

**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, JUNE 17, 2015, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE ST., BLOOMINGTON, IL**

Members present: Mr. Ireland, Mr. Briggs, Ms. Meek, Mr. Kearney, Mr. Simeone, Mr. Zimmerman

Members absent: None

Also present: Mr. Tom Dabareiner, Community Development Director
Mr. Kevin Kothe, City Engineer
Mr. Mark Woolard, City Planner

Mr. Woolard called the meeting to order at 4:02 p.m. and called the roll. A quorum was present.

PUBLIC COMMENT: None

The Board reviewed the minutes from May 20, 2015 and accepted the minutes as printed.

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

REGULAR AGENDA:

SP-02-15 Public Hearing and Review on the petition submitted by HL Bloomington, LLC and CIP, 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 case and asked for anyone who would like to speak in favor of the petition. Neil Finlen, Farnsworth Group, 2709 McGraw Dr., was sworn in. He stated the number of dwelling units have been decreased by about 25 percent from 92 apartments to 68. He said they are not asking for a floor area waiver. They show a playground in the plan. They are looking about a 3-4 year build out and that will help with construction traffic and without much disruption. They will communicate street closures. The \$48,000 in park fees could help pay for the access to McGraw Park. For traffic, they are only at one-third of the capacity for Ekstam Drive. They will verify the numbers together with projections that need to be added. There has been traffic calming to the north. They have an excess amount of required parking by 14 percent. The parking has been removed on the west side Ekstam and they would be fine with a parking ban on the east side. There is not a need for on street parking. The property taxes will be over \$100,000. He is agreeable to the sidewalk, the small park, and the staged construction.

Mr. Briggs stated the issue is not just traffic on Ekstam but the bottleneck by Buffalo Wild Wings. Mr. Finlen said they would have to look at a traffic analysis that showed adequate capacity. He said the density is 19.8 units per acre. There will be a mix between one and two bedrooms. He said they believe the apartments will generate between 540 – 680 trips per day for Ekstam. There will be about 3,000 to 4,000 cars per day on Ekstam which has a capacity of

about 12,000 per day. They will have to look at the intersection. He said the population of Unit 5 Schools has plateaued. He does not know the percentage of the apartments that will be school age children and where the children will attend school is beyond their purview.

Mr. Briggs asked if the FAA is concerned about children there. Mr. Finlen stated the airport and the FAA is well aware of the project and is fine with it. The project is outside their runway protection zone. Also the runway is a safer runway when coming in from the north with better instrumentation.

Mr. Kearney asked if there will be on-street parking on the east side of Ekstam. Mr. Finlen stated the parking is allowed now. Through the previous special use review parking on the west side was eliminated. He thinks it is worth discussing for the east side. The development has enough parking and there is no need for on-street parking on Ekstam. If there are no cars parked on Ekstam it will give a clearer view so children cannot dart through parked cars.

Mike Hundman, 5 Jody Lane, and Todd Bugg, 1001 N. main were sworn in. Mr. Hundman stated there are no three bedroom units proposed at this time. Mr. Kearney asked if there is anything special about this site. Mr. Hundman stated they have had that property on the market for over ten years trying to sell it with it zoned as it is and there is no interest. The highest and best use is what is all around there which is apartments. Other developers in the area have sites with incentives which makes this site less desirable. He said it is difficult to know how many children would be there or if they would want three bedroom units. They could discuss this with the owner across the street. Mr. Finlen said they are locked with the 50 percent floor area ratio.

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. Ralph Driver, 11 Zavitz Ct., was sworn in. He said he works for a private management company. They say there is no three bedrooms at this time but a three bedroom will increase the population of the apartments. Most places are set up for two cars per household. If the children are of legal driving age they are granted a parking permit which will triple your cars in there. There will always be parking on the street. Parking will always be an issue and there will never be enough room. He absolutely does not recommend the removal on-street parking. He said the police cannot enforce no parking on the street. The existing parking complex has tenants parking two or three blocks away. He is concerned about the traffic flow and where the overflow of the cars are going to go. He does not see the need for apartments and the existing ones are not full. They park everyday where it is signed no parking.

Melanie Ward, 5 Zavitz Ct., was sworn in. She said apartment complexes bring a lot of traffic, noise, potential for crime and an eyesore as they age. As their occupancy rate goes down it will lower rents and they become less picky about the tenants that they have. The area can become less safe and their property values decrease. Currently two of the biggest employers in town are at a zero percent growth rate for the area. Country Companies has laid off people and will continue to do that. State Farm's plan is to not grow the number of employees. The traffic by Buffalo Wild Wings backs up from the corner all the way to Route 9. That is a major thoroughfare to get out. An airplane crash on Ekstam will not allow another way out. Many kids wait for the bus and people go very fast on Ekstam. No parking on Ekstam will be a good thing but their concern is on enforcement. She would be concerned about a street closure and leaving only one way out. She understands the property being on the market for ten years but if her

house is on the market for ten years, is it then somebody else's responsibility to take care of buying my house for me. Bad investments is part of business and she does not want something going in that will cause her investment to go down. It is in a neighborhood where she would like to stay.

Mr. Briggs said with the business zone we can have special uses that give us the ability to place conditions on an approval. Ms. Ward stated that as a concerned citizen in a very highly congested area additional multi-family will hurt our property values and our quality of life in our neighborhood. The perception of their neighborhood will go down.

Peggy DeHaven, 7 Zavitz Ct., was sworn in. She stated they been told numerous times that Cornelius will not be finished until all of the property to the west is sold. She was told when she moved in that it will be completed in a couple of years and it is still not there. She questioned if Wingover is at 86 percent that is 82 vacant apartments and why do they not first fill what they have? They do not need to extend further and congest their lives. If the apartments do not rent it could open up for section 8 housing, crime and drugs. Even if it is full it is too much traffic for that area. Should she have to be inconvenienced when the apartments move in on her space when she was there first? She asked if it is fair to me? She also asked where the mailboxes will be located because they drive the wrong way on Ekstam now to get their mail. It is a bad situation right now until at least Cornelius is extended. If there is an emergency there will be up to a 1,000 cars trying to get out. Speed bumps on Cornelius would help and we have been told Ekstam cannot have speed bumps. Hopefully the apartments will not go through.

John Bishop, 3404 Prescher Pt., was sworn in. He stated the redistricting of the schools have been an issue with the apartments and is also an issue when we have buses for four different schools coming in at the same time and you have to wait for four buses stacked up. It is a long 1.5 to 1.7 miles to get to McGraw Park without Cornelius extended. Some kind of access to the park will help with getting kids out of playing in the streets. The Cornelius extension is essential with the viability of that neighborhood and the redistricting for the schools is huge for property values. Their point in moving out there was they knew what school they would go to.

Renarda Dumas, 1102 Ekstam Dr. #1, was sworn in. She stated she has lived there for ten years and she has had redistricting. It is really congested in the mornings. Neighboring children can go to different schools. She would like to see the site as a nice park for the 200 plus children to have a place to play. They are now playing in the driveways. She also agrees with the Country and State Farm facts given. When their contracts are given up they will not be here. The neighbors that are here permanently pay the taxes and want the neighborhood sustainable. The little park on the back of the apartments will not serve the whole area. She asked if there is room for compromise where we could do two buildings and the rest of the area be a park.

Glen Hill, 1211 Norma Dr., was sworn in. He stated there has been more and more traffic already and the apartments will just add more to Norma Drive. He said it is already overpopulated and they should not do anything to increase it. Cornelius will not be done and the apartments will be there. The whole subdivision will suffer.

Kathryn Dunmeyer, 1104 Ekstam Dr. #2, was sworn in. She stated a concern is getting rid of parking on the east side of Ekstam north of Cornelius, as they do not have additional parking.

Linda Utley, 3420 Prescher Pt., was sworn in. She stated it is crowded enough and when they built it was a different design. Everything has changed and she does not want to move. When this was rejected the last time, one of the City Council members said they were appalled when they drove out there to see how many apartments there was in this very congested area. Even if Cornelius went through it is still so crowded.

Ms. Ward stated the city's web site states that rental properties have been found to be one of the most neglected properties within the city and creates a serious concern regarding safety and health issues as well as overall appearance of our neighborhoods.

William Shelton, 1125 Rader Run, was sworn in. He stated the big construction referred to earlier will only be on one side of Cornelius and we still have to wait for all of other area to be developed. He said we have concern for emergency vehicles during and after construction and all of the extra traffic. People have called several times for cars in the no parking area but the police have other issues to worry about and the cars will stay parked there. The park on the plan is not big enough even for the kids that will move in. In the Wingover apartments we were promised a huge park area for their children and the apartments and it was never developed. They ended up sticking a tiny little building that only has only four apartments instead of the park so we are not guaranteed the park area that our kids are not going to even have access to. There are many kids that play together at night but attend different schools. The more kids we put in there the bigger the mess will be for the neighborhood and the school district.

Mr. Bishop stated the lighting on Ekstam is atrocious and there is no consideration as to light pollution. It is a combination of street and the flood lights in the apartments. He said study after study shows intense light actually creates darker shadows which is less safe for crime. Care needs to be taken and cut-offs used to provide even distribution of light in the appropriate places.

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

Mr. Woolard described the location of the property. He identified the adjacent land uses and zoning. The site plan has been revised to show a playground, detention area and one driveway in the north instead of two. He explained the adjacent uses are compatible and there will be less dwelling units from the previous proposal. Sidewalks will be provided and the off-street parking will exceed the code requirements. Staff is recommending approval condition upon an updated traffic study indicating the Ekstam traffic will not exceed its designed capacity.

Mr. Dabareiner stated we have heard a number of concerns and we would prefer this be extended to next month. It would give them a chance to respond to the traffic and parking concerns. It would not be limited to just Ekstam. Mr. Kearney stated while some adjustments have been made it is staggering that problems remain as if we are supposed to solve them for the city. One, Cornelius is not through and two, there is no passage to the park. The school buses go in four different directions which is unreasonable. There appears to be no plan whatsoever.

Mr. Kothe explained that as Empire Business Park develops the road would be extended. He said the developers build the streets as they can afford to. At that time the city would pay for oversizing with Cornelius and the trail. Drainage structures would have to be constructed. The city would have to pay for the trail up front and it would get destroyed when the road is constructed. He said we do not have the money to spend on the construction. Mr. Finlen stated

for the pavement and the street it is market driven. Regarding the trail the Deneen family could entertain the idea for a dedicated right-of-way and something would be a temporary nature such as a mulch trail. He said the parkland dedication fee could be used. There is parkland to the north. Mr. Finlen stated it would be wise to carry this over to do the study. He also said there will be a whole lot more traffic generation from other land uses than an apartment complex. There was discussion on comparing the Ekstam and the intersection traffic with other B-1 areas. Mr. Kothe explained the traffic counts in the study look at the peak hours. He said there was a study previously done indicating Ekstam had the capacity. Part of the issue at Haeffele has been illegal left turns. If they would go to through the intersection we would not have the same bottlenecks. Ultimately the city is probably going to have to install a raised median so people cannot turn left.

Mr. Kearney asked if the city will commit to providing at least a temporary access to McGraw Park. Mr. Kothe said that is something we would have to take up with the internal staff. Mr. Kearney said it is unfair to ask us to approve something without significant progress and commitment by the city to do more for an area with half-built roads, no park access, and no plan. He said to approve projects with half built roads is madness. The city needs to step up with a plan and vision for the area. Chairman Ireland said the city staff does not have the ability to make a financial commitment. Mr. Kothe said there is a preliminary plan but it does not have a time commitment or appropriation factors. The plan does show the streets connecting through.

Mr. Kothe explained if there is a citizen request to remove parking there would be a process used to look at the issue. He stated that if there is no parking on both sides it will tend to encourage higher speeds.

Mr. Briggs stated our decision could possibly exasperate the school issue. He asked for staff to determine if there is an issue when comparing the south side soccer field and the FAA with this development.

Mr. Bugg stated he would be in favor of tabling the petition. Chairman Ireland asked if he could provide at the next meeting the number of kids going to the Unit 5 schools from that area. Mr. Kearney asked for follow through regarding the access to the park issue. Chairman Ireland stated other issues that could be addressed are the mailboxes, emergency access, and the lighting. Mr. Briggs asked to provide information on impacts of three bedroom apartments. Mr. Finlen will address in the study the traffic from the Haeffele Way businesses.

Mr. Kearney stated the plan he was thinking about is more of a global nature and there needs to be a sense of what we want out in that area. He wondered if in a case like this could we send the notices to all of the subdivision.

Ms. DeHaven requested to know the percent of one, two and three bedrooms.

Ms. Dumas stated the park area on Pamela has houses being built. She stated if that is supposed to be a park area then we need to get that under the way. She still hopes a compromise is on the table. She said you cannot use a stroller and kids cannot ride a bike on mulch.

Mr. Briggs moved that we continue this until next meeting in July and allow staff, petitioner and residents to gather homework. Ms. Meek seconded the motion which passed on a by a vote of six (6) voting in favor and zero (0) against.

Chairman Ireland thanked everyone for attending.

OTHER BUSINESS:

Any Other Business to Come Before the Board: None

NEW BUSINESS: None

ADJOURNMENT: 6:32 p.m.

Respectfully;

Mark Woolard