

**AGENDA
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, JANUARY 10, 2018 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

- 4. MINUTES:** Review the minutes of the December 13, 2017, regular meeting of the Bloomington Planning Commission.

5. REGULAR AGENDA:

A. Z-31-17 Public hearing, review, and action on a petition submitted by Dewitt Farms, LLC requesting a rezoning of 200 N Bellemont Rd from R-1A, Low Density Single Family Residence District to R-3A, Medium Density Multiple Family Residence District. (WARD 8)

Expected City Council Date: January 22, 2018

WITHDRAWN BY PETITIONER

B. Z-01-18 Public hearing, review and action on a petition submitted by James A Shirk, requesting a rezoning of 204 W Hamilton Rd from R-1B, Medium Density Single-Family Residence District to B-1, Highway Business District. (WARD 2)

Expected City Council Date: February 12, 2018

6. OLD 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 PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, DECEMBER 13, 2017 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS

MEMBERS PRESENT: Mr. J. Balmer, Mr. David Stanczak, Mr. James Pearson, Mr. John Protzman, Mr. Mark Muehleck, Mr. Thomas Kreiger, Chairman Justin Boyd

MEMBERS ABSENT: Ms. Megan Headean, Mr. Kevin Suess, Mr. Eric Penn

OTHERS PRESENT: Mr. George Boyle, City Attorney; Ms. Katie Simpson, City Planner; Ms. Izzy Rivera, Assistant City Planner, Mr. Kevin Kothe, City Engineer

CALL TO ORDER Chairman Boyd called the meeting to order at 4:02 PM. Ms. Simpson called roll, and with seven members present, there was a quorum.

PUBLIC COMMENT: None

MINUTES: The Commission reviewed the minutes from the November 8, 2017 regular meeting. Mr. Pearson motioned to approve the minutes. Mr. Balmer seconded the motion. The Commission approved the minutes by voice vote, 7-0.

REGULAR AGENDA:

Z-31-17 Public hearing, review, and action on a petition submitted by Dewitt Farms, LLC requesting a rezoning of 200 N Bellemont Rd from R-1A, Low Density Single Family Residence District to R-3A, Medium Density Multiple Family Residence District. (Ward 8).

Chairman Boyd introduced the case and explained the procedure for the hearing. Mr. Boyle explained that, in addition to the guidelines for an R-3A map amendment, Section 44.6-8, used in the staff report, the Zoning Ordinance provides additional, general guidelines for a map amendment in Section 13.2. Mr. Boyle stated these guidelines are very similar to the specific guidelines in 44.6-8 but provide additional suggested parameters the Commission may consider; Mr. Boyle distributed copies of these guidelines to the Commission. Ms. Simpson presented the staff report and provide staff's positive recommendation. Ms. Simpson distributed copies of a list of permitted uses in the R-1A district, the current zoning district, and entered a copy of the list into the public record as Exhibit 1. She explained that the Commission received a list of uses that would be allowed under the requested zoning district, R-3A, and considered it important for conversation and analysis that the Commission receive copies of both lists.

Ms. Simpson shared a photo of the subject property and provided background on the size of the land, and the existing zoning district. Ms. Simpson explained the neighboring zoning districts and the allowed densities. She noted that the subject property is contiguous to the R-3A district

on the north and north east sides. Ms. Simpson described the surrounding uses and recognized the subject property is adjacent to single family homes, the Bloomington Country Club, condominiums, and a day care facility. Ms. Simpson described the traffic patterns of Washington St, N. Regency Drive and N. Mercer Ave. Mr. Balmer asked what the proposed access would be for the development. Ms. Simpson stated she would come back to the question. Ms. Simpson described the difference between the uses that are currently allowed and those that would be allowed under the proposed district. She stated both districts allow agency-operated family homes, utilities, public services, and single family homes. The primary difference, Ms. Simpson explained, is that the R-3A district, allows by right, two-family homes, townhomes, multifamily homes with a density up to 29 units per acre, domestic violence shelters, and agency-operated group homes. She stated the districts differ by the types of conditional uses contemplated; the R-3A district allows for a more diverse group of conditional uses, but, as Ms. Simpson explained, the conditional uses or special uses require a public hearing by the Zoning Board of Appeals and approval by City Council. She stated that the Zoning Board is allowed to apply conditions or additional restrictions on a special use, such as limiting access.

Ms. Simpson explained that the petitioner requesting the zoning amendment ultimately hopes to acquire a special use permit to allow a nursing home/convalescent home to be built on the subject property. Ms. Simpson described the project and shared a concept plan submitted by the petitioner. She explained the petition owns the property east of the subject property and intends to combine the parcels to accommodate a nursing facility; the proposed access for the development would be limited to N. Regency Drive with limited, emergency vehicle access on Bellement Rd. Ms. Simpson explained the City would like to see N. Bellement Road improved with a cul-de-sac to accommodate emergency vehicles. Ms. Simpson described the site plan and identified the proposed areas for independent living, nursing home, teaching/day care facilities and green space. Ms. Simpson explained the zoning change would trigger transitional yard and transitional height requirements which will impose additional limitations on the property that constrain the capacity to achieve the maximum allowed density. Ms. Simpson identified a combination storm/sanitary sewer that bisects the property. She stated the city would not allow construction over the sewer regardless of the zoning; the sewer location also constrains future development of the site.

Ms. Simpson stated that the proposed zoning amendment complies with the Comprehensive Plan because it allows for higher-density, infill residential development, on a site located near bus service and in close proximity to amenities such as schools, hospitals, grocery stores. She stated the site promotes equitable distribution of resources within the community, encourages access to existing amenities, and promotes the use of existing infrastructure better than the traditional green-field residential developments. The Comprehensive Plan identifies the need for quality and affordable housing, including senior housing, and Ms. Simpson stated that amending the zoning encourages residential development in this area. Mr. Stanczak asked if the City Code precludes requesting a special use permit at the same time as a rezoning. Ms. Simpson explained there is nothing requiring nor prohibiting the petitioner from requesting the special use permit at the same time as the rezoning. Chairman Boyd requested more information about the cul-de-sac the City would like to see added to N. Bellement Rd. Ms. Simpson explained the road was never finished, Mr. Kothe explained that the cul-de-sac would be required by City Code. Ms. Simpson stated the cul-de-sac could be a condition of the special use permit and city staff would review

access for any development. Mr. Pearson asked for clarification on the definition of a family-operated group home and whether the Commission could amend the zoning district to require a special use permit for permitted uses at this location. Ms. Simpson explained that any changes to the permitted uses for the zoning districts would require a text amendment and would be applied to the entire city, not specifically this property. Mr. Muehleck inquired about access. Ms. Simpson affirmed the primary access for the subject property is N. Bellemont Rd and additional access points, such as N. Regency Dr, would require an agreement with the neighboring property owner. Mr. Pearson asked staff to explain the concept plan submitted by the petition. Ms. Simpson showed the concept plan on the powerpoint screen and described the location of the independent living facilities. Mr. Balmer asked about the adjoining property and access. Ms. Simpson stated the petitioner owns the adjoining property.

Mr. Boyle stated that conditional zoning has to some degree traditionally been frowned on by Illinois Courts. However, there is some support for, where, as here, the board with the power to rezone also has the power to recommend a special use with conditions, the board can make its recommendation for rezoning contingent upon a special use being obtained. Ms. Simpson provided staff's analysis of the zoning map amendment standards in Section 44.6-8, and she stated that staff determined that the zoning amendment complies with these guidelines. Ms. Simpson reiterated that due to the subject property's location within the developed city center, proximity to amenities, and use of existing infrastructure, the zoning amendment encourages balanced growth in the City and complies with the comprehensive plan. Ms. Simpson stated the subject site is one of the largest, single family lots in the core of the City; and the rezoning is in the best interest of the public because it would allow the City to fill a housing gap. Staff concluded that the public benefit derived from the potential development offsets the possible negative impacts of increasing density at this location. Mr. Balmer stated he is concerned about Bellemont Road as a primary entrance. Mr. Kothe confirmed he would prefer access taken on Regency and stated if Bellemont were used as a main entrance it would dramatically impact the road. Mr. Stanczak stated he is concerned about access taken from Bellemont or Mercer Ave. Chairman Boyd asked if Mercer would be a better entrance. Mr. Kothe confirmed Mercer could carry the additional traffic but is not intended to carry the traffic due to calming added in the mid 1990's. Mr. Muehleck affirmed Regency would be a better access point. Mr. Boyle confirmed the access could be limited during the special use hearing.

Ms. Julia Davis, the petitioner's attorney, was sworn in. She explained the site was a single family home and farm for many years. She explained the former tenant passed away in 2015. She confirmed the petitioners own the adjacent property on Regency and stated that if the owners would sell that property, access for the site would have to come from Bellement and Ruth Road, regardless of the zoning change. She stated that the petitioner is making an effort to reduce development impacts.

Chairman Boyd requested favorable public testimony. No one spoke in favor of the petition. Chairman Boyd requested opposed public testimony. Mr. Robert Lenz, attorney, was sworn in. He entered two exhibits into the record: a map of the area and a petition opposing the petition signed by neighbors. Mr. Lenz requested the Commission consider the exhibits. Mr. Lenz referenced the petitioner's petition and stated he feels the petition is flawed. He also shared his disapproval of discussions regarding possible conditions added to the special use permit or

zoning for the subject site. Mr. Lenz stated that he feels the discussion regarding the need to add conditions speaks to a weakness in the petition and supports a decision to deny the petition. Mr. Lenz stated he represents 31 people opposed to the petition. He stated he represents the Bloomington Country Club and the Country Club signed a petition in opposition to the petition. Mr. Lenz called attention to the first exhibit submitted, a map of the area, and stated an additional R-3A buffer zone is not needed. He stated a majority of the subject property is surrounded by R-1A and R-1B, except for the R-3A zoning. He stated the Condominium association in the R-3A zoning is also opposed to the zoning. He summarized the subject property is surrounded by a long-standing stable neighborhood of single family dwellings. He shared concerns regarding access for the property, and stated that he feels apartments, a permitted use, would endanger the public safety by allowing increased density with limited access. Mr. Lenz claimed roughly 75% of the surrounding property owners oppose the rezoning. He shared concerns about the traffic impacts apartments would have on the neighborhood and conveyed that he felt the rezoning would damage property values. Mr. Lenz referred to the petition submitted and stated that he disagreed with the petition's rationale for requesting the amendment. Mr. Lenz addressed the second exhibit he entered into the record, a petition from 31 neighboring property owners and recommended the Planning Commission deny the petition.

Mr. Balmer asked how long the group knew about the rezoning. Mr. Lenz stated he learned of the petition a week prior to the meeting. He stated that he saw the publication in the newspaper on November 27, 2017 and that he and his clients have known about the petition for ten or twelve days.

At 4:56 PM, Chairman Boyd called a brief recess. At 5:04 PM the Commission returned to the dais. Chairman Boyd reconvened the meeting. He stated that, based on the evidence introduced as an exhibit during Mr. Lenz' presentation, he discovered a financial conflict and needed to recuse himself from the remainder of the hearing. Chairman Boyd recused himself and left the dais at 5:05 PM. Vice Chairman Protzman became the acting Chairman. Mr. Balmer stated that based on the new evidence introduced, he would like to motion to table the case until the next meeting to allow the Commission time to review all and any new exhibits received and to give those that wish to speak the opportunity to present their views.

Mr. Balmer motioned to table the case until the next regular meeting, January 10, 2018, to allow the Commission time to review the new exhibits presented at this meeting, as well as any new evidence presented. Mr. Stanczak seconded the motion.

Mr. Boyle recognized that, with the recusal of Chairman Boyd, the quorum for the meeting was reduced to six people, and a Commissioner with a prior commitment would need to leave soon, therefore the Commission would be losing a quorum entirely.

Mr. Balmer withdrew his motion temporarily. Mr. Stanczak temporarily withdrew his second.

Mr. Nick Williams, 101 N. Mercer Ave, stated he wished to speak in opposition to the petition. He was sworn in. Mr. Williams shared the obituary from the Pantagraph for Francis Pillsbury, the former resident of 101 N. Mercer Ave and daughter of local architect Arthur Pillsbury. The

Obituary referenced Arthur Pillsbury's original home at 109 N. Olive St. Mr. Williams explained that he is concerned the development will impact the historic character of his home and the historic nature of the Country Club. He is concerned about the aesthetics of the future development. He shared that he is upset about the rezoning.

Mr. Balmer reentered his previous motion to continue the case until January 10, 2018 meeting. Mr. Stanczak seconded the motion. The motion was approved 5-1 with the following votes cast: Mr. Balmer—yes; Mr. Stanczak—yes; Mr. Pearson—no; Mr. Muehleck—yes; Mr. Kreiger—yes; Acting Chairman Protzman—yes. Mr. Pearson noted that he voted against the motion because he was ready to vote on the petition.

Additional exhibits from Mr. Greg Sheppard, a neighboring resident, and The Condominium Association at 14 Canterbury Ct were entered into the record.

OLD BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT: The meeting adjourned at 5:16 by unanimous voice vote; motioned by Mr. Balmer and seconded by Mr. Stanczak.

Respectfully submitted,
Katie Simpson,
Secretary.

**CITY OF BLOOMINGTON
REPORT FOR THE PLANNING COMMISSION
JANUARY 10, 2018**

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-01-18	204 W Hamilton Rd WARD 2	Rezone	Izzy Rivera, Assistant City Planner
PETITIONER'S REQUEST:	Rezone the above referenced property from R-1B, Medium Density Single-Family Residence District to B-1, Highway Business District		
Staff finds that the petition meets Zoning Ordinance's map amendment guidelines for the B-1, Highway Business District (44.6-20).			

STAFF RECOMMENDATION: Approve

Staff recommends the Planning Commission pass the following motions recommending:

- A. That City Council approve the rezoning of 204 W Hamilton Rd from R-1B, Medium Density Single-Family Residence District to B-1, Highway Business District, case Z-01-18.



NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on December 21, 2017.

GENERAL INFORMATION

Owner and Applicant: James A. Shirk



PROPERTY INFORMATION

204 W Hamilton Rd

Legal Description: Attached

PIN:21-16-327-014

Existing Zoning: R-1B, Medium Density
Single-Family Residence
District

Existing Land Use: Single Family
Home

Property size: 1.4 acres

Surrounding Zoning and Land Uses

Zoning

North: R-1, Single Family -McLean County
East: B-1, Highway Business District
South: B-1, Highway Business District
South: C, Commercial-unincorporated/County
West: R-1B, Medium Density Single Family
West: S-2, Public Lands and Institutions

Land Use

North: Single Family Home
East: Gas Station,
South: landscaping business
South: Storage/Landscaping Business
West: Single Family Homes
West: Prairie Vista Golf Course

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

1. Petition for Zoning Map Amendment
2. Aerial photographs
3. Zoning Map
4. Site visit

SITE DESCRIPTION

Background: The subject property is located west of S. Main St. The property is zoned R-1B, Medium Density Single-Family Residence District. The surrounding area is comprised of residential, businesses, and Prairie Vista Golf Course. Directly east and south of 204 W Hamilton Rd the zoning district is B-1, Highway Business. Surrounding developments include a gas station, landscaping business and other retail businesses. The adjacent site to the east is improved with a gas station and serves the intersection of US Business 51 and W Hamilton Rd. (See Fig.1) The property is also adjacent to an unincorporated parcel zoned C, Commercial. The current zoning district, R1-B, Medium Density Single-Family Residence District, intends to provide primarily for single-family units, and has a density of four (4) dwelling units per acre. The District primarily permits single-family homes, and related recreational, religious and cultural needs, such as churches, with a special use permit; as well as parks and police stations by right. The proposed zoning district, B-1 Highway Business District, intends to provide for economic development along major arterial roads and highways. These areas serve the needs of highway oriented traffic and establishments that can benefit from cross-route traffic. 204 W Hamilton Rd is located less than a half a mile away from US Business 51/S. Main St. The site is located within walking distance of bus service across Main St, as well as bike trails on the north side of Hamilton Rd, which are part of the Constitution Trail. W Hamilton Rd is considered a major arterial road. It has a daily traffic volume higher than local or collector streets, and is located in close proximity to larger truck traffic volumes. The site is also serviced by a 16" water main, more than adequate for uses permitted in the B-1 zoning district. A larger water main is also better for fire suppression. It is important to utilize existing utilities, especially those which are better equipped to handle commercial use and may be oversized for residential developments.

PROJECT DESCRIPTION

The subject property, 204 W Hamilton Rd., consists of 1.4 acres and is currently zoned R-1B, Medium Density Single-Family Residence District. The lot is developed with a single-family home. The petitioner is requesting a zoning amendment from R-1B to B-1 to allow for the expansion of a landscaping business located southeast of the subject property. A B-1 District requires traffic accessibility and locations adjacent to highway. The property located south east of 204 W Hamilton Rd is developed with the landscaping business. The proposed expansion would facilitate onsite traffic flow, and allowing ease of congestion for the business. (See Fig.2) The proposed project is expected to transform the underutilized subject property and create an outdoor showcase for a local landscaping business, as per the site plan. (see attachments) The project includes a water feature, pergola, various species of trees and plants. The home would be used as an office, adding a designated parking location in the rear, a work shop towards the south of the property, as well as, continuing the driveway to provide access to the landscaping business located at 2407 S Main St.

CAVEAT

Any future development or expansion with the zoning map amendment to B-1 would require sufficient screening and a transitional yard to mitigate any noise or visual impacts on neighboring residents.

A CHANGE TO B-1 HIGHWAY BUSINESS DISTRICT

Approval:

With any change to the zoning districts, there are a set of guidelines and regulations that must be followed for new developments or expansions. A change to B-1, Highway Business District, may produce a higher traffic count, however the subject site is located by an interstate as well as a major arterial road. While the number of permitted uses increases, the district limits some uses that are not suitable by residential, such as adult business. The subject site would be required to follow these regulations. Permitted uses would require a site plan review by staff, and strict adherence to the screening and transitional yard requirements outlined by the Zoning Code. Detention requirements would also have to be addressed in order for development to proceed. Several other components that would be considered in any project are: building height, parking standards, lighting and signs, refuse receptacle location, loading and unloading, and landscaping. Conditional uses, or special uses, require a public hearing with the Zoning Board of Appeals and City Council approval.

Denial:

Without any changes to the zoning map, the property would remain underutilized. Other potential opportunities would be to subdivide the property and allow the density afforded to the current R-1B District of four (4) dwelling units per acre. Alternatives based on the size of the lot, include agency operated family homes and postal services and with a special use permit: group homes for parolees, telecommunications antenna facilities, and daycare centers, to name a few. Some of these uses may not be appropriate next to a gas station or along a major arterial road, as environment externalities could reduce the quality of life for residents.

LINK TO COMPREHENSIVE PLAN:

Future growth outlined by the Comprehensive Plan shows the areas immediately north of subject site 204 W Hamilton Rd developed as “commercial activity centers”. These centers are located on or at intersections of high volume streets. The existing zoning may not be compatible with this vision. The proposed zoning would be more compatible with the Comp Plan vision. The site is also serviced by a 16” water main, large enough for commercial use. Better utilizing land and existing infrastructure ties back into the Comprehensive Plan’s goal for fiscal impact of development. ED-4.2, “Prioritize infill and redevelopment to spur growth and reinvestment in the City”.

FINDINGS OF FACT

The Zoning Ordinance provides “*Zoning Map Amendment Guidelines*” and states, “*In making its legislative determination to zone or rezone property to a B-1 Highway Business District, the Planning Commission and City Council may apply the following guidelines to the proposal under consideration(44.6-20):*”

1. *The relationship of the proposed development to the intended primary market for such goods and services, highway traveler; the property is located along a major arterial road and less than half a mile from US Business 51. Development to the east and south of the subject property are commercial businesses and boast high daily traffic volumes.*

2. *The capacity of existing and proposed community facilities and utilities including water, sewer, and transportation systems to serve the permitted uses which lawfully occur on the property so zoned;* the utilities are sufficient to support the project. Transportation accommodations are located less than a mile away along S Main St. The Constitution Trail is also located along Hamilton Rd.
3. *The potential impact the permitted uses authorized in the district would have upon any existing or permitted uses, especially residential uses, in the surrounding area;* the impact would be moderate considering the area is located along a Business District corridor and has future potential for commercial centers. The zoning ordinance prohibits certain uses near residential.
4. *The adequacy of public services, including police and fire protection, serving the property and the impact the permitted uses would have upon these services;* Fire and police protection are available to meet the needs of the project. The expansion could result in the beautification along W Hamilton Rd. The site is serviced with a sixteen inch 16" water main along the north side of W. Hamilton Rd and an eight inch (8") public sanitary service on the south side of W. Hamilton Rd. The utilities are adequate, especially the water main, for the uses contemplated in the B-1 District. In fact, these utilities are most likely oversized for residential development.
5. *The impact any natural disasters, including flooding, would have upon the permitted uses;* the petitioner is required to meet the detention requirements outlined in the zoning ordinances. Detention will help mitigate water run-off resulting from increased impervious surfaces.
6. *The impact the permitted uses would have upon the environment including noise, air and water pollution;* a business corridor is already located adjacent to the subject property. Any new development would be required to provide water detention to limit the impact on storm sewers. Setbacks, transitional yards and screening are also required for any development, which will help alleviate concerns with noise and visual impacts on neighboring residents.
7. *The conformance of the proposal to the Official Comprehensive Plan and Official Map;* the plan encourages economic development in close proximity to major roads and highways as well as the maintenance and repair of existing infrastructure.

Considerations for amendments (44.13-2)

1. *The length of time the property has remained vacant as zoned considered in the context of land development in the area;* the property is not vacant and is developed with a single family home. The site however is being underutilized.
2. *Existing zoning of nearby property, relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the*

approval or denial of the zoning amendment application; with the change to B-1, Highway Business District, there are more expected uses available to the site. The site could become an amenity to the neighboring property owners as well as the public at large. The utilities could be used at their full potential and limit the resources that would be used for new infrastructure.

3. *The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of this Code as set forth in Division 2 herein. (Ordinance No. 2006-137); the site is located on an arterial road and in close proximity to US Business 51. The change to B-1, Highway Business District could positively influence future development and commercial expansion to the north, where a undeveloped commercial lot is located. The utilities in this area are larger than would be needed for a residential area, therefore, more capable of supporting commercial development.*

STAFF RECOMMENDATION:

Staff recommends the Planning Commission pass the following motion recommending:

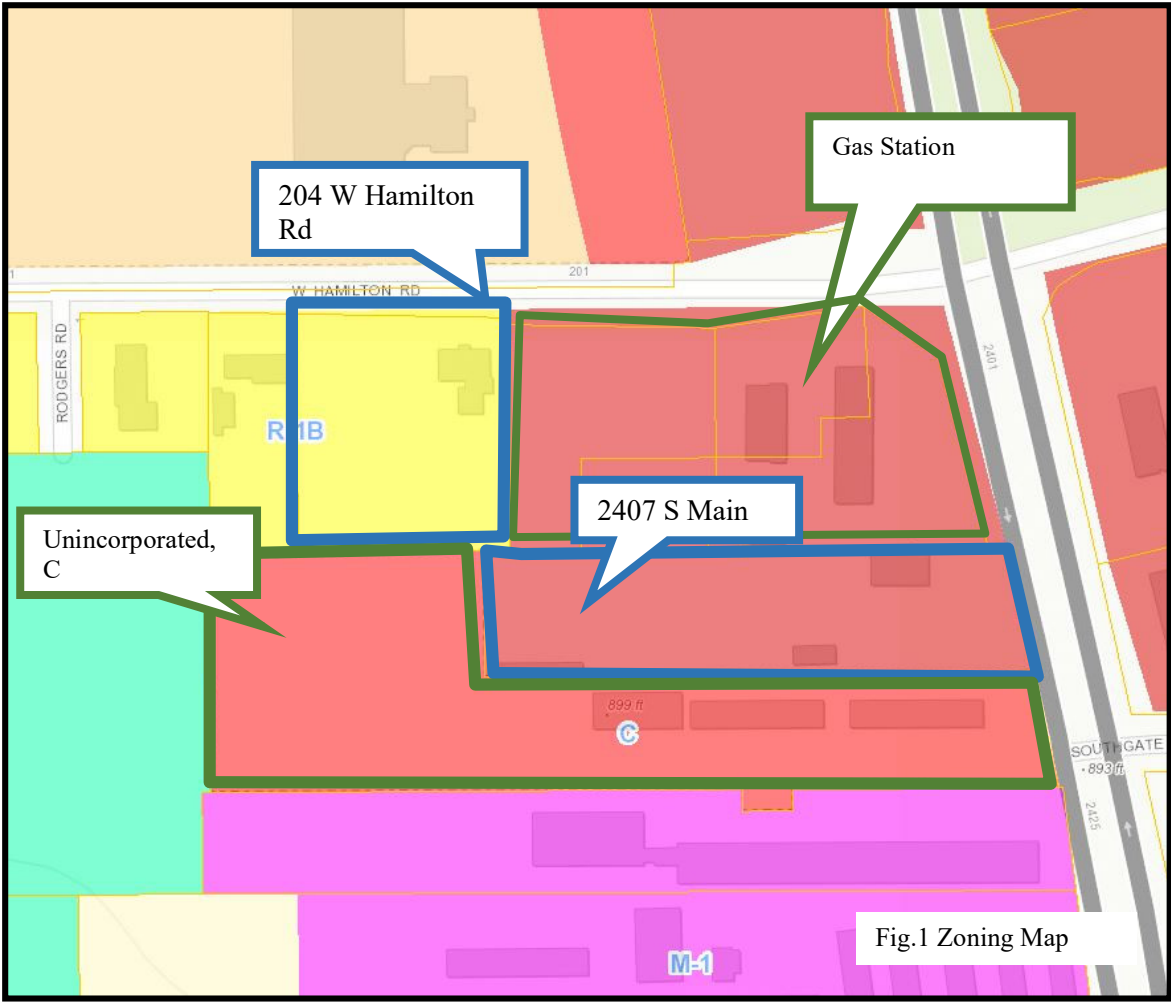
- That City Council approve the rezoning of 204 W Hamilton Rd from R-1B, Medium Density Single Family Residence District to B-1, Highway Business District, case Z-01-18.

Respectfully submitted,

Izzy Rivera
Assistant City Planner

Attachments:

- Draft Ordinance
- Petitions for Zoning Map Amendment
- Proposed Site Plan
- List of Permitted Uses in the B-1 District
- List of Permitted Uses in the R-1B, Medium Density Single Family Residence District
- Aerial Map
- Zoning Map
- Newspaper Notice and Neighborhood Notice w/Map
- Notification Mailing List



ORDINANCE NO. _____

**AN ORDINANCE APPROVING THE ZONING MAP AMMENDMENT FOR
204 W HAMILTON ROAD FROM R-1B SINGLE FAMILY RESIDENCE
DISTRICT TO B-1 HIGHWAY BUSINESS DISTRICT**

AN ORDINANCE REZONING CERTAIN PREMISES TO B-1

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition for rezoning of certain premises described in Exhibit A attached hereto; and

WHEREAS, the Bloomington Planning and Zoning Commission, after proper notice was given, conducted a public hearing on said Petition; and

WHEREAS, the City Council of said City is authorized to adopt this Ordinance and rezone said Premises.

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

1. That the premises described in Exhibit A attached hereto shall be and the same are hereby rezoned to B-1 Highway Business District.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.

3. This Ordinance shall take effect immediately upon passage and approval.

PASSED AND APPROVED this ____ day of _____, 20 ____.

APPROVED:

ATTEST:

MAYOR

CITY CLERK

EXHIBIT A

Lots 2, 3 and 4 in South Hill Subdivision of the Southwest Quarter of Section 16, Township 23 North, Range 2 East of the Third Principal Meridian, according to the Plat thereof recorded December 7, 1959 as Document No. 61479, in McLean County, Illinois, EXCEPT that portion of the premises conveyed to the City of Bloomington by Warranty Deed recorded in the Office of the McLean County Recorder of Deeds on January 15, 2010 as Document No. 2010-00001209.

PIN: 21-16-327-014

PETITION FOR REZONING

STATE OF ILLINOIS)
)ss.
COUNTY OF McLEAN)

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

NOW COMES JAMES A. SHIRK, hereinafter referred to as "Petitioner" and petitions
the Honorable Mayor and Members of the City Council of the City of Bloomington, McLean
County, Illinois, as follows:

1. Petitioner is the owner of the premises described in Exhibit A.
2. The Premises described in Exhibit A are currently zoned R-1B Single Family
 Residence District.
3. Petitioner hereby requests that the Official Zoning Map of the City of
 Bloomington, McLean County, Illinois, be amended to reclassify the premises
 described in Exhibit A to a zoning classification of B-1 Highway Business
 District.
4. The requested zoning classification is more compatible with existing uses and/or
 zoning of adjacent property than the present zoning of said premises; and

5. The requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this Petition will exceed the hardships imposed on your Petitioner by the present zoning of said premises.

WHEREFORE, your Petitioner respectfully prays that the Official Zoning Map of the City of Bloomington, McLean County, Illinois, be amended by changing the zoning classification of the Premises described in Exhibit A attached hereto from R-1B Single Family Residence District to B-1 Highway Business District.

Respectfully submitted,

A solid black rectangular box used to redact the signature of the petitioner.

JAMES A. SHIRK

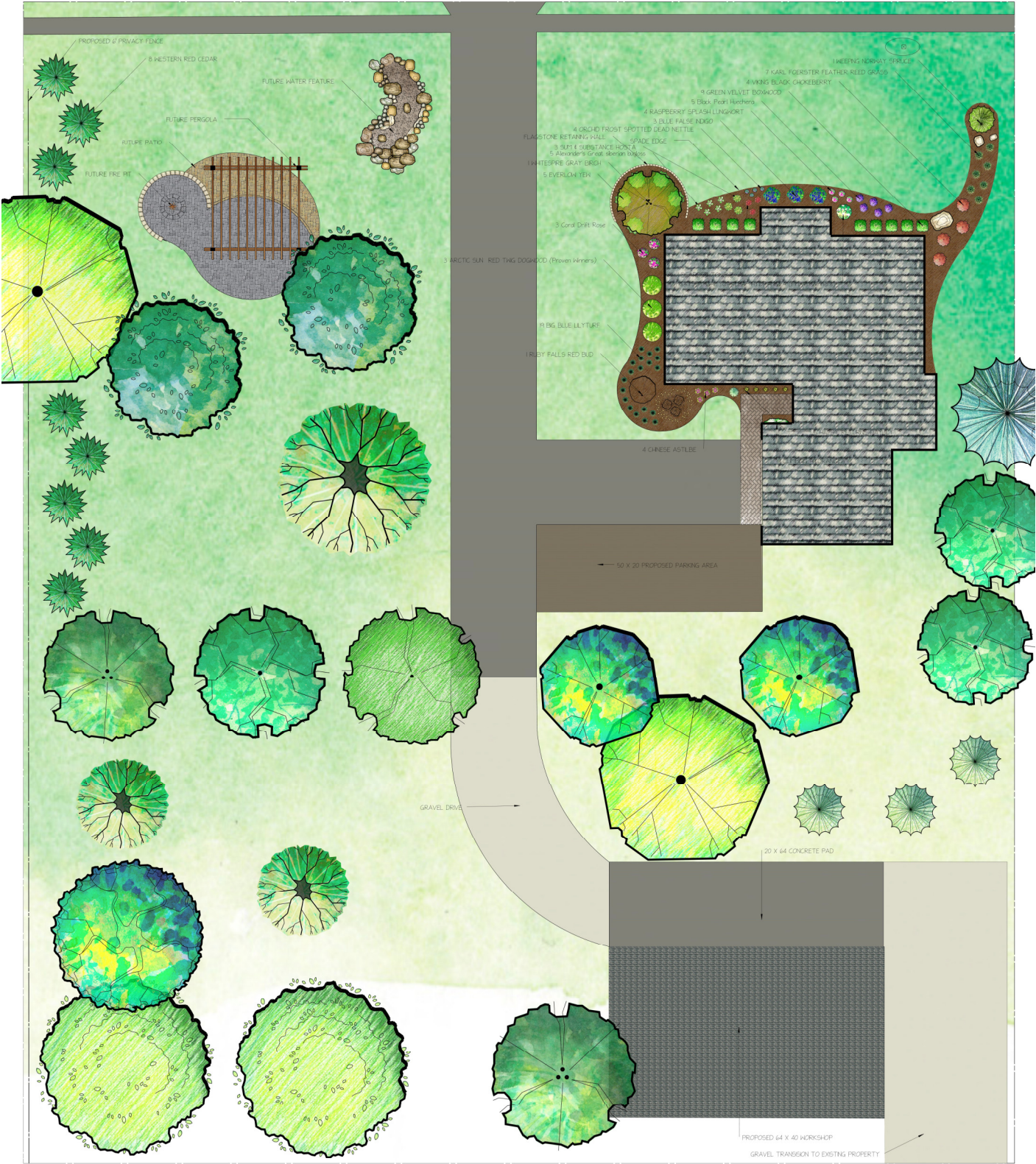
Jason A. Barickman
Meyer Capel, A Professional Corporation
Attorneys for Petitioner
202 North Center Street, Suite 2
Bloomington, IL 61701
309/829-9486

EXHIBIT A

Lots 2, 3 and 4 in South Hill Subdivision of the Southwest Quarter of Section 16, Township 23 North, Range 2 East of the Third Principal Meridian, according to the Plat thereof recorded December 7, 1959 as Document No. 61479, in McLean County, Illinois, EXCEPT that portion of the premises conveyed to the City of Bloomington by Warranty Deed recorded in the Office of the McLean County Recorder of Deeds on January 15, 2010 as Document No. 2010-00001209.

PIN: 21-16-327-014

Proposed Site Plan



SHIRK PROPERTIES		
204 W HAMILTON RD		
BLOOMINGTON, ILLINOIS		
client:	date:	revision:
scale:	1"=10'	1/4/15
drawn by:	checked by:	drawing #:
T.P.		

Section 44.6-30

Permitted Uses in the B-1 District

Accounting, Auditing, Bookkeeping	Bus Sales Service
Advertising Services	Business Management Consulting
Agency Supervised Homes	Business Schools
Agency-Operated Family Homes	Cabinet making, woodworking, furniture repair
Agency-Operated Group Homes	Cameras, Photographic Supplies
Agriculture	Camping, Recreational Equipment Sales
Ambulatory Surgical Treatment Center	Candle Shops
Amphitheaters	Candy Confectionery Sales
Amusement Parks	Car Wash
Animal Detention Facilities, with no outdoor exercise areas	Carpentry Services
Animal Hospitals	Catering Services
Antique Stores	Cemeteries
Apparel Shops	Childrens Homes, Orphanages
Appliance Stores	China, Glassware, Metalware Stores
Aquariums	Churches, Synagogues, Temples
Arenas, Field Houses, Stadiums	Cigar, Tobacco Products Sales
Art Galleries, Museums	Clinics
Art Supplies, Craft Stores	Collection Services
Artisanal/Craft Production and Retail	College-University Classrooms
Athletic Clubs, YMCA, YWCA	Commercial Printing Services
Auction Houses	Commodity Contract Brokers
Auditoriums, Concert Halls	Community Centers
Automobile and Accessories Sales	Computer Services
Automobile Engine Electrical System Diagnostic Services	Convalescent Homes, Rest Homes
Automobile Rental Service	Convenience Establishments
Automobile Repair Shops	Country Clubs, Golf Clubs
Automobile Service Stations	Credit Services
Awning, Tent, Canvas Products Sales	Cultural Activities
Bakery Products Sales	Currency Exchanges
Ballrooms, Dance Halls	Dairy Products
Banking Services	Dance Studios, Music Studios
Barber Shops, Beauty Shops	Day Care Centers
Bars, Taverns, Nightclubs	Delicatessens
Bed & Breakfast Establishments	Dental Services
Billiard Centers, Pool Halls	Department Stores
Birthing Center	Detective and Protective Services
Blueprinting and Photocopying	Diagnostic Imaging Center
Boarding Schools	Diagnostic Laboratory Treatment Facility
Boat Sales, Service, Rental	Diaper Services
Book, Stationery Stores, Newsstands	Domestic Violence Shelter
Bowling Establishments	Donut Shops, Ice Cream Shops
Building Construction Services	Draperies, Curtains, Uphostery
Bus Passenger Terminals	Dressmaking, Tailor Shops
	Drive-in Refreshment Stands
	Drug Stores

Dry Cleaning Services
 Dry Goods, Piece Goods Stores
 Duplicating, Mailing Services
 Dwellings, Two-Family
 Educational and Research Services
 Electrical Repair Service
 Electrical Services
 Electrical Supply Sales
 Electricity Regulating Substations
 Electronics Assembly Plants
 Employment Services
 Engineering, Architectural Services
 Equipment Rental , Leasing Services
 Exhibition/Exposition Halls
 Extended Stay Motel
 Exterminating-Pest Control Services
 Farm Machinery Sales and Service
 Farm Supply Stores
 Financial Services
 Fish Hatcheries, Poultry Hatcheries
 Fishing Camps
 Flammable Liquid Pipelines
 Floor Covering Stores
 Florist Shops
 Food Pantry
 Forestry
 Fuel Oil Service
 Funeral Parlor, Mortuary
 Furniture Stores
 Garden Supply Stores
 Gas Regulatory Stations
 General Merchandise Stores
 Gift Shops
 Golf Courses - Not Miniature Golf
 Golf Driving Ranges
 Government Services
 Greeting Card Shops
 Grocery Stores, Supermarkets
 Gun Shops
 Gymnasiums, Recreation Centers
 Hardware Stores
 Health Clubs
 Health Spas, Reducing Salons
 Heating Plumbing Equipment Sales
 Hobby Shops, Toy Stores
 Home for the Aged
 Home Improvement Center
 Home Maintenance Services

Horticultural Services
 Hospitals, Except Animal Hospitals
 Hotels, Motels, Motor Hotels
 Ice Rinks
 Institution for Child Care
 Institution for the Handicapped
 Insurance Services
 Irrigation Channels
 Jewelry Stores, Watch Repair
 Kennels, with no outdoor exercise areas
 Knit Goods Shops
 Laboratory, Psychological
 Laundering Services
 Leather Goods Shops
 Legal Services
 Legitimate Theaters
 Libraries
 Linen Supply Services
 Linen Supply Stores
 Linen Supply Stores
 Liquor Stores
 Lodging Houses
 Lumber Yards, Building Materials
 Mail Order Houses
 Marine Craft and Accessory Sales
 Massage Therapy Studio
 Medical Marijuana Dispensing Organization
 Medical, Health Services
 Mental Health Facilities
 Merchandise Vending Machine Sales
 Miniature Golf Courses
 Miscellaneous Services N.E.C.
 Monument Sales
 Motels, Hotels, Motor Hotels
 Motion Picture Studios
 Motion Picture Theaters
 Motor Vehicle Sales, Service N.E.C.
 Motor Vehicle Storage
 Motorcycle Sales and Service
 Music Stores, Record Shops
 News Syndicate Services
 Nursery Schools
 Nursing Homes
 Offices
 Optical Goods, Hearing Aids Sales
 Other Clubs Not Classified
 Other Specialty Shops, N.E.C.
 Outdoor Advertising Services

Packing and Crating Services
Paint, Glass, Wallpaper Stores
Painting, Decorating Services
Parking Lot, Commercial
Parking Lot, Noncommercial
Parks, Playgrounds, Aboretums
Penny Arcade
Pet Shops
Pharmacy
Photofinishing Services
Photographic Services
Planetariums
Plumbing, Heating Services
Police Stations, Fire Stations
Postal Services
Post-Surgical Recovery Care Center
Pottery, Ceramic Products Sales
Pre-Schools
Printing, Publishing, Allied Uses
Professional Clubs, Business Clubs
Professional Supply Repair Services
Radio Broadcasting Studios
Radio, Television Repair Services
Radio, Television Stations-Towers
Radio,. Television Stores
Rail Passenger Terminals
Real Estate Services
Record Shops, Music Stores
Rehabilitation Schools
Religious Education Facility
Research and Testing Services
Restaurants, Cafeterias
Riding Stables, Riding Schools
Roadside Markets
Roller Skating Rinks
Rooming Houses
Rooming Houses
Savings and Loan Associations
Security and Commodity Services
Service Clubs, Civic Clubs
Sewage Lift Stations
Sheltered Care Homes
Shoe Repair Services
Shoe Stores
Sign Painting Services
Ski Mobile Sales, Service
Social Clubs, Lodges
Specialty Food Shops

Specialty Schools
Sporting Goods, Bicycle Sales
Stenographic Services
Swimming Clubs
Swimming Pools
Taxi Terminals
Telegraph Message Centers
Telephone Exchange Stations
Telephone Exchange Substations
Telephone Relay Towers
Television Broadcasting Studios
Tile Abstracting Services
Tires, Batteries, Accessories Sales
Trade Supply Sales-Service
Trading Stamp Services
Transfer Services
Travel Arranging Services
Treatment Centers for Drug Abuse
Tree Sales, Nurseries, Greenhouses
Truck Rental Service
Truck Sales and Service
Truck Stops, Truck Plazas
Truck Wash
Utility Conduits, Lines, Pipelines
Variety Stores
Veterinarian Services
Video Sales and Rental Stores
Vocational Schools
Water Pressure Control Stations
Water Purification Plants
Water Storage Reservoirs
Welding Services
Well Drilling Services
Window Cleaning Services
Zoos
Airports and Landing Fields (S)
Amusement Centers (S)
Animal Detention Facilities, with outdoor exercise areas (S)
Crematories (S)
Drive-in Motion Picture Theaters (S)
Dwellings, Single-Family (S)
Fairgrounds, Agricultural Exhibits (S)
Go-Cart Tracks (S)
Group Homes for Parolees (S)
Group Homes for Parolees (S)
Group or Organized Camps, Resorts (S)
Heliports, Heliport Terminals (S)

Kennels, with outdoor exercise areas (S)
 Manufactured Home Sales (S)
 Mini Warehouses (S)
 Mobile Home Sales (S)
 Race Tracks, Grandstands (S)
 Recreation Vehicle Camps (S)
 Refuse Disposal Services (S)
 Sewage Treatment Plants (S)
 Shooting Galleries, Rifle Ranges (S)
 Tourist Camps (S)
 Travel Trailer Camps (S)
 Wholesale Sales Establishments (1)
 Towing Services (2)

Adult Cabaret (5)
 Adult Hotels/Motels (5)
 Adult Lingerie Modeling Studios (5)
 Adult Media Stores (5)
 Adult Modeling Studios (5)
 Adult Motion Picture Theaters (5)
 Sex Shops (5)
 Sexually Oriented Entertainment Business (5)
 Dwellings, Multiple Family (9)
 Townhouses (9)
 Telecommunication Antenna Facilities (10)
 Media Shops (12)
 Mobile Food and Beverage Vendor (13)

(S) = allowed with a special use

(1) = allowed only as accessory use occupying not more than 40% floor area of any story

(2) = allowed only as accessory use occupying not more than 25% floor area of any story

(5) = allowed provided that no lot line of the lot to be occupied by such use shall be located closer than 1,000 feet to the lot line of a residential, recreational, public assembly (or the like) use

(9) = allowed as a special use if the lot was rezoned B-1 after August 26, 1996

(12) = allowed as permitted use but subject to conditions that adult media kept in a separate room
 1) that is not open to anyone under age (18) and; 2) physically and visually separated from the rest of the shop by an opaque wall and; be located so that the entrance is as far as reasonably possible from media of a particular interest to children; and 4) have access controlled by warning signs to provide assurance that persons under age 18 will not accidentally enter and; 5) provide signs stipulating that persons under age 18 are not permitted in such a room.

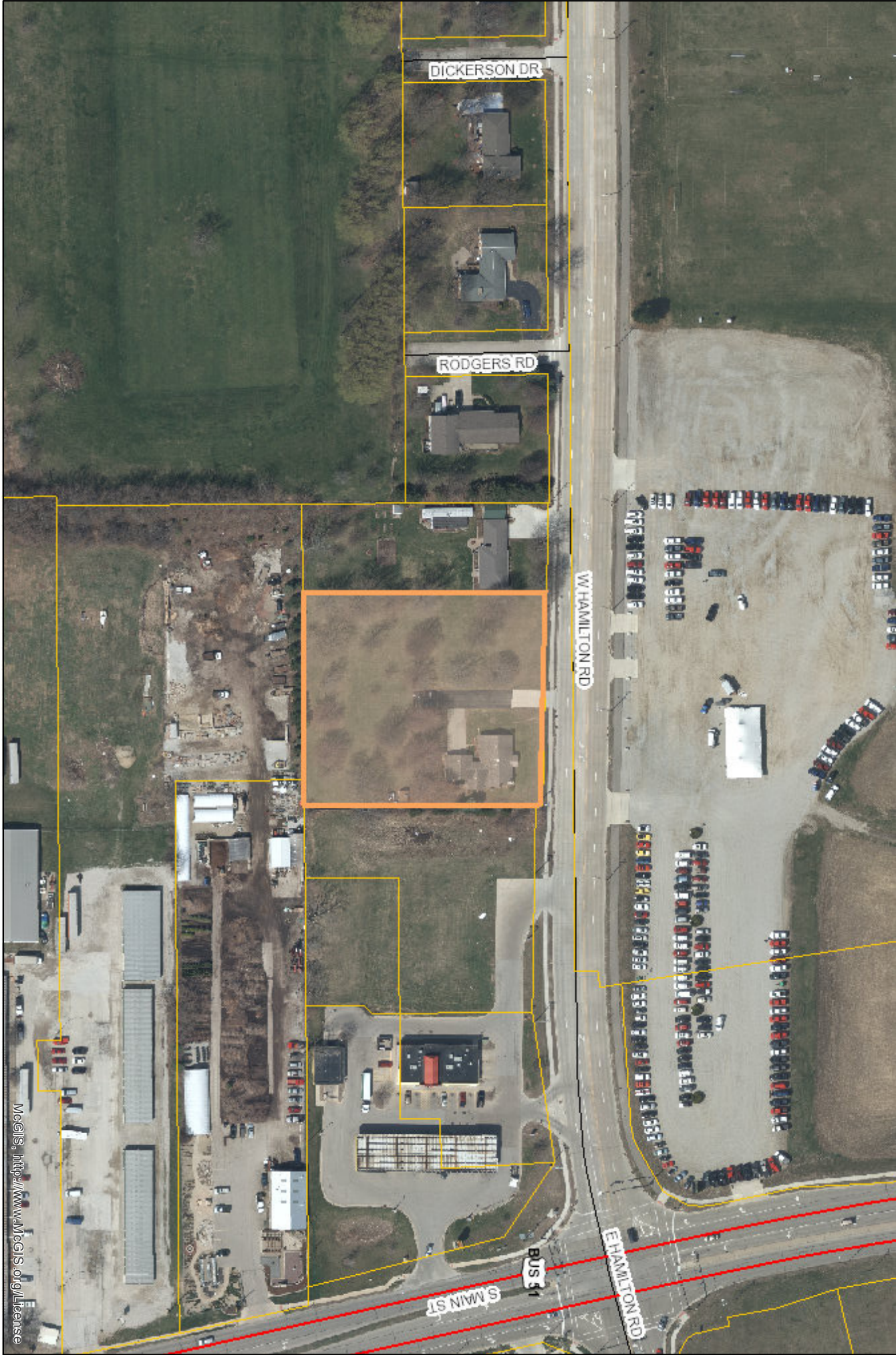
(13) = permitted but subject to the requirements of Section 44.4-4 G.

Section 44.6-30

Permitted Uses in the R-1B District

[illegible]

Aerial Map 204 W Hamilton Rd



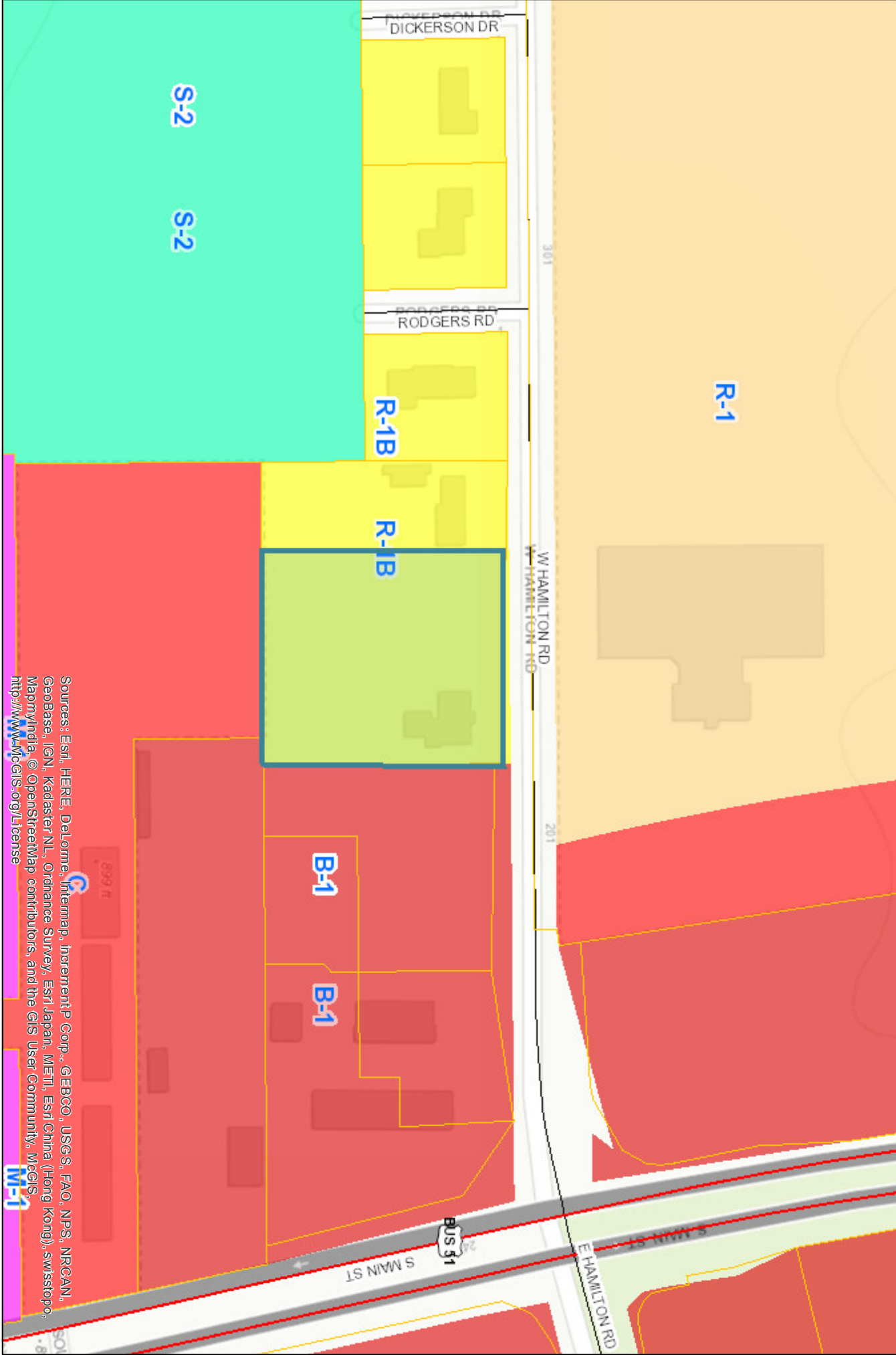
McGIS, <http://www.McGIS.org/License>



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.



Zoning Map 204 W Hamilton 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, 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.



20926774
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
PLANNING COMMISSION
JANUARY 10, 2018

Notice is hereby given that the Planning Commission of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, January 10, 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 James Shirk to rezone the following property from R-1B, Medium Density Single Family Residence District to B-1, Highway Business District.

204 W Hamilton Rd
(LOTS 2, 3 AND 4 IN SOUTH HILL SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 7, 1959 AS DOCUMENT NO. 61479, IN MCLEAN COUNTY, ILLINOIS, EXCEPT THAT PORTION OF THE PREMISES CONVEYED TO THE CITY OF BLOOMINGTON BY WARRANTY DEED RECORDED IN THE OFFICE OF THE MCLEAN COUNTY RECORDER OF DEEDS ON JANUARY 15, 2010 AS DOCUMENT NO. 2010-00001209.)
PIN: 21-16-327-014

The petitioner is requesting the zoning amendment to allow for outdoor advertising and the expansion of an adjacent landscaping business.

All interested persons may present their views upon such matters pertaining thereto at the meeting. The petitioner or his/her Counsel/Agent must attend the meeting. The petition is on file for public review at the City of Bloomington Community Development Department, 115 E. Washington St., Suite 201, Bloomington, IL 61701.

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: Thursday December, 21, 2017



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

December 21, 2017

Dear Property Owner or Resident:

The City of Bloomington Planning Commission will hold a public hearing on **Wednesday, January 10, 2018 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois** for a petition submitted by **James A. Shirk** requesting the rezoning of **204 W Hamilton Rd** from R-1B, Medium Density Single Family Residence District to B-1, Highway Business District. The petitioner is requesting the zoning amendment to allow for outdoor advertising and the expansion of an adjacent landscaping business.

You are receiving this notification because 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 rezoning 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 and supporting materials will be available at <http://www.cityblm.org/government/advanced-components/documents/-folder-308>. If you desire more information regarding the proposed petition or have any questions you may contact me by phone, (309) 434-2448, or email, irivera@cityblm.org.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Izzy Rivera', written in a cursive style.

Izzy Rivera
Assistant City Planner

Attachments:
Location Map
Legal Description

Public Hearing on January 10, 2018 for a Rezoning at 204 W Hamilton Rd to B-1, Highway Business District



EXHIBIT A

Lots 2, 3 and 4 in South Hill Subdivision of the Southwest Quarter of Section 16, Township 23 North, Range 2 East of the Third Principal Meridian, according to the Plat thereof recorded December 7, 1959 as Document No. 61479, in McLean County, Illinois, EXCEPT that portion of the premises conveyed to the City of Bloomington by Warranty Deed recorded in the Office of the McLean County Recorder of Deeds on January 15, 2010 as Document No. 2010-00001209.

PIN: 21-16-327-014



5960®

Easy Peel® Address Labels
Bend along line to expose Pop-up Edge®Go to avery.com/templates
Use Avery Template 5960

SMITH RON PRINTING CO INC
PO BOX 1543
BLOOMINGTON, IL. 61702

SALE BARN PROP FRM SOCFLD
PO BOX 1549
BLOOMINGTON, IL. 61702

PATRICIA PENN
2407 S MAIN ST
BLOOMINGTON, IL. 61704

SCOTT & SHERRY MAUSCHBAUGH
212 W HAMILTON
BLOOMINGTON, IL. 61704

TODD WINN
RR 16 BOX 581
BLOOMINGTON, IL. 61704

DIANE NORD
302 W HAMILTON RD
BLOOMINGTON, IL. 61704

DEANNE POTTER DZR ENTERPRISES LLC
505 IRONWOOD CC DR
NORMAL, IL. 61761

SALE BARN PROP-HAMLTN
PO BOX 1549
BLOOMINGTON, IL. 61702

MARTIN & BAYLEY INC
1311 A W MAIN ST / PO BOX 385
CARMI, IL. 62821

SIX WAYS LLC
PO BOX 385
CARMI, IL. 62821

MARTIN & BAYLEY INC
PO BOX 385
CARMI, IL. 62821

DEENA & PAUL WHEELER
210 W HAMILTON RD
BLOOMINGTON, IL. 61704

SALE BARN PROPERTIES FRTLDT
PO BOX 1549
BLOOMINGTON, IL. 61702