



**AGENDA
REGULAR SESSION
PLANNING COMMISSION MEETING
BLOOMINGTON POLICE DEPARTMENT, OSBORN ROOM
305 S. EAST STREET, BLOOMINGTON, IL 61701
WEDNESDAY, JUNE 1, 2022, 4:00 P.M.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**

Individuals wishing to provide emailed public comment must email comments to publiccomment@cityblm.org at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person may register at www.cityblm.org/register at least 5 minutes before the start of the meeting

- 4. MINUTES**

Review and approval of the minutes of the May 4, 2022, regular Planning Commission meeting.

- 5. REGULAR AGENDA**

- 6. OLD BUSINESS**

- a. Discussion on pending text amendments.
 - i. Residential uses that were previously permitted by right or via Special Use in commercial districts should again be allowed
 - ii. Zoning for snack food manufacturing
 - iii. Zoning for assisted living facilities
 - iv. Updating certain zoning classifications
 - v. Review and Submission Process

- 7. NEW BUSINESS**

- a. Elections for Chair and Vice-Chair

- 8. ADJOURNMENT**



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MINUTES

PUBLISHED BY THE AUTHORITY OF THE PLANNING COMMISSION OF BLOOMINGTON, ILLINOIS
REGULAR MEETING
OSBORN ROOM, 2ND FLOOR POLICE DEPARTMENT
305 S. EAST STREET, BLOOMINGTON, IL
WEDNESDAY, MAY 4, 2022 4:00 P.M.

Individuals wishing to provide emailed public comment must email comments to publiccomment@cityblm.org at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person may register at www.cityblm.org/register at least 5 minutes before the start of the meeting

The Planning Commission convened in-person within the Osborn Room inside of the Bloomington Police Department at 4:00 p.m., Wednesday, May 4, 2022, with the following physically present staff members Mr. George Boyle, Assistant Corporation Counsel; Mr. Glen Wetterow, City Planner; Mr. Jon Branham, City Planner; Ms. Alissa Pemberton, Assistant City Planner; Ms. Kimberly Smith, Assistant Economic and Community Development Director; and Genevieve Rappold, Stephenson Fellow

The meeting was called to order by Chairperson Mohr at 4:00 p.m.

ROLL CALL

Attendee Name	Title	Status
Mr. Tyson Mohr	Chair	Present
Mr. Justin Boyd	Vice Chair	Present
Mr. Thomas Krieger	Commissioner	Present (arrived 4:08pm)
Mr. Mark Muehleck	Commissioner	Absent
Mr. David Stanczak	Commissioner	Present (arrived 4:05pm)
Mr. John Danenberger	Commissioner	Present
Mr. Brady Sant-Amour	Commissioner	Present
Mr. Benjamin Muncy	Commissioner	Absent
Mr. Govardhan Galpalli	Commissioner	Present
Ms. Anna Patino	Commissioner	Present

Mr. Wetterow called the roll. There was a quorum present.

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PUBLIC COMMENT

None.

MINUTES

Commissioner Boyd motioned to approve the minutes from the April 6, 2022, meeting with correction of Commissioner Boyd's name being spelled correctly. Commissioner Danenberger seconded. Roll call vote: Mr. Boyd - Yes, Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Galpalli - Yes, Ms. Patino - Yes Chairperson Mohr - Yes. (7-0). The minutes were approved.

Commissioner Stanczak arrived at 4:05pm.

Chairperson Mohr reviewed general procedures for how the meeting would function.

Commissioner Kreiger arrived at 4:08pm.

REGULAR AGENDA

A. Z-06-22 Public hearing, review and action on a petition submitted by Joseph A. Dehn, Attorney, on behalf of Akshar Plastic and Bell International Company, requesting a Zoning Map Amendment for the property located at 1101 E Bell Street from M-1 (Restricted Manufacturing) District to M-2 (General Manufacturing) District. PIN: 21-10-105-007.

City Staff Jon Branham presented the staff report and indicated all standards have not been met and concluded with a recommendation for denial. He noted that the property had a history of code enforcement issues, but the focus should be on the map amendment request.

The Petitioner, Joseph A. Dehn, attorney for Akshar Plastic & Bell International Company, (201 W. Olive Street) introduced himself and provided background on the request. He stated the map amendment application was submitted to pursue appropriate zoning for the operations at the property. He explained site operations. He stated the request was based upon the use being identified as a "Recycling Facility", even though he struggled with the definition. He said there is not currently a classification for what is being conducted on the site. He stated he understood the reluctance of approving an M-2 District at this location. He stated he understood the concern of potential uses permitted in M-2 with and how they may not be appropriate when residential is adjacent. He stated they are open to an approval with limitations, or some other kind of restrictive provisions. He said granting the zoning map amendment request would allow the applicant to continue to operate.

Commissioner Boyd asked about what restrictions Mr. Dehn would propose. Mr. Dehn recommended restriction regarding activities on the outside of premise, but still allow them to receive, sort, and ship materials.

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Commissioner Boyd commented that typically concerns with M-2 zoning are those related to things residents can smell, see, and hear. He inquired as to what kinds of impacts the petitioner's activities produce. Mr. Dehn responded that there should be no noise or smell associated with operations at this facility. He stated there is no waste that would generate an odor. He stated any M-1 use would still permit semi-trucks and forklifts. He said the applicant only operates on weekdays, and the facility is located on a 12-acre site, so noise is not above and beyond the expectation of what is typical for the M-1 zoning.

Commissioner Stanczak inquired as to the history of the property and the reason for the request. He inquired as to whether the "Recycling Facility" use is something that requires the M-2 designation. Mr. Dehn clarified site operations. He stated that M-2 zoning allows a "Recycling Facility" as a Special Use, which they would need to obtain following any approval. He added the applicant also would not meet a 500-foot setback from residential, so they would also seek a Variance in addition to the Special Use. Mr. Dehn clarified that the public does not drop items off at the facility, so it is not a "junk yard" that people may commonly associate with "recycling."

Commissioner Galpalli inquired about odors associated with melting of plastic. Mr. Dehn stated that no plastics are melted on site. He stated products are shredded into small pellets that are then shipped elsewhere for further processing. He stated there should be no odor associated with this activity.

Mike Gebhart, speaking on behalf of his son Hans Gebhart (1206 Bell Street), expressed concern about the large amount of car seats that had accumulated on the property for an extended period, which led to rodents inhabiting the property. He stated concern about industrial waste generated on the site. He stated he also retains a concern about noise and increased in traffic in the area.

Commissioner Mohr inquired about the waste generated from the operations. Mr. Dehn stated his client contracts with companies supplying the materials. He stated the percentage of waste is associated with the products. He said the remaining metals and cardboard are separated and reused or sent elsewhere for recycling. He said there is little to no waste generated.

Mr. Dehn addressed the issue of the excessive concentration of car seats on the property. He stated his client's intent was never to allow that to occur. He said the amount of material received was supposed to fit within the building, but it did not. He stated that this occurred in the past and they have no intention of allowing something similar to happen again.

Chair Mohr summarized: intention with rezoning is not to change the current use that is occurring, and the previous situation with car seat pile is not how business will be conducted in the future. Mr. Dehn concurred and clarified that the zoning change will allow his client to come into conformance with City Zoning Code and legally continue their business operation.

Commissioner Boyd asked what Mr. Dehn's client believes the operation could be classified as, if it is not "recycling." Mr. Dehn stated it would be considered "size reduction of material,"

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which may be a step in the recycling process, but far removed from the junk yards that people think of when they hear “recycling.” He stated the code definitions are currently not capable of describing the use.

Gary Harden (902 Bunn Street) stated that he has lived in area for 50 years. He stated he believed many of the residents who received the public hearing notice did not understand the difference between the M-1 and M-2 Districts. He said the car seat item was a big issue as it invited rodents and was unappealing visually for a long time. He stated he would like to know how they can guarantee that stockpiling will not become an issue again. He also expressed concerns about the impact to property values if the map amendment occurs.

Chairperson Mohr asked staff who enforces the storage of materials on a property to ensure a stockpiling of materials does not occur again. Mr. Branham stated code enforcement would address this issue. Mr. Boyle added that the stockpiling of materials was a Code violation, which is how the legal case began in the first place.

Mr. Boyle noted that conditional zoning is not permitted by Code, so conditions may not be placed on a Zoning Map Amendment.

Chairperson Mohr summarized multiple emails received by city staff, in opposition to the proposed Map Amendment. Chairperson Mohr noted the emails would be included in their entirety in the record of the meeting.

Mr. Dehn stated he believe he had already addressed the concerns addressed in the emails. He stated, with regard to the traffic, the property is on a truck route and other M-1 permitted uses may still utilize trucking, so truck activity would be present regardless.

Mr. Boyd stated that he appreciates the petitioner’s empathy for residents, and supports recycling in general, but the long-term potential problems of allowing the rezoning of this property to M-2 is likely not the best way to address the issue. He stated M-2 zoning is not appropriate for this location, especially with residential zoning/uses adjacent.

Mr. Stanczak voiced his concern that M-2 zoning could permit a activities that are objectionable and inquired as to whether creating a definition of “limited recycling activity,” or something similar, and set performance standards related to noise, hours, and other appropriate items might be a better way to proceed. He encouraged staff to work with the applicant to consider a text amendment that would allow the kind of use the petitioner described.

Chairperson Mohr concurred with Mr. Boyd and Mr. Stanczak and stated that a “Recycling Facility” did not seem to align with what the petitioner was describing. He added there also does not seem to be another clear definition in the current Zoning Ordinance of the petitioner’s operation.

A motion to establish Findings of Fact, and that the proposed Zoning Map Amendment is not in the public interest and solely for the benefit of the Petitioner was made by Mr. Boyd and

seconded by Mr. Stanczak.

The City Attorney clarified that a vote of “yes” is a vote in agreement that the Map Amendment would not be in the public interest.

Roll call vote: Mr. Boyd - Yes, Mr. Krieger - Yes, Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Galpalli - Yes, Ms. Patino - Yes Chairperson Mohr - Yes. (8-0). Motion passed.

A motion to not recommend approval of the petition submitted by Joseph A. Dehn, Attorney, on behalf of Akshar Plastic requesting a Aoning Map Amendment for property located at 1101 E Bell Street in the City of Bloomington, from M-1, Restricted Manufacturing District, to M-2, General Manufacturing District. (P.I.N.: 21-10-105-007) was made by Mr. Boyd and seconded by Mr. Kreiger. Roll call vote: Mr. Boyd - Yes, Mr. Krieger - Yes, Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Galpalli - Yes, Ms. Patino - Yes Chairperson Mohr - Yes. (8-0). Motion passed.

B. PR-06-22 Public hearing, review and action on a request by Stephanie Sheekey, on behalf of U-Haul Corporation, for Legislative Site Plan Review, with Special Use Permit, and Variance, for the property located at 1225 Holiday Drive. PIN: 14-35-451-019, 14-35-451-020, 14-35-451-021.

City Staff Jon Branham presented the staff report and indicated all standards have been met and concluded with a recommendation for approval.

Commissioner Boyd inquired if sidewalk existing along Holiday Drive and if any is any proposed. Mr. Branham stated there were not identified on the site plan. Commissioner Boyd inquired whether it would be within Commission’s purview to request sidewalks along Holiday Drive. Mr. Branham agreed it would be acceptable.

Chairperson Mohr inquired where the transitional yards and associated plantings would be located. Mr. Branham clarified that the transitional yards on the north and east sides of the property, adjacent to the residential uses. Chair Mohr noted there is also a fence requirement.

Kevin Barringer (3652 Clear Lake, Springfield, IL) on behalf of U-Haul Corporation, introduced himself and provided background on the request. He described the activities U-Haul intended for this location. He stated the site was ideal from their perspective. He reviewed the types of items that can and cannot be stored. He described details on video surveillance provided. He stated that U-Haul tries to be a good neighbor; they tend to be a relatively quiet activity and do not have an impact on school districts. He stated drive-by awareness is important, so attractive and prominent imagery is important. He noted that when near transit, approximately 50% of the customers will access the site via non-single-auto methods.

Mark Kudrys (3105 Cumbria Drive) stated that he owns multiple multi-family properties nearby and had concerns about the traffic. He noted that where the frontage road (Holiday Drive)

meets Mt. Vernon is a challenging intersection, and he would like to know if there is a plan for addressing large trucks/trailers in/out of the site.

Mr. Branham stated that access to and from the site would be via Empire Street and that no access points would be changing. Chairperson Mohr confirmed that access is not available from the north, but due to the distance from the site this is likely not in the purview of the applicant to address.

Susan Maxon (1705 Wildwood Road) stated that she had met with company multiple times and had received feedback from other neighbors. She stated one of her primary concerns was traffic, specifically what type and size of vehicles would be allowed. She was also concerned with the possible impact on property values. She had concerns with how the development will impact flooding. Additionally, she was concerned with the height of the building. She remarked she was concerned about the ongoing criminal issues in the existing vacant parking lot. She expressed concern about noise and inconvenience during the building phase and wanted to make sure the lighting does not disrupt adjacent properties. She noted that hours of operation are 7am-7pm, but individuals could access their storage units outside of this time, so there was concern with individuals on the property at odd hours. She stated she would like to clarify types of items that could be stored and guarantees to ensure nothing harmful is stored.

Commissioner Kreiger left at 5:05pm.

Mr. Barringer stated that their goal is to always be the best neighbors possible, so they did reach out to the surrounding community and have had ongoing discussions with neighbors about the project. He stated the traffic study U-Haul conducted noted they would project 31 trips to occur during weekdays and 53 trips on weekends, which is significantly less than projections for other appropriate uses for the site. He highlighted lighting and security surveillance as a means to address criminal activity. He addressed how the property will be maintained to ensure cleanliness inside and outside of the buildings and addressed how items stored within the buildings are monitored for safety. He stated that construction timing is typically around 10 months.

Mr. Stanczak stated he likes the appearance of the building but was concerned about overall height. He inquired if the height proposed is really needed. Mr. Barringer responded that the height is necessary as they are trying to decrease overall footprint by going vertical and explained industry storage dimension standards.

Phil Martin of Martin Engineering (3695 S. 6th Street, Springfield, IL) spoke regarding stormwater management on the property. He indicated where the stormwater detention basin will be located and thanked the neighbors who provided him video of the flooding on their properties. He noted that they may be able to add a berm to slow down stormwater runoff along the north side of the property. He stated he was still in initial stages of design and will work with City Staff to meet all requirements.

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Chairperson Mohr asked about the exact location of the fence. Mr. Branham indicated the location of the fence on the site plan.

Tricia Lawson (1605 Wildwood Road) inquired whether the trees will be on outside or inside of the fence. She stated she would like to know who is responsible for maintenance of the buffer between the homes and U-Haul development. She stated she would like to make sure that video surveillance does not extend into the neighboring yards.

Chairperson Mohr noted that U-Haul owns the buffer area and would be responsible for maintaining it. It was stated that plantings would be located inside of the fence.

Mr. Barringer stated the surveillance is strategically placed to capture as much of the property as possible, but not capture surrounding properties. He stated he understood the sensitivity of the issue.

Commissioner Galpalli inquired about the windows facing out toward the north side of the property. Mr. Barringer clarified they are “show windows,” rather than functional.

Chairperson Mohr asked about parking requirements. Mr. Barringer stated parking meets Code requirements.

Chairperson Mohr recommended the placement of a sign directing people to exit to the south to prevent them from existing north on Holiday Drive and having to turn around at the end.

Commissioner Boyd stated that he understands concerns of residents, but also sees a vacant property. He stated an active use would assist with addressing the criminal issues, and redevelopment of the site assist with stormwater issues. He stated he was also concerned about traffic flow, but Route 9 is State Route and thus outside the purview of the Commission. He recommended that residents speak with their representatives regarding ongoing traffic issues on Rt 9.

Chairperson Mohr mentioned that he shares concerns of Commissioner Boyd.

A motion to establish Findings of Fact that the subject property meets the Legislative Site Plan Review criteria in Chapter 44.17-9 of the City Code and recommend that City Council approve a Site Plan for the property located at 1225 Holiday Drive (PIN: 14-35-451-019, 14-35-451-020, 14-35-451-021) with the condition a sidewalk be placed along the West property line was made by Mr. Boyd and seconded by Mr. Danenberger. Roll call vote: Mr. Boyd - Yes, Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Galpalli - Yes, Ms. Patino - Yes, Chairperson Mohr - Yes. (7-0). Motion passed.

A motion to establish Findings of Fact that the subject property meets the Special Use criteria in Chapter 44, 17-7 of the City Code and recommend that City Council approve a Special Use to allow a Mini Warehouse and Vehicle Rental Service in the B-1 (General Commercial) District for the property located at 1225 Holiday Drive (PIN: 14-35-451-019, 14-35-451-020, 14-35-451-021) was made by Mr. Stanczak and seconded by Mr. Galpalli. Roll call vote: Mr. Boyd - Yes, Mr. Krieger - Yes, Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr.

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Galpalli - Yes, Ms. Patino - Yes Chairperson Mohr - Yes. (7-0). Motion passed.

A motion to establish findings of fact that the subject property meets the Variance criteria in Chapter 44, 17-9-D of the City Code recommend that the City Council approve a Variance associated with this site plan, to allow construction of buildings at 38 feet, 6 inches, which exceed the 35-foot height requirement for the property located at 1225 Holiday Drive (PIN: 14-35-451-019, 14-35-451-020, 14-35-451-021) was made by Mr. Boyd and seconded by Mr. Galpalli. Roll call vote: Mr. Boyd - Yes, Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Galpalli - Yes, Ms. Patino - Yes, Chairperson Mohr - Yes. (7-0). Motion passed.

Chairperson Mohr - suggested a 5-minute recess. Ms. Patino made the motion and Mr. Galpalli seconded. All were in favor. The Commissioner recessed at 5:30pm.

Vice Chair Boyd left at 5:30pm.

The meeting reconvened at 5:35pm.

C. Z-07-22 Public hearing, review and action on a request by Mark Kudrys, requesting a Zoning Map Amendment for the property located at 705 E Washington, from B-1 (General Commercial) District to R-3B (Multi-Family Residence) District. PIN: 21-04-433-004.

City Staff Glen Wetterow presented the staff report and indicated all standards have been met and concluded with a recommendation for approval. He reviewed the history of property and that it had been originally built as a residence. He stated the ground floor was converted to commercial at some point during the 1960s-70s.

The Petitioner, Mark Kudrys (3105 Cumbria Drive) introduced himself and provided background on the request. He stated that the house was originally constructed as a single-family home in the 1890s, then converted to office in 1970s. He stated he had not had success renting it commercially. He added there were only four parking spaces, which had created additional issues for commercial use. He stated he intended to convert it to two or three residential units, and he believed residential zoning is more appropriate for the property.

No additional public comment was provided.

A motion to establish Findings of Fact, and that the proposed Zoning Map Amendment is in the public interest and not solely for the benefit of the Petitioner was made by Mr. Stanczyk and seconded by Mr. Danenberger. Roll call vote: Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Galpalli - Yes, Ms. Patino - Yes Chairperson Mohr - Yes. (6-0). Motion passed.

A motion to recommend approval of the petition submitted by Mark Kudrys, requesting a Zoning Map Amendment for the property located at 705 E Washington, from B-1 (General Commercial) District to R-3B (Multi-Family Residence) District. PIN: 21-04-433-004 was made by Mr. Stanczyk and seconded by Mr. Danenberger. Roll call vote: Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Galpalli - Yes, Ms. Patino - Yes Chairperson

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Mohr - Yes. (6-0). Motion passed.

D. PS-02-22 Public hearing, review and action on a request by James A Shirk of Sunrise Co., LLC, requesting approval of an Amended Preliminary Plan for Cedar Ridge Subdivision (Woodrig Business Park), for the property located at 2616 S Main Street. PIN: 21-21-201-012.

City Staff Glen Wetterow presented the staff report and indicated all standards have been met and concluded with a recommendation for approval. He stated that only significant difference are modifications to proposed access locations. As the property is zoned B-1, the Commission can expect to see Legislative Site Plan Review(s) in the future.

Kyle Glandon (1407 Maplewood Drive, Normal IL,) on behalf of the Petitioner James A. Shirk, introduced himself and provided background on the request. He stated they are working toward a final plan for how the site is going to function, where curb cuts need to be located, and how traffic is going to flow before bringing the building components of the new “Woodrig Business Park” forward. He stated they are ready to subdivide at this time.

No additional public comment was received.

A motion to find that the proposed Amended Preliminary Plan meets the purpose and intent of Chapter 24 of the City Code was made by Mr. Stanczyk and seconded by Mr. Danenberger. Roll call vote: Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Galpalli - Yes, Ms. Patino - Yes Chairperson Mohr - Yes. (6-0). Motion passed.

A motion to recommend approval of the petition submitted by James A. Shirk of Sunrise Co., LLC, requesting approval of a Preliminary Plan for Woodrig Business Park, for the property located at 2616 S Main Street. PIN: 21-21-201-012 was made by Mr. Stanczyk and seconded by Mr. Danenberger. Roll call vote: Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Galpalli - Yes, Ms. Patino - Yes Chairperson Mohr - Yes. (6-0). Motion passed.

E. Z-08-22 Public hearing, review and action on a request by Greg Goette of Keely Construction on behalf of Bloomington Municipal Credit Union, requesting a Zoning Map Amendment for the property located at 602 S Gridley Street, from C-1 (Office) District and R-3B (Multi-Family Residence) District to B-2 (Local Commercial) District. PIN: 21-04-462-021.

City Staff Glen Wetterow presented the staff report and indicated all standards have been met and concluded with a recommendation for approval.

The Petitioner, Derek Maschek (Keely Construction, 500 S Ewing St, St Louis, MO), on behalf of Bloomington Municipal Credit Union, introduced himself and provided background on the request. They have been working with the Credit Union to try to develop a site plan that fits better with the surrounding community, including identifying the B-2 District as more appropriate and consistent with the objective of this area of the City.

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Chair Mohr noted that one public comment was emailed with items regarding the site plan for the project; not relevant at this time since the site plan is forthcoming, but it will still be included in the record.

A motion to establish Findings of Fact, and that the proposed Zoning Map Amendment is in the public interest and not solely for the benefit of the Petitioner was made by Mr. Stanczyk and seconded by Mr. Danenberger Roll call vote: Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Galpalli - Yes, Ms. Patino - Yes Chairperson Mohr - Yes. (6-0). Motion passed.

A motion to recommend approval of the petition submitted by Greg Goette of Keely Construction on behalf of Bloomington Municipal Credit Union, requesting a Zoning Map Amendment for the property located at 602 S Gridley Street, from C-1 (Office) District and R-3B (Multi-Family Residence) District to B-2 (Local Commercial) District. PIN: 21-04-462-021 was made by Mr. Stanczyk and seconded by Ms. Patino. Roll call vote: Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Galpalli - Yes, Ms. Patino - Yes Chairperson Mohr - Yes. (6-0). Motion passed.

OLD BUSINESS

Kimberly Smith advised the Commission that staff will be bringing items for discussion to the next meeting; there are a number of text amendments that need to be considered, but the two that are most immediate and impactful are issues with residential nonconforming properties in B-1 and snack food manufacturing that was grouped with Food and Kindred Industries during the 2019 Zoning Code update.

NEW BUSINESS

Chair Mohr mentioned that next month there will likely be elections and potential new members.

ADJOURNMENT

Commissioner Galpalli motioned to adjourn. Commissioner Stanczyk seconded. Roll call vote: Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Galpalli - Yes, Ms. Patino - Yes Chairperson Mohr - Yes. (6-0). Motion passed. The meeting was adjourned at 5:56 P.M.

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PLANNING COMMISSION

TO: Planning Commission

FROM: Economic & Community Development Department

DATE: June 1, 2022

CASE NO: Z-24-21, Text Amendments

REQUEST: Discussion on text amendments, modifications and deletions to the Bloomington Zoning Ordinance, Chapter 44 of the City Code, submitted by the Bloomington City Council (Resolution 2021-31) relating to (1) auto sale exclusions, definition, and zoning; (2) updating certain zoning classifications; (3) reviewing residential uses that were previously permitted by right or via Special Use in commercial districts should again be allowed; (4) zoning for snack food manufacturing; (5) zoning for assisted living facilities; and (6) the review and submission process and commission schedules.

BACKGROUND

At the regular City Council meeting on August 23, 2021, the City Council approved Resolution no. 2021-31, per Chapter 44.17-6 of the Bloomington City Code, to initiate text amendments to the City's zoning regulations, Chapter 44 of the Bloomington City Code (see attached memorandum).

Specifically, the identified for amendments relate to:

1. Auto repair and sale exclusions, definitions, and zoning; and
2. Updating certain zoning classifications; and
3. Reviewing residential uses that were previously permitted by right or via special use in commercial districts that should be allowed again; and
4. Zoning for snack food manufacturing; and
5. Zoning for assisted living facilities; and
6. The review and submission process and commission schedules.

Text amendments related to Item #1 related to auto repair exclusions and definitions were reviewed by the Commission on September 22, 2021, recommended for approval, and ultimately approved by the City Council on October 25, 2021.

On November 10, 2021, the Commission reviewed Item #4 related to snack food manufacturing and Item #6 related to process and schedules. One amendment pursuant to Item #6 (altering Planning Commission scheduling and timing) was recommended for approval, and ultimately approved by the City Council on December 6, 2021. Item #4 was tabled by the Commission to an undetermined future meeting as additional information was requested. Additional related items will be brought forward to the Commission at future meetings. Please see attached memo for discussion items related to the existing Resolution and direction from City Council.

Respectfully submitted,
Planning Division Staff

Planning Commission
City of Bloomington
FOR DISCUSSION PURPOSE ONLY

Discussion Item 1
Residential Non-Conformities in the B-1 Zoning District

REASON FOR TEXT AMENDMENT(S): RESIDENTIAL USES RE-CLASSIFIED AS “NON-CONFORMING” IN B-1, AS A RESULT OF THE 2019 ZONING CODE UPDATE

Specific items related to residential properties located within the B-1 District have been identified resulting from the 2019 update, including issues regarding financing and obtaining building permits. The 2019 Code update eliminated residential uses from the table of permitted uses in the B-1 (Central Business) District, which is a significant change from the table of uses in the present version of the Code, and from the current character of existing development.

- § 44-1105D (Discontinuance of Use)
- § 44-502B (Business Districts - Permitted and Special Uses)

Discussion Item 2
Alignment of Residential Districts Intent and Permitted and Special Uses

REASON FOR TEXT AMENDMENT(S): IMPROVE ALIGNMENT OF RESIDENTIAL INTENT STATEMENTS, CLARIFY DEFINITIONS, AND PERMITTED USE TABLES

The 2019 Code update added “conversion” of traditional single-family residences into multiple family residences (2 units or 3+ units). Updates are needed to better align the use tables and definitions regarding these items.

- § 44-1605 Definitions “D.” (Dwelling Unit)
- § 44-1605 Definitions “D.” (Dwelling Unit, Two-Family Duplex)
- § 44-1605 Definitions “D.” (Dwelling Unit, Multiple-Family)
- § 44-1605 Definitions “D.” (Dwelling Unit, Multiple-Family Conversion (2 units) not present)
- § 44-1605 Definitions “D.” (Dwelling Unit, Multiple-Family Conversion (3+ units) not present)
- § 44-402A (Residential Districts - Permitted and Special Uses)

Discussion Item 3
Zoning for Snack Food Manufacturing

REASON FOR TEXT AMENDMENT(S): BETTER IDENTIFY LOCATION AND QUALIFICATIONS FOR LOW-INTENSITY FOOD PRODUCTION USES THAT MAY BE APPROPRIATE FOR M-1 PROPERTIES

Prior to 2019, the use “Food and Kindred Industries” was permitted in M-2 (General Manufacturing) District, and not at all in the M-1 (Restricted Manufacturing) District. The use “Snack Food Manufacturing” was listed as a separate use; and permitted in both the M-1 and M-2 Districts. In 2019, “Snack Food Manufacturing” was consolidated into “Food and Kindred Industries.” Additionally,

whereas both uses were previously listed under the category “Manufacturing,” the current Manufacturing category is divided into light and heavy manufacturing, with Food and Kindred Industries listed under “Manufacturing and Production, Heavy.” The newly resulted “Food and Kindred Industries” now requires a Special Use in the M-1; and allows as a permitted use in M-2. There are at least two existing “snack food” type manufacturing facilities within the City limits and additional forms that may be clearly appropriate in areas immediately adjacent to, or integrated with residential uses, that may now be overly restricted.

- § 44-602B (Manufacturing Districts - Permitted and Special Uses)
- § 44-1607 Definitions “F.” (Food and Kindred Industries)

Discussion Item 4 **Zoning for Assisted Living Facilities**

REASON FOR TEXT AMENDMENT(S): MISSING USE EXCLUDED FROM OTHER SIMILAR USES BY TERMINOLOGY; LACKING APPROPRIATE LOCATION IN USE TABLES

The current Zoning Ordinance went into effect on March 11, 2019, and as part of the rewrite Zoning Districts were altered and multiple uses were aggregated into fewer, more general categories. During this aggregation “Assisted Living Facilities” were removed.

- § 44-1602 Definitions “A.” (Assisted Living Facility not present)
- § 44-1609 Definitions “H.” (Home for the Aged restricted to non-profit)
- § 44-1620 Definitions “S.” (Senior Housing)
- § 44-402A Tables of Permitted Uses
- § 44-502A Tables of Permitted Uses

Discussion Item 5 **“Laboratory” Use and Definition Corrections**

REASON FOR TEXT AMENDMENT(S): CLARIFY USE TABLES, CORRECT INTERNAL CONFLICT

Conflict exists within the Code regarding definitions of different types of laboratories, and therefore the appropriateness of location for the different uses. Definitions are not inclusive of possible necessary types of facilities, Use Tables missing types defined in the Definitions Section.

- § 44-1605 Definitions “D.” (Diagnostic Laboratory Testing Facility)
- § 44-1613 Definitions “L.” (Laboratory)
- § 44-1614 Definitions “M.” (Medical Laboratory)
- § 44-1619 Definitions “R.” (Research Facility or Laboratory)
- § 44-402 [Residential Districts] Permitted Uses
- § 44-502 [Business Districts] Permitted Uses
- § 44-602 [Manufacturing Districts] Permitted Uses

Discussion Item 6
Application Efficiency and Modernization

REASON FOR TEXT AMENDMENT(S): CLEAN UP TO CODE TO REFLECT UPDATED PROCESS

The City now accepts (and encourages) Customers to apply for many permits, licenses, and activities online, and is capable of taking credit card payments over the phone. In many cases a large number of paper copies are still required when they are no longer needed. This can be cumbersome to the application process. Additionally, the Code update added in a demolition review process, however, the timeline in the Code is not functional.

- § 44-1703A Forms.
- § 44-1711 Demolition Review.

Discussion Item 7
Expanding Chicken-Keeping to Schools

REASON FOR TEXT AMENDMENT(S): EXPANSION OF EDUCATIONAL OPPORTUNITIES

The current Code strictly associates Chicken-Keeping with a dwelling type, preventing educational institutions from having access to the same accessory use as their residential neighbors.

- § 44-1011 Chicken-keeping.

Discussion Item 8
Performance Standards versus Special Use

REASON FOR TEXT AMENDMENT(S): IMPROVE QUALITY AND EFFICIENCY OF THE DEVELOPMENT APPROVAL PROCESS

The 2019 Zoning Code changes has resulted in an increase in cases related to Special Use Permits, including those that may be equally and appropriate managed through the use of carefully crafted performance standards.

Additional Discussion Item
Advertising Sign Code Corrections

REASON FOR TEXT AMENDMENT(S): TERMINOLOGY AND REFERENCE CORRECTIONS

The current Zoning Ordinance went into effect on March 11, 2019, and as part of the rewrite Zoning Districts were altered; references in the Advertising Sign Code no longer align. In addition, clarification on Temporary Signs is required to improve clarity in administration.

- Chapter 3, Article IV Signs Permitted in the Zoning Districts of the City
- § 3-605 [Ch. 3, Sec. 6.5] Banners.
- (Missing) Temporary Signs