



**AGENDA**  
**REGULAR SESSION**  
**PLANNING COMMISSION MEETING**  
**BLOOMINGTON POLICE DEPARTMENT, OSBORN ROOM**  
**305 S. EAST STREET, BLOOMINGTON, IL 61701**  
**WEDNESDAY, MARCH 1, 2023, 4:00 P.M.**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PUBLIC COMMENT**

Individuals wishing to provide emailed public comment must email comments to [publiccomment@cityblm.org](mailto:publiccomment@cityblm.org) at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person may register at [www.cityblm.org/register](http://www.cityblm.org/register) at least 5 minutes before the start of the meeting.

4. **MINUTES**

Review and approval of the minutes of the February 1, 2023, regular meeting of the Planning Commission.

5. **REGULAR AGENDA**

- A. **Z-04-23** Public hearing, review and action on a request submitted by Hershey Grove LLC, (1 Brickyard Drive, Bloomington, IL 61701) for approval of the Second Amendment to the Hershey Grove Annexation Agreement, related to amendments to offsite improvements of the Constitution Trail, pertaining to property commonly located at the SE corner of the intersection of Ireland Grove and Hershey Road, consisting of approximately 144 acres. (Ward 8.)
- B. **Z-05-23** Public hearing, review and action on a request by Nicholas Birky, for approval of a Zoning Map Amendment, from R-1C (Single-Family Residence) District to B-2 (Local Commercial) District, for the property located at 704 McGregor Street. PIN(s): 21-10-206-005. (Ward 4.)
- C. **Z-06-23** Public hearing, review and action on a request by CESO, Inc. for approval of a Zoning Map Amendment, from R-1C (Single-Family Residence) District to B-2 (Local Commercial) District, for the property located at 1626 W. Locust Street. PIN(s): 21-05-176-002. (Ward 7.)
- D. **PR-01-23** Public hearing, review and action on a request by CESO, Inc. for approval of a Legislative Site Plan Review (and a Special Use), with Variances, for the properties located at 1603 W. Market Street and 1624 W. Locust Street. PIN(s): 21-05-151-013, 21-05-151-014, and 21-05-176-002. (Ward 7.)

- E. **Z-07-23** Public hearing, review and action on a request by the Franklin Park Foundation for an S-4 (Historic Preservation District) Overlay for the property located at 809 N. McLean Street. PIN: 21-04-210-001. (Ward 4.)
- F. **Z-08-23** Public hearing, review and action on a request by the Franklin Park Foundation for an S-4 (Historic Preservation District) Overlay for the property located at 901 N. McLean Street. PIN: 21-04-207-005. (Ward 4.)
- G. **Z-09-23** Public hearing, review and action on a request by the Franklin Park Foundation for an S-4 (Historic Preservation District) Overlay for the property located at 310 E. Walnut Street. PIN: 21-04-202-016. (Ward 7.)
- H. **Z-10-23** Public hearing, review and action on a request by Farnsworth Group, for approval of a Zoning Map Amendment, from R-1B (Single-Family Residence) District to R-2 (Mixed Residence) District, for the properties located at 2702, 2704, 2706, 2708, 2710, 2712, and 2714 Fox Creek Road. PIN(s): 22-18-302-001, 22-18-302-002, 22-18-302-003, 22-18-302-004, 22-18-302-005, 22-18-302-006, and 22-18-302-007. (Ward 2.)

**6. OLD BUSINESS**

**7. NEW BUSINESS**

**8. ADJOURNMENT**

Individuals with disabilities planning to attend the meeting who require reasonable accommodations to observe and/or participate, or who have questions about the accessibility of the meeting, should contact the City's ADA Coordinator at 309-434-2468 or [mhurt@cityblm.org](mailto:mhurt@cityblm.org).



DRAFT MINUTES

PUBLISHED BY THE AUTHORITY OF THE PLANNING COMMISSION OF BLOOMINGTON, ILLINOIS  
 MEETING  
 OSBORN ROOM, 2<sup>ND</sup> FLOOR POLICE DEPARTMENT 305  
 S. EAST STREET, BLOOMINGTON, IL WEDNESDAY,  
 FEBRUARY 1, 2023 4:00 P.M.

Individuals wishing to provide emailed public comment must email comments to [publiccomment@cityblm.org](mailto:publiccomment@cityblm.org) at least 15 minutes before the start of the meeting.  
 Individuals wishing to speak in-person may register at [www.cityblm.org/register](http://www.cityblm.org/register) at least 5 minutes before the start of the meeting

The Planning Commission convened in-person within the Osborn Room inside of the Bloomington Police Department at 4:00 p.m., Wednesday, February 1, 2023, with the following physically present staff members Mr. George Boyle, Assistant Corporation Counsel; Mr. Glen Wetterow, City Planner; Mr. Jon Branham, City Planner; Ms. Alissa Pemberton, Assistant City Planner; Ms. Kimberly Smith Assistant Director of Economic and Community Development.

The meeting was called to order by Chairperson Mohr at 4:01 p.m.

**ROLL CALL**

Attendee Name	Title	Status
Mr. Tyson Mohr	Chair	Present
Mr. Justin Boyd	Vice Chair	Present
Mr. Thomas Krieger	Commissioner	Present
Mr. Mark Muehleke	Commissioner	Present
Mr. John Danenberger	Commissioner	Absent
Mr. Brady Sant-Amour	Commissioner	Absent
Mr. Benjamin Muncy	Commissioner	Absent
Mr. Govardhan Galpalli	Commissioner	Present
Ms. Anna Patino	Commissioner	Present
Ms. Jacqueline Beyer	Commissioner	Present
George Boyle	Assistant Corporation Counsel	Present
Glen Wetterow	City Planner	Present
Jon Branham	City Planner	Present
Alissa Pemberton	Assistant City Planner	Present
Kimberly Smith	Assistant Director of Economic and Community Development	Present

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MEETING MINUTES

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

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Mr. Wetterow called the roll. Mr. Galpalli - Present, Mr. Muehleke - Present, Mr. Krieger - Present, Ms. Patino - Present, Ms. Beyer - Present, Vice-Chair Boyd - Present and Chair Mohr - Present. With 7 members present, a quorum was established.

Chair Mohr announced that case Z-16-22 has been withdrawn at the request of the Petitioner.

## **PUBLIC COMMENT**

Chairperson Mohr asked if anyone was present to provide public comment. Chairperson Mohr noted public comment is for addressing items not on the regular agenda. No individuals were present to provide public comment.

## **MINUTES**

Minutes were corrected to reflect Ms. Patino's vote and include Dunraven HOA document as an attachment. Commissioner Boyd motioned to approve the minutes from the December 7, 2022. Commissioner Krieger seconded. A voice vote was held. 6 ayes, 1 abstention (Chairperson Mohr due to absence during the subject meeting). The motion passed.

## **REGULAR AGENDA**

- A. **Z-16-22** Public hearing, review and action on a petition submitted by OSF Healthcare System, requesting approval of a Zoning Map Amendment for the property located at 3 Moore Road, from R-1A (Single-Family Residence) District to P-2 (Public Lands and Institutions) District. PIN: 21-10-232-025. (**WITHDRAWN AT REQUEST OF THE PETITIONER**)
- B. **Z-01-223** Public hearing, review and action on a request by David R. Dow & James A. Neeley Trust for a S-4 (Historic Preservation District) Overlay for the property located at 33 Sunset Road. PIN: 14-34-402-016.

Mr. Branham presented the staff report for case Z-01-23, with a recommendation for approval. He provided background on the request and the overall process. He stated that the Historic Preservation Commission reviewed the item recently and voted unanimously to recommend approval to the Planning Commission. He added the Historic Preservation Commission found it met three criteria required for designation.

Commissioner Boyd inquired whether there was any other S-4 designation located within the direct area/neighborhood. Mr. Branham stated there was not. Ms. Pemberton added the location is located near Ewing Manor which was designated while under private ownership.

Chairperson Mohr asked if there was anyone present to speak for or against Case Z-01-23. There were none. Chairperson Mohr closed the public hearing for Case Z-01-23.

Commissioner Beyer made a motion to approve as presented. The motion was seconded by Commissioner Muehleke.

Mr. Krieger - Yes, Mr. Muehleke - Yes, Mr. Galpalli - Yes, Ms. Patino - Yes, Ms. Beyer - Yes, Vice-Chair Boyd - Yes and Chair Mohr - Yes (7-0). The motion passed.

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MEETING MINUTES

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WEDNESDAY FEBRUARY 1, 2023

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Mr. Branham noted that the case will go before City Council on February 27, 2023.

- C. **Z-24-21** Public Hearing, review and action on text amendments, modifications and deletions to the Bloomington Zoning Ordinance, Chapter 44 of the City Code, submitted by the Bloomington City Council (Resolution 2021-31) relating to (1) auto sale exclusions, definition, and zoning; (2) updating certain zoning classifications; (3) reviewing residential uses that were previously permitted by right or via Special Use in commercial districts should again be allowed; (4) zoning for snack food manufacturing; (5) zoning for assisted living facilities; and (6) the review and submission process and commission schedules. Continued from October Meeting.

Ms. Pemberton presented a summary and background on the request. Ms. Pemberton noted the Commission is voting on what is being proposed. She stated this is final part to what has been discussed with the Commission for last six months.

Ms. Pemberton summarized changes related to Variances. She stated it would allow waivers rather than variances for Use Provisions as part of the Special Use permitting process. She stated the Planning Commission would have ability to waive requirements and require additional conditions for approval to compensate. She stated the waivers and/or conditions would be eliminated when the use discontinued. She added it would not impact hearing timelines as items would still go to City Council on the same date.

Ms. Pemberton stated if a Variance is still needed, it would be heard and approved by the Zoning Board of Appeals. She noted the number of cases where a Special Use was applied for and a Variance for a use provision was requested along with the application.

Ms. Pemberton presented a chart which indicated what Staff believes happened when the zoning districts were consolidated, and legislative site plan requirements were grossly and incorrectly transferred to the new districts. In the old Code the “B” districts did not require legislative site plans. The districts that were designed to have legislative site plans were the “C” districts, (C-2 and C-3) which were those intended to be adjacent to residential districts. Ms. Pemberton noted the types of uses permitted within those districts and how the uses permitted aligned more with local commercial and office, both of which would likely be adjacent to residential properties. The relevant Staff presentation is attached to this record as Exhibit “A.”

Ms. Pemberton noted there were numerous restrictions associated with these districts and the intent was to protect the surrounding residential properties. She stated there were nuances with how legislative site plans were assigned that were missed when the districts were consolidated under the 2019 Code rewrite; the requirement went from being applied to a few commercial districts to all commercial districts, which was not the original intent of the requirement. The intent appears to have been to review some, but not every commercial development. Evidence shows that the current regulatory structure has slowed down development within the City.

Additionally, Ms. Pemberton noted that legislative site plans, as they exist now, are not providing significant benefit to the community. Ms. Pemberton provided a chart indicating the legislative site plan cases that have come before the Commission in the past years; the chart highlighted that proximity to residential property was the best indicator of public participation.

Staff’s recommendation, based upon available case data and the intent of the previous Code, is to

amend the Code so that the intent (protecting neighborhoods and residential properties) fits into our current districts. This would result in legislative site plan requirements falling under the C-1, B-2 and D-2 Districts that are designed to fall between commercial and residential. For any other projects that appear to be of concern, the current Code allows the Petitioner or Staff to request a Legislative Site Plan Review. This amendment would reduce the number of Plan Review cases coming before the Commission, but not remove the process where evidence shows it to be beneficial.

Commissioner Beyer inquired how this would impact Downtown development requirements. Ms. Pemberton clarified the impact to each Downtown district.

Commissioner Beyer noted an error with the numbering. Ms. Pemberton thanked Ms. Beyer for her attention to detail and noted the proposals will be reviewed again prior to codification.

Vice-Chair Boyd wanted to clarify that D-2 is included and would still require legislative review. Ms. Pemberton responded in the affirmative, stating the intent of D-2 is to be transitional and adjacent to residential. There was additional discussion about review in the Downtown districts.

Chair Mohr stated he thinks items 2-a and 2-b requirements for legislative site plan need to be reviewed for content and possible removal later. He believes they are excessive and do not take into account the size of the project.

Ms. Pemberton continued to outline the proposed changes. She stated the Planning Commission and staff would be able to initiate future text amendments.

Ms. Pemberton noted changes related to Historic Preservation. She stated they would be modifying criteria for being able to nominate building/property. She stated they made it match similar criteria used by other Commissions. She stated it would also require recording of all designating ordinances and removes duplicative language.

Ms. Pemberton summarized items related to Mobile Food and Beverage vendors, which would make it easier for food trucks to operate, formally speaking. She stated they would no longer be registered or permitted by Economic & Community Development. She stated they have made them an accessory use in all districts and retained some site criteria requirements remain in place. Future regulation of operation would be governed by the subject business license.

Ms. Pemberton outlined changes related to special uses, including the provision of waivers which was previously discussed. She stated that changes clarify expiration and termination if conditions of approval are not met.

Ms. Pemberton stated Staff worked with in coordination with the Legal Department on items related to notice, public hearings and procedures. She stated one of the items clarifies that a quorum would consist of the majority of the currently serving members.

Mr. Boyle and Ms. Pemberton noted that Staff recommended removing the suggested alteration to § 44-1710A(4) which is related to the Maintenance of Historic Properties, for now.

Commissioner Beyer inquired about the separation of Hospital and Medical Center in the permitted use table and whether that should be modified. Ms. Pemberton noted that the Use was like that upon adoption of the Code, not created at this time. Ms. Smith stated this would

be going outside of what Council has given staff permission to do. She stated it was something that could potentially be addressed with future text amendments. There was discussion regarding the original intention and why items changed, and the issue of changing things too much would create issue with public notice and public expectation.

Commissioner Beyer inquired about text changes and whether it would impact members who are serving but their term has expired. Ms. Pemberton explained term limit items and that they are handled separately in the administrative portion of the Code.

Commissioner Beyer inquired whether courtesy notices were being eliminated. Ms. Pemberton responded there were not. She noted that notices for S-4 properties would be aligned with notice requirements for other case types.

Chair Mohr noted one other scrivener's error.

Chair Mohr opened the public hearing for case Z-24-21.

**Greg Koos (305 Woodland Avenue)** stated he did not have any comments but wanted to ensure previously proposed alterations to § 44-1710A(4) were removed from consideration until the Historic Preservation Commission had time to consider comprehensive recommendations for improvements to the Code.

No additional testimony was provided. No additional discussion by the Commission.

Commissioner Krieger made motion to find the proposed text amendments are in the public interest and recommend approval of the text amendments, as proposed and described by Staff, with the exception of the proposed alteration to § 44-1710A(4) related to the Maintenance of Historic Properties, and amended to correct two scrivener's errors. Seconded by Commissioner Beyer. No amendments or discussion were offered.

Mr. Krieger - Yes, Mr. Muehleke - Yes, Mr. Galpalli - Yes, Ms. Patino - Yes, Ms. Beyer - Yes, Vice-Chair Boyd - Yes and Chair Mohr - Yes (7-0). The motion passed.

Ms. Pemberton stated the item will move forward to City Council review on February 27, 2023.

#### **OLD BUSINESS**

Chair Mohr inquired about the status of the definition of Snack Foods. Ms. Pemberton explained that the work related to Snack Foods that was requested by Resolution No. 2021-31 was completed with Ordinance No 2022-99.

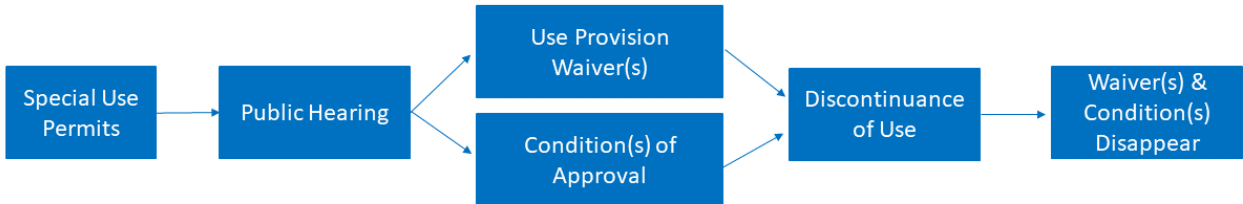
**NEW BUSINESS** - None.

#### **ADJOURNMENT**

Chairperson Mohr asked for a motion to adjourn. Commissioner Boyd made said motion. The motion was seconded by Commissioner Beyer. A voice vote was held, and all Commissioners responded in the affirmative. Motion passed (7-0). The meeting adjourned at 4:56 P.M.

**Exhibit A**  
**Staff Presentation for Z-24-21 (February 1, 2023)**

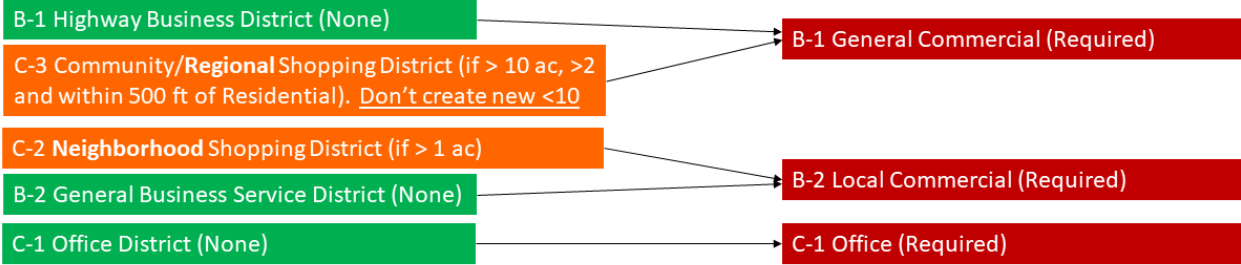
ISSUE(S): Efficiency, Land-Associated Variances Provided for Use-Associated Requirements  
 SOLUTION(S): Allow Waivers for Use Provisions



In almost every case, when a use is a “Special Use,” exemptions or allowances needed have been to Use Provisions. Allowing waivers of use provisions (with potential conditions to compensate) provides very similar case results, with “use specific” requirements aligned with use review and use-duration approval.

Case	PIN	Subject	Concurrent	Provision Varied	Zoning	Adjacent to Residential?	Opposed
PR-12-22	14-35-251-010	Hy-Vee	Var	Drive-through setback	B-1	Y	
PR-11-22	14-31-353-004	Hotel	Var	Lot size per room (1021)	B-1	N	
PR-10-22	21-21-201-012	Woodrig Business Park				N	0
PR-09-22	14-35-203-005	Belle Tire	SP, Var Waiver	Height (1034)	B-1	N	1
PR-08-22	14-35-378-016	Chicken Salad Chick			B-1	N	0
PR-07-22	14-33-329-012	Scooter’s Coffee			B-1	N	0
PR-06-22	14-35-451-021	U-Haul	SP, Var Waiver	Height (1026)	B-1	Y	3
PR-05-22	14-35-377-022	Fiesta Ranchera	Var	Parking lot landscaping	B-1	N	0
PR-04-22	14-31-351-009	StayAPT			B-1	N	0
PR-03-22	14-36-376-032	ABC Supply			B-1	Y	0
PR-02-22	21-16-152-007	Sale Barn/PCSL		Annexation associated	B-1	Y	4
PR-01-22	21-06-102-003	Quik-Trip		Annexation associated	B-1	Y	5
SP-03-22	21-04-281-015	Rooming House	Var Waiver	Screening (1019)	R-2	Y	2
SP-06-22	21-05-462-008	Chicken-Keeping	Var Waiver	Coop Location (1011)			
PR-08-21	22-07-226-008	Performance Lab	SP		B-1	N	0
PR-07-21	21-11-351-024	OldAcre (Auto)	SP		B-1	N	0
PR-05-21	21-06-226-005	Panda Express	Var	Parking exceed 25%	B-1	N	0
PR-04-21	14-35-127-025	Vernon Car Wash	Var	Parking lot landscaping, parking location	B-1	N	0

ISSUE(S): Over-simplification of site plan review regulations during roll-up  
 SOLUTION(S): Detangle rolled-up restrictions from rolled-up Districts, roll back Legislative Site Plan Review



ISSUE(S): Over-simplification of site plan review regulations during roll-up  
 SOLUTION(S): Detangle rolled-up restrictions from rolled-up Districts, roll back Legislative Site Plan Review

- Reduces burden on development in Districts *designed* to be developed as intensive uses.
- Retains Site Plan Review in Districts designed to be near Residential.
- Still permits Applicant or Staff to initiate Site Plan Review for major project in other Districts.
- Staff still conducts same level of review for projects, but public hearing requirement is altered.

§ 44-505 [Ch. 44, 5-5] Development standards applicable to business districts.

- A. Site plan review. Development proposals meeting the following criteria shall be subject to Site Plan Review in accordance with the requirements of Article XVII.
- (1) New development, infill or redevelopment in any Business District.
  - (2) Building or site alteration in any Business District that includes one or more of the following:
    - (a) Expansion of the floor area or height of any building or structure by 20% or more.
    - (b) Alterations to off-street parking areas that increase or decrease the number of parking spaces by 20% or more.
    - (c) Exterior alterations that substantially modify a building's architectural appearance, including alteration of exterior building materials, rooflines or window openings.
    - (d) Other significant changes to site access, landscaping, parking and site characteristics as determined by the Zoning Administrator.
  - (3) ~~Development proposals requiring Site Plan review that are in B-2, C-1, or D-2 shall require a public hearing in accordance with § 44-1709E.~~
  - (34) Regulations Applicable to the D-1, D-2 and D-3 Districts.
- E. Public Hearing. Site plan review ~~requiring legislative public hearing~~. Applications for site plan review required pursuant to § 44-505 shall ~~that~~ require a legislative public hearing.
- (1) Procedure. ~~Legislative p~~Public hearings shall be conducted in accordance with § 44-1705 of this Code.
- F. Administrative site plan review. The Director of Economic and Community Development shall be authorized to conduct site plan review for off-street parking and loading facilities or landscaping as required pursuant to Articles XII and XIII, and any site plan reviews that do not require a public hearing. [Amended 10-26-2020 by Ord. No. 2020-69]

If Legislative Site Plan requirements were rolled back to the Districts of original intent, all cases with opposition would still have required public hearings.

Case	PIN	Subject	Concurrent	Provision Varied	Zoning	Adjacent to Residential?	Opposed
PR-12-22	14-35-251-010	Hy-Vee	Var	Drive-through setback	B-1	Y	0
PR-11-22	14-31-353-004	Hotel	Var	Lot size per room (1021)	B-1	N	0
<del>PR-10-22</del>	<del>21-21-201-012</del>	<del>Woodrig Business Park</del>	-	-	-	<del>N</del>	<del>0</del>
PR-09-22	14-35-203-005	Belle Tire	SP, Var	Height (1034)	B-1	N	1
<del>PR-08-22</del>	<del>14-35-378-016</del>	<del>Chicken Salad Chick</del>	-	-	<del>B-1</del>	<del>N</del>	<del>0</del>
<del>PR-07-22</del>	<del>14-33-329-012</del>	<del>Scooter's Coffee</del>	-	-	<del>B-1</del>	<del>N</del>	<del>0</del>
PR-06-22	14-35-451-021	U-Haul	SP, Var	Height (1026)	B-1	Y	3
PR-05-22	14-35-377-022	Fiesta Ranchera	Var	Parking lot landscaping	B-1	N	0
<del>PR-04-22</del>	<del>14-31-351-009</del>	<del>StayAPT</del>	-	-	<del>B-1</del>	<del>N</del>	<del>0</del>
<del>PR-03-22</del>	<del>14-36-376-032</del>	<del>ABC Supply</del>	-	-	<del>B-1</del>	<del>Y</del>	<del>0</del>
PR-02-22	21-16-152-007	Sale Barn/PCSL		Annexation associated	B-1	Y	4
PR-01-22	21-06-102-003	Quik-Trip		Annexation associated	B-1	Y	5
PR-08-21	22-07-226-008	Performance Lab	SP		B-1	N	0
PR-07-21	21-11-351-024	OldAcre (Auto)	SP		B-1	N	0
PR-05-21	21-06-226-005	Panda Express	Var	Parking exceed 25%	B-1	N	0
PR-04-21	14-35-127-025	Vernon Car Wash	Var	Parking lot landscaping, parking location	B-1	N	0
PR-03-21	21-05-228-006	Cushing's Carpet	Var		C-1	Yes	0
PR-02-21	22-07-200-062	Islamic Center Prayer	SP		B-1	No	0
PR-01-21	21-05-180-026	Dominos	Var	Landscape plantings and bypass lane	B-1	No	0

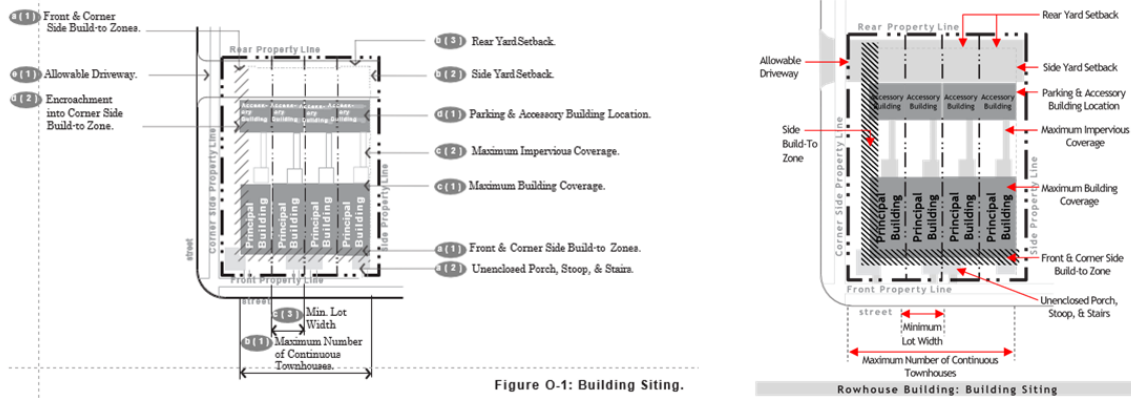


*To be the most effective for Business AND Residents, Site Plan process changes should be paired with a map review of B-1 zoned areas for map amendments in areas where B-2 or Residential is more appropriate, based on the Comprehensive Plan and District Purpose and Intent statements.*

- Scope of work prepared
  - Need: Density study of on-the-ground DUs, compared to assigned District
  - Need: Highlight of all B-1 directly adjacent to Residential zoning
  - Outcome: Review and initiate appropriate rezoning actions from B-1 to B-2/C-1/D-2 (N-1.1b)
  - Outcome: Review and initiate residentially zoned areas for up/down zoning into other "R" Districts (N-1.1a)
- Guiding Principles
  - Majority property owner agreement with zoning actions
  - Make repair and redevelopment easier in established neighborhoods by aligning assigned District with on-the-ground reality

## GAP (Gridley, Allin, & Prickett) Form-Based Code

- Move from “Attachment” to Chapter 44 main text
- Address scrivener’s errors and minor updates to terminology
- Update images for readability and clarity
- Used Final version (2017) that was intended for codification, not the DRAFT that is currently attached in eCode



## Other Corrections & Updates

### Map & Text Amendment Process

- Allows the Board/Commission and Staff to initiate amendments
- Separates criteria for review of map and text to better align with appropriate considerations and existing case law
- Corrects an issue related to determining which property(s) may serve as 20% in protest cases

### Historic Preservation

- Corrects an issue related to determining which property(s) owner(s) may nominate historic properties and districts
- Requires recording of all designating ordinances (best practice)
- Removes duplicative language

### Mobile Food and Beverage Vendors

- Adjusts use to be appropriate in all Districts, as accessory
- Places licensing and operation duties within Chapter 11 (Clerk, with their approval)
- Retains appropriate expectations regarding location operation on all sites

## Other Corrections & Updates

### Special Use Process

- Allows waivers of Use Provisions as part of the Special Use Permitting process
- Removes ability to review Variances concurrently with Legislative Site Plan Review and Special Uses
- Clarifies expiration and termination if conditions of approval are not met

### Notice, Public Hearings, & Procedures

- Removes differentiation between hearing types and holds all hearings to the same standard of care and due process
- Removed hearing type from multiple processes
- Allows Staff to act as the Secretary of the Decision-Making Bodies
- Changes quorum to be the majority of the currently serving members
- Ensures applicants are required to reimburse the City for all real financial expenditures associated with Land Use cases

### Other

- Relocates “Use Provisions” that are actually development criteria to the appropriate sections of the Code



## Staff Recommendation CASE Z-24-21

### Z-24-21

#### Recommended Action:

Motion to find that the proposed text amendments are in the public interest recommend approval of the text amendments, as proposed and described by Staff, with the exception of the proposed alteration to § 44-1710A(4) related to the Maintenance of Historic Properties.

DRAFT

MEETING MINUTES

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

WEDNESDAY FEBRUARY 1, 2023

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## Exhibit B

Supplement to Staff Report for Z-24-21 (February 1, 2023)



## PLANNING COMMISSION

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**TO:** Planning Commission

**FROM:** Economic & Community Development Department

**DATE:** February 1, 2022

**CASE NO:** Z-24-21, Text Amendments (Supplement to Staff Report)

**REQUEST:** Continued discussion on text amendments, modifications and deletions to the Bloomington Zoning Ordinance, Chapter 44 of the City Code, submitted by the Bloomington City Council (Resolution 2021-31) relating to (1) auto sale exclusions, definition, and zoning; (2) updating certain zoning classifications; (3) reviewing residential uses that were previously permitted by right or via Special Use in commercial districts should again be allowed; (4) zoning for snack food manufacturing; (5) zoning for assisted living facilities; and (6) the review and submission process and commission schedules.

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The subject matter of the changes below was provided in the initial Staff Report and proposal, but additional details of how language movement would look have been provided below. Structural changes are in black. Red changes are true content changes. Images for the GAP Code that were missing in the initial Staff Report have been provided as well.

### ***Content Move #1 - R-D Development Standards to Residential District article***

#### **§ 44-405 [Ch. 44, 4-5] Development standards applicable to residential districts.**

A. ~~(Reserved)~~ New construction in R-D District.

- (1) The main entrance to the dwelling shall face the primary street.
- (2) New construction shall be similar in mass and character to abutting properties, including roof pitch, eaves, building materials, windows, trim, color, and landscaping.
- (3) Quality materials. Exterior building materials shall be traditional, time- and weather-tested materials and techniques, such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.
- (4) Accessory buildings and structures. Garages, accessory dwelling units, and other accessory buildings and structures shall not be located between the front facade of the primary structure and front lot line. Garages shall be accessed from the alley. If alley access is not available, garages may be accessed by a single-slab or ribbon driveway connecting the garage to the right-of-way. Single-slab driveways and driveway aprons for single-slab and ribbon driveways shall meet the standards of § 44-404C(2)(b).
- (5) Ribbon driveway design standards.
  - (a) Ribbons shall be a minimum of two feet wide and a maximum of three feet wide.

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- (b) Ribbons shall be a minimum of three feet apart measured from their nearest edges. The space between ribbons shall be planted in turf grass or other ground cover used in the front yard.
- (c) Ribbons shall be concrete, including decorative concrete, patterned concrete, and exposed aggregate concrete, porous asphalt, concrete pavers, paving blocks, or similar materials approved by the City Engineer.
- (6) Multiple-Family new construction in R-D.
  - (a) Location of parking. All off-street parking, as required by § 44-1208E of this ~~UDO~~ Code, shall be located in the rear of buildings.
  - (b) Driveways. Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or the property and street frontage.
  - (c) Location of service, loading, and utility areas. Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from a right-of-way.
  - (d) Walkways. Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

~~§ 44-1042 [Ch. 44, Sec. 10-42] Single-family detached new construction in R-D District. (Reserved)~~

- ~~A. Orientation. The main entrance to a single-family detached dwelling shall face the primary street.~~
- ~~B. Accessory buildings and structures. Garages, accessory dwelling units, and other accessory buildings and structures shall not be located between the front facade of the primary structure and front lot line. Garages shall be accessed from the alley. If alley access is not available, garages may be accessed by a single-slab or ribbon driveway connecting the garage to the right-of-way. Single-slab driveways and driveway aprons for single-slab and ribbon driveways shall meet the standards of § 44-404C(2)(b).~~
- ~~C. Ribbon driveway design standards.~~
  - ~~(1) Ribbons shall be a minimum of two feet wide and a maximum of three feet wide.~~
  - ~~(2) Ribbons shall be a minimum of three feet apart measured from their nearest edges. The space between ribbons shall be planted in turf grass or other ground cover used in the front yard.~~
  - ~~(3) Ribbons shall be concrete, including decorative concrete, patterned concrete, and exposed aggregate concrete, porous asphalt, concrete pavers, paving blocks, or similar materials approved by the City Engineer.~~
- ~~D. Architecture. Single-family detached new construction shall be similar in mass and character to abutting properties, including roof pitch, eaves, building materials, windows, trim, color and landscaping.~~
- ~~E. Quality materials. Exterior building materials shall be traditional, time and weather-tested materials and techniques, such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.~~

~~§ 44-1043 [Ch. 44, Sec. 10-43] Single-family attached new construction in R-D District. (Reserved)~~

- ~~A. Orientation. The main entrances to a single-family attached dwelling shall face the primary street.~~
- ~~B. Accessory buildings and structures. Garages and other accessory buildings and structures shall be located in the rear of the primary structure. Garages shall be accessed from the alley. If alley access is not available, garages may be accessed by a single-slab or ribbon driveway~~

~~connecting the garage to the right-of-way. Single-slab driveways and driveway aprons for single-slab and ribbon driveways shall meet the standards of § 44-404C(2)(b).~~

~~C. Ribbon driveway design standards.~~

~~(1) Ribbons shall be a minimum of two feet wide and a maximum of three feet wide.~~

~~(2) Ribbons shall be a minimum of three feet apart measured from their nearest edges. The space between ribbons shall be planted in turf grass or other ground cover used in the front yard.~~

~~(3) Ribbons shall be concrete, including decorative concrete, patterned concrete, and exposed aggregate concrete, porous asphalt, concrete pavers, paving blocks, or similar materials approved by the City Engineer.~~

~~D. Architecture. Single-family attached new construction shall be similar in mass and character to abutting properties, including roof pitch, eaves, building materials, windows, trim, color, and landscaping.~~

~~E. Quality materials. Exterior building materials shall be traditional, time- and weather-tested materials and techniques, such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.~~

~~§ 44-1044 [Ch. 44, Sec. 10-44] Multifamily new construction in R-D District. (Reserved)~~

~~A. Orientation. The main entrance to a multiple-unit dwelling building shall face the primary street.~~

~~B. Location of parking. All off-street parking, as required by § 44-1208E of this UDO, shall be located in the rear of buildings.~~

~~C. Driveways. Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or the property and street frontage.~~

~~D. Location of service, loading, and utility areas. Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from a right-of-way.~~

~~E. Walkways. Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.~~

~~F. Architecture. Multifamily new construction shall be similar in mass and character to abutting properties, including roof pitch, eaves, building materials, windows, trim, color, and landscaping.~~

~~G. Quality materials. Exterior building materials shall be traditional, time- and weather-tested materials and techniques, such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.~~

***Content Move #2 - Accessory dwelling unit conversion and new construction to Accessory buildings and uses section***

**§ 44-908 [Ch. 44, 9-8] Accessory buildings and uses.**

On a lot devoted to a permitted principal use, customary accessory uses, and structures are authorized subject to the following standards and any applicable off-street parking requirements:

...

E. Agricultural structures. Agricultural buildings that are used only for agricultural purposes, such as barns, silos, bins, sheds, and farm machinery sheds, shall not be considered accessory buildings or structures. Such buildings are principal agricultural buildings and shall comply with the district bulk standards.

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F. Accessory dwelling unit conversion and new construction.

- (1) Primary residence. The primary building shall be a single-family detached use and the primary residence of the owner of the property.
- (2) Size. Accessory dwelling units shall not be greater than 800 square feet or 50% of the size of the primary building, whichever is less.
- (3) Location. Accessory dwelling units shall be located in the rear of the primary structure and shall comply with all location requirements for accessory buildings found in § 44-1043 and § 44-908.
- (4) Orientation. Only one entrance shall be located on the front facade of the primary building. Entrances to accessory dwelling units must be located on the side or rear facade.
- (5) Access. Accessory dwelling units shall be accessed from the alley. If alley access is not available, both the primary building and the accessory dwelling unit shall be served by one common driveway connecting the accessory dwelling unit to a public or private road.
- (6) Parking. A minimum of one parking space shall be provided for the accessory dwelling unit in addition to the parking space(s) required for the primary building. The parking for the accessory dwelling unit shall not be located in the required front yard setback. A tandem parking space, where one car is parked behind another, with the spaces required for the primary building shall be prohibited.
- (7) Architecture. Accessory dwelling units shall be similar in character to the primary building and to abutting properties, including roof pitch, eaves, building materials, windows, trim, color, and landscaping.

§ 44-1045 [Ch. 44, Sec. 10-45] ~~Accessory dwelling unit conversion and new construction.~~ (Reserved)

- ~~A. Primary residence. The primary building shall be a single-family detached use and the primary residence of the owner of the property.~~
- ~~B. Size. Accessory dwelling units shall not be greater than 800 square feet or 50% of the size of the primary building, whichever is less.~~
- ~~C. Location. Accessory dwelling units shall comply with all location requirements for accessory buildings found in § 44-1043 and § 44-908.~~
- ~~D. Orientation. Only one entrance shall be located on the front facade of the primary building. Entrances to accessory dwelling units must be located on the side or rear facade.~~
- ~~E. Access. Accessory dwelling units shall be accessed from the alley. If alley access is not available, both the primary building and the accessory dwelling unit shall be served by one common driveway connecting the accessory dwelling unit to a public or private road.~~
- ~~F. Parking. A minimum of one parking space shall be provided for the accessory dwelling unit in addition to the parking space(s) required for the primary building. The parking for the accessory dwelling unit shall not be located in the required front yard setback. A tandem parking space, where one car is parked behind another, with the spaces required for the primary building shall be prohibited.~~
- ~~G. Architecture. Accessory dwelling units shall be similar in character to the primary building and to abutting properties, including roof pitch, eaves, building materials, windows, trim, color, and landscaping.~~

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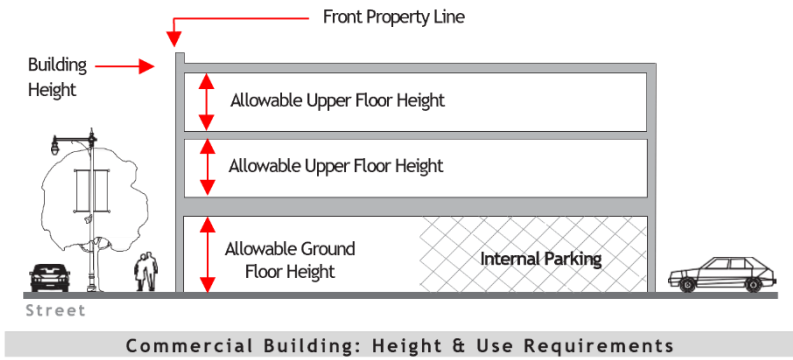
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CORRECTED: Figure 1406A(2): Commercial Building: Height & Use Requirements (spelling)





## PLANNING COMMISSION

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**TO:** Planning Commission

**FROM:** Economic & Community Development Department

**DATE:** March 1, 2023

**CASE NO:** Z-04-23, Amended Annexation Agreement

**REQUEST:** Public hearing, review and action on a request submitted by Hershey Grove LLC, (1 Brickyard Drive, Bloomington, IL 61701) for approval of the Second Amendment to the Hershey Grove Annexation Agreement, related to amendments to offsite improvements of the Constitution Trail, pertaining to property commonly located at the SE corner of the intersection of Ireland Grove and Hershey Road, consisting of approximately 144 acres.

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### BACKGROUND

#### *Petitioners' Request:*

The Petitioner seeks approval of the Second Amendment to the Annexation Agreement entered on February 11, 2002, related to the Hershey Grove Subdivision. The original agreement outlined how the parkland decision requirements were to be satisfied by making certain improvements. The original parkland dedication fee was \$285,880 to help build the trail. Improvements at a cost of \$249,316 have been installed. The remaining improvement left is estimated to exceed \$100,000. The amendment will allow a mid-block crossing on Hershey Road between Hamilton Road and Ireland Grove Road that connects the existing trail to future trail, in lieu of completion of the original portion. The mid-block crossing will be constructed by April 30, 2023 per the amended annexation agreement.

#### *Property Characteristics:*

The subject property consists of approximately 41 acres of land located near the southeast corner of Ireland Grove Road and S. Hershey Road. The entire property has already been annexed into the City. The subdivision is roughly 80% built out with single-family residences. The remaining 20% of the property has been final platted but not developed. The zoning for the entire subdivision is R-1C. The property is accessed from Ireland Grove Road and has several local roads running through it to provide access to the interior.

#### *Notice:*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, February 13, 2023. Courtesy notices were mailed to 253 property owners within 500 feet of the subject property.

**Surrounding Zoning and Land Uses**

	<b>Zoning</b>	<b>Land Uses</b>
North	R-1C (Single-Family Residence) & R-2 (Mixed Residence)	Single-Family Residences
South	R-3B (Multiple-Family Residence)	Apartment Complex
East	R-1C (Single-Family Residence)	Single-Family Residences
West	R-2 (Mixed Residence) & B-2 (Local Commercial)	Vacant Land

**ANALYSIS**

*Compliance with the Comprehensive Plan*

The proposed Annexation Agreement and Zoning Map Amendment contributes to Goals N-1.5 (Promote creation of connected neighborhoods, focused on people, rather than isolated subdivisions in the Emerging areas), H-1.1 (Ensure that the housing to accommodate the new growth is a broad range (of types, sizes, ages, densities, tenancies and costs) equitably distributed throughout the City recognizing changing trends in age-group composition, income, and family living habits), HL-1. (Create a park and green space system that provides for a variety of active and passive recreational and wellness activities for current and future residents), HL-1.3 (Enhance the walking, jogging and biking trails system), HL-2.1 (Ensure easy access and availability of park facilities for residents as well as community groups), UEW-1.2 (Expand City’s infrastructure, as needed, while supporting the overall goal of compact growth and vibrant urban core), and TAQ-1. (A safe and efficient network of streets, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode).

Annexation Agreement requests are reviewed for consistency with the Comprehensive Plan. The 2035 Comprehensive Plan’s Future Land Use map identifies this section of S. Hershey Road and E. Hamilton Road as low density residential and conservation in the built areas. The Land Use Priorities map does not identify this area as a priority.

**STANDARDS FOR REVIEW**

The Planning Commission shall hold at least one public hearing on any proposed Annexation Agreement and Zoning Map Amendment and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Annexation and associated Zoning Map Amendment is in the public interest and not solely for the benefit of the applicant. In making such a finding, the Planning Commission may consider the factors listed in § 8.5-203D, listed below:

1. The suitability of the subject property for uses authorized by the existing zoning;
2. The length of time the property has remained vacant as zoned considered in the context of land development in the area;
3. The suitability of the subject property for uses authorized by the proposed zoning;
4. The existing land uses of nearby property;
5. Existing zoning of nearby property, relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application;
6. The extent to which adequate streets connected to the arterial street system are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification;

7. The extent to which the proposed amendment is consistent with the need to minimize flood damage and whether the development of the subject property for uses permitted in the proposed zoning classification would have a substantial detrimental effect on the drainage patterns in the area;
8. The extent to which adequate services (including but not limited to fire and police protection, schools, water supply and sewage disposal facilities) are available or can be supplied to serve the uses permitted in the proposed zoning classification; and
9. The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of Chapter 44, Article I, of the Bloomington City Code - 1960, including the following specific purposes:
  - a. *To conserve and protect the taxable value of land and structures;*
  - b. *To protect the air, water and land resources within the City from the hazards of pollution and misuse;*
  - c. *To protect land and structures from natural hazards; including flooding and erosion;*
  - d. *To preserve and protect historic locations, structures and groups of structures;*
  - e. *To preserve and protect and encourage the development of structures, groups of structures and neighborhoods of distinctive architectural character and appearance;*
  - f. *To provide for the orderly and functional arrangement of land uses and structures;*
  - g. *To establish standards for the orderly development or redevelopment of geographic areas within the City;*
  - h. *To secure for the public locations for housing, employment, shopping, education and recreation that are adequate in terms of health, safety, convenience and number;*
  - i. *To facilitate the adequate provision of transportation, water, sewage disposal, schools, parks and other public facilities; to conserve and protect natural resources including prime agricultural land, mineral resources and areas of scientific interest;*
  - j. *To conserve and protect natural resources including prime agricultural land, mineral resources and areas of scientific interest;*
  - k. *To permit public involvement in the planning of private land uses which have the potential for significant impact on the use and enjoyment of surrounding property or on the public resources and facilities of the City of Bloomington; and*
  - l. *To promote the Official Comprehensive Plan adopted by the City of Bloomington.*

The standards for review have been met as the overall intent of the original annexation agreement has been fulfilled, and a majority of the property has been developed.

#### STAFF RECOMMENDATION

Staff recommends the Planning Commission approve the request. Recommended motions for a vote are:

Motion to establish findings of fact that the proposed Second Amendment to the Annexation Agreement for Hershey Grove Subdivision ***is in the public interest and not solely for the benefit of the petitioner*** and recommend ***approval*** of the petition; and

Motion to approve the request for the Second Amendment to the Annexation Agreement for Hershey Grove Subdivision.

Upon a vote, the Planning Commission will forward its recommendation to City Council. City will then



conduct a second public hearing and approve or reject the Agreement on the basis of:

1. The facts presented at the public hearings; and
2. The recommendations of the Planning Commission; and
3. The recommendations of the City Staff.

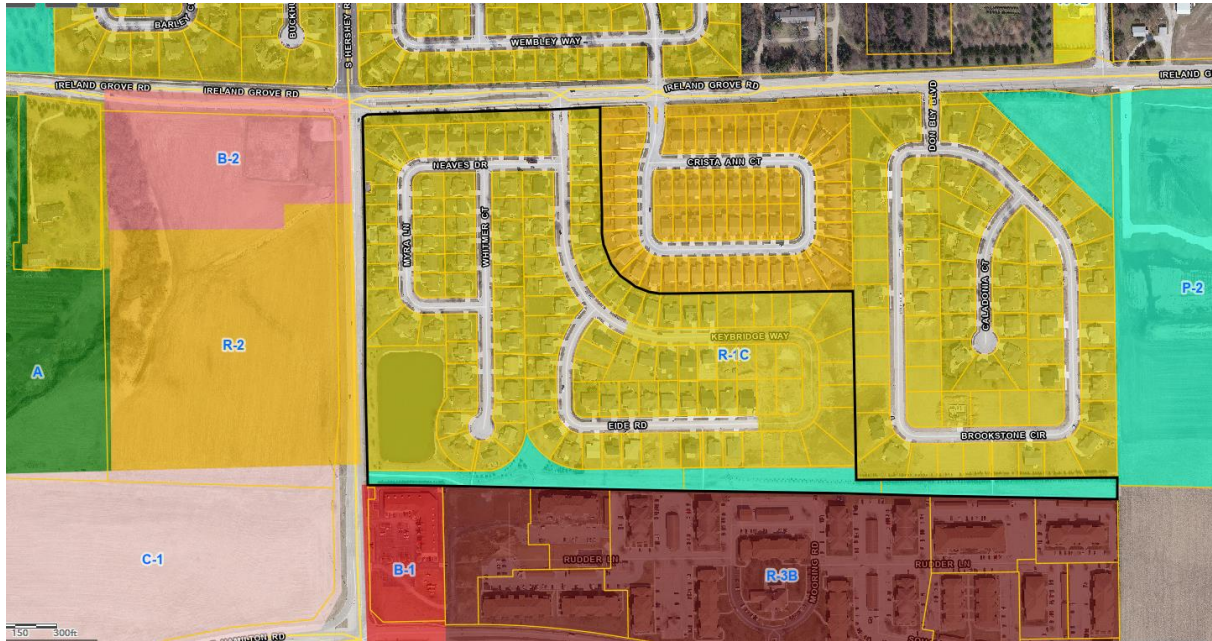
Respectfully submitted,

City Staff

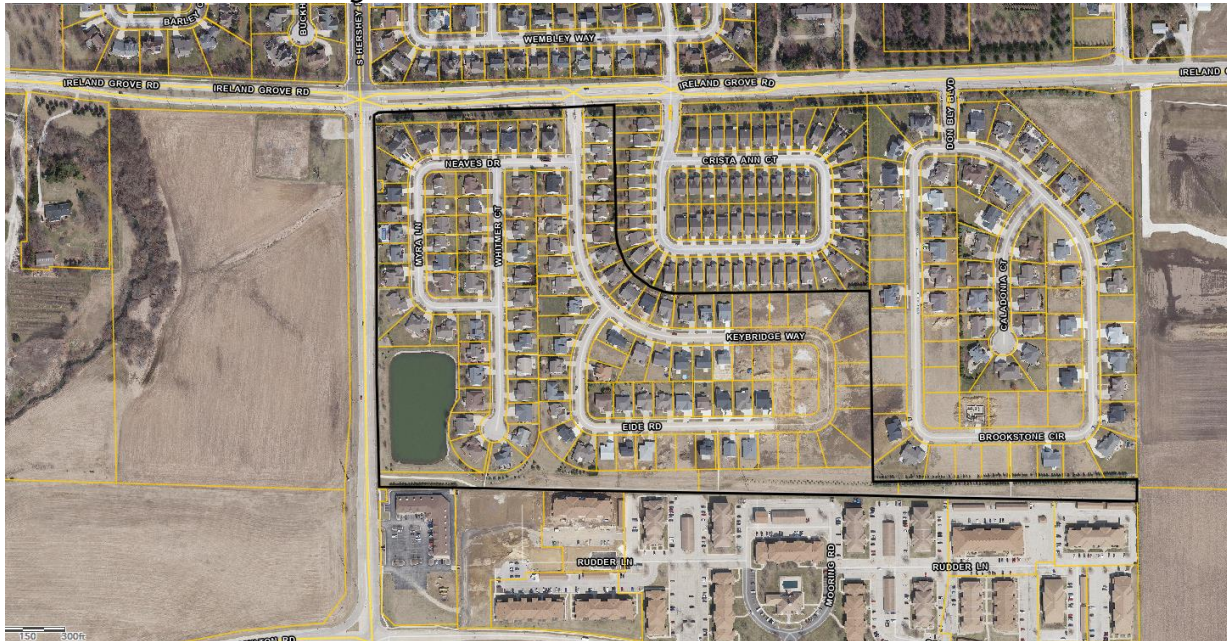
**Attachments:**

1. Zoning Map
2. Aerial Image(s)
3. Ground-Level View(s)
4. Petitioner Submission - Annexation Agreement w/Attachments
5. Neighborhood Notice Map

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image





Attachment 3- Ground-Level View(s)





*Attachment 4 - Petitioner Submission - Annexation Agreement w/Attachment*



**SECOND AMENDMENT TO ANNEXATION AGREEMENT**

This Agreement is made and entered into on this 13<sup>th</sup> day of January, 2023, by and between the City of Bloomington, McLean County, Illinois, herein referred to as "City" and Hershey Grove, LLC, an Illinois Limited Liability Company, herein referred to as "Owner".

WHEREAS, the City and Owner entered into an Annexation Agreement on February 11, 2002, to annex and have property developed to be known as the Hershey Grove Subdivision; and

WHEREAS, the City and Owner entered into a First Amendment to Annexation Agreement on December 14, 2015, to in part amend Section 11 of the Annexation Agreement to satisfy the park land dedication requirements by making certain improvements; and

WHEREAS, the original park land dedication fee for Hershey Grove Subdivision was calculated to be \$285,880.00; and

WHEREAS, pursuant to the First Amendment, the Owner has already put in improvements costing approximately \$249,316 and the remaining improvement left, the completion of Trail 2, is estimated to exceed \$100,000; and

WHEREAS, to bring the improvements in line with the original park land dedication fee, the parties desire to enter into this Second Amendment to Annexation Agreement to modify the requirements of Section 11; and

WHEREAS, the parties desire to amend the Annexation Agreement to set forth new terms and conditions.

THEREFORE, IT IS AGREED BY THE CITY AND OWNER AS FOLLOWS:

1. The recitals set forth above shall be incorporated herein and made a part of this agreement as if specifically set forth herein.

2. Section 11 of the Annexation Agreement shall be deleted in its entirety and replaced as follows:

The Owner shall satisfy the park land dedication requirements by making dedication of the area designated for the Constitution Trail and by making the following improvements: (1) construction of Sidewalk 1, as shown on the attached Exhibit A, prior to July 1, 2016; (2) construction of Trail 1, as shown on the attached Exhibit A, prior to July 1, 2017; and (3) construction of a mid-block crossing on Hershey Road between Hamilton Road and Ireland Grove Road that connects Trail 1 to the future Trail 2, by April 30, 2023. The construction of the sidewalk and trails, as well as the mid-block crossing, set forth herein shall be done in accordance with any and all applicable City standards and pursuant to City Code and its Manual of Practice.

3. The parties agree that this Second Amendment shall only supersede the terms and obligations of the Annexation Agreement and the First Amendment to the extent expressly set forth herein and that the Annexation Agreement and First Amendment shall otherwise remain in full force and effect.

4. The term of this Second Amendment shall be 10 years from the date of execution hereof, which shall also serve to continue the terms and obligations of the original Annexation Agreement and First Amendment ten (10) years from the date of execution of this Second Amendment.

City of Bloomington, Illinois,  
A Municipal Corporation

By: \_\_\_\_\_  
Mboka Mwilambwe, Mayor

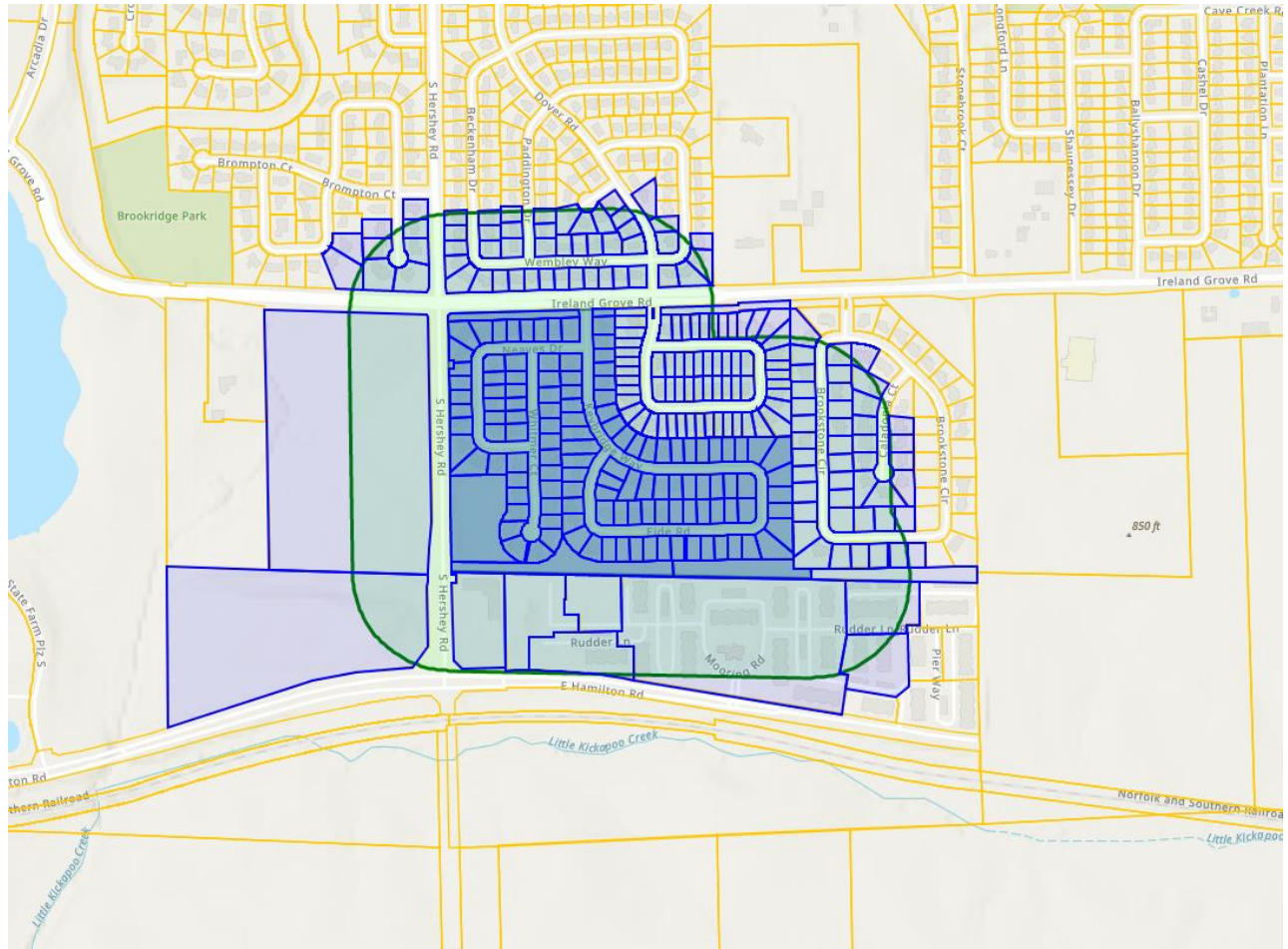
ATTEST:

\_\_\_\_\_  
Leslie Yocum, City Clerk

Hershey Grove, LLC, an Illinois Limited  
Liability Company

By:   
Its: *Owner/Manager*

Attachment 5 - Neighborhood Notice Map







# PLANNING COMMISSION

**TO:** Planning Commission

**FROM:** Economic & Community Development Department

**DATE:** March 1, 2023

**CASE NO:** Z-05-23, Zoning Map Amendment

**REQUEST:** Public hearing, review and action on a petition submitted by Nicholas Berky, requesting approval of a Zoning Map Amendment for the property located at 704 McGregor Street, from R-1C (Single-Family Residence) District to B-2 (Local Commercial) District. PIN: 21-10-206-005.

## BACKGROUND

### *Request*

The Petitioner seeks a Zoning Map Amendment for the subject property, from the R-1C (Single-Family Residence) District to B-2 (Local Commercial) District, to allow the continued utilization of the existing restaurant. The property is currently owned by Larry Weaver and is being acquired by “Mac and the Egg,” AKA Nicholas Berky. The current use of the property is nonconforming; the proposed District permits the use by right.

### *Property Characteristics*

The subject property consists of 0.95 acres of land located near the corner of McGregor Street and Croxton Avenue. It is improved with a single-story structure that has been operated as The Ozark House restaurant since 1987, with prior commercial operations (Knights of Columbus and the Ranch House restaurant) in existence since 1950.

### *Notice*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, February 13, 2023. Courtesy notices were mailed to 83 property owners within 500 feet of the subject property.

### *Surrounding Zoning and Land Uses*

	<b>Zoning</b>	<b>Land Uses</b>
North	R-1C (Single-Family Residence)	Single-Family Dwellings
South	B-2 (Local Commercial)	Personal Services (Salon)
East	R-1C (Single-Family Residence)	Single-Family Dwellings
West	ROW/R-1C (Single-Family Residence)	Street/Golf Course

## ANALYSIS

### *Comparison of Existing and Proposed Districts\**

#### **Existing Zoning: R-1A (Single-Family Residence) District**

The R-1A Residence District is intended to provide for the establishment of areas characterized by large lot single-family dwelling units for occupancy by families, and related recreational, religious, and cultural facilities that serve the immediately

surrounding residents, as well as those living in the district. The R-1A district provides for approximately two dwelling units per acre.

**Proposed Zoning: B-2 (Local Commercial) District**

The intent of this B-2 Local Commercial District is to provide retail, commercial and service establishments, including retail stores and personal service facilities, which serve the frequently recurring needs of surrounding local employment areas and residential neighborhoods. In addition to serving commercial purposes, this district encourages a mix of land uses, continued community investment through infill and site renovations, and a development form that supports mixed transportation modes, such as bicycle, pedestrian, and public transportation in addition to personal vehicles. Neighborhood shopping centers, particularly with a supermarket as a principal or anchor tenant, are appropriate at prominent intersections. The protection of surrounding residential properties from adverse impacts is a primary focus of this district.

*Compliance with the Comprehensive Plan*

The proposed Zoning Map Amendment contributes to Goals N-1.1b (Ensure sensitive transitions from residential to nonresidential), N-2.2 (Celebrate the uniqueness of Bloomington’s neighborhoods).

The 2035 Comprehensive Plan’s Future Land Use map identifies this area as Neighborhood Commercial in the built areas. The Land Use Priorities map does not identify this property.

**STANDARDS FOR REVIEW**

The Planning Commission shall hold at least one public hearing on any proposed Zoning Map Amendment and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Map Amendment is in the public interest and not solely for the benefit of the applicant, based upon considering the factors listed in § 44-1706E(2) and discussed below.

*Request for Zoning Map Amendment for R-1C to B-2*

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

Uses permitted within the R-1C (Single-Family Residence) District are residentially oriented and appropriate near other residential uses in the vicinity. However, with a front width of 160 and depth of 254, splitting this property into lots that conform with the standards for the District would be impractical and financially unfeasible. Up to three conforming lots could be created from the current parcel, but the resulting lots would be twice the depth of other properties in the area (254’) and could not be shortened without creating landlocked parcels. Residential use of the existing lot is unlikely given the size and equalized assessed value of other properties in the area. Uses authorized by the current zoning are generally appropriate for the area, but use of the subject property for most R-1C authorized uses is impracticable.

**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; a nonconforming use has been legally and successfully operating

on site since 1950.

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

Uses permitted within the B-2 (Public Lands and Institutions) District are primarily neighborhood-supportive in nature, designed to fulfill the common or daily needs of the nearby residents without resulting in significant negative impacts to the residents they serve. The existing nonconforming use already provides services of this type and has demonstrated the successful integration of this category of uses on the subject site.

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

The subject property has been an operational restaurant since before many of the homes in the area were constructed, and before annexation of the property to the City. The existing use of the subject site and surrounding block indicate that the character of the neighborhood has either changed, or not progressed in the way that was expected upon assignment of the initial zoning. The block is currently a variety of medium density residential and low-intensity commercial uses. Approximately 40% of the same block is zoned R-3A (Multiple-Family Residential) and used as such, the property immediately to the south is B-2 (Local Commercial) and used for Personal Services (Hair Salon and Spa), while the remaining properties are zoned R-1C (Single-Family Residential) and used as such.

**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 gain for the applicant is one of security, not increased advantage, and the hardship for the public would be the continuance of an existing condition. The applicant could continue to operate the existing restaurant, as a legal nonconforming use, under the current zoning. If the Map Amendment is approved the applicant could rebuild and continue to operate should the building be damaged or destroyed more than 50% (§ 44-1103).

**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.**

The site has access to McGregor Street, a local road sufficient to support uses in the current or proposed district.

**7. The extent to which the proposed amendment is inconsistent with the need to minimize flood damage and that 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 petitioner intends to make minor modifications to improve the existing structure on the property; no site plan changes are planned at this time. Any redevelopment on the site would

be expected to improve drainage and flooding in the immediate vicinity by requiring compliance with current practices for stormwater management and site planning.

- 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.**

The property and existing restaurant are currently served by City water and sewer, fire and police protection are provided by existing assignments, and refuse collection is available. The property is served by the District 87 school district, but not expected to contribute to the student population as a commercial use.

- 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 herein.**

Approval of the Zoning Map Amendment at the conclusion of the public hearing and Council review would be the result of a fair, equitable, and orderly review process. It would support appropriate use of the subject lot, and complies with the Comprehensive Plan, enhancing the Bloomington Community. Making the existing use conforming encourages private investment in the long-term maintenance and successful operation of the property which will be protective of property values in the area.

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

Property values are unlikely to be diminished by the Map Amendment. Since B-2 is designed to be sensitive and supportive to residential uses, the alternate uses permissible in the B-2 District should provide a similar level of impact to adjacent properties, or less if the site were to be redeveloped to current standards, as would be required upon a change of use.

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

The change to B-2 does not necessitate the destruction of property values. The subject property has been used commercially for more than 70 years and the surrounding homes have been constructed since 1950 when the restaurant was already in business; there should be a reasonable expectation by neighborhood residents that the subject property will continue to function in a commercial manner.

- 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 identifies this property as Neighborhood Commercial, adjacent to Medium Density Residential, in the built areas. The Land Use Priorities map does not identify this property.

### 13. Whether the City needs the proposed use.

The proposed Map Amendment would allow continued utilization of the property as a restaurant in a location that has been well-loved by the community for generations.

#### STAFF RECOMMENDATION

Staff finds that the request for a Zoning Map Amendment *is in the public interest and not solely for the benefit of the applicant*, after reviewing the relevant factors for consideration, and recommends the Planning Commission take the following action(s):

Motion to establish findings of fact that the proposed Zoning Map Amendment *is in the public interest and not solely for the benefit of the petitioner* and recommend *approval* of the petition.

Respectfully submitted,  
Alissa Pemberton  
Assistant City Planner

#### Attachments:

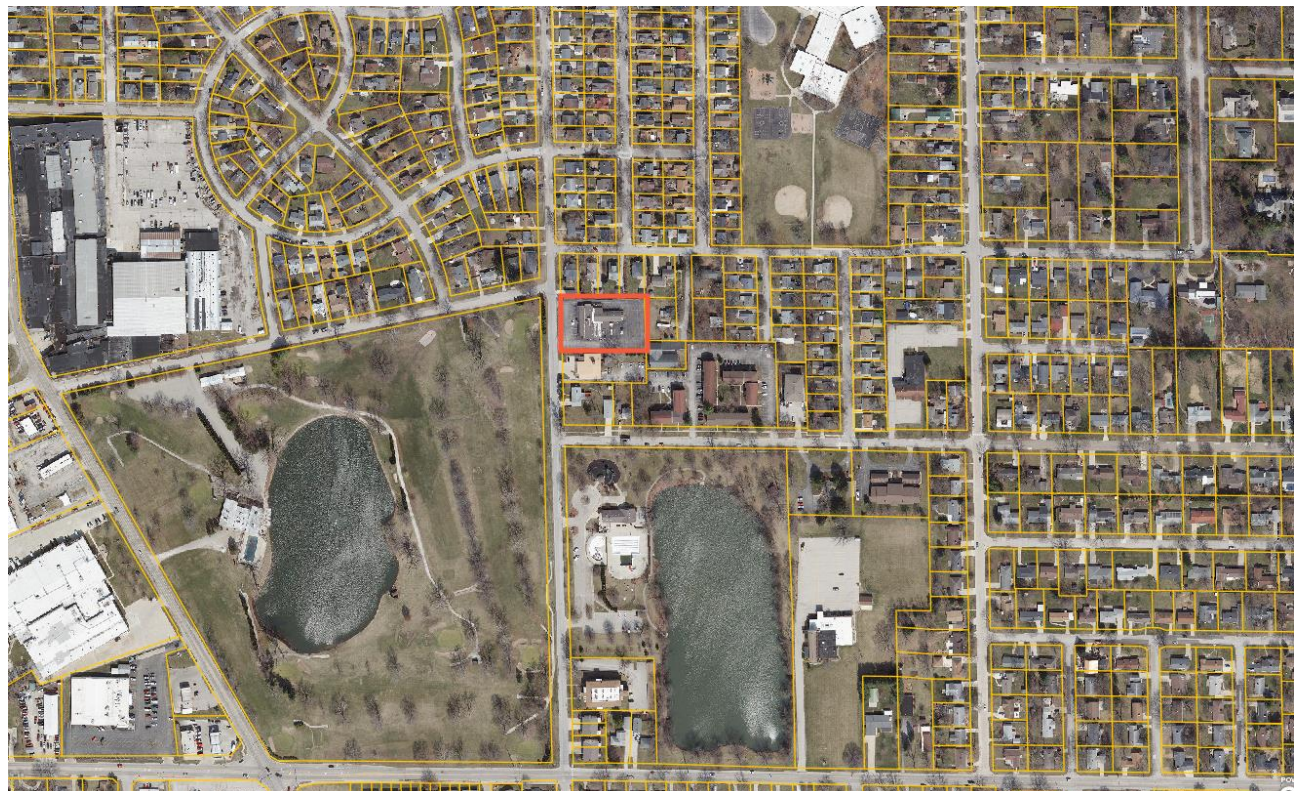
1. Zoning Map
2. Aerial Image
3. Ground-Level View(s)
4. Petitioner-Submission - Description of Project
5. Neighborhood notice map



## Attachment 1 - Zoning Map



## Attachment 2 - Aerial Image





Attachment 3 - Ground-Level View(s)



## Attachment 4 - Petitioner-Submission - Description of Project

2.3.2023

To: The Surrounding Neighborhood  
704 McGregor Street  
Bloomington, IL

Dear potential neighbors,

I'm sure you've heard some talk about the recent sale of The Ozark House in your neighborhood. I am that hopeful buyer! My wife and I are looking to purchase the restaurant and simply put our own restaurant concept in. We are both extremely excited to be joining the neighborhood. I would welcome the opportunity to get to know you in person, especially since I know we will have shared interests in relation to the happenings of the area.

Our restaurant is called "Mac & The Egg", and will eventually be open for breakfast, lunch and dinner. Though to start, we will not be serving breakfast every day. We are a brunch and homestyle type of restaurant with a full dinner menu. We previously spent the past 7 years operating Fort Jesse Café. We hope take what we've learned and bring a piece of that experience to this amazing space. We believe a brunch and dinner concept can be very successful in the location.

My wife and I strongly believe in being involved in the community. When you support your community they in turn will support you back. Building those relationships has been the key to Fort Jesse Café's long-time success and we think it is very important to continue to build those relationships. I encourage anyone to reach out to us and help us to work with you as neighbors and hopefully friends. Your relationship to our business is important to us and we want to encourage you as much as we can to support our business so that we can ultimately support our community the best we can.

We do not have a set date for opening, but we will be active on social media and try to reach out to the neighborhood the best we can. We have plans to replace the roof and siding so we wanted to give you the heads-up on the potential noise for the first few weeks. We also realize there may be increased traffic and we will try our best to address any concerns you may have.

Please feel free to reach out to me with any questions or concerns. We are both greatly looking forward to getting to know you as our business neighbor.

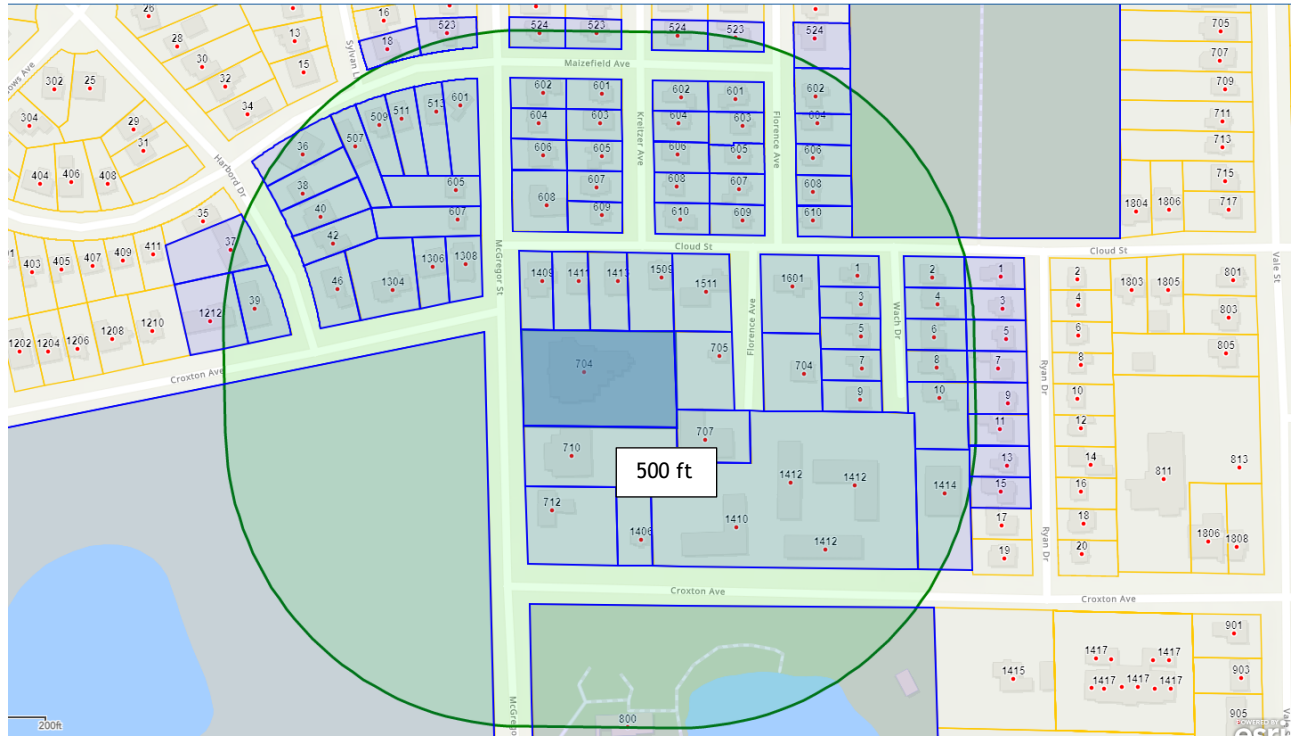
Sincerely,  
Nick and Gwen Birky, Mac & The Egg

### Responses to the Standards for Review:

- I do not wish to buy a residential space. I'm looking to continue and build upon a local restaurant that has been in the community for over 50 years.
- The Ozark House had their final day of operation under former ownership on Dec. 31, 2022.
- It would be advantageous to operate a restaurant that is zoned for commercial instead of residential.
- It would make more sense if The Ozark House was zoned for commercial use. I feel uncomfortable purchasing a restaurant that is not zoned correctly.
- The community will likely lose a business that has meant a lot to many people for the past 50 years.
- The business has operated for the past 50 years without any issues that I am aware.
- I do not believe there has been any issues in the past.
- I believe a successful and well-run local business is good for the community as a whole. I would like to help this community continue to grow and succeed.
- There would likely be no difference.
- There would be no change in property values.
- I believe the City will benefit from a successful local business.



# Attachment 5 - Neighborhood Notice Map





# PLANNING COMMISSION

**TO:** Planning Commission

**FROM:** Economic & Community Development Department

**DATE:** March 1, 2023

**CASE NO:** Z-06-23, Zoning Map Amendment

**REQUEST:** Public hearing, review and action on a petition submitted by CESO, Inc., requesting approval of a Zoning Map Amendment for the property located at 1626 W. Locust Street, from R-1C (Single-Family Residence) District to B-2 (Local Commercial) District. PIN: 21-05-176-002.

## BACKGROUND

### *Request*

The Petitioner seeks a Zoning Map Amendment for the subject property, from the R-1C (Single-Family Residence) District to B-2 (Local Commercial) District, to allow the construction of a Restaurant with a Drive-Through on a portion of the property. The property is currently vacant and is intended to be utilized in conjunction with associated properties located directly west of the site to accommodate the proposed larger development.

### *Property Characteristics*

The subject property consists of 0.28 acres of vacant land located on the south side of W. Locust Street, directly west of the intersection of W. Locust Street and White Oak Road.

### *Notice*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, February 13, 2023. Courtesy notices were mailed to 21 property owners within 500 feet of the subject property.

### *Surrounding Zoning and Land Uses*

	<b>Zoning</b>	<b>Land Uses</b>
North	R-1C (Single-Family Residence)	Single-Family Dwellings
South	B-1 (General Commercial)	Vehicle Sales & Service
East	R-1C (Single-Family Residence)	Single-Family Dwellings
West	B-1 (General Residence)	Vacant

## ANALYSIS

### *Comparison of Existing and Proposed Districts\**

#### **Existing Zoning: R-1C (Single-Family Residence) District**

The R-1C Residence District is intended to provide primarily for the establishment of areas of higher density single-family detached dwelling units while recognizing the potential compatibility of two-family dwelling units as special uses. Densities of approximately eight dwelling units per acre are allowed. This district may be applied to newly developing areas as well as the older residential areas of the City where larger houses have been or can be

converted from single-family to two-family residences to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization.

**Proposed Zoning: B-2 (Local Commercial) District**

The intent of this B-2 Local Commercial District is to provide retail, commercial and service establishments, including retail stores and personal service facilities, which serve the frequently recurring needs of surrounding local employment areas and residential neighborhoods. In addition to serving commercial purposes, this district encourages a mix of land uses, continued community investment through infill and site renovations, and a development form that supports mixed transportation modes, such as bicycle, pedestrian, and public transportation in addition to personal vehicles. Neighborhood shopping centers, particularly with a supermarket as a principal or anchor tenant, are appropriate at prominent intersections. The protection of surrounding residential properties from adverse impacts is a primary focus of this district.

*Compliance with the Comprehensive Plan*

The proposed Zoning Map Amendment contributes to Goals N-1.1b (Ensure sensitive transitions from residential to nonresidential), ED-1.2h (Promote regeneration area infill sites on the west side of Bloomington to take advantage of existing infrastructure and attract quality jobs closer to residents), and ED-4-2 (Prioritize infill and redevelopment to spur growth and reinvestment in the City).

The 2035 Comprehensive Plan’s Future Land Use map identifies this area as Low Density Residential in the built areas, adjacent to Regional Commercial. The Land Use Priorities map does not identify this property.

**STANDARDS FOR REVIEW**

The Planning Commission shall hold at least one public hearing on any proposed Zoning Map Amendment and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Map Amendment is in the public interest and not solely for the benefit of the applicant, based upon considering the factors listed in § 44-1706E(2) and discussed below.

*Request for Zoning Map Amendment for R-1C to B-2*

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

Uses permitted within the R-1C (Single-Family Residence) District are residentially oriented and appropriate near other residential uses in the vicinity. However, with the adjacent commercial uses and zoning located directly east and south of the site, it is unlikely to be developed as residential. Uses authorized by the current zoning are generally appropriate for the area, but use of the subject property for most R-1C authorized uses is impracticable.

**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 currently vacant and has been vacant for an extended time.

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

Uses permitted within the B-2 (Local Commercial) District are primarily neighborhood-supportive in nature, designed to fulfill the common or daily needs of the nearby residents without resulting in significant negative impacts to the residents they serve. The existing commercial uses along Market Street adjacent to the site already provides these types of services and has demonstrated the successful integration of this category of uses in the direct area.

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

The subject property has been a vacant residentially zoned property for an extended time, adjacent to a vacant commercially zoned property. Although residential uses continue to the east of the site, the area could overall be characterized as commercial in nature due to the proximity of Market Street and the existence of several commercial uses in the direct vicinity.

**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 gain for the public is one of creating more availability of a specific type of service which is in demand, in a location that has been underutilized, and the hardship for the public would be the continuance of an existing vacant condition.

**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.**

The site currently has direct access to W. Locust Street, a local road sufficient to support uses in the current district. The site is proposed to be redeveloped as part of a larger plan which would have access directly and only via Market Street.

**7. The extent to which the proposed amendment is inconsistent with the need to minimize flood damage and that 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 redevelopment of the site would be expected to improve drainage and flooding in the immediate vicinity by requiring compliance with current practices for stormwater management and site planning.

**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.**

The property is currently served by City water and sewer, fire and police protection are

provided by existing assignments, and refuse collection is available. The property is served by the District 87 school district, but not expected to contribute to the student population as a commercial use.

**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 herein.**

Approval of the Zoning Map Amendment at the conclusion of the public hearing and Council review would be the result of a fair, equitable, and orderly review process. It would support appropriate use of the subject lot, enhancing the Bloomington Community. Development of the existing property encourages private investment in the long-term maintenance and successful operation of the property which will be protective of property values in the area.

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

Property values are unlikely to be diminished by the Map Amendment. Since B-2 is designed to be sensitive and supportive to residential uses, the alternate uses permissible in the B-2 District should provide a similar level of impact to adjacent properties, or less if the site were to be redeveloped to current standards, as would be required upon a change of use.

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

The change to B-2 does not necessitate the destruction of property values. The subject property has been vacant for an extended time and the surrounding homes have existed in harmony with the commercial uses south of the area; there should be a reasonable expectation by neighborhood residents that the subject property would function appropriately in a commercial manner.

**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 identifies this property as Low Density Residential, adjacent to Regional Commercial, in the built areas. The Land Use Priorities map does not identify this property.

**13. Whether the City needs the proposed use.**

The proposed Map Amendment would allow future utilization of the property as a restaurant in a location that has been vacant for an extended time along a major commercial corridor.

## STAFF RECOMMENDATION

Staff finds that the request for a Zoning Map Amendment *is in the public interest and not solely for the benefit of the applicant*, after reviewing the relevant factors for consideration, and recommends the Planning Commission take the following action(s):

Motion to establish findings of fact that the proposed Zoning Map Amendment *is in the public interest and not solely for the benefit of the petitioner* and recommend *approval* of the petition.

Respectfully submitted,  
Alissa Pemberton  
Assistant City Planner

### Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View(s)
4. Neighborhood notice map

Attachment 1 - Zoning Map





Attachment 2 - Aerial Image



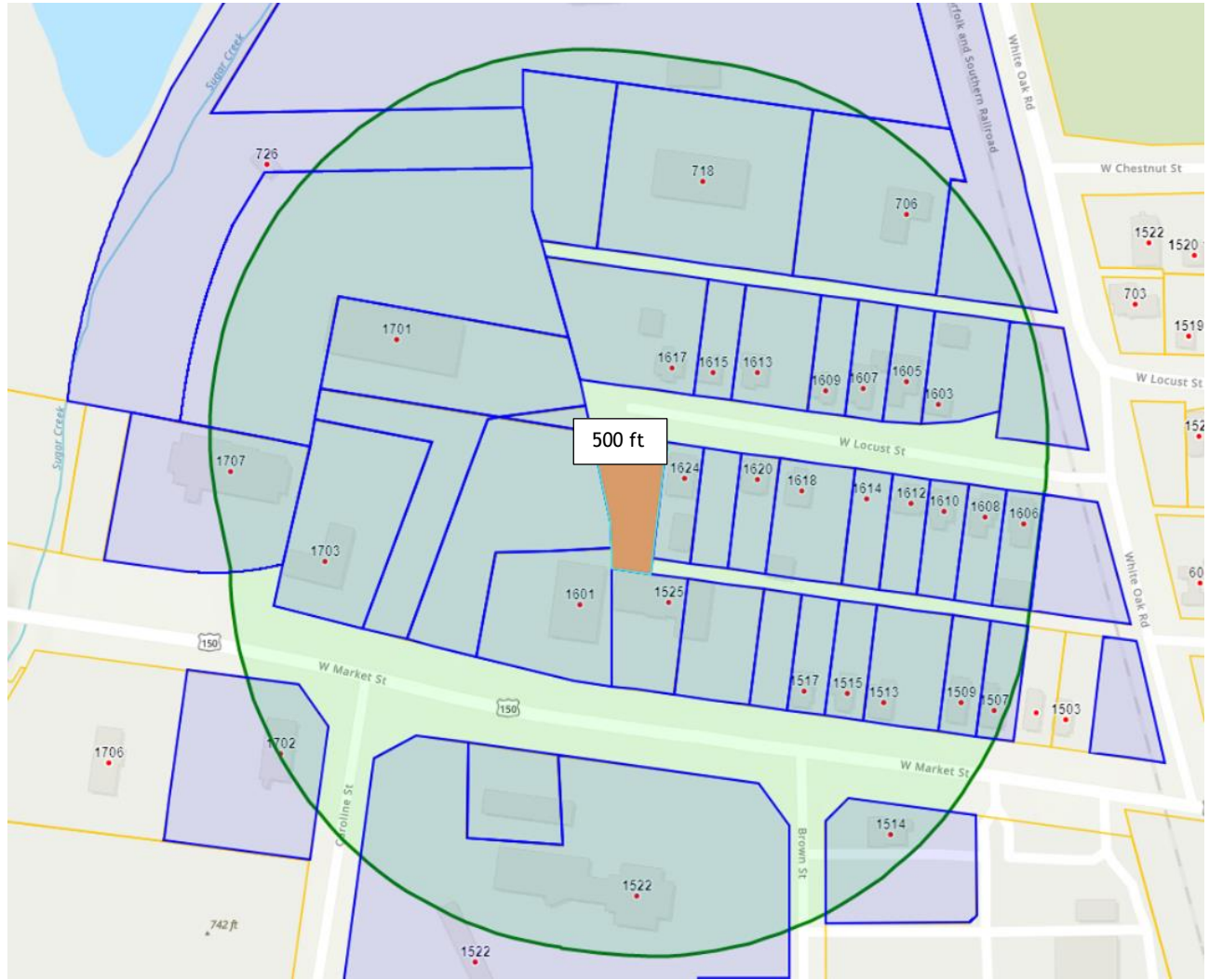


Attachment 3 - Ground-Level View(s)





Attachment 4 - Neighborhood Notice Map





## PLANNING COMMISSION

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**TO:** Planning Commission

**FROM:** Economic & Community Development Department

**DATE:** March 1, 2023

**CASE NO:** PR-01-23, Site Plan Review

**REQUEST:** Public hearing, review, and action on a petition submitted by CESO, Inc., requesting approval of a Legislative Site Plan (and a Special Use) to allow a Restaurant use with a Drive-Through in the B-1 (General Commercial) District & B-2 (Local Commercial) District with Variances for the property located at 1603 W. Market Street & 1624 W. Locust Street, in Bloomington. PIN: 21-05-151-013, 21-05-151-014 and 21-05-176-002.

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### BACKGROUND

*Request:*

The Petitioner is requesting a Legislative Site Plan Review (and a Special Use) with Variances, to develop a Restaurant use with a Drive-Through at the subject property. A map amendment (Z-06-23) is also being considered to rezone a portion of the Locust Street property to the east to B-2. The overall site would then consist of both B-1 and B-2 zoning, of which the use is dually permitted. *Please note since the public notice was published, the address of the property has been updated to 1609 W. Market Street.*

The Petitioner is proposing to construct a one-story, 2,200 square foot Restaurant with a Drive-Through with associated vehicle parking (41 spaces) at the site. A Legislative Site Plan Review is required for the proposal since it is in a commercial district, as well as a Special Use, due to the Drive-Through component and the location being adjacent to residential.

The Petitioner is requesting a Variance to construct the restaurant without a drive-through bypass lane, which is required. The petitioner is also requesting a Variance to provide less than the required amount of perimeter parking lot landscaping.

*Property Characteristics:*

The subject property consists of roughly 1.27 acres (55,400 square feet) of vacant land located near the northeastern intersection of Market Street and Caroline Street in Bloomington (including the Locust Street property). The property would be accessible via Market Street only. The surrounding properties primarily of commercial zoning districts, with a residential zoning located directly east of the site. The surrounding land uses consist primarily of commercial uses and residential to the east.

*Notice:*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Sunday, February 12, 2023. Courtesy notices were mailed to 21 property owners within 500 feet of the subject property.

*Zoning and Land Uses*

	<b>Zoning</b>	<b>Land Uses</b>
North	B-2 (Local Commercial)	Trade & Construction Services
South	B-1 (General Commercial)	Vehicle Fueling Station
East	B-1 (General Commercial) and R-1C (Single Family Residence)	Vehicle Sales & Services and Single-Family Residential
West	B-1 (General Commercial)	Trade & Construction Services

**ANALYSIS**

*Compliance with the Comprehensive Plan*

The subject property is identified as Tier 1-Infill Redevelopment Priority. The Future Land Use map identifies the site as Regional Commercial. Approval of the Site Plan aligns with the following goals of the Comprehensive Plan: Goal N-1 (Enhance the livability of all Bloomington neighborhoods) and Goal ED-4.2 (Prioritize infill and redevelopment to spur growth and reinvestment in the City).

*Parking Requirements*

The applicant has indicated 41 overall parking spaces. For purposes of this review, the use has been defined as a Restaurant with a Drive-Through. § 44-1208 of the Code requires 44 spaces for the use (1 space per 50 square feet of gross floor area), so this requirement has not been met. However, the applicant may apply adjustments to required parking such as proximity to transit and providing pedestrian access, which would likely reduce the overall needed spaces.

*Mobility and Circulation*

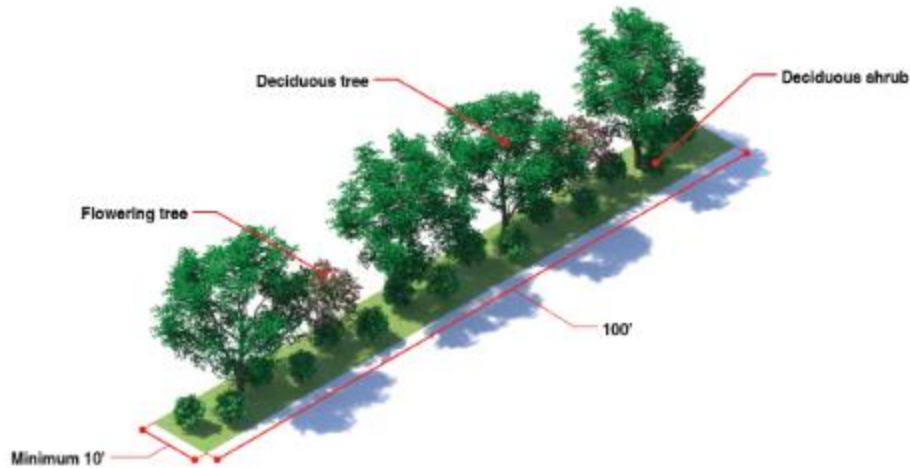
§ 44-1214(B) of the Code requires vehicular cross-access to be provided to allow circulation between sites without the need to reenter the public right-of-way. The applicant has provided an area on the site plan identified for future opportunity to connect to adjacent property via Caroline Street. This item should be stubbed at the time of construction.

Pedestrian circulation has been addressed by the applicant and a sidewalk connecting the public sidewalk to the proposed building has been provided. Bicycle parking has not been identified at this time.

*Landscaping & Screening*

All landscaping and screening requirements have been provided, except for a six-foot perimeter parking area not provided near the site entry due to sidewalk placement. This item has been identified as a variance request later in the report. A Transition Yard - “TY3” (image below) will be provide for the area between the commercial and residential properties.

### Transition Yard - TY3



#### *Other Items*

The applicant has entered preliminary discussions with Illinois Department of Transportation (IDOT) regarding the proposed curb cut on Market Street and site geometry and received positive initial feedback. Two parking spaces near the front vehicle entry area were eliminated following IDOT comments. Final determination will be required prior to the issuance of any building permits.

The applicant will also be required to meet all Public Works requirements, including stormwater detention.

### STANDARDS FOR REVIEW - LEGISLATIVE SITE PLAN

#### *Ch. 44, 17-9 Legislative site plan review*

The Planning Commission shall hold at least one public hearing on any proposed Legislative Site Plan and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Legislative Site Plan is in the public interest and not solely for the benefit of the applicant, based upon considering the factors listed in § 44-1706E(2) and discussed below.

- 1. The extent to which potential incompatibilities between the proposed development and surrounding existing development and/or zoning is minimized by such design features as placement of buildings, parking areas, access driveways and existing or proposed topography.**

The proposed development is not incompatible with the existing development in the area. The site design is consistent with other developments on surrounding properties in the direct area.

- 2. The extent to which the proposal minimizes any adverse impact of the development upon adjoining land.**

The proposed use will not have any adverse impacts on the development of adjoining land. The use is a permitted use within the zoning and is compatible with the uses of the surrounding properties. The building and landscaping shall comply with code requirements. The trash enclosure shall be fully screened as City Code requires.

- 3. The extent to which adequately improved streets connected to the improved arterial street system are available or can be reasonably supplied to serve the uses proposed in the development.**

The site is accessible by and directly situated on Market Street. The proposed curb cut and apron at the site will need to meet Illinois Department of Transportation (IDOT) and code requirements.

- 4. The extent to which the proposed development will favorably or adversely affect other persons or property and, if so, whether because of circumstances peculiar to the location the effect is likely to be greater than is ordinarily associated with the development of the type proposed.**

The surrounding properties are all primarily zoned commercial. A restaurant development at the proposed site would be complementary to the existing surrounding uses.

## **STANDARDS FOR REVIEW - SPECIAL USE**

### *Ch. 44, 17-7 Special Use*

As part of the Concurrent Review allowed via Ch. 44, 1709, the Planning Commission shall hold at least one public hearing on any proposed Special Use and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Special Use is in the public interest and not solely for the benefit of the applicant, based upon considering the factors listed in § 44-1707(H) and discussed below.

- 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.**

The Special Use will not be detrimental to or endanger the public health, safety, comfort, or general welfare. The location of the proposed restaurant and drive-through are near the northwest edge of the site, and away from the residential properties. Adequate screening will be provided.

- 2. 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 Special Use should not impair normal use and enjoyment of the surrounding properties. The property has been vacant for an extended time and is surrounded by many other commercial uses.

- 3. 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 establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding properties. Most of the surrounding properties have been developed with commercial activities.

- 4. Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.**

The property is served by City utilities and roads; final review of all drainage and facilities will be required as part of this Special Use Permit.

- 5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

Ingress and egress will be provided per Code and IDOT requirements; no change to local traffic is expected as the result of the Special Use Permit.

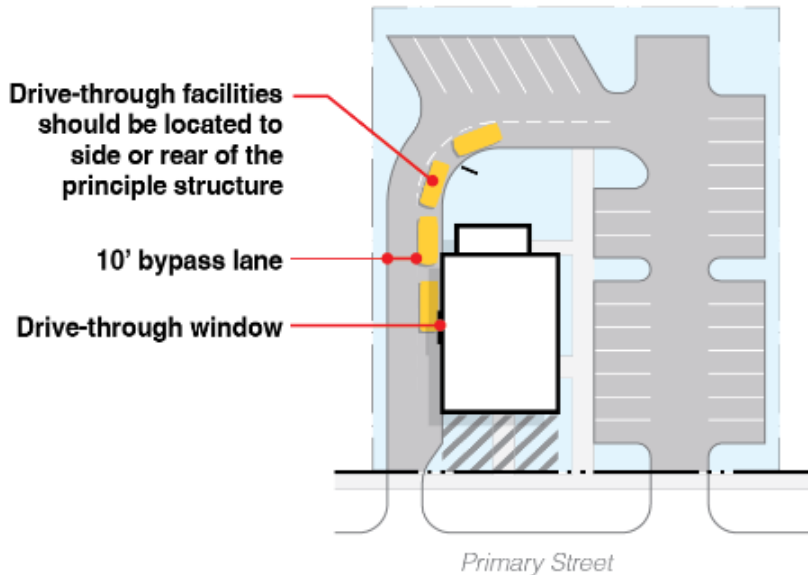
- 6. The Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.**

The proposed Special Use will conform with all district requirements, and/or will obtain Variances for any outstanding items.

#### **ADDITIONAL STANDARDS FOR REVIEW - DRIVE-THROUGH FACILITIES**

Ch. 44. 1207, Drive-Through Facilities, provides additional standards regarding location, access, dimensions, management, and stacking (see image below). These standards have been met, aside from the bypass lane requirement. §1207 (G) states modifications to drive-through requirements may be approved through Site Plan Review if a determination is made that such modification would be appropriate due to site constraints, etc.

## Diagram 1207D Drive-Through Queuing



### ADDITIONAL REQUEST - VARIANCE (DRIVE-THROUGH BYPASS LANE)

#### *Ch 44, 17-9-D, Concurrent Applications (Variances)*

The applicant has requested Variances as part of the application, in accordance with Ch. 17, 17-9-D of the site plan review process. The requests are as follows:

The petitioner seeks a Variance from §44-1207-C(5) (Drive-Through Facilities) to allow construction of the drive-through facility without a bypass lane. §44-1207-C(5) states a bypass lane shall be provided.

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult.

The site has been vacant for several years and will require development of the entire site. The site contains flood zone issues that present unusual site constraints.

2. That the variance would be the minimum action necessary to afford relief to the applicant.

The Variance is required due to the nature of the request to not provide the drive-through bypass lane required by the Code and develop the site.

3. That the special conditions and circumstances were not created by any action of the applicant.



No special conditions or circumstances were created by the applicant in this situation.

- 4. That granting the variation request will not give the applicant any special privilege that is denied to others by the Code.**

No special privilege has been given to the applicant in this situation.

- 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.**

There is no expected potential negative impact to the public welfare, however, the lack of a bypass lane could present circulation issues. The Variance would not be expected to alter the character of the neighborhood, nor impair the use or development of adjoining properties.

#### **ADDITIONAL REQUEST - VARIANCE (PARKING LOT LANDSCAPING)**

The petitioner seeks an additional Variance from §44-1307-B(1) (Parking Lot Landscape Requirements) to allow construction of the drive-through facility with a three-foot perimeter landscape edge along the east side of the entry area. §44-1307-B(1) states a six-foot edge shall be provided.

- 1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult.**

The petitioner is proposing a pedestrian sidewalk access to the site from the public sidewalk. Due to the characteristics of the site, the sidewalk is provided within the perimeter parking area along the east edge, thus reducing the landscaping.

- 2. That the variance would be the minimum action necessary to afford relief to the applicant.**

The Variance is required due to the nature of the request to not provide the six-foot landscaping edge required by the Code and develop the site.

- 3. That the special conditions and circumstances were not created by any action of the applicant.**

No special conditions or circumstances were created by the applicant in this situation.

- 4. That granting the variation request will not give the applicant any special privilege that is denied to others by the Code.**

No special privilege has been given to the applicant in this situation.

- 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.**

There is no expected potential negative impact to the public welfare. The Variance would not be expected to alter the character of the neighborhood, nor impair the use or development of adjoining properties.

#### STAFF RECOMMENDATION

Staff finds that the application generally meets the standards for site plan review and recommends its approval, subject to conditions. Staff recommends that the Commission take the following actions:

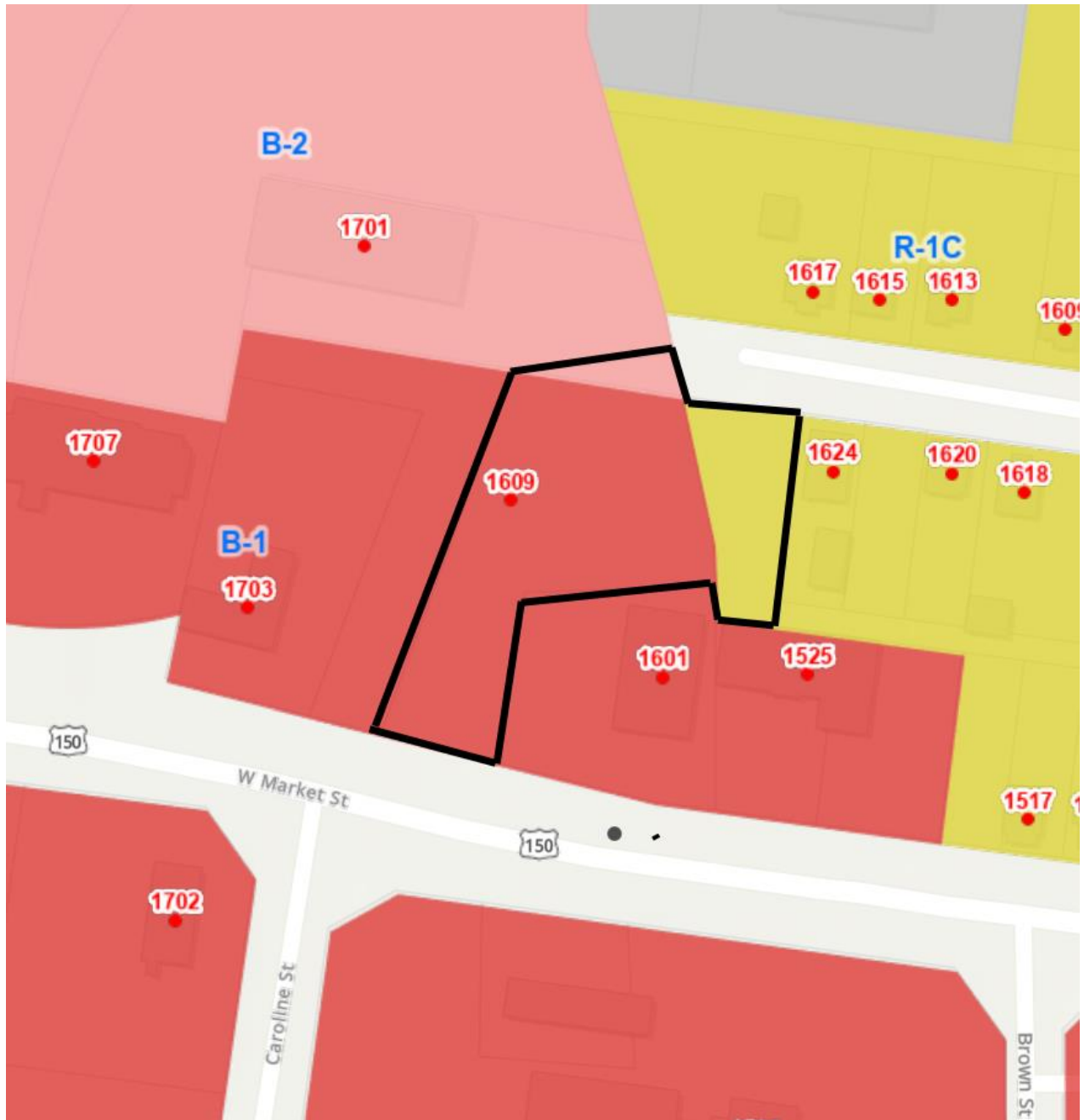
1. Motion to establish findings of fact that the Legislative Site Plan (and Special Use) meets the standards and objectives for which the Code is designed and recommend that City Council approve the Site Plan (and Special Use) for the property located at 1603 W. Market Street & 1624 W. Locust Street, subject to the installation of the Drive-Through bypass lane and creating a stub for future cross-access.
2. Motion to establish findings of fact that the subject property meets or does not meet the Variance criteria in Chapter 44, 1207-C-5 of the City Code recommend that the City Council approve or deny the Variance associated with this site plan, to not allow a drive-through bypass lane, for the property located at 1603 W. Market Street & 1624 W. Locust Street.
3. Motion to establish findings of fact that the subject property meets or does not meet the Variance criteria in Chapter 44, 1307-B-1 of the City Code recommend that the City Council approve or deny the Variance associated with this site plan, to allow less than the required perimeter parking landscaping, for the property located at 1603 W. Market Street & 1624 W. Locust Street.

Respectfully submitted,  
Jon Branham  
City Planner

#### Attachments:

1. Zoning Map
2. Aerial Image
3. Ground Level Views
4. Petitioner Submittals, including Elevations, Site Plan, & Landscape Plan
5. Neighborhood Notice Map

Attachment 1 - Zoning Map



Attachment 2 - Aerial Map





Attachment 3 - Ground Level Views

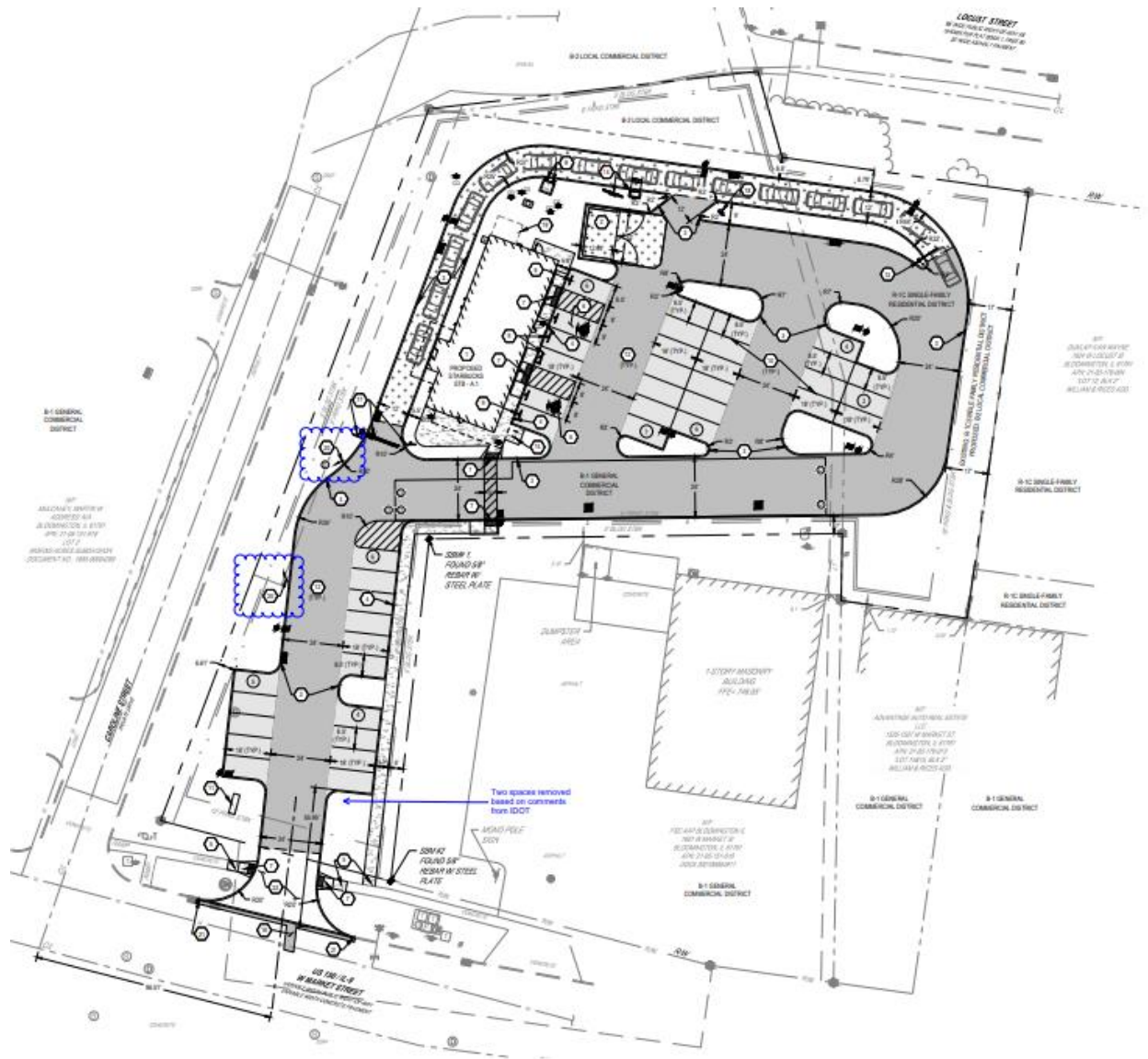


Attachment 4 - Petitioner Submittal- Elevations

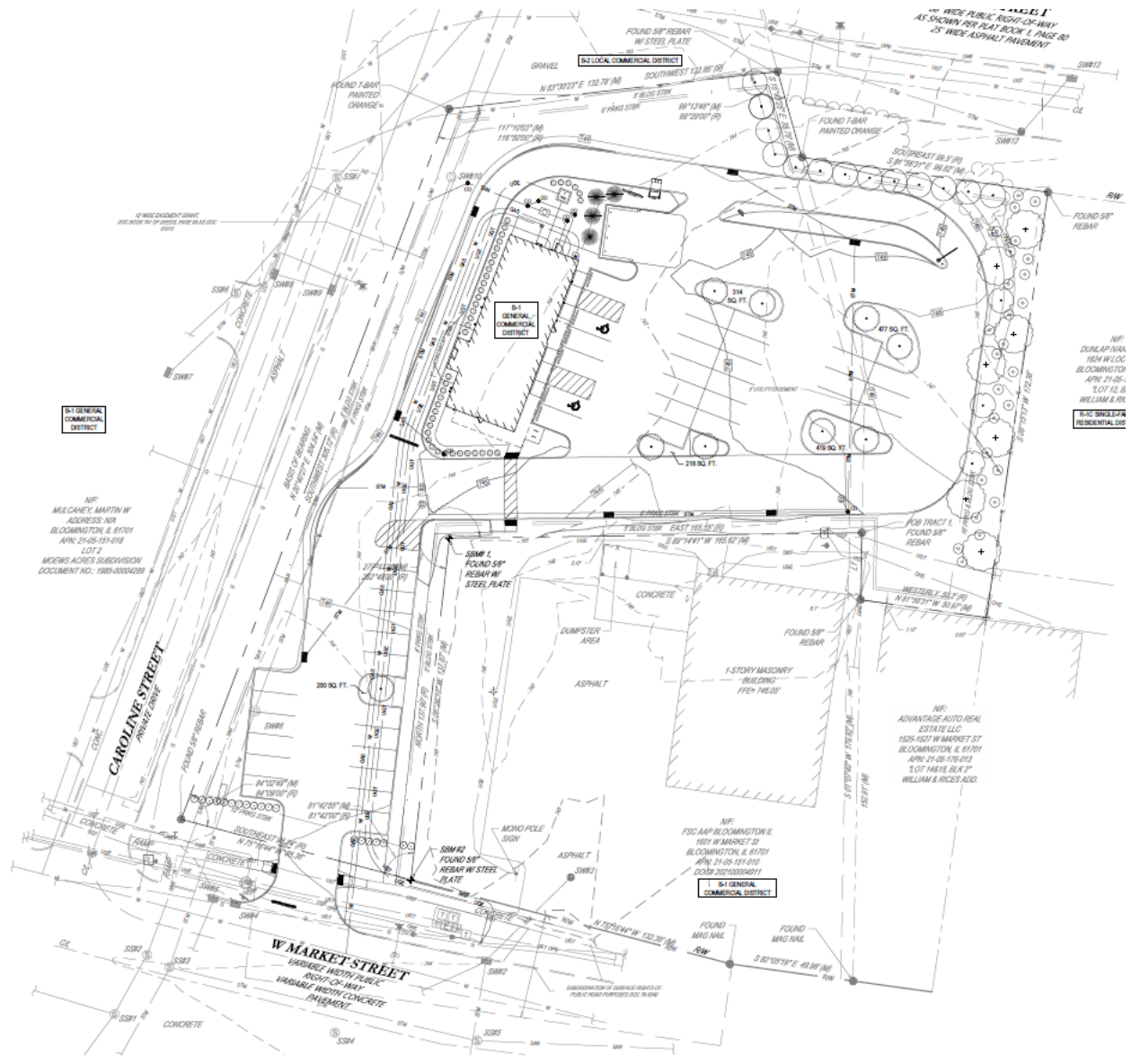




Attachment 4 - Petitioner Submittal - Site Plan



Attachment 4 - Petitioner Submittal - Landscape Plan



Attachment 5 - Neighborhood Notice Map





## Planning Commission

**TO:** Planning Commission

**FROM:** Economic & Community Development Department

**DATE:** March 1, 2023

**CASE NO:** Z-07-23, S-4 (Historic Preservation Overlay) District

**REQUEST:** Public hearing, review and action on a petition submitted by the Frankling Park Foundation for an S-4 (Historic Preservation Overlay) District for property located at 809 N. McLean Street (PIN: 21-04-210-001).

### BACKGROUND

#### *Request*

The Petitioner is requesting to have the S-4 (Historic Preservation Overlay) District applied to the property. The request was heard by the Historic Preservation Commission (HPC) at their January 19, 2023, meeting. The **HPC voted to recommend denial** of the petition for S-4 designation to the Planning Commission, on the basis that the property in question is already within the S-4 (Historic Preservation Overlay) District.

#### *Property Characteristics*

The subject property consists of 0.42 acres of land located on the east side of McLean Street, at the southeast intersection of Chestnut Street and McLean Street in Bloomington. The property is improved with a single-family residence that was constructed in 1869. 809 N. McLean Street is located within the Franklin Square nationally designated historic district. Additional current and historic property characteristics are detailed in the Staff Report transmitted from the HPC.

#### *Notice*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Sunday, February 12, 2023. Courtesy notices were mailed to 71 property owners within 500 feet of the subject property.

#### *Surrounding Zoning and Land Uses:*

	Zoning	Land Uses
North	R-2 (Mixed Residence) District with S-4 (Historic Preservation Overlay) District	Multi-Family Residential
South	R-2 (Mixed Residence) District	Multi-Family Residential
East	R-2 (Mixed Residence) District	Single-Family Residential

West R-2 (Mixed Residence) District with S-4  
(Historic Preservation Overlay) District

Single-Family Residential

## ANALYSIS

### *Comparison of Existing and Proposed Districts\**

#### **Existing & Proposed Zoning: R-2 (Mixed Residence) District with S-4 (Historic Preservation District) Overlay**

The R-2 Mixed Residence District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling unit density. Densities of up to approximately 13 dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling unit types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density.

The S-4 (Historic Preservation District) is intended to promote the-protection, enhancement, perpetuation, and use of improvements of special character or special historical interest or value. The City of Bloomington finds that the preservation of such resources is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of its citizens. This S-4 Historic Preservation District shall be applied as an overlay district in combination with underlying base zoning districts as shown on the Official Zoning Map.

\*A list of permitted uses for commercial and public interest districts can be found online in Chapter 44, Divisions [4-1](#) and [7-1](#), respectively.

#### *Compliance with the Comprehensive Plan*

The proposed Zoning Map Amendment contributes to Goals N-1.3e (Continue to enhance the City's designated historic districts), N-2. (Improve community identity and appearance by celebrating the unique nature and character of the City's individual neighborhoods), N-2.2a (Identify the unique qualities of each neighborhood and promote these as destinations for desirable areas to live, work, shop and play), and (N-1.1 Enhance the livability of all Bloomington neighborhoods).

Consideration of the 2035 Comprehensive Plan's Future Land Use and Land Use Priorities maps do not apply in this situation.

## STANDARDS FOR REVIEW

The Planning Commission shall hold at least one public hearing on any proposed Zoning Map Amendment and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Map Amendment is in the public interest and not solely for the benefit of the applicant, based upon considering the factors listed in § 44-1706E(2) and discussed below.



*Request for Zoning Map Amendment for R-2/S-4 to R-2/S-4*

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

The current use is a single-family home, a permissible use in the district.

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

The standard does not apply.

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

The subject property meets the criteria for local designation and contributes to the historic and architectural heritage of the City.

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

The subject property is located within the Franklin Square National Register historic district and the Franklin Square Historic District (Local S-4 Overlay). The subject property is compatible with surrounding uses and zoning. The existing/proposed zoning overlay is also compatible with the surrounding uses and zoning.

**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.**

No change is expected as the Zoning Map, and therefor the subject regulations, will not change. The overlay ensures preservation of valuable historical and architectural features and requires review of building permit applications for alterations or demolition.

**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.**

No change to existing ingress/egress is proposed.

**7. The extent to which the proposed amendment is consistent with the need to minimize flood damage and that 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 pattern in the area.**

The amendment will not result in any change to the existing stormwater management.

**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.**

The property currently utilizes existing city services, water, and sewer. The property is served by existing fire and police protection.

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 herein.**

The map amendment will have no effect on the public interest since the Zoning Map, and therefor the regulations for the subject property, will not change.

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

Local historic designation and the historic preservation program have a positive impact on property values for the property and for the neighborhood.

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

The zoning amendment should not result in negative impacts on the surrounding property values since the Zoning Map, and therefor the regulations for the subject property, will not change.

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

The subject property is located within the “Preservation Area” identified on Figure 4-1, Neighborhood Classification Boundaries, of the Comprehensive Plan (Pg 46). The S-4 overlay would generally be a means to preserve this home which is an objective within the Preservation area. Additionally, it would serve to stabilize property values.

13. **Whether the City needs the proposed use.**

The City of Bloomington values historic preservation. The Preservation program provides homeowners with resources and expertise to maintain properties in good condition, increasing the value and investment in the neighborhood.

#### **STAFF RECOMMENDATION**

Staff finds that the request for a Zoning Map Amendment *is duplicative of existing conditions and* the relevant factors for consideration are *not applicable*, and recommends the Planning Commission take the following action(s):

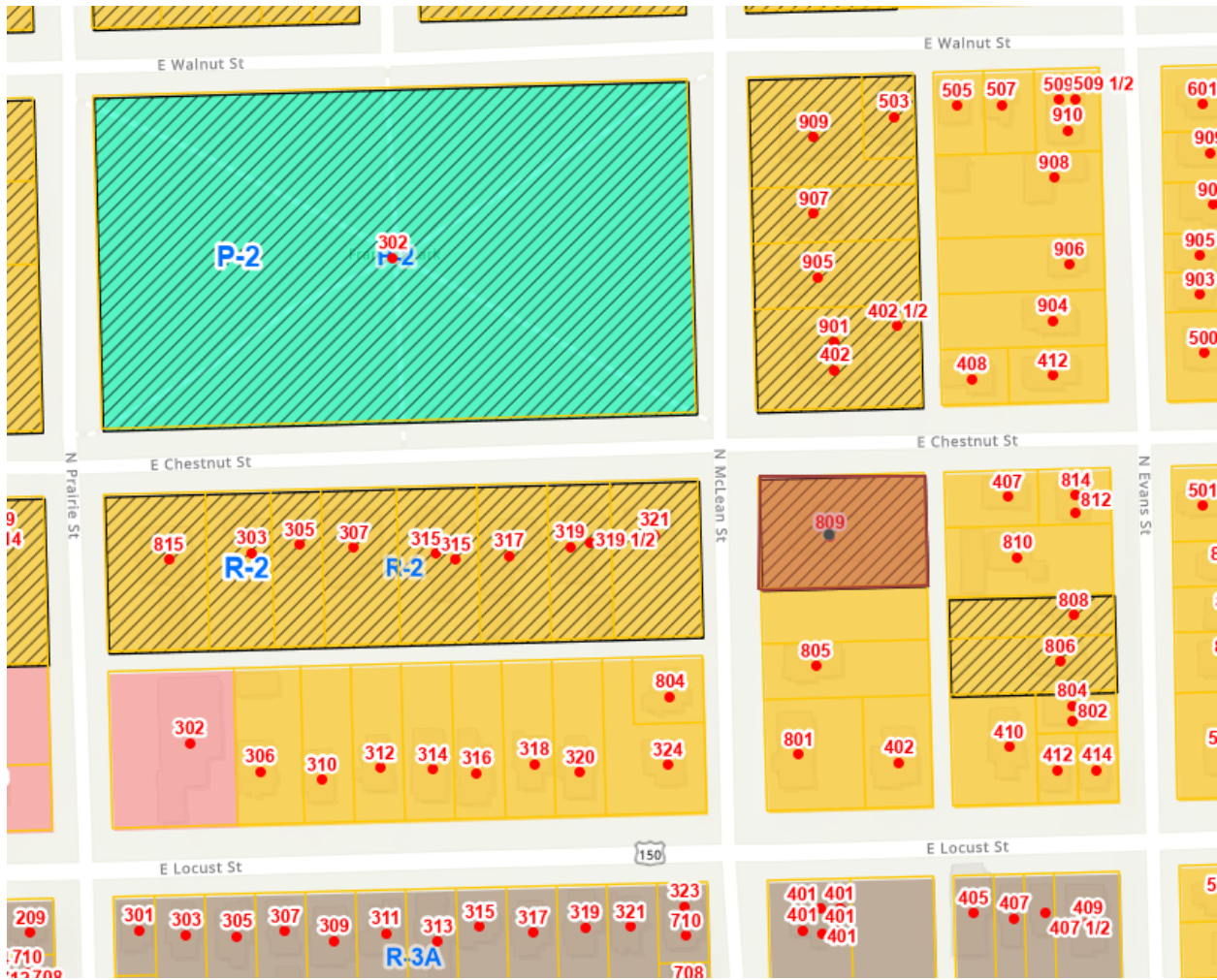
Motion to accept the findings and recommendation of the Historic Preservation Commission, establish findings of fact that *the proposed zoning map amendment is duplicative and not in the public interest*, and recommend *denial* of the petition.

Respectfully submitted,  
Alissa Pemberton  
Assistant City Planner

**Attachments:**

1. Zoning Map
2. Aerial Image
3. Neighborhood Notice Map

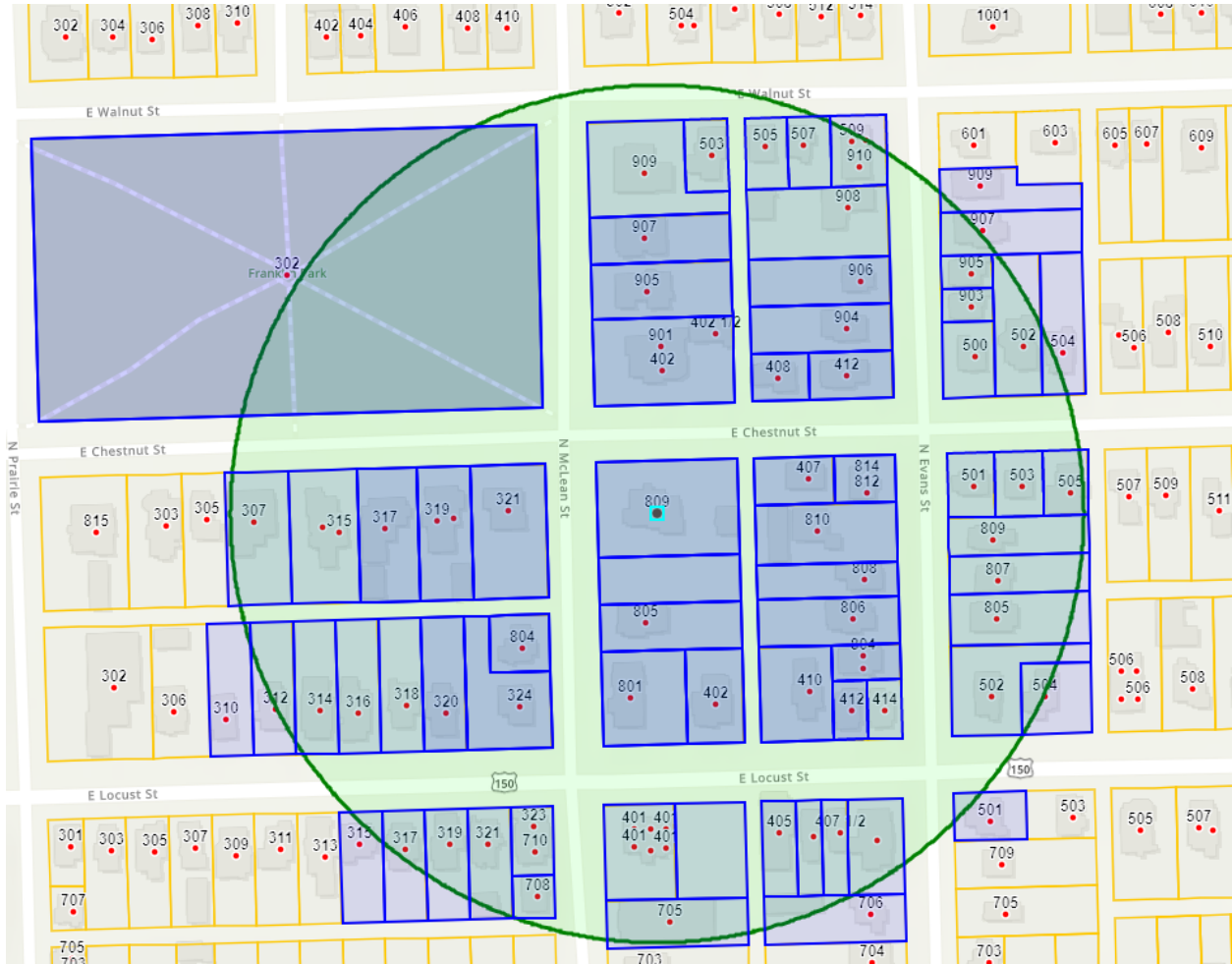
Attachment 1: Zoning Map



Attachment 2: Aerial Map



Attachment 3 - Neighborhood Notice Map







## Planning Commission

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**TO:** Planning Commission

**FROM:** Economic & Community Development Department

**DATE:** March 1, 2023

**CASE NO:** Z-08-23, S-4 (Historic Preservation Overlay) District

**REQUEST:** Public hearing, review and action on a petition submitted by the Frankling Park Foundation for an S-4 (Historic Preservation Overlay) District for property located at 901 N. McLean Street (PIN: 21-04-207-005).

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### BACKGROUND

#### *Request*

The Petitioner is requesting to have the S-4 (Historic Preservation Overlay) District applied to the property. The request was heard by the Historic Preservation Commission (HPC) at their January 19, 2023, meeting. The **HPC voted to recommend denial** of the petition for S-4 designation to the Planning Commission, on the basis that the property in question is already within the S-4 (Historic Preservation Overlay) District.

#### *Property Characteristics*

The subject property consists of 0.38 acres of land located on the east side of McLean Street, at the northeast intersection of Chestnut Street and McLean Street in Bloomington. The property is improved with a single-family residence that was constructed in 1869. 901 N. McLean Street is located within the Franklin Square national register historic district. Additional current and historic property characteristics are detailed in the Staff Report transmitted from the HPC.

#### *Notice*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Sunday, February 12, 2023. Courtesy notices were mailed to 68 property owners within 500 feet of the subject property.

*Surrounding Zoning and Land Uses:*

	<b>Zoning</b>	<b>Land Uses</b>
North	R-2 (Mixed Residence) District with S-4 (Historic Preservation Overlay) District	Single-Family Residential
South	R-2 (Mixed Residence) District with S-4 (Historic Preservation Overlay) District	Single Family Residential
East	R-2 (Mixed Residence) District	Single-Family Residential
West	P-2 (Public Lands & Institutions) District with S-4 (Historic Preservation Overlay) District	Park

**ANALYSIS**

*Comparison of Existing and Proposed Districts\**

**Existing & Proposed Zoning: R-2 (Mixed Residence) District with S-4 (Historic Preservation District) Overlay**

The R-2 Mixed Residence District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling unit density. Densities of up to approximately 13 dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling unit types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density.

The S-4 (Historic Preservation District) is intended to promote the-protection, enhancement, perpetuation, and use of improvements of special character or special historical interest or value. The City of Bloomington finds that the preservation of such resources is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of its citizens. This S-4 Historic Preservation District shall be applied as an overlay district in combination with underlying base zoning districts as shown on the Official Zoning Map.

\*A list of permitted uses for commercial and public interest districts can be found online in Chapter 44, Divisions [4-1](#) and [7-1](#), respectively.

*Compliance with the Comprehensive Plan*

The proposed Zoning Map Amendment contributes to Goals N-1.3e (Continue to enhance the City’s designated historic districts), N-2. (Improve community identity and appearance by celebrating the unique nature and character of the City’s individual neighborhoods), N-2.2a (Identify the unique qualities of each neighborhood and promote these as destinations for desirable areas to live, work, shop and play), and (N-1.1 Enhance the livability of all Bloomington neighborhoods).

Consideration of the 2035 Comprehensive Plan’s Future Land Use and Land Use Priorities maps do not apply in this situation.

## STANDARDS FOR REVIEW

The Planning Commission shall hold at least one public hearing on any proposed Zoning Map Amendment and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Map Amendment is in the public interest and not solely for the benefit of the applicant, based upon considering the factors listed in § 44-1706E(2) and discussed below.

### *Request for Zoning Map Amendment for R-2/S-4 to R-2/S-4*

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

The current use is a single-family home, a permissible use in the district.

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

The standard does not apply.

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

The subject property meets the criteria for local designation and contributes to the historic and architectural heritage of the City.

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

The subject property is located within the Franklin Square National Register historic district and the Franklin Square Historic District (Local S-4 Overlay). The subject property is compatible with surrounding uses and zoning. The existing/proposed zoning overlay is also compatible with the surrounding uses and zoning.

**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.**

No change is expected as the Zoning Map, and therefor the subject regulations, will not change. The overlay ensures preservation of valuable historical and architectural features and requires review of building permit applications for alterations or demolition.

**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.**

No change to existing ingress/egress is proposed.

**7. The extent to which the proposed amendment is consistent with the need to minimize flood damage and that 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 pattern in the area.**

The amendment will not result in any change to the existing stormwater management.

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.**

The property currently utilizes existing city services, water, and sewer. The property is served by existing fire and police protection.

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 herein.**

The map amendment will have no effect on the public interest since the Zoning Map, and therefor the regulations for the subject property, will not change.

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

Local historic designation and the historic preservation program have a positive impact on property values for the property and for the neighborhood.

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

The zoning amendment should not result in negative impacts on the surrounding property values since the Zoning Map, and therefor the regulations for the subject property, will not change.

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

The subject property is located within the “Preservation Area” identified on Figure 4-1, Neighborhood Classification Boundaries, of the Comprehensive Plan (Pg 46). The S-4 overlay would generally be a means to preserve this home which is an objective within the Preservation area. Additionally, it would serve to stabilize property values.

13. **Whether the City needs the proposed use.**

The City of Bloomington values historic preservation. The Preservation program provides homeowners with resources and expertise to maintain properties in good condition, increasing the value and investment in the neighborhood.

## **STAFF RECOMMENDATION**

Staff finds that the request for a Zoning Map Amendment *is duplicative of existing conditions* and the relevant factors for consideration are *not applicable*, and recommends the Planning Commission take the following action(s):

Motion to accept the findings and recommendation of the Historic Preservation Commission, establish findings of fact that *the proposed zoning map amendment is duplicative and not in the public interest*, and recommend *denial* of the petition.

Respectfully submitted,  
Alissa Pemberton  
Assistant City Planner

**Attachments:**

1. Zoning Map
2. Aerial Image
3. Neighborhood Notice Map



Attachment 1: Zoning Map

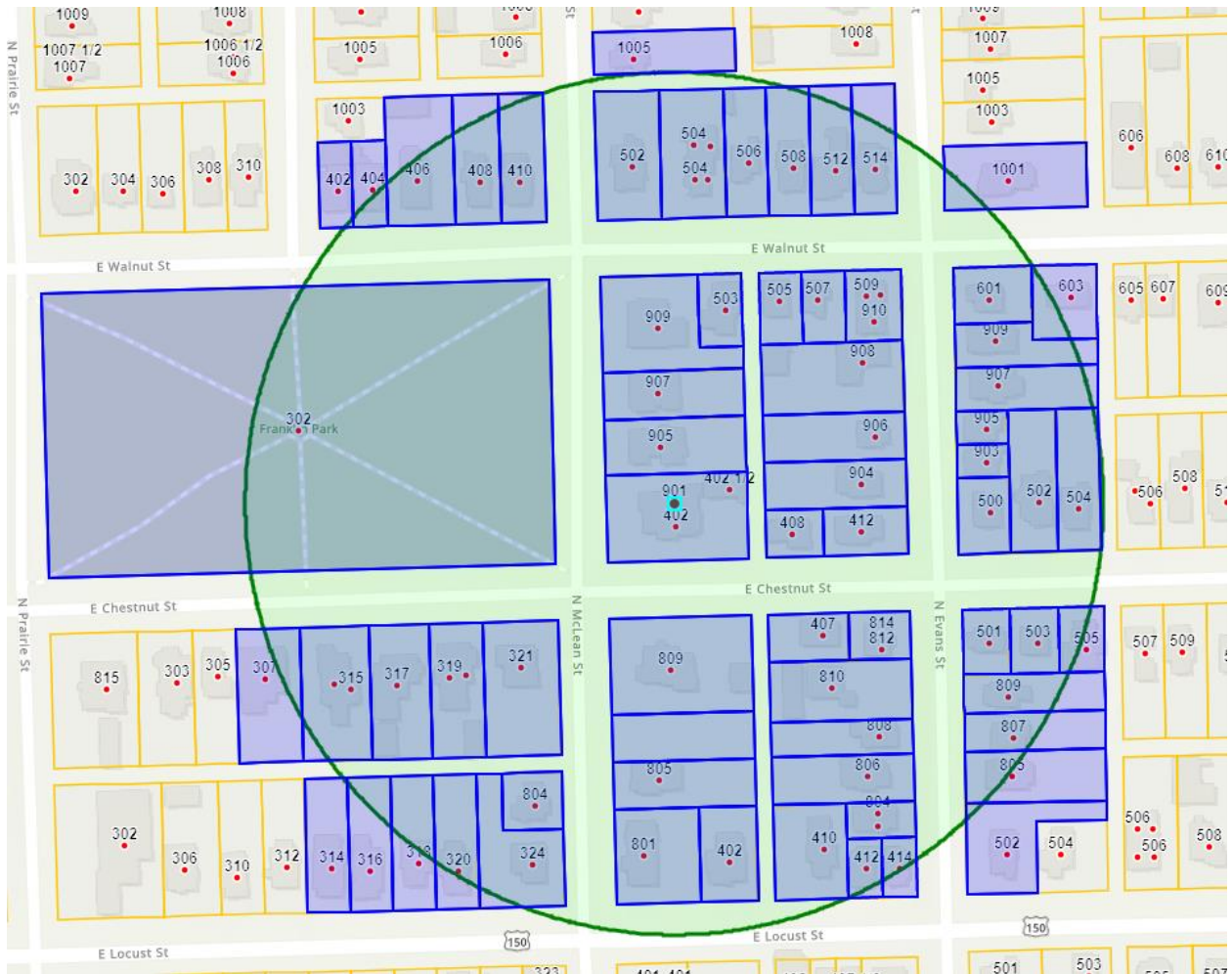


Attachment 2: Aerial Map





Attachment 3: Neighborhood Notice Map





## Planning Commission

**TO:** Planning Commission

**FROM:** Economic & Community Development Department

**DATE:** March 1, 2023

**CASE NO:** Z-09-23, S-4 (Historic Preservation Overlay) District

**REQUEST:** Public hearing, review and action on a petition submitted by the Frankling Park Foundation for an S-4 (Historic Preservation Overlay) District for property located at 310 E. Walnut Street (PIN: 21-04-202-016).

### BACKGROUND

#### *Request*

The Petitioner is requesting to have the S-4 (Historic Preservation Overlay) District applied to the property. The request was heard by the Historic Preservation Commission (HPC) at their January 19, 2023, meeting. The **HPC voted to recommend denial** of the petition for S-4 designation to the Planning Commission, on the basis that the property in question is already within the S-4 (Historic Preservation Overlay) District.

#### *Property Characteristics*

The subject property consists of 0.16 acres of land located on the north side of Walnut Street, at the northwest corner of the intersection of Walnut Street and Park Street in Bloomington. The property is improved with a multi-family residence that was constructed c. 1884-1886. 310 E. Walnut Street is currently located within the Franklin Square nationally designated historic district. Additional current and historic property characteristics are detailed in the Staff Report transmitted from the HPC.

#### *Notice*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Sunday, February 12, 2023. Courtesy notices were mailed to 58 property owners within 500 feet of the subject property.

#### *Surrounding Zoning and Land Uses:*

	Zoning	Land Uses
North	R-2 (Mixed Residence) District	Multi-Family Residential
South	P-2 (Public Lands & Institutions) District with S-4 (Historic Preservation Overlay) District	Park

East	R-2 (Mixed Residence) District with S-4 (Historic Preservation Overlay) District	Single-Family Residential
West	R-2 (Mixed Residence) District with S-4 (Historic Preservation Overlay) District	Multi-Family Residential

## ANALYSIS

### *Comparison of Existing and Proposed Districts\**

#### **Existing & Proposed Zoning: R-2 (Mixed Residence) District with S-4 (Historic Preservation District) Overlay**

The R-2 Mixed Residence District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling unit density. Densities of up to approximately 13 dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling unit types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density.

The S-4 (Historic Preservation District) is intended to promote the-protection, enhancement, perpetuation, and use of improvements of special character or special historical interest or value. The City of Bloomington finds that the preservation of such resources is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of its citizens. This S-4 Historic Preservation District shall be applied as an overlay district in combination with underlying base zoning districts as shown on the Official Zoning Map.

\*A list of permitted uses for commercial and public interest districts can be found online in Chapter 44, Divisions [4-1](#) and [7-1](#), respectively.

#### *Compliance with the Comprehensive Plan*

The proposed Zoning Map Amendment contributes to Goals N-1.3e (Continue to enhance the City’s designated historic districts), N-2. (Improve community identity and appearance by celebrating the unique nature and character of the City’s individual neighborhoods), N-2.2a (Identify the unique qualities of each neighborhood and promote these as destinations for desirable areas to live, work, shop and play), and (N-1.1 Enhance the livability of all Bloomington neighborhoods).

Consideration of the 2035 Comprehensive Plan’s Future Land Use and Land Use Priorities maps do not apply in this situation.

## STANDARDS FOR REVIEW

The Planning Commission shall hold at least one public hearing on any proposed Zoning Map Amendment and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Map Amendment is in the public interest and not solely for the benefit of the applicant, based upon considering the factors listed in § 44-1706E(2) and discussed below.



*Request for Zoning Map Amendment for R-2/S-4 to R-2/S-4*

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

The current use is a multi-family home, a permissible use in the district.

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

The standard does not apply.

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

The subject property meets the criteria for local designation and contributes to the historic and architectural heritage of the City.

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

The subject property is located within the Franklin Square National Register historic district and the Franklin Square Historic District (Local S-4 Overlay). The subject property is compatible with surrounding uses and zoning. The existing/proposed zoning overlay is also compatible with the surrounding uses and zoning.

**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.**

No change is expected as the Zoning Map, and therefor the subject regulations, will not change. The overlay ensures preservation of valuable historical and architectural features and requires review of building permit applications for alterations or demolition.

**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.**

No change to existing ingress/egress is proposed.

**7. The extent to which the proposed amendment is consistent with the need to minimize flood damage and that 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 pattern in the area.**

The amendment will not result in any change to the existing stormwater management.

**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.**

The property currently utilizes existing city services, water, and sewer. The property is served by existing fire and police protection.

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 herein.**

The map amendment will have no effect on the public interest since the Zoning Map, and therefor the regulations for the subject property, will not change.

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

Local historic designation and the historic preservation program have a positive impact on property values for the property and for the neighborhood.

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

The zoning amendment should not result in negative impacts on the surrounding property values since the Zoning Map, and therefor the regulations for the subject property, will not change.

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

The subject property is located within the “Preservation Area” identified on Figure 4-1, Neighborhood Classification Boundaries, of the Comprehensive Plan (Pg 46). The S-4 overlay would generally be a means to preserve this home which is an objective within the Preservation area. Additionally, it would serve to stabilize property values.

13. **Whether the City needs the proposed use.**

The City of Bloomington values historic preservation. The Preservation program provides homeowners with resources and expertise to maintain properties in good condition, increasing the value and investment in the neighborhood.

#### **STAFF RECOMMENDATION**

Staff finds that the request for a Zoning Map Amendment *is duplicative of existing conditions and* the relevant factors for consideration are *not applicable*, and recommends the Planning Commission take the following action(s):

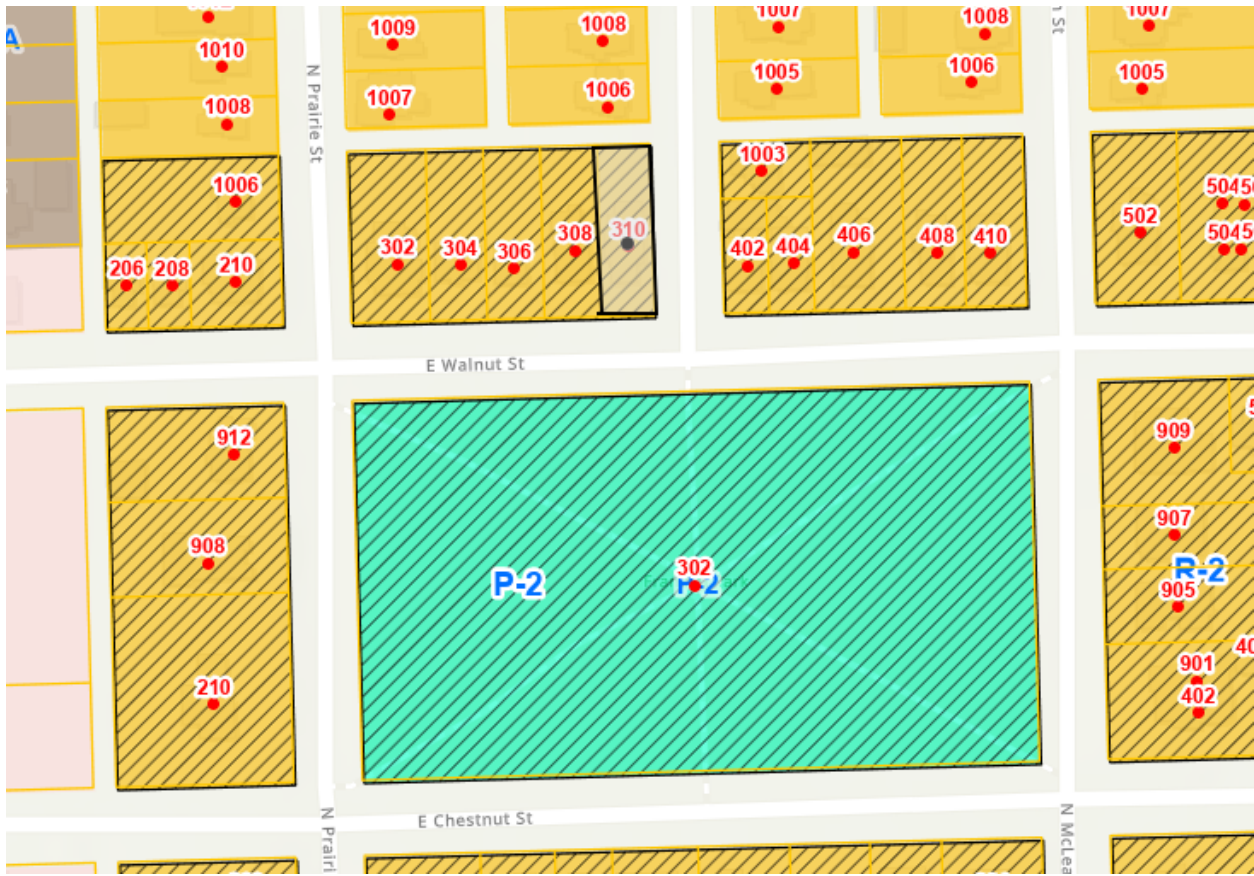
Motion to accept the findings and recommendation of the Historic Preservation Commission, establish findings of fact that *the proposed zoning map amendment is duplicative and not in the public interest*, and recommend *denial* of the petition.

Respectfully submitted,  
Alissa Pemberton  
Assistant City Planner

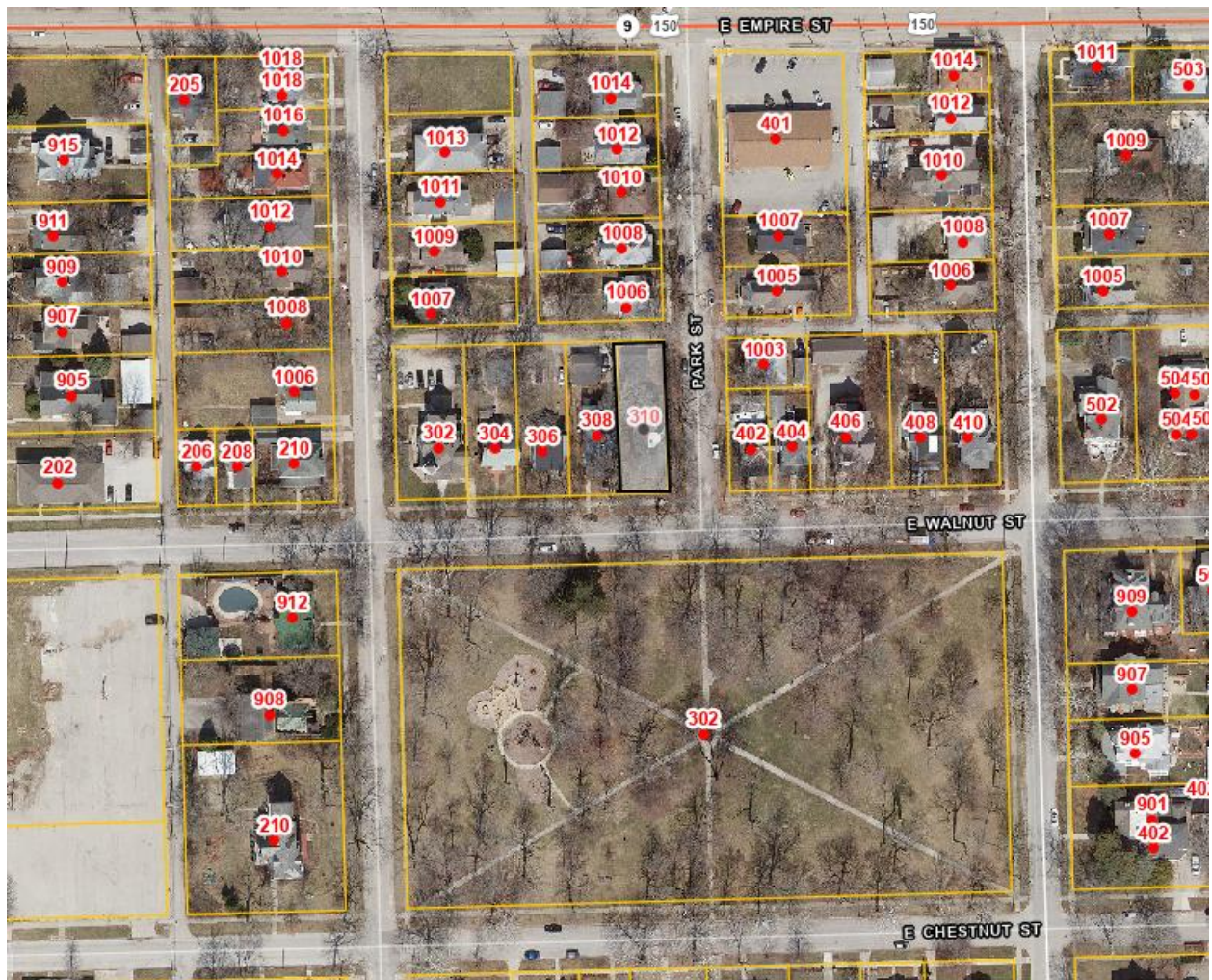
**Attachments:**

1. Zoning Map
2. Aerial Image
3. Neighborhood Notice Map

Attachment 1: Zoning Map

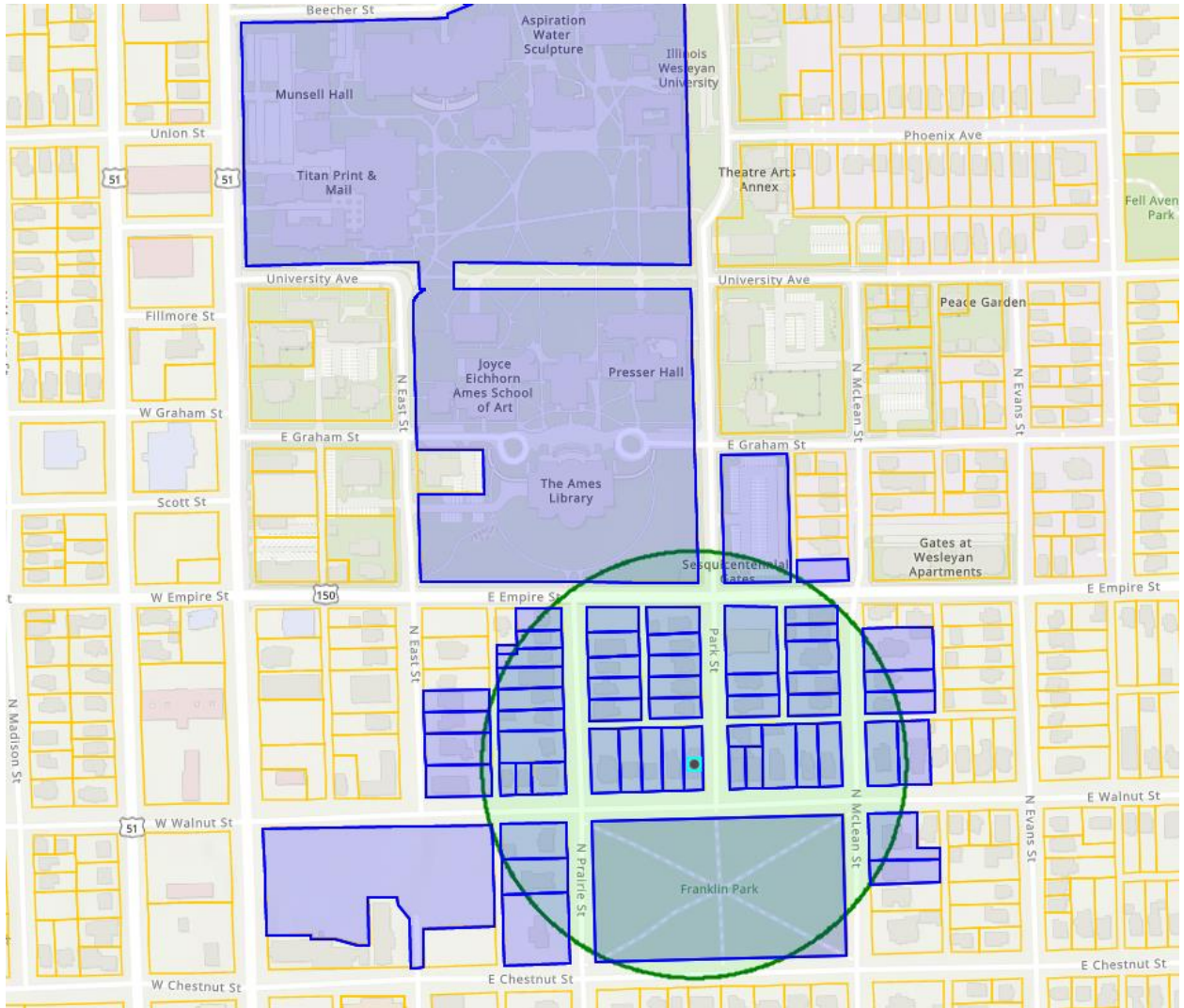


Attachment 2: Aerial Map





Attachment 3 - Neighborhood Notice Map





# PLANNING COMMISSION

**TO:** Planning Commission

**FROM:** Economic & Community Development Department

**DATE:** March 1, 2023

**CASE NO:** Z-10-23, Zoning Map Amendment

**REQUEST:** Public hearing, review and action on a petition by Farnsworth Group, requesting a Zoning Map Amendment for the property located at 2702, 2704, 2706, 2708, 2710, 2712, and 2714 Fox Creek Road, from R-1B (Single-Family Residence) District to R-2 (Mixed Residence) District. PINs: 22-18-302-001, 22-18-302-002, 22-18-302-003, 22-18-302-004, 22-18-302-005, 22-18-302-006, and 22-18-302-007.

## BACKGROUND

### *Request*

The Petitioner seeks a Zoning Map Amendment for the subject property, from the R-1B (Single-Family Residence) District to R-2 (Mixed Residence) District to allow the construction of two-family dwellings (duplexes) with shared curb cuts and separate driveways.

### *Property Characteristics*

The subject property consists of 2.41 acres of vacant land located near the corner of Fox Creek Road and W. Oakland Avenue, south of a large unincorporated tract of agricultural and R-2 land. It is represented on the original Preliminary Plan for Fox Creek Country Club, and the current plat, as lots similar to the character of development further west on Fox Creek Road and has been zoned R-1B since the time the subdivision began development.

### *Notice*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, February 13, 2023. Courtesy notices were mailed to 33 property owners within 500 feet of the subject property.

### *Surrounding Zoning and Land Uses*

	Zoning	Land Uses
North	R-1B (Single-Family Residence)/County	Street/Vacant/Single-Family Dwellings
South	P-2 (Public Lands & Institutions)	Golf Course
East	B-2 (Local Commercial)	Two-Family Dwellings
West	P-2 (Public Lands & Institutions)	Golf Course

## ANALYSIS

### *Comparison of Existing and Proposed Districts\**

#### **Existing Zoning: R-1B (Single-Family Residence) District**

The R-1B Residence District is intended to provide primarily for the establishment of areas characterized by moderate sized lots and single-family detached dwelling units for

occupancy by families. In addition to these dwelling units, related recreational, religious, and cultural facilities intended to serve the immediately surrounding residents are allowed where such facilities are found to be compatible with surrounding residential development. The R-1B district allows densities of up to approximately six dwelling units per acre.

**Proposed Zoning: R-2 (Mixed Residence) District**

Mixed Residence District. The R-2 Residence District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling unit density. Densities of up to approximately 13 dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling unit types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density.

*Compliance with the Comprehensive Plan*

The proposed Zoning Map Amendment contributes to Goals H-1.1 (Ensure that the housing to accommodate the new growth is a broad range (of types, sizes, ages, densities, tenancies and costs) equitably distributed throughout the City recognizing changing trends in age-group composition, income, and family living habits,) and UEW-1.2 (Expand City’s infrastructure, as needed, while supporting the overall goal of compact growth and vibrant urban core.)

The 2035 Comprehensive Plan’s Future Land Use map identifies this area as Low Density Residential. The Land Use Priorities map identifies this property as Tier 1, “Platted areas for future development of existing subdivisions but not built out to completion.”

**STANDARDS FOR REVIEW**

The Planning Commission shall hold at least one public hearing on any proposed Zoning Map Amendment and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Map Amendment is in the public interest and not solely for the benefit of the applicant, based upon considering the factors listed in § 44-1706E(2) and discussed below.

*Request for Zoning Map Amendment for R-1B to R-2*

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

Uses permitted within the R-1B (Single-Family Residence) District are residentially oriented and appropriate near other residential uses in the vicinity. The density allowed under the current zoning (up to 6 DU/Ac) would permit 14 homes to be built on the subject property and each existing lot could be split into two conforming lots for the district, as-is.

**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 remained undeveloped since annexation. Approximately 25% of the Preliminary Plan for Fox Creek Country Club remains undeveloped, but multiple cases and areas have become active in the recent past; most of those are planned for single-family.

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

Lot characteristics and densities for the subject size are similar between the Districts

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

The land uses and zoning of the most proximate properties are medium-density residential and/or low intensity commercial. The adjacent property on two sides is (and will remain) a golf course that would not be impacted by a minor or moderate increase in residential density that is still height restricted. Properties slightly further to the west are zoned R-1B and improved with single-family dwellings.

**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.**

Relative gain to the owner is real due to the increase in development potential on the property, but the gain to the community may be real also based on the need and market interest in the type of housing permissible in the R-2 District. Hardship to the surrounding property owners would be expected to be minimal since the character of the development would be similar, and the proposed density is the same as would be accessible by right. It is possible in R-2 to development multiple-family dwellings which are not permitted in the R-1B/R-1C zoning throughout most of Fox Creek Country Club, but the use is a Special Use and would require additional review and public hearings, making it unlikely if the proposal is out of the character of other development in the area.

**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.**

City engineering has expressed concerns about increasing the number of curb cuts to this section of Fox Creek Road, beyond what was originally planned. Concerns were not expressed related to traffic counts or function of Fox Creek Road. The currently permitted density (14 DUs) may be acquired through shared curb cuts but would necessitate unique access design found primarily in the two-family/duplex form of construction.

**7. The extent to which the proposed amendment is inconsistent with the need to minimize flood damage and that 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.**

Stormwater management for this subdivision is accommodated through a series of basins and drainage areas within the gold course, and minor differences in lot size would not be expected to have an impact on the drainage patterns for this 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.**

The property is already planned for service by City water and sewer, fire and police protection, and has been annexed to BNWRD and the school District with an expectation of similar density.

- 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 herein.**

Approval of the Zoning Map Amendment at the conclusion of the public hearing and Council review would be the result of a fair, equitable, and orderly review process. Utilizing the full potential for residential density on these properties will create a more compact neighborhood surrounding a walkable community green space. Some community expectation of single-family development along Fox Creek may be left unsatisfied, but the character of these properties is more a continuation of the compact development on the eastern side of the Golf Course than the start of the single-family loops and cul-de-sacs on the west side.

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

Property values are unlikely to be diminished by the Map Amendment since the character of the result would be similar to that of existing development. Traffic congestion is not expected to significantly increase as curb cuts will not be permitted to increase and any development on this site will be required to provide access and parking that permits front-in/front-out, per City Public Works.

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

Property values are unlikely to be diminished by the Map Amendment.

- 12. Whether a Comprehensive Plan for land use and development exists, and whether the ordinance is in harmony with it.**

The Future Land Use map identifies this area as “Low Density Residential” (<8 DUs/ac), but the current zoning already permits “Medium Density Residential” (8-20 DUs/ac.) Approval of the Map Amendment would continue to permit the “Medium Density Residential” already permitted on the property. The Land Use Priorities map identifies this property as Tier 1, “Platted areas for future development of existing subdivisions but not built out to completion.”

- 13. Whether the City needs the proposed use.**

The proposed Map Amendment will help fulfill the need for quality non-student housing identified in the EDC’s Bloomington-Normal Housing Analysis through creation of a housing type currently in demand.



## STAFF RECOMMENDATION

Staff finds that the request for a Zoning Map Amendment *is in the public interest and not solely for the benefit of the applicant*, after reviewing the relevant factors for consideration, and recommends the Planning Commission take the following action(s):

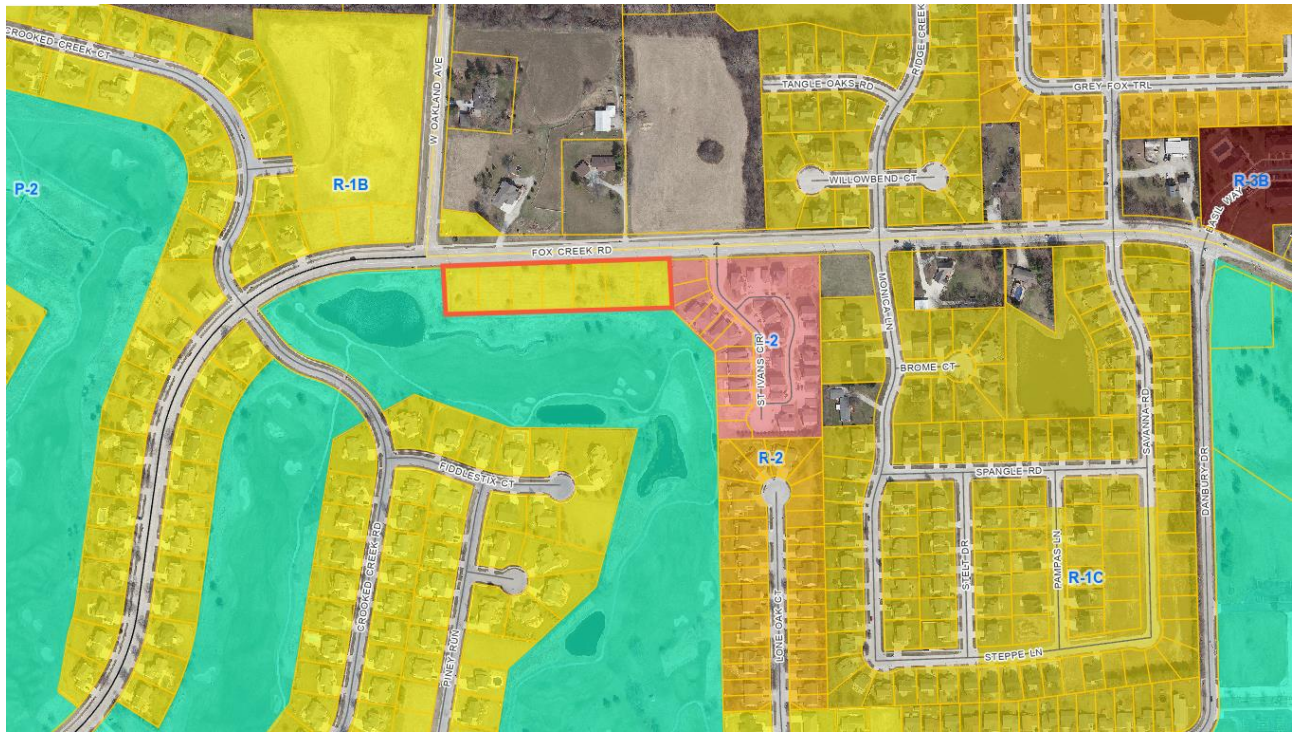
Motion to establish findings of fact that the proposed Zoning Map Amendment *is in the public interest and not solely for the benefit of the petitioner* and recommend *approval* of the petition.

Respectfully submitted,  
Alissa Pemberton  
Assistant City Planner

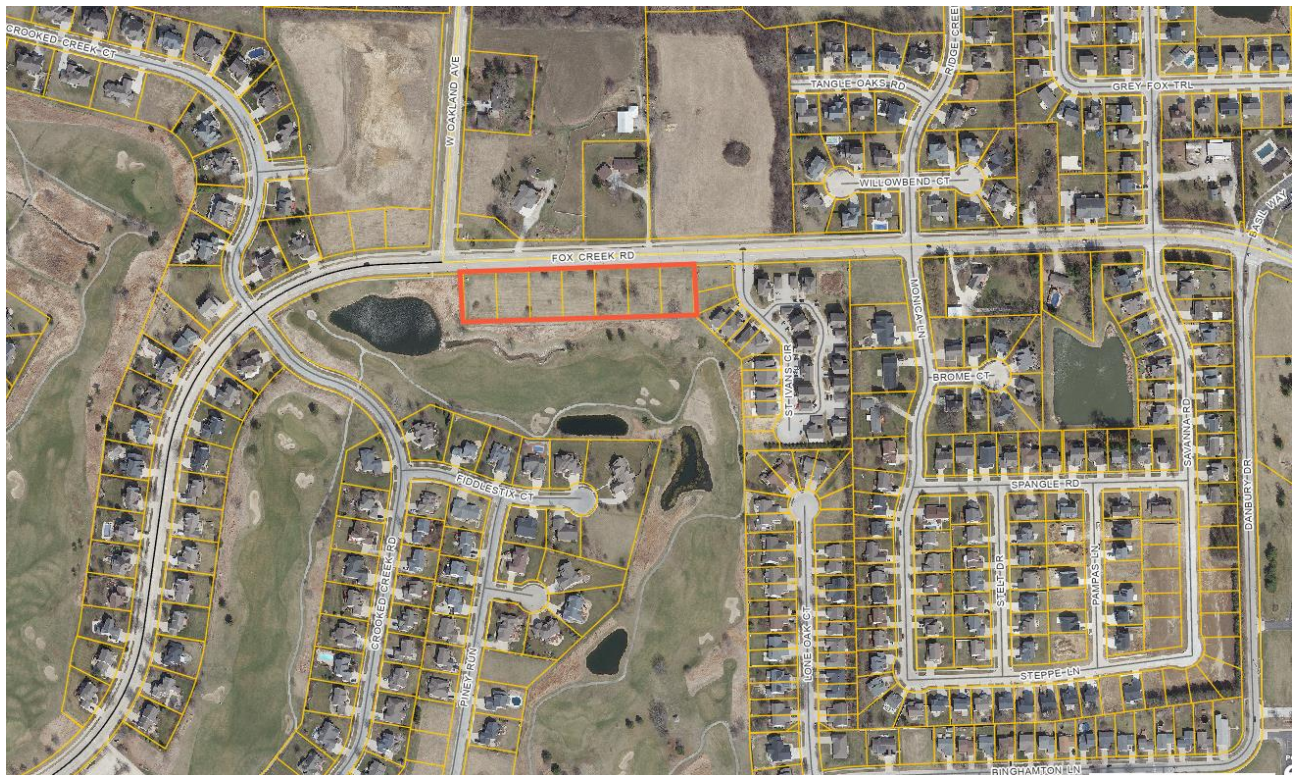
### Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View(s)
4. Petitioner-Submission - Description of Project
5. Neighborhood notice map

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image





Attachment 3 - Ground-Level View(s)







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**Date:** January 27, 2023  
**To:** City of Bloomington Public Works  
**From:** Sean Ireland  
**Re:** Findings of Fact and Owner consent to Rezoning Application for **PIN 21-18-302-001** through **PIN 21-18-302-007** (for Fox Creek 10<sup>th</sup> Addition Duplexes)

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The following statement is supplemental to the Application for a Zoning Map Amendment to address Findings of Fact and provide owner consent for Farnsworth Group, Inc. to submit said application as the applicant. **PIN 21-18-302-001** through **PIN 21-18-302-007**, as shown on the Rezoning Plat and on the Concept Site Plan, consist of seven (7) two-family dwelling lots abutting Fox Creek Road just East of the Tee Intersection of Oakland Avenue and Fox Creek Road. The subject property will be referred to as **"Tenth Addition to Fox Creek Country Club."**

The below for your consideration are the Findings of Fact addressing appropriateness per bulleted items on the City of Bloomington Application.

1. Discuss the suitability of the subject property for uses authorized by the existing zoning.
  - a. The subject property under the existing zoning, does not permit two-family dwellings or list two-family dwellings as a special use. The proposed rezoning to R-2 would permit two-family dwellings in addition to those uses permitted under R-1B zoning.
2. Discuss how long this property has remained vacant, as zoned.
  - a. The property has remained vacant since the greater Fox Creek Country Club Development was platted in the mid-1990's.
3. Discuss the suitability of the subject property for uses authorized by the proposed zoning.
  - a. As mentioned, two-family dwellings (the current intended use of the developer) are permitted by the proposed zoning. Additionally, the permitted uses for R-1B are also permitted by R-2 zoning. R-2 zoning also has some additional special uses.
4. Discuss the suitability of the proposed zoning, as related to properties nearby.
  - a. Existing zoning of the surrounding properties include PIN 21-18-153-009 as R-2 (just NE of the subject property), R-1B zoning for surrounding residences to the West and South, P-2 to the West and South (golf course), and adjacent R-2 zoning for duplexes on Lone Oak Ct to the SE. The proposed zoning for the subject property would follow suit with existing zoning seen for some surrounding properties.
5. Discuss the potential relative gain or hardship to the public, compared to the property owner.
  - a. Relative gain to the public would be some additional higher density housing in the area versus the more restrictive single-family housing that would otherwise be provided under existing zoning R-1B, which currently occupies a clear majority of the Fox Creek Country Club development. R-2 Zoning in this area is consistent with the land use to the East which was originally zoned B-2
6. Discuss 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 proposed.
  - a. The subject property is along Fox Creek Road, just East of Oakland Avenue, both of which are adequate streets and well connected. The proposed driveway designs will prevent backing onto Fox Creek Road.
7. Discuss the extent to which the proposed amendment is consistent with the need to minimize flood damage and will not have a detrimental effect on the drainage patterns in the area.
  - a. The proposed amendment will have little to no detrimental effect on the drainage patterns in the area as the property has adequate drainage to accommodate the proposed development.

8. Discuss the extent to which adequate services (including but not limited 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.
  - a. The proposed lots will be serviced by existing fire and police protection, schools (like Pepper Ridge to the SE), water supply, storm, sanitary (some existing services already in place for proposed lots). Additional services can be reasonably supplied.
9. Discuss the extent to which the proposed amendment is consistent with the public interest.
  - a. Providing a variety of housing options in Bloomington aligns with current public interest.
10. Discuss the extent to which property values are diminished by the zoning restriction.
  - a. Since some surrounding property is currently zoned R-2 and others as R-1B, the proposed amendment should contribute no diminishing property value.
11. Discuss the extent to which the destruction of property values promotes the health, safety, morals, or general welfare of the public.
  - a. The proposed lot development should have virtually no impact on the health, safety, morals, or general welfare of the public due to the size of the project and existing preliminary plan for the Fox Creek Country Club development showing future lots proposed in place of the subject property
12. Discuss whether the proposed application is in harmony with the Comprehensive Plan.
  - a. The proposed application is in harmony with the Comprehensive Plan looking specifically at H-1 of the Chapter 4: Neighborhood Goals and Objectives. The H-1 goal is to "ensure the availability of safe, attractive and high quality housing stock to meet the needs of all current and future residents of Bloomington." Although a bit outdated, Figure 4-4 Residential Vacancy Analysis shows 1% or less vacancy of the project area (over 367 months during the 4<sup>th</sup> Qtr of 2013) and greater Fox Creek Country Club Development, making it an attractive location for current and future residents.
13. Discuss whether the City needs the proposed use.
  - a. The City does need more housing and a variety of housing options, the rezoning of these parcels will provide more available dwellings by acre compared to the current R-1B zoning.

The property owner has read the above statement and provides their consent to have Farnsworth Group submit, along with other required application documents, to the City of Bloomington for approval.

OWNER



Signature

David W. Fedor

Typed Name

Owner

Title

1-27-23

Date



Attachment 5 - Neighborhood Notice Map

