



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, JUNE 1, 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, June 1, 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 Vice-Chair Boyd at 4:05 p.m.

ROLL CALL

Attendee Name	Title	Status
Mr. Tyson Mohr	Chair	Present (arrived 4:20 pm)
Mr. Justin Boyd	Vice Chair	Present
Mr. Thomas Krieger	Commissioner	Absent
Mr. Mark Muehleck	Commissioner	Absent
Mr. John Danenberger	Commissioner	Present
Mr. Brady Sant-Amour	Commissioner	Present (arrived 4:08 pm)
Mr. Benjamin Muncy	Commissioner	Absent
Mr. Govardhan Galpalli	Commissioner	Present
Ms. Anna Patino	Commissioner	Absent
Ms. Jacqueline Beyer	Commissioner	Present

Mr. Wetterow called the roll. A quorum was not present. Mr. Danenberger - Present, Mr. Galpalli - Present, Ms. Beyer - Present, and Vice-Chair Boyd - Present. (4 members present)

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PUBLIC COMMENT

No one was present to provide public comment and staff noted none has been submitted.

MINUTES

Minutes from the May 4th, 2022, Planning Commission Meeting were not voted on for approval as there was no quorum present.

OLD BUSINESS

City Planner, Glen Wetterow, explained that Staff had received approval from City Council to address text amendments for the five general areas of the code identified. Based upon this staff has come up with eight proposed text amendments. Additionally, staff has identified another text amendment they would like to discuss with the Commission but falls outside of the purview granted by Council. So, for the later text amendment there is only a cursory review. The purpose for bringing this text amendments before the Commission is to obtain initial feedback which will help guide staff in refining the text amendments. Based on Commission feedback, staff will bring formal recommendations back during the next few meetings.

Commissioner Sant-Amour arrived at 4:08 pm. At this time quorum was achieved. Commissioner Danenberger made a motion to delay approval of meeting minutes and elections to date certain of the July 6th meeting of the Planning Commission. Commissioner Galpalli seconded. Roll Call Vote. Mr. Danenberger - Yes, Mr. Galpalli - Yes, Ms. Beyer - Yes, Mr. Sant-Amour - Yes and Vice-Chair Boyd - Yes. (5-0). The motion passed.

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

City Staff, Glen Wetterow, identified the issue created by the code as it exists now which is residential uses in commercially zoned lots are legal nonconforming uses and no longer permitted by any means within commercially zoned lots. This presents an issue of rebuild should they be damaged more than 50% of the total square footage or total assessed value. This is preventing the sale of single-family homes on commercially zoned lots as they are unable to get a loan. The previous version of the code allowed for some residential within certain commercial districts. Staff presented the proposed text amendment options. Mr. Wetterow noted this item has been on staff's radar for some time and has been tangentially brought up before to Commission when discussing other issues before the Commission. The intent of the text amendment would be to allow a way for these homes to continue to exist in alignment with the Comprehensive Plan and the previous intent of the Commission and Council.

Vice-Chair Boyd asked how many properties this impact would. Mr. Wetterow stated staff did not have an exact number but did have maps indicating the areas which would be impacted. Mr. Wetterow explained process of evaluation for each of these areas identified. Mr. Wetterow noted the primary focus was single-family homes. Mr. Wetterow noted that some of

these areas might be best addressed by rezoning them and thus focusing the text amendment language on the areas where rezoning is not appropriate.

Vice-Chair Boyd stated that remembering back to these discussions the focus was on long-term and the Commission and City wanted these areas to look. Vice-Chair Boyd also brought up transitional areas around the areas identified as part of past discussion. The idea was they would either organically happen or actually transitional zoning would be established. Mr. Wetterow noted there is no transitional zoning near these areas. Mr. Wetterow highlighted how these old economic corridors traditionally had a mixture of residential and commercial within them. This is not something unique to Bloomington, this is something common in most older communities of a significant size.

Assistant Director of Economic & Community Development, Kimberly Smith noted that some of these areas have already been rezoned from B-1 to residential. She reemphasized how some residential uses were previously allowed in B-1 zoning but is no longer allowed. Ms. Smith noted previous trends upon which decisions had been made may have shifted.

Vice Chair Boyd asked George Boyle, Assistant Corporation Counsel, if the Commission had reviewed the creation of transition zoning for this type of area. Mr. Boyle stated that he believed they had and could be indicated on the map. Mr. Boyle noted this zoning, R-3B, covers much of the area just outside of the downtown. Mr. Boyle suggested language could be included that identified existing single-family homes that were existing prior to the recent code option be allowed as permitted uses. Newer homes would either not be permitted or permitted via a Special Use.

Vice Chair Boyd stated he felt Mr. Boyle's suggestion meets the original intent of the Commission. Vice Chair Boyd also suggested including sunset language that only allows this for 50 years to see which direction this trends out and then adjust. Mr. Boyle stated this might not be needed if they go with the language he suggested as it would limit the created of new and the existing would likely attrition out.

Mr. Wetterow presented four options. Vice Chair Boyd expressed his only concern is to ensure intent is not reverting backwards from what was previously discussed and agreed to regarding residential in commercial zoning. Mr. Wetterow stated staff was supportive of a hybrid of option one and two. This would allow the Commission to determine how they want single-family residentially to be allowed in B-1 zoning, as either a permitted or Special Use and by addressing the nonconformity language of the code, existing single-family owners would be allowed a means to rebuild which would allow them to sell their homes.

Chair Mohr arrived at 4:20 pm.

Ms. Smith noted that each one of these text amendment options have more robust memos associated with them so with the requested input from the Commission staff will be able to bolster those memos so as not to provide piecemeal information to the Commission.

Alissa Pemberton, Assistant City Planner, stated she was pleased with the discussion being had as it seems to be in the same vein of prior discussions the Commission had based upon the

previous meeting minutes she had been able to locate. There is a clear intent to have these corridors transition fully to commercial over time. Ms. Pemberton stressed creating language that did not make it hard for staff and individuals to determine a home's status. The previous language was very complicated and makes it difficult to determine the status of the home.

Vice-Chair agrees with staff that a combination of options 1 and 2 is the optimal solution, but also likes including some of the language Mr. Boyle suggested.

Chair Mohr asked if he could be informed of options 1 and 2 as he had not heard them. Mr. Wetterow provided him a brief recap of options 1 and 2. Chair Mohr noted that with the demand for more housing, the Commission should not be limiting where that can occur and is thus in favor of allowing residential in more areas.

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

City Staff, Alissa Pemberton noted that in doing research for the previously discussed text amendment staff had to review the residential permitted use table and determined there were some translation issues between the terms and the changes that occurred in the residential districts. Most of the issues are associated with the definitions section. The concept of converted buildings was introduced within the definitions but were not assigned in the permitted use table to where it was permitted to have two family or multi-family dwelling. As the code is written today it encourages the destruction of these dwellings as they are not permitted to be converted in any zoning district other than R-D, but a new structure could be created. She does not believe this was the intent of the Commission or Council.

Vice Chair Boyd wanted to confirm that the path forward would not allow multi-family in places where it currently not allowed. Ms. Pemberton stated that was correct. The intent would be to allow conversions in the same locations their non-conversion counterparts are permitted.

Vice Chair Boyd agreed with this but was concerned it would allow large apartment buildings to go into R3-B and other multi-family zonings surrounding the downtown area. Ms. Pemberton stated that this is currently permitted by the code so that could not be prevented, but conversion of a single-family home into a two-family or multi-family dwelling would not be allowed. Vice Chair Boyd was concerned about this as he thought the Commission had limited the number of units and thus the overall size for each zoning district. Ms. Pemberton noted this is correct and there are currently density and minimum dwelling size requirements.

Chair Mohr expressed concern that large multi-family buildings could be going into residential districts like R3-B.

Mr. Boyle asked if staff is then suggesting that conversions be permitted in R3-B and similar zoning districts. Staff responded in the affirmative.

Vice Chair asked if these proposed text amendments would be in alignment with the Dimmit's Grove plan. Ms. Pemberton stated it would, as R-D zoning has already facilitated the desired type of development.

Discussion Item 3 - Zoning for Snack Food Manufacturing

City Staff, Jon Branham noted that in the 2019 code updated there were some definition changes related to food and kindred industries and the snack food use was consolidated with these newly defined uses. Snack food manufacturing now requires a Special Use in M-1 zoning when it previously did not and is a permitted use in M-2. This results in the limiting of the existing snack food manufacturing facilities within the City. Staff is asking the Commission to reinvestigate which districts the snack food manufacturing use should be permitted in either by right or via Special Use.

Vice-Chair Boyd asked how they are restricted if they are permitted in M-2. Ms. Smith noted they are restricted in M-1 in that they were previously permitted by right and not a Special Use.

Chair Mohr noted that in previous discussions there was always the question of why snack food manufacturing needs its own definition and to be separated from these other uses. He has this same question today. Ms. Smith noted this use is more benign than those it listed along with it in the permitted use table. Ms. Smith noted that in the prior version of the code this use was separated out and had its own definition. So, staff is asking the Commission if they would like to consider revising the code back similar to the way it was prior to 2019 in this regard.

Ms. Pemberton noted that in the recent revision of the code several uses were defined but are not identified in any permitted use table.

Ms. Smith noted the recent text amendment at the beginning of the year addressed a specific instance, vehicles repair and service use; there was a discrepancy between the definitions and permitted use table.

Chair Mohr asked staff what the options were to address this item. Mr. Branham noted one option would be for the snack food industry use to be separated from food and kindred industry and to be permitted in M-1 again.

Vice Chair Boyd asked what businesses would be impacted by this change. Staff responded in the affirmative that existing businesses could be directly impacted by the text amendment change. Mr. Boyd wanted to know what restrictions these companies would currently experience today and how the proposed text amendment would resolve it. Ms. Smith noted they would have a more cumbersome approval process than they previously had. Previously they were permitted by right and now they are a Special Use and could be denied. Mr. Boyd asked if they pertained to them existing as they are now. Staff noted this predominately applies to any expansion of these businesses or similar businesses in the M-1 zoning.

Mr. Boyed noted that he believed the changes were made because of Beer Nuts and their proximity to residential and thus the desire to have more oversight and thus limit potential negative impacts on surrounding residential properties. Mr. Mohr agreed.

Mr. Mohr believes it also has to do with definitions and how snack food is defined and limited to a lighter version of manufacturing than it is currently tied in with under food and kindred.

Mr. Wetterow noted how other neighboring communities define light industrial. This might be something the Commission needs to think about. This is not something we can address right now, but something for future consideration.

Vice-Chair Boyd asked about the City's ability to contact the contractor who assisted with the text amendments in 2019. Ms. Smith noted that the contract has expired and thus it would cost the City money to reengage them. They were kind enough to provide the iterations, but in a data dump format that is requiring staff to do significant digging to find what they need.

Discussion Item 4 - Zoning for Assisted Living Facilities

City Staff, Jon Branham noted that in the 2019 rewrite an aggregation occurred that resulted in assisted living facilities not being included in the ordinance. There is a definition for the home of the aged but is focused on non-profit ownership. The easiest solution is to remove the non-profit language, so the ownership is not limited. Staff is looking for the Commission's assistance to determine which definition they find most appropriate. Staff provided a map indicating the location of all existing assisted living facilities.

Vice-Chair Boyd noted he is in favor of making this text amendment.

Discussion Item 5 - "Laboratory" Use and Definition Corrections

City Staff, Glen Wetterow noted this is another definition and roll up issued. In previous versions of the City Code there were up to seven definitions for varying types of laboratories they were permitted via right or Special Use in several different districts. The seven definitions were reduced to two in the 2019 version of the code. The issue now is one type of laboratory is used to define another, but each is permitted differently in the permitted use table. There are laboratory uses where they are doing quality control or similar testing which is not different or more intense than what would occur in a doctor's office, but the current code is very limiting on where they can go. Ultimately the definition(s) for laboratory would need to be modified and staff is asking the Commission to consider where they feel this lighter laboratory use(s) could be permitted outright or via a Special Use.

Discussion Item 6 - Application Efficiency and Modernization

City Staff, Alissa Pemberton noted this text amendment will allow for the digital submission of applications and digital payments. Ms. Pemberton noted that processes have significantly changed since 2019 and the move to an entirely digital acceptance of documents and payments had occurred. This would update the code allow staff to operate within the digital era.

Vice Chair Boyd wanted to clarify that the current code does not allow digital submission or payment. Ms. Pemberton stated this is correct as the code currently states the payment may only be in the form of cash or check. Staff's intent is to change the language to say "a payment" so that digital forms could be allowed. Additionally, the code requires numerous paper copies of documents that staff must then go and scan into the system. The numerous copies tend to be discarded as only one or two copies might be needed for recording purposes. Staff's intent is to modify the language to include digital submission of these documents.

Discussion Item 7 - Expanding Chicken-Keeping to Schools

City Staff, Alissa Pemberton noted that Oakland School is unable to keep chickens for educational purposes per the current code. The code currently limits chicken keeping to one- and two-family dwellings. This is really limiting for educational facilities. Staff suggested the Commission consider removing the language speaking specifically to one- and two-family dwellings so that chicken keeping is not associated with a primary use or add educational institution as a permitted primary use that could have chicken keeping. Ms. Pemberton noted that there is confusion amongst the public regarding the need for a Special Use to have chickens. As the code is currently written the Special Use restriction is identified in only in the permitted use table and is not mentioned in the section of the code that specifically addressed chicken keeping. Ms. Pemberton suggest including language that identifies the need for a Special Use in the chicken keeping section of the code. This would not change the intent of the code, only allow for greater clarity.

Chair Mohr inquired why this language was not included. He wanted to make sure this change would not make chicken keeping more permissive. Ms. Pemberton stated it would not but asked if that is what the Commission desires. Chair Mohr stated that is not his intent in asking.

Chair Mohr clarified that as the code states now, chicken keeping is permitted where the primary use is one or two families and is a Special Use in the residential districts. Ms. Pemberton stated this is correct. Chair Mohr expressed his was acceptable with this and expressed he was supportive of adding educational institution as a permitted primary use. Vice-Chair Boyd also stated he would be supportive of adding educational institutions as a permitted primary use. Vice-Chair Boyd asked about bee keeping if any similar issues were arising. Ms. Pemberton stated that bee keeping is much more permissive in the City Code and is heavily regulated at the State level.

Vice-Chair Boyd asked that when this comes before the Commission for an actual vote that the definition of education institution be provided to the Commission so they can ensure they properly understand where this would be allowing chickens to be kept.

There was discussion around the number of pets permitted at a single residence. It was determined that 3 pets are permitted, beyond that the code would define the use as a kennel.

Discussion Item 8 - Performance Standards versus Special Use

City Staff, Jon Branham noted this is a more long-term discussion, but there are a significant number of uses which are Special Uses and the question arises if they should remain Special Uses or become permitted uses with associated performance standards. This would reduce the number of Special Use applications but could still ensure additional standards and requirements are satisfied.

Ms. Smith noted that Special Uses focus on the use and a site plan is required, but the site plan is not specifically focused upon. Ms. Smith also noted how in other communities the Legislative Site Plan Review is not something that rises to the level of needing Commission review and approval. The site plan is reviewed as part of the building permit review process. When the site plan has potential impacts on neighboring properties and would need to be reviewed, it is usually done so as a Special Use. The impactful items are then directly tied to the site plan. Ms. Smith expressed her displeasure that any deviation associated with a Legislative Site Plan requires a variance and a variance runs with the land. The site plan is tied to a use that could change but the variance would remain no matter what future use could move onto the property. However, if a Special Use were required and exceptions were needed, they would not be in the form of a variance but instead a waiver associated with a Special Use and thus the waiver would expire when the Special Use expired.

Mr. Wetterow noted that many of the performance standards are really use standards and should not be varied, but the current code allows them.

Staff then cited examples of previous cases where the proposed text amendment would have beneficial to ensure waivers and variances were created.

Additional Discussion Item - Advertising Sign Code Corrections

City Staff, Alissa Pemberton noted that the sign code has not been revised/updated since the creation of the new zoning districts. This has resulted in the sign code not aligning with the zoning code. Ms. Pemberton created a matrix which aligned the previous zoning districts \ with the current zoning districts which insured the intent stayed the same. This will allow the sign code to be updated with the new zoning districts and permit signage as it was intended per zoning district. Ms. Pemberton noted there is also a definition issue with temporary signs.

Vice Chair Boyd asked what the definition issue was with temporary signs. Ms. Pemberton stated it is missing and noted the definition of a temporary sign is under banners.

Mr. Wetterow noted that the discussion related to the sign code is truly for discussion purposes only as Council has not authorized staff to formally explore text amendments for Chapter 3. Staff has only been given permission to make text amendments for Chapter 44 and are limited only the subjects identified. The only action Staff could take at this time is ensuring the zoning districts are brought into alignment with current zoning districts. Ms. Smith confirmed this is the limitation before staff. Staff is not looking to modify the sign code currently.

Chair Mohr noted that the Commission had done a lot of work reviewing and coming up with updates to the sign code pre-pandemic and thus had the sign code close to the way they intended.

Ms. Smith noted that as of now there were no cases for the July meeting and with its proximity to the July 4th meeting it might be best to wait and bring these updates before the Commission at the August meeting as the July 4th meeting might be cancelled. Several Commissioners noted that with the proximity to the July 4th holiday they may not be able to attend. Staff noted some of them might be out as well.

Chair Mohr noted an issue with how bike rack was defined and was concerned because bicycling parking allows for off-street parking reductions. Mr. Wetterow noted the code requires a certain number of bicycles be parked in said bike rack for it to count towards off-street parking reductions. Chair Mohr asked staff to further investigate the definition and requirement.

Vice-Chair Boyd asked if there were any more text amendments to discuss. Staff indicated there were not.

Vice-Chair Boyd noted elections and approval of May meeting minutes would occur at the next regular meeting of the Planning Commission which might not be until August.

Vice-Chair Boyd noted there was a new Commissioner on the board and asked Ms. Beyer to introduce herself. Ms. Beyer provided a brief introduction.

Ms. Smith noted this would likely be Genevieve's last meeting and wanted to thank her for all her contributions to the Commission.

Vice-Chair Boyd asked staff if they could create a certificate for Commissioner Stanczak recognizing his service to the Commission. Staff noted this was a great idea and would follow up.

ADJOURNMENT

Vice-Chair Boyd asked for a motion to adjourn. Chair Mohr made said motion to adjourn. The motion was seconded by Commissioner Danenberger. A voice vote was held, and all Commissioners responded in the affirmative. Motion passed (6-0). The meeting was adjourned at 5:15 P.M.