



**AGENDA
REGULAR SESSION
BOARD OF ZONING APPEALS
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, August 17th, 2022, 4:00 P.M.**

- 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 www.cityblm.org/register at least 5 minutes before the start of the meeting. **Public comment may not be on items that are the subject of a public hearing.**

- 4. MINUTES**

Review and approval of the minutes of the July 20, 2022, regular Zoning Board of Appeals meeting.

- 5. REGULAR AGENDA**

- a. **SP-08-22** Public hearing, review, and action on a petition submitted by Nexus Church for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 802 S. Eldorado Road. PIN: 21-11-251-020. (Ward 8). *Tabled from the July 20, 2022, meeting.*
- b. **V-06-22** Public hearing, review, and action on a petition submitted by Chris Tamm for a Variance from § 44-908D of the Zoning Code to allow reduced distance between a principal and accessory structure, in the R-1B (Single-Family Residence) District for the property located at 3614 Baldocchi Drive. PIN: 15-30-252-007. (Ward 9).
- c. **SP-11-22** Public hearing, review, and action on a petition submitted by Faizan e Madinah Islamic Center for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 1319 Veterans Parkway, Suite 2A. PIN: 14-35-252-022. (Ward 5).
- d. **SP-12-22** Public hearing, review, and action on a petition submitted by All About Auto for Vehicle Sales and Service in the M-1 (Restricted Manufacturing) District for the property located at 604 W. Division Street. PINs: 14-33-302-016 and 14-33-302-013. (Ward 7).

- 6. OLD BUSINESS** - Elections for Chair and Vice-Chair
- 7. NEW BUSINESS**
- 8. ADJOURNMENT**



**DRAFT
MINUTES**

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS
REGULAR MEETING
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, JULY 20, 2022 4:00 P.M.**

The Zoning Board of Appeals convened in Regular Session in-person in the Government Center Chambers on the 4th floor, Room #400, Wednesday, July 20, 2022, with the following physically present staff members: Mr. Jon Branham, City Planner; Ms. Alissa Pemberton, Assistant City Planner; Ms. Kimberly Smith, Assistant Economic & Community Development Director; Mr. George Boyle, Assistant City Attorney.

The meeting was called to order by Chairperson Ballantini at 4:02 pm.

ROLL CALL

Attendee Name	Title	Status
Mr. Terry Ballantini	Commissioner	Present
Ms. Victoria Harris	Commissioner	Present
Mr. Michael Straza	Commissioner	Present
Mr. Tyler Noonan	Commissioner	Present Virtually
Ms. Nikki Williams	Commissioner	Present
Mr. Zach Zwaga	Commissioner	Present
Ms. Alissa Pemberton	Assistant City Planner	Present
Ms. Kimberly Smith	Assistant Economic & Community Development Director	Present
Mr. Jon Branham	City Planner	Present
Mr. George Boyle	Assistant City Attorney	Present

Chairperson Ballantini asked public to please keep their comments to the point and brief if possible.

Chairperson Ballantini introduced the new commissioner, Mr. Zwaga.

Ms. Pemberton called the roll. Ms. Harris - Present, Mr. Straza - Present, Ms. Williams - Present, Mr. Zwaga - Present, and Chair Ballantini - Present. (5-0). A quorum was present.

**DRAFT
MEETING MINUTES**

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, JULY 20, 2022**

Ms. Pemberton noted that Mr. Noonan was excused from attending in person and was present virtually, per City Code § 2-402B(2)(a) that permits virtual attendance for personal illness or disability.

Commissioner Harris made motion to allow Mr. Noonan to attend and participate remotely. Seconded by Commissioner Straza. Roll call vote was taken, Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Chair Ballantini - Yes. (5-0). Motion was approved.

PUBLIC COMMENT

Chair Ballantini opened the floor for public comment, reminding attendees that public comment is typically reserved for items not on the agenda.

There was no public comment.

MINUTES

Ms. Pemberton noted a spelling error at the top of page 3 of the minutes from May 18, 2022

Commissioner Harris motioned to approve the minutes from May 18, 2022, regular Zoning Board of Appeals meeting. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris motioned to approve the minutes from June 15, 2022, regular Zoning Board of Appeals meeting. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

REGULAR AGENDA

Ms. Pemberton provided a short overview of the process that Planning and Code Enforcement work through when a citizen complaint is received regarding activities that require a Special Use Permit. The Board did not have any questions for staff related to the process.

Chairperson Ballantini provided a general overview of the process of how a case is heard, reviewed and voted on by the Board.

SP-03-22 Public hearing, review, and action on a petition submitted by Clem Properties, LLC, for a Special Use Permit for a Rooming House, with Variance, in the R-2 (Mixed Residence) District, for the property located at 709 Douglas Street. PIN: 21-04-281-015. (Ward 4). *Continued from the June 15, 2022, meeting.*

DRAFT

MEETING MINUTES

PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, JULY 20, 2022

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit, with Variance. She noted that the property was likely originally built as single-family residential but has been used for commercial purposes for a considerable period of time. Staff provided clarification on the use and terminology of “Rooming House,” as defined in the City’s Zoning Code, to distinguish it from other similar uses which would require different permits. Staff noted there is no “Agency” associated with the proposed use of this property. The petitioner is wanting to use this for short-term rental purposes.

Staff highlighted the Variance request and reasoning behind request, with a recommendation for approval of the Variance request. Staff identified the current parking provided, and the unique characteristics associated with it.

The Board did not have any questions for staff.

Chair Ballantini opened the public hearing.

Petitioner, Kenny Clem (2510 Bunn Street), stated his intention for buying the property was as a self-managed investment property. The purpose for this type of rental is to accommodate traveling nurses and other professionals that are in the area; the idea came out of a trip to the hospital with his wife, and conversations they had with travel nurses, and then further from conversations with people who have come into his business.

Commissioner Harris asked for clarification on the number of bathrooms to be provided. Mr. Clem stated that there is one half bath on the ground floor and will be one full bath on the upper floor.

Commissioner Harris asked whether a closet would be provided for in the 4th bedroom. Clem stated there is one planned for the corner that was not included in the initial site plan. Chair Ballantini asked how long has owned property. Mr. Clem stated that he has owned the property for a few months.

Chair Ballantini asked if owned other rental property and if he was property manager. Mr. Clem explained that he owns multiple other rental properties in town and personally manages them all, in addition to his business down the street, Annie’s Eats. The Chair asked if he has had any complaints regarding his other rental properties; Mr. Clem stated he has not. The Chair asked if he would be personally managing this property; Mr. Clem stated he would be.

Chair Ballantini asked if spoken with the neighbors of the property. Mr. Clem stated that he sent a letter to the owner of the property to the rear and did not receive a response. He wanted to discuss the requirement of fencing or screening along the rear of the property because putting it there would impede the flow of the traffic as the other residents on the block use it now and might cause them issues with being able to see on Clinton.

Chair Ballantini asked if spoke to any other neighbors. Mr. Clem stated that he has spoken to some of the next-door tenants, and they did not have objections.

Chair Ballantini asked about placing a fence at the rear of the parking area, as required by the Special Use Provisions. Mr. Clem stated that he is open to placing a fence there, if required, but he has concerns about the ability of drivers coming on and off Clinton Street to easily view the alley that they use for access.

Chair Ballantini asked about the lighting Mr. Clem will be required to install. Mr. Clem stated it will be pointing down and not towards neighboring homes and is planned for operation from dusk to dawn.

The Board had no additional questions for the Petitioner.

Marty Siegel (615 E. Chestnut) spoke in opposition to the petition. Ms. Siegel stated that she has lived in her home for 40 years. She discussed her belief that zoning changes and special uses, particularly related to apartments and their impacts, are significant and warrant attention. She has a written list of her concerns.

Mr. Boyle stated that written statements from those testifying should have been provided to the applicant in advance to permit them time to rebut; the written statement may not be admitted as evidence, but the speaker may summarize the statement provided to give the applicant and the Board an opportunity to hear her testimony.

Chair Ballantini asked Ms. Siegel to summarize her statements.

Ms. Siegel stated that her objection to this petition is not an objection to Mr. Clem himself; she appreciates Annie's Eats and the Clem's contributions to the neighborhood. Her objection to this petition is related to change in future ownership and use. Ms. Siegel stated that Rooming Houses are usually grouped with Agency Operated Group Homes and Agency Supervised Homes, and she is worried that in the future, an agency or future owners could use this as a Group Home or something similar. She feels that granting this Special Use will undermine the character of the neighborhood. She stated that the property has been commercially used which has had little impact on the neighborhood and believe that uses like Rooming Houses are a way to increase residential density in the neighborhood, which has a major impact. She stated that the alley behind the property is used for ingress and egress to the properties on the block and she is concerned about that, even though the prior businesses did the same. Ms. Siegel noted the intent of the R-2 District includes "conversion of dwelling units in older residential areas...to extend the economic life of these structures," but does not believe this building is in need of being saved, as it is in great condition and could be useful for something else, other than a Rooming House. Ms. Siegel states that the Petitioner has not presented a hardship if this Petition is denied. Ms. Siegel believes that owner-occupants are what is needed in the central city. She noted there all already many apartments in the area so there is no need for this type of residential development. Ms. Siegel's primary concern is how this Special Use could tip the

DRAFT

MEETING MINUTES

PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, JULY 20, 2022

nature of the neighborhood, and she has concern over the precedent this could set in this neighborhood and others.

The Commissioners had no questions for Ms. Siegel.

Chair Ballantini asked the Petitioner if he would like to respond.

Mr. Clem noted that his goal for the 4th bedroom would be to find an individual who would reside, long-term, in the property to manage and maintain it so that someone would be on-site daily. Mr. Clem addressed the concern of the property being bought for investment purposes, and explained that is why he purchased the property, and is not able to control who may purchase the property from him when he retires in 20 years or so.

Chair Ballantini asked if anyone else was present to speak on this Petition. Staff noted that there were attendees at previous meeting, when this case was continued due to lack of quorum, who had attended to speak on this matter, but after speaking with staff their concerns have been addressed and they are not in attendance this evening. No additional testimony was received on this Petition.

Chair Ballantini reminded the public that to provide testimony, for or against, on any Variance or request before the ZBA that it must be in person to be considered testimony. Written comments do not go into the record.

No additional testimony was provided. No Board discussion was held.

Commissioner Harris made a motion to establish findings of fact that all standards of approval for a Special Use are met. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Chairperson Ballantini made a motion to establish findings of fact that all standards for a Variance are met and that carrying out the strict letter of the Code does create hardship for the Petitioner. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted by Clem Properties for: A Special Use Permit for a Rooming House in the R-2 (Mixed Residence) District for the property located at 709 Douglas Street, with a Variance to § 44-1019C(2) to not require the off-street parking to be screened along the rear of the property, and the condition that any exterior lights installed on the rear of the property shall be so shielded and directed as to protect adjacent lot or lots across the alley from direct or reflected glare. Mr. Zwaga seconded.

DRAFT

MEETING MINUTES

PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, JULY 20, 2022

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Staff noted this recommendation will go to City Council on August 8, 2022.

SP-04-22 Public hearing, review, and action on a petition submitted by Danielle King for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 19 Aberdeen Way. PIN: 14-36-177-023. (Ward 5). *Continued from the June 15, 2022, meeting.*

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit to allow Ms. King to lawfully continue to keep her existing chicken coop.

The Board did not have any questions for staff.

Chair Ballantini opened the public hearing.

Petitioner, Danielle King (19 Aberdeen Way) stated she is requesting the Special Use Permit because they previously lived in Charleston where they had about 50 chickens. Their children have grown up raising chickens and it provides her children an understanding of where their food comes from. They are familiar with how to raise chickens. Ultimately, she wants to teach children sustainability.

Chair Ballantini asked about lighting associated with the coop. Ms. King explained that they do not use heat lamps, as they are an unnecessary fire hazard that can cause unnatural laying tendencies. They use heat panels which do not have any associated light.

Chair Ballantini asked if the Petitioner has spoken to her neighbors about the Petition. Ms. King stated that she has spoken with a number of them, including those directly behind the house whose children like to watch the chickens; they are in favor, as well as others she has spoken with.

Keith Moldovan (41 Aberdeen Way) Stated that when neighbors began receiving the notices about the hearing they started talking about the petition, he reached out to the Petitioner to discuss. He feels confident the Petitioner knows what she is doing regarding the raising of chickens, most of the neighbors know each other and think the idea is pretty neat. He stated that he has not spoken to anyone against the petition.

Chair Ballantini asked if he had spoken with anyone not in favor. Mr. Moldovan stated he has not spoken with anyone who was not in favor.

No additional testimony was provided. No Board discussion was held.

Commissioner Harris made a motion to establish findings of fact that all standards of approval for a Special Use Permit are met. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted Danielle King for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the property located at 19 Aberdeen Way. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Staff noted this recommendation will go to City Council on August 8, 2022.

SP-05-22 Public hearing, review, and action on a petition submitted by Erik Goshorn for a Special Use Permit for Chicken-Keeping in the R-1B (Single-Family Residence) District, for the property located at 217 Magnolia Drive. PIN: 21-10-403-026. (Ward 1). *Continued from the June 15, 2022, meeting.*

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit. Staff noted the Petitioner has spoken with neighbors and indicates they are in favor of the request.

The Board did not have any questions for staff.

Chair Ballantini opened the public hearing.

Petitioner, Erik Goshorn (217 Magnolia Drive), stated he is requesting the Special Use because his wife grew up with chickens. Within the last 18 months they have been moving as a family towards sustainability, including growing their own food, and making use of the things they used to throw away, to help teach their kids. He stated that they also eat a lot of eggs in their family, so free access to eggs is a plus for them and ensures that source of their food is humanely raised.

Commissioner Harris asked if the Petitioner has raised chickens before. Mr. Goshorn stated he has not, but his wife has. In addition, her family lives behind them and has experience with raising chickens. He noted that before this year he had also never grown any of the food crops they now produce from their backyard and he feels capable of researching and learning how to properly care for chickens.

Chair Ballantini asked the Petitioner to confirm that he has spoken with neighbors. Mr. Goshorn responded that he has spoken to many of the neighbors are not only ok with the Petition, but now interested in pursuing requests for Chicken-Keeping of their own at future meetings.

No additional testimony was provided. No Board discussion was held.

Commissioner Harris made a motion to establish findings of fact that all standards of approval for a Special Use Permit are met. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted by Erik Goshorn for a Special Use Permit for Chicken-Keeping in the R-1B (Single-Family Residence) District, for the property located at 217 Magnolia Drive. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Staff noted this will go to City Council on August 8, 2022.

SP-06-22 Public hearing, review, and action on a petition submitted by Linda Stroh for a Special Use Permit for Chicken-Keeping, with Variance, in the R-2 (Mixed Residence) District, for the property located at 601 S. Livingston Street. PIN: 21-05-462-008. (Ward 6). *Continued from the June 15, 2022, meeting.*

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit with Variance. Staff noted the constraints on the placement of the coop; these constraints are resulting from the lot being a corner lot and the narrowness of the lot. By allowing the petitioner to place the coop in the side yard, as indicated on the site plan, the Petitioner can meet the remaining requirements for the location of the coop.

Ms. Pemberton noted that, due to the continuation from the prior hearing, the Petitioner is unable to attend this evening as she is teaching a course on Zero Waste at Heartland College.

Chair Ballantini asked if coop is entirely enclosed. Staff confirmed that is the case. The Chair expressed concern that the coop would be located close to the street, with no additional fencing between it and Livingston and wanted to clarify that there were no issues with the Code in that context. Staff clarified that the use provisions require an enclosed or fenced area for the keeping of the chickens, but not additional property fencing. Staff stated that the lack of additional fencing is not an issue, per Code.

Chair Ballantini opened the public hearing.

No testimony was provided. No Board discussion was held.

Commissioner Harris made a motion to establish findings of fact that all standards of approval for a Special Use Permit are met. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris made a motion to establish findings of fact that all standards for a Variance are met and that carrying out the strict letter of the Code does create hardship for the Petitioner. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted by Linda Stroh for a Special Use Permit for Chicken-Keeping in the R-2 (Mixed Residence) District, for the property located at 601 S. Livingston Street, and Variance to § 44-1011E to allow a chicken coop in a side yard. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Staff noted this will go to City Council on August 8, 2022.

SP-10-22 Public hearing, review, and action on a petition submitted by Larissa Langellier for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District for the property located at 2813 Chesapeake Ln. PIN: 15-30-129-005. (Ward 9).

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit. Staff noted existing fencing will screen coop from surrounding properties.

Chair Ballantini asked for clarification that these chickens are already present and how long they have been there. Staff confirmed that this is a case regarding an existing coop but is unsure how long the chickens have been on the property. Staff noted this came to City's attention based upon citizen complaint and a resident who was uninformed about the Special Use Permit requirement associated with Chicken-Keeping.

Chair Ballantini opened the public hearing.

Petitioner, Larissa Langellier (2813 Chesapeake Lane) stated she is requesting this Special Use because she keeps the chickens as emotional support animals. She noted that she has an animal science degree from ISU and is more than capable of raising the chickens. She explained that she has a friend who mentioned that chickens helped her with her mental health, so she looked into them. She and her husband looked through the Zoning Code and did not find that they need a Special Use, only the section on Chicken-Keeping. Ms. Langellier stated that her intent was not to try and get away with anything they were not allowed to do; they sincerely did not realize they needed the Special Use since there is nothing in the Chicken-Keeping section of the Code that indicates that.

DRAFT

MEETING MINUTES

PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, JULY 20, 2022

Ms. Langellier explained that she designed the coop herself and her husband built it. She discussed the mental and emotional benefits the chickens provide to her and her family. She hates bugs and the chickens help with that as well. They use chicken waste for fertilizer for garden. She stated that they spoke with neighbors before getting chickens and they were all supportive. They provide free eggs to neighbors which the neighbors like. As a family, they strive to be zero waste and the chickens are a means to help achieve this as they eat food scraps.

Chair Ballantini asked if Petitioner has named them. Ms. Langellier responded that they had named them, as well as the coop, and indicated their naming convention.

Chair Ballantini asked how long they have had their chickens. The Petitioner explained they had gotten them in March of 2022, the coop was built in April. They hatched the chickens themselves so the kids could go through the “chick it out” program and learn about hatching.

Gail Morrow (2819 Chesapeake Lane) Stated that she is a retired mental health professional so she understands the need for emotional support animals, but wishes the Petitioner had picked something other than chickens. She is not interested in having chickens raised in her neighborhood and has concerns about odor. She stated that there are increasing predators in the area, and she is concerned that chickens will only increase this problem.

Chair Ballantini asked if she has noticed any smells since April when the Petitioner reports getting the chickens. Ms. Morrow stated she had not noticed any associated smell.

Chair Ballantini asked if the Petitioner would like to respond. Ms. Langellier noted that they are aware of the common concern regarding smells associated with chickens. They have a method for keeping smell down that involves careful composting. Regarding predators, they have built the coop in a manner to make it predator proof by continuing the coop wiring into the ground to prevent burrowing animals from accessing it. In addition, they keep their back lights on at night to dissuade nocturnal predators. They have not experienced any issues with predators and believes they would have experienced this already, if they were going to.

Commissioner Harris noted that the number of predators within the city have been increasing for years as we encroach on their land, but the Petitioner seems to have addressed this issue adequately.

Chair Ballantini noted that he has also seen more predators in his neighborhood over time.

No additional testimony was provided. No Board discussion was held.

Commissioner Harris made a motion to establish findings of fact that all standards of approval for a Special Use Permit are met. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted by Larissa Langellier for a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District for the property located at 2813 Chesapeake Lane. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Staff noted this will go to City Council on August 8, 2022.

Chair recessed board for a 5-minute break, to return at 5:21pm.

Chair called the meeting back to order at 5:25pm.

Staff asked for a roll call vote of attendance.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). All were present.

SP-07-22 Public hearing, review, and action on a petition submitted by Jose Aguas for a Special Use Permit for Personal Care Services (Nail Care) in the R-D (Downtown Neighborhood Residence) District for the property located at 701 E. Washington Street. PIN: 21-04-433-001. (Ward 1).

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit. The Petitioner is asking to continue the operation of an existing business, seeking to make it lawfully operated. The salon operates by appointment only, in the front half of the first floor. The rest of the building consists of existing rental units; none of the residential units enter through the same entrance as the salon. Staff noted that legal on street parking is allowed on Clayton, in addition to the provision of sufficient off-street parking provided by the subject property. Ms. Pemberton also noted that the existing signage would need to be reviewed and permitted if the Special Use is approved.

Chair Ballantini asked how long the salon has been in operation at this location. Staff stated the petitioner could better speak to that, as they had become aware of the use because of a Code Enforcement case.

Chair Ballantini opened the public hearing.

Petitioner, Jose Aguas (611 W. Oakland) stated he is requesting is Special Use because he was operating a nail business at another location and the rent went up significantly. The Petitioner already owned the building at 701 Washington Street, so this is a means to save on rent and continue the operation of his business. The Petitioner stated that the shop is isolated from the other units

DRAFT

MEETING MINUTES

PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, JULY 20, 2022

with the heating and cooling and fire safety has been addressed. The salon operates usually one client at a time, by appointment only. He states his insurance and permits are all up to date.

Chair Ballantini asked how long the Petitioner had been conducting business in this location. Mr. Aguas replied that it has been about 2.5 months; he was previously at 2401 E. Oakland.

Chair Ballantini asked the Petitioner if he owned the building. Mr. Aguas replied in the affirmative.

Chair Ballantini asked how many residences were in the building. Mr. Aguas stated there are five beside the nail salon. The Chair asked for clarification that they all enter the building from the back. Mr. Aguas clarified that one entrance is on the east side of the building, the other two enter from the rear.

The Chair inquired what was in the space before the nail salon. Mr. Aguas explained that there was previously a 1-bedroom apartment in the space.

No additional testimony was provided. No Board discussion was held.

Commissioner Harris made a motion to establish findings of fact that all standards of approval for a Special Use Permit are met. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted by Jose Aguas for a Special Use Permit for Personal Care Services (Nail Care) in the R-D (Downtown Neighborhood Residence) District for the property located at 701 E. Washington Street. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Chair Ballantini asked for clarification on the process for addressing the existing signage. Staff noted that if Special Use is approved, the Petitioner will need to work with staff on getting approved and permitted signage. Staff noted that if Special Use not approved then existing signage will need to be removed.

Staff noted this will go to City Council on August 8, 2022.

SP-08-22 Public hearing, review, and action on a petition submitted by Nexus Church for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 802 S. Eldorado Road. PIN: 21-11-251-020. (Ward 8).

Chair Ballantini explained that he needs to recuse himself for this case and asked for a volunteer for a temporary chair. Commissioner Straza stated he would volunteer.

Commissioner Zwaga made a motion to approve Commissioner Straza as temporary chair. Commissioner Harris seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit. Want to relocate to the most eastern portion of the building. Seating for 75 will be provided. Sufficient parking and access are existing based upon staff analysis. The other uses in the building have alternative hours so there is little overlap in customer and parishioner parking. The church moving into this location does not put the renewal of “Buddy’s Liquors” license into jeopardy, as the prohibition for licenses within 100 feet of a church does not apply to renewals.

The Board did not have any questions for staff.

Temporary Chair Straza opened the public hearing.

Phil Bussmann (1 Swarthmore Drive) - Mr. Bussmann stated that he and his family attend Nexus Church. He explained that the current location is too large for the church’s needs; the proposed location is a better fit for the church. Mr. Bussmann is aware of the issue with the liquor store’s proximity and stated that the church has no intention of negatively impacting them. He explained that the church operates Sunday mornings and has a Wednesday evening youth group, but most of the time during the day it will just be the Pastors’ vehicles and occasionally an event.

Chair Straza inquired about the hours of operation on Sundays. Mr. Bussmann explained that they have one service Sunday morning at 10:30 a.m., which usually runs to about 12:30 p.m.

Chair Straza asked if they have any concerns about noise level since they will be adjacent to residential uses. Mr. Bussmann stated he does not have any concerns in that regard.

Nita Patel (806 S. Eldorado Road) Nita, Buddies Liquor - Ms. Patel stated that she is from Buddy’s Liquors. They own the building and have operated there for about 16 years, and they contribute to local taxes and support the City. She expressed concern that if the church is there, they will have a problem with their renewal license. She also has concerns about whether new owners would be able to acquire a liquor license if they ever sell the business. Ms. Patel stated she is also concerned about the potential impact on parking.

Dilip Patel (806 S. Eldorado Road) - Mr. Patel stated that he is the owner of Buddy’s Liquor. He stated that running his business is very hard, but it is going well and they do not have issues with the police. Mr. Patel stated he is concerned that, when he sells the business, a new owner will not be able to acquire a liquor license because of the church being there. They purchased the building because they were able to get the license there; it was for sale for 4-5 years prior to that.

DRAFT

MEETING MINUTES

PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, JULY 20, 2022

Keyur Patel (908 S. Eldorado Road) - Mr. Patel stated that he owns neighboring properties and used to have liquor licenses at a few of them. He is concerned that the church will impact his ability to sell properties since potential buyers may need liquor license and he does have a property within 500 feet. Mr. Patel understands that the City may not have an issue with the location and a liquor license, but State has requirements too. He stated that he is not against the church, he is just concerned from a liquor license perspective.

Johnny Payton (706 Fairmont) - Mr. Payton stated that he is concerned that Buddy's Liquors is going to be forced out if the church is allowed to move in nearby.

Simhadriraju Chekuri (2523 Gill Street) - Mr. Chekuri stated that he does not mind the church coming in, but if it will negatively impact Buddy's Liquors he is not in favor of it.

Mr. George Boyle spoke to clarify the requirements of the City's liquor licensing requirements. He explained that the current regulation was passed in 2018, and the prohibition on licensing within 100 feet of certain uses, including churches, does not affect establishments with licenses from before that date.

He explained that the prohibition is meant to affect the establishment of new liquor licenses, not existing licenses, or the renewal thereof. He warned that we can not predict how that may be interpreted in the future, but the plain language is that it is not to affect the existing establishments. If the establishment is sold there is a possibility that it could be interpreted to affect a sale. He further explained that there are numerous exceptions to the similar prohibition in the Illinois Liquor Control Act.

Mr. Boyle clarified that if the Board feels that the testimony related to the liquor licensing pertains to one of the factors of granting a Special Use, it can apply to the Board's decision; all of the factors have to be met for a Special Use to be recommended to City Council. He noted that the Board may also feel that this does not apply to one of the standards for a Special Use Permit. Mr. Boyle also stated that the case could be postponed to provide time to review the State ordinance and potential impact.

Commissioner Harris asked for clarification on how an establishment is grandfather. Mr. Boyle stated that there are a number of ways to be interpreted, but that the intent of the Council at the passage of this ordinance was to allow churches to locate near existing liquor establishments, but to prevent liquor establishments from locating near existing churches.

Commissioner Harris commented that this is a significant issue that should be deliberated and expressed concern that granting the Special Use to the church could put Buddy's Liquors out of business. Mr. Boyle clarified that it would not put them out of business or affect the current establishment; the concern seems to be how it would affect a future sale of the business.

Ms. Pemberton noted that it may be possible to include a Condition for the approval of the Special Use that would cause the permit to expire upon the condition of sale of the adjacent property, or something to that effect.

Commissioner Straza asked what language would look like that would achieve that goal. Staff provided an example of the language that could be created. Staff also noted that code could change in the future and allow both to stay, and then the Condition could become void at that time. Mr. Boyle commented that a Condition could be drafted, such that the request would be reevaluated at the request of the neighboring business a sale is anticipated, or something similar. Staff noted the applicant would be supportive of that sort of language, and that there is one additional Condition for consideration with approval of the Special Use. Ms. Pemberton explained there is an unscreened dumpster on-site that needs to be screened, per Code, and the Petitioner is amenable to adding a Condition requiring such if the Board wants to include it in their recommendation.

The Petitioner's representative, Mr. Bussmann, spoke again and noted the intent is not to impact existing businesses, but they would like to proceed at this time, and move into this location.

Commissioner Noonan asked staff how to proceed and stated his concern that they do want to make sure the other property owner's interests are protected. Ms. Pemberton explained that all of the findings of fact have to be met for a Special Use to be approved, and if the Board believe that is done, with the addition of a Condition the Board may proceed with approval.

Staff discussed the potential wording for an appropriate Condition. After discussion, Ms. Pemberton clarified that the motion would be: to recommend Approval of the Petition, with the Condition that in the event that the neighboring property owner of 806 S. Eldorado anticipates sale of the property, the Special Use Permit be revisited, and the Condition that the screening is added for the shared trash collection area, as required by § 44-1308A.

Mr. Boyle clarified that the enactment of that Condition would be in the form of the Petitioner submitting a request for reevaluation to the ZBA, or cooperation in the submission of that.

Commissioner Harris asked for clarification of the issue when City permitting would likely not present an issue upon the sale. Ms. Pemberton pointed out the location of the two properties under discussion and clarified that Mr. Patel is concerned about how the State would view the issue upon sale of the business, due to the proximity of the church.

Commissioner Straza asked whether tabling the case in order to find out more about how the State would interpret this issue. Staff discussed options and recommended that a determination on the findings of fact be evaluated first, and then a few of what a motion to approve would be.

The Board asked those that spoke how they feel about the conditions. Nita Patel stated that she is not against the church, but she still has concerns about the State rules saying there cannot be a liquor store near a church. She also has concerns about the impact on the other establishments in the area that have liquor licenses.

Commissioner Noonan made a motion to table discussion to gather more information on the potential impact to the liquor licenses of surrounding businesses. Commissioner Harris seconded.

Mr. Noonan made a motion to table the case SP-08-22 to allow staff investigate the ramifications of the requested Special Use Permit on the potential sale of Buddy's Liquors in the future, and the transfer potential for that license to the new owner. Ms. Harris seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes. (5-0). Motion was approved.

SP-09-22 Public hearing, review, and action on a petition submitted by IHG Property LLC for a Special Use Permit for a Dwelling Unit, Two-Family, in the B-2 (Local Commercial) District for the property located at 802 E. Grove Street. PIN: 21-04-437-009. (Ward 1).

Mr. Branham presented the staff report with a recommendation to approve the Special Use Permit. He stated it was likely built as single-family residential building but was converted to commercial and residential some time ago. The Petitioner is looking to renovate the building and convert the ground floor commercial use to an additional residential unit. Access and parking requirements are met.

The Board did not have any questions for staff.

Chair Ballantini opened the public hearing.

Gregory Hall, on behalf of the Petitioner IHG Property LLC, (1607 Myra Lane) stated the first floor was previously commercial use and the second floor is already residential. The Petitioner states the first floor already lends itself to residential and he would like to return the property to entirely residential use. Mr. Hall stated that there is sufficient parking for all of the units within the building.

Chair Ballantini asked the Petitioner how long he has owned the building. Mr. Hall replied he has owned the building for about a month.

The Chair asked what will happen with the current tenants. Mr. Hall explained that the upper floor is already residential rental and will remain as such; the ground floor that was commercial was already vacant at the time he purchased the property.

Chair Ballantini asked if Mr. Hall is the sole owner of IHG Property LLC; Mr. Hall confirmed. Chair Ballantini asked for clarification that none of the subject property belong to Schooners; Mr. Hall confirmed and stated he does not believe they have any issues with the petition but has not spoken with them directly in the affirmative or negative.

No additional testimony was provided. No Board discussion was held.

Commissioner Noonan made a motion to establish findings of fact that all standards of approval for a Special Use Permit are met. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted by IHG Property LLC for a Special Use Permit for a Dwelling Unit, Two-Family, in the B-2 (Local Commercial) District for the property located at 802 E. Grove Street. Commissioner Noonan seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Staff noted this will go to City Council on August 8, 2022.

Commissioner Noonan left the meeting at 6:18pm.

V-02-22 Public hearing, review, and action on a petition submitted by QuikTrip Corporation for Variances from § 3-5 of the Advertising Sign Code to allow increased sign area and height in the B-1 (General Commercial) District for the property located at 223 Bloomington Heights Road. PIN: 21-06-102-004. (Ward 7).

Ms. Pemberton presented the staff report with motions for consideration. Staff noted this sign was approved as part of annexation agreement but to make sure due process is followed a public hearing is required before the Zoning Board of Appeals to formalize the Variances. Ms. Pemberton noted that this is an off-premise sign and thus why it was not reviewed and approved as part of the Legislative Site Plan Review for QuikTrip that went before the Planning Commission. Ms. Pemberton clarified that one requested Variance is for height, and the second Variance is for increased area for the top panel and changeable copy price signs.

Staff noted that the submitted petition may meet the standards for Variance and has been approved via the Annexation Agreement previously adopted by City Council.

The Board did not have any questions for staff.

Chair Ballantini opened the public hearing.

John Pratt (217 E Washington Street) - Mr. Pratt stated that he is the attorney for QuikTrip. He thanked the staff that has been working on this project for over a year, including the subject sign. Mr. Pratt noted that annexation agreement went before Planning Commission and was approved and went before City Council and was approved there as well, with inclusion of the provision on the sign. Mr. Pratt stated that QuikTrip has already purchased the land and is installing sufficient

DRAFT

MEETING MINUTES

PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, JULY 20, 2022

infrastructure on the properties, including water, sewer, streets, and sidewalks. To support the project, QuikTrip needs a sign that can be seen from the Interstate.

Gwen Keen (2255 Bluestone, St. Charles, MO) - Ms. Keen stated that she represents QuikTrip and that they need a sign which can be seen from the interstate. Ms. Keen explained that competitive advantage is important, and this site is challenging. Ms. Keen provided copies of drone images of the site; the drone footage was entered into record as "Petitioner's Group, Exhibit A."

Ms. Keen explained that they need a sign indicating who they are and identify gas prices. They evaluate that by when you can appropriately see windshields and that evaluation showed that travelers will not see the sign until about 110 to 120 ft, as well as the obstacles preventing the sign being viewed from the Interstate like distance and tree line. Ms. Keen noted that the land where sign is going is owned and maintained by QuikTrip.

Commissioner Harris asked how they calculate how high the sign needs to be. Ms. Keen stated that it is based upon the ability to see a person in a windshield when they can see back at us.

Commissioner Harris asked if there is other similar signage in other places. Ms. Keen noted that they have a similar sign in Joplin, MO. She explained that the decisions of travelers are made on where you are and the price of gas, so the sign needs to be tall enough and large enough that they can see it with enough time to safely exit the highway.

Chair Ballantini clarified that the focus was north-south so that it is driving traffic from the highway, and not focused on Market Street. Ms. Keen confirmed, and explained that tree line is also part of the siting issue.

The Chair asked if there was a possibility of clearing the problematic tree line. Ms. Keen explained that the property at issue is owned by IDOT and they are not supportive of clearing the trees. She noted that IDOT is in support of the location and size of the sign. Staff noted they have documentation of that support on file.

Chair Ballantini asked when they expect to be opening. Ms. Keen stated that things are moving quickly and may have broken ground by the end of 2022. The Chair asked how many employees the site will have. Ms. Keen explained the staffing process and that they expect to hire 20-30 local staff members.

Chair Ballantini asked for clarification on ownership of this and the adjoining properties. Ms. Keen explained that QuikTrip owns the entire 80 acres and explained the development and divestment plan for the acreage.

No additional testimony was provided.

Commissioner Harris made a motion to establish findings of fact that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Chair Ballantini - Yes. (5-0). Motion was approved.

Staff suggested adding the following language to the Approval, related to concerns brought up during discussion: subject to any and all other restrictions imposed by local, state, or federal transportation authorities.

Commissioner Harris made a motion to recommend approval of the petition submitted by the QuikTrip Corporation, for Variances from § 3-5 of the Advertising Sign Code to allow increased sign area and height in the B-1 (General Commercial) District, for the property located at 223 Bloomington Heights Road, for a 684.3 SqFt double-sided, lighted, ground-mounted high-rise sign, allowing a height of up to 150 linear feet, subject to any and all other restrictions imposed by local, state, or federal transportation authorities. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Chair Ballantini - Yes. (5-0). Motion was approved.

V-03-22 Public hearing, review, and action on a petition submitted by Steve and Mary Blessent for Variances from § 44-908D of the Zoning Code to allow reduced distance to side lot line, alley right-of-way lines, and principal building wall, in the R-1C (Single-Family Residence) District for the property located at 917 W. McArthur Street. PIN: 21-06-102-004. (Ward 6).

Ms. Pemberton presented the staff report with a recommendation to approve the Variances. Code change resulted in an increase front yard setback which has impacted the amount of usable space in the rear yard. Petitioner wants to rebuild a garage in a similar location as the preexisting garage. Building Inspections stated the garage can be placed in proposed location with additional fire protection. The petitioner is aware of this additional requirement. Public works is supportive of the proposed location for a curb cut to access the property/garage.

The Board did not have any questions for staff.

Chair Ballantini opened the public hearing.

Petitioner, Steven Blessent (917 W. MacArthur Avenue) - Mr. Blessent stated that when they purchased the property in 2015 and garage was in good condition, but over time an issue with the concrete foundation resulted in him having to tear down the garage. He has agreed to drywall to meet fire needs to appease Building Department requirements. He has improved electrical in home and had a new 100-amp service for garage. He wants to put garage back where it was; he has spoken to the neighbors and they are all in agreement with proposed location.

No additional testimony was received.

No Board discussion was held.

Commissioner Straza made a motion to establish findings of fact that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner.

Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Chair Ballantini - Yes. (5-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted by Steve and Mary Blessent for Variances from § 44-908D of the Zoning Code to allow an accessory structure to have a 2-foot setback to the rear lot line, a 3-foot setback to the alley right-of-way line, and a 3-foot distance to the principal building wall, with the condition that the accessory structure, and principal building as appropriate, are improved to comply with any necessary building and fire safety codes and conditions that are triggered as a result of the reduced distance between structures, for the property located at 917 W. McArthur Street. Commissioner Straza seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Chair Ballantini - Yes. (5-0). Motion was approved.

Staff noted that the Petitioner could proceed with construction once the appropriate building permits were obtained. Staff would notify Building Department that the Variance was approved.

V-05-22 Public hearing, review, and action on a petition submitted by Jones Sign Company, on behalf of The Bloomington Normal YMCA, for a Variance from § 3-408A of the Advertising Sign Code to allow additional signage in the C-1 (Office) District for the property located at 202 St. Joseph Drive. PIN: 21-02-307-004. (Ward 8).

Ms. Pemberton presented the staff report with a recommendation to approve the Variance. Staff identified the frontage associated with the property and how it limits the amount of signage permitted. Staff noted the significant size of the building and the need for the signage.

The Board did not have any questions for staff.

Chair Ballantini opened the public hearing.

Keith Haynes (1520 Sequoia Drive, Chatham, IL) - Mr. Haynes represents the Petitioner; he works for Ace Sign who is the third-party installer for Jones Sign. He noted that staff presented the case accurately and had nothing to add. Mr. Haynes thanked Staff for the level of professionalism and assistance with this application.

Staff noted that other individuals from the YMCA were present earlier during the meeting.

Commissioner Straza made a motion to establish findings of fact that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner. Commissioner Harris seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Chair Ballantini - Yes. (5-0). Motion was approved.

Commissioner Straza made a motion to recommend approval of the petition submitted by Jones Sign Company, on behalf of The Bloomington Normal YMCA, for a Variance from § 3-408A of the Advertising Sign Code to allow an additional identification sign in the C-1 (Office) District for the property located at 202 St. Joseph Drive. Commissioner Harris seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Chair Ballantini - Yes. (5-0). Motion was approved.

Staff informed the Petitioner they provide them will notice of decision and updated sign permit.

OLD BUSINESS

None

NEW BUSINESS

Staff noted the need to elect a Vice-Chair during the next meeting. Staff also noted there is still an open seat on the board.

ADJOURNMENT

Commissioner Harris made the motion to adjourn. Commissioner Straza seconded. Voice vote was held. All were in favor. (5-0)

The meeting was adjourned at 6:57 p.m.

Attached: Petitioner's Group, Exhibit A





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: July 20, 2022 **UPDATED August 17, 2022**

CASE NO: SP-08-22, Special Use Permit for Place of Worship in B-1

REQUEST: Public hearing, review, and action on a petition submitted by Nexus Church for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 802 S. Eldorado Road. PIN: 21-11-251-020.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow the establishment of a Place of Worship facility, per § 44-502A, which indicates Place of Worship uses require Special Use Permits in the B-1 (General Commercial) District. No variations to the code are requested.

The Petitioner desires to relocate the existing congregation and facility of Nexus Church from the current location at 716 E. Empire Street to the eastern-most suite (B) within an existing, partially-vacant commercial building at 802 S. Eldorado Road. Activities will include Sunday morning assemblies and small gatherings for events and activities throughout the week, with seating for 75 in the main assembly area. Exterior changes to the building are not planned, other than the addition of exterior signage, as approvable by the Advertising Sign Code.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Friday, July 1, 2022. Courtesy notices were mailed to 31 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The property at 802 S. Eldorado Road consists of approximately one acre of land located southeast of E. Oakland Avenue and Veterans Parkway, on a frontage road that is accessible from the north off Oakland and the south off E. Lincoln Street. The property was improved in 1972 with an approximately 15,000 square foot commercial building and 54 parking spaces; two

of the four Suites present in the building are currently vacant. The property is owned by a commercial real estate company; the Petitioner has approval from the property owner to seek the requested Special Use Permit.

Surrounding Zoning and Land Uses:

Zoning		Land Uses
North	B-1 (General Commercial)	Restaurant
South	B-1 (General Commercial)	Liquor Store
East	R-3B (Mixed Residence)	Multi-Family Dwelling Units
West	Right of Way, then B-1/R-3B	Transportation Corridor

Description of Current Zoning District:

The B-1 (General Commercial) District is intended to facilitate the development of community and regional commercial areas. Customers in this district will generally use a motor vehicle to reach a desired establishment. The development contemplated in this district has such distinguishing characteristics as unified site planning and development that promotes a safe and conducive atmosphere for large volumes of shoppers; site accessibility such that the high volumes of traffic generated create minimal congestion and adverse impact upon surrounding land use; and unified architectural treatment of buildings rather than an assemblage of separate, conflicting store and structural types. (§ 44-501A).

Key Subject Code Requirements:

- § 44-502A indicates that “Place of Worship” uses require Special Use Permits in the B-1 (General Commercial) District.
- § 44-1208E (Table of Off-Street Parking Requirements) lists “Place of Worship” as requiring the greater of 1 space per 200 GFA or 1 space per 3 seats in the main assembly area.
- No Zoning Use Provisions are identified for Place of Worship.
- § 44-1308A Areas of low visual interest or visually intrusive site elements, such as trash collection, mechanical equipment, open storage, service areas, loading docks and blank walls, shall be screened from off-site view.

STANDARDS FOR REVIEW

The Board of Zoning Appeals (ZBA) shall hold at least one administrative public hearing on any proposed Special Use and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Special Use meets all of the Standards of Approval listed in § 44-1707H and discussed below.

Special Use Permit to allow Place of Worship in the B-1 (General Commercial) District

1. **The establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.**

The presence of B-1 zoning and indication of this area on the City's Future Land Use Map as "Employment Center/Regional Commercial" indicate that the establishment, maintenance, and operation of periodically intensive uses are appropriate for this area and will not be detrimental to the public comfort or general welfare. The nature of the use is not one that creates noxious or hazardous externalities so is not expected to endanger public health or safety. The site is immediately accessible from two public roads and does not require movement through the nearby residential properties for ingress or egress. ***Standard is met.***

2. **The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

The property, and the adjacent properties, have been in operation as commercial properties for many decades and the expectation of general commercial uses continuing is reasonable. Since proposed structural modifications are to the interior of the building only, the use will not significantly change the characteristics of the site or create negative impacts to property values. ***Standard is met.***

3. **The establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.**

No significant external changes to the building are planned related to the proposed use. Parking and access requirements have been met. Additionally, the backfill of vacant commercial properties is important for the maintenance and property values of the subject and surrounding properties. ***Standard is met.***

4. **Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.**

The property is served by city utilities and roads; no change to facilities is necessary as part of this Special Use Permit. ***Standard is met.***

5. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

Ingress and egress are provided by existing conditions; no change to this condition is expected as the result of the Special Use Permit.

The applicable parking minimum from § 44-1208E is the requirement of 1 space per 3 seats in the main assembly area, for a requirement of 25 spaces. The site provides 54

off-street parking spaces, with uses of the other units requiring 25 spaces (4,000 SF instructional studio), 9 spaces (2,300 SF retail), and an undetermined number of spaces (vacant). Currently, Fusion Martial Arts operates Monday through Thursday in the evenings and Normal Gadgets operates Monday through Saturday during normal business hours. The target days and times for the operation of Nexus Church are compatible with the other businesses in the facility and will allow the maximum extent of the parking lot to be available for use during those hours. Additionally, Nexus Church has permission from the property owner at 808 S. Eldorado Road to use the parking area on that site as overflow, if necessary. ***Standard is met.***

6. The Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.

Special Use Permits are enforceable and revokable, should such use become a nuisance, be destroyed, or cease operations for a specific period. In addition, as a rental property with plans for alterations that require building permits, the premises will be reviewed for compliance and condition multiple times prior to, and during occupancy and operation of the Special Use. ***Standard is met.***

ADDITIONAL CONSIDERATIONS - UPDATED

The adjacent property (806 S. Eldorado Road) is currently owned and occupied by “Buddy’s Liquors” which holds an active liquor license (License Number: 1A-0074146) and is within 100 feet of the property proposed for the Special Use Permit.

City of Bloomington Code § 6-110A states that “No license shall be issued for the sale at retail of any alcoholic liquor at a tavern (Class TA, TB), package licensed store (Class GPA, GPB, PA, PB) or any business at which the sale of alcoholic liquor is the principal business if it is within 100 feet of any church, school [...] This prohibition shall not apply to the renewal of the license for the sale at retail of alcoholic liquor on premises within 100 feet of any church, day-care, or school where the church, day-care, or school has been established within such 100 feet since the issuance of the original license. This prohibition does not affect licensed establishments having liquor licenses issued by the City of Bloomington prior to April 25, 2018” [emphasis added]. Buddy’s Liquor application is from 2012 and their status is “Renewal,” which exempts them from the locational prohibition, on two fronts, per the City of Bloomington Code.

In addition, 235 ILCS 5/6-11 states “Sale near churches, schools, and hospitals. (a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school [...] this prohibition shall not apply to hotels offering [...]; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license” [emphasis added]. Nexus Church will have been “been established within such 100

feet since the issuance of the original license” for Buddy’s Liquor which exempts them from the locational prohibition of 235 ILCS 5/6-11.

Establishment of Nexus Church at 802 S. Eldorado Road does not place the liquor license for “Buddy’s Liquor” at 806 S. Eldorado Road at risk, based on location and proximity. However, Staff recognizes the concerns of the license holder, as related to the potential future sale of the business to a different corporate entity, and the resulting requirement to have a new license issued for the location. Illinois state law provides the ability of the local liquor control commission to grant exemptions from the distance prohibition, if local rule or ordinance allows, which would address the resident concerns expressed at the public hearing on July 20, 2022.

STAFF RECOMMENDATION

Staff finds that the application meets all the standards for a Special Use Permit and recommends that the Zoning Board of Appeals take the following actions:

1. Motion to establish findings of fact that all standards for approval of a Special Use Permit are met.
2. Motion to recommend:

Approval of the petition submitted by Nexus Church for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 802 S. Eldorado Road,

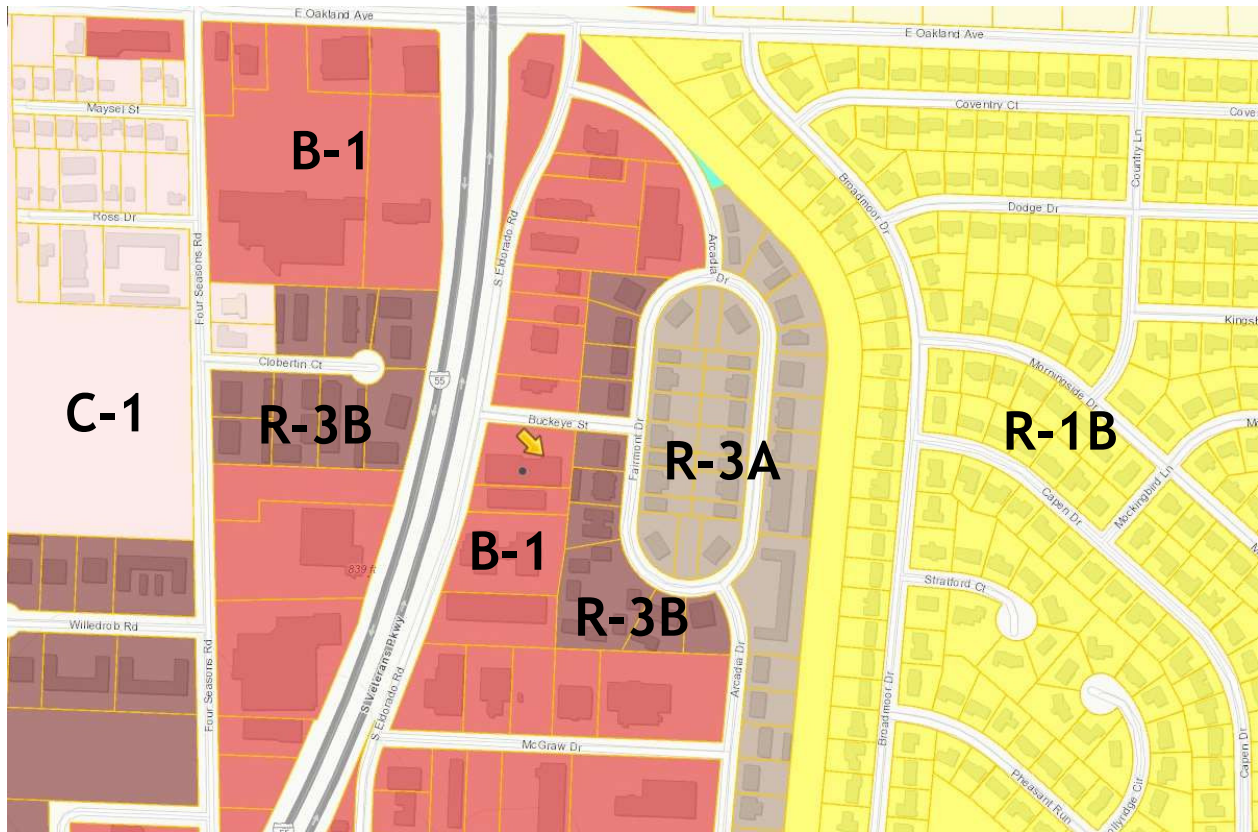
with the condition that screening is added for the shared refuse collection area, per § 44-1308A.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

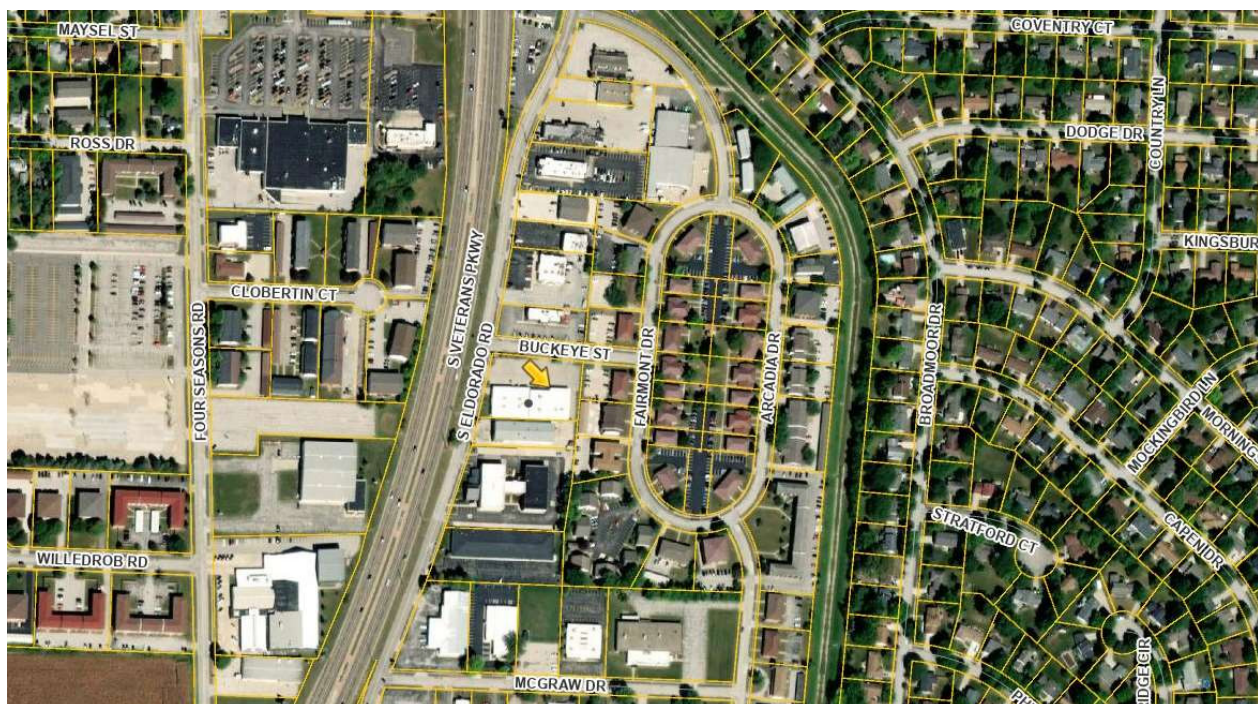
Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View
4. Petitioner-Submission - Description of Project
5. Petitioner-Submission - Site Plan
6. Neighborhood notice map

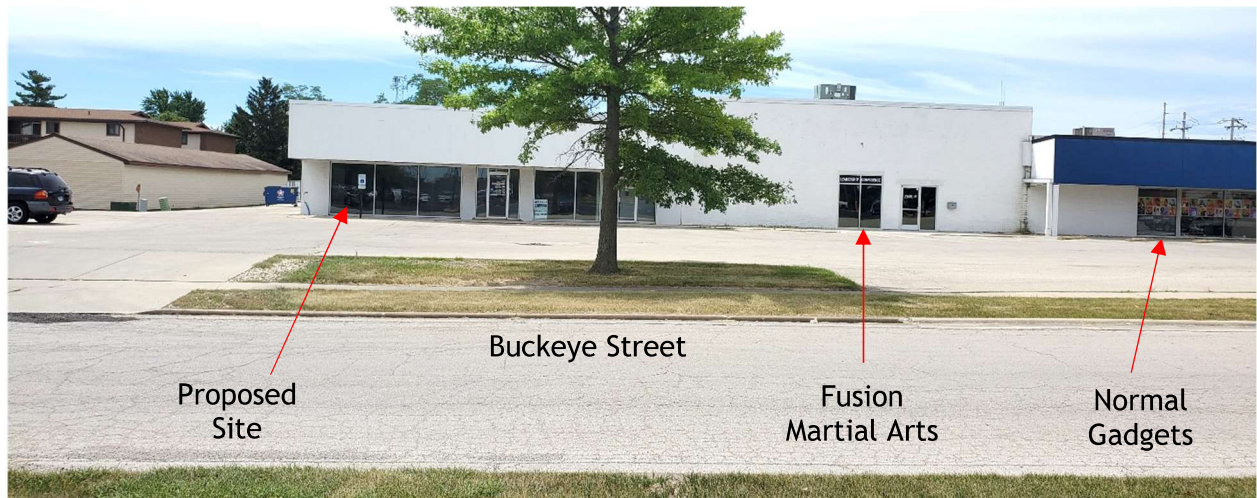
Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3- Ground-Level View(s)





Attachment 4 - Petitioner-Submission - Description of Project

Nexus Church is seeking to re-zone this space from retail to an assembly. We plan to make minor interior changes to the property: 1. Adding a kitchenette next to the existing bathrooms with one sink and a refrigerator. 2. We will remove a few walls to make larger office areas. We will repair the flooring, ceilings and doorways once the walls are removed. 3. We will be removing the existing Point of Sale countertop in the middle of the main showroom and repairing all flooring under the countertop. An exterior sign will be installed by a sign company. We will have Sunday morning assemblies and small gatherings for events and activities throughout the week.

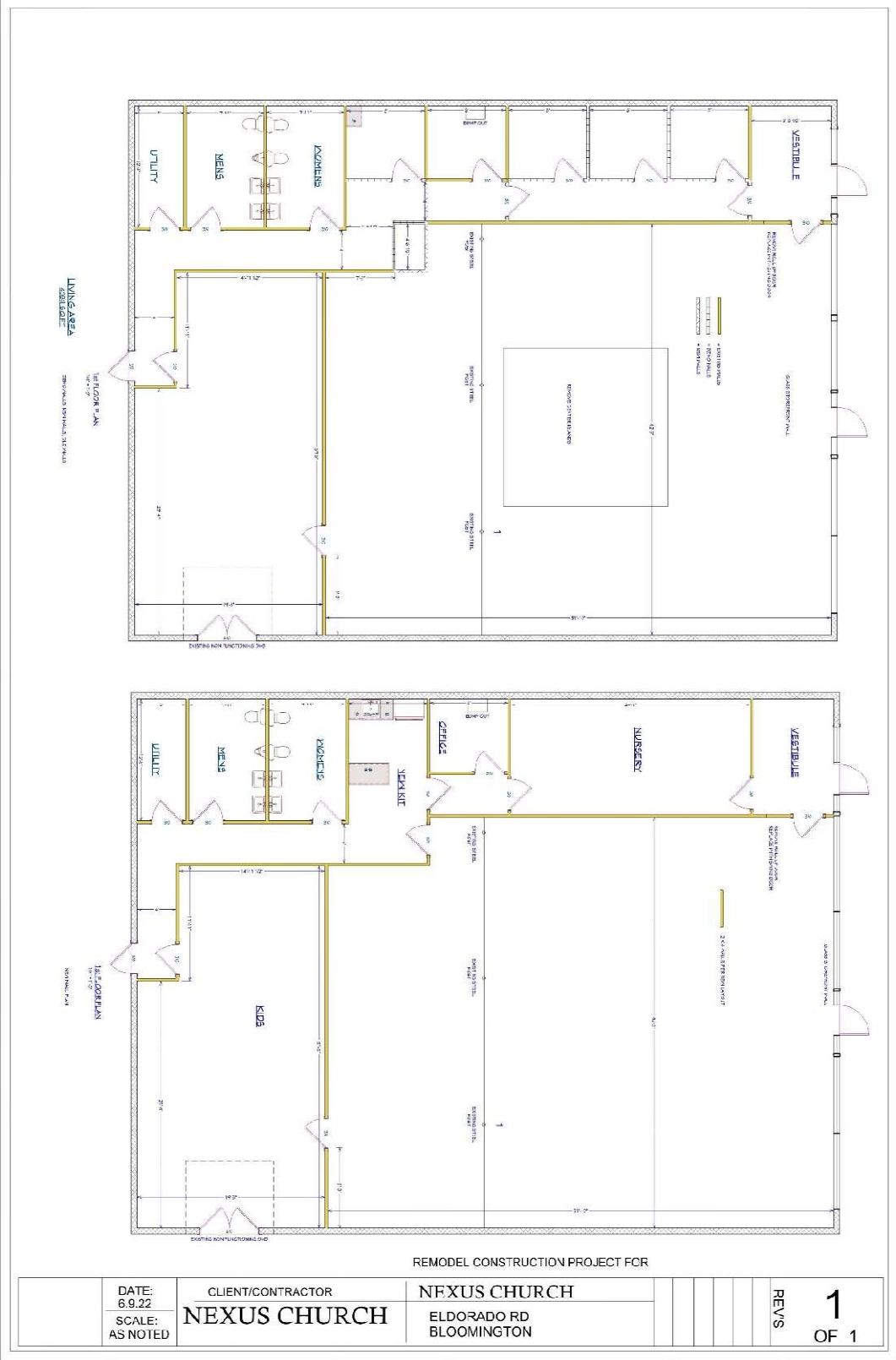
We've considered purchasing our current space. We have considered purchasing another space that the owner tore down to build apartment buildings. We have considered other lease options, but this one seems the best as far as location, size and price.

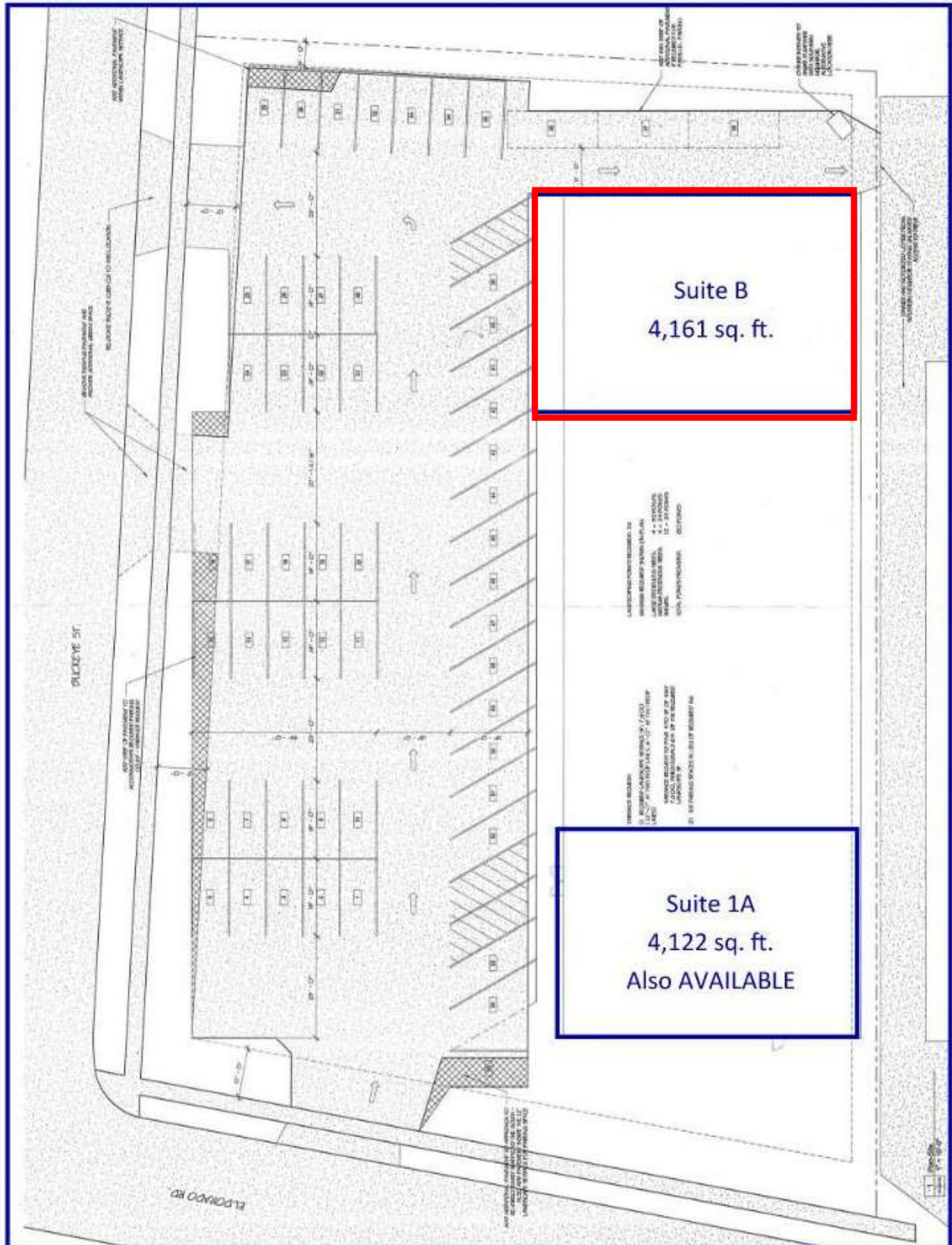
Nexus Church is committed to serving it's communities needs. We make it our mission to improve public health, safety, comfort and the general welfare of our neighbors and surrounding community.

We believe that we will do nothing to decrease the value of the properties in the neighborhood. We seek only to provide a positive partnership to the tenants nearby. We have already spoken to the martial arts studio next door. They are excited to have us and want to partner with us in ministry. I imagine that our members will eat at Monical's Pizza next store and increase their revenue. We will do interior improvements to the building, put up a nice exterior sign and we will bring more life and activity to a space that has been sitting vacant or quite some time.

We foresee no impediments to the development or improvement of the surrounding property. The existing utilities, access roads, drainage and necessary facilities are adequate. The existing ingress and egress are sufficient.

Attachment 5 - Petitioner-Submission - Site Plan







ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS
FROM: Economic & Community Development Department
DATE: July 20th, 2022
CASE NO: V-03-22, Variances from § 44-908D of the Zoning Code
REQUEST: Public hearing, review, and action on a petition submitted by Chris Tamm for a Variance from § 44-908D of the Zoning Code to allow reduced distance between a principal and accessory structure, in the R-1B (Single-Family Residence) District for the property located at 3614 Baldocchi Drive. PIN: 15-30-252-007.

BACKGROUND

Petitioners' request:

The Petitioners seeks a variance from 1) § 44-908D, requirement that accessory structures must be placed a minimum of 10 feet from the principal building wall, to allow a 6'5" distance to the principal building wall. The request, therefore, is for a 4-foot reduction in the required distance between structures.

The Petitioners desire to lawfully continue construction of a pool in the selected location, within the rear yard of their single-family home, 20'3" from the rear wall of their home, but only 6'5" from the edge of the existing second (rear) story attached deck. The location would allow the Petitioner to construct the pool, and required concrete surrounding area, without encroaching on a 7'6" easement in the rear of the property.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Friday, July 1, 2022. Courtesy notices were mailed to 84 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The property at 3614 Baldocchi Drive consists of approximately 0.24 acres of land in a residential subdivision southwest of Fort Jesse Road and N. Towanda Barnes Road. The property has been improved with a single-family home and attached garage, constructed in 2003, and owned by the Petitioner since 2011. The home is walk-out on both the front and rear, due to

site topography. A second-story attached deck is used to access the rear of the property at the ground-floor on the front side of the property.

Surrounding Zoning and Land Uses:

Zoning		Land Use
North	R-1B (Single-Family Residence)	Single-Family Residence
South	R-1B (Single-Family Residence)	Single-Family Residence
East	R-1B (Single-Family Residence)	Single-Family Residence
West	R-1B (Single-Family Residence)	Single-Family Residence

Description of Current Zoning District:

The R-1B (Single-Family Residence) District is intended to provide primarily for the establishment of areas characterized by moderate sized lots and single-family detached dwelling units for occupancy by families. In addition to these dwelling units, related recreational, religious, and cultural facilities intended to serve the immediately surrounding residents are allowed where such facilities are found to be compatible with surrounding residential development.

Subject Code Requirements:

§ 44-908D(2) (Accessory Buildings and Structures Table 908) indicates a minimum distance to Principal Building Wall of 10 feet in Residential Districts.

STANDARDS FOR REVIEW

As indicated in *Ch. 44, 17-8 Variations*, the Board of Zoning Appeals shall have the power to authorize variations to this Code where there would be practical difficulties or particular hardships in carrying out the strict letter of those sections of this Code stated herein.

Variance for a 4-foot reduction in distance between accessory and principal structures.

- 1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult.**

The property has a 7.5-foot utility easement along the rear of the property which prevents the Petitioners from locating the accessory pool the minimum zoning standard of three feet from the property line. The property is also sloped, from the front to the rear, more significantly than other properties in the area which resulted in the attached deck to permit access to the rear of the home from the front-entered ground-floor.

Standard is met.

2. That the Variance would be the minimum action necessary to afford relief to the applicant.

Granting this Variance is the minimum action necessary to allow the Petitioners to continue construction of the subject pool on their property. Alternate location or orientation on the property would still require the same Variance. ***Standard is met.***

3. That the special conditions and circumstances were not created by any action of the applicant.

The original plat of this property shows a 7.5-foot easement along the rear of the property. The Petitioners purchased the property in 2011; aerial imagery from 2006 shows the attached deck as already existing at that time. ***Standard is met.***

4. That granting the variation request will not give the applicant any special privilege that is denied to others by the Code.

Other properties in the neighborhood have pools at a reduced distance from the principal structure (see attachments); this Variance would not give the applicant any special privilege that is denied to others. ***Standard is met.***

5. That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties.

Other properties in the neighborhood have pools at a reduced distance from the principal structure (see attachments); this Variance would result in development that is consistent with the existing character of the neighborhood. ***Standard is met.***

STAFF RECOMMENDATION

Staff finds that the application meets all the standards for a Variance application and recommends that the Zoning Board of Appeals take the following actions:

1. Motion to establish findings of fact that carrying out the strict letter of the Code **does** create a practical difficulty or particular hardship for the petitioner.
2. Motion to recommend:

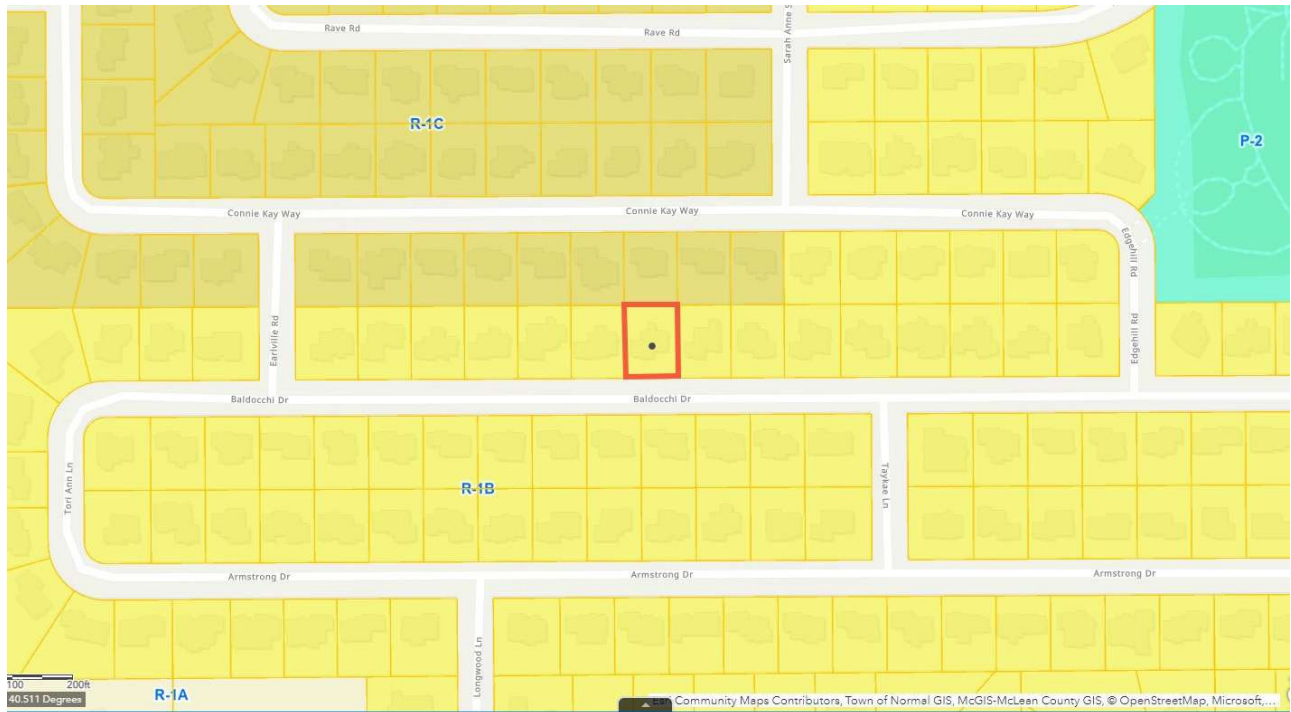
Approval of the petition submitted by Chris Tamm for a Variance from § 44-908D of the Zoning Code to allow a 4-foot reduction in distance between a principal and accessory structure, in the R-1B (Single-Family Residence) District for the property located at 3614 Baldocchi Drive.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

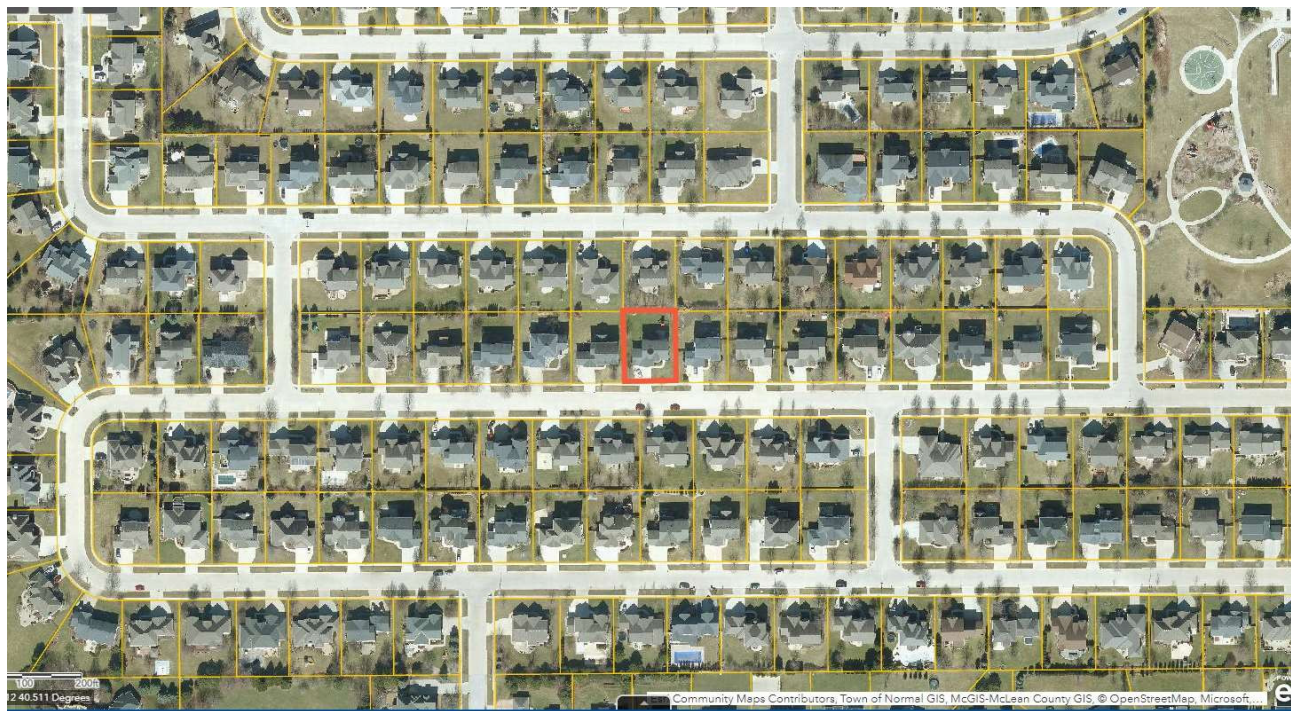
Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View
4. Sample of existing similar projects within the neighborhood
5. Petitioner-Submission - Description of Project
6. Petitioner-Submission - Site Plan
7. Neighborhood notice map

Attachment 1 - Zoning Map



Attachment 1 - Aerial Image



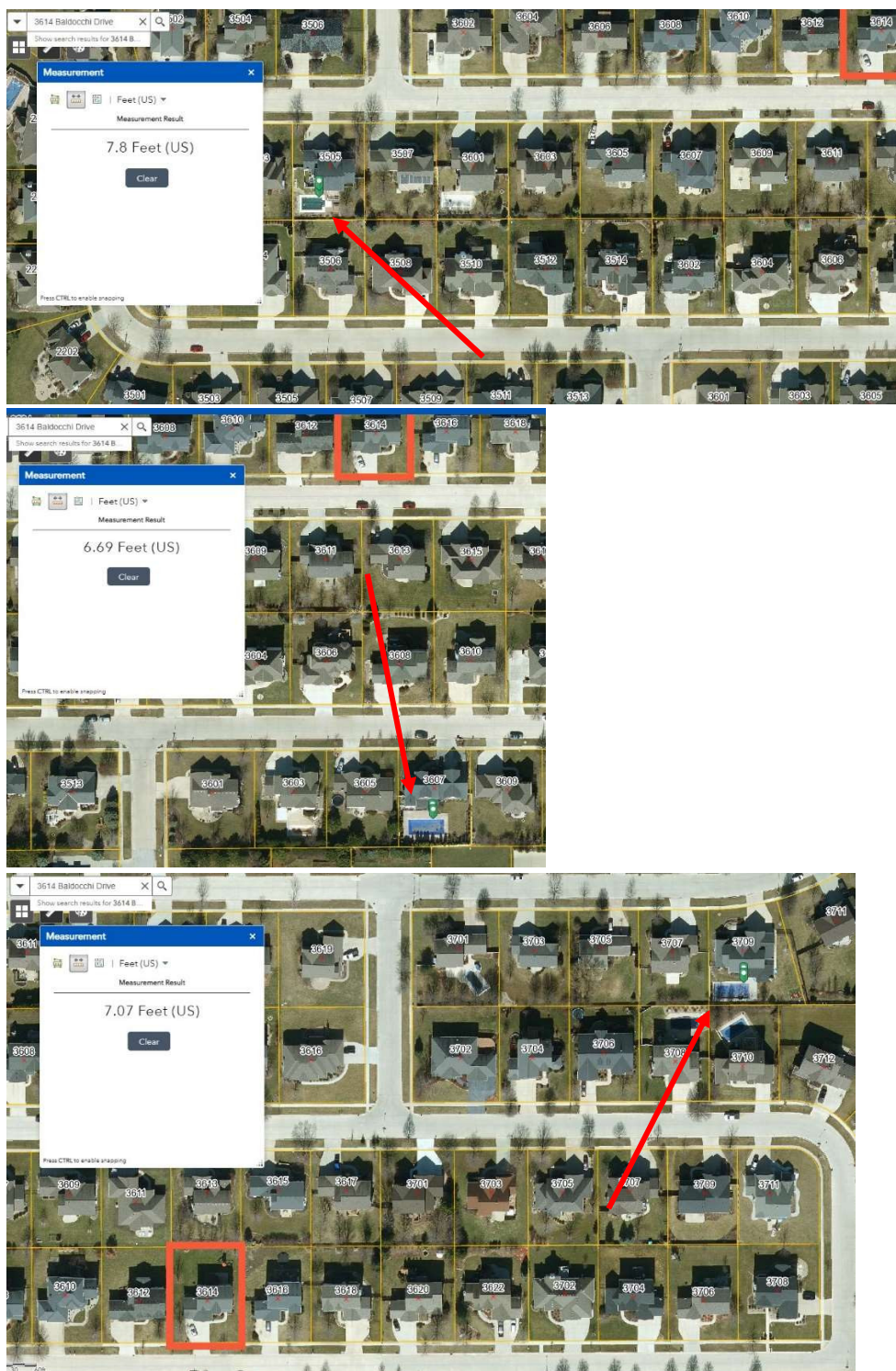
Attachment 3 - Ground-Level View(s)





Attachment 4 - Sample of existing similar projects within the neighborhood

3614 Baldocchi Drive is indicated in red; comparable project is denoted by an arrow.
Addresses include: 3804 Baldocchi Drive, 3710 Connie Kay Way, 3607 Armstrong Drive, 3505 Baldocchi Drive, 3220 Eagle Crest Road, 3203 Monticello Road, and 3104 Eagle Crest Road



Attachment 5 - Petitioner-Submission - Description of Project

We would like to install an in-ground pool in our back yard to enhance our enjoyment of our property [...]. The design calls for the pool to be located 6 feet from the existing deck, and approximately 20 feet from the exterior wall of the house. If the City determines that the 10 foot distance is to be measured from the edge of the deck, then we request a variance of 4 feet. This 4 foot variance would allow us to place the pool so that the water's edge would be 6 feet from the edge of the existing deck.

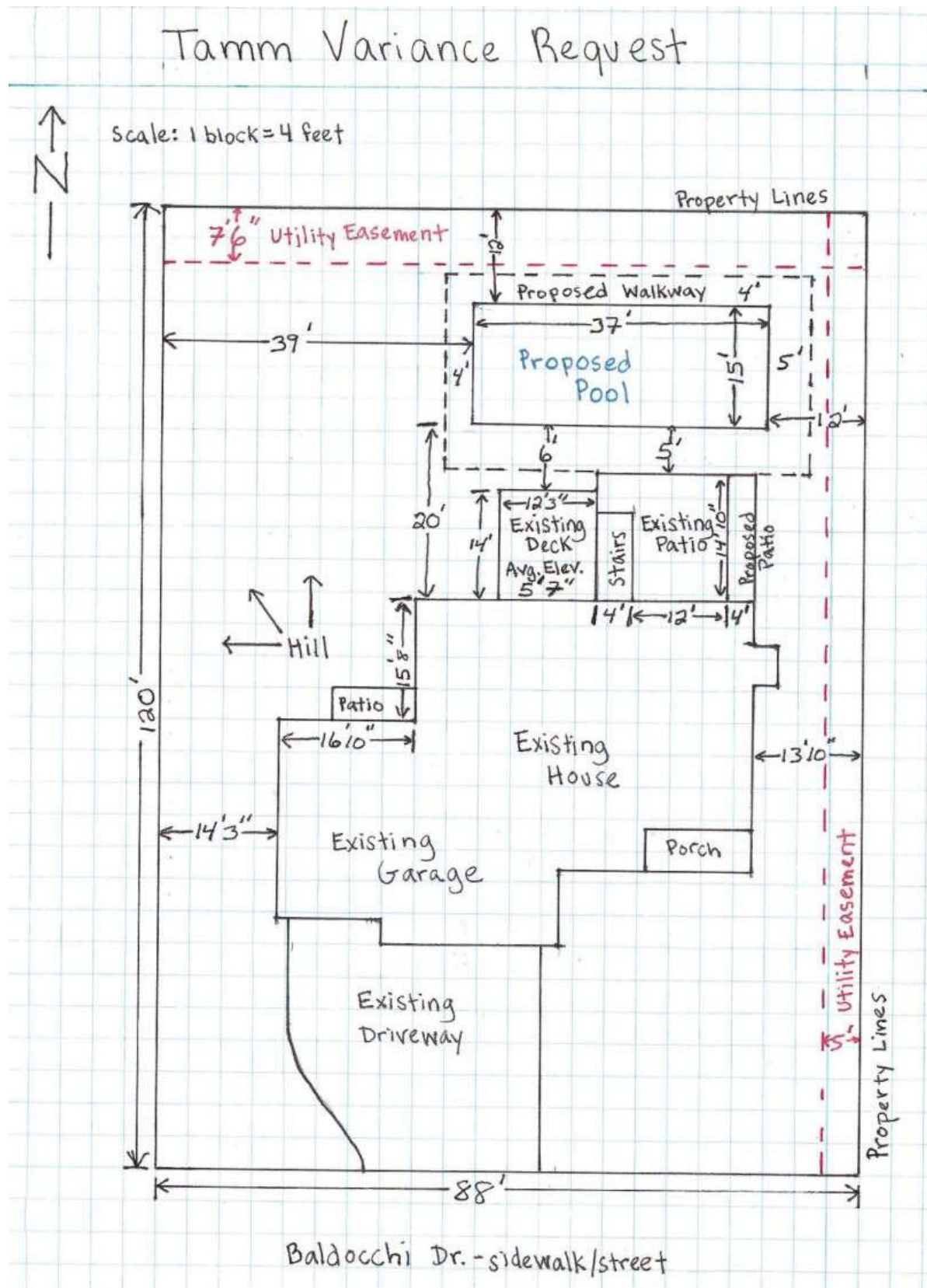
We have considered 3 other options for placement of the pool: 1. Place the pool closer to the rear property line so it would be 10 feet from the edge of the attached deck. However, this is not the best option because it would place the required concrete pool walkway in the utility easement, may impact storm drainage between yards, and may injure the roots of our rear neighbor's mature trees (which have roots/branches that extend over the back of our lot). 2. Place the pool on the west side of the yard and turn it perpendicular to the house. However, this is not possible due to the slope of the property on this side of the yard. 3. Place the pool on the west side of the yard, parallel to the house. However, this is not the best option as it would still place the east edge of the pool within 10 feet of the existing deck and would impact storm drainage between yards. In addition, we note here that the plain wording of the ordinance references the 10 feet setback being measured from the "Principal Building Wall," and so we have considered that, rather than a variance, the project could be approved by the City simply by interpreting the ordinance according to its plain language, and measuring the 10 foot distance from the exterior of the house rather than from the deck.

DISCUSSION OF FINDINGS OF FACT

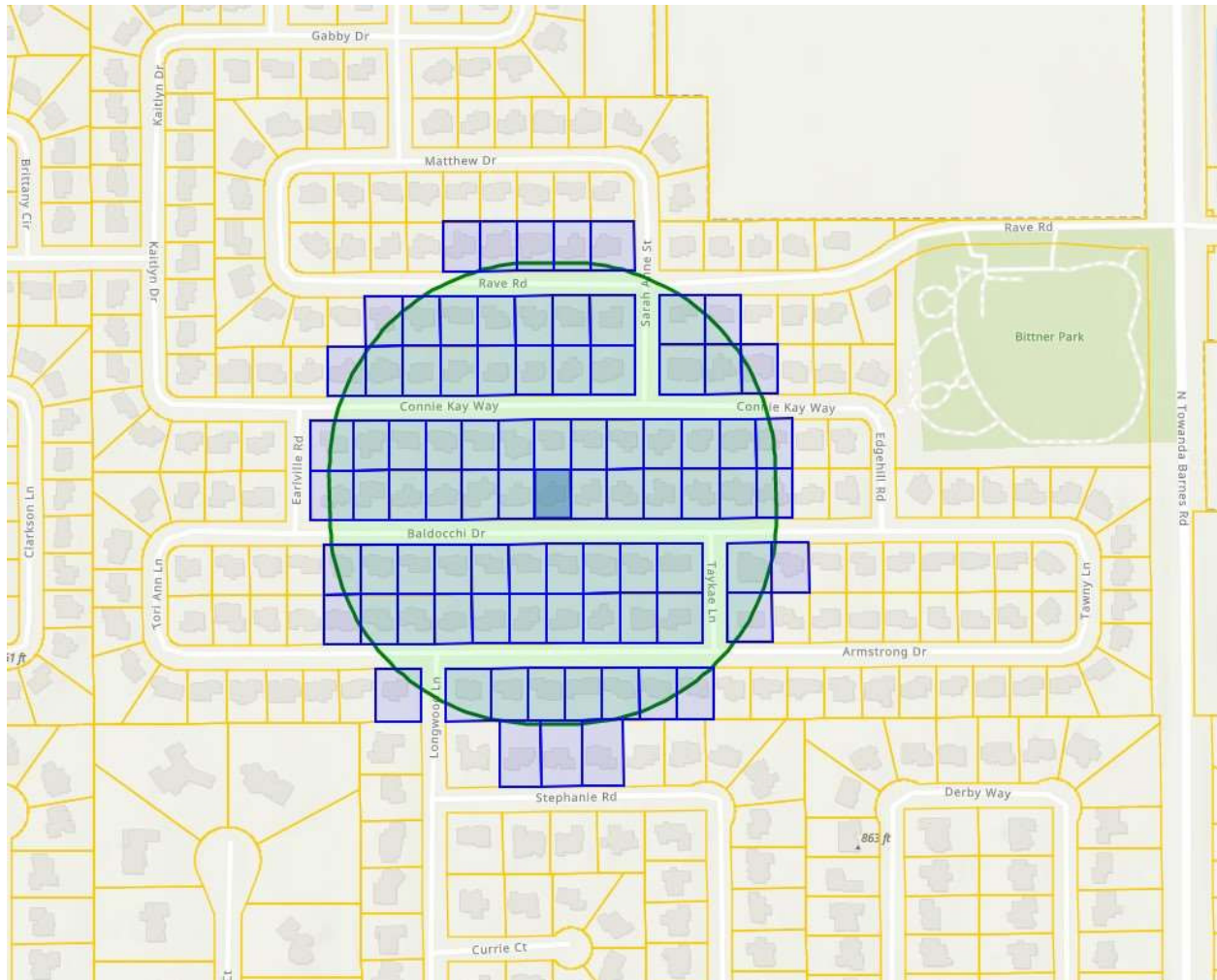
The property slopes significantly from the front/street side to the back. This means our only access to our back yard from our house is elevated, which necessitates a deck with stairs to access the back yard. The slope is more pronounced on the west side of the property, which means we cannot place a pool in this area. The only flat area is between the existing deck and the rear property line. There is also a 7.5 foot utility easement at the rear of the property, which limits our placement options.

The requested variance is not detrimental to the public welfare because the pool would be 20 feet away from the house wall and does not create a fire/electrical hazard. Since this accessory structure is a pool filled with water, it will not promote the spread of fire to other neighboring structures. In addition, our plan places the pool 20 feet from the foundation wall, which will protect house electrical wiring from leaks, floods, or splashes and there is no electrical wiring in the deck. (This is consistent with national codes that requires at least 10 feet of distance from the foundation wall to a pool.) This placement also keeps the pool walkway out of the utility easement. The requested variance does not alter the essential character of the neighborhood because there are many other houses nearby with pools on similar sized lots, as well as many that are closer than 10 feet to the edge of a deck. We have included several examples. (See attached Exhibit C.) In addition, the proposed placement will make the pool unobtrusive and difficult to see from the street as the pool will be tucked behind the houses and mostly hidden from view. The requested variance does not unreasonably impair the use of development of adjoining properties. In fact, this placement leaves additional space between the pool and the property lines. In addition, it will be "screened" from several adjoining neighbors by existing trees and fences. Finally, this placement will allow for more permeable ground between the pool and our neighbors to help facilitate better storm drainage.

Attachment 6 - Site Plan



Attachment 7 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: August 17, 2022

CASE NO: SP-11-22, Special Use Permit for Place of Worship in B-1

REQUEST: Public hearing, review, and action on a petition submitted by Faizan e Madinah Islamic Center for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 1319 Veterans Parkway, Suite 2A. PIN: 14-35-252-022.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow the establishment of a Place of Worship facility, per § 44-502A, which indicates Place of Worship uses require Special Use Permits in the B-1 (General Commercial) District. No variations to the code are requested.

The Petitioner desires to lawfully continue the use of the property in the manner which it has operated for the last six months. Daily activities include prayer preparation and assembly, for multiple short durations, with seating for 30 in the main assembly area. Interior alterations to the building have been made, exterior changes to the building are not planned.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Wednesday, August 3, 2022. Courtesy notices were mailed to 48 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The property at 1319 Veterans Parkway consists of approximately 0.78 acres of land located southeast of Clearwater Avenue and Veterans Parkway, with access gained from Clearwater. The property was improved in 1989 with an approximately 10,750 square foot commercial building that is split into multiple suites, and 42 surface parking spaces. The proposed Special Use Permit is for Suite 2A which consists of 1,975 square feet. The property is owned by a

commercial real estate company; the Petitioner has approval from the property owner to seek the requested Special Use Permit.

Surrounding Zoning and Land Uses:

Zoning		Land Uses
North	B-1 (General Commercial)	Restaurant
South	R-1C (Single-Family Residence)	Single-Family Dwelling Units
East	B-1 (General Commercial)	Retail Sales, General
West	Right of Way, then C-1/R-3B	Transportation Corridor

Description of Current Zoning District:

The B-1 (General Commercial) District is intended to facilitate the development of community and regional commercial areas. Customers in this district will generally use a motor vehicle to reach a desired establishment. The development contemplated in this district has such distinguishing characteristics as unified site planning and development that promotes a safe and conducive atmosphere for large volumes of shoppers; site accessibility such that the high volumes of traffic generated create minimal congestion and adverse impact upon surrounding land use; and unified architectural treatment of buildings rather than an assemblage of separate, conflicting store and structural types. (§ 44-501A).

Subject Code Requirements:

- § 44-502A indicates that “Place of Worship” uses require Special Use Permits in the B-1 (General Commercial) District.
- § 44-1208E (Table of Off-Street Parking Requirements) lists “Place of Worship” as requiring the greater of 1 space per 200 GFA or 1 space per 3 seats in the main assembly area.
- No Zoning Use Provisions are identified for Place of Worship.

STANDARDS FOR REVIEW

The Board of Zoning Appeals (ZBA) shall hold at least one administrative public hearing on any proposed Special Use and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Special Use meets all of the Standards of Approval listed in § 44-1707H and discussed below.

Special Use Permit to allow Place of Worship in the B-1 (General Commercial) District

- 1. The establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.**

The presence of B-1 zoning and indication of this area on the City’s Future Land Use Map as “Regional Commercial” indicate that the establishment, maintenance, and operation of periodically intensive uses are appropriate for this area and will not be detrimental

to the public comfort or general welfare. The nature of the use is not one that creates noxious or hazardous externalities so is not expected to endanger public health or safety. The site is accessible via shared private drive off Clearwater and does not require movement through the nearby residential properties for ingress or egress. ***Standard is met.***

2. **The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

The property, and the adjacent properties, have been in operation as commercial properties for many decades and the expectation of general commercial uses continuing is reasonable. Since proposed structural modifications are to the interior of the building only, the use will not significantly change the characteristics of the site or create negative impacts to property values. ***Standard is met.***

3. **The establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.**

No significant external changes to the building are planned related to the proposed use. Parking and access requirements have been met. Additionally, the backfill of vacant commercial properties is important for the maintenance and property values of the subject and surrounding properties. ***Standard is met.***

4. **Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.**

The property is served by city utilities and roads; no change to facilities is necessary as part of this Special Use Permit. ***Standard is met.***

5. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

Ingress and egress are provided by existing conditions; no change to this condition is expected as the result of the Special Use Permit.

The applicable parking minimum from § 44-1208E is “The greater of 1 space per 200 GFA or 1 space per 3 seats in the main assembly area,” for a requirement of 10 spaces. Normal operating hours of the proposed use overlap those of the other existing occupants of the building.

The site provides 42 off-street parking spaces, with uses and requirements listed in the table below. With two vacant suites in the building, a best estimate of the total number of parking spaces required and the impact of the subject Special Use request can be

acquired. Many of the uses appropriate for this location have off-street parking requirements of 1 space per 200-250 GFA which would require six or seven additional off-street parking spaces once the vacant spaces are filled; eight spaces remain available for allocation upon approval of this Special Use. The property owner will be made aware of this restriction on future uses and provided with a copy of the off-street parking requirements table in order to help guide future tenant selection.

Standard is met.

Suite	Square Footage	Tenant	Use	Required Off-Street Parking Spaces
1A-1B	2,676	Twins Nail	Personal care	11
2A	1,975	Islamic Center	Place of Worship	10
2B	1,260	Vacant	Undetermined	Undetermined
3B, 101	276	Shreeji Brow Salon	Personal care	1
3B, 102	198	Vacant	Undetermined	Undetermined
3B, 103	180	Millbrooke HomeCare	General Office	1
3A	3,580	Planned Parenthood	Medical Clinic	14
Required Off-Street Parking Spaces, Based on Use				37
Transit Access Discount (10%)				Applied
Pedestrian Access Discount (10%)				NOT Applied
Public Parking Lots Discount (10%)				NOT Applied
On-Street Parking Discount				NOT Applied
Total Required Off-Street Parking Spaces				34
Total Available Off-Street Parking Spaces				42
Balance				8

- The Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.

Special Use Permits are enforceable and revokable, should such use become a nuisance, be destroyed, or cease operations for a specific period. In addition, as a rental property with plans for alterations that require building permits, the premises should be reviewed for compliance and condition multiple times prior to, and during occupancy and operation of the Special Use. ***Standard is met.***

ADDITIONAL CONSIDERATIONS

Per, § 44-1707I, "Prior to the granting of any special use application, the Board of Zoning Appeals may recommend, and the Council may require, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as

deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein.”

While the Zoning Code speaks only the requirement for a Special Use Permit for this use, and the Petitioner is pursuing abatement of that existing violation through this application process, the property in questions is also the subject of multiple Code Enforcement issues related to construction and operation requirements outside of the Zoning Code. Consideration may be warranted regarding the impact of those violations on public health and safety, and a condition(s) related to requiring abatement of those violations may be warranted, associated with any recommendation for approval.

STAFF RECOMMENDATION

Staff finds that the application meets all the standards for a Special Use Permit and recommends that the Zoning Board of Appeals take the following actions:

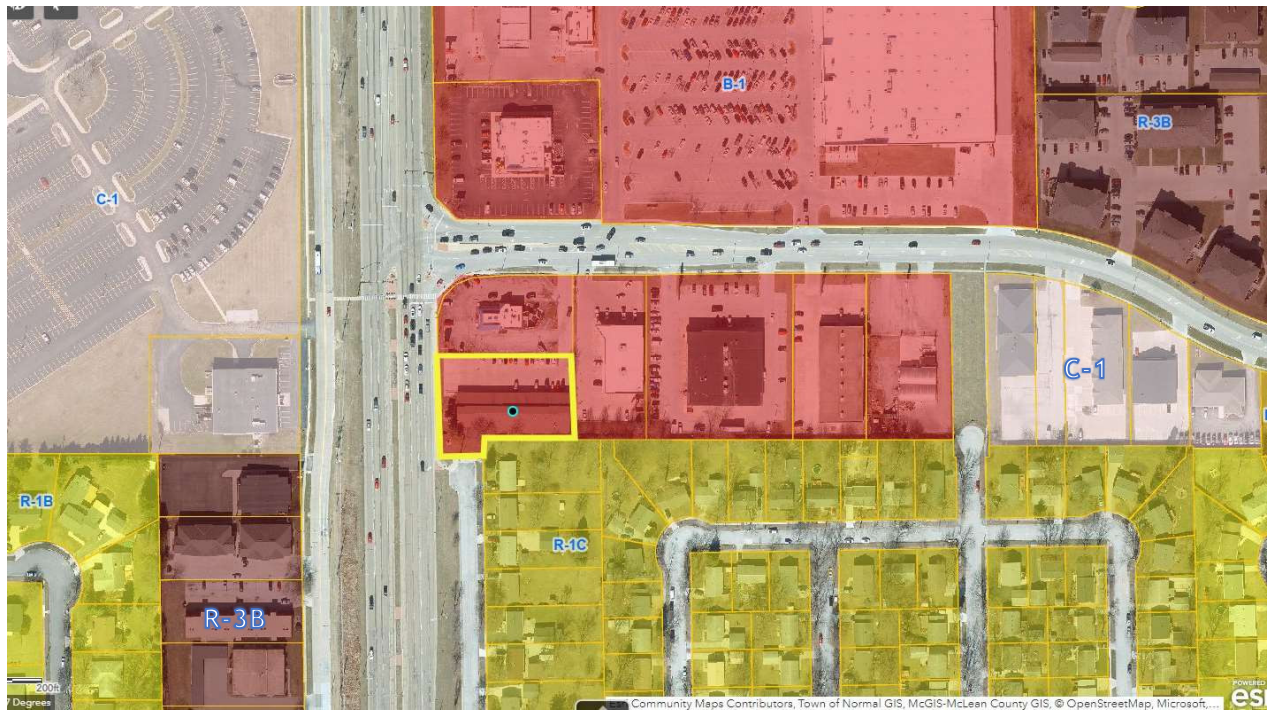
1. Motion to establish findings of fact that all standards for approval of a Special Use Permit are met.
2. Motion to recommend:
 - a. Approval of the petition submitted by Faizan e Madinah Islamic Center for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 1319 Veterans Parkway, Suite 2A,
 - b. With the conditions
 - i. That all existing violations of City of Bloomington Code be abated within 30 days of the effective date of this Special Use Permit, or without further action by the Council, the special use or authorization thereof shall be null and void; and
 - ii. That the property owner and/or manager review the parking requirements of potential lessees for vacant suites and contact the Planning Division to identify a way forward if a proposed use would result in the property’s inability to meet the off-street parking requirements of the Zoning Code.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View
4. Petitioner-Submission - Description of Project
5. Petitioner-Submission - Site Plan
6. Neighborhood notice map

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3- Ground-Level View(s)



Attachment 4 - Petitioner-Submission - Description of Project

Required Documents and Submittals

Short Project Description: This is a commercial space that is intended to be used as an Islamic Center used for worship and other religious purposes.

Property Characteristics, including Parcel ID Number (PIN) and current zoning: This is an existing commercial structure consisting of multiple units. Currently zoned B-1 for which a place of worship is a special use. PIN 14-35-252-022

Legal Description of the Property: Lot 340 in the Fourth Addition to Lakewood Estates Subdivision, according to the plat thereof recorded February 9, 1987 as document no. 87-2099 in McLean County and

Beginning at the north west corner of Outlot A, thence East 75 feet, south 30 feet, west 75 feet, north 30 feet to the place of beginning, all in the 4th addition to Lakewood Estates Subdivision, according to the plat thereof recorded February 9, 1987 as document no. 87-2099 in McLean County.

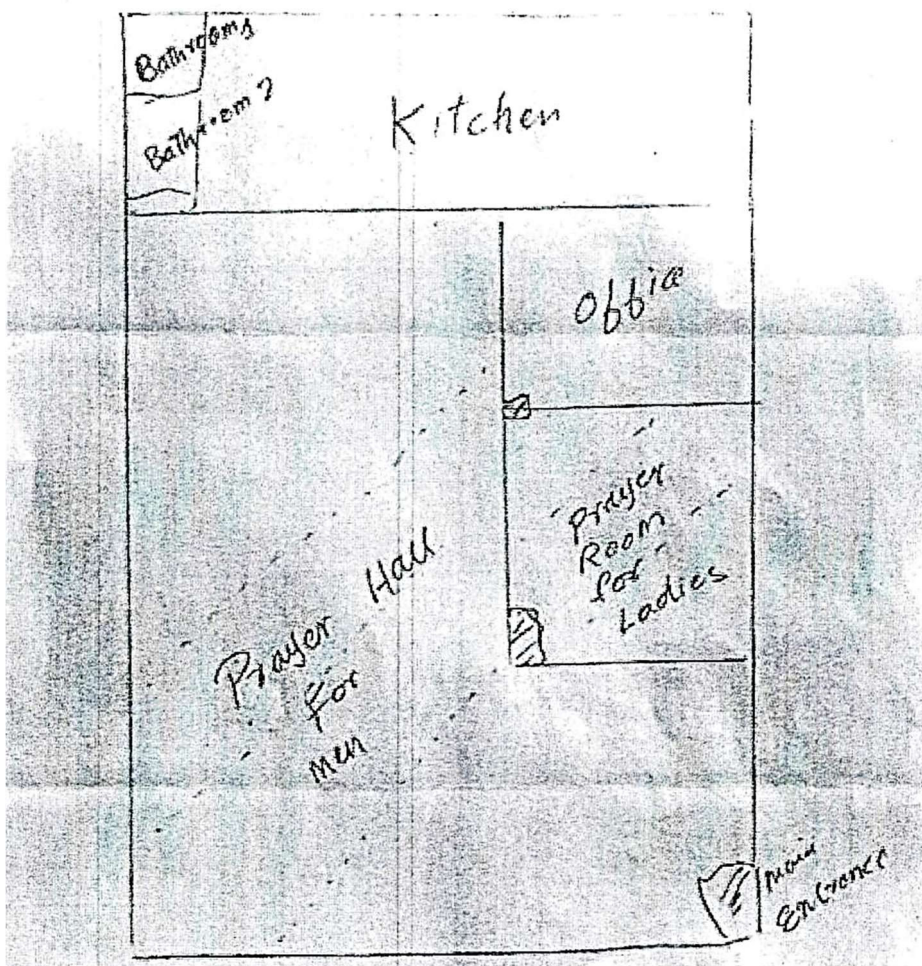
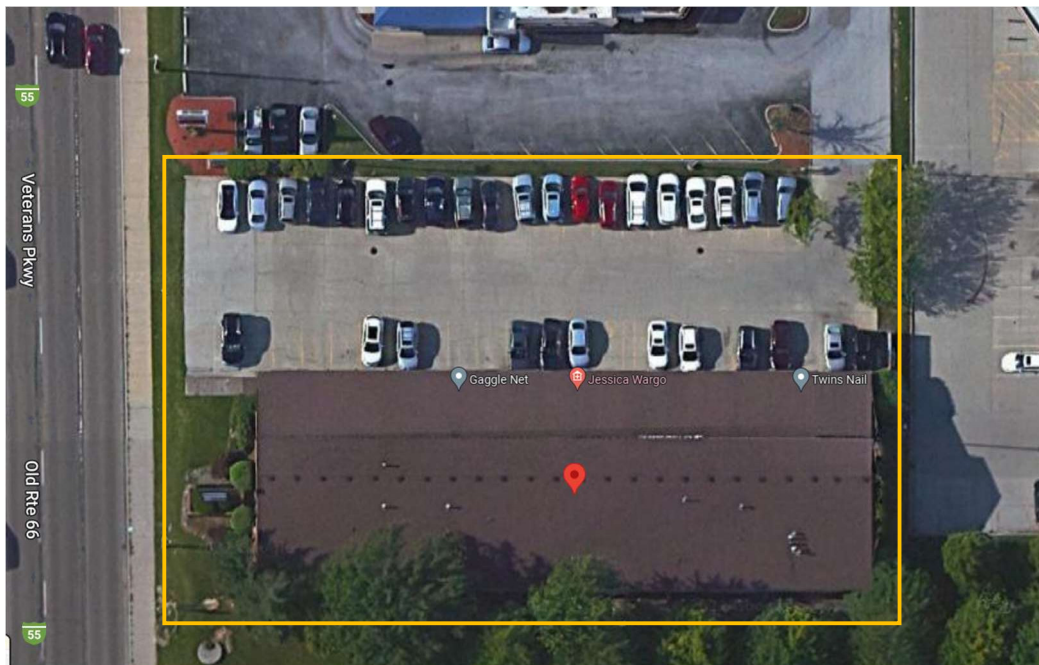
Written Consent from property owner: See copy of lease and email from property manager regarding consent to use and parking arrangement.

Legible Site Plan: See attached

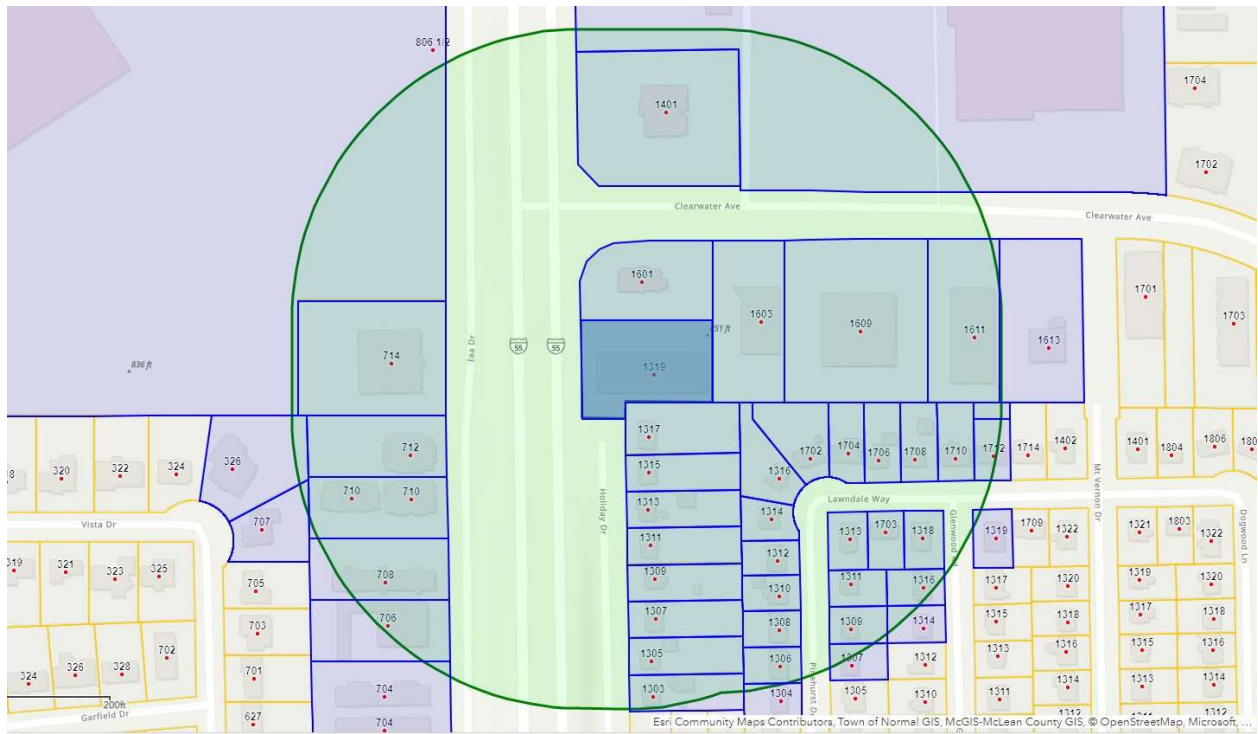
Written Statement Addressing each of the Findings of Fact Listed below:

1. Granting of the special use would not be detrimental or endanger public health or safety as this is a place of worship where people will gather to pray at limited times each day.
2. All activity is inside the property and done by members of this religion.
3. The use as a place of worship will have no impact upon further development or improvement to the surrounding property
4. Adequate utilities, roads, drainage and other facilities exist. No improvements will be needed to accommodate this use
5. Traffic will be concentrated to certain times of the day and night, but sufficient areas for ingress and egress exist
6. This particular property will be used for prayer. Because all activity is taking place inside it will have no negative impact to local commercial or residential areas. It will conform with all other regulations in the area.

Attachment 5 - Petitioner-Submission - Site Plan



Attachment 6 - Neighborhood notice map





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: August 17, 2022

CASE NO: SP-12-22, Special Use Permit for Vehicle Repair and Service in M-1

REQUEST: Public hearing, review, and action on a petition submitted by All About Auto for a Special Use Permit for Vehicle Repair and Service in the M-1 (Restricted Manufacturing) District for the property located at 604 W. Division Street. PINs: 14-33-302-016 and 14-33-302-013.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow the expansion of a Vehicle Repair and Service facility. Per § 44-602B, these uses require Special Use Permits in the M-1 (Restricted Manufacturing) District, when the use adjoins a Residential District boundary line.

The Petitioner desires to lawfully continue to operate the business on the subject property, which has been expanded to the southeast, away from the residential boundary, and move all operations from 1321 N. Mason Street onto the 604 W. Division Street property.

The Petitioner has been conducting similar activities on the subject property since prior to December 2020, when Ordinance Number 2020-83 approved the original Special Use Permit for Vehicle Repair and Service at 604 W. Division Street, and provided:

- An 80' decrease in the setback from residential district,
- A 30' decrease in front yard setback and,
- A 20' decrease in rear yard setback.

These Variances continue to be enforceable as part of any future Special Use Permit or project.

Additional conditions were specified as part of this original Permit (2020-83):

- An opaque fence and/or landscape screen is added to the west boundary of the property. The fence should obstruct headlights from the residential neighbors and in accordance with Division 13 and Division 12 of City Code;
- All inoperable vehicles shall be stored on-site and must be fully screened from the residential boundary and public-rights-of-way on Division Street and Mason Street, and

- All exterior lighting should have a cut-off fixture and be directed down and away from the adjunct residential properties.

Ordinance Number 2021-48 approved an additional Special Use Permit for Vehicles Sales at 1321 N. Mason Street, a contiguous parcel that is used as the office space for the Petitioner's business, but the Petitioner for the current Special Use Permit was not the applicant for that Permit, and he does not intend to conduct vehicle sales as part of the new/expanded Use.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Wednesday, August 3, 2022. Courtesy notices were mailed to 85 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The property at 604 W. Division Street consists of approximately 1.5 acres of land located at the southwest corner of the intersection of Division Street and the Union Pacific Railroad, consisting of two parcels (14-33-302-016 and 14-33-302-013) that have been recently submitted to the McLean County Supervisor of Assessments for combination. The property was improved in 1971 with an approximately 3,240 square foot commercial building that has been used by the Petitioner as a 5-bay Vehicle Repair and Service facility. The Petitioner has approval from the property owner (Graciela Contreras) to seek the requested Special Use Permit.

Surrounding Zoning and Land Uses:

Zoning		Land Uses
North	P-2 (Public Lands and Institutions)	Government Facility (Public Works)
South	R-1C (Single-Family Residence)	Warehouse/Distribution
East	B-1 (General Commercial)	Union Pacific RR
West	Right of Way, then R-1C	Single-Family Dwellings

Description of Current Zoning District:

The M-1 (Restricted Manufacturing) District is to provide for industrial, warehouse, storage and transfer service uses with an absence of objectionable external effects in areas that are suitable for this type of development by reason of topography, relative location, and adequate utility and transportation systems. Compatibility with surrounding districts is further assured by limiting development to low industrial densities. (§ 44-601A).

Key Subject Code Requirements:

- § 44-602B (Table of Permitted and Special Uses) indicates that "Vehicle Repair and Service" uses require Special Use Permits in the M-1 (Restricted Manufacturing) District.
- § 44-605B (Outdoor storage) Requires areas to be screened and paved with a hard surface.

- § 44-1034 (Vehicle repair and service) requires screening of inoperable vehicles, work to be conducted inside the principal building, and sets site/bulk standards for the use.
- § 44-1206 (Parking design standards) Designates the design, size, and surfacing required for off-street parking areas.
- § 44-1208E (Table of Off-Street Parking Requirements) lists “Vehicle repair and service” as requiring 3 spaces per service bay.
- § 44-1307 (Parking lot landscape requirements) designates the location, dimension, design, and materials required for landscaping and screening of parking areas.
- § 44-1308 (Additional screening requirements) requires that all refuse disposal areas shall be screenings on all sides and provides additional criteria.

STANDARDS FOR REVIEW

The Board of Zoning Appeals (ZBA) shall hold at least one administrative public hearing on any proposed Special Use and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Special Use meets all of the Standards of Approval listed in § 44-1707H and discussed below.

Special Use Permit to allow Vehicle Repair and Service in the M-1 (Restricted Manufacturing) District

1. **The establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.**

The presence of M-1 zoning and designation of this area on the City’s Future Land Use Map as “Neighborhood Commercial/Employment Center” indicate that the establishment, maintenance, and operation of uses that are occasionally intensive during daytime-hours are appropriate for this area and will not be detrimental to the public comfort or general welfare. Screening will be added to the western side of the property to decrease the impact of associated light. The nature of the use is not one that creates noxious or hazardous externalities so is not expected to endanger public health or safety. The site is accessible via private drive off Division and does not require movement through residential properties for ingress or egress. ***Standard is met.***

2. **The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

The existing use has created documented issues for residents in the area; the expanded use and new Special Use Permit are associated with reworking of the site and operation to reduce impacts to the neighborhood, while supporting the retention and expansion of the existing business. The primary activities of the business will be moved further away from the residential properties across Mason Street, on-site parking will be

provided, additional screening for parking area and outdoor storage will be required, and additional indoor storage will be provided to accommodate the increased business and need. Screening and site design standards beyond those currently on the site—including those provided to meet the purpose and intent of Conditions of the original Special Use Permit (2020-83)—will be required as Conditions of this Special Use Permit, and are enforceable as such. ***Standard is met.***

3. **The establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.**

Through this expansion of the use, the primary activities of the business will be moved further away from the residential properties across Mason Street. Parking and access requirements have been met. The expansion of the current use, and issuance of this new Special Use Permit should not impede the normal and orderly development and improvement of the surrounding properties. As the development associated with this proposed Special Use Permit disturbs more than 1,400 square feet, stormwater detention will be required in accordance with the Manual of Practice. ***Standard is met.***

4. **Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.**

The property is served by city utilities and roads; no change to facilities is necessary as part of this Special Use Permit. ***Standard is met.***

5. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

Ingress and egress are provided by existing conditions; no change to this condition is expected as the result of the Special Use Permit. Off-street parking requirements have been adequately addressed. ***Standard is met.***

Service Bays	Tenant	Use	Required Off-Street Parking Spaces
6	All About Auto	Vehicle repair and service	18
Off-Street Parking Spaces Required by Use			18
Transit Access Discount (10%)			Applied (Gold Line)
Pedestrian Access Discount (10%)			NOT Applied
Public Parking Lots Discount (10%)			NOT Applied
On-Street Parking Discount			NOT Applied
Total Required Off-Street Parking Spaces			16
Total Available Off-Street Parking Spaces			16
Balance			0

6. The Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.

According to the Petitioner, the existing building will be used for storage of equipment and inoperable vehicles and will no longer contain service bays. The six additional parking spaces to the south of the existing building will be used for temporary storage of vehicles for repair, or outdoor storage of inoperable vehicles, not to fulfill the off-street parking requirements. This “parking” area is not visible from any right-of-way, as it is screened by either the existing building or existing/planned fencing or landscaping, and it will be paved with a hard surface consistent with § 44-1206F.

Off-street parking areas required by the expansion of the use will be required to be brought into conformance with the current Code, including sizing, siting, landscaping and screening, and surfacing. Outdoor storage and refuse disposal areas are required to be sited, screened, and surfaced as per the current provisions of § 44-605 and § 44-1308. Timelines for compliance have been included in the Conditions related to any items that remain unfilled from the original Special Use Permit, or as a result of enforcement issues.

Further, Special Use Permits are enforceable and revokable, should such use become a nuisance, be destroyed, or cease operations for a specific period. In addition, as construction and alteration that require building permits are part of the subject plans, the premises should be reviewed for compliance and condition multiple times prior to occupancy and operation of the Special Use. ***Standard is met.***

ADDITIONAL CONSIDERATIONS

Per, § 44-1707I, “Prior to the granting of any special use application, the Board of Zoning Appeals may recommend, and the Council may require, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein.”

Since the issuance of the existing Special Use Permits, multiple enforcement cases have been initiated and repeat complaints have been made regarding non-compliance with the conditions attached to the existing permits. The initial Special Use Permit for this property (2020-83) lacked a certain amount of clarity regarding the expectations for site improvement associated with the approval of the Permit, and the location of items discussed in the conditions. The Conditions proposed for this Special Use Permit serve to both require items that bring the project into conformance with the Code, protect the purpose and intent of the original Special Use Permit, as well as provide clarity about the expectations of site improvements and associated timelines.

STAFF RECOMMENDATION

Staff finds that the application meets all the standards for a Special Use Permit and recommends that the Zoning Board of Appeals take the following actions:

1. Motion to establish findings of fact that all standards for approval of a Special Use Permit are met.
2. Motion to recommend:

Approval of the petition submitted by All About Auto for Vehicle Repair and Service in the M-1 (Restricted Manufacturing) District for the property located at 604 W. Division Street, **with the following conditions:**

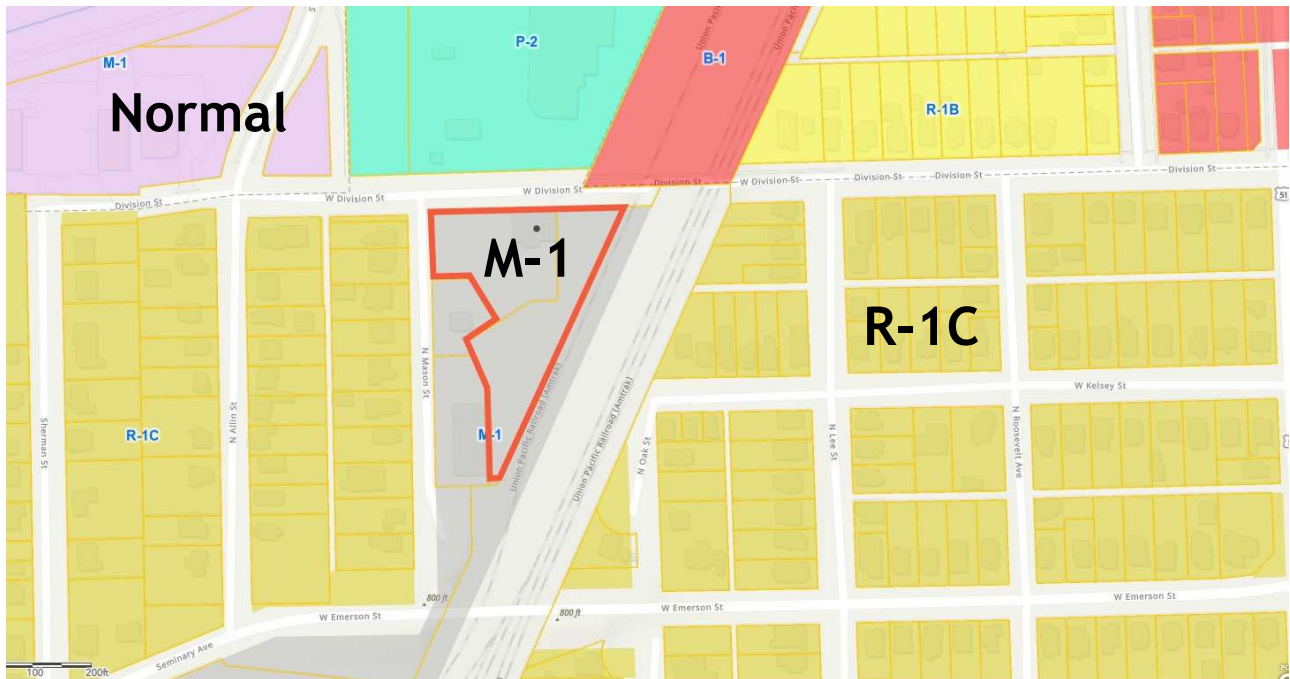
- On or before the effective date, and for the duration of this permit:
 - Inoperable vehicles shall not be stored in parking areas designated to meet the off-street parking requirements of the Zoning Code, nor may operable vehicles be stored there for more than 24 hours.
 - No outdoor storage shall be allowed in any area not indicated on the approved site plan or approved by the Zoning Enforcement Officer.
 - All refuse disposal receptacles shall be located and screened in accordance with § 44-1308E.
- Within 60 days of the effective date of this Permit:
 - A 6-foot opaque fence shall be added along the western side of the parking area adjacent to 1321 Mason Street—in order to meet the purpose and intent of Ordinance 2020-83—as indicated the Conditional Site Plan.
 - An additional site plan for the required off-street parking spaces that indicates compliance with § 44-1206, including stall size, location of curbing and vehicle stops, and proof of independent maneuverability.
- As part of the construction of the expanded use and site plan:
 - An additional landscaped parking island shall be added to the site plan to terminate the row of parking adjacent to the new building, as indicated in the Conditional Site Plan.
 - Additional fencing shall be added to screen the outdoor storage area from view from the northwest, as indicated in the Conditional Site Plan.
 - Landscaping plans prepared and stamped by a professional landscape architect or designer, be provided as per § 44-1303, and in conformance with § 44-1304 though § 44-1307.
 - Prior to operation of the “Future Outdoor Storage Area,” a 6’ fence shall be erected to completely screen the subject area, per § 44-1308B(1), as indicated the Conditional Site Plan.
 - Prior to operation of the “Future Parking Area,” a 6’ fence shall be erected to completely screen the subject area, per § 44-1308B(1), as indicated the Conditional Site Plan.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View
4. Petitioner-Submission - Description of Project
5. Petitioner-Submission - Site and Building Plans
6. Conditional Site Plan (to be attached to Ordinance as “Exhibit C”)
7. Neighborhood notice map

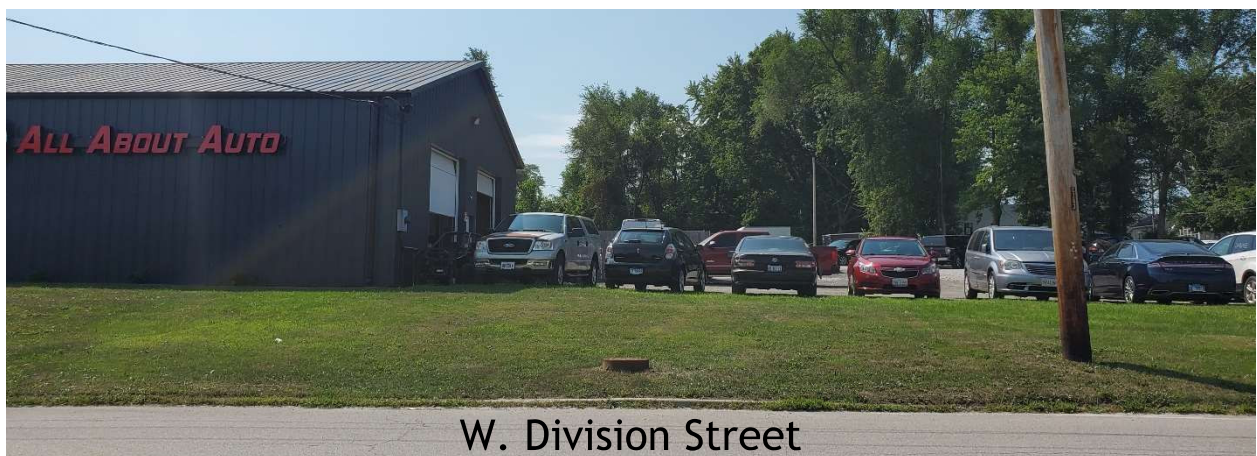
Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3- Ground-Level View(s)







Attachment 4 - Petitioner-Submission - Description of Project

Applicant is a member of All About Auto LLC, the lessee of the subject property, where he operates a vehicle repair and service business in accordance with a Special Use Permit granted by City Ordinance No 2020-83. Applicant now seeks another Special Use Permit to expand his same business with an additional building and parking area to be constructed on property recently added to the site.

PROPERTY CHARACTERISTICS

The subject property of this Application is occupied by the All About Auto LLC automobile repair and service business at 604 W, Division Street and an adjacent vacant and unimproved tract of land recently acquired by the property owner/lessor with an address that has only been described as West Division Street, and was formerly owned by the estate of the now defunct Chicago, Missouri & Western Railway Company. The Parcel ID Numbers for the properties are: 604 W. Division Street (14-33-302-016) and West Division Street (14-33-302-013)

On July 5, 2022, the properties owner submitted to the office of the McLean County Supervisor of Assessments, a Real Estate Combination Request to join the properties into a single parcel with one Parcel ID Number, to be assigned. A copy of the combination request is attached for reference as Exhibit to Property Characteristics.

The Applicant is requesting the Special Use Permit for the expansion of his business that will include the construction of a new building for a business office, additional vehicle repair service space and storage areas for repair vehicles, parts and supplies, and to allow additional outside areas for repair vehicles and employee parking. The business expansion is for increased service volume only and specifically not for additional categories of vehicles such as larger commercial vehicles.

The subject property is in the M-1 Restricted Manufacturing District with a portion of its western boundary along Mason Street, a dividing line between the M-1 Restricted Manufacturing District and a residential zoned district. The remaining greater part of its western boundary borders other properties in the M-1 Restricted Manufacturing District. The partial boundary of the subject property along the residential zoned district requires this Application for Special Use for the expansion of the business with a new building. The layout of the new building does not require any variance in setbacks.

Special Note: The business office of All About Auto LLC that will be located in the new building to be constructed is currently situated at 1321 N. Mason Street (PIN: 14-33-302-017), property leased by this Applicant from a third party. On June 29, 2021, City Ordinance No. 2021-48 approved a Special Use Permit for vehicle sales for that property. Although this Applicant occupies that property for its office, he was not a party to, nor was he aware of the application for that special use permit and does not intend by this Special Use Application to include vehicle sales in its purpose for this Application.

Access to the subject property is by a driveway entrance on Division Street to 604 W. Division Street and also by a driveway entrance on Mason Street to 1321 N. Mason Street to the current business office and on through that property into the southwest corner of 604 W. Division Street.

When the office moves to the new building and the lease of 1321 N. Mason Street terminates, that access to the subject property will be closed. There is no driveway entrance to the West Division Street tract and, with the combining of the tracts, will not be necessary.

WRITTEN STATEMENT OF “FINDINGS OF FACT”

Finding of fact: The establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Discussion: This proposed special use is a replacement of the current special use allowed for the subject property for the Applicant’s ongoing business of automobile service and repair with an expansion of the property area and an additional building for the business. That business operation will not change and has not been and, therefore, will continue to not be detrimental to or endanger the public health, safety, comfort or general welfare

Finding of fact: The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and Applicant’s continuing good practices ensure the special use does not substantially diminish and impair property values within the neighborhood.

Discussion: This proposed special use is required because the M-1 zoning district of the subject property is adjacent to a residential zoned district and, therefore, the primary concern is the effect of the permitted commercial use of the subject property on the adjacent and differently zoned district residential use properties and whether the effect is injurious to that residential use and enjoyment. Again, this proposed special use is a replacement of the current special use allowed for the subject property for the Applicant’s ongoing business of automobile service and repair with an expansion of the property area and an additional building for the business. That business operation will not change and has not been and, therefore, will continue to not be injurious to the residential use of those adjacent properties. The expansion area recently acquired was vacant and unimproved and overgrown and filled with brush, trees and rock that Applicant has had cleared and is leveling for his use, which is greatly improving the appearance of the property. Further, the expansion area of the subject property is in the direction away from the residential zone district properties and the additional new building will be built on that expanded site area, away from the residential zone district properties. The site expansion and additional new building will enhance the appearance of the subject property and enclose more of the customer service and repair vehicles and make more remote the Applicant’s business operations from the residential zone district properties. Applicant consistently maintains his subject property in a clean and orderly condition and has a screen fence along Mason Street, the division line between the differently zoned districts, and another screen fence in the interior of the property to conceal vehicles parked at the property and the business refuse container. Applicant does not allow customer service and repair vehicles and employees’ vehicles to be parked on the streets bordering the subject property. For his own convenience, Applicant does occasionally park his own personal car on Mason Street in front of the business office, which is not the subject property of this special use, but a separate property he rents. These usual and continuing business practices ensure that the special use does not substantially diminish and impair property values within the property.

Finding of fact: The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.

Discussion: The properties surrounding the subject property are already developed in accordance with the respective zoning districts they occupy and Applicant's special use will not impede any future improvement or replacement development of those properties. The trigger for this special use application is the situation of the subject property in an M-1 zoning district and being adjacent to a residential zoning district, therefore the main concern is whether the special use will impede normal and orderly development and improvement of the adjacent residential district properties. Applicant's business operations will remain the same with the expansion of the property size allowing a new building for less crowded service and repair areas and indoor parking of customer vehicles and storage of parts and supplies, which will improve the appearance of the site and operations.

Finding of fact: Adequate utilities, access roads, drainage and necessary facilities have been and will be provided.

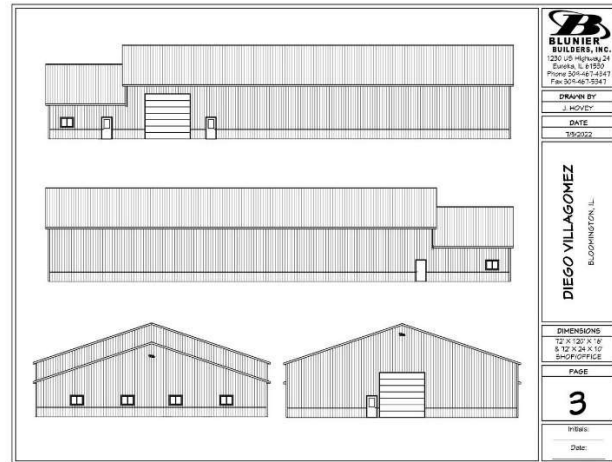
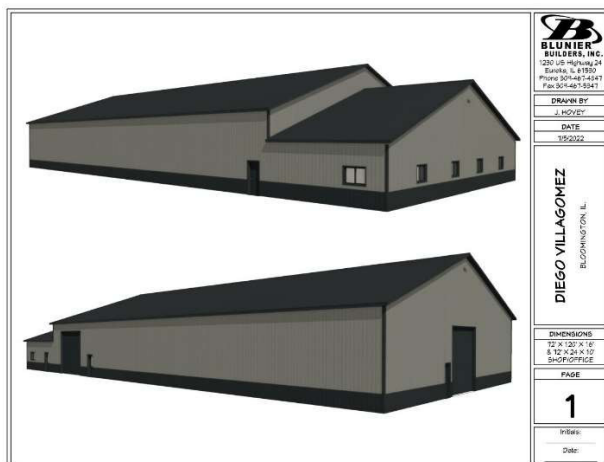
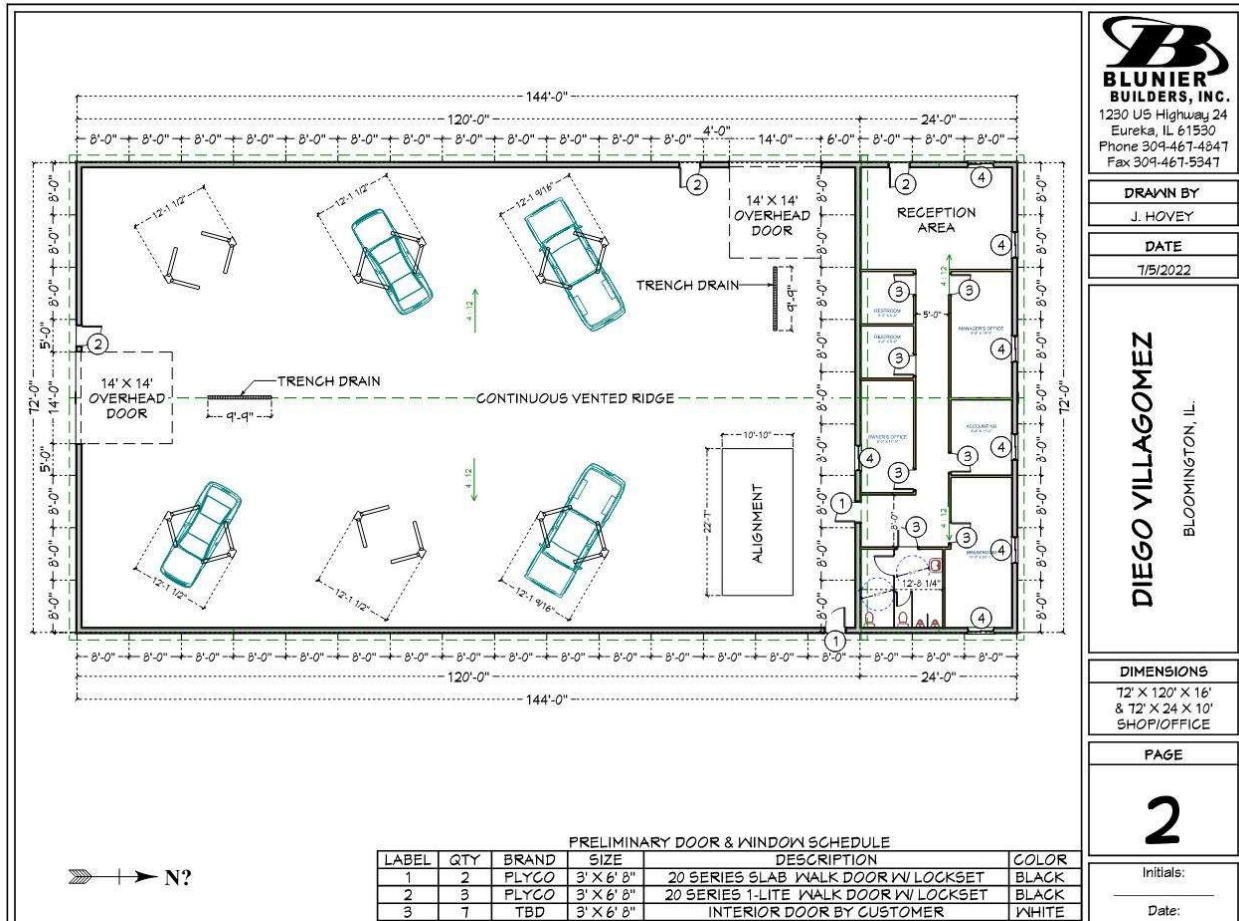
Discussion: Adequate utility services and an access driveway already exist for Applicant's business operations that will be extended to the new building to be constructed as an additional facility to house Applicant's business office, more spacious service and repair areas and parts and supply storage. Storm water drainage and detention will be included in the site improvements as necessary to comply with permits for the site development.

Finding of fact: Adequate measures have been and will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets.

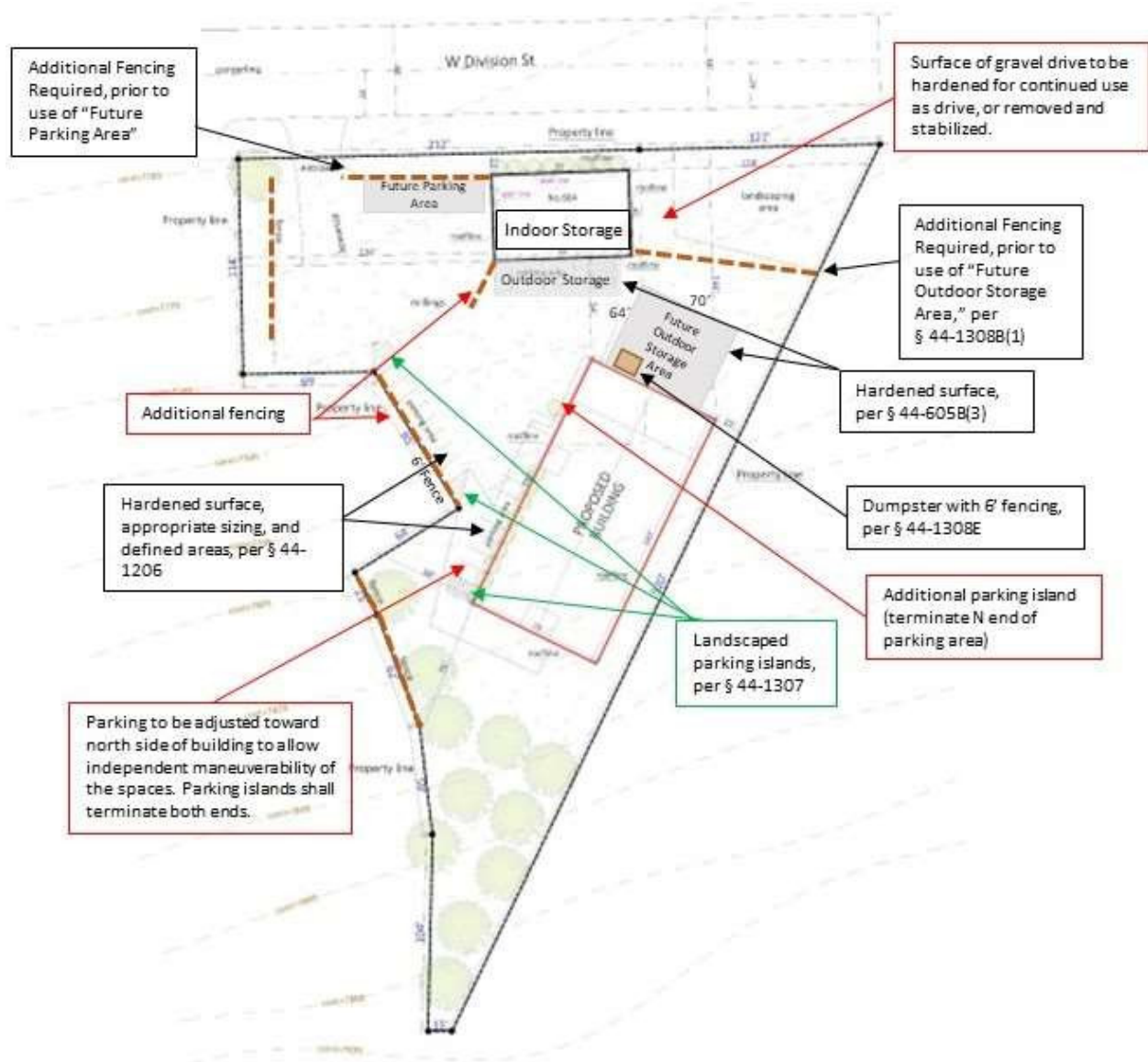
Discussion: There currently exist two street entrances to the subject property, one on Division Street and another on Mason Street through a property adjacent to the subject property that Applicant leases as the business office. The business office will move to the new building to be built on the subject property and upon the termination of the lease of the current business office, the Mason Street entrance to the subject property will be closed. While neither Division Street nor Mason Street have traffic congestion, the closing of the Mason Street entrance will reduce, if not eliminate, traffic along the residential zone district boundary of Mason Street.

Finding of fact: The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.

Discussion: The subject property of the special use lies within the M-1 zoning district and Applicant's automobile service and repair business and operations, and the expansion of the property site and construction of a new building are appropriate for and conform to the M-1 zoning regulations. The construction of the new building and further development of the property with parking, screening and landscaping will also conform to City requirements.



Attachment 6 - Conditional Site Plan (to be attached to Ordinance as "Exhibit C")



NOTE: Subsequent to review of the plan and discussions with the Petitioner, changes to the original site plan have been made—as indicated above—and additional Conditions have been marked to provide clarity on the location of those items. Should the Petitioner provide an updated site plan that includes these changes, prior to adoption of any related Ordinance, the updated plan may be substituted for the base layer of this "Conditional Site Plan."

Attachment 7 - Neighborhood notice map

