

PETITION FOR ZONING MAP AMENDMENT

State of Illinois        )  
                                  ) ss.  
County of McLean     )

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BLOOMINGTON, MC LEAN COUNTY, ILLINOIS

Now comes BLOOMINGTON LEASED HOUSING ASSOCIATES VI, LLC, a Minnesota limited liability company, BLOOMINGTON LEASED HOUSING ASSOCIATES VII, LLC, a Minnesota limited liability company and BLOOMINGTON LEASED HOUSING ASSOCIATES V, LLLP, a Minnesota limited liability limited partnership, hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or are another person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises legally described in Exhibit "A" presently has a zoning classification of B-1 (General Commercial District) under the provisions of Chapter 44 of the Bloomington City Code, 1960, as amended;
3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;
4. That your petitioners hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the R-3A (Multiple-Family Residence District) zoning district classification;
5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioners by the present zoning of said premises.

WHEREFORE, your petitioners respectfully pray that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from B-1 (General Commercial District) to R-3A (Multiple-Family Residence District).

Respectfully submitted,

Bloomington Leased Housing associates VI, LLC,  
a Minnesota limited liability company

By: 

Mark S. Moorhouse, Senior Vice President

Bloomington Leased Housing Associates VII, LLC,  
a Minnesota limited liability company

By: 

Mark S. Moorhouse, Senior Vice President

Bloomington Leased Housing Associates V, LLLP,  
a Minnesota limited liability limited partnership

By: Bloomington Leased Housing Associates V, LLC,  
a Minnesota limited liability company  
its: General Partner

By: 

Mark S. Moorhouse, Senior Vice President

Exhibit A  
Legal Description

**TRACT 1:**

(PIN 14-31-376-014)

**PARCEL 1:**

LOT 16-B IN INTERCHANGE CITY WEST SUBDIVISION, THIRD ADDITION, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 24, NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 14, 1998 AS DOCUMENT NO. 98-34772, IN THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS.

**PARCEL 2:**

EASEMENT AGREEMENT FOR INGRESS/EGRESS IN FAVOR OF PARCEL 1 PURSUANT TO THE DECLARATION OF CROSS EASEMENTS DATED MARCH 29, 2018 AND RECORDED APRIL 6, 2018 AS DOCUMENT NO. 2018-00005195 IN THE OFFICE OF THE MCLEAN COUNTY RECORDER.

**TRACT 2:**

(PIN 14-31-376-021)

LOT 23-B IN INTERCHANGE CITY WEST SUBDIVISION, 10TH ADDITION, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 24 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 28, 2002 AS DOCUMENT NUMBER 2002-00039221 IN THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS.

**TRACT 3:**

(PIN 14-31-376-020)

**PARCEL 1:**

LOT 24-B IN INTERCHANGE CITY WEST SUBDIVISION, 10TH ADDITION, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 24 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 28, 2002 AS

DOCUMENT NUMBER 2002-00039221 IN THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT FOR INGRESS/EGRESS, CREATED FOR THE BENEFIT OF PARCEL 1 ABOVE, PURSUANT TO THAT CERTAIN INTERCHANGE CITY WEST SUBDIVISION 10TH ADDITION FINAL PLAT RECORDED OCTOBER 28, 2002 AS DOCUMENT NUMBER 2002-00039221 IN THE OFFICE OF THE MCLEAN COUNTY RECORDER.

## **FINDINGS OF FACT**

The Zoning Ordinance has “*Zoning Map Amendment Guidelines*” Please answer the following:

*1. The suitability of the subject property for uses authorized by the existing zoning*

The Subject Property is a 416 unit multi-family affordable residential apartment complex consisting of 19 buildings located on three separate tax parcels totaling 25.49 acres, with almost two-thirds of the units leased to low-income tenants. While this use was conforming with the zoning code in place at the time the project was constructed, it is not suited to the current zone of B-1 (General Commercial District), which is intended to be used entirely for commercial establishments.

*2. The length of time the property has remained vacant as zoned considered in the context of land development in the area*

The property was constructed in 2004, in compliance with the zoning code in effect at the time, and has been operating as a multi-family apartment complex continuously since then. A recent fire damaged one of the buildings to the extent that it will need to be reconstructed. As currently zoned, the damaged building cannot be reconstructed as its use does not conform to the current Bloomington Zoning Code. The damaged building will remain vacant, and its 36 tenants will remain displaced, until it can be reconstructed in conformance with the zoning code.

*3. The suitability of the subject property for uses authorized by the proposed zoning*

The subject property is suited exactly for a R-3A zoning. R3-A is intended for multi-family residential with unit densities of 12-29 units per acre. The subject property has approximately 16 units per acre. Additionally, R3-A is intended to serve as a zone of transition between nonresidential and residential districts. The property is located between a commercial and retail area and a single family residential area and seems to serve this purpose well.

*4. The existing land uses and zoning of nearby property*

Zoning directly to the west of the subject property is B-1 (General Commercial District) and zoning directly to the east of the subject property is R-1C (High Density Single-Family Residence District).

*5. 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.*

Because the property use is remaining the same as it has since 2004, there is generally no real hardship to the public if the zoning map is amended to change zoning from B-1 to R-3A. However, it will be at a high cost to the current property owner if the zoning map

amendment is not approved. One of the buildings in the existing apartment complex was recently damaged by a fire. Under the current zoning code, the building cannot be reconstructed. 36 low-income tenants are currently displaced as a result. Additionally, the subject property is currently under contract to be sold, with closing estimated in April of 2021. Because of the fire, the project is not marketable to be sold under those terms.

*6. 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.*

The property is adequately connected to public streets, as well as private driveways. Because the property is three separate tax parcels, there is also access provided through cross access easements amongst the parcels.

*7. The extent to which the proposed amendment is consistent with the need to minimize flood damage and 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.*

The proposed amendment has no adverse effect on the subject property or surrounding properties with respect to flood damage. The use of the property is remaining the same so there is no planned change to the drainage systems.

*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 reasonable supplied to serve the uses permitted in the proposed zoning classification*

The property has been operated as a multi-family apartment complex for many years and has had adequate fire, police, school, water supply, sewage disposal and other services. The proposed amendment to the zoning map will have no impact.

*9. 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 for in § 44-1701*

The proposed amendment would allow the current long term use of the property to continue and would allow for the property to be restored to its condition before the fire. There is no adverse effect on the public, neighbors or the City.

*10. The extent to which property values are diminished by the particular zoning restriction*

Due to current zoning, the property cannot be restored to its condition before the fire. As a result, the property has lost actual value amounting to approximately 5% of the residential units, which it cannot recover unless the zoning map amendment is approved.

*11. The extent to which the destruction of property values promotes the health, safety, morals, or general welfare of the public*

The zoning map amendment would increase the property value for the subject property while having no adverse effect on surrounding properties.

12. *Whether a comprehensive plan for land use and development exists, and whether the ordinance is in harmony with it*

The existing project was constructed with site plan and development approvals from the City of Bloomington in 2004. The building which was damaged by the fire is intended to be reconstructed substantially the same as was approved in the initial development, to keep consistency with the remaining complex.

13. *Whether the City needs the proposed use.*

The existing housing complex located on the subject property demonstrates the need. In particular, there are currently 36 displaced tenants who cannot move back into their homes until the zone is changed to be compatible with the multi-family use.

PLEASE SUBMIT TO THE CITY OF BLOOMINGTON – PLANNING DIVISION  
ALONG WITH THE MAP AMENDMENT PETITION