

**AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, JANUARY 20, 2016
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**

A public comment period not to exceed thirty (30) minutes will be held during each Board and Commission meeting, as well as all regularly scheduled City Council meetings, Committee of the Whole meetings, meetings of committees and/or task forces (hereinafter "committees") created by the City Council, work sessions, and special meetings of the City Council. Nothing herein shall prohibit the combination of meetings, at which only one public comment period will be allowed.

Anyone desiring to address the Board, Commission, Committee or City Council, as applicable, must complete a public comment card at least five (5) minutes before the start time of the meeting. Public comment cards shall be made available at the location of the meeting by City staff at least 15 minutes prior to the start time of the meeting. The person must include their name, and any other desired contact information, although said person shall not be required to publicly state their address information. If more than five individuals desire to make a public comment, the order of speakers shall be by random draw. If an individual is not able to speak due to the time limitation and said individual still desires to address the individuals at a future meeting of the same type, said individual shall be entitled to speak first at the next meeting of the same type. (Ordinance No. 2015-46))

- 4. MINUTES:** Consideration, review and approval of Minutes from the November 18, 2015 meeting.
- 5. REGULAR AGENDA**
 - A. SP-06-15** Public hearing, consideration, review and approval of the petition submitted by Amerco Real Estate Company for:
 - 1)** A Special Use for a mini-warehouse under the Municipal Code 44.10-4
All for the property located at 1710 RT Dunn Dr. Zoned B-1, Highway Business District. (Ward 1).
 - B. Z-01-16** Public hearing, consideration, review and approval of the petition submitted by Amerco Real Estate Company for:
 - 1)** A variance not to install a fence where a six (6) foot fence is required for a mini-warehouse under the Municipal Code 44.10-4
All for the property located at 1710 RT Dunn Dr. Zoned B-1, Highway Business District. (Ward 1).

- 6. OTHER BUSINESS**
 - A. Discussion of City Attorney Role
 - B. Discussion Office Elections-Vice Chair
- 7. NEW BUSINESS**
- 8. ADJOURNMENT**

**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, NOVEMBER 18, 2015, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE ST., BLOOMINGTON, IL**

Members present: Mr. Briggs, Mr. Kearney, Ms. Meek, Mr. Simeone, Mr. Bullington, Mr. Brown

Members absent: Chairman Ireland

Also present: Mr. Tom Dabareiner, Community Development Director
Mr. George Boyle, Assistant Corporation Counsel

Mr. Dabareiner called the meeting to order at 4:03 p.m. and called the roll. With six in attendance, a quorum was present.

There being no chairman, Mr. Dabareiner asked for nominations for Acting Chairperson. Mr. Kearney nominated Acting Chairman Briggs; seconded by Mr. Simeone. There were no other nominations. The selection of Acting Chairman Briggs to serve as Acting Chairman was **approved** with six (6) voting in favor and zero (0) against with the following votes being cast on roll call: Mr. Brown—Yes; Mr. Bullington—Yes; Mr. Simeone— Yes; Mr. Kearney—Yes; Mr. Briggs— Yes; Ms. Meek—Yes.

Acting Chairman Briggs took his position as Acting Chairman.

PUBLIC COMMENT: None

The Board reviewed the minutes from October 21, 2015 and accepted the minutes with modifications. The modifications included the spelling of Mr. Kearney’s last name. On page 8, “he noted that precedent does not start today” replaced the similar draft phrase. On page 9, add to the end of “...all findings need to be found in favor” the following: “and asked whether the City agreed.” Under Other Business, the “...as allowing replacement of a four foot fence” in place of the similar draft phrase. The minutes as amended were **approved** unanimously.

Acting Chairman Briggs explained the meeting procedures. Mr. Dabareiner stated all items were published.

REGULAR AGENDA:

SP-04-15 Public hearing, consideration, review and approval of the petition submitted by Fred Wollrab and Carol Shepard for: 1) A Special Use for a two-family residence under the Municipal Code 44.6-8.D All for the property located at 1314 Fell Avenue. Zoned R-1C, High Density Single-Family Residence District.

Julia Davis, attorney for the petitioner, 1313 East Washington, Bloomington; Mr. Wollrab, 107 Hilltop Road, Bloomington; and, Ms. Shepard, 7 Thomas Drive, Normal, were sworn in. Ms. Davis remarked on the property’s history before the City with a request earlier this year for a

rezoning to allow multi-family residences at 1314 Fell Avenue. She noted that the new owners are requested a duplex structure, which is allowed as a Special Use, in the R-1C district. Ms. Davis pointed out the building is 20,000 square feet in size and distributed photos of the outside of the structure. She noted the only change is the addition of a wall between the two units and no changes to the footprint are proposed. She added that the property exceeds the zoning requirements for a two-family residence.

Mr. Simeone confirmed that the petitioner was not changing the outside of the house and that separate entrances were planned; Ms. Davis concurred. Ms. Shepard explained the house had additions over the years and is now an L-shape. Mr. Bullington asked if the dark line on the plans indicated where the duplex would be separated and requested clarification that separate kitchens would exist; Ms. Shepard agreed.

Jean Barkoviak, 1310 Fell Avenue, was sworn in. Ms. Barkoviac stated she has lived at 130 Fell for 41 years and praised the exterior paint and maintenance already performed.

Ann Bailen, 1406 North Clinton Boulevard, Bloomington, was sworn in. Ms. Bailen also praised the exterior of the house. She asked about the meaning of Special Use and whether it limited the number or types of residents at the location.

Mr. Dabareiner presented the staff report. He indicated the property's location and provided an aerial photograph and surrounding property photos for context. He explained the Special Use considerations. He noted that the R-1C district contemplates allowing duplex residences, that property's reuse will help property values, and that its conversion would not impede local development. He suggested that limiting parking would discourage the use from evolving into student housing and asked that a limit of four spaces be placed as a condition of approval, along with landscaping over the remaining spaces.

Acting Chairman Briggs explained the Special Use designation and its purpose. Mr. Dabareiner stated that the parking changes should be a condition with Special Use approval. He added the petitioner agreed to reduce the number of parking spaces but to a higher number than the staff recommendation; furthermore, the petitioner had not addressed how the remaining parking spaces would be removed.

Mr. Simeone asked for the definition of multi-family; Mr. Dabareiner responded that 3 or more units in a building constitute multi-family residential. Mr. Simeone asked if four students could rent one of the proposed units; Mr. Dabareiner stated that the City code limits this situation to three unrelated persons living in a single unit, but we respond with code enforcement only if we receive complaints. Mr. Simeone suggested that the request for more parking spaces relates to the potential of having several unrelated individuals renting each unit. Mr. Dabareiner reiterated that staff's recommendation is two spaces per unit, noting that the petitioner may return with a request for more spaces if they establish that need. Mr. Boyle provided a definition of family as any number of individuals who are related by blood or marriage and up to two unrelated individuals. Mr. Brown asked if staff was trying to discourage Illinois Wesleyan students from living in this building; Mr. Dabareiner state that we cannot prohibit anyone from using the space legally, but City code addresses the question in terms of limiting the number of unrelated people living in a single unit. Acting Chairman Briggs noted that historically the building housed students. Mr. Dabareiner mentioned a couple other nonconforming multi-family buildings exist

on the same block, but they would not be allowed to become multi-family residences today in this zoning district.

Mr. Kearney asked if there is any connection between this property and Illinois Wesleyan; Mr. Dabareiner responded no. Mr. Kearney pointed out he works for IWU and asked if the City considered it a conflict in any way for him to participate; Mr. Boyle responded he saw no conflict because no relationship exists between the school and this property. Mr. Kearney asked if the City intended to discourage IWU students from renting these units; Mr. Dabareiner replied that staff and the code are neutral as to who will rent or occupy the units.

Acting Chairman Briggs asked how the parking condition should be phrased; Mr. Dabareiner suggested that the parking be limited to a total of four with the rest of the parking area landscaped.

Ms. Meek suggested that given the size of the building and the units that limiting the parking to a total of four spaces placed a severe restriction on the residences' use. Mr. Dabareiner reiterated that staff's goal was simply to discourage the building from becoming multi-family and added that the Board may adjust the number.

Ms. Davis stated that the property has no affiliation with IWU and the petitioner has no objection to Mr. Kearney voting, in response to Mr. Kearney's question about whether the petitioner saw any potential conflict of interest.

Ms. Davis indicated that the property would need to be rezoned before it could become multi-family; that restricting the parking devalues the property and limits who the tenants could be, especially if a family owns more than one vehicle. Ms. Davis repeated that the code indicates that two spaces per unit is the minimum required. Ms. Shepard stated that some of the remaining parking would become green space but they had not considered the extent or the planting materials yet. Mr. Simeone asked if they would be building a garage; Ms. Shepard indicated that no garage would be built in this phase. Mr. Boyle asked the petitioner to clarify for the record the number of spaces they are requesting; Ms. Shepard indicated eight spaces.

Mr. Wollrab repeated that they had not yet decided what areas would be paved or green space and believed no parking restrictions should be placed on the property. Acting Chairman Briggs repeated that the Board must consider whether conditions exist that would allow the use to change from the approved use; that to fit into the neighborhood, limiting the parking would help prevent it from becoming multi-family. Acting Chairman Briggs stated that the Special Use stays with the property and not the owner; should the current owner sell the property, future owners should be clear about the approved use.

Mr. Bullington recommended limiting parking to four spaces per unit for a total of eight spaces and made a motion to that effect; Mr. Simeone seconded. Acting Chairman Briggs asked the petitioner if the total of eight spaces plus turning the rest into green space was acceptable; Ms. Davis agreed. The motion was **approved** with six (6) voting in favor and none against with the following votes being cast on roll call: Mr. Bullington—Yes; Mr. Simeone—Yes; Mr. Brown—No; Acting Chairman Briggs—Yes; Mr. Kearney—No; Ms. Meek—Yes. Mr. Dabareiner reported a 4-2 vote in favor of the amended condition. Mr. Bullington asked if all other

conditions in terms of compliance with City codes remained part of the recommendation; Mr. Dabareiner confirmed this is the case.

Acting Chairman Briggs requested a toll call vote on the Special Use. The motion was **approved** with six (6) voting in favor and none against with the following votes being cast on roll call: Mr. Brown—Yes; Acting Chairman Briggs—Yes; Mr. Simeone—Yes; Ms. Meek—Yes; Mr. Bullington—Yes; Mr. Kearney—Yes. Mr. Dabareiner indicated he would determine when this case would go before Council and asked the petitioner to contact him.

SP-05-15 Public hearing, consideration, review and approval of the petition submitted by Jonah Smith for: 1) A Special Use for an Antique Store under the Municipal Code 44.4-6 D.3. where a former legal nonconforming use may be replaced with a second nonconforming use provided the second use is less nonconforming or more compatible with the district. All for the property located at 403-405 East Locust Street. Zoned R-3A, Medium Density Multiple-Family Residence District.

Jason Barickman, attorney for the petitioner, 202 North Center Street, Bloomington; Jonah Smith, 1107 West Daniels Street, Champaign; and, Dennis Godbey, 2508-1/2 South Bunn, Bloomington, were sworn in.

Mr. Barickman stated that Mr. Smith is the petitioner and property owner and wishes to sell the property to Mr. Godbey. Mr. Barickman stated that the building is about 2,300 square feet, two stories, and built around 1925; and second story consists of two residential rental units. He added that the first story is commercial space with a bank of large windows facing Locust Street; parking is located next door and loading is in the rear of the building. Mr. Barickman stated the building is zoned R-3A and the proposed antique store is allowed as a special use based on the history of uses in the building. He stated Mr. Godbey plans no structural improvements to the building. According to Mr. Barickman, the petitioner has owned the property since 2012 and the building has included a variety of uses, including a beauty salon and counseling center; he stated that the proposed antique store would be a less nonconforming use than these prior uses.

Mr. Bullington stated that staff is recommending limited hours of operation and a prohibition of “flea market” types of activities; he asked the proposed buyer to address the proposed operations of the store. Mr. Godbey stated his hours of operation are proposed to be open from 10:00AM or 11:00AM to no later than 5:00PM or 6:00PM; weekends would be maybe four hours on Sundays and Saturday would probably be like a weekday. Mr. Bullington agreed to wait until after the staff presentation to review the flea market prohibition.

Ms. Judy Stearns, 316 East Locust, was sworn in. She thanked the ZBA for their sensitivity to historic neighborhoods in the City. She noted that Locust Street carries a lot of traffic. She stated that she and her neighbor are property owners and residences; many others in the corridor are renters. She noted her objections to a few prior proposals for this property, including a convenience store. Ms. Stearns asked for a definition of “antique” store and whether the special use can be limited to that use. She also asked if there is any issue with the owner being the applicant while the buyer has the proposed antique store; what happens to the special use if the sale does not happen? Acting Chairman Briggs stated that the special use goes with the land, not the owner. She also communicated that the neighborhood understands it is a commercial space and that a vacant property is usually not a good thing. She stated that limiting the hours would be

helpful.; she also stated some landscaping between 401 East Locust and 403 East Locust would be nice to have as a buffer.

Mr. Dabareiner presented the staff report. He provided an overview of the location with a zoning map and an aerial photograph. He showed photos from the location's viewpoint. Mr. Dabareiner indicated that the zoning ordinance does not define "antique" store. Mr. Dabareiner ran through the standards after explaining that the code allows another nonconforming use to replace a nonconforming use if the second use is considered less nonconforming, but needs a Special Use. Mr. Dabareiner concluded that the Special Use standards were met. As for hours of operation, staff believes limited them to between 8:00AM and 6:00PM was fine, Monday through Saturday. Staff believes that prohibiting Sunday hours allowed for less impact on the residential neighborhood. Mr. Dabareiner stated that staff was also seeking to restrict flea market activities which are advertised events to attract large volumes of people and outside displays and activities. Ms. Meek asked if tents in the parking lot would be prohibited. Mr. Dabareiner concluded by asking that the parking lot be brought up to current parking lot standards which would entail striping and a possible handicapped space.

Acting Chairman Briggs noted that antique stores are not listed at all as allowed in the R-3A zoning district in the use matrix. Mr. Dabareiner confirmed this and indicated that this is why the proposal is before them, to allow as a special use a less nonconforming use than the prior nonconforming uses. Mr. Bullington asked about the flea market restriction, asking if the concern centers on outdoor events; Mr. Dabareiner indicated staff is concerned about a large event that occurs outside the building, but as long as the sales activity was all indoors, staff had no concerns. Acting Chairman Briggs suggested placing a limit on the number of sidewalk sales.

Mr. Simeone noted that the staff report indicated that one parking space is required per 250 square feet of building space and he asked how many parking spaces was required; Mr. Dabareiner indicated about ten spaces were needed. Mr. Simeone stated that normally the ZBA receives a drawing showing how much parking is available. Mr. Dabareiner suggested asking the petitioner. Acting Chairman Briggs asked about the buffer requirements in the code; Mr. Dabareiner replied that the buffer is required where a commercial district use sits adjacent to a residential district use, so there is no requirement in this case because the zoning is the same across the parcels.

Mr. Barickman stated that Mr. Godbey would like to be open on Sunday, but is open to other limited hours. He also noted that there is no intention to host flea market activities, but Mr. Godbey would like the ability to display items for sale on the sidewalk. Acting Chairman Briggs asked about limiting the amount of on-site sales to off-site sellers; Mr. Barickman indicated that consignment sale of items on behalf of off-site sellers is the norm for antique stores and asked that that no restriction be placed. Mr. Barickman stated that the condition of the parking lot may not be suitable for striping and that the issue of a buffer between the parking lot and 401 East Locust should be a private matter to be worked out between the property owners.

Acting Chairman Briggs agreed there is no definition inside the zoning ordinance for "antique" store. Ms. Stearns asked how this can be regulated to remain an antique store without a definition. Mr. Dabareiner stated that typically when using a zoning ordinance, not everything is

defined, meaning that one refers to a common dictionary for a definition. Ms. Stearns repeated her concerns about display and sales outside of the building and endorsed limiting hours.

Mr. Kearney stated it will be difficult to define some of these terms in this meeting; for example, “antique” is widely defined based on his cursory research so a working definition is not possible right now. Mr. Kearney noted that everyone has an image in their minds of an undesirable-appearing antique store. Mr. Simeone noted that staff will identify a common definition for antique store. Mr. Bullington stated that he does not believe the ZBA should provide a definition for the City of Bloomington; code enforcement should be able to determine whether the store is no longer an antique store. Mr. Boyle confirmed that when the code does not define a term, we go to commonly found definitions and that this approach is enforceable. There was a consensus to not draw up a definition for antique store.

Mr. Dabareiner indicated he had looked at other store hours and felt 8:00PM to 6:00PM was adequate with no hours on Sunday. Ms. Meek stated this is a business and the ZBA should not prohibit Sunday hours.

Mr. Bullington motioned to limit the hours from 8:00AM to 6:00PM Monday through Friday and from 10:00AM to 5:00PM on Saturday and Sunday; seconded by Mr. Simeone. Mr. Barickman indicated the prospective owner is amenable to that restriction, but asked to amend the motion as it applies to Monday through Friday to 9:00AM to 6:00PM because he thinks 8:00AM is too early for a residential neighborhood. Mr. Barickman concurred with the revised hours. The motion was **approved** to place a condition to limit the hours as last indicated with six (6) voting in favor with the following votes being cast on roll call: Mr. Bullington—Yes; Mr. Simeone—Yes; Mr. Brown—Yes; Acting Chairman Briggs—Yes; Ms. Meek—Yes; Mr. Kearney—Yes.

Ms. Meek stated that since the staff recommendation sought to prohibit flea markets, she would prefer no reference to that. Mr. Bullington asked to clarify that the antique store activities be limited to 405 East Locust and that 403 East Locust be limited to only parking, with display and sales activities prohibited from the parking lot; seconded by Mr. The motion was **approved** to place a condition to limit activities on the two properties as indicated with six (6) voting in favor with the following votes being cast on roll call: Mr. Bullington—Yes; Mr. Simeone—Yes; Mr. Brown—Yes; Acting Chairman Briggs—Yes; Ms. Meek—Yes; Mr. Kearney—Yes.

Acting Chairman Briggs asked for a vote on the Special Use. The motion was **approved** to allow a Special Use for an antique store at 405 East Locust with six (6) voting in favor with the following votes being cast on roll call: Mr. Brown—Yes; Acting Chairman Briggs—Yes; Mr. Bullington—Yes; Mr. Simeone—Yes; Ms. Meek—Yes; Mr. Kearney—Yes.

OTHER BUSINESS:

Acting Chairman Briggs noted the clarification that a four-foot fence is allowed in front yards; Mr. Dabareiner apologized for his confusion.

NEW BUSINESS:

Ms. Meek asked about electing a Vice-Chair. Mr. Kearney suggested placing this on the next meeting’s agenda. Mr. Boyle noted that the term “Acting Chair” is what is used in the ordinance; Mr. Bullington concurred. Acting Chairman Briggs indicated that in the past they had a Chair

and Vice-Chair. The question arose as to whether the Chair position needs to be elected too and staff was asked to refer back to the June 14 ZBA meeting for guidance. There was agreement to place "Election of Officers" on the next agenda.

Mr. Kearey suggested placing on the next agenda an item on clarifying roles for the City Attorney's position in attendance at the ZBA. Mr. Kearney indicated that he has not reached his own conclusion yet on the matter; he has great respect for Mr. Boyle. However, he is concerned about clarity of roles from the public's perspective noting that the ZBA has discussed on the record the change that placed the City Attorney here. Mr. Kearney noted it is a change to have the City Attorney sitting on the dais side-by-side with board members; he has concerns about it, indicating that the City Code does not contemplate having the City Attorney sitting at the dais like the Secretary. He indicated that he was concerned that the City Attorney asked the petitioner a question of clarity and stated that he is not sure that the question should not have come from a board member. Mr. Kearney said he would like this placed on the agenda for clarity, while he does some research on his own. Acting Chairman Briggs stated that whenever the ZBA had a legal question in the past, a city attorney came in, responded, then left; agreeing with Mr. Kearney over the concern raised when Mr. Boyle asked a question of the petitioner. Acting Chairman Briggs stated that because the City Attorney represents the City, it may place him in a conflict of interest role with the decision-making of the ZBA; that a city attorney's statements should be advisory only. There was consensus to place this item on the next agenda for discussion.

ADJOURNMENT: 5:50PM

Respectfully,

Tom Dabareiner AICP

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
JANUARY 20, 2016

SUBJECT:	TYPE:	SUBMITTED BY:
SP-06-15 1710 R T Dunn Drive	Special Use to allow mini-warehouses	Katie Simpson, City Planner

REQUEST

The petitioner is seeking a special use to allow mini-warehouses in a B-1 district.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

Owner and Applicant: Amerco Real Estate Company

PROPERTY INFORMATION

Existing Zoning: B-1, Highway Business District
Existing Land Use: Commercial retail (vacant former The Great Escape)
Property Size: Approximately 5.36 acres
PIN: 21-09-452-002

Surrounding Zoning and Land Uses

Zoning

North: B-1, Highway Business District

South: R-4, Manufactured Home Park District

East: M-1, Restricted Manufacturing District
West: B-1, Highway Business District

Land Uses

North: Various (including Knights of Columbus Hall and pawn shop)
South: Mobile home development (across Veterans Parkway/I-55/Historic RT 66)
East: Vacant land/utility (Unincorporated)
West: Commercial (Veterans & Main Plaza strip center)

Analysis

Submittals

This report is based on the following documents, which are on file with the Community Development Department:

1. Application for a Special Use
2. Aerial photographs
3. Site visit

PROJECT DESCRIPTION

The subject site is commonly known as 1710 R.T. Dunn Drive located east of the intersection of S. Main Street and S. Veterans Parkway. The property was formerly used as a Great Escape retailer and is currently vacant. Surrounding uses in the area include apartments, a day care center, mobile homes, banquet hall, utilities, and commercial retail.

Analysis

The petitioner is proposing to redevelop the existing 51,543 square foot building into a self-storage facility plus a new 1,459 square foot mini-storage building fronting Veterans Parkway. The petitioner also plans to provide sixteen (16) additional parking spaces, nine (9) display and seven (7) customer spaces in front of the existing structure, in addition to the parking provided on the north side of the building.

Mini-warehouses in the B-1 district require a Special Use Permit. Within the existing building, there will be a 5,137 square foot retail center. The proposal also includes truck and auto rental, sales and service (which are permitted uses in the B-1 district). The intent of the B-1 District is to “provide for (1) retail, service and amusement establishments that primarily serve the needs of highway-oriented traffic; and (2) retail, service and amusement uses that are not suitable in other business districts and can benefit from highway and cross-route traffic significantly.” In addition to the Special Use Standards outlined in 44.10-3C, there are additional standards for Mini-warehouses, most notably a minimum fencing/screening requirement of a six (6) foot high fence around the perimeter of the lot.

Action by the Board of Zoning Appeals.

For each special use application the Board of Zoning Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein. No special use application shall be recommended by the Board of Zoning Appeals for approval unless such Board shall find:

- 1. that 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 proposed special use is compatible with surrounding uses and will return the property to productive use.
- 2. that 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 property was formerly used for retail and has the appropriate facilities (including loading and parking) to allow a storage facility.
- 3. that 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; no alterations to the exterior of the building are proposed. This area has developed over time with a variety of uses compatible with a storage facility.

4. **that adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided**; utilities and drainage currently exist and will be in compliance with city code.
5. **that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets**; the site currently has ingress and egress including a dedicated off-street parking lot and loading facilities.
6. **that 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. (Ordinance No. 2006-137)** compliance with city codes will be adhered to.

STAFF RECOMMENDATION:

Staff finds that the petition has met the Zoning Ordinance's standards required to allow a special use for mini-warehouses. Staff recommends approval of the requested special use in Case SP-06-15. At the time a building permit is issued, the petitioner must demonstrate compliance with all relevant sections of 44.4-7C, 44.7-2, and 44.10-4 regarding landscaping and screening. Staff seeks a condition to add perimeter landscaping and/or landscaping islands with shrubs and/or small trees located around three sides of the Proposed Building B, and to the east, west and north of display parking. As stated in the City's zoning code "the purpose of parking lot landscaping and screening regulations are to achieve the community wide goal of developing the visual appeal of public and private open spaces as stated in the Comprehensive Plan" (44.7-2 G.4 (a)(1)).

Respectfully submitted,

Katie Simpson
City Planner

ATTACHMENTS

- Special Use Application
- Special Use Permit
- Ordinance
- Exhibit A-Legal Description
- Location Map of 1710 RT Dunn Drive
- Aerial, Corporate Boundaries and Zoning Map of 1710 RT Dunn Drive
- Site Plan
- Map with 500ft Neighborhood Notice Buffer
- Notification Mailing List

ROUTE SLIP-APPROVAL OF SPECIAL USE

Date Rec'd: 11/16/15
Council of: 11/16

PETITION FOR SPECIAL USE FOR PROPERTY LOCATED AT:

1710 R.T. Dunn Drive; Bloomington, IL 61701

PETITIONER: Amerco Real Estate
Company

ATTORNEY: _____
ATTY. PHONE: _____

DOCUMENTS SUBMITTED: CHECK IF YES

Petition ✓
Ordinance ✓
Legal Description ✓ - missing PIN #
Original Site Plan & 21 copies ✓
Filing Fee Pd. (\$125.00) ✓
Recording Fee Pd. (\$24.00) ✓
Documents on Disk ✓

*****Processing of Petition*****

Development/Staff Meeting (date) _____ Brd of Zoning Appeals (date) 12/16/15
Date sent to Pantagraph _____ (15 day notice)
Publication Date _____
Publication Fee \$ _____ billed date _____ date pd. _____

Date thirteen (13) copies of site plan & one (1) copy of documents sent to PACE 11/16/15

Date taken to County Recorder's Office _____

NOTES: Address on FedEx box: Attn: Ronald Warner
3227 Central Ave. Phoenix AZ 85004

Address on Check: PO Box 21502 Phoenix, AZ 85036-1502
(402) 263-6541

PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:

1710 R.T. Dunn Drive; Bloomington, IL 61701

State of Illinois)
)ss.
County of McLean)

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

Now come(s)

Amerco Real Estate Company

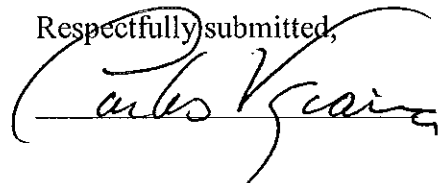
hereinafter referred to as your petitioner(s), respectfully representing and requesting as follows:

1. That your petitioner(s) is (are) the owner(s) of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit(s) A, which is (are) attached hereto and made a part hereof by this reference, or is (are) a mortgagee or vendee in possession, assignee of rents; receiver, executor (executrix); trustee, lease, or any other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently has a zoning classification of B-1 under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 44.6-30 of said City Code Self-Storage, are allowed as a special use in a B-1 zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the B-1 zoning district;

7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the B-1 zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your petitioner(s) respectfully pray(s) that said special use for said premises be approved.

Respectfully submitted,



Carlos Vizcarra, President
Amerco Real Estate Company

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A

Self-storage

FOR PROPERTY LOCATED AT: 1710 R.T. Dunn Drive

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for a Self-storage in Exhibit(s) A; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Section 44.6-30 of the Bloomington, City Code, 1960; and

WHEREAS the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois:

1. That the Special Use Permit for a Self-storage on the premises hereinafter described in Exhibit(s) A shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this _____ day of _____, 20____.

APPROVED this _____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

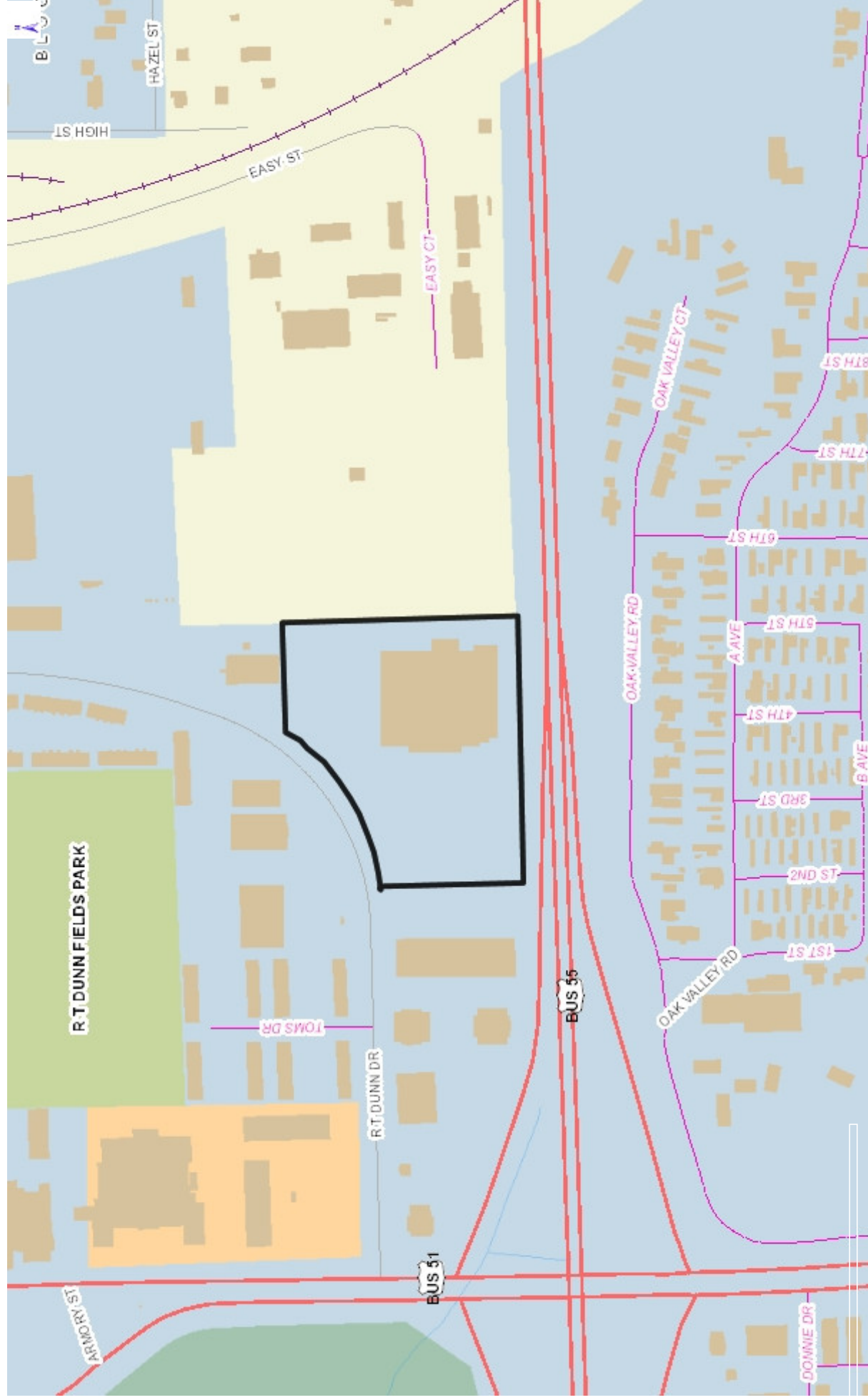
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THE ABOVE DESCRIPTION IS THE SAME AS REFERENCED IN THE COMMITMENT FOR TITLE INSURANCE ISSUED BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NO. 1527980C WITH AN EFFECTIVE DATE OF SEPTEMBER 9, 2015.



Location of 1710 RT Dunn Drive



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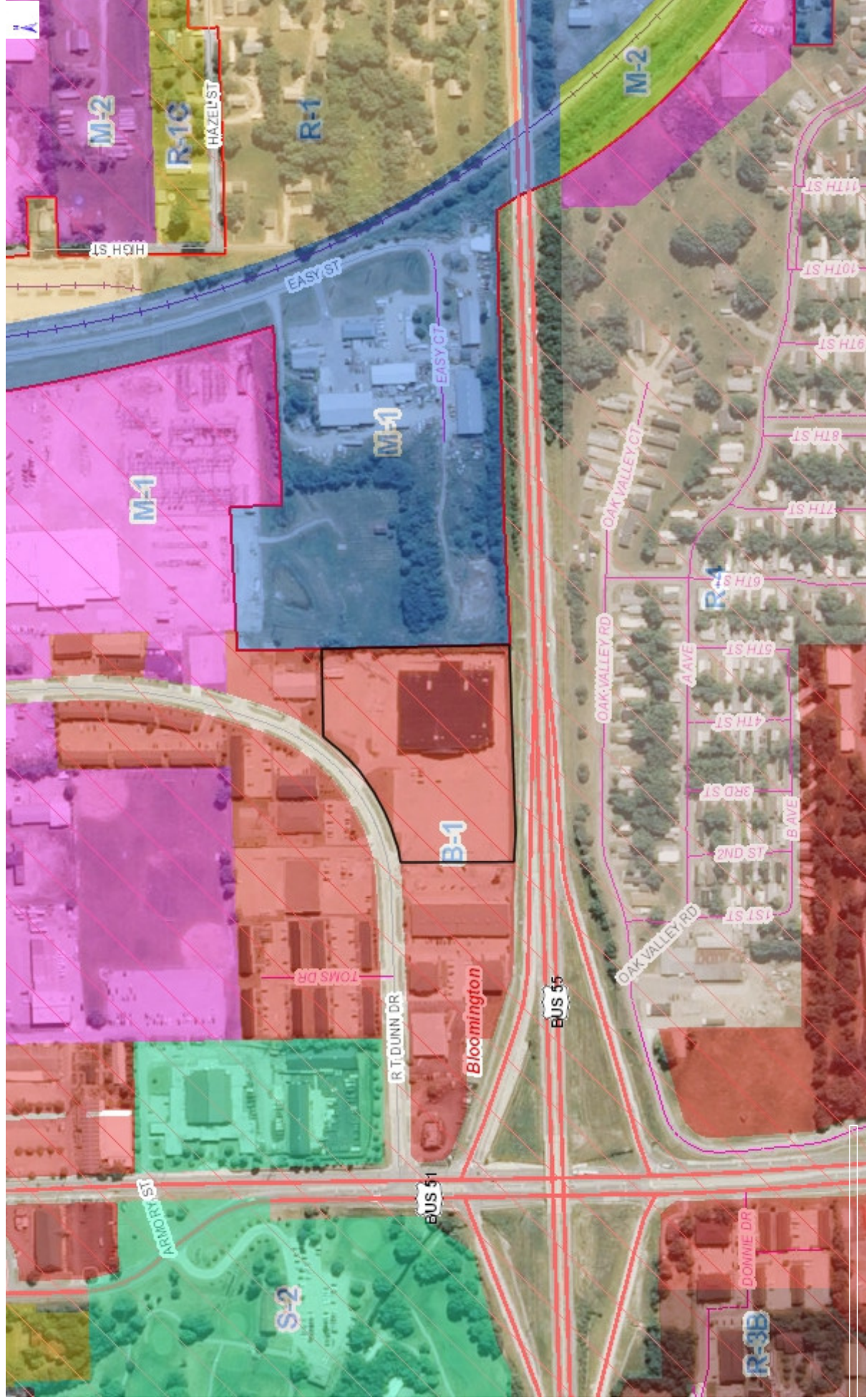
Notes

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1710 RT Dunn-Zoning and Aerial and Corporate Boundaries



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1710 RT Dunn-notice area



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Notes

Mailing addresses for Neighborhood Notifications sent

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VENDANTA ENTERPRISES LLC	2804 LUKE RD	BLOOMINGTON, IL, 617047032

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
JANUARY 20, 2016**

SUBJECT:	TYPE:	SUBMITTED BY:
Z-01-16 1710 RT Dunn Drive	Variance from requirement to construct six (6) foot perimeter fence	Katie Simpson City Planner

REQUEST

The petitioner is seeking a variance from the requirement in Section 44-10-4 (1) Mini-Warehouses, which requires the construction of a six (6) foot perimeter fence.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

Owner and Applicant: Amerco Real Estate Company

PROPERTY INFORMATION

Existing Zoning: B-1, Highway Business District
Existing Land Use: Commercial retail (vacant former The Great Escape)
Property Size: Approximately 5.36 acres
PIN: 21-09-452-002

Surrounding Zoning and Land Uses

Zoning

North: B-1, Highway Business District

South: R-4, Manufactured Home Park District

East: M-1, Restricted Manufacturing District
West: B-1, Highway Business District

Land Uses

North: Various (including Knights of Columbus Hall and pawn shop)
South: Mobile home development (across Veterans Parkway/I-55/Historic Rt 66)
East: Vacant land/utility (Unincorporated)
West: Commercial (Veterans & Main Plaza strip center)

Analysis

Submittals

This report is based on the following documents, which are on file with the Community Development Department:

1. Application for Variation

2. Site Plan
3. Aerial photographs
4. Site visit

PROJECT DESCRIPTION

The subject site is commonly known as 1710 R.T. Dunn Drive located east of the intersection of S. Main Street and S. Veterans Parkway. The property was formerly used as a Great Escape retailer and is currently vacant. Surrounding uses in the area include apartments, a day care center, mobile homes, banquet hall, utilities, and commercial retail.

The following is a summary of the requested variations:

Applicable Code Sections:

Section 44-10.4. (1) Mini-Warehouses

Type of Variance	Request	Required	Variance
Perimeter Fence	0'	6'	100% decrease

Analysis

Variations from Zoning Ordinance

The petitioner is proposing to redevelop the existing 51,543 square foot building into a climate controlled, self-storage facility with an additional, accessory, external mini-storage building, 1,459 square foot, fronting Veterans Parkway. The petitioner is seeking a Special Use permit to allow Mini-warehouses in the B-1 district (SP-06-15). The mini-warehouse special use is subject to additional standards as described in 44.10-4, most notably a minimum fencing/screening requirement of a six (6) foot high fence around the perimeter of the lot. The petitioner requests a variance to not have a six (6) foot perimeter fence for 1710 RT Dunn Dr.

It should be noted that the 51,543 square foot proposed storage building is not the typical outside mini-warehouse storage with rows of exterior garage doors. However, the petitioner intends to construct a second, 1,459 square foot, accessory building intended for traditional outdoor mini-storage, with exterior access, on the southwest corner of the lot. The fencing requirement is intended to provide security to the mini-warehouse customers and screening to the greater community. Although most of the proposed storage will be secure inside the existing building, the petitioner is proposing external storage that is vulnerable to unsecure conditions.

Staff's findings of fact are presented below. It is incumbent on each ZBA member to interpret and judge the case based on the evidence presented and each of the Findings of Fact.

FINDINGS OF FACT

The petitioner has outlined the request for variation in the attached narrative and drawings. The Zoning Ordinance requires that the petition meet the findings of fact as outlined below.

That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and

The petitioner proposes an adaptive reuse of the fully developed and paved parcel of land, size 5.36 AC. Most of the proposed storage will be safely enclosed within the existing structure. The

petitioner proposes to build an additional mini-warehouse storage structure, approximately 1,459 square feet, on the south west quadrant of the lot. Although most storage is enclosed, the additional structure will remain vulnerable to unsecure conditions and requires perimeter fencing. The property has no physical characteristics that pose unreasonable challenges to fencing the accessory structure. If storage were only inside the existing structure, not outside, staff would be more comfortable with the variance. This standard is not met.

That the variances would be the minimum action necessary to afford relief to the applicant; and

The applicant complies with all other requirements for the “mini-warehouse” Special Use as defined in 44-10.4, and given the adaptive reuse of the existing structure a six (6) foot fence surrounding the entire 5.36 AC parcel may not be necessary, however the traditional, external storage unit remains unprotected and noncompliant with the fencing requirement of a mini-warehouse. Staff finds the standard is not met; the variance does not provide the minimum action necessary to afford relief and supports other alternatives to a six (6) foot fence surrounding the entire perimeter of the 5.36 AC parcel. Other options include:

1. Removal of the 1,459 accessory outdoor mini-warehouse storage structure
2. Six (6) feet screening/fencing around the accessory mini-warehouse structure (still requiring a variance for its location)

That the special conditions and circumstances were not created by any action of the applicant; and

The petitioner will be moving into an existing building in a B-1 District. Perimeter fencing is a requirement of the mini-warehouse special use in the B-1 District. Although the petitioner plans to primarily provide interior storage rooms, the construction of the additional and more traditional mini-warehouse external storage unit creates the need for the security and screening provided by a perimeter fence as described in the special use requirements in 44.10-4. The standard is not met.

That granting the variation request will not give the applicant any special privilege that is denied to others by the Code; and

Other mini-warehouse storage facilities with traditional, external storage units located in the B-1 District are compliant with the perimeter fence requirement (ABC Storage located at 2442 S Main, Bloomington). Granting the variance will give the applicant special privilege denied to others by the Code. The standard is not met.

That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties.

The variance could create a security concern for consumers utilizing the external storage provided by the accessory building. Additionally, in this case, the fencing and landscaping required for special use mini-warehouses provides an additional benefit of screening parking facilities fronting city gateways contributing to the City’s overarching goal of beautifying City gateways. The twelve (12) foot landscaping strip is required along property abutting street frontages, the landscaping strip would not be required along the east side of the 1710 RT Dunn property adjoining the Dollar Tree. The retail adjacent to 1710 RT Dunn has an alternative

ingress/egress to RT Dunn, therefore the construction of a perimeter fence would not interfere with access to these properties. This standard is not met.

STAFF RECOMMENDATION:

Staff finds that the petition has not met the Zoning Ordinance's standards required to allow a variance. Staff recommends denial of the requested variance in Case Z-01-16.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Exhibit A-Legal Description
- Location Map of 1710 RT Dunn Drive
- Aerial, Corporate Boundaries and Zoning Map of 1710 RT Dunn Drive
- Site Plan
- Map with 500ft Neighborhood Notice Buffer
- Notification Mailing List

APPLICATION TO ZONING BOARD OF APPEALS

Please consider this as our petition for a variance from the requirement(s) of the Zoning Code. I have provided all information requested herein and attached our site plan and fee.

Site Address: 1710 R.T. Dunn Drive; Bloomington, IL 61701

Site Address: _____

Petitioner: Amerco Real Estate Company Phone: (602)263-6555

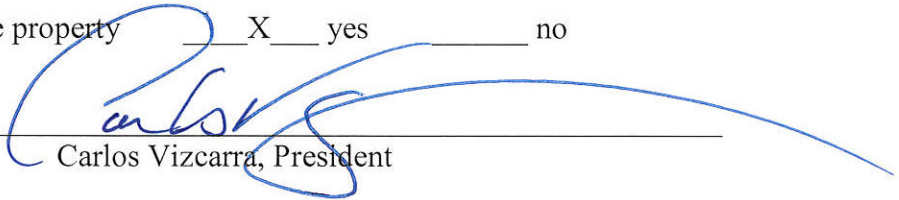
Petitioner's Email Address: daniela_warren@uhaul.com

Petitioner's Mailing Address Street: 2727 N. Central Ave., Ste. 500

City, State, Zip Code: Phoenix, AZ, 85004

Contractual interest in the property X yes no

Signature of Applicant _____


Carlos Vizcarra, President

Brief Project Description:

We are proposing a U-Haul Moving and Storage Store. Our proposal includes an adaptive re-use of the existing building for interior self-storage/ 'mini-warehouses.' Additionally, we are proposing a new building, Building B (see attached Preliminary Site Plan).

The proposed Building B is a self-storage/ 'mini-warehouse' building. It is 1,459 SF and located near the southwest boundary of the site.

Code Requirements Involved:

Mini-Warehouses: (1) Minimum fencing/screening requirements: A six (6) foot high fence shall be required around the perimeter of the lot to be used as a mini-warehouse site.

Variances(s) Requested:

We are requesting a variance to not have a six (6) foot fence.

Reasons to Justify Approval by the Zoning Board of Appeals: Your justifications for approval must also be provided in the statement of Findings of Fact.

The intent of fencing/screening requirements is to achieve the community-wide goals stated in the City of Bloomington Comprehensive Plan. We request that the City allow for screening design flexibility in order to foster constructive design, which meets Bloomington's goals.

Our proposal includes a climate-controlled self storage building with a main entrance and showroom. The main building looks more like a retail/commercial building and is not the typical outside mini-storage with rows of exterior garage doors. Most all self-storage/ 'mini-warehouses,' with the exception of 1,459 SF (one small row), will be inside the building therefore screening in the form of a six (6) foot high fence is excessive.

Eliminating the requirement for '*a six (6) foot high fence around the perimeter of the lot to be used as a mini-warehouse site*' at 1710 R.T. Dunn Drive will protect the public health, safety, and general welfare. A six (6) foot high fence does not contribute to the visual appeal of this commercial/business area. It does not provide a buffer between residents and our commercial use. A fence will not enhance the property value or surrounding property values. The fence would hinder the vision of motorists and pedestrians which negatively impacts safety. Site circulation would also be negatively impacted. A fence would not bring value to our Bloomington customers or the City of Bloomington in general.

STATEMENT OF FINDINGS OF FACT
(Must be answered by the Petitioner)

Chapter 44, Section 9.40(d)

A variation from the terms of this Code shall not be granted by the Zoning Board of Appeals unless and until findings of fact are submitted demonstrating:

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and

This site is a fully developed and paved parcel of land. We propose an adaptive reuse of the existing site.

2. That the variance would be the minimum action necessary to afford relief to the applicant; and

Most storage will be interior and not outside. The intent of the code is to hide/screen outside mini-warehouses. We do not want to screen the existing building. To screen Building B would be a challenge because the existing site is 5.36 acres and the amount of outside storage is one row of 1,459 SF.

3. That the special conditions and circumstances were not created by any action of the applicant; and

This property is zoned B-1 Highway Business District and a U-Haul Moving and Storage Store without a six (6) foot fence would fit the character of the zoning district and the neighbors. We would like to maintain the look and feel of the area and not impose a design that jeopardizes the integrity of the commercial corridor.

4. That the granting of the variance requested will not give the applicant any special privilege that is denied to others by the Code; and

Granting the variance requested will not give the applicant any special privilege that is denied to others by the code. The applicant believes that by granting the variance, the U-Haul Moving and Storage Store will be able to maintain good visibility, signage, and access and in turn be safe and successful.

5. That the granting of this variance will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use or development of adjoining properties.

The granting of this variance will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use or development of adjoining properties.

There are no residential uses abutting our proposed site. The nearest residential use is on the other/south side of Highway 55. Also there is existing landscape that would set the proposed Building B at least 40 feet from the Highway 55. In conclusion, this requirement of a fence would not buffer a residential use from our commercial land use.

We do not believe that the fence would contribute to the aesthetics of this commercial/business area. We are asking for relief from the code because a fence around the entire perimeter of the property or just a small portion of the property would not add visual appeal. We propose a store that is inviting and attractive.

A fence will not enhance the property value or surrounding property values. The fence would hinder the vision of motorists and pedestrians which negatively impacts safety. Site circulation would also be negatively impacted by limiting access and traffic patterns. A fence would not bring value to our Bloomington customers or the City of Bloomington in general.

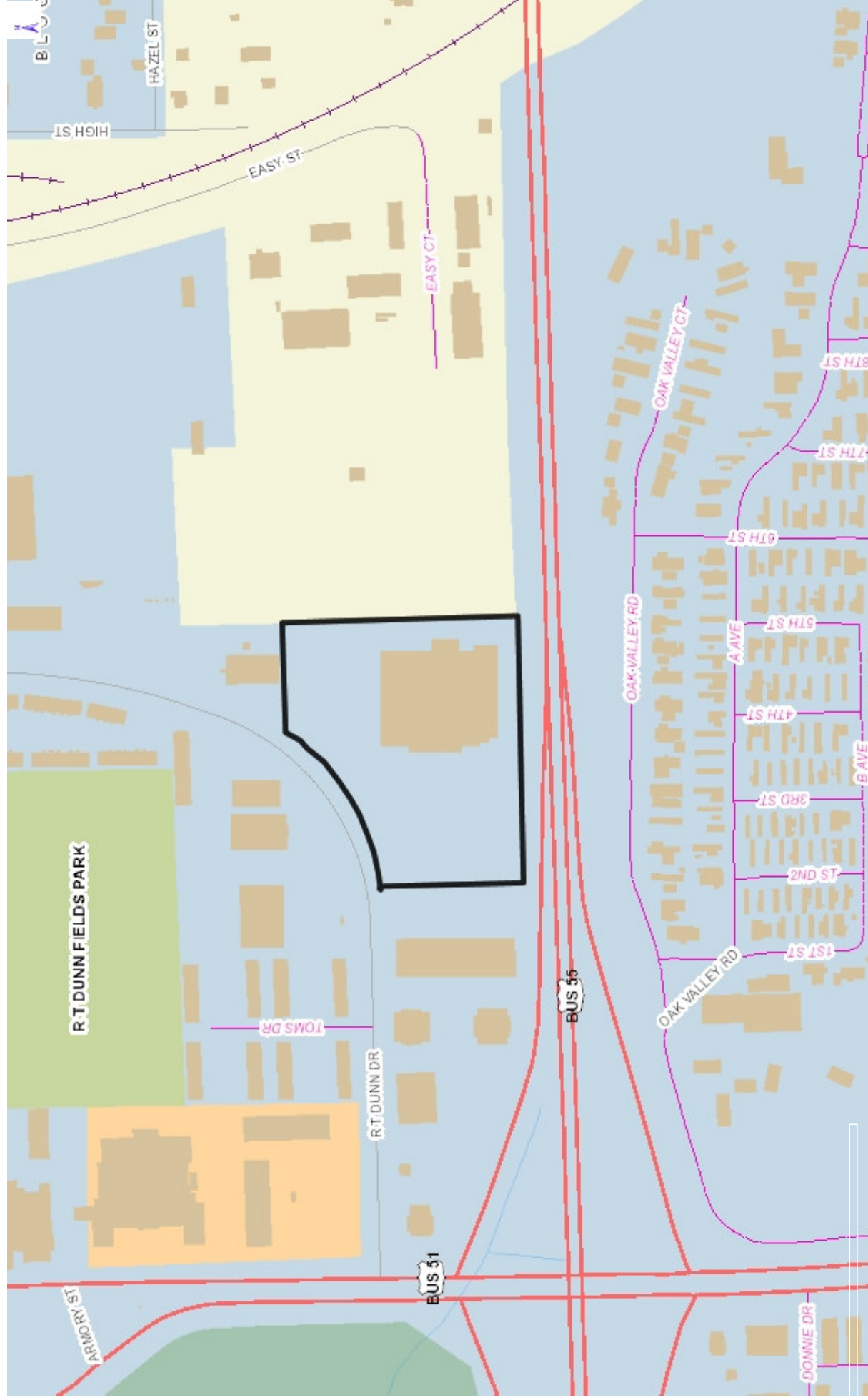
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Location of 1710 RT Dunn Drive



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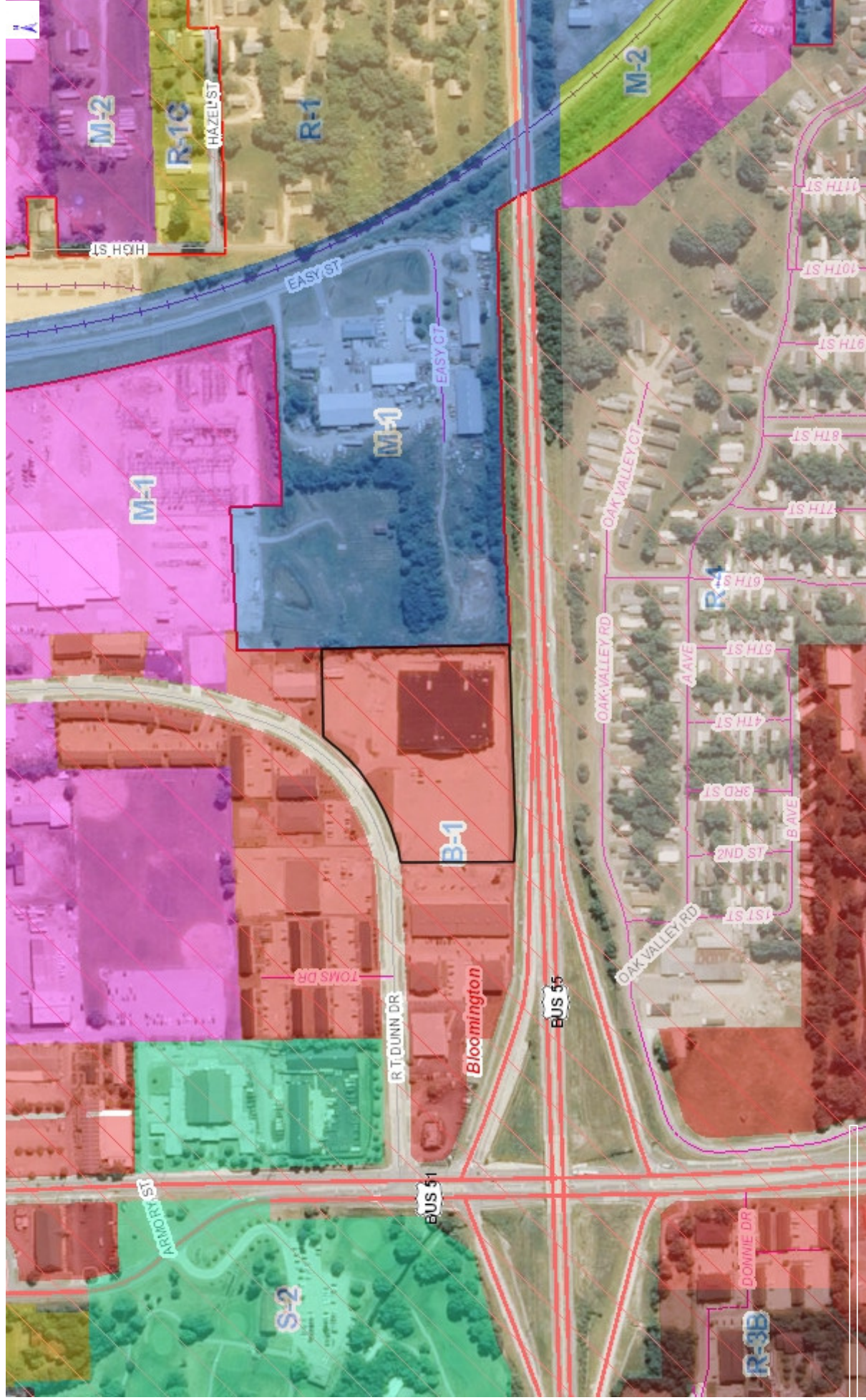
Notes

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1710 RT Dunn-Zoning and Aerial and Corporate Boundaries



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Aerial photo from 2012

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1710 RT Dunn-notice area



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