CITY OF Bloomington ILLINOIS

MINUTES
PUBLISHED BY THE AUTHORITY OF THE PLANNING COMMISSION OF BLOOMINGTON, ILLINOIS
REGULAR MEETING
OSBORN ROOM, 2ND FLOOR POLICE DEPARTMENT
305 S. EAST STREET, BLOOMINGTON, IL
WEDNESDAY, AUGUST 3, 2022 4:00 P.M.

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

The Planning Commission convened in-person within the Osborn Room inside of the Bloomington Police Department at 4:00 p.m., Wednesday, August 3, 2022, with the following physically present staff members Mr. George Boyle, Assistant Corporation Counsel; Mr. Glen Wetterow, City Planner; Mr. Jon Branham, City Planner; Ms. Alissa Pemberton, Assistant City Planner; Ms. Kimberly Smith, Assistant Economic and Community Development Director

The meeting was called to order by Chairperson Mohr at 4:00 p.m.

ROLL CALL

Attendee Name	Title	Status
Mr. Tyson Mohr	Chair	Present
Mr. Justin Boyd	Vice Chair	Present
Mr. Thomas Krieger	Commissioner	Present
Mr. Mark Muehleck	Commissioner	Absent
Mr. John Danenberger	Commissioner	Present
Mr. Brady Sant-Amour	Commissioner	Present
Mr. Benjamin Muncy	Commissioner	Absent
Mr. Govardhan Galpalli	Commissioner	Present
Ms. Anna Patino	Commissioner	Absent
Ms. Jacqueline Beyer	Commissioner	Present

Mr. Branham called the roll. Mr. Danenberger – Present, Mr. Sant-Amour – Present, Mr. Galpalli – Present, Mr. Krieger – Present, Ms. Beyer – Present, Vice-Chair Boyd – Present, and Chair Mohr - Present. With 7 members were present, a quorum was present.

PUBLIC COMMENT

No one was present to provide public comment and staff noted none had been submitted.

MINUTES

Mr. Krieger motioned to approve the minutes from the May 4th, 2022 and June 1st, 2022 meetings. Mr. Danenberger seconded. A voice vote was held. All ayes. The motion passed.

REGULAR AGENDA

A. Z-09-22 Public hearing, review and action on a petition submitted by Sarah Lindenbaum & Alister Smith for an S-4 (Historic Preservation District) Overlay (Local Historic Preservation Designation) for property located at 1001 N Evans Street (PIN: 21-04-226-008).

City Staff Glen Wetterow presented the staff report, with a recommendation for approval.

Mr. Wetterow stated the request has already been heard and approved by the Historic Preservation Commission.

Mr. Wetterow provided background information on the historical and architectural significance of the property and noted the key existing original architectural features specifically identified by the Historic Preservation Commission.

Mr. Wetterow provided a cursory overview of the intent of the S-4 (Historic Preservation District) Overlay to the Commission.

Ms. Beyer asked what the motivation or benefit is to having a property designated S-4. Mr. Wetterow explained that one is that it provides protection for historic aspects of the building, another is that S-4 designated properties have access to Funk Grant funding for assisting with the maintenance and preservation of the property. Ms. Smith added that an additional benefit of the designated is the property would be eligible for tax credits.

Commissioner Beyer asked where the Funk Grant funding comes from. Mr. Branham explained that the Funk Grant is City funded, only receivable once per year, and up to a maximum of $5,000.

Commissioner Beyers inquired how this affects the ability to return to property to apartments or use for other purposes. Mr. Wetterow clarified that this does not change the base zoning of the property and its associated uses but applies the overlay district *in addition* to the zoning district that governs the land use.

Commissioner Beyer asked about whether the re-salability of the property is considered when applying this designation. Her inquiry was related to whether designation is beneficial or detrimental when someone goes to sell a property. Mr. Wetterow stated Staff does not take this into consideration when reviewing the applications. The consideration of any Map Amendment is upon the public good.

Commissioner Beyer asked how being designated relates to potential future demolition of the building. Mr. Wetterow stated the demolition process is a whole process in and of itself, but that the hope is that designation helps provide incentive for owners to maintain and reduces the risk of blight and eventual demolition. No matter the zoning of the building, if a building is 50 years old, or older, and someone applies for a demolition permit, the Historic Preservation Commission Chairperson reviews the application.

The Chair opened the public hearing.

Sarah Lindenbaum (1001 N. Evans Street) introduced herself as one of the Petitioners and noted that the other Petitioner, Alister Smith, her husband was not able to attend. Ms. Lindenbaum provided additional information related to the historic and architectural significance of the property. Built in 1895 as Queen Ann style single-family home, with many of the traditional and characteristic features, and some of those characteristic and elaborate features are still present. The architect was likely George Miller, and the home was built by prior alderman, and was residence to the person who developed the modern-day process for human blood plasma and serum (J. Edgar Welch).

Chair Mohr asked the Petitioner how the overlay will be beneficial.

The Petitioner stated that the prior owners had started some rehabilitation work on the property, and they have an interest in continuing that work, given the historic and architectural significance of the property.

Chair Mohr clarified that the overlay would help ensure that those features are preserved.

The Petitioner stated it would. She stated, “one of the things that enriches the City is our historic properties, and they are not always given the love and attention they deserve.” The Petitioners would like to provide this property the care and attention that it deserves.

There was no discussion by the Commission.

A motion was made to approve Resolution 2022-01 by Commissioner Boyd, seconded by Commissioner Kreiger. Roll Call Vote. Danenberger – Yes, Mr. Sant-Amour – Yes, Mr. Galpalli – Yes, Mr. Krieger – Yes, Ms. Beyer – Yes, Vice-Chair Boyd – Yes, and Chair Mohr – Yes. (7-0). The motion passed.

A motion was made to establish finding of facts as presented by the staff by Commissioner Boyd, seconded by Commissioner Danenberger. Roll Call Vote. Danenberger – Yes, Mr. Sant-Amour – Yes, Mr. Galpalli – Yes, Mr. Krieger – Yes, Ms. Beyer – Yes, Vice-Chair Boyd – Yes, and Chair Mohr – Yes. (7-0). The motion passed.

A motion was made to recommend approval of the Zoning Map Amendment to the City Council by Commissioner Boyd, seconded by Commissioner Kreiger. Roll Call Vote. Danenberger – Yes, Mr. Sant-Amour – Yes, Mr. Galpalli – Yes, Mr. Krieger – Yes, Ms. Beyer – Yes, Vice-Chair Boyd – Yes, and Chair Mohr – Yes. (7-0). The motion passed.

Staff noted that this case will be heard on the August 22, 2022, City Council agenda.

B. PR-07-22 Public hearing, review and action on a request by petition submitted by John Phillips, on behalf of Coffee Bros, LLC, for a Legislative Site Plan Review, and potential Variances, for the property located at 1508-1510 N, Main Street. PIN: 14-33-329-012.

City Staff Jon Branham presented the staff report, with a recommendation for approval.

Mr. Branham noted there were no variances associated with the request, but the project is still pending Illinois Department of Transportation (IDOT) approval, which could result in modifications to the site plan. This could potentially result in the petitioner having to return to the Commission to amend the site plan, if necessary.

Mr. Branham stated the building is 644 sq ft and is a drive-through only facility. The Petitioner is not modifying the access points. There are two drive-through ordering lanes that meet stacking requirements, and a bypass lane has been provided. Landscaping and parking requirements have also been met.

Commissioner Boyd inquired if sidewalks were already established around the property. Mr. Branham confirmed they were existing, and noted direct pedestrian access has been provided from the sidewalk along Main Street to the building.

Commissioner Boyd inquired about bike parking. Mr. Branham stated there was none indicated on the plan. He stated the business will be primarily concentrated on the drive-through component.

Commissioner Beyer asked if there have been any other requests for drive-throughs in the area. Mr. Branham stated that he was not aware of any within the last year.

Robbie Ryan (14006 Charles Street, Omaha, Nebraska). Mr. Ryan represents Coffee Bros, LLC. whom if affiliated with Scooter's Coffee. Mr. Ryan stated Scooter's Coffee started in 1994 in Omaha. His development firm has constructed approximately 16-20 stores thus far. His firm builds the stores and either sells or leases the land to them. He stated Scooter's currently has 460 stores with plans to grow to 600 stores by end of this year and 1,000 by the end of next year. They are operating in more than 20 states. This location will be strictly drive-through, no inside access will be provided. They are looking to have four locations within Bloomington eventually. They are also looking to put three locations in Peoria and three locations in Decatur. He stated he felt the located is ideal as the area is underserved when to comes to coffee.

Chairperson Mohr wanted to clarify that there is no walk-up window. Mr. Ryan stated that is correct. Chairperson Mohr noted the pedestrian access would be for employees. Mr. Ryan answered in the affirmative. Mr. Wetterow clarified that even though there is no inside access, City Code requires the pedestrian access.

Chairperson Mohr asked about parking as needed or required. Mr. Ryan said they typically provide 6-7 per store, but 10 was required here and provided.

Vice-Chairperson Boyd express concern about landscaping near roadway and visibility. Mr. Branham and Mr. Wetterow stated the Code has a section related to site triangles which limits the height of structures and vegetation within them to ensure visibility is not impaired. The site visibility requirements must be met and appear to be based upon the site plan.

Mr. Ryan stated Scooter's would make sure the landscaping stays under control. Their intent is for the business to be seen.

Chairperson Mohr stated the Commission has recommended one-way-in, one-way-out sometimes in the past for drive-throughs, but since this is located between two one-way streets that may not be practical for the site and he is not recommended this for this site.

Commissioner Galpalli asked how many employees there are and is their sufficient parking to accommodate. Mr. Ryan stated there are typically 4-5 employees between 5:30am-9am, 2-3 employees until 5pm, and then 1-2 employees until close, typically by 7-8pm, depending on demand.

Commissioner Beyer asked for clarification on traffic circulation within the site. Chairperson Mohr explained that sometimes the Commission has made recommendations on adjusting flow to limit queueing issues, but this would not be an instance where this would be applicable.

Commissioner Boyd made a motion to establish findings of fact and recommend approval. The motion was seconded by Commissioner Galpalli. Danenberger – Yes, Mr. Sant-Amour – Yes, Mr. Galpalli – Yes, Mr. Krieger – Yes, Ms. Beyer – Yes, Vice-Chair Boyd – Yes, and Chair Mohr – Yes. (7-0). The motion passed.

Staff noted that this case will be heard on the August 22, 2022, City Council agenda.

OLD BUSINESS

Chair Mohr encouraged advance review and the provision of input to staff any time they send out information, and additional information to staff between now and the next meeting.

City Planner, Glen Wetterow, stated that Staff have updated the text amendments to reflect the input received at the last Planning Commission Meeting. Staff is presenting these refined text amendments to the Commission for additional input and clarification. Staff's goal is to have the text amendments as formal agenda items by the end of the year.

Discussion Item 1- Residential nonconformities in the B-1

City Staff, Glen Wetterow, presented the updated version of the text amendment to the Commission. Mr. Wetterow noted the text amendments provided ensure existing single-family and multi-family nonconforming uses in B-1 will have a means to continue and will address allowing future multi-family development within the B-1 zoning district with additional oversight via the Special Use process. Mr. Wetterow provide maps indicated areas within town where staff has identified there are issues related to nonconformities in B-1 zoning. The first map depicted S. Main St which indicated sections along it were comprised of 75% or more residential. Addressing nonconformities allows this . The next map indicated some properties north of W. Market Street and west of I-55. Mr. Wetterow noted some of the properties Northeast of the subject area already rezoned to R-3A, but these areas make sense to leave B-1 but also to allow multi-family via a Special Use. The final map was of an area near the intersection of Washington St and Clinton St. The text amendments would not address this area and the uses within this area are small scale commercial, but the B-1 zoning is not appropriate here. It is more appropriate for this area to be rezoned to B-2 zoning which is focus on local commercial. There are other areas in town where rezoning may be the most appropriate solution.

Ms. Pemberton added that the primary concern she is hearing from the public at this time is what single-family homeowners can do with/in these B-1 zoned areas. Staff's primary concern is how we can assist them and addressing nonconforming properties is the best way to do so. The inquires she has had related to multi-family in B-1 zoning surrounds them wanting to know they have a way to move forward in the event of a disaster.

Mr. Boyle highlighted the biggest issue with something suddenly becoming non-conforming is finance. Mr. Boyle noted is hard to get financing on something that may not be able to be rebuilt.

Discussion Item 2 - Zoning for Assisted Living Facilities

City Staff, Jon Branham, presented the updated version of the text amendment to the Commission. Mr. Branham noted this definition was left out of code update. There were several other senior housing types that remained in the definition section and they are little confusing. The idea here is to remove these types and create a single inclusive definition for assisted living facility.

Chairperson Mohr asked about clarification on including age. He wanted to know if it was necessary. Chairperson Mohr noted there are many people who are under 55 years in ago who may need assisted care, including those who had COVID and will now require long-term care. Staff noted that the original reasons for changing to 55 was to achieve continuity within the code, but Staff will investigate the ability of removing the age restriction. Mr. Boyle did not think the age made a difference and that is may have come from the Fair Housing Act. Mr. Boyle noted this is something staff will need to investigate.

Discussion Item 3 – Updates to Zoning Classifications and definitions

City Staff, Alissa Pemberton, presented the updated version of the text amendment to the Commission.

Boarding and Rooming House and Rooming House definitions both exist but they conflict. The recommendation is to have just one definition and it will be for Boarding and Rooming House as that is the use listed in the permitted use table.

Performance standard as it is presently defined is not an standard, but an example of a standard. The text amendment would revise the language so that performance standard actually establishes a standard.

The next text amendment related to definitions is to remove unit from all dwelling unit definitions because you can put units within buildings/dwellings. Additionally, the text amendment would address where converted dwellings definition is located. Currently, it is not located in the "D" section of the definition section of the zoning code. This would limit confusion.

The definition for warehouse is missing. Related to storage, the code currently only identifies a commercial parking lot and mini warehouses. Staff has had several inquiries related to where warehouses are permitted within the City. This would address this issue.

Related to the definitions for laboratory, the text amendment addresses cross-references and adding material testing facility which has been identified as desired use within the City.

Related to Chicken Keeping, the proposed text amendment would address two issues. The first being adding language identifying chicken keeping requires a Special Use in the residential use section of the code when addresses chicken keeping. Secondly, the text amendment would add revise the definition of chicken keeping permitting it within schools for educational purposes.

Would like to put Special Use language in the Chicken Keeping section of the code
Add language to allow schools to keep chickens for educational purposes

Discussion Item 4 - Review and Submission Process

City Staff, Alissa Pemberton, presented the updated version of the text amendment to the Commission. The text amendment would allow for digital submission of documents and digital payment. Currently the code does not allow for either.

Mr. Wetterow noted the Planning Commission is Legislative Body but the Zoning Board of Appeals hears Special Use cases. This has resulted in confusion on waht types of public input can be provided. Mr. Wetterow emphasized the issue with Variances being tied to Special Uses. Variances run with property and stay there but Special Uses are tied to use and can be revoked/changed. The issue is the Special Use could go away yet the variance would continue to be in place. Mr. Wetterow noted the text amendment would encourage the use of waivers associated with a Special Use. The waivers would be a means to provided relieve from code requirements associated with the use.

Ms. Smith noted the idea behind the waiver is that there is only a need in the first place because of a performance standard related to the use, where as Variance is supposed to be related to nature of the land itself so there is a bit of a misalignment. A variance is related to a hardship with the land, not an issue with meeting use provisions. The idea more about removing the variance from the process than allow for waivers, waivers should be sparingly permitted.

Ms. Smith noted in staff's investigation of the code, when everything got pushed down and rolled up, a lot of uses ended up as Special Use that were not before. Staff is investigating why this was and the possibility of not making some of the uses Special Uses.

Chairperson Mohr noted the previous intent of making uses a Special Use was to "test the waters" and see how popular something was and what people were doing. Additionally, the intent was to review the Special Uses to identify what the Commission is continuing to see and determine if there is a need to revise the standards so that a Special Use is no longer needed because the use has become so prevalent. Chairperson Mohr asked if the Special Use data could be reviewed and should this evaluation happen first before this text amendment language or do other way around, or both at the same time?
Ms. Smith stated it is both. She noted there are other things that are Special Uses which are at issue too, like hotels in B-1. Staff is looking at alignment of districts with Special Uses and possibility of removing Special Uses and applying additional performance standards.

Mr. Wetterow reiterated what Chairperson Mohr stated earlier, please take some time to disgust what has been provided to you and please submit feedback. Chairpeson Mohr asked whom they should contact. Mr. Wetterow stated he would be the main point of contact and would disseminate the information as needed.

There were no additional questions form the Commission.

NEW BUSINESS

Elections for Chair and Vice-Chair

Chairperson Mohr went over the general process for how the elections would proceed based upon the number of nominations received. Chairperson noted a motion to nominate someone if need and that needs to have a second. Then the nominee will be asked if they would like the accept the nomination. If they accept, then they are added to the list and then the vote is held.

The first election was for Chairperson. Commissioner Beyer nominated Chairperson Mohr, Commissioner Galpalli seconded. Chairperson Mohr accepts. Mr. Boyle clarified this will be his second consecutive year. Chairperson Mohr verified it was and noted the Chairperson is limited to two consecutive years as Chairperson. No additional nominations were made. A voice vote was held. 6 Ayes, with Chairperson Mohr abstaining. Chairperson Mohr was elected Chairperson for his second term.

The second election was for Vice-Chairperson. Commissioner Galpalli nominated Vice-Chair Boyd. Commissioner Beyer seconded. Vice-Chairperson Boyd accepts. No additional nominations were made. A voice vote was held. 6 Ayes, with Vice-Chairperson Boyd abstaining. Vice Chairperson Boyd was elected as Vice-Chairperson for his second term.

ADJOURNMENT

Chairperson Mohr asked for a motion to adjourn. Commissioner Boyd made said motion to adjourn. The motion was seconded by Commissioner Kreiger. A voice vote was held, and all Commissioners responded in the affirmative. Motion passed (7-0). The meeting was adjourned at 5:02 P.M.