FINAL
MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, May 20, 2020
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS
THE MEETING WAS LIVE STREAMED VIRTUALLY AT WWW.CITYBLM.ORG/LIVE

Members present: Mr. Terry Ballantini, Mr. Michael McFarland, Mr. Michael Rivera Jr., Mr. Michael Straza, Mr. Tyler Noonan, and Chairperson Victoria Harris.

Members absent: none

Also present: Mr. George Boyle, Assistant Corporation Counsel
Mr. Bob Mahrt, Community Development Director
Mr. Craig McBeth, City of Bloomington Information Services
Ms. Katie Simpson, City Planner
Ms. Casey Weeks, Assistant City Planner

Chairperson Harris called the meeting to order at 4:03 p.m. Mr. Boyle explained the meeting was being held virtually via live stream due to Gubernatorial Executive Order extending certain sections of the Open Meetings Act during the COVID-19 pandemic to allow remote participation in meetings. He explained the instructions for participating in the meeting, meeting rules, and outlined the notification procedures taken by the city. Mr. Mahrt called the roll; with six members present, the Zoning Board of Appeals established a quorum.

PUBLIC COMMENT

This meeting was held virtually via live stream. Public comment was accepted up until 15 minutes before the start of the meeting. Written public comment could have been emailed to publiccomment@cityblm.org and those wishing to speak Live must register at https://www.cityblm.org/register. No one registered to speak for public comment, and no one submitted emailed public comment prior to the start of the meeting. No one attended the meeting in person to provide public comment.

MINUTES: The board reviewed and approved the minutes from the regular meeting on April 15, 2020. Moved by Mr. Rivera and seconded by Mr. Straza, the minutes were approved by voice vote 6-0.

REGULAR AGENDA: Those who wished to testify or comment remotely regarding a public hearing listed on the regular agenda must have registered at https://www.cityblm.org/register prior to the meeting. City Hall was open for testimony or comments to be made in-person. Note that, due to COVID-19 social distancing considerations, a maximum of 10 persons were allowed in City Hall at one time.

A. SP-02-20 Public hearing, review and action on a petition for a special use permit submitted by Eastview Christian Church to allow for the expansion of a place of worship in the R-1C, Single Family Residential District, for the property located at 401 W. Union Street Bloomington IL 61701 (Ward 7). Continued from April 15, 2020 regular meeting.

Speaking in favor of the petition: Tyler Hari—Petitioner, Mark Zimmerman, Michael Jones, Kevin Butler, Facilities Eastview; Barry Riley, District 87; David Taylor, United Way; Tara Ingham, Midwest Food Bank

Mr. Tyler Hari representing Eastview Church. Two members will be recusing themselves from the first two agenda items. Mr. Ballantini and Mr. McFarland are recusing themselves from voting. Mr. Ballantini will be recusing himself because he lives adjacent to the church and will be speaking as a witness. Mr. McFarland is a member of the church and is recusing himself. Mr. Tyler Hari is the Executive Pastor of Eastview Christian Church and was sworn in to make a statement regarding the project. He has been a long-time member of the community. About three years ago they set to explore a community center. Shelley Bower approached the church in 2018 about the facility and resources required to keep it up. We purchased the property in May of 2018 in order to maintain the community center. A house at 1301 N. Lee St. was vacant and taken down to expand the parking lot. In order to serve more people in an organized manner. We want to put more resources in the community center. Our desire is to launch a program in the fall with and afterschool program, and mentoring program, and provide food for families 80-100 families per week, counseling services. Community nights to bring residents together for grilling and conversation. Bloomington campus has provided 1,800 food boxes to families, and 3,200 first responders meals. We feel passionately about the project because we want to be good neighbors and be better neighbors by getting cars off the street. The plan includes landscaping and we would like to include a basketball hoop on the lot.

Six people have registered to speak in advance. Mr. Barry Riley, superintendent of schools, spoke in favor of the expansion of a special use. Mr. Riley noted that community center serves both adults and children, and since the outbreak of Covid19, the Center has taken on a larger role in serving the community.

Mr. David Taylor, president and CEO of the Unite Way of McLean County was the next witness to address the board in favor of the expansion. Mr. Taylor said the role that Eastview had undertaken in serving the community increased dramatically since the advent of Covid19, and their campus was critical in allowing them to partner with other agencies and offer that increased support to residents in need.

Mr. Kevin Butler, building director of Eastview Christian Church, spoke in support of the project. Mr. Butler said that they had given much consideration to the design of the parking area, of the aesthetics of the campus, and was confident that the project would prove to be a benefit to the area. Chairperson Harris asked if Mr. Butler anticipated more traffic that would require more parking spaces? Mr. Butler replied that they were always hoping for more traffic from the community, and that they were being proactive in trying generate more traffic coming in to the Eastview campus. Mr. Butler went on to say that the main goal of the parking lot project was to aid the surrounding neighborhood by getting more cars from the church off the street.

Mr. Tyler Hari requested to make a comment. Mr. Hari said that Mr. Zimmerman and Mr. Butler had called into the meeting to be available to answer any questions that may have arisen during testimony, he had not planned for them to testify before the board.

Mr. Michael Jones, president for Western Ave. Community Center testified in support of the project. Western Avenue Community Center has been working with Eastview since they moved to the area in 2018, and Mr. Jones said he has witnessed the investment Eastview has made to their facilities. Mr. Jones said he thought it was a benefit for the neighborhood to be able to get cars off the streets by expanding the parking lot. He also noted Eastview's growing commitment to the community in the face of the need created by Covid19.

Next to address the board was Ms. Tara Ingham, executive director of the Midwest Foodbank, located in Normal. Ms. Ingham offered her support to the project. She noted that Midwest Foodbank worked extensively with Eastview, which operates one of the largest food pantries in McLean County. Ms Ingham cited several projects that Eastview had undertaken with Midwest Foodbank as evidence of their commitment to the community. She offered her support for their project, since it would allow them to serve even more people.

Ms. Casey Weeks, Assistant City Planner, gave a staff report recommending the Zoning Board's approval of the project.

Mr. Terry Ballantini, an adjacent property owner to the Eastview Campus addressed the board with questions and concerns regarding the project Mr. Ballantini owns the residence directly north of the Eastview Campus, across from the alleyway. Mr. Ballantini has two parking spaces on his property that accessed via the alley. Mr. Ballantini outlined his difficulties with Eastview's current use of the alleyway to distribute food from food pantry. The current traffic, both vehicular and pedestrian, has made it difficult at times for Mr. Ballantini to access the alleyway to reach his property, or to leave his property via the alleyway. There were a number of photos he provided to illustrate the issue. Mr. Ballantini hoped the new design would allow Eastview to keep the traffic generated by the food pantry on their parking lot and not utilize the alleyway.

Mr. Tyler Hari addressed Mr. Ballantini's concerns. He offered his commitment to address the issues directly Mr. Ballantini again asked if the plan would allow Eastview to keep the traffic generated by the food pantry on their property, or they still intended to use the alleyway. Mr. Hari responded that the new design would utilize the parking lot, but that the current design was a result of the changes that had to be made to address concerning with COVID19. Mr. Herring said that the church also could add signage and manage traffic from Sunday services in a way that would lessen the use of the alleyway. Mr. Ballantini said that his main issues were with church personnel using the alleyway to park their vehicles, thus restricting his access, and the use of the alleyway by residents using the food pantry. He said he hoped the food pantry could utilize the new parking area and keep the alleyway free of additional traffic.

Mr. Kevin Butler noted that the use of the alleyway had only begun since the changes due to COVID19 and was the result of inclement weather during the times the food pantry was in operation. Mr. Butler said that the new design could accommodate changes to address Mr. Ballantini's concerns, and that they were getting the word out to not use the alley and offered to pay for signage that limited parking in the alleyway. Mr. Ballantini again asked that as part of the approval for the plan, that Eastview make commitment to not regularly use the alleyway for deliveries to or service from the Food Pantry.

Assistant Corporation Counsel Mr. George Boyle noted that in the staff report that there was a provision from the City of Bloomington's Ordinances that required that parking for non-residential uses in a residential district be located on the same parcel as the use. Mr. Boyle said that he understood that the petitioner had agreed to address this by creating the parking lot. Mr. Boyle asked Mr. Ballantini, that if he were asking for a specific condition for the Zoning Board to approve this use, that Mr. Ballantini be specific as to what was.

City Planner Katie Simpson addressed Mr. Boyle's Comments. She said the reason the Special Use is necessary is because right now the Code requires parking for all non-residential uses in a residential area to be on the same property. Currently, Eastview is on separate properties. They are planning on expanding the parking, which requires expanding the special use. The parking is serving the church, so it would be on the same property. The phased project involves vacating the North/South alley, which will be considered and acted on by City Council on May 26. That is a separate process, but it is part of the project. The Special Use would allow the church to expand their parking lot and consolidate their existing parking lot with the three residential lots on the west side of the property.

Mr. Ballantini said that vacating the North/South alley on the church's property would add to the current traffic issues and asked that the church find a way to keep the food pantry traffic on their property. Ms. Simpson presented the Board with the site plan to see the area being discussed, and said staff was available to answer any further questions they may have.

Chairperson Harris asked Mr. Ballantini if he would like to write the stipulation that everything would be done on the parking lot and not in his driveway. Mr. Herring asked if there needed to be separate stipulation written? He noted that the staff at Eastview had already said that they would work with Ballantini to address the issues. Mr. Ballantini responded by saying that agreeing to stipulation seemed to be a simple way to address his concerns. Mr. Boyle said it was possible to add conditions to the recommendation, and it was possible to ask the Board to do that. Mr. Boyle asked Mr. Ballantini if that was what he was requesting, so the Board could act on it. Mr Boyle also asked Mr. Ballantini to be specific about the condition for approval of the Special Use that he was asking the Board to consider, so the Board could consider adding it, and the applicant could agree to accept it.

Mr Ballantini asked that a stipulation be made that any activity from the Eastview Church takes place on their property, as stated earlier in the presentation and not in the alleyway. Chairperson Harris summarized the stipulation as all activity takes place on their property and not in the alleyway. Chairperson Harris asked the Board if they would like to add that condition. Mr. Boyle addressed the Board to point out that there might only be part of the use of the alleyway that the church could control. Chairman Harris then asked the Board to consider the stipulation being only on the parts of the traffic that the church could control. Chairman Harris asked if the provision could be stated as having the church restrict the traffic on all operations that they control on their property. Mr. Ballantini agreed to that wording.

Chairman Harris asked the Board for a vote on whether they would like to add that condition to the proposal. Mr. Boyle asked if the Board had any questions for the witnesses or asked the applicant if they wished to address the Board regarding the condition. Mr. Hari asked that Mr. Mark Zimmerman be allowed to address the Board. Mr. Zimmerman, the Chair of finance for Eastview Church, said he was concerned that the stipulation is asking them to relinquish their rights to ingress and egress to their own property.

Chairperson Harris asked Mr. Ballantini to affirm that he was asking to prevent parking in the alleyway, and not simply the use of the alleyway by the applicant. Mr. Ballantini said that what he was really asking for was the alleyway to stop being used as a drive through for the food pantry. He said he understood the alleyway could be used for things like deliveries, but he wanted the food pantry to be conducted on Eastview's property.

Mr. Zimmerman responded by saying that he understood Mr. Ballantini's request but wanted to make sure it was clarified. Mr. Herring said that he wanted to make clear that the alleyway could still be used by the church for things like deliveries. Mr. Ballantini responded by noting repeated issues with members of the church staff limiting his access to the parking spaces on his property. He noted that removing the North/South alley could increase the problem. He said his issue was not using the alley for deliveries, it was using the alleyway to conduct the operation of the food pantry and parking by church staff.

Mr. Boyle asked Mr. Ballantini if he could state the stipulation as the church act in such a manner that the church activities take place on church property. Mr. Boyle said it was necessary to make the distinction since the church could not control the general access to the alley and they have a right to use the alley. Mr. Ballantini agreed to the stipulation as stated by Mr. Boyle. Mr. Herring asked if that included deliveries as well. Mr. Boyle said he wanted to find common ground to address the issues. Mr. Ballantini said that deliveries were not a problem. The issues were the parking and the pick ups. Mr. Boyle said that they would add with the exception of deliveries that may result in the temporary use of the right of way. Mr. Ballantini agreed to that wording. Mr. Zimmerman said that wording would be acceptable.

Chairman Harris asked if the stipulation could be stated as activities other than deliveries should not be taking place there. Mr. Boyle said it should be stated as church operations taking place on church property with the exception of deliveries. Mr. Boyle said he thought that was language that was acceptable to both parties. Mr. Ballantini and Mr. Zimmerman agreed that it was.

Mr. Michael Rivera addressed the board regarding the stipulation. He noted that there were several residents who use the alley, and he wanted to make sure that it applied to all residents who use it. Mr. Boyle said the stipulation addresses the use of the applicant's property, so it did take other residents into consideration.

Mr. Boyle asked if there were any other witnesses that wished to comment. There were none. Chairman Harris closed the Hearing and asked the board to consider the matter. She asked for a vote on the staff's findings with the stipulation as it was made. Mr. Boyle to have a vote on the findings of fact by staff.

Mr. Noonan made a motion to accept the finding of fact as a group. Mr. Straza seconded the motion. A roll call vote was conducted. Mr. Straza, Mr. Rivera, Mr. Noonan, and Chairperson Harris all voted Yes. There were votes against the motion Mr. Boyles asked the board to entertain a vote on whether the stipulation would be added to the final vote for the Special Use. Mr. Noonan made the motion to vote on the addition of the stipulation. Mr. Straza seconded the motion. Mr. Boyle said it was his understanding that the stipulation would be that church operations would take place son church property with the exception of deliveries to the property. Mr. Mahrt asked if the motion read to approve the findings of fact with the stipulation that church operations take place on church property with the exception of deliveries. Mr. Boyle said they were just voting on the stipulation. Mr. Mahrt took a roll call vote. Mr. Straza - Yes, Mr. Rivera - Yes, Mr. Noonan - Yes, and Chairperson Harris – Yes (4-0-0).

Mr. Boyle said that next the Board needed to take a vote to make a positive recommendation to the City Council with the previously approved stipulation. Mr. Straza made a motion to vote. Mr. Noonan seconded the motion. Mr. Rivera- Yes, Mr. Noonan - Yes, Mr. Straza – Yes, and Chairperson Harris- Yes (4-0-0).

B. Z-06-20 Public Hearing, review and action on an application for a variance submitted by Eastview Christian Church to reduce the amount of required parking for a place of worship located at 401 W. Union Street Bloomington IL 61701 from 69 parking spaces to 57 parking spaces, a 12-space reduction. (Ward 7). Continued from April 15, 2020 regular meeting

Next Ms. Weeks gave the staff report for case Z-06-20, the variance for a reduction of 12 spaces for off street parking for Eastview Church. The application met all requirements for a variance, and the staff recommendation was to allow for the variance. Mr. Boyle asked to give the applicants the chance to give testimony of the variance if they wished. Mr. Herring said the plan being considered was the long-term vision for the property, and they had no future development plans for the property. There were no residents present to speak against granting the variance.

Chairperson Harris closed the Public Hearing and asked the Board to proceed with deliberation. Mr. Noonan made a motion to accept the findings of fact in total. Mr. Straza seconded the motion. A roll call vote was taken. Mr. Straza - Yes, Mr. Rivera - Yes, Mr. Noonan - Yes, and Chairman Harris - Yes (4-0-0).

Mr. Straza made a motion to accept the variance. Mr. Noonan seconded the motion. A Roll Call vote was taken. Mr. Rivera - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Chairperson Harris - Yes (4-0-0).

Chairperson Harris noted that both motions passed and closed Case Z-06-20. Chairperson Harris asked if there was any other business or new business for the board. At 5:29 Chairperson Harris asked for a motion to adjourn the meeting. Mr. Noonan made the motion. Chairperson Harris declared the meeting adjourned.

OTHER BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT
The meeting adjourned at 5:29PM.

Respectfully Submitted,
Casey Weeks
Assistant City Planner