

**MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, MAY 10, 2017 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS**

MEMBERS PRESENT: Mr. J. Balmer, Ms. Nicole Chlebek, Mr. Ryan Scritchlow, Mr. Kevin Suess, Mr. Justin Boyd, Chairman David Stanczak

MEMBERS ABSENT: Ms. Megan Headean, Mr. James Pearson, Mr. Eric Penn, Mr. John Protzman

OTHERS PRESENT: Mr. Tom Dabareiner, Director of Community Development; Ms. Katie Simpson, City Planner; Mr. George Boyle, City Attorney; Mr. Kevin Kothe, City Engineer

CALL TO ORDER: Chairman Stanczak called the meeting to order at 4:04 PM

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

PUBLIC COMMENT: None

MINUTES: The Commission reviewed the April 26, 2017 minutes. A scrivener's error was corrected. Mr. Balmer moved to approve the minutes with stated corrections; Mr. Scritchlow seconded the motion, which was passed unanimously by a voice vote.

REGULAR AGENDA:

Z-14-17 Public hearing, review and action on the petition submitted by Andrew Streenz requesting approval of the rezoning for 611 N. Lee Street from GAP 3 to GAP 3 with the S-4 Local Historic Preservation District Zoning Overlay.

Chairman Stanczak introduced the case. Ms. Simpson presented staff's report. She provided history of the original owner of the property, Mr. Behr, and his role in the community. She noted some incompatible alterations around 1960, followed by restoration around 2000. The property is located in the GAP district, which is a form based code area, she stated, and the new zoning would add the S-4 Local Historic Preservation District Zoning Overlay status. Ms. Simpson noted that the Historic Preservation Commission enthusiastically endorsed the rezoning. She detailed the relevant architectural elements of the restored building. She affirmed that the proposal meets several of the required standards for the S-4 designation. Ms. Simpson recommended in favor of the petition.

Mr. Andrew Streenz, 611 N. Lee, was sworn in. He stated the S-4 would add a layer of protection for the house design.

Mr. Boyd motioned to approve the petition described in Z-14-17 to rezone the property at 611 N. Lee Street to add the S-4 overlay; seconded by Mr. Balmer. The following votes were cast: Mr. Boyd—yes, Mr. Balmer—yes, Ms. Chlebek—yes, Mr. Scritchlow—yes, Mr. Suess—yes, Chairman Stanczak—yes. Motion **approved** 6-0.

Z-15-17 Public hearing, review and action on the petition submitted by the Benoit Group, LLC and Kristen Lee Jones, N/K/A Kristen Lee Guillory requesting approval of an annexation agreement and rezoning from R-2, Residential (unincorporated) to R-3B, Multifamily Residential for approximately 3.12 acres located south of Greenwood Ave, commonly known as 102 Greenwood Ave.

Chairman Stanczak introduced the case. Ms. Simpson presented staff's report. She submitted an updated annexation agreement entered as Exhibit A. She stated staff recommends in favor of the annexation agreement and the rezoning, adding that the annexation itself is not part of this discussion. She provided information about the property's location. She stated the developer and the current landowner are parties to the petition. Ms. Simpson described the proposed changes to the annexation agreement, which were procedural in nature, noting this agreement expires January 1, 2018 if the developer does not acquire the property. If the developer acquires the property the annexation agreement would last the typical 20 years, she added. Chairman Stanczak clarified that this is a conditional agreement insofar as when the annexation agreement would take place.

Mr. Balmer asked what happens if the developer does not meet the requirements as indicated in the agreement; Ms. Simpson replied they would be subject to the enforcement provisions of the agreement.

Ms. Simpson provided background on the project, described the surrounding uses and whether those properties were in the city or the county. Mr. Scritchlow clarified the conditional nature of the agreement, asking if the case comes back to the Planning Commission for the rezoning; Ms. Simpson stated this is rezoning hearing and, when triggered by the annexation, the rezoning would go before the City Council.

Mr. Suess asked what school district the property is in; Ms. Simpson replied, Unit 5.

Ms. Simpson continued to describe the project, noting that the apartments would be for people with disabilities and others with an income at 60% of the median local income. She added, the developer is seeking Illinois tax credits for the project, which requires a commitment to establish the zoning in advance of the application for the tax credits; should the state turn down the project for tax credits, the project would not proceed and the annexation agreement would terminate. She stated City water was available but sewer is not, but would be required; also, on-site detention is required. She noted the adjacent R-3B zoning allows up to 70 units per acre.

Ms. Simpson brought up the project's relationship to the City's Comprehensive Plan. The property is a Tier 3 development priority because it is adjacent to incorporated part of the city but lacks the utilities, she explained. She added establishing affordable housing is also a goal in the comprehensive plan, along with providing housing to people with disabilities

and removing barriers to mixed income. She stated the current zoning is incompatible with surrounding uses and has been vacant for many years, but the plan calls for residential uses in the future. She concluded that staff recommends in favor of the agreement and the rezoning.

Mr. Boyd asked if Connect Transit is available; Ms. Simpson replied that it is a long walk to transit and the area lacks a sidewalk, which should be installed, but the area is very auto-oriented. Mr. Scritchlow asked about crime rates in the area to the east near Main Street and wondered if the new development may contribute to these higher rates. He asked if staff had spoken with the police to see if they had concerns; Ms. Simpson replied the police were not asked.

Chairman Stanczak clarified the income status of the proposed residents; Ms. Simpson relied 60% of the median income would be the upper limit; she added that the Bloomington Housing Authority has an interest in the proposed development.

Ms. Chlebek expressed concern about the residents' needs but lack of easy access to transit. She asked if the petitioner considered this; Ms. Simpson deferred to the developer for an answer.

Mr. Torian Priestly, executive vice president for the Benoit Group, was sworn in. He stated they are working to develop affordable housing in conjunction with the Illinois Housing Development Authority. He is proposing a multifamily development where ten units would be set aside for disabled residents and the rest would be subject to the 60% AMI. Rents would start at about \$625 to about \$900 depending on the number of bedrooms. He stated that they are looking at having a shuttle van to run from the development to Main Street. He noted that their proposal reaches only 17 units per acre but 70 units per acre is allowed under the zoning. He discussed the timing of the application to IHDA and its deadlines, along with the property acquisition process.

Mr. Balmer asked if there are plans for any other egress beyond Greenwood. Mr. Priestly referred to the aerial photo and stated there were no plans for other egress. Mr. Balmer stated that if there is a chance for pass-through on the property it could lead to other concerns regarding crime.

Mr. Scritchlow clarified that the petitioner has a June 23 deadline for the application.

Chairman Stanczak clarified the tax credit discussion. Mr. Priestly confirmed they would receive tax credits from IHDA, as an allocation from the state, which would be sold to investors, in addition to conventional debt. Mr. Priestly explained the concept of tax credit equity, noting it does not require a bond process.

Mr. Steve Freeland, attorney for the petitioner, was sworn in. He explained how affordable housing is financed. The federal government provides billions each year in tax credits, allocated to each state; in Illinois, IHDA makes tax credits available on a competitive process to low income housing developers. The application deadline is June 23 this year. He added, that a dollar of purchased tax credit is worth a full one dollar of tax credit.

Purchase of the tax credits is attractive to companies with taxable income, he stated, and this has been the process for the last 29 years. IHDA has certain requirements every applicant for the tax credits must meet before the basic eligibility is determined, including the questions of annexation and zoning, he said. Chairman Stanczak asked if any other local government subsidy was needed; Mr. Priestly indicated not.

Chairman Stanczak asked about the role of the Bloomington Housing Authority; Mr. Priestly stated the Housing Authority would provide vouchers for about 20 of the 54 apartment units under the Section 8 program. Mr. Priestly added that this helps with the IHDA application, noting that IHDA sees this location as an Opportunity Area for low income housing.

Chairman Stanczak asked if IHDA imposes any requirements as to where the occupants of this apartment would relocate from; Mr. Priestly stated there are no requirements and that he intends to market locally.

Mr. Scritchlow asked if a two week delay harms the project; Mr. Priestly repeated the June 23 application deadline related to the June 12 Council action as being the Council's last chance to vote on the petition.

Mr. Suess clarified about the shuttle to Main Street. He is concerned that residents will walk through properties to the east to reach Main Street. Mr. Priestly stated that the shuttle van would help and fencing would obstruct the ease of walking east. Ms. Chlebek continued with her concern about access to the bus system. Mr. Priestly stated that a majority of residents of their apartments have their own transportation. He added that the 60% AMI is in the \$32,000 to \$35,000 range and this provides the mixed income housing they intend for the property. Ms., Chlebek asked whether their other properties required a shuttle; Mr. Priestly stated not, but that he already has budgeted for the shuttle van.

Chairman Stanczak mentioned the enforcement mechanisms in the annexation agreement and the dormant special service area and confirmed that the City would activate the SSA automatically should the requirements of the agreement not be fulfilled. He asked if the Benoit company is tied to the property for the length of the agreement; Ms. Simpson stated that the agreement goes with the property and any subsequent owners. Mr. Priestly stated they are committed, due to the tax credit requirements, for 15 years.

Charles Williams, 1325 E. Empire, was sworn in. He stated he is a landlord and is concerned about the lack of direct access to the east and worried these residents would wander through the back yards to the east. Mr. Williams stated there is high crime near a property he owns in Normal and he had to fence the entire project. He stated he is concerned that the owner will abandon the property. He is also concerned with the great distance to a grocery store. He stated this is a poor location for this kind of use. He added he owns a 12-unit property along Tracy Drive. He is concerned with pedestrian cut-through.

Ms. Chlebek asked if existing neighboring residents were cutting through his Tracy Drive property; Mr. Williams answered they were not. Ms. Chlebek speculated that there is no evidence that new residents would cut-through more often than the existing neighbors.

Gwen Leavy was sworn in. She stated she is concerned about pedestrian cut-through over the properties to the east. She is concerned about pedestrian cut-through because no path exists. She believes a fence will deteriorate because people find ways to get through.

Mr. Balmer moved to approve the Z-15-17 as presented; motion failed for lack of a second.

Ms. Chlebek asked whether the project will fail if no action is taken by the Planning Commission; Chairman Stanczak stated that the City Council will take action no matter what the recommendation. There was some general discussion about providing no recommendation.

Chairman Stanczak asked Commissioners to voice their concerns. Mr. Scritchlow stated he is for the project conditioned on feedback from the police for Council. Ms. Chlebek agrees that she likes the housing but has concern with the shuttle system, which would be a partial solution and also asked if there are sidewalks available. Mr. Boyd echoed what has been stated and agrees with the need to seek an opinion from the police department. Mr. Balmer believes all properties in the area have the same issues and thinks the property should have a fence, but he does not believe there will be much pedestrian cut-through because this petition is for a lower density. Mr. Suess agrees with Mr. Boyd, Ms. Chlebek and Mr. Scritchlow and added his concerns over access to public transportation and grocery stores; he reiterated the desire to check in with the police. Chairman Stanczak stated he has similar concerns and this is an unusually difficult property to develop as residential, but he is supportive of the rezoning.

Chairman Stanczak repeated that a delay by the Planning Commission would harm the project and suggested recommending approval but with conditions to the Council. He stated that the conditions would be to include information from the police department and additional information dealing with the access concerns. There was general discussion about how to word the conditions and the motion.

Chairman Stanczak motioned to recommend the City Council approve Z-15-17 on the annexation agreement and rezoning, conditioned upon the City Council being satisfied with the additional information provided related to public safety concerns and ingress/egress to the property, along with the shuttle service description; seconded by Mr. Scritchlow. The public safety question turns on whether police see this as a contributing factor to additional crime in the area. The following votes were cast: Chairman Stanczak—yes, Mr. Scritchlow—yes, Mr. Protzman—yes, Ms. Balmer—yes, Mr. Suess—no, Ms. Chlebek—yes, Mr. Boyd—yes. Motion **approved** 5-1.

OLD BUSINESS:

None

NEW BUSINESS

None

ADJOURNMENT: Mr. Balmer moved to adjourn; seconded by Mr. Scritchlow, which passed unanimously by voice vote. The meeting was adjourned at 5:24 pm.

Respectfully,

Tom Dabareiner AICP
Community Development Director