

**ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, JUNE 20, 2012, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, IL**

Members present: Mr. Dick Briggs, Mr. Mike Ireland, Mrs. Barbara Meek, Mr. Robert Kearney, Mr. Steve Parker, Mr. Bill Zimmerman.

Members absent: None.

Also Present: Mr. Mark Woolard, Acting Secretary
Mr. Mark Huber, Director, Planning and Code Enforcement
Mr. Kevin Kothe, City Engineer

Mr. Woolard called the meeting to order at 3:02 p.m. and called the roll. A quorum was present.

The Board had not received the minutes from May 16, 2012 and delayed their review until the next meeting.

Chairman Ireland explained the procedures of the meeting and that the special use cases must be reviewed by the City council. Mr. Woolard stated that the cases had been published.

SP-01-12 Public Hearing and Review on the petition submitted by Lue A. Walters, requesting approval of a special use permit for an additional dwelling unit in a multi-family building for the property located at 811 W. Washington Street. Zoned R-2, Mixed Residence District.

Chairman Ireland explained the case was on the agenda last month and that the City Council had remanded this case back to the Board. The petitioner was not at last month's meeting and it was not clear if he intended to withdraw his case and now he has written requesting the Board to table the matter for another month because he is unable to be here. Chairman Ireland asked if there was anyone from the audience here for this case and none responded.

Mr. Briggs moved and Mr. Kearney supported the motion to extend it to next month's hearing. The vote on the motion was approved with six (6) voting in favor and none (0) against.

The case was delayed until the July meeting.

Z-10-12 Public Hearing and Review on the petition submitted by Gerald and Sarah Wirth to allow construction of a new fence and a variance to increase the fence height in the front yard along Towanda Avenue for the property located at 3 Continental Ct. Zoned R-1B, Single-Family Residence District.

Chairman Ireland introduced the case and asked for anyone who would like to speak in favor of the petition to come forward. Sarah Wirth, 3 Continental Ct., was sworn in and stated their back yard is considered a front yard. The yard is a pie shape and they do intend to landscape and improve the whole front of Towanda. There are fences now along Towanda and some are

four, five and one is eight feet in height. They cannot do a berm because it would infringe on their neighbor's property. Chairman Ireland asked for anyone else who would like to speak in favor or in opposition of the petition and no one spoke.

Mr. Woolard stated there are a number of other high fences along Towanda which vary in height. The yard is a pie shape, the area in question is a relatively small area and staff supports the request.

The vote on the variance was approved with six (6) voting in favor and none (0) against.

Z-11-12 Public Hearing and Review on the petition submitted by Karen M. Sandhaas to allow construction of a two-story room addition and to allow two variances as follows:

1. To reduce the required 10 foot separation from the house to a detached garage.
2. To reduce the required 6 foot side yard setback for the property located at 611 Vale Street. Zoned R-1B, Single-Family Residence District.

Karen M. Sandhaas and Mike Matejki both of 611 Vale, were sworn in and they just need the first variance for the 10 foot separation. Mr. Matejki stated that they had an architectural student prepare the drawings for the addition and then they had a survey done. They will maintain the six foot side yard and withdrew the side yard variance. Chairman Ireland asked for anyone else who would like to speak in favor or in opposition of the petition and no one spoke.

Mr. Woolard stated the garage is existing and the addition is not unusually large for the size of the house and only a small portion of the addition is within the ten feet. Staff supports the request. There was a brief discussion of the fire separation part of the building code.

The vote on the variance was approved with six (6) voting in favor and none (0) against.

Z-12-12 Public Hearing and Review on the petition submitted by Pastor Melvin Campbell for Christ Temple Church to allow a new church and a variance to reduce the required number of parking spaces from 50 to 48 spaces for the property located at 202 E. Locust Street. Zoned C-1, Office District and B-2, General Business Service District.

Pastor Melvin Campbell was sworn in and stated they are asking for the parking variance because of the two handicapped spaces they are putting in and they are going from 50 required spaces to 48 spaces. There also is available street parking and the cultural district has spaces they could ask to use if needed. He said they currently only have 15 – 20 cars. He does not see a conflict with the cultural district events and Sundays are the days that the lot is used the most.

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

Mr. Woolard stated the site has on older building with an awkward shape and the request is minimal.

The vote on the variance was approved with six (6) voting in favor and none (0) against.

SP-04-12 Public Hearing and Review on the petition submitted by Wingover East, LLC requesting approval of a special use permit for multiple family dwellings for the property located at 1028 Ekstam Drive. Zoned B-1, Highway Business District.

Z-13-12 Public Hearing and Review on the petition submitted by Wingover East, LLC to allow multi-family dwellings and for a variance to allow and increase to the maximum floor area ratio of 50% to 53% for the property located at 1028 Ekstam Drive. Zoned B-1, Highway Business District.

Chairman Ireland introduced both cases SP-04-12 and Z-13-12. The Board reviewed the both petitions for the special use and variance simultaneously in that they both pertain to the same project.

Neil Finlen, of Farnsworth Group at 2709 McGraw Dr. and Kurt Hoferle of Apartment Mart, 1805 Dimmitt Ct. were both sworn in. Mr. Finlen explained there are two parcels with one being about two acres and one four acres. They did look at rezoning for the two acre parcel as the four acre site allows apartments by right but the special use in this B-1 zone allows the city to maintain control for the site and assures the moving of traffic and fire trucks through the site. He said there is now 400 to 500 acres of commercial land within one mile of the two acre site. This development will have two story buildings verses the existing Wingover development that has three story buildings. It will have a playground area and a pool. As for the variance he said they could be under the 50 percent floor area ratio if they did not have the garages which provide functional screening for the adjacent properties. The apartments are high end ones which will have 132 dwelling units. Mr. Hoferle stated there are 316 two bedroom units and 34 townhomes existing in the Wingover property. There are 80 units that they are developing behind the Holiday Inn that are three bedroom and some one bedrooms. The two acre parcel will have three 16 unit buildings provided they use their adjacent land. If they use an average of 1.5 people for the one bedrooms and 2.5 people for the three bedrooms there would be about 250 people for the whole six acre development. There was discussion on how the density and allowable floor area will increase with a rezoning. Mr. Finlen explained that by code there could be a whole lot more than 250 people but that the limiting factor in the code is not the 70 units per acre or the floor area coverage but rather the required amount of parking.

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

Chairman Ireland asked for anyone who would like to speak in opposition to the special use and variance petitions. Sam Bridger, 1103 Rader Run, was sworn in and stated he lives just to the north and traffic already is at times intolerable, especially since the road has not been finished to McGraw Park for 11 years but he understands that is not related to this issue. A traffic study was referred to and he would like to see their estimate for traffic. Road safety will be an issue and there are a lot of kids there. He said you are introducing 180 to 200 cars into the mix and potentially more. Because of his concerns about the increase in the amount of

traffic he is against the request. Mr. Parker asked if owns the house where he lives and he said that he does.

Soma Narayanan, 1124 Rader Run, was sworn in and stated he is in opposition to the project which will add a lot of traffic and there is not enough space to move around in the apartment parking lots. It is cramped in there. He is opposed to having more apartments in that area. He said the apartments have a heavy increase in cooking apartments and people are not aware of the health condition and the developers should put in ventilation from the greasy cooking. He said there is not enough play area and would like to see more play area for the kids in the neighborhood. Mr. Briggs asked if he was aware of the play area that is a part of their design and Mr. Narayana responded that it is realistically way too small for the number of kids and residents there. A lot of things can happen if you will you cram more people into that area. He said there will be a lot more people and problems and even problems for the schooling at some point.

Shawn Dehaven, 7 Zavitz Ct., was sworn in and stated his opposition is because of the following: there is so much traffic through there from Ekstam Drive, the other existing Wingover apartments, the townhomes and so many people have cars they have to park along all the streets and the new apartments will increase the congestion even more. The kids play along side the road. When they first lived there, no apartments were there and they were told it was going to be single-family housing and not multi-family. It is very hard to get in and out of there already. He is definitely in opposition to any apartments in there at all and it should stay for commercial use. The streets are narrow and they park on both sides of the streets. With commercial space he says there will be less traffic.

Emily James, 1040 Ekstam Dr., was sworn in and she lives in a condominium that she owns. She said her concern is for traffic and the traffic already is a concern and they have looked into speed bumps so they already have been trying to deal with the issue. She also is concerned that there is not enough space for the children to play at Wingover and they play in the parking lots. There also has been a problem with trash and litter during construction and she has called Apartment Mart and no one seems concerned.

Lisa Thompson, 3413 Prescher Pt, was sworn in and stated the traffic is extremely heavy and congested and is not aware of a traffic study. It is a heavily dense area and there are many children and not much thought was given to traffic patterns. The apartments were cut open in the back so they shoot out the fronts and backs. She said it is not for the Board to deal with but with Cornelius cut west traffic could go left. If the developers would work as hard at getting that road as getting the apartments it would provide a happy medium for the home owners. The commercial neighbors have been friendly and it has not caused much traffic. They are low maintenance areas and it would be ideal to continue with the commercial property. She does not see how 300 people can be a compromise in any capacity and does not see how we can safely fit 300 more people into an already heavy dense area. Her issues are traffic and density.

Carrie Mane, 1040 Ekstam Unit 22, was sworn in and stated her biggest concerns are traffic and parking. The corner of Ekstam and Cornelius is a not a stop sign but a yield sign and it is pretty much useless and many times there were near crashes. She already hears noise from the

community building and has picked up lots of trash from the new apartments. With these additional apartments it will be very bad. The mailboxes have been hit three times by cars.

Lenae Engleman, 3515 Cornelius, was sworn in and said she agrees with the previous speakers and the mail boxes have been hit three times and once on the 3515 group as well. There should be additional play area for the children who are dangerously playing in the streets and it would be wise to not have so many people put in there.

Mr. Bridger stated Ekstam is a snow route and no enforcement takes place when they go through because the cars are still parked and it also is bus route.

Richard Hetherlington, 3416 Cornelius Dr., was sworn in and stated his house faces the apartments that they are talking about and children cross the street and play in front of his house and he would like to see a fence put up where they couldn't get out in the street and play.

Chairman Ireland asked for anyone else who would like to speak in opposition of the special use and variance petitions and no one spoke.

Mr. Huber stated staff looked at the project as a whole and two thirds already allows multi-family construction. He stated the B-1 district was changed in 1996 to allow multi-family with a special use permit. The special use was felt to be better with control on the site than a rezoning. The design on the proposal allows for through traffic on the site. The development around it is residential and that is why there is a recommendation for approval. The R-3B would allow a large floor area and the variance is only slightly over. It also received a B rating by the McLean County Regional Planning Commission. The residential traffic could be substantially less than many other uses in the B-1 district. The developer has paid a fee for the parkland dedication which helps pay for parks. They also have provided a park that was not required. Other developments may have parks, pools or amenities that are not required. There is no requirement for Cornelius Drive to be extended to McGraw Park.

There was discussion on the inability to get to the park, the development process and the design and location of the streets. Mr. Huber explained how the planning started for this area with the Comprehensive Plan and the development is compared with the plan and the original developer decided the original make up of the streets and zoning which is compared to the plan.

Mr. Briggs questioned if the density for the whole property should be controlled. Mrs. Meek said she thought the concern was more about the traffic than the density.

Mr. Kothe stated Cornelius will be a major collector once it is connected but we do not have control over that now. The city can look at removing the on street parking which has pros and cons such as it makes it easier for traffic to get through but the con is that people can then go faster. He does not know if traffic calming can be introduced. There was discussion about a temporary trail connection to the park. Mr. Kearney questioned if Ekstam was over capacity. Mr. Kothe said he will see if he can obtain the information. Mr. Finlen stated that in order to relieve some of the traffic they might connect their parking lot to the existing Wingover development which will be a straight shot to Empire. Mr. Bridger stated the traffic control at

the crossroads intersection is not adequate and if there is an additional traffic study to be done that is a focal point to look at and thinks it will cause a similar problem elsewhere. Mr. Kothe said parking restrictions are prompted by a citizen's request and there is a process to investigate such and the city notifies all the people involved. He said the daily volumes on Ekstam in 2009 were 1840 and the capacity is 12,000. It was noted that not all of the apartments were there in 2009. The discussion continued regarding on street parking, traffic, and a three way stop at Ekstam.

There was discussion on linking the six acres together. Mr. Huber was not sure that we could require the four acre site to be tied to the two acre site when the special use is just for the two acre site. Mr. Finlen said the owners want to do this as a high end development that all goes together. He said if you approve this, the tying of the six acres is inherent in the plan and locked in together.

Mr. Hoeferle said that they want to be good neighbors and would love to have Cornelius go through and said economically their project would have to be all one development. Mr. Ireland suggested that they meet with the neighbors to discuss the concerns.

Mr. Briggs moved and Mr. Kearney supported the motion to have the special use conditioned for an egress into the private property to relief the traffic. The vote on the motion was approved with six (6) voting in favor and none (0) against. Mr. Ireland explained the south parking lot will have an ingress/egress from Goldfinch Way.

The vote on the special use was approved with six (6) voting in favor and none (0) against.

Mr. Kearney stated a lot of issues in this case predate this development project and it might be a little unfair to lay all of these issues on their shoulders and they seem to be committed to solutions, and it would be bad business for them to not work toward a solution on some of these issues and there will be a lot of turnover and they will not be able to rent the \$750 units if they don't solve some of these issues. From an aerial perspective he noted this seems to be considerably bad city planning and is incredibly too haphazard, makes little to no sense, there are half built roads, too much reliance on one street, the traffic study is three years old and predates much of the development in the area and he has little confidence in it, and it does not seem to be clear if the study is reliant on both sides of the street or not. There is no question that there is a quality of life issue in the area and that is undeniable but it is not enough to stop this development administratively, and particularly that we do not have the last say on the request.

Mr. Briggs stated that he was trying to build a mindset of being careful of what you ask for because he has been on the other side and is trying to look at both sides of it, and from the neighbors' perspective you heard other things that can happen and from the business perspective you can have a higher impact than what you expect. He said do research on the code on as to what could take place there. We have opened up discussion on traffic and with the condition on the special use to help relieve the traffic. The city and developer are looking at access to the bike trail and the park but if the development was just for the four acre site you

could be severely impacted so you have to weigh carefully the pros and cons of what you ask for.

Chairman Ireland stated in response to the votes we struggle with what is there and there is a complete look at what it should be when it is all done and we don't have that in front of us. He suggested that staff provide a full picture which will be helpful in the future.

The vote on the variance was approved with six (6) voting in favor and none (0) against.

Chairman Ireland thanked everyone for their involvement.

Public Comment: None

Other Business:

Mr. Ireland requested that staff figure out the status for 811 W. Washington.

New Business: None.

Adjournment was at 5:28.

Respectfully;

Mark Woolard
Acting Secretary