

MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, JUNE 26, 2013, 4:00 PM
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE STREET, BLOOMINGTON, ILLINOIS

MEMBERS PRESENT: Mr. Stuckey, Mr. Schultz, Mr. Diamond, Mr. Balmer, Mr. Stanczak, Mr. Scritchlow, Mr. Wills, and Mr. Cain.

MEMBERS ABSENT: Ms. Morton, Mr. Pearson

OTHERS PRESENT: Mr. Mark Huber, Director of Planning and Code Enforcement
Mr. Kevin Kothe, City Engineer
Mr. David Hales, City Manager
Mr. Todd Greenburg, Corporation Council

CALL TO ORDER: Mr. Woolard called the meeting to order at 4:00 p.m.

ROLL CALL: Mr. Woolard called the roll and noted the presence of a quorum.

PUBLIC COMMENT: Mr. Bruce Meeks, 1402 Wright Street, Bloomington, was present to provide public comment. Mr. Meeks believed due to an error by City staff to properly post the meeting's agenda the requisite 48 hours in advance of the meeting that the meeting could not be held and that it would be in violation of the spirit of the open meetings act. Mr. Meeks further threatened to file a request for review of any action taken by the board.

MINUTES: The first item of business was the approval of the minutes of the June 12, 2013 meeting of the Planning Commission. The following corrections were offered by the Commission:

- Last paragraph of page 3: add the word "not" to the sentence so that it reads, "Mr. Woolard identified the location of the 12 foot alley and said staff does not see any adverse impacts with the closure."
- Page 5 vote tally: Mrs. Morton and Mr. Stuckey were both present and voted "yes".

A motion to approve the minutes as corrected was made by Mr. Stuckey and seconded by Mr. Stanczak. The minutes were approved on the following voice votes: Mr. Stuckey – Yes, Mr. Schultz -- yes, Mr. Wills – Present, Mrs. Morton – Absent, Mr. Diamond – Yes, Mr. Balmer – Yes, Mr. Pearson – Absent, Mr. Stanczak – Yes, Mr. Scritchlow – Yes, and Mr. Cain – Yes.

Mr. Huber, Director of the Planning and Code Enforcement Department came forward to comment on Mr. Meeks concerns. Mr. Huber admitted there had been a clerical error in posting the agenda the requisite 48 hours prior to today's meeting. Staff had posted signs on

the property, posted the legal notice as required in the newspaper, and sent courtesy notices to the adjoining property owners.

Mr. Huber also noted the City Clerk had been in touch with the Attorney General's office, explained the issue, and described how the issue would be resolved. Upon hearing the resolution of the problem the Clerk was told there would be no further need for review.

Mr. Huber then explained the Commission could open the hearing for discussion, take testimony from the petitioners or any citizens who might be present, and hold the case over to the July 10, 2013 meeting. Staff would ensure the meeting was properly noticed and posted. They would then work to get the results of the Planning Commission meeting to the City Council for their July 22, 2012 meeting. This would be the same meeting of the Council the case would have originally gone without the problem of the notice.

After answering questions from the Commission related to the public's need for attendance, the City's calendar of events, and additional notice requirements; Mr. Huber suggested that Mr. Greenburg, the City's Attorney was available for further comment.

Mr. Greenburg again apologized to the Board for the mistake in getting the meeting posted as required by the open meetings act. He then substantiated the comments by Mr. Huber and offered to address any other questions the Board might have of staff related to this issue.

The first case to come before the planning commission was that of Fox Creek Village, LLC, requesting an approval of an Amended Preliminary Plan for the Fox Creek Village Planned Unit Development. This request is for property located generally south of Carrington Lane and west of the Union Pacific Railroad, consisting of approximately 26.25 Acres.

At this point, Commissioner David Stanczak explained since this case was directly related to his employer he would not be participating in any deliberations or voting to avoid a conflict of interest.

Mr. Don Adams of the Farnsworth Group, 2709 McGraw Drive, Bloomington, was present to speak on behalf of this petition. Mr. Adams began his testimony by providing some of the history of this development. He explained this was part of the 500 acre development known as the Den at Fox Creek, created in 1992 and was never intended to be a standard subdivision. Construction of this portion of the development started in 1995 with sales being substantially less than anticipated; causing the development to be redesigned and redirected. The outcome was a planned unit development of single family detached homes. Since that time three phases, nearly half the development, have been completed.

Because of the recent recession there has been no activity on the project for several years. This lack of activity caused the preliminary plan to expire. A new preliminary plan was submitted for review, resulting in a request by staff to change a dead end street to a through street. This alteration was completed; hence the current title "Amended Preliminary Plan". Since the current plan was submitted, staff has requested other changes that will be more difficult to accomplish. These requests would require changes to the basic format of the plan. Mr. Adams provided the following testimony related to staff's additional requests as follows:

Sidewalks: Would not be appropriate or positive for the citizens of the City. The development is already half built out without sidewalks and there would be no connection to the public streets.

Looped Water Main: While there are many positives to looping a water main this request would require a connection through the golf course; a situation the City and developers worked very hard to avoid in the original development. Additionally, this would be a change in direction after the fact when often water mains are dead ended where new development would pick-up in the future.

Connection to Rutherford Drive: The current configuration is for construction traffic. There was no intent to put this road through. However, the home owner's association considered the possible need for a connection and currently have a first right of refusal to purchase the land associated with this request.

Timing: Since questions have been raised as to the necessity to push this forward, Mr. Adams noted the difficult times and time restraints associated with this development. The street and other infrastructure have already been installed based on an approved construction plan. The only thing holding up the progress is getting the final plat approved. Four homes have already been sold and are in jeopardy of not being completed as required which could jeopardize the sales.

At this time the petitioners were requesting the Planning Commission recommend approval to the City Council of the plan as presented.

Mr. Adams was questioned by the Commission related to access and circulation through the development. Mr. Adams responded by explaining the primary access and egress from the property would be through the Pepper Ridge Subdivision as it was approved in 1993. There is

the probability and plan for another connection through the west side of the development but that is through property not under control of the developer.

Stan Gosur, 22 Winding Way, was present to provide testimony in this case. Mr. Gosur wanted to express his desire for the Commission to please not let a lack of time or preparation force a decision by the Commission. Let the Commission's decision be based on sound review of the facts related to the case.

Ann Eckart, 2607 Westbrook Dr., was present to provide testimony related to this case. Ms. Eckart wanted to clarify the traffic from the Fox Creek Village did not have a direct connection to Fox Creek Road but had to navigate through various streets of Pepper Ridge Subdivision to access Fox Creek Road. Ms. Eckart also clarified the agreement between the homeowner's association and Snyder development related to the connection to Rutherford Dr. When the construction access was no longer needed the association would have the right to purchase the associated lots and put the access through at the association's expense.

Mr. Adams, in response to Mr. Gosur's concern, explained this case was not given to staff on any unusually short time frame. The only issue has been the posting of the meeting 48 hours in advance as required.

Mr. Diamond asked for clarification related to the agreement between the homeowner's association and Snyder Development. Mr. Adams responded by explaining how the lots would remain undeveloped to allow for construction traffic access to the developing area. These lots would be the last to be sold to allow for that access. The homeowners were in essence given a first right of refusal to purchase the lots when they became available.

Since there was no further testimony to be presented the public hearing was closed by Chairman Cain and brought back before the commission.

Mr. Scritchlow questioned the type of street that might be connected to the end of Winding Way where it connected to the adjoining property. Mr. Woolard explained that it would be up to the developer of the property to propose the type of development and street configuration.

Mr. Diamond made the motion to hold over case PS-04-13 to the July 10, 2013 meeting of the Planning Commission so that the requirements of the open meetings act could be met. The motion was seconded by Mr. Scritchlow and passed by a vote of 7 to 0, with one commissioner voting "present". The roll call vote was as follows: Mr. Stuckey – yes, Mr. Schulz – yes, Mr. Wills – yes, Mr. Diamond – yes, Mr. Balmer – yes, Mr. Scritchlow –yes, and Chairman Cain – yes.

In a matter of old business, "Planning Education", the Commission turned to Kevin Kothe, City Engineer, for a topic related to transportation planning. Mr. Kothe covered many topics very briefly, explaining standards used for determining types of roadways and their capacities, intersection designs, traffic signaling and the standards or criteria to which these elements are based.

Mr. Woolard broached the subject of long range traffic planning as a future topic for discussion.

Since there was no further business Mr. Wills moved the meeting be closed. This was seconded by Mr. Balmer and was followed by a unanimous vote of the members present.