

**CITY OF BLOOMINGTON
COUNCIL MEETING AGENDA
109 E. OLIVE
MONDAY, SEPTEMBER 10, 2012, 7:00 P.M.**

- 1. Call to order**
- 2. Pledge of Allegiance to the Flag**
- 3. Remain Standing for a Moment of Silent Prayer**
- 4. Roll Call of Attendance**
- 5. Public Comment**
- 6. Recognition/Appointments**
 - A. Oath of Office for Firefighters Joshua Plese, Eric Hall, and Dylan Ferguson**
 - B. Appointments of David Stanczak to the Planning Commission and Sherry Graehling to the Historic Preservation Commission**
- 7. “Consent Agenda”**
 - A. Council Proceedings of August 27, 2012. (Recommend that the reading of the minutes of the previous Council Meeting of August 27, 2012 be dispensed with and the minutes approved as printed.)**
 - B. Bills and Payroll. (Recommend that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.)**
 - C. Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington’s Davis Lodge on September 28, 2012. (Recommend that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington Davis Lodge on September 28, 2012 be passed.)**

- D. Suspension of Chapter 6 Section 26(d) to Allow Possession of Open Alcohol on Public Property for the Bloomington-Normal Sunrise Rotary Club – Brats and Bags, a fundraising event to benefit the Midwest Food Bank, located on Jefferson Street between Main and Center and Main Street between Jefferson and Washington on October 5, 2012. (Recommend that the Ordinance be passed.)**
- E. Application of GS Partners, Inc., d/b/a Ride the Nine/Shooters Lounge located at 503 N. Prospect Rd., Suite 300 for a TAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week. (Recommend that a TAS liquor license for GS Partners, Inc., d/b/a Ride the Nine/Shooters Lounge, located at 503 N. Prospect Rd., Suite 300, be created, contingent upon compliance with all applicable health and safety codes.) (*a change of ownership*)**
- F. Application of Bloomington Lodge #281, Benevolent and Protective Order of Elks of the USA Inc., d/b/a Bloomington Elks Lodge #281, located at 608 Seminary Ave., for a CA liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week. (Recommend that a CA liquor license for Bloomington Lodge #281, Benevolent and Protective Order of Elks of the USA Inc., d/b/a Bloomington Elks Lodge #281, located at 608 Seminary Ave., be created, contingent upon compliance with all applicable health and safety codes.) (*a change of ownership*)**
- G. Application of Smashtwo, LLC, d/b/a Smashburger, located at 1401 N. Veterans Pkwy., for an RBS liquor license, which will allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week be approved. (Recommend that an RBS liquor license for Smashtwo, LLC, d/b/a Smashburger, located at 1401 N. Veterans Pkwy., be created, contingent upon compliance with all applicable health and safety codes.) (*a new license*)**
- H. Professional Services Contract for the Bloomington Center for Performing Arts. (Recommend that the contract in the amount of \$27,500 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)**
- I. Review on the petition submitted by City of Bloomington, requesting the amendment of Chapter 44 (Zoning), Section 44.4-2 by adding a provision for parkland dedication for residential development in nonresidential zoning districts. (Recommend that the Text Amendment to Chapter 44, Zoning, Section 44.4-2, be approved and the Ordinance passed.)**

- J. Petition from Wingover East, LLC Requesting Approval of a Water Easement Dedication, located west of Ekstam Drive, north of Gerig Drive, and south of Cornelius Drive. (Recommend that the Petition be approved and the Ordinance passed.)**
- K. Proposed Change Order #1 for 2012 Street and Alley Repair Contract (Citywide). (Recommend that the Amendment to the contract with Rowe Construction Company for the 2012 Street and Alley Repairs in the amount of \$175,000 be approved.)**
- L. Analysis of Bids and Approval of the FY 2013 Traffic Signal Maintenance Contract (City Wide). (Recommend that the prices be accepted from Laesch Electric and a contract be executed in the amount up to \$100,000.00 and a budget amendment be incorporated into the FY budget.)**

8. “Regular Agenda”

- A. Application of Setinthebar, d/b/a Gat’s Jazz Cafe, located at 424 N. Main St., for a TAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week. (Recommend That a TAS liquor license for Setinthebar, Inc., d/b/a Gat’s Jazz Cafe, located at 424 N. Main St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the establishment will be run as a Jazz Cafe; not a traditional tavern - the Commission reserves the right to modify this condition to insure compliance; 2.) the business will be committed to the promotion of live jazz music and commits to stay with the jazz music theme, as opposed to other forms of music; 3.) the hours of operation of the business will be Sunday through Thursday from 11:00 a.m. until 10:00 p.m. and Friday and Saturday from 11:00 a.m. until 12:00 a.m.; 4.) the tables and chairs will not be removed from the premise so as to maintain a close, intimate Jazz Cafe atmosphere at all times; 5.) food, as shown on the sample menu or substantially similar and comprehensive menu will be served up until one hour prior to closing with continued work towards establishing a full kitchen with a vaster meal type menu; 6.) marketing house events which for a set price, reserves a table for entertainment viewing and provides certain food and drink for one price; and 7.) with all of these conditions, there was confidence that a successful Jazz Cafe will be established at 424 N. Main St. which will add to the Downtown’s quality of life and the area as a whole without adding to the issues cited by the Downtown Entertainment Task Force (DETF).) *(a new license) (30 minutes)***
- B. Review of a petition submitted by Lue A. Walters, requesting a special use approval for an additional dwelling unit for the property located at 811 W. Washington Street. (Recommend that the Council deny the Special Use Permit.) *(20 minutes)***

- C. **Downtown Bloomington Enterprise Zone.** (Recommend approval of an ordinance amending “An Ordinance Describing and Designating an Area Location Partially within the City of Bloomington, the Town of Normal, and Unincorporated McLean County as an Enterprise Zone.”) *(15 minutes)*
- D. **Purchase of one E-ONE HP75 Rear Mount Aerial Truck.** (Recommend that the purchase of one E-ONE HP75 rear mount Aerial Truck from Banner Fire Equipment Inc. in the amount of \$675,955 be approved, and the Purchasing Agent be authorized to issue a Purchase Order for same.) *(10 minutes)*

- 9. **City Manager’s Discussion**
- 10. **Mayor’s Discussion**
- 11. **City Aldermen’s Discussion**
- 12. **Executive Session - cite section**
- 13. **Adjournment**
- 14. **Notes**

FOR COUNCIL: September 10, 2012

SUBJECT: Appointments to the Historic Preservation Commission and Planning Commission.

RECOMMENDATION/MOTION: That the Appointments be approved.

BACKGROUND: I ask your concurrence in the appointment of David Stanczak of 6 Buckhurst Ct, Bloomington 61704 to the Planning Commission. His 4 year term will begin September 10, 2012.

I ask your concurrence in the appointment of Sherry Graehling of 1418 E. Grove Street, Bloomington 61701 to the Historic Preservation Commission. Her 4 year term will begin September 10, 2012.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Kathryn Buydos
Executive Assistant

Stephen F. Stockton
Mayor

Attachments: Attachment 1. Planning Commission Roster
Attachment 2. Historic Preservation Commission Roster

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

Bloomington Planning Commission

9/6/2012 11:26 AM KB

Category	Staff/Chair	Title	First Name	Last Name	Street	City	State	Zip	Expiration	Appointment Date	Year First Appt	Attendance Last 12 Meetings
Planning Commission	Southwest		Julie	Morton	204 Tanner	mingt	IL	61701	04/30/13	12/14/09	2005	
Planning Commission	Southeast		J. Alan	Balmer	Lake Court	mingt	IL	61704	04/30/15	08/22/11	2011	
Planning Commission	Chair/Southeast		Stan	Cain	Circle	mingt	IL	61704	04/30/15	08/08/11	1997	11
Planning Commission	Northwest		Charles E.	Stuckey	Main St.	mingt	IL	61701	04/30/14	08/08/11	2007	9
Planning Commission	Northeast		Bill	Schulz	Woodfield	mingt	IL	61704	04/30/13	12/14/09	2005	
Planning Commission	Northeast		James	Pearson	Hearthstone	mingt	IL	61704	04/30/15	07/25/11	2011	
Planning Commission	Southeast		Rob	Wills	St	mingt	IL	61701	04/30/15	08/08/11	2007	9
Planning Commission	Southwest		Rex	Diamond	Creek Rd	mingt	IL	61705	04/30/16	04/23/12	2012	
Planning Commission	Northwest		VACANT									
Planning Commission	Southwest		VACANT									
Planning Commission	Staff		Mark	Woolard	St	mingt	IL	61701				

Notes

4 year terms
 10 members
 Number Mayor Appoints: 10
 Type: COB Regular
 City Code:
 Required by code - State or City: No
 Meets the 2nd and 4th Wed of each month at 4:00pm - Council Chambers

12/20/2011 - It has been suggested that the board have 2 appointments from the four quadrants in Bloomington and two at-large appointments.

Number of Vacancies

2

Number of Applications on file

13 (5-SE, 1-SW, 5-NE, 1-NW)

Number of Expired Board Members

0

Bloomington Historic Preservation Commission

9/6/2012 11:25 AM KB

Category	Staff/Chair	Title	First Name	Last Name	Street	City	State	Zip	Expiration	Appointm ent Date	Year First Appt	Email	Attendance Last 12 Meetings
Historic Preservation Commission			John	Elterich	409 E. Grove	mingt	IL	61701	04/30/13	02/09/09			
Historic Preservation Commission			VACANT										
Historic Preservation Commission	Chair		Carson	Durham	Mercer	mingt	IL	61701	04/30/08			bldd.com	
Historic Preservation Commission			VACANT										
Historic Preservation Commission			Dan	Green	Colonial Rd	mingt	IL	61704	04/30/04				
Historic Preservation Commission			Jeffrey	Kennedy	Chestnut	mingt	IL	61701	04/30/13	04/13/09			
Historic Preservation Commission			Brad	Williams	613 E. Grove	mingt	IL	61701	04/30/09				
Historic Preservation Commission	Staff		Mark	Woolard	St	mingt	IL	61701					

Attendance last updated: (date)

Notes

4 year terms
 7 members
 Number Mayor Appoints: 7
 Type: COB Regular
 City Code:
 Required by code - State or City: No
 Meets the 3rd Thurs of each month at 5:00pm - Blm Council Chambers

Number of Vacancies

2

Number of Applications on file

10

Number of Expired Board Members

3

FOR COUNCIL: September 10, 2012

SUBJECT: Council Proceedings of August 27, 2012

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of August 27, 2012 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of August 27, 2012 have been reviewed and certified as correct and complete by the City Clerk.

In compliance with the Open Meetings Act, Council Proceedings must be approved within thirty (30) days after the meeting or at the Council’s second subsequent regular meeting whichever is later.

In accordance with the Open Meetings Act, Council Proceedings are made available for public inspection and posted to the City’s web site within ten (10) days after Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

FOR COUNCIL: September 10, 2012

SUBJECT: Bills and Payroll

RECOMMENDATION/MOTION: That the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

BACKGROUND: The list of bills and payrolls will be posted on the City’s website on Thursday, September 6, 2012 by posting via the City’s web site.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Total disbursements information will be provided via addendum.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Patti-Lynn Silva
Director of Finance

David A. Hales
City Manager

(ON FILE IN CLERK’S OFFICE)

Attachment: Attachment 1. Bills and Payroll on file in the Clerk’s office. Also available at www.cityblm.org

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

FOR COUNCIL: September 10, 2012

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on September 28, 2012

RECOMMENDATION/MOTION: That the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington Davis Lodge on September 28, 2012 be passed.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Gary Merriam and Barb Mosson to allow moderate consumption of alcohol at Davis Lodge for their rehearsal dinner on September 28, 2012. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk, and Gary Merriam and Barb Mosson, requesters.

Commissioner Stockton opened the liquor hearing and requested that Mr. Merriam and Ms. Mosson, requesters, address the Commission regarding their request. Barb Mosson addressed the Commission. She reminded the Commission that they had appeared before the Commission at their July 10, 2012 meeting. At that meeting, the request was for their wedding reception at Davis Lodge on Saturday, September 29, 2012. They have decided to hold the rehearsal dinner at Davis Lodge on Friday, September 28, 2012. There would be fifty (50) people in attendance. The dinner was scheduled for 7:00 p.m. Commissioner Stockton reminded the couple that only beer and wine service was allowed.

Ms. Mosson added that Times Past Inn, located at 1216 Towanda Ave., would cater the event providing both food and beverage service.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the request of Gary Merriam and Barb Mosson to allow moderate consumption of alcohol at Davis Lodge for their rehearsal dinner on September 28, 2012 be approved.

Motion carried, (viva voce).

Commissioner Stockton noted that Times Past Inn will also be required to obtain a one (1) day liquor license from McLean County.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the August 14, 2012 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Reviewed by:

Reviewed by:

Reviewed by:

Craig Cummings
Director of Water

Randy McKinley
Police Chief

David A. Hales
City Manager

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Attachments: Attachment 1. Ordinance

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

ORDINANCE NO. 2012 - ____

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE

WHEREAS, Gary Merriam and Barb Mosson are planning to hold their rehearsal dinner at the Lake Bloomington Davis Lodge from 7:00 p.m. to 10:00 p.m. on September 28, 2012; and

WHEREAS, Gary Merriam and Barb Mosson have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS;

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on September 28, 2012 under the conditions set forth in the rental agreement.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 10th day of September, 2012.

APPROVED this ____th day of September, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

FOR COUNCIL: September 10, 2012

SUBJECT: Suspension of Chapter 6 Section 26(d) to Allow Possession of Open Alcohol on Public Property for the Bloomington-Normal Sunrise Rotary Club – Brats and Bags, a fundraising event to benefit the Midwest Food Bank, located on Jefferson Street between Main and Center and Main Street between Jefferson and Washington on October 5, 2012

RECOMMENDATION/MOTION: That the Ordinance be passed.

BACKGROUND: The Bloomington-Normal Sunrise Rotary Club is hosting its 4th annual Brats and Bags Tournament located on Jefferson Street between Main and Center and Main Street between Jefferson and Washington on October 5, 2012. The location is the same as last year. The area will be secured by the Public Works Department’s Streets and Sewer Division by placing barricades at the intersections Jefferson and Center, Main and Washington and Jefferson and Main. There will be a brats lunch and a bags tournament in that area. The event organizers want to allow people to walk on the public streets with their drinks to enjoy the brats lunch and participate in the bags tournament. They have requested that Chapter 6 Section 26(d) of the City Code, which prohibits having open containers of alcohol on public right of way, be suspended for the date, time and location of the event. A DJ or live band will be performing, and all alcoholic beverages will be sold inside the premise. Outdoor consumption would be allowed between the hours of 11:30 a.m. and 10:00 p.m.

This has been done for other organizations. Most recently, Council suspended the Ordinance to allow consumption of alcohol on a public street for the McLean County Arts Center’s In Our Neighborhood Party located at 601 N. East St. on June 22, 2012. Staff reviewed plans for the event with the organizers. Given the nature of this event, the type of crowd it attracts, and the high degree of involvement by event staff, all concerned believe that there would be no issues with suspending the ordinance as requested.

Staff prepared the necessary Ordinance suspending the code as needed for this event and respectfully requests Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed and concur:

Recommended by:

Tracey Covert
City Clerk

Randall D. McKinley
Police Chief

David A. Hales
City Manager

Attachment: Attachment 1. Ordinance

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

ORDINANCE NO. 2012 -

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY DURING THE BLOOMINGTON-NORMAL SUNRISE ROTARY CLUB – BRATS AND BAGS EVENT, LOCATED ON JEFFERSON STREET BETWEEN MAIN AND CENTER AND MAIN STREET BETWEEN JEFFERSON AND WASHINGTON ON OCTOBER 5, 2012

WHEREAS, Bloomington-Normal Sunrise Rotary Club will hold their 4th annual Brats and Bags event, located on Jefferson Street between Main and Center and Main Street between Jefferson and Washington on October 5, 2012; and

WHEREAS, Bloomington-Normal Sunrise Rotary Club plans to have a brats lunch and bags tournament and has requested permission to allow the consumption of alcohol in the public street during the event; and

WHEREAS, to allow possession of an open container of alcohol on public right of way, Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits the possession of open containers of alcohol on public right of way, must be suspended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS;

Section 1: That Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, is suspended on the following dates during the following hours: October 5, 2012 between 11:30 o'clock a.m. and 10:00 o'clock p.m. in the public street. This suspension shall be effective only as to persons inside the designated area and for alcohol provided by the Bloomington-Normal Sunrise Rotary Club.

Section 2: Except for the dates, times and location set forth in Section 1 of this Ordinance, Section 26(d) of Chapter 6 of the Bloomington City Code, 1969, as amended, shall remain in full force and effect. Nothing in this ordinance shall be interpreted as repealing said Section 26(d).

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 10th day of September, 2012.

APPROVED this ____th day of September, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

FOR COUNCIL: September 10, 2012

SUBJECT: Application of GS Partners, Inc., d/b/a Ride the Nine/Shooters Lounge (a change of ownership), located at 503 N. Prospect Rd., Suite 300 for a TAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week

RECOMMENDATION/MOTION: That a TAS liquor license for GS Partners, Inc., d/b/a Ride the Nine/Shooters Lounge, located at 503 N. Prospect Rd., Suite 300, be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of GS Partners, Inc., d/b/a Ride the Nine/Shooters Lounge, located at 503 N. Prospect Rd., Suite 300, requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and Scott Tuggle and Glenn Corkill, owners/operators and Applicant representatives.

Commissioner Stockton opened the liquor hearing and requested that the Applicants address this request.

Commissioner Buchanan questioned if this application was an limited liability company (LLC) or an incorporation. Scott Tuggle, owner/operator and Applicant representative, addressed the Commission. GS Partners was a corporation. He reminded the Commission that a partner had retired and the decision was made to form a new corporation. This action allowed the books to be closed on the old corporation.

Commissioner Tompkins complimented the Applicants on their application. It was thorough and complete.

Commissioner Buchanan noted that Mr. Tuggle was a long time successful license holder.

Commissioner Stockton added that Ride the Nine did not have a single violation.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the application of GS Partners, Inc., d/b/a Ride the Nine/Shooters Lounge, located at 503 N. Prospect Rd., Suite 300, requesting a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately fourteen (14) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the August 14, 2012 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None. Request is for a change of ownership. Annual fee for a TAS liquor license is \$2,210.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

FOR COUNCIL: September 10, 2012

SUBJECT: Application of Bloomington Lodge #281, Benevolent and Protective Order of Elks of the USA Inc., d/b/a Bloomington Elks Lodge #281, located at 608 Seminary Ave., for a CA liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week

RECOMMENDATION/MOTION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that a CA liquor license for Bloomington Lodge #281, Benevolent and Protective Order of Elks of the USA Inc., d/b/a Bloomington Elks Lodge #281, located at 608 Seminary Ave., be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Bloomington Lodge #281, Benevolent and Protective Order of Elks of the USA Inc., d/b/a Bloomington Elks Lodge #281, located at 608 Seminary Ave., requesting a CA liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and Bill Adams, Lodge Secretary and Jerry Leininger, Leading Knight, and Applicant representatives.

Commissioner Stockton opened the liquor hearing and requested that the Applicants address this request. Bill Adams, Lodge Secretary and Jerry Leininger, Leading Knight, and Applicant representatives, addressed the Commission. Mr. Leininger informed the Commission that currently there were 140 members. The Elks had been looking for a location. Only twenty to thirty percent, (20 - 30%), of the members were active participants. The premise would be cleaned up. The Elks hoped to grow the membership. The club would be staffed by volunteers, (Elks members). The building would be closed at 10:00 - 11:00 p.m.

Mr. Adams addressed the Commission. He stated that there were approximately seventy-five (75) active members. The building might be open later for special occasions.

Commissioner Tompkins questioned the legal requirements. Mr. Leininger noted that the sale of the building was contingent upon the creation of the liquor license. The local membership had approved the purchase. The Grand Lodge, (national), had also approved the purchased.

Commissioner Petersen questioned the legal address. He noted that the application stated 608 Seminary but the Letter of Intent listed 606 Seminary.

Commissioner Buchanan noted the proximity of residential neighbors. He added that this building had a long history as a liquor establishment. He questioned if social activities would be held outside of the building. Mr. Leininger believed that everyone would be gone within thirty

(30) minutes after an event ended. The Elks membership consisted of older individuals. This lodge was over 110 years old. He had served on the Board for over twenty (20) years. Commissioner Buchanan did not anticipate any concerns. Mr. Leininger added that the parking lot was fenced. The railroad was located nearby to the west. The neighbors seemed excited about the potential sale. The Elks have discussed becoming involved in the neighborhood association. He noted the Elks' programs for veterans and educational scholarships.

Commissioner Buchanan questioned the percentage of revenue generated from non alcohol sales. Mr. Adams noted that food would be served in the evenings. Tuesdays would be chicken dinners and Saturdays would offer hamburgers. He noted the low attendance at meetings. Mr. Leininger anticipated limited liquor consumption.

Commissioner Stockton opened the hearing to public input. No one came forward to address the Commission.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the application of Bloomington Lodge #281, Benevolent and Protective Order of Elks of the USA Inc., d/b/a Bloomington Elks Lodge #281, located at 608 Seminary Ave., requesting a CA liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately two (2) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the DATE Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: This would be a new liquor license. Annual fee for a CA liquor license is \$1,760.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

FOR COUNCIL: September 10, 2012

SUBJECT: Application of Smashtwo, LLC, d/b/a Smashburger, located at 1401 N. Veterans Pkwy., for an RBS liquor license, which will allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week be approved

RECOMMENDATION/MOTION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that an RBS liquor license for Smashtwo, LLC, d/b/a Smashburger, located at 1401 N. Veterans Pkwy., be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Smashtwo, LLC, d/b/a Smashburger, located at 1401 N. Veterans Pkwy., requesting an RBS liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and Kacie Shultz, store manager and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicants address this request. Kacie Shultz, Store Manager and Applicant representative, addressed the Commission. She currently managed the Smashburger in Springfield, IL. She would manage this new facility. Doug Cekander, owner, also owned Buffalo Wild Wings located at 3220 E. Empire St. Ms. Shultz had been employed by Mr. Cekander for seven (7) years. Smashburger would open on August 29, 2012. She understood that the restaurant would open without a liquor license.

Commissioner Stockton stated that the application looked good. Smashburger would be located at the former site of Ruby Tuesdays. He hoped Smashburger would be successful.

Commissioner Buchanan questioned if there were other tenants in the building. Ms. Shultz stated that Aspen Dental would open on Thursday, August 16, 2012. There was still a vacant space in the building. Smashburger would seat 100 customers, seventy-five (75) indoors and twenty-five (25) outdoors. Smashburger would offer dine-in and carryout services. There was not a drive through window.

Commissioner Stockton questioned controls for the outdoor patio. Ms. Shultz stated that the patio was fenced and gated. The gate could be used as an entrance only. Smashburger's servers would be BASSETT, (Beverage Alcohol Sellers & Server Education & Training), certified. Alcohol consumption would be on premise only. Beer would be served open.

Commissioner Buchanan stated that the patio would become a part of the premise. Ms. Shultz stated that the cash registers would be located inside the building. Alcohol sales would occur in the restaurant.

Commissioner Buchanan noted that Smashburger would be challenged to move customers efficiently. Ms. Shultz noted that the grand opening would be from Wednesday, August 29, 2012 through Sunday, September 2, 2012. She noted that the Springfield store was busy. Servers checking identification for alcohol sales assisted the kitchen. Commissioner Buchanan questioned if the point of sale system required the entry of a date of birth to complete an alcohol sales transaction. Ms. Shultz stated that the cash register prompted the server to verify identification for beer sales. Beer sales would only be from the counter. A customer would place an order and make payment prior to food and beverage service.

Commissioner Stockton questioned how the patio would be monitor. Ms. Shultz noted that there were six (6) video cameras. In addition, the management team would monitor the patio.

Commissioner Buchanan questioned video display storage. Ms. Shultz could not address the time line. She noted that the video was fed to her laptop computer and smart phone.

Commissioner Stockton opened the hearing to public input. No one came forward to address the Commission.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the application of Smashtwo, LLC, d/b/a Smashburger, located at 1401 N. Veterans Pkwy., requesting an RBS liquor license which allows the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week be approved.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately thirty-eight (39) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the DATE Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: This would be a new liquor license. Annual fee for an RBS liquor license is \$1,100

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

FOR COUNCIL: SEPTEMBER 10, 2012

SUBJECT: Professional Services Contract for the Bloomington Center for Performing Arts

RECOMMENDATION/MOTION: That the contract in the amount of \$27,500 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: Staff respectfully requests approval of a contract to engage persons and/or groups represented by Parallel 49 Agency to perform entertainment services in the Bloomington Center for the Performing Arts. Contract expenses for the contract will be \$27,500.00. The contract price covers the artist fees for the performance coming to the BCPA this fall. For proprietary and competitive advantage reasons we do not mention the acts by name in the staff back up report. As is standard industry practice, some artist contracts require some additional expenses for items such as travel, meals and lodging that vary from artist to artist. Travel expenses and local lodging fees occur less often, however virtually all artists are provided with meals and non-alcoholic beverages.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The selection of these artists was coordinated with the Cultural Commission and the BCPA's Programming Advisory Committee. Staff and community advisors agree that the visiting professionals would attract broad, positive community involvement and contribute to the public service mission of the Bloomington Center for the Performing Arts.

FINANCIAL IMPACT: The FY 2013 Budget appropriated funds for these contracts in account 21101100-70220. These expenditures will be offset by future revenues generated from ticket sales, grants, playbills, concessions, advertising and sponsorships. The unaudited unreserved fund balance for FY 2012 for the BCPA is \$461,612.04. This balance includes the compilation of fiscal year revenues and expenditures, but does not include any potential audit adjustments that may be made for FY 2012.

Respectfully submitted for Council consideration.

Prepared by:

John R. Kennedy, Director
Parks, Recreation & Cultural Arts

Legal review by:

J. Todd Greenburg
Corporation Counsel

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

Attachments: Artist Contracts

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

FOR COUNCIL: September 10, 2012

SUBJECT: Review on the petition submitted by City of Bloomington, requesting the amendment of Chapter 44 (Zoning), Section 44.4-2 by adding a provision for parkland dedication for residential development in nonresidential zoning districts

RECOMMENDATION/MOTION: That the Text Amendment to Chapter 44, Zoning, Section 44.4-2, be approved and the Ordinance passed.

BACKGROUND: Currently the City's Subdivision Code, Chapter 24, requires parkland to be dedicated to the city for residential development. This is only required for land zoned residential however residential development can still occur in commercial, institutional and other zoning districts. At the City Manager's request, staff is proposing this text amendment to require such dedication in those other zoning districts.

The amendment has two benefits. One it will assist in meeting the need for recreation and parks in residential subdivisions. Secondly it will provide for equitable park land dedication for all residential developments. Two or more independent developments that are adjacent or in close proximity to each other could both be developed for apartments, and other residential uses, but one is required to dedicate land to the city and one is not merely because of their different zoning classifications. This can lead to a competitive advantage for one developer verses another.

This case was before the Planning Commission for a public hearing and review on August 22, 2012. City staff spoke in favor of the petition explaining the inconsistency in the code. No one else from the public spoke in favor or against the request. One person from the audience questioned where the change would be applicable.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published on August 6, 2012 in the Pantagraph in accordance with City Code. 15 courtesy copies of the Public Notice were mailed to architects and engineers.

FINANCIAL IMPACT: The text amendment will provide for new parkland or generate new revenues to be used for parks. Staff is unable to provide estimates at this time.

Respectfully submitted for Council consideration,

Prepared by:

Reviewed by:

Reviewed by:

Mark Woolard
City Planner

Mark R. Huber
Director of PACE

Barbara J. Adkins
Deputy City Manager

Legal review by:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Attachments: Attachment 1. Petition
Attachment 2. Ordinance
Attachment 3. Legal Description
Attachment 4. Planning Commission Report August 22, 2012
Attachment 5. Planning Commission Minutes August 22, 2012
Attachment 6. Mailing List for Architects and Engineers – Public Notice Sent

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

PETITION FOR ZONING TEXT AMENDMENT

State of Illinois)
)ss.
County of Mclean)

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

Now come(s) the City of Bloomington, Mclean County, Illinois, a municipal corporation hereinafter referred to as you petitioner respectfully representing and requesting as follows:

1. That the text of Chapter 44, Section 44.4-2 of the Bloomington City Code, 1960 no longer contributes to the public welfare for the following reasons:
 - a. Park land dedication or reservation requirements are intended to address the public park needs for the residents of the City of Bloomington; and
 - b. The City of Bloomington’s zoning ordinance allows for residential occupancy in special public interest districts, business districts, or manufacturing and warehouse districts, in certain instances, without providing for park land dedication and reservation; and
 - c. This shortcoming can allow for residential development without providing needed parks and recreational facilities.
2. That petitioner hereby request that said sections be amended as hereinafter proposed in Exhibit A.
3. That the approval of said amendment sill substantially reflect the philosophy and intent of Chapter 44 of the Bloomington City Code, 1960; and
4. The approval of said amendment will offer benefits to the general public in excess of the hardships, limitations or restrictions imposed upon any definitive faction of the City of Bloomington, McLean County, Illinois that is affected by the proposed text of said section.

WHEREFORE, your petitioner(s) respectfully pray(s) that this petition to amend Chapter 44, Section 44.4-2 of the Bloomington City Code, 1960 as stated herein be approved in the public interest.

Respectfully submitted,

By:

Mark R. Huber

Director, Planning and Code Enforcement

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE TEXT OF CHAPTER 44, SECTION 44.2-2 OF THE
BLOOMINGTON CITY CODE, 1960**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition praying for the amendment of Chapter 44, section 44.4-2 of the Bloomington City Code, 1960; and

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

WHEREAS, the text amendment prayed for in said petition is in the public interest; and

WHEREAS, the City Council of said City has the power to pass this Ordinance to amend said 44.4-2 Chapter 44 of the Bloomington City Code-1960.

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

1. That the Chapter 44, sections 44.4-2 of the Bloomington City Code – 1960 shall and the same are hereby amended:
 - a. Section 44.4-2 shall be modified by adding the following section:
 - E. Any lot or parcel of land zoned to a special public interest district, business districts, or manufacturing and warehouse district which permits residential uses by right or special use permit, shall not be developed into a residential occupancy without first meeting the park land dedication and reservation requirements of Division VII of the Subdivision Code, Chapter 24.

2. Ordinance shall take effect immediately upon passage and approval.

PASSED this ____ day of _____, 20____.

APPROVED this ____ day of _____, 20 ____.

Mayor

ATTEST:

City Clerk

Exhibit A

Section 44.4-2 of Chapter 44 of the City Code shall be modified by adding the following section:

- E. Any lot or parcel of land zoned to a special public interest district, business district, or manufacturing and warehouse district which permits residential uses by right or special use permit, shall not be developed into a residential occupancy without first meeting the park land dedication and reservation requirements of Division VII of the Subdivision Code, Chapter 24.

FOR PLANNING COMMISSION: August 22, 2012

Prepared: August 15, 2012

REPORT

To: Members, Bloomington Planning Commission

From: Staff

Subject: **Z-03-12.** Public Hearing on the petition submitted by the City of Bloomington, Illinois, a municipal corporation, requesting the amendment of Chapter 44 (Zoning), Section 44.4-2 by adding a provision for parkland dedication for residential development in nonresidential zoning districts

BACKGROUND INFORMATION:

Currently the City's Subdivision Code, Chapter 24, requires park land to be dedicated to the city for residential development. This is only required for land zoned residential however residential development can still occur in commercial, institutional and other zoning districts. See the attached amendment. Thus staff is proposing this text amendment to require such dedication in those other zoning districts.

The amendment has two broad benefits. One it will assist in meeting the need for recreation and parks in residential subdivisions. Secondly it will provide for equitable park land dedication for all residential developments. Imagine having two or more independent developments that are adjacent or in close proximity to each other. Both are developed for say, apartments and one is required to dedicate land to the city and one is not merely because of their different zoning classifications. This can lead to a competitive advantage for one developer verses another.

Proposed ordinance changing the language is as follows:

Section 44.4-2 of Chapter 44 of the City Code shall be modified by adding the following section:

- E. Any lot or parcel of land zoned to a special public interest district, business district, or manufacturing and warehouse district which permits residential uses by right or special use permit, shall not be developed into a residential occupancy without first meeting the park land dedication and reservation requirements of Division VII of the Subdivision Code, Chapter 24.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission pass a motion recommending the City Council adopt this proposed change.

Respectfully submitted,

Mark Woolard
City Planner

**UNAPPROVED MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING,
WEDNESDAY, AUGUST 22, 2012, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, ILLINOIS**

MEMBERS PRESENT: Mr. J Balmer, Chairperson Stan Cain, Mr. Rex Diamond, Mrs. Julie Morton, Mr. Jim Pearson, Mr. Bill Schulz, Mr. Charles Stuckey (arrived at 4:06), Mr. Robert Wills

MEMBERS ABSENT: None

OTHERS PRESENT: Mr. John Kennedy, Parks and Recreation Director
Mr. Mark Woolard, City Planner

CALL TO ORDER: Chairperson Cain called the meeting to order at 4:02 P.M.

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

PUBLIC COMMENT: None.

MINUTES: The Commission reviewed the June 27, 2012 minutes. Mr. Pearson moved to approve the June 27, 2012 minutes as read. Mr. Balmer seconded the motion which passed by a vote of 7 to 0 with the following votes being cast on roll call:

Mr. Cain--yes; Mr. Stuckey--absent; Mr. Wills--yes; Mrs. Morton--yes; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--present; Mr. Diamond--yes.

REGULAR AGENDA:

A. V-01-12. Public hearing on petition submitted by the City of Bloomington, Illinois, a municipal corporation, requesting the amendment of Chapter 44 (Zoning), Section 44.4-2 by adding a provision for parkland dedication for residential development in nonresidential zoning districts.

Chairperson Cain introduced the petition. Mr. Woolard reviewed the petition explaining how the code currently requires parkland to be dedicated to the city for residential development however it does not require such if the land being developed is in a nonresidential zoning district. He said the amendment provides for two benefits. One is that the amendment assures that we will not be deficient in parklands as land is developed residentially. Secondly it will provide for equitable parkland dedication in that the requirement will apply to residential development regardless of whether the land has residential or commercial zoning.

Chairperson Cain opened the public hearing and asked if there were any members of the audience who were in favor of the case and no one spoke regarding the petition. He then asked if there were any members of the audience who were in opposition of the case and no one spoke regarding the petition.

Chairman Cain asked if there were any members of the audience who had questions. Gary Krautwurst, 11 Pembroke Circle, questioned how the change would apply particularly for redeveloped property. The Commission discussed how the parkland dedication would be applied

with different land uses. Mr. Woolard explained that the amendment would make the dedication applicable in all the nonresidential zoning districts. Mr. Kennedy explained for redevelopment the dedication would be required when there will be an increase in density.

There was discussion on the fee in lieu of actual land being dedicated and the formula used for such. Mr. Kennedy gave an example of how the fee was calculated for an actual development. The Commission emphasized how if the fee was applied to a small development such as one two-family lot it would be very minimal.

Chairman Cain closed the public hearing

The Commission had more discussion on the application of the requirement particularly in the older parts of the city such as the downtown and would there even be recreational needs locations to develop a park downtown. The consensus of the Commission was that there is a need for parks in the downtown area and older parts of the city. Mr. Wills was concerned that the increase in costs from the amendment would impede redevelopment efforts. Mr. Stuckey stated that the fee is important for the downtown because it demonstrates to businesses and others how there is a commitment to the parks and recreational and will help draw people and businesses.

Mr. Balmer moved to reopen the public hearing and Mr. Wills supported the motion which was unanimously passed.

Mr. Kennedy stated the fees paid go into a separate fund used only for parks and the fees for a particular development are reserved for parks in its corresponding neighborhood planning area. In addition to acquiring new land the fees can also be used for improvements or new features in existing parks. Mr. Krautwurst said the change would not be appropriate given the current economy.

Chairman Cain closed the public hearing.

Commissioners expressed how it is important for the downtown or the older urban areas of the city to have parks or open space even if they are small. Mr. Balmer cited Marie Litta Park as a good example of how a small piece of land in or close to downtown was recently developed into a valuable small park. Mr. Wills said we need to be encouraging development and growth within the city and we should not throw up obstacles.

Mr. Balmer moved that the Bloomington Planning Commission recommend to the City Council Case Z-03-12 be approved as written. Mr. Stuckey seconded the motion which passed by a vote of 7 to 1 with the following votes being cast on roll call:

Mr. Cain--yes; Mr. Stuckey--yes; Mr. Wills--no; Mrs. Morton--yes; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--yes; Mr. Diamond--yes.

Mailing List for Architects and Engineers (8/10/12)

Public Notice: Parkland Dedication for Residential Development in Nonresidential Zoning Districts

Gary Bonnell 16205 N 3300 East Rd Colfax, IL 61728	McPherson Architect 3021 Wild Horse St Normal IL 61761	Middleton Associates, Inc. 1702 W. College Ave., Suite E Normal, IL 61761-2793
Hocker Architect 8 Lake Trail Rd Bloomington, IL 61701	Felmley Dickerson 803 E. Lafayette Bloomington, IL 61701	Farnsworth Group 2709 McGraw Dr Bloomington, IL 61704
P.J. Hoerr, Inc 117 Merle Lane Normal, IL 61761	Kelly Sanner 6715 Wolfcreek Rd Riverton, IL 62561	BLDD Architects 115 W. Jefferson St Bloomington, IL 61701
Lewis, Yockey & Brown 505 N Main St Bloomington, IL 61701	Shive Hattery Inc. 2103 Eastland Dr Bloomington, IL 61704	Young Architects 211 Prospect Rd. Bloomington, IL 61704
Edwards Architect 2416 E. Washington St #C3 Bloomington, IL 61704	Francois Associates Architects 118 W. Washington St. Bloomington, IL 61701	Rex Switzer, AIA 9 Mary Ellen Way Bloomington, IL 61701

FOR COUNCIL: September 10, 2012

SUBJECT: Petition from Wingover East, LLC Requesting Approval of a Water Easement Dedication, located west of Ekstam Drive, north of Gerig Drive, and south of Cornelius Drive.

RECOMMENDATION/MOTION: That the Petition be approved and the Ordinance passed.

BACKGROUND: On July 23, 2012, council approved the Final Plat for Airport Park Subdivision Fifteenth Addition.

This easement plat dedicates a fifteen (15) foot easement for a public water main to be constructed at the Wingover East Apartments. The public watermain forms a loop from Ekstam Drive to hummingbird way within Wingover Apartments. It will serve the eight apartments being constructed as part of Wingover East.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Wingover East, LLC

FINANCIAL IMPACT: All survey and plat costs are being paid by Wingover East, LLC

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Legal review by:

Jim Karch
Director of Public Works

Craig Cummings
Director of Water

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Petition
Attachment 2. Ordinance
Attachment 3. Legal Description
Attachment 4. Map

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

**PETITION FOR DEDICATION OF
WATER MAIN EASEMENT**

STATE OF ILLINOIS)
) SS.
COUNTY OF MCLEAN)

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

Now comes Wingover East, LLC, an Illinois limited liability company, and owner of the subject property, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is interested in the dedication of a 15 foot wide Water Main Easement for Wingover East Apartments, Bloomington, Illinois, in the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the dedication of the proposed 15 foot Water Main Easement located on said premises;
3. That said Dedication of the Water Main Easement is reasonable and proper for the further development of the property.

WHEREFORE, your Petitioner prays that the proposed Dedication of Water Main Easement for Wingover East Apartments, Bloomington, Illinois be accepted with such further reservation of utility easements as may seem proper.

Respectfully submitted,

By: _____
Wingover East, LLC, Petitioner

ORDINANCE NO. 2012 - _____

**AN ORDINANCE PROVIDING FOR THE DEDICATION OF
WATERMAIN EASEMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the Dedication of a Watermain Easement for Wingover East Apartments, Bloomington, Illinois on the premises heretofore described in Exhibit(s) attached hereto and made a part hereof by CIP, LLC, the owner of the subject property; and

WHEREAS, said petition complies in all respects with the ordinances of said City and the statutes of the State of Illinois in such case made and provided; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and grant said Dedication; and

WHEREAS, it is reasonable and proper to accept the said dedication of the Watermain Easement as requested in this case.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

1. That the dedication of the 15 foot Watermain Easement for Wingover East Apartments, Bloomington, Illinois, is hereby accepted.
2. The aforesaid dedication notwithstanding, the City reserves to itself and to all utilities an easement the full width of the dedicated Watermain Easement for the purpose of laying, installing, maintaining, repairing, removing, or replacing such facilities as they may deem appropriate.
3. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 10th day of September, 2012.

APPROVED this _____ day of September, 2012.

Mayor

ATTEST:

City Clerk

EXHIBIT A

DESCRIPTION OF PROPERTY:

Lot 263 in Airport Park Subdivision Sixth Addition, City of Bloomington, according to the plat thereof recorded August 20, 2003 as Document No. 2003-42269, in McLean County, Illinois. P.I.N. 15-31-405-006

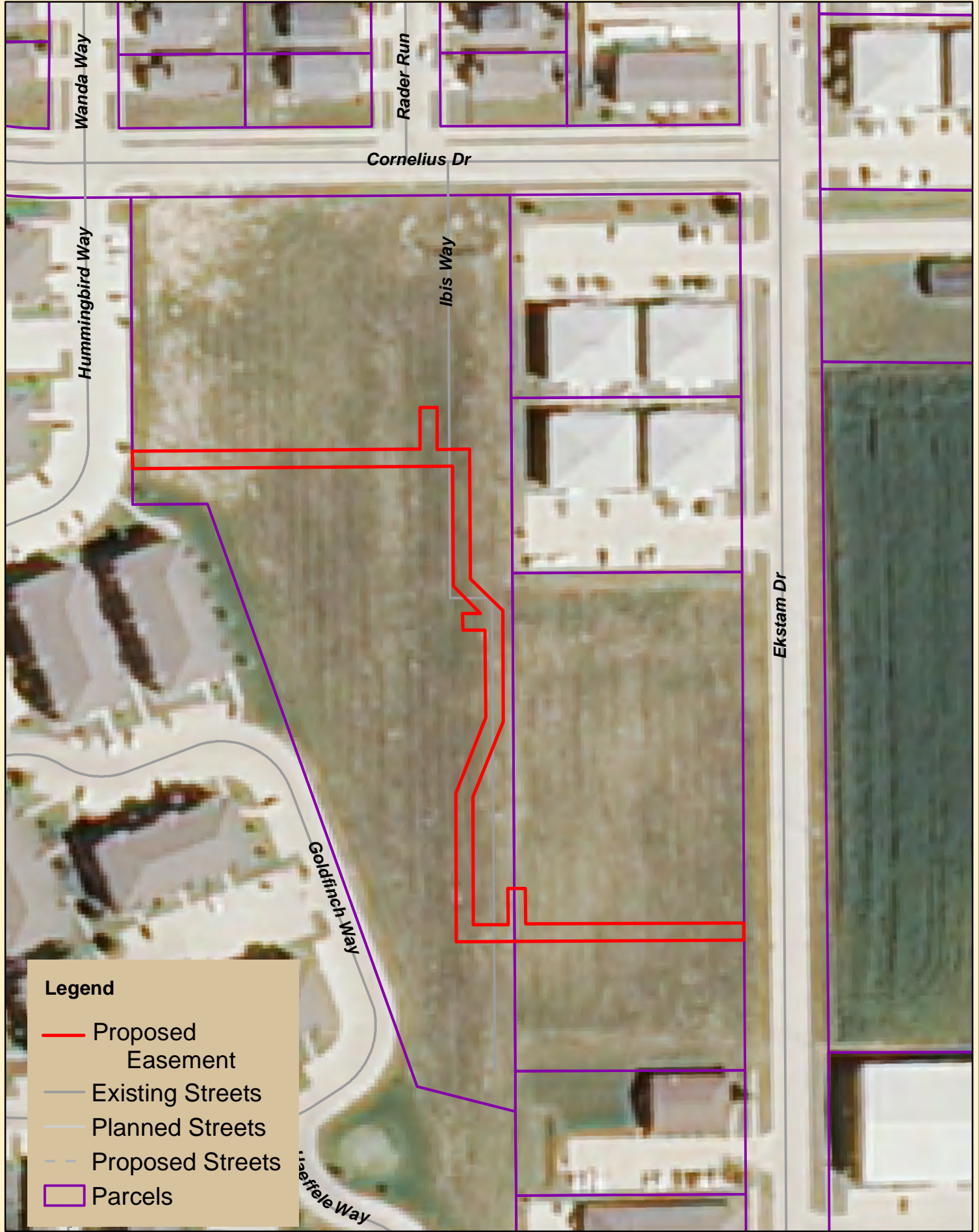
Lot 126 in Airport Park Subdivision Fifteenth Addition as approved by the Bloomington City Council at the July 23, 2012 meeting as Ordinance Number 2012-47 in the City of Bloomington, McLean County, Illinois.

P.I.N. 15-31-452-006

Wingover East Water Main Easement



DATE 08/27/2012
Public Works Department



SUBJECT: Proposed Change Order #1 for 2012 Street and Alley Repair Contract (Citywide)

RECOMMENDATION/MOTION: That the Amendment to the contract with Rowe Construction Company for the 2012 Street and Alley Repairs and Constitution Trail resurfacing in the amount of \$175,000 be approved.

BACKGROUND: Part of the original \$3,500,000 Street Resurfacing Program budget had allocated \$100,000 for shoulder repair. Staff is recommending that these funds be re-allocated back to resurfacing streets and the vendor contract be amended as seen below:

Pavement Management Program	Original Contract	Changer Order	Total
2013 General Resurfacing	\$1,500,000		\$1,500,000
2013 Street & Alley Repair	\$1,750,000	\$ 100,000	\$1,850,000
2013 Pavement Preservation	\$ 147,451		\$ 147,451
2013 Shoulder Repair	Not obligated - No Longer Recommended		
Total	\$3,397,451	\$ 100,000	\$3,497,451

Due to the City’s 38 linear miles of roadway shoulders which needs to be maintained annually and research into shoulder maintenance best practices, staff has determined it is more prudent to either invest in a shoulder maintenance machine or develop an intergovernmental agreement with the McLean County Highway Department which already has the equipment. Local contractors do not have the specialized equipment to efficiently do the shoulder maintenance that is needed. Further, at this juncture in the construction season it would be more beneficial to the City to use the \$100,000 for additional street work needed in this year’s contract.

In addition, the Parks, Recreation, & Cultural Arts Department would like to include the \$25,000 budgeted for Constitution Trail Resurfacing with this contract. The work is very similar in nature to alley work as both are typically 10 feet in width.

Constitution Trail Construction	Original Budget	Proposed Contract	Total
2013 Constitution Trail	\$25,000	\$25,000	\$25,000

In addition, the Water Department would like to include the \$50,000 budgeted for resurfacing work around Lake Bloomington with this contract. The work is very similar to other work included with this contract.

Resurfacing at Lake Bloomington	Original Budget	Proposed Contract	Total
2013 Lake Infrastructure Repairs	\$50,000	\$50,000	\$50,000

As the City continues to repair streets in very poor condition, increased costs associated with repairing the base of the road is expected. “Pavement Patching” is a pay item used to pay for this type of repair. This year the quantity of patching was increased 20% percent to 600 square yards total. As of August 27th a total of 601 square yards has been used with work being approximately

60 percent (60%) complete under this contract. More patching is anticipated on the 10 remaining streets.

Some of the streets already completed such as Barker Street, Graham Street, Wood Street (Clayton to Bunn), and Clinton Street had several areas needing patching after the old asphalt surface was removed. Bad areas in the base are discovered by having the contractor drive a fully loaded water truck over the entire surface of the street and inspecting for soft spots which fail as the wheels of the truck roll over the surface.

Having a contractor take core samples of the road surface and base prior to budgeting is one method which can be used to predict the amount of patching that might be needed. Taking even a few core samples is expensive and would likely miss the areas that would need to be patched. The cost of performing adequate core samples to determine the condition of a road base is cost prohibitive. Currently, proof roll testing the structural integrity of the road base is done at no extra cost.

To help improve the pavement structure, the thickness of asphalt "Leveling Binder" has been significantly increased on these streets to further insure the durability of the road surface. On Mason Street the thickness of the Leveling Binder was increased from 1 inch to 2 inches. On Barker Street the Leveling Binder was increased from 1 inch to 1 ½ inches. Similar approaches were used on Wood Street (Clayton to Bunn) and on Clinton Street. On Graham Street the Leveling Binder was applied to the entire 6 block stretch, instead of just 2 blocks as the original estimate called for.

To account for a possible increase in the thickness of the asphalt, the asphalt quantity was increased by ten percent (10%) in the engineer's contract estimate. Many of the streets resurfaced this year have not needed any increase in the amount of asphalt applied. Even so, this budgeted increase has not fully accounted for the higher cost of the thicker layers of Leveling Binder applied on the streets mentioned above. Also, a significant amount of Leveling Binder was used on Brigham School Rd to bring the slope of the road to a standard 2 percent, from a pre-existing surface where the road sloped in excess of 4 percent in places. Brigham School Rd was also widened by 3 feet, from 19 feet to 22 feet in width during the process of resurfacing, resulting in a City standard lane width of 11 feet.

In future years the quantities of patching and leveling binder will be increased further to account for roads in very poor condition which need more work in order to increase their longevity and durability. This approach results in better roads that last longer with cost savings in future years from a decrease in long term maintenance costs.

BUDGET INFORMATION:

2013 Budget	Amount	Account
Street Resurfacing Program	\$ 3,500,000	4010-40100100-72530
Constitution Trail Resurfacing	\$ 25,000	4010-40100100-72580
Lake Bloomington Resurfacing	\$ 50,000	5010-50100140-72140
Total	\$ 3,575,000	

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The FY 2013 budget appropriated \$3,575,000 for the Pavement Management Program, to resurface portions of the Constitution Trail Resurfacing, and for resurfacing work around Lake Bloomington. The total cost incurred which includes this change order is \$3,572,451, which is \$2,549 lower than the total budget or in terms of a percentage .07% below budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial reviewed by:

Jim Karch, PE CFM
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Patti-Lynn Silva
Director of Finance

Legal review by:

Recommended by:

J. Todd Greenburg
Corporation Counsel

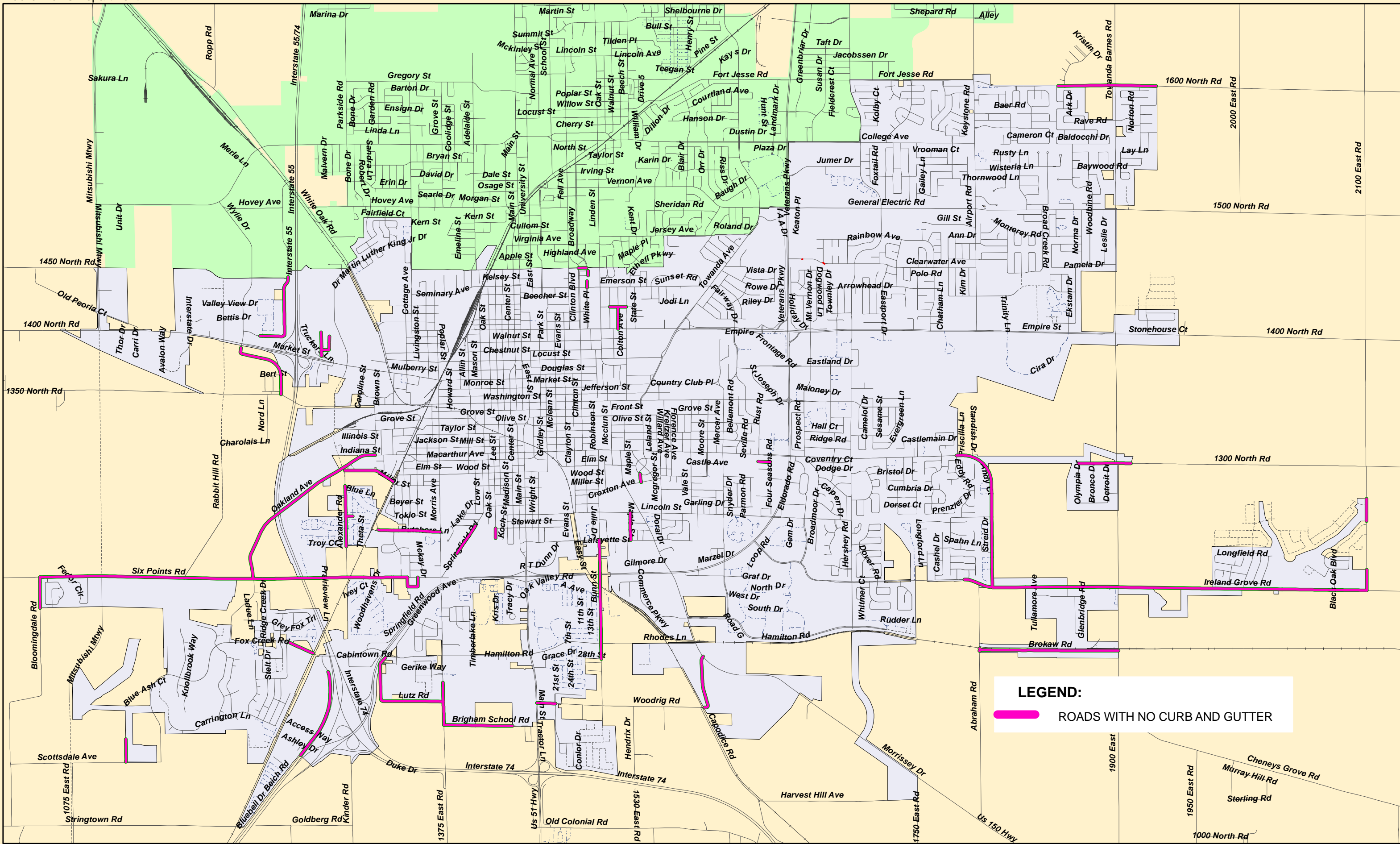
David A. Hales
City Manager

Attachment: Attachment 1. Map

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

Map of Roads Requiring Shoulder Maintenance



**ITEM 7L. ANALYSIS OF BIDS AND APPROVAL OF
THE FY 2013 TRAFFIC SIGNAL MAINTENANCE
CONTRACT (CITYWIDE)**

**THIS ITEM WILL BE AVAILABLE ON
FRIDAY, SEPTEMBER 7, 2012**

FOR COUNCIL: September 10, 2012

SUBJECT: Application of Setinthebar, d/b/a Gat's Jazz Cafe, located at 424 N. Main St., for a TAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week

RECOMMENDATION/MOTION: That a TAS liquor license for Setinthebar, Inc., d/b/a Gat's Jazz Cafe, located at 424 N. Main St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the establishment will be run as a Jazz Cafe; not a traditional tavern - the Commission reserves the right to modify this condition to insure compliance; 2.) the business will be committed to the promotion of live jazz music and commits to stay with the jazz music theme, as opposed to other forms of music; 3.) the hours of operation of the business will be Sunday through Thursday from 11:00 a.m. until 10:00 p.m. and Friday and Saturday from 11:00 a.m. until 12:00 a.m.; 4.) the tables and chairs will not be removed from the premise so as to maintain a close, intimate Jazz Cafe atmosphere at all times; 5.) food, as shown on the sample menu or substantially similar and comprehensive menu will be served up until one hour prior to closing with continued work towards establishing a full kitchen with a vaster meal type menu; 6.) marketing house events which for a set price, reserves a table for entertainment viewing and provides certain food and drink for one price; and 7.) with all of these conditions, there was confidence that a successful Jazz Cafe will be established at 424 N. Main St. which will add to the Downtown's quality of life and the area as a whole without adding to the issues cited by the Downtown Entertainment Task Force (DETF).

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Setinthebar, Inc., d/b/a Gat's Jazz Cafe, located at 424 N. Main St., requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and James Gaston, owner/operator and Applicant representative, and Jim Bass, Applicant's attorney.

Commissioner Stockton opened the liquor hearing and requested that the Applicant address this request. James Gaston, owner/operator and Applicant representative, and Jim Bass, Applicant's attorney, addressed the Commission. It was described as the same request with possible conditions upon the license. Mr. Bass noted that the Council's vote, 4 to 5. The application was turned down by one (1) vote. A list of proposed conditions had been provided to the Commission. In addition, there was a statement of intent. It was noted that the business needed to be profitable. It had been Mr. Gaston's dream to operate a Jazz Cafe.

Commissioner Stockton noted Mr. Gaston's background. He added that for a number of years concerns had been expressed regarding the number of Downtown "T", Tavern, liquor licenses. He noted recent comments from the Council regarding same. He added that there was an informal moratorium on tavern liquor licenses in the Downtown. He cited Laugh Comedy Club

located at 108 E. Market St. as an example of a Downtown T liquor license with conditions. Concerns had been raised that this establishment would become another Downtown tavern. The Applicant needed to convince the Commission, Council, and citizens that safeguards were present to insure that Gat's Jazz Cafe would not become another Downtown tavern. He read the list conditions submitted by Mr. Gaston. Another issue was a sufficient operations plan.

Mr. Bass noted that the tables would not be removed at anytime. He believed that the strongest argument to support this application was the closing hours. Gat's Jazz Cafe would not be just another Downtown tavern. Gat's Jazz Cafe would not be a young person's tavern. Commissioner Stockton acknowledged the weekend closing time: midnight. He questioned what would happen at the Jazz Cafe from 11:00 a.m. until the music started. Mr. Gaston stated that the Jazz Cafe would not be just a tavern. It would be a cafe that served food, coffee and cocktails.

Commissioner Stockton noted that the Commission needed to understand his vision. Mr. Bass stated that a sample menu had been provided. Mr. Gaston planned to work towards a full kitchen.

Commissioner Petersen questioned if the Cafe would serve lunch. Mr. Gaston stated that the Cafe would serve upscale appetizers, hors d'oeuvres and tapas.

Commissioner Tompkins stated that he had never seen such onerous, burdensome conditions. This Cafe would be an outstanding venue. He believed that Mr. Gaston was a quality applicant and that he would make this business a success. He questioned what the City wanted the Downtown to be. Mr. Gaston should be given a fair chance to operate this business.

Commissioner Petersen noted that the Commission recommended this application to the Council. The Council did not approve it. He questioned what was needed for the Council to change its mind.

Commissioner Tompkins restated that Mr. Gaston provided the list of conditions. The Commission could include any of them or none of them. Commissioner Stockton stated that a number of conditions had been placed upon a number of Downtown establishments. Commissioner Tompkins described these conditions as onerous and burdensome. Mr. Gaston would comply with the rules. Mr. Gaston would have everything to loose.

Commissioner Petersen questioned who drafted the conditions. Mr. Gaston noted himself with the assistance of his attorney. Commissioner Petersen described the situation as unfortunate. The Downtown was volatile. He described the conditions submitted as good. Mr. Bass restated that there was not a commitment to install a full kitchen. It was a goal with no set date. He noted Mr. Gaston appearance before the Commission. He addressed Mr. Gaston's past experience. There were individuals present at the hearing who wanted to address the Commission. Mr. Gaston had experience in the liquor business and with jazz music.

Commissioner Stockton noted that the Council did not approve this application without conditions. Commissioner Tompkins noted that the Commission could include the list of conditions provided by the Applicant.

Commissioner Stockton reviewed the list. He described the first condition as a general statement. Mr. Bass added that there would be a jazz piano on weekdays. Mr. Gaston added that there would be live music only during certain hours. There would be jazz music at all times. The decor would have a jazz theme. He restated his commitment to jazz. Commissioner Stockton questioned the hours for live performance. Mr. Gaston noted the in the evening: weekdays - 6:00 until 9:00 p.m. and weekends - 7:00 until 11:00 p.m. Commissioner Stockton noted that during other business hours recorded jazz music would be played. He noted that the Cafe would be open for lunch.

Mr. Gaston added that there would be a jazz brunch available on Sundays. He did not plan to be open every Sunday. He stressed that he knew what he wanted the business to be, a jazz club. There would be no reason to remove the tables.

Commissioner Stockton questioned if food would be available one (1) hour prior to the Cafe's closing. Mr. Bass noted that the menu submitted was a sample. Similar items might be offered.

Commissioner Buchanan questioned logistics. Mr. Gaston stated that if approved a kitchen would be established which would not require a hood. Commissioner Buchanan stated that a full scale kitchen was not needed to open. Mr. Gaston responded affirmatively.

Linda Gaston, Applicant's spouse, addressed the Commission. The food would be prepared ahead of time and served cold. There would not be a hood and/or fryers in the kitchen. The food preparation area would be simple.

Commissioner Stockton questioned if the menu would attract a lunch crowd. Mrs. Gaston noted the community's conservative food tastes. The Cafe would offer quality items. She believed that the community would be willing to try an offering of different food. Between lunch and dinner, coffee, tea, desserts and snacks would be available.

Commissioner Stockton questioned condition 6. Mr. Gaston cited Friday/Saturday night events with live music. Food, a bottle of wine and a reserved table would be available for a set price. Commissioner Stockton noted that the goal of this type of event would be to bring people in for the full experience. The business was being called a cafe and food would be offered. He questioned if non alcoholic beverages would be available for sale. He also questioned if the Cafe would use a cover charge. He questioned if the Applicant had considered an R liquor license. He questioned the financial model.

Mr. Gaston described the Cafe as a place for adults. He wanted to discourage young persons. A T liquor license would mean that no one under twenty-one (21) years of age would be admitted. Mr. Bass added that there was unsurety about a commitment to fifty-one percent (51%) non alcohol sales. A full scale kitchen was not affordable at this time. A cafe was different than a tavern. It would not be a typical tavern.

Commissioner Stockton questioned the percentage of sales from alcohol. Mr. Gaston believed that initially the Cafe would sell more liquor than food. He restated that there would not be a full scale kitchen. He added that percentages were unknown at this time. He had done a limited study of the demographics.

Commissioner Buchanan expressed his concern that this application had been cast in with the idea of what a Downtown tavern was and conclusions were made. He believed that persons who would frequent the Cafe would do so for the jazz and its ambiance. He hoped Mr. Gaston would bring in quality performers. He believed that these customers would support the Cafe's food offerings. Mr. Gaston restated his intention to create a complete jazz package, (music, decor, menu, etc.). Commissioner Buchanan described the typical customer as a jazz enthusiast. He questioned anticipated liquor sales. Mr. Gaston cited cocktails and wine.

Commissioner Petersen recommended that condition 6 change the word specials to events and remove the second appearance of the word specials.

Commissioner Stockton addressed the proposed "E", Entertainment, and "Q", Qualified liquor license classifications. A "Q" liquor license would be between an R and T liquor license. It would allow for a higher percentage of alcohol sales.

Commissioner Stockton opened the hearing to public input.

Susan Heiser, Crossroads, 428 N. Main St., addressed the Commission. She served as a volunteer at Crossroads. She addressed her concerns regarding the expansion of liquor establishments into the 400 block of N. Main St. Crossroads had been at its locations for seventeen (17) years. She cited the addition of First Fridays to the Downtown. She expressed her hope for more retail establishments in the Downtown. It was exciting to be a part of the Downtown. She had hoped for a new business to replace Twin City Consignments. More people in the Downtown would be good for Crossroads. She added her preference for an R as oppose to a T liquor license. She added her concern regarding compatibility. She cited the Downtown Entertainment Task Force, (DETF), report which recommended no expansion of liquor licenses on this block. She restated her opposition to this application. She believed that people liked to eat and shop in the Downtown. A jazz club would be something different and interesting. She described the request for a T liquor license as a stunner.

Commissioner Stockton reviewed the proposed list of conditions. He requested Ms. Heiser's feedback to same. He added that there were restaurants that morphed into taverns. Ms. Heiser stated that Reality Bites, located at 414 N. Main St., held an R liquor license. She stated that there was a difference between a restaurant and a tavern. She was not comfortable with a T application. She expressed concern regarding food sales. Commissioner Stockton noted the essence of Ms. Heiser's objections. He questioned if there was an acceptable percentage. Ms. Heiser stated that the Cafe would be located next door. Alcohol would be served through out the day. She restated her belief that the establishment would be a restaurant.

Commissioner Buchanan expressed his concern regarding the reliance upon the liquor license classification, R versus T. The key issue should be what it is and what it is intended to be. He

acknowledged the risk that the marketplace would decide. He noted Mr. Gaston's intentions. The business needed to be viable financially. He did not believe that one could take comfort or be concerned about an R versus a T license classification. Ms. Heiser noted that she could not address the future.

Commissioner Stockton noted that a T liquor license can be more restrictive based upon conditions. He recommended that individuals be careful when comparing a T versus an R. Ms. Heiser stated her belief that the City verified the balance sheets for each R licensed establishment on an annual basis.

Commissioner Petersen questioned enforcement of conditions which have been placed upon a liquor license. He addressed his concerns.

Commissioner Tompkins assured those present that as a Liquor Commissioner that the Commission and citizens would watch the Jazz Cafe's operations. He encouraged those present to think about the possibilities. He believed that the Jazz Cafe would create a synergy. He hoped that those present would place their trust and belief in the Commission. He hoped the City would grant Mr. Gaston the opportunity.

Ms. Heiser stated that the issue was not about Mr. Gaston. It was about the business and its compatibility with Crossroads. She informed the Commission that four (4) other Crossroad volunteers had attended the hearing with her.

Commissioner Stockton thanked Ms. Heiser for attending and sharing her comments with the Commission. He readdressed Laugh Comedy Club located at 108 E. Market St. It held a T liquor license with conditions. There had been no complaints with this business. It was not a typical T. He noted the belief that there was an unofficial moratorium on Downtown taverns. A jazz cafe would be something different than a college bar. The Downtown needed to offer something different. He cited his willingness to support a jazz club. A key concern was how to arrive there and insure it happens. Mr. Gaston had explained what he planned to attempt in the Downtown.

Bruce Meeks, 1402 Wright, addressed the Commission. He cited his attendance at Council meetings. He expressed his opinion that the Commission had reached the right decision. There was a problem with the word taverns. He noted that the DETF's report and its recommendations had not been put into ordinance form and/or adopted as an official policy by the City. Individuals seemed to believe that the DETF has promised them something. There had been no formal action taken by the Council. A moratorium on Downtown taverns had not been adopted. He expressed support for recommending this application for a T liquor license without conditions. The Downtown needed a transition. He believed that this business had the ability to generate sales taxes. He noted recent Council discussions regarding leakage. This appeared to be a viable business. The City's alcoholic beverage ordinance was antiquated. This application should be expedited to the Council. The Council would be asked to consider an Enterprise Zone for the Downtown.

Commissioner Tompkins noted that the DETF's report called for a tavern moratorium in the 500 and 600 blocks of N. Main St. The Commission has stayed within this recommendation. It was a sad day when there was opposition to a jazz cafe.

Commissioner Stockton added that the Council appeared interested in a moratorium which was wider than the DETF report specified. The Commission had attempted to focus on taverns in the Downtown's south end.

Willie Brown, 3208 Dorset Ct., addressed the Commission. He was a life long resident of the City and a Crossroads customer. He noted the concerns raised regarding the word "tavern". This would be a jazz cafe. The clientele would be different. The Jazz Cafe would offer high end cocktails, appetizers and jazz. Customers would come to eat, drink and listen to the jazz music. He noted the Downtown's college bars and taverns. He believed that the City would continue to have college bars. He was familiar with Mr. Gaston. The Jazz Cafe would be locked down with conditions. Mr. Gaston was willing to accept same. He encouraged the Commission to move forward. The Jazz Cafe would attract the proper clientele. It would offer something different to the Downtown. It would be located in the 400 block of N. Main St. Mr. Gaston and his investors were willing to accept the conditions. The Jazz Cafe would not be an additional load upon the Police Department. He noted that Laugh Comedy Club located at 108 E. Market St. was working with conditions. He questioned if he would be willing to go forward with the Jazz Cafe with all of the conditions proposed. He added his support of this application.

Doug Lane, 213 Vale, addressed the Commission. He had known Mr. Gaston for twenty-two (22) years. He informed the Commission of his eleven (11) years of experience at Rosie's Pub located at 106 E. Front St. It took hard work to build a reputation. He believed that a jazz club could be successful in the Downtown. He noted the planned decor and pricing for the Jazz Cafe. He cited Mr. Gaston's dedication to the business plan. He encouraged the Commission to grant Mr. Gaston the opportunity. He stated his support for this application. He also was a Crossroads' customer.

Kevin Stearns, ADDRESS, addressed the Commission. He addressed Mr. Gaston's character and his relationship with Mr. Gaston. They had known each other since the second grade. He noted their mutual interest in sports and music. Mr. Gaston was well liked and respected throughout the community. Mr. Gaston was a musician, entertainer and small business owner. He noted their collaboration on a local talent search project. He had also been involved in a fundraising project at Heartland Community College for the Tsunami. They had worked together on a three (3) day wheelchair billiards tournament. He described Mr. Gaston as a catalyst. He had been dedicated to entertainment and the betterment of the community. The Jazz Cafe would not add to Downtown issues. It would create something unique. He encouraged the Commission to give Mr. Gaston the opportunity. He expressed his faith and confidence in Mr. Gaston. He was looking forward to the Jazz Cafe. It would offer a bit of sophistication to the Downtown and enhance other businesses. He thanked the Commission for the opportunity to address them.

Marlene Gregor, 107 W. Market, addressed the Commission. She added that she had addressed the Commission at the first hearing for the Jazz Cafe. She liked the concept of a jazz club. She

preferred a hot lunch. The license classification needed to be an R. She added that there needed to be other considerations. As a Downtown resident, she offered a different point of view. The location was wrong. A jazz club should not be located in the 400 block of N. Main St. She cited the 600 block of N. Main St. as an alternative. She encouraged the Commission to visit the property to view its exterior and interior. The building's first restaurant rehabilitation happened in 1981. She had served on a number of Downtown organizations. Her goal was a moratorium on Downtown taverns. She cited damage to her property's awnings and flowers over the weekends. She addressed the New Urbanism. Diversity was good and the Downtown residents were a strong component.

Trish Stiller, 305 W. Monroe, addressed the Commission. She introduced herself as the Downtown Business Association's, (DBA), Executive Director. She made a brief statement. She thanked the Commission for the time to address them. She expressed her concern for the Downtown's health. A jazz club would be a great addition to the Downtown. She recommended that the applicant consider an R component. She cited support for the comments made by Ms. Heiser, (Crossroads). She added her concern regarding spillover. She believed those in attendance at the hearing were more educated about the application. An earlier closing hour had alleviated some of her concerns. She questioned who would watch and enforce these conditions. The Downtown was for all. She wanted to protect the integrity of the Downtown and move forward. She questioned the urgency and believed that a better fit could be found. The bottom line was that the Commission had been presented with a proposal. She noted the length of this hearing.

Commissioner Stockton noted that Ms. Stiller believed that the best fit for the 400 block of N. Main St. would be a restaurant. Ms. Stiller noted the emphasis placed on an R versus a T liquor license. An R liquor license was more palatable.

Commissioner Stockton stated that there was another group looking at the area for a restaurant. Ms. Stiller added the increased demand for residential space. She cited quality of life. The Downtown offered dining, shopping and entertainment. Commissioner Stockton added that conditions were placed upon liquor licenses to address personal concerns raised by Downtown residents. Ms. Stiller stated that her interest in the Downtown went beyond her employment. The Downtown was her neighborhood. She walked to work. Commissioner Stockton questioned if Ms. Stiller had been speaking for herself or on behalf of the DBA. She responded that her comments were personal statements.

Commissioner Tompkins expressed his opinion that Mr. Gaston would be true to his word. The Jazz Cafe would enhance the Downtown. Ms. Stiller cited past experience. If a Downtown liquor license holder found the business to not be financially viable, then the business plan was changed. Commissioner Tompkins hoped that Ms. Stiller would believe that this would be a jazz club which would benefit the Downtown. Ms. Stiller noted that as the DBA's Executive Director there were many development opportunities. She noted the Downtown's south end and the former Montgomery Wards building. She described Mr. Gaston's proposal as admirable. As the DBA's Executive Director, she must listen to every voice.

Commissioner Buchanan stated that Ms. Stiller's comments were interesting and credible. He noted his experience on the Commission. Some licensed establishment's business plans did not work out. Many of these businesses did not last. He also noted that there were R licensed establishments that become a T. He cited late night as an example of when this was likely to occur. Ms. Stiller noted that her concerns regarding business plans addressed T licensed establishments.

Commissioner Stockton noted that there were no comments from the Police Department.

Commissioner Buchanan cited the Commission's deliberation on this application. He noted the Commission's function and role. He believed that a good job had been done on this application.

Commissioner Stockton hoped that the Commission would pull together a recommendation that might be successful before the Council. He noted that the Council supported the Laugh Comedy Club located at 108 E. Market St. He believed that this would be a true jazz club and the applicant had provided the Commission with a reasonable degree of certainty. The Commission had spent time on the details. The Commission had a number of alternatives: 1.) reject this location for a liquor license; 2.) grant a T liquor license with suitable conditions; 3.) grant an R liquor license with earlier closing hours; and 4.) lay this item over until the "Q", Qualified, license classification is available. He questioned if there was a win-win position for the City and the Applicant. He also questioned the Applicant's willingness to wait for a new liquor license classification. Finally, the Commission could approve a T liquor license with conditions. He added that the Commission could present a preferred recommendation to the Council with alternatives. He cited the Council's 4 to 5 vote on July 9, 2012. He hoped that conditions with alternatives might give this application the chance to be supported by the Council.

Commissioner Tompkins cited Eleven located at 105 E. Front St. This establishment had exceeded the Commission and Council's expectations. The Commission would watch the Jazz Cafe. He did not want the City micro managing the Applicant. Commissioner Stockton recalled Sidecar's application which would have been located at 907 E. Oakland Ave.

Commissioner Petersen expressed his willingness to support a motion which included conditions. The Commission had heard from the Applicant. He believed that Mr. Gaston was sincere. The Commission had heard from those in support of and in opposition to this application. He questioned condition enforcement. The Commission would be placing faith in the business plan.

Commissioner Tompkins noted that enforcement would be done by the Commission, Police Department, Corporation Counsel Office, and the Mayor.

Commissioner Petersen questioned the Applicant's willingness to accept an "R" license classification. He also questioned if the Council would be more willing to create same.

Commissioner Stockton reviewed the revised conditions. He added that the Commission could 1.) present the Council with alternatives; 2.) lay this item over for the propose "Q", Qualified, license classification; 3.) change the classification from a T to an R for a certain period of time. The Jazz Cafe may need to have cover charges.

Commissioner Buchanan believed that it would take a year for development of the “Q”, Qualified, license classification. He expressed his support for a “T” liquor license with conditions.

Motion by Commissioner Petersen, seconded by Commissioner Buchanan to call for the question.

Ayes: Commissioner Stockton, Buchanan, Petersen and Tompkins.

Motion carried.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the application of Setinthebar, Inc., d/b/a Gat’s Jazz Cafe, located at 424 N. Main St., requesting a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved with the following conditions: 1.) the establishment will be run as a Jazz Cafe; not a traditional tavern - the Commission reserves the right to modify this condition to insure compliance; 2.) the business will be committed to the promotion of live jazz music and commits to stay with the jazz music theme, as opposed to other forms of music; 3.) the hours of operation of the business will be Sunday through Thursday from 11:00 a.m. until 10:00 p.m. and Friday and Saturday from 11:00 a.m. until 12:00 a.m.; 4.) the tables and chairs will not be removed from the premise so as to maintain a close, intimate Jazz Cafe atmosphere at all times; 5.) food, as shown on the sample menu or substantially similar and comprehensive menu will be served up until one hour prior to closing with continued work towards establishing a full kitchen with a vaster meal type menu; 6.) marketing house events which for a set price, reserves a table for entertainment viewing and provides certain food and drink for one price; and 7.) with all of these conditions, there was confidence that a successful Jazz Cafe will be established at 424 N. Main St. which will add to the Downtown’s quality of life and the area as a whole without adding to the issues cited by the DETF.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on August 6, 2012 in accordance with City Code. In accordance with City Code, approximately ninety-one (91) courtesy copies of the Public Notice were mailed on August 7, 2012. In addition, the Agenda for the August 14, 2012 Meeting of the Liquor Commission was placed on the City’s web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT:

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion: _____

Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

FOR COUNCIL: September 10, 2012

SUBJECT: Review of a petition submitted by Lue A. Walters, requesting a special use approval for an additional dwelling unit for the property located at 811 W. Washington Street.

RECOMMENDATION/MOTION: That the Council deny the Special Use Permit.

BACKGROUND: The property has an R-2, Mixed Residence District zoning. The property had been used as a five unit apartment building. In order to expand the number of dwelling units for the building to six, the owner has petitioned for a special land use. The site is nonconforming with the required number of off-street parking spaces for the five dwelling units in that one is provided when ten are required. Upon adding a sixth dwelling unit a total of 12 parking spaces is required. The one parking space has access off Washington Street.

In staff's opinion, the petition to increase the number of dwelling units for the property is not in conformance with the predominant character of the neighborhood which is single-family, two-family residences and a few three unit apartments. Increasing the number of apartments on the site results in an increase in activity, neighborhood congestion, and nuisances. Approval of this request could encourage other property owners to increase the density.

When evaluating the parking in the neighborhood many of the properties are in compliance or nearly in compliance with the code. The property at 816 W. Washington has only nine parking spaces for 16 units. However, the code requires fewer parking for those apartments which are being used by developmentally disabled individuals. There is a four unit apartment building at 827 W. Washington which was built in 1935. No on-site parking was provided and it is considered nonconforming.

The petitioner plans for adding more parking spaces. However, his proposed spaces do not comply with the code due to improper access to the spaces. On the west side of the lot the driveway is so narrow that when two cars are parked one in front of the other, encroachment onto the neighboring property is required to enter or leave the space.

The floor area ratio also is not in compliance which is designed to limit the building bulk and provide for more open area around the building. Although bulk is not to be added to the building with this special use request there will be a decrease in the amount of open space on a per resident basis.

This case was before the Zoning Board of Appeals (ZBA) for a public hearing and review on February 15, 2012 and the Board laid the case over until March 21, 2012 in order for the petitioner to apply for variances. The City Council remanded it back to the ZBA for further public comments on April 23, 2012. In May the applicant was not in attendance at the ZBA meeting. Then he requested action be postponed until August and on August 15, 2012 the ZBA held the second hearing.

At both hearings the petitioner spoke in favor of the petition. No one else spoke in favor of the request. Two people spoke in opposition of the request. One expressed concern regarding the increase in density and neighborhood instability, negative impacts on the quality of life, the loss of green space and increased activity and discarded materials in the rear yard, much side yard excavation, police calls, a lack of parking, and discouraging single-family/owner occupied housing. Another person expressed concern over the already limited parking spaces and congestion, no fire escape, not up to code, more loss of side yard green area, greater density, much noise and litter now, parking on neighbor's lot and blocking their drive, the need to keep the legacy of the old house, and the fact that there never was a basement apartment. Written objections also were received one in favor, one pertaining to a shared driveway, and seven in objection against the petition. The Board voted to recommend approval of the special use permit by a vote of 5-1.

As stated previously staff feels the use of this building as a six unit apartment is not compatible with the predominant neighborhood and recommends denial of the petition.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code SEC.4410-3B., 152 courtesy copies of the Public Notice were mailed for both public hearings. In addition, a public notice/identification sign was posted on the property.

FINANCIAL IMPACT: A slight increase in valuation and revenue may be seen if approved however over the long term that could easily be offset or reduced by additional demand upon services through the fire, police and planning and code enforcement departments.

Respectfully submitted for Council consideration,

Prepared by:

Reviewed by:

Reviewed by:

Mark Woolard
City Planner

Mark R. Huber
Director, PACE

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Petition
Attachment 2. Ordinance
Attachment 3. Legal Description

- Attachment 4. ZBA Minutes February 15, 2012
- Attachment 5. ZBA Report March 14, 2012
- Attachment 6. ZBA Minutes March 21, 2012
- Attachment 7. ZBA Report August 8, 2012
- Attachment 8. ZBA Minutes August 15, 2012
- Attachment 9. Emails
- Attachment 10. Special Use Letters
- Attachment 11. Written Statements
- Attachment 12. Proposed Apartment Photo B&W
- Attachment 13. Parking Map
- Attachment 14. Site Plan
- Attachment 15. Area Map

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

**PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:
811 W. WASHINGTON ST.**

State of Illinois)
)ss.
County of McLean)

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

Now comes Lue A. Walters hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents: receiver, executor; trustee, lease, or any other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently has a zoning classification of R – 2, Mixed Residence district under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 44.6-30 of said City Code Multi-Family Dwellings is allowed as a special use in a R - 2, Mixed Residence zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the R - 2, Mixed Residence zoning district;

7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the R - 2, Mixed Residence zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your petitioner respectfully prays that said special use for said premises be approved.

Respectfully submitted,

Lue A. Walters

ORDINANCE NO. 2012 - ____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR AN
ADDITIONAL DWELLING UNIT
FOR PROPERTY LOCATED AT: 811 W. WASHINGTON ST.**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for an additional dwelling unit for certain premises hereinafter described in Exhibit A; and

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

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Section 44.6-30 of the Bloomington, City Code, 1960; and

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

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

1. That the Special Use Permit for an additional dwelling unit on _____ the premises hereinafter described in Exhibit A shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this _____ day of, 2012.

APPROVED this _____ day of, 2012.

Mayor

ATTEST:

City Clerk

EXHIBIT A

Legal Description

Subdivision of Lot 1 of the Subdivision of the south half, Section 5, Township 23, Range 2 East,
east 56' of the south 125' between Washington and Jefferson Streets, Lot 3.

PIN 21 – 05 – 429 – 029

**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
THURSDAY, FEBRUARY 15, 2012, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, IL**

Members present: Mr. Dick Briggs, Mr. Mike Ireland, Mr. Robert Kearney, Mrs. Barbara Meek, Mr. Bill Zimmerman.
Members absent: Mr. Steve Parker
Also Present: Mr. Mark Woolard, Acting Secretary

Mr. Woolard called the meeting to order at 3:03 p.m. and called the roll. A quorum was present.

The Board reviewed the January 18, 2012, minutes. The minutes were accepted as printed.

Chairman Ireland explained to all present the procedures of the meeting. Mr. Woolard stated the cases had been published.

SP-01-12 Public Hearing and Review on the petition submitted by Lue A. Walters, requesting approval of a special use permit for an additional dwelling unit for the property located at 811 W. Washington Street. Zoned R-2, Mixed Residence District.

Lue A. Walters, 1903 N. Towanda, Normal, was sworn in and stated he purchased the property in June of 2007 and it was a five unit building. He wants to make the basement into a sixth apartment. He explained the basement was at one time used as living quarters. It was not an improved unit. It does have a fireplace, connections for a stove, a commode, washer, dryer, and kitchen pantry. It was not actively used. He wants to improve the back area to provide additional parking. He also wants to widen the eastern driveway to improve access.

There was a brief discussion on the need for variances and the petition being incomplete until those are requested. Mr. Walters stated that he does not have any problem with waiting until the next month. Chairman Ireland said that it would be helpful to know how many units are in nearby buildings.

Mr. Kearney moved and Mr. Briggs supported the motion to hold it over until the next meeting. The vote was approved with five (5) voting in favor and none (0) against.

Other Business:
Mr. Kearney said good jobs were done on the staff reports.

Chairman Ireland summarized the discussion by stating that

New Business: None.

Public Comment: None

Adjournment was at 4:35

Respectfully;

Mark Woolard
Acting Secretary

REPORT

To: Members, Board of Zoning Appeals
From: Staff

Subject: SP-01-12 Public Hearing and Review on the petition submitted by Lue A. Walters, requesting approval of a special use permit for an additional dwelling unit for the property located at 811 W. Washington Street. Zoned R-2, Mixed Residence District

BACKGROUND INFORMATION:

Adjacent Zoning

North: R-2, Mixed Residence District
South: R-2, Mixed Residence District
East: R-2, Mixed Residence District
West: R-2, Mixed Residence District

Adjacent Land Uses

North: Single-Family Residence
South: Single-Family Residential
East: Two-Family Residence
West: Single-Family Residential

The Comprehensive Plan calls for the property to be low/medium density residential.

The petitioner is requesting a special use permit to add another dwelling unit. There are five dwellings units now. The nearly all of the nearby properties do not have such high density. The exception is for the property at the very west end of the Washington block and the Bloomington Housing Authority. There are 37 other properties as identified on the attached map that all are single-family, two or three unit buildings. Thus the predominance of the neighborhood does not include buildings with as many apartments as proposed. Thus the request will be out of character for the immediate neighborhood. Also the petitioner has proposed to increase parking but is not meeting the need for parking for the existing apartments. Much of the parking that is used by the tenants does not have the proper design and access. There is no cross access or shared driveway agreements for the two driveways and the access to adjacent parking could also be lost, especially when one or both of the adjoining property ownership changes hands. The request also is not in compliance with the required floor area ratio. Staff does not support the special use because of the increase in density and since it does not comply with the parking and floor area ratio requirements.

Action by the Board of Zoning Appeals.

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

1. that the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;

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

STAFF RECOMMENDATION:

Staff recommends that the Zoning Board of Appeals pass a motion recommending City Council denial of this petition in Case SP-01-12 to allow a special use permit for multiple-family dwellings.

Respectfully submitted,

Mark Woolard
City Planner

MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, MARCH 21, 2012, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, IL

Members present: Mr. Dick Briggs, Mr. Mike Ireland, Mr. Robert Kearney, Mrs. Barbara Meek, Mr. Bill Zimmerman.
Members absent: Mr. Steve Parker
Also Present: Mr. Mark Woolard, Acting Secretary

Mr. Woolard called the meeting to order at 3:01 p.m. and called the roll. A quorum was present.

The Board reviewed the February 15, 2012, minutes. The minutes were accepted as printed.

Chairman Ireland explained to all present the procedures of the meeting and that the special use case must be reviewed by the City council. Mr. Woolard stated that the cases had been published.

The Board reviewed the following petition for the special use simultaneously with the petition for the variances in that they both pertain to the same property.

SP-01-12 Public Hearing and Review on the petition submitted by Lue A. Walters, requesting approval of a special use permit for an additional dwelling unit in a multi-family building for the property located at 811 W. Washington Street. Zoned R-2, Mixed Residence District.

Z-5-12 Public Hearing and Review on the petition submitted by Lue A. Walters to allow an additional dwelling unit in a multi-family building and for a two variances as follows:

1. A variance to reduce the required minimum parking spaces for the property from twelve spaces to one space.

2. A variance to increase the maximum floor area ratio of 50% to 74%.

All for the property located at 811 W. Washington Street. Zoned R-2, Mixed Residence District

Chairman Ireland opened the public hearing for the petitions. He asked for anyone who would like to speak in favor of the petitions to come forward. Lue Walters, the petitioner and owner for 811 W. Washington stated that he is proposing to convert the five unit apartment building to six unit apartment building and the new apartment will be in the basement. He said as to the requested variances the building is not being increased in size and the plan has been that way for some time. He said he will reduce the stress for on street parking by two additional parking spaces. He stated there is one building at 816 W. Washington with 16 units and eight parking spaces and a six unit building around 827 with no parking. He explained the reason for creating another apartment is economics. He is proposing to improve the basement apartment area and make it a legal unit. It is an increase in usage of the building but he does not think the increase pressure is worthy of denial of the request. He has owned the building for five years

and has had five operating units for five years. He stated that almost none of the buildings in the neighborhood have the required parking unless they are a single unit building and explained the layout and what is existing in the basement. He is proposing to add three feet to the driveway width. He stated he currently has two parking spaces with five units and he is proposing two new or four total parking spaces with six units and this will reduce the on street stress for parking.

Mr. Walters said the hardship is if he is not approved and Mr. Ireland stated that one of the criteria is not economic hardship. Mr. Kearney explained that the property right now is not in compliance with the parking and it looks a little better but it is still would not be in compliance.

There was no one else that spoke in favor of the special use or variances. No one spoke in opposition to the petitions.

Mr. Woolard stated the petitions are out of character with the neighborhood. The housing authority has a 16 unit building and at the west end of the block there is a six unit however when we look at the whole neighborhood as shown on the attached map is mostly single-family residences and two-family residences. The housing authority property was designed for developmentally disabled individuals and when the buildings were built they did not have any tenants that had cars and that was built several years ago. In terms the overall use the residential density is much less than the proposed six units. For the variances the intent of the code is such that if you have something that is substandard and nonconforming to the code, you bring it into compliance. Then if you want to increase the use you add the additional parking. He explained the report states one parking space is proposed because the other parking spaces are not considered legal because they do not meet the size and location requirements. Except for the one space in the front the other existing and new spaces discussed do not have the proper access and one would have to drive on the adjacent properties to access the parking spaces. There is no agreement with the neighbors that guarantee access to these parking spaces. On the west driveway the cars would have to parallel park and the one in front would have to drive onto the neighboring property to be able to back up to the street. There was discussion on access to the parking spaces for shared driveways and that the code requires their own access form the street which they do not have now. These are older properties but many of the properties are in compliance now and the one at the 827 was built in the 1930's and existed before the code was in place. There was discussion on the floor area and how it is required for special uses. Restricting the parking for the sixth unit was discussed but the consensus of the Board was this would be difficult to enforce. Mr. Walters explained how he and the neighbor to the east both need the drive for access to the rear once he adds two parking spaces.

Mr. Walters stated that there is a need for another dwelling unit and the west side of Bloomington has a tremendous need for housing for low income people. He said it is very difficult to find a three unit for a family and the facilities for the homeless are full all of the time. These people could not afford the rent of a new building. The people do not have two cars in their household.

Mr. Briggs asked what has been Mr. Walters the track record for the rental inspection program. Mr. Woolard stated he cannot comment either way. Mr. Ireland stated that is more a question for the applicant. Mr. Walters stated he thought his record was pretty good. When asked if he has any violations he stated you are always going to have some but there are none prohibiting him from operating. He said he is not here to rape but improve the community it and at the same time he needs to be practical and economical.

The vote on both variances was approved with five (5) voting in favor and none (0) against.

Chairman Ireland explained the vote on the special use is an advisory vote for the City Council as to whether the special use should be approved. The vote on the special use was approved with five (5) voting in favor and none (0) against.

REPORT

To: Members, Board of Zoning Appeals
From: Staff

Subject: SP-01-12 Public Hearing and Review on the petition submitted by Lue A. Walters, requesting approval of a special use permit for an additional dwelling unit for the property located at 811 W. Washington Street. Zoned R-2, Mixed Residence District

BACKGROUND INFORMATION:

Adjacent Zoning

North: R-2, Mixed Residence District
South: R-2, Mixed Residence District
East: R-2, Mixed Residence District
West: R-2, Mixed Residence District

Adjacent Land Uses

North: Single-Family Residence
South: Single-Family Residential
East: Two-Family Residence
West: Single-Family Residential

This case was reviewed in February and March by the ZBA and then was remanded back to the Zoning Board of Appeals from the City Council for further public hearing. In May it was on your agenda but the applicant stated verbally that he was withdrawing but since we did not have it in writing and he was not in attendance the case was laid over. Apparently in June and July the applicant was not able to attend your meetings but on June 29, I requested a confirmation that he was requesting a suspension for June and July. On July 26, I called the applicant and received a verbal confirmation that he will be at this August 15, meeting. Thus for this meeting we sent letters out to the neighboring property owners and a sign was posted on the property. I have attached meeting minutes from your previous meetings.

The Comprehensive Plan calls for the property to be low/medium density residential.

The petitioner is requesting a special use permit to add another dwelling unit. There are five dwellings units now. The nearly all of the nearby properties do not have such high density. The exception is for the property at the very west end of the Washington block and the Bloomington Housing Authority. There are 37 other properties as identified on the attached map that all are single-family, two or three unit buildings. Thus the predominance of the neighborhood does not include buildings with as many apartments as proposed. Thus the request will be out of character for the immediate neighborhood. Also the petitioner has proposed to increase parking but is not meeting the need for parking for the existing apartments. Much of the parking that is used by the tenants does not have the proper design and access. There is no cross access or shared driveway agreements for the two driveways and the access to adjacent parking could also be lost, especially when one or both of the adjoining property ownership changes hands. The request also is not in compliance with the required floor area ratio. Staff does not support the special use because of the increase in density and since it does not comply with the parking and floor area ratio requirements.

Action by the Board of Zoning Appeals.

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

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

STAFF RECOMMENDATION:

Staff recommends that the Zoning Board of Appeals pass a motion recommending City Council denial of this petition in Case SP-01-12 to allow a special use permit for multiple-family dwellings.

Respectfully submitted,

Mark Woolard
City Planner

**UNAPPROVED MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, AUGUST 15, 2012, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, IL**

Members present: Mr. Dick Briggs, Mr. Mike Ireland, Mr. Robert Kearney, Mr. Steve Parker, Mrs. Barbara Meek, Mr. Bill Zimmerman
Members absent: None
Also Present: Mr. Mark Woolard, Acting Secretary

Mr. Woolard called the meeting to order at 3:04 p.m. and called the roll. A quorum was present.

The Board reviewed the minutes from July 18, 2012. The minutes were accepted as printed.

Chairman Ireland explained the procedures of the meeting and that the special use case must be reviewed by the City council. Mr. Woolard stated that the cases had been published.

SP-01-12 Public Hearing and Review on the petition submitted by Lue A. Walters, requesting approval of a special use permit for an additional dwelling unit in a multi-family building for the property located at 811 W. Washington Street. Zoned R-2, Mixed Residence District.

Chairman Ireland introduced the case and asked for anyone who would like to speak in favor of the petition to come forward. Lue A. Walters, 1903 N. Towanda Avenue, Normal, Illinois, was sworn in and presented an email from the Bloomington-Normal Chapter President NAACP recommending approval of the application and an agreement with the neighbor, Valerie Dumser for a shared drive. He said he was taken back that he was here again in that he thought he had done due process. He said at the Council meeting his case was on the consent agenda and because of two emails staff recommended denial. One was from a neighbor who wanted grass on his property as opposed to concrete and the other was from a G.A.P. representative from the other side of town with the notion of trying to reduce the density and recommending disapproval. He said today there are two emails and one is from a man and his wife and he constitutes that as one opinion and then there was one other one. He thought the person was misinformed about converting it to a multi-family dwelling in that it is already multi-family plus they are on the opposite side of the block. He said if anyone was to be affected it should be Ms. Dumser and the neighbor on the opposite side and neither of them has objected.

Mr. Walters read a statement providing a time line of the meetings that occurred and stated the property has been exposed well over 90 days and over 670 letters gone out throughout the community and the sign was up over ninety days and we have not had one legal objection in here for all to see. He questioned if this was a public board or a staff board. He went to the City Council and sees a denial. He said he pays over \$15,000 in taxes to Bloomington. All this is about him renovating an existing basement apartment that is already there and all he is doing is putting in some cabinetry and a few things. The building was built 1825 and he believes in

the record somewhere along this same basement was used as an apartment because it had a bathroom, kitchen, fireplace and piano. He said he is not doing any outward impact on this project except only perceived by staff. He continued with discussing the parking and how his parking ratio will increase by 50 percent and he has an agreement with the neighbor for access to the rear parking and the neighbor to the west is a shared drive that is mutually beneficial. He compared the properties with his, the Housing Authority and 827 Washington. 827 does not have any parking spaces with a ratio of zero. The Housing Authority parking ratio is 56 percent and he said his ratio is .67 and better than all three of them. For the floor ratio he felt he is not encroaching outside at all. He feels he is going through this because of staff's concerns not because there are concerned people out there and nothing is different than what he saw before simply because he wants to renovate an existing basement to a single-family apartment to lessen his expenses and taxes. He feels like he is going through double jeopardy. He said to the Board that when things are buried in a consent agenda the City Council is not going to take time to ask the questions you asked me and your best opportunity to get it right is right here. He said if the Mayor and City Council thought enough of you all to appoint you to this Board he is certain they would support your decision given the right understanding.

Chairman Ireland asked why the unit is not rented if it existed already. Mr. Walters explained his work and his discussion with the inspectors and what was needed. Mr. Zimmerman asked about parking and Mr. Walters said less than 50 percent of his tenants have cars and usually cannot afford cars. He will expand the drive by three feet and he has an agreement with Ms. Dumser. Chairman Ireland asked Mr. Walters if the special use were made subject to, that if the neighbor at 809 were ever to disembark from this agreement and you would have to vacate one unit, how would you feel about that and Mr. Walters said he would have no problem with that. Mr. Walters said this is not an easement and this is a common occurrence. He stated he does not have an agreement with the neighbor to the west but it is a common shared driveway.

Chairman Ireland asked for anyone else who would like to speak in favor of the petition and no one spoke.

Chairman Ireland asked for anyone who would like to speak in opposition of the petition. Richard Heiser, 810 West Jefferson, stated his home is directly behind the site in question. He said he and his wife have lived at there for the last 26 years and he knows the history of the property and neighbors. He apologized for the absence at the previous meeting and the neighborhood association is very active in the neighborhood and they consider the zoning decisions and they impact them greatly and they try to address issues in the neighborhood. He said when the Housing Authority apartments mentioned by Mr. Walters were built 35 years ago, it was managed by managers who lived there and today if this were built he doubts that it would be approved. Staff recommendations are based upon neighborhood stability and when the density gets high it affects the quality of life of the people around that site. He said every home owner in the neighborhood pays taxes, has a financial investment, house payments and upgrade their properties and it is not just that a landlord has a deeper investment. The proposal is to pave half of the rear green space and it invites higher traffic, and there is no guarantee that there will be only two cars in that space. The shared driveway agreement is not built into any deed but just a handshake document. The shared driveway on the west side of the lot is not a single car driveway. It has at least two full lanes and when a tenant is parked there the adjacent

owners, Jake and Becky still have full access all the way from the street to the garage. It is not a true shared drive but rather like parallel drives that abut one another. He stated the apartment is already occupied and it has been occupied for more than a year and someone is living in the apartment right now. It is a small back yard and it invites dropping off things and there has trailers, appliances, recycling and full of things. The stability of the neighborhood is impacted greatly. The fire escape is antiquated and per the shared driveway conversation with neighbor Val it will take a lot of excavation to create of a driveway to meet the needs described.

Mr. Ireland questioned if all six units are occupied and Mr. Heiser said he did not know if all units are occupied but the basement unit is occupied today. He said the tenants are good to the neighbors but there has been drug activity and there have been police calls. Mr. Walters is easy to engage with and he listens and cares but the section eight business is tricky and when you increase the density and the number of people interacting we have single family units on either side. He said there is single-family dwellings on either side of the site and their hope is to increase the number of single-family and owner occupied units because we think it improves the quality of life. Increasing the density adversely impacts all of us.

Cindy Shepard, 918 S. Madison Street, stated she is a property owner in the immediate area and owns 812, 818, 820, 720, 714.5, 827, 829, 822, 824, 902, 902.5, and 904 W. Washington. She opposes increasing the number of apartments because parking already is already limited and adding cars would exacerbate the problem. The building does not have a fire escape up to codes and with a fire the tenants would not be able to walk down exterior stairs. If the petitioner were to bring the building up to code he would have to locate the fire escape on the east side of the property and would take up even more yard space when the house takes up most of the lot. The property needs to be brought up to code on the existing apartments rather seeking a greater concentration of people, apartments and parking. There have been noise and litter issues with the current level of occupancy. The tenants have parked in on the adjacent property for an extended period of time and blocked driveway access by the rightful owner. This may be because there was no parking in the street. If approved the city mandated off street parking would go into effect. As recent former owner of the building, she said she has knowledge about the property and its ability to generate sufficient income to service the debt and adding a basement unit would not increase the total rents sufficient to offset the cost of constructing egress windows, the fire escape, parking and bringing the entire building up to code. She said she appreciates the beautiful "purple house" and the existing apartments which were designed by Mr. and Mrs. James Oliver who owned the property for many years and left a legacy that should be valued and cherished and any interest by the current owner in merely pulling out every penny possible from the place should be quashed. She said when she owned the property which was up until the last five years, there was no apartment in the basement and it was never used it as an apartment. There was no kitchen and no bathroom at all. The owner of the driveway on the west at 813 worked as her office manager for many years and she complained many times about the problems at 811 after she sold it. The problems mainly involved noise and people parking in her driveway. Access to parking in the back would not work out in the long run. She also owns 827-829 W. Washington and there are only four apartments in that building. She did not think it could be converted back to six units because of the city codes and it is difficult to get good tenants in a basement apartment.

Mr. Kearney stated it was difficult for him to understand why adding one unit will cause a tipping point in the neighborhood add. Ms. Shepard said there is large amount of street parking and the existing driveways are full of cars and the 800 block is very congested based on people living there now. The Board discussed how the neighbor to the west has not made any expressed any concerns regarding the petition.

Mr. Woolard stated the staff report is essentially the same as before except for the history with the recent meetings. Staff has concerns that the request is inconsistent with the predominant character of the neighborhood. Nearly all of the units are single-family or two units and not five or six unit buildings. The housing authority had occupancy of tenants who physically could not drive and there was not a need for parking many cars for their tenants.

Mr. Walters stated the two adjacent neighbors have their entire back yard paved. Also contrary to Mr. Woolard's statement, tenants can freely drive in and out of his parking space on the west side of the lot as explained by Mr. Heiser. He said his property has not been rented for a year. He explained how he could not get it rented when he applied to get the ingress and egress window and it was essentially completed. He said he has not got occupancy because he has not got this approval and a neighbor went through foreclosure and had nowhere to go and asked if they could stay there until they found a place to go and that is how the people got there. There was discussion on the code and requirements and Mr. Walters understanding of what was required. He has not occupied more than five units.

Mr. Kearney stated that he does not see any new developments in this case. He referred to Mr. Heiser's concerns and asked Mr. Walters to address such for the back yard. Mr. Walters said he will not tolerate loitering in the back yard and he wants the same thing from his neighbors as he wants for him. He wants to landscape around the parking area. He will make two legal parking spots about six feet from the lot line. Mr. Briggs said that the two neighbors look like they have paved to the back.

Mr. Woolard stated that he had received three emails that were passed out and he spoke with one of the persons. Part of their concerns was that this would encourage other similar developments.

The vote on the special use recommending approval was approved with five (5) voting in favor and one (1) against.

Before Mr. Kearney voted he stated that he was looking for new evidence and in the first time around we knew that this was a fragile neighborhood and he does not think we learned too much more on that score. He does not think a vote in favor tips the balance in terms of this neighborhood. He was looking for something that by adding this unit would so change the character of the neighborhood that we really tipped that balance. Having that said he said you are lucky to have a neighbor like Mr. Heiser and he encourages Mr. Walters to work with him because the reality is that a single-family unit owner is simply more invested in the neighborhood and it is not a business for him. It does not discount or diminish what you are doing but it is important for you to work with him. He hopes this is the last case remanded back to them in this fashion because it is not a respectful use of their resources.

Mr. Briggs stated before he voted that during the first hearing we based the decision that it with the variances to increase the parking he was actually enhancing the impact in the neighborhood, nothing changed and just reconfirmed it.

Mrs. Meek stated before she voted that she would like to agree with what Robert and Dick said.

Chairman Ireland explained that we will send a positive recommendation to the City Council and it is up to them to grant the special use permit.

From: sybil.nash@comcast.net
To: mwoolard@cityblm.org
Cc: rheiser@aol.com

Date: Tuesday, August 14, 2012 08:40PM
Subject: Zoning Proposal SP-01-12

History: ✉ This message has been replied to.

Dear Mr. Woolard,

This letter is in regards to Mr. Lue Walters' request for special zoning consideration. It is my understanding that Mr. Walters would like to expand the property located at 811 West Washington Street in Bloomington to a multi-family dwelling.

Where I am appreciative of how Mr. Walters reportedly manages his properties, my concerns go beyond his request. My concern focuses on how honoring Mr. Walters' request will impact the neighborhood long term. If this request is permitted, it sets a precedence for other property owners to make similar requests. Other property owners that have less regard for our community.

As Old Towne struggles to reclaim its footing in our city, it seems entirely appropriate that safeguards remain to protect any strides made that encourage and support affordable, single-family housing. So, I am not in favor of granting Mr. Walters' zoning petition.

I appreciate the attention given to my position.

Sincerely,

Sybil R. Nash

806 West Jefferson Street

From: cynthia arnold <cjarnold1950@gmail.com>
To: mwoolard@cityblm.org
Cc: Karen Schmidt <karen61701@gmail.com>

Date: Monday, August 13, 2012 08:16PM
Subject: 811 W Washington

History: ↩ This message has been replied to.

To the Zoning Board of Appeals

Regarding Mr. Walters request for variance(s) at 811 W. Washington St. I request that the variance(s) be denied. This block is predominantly single family and owner occupied. Many people have invested in this neighborhood with both their time and their money as residents and home owners who are long term investors. The properties cited as comparables are really not, especially the BHA group home. While many of us in West Bloomington, including this Washington and Jefferson streets area, are comfortable with the mix of owner occupied and rental properties, the rentals that do cause problems seem to be the ones that apply for variances. I believe the City staff report indicates that these variances should not be granted; and I have to agree. It is not the responsibility of the neighbors or the City to subsidize any property owners income or to take on the bad decisions of a property owner if they make bad investments. In this case, I believe the property is fully rented as is and if the owner is unhappy with the income generated he needs to make other investment decisions. The request to pave a back yard and order the sharing of another propertys' driveway are especially undesirable. Again, I ask you to please deny the variances requested based on both neighbors' testimony and the City staff recommendations. We appreciate the work you do for us as residents of the City of Bloomington.

Due to a previously scheduled medical appointment, I will be unable to attend the ZBA hearing of August 15th. Please share this with the Appeals Committee.

Cindy Arnold

504 N Lee St

Bloomington

From: Dennis Arnold <darnold504@gmail.com>
To: mwoolard@cityblm.org
Cc: Schmidt Karen <karen61701@gmail.com>, RHeiser <Rrheiser@aol.com>

Date: Tuesday, August 14, 2012 03:38PM
Subject: 811 W Washington Hearing

History: ✉ This message has been replied to.

Bloomington Zoning Board of Appeals

c/o Mark Woolard

Since this neighborhood understands the benefit provided for the entire community: BHA's group home should not be used as a comparison.

Rental property and their tenets are welcomed by my neighbors and I –within ordinance.

Granting these variances for this 'special use' at 811 W Washington would place an unnecessary excessive burden upon a predominately Single Family neighborhood to support this business owners income.

Also this acceptance would show a lack of respect for the neighborhood and the spirit if not the rule of Bloomington's ordinances.

The very same lack of respect that drew dozens of neighborhood organizations to lobby and help draft both Bloomington's Nuisance Abatement Ordinance and Neighborhood Preservation Ordinance to counter examples just as this: conflict with specially favored business's.

Please do not place an undue hardship on this beautiful neighborhood and its citizen's by exempting this businessman's property from the spirit and rule of current ordinance.

Dennis Arnold

President, Gridley Allin Prickett's / Olde Towne Neighborhood Association

504 North Lee

Bloomington

P.S. I would prefer to present these comments in person but have commitments in Pontiac tomorrow.

From: Mark Woolard/Cityblm
To:

Date: Wednesday, May 09, 2012 12:08PM
Subject: Fw: Fwd: question about a ZBA case

-----Forwarded by Mark Huber/Cityblm on 04/17/2012 08:42AM -----

To: Mark Huber <mhuber@cityblm.org>
From: Karen Schmidt <karen61701@gmail.com>
Date: 04/05/2012 05:00PM
Subject: Fwd: question about a ZBA case

----- Forwarded message -----

From: Dennis Arnold <darnold504@gmail.com>
Date: Sun, Apr 1, 2012 at 9:52 PM
Subject: Re: question about a ZBA case
To: Karen Schmidt <karen61701@gmail.com>
Cc: Grandma Valerie Dumser <grandmavalerie@gmail.com>, Ruthie Cobb <rzcobb@aol.com>, Rick Heiser <rrheiser@aol.com>

Karen,

That the ZBA had no problems whatsoever with this is not surprising, neither would the Planning Commission. Since both of their published policies and rulings: are to reduce structure density while promoting the increased density per structure of HUD designated "blighted areas" of Bloomington.

Rick is absolutely correct that a precedent would be newly set for this corridor. As evidenced by the Market-Mulberry corridor where precedent was begun at Oak Street on the Lowentroun (now Butzirus) Market Street *ally vacated* property. A variance was granted in the early 70's for an eight stall carport (now garage). This precedent was cited in every multi unit conversion and infill apartment along this corridor up to 2001; driving young families to flight, feeding the conversion of even more single family. This secluded 600 through 900 block, even though well lit, is an on and off again nuisance area where crimes are normative.

Although GAP form-based zoning does not restrict multifamily it does encourage on street parking by formula in parking per unit requirements. Discourages back yard parking with heavy screening requirements, recognizing the urban fact that noise and lighting would most likely disturb backyard neighbors bedroom quality.

All this is to say by experience Rick and Susan's fears are a reality: once started there is no turning back. Washington street zoning would require clearing, eventual paving and lighting of this parking area. Why not stick with PACE's recommendation?

Catching up- been gone for a week,
Dennis Arnold

On Tue, Mar 27, 2012 at 3:35 PM, Karen Schmidt <karen61701@gmail.com> wrote:
Hi All - I would appreciate some feedback. Lue Walters is looking to increase his apartments at 811 W Washington, from 5 to 6. He is also seeking variances on parking (he has 2 off street spaces) and floor/area ratio. The city has recommended against this, the ZBA had no problems whatsoever with it. In the absence of any neighbors coming to say Yea or Nay, the city is not sure if they should continue to recommend against it or not. The bigger issues are increased density and parking - does this set a different standard that causes you any concern?

Thanks for your feedback.

--
Karen Schmidt
409 E Grove St
Bloomington IL 61701
home: 309-829-6318
mobile: 309-824-2257

--
Karen Schmidt
409 E Grove St
Bloomington IL 61701
home: 309-829-6318
mobile: 309-824-2257

From: Grandma Valerie Dumser <grandmavalerie@gmail.com>
To: mwoolard@cityblm.org

Date: Tuesday, May 08, 2012 07:36PM
Subject: ZBA hearing on 811 W. Washington

This from Becky Godbey at 813 W. Washington

----- Forwarded message -----
From: **Becky Godbey** <jbgodbey@hotmail.com>
Date: Tue, May 8, 2012 at 4:47 PM
Subject: Re: ZBA hearing on 811 W Washington
To: Rick Heiser <rrheiser@aol.com>, darnold504@gmail.com, karen61701@gmail.com
Cc: sheiser810@aol.com, grandmavalerie@gmail.com, rzcobb@aol.com

I will not be able to attend but I believe everyone agrees that the addition of another unit in this already cramped and poorly supervised building would be a huge problem. Not only is parking an issue but I have seen so many tenants in this building who are dealing drugs, domestic issues and just a poor attitude about the neighborhood and especially the house and neighbors. The garbage is always piled up, or just thrown on the ground. There is constant foul language, loud music and nonstop traffic. I'll stop ranting now but I just want you all to know that 811 is a huge problem property and I have voiced my concerns numerous times to lou without response. That property is a major reason for us to consider moving in the next few years. I hope that all of your comments and concerns will not go unheard!

I am forwarding this for Becky, Valerie Dumser

I also have 1 comment - the driveway to the proposed parking lot where Lue wants parking is my private driveway. I have allowed Lue to use this driveway for his personal use when he needed to access his storage area behind 811 W. Washington. He will always have my permission to use my driveway for his personal use only. He is respectful and not abusive of the privilege. I do not want others to use my driveway to access parking.

We want a quiet family type neighborhood. Not dense parking lots.

From: Karen Schmidt <karen61701@gmail.com>
To: Mark Huber <mhuber@cityblm.org>, Mark Woolard <mwoolard@cityblm.org>

Date: Wednesday, March 28, 2012 07:38AM
Subject: ZBA and 811 W Washington

History: ✉ This message has been replied to and forwarded.

I have received feedback from 2 so far:

From Ruthie Cobb:

Based on my experiences as the Shakman Enterprises employee who conducted inspections and wrote condition reports in that vintage building, I would wonder if the plumbing and electrical service can realistically handle a sixth apartment. Maybe some of that has been upgraded since Cindy sold it to Mr. Walters.

I DO think the parking issue will adversely affect many of us in the neighborhood, especially since Washington Street is a snow route. If he adds more people and potentially more cars, I think that could be a problem. The fact that his building shares the driveway with a single-family home to the west (and there is a small child living in that house), should be a consideration, too.

I happen to have the same situation with a multi-family unit sharing a driveway with a single-family home, but I LIVE onsite and try to monitor the situation with pedestrians and vehicles coming and going.

Karen: Thanks so much for keeping us up to date on this.

We had a discussion over the back fence with Lue about what he wants to do regarding parking behind his house, which is directly behind ours. There is no alley, just a low brick wall topped with a wire (not chain link) fence. This arrangement has been in place since 1942 and has always been very satisfactory. The wall and fence define the boundaries of the properties, are visually pleasing, and allow for neighborly conversation.

Our concern about the additional parking is that the rear of 811 W. Washington will become more like a parking lot than a yard, and that the screening with trees or a fence that Lue mentioned would actually make that more likely. With less visibility and openness between the yards, we are concerned that current and future tenants would have less of a sense of being part of the neighborhood.

Noise has not been a problem all these years, and while we don't know all the tenants in 811 - now or in the past - we have continued to enjoy our own backyard and garden, to wave and smile and have a little conversation across the fence with tenants walking their dogs in the yard or using the screened porch at the back of the Lue's property, etc, just as we did when James and Charlotte Oliver owned the place and lived on site in one of the apartments for the first 15 years we lived here.

We have no complaints about Lue as a landowner at all, but it is only realistic to assume that he will not be the only person to own that property. Another landowner/property manager may not be as sensitive to our enjoyment of our own yard as he has been. We are concerned that granting a variance to change the character of the back of that beautiful old house now could open the way for a future owner to request further changes, such as paving the entire back yard to provide off street parking for even more tenants. We are also concerned that a precedent would be set for other property owners in the neighborhood to seek variances that would further damage the character of our fragile neighborhood. It is remarkable, really, how these blocks of Washington and Jefferson have managed to retain an essentially residential character over they years of change from mainly single family owner occupied houses to a mix of single family

rental/owner occupied and multiple unit rental properties. Somehow, while not perfect, the increased density has not destroyed the sense of living in a neighborhood., but we are concerned that this fragile mix could not withstand increased density of units in houses and the changing of yards to parking lots.

We wish we had been at the zoning hearing - we have been pre-occupied with a friend's health and hospitalization and other (happier) family events and just didn't stay on top of the date. We appreciate having a chance to express our concerns now and hope the City Council will take them into consideration when the vote comes.

Sincerely,
Rick and Susan Heiser
810 W. Jefferson St.

--

Karen Schmidt
409 E Grove St
Bloomington IL 61701
home: 309-829-6318
mobile: 309-824-2257

AUG 15 2012

I am Cindy Shepard and am a property owner in the immediate area. 812 W. Washington, 818 W. Washington, 820 W. Washington, 720 W. Washington, 714 1/2 W. Washington, 827 W. Washington, 829 W. Washington, 822 W. Washington, 824 W. Washington, 902 W. Washington, 902 1/2 W. Washington, 904 W. Washington are my properties.

I want to go on record as opposing increasing the number of apartments in the property at 811 W. Washington, for the following reasons:

1. parking on Washington street in the 800 block is already limited by the number of existing homeowners and apartment dwellers. Adding cars would further exacerbate the problem.

2. the building currently has 5 apartments and the attic apartment does not have a fire escape that is up to building codes. If there was a fire in the attic, the tenants would not be able to walk down a set of exterior stairs and the escape is a iron ladder that does not extend to the ground. This noncompliance has not been addressed by the city inspectors as it should have been.

If the petitioner was to bring the fire escape up to code, he would be forced to locate the structure on the east side of the property, as the house currently fills up most of the lot. This requirement would result in the improvement taking up even more space on the yard, which would further expand the existing noncompliance and warrant denying the special use permit. The property needs to be brought up to code on the existing apartments rather than seeking to have a greater concentration of people, apartments and parking needs.

3. There have been noise and litter issues at the current level of occupancy in the existing apartments.

4. I have witnessed the tenants in the "purple house" pull into the adjoining homeowner's driveway and park and run into the house for an extended period of time, effectively blocking the access to the driveway by its rightful owner. Why did they do this? Who knows, but maybe it was because there was no parking in the street.

5. If the special use were allowed and remodeling was to begin, the city off-street parking requirement would go into effect, mandating 1 1/2 parking spaces per apartment or more for the building.

6. As I was the former owner of the building until recently, I have personal knowledge about the property and its ability to generate sufficient income to service the debt. Adding the basement apartment would not increase the total rents sufficient to offset the cost of constructing egress windows, building the fire escape, satisfying parking requirements, and bringing the entire building up to existing codes, as is required because there would be substantial remodeling going

AUG 15 2012

on.

7. And last but not least, I want to express my appreciation for the beautiful "purple house" and its existing apartments which were designed by ~~the~~ ^{Mr + Mrs. James} Olivers, who owned the property for many years. They have left a legacy that should be valued and cherished by lovers of old houses such as myself and any interest by the current owner in merely pulling out every penny possible from the place should be quashed.

Thank you for your time.

Any questions?

driveway on west not shared

827

was no apt in basement

Date: August 13, 2012

AUG 15 2012

Subject: Proposed Shared Driveway at 809 W. Washington

To: Whom It May Concern

This letter represents an agreement between Lue A. Walters, neighboring landowner at 811 W. Washington and Valerie Dumser, owner of the property at 809 W. Washington, regarding the above subject. Be it further understood that the existing driveway is owned by the property owner at 809 W. Washington, however, through a mutual agreement, the property owner at 811 W. Washington is currently permitted the use of this driveway to go to and from his storage shed in the rear of his property and will continue to do so for he has demonstrated that he is a good neighbor who takes pride in his property.

We also are in agreement that he may expand or widen my drive onto his property for mutual benefits, thus converting it into a side by side/shared driveway to gain use of future parking area for his business should the variance be granted by the City of Bloomington. In consideration of either party, it is further understood and agreed that the parties will not block the driveway for any purpose.

Signature: Valerie L Dumser

Signature: Lue A. Walters

AUG 15 2012

XFINITY Connect

LUE_WALTERS_576@comcast.net

± Font Size ±

RE: Letter of Support for Public Hearing

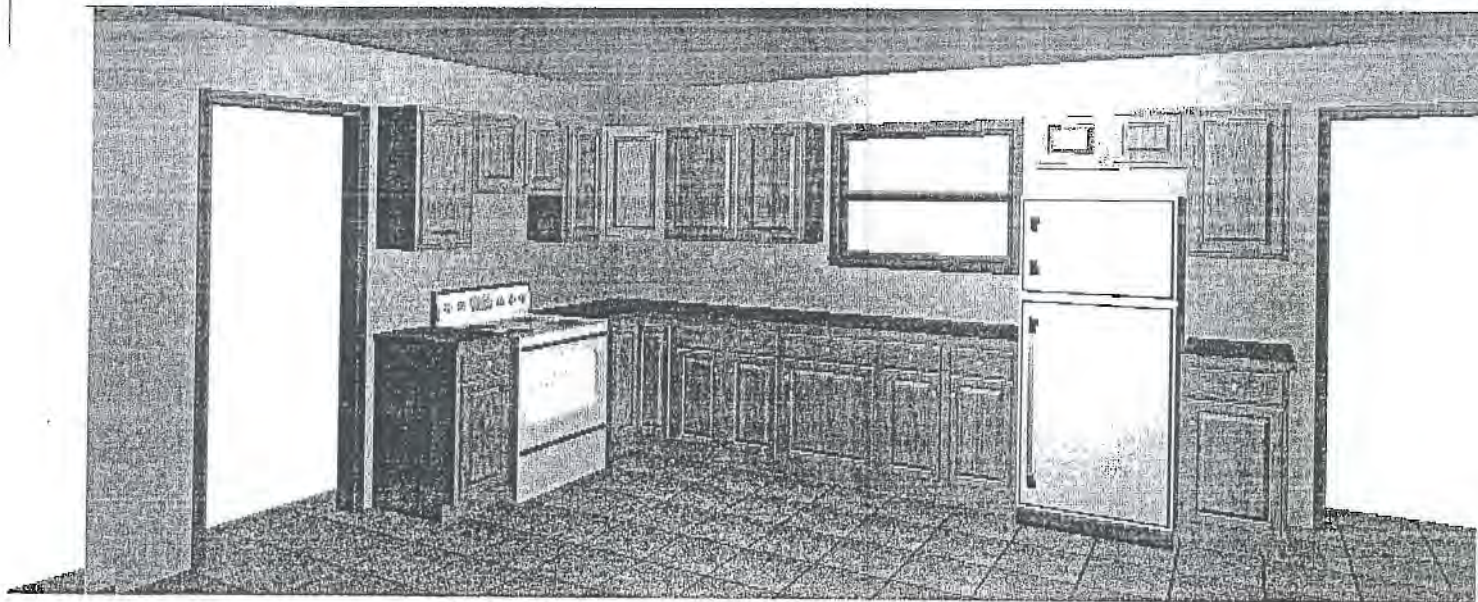
From : Linda Foster <lafoste@ilstu.edu>

Wed, Aug 15, 2012 06:22 PM

Subject : RE: Letter of Support for Public Hearing**To :** LUE WALTERS 576 <LUE_WALTERS_576@comcast.net>

I, Linda Foster, 1505 South Oak Street, Bloomington, Illinois, support the efforts of Lue Walters. His proposal to increase the number of units in his apartment at 811 West Washington has my full support. I believe that Mr. Walters has diligently reviewed and seriously considered the impact of increasing the unit and feels that this request is appropriate. I may be contacted at the address listed above or by phone 309-827-0481. Thank you for consideration in this matter.

Linda Foster, Vice President of NAACP



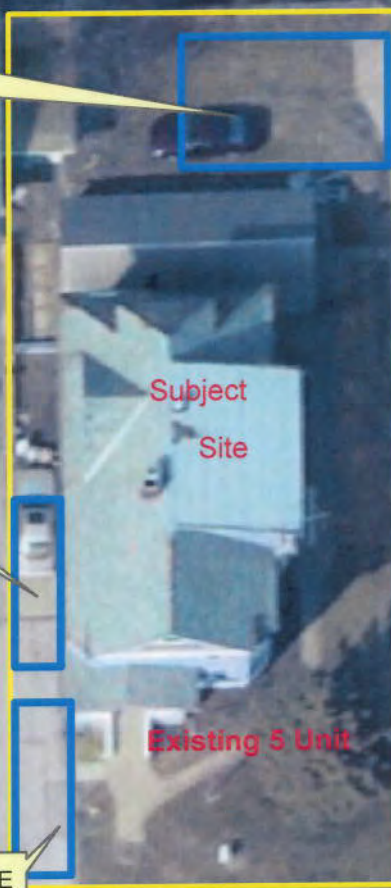
Note: This drawing is an artistic interpretation of the general appearance of the design. It is not meant to be an exact rendition.



Designed: 7/31/2002
Printed: 12/20/2011

814 812 810 808 806

PROPOSED
NONCONFORMING
PARKING



Subject
Site

ILLEGAL PARKING SPACE

813

809

807

813 1/2

SF

Existing 5 Unit

2

2

LEGAL PARKING SPACE

Washington St

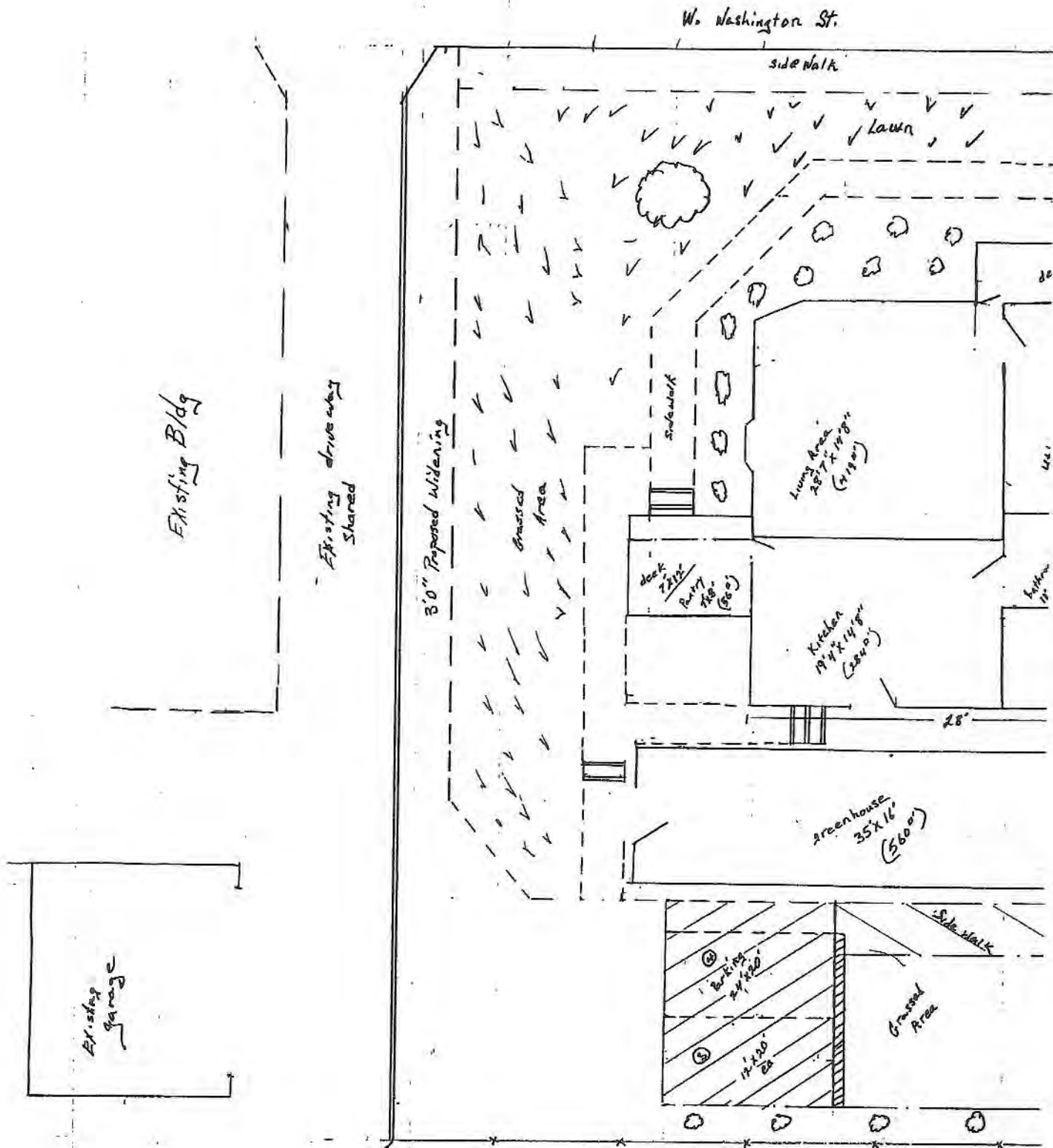
SF

SF 810

808

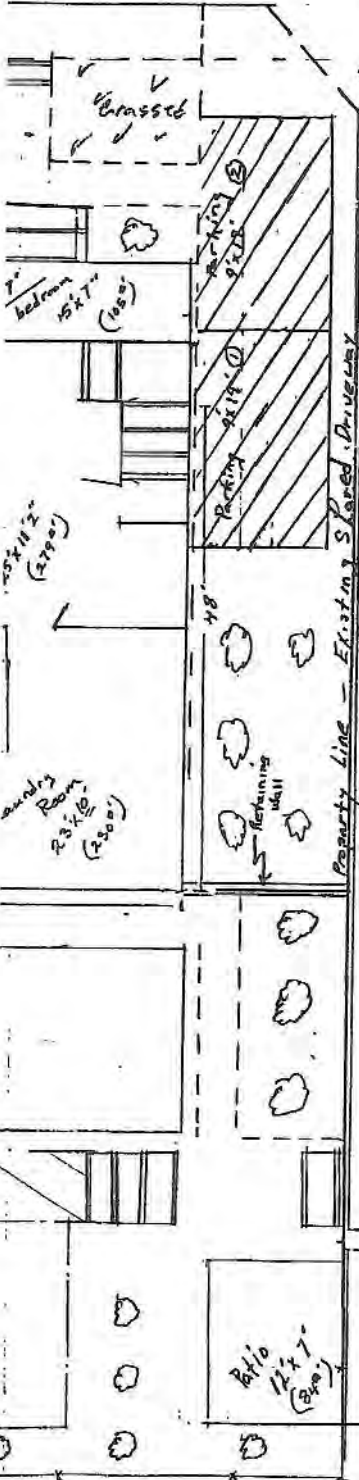
Lue A. Walters Site Plan

- * Rezoning
- * Variances (Parking)



Scale: Horizontally - 1" = 5'
 Vertically - 1" = 10'

(Floor Area Ratio)



Building Sq. Footage:

1 st Level	- 1428 ^{sq} ' (Basement)
2 nd Level	- 1267 ^{sq} '
3 rd Level	- 1267 ^{sq} '
4 th Level	- 580 ^{sq} '
Greenhouse	- 560 ^{sq} '
Patio	- 84 ^{sq} '
Total	5186^{sq}'

Ratio Bldg./lot - 74%

Lot Size - 125' x 56' - 7000^{sq}'
 year Built - 1825
 Annual Taxes Paid - \$2343
 Existing off street parking - 2 spaces
 Proposed off st. pkg. spaces - 4 spaces

Legend:

Scale Horizontally: 1" = 5'
 Scale Vertically: 1" = 10'

Parking	
Shrubs/Flowers	
sidewalk	
steps	
Curb	



RED NUMBERS REPRESENT THE NUMBER OF DWELLING UNITS AND SF REPRESENTS SINGLE-FAMILY DWELLINGS



Jefferson St



Howard St

Washington St



Howard St

Front St

Allin St



Allin St

FOR COUNCIL: September 10, 2012

SUBJECT: Downtown Bloomington Enterprise Zone

RECOMMENDATION/MOTION: Approval of an ordinance amending “An Ordinance Describing and Designating an Area Location Partially within the City of Bloomington, the Town of Normal, and Unincorporated McLean County as an Enterprise Zone.”

BACKGROUND: This ordinance submitted by the Economic Development Council of the Bloomington-Normal Area seeks to amend the boundaries of the Bloomington/Normal/McLean County Enterprise Zone in order to cover approximately 185 acres of property centered around 101 N Main St. Bloomington, IL 61701. The territory in question is home to approximately 56 blocks of central Downtown Bloomington. Enterprise Zone status would help to incentivize redevelopment of multiple projects in this targeted area.

There are a number of potential projects that could take advantage of the Enterprise Zone, should this amendment be approved. Initially, a residential redevelopment project located at 115 E Monroe would benefit from the sales tax exemption on building materials. That project, estimated at a cost of \$1.6 million would receive a building materials sales tax exemption of approximately \$60,000. Other projects that could make use of the Enterprise Zone include redevelopment on the site of the former Coachman Motel, for which the City is now actively seeking development proposals. There is also a potential for several additional redevelopment projects, including 303 E Washington (former Illinois Healthcare building), 110 North Madison (former Elks Lodge) and 120 North Center (Commerce Bank Building) and it is hoped that the availability of the Enterprise Zone would incentivize these projects to begin.

The primary benefit of extending the Enterprise Zone to cover Downtown Bloomington would be from increases to employment and the tax base from future development and redevelopment projects. The Enterprise Zone’s package of incentives may induce individuals to undertake redevelopment and or expansion projects in the downtown area.

As with other Enterprise Zone amendments, the financial risks to local municipalities from this amendment are minimal. Some local sales taxes on building materials could be jeopardized via the building materials exemption, but as with all Enterprise Zone activity, these losses are easily offset by increases to the property tax base and the spill-over effects of job gains. With the exception of the building materials exemption, all other Enterprise Zone benefits come from the State of Illinois.

Lastly, the Bloomington/Normal/McLean County Enterprise Zone still has ample free territory to be deployed for expansion projects such as this. At present, the zone comprises only 6.4529 square miles of the total 13 square miles we are allotted by state law. By adopting this ordinance and thereby amending the zone’s boundaries to include 177 acres, the total remaining zone territory will be 6.276 square miles. This figure does not take into account the effects of the proposed One Earth Energy, LLC Enterprise Zone amendment which is currently pending

approval as of this writing. A table illustrating the McLean County Enterprise Zone territory used and available is provided below.

McLean County Enterprise Zone Territory Used / Available				
Project	Date Added	Size (sq.mi.)	Total Deployed	Total Left to Deploy
As of 11/15/2006		12.140	12.140	0.860
Afni Addition	December-06	0.019	12.159	0.841
Horizon Adjustment	July-09	(0.020)	12.139	0.861
Marriott Hotel	February-07	0.029	12.168	0.832
Horizon Adjustment	March-07	(0.640)	11.528	1.472
Horizon Adjustment	August-07	(3.461)	8.067	4.933
Wilder	April-07	0.108	8.175	4.826
Horizon Adjustment	Decembter-08	(2.813)	5.362	7.638
Invenergy	March-09	0.676	6.038	6.962
CAMtek	February-10	0.031	6.069	6.931
Midwest Fiber	March-10	0.016	6.085	6.915
Empire Business Park	June-10	0.174	6.259	6.741
Bridgestone	February-12	0.129	6.388	6.612
Nussbaum / Kongskilde	March-12	0.064	6.452	6.548
Total		13.000	6.452	6.548
<hr/>				
One Earth Energy	pending	0.590	7.042	5.958
+2 miles	pending	(2.000)	7.042	7.958
Downtown Bloomington	proposed	0.289	7.331	7.669
Total	proposed	15.000	7.314	7.669

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Economic Development Council of Bloomington-Normal, Downtown Bloomington Association, Downtown Bloomington Property Owners Group

FINANCIAL IMPACT: Each of the redevelopment projects instigated by the expansion of the Enterprise Zone will result in increased property values. For example, the project at 115 East Monroe reflects an estimated increase in property values from \$52,220 to \$430,000 and an increase in property taxes from \$4,070 to \$50,181. Ultimately these development opportunities will help to accomplish the values and objectives as outlined in the City’s Strategic Plan; these include the retention and growth of current local businesses, attraction of new targeted businesses, revitalization of older commercial areas, expanded retail businesses and strong working relationships among the City, businesses and economic development organizations.

The incentives available through the Enterprise Zone originate from the State of Illinois and are available on an equal basis to all companies located in the zone. As proposed, the expansion of the Enterprise Zone would not jeopardize any existing revenue stream to the City of Bloomington.

Respectfully submitted for Council consideration.

Prepared by:

Legal review by:

Recommended by:

Justine Robinson
Economic Development
Coordinator

Rosalee Dodson
Assistant Corporation
Counsel

David A. Hales
City Manager

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

ORDINANCE NO. _____

**AN ORDINANCE AMENDING “AN ORDINANCE DESCRIBING
AND DESIGNATING AN AREA LOCATED PARTIAL WITHIN
THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL, AND
UNINCORPORATED MCLEAN COUNTY AS AN
ENTERPRISE ZONE” – DOWNTOWN BLOOMINGTON**

WHEREAS, the City of Bloomington did, on December 26, 1984, adopt Ordinance No. 1984-131, which ordinance describes and designates an area located partially within the City of Bloomington, Town of Normal and unincorporated McLean County as an Enterprise Zone; and

WHEREAS, the City of Bloomington did, on numerous occasions after establishment of the Enterprise Zone, adopt Ordinances amending Ordinance No. 1984-131, including those lengthening the duration of the Enterprise Zone and amending the territory included within the Enterprise Zone; and

WHEREAS, the City of Bloomington now desires to amend the territory included within the Enterprise Zone and to memorialize the same by amending the Enterprise Zone Intergovernmental Agreement (as hereafter defined); and

WHEREAS, a public hearing regarding such amendment has been held as provided by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON;

SECTION ONE: That Appendix “A”, which is attached to Ordinance No. 1984-131 and incorporated by reference in Section One of said Ordinance, as amended by subsequent Ordinances modifying the boundary of the territory included within the Enterprise Zone, shall be, and the same is, hereby further amended by adding the territory described in Exhibit A to the territory of the Enterprise Zone.

SECTION TWO: That the Mayor of the City of Bloomington, Illinois shall have, and is hereby given authority to execute the Amendment to the Enterprise Zone Intergovernmental Agreement between the Town of Normal, Illinois, the City of Bloomington, Illinois, the County of McLean, Illinois, the County of Ford, Illinois and the City of Gibson City, Illinois (the “Enterprise Zone Intergovernmental Agreement”) attached hereto as Exhibit B, which Amendment memorializes the addition to the territory identified as this Ordinance to the territory of the Enterprise Zone.

SECTION THREE: That the provisions of Ordinance No. 1984-131 as previously amended and as hereby amended, being “An Ordinance Describing and Designating an Area Located Partially within the City of Bloomington, the Town of Normal, and Unincorporated McLean County as Enterprise Zone” shall remain in full force and effect.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law and from and after its approval by the Illinois Department of Commerce and Economic Opportunity.

SECTION FIVE: That the City Clerk be and is hereby directed and authorized to publish this Ordinance in pamphlet form as required by law and forward a certified copy of this Ordinance to the Illinois Department of Commerce and Economic Opportunity for its approval and to file a certified copy of this Ordinance with the County Clerk for McLean County.

SECTION SIX: That this Ordinance is adopted pursuant to the authority granted the City of Bloomington by the Illinois Enterprise Zone Act, and pursuant to Home Rule Authority.

SECTION SEVEN: That the Enterprise Zone Administrator is hereby authorized and directed to cause application to be made to the State of Illinois pursuant to the Illinois Enterprise Zone Act.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

The foregoing ordinance was approved by the Mayor and City Council of the City of Bloomington on the ____ day of _____, 2012.

The foregoing ordinance was published in pamphlet form on the ____ day of _____, 2012.

Exhibit A

(Description of Territory to be added to the Enterprise Zone)

Legal Description Tract I

Passive Enterprise Zone Connector

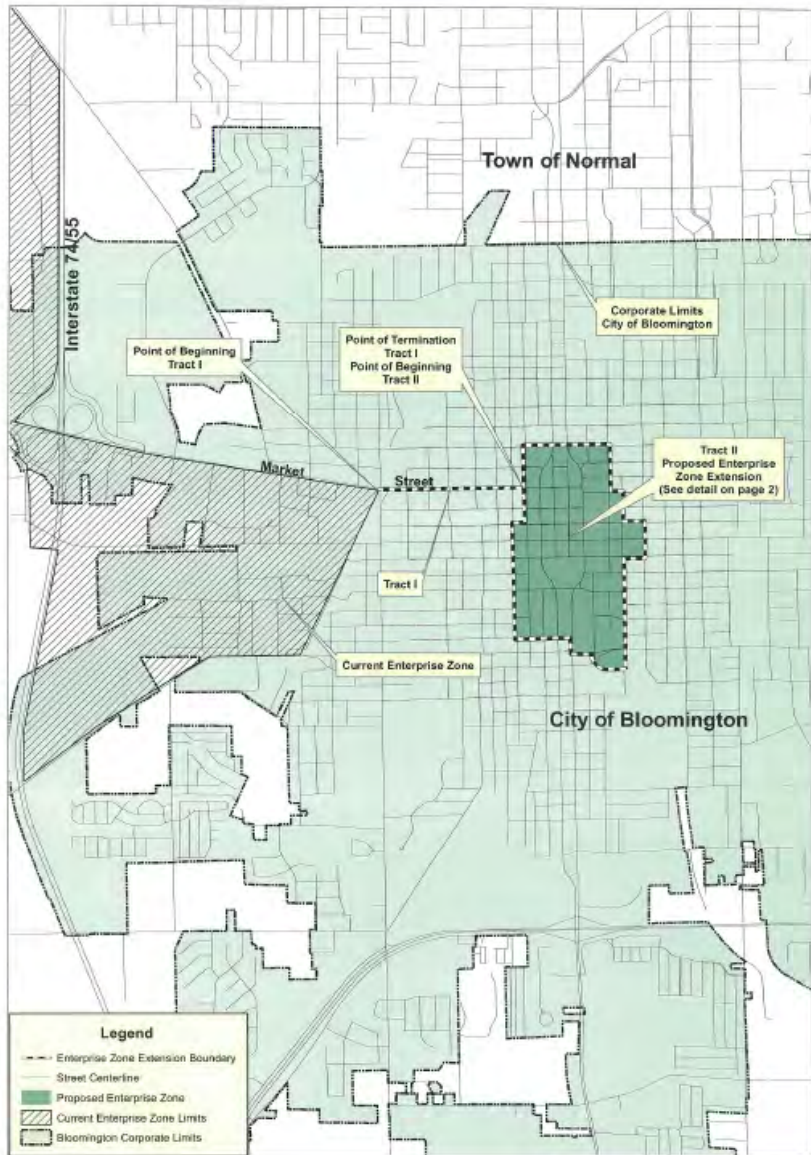
A part of the E½ of Section 5 and a part of the W½ of Section 4, all in Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, being a tract of land 3 feet in even width lying 1.5 feet on each side of the following described centerline: Beginning at the easternmost corner of the McLean County/Bloomington-Normal Enterprise Zone on the south right of way line of Market Street; thence northeasterly on the northeasterly extension of the east line of said Enterprise Zone 36 feet to the centerline of said Market Street; thence easterly 2771 feet on the centerline of said Market Street to the Point of Termination on the west right of way line of Roosevelt street containing 0.2 acres, more or less.

Legal Description Tract II

Downtown Bloomington Enterprise Zone

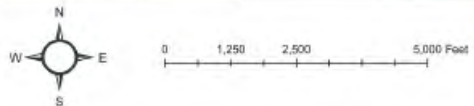
A part of Section 4, Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the intersection of the centerline of Market Street and the west right of way line of Roosevelt Street; thence North along the west right of way line of Roosevelt Street to the north right of way line of Locust Street; thence East along the north right of way line of Locust Street to the east right of way line of Prairie Street; thence South along the east right of way line of Prairie Street to the north right of way line of Market Street; thence East along the north right of way line of Market Street to the east right of way line of Gridley Street; thence South along the east right of way line of Gridley Street to the north right of way line of Jefferson Street; thence East along the north right of way line of Jefferson Street to the east right of way line of McLean Street; thence South along the east right of way line of McLean Street to the south right of way line of Front Street; thence West along the south right of way line of Front Street to the east right of way line of Gridley Street; thence South along the east right of way line of Gridley Street to the point of intersection with the easterly extension of the southerly right of way line of Mission Drive; thence Westerly along the southerly right of way line of Mission Drive to the westerly right of way line of East Street; thence Northerly along the westerly right of way line of East Street to the south right of way line of Oakland Avenue; thence West along the south right of way line of Oakland Avenue to the west right of way line of Main Street; thence North along the west right of way line of Main Street to the south right of way line of Mill Street; thence West along the south right of way line of Mill Street to the west right of way line of Lee Street; thence North along the west right of way line of Lee Street to the north right of way line of Jefferson Street; thence East along the north right of way line of Jefferson Street to the west right of way line of Roosevelt Street; thence North along the west right of way line of Roosevelt Street to the Point of Beginning, containing 184.96 acres, more or less.

**McLean County/Bloomington-Normal Enterprise Zone
Proposed Enterprise Zone Extension**



Legend

- Enterprise Zone Extension Boundary
- Street Centerline
- Proposed Enterprise Zone
- ▨ Current Enterprise Zone Limits
- ▭ Bloomington Corporate Limits



LYB Project #4018.82
Created 07/12/2012 by JTS
Parcels and Street Centerlines provided by
the McLean County Regional
GIS Consortium

McLean County/Bloomington-Normal Enterprise Zone Proposed Enterprise Zone Extension

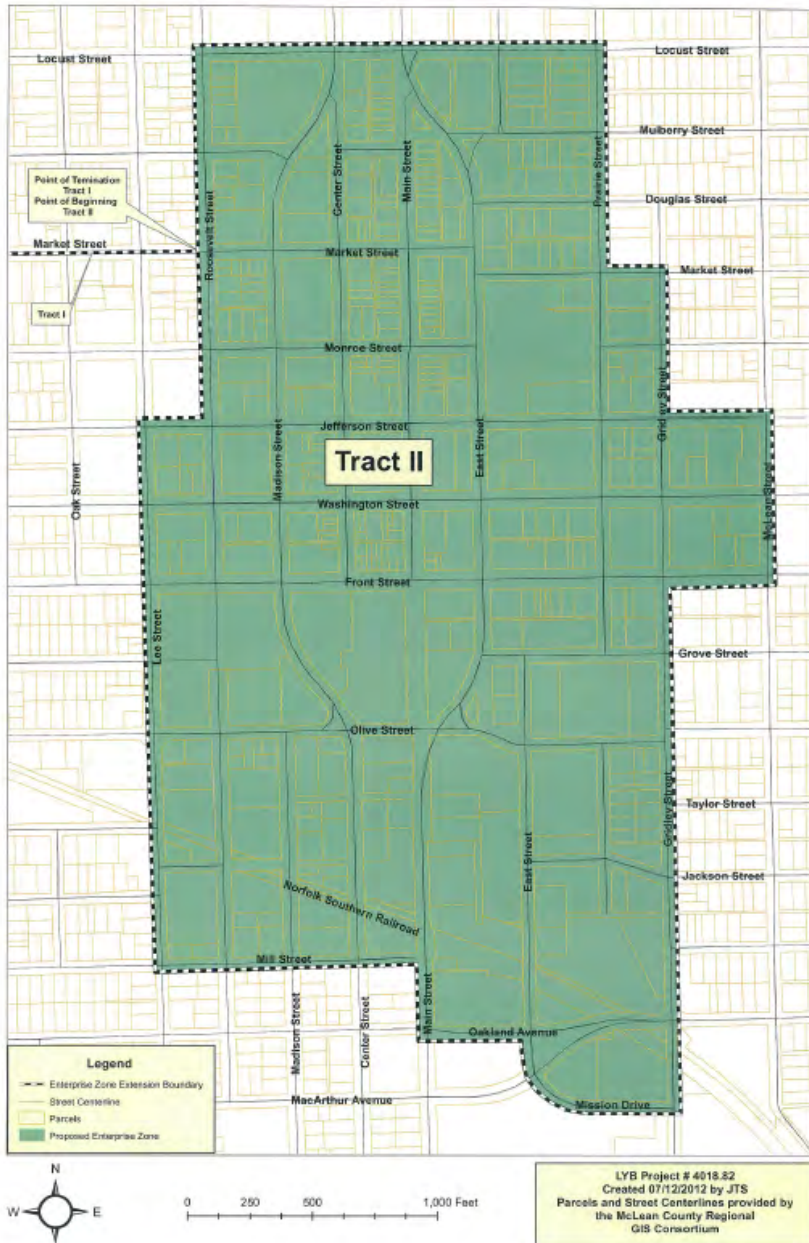


EXHIBIT B

**AMENDMENT TO ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT --
TO INCLUDE NEW TERRITORY**

This Amendment is entered into the ____ day of _____, 2012, by and between the City of Bloomington, a municipal corporation, the Town of Normal, a municipal corporation, the County of McLean, the County of Ford and the City of Gibson City, a municipal corporation, a body politic and incorporate, pursuant to the authority granted under Article VII, Section 10 of the Illinois Constitution and State law.

WHEREAS, the City of Bloomington, a municipal corporation, the Town of Normal, a municipal corporation, the County of McLean, entered into an Intergovernmental Agreement in December, 1984, for the purpose of creating and operating an Enterprise Zone within the jurisdiction of said parties pursuant to the Illinois Enterprise Zone Act (the "Act"); and

WHEREAS, the Enterprise Zone was originally certified as an enterprise zone by the Department of Commerce and Economic Opportunity of the State of Illinois effective July 1, 1985; and

WHEREAS, the Enterprise Zone now compasses approximately 6.452 square miles; and

WHEREAS, the Act allows an enterprise zone to encompass up to 15 square miles if the zone is a joint effort of four or more units of government; and

WHEREAS, it has been determined that certain additional territory contiguous to the Enterprise Zone totaling up to approximately 0.289 square miles would be benefited by being encompassed within the boundaries of said Enterprise Zone; and

WHEREAS, it would be in the best interests of the citizens of the City of Bloomington, Illinois, the Town of Normal, Illinois, and the County of McLean, Illinois, the City of Gibson City, Illinois and the County of Ford, Illinois that said additional territory be included in the Enterprise Zone.

NOW, THEREFORE, BE IT AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. That Section 2 "Description" of the Intergovernmental Agreement, and the property described in Exhibit "E1-a" and incorporated in said Section by reference, as subsequently amended, be and the same is hereby amended to include therein the area described in Exhibit A attached hereto (the "Amended Area"), and the Amended Area is hereby designated as part of the Enterprise Zone pursuant to and in accordance with the Act, subject to the approval of the State as provided in the Act.
2. Except to the extent amended hereby, that all provisions, agreements, stipulations, rights, obligations, and duties set forth in the original Intergovernmental Agreement, as subsequently amended, are hereby ratified and confirmed, and are hereby applied to the Amended Area of the Enterprise Zone in their entirety.

THE UNDERSIGNED PARTIES HAVE CAUSED THIS AMENDMENT TO INTERGOVERNMENTAL AGREEMENT TO BE EXECUTED BY THEIR DULY DESIGNATED OFFICIALS, PURSUANT TO AUTHORITY CONFERRED BY THEIR RESPECTIVE GOVERNING BODIES THE DATE FIRST SHOWN ABOVE.

City of Bloomington
a Municipal Corporation
By _____
Mayor

Attest:

City Clerk

Town of Normal
a Municipal Corporation
By _____
Mayor

Attest:

City Clerk

County of McLean
a Body Politic and Corporate
By: _____
County Board Chairman

Attest:

County Clerk

County of Ford
a Body Politic and Corporate
By: _____
County Board Chairman

Attest:

County Clerk

City of Gibson City
A Municipal Corporation
By: _____
Mayor

Attest:

City Clerk

FOR COUNCIL: September 10, 2012

SUBJECT: Purchase of one E-ONE HP75 Rear Mount Aerial Truck

RECOMMENDATION/MOTION: That the purchase of one E-ONE HP75 rear mount Aerial Truck from Banner Fire Equipment Inc. in the amount of \$675,955 be approved, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: There are no definite standards nationwide for fire apparatus replacement. The Bloomington Fire Department has established as a best practice for replacement of fire apparatus based on research and experience, that fifteen years of service denotes the age of a vehicle where the operating costs outweigh the value of the vehicle. According to several studies done at the National Fire Academy, age is the primary factor for replacement of vehicles. Other factors such as mileage, more importantly engine hours and maintenance costs are also to be considered. *NFPA 1901 Standards for Automotive Fire Apparatus*, only recommends replacement of pre 1991 vehicles due to significant changes in safety equipment on the vehicles. This includes features such as rollover protection, enclosed cabs, better braking and suspension and the addition of air conditioning.

This unit will replace a 1994 Sutphen 100ft midship mount aerial. Due to a change in the operations of the Fire Department the new vehicle will be placed in service at our Headquarters station and the Rescue pumper (E5) will be moved to our #4 Fire Station. This will allow more flexibility in the use of the truck and quicker response times to the downtown and Illinois Wesleyan University with a truck company. The move will also put a unit with heavy rescue equipment access to Interstate 55, as well as providing a more suitable unit to respond to mobile home courts on the west and south sides of the City. The 1994 Sutphen has been in reserve status, in addition to the age this vehicle has the ladder mounted in the middle of the chassis that leaves the basket sticking out around 14 ft. from the rear of the truck. This design has led to several accidents and is not a design that will be used on any future trucks. The vehicle also is not air conditioned, and has limited room in the cab area.

At this time the department has no estimate on the resale value of the Sutphen. Estimated resale value is derived from other vehicles in the same vintage and condition that are on the market today. The disposition of this vehicle may take place in several ways. It can be sold using a sealed bid process, which in my experience; will get the lowest price for the vehicle unless a reserve is put on it. The preferred method is to allow several brokers to put the vehicle on consignment and see if they can sell it. If it does not sell the recommendation would be for the City may to use a sealed bid to sell the truck.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The truck was competitively bid. The City sent out six bid packets, published the bid in the newspaper and put it on the City website. Five proposals were returned, the results were:

Pierce	Option 1 \$794,800	Option 2 \$784,000
Ferrara	\$766,304	
KME	\$709,644	
E-ONE	\$699,995	

Finance also recommends a Pre-Pay discount of \$26,140 bringing the final cost to \$673,855.

FINANCIAL IMPACT: The FY 2012 Budget appropriated \$800,000 in the FY 2012 Capital Lease line item 401140120-72130. The City will take the prepayment option #1 with a 100% prepayment of \$673,855 to take advantage of a prepayment discount of \$26,140. This discount is equivalent to 3.73% of the total price of the fire apparatus. Staff request to add \$2,100 to the \$673,855 for three fire department personnel to travel to E-One's Ocala, Florida facility to conduct a final inspection of the Fire apparatus. The total amount will be \$675,955 for the purchase of this fire apparatus, which is \$126,145 below the budget or 15.7%.

Respectfully submitted for Council consideration,

Prepared by:

Reviewed by:

Financial review by:

Les Siron
Deputy Fire Chief

Mike Kimmerling
Fire Chief

Patti-Lynn Silva
Director of Finance

Recommended by:

David A. Hales
City Manager

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

HP 75



HP 75

INTEGRAL FLY SECTION:

The ladder tip is integral to the ladder fly section for maximum strength. The full-height, full-length handrail aids in working from and getting on and off the ladder tip. 50-lbs of firefighting equipment is included in the 550-lb capacity. A retractable, pinnable waterway is an option.

TWO PEOPLE AT THE TIP:

The HP 75 is designed with a 550-lb. rated load capacity and a 2.5 to 1 structural safety factor as defined by NFPA 1901. This exceeds the NFPA 2 to 1 requirement. In addition, the HP 75's safety factor calculation includes water in the pipes. When flowing 1000-GPM, the HP 75 maintains a minimum 2 to 1 safety factor with the nozzle reaction.



HP 75 SideStacker DESIGN:

The SideStacker® has the following unique features:

- Allows for repacking the hosebed without moving the aerial device
- Short 210" wheelbase with 45 degree steering cramp angle
- 500-gallon water tank capacity
- Water tank sits on frame rails for a lower center of gravity
 - others have tanks above ladder storage areas
- NFPA 1901 "aerial" complement of ladders (115')
- Full-depth and full-height left-side compartments
- All the above features can be provided on as little as 18000 front and 31000 rear axle



ALL EXTRUDED-ALUMINUM CONSTRUCTION:

The HP 75 has the widest ladder sections and highest handrail height to facilitate personnel movement.

Using high strength 6061-T6 aluminum-alloy extrusions achieves a high strength-to-weight ratio resulting in an extremely strong and lightweight aerial ladder. The aluminum ladder is corrosion-resistant for extended years of service. Ladder sections are "K"-braced for added strength. Ladder rungs have an integral slip-resistant surface eliminating the need for rubber rung covers. The swirled, natural finish requires little maintenance and painting of the aerial is not required. Welds and associated ladder assemblies are easily inspected.



LEFT BODY SIDE:

The SideStacker has a convenient angled staircase for turntable access on the driver side. The left-side rescue body provides full-height 24" deep upper and 26" deep lower compartments for maximum storage space. Left and right sides combine to a total of 154 cu. ft. of storage. Optional painted roll-up doors compliment the appearance of this apparatus.

AIS:

The optional Aerial Information System (AIS) with mission-specific screens provide the operator with vital information such as available tip load, water flow information, percent of aerial extension, distance to ground, temperatures and much more.





Short jack system available with alley jacking mode.

SPECIFICATIONS

Chassis

- Typhoon, Cyclone II or Quest chassis
- Wheelbase: 210" to 230"
- Cummins Engines
- Allison EVS 3000 or 4000 transmission
- Medium, long and extra long cabs
- ALS compartments with interior and exterior access

Aerial

- 550-lb rated capacity, wet or dry
- Waterway with 90 degree nozzle side sweep

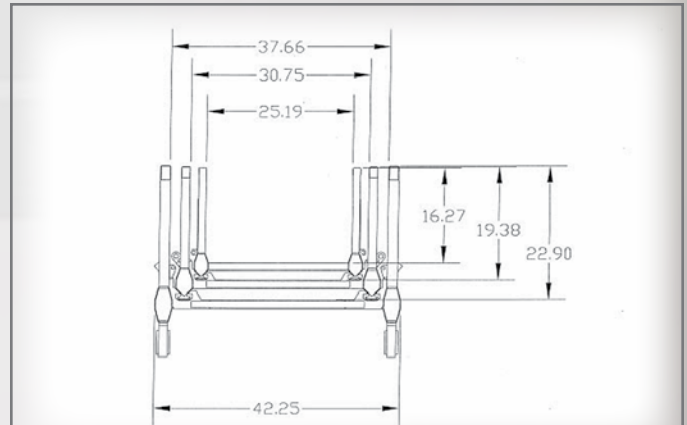
Body

- 115' ground ladders
- Overall height of 11'4" (+/- 1)
- Overall length of 37'7"
- Hale or Waterous Pumps
- CAFS optional
- 154 cu. ft. of storage
- 55 cu. ft. hosebed
- 800-1000' of 5" hose and 300' of 3" hose
- Hydraulic generators
- 2.5 to 1 structural safety factor
- No pins needed to set stabilizers
- 16' jack spread
- Short jack system optional



NFPA 1901 Required Load Chart

The HP 75 aerial is rated in multiple configurations clearly shown on a permanently mounted load chart on the ladder base section. Tip-loads and distributed loads are graphically depicted eliminating the need for any auxiliary load sensing systems. An inclinometer is standard equipment on all load charts.



Ladder cross section

