

MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, JUNE 25, 2014, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS

MEMBERS PRESENT: Mr. Wills, Mr. Diamond, Mr. Balmer, Mr. Scritchlow, Mr. Cornell, Mr. Suess, Mr. Cain, Mr. Stanczak, Mr. Pearson

MEMBERS ABSENT: Mr. Stuckey

OTHERS PRESENT: Mr. Mark Woolard, City Planner
Ms. Vasu Pinnamaraju, Executive Director of McLean County
Regional Planning Commission
Mr. Jim Karch, Director of Public Works
Ms. Angela Fyans-Jimenez, Deputy Corporation Legal Counsel

CALL TO ORDER: Chairman 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 and approved the June 11, 2014 minutes. Mr. Balmer moved to approve the June 11, 2014, minutes as written. Mr. Stanczak seconded the motion which passed by a vote of 8-0 with following votes being cast on roll call: Mr. Diamond-yes; Mr. Balmer-yes; Mr. Scritchlow-yes; Mr. Cornell-yes; Mr. Cain-yes; Mr. Suess-yes; Mr. Stanczak-yes; Mr. Pearson-yes; Mr. Wills-absent; Mr. Stuckey-absent.

REGULAR AGENDA:

PS-03-14. Public hearing and review on the petition submitted by RBT of Illinois, Inc., requesting the approval of an Amended Preliminary Plan for the Harvest Pointe Commercial Subdivision, for the property commonly located north of Illinois Route 9, west and east of Harvest Pointe Boulevard, consisting of approximately 14.3 acres.

Chairman Cain introduced the case. Mr. Woolard stated there are many unresolved issues for the preliminary plan. The city attorney and the developer's attorney have been working toward a development agreement, but need more time. Staff recommends laying this case over for a month. Mr. Balmer asked if the issues that were previously brought forward had been addressed. Mr. Woolard stated the attorneys and engineering are working on the details. Mr. Cornell stated that there were no signs displayed at the subdivision site. Mr. Woolard will make sure the sign is up.

Chairman Cain invited the petitioner to speak. Mr. Neil Finlen, 2709 McGraw Drive, was sworn in and stated the preliminary plan will depend on the development agreement. He stated the major items to be addressed include the turn lane, punch list and drainage. He requested to keep this case on the agenda for an option to share the results.

Chairman Cain opened the public hearing and invited anyone to speak in opposition of this case. Ms. Denise Wilson, 2908 Mockingbird Lane, was sworn in and stated she represented her Aunt Leta Snyder who owns the farm land across Route 9 from the proposed development. She stated the recent subdivision development has caused an increase in farming expenses due to improper water drainage. She said that since 2006 there have been multiple meetings between Neil Finlen, an uncle, Aunt Leta and Mr. Benjamin, the tenant farmer, concerning standing water and storm sewers. Ms. Wilson stated there is a continued concern over the lack of follow through from Mr. Finlen. She distributed photos of the area showing a current water way on which the proposed building will stand. The photos also included views of standing water, erosion, cattails and fowl life which are thriving from the improperly drained water. She stated with heavy rains, the water floods into the field and has washed out crops. With the proposed addition of the flat paved surface, the water runoff will only escalate the existing problem. The extra water passing through the farm tile prematurely decreases the life span of the tile. Ms. Wilson stated with the current water runoff issues and eight years of a lack of follow through with their subdivision, she is opposed to the addition and asked that further development not be considered until the current issues are resolved.

Mr. Diamond inquired about the status of the punch list items. Ms. Wilson stated she was not aware of any items that have been addressed.

Mr. Finlen stated if there is a document that needed to be clarified, he will provide such and he invited further discussion with the farm owners to see what might be mitigated in regard to the downstream flow or erosion problems. Mr. Finlen acknowledged one of the prime items on the punch list is drainage. The rules for the water flow are solid and he can not deviate such as with the new addition. The details will need to be in place before anything can be completed on the project. He stated on the north side of Route 9 there are cattails because the storm sewer system has not been completed. The installation of a 48" diameter pipe was intentionally delayed because the commercial plan was not confirmed. This project will complete the storm sewer system.

Mr. Karch explained any water runoff detention changes are directed by city ordinance. The development of farmland includes paving and compaction which results in changes in the soils ability to absorb and release water. He said the water runs off much faster and that's the reason for the detention basin to slow the release of water. The key management component is the development agreement which will address the necessary corrections. Mr. Karch suggested pulling the case from the agenda until the development agreement is completed.

Chairman Cain asked if there were any other questions or comments from the audience and no one spoke. Chairman Cain closed the public hearing.

Mr. Diamond moved to pull the case and invited a reapplication once all of the items have been addressed. Mr. Balmer seconded the motion.

Case PS-03-14 passed by a vote of 9 to 0 with the following votes being cast on roll call: Mr. Wills-present; Mr. Diamond-yes; Mr. Balmer-yes; Mr. Pearson-yes; Mr. Stanczak-yes; Mr. Scritchlow-yes; Mr. Cornell-yes; Mr. Suess-yes; Mr. Cain-yes; Mr. Stuckey-absent.

Z-04-14. 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 44.7-2.H, Minimum Number of Street Parking Spaces Required to address Parking for Senior Housing.

Chairman Cain introduced the case. Mr. Woolard gave a brief history of the requested text amendment which developed from a variance request. He explained the research on parking requirements for senior housing in other communities is much less restrictive which lead to this text amendment. Staff is recommending approval for the change in parking requirements.

There was discussion on the definitions, the definition of employee and the intent of chart concept 1 and 2.

Chairman Cain asked if there were any questions, comments, or anyone in favor or in opposition from the audience. Mr. Richard L. Veitengruber, 1222 S. Mason, was sworn in and said he is against the proposed chapter 44 code amendment. He stated he doesn't believe the reason for amending the code is valid. There have been numerous senior housing projects built in Bloomington under the existing code without any issues. The code change for this particular project seems drastic and without much discussion. This project was brought up last month and the city wants to change the code one month later. He stated there are avenues to get what they want without changing the code. The former director of PACE, who represented this case at last month's Zoning Board of Appeals meeting, decided to change the code and go to the planning commission, because the code was outdated. Mr. Veitengruber stated the code was not outdated last month and there seems to be a lot of questions to be answered. He asked many questions such as: how this change would affect businesses that applied for variances and/or followed the code all these years. What are the negatives and positives to less parking? When was the code last changed? He asked for answers to these and many more questions before a change is made to the city code. Mr. Veitengruber encouraged a 'no' vote of this commission stating that any code change should require study and justification and not just a change for the sake of benefiting one project.

Chairman Cain asked if there were others in favor or in opposition to the petition and Mr. Hadley Phillips, 1062 Woodberry Lane, Charleston, IL, was sworn in. He stated that he is one of three partners who are looking to develop an assisted and memory care units in this area. Mr. Phillips explained how the concept of an assisted living facility is different than that of a nursing home. He stated that last code update may have been some thirty three years ago when nursing homes with high populations were being built. Today's assisted living facility has a limited amount of people which is around 50 to 60 people at this assisted living facility. Mr. Phillips stated his partnership has built many facilities since 2008 with five more buildings going into the ground at this time. About 30% of the residences drive with approximately 15 staff, no visiting physicians and the memory care residents would not have a car. The current 119 parking spot recommendation will never be full based on the ten facilities his company has opened.

Mr. Dan Muhs, Austin Engineering, was sworn in and stated he works with Mr. Phillips. Mr. Muhs stated when more unnecessary parking spaces are added, then that is more water runoff. He stated it's important to protect farm land and green space.

Chairman Cain asked if there was anyone else who had questions or was in favor or in opposition and no one spoke. Chairman Cain closed the public hearing. Chairman Cain suggested we need for more time for dialogue and for the commission to digest the information.

A discussion ensued regarding the details of this case, variances, standards, current code requirements and possible changes. Mr. Diamond stated the handicap parking at 10% may require too many spaces. Mr. Stanczak acknowledged changing the code specifically for one project is not appropriate, however the information presented seems to justify lowering the required parking for similar projects. Mr. Pearson stated the purpose behind the parking requirements was to keep the city streets from being congested. He also stated that the parking needs to fit the particular facility without acres of empty asphalt and if the code has been out of touch, that doesn't justify keeping the code the same. Mr. Balmer stated his observations of many significant discussions in which the code did not address the issue at hand and there is a need for code updates in many areas. Mr. Pearson stated this is not a code change to accommodate one applicant rather many times a variance is requested, not because there is something wrong with the application, but rather the standard that the code is asking for compliance to is something unrealistic.

Mr. Balmer moved to layover the case pending clarification of terms and further review. Mr. Stanczak seconded the motion which passed by a vote of 9 to 0 with the following votes being cast on roll call: Mr. Wills-yes; Mr. Diamond-yes; Mr. Balmer-yes; Mr. Pearson-yes; Mr. Stanczak-yes; Mr. Scritchlow-yes; Mr. Cornell-yes; Mr. Suess-yes; Mr. Cain-yes; Mr. Stuckey-absent.

Z-05-14. 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, Section 44.6-30 Table of Authorized Principal Uses in Each Zoning District and Section 44.10 Special Use Regulations, to address Medical Marijuana.

Chairman Cain introduced the case. Mr. Woolard explained the changes from the last meeting have to do with the Industrial zones and with a special use in the C-1 zone. The definition of a child care facility would follow the state's definition of a child care facility.

Mr. Balmer recalled in the previous discussion that the dispensary center would fall more along the lines of business designation. He stated this is similar to a pharmacy with a liquor license. He said one of the problems of moving it into manufacturing is that those that may be utilizing this type of business would have no way to get to it. If this business is operating within a business district, the public transportation would be available for the folks. There was discussion on which districts are appropriate for dispensing centers, the state definition of child care facilities and vacation Bible school situations within churches which are not state certified child care facilities. Mr. Scritchlow inquired why there seems to be extra city paperwork when the state has

numerous pages of guidelines and the town of Normal is simply following the state law. Mr. Woolard stated the process adds an extra layer of protection and offers an opportunity for public input. Mr. Stanczak asked if the city is required to amend zoning ordinances to accommodate the centers. Mr. Balmer suggested a review of those states which have already adopted the medical marijuana usage.

Chairman Cain opened the public hearing and asked if there were anyone with questions, or who were in favor or in opposition to the petition and no one spoke. Ms. Angela Fyans-Jimenez, read a portion of the statute and offered to put together a memo to better guide the process.

Chairman Cain closed the public hearing.

Mr. Pearson moved to layover the case pending clarification and further review. Mr. Balmer seconded the motion which was passed by a vote of 9 to 0 with the following votes being cast on roll call: Mr. Wills-yes; Mr. Diamond-yes; Mr. Balmer-yes; Mr. Pearson-yes; Mr. Stanczak-yes; Mr. Scritchlow-yes; Mr. Cornell-yes; Mr. Suess-yes; Mr. Cain-yes; Mr. Stuckey-absent.

Mr. Wills left at 5:30 p.m.

NEW BUSINESS:

Presentation of Sidewalk Master Plan – Jim Karch, Director of Public Works
Mr. Woolard explained this presentation is postponed.

OLD BUSINESS:

Discussion of Comprehensive Plan: Ms. Pinnamaraju presented the first phase of the comprehensive plan. The existing conditions analysis included data in areas such as population patterns, education levels, home values and rental patterns. She also presented an analysis on vacant land and aging infrastructure. Ms. Pinnamaraju stated Bloomington is in a great place to position itself well into the future, however there is an issue within the core that has not had residential development since 1970. She also presented an overview of the community outreach.

ADJOURNMENT: There being no further business to come to the Bloomington Planning Commission's attention, Mr. Scritchlow moved to adjourn this meeting. Mr. Cornell seconded the motion which was approved unanimously. The meeting was adjourned at 6:12 p.m.

Respectfully submitted,

Mark Woolard, City Planner

For further information contact:

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