

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

A Zoning Board of Appeals Meeting was held on Monday, October 13, 2011, at 1:30 p.m., City Hall, 419 Fulton Street, Council Chambers, Room 400, with Chairperson Barry presiding.

ROLL CALL

The following Zoning Board of Appeals Commissioners were present: Chairperson Barry, and Commissioners Ierulli, Ernestine Jackson, Jerry D. Jackson, Kouri - 5. Absent: Blackwell, Wagner.

Staff Present: Gene Lear and Polly Stainback

Chairperson Barry explained the meeting procedures, and Ms. Stainback administered the swearing in for testimony.

MINUTES

Commissioner Jerry D. Jackson moved to approve the minutes of the meeting held on September 8, 2011, as printed; seconded by Commissioner Ierulli.

Approved unanimously by viva voce vote.

ZBA 2945 **Petitioner Larry Olson is requesting variances from the City of Peoria Zoning Ordinance: Article 17.11.c. (2) *Limitations for Area and Sign Height* to allow a freestanding sign to be 158.58 square feet in area and 35 feet in height instead of the Zoning Ordinance limitation of no more than 70 square feet in area and no more than 25 feet in height. The property is located at 1801 W. Pioneer Parkway.**

Chairperson Barry announced Case No. ZBA 2945 and asked Mr. Lear to read it into the record.

Gene Lear, Senior Urban Planner, Planning and Growth Management Department, read Case No. ZBA 2945 into the record. He spoke regarding the proposal and Staff recommendations as follows:

BACKGROUND:

Petitioner Larry Olson is requesting a variance from the City of Peoria Zoning Ordinance, Article 17.11.c., *Limitations for Area and Sign Height* to allow a freestanding sign to be 158.58 square feet in area and 35 feet in height instead of the Zoning Ordinance limitation of no more than 70 square feet in area and no more than 25 feet in height. The property is located at 1801 W. Pioneer Parkway in the C-2 Large Scale Commercial zoning district.

The Petitioner is proposing to replace the existing freestanding sign, which is 12 feet by 16 feet or 192 square feet in area, and build a new sign 158.58 square feet in area, which exceeds the freestanding signage requirement of 70 square feet. The proposed new sign will be 35 in height which exceeds the freestanding signage height requirement of 25 feet. The proposed sign will be setback 38 feet from the property line to the nearest edge of the sign and be located approximately 80 feet from the curb. The proposed new sign will be in accordance with the Chrysler Corporation freestanding sign requirements and will have state of the art electronic LED accent lighting. The proposed sign will not be in compliance with the Zoning Ordinance but will be closer, in terms of size, to the Zoning Ordinance requirement.

SITE PLAN REVIEW BOARD (SPRB) CONCLUSIONS AND RECOMMENDATIONS:

After reviewing the Petitioner's application and performing a site inspection, SPRB does not support the variance request for the following reasons:

1. Although variances have been granted for freestanding signs for car dealerships in the immediate area, none have been granted for the size proposed with this request.
2. Granting a size sign larger than what has been previously granted by a variance could alter the character of the commercial neighborhood along Pioneer Parkway and establish a precedent for allowing larger and larger signs.

Please note: Due to the fact that variances have been granted for certain signs along Pioneer Parkway for freestanding signs larger than 70 square feet in area and 25 feet in height, the SPRB would not object to a sign size that is within the range of variances previously granted to signs along Pioneer Parkway.

Petitioner Larry Olson, All-Brite Signs, representing B/T Trust, spoke regarding the proposed project. Petitioner Olson's comments are summarized as follows:

- At the approach from the curve, there is a 20-foot utility easement.
- The new sign would be LED accent lighting and would be only 40% of the present sign, thus reducing the bright lights by 60%. For the neighborhood, it would be a plus.
- Chrysler has one pylon sign versus other dealerships that have more.
- The further back the property, the larger the signage needed.
- Disagreement with Staff's comment of setting a precedent. Even though the request is for a 158 square-foot sign, the set back 80 feet from the curb; and the request is for only one pylon sign, some dealerships have three.

Mr. Lear questioned the possibility of locating the sign outside the easement area instead of the proposed location.

Petitioner Olson reiterated that the parking lights would "wash out" the proposed sign. He pointed out that the sign would be moved over to be in line with the arch used by Chrysler.

Tim Leman, representing Sam Leman Chrysler Jeep Dodge, indicated that Chrysler instructed them to put up the arch. He said the existing pylon sign is approximately 40 years old, and the proposed sign will be a better looking sign and an improvement to the area. He mentioned that the land is lower and creates a visibility problem. He commented that they would be adding trees out front.

In discussion with Commissioner Ierulli, Mr. Leman said the franchise agreement is requiring the new sign, new arch, and new showroom, which has cost approximately \$300,000. He explained that the proposed sign is a standard sign by Chrysler. He reiterated that the grade changes downward about 2 or 3 feet.

DELIBERATION:

Chairperson Barry administered the Findings of Fact, as listed below:

- The property in question could yield a reasonable economic return without the requested variance.
- The conditions upon which an application for the variance sought are unique to the property and are not applicable to other property within this same zoning district.
- The purpose of the variance is not based primarily upon a desire to increase financial gain.
- The hardship is not self-created.
- The proposed variance would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
- The proposed variance would not alter the character of the neighborhood.
- The proposed variance would not impair an adequate supply of light and air to adjacent property, nor increase the danger of fire, nor impair natural drainage, nor create drainage problems on adjacent properties.
- The proposed variance would not endanger the public safety, nor diminish, nor impair the property values within the neighborhood.
- The proposed variation is not consistent with the Comprehensive Plan and other development codes and regulations of the City.

MOTION:

Commissioner Ernestine Jackson motioned to grant the variance as requested. The motion was seconded by Commissioner Ierulli.

The motion to grant the variances passed by roll call vote 5 to 0.

Yeas: Barry, Ierulli, Ernestine Jackson, Jerry D. Jackson, Kouri;

Nays: None.

CITIZENS' OPPORTUNITY TO ADDRESS THE ZONING BOARD OF APPEALS

There were no citizens who wished to address the Zoning Board of Appeals.

ADJOURNMENT

Commissioner Ernestine Jackson moved to adjourn the Zoning Board of Appeals Meeting; seconded by Commissioner Jerry D. Jackson.

The motion was approved unanimously by viva voce vote.

The Zoning Board of Appeals Meeting adjourned at approximately 2:10 p.m.

Gene Lear, Senior Urban Planner
Planning and Growth Management Department

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