CITY OF Bloomington ILLINOIS

MINUTES
PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
REGULAR MEETING
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, May 18, 2022 4:00 P.M.

The Zoning Board of Appeals convened in Regular Session in-person in the Government Center Chambers on the 4th floor, Room #400 at 4:02 p.m., Wednesday, May 18, 2022, with the following physically present staff members: Mr. Glen Wetterow, City Planner; Mr. Jon Branham, City Planner; Ms. Alissa Pemberton, Assistant City Planner; Ms. Kimberly Smith, Assistant Economic & Community Development Director; and Genevieve Rappold, Stevenson Fellow.

The meeting was called to order by Chairperson Ballantini at 4:02pm.

ROLL CALL

Attendee Name	Title	Status
Mr. Terry Ballantini	Chair	Present
Ms. Victoria Harris	Commissioner	Present (Virtually)
Mr. Michael Straza	Commissioner	Present
Mr. Tyler Noonan	Commissioner	Present
Ms. Nikki Williams	Commissioner	Present
Mr. George Boyle	Assistant Corporate Counsel	Present
Ms. Alissa Pemberton	Assistant City Planner	Present
Mr. Glen Wetterow	City Planner	Present
Mr. Jon Branham	City Planner	Present
Ms. Kimberly Smith	Assistant Economic & Community Development Director	Present

Mr. Branham called the roll. Mr. Noonan – Present, Mr. Straza – Present, Ms. Williams – Present, and Chair Ballantini - Present. (4-0). A quorum was present.

Ms. Pemberton noted that Ms. Harris was excused from attending in person and was present virtually, per City Code § 2-402B(2)(a) that permits virtual attendance for personal illness or disability.

Chair Ballantini made motion to allow Ms. Harris to attend and participate remotely. Seconded by Commissioner Noonan. Roll call vote was taken, Mr. Noonan – Yes, Mr. Straza – Yes, Ms. Williams – Yes, and Chair Ballantini – Yes. (4-0). Motion was approved.

PUBLIC COMMENT

No public comment was provided.

MINUTES

Mrs. Harris motioned to approve the minutes from February 16, 2021, regular Zoning Board of Appeals meeting. Mr. Straza seconded.

> Roll call vote: Ms. Harris – Yes, Mr. Noonan – Yes, Mr. Straza – Yes, Ms. Williams – Yes, and Chair Ballantini – Yes. The motion was approved (5-0-0).

Mrs. Harris motioned to approve the minutes from April 20, 2021, regular Zoning Board of Appeals meeting. Mr. Straza seconded.

> Roll call vote: Ms. Harris – Yes, Mr. Noonan – Yes, Mr. Straza – Yes, Ms. Williams – Yes, and Chair Ballantini – Yes. The motion was approved (5-0-0).

REGULAR AGENDA

A. V-01-22 Public hearing, review, and action on a petition submitted by Chad Ramsey (Keystone State Property,) for a Variance from Chapter 44, Division 505 of the Zoning Code, to allow a non-recessed entry in the D-1 (Central Business) District, for the property located at 102 W. Market Street.

Ms. Pemberton presented the staff report with a recommendation to approve the Variance request. Staff noted that the specific site plan may require additional detail during permitting to determine compliance with Building and Fire Codes—but nearly any improvement to this entryway will result in a need for the Variance. Granting the Variance would allow the petitioner to work with his design professionals and the various City reviewing departments to identify the best solution for the space. It was noted there are a significant number of existing entryways nearby that do not currently comply with the design criteria that is the subject of the Variance.

The Board did not have any questions for staff.

Petitioner, Chad Ramsey (1157 Gracefield Lane, Normal IL), stated this building is very old, and it is hard to make improvements without making major alterations. He stated the space tends to collect a lot of trash and debris. Additionally, he stated individuals congregate in the entryway. He would like to prevent from all these issues from continuing to occur by enclosing the entryway.

Staff noted there was a public comment received in support of the application.

Council Member De Urban, Ward 6, spoke on behalf on the Petitioner. Ms. Urban noted this location is within her ward and felt the approval of the Variance would assist the Petitioner in resolving current issues.

No additional testimony was provided. The Chair closed the public hearing.

There was no discussion by the Commission.

Mr. Noonan made a motion to establish findings of fact that carrying out the strict letter of the Code does create a practical difficulty or a particular hardship for the Petitioner. Mr. Straza seconded.

> Roll call vote: Ms. Harris – Yes, Mr. Noonan - Yes, Mr. Straza – Yes, Ms. Williams – Yes, and Chair Ballantini – Yes. The motion was approved (5-0-0).

Mr. Straza made a motion to approve the petition submitted by Chad Ramsey (Keystone State Property,) for a Variance from Chapter 44, Division 505 of the Zoning Code, to allow a non-recessed entry in the D-1 (Central Business) District, for the property located at 102 W. Market Street. Mr. Noonan seconded.

> Roll call vote: Ms. Harris – Yes, Mr. Noonan - Yes, Mr. Straza – Yes, Ms. Williams – Yes, and Chair Ballantini – Yes. The motion was approved (5-0-0).

B. SP-01-22 Public hearing, review, and action on a petition submitted by Noah Tang for a Special Use Permit for Chicken-Keeping in the R-D (Downtown Residence) District, for the property located at 504 E. Olive Street.

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit request. She stated the location of the chicken coop is at least ten feet away from all property lines. She stated food and other provisions will be kept, sealed, in the garage. She noted that, if approved, the recommendation would proceed to the City Council on June 13, 2022. She added that the Special Use can be revoked if subject standards are ever not met.

Petitioner Noah Tang (504 E. Olive Street) stated he has wanted to have chickens since purchasing the property. He views himself an urban homesteader, has existing gardens on his property, and wants to add to his ability to supply his own food. He provided details regarding the construction of the coop. He stated he intends to comply with regulations.

Chair Ballantini asked how long the applicant has owned the home. The petitioner stated he has owned the property since 2020.

Chair Ballantini asked if the petitioner has any experience raising chickens. Mr. Tang stated that he does, and added he has family members who are farmers and own chickens.

Chair Ballantini inquired about the intent for having chickens. Mr. Tang stated that he likes chickens. He stated the supply of eggs was another key reason as he likes knowing where his food comes from and being close to his food sources.

Chair Ballantini asked if the applicant had discussed this request with his neighbors. Mr. Tang confirmed he had met with many of his neighbors. He stated everyone he spoke to did not have concerns and were supportive of his request.

Chair Ballantini asked about lighting and feed storage. Mr. Tang stated the lighting is interior to the coop and on a timer; the feed would be stored in sealed containers within the garage.

No public comment or additional testimony was provided. The Chair closed the public hearing.

There was no discussion by the Commission.

Ms. Harris made a motion to establish findings of fact that all standards for approval of a Special Use Permit are met. Mr. Noonan seconded.

> Roll call vote: Ms. Harris – Yes, Mr. Noonan - Yes, Mr. Straza – Yes, Ms. Williams – Yes, and Chair Ballantini – Yes. The motion was approved (5-0-0).

Mr. Straza made a motion to recommend approval of the petition submitted by Noah Tang for a Special Use Permit for Chicken-Keeping in the R-D (Downtown Residence) District, for the property located at 504 E. Olive Street. Mr. Noonan seconded.

> Roll call vote: Ms. Harris – Yes, Mr. Noonan - Yes, Mr. Straza – Yes, Ms. Williams – Yes, and Chair Ballantini – Yes. The motion was approved (5-0-0). The motion passed.
> Staff noted this will proceed to the City Council on June 13th, 2022.

C. SP-02-22 Public hearing, review, and action on a petition submitted by Project Equity Illinois, Inc. for a Special Use Permit for an Adult-Use Cannabis Dispensing Organization in the B-1 (General Commercial) District, for the property located at 1006 JC Parkway.

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit request. Staff noted that the Board is determining if the location is appropriate for this use. The proposed location is currently a vacant multi-tenant commercial shopping center. There are no protected uses within 500 feet or residential within 1,000, as is a condition for the Special Use. She stated there is a Place of Worship located somewhat nearby, but it is at a distance of at least 550 feet from the subject property. She added the location is within close walking distance of three transit stops and the Petitioner is going to be providing bicycling parking. She stated the required security plan has been reviewed and approved by Bloomington Police Department, with no questions or concerns resulting. Operating hours are restricted by state law and will not be permitted past 10pm. The traffic volume is expected to be similar to what was previously generated at the location. She noted that, if approved, this recommendation would go to City Council on June 13, 2022.

Chair Ballantini asked if bicycle parking would result in less parking available. Ms. Pemberton stated she did not believe so but would have to defer to the petitioner on the specifics of the location of the bicycling parking.

Chair Ballantini inquired about the timeframe for completion of the project. Ms. Pemberton stated the timeframe is contingent upon State of Illinois approval of the project, so she was not able to provide a specific timeframe for completion.

Commissioner Harris inquired what was meant by the term “vertically integrated business”. Staff stated that the Petitioner has active cannabis businesses in multiple regulated markets and different stages of the industry. This has allowed them to be “vertically integrated” and to participate at each stage from production to distribution.

Commissioner Harris inquired about the required signage noting that cannabis is federally illegal. Staff noted this signage is a State requirement, as cannabis remains illegal under federal law.

Connor Johnston, (2633 McKinney Ave., Dallas TX) spoke on behalf of the Petitioner Project Equity Illinois, Inc (PEI). Mr. Johnston identified the partners in PEI and their experience within the cannabis industry. The team was assembled over two years ago to start the application process with the State of Illinois. He noted the application had to receive a perfect score on the State review to receive a license. He provided examples of their existing cannabis stores and how this proposed location would look similar.

Mr. Johnston noted they “know how to be good neighbors” as several of their existing facilities have residential occupants located directly above or adjacent to their businesses. He highlighted how they are subject to a healthy barrage of regulations related to the operation of this business, ranging from security to lighting. There will be no detrimental noise or odors emitted from the business. He identified the proposed location of the business and the neighboring business/uses. He emphasized how PEI went through a very thorough site selection analysis, and this was one of the locations identified in the analysis.

Mr. Johnston stated the proposed location is a vacant commercial shopping center and has 74 existing parking spaces. He stated they would be amenable to installing electric vehicle charging stations if the City desired. He emphasized the benefits to the community associated with their business, including 20 well-paying jobs with benefits for full-time employees. He stated they anticipate they will bring in $300,000 in additional tax revenue each year. He stated they intend to fill the shopping center with other tenants which will bring in additional tax revenue for the City, and hopefully spur additional growth. Mr. Johnston added the hope of this type of business is to eliminate *illegal* cannabis operations and thus rid the City of the negative impacts associated with illegal cannabis operations. He stated they would be investing approximately $100,000 into local business during the interior renovation and security enhancements on the property. He emphasized how their staff can provide expert guidance on the product to medical patients and those new to cannabis. He thanked staff for their assistance during the process.

Chair Ballantini inquired about the anticipated opening date. The petitioner stated the timeframe is unknown at this time. They stated the application process began two years ago and the lottery they won was over nine months ago. They are eager to get started as soon as possible, but it is dependent on the State review. Once permitting is complete, they expect approximately nine month build out time.

Chair Ballantini noted that he would be in support of electric vehicle charging stations being provided.

Chair Ballantini inquired if PEI had any facilities within the area. Mr. Johnston stated they do not have an existing facility within the area. The Petitioner noted they are only allowed to have one location within this area.

Chair Ballantini asked about clarification on ownership within PEI and other facilities. Mr. Johnston stated that some individuals within PEI do own other facilities, but none of them own facilities in Illinois.

No public comment or additional testimony was provided. The Chair closed the public hearing.

Staff noted that phones calls were received by neighboring businesses, but they had no objection to the application. Email communication was also received from Blain's Farm & Fleet, and they have no objection.

Chair Ballantini asked for clarification on the location of the nearby church. Ms. Pemberton indicated the church location on the map.

Staff reviewed each finding of fact associated with this Special Use application and provided recommendations associated with each finding. Ultimately, staff found all standards were met.

Ms. Harris made a motion to establish findings of fact that all standards for approval of a Special Use Permit are met. Mr. Noonan seconded.

Roll call vote: Ms. Harris – Yes, Mr. Noonan- Yes, Mr. Straza – Yes, Ms. Williams – Yes, and Chair Ballantini – Yes. The motion was approved (5-0-0).

Mr. Noonan made a motion to recommend approval of the petition submitted by Project Equity Illinois, Inc. for a Special Use Permit for an Adult-Use Cannabis Dispensing Organization in the B-1 (General Commercial) District, for the property located at 1006 JC Parkway. Ms. Harris seconded.

Roll call vote: Ms. Harris – Yes, Mr. Noonan - Yes, Mr. Straza – Yes, Ms. Williams – Yes, and Chair Ballantini – Yes. The motion was approved (5-0-0).
Staff noted this will proceed to the City Council on June 13th, 2022.

NEW BUSINESS

Chair Ballantini noted the Board recently lost a member, Mr. McFarland, which leaves them with five current members. He asked staff to continue to reach out and search for new members.

OLD BUSINESS

None.

ADJOURNMENT

Commissioner Noonan motioned to adjourn. Commissioner Straza seconded. Ms. Harris – Yes, Mr. Noonan - Yes, Mr. Straza – Yes, Ms. Williams – Yes, and Chair Ballantini – Yes. The motion was approved (5-0-0). The meeting was adjourned at 5:14 P.M.