

**MINUTES**  
**BLOOMINGTON PLANNING COMMISSION**  
**REGULAR MEETING,**  
**WEDNESDAY, JANUARY 9, 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, Mrs. Julie Morton, Mr. Jim Pearson, Mr. David Stanczak, Mr. Charles Stuckey (arrived 4:04), Mr. Robert Wills

**MEMBERS ABSENT:** Mr. Bill Schulz

**OTHERS PRESENT:** Mr. Mark Huber, Director PACE Department  
Mr. Kevin Kothe, City Engineer  
Mr. Mark Woolard, City Planner

**CALL TO ORDER:** Chairperson Cain called the meeting to order at 4:00 P.M.

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

**PUBLIC COMMENT:** None

**MINUTES:** The Commission reviewed the December 12, 2012 minutes. On page one “December 14”, is to be “December 12” and near the bottom of that page “need” is to change to “needs”. The first phrase under New Business is to be deleted. Mr. Pearson moved to approve the December 12, 2012 minutes as corrected. Mr. Balmer seconded the motion which passed by a vote of 8 to 0 with the following votes being cast on roll call:

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

**REGULAR AGENDA:**

**Z-06-12. Public hearing and review on the petition submitted by James A. Shirk and Beer Nuts, Inc. requesting the approval of a Rezoning from M-1, Restricted Manufacturing District to B-1, Highway Business District, for the property commonly located at 911 and 921 E. Washington Street.**

Chairperson Cain introduced the petition. Mr. Woolard highlighted the nearby zoning and land uses and explained the petition is a down zoning in that the industrial uses are more intense and objectionable than in a business zone. The project is a mixed use proposal of residential and retail and staff feels it is compatible with the variety of nearby uses. Mr. Huber explained the processes involved for the development and stated the current zoning allows for a vast mix of uses. The Planning Commission’s primary focus is to look at whether the B-1 zoning is compatible in this particular location. The Constitution Trail has a long term easement and will not be affected by the development.

Chairperson Cain opened the public hearing and asked the petitioner to present their case. Mr. William C. Wetzel, of 115 W. Jefferson Street explained the use is for an infill area and the area will benefit from the project. It will be upscale residential and will be accessible to the trail. They had a neighborhood meeting in November and they tried to include everyone. More detail will be presented here than needed for a rezoning since it is part of a package and when the City

Council acts it will be with recommendations from the Commission and the Zoning Board of Appeals. The city does have an easement for the trail and there is nothing any owner could do to take away the rights given to the city. The trail is an amenity that fits well with the project.

James A. Shirk, 103 N. Robinson Street, explained how they first acquired the property and they made the business decision after the trail development separated them from the newly acquired property across from the trail and their expansion to the east was foregone. Now they have worked to determine what to do with the site and Kyle has done the research for what will work.

Kyle Glandon, 2117 W. Homer, Chicago, Illinois, stated the proposal is for a mixed use project with two buildings of 7,000 square feet of retail in each and a total of 32 apartments. The parking on the north side of the project will be for retail and the south side will be for the apartments with ten units having garage parking. The trail is a popular resource for the community and the purpose of having the retail there is to find tenants who can take advantage of the trail. This will create an amenity for the retail and for the tenants. The building is set back 115 feet instead of 30 as required so the scale of the project will not be perceived as being right on the street. The signage will be tasteful to appeal to the residential tenants as well as the neighbors.

Mr. Wills asked what is the main argument for going from M-1 to B-1 and Mr. Wetzel stated it is the only way to get the project built. Mr. Huber stated often ordinances are set up such that a use allowed in the lesser zoning can be put in the other zones but our code is set up for compatibility and there are no allowances for residential in M-1. Residential is allowed as a special use in B-1.

Chairperson Cain asked if there were any members of the audience who wished to speak in opposition to the petition. Kate Watson, 1016 E. Front Street, stated Front Street is a little residential street that will be greatly affected. They did not have the luxury of knowing about this for very long and Front Street was not included in the November meetings. She has talked to about ten home owners and out of them she and her husband were the only ones to receive a letter. Front is very narrow with sidewalks right on the street and their biggest concern is over the traffic flow from Mcclun. The city buses go down there both ways. People go from Normal to Bloomington down Linden, Davis and Mcclun. She said we are concerned about the outlets and if there has been any traffic studies concerning Mcclun. Front and Mcclun are in no shape to handle an influx of traffic. She asked if there have been any traffic studies done. Mr. Kothe stated that there has not been a study for this development. He said in the past there have been studies done at the intersection of Mcclun and Grove and requests for an all way stop has not met warrants. Ms. Watson said they are very upset that they were not informed since they are smack in middle of the project. They are a little street, two cars cannot go down it and they have major parking issues. They are afraid people might try to leave the development through the Mcclun Street exits and zip down Front. They feel they have not been fairly given a voice in the impact.

Lisa Texeira, 206 S. Clinton, stated she echoes everything said about Front and traffic is also her concern and she did not get the notification either. Clinton is very busy and she has witnessed accidents. She said she has mixed feelings because something is going to happen to the property. It is a business zone and that worries her and she wishes she could change it all into a nice park. It is a concern with that many more cars because just trying to find a place to park on her street or on Front is a big problem. At 7:00 or 8:00 in the morning it is really dangerous there and her main concern is traffic and a study needs to be done.

Mary Mooney 1120 E. Grove Street, stated there will be a lot of turnover with rentals. They petitioned and were awarded the R-1 zoning to avoid the historic homes being used for multi-family tenants. The property borders Dimmetts and Founders Grove. There is the historic aspect and there already are multiple traffic issues and this will increase and compound those issues. No one east of the project was notified of the meeting. There is a concern about the rentals with a lot of transition, turnover and if they sit empty.

Patti Geske, 1020 E. Front Street, stated the development definitely impacts her and everyone on her block because they feel a definite connection to the Beernuts growth and the neighborhood and its integrity. They received an incredible amount of traffic when Washington Street was closed and they have many young children. The rentals will have children and they will park on Front Street a block from the school. She wants to know what traffic patterns will be put in place when the building will be taking place. Retailers will also have trucks. They are for commerce but not at the sake of losing history.

Kathy Spahn, 1003 E. Front Street, stated she has the same concerns and it was awful when Washington was closed, especially at Grove and McClun where it is an awful corner anyways with so much traffic. People have parked such that she could not get out her own driveway. She also is concerned about what type of businesses will go in there and does not want things like a tattoo parlor.

Chris Nyweide stated he and his wife live at 1005 E. Jefferson Street in a historic district and nothing has been said about that today. They also own a property on the Washington Street side and a lot next to them on Jefferson. All of these are within shouting, hearing and sight distance of the property in question and they have a very strong interest in what is going on. He said to the north of the property is the historic district which has not been mentioned. It is right across the street and is single-family residential. The district has been there for over a hundred years. Also to the east is mostly residential and there is a lot of concern with all the residential nearby. There is residential on both sides. All of this property has evolved over time but there has been no manufacturing for decades however on their side of Washington it has become a lovely area and gateway to the David-Jefferson Historic District and the David Davis Mansion, one of the best parts of Bloomington. As to the reference about the subject site being historic, there is nothing left. There are no railways, buildings, railway station and manufacturing has long since left. It is not compatible with the manufacturing aspect, yet the single-family continues to thrive. In the B-1 there are over 200 businesses that could go in there and that is a concern. There are 80 proposed parking spaces in front and people are going to have to go in and out. There already are a lot of people cutting through now. The question is will it be compatible with the single-family uses. Also there are not any businesses in there and it is the business that is the concern.

Mike Kerber, 406 N. Linden Street, stated his concern is the retail and the traffic it will generate. He is happy there will be apartments.

Becky Bols, 1018 E. Front Street, stated she has concerns about the traffic on Front Street and they get a lot of traffic from the school and not just for school but for many other events at the school. The funeral home also creates a lot of traffic and the whole street is filled with parking for visitations. In the fall and winter because of the leaves and snow, people park farther from the curb and it makes the street skinny and it is hard to pass and people get their speed up. The proposed garages could be used for storage and not parking. There also will not be room for

guests and thus people will park on Front Street. She questioned where the employees will park. A semi parks on Mcclun now when they make deliveries and it is very hard to get around it. The school has employees who park on Front and it is not equipped for extra parking on the street.

Amanda Zook, 1033 E. Front Street, stated her biggest concern is what audience will be targeted and having rentals will bring a younger crowd and is concerned about parties. She also is concerned about what types of businesses are being recruited. She is concerned about traffic and right now it is impossible to drive down the street on a normal Saturday and that is when there are no teachers around. It is very difficult to drive down Front Street now and it is impossible to see people around the delivery vehicle. She is concerned about the safety aspect with the kids and how this area could be used for a community center or a park for the kids to go.

Tim Watson, 1016 E. Front Street, stated traffic is a concern. The rendering is beautiful with the trees. He is concerned about trucks, lighting, garbage trucks and where the trash will go and traffic by the stop sign. On Front and Mcclun there is no green space next to the curb. The apartments are a concern regarding crime and rental turnover. Traffic is especially a concern.

Mark Menken, 1024 E. Front Street, said his concern was for how much percentage of the apartments can be used for section eight housing.

Beverly Miller, 1029 E. Front Street, stated she agrees with the apartments and the traffic on Front Street is still there. She is concerned about the apartments and the retail generating traffic onto Washington, Grove, Mcclun, State and all of the area.

Chairperson Cain asked if there were any members of the audience who wished to speak in favor of the petition. Gary Erwin, 816 E. Washington Street, stated there is always friction between residential and commercial. In today's economy we need sensitivity to jobs and employers. This is a great opportunity to develop some jobs and increase the tax base. He said you need to look at the Shirk family. Although there are no guarantees, he has been a wonderful neighbor, committed to the community, will probably not have tattoo parlors or 4:00 a.m. bars, and being next to the family business he will not do something against their heritage. He maintains the green space and the empty lot but it is not a good business plan. He closed the door for M-1 development for the trail. Retail would enhance the trail experience. He has heard nothing other than traffic that is a down side and traffic issues come with progress which is needed. He does not want to forego a reasonable development for some traffic issues which we already have and with sensitivity they can be lessened. He cannot think of a better use than what is proposed.

Sue Mescher, 1007 E. Washington Street, stated you cannot compare traffic on Washington, a thoroughfare, with traffic on Front Street and she would not let children play in the front yard. It is our responsibility to teach the children. The drawing is awesome and it will be a boon to the economy. There will be more people close to the historic area that can learn about our history. The college students will not want to live that far from campus and these will be higher end apartments and she does not think students will live there.

Chairperson Cain asked if there were any members of the audience who had questions, or who wished to speak in opposition or in favor of the petition and no one else responded.

Mr. Wetzel stated once this is approved by the Council they will begin construction in the spring. He said he does not know how they identified people to invite to the neighborhood meeting but he thinks what was done was to give notice similar to how the city does it. They did want to hear from anyone who had an opinion to be prepared for what they were doing here today. The Washington Street project was a burden on many streets and a disruption but that was different from this project. He said he believes if he was a tenant, worker or customer in these buildings he cannot imagine going east on Front Street more than one time and this is not something that will generate a lot of traffic. The tenants will to some extent be users of the trail. If there were a rezoning request for R-3A apartments there would be wholesale objections. The Shirk family will continue to own this project after it is built and will have a high level of interest in watching the retail component. They will have high end apartments and without students or section eight and they will have jobs. The commercial and apartments components are necessary to justify the project cost and are inseparable. There will not be a lot of traffic from this project on Front Street. They will not park on Front Street because you cannot park there now. He said if this project is not built there will be something there and it is an M-1 zone. It deserves your support.

Mr. Glandon stated the apartments rent will be in the \$1100-1200 range and will have young professionals.

Mr. Wetzel said the parking will be as required in the code and no off-street parking is planned but if there is a major event of some kind he is not suggesting that people will not park on Mcclun. Lighting will be compatible with what they are doing and will meet the code. A buyer with an M-1 use could go in and we would not even be here.

Ms. Watson reiterated that the concern is the increase of traffic coming onto Mcclun and whether the area can take it. We know people will go down Front Street once and not want to go down it again but there are many thousands of people that will do just that. We want to drive home the changes that will be made with 32 people going to school and work and that is a big increase in traffic and Mcclun cannot handle it and we will be boxed in. We will be at a huge disadvantage and we were overlooked and hope you will consider where we live and our lives.

Chairperson Cain closed the public hearing.

The Planning Commission expressed gratitude for everyone's participation. They discussed the need to look at how it will not remain vacant and with M-1 you may have much truck traffic. Although traffic is a concern there is still the need to look at what land uses could go in if we do not change it from the M-1 zone. Mr. Wills stated the city in seeing this developed, should consider street work for Mcclun and Front Streets. There were comments about how the city should look into the traffic patterns and do a traffic study at some point and help the people on Front Street. The city could benefit as a whole as businesses feed off the constitution trail and we want to encourage people to not have to get in and out of their cars. Mr. Stanczak stated B-1 is clearly a preferred choice and although a petitioner is not committed under the law to follow his plan, the plans presented reflect a lot of fore thought and are close to optimum for the area.

Mr. Wills moved that the Planning Commission recommend the City Council approve Case Z-06-12. Mr. Balmer seconded the motion which passed by a vote of 8 to 0 with the following votes being cast on roll call:

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

**Z-07-12. Public hearing and review on the petition submitted by the City of Bloomington, Illinois, a municipal corporation, requesting the amendment of Chapter 44 (Zoning), of the Bloomington City Code, Section 44.3-2, Definitions and Section 44.4-4, Accessory Buildings and Uses and Section 44.6-30, Table of Authorized Uses Principal Uses in Each Zoning District to address Mobile Food and Beverage Vendor.**

Chairperson Cain introduced the petition. Mr. Huber explained the code does not fit well for mobile businesses. It is not allowed in the university district, only allows the use to be seasonal, and requires a permit for every location. The amendment addresses these issues and will make it easier for the vendors to operate and for us to regulate the operation.

Chairperson Cain opened the public hearing and asked if there were any members of the audience who wished to speak concerning the case and no one spoke regarding the petition.

There was a discussion on the number of sales allowed in the ordinance. Mr. Huber explained the low number was intended for garage sales.

Stephen Block, of 710 E. Bell explained the mobile sales has been his dream and his objective is to serve great food with something special and said the change organizes the code and makes it easier. Mr. Wills asked if he had any concerns with the amendment and Mr. Block stated it will help tremendously and is great.

Mr. Huber explained that if a vendor does not have permission to be on the site that would be trespassing. The ordinance does not allow for sales on the street but has to be on private property. He continued with how now every time they want to move they must get approval. There was a discussion on the reference to licensing, how some foods are not licensed by the health department and food for individuals verses a group. The Commission had three minor typographical changes to the amendment.

Chairperson Cain closed the public hearing.

Mr. Stanczak moved to recommend approval with the changes noted for of Case Z-07-12. Mr. Balmer seconded the motion which passed by a vote of 8 to 0 with the following votes being cast on roll call:

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

**Z-08-12. Public hearing and review on the petition submitted by the City of Bloomington, Illinois, a municipal corporation, requesting the amendment of Chapter 44 (Zoning), of the Bloomington City Code, Section 44.3-2, Definitions and Section 44.6-30, Table of Authorized Uses Principal Uses in Each Zoning District to address distribution centers and transfer station.**

Chairperson Cain introduced the petition. Mr. Huber explained this is designed to clean up the code with definitions for distribution centers and transfer stations and by modifying the table of authorized principal uses in each of the zoning districts.

Chairperson Cain opened the public hearing and asked if there were any members of the audience who wished to speak concerning the case and no one spoke regarding the petition. Chairperson Cain closed the public hearing.

Mr. Balmer stated the definition for distribution centers is vague and how it could apply to retail outlets. The Commission discussed how originally they thought it should not be vague. Mr. Balmer said he would like to see it more closely defined. Mr. Stanczak stated his biggest concern was that he was not sure how we would differentiate a distribution center from say an appliance store but if you are locating distribution centers in the same districts as what it might be confused with, then there would be no harm in the definition but he also wondered if it would be located in an area where it does not belong. Mr. Balmer will work on the language.

Mr. Stanczak moved to lay this case over. Mr. Balmer seconded the motion which passed by a vote of 8 to 0 with the following votes being cast on roll call:

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

Chairperson Cain said the case was laid over to the next meeting.

**OLD BUSINESS:** None

## **7. NEW BUSINESS:**

### **A. Election of Officers**

Mr. Balmer moved to nominate Mr. Cain for chairman and Mr. Stuckey for vice-chairman.

Discussion on the motion: Mr. Diamond said the team has been doing a great job. Mr. Pearson seconded the motion which passed by a vote of 8 to 0 with the following votes being cast on roll call:

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

## **8. ADJOURNMENT**

There being no further business to come to the Bloomington Planning Commission's attention, Mr. Balmer moved to adjourn and Mr. Stuckey seconded the motion which was approved unanimously. The meeting was adjourned at 6:29 p.m.

Respectfully submitted,

Mark Woolard  
City Planner

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