

AGENDA
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, March 9, 2016 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

A public comment period not to exceed thirty (30) minutes will be held during each Board and Commission meeting, as well as all regularly scheduled City Council meetings, Committee of the Whole meetings, meetings of committees and/or task forces (hereinafter "committees") created by the City Council, work sessions, and special meetings of the City Council. Nothing herein shall prohibit the combination of meetings, at which only one public comment period will be allowed.

Anyone desiring to address the Board, Commission, Committee or City Council, as applicable, must complete a public comment card at least five (5) minutes before the start time of the meeting. Public comment cards shall be made available at the location of the meeting by City staff at least 15 minutes prior to the start time of the meeting. The person must include their name, and any other desired contact information, although said person shall not be required to publicly state their address information. If more than five individuals desire to make a public comment, the order of speakers shall be by random draw. If an individual is not able to speak due to the time limitation and said individual still desires to address the individuals at a future meeting of the same type, said individual shall be entitled to speak first at the next meeting of the same type. (Ordinance No. 2015-46))

4. MINUTES: Review the minutes of the February 24, 2016 regular meeting of the Bloomington Planning Commission.

5. REGULAR AGENDA:

- A. **PS-01-16** Public hearing, review and action on the petition submitted by ARK VI, L.L.C requesting the approval of the Amended Preliminary Plan for Eagle View South Subdivision of the property located east of Towanda Barnes Rd., north 1500 N Rd., and south of Ft Jesse Rd, approximately 15.84 acres (**Ward 9**)

6. OLD BUSINESS:

7. NEW BUSINESS:

8. ADJOURNMENT

For further information contact:

Katie Simpson, City Planner

Department of Community Development

Government Center

115 E. Washington Street, Bloomington, IL 61701

Phone: (309) 434-2226 Fax: (309) 434-2857

E-mail: *ksimpson@cityblm.org*

MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, FEBRUARY 24, 2016, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS

MEMBERS PRESENT: Mr. Balmer, Mr. Barnett, Mr. Pearson, Mr. Protzman, Ms. Schubert, Mr. Scritchlow, Mr. Seuss, Chairman Stanczak

MEMBERS ABSENT: Mr. Cornell

OTHERS PRESENT: Mr. Tom Dabareiner, Community Development Director; Ms. Katie Simpson, City Planner; Mr. George Boyle, City Attorney; Mr. Jim Karch, PW Director; Mr. Kevin Kothe, City Engineer; Mr. Austin Grammer, Economic Development Coordinator

CALL TO ORDER: Chairman Stanczak called the meeting to order at 4:00 P.M.

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

PUBLIC COMMENT: Robert Rewerts began speaking about one of the agenda items and was asked to hold his comments until that point in the agenda. There being no additional public comments the Commission moved on to approval of the minutes.

MINUTES: The Commission reviewed the February 10, 2016 minutes. There being no changes, Mr. Pearson moved to approve the February 10, 2016 minutes. Mr. Balmer seconded the motion which passed by a vote of 8-0 with the following votes being cast on roll call: Mr. Pearson-yes; Mr. Balmer-yes; Mr. Barnett -yes; Mr. Protzman-yes; Ms. Schubert-yes; Mr. Scritchlow-yes; Mr. Seuss-yes; Chairman Stanczak-yes.

REGULAR AGENDA:

Chairman Stanczak noted that due to the weather, a request was made to move **Item C. Case Z-06-16** to the front of the regular agenda. Without objection.

Z-06-16. Public hearing, review and action on the petition submitted by Kroger Limited Partnership I, an Ohio limited partnership, requesting the approval of the Rezoning of the property located at College Avenue and Hershey Road from M-1, Restricted Manufacturing to B-1, Highway Business District.

Chairman Stanczak introduced the case. Ms. Simpson indicated staff is in favor of the rezoning. She provided the location map and described the rezoning, noting that the proposed area is slightly smaller than the original request. She identified the uses surrounding the property and described the Kroger Marketplace use. Ms. Simpson summarized the purpose for the B-1 District and established the compatibility of the proposed use with the district; she also noted the compatibility with the Comprehensive Plan. She reviewed each of the Findings of Fact for a

rezoning and concluded the standards were met; she emphasized the transitional front yard concept as it applies to the adjacent residential zoning district to the east. Ms. Simpson noted the property is a Tier One infill opportunity, according to the Comprehensive Plan. Mr. Balmer asked how the swale through the property is being addressed; Mr. Karch stated the water is accommodated via a storm sewer, with excess water going over land. Mr. Scritchlow asked if rezoning this portion of land would create a spot zoning by leaving a large remnant M-1 designated property to the west; Mr. Dabareiner indicated this would not be the case and repeated that the rezoning would make it consistent with nearby zoning and the intention in the Comprehensive Plan. Mr. Balmer concurred.

Mr. Jason Barickman, attorney for the petitioner, stated Kroger has been looking at this location for a long time and repeated the requested for support for the rezoning. He added that City staff has been great to work with. Mr. Seuss inquired about the bus shelters around the perimeter of the site and asked if Connect Transit was part of the discussion leading to their provision; Mr. Dabareiner affirmed that Connect Transit is seeking these shelters.

Mr. Jim Derry, 2201 Yarrow, was sworn in. He indicated no concern for the store itself but is concerned about the relationship of the two entrances to Kroger along Hershey Road with Summerfield Boulevard, indicating it is sometimes difficult to turn left onto Hershey from Summerfield. He suggested a single entrance midblock or moving the single entrance closer to College Avenue. Mr. Derry also asked about the potential for more traffic accidents. Finally, he indicated a concern with the northern entranceway and the potential conflict with left turns in to Summerfield Boulevard. Mr. Balmer noted that any development will add traffic to Hershey.

Mr. Protzman asked if the southern entrance from Hershey was intended for truck traffic; Mr. Karch talked about the importance of avoiding conflicting turn movements and noted that City staff worked with Kroger to make the entrance arrangement safer based on best traffic management practices. Mr. Karch added that the northernmost entrance had to be moved south to avoid conflicts with the College/Hershey intersection. He stated there were insufficient numbers of accidents to warrant safety precautions and improvements along Hershey. He added the city conducted speed studies along Hershey and the studies established that the posted speed is appropriate. Chairman Stanczak reiterated that Kroger already modified their site plan to address staff's concerns.

Mr. Barnett asked whether Hershey Road will be widened in the vicinity of Kroger; Mr. Karch said there are no plans for widening and described in more detail the barrier median to be installed to prevent right-in and left-out movements from the northern entrance. Mr. Barnett also indicated concern with the bus stop location; Mr. Karch discussed the rationale for the bus stop location along College Avenue and believes it will create a safer condition as proposed. Mr. Seuss confirmed with Mr. Karch that full access would remain available to the Summerfield residents.

Mr. Pearson motioned to recommend to the City Council approval of the rezoning; Mr. Balmer seconded the motion, which passed by a vote of 8-0 with the following votes being cast on roll call: Mr. Pearson-yes; Mr. Balmer-yes; Mr. Barnett -yes; Mr. Protzman-yes; Ms. Schubert-yes; Mr. Scritchlow-yes; Mr. Seuss-yes; Chairman Stanczak-yes.

Z-03-16. Public hearing, review and action on the petition submitted by Jack Guess, requesting the approval of the Rezoning of the property located at 1112 Redwood Ave from R-1C, Single-Family Residential District to B-1, Highway Business District.

Z-02-16 Public hearing, review and action on the petition submitted by Rickardo Ramirez, requesting the approval of the Rezoning of the property located at 1110 Redwood Ave from R-1C, Single-Family Residential District to B-1, Highway Business District.

Chairman Stanczak noted that Z-02-16 and Z-03-16 could be presented together by staff. Ms. Simpson stated that staff is in favor of the rezoning from R-1C to B-1 with the condition that it occur coincident with the rezoning recommended in Z-02-16. She also noted the transitional yard requirements to be imposed on these properties given the adjacency of the proposed business district with the existing residential district. She showed location and aerial maps of the properties in the two similar cases and identified the surrounding uses. Ms. Simpson showed the extent of the B-1 district in the vicinity and established that the proposed use is compatible. She noted conflicting overarching City goals to promote economic development and protect residential neighborhoods; adding that staff leans toward the economic development justification due to the trend of development in the area and the new transitional yard protections required which do not currently exist.

Ms. Simpson introduced the related rezoning case at 1110 Redwood. She noted that staff supports this rezoning with the condition that it occurs simultaneously with 1112 Redwood and that landscaping and fencing be installed as part of the buffering associated with the transitional yard requirements.

Mr. Balmer asked if there will be new entrances along Redwood; Ms. Simpson responded that new entrances are not part of the existing plans. Mr. Balmer indicated he would add that prohibition to the list of conditions.

Mr. Robert Lenz, attorney for the petitioner in Case Z-03-16, confirmed the owner has no interest in having a curb cut at 1110 Redwood. Mr. Lenz provided a brief history of the area, noted the expansion of the existing B-1 zoning district, and indicated that he is amenable to the conditions placed in the recommended approval for the rezoning.

Russell DePew, attorney for the petitioner in Case Z-02-16, noted that the proposed rezoning of 1112 Redwood will provide a more attractive property should it be sold in the future. He added that the existing residential structure may see re-use as a residence until such time as redevelopment occurs. He agreed with the conditions indicated in the staff report.

Mr. Pearson questioned the need for prohibiting an entranceway at 1110 Redwood. Mr. Balmer clarified that his condition was intended to prevent additional traffic down from impacting the existing residential along Redwood. Mr. Scritchlow also questioned the need for the prohibition.

Mr. Balmer motioned to recommend to the City Council approval of both the rezonings in cases Z—2-16 and Z-03-16 from R-1C to B-1; Mr. Scritchlow seconded the motion, which passed by a vote of 8-0 with the following votes being cast on roll call: Mr. Balmer-yes; Mr. Scritchlow-yes;

Mr. Pearson-yes; Mr. Barnett -yes; Mr. Protzman-yes; Ms. Schubert-yes; Mr. Seuss-yes; Chairman Stanczak-yes.

PS-01-16 Public hearing, review and action on the petition submitted by ARK VI, L.L.C requesting the approval of the Amended Preliminary Plan for Eagle View South Subdivision of the property located east of Towanda Barnes Rd., north of GE Rd., and south of Ft Jesse Rd, approximately 15.84 acres.

Chairman Stanczak stated that the petitioner for this case asked that it be laid over to the next meeting. He invited Mr. Rewerts to return to the podium. Robert Rewerts, expressed no objections for the use to the north but added that the grain elevator property to the south which he owns has not granted access through that property. Chairman Stanczak invited Mr. Rewerts back to the next meeting.

Z-07-16 Public hearing, review and action on the petition submitted by Ronald Dreyer Jr. requesting the approval of the Rezoning of the property located at 411 N. Oak Street from GAP-5, Gridley, Allin & Prickett Mixed Use Neighborhood Commercial District to GAP-3, House, Manor Multifamily and Iconic Building District.

Mr. Dabareiner indicated staff is opposed to the rezoning as it is not a step required for the petitioner to maintain the desired single family residence at this address. He reviewed the standards briefly, noting that the request would be a downzoning, and that the original designation as GAP-5 was reviewed and staff found it to be a legal planning process and rezoning. He provided some background on the history of the case and of the GAP rezoning process, indicating that Market Street was intended to be a commercial corridor and this was rolled back in the process to establish two walkable commercial nodes instead. Mr. Dabareiner provided a map of the GAP neighborhood and an aerial showing surrounding uses. He repeated that the residential use can continue with the current zoning.

Chairman Stanczak confirmed that, if approved, the rezoning request would apply only to the southeast corner property at 411 North Oak and that a subsequent rezoning back to GAP-5 could take place if desired. Mr. Dabareiner affirmed these statements and pointed out that an important part of establishing zoning is setting expectations for the neighbors and the neighborhood, and flipping back and forth between rezonings did not provide this assurance. Mr. Dabareiner continued on to explain the form-based code established for the GAP neighborhood. Chairman Stanczak asked if the petitioner needed to petition for anything to maintain the property's single family use; Mr. Dabareiner indicated nothing else was needed, stating the City's ordinance was clear that a single family residence can stay that, once established.

Ms. Schubert clarified the process staff employed to work with the petitioner's bank, because of the highly regulated nature of bank mortgages. Ms. Simpson explained the process and read from the letter.

Mr. Boyle reestablished that multi-family dwelling uses could exist in either district.

Ronald Dreyer, 411 N. Oak Street, was sworn in. He explained that he lived there since 1997. He explained that his loan from his bank was originally rejected due possibly to a misunderstanding over the City's codes and restrictions. He added that he intends on getting it rezoned even it means going to federal court, so that it remains a single family dwelling. Mr. Dreyer stated his neighbors do not want anything but a single family residence at this location; he indicated there were too many apartments in the area and was concerned that without the rezoning the property could become multi-family residences or other uses which are not single family. Chairman Stanczak asked if the bank is providing the loan now; after some back and forth, Mr. Dreyer stated March 1, 2016, is his closing date on the loan. Chairman Stanczak asked if Mr. Dreyer was aware of anything in the City's code that would end his ability to use his property for a single family use; Mr. Dreyer stated he was unaware of anything that would do so.

Ms. Schubert clarified that the intention is to rezone the property so it can remain a single family use in the future; Mr. Dreyer stated that is his goal.

Mr. Protzman confirmed that the property was single family residential today and whether his intention was to live there or sell; Mr. Dreyer indicated he wished to sell.

Ms. Karen Heinrich, 405 N. Oak, was sworn in. Ms. Heinrich explained where she lives and indicated concerns over walk-through traffic and crime concerns, and that crime may increase if the use changes to multi-family or commercial. She reiterated the assertion that plenty of apartments exist in the neighborhood and she would prefer a single family dwelling at 411 N. Oak. Mr. Protzman asked of Chief Brendan Heffner would comment on crime in the area; Chief Heffner responded that many of the same crime patterns exist throughout the general area and he was unaware of anything unique or sustained in this location.

Mr. Balmer asked if anything in the GAP-3 or GAP-5 use list prevented multi-family at this location; Mr. Dabareiner replied that multi-family was not prevented from establishing itself and that single family could be re-established at any time. Chairman Stanczak clarified if any decision on this petition harms the ability to create a multi-family use in the future; Mr. Dabareiner responded in the negative.

Mr. Dennis Arnold, 504 N. Lee, was sworn in. Mr. Arnold provided a history of the GAP neighborhood planning and rezoning, noting the need to replace the suburban-style zoning that once existed. He highlighted his history with the GAP neighborhood, noting that he presented the case for the GAP zoning to the Planning Commission in 2007. He noted the neighborhood petitioned the City for the more urban-style zoning then to encourage reinvestment. He stated that the owner of 411 N. Oak had every opportunity to provide input into the process in 2006 and 2007, that Mr. Dreyer was notified well in advance of any meetings. Mr. Arnold stated that he was president of the neighborhood organization at the time this was occurring and he personally contacted many of the property owners at the time, including Mr. Dreyer; he highlighted the extensive news media coverage at the time, as well. He asked the Commission to reject the current rezoning request. He explained additional purposes for the form based code.

Mr. Balmer expressed his opinion that the use Mr. Dreyer wants can be maintained as is and there is no need to rezone the property.

Mr. Pearson motioned to recommend to the City Council denial of the proposed rezoning from GAP-5 to GAP-3; Mr. Balmer seconded the motion, which passed by a vote of 7-1 with the following votes being cast on roll call: Mr. Pearson-yes; Mr. Balmer-yes; Mr. Scritchlow-yes; Mr. Barnett -yes; Mr. Protzman-no; Ms. Schubert-yes; Mr. Seuss-yes; Chairman Stanczak-yes.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT

Mr. Pearson motioned to adjourn; seconded by Mr. Protzman, which passed unanimously by voice vote. The meeting was adjourned at 5:28PM.

**CITY OF BLOOMINGTON
REPORT FOR THE PLANNING COMMISSION
MARCH 9, 2016**

SUBJECT:	TYPE:	SUBMITTED BY:
PS-01-16 East of Towanda Barnes Road, North of 1500 North Road	Amended Preliminary Plan for a Portion of Eagle View South Subdivision	Katie Simpson City Planner

REQUEST

The petitioner is seeking approval of an Amended Preliminary Plan Petition for a Portion of Eagle View South Subdivision.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

Owner and Applicant: Ark VI Development, Inc.

PROPERTY INFORMATION

Existing Zoning: B-1, Highway Business District with an S-3, Aircraft Noise Impact
District overlay

Existing Land Use: Vacant land

Surrounding Zoning and Land Uses

Zoning

North: R-2, Mixed Residence, S-3 Aircraft Noise Impact
South: A, Agriculture (unincorporated)
East: A, Agriculture (unincorporated)
West: B-1, Highway Business
West: C, Commercial (unincorporated)

Land Uses

North: Two-Family Residences
South: Silos
East: Agriculture
West: Church
West: Landscaping business

PROJECT DESCRIPTION

The subject property is located at the intersection of Towanda Barnes and 1500 North Road. Neighboring zoning districts include R-2, Mixed Residential District, to the north and B-1, Highway Business District to the west. The petitioner is seeking approval of the Amended Preliminary Plan for a Portion of the Eagle View South Subdivision which is approximately 15.84 acres. The developer intends to create three building sites (Lots 131-133) and two outlots (A & B). The proposed development will occur in two phases. The first phase involves the development of Lot 131 (approximately 7.47 acres) to be used as senior housing, and the two outlots (1.26 acres and 0.36 acres) intended to be used as detention basins. The proposed use is compatible with surrounding uses and the B-1 District. There is no proposed use for remaining two lots. The developer also proposes Holly Brook Court, a new public street. Holly Brook Court is 70 feet to 1.95 acres and, as illustrated in the preliminary plan, will be developed in three

phases. Ultimately the street will connect to the public-right-of-way to the south of the property enhancing access of future developments.

ANALYSIS

This report is based on the following documents, which are on file with the Community Development Department:

1. Petition for The Amended Preliminary Plan for a Portion of the Eagle View South Subdivision.
2. A Revision to a Portion of the Eagle View South Subdivision Preliminary Plan.
3. Aerial photograph

Compliance with the Comprehensive Plan

This area is identified as a Tier-2 development priority in the 2035 Bloomington Comprehensive Plan. The improved access on the southern end of the property supports the potential for future growth and commercial activity center land use as described in the Comprehensive Plan. The proposed use, senior living facilities, also works toward “creating a lifelong community that meets the needs of residents,” a goal identified in the 2035 Comprehensive Plan. The development is in accordance with Goal 3, objective A of the 2015 Strategic Plan Goals.

Site Layout and Design

The proposed preliminary plan provides an adequate layout of the proposed lots and access to Towanda Barnes Road. Additionally, the illustrated extension of Holly Brook Court is in harmony with the three party agreement between the City, Developer and adjacent property owner. The eastern half of the property falls within 60 Ldn noise contours for the S-3 Airport Noise Impact District. Building construction shall be in compliance with section 44.6-14 of the City’s zoning code. Comments from the engineering staff are provided (see attached). The engineering comments need to be addressed before the preliminary plan is considered by council.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission pass a motion to for a recommendation of Case PS-01-16 to be **approved** by Council under the condition that an agreement with the developer, land owner and City to transfer the responsibilities of ARK VI under the 2008 three-party agreement to RHP Investments, LLC upon taking title of the land or some other form of assurance acceptable to the City that the development agreement obligations will be met by the developer and future land owner(s) is approved.

Respectfully submitted,

Katie Simpson
City Planner

Attached:
Memorandum from Engineering Staff
2008 Three-way Agreement Between the City, Rewerts and Ark VI
Petition
Ordinance

Legal Description
Aerial Photos
Zoning Map
Preliminary Plan

MEMORANDUM

**TO: Kevin Kothe, City Engineer
Katie Simpson, City Planner**

FROM: Ryan L. Otto, Assistant City Engineer

DATE: February 16, 2016

**SUBJECT: Revision to a Portion of the Preliminary Plan for
Eagle View South Subdivision dated 2/1/2016**

Per your request, I have reviewed the subject preliminary plan dated 2/1/2016, and provide the following comments.

1. Please show 5' wide, 6" thick PCC sidewalks on both sides of Holly Brook Court for its entire length.
2. Please provide size and grades for all storm and sanitary sewers shown.
3. Please show the dimensions of all lots on the preliminary plan.
4. Please show the flood routing locations for the subdivision. Building elevations should be set with a minimum of 1' of freeboard above the 100-year high water level.
5. Please clearly designate which storm sewers will be public and which will be private.
6. Please revise the boundaries and/or configuration of Outlot B (detention basin) or provide a drainage easement and swale so that the drainage from the offsite property to the east enters can enter the subject property at its naturally occurring location.
7. Please revise the configuration of the proposed water main so that the public water main is located within the right of way of Holly Brook Court and the proposed assisted living facility is serviced by a private water main and fire hydrants. Please see the attached sketch plan.
8. Approval of the revised preliminary plan should be contingent upon approval of an agreement with the developer, land owner, and City to transfer the responsibilities of ARK VI under the 2008 three-party agreement to RHP Investments, LLC upon taking title to the land or some other form of assurance acceptable to the City that the development agreement obligations will be met by the developer and future land owner(s).
9. Please remove Note 13 on Sheet 1, Site Note 16 on Sheet 2, and eliminate Phase 3 shown on the plan. All infrastructure adjacent to Lots 133 and 132 should be constructed whenever either of the lots is developed.
10. Please extend the sanitary sewer stub in the southeast corner of Lot 133 to the south line of the subdivision.

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For Hearing Impaired
TTY 309.829.5115

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employer*



11. Please revise the water main configuration to comply with item No. 6 of the 2008 development agreement (attached as part of these comments). The water main should be extended east to the east line of the elevator property.
12. Please provide a minimum 15' wide easements for public water main, sewers, and storm sewers not located in the proposed ROW. Additional easement width for large pipes should be provided per City Code.

Respectfully Submitted,

A handwritten signature in black ink that reads "Ryan L. Otto".

Ryan L. Otto, PE
Assistant City Engineer

**2008 Three-way Agreement Between
the City, Rewerts, and ARK VI.**

AGREEMENT

WHEREAS the undersigned, ARK VI, has submitted a revision to the Preliminary Plan for Eagle View South Subdivision ("the plan"); and

WHEREAS the plan shows a road "Barnes Lane" extended from Towanda Barnes easterly and southerly to the north line of the property owned by REWERTS, ZIMMERMAN & REWERTS, INC. ("the elevator property"); and

WHEREAS the installation of Barnes Lane will change access patterns to and from the properties over a township road known as Main Street that runs east and west along the north side of the elevator property and the south side of the ARK VI property, and an undedicated but claimed township road known as "700" that purports to run north and south across the elevator property;

NOW, THEREFOR, FOR AND IN CONSIDERATION OF TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the undersigned agree as follows:

1. Main Street shall not be vacated until Barnes Lane is open to traffic.
2. When Main Street is vacated, half the right-of-way shall go to the owners of the property to the north and half to the property owner to the south.
3. When Main Street is vacated and after annexation of the elevator property to the City, the alleged Road 700 will be abandoned and vacated by the City at no cost to the owner of the elevator property.
4. ARK VI shall extend Sanitary sewer to the elevator property and reserve sewer capacity for that property.
5. The decision to extend or not extend Barnes Lane through the elevator property will be made by the owners of the elevator property unilaterally if and when that property develops.
6. The parties shall loop an 8" water main from Barnes Lane east to the east line of the elevator property and south to GE Road, and a 16" water main west to the west side of Towanda Barnes. The cost will be allocated, with the developer to the north paying for the easterly extension and the elevator owner paying for the southerly extension. The westerly extension in the GE Road right-of-way will be allocated with the elevator operator paying that portion of the cost attributable to an 8" main east of Barnes Lane extended, the developers of the northerly property paying the cost of an 8" main if it were extended along the Main Street alignment, and the City paying for

the remaining cost.

7. The elevator owner shall dedicate easements for the water main on the east line of their property, the south line of their property, along GE Road and as needed on the west line of their property adjacent to Towanda Barnes Road, to facilitate a bore under Towanda Barnes Road. The easement dedications shall be in accordance with the requirements of the City of Bloomington.

CITY OF BLOOMINGTON, ILLINOIS,
A Municipal Corporation

BY: Steffen

ATTEST:

Tracy C. B.
City Clerk

REWERTS, ZIMMERMAN & REWERTS,
INC.

BY: Robert Rewerts

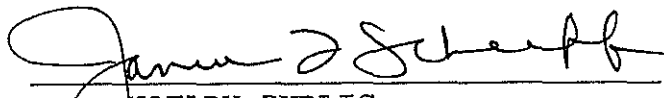
ARK VI, John Zimmer
BY: City Attorney

CORPORATE NOTARY

STATE OF ILLINOIS)
) SS:
COUNTY OF McLEAN)

I, THE UNDERSIGNED, a Notary Public in and for said County and State aforesaid, do hereby certify that Stephen Stockton personally known to me to be the Mayor of CITY OF BLOOMINGTON, ILLINOIS, a Municipal Corporation, and Tracey Covert personally known to me to be the City Clerk of said corporation whose names are subscribed to the foregoing instrument appeared before me this day in person and severally acknowledged that as said Mayor and City Clerk of said corporation, they signed and caused the seal of said corporation to be affixed thereto, (if the corporation uses a corporate seal) pursuant to authority given by the Board of Directors of said corporation and as their free and voluntary act and as the free and voluntary act and deed of said corporation for the uses and purposes therein set forth.

Given under my hand and notarial seal this 11th day of December, 2007.


NOTARY PUBLIC

My commission expires:

3-7-11



CORPORATE NOTARY

STATE OF ILLINOIS)
) SS:
COUNTY OF McLEAN)

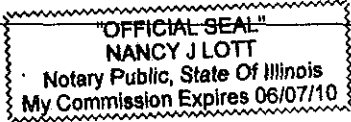
I, THE UNDERSIGNED, a Notary Public in and for said County and State aforesaid, do hereby certify that Robert Rewerts personally known to me to be the President of REWERTS, ZIMMERMAN & REWERTS, INC., whose name is subscribed to the foregoing instrument appeared before me this day in person and severally acknowledged that as said President of said corporation, signed and caused the seal of said corporation to be affixed thereto, (if the corporation uses a corporate seal) pursuant to authority given by the Board of Directors of said corporation and as his free and voluntary act and as the free and voluntary act and deed of said corporation for the uses and

purposes therein set forth.

Given under my hand and notarial seal this 4th day of January, 2008.

Nancy J. Lott
NOTARY PUBLIC

My commission expires:



CORPORATE NOTARY

STATE OF ILLINOIS)
) SS:
COUNTY OF McLEAN)

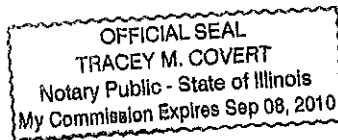
I, THE UNDERSIGNED, a Notary Public in and for said County and State aforesaid, do hereby certify that Mercer Turner personally known to me to be the attorney of ARK VI, whose name is subscribed to the foregoing instrument appeared before me this day in person and severally acknowledged that as said attorney of said corporation, he/she signed and caused the seal of said corporation to be affixed thereto, (if the corporation uses a corporate seal) pursuant to authority given by the Board of Directors of said corporation and as his/her free and voluntary act and as the free and voluntary act and deed of said corporation for the uses and purposes therein set forth.

Given under my hand and notarial seal this 11th day of December, 2007.

Tracey M. Covert
NOTARY PUBLIC

My commission expires:

09/08/2010



PETITION FOR APPROVAL OF AMENDED PRELIMINARY PLAN FOR A
SUBDIVISION

State of Illinois)
)ss.
County of McLean)

To: The Honorable Mayor and City Council of the City of Bloomington, Illinois.

NOW COMES, ARK VI, L.L.C., an Illinois limited liability company, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is interested as Owner of the premises legally described on Exhibit A, which is attached hereto and made a part hereof by reference; and
2. That your Petitioner seeks approval of the Amended Preliminary Plan for the subdivision of said premises known and described as, The Eagle View South Subdivision, which Amended Preliminary Plan is attached hereto and made a part hereof; and
3. That your Petitioner does not seek approval of any exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code.

WHEREFORE, your Petitioner prays that the Amended Preliminary Plan for a portion of The Eagle View South Subdivision, submitted herewith be approved.

Respectfully submitted,

ARK VI, L.L.C., an Illinois
limited liability company

By: Armstrong Construction Co.,
Inc., an Illinois corporation, Its
Authorized Member-Manager

By: _____
Victor E. Armstrong, Jr.
Its President

ORDINANCE NO _____

AN ORDINANCE APPROVING THE AMENDED PRELIMINARY PLAN OF THE
EAGLE VIEW SOUTH SUBDIVISION

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition for approval of the Amended Preliminary Plan of Eagle View South Subdivision, legally described in Exhibit A, attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests no exemptions or variations from the provisions of the Bloomington City Code, 1960, as amended; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and the Amended Preliminary Plan attached to said Petition was prepared in compliance with the requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

WHEREFORE, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision code, Chapter 24 of the Bloomington City Code, 1960, as amended.

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

1. That the Amended Preliminary Plan of the Eagle View South Subdivision is hereby approved.
2. That this Ordinance shall be in full force and effective as the time of its passage on this _____ day of _____, 20____.

APPROVED:

Mayor

ATTEST:

City Clerk

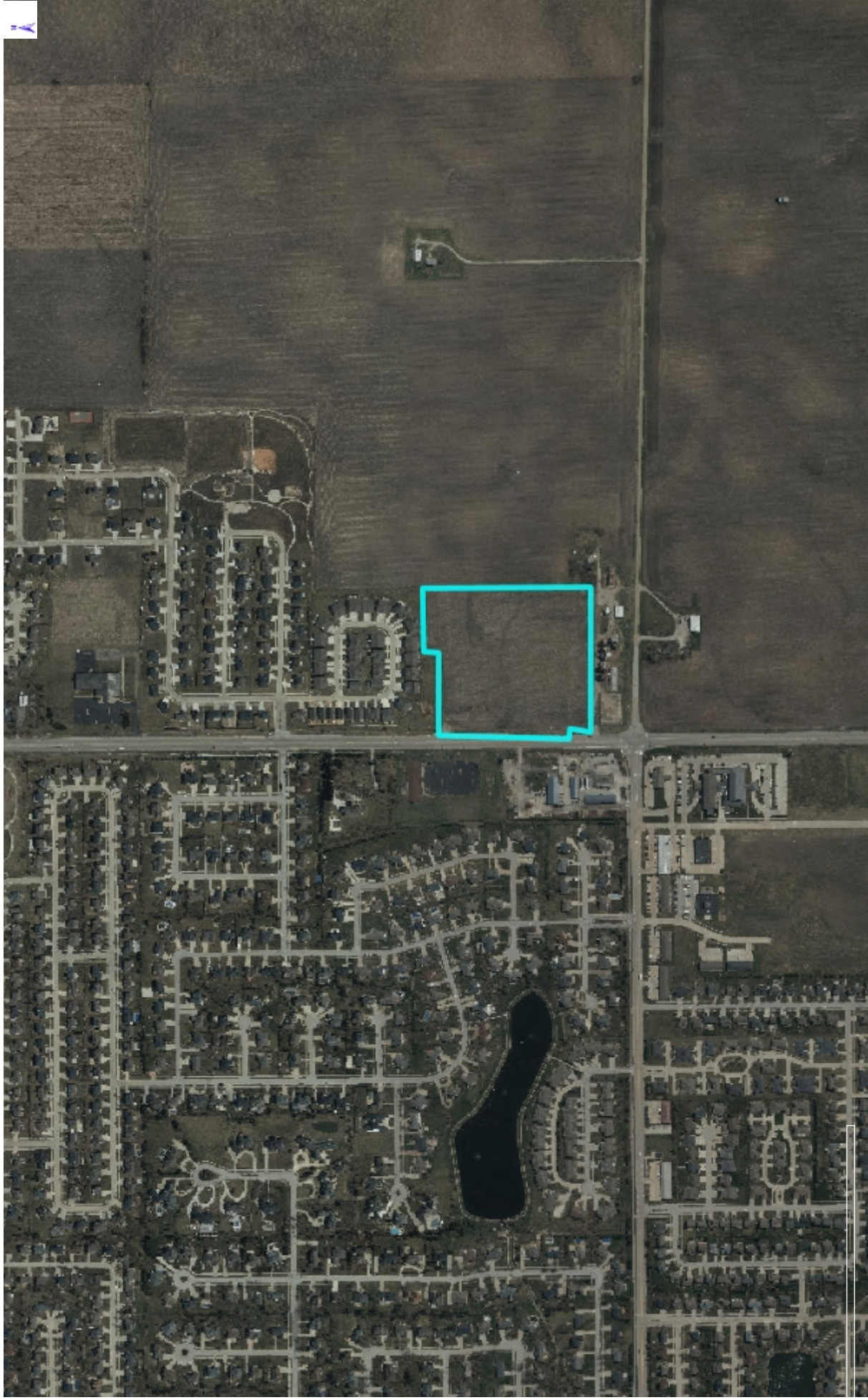
Exhibit A
(Legal Description)

A PART OF LOT 4 IN BARNES SUBDIVISION OF SECTION 29, TOWNSHIP 24 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, PER PLAT RECORDED IN PLAT BOOK 6, PAGE 3, MCLEAN COUNTY, ILLINOIS, AND A PART OF THE ORIGINAL TOWN OF BARNES IN THE SOUTHWEST QUARTER OF SAID SECTION 29, MCLEAN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE VILLAS AT EAGLE VIEW SOUTH SUBDIVISION IN THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS, ACCORDING TO THE PLAT RECORDED AS DOCUMENT NO. 2007-16613 IN MCLEAN COUNTY RECORDER'S OFFICE. FROM SAID POINT OF BEGINNING, THENCE EAST 390.10 FEET ALONG THE SOUTH LINE OF SAID SUBDIVISION TO THE SOUTHEAST CORNER OF OUTLOT 129 IN SAID SUBDIVISION; THENCE NORTH 73.91 FEET ALONG THE EAST LINE OF SAID OUTLOT 129 WHICH FORMS AN ANGLE TO THE LEFT OF 270°-00'-00" WITH THE LAST DESCRIBED COURSE TO THE SOUTHWEST CORNER OF OUTLOT 128 IN SAID SUBDIVISION; THENCE EAST 416.58 FEET ALONG THE SOUTH LINE OF SAID OUTLOT 128 WHICH FORMS AN ANGLE TO THE LEFT OF 90°-00'-00" WITH THE LAST DESCRIBED COURSE TO THE SOUTHEAST CORNER OF SAID OUTLOT 128, SAID SOUTHEAST CORNER BEING A POINT ON THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 13 IN SAID ORIGINAL TOWN OF BARNES LYING 906.94 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 906.94 FEET ALONG SAID NORTHERLY EXTENSION, WHICH EXTENSION IS ALSO THE EAST LINE OF THE WEST 806.68 FEET OF SAID LOT 4, AND ALONG THE EAST LINE OF SAID LOT 13, WHICH LINE FORMS AN ANGLE TO THE LEFT OF 90°-00'-00" WITH THE LAST DESCRIBED COURSE TO THE SOUTHEAST CORNER OF SAID LOT 13, SAID SOUTHEAST CORNER BEING ON THE NORTH RIGHT-OF-WAY LINE OF MAIN STREET AND SAID ORIGINAL TOWN OF BARNES; THENCE WEST 774.00 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE WHICH FORMS AN ANGLE TO THE LEFT OF 88°-23'-40" WITH THE LAST DESCRIBED COURSE TO THE SOUTHWEST CORNER OF LOT 1 AND SAID ORIGINAL TOWN, SAID SOUTHWEST CORNER BEING ON THE EAST RIGHT-OF-WAY LINE OF TOWNANDA BARNES ROAD (COUNTY HIGHWAY 29), LYING 33 FEET EAST OF THE WEST LINE OF SAID LOT 4; THENCE NORTH 112.00 FEET ALONG SAID EAST RIGHT-OF-WAY LINE, BEING THE WEST LINE OF SAID LOT 1 AND THE NORTHERLY EXTENSION THEREOF, WHICH LINES FORM AN ANGLE TO THE LEFT OF 91°-36'-20" WITH THE LAST DESCRIBED COURSE TO THE NORTH LINE OF THE 12 FOOT-WIDE ALLEY RIGHT-OF-WAY IN THE SAID ORIGINAL TOWN; THENCE WEST 33.00 FEET ALONG THE WESTERLY EXTENSION OF SAID NORTH LINE WHICH FORMS AN ANGLE TO THE LEFT OF 268°-23'-40" WITH THE LAST DESCRIBED COURSE TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, AND WHICH LINE FORMS AN ANGLE TO THE LEFT OF 91°-36'-20" WITH THE LAST DESCRIBED COURSE TO THE POINT OF BEGINNING, CONTAINING 15.84 ACRES, MORE OR LESS.



Aerial View: Eagle View South Subdivision



0 0.18 0.4 Miles

0.4 Miles

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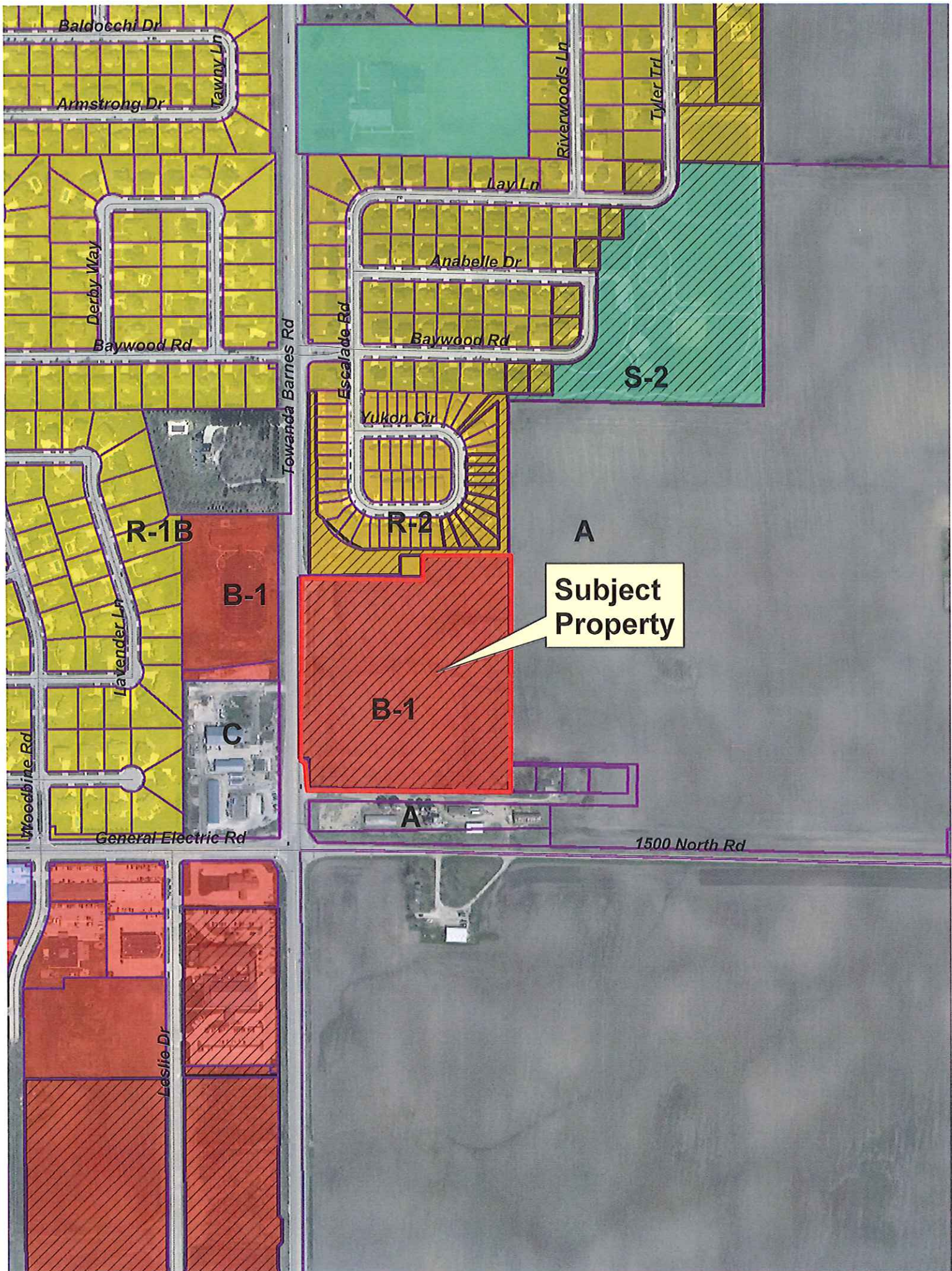
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Notes

B-1 Zoning

1: 11,685

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Baldocchi Dr

Armstrong Dr

Tawny Ln

Derby Way

Baywood Rd

Towanda Barnes Rd

Escalade Rd

Yukon Cir

Anabelle Dr

Baywood Rd

Riverwoods Ln

Tyler Trl

Willow Ln

R-1B

B-1

R-2

A

Subject Property

B-1

C

A

General Electric Rd

1500 North Rd

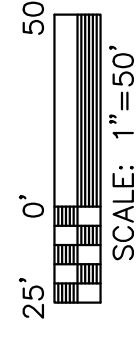
Woodbine Rd

Lavender Ln

Leslie Dr

LEGEND

- EXISTING CONTOUR
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING WATER MAIN
- BUILDING SET BACK LINE
- EASEMENT LINE
- POWERPOLE
- HYDRANT
- PROPOSED SANITARY SEWER
- PROPOSED STORM SEWER
- PROPOSED WATER MAIN
- PROPOSED FIRE PROTECTION WATER MAIN



SITE CONSTRUCTION NOTES:

1. A LIGHTING PLAN MUST BE SUBMITTED FOR REVIEW PRIOR TO ISSUANCE OF A ZONING CERTIFICATE TO ENSURE THAT EXTERIOR LIGHTING DOES NOT EXCEED THREE FOOT CANDLES PER HOUR AT THE PROPERTY LINE.
2. ALL UTILITIES SHALL BE LOCATED AND DEPTH RECORDS SHALL BE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON ZONING CODE (PROVIDED BY OTHERS)
3. ALL SITE SIGNAGE (Pylon, Directional and Building) SHALL BE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON ZONING CODE.
4. STORM WATER DETENTION SHALL BE PROVIDED FOR THIS SITE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON EROSION, SEDIMENT AND STORM WATER CONTROL ORDINANCE.
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON ZONING CODE.
6. AN APPROVED FIRE PROTECTION PLAN SHALL BE SUBMITTED TO THE CITY OF BLOOMINGTON FIRE DEPARTMENT FOR REVIEW AND APPROVAL.
7. ALL CONCRETE DRIVEWAY APPROACHES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BLOOMINGTON STANDARDS.
8. ALL CONCRETE DRIVEWAY APPROACHES SHALL BE FULLY SCREENED FROM VIEW.
9. ANY UTILITY WORK/CONNECTIONS IN THE RIGHT OF WAY SHALL BE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON STANDARDS AND BOND WITH THE CITY OF BLOOMINGTON.
10. A SIDEWALK PERMIT WILL BE REQUIRED. THE CONTRACTOR MUST BE LICENSED AND BONDED WITH THE CITY OF BLOOMINGTON.
11. ALL SANITARY SEWER WORK SHALL BE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON ZONING CODE AND BOND WITH THE CITY OF BLOOMINGTON.
12. A PARKING LOT PERMIT WILL BE REQUIRED. THE CONTRACTOR MUST BE LICENSED AND BONDED WITH THE CITY OF BLOOMINGTON.
13. ALL PROPOSED REFUSE DISPOSAL AREAS MUST BE CONFINED BY A WALL WITH A MINIMUM HEIGHT OF SIX FEET, NOT TO EXCEED SEVEN FEET. INCLUDE GATE ACCESS.
14. SANITARY SEWER TO SERVE PROPOSED ASSISTED LIVING AND MEMORY CARE FACILITY FROM MANHOLE #1, BUILDING AND FROM THE EXISTING MANHOLE #1, BUILDING AND FROM THE EXISTING PRIVATELY OWNED AND MAINTAINED.
15. THE DEVELOPMENT SHALL BE CONSTRUCTED IN PHASES WITH THE DEVELOPER DETERMINING THE TIMELINE OF EACH PHASE. LOT 131 AND OUTLOT A IMPROVEMENTS, LOTS 132 & 133 SHALL BE ACCESSED BY THE PHASE 2 IMPROVEMENTS ONLY.
16. SANITARY, WATER, AND STREETS IN THE PHASE 3 PORTION OF THE PUBLIC IMPROVEMENTS SHOWN ON THIS PLAN WILL NOT BE CONSTRUCTED UNLESS THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS, DEVELOPED AND REQUIRED TO HAVE ALL THREE SERVICES EXTENDED TO THEIR NORTH LINE BY THE CITY OF BLOOMINGTON.

DENSITY:

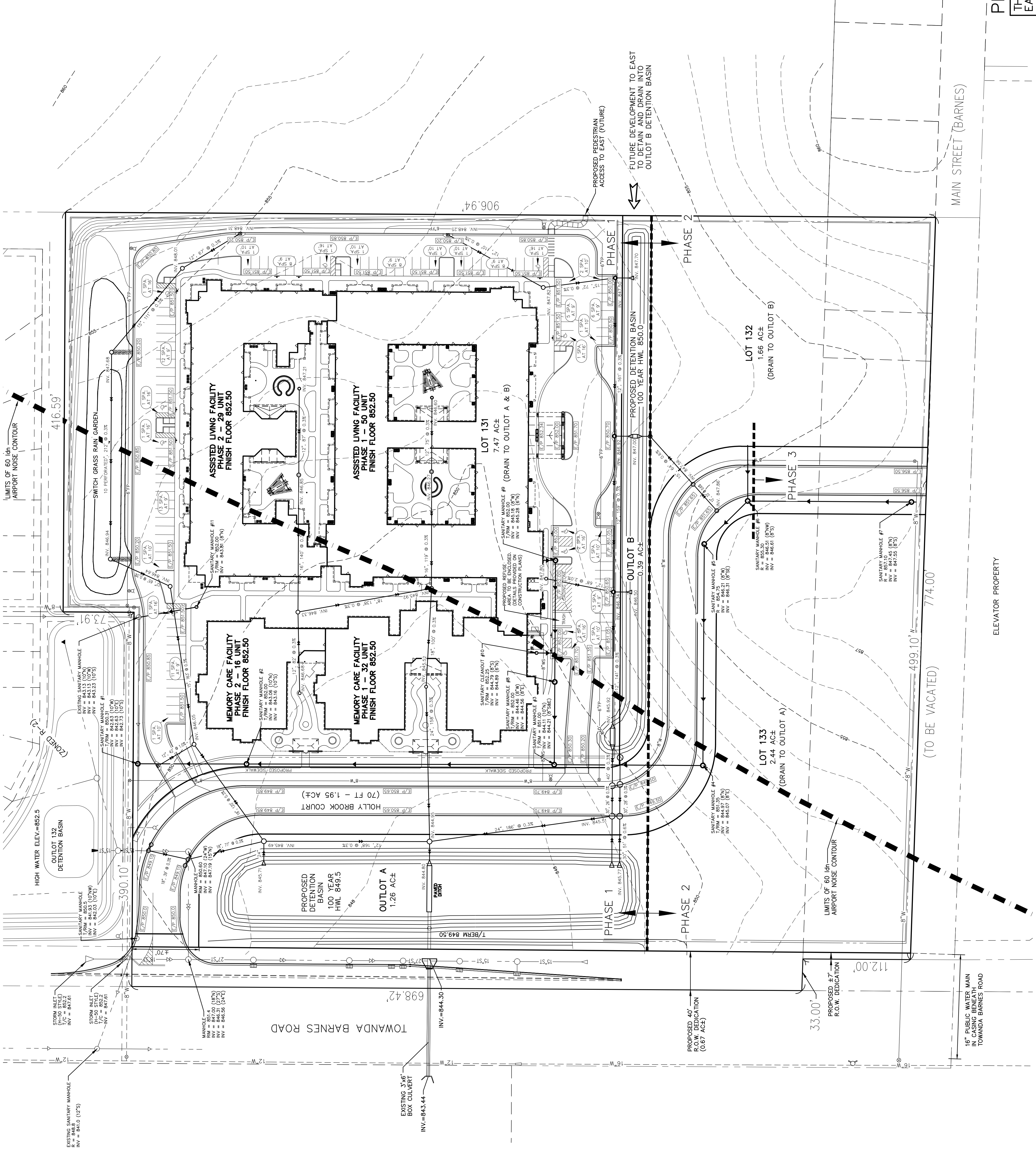
CURRENT BUILDINGS = 110,355 SF
 LOT AREA = 7.47 ACRES = 325,983 SF
 80% GFA ALLOWANCE = 260,786 SF
 110,355/325,983 = 33.9% OK

PARKING:

MEMORY CARE = 1 SPA/2 UNITS = 16 SPACES
 SUB-TOTAL = 32 SPACES
 ASSISTED LIVING = 2 SPA/3 UNITS = 53 SPACES
 SUB-TOTAL = 71 SPACES
 ACCESS, PARKING = 103 SPA. x .10 = 11 SPACES
 103 SPACES REQUIRED (11 ACCESSIBLE)
 106 SPACES SHOWN (11 ACCESSIBLE)

SITE DATA:

1. THIS SITE IS P.L.N. 15-29-302 ZONING B-1
2. AREA OF THIS SITE IS 15.84 ACRES ±
3. THIS SITE IS ZONED B-1 (HIGHWAY BUSINESS DISTRICT)
4. BUILDING SETBACKS:
 FRONT = 10'
 SIDE = 5'
 REAR = 5'
 T.B.Y. = 10% OF WIDTH OR DEPTH OF LOT (10' MINIMUM/25' MAXIMUM)
5. AREA OF PROPOSED BUILDINGS:
 12 FEET FROM THE ROW FOR FRONT YARD
 6 FEET FOR THE SIDE AND REAR YARDS



PRELIMINARY PLAN

THE VILLAS OF HOLLY BROOK AT
 EAGLE VIEW SOUTH COMM. PARK

FOR: RHP INVESTMENTS, LLC
 DATE: 02/01/16 ISSUE: 1" = 50' BOOK: 1 SHEET NO.: 2 OF 2

APPROVED: [Signature] DATE: 02/01/16
 PREPARED: [Signature] DATE: 02/01/16

AUSTIN ENGINEERING, CO., INC.
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 Peoria, Illinois 61602
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