

**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, JULY 17, 2013, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, IL**

Members present: Mrs. Barbara Meek, Mr. Dick Briggs, Mr. Mike Ireland, Mr. Robert Kearney, Mr. Jim Simeone,
Members absent: Ms. Amelia Buragas, Mr. Bill Zimmerman
Also Present: Mr. Mark Huber, Director of PACE
Mr. Tony Meizelis Engineering Department
Mr. Bill Givens, Engineering Department
Mr. Mark Woolard, City Planner

Mr. Woolard called the meeting to order at 3:08 p.m. and called the roll. A quorum was present.

The Board reviewed the minutes from May 15, 2013. The Board had no corrections and the minutes were accepted as printed.

Chairman Ireland explained the meeting procedures. Mr. Woolard stated that the cases had been published.

SP-03-13 Public Hearing and Review on the petition submitted by HL Bloomington LLC and Hundman Management LLC requesting approval of a special use permit for multiple family dwellings for the property located at 1021, 1025, 1031, 1037 and 1041 Ekstam Dr. Zoned B-1, Highway Business District.

Chairman Ireland introduced the special use petition and explained the petition was remanded back to the Board by the City Council. Mr. Huber stated the Board heard the case two months ago along with a variance that was granted. On June 10, the City Council reviewed the case with changes of four less units from 92 to 88 units and a small play area at the rear of one of the buildings. The Council thought that was enough to have it reheard by the Board. They also committed staff to review possible removal of parking on Ekstam Drive and that review determined the removal to not be warranted. A traffic stripe will be added but there will be no additional traffic controls to be added.

Chairman Ireland asked for anyone who would like to speak in favor of the petition to come forward. Todd Bugg, with Dunn Law Firm at 1001 N Main Street, was sworn in and stated the only change his clients made was to take out a portion of a building and to add the play area. They wanted a designated area for children to play and he believes it enhances the project and nothing else has changed from when it was recommended for approval. He asked for the Board to recommend approval again.

Chairman Ireland asked for anyone else who would like to speak in favor of the petition and no one spoke.

Chairman Ireland asked for anyone who would like to speak in opposition to the petition. Glen Hill of 1211 Norma Drive was sworn in and stated he was here last year regarding the petition for apartments on Pamela and that was denied and he is against the existing complex getting any bigger and the streets do not handle the traffic now. He said they should stop the size of these complexes and separate them apart and it is bad planning. He said smaller apartment developments would be better scattered around than just keep stacking them in one area. He asked how many units are there now and said maybe a thousand and all using the same parking lots, sidewalks and playgrounds. When you get these huge apartment complexes in 20 to 30 years they are not a very nice place and they age much faster but the small apartment buildings look very nice. It is not good for the face of Bloomington.

Ralph Driver of 11 Zavitz Ct. was sworn in and stated there are 564 existing apartments and this will add 88 more units. He said this project was shot down on Pamela Drive and traffic flow on Ekstam right now is 1,880 and he does not understand how there is even a thought to put apartments here when it was shot down there.

Peggy DeHaven of 7 Zavitz Ct. was sworn in and stated the traffic continues to be a problem in that they have only eliminated the parking on Ekstam's west side, the police are not ticketing and they continue to park there. She said the zoning sign was blocked by weeds and a big mound of dirt and then it was removed before the hearing. She said they have a petition by many who are opposing the special use protesting it because of the traffic, school concerns, not enough reasonable exits and there is only one there, they have no intentions of finishing Cornelius and if there is an accident blocking Ekstam we cannot get out. They are also creating more problems by adding six exits for people to exit or enter Ekstam on the busiest time of the day. She also had letters from local home owners who are requesting the denial as well. She said although they say the roads can handle the traffic it was not designed to handle that kind of apartment traffic and it should stay for business. She stated the apartment people are walking in our subdivision and interfering with our yards and very frequently playing on our equipment and in our driveways because there is not enough equipment for them to play on at the apartments. The small addition proposed to the back of the one building does not allow the 200 plus kids in the current complex a place to play.

Roxann Marling of 3409 Prescher Pt. was sworn in and stated they are a small subdivision of a 105 houses and she feels like we do not have a voice. She provided a document from Unit 5 Schools explaining the additional apartments are creating a hardship for the schools and how Dayna Brown had told her no one school can handle that type of development. She said the parking signs are snow route signs and the police will not issue tickets. Thus there still are concerns regarding the parking issue, additional cars being put on the streets, children's safety, school bus stops with kids playing in the streets. They have been asking for Cornelius for ten plus years. She said there will be 564 apartments times four for a family and how many people are you putting on top of us. The vision the city had for the area in the beginning is not what this area has become and she does not understand why special use permits are given out so easy like candy. The difference between the business uses and apartments is that the apartments

have people who dwell there unlike businesses where the people leave and it does not have constant use.

Bruce Meeks of 1402 Wright Street was sworn in and showed video of a pile of dirt and weeds screening the public hearing sign. It also showed the no parking snow route sign, the existing apartments and parking lot, Cornelius, the nearby residences, and Ekstam. He said you can only see the sign if you are directly in front of it and the legal notice was not effective. This means you are not getting a true picture of the neighborhood outrage. The sign issue should be looked at and the development should be preserving the quality of life and make it better. He does not recommend approval. The traffic also is a problem as it will increase and the streets do not have to accommodate the ever increasing traffic. This decreases the air quality and property values. He asked that as a condition of approval Ekstam be reduced to 25 mph. There is a change recommended in the packet regarding trees. There was a last minute ditch effort to rescue this from the City Council. He said without an east west road here he is asking what is the police and fire response time, what is the crime rate and student population, how long do bus stops take, how many special use permits have been issued of this type, what happened to the north-south road, why is Cornelius not completed, and what are the traffic counts.

Mr. Huber stated the snow route signs will be changed out such that the police can enforce the no parking. The average family size is 2.34 per household. He said uses can be compatible in a particular district and explained how apartments were permitted by right but then the apartments were being built in areas within business districts and then the code was changed to allow them with special uses. Special uses are distinct petitions and very different from rezonings. The business zone is not the best zone for that area. There was discussion on the zoning, the B-1 standards such as floor area ratio and the need for comprehensive planning for the area. Mr. Kearney emphasized how the area is a mess and this is such a contentious issue with a variety of uses next to each other, traffic concerns, half-built roads, and a lack of playgrounds. The burden should be on the city to develop a plan. Mr. Huber said the schools do not get involved except in long range planning.

Neil Finlen, with Farnsworth Group at 2709 McGraw Drive was sworn in and stated that what governs the density is not the code or units per acre but the parking because two spaces are required per dwelling unit. They are at about 25 dwelling units per acre. He said this is proper planning because it goes from high volume commercial along Route 9 stepped down to multi-family and then to single-family. He thinks there is too much B-1 zoning but the special use allows for more control than what could occur with a rezoning. He said Unit 5 did see this plan. The traffic will be at 25-33 percent for the capacity of Ekstam. They are taking measures to alleviate problems from construction parking. He said they have listened to the concerns and have removed four units for the playground.

Mr. Kearney prefaced his vote by stating now you know why we start our meetings at 3:00 because if we started at 7:00 we would often go to 10:00 or 11:00 at night and we are a citizen volunteer, uncompensated board. Each gives about one week a year worth of work time to the city on a pro-bono basis. Regarding the traffic side streets should not be 30 mph but 20-25 mph. and with the traffic flow it depends on how you see your streets. The city does not see

them as side streets even though if you live in a single-family home, you may not see it that way. The presentation by Farnsworth was excellent but it was the first time he heard the articulation of the step down approach and wishes he heard it earlier because it makes a little sense but the whole place seems a mess and a no vote puts pressure on the appropriate parties to make it less of a mess. He has voted against recent proposals that are similar and because of the findings of fact where he does not see sufficient support for many of the findings of fact as they relate to general welfare, use and enjoyment of other properties and does not see support for several of those so his vote is no.

Mr. Briggs prefaced his vote by stating he thinks the petitioner did listen to the neighbors and they could have gone and got the R-3A zoning and could have had up to 29 with no input from the neighborhood and no concern at all. He said he is a firm believer in the special use permit because it does give the public a hearing. Based on the information that they feel it is about 25 units per acre where the R-3B is, it is pretty consistent, they minimized the impact, and with the R-3A there would be no hearing at all, and they have added in the park. The whole design was bad but it could have been R-3A and we would not be here. Weighing all those facts it is the minimal impact without the rezoning and we cannot handle the Cornelius situation and his vote is yes.

The vote on the special use was approved with three (3) voting in favor and two (2) against with the following votes being cast on roll call:

Mr. Simeone--no; Mr. Kearney--no; Mr. Zimmerman--absent; Ms. Amelia Buragas--absent; Mr. Briggs--yes; Mrs. Meek--yes; Mr. Ireland--yes.

Z-11-13 Public Hearing and Review on the petition submitted by William Bentley to allow construction of a parking lot and to allow a variance from the Zoning Ordinance to reduce the required landscaped parking lot setback along Stewart Street from 12 feet 6 feet for property located at 1502 S. Main Street. Zoned B-1, Highway Business District.

Chairman Ireland introduced the petition and asked for anyone who would like to speak in favor of the petition to come forward. The petitioner was not present and no one came forward.

Chairman Ireland asked for anyone else who would like to speak in opposition to the petition and no one spoke.

Mr. Kearney moved to move for continuance of the case to the next meeting. Mr. Simeone seconded the motion. The vote on the motion was approved with five (5) voting in favor and zero (0) against.

SP-04-13 Public Hearing and Review on the petition submitted by Luther Oaks, Inc. requesting approval of a special use permit for a nursing home for the property located at 601 Lutz Road. Zoned S-2, Public Lands and Institutions District.

Chairman Ireland introduced the petition. Chairman Ireland asked for anyone who would like to speak in favor of the petition to come forward. Mr. William C. Wetzel of 115 W. Jefferson

Street Suite 400, was sworn in and stated his client is seeking to add on to their facility. They are also asking for a one lot subdivision which will be reviewed by the Planning Commission. He said they have a favorable recommendation from the staff which is a product of their hard work and the administration's support which results in a plan that fits the intent of the code for special uses and they are asking for no waivers. He asked for the Board to recommend approval to the City Council.

Gretchen Brown of 1505 Manchester in Champaign, was sworn in and stated they are a not for profit and have been continuing their plan of adding a skilled care facility and it will have 36 beds with an additional 27,000 square feet.

Mike Sewell of Shive Hattery at 2103 Eastland Drive, was sworn in and stated the site plan are reflective of meetings with the city staff whose concerns have been addressed on the site plan. The detention will be designed to handle more water than what is required. They considered seeking a variance but then made a decision to satisfy the code for parking. The legal description for the special use is for the entire twelve acres. He said they do not have a problem with making a condition of approval regarding the sewer screening.

Mr. Simeone questioned if it is standard to have a facility this large with only one entrance and exit. Mr. Sewell stated they wanted to satisfy the Fire Chief for the layout of the site and addressed his concern for the circulation of vehicles by widening the road. Mr. Wetzel said they do not have a way to provide the second access and the petitioner is satisfied that emergency vehicles will have enough access to the property to do what they need to in an emergency.

Chairman Ireland asked for anyone else who would like to speak in favor or in opposition to the petition and no one spoke.

Mr. Woolard stated that there is not a lot of traffic generated by the existing use and do not anticipate a significant increase. The use will also be compatible with the adjacent land uses. Emergency vehicles will be able to circulate around the entire property with the proposed site plan. Staff supports the petition.

Mr. Kearney moved that the special use be made condition upon the petitioner meeting point number two in the July 15, 2013 memo from the city or any substitute that the city approves in its place. Mr. Briggs seconded the motion. The vote on the motion was approved with five (5) voting in favor and zero (0) against.

The vote on the special use was approved with five (5) voting in favor and zero (0) against.

SP-05-13 Public Hearing and Review on the petition submitted by Robert Novotny, Joan Novotny, Craig Bowars and Katie Bowars requesting approval of a special use permit for a medical, health services facility for the property located at 1415 Croxton Ave. Zoned R-3B, Multiple-Family Residence District.

Chairman Ireland introduced the petition. Chairman Ireland asked for anyone who would like to speak in favor of the petition to come forward. Todd Bugg, with Dunn Law Firm at 1001 N Main Street, was sworn in and stated the request is to allow a special use because although the change is similar it is not a dentist office. There will be no change in the facility and the new use they are asking for will be a chiropractor office. It will be very consistent with what has been there to begin with and any changes will be cosmetic.

Dr. Craig Bowars of 21 Cygnet was sworn in stated and said they also do chiropractic care, massage therapy and acupuncture. They are on East Grove but it is up and down and is not good for elderly patient and they have been looking for a place with one floor.

Mr. Woolard stated the change was enough to require the special use but they are not adding to the building or parking and staff does see any negative impacts with the request. The use should be compatible with what is around the site.

Mr. Huber explained there were many reviews with a text amendment and a rezoning when the existing use was established many years ago.

Chairman Ireland asked for anyone else who would like to speak in opposition to the petition and no one spoke.

The vote on the special use was approved with five (5) voting in favor and zero (0) against.

Other Business: None

New Business:

Public Comment: None

Adjournment was at 5:53.

Respectfully;

Mark Woolard
Acting Secretary