

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

Council Chambers, Peoria, Illinois, August 4, 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, Jeff Smith & Trina Bonds

MINUTES

Commissioner Unes moved to approve the minutes of the July 7, 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.

Ms. Bonds swore in the public speakers that wished to give testimony today.

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS- THE CITY OF PEORIA

(ZC 11-23B) PUBLIC HEARING on the request of Doug Dolan for AT&T Mobility to amend an existing Special Use Ordinance No. 14,327 in a Class R-3 (Single Family Residential) District for a Public Safety Building to replace an existing wireless communication tower with a new wireless communication tower and equipment shelter for the property located at **2105 W. Northmoor Road, Peoria, IL** (Council District 5)

Ms. Allison gave the property characteristics and the surrounding zoning of the subject property. She reported that the property is currently developed as City of Peoria Fire Station No. 16. She gave a brief history and further reported that a 190-foot radio tower is also located on the property as part of the City's radio communication system since the 1970's.

Ms. Allison reported that the petitioner is requesting to replace the existing 190-foot lattice style communication tower with a new 200-foot monopole communication tower and add a 14' x 20' equipment building, which will be enclosed by a 9-foot tall privacy fence. She reported that in addition to the fence, landscaping is proposed along the north side and east side of the tower. She then explained that the tower will co-locate antennas for AT&T Mobility and the City of Peoria and is designed to accommodate up to four wireless communication providers. She presented a photo simulation to compare the existing tower with the proposed tower.

Ms. Allison reported that upon review of the revised site plan packet, Staff notes the following concerns:

- 1) The fence height should be increased to 10 feet to match and screen the equipment building. In addition, the fence should be design to eliminate the gaps between boards.
- 2) Confirm that the height of the arbor vitae are 6 feet at planting and that the shade trees are 3.5" caliper at planting.
- 3) Page 3 of the site plan packet notes 9 antennas but page 17 refers to 3 sectors and 6 antennas. Page 18 refers to 4 sectors. This seems to conflict.

Ms. Allison reported that the following waiver is requested:

- 1) Reduce the required front yard setback from 25 feet to 16.5 feet along Hamilton Road.

Ms. Allison reported that Staff recommends that the Zoning Commission defer this request to allow the applicant additional time to submit requested information relating to the proposed height of the tower. She stated that the proposed tower is 10 feet taller than the existing tower and more substantial in size and mass, which may have a significant impact on the residential neighborhood. She went on to say that the height of the proposed tower must be reviewed carefully to ensure that it is appropriate.

After brief comments to Staff, Commissioner Unes suggested deferring the request for 30 days.

Mike Douchant, Dolan Realty Advisors, LLC, asked for clarification on information Staff has requested. He then asked what specific evidence was missing.

In response to Mr. Douchant's question, Ms. Allison reported that according to the City Consultant, additional information is needed to help evaluate the map coverage. She stated that the request is for a different height and Staff needs something to substantiate or analyze the requested tower height.

Chairperson Hunziker suggested that the petitioner's engineer contact the City's consultant to address Staff's concerns.

During more discussion, Ms. Allison reported that the City's consultant had offered to have a conference call early on to discuss details of the review.

Mr. Douchant commented that in terms of height, each municipality is a little different in terms of how they designate the height of the structure. He then stated that they have an engineer present that may be able answer Staff questions.

In discussion with Commissioner Misselhorn regarding the Exposition Gardens tower, Mr. Douchant reported that they were encouraged to go to the proposed location in lieu of having an additional tower. He then commented that the new tower would be considered more appealing than the other one.

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

Motion:

Commissioner Klise moved **to defer** Case No. ZC 11-23B for 30-days, until the regularly scheduled September 1, 2011 meeting; seconded by Commissioner Misselhorn.

During deliberations, Commissioner Wiesehan asked Staff if the new proposed tower would be a benefit to the City. Ms. Allison reported that she did not have an understanding that there were any deficiencies with the current system.

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

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

Nays: None;

Abstention: None.

(ZC 11-24B) PUBLIC HEARING on the request of Jeff Stein of Hy-Vee Inc. to amend an existing Special Use Ordinance No. 13,932, as amended, in a Class C-2 (Large Scale Commercial) District for a Shopping Center to add a grocery store, gas station, convenience store, and car wash and to remove a previously approved condition for the property commonly known as the Shoppes at Grand Prairie and located at **5201 W. War Memorial Drive, Peoria, IL** (Council District 5)

Ms. Allison gave the property characteristics and the surrounding zoning of the subject property. She reported that in 1995, a Special Use for a shopping center was approved for the Shoppes at Grand Prairie with several amendments since then to add property, approve sign regulations, and increase building height.

Ms. Allison reported that the petitioner is requesting to build an 88,925 sq. ft. Hy-Vee grocery store adjacent to the Gordman's store and near the intersection of Orange Prairie Road and American Prairie Drive. She further reported that the building faces south and includes the following features:

- 35 feet in height at its tallest point
- Drive thru canopy for a pharmacy
- Loading facility and trash compactors at the rear of the building
- Building materials of brick and precast concrete wall panels

Ms. Allison reported that the petitioner is also requesting to build a gas station, convenience store and car wash south of the Hy-Vee store and near the intersection of War Memorial Drive and Orange Prairie Road.

Ms. Allison gave a brief overview of the parking, landscaping, screening, lighting and signage for the property. She reported that they are all in compliance with the Zoning Ordinance.

Ms. Allison reported that the following waivers are requested:

- 1) Remove the previously approved condition requiring City Council approval of different arrangement of tenant spaces within the building footprints, including combining spaces.
- 2) Decrease the front yard setback from 20 feet to 16 feet for a portion along Orange Prairie Road.
- 3) Increase the width and radii for the center and north dock entrances to allow for two lanes of egress.

Ms. Allison reported that the Site Plan Review Board recommends approval of the request to amend the special use, including the waivers, and subject to the following conditions:

- 1) A traffic study must be submitted to the Public Works department prior to City Council review of this request.
- 2) All ground and rooftop mechanical equipment must be fully screened from public streets. This includes electrical transformers and generators. A detailed screening plan must be reviewed prior to issuance of a building permit.
- 3) A trash enclosure must be six feet in height and constructed of the same building materials as the convenience store.

In discussion, Commissioner Unes commented about Staff's request for a traffic study and stated that it did not make sense. Ms. Allison reported that it was her understanding that a traffic study had already been started.

In discussion with Commissioner Misselhorn regarding sidewalks along Orange Prairie Road, Ms. Allison reported that there are sidewalks that will be required at the time of development. She then reported that there is a plan to have a bike walk trail on the east side of the Orange Prairie.

Mark Walton, Attorney, reported that he was present on behalf of Hy-Vee. He gave a brief history regarding the subject property and explained that several times in the past different tenants have come before the Commission to amend the special use on the property. He reported that they would like to remove the previously approved condition requiring City Council approval from 2006. He stated that in regards to the traffic study, they are not asking for any changes to access areas along Orange Prairie Road. He stated for that reason, they would like to avoid having to provide a traffic study if it is not necessary. He went on to say that they are fully willing to cooperate with the Public Works Department.

In discussion with Commissioner Misselhorn regarding the requested waiver (No. 1 noted above) of the future review by City Council for changes in tenant spaces, Ms. Allison pointed out that if the condition is removed, they would still be required to obtain Site Plan Review Board approval.

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

First Motion:

Commissioner Unes moved to approve Case No. ZC 11-24B, per Staff's recommendations, eliminating the traffic study; seconded by Chairperson Hunziker.

After more comments, Commissioner Unes withdrew his motion to allow City Engineer Jeff Smith to speak regarding the traffic study.

Motion to Reopen Public Testimony:

Chairperson Hunziker motioned to reopen for more public testimony; seconded by Commissioner Wiesehan and was approved by viva voce vote 6-0.

Jeff Smith, City Engineer, Public Works Department, reported that the request for a traffic study is routine. He stated that they are not anticipating a huge study. He explained that there are two points of access that they would be looking at and said they would like to get some of the projections from the development including the gas station during the peak hours. He explained that they would like to see if there are any modifications that may be necessary to improve the efficiency of the whole system.

In discussion with Commissioner Unes regarding the traffic study, Mr. Smith stated that it doesn't have to be anything difficult. He explained that they want the petitioner to provide some peak hour counts or maybe just having their engineer sit down and talk to them. Commissioner Unes clarified that he did not want the petitioner to have to spend several thousand dollars if it isn't necessary.

During deliberations, Commissioner Misselhorn commented that the traffic study sounds like it is routine and is probably a good idea. Commissioner Klise expressed her concerns regarding not requiring the traffic study.

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

After the Zoning Commission reviewed the request to amend 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.

Final Motion

After more comments and discussion, Commissioner Unes moved **to approve** Case No. ZC 11-24B, per Staff's recommendations, eliminating the traffic study; seconded by Chairperson Hunziker.

Motion **APPROVED** by viva voce vote.

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

Nays: Klise -1;

Abstention: None.

After the vote, Ms. Allison reported that the case would be forwarded on to the City Council on August 23, 2011.

(ZC 11-J) 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 Zoning Certificates.

Ms. Allison reported that the proposed text amendment is to provide clarity regarding the length of time for which a zoning certificate is valid. She stated currently, it is not clear in the City Code how long an approved zoning certificate remains legal.

Ms. Allison reported that the proposed text amendment adds language to the City Code stating that a Zoning Certificate must be acted upon with one year of issuance or it becomes invalid. She stated that this length of time is consistent with building permits, which also expire one year after issuance if no work has begun.

Ms. Allison reported that Staff recommends approval of the Ordinance amending Appendix B, the Zoning Ordinance, and Appendix C, the Land Development Code relating Zoning Certificates.

In discussion regarding the requested text amendments, Ms. Allison clarified that the Zoning Certificates relate to permits that are issued at the counter daily. She explained that the intent is to codify the current policy for the length of time for which Zoning Certificates are valid.

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

Motion:

After brief comments and discussion, Commissioner Wiesehan moved **to approve** the proposed text amendments, per the submitted request; seconded by Commissioner Unes.

Motion **APPROVED** by viva voce vote.

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

Nays: None;

Abstention: None.

After the vote, Ms. Allison reported that the text amendments would be forwarded on to the City Council on August 23, 2011.

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 1:55 P.M.

Leah Allison, Senior Urban Planner

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