

**MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, FEBRUARY 13, 2019 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

MEMBERS PRESENT: Mr. Kevin Seuss, Mr. John Protzman; Ms. Megan Headean; Mr. Mark Muehleck; Mr. Thomas Kreiger, Mr. Tyson Mohr; Ms. Megan McCann; Chairman Justin Boyd, and Mr. David Stanczak arrived at 4:10 PM

MEMBERS ABSENT: Mr. Eric Penn

OTHERS PRESENT: Ms. Katie Simpson, City Planner; Ms. Izzy Mandujano, Assistant City Planner; Mr. Bob Mahrt, Community Development Director; Mr. George Boyle, Assistant Corporate Council; Mr. John Houseal, Houseal Lavigne & Associates

CALL TO ORDER: Chairman Boyd called the meeting to order at 4:01 PM. Mr. Mahrt called roll. With nine members present, a quorum was established.

PUBLIC COMMENT:

Phil Boulds, owner of Mugsy's Pub, provided comment on the language in the proposed zoning ordinance. He stated his concerns that the code is form based, and that the new ordinance may be more restrictive and will seek to control individual design. Mr. Boulds mentioned a video on form based code presented by Julie Hyle from which he obtained some of his information on form based code and zoning ordinance updates.

Dale Naffziger, owner of Growing Grounds Garden Center, provided comment that the language in the proposed zoning ordinance contains form based code language. He is concerned that small business owners are struggling and the proposed zoning ordinance will only make it more difficult for them to continue operating in Bloomington. Mr. Naffziger also mentioned the video presented by Julie Hyle and the information that form based code may be hidden within a standards zoning ordinance, and the Commission should consider changing the language.

MINUTES: The Commission reviewed the minutes of the January 9, 2019, regular meeting of the Bloomington Planning Commission. Mr. Mohr motioned to approve the minutes as presented; Mr. Kreiger seconded the motion. The January 9, 2019 minutes were approved by voice vote 9-0.

REGULAR AGENDA

Z-24-18 Public hearing, review and action on a comprehensive amendment to the Bloomington Zoning Ordinance, Chapter 44 of the Bloomington City Code, initiated by Resolution 2018-54. (Continued over from 12/12/18)

Z-25-18 Public hearing, review and action on map amendments to the Official Zoning Map for multiple properties in the City of Bloomington, initiated by Resolution 2018-54. (Continued over from 12/12/18)

Chairman Boyd introduced the case and explained this public hearing is continued from the December 12, 2018 regular Planning Commission meeting. Ms. Simpson provided a brief update from staff. Ms. Simpson summarized the outreach and process. She explained staff began reviewing the existing zoning text in 2016 and the consultants, Houseal Lavigne & Associates, provided recommendations for aligning the zoning text with the goals of the City's Comprehensive Plan. She explained meetings were held with local developers, the Realtor's Association and other stakeholders. She stated that multiple meetings were held with the Planning Commission where each draft division was reviewed and the Commission provided staff and the consultants with feedback and direction. Ms. Simpson stated that City Council passed Resolution 2018-54 on October 1, 2018 which authorized staff to move forward with public hearings to adopt the draft amendment dated July 30, 2018, which was posted online for months before the hearing, as well as to hold public hearings and initiate zoning map amendments that would occur as a result of the revisions to the ordinance text. There were two open houses with downtown business and other with the public in general. On October 17 the Zoning Board of Appeals reviewed Division 17, the procedures section, and provided comments to the Planning Commission. On October 24, 2018 the first public hearing took place, the revised drafts were placed online with comments from that meeting. There was another public hearing in December, and those comments and updates to the draft were put online in January. The most recent draft is before the Commissioner dated February 13, 2019. Staff wanted to ensure that the public and the Commission members had enough time to review each draft and have time to give comments at the following public hearing. The Historic Preservation Commission also reviewed sections in the code which pertained to them.

Ms. Simpson stated the current Chapter 44 regulates zoning for the City of Bloomington. Through the outreach and conversations with the public, business owners, Commissions and Houseal Lavigne & Associates, an analysis of the current code was started. Resulting in some findings, including outdated standards and uses, a lack of definitions for modern uses, difficulty to use, lacking in graphics and excessive standards like in parking. The consultants reviewed the single family lots, and found that there were many nonconforming lots. There were also ineffective zoning classifications. What was found in the code to work for the City was not changed. Parking requirements were updated and dimensions were reduced. Developers have mentioned that they are very interested in the new requirements, as they will be able to have incentives for accommodating bicycling parking and the reduced amount of parking and the size of the stalls will make development more viable. Ms. Simpson also mentioned that the nonconforming status of approximately 3,000 homes will be reduced. In the proposed ordinance the special uses section will be updated and the standard revised. Apiaries and chickens are now added in the proposed draft ordinance. Solar and wind technology has also been added. Zoning classification which were redundant and underutilized were also reviewed. The C-3 Regional Shopping District will be combined with B-1, Highway Business District because they were producing similar type of developments. Some of the requirements from each classification was taken to create B-1 General Commercial District. The same thing was done with the current C-2 and B-2 districts.

Ms. Simpson stated that at the public hearing on December 12, 201, there were some comments from residents as well as from the Bloomington Normal Area Realtors Association. Some of those comments have been integrated into the most recent draft. One of the major revisions includes the R-3B purpose and intent statement which was updated to reflect what the district looks like currently and what the district is striving for. The Historic Preservation Commission also reviewed sections pertaining to Historic Preservation and decided to first update the Historic Preservation Plan and the Commission's goals. City staff is recommending the Planning Commission provide City Council with a positive recommendation to adopt the proposed zoning ordinance text amendments dated February 13, 2019.

Ms. Simpson stated that map amendments would be needed to accommodate districts that were created as well as districts that were consolidated and eliminated. The first district to be eliminated is the B-3 Central Business District, and creating the D-1, D-2 and D-3 downtown districts. The second is combining the B-1 and the C-3 districts as mentioned previously. The C-2 and B-2 districts were also combined. The W-1 district was eliminated. Ms. Simpson showed a proposed zoning map and highlighted the zoning changes that would occur as a result of the text amendment. City staff is recommending the Planning Commission provide City Council with a positive recommendation to adopt map amendments to the Official Zoning Map.

At the previous public hearing there were concerns from the public regarding the R-3B district surrounding the downtown. The comments received stated that the purpose of the district should be to encourage preservation and not redevelopment. The area is unique and it contains various densities and historic properties. The Planning Commission directed staff to review further the cost of development in the area and to investigate the possibilities of changing the zoning of some of these sites.

Various things would have to happen in the district to accommodate a 70 unit development, and at least an acre of land. There would have to be the acquisition of property to combine for such a development. Demolition would have to take place as well, abatement of asbestos and the possible addition or updating of infrastructure. There will be construction costs, developer fees and an architect and engineer among others who would need to be hired for a project like this. Staff looked at cost for similar developments in the region and based on that research, a project like this would cost approximately \$9,500,000.00. Staff looked at Dimmitt's Grove to do a preliminary parcel analysis. And from the 139 properties that were looked at with the R-3B zoning, 33 sites are currently non-conforming. If those sites were rezoned to R-2, 100 conformities would be created. If those sites were rezoned to R-3A, approximately 85 non conformities would be created, based on lot square footage and number of units. Staff believes this should be part of a larger discussion with City Council. Staff is recommending City Council complete further analysis on the appropriateness of the R-3B district near downtown and establish a policy to dictate potential zoning changes in that area.

Chairman Boyd asked for clarification between form based code and what is being presented. Ms. Simpson stated that there is form based code established for the GAP district in 2006. However the proposed zoning ordinance which would apply to the entire city is not form based code. Mr. Houseal stated that form based code is a specific way of presenting code. A form based code dictates what the physical form of the built environment will be. He along with staff

discussed the possibility of eliminating the existing form based code for the residential GAP districts but the community rejected that notion. There are not form based code requirements or regulations for the residential or commercial districts in the proposed code. Development should be safe and accessible, layout should allow for proper circulation and look cohesive, something that can be worked out between the landlord and tenants. A unified appearance is open to interpretation and would be individual based on the size of the site and number of tenements. The proposed code does not dictate what the cohesive development would look like. Chairman Boyd confirmed that there is no language in the proposed code which dictates style, color or specific locations for door or windows on developments.

Mr. Mohr asked for an example of development that was not done in a cohesive manner. Mr. Houseal stated that development will be reviewed by staff for safety, circulation and cohesiveness. The code will not dictate what that will look like and will give developers the opportunity to bring ideas to staff and how they would like to achieve these things. Ms. Simpson stated different parcels along Veterans Parkway put together would be an example of development that is non cohesive, since they are all different with various façade treatments. However an example of cohesive development are the strip malls that were developed individually maintaining the same façade treatment making it appear more cohesive. Mr. Houseal stated that the language exists in the code for these developments. It is combining language from two zoning classifications.

Chairman Boyd opened the floor for testimony.

Mr. Phil Boulds, owner of Mugsy's, was sworn in. He stated he still has concerns with the code having form based code language. He thinks that comparisons between Veterans Parkway and the Main Street corridor should not be made since they are very different types of developments. He is also concerned that the B-1 Highway Commercial District as it is currently defined would change including the name, once the proposed zoning ordinance is passed by City Council. He also called for more transparency.

Ms. Donna Bolan, Ward 2 resident, was sworn in. She stated she is concerned about the possible zoning change to Geneva Court. She stated there are adjacent properties with manufactured homes, but the homes in Geneva Court are modular homes. She would like to ensure that both terms are defined in the proposed zoning ordinance, because they are completely different. She also expressed her concerns about small business and realtors who look at the possibility of having more problems selling property because they will now need to conform to the new code. She gave testimony that if there are business offices in the second floor of a site, there would need to be easier access, such as an elevator, so that anyone can access those businesses.

Dale Naffziger, owner of Growing Grounds Garden Center, was sworn in. He expressed his concerns for the small business owners in the City of Bloomington. Developments with millions of dollars of investment would not be a possibility for them. He stated his concerns with the businesses which are already closing and plan to move out of the City of Bloomington, and does not think more restrictions would be helping them. He would like to ensure that each business has the opportunity to be creative and be eager to come to the City of Bloomington, as well as be

encouraged to stay. He does not want the ordinance to push too hard and go overboard with regulations.

Mr. Stanczak stated that he shares concerns with business leaving the City of Bloomington but that does not have correlation with the proposed ordinance. There was great effort to accommodate what is already existing. There was great detail to reduce the nonconformities across the City of Bloomington. There were also many efforts made to produce an ordinance that is flexible and usable for businesses in the business districts, and the proposed ordinance does not contain restrictions or regulations that would be cumbersome for business owners. He stated that the proposed code contains much of the language and regulations in the current code which is no more restrictive. There was also great effort to get input from many stakeholders across the City of Bloomington and maintained transparency by holding public hearings and making the drafts available.

Mr. Phil Boulds, stated that he appreciated Mr. Stanczak's comments. He is still concerned with the B-1 districts changing and would like to see it stay the same.

Chairman Boyd stated that there has been a great deal of input from many citizens and business owners across the city. The proposed ordinance is more clear and lenient than the current code in some areas. He stated the R-3B, High Density Multiple Family Residence District density concerns that came from the community, are important and should be taken into consideration. He entertained a motion to approve the text amendment as presented with a condition that City Council look at the R-3B district and analyze its appropriateness.

Mr. Muehleck motioned to approve the adoption of the comprehensive text amendment to the Bloomington Zoning Ordinance Chapter 44 dated February 13, 2019, and that the Commission recommend to City Council, that in the upcoming fiscal year, the Council commission a study of the appropriateness of the districts zoned R-3B which are adjacent to the downtown area. Mr. Protzman seconded the motion.

Mr. Mohr asked if a vote in favor would also include updates to the proposed Code given by the Zoning Board of Appeals. Chairman Boyd confirmed that it would all be part of the code and that they would be recommending the proposed ordinance as a whole. Mr. Mohr expressed concerns with the procedural changes made by the Zoning Board of Appeals which would give the Board final say on decisions, only reviewable in court. He would like to ensure that the change does not get lost with everything else.

The motion was approved unanimously with the following votes cast: Mr. Stanczak—yes; Mr. Seuss—yes; Ms. Headan—yes; Mr. Protzman—yes; Mr. Kreiger—yes; Mr. Muehleck—yes; Mr. Mohr—yes; Ms. McCann—yes; Chairman Boyd—yes.

Ms. Simpson addressed the comments from Ms. Bolen. She stated that Geneva Court would be staying R-1H, Single Family Manufactured Home Residence District. There will be no zoning changes. Modular homes are defined in the code and in the building code.

Chairman Boyd declared public comment closed.

Mr. Stanczak motioned to approve the Planning Commission recommend the zoning map as presented, to city council. The motion was seconded by Mr. Kreiger. The motion was approved unanimously with the following votes cast: Ms. McCann—yes; Mr. Mohr—yes; Mr. Muehleck—yes; Mr. Kreiger—yes; Mr. Protzman—yes; Ms. Headan—yes; Mr. Seuss—yes; Mr. Stanczak—yes; Chairman Boyd—yes.

OLD BUSINESS: none.

NEW BUSINESS: none.

ADJOURNMENT: The meeting was adjourned at 5:00 by voice vote, motioned by Mr. Kreiger and seconded by Ms. McCann.

Respectfully submitted,
Izzy Mandujano
Assistant City Planner