



**ZONING BOARD OF APPEALS - REGULAR SESSION
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
WEDNESDAY, JANUARY 15, 2025, 4:00 PM**

1. Call to Order

2. Roll Call

3. Public Comment

Individuals wishing to provide emailed public comment must email comments to publiccomment@cityblm.org at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person may register at cityblm.org/register at least 5 minutes before the start of the meeting.

4. Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled from the Consent Agenda for discussion are listed and voted on separately.

- A. Review and approval of the minutes of the December 18, 2024, regular meeting of the Bloomington Zoning Board of Appeals. (Recommended Motion: The proposed Minutes be approved.)

5. Regular Agenda

- A. **V-01-25** - Public hearing, review, and action on a request submitted by Joshua Jett, for approval of a Variance to allow a sidewalk/driveway less than three (3) feet from the side lot line for the property located at 2 Cedar Court. PIN: 21-17-102-015. (Recommended Motion: Motion to establish findings of fact that the **standards for approval a Variance are met**, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve** of the request for a Variance from § 44-404C(2)(a), subject to maintaining a one-foot setback from the property line.)
- B. **SP-01-25** - Public hearing, review, and action on a request submitted by Christian Kazanowski, for a Special Use Permit for Multi-Family Dwellings in the R-2 (Mixed Residence) District, for the property located at 707 E. Empire Street. PIN: 21-04-227-004. (Recommended Motion: Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend **approval** of the request with no conditions.)
- C. **SP-02-25** - Public hearing, review, and action on a request submitted by Holladay Property Service Midwest, Inc. (owner Group of Five Investments II, LLC), for a Special Use Permit for Multi-Family Dwellings in the C-1 (Office) District, for the property located at 1312 E. Empire Street. PIN: 14-34-480-030. (Recommended

Motion: Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend **approval** of the request with no conditions.)

6. New Business

7. Adjournment

Individuals with disabilities planning to attend the meeting who require reasonable accommodations to observe and/or participate, or who have questions about the accessibility of the meeting, should contact the City's ADA Coordinator at 309-434-2468 or mhurt@cityblm.org.



REGULAR AGENDA ITEM NO. 4.A.

FOR ZONING BOARD OF APPEALS: January 15, 2025

WARD IMPACTED: City-Wide Impact

SUBJECT: Review and approval of the minutes of the December 18, 2024, regular meeting of the Bloomington Zoning Board of Appeals.

RECOMMENDED MOTION: The proposed Minutes be approved.

STRATEGIC PLAN LINK:

Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

Objective 1c. Engaged residents that are well informed and involved in an open governance process

BACKGROUND: In compliance with the Open Meetings Act, Board Minutes must be approved thirty (30) days after the meeting or at the second subsequent regular meeting whichever is later.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham, City Planner

ATTACHMENTS:

[Draft ZBA Minutes - 2024-12-18](#)



**DRAFT MINUTES
ZONING BOARD OF APPEALS - REGULAR SESSION
WEDNESDAY, DECEMBER 18, 2024, 4:00 PM**

The Zoning Board of Appeals convened in regular session at 4:02 PM, December 18, 2024. Vice Chair Ballantini called the meeting to order.

Roll Call

Attendee Name	Title	Status
Terry Ballantini	Vice Board Chair	Present
Victoria Harris	Board Member	Present
John Poling	Board Member	Present
Matt Steinkoenig	Board Member	Present
Michael Straza	Board Chair	Present (Virtual)
Nikki Williams	Board Member	Present
Zachary Zwaga	Board Member	Absent

City Staff present included Jon Branham, City Planner; Alissa Pemberton, City Planner; and John Myers, Assistant City Planner.

Virtual Participation

Board Chair Straza requested to attend the meeting virtually due to illness.

Board Member Harris made a motion, seconded by Board Member Poling, to allow Board Chair Straza to participate in the meeting virtually.

Roll call.

AYES: Vice Board Chair Ballantini; Board Member Harris, Board Member Poling, Board Member Steinkoenig, Board Member Williams

Motion passed.

Public Comment

No public comment was provided.

Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled from the Consent Agenda for discussion are listed and voted on separately.

Board Member Poling made a motion, seconded by Board Member Williams, to approve the consent agenda as presented.

AYES: Board Chair Straza; Vice Board Chair Ballantini; Board Member Harris, Board Member Poling, Board Member Steinkoenig, Board Member Williams

Motion passed (viva voce).

Item 4.A. Review and approval of the minutes of the November 20, 2024, regular meeting of the Bloomington Zoning Board of Appeals.

Regular Agenda

The following item was presented:

Item 5.A. V-10-24 - Public hearing, review, and action on a request submitted by BP Homes, LLC, for approval of a Variance to allow a reduced Side Yard setback for the properties located at 1 Eric Court, 3 Eric Court, 5 Eric Court, 10 Eric Court, 12 Eric Court, and 14 Eric Court. PINs: 21-19-202-001, 21-19-202-002, 21-19-202-003, 21-19-202-008, 21-19-202-009, and 21-19-202-010.

Mr. Branham presented the staff report with a recommendation for approval. He reviewed the surrounding zoning and land uses. He described the nature of the variance requests. He reviewed the formerly allowed cluster developments and subsequent changes to the Code. He noted previously approved variances within the direct development area. He also reviewed the standards as outlined in the staff report.

Vice Board Chair Ballantini opened the public hearing.

Mark Fetzer (Applicant) provided further background on the project and explained the reason for the request. He stated they had received approval for other projects and wanted to continue to develop in similar fashion.

Board Member Poling inquired about the history of the cluster developments and the reasoning for the changes to the Code. Ms. Pemberton provided further perspective.

Board Member Harris inquired about the purpose statement for the R-2 District as it applied to conversions. Mr. Branham explained that conversion language was intended for existing properties and not applicable to the current case, since it is new construction.

Vice Board Chair Ballantini closed the public hearing.

Board Member Poling made a motion, seconded by Board Member Harris, to establish findings of fact that the standards for approval of a Variance are met, that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner, and to approve the Variance with no conditions.

Roll call.

AYES: Board Chair Straza; Vice Board Chair Ballantini; Board Member Harris, Board Member Poling, Board Member Steinkoenig, Board Member Williams

Motion passed.

New Business

There was no new business reported.

Adjournment

Board Member Harris made a motion, seconded by Board Member Williams, to adjourn the meeting.

AYES: Board Chair Straza; Vice Board Chair Ballantini; Board Member Harris, Board Member Poling, Board Member Steinkoenig, Board Member Williams

Motion passed (viva voce).

The Meeting Adjourned at 4:17PM

CITY OF BLOOMINGTON

Michael Straza, Board Chair

Jon Branham, Staff Liaison



REGULAR AGENDA ITEM NO. 5.A.

FOR ZONING BOARD OF APPEALS: January 15, 2025

WARD IMPACTED: Ward 2

SUBJECT: **V-01-25** - Public hearing, review, and action on a request submitted by Joshua Jett, for approval of a Variance to allow a sidewalk/driveway less than three (3) feet from the side lot line for the property located at 2 Cedar Court. PIN: 21-17-102-015.

RECOMMENDED MOTION: Motion to establish findings of fact that the **standards for approval a Variance are met**, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve** of the request for a Variance from § 44-404C(2)(a), subject to maintaining a one-foot setback from the property line.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The Applicant seeks a Variance from § 44-404C(2)(a), the requirement that all sidewalks/driveways shall be located at least three (3) feet from any side lot line, to allow a sidewalk and driveway with a zero (0) foot side yard setback at the property.

The Applicant desires the Variance for the construction of an updated driveway and sidewalk at the property. The proposal includes extending the existing driveway near the garage entry by three feet to the west, and then replacing a sidewalk to effectively connect the driveway to a rear patio area along the side of the garage. The driveway/sidewalk would encroach into the required three (3) foot side yard setback on the west side of the property. The new sidewalk would be replacing an existing rock surface sidewalk. The City does not enforce Homeowners Association (HOA) regulations; the applicant will be responsible for any coordination with the HOA, as this project relates to restrictions or requirements of their Declaration of Covenants, Conditions & Restrictions.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, December 23, 2024. Courtesy notices were mailed to 72 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham, City Planner

ATTACHMENTS:

V-01-25 - Staff Report - 2 Cedar Ct

TO: ZONING BOARD OF APPEALS
FROM: Development Services Department
DATE: January 15, 2025
CASE NO: V-01-25, Variance from § 44-404C(2)(a) of the Zoning Code
REQUEST: Public hearing, review, and action on a request submitted by Joshua Jett, for a Variance from § 44-404C(2)(a) of the Zoning Code, to allow a driveway/sidewalk less than three (3) feet from the side lot line in the R-1C (Single-Family Residence) District, for the property located at 2 Cedar Court. PIN: 21-17-102-015.

BACKGROUND

Request

The Applicant seeks a Variance from § 44-404C(2)(a), the requirement that all driveways shall be located at least three (3) feet from any side lot line, to allow a driveway/sidewalk with a zero (0) foot side yard setback at the property.

The Applicant desires the Variance for the construction of an updated driveway and sidewalk at the property. The proposal includes extending the existing driveway near the garage entry by three feet to the west, and then replacing a sidewalk along the side of the garage to effectively connect the driveway to a rear patio area. The driveway and sidewalk would encroach into the required three (3) foot side yard setback on the west side of the property. The new sidewalk would be replacing an existing rock surface sidewalk. The City does not enforce Homeowners Association (HOA) regulations; the applicant will be responsible for any coordination with the HOA, as this project relates to restrictions or requirements of their *Declaration of Covenants, Conditions & Restrictions*.

Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, December 23, 2025. Courtesy notices were mailed to 72 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics

The property at 2 Cedar Court consists of approximately 0.15 acres (~6,530 SF) of land near the intersection of Cedar Court and Juniper Lane, in the Oakwoods Development Subdivision. The lot is improved with a single-family residence with an attached garage. The property is surrounded by single-family residential uses on all sides. Necessary streets and infrastructure are already existing.

Surrounding Zoning and Land Uses

Zoning		Land Uses
North	R-1 (Single-Family Residence - County)	Single-Family Residence
South	R-1C (Single-Family Residence)	Single-Family Residence
East	R-1C (Single-Family Residence)	Single-Family Residence
West	R-1C (Single-Family Residence)	Single-Family Residence

Description of Current Zoning District

The R-1C (Single-Family Residence) District is intended to provide primarily for the establishment of areas of higher density single-family detached dwelling units while recognizing the potential compatibility of two-family dwelling units as special uses. Densities of approximately eight dwelling units per acre are allowed. This district may be applied to newly developing areas as well as the older residential areas of the City where larger houses have been or can be converted from single-family to two-family residences to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization.

Subject Code Requirements

§ 44-404(C)(2)(a). Off-street parking spaces shall be located as follows:

All new and approved off-street parking spaces and driveways shall be located at least three feet from any side lot line. All legal nonconforming driveways may be reconstructed, but not expanded, at their existing location.

STANDARDS FOR REVIEW

As indicated in *Ch. 44, 17-8 Variations*, the Zoning Board of Appeals shall have the power to authorize Variations to this Code where there would be practical difficulties or particular hardships in carrying out the strict letter of those sections of this Code stated herein.

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

Several properties in the neighborhood were constructed very close to side property lines that would likely not meet current setback requirements and would not allow enough space for a sidewalk connection from the front driveway area to the rear of the property. Provided that constraint, there is little flexibility regarding current driveway/sidewalk placement. ***Standard is met.***

2. That the Variance would be the minimum action necessary to afford relief to the applicant.

The Variance would allow for an updated driveway and sidewalk and would allow relief to the applicant to continue to utilize the existing rock surface sidewalk in a similar and improved manner. ***Standard is met.***

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

The Applicant did not create any special conditions or circumstances. The sidewalk is existing with a substandard surface, and the Applicant is intending to solely improve the surface. ***Standard is met.***

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

No special privileges would be granted to the applicant under these circumstances. Area houses have very limited side yard setbacks. It appears several area houses have existing legal nonconformities and do not meet current side yard setback requirements. The Applicant is essentially replacing an existing sidewalk to allow for pedestrian access. Granting allows the Applicant to make continued reasonable use of their property. ***Standard is met.***

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

The granting of the Variance would not be detrimental, as the Applicant is not intending to make significant changes to the property, but rather enhance it with an updated driveway and sidewalk. The view of the home from the street will remain similar and would still be consistent with the scale of the rest of the neighborhood. Adjacent properties will not be prevented from reasonable use of their lands, nor will public welfare be placed at risk. The Applicant should ensure there is no impact to the adjacent property regarding drainage. A one-foot setback off the property line could assist with maintaining some permeability between the properties, particularly if it is restored to grass or the existing gravel is modified to capture and direct stormwater. This could also help with alleviating any additional HOA requirements which may apply between properties. **Standard is met.**

STAFF RECOMMENDATION

Staff finds that the application meets all the standards for granting a Variance and recommends that the Zoning Board of Appeals take the following actions:

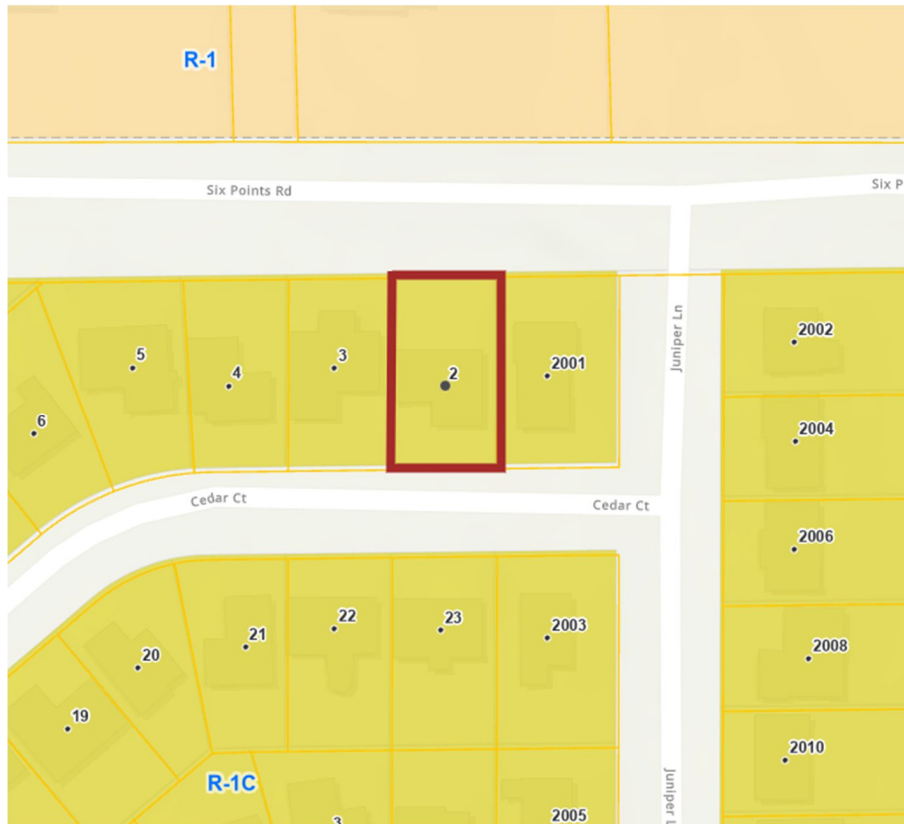
Motion to establish findings of fact that the standards for approval a Variance are met, carrying out the strict letter of the Code **does create a practical difficulty** or particular hardship for the Applicant, and to **approve the request** for a Variance to § 44-404C(2)(a), subject to maintaining a one-foot setback from the property line.

Respectfully submitted,
Jon Branham
City Planner

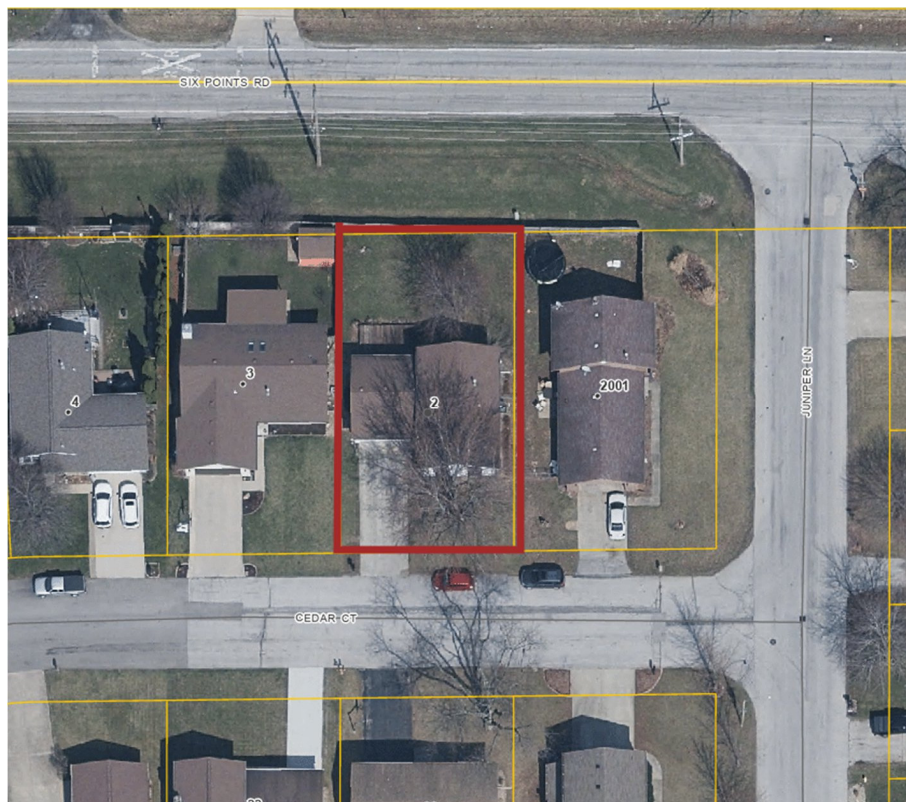
Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View
4. Site Plan
5. Neighborhood notice map

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3 - Ground-Level Street View







REGULAR AGENDA ITEM NO. 5.B.

FOR ZONING BOARD OF APPEALS: January 15, 2025

WARD IMPACTED: Ward 4

SUBJECT: **SP-01-25** - Public hearing, review, and action on a request submitted by Christian Kazanowski, for a Special Use Permit for Multi-Family Dwellings in the R-2 (Mixed Residence) District, for the property located at 707 E. Empire Street. PIN: 21-04-227-004.

RECOMMENDED MOTION: Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend **approval** of the request with no conditions.

STRATEGIC PLAN LINK:
Goal 4. Strong Neighborhoods

STRATEGIC PLAN SIGNIFICANCE:
Objective 4b. Upgraded quality of older housing stock

BACKGROUND: The Applicant seeks a Special Use Permit to allow Multi-Family Dwellings in the R-2 (Mixed Residence) District, per § 44-402B.

- The Applicant proposes to establish a Special Use Permit to facilitate code compliance for an existing three (3) unit facility at the location.
- Vehicular access is provided via E. Empire Street, and a rear alley to a detached garage and surface parking area.
- No exterior expansion of the building is proposed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, December 23, 2024. Courtesy notices were mailed to 85 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham, City Planner

ATTACHMENTS:
[SP-01-25 - 707 E Empire St - Staff Report](#)

TO: ZONING BOARD OF APPEALS

FROM: Development Services Department

DATE: January 15, 2025

CASE NO: SP-01-25, Special Use Permit for Multi-Family Dwellings

REQUEST: Public hearing, review, and action on a request submitted by Christian Kazanowski, for a Special Use Permit for Multi-Family Dwellings in the R-2 (Mixed Residence) District, for the property located at 707 E. Empire Street. PIN: 21-04-227-004.

BACKGROUND

Request:

The Applicant seeks a Special Use Permit to allow a Multi-Family Dwelling in the R-2 (Mixed Residence) District, per § 44-402B which indicates Multi-Family Dwellings may be permitted as Special Uses in the R-2 District. No waivers to Use Provisions are requested. The Applicant proposes to maintain the existing building which includes three (3) dwelling units. The Use has been existing for an extended time and the Applicant is proposing bring the use into compliance with the current zoning code.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, December 23, 2024. Courtesy notices were mailed to 85 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The subject property consists of 0.21 acres (~9,140 sf) located near the intersection of E. Empire Street and Elder Street, in J.P. Walker's Subdivision. The lot is improved with a multi-family residence, converted from a single-family residence to a duplex, then to multi-family sometime after 2007; the current owner purchased the property as a 3-unit multi-family dwelling. A detached garage is also on site. The property is surrounded by single-family and multi-family residential uses on all sides. Necessary streets and infrastructure are already existing.

Surrounding Zoning and Land Uses:

	Zoning	Land Uses
North	R-1C (Single-Family Residence)	Single-Family Residential
South	R-3A (Multi-Family Residence)	Multi-Family Residential
East	R-2 (Mixed Residence)	Multi-Family Residential
West	R-2 (Mixed Residence)	Multi-Family Residential

Description of Current Zoning District:

The R-2 Residence District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling unit density. Densities of up to approximately 13 dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling unit types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density. (§ 44-401E).

Subject Code Requirements:

§ 44-402B, "Allowed Uses Table" indicates Dwelling, Multiple-Family permitted as a Special Use in the R-2 District.

STANDARDS FOR REVIEW

The Zoning Board of Appeals (ZBA) shall hold at least one public hearing on any proposed Special Use and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Special Use meets all of the Standards of Approval listed in § 44-1707H and discussed below.

Special Use Permit for School (Public) in the R-2 (Mixed Residence) District.

- 1. 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 establishment, maintenance, and operation of a Multi-Family Dwelling is appropriate for this location and will not be detrimental to the public health, safety, comfort, or general welfare of the other surrounding uses. The multi-family use has operated efficiently for several years at its current location. ***Standard is met.***

- 2. 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 would positively impact the immediate area by bringing a nonconformity into compliance and continue to be an active and functional use. The proposed Special Use can be expected to maintain property values within the neighborhood by ensuring active occupancy and maintenance of the property. ***Standard is met.***

- 3. 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 proposed use is consistent with the character of other uses in the area. The uses adjacent to the site include compatible residential uses. The property is completely surrounded by single-family and multi-family zoning. Improvement of surrounding properties would not be impacted. ***Standard is met.***

- 4. Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.**

City water and sewer are already available to the property, roadway and sidewalk access is existing. ***Standard is met.***

5. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

Limited vehicle ingress and egress is existing and not changing. There is a detached garage and a surface parking area behind the building that is accessed via a driveway which directly connects to E. Empire Street and an alley which runs behind the property and connects to N. Clinton Street and Elder Street. Parking standards at the site are adequate and meet Code requirements. A bus route is also located along E. Empire Street with stops located nearby. **Standard is met.**

6. **The Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.**

The proposed Multi-Family Dwelling use meets the bulk and site standards for the District. No waivers or variances are expected to be requested or provided as part of this Special Use Permit. **Standard is met.**

STAFF RECOMMENDATION

Staff finds that the application **meets** all the standards for a Special Use Permit and recommends that the Zoning Board of Appeals take the following actions:

Motion to establish findings of fact that all **standards for approval** of a Special Use Permit **are met**, and to **recommend approval** of the request as submitted.

Respectfully submitted,
Jon Branham
City Planner

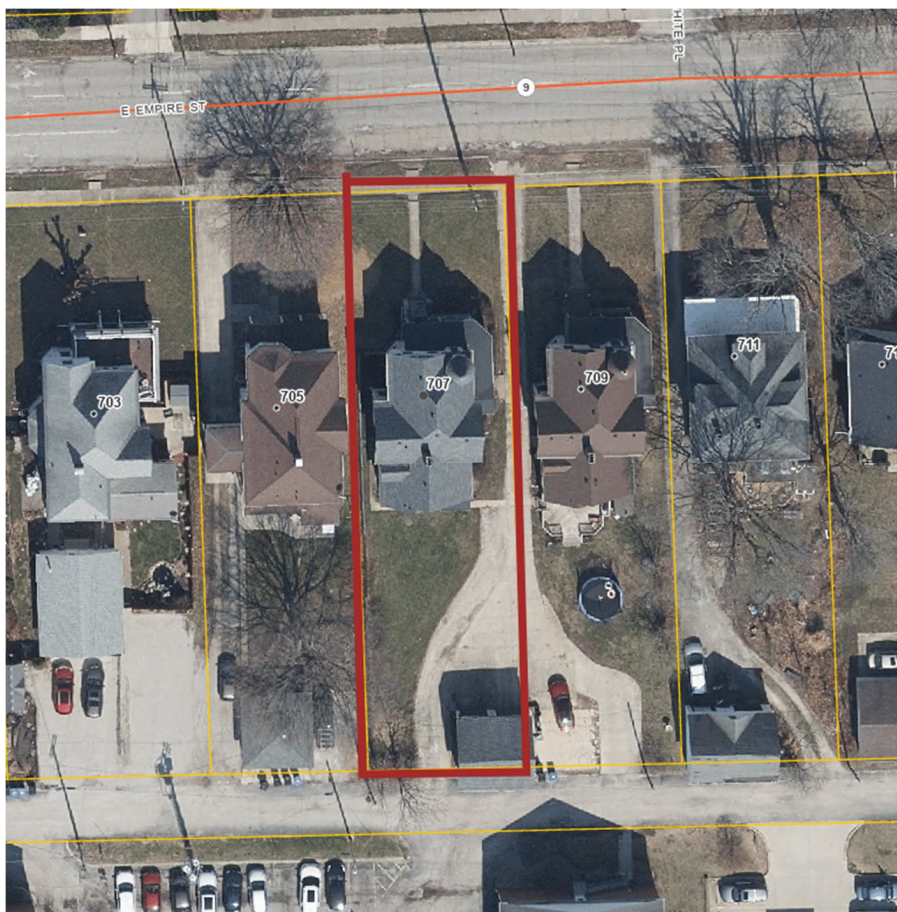
Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level Views
4. Neighborhood notice map

Attachment 1 - Zoning Map



Attachment 2 – Aerial Image



Attachment 3- Ground-Level Views





REGULAR AGENDA ITEM NO. 5.C.

FOR ZONING BOARD OF APPEALS: January 15, 2025

WARD IMPACTED: Ward 4

SUBJECT: **SP-02-25** - Public hearing, review, and action on a request submitted by Holladay Property Service Midwest, Inc. (owner Group of Five Investments II, LLC), for a Special Use Permit for Multi-Family Dwellings in the C-1 (Office) District, for the property located at 1312 E. Empire Street. PIN: 14-34-480-030.

RECOMMENDED MOTION: Motion to establish findings of fact that all standards for approval of a Special Use Permit are met, and to recommend **approval** of the request with no conditions.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5e. More attractive city: commercial areas and neighborhoods

BACKGROUND: The Applicant seeks a Special Use Permit to allow Multi-Family Dwellings in the C-1 (Office) District, per § 44-502B.

- The Applicant proposes to construct a seven-building apartment complex, which would include 180 residential units and approximately 4,050 square feet of commercial space.
- Vehicular access will be provided via three (3) curb cuts along the south Frontage Road and one curb cut along Robinhood Lane.
- Onsite, 331 total parking spaces would be provided (surface and enclosed).
- Additional amenities would include two green space areas as well as a dog park.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was published in The Pantagraph on Monday, December 23, 2024. Courtesy notices were mailed to 76 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

Respectfully submitted for consideration.

Prepared by: Jon Branham, City Planner

ATTACHMENTS:

[SP-02-25 -1312 E Empire St - Staff Report.pdf](#)

[SP-02-25 - 1312 S Empire St - Site Plan](#)



ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Development Services Department

DATE: January 15, 2025

CASE NO: SP-02-25, Special Use Permit for Multi-Family Dwellings

REQUEST: Public hearing, review, and action on a request submitted by Holladay Property Services Midwest, Inc. (owner Group of Five Investments, II, LLC), for a Special Use Permit for Multi-Family Dwellings in the C-1 (Office) District, for the property located at 1312 E. Empire Street. PIN: 14-34-480-030.

BACKGROUND

Request:

The Applicant seeks a Special Use Permit to allow Multi-Family Dwellings in the C-1 (Office) District, per § 44-502B which indicates Multi-Family Dwellings may be permitted as Special Uses in the C-1 District.

The Applicant proposes to construct a seven-building apartment complex (three stories each), which would include 180 residential units (94 one-bedroom units and 86 two-bedroom units) and approximately 4,050 square feet of commercial space. The complex would provide vehicular access via three curb cuts along the Empire Frontage Rd North (two existing) and one curb cut along Robinhood Lane (existing). On-site, 331 total parking spaces (surface and enclosed) would be provided. Additional amenities would include two green space areas as well as a dog park. No waivers to Use Provisions are requested.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, December 23, 2024. Courtesy notices were mailed to 76 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The subject property consists of 7.46 acres (~324,950 sf) located east of the intersection of E. Empire Street and Towanda Avenue. A Frontage Road along the north side of E. Empire Street provides the southern boundary and Robinhood Lane borders the site to the north. The property was formerly an office and technology facility which was demolished in 2011. The property is currently vacant. Neighboring properties are a mix of commercial, office and residential uses.

Surrounding Zoning and Land Uses:

	Zoning	Land Uses
North	R-1B (Single-Family Residence)	Right-of-Way, Single-Family Residential
South	R-1A (Single-Family Residence)	Right-of-Way, Golf Course
East	R-3A (Multi-Family Residence) & B-1 (General Commercial)	Multi-Family Residential / Vacant Office

Description of Current Zoning District:

The intent of this C-1 Office District is to accommodate office buildings primarily. Related retail, service, institution, and multiple-family uses commonly associated with office uses are allowed to a limited extent. This district may be applied as a transitional use buffer between residential uses and uses which would be incompatible with residential districts. The prime characteristics of this district are the low intensity of land coverage and the absence of such nuisance factors as noise, air pollutant emission, and glare. (§ 44-501C).

Subject Code Requirements:

§ 44-502B, "Allowed Uses Table" indicates Multiple-Family Dwellings permitted as a Special Use in the C-1 District.

STANDARDS FOR REVIEW

The Zoning Board of Appeals (ZBA) shall hold at least one public hearing on any proposed Special Use and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Special Use meets all of the Standards of Approval listed in § 44-1707H and discussed below.

Special Use Permit for Multi-Family Dwellings in the C-1 (Office) District.

- 1. 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 establishment, maintenance, and operation of Multi-Family Dwellings is appropriate for this location and will not be detrimental to the public health, safety, comfort, or general welfare of the other surrounding uses. The property has been vacant for an extended time and the immediate area has also experienced vacancy in the commercial buildings. The proposed residential density would be of relatively low impact, provide a suitable buffer between commercial and lower-intensity residential uses, and help to reestablish the vitality of the area by supporting nearby commercial uses. ***Standard is met.***

- 2. 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 would positively impact the immediate area by restoring a vacant site to an active and functional use. The proposed Special Use can be expected to maintain property values within the neighborhood by ensuring active occupancy and maintenance of the property. Additionally, the required basin construction will improve drainage conditions for the property to the northwest of the site. ***Standard is met.***

- 3. 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 proposed use is consistent with the character of other uses in the area. The uses adjacent to the site include a compatible mixture of commercial and residential uses. Improvement of surrounding properties would not be impacted. ***Standard is met.***

4. **Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.**

City water and sewer are already available to the property, roadway and sidewalk access is existing. ***Standard is met.***

5. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

Vehicle ingress and egress are proposed along the Frontage Road at three curb cut locations (two are existing), as well as one curb cut along Robinhood Lane (also existing). Parking standards on the surface lot proposed at the site are adequate and meet Code requirements. The site is also served by local public transit. ***Standard is met.***

6. **The Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.**

The proposed Multi-Family Dwellings use meets the bulk and site standards for the District. No waivers or variances are expected to be requested or provided as part of this Special Use Permit. ***Standard is met.***

STAFF RECOMMENDATION

Staff finds that the application ***meets*** all the standards for a Special Use Permit and recommends that the Zoning Board of Appeals take the following actions:

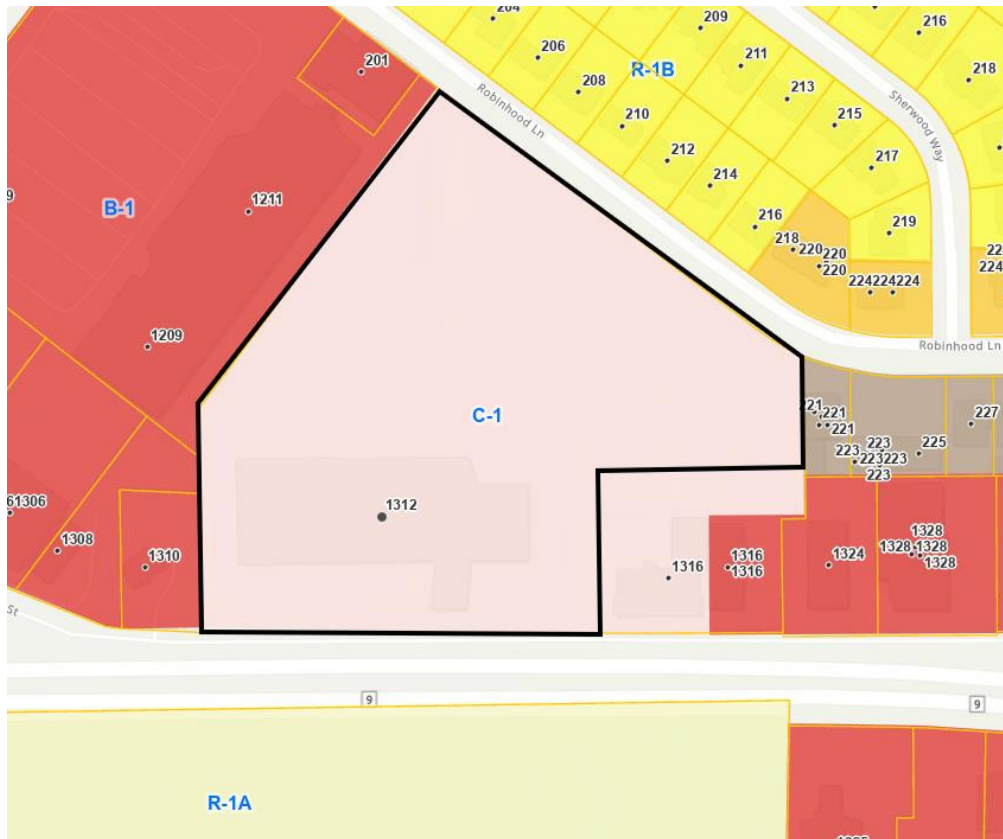
Motion to establish findings of fact that all ***standards for approval*** of a Special Use Permit ***are met***, and to ***recommend approval*** of the request as submitted.

Respectfully submitted,
Jon Branham
City Planner

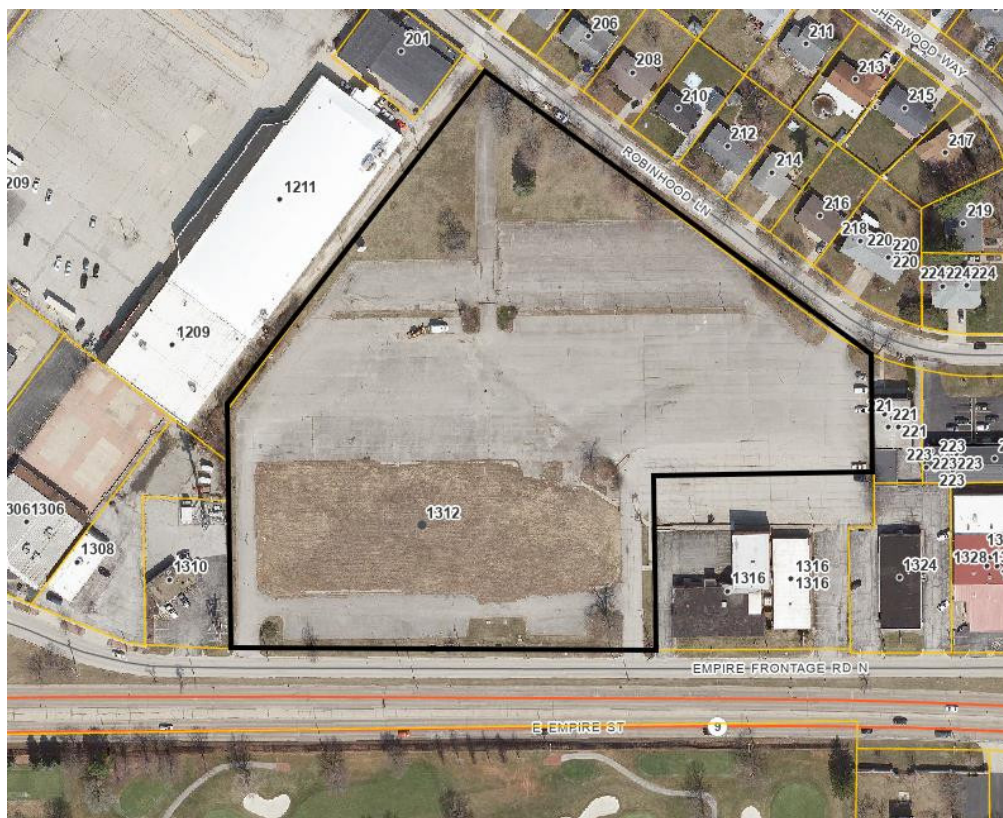
Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level Views
4. Neighborhood notice map
5. Site Plan (separate attachment)

Attachment 1 - Zoning Map



Attachment 2 – Aerial Image



Attachment 3- Ground-Level Views





Attachment 4 - Neighborhood notice map

