

**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, FEBRUARY 19, 2014, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE ST., BLOOMINGTON, IL**

Members present: Ms. Meek, Mr. Kearney, Ms. Buragas, Mr. Briggs, Mr. Zimmerman, Mr. Ireland, Mr. Simeone

Also present: Mr. Woolard, City Planner
Mr. Huber, Director Planning and Code Enforcement
Mr. Koehler, Interim Director Planning and Code Enforcement

Mr. Woolard called the meeting to order at 3:06 p.m. and called the roll. A quorum was present.

The Board reviewed the minutes from January 15, 2014. The Board had no corrections and the minutes were accepted as printed.

REGULAR AGENDA:

SP-01-14 Public Hearing and Review on the petition submitted by Luther Oaks, Inc. requesting approval of a special use permit for a nursing home for the property located at 601 Lutz Road. Zoned S-2, Public Lands and Institutions District. (Ward 2).

Chairman Ireland introduced the case and referenced a memo from the petitioner requesting a continuation. Chairman Ireland asked for anyone who would like to speak regarding the petition and no one spoke. Mr. Simeone moved to lay-over the SP-01-14 petition to the next meeting with a second given by Mr. Briggs.

Mr. Kearney asked if a second neighborhood notice will be sent. Mr. Huber stated that the state statute is set so if the neighbor were attending this meeting, then one would know about the lay-over. A second public notice is not required as this meeting would be an opportunity for anyone to speak. Mr. Huber stated that the proper public notification sign was posted on the property and will remain until this case is resolved.

The motion to lay-over case SP-01-14 was approved with seven (7) voting in favor and zero (0) against.

Z-02-14 Public Hearing and Review on the petition submitted by Andrew Hunt to allow the expansion of a day care center and to allow a variance from the Zoning Ordinance to reduce the required minimum number of parking spaces for the property located at 1415 Woodbine Road. Zoned B-1, Highway Business District. (Ward 3).

Chairman Ireland introduced the case and asked for anyone who would like to speak in favor of the petition to come forward. Mr. Briggs stated he is familiar with Scribbles through his granddaughters approximately 2.5 or 3 years ago. Mr. Andy Hunt, 1405 Winterberry Circle, Bloomington, IL, was sworn in and gave a brief history of the Scribbles center and described the expansion plans which present a possible shortage of parking. Mr. Hunt explained his findings regarding the current traffic flow, children's safety, the current parking lot and similar facilities

in Normal. Mr. Hunt suggested there is a traffic flow issue instead of an occupancy issue. One time a year there is street parking. Mr. Hunt said there is currently no parking on the street and described the safety measures in the current parking layout. He stated that the expansion plan would include about 189 students, a 40% increase and another four to five equivalent full time staff. Ms. Buragas asked for projected parking needs after the addition. Mr. Hunt stated the anticipated lot usage to be increased to 77% from 61% of the current usage. Based on these findings, the required additional 11 spaces is already available. There are actually 13 spaces available which covers the required 11 with two extra. For this reason, it seems a contradiction to enlarge the parking lot and hence the reason for the variance request.

Mr. Hunt said since the center has 2/3 of their children above age 2, it can be considered an educational center. There was discussion on the parking requirements for education verses day care. Mr. Kearney asked how often during the year would all folks show up? Mr. Hunt stated the Fall Party or Halloween is the largest attended event. That is the only time parking in the street occurs.

Mr. Simeone stated the parking requirement can be accomplished. Mr. Hunt agreed, however the required change would not allow for the bus turn around, would create a bottle neck at the entry, ruin the line of site for safety and would have cars backing into a drop off area. The anticipated added staff and traffic would still be accommodated with current parking spaces.

Chairman Ireland asked for anyone else who would like to speak in favor of the petition to come forward. Mr. Russel Francois, 15864 E. 910 N. Rd, Bloomington was sworn in and commented on this facility has more ratio of space to student in respect to more square feet per student that is typically associated with child care and child education facility.

Chairman Ireland asked for anyone who was in opposition of the petition and no one spoke.

Mr. Woolard explained there has been a code amendment to address street parking which caused congestion in previous situations. The code change was to accommodate the need for more parking. A discussion ensued regarding application of principal use definitions and parking space calculations. Mr. Huber stated the current parking requirements were a result of the situation where three daycares were built under the provision of 1 space per 600 gross square feet. During peak times, the management expected employees to park on the street due to lack of parking spaces for the coming and going of the parents. This resulted in the streets being clogged. The requirement for off street parking was not adequate for the needs, so the code was modified. The 1 per 250 was used based on the industry standard. Mr. Huber noted that the code has not been redone since 1979 and there are discussions about updating the code.

Ms. Buragas clarified that if there are complaints after the variance is approved then we can revisit this pursuant to the code. Mr. Huber suggested that language be included in the motion that would allow grounds to revisit this issue if needed. Mr. Simeone suggested would undercut the zoning for spaces not people. Mr. Huber proposed a compromise from the codes strictest wording of the code. We could demand they provide this based on what they have now, but based on the safety concerns and a few other things, let's give them an opportunity. Mr. Simeone understood and asked legal limits of children in a facility. Mr. Huber stated children limits are set by DCFS and others. Even if they maximize the occupancy of the building, the code looks at the gross square feet of the building.

Mr. Woolard pointed to his many site plan review experience regarding this type of parking lot. He stated that the additional spaces do not mean more safety hazards. This is not a type of lot with long aisles that provide opportunity for vehicles to accelerate. The speed of traffic is low and the expansion of the additional spaces do not provide for acceleration. If someday street parking begins, that would be more hazardous. Today this street is a dead-end, but in the future there will be a through street, and on-street parking would be much more hazardous.

Ms. Buragas moved to condition the variance request provided if complaints come in, the city can re-evaluate whether strict compliance with the code is required. Ms. Meek seconded the motion.

Mr. Kearney stated concern over the loose language and the need for staff monitoring as a recipe for further arbitration. No previous cases could be cited to support this type of language. Mr. Simeone concurred with Mr. Kearney, however as a lessor experienced board member, doesn't want to vote for this variance unless the language is included. Ms. Buragas stated her persuasion by the petitioner is based on the presented evidence and is equally concerned with the city parking requirements as the code exists for a reason. That's why the added amendment is to insure that if there are problems, the city has the power to act. Mr. Kearney stated there needs to be clarity for what level of complaints and actions. It appears this board is delegating to the city what should be decided here. Ms. Buragas stated that this process would begin again with this board. Mr. Kearney asked how the process would take place. Chairman Ireland referred to Mr. Huber's direction that this part of the code is not specific and the added language tightens this up a little. Mr. Kearney questioned if this was in their authority. The amendment addresses apply to the property, not the owner.

The vote on the motion for a condition of approval of case Z-02-14 was approved with a vote of six (6) voting in favor and one (1) against with the following votes being cast on roll call: Ms. Buragas—Yes; Mr. Zimmerman—Yes; Mr. Kearney—No; Mr. Simeone—Yes; Mr. Briggs—Yes; Ms. Meek—Yes; Mr. Ireland—Yes.

Chairman Ireland stated if problems arise in the future this provision addresses the policing allowed and that the city would make the determination.

The vote on the variance of case Z-02-14 was approved with a vote of seven (7) voting in favor and zero (0) against with the following votes being cast on roll call: Mr. Briggs—Yes; Ms. Meek—Yes; Mr. Simeone—Yes; Mr. Kearney—Yes; Mr. Zimmerman—Yes; Ms. Buragas—Yes; Mr. Ireland—Yes.

PUBLIC COMMENT: None

OTHER BUSINESS:

Election of Chairman: Chairman Ireland turned this item over to the clerk. Mr. Woolard explained there is a nine year term limit. Mr. Simeone nominated Mr. Kearney. Mr. Kearney nominated Mr. Ireland.

Ms. Buragas asked if there were by-laws for this board. Mr. Woolard stated that he could not locate any, but the code has a provision to follow Roberts's rule of order, but it doesn't specify Chair or Vice Chair.

Mr. Huber stated the intention of the ordinance passed by the city council was to apply across all boards. Since the specifics are not before us, Mr. Woolard can provide them for the next month's meeting. A definitive action can be done next time after staff has provided the board with the details.

Ms. Buragas asked Mr. Kearney if he would be interested in the Chair position. Mr. Kearney conveyed that Chairman Ireland runs a very good meeting with the right temperament. Mr. Kearney suggested that Chairman Ireland places considerable more time into preparation than Mr. Kearney would have available at this time. Chairman Ireland gave a history of the Chair positions. Chairman Ireland asked that Mr. Woolard provide information for the next meeting. Ms. Buragas concurred. Mr. Woolard will add the agenda item for the next meeting.

Mr. Huber announced his retirement and introduced the interim Director, Frank Koehler for the PACE department. Mr. Koehler has come on board to help while the city searches for a permanent Director. He has about 35 years of local government experience within many areas of planning, zoning and community development.

Chairman Ireland thanked Mr. Huber for his help through the years. The members of the board shared their sentiments and gratitude for the years of Mr. Huber's service.

Mr. Woolard announced the city is embarking on a vigorous visioning and comprehensive planning process. It will be directed by the Regional Planning Commission.

NEW BUSINESS:

Mr. Briggs noted the last petitioner cited a confusing part of the code and the need for understanding the difference between educational services and day care services with regard to parking. The table stated institution and education. Preschool seems to be under educational and the daycare is not. In an effort to be consistent or clear, it would be good to be clear for another person with the same situation who might petition the board. Mr. Woolard explained the new comprehensive plan will provide direction for changes to the ordinances.

ADJOURNMENT: 4.50 p.m.

Respectfully;

Mark Woolard