

**AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, JANUARY 17, 2018
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**
- 4. MINUTES:** Consideration, review and approval of Minutes from the December 20, 2017 meeting.
- 5. REGULAR AGENDA**
 - A. Z-32-17** Consideration, review and action of a petition submitted by ACE Sign Company for a variance to allow for an additional identification sign for the property located at 2402 E Washington St. in the C-1, Office District (**Ward 8**).
 - B. SP-01-18** Consideration, review and action of a petition submitted by Krishna Balakrishnan, Terra, LLC for a special use permit to allow for condominium development in the B-1, Highway Business District (**Ward 3**).
 - C. Z-02-18** Consideration, review and action on an appeal to sign administrator submitted by Picture This Digital Media, LLC, to reverse the sign administrator's decision for Sign Permit #27968 (**Ward 1**).
- 6. OTHER BUSINESS**
- 7. NEW BUSINESS**

8. ADJOURNMENT

For further information contact:

Izzy Rivera, Assistant City Planner
Department of Community Development
Government Center
115 E. Washington Street, Bloomington, IL 61701
Phone: (309) 434-2226 Fax: (309) 434-2857
E-mail: irivera@cityblm.org

**DRAFT MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, DECEMBER 20, 2017
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Mr. Schultz, Ms. Harris, Mr. Veitengruber, and Chairperson Bullington

Members absent: Mr. Butts, Ms. Meek, and Mr. Brown

Also present: Mr. George Boyle, Assistant Corporation Counsel
Ms. Katie Simpson, City Planner
Ms. Izzy Rivera, Assistant City Planner

At 4:00 PM, Ms. Simpson called the roll. With four members in attendance, a quorum was present.

PUBLIC COMMENT: None.

MINUTES: The Board reviewed the minutes from November 15, 2017. Chairperson Bullington corrected the Acting Secretary's name, Mr. Coffey, on the first page of the draft minutes. Ms. Rivera introduced a new copy of the draft minutes for review by the commission members. She stated corrections to this draft included a correction on page 5 to be Mr. Brown not Mr. X, and on page 6 the addition of the time of adjournment.

Ms. Harris corrected various scrivener errors on page 3, 4 and 5.

Chairman Bullington motioned to approve the minutes as amended; seconded by Mr. Schultz. The board approved the minutes by voice vote, 4-0.

REGULAR AGENDA:

Z-32-17 Consideration, review and approval of the petition submitted by ACE Sign Company for a variance to allow for an additional identification sign for the property located at 2402 E Washington St. in the C-1 Office District (Ward 8).

Chairman Bullington stated because of a recusal the commission would lose quorum, and therefore not be able to take action on any case presented.

Ms. Simpson stated the case would be postponed until the following meeting on January 17, 2018 at 4PM.

Mr. Boyle stated case Z-32-17, the consideration, review and approval of the petition submitted by ACE Sign Company for a variance to allow for an additional identification sign for the property located at 2402 E Washington St. in the C-1 Office District would be heard during the next meeting.

NEW BUSINESS: None

ADJOURNMENT:

Ms. Harris motioned to adjourn; seconded by Mr. Veitengruber. Approved by voice vote. The meeting was adjourned at 4:11PM.

Respectfully submitted

Izzy Rivera, Assistant City Planner

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
DECEMBER 20, 2017**

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-32-17	2402 E Washington St/ Washington St/	Variance to allow an additional sign totaling 19 sqft on entrance wall	Izzy Rivera Assistant City Planner

PETITIONER'S REQUEST:

Section of Code: Chapter 3, Section 4.8

Type of Variance	Request	Required	Variation
Additional signage	Plus 1 wall sign	1 identification sign	Increase in signage

STAFF RECOMMENDATION:	Staff determines the petition meets the Zoning Ordinance's standards required to grant a variance (44.13-4). <i>Staff recommends the Zoning Board of Appeals approve the request for an additional identification sign at 2402 E Washington St.</i>
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Location Map of Subject Property

NOTICE

The application has been filed in conformance with applicable procedural and public notice was published in *The Pantagraph* on December 4, 2017.

GENERAL INFORMATION

Owner and Applicant: Ace Sign Company

PROPERTY INFORMATION

Legal Description: OAKLAND SUBURBAN HEIGHTS 5TH SUBN LOTS 1 & 2 & W20" LOT 3

Existing Zoning: C-1, Office District
Existing Land Use: Financial services, office
Property Size: Approximately 1.125 acres
PIN: 21-02-404-020

Surrounding Zoning and Land Uses

Zoning

North: B-1, Highway Business District
South: B-2, General Business District
South: R-3A, Medium Density Multiple
Family Residence District
East: C-1, Office District
West: B-1, Highway Business District

Land Uses

North: Retail
South: Bank
South: Apartments
East: Medical offices, Daycare
West: Bank

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 2402 E Washington St. The site is located at the

northeast corner of N. Prospect Rd and E. Washington St., the site takes access from both streets. In 1979, the subject property was zoned C-1 Office District and developed as Citizen's Bank. In 2005, the property became Main Street Bank, and in 2009, Busy Bank occupied the building. Recently, INB Bank occupied the property. The property remains zoned as

C-1, Office District. In 2005, the sign administrator approved a permit application requesting permission to re-face and repair three existing monument signs and to install a wall sign for Main Street Bank. The sign code permits one (1) identification sign in the C-1 District.

The intent and purpose of the sign code, adopted in 1979, is to "regulate and protect public investment and to promote the reasonable orderly and effective display of signs". Additionally, the code recognizes "the use and display of signs as a legitimate use of private property and an integral part of business and marketing functions of the local economy". The code serves to "promote and protect private investments in commerce and industry" and the established regulations are meant to carry out the purpose of the code. More severe restrictions, inconsistent with customary use, may be ineffective at accomplishing the purposes of the code.

The petitioner, Ace Sign Company, is proposing to install a wall sign (approximately 72" by 38") by the entrance of the building, on the south side, in addition to the monument signs that are located on premise.

The following is a summary of the requested variations:

Applicable Code Sections: Section of Code: Chapter 3, Section 4.8

Type of Variance	Request	Required	Variation
Additional signage	Plus 1 wall sign	1 ID sign	Increase in signage

Analysis

Variations from Zoning Ordinance

The petitioner is proposing to install an additional identification sign on the south wall of the building. This is in addition to the on premise identification signs already in place.

The site is located in the C-1, Office District and only allows one identification sign (Chapter 3, Section 4.8). The petitioner would like the same number of signs afforded to banks in the other corners of the intersection and afforded to previous tenants of the subject property. The other banks, referred to by the petitioner, are located in B-1, Highway Business District and B-2, General Business District. Banks are listed as a permitted use in the C-1, B-1 and B-2 zoning classifications.

In the C-1 District, the presence of the three monument signs makes the property legal-nonconforming with regard to signage. Similar to other nonconforming structures, general maintenance and repair is permitted, but if the signs were destroyed, the signs could not be rebuilt without a variance.

Staff's findings of fact are presented below. It is incumbent on each Zoning Board of Appeals 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 Board of Appeals may grant a variance from the provisions or requirements of Chapter 3 of this code only where:

The literal interpretation and strict application of the provisions and requirements of Chapter 3 of this Code would cause undue and unnecessary hardship to the sign user because unique or unusual conditions pertaining to the specific building or parcel or property in question; and the site is located in the C-1 zoning classification, which only allows one identification sign. There are multiple banks within the intersection of E. Washington St and N. Prospect Rd, they are located on B-1 and B-2 zoning classification and both have multiple identification signs. The standard is met.

The granting of the requested variance would not be materially detrimental to the property owners in the vicinity; and the proposed signs would be similar to another bank across the street. The proposed size is proportional to the size of the development and neighboring banking services. The standard is met.

The unusual conditions applying to the specific property do not apply generally to other properties in the City; and other banking services in the city and in close proximity to 2402 E Washington have two or more identification signs. The subject site is set on C-1, office district with only one identification sign permitted. The C-1, Office District is intended to accommodate office buildings, typically with multiple tenants, such as a doctor's office, and is usually located near or adjacent to residential zoning districts. The purpose of the regulation is to reduce excessive signage from a multiple tenant building and to protect the views of residents. In this instance, the code is too restrictive. The standard is met.

The requested variance would not permit the erection of a sign having sign area greater than eight hundred (800) square feet; and the proposed sign in addition to the sign already in place would have a total area of approximately 200 sqft. The standard is met.

The granting of the variance will not be contrary to the general objectives set forth in Chapter 3 of this Code. (Ordinance No. 2012-71) Chapter 3 recognizes the use and display of signs as a legitimate use of private property and an integral part of business and marketing functions of the local economy. Granting the variance will afford the petitioner a right received by other banks in the immediate area. The standard is met.

STAFF RECOMMENDATION:

*Staff recommends the Zoning Board of Appeals **approve** the request for an additional identification sign at 2402 E Washington St.*

Respectfully submitted,

Izzy Rivera
Assistant City Planner

Attachments:

- Variance Application
- Petitioner Statement of Findings of Fact
- Site Plan
- Legal Description
- Location Map and Aerial Map
- Zoning Map
- List of notified property owners within a 500 ft radius of property

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: 2402 E Washington

Site Address: Bloomington, IL.

Petitioner: Illinois National Bank Phone: 217-522-8417

Petitioner's Email Address: keith@acesignco.com

Petitioner's Mailing Address Street: 2540 S 1st St.

City, State, Zip Code: Springfield, IL 62704

Contractual interest in the property See yes no
Letter Attached

Signature of Applicant:  Ace Sign Company

Brief Project Description:

Install a wall sign by entrance for the building.

Code Requirements Involved:

Section 4.8(a); C-1 Office District to permit more than one sign

Variances(s) Requested:

Section 4.8 (a) to allow one wall sign of 19 square feet by the building entrance

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.

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

Chapter 44, Section 13-4(e)

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. The literal interpretation and strict application of the provisions and requirement of Chapter 3 of this Code would cause undue and unnecessary hardship to the sign user because unique or unusual conditions pertaining to the specific building or parcel or property in question;
The Subject property is located in a more restrictive district than neighboring competitors to the west and south, both of whom have more signage than Petitioner, who is desirous of having signage similar to what is on SCB Bank.
2. The granting of the requested variance would not be materially detrimental to the property owners in the vicinity;
The wall sign is professional in design and not garish. The wall sign will face Washington Street across from another non-residential structure
3. The unusual conditions applying to the specific property do not apply generally to other properties in the City;
Given the unusual situation of having three banks on three corners, and the lesser zoning of this property in comparison to the other corners, makes the situation for INB unique.
4. The requested variance would not permit the erection of a sign having sign area greater than eight hundred (800) square feet; and
The requested variance would only allow a nineteen (19) square foot sign. All signs on the property together will not exceed the allowed 200 square feet
5. That the granting of the variance will not be contrary to the general objectives set forth in Chapter 3 of this Code (Ordinance No. 2012-71)
The proposed sign is consistent with the purposes cited in Chapter 3 of the City Code.



Nov. 21, 2017

Zoning Board of Appeals
109 E. Olive St.
Bloomington, IL

To Whom it May Concern:

Illinois National Bank (INB) has given Ace Sign Company the right to handle our petition request for signage on the bank's building at 2402 E. Washington St., Bloomington Ill.

Thank you.

[REDACTED]
Marilyn Titone Schaefer
Assistant Vice President, Communications Director
Illinois National Bank



Agenda Item 5A



15.8

Customer / Job Site

INB

2402 East Washington
Bloomington, IL

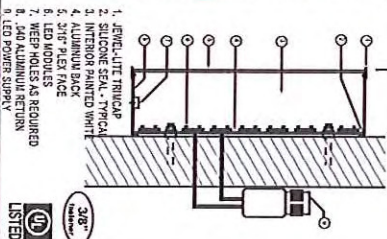
Scope of Work

LED Lighted Channel
Letters (Bloomington
Branch)

Furnish and install [1]
38" h x 72" w Lighted
Channel Letter, with
White Acrylic Faces,
and INB blue vinyl.

19
sq. ft.

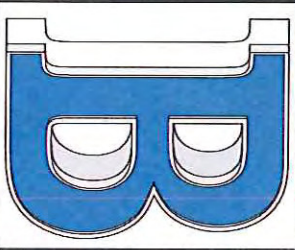
LED INDIVIDUAL CHANNEL LETTERS



3/4 channel letter - Logo

LOGO SPECS

Meaning	Individual
Reverse Color	na
Lighting	LED
Neon spec	COLOR TYPICAL SPEC
LED spec	COLOR UN-LIT
Return spec	WHITE SPEC
Face spec	WHITE FACE COLOR INB Blue
Letter height	38"
Trim spec	COLOR WHITE UN-LIT
Trim Col	UN-LIT
Specs of plex (in)	



EXISTING



This design belongs to the ACE SIGN CO. and becomes the property of the customer only upon completion of an order, and is otherwise not to be used in whole or in part without written permission of ACE SIGN CO. • 2540 S. 1ST ST. • SPRINGFIELD, IL 62704 • 217 522-8417

JOB#: 90201
designed by: cm

PROOF DATE: 03/14/17

SCALE: 1/4" = 1'

☐ APPROVED AS/IS ☐ APPROVED W/ CHANGES ☐ RE-DRAW W/ CHANGES



1 of 1

Customer / Job Site

INB

2402 East Washington
Bloomington, IL

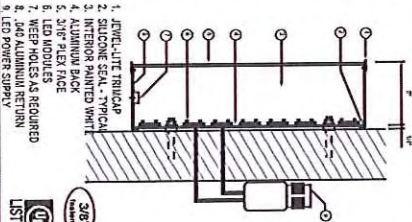
Scope of Work

LED Lighted Channel
Letters (Bloomington
Branch)

Furnish and Install [1]
38" h x 72" w Lighted
Channel Letter, with
White Acrylic Faces,
and INB blue vinyl.

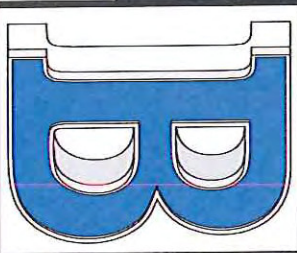
19
sq. ft.

LED INDIVIDUAL CHANNEL LETTERS



3/4 channel letter - Logo

Logo Specs



Mounting		individual	
Backway Color		na	
Lighting		LED	
Neon specs	Color	TRICAP	STANDARD
LED specs	Color	WHITE	IN-11
Return spec	Color	WHITE	WHITE
Face spec	Color	WHITE	INB Blue
Letter height	Color	3/8"	1"
Trim spec	Color	WHITE	WHITE
Trim Col	Color	WHITE	WHITE

Specs of glass panel

EXISTING



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JOB#: 90201
designed by: cm

PROOF DATE: 03/14/17

SCALE: 1/4" = 1'

☐ APPROVED AS/IS ☐ APPROVED W/ CHANGES ☐ RE-DRAW W/ CHANGES

Customer / Job Site

INB

2402 East Washington
Bloomington, IL

Scope of Work

**Rebrand Exterior
Ground Mounted
Signage
Illuminated Pylon
Sign**

- 1. Top of Cabinet**
 - 3/16" white polycarb face with Oracal 507 Capri Blue TV
 - 49.5" x 132.25"
 - Double sided
 - Face: 48.5"h x 131.5"w
 - Retainer: 2.5"
- 2. Bottom of Cabinet**
 - Sprayed MP 31619
 - 120"h x 58"w
 - Double sided
- 3. Accent Bands**
 - Add cap to the top and bottom of the cabinet (MP 583)

BACKGROUND DETAIL		
BACKGROUND MATERIAL		
polycarbonate		
QUANTITY		
1		
SIZE		
49 1/2"h x 132-1/4"w x 3/16"d		
BACKGROUND COLOR		MET-CO
Pr. Blue		T.V.
DOUBLE FACE	SINGLE FACE	BACK TO BACK
☒	☐	☐
SQUARE CORNERS	ROUND CORNERS	CUSTOM
☒	☐	☐
MOUNTING SURFACE		
existing cabinet		
MOUNTING DEVICE		
LETTER COLOR		
white		



EXISTING



ACE Sign CO.

This design belongs to the ACE SIGN CO. and becomes the property of the customer only upon completion of an order, and is otherwise not to be used in whole or in part without written permission of the ACE SIGN CO.

JOB#: 90200
designed by: go

PROOF DATE: 02/08/17

SCALE: 1/2" = 1'

☐ APPROVED AS-IS ☐ APPROVED W/ CHANGES ☐ RE-DRAW W/ CHANGES

Customer / Job Site

INB

2402 East Washington
Bloomington, IL

Scope of Work

Rebrand Exterior
Ground Mounted
Signage
Illuminated
Monument Sign

1. Top of Cabinet

- 3/16" white polycarb face with Oracal 507 Capri Blue TV
- 49-1/2" x 120-1/2"
- Double sided

- Face:

- 48-1/2" h x 120" w
- Retainer: 2-1/4"

2. Bottom of Cabinet

- Sprayed MP 31619
- 23-1/2" x 69"
- Double sided

3. Accent Bands

- Add cap to the top and bottom of the cabinet (MP 583)

BACKGROUND DETAIL

BACKGROUND MATERIAL	QUANTITY
polycarbonate	1
SIZE	49 1/2" h, 12 1/2" w, 3/16" d
BACKGROUND COLOR	Pr. Blue
FINISH	T.V.
ROUNDED FACE	SINGLE FACE
ROUNDED BACK	BACK TO BACK
SQUARE CORNERS	ROUND CORNERS
CUSTOM	CUSTOM

MEASURING SURFACE

existing cabinet

MOUNTING SURFACE

LETTER COLOR

white



416.2 ft

EXISTING



This design belongs to the ACE SIGN CO. and becomes the property of the customer only upon completion of an order, and is otherwise not to be used in whole or in part without written permission of ACE SIGN CO. • 2540 S. 1ST ST. • SPRINGFIELD, IL 62704 • 217 522-9417

JOB#: 90200

designed by: go

PROOF DATE: 02/08/17

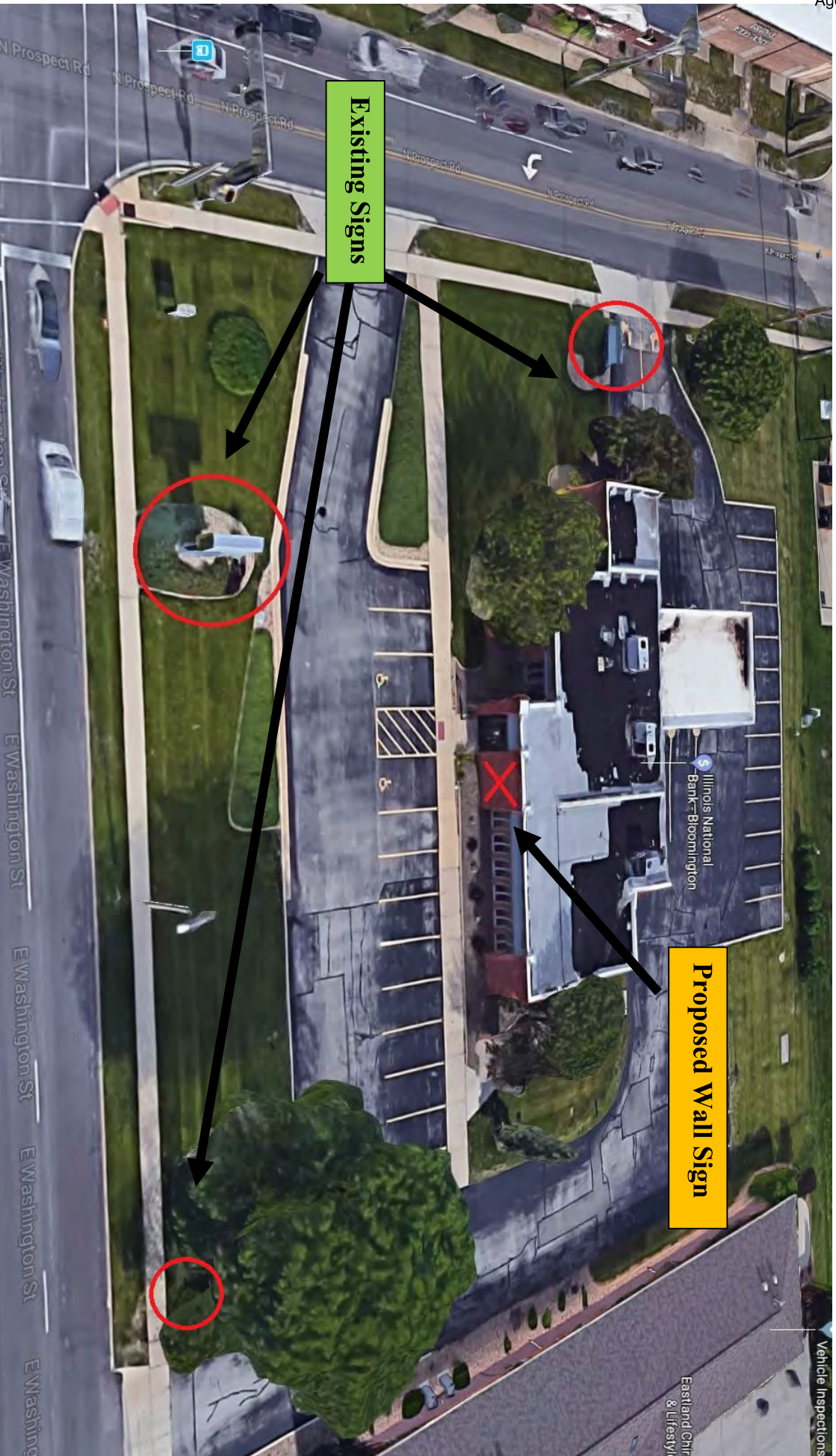
SCALE: 1/2" = 1'

☐ APPROVED AS/IS

☐ APPROVED W/ CHANGES

☐ RE-DRAW W/ CHANGES

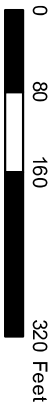
2402 E WASHINGTON ST



Agenda Item 5A

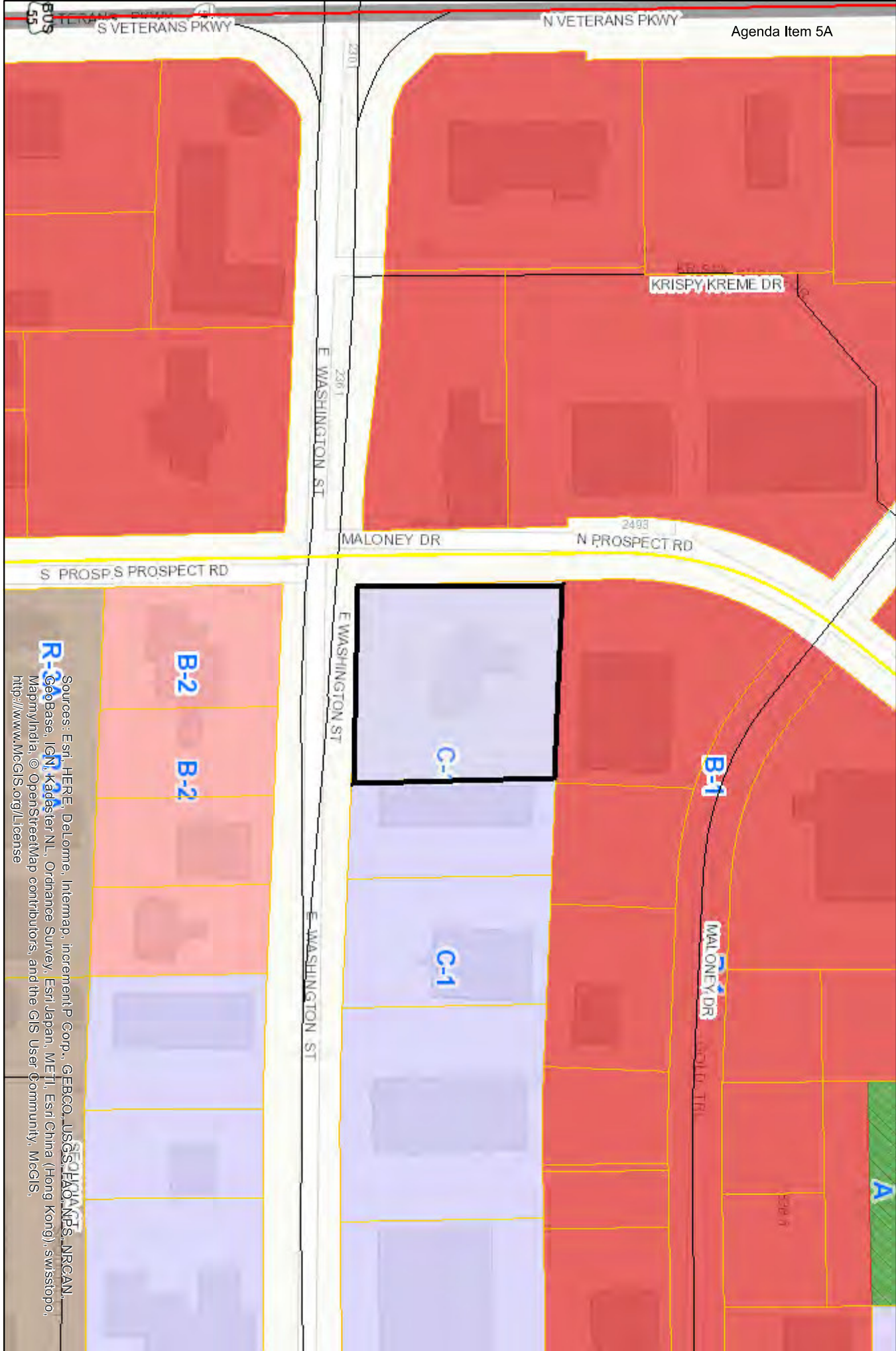


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Zoning-2402 E Washington ST



Sources: Esri, HERE, DeLorme, Intermap, incrementP Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community, McGIS, <http://www.McGIS.org/License>



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20923342
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
December 20, 2017

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, December 20, 2017 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois. Petition submitted by Ace Sign Company for the approval of a variance from Chapter 3 of the City's Code, on property located at 2402 E Washington Street, at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is described as follows:

Legal Description:
OAKLAND SUBURBAN
HEIGHTS 5TH SUBN LOTS 1
& 2 & W20' LOT 3

REQUEST

A request for a variances from Chapter 3 of the City's Code to allow more than one identification sign permitted for the C-1 Office District.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Published: December 4, 2017



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

November 30, 2017

Dear Property Owner or Resident:

The City of Bloomington Zoning Board of Appeals will hold a public hearing on **Wednesday, December 20, 2017 at 4:00 p.m. in the City Council Chambers, City Hall, 109 E. Olive Street, Bloomington, Illinois** for a petition submitted by Ace Sign Company for the approval a variance from Chapter 3 of the City's Code on property located at **2402 E Washington** to allow more than one identification sign than is permitted in the C-1, Office District. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is described as follows:

Legal Description:

OAKLAND SUBURBAN HEIGHTS 5TH SUBN LOTS 1& 2 & W20' LOT3

You are receiving this notification since you own property within a 500 foot radius of the land described above (refer to map on back). All interested persons may present their views upon matters pertaining to the requested variance during the public hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing.

Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting. The hearing's agenda will be available at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may call me at (309) 434-2226 or email me at irivera@cityblm.org

Sincerely,

Izzy Rivera
Assistant City Planner

Attachment

Location Map with 500 foot notification buffer for 2402 E Washington



JIMS STEAKHOUSE OF BLOOMINGTON
INC

2307 E WASHINGTON ST
BLOOMINGTON, IL. 61704

MIMG LII ARBORS AT EASTLAND LLC
2195 N STATE HIGHWAY 83 STE 14B
FRANKTOWN, CO. 80116

DUDLEY PROPERTIES, LLC
2304 STERN DRIVE
BLOOMINGTON, IL. 61704

FREEDOM BAPTIS CHURCH OF
BLOOMINGTON
2405 E WASHINGTON ST
BLOOMINGTON, IL. 61704

DEBRA & CHRIS HOELSCHER
2406 E WASHINGTON
BLOOMINGTON, IL. 61704

MALOOF COMMERCIAL REAL ESTATE
CORPORATE COMMONS INVESTMENTS
2411 W CORNERSTONE CT
PEORIA, IL. 61614

GREENSTREET PARTNERS LP / KCP RE
LLC ATTN DIRECTOR REAL ESTATE
2601 S BAYSHORE DR 9TH FL
COCONUT GROVE, FL 33133

SOY CAPITAL BANK & TRUST
1501 E ELDORADO ST
DECATUR, IL. 62521

NOKESTRAW LLC
1805 W WASHINGTON ST
BLOOMINGTON, IL. 61701

NOKESTRAW LLC
P O BOX 5110
BLOOMINGTON, IL 61702

CARL SCHROF AGENT MCLT RGK 100
2205 HEDGEWOOD DR
BLOOMINGTON, IL. 61704

TIM DAVIS
2415 E WASHINGTON STREET
BLOOMINGTON, IL. 61704

AT&T COMMUNICATIONS
PO BOX 7207
BEDMINSTER, NJ. 7921

MASJID IBRAHIM INC
2407 E WASHINGTON STREET
BLOOMINGTON, IL. 61704

ILLINOIS NATIONAL BANK
322 E CAPITOL AVE
SPRINGFIELD, IL. 62701

R & S HOLDINGS LLC
1015 CLAYMARK DR
SAINT LOUIS, MO. 63131

MEREDITH LOVELASS
2309 E EMPIRE ST STE 600
BLOOMINGTON, IL. 61704

RAY & IRENE DENBESTEN
PO BOX 72
BLOOMINGTON, IL. 61702

SEEMA SAXENA
3134 AUBURN RD
BLOOMINGTON, IL 61704

CIP FT LLC
1805 W WASHINGTON ST
BLOOMINGTON, IL. 61701

SNYDER ENTITIES, LLC
1 BRICKYARD DR
BLOOMINGTON, IL. 61701

FLANAGAN STATE B/ NK
PO BOX 368
FLANAGAN, IL. 61740

ATTN: DAVID P NICHOLS TRIANGLE
DDS LLC (BLOOMINGTON)
6240 LAKE OSPREY DR
LAKEWOOD RANCH, FL. 34240

BRIAN M HUGHES BRIAN MICHAEL
HUGHES TRUST
911 N Bloomington St
STREATOR, IL. 61364

P & P ACQUISITIONS LLC
4606 WESTBOROUGH DR
CHAMPAIGN, IL. 61821

STACEY & DAWN O'DEAR SHELTON
502 DELANE
HEYWORTH, IL. 61745

THOMAS LOVELASS
2309 E EMPIRE ST STE 600
BLOOMINGTON, IL. 61704

DAVID WEAVER
5 CALADONIA COURT
BLOOMINGTON, IL. 61704

DOUG OLEFF
10381 STRATHMORE DR
LOS ANGELES, CA. 90024

**CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
JANUARY 17, 2018**

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
SP-01-18	South of 1410 Woodbine	Special Use	Izzy Rivera, Assistant City Planner

PETITIONER'S REQUEST:	A special use permit to allow a condominium development in the B-1, Highway Business District. (Ward 3)
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STAFF RECOMMENDATION:	Staff determines the petition does not meet the Zoning Ordinance's standards required to allow a special use for condominiums (44.10-3). <i>Staff recommends the Zoning Board of Appeals pass a motion providing Council with a recommendation against a special use permit for condominiums in the B-1 district south of 1410 Woodbine Rd.</i>
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N Δ

NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on December 29, 2017.

GENERAL INFORMATION

Owner and Applicant: Krishna Balakrishann, Terra LLC.

PROPERTY INFORMATION

Legal description

Attached

Existing Zoning: B-1, Highway Business District
Existing Land Use: Undeveloped
Property Size: Approximately 43,560 square feet (150' X 290')
PIN: 15-31-226-026

Surrounding Zoning and Land Uses

Zoning

North: B-1 Highway Business District
South: B-1 Highway Business District
East: B-1 Highway Business District

West: R-2, Mixed Residence District

Land Uses

North: Insurance offices/Medical offices
South: Undeveloped
East: Hotel/Learning center/Senior Living Facility
West: Single/two family home(s)

Analysis

Submittals

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

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

PROJECT DESCRIPTION

Background

The subject site is located directly south of 1410 Woodbine Rd, south of General Electric Road and west of Country Road 1900E. The site is part of the Hawthorne Commercial Subdivision, while it has not been platted, it would become the (13th) thirteenth addition. The (12th) twelfth addition was completed in 2015, and improved with a senior living facility. The subject property is also serviced by utilities that are adequate for developments allowed in the B-1 zoning district. The B-1, Highway Business District intends to provide primarily for retail development particularly around highway interchange and intersection areas. The B-1 district allows for multiple family dwellings with a special use permit. In addition to the bulk requirements of Chapter 44, a special use permit for dwellings has the following standards identified in Section 44.10-4:

- 1). Minimum Screening/Fencing Requirements: Parking lots shall be screened from adjacent single-family dwellings and two-family dwellings
- 2). Maximum Floor Area Ratio: Fifty percent (50%)
- 3). Minimum Yard Requirements: 5 feet, where a side or rear yard is provided, plus transitional yards
- 4). Maximum Height: 35 feet
- 5). Additional parking requirements: Two (2) parking spaces for each dwelling unit.

The subject property is also adjacent to the 60 Ldn S-3, Aircraft Noise Contour. The contour touches the property south of the subject property as well as the property east of the subject property. Due to loud noise from plane engines, the contour overlay requires special building materials for residential development. Additionally, residential development is strictly prohibited within the 65 Ldn contours. No variances or deviation in construction materials may be granted for development within the aforementioned contours.

Project Description:

The petitioner proposes to improve the site with the construction of an eleven unit condominium development, approximately 1,500 sq. feet per floor, per unit, resulting in approximately 4,500 sq. feet for the unit. The units appear to be 2 stories, including a garage. This property is zoned B-1 Highway Business District, and is contiguous to R-2 Mixed Residence District. As a result, any future development must comply with transitional yards when abutting residential zoning classifications. In this case, it will require the rear yard to be 5 feet in addition to the specified transitional yard of 15 feet. According to the site plan, the proposed condominium development complies with the rear yard minimum setback of 25 feet, including transitional yard requirements. Another requirement is, that said yards, are screened according to Zoning Code section 44.4-7, will require a 6 foot fence or landscaping screen.

The side yard must be 11 feet according to the side yard requirements for the B-1 Highway Business District in Zoning Code section 44.6-40. The site plan does not comply with the side yard requirements.

The site plans also shows noncompliance of the 50% floor area ratio requirement. Since the height of the development is multiple stories the allowable lot coverage will be smaller. This will allow for only 10,875 sq. feet of development based on the required 50% Floor Area Ratio. Currently the development is 16,500 sq. feet. While the minimum height requirement is 35 feet, additional standards apply for special uses such as the floor area ratio.

Additionally, the site plan shows a one car garage, which would comply with 2 parking spaces per dwelling unit. Residential construction would also require parkland dedication.

The following table further illustrates the requirements from the zoning ordinance and those proposed by the petitioner for the condominium development.

Requirement	Required	Provided	Difference
% Building lot coverage	Maximum 50% based on 2 stories (10,875 sq ft)	37% based on 1 story (16,500 sq ft)	5,625 sq ft over allowed lot coverage
Side Yard Setback	11 feet	7.5 feet	-3.5 feet
Rear Yard Setback	20 feet	25 feet	+5feet
Parking	2 spaces per unit	2 spaces	0

LINK TO COMPREHENSIVE PLAN: The area identified as the proposed site is shown as “Employment Centers” in the Future Land Use map Fig 11-3. The purpose of employment centers is to bring resources for the community and the residential community surrounding the center. These centers could bring more jobs, amenities as well as possible open spaces for employees and surrounding community members to enjoy. The site is also shown as a Tier 1, Land Use Priority for infill development.

SPECIAL USE DECISION

Approvals: if the special use permit is approved, residential development would be allowed within a commercial corridor, potentially limiting the commercial development that would be able to take place. This could also disturb the future plan for employment centers in that area and possibly creating walkability and connectivity issues for the businesses as well as residents. Additionally, a variance would be needed in order to meet the standards set forth by the Zoning Ordinance for setbacks and height requirements.

Denial: if the special use permit was denied, more appropriate uses could be considered. There is also a potential for more amenities for the residential areas surrounding the site as well as the community as a whole. A denial would also encourage economic development goals set forth by the Comprehensive Plan to prioritize infill and spur growth in the city (ED-4.2).

Action by the Zoning Board of Appeals

For each special use application the Zoning Board of Appeals shall report to the Council its findings of fact and recommendations, including 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 Zoning Board of 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 special use permit would allow residential condominiums along a commercial corridor. This could impede walkability for the new residents, and existing surrounding development, as well as future developments, could negatively affect the quality of life for future residents. Additionally, the proposed development is located within close proximity to the airport runways and is subject to loud noises occurring during take-off. The quality of life for residents in the proposed project could be negatively impacted by the noise. **The standard is not met.**

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 special use permit is not consistent with patterns of the commercial corridor development. Residential uses are located behind the commercial development as part of a residential neighborhood. The height of the proposed condominium development could raise concerns with privacy, access to sunlight and views for the residences to the west. The proposed special use permit would also disrupt existing patterns of commercial development south and east of the proposed site. Current development includes a senior living facility, learning centers and a hotel. A condominium development could impact the possibilities for future business developments. Additionally, due to the location of the 60 Ldn noise contour, it is unlikely residential development will continue to occur south of the subject property. The proposed condominiums could, ultimately, result in an “island” of residential surrounded by commercial development, an inconsistent and haphazard development. **The standard is not met.**
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;** the surrounding residential neighborhood consist of single family homes and duplexes within a residential neighborhood. The proposed development would occur within a commercial corridor with potential to prevent business development that has not been explored. Residential development within the commercial corridor could prevent commercial development. Components such as setback requirements, transitional yards, signs, lighting and noise would all be considered for future commercial development. Any commercial development to the east and south of the proposed residential use would have to adhere to these stricter guidelines. Condominium development would be out of character for the commercial corridor. **The standard is not met.**
4. **That the adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;** Utilities are adequate. For better access and connectivity Woodbine Road should be extended to Pamela Drive. This could negatively affect the proposed development, causing unwanted cross through traffic because of the commercial development towards the north of Woodbine Road. Increased traffic within the commercial corridor would be better suited for commercial development; for residential uses, this could result in complaints and safety concerns. Detention is provided in compliance with the requirements. **The standard is met.**
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;** Ingress and egress would be provided according to the site plan. A driveway with two curb cuts would service all of the units. Off street parking would be contained within that driveway in order to eliminate congestion on Woodbine Rd. **The standard is met.**

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 Zoning Board of Appeals. The proposed condominiums does not meets the requirements explained in section 44.10-3. Section 44.10-4 requires greater side yard, as well as 50% floor area ratio. **The standard is not met.**

As of the date of publication of this report, staff has only received general inquiries regarding case SP-01-18.

STAFF RECOMMENDATION:

Staff finds that the petition **does not meet** the Zoning Ordinance's standards required to allow a special use for residential condominiums. Staff recommends the Zoning Board of Appeals provide Council with a recommendation to **deny a special use petition** for condominiums in the B-1 Highway Business District south of 1410 Woodbine Rd Case SP-01-18.

Respectfully submitted,

Izzy Rivera,
Assistant City Planner

Attachments:

- Draft Ordinance
- Exhibit A-Legal Description
- Petition for a Special Use Permit
- Site Plan
- Aerial Map
- Zoning Map
- Newspaper Notice and Neighborhood Notice w/Map
- Notification Mailing List

publish on
12/29

Council of: ZBA : 1/17/17

PETITIONER: Krishna Balakrishnan, President
Terra, LLC

DOCUMENTS SUBMITTED: CHECK IF YES

Documents on Disk

NOTES: _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A

Residential Condominiums

FOR PROPERTY LOCATED AT: South of 1410 Woodbine

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 Residential Condominiums for certain premises hereinafter described 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 Residential Condominiums 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

PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:

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) Krishna Balakrishnan, President

Terra, LLC

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 Residential Condominiums, 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,

Terra, LLC



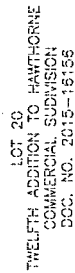
Krishna Balakrishnan, President

45128.02
3/20/17
JTS

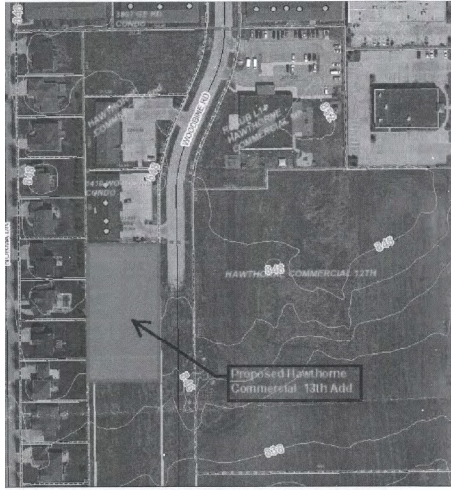
Legal Description

A part of the NE¼ of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the southeast corner of Lot 9 in the Second Addition to Hawthorne Commercial Subdivision, according to the Plat thereof recorded as Document No. 2005-6797 in the McLean County Recorder of Deeds Office, on the west right of way line of Woodbine Road; thence S.00°-00'-00"E. 290.40 feet on said west right of way line of Woodbine Road; thence N.90°-00'-00"W. 150.00 feet to the east line of Sapphire Lake Subdivision according to the Plat thereof recorded as Document No. 2002-27481 in the McLean County Recorder of Deeds Office; thence N.00°-00'-00"E. 290.40 feet on said east line of Sapphire Lake Subdivision to the southwest corner of said Lot 9 in Second Addition to Hawthorne Commercial Subdivision; thence N.90°-00'-00"E. 150.00 feet to the Point of Beginning, containing 1.00 acres, more or less, with assumed bearings given for description purposes only.

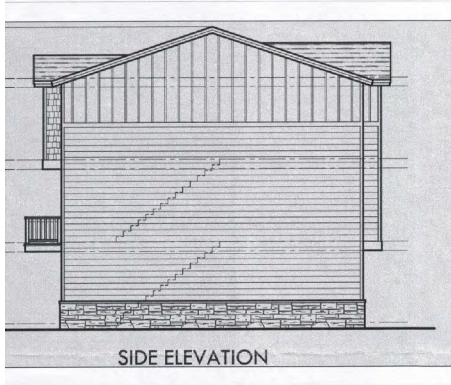
PART OF THE NE1/4 OF SEC. 31, T.24N., R.3E., 3 P.M.
CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS



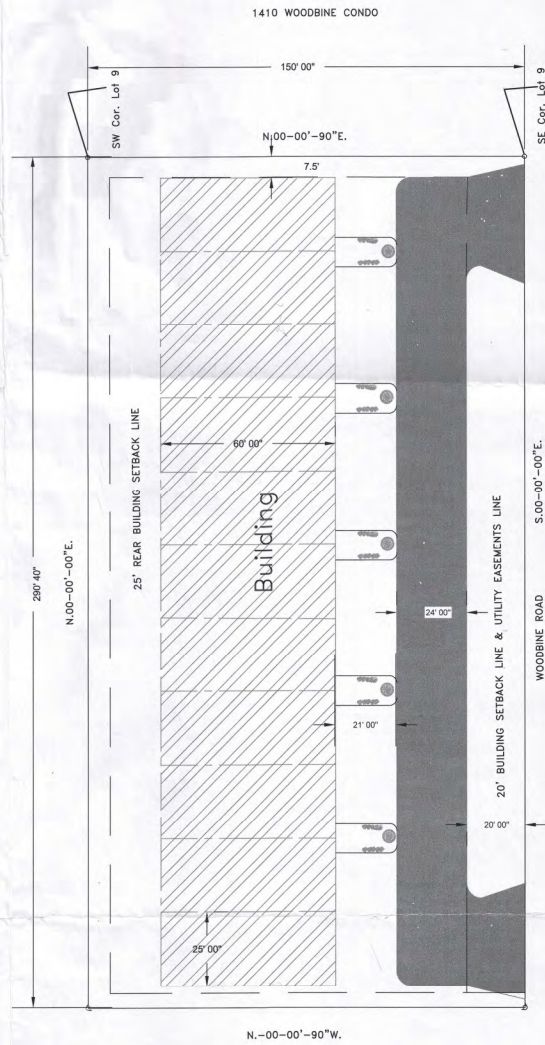
PROPOSED SPECIAL USE HAWTHORNE COMMERCIAL 13th ADDITION



LOCATION MAP



SIDE ELEVATION



Rear Elevation

Not to Scale



Front Elevation

Not to Scale

PLAN	BY	DRAWN BY: PRIYA RAM
PROPOSED PLAN	PR	CHECKED BY: SSS
		PROJECT: HAWTHORNE
		DATE: December 10, 2017

SURINDER SETHI P.E.

P.O. BOX 5711,
BLOOMINGTON, IL 61702
(309) 664-1900

PROPOSED SITE PLAN AND ELEVATIONS

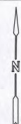
PROPOSED SPECIAL USE HAWTHORNE COMMERCIAL 13th ADDITION
WOODBINE ROAD
BLOOMINGTON, ILLINOIS 61704

SCALE

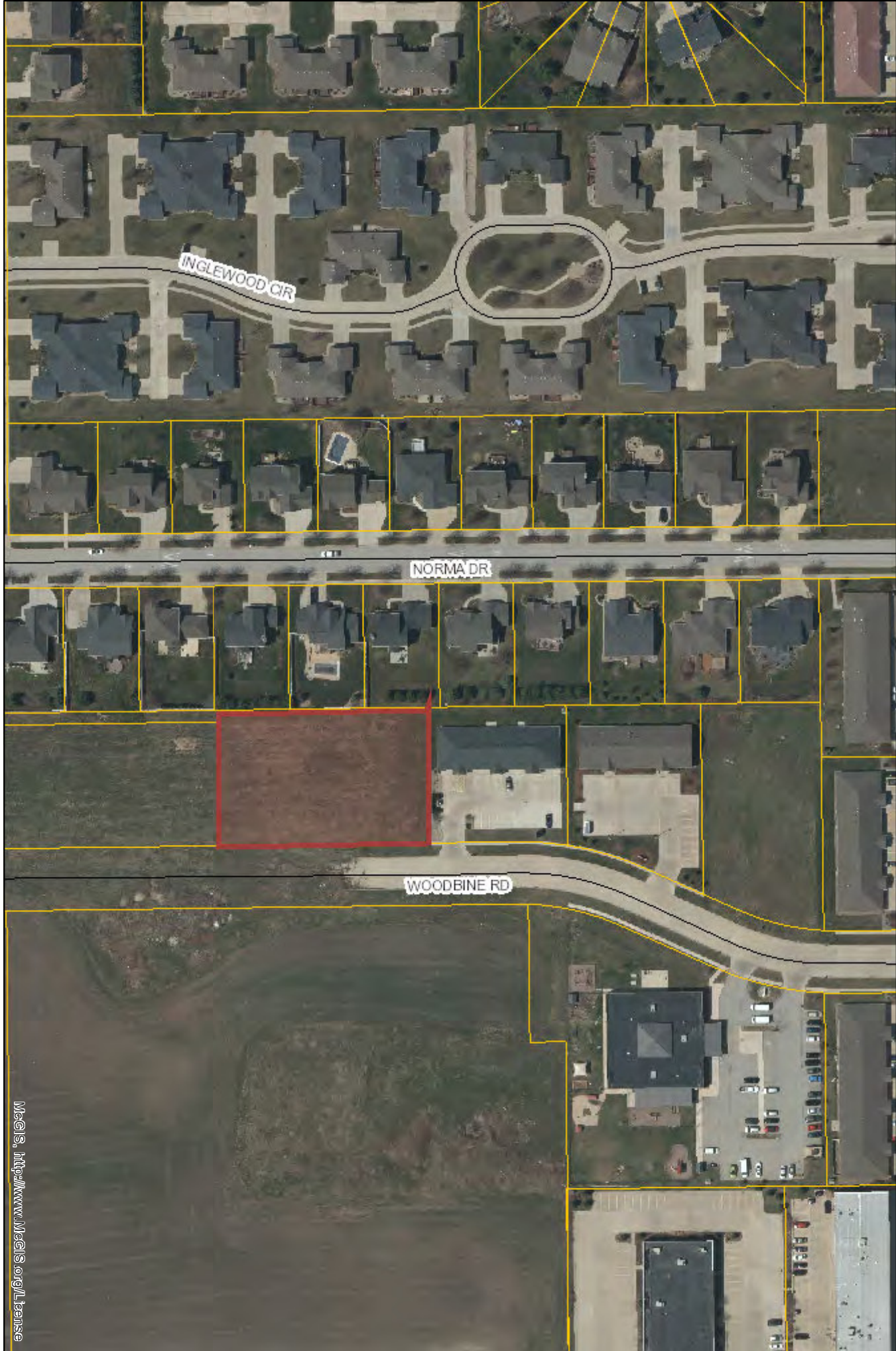
1:20

SHEET

1 OF 1



Aerial Map-Woodbine Rd



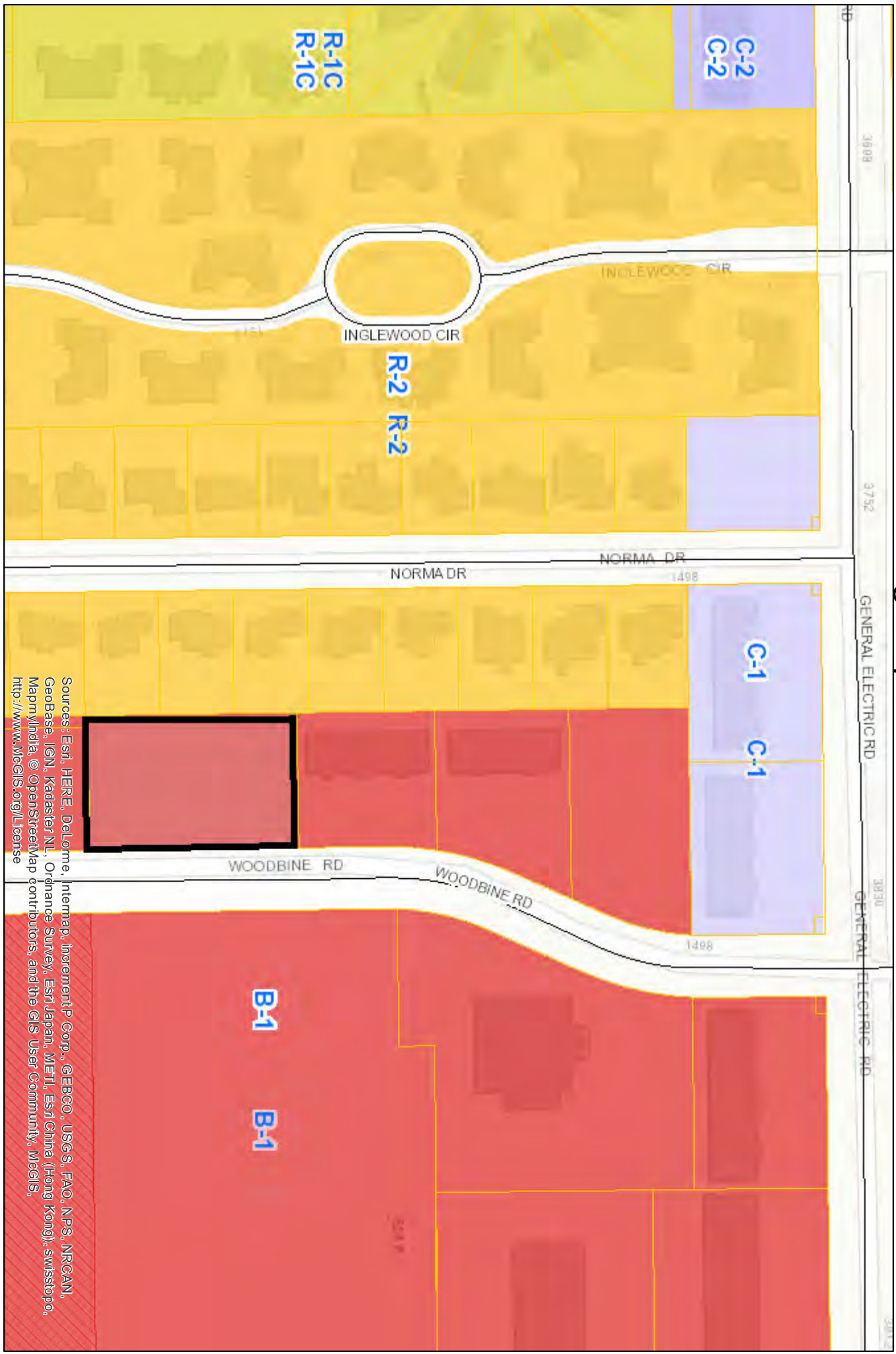
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Zoning Map- Woodbine Rd



Sources: Esri, HERE, DeLorme, Intermap, incrementP Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community, Mapbox, <http://www.Mapbox.org/License>



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20927835
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
JANUARY 17, 2018

Notice is hereby given that the Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday January 17, 2018 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, petitions submitted by Terra, LLC for the approval of a special use for condominium development on property commonly located south of 1410 Woodbine Rd at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is legally described as follows:

Legal Description:

A PART OF THE NE1/4 OF SECTION 31, TOWNSHIP 24 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL ME-

Public Notices

RIDIAN, CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 9 IN THE SECOND ADDITION TO HAWTHORNE COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. 2005-6797 IN THE MCLEAN COUNTY RECORDER OF DEEDS OFFICE, ON THE WEST RIGHT OF WAY LINE OF WOODBINE ROAD; THENCE S.00°-00'-00"E. 290.40 FEET ON SAID EAST LINE OF SAPPHIRE LAKE SUBDIVISION TO THE SOUTHWEST CORNER OF SAID LOT 9 IN SECOND ADDITION TO HAWTHORNE COMMERCIAL SUBDIVISION; THENCE N.90°-00'-00"E. 150.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.00 ACRES, MORE OR LESS, WITH ASSUMED BEARINGS GIVEN FOR DESCRIPTION PURPOSES ONLY.

Request:

A request to allow condominium development in the B-1, Highway Business District as a special use.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Published: December 29, 2017



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

December 29, 2017

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on Wednesday January 17, 2018 at 4:00PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois to hear testimony for a petition submitted by Terra, LLC for the approval of a special use permit for the property located south of 1410 Woodbine Rd at which time all interested persons may present their views upon such matters pertaining thereto.

REQUEST

The petitioner is requesting a special use permit to allow for condominium development in the B-1, Highway Business District.

The petitioner or his/her Counsel/Agent must attend the meeting. A legal description of the subject property is attached to this letter.

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to attached map). All interested persons may present their views upon said petition, or ask questions related to the petitioner's request at the scheduled public hearing. Copies of the submitted petition are available for public review at the Department of Community Development, 115 E. Washington St. Bloomington, IL 61701. Communications in writing in relation to the petition may be sent to the Department of Community Development prior to the hearing, or presented at such hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing. Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting.

The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may email me at irivera@cityblm.org or call me at (309) 434-2448.

Sincerely,

A handwritten signature in black ink, appearing to read 'Izzy Rivera', written over a light blue horizontal line.

Izzy Rivera
Assistant City Planner

Attachments:

Map of notified properties within 500 ft of subject property
Legal Description of property

Public hearing scheduled 01-17-17 for a special use permit for site directly south of 1410 Woodbine Rd



Not to scale

45128.02
3/20/17
JTS

Legal Description

A part of the NE¼ of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the southeast corner of Lot 9 in the Second Addition to Hawthorne Commercial Subdivision, according to the Plat thereof recorded as Document No. 2005-6797 in the McLean County Recorder of Deeds Office, on the west right of way line of Woodbine Road; thence S.00°-00'-00"E. 290.40 feet on said west right of way line of Woodbine Road; thence N.90°-00'-00"W. 150.00 feet to the east line of Sapphire Lake Subdivision according to the Plat thereof recorded as Document No. 2002-27481 in the McLean County Recorder of Deeds Office; thence N.00°-00'-00"E. 290.40 feet on said east line of Sapphire Lake Subdivision to the southwest corner of said Lot 9 in Second Addition to Hawthorne Commercial Subdivision; thence N.90°-00'-00"E. 150.00 feet to the Point of Beginning, containing 1.00 acres, more or less, with assumed bearings given for description purposes only.

BLOOMINGTON - NORMAL AIRPORT
AUTHORITY

3201 CIRA DR STE 200

BLOOMINGTON, IL. 61704

COLEEN PREWITT

3720 HELEN DR

BLOOMINGTON, IL. 61704

MCLEAN COUNTY LAND TRUST JS-101

7965 PASEO MEMBRILLO

CARLSBAD, CA. 92009

GREGG CHADWICK

1407 NORMA DR

BLOOMINGTON, IL. 61704

ROBERT BEAN

3714 GINA DR

BLOOMINGTON, IL. 61704

JEFFREY & GINA TARTER

5 CHERRYWOOD LN

BLOOMINGTON, IL. 61701

TAB & NANCY KRAFT

1303 NORMA DR

BLOOMINGTON, IL. 61704

PETER I & JESSICA TERRENCE

3624 PAMELA DR

BLOOMINGTON, IL. 61704

DARWYN & HEATHER BOSTON

3717 GINA DRIVE

BLOOMINGTON, IL. 61704

TROY & DEEDA WILLIAMS

27 Derby Way

BLOOMINGTON, IL. 61704

JEFFREY FURLER

1403 NORMA DR

BLOOMINGTON, IL. 61704

DANIEL DONATH

3713 GINA DR

BLOOMINGTON, IL. 61704

BRIAN MILLER

1413 NORMA DR

BLOOMINGTON, IL. 61704

JEFFREY & COLLEEN GRAHAM

1422 NORMA DR

BLOOMINGTON, IL. 61704

GLENN HILL

PO BOX 1086

BLOOMINGTON, IL. 61702

LORRAINE MUHAMMAD

1309 NORMA DR

BLOOMINGTON, IL. 61704

SRIM LLC

104 WEXFORD CT

NORMAL, IL. 61761

REX MOORE

3714 HELEN DR

BLOOMINGTON, IL. 61704

ALKESH & SHANTABEN CHAUDHARI

1415 NORMA DR

BLOOMINGTON, IL. 61704

ROBERT RUSH & MICHELLE STEELE

1206 NORMA DR

BLOOMINGTON, IL. 61704

GANESAN & RADHA RAJENDRAN
VAIYAPURI

1209 NORMA DR

BLOOMINGTON, IL. 61704

ERIC FEIT

3716 HELEN DR

BLOOMINGTON, IL. 61704

KYLE J & CYNTHIA R DAGGY YOST

1409 NORMA DR

BLOOMINGTON, IL. 61704

FREDERICK & SHARON TAYLOR

3716 Gina Dr

BLOOMINGTON, IL. 61704

JAMES E. & PATRICIA L STANGEL

1305 NORMA DR

BLOOMINGTON, IL. 61704

ANTHONY SCHULTZ

PO Box 6174

BLOOMINGTON, IL. 61702

IKRAMUDDIN MOHAMMAD

1315 NORMA DR

BLOOMINGTON, IL. 61704

PATRICK REEG

3715 GINA DR

BLOOMINGTON, IL. 61704

HELEN & LARRY SCHUMACHER

3720 GINA DR

BLOOMINGTON, IL. 61704

MATTHEW JAEGER

3718 GINA DR

BLOOMINGTON, IL. 61704



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DOUGLAS M & CHRISTINE E RINGER
1207 NORMA DR
BLOOMINGTON, IL. 61704

MATTHEW CHECCHI
3718 HELEN
BLOOMINGTON, IL. 61704

SEPHRINE A & RICHARD H ACHESAH
1314 NORMA DR
BLOOMINGTON, IL. 61704

MARCEDA NORD
1420 NORMA DR
BLOOMINGTON, IL. 61704

JOB REAL ESTATE LLC
1502 E JACKSON ST
BLOOMINGTON, IL. 61701

DONALD & LESLIE LEAVER
1421 NORMA DR
BLOOMINGTON, IL. 61704

RICHARD & TERRY L TINAGLIA
1404 NORMA DR
BLOOMINGTON, IL. 61704

SWARNA PANDRANGI
1416 NORMA DR
BLOOMINGTON, IL. 61704

JOHN STRAUB
1402 NORMA DRIVE
BLOOMINGTON, IL. 61704

STEVEN DELIS
1204 NORMA DR
BLOOMINGTON, IL. 61704

JIM & DARLENE HAPPEL
1313 NORMA DR
BLOOMINGTON, IL. 61704

QAMER SYEDA
1411 NORMA DR
BLOOMINGTON, IL. 61704

SHISHIR & SHWETA RAUT
1311 NORMA DR
BLOOMINGTON, IL. 61704

CHRISTINE FLOYD
1419 NORMA DR
BLOOMINGTON, IL. 61704

BAPS BLOOMINGTON LLC
81 SUTTONS LN
PISCATAWAY 8854

NINAN THOMAS
1406 NORMA DR
BLOOMINGTON, IL. 61704

RODNEY BECKER
1410 NORMA DR
BLOOMINGTON, IL. 61704

JEANNIE L & NANCY L LATHAM KEIST
1312 NORMA DR
BLOOMINGTON, IL. 61704

CARL SCHROF FORREST LAND TRUST
1997 7
2205 HEDGEWOOD DR
BLOOMINGTON, IL. 61704

PAUL OBRIAN
1202 NORMA DR
BLOOMINGTON, IL. 61704

PANKAJ K SHARMA
1306 NORMA DR
BLOOMINGTON, IL. 61704

MS ALEXIS C KALITZKY KALITZKY ALAN J
&
1205 NORMA DR
BLOOMINGTON, IL. 61704

BETTY DODSON TRUST
1003 DEBRA LANE
PONTIAC, IL. 61764

CHARLES GRIFFIS JR
1414 NORMA DR
BLOOMINGTON, IL. 61704

WILLIAM GLISSON
1408 NORMA DR
BLOOMINGTON, IL. 61704

EDWARD PANOPIO
1401 NORMA DR
BLOOMINGTON, IL. 61704

EDWARD MACK
1405 NORMA DR
BLOOMINGTON, IL. 61704

R JACK DAVIS
1412 NORMA DR
BLOOMINGTON, IL. 61704

SCOTT MORGAN
1701 E COLLEGE AVE SO 3
BLOOMINGTON, IL. 61704

JOSEPH HARRISON
20926 E 1300 NORTH RD
BLOOMINGTON, IL. 61705

JEFFREY E & CRYSTAL L TELLING
1201 NORMA DR
BLOOMINGTON, IL. 61704

JOSEPH HARRISON
20926 E 1300 NORTH RD
BLOOMINGTON, IL. 61705

CHAD SEEMAN
208 PRAIRIE RIDGE DR
LEXINGTON, IL. 61753

JOSEPH HARRISON
20926 E 1300 NORTH RD
BLOOMINGTON, IL. 61705

TERRA LLC
1904 LONGWOOD LN
BLOOMINGTON, IL. 61704

JENNIFER A & LAWRENCE D OZBURN
3705 PAMELA DR
BLOOMINGTON, IL. 61704

RONALD CHICKERING
3715 HELEN DR
BLOOMINGTON, IL. 61704

RICHARD GORDON
3713 HELEN DR
BLOOMINGTON, IL. 61704

JIM RANDOLPH
1210 NORMA DR
BLOOMINGTON, IL. 61704

VIJAYARAJA GOVINDARAJAN
3801 PAMELA DR
BLOOMINGTON, IL. 61704

RAVICHANDRAN & ALAGESHWARI
NATARAJAN
3701 PAMELA DR
BLOOMINGTON, IL. 61704
DANIEL & AMANDA FISCHER
3717 HELEN DRIVE
BLOOMINGTON, IL. 61704

MATTHEW & AMY MOORE
1208 NORMA DR
BLOOMINGTON, IL. 61704

HARD HAT VENTURES, LLC
1405 Winterberry Cir
BLOOMINGTON, IL. 61705

WELBROOK BLOOMINGTON LLC
NORTHSTAR COM. PARTNERS
1999 BROADWAY STE 770
DENVER, CO. 80202

Objection email recieved by the Community Development Department on 01/09/18

From: Julia Heinold <[REDACTED]>
To: irivera@cityblm.org

Date: Tuesday, January 09, 2018 08:10AM
Subject: Rezoning proposal

History:  This message has been replied to.

I am writing as a concerned citizen regarding the request to change the zoning along Woodbine Road south of GE road. As a resident of the neighboring subdivision, I am urging you to not approve this rezoning. The area is already overloaded with multi family homes. I have children who attend Benjamin elementary which is already full to capacity.

I am not able to attend the town meeting but wanted to make our family's interests known. We DO NOT want more multifamily units bordering our subdivision.

Thank you for you time.
Julie and Brent Heinold

Sent from my iPhone

CITY OF BLOOMINGTON
REPORT FOR THE BOARD OF ZONING APPEALS
January 17, 2017

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-02-18	1701 S Veterans Parkway	Appeal of Sign Administrator Decision	Bob Mahrt, Interim Community Development Director

APPELLANT'S APPEAL REQUEST:

Section of Code: 44.13-4 E-1

Decision	Code Reference	Appeal Request
Sign Administrator denied permit application #27968 for an off-premise sign because the application failed to comply with the requirements of Chapter 3, Section 5.7 of the City Code	Ch. 3 Section 5.7 k The horizontal separation between an on-premise and off-premise signs shall be 100 ft (Ord. 1998-95)	To reverse the Sign Administrator's decision

STAFF RECOMMENDATION:

The Administrator's decision to deny the Appellant's sign permit application is in accordance with the requirements of the Sign Code and applicable law in that there is no exception in the Code to the requirement that the separation between on-premise and off-premise signs may be less than 100 feet.

*Staff recommends the Zoning Board of Appeals **affirm** the Sign Administrator's decision to deny permit application No. 27968.*



NOTICE

The appeal has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on December 29, 2017

GENERAL INFORMATION

Owner and Appellant: Picture This Digital Media LLC

PROPERTY INFORMATION

Legal description AY MCDONALD SUB LOT 3

Existing Zoning: B-1, Highway Business District
Existing Land Use: Starbucks/Retail
Property Size: Approximately 31,000 square feet
PIN: 21-10-451-011

Surrounding Zoning and Land Uses

Zoning

North: B-1, Highway Business
South: B-1, Highway Business
East: B-1, Highway Business
West: B-1, Highway Business

Land Uses

North: retail, gas station
South: gas station, retail
East: auto sales, retail
West: warehouse, retail, distribution

Analysis

ZONING BOARD OF APPEALS' SCOPE OF REVIEW

Ch. 44 Section 13-4E1. Appeals without petition for a variance.

"In appeals to the Board from decisions of the Administrator denying a sign permit or declaring a sign to be illegal, the Board's scope of review shall be limited to determining whether or not the Administrator's decision is in accordance with the requirements of Chapter 3 of this Code and applicable law and accordingly affirm or reverse the appealed decision. If the Administrator's decision is reversed, the Board shall direct the Administrator to issue the permit or a statement permitting the sign in accordance with its decision." (ORD 2012-71).

BACKGROUND

Relevant sections of the ordinance and Context:

The Advertising Sign Code is published on the City of Bloomington website. Chapter 3, Section 1.2 recognizes the purpose and intent of the City of Bloomington Advertising Sign Code. In summation, the Code was established to protect public health and traffic safety, to preserve the natural environment and promote orderly and effective display of signs, to protect public and private investments in commerce and industry and to protect the reasonable rights of all advertisers including adjacent businesses and property owners. The Code recognizes the need for regulation to accomplish the aforementioned purpose and declares that "signs which are unregulated as to size, location and appearance can distract motorists, interfere with identification of traffic control devices, and hinder safe travel" (Section 1.2). Furthermore, a lack

1701 S. Veterans Parkway

of regulation may result in escalation in the size and quantity of signs erected by competing businesses.

The ordinance distinguishes between “on-premise” and “off-premise” signs. “On-premise signs” are intended to serve the business where the sign is located. Section 5.1 regulates on-premise ground signs. ““Off-premise signs’ advertise goods, products, services or facilities or directs persons to a different location from where the sign is located” (Section 2.2.). Section 5.7 regulates off-premise signs. The regulations for on-premise and off-premise signs differ in order to protect the reasonable rights of all advertisers and to reduce the likelihood of a proliferation of signage and roadway distractions. The Sign Code requires that both on-premise and off-premise signs maintain a minimum, 100 foot horizontal separation with other on-premise signs (Ch. 3, Sect. 5.1(a)1 and Ch. 3. Sect. 5.7k, respectively). Section 5.1(a)1 clearly exempts “on-premise signs located on separate premises” from the 100 foot separation requirement with another on-premise sign (Ch. 3, Sect. 5.1(a)1). No such exemption from the horizontal separation requirement exists for off-premise and on-premise signs located on separate premises, therefore the horizontal separation between on-premise and off-premise signs located on separate premises is intended to be a minimum of 100 ft

Description of Subject Property:

1701 S. Veterans Parkway, (“subject property”) is located at the northwest corner of the intersection of two state routes, Veterans Parkway/US Business 55/Former Rt 66 and Morrissey Dr/US 150. The property is used as a Starbucks with retail space for additional tenants. The subject site is relatively flat with highway visibility on the north, east and south sides of the property. When the application was initially submitted in November 2016, an off-premise billboard existed on the west side of the property facing east; the City has no record of a permit issued for said billboard. The northeast and southeast corner of the intersection have been improved with auto sale lots. The southwest corner, 1601 S Veterans Parkway, is developed with a gas station and retail center. An off-premise, digital billboard exists on this parcel. Veterans Parkway is a major highway. Multiple billboards, or off-premise signs, exist along both sides of the road. Some of these signs are recent, while others may have been erected prior to adoption of the City’s Sign Code, Chapter 3.

Facts:

On November 14, 2016, permit application No. 27968 was submitted to the City of Bloomington by Prairie Signs. The application requested permission to erect a double-faced off-premise sign, approximately 242 square feet per side, at 1701 S. Veterans Parkway. The application consisted of a City of Bloomington permit application form, aerial view of the property marked to show the expected location of the sign, and a rendering prepared by the sign contractor illustrating that the proposed sign would be digital and 30 ft tall. An Engineer, certified in the state of Illinois, did not stamp the rendering; the application failed to include information required pursuant to Ch.3, Sec. 3.7 describing the construction and design of the sign including the materials used, and support/footing design. When sign applications, like No. 27968, are incomplete, the sign administrator tries to work with the applicant to acquire the materials and information necessary for compliance and ultimately, for approval.

1701 S. Veterans Parkway

The sign contractor/applicant, Prairie Signs, was notified by email on November 18, 2016, that the City could not approve the permit because three off-premise signs already existed on that side of the street, including a(n) (unpermitted) billboard already on the premises. BCC Ch. 3, Sec. 5.7(c). Four months after the initial exchange of emails denying the application, the applicant's representative informed the Sign Administrator that the off-premise sign that had been on the subject property had been removed and that the applicant wished to proceed with the permit process. The Administrator responded that since the sign for which the permit was being sought would be located along a state route, a permit would need to be obtained from the Illinois Department of Transportation (IDOT) before the City could issue a sign permit, pursuant to Ch. 3, Sec. 5.7 (i) and the "Highway Advertising Control Act of 1971". The applicant was also encouraged to contact the Central Illinois Regional Airport Authority (CIRA) to verify that an airspace study was not required prior to issuance of a permit. More than three months later, on June 29, 2017, the applicant applied for an IDOT permit. (Appellant's Exhibit 6).

In early July, the adjacent property owner applied for and received a permit for an on-premise sign to advertise for the business located at 1703 S. Veterans Parkway. A permit from IDOT is not required to erect an on-premise sign; IDOT only requires a permit for off-premise signs. On August 10, 2017, the Sign Administrator verbally informed the appellant, Picture This Digital Media LLC, that permit application No. 27968 could not be approved because it was incompliant with the requirements of Section 5.7k, a 100 foot separation between off-premise and on-premise signs. The horizontal separation between the proposed off-premise sign and the permitted on-premise sign at 1703 S. Veterans Parkway would be approximately 30 ft. On August 14, 2017, the Administrator sent written notification via email to the application (Appellant's Exhibit 8). On August 29, 2017, IDOT notified the applicant the IDOT permit application submitted on June 22, 2017 had been approved (Appellant's Exhibit 6).

Administrator's Decision:

In summary, the Sign Administrator's decision to deny permit application No. 27968 is rooted in the following logic:

- 1). The Sign Code Administrator is bound by the law as written and does not have the authority to make exceptions to the plain language of the sign code ordinance.
- 2). The Advertising Sign Code allows the City of Bloomington to regulate the size, location, and materials of signs (Ch.3 Sect. 1.2). and the purpose and intent for such regulation is to protect the reasonable rights of commercial property owners and afford them the right to advertise for goods and services rendered on their property, while reducing the proliferation of signage and roadway distractions which negatively impact public health and traffic safety (Ch. 3 Sect. 1.2).
- 3). The Sign Code recognizes a need may exist to advertise for goods and services rendered on a different property and permits off-premise signs, and regulates off-premise signs to fulfill the intent of the Code (Ch. 3 Sect. 5.7).
- 4). The Sign Code requires that both on-premise and off-premise signs maintain a minimum, 100 foot horizontal separation with other on-premise signs (Ch. 3, Sect. 5.1(a)1 and Ch. 3. Sect. 5.7k, respectively).

5). Section 5.1(a)1 clearly exempts “on-premise signs located on separate premises” from the 100 foot separation requirement with another on-premise sign (Ch. 3, Sect. 5.1(a)1).

6). No such exemption from the horizontal separation requirement exists for off-premise and on-premise signs located on separate premises, therefore the horizontal separation between on-premise and off-premise signs located on separate premises should be a minimum of 100 ft.

7). The exemption has existed in City Code for decades. The restriction on off-premise signs allows a property owner the right to advertise for the goods and services sold on-site without fear of having their signs blocked by an off-premise billboard. On-premise signs are subject to additional requirements, such as a limit on total permitted signage, that do not apply to off-premise signs, therefore the 100 ft horizontal separation requirement for off-premise signs is not intended to discriminate but to protect public and private investment.

8). Application No. 27968 was incomplete without approval from IDOT and without construction information. The Administrator may not deny an adjacent property owner a permit because an applicant intends to comply with the requirements of Chapter 3.

To the extent that the requirement of Section 5.7(k) requiring 100 feet of separation between on and off-premises signs may or may not have been consistently enforced by previous administrators, the City maintains that it is not possible to determine prior approval standards. However, it does not change the clear meaning of an ordinance nor prevent the City from requiring compliance with the language of the ordinance.

STAFF RECOMMENDATION:

The Administrator’s denial of the appellant’s sign permit application was proper and consistent with the letter of the Advertising Sign Code in that there is no exception in the Code to the requirement that the separation between on-premise and off-premise signs shall be less than 100 feet.

*Staff recommends the Zoning Board of Appeals **affirm** the Sign Administrator’s decision to deny permit application No. 27968.*

If the Administrator’s decision is affirmed, the appellant may have the option to request a variance from the separation requirement. Said variance would be subject to compliance with the requirements of 44.13-4E2. If the Administrator’s decision is reversed, the Board shall direct the Administrator to issue the permit or a statement permitting the sign in accordance with its decision.

Attachments

1. Relevant Sections of the Sign Code (entire code is available online at www.cityblm.org)
2. Appellant’s appeal request and Appellant’s memorandum with exhibits
3. Sign permit application No. 27968
4. Aerial photographs and maps
5. Newspaper notice for public hearing, neighborhood notice and notified property owners

Chapter 3:

Section 1.2 : Findings and Statement of Purpose.

The Advertising Sign Code regulates all varieties of signs, as defined within the City of Bloomington. The City Council in adopting this Code, finds:

- (a) that signs should be regulated in order to protect public investment, to promote the recreational value of public travel, to preserve natural beauty and to promote the reasonable orderly and effective display of signs; that the use and display of signs in a legitimate use of private property and is an integral part of the business and marketing functions of local economy and serves to promote and protect private investments in commerce and industry and that the regulatory standards set forth in this Code are consistent with customary use in this City and will properly carry out the purposes of this Code, more severe restrictions being inconsistent with customary use and ineffective to accomplish the purposes of this Code;
- (b) signs visible from motor vehicles being driven upon streets in the City have a visual impact upon the drivers of those vehicles;
- (c) easily read and well located signs can materially assist motorists and others in getting to their desired destination safely and efficiently;
- (d) signs which are unregulated as to size, location and appearance can distract motorists, interfere with early identification of traffic control devices, and hinder the smooth and safe movement of traffic;
- (e) lack of regulation of size, location and appearance of signs can cause escalation in the size of signs erected by competing businesses.

This Code authorizes the use of signs visible from public right-of-way provided the signs are:

- (a) compatible with permitted, special, or accessory uses allowed in the district and surrounding land;
- (b) designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety;
- (c) legible, readable and visible in the circumstances in which they are used;
- (d) not violative of the reasonable rights of other advertisers whose messages are displayed.
(Ordinance No. 1989-30)

Section 2.2 : Definitions.

Billboard. See "Off-Premise Sign," "Off-Site Sign," or "Outdoor Advertising (Posters and Bulletins)".

Off-Premise Sign (Off-Site Signs). It is a sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is installed.

On-Premise Sign. Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.

Section 3.7 : Application for Permit to Install a Sign.

Application for a permit shall be made to the Administrator upon a form provided by the Administrator and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City including:

- (a) Name and address of owner of the sign;
- (b) Name and address of owner or the person in possession of the premises where the sign is located or to be located;
- (c) Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises;
- (d) Drawings showing the dimensions, construction supports, sizes, electrical wiring and components, materials of the sign and method of attachment and character of structural members to which attachment is to be made. The design, quality, materials and loading shall conform to the BOCA National Building Code in effect and Chapter 10 of the Bloomington City Code. When required by the Administrator, engineering data shall be supplied on plans submitted certified by a duly registered architect or structural engineer. (Ordinance No. 1998-95)

Section 5.1 : Freestanding or Ground Signs.

- (a) Minimum Horizontal Separation:
 - (1) On-Premise Freestanding Signs: More than one (1) on-premise freestanding or ground sign may be permitted on each premise having frontage on a public street or an approved private street, provided that the minimum horizontal separation between such on-premise freestanding signs shall be one hundred feet (100'). The required separation in this Section does not apply to on-premise signs on separate premises.

Section 5.7 : Off-Premises Signs.

- (a) After February 8, 1981, it shall be unlawful for any person to erect any off-premise sign having a sign area in excess of three hundred (300) square feet unless and until a variance for such off-premise sign exceeding three hundred (300) square feet in sign area has been granted by the Sign Code Board of Review in accordance with Article 12 of this Code. (Ordinance No. 1981-8)
- (b) After February 8, 1981, it shall be unlawful for any person to erect any off-premise sign closer than two hundred (200) feet to any other off-premise sign located on the same side of a public street as such off-premise sign being erected. (Ordinance No. 1981-8)
- (c) After February 8, 1981, it shall be unlawful for any person to erect any off-premise sign on one (1) side of a public street in such a manner that results in more than three (3) off-premise signs being located on the same side of such street along any given one-half (½) mile measured parallel to such street. (Ordinance No. 1981-8)

- (d) Off-premise signs may be double faced and each side shall be considered as facing traffic flowing in the opposite direction. There will be no vertical stacking of these types of signs. (Ordinance No. 1998-95)
- (e) Any off-premise sign may be a freestanding sign, a fascia or wall sign, a roof sign, a projecting sign, a canopy sign, a sign on an awning, an incidental sign, a directional sign, a manual or automatic changeable copy sign, a changing sign, a rotating sign, or a special sign subject to the provisions of this Code for each of these aforementioned signs unless such provisions are restricted to on-premise signs. (Ordinance No. 1981-8)
- (f) At the intersection of any two (2) public streets, after February 8, 1981, it shall be unlawful for any person to erect a double or single faced off-premise sign at right angles to and, therefore, facing traffic on one (1) street any closer than two hundred (200) feet to a similarly positioned double or single faced off-premise sign at right angles to and, therefore, facing traffic on the other street, if one (1) sign is visible from the other. (Ordinance No. 1981-8)
- (g) It shall be unlawful for any person to erect a structure for any freestanding or ground off-premise sign that is not of vertical or cantilever construction, and where the back of such sign is visible it shall be unlawful for the owner of such sign to not keep such sign suitably painted or otherwise covered to present a neat and clean appearance. (Ordinance No. 1981-8)
- (h) It shall be unlawful for the owner of any off-premise sign to not keep the area around such off premise sign structure clean and clear of all scrub brush and tall grass to a distance of at least five (5) feet to the rear and sides of such structure as well as to the front property line, and if on a corner site, to both front property lines. (Ordinance No. 1981-8)
- (i) Subject to the provisions in subsections (a) through (h) of this Section 5.7 which establish customary use of off-premise signs within the City, it shall be unlawful for any person to erect any off-premise sign which is in violation of the "Highway Advertising Control Act of 1971", Ch. 121, Sec. 50I *et seq.*, Ill. Rev. Stat., 1979, as amended. (Ordinance No. 1981-8)
- (j) The area of an off-premise sign shall not be included in the calculation of maximum allowed signage in a lot only if it is a ground or freestanding sign. (Ordinance No. 1988-33)
- (k) The horizontal separation between ground/freestanding on-premise and off-premise signs shall be one hundred feet. (Ordinance No. 1998-95)
- (l) No off-premise sign shall be closer than fifteen feet (15') from a side lot line. (Ordinance No. 1988-33)
- (m) No off-premise sign shall be closer than one hundred feet (100') to a residential zoning district boundary line. (Ordinance No. 1998-95)

**CITY OF BLOOMINGTON
ZONING BOARD OF APPEALS**

**Appeal of Picture This Digital Media, LLC
from a decision of the Blooming Sign Code Administrator
denying a permit for an off-premise sign at
1701 S. Veteran's Parkway**

Picture This Digital Media, LLC, ("Applicant"), pursuant to Section 44.13-3 of the Bloomington City Code, hereby appeals to the Zoning Board of Appeals from a decision by the Sign Code Administrator ("Administrator") of the City of Bloomington denying Applicant's request for an off-premise sign at 1701 S. Veteran's Parkway. In support of its appeal, Applicant states as follows:

1. Applicant is an Illinois limited liability company authorized to do business in the State of Illinois.
2. In November 2016, Applicant, through its sign contractor, Prairie Signs, filed Permit Application #27968, including all necessary supporting documentation, with the City of Bloomington for a permit for an off-premise advertising sign at 1701 S. Veteran's Parkway in the City of Bloomington,
3. The Administrator told Applicant that the permit could not be issued at that time because there was an existing off-premise sign already at that location (owned and maintained by Applicant), and because Applicant would first need to obtain a sign permit from the Illinois Department of Transportation (IDOT) under the State of Illinois Outdoor Advertising Act.
4. In reliance on the Administrator's statement, Applicant removed its existing off-premise sign and filed an application to IDOT for a sign permit under the Illinois Outdoor Advertising Act.

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5. On or about July 2017, IDOT issued Permit # 057-39968 to Applicant for the requested off-premise sign at 1701 S. Veteran's Parkway.

6. After receiving the permit from IDOT, Applicant returned to the Administrator with a copy of said permit and all necessary documentation and again requested issuance of a city permit for an off-premise sign at that location.

7. The Administrator denied Applicant's request for a sign permit on the ground that, while Applicant was complying with the Administrator's directions referred to in Paragraph 3 above, the owner of the property immediately west of and adjacent to 1701 S. Veteran's Parkway applied, on July 7, 2017 received a permit for, and erected an on-premise sign on said adjacent property. Since Section 5.7 (k) of the City of Bloomington Advertising Sign Code required a 100-foot separation between on and off-premise ground signs, there was no place on the subject property where an off-premise sign could be installed.

8. The Administrator's denial of Applicant's sign permit was improper, erroneous and contrary to the letter and intent of the Advertising Sign Code in the following respects:

- A. The Administrator applied Section 5.7 (k) of the Advertising Sign Code in a manner inconsistent with its prior application.
- B. The Administrator applied Section 5.7 (k) in a manner that leads to bizarre and irrational results.
- C. The Administrator applied Section 5.7 (k) so as to permit adjacent property owners' the right to control the rights of applicants under the Advertising Sign Code

D. The Administrator administered the Advertising Sign Code in a manner which is discriminatory and prejudicial to Applicant, and which rewards duplicity on the part of the adjacent property owner in the following respects:

1. The Administrator delayed issuance of a permit to Applicant and induced Applicant to remove its existing off-premise sign, both of which afforded the adjacent property owner the opportunity to erect a sign on its property
2. The Administrator failed to delay issuance of a permit for a sign on the adjacent property, which she knew was inconsistent with Applicant's proposed sign, while Applicant's application was pending with IDOT and Applicant's return to secure a city permit was expected.
3. Having issued a permit for a sign on the adjacent property, the Administrator used the existence of that sign as a reason to refuse Applicant its permit. after Applicant had complied with the Administrator's directions and all requirements of the Advertising Sign Code.

WHEREFORE, Applicant, Picture This Digital Media, LLC prays that the Zoning Board of Appeals:

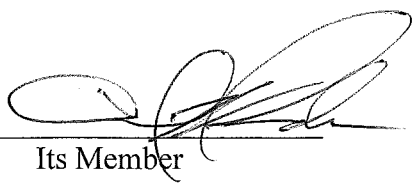
1. Reverse the Administrator's denial of a permit to Applicant for an off-premise sign at 1701 S. Veteran's Parkway; and
2. Direct the Administrator to issue Applicant's requested permit for said location.

Respectfully submitted,

Picture This Digital Media, LLC

By:

Its Member

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over a horizontal line.

**CITY OF BLOOMINGTON
ZONING BOARD OF APPEALS**

**Appeal of Picture This Digital Media, LLC
from a decision of the Blooming Sign Code Administrator
denying a permit for an off-premise sign at
1701 S. Veteran's Parkway**

Memorandum in Support of Appeal of Picture This Digital Media, LLC

Facts

1. Picture This Digital Media, ("Applicant") holds an easement from the owner of the property at 1701 S. Veteran's Parkway entitling it to erect and maintain the outdoor advertising sign which is the subject of this appeal, at that location. **Exhibit 1.**
2. Prior to the application described herein, the owner of the property at 1701 S. Veterans Parkway erected and maintained an off-premise sign at that location for Berkshire-Hathaway Snyder Real Estate. **Exhibit 2.**
3. Said sign was in existence at the time Applicant applied for a city sign permit to erect the sign at issue in this appeal on said property.
4. In November 2016, Applicant, though it's sign contractor, Prairie Signs, filed Application # 27968 for said off-premise billboard. **Exhibit 3.**
5. The Sign Administrator advised Prairie Sign that the billboard could not be approved since there was already an off-premise sign at that location.
6. Applicant removed the existing off-premise sign. **Exhibit 4.**
7. On or about March 23, the Sign Administrator notified Applicant that Applicant needed an IDOT permit and that the city permit would be issued once Applicant received the IDOT permit. **Exhibit 5.**
8. The Applicant applied for, and on or about August 29, 2017, received Permit # 057-39968 from IDOT for the requested sign. **Exhibit 6.**
9. On or about July 7, 2017, the Sign Administrator issued a permit to the owner of the adjacent property at 1703 S. Veteran's Parkway for an on-premise sign, and the adjacent property owner installed an on-premise sign. **Exhibit 7.**

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10. The Sign Administrator denied Applicant's application for a permit because Sec. 5.7 (k) of the Advertising Sign Code prohibits an off-premise sign from being installed within 100 feet of an on-premise sign. **Exhibit 8.**
11. The Sign Administrator had previously ruled that the 100-foot separation requirement applies only on the same parcel of property, not across property lines. This ruling allowed an adjacent property owner at 411 N. Veteran's Parkway to erect an on-premise sign within 100 feet of Applicant's off-premise sign at 409 N. Veteran's Parkway.
12. There are other instances in which the Sign Administrator has approved on and off-premise signs being located within 100 feet of each other across a property line.
13. The adjacent property owner at 1703 S. Veteran's Parkway intends to erect an off-premise sign at that location. **Exhibit 9.**

Argument

I. Measuring the 100-foot limitation across property lines is a misinterpretation of the Sign Code.

A. It is inconsistent with prior precedent.

Section 5.7 (k) of the Advertising Sign Code states as follows:

- (k) The horizontal separation between ground/freestanding on-premise and off-premise signs shall be one hundred feet.

That section does not explicitly state whether an intervening property line is to be considered in measuring the 100-foot separation requirement between on-premise and off-premise signs. But this issue has previously been addressed and decided by the Sign Administrator in another case involving the Applicant. The Applicant had received permits from the city and IDOT to erect an off-premise sign on its property at 403 N. Veteran's Parkway (in front of the former Cub Foods store) and had begun its construction, when the Sign Administrator issued a permit to Dairy Queen at 411 N. Veteran's Parkway to erect a billboard on its property less than 100 feet north of Applicant's sign.

If the intervening property line between the Applicant's property and the Dairy Queen property had been ignored in computing the 100-ft. separation requirement of Sec. 5.7 (k), the Dairy Queen sign could not have been constructed. When Applicant challenged issuance of the permit to Dairy Queen under Section 5.7 (k), the Sign Administrator ruled that the 100 feet could not be measured across a property line; therefore, the permit was properly issued for a sign that was less than 100 feet from a permitted off-premise sign. The decision to approve the Dairy Queen sign forced the Applicant to move its sign to another location on its frontage, and increase the height of the sign so as to prevent it from being obstructed by the Dairy Queen sign. The Sign

Administrator has thus set a precedent: the 100-foot separation requirement of Section 5.7(k) cannot be measured across an intervening property line.

This case is not the only one in which the Sign Administrator refused to measure the 100 ft. across an intervening property line in determining the required separation between on-premise and off-premises signs. The following situations are consistent with the Veteran's Parkway case:

1. 506 and 508 IAA Dr.: The billboard is located less than 100 ft. from Schottky's Deli pylon.
2. 3 and 5 Westport Dr.: The billboard on 3 Westport is approximately 75 ft. from the Studio 301 sign at 5 Westport.
3. 306, 308, and 310 S. Eldorado: The billboard on 308 is approximately 88 Ft. from the Frontier sign on 310 and 95 ft. from the sign on 306.
4. 1507 and 1509 E. Vernon: The billboard on 1509 is approximately 98 ft. from the Goodyear/Clay Dooley sign on 1507.

B. Measuring the 100-foot separation requirement across property lines would lead to bizarre and irrational results.

In a situation where the off-premise sign was constructed first, an adjacent property owner who had less than 100 feet of frontage along a highway would be denied the opportunity to put up a ground sign identifying his business anywhere along the frontage of the road. Such would have been the result in the Dairy Queen case had the Sign Administrator reached a different decision. This result would be especially bizarre where such a sign would be erected to mark the entrance to the property

II. Enforcement of the 100-ft. separation requirement across property lines results an improper delegation of legislative authority.

The City Council, as a public legislative body, has the legal authority to regulate the placement of signs on private property, including the establishment of a separation requirement, as it has done in the Advertising Sign Code. But if the City Council sets the separation requirement at 100 feet, and measures that distance across property lines, it in effect delegates to a private property owner the ability, by the placement of his sign, the city's legislative power to effectively determine where, if at all, an adjoining property owner may place his sign. In this case, the adjacent property owner, by placement of his sign, is effectively denying Applicant the right to place an off-premise sign anywhere on its property. Under the decision being appealed, the Applicant is being denied a right to have a sign put up, not because the city council made such a legislative decision, but because the adjoining property owner made it.

The unfairness of this outcome is aggravated by two facts. First, it was the adjoining property owner's intent, in erecting his sign, to deny Applicant the opportunity to erect an off-premise sign on its property. Section 5.7 (k) only applies to ground signs. The on-premise ground sign he erected does not meaningfully direct traffic to his business; he has erected no sign on the building (the prior owner had its name prominently displayed on the

building). The adjoining property owner's intent in erecting his ground sign was documented in an e-mail to Applicant's contractor. Exhibit 9. Second, his sign is located directly behind the location of Applicant's off-premise sign that was taken down solely to allow construction of the off-premise sign Applicant is now seeking to erect. The adjoining property owner, who applied for the permit more than 6 months AFTER applicant applied for a sign permit and began actively seeking an Outdoor Advertising Sign permit from IDOT, now seeks to leapfrog the Applicant and retroactively invalidate Applicant's efforts to put up a sign on its property. The Sign Administrator's denial of Applicant's permit validates and effectuates the adjoining property owner's dog-in-the-manger tactic.

III. Fairness requires the city to allow placement of Applicant's sign.

Applicant applied for a sign permit from the city in November 2016. As part of the IDOT permitting process, Applicant was required to submit a document from the city stating that it had applied for a local permit and the local Sign Administrator was aware of Applicant's submission to IDOT. As part of this process, Applicant removed an existing non-conforming off-premise sign from its property. It was this removal at the instigation of the Sign Administrator (done only to obtain IDOT and city permits and cure a placement problem under Sec. 5.7(c) of the Sign Code) that permitted the adjacent property owner several months later, to apply for a permit to erect the sign that now exists on its property. The only reason Applicant had not already erected its new sign was that it was waiting on approval from IDOT. It is manifestly unfair for the city to require Applicant to take down its existing sign (in order to get a permit for a new sign), use the absence of that sign as a reason to issue a permit for a sign on adjacent property, and then take the position that the existence of that sign precludes Applicant from erecting its sign, which was in the approval process with IDOT long before the adjacent property owner applied for his sign.

IV. The adjacent property owner enters this situation with unclean hands.

The adjacent property owner did not erect the present on-premise sign in good faith. He could have put a sign on his building as the previous owner had done. But a sign on the building would have not caused a problem for Applicant; only a ground sign would do that. The existing ground sign is so low and so small as to be useless to identify the property or business on it. And the adjacent property owner did not intend to limit his signs to the one already permitted. He ultimately intended to erect a massive sign on his property and circumvent the Illinois Outdoor Advertising Act in doing so. Exhibit 9. It would be grossly unfair for the city to permit such an activity.

Conclusion.

The Sign Administrator erred in issuing a sign permit to the adjacent property owner after Applicant had removed an existing off-premise sign at the direction of the Administrator, and while Applicant's paperwork was still pending with IDOT. The Administrator further erred in using the adjacent property owner's sign as a basis for denial of Applicant's permit, which denial directly conflicts with prior interpretation and application of the Advertising Sign Code. The Sign Administrator's decision denying Applicant's permit should be reversed and the Sign Administrator be directed to issue Applicant's requested permit.

Respectfully submitted,
Picture This Digital Media, LLC

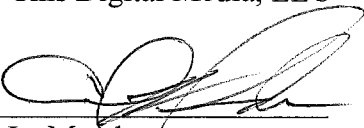
By: 
Its Member

EXHIBIT 1

Type: OFFICIAL RECORDS
Recorded: 06/21/2017 08:53:02 AM
Fee Amt: \$33.00 Page 1 of 4
IL Rental Housing Fund: \$9.00
McLean County, IL
Kathy Michael McLean County Clerk
File# 2017-00010910

CORRECTED EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT, made this ____ day of _____, 2017, by and between MERCER TURNER, as Trustee under the Land Trust Known as Trust Number MB-DN5 (hereinafter referred to as "TURNER") and Picture This Digital Media, LLC, an Illinois limited liability company, (hereinafter referred to as "PTDM"),

WITNESSETH:

WHEREAS PTDM wishes to locate and operate an outdoor advertising sign on real estate owned by TURNER (hereinafter the "TURNER Property") which is legally described as follows:

Lot 3 in A.Y. McDonald's Subdivision in the City of Bloomington,

TAX I.D. #21-10-451-011

Situated in the County of McLean and State of Illinois

WHEREAS TURNER is willing to allow PTDM to construct and maintain a sign on the TURNER Property and give PTDM access to the sign so long as PTDM continues to satisfy the requirements set forth herein.

NOW THEREFORE in consideration of the premises and the mutual covenants herein set forth, the parties agree as follows:

1. LICENSE. For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, TURNER hereby grants unto PTDM a license to erect a sign on

NOV 17 2017

the above-described property in the southwest corner thereof, specifically the south 30 feet of the west 40 feet of said property, including masking or removal of an existing outdoor advertising sign advertising Snyder Real Estate/Berkshire Hathaway services.

2. ACCESS EASEMENT. For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, TURNER hereby grants unto PTDM an easement over and across the south 30 feet of the above-described property, in addition to any driving lanes thereon.
3. PURPOSE. The parties agree that the easement is given for the purpose of allowing construction, maintenance, and/or replacement of an outdoor advertising sign, and ingress to and egress from the sign through the TURNER Property.
4. MAINTENANCE. PTDM shall be solely responsible for the maintenance, repair, and upkeep of the sign and shall pay all utilities in connection with the sign, and upon request, will mask or remove an existing outdoor advertising sign in the area subject to this agreement.
5. INDEMNIFICATION. PTDM shall protect, defend, hold harmless and indemnify TURNER from and against any and all claims, losses, damage or liability arising out of its ownership and use of the sign and its use of the easements hereinabove described. PTDM specifically agrees to repair or replace any damage to the landscaping and parking area around the Sign caused by PTDM or its employees or agents.
6. BENEFIT. The easement rights herein granted and the obligations herein set forth shall be a covenant running with the land and shall be binding upon, and inure to the benefit of, the parties hereto and their assignees and successors in interest of their respective properties.
7. AFFIRMATION OF OWNERSHIP. TURNER hereby affirms that he is the sole owner, as Trustee, of the real estate covered by this easement.
8. PRIOR EASEMENT AGREEMENT SUPERSEDED. A prior Easement Agreement pertaining to this property recorded as Document No. 2017-6661 is hereby nullified and superseded by this document.

Dated this 16th day of May, 2017

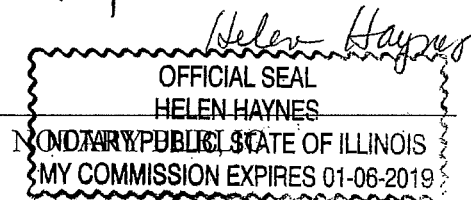
By: Mercer Turner
MERCER TURNER, Trustee

TRUSTEE NOTARIZATION

STATE OF ILLINOIS)
) SS
COUNTY OF McLEAN)

I, THE UNDERSIGNED, a Notary Public in and for said County and State aforesaid, do hereby certify that MERCER TURNER, personally known to me to be the Trustee of McLean County Land Trust Number MB-DN5, appeared before me this day in person and acknowledged that as said Trustee, he signed the foregoing Easement Agreement as the free and voluntary act and deed of Trustee for and on behalf of the Trust for the uses and purposes therein set forth.

Given under my hand and notarial seal this 16th day of May, 2017



My commission expires:

January 6, 2019

EXHIBIT 2





Planning and Code Enforcement
BUILDING SAFETY DIVISION
 115 E. Washington St., PO BOX 3157
 Bloomington, IL 61702-3157
 Phone: 309-434-2226
 Fax: 309-434-2857

Sign Permit Application

EXHIBIT 3

Site Address: 1701 S Veterans		Unit #:		Office Use Only	
Business Name: (if applicable)				Application Number:	
Scope of Work: Install 1-11' x 22' double face off premise sign				Permit Issued:	
				Permit Number:	
				Permit Ready to Issue:	
				Permit Fee:	
				Contacted: Phone Email	
				Application Date: 11/3/16	
(CHECK ONE) TEMPORARY SIGN ____ CHANGE OF COPY ____ NEW SIGNAGE ☒				Anticipated Start:	
Is this part of a larger project?				Application End Date:	
Applicant (check one)		Name	Address	Email	Phone
	Owner	Snyder Entities, LLC			309-452-0463
☒	Sign Contractor	Prairie Signs	1215 Warriner-Nml	dbubenik@prairiesigns.com	

Required Items to be Submitted by Applicant

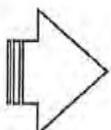
SITE PLAN SHOWING PROPERTY LINES W/DIMENSIONS
 Property Road Frontages, Structures on Property, Construction Supports,
 Materials of the Sign and method of attachment
 Location of the Sign(S) and Dimensions (Proposed and Existing)
 Distance from Sign to Property lines, Structures, Other Signs
 Speed Limit of Street(s) Adjoining Property (MPH) & Width
 Character of Structural Members to which attachment will be made
 Electrical Wiring and Components (if applicable)

SKETCH OF PROPOSED SIGN(S) SHOWING SIGN DIMENSIONS

Cost of Sign(s) INCLUDING MATERIALS AND LABOR: 200,000

Number & Type of Sign (s):	#	SF	DF		#	SF	DF
WALL SIGN				CANOPY SIGN			
GROUND SIGN				AWNING SIGN			
ROOF SIGN				OFF PREMISE SIGN	1		242
PROJECTING SIGN							
Speed Limit of Street(s) Adjoining Property (MPH) & Width							
MPH							
Width (ft.)							
OTHER:							
TOTAL SQUARE FOOTAGE OF PROPOSED SIGNS:							
TOTAL SQUARE FOOTAGE OF EXISTING SIGNS:							

Contractor/Applicant Signature: Diana Bubenik for Prairie Signs



- PLEASE ATTACH PLANS / SKETCHES TO THIS APPLICATION.
- PERMITS MUST BE OBTAINED BEFORE WORK BEGINS.
- SUBMISSION OF THIS FORM DOES NOT GUARANTEE OR GRANT APPROVAL TO START WORK.
- ACCEPTANCE OF PAYMENT DOES NOT CONSTITUTE A PERMIT.
- APPLICATION VOID IF WORK IS NOT STARTED WITHIN 4 MONTHS AFTER PERMIT ISSUANCE.

Katie Simpson
City Planner
City of Bloomington, IL
(309) 434-2341
ksimpson@cityblm.org



-----Diana Bubenik <DBubenik@prairiesigns.com> wrote: -----

To: Katie Simpson <ksimpson@cityblm.org>
From: Diana Bubenik <DBubenik@prairiesigns.com>
Date: 03/22/2017 11:14AM
Subject: RE: 1701 S. Veterans Application # 27968

Good morning. Well, it's been a while but the existing off-premise sign has finally been removed. I would like to proceed with this application. Please see the attached revised drawing as well as site plan showing location. Let me know if you need anything else.

Regards,

Diana Bubenik, Treasurer

Prairie Signs, Inc. 1215 Warriner Street, Normal, IL 61761

Ph: (309) 452-0463 ext 26 **Fax:** (866) 261-5700 **dbubenik@prairiesigns.com**



A Visual Advertising Company

From: Katie Simpson [mailto:ksimpson@cityblm.org]
Sent: Tuesday, November 29, 2016 9:30 AM
To: Diana Bubenik <DBubenik@prairiesigns.com>
Subject: RE: 1701 S. Veterans Application # 27968

Katie Simpson
City Planner
City of Bloomington, IL
(309) 434-2341
ksimpson@cityblm.org

-----Diana Bubenik <DBubenik@prairiesigns.com> wrote: -----

To: Katie Simpson <ksimpson@cityblm.org>
From: Diana Bubenik <DBubenik@prairiesigns.com>
Date: 03/22/2017 11:14AM
Subject: RE: 1701 S. Veterans Application # 27968

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Regards,

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Prairie Signs, Inc. 1215 Warriner Street, Normal, IL 61761

Ph: (309) 452-0463 ext 26 **Fax:** (866) 261-5700 **dbubenik@prairiesigns.com**



A Visual Advertising Company

From: Katie Simpson [mailto:ksimpson@cityblm.org]
Sent: Tuesday, November 29, 2016 9:30 AM
To: Diana Bubenik <DBubenik@prairiesigns.com>
Subject: RE: 1701 S. Veterans Application # 27968

agency's letterhead and must certify to the site's zoning classification as well as to the site's adherence to the September 21, 1959 criteria prescribed in subsection (b)(1) of this Section."

EXHIBIT 5

Diana Bubenik, Treasurer

Prairie Signs, Inc. 1215 Warriner Street, Normal, IL 61761

Ph: (309) 452-0463 ext 26 **Fax:** (866) 261-5700 **dbubenik@prairiesigns.com**



A Visual Advertising Company

From: Katie Simpson [mailto:ksimpson@cityblm.org]

Sent: Thursday, March 23, 2017 10:02 AM

To: Diana Bubenik <DBubenik@prairiesigns.com>

Subject: RE: 1701 S. Veterans Application # 27968

Thank you Diana,

Since this is an off-premise sign located along a state route, you will also need a permit from IDOT before we can issue you a sign permit from the City. You can email the Central Illinois Department of Transportation Office at dot.billboards@illinois.gov.

Information about outdoor advertising is available on their website at <http://www.idot.illinois.gov/doing-business/permits/outdoor-advertising/index>.

Once you have that please let me know and I will get the local permit approved.

Best,

Nov 7 2017
KS

-----Diana Bubenik <DBubenik@prairiesigns.com> wrote: -----

To: Katie Simpson <ksimpson@cityblm.org>
From: Diana Bubenik <DBubenik@prairiesigns.com>
Date: 03/23/2017 10:32AM
Subject: RE: 1701 S. Veterans Application # 27968

They are working on the IDOT permit application now. Can I get the requested document per the below so I can forward it to them for their permit application?

"Verification of zoning classification will consist of an ordinance, certification by the current zoning official and any other documentation that shows the zoning classification. The zoning certification must be submitted on the local governing

https://mail.google.com/mail/u/0/?ui=2&ik=dd3e7e3238&jsver=Ajsy8f-ZiDI.en.&view=pt&as_has=DBubenik%40prairiesigns.com&as_sizeoperator=s_sl... 2/7



Amy O'Neal <aoneal@picturethisadvertising.com>

1701 S Veterans Permit update

1 message

Diana Bubenik <DBubenik@prairiesigns.com>
To: Amy O'Neal <aoneal@picturethisadvertising.com>

Thu, Mar 23, 2017 at 10:35 AM

Amy,

The City of Bloomington will issue the permit once they receive a copy of the IDOT approval. I have requested the zoning document per the verbiage below that you will need for the IDOT permit application. I will forward to you once I receive it.

Verification of zoning classification will consist of an ordinance, certification by the current zoning official and any other documentation that shows the zoning classification. The zoning certification must be submitted on the local governing agency's letterhead and must certify to the site's zoning classification as well as to the site's adherence to the September 21, 1959 criteria prescribed in subsection (b)(1) of this Section.

Diana Bubenik, Treasurer**Prairie Signs, Inc.** 1215 Warriner Street, Normal, IL 61761**Ph:** (309) 452-0463 ext 26 **Fax:** (866) 261-5700 dbubenik@prairiesigns.com***A Visual Advertising Company***



Illinois Department of Transportation

Office of Program Development / Bureau of Land Acquisition
2300 South Dirksen Parkway, Springfield, Illinois 62764

August 29, 2017

CERTIFIED MAIL

Picture This Digital Media, LLC
Mr. David W. Fedor
1 Brickyard Drive
Bloomington, Illinois 61701

EXHIBIT 6

RE: NOTICE OF PERMIT APPROVAL

Route: I-55B
Location: Bloomington
County: McLean
File No.: 057-39968

Dear Mr. Fedor:

This is to notify you that the application you submitted for an outdoor advertising sign to be located in Bloomington has been approved. A copy of the approved permit application, assigned Permit No. 057-39968, is enclosed for your files.

Please contact this office once the sign has been erected. After receiving notification, the Department will perform a final inspection and will place an approved tag on the sign if the sign is found to be compliant.

If you have any questions or need additional information, please contact Jeremy Walker in the Outdoor Advertising Control Section at (217) 785-0808 or DOT.Billboards@Illinois.gov.

Very Truly Yours,

ARML

Laura R. Mlacnik, P.E.
Engineer of Land Acquisition
Bureau of Land Acquisition

Enclosure:
Copy of Approved Application

NOV 17 2017
KS



Illinois Department
of Transportation

RECEIVED
JUN 29 2017

**Application for Outdoor Advertising Permit
Business Area Sign - Primary Highway**

REVISED

IDOT USE ONLY

1) Permit No. 057-39968

Note: All fields marked with an asterisk (*), or outlined in red, are required fields.

2) Owner of Proposed Sign:

Picture This Digital Media, LLC

(Name*)

1 Brickyard Drive

(Address Line 1*)

(Address Line 2)

Bloomington IL 61701

(City, State, Zip*)

aoneal@picturethisadvertising.com

E-mail

309-846-5788

Telephone*

3) Owner of Land:

Mercer Turnee Trustee

(Name*)

202 N. Prospect Road

(Address Line 1*)

Suite 202

(Address Line 2)

Bloomington IL 61701

(City, State, Zip*)

merceturner@aol.com

E-mail

309-663-8105

Telephone*

4) Proposed Sign Location:

County* McLean

Marked Route No.* Business Rte 55

Sign will be located* 26.4

☐ feet

mile(s)

N/S/E/W*

of

(Landmark)*

* 26.4

☒ feet

mile(s)

N/S/E/W*

of the highway right-of-way.

GPS Coordinates in decimal format:

40.45999

-88.971813

latitude (eq. 37.2960370)*

longitude (eq. -89.4820425)*

5) Sign will be located: (Check one)

* ☐ 100-199 ft. ☐ 200-299 ft. ☐ 300-399 ft. ☐ 400-499 ft. ☐ 500-599 ft. ☐ 600-699 ft. ☒ More than 1,000 ft.

from the nearest existing or other proposed signs (other than signs advertising activities conducted on the property or the sale or lease of the property on which they are located).

6) For signs located within incorporated limits, provide the following:

Name of municipality Bloomington

Present Zoning Classification B-1

7) For signs located outside of incorporated limits, provide the following:

Name of zoning authority

Present Zoning Classification

8) For signs located in unzoned areas, answer the following:

Will the sign be located within 600 feet of a commercial or industrial activity? ☐ Yes ☐ No

If yes, will the sign be located on the same side of the highway as the commercial or industrial activity? ☐ Yes ☐ No

9) Description of Proposed Sign:

9A) Sign Type*: ☒ Poster Panel ☐ Painted Panel ☐ Junior Panel ☐ Vinyl Wrap ☐ Multiple Message
☐ Painted Bulletin ☒ Other (specify) Digital East Face

9B) Face Size*: Width is 24 feet. Height is 12 feet. Height to bottom molding is 14 feet.

9C) Structure Features*: Type: ☒ Free Standing ☐ Wall Mount ☐ Roof Mount

Configuration No. (see diagram provided in Form Instructions): 2

9D) Vertical Supports*: ☐ Wood ☒ Metal ☐ Vinyl Number: 1

9E) Will sign have lighting*? ☒ Yes ☐ No If yes, list type: LED illuminated face (east) LED mount (west)

9F) Will sign be other than rectangular*? ☐ Yes ☒ No If yes, attach a sketch.

10) Airport Restrictions:

10A) Is the proposed sign to be located within a two mile radius of any publicly-owned airport*? ☒ Yes ☐ No

10B) Name of airport Central Illinois Regional Airport

11) Certification:

The tag issued as a result of this application must remain securely affixed to the front face of the sign or sign structure in a conspicuous position upon completion of sign erection. The sign owner must notify the Illinois Department of Transportation within 10 days after erection of this sign. If sign is not erected within 3 years after date of approval, this permit becomes invalid. If after erection, this sign is found to be in violation of the law, regulations or permit, this permit becomes invalid.

The applicant certifies that all of the information provided is true and accurate and that the applicant is not the owner of, or affiliated with an owner of, an abandoned or illegal sign as defined by Part 522 of the Illinois Administrative Code.

Signature: [Signature]
(Applicant)

Date: 6-22-17

Print Name: David W. Fader

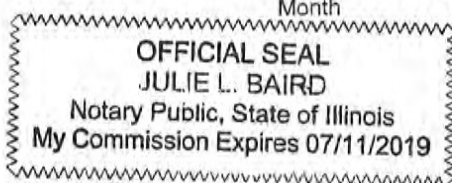
Title: Registered Agent/Member

This certificate is provided to the Illinois Department of Transportation in compliance with the requirements of the Rules for the Control of Outdoor Advertising Adjacent to Primary and Interstate Highways, 92 Illinois Administrative Code Part 522.50 (c) (the "Rules").

State of Illinois)
County of McLean) ss.

Subscribed and sworn to on the 22nd day of June, 2017.
Month Year

(Seal)



[Signature]
Notary Public
My Commission expires: 7/11/2019

Return completed permit forms with supporting documentation and fee to:

Illinois Department of Transportation
Bureau of Land Acquisition
Outdoor Advertising
2300 South Dirksen Parkway, Room 210
Springfield, IL 62764

FOR IDOT USE ONLY
Do Not Write in this area

Permit No. 057-39968

Verified By: [Signature]

Permit is: ☒ Approved ☐ Not Approved

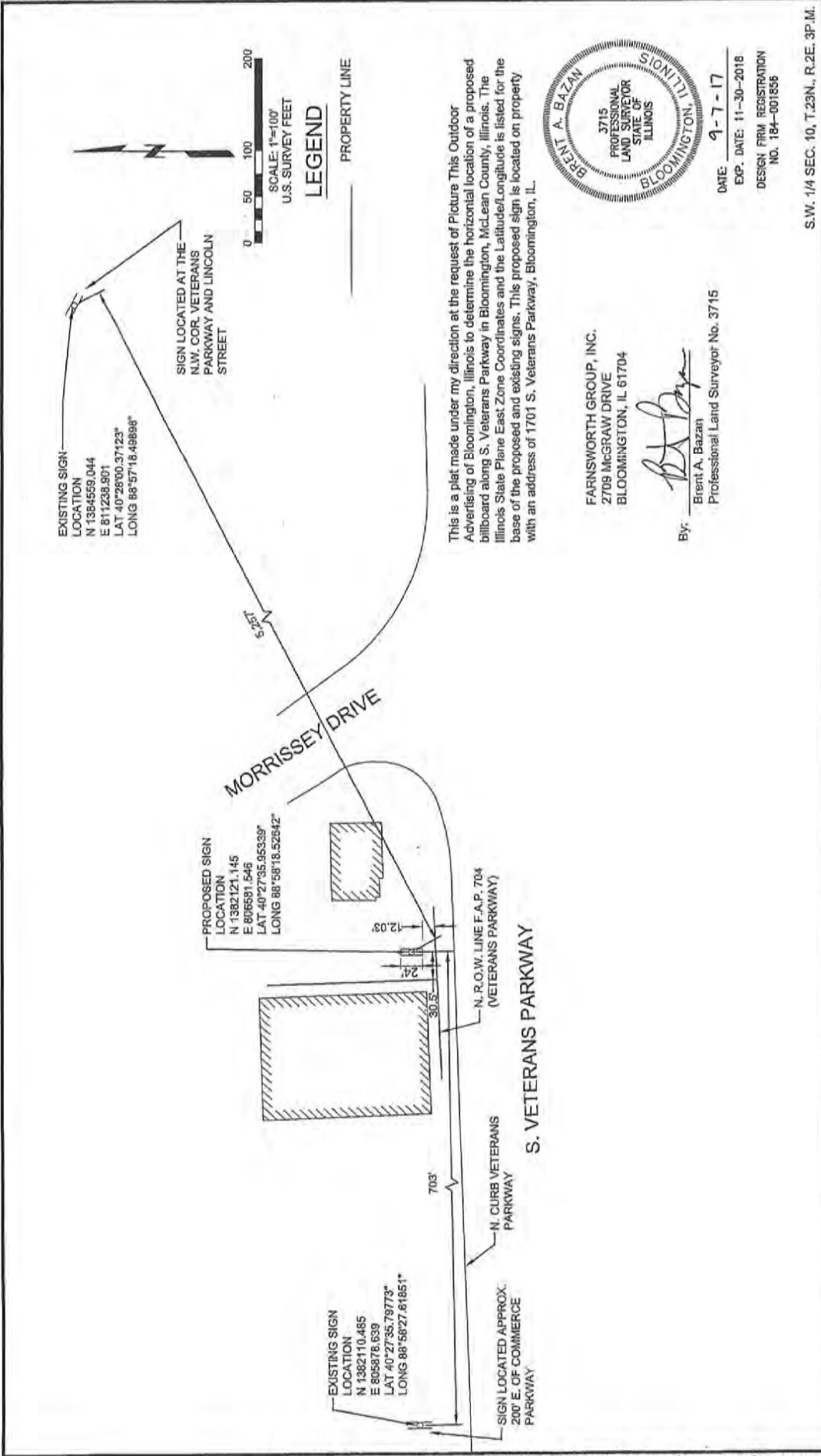
Signature: ARMLY

Date: 8-29-2017

Disclosure of this information is necessary to accomplish the statutory purpose as outlined under 225 ILCS 440/1 et seq. and 620 ILCS 25/1 et seq. Disclosure of this information is **REQUIRED**. Failure to provide this information will result in the denial of the permit.

This form has been approved by the State Forms Management Center.

8-S-3084



Farnsworth GROUP 2709 MCGRAW DRIVE BLOOMINGTON, ILLINOIS 61704 (309) 643-8435 / info@f-w.com	PROPOSED SIGN LOCATION 1701 S. VETERANS PARKWAY BLOOMINGTON, ILLINOIS	Project No: 0770605.00 Book No: 3210/57 Drawn by: D.M. Reviewed: 4-25-17 Date: 1
--	--	--

REVISED 8-1-17 - REVISED PROPERTY LINE DISTANCE
 REVISED 9-7-17 - ADDED SIGN WIDTH

8-S-3084

EXHIBIT 7





Dated this 16th day of May, 2017

PICTURE THIS DIGITAL MEDIA, LLC

By: [Signature]
David Fedor, Member

ACKNOWLEDGMENT

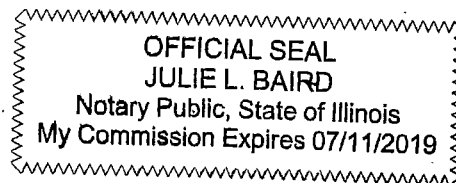
STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

I, the undersigned, a Notary Public in and for said County, in the State of aforesaid, do hereby certify that David Fedor, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 16th day of May, 2017.

[Signature]
Notary Public

My commission expires 7/11/2019.



Prepared by:

Patrick Cox
Cox & Associates
202 N. Center St.
Bloomington, IL 61701

Return to

DAVID FEDOR
THE SNYDER COMPANIES
1 BRICK YARD DR.
BLOOMINGTON, IL 61701

EXHIBIT 8

----- Forwarded message -----

From: **Katie Simpson** <ksimpson@cityblm.org>
Date: Mon, Aug 14, 2017 at 4:17 PM
Subject: Permit Application #27968 1701 S Veterans Parkway.
To: aoneal@picturethisadvertising.com
Cc: Tom Dabareiner <tdabareiner@cityblm.org>

Dear Amy,

I am writing to follow up from our conversation this morning.

Permit Application #27968 was submitted to the City of Bloomington in November, 2016, requesting an off-premise sign at 1701 S. Veterans Parkway. The sign contractor/applicant, Prairie Signs, was notified by email on November 18, 2016, that the City could not approve the permit because three off-premise signs already existed on that side of street, including an unpermitted billboard already on the premises. The applicant informed the City that the proposed new off-premise sign was intended to take the place of the existing billboard. The City again stated to Prairie Signs that we could not approve the permit until one of the three existing off-premise signs had been removed (Bloomington City Code Chapter 3 Section 5.7(c)). Also, because Veterans Parkway and Morrissey are state routes, as per state requirements, the City also required proof of an IDOT permit for the off-premise sign before we could issue the permit (Bloomington City Code Chapter 3 Section 5.7(i)).

An application for a freestanding on-premise sign at 1703 S. Veterans Parkway was received in July 2017. The permit was approved on July 7, 2017.

Chapter 3, Section 5.7(k) of the City Code states that the horizontal separation between ground/freestanding on-premise and off-premise signs must be 100 feet. This regulation applies to on-premise and off-premise signs on separate premises. Any new off-premise signs would have to be located 100 feet from the on-premise sign and compliant with the additional requirements for an off-premise sign. Therefore, we cannot approve the sign permit application.

As per our conversation, I am sending you information regarding the process for an appeal of an administrative interpretation/decision on the sign code.

All appeals from Chapter 3 are handled by the Zoning Board of Appeals in accordance with Section 44.13-4E1 of the City of Bloomington Zoning Ordinance. The Zoning Board meets on the third Wednesday of each month at 4:00 pm in the City Council Chambers at 109 E. Olive St. Bloomington IL 61701. To be heard at the September meeting, a request for an appeal must be received by the City Clerk's office by August 29, 2017.

Respectfully,
Katie Simpson
City Planner
City of Bloomington, IL
(309) 434-2341
ksimpson@cityblm.org

EXHIBIT 9

(recipient names removed for privacy)

----- Forwarded message -----

From: Tom Dalton <tdalton@signsdirect.com>

Date: Fri, 4 Aug 2017 20:14:17 +0000

Subject: Re: Billboard

Hi (removed),

Katie Simpson already confirmed the accuracy of the concept as it pertains to city codes (in reference to the drawing I emailed to her). This one...

On a different note, what strings do I need to pull to get to use a sign like this (*see pics below) for off-premise advertising? ..or is it registered as a billboard? I didn't see a sticker. I'm thinking that maybe I can simply put a 12"x24" LED billboard on the side of my building on Veterans Pkwy (permitted as an on-premise sign) ...and then after a month or two, just start to display off-premise adds on it without off-premise approvals.

If the city complains, I say "don't just pick on me then". Do you think that has a shot of working?

Please advise.

Thank You,

Tom

Signs Direct, Inc.

Phone: 309-820-1070

Fax: 309-820-1077



Planning and Code Enforcement

BUILDING SAFETY DIVISION

115 E. Washington St., PO BOX 3157

Bloomington, IL 61702-3157

Phone: 309-434-2226

Fax: 309-434-2857

Sign Permit Application

Site Address: 1701 S Veterans		Unit #:		Office Use Only Application Number: 27968	
Business Name: (if applicable)				Permit Issued:	
Scope of Work: Install 1-11' x 22' double face off premise sign				Permit Number:	
				Permit Ready to Issue:	
				Permit Fee: \$ 1,131.38	
				Contacted: Phone Email	
				Application Date: 11/3/16	
(CHECK ONE) TEMPORARY SIGN ____ CHANGE OF COPY ____ NEW SIGNAGE ☒				Anticipated Start:	
Is this part of a larger project?				Application End Date:	
Applicant (check one)		Name	Address	Email	Phone
	Owner	Snyder Entities, LLC			309-452-0463
☒	Sign Contractor	Prairie Signs	1215 Warriner-Nml	dbubenik@prairiesigns.com	

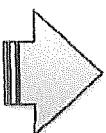
Required Items to be Submitted by Applicant

	SITE PLAN SHOWING PROPERTY LINES W/DIMENSIONS Property Road Frontages, Structures on Property, Construction Supports, Materials of the Sign and method of attachment Location of the Sign(S) and Dimensions (Proposed and Existing) Distance from Sign to Property lines, Structures, Other Signs Speed Limit of Street(s) Adjoining Property (MPH) & Width Character of Structural Members to which attachment will be made Electrical Wiring and Components (if applicable)
	SKETCH OF PROPOSED SIGN(S) SHOWING SIGN DIMENSIONS

Cost of Sign(s) INCLUDING MATERIALS AND LABOR: 200,000

Number & Type of Sign (s):	#	SF	DF		#	SF	DF
WALL SIGN				CANOPY SIGN			
GROUND SIGN				AWNING SIGN			
ROOF SIGN				OFF PREMISE SIGN	1		242
PROJECTING SIGN							
Speed Limit of Street(s) Adjoining Property (MPH) & Width							
MPH							
Width (ft.)							
OTHER:							
TOTAL SQUARE FOOTAGE OF PROPOSED SIGNS:							
TOTAL SQUARE FOOTAGE OF EXISTING SIGNS:							

Contractor/Applicant Signature: Diana Bubenik for Prairie Signs

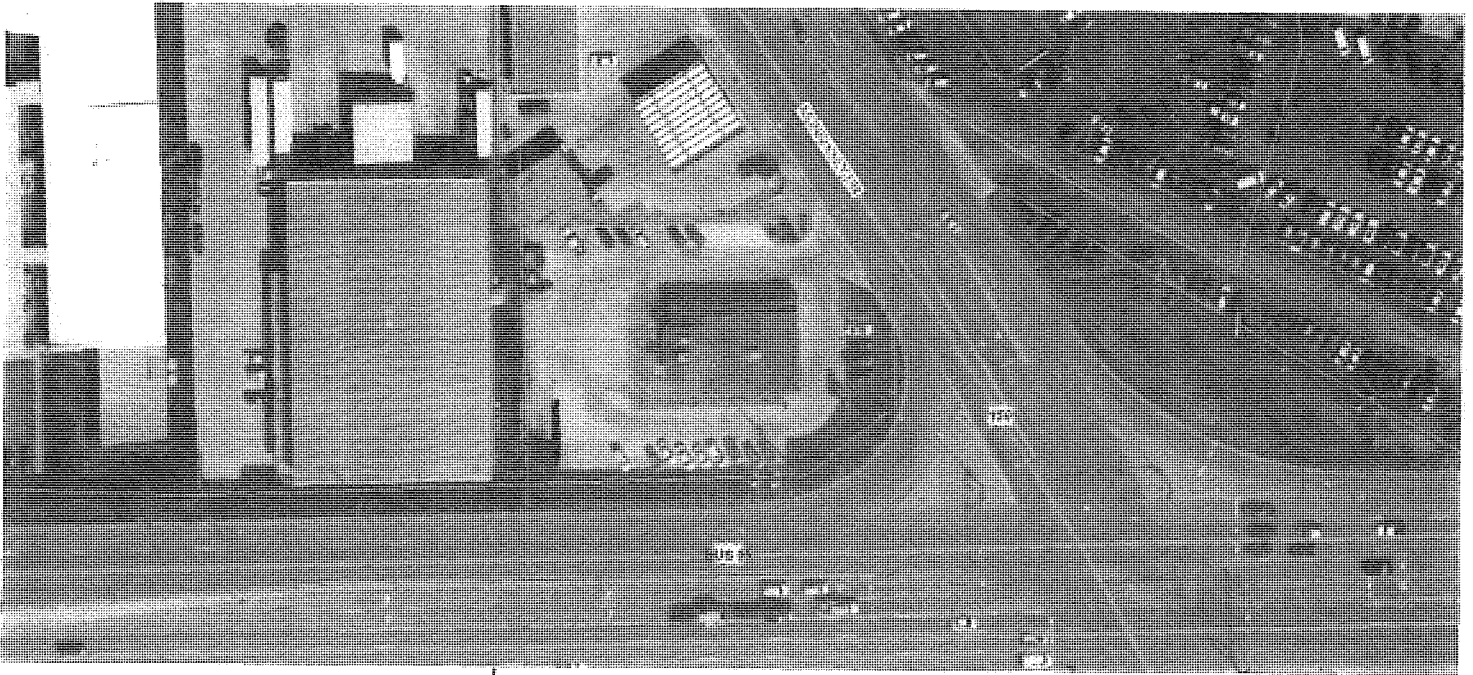


- PLEASE ATTACH PLANS / SKETCHES TO THIS APPLICATION.
- PERMITS MUST BE OBTAINED BEFORE WORK BEGINS.
- SUBMISSION OF THIS FORM DOES NOT GUARANTEE OR GRANT APPROVAL TO START WORK.
- ACCEPTANCE OF PAYMENT DOES NOT CONSTITUTE A PERMIT.
- APPLICATION VOID IF WORK IS NOT STARTED WITHIN 4 MONTHS AFTER PERMIT ISSUANCE.

NOV 14 2016

JB

1701 S. Veterans



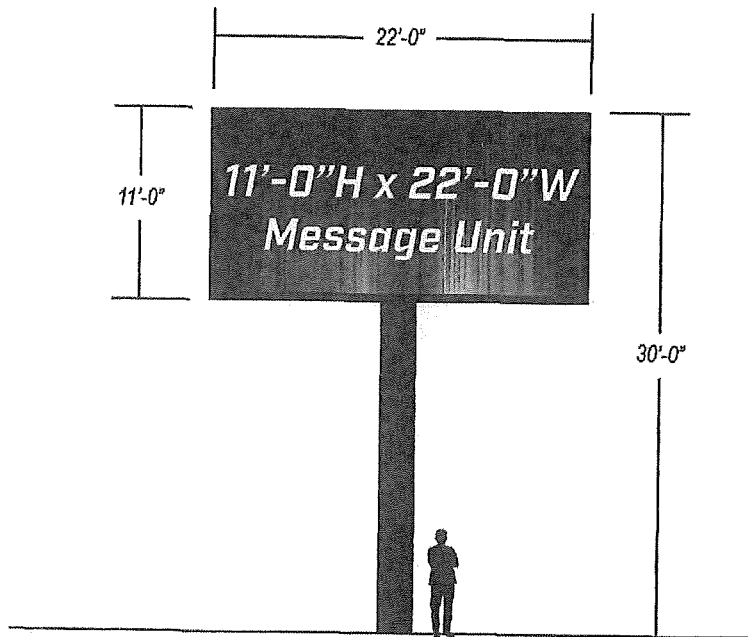
- 15' from side lot line

SPECIFICATIONS

Double face

Each Unit:

- 240 v 4 wire
- Single Phase
- 1A Amps (Max)



Standard Materials and colors to be used unless otherwise noted. Please see your representative if further clarification is required.

©2016 - Prairie Signs, Inc.
 Scale: 1/8"=1'
 File Modification: 10-13-16
 Client ID: Picture This Outdoor Ad...
 Location: P/16/Picture This Outdoor Ad...
 File Name: ROM/Midwest Food Bank

The prices, specifications, and conditions as described are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Signature: _____ Date: _____

**Prairie
SIGNS**

I.B.E.W.



Local 197

1215 Warriner St., Normal, IL 61761 • FAX: 309-454-8741
 Phone: 309-452-0463 • Toll Free: 800-611-9090
 www.prairiesigns.com

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1701 S Veterans Pkwy - Aerial



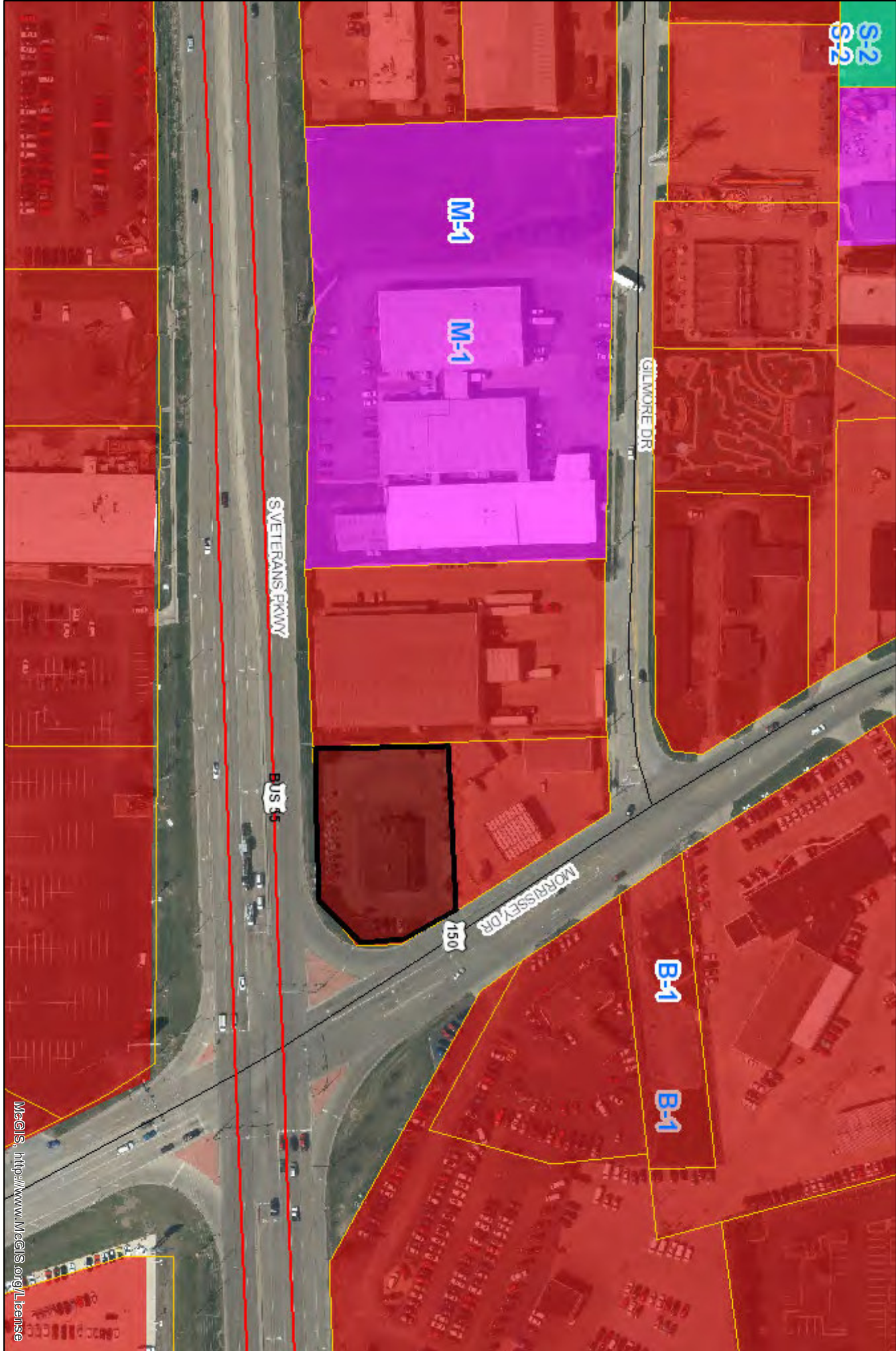
McGIS, <http://www.McGIS.org/License>



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0 80 160 320 Feet

1701 S Veterans Pkwy - Zoning



McGIS, <http://www.McGIS.org/License>



McGIS does not guarantee the accuracy of the information displayed. Only on-site verification or field surveys by a licensed professional land surveyor can provide such accuracy. Use for display and reference purposes only.



Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

December 29, 2017

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on **Wednesday, January 17, 2018** at 4:00 PM in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois for a petition submitted by *Picture This Digital Media, LLC* requesting an appeal from the Sign Code Administrator's decision to deny a permit application for an off-premise sign/billboard at 1701 S. Veterans Parkway, Bloomington IL. Off-premise signs are regulated by Chapter 3, Advertising Sign Code, of the City Code. The petitioner or his/her Counsel/Agent are required to attend the meeting. The subject property, 1701 S Veterans Parkway, is legally described as:

LOT 3 IN THE A.Y. MCDONALD SUBDIVISION

You are receiving this courtesy notification since you own property within a 500 foot radius of the land described above (refer to attached map). All interested persons may present their views upon said petition, or ask questions related to the petitioner's request at the scheduled public hearing. Copies of the submitted petition are available for public review at the Department of Community Development, 115 E. Washington St. Bloomington IL 61701. Communications in writing in relation to the petition may sent to the Department of Community Development prior to the hearing, or presented at such hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing. Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting.

The agenda and packet for the hearing will be available prior to the meeting date on the City of Bloomington website at www.cityblm.org. If you desire more information regarding the petition or have any questions you may email me at ksimpson@cityblm.org or call me at (309) 434-2341

Sincerely,

Katie Simpson

City Planner

Attachments:

Map of notified properties within 500 ft of subject property

Courtesy notices sent to property owners within 500ft of 1701 S Veterans Parkway.



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<http://www.McGIS.org/license>

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Notes

MWAA
600 N MAIN ST
ELLSWORTH, IL. 61737

TODD BRAKER
200 E COURTLAND ST
MORTON 61550

GREYHOUND PROPERTIES
33016 E 2000 NORTH RD
COLFAX 61728

JOHN J AND BEVERLY G GRADY
507 W STEWART
BLOOMINGTON 61701

BLOOMINGTON OFFSET PROCESS
PO BOX 278
BLOOMINGTON 61702

JOHN & BEVERLY GRADY
507 W STEWART
BLOOMINGTON 61701

MIDWEST FOOD BANK
1703 S VETERANS PKWY
BLOOMINGTON 61701

TRUST MT-DN5
PO BOX 1546
BLOOMINGTON 61702

SNYDER BRICKYARD HOTEL LLC
1 BRICKYARD DR
BLOOMINGTON 61701

BT LAND TRUST
1602 COMMERCE PKWY
BLOOMINGTON 61704

BT REAL PROPERTIES LLC
200 E COURTLAND ST
MORTON 61550

20927840
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
JANUARY 17, 2018

Notice is hereby given that the
Zoning Board of Appeals of the
City of Bloomington, Illinois, will

Public Notices

hold an administrative public hearing scheduled for Wednesday, January 17, 2018, at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, on a petition submitted by Picture This Digital Media, LLC requesting an appeal to the Sign Code Administrator's decision to deny a permit application for an off-premise sign/billboard at 1701 S. Veterans Parkway, Bloomington IL 61701. All interested persons may present their views upon such matters pertaining thereto at the scheduled hearing. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property, 1701 S Veterans Parkway is legally described as follows:

Legal Description:
A. Y. MCDONALD SUB. LOT
3; PIN: 2110451011

Request:

A request to reverse the Sign Code Administrator's decision, and permit an off-premise sign at 1701 S. Veterans Parkway.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Published: December 29, 2017