

AGENDA
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, MAY 10, 2017 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

A public comment period not to exceed thirty (30) minutes will be held during each Board and Commission meeting, as well as all regularly scheduled City Council meetings, Committee of the Whole meetings, meetings of committees and/or task forces (hereinafter "committees") created by the City Council, work sessions, and special meetings of the City Council. Nothing herein shall prohibit the combination of meetings, at which only one public comment period will be allowed.

Anyone desiring to address the Board, Commission, Committee or City Council, as applicable, must complete a public comment card at least five (5) minutes before the start time of the meeting. Public comment cards shall be made available at the location of the meeting by City staff at least 15 minutes prior to the start time of the meeting. The person must include their name, and any other desired contact information, although said person shall not be required to publicly state their address information. If more than five individuals desire to make a public comment, the order of speakers shall be by random draw. If an individual is not able to speak due to the time limitation and said individual still desires to address the individuals at a future meeting of the same type, said individual shall be entitled to speak first at the next meeting of the same type. (Ordinance No. 2015-46))

4. MINUTES: Review the minutes of the April 26, 2017 regular meeting of the Bloomington Planning Commission.

5. REGULAR AGENDA:

- A. Z-14-17** Public hearing, review and action on the petition submitted by Andrew Streenz requesting approval of the rezoning for 611 N Lee Street from GAP 3 to GAP 3 with the S-4 Local Historic Preservation District Zoning Overlay.
Expected City Council: June 12, 2017
- B. Z-15-17** Public hearing, review and action on the petition submitted by the Benoit Group, LLC and Kristen Lee Jones, N/K/A Kristen Lee Guillory requesting approval of an annexation agreement and rezoning from R-2, Residential (unincorporated) to R-3B, Multifamily Residential for approximately 3.12 acres located south of Greenwood Ave, commonly known as 102 Greenwood Ave.
Expected City Council: June 12, 2017

6. OLD BUSINESS

Zoning Ordinance Update—No new information

7. NEW BUSINESS

8. ADJOURNMENT

For further information contact:

Katie Simpson, 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: *ksimpson@cityblm.org*

**DRAFT MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, APRIL 26, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS**

MEMBERS PRESENT: Mr. J. Balmer, Mr. Ryan Scritchlow, Mr. Kevin Suess, Mr. John Protzman, Ms. Megan Headean, Mr. Justin Boyd, Chairman David Stanczak

MEMBERS ABSENT: Ms. Nicole Chlebek, Mr. James Pearson, Mr. Eric Penn

OTHERS PRESENT: Mr. Tom Dabareiner, Director of Community Development; Ms. Katie Simpson, City Planner; Mr. George Boyle, City Attorney; Mr. Kevin Kothe, City Engineer

CALL TO ORDER: Chairman Stanczak called the meeting to order at 4:00 PM

ROLL CALL: Mr. Dabareiner called the roll. With seven members in attendance, a quorum was present.

PUBLIC COMMENT: None

MINUTES: The Commission reviewed the March 22, 2016 minutes. Several corrections were made on the spelling of names. Mr. Scritchlow moved to approve the minutes with stated corrections; Mr. Protzman seconded the motion, which was passed by a voice vote.

REGULAR AGENDA:

Z-12-17 Public hearing, review and action on the *annexation agreement* submitted by Vale Church for 36.31 acres south of Ireland Grove Rd, east of Brookstone Circle

Chairman Stanczak introduced the case and the following case and proposed that the two regular agenda items be considered at the same time because they deal with the same properties. He stated the Commission would take separate votes on each item at the close of the public hearing.

Ms. Simpson presented staff's report and explained staff recommends favorably on both cases. Ms. Simpson noted Vale Church has a property in the City but needs to accommodate its growing congregation so is seeking more land. She stated, the development would be phased and located along Ireland Grove Road. She provided an aerial view of proposed church land, which is in a Tier 2 Development Priority area, meaning it is contiguous with services available but not yet incorporated. She noted the surrounding uses and the proposed extension of the Constitution Trail. She provided photos of the current vacant land. She stated the S-2 zoning provides a nice transition from the residential areas west to the airport impacted area to the east.

She described the project's phasing along with access considerations for the property to the south. The south property, also owned by Vale, could become a private park available for public use.

Regarding the standards, Ms. Simpson believes they are all met. She noted the different peak traffic times Vale Church has from a regular rush hour. Based on compliance with the standards, she recommended approval.

Ms. Simpson called attention to a marked up version of the Annexation Agreement and noted what text would remain in versus the text eliminated from the final draft. She endorsed adoption of the Agreement.

Mr. Scritchlow asked if the airport had a height restriction here; Ms. Simpson stated there is and the developer would need to work with the airport and the FAA during construction for any structures in the airspace. Mr. Scritchlow asked if the future access to the south was just for the church; Ms. Simpson explained the road could connect to another road to the property's west.

Mr. John Pratt, 506 S. Vale, was sworn in. He is an attorney representing the petitioner. He introduced other members of Vale Church who were present. He noted the growth of the church has reached 1,800, an increase from 400 just a few years ago. They provide church services and civic activities. The church bought the property last year then, at the City's request, bought more land to provide adjacency to the bike trail. He praised City staff for their cooperation and support.

Ms. Balmer noted the strong growth and asked about projected growth. Daniel Cargasson, church trustee reiterated the information about the recent growth. He believes there is a limit to the proposed space and they expect the max out in a few years. He repeated that the southern lot would become a park for members and the general public. Mr. Balmer asked if the single access point would be sufficient. Mr. Cargasson stated they have help with traffic now but it is managed well.

Ryan Hobart, 43 Brookstone Circle, was sworn in. He spoke in favor, noting that the church came to his homeowners association to discuss the plans. He asked about the Annexation Agreement and whether the sidewalks will be built piecemeal, allowing a potential gap for walkers. He also asked about screening requirements near the residences. He noted that S-2 allows multifamily dwellings and was wondering about what process there is if other uses are considered.

Mr. Kothe noted the sidewalk obligation in the Agreement is to install by 2020 and expected the City will install the connecting sidewalk by then. He noted other areas of the City have sidewalk gaps and the City works steadily to fill those gaps. Ms. Simpson agreed that multifamily is an option under the zoning ordinance but the feasibility is very low.

Mr. Balmer noted that any further subdivision of the property would have to come before the Commission.

Mr. Paul Grammer, 9 Caledonia Court, was sworn in. He expressed concern about the access along the proposed property's west side and suggested it move to the property's east side. He asked about any buffer between the residential properties and the church property. Ms. Simpson stated it could turn into a street and noted the need for separate access to the south lot, rather than shared access, if it were along the east side. She reviewed the distance between the property line and any new street that might be built.

Mr. Grammer suggested the easement for the road might go in later after more discussion with the church.

Chairman Stanczak declared the annexation closed.

Mr. Protzman motioned to recommend the City Council approve Z-12-17 on the annexation agreement submitted by Vale Church for 36.31 acres south of Ireland Grove Rd, east of Brookstone Circle; seconded by Mr. Scritchlow. The following votes were cast: Mr. Protzman—yes, Mr. Scritchlow—yes, Mr. Balmer—yes, Mr. Suess—yes, Ms. Headean—yes, Mr. Boyd—yes, Chairman Stanczak—yes. Motion **approved** 7-0.

Z-13-17 Public hearing, review and action on the petition submitted by Vale Church requesting approval of the *annexation* of 36.31 acres south of Ireland Grove Rd, east of Brookstone Circle and on the petition requesting approval of the *rezoning* of the property located south of Ireland Grove Rd, east of Brookstone Circle, 35.16 acres, from A, Agriculture to S-2, Public Lands and Institutions

Mr. Scritchlow motioned to recommend the City Council approve Z-13-17 on the annexation and rezoning; seconded by Mr. Headean. The following votes were cast: Mr. Scritchlow—yes, Mr. Protzman—yes, Ms. Balmer—yes, Mr. Suess—yes, Mr. Protzman—yes, Mr. Boyd—yes, Chairman Stanczak—yes. Motion **approved** 7-0.

OLD BUSINESS:

None

NEW BUSINSS

None

ADJOURNMENT: Mr. Balmer moved to adjourn; seconded by Mr. Scritchlow, which passed unanimously by voice vote. The meeting was adjourned at 4:39 pm.

Respectfully,

Tom Dabareiner AICP
Community Development Director

Item A. Z-14-17 Rezone 611 N Lee Street to GAP 3 with S-4

CITY OF BLOOMINGTON
REPORT FOR THE PLANNING COMMISSION
MAY 10, 2017

CASE NO:	TYPE:	ADDRESS	SUBJECT:	REPORT BY:
Z-14-17/ BHP-02-17	Rezoning	611 N Lee St	Rezone to S-4, Queen Anne c. 1884	Katie Simpson, City Planner

REQUEST:	A petition submitted by Andrew William Strenz for the rezoning of 611 N. Lee St from GAP-3, Iconic House and Manor, to GAP-3 with the S-4 Local Historic District Overlay, Henry Behr Home; Queen Anne; c. 1884-85
<i>Staff finds the petition to rezone 611 N. Lee Street meets the requirements of Section 44.11-2</i>	

STAFF RECOMMENDATION: Approval
Staff recommends the Planning Commission pass the following motion recommending: <ul style="list-style-type: none">That the City Council approve the rezoning of 611 N. Lee Street, Henry Behr Home; Queen Anne, c. 1884-85 from GAP-3 to GAP-3 with the S-4, Local Historic Preservation District Zoning Overlay.



Item A. Z-14-17 Rezone 611 N Lee Street to GAP 3 with S-4

NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on April 24, 2017.

GENERAL INFORMATION

Owner and Applicant: Andrew William Streenz

PROPERTY INFORMATION

Existing Zoning: GAP-3, Iconic Building and Manor

Existing Land Use: Single Family Home

Property Size: 91 X 99 (9,009 sqft)

PIN: 21-04-154-003

Historic District: None

Year Built: c. 1884-1885

Architectural Style: Queen Anne

Architect:

LEGAL DESCRIPTION:

POWERS SUBDIVISINO LOTS 1 THRU 8 BLOCK 21 ALLIN, GRIDLEY, AND PRICKETTS ADDITION S5' W50' LOT 2 AND ALL LOT 3 AND THAT PT VACATION ALLEY LYG S AND ADJ PER 15/23326

SURROUNDING ZONING AND LAND USES

Zoning

North: GAP 3 (form based zoning)

South: GAP 3 (form based zoning)

East: GAP 4 (form based zoning)

West: GAP 3 (form based zoning)

Land Uses

North: Single and two family homes

South: Single and two family homes

East: Single and two family homes

West: Single and two family home

Analysis:

Submittals

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

1. Application for the S-4 Historic Zoning and supplemental documents
2. Site Photos

PROJECT DESCRIPTION:

The subject property, 611 N. Lee Street, is located with the Gridley, Allin and Prickett neighborhood on the Westside of Bloomington. The site is south of W. Locust Street, east of N Roosevelt Ave (or N. West Street prior to 1950), and north of W. Mulberry Street. The subject parcel consists of two lots and is approximately 9,009 square feet. The subject home is a two and a half story and was built in a modest Queen Anne style. Records indicate the home was built c. 1884 as a one and a half story home. In 1897, a second level and a three story turret were added when the home was remodeled.

Compliance with the Comprehensive Plan

This property is located within the City's Regeneration Area identified in the Neighborhoods Chapter of the Bloomington Comprehensive Plan (pg 47). This neighborhood is traditionally a working class neighborhood comprised of affordable family housing. The Plan recognizes

Item A. Z-14-17 Rezone 611 N Lee Street to GAP 3 with S-4

rehabilitation and preservation of the housing stock in this area as a critical component to maintaining affordable housing. Historic preservation is a tool for community development. The purposes behind the historic preservation district overlay are:

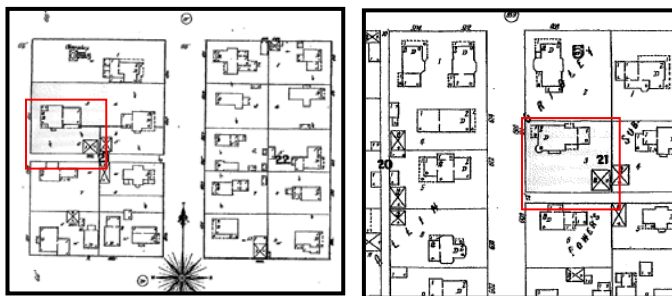
1. To protect, enhance and perpetuate accomplishments and improvements that reflect the City's cultural, social, economic, political and architectural history;
2. Safeguard the City's historic and cultural heritage;
3. Stabilize and improve property values;
4. Foster civic pride in the beauty and noble accomplishments of the past;
5. Protect and enhance the City's attractions to residents, home buyers, tourists, and visitors thereby supporting and promoting business, commerce and industry;
6. Strengthen the economy of the City; and
7. Promote the use of historic districts and landmarks for education, pleasure, and welfare

Background and Analysis:

According to records provided by the Petitioner, 611 N. Lee Street was built for German Immigrant, Henry Behr and his wife Minnie Price. Like many of Bloomington's immigrant families, the Behr's owned a business supported by the growth of Bloomington's rail yards. Henry and his wife ran a grocery and dry goods store on W. Chestnut Street. Mr. Behr was active in community affairs such as the McLean County Historical Society, Bureau of Social Services, and the Bloomington Mennochoir (German men's choir). He was also a known friend of local architect, George Miller, who lived a few blocks away on W. Market Street and reportedly visited the home frequently. It is suspected, although not proven, that George Miller designed the home. Another prominent friend and frequent was Florence Fifer Bohrer, daughter of former Illinois governor Joseph W. Fifer and the first female senator in the Illinois General Assembly.

FINDINGS OF FACT: On April 20, 2017 the Historic Preservation Commission reviewed the petitioner for rezoning and historic designation. The Commission determined 611 N Lee Street meets the requirements for local designation outlined in 44.11-2B of the City Code. By unanimous vote (7-0), the Commission passed a resolution recommending the Planning Commission designate the property with local designation. No community members spoke in favor of the petition and no one spoke against the petitioner.

EXPLANATION OF THE SIGNIFICANCE OF THE NOMINATED HISTORIC DISTRICT AS IT RELATES TO THE DESIGN CRITERIA



The Bloomington Sanborn Maps show the evolution of this property. The 1886 maps illustrate a one and a half story home with horse stables, the 1897 maps show the significant remodel in the Queen Anne style popular between 1880 and 1910. This is particularly visible from the addition of a turret, second floor, and

changes in the porch design. Other notable elements include the home's asymmetry, dominant front gable and strong, monumental chimney. The 1907 map shows the conversion of the horse stable into a garage or carriage house. Attached pictures taken in 1910 and in 1915 illustrate

Item A. Z-14-17 Rezone 611 N Lee Street to GAP 3 with S-4

some of these changes. In 1960s the home was again remodeled (picture also included in the attachments) but this time the wood siding, decorative belting and scales were covered with what appears to be aluminum siding. Awnings were attached to the windows and the porches were enclosed. In 2000, the home was restored to its 1910 appearance. The siding was removed and new double hung, wood sash windows were installed. The porch columns were replaced with new columns, located in the correct same positions as the originals including the four column clusters on the second story porch. These columns maintain a similar appearance and feel as the originals. Porch balustrades were built new to replace the originals and internal updates to appliances, plumbing and electrical wiring. A platform remains in front of the home in the right-of-way from what could, at one time, have been a carriage step.



The Preservation Commission determined the subject property meets the following criteria making it eligible for designation (44.11-2B):

- 1. Its character, interest, or value as part of the development, heritage, or cultural characteristics of the City, County of McLean, State of Illinois or the United States of America (the Nation);*** the City of Bloomington's west side was settled by German, Hungarian and Irish families and immigrants who moved to the area to work on the rail lines. It has historically and culturally been a working class area. The story of Henry Behr illustrates the "American dream" and is represented in the expansion and evolution of his property at 611 N. Lee Street. The home reflects appropriate styles, techniques and materials used at the beginning of the 20th century.
- 3. Its identification with a person or persons who significantly contributed to the development of the City, County of McLean, State of Illinois, or the Nation;*** Henry Behr was a prominent Bloomington businessman and community activist. The home was also frequently visited by local politicians and architect George Miller.
- 4. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;*** 611 N. Lee Street represents a Victorian home in the Queen Anne style (1880-1910). The height, massing and design for 611 N. Lee Street are representative of other existing homes in the neighborhood. However, whereas a number of these homes have either lost or hidden their original architectural details or features, 611 N. Lee St exposes its original siding, belting, decorative wooden shingles, stained glass windows and transom windows, crafted balustrades and columns offering visitors a taste of the neighborhood in 1910.
- 5. Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the City, County of McLean, State of Illinois or the Nation;*** the petitioner was unable to find documentation of

Item A. Z-14-17 Rezone 611 N Lee Street to GAP 3 with S-4

the original architect but further research may uncover additional evidence to speak to any role George Miller could have had in its design.

6. *Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;* few homes on Bloomington's west side have been restored to replicate their original appearance. 611 N. Lee Street embodies important characteristics and details from the Victorian Era.
8. *Its unique location or singular physical characteristics that make it an established or familiar visual feature;* In 1960 many of the decorative features of this home, and surrounding homes were lost or covered, consequentially 611 N. Lee Street has been restored and is uniquely positioned to educate and offer insights into the types of construction, materials and design significant for Bloomington's west side neighborhoods around the early twentieth century. Furthermore, the evolution and progression of the home documented in Sanborn Maps provides educational awareness regarding changing economic conditions and, building techniques and changing technologies.
10. *Its suitability for preservation or restoration.* In addition to meeting at least one (1) of the above mentioned criteria, the property also complies with the Design Guidelines expressed in Section 44.11-2D for height, proportions of windows and doors, relationships or building masses and spaces, roof shape, landscaping, scale, directional expression, and architectural details. The property is compatible with its original architectural character and enhances the architectural style of the period and neighborhood.

STAFF RECOMMENDATION: Staff recommends the Planning Commission pass the following motion recommending that the City Council approve the rezoning of 611 N. Lee Street, Henry Behr Home; Queen Anne, c. 1884-85 from GAP-3 to GAP 3 with the S-4, Local Historic Preservation District Zoning Overlay.

Respectfully Submitted,
Katie Simpson
City Planner

Attachments:

1. Petition
2. Draft Ordinance
3. Historic Preservation Commission Resolution 2017-01
4. Historic Preservation Commission Staff Report
5. S-4 Petition and supporting documents
6. Aerial View
7. Zoning Map
8. Newspaper notice
9. Neighborhood Notice List
10. Neighborhood Notice Location and Buffer Map

PETITION FOR ZONING MAP AMENDMENT

State of Illinois)
) ss.
County of McLean)

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

Now comes Andy Streenz, hereinafter referred to as your petitioner(s), respectfully representing and requesting as follows:

- 1. That your petitioner(s) is (are) the owner(s) of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is (are) a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises legally described in Exhibit "A" presently has a zoning classification of GAP-3 under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;
4. That your petitioner(s) hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the S-4 Historic District overlay zoning district classification;
5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
6. That said 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(s) by the present zoning of said premises.

WHEREFORE, your petitioner(s) respectfully pray(s) that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from GAP-3 to GAP-5 with S-4 overlay

Respectfully submitted,

By: Andy Streenz

611 N Lee Street

Legal Description:

POWERS SUBN LOTS 1 THRU 8 BLK 21 ALLIN GRIDLEY & PRICKETTS ADDN S5'
W50' LOT 2 & ALL LOT 3 & THAT PT VAC ALLEY LYG S & ADJ PER 15/23326

Tax ID: 43 21-04-154-003

Built 188~~4~~5

DRAFT
ORDINANCE NO. 2017 - _____

AN ORDINANCE REZONING 611 N LEE STREET FROM GAP 3 ICONIC BUILDING AND MANOR, to GAP 3 ICONIC BUILDING AND MANOR WITH THE S-4 HISTORIC PRESERVATION DISTRICT OVERLAY

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for rezoning of certain premises hereinafter described in Exhibit(s) "A"; and

WHEREAS, the Bloomington Historic Preservation Commission, after proper notice was given, conducted a public hearing on said Petition and determined the premises described in Exhibit A meet the criteria for Historic designation outlined in Section 44.11-2 of the Bloomington City Code 1960, as amended; and

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

WHEREAS, the City Council of said City has the power to pass this Ordinance and rezone said premises.

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

1. That the premises hereinafter described in Exhibit(s) "A" shall be and the same are hereby rezoned from GAP-3 Iconic building and manor, to GAP- 3 Iconic building and manor with the S-4 Historic Preservation District Overlay
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 this ___ day of _____, 2017.

APPROVED this ___ day of _____, 2017.

APPROVED:

Tari Renner
Mayor

ATTEST:

Cherry Lawson
City Clerk

Jeff Jurgens
Corporate Counsel

EXHIBIT "A"

(Legal Description)

POWERS SUBDIVISINO LOTS 1 THRU 8 BLOCK 21 ALLIN, GRIDLEY, AND
PRICKETTS ADDITION S5' W50' LOT 2 AND ALL LOT 3 AND THAT PT VACATION
ALLEY LYG S AND ADJ PER 15/23326

PIN: 21-04-154-003

RESOLUTION NO. 2017-01

**A RESOLUTION RECOMMENDING THAT THE PROPERTY LOCATED AT
611 N LEE STREET BE REZONED WITH THE S-4 HISTORIC
PRESERVATION DISTRICT ZONING OVERLAY**

WHEREAS, a nomination was submitted to the City of Bloomington Historic Preservation Commission by Andrew William Streenz requesting that the property at 611 N Lee Street, legally described in Exhibit "A", attached hereto, be recognized for its historic and cultural significance with the S-4 Historic Preservation District Zoning Overlay;

WHEREAS, the Historic Preservation Commission determined that the nominated property meets at least one (1) of the criteria for consideration in Section 44.11-2 of the Bloomington City Code, 1960, as amended;

WHEREAS, the Historic Preservation Commission has also determined that the nominated property has significant integrity of location, design, materials and workmanship and is therefore worthy of preservation or restoration;

WHEREAS, the Historic Preservation Commission has the power to adopt this resolution and make a recommendation to the Bloomington Planning Commission:

NOW, THEREFORE, BE IT RESOLVED by the Historic Preservation Commission of the City of Bloomington, McLean County, Illinois:

SECTION ONE: That it is recommended to the Bloomington Planning Commission that the premises located at 611 N Lee Street, legally described in Exhibit "A" be rezoned to have the historic designation of the S-4, Historic Preservation District Zoning Overlay.

ADOPTED this _____ day of _____, 20____.

APPROVED this _____ day of _____, 20____.

CITY OF BLOOMINGTON, ILLINOIS

ATTEST

Ms. Sherry Graehling, Chair
Secretary

Tom Dabareiner,

Exhibit A
Legal Description

POWERS SUBN LOTS 1 THRU 8 BLK 21 ALLIN GRIDLEY & PRICKETTS ADDN
S5' W50' LOT 2 & ALL LOT 3 & THAT PT VAC ALLEY LYG S & ADJ PER
15/23326

PIN: 21-04-154-003

CITY OF BLOOMINGTON
REPORT FOR THE HISTORIC PRESERVATION COMMISSION
APRIL 20, 2017

CASE NO:	TYPE:	ADDRESS	SUBJECT:	REPORT BY:
BHP-02-17	Rezoning	611 N Lee St	Rezone to S-4, Queen Anne c. 1884	Katie Simpson, City Planner

REQUEST:	A petition submitted by Andrew William Streenz for the rezoning of 611 N. Lee St from GAP-3, Iconic House and Manor, to GAP-3 with the S-4 Local Historic District Overlay, Henry Behr Home; Queen Anne; c. 1884-85
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STAFF RECOMMENDATION:	Staff finds the petition to rezone 611 N. Lee Street meets the requirements of Section 44.11-2. <i>Staff recommends the Historic Preservation Commission pass a resolution recommending to the Planning Commission that the property at 611 N. Lee Street, Henry Behr Home; Queen Anne, c. 1884-85 be recognized for historic designation and rezoned with the S-4, Local Historic Preservation Zoning Overlay.</i>
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REQUEST: S-4 Historic Preservation District Zoning Overlay

GENERAL INFORMATION

Owner and Applicant: Andrew William Streenz

PROPERTY INFORMATION

Existing Zoning: GAP-3, Iconic Building and Manor

Existing Land Use: Single Family Home

Property Size: 91X99

PIN: 21-04-154-003

Historic District: None

Year Built: c. 1884-1885

Architectural Style: Queen Anne

Architect: George Miller (possibly)

SURROUNDING ZONING AND LAND USES

Zoning

North: GAP 3 (form based zoning)

South: GAP 3 (form based zoning)

East: GAP 4 (form based zoning)

West: GAP 3 (form based zoning)

Land Uses

North: Single and two family homes

South: Single and two family homes

East: Single and two family homes

West: Single and two family home

Analysis:

Submittals

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

1. Application for the S-4 Historic Zoning
2. Site Photos

PROJECT DESCRIPTION:

The subject property, 611 N. Lee Street, is located with the Gridley, Allin and Prickett neighborhood on the Westside of Bloomington. The site is south of W. Locust Street, E. of N Roosevelt Ave (or N. West Street prior to 1950), and north of W. Mulberry Street. The subject parcel consists of two lots and is approximately 9,009 square feet. The subject home is a two and a half story and was built in a modest Queen Anne style. Records indicate the home was built c. 1884 as a one and a half story home. In 1897, a second level and a three story turret were added when the home was remodeled.

The petitioner is requesting the City of Bloomington rezone the property with the S-4 Local Historic Preservation District Zoning Overlay. The purposes behind the historic preservation district overlay are:

1. To protect, enhance and perpetuate accomplishments and improvements that reflect the City's cultural, social, economic, political and architectural history;
2. Safeguard the City's historic and cultural heritage;
3. Stabilize and improve property values;
4. Foster civic pride in the beauty and noble accomplishments of the past;
5. Protect and enhance the City's attractions to residents, home buyers, tourists, and visitors thereby supporting and promoting business, commerce and industry;

6. Strengthen the economy of the City; and
7. Promote the use of historic districts and landmarks for education, pleasure, and welfare

Background and Analysis:

According to records provided by the Petitioner, 611 N. Lee Street was built for German Immigrant, Henry Behr and his wife Minne Price. Like many of Bloomington's immigrant families, the Behr's ran an operation that operated in conjunction with and was supported by the growth of Bloomington's rail yards. Henry and his wife ran a grocery and dry goods store on W. Chestnut Street. The National Register documents that Henry was "active in community affairs such as the McLean County Historical Society, Bureau of Social Services, and the Bloomington Mennochoir (German men's choir)". He was also a known friend of local architect, George Miller, who lived a few blocks away on W. Market Street and reportedly visited the home frequently. It is suspected, although not proven, that George Miller designed the home. Another prominent friends and frequent was Florence Fifer Bohrer, daughter of former Illinois governor Joseph W. Fifer and the first female senator in the Illinois General Assembly.

The Bloomington Sanborn Maps show the evolution of this property. The 1886 maps illustrate a one and a half story home with horse stables, the 1897 maps show the significant remodel in the Queen Anne style popular between 1880 and 1910. This is particularly visible from the addition of a turret, second floor, and changes in the porch design. Other notable elements include the home's asymmetry, dominant front gable and strong, monumental chimney. The 1907 map shows the conversion of the horse stable into a garage or carriage house. Attached pictures taken in 1910 and in 1915 illustrate some of these changes. In 1960s the home was again remodeled (picture also included in the attachments) but this time the wood siding, decorative belting and scales were covered with what appears to be aluminum siding. Awnings were attached to the windows and the porches were enclosed. In 2000, the home was restored to its 1910 appearance. The siding was removed and new double hung, wood sash windows were installed. The porch columns were replaced with new columns, located in the correct same positions as the originals including the four column clusters on the second story porch. These columns maintain a similar appearance and feel as the originals. Porch balustrades were built new to replace the originals and internal updates to appliances, plumbing and electrical wiring. A platform remains in front of the home in the right-of-way from what could, at one time, have been a carriage step.

Action by Historic Preservation Commission:

The Preservation Commission, shall upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure, or area meets one (1) or more of the following criteria and also has sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration (2006-137):

FINDINGS OF FACT:

1. *Its character, interest, or value as part of the development, heritage, or cultural characteristics of the City, County of McLean, State of Illinois or the United States of America (the Nation);* the City of Bloomington's west side was settled by German, Hungarian and Irish families and immigrants who moved to the area to work on the rail lines. It has historically and culturally been a working class area. The story of Henry

Behr illustrates the “American dream” and is represented in the expansion and evolution of his property at 611 N. Lee Street.

2. *Its location as a site of a significant local, county, state, or national event;*
3. *Its identification with a person or persons who significantly contributed to the development of the City, County of McLean, State of Illinois, or the Nation;* Henry Behr was a prominent Bloomington businessman and community activist. The home was also frequently visited by local politicians and architect George Miller.
4. *Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;* 611 N. Lee Street represents a Victorian home in the Queen Anne style (1880-1910). The height, massing and design for 611 N. Lee Street are representative of other existing homes in the neighborhood. However, whereas a number of these homes have either lost or hidden their original architectural details or features, 611 N. Lee St exposes its original siding, belting, decorative wooden shingles, stained glass windows and transom windows, crafted balustrades and columns offering visitors a taste of the neighborhood in 1910.
5. *Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the City, County of McLean, State of Illinois or the Nation;* the petitioner was unable to find documentation of the original architect but further research may uncover additional evidence to speak to any role George Miller could have had in its design.
6. *Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;* few homes on Bloomington’s west side have been restored to replicate their original appearance. 611 N. Lee Street embodies important characteristics and details from the Victorian Era.
7. *Its embodiment of design elements that make it structurally or architecturally innovative;*
8. *Its unique location or singular physical characteristics that make it an established or familiar visual feature;* In 1960 many of the decorative features of this home, and surrounding homes were lost or covered, consequentially 611 N. Lee Street is uniquely positioned to educate and offer insights into the types of construction, materials and design significant for Bloomington’s west side neighborhoods around the early twentieth century.
9. *Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance; and/or*
10. *Its suitability for preservation or restoration.*

Staff finds that in addition to meeting at least one (1) of the above mentioned criteria, the property also complies with the Design Guidelines expressed in Section 44.11-2D for height, proportions of windows and doors, relationships or building masses and spaces, roof shape, landscaping, scale, directional expression, and architectural details. The property is compatible with its original architectural character and enhances the architectural style of the period and neighborhood.

STAFF RECOMMENDATION: *Staff recommends the Historic Preservation Commission pass a resolution recommending to the Planning Commission that the property at 611 N. Lee Street, Henry Behr Home; Queen Anne, c. 1884-85 be recognized for historic designation and rezoned with the S-4, Local Historic Preservation Zoning Overlay.*

Respectfully Submitted,
Katie Simpson
City Planner

Attachments:
S-4 application
Site photos
Zoning map for S-4 petitions

Historic Preservation S-4 Designation –Section 44.11-2

1. Property Information

Parcel Identification Number 43 21-04-154-003 Size (Acreage) _____
Address 611 N. Lee St. Bloomington IL
Current Zoning GAP-3 Iconic, House, Manor
Current Use Single family home

2. Applicant Information

Full Name Andrew William Streenz
Address 611 N. Lee St. City, State, ZIP Bloomington, IL 61701
Phone 309-825-1043 Email andy.streenz@comcast.net

3. Owner Information (Check if same as Applicant)

Full Name _____
Address _____ City, State, ZIP _____
Phone _____ Email _____


4. Attorney/Consultant Information (if applicable)

Full Name _____
Company _____
Address _____ City, State, ZIP _____
Phone _____ Email _____

Please include photographs and any other supporting documents referencing the historic value of the subject property.

Applicant Signature

I certify that I have reviewed the relevant sections of the Bloomington Zoning Code, that the information above is true, and that I have provided all required documentation listed in the Application Checklist.



Signature _____ Date _____
Andy Streenz

Printed Name

Historic Name of Building Behr Home Year Built 1885

Architectural Style Queen Anne

Architect (if known) George Miller suspected - no documentation to support.

Is this property in a Historic District? Yes No. Which one? _____

Criteria for Consideration of Nomination. The Preservation Commission shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure, or area meets one (1) or more of the following criteria, please explain if one (1) or more of the following criteria are met:

1. Its character, interest, or value as part of the development, heritage, or cultural characteristics of the City, County of McLean, State of Illinois or the United States of America (the Nation);
Part of a West side neighborhood that developed incrementally with houses being enlarged and improved as families grew and incomes improved.
2. Its location as a site of a significant local, county, state, or national event;
X
3. Its identification with a person or persons who significantly contributed to the development of the City, County of McLean, State of Illinois, or the Nation;
Henry Behr - German immigrant, West side store owner, educator
4. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
Excellent example of Queen Anne architecture
5. Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the City, County of McLean, State of Illinois or the Nation;
May be the work of George Miller, local architect, who was a personal friend of the Behr family. No official documentation
6. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
Yes - Victorian Queen Anne elements abound.
7. Its embodiment of design elements that make it structurally or architecturally innovative;
X
8. Its unique location or singular physical characteristics that make it an established or familiar visual feature;
Its prominent location on an inclined double lot along Lee Street - a neighborhood landmark since it was constructed.

9. Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance; and/or

X

10. Its suitability for preservation or restoration.

It was restored 17 years ago and exists in a high state of preservation. Very few exterior modifications have been made from its original appearance.

Any structure, property, or area that meets one (1) or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration. (Ordinance No. 2006-137)

Add pictures here

Include additional pictures as attachments

RETURN TO:

**City of Bloomington
Department of Community Development
Attn: Katie Simpson, City Planner
115 E. Washington St, Room 201
Bloomington, IL 61702-3157
Phone: 309-434-2341
Email: ksimpson@cityblm.org
Fax: 309-434-2857**

Behr Home

The Behr home was built for German immigrant Henry Behr and his wife Minnie (pronounced Minn-uh) in 1884-85. The Behr family owned successful dry goods and grocery stores on West Chestnut Street near Bloomington's C&A Railroad Shops. Henry and Minnie raised four children here.

According to Sanborn insurance maps, the house appears to have been originally built only 1 ½ stories tall, and without the tower. Then, in 1897, the house was significantly added on to and remodeled. The second story and attic were added, front and back porches reconfigured, floor plan changed, and the three storey tower added. Local newspaper accounts, family "graffiti" in the attic, Sanborn insurance maps, and testimony from Behr family members all corroborate the remodeling.

After the Behr family moved from the house, it was used for many years to care for the elderly. Few modifications were made during this time, although the second story was blocked off, the exterior doors reversed to swing out, and the house was clad in layers of asphalt and aluminum siding. Over a 22 month period, from 2000 to 2002, local businessmen David Beich and Gary Calhoon restored the house inside and out, bringing it to its current condition. Its current owners, Andy and Marie Streenz, purchased the house in 2009 and continue to restore and improve the property. To start, the entire exterior was repainted in the spring of 2010 and salvaged hardwood floors laid in many rooms. The most recent project, the guest bathroom remodel, returns a claw foot tub to the room, as well as five foot oak wainscoting on the walls.

nationalregister

STATEMENT OF INTEGRITY

Address

611 North Lee Street
Bloomington, IL 61701

Classification

Residence on double lot, no original out buildings remain.

Date Built

1885, with significant modifications and remodeling in 1897.

Original Use

Property has been a residence its entire existence, although it also served as a nursing home for some years, roughly from the 1930s to the 1950s.

Original Description

The house was originally constructed as a 1 1/2 storey structure, living rooms and kitchen on the 1st floor and bedrooms on the 2nd. In 1897, the house was significantly remodeled in the Queen Anne style, a turret added, porches rearranged, and an entire floor added. It is a frame structure and maintains nearly all of its original appearance.

Siding

No new materials have been added to side the house. It retains its two sizes of wood clapboards and two styles of shingles.

Alterations/New Additions

The house was restored in circa 2000, at which time several modifications were made. Two of the south facing windows were replaced with new double hung wood sash windows with insulated glass. All of the porch columns have been replaced with new ones, as the old columns were too rotted to save. Their feel and appearance are close to the originals, and their locations are exact. All the porch balustrades were built new, as all the originals had been lost. Aluminum gutters and downspouts were added. The interior was restored as close to original as possible. The two existing bathrooms were modernized, but look period, and a third was added where a linen closet had once been. The kitchen was also modernized, but retained its built-in pantry cabinets. Some drywall was installed, but in most places, original plaster was retained and repaired. The entire house was re-wired and re-plumbed and two new furnaces and air conditioners added. Many of the original light fixtures

nationalregister

were lost, but suitable replacements found. A new garage was built where the carriage house once stood.

Statement of Significance

Association With Important Persons

The home was built for German immigrant Henry Behr and his wife Minne Price, also an immigrant from Germany. Henry and his family operated a grocery and dry goods store on West Chestnut Street that served the workers of the C&A Shops (Bloomington's railroad yard). In later years, Henry was active in community affairs such as the Mclean County Historical Society, Bureau of Social Service, and the Bloomington Mennonchoir (German men's choir). Henry Behr was a friend of George Miller, prominent Bloomington architect, who lived just two blocks away, and visited the Behr home often. Henry was close with his family in Germany, making several trips to their hometown of Lobenstein. Henry donated money to his hometown, prompting the local officials to rename a street after him, Henry Behr Strase. A close friend of the family was Florence Fifer Bohrer, daughter of former Illinois governor Joseph W. Fifer and was the first female senator in the Illinois General Assembly. She visited the home many times.

Distinctive Physical Characteristics of Design, Construction, or Form

The house is distinctively Queen Anne, although a bit of a vernacular version of it. The Behr home lacks the profuse use of ornamentation that many Queen Annes have. It has a three storey turret, ornamental brackets, two sizes of clapboards and two styles of shingles. It sports an asymmetrical facade, dominant facing front gable, 2nd storey porch, dentils, classical columns, leaded windows, monumental chimney, and painted balustrades. No conclusive proof can be found, but the architecture of the house yeilds hallmarks of Bloomington architect George Miller, whom the Behr family was personal friends with. The contractor for the 1897 remodel was Gust Lundquist. The fact that the house went through such a massive transformation from the 1885 1 1/2 storey structure to the 1897 2 1/2 storey structure is an amazing, but common, occurance in America. Many buildings went through significant remodeling which completely changed their appearance and function. In the case of the Behr home, many of the original details of the 1885 house were retained, or at least re-used. This is especially evident inside the house. It is because of this melding of old (1885) and new (1897) that the Behr home is a completely unique structure, not duplicated anywhere else in the community, and indeed, the country.

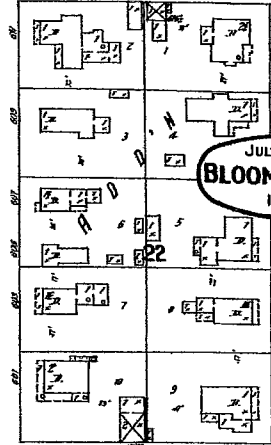
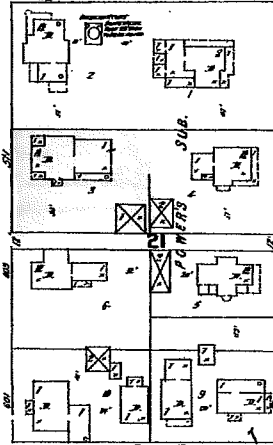
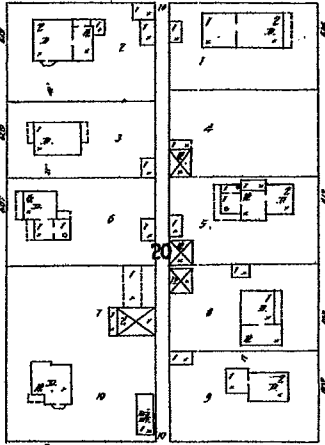
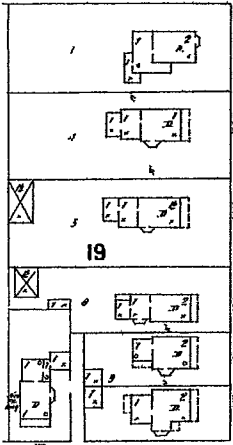
July, 1896

25

3

6

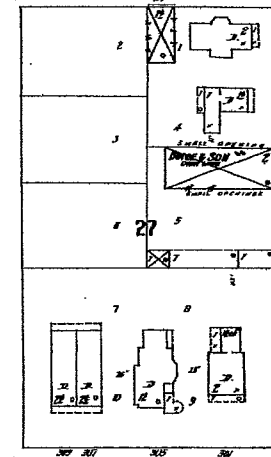
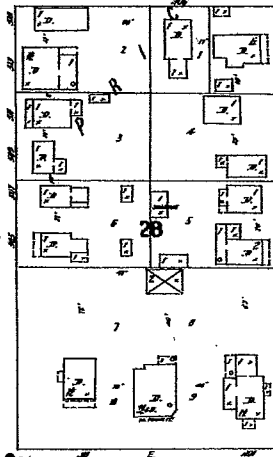
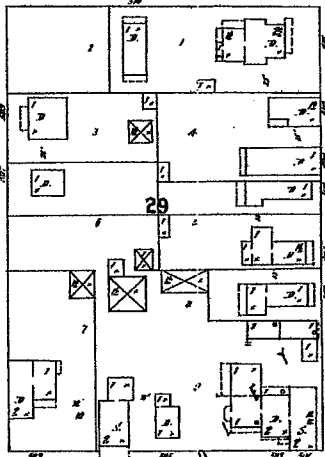
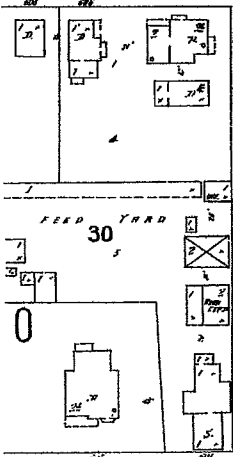
W. LOCUST



JULY-1896
BLOOMINGTON
ILL.

4

W. MULBERRY



N. OAK

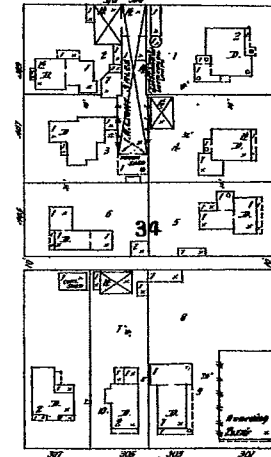
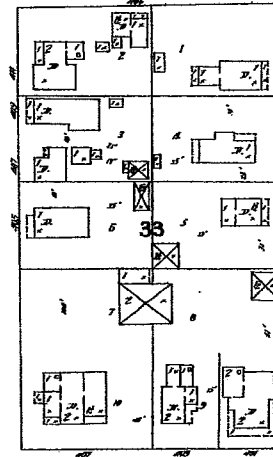
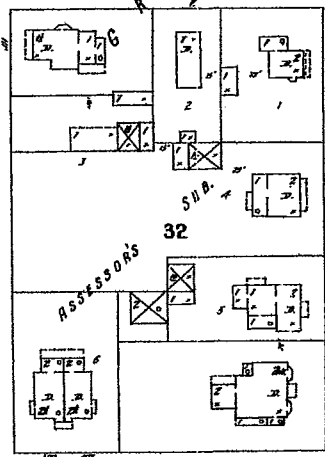
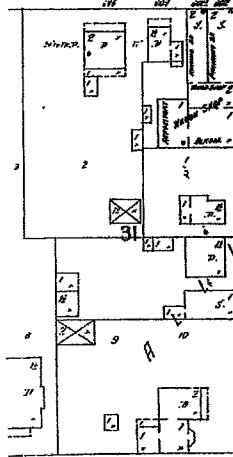
N. LEE

N. WEST

N. MADISON

W. MARKET

7



W. NORTH

Scale of Feet.

9

August, 1886

SEE

SHEET No. 12

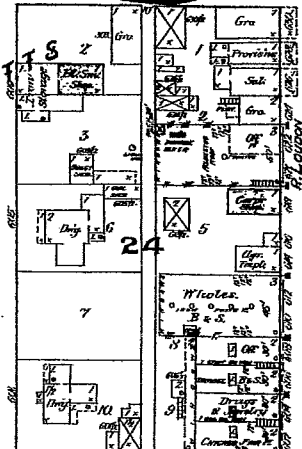
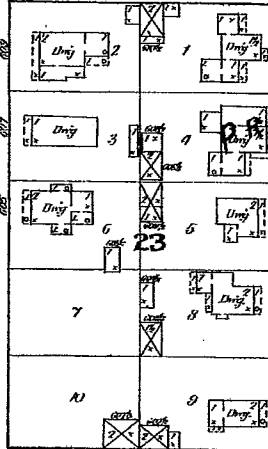
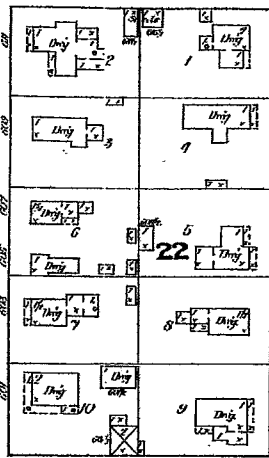
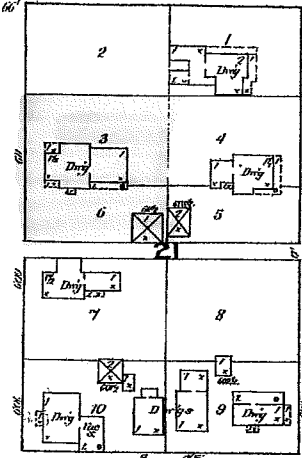
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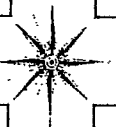
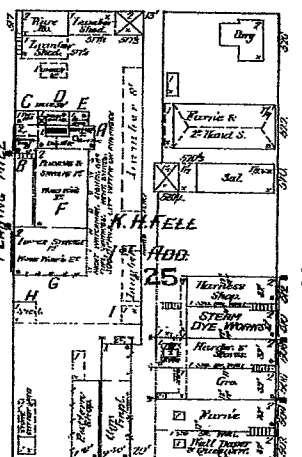
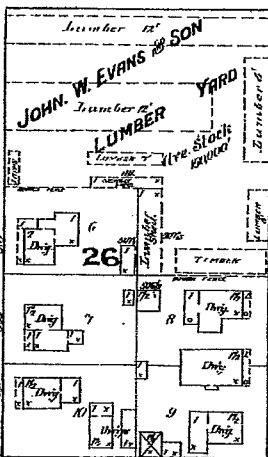
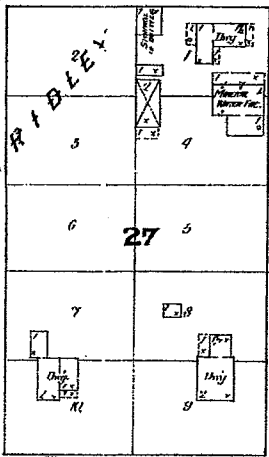
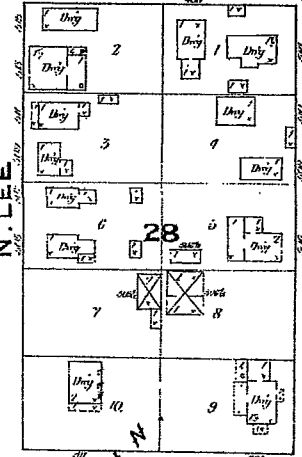
AUG. 1886
BLOOMINGTON
ILL.

3

W. LOCUST

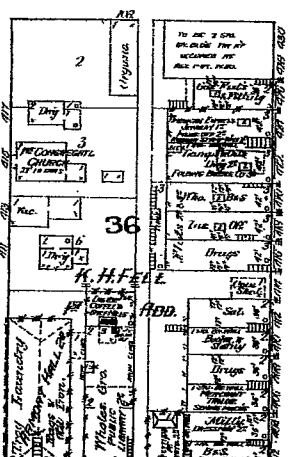
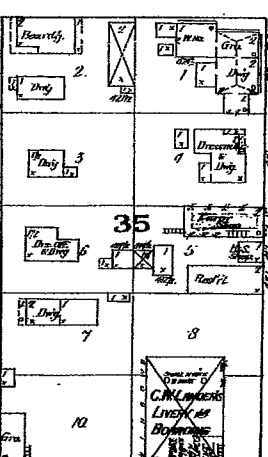
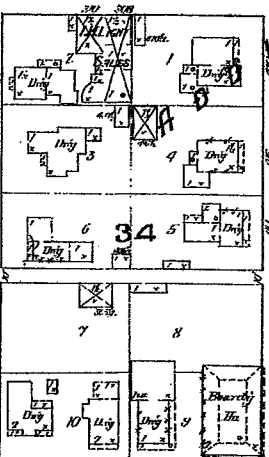
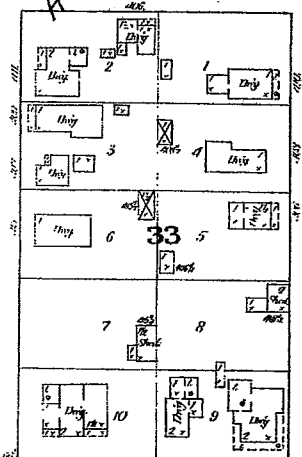


W. MULBERRY



N. WEST GRIDLEY

N. MADISON



W. MARKET

W. NORTH

Scale of Feet.

SEE

SHEET

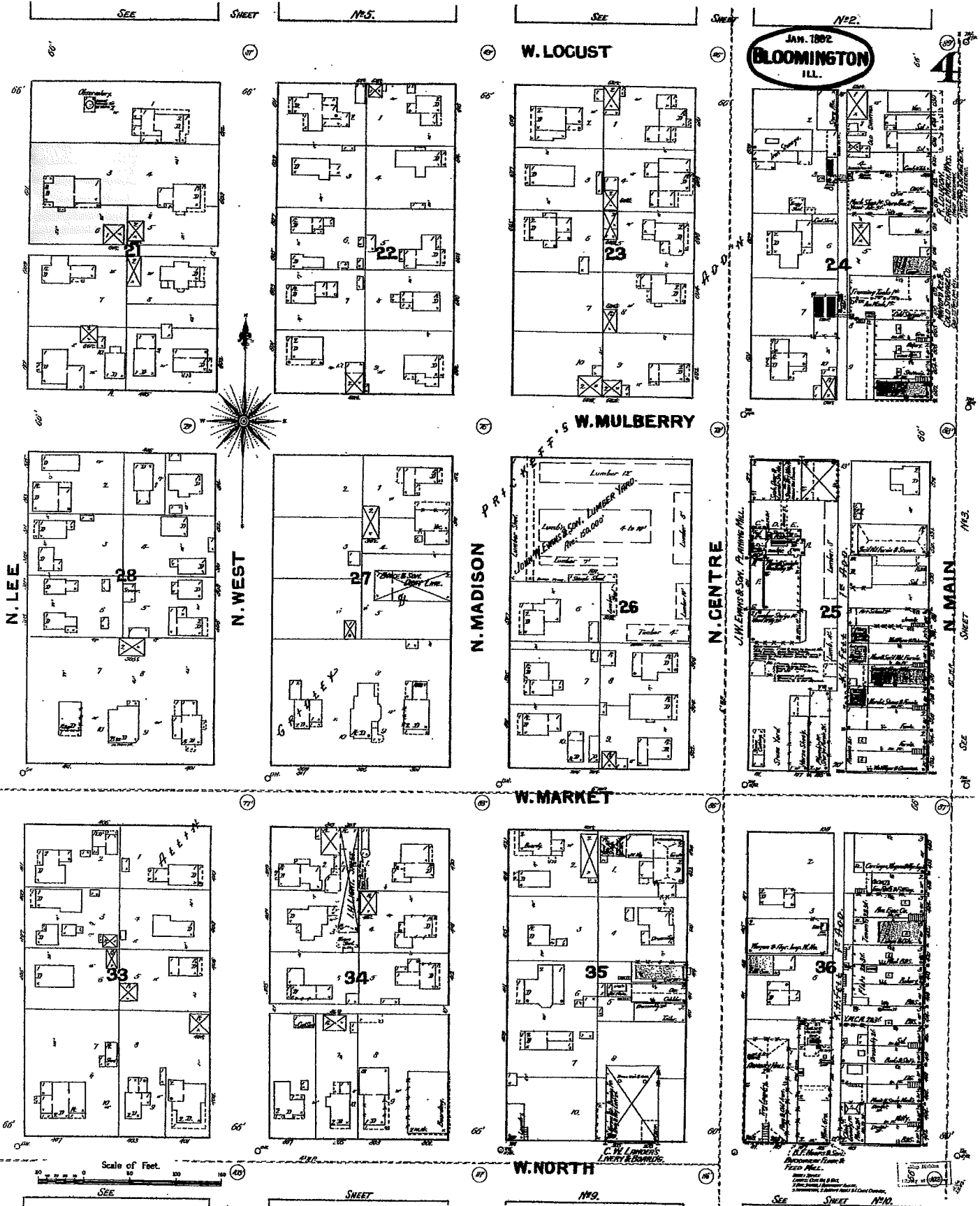
No. 5

SEE

SHEET

No. 6

January, 1892



June, 1901

JUNE 30
BLOOMINGTON
ILL.

25

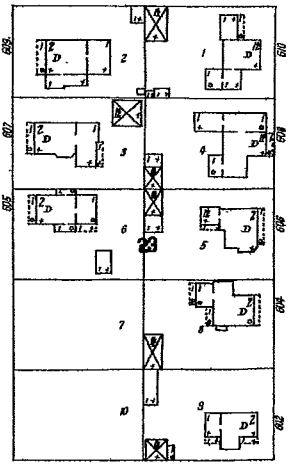
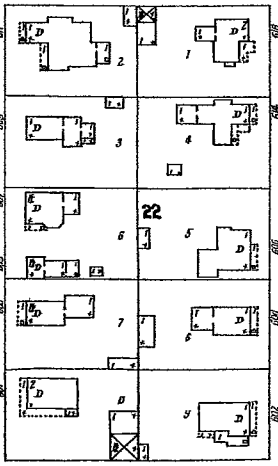
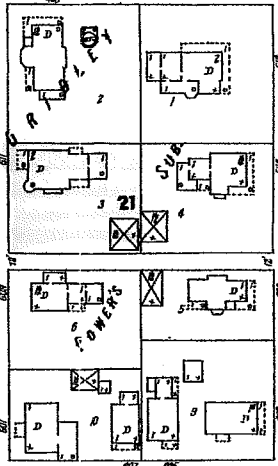
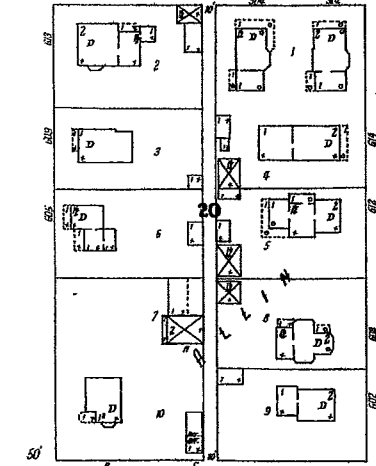
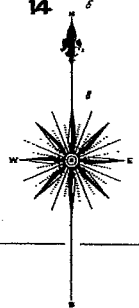
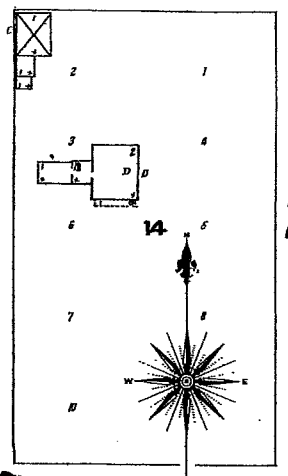
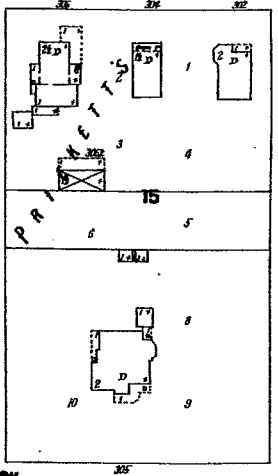
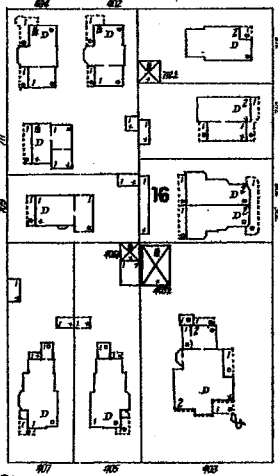
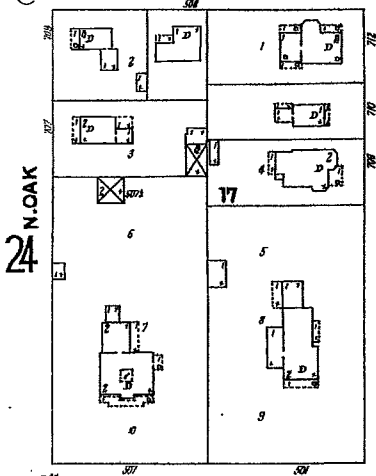
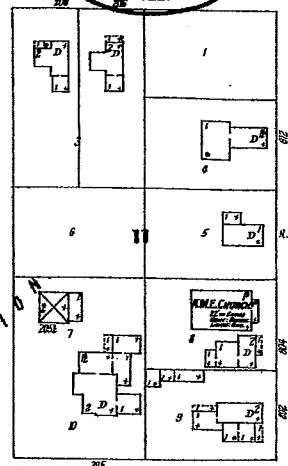
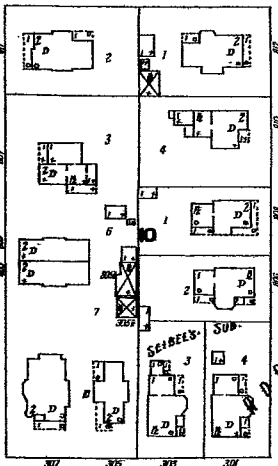
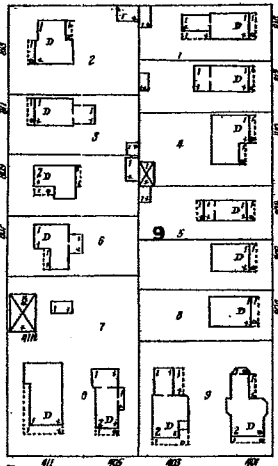
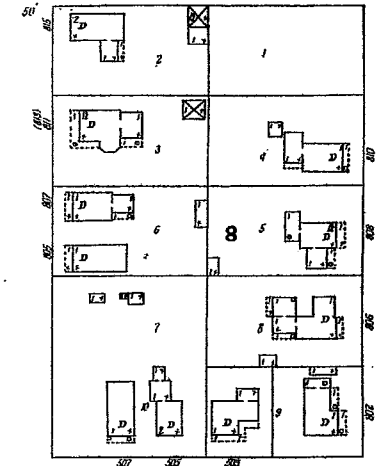
28

W. WALNUT

W. CHESTNUT

W. LOCUST

W. MULBERRY



Scale of Feet. 0 50 100

4

5

N. OAK

N. LEE

N. WEST

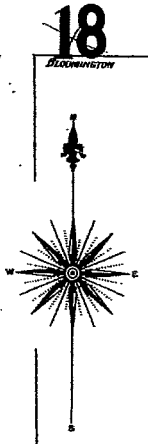
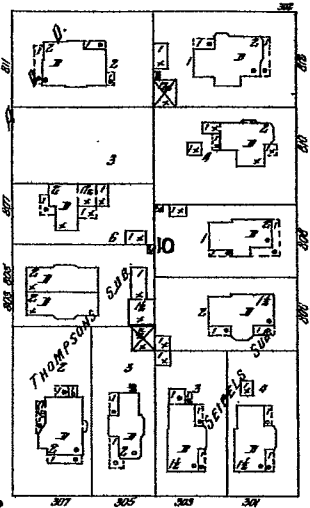
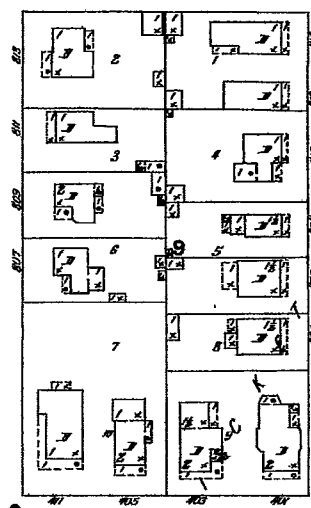
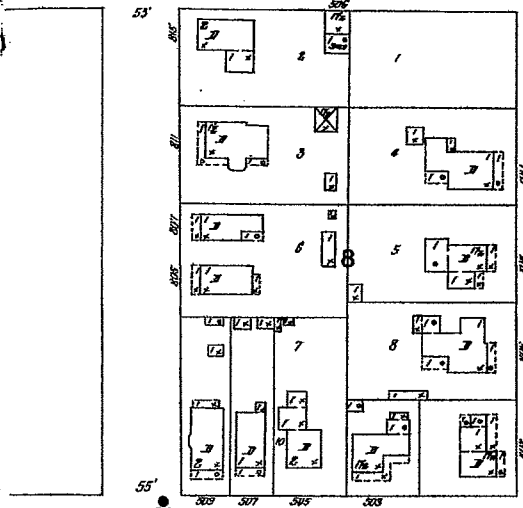
N. MADISON

N. CENTER

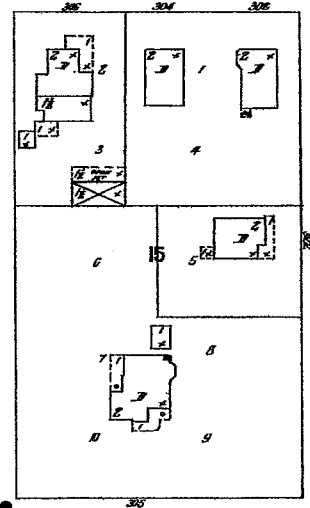
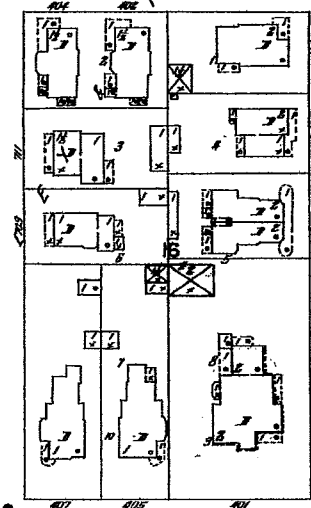
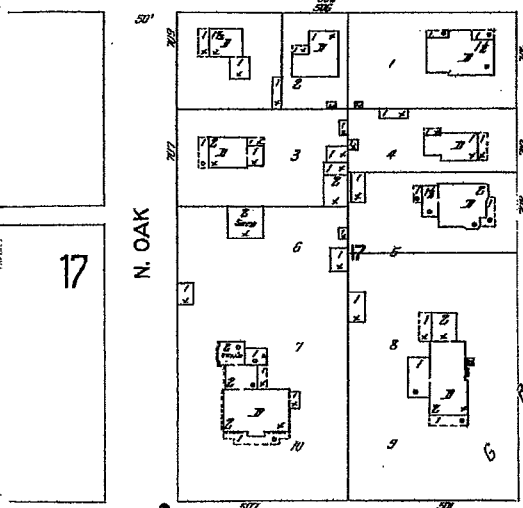
ADVISOR OF THE CITY

1907

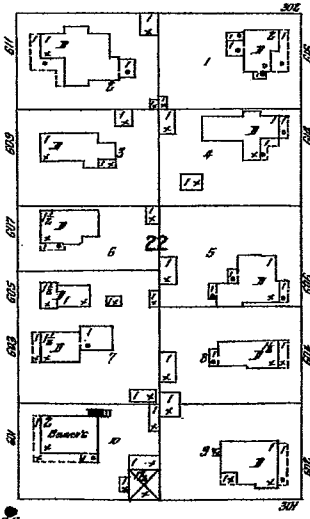
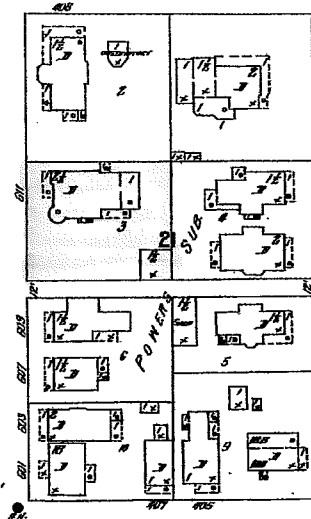
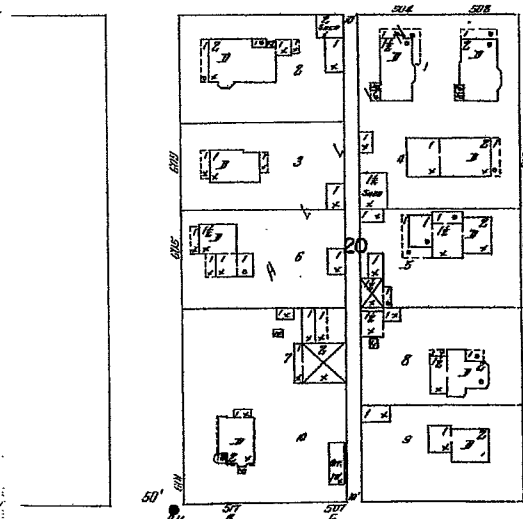
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W. WALNUT



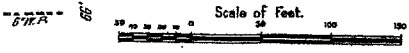
W. CHESTNUT



W. LOCUST



W. MULBERRY



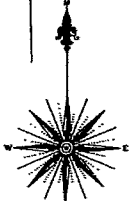
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28

June, 1950

8
W. WALNUT

18



W. CHESTNUT

17

N. OAK

N. LEE

N. ROOSEVELT AV. (N. WEST)

N. MADISON

19

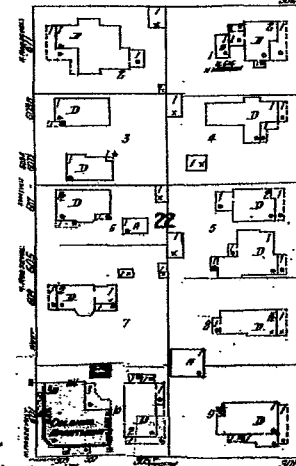
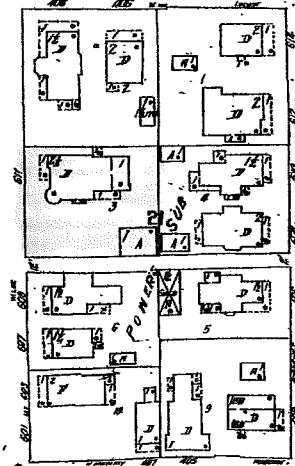
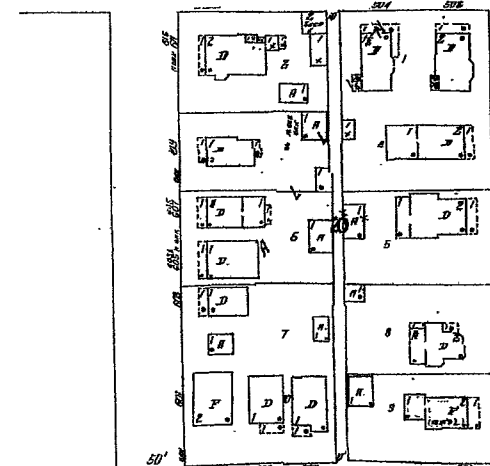
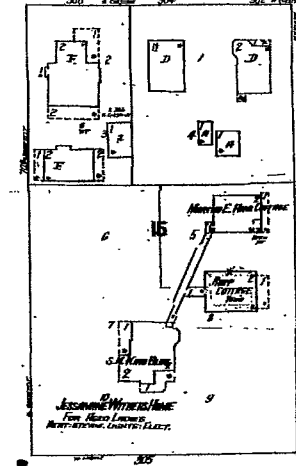
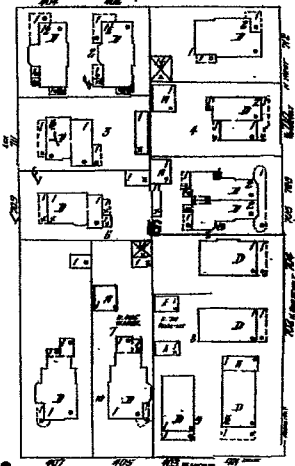
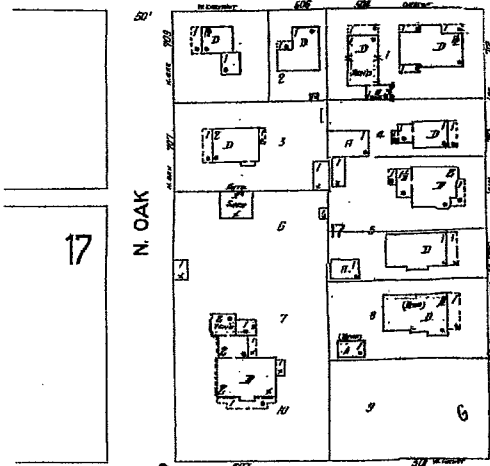
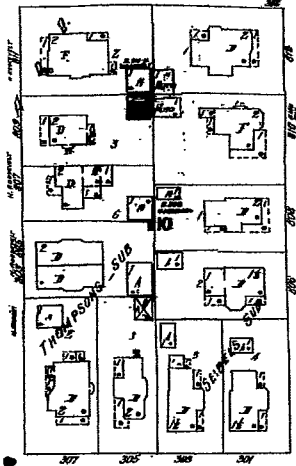
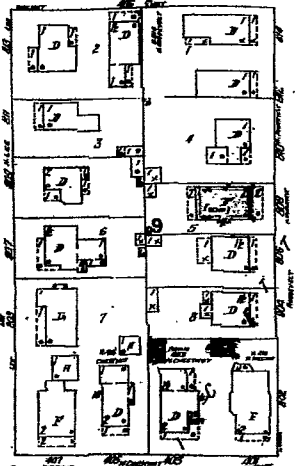
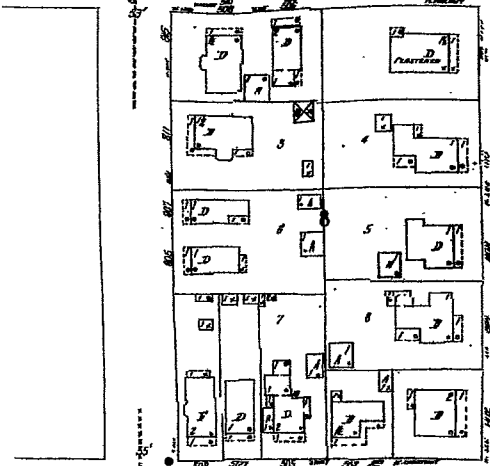
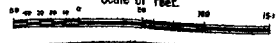
W. LOCUST

W. MULBERRY

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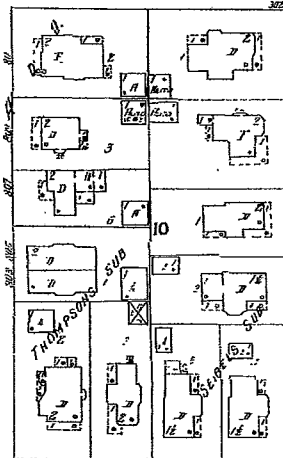
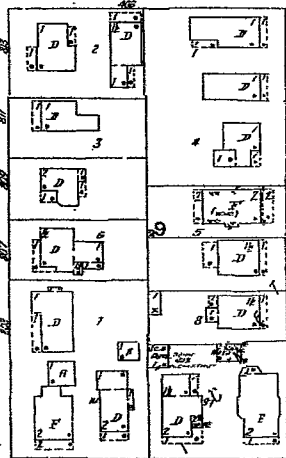
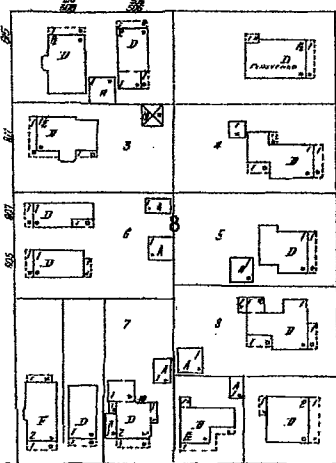
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Scale of Feet

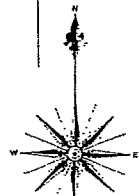


1953

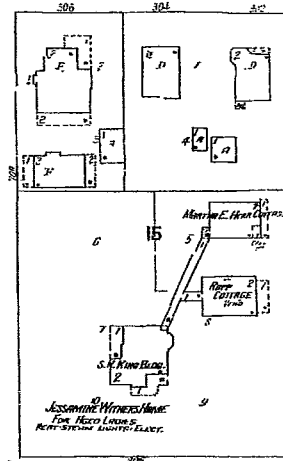
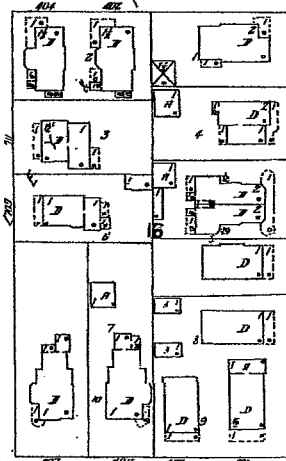
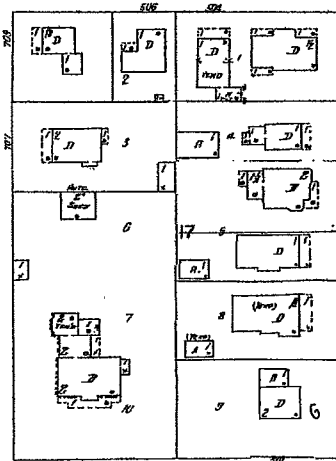
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W. WALNUT



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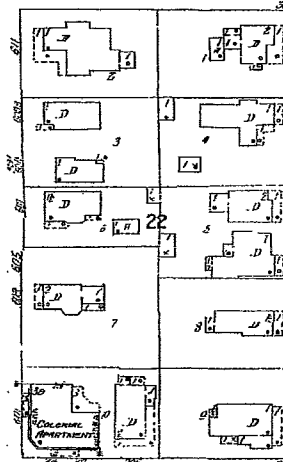
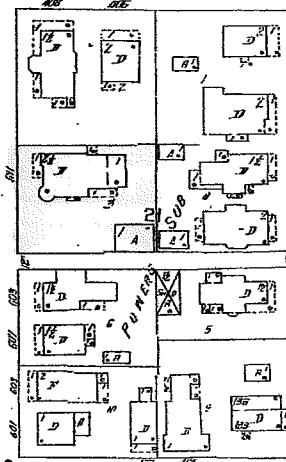
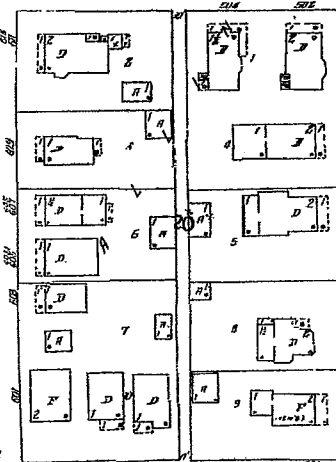


W. CHESTNUT

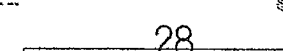
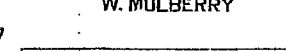
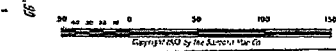


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W. LOCUST

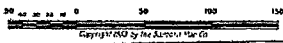


W. MULBERRY



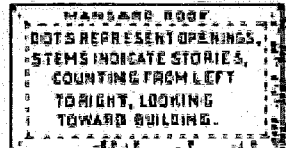
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28



KEY

	Fire proof construction. (OR FIRE RESISTIVE CONSTR)
	Adobe building.
	Stone building
	Concrete, lime, cinder or cement brick
	Hollow concrete or cement block const'n
	Concrete or reinforced concrete const'n
	Tile building.
	Brick building with frame cornice.
	" " " stone front.
	" " " frame side
	Brick veneered building.
	" and frame building.
	Frame building, brick lined.
	" " metal clad.
	Frame building.
	Iron building.
	Tenant building occupied by various manufacturing or occupancies
	Frame building covered with asbestos
	Brick building with brick or metal cornice
	Fire wall 6 inches above roof.
	" " 12 " " "
	" " 18 " " "
	" " 36 " " "
	Wall without opening and size in inches.
	Wall with openings on floors as designated.
	Opening with single iron or tin clad door.
	" " double iron " " " doors.
	" " standard fire doors.
	Openings with wired glass doors.
	Drive or passage way.
	Stable.
	Auto. House or private garage.
	Solid brick with interior walls of C.B. or C.B. and brick mixed.
	Mixed construction of C.B. and brick with one wall of solid brick.
	Mixed construction of C.B. and brick with one wall faced with 4" brick.
	Mixed construction of C.B. and brick throughout.



- Window opening in first story.
- Window openings in second and third stories.
- Window openings in second and fourth stories.
- Windows with wired glass.
- Windows with iron or tin clad shutters.
- Window openings tenth to twenty-second stories.



- Open elevator
- Frame enclosed elevator.
- " " " with traps.
- " " " " self closing traps.
- Concrete block enclosed elevator with traps.
- Tile enclosed elevator with self closing traps.
- Brick enclosed elev. with wired glass door.

- Iron chimney
- JEWELRY STORE
- Brick chimney.

- Block number.
- Vertical pipe or stand pipe.
- Automatic fire alarm.
- Independent electric plant.
- Automatic sprinklers.
- Automatic chemical sprinklers.
- Automatic sprinklers in part of building only.
(NOTE UNDER SYMBOL INDICATES PROTECTED PORTION OF BUILDING)
- Not sprinklered.
- Outside vertical pipe on fire escape.
- Fire alarm box.
- Single hydrant.
- Double " "
- Triple " "
- Quadruple hydrant of the "High Pressure Fire Service"
- Fire alarm box of the "High Pressure Fire Service"
- Water pipes of the "High Pressure Fire Service" and hydrants of the "High Pressure Fire Service" as shown on key map.
- Water pipes and size in inches.
- Water pipes of private supply

- Ground elevation.
- Vertical steam boiler.
- Gasoline tank.
- Open under connection
- Siamese fire dept. connection
- Single fire dept. connection
- Reference to adjoining page.
- Fire engine house, as shown on key map.
- Fire pump.
- (36) Under page number refers to corresponding page of previous edition.

- Figures 8, 12, 16 indicate thickness of wall in inches.
- Wall without opening and size in inches.
- Wall with openings on floors as designated.
- Opening with single iron or tin clad door.
- " " double iron " " " doors.
- " " standard fire doors.
- Openings with wired glass doors.
- Drive or passage way.
- Stable.
- Auto. House or private garage.
- Solid brick with interior walls of C.B. or C.B. and brick mixed.
- Mixed construction of C.B. and brick with one wall of solid brick.
- Mixed construction of C.B. and brick with one wall faced with 4" brick.
- Mixed construction of C.B. and brick throughout.
- House numbers shown nearest to buildings are official or actually up on buildings.
- Old house numbers shown furthest from buildings.



RESIDENCE OF HENRY BEHR.







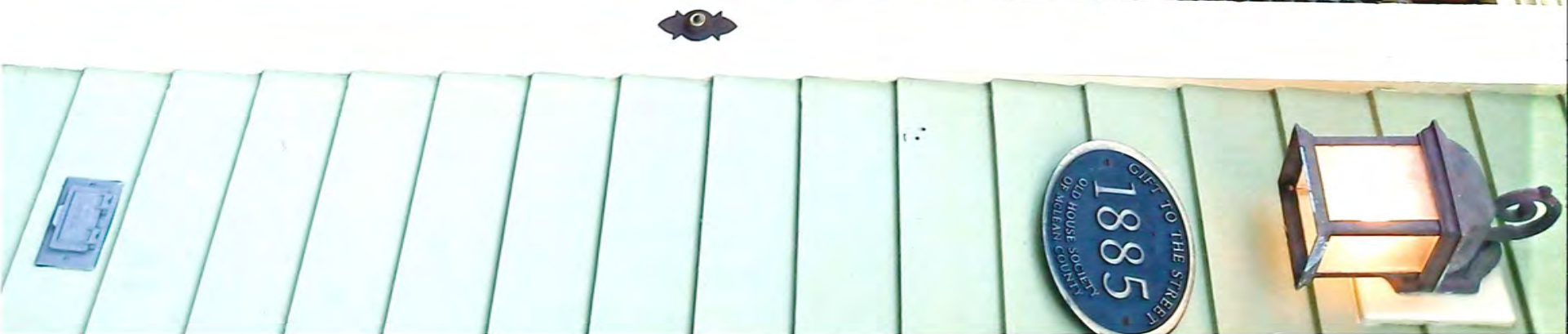














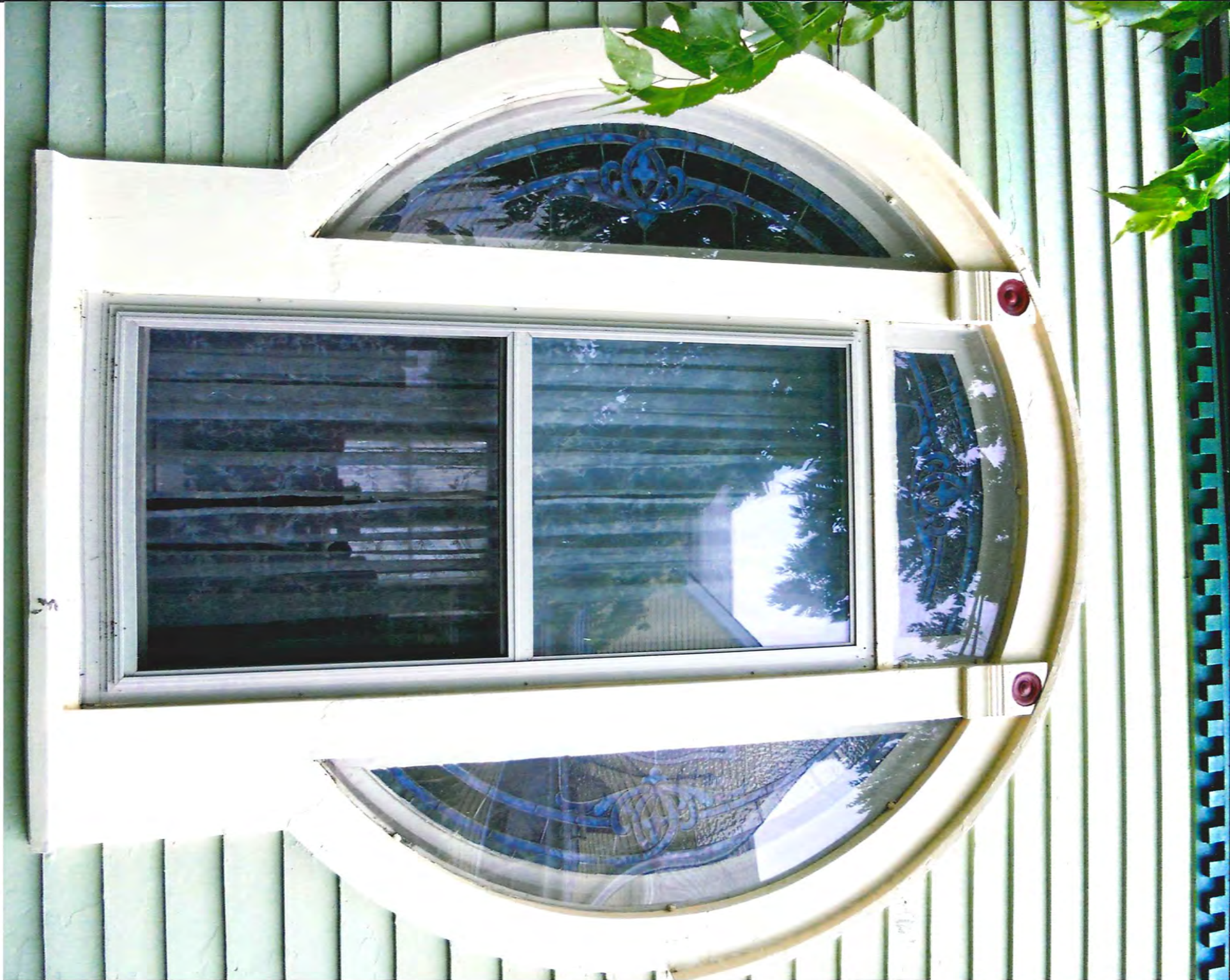








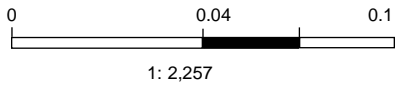








Aerial View 611 N Lee Street

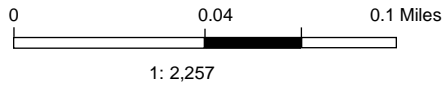


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Notes



611 N Lee Street-Zoning Map



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Printed: 4/24/2017 4:48:24 PM

Notes

20880179
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE

Public Notice is hereby given that the Bloomington Planning Commission will hold a public hearing on Wednesday, May 10, 2017 at 4:00 p.m. in the

City Council Chambers, City Hall, 109 E. Olive St., Bloomington, IL.

The Petition submitted by Andy Streenz, requesting approval to Rezone property located at 611 N. Lee St., from a GAP 3 Iconic, House, Manor, Apt on corners to GAP 3 Iconic, House, Manor, Apt on corners with an S-4 Historic District Overlay.

Legal Description: Exhibit A Powers Subdivision Lots 1 thru 8 Block 21 Allin Gridley and Pricketts Addition S5' W50' Lot 2 and all Lot 3 and that PT Vacation Alley LYG S and ADJ PER 15/23326.
PIN: 43 21-04-154-003

All interested persons may present their views upon such matters pertaining thereto. Said Petition and all accompanying documents are on file and available for public inspection in the Office of the City Clerk at 109 E. Olive St., Bloomington, IL.

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 Street, Bloomington, IL 61701, or by telephone at 309-434-2240 or via email at cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Cherry Lawson
City Clerk

Published in the Pantagraph:
April 24, 2017



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

April 24, 2017

Dear Property Owner or Resident:

The City of Bloomington Planning Commission will hold a public hearing on **Wednesday, May 10, 2017 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois** for a petition submitted by **Andy Streenz** requesting the rezoning of 611 N. Lee Street from GAP-3, Iconic, House, Manor, Apt on Corners to GAP-3 with the S-4 Historic Preservation Overlay. The petitioner would like to have their home (Queen Anne Style built c.1885, former residence of Henry Behr) designated as a local historic and cultural resource. The subject property is legally described as follows:

POWERS SUBDIVISION LOTS 1 THRU 8 BLK 21 ALLIN GRIDLEY AND PRICKETTS ADDITION S5' W50' LOT 2 AND ALL LOT 3 AND THAT PART VACATION ALLEY LYG S AND ADJ PER 15/23326. PIN: 21-04-154-003

You are receiving this notification since you own property within a 500 foot radius of the land described above (refer to map on back). All interested persons may present their views upon matters pertaining to the requested 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 will be available at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may contact me by phone, (309) 434-2226, or email, ksimpson@cityblm.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katie Simpson', written in a cursive style.

Katie Simpson
City Planner

Attachments:
Location Map

WADE IRWIN
% CARLS ICE CREAM
BLOOMINGTON IL 61701

RAJ KHANT
10 TURNER RD
NORMAL IL 61761

LARRY KNUTH
1047 SE 26TH TER
CAPE CORAL FL 33904

HONEY CREEK PROPERTIES
11 STRAWBERRY RD
BLOOMINGTON IL 61704

VINCENTE ADAME
1111 E GROVE ST
BLOOMINGTON IL 61701

ELBA CASTILLO
1120 E MAIN ST
STREATOR IL 61364

ALAN & PAMELA DICK
1203 N ROOSEVELT AVE
BLOOMINGTON IL 61701

TIM VIRGIL
1203 TRENTON RD
NORMAL IL 61761

JASON ANDRIS
14148 N 900 EAST RD
BLOOMINGTON IL 61705

DEVIN CHASE & LACIE CARLTON
14158 KING RD
MACKINAW IL 61755

GMTK MANAGEMENT LLC
15 MARVIN GDNS
BLOOMINGTON IL 61701

YUWADEE JOHNSON
18570 E 2375 NORTH RD
TOWANDA IL 61776

TVEO CORPORATION
1901 MARTIN LUTHER KING DR
BLOOMINGTON IL 61701

%LUE A WALTERS LAW N JAW APTS
1903 N TOWANDA AVE
NORMAL IL 61761

EDWARD SPENCER
201 WARSON LN
GRANITE CITY IL 62040

KEVIN DRAEGER IRA EQUITY TRUST
COMPANY CUSTODIAN
202 GRANDVIEW DR
NORMAL IL 61761

HERMES ENTERPRISES
205 S LEE ST
BLOOMINGTON IL 61701

ALL SEASONS PROPERTIES LLC
208 PRAIRIE RIDGE DR
LEXINGTON IL 61753

DOUG MASCHING
210 W HUMISTON ST
PONTIAC IL 61764

DIANA ROPP
2418 ROPP RD
NORMAL IL 61761

HAROLD FRANZEN
3019 E 1600 NORTH RD
FLANAGAN IL 61740

MK2 PROPERTIES LLC
3105 CUMBRIA DR
BLOOMINGTON IL 61704

RON GRUBER
3281 BUTTERFLY DR
NORMAL IL 61761

THOMAS PFISTER
4 LATEER DR
NORMAL IL 61761

SILVIA RODRIQUEZ
401 W LOCUST ST
BLOOMINGTON IL 61701

JESSICA LYNN MOOREHOUSE
402 W CHESTNUT ST
BLOOMINGTON IL 61701

MIGUEL ROQUE
402 W Mulberry St
BLOOMINGTON IL 61701

NICHOLAS UMBDENSTOCK
403 W LOCUST ST
BLOOMINGTON IL 61701

MORRIS & TERESA MORSE
404 W CHESTNUT ST
BLOOMINGTON IL 61701

**CITY OF BLOOMINGTON
REPORT FOR THE PLANNING COMMISSION
MAY 10, 2017**

CASE NUMBER:	SUBJECT:	TYPE:	SUBMITTED BY:
Z-15-17	Agreement for the annexation of 3.12 acres to be zoned R-3B (102 Greenwood Ave)	Annexation Agreement and Rezoning	Katie Simpson, City Planner
REQUEST:	The petitioner, the Benoit Group LLC, would like to enter into an agreement for the annexation and rezoning of 3.12 acres south of Greenwood Road to be developed as affordable multifamily housing.		

Staff finds that the petition meet the Zoning Ordinance’s map amendment guidelines for annexation and rezoning outlined in Chapter 8.5 Section 203d.

STAFF RECOMMENDATION: Approval

Staff recommends the Planning Commission pass the following motion recommending:

- A. That City Council **approve** the *annexation agreement* for 3.12 acres south of Greenwood Ave and **approve** the *rezoning* of the property to R-3B, multifamily residential district, case Z-15-17

N Δ



102 Greenwood Ave,
3.12 acres

NOTICE

The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on April 24, 2017.

GENERAL INFORMATION

Owner and Applicant: Kristen Lee Jones, N/K/A Kristen Lee Guillory (Owner) and the Benoit Group, LLC (Developer)



PROPERTY INFORMATION

PIN: 21-16-101-008

Existing Zoning: R-2 (County)

Existing Land Use: Vacant

Property size: 3.12 acres

Legal Description:

THE EAST 226 FEET OF LOT 3 IN SCHOOL COMMISSIONERS SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 23, NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS EXCEPT ANY PORTION THEREOF PREVIOUSLY ANNEXED TO THE CITY OF BLOOMINGTON.

Surrounding Zoning and Land Uses

Zoning

North: S-2, Public Lands and Institutions

South: R-1, residential (unincorporated)

South: R-4, Manufactured home park

East: R-3B, Multifamily residential

West: R-2, County

Land Uses

North: Highland Golf Course

South: Single family homes

South: Mobile home park

East: Apartments

West: Mobile Home Park

Analysis

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

1. Proposed Annexation Agreement
2. Petition for Zoning Map Amendment
3. Aerial photographs
4. Zoning Map
5. Site visit



PROJECT DESCRIPTION

Background: The subject property, approximately 3.12 acres south of Greenwood Ave, is located in the unincorporated area of McLean County. The site was previously developed as a hotel but has been vacant for a number of years. It is surrounded by residential uses on the south, east and west. Veterans Parkway/I-55/Historic RT66 creates a physical barrier separating this site from Highland Golf Course to the north. The subject property is a Tier 3 Infill development priority meaning it is adjacent to the City limits but utilities are not easily available. City water is available, but city sewer will need to be extended along the south portion of Greenwood Ave, in

the public right-of-way in order to serve the subject property. Storm sewers exist northeast of the site in the right-of-way in front of Highland Gulf Course.

Project Description: The developer would like to construct 50 non-elderly affordable housing units on this site. The development will consist of three, three story buildings each with 1, 2, and 3 bedroom units. Additionally the development includes a clubhouse with community room, an exercise room, computer center and outdoor picnic area. The developer has entered into an agreement to purchase the property but has not yet acquired the property. The developer is seeking tax credits to reduce the costs of the project and is pursuing an annexation agreement with the City to ensure the proper zoning will be established at the time of purchase. The agreement functions as a “contingent” zoning approval for the property; the actual rezoning will not occur until the property is within the corporate limits of the City of Bloomington. Nonetheless, a public hearing is required at this time, prior to entering into the agreement, to determine if the rezoning of this property will be appropriate.

The annexation agreement highlights a number of responsibilities by the city and developer, including the payment of parkland fee, annexation fee, tap-on fees, a substandard road fee and the construction of a sanitary sewer that will serve the development. The agreement is between the “Owner” and the “Developer/Purchaser” and the City. If the developer fails to acquire the property then this agreement will be null and void. As with almost all annexation agreements, this agreement expires in 20 years.

Staff and the developer are negotiating some details in the draft agreement. The draft agreement submitted by the developer is attached to this report. We expect to provide the Planning Commission with an updated copy for consideration at the hearing.

Link to Comprehensive Plan:

Fostering public/private partnerships to ensure affordable housing is identified in multiple sections of the City of Bloomington Comprehensive Plan.

The proposed annexation and rezoning aligns with the following objectives:

- CWB-2.1 Promote the welfare of older adults and persons with disabilities to foster maximum independence so they can continue to be an integral part of the community
- CF-1.4 Focus resources on maintaining and developing facilities that support the goal of contiguous and compact growth
- Tier 3 Infill Development Priority-Land adjacent to incorporated area but with limited access to City services

FINDINGS OF FACT

Findings of Fact: Pursuant to Chapter 8.5 Section 203(d) of the City’s Code “The Planning Commission shall consider the amendment to the Official Zoning Map for the City of Bloomington, McLean County and shall recommend the adoption of such amendment unless the Commission finds that such amendment is not in the public or is solely for the benefit of the person requesting such amendment”. In making such a finding the Planning Commission may consider:

Item B. Z-15-17 Annexation agreement and rezoning

1. *The suitability of the subject property for uses authorized by the existing zoning; the existing zoning is R-2 (unincorporated). To connect to city facilities the property will need to be annexed into the city and a sewer will need to be built.*
2. *The length of time the property has remained vacant as zoned considered in the context of land development in the area; the property has been vacant for a number of years. To develop the property as residential, the owner will need to connect to city utilities, build a sanitary sewer, and provide on-site detention. The developer is applying for tax credits to cover some of the costs associated with the development. It is likely the property could continue to remain vacant if the developer does not receive these credits.*
3. *The suitability of the subject property for uses authorized in the proposed zoning; the proposed zoning, R-3B, is compatible with adjacent zoning. The uses allowed, which are primarily residential, are harmonious with the existing uses. A few, lower impact, commercial uses and services are contemplated in this district but require a special use permit before being permitted.*
4. *The existing land uses of nearby property; R-3B exists to the west of the property. The proposed development is of a density allowed in the R-3B district, 70 units per acre.*
5. *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; the City's Comprehensive Plan identifies the need for affordable housing and the proposed development intends to help address that need. The change in zoning would allow the development to occur.*
6. *The extent to which adequate streets connected to the arterial street system are available or can be reasonably supplied to serve the uses permitted in the proposed zoning district; Greenwood Ave terminates in a cul-de-sac, the proposed development will provide on-site parking and the roadway should be sufficient for the amount of traffic generated by the development. The annexation agreement also includes a substandard road fee which can be applied to cover improvements to the road. Additionally it includes a dormant special services area if future improvements are required.*
7. *The extent to which the proposed amendment is consistent with the need to minimize flood damage and whether the development of the subject property for uses permitted in the proposed zoning classification would have a substantial detrimental effect on the drainage patterns in the area; the proposed development will provide on-site detention to control the flow of water off the property. A 12" public storm sewer exists northwest of the property.*
8. *The extent to which adequate services (including but not limited to fire and police protection, schools, water supply, and sewage disposal facilities) are available or can be supplied to serve the uses permitted in the proposed zoning classification; and the site is a Tier 3-Development Priority. It is not served by sanitary sewer and the developer would be responsible for constructing this sewer. The developer is proposing a recapture*

agreement that would allow them to recapture some of the construction costs from neighboring properties once they connect to the sewer.

9. *The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of Chapter 44, Article 2.00 of the Bloomington City Code-1960, including the following specific purposes:*
- a. To conserve and protect the taxable value of land and structures;*
 - b. To protect the air, water, and land resources within the City from the hazards of pollution and misuse;*
 - c. To protect land and structures from natural hazards; including flooding and erosion;*
 - d. To preserve and protect historic locations, structures and groups*
 - e. To preserve and protect and encourage the development of structures, groups of structures, and neighborhoods of distinctive architectural character and appearance;*
 - f. To provide for the orderly and functional arrangement of land uses and structures;*
 - g. To establish standards for the orderly development or redevelopment of geographic areas within the City;*
 - h. To secure for the public locations for housing, employment, shopping, education, and recreation that are adequate in terms of health, safety, convenience and number;*
 - i. To facilitate the adequate provision of transportation, water, sewage disposal, schools, parks and other public facilities;*
 - j. To conserve and protect natural resources including prime agricultural land, mineral resources and areas of scientific interest;*
 - k. To permit public involvement in the planning of private land uses which have the potential for significant impact on the use of enjoyment of surrounding property or on the public resources and facilities of the City of Bloomington; and*
 - l. To promote the Official Comprehensive Plan adopted by the City of Bloomington.*

STAFF RECOMMENDATION:

Staff recommends the Planning Commission pass the following motions recommending:

- A. That City Council **approve** the *annexation agreement* for 3.12 acres south of Greenwood Ave and **approve** the *rezoning* of the property to R-3B, Multifamily residential district, case Z-15-17.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

- Draft Annexation Agreement, Exhibit A “Legal Description”, Exhibit B “Annexation Plat”

Item B. Z-15-17 Annexation agreement and rezoning

- Petitions for Zoning Map Amendment
- List of Permitted Uses in the R-3B District
- Aerial Map
- Zoning Map
- Newspaper Notice and Neighborhood Notice w/Map
- Notification Mailing List

ANNEXATION AGREEMENT

Pursuant to legislative authorization found in Article 11 Division 15.1 of the Illinois Municipal Code of 1961 as amended, (65 ILCS 5/11-15.1-1 et seq.) and for and in consideration of the mutual promises herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned City of Bloomington, Illinois, a Municipal Corporation, hereinafter referred to as “City” and Kristen Lee Jones, N/K/A Kristen Lee Guillory hereinafter referred to as “Current Owner” and TBG Land, LLC, a Georgia limited liability company hereinafter referred to as “Developer” (collectively, Current Owner and Developer are referred to herein as “Owner”) enter into this Annexation Agreement (“Agreement”) for the annexation of property into the City.

WHEREAS, Current Owner is the owner of record of the premises hereinafter described on Exhibit A, which is attached hereto and made a part hereof by this reference; and

WHEREAS, the Developer and the Current Owner have executed a real estate sales contract with respect to said premises; and

WHEREAS, the Owner is desirous of having said premises annexed to the City and the City is desirous of annexing said premises; and

WHEREAS, said premises is not within the corporate limits of any municipality, but is contiguous to the City; and

WHEREAS, the Owner is desirous of having said premises zoned R3B upon annexation to the City; and

WHEREAS, the Owner has given all notices required to be given by Section 7-1-1 of the Illinois Municipal Code (65 ILCS 5/7-1-1).

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained, the receipt and sufficiency of which are hereby acknowledged, the City and Owner agree as follows:

1. ANNEXATION PETITION.

Owner, subject to the terms and conditions set forth in this Agreement, has petitioned the City of Bloomington, requesting annexation of the property described on Exhibit “A” to the City’s corporate limits. The City published and gave such notices and conducted such public hearings as are required to annex the premises, including specifically, public hearings on this annexation agreement conducted after notice as required by law and ordinance.

2. ANNEXATION.

The City agrees to adopt an ordinance annexing the property described on Exhibit “B” to the City of Bloomington (the “Annexation Ordinance”). The City agrees that it will not adopt the

Annexation Ordinance unless and until the Developer delivers a written request (the “Developer’s Notice”) to the City and provided further that the City agrees to adopt the Annexation Ordinance within thirty (30) days of delivery of the Developer’s Notice. In the event Developer shall not deliver the Developer’s Notice on or before _____ this Agreement shall become null and void and of no further force or effect.

3. ZONING.

City agrees to rezone the property to R3B subsequent to any public hearings required by the City Code, and all necessary zoning approvals, and zoning relief to permit the development of a 50-unit multi-family development.

4. DEVELOPMENT OBLIGATIONS.

With regard to the annexation, and development of the premises, the installation of public improvements within and serving the premises; and the use and development of the premises during the life of this agreement, the following shall apply:

- A. Sanitary Sewer. The premises shall be required to connect to the City’s sanitary sewer within ___ months of conveyance of the premises to Developer and Owner shall be responsible for any and all tap on fees for connection to the sanitary sewer.
- B. Water. The premises shall be required to connect to the City’s water mains within ___ months of conveyance of the premises to Developer and Owner shall be responsible for any and all tap on fees for connection to the water mains.
- C. Stormwater Detention. Owner shall provide onsite detention or pay a fee-in-lieu for storm water detention pursuant to the City Code in place within ___ months of conveyance of the premises to Developer.
- D. Parkland fee. Owner shall dedicate parkland or pay a fee-in-lieu (in the amount of \$17,014) for parkland dedication pursuant to the City Code in place within 6 months of conveyance of the premises to Developer.
- E. Annexation Fee. Owner shall pay an annexation fee (in the amount of \$[8,000ish]) pursuant Chapter 8.5 Section 205 of the City Code in place within 6 months of conveyance of the premises to Developer.
- F. Substandard Road Fee. Owner agrees to reimburse City, at the time of construction for one-half the construction cost of the improvement of all public streets that are adjacent to said premises from their present condition to a 30 foot wide improved street with curb and gutter for the full extent that such streets are adjacent to said premises. For purposes of definition of this agreement, streets shall be considered adjacent to said premises if:

- a. any portion of said streets are contiguous to any portion of said premises;
or
- b. said streets are either necessary or the most convenient route for ingress to and egress from said premises.
- c. the length of the street(s) which the owner is responsible under paragraph (b) above shall not be limited to that portion which is contiguous to said premises; it shall extend to that portion of the street (s) for which the cost is fairly apportionable to said premises, using frontage, area, or other reasonable methods of determination.

G. Recapture. The City agrees that the costs Owner will incur for sewer, water and stormwater improvements will be the subject of a recapture agreement and Owner shall be allowed to recover a portion of its costs from future beneficiaries of such improvements.

5. OBLIGATION TO DEVELOP PER CODE.

Subject to Section 3 of this Agreement, in the construction and use of improvements on the subject property the Owner shall comply with all zoning subdivision, building, mechanical and other applicable codes and ordinances of the City of Bloomington in effect at that time.

6. ANNEXATION TO OTHER TAXING DISTRICTS.

That owner, as soon as practicable, but not later than 90 days from the date of annexation to the City, shall file and thereafter diligently pursue the necessary petition to annex the property to the Bloomington-Normal Airport Authority and the Bloomington and Normal Water Reclamation District.

7. COVENANTS AND AGREEMENTS

The covenants and agreements contained in the Agreement shall be deemed to be covenants running with the land during the term of this Agreement, shall inure to the benefit and be binding upon the heirs, successors and assigns of the parties hereto.

8. TERM

The term of this Agreement shall be for twenty (20) years from and after the effective date of the annexation of the Subject Property.

9. NOTICES

Any and all notices required or desired to be given hereunder shall be in writing and shall be delivered personally or sent via certified or registered mail, postage pre-paid and addressed as follows:

To the City:
City of Bloomington
Attn: City Manager
109 East Olive Street
Bloomington, IL 61701

To the Developer:
The Benoit Group, LLC
C/O: Torian R. Priestly
Marsh Creek Village
6780 Roswell Road NE, Suite 200
Atlanta, GA 30328

To Current Owner:

or to such other person or address as a party may designate in a like manner.

10. ADOPTION OF ORDINANCES

The City agrees to adopt such ordinances as may be required to give legal effect to the matters contained in this Agreement.

11. DORMANT SPECIAL SERVICE AREA

1. A dormant special service area will be established over the Property, with the cooperation and participation of the Owner, to provide for the on-site public improvements for the Property, as well as to pay for the costs and expenses directly or indirectly related in any way to the on-site public improvements, including, without limitation:
 - a. construction, installation, repair, or maintenance of the on-site public improvements in the event that the Owner is for any reason unable to do so and there is inadequate or unavailable security to construct and install the on-site public improvements;
 - b. legal, engineering, and construction management expenses related to the construction, installation, repair, or maintenance of the on-site public improvements;
 - c. direct and indirect administrative expenses;
 - d. payment of public liability insurance premiums; or

- e. reimbursement to the City for funds it expended or incurred to construct, install, repair, or maintain the on-site public improvements.

The Owner will pay for all costs incurred by the City in establishing the dormant special service area including, without limitation, the payment of all attorneys' fees incurred by the City in establishing the special service area as well as reimbursement to the City for any and all costs and expenses incurred by the City.

- 2. The City will have the automatic right to activate the dormant special service area and extend the taxes in association with the special service area upon the occurrence of any of the following events:
 - a. failure of the Owner for any reason to complete such public improvements;
 - b. inadequacy of the performance security established by the Owner as required by this Annexation Agreement; or
 - c. failure or refusal by the bank to fulfill or otherwise honor the performance security established by the Owner as required by this Annexation Agreement.
- 3. By purchasing a lot in the Property, each purchaser of a lot, for himself or herself and his or her respective successors in title, forever waives any right to challenge the assessment or collection of a tax or assessment imposed by the City against the lot pursuant to a special service area established in accordance with this §11, provided such special service area is not amended in any way that requires a new public hearing.
- 4. The Declaration of Covenants for all lots in the Property will include similar language regarding the establishment of the special service areas.
- 5. Nothing in this §11 will prevent the Owner or any individual lot Owner from exercising his or her statutory right to object to the establishment or amendment of the Dormant Special Service Area.
- 6. Upon the City's formal acceptance of the on-site public improvements for the Property and the expiration of any maintenance guarantee period, as provided in §11 of this Annexation Agreement, the City will take all reasonable actions to have the Dormant Special Service Area dissolved. In no event will the City seek the extension of the special service area tax after it has formally accepted the on-site public improvements for the Property and the expiration of any maintenance guarantee period.

12. GENERAL PROVISIONS

The following general provisions shall apply to this Agreement:

- A. Time of the Essence. Time is of the essence in the performance of this Agreement.
- B. Rights Cumulative. Unless expressly provided to the contrary in this Agreement, each and every one of the rights, remedies, and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies, and benefits allowed by law.
- C. Non-Waiver. The City shall be under no obligation to exercise any of the rights granted to it in this Agreement. The failure of the City to exercise at any time any right granted to the City shall not be deemed or construed to be a waiver of that right, nor shall the failure void or affect the City's right to enforce that right or any other right.
- D. Consents. Unless otherwise provided in this Agreement, whenever the consent, permission, authorization, approval, acknowledgement, or similar indication of assent of any party to this Agreement, or of any duly authorized officer, employee, agent, or representative of any party to this Agreement, is required in this Agreement, the consent, permission, authorization, approval, acknowledgement, or similar indication of assent shall be in writing.
- E. Governing Law. This Agreement shall be governed by, and enforced in accordance with, the internal laws, but not the conflicts of laws rules, of the State of Illinois.
- F. Severability. It is hereby expressed to be the intent of the parties to this Agreement that should any provision, covenant, agreement, or portion of this Agreement or its application to any Person or property be held invalid by a court of competent jurisdiction, the remaining provisions of this Agreement and the validity, enforceability, and application to any Person or property shall not be impaired thereby, but the remaining provisions shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Agreement to the greatest extent permitted by applicable law.
- G. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any and all prior agreements and negotiations between the parties, whether written or oral, relating to the subject matter of this Agreement.
- H. Interpretation. This Agreement shall be construed without regard to the identity of the party who drafted the various provisions of this Agreement. Moreover, each and every provision of this Agreement shall be construed as though all parties to this Agreement participated equally in the drafting of this Agreement. As a result of the foregoing, any rule or construction that a document is to be construed against the drafting party shall not be applicable to this Agreement.
- I. Exhibits. The Exhibits attached to this Agreement are, by this reference, incorporated in, and made a part of this Agreement. In the event of a conflict

between an exhibit and the text of this Agreement, the text of this Agreement shall control.

- J. Amendments and Modifications. No amendment or modification to this Agreement shall be effective until it is reduced to writing and approved and executed by all parties to this Agreement in accordance with all applicable statutory procedures.
- K. Changes in Laws. Unless otherwise provided in this Agreement, any reference to the Requirements of Law shall be deemed to include any modifications of, or amendments to, the Requirements of Law that may occur in the future.
- L. Authority to Execute. The City hereby warrants and represents to the Owner that the Persons executing this Agreement on its behalf have been properly authorized to do so by the Corporate Authorities. The Owner hereby warrants and represents to the City (i) that they are the record and beneficial owners of fee simple title to the Property, (ii) except for a mortgage on the property, no other person has any legal, beneficial, contractual, or security interest in the Property and that annexing the property is not a violation of the security interests, (iii) that it has the full and complete right, power, and authority to enter into this Agreement and to agree to the terms, provisions, and conditions set forth in this Agreement and to bind the Property as set forth in this Agreement, (iv) that all legal actions needed to authorize the execution, delivery, and performance of this Agreement have been taken, and (v) that neither the execution of this Agreement nor the performance of the obligations assumed by the Owner will (a) result in a breach or default under any agreement to which the Owner is a party or to which it or the Property is bound or (b) violate any statute, law, restriction, court order, or agreement to which the Owner or the Property is subject.
- M. Enforcement. The parties to this Agreement may, in law or in equity, by suit, action, mandamus, or any other proceeding, including without limitation specific performance, enforce or compel the performance of this Agreement; provided, however, that the Owners agree that they will not seek, and does not have the right to seek, to recover a judgment for monetary damages against the City, or any of its elected or appointed officials, officers, employees, agents, representatives, engineers, or attorneys, on account of the negotiation, execution, or breach of this Agreement.
- N. No Third Party Beneficiaries. No claim as a third party beneficiary under this Agreement by any Person shall be made, or be valid, against the City or the Owner.
- O. Recording. After the Owner has paid to the City an amount sufficient to cover the cost of recording this Agreement, all necessary plats, the affidavit of service of notice as required by Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-1, and the Annexation Ordinance, the City shall promptly cause this Agreement to be recorded in the office of the Recorder of McLean County.

EXECUTED and ADOPTED this ____ day of _____, 2017, at Bloomington, Illinois.

CITY OF BLOOMINGTON

By: _____
Tari Renner, Mayor

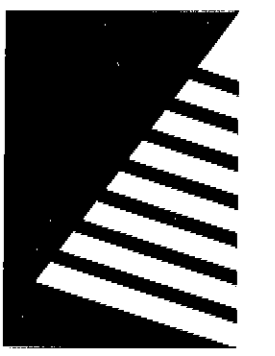
Attest:

By : _____
City Clerk

OWNER:

ANNEXATION PLAT

PART OF N.W. 1/4 SECTION 16, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN
CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS



Farnsworth
GROUP

2709 McGRAW DRIVE
BLOOMINGTON, ILLINOIS 61704
(309) 663-8435 / info@f-w.com

www.f-w.com
Engineers | Architects | Surveyors | Scientists

ISSUE:
Date: Description:

PROJECT:
102 GREENWOOD AVENUE

BLOOMINGTON, ILLINOIS

Date: 02-28-17

Design/Drawn: DJM

Reviewed:

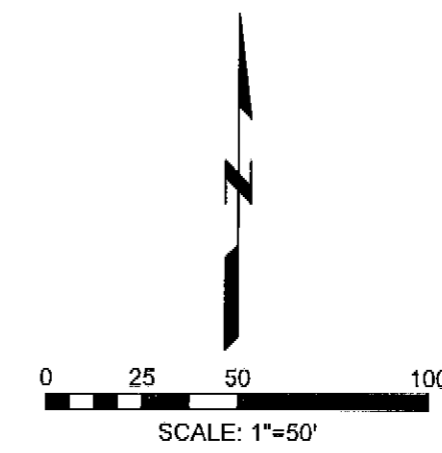
Book No.: 3114/59 Field:

Project No.: 0170276.00

SHEET TITLE:
ANNEXATION PLAT

SHEET NUMBER:
1

File No.: 18-2177



LEGEND

- EXISTING CORPORATE LIMITS LINE
- LIMITS OF AREA TO BE ANNEXED

This is a plat of a tract of land to be annexed to the City of Bloomington, Illinois, the Bloomington and Normal Water Reclamation District and the Bloomington-Normal Airport Authority. Said tract is more particularly described as follows:

The East 226 feet of Lot 3 in School Commissioners Subdivision of the Northwest Quarter of Section 16, Township 23 North, Range 2 East of the Third Principal Meridian, in McLean County, Illinois, except any portion thereof previously annexed to the City of Bloomington.

FARNSWORTH GROUP, INC.
2709 McGRAW DRIVE
BLOOMINGTON, IL 61704

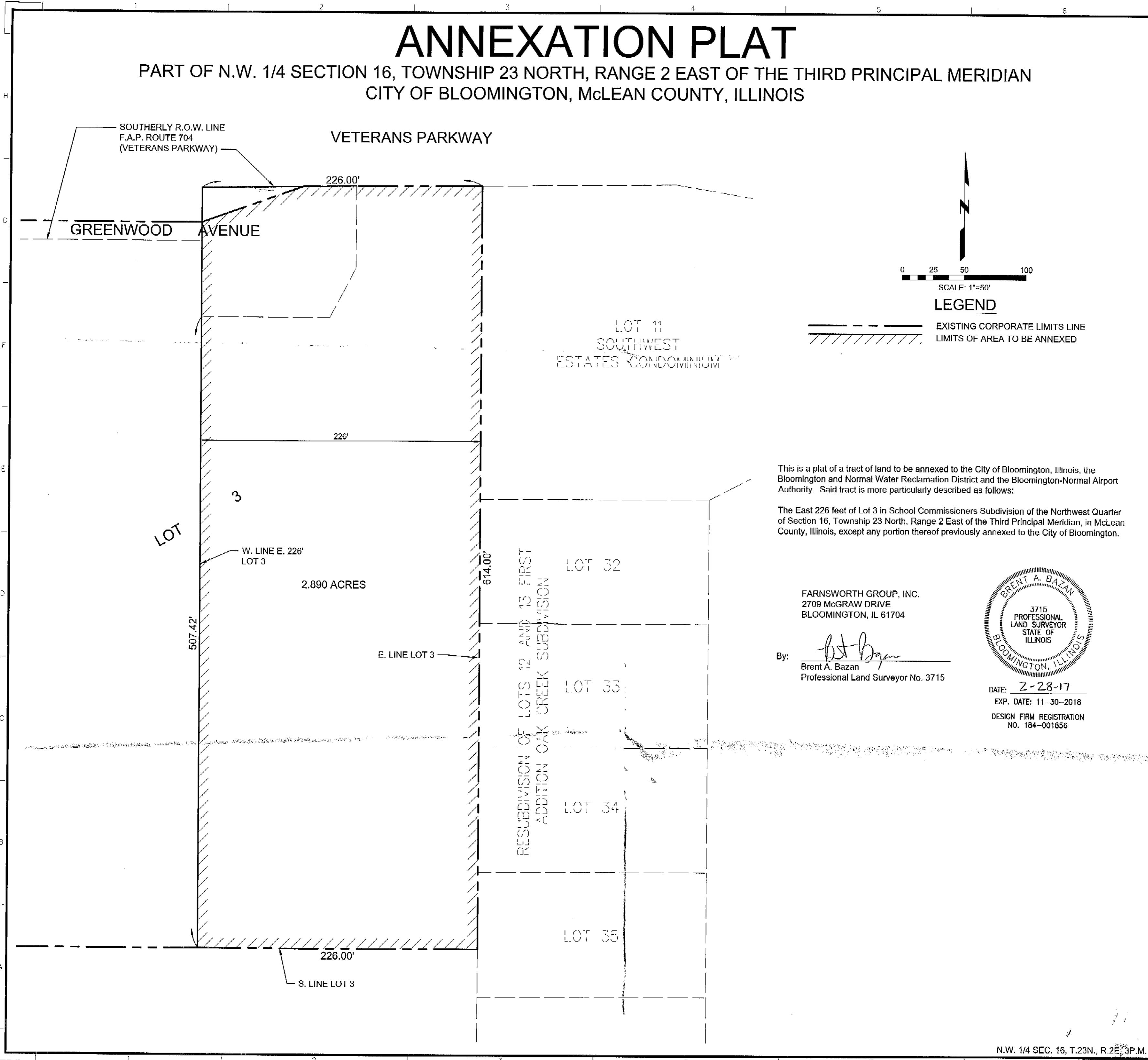
By:
Brent A. Bazan
Professional Land Surveyor No. 3715



DATE: 2-28-17
EXP. DATE: 11-30-2018
DESIGN FIRM REGISTRATION NO. 184-001856

N.W. 1/4 SEC. 16, T.23N., R.2E., 3P.M.

I:\dmantz\14\2017\0170276.00 - 102 Greenwood Avenue Annexation Plat.dwg | 2/28/2017 11:52 AM |



PETITION FOR ZONING MAP AMENDMENT

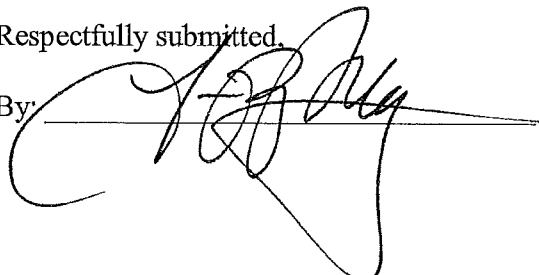
State of Illinois)
) ss.
County of McLean)

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

Now comes TBG Land, LLC, hereinafter referred to as your petitioner(s), respectfully representing and requesting as follows:

1. That your petitioner(s) is the contractor purchaser(s) of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is (are) a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises legally described in Exhibit "A" presently has a zoning classification of R2 District under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;
4. That your petitioners hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the R3B District, zoning district classification;
5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
6. That said 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(s) by the present zoning of said premises.

WHEREFORE, your petitioner(s) respectfully pray(s) that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from R2 to R3B.

Respectfully submitted,
By: 

Description of Property

The East 226 feet of Lot 3 in School Commissioners Subdivision of the Northwest Quarter of Section 16, Township 23 North, Range 2 East of the Third Principal Meridian, in McLean County, Illinois, except part of the East 226 feet of Lot 3 in School Commissioners Subdivision of the Northwest Quarter of Section 16, Township 23 North, Range 2 East of the Third Principal Meridian, situated in the County of McLean in the State of Illinois, described as follows, using bearings and distances referenced to the Illinois State Plane Coordinate System, East Zone, NAD 83:

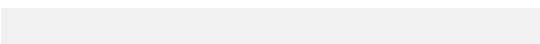
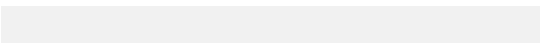
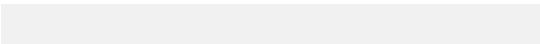
Beginning at the intersection of the West Line of the East 226 of said Lot 3 and the existing southerly Right-of-Way Line of F.A.P. Route 704 (Veteran's Parkway); thence North $89^{\circ}-32'-54''$ East 38.100 meters (125.00 feet) along said existing southerly Right-of-Way Line; thence South $00^{\circ}-54'-21''$ East 20.056 meters (65.80 feet); thence South $26^{\circ}-44'-46''$ West 13.764 meters (45.16) feet); thence South $89^{\circ}-05'-39''$ West 32.004 meters (105.00 feet) to the West Line of the East 226 feet of said Lot 3; thence North $00^{\circ}-23'-23''$ West 32.551 meters (106.79 feet) along said West Line to the Point of Beginning, in McLean County, Illinois.

Section 44.6-30

Permitted Uses in the R-3B District

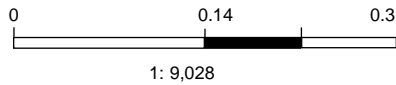
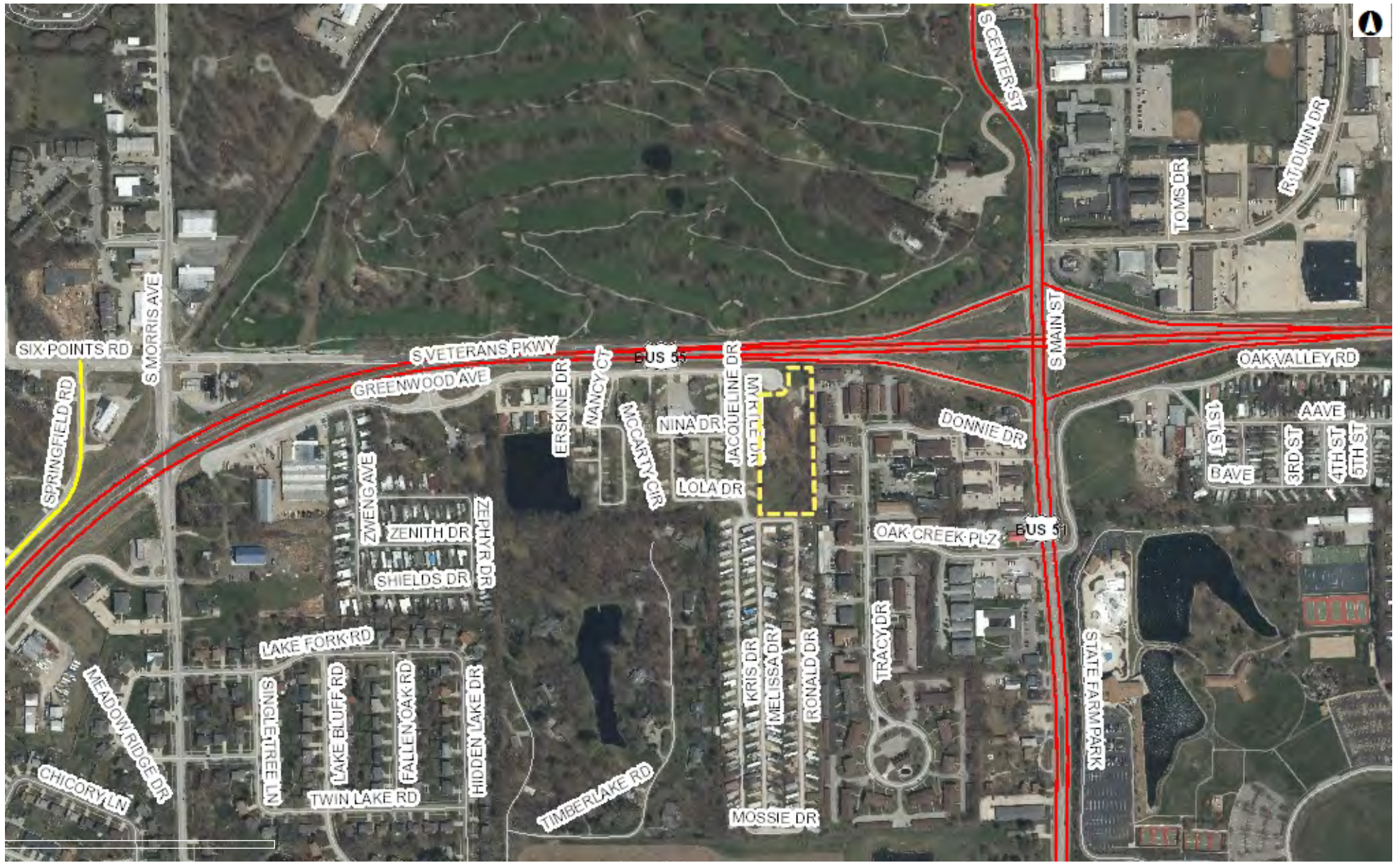
Agency Supervised Homes	S	Home for the Aged	S
Agency-Operated Family Homes	P	Ice Rinks	P
Agency-Operated Group Homes	P	Institution for Child Care	S
Agriculture	P	Institution for the Handicapped	S
Athletic Clubs, YMCA, YWCA	S	Irrigation Channels	P
Barber Shops, Beauty Shops	S	Laboratory, Dental and Medical	S
Bed & Breakfast Establishments	S	Laboratory, Psychological	S
Cemeteries	S	Laundering Services	S
Childrens Homes, Orphanages	S	Lodging Houses	P
Churches, Synagogues, Temples	S	Medical, Health Services	S
Clinics	S	Mental Health Facilities	S
Columbarium	S	Non-hazardous Storage, College/University	S
Community Centers	S	Non-residential College/Univer.Student Clubs & Assoc.	S
Convalescent Homes, Rest Homes	S	Nunneries, Rectories	P
Convenience Establishments	S	Nursery Schools	S
Convents, Monasteries	P	Nursing Homes	S
Country Clubs, Golf Clubs	S	Offices	S
Day Care Centers	S	Offices, College/University	S
Domestic Violence Shelter	P	Parking Lot, College/University	S
Dormitory, Student Residence Hall	P	Parking Lot, Noncommercial	S
Drug Stores	S	Parks, Playgrounds, Aboretums	P
Dry Cleaning Services	S	Pharmacy	S
Dwellings, Multiple Family	P	Police Stations, Fire Stations	P
Dwellings, Single-Family	P	Postal Services	P
Dwellings, Two-Family	P	Pre-Schools	S
Electricity Regulating Substations	P	Professional Clubs, Business Clubs	S
Flammable Liquid Pipelines	P	Religious Education Facility	S
Food Pantry	S	Rooming Houses	P
Forestry	P	Rooming Houses	P
Fraternities, Sororities	P	Service Clubs, Civic Clubs	S
Gas Regulatory Stations	P	Sewage Lift Stations	P
Golf Courses - Not Miniature Golf	S	Sheltered Care Homes	S
Grocery Stores, Supermarkets	S	Social Clubs, Lodges	S
Group Homes for Parolees	S	Swimming Clubs	S
Gymnasiums, Recreation Centers	S	Swimming Pools	S
Health Clubs	S	Telecommunication Antenna Facilities	S
Health Spas, Reducing Salons	S	Telephone Exchange Substations	S

Townhouses	P
Treatment Centers for Drug Abuse	S
Utility Conduits, Lines, Pipelines	P
Water Pressure Control Stations	P
Water Purification Plants	P
Water Storage Reservoirs	P





Aerial View 102 Greenwood Ave



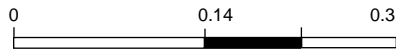
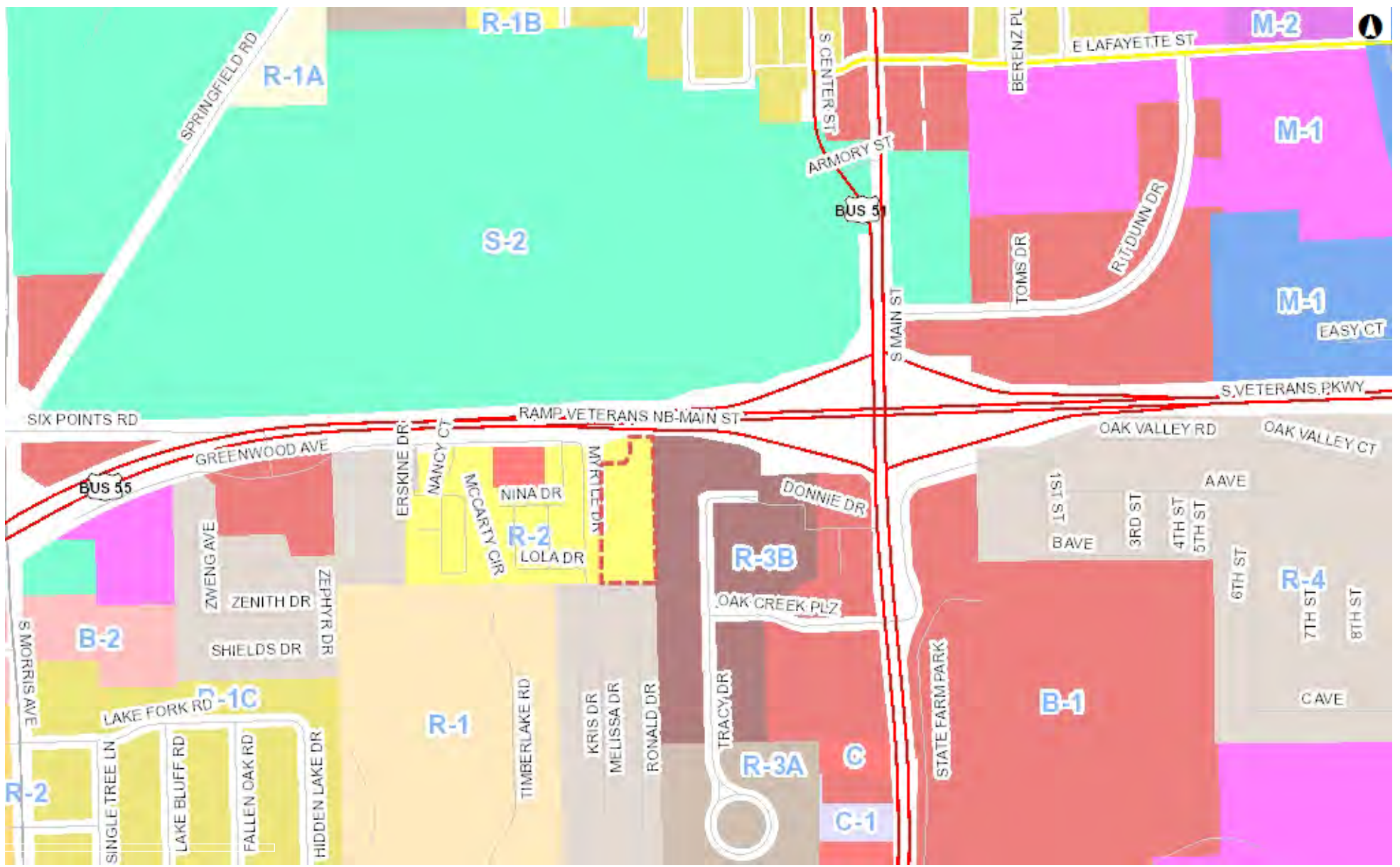
By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: <http://www.McGIS.org/License>

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Notes



Zoning View 102 Greenwood Ave



1: 9,028

By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: <http://www.McGIS.org/License>

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Notes

20879904

CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE

Public Notice is hereby given
that the Planning Commission

Public Notices

will hold a public hearing on Wednesday May 10, 2017 at 4:00 PM in the Council Chambers, 109 E. Olive Street, Bloomington Illinois to hear testimony on a request for an Annexation Agreement and Rezoning submitted by Kristen Lee Jones N/K/A Kristen Lee Guillory for property located at 102 Greenwood Ave., consisting of approximately containing 2.89 acres, more or less.

LEGAL DESCRIPTION: Exhibit A

The East 226 feet of Lot 3 in School Commissioners Subdivision of the Northwest Quarter of Section 16, Township 23 North, Range 2 East of the Third Principal Meridian, in McLean County, Illinois, except any portion thereof previously annexed to the City of Bloomington.
PIN: 21-16-101-008

All interested persons may present their views upon such matters pertaining thereto. Said Petition and all accompanying documents are on file and available for public inspection in the Office of the City Clerk.

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 (5) 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.

Cherry Lawson
City Clerk

Published in the Pantagraph:
April 24, 2017



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

April 24, 2017

Dear Property Owner or Resident:

The City of Bloomington Planning Commission will hold a public hearing on **Wednesday, May 10, 2017 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois** for a petition submitted by **Kristen Lee Jones N/K/A Kristen Lee Guillory, and The Benoit Group** requesting 1) approval of an annexation agreement with the City of Bloomington; and 2) the rezoning of the subject property considered in the agreement from R-1 (County) to R-3B, High density multifamily. The petitioner would like to build fifty (50) apartment units. The subject property is legally described as follows:

THE EAST 226 FEET OF LOT 3 IN SCHOOL COMMISSIONERS SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 23, NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS EXCEPT ANY PORTION THEREOF PREVIOUSLY ANNEXED TO THE CITY OF BLOOMINGTON. PIN: 21-16-101-008

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

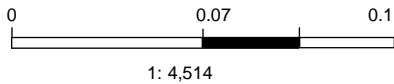
Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting. The hearing's agenda will be available at www.cityblm.org.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

Sincerely,

A handwritten signature in black ink, appearing to read "Katie Simpson", written over a light blue horizontal line.

Katie Simpson
City Planner

Attachments:
Location Map



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Notes

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