

**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, JANUARY 16, 2013, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, IL**

Members present: Mr. Dick Briggs, Mr. Mike Ireland, Mr. Robert Kearney, Mr. Steve Parker, Mr. Bill Zimmerman
Members absent: Mrs. Barbara Meek
Also Present: Mr. Kevin Kothe, City Engineer
Ms. Kathryn Gruber, Acting Secretary
Mr. Mark Huber, Director PACE Department

Ms. Gruber called the meeting to order at 3:00 p.m. and called the roll. A quorum was present.

The Board reviewed the minutes from December 19, 2012. The Board had no corrections to the minutes. The minutes were accepted as printed.

Chairman Ireland explained the meeting procedures. Ms. Gruber stated that the cases had been published.

Z-1-13 Public Hearing and Review on the petition submitted by Harry Campbell to allow construction of an attached garage and to allow a variance from the Zoning Ordinance to reduce the required 25 foot rear yard setback to 2 feet from the west rear lot line for property located at 401 S. Allin Street. Zoned R-1C, Single-Family Residential District

Chairman Ireland introduced the variance case and asked for anyone who would like to speak in favor of the petition to come forward. Harry Campbell, 2319 Mabel Rd., was sworn in and stated his property is unique, off street parking is crowded and he wants a garage for today's needs. The most prominent facing part of the house is the north side. Putting a small 12' garage would not allow for a back entry and accommodate a garage. He said the property itself has constraints. He said the neighbor favors some sort of structure and is aware of how close it will be to the lot line. He is intending to sell the home as a single-family residence.

Chairman Ireland asked for anyone who would like to speak in favor or opposition of the petition and no one spoke.

Mr. Huber stated staff does not have a problem with a garage there but is concern about two feet which is even closer than what is allowed for a detached garage. There was discussion on the size of a two car garage and other cases where variances have been granted for garages. He explained the purposes for a three foot setback. He said this site is restricted because of the location of the house.

Mr. Kearney asked Mr. Campbell if he could give another foot. Mr. Campbell stated yes and reducing the width to allow better support would go along with that and it would make it

reasonable. The Board discussed the width of the garage space and if there was a truck in the garage how that could make a car be on the street. Mr. Campbell explained the setback might end up being more than two feet. Mr. Parker stated the city is going to want to know exactly where the pins are and they might not be in there. Mr. Kearney stated you should do a survey.

The vote on the variance was approved with five (5) voting in favor and zero (0) against.

Chairman Ireland explained the following special use and variance cases will be reviewed concurrently.

SP-01-13 Public Hearing and Review on the petition submitted by James A Shirk and Beer Nuts, Inc. requesting approval of a special use permit for multiple-family dwellings for the property located at 911 and 921 E. Washington Street. Zoned B-1, Highway Business District.

Z-2-13 Public Hearing and Review on the petition submitted by James A Shirk and Beer Nuts, Inc. to allow construction of two buildings with retail and multi-family dwellings and to allow a variance from the Zoning Ordinance to increase the maximum allowed height from 35 feet to 42 feet for property located at 911 and 921 E. Washington Street. Zoned B-1, Highway Business District.

Chairman Ireland introduced the petitions. Mr. Huber explained the code does not address mixed uses very well and there is a petition in process to rezone the property from M-1 to B-1. The Planning Commission recommended approval of the rezoning. The special use and variance petitions are being heard today with the assumption that the property will be rezoned to B-1. Staff is recommending approval of the petitions. Changes to the plans include setbacks being farther back from the street, the height has been scaled back and the parking has been reconfigured to have the retail parking on the north side of the building and the residential to the south.

Chairman Ireland asked for anyone who would like to speak in favor of the petition to come forward.

Mr. William C. Wetzel, of 115 W. Jefferson Street, Suite 400, was sworn in and stated he represents the petitioners. He explained they held a neighborhood meeting in November to explain the project. The project and location is compatible with the neighborhood and has a good high profile location.

Jim Shirk, 910 Timberlake Road, was sworn in and explained the history of how they first acquired the property and how the site was in disrepair. In 2004 the city council approved the Constitution Trail extension. The area improved and made it nice for business. Now they have worked to figure out what to do with the site and Kyle has done the research for what works for such a site and to make it an improvement to the site and the neighborhood.

Don Adams, 2709 McGraw Drive, was sworn in and stated the project is an infill development and all infrastructure is already in place. Access is to three public streets. They will comply

with the required number of parking spaces of 155 and will exceed it with 162. One quarter of the second floor space could be retail and still meet the required parking.

Kyle Glandon, 2117 W. Homer, Chicago, Illinois, was sworn in and stated their vision is to create a transition from the smaller single-family to the larger manufacturing plant. He described the floor plans with the retail and residential. There will be 7,000 square feet of retail in each building. They are looking at young professional tenants. They want everything in the retail aspects of the project to work well with the residential so the lighting, signage or type of tenants will be complimentary. There will be 32 apartments. Since the building is 115 feet off the street, the height will not appear to be so significant. He stated the architecture was intended to reflect an industrial corridor. He said trying to mimic historic homes was the wrong approach but pulling the building back makes it sensitive to the homes nearby. The truck traffic will enter and exit from the south.

Chairman Ireland asked for anyone else who would like to speak in favor of the petition.

Sue Mescher, 1007 E. Washington Street, was sworn in and stated the structure is appealing, there is good use of landscaping and the design fits in with the neighborhood. Jobs will be created and it is good for the tax base. There will be housing for families who will be mostly couples without children and it is a good project because of the Shirk's reputation.

Chairman Ireland asked for anyone who would like to speak in opposition to the petition.

Becky Bols, 1018 1/2 E. Front Street, was sworn in and stated she represents the residents of the 1000 block of E. Front Street. They are asking that the traffic concerns for Front, McClun, Washington and Grove Streets be addressed. They want the Council to table their decision until after a traffic study has been done in the area. McClun and Front Streets are not wide streets and they feel neither street can handle the influx of traffic and parking. McClun is used as a public bus stop and at Grove and McClun and the development will make the intersection very dangerous. They are going to target bicyclists however it is not California where it is sunny and 70° all year round, the winters all long and the trail runs north and south so other trail users will not use it for biking to their work. Even bikers will have cars to get around town and the trail at this end is not widely used. Front Street is bogged down with school and funeral home traffic and with parking on both sides of the entire street. When the leaves fall the street becomes very narrow. Most of the homes and the mansions are well over 100 years old and if we have to put this structure up it should mesh better with the neighborhood. It has more of a strip mall look to it and would fit better in a new subdivision and they should look at a better design and not so cookie cutter. She provided photographs of structures in the neighborhood and a bottle to remind the board of the historic neighborhood where the structure is being built and the project should be kept in line with the look of the area. She explained they fear the traffic will come down their street and the semi-trucks cause problems.

Beverly Miller, 1029 E. Front Street, was sworn in and stated she was for the project but they are on Front Street which is right there and 32 apartments is a lot of cars and she has been there 51 years and she is concerned about having more traffic. Mr. Kearney said he thinks the

residential traffic helps because it will generate less traffic than commercial. There was more discussion on the traffic and causes.

Mr. Wetzel responded to the comments. He thinks people going east on Front Street will not go down it again. He emphasized if this project is not built one should look at what can be built there without doing anything other than going in and getting a building permit. Also there is no request to waive the parking. He remembers what was there and the project name is the Foundry. It needs economic viability to be built. The project represents about as good of a use that anybody could hope for this property and you have good input from architects and an engineer.

Mr. Kothe stated we don't have traffic counts for Front Street because we do not count every residential street. He said we are just under 12,000 vehicles per day on Washington, just under 4,000 on Grove and 2,600 on McClun. The capacity of these streets is greater and will not be impacted. Front Street is narrow with parking on both sides and he agrees with the comments on how if someone goes down it they will not go down it again. There are pros and cons with that in that with the parking on both sides it results in traffic calming and cars are less likely to go down it because of the friction with another vehicle. He explained the method to remove the parking. There was a request to look at an all way stop at McClun and Grove and it did not meet the warrants in 2003 but it can be requested to be looked at again. A traffic light is not warranted.

Mr. Huber addressed questions. He explained the notification process and how the code addresses the required parking and assumes all the parking needed for a development is provided on the site. He said it is highly unlikely that they will be expanding the retail into an upper floor. Every lane of traffic should be able to carry 6,000 cars a day.

Before Mr. Kearney voted he stated that he thought we are lucky that Jim Shirk is behind the project because the site could have been sold and developed in a number of different ways and given not just his proximity to the location, but given the fact that it will be owned by him and he is responsible for the development but also given his impact on the community this is the best possible future for the property that we might have imagined. He said parenthetically he is not sure it is the best possible design aesthetically for the area and he says that not just because he lives not far from there in the Founder's Grove area, an old part of Bloomington, and he says it not just because the area he lives in is exactly like the area he lived in in Chicago but because it is an industrial block design and he knows it is popular now and it looks like a redevelopment in terms of its design, not a new development. He is not sure that it is consistent with the area aesthetically and architecturally but for him based on the findings of fact that is not a reason to vote against it and for all the reasons that he began with it, he would have voted for it anyway.

The vote on the special use was approved with five (5) voting in favor and zero (0) against.

Chairman Ireland explained we have the authority to approve the variance.

Chairman Ireland stated before he voted that this part of the project is an important part. He said to the Board if you remember the project on Empire that had a height variance for student

housing for Wesleyan, and if you have seen it recently it is clear out on the street and it is massive looking. He was concerned about the scale and did not expect it to look like it does. The setback here and the fact that it is industrial and adding to the height will remove some of that and is important aesthetically.

The vote on the variance was approved with five (5) voting in favor and zero (0) against.

Public Comment: None.

New Business: None

Other Business:

Mr. Huber stated the case from last month was approved by the City Council.

Adjournment was at 4:55.

Respectfully;

Mark Woolard
Acting Secretary