

**MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING,
WEDNESDAY, MAY 22, 2013, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, ILLINOIS**

MEMBERS PRESENT: Mr. J Balmer, Chairperson Stan Cain, Mr. Rex Diamond, Mr. Jim Pearson, Mr. Bill Schulz, Mr. Ryan Scritchlow, Mr. David Stanczak, , Mr. Robert Wills

MEMBERS ABSENT: Mrs. Julie Morton, Mr. Charles Stuckey

OTHERS PRESENT: Mr. Kevin Kothe, City Engineer
Mr. Mike Kimmerling, Fire Chief
Mr. Mark Woolard, City Planner

CALL TO ORDER: Chairperson Cain called the meeting to order at 4:01 P.M.

ROLL CALL: Mr. Woolard called the roll. A quorum was present.

PUBLIC COMMENT: None

MINUTES: The Commission did not have sufficient time to review the May 8, 2013 minutes. Chairperson Cain moved to hold the minutes to the next meeting. Mr. Balmer seconded the motion which passed by a vote of 8 to 0 with the following votes being cast on roll call: Mr. Cain--yes; Mr. Stuckey--absent; Mr. Wills--yes; Mrs. Morton--absent; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--yes; Mr. Scritchlow--yes; Mr. Stanczak--yes; Mr. Diamond--yes.

REGULAR AGENDA:

PS-03-13. Public hearing and review on the petition submitted by FOB Development, Inc. requesting the approval of a Preliminary Plan for a Portion of Empire Business Park, Third Addition, for the property located north of Illinois Route 9 and east of Trinity Lane, consisting of approximately 14.2 acres.

Chairperson Cain introduced the petition and stated the case was laid over from the last meeting. Mr. Woolard explained this was mainly for the sidewalk issue which has been resolved. Staff recommends approval with the sidewalk being on the north sides of Empire and Magory.

Chairperson Cain opened the public hearing. Mr. William C. Wetzel, 115 W. Jefferson Street Suite 400, stated he has reached accord with the staff and they walked the site. A memo from Kevin Kothe dated May 17, 2013 has language addressing the sidewalk issue. He stated IDOT wants connections at both ends and FOB Development is committing to building the sidewalk when they can. The sidewalk language will be on the amended preliminary plan.

Mr. Neil Finlen, 2709 McGraw Drive with Farnsworth Group stated all items have been addressed on the preliminary plan and will match the email sent out on Friday. Note number 15 reflects the clarifications and discussions from IDOT. The Advocate Bromenn name, oulot 49 and the date will all be corrected before it goes to City Council.

There was discussion on the sewer. All lots will be served by sewer.

Mr. Kothe explained IDOT wants sidewalks connected from one intersection to another. Mr. Finlen stated we do not know when the Deneen and Route 9 intersection will be built. It depends on sales but there is a huge amount of activity on this property.

Chairperson Cain asked if there were any members of the audience who wished to speak in favor, opposition or who had questions regarding this case and no one spoke. Chairperson Cain closed the public hearing.

Mr. Pearson moved that the Planning Commission recommend to City Council to approve the Preliminary Plan revision three for a Portion of Empire Business Park, Third Addition to City Council for approval, case PS-03-13. Mr. Schulz seconded the motion which passed by a vote of 8 to 0 with the following votes being cast on roll call:

Mr. Cain--yes; Mr. Stuckey--absent; Mr. Wills--yes; Mrs. Morton--absent; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--yes; Mr. Scritchlow--yes; Mr. Stanczak--yes; Mr. Diamond--yes.

V-01-13. Public hearing on the Petition filed by Illinois Wesleyan University, requesting approval of the vacation of the Beecher Street right of way between Franklin and East Streets and the alley right of way bounded by Beecher Street on the south and Horenberger Drive on the east.

Chairperson Cain opened the public hearing and introduced the petition. Mr. Woolard stated there are two right-of-ways being requested for vacation. One of these is just for an alley north of Beecher Street and adjacent to a parking lot. The other one is for a portion of Beecher Street which will not create a dead end. The existing Beecher Street closure is only temporary.

Todd Bugg with Dunn Law Firm at 101 N. Main, stated he represents Illinois Wesleyan and the alley vacation is fairly simple and the city has wanted the vacation for years. Beecher Street has been closed over a year for classroom construction. They want to create a safer zone for students to cross from the residences to the classrooms and for other activities. There are approximately 500 students who live to the north. They are working with the fire department so personnel and equipment can get in for fire suppression and rescue. The utility easements will remain intact.

Carl Teichman with Illinois Wesleyan at PO Box 2900, Bloomington, stated the alley has been used to serve the parking lot and the university maintains such. No one will see any difference with the change. As the building construction adjacent to Beecher Street advanced the permanent closure was discussed primarily for the significant number of students moving across Beecher and for an improved appearance. The one adjacent property owner along Beecher Street did not have concerns. They also contacted property owners within 500 feet of either end of Beecher Street and did not have complaints. The improvements would be completed in 2014.

Karla Carney-Hall with Illinois Wesleyan at 1312 Park Street 103 Holmes Hall, stated there are stories of near misses and the purpose is for the safety of the students.

Chairperson Cain asked if there were any members of the audience who wished to speak in favor or opposition and no one spoke. Then Chairperson Cain asked if there was anyone who had questions regarding this case. Jessie Hinshaw of 1410 Fell asked where the alley was located.

Chairperson Cain asked if there were any other members of the audience with questions pro or con and no one spoke. Chairperson Cain closed the public hearing.

Mr. Balmer moved that we recommend to the City Council that they approve case V-01-13 for the vacation of rights-of-ways for Beecher Street and the alley way as stipulated on the plat. Mr. Stanczak seconded the motion which passed by a vote of 8 to 0 with the following votes being cast on roll call:

Mr. Cain--yes; Mr. Stuckey--absent; Mr. Wills--yes; Mrs. Morton--absent; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--yes; Mr. Scritchlow--yes; Mr. Stanczak--yes; Mr. Diamond--yes.

Case Z-02-13 Public hearing and review petition submitted by Thomas Nielsen and Kathryn Bohn requesting the approval of a Rezoning from R-2, Mixed Residence District with an S-4 Historic Preservation District overlay to R-2, Mixed Residence District for the property located at 605 E. Front Street with the George Hanna House, Queen Anne style.

Chairperson Cain introduced the petition. Mr. Woolard stated that staff did not receive any information regarding the petition besides what was in the public hearing notice and the case should be laid to give the applicant time to prepare documents and research as to why the S-4 zoning should be removed. He explained how there are S-4 zoned properties adjacent to the site to the south. The code stipulates that if just one of the standards is met the S-4 zoning is justified and must remain. The Historic Preservation Commission has reviewed the petition and is recommending denial. A statement from Greg Koos was provided to the Historic Preservation Commission which identified historic and architectural features on the building which still remain today. Emails from residents were provided to the Planning Commission.

Chairperson Cain opened the public hearing. Ms. Tracy Haas Riley a realtor with Prudential Real Estate resides at 205 Willard Ave. She stated she represents the buyer who is attempting to purchase the home. The petitioner has signed a buyer a paper saying she and her client are authorized to speak in this case. Her client has a lot of emotional attachment to the property, and also owns other rental properties that he has rehabbed. His intention is to bring the property back. She said they are not disputing the historical significance of the house. They put in the purchase offer for the house subject to repairing the roof. She said they had to go to three historic preservation meetings because they did not have a roofer who got it. It has been more challenging than they thought. Last week they were successful in getting the roof approved but the train had started moving with the S-4 rezoning before that approval. So they did not want to stop that train. There were some materials that the contractor wanted to use that do not follow the guidelines. They are trying to figure this out as we go along. As long as they got the roof they are good. The Commission talked about grants and help so there is some positive promise. Their official position is to request a layover.

Discussion ensued about the house and petition. Ms. Riley stated the sale of the house is not contingent upon the S-4 removal. She does not want her client to get into a situation where he gets foreclosed on. She said his client can do a lot of stuff but they want to see that it is doable. The Historic Preservation Commission is allowing regular asphalt shingles to be used for the roof. She stated the estimate for just the roof is around \$30,000 and that is the most expensive roof she has ever heard of for residential. A roof estimate will be about \$60,000 with the S-4 overlay. She said it is very vague but a bid was for up to \$95,000 and this include other work. She did not have a bid with like materials. She said she is optimistic but she guesses the value

with the S-4 overlay would be around \$200,000. The property generates approximately \$40,000 in revenue a year without expenses. In five years this would be \$200,000 minus expenses.

Chairperson Cain asked if there were any members of the audience who wished to speak in favor of the petition and no one spoke.

Chairperson Cain asked if there were any members of the audience who wished to speak in opposition to the petition. Mr. Carson Durham resides at 304 S. Mercer and stated he is the Chairman of the Bloomington Historic Preservation Commission which is appointed by the mayor, has rules and regulations, and they are not just some society or group. He stated 30 years ago this property was given this designation and was presented by an owner at that time. It was approved by the Historic Preservation and Planning Commissions, and the City Council like we have currently. The property has been in decline based on the ownership and not the historical or architectural merit. The elements that made it special 30 years ago still remain. The Historic Preservation requests that you deny this petition and if all commissioners be could be here they would unanimously say it should be completely denied. The discussion based on the petitioner has been very confusing to say the least. The criticism of the Historic Preservation Commission has been that the S-4 overlay is causing a financial hardship based on the financial pieces of the puzzle. The Historic Preservation Commission continued to ask what is the difference between the costs of repairing the property under the S-4 verses not under the S-4. He said the hardship under the S-4 has not been presented to us. The items they are responsible for approving are exterior items and they are not responsible for the structural integrity that's been removed based on water infiltration, the porch falling down because the ground had settled and the wall falling down because of water damage. The Historic Preservation Commission has nothing to do with those things and cannot be saddled with that as a criticism in causing this project in terms of its financial capabilities to move forward. The information requested to be submitted from the petitioner came in different all three times and there has not been any consistency. We request that you deny this not only because the property is deserving of the S-4 but also because it is part of the City's plan for Historic Preservation that was developed over 25 years ago. That plan identified districts, individual buildings and residences that are worthy of maintaining with a historic perspective and this was approved by the Planning Commission and the City Council. Thus to arbitrarily remove one of those elements of that plan based on a very short window of circumstances would be in the Historic Preservation Commission's mind short sighted and arbitrary. The minutes will reflect the recommendation of denial.

Chairperson Cain stated that generally they look for the Historic Preservation Commission recommendation on these types of cases. Mr. Durham explained they would be willing to look at like for like. For instance the box gutters are not simple to replace but they are not astronomically expensive to replace and they would give council as how to fix such. The fascia of this building has some detailing that are an integral part of what makes the building special and the rules would not allow some sort of fake replacement bracket but we would be open solutions that would be a win-win for both parties. The biggest thing is that we were given a roofing number based on asphalt shingles and then we were given a number that said if we follow your guidelines it is going to cost \$90,000 and when asked what do you mean by that \$90,000, they could not tell us. So there was an information gap. We want the property to be saved as much as anyone but we do not see it as a fire sell. Mr. Durham explained they are commissioned to look at the exterior of the building such as walls, roof, fascia, or porches and make sure the repairs whether a replacement or a simple repair is in keeping with the

architectural history so you are not taking off an architectural element and throwing in the dumpster and replacing it with something else. If they want to paint the house we do not care about the color but just about the technique so they do not destroy the wood or material finish. We are not the historic police. Mr. Wills asked why it took the petitioner three times to go through the Historic Preservation Commission for a roof? Mr. Durham explained the information provided was not enough to make a thumbs up or a thumbs down vote. In fact at the last meeting they had to strike a bunch of things to get it voted on and rewrite it to make it approvable. Grants can be given for a project and the intent is to offset the extra cost if any. There also grants through the state and federal government.

Bob Russano, of 706 E. Grove stated he has been an vice president of a mortgage banking firm and an appraiser of commercial property and in his experience in addition to location two things dictate the sale price of a property which is income and condition. He explained \$40,000 is great income and he wished his buildings had that and he owns three properties on Grove St. His last bid for a roof was \$35,000 and there are two other roof bids in there that were a lot more. Thus based on what Ms. Riley said the price is incorrect and needs to come down. He has lived for 38 years on E. Grove which is a block away and over. When he moved there Dimmitt's Grove was dicey including a motorcycle gang. He is one of the people who helped change that neighborhood and he has never given up. He owns 706, 710 and 704 E Grove. The previous owner of 710 saved the neighborhood. She wouldn't allow buildings tore downs and to have the zoning changed for commercial because it would ruin the neighborhood. The changed law changed the attitude and in this case changing the zoning will change the attitude and it is what he is afraid of. In Dimmitt's Grove they fought for and against changes. The neighborhood has changed beyond what the 605 E Front building represents in its current state and the number of apartments in it. People have lowered the number of apartments in buildings because the area is no longer for low end housing. He said we have increased the value of the properties and when done properly that will handsomely reward their landlords when they go to sell them, especially with grants. The owner of the beautiful brick building at 701 E. Grove put a lot of money in it and a lot of money came from the state and she had to make three trips to the commission to get it right. There was a proposal for a computer store and outlet and an upstairs office at 712 E. Front and we showed up and the answer was no. 501 E. Front was proposed to be torn down and we went to the landlord and we were going to come to the Commission but the landlord decided he did not want that fight and now it is a viable piece of residential property. At another site they stopped a strip mall from going in and now there is a historic national award winning house residence. A realtor proposed a realtor's office for 407 E. Grove who claimed interest in maintaining the historic perspective but she evaporated when the zoning was not changed. 702 E. Grove has the S-4 overlay and was in a lot worse shape than 605 E. Front. It had the sky visible from the basement and had a fire and yet was purchased and the owner has provided a great place for his tenants to live. Directly in back 605 E. Front was a house that was literally falling into itself and the current owner restored it. It is on the historic register and is beautiful. The neighborhood has changed and it needs to keep this historic property historic. Work in the bounds of the codes as we all have done and it will pay off in the end.

Bradley Shelton of 609 E. Front stated he lives right adjacent to the property in question. He said as much as he would love to think we can trust anything somebody tells us about what they plan to do with a property, he is concerned it could very well be aluminum siding if we remove the S-4 overlay. Ms. Riley's client may be dedicated to historic properties but the next person may not be and with the S-4 we are protected and will not have lost another fine home. He does

not have the S-4 for his house which was once a part of the George Hanna property. He would love to see the Hanna house restored.

Gary Justice of 612 E. Grove stated the S-4 designation of individual houses and buildings is critical to the historic preservation of our neighborhoods. The vitality and attractiveness of these areas assert themselves in a positive manner within the collective commerce and life affirming activities of a city. The processes is encouraged by preservation projects within urban areas has proven to be good business through direct commercial activities connected with preservation, by the environmentally sound practice of re-purposing materials and also by an immeasurable collective optimism. There is quality in preservation practices. A sustained eminence of superb materials and craftsmanship was soundly practiced and revered a century ago. This fact flies in the face of inferior materials and the low-craft of many projects built by today's construction standards. Historic houses inspire high levels of commitment in owners, tenants and the valued craftsmen and artisans who are likely stewards of these treasures. These relationships form the basis for this "collective optimism" which in turn conveys positive forces affecting entire communities. This inspires interest on the part of the public and organizations whose members live outside these areas. They visit often. They examine the architecture, wondering at the beauty and quality of styles and modes of construction. The visitors become immersed in the enchanted manners of a style of living that is significant, historic, and in its brilliance, celebrates the importance of beauty. These preserved masterpieces enhance our understanding of how we have progressed as a society. In historically preserved neighborhoods, the visitor finds an affable populace who are pleased to share information pertaining to the importance of an area's heritage. This is good business, and it encourages a sustained desire to re-visit and to explore other residential areas and business districts. As a proud owner of an S-4 designated property that sits adjacent to the house in question, I urge the commission to sustain the S-4 overlay. To remove the designation opens the way for removal or alteration of much of the standing masterpieces' historic features and amenities, thus removing its magic, and its sorely needed presence in our vital, historic district. He said he lives at the property and he has two rental units there. He did a historic approved roof renovation, replaced the front doors and back french doors. It is a very important process to go through with the Historic Preservation Commission. He was absolutely still able to make a profit as a landlord while doing the restoration work.

Dawn Peters of 402 E. Grove stated she sought the S-4 designation and has gone to the Historic Preservation Commission several times and it is important to have the designation. She has spent lots of money and time so that in the future somebody cannot just come by and undo the work she has done. She agrees very much with what Mr. Durham about protecting the property.

Terri Clemens of 606 E. Grove stated she lives directly behind this property and has the S-4. She stated she spent seven years as a realtor and ten years on the Historic Preservation Commission so she understands the process pretty well with buying and selling and coming to the Commission. In all the years on the Commission she felt like the people they served, who had a quality in their architecture like this petitioner's house, had a benefit of receiving free, valuable advice from an architect, a lawyer, two builders and historians in addition to the grants.

William Grady of 709 E Grove stated he owns a property about a block away with two flats. He said the reason he bought into the neighborhood was because of the historic S-4 overlays. He did that as an assurance of the way the neighborhood was going and to remove an S-4 sends a message that everything is in jeopardy.

Ken Kashian of 510 E Grove stated he lives at the Rueben Benjamin house which was built in 1853 and he wanted to make clear Dawn's house was the one that was moved. His house also has the S-4 and he has appreciated the help, direction and funding from the Historic Preservation Commission. He is very concerned with the direction that this petition could push the property in not just from what the owner wants right now but future owners as well. As new owners come along it could slip more and more away from what it was originally intended to be. He is very much concerned about the property and the neighborhood. The residents of Dimmitt's Grove are very interested in and dedicated to the area as evidenced by the upcoming tours and activities.

Ms. Riley stated in regards to the property income there is also a mortgage and expenses. She also said she is not complaining about going to the Historic Preservation Commission three times and we have got a lot of advice. The only reason the bid worked the last time was because she brought the contractor and she is not the owner and she would really like a layover. The timing was not in her favor and they have not had time to prepare. The owner or buyer should be here.

Chairperson Cain closed the public hearing.

Mr. Diamond moved to lay this over to the next scheduled Planning Commission hearing due to the fact that we do not have the reports and minutes from the Historic Preservation Commission and for the petitioner's request so they can supply more information and materials. Mr.

Scritchlow seconded the motion which passed by a vote of 5 to 0 with the following votes being cast on roll call:

Mr. Cain--yes; Mr. Stuckey--absent; Mr. Wills--no; Mrs. Morton--absent; Mr. Pearson--yes; Mr. Balmer--no; Mr. Schulz--yes; Mr. Scritchlow--yes; Mr. Stanczak—present; Mr. Diamond--yes.

OLD BUSINESS: None

NEW BUSINESS: Mr. Wills said we should some time have a discussion on how we approach the historic zoning. He thinks it should be looked at more by section. This should also be looked at with the comprehensive plan update. There may be a need for a joint meeting.

ADJOURNMENT

There being no further business to come to the Bloomington Planning Commission's attention, Mr. Balmer moved to adjourn and the motion was approved unanimously. The meeting was adjourned at 6:15 p.m.

Respectfully submitted,

Mark Woolard
City Planner

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