



**ZONING BOARD OF APPEALS - REGULAR SESSION**  
**GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400**  
**115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701**  
**WEDNESDAY, FEBRUARY 21, 2024, 4:00 PM**

**1. Call to Order**

**2. Roll Call**

**3. Public Comment**

*Individuals wishing to provide emailed public comment must email comments to [publiccomment@cityblm.org](mailto:publiccomment@cityblm.org) at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person may register at [cityblm.org/register](http://cityblm.org/register) at least 5 minutes before the start of the meeting.*

**4. Consent Agenda**

*Items listed on the Consent Agenda are approved with one motion; Items pulled from the Consent Agenda for discussion are listed and voted on separately.*

- A. Review and approval of the minutes of the January 17, 2024, regular meeting of the Bloomington Zoning Board of Appeals. (Recommended Motion: Motion to accept the minutes, as presented.)

**5. Regular Agenda**

- A. SP-02-24 - Public hearing, review, and action on a request submitted by McLean County Center for Human Services, for approval of a **Special Use Permit** for an Assisted Living Facility, in the B-1 (General Commercial) District for three (3) acres of property generally located immediately south of and adjacent to the property located at 1302 Martin Luther King Drive. (Part of PIN: 14-31-477-006). (Recommended Motion: Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend **approval** of the request with the condition that interior and perimeter parking lot requirements are met.)

**6. New Business**

**7. Adjournment**

Individuals with disabilities planning to attend the meeting who require reasonable accommodations to observe and/or participate, or who have questions about the accessibility of the meeting, should contact the City's ADA Coordinator at 309-434-2468 or [mhurt@cityblm.org](mailto:mhurt@cityblm.org).



**REGULAR AGENDA ITEM NO. 4.A.**

**FOR ZONING BOARD OF APPEALS:** February 21, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Review and approval of the minutes of the January 17, 2024, regular meeting of the Bloomington Zoning Board of Appeals.

**RECOMMENDED MOTION:** Motion to accept the minutes, as presented.

**STRATEGIC PLAN LINK:**

Goal 1. Financially Sound City Providing Quality Basic Services

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 1c. Engaged residents that are well informed and involved in an open governance process

**BACKGROUND:** N/A

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** N/A

**FINANCIAL IMPACT:** N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham

**ATTACHMENTS:**

[ZBA Minutes - 2024-01-17.pdf](#)



**MINUTES**  
**ZONING BOARD OF APPEALS - REGULAR SESSION**  
**WEDNESDAY, JANUARY 17, 2024, 4:00 PM**

The Zoning Board of Appeals convened in regular session at 4:02 PM, January 17, 2024. called the meeting to order.

**Roll Call**

| Attendee Name    | Title            | Status  |
|------------------|------------------|---------|
| Terry Ballantini | Vice Board Chair | Present |
| Michael Straza   | Board Chair      | Present |
| Ross Webb        | Board Member     | Present |
| Tim Foley        | Board Member     | Present |
| Zachary Zwaga    | Board Member     | Present |
| Victoria Harris  | Board Member     | Present |
| Nikki Williams   | Board Member     | Absent  |

City Staff present included Jon Branham, City Planner; Alissa Pemberton, City Planner; John Myers, Assistant City Planner; Kelly Pfeifer, Assistant Director of Economic & Community Development, and George Boyle, Assistant Corporation Counsel.

**Public Comment**

*Individuals wishing to provide emailed public comment must email comments to [publiccomment@cityblm.org](mailto:publiccomment@cityblm.org) at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person may register at [cityblm.org/register](http://cityblm.org/register) at least 5 minutes before the start of the meeting.*

No public comment was provided.

**Consent Agenda**

*Items listed on the Consent Agenda are approved with one motion; Items pulled from the Consent Agenda for discussion are listed and voted on separately.*

**Vice Board Chair Ballantini made a motion, seconded by Board Member Harris, to approve the consent agenda as presented.**

**AYES:** Board Chair Straza; Vice Board Chair Ballantini; Board Member Webb; Board Member Harris; Board Member Zwaga; Board Member Foley

**Motion passed.**

Item 4.A. Review and approval of the minutes of the December 20, 2023, regular meeting of the Bloomington Zoning Board of Appeals.

## Regular Agenda

*The following item was presented:*

Item 5.A. SP- 01- 24 - Public hearing, review, and action on a request submitted by Glass America, for approval of a **Special Use Permit** for a Vehicle Repair & Service Use, in the B-1 (General Commercial) District for the property located at 1706 E. Hamilton Road (PIN: 21-15-179-006).

Mr. Branham presented the staff report and background on the request, with a recommendation for approval. He explained that the proposed use of Vehicle Repair & Service requires a Special Use Permit in the B-1 (General Commercial) District. He noted the applicant plans to minimally modify the interior of the property. No exterior modifications are proposed. He reviewed other conditions of the site and the surrounding properties.

Vice Board Chair Ballantini inquired whether the property was currently occupied.

Mr. Branham noted that it is currently unoccupied and previously was used for Construction Services.

**Rusty Robins (1706 Hamilton Road)**, Applicant, clarified the activities that would occur within the building. He stated the business provides glass services for vehicles such as windshield repair, calibrations, and replacement. He noted that they are leasing the property.

Board Chair Straza closed the public hearing.

**Board Member Harris made a motion, seconded by Board Member Webb, to establish findings of fact that all standards for approval of a Special Use Permit are met and to recommend approval of the request submitted by Glass America for a Special Use Permit for a Vehicle Repair and Service Use in the B-1 (General Commercial) District, for the property located at 1706 E. Hamilton Road.**

**Roll call.**

**AYES:** Board Chair Straza; Vice Board Chair Ballantini; Board Member Webb; Board Member Harris; Board Member Zwaga; Board Member Foley

**Motion passed.**

## New Business

Mr. Branham presented a variety of potential text amendments to receive input from the Board. He noted the updates would include removing the Special Use Permit requirement from chicken-keeping and permitting six-foot-tall fences in portions of the Required Front Yard on corner lots.

Board Member Williams arrived at 4:10PM.

Mr. Branham explained an application and annual registration process for chicken-keeping would be required and would be added to the schedule of fees. He also noted there would be additional clarification for the chicken enclosures.

Vice Board Chair Ballantini expressed concern for public comment that is typically seen with chicken-keeping applications.

Mr. Branham stated that chicken-keeping is considered an accessory use and will follow standard protocol in the event of a received complaint. He added that most of the chicken-keeping complaints are due to unpermitted chickens. He also noted that beekeeping originally started as a Special Use, but now is a permitted accessory use. He also provided data regarding the history of chicken-keeping cases over the past few years.

Ms. Pemberton stated staff will still need to review chicken keeping permits to ensure compliance with the Code. She noted that the goal is to reduce the costs, work, and time associated with chicken keeping.

Board Member Webb asked how the fee is determined.

Mr. Branham explained the current filing fee required for Special Use Permits. He stated they would review similar application fees for the proposed fee structure.

Ms. Pemberton added that accessory use permits were the basis for the proposed fee structure.

Mr. Boyle noted that it is important to remember that fees are not supposed to be used to encourage or discourage behavior.

Vice Chair Ballantini restated his concern for residents who live within proximity to chicken-keeping locations and their ability to be heard in a public forum.

Ms. Pemberton stated through research, unpermitted chickens cause most of the issues. She noted that complaints would be submitted to Community Enhancement and will be handled according to their protocol.

Board Member Harris asked about data for complaints after approval.

Ms. Pfeifer stated complaints could not be discerned. She noted that inspectors and property maintenance employees noted it was unpermitted chickens causing the most issues. She explained that the Economic & Community Development Department is prepared to handle these cases internally.

Mr. Branham reviewed the proposed text amendment regarding fence height and the updated site diagram. He noted the proposed amendment would maintain sight vision requirements and provide pedestrians ample space along public sidewalks.

Vice Board Chair Ballantini inquired if this would impact any of the recently reviewed cases.

Mr. Branham stated that some of the variance cases for residential fence height would not have been necessary with the proposed changes.

Board Member Foley inquired whether the proposed changes would affect alleyways.

Mr. Branham stated the setback and sight distance requirements have been addressed to maintain safety at intersections of alleyways, streets, and driveways. He stated fences would still be allowed at six-foot heights along alleys which adjoin Required Rear Yards.

Ms. Pfeifer noted that the Zoning Board of Appeals is meant for extreme hardships concerning land. She stated the proposed text amendments are meant to reduce the number of cases coming before the Board.

## Adjournment

**Vice Board Chair Ballantini made a motion, seconded by Board Member Harris, to adjourn the meeting.**

**AYES:** Board Chair Straza; Vice Board Chair Ballantini; Board Member Webb; Board Member Harris; Board Member Zwaga; Board Member Foley; Board Member Williams.  
**Motion passed.**

The Meeting Adjourned at 4:27 PM

## CITY OF BLOOMINGTON

---

Chair Michael Straza

---

Jon Branham, Staff Liaison



**REGULAR AGENDA ITEM NO. 5.A.**

**FOR ZONING BOARD OF APPEALS:** February 21, 2024

**WARD IMPACTED:** Ward 7

**SUBJECT:** SP-02-24 - Public hearing, review, and action on a request submitted by McLean County Center for Human Services, for approval of a **Special Use Permit** for an Assisted Living Facility, in the B-1 (General Commercial) District for three (3) acres of property generally located immediately south of and adjacent to the property located at 1302 Martin Luther King Drive. (Part of PIN: 14-31-477-006).

**RECOMMENDED MOTION:** Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend **approval** of the request with the condition that interior and perimeter parking lot requirements are met.

**STRATEGIC PLAN LINK:**

Goal 5. Great Place - Livable, Sustainable City

Goal 3. Grow the Local Economy

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 5b. City decisions consistent with plans and policies

Objective 3a. Retention and growth of current local businesses

**BACKGROUND:** The Applicant seeks a Special Use Permit to allow an Assisted Living Facility in the B-1 (General Commercial) District, per § 44-502B.

- No waivers of Use Provisions are requested.
- The facility would include a total of 25-units within a four-story building.
- The Applicant proposes to occupy currently vacant farmland property.
- Vehicular access will be provided via a new curb cut along Martin Luther King Drive.
- A total of 30 parking spaces are provided, including two accessible spaces.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Notice was published in The Pantagraph on Tuesday, February 6, 2024. Courtesy notices were mailed to 31 property owners within 500 feet of the subject property.

**FINANCIAL IMPACT:** Growth of local tax base.

Respectfully submitted for consideration.

Prepared by: Jon Branham

**ATTACHMENTS:**

[SP-02-24 - Staff Report.docx](#)

---

**TO:** ZONING BOARD OF APPEALS

**FROM:** Economic & Community Development Department

**DATE:** February 21, 2024

**CASE NO:** SP-02-24, Special Use Permit for Assisted Living Facility

**REQUEST:** Public hearing, review, and action on a petition submitted by McLean County Center for Human Services requesting approval of a Special Use Permit for an Assisted Living Facility in the B-1 (General Commercial) District, for three (3) acres of property generally located immediately south of and adjacent to the property located at 1302 Martin Luther King Drive. Part of PIN: 14-31-477-006.

---

### BACKGROUND

*Request:*

The Applicant seeks a Special Use Permit to allow an Assisted Living Facility in the B-1 (General Commercial) District, per § 44-502B which indicates Assisted Living Facilities may be permitted as Special Uses in the B-1 District. No waivers to Use Provisions are requested. The Applicant proposes to construct a 25-unit, four-story Assisted Living Facility at the property with associated parking (30 spaces). Interior and perimeter parking lot landscaping should be provided. All other bulk and site standards have been met. A detention basin is provided on-site. A direct pedestrian connect to the public sidewalk and bicycle parking have been provided.

*Notice:*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Tuesday, February 6, 2024. Courtesy notices were mailed to 31 property owners within 500 feet of the subject property.

### ANALYSIS

*Property Characteristics:*

The subject property consists of three (3) acres of land generally located immediately south of and adjacent to the property located at 1302 Martin Luther King Drive. The property is currently vacant farmland. Neighboring properties contain a mix of commercial and office uses as well as additional vacant farmland.

*Surrounding Zoning and Land Uses:*

| Zoning |                          | Land Uses                |
|--------|--------------------------|--------------------------|
| North  | B-1 (General Commercial) | Construction Services    |
| South  | B-1 (General Commercial) | Farmland                 |
| East   | B-1 (General Commercial) | Offices (Medical)        |
| West   | B-1 (General Commercial) | Vehicle Repair & Service |

*Description of Current Zoning District:*

The B-1 (General Commercial) District is intended to facilitate the development of community and regional commercial areas. Customers in this district will generally use a motor vehicle to reach a desired establishment. The development contemplated in this district has such distinguishing characteristics as unified site planning and development that promotes a safe and conducive atmosphere for large volumes of shoppers; site accessibility such that the high volumes of traffic generated create minimal congestion and adverse impact upon surrounding land use; and unified architectural treatment of buildings rather than an assemblage of separate, conflicting store and structural types. (§ 44-501A).

*Subject Code Requirements:*

§ 44-502B, "Allowed Uses Table" indicates Assisted Living Facilities permitted as a Special Use in the B-1 District.

§ 44-1019, Group Living Facilities, Boarding and Rooming Houses, Homes for the Aged Use Provisions.

## **STANDARDS FOR REVIEW**

The Zoning Board of Appeals (ZBA) shall hold at least one public hearing on any proposed Special Use and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Special Use meets all of the Standards of Approval listed in § 44-1707H and discussed below.

Special Use Permit for Assisted Living Facility in the B-1 (General Commercial) District.

- 1. The establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.**

The establishment, maintenance, and operation of an Assisted Living Facility is appropriate for this location and will not be detrimental to the public health, safety, comfort, or general welfare of the other surrounding uses. Standard is met.

- 2. The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

The designation on the City's Future Land Use Map for this area is "Regional Commercial"; the proposed Special Use would not have a negative impact on other uses appropriate for within that designation. The Special Use would contribute to Goal ED-4 (Enhance the image of Bloomington as a business-friendly City), and Objective ED-4.2 (Prioritize infill and redevelopment to spur growth and reinvestment in the City) of the 2035 Comprehensive Plan. The proposed Special Use can be expected to maintain property values within the neighborhood by ensuring active occupancy and maintenance of the property. Standard is met.

- 3. The establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.**

The proposed use is consistent with the character of other uses in the area. A significant portion of the area is still undeveloped farmland. The uses adjacent to the site include compatible commercial uses. A medical office is located directly to the east of the site, across Martin Luther King Drive. The property is completely surrounded by B-1 zoning. Standard is met.

4. **Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.**

City water and sewer are already available to the property, roadway and sidewalk access is existing. Standard is met.

5. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

Ingress and egress are proposed to be provided by a new curb cut along Martin Luther King Drive which would align with the existing curb lot for the medical offices located directly east of the site. Parking standards on the surface lot proposed at the site are adequate and meet Code requirements. Standard is met.

6. **The Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.**

The proposed Assisted Living Facility use meets the bulk and site standards for the District, and the additional use provisions. No waivers are requested or provided as part of this Special Use Permit. Standard is met.

#### **STAFF RECOMMENDATION**

Staff finds that the application meets all the standards for a Special Use Permit and recommends that the Zoning Board of Appeals take the following actions:

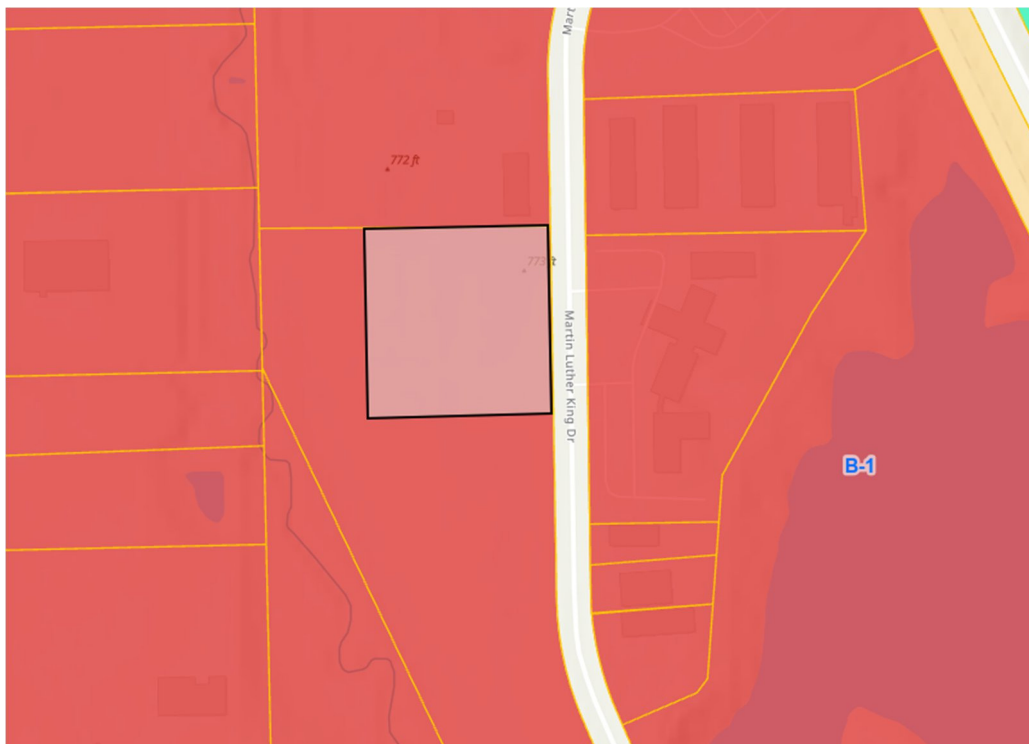
Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend approval of the request with the condition that interior and perimeter parking lot landscaping be provided.

Respectfully submitted,  
Jon Branham  
City Planner

#### **Attachments:**

1. Zoning Map
2. Aerial Image
3. Ground-Level Views
4. Site Plan
5. Neighborhood notice map

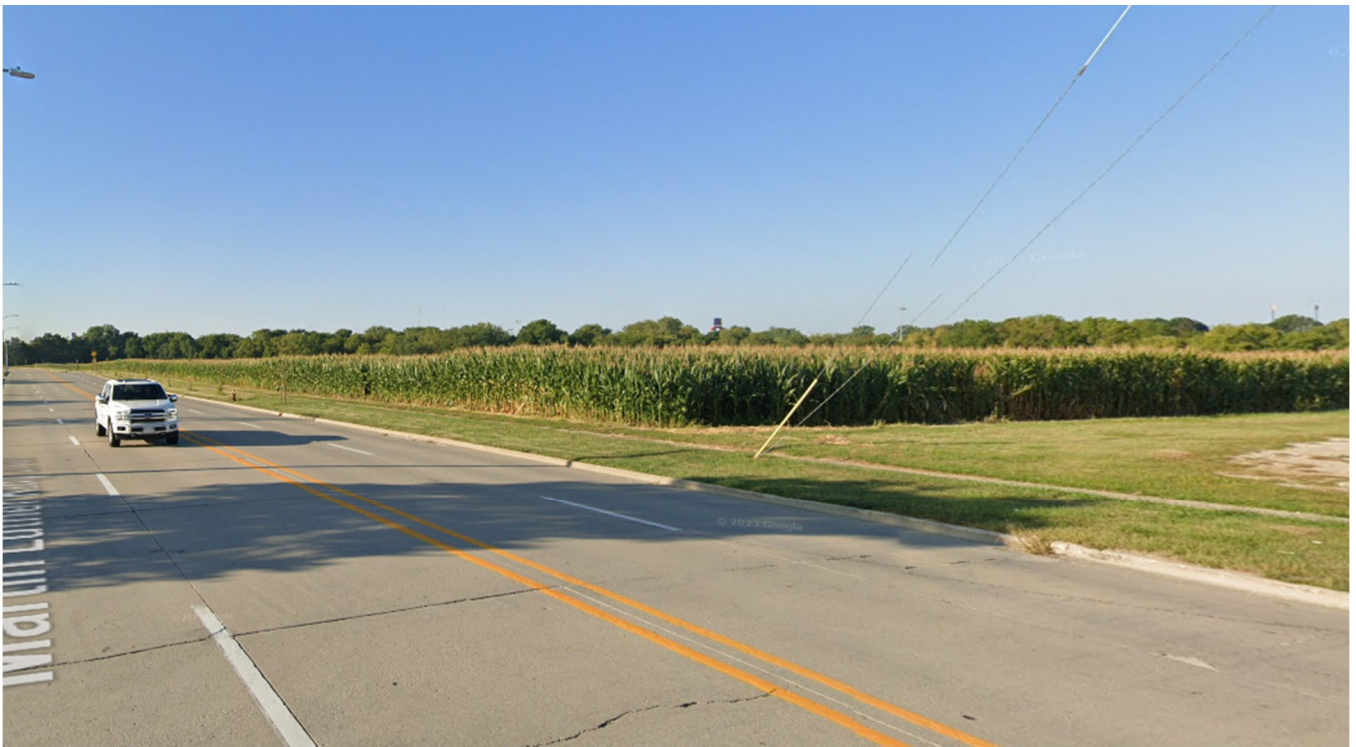
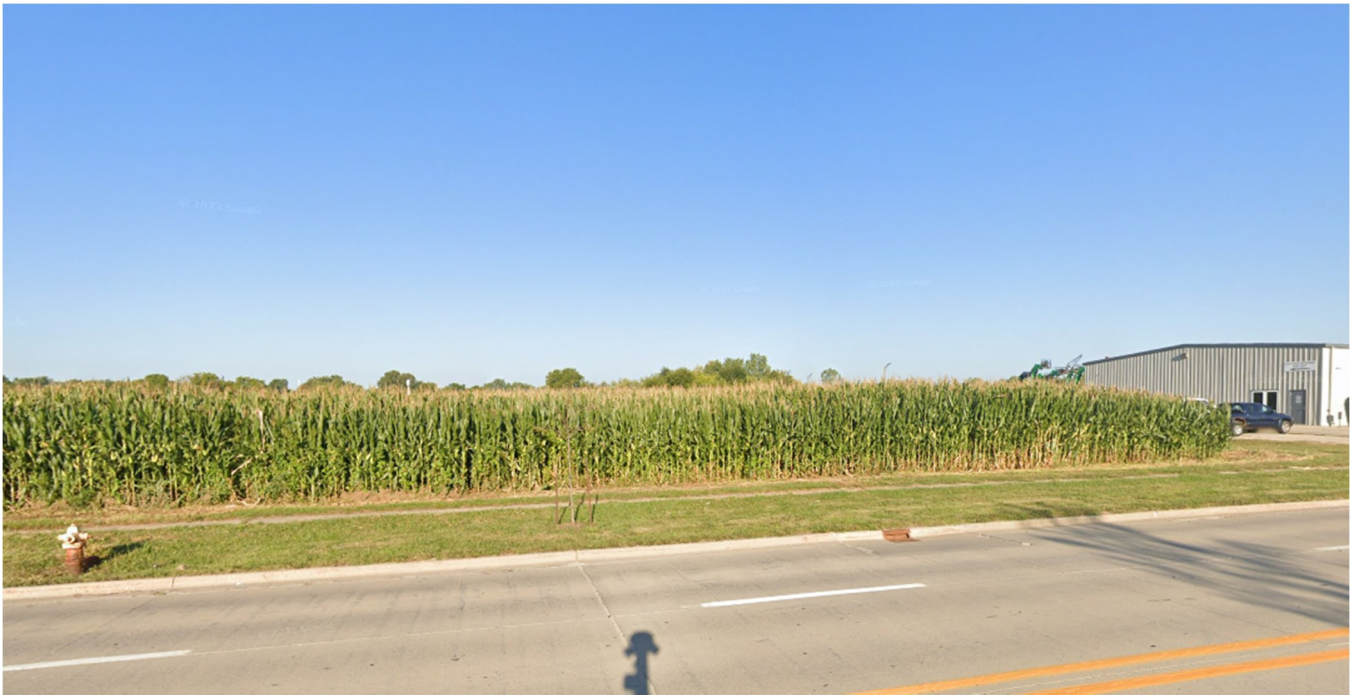
Attachment 1 - Zoning Map



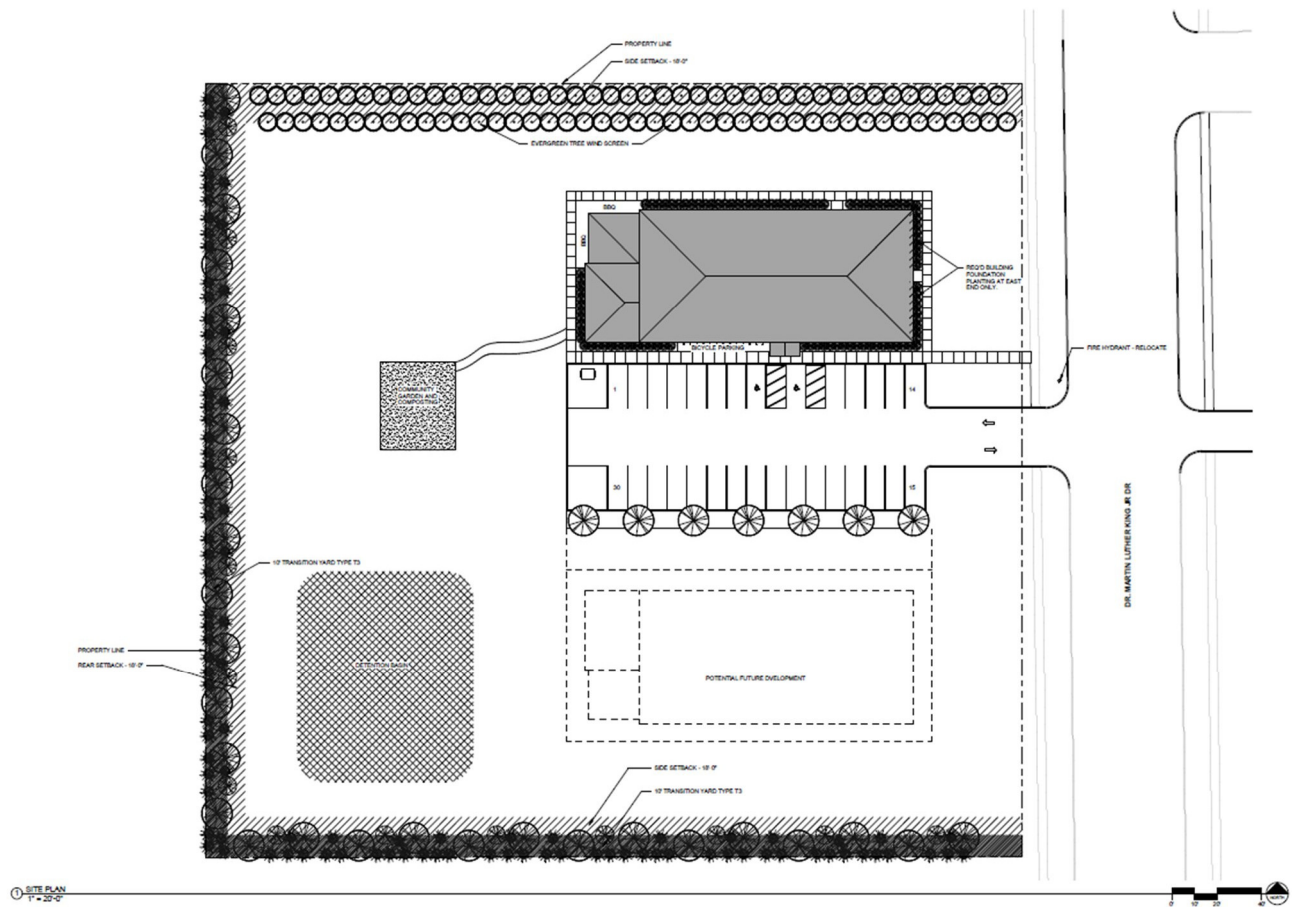
Attachment 2 - Aerial Image



Attachment 3- Ground-Level Views



*Attachment 4 - Site Plan*



Attachment 5 - Neighborhood notice map

