

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

Council Chambers, Peoria, Illinois, October 6, 2011, a Zoning Commission Meeting was held this date at 1:00 P.M., at City Hall, 419 Fulton Street, Vice-Chairperson Wiesehan presiding.

CALL TO ORDER / ROLL CALL

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

Staff Present: Leah Allison, Susan Schlupp & Trina Bonds

MINUTES

Commissioner Unes moved to approve the minutes of the September 1, 2011 Zoning Commission meetings (as outlined); seconded by Commissioner Klise.

Approved by viva voce vote.

Yeas: Davis, Klise, 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

After brief comments, Vice-Chair Wiesehan moved Case No. ZC 11-I to the beginning of the agenda for discussion.

(ZC 11-I) CONTINUED PUBLIC HEARING on the request of the City of Peoria to amend Appendix B, the Zoning Ordinance, related to Planning Commission review of Enterprise Zones.

Ms. Allison introduced the case and reported that Susan Schlupp of the Economic Development Department would be presenting the case.

Susan Schlupp, City of Peoria Economic Development Department, gave a brief background for the Commission. She reported that in 2006, the City Council approved a recommendation from the Committee on Commissions to expand the duties of the Planning Commission to include holding the public hearing and reviewing of Enterprise Zone expansions, thereby removing the responsibilities from the Designated Zone Organization (DZO). She stated that Staff has come to recognize that the added step of the Planning Commission review process has increased the process time for expansions and resulted in an increase in the workload for Planning staff. She went on to say that by returning the Enterprise Zone expansion review duties to the DZO it would streamline City processes, reduce costs and better accommodate developer timelines.

There being no public testimony, Vice-Chair Wiesehan closed the public hearing.

Motion:

Commissioner Davis moved **to approve** the proposed text amendments, per the submitted request; seconded by Commission Unes.

Motion **APPROVED** by viva voce vote.

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

Nays: None;

Abstention: None.

(ZC 11-27B) PUBLIC HEARING on the request of Jim Hein of Hein Construction Co., Inc. to amend an existing Special Use Ordinance No. 15,418 in a Class C-2 (Large Scale Commercial) District for a Shopping Center to add two commercial buildings and parking areas for the properties identified as parcel identification numbers 14-20-401-033, 14-20-401-034, 14-20-401-035, and 14-20-451-012, with an address of **4606-4612 N. University Street, Peoria, IL.** (Council District 3)

Ms. Allison gave the property characteristics and the surrounding zoning of the subject property. She gave a brief history of the subject property and reported that the request is to add two 7,080 sq. ft., 29-foot tall commercial buildings on Lot 3 of the shopping center. She stated that one entrance from University Street currently serves as the primary access to the shopping center; however, cross access at the lighted intersection into Metro Centre also provides access to the subject properties.

Ms. Allison reported that parking requirements and the landscape plan for the parking lot of phase one of the proposed development are both in compliance with the Zoning Ordinance. She then stated that a landscape plan for the existing shopping center development and a lighting plan for the proposed parking lot have not been submitted and must be approved prior to the issuance of a Zoning Certificate. She reported that the garbage enclosures for both the existing and proposed developments are noted and in compliance. She then pointed out that one garbage enclosure is located to serve both proposed buildings. She also reported that the existing shopping center includes two freestanding signs along University Street and no other additional free standing signs have been requested.

Ms. Allison reported that the Site Plan Review Board recommends approval of the submitted request to add two commercial buildings subject to the following conditions:

- 1) All ground and rooftop mechanical equipment must be fully screened. This includes electrical transformers and generators.
- 2) A lighting plan for the proposed parking lots must be submitted for review and approved prior to issuance of a Zoning Certificate.
- 3) A landscape plan which includes plantings for the existing shopping center (front yard of University St. and the parking lots of Culver's and GFS) and the proposed

development must be submitted for review and approved prior to issuance of a Zoning Certificate.

- 4) Fire Dept. approval of water mains and fire hydrant locations.
- 5) Administrative review and approval of the design and height of the proposed retaining wall.

Jim Hein, Hein Construction Co., reported that he submitted this project through One Stop Shop and that is when he found out they needed a Special Use Amendment. He reported that they have been working with the City to get everything that they need. He stated that they have met with the Water Company and also the Fire Department and they have approved phase one only. He went on to say that at this point, the retaining wall will not be built until phase two.

In discussion with Commissioner Misselhorn regarding Staff comments, Mr. Hein reported that they were okay with all of them and stated that they are not going to move the fire hydrant. He explained if phase two (northern building on Lot 3) would happen before Lot 4 is developed, they will have to deal with it at that time.

In discussion with Commissioner Klise regarding signage, Mr. Hein reported that it will be up to the tenants to request approval for their signs.

Debra Braker, Culver's Representative, reported that they are concerned about the project. She stated that they were contacted only three weeks ago and did not have the sufficient time to look it over. She asked the Commission to allow for more time for them to coordinate with their partners to be able to review the request. She mentioned their concerns that their drive-thru comes right up to where the proposed extra parking would be located and stated they also have concerns about where people would exit the property onto University.

In discussion with Commissioner Klise, Ms. Braker stated that their concerns are in regards to congestion. She explained that it has always been very difficult to get in and out of there.

During more discussion, Ms. Braker reported that two of the partners live out of state and they did not get their information right away to review the request. After more comments, she also reported that they knew that there was a possibility that other developments could be done at that location.

In summation, Mr. Hein reported that they posted signs within the legal required timeframe. He then reported that they have tried to contact Culvers and also have a recorded reciprocal agreement that was signed by Culvers, Gordon Foods and by Jack Pearl. He explained that the agreement defines the common road areas and also shows how many buildings will be on it. He went on to say that this did not come out of the blue and stated that the original plan shows these buildings on it. He then commented if the development gets pushed back further, it would take them into spring time.

Elza Ghantous, Real Estate Broker, reported that she is representing Pete Mach and Pearl Plaza. She stated that she personally approximately a month and a half ago walked into Culvers and asked for the local owner contact information. She went on to say that she left two voicemail messages and very detailed information in regards to the specific request. She then stated that she did not hear back from Culvers until approximately after 3 ½ weeks and not by whom she had contacted.

There being no more public testimony, Vice-Chair Wiesehan 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.

Motion:

Commissioner Shea moved **to approve** Case No. ZC 11-27B per Staff's recommendations; seconded by Commissioner Davis.

Motion **approved** by viva voce vote.

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

Nays: None;

Abstention: Unes - 1.

After the vote, Ms. Allison reported that the case would be forwarded on to the City Council on October 25, 2011.

(ZC 11-28) PUBLIC HEARING on the request of Floyd J. Rashid to rezone property from a Class R-3 (Single Family Residential) District to a Class C-N (Neighborhood Commercial) District for the properties located at **3210, 3214, and 3216 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 Site Plan Review Board recommends denial of the submitted request to rezone the subject properties. She further reported that rezoning the subject properties is not consistent with the Future Land Use Map of the Comprehensive Plan which identifies this area as low density residential with 1 to 7.26 dwelling units per acre. She then stated that it is also inconsistent with the previous Comprehensive Plan, which identified this area as medium density residential with 1 to 8 dwelling units per acre.

Ms. Allison reported that the subject properties are immediately adjacent to residential zoning on all sides. She further reported that commercial zoning at this location is not compatible and will place additional pressure on the surrounding residential neighborhoods and allow more intensive uses and increased traffic within close proximity.

Ms. Allison reported that the applicant has indicated that the properties will be developed with a doctor's office building, but stated that it is important to note that the City could not guarantee nor restrict the property to this type of development.

The following uses are listed within the C-N Neighborhood Commercial classification:

Permitted Uses

- Townhouse
- Apartment
- Upper Story Residential
- Live-work
- Museum, library
- Neighborhood Arts Center
- Police, Fire, EMS Substation
- Childcare Home
- Daycare Center
- Drop in Child Care Center
- Academy
- Medical/Dental Laboratory, Clinic, or Office
- Parks
- Place of Worship
- Utilities
- Indoor Recreation
- Offices
- Bed & Breakfast
- Restaurant
- Veterinary Hospital/Clinic
- Animal Boarding/Shelter/Day Care
- Art/Photo Studio
- Convenience Store with or without pumps
- Post Office
- School for the Arts

Special Use

- Boarding/Rooming House
- Congregate/Elderly Housing
- Monastery
- Nursing Home
- Educational Facilities
- Medical Facilities
- Cemetery
- Halfway House
- Single Room Occupancy
- Hotel/Motel
- Farmer's Market
- Vehicle Service

Ms. Allison further reported that opportunity to develop the parcels exists with the current R-3 zoning and without rezoning to a commercial district. The following uses are listed with the R-3 (Single Family Residential) classification:

Permitted

- Single Family Residential
- Two Family (duplex)
- Family Care Facility
- Childcare Home
- Parks

Special Use

- Congregate Housing
- Neighborhood Arts Center
- Police, Fire, EMS Substation
- Daycare Center
- Educational Facilities
- Cemetery
- Place of Worship
- Utilities
- Bed & Breakfast
- Convenience Store without pumps
- Neighborhood Store (existing)
- School for the Arts

Ms. Allison then noted that if the subject properties were governed by the previous zoning ordinance (Appendix B), which provides for Office zoning, Staff's recommendation to deny would remain unchanged.

Dr. Floyd J. Rashid, Petitioner, submitted for the record a copy of a petition of signatures from neighbors in favor of his request to change the zoning for the construction of a doctor's office. He commented that he has another use for the subject properties and stated that there is no such thing as O-1 or O-2 zoning in the Land Development Code. He further stated that he chose the least intrusive C-N Zoning. He then commented that he did not know why the Commission could not just put restrictions and covenants on the subject properties to say that only office can be located there. He mentioned that he would like to do a nice development similar to other ones nearby.

Bob Hall, Neighborhood Resident, reported that he was not representing anyone except his wife and himself. He stated that when Dr. Rashid came to him about what he had in mind it did not sound too bad. He reported that he has lived at the corner near the subject properties since 1957. He commented that the subject properties are deteriorated and dilapidated and worthy of better development. He stated that initially, subject to working with the neighbors, perhaps things could have worked out. He further stated that after obtaining more detail from Staff and having to consider some fears, it becomes a fact that Dr. Rashid is a victim of the Land Development Code. He stated that in any event, office is not necessarily compatible with residential and went on to say that it depended upon the right circumstances. After more comments, he stated that the neighbors would also oppose confining restrictions to the

subject property. He then went on in detail regarding the requirements of the Land Development Code. He stated that the petition before the Commission was in general subject to working things out with the neighbors. He stated that although certain things may be worked out, he would like to ask the Commission to recommend denial of the request.

In discussion with Vice-Chair Wiesehan regarding if the property was subject to a different type of zoning such as office, Mr. Hall stated if the zoning was limited to office he thinks he and his wife would be in favor. He went on to say that they would be very interested in seeing a site plan to see the impacts of the use.

Heather Hott, Neighborhood Resident, reported that she will actually be directly impacted by the proposed development. She stated that she is strongly opposed to the request and further stated that she purchased her home three years ago. She went on to say that had she known something like this could be possible she would not have bought it. After more comments, she stated that there are other medical offices south of Forrest Hill that are for sale and could be utilized.

Emily Kerwin, Neighborhood Resident, reported that originally she signed the petition in support of the request. She stated after doing more research regarding the new zoning requested it bothered her as to what could actually go into the property. She stated that they enjoy the park like environment behind them and would like it to remain that way.

Carla Priest, Neighborhood Resident, reported that she lives directly across from the subject property and has been a resident since 1954. She stated that she is also opposed to the project. She commented that this is a very nice quiet area and mentioned that other nice doctor offices in the area sit on a corner. She stated that she is not in favor of looking out at a commercial building in her front yard. She also commented that there are plenty of other commercial buildings for sale down the street.

Ms. Allison read into the record a letter that was received from Neighborhood Resident Gale Thefford. The letter stated that she was totally in agreement with the Site Plan Review Board Recommendation to deny. She stated that the rezoning of the subject properties from single family residential to C-N would open up the opportunity at some point for a gas station, convenient store, restaurant, etc. She stated that it is her hope that the request is denied.

There being no more public testimony, Vice-Chair Wiesehan 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 **did not meet** the findings of fact requirements.

Motion:

Commissioner Klise moved **to deny** Case No. ZC 11-28, per Staff's recommendation; seconded by Commissioner Missehorn.

During deliberations, Commissioner Klise commented that the map tells the story so clearly. She went on to say that she feels the Commission owes the people on Knoxville Avenue a real depth of gratitude.

Commissioner Unes commented that he would not be supporting the motion. He then mentioned the new Development Code and also another development that did not have to come up to the front of the lot because of Council involvement.

After more comments and discussion, Commissioner Missehorn commented that he does believe that Dr. Rashid's intent is to put a very attractive office building there, but stated the problem is that they do not have the power to put restrictions on the property.

Vice-Chair Wiesehan called for the vote.

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

Yeas: Davis, Klise, Missehorn, Shea, Wiesehan- 5;

Nays: Unes -1;

Abstention: None.

After the vote, Ms. Allison reported that the case would be forwarded on to the City Council on October 25, 2011.

(ZC 11-29) PUBLIC HEARING on the request of the City of Peoria to correct the misidentification of a zoning district on the official City of Peoria Zoning Map from a Class C-2 (Large Scale Commercial) District to a Class O-2 (Exclusive Office Park) District for the property located at **2327 W. Willow Knolls Road, Peoria, IL.** (Council District 5)

Ms. Allison gave the property characteristics and reported that the subject property is currently developed with the Pals Daycare School (PALS). She reported that in 2004, the property located at the northwest corner of Allen Road and Willow Knolls Road (7300 N Allen Road) was rezoned to C-2 (Large Scale Commercial). She stated that during the rezoning process, the parcel of the PALS School was unintentionally included with the revision to the Zoning Map.

Ms. Allison reported that this request is to correct the Zoning Map to reflect the O-2 Exclusive Office Park zoning class for the subject property. She further reported that the Site Plan Review Board recommends approval of the request to correct the misidentification of a zoning district on the official City of Peoria Zoning Map.

Motion:

After brief comments, Commissioner Davis moved **to approve** Case No. ZC 11-29, per the submitted request; seconded by Commissioner Misselhorn.

Motion **APPROVED** by viva voce vote.

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

Nays: None;

Abstention: None.

After the vote, Ms. Allison reported that the case would be forwarded on to the City Council on October 25, 2011.

(ZC 11-30B) PUBLIC HEARING on the request the City of Peoria 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 revise the location of an existing right-of-way entrance and add a new right-of-way entrance off of Orange Prairie Road 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 the request is to amend an existing Special Use to revise the location of an existing right-of-way entrance and to add a new right-of-way entrance off of Orange Prairie Road, which will cause changes to previously approved site plans.

Ms. Allison stated that the proposed revisions will improve safety of traffic and provide easier access to the hotel development on the west side of Orange Prairie Road and align with the new entrances for the Hy-Vee development.

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.

Motion:

After brief comments, Commissioner Unes moved **to approve** Case No. ZC 11-30B, per Staff's recommendation; seconded by Commissioner Klise.

Motion **APPROVED** by viva voce vote.

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

Nays: None;

Abstention: None.

After the vote, Ms. Allison reported that the case would be forwarded on to the City Council on October 25, 2011.

REPORT BACK ON SIGN SWEEP

Ms. Allison gave a report back on the sign sweep. She reported that as part of the sign sweep, City Staff went out in teams to conduct inspections City-wide, not just along the primary thoroughfares. She reported that the sweeps were conducted during the weeks of September 19th and 26th, to cause the removal of all unlawful temporary signs. She stated that the goal of the sweep was to reduce visual clutter, improve overall aesthetics of the community, and create a fair playing field among all businesses.

Ms. Allison reported that a total of 68.25 hours were invested by the Planning and Growth Management Department Staff. She went on to say that the sweep resulted in 294 businesses with temporary sign violations for a total of 795 temporary sign violations, and the majority was temporary banners. She reported that Staff has received 100% compliance for the businesses that were contacted.

Ms. Allison reported that as a result of feedback from businesses throughout the community, the Planning and Growth Management recommends that the following items be implemented to ensure that all businesses are aware of regulations, businesses can appropriately advertise, and that the wholesome and attractive character of the City is preserved:

- The Planning and Growth Management Department will explore a reduced fee for temporary banners, along with a simplified mail-in application for temporary signs.
- A follow-up strategy will be developed which will involve monthly inspections of temporary signs along primary thoroughfares.
- The Planning and Growth Management Department will explore changes to regulations for a temporary banner to potentially allow a banner as a permanent sign, if installed within a permanent frame (in which the banners may change periodically but the frame is permanent).
- A notice will be sent to sign companies within the area and a request to the Chamber of Commerce to notify members of City of Peoria regulations regarding temporary signs.

During discussion among the Commission regarding the sign sweep, Ms. Allison reported that Staff has a log of all contacts and also before and after photos of the businesses showing compliance.

Motion:

After more discussion and comments, Commissioner Misselhorn moved **to receive and file** Staff's Report Back on the Sign Sweep; seconded by Commissioner Klise.

Motion **APPROVED** by viva voce vote.

Yeas: Davis, 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 2:25 P.M.

Leah Allison, Senior Urban Planner

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