification, but the minimum lot area is compliant. The property was improved through reliance upon well water and a septic system, but the well has failed in the recent past and is unable to be economically revitalized or redrilled.

Notice
The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Thursday, August 10, 2023. Courtesy notices were mailed to 67 property owners within 500 feet of the subject property.

Surrounding Zoning and Land Uses

	Zoning	Land Uses
North	R-1A (Single-Family Residence)	Street/Vacant/Single-Family Dwellings
South	R-1A/R-1C (Single-Family Residence)	Outside Storage/Parking
East	R-1 County (Single-Family Residential)	Single-Family Dwelling/Outside Storage
West	R-1 County (Single-Family Residential) & R-1C (Single-Family Residence)	Single-Family Dwellings

ANALYSIS

*Comparison of Existing and Proposed Districts**

Existing Zoning: County R-1 (Single-Family Residential) District

The R-1 Single-Family Residential District is intended to provide low-density single-family dwelling use and to allow certain public facilities. It is intended that no uses be permitted within the R-1 District that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing in the district. The provisions of the R-1 District are also intended to control density of population and provide adequate open space around buildings and structures in the district to accomplish these purposes (McLean County Code § 350-36A).

Proposed Zoning: R-1A (Since-Family Residence) District

The R-1A Residence District is intended to provide for the establishment of areas characterized by large lot single-family dwelling units for occupancy by families, and related recreational, religious, and cultural facilities that serve the immediately surrounding residents, as well as those living in the district. The R-1A district provides for approximately two dwelling units per acre (§ 44-401A).

Compliance with the Comprehensive Plan

The proposed Zoning Map Amendment contributes to Goals H-1.1b (Provide supporting infrastructure for housing such as roads, sanitary sewer facilities, park and trails) and UEW-1.5 (Reliable water supply and distribution system that meets the needs of the current and future residents).

The 2035 Comprehensive Plan's Future Land Use map identifies this area as Low Density Residential. The Land Use Priorities map identifies this property as Tier 1, "Platted areas for future development of existing subdivisions but not built out to completion."

STANDARDS FOR REVIEW

The Planning Commission shall hold at least one public hearing on any proposed Zoning Map Amendment and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Map Amendment is in the public interest and not solely for the benefit of the applicant, based upon considering the factors listed in § 44-1706E(2) and discussed below.

Request for Zoning Map Amendment for R-1 to R-1A

1. **The suitability of the subject property for uses authorized by the existing zoning.**

   Uses permitted within the R-1A (Single-Family Residence) District are residentially oriented—as are those of the current County R-1 zoning—and are appropriate near other residential uses in the vicinity. The density allowed under the proposed zoning (approximately two dwelling units per acre) would permit an additional two homes to be built on the subject property, but the arrangement of lot means that construction and subdivision is not practical due to a lack of access to public frontage.

2. **The length of time the property has remained vacant as zoned considered in the context of land development in the area.**

   The property is improved with a single-family dwelling which is appropriate for the zoning.

3. **The suitability of the subject property for uses authorized by the proposed zoning.**

   Lot characteristics and densities for the subject size are similar between the existing County and proposed City zoning districts. However, the existing lot width of 100-feet would result in the creation of a nonconforming lot upon annexation and a map amendment to R-1A, and the existing structure would be mildly nonconforming in required front-yard depth, particularly after the required dedication of additional right-of-way for the future expansion of Six Points Road.

   Staff recommends amending the Zoning Map to R-1B, rather than R-1A. The R-1B district allows densities of up to approximately six dwelling units per acre—also considered "Low Density Residential"—but has a minimum lot width of 70-feet and a front-yard setback of only 30-feet which is more consistent with the character of development in the area and would not result in the creation of a non-conforming property or primary structure.

4. **The existing land uses and zoning of nearby property.**

   The land uses and zoning of the most proximate properties are low- to medium-density residential and/or high intensity commercial. The adjacent property on two sides is (and will remain) unincorporated land, zoned R-1, with other adjoining properties zoned City R-1A and R-1C. Properties further to the south and east are zoned R-1B (single-family dwellings), R-2 (vacant) and B-1 (towing, vehicle repair/service).

   Given the proximately to major transportation, commercial areas, and public utilities, long-term redevelopment of the area south of Six Points Road, between Woodhavens and Szarek, can be more reasonably expected to mimic the development characteristics of the (R-1B) Timbers, Szarek, and Benson's Oak Grove Subdivisions to the east, rather than the R-1A and/or unincorporated areas to the north and west. Planning for future growth in this area should be carefully considered as properties in this pocket of unincorporated land are annexed.

5. **Relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application.**

   Relative gain to the owner is real due to the increase in value of the property with the provision of public water service, but the hardship to the community is minimal, if even realized. The character of any future development on the property would be similar to what currently exists.

6. **The extent to which adequate streets are connected to the arterial street system and are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification.**

   The property has existing frontage along an existing Minor Arterial (Six Points Road) which is constructed sufficiently for the current capacity, but long term may be improved to provide an appropriate level of service as the surrounding properties develop. Considerations for substandard roadway fees are built into the Agreement.

7. **The extent to which the proposed amendment is inconsistent with the need to minimize flood damage and that the development of the subject property for the uses permitted in the proposed zoning classification will not have a substantial detrimental effect on the drainage patterns in the area.**

   The low-intensity development that would be permitted by the proposed zoning would not be

expected to cause any additional flooding issues, or to exacerbate any existing problems. Any new development will be required to meet any relevant requirements for stormwater management.

8. **The extent to which adequate services (including but not limited to fire and police protection, schools, water supply, and sewage disposal facilities) are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification.**

   The property can be readily served by Bloomington fire and police protection and will be annexed to BNWRD. Taxes are already paid to the Unit 5 School District and Heartland Community College as improved property so changes as a result of jurisdiction will not negatively impact those entities.

9. **The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of this Code as set forth in § 44-1701 herein.**

   Approval of the Zoning Map Amendment at the conclusion of the public hearing and Council review would be the result of a fair, equitable, and orderly review process. The region, in general, has an interest in retaining and increasing housing without resulting in urban sprawl; this annexation does that by supporting the continued viability of existing residential development.

10. **The extent to which property values are diminished by the particular zoning restriction.**

    Property values are unlikely to be diminished by the Map Amendment since the character of the result would be similar to that of existing development. Traffic congestion is not expected to significantly increase as no additional curb cuts would be permitted due to the width of this lot.

11. **The extent to which the destruction of property values promotes the health, safety, morals, or general welfare of the public.**

    Property values are unlikely to be diminished by the Map Amendment.

12. **Whether a Comprehensive Plan for land use and development exists, and whether the ordinance is in harmony with it.**

    The Future Land Use map identifies this area as "Low Density Residential" and approval of the Map Amendment would continue to permit the "Low Density Residential" already permitted on the property. The Land Use Priorities map identifies this property as Tier 1, "Platted areas for future development of existing subdivisions but not built out to completion."

13. **Whether the City needs the proposed use.**

    The region, in general, needs to retain and increase housing that does not encourage urban sprawl.

ADDITIONAL STANDARDS FOR REVIEW FOR ANNEXATION

Both the Planning Commission and City Council shall conduct public hearings on the Agreement. The Planning Commission shall make its recommendation to the City Council after conducting its hearing. Recommendations shall be made…giving due consideration for the purpose and intent of Chapter 44, Article I, of the Bloomington City Code - 1960, including the following specific purposes (§ 8.5-203D(9)):

(a) To conserve and protect the taxable value of land and structures;

Standards five (5) and nine (9) for approval of Zoning Map Amendments speak to this purpose; this annexation supports the continued viability of existing residential development and is likely to protect or increase values locally.

(b) To protect the air, water and land resources within the City from the hazards of pollution and misuse;

Standards three (3) and eight (8) for approval of Zoning Map Amendments speaks to this purpose, as does the requirement within the Agreement for Parkland dedication. Compliance with the Code for the proposed districts will be generally protective from the hazards of pollution and misuse; no Variations to the Code are requested or included as part of the Agreement.

(c) To protect land and structures from natural hazards; including flooding and erosion;

Standard seven (7) for approval of Zoning Map Amendments speaks to this purpose; incorporation and development of this property, when in compliance with the Manual of Practice—which is the expectation and requirement of such—will address onsite and localized flooding issues.

(d) To preserve and protect historic locations, structures and groups of structures;

Not applicable; this property does not hold historic resources.

(e) **To preserve and protect and encourage the development of structures, groups of structures and neighborhoods of distinctive architectural character and appearance;**

Standard four (4) for approval of Zoning Map Amendments speaks to this purpose; evaluation indicates that the proposed zoning and uses are consistent with those existing on nearby properties. Annexation as proposed in the Agreement should not negatively impact existing structures or neighborhoods of distinctive architectural character and appearance, to which the existing structure contributes.

(f) To provide for the orderly and functional arrangement of land uses and structures;

Standard two (2) for approval of Zoning Map Amendments speaks to this purpose; Annexation and utility connection of the subject property makes beneficial use of utilities and transportation improvements that have been installed to support other existing land uses and structures.

(g) To establish standards for the orderly development or redevelopment of geographic areas within the City;

The Agreement creates standards for future development by assigning appropriate zoning.

(h) To secure for the public locations for housing, employment, shopping, education and recreation that are adequate in terms of health, safety, convenience and number;

Standards six (6) and 11 for approval of Zoning Map Amendments speak to this purpose, as do the requirements for supporting public improvements specified in the Agreement. Adequate provisions exist for public safety in terms of ingress, egress, and pedestrian circulation.

(i) To facilitate the adequate provision of transportation, water, sewage disposal, schools, parks

and other public facilities;

Standard eight (8) for approval of Zoning Map Amendments speak to this purpose; evaluation indicates adequate facilities either exist or will be supported by this Agreement.

(j) To conserve and protect natural resources including prime agricultural land, mineral resources and areas of scientific interest;

Standard one (1) for approval of Zoning Map Amendments speak to this purpose; no change to the use of the subject property is proposed.

(k) To permit public involvement in the planning of private land uses which have the potential for significant impact on the use and enjoyment of surrounding property or on the public resources and facilities of the City of Bloomington; and

Approval of the Agreement and Zoning Map Amendment after public hearings and Council review would be the result of a fair, equitable, and orderly public review and participation process.

(l) To promote the Official Comprehensive Plan adopted by the City of Bloomington.

Annexation results in an increased tax base, efficient extension of utilities to serve an existing use, support of the Comprehensive Plan's vision of achieving a high quality of life and enduring economic stability, and a direct positive impact on many of the included goals and objectives.

Upon a vote, the Planning Commission will forward its recommendation to City Council. Council will then conduct a second public hearing, and approve or reject the Agreement on the basis of:

1. The facts presented at the public hearings; and
2. The recommendations of the Planning Commission; and
3. The recommendations of the City Staff.

STAFF RECOMMENDATION

Staff additionally finds that the proposed Zoning Map Amendment is in the public interest and not solely for the benefit of the applicant but could be more appropriate, after reviewing the relevant factors for consideration, and recommends the Planning Commission take the following action(s):

Motion to establish findings of fact that:

1. The request for approval of a proposed Zoning Map Amendment to a Single-Family Residence Zoning District is in the public interest and not solely for the benefit of the petitioner,
2. An amendment to the R-1A (Single Family Residence) District, as requested, would result in the creation of non-conforming property upon Annexation, due to existing lot width and primary structure setback,
3. An amendment to the R-1B (Single Family Residence) District would be more appropriate, considering both the subject property and character of development in the area;

and to recommend approval of a Zoning Map Amendment to the R-1B (Single Family Residence) District for the subject property.

Staff finds that the standards for an Annexation Agreement have been adequately addressed in the Draft Agreement, after reviewing the relevant factors for consideration, and recommends the Planning

Commission take the following action(s):

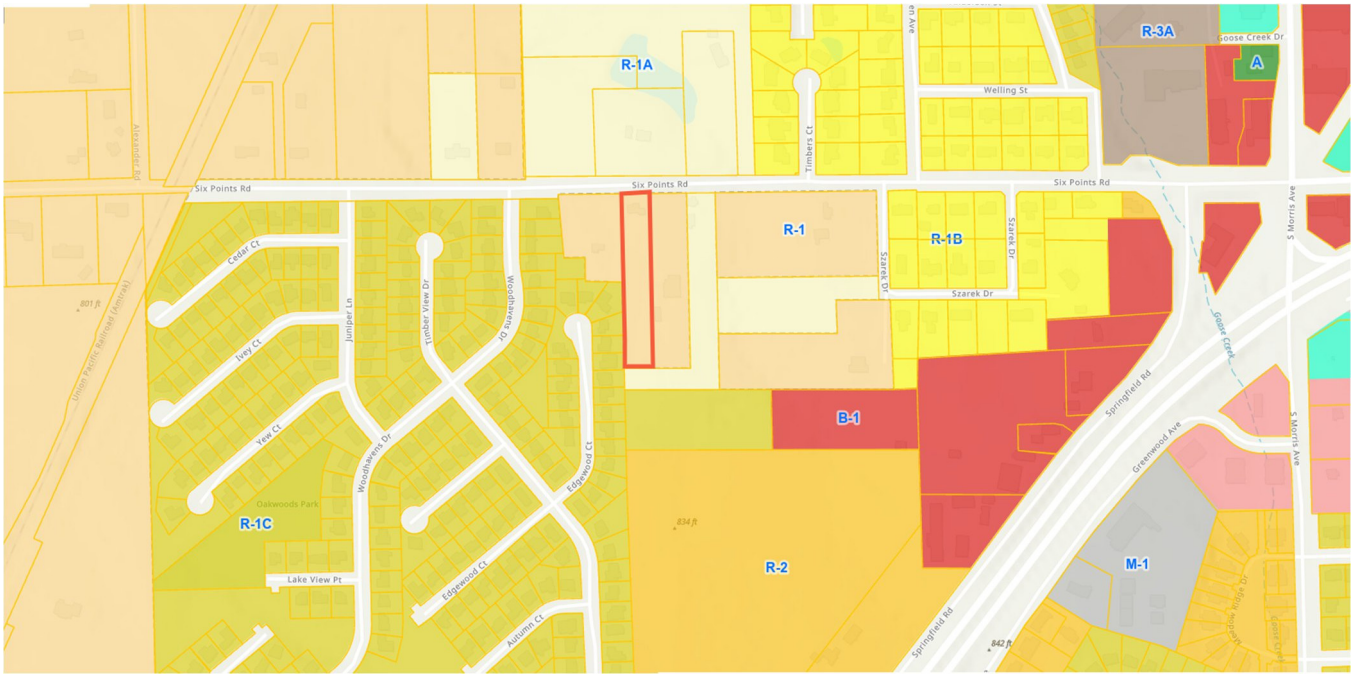
> Motion to establish findings of fact that the request for approval of the proposed Annexation Agreement is in the public interest and not solely for the benefit of the petitioner and to recommend approval of the request, with the Condition that the Agreement be amended to assign zoning of the "R-1B (Single-Family Residence) District" upon Annexation.

Respectfully submitted,
Alissa Pemberton
City Planner

Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View(s)
4. Petitioner-Submission – Description of Project
5. Neighborhood notice map

Attachment 1 – Zoning Map



Attachment 2 - Aerial Image

Attachment 3 - Ground-Level View(s)

>
Six Points Road
(Looking West)

^
Six Points Road
(Looking East)

This property is currently not habitable because no water supply is available in current condition. The previous owner has removed the pump and electrical supply from the current well. We also found this the current site of the well not usable, and therefore disconnected. We plan to have water supply restored and rehabilitate the house to be usable again. We have an elderly parent that we hope to have use this home.

From previous owner information, we think it has been empty for about 10 years.

We plan to user this house for single family use.

This home is now empty and house is not habitable at it stands. The properties surrounding this one are also single family occupied.

We purchased this land with hope of using the existing well. The cost of digging a new well would be significant, with no guarantee of providing good water supply. Allowing this property to be zoned in the City of Bloomington, and thus providing water supply, would make this property usable for housing. The property as it stands would not be likely be improved and of no increased value.

This property sits on a well maintained road that provides easy access to the property

The development of this property to a usable home would not make any change to the drainage pattern of this area. The only change made will be a water line that will be under ground.

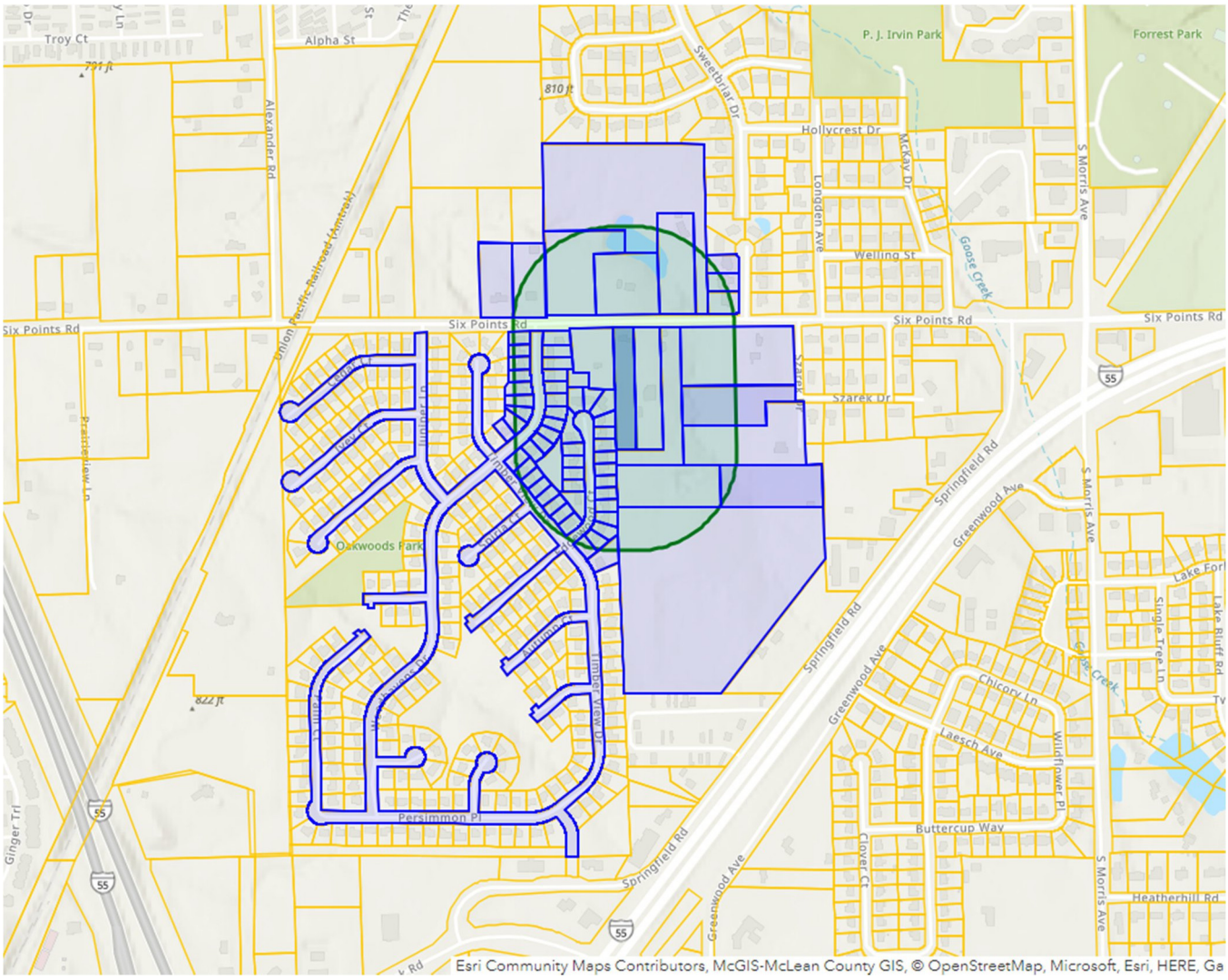
We are requesting new water service to this house. No sewage service from the city will be required and will continue to use the septic tank provided on the property.

Value of this property could be improved by changing the zone to the city and thus providing water supply to this home.

This property is currently a single family home and would remain as the same. When property was purchased, it was being used a storage space, and would now be rehabilitated to use as was previously intended.

The city of Bloomington currently has need for more housing. This rehabilitation would provide housing for one family

Attachment 5 - Neighborhood Notice Map



ANNEXATION AGREEMENT

Pursuant to legislative authorization found in Article 11 Division 15.1 of the Illinois Municipal Code of 1961 as amended, (65 ILCS 5/11-15.1-1 et seq.) and for and in consideration of the mutual promises herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned City of Bloomington, Illinois, a Municipal Corporation, hereinafter referred to as "City" and Carl Müller and Sara Müller, hereinafter referred to as "Owner" enter into this Annexation Agreement ("Agreement") for the annexation of property into the City. **Owner shall refer to Carl Müller and Sara Müller, their successors, or assigns.**

WHEREAS, Owner is the owner of approximately one-and-one-half (1.5) acres less public right-of-way, with frontage on Six Points Road and hereinafter described on Exhibit "A," which is attached hereto and made a part hereof by this reference (hereinafter "Premises" or "Property"), commonly known as 1420 Six Points Road; and

WHEREAS, Owner has submitted an Annexation Plat for Müller's Addition to the City of Bloomington, attached hereto as Exhibit "B" (hereinafter "Annexation Plat"); and

WHEREAS, the Owner is desirous of having the Premises annexed to the City and the City is desirous of annexing said premises; and

WHEREAS, said Premises is not within the corporate limits of any municipality, but is contiguous to the City; and

WHEREAS, the Owner is desirous of having said premises zoned R-1A (Single-Family Residence) District, upon annexation to the City **(all Lots referenced shall include any subdivisions thereof)**; and

WHEREAS, the Owner has given all notices required to be given by Section 7-1-1 of the Illinois Municipal Code (65 ILCS 5/7-1-1).

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained, the receipt and sufficiency of which are hereby acknowledged, the City and Owner agree as follows:

1. ANNEXATION PETITIONS.

Owner, subject to the terms and conditions set forth in this Agreement, will petition the City of Bloomington, requesting annexation of the property identified on Exhibit "A" to the City's corporate limits, no later than 30 days after approval and execution of this Annexation Agreement. The City shall publicize and give such notices and conduct such public hearings as are required to annex the Premises, including specifically, public hearings on this annexation agreement and the rezoning provided for in this Agreement conducted after notice as required by law and ordinance.

2. ANNEXATION.

The City agrees to adopt an ordinance annexing the property described on Exhibit "A."

DRAFT

3. ZONING.

City agrees to rezone the Premises, upon annexation, legally described on Exhibit "A" to R-1A (Single-Family Residence) District subsequent to any public hearings required by the City Code.

4. DEVELOPMENT OBLIGATIONS.

With regard to the annexation, and development of the Premises, the installation of public improvements within and serving the Premises; and the use and development of the Premises during the life of this agreement, the following shall apply:

A. Six Points Road.

(1) Owner shall dedicate the portion of the property within 29.5 feet of the Section Line to the north of the property, for use as public Right-Of Way for the future street widening of Six Points Road. Owner shall prepare and submit the Right-of-Way Plat in accordance with City code. Document submittal shall occur before an Annexation Plat may be recorded and shall be recorded concurrently with such.

(2) At the completion of the road being modified to City Minor Arterial street standards, the Owner shall pay the Adjacent Substandard Roadway fee. The fee shall reflect the cost, per foot of frontage, of one half the per foot cost of a 30' wide minor street section. Said fee is currently $175 per foot (1/2 of $350 per foot). Beginning from the date of this agreement, this fee shall be increased at a rate of 6% simple interest or based on the Consumer Price Index (CPI), whichever is lower at the time of roadway completion.

B. **Water**.

(1) The Owner may tap the public water main on the north side of Six Points Road.

(2) The premises shall be required to connect to the City's water mains within 12 months of execution of this Annexation Agreement.

(3) The Owner shall be responsible for payment of tap-on fees of $3,690.00 prior to connection. This fee has been calculated through October 2023 and will be held through December 31, 2023. If payment is made after December 31, 2023, the fee shall be recalculated based on a rate of 6% simple interest or the CPI, whichever is lower at the time of payment.

C. **Sanitary Sewer**. Owner, at Owner's election, may either:

(1) At Owner's expense, extend the public sewer approximately 400' east along Six Points Road from the existing sanitary sewer manhole located at

the intersection of Six Points Road and Woodhavens Drive, and tap a service from the extended sewer. The City agrees to pay for oversizing of the public sewer, if any, within 30 days of completion.

(2) Tap and use any future sanitary sewer main extension that results in the availability of access adjacent to the Property.

(3) If and when either option is selected, the Owner shall be responsible for payment of tap-on fees prior to connection to a sanitary sewer main.

D. **Parkland Dedication**. Owner agrees to pay a fee of $682.81 in lieu of parkland dedication pursuant to City Code.

5. OBLIGATION TO DEVELOP PER CODE.

In the construction and use of improvements on the subject Premises the Owners shall comply with all zoning subdivision, building, mechanical and other applicable codes and ordinances of the City of Bloomington in effect at that time. Bonds shall be provided for all public improvements as set forth in the City Code.

6. ANNEXATION TO OTHER TAXING DISTRICTS.

That owners, as soon as practicable, but not later than 30 days from the date of annexation to the City, shall file and thereafter diligently pursue the necessary petition to annex the Premises to the Bloomington-Normal Airport Authority and the Bloomington and Normal Water Reclamation District.

7. COVENANTS AND AGREEMENTS

The covenants and agreements contained in the Agreement shall be deemed to be covenants running with the land during the term of this Agreement, shall inure to the benefit and be binding upon the heirs, successors and assigns of the parties hereto.

8. TERM

The term of this Agreement shall be for twenty (20) years from and after the effective date of the annexation of the Subject Property.

9. NOTICES

Any and all notices required or desired to be given hereunder shall be in writing and shall be delivered personally or sent via certified or registered mail, postage pre-paid and addressed as follows:

<u>To the City of Bloomington, Illinois (“City”)</u>:

City of Bloomington

Attn: City Manager
115 E. Washington Street
Bloomington, IL 61701

To Carl Müller and Sara Müller ("Owner"):

101 N. Mercer
Bloomington, IL 61701

or to such other person or address as a party may designate in a like manner.

10. ADOPTION OF ORDINANCES

The City agrees to adopt such ordinances as may be required to give legal effect to the matters contained in this Agreement.

11. GENERAL PROVISIONS

The following general provisions shall apply to this Agreement:

A. Time of the Essence. Time is of the essence in the performance of this Agreement.

B. Rights Cumulative. Unless expressly provided to the contrary in this Agreement, each and every one of the rights, remedies, and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies, and benefits allowed by law.

C. Non-Waiver. The City shall be under no obligation to exercise any of the rights granted to it in this Agreement. The failure of the City to exercise at any time any right granted to the City shall not be deemed or construed to be a waiver of that right, nor shall the failure void or affect the City's right to enforce that right or any other right.

D. Consents. Unless otherwise provided in this Agreement, whenever the consent, permission, authorization, approval, acknowledgement, or similar indication of assent of any party to this Agreement, or of any duly authorized officer, employee, agent, or representative of any party to this Agreement, is required in this Agreement, the consent, permission, authorization, approval, acknowledgement, or similar indication of assent shall be in writing.

E. Governing Law. This Agreement shall be governed by, and enforced in accordance with, the internal laws, but not the conflicts of laws rules, of the State of Illinois.

F. Severability. It is hereby expressed to be the intent of the parties to this Agreement that should any provision, covenant, agreement, or portion of this Agreement or its application to any Person or property be held invalid by a court of competent jurisdiction, the remaining provisions of this Agreement and the

validity, enforceability, and application to any Person or property shall not be impaired thereby, but the remaining provisions shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Agreement to the greatest extent permitted by applicable law.

G. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any and all prior agreements and negotiations between the parties, whether written or oral, relating to the subject matter of this Agreement.

H. Interpretation. This Agreement shall be construed without regard to the identity of the party who drafted the various provisions of this Agreement. Moreover, each and every provision of this Agreement shall be construed as though all parties to this Agreement participated equally in the drafting of this Agreement. As a result of the foregoing, any rule or construction that a document is to be construed against the drafting party shall not be applicable to this Agreement.

I. Exhibits. The Exhibits attached to this Agreement are, by this reference, incorporated in, and made a part of this Agreement. In the event of a conflict between an exhibit and the text of this Agreement, the text of this Agreement shall control.

J. Amendments and Modifications. No amendment or modification to this Agreement shall be effective until it is reduced to writing and approved and executed by all parties to this Agreement in accordance with all applicable statutory procedures.

K. Changes in Laws. Unless otherwise provided in this Agreement, any reference to the Requirements of Law shall be deemed to include any modifications of, or amendments to, the Requirements of Law that may occur in the future.

L. Authority to Execute. The City hereby warrants and represents to the Owners that the Persons executing this Agreement on its behalf have been properly authorized to do so by the Corporate Authorities. The Owners hereby warrant and represent to the City (i) that they are the record and beneficial owners of fee simple title to the Property, (ii) except for a mortgage on the property, no other person has any legal, beneficial, contractual, or security interest in the Property and that annexing the property is not a violation of the security interests, (iii) that it has the full and complete right, power, and authority to enter into this Agreement and to agree to the terms, provisions, and conditions set forth in this Agreement and to bind the Property as set forth in this Agreement, (iv) that all legal actions needed to authorize the execution, delivery, and performance of this Agreement have been taken, and (v) that neither the execution of this Agreement nor the performance of the obligations assumed by the Owners will (a) result in a breach or default under any agreement to which the Owners are a party or to which it or the Property is bound or (b) violate any statute, law, restriction, court order, or agreement to which the Owners or the Property is subject.

M. Enforcement. The parties to this Agreement may, in law or in equity, by suit, action, mandamus, or any other proceeding, including without limitation specific performance, enforce or compel the performance of this Agreement; provided, however, that the Owners agree that they will not seek, and does not have the right to seek, to recover a judgment for monetary damages against the City, or any of its elected or appointed officials, officers, employees, agents, representatives, engineers, or attorneys, on account of the negotiation, execution, or breach of this Agreement.

N. No Third Party Beneficiaries. No claim as a third-party beneficiary under this Agreement by any Person shall be made, or be valid, against the City or the Owners.

O. Recording. After the Owners have paid to the City an amount sufficient to cover the cost of recording this Agreement, all necessary plats, the affidavit of service of notice as required by Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-1, and the Annexation Ordinance, the City shall promptly cause this Agreement to be recorded in the office of the Recorder of McLean County.

P. Occupancy Permits. In addition to any other remedies permitted by this Agreement, the failure of Owner to meet any obligation set forth within this Agreement shall be cause for the City to deny and/or revoke any occupancy permit issued on the Premises.

EXECUTED and ADOPTED this ____ day of _____, 2023, at Bloomington, Illinois.

CITY OF BLOOMINGTON

_____
Mboka Mwilambwe, Mayor

ATTEST

_____
Leslie Smith-Yocum, City Clerk

OWNERS:

_____
Carl Müeller, Property Owner

_____
Sara Müeller, Property Owner

Exhibit A

LEGAL DESCRIPTION

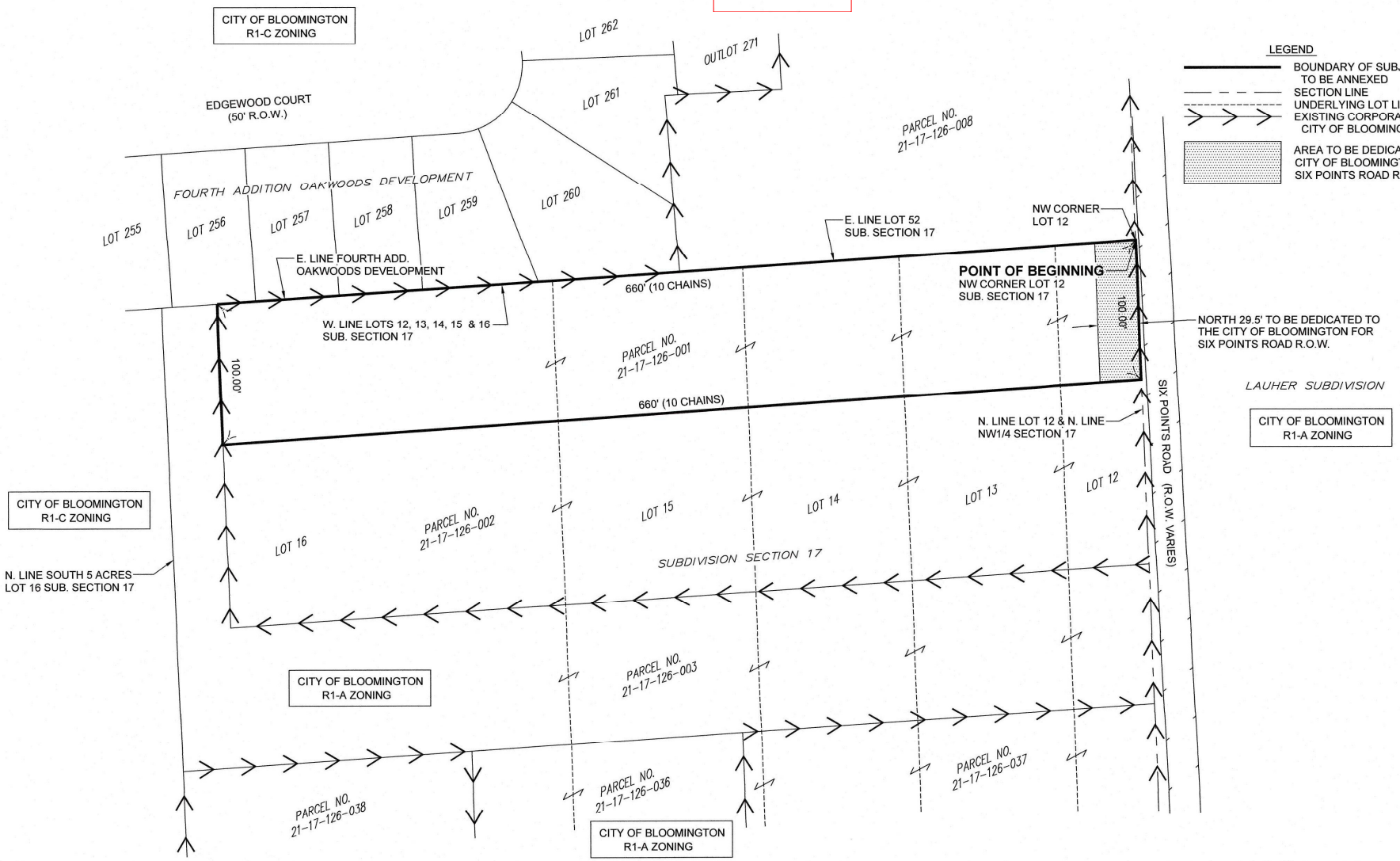
A PART OF LOTS 12,13,14, 15 AND 16 IN THE SUBDIVISION OF SECTION 17, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PER PLAT RECORDED IN BOOK 37 OF DEEDS, ON PAGE 92 AND 93, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 12; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 12, 10 CHAINS; THENCE EAST 100 FEET; THENCE NORTH PARALLEL WITH SAID WEST LINE 10 CHAINS; THENCE WEST TO THE PLACE OF BEGINNING, IN MCLEAN COUNTY, ILLINOIS.

PIN: 21-17-126-001
ADDRESS: 1420 SIX POINTS ROAD

ANNEXATION PLAT

PART OF LOTS 12, 13, 14, 15, & 16 IN THE SUBDIVISION OF SECTION 17, T.23N., R.2E., 3P.M., MCLEAN COUNTY, ILLINOIS

EXHIBIT B



LEGEND

- BOUNDARY OF SUBJECT PREMISES TO BE ANNEXED
- SECTION LINE
- UNDERLYING LOT LINE
- EXISTING CORPORATE LIMITS CITY OF BLOOMINGTON
- AREA TO BE DEDICATED TO CITY OF BLOOMINGTON FOR SIX POINTS ROAD R.O.W.

Legal Description

A part of Lots 12, 13, 14, 15 & 16 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the Plat thereof recorded in Book 37 of Deeds, on Pages 92 and 93, described as follows: Beginning at the northwest corner of said Lot 12; thence South along the west line of Lots 12, 13, 14, 15 & 16, 10 Chains; thence East 100 feet; thence North parallel with the west line of said Lots 12, 13, 14, 15 & 16, 10 Chains to the north line of said Lot 12; thence West 100 feet to the Point of Beginning, EXCEPTING THEREFROM any part thereof previously annexed to the City of Bloomington per the Annexation Plat recorded June 20, 2011 as Document No. 2011-13501 in the McLean County Recorder of Deeds Office.

BRADLEY K. SHAFFER 3488 PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS BLOOMINGTON, ILLINOIS

09/26/2023
Date

Surveyor's Certificate

I, Bradley K. Shaffer, Illinois Professional Land Surveyor No. 3488, do hereby certify that to the best of my knowledge and belief the plat shown hereon is an accurate representation of lands to be annexed to the City of Bloomington, McLean County, Illinois, prepared under my direction.

Bradley K. Shaffer
Illinois Professional Land Surveyor No. 3488
License Expires 11/30/2024

LYB
www.lybinc.com

Lewis, Yockey & Brown, Inc.
Consulting Engineers & Land Surveyors
Professional Design Firm Registration #184.000806
505 N. Main Street Bloomington, IL 61701
Ph. (309)829-2552

Rev.	
Dsn.	Bk.
App. BKS	Drn. BKS
Vault ID:	

MULLER ANNEXATION PLAT
1420 SIX POINTS ROAD
BLOOMINGTON, ILLINOIS

Sheet 1 of: 1

Job #: 2533.01