

**MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, MAY 24, 2017 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS**

MEMBERS PRESENT: Mr. J. Balmer, Mr. Ryan Scritchlow, Mr. James Pearson, Mr. John Protzman, Ms. Megan Headean, Mr. Justin Boyd, Mr. Eric Penn, Chairman David Stanczak

MEMBERS ABSENT: Mr. Kevin Suess, Ms. Nicole Chlebek,

OTHERS PRESENT: Mr. Tom Dabareiner, Director of Community Development; Ms. Katie Simpson, City Planner; Mr. George Boyle, City Attorney; Mr. John Houseal, Houseal Lavigne Associates

CALL TO ORDER: Chairman Stanczak called the meeting to order at 4:00 PM

ROLL CALL: Mr. Dabareiner called the roll. With eight members in attendance, a quorum was present.

PUBLIC COMMENT: None

MINUTES: The Commission reviewed the May 10, 2017 minutes. Mr. Scritchlow moved to approve the minutes; Mr. Pearson seconded the motion, which was passed unanimously by a voice vote.

REGULAR AGENDA:
None.

OLD BUSINESS:
General Discussion on the City of Bloomington Zoning Ordinance Update—presentation by Houseal Lavigne Associates

Mr. Dabareiner introduced Mr. John Houseal. He asked the Commission to review the draft text before them and reminded the Commission they would not be voting on the items. Mr. Houseal asked the Commission emphasized that Houseal Lavigne Associates would like feedback from the Commission on their work so far and guidance for direction moving forward. Mr. Houseal summarized the draft documents are based on staff discussions, the comprehensive plan and best practices from other communities. He provided a brief update on the work already completed. Mr. Houseal explained the concept of a “Use Crosswalk” and explained the current ordinance has 370 uses identified. He identified outdated uses in the code. He stated best practices suggest eliminating redundant and unnecessary uses and simplifying the code by providing more general use categories.

Mr. Scritchlow asked why the city should consider separating out “drug store and pharmacy” from the general “retail” category. Mr. Houseal explained the revenues are directly rated to prescriptions and most have a drive-thru. He stated these uses are typically separated out but often found in similar districts. Mr. Balmer discussed differences in entertainment venues. Mr. Houseal explained that choosing to collapse different uses into similar categories might be related to parking, size of building, impact and intensity of use. Chairman Stanczak inquired about the difference between “churches/places of worship and religious educational facilities” and implications in the zoning ordinance. Mr. Houseal explained the need to define a “religious facility with an education component” vs a “school.” Mr. Scritchlow asked about the inclusion of “shooting galleries and rifle ranges” in the category of “clubs.” Mr. Houseal explained it is possible to allow the use under the heading of “club” but require separate standards or a special use. There was brief discussion about the purpose and layout of the Crosswalk versus the Permitted Use Table.

Mr. Houseal explained they are working with Holland & Knight law firm to ensure the Crosswalk and Permitted Use Tables are legally defensible and viable. Mr. Scritchlow asked about the difference between “retail sales general” and “building materials and supplies.” He stated he is in favor of combining these two uses as “building materials and supplies” are currently only allowed in M-1 and M-2. He also stated he felt the “outdoor sales” category is probably unnecessary and could be considered under building “material and supplies.” Mr. Dabareiner explained this is a good example for the discussion. Mr. Houseal explained there are subtle but important distinctions that need to be made such as “outdoor sales”, “outdoor storage of materials” and “drive thrus.” Mr. Houseal provided the example of a specialty “gem and rock store” downtown and a landscaping store that stores and sells large quantities of rocks; while both sell rocks the latter has more intense business model because of the storage component.

Mr. Pearson asked about mixed-use and staff ability to determine a special use variation. Mr. Houseal explained that under the city code, a situation where a multitenant building with five tenants has four appropriate tenants and one inappropriate tenant the last tenant would require either a text amendment or would not be permitted. Mr. Dabareiner explained the city does not currently give use variations.

Mr. Scritchlow asked about combining “sexually orientated businesses” and “sexually orientated entertainment businesses.” Mr. Houseal explained the distinction relates to the first amendment, freedom of speech. He stated zoning is directly related to the 1st, 5th and 14th amendments regarding freedom of speech, due process and just compensation. Mr. Houseal stated they intend to use legal language to define the differences rather than distinguish between them in the Permitted Use Table and the attorneys will review the final product to make sure it is legally sound. Mr. Scritchlow asked about the distinctions between “medical laboratory” and “research facility” and “commercial cleaning and repair services” vs “commercial services.” Mr. Houseal explained the distinctions are about “what” they are testing or cleaning, for example, what types of materials are being used and whether they are hazardous. Mr. Houseal invited the Commission to share any additional comments with staff.

Mr. Houseal explained the goal behind the Downtown Zoning is to implement Bring it on Bloomington, allow development compatible with the historic Downtown, and promote an arts friendly downtown and innovation friendly warehouse district. He pointed out current challenges with the downtown district including: the B-3 district is over mapped, too many uses are incompatible and permitted, there are few transition areas and does not create the core essence of a downtown. He explained this zoning is too general and does not guide the downtown development desired. Mr. Houseal summarized their proposed approach including creating three districts to provide transition in pedestrian priority and intensity from the core to the residential.

Chairman Stanczak asked how the pedestrian priority is implemented in the core downtown. Mr. Houseal explained that the pedestrian orientation is maintained through setbacks and building orientation as well as maintaining retail, restaurants and entertainment on the first floor. Mr. Dabareiner explained that the goal is to maintain a constant rhythm for the pedestrian so they have a continuous experience downtown and avoid dead-space on the first floor. Mr. Houseal explained that a small, 100ft lineal frontage of dead space can stifle downtown development and cause pedestrians to not walk down that block. Mr. Houseal described the process for applying a new zoning regulation in the downtown such as limiting office spaces to the second floor. He stated the employment element is important for downtown development because on average a downtown office worker will spend \$125-\$135 per week downtown but the first floor office use can be softened by requiring a special use when located on the first floor. Mr. Dabareiner explained this is a long-term effort. Mr. Houseal stated it is impossible to write a code for every situation. He explained the code should be written for 90% to 95% of the situations and variances could be awarded in the other cases.

Mr. Houseal provided the example of La Grange outside of Chicago. There was brief discussion about the role of the zoning ordinance and economic development. Mr. Houseal provided an explanation of the Downer's Grove downtown ordinance presented. Mr. Dabareiner described a map of these potential districts but stated he would like to see the core smaller and tighter based on discussion during the meeting. Mr. Scritchlow agreed. He stated he envisioned Front Street as the boarder. Mr. Houseal stated communities often think their downtown should be larger than what it should be. He stated it is better to have a four block area that really strong than a large area that never receives traction. There was discussion about what the boundaries could be. Mr. Dabareiner explained he will redraw the potential boundaries for the next meeting. Mr. Houseal explained next steps and stated Houseal Lavigne Associates intend to provide the Planning Commission with draft code for review at the second meeting every month.

Mr. Boyd asked if the Downtown Commission could be informed of the proposed changes to the Downtown zoning. Mr. Dabareiner stated he will be presenting at the first meeting and will share the themes discussed at the meeting with the Commission.

Chairman Stanczak stated chair and vice chair elections should take place at the next meeting as per the bylaws. He stated he cannot be re-elected chair for the next year and Mr. Balmer cannot be re-elected vice-chair.

Mr. Balmer asked about the status of a training manual for the Planning Commission and stated he is interested in having that developed. Mr. Boyle stated the city is interested in providing training for chairs and commissioners regarding due process, ex-parte communication and other appropriate themes. Mr. Dabareiner explained staff is hoping to develop a manual.

NEW BUSINESS

None.

ADJOURNMENT: Mr. Balmer moved to adjourn; seconded by Mr. Pearson, which passed unanimously by voice vote. The meeting was adjourned at 5:26 pm.

Respectfully,

Katie Simpson
City Planner