

**MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, JUNE 24, 2015, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS**

MEMBERS PRESENT: Mr. Balmer, Mr. Cornell, Mr. Pearson, Mr. Protzman, Ms. Schubert, Mr. Scritchlow, Mr. Stanczak, Mr. Suess

MEMBERS ABSENT: Mr. Barnett

OTHERS PRESENT: Mr. Tom Dabareiner, Community Development Director
Mr. Kevin Kothe, City Engineer
Ms. Vasu Pinnamaraju, Executive Director of McLean County Regional Planning Commission
Ms. Jennifer Sicks, Transportation Planner
Mr. Mark Woolard, City Planner

CALL TO ORDER: Chairman Stanczak called the meeting to order at 4:01 P.M.

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

PUBLIC COMMENT: None

MINUTES: The Commission reviewed the May 27, 2015 minutes. Since pages were missing the minutes Chairman Stanczak stated the minutes will be reviewed at the next regular meeting.

REGULAR AGENDA:

PS-02-15 Public hearing and review on the petition submitted by Wittenberg II, LLC, requesting the approval of a Reinstated and Amended Preliminary Plan for Wittenberg Woods at Prairie Vista Phase 4, for the property located northwest of Morris Avenue and Lutz Road, consisting of approximately 14.94 acres.

Chairman Stanczak introduced the case. Mr. Woolard identified the preliminary plan's location, the adjacent zoning and land uses. He explained the petition is consistent with the previously approved plan, there are no new streets and their locations are not changing. The two-dwelling lots are being converted to single-family and the overall density is being reduced. Lot 165 will provide access to a park. He said staff recommends approval condition upon notes being corrected which pertained to the zoning and the phases.

Chairman Stanczak opened the public hearing. Mr. Neil Finlen, Farnsworth Group, 2709 McGraw Drive, was sworn in. He stated there were 58 dwelling units including 50 duplexes and eight single-family dwellings. Now there are 32 single-family homes so they are going down in density and traffic. The change to the notes have been made. The park/detention area will be dedicated immediately with the first final plat. The punch list items will be addressed with the construction. The debris at the end of the street has been cleaned up. He said with a worst case scenario and all of the home traffic coming out to Lutz Road they would generate about 300

vehicles per day. This is fraction of what Lutz Road can hold. He explained they are requesting this because the plat has timed out and they are not changing the street configuration. He said with Lutz Road it is best that this goes forward because there are fees associated with the development pertaining to adjacent road costs. He said they would love to take the construction traffic through the closest route but some of that will depend on how Lutz Road will hold up. There is the possibility of coming off Morris. He explained fortunately most of the infrastructure is already installed enabling less construction traffic.

Mr. Kothe stated the engineering comments are minor and the plan is as presented before. Traffic can be accommodated on Lutz Road. The likelihood is that about half of the traffic will go to the north and half to the south. People would more likely go out through the existing subdivision. The construction traffic may want to come off Morris. The punch list will be addressed once they get a contractor on site. Although there are no funds to improve the park at least it will then be owned by the city. Up to this point it is not under the control of the city. The substandard road fee is required. The city has undertaken a feasibility study which is nearing completion. He explained there will be recommendations from it as to incremental improvements to Lutz Road.

Chairman Stanczak asked for anyone present in opposition to the petition and no one spoke. He then asked if there was anyone present who had comments or questions. Don Shields, 804 Witten Woods Dr., was sworn in. He stated that he looks at the piles of dirt every morning and asked what is the proposed time to develop that cul-de-sac? He asked how is the drainage anticipated and when the lots are developed what water will he face in his back yard? Mr. Finlen stated there is no construction in that area for this project. He said the drainage problems, a cleanup and the dirt pile can be taken care of.

Laura Baly, 601 Lutz Road, was sworn in. She stated when Wittenberg Woods was annexed Luther oaks did not exist. When there was a request to build Luther Oaks, the Planning Commission advised that Lutz Road be upgraded as it did not meet standards. The City Council authorized the building of Luther Oaks without stipulating who is responsible to improve Lutz Road. The subdivision will have a street that will intersect with Lutz Road with curbs and gutter where Lutz Road does not such. Lutz Road is on the street master plan. She is pleased to hear the developer will be completing the punch list. People moved in with the assumption that the park would be there and she is glad the city will take ownership. She would like the Commission to be forward looking and look at the whole picture. Look at the effect on Lutz Road, the park property, the drainage factor mentioned and make sure we do it right the first time.

Chairman Stanczak asked if there was anyone else to speak and no one spoke. He closed the public hearing.

There was discussion on having the punch list completion as a condition of approval. Engineering will not sign off until the punch list is completed. Mr., Finlen stated as the project construction begins it will all be done at once. The commissioners agreed there was no reason for the stipulation.

Mr. Balmer moved to recommend approval of the petition. Mr. Pearson seconded the motion which passed by a vote of 8 to 0 with the following votes being cast on roll call: Mr. Balmer-yes;

Mr. Scritchlow-yes; Mr. Pearson-yes; Mr. Cornell-yes; Mr. Suess-yes, Mr. Protzman-yes; Ms. Schubert-yes; Mr. Stanczak-yes.

PS-03-15 Public hearing and review on the petition submitted by Fox Ridge, LLC, requesting the approval of a Reinstated Preliminary Plan for Fox Lake, for the property located east of Steppe Lane and south of both Pampas Lane and Savana Road, consisting of approximately 32.81 acres

Chairman Stanczak introduced the case. Mr. Woolard identified the preliminary plan's location, the adjacent zoning and land uses. He explained the petition needs to be reinstated. There is no change with what was previously approved. They are not proposing any new streets. There will be pedestrian access connecting the development to the school and the adjoining neighborhoods. He said one neighbor expressed the desire to save the trees along the southern border of the development. More traffic will be accessing Fox Lake Road however there will be two access points. The increase in traffic will not be excessive. He said staff recommends approval.

Mr. Neil Finlen, Farnsworth Group, 2709 McGraw Drive, was sworn in. He stated they are just refreshing the plan and the traffic configuration is the same. He said their intent is to save those trees and the developer had moved those trees to that line for that reason. Mike Hundman was also present to answer any questions. Mr. Protzman asked if there would be access off Danbury during construction. He said there are a lot of kids there and people are going to work and there are buses. Mr. Finlen stated no and they would take access to the north. The western half will be built initially. The pedestrian access will help residents to get over to Pepper Ridge.

Chairman Stanczak opened the public hearing. He asked for anyone in opposition and no one spoke. He then asked if there was anyone who had questions or comments. Bruce Meeks, 1402 Wright Street, was sworn in. He asked if all three streets are going to be done in a phase and then start selling lots or are we going to do just one street? Mr. Finlen stated two streets in the western half will be done initially. The project will be completed in two phases. Chairman Stanczak asked if there was anyone else to speak and seeing none he closed the public hearing.

Mr. Pearson moved to approve case PS-03-15 review on the petition submitted by Fox Ridge, LLC, the Reinstated Preliminary Plan for Fox Lake, for the property located east of Steppe Lane and south of both Pampas Lane and Savana Road, consisting of approximately 32.81 acres. Mr. Cornell seconded the motion which passed by a vote of 8 to 0 with the following votes being cast on roll call: Mr. Balmer-yes; Mr. Scritchlow-yes; Mr. Pearson-yes; Mr. Cornell-yes; Mr. Suess-yes, Mr. Protzman-yes; Ms. Schubert-yes; Mr. Stanczak-yes.

MHP-01-15. Public hearing and review on the petition submitted by PMO Properties, LLC requesting approval of a Site Plan for PMO Properties Manufactured Mobile Home Park which is located east of Greyhound Road approximately 220' south of E. Hamilton Road, and approximately 7.98 acres.

Chairman Stanczak introduced the case. Mr. Woolard stated this petition was before you previously and was held over to address drainage concerns. The other concerns have been addressed. Staff has not seen an agreement addressing the drainage issue. He stated that this has

been an enforcement issue. There has been sufficient time for willing parties to resolve the drainage issue. Staff's recommendation is approval pending the issues being resolved.

Chairman Stanczak opened the public hearing. The petitioner's attorney, Mac Arnold, 709 E. Douglas St. was sworn in. He stated his client bought the property with existing roads and water detention. When the property was separated the city was correct in requiring a site plan. He said they have their own water system on their land and it drains to Cardinal Ridge. He does think an agreement with the neighbor is not in the purview of a site plan review but it is a good idea so he prepared one and it is in line with the Illinois drainage law. The agreement gives Cardinal Ridge the right to sue his client if they do not take care of the drainage. The city requested that they go back and hire an engineer to look at drainage. He said they have done that and Mr. Yockey's opinion is that the drainage system that was approved by the city takes in more than the 500 year flood mark. He did site inspections and it is functioning within city standards. He said he thought doing a double check was good and so they did. It cost a lot more money than expected. He said there is money to be made if you can rent it out and it is a high quality mobile home park. He stated he has submitted a plan regarding detention and he will bind his client to sign it but in terms of your approval, if we have to go get this guy to sign a piece of paper it invites a hold up and is not fair. He thinks Cardinal Ridge will be good neighbors. They are fixing up their place and if there are water problems in Cardinal Ridge they do not come from our side. He said the narrow issue is, does it meet city code and it does. He said this needs to be passed or put aside. If it is put aside his client is not going to spend any more money to develop a mobile home park. It will go back to bear land with minimal maintenance and affordable housing is not effected. The city has asked us to do reasonable things and we have but as far the agreement it takes two to tangle. During a heavy rain you cannot stop the way the water will flow.

Chairman Stanczak asked Mr. Arnold if there was something the city asked them to do that they have not done. Mr. Arnold said yes and explained the concrete barriers that were moved out of the street have been temporarily moved into the detention area and the city said they need to be moved. His client just has not got a truck out there yet. He does not think there is something else except the written agreement.

Mr. Arnold said he has a letter from Mr. Yockey indicating most of the water problems are on the other side of the fence. He said he thought we did what we needed to do. Calculations for the storm water were made and approved by the city. Cardinal Ridge's site has buildings and pads built over the pipes.

Mr. Pearson stated that what you want is to have us consider not making the agreement part of the site plan approval. Mr. Arnold stated that is right. There was discussion on the drainage and the responsibilities of the property owners. The downhill property has to take the storm water's natural flow that comes from the uphill property.

Mr., Balmer asked Mr. Kothe if he is in agreement that the water issues presented at previous meetings are not as a result of flowage from the PMO property. Mr. Kothe stated he has no objection to Mr. Yockey's assessment and he believes that it is correct in that regard. He said there is just one detention basin and it is on Cardinal Ridge's property. The storm sewers between the two properties were built to drain there and there are also drainage swales. The pipes

are built to handle the five year storm and not a 500 year storm and beyond that the drainage should go to the swales. There are some deficiencies on the Cardinal Ridge property.

Chairman Stanczak asked if there was anyone in opposition to the petition. Jay Oades, 1908 Main St., Kansas City, Missouri, representing the adjacent Cardinal Ridge mobile home park, was sworn in. He stated their only concern is the increase to impervious surface. They do not know if it was ever engineered to handle the increase in storm water. They are not opposed to an agreement. He showed maps and photographs of the storm water flow and structures. He showed their concerns and how high the water gets. They are not opposed to an agreement and they did show it to their council who said they have no engineering details that says this can handle the water. What would happen if we agree to this and then there is flooding on the other side and the pond cannot take it. He said we have not employed an engineer and the storm system is basically adequate now but what happens when all of the homes go up.

Mr. Balmer asked what does he thinks would be a solution. Mr. Oades stated he had asked for engineering but they only got the one letter and that is not something that he can have independently looked at to determine if the drainage is good with homes on it. Without that they are struggling with how to sign an agreement.

Mr. Duane Yockey, with Lewis, Yockey and Brown, 505 N. Main Street, was sworn in. He stated he was requested to double check the drainage. In 2002 they did an analysis of the drainage and found there was sufficient detention for both the existing developed area and the new area to be developed now. It was sized correctly with twice the capacity for a five year storm. He walked through the Cardinal Ridge property and an issue is the swales have filled in. The inlets are in the roads and the water has been going around the inlets. This is because the road is in bad shape. The main issues are the drainage swales and most of the water could not get into the storm drainage and is related to an improper design of the storm drains. The issue of standing water in Cardinal Ridge is not because of the drainage from the property to the west.

Newton Wyckle, 306 Grace Drive, was sworn in. He stated that his house was part of the original development. He said they speed by his house at 50 mph and it has become a dumping ground. PMO properties cleaned up the first bunch. He would love to see more development because they cannot use it as a dumping ground.

Carrie Griffin, 6 Girard Drive, was sworn in. She said she is the manager at Cardinal Ridge. They have made improvements. She said even if the drainage is not causing an effect with their pond it definitely needs to be addressed behind those homes. She has tenants that complain all of the time about the flooding. There is not a solution that they can provide because they are not allowed to dig back there. Something needs to be done at least on that edge where the water is standing. It stands about ankle high.

Chairman Stanczak closed the public hearing.

Mr. Woolard explained the agreement can be verbal. The importance of this is for the present and future citizens. Mr. Kothe stated the concern from staff is that the enforcement of the drainage law becomes a civil matter. If there is a problem it has to be settled in court. We would have limited action in going out there. Everybody in the trailer park is a citizen and they have a

right to complain and we cannot do anything about it because it is private property. Typically the private basins have an agreement in place as to how it will be maintained. Here this was built on one private property as one system and with the split it was not redesigned as two systems. If there was a problem in the future we would not have a lot of leverage to do something and it would go to the courts.

Mr. Pearson said the site plan indicates the water is to drain to the inlets. If on the other side it collects water it is possibly by their own grading.

Mr. Suess stated he shares the staff's concern regarding the lack of an agreement and how it will eventually be with the courts.

Chairman Stanczak stated he does not know how it is anybody's responsibility to create a situation in which city is the ultimate arbitrator or enforcer of every condition in the city. The drainage laws preceded the existence of the City of Bloomington and the enforcement departments. Private parties can do what they always have done.

Mr. Balmer admits he would like to see the one section addressed further where the water is flowing to that property and not coming over the road to the inlet however based on the fact that it still meets the drainage requirements for when the entire plat was approved, we have to look at what the mandates are for the Planning Commission. He stated the initial drainage concerns have been addressed and he does not see how we cannot approve it.

Mr. Balmer moved that we recommend to the City Council that they approve case MHP-01-15 petition submitted by PMO Properties, LLC requesting, approval of a Site Plan, for the property located, east of Greyhound Road approximately 220' south of E. Hamilton Road, and approximately 7.98 acres. Mr. Scritchlow seconded the motion which passed by a vote of 5 to 3 with the following votes being cast on roll call: Mr. Balmer-yes; Mr. Scritchlow-yes; Mr. Pearson-yes; Mr. Cornell-no; Mr. Suess-no, Mr. Protzman-no; Ms. Schubert-yes; Mr. Stanczak-yes.

OLD BUSINESS:

A. Discussion of Comprehensive Plan

Ms. Pinnamaraju presented a draft of the Comprehensive Plan. Bloomington and the whole area is a great area however when comparing with other areas of the city the core area has challenges. The participation rate was much greater than that of most plans. She highlighted the core values and guiding themes. These included dynamic neighborhoods, dissolving the east-west divide, connected, mixed and affordable neighborhoods, providing a healthy community and efficient government. Fiscal impact analysis and population projects were additional work. Ms. Sicks described the population projections and how they related to other parts of the plan. For the fiscal impact analysis Ms. Pinnamaraju explained that the inner city is generating a deficit. The Grove and Fox Creek developments also had deficits had great city investments and this is where the city needs to capitalize on the investment.

From the neighborhood perspective Bloomington is a family friendly community. Preserving the older neighborhoods is key to be an affordable neighborhood. They also connect to the history

and make Bloomington unique. She identified and described the characteristics of the regeneration, preservation, stable and emerging neighborhoods. The neighborhoods and the schools should be addressed altogether. There needs to be a unified vision for the regeneration areas. The preservation areas have challenges. The historic homes have higher values and costs for keep up. The Historic Preservation Plan needs to be updated. There needs to be public investment in the public infrastructure. The stable areas have challenges for multi-modes of travel. There is more private investment in those areas.

Other plan topics were described. For education there needs to be more coordination between the districts and the city. The economic development of the community does well but entrepreneurship has needs. We need land ready for development. The downtown is a unique mixed neighborhood area. The warehouse district is a jewel. The arts and culture is in downtown but it needs a voice and identification. There is a need for an integrated network of parks and open space. Conservation zones are along the streams. There are recommendations from the bike and other plans. Complete streets is a component. Public safety needs to be for all neighborhoods. Land use development should be coordinated with public safety resources. The transportation funding is dependent on state and federal funds. It is important to think hard about the improvements.

The land use plan will have a mixed use designation. Parks and conservation areas are separate. Lake Bloomington is not included in the plan. The Constitution Trail corridor presents a great opportunity for a more walkable and bikeable neighborhood. The guidelines should be context sensitive, connective to other neighborhoods and walkable to commercial areas. The plan identifies large employment centers. There is a tier approach to development. Tier one and two has enough land to accommodate growth.

The commission extended their appreciation and applauded Ms. Pinnamaraju, Ms. Sicks and all of the working group members for all of the valuable work.

Susan O'Rourke stated for the downtown, development may be counter intuitive with a jail and a mental health facility. We should work with that in mind or think about putting them in a different location.

Surena Fish stated she retired from California and moved back to Bloomington and considers it a privilege to work on this plan and to actually have a say. She hopes that whatever we do and wherever we go, know that what you have is really great and don't lose it.

Dick Briggs stated he has been on the Zoning Board of Appeals and the schools have been mute on many points and feel if you build it we will take care of it. There are issues pertaining to busing, taxing and neighboring student attending different schools.

Bruce Meeks stated this is a big step forward and has had citizen engagement. He hopes we make the plan a living document. It is important to use a map overlay tool and foresee consequences.

Adrienne Hahn stated she moved back to Bloomington. When she had left meadowlarks were everywhere and when she returned she found they are rare. She said Illinois has lost 80 percent

of them due to habitat. The plan needs a vision on what we are doing to the land and the habitat. The young people are missing this.

Patricia Martin stated her family goes back to the 1800's and this has been a very invigorating and exciting experience and especially in making the city safer for all of us.

B. Review of Planning Commission By-Laws

This is deferred to the next meeting.

NEW BUSINESS:

ADJOURNMENT: There being no further business to come to the Bloomington Planning Commission's attention, Mr. Scritchlow moved to adjourn the meeting. Mr. Pearson supported the motion which was approved unanimously. The meeting was adjourned at 7:28 p.m.

Respectfully submitted,

Mark Woolard, City Planner

For further information contact:

Mr. Woolard, City Planner

Department of Planning and Code Enforcement

Government Center, 115 E. Washington Street, Bloomington, IL 61701

Phone: (309) 434-2341 Fax: (309) 434-2857

E-mail: mwoolard@cityblm.org