

**MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, JUNE 27, 2018 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

MEMBERS PRESENT: Mr. David Stanczak, Ms. Megan Headean, Mr. John Protzman, Mr. Mark Muehleck, Mr. Thomas Kreiger, Ms. Megan McCann, Mr. Tyson Mohr, Chairman Justin Boyd

MEMBERS ABSENT: Mr. Kevin Suess, Mr. Eric Penn

OTHERS PRESENT: Mr. George Boyle, City Attorney; Ms. Katie Simpson, City Planner; Ms. Izzy Rivera, Assistant City Planner; Mr. Bob Mahrt, Community Development Director; Mr. John Houseal, Houseal Lavigne Associates, Ms. Jackie Wells, Houseal Lavigne Associates.

CALL TO ORDER Chairman Boyd called the meeting to order at 4:00 PM. Ms. Simpson called roll, and a quorum was established with nine members present.

PUBLIC COMMENT:

Patty Koranda, Treasurer for the Illinois Beekeepers Association, provided comment on the draft beekeeper language in the proposed zoning ordinance. She asked what the goal of the ordinance was and questioned the proposed regulations.

Louis Littell, a beekeeper and member of the Central Illinois Beekeepers Association, stated that he has concerns about the specific regulations proposed for beekeeping. He asked staff to work with his organization to address the proposed concerns.

Bobby Lewis, University of Illinois Extensions Director, offered research and information on beekeeping. She stated her office is a resource. She stressed the importance of pollination.

Robin Vandermay, a Bloomington resident and beekeeper, stated she is concerned about placing restrictions on beekeeping. She stated she has kept bees for five years and has never had a problem with stinging or having bees in the neighborhood. She would like the City to not make it difficult to have bees.

Molly Ward, beekeeper on Bloomington's west side, asked staff to reach out to the beekeepers and address misconceptions about beekeeping.

Karla Lane, E Oakland Ave, spoke in favor of amendments to allow chickens. She stated she has been working to get chickens legalized and she petitioned her neighbors to allow her to raise chickens. She stated her neighbors were supportive and excited. She suggested the proposed ordinance be amended to prohibit roosters because roosters can be noisy and aggressive. She

expressed concerns about only allowing four chickens per lot; she asked about allowances for larger lots. She also spoke in favor of beekeeping.

MINUTES: The Commission reviewed the minutes from the May 23, 2018 regular meeting. Mr. Mohr corrected a few scrivener's errors. Mr. Protzman motioned to approve the minutes as corrected; seconded by Ms. Headean, and approved by voice vote, 9-0.

REGULAR AGENDA: None.

OLD BUSINESS:

City of Bloomington Zoning Ordinance Update: Chairman Boyd introduced the agenda item and stated this is a continued discussion. Ms. Simpson said that staff appreciated the feedback presented during public comment and that staff will work to address those comments as the board desires. Chairman Boyd introduced Mr. John Houseal.

Mr. Houseal provided a brief background on the process. He stated that the Planning Commission would look at three divisions during this meeting. He started presenting division 10—use provisions. He explained the use provisions are created to provide certainty for uses that are uncommon in a proposed district or uses that require certain treatment, because of the nature of their operations, to help mitigate negative impacts on adjacent uses. Mr. Houseal spoke specifically to the use provisions addressing beekeeping and chickens. He clarified that the proposed ordinance is not designed to prohibit beekeeping and allows apiaries in every district with up to two hives per residential lot. Ms. Simpson added that the apiary and chicken regulations are not currently addressed in the ordinance and that proposed text aims to achieve a few goals identified in the comprehensive plan and related to alternative food production methods and sustainability. Mr. Houseal stated the proposed language is more bee-friendly than the existing code. The proposed language provides standards and requires registration with the state of Illinois. Mr. Houseal proposed that two hives are allowed as of right for residential properties less than one acre in size, and for residential properties an acre or greater, one additional hive would be allowed for each additional half acre with a special use permit. He explains this would create a means for someone to make their case if they desired more than two hives and give the city an opportunity to determine if more hives were appropriate at that location. Mr. Houseal shared his openness to working with the university and beekeeping advocates, but reinforced that Houseal Lavigne Associates have to balance the impact of the zoning ordinance for the people who keep bees as well as the people who do not keep bees, and safeguarding residential uses and homeowners, the principal use of a residential district, from other accessory uses, such as apiaries or chicken coups. Mr. Houseal stated the challenge to a zoning ordinance is making sure that it works for everyone while being consistent everywhere within the city.

Ms. Headean asked the risk of not requiring a special use for additional hives. Mr. Houseal responded that the special use is important for registration, enforcement, determining the amount of hives appropriate for the neighborhood, and making sure that the home retains a residential use rather than an agricultural use because of an abundance of hives. He stated the agricultural districts has less restrictions but the primary function of a residential district is residence—a neighborhood, so other uses that are not that must be balanced against the primary use. A

minimum standard allows the city to determine if anything above the minimum standard is appropriate. Mr. Stanczak asked if a special use is necessary on top of the standards or would the standard be sufficient. Mr. Houseal stated that as a planner, he would say no, he does not feel it is over burdensome to ask the owner to show that the additional hives are appropriate. He reinforced that the onus to prove appropriateness is always applicant and the city must give all deference to the primary use in the district. He stated this is the direction the city is headed.

Mr. Boyd asked if the dangerous warning sign could attract more children rather than deter them. Mr. Houseal stated that they will look at this again at with other codes, but in general, signs may be necessary to raise awareness about something that a person introduces into a neighborhood at a level of intensity that might not exist naturally. Mr. Houseal provided the example of a neighbor who's child may be allergic to bees. He stated the sign informs residents of the presence of hives even when it is not visible. Ms. Simpson added that some neighborhoods could have multiple homes with hives, and the sign would serve to provide awareness to homeowners. Mr. Houseal stated the intent is to raise awareness when and where concentrations may exist that otherwise would not. He reinforced bees are crucial to biodiversity but the city is tasked with providing awareness. Mr. Boyd asked if the twenty feet language was taken from other municipalities. Mr. Houseal stated that twenty feet was the common setback across other municipalities; he does not recommend allowing hives too close to the property line. Ms. Simpson asked if the property owner could apply for a variation to afford relief. Mr. Houseal agreed that in theory they could but explained that it could be difficult to support a variance request like this. He stated the onus of proving hardship required for a variance is with the petitioner, and that mere inconvenience is not hardship. The petitioner could still make reasonable use of their property. Mr. Boyd asked why the reference for 20 feet, since bees can travel further than that. Mr. Houseal stated that they will look at the code again and seek out other codes of other communities. Mr. Boyd asked if he would be able to meet with the Central Illinois Beekeeping Association and get feedback from them since they are the people who work with bees. Ms. Simpson stated staff would reach out to them. Mr. Houseal added the intent of the code is to be equitable for the city not just the interest of one group or persons.

Mr. Boyd suggested discussing chickens. Mr. Houseal stated the code suggests being able to keep chickens. There are requirements that outline where and how they are kept on the lot with enclosures. Communities have had issues with noise, attraction of wild animals, pests and bugs. The code as proposed will allow 2 chickens on a property that has less than an acre, and more than 2 on a property greater than an acre. If someone would like more than 2 chickens they would have to request a variation from the standard. With more size there is more distance from neighbors and larger areas to accommodate a greater amount of chickens. Mr. Houseal stated no roosters will be allowed. Mr. Mohr asked to clarify how someone interested in having more chickens would obtain a variance or special use. Ms. Simpson stated a special use would go before the Zoning Board and then before City Council. She added that section B in regards to chickens will read that neither roosters nor chickens for the purpose of slaughter will be permitted by the code. Mr. Mohr expressed the variance will be in place to allow those who know how to care for a larger amounts of chickens to be able to do so. Mr. Houseal stated it all depends on the specific of the application to see whether it is appropriate or not to obtain approval. Mr. Boyd asked why chickens are allowed 10 feet from the property line. Mr.

Houseal stated that was an average that was found, however they will review other codes as well. There are more codes that speak to keeping of fowl versus apiaries.

Mr. Houseal began to review the use provision tables. Anything in redline was changed but there are sections that will stay the same including: airports, detention facilities for animals, asphalt plants, bed and breakfast establishments. Mr. Boyd asked why the code references prior to 1950 in the bed and breakfast section. Ms. Simpson stated the date was placed in because of Historic Preservation. Mr. Houseal stated they wanted to avoid the new construction of homes for the use of that type of establishment. Mr. Boyd suggested adding the age of the structure instead of a date of construction. Mr. Houseal stated he would consider that, and the Historic Preservation Commission can decide what language they would like to see in this section as well. Mr. Mohr asked what a Community Reception Establishment was and if there were any in town. Ms. Simpson stated that there were, and they were created to compliment bed and breakfast establishments. These establishments include wedding receptions locations such as The Vrooman Mansion. Mr. Mohr asked for clarification on the foot candle requirement. Mr. Houseal stated the foot candles determines the intensity of light and illumination. Many of these sections were created for specific situations in Bloomington and were not changed. Mr. Houseal stated if there were additional questions on the Home Occupation section, he added an appropriate home occupation is one that no one knows exists. Regulations are place for employees coming and going or if there are many deliveries coming into the home, or if there are large signs. The primary function of a residential area is residential. There should be no disruption to the character of the residential area. There are some changes but they will not stray away too much from the intent of the original code. Alternative energy sources are solar, wind and geothermal. Geothermal is subgrade and will not impact zoning. The technology can be integrated into residential districts. The language is standard and accommodates a residential, personal or commercial application. Sections in the code that were not changed are those that are working well now. Mr. Houseal stated zoning for wind energy is more complicated for residential areas because there has to be at a certain height to gather the energy needed and even small applications will generate noise. He reviewed various code to extract the most standard language for wind energy. This is a big step forward for the City of Bloomington since the current code is silent on these types of technologies.

Mr. Houseal stated the zoning districts are broken down by sections and each section will now have uses that are permitted and not permitted. Mr. Mohr asked if there was a section in the code that outlines the criteria for each use. Ms. Simpson stated the definition section, which the Commission does not have yet, will define the parameters for each uses. Mr. Houseal added that is one of the last chapters and will define everything specifically. Ms. Headean pointed out that the home occupation has a permitted accessory use of roadside stand, however roadside stand is defined differently. Mr. Houseal stated they will review the language again, and make sure that the uses are all defined. Ms. Headean asked about the wireless communications. Mr. Houseal stated they are looking at it and updating the code. The section is governed by the Federal Telecommunication law. Cell tower communication is a necessary infrastructure for the country and cities cannot deny the use. The code can regulate where the cell towers can be placed and how they get permitted. The use provisions is still a draft, if there are more questions or comments they can be submitted to staff.

Chapter 11 is non-conforming uses, these are typically seen as grandfathered into specific areas. This means the structure is legal nonconforming for the use or the structure. The use or the structure was established prior to the zoning being in place. It is legal until it goes away or it is no longer used for a period of 6 months. The structure cannot be changed or expanded. When a structure is illegal, the structure or use was established against the code. This chapter outlines how nonconformities are handled. Every city has nonconforming uses and structures. The zoning districts are being changed in order to bring hundreds of parcels into conformance for the City of Bloomington.

The off street parking and loading chapter outlines general parking standards and amount of parking necessary for specific uses. Parking maximums are now being added to this chapter. Mr. Houseal discussed minimum restrictions and how this will ensure that parking standards are being met. This will also restrict the amount of asphalt that is installed and have more opportunity to install green space or setbacks. Ms. Simpson added addressing storm water is in the Comprehensive Plan. Different ways should be considered for detention such as pavers or different type of landscaping. This is another goals trying to be addressed with the updated section. Shared parking is also addressed in this sections and allows for two business to have the ability to share parking especially in an instance with various types of business and hours. Mr. Houseal stated there is also a revised table that identifies the number of parking spaces required for the different type of uses throughout the city. Mr. Mohr added the environmental impacts added to the section are important such as incentivizing bike parking. He asked about the table and asked if the table could be simplified or reduced from the 5 pages. Mr. Houseal stated they did reduce what they could but they would be happy to look at that again. Mr. Boyd mentioned there are no minimum parking in the downtown because of space and walkability, he asked why the university district doesn't have the same restrictions. Mr. Houseal stated the restrictions usually applies only to the downtown, an outcome of history. The downtown buildings can take up to 100 per cent of the lot. There is no space for parking to be able to require it. He stated there have been some restriction imposed in the downtown for loading in other communities. Mr. Boyd asked if a business can make their own judgment on loading why not for parking. Mr. Houseal stated to look at the worst case scenario, if a development takes off and they only plan for 12 spots but in reality needed 80 there will be more burden to the neighborhood. In the downtown the case is different, the destination is the downtown not one specific business. Mr. Boyd added in the spirit of simplification, the University district could come up with their own number of parking based on their use. Mr. Houseal stated he would be hesitant to remove the standards, but will be revisiting the issue. Ms. Simpson stated there are some districts in Bloomington that are only accessible by vehicle, there is no parking on Veteran parkway for example. There are areas where parking is necessary, if there is a need for relief there is the option for a variance. Mr. Boyd asked if the no parking will apply to all of the new downtown districts. Ms. Simpson stated the current code does not require parking for uses in the B-3 district, which is the entire downtown. There will be some areas that will require parking with the new downtown districts. Ms. Simpson stated there are some adaptive reuse situations in the downtown that do not require parking but tenants who live there have vehicles and they will need a place to park. Mr. Houseal stated they will go back and look at the code to try and simplify the table. Mr. Mohr stated rather than use a variance as suggested could a special use be requested instead. Mr. Houseal stated a special use would be more difficult because the use is not unique

but the application on the site is. Hardship could be argued for a variance to reduce parking with these structures especially for adaptive reuse and historic properties.

The ordinance is written for the 95 per cent of the community but the other 5 per cent will seek a variance. The code cannot be written for the 5 per cent.

Mr. Boyd asked for clarification on section 12-12 C 7. There is no incentivizing of bike racks if the developer would then need to go back and provide a shelter for the racks if more are added.

Mr. Houseal stated the bike racks could be used not only for patrons but for employees who bike to work. He will take a look at the section again. Mr. Boyd asked for clarification on the table for bike racks. Mr. Boyd is understanding the code as saying for every 4 bike racks, a parking stall can be eliminated. Ms. Simpson stated the table outlines that 5 per cent of parking should be bike parking and there will be incentives for that, but parking should still be met.

Mr. Mohr asked what the distinction between dwelling unit, dwelling and unit was. Mr., Houseal stated they should all be the same definition but they will go back and tighten up the wording.

Division 13 for landscaping and screening is next. There are some regulations for that now however there could be more improvements in the code. Mr. Houseal stated his firm has landscape architects on staff and they are able to look at this code as well as other codes and give input. Mr. Houseal stated these landscaping standards are not there to burden developers but to assist in the beautification and eliminate the stretches of cement. There is no justification for no green spaces or landscaping. Mr. Houseal took a look at perimeter landscaping requirements as well as internal perimeter, landscaping islands and transition zones. Transition zones are landscaping, fencing or buffering requirements that may be needed between adjacent uses that may be somewhat incompatible. These include industrial to residential or commercial to residential. Screening methods are identified. Ms. Simpson stated there will be visuals to go along the methods outlined in this section. Mr. Houseal pulled up and reviewed some examples of visuals, graphics and imagery that will complement the landscaping and screening section. This will eliminate ambiguities for developers. He also pulled up images for signs, even though the sign code will not be discussed yet. Mr. Houseal stated the landscaping section will break down landscaping into definitive areas and the standards of design for each areas to be landscaped. Mr. Mohr asked if the landscaping section is for residential areas as well. Mr. Houseal stated this would be only for commercial development. While developers may complain, this is a legitimate standard to meet. Ms. Simpson added some of these standards came out of the Comprehensive Plan and look to improve parking lots in the commercial areas and add sustainable types of green spaces. Mr. Houseal stated they are trying to codify best practices.

Mr. Houseal asked if the Commission had any questions on the Administrative section. Mr. Boyd stated that in section 17-2 it states the Commission should have an elected secretary. He asked if that can be taken out since they are not going to elect one and staff will be completing the duties. Staff will be speaking to legal about the possibilities to remove that, however it may be a State statutory regulation.

The draft for the planned developments will attempt to clarify the process for which development can be done and eliminate any questions or doubts from developers. The section will establish a more creative and flexible approach to development.

Mr. Houseal stated the Planned Development ordinance will be drafted and given to staff in the coming weeks and begin the discussion on signs and how that will be approached. He stated the sign code is very accommodating for signs and the sizes of signs allowable are sometimes 3 times larger than in other communities. More research will be done and communities looked at to find the best outcome for the City of Bloomington. The intent of the sign code is a code that works for businesses. It also needs to be in scale with the property, streets and community. Murals are another type of sign that will be looked at, since the City of Bloomington has shown interest in seeing more. The Supreme Court stated that sign content can no longer be regulated.

NEW BUSINESS: None.

ADJOURNMENT: The meeting adjourned at 5:35 by unanimous voice vote; motioned by Mr. Muehleck. Seconded by Mr. Protzman.

Respectfully submitted,
Katie Simpson,
City Planner
& Izzy Rivera
Assistant City Planner