

**: OFFICIAL PROCEEDINGS:****: OF THE CITY OF PEORIA, ILLINOIS:**

Council Chambers, Peoria, Illinois, April 7, 2011, a Zoning Commission Meeting was held this date at 1:00 P.M., at City Hall, 419 Fulton Street, Chairperson Hunziker presiding.

**CALL TO ORDER / ROLL CALL**

Roll call showed the following Zoning Commission Members were present: Davis, Hunziker, Klise, Misselhorn, Shea, Wiesehan - 6; Absent: Unes - 1.

Staff Present: Leah Allison & Trina Bonds

**MINUTES**

Commissioner Wiesehan moved to approve the minutes of the March 3, 2011 Zoning Commission meetings (as outlined); seconded by Commissioner Klise.

Approved by viva voce vote.

Yeas: Davis, Hunziker, Klise, Misselhorn, Shea, Wiesehan- 6;

Nays: None;

Abstention: None.

Chairperson Hunziker swore in the public speakers that wished to give testimony today.

**PETITIONS, REMONSTRANCES, AND COMMUNICATIONS- THE CITY OF PEORIA**

**(ZC 11-07B)** PUBLIC HEARING on the request of Chuck Hollis of Junction City Ventures LLC, to amend an existing Special Use, Ordinance No. 16,082 as amended, in a Class C-2 (Large Scale Commercial) District for a Shopping Center to add a 5 foot tall, 34 sq. ft. monument sign for the property commonly known as **Junction City Shopping Center** with an address of **5901 N. Prospect Road, Peoria, IL**. The proposed sign is located at **5832 N. Knoxville Avenue, Peoria, IL**. (Council District 3)

Ms. Allison gave the property characteristics and the surrounding zoning of the subject property. She reported that the petitioner is proposing to place a 5 foot tall, 34 sq. ft. monument sign in the front yard along Knoxville Avenue. She stated that the sign will include an electronic message area for stock market rates, which is limited to changing the message no more than once per every three seconds. She then reported that an existing free standing sign is currently located approximately 83 feet to the south of the proposed sign.

Ms. Allison reported that the following waivers are requested:

- 1) Reduce the required property line setback from 10 feet to 2 feet.
- 2) Reduce the required separation between on-premise signs from 150 feet to 83 feet.

Ms. Allison reported that the Site Plan Review Board recommends denial of the submitted request for a monument sign for the following reasons:

- 1) The proposed sign is located two feet from the property line of a major thoroughfare with significant traffic volumes. Staff is concerned with the potential traffic hazard this sign may cause due to its close proximity to the right-of-way of Knoxville Avenue.
- 2) The sign is also less than 150 feet from an existing sign.
- 3) The proposed sign is in conflict with the following stated goals of the sign regulations:
  - a. Lessen congestion of land and air space
  - b. Provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow
  - c. Avoid uncontrolled proliferation of signs

Ms. Allison reported that other options for the petitioner include:

- 1) Placing a wall sign which meets the Zoning Ordinance requirements.
- 2) Altering the existing pylon sign to include the proposed signage while maintaining the allowed square footage.
- 3) Relocate the propose sign a minimum of 150 feet from the existing sign and 10 feet setback from the front property line.

In discussion with Commissioner Shea, Ms. Allison reported that the subject property has two front yards. She explained that the property could have multiple signs as long they are 150 feet apart.

Chuck Hollis, Junction City Ventures, circulated two handouts of photos of signs in the area of Knoxville Avenue and Sheridan Road. He stated that the entrance of those developments have a monument sign and explained that is what they are proposing to do. He reported that there are a number of factors of why they have requested the proposed location for the sign and went on to say that they did not want a proliferation of signs.

In discussion with Commissioner Misselhorn, Mr. Hollis reported that the sign is not a problem with the Illinois Department of Transportation as long as it is not in the right-of-way and on their property.

There being no public testimony, Chairperson Hunziker closed the public hearing.

After the Zoning Commission reviewed the request to amend an existing Special Use, and after considering the standards of the Zoning Ordinance for a Special Use, they found that the request **did not meet** the findings of fact requirements.

**Motion:**

Commissioner Davis moved **to approve** Case No. ZC 11-07B, per the submitted request; seconded by Chairperson Hunziker for discussion.

During deliberations, Commissioner Wiesehan commented that he could not support the motion because of the work that was done by the Sign Committee. He went on to say overall the Commission should be adhering to the standards they already have in place.

Commissioner Misselhorn also agreed with Commissioner Wiesehan's comments and stated that he felt Staff offered reasonable alternatives for the petitioner.

Motion was **defeated** by viva voce vote.

Yeas: Davis, Hunziker - 2;

Nays: Klise, Misselhorn, Shea, Wiesehan - 4;

Abstention: None.

After the vote, Ms. Allison reported that the case would be forwarded on to the City Council on April 26, 2011.

**(ZC 11-08B)** PUBLIC HEARING on the request of Richard Laukitis, Trustee of the Mitchener-Laukitis Land Trust, and Steve Wessels of Alcast Company to amend an existing Special Use, Ordinance No. 13,120 as amended, and Ordinance No. 15,283, in a Class I-1 (Industrial/Business Park) District for the expansion of a non-conforming Aluminum Cast Molding Use to add the property located at **8728 N. Pioneer Road** and to allow for building additions and parking lot expansion and including existing conditions for the properties located at **8821 N. University Street, 8728 N. Pioneer Road and 8820 N. Pioneer Road, Peoria, IL.** (Council District 5)

Ms. Allison gave the property characteristics and the surrounding zoning of the subject property. She gave a brief history of the subject property and explained that the petitioner is proposing to do the following:

- 1) Include the property located at 8728 N. Pioneer Road into the Special Use designation.
- 2) Allow for building additions to each building.
- 3) Allow for an expansion of an existing parking lot located at 8728 N. Pioneer Road.

Ms. Allison reported that the following waivers are requested:

- 1) Reduce the required parking lot setback from 10 feet to 3 feet for the parking lot located at 8728 N. Pioneer Road.
- 2) Allow for a connector driveway within the required rear yard setback.
- 3) Reduce the side yard setback from 20 feet to 15 feet for the building addition at 8821 N. University.

Ms. Allison reported that the Site Plan Review Board recommends approval of the submitted request, including the waivers #2 and #3, and with the following conditions:

- 1) All ground and rooftop mechanical equipment for the building additions must be fully screened (fencing or landscaping as appropriate). This includes electrical transformers and generators.
- 2) No outdoor storage is allowed on the proposed concrete connector drive.
- 3) Redesign the proposed parking lot expansion to provide access and reduce or eliminate the need for a setback waiver.
- 4) The proposed building additions must be compatible with the existing building design.
- 5) Landscaping plan for the front yards and parking lots must be submitted for review and in compliance with the Zoning Ordinance prior to issuance of a building permit.
- 6) Photometric lighting plan for the parking lots must be submitted for review and in compliance with the Zoning Ordinance prior to issuance of a building permit.
- 7) Operations must meet all performance standards for operations in the I1 Industrial/Business Park district.
- 8) Garbage dumpsters must be placed in a four-sided solid enclosure constructed of six foot tall wood fence or wall.

Steve Kerr, Mohr & Kerr Engineering, reporting the he is representing Alcast. He reported that after surveying the site, they found that they will no longer need the requested waiver to reduce the required parking lot setback. He explained that they have reconfigured the parking lot to remain inside the parking setback requirements. He went on to say that they would like to have the request approved with the condition that they will be able to design the parking lot to meet staff approval and would not require any variances.

There being no public testimony, Chairperson Hunziker closed the public hearing.

After the Zoning Commission reviewed the request to amend an existing Special Use, and after considering the standards of the Zoning Ordinance for a Special Use, they found that the request **met** the findings of fact requirements.

**Motion:**

Commissioner Wiesehan moved **to approve** Case No. ZC 11-08B, per Staff's recommendations; seconded by Commissioner Klise.

Approved by viva voce vote.

Yeas: Davis, Hunziker, Klise, Misselhorn, Shea, Wiesehan - 6;

Nays: None;

Abstention: None.

After the vote, Ms. Allison reported that the case would be forwarded on to the City Council on April 26, 2011.

**(ZC 11-09)** PUBLIC HEARING on the request of Jacqueline Kirchgessner to rezone property from a Class A-1 (Agricultural) District to a Class R-2 (Single Family Residential) District for the property located at **1120 W. Multiflora Lane, Peoria, IL.** (Council District 5)

Ms. Allison gave the property characteristics and surrounding zoning of the subject property. She reported that the R-2 zoning district allows four dwelling units per acre with a minimum lot size of 10,890 sq. ft. or one-quarter of an acre lot size. She stated that the property does not have public sewer and therefore must rely upon a private septic system. She went on to say that the Peoria City/County Health Department prefers a lot size for septic systems of at least one-half acre.

Ms. Allison reported that the Site Plan Review Board recommends denial of the request to rezone the subject property to R-2 (Single-Family Residential). She stated that Staff recommends R-1 (Single-Family Residential) zoning. She explained although R-2 zoning is located south of the subject property, the properties immediately adjacent to the subject property are zoned R-1 (Single-Family Residential). She further explained that the R-1 zoning district provides for larger lot sizes than R-2 zoning. She went on to say that the larger lot size is more consistent with the Comp Plan's designation of low density residential and conservation.

Ms. Allison submitted for the record a copy of a letter in opposition of the request from Mr. & Mrs. James P. Martin. She reported that Mr. Martin will be providing public testimony.

Jacqueline Kirchgessner, Property Owner, reported that she would prefer R-2 zoning if they are able to obtain it.

In discussion with Commissioner Misselhorn regarding if whether she would be supportive of R-1 zoning, Ms. Kirchgessner explained that much of the property is a gulley and would not be buildable. She stated for that reason you could not put a lot of lots there. After more comments, she stated that she would not have any objection to R-1 zoning.

James P. Martin, Neighborhood Resident, reported that he is speaking in opposition of the request. He stated that he is concerned that even if the Commission allows R-1 zoning, this could possibly generate 22 lots. He further stated that R-2 zoning could possibly generate approximately 46 lots. He went on to say that the proposed R-2 classification does not match "Conservation" land use classification in the City of Peoria's Comprehensive Plan (Comp Plan). He further discussed and expressed his concerns regarding the following:

- Allowed Density- R-2 district allows four dwelling units per acre. The current topography would confine such development. Future owners may find opportunities to change the grade at certain locations.
- Sanitary Sewer Requirements- City of Peoria's Subdivision Code requires connection to the sanitary sewer for all parcels or subdivisions.
- Equity- Other developers within the City and the 1 ½ extraterritorial jurisdiction have been held to the requirement of connecting to sewer.
- Precedence- Should the rezoning be allowed, could not foresee any defensible argument preventing the rezoning of the property directly south and east of this parcel to R-2.
- Access- There is only one access into the existing neighborhood. This proposed development is further from the entrance than any other part of the existing neighborhood.

Mr. Martin commented that the petitioner is currently requesting a three lot subdivision for this 11.5 tract of land through the subdivision process. He stated as an alternative solution, the petitioner could request a variance from the Zoning Board of Appeals. He explained if granted, the neighborhood would have assurance that no additional development would be possible without their input.

In closing, Mr. Martin thanked the Commission for their time and asked that they consider that Zoning runs with the land and is forever. He also asked that the Commission deny the request and encourage the petitioners to request the necessary variances from the Zoning Board of Appeals and Subdivision Ordinance to allow a three lot subdivision.

After more comments, Chairperson Hunziker stated that based on the testimony provided, he would urge the Commission to defer the case for 30-days to allow the parties to get together to come up with a reasonable solution.

In discussion with Commissioner Davis, Mr. Martin clarified that he was speaking to the Commission as a neighborhood citizen and not as an employee of the City of Peoria.

In summation, Ms. Kirchgessner reported that there is no way 22 lots can be put on that property. She reiterated that the property is mostly all gulleys.

There being no more public testimony, Chairperson Hunziker closed the public hearing.

**Motion:**

Commissioner Wiesehan moved **to defer** Case No. ZC 11-09 for 30-days, until the regularly scheduled May 5, 2011 meeting; seconded by Commissioner Davis.

Motion **APPROVED** by viva voce vote.

Yeas: Davis, Hunziker, Klise, Misselhorn, Shea, Wiesehan - 6;

Nays: None;

Abstention: None.

**(ZC 11-10B)** PUBLIC HEARING on the request of Kevin Barnes of Quattro Peoria, LLC to amend an existing Special Use, Ordinance No. 14,889, as amended, in a Class C-2 (Large Scale Commercial) District for a Shopping Center for the development of a restaurant and including existing conditions at the property commonly known as **Northwoods Mall** and with an address of **2200 W. War Memorial Drive, Peoria, IL**. The proposed restaurant is located at **4516 N. Sterling Avenue, Peoria, IL**. (Council District 4)

Chairperson Hunziker reported that the petitioner is requesting a 30-day deferral of Case No. ZC 11-10B.

There being no public testimony, Chairperson Hunziker closed the public hearing.

**Motion:**

Commissioner Davis moved **to defer** Case No. ZC 11-10B for 30-days, until the regularly scheduled May 5, 2011 Zoning Commission meeting; seconded by Commissioner Klise.

Motion **APPROVED** by viva voce vote.

Yeas: Davis, Hunziker, Klise, Misselhorn, Shea, Wiesehan - 6;

Nays: None;

Abstention: None.

**(ZC 11-11B)** PUBLIC HEARING on the request of Dean Heinzmann of First State Bank of Illinois to rezone property from a Class R-1 (Single Family Residential) District to a Class O-1 (Arterial Office) District and to obtain a Special Use for a Financial Institution with a Drive-Up Facility for the properties located at **8923 N. Frye Road, 9000 N. Knoxville Avenue, and 9004 N. Knoxville Avenue, Peoria, IL**. (Council District 5)

Ms. Allison gave the property characteristics and the surrounding zoning of the subject property. She gave a brief history for the Commission and explained that in 2008, requests were submitted to rezone the subject parcels to O-1 (Arterial Office). She reported that Staff recommended denial for both requests since they were not consistent with the Comprehensive Plan and not consistent with the established development patterns on Knoxville Avenue. She reported that in addition at that time, the Illinois Department of Transportation (IDOT) stated that no access would be

permitted onto Knoxville Avenue, the existing access onto Knoxville must be removed and new access from Frye Road must be placed as far east as possible from Knoxville Avenue. She then stated that the requests were withdrawn by the applicant prior to review by the City Council.

Ms. Allison reported that the petitioner is requesting to rezone the parcels located at 9000 and 9004 N. Knoxville and the western portion of the parcel located at 8923 N. Frye Road to O-1 (Arterial Office). She further stated that the petitioner is proposing to construct a 6,500 square foot financial institution building with three drive-up lanes and an automated teller machine service. She reported that the Site Plan Review Board recommends denial of the submitted request to rezone and obtain a Special Use for the following reasons:

- The proposed office zoning is in direct conflict with the Future Land Use Maps of both the current and proposed Comprehensive Plans.
- Rezoning the subject parcels will place additional pressures on the established residential neighborhood with increased commercial traffic and greater intensity of uses.

Ms. Allison stated should the Zoning Commission recommend approval of the request to rezone and the Special Use, Staff requests the following conditions of the proposed site plan:

- 1) All ground and rooftop mechanical equipment must be fully screened. This includes electrical transformers and generators.
- 2) Placement of fire hydrant to be discussed with IL American Water Company and the Fire Department.
- 3) A separate sign application and permit is required to verify that the proposed signs comply with the Zoning Ordinance.
- 4) Public sidewalks are required on Frye Road and Knoxville Avenue. A City of Peoria permit will be required for the sidewalk and driveway work, and the contractor must be licensed and bonded with the City. A fee in lieu of construction may be accepted.
- 5) A plat of survey is required for the exchange of land to verify remaining acreage and building setbacks after the exchange of land for parcel identification number 14-05-226-017, address of 8923 N. Frye Road.

In discussion with Commissioner Shea regarding the sidewalks, Ms. Allison clarified that Staff reviewed the sidewalk issue based on his comments from the last meeting. She then explained that sidewalks are required through the subdivision review process, which this property must go through if the Rezoning and Special Use is approved.

Dean Heinzmann, First State Bank of Illinois, briefly described First State Bank and reported that it is a \$250 million dollar financial institution. He mentioned their growth and explained that they feel that the subject site would be a great location for another branch office and would be very compatible with the neighborhood. He reported that in February they mailed out informational letters to property owners in the



neighborhood explaining what they are proposing to do. He stated that 15 residents attended an informational meeting and subsequent to that he has met with and talked to other residents. He stated that they have had uniform feedback that their project is compatible and asked for the Commission's support.

In discussion with Commissioner Wiesehan regarding the right turn exit, Mr. Heinzmann stated that they would like to have one, but they have not approached IDOT with that question yet.

In more discussion with Commissioner Klise, Mr. Heinzmann reported that the people he has talked to were in support of the project and went on to say that they have not received any negative feedback from those neighbors.

Ms. Allison submitted for the record a copy of a letter in opposition of the request from Mr. & Mrs. James P. Martin.

Barbara Litchfield, Neighborhood Resident, reported that she has lived at her residence since 1978. She commented that the petitioner would like to put this bank right next to her property and stated that she did not receive a notice of the meeting by the petitioner. She reported that she has contacted and talked to a lot of neighborhood residents and submitted for the record a petition signed by 79 people who are opposed to the request. She read into the record their concerns that the presence of this facility will detract from the quality of residential life by further adding traffic and noise and decreasing the property values of surrounding homes. She asked that the Commission maintain the zoning of this property as residential and to support the neighborhood's request to keep it residential-friendly.

Commissioner Shea asked Ms. Litchfield if she opposed the Methodist Facility or the Custom Builders office. She stated that she was not involved with the building of those facilities or did not know about them.

James P. Martin, Neighborhood Resident, reported that he lives in the subdivision north of the subject property. He submitted a letter on behalf of his wife and himself detailing why they oppose the request. He mentioned and discussed the following:

- The proposed O-1 office classification does not match the "Medium Density Residential" land use classification designated by the Comp Plan.
- The Comp Plan and development pattern have preserved the residential character along the eastern side of Knoxville.
- Granting this request would set precedence that the corners of the roads leading into existing neighborhoods are now opportunities for office or commercial rezoning.
- This request would encourage the commercialization of the eastern side of Knoxville and eventually lead to an extended commercial strip seen on the western side of Knoxville.

In discussion, Commissioner Shea mentioned a similar situation on War Memorial Drive where another piece of property was vacant for a long period of time and was eventually occupied by a bank. Mr. Martin stated that comment actually speaks to his point that Knoxville Avenue is not War Memorial Drive or University Street. He went on to say that he was speaking only to the eastern side of Knoxville and not other thoroughfares.

Laura Tobben, Farnsworth Group, commented about the land use map and the east side of Knoxville Avenue. She reported that there are trees along the property line and stated that they plan to keep many of those trees to provide a buffer from the residential property. After more comments, she stated that they don't anticipate a traffic issue at all and also reviewed a traffic study. She went on to say that it was safe to say that they are okay with most of Staff's comments.

Cavis Jennison, Farnsworth Group, reported that they plan to provide additional screening to eliminate headlights from drive-up traffic.

In discussion with Commissioner Davis, Mr. Jennison reported that the building is designed with a brick façade and fits in with residential.

There being no more public testimony, Chairperson Hunziker closed the public hearing.

After the Zoning Commission reviewed the request to obtain a Special Use and to Rezone, and after considering the standards of the Zoning Ordinance for a Special Use and a Rezoning, they found that the request met the findings of fact requirements.

**Motion:**

Commissioner Shea moved to approve Case No. ZC 11-11B, per Staff's conditions; seconded by Chairperson Hunziker.

During deliberations, Commissioner Klise mentioned the Comp Plan and commented that the proposed request would weaken the neighborhood. She went on to say that it is a nice design and would be great someplace else.

Commissioner Shea commented that it is his opinion that no one is going to building a house on this corner. He went on to say that he strongly feels that this office use would be a better asset to the neighborhood.

After more comments and discussion, Chairperson Hunziker called for the vote.

Motion **APPROVED** by viva voce vote.

Yeas: Davis, Hunziker, Shea, Wiesehan - 4;

Nays: Klise, Misselhorn - 2;

Abstention: None.

After the vote, Ms. Allison reported that the case would be forwarded on to the City Council on April 26, 2011.

**(ZC 11-F)** PUBLIC HEARING on the request of the City of Peoria to amend Appendix B, the Zoning Ordinance, and Appendix C, the Land Development Code, related to Mechanical Equipment Screens.

Chairperson Hunziker reported that Staff is requesting a 30-day deferral of Case No. ZC 11-F.

There being no public testimony, Chairperson Hunziker closed the public hearing.

**Motion:**

Commissioner Davis moved to defer Case No. ZC 11-F for 30-days, until the regularly scheduled May 5, 2011 Zoning Commission meeting; seconded by Commissioner Klise.

Motion **APPROVED** by viva voce vote.

Yeas: Davis, Hunziker, Klise, Misselhorn, Shea, Wiesehan - 6;

Nays: None;

Abstention: None.

Abstention: None.

**CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION**

There were no citizens who wished to address the Commission.

**OTHER BUSINESS**

No other business was presented for discussion.

**ADJOURNMENT**

The Zoning Commission Meeting adjourned at 2:35 P.M.

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Leah Allison, Senior Urban Planner

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