

**ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, SEPTEMBER 19, 2012, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, IL**

Members present: Mr. Dick Briggs, Mr. Mike Ireland, Mr. Robert Kearney, Mr. Steve Parker (arrived at 3:20), Mrs. Barbara Meek,
Members absent: Mr. Bill Zimmerman
Also Present: Mr. Kevin Kothe, City Engineer
Mr. Mark Woolard, Acting Secretary

Mr. Woolard called the meeting to order at 3:07 p.m. and called the roll. A quorum was present.

The Board reviewed the minutes from August 15, 2012. The minutes were accepted as printed.

Chairman Ireland explained the meeting procedures and that the special use cases must be reviewed by the City council. Mr. Woolard stated that the cases had been published.

Z-17-12 Public Hearing and Review on the petition submitted by Hillcrest Mobile Manor to allow construction of a mobile home and to allow the following two variances from the Zoning Ordinance:

- 1) reduce the required 25 foot rear yard setback to 5 feet from the west rear lot line
 - 2) reduce the required 21 foot average front yard setback to 10 feet from the east front lot line.
- All are for property located at 15 Zweng Avenue. Zoned R-4, Manufactured Home Park District.

Chairman Ireland introduced the variance case and asked for anyone who would like to speak in favor of the petition to come forward. Denise Kaufman, 10 Zweng Avenue, was sworn in and stated they want to put in a newer mobile home than what the park allowed when the park was built many years ago. The mobile homes back then were made at 12' by 50' long and now most people want 14' by 70' or 16' by 80' and thus we need to allow different setbacks from lot lines. The one they want now is 16' by 76'. The site has been vacant for a while. She said it would come 5' into the front yard. The Board discussed the new unit in relation to the other nearby mobile homes.

Michael Kaufman, was sworn in and stated when the court was built they did not have the 25' setback rule and a lot of the homes are only setback 5'-8' from the back property line. The setbacks are about 18' - 9" to 21' - 11" and they are asking to be able to move that line up to 10' from the road. There is a cushion in there and it will be more like 15' from the road.

Chairman Ireland asked for anyone else who would like to speak in favor or against of the petition and no one spoke.

Mr. Woolard stated there is an industrial use to the west and there are units close to 5' now from the back lot line. It would be close to being in line with the units in the front and staff supports the request. There may be other cases in the future for other units in the park. Staff will need to look at these situations.

Ms. Kaufman stated that unlike some of the other mobile home parks in town this park is an older community and the residents are older. She explained this is the first unit in the last ten years and people do not come and go a lot.

The vote on the variances was approved with five (5) voting in favor and zero (0) against.

Z-18-12 Public Hearing and Review on the petition submitted by State Farm Mutual Automobile Insurance Company to allow construction of a parking lot and to allow the following five variances from the Zoning Ordinance:

- 1) Reduce the required 12 foot parking lot setback along Jefferson Street to 0 feet.
- 2) Reduce the required 12 foot parking lot setback along Prairie Street to 8 feet.
- 3) Reduce the required 6 foot parking lot setback to 5 feet from the north lot line.
- 4) Reduce the required parking space size from 9 feet by 19 feet to 9 feet by 18 feet.
- 5) Reduce the required parking aisle from 25 feet to 24 feet.

All are for property located at 210 E. Jefferson Street. Zoned B-3, Central Business District.

Chairman Ireland introduced the variance case and asked for anyone who would like to speak in favor of the petition to come forward. Don Jenkins, 822 E. Center Street in Leroy, Illinois, was sworn in and stated they want the variances because they are looking to demolish the 65 year old deck and resurface it. He explained how it is getting costly to repair it but with the project they are trying to improve the site. They will increase the amount of green space and will not increase on the setback any farther than what currently exists. They also will improve the traffic flow onto Prairie Street with three aprons being reduced to one. The construction will go out to the guard house area. The size reduction will help to provide as much green space as possible.

Chairman Ireland asked for anyone else who would like to speak in favor or against of the petition and no one spoke.

Mr. Woolard stated that we are working with an existing parking lot and if the parking aisles were to be aligned with the other existing spaces it would be very awkward without losing even more parking spaces. Also there is a substantial positive improvement with additional green space and reducing the number of curb cuts to one which will be farther away from the intersection. Thus staff supports the request.

The vote on the variances was approved with five (5) voting in favor and zero (0) against.

Chairman Ireland stated the next three cases will be reviewed at the same time in that they are all related.

SP-06-12 Public Hearing and Review on the petition submitted by LBD 52 requesting approval of a special use permit for multiple family dwellings for the property located at 3809 & 3903 Pamela Drive. Zoned B-1, Highway Business District.

SP-07-12 Public Hearing and Review on the petition submitted by LBD 52 requesting approval of a special use permit for multiple family dwellings for the property located at 3805 Pamela Drive. Zoned R-2, Mixed Residence District.

Z-19-12 Public Hearing and Review on the petition submitted by LBD 52 to allow multi-family dwellings and for a variance to allow an increase to the maximum floor area ratio of 50% to 52% for the property located at 3805, 3809, and 3903 Pamela Drive. Zoned B-1, Highway Business District and R-2, Mixed Residence District.

Chairman Ireland introduced the two special use cases and the variance case. Chairman Ireland asked for anyone who would like to speak in favor of the petition to come forward. Don Adams, 2709 McGraw Drive, was sworn in and introduced Larry Bielfeldt in that he is the owner of the property and the developer of Sapphire Lake and Hawthorne Commerce Park Subdivisions and Kurt Haeffele who will build, own and operate the apartments. There will be 56 units with three two story buildings. There will be 32 one bedroom units and 24 three bedroom units all on 2.7 acres on Pamela Drive near Norma Drive. There are two special uses with two zoning districts. The apartments are high end apartments and not student apartments, section eight or tax credit apartments. He said they will landscape the west side of the lot to screen the single-family home to the west. They will comply with the airport noises restrictions.

Mr. Adams described a meeting they had with the neighbors last week. They send invitations for the meeting to about 15 nearby residents who were closest in order to educate them about their proposal. Two Councilmen, Kevin Kothe, and Mark Huber attended the meeting.

He stated the bulk of the property is in a B-1 zoning district and with the wide variety of uses allowed by right without public hearings, apartments would be a buffer between the neighbors and heavy business uses. He said many of the B-1 uses are very compatible to be next to a single-family home and a number of the uses are not terribly compatible with single-family homes. They will be high end, market rate apartments and he said neighborhood concerns are usually not whether there are apartments but what type of apartments. He said the developers have owned, operated and maintained many apartments throughout the area none of which are section eight or tax credit housing. He said regarding traffic they heard primarily concerns for Norma Drive and neighbors have concerns about cut through traffic. He reviewed the current Average daily traffic (ADT) for Ekstam Drive, Pamela Drive, and Norma Drive. He said the ADT for the apartments will be about 350. The bulk of the traffic will go north on Norma, south on Ekstam and east on Pamela. The capacity manual says a standard two lane urban street can carry about 12,000 ADT safely. He stated the neighbors are unhappy because there already is more traffic than they want and they can request traffic calming improvements to slow down traffic. Parking is now being considered to be restricted on Ekstam and Pamela Drives. He said the best solution which is long term, is the construction of additional streets such as Woodbine and Cornelius. The traffic now is far below what the road can carry.

There was discussion on street development and connections. Mr. Kearney stated that after listening to a lot of testimony in the Wingover Apartment case, that this area is a complete mess and is at best awkward city planning and at worse horrible city planning. Mr. Adams said the largest impact from the 132 Wingover apartments on the traffic counts will be on Ekstam Drive and the capacity will be far below any threshold for additional traffic controls.

For the variance Mr. Adams said request is minimal and if they were not a special use the floor area ratio would be 80 percent and this is only 1.91 percent over the 50 percent allowed. They need a certain density to make the project work. Mr. Briggs asked how many people it impacts if they do not get the variance and Mr. Adams stated it is probably not practical to make the apartments smaller and be competitive. Their choices are a variance or to buy more property.

Chairman Ireland asked for anyone else who would like to speak in favor of the petition and no one spoke.

Chairman Ireland asked for anyone who would like to speak in opposition of the petition. Jeannie Keist, stated 1304 Chalis Drive is her residence while her property on Norma is under construction. She was sworn in and stated everyone seems to agree including Mr. Adams that there are current traffic concerns there. She said adding apartments without addressing those concerns is not the right decision. She said we have concerns about the number of apartments already on Ekstam, parking on both sides, a football practice field behind Ekstam all increasing the parking on Ekstam and Pamela. Adding apartment will just add to the concerns. The special use should not be approved until that is addressed. The increased traffic flow between 2009 and now is significant. The number of houses and apartments has increased yet there has been no increase in infrastructure to support all of it. The reference to Cornelius and Woodbine is not a solution and is misguided. The initial drawings shown to folks did not even show a thorough fare connecting to GE to Route 9 and it is a ridiculous amount of traffic and cannot imagine the counts being a total for the day. She continued by stating that other concerns are that there will be a continued lack of green space, with more apartments more children and there are no parks for the children anywhere nearby. There already has been a home hit and they worry about a child next. It has been poor planning. She does not think apartments should be put up if Pamela is the only entrance for in and out.

Billy Waldon, 1201 Norma Drive, was sworn in and stated the traffic patterns are inaccurate. It has increased with the gas station and many are walking on Pamela and the increase in traffic from the project will definitely cause a problem and Woodbine would not be a solution because cut through traffic would not use Woodbine because it is not a quick jog over to Ekstam. Cornelius is too far in the future to help this project. The traffic counts have definitely increased from 2009 and it is misleading to say a road can handle 1,200 cars per day. The increased traffic will create a hazard there and with no parking on Pamela it will not be safe for a residential area because people will just go faster. People use Norma as a quick route and to avoid the lights and many people do not pay attention to the speed bumps. He said unlike apartments, traffic for businesses will use Towanda-Barnes.

Mike Biggs, 3701 Gina Drive, was sworn in and stated when you buy a house you always look at zoning because it will protect you. You accept risk but you do not accept buying a house under one pretense and a developer asking to change that which inherently devalues a house that is so close. He stood at that intersection for twenty minutes and was amazed at the amount of traffic and how many ran the stop sign. Adding more traffic is just horrible. It is a residential street and it is used only between certain hours and it is when our children are out that it is unsafe to be on Norma. The speed bumps do not deter the speed. Woodbine is not realistically to be complete in his life time. The standards for a special use are to protect the residents and the worst thing you hear when you buy a house is that someone wants to change the zoning to allow apartments or something that everybody worries about. He will take the risk with a business but \$750 a month for rent is very average and low for students.

James Happel, 1313 Norma Drive, was sworn in and stated the speed humps do little more than help the mechanics in town repair brakes because they go very fast on Norma, slam on the brakes, and are back up over the speed limit before they hit Wine Way. I see very few of the residents that do that and there are 4-6 newer apartment complex buildings built since the counts taken. He said there are cars, trucks, boats and trailers parked on Ekstam and we have pride in Sapphire Lake and now this will be extended onto Pamela Drive. There are no sidewalks and how will they be connected. He questioned how this will impact our community and area by bringing in all these apartments.

Glenn Hill, 1211 Norma Drive, was sworn in and stated the traffic numbers are old and it is overloaded. He said there was a mistake in the street design when Norma was connected to Pamela. It was intended to be residential and the street is too straight because it builds up speed and if they keep putting traffic on Norma it will be an artery. He wondered if there was a limit on how many apartments can be in a square mile area and it is huge how many are in there now. It should have been a cul-de-sac and can still be done. Traffic calming will not reduce the counts. He said we need relief before any more apartments are approved.

Jim Stangel, 1305 Norma Drive, was sworn in and stated he came from a Chicago suburb where they had a 20mph speed limit and he thought there would be less traffic here but he could not believe the flying traffic. He is worried there will be a child fatality because of the traffic speeds. The density of apartments concerns him and the completion of the other street is not going to happen any time soon. The changes for parking would be important. If the same parking and traffic issues happened on Pamela it would really be bad. The issues should be dealt with before the apartment consideration. If you increased the traffic to the capacity that would be crazy and you would have cars backed up bumper to bumper.

Trisha Oyler, 1213 Janet Drive, was sworn in and stated there is no green space. With all the Ekstam apartments as well as these proposed apartments, there is no green space for the children to play so there will be more foot traffic and mixed with traffic will not end well. Victory Academy is on Ekstam and parents drop off and pick up the kids and do not stay and they are very busy as well. Her other concerns were spoken by others.

Chris Hummel, 3615 Pamela Drive, was sworn in and stated that Don Adams indicated these properties being built were small and yet they are not small when you compare their building

square footage to his home and the largest home on the street. Mr. Hummel stated it is a humongous property. He said how will you shield them from his and his neighbors' homes because the apartments are not necessarily ugly but in Sapphire Lake they are very ugly. Their price range does not convince him that these are high end apartments but just what they will generate monthly at his expense as a home owner because it is his home that makes that property beautiful. It will be their tenants that will depreciate his value and overcrowd the schools that we pay for with our tax dollars. When he built his house there was never a mention of future apartments and if there was he would not have built there. Now he and other home owners are forced to make a decision about moving and he knows for a fact that the social-economic status of those in the apartments will drive down the value of his home. He said he is speaking for the masses.

Jim Giesler 3211 Yorkshire Ct. was sworn in and said he owns 3610 and 3612 Pamela and said you should really study the traffic before you make approval. The Wingover apartments will create much more traffic on Ekstam. He said it is unfair for Mr. Adams to suggest that Woodbine will be a reason for the special use approval as it will not be built in the future and Leslie has not developed and it would go before Woodbine. Mr. Bielfeldt does not have control over all of it.

Darlene Happel 1313 Norma Drive was sworn in and stated they have been through this rezoning thing before at Norma and GE. She was told there would be nice one story buildings and if you allow this it would also come behind her lot. There was discussion on the uses allowed in the B-1 district. Ms. Happel said a business would not have all of the traffic and the amount of people. Mr. Briggs said some businesses could have noise. Mr. Kearney stated that the idea that a worse thing could move into your neighborhood is less persuasive because it is not a multiple choice issue but our job is to make findings of fact based on one particular use that is presented. It is not a cafeteria plan where we or the neighbors can pick if they would rather have this or an amusement park or something worse than proposed. Chairman Ireland said it was for him a matter of making sure there is an understanding that permitted uses can happen and it is an education thing because something else could happen. Mr. Kearney stated that in taking each case separately there is a reason that the code allows an amusement park but requires a hearing for multi-family dwelling in this spot and he has to assume that they did that intentionally and they do want to trigger public input on one but not on another. Mr. Briggs stated that the special use allows for the ability for conditions to be placed on the use.

Joy Henderson 3705 Pamela Drive, was sworn in and stated the traffic counts have not considered the part of Pamela that connects Ekstam from the south and Norma to the north. She stated she lives at the property that is immediately adjacent to the proposed apartments and believes that the traffic numbers for the street immediately in front of her house are actually much higher and you can add the numbers together that was provided. She said they purchased the property with the understanding that the R-2 property next door could have a single-family home or a duplex built and something else with a special use. The thought of apartments right next to her house is very upsetting and she understands other things could go in with the B-1. She said if you do nothing else do not allow the apartments right next to her house in the R-2 zone. She said if you do that then at the very least that you add restrictions to the landscaping.

She said Section 44.6-7 of the code says the intent of the R-2 district is for high single-family and low multiple-family dwelling density residential and the additional apartment would go against the intent and purpose of the R-2 zoning. She stated Section 44.10-3 C of the code states that no special use shall be recommended for approval unless the board shall find that the use will not be detrimental or endanger the public health, safety, comfort or general welfare and not be injurious to the use and enjoyment of the other property in the immediate vicinity for the uses already permitted, nor diminish and impair property values. She said she does not believe that any reasonable person in good faith after hearing the testimony could make those findings that there would not be detrimental effects to the general welfare and the traffic congestion issues in the code.

Sovia Faisal 3701 Pamela Drive was sworn in and stated the property value will be decreased and did not buy the house for that and the school district has had redistricting and the Benjamin school and others are overcrowded and the apartments will be increase it and they do not know what could be there and their planning is shattered.

Eric Halm 3618 Pamela Drive was sworn in and stated he was there on behalf of his fellow neighbors and is very concerned about the traffic and the apartments decreasing the value of his home. When he bought his house he thought it would be business and he is fine with business going there because it will be open 9-5 and maybe Saturday and Sunday. He will take his chances with businesses.

Nancy Latham 1312 Norma Drive was sworn in and stated she agrees with the others and you can skew data anyway you want. The planning of this was a mess and hopes this group will fix the problem and close off Pamela like it should have been and make some green space and a park.

Dr. Faisal 3701 Pamela Drive was sworn in and stated the schools are really overpopulated and the apartments will result in redistricting. He wanted his child to be in Benjamin School to have a good education. His irrigation system was stolen and the people in the apartments are there on a monthly basis and the police are adding another patrol. When you have people coming in on a monthly basis and the problems are tenfold. They do not really want to build relationships because they are there just month to month. There are safety concerns and they did not buy the house to have that problem.

Larry Bielfeldt 1 Inglewood was sworn in and stated he did the subdivision design and layout and certain things are out of your control. With the B-1 zoning he intended to put a park in there which will be a tremendous asset for Sapphire Lake. There is a lot of construction going on and it is a war zone today but when the subdivisions are done the end use will be very good. He is trying to protect everyone in there because there are certain things that would devalue properties but this will not. He said everyone knew about the B-1 zone but not about the three acre park. When construction is all done people can hopefully walk to a park, or for a cup of coffee or ice cream and the sidewalks are all completed this will become a totally different place and the property values will not be hurt and they will increase. Mr. Briggs asked Mr. Bielfeldt how many more apartment complexes he plans to develop in that area. Mr. Bielfeldt

stated zero. He estimated the park would go between Woodbine and Leslie Drive. He does not have full total control over Woodbine.

Mr. Adams stated there are not sidewalks currently on Pamela except by the businesses. There will be complete sidewalks on Ekstam with the completion of the apartments that are under the way on the west side of Ekstam and on the east side there are gaps where nothing was built.

Mr. Woolard stated staff supports the petition and this use could be a buffer to the homes to the west from intense uses. The required parking will be provided on the site. He said there has been a lot of discussion regarding traffic and parking and engineering has looked at the traffic. The parking on the street may be restricted. There was discussion on the standards in the zoning ordinance for special uses.

Kevin Kothe stated there have been updated traffic counts on Ekstam which shows there is in essence, no change from 2009. He compared the streets with other streets in the city and many have more than Norma Drive and how some streets may appear to be or desired to be more of a side street. There was discussion on the bigger picture for development in the area and other possible apartments. Mr. Kothe said there will soon be parking restrictions for Ekstam and Pamela.

The vote on the special use in case SP-06-12 recommending approval was denied with zero (0) voting in favor and five (5) against.

Before Mr. Kearney voted he stated that he thought the presentations were excellent and among the best that he has seen. He said it seems to him that there is no question, notwithstanding the traffic flow numbers, that the neighborhood has reached a tipping point in desperate need of a comprehensive plan and for the developers, owners, and the city planners to get together and decide what type of neighborhood it is going to be and so boards do not have to come in and play arbitrators. It is our job to do that but you might like the results better if you do that on our own. On balance the findings of fact are not met and in particular with respect to the use and enjoyment issues and the impact of this project on the immediate vicinity

Mr. Briggs stated before he voted that he concurs with Robert's comments on their presentations. He was concerned with the neighborhood and it is a hodgepodge and trying to put a round peg in a square hole. He looked for a compromise and the only one would have been for the developer to build the Woodbine Street but he does not have control over it and economically he would not do it until there was development. The neighbors have said they want business zoning as it is.

Mr. Parker stated before he voted that he appreciates everybody coming and spending the last two hours with us. He looks at the density, the no sidewalks, and the traffic and does know where to put the blame – the developer or the city. He does not really blame the developer for trying this although in this case it is going to put a real impact on the residents and he thinks the real blame on the whole mess out there really needs to go on the shoulders of the city. He just cannot believe how poor this thing was laid out and is very disappointed with the city fathers.

Chairman Ireland stated before he voted that a couple months ago we approved in this area another 150 units with very much the same arguments and at the time he voted for that on the positive side he was concerned about those issues and so we don't have those 150 some units and their traffic counts and patterns yet. Maybe someday this would be the right plan but it is not today, until we get some of the ingress and egress issues solved particularly for the single-family residents who bought there and wanted to live in a single-family area.

The vote on the special use in case SP-07-12 recommending approval was denied with zero (0) voting in favor and five (5) against.

Chairman Ireland explained that if the Council should approve the special use it would be no good without the variance and we should vote with that in mind.

The vote on the variance was approved with four (4) voting in favor and one (1) against.

Public Comment: None.

Other Business: None

New Business:

Mr. Woolard will have a reminder sent out regarding the deadline for the test on the Open Meetings Act. Mr. Woolard informed the Board that the case from the last month was denied by the City Council.

Adjournment was at 6:16.

Respectfully;

Mark Woolard
Acting Secretary