

FINAL
MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, AUGUST 28, 2019 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS

MEMBERS PRESENT: Mr. David Stanczak; Mr. John Protzman; Mr. Justin Boyd; Mr. Mark Muehleck; Mr. Tyson Mohr; Ms. Megan McCann; Chairperson Megan Headean.

MEMBERS ABSENT: Mr. Kevin Suess; Mr. Eric Penn; Mr. Thomas Kreiger;

OTHERS PRESENT: Ms. Katie Simpson, City Planner; Ms. Casey Weeks, Assistant City Planner; Mr. George Boyle, Assistant Corporate Council.

CALL TO ORDER: Chairperson Headean called the meeting to order at 4:08 PM. Ms. Simpson called roll. With seven members present, the Commission established a quorum.

PUBLIC COMMENT: None

MINUTES: The Commission reviewed the minutes from the August 14, 2019 regular meeting. Mr. Boyd motioned to approve the minutes as presented; Mr. Mohr seconded the motion. The minutes were approved by voice vote 7-0.

REGULAR AGENDA:

Z-07-19 Public hearing, review and action on a petition submitted by, Rewerts, Zimmerman & Rewerts, Inc. requesting a rezoning of property at 1815 N Towanda Barnes Rd. ADJ from B-1 (General Commercial District) to A (Agricultural District). (Ward 9)

Chairperson Haedean introduced and explained the public hearing procedures and introduced the case. Ms. Simpson was sworn in and provided the staff recommendation. Staff recommended against the petition to rezone the property from Business to Agriculture. Ms. Simpson provided photos of the subject property, an aerial map, and zoning map. She described surrounding uses and zoning districts, as well as existing infrastructure. She explained staff was recommending against the petition because staff's analysis showed the factors for rezoning were not met. She explained that although the property is currently used for agriculture, the use would be allowed under the existing zoning and the change was not necessary to continue agricultural use of the property. Ms. Simpson stated that the current zoning, business, was appropriate given the available and existing infrastructure, daily traffic counts of adjacent roadways, trends in development for the area, and compatibility of uses allowed in the existing zoning with surrounding uses. Staff was concerned that amending the zoning could, not only diminish the property value of the subject property, but also neighboring properties. Staff was also concerned that amending the zoning would discourage redevelopment of the property.

Mr. Boyd asked when the infrastructure was installed. Ms. Simpson explained that the sanitary sewer was extended the past year, and she is unsure when the water and storm sewer were installed. Mr. Boyd asked what uses would be allowed in Agriculture that are not allowed in the Business District. Ms. Simpson stated that agricultural outbuildings would not be allowed in B-1, as well as single family homes. Mr. Stanczak asked if agriculture included animal husbandry. Ms. Simpson stated chicken and fish hatcheries, and riding stables with horses are allowed by right, but animal breeding services is allowed with a special use. Mr. Boyle clarified that all of the standards do not need to be met to approve the petition, the standards are considerations. Ms. Simpson stated that staff is concerned that amending the zoning to agriculture will create an extra barrier, a future rezoning, whenever the property is developed in the future. Mr. Boyd asked for clarification about the property as a Tier 1-Infill Redevelopment Priority. Ms. Simpson explained that the infill priorities encourage the City to focus on areas where infrastructure and services already exist. Since this property was already annexed, and has access to utilities there and to develop what is already in the city. According to the comprehensive plan this location is an infill priority, and the intention is to reduce future sprawl and encourage development that generates revenue to support existing infrastructure. When the parcel is replatted as a lot there would be sewer and water connections and tap on fees.

Testimony from the petitioner's attorney, Melissa Knightly, attorney for Rewerts, Zimmerman, & Rewerts stated, I have never had a client request a lower zoning use. Some of the hindrances in developing this property include that the utilities would have to be extended across Towanda-Barnes and a curb cut would not be allowed, requiring the lot to be developed alongside with the parcel next to this lot which is in the county. Development would require that the adjoining lot owned by my clients as well, that is not annexed by the City, to be developed at the same time. It appears the City's approach is this relates to revenue than to most appropriate use. This parcel has always been used as agricultural purposes. Its entire existence annexed in 2005 intended to be developed as a larger parcel. The intent is to continue to use this lot as agricultural purposes and could possibly be utilized in expansion with the grain facility that is on the adjacent parcel. There are agricultural properties near this property. It has never been improved. The city has no intention of future sprawl which would suggest the nearby agricultural land will remain agricultural. While there are adequate streets, Towanda Barnes is not adequate for crossing by foot due to the amount of traffic. The agricultural use allows for water drainage. The property value will not be diminished if my client intends to develop this in the future. The City has pointed out, it should be easy to have the parcel rezoned in the future. My clients have no intention of developing the property themselves. It seems appropriate to rezone this to agricultural.

Commissioner Mr. David Stanczak asked, what do the clients intend to do with the parcel that they currently are unable to do? The petitioner's attorney responded, they are unable to expand the grain facility next to the subject lot.

Chairperson Megan Headean asked, item J states as presently zoned it is detrimental to the petitioner, could you explain that? Petitioner's attorney responded, "It overstates the value of this property which is used as agricultural."

Commissioner Mr. David Stanczak asked, in terms of valuation is this for real estate purposes or real estate tax purposes? Petitioner's attorney responded, in both cases, it presently overstates the value of the property. Commissioner Mr. David Stanczak asked, it is my understanding the

agricultural purposes is assessed for its agricultural use is that correct? Petitioner's attorney responded, Yes that is supposed to be how it is assessed.

Commissioner Mr. Tyson Mohr stated, it may be more reasonable to de-annex from the City if the petitioner is not able to utilize access to the sidewalks and streets, and not using the water. I don't see that they are getting their monies worth from the City.

Chairperson Megan Headean closed the public hearing.

Commissioner Mr. David Stanczak made a motion to approve the petition.

Assistant Corporate Counsel, Mr. George Boyle asked the commissioners to give findings of fact for their decision.

Commissioner Boyd seconded the motion. He stated, I don't think we should be punishing the petitioner for over zealotness of sprawl. I understand the city ran utilities out there and I am deeply sad for that. It is still used as agricultural and will continue to be used as agricultural.

Commissioner Mr. David Stanczak stated, in terms of the standards, Standard 2 has to do with the length of time the land has been vacant. It has been sitting here since 2008 as agricultural. It has not changed use for 11 years. The land is not surrounded by commercial uses. It will continue to be used for existing purposes. The petitioners do not want to use water or sewer. If the petitioners want to devalue their property by rezoning it, so be it. Petitioner seems to be pressured to develop the land. If the petitioner wants to continue to use the land for grain storage and agricultural purposes, they should be able to.

Mr. Boyle recommended they vote to adopt the findings of fact: Mr. Justin Boyd made a motion to adopt the findings of fact, seconded by Commissioner Mr. Tyson Mohr. Mr. Boyd – Yes, Mr. Mohr – Yes, Mr. David Stanczak - Yes; Mr. John Protzman- Yes; Mr. Mark Muehleck - Yes; Ms. Megan McCann- Yes; Chairperson Megan Headean - Yes.

Commissioner Mr. David Stanczak made a motion to approve the petition. Commissioner Justin Boyd seconded the motion.

Role call vote to approve petitioner's request: Mr. David Stanczak - Yes; Mr. Justin Boyd - Yes; Mr. John Protzman - Yes; Mr. Mark Muehleck - Yes; Mr. Tyson Mohr - Yes; Ms. Megan McCann - Yes; Chairperson Megan Headean - Yes.

OLD BUSINESS: none.

NEW BUSINESS: September 11th joint meeting with ZBA will be held in City Council chambers.

ADJOURNMENT: The meeting was adjourned at 4:51 pm by voice vote, motioned by Ms. McCann and seconded by Mr. Boyd.

Respectfully submitted,
Katie Simpson
City Planner