



**AGENDA
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING
CITY HALL COUNCIL CHAMBERS
109 EAST OLIVE ST.
BLOOMINGTON, IL 61701
WEDNESDAY, FEBRUARY 19, 2020 at 4:00 P.M.**

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. MINUTES Consideration, review and approval of minutes from the meeting on November 20, 2019, and the Joint Meeting with the Planning Commission held on September 11, 2019.

E. REGULAR AGENDA

- A. SP-01-20** Consideration, review and approval of a petition for a special use permit to allow a Sports and Fitness Establishment in the M-1 district for the property located at 1707 E. Hamilton Road. (Ward 1)

F. OTHER BUSINESS

G. NEW BUSINESS

- A.** Recognition of Appreciation – Richard Veitengruber for his service on the Bloomington Zoning Board of Appeals.
- B.** Introduction of New Commissioner – Michael Straza

H. ADJOURNMENT

**DRAFT
MINUTES
BLOOMINGTON ZONING BOARD OF APPEALS
REGULAR MEETING - 4:00 P.M.
WEDNESDAY, NOVEMBER 20, 2019
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

Members present: Mr. Terry Ballantini, Mr. Michael McFarland, Mr. Tyler Noonan, and Chairperson Victoria Harris.

Members absent: Mr. Michael Rivera Jr, and Mr. Richard Vitengruber

Also present: Mr. George Boyle, Assistant Corporation Counsel
Ms. Casey Weeks, Assistant City Planner
Ms. Katie Simpson, City Planner
Mr. Bob Mahrt, Community Development Director

Ms. Harris called the meeting to order at 4:00 p.m. Ms. Simpson called the roll; with four members present, the Zoning Board of Appeals established a quorum.

PUBLIC COMMENT: None.

MINUTES: The Zoning Board of Appeals reviewed the September 18, 2019 regular meeting minutes. Mr. Ballantini motioned to approve the minutes as corrected. Seconded by Mr. McFarland. The motion to accept the minutes as amended, was unanimously approved, 4-0 by voice vote.

REGULAR AGENDA:

SP-04-19 Consideration, review and approval of a petition for a special use permit for a Sports/Fitness Establishment in the M-1 District for property located at 1601 S. Bunn St., submitted by Nordines' Heating and Cooling Supply, Inc. (Ward 1).

Petitioner's attorney, Rich Marvel, spoke about the project. Cars are raced on Wednesday evenings and Saturdays indoors maximum capacity around 100 people. Owner of Nordines' Heating and Cooling, Tom, organizes the races and built the indoor track. Competing remote control cars on the indoor track to win trophies. Wide range of attendees from eight years old to eighty years old. There are different classes of cars for various categories of races.

Ms. Casey Weeks, Assistant City Planner, gave the staff presentation recommending to approve the special use permit to allow a sports and fitness establishment at 1601 S. Bunn with the following conditions: 1). The applicant should add a bike rack with space for two bicycles; and, 2). All racing will be conducted indoors; and, 3). The applicant shall receive a certificate of occupancy from the City of Bloomington Building Safety Division before opening to the public. The standards will be met if the conditions are met. Racing will be conducted inside the building. Parking was calculated as forty spaces needed to accommodate the uses in the building.

Resident, Ms. Sharon Griffin who lives on Julie Drive spoke regarding concerns for parking. She has not experienced problems with parking previously. Tom, owner of Nordines' Heating and Cooling, stated MGH and the towing company to the south have given verbal permission to allow for parking on their lots for overflow parking.

Ms. Katie Simpson, City Planner, spoke on the parking requirements. The parking requirements were determined by the size of the uses designated in the site plan. If changes are made to the site plan, parking requirements may change.

Zoning Board will give a recommendation to City Council. The Zoning Board established the following findings to be met, with the following votes called:

1. *that the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;* Mr. Ballantini - yes, Mr. McFarland - yes, Mr. Noonan - yes, and Chairperson Harris – yes.
2. *that the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;* Mr. Ballantini - yes, Mr. McFarland - yes, Mr. Noonan - yes, and Chairperson Harris – yes.
3. *that the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;* Mr. Ballantini - yes, Mr. McFarland - yes, Mr. Noonan - yes, and Chairperson Harris – yes.
4. *that adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;* Mr. Ballantini - yes, Mr. McFarland - yes, Mr. Noonan - yes, and Chairperson Harris – yes.
5. *that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;* Mr. Ballantini - yes, Mr. McFarland - yes, Mr. Noonan - yes, and Chairperson Harris – yes.
6. *that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Zoning Board of Appeals. (Ordinance No. 2006-137).* Mr. Ballantini - yes, Mr. McFarland - yes, Mr. Noonan - yes, and Chairperson Harris – yes.

The Board voted to approve the Special Use permit with the three conditions: 1). The applicant should add a bike rack with space for two bicycles; and, 2). All racing will be conducted indoors; and, 3). The applicant shall receive a certificate of occupancy from the City of Bloomington Building Safety Division before opening to the public. Mr. Ballantini made a motion to approve, seconded by Mr. Noonan. The Board approved the variance by a vote of 4-0, with the following votes cast on roll call: Mr. Terry Ballantini - Yes, Mr. Michael McFarland - Yes, Mr. Tyler Noonan - Yes, and Chairperson Victoria Harris – Yes.

Z-08-19 Consideration, review and approval of a petition for a fence variance located at 916 W. Wood Street, submitted by Mr. Steven Barr. The applicant is requesting to face the unfinished side of the fence towards the neighbor's yard (Ward 6).

Petitioner, Steven Barr of 916 W. Wood Street, spoke on his petition to leave the fence as erected with the unfinished side facing the neighbor. Mr. Barr was not aware that the codes were changed on April 1, 2019, requiring the unfinished side to face the property owner's yard. Mr. Barr received his fence permit on July 30, 2019.

Ms. Lorissa Clark Richards of 915 W. Wood Street, spoke in opposition of the variance. She is a co-owner of the house next door. The fence renders her driveway less usable due to lack of visibility caused by the fence when pulling out of her driveway.

Ms. Casey Weeks, Assistant City Planner, presented the staff report recommending ZBA to deny the variance to face the unfinished side of the fence towards the neighbor. Fences on the 900 block of W. Wood Street face the unfinished side towards the property owner's property.

An email statement was received from Amberly Clark who is a co-owner at 915 W. Wood Street in opposition to the variance. Visibility is difficult when pulling out from the driveway.

Mr. Steven Barr commented that the fence is about 30 inches from the sidewalk.

Ms. Jena Clark lives at 915 W. Wood Street and spoke in opposition of the variance. Damage was done to the driveway by installing and driving the posts into the ground and chipping away at the driveway asphalt which is when the police were called. She encountered a man walking down the sidewalk followed by a child on a big wheel that was not visible when pulling out of the driveway because of the fence.

A motion was made to vote on the findings of fact individually by Mr. Ballantini, seconded by Mr. Noonan.

The Zoning Board established the following findings were not met, with the following votes called:

1. *That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult;* Mr. Ballantini - no, Mr. McFarland - no, Mr. Noonan - no, and Chairperson Harris – no.
2. *That the variances would be the minimum action necessary to afford relief to the applicant;* Mr. Ballantini - no, Mr. McFarland - no, Mr. Noonan - no, and Chairperson Harris – no.
3. *That the special conditions and circumstances were not created by any action of the applicant;* Mr. Ballantini - no, Mr. McFarland - no, Mr. Noonan - no, and Chairperson Harris – no.
4. *That granting the variation request will not give the applicant any special privilege that is denied to others by the Code;* Mr. Ballantini - no, Mr. McFarland - no, Mr. Noonan - no, and Chairperson Harris – no.

5. *That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties.* Mr. Ballantini - no, Mr. McFarland - no, Mr. Noonan - no, and Chairperson Harris – no.

The Board unanimously denied the variance by a vote of 0-4, with the following votes cast on roll call: Mr. Terry Ballantini - No, Mr. Michael McFarland - No, Mr. Tyler Noonan - No, and Chairperson Victoria Harris – No.

Z-10-19 Consideration, review and approval of a petition for a parking lot front yard variance located at 9 Heartland Drive, submitted by Dr. Stephen Pilcher. The applicant is requesting a six feet reduction in the front yard setback from the parking lot (Ward 3).

Mr. Russ Arbuckle, Architect of Record for Dr. Pilcher, spoke for the variance request. Code requires a twelve feet front yard setback for the parking lot. The applicant currently meets the number of parking spaces required by code and will not exceed the maximum number of parking spaces allowed by code. The variance will allow four spaces to be added in front of the building for patients. Seven additional spaces are being added in the rear of the building for employees.

Ms. Casey Weeks, Assistant City Planner, gave the staff report recommending ZBA approve the front yard variance to allow for more parking.

The Zoning Board established the following findings were met:

1. that the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult;
2. that the variances would be the minimum action necessary to afford relief to the applicant;
3. that the special conditions and circumstances were not created by any action of the applicant;
4. that granting the variation request will not give the applicant any special privilege that is denied to others by the Code;
5. that the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonably impair the use of development of adjoining properties.

Mr. Ballantini made a motion to vote on all the findings of fact as recommended by staff, seconded by Mr. Noonan. The findings of fact were approved as presented by staff 4-0 with the following votes cast: Mr. Terry Ballantini - Yes, Mr. Michael McFarland - Yes, Mr. Tyler Noonan - Yes, and Chairperson Victoria Harris – Yes.

The Board approved the variance as requested 4-0 with the following votes cast: Mr. Terry Ballantini - Yes, Mr. Michael McFarland - Yes, Mr. Tyler Noonan - Yes, and Chairperson Victoria Harris – Yes.

OTHER BUSINESS: None

NEW BUSINESS: Approve 2020 meeting dates. Mr. McFarland made a motion to approve, seconded by Mr. Noonan. Voice vote, approved 4-0.

ADJOURNMENT

The meeting adjourned at 5:23 PM.

Respectfully Submitted,
Casey Weeks
Assistant City Planner

DRAFT
MINUTES
BLOOMINGTON PLANNING COMMISSION and ZONING BOARD OF APPEALS
JOINT MEETING
WEDNESDAY, SEPTEMBER 11, 2019 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS

MEMBERS PRESENT: Mr. David Stanczak; Mr. John Protzman; Mr. Justin Boyd; Mr. Mark Muehleck; Mr. Thomas Kreiger; Mr. Tyson Mohr; Ms. Megan McCann; Chairperson Megan Headean.

MEMBERS ABSENT: Mr. Kevin Suess; Mr. Eric Penn

ZBA MEMBERS: Mr. Terry Ballantini, Chairperson Victoria Harris.

ZBA MEMBERS ABSENT: Mr. Michael Rivera Jr, and Mr. Richard Vitengruber, Mr. Tyler Noonan

OTHERS PRESENT: Ms. Katie Simpson, City Planner; Ms. Casey Weeks, Assistant City Planner; Mr. George Boyle, Assistant Corporate Council; Mr. Bob Mahr, Community Development Director.

CALL TO ORDER: Chairperson Headean called the meeting to order at 4:05 PM. Ms. Simpson called roll. With ten members present, the Commission established a quorum.

ELECTION OF MEETING CHAIR: A motion was made to nominate Megan Headean as Chair, Ms. Victoria Harris seconded, approved by voice vote 10-0-0.

PUBLIC COMMENT: Greg Koos, existing conditions report 25% of single family housing has been converted to multi-family dwellings within R-3B zoning. Residents express a desire to enhance and preserve existing character. The comprehensive plan from 2015 states preserving established older neighborhoods links residents to history while maintaining affordable housing options in the community. The condition of the homes in the study ranges from pristinely preserved mansions and blighted deteriorated homes there are opportunities for tear down and infill in the area. The condition variants that have the R-3B designation relates to active neighborhood preservation. In 1985 there was no difference in blight between the West and East side of Grove Street. Mr. Koos documented and surveyed all the homes along Grove Street for the National Register nomination. Circumstances for West Grove Street and East Grove Street were the same with the exception of one variant. East Grove Street was designated a historic district with a community engaged in preservation. The goals of the R-3B zoning regarding housing and housing density are now being met by residential housing in existing historic buildings. The High School conversion on Washington is converting a historic building into 48 low income senior apartments. The State Farm building development is bringing 240 apartments in a historic building in the central city. The need for dense housing is in the Central Business

District. Reusing buildings prevents more carbon output contributing to climate change and can help us achieve carbon reduction. There is an immediate carbon savings associated with reuse and renovation as compared with new construction. There is a need for the Historic Preservation Commission and the City of Bloomington to come together and create a city wide preservation plan.

Brad Williams, President of Emmitt's Grove Neighborhood Association, would like see the zoning put back to R-2 rather than R-3B.

Clayton works at Prairie Signs speaking on the proposed sign ordinance. The sign ordinance may create a hardship on businesses and may choose somewhere other than Bloomington to start a business. Hold time for message centers is proposed for 2 minutes which is too long. The reduction in allowed sign space is too much.

REGULAR AGENDA:

- A.** Presentation by and discussion with Carly Petersen AICP Senior Associate and Jackie Wells, Associate, Houseal Lavigne Associates regarding the sign code update.

Ms. Carly Petersen addressed the commission that there is no action at this meeting. This is an informative presentation on a proposed sign ordinance. Changes include making the codes in compliance with Reed v. Town of Gilbert Supreme Court ruling regulating freedom of speech regarding signs.

Ms. Jackie Wells addresses the commission with the draft of the sign ordinance to allow for input and comment. Downtown sign code regulations are driven by the comprehensive plan. Communities are rewriting their sign regulations due to the Reed v. Town of Gilbert Supreme Court Case. There is a sign survey online for residents to give input. Signs may no longer be regulated by content.

One square foot of sign area per linear foot of frontage. Maximum sign area for a pole sign is 200 square feet reduced from 300 square feet. Wall signs recommended to be 5% of façade area. Pole signs are proposed not to be permitted downtown. Sandwich signs are only permitted downtown.

Electric message signs are only allowed on monument signs. No dissolving or fading on the electronic signs.

Input from businesses includes allowing pole signs, the proposed regulations allow for pole signs and a taller height than other communities. There is currently a sign survey online along with the proposed ordinance allowing for comments and feedback.

The messages on the electronic message boards would have to adhere to the new code following adoption. Community Development receives approximately five to six sign complaints a week.

Residences are limited to two yard signs.

Are vehicle wraps considered signs? Page 25 of the ordinance refers to parked vehicles that are only used to sit in a right of way and not regularly operated.

Have there been examples of animation related to waving flags on electronic message boards? Are there statistics related to accidents caused by message board animation? Two minutes does not seem to be enough time allowed for changeable copy. Animation cannot be regulated by content and make exceptions to waving flags over other animation.

- B.** Presentation by and discussion with Carly Petersen AICP Senior Associate and Jackie Wells, Associate, Houseal Lavigne Associates regarding on the R-3B zoning and density analysis.

Preliminary policy direction on R-3B zoned areas are being looked at due to feedback from residents desiring a residential zoning with less density. In the study area there are 223 properties are currently zoned as R-3B around downtown. 85% were built as single family houses, 8% built as duplexes, 7% as multi-family dwellings. Approximately 30% of single family detached homes have been converted to multi-family. R-3B currently allows a maximum density of 70 dwelling units per acre which was the most concern among residents. Existing policy approaches regeneration on the west side of Grove and preservation on the East side of Grove areas of R-3B.

The consultants are looking for ideas and comments to revise code to reflect existing scale and character allowing housing options reducing maximum density and height to less than 70 feet. We are looking only at the properties in the study area around downtown. The consultants are not recommending the R-2 zoning since it does not reflect the existing housing variety that is available.

Commission members are interested in preserving the character of the neighborhoods. There is also concern regarding the economic viability and size of some of the large single family residences. Parking is a concern with single family housing converted to multi-family. Expansion of rental regulations and inspections could help control conversions. The consultants are exploring opportunities to encourage preserving the historic integrity of existing structures.

City staff and consultants will gather commission members' feedback in order to draft language to reflect ideas and views regarding R-3B zoning in the study area around downtown.

OLD BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT: The meeting was adjourned at 5:35 pm by voice vote, motioned by Mr. Boyd.

Respectfully submitted,
Casey Weeks
Assistant City Planner

CITY OF BLOOMINGTON
 REPORT FOR THE BOARD OF ZONING APPEALS
 February 19, 2020

CASE NUMBER	SUBJECT:	TYPE	SUBMITTED BY:
SP-01-20	1707 E. Hamilton Rd.	Sports and Fitness Establishment in the M-1, Restricted Manufacturing District	Casey Weeks Assistant City Planner

PETITIONER'S REQUEST:			
Section of Code: 44.6-2 Manufacturing Permitted and Special Uses			
Type	Request	Required	Special Use
Special Use permit	Sports and Fitness Establishment	Special use	Ax throwing and backyard games

Project Description	The petitioner is seeking a Special Use to allow a Sports and Fitness Establishment in the M-1 district for the property located at 1707 E. Hamilton Road.
Staff Recommendation	Staff finds that the petition has met the Zoning Ordinance's standards required to allow a special use. Staff recommends that the Zoning Board of Appeals provide Council with a positive recommendation to approve the petition for a special use permit to allow a sports and fitness establishment in the M-1 District at 1707 E. Hamilton Rd.

Figure 1 The building at 1707 E. Hamilton Rd. is shaded in orange.



NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in the *Pantagraph* on Monday, February 3, 2020.

GENERAL INFORMATION

Petitioner: The Backyard Social, LLC, Daniel Kelley

LEGAL DESCRIPTION: LOT 4 COMMERCE PARK SUB 2ND ADD (PIN: 21-15-178-001), 282,800 ft²

PROPERTY INFORMATION

Existing Zoning: M-1 Restricted Manufacturing District
Existing Land Use: Vacant
Property Size: approx. 282,800 ft²
PIN: 21-15-178-001

Surrounding Zoning and Land Uses

Zoning

North: B-1 General Commercial District
South: M-1 Restricted Manufacturing District
East: M-1 Restricted Manufacturing District
West: M-2 General Manufacturing District (County)

Land Uses

North: Retail/Sports and fitness
South: Concrete Construction
East: Hose supplier
West: Henson Disposal, Wish Bone Canine Rescue

Analysis

Submittals

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

1. Application for a special use
2. Site Plan
3. Aerial photographs
4. Site visit

BACKGROUND

The subject property, located at 1707 E. Hamilton Road, is approximately 282,800 square feet. This was the site of a former Do-It-Yourself and Anderson Lumber retail center. The applicant will be occupying approximately 15,000 square feet of the total 54,846 square feet of the building. The subject property is zoned M-1 Restricted Manufacturing District which requires a special use permit for a sports and fitness establishment. There are over 95 off-street parking spaces on the site. The Constitution Trail runs on the north side of E. Hamilton Road and extends to the east. The closest bus stop is 0.6 miles away at Hamilton & Mercer.

There is currently a sports and fitness establishment, martial arts and fitness, and an indoor golf center across Hamilton Road to the north which are zoned B-1 General Commercial District.

Nearby day uses also include a printing shop, forklift dealer, and a lawn mower dealer across Hamilton Road to the north. The property to the east is a hose supplier zoned M-1. Railroad tracks run along the western property line which is unincorporated McLean county and zoned M-2 General Manufacturing District. There are plans to extend E. Hamilton Road west to Bunn Street from where it now dead ends in front of the subject property.

PROJECT DESCRIPTION

Petitioner’s request:

The petitioner is requesting a special use permit for a Sports/Fitness establishment created primarily for axe-throwing, although other leisure activities such as darts and tailgating games will also be promoted. The petitioner intends to rent a portion of the building totaling approximately 15,000 square feet.

Axe-throwing is a sport common in Canada and the northern United States. Like darts, axe-throwing enthusiasts have formed leagues and host tournaments. According to the National Axe Throwing Federation (<http://www.nationalaxe.com>) there are over 6,000 competitive players in 8 countries and 75 cities. For competition, the axe head weighs between 1.25 and 1.75 lbs for hatchets and 2.25-2.275 lbs for larger axes. Blades are generally a maximum of 4 inches long and handles are generally 13-17 inches. Axes are thrown about 14 feet away from the target. Spectators usually stand more than 18ft away from the target to ensure safety. Recreational axe-throwing is also growing in popularity in the United States. Over the past decade, establishments have opened in New York, Chicago, Pennsylvania, and Michigan. It is relatively new to the Bloomington area, although a similar facility opened in Peoria in December 2018.

Parking

The subject property has adequate parking for the proposed use. However, at least four bicycle spaces will need to be added to the site. There are over 95 parking spaces in front of the building with additional parking behind the structure.

Description	Ratio	Adjustment	Total
Required Off-Street Parking	1/200 sqft (12-8E)	15,000 sqft/200	75 required spaces
Required bicycle parking	5% required	75 * 5%	4 bicycle spaces
Amount of required off-street parking after applying relevant exemptions			75 parking spaces

The proposed use requires 75 off-street parking spaces. The parking lot provides over 95 spaces, meeting the minimum amount of parking.

Safety

Safety can be addressed by the building layout and design. A building permit is required before remodeling and opening the establishment. Additionally, some facilities provide an orientation for patrons teaching them how to throw axes and providing safety details. Staff also reached

out to the Bloomington Police Department to vet any potential concerns. All axes should be contained to the property and would not be allowed in the public domain.

In a previous request for a special use permit involving a sports/fitness establishment for axe throwing, the ZBA made a condition to follow the safety regulations and standards of the International Axe Throwing Federation (IATF) (formerly known as the National Axe Throwing Federation) and the World Axe Throwing League.

[International Axe Throwing Federation \(IATF\) safety standards](#)

(6.1) THROWING

1. General Safety

1. Axe must be wooden handled;
2. Axe must be sheathed when not throwing;
3. Only one player per target permitted in the arena;
4. Do not approach the target until both axes in a pair of lanes have been thrown, and are either in the wood or on the ground;
5. Sound isolating devices are not permitted;
 1. e.g. including, but not limited to headphones and earplugs.

2. Handling the axe

1. Removal:
 1. If you are having trouble pulling your axe from the target, be sure to grab it by the handle as far away from the head as possible to get the most leverage and wiggle it out.
2. Carrying:
 1. Make sure the blade is covered while carrying an axe;
 2. Be aware of your surroundings and keep the axe blade close to you while moving:
 1. Do not gesture with, or swing, the axe while carrying.
3. Sharpening:
 1. Use an angle grinder for basic sharpening:
 1. Clamp the axe to a solid sharpening surface;
 2. Always wear safety glasses;
 3. Do not put the grinder down until the wheel has completely stopped moving.
 2. Use a file for fine tuning, only push forward with the file on blade;
 3. Always explain sharpening techniques to new league members to prevent injury or damaging of tools.

3. Big Axe

1. Beginners must throw 2-handed while experienced players may throw with one;
2. Ensure the throwing area (including behind) is clear;
3. Hang chains to separate throwing area.

Conformance with the Comprehensive Plan:

In the Comprehensive Plan this section of E. Hamilton Road is identified as Regional Commercial which is described as businesses attracting customers or employees from throughout the community, or from elsewhere in the region. The sports and fitness establishment is a unique amenity with the nearest similar facility in Peoria. The establishment has the potential to attract patrons from throughout McLean County. The sports and fitness establishment will also provide an amenity along the Constitution Trail.

Action by the Board of Zoning Appeals.

For each special use application, the Board of Zoning Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein. No special use application shall be recommended by the Board of Zoning Appeals for approval unless such Board shall find:

- 1. that the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare**
The proposed use will offer a recreational activity compatible with surrounding uses. The property has adequate off-street parking. The use will be contained within the property. **The standard is met.**
- 2. that the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;** The proposed use is compatible with other sports and fitness uses located nearby. **The standard is met.**
- 3. that the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;** The building is in a commercial and manufacturing area. The special use should not impede normal development. **The standard is met.**
- 4. that adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;** The building is located along a minor arterial street serving businesses. Drainage, water, and sewer are adequate for the use at this location. **The standard is met.**
- 5. that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;** The lot has two ingress/egress accesses from E. Hamilton Road. **The standard is met.**
- 6. that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals. (Ordinance No. 2006-137).** The building exists, and the proposed use encourages the adaptive reuse of the

building. No change to the building's bulk, setbacks or mass is expected because of the special use. The special use complies with off-street parking requirements. However, the petitioner will need to provide four bicycle parking spaces. **The standard is met.**

STAFF RECOMMENDATION:

Staff finds that the petition meets the Zoning Ordinance's standards required to allow a special use. Staff recommends that the Zoning Board of Appeals provide Council with a positive recommendation to **approve** the petition for a special use permit to allow a sports and fitness establishment/axe-throwing in the M-1 District at 1707 E. Hamilton Road.

Respectfully submitted,
Casey Weeks
Assistant City Planner

Attachments:

- Draft Ordinance
- Exhibit A-Legal Description
- Petition and supplemental documents from petitioner
- Site Plan
- Aerial Map
- Zoning Map
- Neighborhood Notice Map, Newspaper Notice and List of Addresses Notified



Figure 2 The subject property at 1707 E. Hamilton Road.



Figure 3 West of the building at 1707 E. Hamilton Road



Figure 4 Looking northeast on E. Hamilton Road in front of the subject property.



Figure 5 Looking north at the intersection of E. Hamilton Road and Commerce Parkway.



Figure 6 Across E. Hamilton Road north of the subject property.

DRAFT ORDINANCE NO. _____
AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A SPORTS AND FITNESS ESTABLISHMENT IN THE M-1 RESTRICTED MANUFACTURING DISTRICT, FOR PROPERTY LOCATED AT 1707 E. HAMILTON ROAD.

WHEREAS, there was heretofore filed with the Community Development Department of the City of Bloomington, McLean County, Illinois, a petition and site plan requesting a Special Use Permit for a sports and fitness establishment in the M-1 Restricted Manufacturing District for certain premises hereinafter described in Exhibit(s) A; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use complied with the standards and conditions for granting such special use, specifically:

- 1). The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
- 2). That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- 3). That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;
- 4). That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;
- 5). That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- 6). That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

WHEREAS, the Bloomington Board of Zoning Appeals, voted to add a condition to the special use permit that the location comply with the International Axe Throwing Federation and the World Axe Throwing League safety regulations and standards.

WHEREAS the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit with the recommended conditions.

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

1. That the Special Use Permit for a sports and fitness establishment in the M-1 Restricted Manufacturing District for the premises hereinafter described in Exhibit(s) A shall be, and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this _____ day of _____, 20____.

APPROVED this _____ day of _____, 20____.

Tari Renner, Mayor

ATTEST:

Leslie Yocum, City Clerk

Exhibit A
“Legal Description”

COMMERCE PARK SUB 2ND ADD LOT 4 6.67 ACRES
(PIN: 21-15-178-001)

PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:

1707 E. HAMILTON BLOOMINGTON, IL 61701

State of Illinois)
)ss.
County of McLean)

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

Now come(s)
THE BACKYARD SOCIAL, LLC
REGISTERED AGENT DANIEL KELLEY

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(s) A, which is (are) 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, lease, or any 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 presently has a zoning classification of M-1 under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 44.6-30 of said City Code SPORTS & FITNESS ESTABLISHMENT, are allowed as a special use in a M-1 zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the M-1 zoning district;

7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the M-1 zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your petitioner(s) respectfully pray(s) that said special use for said premises be approved.

Respectfully submitted,

DANIEL R. KELLEY



J

Completed by the applicant, Daniel Kelley. Standards of approval. No special use application shall be recommended by the Board of Zoning Appeals or approved by the City Council unless all of the following factors are found:

(1) That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort, or general welfare; No, we'll follow codes, ordinances and life safety rules and guidelines the city has established.

(2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; No, we want to grow our community and do our part to make it a great area that is well maintained and inviting to all patrons of our business, along with our neighboring businesses. We'd like to reach out to everyone in our area to find ways to collaborate on events and shared interest business.

(3) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district; No, we want to be good and respectful neighbors to the businesses and any future development to the area. In fact we're 100% in favor of the Hamilton Road Extension project.

(4) That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided; Yes, there are adequate utilities, infrastructure, parking and access to the existing site including a large parking lot. Our landlord/next door neighbor will need some parking but little compared to any required needs our occupancy load will require. I believe we also have public transit options and plan to install at least a 12+ space bike rack on site to accommodate the close proximity of the constitution trail access. Core 3 property management employees also have additional parking behind the main building and their hours of operation will overlap ours some but the bulk of our patrons will be after regular business hours. We can also work with them to adjust our operations as needed to reduce any heavy overlap if any.

(5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; Yes, currently the parking lot/property has a double entrance and exit onto commerce pkwy and Hamilton rd. The current traffic pattern on the public roads is minimal due to its location but does feed into 2 large/main roadways in Bloomington to quickly reduce any immediate traffic needs. We're working with our architect to ensure the build all has the full requirements for egress as well.

(6) That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals. Yes, there are a few sports and fitness businesses and a local brewery in the area. We plan to be a great addition to the area helping to form a recreational sports and entertainment hub to this end of town within the zoning requirements and rules without impacting other business neighbors.

BOUNDARY SURVEY

PT OF N 1/2 SEC 15, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN
CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS

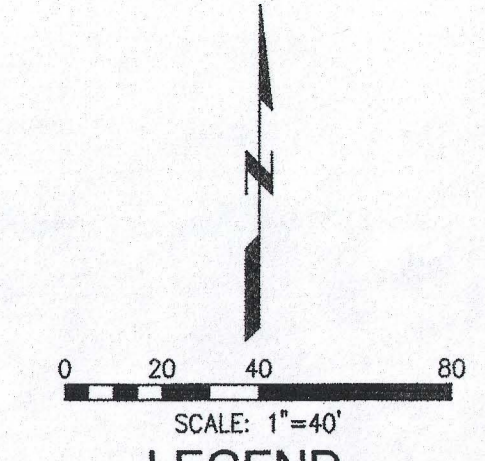


Farnsworth GROUP

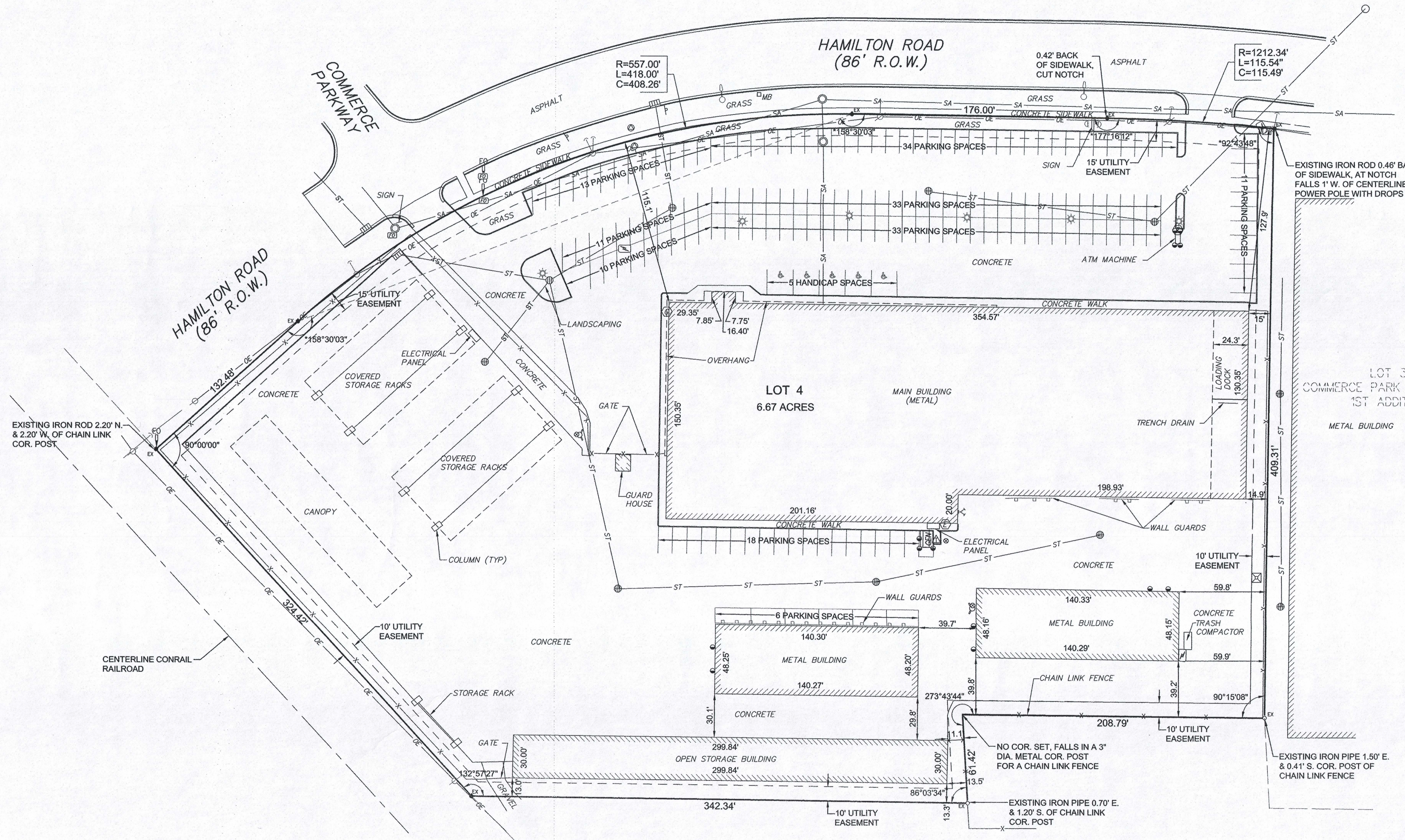
2709 McGRAW DRIVE
BLOOMINGTON, ILLINOIS 61704
(309) 663-8435 / info@f-w.com

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

ISSUE:
DATE: DESCRIPTION:



- LEGEND**
- EXISTING IRON ROD
 - EXISTING IRON PIPE
 - R= RADIUS
 - L= ARC LENGTH
 - C= CHORD LENGTH
 - ANGLE MEASURED TO CHORD
 - BOLLARD
 - SIGN
 - UTILITY POLE
 - ELECTRIC LIGHT
 - PARKING LIGHT
 - GENERATOR
 - STREET LIGHT
 - TRANSFORMER
 - ELECTRIC METER
 - GAS VALVE
 - STORM MANHOLE
 - STORM CATCH BASIN
 - HANDICAP PARKING SYMBOL
 - GUY WIRE
 - ANTENNA
 - ELECTRIC BOX
 - TELEPHONE PEDESTAL
 - CURB INLET
 - SANITARY MANHOLE
 - WATER VALVE
 - HYDRANT
 - FIRE CONNECT
 - UTILITY EASEMENT LINE
 - OVERHEAD ELECTRIC LINE
 - FENCE
 - STORM SEWER LINE
 - SANITARY SEWER LINE
 - BUILDING
 - FIBER OPTIC MARKER POST

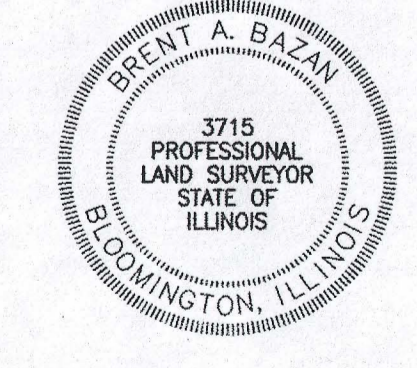


Description of Property

Lot 4 in Commerce Park Subdivision 2nd Addition to the City of Bloomington, according to the Plat thereof recorded May 31, 1990 as Document No. 90-8773, in McLean County, Illinois.

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

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



DATE: 12-17-19
EXP. DATE: 11-30-2020
DESIGN FIRM REGISTRATION NO. 184-001858

This professional service conforms to the current Illinois minimum standards for boundary surveys.

I:\house 1.3\2019\0191952.00 - Core 3\Boundary Survey\Survey\07_Downings\0191952.00 - Core 3\Boundary Survey.dwg | 12/17/2019 8:43 AM |

P.I.N. 21-15-178-001
N. 1/2 SEC. 15, T.23N., R.2E., 3P.M.

PROJECT:
CORE 3 CONSTRUCTION

1707 E. HAMILTON ROAD

BLOOMINGTON, ILLINOIS

Date: 12/17/19

Design/Drawn: MBB

Reviewed:

Field Book No.: 3019/26

Project No.: 0191952.00

SHEET TITLE:
BOUNDARY SURVEY

SHEET NUMBER:

1

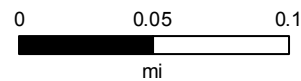
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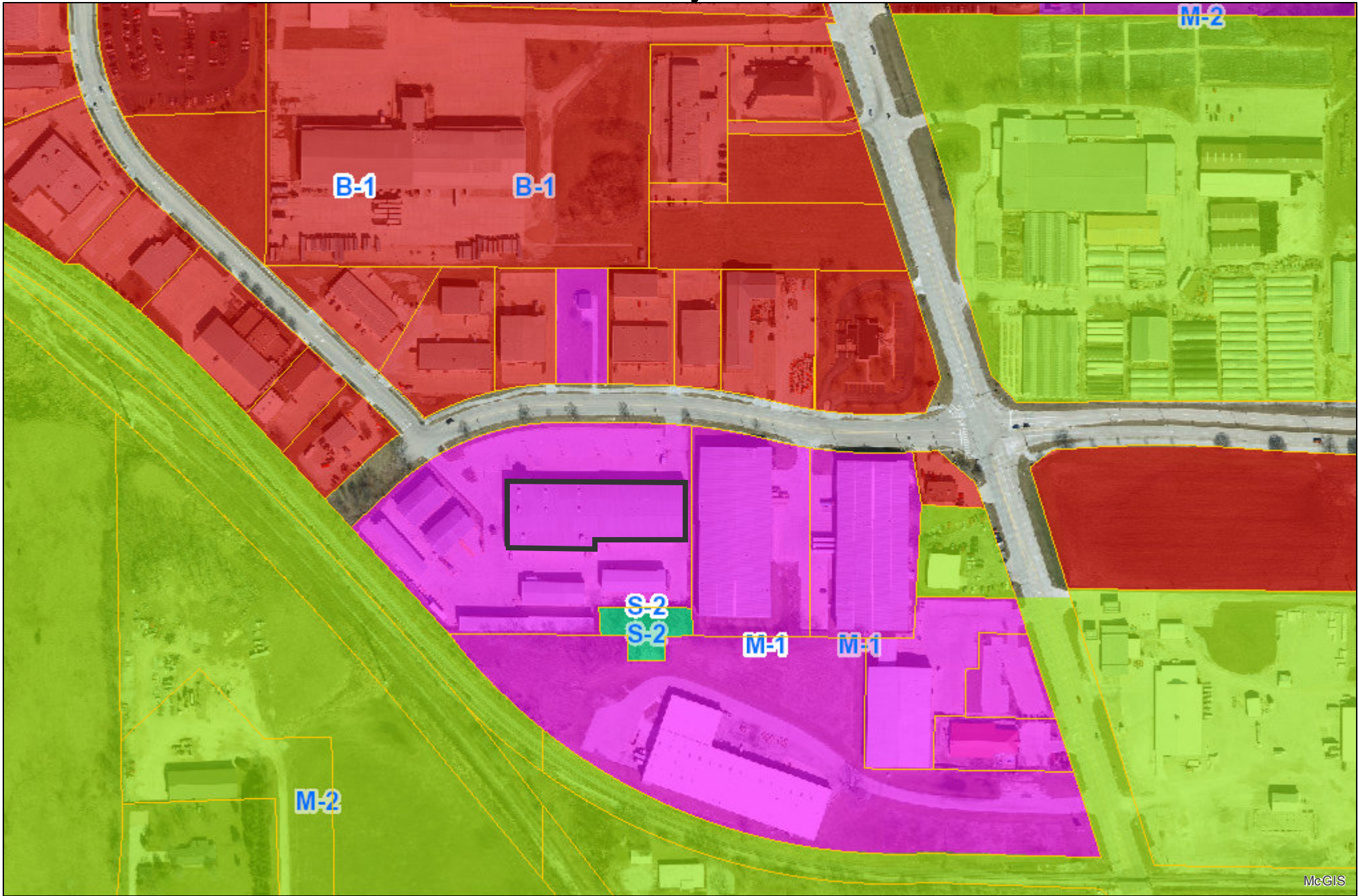


McGIS



McGIS does not guarantee the accuracy of the information displayed. Only on-site verification or field surveys by a licensed professional land surveyor can provide such accuracy. Use for display and reference purposes only.

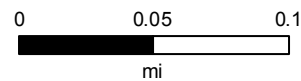




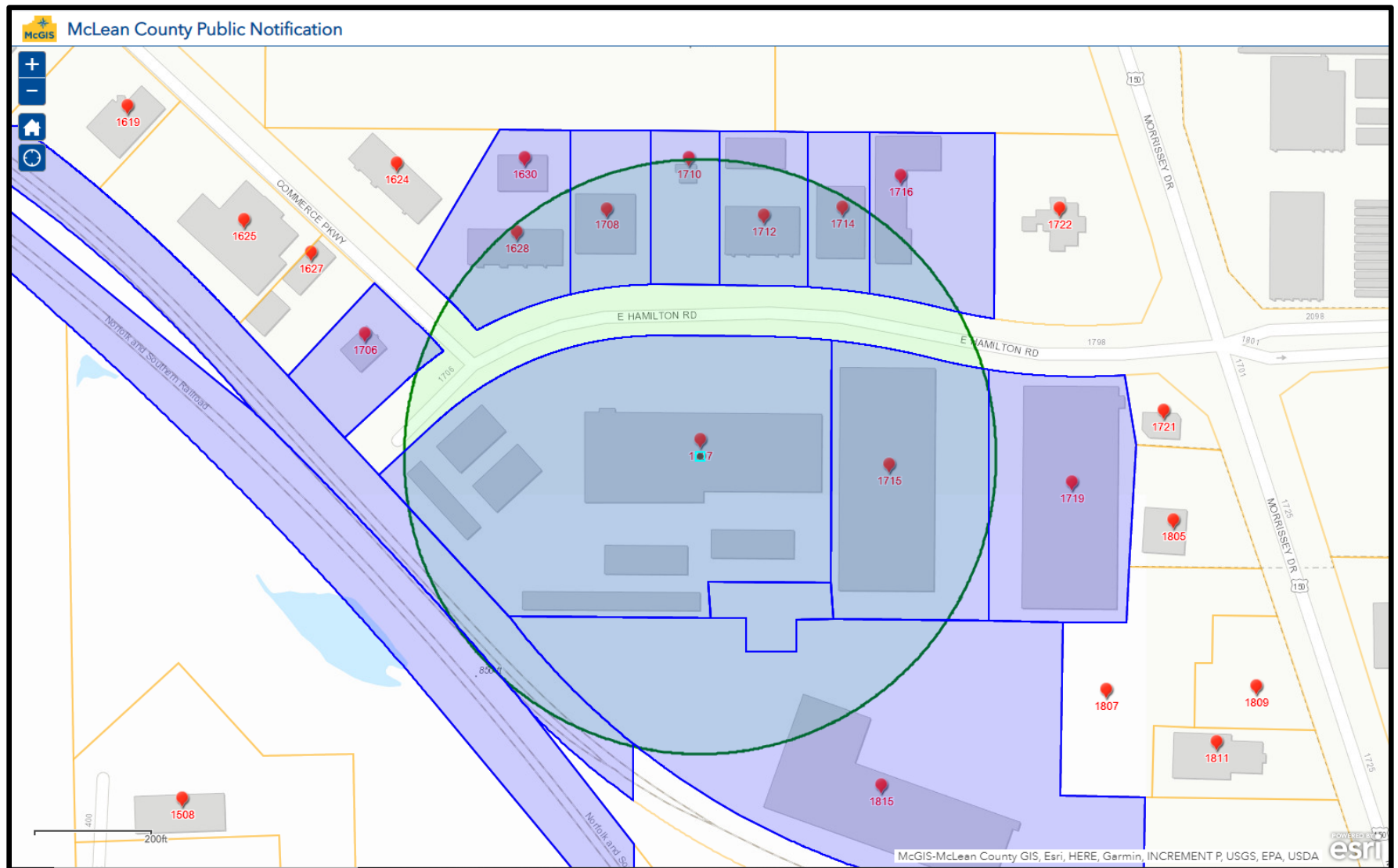
McGIS



McGIS does not guarantee the accuracy of the information displayed. Only on-site verification or field surveys by a licensed professional land surveyor can provide such accuracy. Use for display and reference purposes only.



Public Hearing for a Special Use Permit for a Sports and Fitness Establishment – February 19, 2020, 4PM City Hall





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

February 5, 2020

Dear Property Owner or Resident:

The Zoning Board of Appeals will hold a public hearing on **Wednesday, February 19, 2020 at 4:00PM** in the Council Chambers, 109 E. Olive Street, Bloomington, Illinois to hear testimony for a petition submitted by The Backyard Social, LLC (2703 Westbrook Dr., Bloomington, IL 61705) for the approval of a special use permit for the property located at **1707 E. Hamilton Rd.** owned by MCLT WTH-5 (1716 R T Dunn Dr. Ste 4, Bloomington, IL 61701) at which time all interested persons may present their views upon such matters pertaining thereto. The petitioner or his/her Counsel/Agent must attend the meeting.

REQUEST

The petitioner is requesting to allow for a sports and fitness establishment in M-1 Restricted Manufacturing District as a special use.

LEGAL DESCRIPTION: COMMERCE PARK SUB 2ND ADD LOT 4 6.67 ACRES (PIN 21-15-178-001)

You are receiving this notification since you own property within a 500 foot radius of the land described above (refer to attached map). All interested persons may present their views upon said petition, or ask questions related to the petitioner's request at the scheduled public hearing. Copies of the submitted petition are available for public review at the Department of Community Development, 115 E. Washington St. Bloomington, IL 61701.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk 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 agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may email us at planning@cityblm.org or call us at (309) 434-2226.

Sincerely,

Planning Division staff

Attachments:

Map of notified properties within 500 ft of subject property

72945

A Public Hearing before the Bloomington Zoning Board of Appeals will be held on Wednesday, February 19, 2020 at 4:00 PM, in City Hall, 109 E. Olive St., Bloomington on an application submitted by The Backyard Social, LLC (2703 Westbrook Dr., Bloomington, IL 61705) for the approval of a special use permit for a sports and fitness establishment in the M-1 Restricted Manufacturing District for the subject property located at 1707 E. Hamilton Rd. owned by MCLT WTH-5 (1716 R T Dunn Dr. Ste 4 Bloomington, IL 61701).

The Subject Property is legally described as COMMERCE PARK SUB 2ND ADD LOT 4 6.67 ACRES (PIN: 21-15-178-001)

The application is available for review at the Bloomington Community Development Department, 115 E Washington, St., Suite 201, Bloomington.

This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs please contact the City Clerk.

The City Clerk may be contacted at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115.

Published: February 3, 2020

MCLEAN COUNTY LAND TRUST
C/O WILLIAM HUNDMAN 1716 R T
DUNN DRIVE STE 4
BLOOMINGTON, IL 61701

ROCK ROSE PROPERTIES LLC
P O BOX 5110
BLOOMINGTON, IL 61702

C/O STARK MANAGEMENT HOS II, LLC
1805 W WASHINGTON ST
BLOOMINGTON, IL 61701

ROCK ROSE PROPERTIES LLC
P O BOX 5110
BLOOMINGTON, IL 61702

FRONTIER COMMUNICATIONS
TAX DEPARTMENT 401 MERRITT 7
NORWALK, CT 06851

HOS II LLC
P O BOX 5110
BLOOMINGTON, IL 61702

WILLIAM PRICE
R1 BOX 117
HEYWORTH, IL 61745

DOUGLAS & DEBORAH NORD
1007 RABBIT HILL RD
BLOOMINGTON, IL 61704

BT LAND TRUST
VETA RODGERS 200 E COURTLAND ST
MORTON, IL 61550

ACHES LLC
C/O STARK MANAGEMENT LLC 1805 W
WASHINGTON ST
BLOOMINGTON, IL 61701

JOHN PETERSEN
1815 MORRISSEY DR
BLOOMINGTON, IL 61704