

**MINUTES**  
**BLOOMINGTON PLANNING COMMISSION**  
**REGULAR MEETING,**  
**WEDNESDAY, MAY 8, 2013, 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, Mr. Jim Pearson, Mr. Bill Schulz, Mr. Ryan Scritchlow, Mr. David Stanczak, Mr. Charles Stuckey, Mr. Robert Wills

**MEMBERS ABSENT:** Mrs. Julie Morton

**OTHERS PRESENT:** Mr. Kevin Kothe, City Engineer  
Mr. Mark Woolard, City Planner

**CALL TO ORDER:** Chairperson Cain called the meeting to order at 4:05 P.M.

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

**PUBLIC COMMENT:** None

**MINUTES:** The Commission reviewed the February 27, 2013 minutes. In the first sentence under new business, “secondly” is to change to “second,” and a coma added after “two”. Mr. Balmer moved to approve the February 27, 2013 minutes as corrected. Mr. Stanczak seconded the motion which passed by a vote of 9 to 0 with the following votes being cast on roll call: Mr. Cain--yes; Mr. Stuckey--yes; Mr. Wills--yes; Mrs. Morton--absent; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--yes; Mr. Scritchlow--yes; Mr. Stanczak--yes; Mr. Diamond--yes.

**REGULAR AGENDA:**

**PS-01-13. Public hearing and review on the petition submitted by Interchange City West, LLC, requesting the approval of a Reinstatement of a Preliminary Plan for the West Gate Plaza Subdivision, for the property located north of Illinois Route 9, east and west of Interstate Drive, consisting of approximately 22.85 acres.**

Chairperson Cain introduced the petition. Mr. Woolard stated the reinstatement was requested because the preliminary plan has expired. He explained there are no changes associated with this particular petition and staff is recommending approval. Chairperson Cain opened the public hearing. Mr. Robert Lenz, 202 N. Center, stated he is representing the petitioner. The preliminary plan has expired by time as a function of the market. Both petitions PS-01-13 and PS-02-13 were presented at the same time.

**PS-02-13. Public hearing and review on the petition submitted by Interchange City West, LLC, requesting the approval of an Amended Preliminary Plan for the West Gate Plaza Subdivision, for the property located north of Illinois Route 9, west of Interstate Drive, consisting of approximately 11.81 acres.**

Chairperson Cain asked if there were any members of the audience who wished to speak in favor or against either of the two petitions and no one responded.

Mr. Balmer questioned if the concerns from engineering staff had been addressed. Mr. Lenz stated their engineers have been in communication with city engineering and thought the issues have all been resolved or they are simple matters that can be adjusted. Mr. Kothe explained there are still concerns and they are not in the document reviewed by the Commission and thus the items need to be provided in any approval.

Chairperson Cain closed the public hearing for cases PS-01-13 and PS-02-13.

Mr. Stuckey moved to recommend to the City Council to pass case PS-01-13. Mr. Balmer seconded the motion which passed by a vote of 9 to 0 with the following votes being cast on roll call:

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

Mr. Stuckey moved to recommend to the City Council to pass case PS-02-13 subject to the six conditions identified by the memo of April 25, 2013 from the city engineer. Mr. Stanczak seconded the motion which passed by a vote of 9 to 0 with the following votes being cast on roll call:

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

**PS-03-13. Public hearing and review on the petition submitted by FOB Development, Inc. requesting the approval of a Preliminary Plan for a Portion of Empire Business Park, Third Addition, for the property located north of Illinois Route 9 and east of Trinity Lane, consisting of approximately 14.2 acres.**

Chairperson Cain introduced the petition. Mr. Woolard explained the revision is for only a portion of the larger preliminary plan area. One of the streets is proposed to be extended to Deneen Drive. Staff would like to see more sidewalks shown on the plan. He also reviewed the consistency review which also identified the need for sidewalks as well as for a provision accommodating a transit stop. Staff recommends approval provided the items are addressed. There was discussion on features, such as sidewalks, of the development that could be provided to improve the consistency rating.

Chairperson Cain opened the public hearing. Mr. William C. Wetzal, 115 W. Jefferson Street Suite 400, stated he is the attorney for the petitioner and the project is designed such that they can present their needs to buyers. He explained sidewalks have been a big issue. He said there are no sidewalks in that area now and did not know what would be served by putting one in now. He said the city is willing to sacrifice a sidewalk on Magory for one on Empire where he does not know where it will go.

Mr. Neil Finlen, 2709 McGraw Drive with Farnsworth Group stated this is a case where commercial development has evolved. There will be a street which will not be a dead end and the developments are high end. Nine of the ten engineering comments have been addressed. He said the developers would place sidewalks on both sides of Magory which is their preference. They would rather not have the sidewalk in the IDOT right-of-way. He illustrated on an aerial photograph that there is about four miles without sidewalks along Empire. Sidewalks are in

place so one could walk from the medical office to the McDonald's. He also stated that there will be provision for a bus stop.

Mr. Kothe stated the developer has addressed everything except the sidewalk. He explained how times have changed over the years and there are a lot of miles without a sidewalk. The city now has a state right-of-way where people are walking without a sidewalk and people have actually worn a path where they were walking and those who were not walking there were in the street which is even more dangerous. The speed limit on 51 is the same as out on Empire Street. On Empire we have had a request for pedestrian access. On south Main the city had to foot the bill. The accommodations need to be provided as we move forward and the state is okay with such. There will be a separation between the walk and the road pavement.

Mr. Pearson said the city is not asking for that much in order to have connectivity. Mr. Kothe said a compromise would be to have a sidewalk on the north sides of Empire and Magory and not on the south side of Magory. He does not see a downside for the developer but an IDOT permit would be required. Chairperson Cain asked what the city is thinking for sidewalks east on Empire. Mr. Kothe said there is a sidewalk master plan drafted but it has not been adopted. The first goal would be on one side of Empire and ultimately on both sides without having to be in the shoulder or getting muddy in the field.

Mr. Finlen stated it is not a cost avoidance issue and their preference is to put sidewalks on both sides of Magory. He said the south side of Magory would be used more. He said it is a functional issue. There was more discussion on sidewalk locations in the area.

Chairperson Cain asked if there were any members of the audience who wished to speak in favor or opposition to this case. Mr. Bruce Meeks, 1402 Wright Street asked if everyone has seen the preliminary sidewalk master plan and Chairperson Cain responded with no. Mr. Meeks stated this reminded him of how a downtown development committee came up with ideas but the Liquor Commission could not enforce it because there was nothing to follow. Having a plan does not mean there is a legal requirement to follow it. He said you are being put into a position to follow a master plan with this being the first piece to follow and it is wrong to place that pressure on you and the developer. He said it sounds like we would be building a sidewalk to nowhere. He is all for having more sidewalks in the community. He said a compromise that they amend their plan such that they will put a sidewalk in on Empire once city provides their 30 percent and IDOT provides their 30 percent. All the pressure should not be put on them because they are putting it in their subdivision. He had concern over this being held up; going to city council with a C rating based on what Mclean County Planning Commission telling us to do without input; and we are holding them up on a master plan that has not been seen.

Mr. Wetzel stated he watched the evolution of the planning process of sidewalks and does not think there will be significant foot traffic because of the business nature of the area. He is concerned about an invitation for someone looking for a sidewalk 200 feet long and does not know who would get to the sidewalk. He said IDOT owns the right-of-way and does not know what they can do to convince them to allow a sidewalk and with an obligation to build it, they could be stuck. He does know what the purpose would be and does not see people walking on Empire. He does know if he thinks they can do it and it is not a good trade for the one on Magory. Mr. Balmer asked how many people live in those subdivisions. Mr. Wetzel stated there are a huge number of people that live in Wingover and they are within walking distance of

several businesses but there are no sidewalks. He said they would come up to walk up to Magory and then down to McDonald's. He does not know the cost of putting a driveway in the right-of-way and what IDOT will impose. He does not expect that IDOT will issue a permit but it is possible. There was discussion that the sidewalk being built on Route 9 condition upon an IDOT approval. Mr. Wetzel compared the IDOT approval and a long time for such with the thirteen years for a railroad crossing which still has not been approved.

Mr. Diamond questioned Mr. Kothe as to how difficult it would be to get IDOT approval. Mr. Kothe stated it would not be difficult at all and how they approved it on South Main Street where the sidewalk is much closer to the road. IDOT permits are given all the time to developers to install water and sewer mains and it is not IDOT's mains. The city needs to sign off on the mains and maintain them but Mr. Kothe said he does not see any issue for the sidewalk as long as the city signs off on it.

Mr. Woolard said the state is pushing for more pedestrian access in their right-of-way in many communities and there is a much greater risk if no sidewalk is installed because people will be walking right on the shoulder which is closer to traffic.

Mr. Wetzel suggested tabling the review to provide time to determine feasibility of a sidewalk permit.

Chairperson Cain closed the public hearing. The Commission discussed the sidewalk and whether to lay the case over and on having the city or developer being responsible for putting in a sidewalk and laying it over. There was an emphasis on only bringing clean proposals to the Commission.

Mr. Pearson moved that the Planning Commission lay the case over until the next meeting to allow the petitioner to clean up the submittal based upon the city staff comments and allow the city staff to come back with a new recommendation. Mr. Stanczak seconded the motion which passed by a vote of 9 to 0 with the following votes being cast on roll call:

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

**OLD BUSINESS:** None

**7. NEW BUSINESS:** None

## **8. ADJOURNMENT**

There being no further business to come to the Bloomington Planning Commission's attention, Mr. Wills moved to adjourn and the motion was approved unanimously. The meeting was adjourned at 6:01 p.m.

Respectfully submitted,

Mark Woolard  
City Planner

For further information contact:

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