

**MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, JANUARY 10, 2018 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS**

MEMBERS PRESENT: Mr. James Pearson, Mr. Kevin Suess, Mr. John Protzman, Ms. Megan Headean, Mr. Eric Penn, Mr. Mark Muehleck, Mr. Thomas Kreiger, Chairman Justin Boyd

MEMBERS ABSENT: Mr. J. Balmer, Mr. David Stanczak

OTHERS PRESENT: Mr. George Boyle, City Attorney; Ms. Katie Simpson, City Planner; Ms. Izzy Rivera, Assistant City Planner, Mr. Bob Mahrt, Interim Community Development Director

CALL TO ORDER Chairman Boyd called the meeting to order at 4:02 PM. Ms. Simpson called roll, and with eight members present, there was a quorum.

PUBLIC COMMENT: None

MINUTES: The Commission reviewed the minutes from the December 13, 2017 regular meeting. Mr. Pearson motioned to approve the minutes. Mr. Muehleck seconded the motion. The Commission approved the minutes by voice vote, 8-0.

REGULAR AGENDA:

Z-01-18 Public hearing, review and action on a petition submitted by James A Shirk, requesting a rezoning of 204 W Hamilton Rd from R-1B, Medium Density Single-Family Residence District to B-1, Highway Business District. (WARD 2)

Chairman Boyd introduced the case and explained the public hearing process. Ms. Simpson presented the staff report. She shared pictures of the subject property and surrounding properties. Ms. Simpson described the surrounding zoning and surrounding uses. She provided an aerial view and zoning map of the area. She explained the traffic counts along W. Hamilton Rd. and at the nearby Main St./US 51 intersection. Ms. Simpson stated the city anticipates an increase in traffic along Hamilton Rd following the completion of the anticipated Hamilton-Bunn to Commerce connection. She stated the area is developing as business and the trend in zoning is moving away from residential and towards business, and Ms. Simpson explained recent zoning changes for the adjacent incorporated and unincorporated properties to business. Ms. Simpson described the Comprehensive Plan's vision for the property directly north of the subject property and explained it is also expected to become commercial. Ms. Simpson noted that Hamilton Rd was widened in 2010 to carry higher traffic volumes and explained other improvements made to the area including a separated bike trail, installation of a 16" water main, and installation of a storm sewer.

Ms. Simpson explained that the property owner is requesting a rezoning because they intend to rent the land to an adjacent landscaping company to be used for outdoor displays of landscaping techniques, tree species, and outdoor structures. She described the existing zoning district and permitted uses. She described the proposed district, explained the purpose and intention, and described the permitted uses and conditional uses. Ms. Simpson shared the site plan presented to staff and discussed transitional yard and fencing requirements. She explained that changing the zoning district would allow the city to enforce the storm water ordinance.

Mr. Pearson asked if the homes west of the property are located in the city. Ms. Simpson affirmed. Ms. Simpson described the standard for a zoning map amendment and stated this project complies with the amendment guidelines. She confirmed the change in zoning is more intense and could impact the adjacent property but the transitional yard, height and screening requirements are meant to help reduce negative impacts. Ms. Simpson stated the zoning change complies with the comprehensive plan because it promotes infill development, encourages using existing, oversized infrastructure and public investments for business/retail purposes, and promotes business and retail development on major roads. Mr. Krieger asked if the property is occupied. Ms. Simpson explained the property is developed with a single family home but she understands it is currently vacant.

Jason Barickman, petitioner's council, was sworn in. Mr. Barickman referenced the site plan and aerial map provided during the staff presentation. He explained the home is vacant and historically was used as a rental property. He described the surrounding parcels and introduced the owner of the landscaping business, Rick Penn. Mr. Barickman described the site plan and stated the owner would like to join the subject property with the landscaping business to the south by adding a driveway so trucks can circulate between the two properties. Mr. Barickman explained the ingress and egress challenges associated with being located along Main St. He stated the property owner intends to maintain the home structure and convert the home to an office, adding parking to the rear of the home. He invited Mr. Rick Penn to provide testimony. Mr. Penn was sworn in and stated he owns the landscaping company south of the subject property. He stated the company is growing and needs additional space and offices. He stated they rent a portion of the lot behind their current location. He described challenges for deliveries and stated his staff sometimes needs to direct traffic on Main St/US 51.

Mr. Penn described the building, which he stated is in good condition, and stated the intention is to repurpose the building as an office for designers and build a building in the rear for mechanics. He stated the retail component of their business will remain at its existing location. He plans to landscape the area west of the home so that it can be used as a display area. Mr. Barickman asked Mr. Penn to explain intentions with the existing trees. Mr. Penn stated a few trees will need to be removed because they are diseased but they intend to trim and preserve existing trees and add to the site. Mr. Barickman stated the request complies with the zoning ordinance and standards. He stated this is an opportunity to expand an existing business and use existing infrastructure. Mr. Muehleck asked what barriers would be in place to the property to the west. Ms. Simpson stated a fence would be required and a fifteen foot transitional setback. Mr. Muehleck requested clarification on the truck traffic. Mr. Penn stated the driveway would be used by pick-up trucks and flatbed trucks, not semi-trailers.

Mr. Paul Wheeler, 210 W Hamilton, was sworn-in to speak in opposition to the petition. Mr. Wheeler stated that he is the adjacent property owner, west of the subject property. He stated a similar proposal promising landscaping and a 'park-like' setting was presented to the county board when the property south of his home was rezoned to commercial. Mr. Wheeler stated the county stated setbacks, opaque screening and a landscaping buffer would be required at that time too, but the property is not compliant with these requirements. Mr. Wheeler provided pictures of his rear yard and the adjacent property. These photos were entered into the public record as "opposition exhibits A1-A16." He stated he is concerned that the property will be well maintained and he will have to look at outdoor storage. Mr. Wheeler explained the drainage issues that have occurred from the conversion of the land south of his home to commercial; there is standing water that breeds mosquitos. He shared past concerns about burned landscaping at the property behind his home. He stated he is generally supportive of the rezoning but concerned about the future landscaping business that might expand on the area. Mr. Boyd asked for clarification on opposition exhibit A12. Mr. Penn felt the site plan shown was incomplete because it does not show detention.

Chairman Boyd asked if the parcel south of Mr. Wheeler's home was in the county. Ms. Simpson affirmed. Chairman Boyd asked if the fifteen foot transition yard would allow accessory structures in the transitional yard, he referenced Opposition Exhibit A8. Ms. Simpson clarified the transitional yard requirements prohibit buildings in the transitional yards. Ms. Simpson clarified the storm water detention requirements and briefly summarized the Illinois drainage law requirements. Mr. Krieger asked Mr. Wheeler to describe his property line and asked if the photos taken were from his back yard. Mr. Wheeler described his property. Ms. Headean asked about fencing requirements and whether the property to the south would have to improve their fence if brought into the city. Ms. Simpson confirmed the fencing would have to be opaque and any annexation would come before the Planning Commission. Mr. Pearson clarified the location of the proposed driveway and whether PVC slats could be woven through a chain link fence. Ms. Simpson confirmed.

Chairman Boyd invited the petitioner to respond to the opposition's testimony. Mr. Barickman introduced a photo of the landscaping business as evidence for the landscaping concepts proposed. The photo was entered into public record as "petitioner's exhibit A1." He stated the petitioner will comply with all codes and regulations necessary. Chairman Boyd stated a petition opposing the rezoning submitted by Deena Wheeler was received by the city and shared with the commission. Chairman Boyd closed the public hearing.

The commission briefly described fencing and screening for the property. Mr. Pearson clarified fencing requirements. Ms. Headean stated she believes the zoning is within the letter of the code and the dispute appears to be between neighbors. Chairman Boyd clarified the storm water detention requirement. The commission discussed the property south and confirmed that because it is in the county, it is beyond the scope of the commission. Chairman Boyd reinforced the scope of the commission is to determine whether the B-1 zoning on the subject property is in the best interest of the city.

Mr. Pearson motioned to approve case Z-01-18, a petition submitted by James A Shirk, requesting a rezoning of 204 W Hamilton Rd from R-1B, Medium Density Single-Family

Residence District to B-1, Highway Business District. Mr. Muehleck seconded the motion. The motion was approved 7-0-1 with the following votes cast: Mr. Pearson—yes; Mr. Muehleck—yes; Mr. Suess—yes; Mr. Protzman—yes; Ms. Headean—yes; Mr. Penn—abstain; Mr. Kreiger—yes; Chairman Boyd—yes.

OLD BUSINESS: None

NEW BUSINESS: Chairman Boyd asked Robert Mahrt, Interim Community Development Director to introduce himself. Mr. Mahrt provided his background and described his experience in the state of Illinois.

ADJOURNMENT: The meeting adjourned at 5:09 by unanimous voice vote; motioned by Ms. Headean and seconded by Mr. Krieger.

Respectfully submitted,
Katie Simpson,
Secretary.