

MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, MARCH 26, 2014, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS

MEMBERS PRESENT: Mr. Schulz, Mr. Wills, Mr. Diamond, Mr. Balmer, Mr. Pearson, Mr. Scritchlow, Mr. Cornell, Mr. Cain

MEMBERS ABSENT: Mr. Stuckey, Mr. Stanczak

OTHERS PRESENT: Mr. Mark Woolard, City Planner
Mr. Frank Koehler, Interim Director of Planning and Code Enforcement
Mr. George Boyle, Assistant Corporation Counsel

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

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

PUBLIC COMMENT: Mr. Mike Biggs, 3701 Gina Drive, asked why the agenda for this meeting was not published on the website. Mr. Woolard stated that the agenda was posted today.

MINUTES: The Commission reviewed the February 26, 2014 minutes. On page two, in the seventh paragraph 'and Mr. Cornell' is to be added after 'Mr. Pearson.'

Mr. Pearson moved to approve the corrected February 26, 2014, minutes. Mr. Balmer seconded the motion which passed 8-0 with following votes being cast on roll call: Mr. Schulz--yes; Mr. Wills--present; Mr. Diamond--present; Mr. Balmer--yes; Mr. Pearson--yes; Mr. Scritchlow--yes; Mr. Cornell--yes; Mr. Cain--Yes; Mr. Stuckey-- absent; Mr. Stanczak-- absent.

REGULAR AGENDA:

Z-01-14. Public hearing and review on the petition submitted by Hawthorne Commercial Park, LLC requesting the approval of a Rezoning from B-1, Highway Business District to S-2, Public Lands and Institutions, for Lot 22, Tenth Addition to Hawthorne Commercial Subdivision located on the south side of the intersection of Pamela Drive and Woodbine Road, consisting of approximately 2.41 acres. (Ward 3)

Northeast Subcommittee: Mr. James Pearson, Mr. Bill Schulz.

Council Date: April 14, 2014.

Chairperson Cain introduced the petition. Mr. Woolard explained the location of the property and explained the intent of the applicant is to donate the property for a city park. Staff is recommending approval.

Mr. Schulz asked why the owner is changing the zoning district and why is he deeding the property to the city? Mr. Woolard explained the original land owner of the subdivision wanted a park to be in place. Even though the park location has been changed and land size is a not significantly smaller and the new location is actually more compatible with the surrounding area.

Chairperson Cain opened the public hearing and invited the petitioner to speak. Mr. Larry Bielfeldt was sworn in and explained this petition brings compliance with a development agreement into compliance with the land seller, Francis Kelley. He stated that the area is best due to the housing developments

nearby. Mr. Bielfeldt stated that the agreement was between two to three acres. The preliminary plan located it near the original farmstead based on the land seller's request. Mr. Bielfeldt stated that the land will be deeded as is to the city.

Mr. Koehler stated that engineering has confirmed with the developer that funding will be provided to extend sidewalks across the front of the property, adjacent to the street.

Mr. Pearson stated that the location is good and thanked Mr. Bielfeldt.

Mr. Bielfeldt stated the sidewalk was not part of the original agreement. He agreed to go ahead with it. Mr. Bielfeldt's opinion is the time to place the sidewalk should be at the time when the rest of the development is made.

Mr. Diamond asked Mr. Bielfeldt the intention of the land North of Pamela Drive as there is rezoning. Mr. Bielfeldt stated there are no plans as they are waiting on a sale. Mr. Bielfeldt stated the street will eventually go through and it's zoned B-1.

Mr. Michael Biggs, 3701 Gina Drive was sworn in and asked if a park is allowed under zone B-1, which is the current zoning designation, why does it need to be rezoned to a S-2? There may be an ulterior motive as under S-2 townhouses and apartments are permitted. About a year ago, neighbors were here, with concern over townhouses and apartments on this land. What protection does area homeowners have that with a rezoning to a S-2 today and if the deal falls through he wouldn't place townhouses and apartments in this area? This was Mr. Bielfeldt's original attempt a year ago which was rejected by this commission and the city council. Mr. Schulz stated the property will be deeded to the city so the city can resell it if they want. Mr. Biggs stated the city could resell it as a B-1 in its current zone and area residents would not have to worry about apartments. Mr. Biggs suggested leaving the zone as is, accept the deed and go forward.

Mr. Boyle stated the city has been in contact with the Kelley family attorney, who provided court papers. The court order required Mr. Bielfeldt to deed this over to the city as a park. The city had some reservations as it was a bit smaller than the three acres, but after consideration by the parks people, they decided to do it as it was a good spot. Mr. Boyle stated there is no intention of selling it or having any apartments. The city is accepting this in the spirit of the court order as a park. The city clerk and the engineering department suggested the zoning be changed from B-1 to S-2 in order to be consistent with other park areas. The intent of S-2 would be more likely to preserve it as a park than B-1. Mr. Boyle stated that he has been involved in the discussions and the city has no intention to use this land for anything other than a park. Mr. Boyle addressed the question of maintaining the zoning as B-1 which could delay some things but ultimately the rezoning doesn't affect the transition of the land to the city.

Elizabeth Cuba, 3705 Gina Drive, was sworn in and asked if the lot to be deeded for the park is the only piece of property zoned S-2 while everything around it remains the B-1 zone. Chairman Cain stated that was our understanding as well.

Mr. Biggs stated if the S-2 zoning was allowed, then the rest of that nearby property, which is extensive, could be looked at to change to S-2. That would allow for apartment development where if this land was kept at a B-1, we would not have to worry about a high density residence area. These are issues we tried to address last time, including traffic. Woodbine Drive doesn't exist, and it probably never will exist. We have had speed bumps put into our subdivision because of the traffic pattern coming through Ekstam Drive through Pamela to Norma Drive. What prohibits a developer from carrying through the S-2 on other property south of Pamela Drive? If S-2 is allowed here for the first time, then what is to stop a developer from making the argument of continuing the S-2 area for development? There are no other S-

2's in that area, we don't want to open a new can of worms and expose us to density problems in the future with every parcel of development. Mr. Boyle stated the intention of the S-2 zone was so that it would be for a park. Mr. Biggs stated for the sake of the residents, let's keep this a B-1, which may cause a bit of inconvenience, but it puts the residents of that area at a piece of mind knowing that there is no pattern started to move this from a B-1 business environment to a S-2 which permits apartment buildings. We have enough apartments in that area. That is my objection to this whole transition, it opens up for that and makes it much easier.

Sam Bridger, 1103 Raider Run, was sworn in and echoed what the other residents said. Mr. Bridger stated it does seem odd that a land donation to the city requires a rezoning first. If you are going to donate the land to the city, then donate the land and worry about the zoning afterwards. Second, does the court order require this piece of land to be set aside as the park? The answer is probably 'no', however due to a lawsuit, the park location was changed. If this piece is specifically mentioned in the court order and it must be a park based on an issued judgment, then this discussion is likely mute.

Mr. Boyle stated that this specific piece of land is in the court order. He said, when the petition was filed there was an effort to make sure it was a piece of land that was in fact corresponding to that court order. The order didn't say it had to be rezoned. The order stated it just needed to be given to the city as a park.

Mr. Bridger stated that the order then isn't necessarily incumbent upon the city to follow through on making it a park, but just to receive the land in the spirit of intending it to be a park. He stated he heard discussion that maybe the city would sell it in the future. Mr. Biggs previously pointed out that if the zone is S-2 then it might be less valuable than if zoned B-1. Is that even likely that if the court order extends to the obligation of the city in this matter as well? Mr. Boyle responded that the city is accepting it as a park. There are no plans to sell it. It is fair to say though; it is not an order for the city to keep it as a park. The city is not a party to the court case, with that said, the city wants a park there. Mr. Bridger said, the city may decide to exercise their right to do what it wants with the piece of land at some point in the future and that is insulated from this decision. The developer may not take a decision to rezone it to S-2 and then choose a different site for a park and use this piece for apartments. Therefore it would pretty much belay the fears of the residents in this matter, at least mine, though I can't speak for others.

Mr. Boyle stated a judgment was in place and in December he was specifically ordered to begin the steps. On March 4, the court monitored the progress of this case. The court actually is monitoring this case to make sure that this particular piece of property is dedicated to the city as a park.

Mr. Biggs asked if Mr. Bielfeldt could appeal this court decision and then have this land come back to him as an S-2? Mr. Boyle explained that Mr. Bielfeldt is unlikely to appeal this. Ms. Julia Davis, 1313 E. Washington Street, attorney for Hawthorne Commercial Park, LLC, stated that the final judgment was issued in June of 2013, and we are past any option for Mr. Bielfeldt to appeal.

Ms. Cuba asked for clarification on the move to an S-2 instead of leaving B-1 in place when a park is allowed in B-1. Mr. Boyle stated the intent was to be consistent with the area park zones based on the clerk's recommendations. The engineering recommendation concurred the S-2 would offer a way to protect this as a park. Mr. Woolard stated most parks and community facilities have the S-2 zoning. A S-2 is a more narrow focus and is less likely to change hands to a restaurant or office development. Ms. Cuba stated that she is looking down the road, and if this is changed to a S-2 property, then the area around it would be changed to S-2. It's a slippery slope and sees the park being sold in the future. Mr. Woolard explained that future rezoning or special uses would require a public hearing. Chairman Cain stated that it's not automatically allowed. Ms. Cuba asked to keep this zone a B-1.

Mr. Koehler stated this commission is an advisory commission. The ultimate decision would be made by the city council. The S-2 zoning is consistent with the zoning for other city parks. The intention of the parks and recreation and engineering departments is to develop this as a park. The city hasn't accepted the property yet and will likely be having discussion on the disposition of the property. The smallness of the property would indicate not suitable for anything other than a park to serve the area residents.

Chairman Cain asked if there were any further questions or comments from the audience and no one spoke. Chairman Cain closed the public hearing.

Mr. Wills stated that the commission always tries to view 20-30 years down the road as to what could happen. He is concerned about tethering the deed to the S-2 rezoning and recommended leaving the B-1 zoning on it as he is not in favor of rezoning it.

Mr. Pearson stated if the intent is for a park, you must take it at face value. There is no reason to speculate of what it could be.

Mr. Balmer empathized with some frustrations of the residents and can understand the reasoning behind their fears for the future, but nothing precludes another from buying a property and placing the request forward. All property has to go through the same process of coming before the planning commission and city council. At the same time, the city wants to be consistent in how their properties are issued as part of the code. We are going forward with an upcoming revision of and hopefully a complete rewrite of the comprehensive plan with a zoning code. There have been scenarios before boards/commissions and ultimately the city council which shows us that the code needs to be rewritten. There is no reason as part of our recommendation to the city council, that this be rezoned with park verbiage within.

Mr. Diamond has a concern as this would be a spot zoning for the S-2 impacting future petitions. It is much easier to change a zone to something once located next to it.

Mr. Scritchlow stated this would add uniformity as to what the city owns.

Mr. Pearson moved to approve the application with the rezoning from B-1, Highway Business District to S-2, Public Lands and Institutions, for Lot 22, Tenth Addition to Hawthorne Commercial Subdivision located on the south side of the intersection of Pamela Drive and Woodbine Road, consisting of approximately 2.41 acres and deeded to the city as a park. Mr. Schulz seconded the motion which passed by a vote of 6 to 2 with the following votes being cast on roll call:

Mr. Schulz--yes; Mr. Wills--No; Mr. Diamond--No; Mr. Balmer--yes; Mr. Pearson--yes; Mr. Scritchlow--yes; Mr. Cornell--yes; Mr. Cain--yes; Mr. Stuckey--absent; Mr. Stanczak--absent.

OLD BUSINESS:

Monthly Report for the Comprehensive Plan: Mr. Koehler stated that the steering committee is currently being formed and plans to meet the second Tuesday of the month at 4.00 pm. Chairman Cain said the Monthly Status Report has a wealth of information and hoped for it to continue.

Mr. Balmer stated the case from this evening's discussion could be simplified if the zone codes were properly defined.

NEW BUSINESS:

Bike Plan: There was discussion on the bike plan and Mr. Diamond explained the outreach to the general public that recently took place. The next step is to process the input.

Term Limit Ordinance: Mr. Woolard explained the limit is nine years. The commission discussed the new ordinance. Mr. Boyle stated there will be some adjustments made to the code.

Strong Towns Presentation: Mr. Koehler explained the upcoming forum is on Strong Towns.

ADJOURNMENT: There being no further business to come to the Bloomington Planning Commission's attention, Mr. Balmer moved to adjourn this meeting and Mr. Person seconded the motion which was approved unanimously. The meeting was adjourned at 5:11 p.m.

Respectfully submitted,

Mark Woolard, City Planner

For further information contact:

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