

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

Council Chambers, Peoria, Illinois, May 5, 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, Misselhorn, Shea, Unes - 5; Absent: Klise, Wiesehan - 2.

Staff Present: Leah Allison, Kimberly Smith & Trina Bonds

MINUTES

Commissioner Davis moved to approve the minutes of the April 7, 2011 Zoning Commission meetings (as outlined); seconded by Commissioner Shea.

Approved by viva voce vote.

Yeas: Davis, Hunziker, Misselhorn, Shea, Unes - 5;

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 11-09) CONTINUED 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 a brief background regarding the request and reported that the Site Plan Review Board recommends denial of the submitted request to rezone the subject property to Class R-2 (Single-Family Residential). She stated Staff recommends R-1 (Single-Family Residential) zoning.

Ms. Allison read into the record a letter from the petitioner, Ms. Jacqueline Kirchgessner. Ms. Kirchgessner's letter stated that she had indicated at last month's Zoning Commission meeting that R-1 (Single- Family Residential) is acceptable. She then asked Staff to advise her of what was necessary to bring the case to a conclusion.

Ms. Allison reported after speaking with Ms. Kirchgessner in response to her letter, she accepted R-1 zoning as recommended by Staff.

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

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

Motion:

Commissioner Davis moved to approve Case No. ZC 11-09, as amended to R-1 (Single-Family Residential); seconded by Commissioner Unes.

Motion was approved by viva voce vote.

Yeas: Davis, Hunziker, Misselhorn, Shea, Unes - 5;

Nays: None;

Abstention: None.

After the vote, Ms. Allison reported that the plat that was recommended for approval subject to conditions by the Planning Commission and Case No. ZC 11-09 would be forwarded on to the City Council on May 24, 2011.

(ZC 11-12B) PUBLIC HEARING on the request of Rich Neubauer of McDonald's Corporation to obtain a Special Use, in a Class CG (General Commercial) District, for the expansion of a non-conforming fast food restaurant for the property located at 2205 N. Knoxville Avenue and 118 W. Arcadia Avenue, Peoria, IL. (Council District 2)

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 existing McDonald's restaurant was built in 1971. She reported that the petitioner is proposing to raise the existing building and build a new facility on the subject properties. She stated that the expansion of property results in a 14 percent increase of development area.

Ms. Allison reported that the following waivers are requested:

- 1) Increase the building setback from Arcadia St. from the maximum of 80 feet to 105 feet.
- 2) Decrease the required length of the building façade facing Knoxville Ave. from 160 feet to 96 feet, which is less than 60% of the width of this frontage.
- 3) Decrease the separation of the Arcadia drive approach from the adjacent property's drive approach from the required 75 feet to 0 feet.
- 4) Decrease the northern drive approach on Knoxville Ave from the corner of Arcadia and Knoxville from the required 75 feet 35 feet.
- 5) Reduce the depth of the transitional buffer yard from 25 feet to 17.5 feet.
- 6) Allow for the placement of the garbage dumpster and fence within the transitional buffer yard.
- 7) Allow for windows and doors to comprise less than 40% of the east, south, west, and north elevations.

- 8) Allow for blank walls exceeding 20 feet in length.
- 9) Reduce the separation of the garbage enclosure from a residential property from 50 feet to 2 feet.
- 10) Reduce parking spaces from 51 to 46.
- 11) Reduce the height of the hedge along Knoxville Avenue from 4 feet to 3 feet within two years of planting.
- 12) Allow for a non-continuous hedge along Arcadia Avenue.
- 13) Increase the size of the free standing sign from 70 sq. ft. to 117.5 sq. ft. in area.
- 14) Allow for a rooftop sign on top of hearth.

Ms. Allison reported that the Site Plan Review Board does not recommend approval of the submitted site plan due to the development items noted as requested waivers, which are not in compliance with the Land Development Code.

Ms. Allison reported should the Zoning Commission recommend approval of the request for a Special Use due to the existing development pattern along Knoxville Avenue, Staff requests the following conditions of the proposed site plan:

- 1) Increase the width of the transitional buffer yard to 25 feet.
- 2) Relocate the fence and garbage enclosure out of the transitional buffer yard.
- 3) A continuous landscape hedge along Knoxville Avenue (required to screen the drive-thru) shall reach a height of four (4) feet within two years after planting.
- 4) A continuous landscape hedge along Arcadia Avenue (required for screening of the parking lot perimeter) shall reach a height of three (3) feet within two years after planting.
- 5) Reduce the size of the proposed free standing sign to 70 sq. ft. in area and 25 feet in height.
- 6) All ground and rooftop mechanical equipment must be fully screened (fencing or landscaping as appropriate). This includes electrical transformers and generators.
- 7) Setback Encroachment Agreement for the free standing sign due to its location along the Knoxville Avenue thoroughfare.
- 8) Approval from IL Department of Transportation for the drive approaches along Knoxville Avenue.
- 9) Any deteriorated or non ADA compliant walks along entire frontages to be brought into compliance as necessary.

Ms. Allison reported that the petitioner has included arborvitae plantings along the west side of the driveway entrance from Arcadia Avenue providing a screen between McDonald's property and the adjacent property at 120 W Arcadia Avenue. She explained this was not required since 120 W Arcadia Avenue is zoned CG (General Commercial). She explained however, the property is built with a single-family residence. She went on to say that the plantings, along with a six-foot tall privacy fence will shield the residence from the commercial activity.

In discussion, Commissioner Shea mentioned the waivers granted to the transitional buffer yards for the Knoxville Avenue Taco Bell and the McDonald's on University. He stated that he would not be hesitant to granting the requested waiver and went on to say that he trusts that this will be a first class project.

Rich Neubauer, Regional Manager, McDonald's Corp, gave a brief description of the project and explained the reason for changing the building orientation. He stated that to leave the building at its current orientation would be a problem for them. He further stated that they were hoping to get full access at this intersection from IL Department of Transportation (IDOT), but it was cost prohibitive. He then referred to a layout of the current design and explained the new layout for the Commission. He stated as far as the landscaping plan, they have met with the neighbors that are adjacent to their property. He reported that they made a couple modifications for the neighbors. After more comments, he stated that the building itself will be identical almost to the McDonald's on University. He then pointed out that the building will be a very attractive masonry looking building with a stone front.

In response to Staff's nine conditions, Mr. Neubauer stated that they do not have a problem with the last four, but explained that they do have a problem with the top five. He reported that Staff's condition to relocate the trash enclosure would cause a big problem because they would go from 43 parking stalls to about 35. He said he doesn't really have a big problem with the hedge across the front, but stated for safety reasons he did not feel this would be a smart move.

Terry Clark, Franchisee, McDonald's, commented that because of their IDOT situation the request for hedges would really reduce their view. He stated if you have to look over 4 ft. tall bushes it would reduce total visibility of the store.

In discussion with Commissioner Unes regarding signage, Mr. Neubauer explained that signage is a key element for their business. He commented that studies have shown that signage is the key to the health of their business. He then asked the Commission to reconsider Staff's first five conditions.

Chris Banning, Neighboring Property Owner, commented about the issue of where the trash enclosure is proposed to be relocated. He stated currently, the trash enclosure is located behind his garage and commented that he would personally prefer the proposed location to keep rodents out of the neighboring area. He then commented about the buffer zone in the back of the building and stated that it would add to the aesthetic view of their neighborhood. In closing, he stated as the property owner most affected by the new construction, he would like to see the request approved because it would be good for the neighborhood.

In more discussion with Commissioner Misselhorn regarding the drive-thru, Mr. Neubauer explained why they have to face the building the way they are currently proposing. He then stated what they are proposing to do is a quality development and went on to say that they want to be long term members of this community.

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 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 Shea moved **to approve** Case No. ZC 11-12B, per Staff's conditions, excluding 1, 2 and 5; seconded by Commissioner Unes.

During deliberations, Commissioner Misselhorn expressed his concerns regarding the size of the sign. He commented that he supports the project in general, but he could not support the signage waiver.

Approved by viva voce vote.

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

Nays: Misselhorn - 1;

Abstention: None.

After the vote, Ms. Allison reported that the case would be forwarded on to the City Council on May 24, 2011.

(ZC 11-13) PUBLIC HEARING on the request of Donald D. Clary to rezone property from a Class O-1 (Arterial Office) District to a Class C-1 (General Commercial) District for the property located at **3004 W. Lake Avenue, Peoria, IL.** (Council District 4)

Ms. Allison gave the property characteristics and surrounding zoning of the subject property. She reported that the Site Plan Review Board recommends approval of the request due to other commercial and office zoned properties along W. Lake Ave. and Interstate 74 along the south property line. She reported although the Future Land Use Map identifies this area for residential, the existing zoning and development pattern does not support this. She further reported that commercial uses along the south side of Lake Avenue may provide a buffer between Interstate 74 and the residential properties to the north.

In discussion with Commissioner Shea regarding the proposed use for the property, Ms. Allison reported that the petitioner has indicated that he has an interest to place a funeral home in the building. She went on to say that an office zoning does not allow a funeral home, but a commercial zoning does.

During more discussion regarding Staff's recommendation, Ms. Allison reported that if the rezoning is approved, the follow up action would be to amend the Comprehensive Plan.

Donald D. Clary, Clary Funeral Home, commented that the sliver of the ground to the east of the subject property is zoned residential. He explained that he has also inquired about purchasing that property if they are granted the zoning change. He stated that the church was built in 1971 on the subject property and has been a tax exempt property since that time. He further stated that by rezoning this property to C-1 it would allow the funeral home, which is a tax paying business.

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

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

Motion:

Commissioner Misselhorn moved **to approve** Case No. ZC 11-13 per Staff's recommendation; seconded by Chairperson Hunziker.

Motion **APPROVED** by viva voce vote.

Yeas: Davis, Hunziker, Misselhorn, Shea, Unes - 5;

Nays: None;

Abstention: None.

After the vote, Ms. Allison reported that the case would be forwarded on to the City Council on May 24, 2011.

(ZC 11-14B) PUBLIC HEARING on the request of Ron Naples of Adams Outdoor Advertising to obtain a Special Use, in a Class I-2 (Railroad/Warehouse Industrial) District, for an Off-Premise Sign for the property located on the **former Railroad right-of-way in the 6000 block of N. Knoxville Avenue, Peoria IL.** (Council District 5)

Ms. Allison gave the property characteristics and the surrounding zoning of the subject property. She reported that the subject property is the former railroad right-of-way, which is now used as a recreation trail located in the 6000 block of N. Knoxville Avenue. She further reported that the petitioner is proposing to replace the existing 300 sq. ft. single faced "Midstate" off-premise sign with a 312 sq. ft. V-shaped sign with electronic multiple messaging. In addition, she reported that the proposed sign will be 26 feet in height when measured from the finished grade of the trail to the top of the sign. She explained that the current sign is approximately 17.5 feet in height when measured from the finished grade of the trail to the top of the sign.

Ms. Allison reported that the following waivers are requested:

- 1) Reduce the separation of the proposed sign from other off-premise signs from 2000 feet to 1,320 feet.

- 2) Reduce the separation of the proposed sign from residential properties from 500 feet to 37 feet.

Ms. Allison reported that the Site Plan Review Board recommends approval of the site plan for the requested Special Use for an off-premise sign, including the requested waivers, and subject to the following conditions:

- 1) Approval of a lease agreement between the City of Peoria and Adams Outdoor Advertising which provides for:
 - a. The removal of a four-paneled sign located in the 5000 Block of N. Knoxville Avenue
 - b. The placement of a 312 sq. ft. V-shaped sign at the location of the existing "Midstate" sign.
 - c. The reduction of five billboard panels to two billboard panels. No other allowances for the placement off-premise signs.
- 2) A landscape plan must be submitted for review and approval prior to issuance of a building permit.

Ms. Allison reported that Staff is supportive of this request since it removes a non-conforming, stacked billboard and results in a net reduction of three sign panels. She stated the removal one entire billboard structure along with three sign panels will improve aesthetics and reduce sign clutter along this portion of the Knoxville Avenue corridor.

Ron Naples, Adams Outdoor Advertising, reported that they are proposing to rebuild this sign as a cooperative effort between Adams Outdoor with the City of Peoria and Junction Ventures. He commented that if the rebuild is approved, it will allow them to remove the other structure on Knoxville by Junction City. He pointed out that a second benefit to this project would be that it would allow them to rebuild the structure better for the nearby residences and bike walk trail.

In discussion with Commissioner Unes regarding the height of the proposed sign, Mr. Naples explained after discussing it with the City and the Park District, it was determined that 14 ft. would be a better height. He also stated that the Park District wanted a minimum of 10 ft.

After more discussion regarding the proposed sign, Ms. Allison reported that the proposed sign would not be allowed unless the special use and the requested waivers are granted.

In more discussion with Commissioner Shea, Ms. Allison clarified why the other sign located to the south of Junction City is considered nonconforming.

Chuck Hollis, Junction Ventures, explained the reason for the request and stated the corridor along Knoxville loses several sign faces. He stated that on the sign that is there, the neighbors see the back of the sign. He reported that they held a meeting

with the neighbors and stated that they fully supported the sign. After more comments, he stated that the development at the Junction parcel will not occur if the sign isn't removed. He then submitted photos for the Commission to review.

In discussion with Commissioner Unes regarding the sign having 10 ft. rather 14 ft. clearance from the trail to bottom of the sign, Mr. Hollis mentioned the perception when you are riding on a bike on the trail and stated that he did not know if whether the 4 ft. made a difference.

In summation, Mr. Naples reiterated that this proposal would allow them to remove one sign and replace one. He stated that the residents have been supportive and they are not proposing anything new to the residential neighborhood because the sign already exists.

Susan Schlupp, City of Peoria Economic Development Department, reported that the billboard lease for both of the signs currently expire in 2014. She explained that they will be terminating those leases and starting a new one after the sign is taken down.

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

Motion:

Commissioner Unes moved **to approve** Case No. ZC 11-14B, with the stipulation that the bottom of the sign is reduced to a 10 ft clearance; seconded by Chairperson Hunziker.

Motion **APPROVED** by viva voce vote.

Yeas: Davis, Hunziker, Misselhorn, Unes - 4;

Nays: Shea - 1;

Abstention: None.

After the vote, Ms. Allison reported that the case would be forwarded on to the City Council on May 24, 2011.

(ZC 11-15B) PUBLIC HEARING on the request of Patrick McGonigle of South Bay Partners, Ltd to rezone property from a Class O-1 (Arterial Office) District to a Class R-6 (Multi-Family Residential) District and to obtain a Special Use for a Nursing Home for the property identified as **Parcel Identification Number 14-17-251-006 and located near the northeast corner of University Street and Northmoor 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 for the Commission and explained that from the mid-1960 until 2003, the subject parcel was zoned single family residential. She stated that in 2003, it was rezoned to O-1 (Arterial Office) and went on to say that no development has occurred on the property.

Ms. Allison reported that the following waiver is requested:

1. A 25% reduction in the required landscape points in the transitional buffer yard landscaping along the north property line by 5 shrubs.

Ms. Allison reported that the Site Plan Review Board recommends approval of the request to rezone the subject parcel to R-6 (Multi-Family Residential) and the site plan for a Special Use for a Nursing Home subject to the following conditions:

- 1) Revise the landscape plan to add 5 shrubs in the transitional buffer yard along the north property line and 11 shrubs in the transitional buffer yard along the east property line. Also revise the landscape plan for the following:
 - a. T.B.Y. Landscaping – North property line requires 575 points and not 545 points.
 - b. T.B.Y. Landscaping- North property line includes 7 proposed shade trees and not 3 trees.
 - c. T.B.Y. Landscaping – East property line requires 382 points and not 357 points.
- 2) All ground and rooftop mechanical equipment must be fully screened (fencing or landscaping as appropriate). This includes electrical transformers and generators.
- 3) Remove the existing fence located within the transitional buffer yard along the east property line.
- 4) 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.

Ms. Allison read into the record a letter in support of the request that was submitted by Peoria District 150.

Patrick McGonigle, South Bay Partners, reported he was available to answer questions.

Ralph Hodges, Consolidated Land Surveying, briefly described the site and submitted a revised site plan for the Commission. He explained that they would like a reduction of the north property line transitional buffer yard by 25% of what is required. He explained that the property is zoned residential, but the Post Office driveway is there. After more comments, he commented about Staff's comment to remove the existing fence located within the transitional buffer yard along the east property line. He explained that the fence has been there a long time and belongs to their neighbor, but is on their property.

In more discussion, Ms. Allison pointed out that the landscape plan before the Commission does not reflect 25%. She explained that 25% would take out more plantings.

Lisa Holloway, Independence Village Representative, commented that they just became aware of the proposed facility and stated that they were somewhat surprised that the petitioner had not approached them to discuss their proposed business. She

stated their concern is that they will be competing with the exact same business. She went on to say that they wanted to ensure that if it is approved, the intended use of the property will not provide interference with their current business or operations.

Commissioner Misselhorn informed Ms. Holloway that the Commission was not in a position to make decisions related to competition. He went on to say that the Commission approves the land use only.

Milton Radosevich, Neighborhood Property Owner, stated that he lives at the property to the east of the subject property. He reported that the fence on the subject property is his fence. He stated that he had questions regarding the elevation of the property and asked if it would be the same level as Independence Village or at street level. He commented that it was his understanding that along the east side there is an easement.

In response to Mr. Radosevich's question, Ms. Allison clarified that there is no easement and the petitioner is required to provide a landscaping transitional buffer yard on the north and east property lines.

Chairperson Hunziker informed Mr. Radosevich that the property is not quite as low as Independence Village and will probably be at street level.

During more discussion and comments, Mr. Radosevich commented that he is hoping that the fence does not have to be removed. He also commented about the proposed plan to have an open yard in the back and stated that he was concerned about his privacy and the privacy of the patients. He then mentioned his concerns regarding the behavior of the patients and commented that they should be required to increase the natural berm or to block the open area off to increase privacy.

Ms. Allison reported that Staff would be strongly opposed to the waiver request to the transitional buffer yard. She explained that the transitional buffer yard is needed to protect the residential property.

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 Misselhorn moved to approve Case No. ZC 11-15B, per Staff's conditions, excluding the requirement for 5 additional shrubs along the north property line and the removal of the fence; seconded by Commissioner Davis.

Motion **APPROVED** by viva voce vote.

Yeas: Davis, Hunziker, Misselhorn, Shea, Unes - 5;

Nays: None;

Abstention: None.

After the vote, Ms. Allison reported that the case would be forwarded on to the City Council on May 24, 2011.

(ZC 11-10B) CONTINUED 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 to withdraw Case No. ZC 11-10B.

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

Motion:

Commissioner Misselhorn moved **to withdraw** Case No. ZC 11-10B per the submitted request; seconded by Commissioner Davis.

Motion **APPROVED** by viva voce vote.

Yeas: Davis, Hunziker, Misselhorn, Shea, Unes - 5;

Nays: None;

Abstention: None.

(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 to withdraw Case No. ZC 11-F.

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

Motion:

Commissioner Misselhorn moved **to withdraw** Case No. ZC 11-F; seconded by Commissioner Davis.

Motion to withdraw **APPROVED** by viva voce vote.

Yeas: Davis, Hunziker, Misselhorn, Shea, Unes - 5;

Nays: None;

Abstention: None.

(ZC 11-G) DISCUSSION AND REQUEST for a recommendation to City Council on changes to zoning regulations regarding Fences.

Ms. Smith introduced the case and reported that Staff would like the Commission to act upon the following recommendations to amend the Zoning Ordinance as it relates to front yard fences. She gave a brief background regarding fences and explained that under the current Ordinance, Staff receives an application for a front yard fence, mails notice to property owners within 200 linear feet on the same street, reviews the following standards and makes a final determination within 30 days:

- 1) Fence does not exceed four feet in height, 40% open.
- 2) Input of surrounding property owners
- 3) Is compatible with the surrounding neighborhood and will not diminish full use and enjoyment of neighboring properties.
- 4) No impairment of safety, welfare, light, air, property values or drainage.
- 5) Consistent with established neighborhood character.

Ms. Smith reported that the fence regulations have been subject to many reviews and referred to the history that was submitted as part of the Commission's packets, including input from neighborhood associations, with no consensus on whether change is needed or what that change should be.

Ms. Smith reported that the current process presents several issues and stated the following options may offer solutions:

- 1) Prohibit all fences, except those approved by the ZBA.
- 2) Allow all fences with a permit, subject to meeting minimum objective standards such as size, openness, material, and placement:
- 3) Allow neighborhoods to decide.

Ms. Smith gave the pros and cons of each option and reported that Staff's recommendation would be to implement option 2.

In discussion regarding fences, Commissioner Shea expressed his concerns regarding front yard fences and dogs in the front yard. He commented that 3 ft. is not a large enough fence to hold some dogs.

Ms. Smith pointed out that the Commission should be careful not to regulate animals with fencing.

In more discussion and comments, Commissioner Misselhorn commented that factory painted aluminum fences should be approved and not confused with chain link fences.

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

Motion:

Commissioner Misselhorn moved **to approve** Staff's option no. 2, to allow all fences with a permit, subject to meeting minimum objective standards such as size, openness, material, and placement; seconded by Commissioner Unes.

Motion **APPROVED** by viva voce vote.

Yeas: Davis, Hunziker, Misselhorn, Shea, Unes - 5;

Nays: 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 3:13 P.M.

Leah Allison, Senior Urban Planner

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