

**MINUTES**  
**BLOOMINGTON PLANNING COMMISSION**  
**REGULAR MEETING**  
**WEDNESDAY, FEBRUARY 24, 2016, 4:00 P.M.**  
**COUNCIL CHAMBERS, CITY HALL**  
**109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS**

**MEMBERS PRESENT:** Mr. Balmer, Mr. Barnett, Mr. Pearson, Mr. Protzman, Ms. Schubert, Mr. Scritchlow, Mr. Suess, Chairman Stanczak

**MEMBERS ABSENT:** Mr. Cornell

**OTHERS PRESENT:** Mr. Tom Dabareiner, Community Development Director; Ms. Katie Simpson, City Planner; Mr. George Boyle, City Attorney; Mr. Jim Karch, PW Director; Mr. Kevin Kothe, City Engineer; Mr. Austin Grammer, Economic Development Coordinator

**CALL TO ORDER:** Chairman Stanczak called the meeting to order at 4:00 P.M.

**ROLL CALL:** Mr. Dabareiner called the roll. A quorum was present.

**PUBLIC COMMENT:** Robert Rewerts began speaking about one of the agenda items and was asked to hold his comments until that point in the agenda. There being no additional public comments the Commission moved on to approval of the minutes.

**MINUTES:** The Commission reviewed the February 10, 2016 minutes. There being no changes, Mr. Pearson moved to approve the February 10, 2016 minutes. Mr. Balmer seconded the motion which passed by a vote of 8-0 with the following votes being cast on roll call: Mr. Pearson-yes; Mr. Balmer-yes; Mr. Barnett -yes; Mr. Protzman-yes; Ms. Schubert-yes; Mr. Scritchlow-yes; Mr. Suess-yes; Chairman Stanczak-yes.

**REGULAR AGENDA:**

Chairman Stanczak noted that due to the weather, a request was made to move **Item C. Case Z-06-16** to the front of the regular agenda. Without objection.

**Z-06-16.** Public hearing, review and action on the petition submitted by Kroger Limited Partnership I, an Ohio limited partnership, requesting the approval of the Rezoning of the property located at College Avenue and Hershey Road from M-1, Restricted Manufacturing to B-1, Highway Business District.

Chairman Stanczak introduced the case. Ms. Simpson indicated staff is in favor of the rezoning. She provided the location map and described the rezoning, noting that the proposed area is slightly smaller than the original request. She identified the uses surrounding the property and described the Kroger Marketplace use. Ms. Simpson summarized the purpose for the B-1 District and established the compatibility of the proposed use with the district; she also noted the compatibility with the Comprehensive Plan. She reviewed each of the Findings of Fact for a

rezoning and concluded the standards were met; she emphasized the transitional front yard concept as it applies to the adjacent residential zoning district to the east. Ms. Simpson noted the property is a Tier One infill opportunity, according to the Comprehensive Plan. Mr. Balmer asked how the swale through the property is being addressed; Mr. Karch stated the water is accommodated via a storm sewer, with excess water going over land. Mr. Scritchlow asked if rezoning this portion of land would create a spot zoning by leaving a large remnant M-1 designated property to the west; Mr. Dabareiner indicated this would not be the case and repeated that the rezoning would make it consistent with nearby zoning and the intention in the Comprehensive Plan. Mr. Balmer concurred.

Mr. Jason Barickman, attorney for the petitioner, stated Kroger has been looking at this location for a long time and repeated the requested for support for the rezoning. He added that City staff has been great to work with. Mr. Suess inquired about the bus shelters around the perimeter of the site and asked if Connect Transit was part of the discussion leading to their provision; Mr. Dabareiner affirmed that Connect Transit is seeking these shelters.

Mr. Jim Derry, 2201 Yarrow, was sworn in. He indicated no concern for the store itself but is concerned about the relationship of the two entrances to Kroger along Hershey Road with Summerfield Boulevard, indicating it is sometimes difficult to turn left onto Hershey from Summerfield. He suggested a single entrance midblock or moving the single entrance closer to College Avenue. Mr. Derry also asked about the potential for more traffic accidents. Finally, he indicated a concern with the northern entranceway and the potential conflict with left turns in to Summerfield Boulevard. Mr. Balmer noted that any development will add traffic to Hershey.

Mr. Protzman asked if the southern entrance from Hershey was intended for truck traffic; Mr. Karch talked about the importance of avoiding conflicting turn movements and noted that City staff worked with Kroger to make the entrance arrangement safer based on best traffic management practices. Mr. Karch added that the northernmost entrance had to be moved south to avoid conflicts with the College/Hershey intersection. He stated there were insufficient numbers of accidents to warrant safety precautions and improvements along Hershey. He added the city conducted speed studies along Hershey and the studies established that the posted speed is appropriate. Chairman Stanczak reiterated that Kroger already modified their site plan to address staff's concerns.

Mr. Barnett asked whether Hershey Road will be widened in the vicinity of Kroger; Mr. Karch said there are no plans for widening and described in more detail the barrier median to be installed to prevent right-in and left-out movements from the northern entrance. Mr. Barnett also indicated concern with the bus stop location; Mr. Karch discussed the rationale for the bus stop location along College Avenue and believes it will create a safer condition as proposed. Mr. Suess confirmed with Mr. Karch that full access would remain available to the Summerfield residents.

Mr. Pearson motioned to recommend to the City Council approval of the rezoning; Mr. Balmer seconded the motion, which passed by a vote of 8-0 with the following votes being cast on roll call: Mr. Pearson-yes; Mr. Balmer-yes; Mr. Barnett -yes; Mr. Protzman-yes; Ms. Schubert-yes; Mr. Scritchlow-yes; Mr. Suess-yes; Chairman Stanczak-yes.

**Z-03-16.** Public hearing, review and action on the petition submitted by Jack Guess, requesting the approval of the Rezoning of the property located at 1112 Redwood Ave from R-1C, Single-Family Residential District to B-1, Highway Business District.

**Z-02-16** Public hearing, review and action on the petition submitted by Rickardo Ramirez, requesting the approval of the Rezoning of the property located at 1110 Redwood Ave from R-1C, Single-Family Residential District to B-1, Highway Business District.

Chairman Stanczak noted that Z-02-16 and Z-03-16 could be presented together by staff. Ms. Simpson stated that staff is in favor of the rezoning from R-1C to B-1 with the condition that it occur coincident with the rezoning recommended in Z-02-16. She also noted the transitional yard requirements to be imposed on these properties given the adjacency of the proposed business district with the existing residential district. She showed location and aerial maps of the properties in the two similar cases and identified the surrounding uses. Ms. Simpson showed the extent of the B-1 district in the vicinity and established that the proposed use is compatible. She noted conflicting overarching City goals to promote economic development and protect residential neighborhoods; adding that staff leans toward the economic development justification due to the trend of development in the area and the new transitional yard protections required which do not currently exist.

Ms. Simpson introduced the related rezoning case at 1110 Redwood. She noted that staff supports this rezoning with the condition that it occurs simultaneously with 1112 Redwood and that landscaping and fencing be installed as part of the buffering associated with the transitional yard requirements.

Mr. Balmer asked if there will be new entrances along Redwood; Ms. Simpson responded that new entrances are not part of the existing plans. Mr. Balmer indicated he would add that prohibition to the list of conditions.

Mr. Robert Lenz, attorney for the petitioner in Case Z-03-16, confirmed the owner has no interest in having a curb cut at 1110 Redwood. Mr. Lenz provided a brief history of the area, noted the expansion of the existing B-1 zoning district, and indicated that he is amenable to the conditions placed in the recommended approval for the rezoning.

Russell DePew, attorney for the petitioner in Case Z-02-16, noted that the proposed rezoning of 1112 Redwood will provide a more attractive property should it be sold in the future. He added that the existing residential structure may see re-use as a residence until such time as redevelopment occurs. He agreed with the conditions indicated in the staff report.

Mr. Pearson questioned the need for prohibiting an entranceway at 1110 Redwood. Mr. Balmer clarified that his condition was intended to prevent additional traffic down from impacting the existing residential along Redwood. Mr. Scritchlow also questioned the need for the prohibition.

Mr. Balmer motioned to recommend to the City Council approval of both the rezonings in cases Z—2-16 and Z-03-16 from R-1C to B-1; Mr. Scritchlow seconded the motion, which passed by a vote of 8-0 with the following votes being cast on roll call: Mr. Balmer-yes; Mr. Scritchlow-yes;

Mr. Pearson-yes; Mr. Barnett -yes; Mr. Protzman-yes; Ms. Schubert-yes; Mr. Suess-yes; Chairman Stanczak-yes.

**PS-01-16** Public hearing, review and action on the petition submitted by ARK VI, L.L.C requesting the approval of the Amended Preliminary Plan for Eagle View South Subdivision of the property located east of Towanda Barnes Rd., north of GE Rd., and south of Ft Jesse Rd, approximately 15.84 acres.

Chairman Stanczak stated that the petitioner for this case asked that it be laid over to the next meeting. He invited Mr. Rewerts to return to the podium. Robert Rewerts, expressed no objections for the use to the north but added that the grain elevator property to the south which he owns has not granted access through that property. Chairman Stanczak invited Mr. Rewerts back to the next meeting.

**Z-07-16** Public hearing, review and action on the petition submitted by Ronald Dreyer Jr. requesting the approval of the Rezoning of the property located at 411 N. Oak Street from GAP-5, Gridley, Allin & Prickett Mixed Use Neighborhood Commercial District to GAP-3, House, Manor Multifamily and Iconic Building District.

Mr. Dabareiner indicated staff is opposed to the rezoning as it is not a step required for the petitioner to maintain the desired single family residence at this address. He reviewed the standards briefly, noting that the request would be a downzoning, and that the original designation as GAP-5 was reviewed and staff found it to be a legal planning process and rezoning. He provided some background on the history of the case and of the GAP rezoning process, indicating that Market Street was intended to be a commercial corridor and this was rolled back in the process to establish two walkable commercial nodes instead. Mr. Dabareiner provided a map of the GAP neighborhood and an aerial showing surrounding uses. He repeated that the residential use can continue with the current zoning.

Chairman Stanczak confirmed that, if approved, the rezoning request would apply only to the southeast corner property at 411 North Oak and that a subsequent rezoning back to GAP-5 could take place if desired. Mr. Dabareiner affirmed these statements and pointed out that an important part of establishing zoning is setting expectations for the neighbors and the neighborhood, and flipping back and forth between rezonings did not provide this assurance. Mr. Dabareiner continued on to explain the form-based code established for the GAP neighborhood. Chairman Stanczak asked if the petitioner needed to petition for anything to maintain the property's single family use; Mr. Dabareiner indicated nothing else was needed, stating the City's ordinance was clear that a single family residence can stay that, once established.

Ms. Schubert clarified the process staff employed to work with the petitioner's bank, because of the highly regulated nature of bank mortgages. Ms. Simpson explained the process and read from the letter.

Mr. Boyle reestablished that multi-family dwelling uses could exist in either district.

Ronald Dreyer, 411 N. Oak Street, was sworn in. He explained that he lived there since 1997. He explained that his loan from his bank was originally rejected due possibly to a misunderstanding over the City's codes and restrictions. He added that he intends on getting it rezoned even it means going to federal court, so that it remains a single family dwelling. Mr. Dreyer stated his neighbors do not want anything but a single family residence at this location; he indicated there were too many apartments in the area and was concerned that without the rezoning the property could become multi-family residences or other uses which are not single family. Chairman Stanczak asked if the bank is providing the loan now; after some back and forth, Mr. Dreyer stated March 1, 2016, is his closing date on the loan. Chairman Stanczak asked if Mr. Dreyer was aware of anything in the City's code that would end his ability to use his property for a single family use; Mr. Dreyer stated he was unaware of anything that would do so.

Ms. Schubert clarified that the intention is to rezone the property so it can remain a single family use in the future; Mr. Dreyer stated that is his goal.

Mr. Protzman confirmed that the property was single family residential today and whether his intention was to live there or sell; Mr. Dreyer indicated he wished to sell.

Ms. Karen Heinrich, 405 N. Oak, was sworn in. Ms. Heinrich explained where she lives and indicated concerns over walk-through traffic and crime concerns, and that crime may increase if the use changes to multi-family or commercial. She reiterated the assertion that plenty of apartments exist in the neighborhood and she would prefer a single family dwelling at 411 N. Oak. Mr. Protzman asked of Chief Brendan Heffner would comment on crime in the area; Chief Heffner responded that many of the same crime patterns exist throughout the general area and he was unaware of anything unique or sustained in this location.

Mr. Balmer asked if anything in the GAP-3 or GAP-5 use list prevented multi-family at this location; Mr. Dabareiner replied that multi-family was not prevented from establishing itself and that single family could be re-established at any time. Chairman Stanczak clarified if any decision on this petition harms the ability to create a multi-family use in the future; Mr. Dabareiner responded in the negative.

Mr. Dennis Arnold, 504 N. Lee, was sworn in. Mr. Arnold provided a history of the GAP neighborhood planning and rezoning, noting the need to replace the suburban-style zoning that once existed. He highlighted his history with the GAP neighborhood, noting that he presented the case for the GAP zoning to the Planning Commission in 2007. He noted the neighborhood petitioned the City for the more urban-style zoning then to encourage reinvestment. He stated that the owner of 411 N. Oak had every opportunity to provide input into the process in 2006 and 2007, that Mr. Dreyer was notified well in advance of any meetings. Mr. Arnold stated that he was president of the neighborhood organization at the time this was occurring and he personally contacted many of the property owners at the time, including Mr. Dreyer; he highlighted the extensive news media coverage at the time, as well. He asked the Commission to reject the current rezoning request. He explained additional purposes for the form based code.

Mr. Balmer expressed his opinion that the use Mr. Dreyer wants can be maintained as is and there is no need to rezone the property.

Mr. Pearson motioned to recommend to the City Council denial of the proposed rezoning from GAP-5 to GAP-3; Mr. Balmer seconded the motion, which passed by a vote of 7-1 with the following votes being cast on roll call: Mr. Pearson-yes; Mr. Balmer-yes; Mr. Scritchlow-yes; Mr. Barnett -yes; Mr. Protzman-no; Ms. Schubert-yes; Mr. Suess-yes; Chairman Stanczak-yes.

**OLD BUSINESS**

None.

**NEW BUSINESS**

None.

**ADJOURNMENT**

Mr. Pearson motioned to adjourn; seconded by Mr. Protzman, which passed unanimously by voice vote. The meeting was adjourned at 5:28PM.