

**MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, SEPTEMBER 14, 2016, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS**

MEMBERS PRESENT: Mr. Balmer, Mr. Boyd, Mr. Pearson, Mr. Penn, Mr. Suess, Mr. Scritchlow, Chairman Stanczak

MEMBERS ABSENT: Mr. Protzman, Ms. Schubert

OTHERS PRESENT: Ms. Katie Simpson, City Planner; Mr. Tom Dabareiner, Director of Community Development. Mr. George Boyle, City Attorney, Kevin Kothe, City Engineer.

CALL TO ORDER: Chairman Stanczak called the meeting to order at 4:00 P.M.

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

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

MINUTES: The Commission reviewed the August 24, 2016 minutes. Mr. Scritchlow moved to approve the August 24, 2016 minutes; Mr. Pearson seconded the motion, which passed unanimously by a voice vote of 7-0.

REGULAR AGENDA:

Z-25-16 Public hearing, review and action on the petition submitted by Neil A. Gauger, Trustee of the T&R Trust Dated December 24, 2014 requesting the approval of an annexation agreement and the annexation of the property located at 2229 Springfield Road, approximately 2.50 acres

Chairman Stanczak introduced the case. Ms. Simpson presented the staff report and recommended in favor of the annexation agreement and annexation. She added that staff is recommending in favor of the rezoning for the next case, Z-26-16, which is related to the annexation. For convenience, staff will provide one presentation for both cases because they are related. Chairman Stanczak also introduced the second case Z-26-16.

Z-26-16 Public hearing, review and action on the petition submitted by Neil A. Gauger, Trustee of the T&R Trust Dated December 24, 2014 requesting the approval of a rezoning from R-1(County) to B-1, Highway Business District of the property located 2229 Springfield Road, approximately 2.50 acres

Ms. Simpson continued with the presentation for both cases. She showed an aerial photo of the property and described the subject property, its location, its current residential zoning in the

County and described its vacancy. She noted the lack of suitability for residential as it is now zoned in the County. She explained that the subject property would gain access through an existing, incorporated property, adding that the new property would gain access from and be used by the existing business at 2229 Springfield Road. She reviewed the surrounding uses, their zoning, and characteristics of the existing property, including the provision of photos of the surrounding uses. Ms. Simpson explained why the petitioner was requesting the rezoning and noted the proposed uses is compatible with the adjacent use. Ms. Simpson showed photos of the property and its surrounding developments. Ms. Simpson indicated the findings of fact supported, in staff's opinion, the annexation agreement, annexation and rezoning. She stated that property's current zoning is not appropriate given the lack of amenities available. She indicated the proposed B-1 zoning is appropriate given its proposed use once in the City. She stated that the rezoning triggers certain requirements such as providing a transitional yard where it is adjacent to residential, fencing and screening. She reiterated that the property would need to meet code prior to issuing building permits. Ms. Simpson explained that we are re-holding the public hearing for these two cases because of a technical matter regarding the publication of the hearing.

Mr. Balmer identified the presence of a fence on the property. He noted that the commissioners received a list of conditions agreed upon between the petitioner and a neighboring property owner at the beginning of this meeting and two of those conditions pertain to the fence. He asked if the existing fence and the one referenced in the conditions would meet code. Ms. Simpson confirmed the fence would need to be opaque and the height required by code. Mr. Pearson asked for additional clarity on why the Planning Commission was rehearing this case. Chairman Stanczak reiterated the public notice newspaper requirement prior to a public hearing. Mr. Boyle assured this was a procedural matter and that the City is taking matters to address the procedure. Chairman Stanczak introduced two exhibits: an agreement dated September 14, 2016 between Ms. Cindy Szarek and Mr. Bruce Pedigo marked as Exhibit 1; and three pages of photographs to accompany the agreement marked as Exhibit 2.

Tim Leighton, lawyer for the petitioner, was sworn in. Mr. Leighton introduced Bruce Pedigo, president of Joe's Towing, and Emily Kaloupek, staff for Leighton Law Firm. Mr. Leighton explained that he has spoken with the neighbor, who is present, and their council, Bob Lentz, who was unable to attend. He explained his client is looking at the opportunity to expand the enterprise at 2229 Springfield Road. He explained his client's intent is to use the vacant parcel for storage improving efficiency of his day-to-day operations. He recognized that neighbors had expressed concerns about the use of the vacant parcel and explained that his client, on behalf of the operation, has had communication with the neighbors. Mr. Leighton referenced Exhibit 1 and stated that both parties were able to resolve the issues and reach an agreement. He confirms the documents in Exhibit 1 represent the views of his client. Mr. Boyle clarified if the petitioner would object to Exhibit 1 being incorporated into the annexation agreement. Mr. Leighton explained there is no objection.

Ms. Cindy Szarek, 18 Szarek Drive Bloomington, was sworn in. She thanked Mr. Pedigo and affirmed the two parties were able to reach an agreement. She emphasized the importance of screening along the property and explained she was in favor of the petition with the added conditions.

Chairman Stanczak closed the public hearing. Mr. Balmer clarified whether the motion could include both case Z-25-16 and Z-16-16. Chairman Stanczak confirmed. Mr. Balmer motioned to approve the annexation agreement, annexation and rezoning case with the inclusion of Exhibit 1 demonstrating five (5) items of agreement between Cindy Szarek and Bruce Pedigo dated September 14, 2016; seconded by Mr. Suess. Mr. Scritchlow recused himself from the cases. The following votes were cast: Mr. Balmer—yes; Mr. Suess—yes; Mr. Pearson—yes; Mr. Scritchlow—recuse; Mr. Boyd—yes; Mr. Penn—yes; Chairman Stanczak—yes. Motion **approved** 6-0.

Z-34-16 Public hearing, review and action on the petition submitted by Dr. Lea Kimberly Cline requesting that the property located at 931 W MacArthur Ave, c. 1907, *Illinois Workman's Cottage (variant)*, receive a historic designation and be rezoned to have the S-4 Historic Preservation District Zoning Overlay (case BHP-25-16). (Ward 6)

Chairman Stanczak introduced the case. Ms. Simpson presented the staff report. Ms. Simpson provided a general background of the neighborhood and the historic preservation zoning overlay. She confirmed the three subject properties were not contiguous but were located along the same street block. She showed a map of the existing six (6) historic preservation neighborhoods. She also identified a few individual properties with the S-4 designation not located within a specific neighborhood. She pointed out that, with the exception of the North Roosevelt Ave District located on Bloomington's northwest side, the majority of the historic neighborhoods are located on the east side of the City. Ms. Simpson showed an aerial view of the three subject properties and pictures of surrounding to provide context and to identify common architectural themes in the neighborhood. She explained the historic context of the neighborhood noting its social, economic and cultural contribution as a working class neighborhood originally settled by German, Irish and Hungarian railroad workers and coal miners and their families. Ms. Simpson explained this is an opportunity to recognize a part of Bloomington's cultural heritage that is not currently commemorated by our program. She briefly explained the community, social and economic purposes and functions behind historic preservation.

Ms. Simpson provided the staff report for 931 W. MacArthur and recommended in favor of the rezoning. She noted the subject property was platted around 1896 and constructed as a variant of the Illinois Workman's Cottage Style with Queen Anne Influences around 1907. Ms. Simpson explained the Bloomington Historic Preservation Commission passed a resolution at the August meeting recommending to the Planning Commission that this property be rezoned with the S-4 designation and zoning overlay. The Commission found the property met two (2) of the requirements for designation. Ms. Simpson explained a few of the unique architectural elements of the house. She repeated that the City does not currently have many historically designated properties on Bloomington's Westside, specifically in this area. Mr. Suess inquired about the last time a property applied for the S-4 designation. Ms. Simpson and Mr. Dabareiner confirmed it was at least two and a half years ago, prior to their arrival at the City. Mr. Scritchlow clarified if the designation was for the entire block or just the three properties. Ms. Simpson explained that these petitions were initiated by the home owners who approached the City. She clarified that the designation would strictly pertain to these three properties but that other homeowners in the area would be welcome to apply if they too were interested in a designation. She explained the

neighborhoods were identified in the Historic Preservation Plan as areas for future designation. Chairman Stanczak confirmed the incentive is on the property owners to seek designation and the City is not obliging people to sign up. Mr. Pearson asked about the condition of these homes and Ms. Simpson explained they are in good condition. Mr. Pearson commented that in the past the Commission had been asked to lift the S-4 designation on a property with structural damages.

Dr. Lea Kimberly Cline, 931 W. MacArthur Ave, the petitioner was sworn in. She confirmed she submitted the petition and provided the full history on her house, as far as she was able to research. She explained her research process. Chairman Stanczak commented that he is happy to see that this petition is specifically reflective of a particular period in our history rather than a monument. Ms. Kline emphasized this is a trend in historic preservation, called vernacular architecture, over the past twenty years. She explained this trend is focused on recognizing and honoring different classes of the city by preserving the buildings which they occupied. Mr. Pearson asked the petitioner why she wanted to pursue this designation. Ms. Kline replied that she is a member of the Historic Preservation Commission and chose to take the initiative because she wanted to open up the opportunity to homes on the Westside.

Chairman Stanczak closed the public hearing. Mr. Pearson motioned to approve the rezoning case; seconded by Mr. Balmer. The following votes were cast: Mr. Pearson—yes; Mr. Balmer—yes; Mr. Scritchlow—yes; Mr. Suess—yes; Mr. Boyd—yes; Mr. Penn—yes; Chairman Stanczak—yes. Motion **approved** 7-0.

Z-35-16 Public hearing, review and action on the petition submitted by Matthew and Rebecca Spears requesting that the property located at 901 W MacArthur Ave, c. 1888, Victorian, Contractor: Frederick Garling, receive a historic designation and be rezoned to have the S-4 Historic Preservation District Zoning Overlay (case BHP-26-16). (Ward 6)

Chairman Stanczak introduced the case. Ms. Simpson provided the staff report for this case and recommended in favor of the petition. She explained the property was built in 1888 by Frederick Garling, a local contractor and master builder, as a Victorian style home. Ms. Simpson explained that this property was the Gift to the Street and is in good condition. She noted that the property's overall historic character is preserved and outlined the four (4) criteria for preservation that this property meets. She discussed the architectural characteristics of the home and historic significance of Frederic Garling, who lived in the house.

Rebecca Spears, 901 W. MacArthur, the petitioner was sworn in. Ms. Spears explained her experience researching the home.

There were no further comments or questions. Chairman Stanczak closed the public hearing.

Mr. Balmer motioned to approve the rezoning case; seconded by Mr. Boyd. The following votes were cast: Mr. Balmer—yes; Mr. Boyd—yes; Mr. Pearson—yes; Mr. Scritchlow—yes; Mr. Suess—yes; Mr. Penn—yes; Chairman Stanczak—yes. Motion **approved** 7-0.

Z-36-16 Public hearing, review and action on the petition submitted by Dean Carlson and Danell Dvorak requesting that the property located at 913 W MacArthur Ave, c. 1907,

***American four-square*, receive historic designation and be rezoned to have the S-4 Historic Preservation District Zoning Overlay (case BHP-27-16). (Ward 6)**

Chairman Stanczak introduced the case. Ms. Simpson presented the staff report and recommended in favor of the petition. She explained the property located at 913 W. MacArthur Street was platted in 1896 and constructed around 1906 as an American four-square house. She explained the two (2) criteria for historic designation met by this property. She described the architectural features of the house and noted the architectural style and construction contribute to the historic value of the neighborhood. She pointed out that this property maintains its overall historic character.

The petitioner, Dean Carlson, 901 W. MacArthur, was sworn in. He explained that he moved into the property in 1993. He and his wife completed the majority restoration themselves. He commented that he and his wife are hopeful to be able to maintain the integrity of the house.

Chairman Stanczak declared the public hearing closed. Mr. Suess motioned to approve the rezoning case; seconded by Mr. Scritchlow. The following votes were cast: Mr. Suess—yes; Mr. Scritchlow—yes; Mr. Balmer—yes; Mr. Pearson—yes; Mr. Boyd—yes; Mr. Penn—yes; Chairman Stanczak—yes. Motion **approved** 7-0.

OLD BUSINESS

None

NEW BUSINESS

Chairman Stanczak introduced Commissioner Mr. Eric Penn. Mr. Penn introduced himself and expressed gratitude to be a part of the Commission.

Mr. Pearson inquired as to why the packets included so much legal paper in the packets. Chairman Stanczak explained a number of documents are involved with the annexation case. Mr. Dabareiner explained the purpose was to have thorough records. Mr. Boyle added that the City is focusing on being as thorough as possible and maintaining a good record. Mr. Pearson commented on the importance of legal documents drawing from experience with a property on McClun Street.

ADJOURNMENT

Mr. Balmer motioned to adjourn; seconded by Mr. Scritchlow, which passed unanimously by voice vote. The meeting was adjourned at 4:49 PM.