



AGENDA
PLANNING COMMISSION
REGULAR MEETING

**BLOOMINGTON PUBLIC LIBRARY, COMMUNITY ROOM
205 E. OLIVE STREET, BLOOMINGTON, IL 61701**

WEDNESDAY, FEBRUARY 2, 2022, 4:00 P.M.

**THIS MEETING WILL BE HELD VIRTUALLY. LIVE STREAM AVAILABLE AT:
www.cityblm.org/live**

Those persons wishing to provide testimony on any of the agenda items designated as a public hearing may appear in-person or may appear virtually by registering at www.cityblm.org/register at least 15 minutes before the meeting. Since attendance is limited to 10 members of the public, members of the public are encouraged to attend virtually. Those persons wishing to provide public comment may register at www.cityblm.org/register or email publiccomment@cityblm.org.

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

Individuals wishing to provide emailed public comment must email comments to publiccomment@cityblm.org at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person may register at cityblm.org/register at least 5 minutes before the start of the meeting

4. MINUTES Review and approval of the minutes of the January 19, 2022 Special Planning Commission meeting.

5. REGULAR AGENDA

- A. Z-24-21** Public Hearing, review and action on text amendments, modifications and deletions to the Bloomington Zoning Ordinance, Chapter 44 of the City Code, submitted by the Bloomington City Council (Resolution 2021-31) relating to (1) auto sale exclusions, definition, and zoning; (2) updating certain zoning classifications; (3) reviewing residential uses that were previously permitted by right or via Special Use in commercial districts should again be allowed; (4) zoning for snack food manufacturing; (5) zoning for assisted living facilities; and (6) the review and submission process and commission schedules.

*Continued from November 10, 2021 **REQUEST TO TABLE***

- B. **Z-01-22** Public hearing, review and action on a request submitted by Stan Cain on behalf of Wesley United Methodist Church requesting a zoning map amendment for the property located at 413 E Washington St and 410 E Front St from D-2, Downtown Transitional District to P-2, Public Lands & Institutions District (PIN: 21-04-411-013). (Ward 6)
- C. **Z-12-21** Public hearing, review and action on a request by John Pratt, Attorney, for QuikTrip Corporation, for approval for a rezoning and approval of an Annexation Agreement for property located on a tract of land being part of Lots 1-5, 9-10 and 21-23 and All Lots 6-8 and 11-16 C. A. Nafziger's Subdivision being part of the Northwest quarter of Section 6, Township 23 North, Range 2 East of the Third Principal Meridian in McLean County, Illinois (PINs: 21-06-102 003 and 21-06-102-004).

6. OLD BUSINESS

7. NEW BUSINESS

8. ADJOURNMENT



**DRAFT
MINUTES**

**PUBLISHED BY THE AUTHORITY OF THE PLANNING COMMISSION OF BLOOMINGTON,
ILLINOIS**

**SPECIAL MEETING
OSBORNE ROOM, 2ND FLOOR POLICE DEPARTMENT
305 S. EAST STREET, BLOOMINGTON, IL
WEDNESDAY, JANUARY 19, 2022 4:00 P.M.**

**THIS MEETING WAS HELD VIRTUALLY. LIVE STREAM AVAILABLE AT:
www.cityblm.org/live**

Prior to 15 minutes before the start of the meeting, 1) those persons wishing to provide public comment or testify at the meeting registered at www.cityblm.org/register, and/or 2) those persons wishing to provide written comment emailed their comments to publiccomment@cityblm.org.

Members of the public could also attend the meeting at City Hall. Attendance was limited to 10 people including staff and Board/Commission members and required compliance with City Hall COVID-19 protocols and social distancing. Participants and attendees were encouraged to attend remotely.

The Planning Commission convened in virtually via Zoom conferencing within City Hall’s Council Chambers at 4:00 p.m., Wednesday, January 19, 2022, with the following physically present: Chairperson Mohr, Commissioner Stanczak and staff members Mr. George Boyle, Assistant Corporation Counsel; Mr. Glen Wetterow, City Planner; Mr. Jon Branham, City Planner; Ms. Alissa Pemberton, Assistant City Planner; Ms. Kimberly Smith, Assistant Economic and Community Development Director; Craig McBeath, Director of Information Technology; and Mr. Ryan Miller, Application Support Specialist, Information Technology.

The meeting was called to order by Chairperson Mohr and livestreamed to the public at www.cityblm.org/live at 4:18 p.m.

ROLL CALL

Attendee Name	Title	Status
Mr. Tyson Mohr	Chair	Present
Mr. Justin Boyd	Vice Chair	Present
Mr. Thomas Krieger	Commissioner	Present
Mr. Mark Muehleck	Commissioner	Absent
Mr. David Stanczak	Commissioner	Present
Mr. John Danenberger	Commissioner	Present
Mr. Brady Sant-Amour	Commissioner	Present

**DRAFT
MEETING MINUTES**

PUBLISHED BY THE AUTHORITY OF THE PLANNING COMMISSION OF BLOOMINGTON, ILLINOIS

WEDNESDAY, JANUARY 19, 2022

Mr. Benjamin Muncy	Commissioner	Present
Mr. Goverdhan Galpalli	Commissioner	Present

Mr. Branham called the roll. There was a quorum present.

With no objections, the Chair announced the following were moved to the end of the agenda, for the sake of time: Public Comment, Minutes, Cases Z-24-21 (tabled), PR-09-21 (withdrawn) and a request to update the Bylaws.

REGULAR AGENDA

C. Z-26-21 Public hearing, review and action on a petition submitted by Charles Armstrong on behalf of Bloomington Baptist Church requesting a zoning map amendment for the property located at 1109 Alexander Rd from P-2, Public Lands & Institutions District to B-2 (Local Commercial) District. (PIN: 21-07-276-029). (Ward 6)

City Staff Glen Wetterow presented the staff report with a recommendation for approval.

Chairperson Mohr asked for affirmation that the intent of the rezoning is for the interest of the public and not just the petitioner.

Mr. Wetterow agreed and iterated a rezoning looks at how the zoning as a whole will impact area as there are numerous potential uses that could go in under the proposed zoning. He noted that the proposed B-2 zoning does provided additional scrutiny related to use and development of the property that the current P-2 zoning does not.

Chairman Mohr asked if it was odd to have commercial zoning surrounded by residential zoning. Mr. Wetterow stated with future development in the area the B-2 zoning could serve as a buffer between the future development and the residential zoning. This is the intent of the B-2 zoning.

The petitioner, Charles Armstrong was sworn in and provided background on why the rezoning is being requested.

Bree Brosamer spoke on behalf of Sundown Exteriors who is the potential buyer of the property. She stated she was there to answer any questions about the operations proposed for this location. There were no questions for her at this time.

Floyd Byers read a prepared statement that his concern is with the type of work associated with Sundown Exteriors is primarily roofing, and he is against the rezoning.

Chairperson Mohr summarized emailed comment received from Lael Salinas and that she is against the rezoning because of the roofing work associated with the business.

Brain Knuth spoke on behalf of his father. He reviewed the standards presented by staff and disagreed with the findings made by staff, emphasized how roofing was not mentioned as a business activity, and stated he is concerned about the

building or buildings planned to be placed on the property in the future. Mr. Knuth presented a petition of signatures of surrounding owners which all opposed this rezoning. Mr. Boyle asked if Mr. Armstrong had any objection to this being made part of the record. Mr. Armstrong stated he did not have any objection. Mr. Boyle stated the petition can then be made part of the record.

Bree Brosamer asked to speak again. She addressed some of the concerns brought up by previous members of the public and stated she was not aware as to why the roofing portion of their business was not mentioned as this is main service they provide. Sundown will not be storing materials at this location as materials are stored at the location where the work is being done. No large vehicles will be at this location either.

Doug Smith stated he was concerned about the impact on the neighborhood and how the rezoning would break up nature of the neighborhood. He was against the rezoning.

Shirely Knuth stated she was against the rezoning for many of the reasons previous members of the public had expressed.

Commissioners Boyd and Krieger both indicated they would have to be leaving the meeting soon.

Shelley Gould spoke against the petition for rezoning. Chairperson Mohr closed public hearing

Commission had discussion on the petition. A concern was stated for lack of infrastructure available and if this is considered infill. Commissioner Stanczak was concerned with placing a commercial use in a non-commercial area. For this reason, he made a motion to deny that the standards are met. Commissioner Boyd seconded that motion. A vote to deny that the standards were met and to recommend denial to City Council was held. Mr. Boyle made a point of clarification that a yes vote was for denial. The Commission indicated the understood. Roll Call Vote. Mr. Krieger - Yes, Vice Chair Boyd - Yes, Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Muncy - Present, Mr. Galpalli - Yes, Chair Mohr - Yes. The motion to deny was approved (6-0-0).

Commissioners Boyd and Krieger left the meeting at approximately 5:10 p.m.. A quorum was temporarily lost.

Chairperson Mohr announced a recess at 5:12 p.m. and stated the meeting would resume at 5:20pm.

Commissioner Sant-Amour entered virtually at 5:20 pm.

Chairperson Mohr called the Commission to order at 5:20pm. A Roll Call was taken - Commissioners Mohr, Stanczak, Danenberger, Sant-Amour, Muncy, Galpalli were present. With 6 members present a quorum was reestablished.

Staff reviewed the list of individuals registered to speak and identified that all of them were still present on the virtual meeting.

D. Z-26-21 Public Hearing, review and action on a petition submitted by David K. Stark on behalf of Stark Excavating, Inc. and Interchange City West, LLC requesting a zoning map amendment for property generally located south of Enterprise Dr and west of Maple Hill Rd in the City of Bloomington, from B-1 (General Commercial) District, to R-3A (Multiple-Family Residence) District. (PIN: 14-31-401-003). (Ward 7)

City Staff Jon Branham, presented the staff report, indicated all standards have been met and concluded with a recommendation for approval.

Chairperson Mohr stated the adjacent properties were previously approved to be rezoned. Staff indicated this was correct. Staff indicated the case rezoning the adjacent properties has only been recommend for approval and has not been approved by City Council.

The Commission had no questions for staff.

David Armstrong spoke as a representative on behalf of the applicant. Mr. Armstrong thanked the Commission for reestablishing quorum.

Mr. Armstrong highlighted that the petition is in the best interest of the public and not in the sole interest of the applicant. There were no questions for Mr. Armstrong from the Commission.

There was no public testimony.

Motion to establish finding of facts was made by Mr. Muncy and was seconded by Mr. Danenberger. A Roll Call vote was taken. Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Muncy - Yes, Mr. Galpalli - Yes, Chair Mohr - Yes. The motion was approved (6-0-0).

Motion to recommend approval of rezoning to City Council was made by Mr. Muncy and was seconded by Mr. Danenberger. A Roll Call vote was taken. Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Muncy - Yes, Mr. Galpalli - Yes, Chair Mohr - Yes. The motion was approved (6-0-0).

E. Z-28-21 Public Hearing, review and action on a petition submitted by Brent Alsman requesting a zoning map amendment for the property located at 205 N Prospect Rd from B-1 (General Commercial) District, to R-3B (Multiple-Family Residence) District. (PIN: 21-02-253-017). (Ward 8)

City Staff, Jon Branham, presented the case. All standards have been met and recommends approval. There were no questions for staff from the Commission.

David Armstrong spoke as a representative on behalf of the applicant. Mr. Armstrong asked the Commission to make a motion to approve the rezoning as the petition is in the best interest of the public and not in the sole

interest of the applicant.

Chairperson Mohr asked Mr. Armstrong if the property has always been vacant. Mr. Armstrong stated that was correct.

There was no public comment.

The only discussion had by the Commission was made by Chairperson Mohr when he stated how suited the site would be for residential development given the adjacent amenities and how the proximity would allow the residents to walk or bike to them.

Motion to establish finding of facts was made by Mr. Muncy and was seconded by Mr. Danenberger. A Roll Call vote was taken. Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Muncy - Yes, Mr. Galpalli - Yes, Chair Mohr - Yes. Vote - 6-0. Passed

Motion to recommend approval of rezoning to City Council was made by Mr. Muncy and was seconded by Mr. Danenberger. A Roll Call vote was taken. Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Muncy - Yes, Mr. Galpalli - Yes, Chair Mohr - Yes. Vote - 6-0. Passed

- F. **PS-05-21** Public hearing, review and action on a petition Submitted by David P. Brown, Agent for Property owner Terra, LLC (1904 Longwood Lane, Bloomington, IL 61704) requesting an Amended Preliminary Plan for a Portion of Hawthorne Commercial Park. (PINs: 15-31-276-026, 15-31-278-001 and 15-31-278-003). (Ward 3)

City Staff, Glen Wetterow, presented the case. All standards have been met and recommends approval. There were no questions for staff from the Commission.

The petitioner, David Brown representing Terra LLC spoke on the case. He stated the purpose of the preliminary plan as to serve as an assurance of infrastructure. Mr. Wetterow stated that Public Works had reviewed the preliminary plan and had approved the plan based upon their review criteria.

There was no public comment.

Chairperson Mohr asked to clarify why the standards of Chapter 24 were being applied. Mr. Wetterow stated Chapter 24 is the portion of the City's Code that regulated subdivision. Mr. Mohr asked if the relevant standards were pulled from this section. Mr. Wetterow stated yes the standards present are the general standards all subdivisions are to be reviewed under.

Motion to establish finding of facts was made by Mr. Muncy and was seconded by Mr. Danenberger. A Roll Call vote was taken. Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Muncy - Yes, Mr. Galpalli - Yes, Chair Mohr - Yes. The motion was approved (6-0-0).

Motion to recommend approval of the preliminary plan to City Council was made by Mr. Stanczak and was seconded by Mr. Muncy. A Roll Call vote was taken. Mr. Stanczak - Yes, Mr.

Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Muncy - Yes, Mr. Galpalli - Yes, Chair Mohr - Yes. The motion was approved (6-0-0).

- A. Z-24-21** Public Hearing, review and action on text amendments, modifications and deletions to the Bloomington Zoning Ordinance, Chapter 44 of the City Code, submitted by the Bloomington City Council (Resolution 2021-31) relating to (1) auto sale exclusions, definition, and zoning; (2) updating certain zoning classifications; (3) reviewing residential uses that were previously permitted by right or via Special Use in commercial districts should again be allowed; (4) zoning for snack food manufacturing; (5) zoning for assisted living facilities; and (6) the review and submission process and commission schedules. *Continued from November 10, 2021* **REQUEST TO TABLE**

The Chairperson indicated that this case as noticed, but staff does not have anything to present at this time. So, he is looking for a motion to table to a date uncertain. A motion to table to a date uncertain was made by Commissioner Stanczak and was seconded by Commissioner Muncy. A Roll Call vote was taken. Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Muncy - Yes, Mr. Galpalli - Yes, Chair Mohr - Yes. The motion was approved (6-0-0).

- B. PR-09-21** Public hearing, review, and action on a petition submitted by Stan Cain on behalf of Wesley United Methodist Church requesting approval of a Site Plan (with potential variances) for a Food Pantry in the D-2 (Downtown Transitional) District for the property located at one site with multiple addresses, commonly known as 413 E. Washington, 410 E. Front and 416 E. Front Street. (PINs: 21-04-411-003, 21-04-411-011, and 21-04-44-009). (Ward 6) **WITHDRAWN**

Chairperson Mohr identified that the item had been noticed but was subsequently withdrawn by the petitioner and thus had been formally withdrawn. There is no action for the Commission to take on the item.

G. Update of Planning Commission Bylaws

Chairperson Mohr indicated that staff had become aware of some discrepancies between the Commission Bylaws and City Ordinances. The purpose of amending the bylaws is to bring to the two into alignment.

City Staff George Boyle summarized one of the modifications to the bylaws: 1) the frequency in which the Commission meetings. The bylaws indicate twice a month. The Commission now only meets on the first Wednesday of every month. 2) Number of commissioners needed to establish quorum. The bylaws currently establish quorum based upon the total number of commission members. They will be revised to base quorum off the total number of commission members holding office. This will allow the Commission to reach and maintain a quorum more easily. 3) Update Code references.

Chairperson Mohr mentioned the updated bylaws reflecting the amendments will be included with the record. Assistant Corporate Counsel George Bolye read the amendments that would be made to the bylaws.

A motion to amend the bylaws of the Planning Commission was made by Commissioner Muncy and was seconded by Commissioner Galpalli. A Roll Call vote was taken. Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Muncy - Yes, Mr. Galpalli - Yes, Chair Mohr - Yes. The motion was approved (6-0-0).

Minutes

Chairperson Mohr indicated an addition to the minutes of the November 10th meeting request by Commissioner Boyd. The exact wording was provided to staff for them to include. Chairperson Mohr read the addition requested.

Commissioner Muncy motioned to approve the minutes from the regular November 10, 2021, December 8, 2021 and January 5, 2022 regular Planning Commission meetings. Mr. Danenberger seconded. A Roll Call vote was taken. Mr. Stanczak - Present, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Muncy - Yes, Mr. Galpalli - Present, Chair Mohr - Yes. Vote - 4-2(Present). Passed.

OLD BUSINESS

No items.

NEW BUSINESS

Chairperson Mohr welcomed Commissioner Galpalli to the Planning Commission.

ADJOURNMENT

Mr. Stanczak motioned to adjourn. Mr. Muncy seconded. A Roll Call vote was taken. Mr. Stanczak - Yes, Mr. Danenberger - Yes, Mr. Sant-Amour - Yes, Mr. Muncy - Yes, Mr. Galpalli - Yes, Chair Mohr - Yes. Vote - 6-0. The motion carried. The meeting was adjourned at 5:55 PM



PLANNING COMMISSION

TO: Planning Commission

FROM: Economic & Community Development Department

DATE: February 2nd, 2022

CASE NO: Z-01-22, Zoning Map Amendment

REQUEST: Public Hearing, review and action on a petition submitted by Stain Cain of Wesley United Methodist Church requesting a zoning map amendment for property located at 413 E Washington St and 410 E Front St in the City of Bloomington, from D-2, Downtown Transitional District, to P-2, Public Lands & Institutions District.

BACKGROUND

Petitioners' request:

The petitioner seeks to rezone the subject property from D-2, Downtown Transitional District, to P-2, Public Lands & Institutions District to allow for expanded operations at the property, which is currently owned by the church. The requested rezoning ensures the proposed activity is properly zoned and achieve the same zoning designation as the primary church property, located directly east of the site.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Sunday, January 17, 2022. Courtesy notices were mailed to 80 property owners within 500 feet of the subject property.

Property Characteristics:

The subject property consists of 0.77 acres of land located at 413 E Washington St and 410 E Front St. The property is located at the southeast intersection of E Washington St and N McLean St. The property was formerly occupied by a financial institution, which is currently utilized for temporary church activities. The site includes an associated surface parking area. An accessory structure is also located near the southwest edge of the property.

Surrounding Zoning and Land Uses

Zoning		Land Uses
North	D-2	La Fayette Apartments
South	D-2 / R-3B	Parking Lot / Residential
East	P-2	Wesley United Methodist Church
West	D-2	Vacant Office / Parking Lot

ANALYSIS

*Comparison of Existing and Proposed Districts**

<p>D-2 Downtown Transitional District</p> <p>The intent of the D-2 Downtown Transitional District is to compliment and support the uses located in the D-1 Central Business District. Office, service and civic uses, as well as residential apartments and multifamily dwelling units, are appropriate in this district. Due to its transitional location between the central business district and outlying residential areas, the D-2 District permits development at a lower intensity and density than the downtown core. Pedestrian circulation is prioritized. To this end, buildings should be located close to the sidewalk with on-site parking located in the rear of the parcel and accessed from secondary roadways or alleys, though modest setbacks for courtyards, gardens and other similar amenities may be provided.</p>	<p>P-2 Public Lands & Institutions District</p> <p>The intent of the P-2 Public Lands and Institutions District is to allow for the establishment and maintenance of public uses, publicly-regulated uses and private uses that display an inherent relationship to the public interest. The creation of such a district shall be provided for parcels of substantial size where such community serving uses are necessary in order that adequate community services may be rendered and where, through proper site selection and planning, such uses are compatible with the surrounding area.</p>
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*A list of permitted uses for commercial districts and residential districts can be found online in [Chapter 44, Divisions 5-2](#) and [4-2](#) respectively.

Compliance with the Comprehensive Plan

Rezoning requests should be consistent with the Comprehensive Plan designation. The 2035 Comprehensive Plan’s Future Land Use map identifies this section of Washington Street as Mixed Use. The Land Use Priorities map does not identify this area as a priority area.

The proposed P-2 zoning map amendment supports the following Comprehensive Plan goals:

- H-2. Ensure reinvestment in the established older neighborhoods and compact development of the City.
- Goal N1-1. Enhance the livability of all Bloomington Neighborhoods
- Goal N1-2. Prioritize, with urgency, the revitalization of the neighborhoods in the Regeneration area.
 - N-1.2g. Enhance key corridors into the City such as Washington Street, Macarthur Avenue, South Main/Center Street, and Market Street.

STANDARDS FOR REVIEW

As indicated in Ch. 44, 17-6 Zoning Map (rezoning) and text amendments, the Planning Commission shall be guided by those purposes, standards, and objectives of this Code and shall not recommend the adoption of any amendment unless it finds that such amendment is in the public interest and not solely for the benefit of the applicant.

Standards for Consideration of Rezoning

Standard	Discussion	Finding
<p><i>The suitability of the subject property for uses authorized by the existing zoning.</i></p>	<p>Uses permitted within the B-1 General Commercial District are primarily oriented to commercial uses accessed by motor vehicle. Multi-family development is not permitted by the current version of the City’s Code of Ordinances, but prior versions did allow multi-family development in the B-1 zoning District.</p>	<p>Standard is met.</p>

<i>The length of time the property has remained vacant as zoned considered in the context of land development in the area.</i>	The property is not vacant, but has been utilized by the church for temporary activities. The rezoning would allow for the church activities to expand and operate with full zoning compliance.	Standard is met.
<i>The suitability of the subject property for uses authorized by the proposed zoning.</i>	A place of worship and its associated activities are a permitted use in the P-2 zoning district. The proposed zoning would be suitable provided the church owns the property.	Standard is met.
<i>The existing land uses and zoning of nearby property.</i>	The subject property is surrounded by residential and institutional uses, as well as a parking lot and vacant property.	Standard is met.
<i>Relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application.</i>	If the zoning map amendment is granted, the applicant would be able to utilize the site for other church-related activities, which would benefit Bloomington residents.	Standard is met.
<i>The extent to which adequate streets are connected to the arterial street system and are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification.</i>	The site has access to E Washington Street, N McLean Street, and E Front Street.	Standard is met.
<i>The extent to which the proposed amendment is inconsistent with the need to minimize flood damage and that the development of the subject property for the uses permitted in the proposed zoning classification will not have a substantial detrimental effect on the drainage patterns in the area.</i>	The petitioner has stated they will comply with any proposed drainage requirements for any potential improvements at the property. Before any construction can proceed a stormwater detention plan will need to be provided and approved by the Public Works department.	Standard is met.
<i>The extent to which adequate services (including but not limited to fire and police protection, schools, water supply, and sewage disposal facilities) are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification.</i>	The site is currently served by existing watermains and sewer connections, as well as fire and police protection.	Standard is met.
<i>The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of this Code as set forth in § 44-1701 herein.</i>	The map amendment is intended to facilitate use of underutilized properties, providing a net benefit to the area.	Standard is met.
<i>The extent to which property values are diminished by the particular zoning restriction.</i>	The zoning restrictions would not be expected to diminish property values. The present condition of the property is in need of improvement.	Standard is met.
<i>The extent to which the destruction of property values promotes the health, safety, morals, or general welfare of the public.</i>	The proposed rezoning and use are not anticipated to diminish property values in the area.	Standard is met.

<i>Whether a Comprehensive Plan for land use and development exists, and whether the ordinance is in harmony with it.</i>	The Comprehensive Plan’s Future Land Use map identifies the subject property as a mixed-use. The Land Use Priorities map does not directly identify this area.	Standard is met.
<i>Whether the City needs the proposed use.</i>	The proposed map amendment would allow the church to remain in its present location and expand service to residents of the City.	Standard is met.

STAFF RECOMMENDATION

Staff finds that the application meets all the standards for a zoning map amendment and recommends that the Planning Commission take the following actions:

1. Motion to establish findings of fact that the proposed map amendment is in the public interest and not solely for the benefit of the petitioner.

2. Motion to recommend approval of the petition submitted by Stain Cain of Wesley United Methodist Church requesting a zoning map amendment for property located at 413 E Washington St and 410 E Front St in the City of Bloomington, from D-2, Downtown Transitional District, to P-2, Public Lands & Institutions District. (P.I.N.: 21-04-411-013). (Ward 6)

Respectfully submitted,

Jon Branham
City Planner

Attachments:

- Draft ordinance
- Aerial map
- Zoning map
- Neighborhood notice and map

ORDINANCE NO. 2022 - _____

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FROM D-2, DOWNTOWN TRANSITIONAL DISTRICT, TO P-2, PUBLIC LANDS & INSTITUTIONS DISTRICT, FOR THE PROPERTY GENERALLY LOCATED AT 413 E Washington St and 410 E Front St, 0.77 ACRES MORE OR LESS.

WHEREAS, there was heretofore filed with the Economic and Community Development Department of the City of Bloomington, McLean County, Illinois, a petition requesting to rezone the property commonly described as zero and seventy-seven hundredths of an acre located at 413 E Washington St and 410 E Front St. (PIN: 21-04-411-013) legally described in Exhibit "A" and hereinafter referred to as "Property", which is attached hereto and made part hereof by this reference; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said petition to rezone the Property from D-2 Downtown Transitional District to P-2 Public Lands & Institutions District and adopted findings of fact on the same; and

WHEREAS, the Bloomington Planning Commission found the requested rezoning to be in the public interest and not solely for the benefit of the application, using the standards and objectives of the City Code as set forth in Chapter 44 Division 17-6, E2; and

WHEREAS, following said public hearing, the Planning Commission recommended approval of rezoning of the Property and zoning map amendment to P-2 Public Lands & Institutions District; and

WHEREAS, the City Council is authorized to adopt this Ordinance and approve the petition to rezone said Property.

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

1. The above recitals are incorporated into and made a part of this ordinance as though fully set forth herein.
2. The Council hereby adopt the findings of fact made by the Planning Commission.
3. The petition requesting to rezone the property commonly described as zero and seventy-seven hundredths of an acre located at 413 E Washington St and 410 E Front St. (PIN: 21-04-411-013) legally described in Exhibit "A" is hereby approved.
4. This Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this _____ day of February 2022.

APPROVED this _____ day of February 2022.

CITY OF BLOOMINGTON

Mboka Mwilambwe, Mayor

ATTEST

Leslie Smith-Yocum, City Clerk

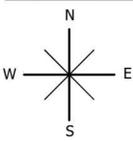
EXHIBIT A

Legal Description

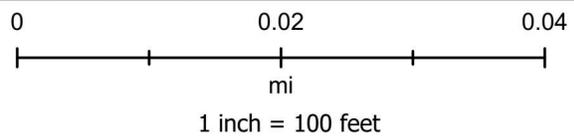
413 E Washington St and 410 E Front St, Bloomington, Illinois

Lot 1 and the East 12 ½ feet of Lot 2, the West 47 ½ feet of Lot 2 and the East 7 ½ feet of Lot 3, Lot 12 and 10 feet off the East side of Lot 11, and Lot 10 and the West 20 feet of Lot 11, all in Block 6 of Evan's First Addition to the City of Bloomington, in McLean County, Illinois.

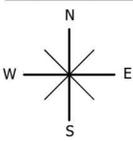
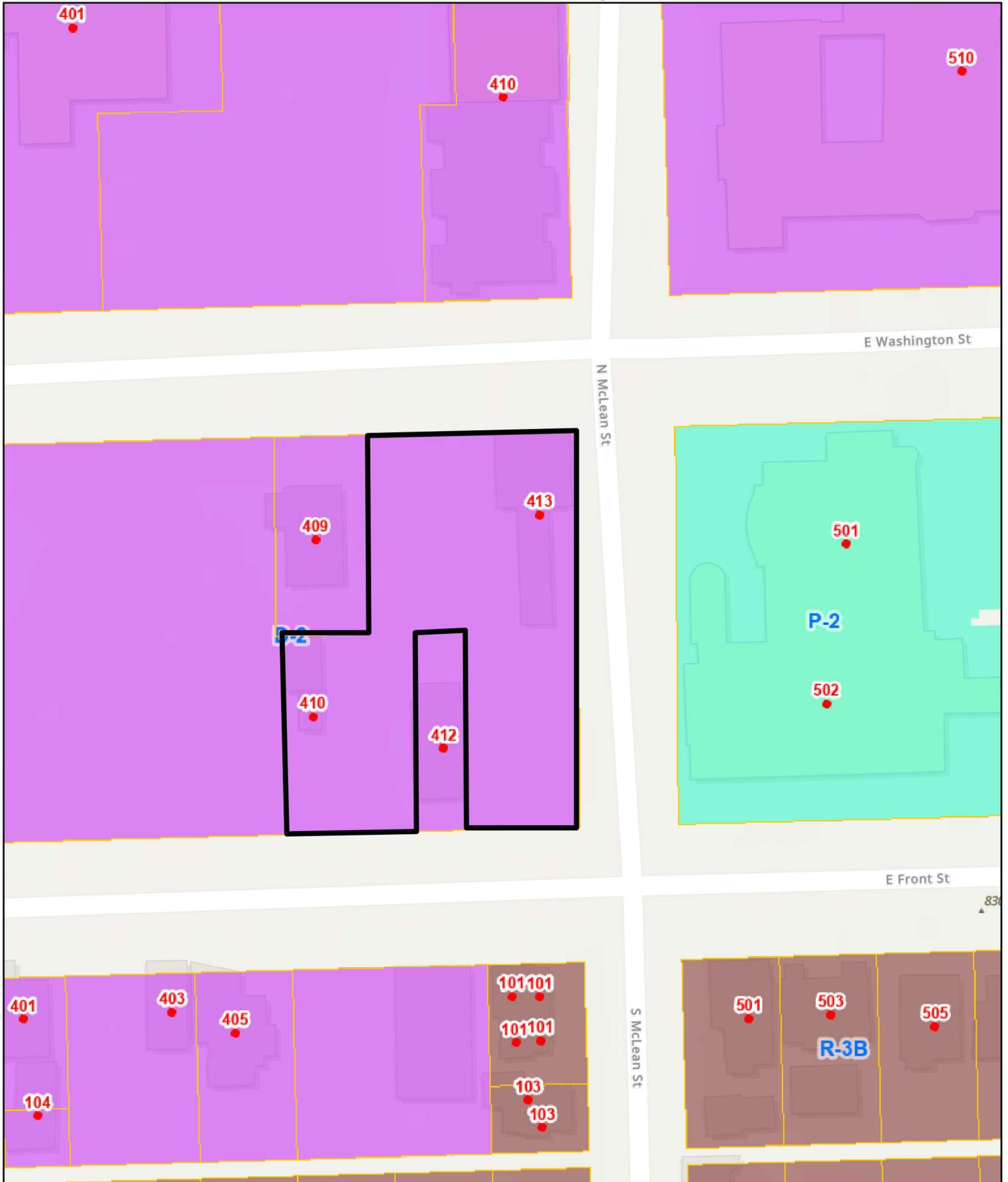
PIN: 21-04-411-013



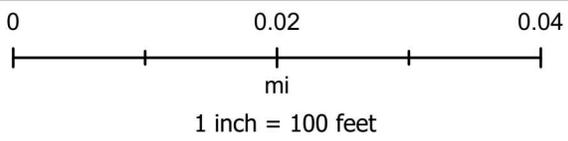
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Case Z-01-22 - Zoning Map



McGIS does not guarantee the accuracy of the information displayed. Only on-site verification or field surveys by a licensed professional land surveyor can provide such accuracy. Use for display and reference purposes only.





Economic & Community Development
Department
115 E Washington St, Ste 201
Bloomington, IL 61701
(309)434-2226
planning@cityblm.org

January 20, 2022

NOTICE OF PUBLIC HEARING – **REVISED LETTER**

The Planning Commission of the City of Bloomington, Illinois, will hold a public hearing on **Wednesday, February 2nd, 2022 at 4:00 PM virtually and in the Community Room located in the Bloomington Public Library, 205 E Olive St, Bloomington, IL 61701** on the following case: Z-01-22 Public hearing, review and action on a petition submitted by Stan Cain on behalf of Wesley United Methodist Church requesting a **zoning map amendment for the property located at 413 E Washington Street, and 410 E Front Street from D-2, Downtown Transitional District, to P-2, Public Lands & Institutions District. (PIN: 21-04-411-013).**

Please note the updated address.

You are receiving this notice because you own or occupy property within a 500-foot radius of the subject property (refer to attached map).

Due to the surge in COVID cases in McLean County, **this meeting will be presented virtually.**

- Those persons wishing to watch the meeting may do so at: www.cityblm.org/live.
- Those persons wishing to provide testimony on any of the agenda items designated as a public hearing may appear in-person or may appear virtually by registering at www.cityblm.org/register at least 15 minutes before the meeting.
- Since attendance is limited to 10 members of the public, members of the public are encouraged to attend virtually.
- Those persons wishing to provide public comment may register at www.cityblm.org or email publiccomment@cityblm.org.

This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs contact the City Clerk at 115 E. Washington St., Ste 103, Bloomington, IL 61701 (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115.

The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website <https://www.cityblm.org/government/boards-commissions>. Please note this meeting could be subject to change based on a lack of quorum or other reasons. Notice of a change will also be posted online at <https://www.cityblm.org/government/boards-commissions>. For questions contact the Economic & Community Development Department at 309-434-2226.

Sincerely, Planning Division staff

Map of notified properties within 500 ft of subject property



PLANNING COMMISSION

TO: Planning Commission

FROM: Economic & Community Development Department

DATE: February 2, 2022

CASE NO: Z-12-21, Annexation Agreement

REQUEST: Public hearing, review, and action on a petition submitted by John Pratt, Attorney, for QuikTrip Corporation, for approval of a Rezoning and Annexation Agreement for property located on a tract of land being part of Lots 1-5, 9-10 and 21-23 and All Lots 6-8 and 11-16 C. A. Nafziger’s Subdivision being part of the Third Principal Meridian in McLean County, Illinois (PINs: 21-06-102-003 and 21-06-102-004).

SUMMARY OF PROPOSAL

John Pratt, on behalf of QuikTrip Corporation, has submitted a petition for approval of an annexation agreement for approximately 80-acre property generally located west of Interstate 55 and south of West Market Street. Of the 80 acres, approximately eighteen acres nearest West Market Street are proposed to be divided into three commercial lots with related infrastructure upgrades; and no immediate plans to develop the remaining approximately 62 acres. This is depicted on the draft Preliminary Plan, which is included as an exhibit to the proposed Annexation Agreement. Additionally, upon annexation, the first three lots are proposed to be zoned B-1 (General Commercial) District; the remaining acreage would be zoned A (Agriculture) District.

Future submittals are anticipated for the annexation itself (whereas the current request is for the agreement that precedes the annexation), preliminary plan approval, an infrastructure improvement plan, final plat approval, site plan approval, and related site and building permits. Each of these items is a usual and customary requirement; several of which entail additional, future public hearings.

BACKGROUND

Property Characteristics

The subject property contains approximately 80 acres of land is currently undeveloped farmland with a homestead. Access to the property is available from West Market Street and Bloomington Heights Road, which outlines a portion of the proposed lots.

Surrounding Zoning and Land Uses

	Zoning	Land Uses
North	B-1 (General Commercial)	Bank, Restaurants, Retail, Hotel
South	A-(Agricultural, County) & M-1 (Restricted Manufacturing, County)	Single-Family Residential, Transfer Station

East	A-(Agricultural, County) & C-(Commercial, County)	Single-Family Residential, Vacant, I-55 Interchange
West	M-1 (Restricted Manufacturing, County)	Vacant

Comprehensive Plan

Rezoning requests should be consistent with the Comprehensive Plan designation. The 2035 Comprehensive Plan (adopted August, 2015), Future Land Use map, identifies this section of West Market Street as both a low density residential and a commercial activity center. The Land Use Priorities map identifies this area as a Tier 2 priority, land immediately adjacent to the City’s incorporated area, and with access to all City services. This area is also identified as an emerging neighborhood boundary.

The portion of the property proposed for a B-1 zoning map amendment supports the following Comprehensive Plan goals:

- ED-1.2 Leverage community assets in attracting business.
- ED-4.4 Evaluate commercial land use needs in the context of changing economic trends.
- CF-1. Continue to provide quality public facilities and services

PROCEDURE AND STANDARDS FOR REVIEW

The Bloomington Planning Commission shall conduct a public hearing on the agreement and make its recommendation to the City Council based on the standards outlined in Chapter 44, 8.5, 203 of the Bloomington City Code. The Planning Commission shall consider whether the amendment to the Official Zoning Map for the City of Bloomington is in the public interest or is solely for the benefit of the person requesting such amendment, and in doing so may consider the following standards:

Standards for Annexation Agreement (City Code Section 8.5-203)

1. The suitability of the subject property for uses authorized by the existing zoning;
2. The length of time the property has remained vacant as zoned considered in the context of land development in the area;
3. The suitability of the subject property for uses authorized by the proposed zoning;
4. The existing land uses of nearby property;
5. Existing zoning of nearby property, relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application;

6. The extent to which adequate streets connected to the arterial street system are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification;
7. The extent to which the proposed amendment is consistent with the need to minimize flood damage and whether the development of the subject property for uses permitted in the proposed zoning classification would have a substantial detrimental effect on the drainage patterns in the area;
8. The extent to which adequate services (including but not limited to fire and police protection, schools, water supply and sewage disposal facilities) are available or can be supplied to serve the uses permitted in the proposed zoning classification; and
9. The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of Chapter 44, Article I, of the Bloomington City Code - 1960, including the following specific purposes:
 - a. To conserve and protect the taxable value of land and structures;
 - b. To protect the air, water and land resources within the City from the hazards of pollution and misuse;
 - c. To protect land and structures from natural hazards; including flooding and erosion;
 - d. To preserve and protect historic locations, structures and groups of structures;
 - e. To preserve and protect and encourage the development of structures, groups of structures and neighborhoods of distinctive architectural character and appearance;
 - f. To provide for the orderly and functional arrangement of land uses and structures;
 - g. To establish standards for the orderly development or redevelopment of geographic areas within the City;
 - h. To secure for the public locations for housing, employment, shopping, education and recreation that are adequate in terms of health, safety, convenience and number;

- i. To facilitate the adequate provision of transportation, water, sewage disposal, schools, parks and other public facilities; to conserve and protect natural resources including prime agricultural land, mineral resources and areas of scientific interest;
- j. To conserve and protect natural resources including prime agricultural land, mineral resources and areas of scientific interest;
- k. To permit public involvement in the planning of private land uses which have the potential for significant impact on the use and enjoyment of surrounding property or on the public resources and facilities of the City of Bloomington; and
- l. To promote the Official Comprehensive Plan adopted by the City of Bloomington.

Standards for Rezoning (City Code Section 44, 17-6.E(2))

The Commission shall not recommend the adoption of any amendment unless it finds that such amendment is in the public interest and not solely for the benefit of the applicant. In making such a finding, the Commission may consider:

- a. The suitability of the subject property for uses authorized by the existing zoning;
- b. The length of time the property has remained vacant as zoned considered in the context of land development in the area;
- c. The suitability of the subject property for uses authorized by the proposed zoning;
- d. The existing land uses and zoning of nearby property;
- e. Relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application;
- f. The extent to which adequate streets are connected to the arterial street system and are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification;
- g. The extent to which the proposed amendment is inconsistent with the need to minimize flood damage and that the development of the subject property for the uses permitted in the proposed zoning classification will not have a substantial detrimental effect on the drainage patterns in the area;
- h. The extent to which adequate services (including but not limited to fire and police protection, schools, water supply, and sewage disposal facilities) are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification;

- i. The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of this Code as set forth in § 44-1701 herein;
- j. The extent to which property values are diminished by the particular zoning restriction;
- k. The extent to which the destruction of property values promotes the health, safety, morals, or general welfare of the public;
- l. Whether a Comprehensive Plan for land use and development exists, and whether the ordinance is in harmony with it;
- m. Whether the City needs the proposed use.

Staff finds the standards have been adequately addressed in the proposed annexation agreement and draft preliminary plan.

Upon a vote, the Planning Commission will forward its recommendation to City Council. City will then conduct a second public hearing and approve or reject the Agreement on the basis of:

1. The facts presented at the public hearings; and
2. The recommendations of the Planning Commission; and
3. The recommendations of the City Staff.

STAFF RECOMMENDATION

Staff finds that the proposed annexation agreement, including the draft preliminary plan submitted as an exhibit to the agreement, meets the standards for an annexation agreement (City Code Section 8.5-203) and recommends approval; and

Staff additionally finds the proposed rezoning is in the public interest and not solely for the benefit of the applicant and meets the standards for rezoning (City Code Section 44, 17-6.E(2)) and recommends approval.

Respectfully submitted,

Glen Wetterow, City Planner
Kimberly Smith, Assistant Economic and Community Development Director, AICP

Attachments:

- Annexation Agreement w/Attachments
- Aerial map
- Zoning map
- Boundary map
- Neighborhood notice and map

ANNEXATION AGREEMENT

Pursuant to legislative authorization found in Article 11 Division 15.1 of the Illinois Municipal Code of 1961 as amended, (65 ILCS 5/11-15.1-1 et seq.) and for and in consideration of the mutual promises herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned City of Bloomington, Illinois, a Municipal Corporation, hereinafter referred to as “City” and QuikTrip Corporation, hereinafter referred to as “Owner” enter into this Annexation Agreement (“Agreement”) for the annexation of property into the City. **Owner shall refer to QuikTrip Corporation, their successors, or assigns.**

WHEREAS, Owner is the owner of approximately 88.1 acres, less public right-of-way, with frontage on W. Market Street and hereinafter described on Exhibit A, which is attached hereto and made a part hereof by this reference (hereinafter “Premises” or “Property”); and

WHEREAS, Owner has submitted a Preliminary Plan of Thompson-QuikTrip Addition, attached hereto as Exhibit B (hereinafter “Preliminary Plan”), of how it proposes to develop the Property; and

WHEREAS, the Owner is desirous of having the Premises annexed to the City and the City is desirous of annexing said premises; and

WHEREAS, said Premises is not within the corporate limits of any municipality, but is contiguous to the City; and

WHEREAS, the Owner is desirous of having said premises zoned B-1, General Commercial District, for the front portion (Lots 1, 2, 3, Outlots A, and B) of the Property and remaining acreage (Lot 4) zoned A, Agricultural, upon annexation to the City; and

All Lots referenced shall include any subdivisions thereof.

WHEREAS, the Owner has given all notices required to be given by Section 7-1-1 of the Illinois Municipal Code (65 ILCS 5/7-1-1).

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained, the receipt and sufficiency of which are hereby acknowledged, the City and Owner agree as follows:

1. ANNEXATION PETITIONS.

Owner, subject to the terms and conditions set forth in this Agreement, will petition the City of Bloomington, requesting annexation of the property identified on Exhibit A to the City’s corporate limits, no later than 30 days after approval and execution of this Annexation Agreement. The City shall publicize and give such notices and conduct such public hearings as are required to annex the Premises, including specifically, public hearings on this annexation agreement conducted after notice as required by law and ordinance.

2. ANNEXATION.

The City agrees to adopt an ordinance annexing the property described on Exhibit A.

3. ZONING.

City agrees to rezone the Premises, upon annexation, legally described on Exhibit D (Lot 1), Exhibit E (Lot 2), Exhibit F (Lot 3), Exhibit G (Outlot A), and Exhibit H (Outlot B) to B-1, General Commercial District subsequent to any public hearings required by the City Code. City further agrees to rezone the Premises, upon annexation, legally described on Exhibit I (Lot 4) to A, Agriculture subsequent to any public hearings required by the City Code.

4. DEVELOPMENT OBLIGATIONS.

With regard to the annexation, and development of the Premises, the installation of public improvements within and serving the Premises; and the use and development of the Premises during the life of this agreement, the following shall apply:

Note: Bonds shall be provided for all public improvements as set forth in the City Code. All public improvements shall be constructed within dedicated public right-of-way or dedicated easements.

- A. The Owner shall have the following obligations regarding streets as reflected on the Preliminary Plan attached as Exhibit B:
 - (1) Wylie Drive
 - (i) **At the Time of Final Platting Lot 2:** The Owner shall dedicate all right-of-way as is required for the extension of Wylie Drive from Market Street (U.S. 150) to the south of Lot 2 (Up to Keen Crossing).
 - (ii) **At the Time of Final Platting Lot 2:** Construct Wylie Drive, including a five-foot wide sidewalk on the west side of Wylie Drive, from Market Street (U.S. 150) to the intersection of Keen Crossing.
 - (iii) **At the Time of Final Platting Lot 2:** Construct a ten-foot-wide multi-use path on the east side of Wylie Drive from Market Street (U.S. 150) to Bloomington Heights Road.
 - (iv) **At the Time of Final Platting of Lot 4:** Wylie Drive right-of-way shall be dedicated to the southern limits of the Property.

- (v) **At the Time of Final Platting of Lot 4:** Construct Wylie Drive, including a five-foot wide sidewalk on the west side of Wylie Drive, from Keen Crossing to the southern limits of Property.
 - (vi) **At the Time of Final Platting of Lot 4:** Construct a ten-foot wide multi-use path on the east side of Wylie Drive from Bloomington Heights Road to the southern limits of “Property”.
- (2) J.C. Parkway
- (i) **At the Time of Platting of Lot 2:** The Owner shall dedicate all right-of-way as is required for the extension of J. C. Parkway from Market Street (U.S. 150) to the intersection of Keen Crossing.
 - (ii) **At the Time of Final Platting of Lot 2:** Construct and extend J.C. Parkway, including a five-foot wide sidewalk on the east side of J.C. Parkway, from Market Street (U.S. 150) to the intersection of Keen Crossing.
 - (iii) **At the Time of Final Platting of Outlot A:** Construct a five-foot wide sidewalk on the west side of J.C. Parkway from Market Street (U.S. 150) to the intersection of Keen Crossing.
- (3) Bloomington Heights Road
- (i) **At the Time of Final Platting of Lot 2:** Construct and extend Bloomington Heights Road from the intersection of the extension of Wylie Drive to the eastern limits of Outlot B.
 - (ii) **At the Time of Final Platting of Lot 3:** Construct a ten-foot wide multi-use path on the north side of Bloomington Heights Road from the intersection of Wylie Drive to the eastern limits of Outlot B.
 - (iii) **At the Time of Final Platting of Lot 4:** Construct a five-foot wide sidewalk on the south side of Bloomington Heights Road from the intersection of Wylie Drive to the eastern limits of Lot 4.
- (4) Keen Crossing
- (i) **At the time of Final Platting of Lot 2:** The Owner shall dedicate all right-of-way as is required for Keen Crossing on the south side of Lot 2, from the Wylie Drive extension west to the western edge of the Property.

- (ii) **At the time of Final Platting of Lot 2:** Construct Keen Crossing, including a five-foot wide sidewalk along the north side, from Wylie Drive to the intersection of J.C. Parkway.
 - (iii) **At the Time of Final Platting of Lot 4:** Construct a five-foot wide sidewalk on the south side of Keen Crossing from Wylie Drive to the western edge of the Property.
 - (iv) **At the Time of Final Platting of Outlot A:** Construct Keen Crossing, including a five-foot wide sidewalk along the north side, from the intersection of J.C. Parkway to the western edge of the Property.
- (5) Market Street (U.S. 150)
- (i) *Intersection Design Studies.*
 - (a) **At the Time of Preliminary Plan Approval:** The Owner shall complete and file for approval, with the Illinois Department of Transportation (hereinafter referred to as “IDOT”) and the City of Bloomington, Intersection Design Studies for the Market Street (U.S. 150) – J.C. Parkway intersection and the Market Street (U.S. 150) – Wylie Drive intersection. The Intersection Design Studies shall include improvements for pedestrians to safely cross both intersections in north-south and east-west directions. Both intersections shall provide for one east/west crossing on the south side of the intersection and one north/south crossing on the east side of the intersection.
 - (b) **At the Time of Final Platting of Lot 2:** The Owner shall dedicate all right-of-way (by Final Plat or separate document) as is required for the reconfiguration of the Market Street (U.S. 150) - J.C. Parkway intersection and the Market Street (U.S. 150) – Wylie Drive intersection as determined by the Intersection Design Studies that is approved and agreed upon by IDOT, the City and the Owner.
 - (c) **At the Time of Final Platting of Lot 2:** Construct the necessary infrastructure modifications directly associated with the Property as necessary to meet the requirements of the Intersection Design Studies as made necessary by the development that are approved and agreed upon by IDOT, the City and the Owner.

- (ii) **At the time of Final Platting of Lot 2:** Construct a five-foot wide sidewalk on the south side of Market Street (U.S. 150) from J.C. Parkway to Wylie Drive.

- B. Amended Preliminary Plan for Lot 4: Lot 4 is subject to an Amended Preliminary Plan as indicated on the Preliminary Plan (Exhibit B). Lot 4 is subject to the following:
 - (1) sewer and easement dedications as depicted on the Preliminary Plan (Exhibit B); and

 - (2) the extension of Wylie Drive to the south limits of “Property”. City agrees to amend the Preliminary Plan to modify the location of future road extensions as long as the proposed new locations comply with the City Code and the *McLean County Long-Range Metropolitan Transportation Plan 2045* and Owner dedicates the new right-of-way.

- C. Public Water Improvements: The Owner shall have the following obligations regarding water improvements.
 - (1) Right-of-Way. All necessary water mains shall be built within dedicated public right-of-way or dedicated easements as depicted in the Preliminary Plan (Exhibit B).

 - (2) Improvement Obligations.
 - (a) **At the Time of Final Platting of Lot 4:** Build necessary water main extensions to serve Lot 4. Any oversizing of water mains, in excess of 8”, as required by the City, shall be paid by the City.

 - (b) **Tap On Fees for Public Water Improvements are Waived:** The City shall waive any and all tap on fees for Lots 1, 2, and 3 for public water improvements on the Property.

- D. Public Sanitary Sewer Improvements: The owner shall have the following obligations regarding sanitary sewer improvements.
 - (1) Right-of-Way. All necessary sanitary sewers shall be built within dedicated public right-of-way or dedicated easements as depicted in the Preliminary Plan (Exhibit B).

 - (2) Improvement Obligations.
 - (a) **At the Time of Platting of Lot 2:** Build necessary sanitary sewer extensions to serve Lots 1, 2, and 3 as depicted in the Preliminary Plan (Exhibit B) extending up from the existing sanitary

sewer at Constitution Trail south of Washington Street. Any oversizing of sanitary sewers, as required by the City, shall be paid by the City.

(b) **At the Time of Final Platting of Lot 4:** Build any additional sanitary sewer main extensions to serve Lot 4. Any oversizing of sanitary sewers, as required by the City, shall be paid by the City.

(c) **Tap On Fees for Sanitary Sewer are Waived:** The City shall waive any and all tap on fees for Lots 1, 2, and 3 for sanitary sewers on the Property.

- E. Storm Water Detention. All Lots shall meet the City’s storm water detention requirements. Storm water basins shall be “dry bottom” basins. The basins shall be privately maintained. Basin design shall ensure outfall stormwater does not create adverse impacts to downstream properties. Lots 1 and 2 are to have a combined detention system which is to be maintained by Owner in accordance with a recorded private maintenance agreement. All other lots will be responsible for providing their own privately maintained stormwater detention facility per city requirements.
- F. This Agreement shall be contingent upon the City approving the Preliminary Plan (Exhibit B) for the Premises filed herewith.

5. OBLIGATION TO DEVELOP PER CODE.

In the construction and use of improvements on the subject Premises the Owners shall comply with all zoning subdivision, building, mechanical and other applicable codes and ordinances of the City of Bloomington in effect at that time. Bonds shall be provided for all public improvements as set forth in the City Code.

6. ANNEXATION TO OTHER TAXING DISTRICTS.

That owners, as soon as practicable, but not later than 30 days from the date of annexation to the City, shall file and thereafter diligently pursue the necessary petition to annex the Premises to the Bloomington-Normal Airport Authority and the Bloomington and Normal Water Reclamation District.

7. OUTLOT B TO BE USED FOR OFF PREMISE SIGNAGE AND DETENTION

Owner shall be entitled to use Outlot B for off premises signage to advertise any business being operated on the Property in the Owner’s sole discretion. The City will approve and accept a high rise sign having a maximum height of 150 feet to be constructed in a manner that is substantially similar to the signage plans and specifications set forth in Exhibit J. Owner shall comply with the IDOT rules and regulations in installing and maintaining signage on Outlot B. Outlot B may also be used by Owner for water detention purposes for the benefit of Lot 3.

- N. No Third Party Beneficiaries. No claim as a third-party beneficiary under this Agreement by any Person shall be made, or be valid, against the City or the Owners.
- O. Recording. After the Owners have paid to the City an amount sufficient to cover the cost of recording this Agreement, all necessary plats, the affidavit of service of notice as required by Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-1, and the Annexation Ordinance, the City shall promptly cause this Agreement to be recorded in the office of the Recorder of McLean County.
- P. Occupancy Permits. In addition to any other remedies permitted by this Agreement, the failure of Owner to meet any obligation set forth within this Agreement shall be cause for the City to deny and/or revoke any occupancy permit issued on the Premises.

EXECUTED and ADOPTED this ____ day of _____, 2022, at Bloomington, Illinois.

CITY OF BLOOMINGTON

By: _____
Mboka Mwilambwe, Mayor

Attest:

By: _____
City Clerk

OWNER:
QUIKTRIP CORPORATION

By: _____
Jarod Mendez,
Division Real Estate Manager

8. COVENANTS AND AGREEMENTS

The covenants and agreements contained in the Agreement shall be deemed to be covenants running with the land during the term of this Agreement, shall inure to the benefit and be binding upon the heirs, successors and assigns of the parties hereto.

9. VIDEO GAMING

Upon proper application thereof, and receipt of payment of fees required, the City shall take the necessary actions to ensure a video gaming license is available and issued if a truck stop is developed on Lot 2 of the Subject Property. Owner's application shall meet the requirements of the City Code pertaining to video gaming which is in effect as of the date of the adoption of this Agreement and Owner shall be required to comply with the City Code provisions on video gaming.

10. TERM

The term of this Agreement shall be for twenty (20) years from and after the effective date of the annexation of the Subject Property.

11. NOTICES

Any and all notices required or desired to be given hereunder shall be in writing and shall be delivered personally or sent via certified or registered mail, postage pre-paid and addressed as follows:

To the City of Bloomington, Illinois ("City"):

City of Bloomington
Attn: City Manager
109 East Olive Street
Bloomington, IL 61701

To QuikTrip Corporation ("Owner"):

QuikTrip Corporation
Attn: RE Department
2255 Bluestone
St. Charles, MO 63303

With a Copy to:

QuikTrip Corporation
Attn: Legal Department
4777 South 129th East Avenue
Tulsa, OK 74134

or to such other person or address as a party may designate in a like manner.

12. ADOPTION OF ORDINANCES

The City agrees to adopt such ordinances as may be required to give legal effect to the matters contained in this Agreement.

13. GENERAL PROVISIONS

The following general provisions shall apply to this Agreement:

- A. Time of the Essence. Time is of the essence in the performance of this Agreement.
- B. Rights Cumulative. Unless expressly provided to the contrary in this Agreement, each and every one of the rights, remedies, and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies, and benefits allowed by law.
- C. Non-Waiver. The City shall be under no obligation to exercise any of the rights granted to it in this Agreement. The failure of the City to exercise at any time any right granted to the City shall not be deemed or construed to be a waiver of that right, nor shall the failure void or affect the City's right to enforce that right or any other right.
- D. Consents. Unless otherwise provided in this Agreement, whenever the consent, permission, authorization, approval, acknowledgement, or similar indication of assent of any party to this Agreement, or of any duly authorized officer, employee, agent, or representative of any party to this Agreement, is required in this Agreement, the consent, permission, authorization, approval, acknowledgement, or similar indication of assent shall be in writing.
- E. Governing Law. This Agreement shall be governed by, and enforced in accordance with, the internal laws, but not the conflicts of laws rules, of the State of Illinois.
- F. Severability. It is hereby expressed to be the intent of the parties to this Agreement that should any provision, covenant, agreement, or portion of this Agreement or its application to any Person or property be held invalid by a court of competent jurisdiction, the remaining provisions of this Agreement and the validity, enforceability, and application to any Person or property shall not be impaired thereby, but the remaining provisions shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Agreement to the greatest extent permitted by applicable law.
- G. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any and all prior agreements and negotiations between the parties, whether written or oral, relating to the subject matter of this Agreement.

- H. Interpretation. This Agreement shall be construed without regard to the identity of the party who drafted the various provisions of this Agreement. Moreover, each and every provision of this Agreement shall be construed as though all parties to this Agreement participated equally in the drafting of this Agreement. As a result of the foregoing, any rule or construction that a document is to be construed against the drafting party shall not be applicable to this Agreement.
- I. Exhibits. The Exhibits attached to this Agreement are, by this reference, incorporated in, and made a part of this Agreement. In the event of a conflict between an exhibit and the text of this Agreement, the text of this Agreement shall control.
- J. Amendments and Modifications. No amendment or modification to this Agreement shall be effective until it is reduced to writing and approved and executed by all parties to this Agreement in accordance with all applicable statutory procedures.
- K. Changes in Laws. Unless otherwise provided in this Agreement, any reference to the Requirements of Law shall be deemed to include any modifications of, or amendments to, the Requirements of Law that may occur in the future.
- L. Authority to Execute. The City hereby warrants and represents to the Owners that the Persons executing this Agreement on its behalf have been properly authorized to do so by the Corporate Authorities. The Owners hereby warrant and represent to the City (i) that they are the record and beneficial owners of fee simple title to the Property, (ii) except for a mortgage on the property, no other person has any legal, beneficial, contractual, or security interest in the Property and that annexing the property is not a violation of the security interests, (iii) that it has the full and complete right, power, and authority to enter into this Agreement and to agree to the terms, provisions, and conditions set forth in this Agreement and to bind the Property as set forth in this Agreement, (iv) that all legal actions needed to authorize the execution, delivery, and performance of this Agreement have been taken, and (v) that neither the execution of this Agreement nor the performance of the obligations assumed by the Owners will (a) result in a breach or default under any agreement to which the Owners are a party or to which it or the Property is bound or (b) violate any statute, law, restriction, court order, or agreement to which the Owners or the Property is subject.
- M. Enforcement. The parties to this Agreement may, in law or in equity, by suit, action, mandamus, or any other proceeding, including without limitation specific performance, enforce or compel the performance of this Agreement; provided, however, that the Owners agree that they will not seek, and does not have the right to seek, to recover a judgment for monetary damages against the City, or any of its elected or appointed officials, officers, employees, agents, representatives, engineers, or attorneys, on account of the negotiation, execution, or breach of this Agreement.



Annexation Description Lot 1



A Tract of land being part of Lot 1 of C. A. Nafziger's Subdivision being part of the Northwest quarter of Section 6, Township 23 North, Range 2 East of the Third Principal Meridian in McLean County, Illinois, and being described as follows:

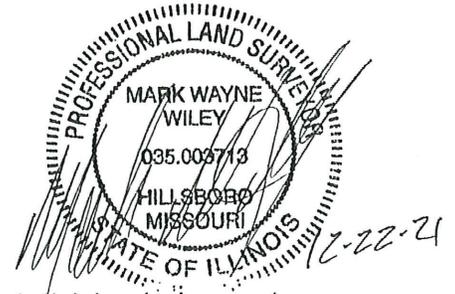
Commencing at the Northwest corner of Lot 2 of First Addition to Bert's Subdivision, a subdivision filed for record under Plat in Document Number 73-5847, said point being in the Southern right of way line of Bloomington Heights Road; thence along a curve to the Left having a radius of 703.94 feet having an arc of 175.29 feet the chord bearing and distance being North 70 degrees 53 minutes 37 seconds West 174.83 feet to a point of tangency; thence North 78 degrees 01 minutes 37 seconds West 1,228.41 feet to a point on the west right of way line of Wylie Drive (width varies) thence South 11 degrees 58 minutes 23 seconds West a distance of 248.09 feet to the point where the west line of Wylie Drive intersects the North line of Public Street "A" ; thence North 78 degrees 01 minutes 37 seconds West along the North line of Public Street "A" a distance of 560.95 feet to a point being in the East line of JC Parkway (100 feet wide); thence leaving said Public Street "A" North 11 degrees 58 minutes 23 seconds East along the East line of JC Parkway a distance of 108.40 feet to a point of curve; thence along a curve to the left having a radius of 1050.00 feet and arc length of 233.79 feet the chord bearing and distance being North 05 degrees 35 minutes 40 seconds East 233.30 feet to a point of tangency; thence North 00 degrees 47 minutes 03 seconds West 58.36 feet to a point being the point of beginning of the tract being described; thence North 00 degrees 47 minutes 03 seconds West a distance of 254.27 feet to a point on the South line of West Market Street (aka US 150 & State Highway 9 width varies); thence leaving JC Parkway South 74 degrees 12 minutes 47 seconds East along said West Market Street a distance of 269.82 feet to a point; thence leaving the South right of way line of said West Market Street South 11 degrees 48 minutes 15 seconds West a distance of 206.25 feet to a point; thence North 78 degrees 11 minutes 45 seconds West a distance of 38.33 feet to a point; thence South 11 degrees 48 minutes 12 seconds West a distance of 23.16 feet to a point; thence North 78 degrees 11 minutes 45 seconds West a distance of 175.42 feet to the point of beginning and containing 1.30 acres

Subject to easements, restrictions, reservations and covenants of record, if any.

Exhibit D



Annexation Description Lot 2



A Tract of land being part of Lots 4,5,6 and 7 of C. A. Nafziger's Subdivision being part of the Northwest quarter of Section 6, Township 23 North, Range 2 East of the Third Principal Meridian in McLean County, Illinois, and being described as follows:

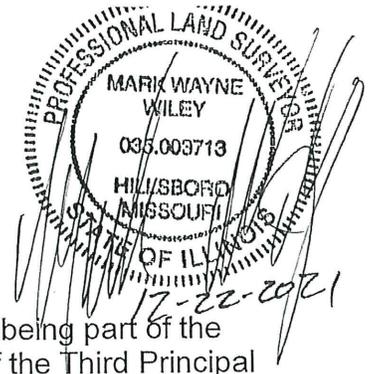
Commencing at the Northwest corner of Lot 2 of First Addition to Bert's Subdivision, a subdivision filed for record under Plat in Document Number 73-5847, said point being in the Southern right of way line of Bloomington Heights Road; thence along a curve to the Left having a radius of 703.94 feet having an arc of 175.29 feet the chord bearing and distance being North 70 degrees 53 minutes 37 seconds West 174.83 feet to a point of tangency; thence North 78 degrees 01 minutes 37 seconds West 1,228.41 feet to a point on the west right of way line of Wylie Drive (width varies) thence South 11 degrees 58 minutes 23 seconds West a distance of 248.09 feet to the point where the west line of Wylie Drive intersects the North line of Public Street "A" and being the point of beginning of the tract being described; thence North 78 degrees 01 minutes 37 seconds West along the North line of Public Street "A" a distance of 560.95 feet to a point being in the East line of JC Parkway (100 feet wide); thence leaving said Public Street "A" North 11 degrees 58 minutes 23 seconds East along the East line of JC Parkway a distance of 108.40 feet to a point of curve; thence along a curve to the left having a radius of 1050 and arc length of 233.79 feet the chord bearing and distance being North 05 degrees 35 minutes 40 seconds East 233.30 feet to a point of tangency; thence North 00 degrees 47 minutes 03 seconds West 58.36 feet to a point; thence South 78 degrees 11 minutes 45 seconds East a distance of 175.42 feet to a point; thence North 11 degrees 48 minutes 12 seconds East a distance of 23.16 feet to a point; thence South 78 degrees 11 minutes 45 seconds East a distance of 38.23 feet to a point; thence North 11 degrees 48 minutes 15 seconds East a distance of 206.25 feet to a point on the South line of West Market Street (aka US 150 & State Highway 9, width varies); thence South 74 degrees 12 minutes 47 seconds East along said South line 137.13 feet to a point; thence South 78 degrees 01 minutes 37 seconds East a distance of 240.00 feet to a point; thence South 11 degrees 58 minutes 23 seconds West a distance of 269.48 feet to a point; thence South 78 degrees 01 minutes 37 seconds East a distance of 9.86 feet to a point; thence South 11 degrees 58 minutes 23 seconds West a distance of 348.61 feet to the point of beginning and containing 7.14 acres

Subject to easements, restrictions, reservations and covenants of record, if any.

Exhibit E



Annexation Description Lot 3



A Tract of land being part of Lots 1-4 of C. A. Nafziger's Subdivision being part of the Northwest quarter of Section 6, Township 23 North, Range 2 East of the Third Principal Meridian in McLean County, Illinois, and being described as follows:

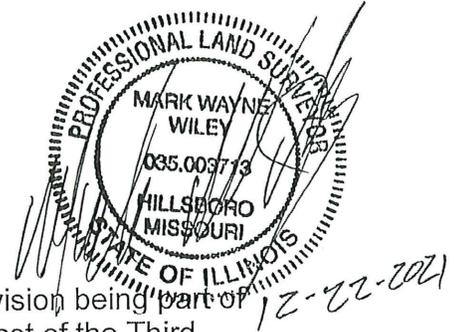
Commencing at the Northwest corner of Lot 2 of First Addition to Bert's Subdivision, a subdivision filed for record under Plat in Document Number 73-5847, said point being in the Southern right of way line of Bloomington Heights Road; thence leaving said right of way North 24 degrees 05 minutes 50 seconds East a distance of 130.08 feet to the North Right of way line of Bloomington Heights road (130 feet wide) and being the point of beginning of the tract being described; thence along a curve to the Left having a radius of 883.94 feet an arc length of 202.81 feet the chord bearing and distance being North 71 degrees 03 minutes 40 seconds West 202.31 feet to a point of tangency; thence North 78 degrees 01 minutes 37 seconds West a distance of 1078.25 feet to a point of curve; thence along a curve to the Right having a radius of 30.00 feet the arc length being 47.12 feet the chord bearing and distance being North 33 degrees 01 minutes 37 seconds West 42.43 feet to a point of tangency; thence North 11 degrees 58 minutes 23 seconds East a distance of 235.00 feet to a point; thence leaving the Bloomington Heights Road South 78 degrees 01 minutes 37 seconds East along the south line of Market Street (AKA US 150 and State Highway 9 width varies) a distance of 785.04 feet to a point; thence South 72 degrees 34 minutes 34 seconds East a distance of 473.72 feet; thence South 00 degrees 08 minutes 05 seconds East a distance of 250.10 feet to the place of beginning and containing 7.55 acres more or less.

Subject to easements, restrictions, reservations and covenants of record, if any.

Exhibit F



Out Lot "A"



A Tract of land being part of Lots 5 and 6 of C. A. Nafziger's Subdivision being part of the Northwest quarter of Section 6, Township 23 North, Range 2 East of the Third Principal Meridian in McLean County, Illinois, and being described as follows:

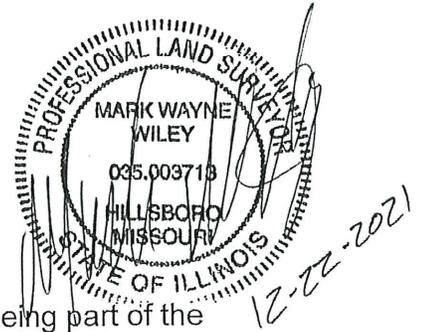
Commencing at the Northwest corner of Lot 2 of First Addition to Bert's Subdivision, a subdivision filed for record under Plat in Document Number 73-5847, said point being in the Southern right of way line of Bloomington Heights Road; thence along a curve to the Left having a radius of 703.94 feet having an arc of 175.29 feet the chord bearing and distance being North 70 degrees 53 minutes 37 seconds West 174.83 feet to a point of tangency; thence North 78 degrees 01 minutes 37 seconds West 1,228.41 feet to a point on the west right of way line of Wylie Drive (width varies) thence South 11 degrees 58 minutes 23 seconds West a distance of 248.09 feet to the point where the west line of Wylie Drive intersects the North line of Public Street "A" ; thence North 78 degrees 01 minutes 37 seconds West along the North line of Public Street "A" a distance of 560.95 feet to a point being in the East line of JC Parkway (100 feet wide); thence North 78 degrees 01 minutes 37 seconds West a distance of 100.00 feet to a point on the West right of way line of JC Parkway and being the point of beginning of the tract being described; thence continuing along Public Street "A" North 78 degrees 01 minutes 37 seconds West a distance of 118.43 feet to a point on the line common to Range 1 and Range 2 East of the Third principal Meridian; thence leaving said Public Street "A" North 00 degrees 58 minutes 07 seconds West along said Range Line a distance of 680.85 feet to a point on the South line of West Market Street (aka US 150 & State Highway 9 width varies); thence South 74 degrees 12 minutes 47 seconds East a distance of 172.24 feet to a point; thence leaving said South line South 00 degrees 47 minutes 03 seconds East along the West line of JC Parkway a distance of 342.38 feet to a point of curve; thence along a curve to the Right having a radius of 950.00 feet, arc of 211.52 feet and the chord bearing and distance of South 05 degrees 35 minutes 40 seconds West 211.08 feet to a point of tangency; thence South 11 degrees 58 minutes 23 seconds West a distance of 108.40 feet to the point of beginning and containing 2.41 acres

Subject to easements, restrictions, reservations and covenants of record, if any.

Exhibit G



Annexation Description Out Lot "B"



A Tract of land being part of Lots 1-2 of C. A. Nafziger's Subdivision being part of the Northwest quarter of Section 6, Township 23 North, Range 2 East of the Third Principal Meridian in McLean County, Illinois, and being described as follows:

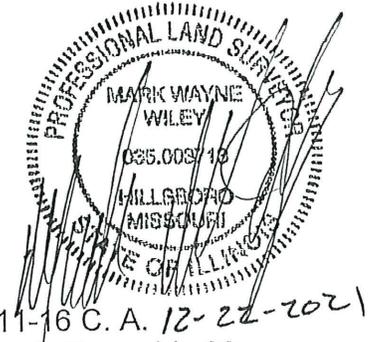
Commencing at the Northwest corner of Lot 2 of First Addition to Bert's Subdivision, a subdivision filed for record under Plat in Document Number 73-5847, said point being in the Southern right of way line of Bloomington Heights Road; thence leaving said right of way North 24 degrees 05 minutes 50 seconds East a distance of 130.08 feet to the North Right of way line of Bloomington Heights road (130 feet wide) and being the point of beginning of the tract being described; thence North 00 degrees 08 minutes 05 seconds West a distance of 250.10 feet to a point on the south line of West Market Street (aka US 150 & State Street 9 width varies); thence South 54 degrees 29 minutes 58 seconds East a distance of 124.06 feet to a point; thence south 27 degrees 11 minutes 58 seconds East a distance of 284.39 feet to a point; thence leaving said right of way South 38 degrees 51 minutes 31 seconds West a distance of 65.95 to a point on the North right of way of Bloomington Heights road as previously mentioned; thence along a curve to the Left having a radius of 833.94 feet an arc length of 228.02 feet the chord bearing and distance being North 56 degrees 15 minutes 40 seconds West 227.31 feet to the point of beginning and containing 43,167 square feet or 0.99 acres,

Subject to easements, restrictions, reservations and covenants of record, if any.

Exhibit H



Annexation Description Lot 4



A Tract of land being part of Lots 3-4, 9-10 and 21-23 and All Lots 11-16 C. A. 12-22-2021 Nafziger's Subdivision being part of the Northwest quarter of Section 6, Township 23 North, Range 2 East of the Third Principal Meridian in McLean County, Illinois, and being described as follows:

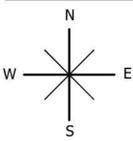
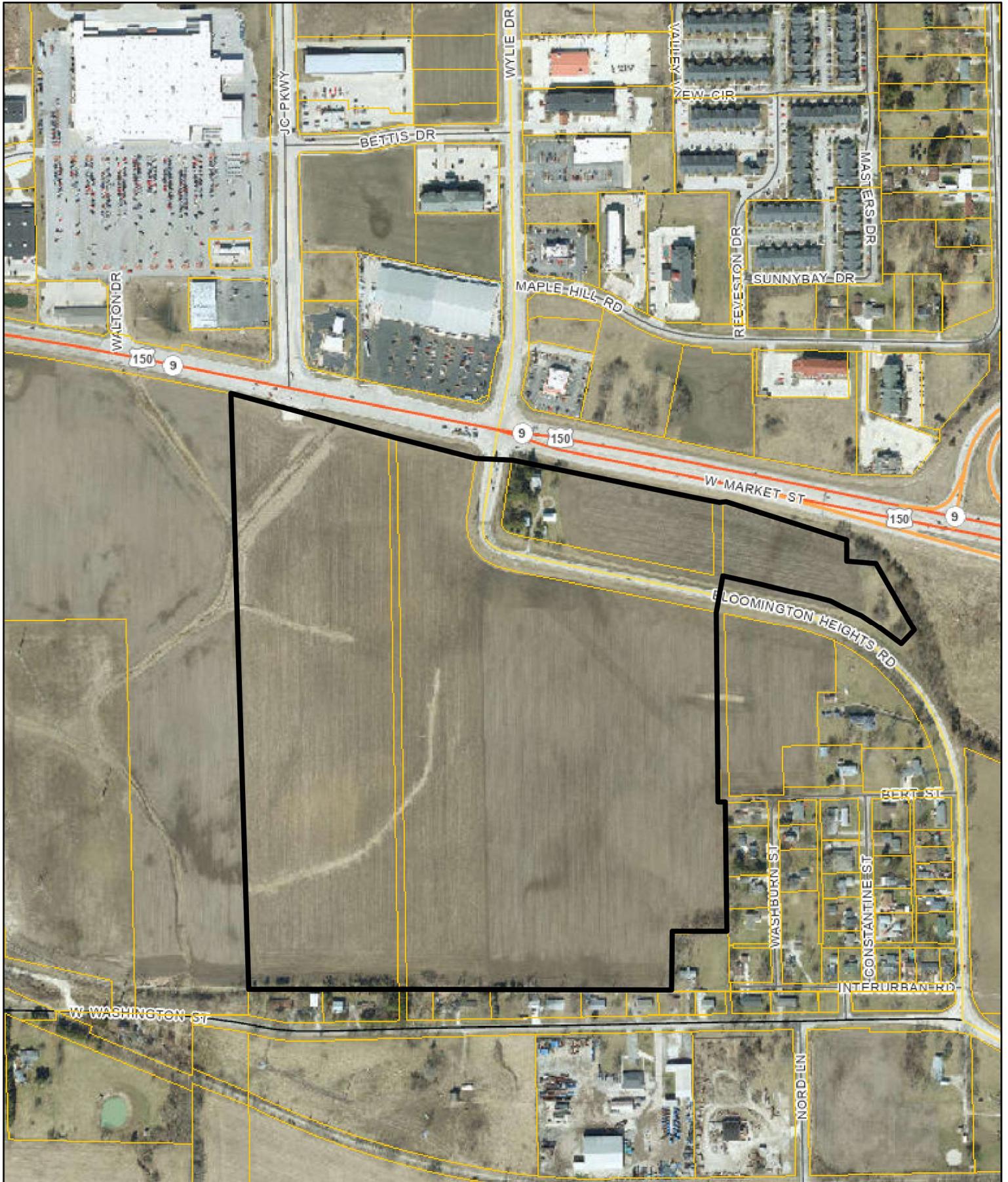
Beginning at the Northwest corner of Lot 2 of First Addition to Bert's Subdivision, a subdivision filed for record under Plat in Document Number 73-5847, said point being in the Southern right of way line of Bloomington Heights Road; thence leaving said right of way South 00 degrees 49 minutes 17 seconds East along the West line of said Lot 2 a distance of 181.34 feet to a point in the North line of Lot 1 of Bert's Subdivision, a subdivision filed for record under Plat in Document Number 71-3101; thence South 89 degrees 10 minutes 43 seconds West along the North line of said Lot 1 a distance of 68.00 feet to a point being the Northwest corner of said Lot 1; thence South 00 degrees 49 minutes 17 seconds East along the West line of said Lot 1 a distance of 195.00 feet to the Southwest corner thereof; thence leaving Lot 1 South 89 degrees 10 minutes 43 seconds West a distance of 132.00 feet to a point; thence South 00 degrees 21 minutes 47 seconds East a distance of 175.00 feet to a point in the North line of Bert Street (AKA Jefferson); thence South 89 degrees 10 minutes 49 seconds West along said Bert Street a distance of 213.43 feet to a point; thence leaving said Bert Street South 01 degrees 02 minutes 42 seconds East along the West line of Bloomington Heights, a subdivision according to the Plat thereof recorded May 31, 1907 in Book 6, Page 148 in The McLean County Records, a distance of 501.67 feet to a point; thence North 89 degrees 18 minutes 04 seconds West a distance of 211.57 feet to a point; thence South 01 degrees 02 minutes 42 seconds East a distance of 215.29 feet to a point in the North line of Peoria, Bloomington and Champaign Traction Company; thence North 89 degrees 18 minutes 04 seconds West along said North line of Traction Company a distance of 1550.45 feet to a point in the West line of Section 6, Township 23 North, Range 2 East of the 3rd Principal Meridian; thence along said Section line North 00 degrees 58 minutes 07 seconds West a distance of 1381.23 feet to a point in the Southern right of way line Public Street "A"; thence leaving the West line of Section 6 South 78 degrees 01 minutes 37 seconds East along the South line of said Public Street "A" (100 feet wide) a distance of 756.40 feet to a point on the West line of Wylie Drive (100 feet wide); thence leaving said Public Street "A" South 11 degrees 58 minutes 23 seconds West along the said West Line of Wylie Drive a distance of 76.25 feet to a point; thence leaving said West line South 78 degrees 01 minutes 37 seconds East a distance of 100 feet to a point on the East line of said Wylie Drive; thence North 11 degrees 58 minutes 23 seconds East along the East line a distance of 399.34 feet to a point; thence leaving the West line of said Drive North 56 degrees 58 minutes 23 seconds East a distance of 35.36 feet to a point on the South line of Bloomington Heights Road (130 feet wide); thence South 78 degrees 01 minutes 37 seconds East along said Bloomington Heights Road a distance of

Exhibit I

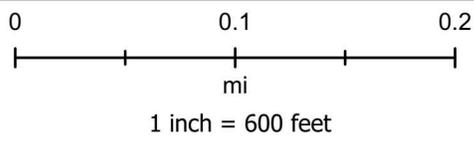
1103.41 feet to a point of curve; thence along a curve to the right having a radius of 703.94 feet an arc distance of 175.29 feet and a chord bearing and distance of South 70 degrees 53 minute 37 seconds East a distance of 174.83 feet to the point of beginning and containing 59.51 Acres, more or less.

Subject to easements, restrictions, reservations and covenants of record, if any.

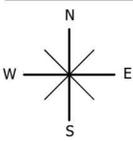
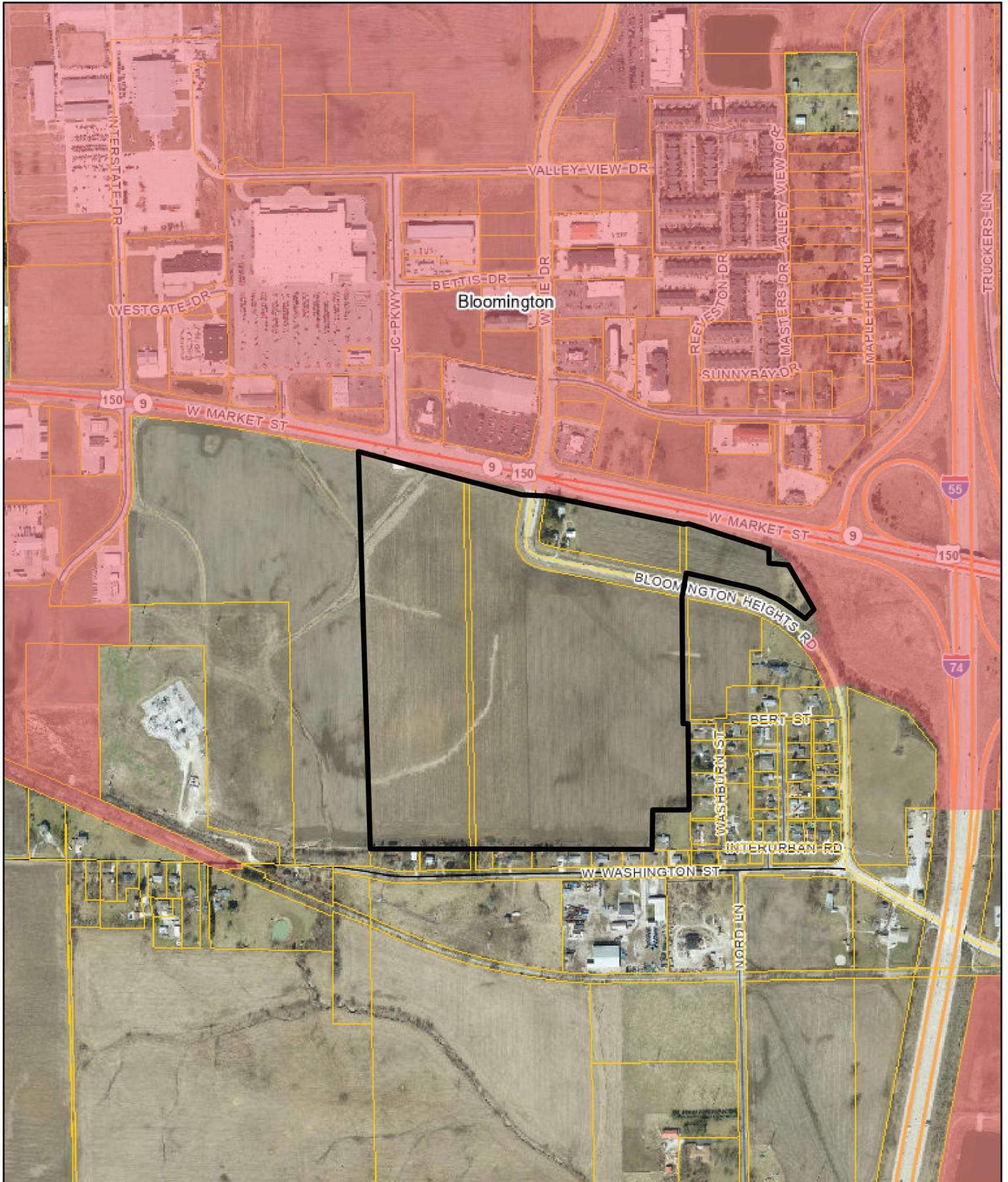
Case Z-12-21 - Aerial Map



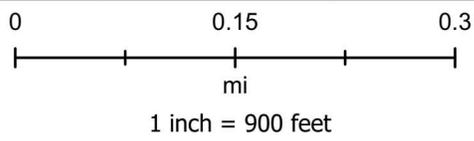
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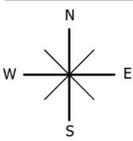
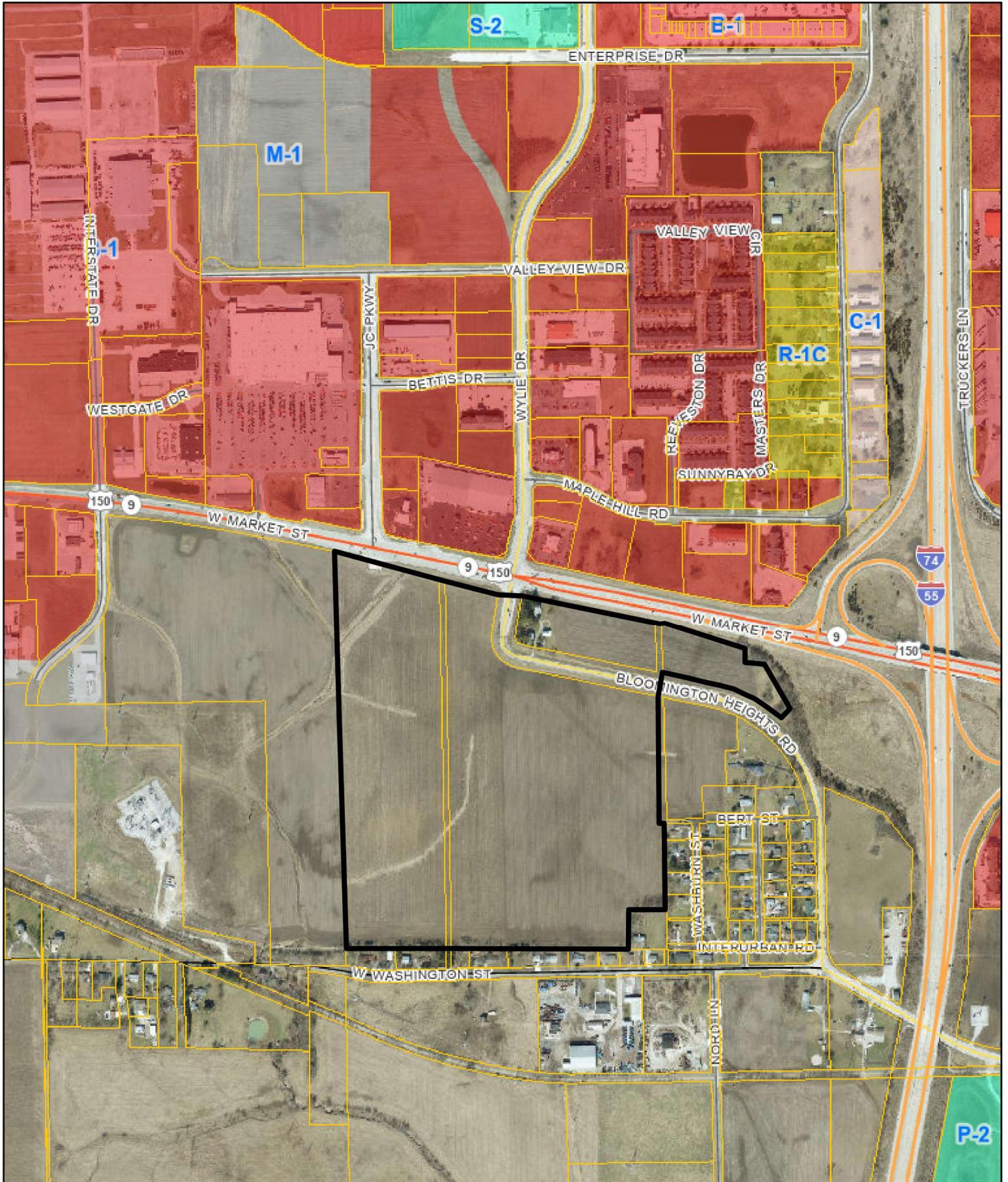
Case Z-12-21 - City Boundary Map



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Case Z-12-21 - Zoning Map



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