CITY OF Bloomington ILLINOIS

MINUTES
PUBLISHED BY THE AUTHORITY OF THE PLANNING COMMISSION OF BLOOMINGTON, ILLINOIS
MEETING
OSBORN ROOM, 2ND FLOOR POLICE DEPARTMENT 305 S. EAST STREET, BLOOMINGTON, IL
WEDNESDAY, MARCH 1, 2023 4:00 P.M.

Individuals wishing to provide emailed public comment must email comments to publiccomment@cityblm.org at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person may register at www.cityblm.org/register at least 5 minutes before the start of the meeting.

The Planning Commission convened in-person within the Osborn Room inside of the Bloomington Police Department at 4:00 p.m., Wednesday, March 1, 2023, with the following physically present staff members Mr. Jon Branham, City Planner; Ms. Alissa Pemberton, City Planner; Ms. Kimberly Smith Assistant Director of Economic and Community Development; Mr. George Boyle, Assistant Corporation Counsel; Mr. Kevin Kothe, Director of Public Works.

The meeting was called to order by Chairperson Mohr at 4:00 p.m.

ROLL CALL

Attendee Name	Title	Status
Mr. Tyson Mohr	Chair	Present
Mr. Justin Boyd	Vice Chair	Present
Mr. Thomas Krieger	Commissioner	Present
Mr. Mark Muehleck	Commissioner	Present
Mr. John Danenberger	Commissioner	Present
Mr. Brady Sant-Amour	Commissioner	Present
Mr. Govardhan Galpalli	Commissioner	Absent
Ms. Anna Patino	Commissioner	Absent
Ms. Jacqueline Beyer	Commissioner	Present

Mr. Branham called the roll. Mr. Danenberger – Present, Mr. Sant-Amour – Present, Ms. Beyer – Present, Mr. Muehleck – Present, Mr. Boyd – Present, Mr. Kreiger – Present, and Chair Mohr - Present. With 7 members present, a quorum was established.

PUBLIC COMMENT

Chairperson Mohr asked if anyone was present to provide public comment. Chairperson Mohr noted public comment is for addressing items not on the regular agenda. No individuals were present to provide public comment.

MINUTES

Commissioner Beyer asked that certain embellishments are added to the minutes, including: site plans are still required in all Business Districts, with public hearings only in B-2/C-1/D-2; public hearing review can be requested; and other clarifications regarding desires for future Code review. Commissioner Beyer made a motion to approve the minutes of the February 1, 2023, Planning Commission, subject to the changes provided. Commissioner Boyd seconded.

Mr. Danenberger – Yes, Mr. Muehleck – Yes, Ms. Beyer – Yes, Mr. Kreiger - Yes, Mr. Boyd - Yes, Mr. Sant-Amour – Yes, Chair Mohr – Yes. Motion passed (7-0.)

REGULAR AGENDA

Chair Mohr announced that case Z-04-23 has been moved to the end of the agenda to permit Public Works staff to be present.

Z-05-23 - Public hearing, review and action on a request by Nicholas Birky, for approval of a Zoning Map Amendment, from R-1C (Single-Family Residence) District to B-2 (Local Commercial) District, for the property located at 704 McGregor Street. PIN(s): 21-10-206-005.

Ms. Pemberton presented the Staff Report and recommendation for approval. She clarified the applicant was proposing to change zoning to allow the current use to be in compliance, and no changes to site plan are currently proposed. She explained the restaurant use had been operating for an extended time and the use is not planned for change at this time.

The Chair opened public hearing.

Applicant, Mr. Birky, (19485 N 1000E Rd.) provided further background information on his experience, and his intent to continue the property as a restaurant use. He explained his desire to purchase the property, and the need to have it zoned appropriately for the use.

Sherri Strandberg (42 Harbord Dr) stated she was excited about the new restaurant and expressed support. She expressed the neighbors she had spoken with felt the same.

Chair Mohr closed the public hearing.

Commissioner Boyd stated he shared the community support for maintaining the restaurant.

Commissioner Boyd made a motion to establish findings of fact that the proposed Zoning Map Amendment is in the public interest and not solely for the benefit of the petitioner and recommend approval of the petition, seconded by Commissioner Danenberger.

Chair Mohr clarified rezoning considerations compared to use considerations, but in this case they appear independent of the specific effort to operate the specific business.

Mr. Danenberger – Yes, Mr. Muehleck – Yes, Ms. Beyer – Yes, Mr. Kreiger - Yes, Mr. Boyd - Yes, Mr. Sant-Amour – Yes, Chair Mohr – Yes. Motion passed (7-0.)

Ms. Pemberton noted that the case will be heard at City Council on March 27, 2023.

Z-06-23 - Public hearing, review and action on a request by CESO, Inc. for approval of a Zoning Map Amendment, from R-1C (Single-Family Residence) District to B-2 (Local Commercial) District, for the property located at 1626 W. Locust Street. PIN(s): 21-05-176-002.

Ms. Pemberton presented the Staff Report and recommendation for approval. She explained that B-2 zoning is meant to act as buffer between residential and commercial uses and is therefore appropriate for the subject location.

Chair Mohr inquired whether residential uses were permitted in B-2 district. Staff responded that certain residential uses would be allowed. Chair Mohr noted that this change would allow some commercial but would not prohibit residential use as is currently allowed. He identified the adjoining B-1 zoning and uses and noted the existing higher development intensity.

The Chair opened public hearing.

Ivan Dunlap (1624 W. Locust Avenue) stated he lives adjacent to the subject property and inquired if a privacy fence would be constructed and if site access would be provided via Locust.

Chair Mohr closed the public hearing.

Commissioner Boyd made a motion to establish findings of fact that the proposed Zoning Map Amendment is in the public interest and not solely for the benefit of the petitioner and recommend approval of the petition, seconded by Commissioner Beyer.

Mr. Danenberger – Yes, Mr. Muehleck – Yes, Ms. Beyer – Yes, Mr. Kreiger - Yes, Mr. Boyd - Yes, Mr. Sant-Amour – Yes, Chair Mohr – Yes. Motion passed (7-0.)

Ms. Pemberton noted that the case will be heard at City Council on March 27, 2023.

PR-01-23 - Public hearing, review and action on a request by CESO, Inc. for approval of a Leglislative Site Plan Review (and a Special Use), with Variances, for the properties located at 1603 W. Market Street and 1626 W. Locust Street. PIN(s): 21-05-151-013, 21-05-151-014, and 21-05-176-002.

Mr. Branham presented the Staff Report, noting the concurrent requests and need for Special Use adjacent to residential zoning. He noted there will be one access point on Market Street, no access from Locust, and one drive-through lane with 15 cars of queuing. IDOT has provided feedback and proposed parking has been eliminated on the southwest side of the site. Future cross access is indicated on the western side of the property, but they are unable to connect at this time since Caroline is a private drive. He explained the requested landscaping Variance resulting from accommodation of a sidewalk with improved site circulation, stating a fence is not required and has not been proposed as part of the landscape plan. He noted the Comprehensive Plan goals supported by the proposal and stated the staff recommendation for approval of the request, subject to the installation of the Drive-Through bypass lane and creating a stub for future cross-access.

Chair Mohr inquired what was done to assess and manage stormwater. Mr. Branham explained the applicant has provided detention calculations to engineering and that the new development is required to demonstrate they will not impact flood and drainage conditions offsite.

Commissioner Beyer asked whether the fact that the property is split between B-1 and B-2 zoning has any impact on development. Mr. Branham explained there could be issues if a future owner wanted to attempt a use that was permissible only in one of the Districts, but the split-zoning does not present issues for the current project.

Chair Mohr inquired whether the City had been involved in discussions regarding access and connection to Caroline street. Mr. Branham stated the City has not been involved, but the applicant has communicated their efforts and inability to gain such.

Chair Mohr asked about the number of parking spaces required compared to provided. Mr. Branham stated they have provided 41 spaces and the Code requires 44 *before* allowable reductions; they can remove up to 12 of their initially required spaced and be in compliance.

Chair Mohr asked for verification that the access point near the intersection on Market Street had been reviewed by IDOT only and that City Public Works/Engineering had not weighed in. Mr. Branham answered in the affirmative.

Chair Mohr opened the public hearing.

Mark Wilhoit (Compton Addy Commercial Real Estate, Cincinnati, OH), spoke on behalf of the request. He complemented City Staff on working through the complicated review and planning process to-date. He explained the site complexity and length of vacancy due to flood plain and access issues. The applicant has tried to work with the adjacent property owner to gain access to Caroline but have been unable to come to an agreement. IDOT has reviewed access and drainage already, requested removal of some parking which is reflected in the current site plan, and now they are now waiting on final approval. He stated that if Caroline becomes a public road, or they can gain access, they will add a connection there. He explained that presence of the flood plain required removing the bypass lane and adjusting the site plan further east. If they are required to install a bypass lane—which would result in additional disturbance in the flood plain—it would require them to work with FEMA and the cost and timeline would make the project infeasible. He stated that 40 parking spaces is right for the project; some have already been reduced. Due to distance of some parking spaces a sidewalk has been added for access which caused the needed reduction in landscape.

Chair Mohr inquired whether the applicant would be open to providing pedestrian access to Locust Avenue. Mr. Wilhoit stated that, from an engineering standpoint, adding a sidewalk would likely be feasible with minor reworking; he is not opposed to adding a sidewalk connection to Locust.

Commissioner Beyer asked how they intended to divide the commercial property from the adjacent residential properties, whether a fence was planned, and whether the existing trees would be retained. Mr. Wilhoit explained trees will be retained, when possible, specially on the residential side of the property. He is not opposed to adding a 6-foot privacy fence for screening the residential area, in addition to the landscaping, if needed.

Commissioner Danenberger asked whether any transportation studies in the area had been conducted at different times of the day. He compared the traffic and complication of the intersection to a similar site at Morrisey and Veterans where queued cars back up into a turn lane and interact with entering/existing highway traffic. Mr. Wilhoit stated IDOT did not require additional studies and counts. Starbucks plans internal stacking at 15-28 cars and they are familiar with their business needs. The formal queuing area is only 15 cars but there is far more space to stack on site before cars would be stacked out into the street.

Chair Mohr stated that 40 parking spaces seems excessive. Mr. Wilhoit agreed conceptually, but explained that 6-8 spots are employee spots, another 15-20 customer spaces, and with drive-up Starbucks has a common model that targets 40-45 spaces per regular store.

Chair Mohr expressed concerns regarding the access onto Market, regarding complexity and speed, as well as overparking. He inquired whether they would be willing to remove the nine spaces closest to the entrance off Market. Mr. Whilhoit explained too much change in the site plan will have a long timeline for approval which could make the project infeasible, and significant changes to parking are unlikely to gain approval from Starbucks.

Chair Mohr asked the applicant about their plans if the Commission recommends denial. Mr. Wilhoit stated he would like the Commission to approve the plan. Adding a condition of approval to eliminate a few parking spaces (4 or so) might be possible, but the project is out of time for major reworks.

Ivan Dunlap (1624 W. Locust Avenue) inquired whether there would be any impact to the sanitary sewers in the area since his sewer ran right near the project area.

Chair Mohr directed Mr. Dunlap's inquiry to staff. Mr. Kothe responded that the sewers run outside of the project area and should not be impacted by the construction.

Ryan Hobart (43 Brookstone Circle) spoke in favor of removing a few parking spaces near the entrance to allow queuing for cars exiting the site and prevent getting stuck in those spaces.

Chair Mohr noted that the Petitioner may respond. Mr. Wilhoit agreed with the comment about outbound queuing and to eliminate five parking spaces west of the access point.

Chair Mohr inquired whether there was intent to build a sidewalk on the Caroline side of the access drive. Mr. Wilhoit stated that is flood plain area so keeping impervious minimal is good.

Commissioner Beyer inquired whether customer would be able to turn left out of the access. Mr. Wilhoit stated the access will be a full access (not right-in right-out), per IDOT.

Margaret Burkett (1606 Keybridge Way) expressed concerns about emergency vehicles being able to appropriately access the site with a single entrance in such a high-traffic area.

Chair Mohr directed the concern to Staff. Mr. Branham replied that final plans will require approval from the Fire Department and appropriate access will need to be provided. Chair Mohr directed the concern to the Petitioner. Mr. Wilhoit explained their related design and engineering process.

Chair Mohr closed the public hearing.

Commissioner Muehleck noted that IDOT is in charge of access to Market and inquired whether an exit onto Locust had been discussed. Ms. Pemberton explained related discussions between the City and Applicant and the decision to not pursue Locust Avenue access. Mr. Muehleck asked for clarification on why a bypass lane cannot be provided and asked that alternatives be reviewed.

Commissioner Boyd asked Staff to explain the reason and need for bypass lanes. Ms. Smith stated that bypass lanes are accepted industry standard and best practice for practical purposes.

Chair Mohr shared his excitement for the prospect of new development of this type in this area. He stated that he would like to see the sidewalk to Locust Street and removal of the southern-most parking spaces. Commissioner Kreiger agreed with Chair Mohr and noted the additional condition of the privacy fence discussed for screening the residential area.

Chair Mohr expressed his concerns that the complexity and speed of traffic in the area could result in a dangerous situation, noting that all the other businesses in the area seem to have at least two access points. Ms. Smith noted that the proposed Site Plan does indicate future access to Caroline, should it ever be granted. She explained that there are also alternative methods of providing emergency access, and that the Commission has the ability to place Conditions on the approval of the Special Use Permit for the drive-through. She reminded the Commission that this case also goes to City Council.

Commissioner Beyer expressed concerns about the size of the que that a customer could be stuck in without a bypass lane.

Commissioner Boyd expressed concerns about safety related to the access and bypass lane. He expressed excitement for the concept of adding the business to the area, noting that safety should not be sacrificed.

Chair Mohr discussed procedural items.

Commissioner Kreiger made a motion to approve the site plan, as presented, with the conditions: 1) elimination the five [parking] spots on the west side of the ingress/egress off of Market Street, and 2) the addition of a fence along the adjacent property. No second was provided. The motion failed.

Commissioner Beyer made a motion to deny the site plan, as presented. Seconded by Commissioner Danenberger. Mr. Boyle requested that Findings of Fact supporting the denial be added to the motion. City Staff and the Commission discussed procedural items. Commissioner Beyer retracted the motion. Commissioner Danenberger approved the retraction of the motion.

Ms. Smith pointed out that as Findings are discussed and found lacking, if they can be addressed by a Condition or Guarantee, the Commission may attach those to approval of the Special Use.

Chair Mohr restated concerns he heard related to the nature of the access drive and entry/exit off of Market Street as connected to Standard Three (3), “The extent to which adequately improved streets connected to the improved arterial street system are available or can be reasonably supplied to serve the uses proposed in the development,” noting it presents safety concerns that could be remedied via access to Caroline Street, if that was able to be obtained.

Chair Mohr restated concerns he heard related to the bypass lane and parking near the entry as connected to Standard One (1), “The extent to which potential incompatibilities between the proposed development and surrounding existing development and/or zoning is minimized by such design features as placement of buildings, parking areas, access driveways and existing or proposed topography.”

Mr. Boyle and Ms. Smith discussed procedural items and Chair Mohr restated the Findings.

Commissioner Beyer made a motion to accept the Finding of Fact that the site plan does not meet “adequately improved streets connected to the improved arterial street system.” Seconded by Mr. Danenberger.

> Mr. Danenberger – Yes, Mr. Muehleck – Yes, Ms. Beyer – Yes, Mr. Kreiger - Yes, Mr. Boyd - Yes, Mr. Sant-Amour – Yes, Chair Mohr – Yes. Motion passed (7-0.)

Ms. Pemberton and Mr. Boyle discussed procedural items. Chair Mohr stated satisfaction in the level of discussion related to the reasons for approval or denial of the plan, as related to justification for findings of fact.

Commissioner Beyer made a motion to deny the site plan based on the findings of fact. Seconded by Commissioner Danenberger.

> Mr. Danenberger – Yes, Mr. Muehleck – No, Ms. Beyer – Yes, Mr. Kreiger - No, Mr. Boyd - Yes, Mr. Sant-Amour – Yes, Chair Mohr – Yes. Motion passed (5-2-0.)

Ms. Pemberton recommended voting on the Variances since the Petitioner has not withdrawn the requests.

Commissioner Boyd made a motion to establish findings of fact that the subject property does not meet the Variance criteria for § 44-1207C(5) of the City Code and recommend that City Council deny the Variance associated with the Site Plan to not allow a drive-thru bypass lane for the property located at 1603 W. Market/1626 W. Locust. Seconded by Commissioner Beyer.

Mr. Danenberger – Yes, Mr. Muehleck – No, Ms. Beyer – Yes, Mr. Kreiger - No, Mr. Boyd - Yes, Mr. Sant-Amour – Yes, Chair Mohr – Yes. Motion passed (5-2-0.)

Commissioner Boyd made a motion to establish findings of fact that the subject property does meet the Variance criteria for § 44-1307B(1) of the City Code and recommend that City Council approve the Variance associated with the Site Plan to allow less than required perimeter parking lot landscaping for the property located at 1603 W. Market/1626 W. Locust. Seconded by Commissioner Beyer.

Mr. Danenberger – Yes, Mr. Muehleck – Yes, Ms. Beyer – Yes, Mr. Kreiger - Yes, Mr. Boyd - Yes, Mr. Sant-Amour – Yes, Chair Mohr – Yes. Motion passed (7-0.)

Ms. Pemberton noted that the case will be heard at City Council on March 27, 2023.

Chair Mohr announced a seven-minute break.

Chair Mohr called the Commission back to order at 5:30; Mr. Danenberger was no longer present.

Ms. Pemberton called the roll. Mr. Sant-Amour – Present, Ms. Beyer – Present, Mr. Muehleck – Present, Mr. Boyd – Present, Mr. Kreiger – Present, and Chair Mohr - Present. With 6 members present, a quorum was continued.

Chair Mohr asked Staff to present the next three cases (Z-07-23, Z-08-23, Z-09-23) together.

Z-07-23 - Public hearing, review and action on a request by he Franklin Park Foundation for an S-4 (Historic Preservation District) Overlay for the property located at 809 N. McLean Street. PIN: 21-04-210-001.

Mr. Branham presented the Staff Reports with a recommendation for denial due to the duplicative nature of the requests. He reviewed the process of review for the cases to-date.

Commissioner Boyd inquired whether there are any additional protections given by the proposed overlay that the properties don't already have? Mr. Branham replied in the negative.

Chair Mohr opened the public hearing for Z-07-23. No persons were present to provide testimony. The Chair closed the public hearing.

Commissioner Boyd made a motion to accept the findings and recommendation of the Historic Preservation Commission, establish findings of fact that the proposed zoning map amendment is duplicative and not in the public interest and recommend denial of the petition. Commissioner Kreiger Seconded.

Mr. Muehleck – Yes, Ms. Beyer – Yes, Mr. Kreiger - Yes, Mr. Boyd - Yes, Mr. Sant-Amour – Yes, Chair Mohr – Yes. Motion passed (6-0.)

Z-08-23 - Public hearing, review and action on a request by the Franklin Park Foundation for an S-4 (Historic Preservation District) Overlay for the property located at 901 N. McLean Street. PIN: 21-04-207-005.

Chair Mohr opened the public hearing for Z-08-23. No persons were present to provide testimony. The Chair closed the public hearing.

Commissioner Boyd made a motion to accept the findings and recommendation of the Historic Preservation Commission, establish findings of fact that the proposed zoning map amendment is duplicative and not in the public interest and recommend denial of the petition. Commissioner Kreiger Seconded.

Mr. Muehleck – Yes, Ms. Beyer – Yes, Mr. Kreiger - Yes, Mr. Boyd - Yes, Mr. Sant-Amour – Yes, Chair Mohr – Yes. Motion passed (6-0.)

Z-09-23 - Public hearing, review and action on a request by the Franklin Park Foundation for an S-4 (Historic Preservation District) Overlay for the property located at 310 E. Walnut Street. PIN: 21-04-202-016.

Chair Mohr opened the public hearing for Z-09-23. No persons were present to provide testimony. The Chair closed the public hearing.

Commissioner Kreiger made a motion to accept the findings and recommendation of the Historic Preservation Commission, establish findings of fact that the proposed zoning map amendment is duplicative and not in the public interest and recommend denial of the petition. Commissioner Beyer Seconded.

Mr. Muehleck – Yes, Ms. Beyer – Yes, Mr. Kreiger - Yes, Mr. Boyd - Yes, Mr. Sant-Amour – Yes, Chair Mohr – Yes. Motion passed (6-0.)

Ms. Pemberton noted that these cases will be heard at City Council on March 27, 2023.

Chair Mohr moved to Item 5A in the interest of attendance and the presence of Public Works staff.

Z-04-23 - Public hearing, review and action on a request submitted by Hershey Grove LLC, (1 Brickyard Drive, Bloomington, IL 61701) for approval of the Second Amendment to the Hershey Grove Annexation Agreement, related to amendments to offsite improvements to the Constitution Trail, pertaining to property commonly located at the SE corner of the intersection of Ireland Grove and Hershey Road, consisting of approximately 144 acres.

Staff provided background and a recommendation for approval. Developer initial obligation for Parkland Dedication has been substantially met through development of existing Trail, completion of the remaining discussed improvements to the Trail would cost in excess of their original obligation. Public Works and Legal worked with the Developer to draft an amendment to the agreement to allow an alternative in the form of a mid-block crossing. She provided additional project history and discussed procedural items.

Chair Mohr asked for clarification on whether there was anything on the other side of the street and asked whether this is in anticipation of constructing something on the other side.

Director of Public Works, Mr. Kothe, provided additional information and description of "mid-block crossing." He explained a rapid rectangular flashing beacon (RRFB) would be installed, using the example of the pedestrian crossing near 106 E. Front Street. Does not currently connect to anything on the west side; future plans extend the Trail south (along the west side of Hershey), and along north side of Hamilton. He provided project history timeline and details.

Commissioner Boyd asked for clarification that the crossing goes nowhere. Mr. Kothe confirmed. Goal is to complete the Developer's obligation and then the City will be responsible for remaining work.

Commissioner Boyd asked whether any traffic calming was present and what the speed limit is on the street. Staff responded it is 45 MPH. Mr. Kothe stated there would be signage in advance of the RRFBs. The project meets City and IDOT traffic engineering standards.

Chair Mohr asked about the conditions on Hamilton Road. Mr. Kothe stated Hamilton and Hershey are in good condition at this time, no resurfacing in near future.

Commissioner Beyer asked about the timeline for installing a traffic light at Hamilton and Hershey. Mr. Kothe responded there is no set timeline.

Commissioner Muehleck inquired whether bollards would be present in the median. Mr. Kothe stated they are not currently in the plan.

Commissioner Beyer asked whether any signage guiding pedestrians. Mr. Kothe stated signage is driver-focused. Commissioner Beyer noted this is a 4-lane road and Front Street is 2-lane. Mr. Kothe provided background on the increasing use of RRFBs and discussed the effectiveness of replacing the stoplight on Front Street with the same type of crossing.

Chair Mohr asked about the timeline for Constitution Trail connection in the area. Mr. Kothe stated no definitive timeline exists. This section is not in the current five-year plan.

Staff and the Commission discussed procedural items. Mr. Kothe provided additional history on Trail planning and development in the area. Chair Mohr clarified that, to fulfill their obligations, they either need to pay to install improvements or pay money to the City. Mr. Kothe confirmed.

Chair Mohr opened the public hearing opened.

Charlie Farner (7 Pebblebrook Ct.), spoke on behalf of the project. The development was started over 20 years ago when Hershey was going to be extended south to Hwy 150. Conditions have changed so the way of fulfilling their obligations needed to change.

Alice Eichholz (1733 Eide Road) spoke to ask a question about the placement of the crossing and trail location. She asked who will be responsible for maintenance once construction is done. She stated there is a need for increased tree coverage along the existing trail.

> Mr. Kothe responded that completed Constitution Trail properties are publicly owned and is maintained by Parks & Recreation.

Ryan Hobart (43 Brookstone Circle) stated he is appreciative of Staff and the Developer for communication and work on the project. The Trail is a positive addition to the area, but the proposed amendment does not make sense. He reviewed the history and content of amendment to the original annexation agreement. Original agreement stated one thing, second amended to require trail along north side of Hamilton instead, current proposal is to substitute Hamilton trail for crosswalk to nowhere. He stated the proposed crossing does not benefit anyone; gets across the street to private land. Two-thousand feet of Hamilton trail would at least benefit someone by giving somewhere to walk. Crosswalk is a dead end with no benefit to the City. Concerns about timeline for Trail completion if left to the City.

> Charlie Farner responded that the Petitioner is not belittling their obligation; the City identified this option for resolution, given the challenges that the project has encountered.

Commissioner Boyd asked Staff to respond to whether the amendment eliminates the obligation of a higher financial burden. He requested clarification the original obligation was a trail that can no longer be built, and the “crosswalk to nowhere” is a compromise to allow the Developer to fulfill their obligations. Mr. Kothe explained the changes and timeline related to “Trail 2” from the prior agreement, and reason for delay and increased cost. The cost of fulfilling their obligations for the first (sidewalk) and second (trail) parts were higher than expected; the cost of the crosswalk is about the same as the balance of what would have been paid. Developers can pay a fee-in-lieu then City has to build Trail(s), just trying to get the best deal for the City.

Commissioner Boyd asked if alternatives had been discussed before deciding on crosswalk. Mr. Kothe stated they could just accept the cash payment of remaining balance.

Richard Drew (1707 Whitmer Court) thanked Tentac for the Trail installed so far. He stated the Developer is getting out of an obligation. The crosswalk has no benefit to the neighborhood and the increased cost is a result of waiting so long to fulfill the original obligations.

Sue Reese (1601 Myra Lane) stated the crosswalk will not benefit them in any way and will cause safety issues. She cited concerns about speeding and traffic-related deaths in the area.

Margaret Burkett (1606 Keybridge Way) walks the Trail all the time and does not want people walking on the other side of Hershey without sidewalks. She cited traffic danger in the area, issues with inappropriate lighting, and other issues that need to be fixed.

Chair Mohr summarized the points heard so far: concerns about traffic and the crosswalk, that the crosswalk doesn’t connect to anything, about nature and history of the agreement. He invited new evidence or concurrence, asking additional speakers to consider brevity.

Arthurean Herrington-Wilkins (1719 Eide Road) stated that she would like to have the trees along the Trail continue, consistently, for shade and uniformity.

Ryan Hobart (43 Brookstone Circle) asked why discussions are still related to Section 11 in 2001 Agreement when that obligation was changed by the First Amendment to the Agreement. The money and obligations are not aligned and renegotiation is not beneficial.

Chair Mohr closed the public hearing.

Commissioner Boyd asked whether the Developer could just pay the balance of the fees owed. Mr. Kothe explained that is possible, but the Parkland Dedication fund is managed by the Parks Department and may not be spent in ways that directly benefit the immediate community.

Commissioner Boyd stated installing a crosswalk does not seem like the answer for fulfilling the obligation. Chair Mohr noted the City will be responsible for maintaining the infrastructure that would be more expensive, even during the time of no public benefit. He stated the road is overbuilt, speeds are too high, adding a crosswalk will not solve those problems.

Commissioner Boyd made a motion that the proposed Amendment does not meet the standards F, “To provide for the orderly and functional arrangement of land uses and structures,” and I, “To facilitate the adequate provision of transportation, water, sewage disposal, schools, parks and other public facilities.” Seconded by Mr. Kreiger. Commissioner Beyer stated she needs to abstain from the vote due to a conflict of interest.

> Mr. Muehleck – Yes, Ms. Beyer – Present, Mr. Kreiger - Yes, Mr. Boyd - Yes, Mr. Sant-Amour – Yes, Chair Mohr – Yes. Motion passed (5-0-1.)

Commissioner Boyd made a motion to recommend denial of the Second Amendment to the Hershey Grove Annexation Agreement, based on the findings of fact. Commissioner Kreiger seconded.

Mr. Muehleck – Yes, Ms. Beyer – Present, Mr. Kreiger - Yes, Mr. Boyd - Yes, Mr. Sant-Amour – Yes, Chair Mohr – Yes. Motion passed (5-0-1.)

Ms. Pemberton noted that the case will be heard at City Council on March 27, 2023.

Z-10-23 - Public hearing, review and action on a request by Farnsworth Group, for approval of a Zoning Map Amendment, from R-1B (Single-Family Residence) District to R-2 (Mixed Residence) District, for the properties located at 2702, 2704, 2706, 2708, 2710, 2712, and 2714 Fox Creek Road. PIN(s): 22-18-302-001, 22-18-302-002, 22-18-302-003, 22-18-302-004, 22-18-302-005, 22-18-302-006, and 22-18-302-007.

Ms. Pemberton presented the case with recommendation for approval. Density would be the same as the maximum approved for the current District; form is different. Proposed use is 14 duplexes (7 buildings.) Public Works will permit seven (7) curb cuts in the area and require design to front-out onto Fox Creek. Aprons will be shared by two units and Variances or site design to accommodate 3-foot setback will be required. Developer aware they may require lot size Variances if they split properties for individual ownership.

Commissioner Beyer asked whether the school district was notified of the proposed change. Ms. Pemberton explained school districts are notified upon annexation which includes zoning so they would be aware of the potential development. Ms. Beyer asked if there had been any input from Unit 5 when the annexation occurred. Ms. Pemberton stated she was not aware of any.

Chair Mohr opened the public hearing.

Charlie Farner (7 Pebblebrook Ct.) spoke on behalf of the project. He provided additional information and background on the plan to continue development similar to that in the adjacent St. Ivans. He stated disagreement with interpretation on R-2 lot width requirement. He addressed traffic concerns and handed out copies of the site plan from the project application to Commissioners and other attendees (attached as Exhibit “A”).

Commissioner Beyer asked what the relationship is between Farnsworth and Tentac. Mr. Farner explained Tentac is the project developer and Farnsworth the project engineer.

Craig Earl (1813 Loblolly Drive, Normal, IL) discussed the site plan developed by Farnsworth, for seven, 100-ft wide lots. He stated disagreement with the R-2 75-foot lot width requirement, which would not allow the development as proposed.

Ms. Pemberton clarified common ownership of both duplex units would address the issue; density is not at issue, but lot width.

John Johnston (5 St. Ivans Circle) stated he would rather see a string of duplexes on the proposed lots than any sort of commercial use. He expressed concern about traffic in the area. He likes the continuity and quality of the development on St. Ivans and would like to see that extend around the corner.

Chair Mohr and Mr. Johnston discussed the types of commercial and amenities that speaker would view and beneficial to the community. Mr. Johnston expressed his appreciation for the smaller, slower community with HOA at this time in his life.

Keith Marxkors (5 Fiddlestix Court) asked about the proposed construction type and expressed a preference for the St. Ivans form, as opposed to Lone Oak Court form. Recommended considering access format similar to the duplexes on Shepherd Road in Normal to further reduce driveways onto road. St. Ivans is very well built, the neighbors on the street may welcome this form even over single-family.

Mr. Farner confirmed that the plan is for similar development with same HOA.

Chair Mohr closed public hearing.

Commissioner Boyd expressed appreciation for the type of housing and agreed the spirit of the lot width requirement was not to hinder the form. Chair Mohr concurred.

Commissioner Boyd made a motion to establish findings of fact that the proposed Zoning Map Amendment is in the public interest and not solely for the benefit of the petitioner and recommend approval of the petition. Seconded by Commissioner Krieger. Commissioner Beyer abstained from the vote due to a conflict of interest.

Mr. Muehleck – Yes, Ms. Beyer – Present, Mr. Kreiger - Yes, Mr. Boyd - Yes, Mr. Sant-Amour – Yes, Chair Mohr – Yes. Motion passed (5-0-1.)

OLD BUSINESS - None

NEW BUSINESS

Chair Mohr asked Staff whether efforts to support mixed use zoning were in progress. Staff mentioned progress in the GAP regulations just adopted (Ord. No. 2023-19) and possible future review after increased access and understanding of GAP-5 is tested.

Commissioner Boyd reminded people of the importance of walkability and sidewalks, based on testimony during multiple cases.

Ms. Pemberton noted a new vacancy on the Commission.

ADJOURNMENT

Motion to adjourn by Commissioner Muehleck. Seconded by Commission Krieger. A voice vote was held, and all Commissioners responded in the affirmative. Motion passed (6-0). The meeting adjourned at 6:55pm.

CITY OF BLOOMINGTON

Alissa Pemberton

Commission Chair, Tyson Mohr

Staff Liaison, Alissa Pemberton

EXHIBIT A
Z-10-23 Site Plan