

**MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, AUGUST 10, 2016, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS**

MEMBERS PRESENT: Mr. Balmer, Mr. Barnett, Mr. Boyd, Mr. Pearson, Ms. Schubert, Mr. Suess, Mr. Scritchlow, Chairman Stanczak

MEMBERS ABSENT: Mr. Protzman

OTHERS PRESENT: Ms. Katie Simpson, City Planner; Mr. George Boyle, City Attorney, Kevin Kothe, City Engineer.

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

ROLL CALL: Mr. Dabareiner called the roll. A quorum was present.

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

MINUTES: The Commission reviewed the June 22, 2016 minutes. Mr. Balmer moved to approve the June 22, 2016 minutes; Mr. Suess seconded the motion, which passed unanimously by a voice vote of 8-0.

REGULAR AGENDA:

Z-25-16 Public hearing, review and action on the petition submitted by Neil A. Gauger, Trustee of the T&R Trust Dated December 24, 2014 requesting the approval of an annexation agreement and the annexation of the property located at 2229 Springfield Road, approximately 1.50 acres

Chairman Stanczak introduced the case and noted the scrivener's error indicating a 1.50 acre property when it is instead 2.50 acres. Ms. Simpson presented the staff report and recommended in favor of the annexation agreement and annexation. She added that staff is recommending in favor of the rezoning for the next case, Z-26-16, which is related to the annexation. For convenience, staff will provide one presentation for both cases because they are contingent on each other. She explained that the subject property would gain access through an existing, incorporated property, adding that the new property would gain access from and be used by the existing business at 2229 Springfield Road. She reviewed the surrounding uses, their zoning, and characteristics of the existing property, including the provision of photos of the surrounding uses. Ms. Simpson indicated the findings of fact supported, in staff's opinion, the annexation agreement, annexation and rezoning. She noted the lack of suitability for residential, as it is now zoned in the County. She stated that the proposed B-1 zoning is appropriate given its proposed

use once in the City. She stated that the rezoning triggers certain requirements such as providing a transitional yard where it is adjacent to residential.

Chairman Stanczak reaffirmed that while the 1.50 acres as listed in the agenda is incorrect that the proper legal description for the lot was published; Ms. Simpson confirmed this was the case. Chairman Stanczak asked if any of the staff analysis was contingent on the size of the property; Ms. Simpson replied in the negative.

Mr. Balmer asked whether the rezoning triggered buffering requirements; Ms. Simpson replied yes, explain that a transitional yard and fencing is required. Mr. Scritchlow asked whether the screening requirements took into consideration the higher grade of the property proposed to be annexed or if the screening requirements were measured from the lower grade property line; Mr. Dabareiner indicated that the code requirements specify that these requirements start at the property line but that the Commission could place a condition to address the grade differential and sight lines. Mr. Scritchlow asked if the lighting would be shield; Mr. Dabareiner responded that this is a code requirement.

Tim Leighton, attorney for the petitioner, was sworn in. Mr. Leighton provided background information on the property and the associated business. He established the ownership interest and relationship to the business on behalf of the petitioner, repeating that the 2229 Springfield Road address applies to the existing business and would include the annexed property. He stated the property is surrounded by a line of trees and a fence would be extended for screening. The business is a towing and storage facility, he stated, and the expansion will allow for more long term storage of vehicles already on the property. He praised Ms. Simpson for her helpfulness with this process. He introduced Bruce Pedigo, the business president, and Kristy Petigo.

Mr. Scritchlow asked if this first vote includes the rezoning or is just the annexation agreement and annexation case; Chairman Stanczak replied that it would be for the annexation items, not the rezoning.

Chairman Stanczak closed the public hearing. Mr. Balmer motioned to approve the annexation case; seconded by Mr. Pearson. The following votes were cast: Mr. Balmer—yes; Mr. Pearson—yes; Mr. Scritchlow—yes; Mr. Boyd—yes; Mr. Suess—yes; Mr. Barnett—yes; Ms. Schubert—yes; Chairman Stanczak—yes. Motion **approved** 8-0.

Z-26-16 Public hearing, review and action on the petition submitted by Neil A. Gauger, Trustee of the T&R Trust Dated December 24, 2014 requesting the approval of a rezoning from R-1(County) to B-1, Highway Business District of the property located 2229 Springfield Road, approximately 1.50 acres

Chairman Stanczak introduced the case and corrected the property size to 2.50 acres. Ms. Simpson indicated that the staff report for Z-26-16 was included in with the prior staff report for Z-25-16. Mr. Leighton also indicated that his summary related to this rezoning was presented earlier.

Mr. Scritchlow asked about the fence frame which exists along the north side of the property and whether that would provide the fence to be extended for screening; Mr. Bruce Pedigo, was sworn in, and stated that the existing fence frame was placed there in 1999 and provided an opaque fence but McLean County told them an opaque fence was not allowed and required them to remove it. Mr. Scritchlow asked about reported late night work on-site; Mr. Pedigo confirmed that one load of asphalt millings was being moved around and he stopped that once the police arrived to report the noise complaint.

Mr. Scritchlow asked about the need for detention; Mr. Pedigo pointed out that the runoff enters the creek which exits the property. Mr. Kothe stated that gravel or millings does not count towards impervious surface calculations so detention is not required.

Ms. Cindy Szarek, 18 Szarek Drive, was sworn in. She stated that her home shares a property line with the petitioner's. She stated the petitioner has cut down trees and brought in a lot of millings and the runoff comes into her backyard, which created a mosquito problem. She also noted concerns with the lights, the noise and the smell come from the petitioner's property. Ms. Szarek stated that the existing lights are already too bright, the beeping from trucks backing up wake them, and the diesel fumes do not provide a healthy environment. She asks that they be good neighbors.

Mr. Pedigo responded that the lights are arranged to keep the north corner dark to help avoid flood lighting Ms. Szarek's property. He added no plans exist for additional lighting and the trees will remain to help block any light. He also pointed out the area where they work in the evenings, located about as far away from the residential as possible. He also stated that no millings were added to the north side of the property and the grade was not changed on the subject property. He reiterated that moving long term parking to the back lot will help reduce the noise impacting neighbors by focusing activity in an area of the property away from the residential areas.

Chairman Staczak asked if Mr. Pedigo had plans to increase the grade. Mr. Pedigo replied no, but that the millings are needed to help prevent the vehicles from sinking in the mud. He described the natural flow of water through his property and onto the neighbor's property.

Mr. Balmer asked if the millings have changed the runoff; Mr. Kothe indicated he did not see how it could, as water would still drain to the ditch.

Ms. Lynn Dorin, related to the neighbor, was sworn in and showed a photo from her cell phone to the Chairman and Mr. Dabareiner. Mr. Dabareiner asked the city attorney whether we can accept photos from a cell phone as evidence; Mr. Boyle responded only if printed. Chairman Stanczak stated the photos could be admitted if shared with all the Commissioners and the petitioner as well as having printed copies for the record.

Mr. Barnett also asked whether the size of the pile of millings made a difference for the runoff; Mr. Kothe indicated that as long as the millings are spread out as planned, there should not be a concern. Mr. Scritchlow asked how thick the millings would be; Mr. Pedigo indicated no plans to exceed 12 inches and most would be at-grade.

Ms. Schubert tried to clarify Ms. Dorin's intention behind showing the cell phone photos; Ms. Dorin stated her intention was to show how close the adjacent properties are to each other and how that relates to Ms. Szarek's concerns. She added that the milling pile was in the photo.

Mr. Balmer stated that the requirements of the rezoning require meeting the code for buffering and screening and the light infiltration, those issues will be addressed. He added that perhaps time is needed for everyone to view the site, so he would consider a motion to layover the case.

Mr. Balmer motioned to layover the rezoning case; seconded by Mr. Scritchlow.

Mr. Pearson stated that Mr. Kothe indicated the pile size does not relate to the rezoning and the remaining questions are only the fencing and lights. He was wondering if the lights needed to be adjusted, but that is code enforcement rather than a rezoning question. Mr. Balmer stated the height of the pile does not relate to the rezoning but that evidence related to the screening may benefit from a site visit.

Mr. Scritchlow stated his concern is with the runoff that he says will be created because the neighbor is downstream and he believes the millings will sheet water, in contrast with what the City Engineer concluded. He stated he would like more information on the runoff and how it could affect properties downstream.

Ms. Schubert stated she does not agree with the layover, because the neighbors are not disputing the development but are trying to address concerns that exist today. She reminded the Commission that conditions could be added without laying over the case. Mr. Scritchlow asked how added restrictions on runoff would work given that City Code is different than what might be seen in a site visit; he added that a site visit could provide the information needed for a more definitive condition.

Mr. Balmer noted that once the property is annexed and, if rezoned, the City can enforce violations on the property rather than County.

The following votes were cast: Mr. Balmer—yes; Mr. Scritchlow—yes; Mr. Pearson—no; Mr. Boyd—yes; Mr. Suess—yes; Mr. Barnett—no; Ms. Schubert—no; Chairman Stanczak—no. Motion **defeated** 4-4.

Chairman Stanczak stated that because the cell phone photos only indicated reference points between the adjacent properties and no probative value for the rezoning case, he did not believe they should be considered as evidence.

Mr. Pearson motioned to recommend approval of the rezoning; seconded by Mr. Barnett. The following votes were cast: Mr. Balmer—yes; Mr. Barnett—yes; Mr. Scritchlow—yes; Mr. Pearson—yes; Mr. Boyd—yes; Mr. Suess—yes; Ms. Schubert—yes; Chairman Stanczak—yes. Motion **approved** 8-0.

OLD BUSINESS

None

NEW BUSINESS

Mr. Barnett announced that he is resigning from the Planning Commission as he is joining the County Board and this is his last meeting. He was thanked for his service.

ADJOURNMENT

Mr. Balmer motioned to adjourn; seconded by Mr. Scritchlow, which passed unanimously by voice vote. The meeting was adjourned at 4:51 PM.