CITY OF Bloomington ILLINOIS

FINAL
MINUTES
PUBLISHED BY THE AUTHORITY OF
THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, AUGUST 19, 2020, 4:00 P.M.
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This meeting was conducted under Governor Pritzker's Executive Order 2020-07, Section 6 implemented in response to COVID-19, which suspended in-person attendance under the Open Meeting Act, 5 ILCS 120.

The Zoning Board of Appeals convened in Regular Session virtually via zoom conferencing with the City Planner, Katie Simpson, and Member Michael McFarland in-person in City Hall's Council Chambers at 4:09 p.m., Wednesday, August 19, 2020. The meeting was live streamed to the public at www.cityblm.org/live. The Meeting was called to order by Chairperson Victoria Harris.

Roll Call

Attendee Name	Title	Status
Ms. Victoria Harris	Chairperson	Present
Mr. Terry Ballantini	Commissioner	Present
Mr. Michael McFarland	Commissioner	Present
Mr. Michael Straza	Commissioner	Present
Mr. Tyler Noonan	Commissioner	Present
Mr. Michael Rivera Jr	Commissioner	Present at 4:15 p.m.
Ms. Nikki Williams	Commissioner	Present
Mr. George Boyle	Assistant Corporate Counsel	Present
Mr. Craig McBeath	Interim Information Systems Director	Present
Mr. Bob Mahrt	Community Development Director	Present
Ms. Katie Simpson	City Planner	Present

COVID-19

Mr. George Boyle, Assistant Corporation Counsel, explained that this meeting was being held virtually via live stream pursuant to the gubernatorial executive order 2020-07, Section 6. Public comment was accepted until 15 minutes before the start of the meeting. Written public comment must have been emailed to publiccomment@cityblm.org and those wishing to speak live must have registered at https://www.cityblm.org/register at least 15 minutes prior to the meeting.

Public Comment:

Chairperson Harris opened the floor for public comment. No one had registered in advance of the meeting to provide comment on any item not on the agenda. No one emailed public comments prior to the meeting on any item not on the agenda. Surena Fish registered to speak and would like to comment on an agenda item. Mr. Boyle recommended she speak at the time of her item. No one attended the meeting in person to provide public comment on any item not on the agenda.

Minutes:

The Commission reviewed the minutes from the June 17, 2020 regular meeting of the Zoning Board of Appeals with revisions identified by Chairperson Harris.

Commissioner Ballantini made a motion to approve, seconded by Commissioner Noonan, that the Minutes from the June 17, 2020 minutes be approved with revisions. The minutes were approved by voice vote 6-0. Mr. Straza was disconnected from meeting.

Regular Agenda:

SP-03-20 Public hearing, review and action on a petition for a special use permit submitted by Beyond Hello IL LLC (parent company Jushi Holdings LLC) to allow an adult-use cannabis dispensary in the B-1 General Commercial District at 118 Keaton Place, Bloomington IL 61704 (Ward 5).

Chairperson Harris introduced case SP-03-20 and asked for the staff report.

Ms. Simpson, City Planner, stated the petitioner is seeking a special use permit to allow an Adult Use Cannabis Dispensing Organization at 118 Keaton Place. Staff finds that the petition has met the Zoning Ordinance's standards required to allow for a special use permit. Staff recommends approval of the requested special use for Adult-Use Cannabis Dispensing Organization in the B-1 District. The building at this location was previously a fast food restaurant.

Ms. Simpson shared that on December 16, 2019, the Bloomington City Council passed Ordinance 2019-89, a text amendment to Chapter 44 of the City Code, to allow, by special use, up to two (2) adult-use cannabis dispensing organizations within business and manufacturing districts in the corporate limits. Special use permits allow for extra oversight and review on a case by case basis.

Ms. Simpson provided location background, aerial view, and zoning. This area is zoned B-1 General Commercial District which is intended to be a commercial corridor. Ms. Simpson pointed out occupied and unoccupied businesses in the area. Regarding the former GE plant to the East, she shared with the commission a previously voiced concern that this facility was to be converted to a cannabis processing plant and assured the commission that this could not occur due to regulations. Further, she advised staff consider this an opportunity to backfill a currently vacant building that would generate additional traffic to the area which could act as a catalyst for surrounding businesses

The proposed business requires specific buffer zone consideration from residential and special/sensitive use facilities which limits locations for the petitioner. This location meets the setback/buffer requirements.

Ms. Simpson provided an overview of the code requirements for this business. These requirements will be met according to the site plan details. Building plans and floor diagrams were shared, showing public access, limited access and restricted access. A security plan was submitted and the City of Bloomington Police Chief reviewed and signed off on the plan with his comments, there were no areas of concern. A sign plan was required and submitted. Limitations are placed on the sign content by State statute. Because this property is vacant it qualifies as a Tier 1 Infill Redevelopment Priority according to the guidelines set forth in the Comprehensive Plan to spur growth and reinvestment in the City while evaluating future commercial land use needs in the context of changing economic trends.

Ms. Simpson noted the expanded standards and explained these were created by the City Council who determined they were necessary to review for cannabis related Special Use permitting. Ms. Simpson informed the Commission that staff had determined that all standards have been met.

This is one piece of the Special Use permitting process for the petitioner. Prior to being licensed by the State, the facility will need to have a final inspection to verify compliance. If approved this site will be the applicant's second location in McLean County.

Chairperson Harris asked for any questions for staff. Mr. Ballantini referenced the City's limit of two (2) cannabis dispensaries and asked if it was limited to two (2) per business or two (2) total and asked if any other business has applied? Ms. Simpson confirmed the limit is two (2) regardless of whether it's the same business or two (2) businesses. There has not been any other special use permit applications submitted for a cannabis dispensary.

Chairperson Harris swore in Nathan Wang, New Markets Manager of Beyond Hello IL, LLC (Jushi Holdings Inc. parent company) to provide a presentation to the Board.

Mr. Wang provided the Commission with a presentation of Beyond Hello IL, LLC that include: Who we are; What we do; Positive community impact; and Consumer profile. Mr. Wang stated Beyond Hello IL, LLC has established community partnership at other locations and is recognized as #4 Best Cannabis Company. Beyond Hello IL, LLC is supported by the parent company Jushi Holdings Inc. Mr. Wang thanked City staff and the Zoning Board of Appeals for review and consideration of their special use permit application.

Chairperson Harris asked for questions to the petitioner. There was discussion as to the age of use and sales. Mr. Wang confirmed adult use is considered 21 years and older and they adhere to this standard very strictly.

Chairperson Harris swore in Sarah Payne, Attorney for Beyond Hello IL, LLC (Jushi Holdings Inc. parent company), and asked how the quality of the product is ensured so that the consumer is protected. Ms. Payne confirmed that the product is thoroughly tested in an accredited lab for a great number of things including, contaminants, microbials, pesticides and consistency. Furthermore, the lab must certify that the analysis was completed and products were safe. Ms. Payne advised that, since this is an agricultural product, the availability of variations is subject to change.

There was discussion as to the variety of standard & supplemental ratios of the product as it pertained to consumer awareness. Mr. Wang advised that any consumer at their store would be educated to ensure they received the correct product for their needs and that the consumer understood its use. Mr. Wang additionally explained that Beyond Hello IL, LLC also conducts community education events and meets with various organizations to explain the benefits and uses of the product.

Additional discussion ensued about the vetting process of employees. Mr. Wang informed the commission that in addition to detailed training and onboarding within the company, their employees have retail experience or in areas such as pharmacies. Their employees are therefore able to provide the correct product based on customer needs.

Chairperson Harris asked whether food products will be distributed on-site. Mr. Wang indicated that a portion of what they sell is edible.

Mr. Ballantini inquired about local staffing and further detail about ownership of existing dispensary in Normal, IL.

Chairperson Harris swore in Andrew Cordese, IL and Inventory Manager for Beyond Hello IL, LLC (Jushi Holdings Inc. parent company). Mr. Codese stated that all employees live in McLean County to his knowledge. Jushi Holdings Inc. had acquired the Green Solution dispensary.

Mr. Ballantini had visited the Normal store and noticed specific customer guidelines and procedures were in place due to COVID. He inquired as to the plans for the Bloomington store. Mr. Cordese indicated the Bloomington store would likely have a similar plan in place but they would eventually like to have walk-in traffic, but this would be dependent on the status of the Pandemic at the time the store was first opened.

Mr. Wang was excited to have more parking spaces at the Bloomington location and glad to have two (2) stores in the area to better serve the customers.

Mr. Ballantini asked the amount of other stores and common complaints. Mr. Wang advised there stores in PA, VA, CA, and IL. The most common complaints from the consumers was about lack of inventory and wait times: the biggest concern of towns considering business was to what kind of customer would the business attract? Mr. Wang added that they have proven to be able to answer all concerns once the business was up and running.

Mr. Ballantini asked when they hoped to open. Mr. Wang said their goal was to open by the end of the year.

There was discussion about local hiring, employee benefits, and opportunities for advancement that exceeded what would be available through a smaller company.

Mr. Straza inquired about the hiring age and requirements. Mr. Cordese reiterated that they look for those with retail experience and they have extension training requirements.

Mr. Straza presented public concerns related to odors and loitering potential at the proposed location. Mr. Wang advised all packages are sealed, do not allow odors and customers are not allowed to open them on premise, so there should be no loitering. Mr. Wang advised that security would be onsite to prevent that as well.

There was continued discussion as to expiration dates on products, use by dates along with facility layout and customer experience. As indicated on the floor plan, there are various access points for the customer.

Chairperson Harris asked if there were any witnesses registered to speak for or opposed to the petition.

Mr. David Shaw explained that he was the local land use counsel for the petitioner, available to answer questions as needed.

Chairperson Harris swore in Serena Fish to speak in opposition of the petition. Ms. Fish spoke in opposition of the petition stating concerns with location close to two (2) dental offices, Public Hearing sign placement and legibility, and notification of those within the 500 ft buffer of proposed property.

Mr. Ballantini asked Ms. Simpson to address the notification procedures. Ms. Simpson stated that property owners within the 500 ft buffer were notified and referenced the addresses in the meeting packet. Ms. Simpson indicated the sign placement is a courtesy and there were actually three signs placed for the hearing when usual practice is to have just one.

Ms. Simpson provided additional email communication received for public comment, they were added to the record as Exhibits 1,2,3 and 4. These were provided to the petitioner. Chairperson Harris asked if any member would like to comment on the exhibits. Mr. Noonan stated it appears that placement of one of the signs placed in front of a warehouse may have caused some confusion which led to the question about whether the plant was going to be used to process cannabis. Mr. Wang addressed the spoken and written concerns in a manner consistent with his prior testimony given in response to Mr. Ballantini's question about most frequent concerns.

Chairperson Harris asked if there were any other witnesses. There were none. Chairperson Harris closed the Hearing at 5:31 p.m. and asked the Board to consider the matter. Chairperson Harris asked for a vote on the Findings of Fact as outlined in the Staff Report.

Mr. Noonan made a motion to accept the Findings of Fact as a whole. Mr. Ballantini seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - Yes, Mr. Noonan - Yes, Mr. Ballantini - Yes, Mr. McFarland – Yes, Ms. Williams - Yes, Mr. Rivera Jr. - Yes, and Chairperson Harris – Yes (7-0-0).

Mr. Ballantini made a motion to approve the special use petition and recommend to City Council for approval. Mr. Noonan seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - Yes, Mr. Noonan - Yes, Mr. Ballantini - Yes, Mr. McFarland – No, Ms. Harris - Yes, Mr. Rivera Jr – Yes and Chairperson Harris – Yes (6-1-0).

Ms. Simpson informed the Board the case will go before City Council on September 14, 2020

SP-06-20 Public hearing, review and action on a petition for a special use permit submitted by St. John's Evangelical Lutheran Church to allow for the expansion of a religious place of worship in the R-1B Single-Family Residence District for the subject property located at 1617 E. Emerson Street Bloomington, IL 61701 (Ward 4).

Z-11-20 Public hearing, review and action on a petition for a variance submitted by St. John's Evangelical Lutheran Church to allow a 60' tall worship area, 14'5" increase in the maximum allowed building height for the subject property located at 1617 E. Emerson Street Bloomington, IL 61701 (Ward 4).

Chairperson Harris introduced case SP-06-20 and Z-11-20 asked for the staff report.

Ms. Simpson, City Planner, gave a staff report informing the Board that the staff report contained both cases. The subject property is located at 1617 E Emerson Street, on the corner of E. Emerson St. and Towanda Ave. The corner of Towanda Ave and E. Emerson St. is improved with a mix of single-family homes and tax-exempt uses such as Ewing Cultural Center and Shakespeare Theater, Ewing Park, the Moses Montefiore Temple, and the Unitarian Universalist Church of Bloomington Normal.

Ms. Simpson provided background information stating the church was originally constructed in 1959. The last addition was added in 2009. A special use permit is required for each new addition. Review of surrounding zoning of subject property was provided.

The project includes demolition of the northern part of building to build a new sanctuary to allow for 500 parishioners.

Ms. Simpson stated that the parking spaces expected are compliant with the ordinance. There are additional pedestrian enhancements projected. It was noted that Ewing Cultural District uses the parking spaces as well and the pedestrian enhancements will be favorable for usage.

Ms. Simpson reviewed that staff feels the standards are met for special use permit. Chairperson Harris inquired as to the location of the proposed LED display wall. Ms. Simpson confirmed that would be located inside the building.

Ms. Simpson is recommending the Zoning Board of Appeals provide Council with a positive recommendation to approve the petition for a special use permit to allow a place of worship in the R-1B District and height variance at 1617 E Emerson Street, St. John's Lutheran Church.

Chairperson Harris swore in for the record Greg Butler, Architect for the project. Available to answer any questions. No questions were brought forward from the Commission.

Chairperson Harris swore in for the record David Glesne, Senior Pastor St. John's Lutheran Church. Mr. Glesne is available for any questions.

Mr.Ballantini inquired as to the current number of parishioners. Mr. Butler & Mr. Glesne confirmed 375.

Chairperson Harris asked if there were any other witnesses. There were none. Chairperson Harris closed the Hearing at 5:54 p.m. and asked the Board to consider the matter. She asked for a vote on the Findings of Fact as outlined in the Staff Report.

SP-06-20 Mr. Balalantini made a motion to accept the Findings of Fact as presented by staff on the special use application. Mr. Rivera Jr seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza -Yes, Mr. Noonan - Yes, Mr. Ballantini - Yes, Mr. McFarland - Yes, Ms. Williams - Yes, Mr. Rivera Jr - Yes and Chairperson Harris - Yes (7-0-0)

Mr. Straza made a motion to recommend the approval of the special use permit petition to City Council. Mr. Rivera Jr seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - Yes, Mr. Noonan - yes, Mr. Ballantini - Yes, Mr. McFarland - Yes, Ms. Williams - Yes, Mr. Rivera Jr - Yes and Chairperson Harris - Yes (7-0-0).

Mr. Boyle pointed out that the variance staff report is included with the special use permit staff report. Ms. Simpson reviewed the Findings of Facts with Commission and staff feels the Standards are met.

Chairperson Harris asked if there were any other witnesses. There were none. Chairperson Harris offered opportunity for additional testimony from petitioner. There were no additional comments. Chairperson Harris closed the Hearing at 6:03 p.m. and asked the Board to consider the matter. She asked for a vote on the Findings of Fact as outlined in the Staff Report.

Z-11-20 Mr. Rivera Jr made a motion to accept the Findings of Fact as presented by staff Mr. Ballantini seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - Yes, Mr. Noonan - Yes, Mr. Ballantini - Yes, Mr. McFarland - Yes, Ms. Williams - Yes, Mr. Rivera Jr - Yes, and Chairperson Harris - Yes (7-0-0)

Mr. Straza made a motion to approve the variance application submitted. Mr. Rivera Jr. seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - Yes, Mr. Noonan - Yes, Mr. Ballantini - Yes, Mr. McFarland - Yes, Ms. Williams - Yes, Mr. Rivera Jr - Yes, and Chairperson Harris - Yes (7-0-0)

Z-13-20 Public hearing, review and action on a petition for a variance submitted by submitted Timothy Sparks for the approval of a variance to allow a 15' reduction of the required 30' rear yard setback to allow for the addition of an enclosed porch at 3602 Baywood Road Bloomington, IL 61704 (Ward 3).

Chairperson Harris introduced case Z-13-20 and asked for the staff report.

Ms. Simpson, City Planner, gave a staff report recommending the Zoning Board's approval of the application as long as there are no objections. Ms. Simpson provided background information on the said property and gave background information on the neighborhood as well. This is a single family home on a corner lot. Required setbacks were reviewed. The porch is mostly enclosed, mainly with screens. The porch is not open on three (3) sides, it presents more as an enclosed porch. The orientation of the home and setbacks limit where the porch could go.

Ms. Simpson stated that staff finds most of the standards are met. There was discussion on Findings of Fact #2 – that the variances would be the minimum action necessary to afford relief to the applicant – Ms. Simpson informed the Board that a variance is required because the porch is enclosed. If the proposed porch were to be open no variance would be required as open porches are allowed by the ordinance. Ms. Simpson deferred to the Board as to the standard being met.

Chairperson Harris swore in Timothy Sparks, the Petitioner. Mr. Sparks gave an overview of the project to build an enclosed screened in porch on property.

Chairperson Harris asked if there were any other witnesses. There were no other witnesses signed up to speak for or against. Chairperson Harris closed the Hearing at 6:07 p.m. and asked the Board to consider the matter.

Mr. Boyle inquired as to the Findings of Fact for #2. Ms. Simpson will defer to the Board as to the standard approval. Mr. Boyle reminded the Board that all five (5) standards need to be approved for the variance to be approved. Chairperson Harris questioned the design as to needing a variance. Ms. Simpson confirmed the design in nature would need a variance. Mr. Boyle recommended the Board to vote on the four (4) standards as a whole and to vote on Findings of Fact #2 separately if no additional discussion is needed.

Chairperson Harris asked for a vote on the Findings of Fact as outlined in the Staff Report for #1, #3, #4 & #5

Mr. Noonan made a motion to accept the Finding of Facts for #1, #3, #4 & #5. Mr. Straza seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza – Yes, Mr. Noonan - Yes, Mr. Ballantini - Yes, Mr. McFarland - Yes, Ms. Williams – Yes, Mr. Rivera Jr – Yes, and Chairperson Harris – Yes (7-0-0).

Chairperson Harris asked for a vote on the on the Findings of Fact for #2 as standard being met.

Mr. Ballantini made a motion that Findings of Fact #2 meets the standard. Mr. Rivera Jr seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza – Yes, Mr. Noonan – Yes, Mrs. Ballantini – Yes, Mr. McFarland – Yes, Ms. Williams – Yes, Mr. Rivera Jr – Yes, and Chairperson Harris – Yes (7-0-0).

Mr. Ballantini made a motion to approve the variance application as submitted. Mr. McFarland seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - Yes, Mr. Noonan - Yes, Mr. Ballantini - Yes, Mr. McFarland - Yes, Ms. Williams – Yes, Mr. Rivera Jr – Yes and Chairperson Harris - Yes (7-0-0).

OLD BUSINESS: None

NEW BUSINESS: Chairperson Harris welcomed Ms. Nikki Williams to the Board. Ms. Williams shared her background information with the Board.

Ms. Simpson announced the upcoming IL APA Conference and offered the Commission a chance to attend. The conference is open to Zoning Board & Planning Commission members.

Mr. Boyle stated the Commissioner Training is highly recommended and very useful.

ADJOURNMENT: Chairperson Harris declared the meeting adjourned. The meeting adjourned at 6:15 p.m.

CITY OF BLOOMINGTON

Victoria Harris,
Chairperson

ATTEST

Katie Simpson, City Planner