

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

Council Chambers, Peoria, Illinois, June 2, 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: Hunziker, Klise, Misselhorn, Shea, Unes, Wiesehan - 6; Absent: Davis - 1.

Staff Present: Leah Allison & Trina Bonds

MINUTES

Commissioner Unes moved to approve the minutes of the May 5, 2011 Zoning Commission meetings (as outlined); seconded by Commissioner Misselhorn.

Approved by viva voce vote.

Yeas: Klise, Hunziker, Misselhorn, Shea, Unes, 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 11-16B) PUBLIC HEARING on the request of Pastor Hubbard of St. Paul Baptist Church, to amend an existing Special Use Ordinance No. 8,973 as amended, in a Class R-2 (Single Family Residential) District for Church Facilities to add a Daycare, Senior Meals Program, and Social Service/Educational Program, and other similar uses, and including existing conditions for the property located at **114 W. Forrest Hill Avenue, Peoria, IL.** (Council District 2)

Ms. Allison gave the property characteristics and the surrounding zoning of the subject property. She reported that the petitioner is requesting to adding the following uses within the existing 78,000 sq. ft. church building:

1. Daycare – this program will service approximately 55 children between the ages of six weeks and five years. The hours of operation are 6:30 am to 5:30 pm, Monday through Friday. Drop off and pick up of children will occur at an entrance located on the south side of the building. This program will also include a before and after school service for children up to 12 years of age during the hours of 6:30 am to 8:15 am and 3:30 pm to 5:30 pm.

A 400 sq. ft. outdoor grass play area located on the south side of the building is noted on the site plan. In addition, the petitioner states that an area within the parking lot will serve for outdoor play although this is not noted on the site plan.

2. Senior Meals Program – this program provides meals to persons 60 years or older. The church will host the program in the fellowship hall between 11am to 2 pm, Monday through Friday. Meal preparation is conducted at a separate location and brought to the church to serve the senior citizens.
3. Social Service/Educational Programs – this program provides counseling and educational tutoring services to children between the ages of 6 and 18 years of age. The hours of operation are 3:30 pm to 5:30 pm during the school year and 9 am to 5 pm during summer months, Monday through Friday.

Ms. Allison gave an overview of the parking lot. She stated that the petitioner is requesting to place a gate at the Melbourne Avenue access which will be unlocked and open during the week, but closed during Sunday and Wednesday church services.

Ms. Allison reported that the following waiver is requested:

- 1) To place a 3 sq. ft. directional sign located within the public right-of-way of Forrest Hill Avenue.

Ms. Allison reported that the Site Plan Review Board recommends approval of the site plan to amend the existing Special Use to add a daycare, senior meals program, and social service/educational programs and subject to the following conditions:

- 1) Relocate the directional sign out of the right-of-way.
- 2) Revise the site plan to indicate the area within the parking lot for outdoor play.
- 3) Obtain all necessary permits or approvals as required by the IL Department of Children & Family Services.
- 4) Compliance with Fire and Safety regulations.

In discussion with Commissioner Shea regarding the landscape plan, Ms. Allison reported that the church has existing mature trees and shrubs on the site, but they are asking for approval of existing conditions.

Carla Priest, Neighborhood Resident, expressed her concerns regarding the play area and stated that it is all blacktop. She mentioned when the previous church was located at the subject property there were problems with where the kids played outside. She also mentioned traffic issues and on street parking problems for the neighbors.

After more comments by Ms. Priest, Commissioner Unes commented that he understands her concerns, but clarified that the previous church issues were not before

the Commission at this particular time. He went on to say that the Commission had no idea if the congregation for the new church was the same size as the previous church.

Beatrice Wissmiller, Neighborhood Resident, expressed her concerns regarding the requested location of signage in the right-of-way. She also mentioned the slope of the parking lot and stated there should be some type of barricade protecting the children playing from the fairly busy street. She commented about the different proposed uses at the church and stated basically this is becoming a neighborhood community center.

Lynne Costic, Myah's Christian Learning Center, addressed the issues regarding the play area for the child care center. She distributed information explaining where a soft playground area is going to be located for the children. She also pointed out that a 50' x 50' temporary fenced area within the parking lot will be used for outdoor play. She reported that this area is located at the southernmost portion of the parking lot. She explained that the fence and all play equipment would be removed daily and stated that DCFS does not require permanent fencing.

Ann Winget, Neighborhood Resident, stated her concerns regarding traffic issues along Forrest Hill Avenue. She asked if the petitioner would be providing a crossing guard. She also expressed her concerns regarding the outside play area in the evening hours, the requested signage, and emergency vehicle access if the gate is closed on Sundays and Wednesdays.

Christine Griffith, Neighborhood Resident, stated her concerns regarding if whether the church had any plans to open up the West Maywood area. She also had concerns regarding the daycare playground area.

Rogers Turner Jr., St. Paul Baptist Church Representative, reported that there would not be any changes to the West Maywood area at all. He stated that the small playground area has fencing around it as well. He then explained that the proposed area they are referring to in the parking lot is totally away from traffic. He went on to say that they are trying to make sure that everyone is safe. He mentioned the hours of operation of the daycare and stated there would be limited activity outside. He stated that as far as traffic, the maximum number of children serviced at this would be 55. He further reported that they put the gate up on behalf of the neighbors on Melbourne and explained that it was not a St. Paul issue, just them being a good neighbor.

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:

After brief comments, Commissioner Misselhorn moved **to approve** Case No. ZC 11-16B, per Staff's recommendations; seconded by Commissioner Unes.

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

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

Nays: None;

Abstention: None.

After the vote, Ms. Allison reported that Case No. ZC 11-16B would be forwarded on to the City Council on June 28, 2011.

(ZC 11-17B) 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 summary of the request and reported that the proposal was reviewed by the Zoning Commission at the May 5, 2011 meeting. She explained that following that meeting, the Illinois Department of Transportation requested revisions to the site plan, which were substantial and warranted another public hearing.

Ms. Allison reported that the 4,255 square foot building faces south with parking on the south, east and west sides of the building. She explained that one entrance to the property is located on Arcadia Avenue, another entrance is located on Knoxville Avenue, and a third entrance is located at the current intersection of Knoxville and Thrush. She stated that this intersection is proposed to be signalized to allow ingress and egress to the property.

Ms. Allison reported that the following waivers are requested:

- 1) Decrease the required length of the building façade facing Knoxville Ave. from 160 feet to 98 feet, which is less than 60% of the width of this frontage.
- 2) Decrease the separation of the Arcadia drive approach from the adjacent property's drive approach from the required 75 feet to 65 feet.
- 3) Decrease the separation of the Arcadia drive approach from the Knoxville Avenue intersection from the required 75 feet to 60 feet.
- 4) Reduce the parking lot setback along Arcadia Street from the required 15 feet to 6.5 feet and along Knoxville Avenue from the required 15 feet to 12.2 feet.
- 5) Reduce the depth of the transitional buffer yard from 25 feet to 3 feet.
- 6) Allow for the placement of the garbage dumpster, fence and parking spaces 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 42.
- 11) Eliminate the requirement for a continuous landscape hedge along Arcadia Avenue.
- 12) Increase the size of the free standing sign from 70 sq. ft. to 117.5 sq. ft. in area.
- 13) Allow for a rooftop sign on top of hearth.
- 14) Allow for a drive thru window adjacent to single family residential.

Ms. Allison reported that a landscape plan has been submitted which includes 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.

Ms. Allison also gave an overview of the building and sign elevations for the Commission.

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 or construct a 4' to 6' masonry garden wall along the west property line adjacent to single family residential.
- 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 parking area) shall reach a height of three (3) feet within two years after planting.
- 4) A continuous landscape hedge along Arcadia Avenue (required for screening of the drive-thru) shall reach a height of four (4) 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) IDOT and the City of Peoria must approve design of changes to the signal on Thrush. Written approval must be given before a Certificate of Occupancy is

issued. In addition, the applicant must provide surety to the City for the value of all incomplete items of work for the signal modification before a Certificate of Occupancy is issued.

- 8) Any deteriorated or non ADA compliant walks along entire frontages to be brought into compliance as necessary.

After brief comments by Commissioner Shea regarding what was approved last month, Ms. Allison referred to the site plan that was previously approved. She explained that the case before the Commission was considered a separate case from last month.

Rich Neubauer, Regional Manager, McDonald's Corp, reported that the current plan that is before the Commission is actually what they started with and what they tried to get approved by IDOT initially. He reported that IDOT had so many restrictions that it became to be cost prohibitive. He shared a photo of the new proposed site and explained that they have to modify the intersection.

In response to Staff's eight conditions, Mr. Neubauer stated that they still have the same issues as last month. He stated that they would like some consideration on Item Nos. 1, 2, 4 & 5. He reiterated that signage is a key element for their business and explained that they are asking for a sign that is less than half the size of the sign that is currently there. He reported that as far as constructing a masonry garden wall along the west property line, they have talked about doing a PVC white 6-ft. tall fence as an alternative, similar to the one at the car wash next door. He stated this would be much easier to maintain. He also mentioned that they prefer not to be required to have a 4 ft tall continuous hedge along Arcadia from a security standpoint. He commented that they have talked to the neighbor and they also prefer for them not to have that hedge.

In discussion regarding signage, Commissioner Wiesehan commented that he appreciates that the signage is smaller, but stated signage is signage. He went on to say that everyone knows that McDonald's is there and that he did not feel anyone could miss the building.

Erica Banina, Neighboring Property Owner, commented that she liked the previous plan that was approved. She stated when they purchased their property they did not know that it was zoned as commercial property. She mentioned that the buffer yard is actually an alley that is full of weeds and stated McDonald's has agreed to put arborvitae there. She then expressed her concerns regarding the drive-up window facing their property.

Chris Banina, Neighboring Property Owner, mentioned his concerns about the trash enclosure. He also commented about their single-family residence being treated as commercial property. He asked for consideration of their residential home. He went on to say that he understands their position with IDOT, but commented that they have a neighbor who is moving out because of all of this.

In discussion with Commissioner Shea, Mr. Banina clarified that his concerns are with the dumpster location and the drive-thru.

Joseph Heine, Neighborhood Property Owner, commented about the traffic patterns and expressed his concerns regarding more traffic on Arcadia. He asked if there was consideration regarding not allowing them to turn left onto Arcadia to limit the amount of traffic into the residential neighborhood.

In discussion with Mr. Heine, Commissioner Unes pointed out that currently you can go to the left onto Arcadia. Mr. Heine explained that he is questioning the logic of continuing that. After more comments, he expressed his concerns regarding the signage and asked if there was ever a thought to taking the exact plan and making it fit into the existing site.

In summation, Mr. Neubauer reported that they did look at keeping the building exactly the way it is, but unfortunately that did not work for them. He explained that the proposed request is much more efficient for them. He explained that if there is sound coming from the drive-thru, it will be toward Knoxville Avenue and not the residential property. He went on to say that with this plan, he doubts if there will be much traffic on Arcadia. He stated as far as the trash enclosure, they are not opposed to moving it and further stated that they thought it was better in terms of visibility. He reported that they are trying to do everything they can to be good neighbors and are putting in a row of arborvitae to try to make the best of the situation that is there. Lastly, he commented the signage and mentioned studies that show if you decrease the signage, typically sales go down. He stated that McDonald's has invested over \$2 million and don't want to invest this type of money, for their sales to go down.

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:

After more comments and discussion, Commissioner Shea moved **to approve** Case No. ZC 11-17B, including the requested waivers and with the following conditions:

- 1) Relocate the dumpster enclosure to the southwest corner of the property allowing for the least number of reductions of parking spaces as necessary.
- 2) All ground and rooftop mechanical equipment must be fully screened (fencing or landscaping as appropriate). This includes electrical transformers and generators.
- 3) IDOT and the City of Peoria must approve design of changes to the signal on Thrush. Written approval must be given before a Certificate of Occupancy is

issued. In addition, the applicant must provide surety to the City for the value of all incomplete items of work for the signal modification before a Certificate of Occupancy is issued.

- 4) Any deteriorated or non ADA compliant walks along entire frontages to be brought into compliance as necessary.

The motion was 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.

Commissioner Klise commented that this is a vast improvement, but she feels that it doesn't fit the piece of property that is there.

Commissioner Wiesehan commented that he would like to see the sign in compliance with the sign ordinance, but stated he likes the new plan. He stated that he will be supporting the motion and explained that he does not feel Knoxville Avenue should be a part of the Land Development Code. He also stated that he needed to be consistent and explained that he voted for the Taco Bell improvements.

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

Approved by viva voce vote.

Yeas: Hunziker, Shea, Unes, 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 June 28, 2011.

(ZC 11-H) PUBLIC HEARING on the request of the City of Peoria to amend Appendix B, the Zoning Ordinance, related to flag-like Temporary Signs.

Ms. Allison reported that Council Member Spears has requested recommendations for regulating teardrop flag-like temporary signs. She reported after receiving calls regarding the display of these signs, Council Member Spears felt the City should decide whether to permit or prohibit these signs.

Ms. Allison reported that teardrop flag-like signs are constructed of a thin plastic fabric and mounted to a single pole into the ground. She stated that they resemble a teardrop due to the curved top and can vary in height reaching up to approximately eight feet. She reported that following options for the Commission:

Option 1: Permit teardrop signs as a temporary sign (Text amendment)

Option 2: Prohibit teardrop signs (No change)

Ms. Allison reported that Staff recommends denial of the request for a text amendment for teardrop flag signs. She noted that in 2010 a Sign Review Committee reviewed the Sign Ordinance including regulations for temporary signs. She explained that the Committee upheld the current regulations noting the clutter and unattractive image temporary signs can create.

Ms. Allison reported that Staff is also concerned that the proposed text amendment will fail to meet the intent of the Sign Ordinance and create signs which may distract and cause increased traffic hazards, and negatively affect the attractive aesthetic character of Peoria.

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

Motion:

After brief comments and discussion, Commissioner Wiesehan moved **to approve** Option 2, with a notation that the staffing of zoning enforcement needs improvement; seconded by Commissioner Shea.

Motion **APPROVED** by viva voce vote.

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

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 2:50 P.M.

Leah Allison, Senior Urban Planner

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