

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

A regularly scheduled Planning Commission Meeting was held on April 20, 2011, at approximately 1:34 p.m., City Hall, Council Chambers, Room 400, 419 Fulton Street, Peoria, Illinois, with Chairperson Lees presiding.

ROLL CALL

The following Planning Commissioners were present: Chairperson Lees; and Commissioners Anderson; Davis; Lawless; Lawrence; and Richey – 6; Absent: Miller – 1.

City Staff Present: Leah Allison and Polly Stainback

MINUTES**Motion:**

Commissioner Lawrence motioned for approval of the minutes of the regularly scheduled Planning Commission Meeting held on February 16, 2011, as printed; seconded by Commissioner Anderson.

Approved unanimously by viva voce vote 6 to 0.

Motion:

Commissioner Davis motioned for approval of the minutes of the Planning Commission Special Meeting held on March 2, 2011, as printed; seconded by Commissioner Richey.

Approved unanimously by viva voce vote 6 to 0.

MEETING PROCEDURES AND SWEARING IN

Chairperson Lees explained the meeting procedures. Ms. Stainback administered the swearing in for testimonies.

REGULAR BUSINESS**CPC 11-B**

PUBLIC REVIEW on the request of Gary Zumwalt of Zumwalt & Associates, Inc, for Jacqueline Kirchgessner, for approval of a Preliminary Plat for Kirchgessner Subdivision, a residential development generally bounded on the west by Multiflora Lane and on the north by US Route 6. The petitioner is proposing to establish three single-family lots and requesting waivers.

Chairperson Lees read Case No. CPC 11-B into the record.

Leah Allison, AICP, Senior Urban Planner, City of Peoria, Planning and Growth Management Department, displayed the general location map, which showed that the subject property abuts up to Route 6 on the south, and the aerial, which showed the subject lot to be a large lot, including a small lot that had been divided. She reported the property site characteristics.

Ms. Allison mentioned that this property would be going before the Zoning Commission on May 5, 2011, to request a rezoning from A1, Agricultural District, to R2, although Staff is proposing R1, Single-Family Residential. She displayed a map showing the zonings of surrounding properties and the proposed plat. In addition, she reported the following information:

WAIVERS: Requesting waivers for the following Subdivision Ordinance requirements:

- 1) Cul-de-sacs longer than 400 feet.
- 2) Sidewalk requirements.
- 3) Public sanitary sewer systems. All current residences are served with private septic systems.
- 4) Design standards for street width at 34 feet and right-of-way width at 55 feet. Petitioner is proposing 30 feet of street width and 50 feet of right-of-way. The extension of Multiflora Lane is currently constructed.

CONDITIONS OF APPROVAL:

Prior to final platting, the following must be addressed:

- a. The petitioner shall construct a paved T-Turnaround in accordance with City of Peoria standards and requirements at the end of Multiflora Lane.
- b. Any additional extension of Multiflora Lane or additional subdivision of the subject property will require the installation of sidewalks along Multiflora Lane pursuant to City of Peoria requirements.

SITE PLAN REVIEW BOARD RECOMMENDATION: Staff recommends approval, subject to the conditions above, of the proposed Preliminary Plat for Kirchgessner Subdivision. Please note that this property's current state of development is due to a prior subdivision request in 1968 (CPC 68-Y). The City Council on June 10, 1969, approved the Final Plat for Kirchgessner Addition, Section 1, which is almost identical to their current request before the Commission. The zoning of the property was A1, Agricultural District, at the time and did not allow residential development. Therefore, the Final Plat was never recorded even though the City of Peoria required surety for the extension of Multiflora Lane and inspected and approved the road construction.

Commissioners asked questions and commented on the proposed Preliminary Plat. The main points are summarized as follows:

Ms. Allison concurred with Commissioner Davis' comments regarding the aerial photograph: The house to the right is in Lot 1; and the other house is in Lot 2; with the proposed plat creating a subdivision for a third house; and both existing houses having the same tax identification numbers.

Responding to Commissioner Anderson, Ms. Allison indicated that the subject property is located within the City limits; and the nearest sanitary sewer system is located on the west side of Knoxville.

Commissioner Anderson expressed concern that this would be allowed to be built without public sewer. She mentioned the Commission's turning down requests for subdividing properties because they were not on public sewer; and Commissioners were told a financial issue was not a consideration. She questioned why an exception was being made in this case.

Commissioner Lawrence referred to an exception for lots along north Oakforest Court several years ago. Commissioner Lawless mentioned that Oakforest Court was all on septic, as well as the adjacent subdivision and toward the south.

Commissioner Richey questioned the waiver for sidewalks. Ms. Allison referred to there being two existing houses along the road and said that any further subdivision or extension of that road would require sidewalks.

Commissioner Richey stated his opinion that sidewalks were needed. He said there is a cul-de-sac so that road would never be built beyond that point. Ms. Allison explained that the road could be built if the property was replatted, along with a provision for a dedication and sidewalks.

In response to Commissioners' questions, Ms. Allison clarified the following main points:

- Previous platting was approved in 1968. Because the plat was not recorded, the road was not dedicated. The road will be dedicated with this plat.
- The proposal is for 30 feet of street width and 50-foot right-of-way.
- The road was built to City standards in 1968; it was accepted and approved by Staff.

Commissioner Davis commented that the Site Plan Review Board did not have any objections.

Ms. Stainback swore in those planning to give testimony.

Jacqueline Kirchgessner, Petitioner, stated that, as far as she knew, this road was dedicated. The street had to be built before they could get a permit to build their home. She said they got a variance for the sidewalks because there was an easement.

Commissioner Davis asked if the City plowed the street. Ms. Kirchgessner responded, "Yes." She explained that the City was not plowing the street, but she called the City and explained that they had to pay for that street and had it dedicated as a City street. Ms. Allison explained that the dedication was the intent; it just was not completed. With the approval of this plat, which defines the existing road, it will be made a public road.

Responding to Commissioners' questions, Ms. Kirchgessner clarified the following main points;

- Someone is interested in buying a lot and if things work out, she would sell it; and eventually she would sell her house; and the rest would stay there.
- There are woods and ravines and a substantial drop-off to get to Route 6. The property that she wants to sell was on the property when they bought it.
- All the properties in the subdivision to the left are all on septic. They would have to put in a pumping station. When Frye Road was developed, septic was an issue.

Chairperson Lees referred to the Site Plan Review Board's signing off on this.

Responding to Commissioner Richey, Ms. Allison clarified that the property could be subdivided again, as long as it meets the Subdivision Ordinance.

Commissioner Davis mentioned that an R1 zoning allows for two units per acre, so it could be subdivided again.

Commissioner Anderson said that when the subject property was originally built, the other subdivision was not there. It is there now, and there is a sidewalk that leads to that property, so it seems there should be a sidewalk going out there, too. She said there are actually four houses, i.e., the house that is not part of the subject plat, the two existing houses, and the potential of a house being built on the other lot.

Commissioner Lawrence commented that the road is already there; the house that would be subdivided into Lot 2 to be sold, is already there. The only possible construction would be Lot 3, which Ms. Kirchgessner said she does not plan to sell at this time. Since there is no construction of a street or anything to be done, it seems unduly burdened to require putting in a sidewalk to sell the house across the street.

Commissioner Anderson said she could accept this for the time being, but at which point more houses would be built, they would have to put in sidewalks. Ms. Allison said that is what Staff's memo states under the Conditions of Approval, i.e., that any further subdivision of the subject property would require sidewalks along Multiflora.

Commissioner Lawless indicated that she was familiar with this property. She said it does not lend itself to sidewalks without a lot of money to change the topography, with the large ravines, wooded areas, and large drop-off to Route 6. She commented that this was currently about one house, not a subdivision.

Ms. Allison concurred with Commissioner Davis' comment that there could only be one house put on Lot 3 with this plat. She clarified that the zoning is proposed, but not yet approved.

Ms. Kirchgessner said that if she sells the house, it would be torn down; and a modern house would be constructed.

Commissioner Richey administered the Findings of Fact.

Motion:

Commissioner Davis made a motion to approve the Preliminary Plat for Kirchgessner Subdivision, subject to Staff's Conditions of Approval; seconded by Commissioner Lawless.

The motion was approved by viva voce vote 4 to 2.
Commissioners Anderson and Richey voted "Nay."

Chairperson Lees told Ms. Kirchgessner that her case was approved, and it would go before the Zoning Commission on May 5 to consider the rezoning and then to the City Council for final approval on Tuesday, May 24.

ELECTION OF OFFICERS

Chairperson Lees announced that he would be resigning his position on the Planning Commission, with his last meeting being in May.

Commissioner Lawless indicated that she would be willing to continue as Vice Chairperson, if agreed to by Commissioners; but she would not want to take the position of Chairperson.

Motion:

Commissioner Anderson motioned to elect Commissioner Davis as Chairperson. The motion was seconded by Commissioner Richey.

The motion was approved unanimously by viva voce vote 6 to 0.

Motion:

Commissioner Anderson motioned for approval to reappoint Commissioner Lawless as Vice Chairperson. The motion was seconded by Commissioner Lawrence.

The motion was approved unanimously by viva voce vote 6 to 0.

Motion:

Commissioner Lawrence motioned for approval to elect Commissioner Anderson as Second Vice Chairperson. The motion was seconded by Commissioner Davis.

The motion was approved unanimously by viva voce vote 6 to 0.

Chairperson Lees indicated he would remain engaged, as he made a commitment to work on the Subdivision Ordinance and the follow-up with the Comprehensive Plan. He said it had been a great experience for him, and he enjoyed his service and appreciated Commissioners' support and commitment, especially their work on the Comprehensive Plan.

Commissioner Davis stated appreciation of the 21 years of hard work provided by Chairperson Lees.

CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION

Roger Sparks, Peoria citizen, said that when roads are constructed, several do not meet City requirements. He said that what was approved in 1968 may not be good enough for the City today. He spoke regarding his concerns that there are still streets without sidewalks.

ADJOURNMENT

Commissioner Anderson motioned to adjourn; seconded by Commissioner Lawrence.

The motion was approved unanimously by viva voce vote 6 to 0.

The Planning Commission Meeting adjourned at approximately 2:22 p.m.

Leah Allison, AICP, Senior Urban Planner
Planning and Growth Management Department

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