



**AGENDA
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
COUNCIL CHAMBERS
109 EAST OLIVE STREET
BLOOMINGTON, IL
WEDNESDAY, JANUARY 27, 2021 4:00 P.M.
THIS MEETING WILL BE HELD VIRTUALLY. LIVE STREAM AVAILABLE AT:
www.cityblm.org/live**

Prior to 15 minutes before the start of the meeting, 1) those persons wishing to provide public comment or testify at the meeting must register at www.cityblm.org/register, and/or 2) those persons wishing to provide written comment must email their comments to publiccomment@cityblm.org.

Physical attendance is prohibited in compliance with City Hall COVID-19 protocols and social distancing. The rules for participation and physical attendance may be subject to change due to changes in law or to executive orders relating to the COVID-19 pandemic occurring after the publication of this agenda. Changes will be posted at www.cityblm.org/register.

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

This meeting is being held virtually via live stream. Public comment will be accepted up until 15 minutes before the start of the meeting. Written public comment must be emailed to publiccomment@cityblm.org and those wishing to speak live must register at <https://www.cityblm.org/register> prior to the meeting.

4. MINUTES Review the minutes of the January 13, 2021 regular Bloomington Planning Commission meeting.

5. REGULAR AGENDA

Note, due to COVID-19 social distancing considerations, this meeting is held virtually. Those wishing to testify or comment remotely regarding a public hearing listed below must register at <https://www.cityblm.org/register> at least 15 minutes prior to the start of the meeting.

- A. Z-02-21 Public hearing, review, and action on a petition submitted by Michael R. Gudat, owner of March 2V Manager, LLC and Bloomington Portfolio, LLC requesting a zoning map amendment for a portion of the property identified as PIN: 21-16-126-040 from B-1, General Commercial District, to R-3B, Multiple-Family Residence District. (Ward 2)

6. OLD BUSINESS

7. NEW BUSINESS

8. ADJOURNMENT



DRAFT
MINUTES

**PUBLISHED BY THE AUTHORITY OF THE PLANNING COMMISSION OF
BLOOMINGTON, ILLINOIS
REGULAR MEETING
COUNCIL CHAMBERS
109 EAST OLIVE STREET
BLOOMINGTON, IL
WEDNESDAY, JANUARY 13, 2020 4:00 P.M.
THIS MEETING WILL BE HELD VIRTUALLY. LIVE STREAM AVAILABLE AT:
www.cityblm.org/live**

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The Planning Commission convened in Regular Session virtually via Zoom conferencing with City Planner Katie Simpson and Chairperson Megan Headean in-person in City Hall's Council Chambers at 4:01 p.m., Wednesday, December 9, 2020. The meeting was live streamed to the public at www.cityblm.org/live. The meeting was called to order by Chairperson Headean.

ROLL CALL

Attendee Name	Title	Status
Ms. Megan Headean	Chair	Present
Mr. Tyson Mohr	Vice Chair	Present
Mr. Justin Boyd	Commissioner	Present
Mr. Thomas Krieger	Commissioner	Present
Ms. Megan McCann	Commissioner	Present

DRAFT
MEETING MINUTES

PUBLISHED BY THE AUTHORITY OF THE PLANNING COMMISSION OF BLOOMINGTON, ILLINOIS

WEDNESDAY JANUARY 13, 2020

Mr. Mark Muehleck	Commissioner	Present
Mr. David Stanczak	Commissioner	Present
Ms. Sheila Montney	Commissioner	Present
Mr. John Danenberger	Commissioner	Present
Mr. George Boyle	Assistant Corporate Counsel	Present
Mr. Craig McBeath	Information Systems Director	Present
Ms. Katie Simpson	City Planner	Present
Ms. Kimberly Smith	Assistant Economic & Community Development Director	Present
Ms. Caitlin Kelly	Assistant City Planner	Present

COVID-19

Chairperson Headean explained that this meeting was held virtually via live stream pursuant to the gubernatorial executive order 2020-07, Section 6. Public comment was accepted until 15 minutes before the start of the meeting. Written public comment must have been emailed to publiccomment@cityblm.org and those wishing to speak live must have registered at <https://www.cityblm.org/register> at least 15 minutes prior to the meeting. City Hall was closed to the public.

PUBLIC COMMENT

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No public comment provided.

MINUTES

Mr. Krieger made a motion to approve the minutes of the December 9, 2020 meeting. Mr. Boyd seconded. Roll call vote: Mr. Stanczak - Yes, Mr. Danenberger - Yes, Muehleck - Yes, Mr. Krieger - Yes, Mr. Mohr - Yes, Ms. Montney - Yes, Ms. McCann - Yes, Chairperson Headean - Yes. (8-0-0)

REGULAR AGENDA

Note, due to COVID-19 social distancing considerations, this meeting is held virtually. Those wishing to testify or comment remotely regarding a public hearing listed below must register at <https://www.cityblm.org/register> at least 15 minutes prior to the start of the meeting.

- A. PS-05-20 Public hearing, review, and action on petition submitted by Bill Piefer requesting approval of an amendment to the Harvest Pointe Preliminary Plan, approximately 14 acres located north of Route 9 and east of Towanda Barnes Road. (Ward 3).

Chairperson Headean called for the staff report. Ms. Simpson explained that staff recommended in favor of the preliminary plan and proposed waivers, consisting of a waiver to allow more than 15 lots fronting on a cul-de-sac and a waiver to permit a decrease in the single-family attached lot width in the R-2 District.

The property is currently undeveloped and bordered by a church, duplexes, single-family residences, and vacant land. Ms. Simpson stated that the subject property is designated as Tier 1 priority infill per the comprehensive plan's Land Use Priorities map and noted as an "emerging area" in the Future Land Use map.

Ms. Simpson went on to explain that this proposed amendment to the initial approved preliminary plan applies only to 13 acres on the subdivision's south side. She mentioned that staff supports the requested cul-de-sac waiver due to the length of the more narrow lots and the difficulty of implementing alternative street configurations. Regarding the requested lot width waiver, Ms. Simpson said that the reduction by two feet still allows for adequate separation between units and it would allow the developer to make reasonable use of the property.

Ms. Simpson reviewed the existing infrastructure serving the area, including a sanitary and storm sewer. She stated that new infrastructure would be installed at the developer's expense, and that the developer has proposed the construction of a local street. She also reviewed the parkland dedication requirements, explaining that the developer proposed an acre of parkland adjacent to the detention basin. Its location would provide additional buffering between this subdivision and neighboring residences.

Ms. Simpson reviewed the subdivision code standards, expressing staff's conclusion that each of the standards have been met. Likewise, she stated that the requested waivers meet the standards for granting waivers.

Chairperson Headean clarified whether the subject properties are Tier 1 or Tier 2 according to the Land Use Priorities map. Ms. Simpson confirmed that the properties are Tier 1.

Mr. Mohr asked whether the city will maintain the parkland and whether there is any plan for it; Ms. Simpson answered that the city is responsible for developing and maintaining it, mentioning that there are no other park spaces accessible to residents in this area. Mr. Mohr sought clarification that the streets would be public. Ms. Simpson said yes.

Chairperson Headean swore in the petitioner's legal representative, Jason Barickman, for testimony. Mr. Barickman mentioned that the market conditions did not support the initial intended zoning and use. He also mentioned having been in communication with IDOT regarding a needed left turn lane on Route 9.

Neil Finlan, an engineer with the Farnsworth Group, was sworn in. Mr. Finlan reiterated the importance of the park's site within the subdivision and mentioned that a fee in lieu of parkland dedication had been contributed previously as well. Regarding the waivers, Mr. Finlan explained that they are seeking narrower lots because they represent market interests in Bloomington-Normal and suit the property. In terms of the waiver requested for cul-de-sac frontage, Mr. Finlan mentioned that the waiver is related to the length of the cul-de-sac.

Mr. Mohr asked Mr. Finlan about the approximate cost of infrastructure being built as well as the cost incurred by the city. Mr. Finlan said he was uncertain of the estimates, but that the developer would incur the cost of construction.

Chairperson Headean closed the public hearing. Mr. Mohr asked Ms. Simpson whether the City has an approximation of the cost of maintenance; Ms. Simpson said no. Mr. Mohr expressed hesitation with the first finding of fact due to the unknown fiscal impact of the development on the city and moved to adopt the other findings of fact. Mr. Boyd seconded.

Chairperson Headean asked at what point the city performs a fiscal analysis; Ms. Simpson stated that it is not generally part of the initial review, but that it could be incorporated into it. She also mentioned a 2013 fiscal impact analysis authored by the MCRPC that gives some idea as to this impact. Ms. Simpson asked whether Mr. Mohr is interested in the expense or the expense in relation to projected revenues. Mr. Mohr explained that accepting responsibility for maintenance is a liability, and that he is interested in what sorts of assets would back the liability. Ms. Simpson explained that since the preliminary plan is more conceptual, developers propose a bond or surety valued at 110% of the cost of the infrastructure at the time of final platting. The City holds onto the bond or surety until the infrastructure has been inspected and confirmed to meet city standards.

Mr. Stanczak mentioned the difficulty in projecting the cost of maintenance given the longevity of the infrastructure and expressed concern that assessing the cost upon the developer would make the cost of the housing untenable.

Mr. Boyd suggested voting on the previous motion and moving the present discussion to the new business portion of the agenda. Roll call vote: Mr. Stanczak - Yes, Mr. Danenburger - Yes, Mr. Boyd - Yes, Mr. Muehleck - Yes, Mr. Krieger - Yes, Mr. Mohr - Yes, Ms. Montney - Yes, Ms. McCann - Yes, Chairperson Headean - Yes. (8-0-0)

Mr. Boyd made a motion to accept finding of fact A. Mr. Krieger seconded. Roll call vote: Mr. Stanczak - Yes, Mr. Danenburger - Yes, Mr. Boyd - Yes, Mr. Muehleck - Yes, Mr. Krieger - Yes, Mr. Mohr - No, Ms. Montney - Yes, Ms. McCann - Yes, Chairperson Headean - Yes. (7-1-0)

Mr. Stanczak made a motion to approve the requested waivers. Mr. Boyd seconded. Roll call vote: Mr. Stanczak - Yes, Mr. Danenburger - Yes, Mr. Boyd - Yes, Mr. Muehleck - Yes, Mr. Krieger - Yes, Mr. Mohr - Yes, Ms. Montney - Yes, Ms. McCann - Yes, Chairperson Headean - Yes. (8-0-0)

Mr. Boyd motioned to approve the preliminary plan amendment. Mr. Krieger seconded. Mr. Stanczak - Yes, Mr. Danenburger - Yes, Mr. Boyd - Yes, Mr. Muehleck - Yes, Mr. Krieger - Yes, Mr. Mohr - Yes, Ms. Montney - Yes, Ms. McCann - Yes, Chairperson Headean - Yes. (8-0-0)

- B. Z-01-21** Public hearing, review, and action on a petition submitted by Robert J. Lenz, Trustee under, a Trust Agreement dated June 17, 2994 and known as Trust Number 2315, requesting a zoning map amendment for a portion of the property identified as PIN: 21-16-451-026, 21-16-405-002; 21-16-405-003; 21-16-451-027; 21-16-451-024; 21-16-451-025; and 21-16-451-009 (approximately 7.31 acres south of Southgate Drive) from B-2 Local Commercial District to C-1, Office District. (Ward 2)

Chairperson Headean introduced the case and called for the staff report. Ms. Kelly stated that staff recommend approval of the requested zoning amendment from B-2 to C-1.

Ms. Kelly explained that the subject parcels had been rezoned last year from B-1 to B-2 and are situated between residential uses to the east and commercial and industrial uses in all other directions. She mentioned that the applicant is working with IHDA to develop the area into affordable rental duplexes, and that while duplexes are allowed under the current zoning, they must share a single entrance. The C-1 zoning would enable the proposed units to have separate entrances and, whether or not the proposed use takes place, would provide a more gradual buffer between the area's commercial/industrial and residential uses.

Regarding the comprehensive plan, Ms. Kelly stated that the subject parcels are classified as a mix of low- and medium-density residential as well as regional commercial by the Future Land Use Map, and Tier 1 priority infill by the Land Use Priorities map.

Ms. Kelly reviewed the standards for a zoning map amendment and stated staff's belief that the criteria had been met.

Chairperson Headean opened the public hearing. The petitioner, Mr. Lenz, was on the line, but unable to be heard. Mr. Boyd motioned to take a five minute recess. Mr. Krieger seconded.

The meeting resumed at 4:59 PM. Mr. Lenz was present on the call, but unable to be reached. As no one else was present to comment in favor or against the petition, Chairperson Headean closed the public hearing.

Mr. Mohr motioned to accept the findings of fact as presented in the staff report. Ms. Montney seconded. Roll call vote: Mr. Stanczak - Yes, Mr. Danenburger - Yes, Mr. Boyd - Yes, Mr. Muehleck - Yes, Mr. Krieger - Yes, Mr. Mohr - Yes, Ms. Montney - Yes, Ms. McCann - Yes, Chairperson Headean - Yes. (8-0-0)

Mr. Mohr motioned to approve the rezoning. Roll call vote: Mr. Krieger seconded. Mr. Stanczak - Yes, Mr. Danenburger - Yes, Mr. Boyd - Yes, Mr. Muehleck - Yes, Mr. Krieger - Yes, Mr. Mohr - Yes, Ms. Montney - Yes, Ms. McCann - Yes, Chairperson Headean - Yes. (8-0-0)

OLD BUSINESS

No items.

NEW BUSINESS

- A. Continuation of the conversation regarding fiscal analysis for preliminary plans: Mr. Mohr said he would follow up with Ms. Simpson regarding the subdivision process. Chairperson Headean expressed an understanding of the questions he raised. Ms. Simpson mentioned as well that at times where there is a lighter caseload, trainings or discussions regarding the development process could be scheduled.
- B. IDOT Route 9/Veterans Parkway Intersection Design Virtual Public Meeting: Ms. Simpson announced a public IDOT meeting regarding the intersection held on January 14 from 6PM-8PM.

ADJOURNMENT

Mr. Boyd motioned to adjourn. Mr. Krieger seconded.

**CITY OF BLOOMINGTON
REPORT FOR THE
PLANNING COMMISSION
January 27, 2021**

CASE NUMBER:	SUBJECT PROPERTY:	TYPE:	SUBMITTED BY:
Z-02-21	101-103 Donnie Drive (PIN: 21-16-126-040)	Rezone	Caitlin Kelly, Assistant City Planner
PETITIONER'S REQUEST:	Rezone the subject properties from B-1 General Commercial District to R-3B Multiple Family Residence District.		
<i>Staff finds that the petition meets Zoning Ordinance's map amendment guidelines for the R-3B Multiple-Family Residence District.</i>			

STAFF RECOMMENDATION:

Staff recommends the Planning Commission take the following actions/pass the following motions:

- 1) Motion to establish a finding of fact
- 2) Motion to recommend Council approve of the rezoning of PIN 21-16-126-040 from B-1 General Commercial District to R-3B Multiple Family Residence District.



Figure 1: The subject property as seen from S. Main Street (via Google Maps)

NOTICE

The application has been filed in conformance with applicable procedural requirements. Public notice was published in *The Pantagraph* on Tuesday, January 12, 2020. Notices were mailed to property owners within 500 feet and a large metal sign was placed on the property.

GENERAL INFORMATION

Owner/Applicant: Michael R. Gudat, owner March 2V, LLC and Bloomington Portfolio, LLC

PROPERTY INFORMATION

Existing Zoning: B-1 General Commercial
Existing Land Use: Multi-family housing
Property size: 1.98 acres (86,249 sq ft)
PIN: 21-16-126-040

SURROUNDING ZONING AND LAND USES

Zoning

North: B-1 General Commercial
South: B-1 General Commercial
West: B-1, R-4 Manufactured Home Park
East: R-3B Multiple Family Residence

Land Uses

North: Vacant
South: Restaurant
West: Vacant, corporate park, mobile home park
East: Multi-family housing

ANALYSIS

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

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

PROJECT DESCRIPTION

Background: The subject parcel is located toward the south of City of Bloomington's municipal limits off of S. Main Street/US 51 and Donnie Drive, a private road. It and the properties to the immediate north and west comprise the Oak Creek Crossing Apartments, a multi-family residential complex established in 2003. The complex is under common ownership but has dual zoning classifications with the subject property zoned B-1 and the west portion of the complex zoned R-3B. Surrounding uses include a mix of commercial and residential, with retail, dining, and a rehabilitation center to the south, State Farm Park and Hilltop Mobile Homes to the east, and additional residential neighborhoods to the west.

The subject parcel contains seven apartment structures, making up 64 residential units out of Oak Creek Crossing's 165 total units. The site's current density is 32 units per acre. While the original complex was constructed in 2003, the applicant, who acquired the property in 2018, has completed significant renovations to the complex. This investment not only provides safe and economical housing for Bloomington residents, but also promotes the suitability of the

subject property for the R-3B zoning designation and the district's permitted residential uses.

Project Description: The property's established use as multi-family residential is considered an existing nonconforming use, as its present B-1 zoning designation does not allow for residential uses of any sort. Existing nonconforming uses may be continued subject to Ch. 44, Article XI of the Municipal Code, which places limitations on the degree to which nonconforming uses and buildings containing nonconforming uses may be altered or repaired. The applicant seeks a zoning map amendment that would reclassify the subject parcel as R-3B, Multiple-Family Residence District, in order to better reflect the parcel's established use and density. Further, the map amendment provides consistent zoning across the entire apartment complex.

PURPOSE AND INTENT

B-1 General Commercial District. The intent of this B-1 General Commercial District is to facilitate the development of community and regional commercial areas. Customers in this district will generally use a motor vehicle to reach a desired establishment. The development contemplated in this district has such distinguishing characteristics as unified site planning and development that promotes a safe and conducive atmosphere for large volumes of shoppers; site accessibility such that the high volumes of traffic generated create minimal congestion and adverse impact upon surrounding land use; and unified architectural treatment of buildings rather than an assemblage of separate, conflicting store and structural types.

R-3B Multiple-Family Residence District. The R-3B Residence District is intended to allow for increased neighborhood density through the development of small-lot single-family housing, townhomes, duplexes, and multifamily complexes, while being supportive of the overall historic character of the neighborhoods to which it is applied and the preservation of historic structures. The district allows for a maximum density of 70 dwelling units per acre and may be applied to areas best suited for such intense residential usage, principally on the fringes of the Bloomington Central Business District. It may also be applied to other areas in the City where comparable physical arrangements of land uses are present.

Link to Comprehensive Plan:

The Comprehensive Plan's Future Land Use map identifies the subject property as high-density residential. The property has no particular classification under the Land Use Priorities map. The proposed map amendment eliminates the nonconforming status of a multifamily complex, ensuring the following goals are met:

H.1 Ensure the availability of safe, attractive and high-quality housing stock to meet the needs of all current and future residents of Bloomington.

H-1.2 Ensure an adequate supply of affordable housing for low to moderate income households.

FINDINGS OF FACT

The Zoning Ordinance has "Zoning Map Amendment Guidelines" and by states, "In making its legislative determination to zone or rezone property, the Planning Commission and City Council may apply the following guidelines to the proposal under consideration:

1. *The suitability of the subject property for uses authorized by the existing zoning; The property is improved with multifamily residential development and currently makes up*

part of the Oak Creek Crossing Apartments. No residential uses are permitted within the B-1 District. **The standard is met.**

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 improved with and used for multi-family housing since 2003. **The standard is not met.**
3. *The suitability of the subject property for uses authorized by the proposed zoning;* The R-3B Multiple-Family Residence District allows for multi-family dwelling units at a maximum density of 70 units per acre. The properties on the subject parcel constitute 64 units over the parcel's 1.98 acres. **The standard is met.**
4. *The existing land uses and zoning of nearby property;* Other portions of the Oak Creek Crossing Apartments lie to the west (zoned R-3B). A diner and other commercial uses are located to the south (zoned B-1). Across Veteran's Parkway to the north is the Highland Park Golf course. State Farm Park and Hilltop mobile homes are located to the east, zoned B-1 and R-4 respectively. **The standard is met.**
5. *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 subject property's use as multi-family housing is considered an existing nonconforming use and may continue subject to the stipulations of Ch. 44, 11-3. Per Ch. 44, 11-5, in the event that any of the seven multi-family structures on the parcel were to be damaged in excess of 50% of their gross floor area or replacement value, their use as multi-family residences could not be reestablished, posing a hardship to the applicant and residents alike. **The standard is met.**
6. *The extent to which adequate streets are connected to the arterial street system and are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification;* An interior system of local and private streets, including Donnie Drive, Princess Court, and Oak Creek Plaza, services the apartment complex, taking access from Main Street. **The standard is met.**
7. *The extent to which the proposed amendment is consistent with the need to minimize flood damage and the development of the subject property for the uses permitted in the proposed zoning classification will not have a substantial detrimental effect on the drainage patterns in the area;* The parcel is located in an area of minimal flood hazard. Impermeable surfaces make up much of the subject parcel, however, two detention basins are located on other parcels within the apartment complex. **The standard is met.**
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 reasonable supplied to serve the uses permitted in the proposed zoning classification;* As the property has been in use as a residential development for nearly two decades, services and utilities have already been established in the area. A mix of public and

private sewers and watermains are accessible throughout the development, and the area is serviced by City of Bloomington fire and police departments and Unit 5 schools. **The standard is met.**

9. *The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of this Code as set forth in 17-1 herein;*

The proposed rezoning is consistent with the established use of the property, the adjacent zoning districts, and the future land use map in the Comprehensive Plan. **The standard is met.**

10. *The extent to which property values are diminished by the particular zoning restriction;*

The current B-1 zoning limits the degree to which residential uses on the subject parcel can be expanded or altered, particularly in the event of damage to any of the seven existing structures. **The standard is met.**

11. *The extent to which the destruction of property values promotes the health, safety, morals, or general welfare of the public;* No destruction of property values is anticipated in granting the proposed zoning map amendment. **The standard is met.**

12. *Whether a comprehensive plan for land use and development exists, and whether the ordinance is in harmony with it;* The Comprehensive Plan's Future Land Use map classifies the subject parcel as high-density residential. The proposed rezoning is consistent with this designation. **The standard is met.**

13. *And whether the City needs the proposed use;* The subject property has consistently been in use as part of a multi-family residential complex since 2003. **The standard is met.**

STAFF RECOMMENDATION: Staff finds the application meets the standards for a map amendment and recommends that the Planning Commission find in favor of the zoning map amendment.

Respectfully submitted,
Caitlin Kelly, Assistant City Planner

Attachments:

- Draft Ordinance
- Petition for Zoning Map Amendment
- List of Permitted Uses in the B-1 and R-3B Districts
- Ch. 44, Article XI Nonconforming Buildings and Uses
- Aerial Map
- Zoning Map
- Newspaper Notice and Neighborhood Notice with Map and Notification Mailing List

Ordinance NO. 2020 -

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR PROPERTY LOCATED SOUTH OF VETERAN'S PARKWAY AND WEST OF SOUTH MAIN STREET, 101-103 DONNIE DRIVE, FROM B-1 GENERAL COMMERCIAL DISTRICT TO R-3B HIGH-DENSITY MULTI-FAMILY RESIDENCE DISTRICT

WHEREAS, there was heretofore filed with the Community Development Department of the City of Bloomington, McLean County, Illinois, a petition requesting to rezone the property commonly described as 101-103 Donnie Drive (PINs: 21-16-126-040), legally described in Exhibit A and hereinafter referred to as "Property", which is attached hereto and made part hereof by this reference; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said petition to rezone the Property from B-1 General Commercial District to R-3B High-Density Multi-Family Residence District and adopted findings of fact on the same; and

WHEREAS, the Bloomington Planning Commission found the petition to comply with the findings of fact guided by those purposes, standards and objectives of the City Code as set forth in Chapter 44 Division 17-6, E2; and

WHEREAS, following said public hearing, the Planning Commission recommended approval of rezoning of the Property and zoning map amendment to R-3B High-Density Multi-Family Residence District; and

WHEREAS, the City Council is authorized to adopt this Ordinance and approve the petition to rezone said Property.

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

1. The above recitals are incorporated into and made a part of this ordinance as though fully set forth herein.
2. That the petition requesting to rezone the property commonly described 101-103 Donnie Drive (PINs: 21-16-126-040), legally described in Exhibit A which is attached hereto and made part hereof by this reference, from B-1 General Commercial District to R-3B High-Density Multi-Family Residence District is hereby approved.
3. That this Ordinance shall be in full force and effective as the time of its passage.

Passed on this _____ day of January 2021.

Approved on this _____ day of January 2021.

CITY OF BLOOMINGTON:

ATTEST:

Tari Renner, Mayor

Leslie Smith-Yocum, City Clerk

DRAFT

EXHIBIT A

Legal Description

SCHOOL COMMISSIONER'S SUB NW 16-23-2E S360.5' LOT 1 LYG W OF RD & W OF COND
#70ED199 (EX .253A STATE OF ILL & EX .221A ST OF ILL 70-748 & EX .202A ST OF ILL 70-7536)
& N18' E150' LOT 8

(PIN: 21-16-126-040)

DRAFT

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 MICHAEL R. GUDAT, 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 B-1 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 R-3B 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 B-1 to R-3B.

Respectfully submitted,

A black rectangular redaction box covering the signature of the petitioner.

MICHAEL R. GUDAT

Print Name
**Manager of March 2V Manager, LLC and
Manager of Bloomington Portfolio, LLC**

Title **Owner of March 2V Manager, LLC
Owner of Bloomington Portfolio, LLC**

Exhibit A
Legal Description

TRACT 1:

PARCEL NO. 1:

A PART OF LOTS 1 AND 2 OF THE SUBDIVISION OF THE NORTH WEST 1/4 OF SECTION 16, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 1 AT THE CENTER OF MAIN STREET, THENCE WEST ALONG THE SOUTH LINE OF SAID LOTS 1 AND 2, 200 FEET, THENCE NORTH 75 FEET, THENCE EAST 200 FEET, THENCE SOUTH 75 FEET TO THE PLACE OF BEGINNING, IN MCLEAN COUNTY, ILLINOIS.

PARCEL NO. 2:

A PART OF LOTS 1 AND 2 IN THE SUBDIVISION OF THE NORTH WEST 1/4 OF SECTION 16, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE CENTER OF MAIN STREET 75 FEET NORTH OF THE SOUTH LINE OF SAID LOT 1, THENCE NORTH 22 FEET, THENCE WEST 336 FEET, THENCE SOUTH 97 FEET TO THE SOUTH LINE OF SAID LOT 2, THENCE EAST 136 FEET, THENCE NORTH 75 FEET, THENCE EAST 200 FEET TO THE PLACE OF BEGINNING, EXCEPT A STRIP OF LAND ACROSS THE EAST PORTION OF A TRACT OF LAND SITUATED IN LOT 1 IN THE SCHOOL COMMISSIONER'S SUBDIVISION OF THE NORTH WEST 1/4 OF SECTION 16, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, MCLEAN COUNTY, ILLINOIS; BEGINNING AT A POINT ON THE NORTH PROPERTY LINE 65.25 FEET RIGHT OF TRANSIT LINE NO. 1 FOR F. A. ROUTE 2 AT STATION 271+41.87; THENCE EASTERLY ALONG THE NORTH PROPERTY LINE, WHICH INTERSECTS THE TRANSIT LINE AT STATION 271+44.41, TO A POINT 26.7 FEET LEFT STATION 271+45.46; THENCE SOUTHERLY ALONG THE EXISTING CENTERLINE OF MAIN STREET TO A POINT 21.6 FEET LEFT OF STATION 272+42.65; THENCE WESTERLY ALONG THE SOUTH PROPERTY LINE, WHICH INTERSECTS THE TRANSIT LINE AT STATION 272+41.51, TO A POINT 67.76 FEET RIGHT OF STATION 272+38.02; THENCE NORTHERLY ALONG THE PROPOSED RIGHT OF WAY LINE FOR F. A. ROUTE 2 TO THE PLACE OF BEGINNING, IN MCLEAN COUNTY, ILLINOIS.

PARCEL NO. 3:

A PART OF LOT 1 AND 2 IN THE SUBDIVISION OF THE NORTH WEST 1/4 OF SECTION 16, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE MIDDLE OF MAIN STREET 97 FEET NORTH OF THE SOUTH LINE OF SAID LOT 1, THENCE NORTH 103 FEET, THENCE WEST 556 FEET, THENCE SOUTH 200 FEET TO THE SOUTH LINE OF SAID LOT 2, THENCE EAST 220 FEET, THENCE NORTH 97 FEET, THENCE EAST 336 FEET TO THE PLACE OF BEGINNING, EXCEPT THAT PART DEEDED TO THE STATE OF ILLINOIS FOR HIGHWAY PURPOSES IN MCLEAN

COUNTY, ILLINOIS AND ALSO EXCEPT 200 FEET OF EVEN WIDTH OFF THE ENTIRE WEST SIDE THEREOF, IN MCLEAN COUNTY, ILLINOIS.

TRACT 2

A PART OF LOTS 1 AND 2 OF THE SUBDIVISION OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 379 FEET WEST AND 301 FEET SOUTH OF THE NORTH EAST CORNER OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE WEST 525 FEET, THENCE SOUTH 1 DEGREE 11 MINUTES WEST 162.2 FEET TO THE NORTH LINE OF THE TRACT CONVEYED TO LOUIS C. KATER AND DORA M. KATER RECORDED OCTOBER 31, 1946 AS DOCUMENT NUMBER 25987, THENCE EAST 526 FEET, THENCE NORTH TO THE PLACE OF BEGINNING, EXCEPT THAT PART CONVEYED TO THE STATE OF ILLINOIS BY DOCUMENT NUMBER 70-3563, ALSO EXCEPT THAT PART TAKEN BY DECREE OF CONDEMNATION ENTERED IN CASE NO. 70 ED 199, ALSO EXCEPT THAT PART CONVEYED TO LESLIE WILSON AND ELNOR WILSON, IN MCLEAN COUNTY, ILLINOIS.

PIN: 21-16-126-040

FINDINGS OF FACT

The Zoning Ordinance has “*Zoning Map Amendment Guidelines*” Please answer the following:

1. *The suitability of the subject property for uses authorized by the existing zoning*

The structures currently located on the subject property (built in 2003) consist of seven (7) apartment buildings, which are part of a larger development adjacent and adjoining the subject property, which is appropriately zoned R-3B. Since existing zoning is B-1 and multi-family is not allowed in B-1, the subject property is not suitable for uses authorized by the existing zoning. Although the subject property is currently considered legal nonconforming, any major damage/destruction to the subject property would mean that rebuilding the apartments (again, part of a larger development) would not be possible.

2. *The length of time the property has remained vacant as zoned considered in the context of land development in the area*

The property is not vacant but houses seven (7) apartment buildings/64 units and is part of a larger apartment development adjacent and adjoining the property.

3. *The suitability of the subject property for uses authorized by the proposed zoning*

See response to question 1 herein.

4. *The existing land uses and zoning of nearby property*

Existing land uses and zoning of nearby property on the west consists of apartment buildings and is zoned R-3B. On the north is a residence and, per GIS, appears to be zoned B-1. On the east there is a road then a vacant lot and appears to be zoned B-1. On the south is a diner and also appears to be zoned B-1.

5. *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*

Gain or hardship to the public is non-existent whereas the hardship of individual property owner is extensive should the current buildings be largely destroyed (see response to question 1 herein).

6. *The extent to which adequate streets are connected to the arterial street system and are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification*

There are adequate streets already connected to the arterial street system to serve the current use of the property as part of an apartment development.

- 7. The extent to which the proposed amendment is consistent with the need to minimize flood damage and the development of the subject property for the uses permitted in the proposed zoning classification will not have a substantial detrimental effect on the drainage patterns in the area*

The subject property is already developed and does not have a substantial detrimental effect on the drainage pattern in the area.

- 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 reasonably supplied to serve the uses permitted in the proposed zoning classification*

Since the property is already developed, adequate services (including fire and police protection, schools, water supply, and sewage disposal facilities) are already available for the apartment development as a whole.

- 9. The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of this Code as set forth in § 44-1701*

The proposed amendment is consistent with public interest given its current use as part of an apartment development.

- 10. The extent to which property values are diminished by the particular zoning restriction*

Value of the apartment development should be substantially diminished should the buildings on the subject property be substantially destroyed and owner could not rebuild for its current use as apartment buildings. Sixty-four (64) of 165 units in the development are located on the subject property.

- 11. The extent to which the destruction of property values promote the health, safety, morals, or general welfare of the public.*

Given the uses of surrounding properties, there should be no destruction of property values by granting the rezoning.

- 12. Whether or comprehensive plan for land use and development exists, and whether the ordinance is in harmony with it*

Future Land Use map identifies the subject property area as high-density multi-family residential. Other than that, there is not a comprehensive land use plan for the area.

13. Whether the City needs the proposed use

Current occupancy rates at the apartment development as a whole indicate that the citizens of Bloomington need the proposed use of multi-family as allowed in R-3B zoning.

PLEASE SUBMIT TO THE CITY OF BLOOMINGTON – PLANNING DIVISION
ALONG WITH THE MAP AMENDMENT PETITION

§ 44-402. [Ch. 44, 4-2] Residential districts - permitted and special uses.

Refer to Article XVI, Definitions, for clarity on the uses listed.

A. Land uses. Uses are allowed in the Residential Districts in accordance with Table 402A. The following key is to be used in conjunction with the Use Table.

- (1) Permitted uses. A "P" indicates that a use is considered permitted within that district as of right subject to compliance with all other requirements of this Ordinance.
- (2) Special uses. An "S" indicates that a use is permitted, though its approval requires review by the City Council as required in Article XVII, subject to compliance with all other requirements of this Code and contingent upon conditions of approval which may be imposed by the City.
- (3) Uses not permitted. A blank space or the absence of the use from the table indicates that the use is not permitted within that district.
- (4) Use regulations. Many allowed uses, whether permitted by right or as a Special Use, are subject to compliance with Article XVII.
- (5) Unlisted uses. If an application is submitted for a use not listed, the Zoning Enforcement Officer shall make a determination as to the proper zoning district and use classification for the new or unlisted use. If no permitted or special use is similar in character, intensity, and operations to that of the proposed use, a text amendment may be initiated pursuant to Article XVII to establish parameters for permitting such use within the City of Bloomington.

B. Allowed Uses Table.

Table 402A: Residential Districts - Permitted and Special Uses									
	R-1A	R-1B	R-1C	R-1H	R-2	R-3A	R-3B	R-4	Reference
Agricultural									
Apiary/Bee Keeping	P	P	P	P	P	P	P	P	§ 44-1005
Chicken Keeping	S	S	S	S	S	S	S	S	§ 44-1011
Urban Agriculture						S	S		
Urban Garden			P	P	P	P	P	P	
RESIDENTIAL									

Table 402A: Residential Districts - Permitted and Special Uses									
	R-1A	R-1B	R-1C	R-1H	R-2	R-3A	R-3B	R-4	Reference
Household Living									
Dwelling Unit, Single-Family	P	P	P	P	P	P	P		
Dwelling Unit, Single-Family Attached					S	P	P		
Dwelling Unit, Two-Family			S	S	P	P	P		
Dwelling Unit, Multiple-Family					S	P	P		
Manufactured Homes				P				P	
Mobile Homes								P	
Dwelling Unit, Accessory									
Live/Work Unit							S		
Group Living									
Agency Supervised Homes			P	P		S	S		§ 44-1019
Agency-Operated Family Homes	P	P	P	P	P	P	P		§ 44-1019
Agency-Operated Group Homes					S	P	P		§ 44-1019
Convents, Monasteries					S	S	P		§ 44-1019
Dormitories					S	S	P		§ 44-1019
Group Homes for Parolees	S	S	S	S	S	S	S	S	§ 44-1019
INSTITUTIONAL									
Education									
Pre-schools	S	S	S		S	S	S	S	
Government									
Government Services and Facilities	P	P	P		P	P	P	P	
Police Stations, Fire Stations	P	P	P		P	P	P	P	
Religious									
Place of Worship	S ¹	S ¹	S ¹	S ¹	S ¹	S ¹	S ¹	S ¹	
Cemetery and Columbarium	S	S	S	S	S	S	S	S	§ 44-1010
Residential-Type									
Domestic Violence Shelter					P	P	P		

Table 402A: Residential Districts - Permitted and Special Uses									
	R-1A	R-1B	R-1C	R-1H	R-2	R-3A	R-3B	R-4	Reference
Home for the Aged						S	S		§ 44-1019
Other Institutional, Cultural									
Clubs and Lodges							S		
Food Pantry							S		§ 44-1018
RECREATIONAL									
Country Clubs, Golf Clubs, Golf Courses	S	S	S	S	S	S	S	S	§ 44-1012
Community Center						S	S	S	§ 44-1013
Parks and Recreation Facilities	P	P	P	P	P	P	P	P	
Swimming Clubs						S	S	S	
Swimming Pools, Community	S	S	S	S	S	S	S	S	§ 44-1032
COMMERCIAL									
Entertainment and Hospitality									
Sports and Fitness Establishments						S	S	S	§ 44-1013
Lodging									
Bed-and-breakfast Establishments						S	S		§ 44-1007
Boarding and Rooming Houses					S	S	P		§ 44-1019
Offices									
Medical or Dental Office or Clinic							S		§ 44-1024
Medical Laboratory							S		
Personal Services									
Clothing Care: Tailor, Dry Cleaning, Coin Laundry, Shoe Repair, etc.							S ²	S ²	
Personal Care: Barber Shop, Beauty Salon, Day Spa, etc.							S ²	S ²	
Day-care centers	S	S	S	S	S	S	S	S	

Table 402A: Residential Districts - Permitted and Special Uses									
	R-1A	R-1B	R-1C	R-1H	R-2	R-3A	R-3B	R-4	Reference
Retail and Service									
Drug Stores and Pharmacies							S ²	S ²	
Grocery Stores, Supermarkets							S ²	S ²	
INDUSTRIAL									
Utilities									
Public or Private Utility Facility, Minor	P	P	P		P	P	P	P	
Private Solar Energy Conversion Facilities	P	P	P		P	P	P	P	§ 44-1031
Wireless Communication Facilities	S	S	S		S	S	S	S	§ 44-1037

Notes:

1. Maximum permitted height is 45 feet or three stories, whichever is lower.
2. The use shall be located within a building containing multiple-family or office uses in the R-3B District and shall not be permitted within a Mobile Home or Dwelling Unit in the R-4 District. The maximum permitted floor area is 1,600 square feet for Clothing Care; 1,000 square feet for Personal Care or 5,000 square feet for Drug Stores, Pharmacies, and Grocery Stores

§ 44-502. [Ch. 44, 5-2] Permitted uses.

Refer to Article XVII, Definitions, for clarity on the uses listed.

A. Land uses. Uses are allowed in the Business Districts in accordance with Table 502A. The following key is to be used in conjunction with the Use Table.

- (1) Permitted uses. A "P" indicates that a use is considered permitted within that district as of right subject to compliance with all other requirements of this Code.
- (2) Special uses. An "S" indicates that a use is permitted, though its approval requires review by the City Council as required in Article XVII, subject to compliance with all other requirements of this Code and contingent upon conditions of approval which may be imposed by the City.
- (3) Uses not permitted. A blank space or the absence of the use from the table indicates that the use is not permitted within that district.
- (4) Use regulations. Many allowed uses, whether permitted by right or as a Special Use, are subject to compliance with Article XVII.
- (5) Unlisted uses. If an application is submitted for a use not listed, the Zoning Enforcement Officer shall make a determination as to the proper zoning district and use classification for the new or unlisted use. If no permitted or special use is similar in character, intensity, and operations to that of the proposed use, a text amendment may be initiated pursuant to Article XVII to establish parameters for permitting such use within the City of Bloomington.

B. Allowed Uses Table. **[Amended 12-16-2019 by Ord. No. 2019-89; 8-24-2020 by Ord. No. 2020-55]**

Table 502A: Business Districts - Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Agricultural							
Forestry	P	P					
Horticultural Services	P	P					
Urban Agriculture						P	
Urban Garden					P	P	
RESIDENTIAL							
Household Living							

Table 502A: Business Districts - Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Dwelling Unit, Single-Family				P ²		P ¹	
Dwelling Unit, Single-Family Attached			S		P	P ¹	
Dwelling Unit, Two-Family		P ¹	S	P ²	P	P ¹	
Dwelling Unit, Multiple-Family		P ¹	S	P ²	P	P	
Live/Work Unit			S	P ²	P	P	
Group Living							
Agency Supervised Homes			S	P ²	P		§ 44-1019
Agency-Operated Family Homes			S	P ²	P		§ 44-1019
Agency-Operated Group Homes			S	P ²	P	P ¹	§ 44-1019
Convents, Monasteries			P				§ 44-1019
Dormitories			S		S		§ 44-1019
Group Homes for Parolees			S	S	S	S	§ 44-1019
INSTITUTIONAL							
Education							
Pre-schools	P	P	P		S		
Business and Trade Schools	P		P				
College and University Classrooms			P		S		
Government							
Courthouses				P			
Government Services and Facilities	P	P	P	P	P	P	
Police Stations, Fire Stations	P	P	P	P	P	P	
Religious							
Place of Worship	S	S	P ²	P ²	P ²		
Health							
Ambulatory Surgical Treatment Center	P	P	P	P			
Hospital or Medical Center	S		S				
Residential-Type							
Domestic Violence Shelter	P		P	P	P		

Table 502A: Business Districts - Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Home for the Aged			P		S		§ 44-1019
Other Institutional, Cultural							
Clubs and Lodges	P	P	P	S	P		§ 44-1012
Food Pantry	P	P	P		P		§ 44-1018
Libraries			P	P	P		
Museums and Cultural Institutions			P	P	P	P	
Zoos	S						
RECREATIONAL							
Country Clubs, Golf Clubs, Golf Courses			P				§ 44-1016
Community Center			P	P	P	S	§ 44-1013
Fairgrounds, Agricultural Exhibits	S						§ 44-1017
Parks and Recreation Facilities	P	P	P	P	P	P	
Riding Stables, Riding Schools	S						
Swimming Clubs	P	P					
Swimming Pools, Community	P	P	P				§ 44-1032
COMMERCIAL							
Aircraft and Automotive							
Car Wash	P ¹	S					§ 44-1009
Farm Machinery Sales and Service	P ¹						
Towing Services							
Truck Stops, Truck Plazas	S						
Truck Wash	S						
Vehicle Fueling Station	P	S					
Vehicle Repair and Service	S						§ 44-1034
Vehicle Rental Service	P ¹						
Vehicle Sales and Service	S						
Entertainment and Hospitality							
Amusement Parks	S						

Table 502A: Business Districts - Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Commercial Recreation Facilities	P	P		S	S	S	§ 44-1015
Community Reception Establishments					S		§ 44-1014
Entertainment and Exhibition Venues	P ¹				S		
Miniature Golf Courses	P						
Sexually Oriented Entertainment Businesses	P ⁵						
Sports and Fitness Establishments	P	P	P	P	P	S	§ 44-1013
Theaters and Auditoriums	P			P	P	S	
Lodging							
Bed-and-breakfast Establishments		P	P ⁶	P	P		§ 44-1007
Boarding and Rooming Houses		P		P	S		§ 44-1019
Camp and Camping Establishments	S						§ 44-1008
Hotel or Motel	P			P	S	S	§ 44-1021
Offices							
Financial Services	P	P	P	P	P		
General Offices, Business or Professional	P	P	P	P	P	P	
Medical or Dental Office or Clinic	P	P	P	P	P		§ 44-1024
Medical Laboratory	P	P	P				
Printing, Copying and Mailing Services	P	P	P	P	P	P	
Recording and Broadcast Studios	P		P ⁷	P		P	
Research Facility or Laboratory	S		S			P	
Personal Services							
Clothing Care: Tailor, Dry Cleaning, Coin Laundry, Shoe Repair, etc.	P	P	P ⁷	P	P	P	
Funeral Parlor, Mortuary	P	P	P		S		
Instructional Studios	P	P	P ⁷	P	P	P	

Table 502A: Business Districts - Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Kennels, with no outdoor exercise areas	P ¹	P ¹	P ¹			P ¹	
Kennels, with outdoor exercise areas	S						
Personal Care: Barber Shop, Beauty Salon, Day Spa, etc.	P	P	P ⁷	P	P	P	
Pet Care: Grooming, Day Care, Training	P	P	P	P	P	P	
Veterinary Office or Clinic	P	P	S		P		§ 44-1035
Day-care centers	P	P	P		S		
Retail and Service							
Adult-use cannabis dispensing organization	S	S	S	S	S	S	44-1039
Artisanal/Craft Production and Retail	P	P		P	P	P	
Auction Houses	P					P	
Bars, Taverns, Nightclubs	P ¹	S	P ⁷	P	S	P	
Building Materials and Supplies	P						
Catering Services	P	P				P	
Drive-Through, attached to a retail or service use	P ¹	P ¹	S			S	
Drug Stores and Pharmacies	P	P	S	P	P		
Farmers Market				P			
Grocery Stores, Supermarkets	P	P					
Gun Shops	P ¹	P ¹					
Liquor Stores	P	P	P ⁷				
Manufactured and Mobile Home Sales	S						§ 44-1023
Medical Marijuana Dispensing Organization	P	P	P	P	P	P	
Mobile Food and Beverage Vendor	P	P	P	P		P	§ 44-1027
Restaurants	P	P	P ⁷	P	P	P	
Retail Sales, General	P	P	P ⁷	P	P	P	

Table 502A: Business Districts - Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Retail sales, Outdoor	P	S		S		P	
Roadside Markets	P						
Sexually Oriented Business	P ⁵						
Specialty Food Shops	P	P	P ⁶	P	P	P	
INDUSTRIAL							
Manufacturing and Production, Light							
Apparel, Fabrics, Leather Industries						P	
Commercial Cleaning and Repair Services	P		P				
Commercial Community Kitchen			P	P	S	P	
Electronics Assembly Plants							
Fabricated Metal Industries						S	
Furniture and Fixtures Industries						S	
Trade and Construction Services	P	P				P	
Storage and Equipment Yards							
Mini Warehouses	S						§ 44-1026
Parking Lot, Commercial	S	S	S	S		S	
Transportation							
Bus and Taxi Passenger Terminals	S			S	S	S	
Heliports, Heliport Terminals	S		S				
Rail Passenger Terminals	P			P			
Utilities							
Commercial Solar Energy Conversion Facilities	P	P				P	§ 44-1031
Private Solar Energy Conversion Facilities	P	P	P	P	P	P	§ 44-1031
Private Wind Energy Conversion Facilities	P	P					§ 44-1036

Table 502A: Business Districts - Permitted and Special Uses							
	B-1	B-2	C-1	D-1	D-2	D-3	Reference
Public or Private Utility Facility, Minor	P	P	P	P	P	P	
Radio, Television Stations-Towers	P			P		P	
Wireless Communication Facilities	P	P	P	P	P	P	§ 44-1037

Notes:

1. A Special Use is required when the use adjoins a Residential District boundary line.
2. The use is permitted only when located above the first story above grade
3. Maximum permitted height is 45 feet or three stories, whichever is lower.
4. (Reserved)
5. The use is allowed in the zoning district represented by that column provided that no lot line of the lot to be occupied by such use shall be located closer than 1,000 feet to the lot line of a lot occupied by a Sexually Oriented Entertainment Business, or other Sexually Oriented Business, and further provided that no lot line of the lot to be occupied by such use shall be located closer than 500 feet to the lot line of a lot used for a Commercial Recreation Facility, a Day-care center, children's museum, Agency-Operated Family Home, Agency-Operated Group Home, Agency-Supervised Home, hobby shop or toy store, Pre-school, Public or Private School, Boarding School, Park or Recreation Facility, Sports and Fitness Establishment, Community Center, Place of Worship, Residential Dwelling Unit, Hospital or Zoo.
6. The use is allowed in that zoning district only as an accessory use occupying not more than 40% of the floor area of any story within a Business, Office or Residential Building or combination thereof;
7. The use is allowed in that zoning district only as an accessory use occupying not more than 25% of the floor area of any story within an Office or Residential Building or combination thereof;

ARTICLE XI
Nonconforming Buildings and Uses

§ 44-1101. [Ch. 44, 11-1] Purpose and intent.

- A. Existing lots, buildings, structures and uses of land that were lawfully established and have subsequently been prohibited, regulated, or restricted under the adoption or amendment of this Code, shall be considered nonconforming.
- B. Nonconforming uses are declared by this Code to be incompatible with permitted uses in the districts in which they are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming lot, building, structure, or use shall not be extended or enlarged after passage of this Code by attachment on a building or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- (1) Authority to continue. It is the intent of this article to permit nonconforming lots, buildings, structures, and uses to continue, within the parameters established in this article, until they are removed, but not to encourage their continued use or survival.
 - (2) No expansion. It is the intent of this article that nonconforming lots, buildings, structures, and uses shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district, except as may be provided for in this article.
 - (3) Construction prior to effective date of this chapter. Nothing in this Code shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction material in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed to be actual construction provided that work shall be carried on diligently.
 - (4) Acquisition of nonconformities. The City may acquire, through purchase or condemnation, private nonconforming

lots, buildings, structures, and uses. The City Council may take action in the manner provided for by law.

§ 44-1102. [Ch. 44, 11-2] Nonconforming buildings and structures.

- A. Where a lawful structure exists at the effective date of adoption or amendment of this Code that does not conform to the terms of this Code by reason of restrictions on the area, lot coverage, height, yards, its location on the lot, or other zoning requirements concerning the structure, such structure may be continued, regardless of any change in tenancy, ownership, or management, so long as it remains otherwise lawful, subject to the following provisions:
- (1) A nonconforming building or structure shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in a manner that conforms to the requirements of this Code;
 - (2) A nonconforming building, structure or portion thereof may be altered to decrease its nonconformity;

§ 44-1103. [Ch. 44, 11-3] Nonconforming uses of land.

- A. A nonconforming use may be continued so long as it remains otherwise lawful, provided:
- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code;
 - (2) Nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside such building.
 - (3) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Code;
 - (4) A special use permit may be granted authorizing the change of a nonconforming use to another nonconforming use, provided that the City Council, after a public hearing by the Bloomington Board of Zoning Appeals, shall find that the

proposed use more compatible to the district than the existing nonconforming use. In permitting such change, the City Council may require appropriate conditions and safeguards in accord with the provisions of this Code.

§ 44-1104. [Ch. 44, 11-4] Nonconforming lots.

Any lot of record at the effective date of adoption or amendment of this section may be used for any principal permitted use in that district, even though such lot does not conform to the area or width requirements of the district in which it is located. Any new structure erected on such a lot shall conform to the yard dimensions and other requirements of the district in which it is located.

§ 44-1105. [Ch. 44, 11-5] Discontinuance of use.

- A. Whenever any building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of the Code, such premises shall not thereafter be used or occupied by a nonconforming use.
- B. When a nonconforming use of a structure is discontinued for any reason for a continuous period of one year, such use shall not be re-established, and the use of the premises shall thereafter conform to the requirements of this Code.
- C. Where no enclosed building is involved, discontinuance of a nonconforming use for a continuous period of six months shall constitute abandonment, and the use of the premises shall thereafter conform to the requirements of this Code.
- D. When a structure containing a nonconforming use is damaged to an extent exceeding 50% of its gross floor area or replacement value the nonconforming use shall not be re-established, and the premises shall thereafter conform to the requirements of this Code.

§ 44-1106. [Ch. 44, 11-6] Damage and destruction.

- A. When a nonconforming structure or nonconforming portion of a structure is destroyed by any means to an extent exceeding 50% of its gross floor area or replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code;
- B. This section shall not be applicable under the following two sets of circumstances:

- (1) When government action impedes access to the premises;
- (2) When the conversion of a structure originally designed as a single-family dwelling unit is restored to such a dwelling unit pursuant to § 44-902D.

§ 44-1107. [Ch. 44, 11-7] Repairs and alterations.

- A. The ordinary repairs and maintenance of a nonconforming building or structure or a building containing a nonconforming use is permitted, including necessary non-structural repairs and incidental alterations that do not extend or intensify the nonconformity.
- B. No structural alteration shall be made to a nonconforming building or structure, or in a building containing a nonconforming use, except in the following situations:
 - (1) When the alteration is required by law;
 - (2) When the alteration will result in elimination of the nonconformity;
 - (3) When a building in a residential district will be altered in a way to improve life safety or livability, provided that the structural alteration will not increase the number of dwelling units nor enlarge or expand the building.

Z-02-21 Aerial Map

1/5/2021



S Veteran's Pkwy

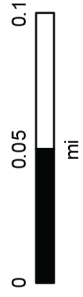
S Main St

Donnie Dr

Tracy Dr

Oak Creek Plaza

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGLAR, N Robinson, NCEAS, NLS, OS, MMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, McGIS, <http://www.McGIS.org/License>, Mclean County Museum of History

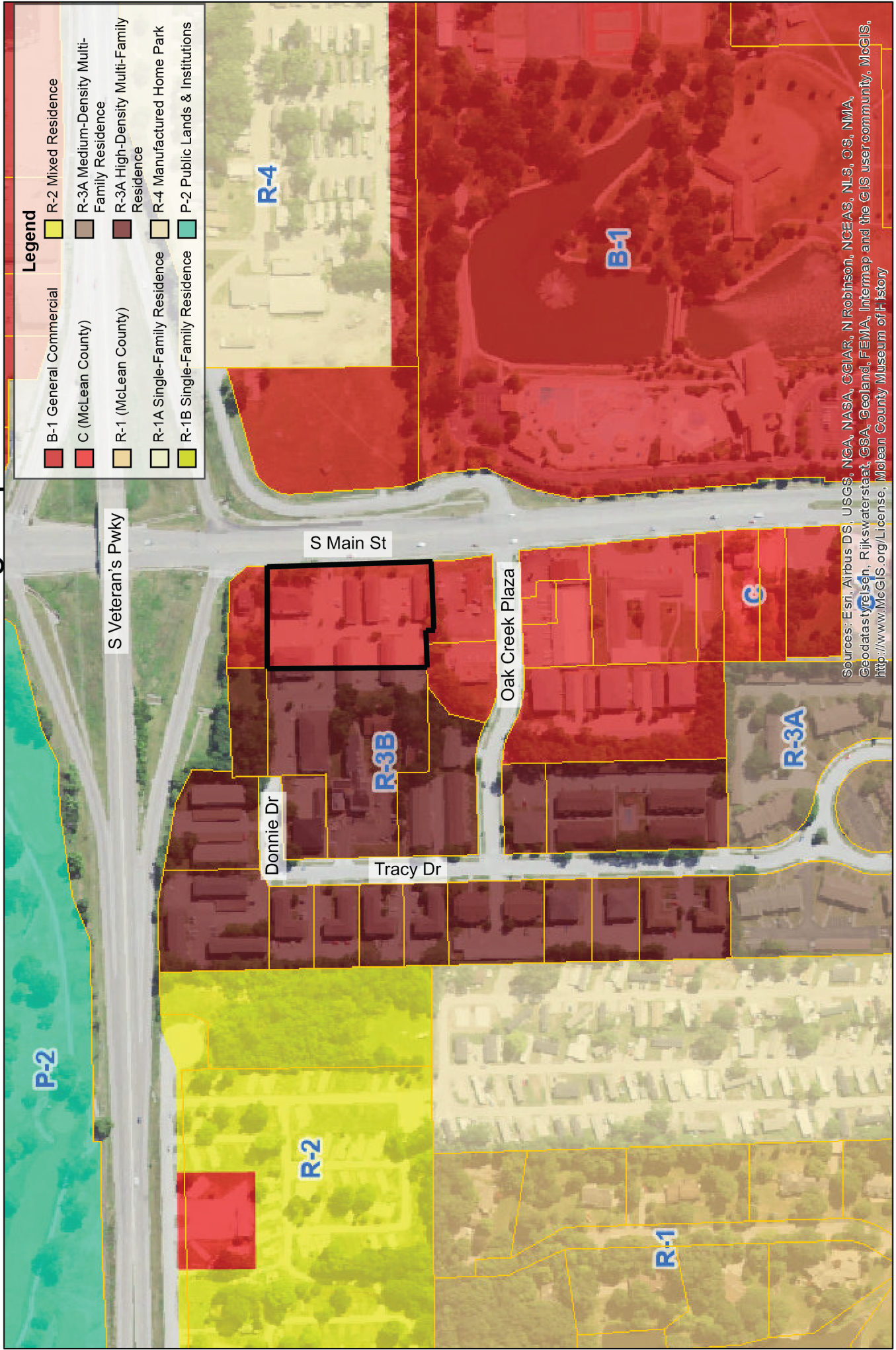


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Z-02-21 Zoning Map

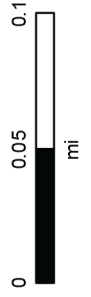
1/5/2021



Legend

	B-1 General Commercial		R-2 Mixed Residence
	C (McLean County)		R-3A Medium-Density Multi-Family Residence
	R-1 (McLean County)		R-3A High-Density Multi-Family Residence
	R-1A Single-Family Residence		R-4 Manufactured Home Park
	R-1B Single-Family Residence		P-2 Public Lands & Institutions

Sources: Esri, Airbus DS, USGS, NGA, NASA, CCIAR, N Robinson, NCEAS, NLS, OS, MMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS usercommunity, McGIS, <http://www.McGIS.org/License>, McLean County Museum of History



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Economic & Community Development Department
115 E Washington St, Ste 201
Bloomington IL 61701
(309) 434-2226
planning@cityblm.org

January 20, 2021

Dear Property Owner or Occupant:

Please note, you are receiving a revised notice listing the correct Planning Commission meeting date.

The Planning Commission of the City of Bloomington, Illinois, will hold a virtual public hearing on Wednesday, **January 27, 2021** at 4:00 PM at www.cityblm.org/live on an application submitted by Michael R. Gudat (7227 N. University St., Peoria, IL 61614).

You are receiving this notice because you own or occupy property within a 500-foot radius of the subject property (refer to attached map). All interested persons may present evidence or testimony regarding said petition, or ask questions related to the petitioner's requests at the scheduled public hearing.

The applicant is requesting a public hearing and action to rezone from B-1, General Commercial District to R-3B Multiple Family Residence District, the following property: 101-103 Donnie Dr. Bloomington, IL 61704. Legal Description: SCHOOL COMMISSIONER'S SUB NW 16-23-2E S360.5' LOT 1 LYG W OF RD & W OF COND #70ED199 (EX .253A STATE OF ILL & EX .221A ST OF ILL 70-748 & EX .202A ST OF ILL 70-7536) & N18' E150' LOT 8 (PIN:21-16-126-040)

The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org/planning. To provide testimony/public comment on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/register>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org.

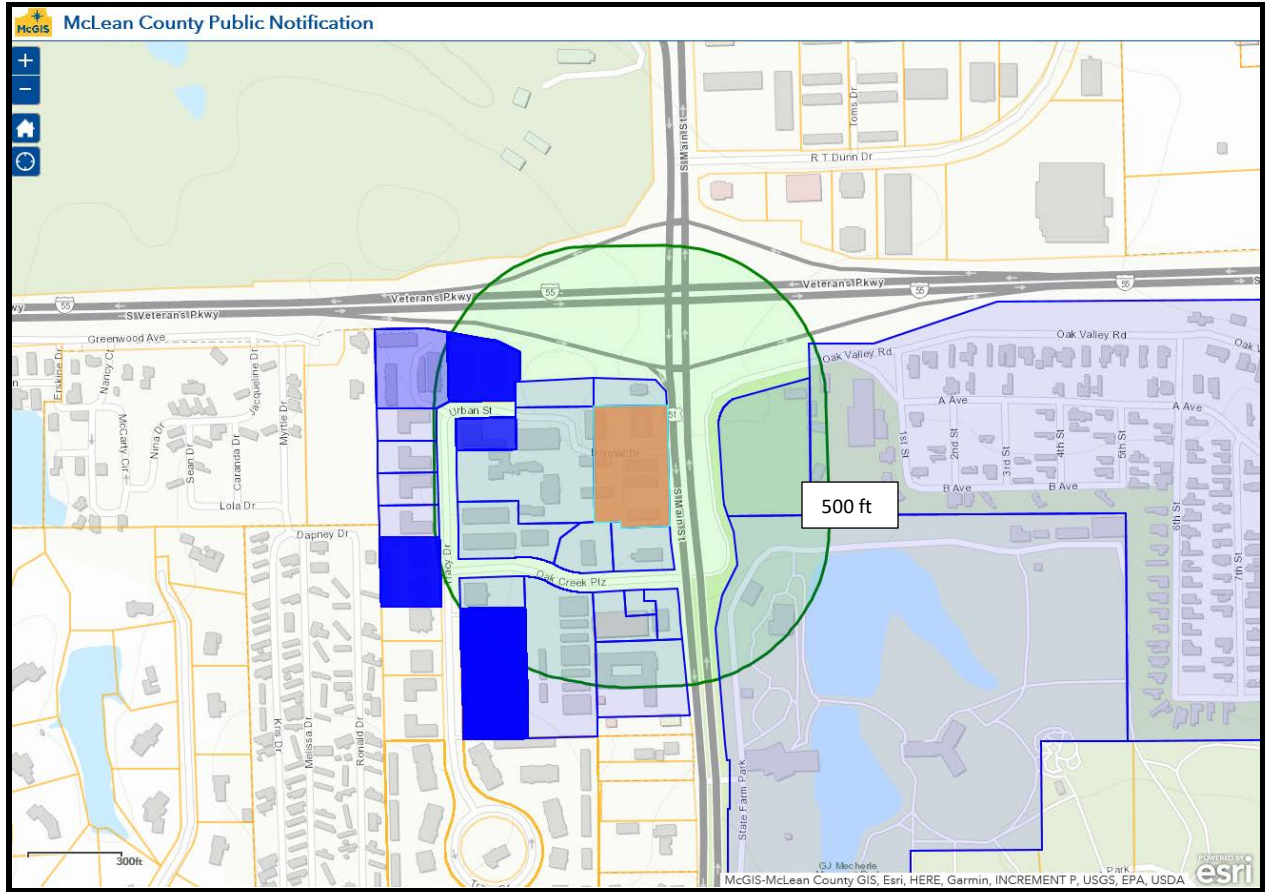
City Hall is closed to the public. Attendance will be limited to virtual participation. The rules for participation by physical attendance may be subject to change due to changes in law or to executive orders relation to the COVID-19 pandemic occurring after the publication of this notice. Changes will be posted at www.cityblm.org/register. 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 at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115.

If you desire more information regarding the proposed petition or have any questions, you may email planning@cityblm.org or call (309) 434-2226. Please note this meeting could be subject to change based on a lack of quorum or other reasons. Notice of a change will also be posted online at www.cityblm.org.

Sincerely,

Planning Division staff

Attachment: Map of notified properties within 500 ft of subject property



OAK CREEK INVESTMENTS LLC 1400 W LAMBERT RD STE E BREA, CA 92821	BLOOMINGTON PORTFOLIO LLC 7227 N UNIVERSITY ST PEORIA, IL 61614	
CHERYL WOLLRAB 1907 S MAIN ST BLOOMINGTON, IL 61704	PETERSEN HEALTH OPERATIONS LLC 830 W TRAILCREEK DR PEORIA, IL 61614	MIDLAND SECURITY 1325 E EMPIRE BLOOMINGTON, IL 61701
SHRI SHARDA REALTY LLC 1685 MARION ST ROSELLE, IL 60172	JAMES A & JANICE L MODINE 17437 E 2475 NORTH RD HUDSON, IL 61748	MOORE ENTERPRISES 4425 W Airport Fwy Ste 475 Irving, TX 75062
STATE FARM MUTUAL AUTO INS 1 STATE FARM PLAZA BLOOMINGTON, IL 61701	OSMAN IBISHI 1917 S MAIN ST BLOOMINGTON, IL 61704	HERMES ENTERPRISES LP 205 S LEE STREET BLOOMINGTON, IL 61701
CBP PROPERTIES LLC 2701 S MAIN ST BLOOMINGTON, IL 61704	WARREN MEADE 109 URBAN UNIT 18 BLOOMINGTON, IL 61704	APRIL NUSSBAUM 109 URBAN #20 BLOOMINGTON, IL 61704
CHARLES BELLEMEY 111 PATTON ST NORTH PEKIN, IL 61554	JEFFREY & AMY BANSER 3 PINEY RUN CT BLOOMINGTON, IL 61705	REBECCA HELTON 109 URBAN ST APT 23 BLOOMINGTON, IL 61704
SANDRA FERRELL 109 Urban St Apt 24 BLOOMINGTON, IL 61704	ROGER MONKE 2841 JACOB LN NORMAL, IL 61761	WILBUR LUDWIG 1526 BECKENHAM DR BLOOMINGTON, IL 61704
SECRETARY OF HOUSING & URBAN DEV 2401 NW 23RD ST STE 1D OKLAHOMA CITY, OK 73107	RICHARD JACOBS 109 URBAN ST #4 P O BOX 6306 BLOOMINGTON, IL 61702	SACHIN BHATNAGAR 1287 HEALING STONE CT APT 7 NORMAL, IL 61761
PAUL VAN OOSTEN 109 URBAN UNIT 6 BLOOMINGTON, IL 61704	UYLESSEE & NATALIE WILLIAMS 109 URBAN ST APT 7 BLOOMINGTON, IL 61704	MAYRA ESTRADA 109 URBAN ST APT 8 BLOOMINGTON, IL 61704
JAMES & PRAYAT RIDDLE 112 N COLLEGE LINCOLN, IL 62656	SHARON ROBERTS 404 CAROL CT PONTIAC, IL 61764	RANDY BUTTS 3 CHERRYWOOD LN BLOOMINGTON, IL 61701

BUDDY LUDWIG
1526 BECKENHAM DR
BLOOMINGTON, IL 61704

MICHAEL SNEEDEN
109 URBAN ST # 16
BLOOMINGTON, IL 61704

MICHAEL AUSTIN
386 PRESTBURY CT
SUWANEE, GA 30024

SCOTT ALEXANDER RICHARDSON
1920 TRACY DR APT 6
BLOOMINGTON, IL 61704

JESSE HURLEY
1920 TRACY DRIVE #2
BLOOMINGTON, IL 61704

FARAH TOOR
13937 BENJAMIN CT
BLOOMINGTON, IL 61705

APRIL SMITH
1920 TRACY DR APT 21
BLOOMINGTON, IL 61704

POLEN RENTALS
1920 TRACY DR APT 13
BLOOMINGTON, IL 61704

ROBERT HAYDEN
1916 Tracy Dr Apt 39
BLOOMINGTON, IL 61704

ARIES SINCLAIR
1916 TRACY DR APT 42
BLOOMINGTON, IL 61704

SEAN & ERIN CRAIG
3007 WEMBLEY WAY
BLOOMINGTON, IL 61704

KAYLEEN BIRNBROOK
109 URBAN ST APT 17
BLOOMINGTON, IL 61704

JEREMY BURKS
1920 TRACY DR 4
BLOOMINGTON, IL 61701

KRITTIKA HURSEY
32650 NANTASKET DR APT 31
RANCHO PALOS VERDES, CA 90275

JANICE CARLSON
1920 Tracy Dr Apt 16
BLOOMINGTON, IL 61704

RODNEY HAWKINS
1920 TRACY DR APT 19
BLOOMINGTON, IL 61704

SUSAN & WILMA ANDERSON
1920 TRACY DR APT 22
BLOOMINGTON, IL 61704

ROB POLEN
1920 TRACY DR APT 13
BLOOMINGTON, IL 61704

EDWARD HAMPTON
1916 TRACY # 40
BLOOMINGTON, IL 61704

MARLENE SHEPHER
1916 TRACY DR #43
BLOOMINGTON, IL 61704

SHARON MCDANNOLD
109 URBAN ST APT 14
BLOOMINGTON, IL 61704

VICTORIA PANDOLFO
1005 BELLEFORTE AVE
OAK PARK, IL 60302

CINDY BRAND
1920 TRACY DR APT 5
BLOOMINGTON, IL 61704

KITZIE CRIBBS
1920 Tracy Dr Apt 1
BLOOMINGTON, IL 61704

THERESA RAPP
202 BELVIEW AVE
NORMAL, IL 61761

NANCY HOOVER
1920 TRACY DR 20
BLOOMINGTON, IL 61704

LAKSHMINARAYNA TAMTAM
1916 TRACY DR APT 35
BLOOMINGTON, IL 61704

JODIE SCRIVNER
1916 TRACY DR APT 38
BLOOMINGTON, IL 61704

DAVID SWEENEY
1916 TRACY #41
BLOOMINGTON, IL 61704

SUSAN LYNN WANDLING
1916 TRACY DR APT 44
BLOOMINGTON, IL 61704

ANITA ROSS
1916 TRACY DR APT 46
BLOOMINGTON, IL 61704

JANE KEEL
1920 TRACY DR APT 8
BLOOMINGTON, IL 61704

TAMARA STARKS
1920 TRACY UNIT 11
BLOOMINGTON, IL 61704

LIN LIN
1003 N COLER AVE
URBANA, IL 61801

MARCENA GABRIELSON
905 Charlotte Dr
NORMAL, IL 61761

ANNA & ALEKSANDR BEREZHNOI
SHERBATOVA
1916 TRACY DR APT 29
BLOOMINGTON, IL 61704

Regina Murillo
1916 Tracy Dr Apt 32
BLOOMINGTON, IL 61704

TYLER & BROOKE HASSLER
1405 E VERNON AVE APT 8
NORMAL, IL 61761

MARTIN GARDNER
1080 CYPRESS LN
ELK GROVE VILLAGE, IL 60007

PRAIRIE RENTALS LLC
1024 KINGS MILL RD
NORMAL, IL 61761

KENNETH & CORDNEY HOWARD
SANDERS
1303 CHALLIS DR
BLOOMINGTON, IL 61704

SAMUEL RICHARDSON
1920 TRACY DR APT 9
BLOOMINGTON, IL 61704

KENNETH & GWEN BUCHANAN
P O BOX 296
MACKINAW, IL 61755

WILMA & SUSAN GILBERTSON
ANDERSON
1920 TRACY DR APT 24
BLOOMINGTON, IL 61704

ANWAR & MEGAN DOAGE GASTON
1916 TRACY DR APT 27
BLOOMINGTON, IL 61704

DANETTE KIRBY
1916 TRACY DR APT 30
BLOOMINGTON, IL 61704

DUANE DAVIS
1916 TRACY DR #33
BLOOMINGTON, IL 61704

BRUCE LADUE
1911 TRACY DR APT 1B
BLOOMINGTON, IL 61704

THOMAS MURRAY
1911 TRACY DR UNIT 2A
BLOOMINGTON, IL 61704

CAROL ANN BEARD
1911 TRACY DR APT 2D
BLOOMINGTON, IL 61704

VIKKI LOGDSON
1916 TRACY DR APT 48
BLOOMINGTON, IL 61704

JENNY MORAN
1920 Tracy Dr Apt 10
BLOOMINGTON, IL 61704

TODD GANN
20 WILDWOOD DR
MOLINE, IL 61265

THOMAS GLADSTONE
1916 TRACY DR #25
BLOOMINGTON, IL 61701

RYAN & ANTHONY HARDY
1916 TRACY DR APT 28
BLOOMINGTON, IL 61704

SHELLEY COLE
1916 Tracy Dr Apt 31
BLOOMINGTON, IL 61704

DUSTIN & JESSICA MARDIS
3108 CARRINGTON LN
BLOOMINGTON, IL 61705

LESLIE BLESSMAN
1106 Westview Dr
NORMAL, IL 61761

PATRICIA FELAN
1911 TRACY DR APT 2B
BLOOMINGTON, IL 61704

LORA PASSETTI MALONI LLC
112 BOEYKENS PL STE 4C
NORMAL, IL 61761

KATHIE THOENNES
2310 RAINBOW B
BLOOMINGTON, IL 61704

MICHAEL WEST
1911 TRACY DR APT 3C
BLOOMINGTON, IL 61704

JAMES DUNLAP
1911 TRACY DR UNIT 3D
BLOOMINGTON, IL 61704

MICHAEL & CHERYL GALLAGHER
1913 TRACY DR #1B
BLOOMINGTON, IL 61701

JERRY CISCO
2316 2237TH ST
ATLANTA, IL 61723

1913 TRACY LLC
112 BOEYKENS PL STE 4C
NORMAL, IL 61761

KENDRA FLOHR
1913 TRACY #2C
BLOOMINGTON, IL 61704

KEVIN CUSEY
1913 TRACY DR APT 2B
BLOOMINGTON, IL 61704

ANNETTE PENDELTON
1913 TRACY DR 2-D
BLOOMINGTON, IL 61704

TAHER SEMAKIEH
2814 STONEHURST
BLOOMINGTON, IL 61704