

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

Council Chambers, Peoria, Illinois, December 1, 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: Davis, Hunziker, Klise, Misselhorn, Wiesehan - 5; Absent: Shea, Unes - 2.

Staff Present: Leah Allison & Trina Bonds

**MINUTES**

Commissioner Wiesehan moved to approve the minutes of the November 3, 2011 Zoning Commission meetings (as outlined); seconded by Commissioner Davis.

Approved by viva voce vote.

Yeas: Davis, Hunziker, Klise, Misselhorn, Wiesehan - 5;

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 11-33)** PUBLIC HEARING on the request of Robert C. Hall of Miller, Hall & Triggs, LLC to rezone property from a Class R-2 (Single Family Residential) District to a Class O-2 (Exclusive Office Park) District for the properties located at **7417 & 7425 N. Knoxville Avenue, Peoria, IL.** (Council District 5)

Ms. Allison gave the property characteristics and the surrounding zoning of the subject properties. She stated that the Site Plan Review Board recommends denial of the submitted request to rezone and reported the following:

- Rezoning the subject properties is not consistent with policies of the Comprehensive Plan and the Future Land Use Map.
- 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.
- Office zoning at this intersection is not compatible and will place additional pressure on the surrounding residential neighborhoods and allow more intensive uses and increased traffic within close proximity.
- The subject properties are immediately adjacent to existing, well-established residential neighborhoods on the north, west and east.
- The residential neighborhood to the west will be directly impacted by the proposed zoning change. This neighborhood is also limited to one access point at Versailles

Drive and is already hampered by difficult and congested traffic to Knoxville Avenue.

- The O-2 district also requires a minimum lot size of 2 acres. The subject properties contain 1.65 acres in total.

Ms. Allison reported that following uses are listed within the O-2 Exclusive Office Park classification:

Permitted Uses

- Churches, temples synagogues
- Computer Services
- Daycare Centers
- Financial Institutions w/o drive-up
- Offices
- Social Services
- Medical & Dental Clinics
- Park – Passive Recreation

Special Use

- Auxiliary retail
- Cultural facilities
- Financial Institutions w/drive-up
- Gardens, botanical, zoological
- Health Centers
- Limited warehousing, storage distribution as an accessory use
- Medical & Dental Lab
- Temporary mobile home as auxiliary space up to 6 months
- Outpatient Clinics
- Parking lot, garage
- Physical Education Center, inside & outside
- Planned Unit Developments
- Public, private schools
- Public safety buildings
- Research development lab
- Park – Active Recreation
- Schools for the Arts

Ms. Allison further reported the opportunity to develop the parcels exist with the current R-2 zoning and without rezoning to an office district. The following uses are listed with the R-2 (Single Family Residential) classification:

Permitted

- Single Family Residential
- Two Family (duplex)
- Family Care Facility
- Childcare Home
- Group Family
- Private, noncommercial garden
- Parks

Special Use

- Bed & Breakfast
- Cemetery
- Churches, temples synagogues
- Congregate Housing
- Convents, monasteries, seminaries
- Daycare Center
- Elderly Housing
- Family Care Facility
- Golf, tennis, outdoor recreation
- Group Care Facility
- Temporary mobile home as auxiliary space up to 6 months
- Planned Unit Developments
- Public, private schools
- Public safety buildings
- Single family district multiple dwelling unit structure
- Parks
- Playgrounds
- Schools for the Arts

In conclusion, Ms. Allison reported that the rezoning of the subject properties is not in the best interest of the City when vacant or surplus office space may already be available. She stated that denial of the request to rezone may encourage reuse of existing office sites, maintain property values in the area, and support a long-term economic development strategy.

Robert Hall, Attorney, Miller, Hall & Triggs, reported that he was present on behalf of both property owners. He stated due to the minimum acreage requirements for O-2 zoning, he asked the Commission to consider O-1 zoning as an alternative because it does not have an acreage minimum. He then submitted a copy of the O-1 section of the Ordinance and also photos for the Commission to review.

Mr. Hall gave an overview of the density around the subject properties. He reported that the subject properties have become sandwiched into office and went on to say that over time, Knoxville Avenue has been built that way. He also pointed out that there are pretty intense office uses already in the surrounding area. After more comments, he stated that two years ago it got to the point that one of the subject property owners could not live at her property anymore. He explained that the noise from the air conditioning units and the activity there became too much. He stated that the property has been listed for three years and there has been no residential interest. He commented that the other property owner is also ready to move on and went on to say that the properties are not marketable for the purpose of single family residential.

In regards to Staff comments, Mr. Hall stated that the Comprehensive Plan is wrong and is not consistent with what has been the pattern of development.

Mr. Hall reported that the two property owners plan to market the properties together. He went on to say that he feels the properties can be developed as a single site. In

summary, he stated that the highest and best use of this property is one that is consistent with the whole line. He went on to say that there ought to be a way that the owners should be in a position to sell and not be a victim of the planning that is going around their property.

In discussion with Commissioner Misselhorn, Ms. Allison briefly explained the difference between O-1 and O-2 zoning. She added that the City's point of view for recommending denial was that even though they are single family homes today, they still have other options within the R-2 zoning. She explained that Staff wanted to protect the single family residential neighborhood to the west and did not want to further that negative impact to those properties. She went on to say that once they change that zoning, they open up the door to all the different uses that are permitted in the O-1 zoning district.

In response to Ms. Allison's comments, Mr. Hall stated that transitional buffer yard and screening requirements are in place to help protect neighboring residential properties.

Tom Trotter, Neighborhood Resident, reported that he is a member of the Board of Brittany Park Villas. He stated that without knowing where this request is going, they felt they should voice their concerns in the beginning of the process. He reported that they are concerned about the impact on traffic and explained that it is already a challenge. He handed out a picture showing the entire area and pointed out that Versailles Drive is their only in and out for this area.

Amy Frakes, Neighborhood Resident, also spoke in opposition of the request. She stated that she appreciated Mr. Trotter's comments and stated that there are safety problems that are there today. She stated that additionally, many of them own their homes and chose this area because it is a nice quiet area. She commented about development in the north side of Peoria along Knoxville Avenue and stated that there is a medical office building two blocks away from that is for sale. She went on to say that there are plenty of other options along Knoxville Avenue.

Roger Sparks, Peoria Resident, stated his concerns regarding turning residential homes into an office. He commented that they would have to put in parking and there will also be stacking and may require a traffic light to be added there. He stated that the request could cause safety issues and went on to say that they would also need to provide sidewalks.

In summation, Mr. Hall commented that if the property is developed there will not be an impact to traffic in the back. He stated that with respect to traffic he suggested adding a right-turn only and the removal of a median. He went on to say that there was no sufficient evidence that the development would warrant a traffic light at this location.

There being no more public testimony, Chairperson Hunziker 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 met the findings of fact requirements.

**Motion:**

Commissioner Davis moved to approve Case No. ZC 11-33, per the amended request for O-1 zoning; seconded by Chairperson Hunziker.

During deliberations, several Commissioners expressed their support of the request. Commissioner Klise also expressed her concerns regarding the request.

After comments, Chairperson Hunziker called for the vote.

Motion **APPROVED** by viva voce vote.

Yeas: Hunziker, Misselhorn, Unes, Wiesehan - 4;

Nays: Klise - 1;

Abstention: None.

After the vote, Ms. Allison reported that the case would be forwarded on to the City Council on January 10, 2012.

**(ZC 11-34B)** PUBLIC HEARING on the request of Robert C. Hall of Miller, Hall & Triggs, LLC to amend an existing Special Use Ordinance No. 13,391, as amended, in a Class C-2 (Large Scale Commercial) District for a Shopping Center to: Obtain approval for a building addition to the south end of the main shopping center building with an address of 2601 W. Lake Street, with a waiver for front yard setback; Revise the existing free standing sign to reconfigure certain design elements; Revise the landscape plan for the front yards and parking lots of the shopping center; Revise the north parking lot to reconfigure parking spaces and driving aisles; Obtain approval to add 3 freestanding signs and to place banners on parking lot light poles. The Shopping Center is commonly known as Westlake Shopping Center and includes addresses of **2515, 2601, and 2701 W. Lake Street and 4221 N. Sterling Avenue, Peoria, IL.** (Council District 4)

Ms. Allison gave the property characteristics and the surrounding zoning of the subject property. She reported the following history:

- The Westlake Shopping Center was built in 1974.
- A Special Use was granted in 1992 for the existing shopping center with several amendments since then to include a hotel, restaurant, and local sign regulations.
- The Shopping Center was most recently amended in 2010 to add property, approve a free standing sign, and exterior building renovations.

Ms. Allison reported that the petitioner is requesting to amend the Shopping Center for the following development items:

- An 8,500 sq. ft. building addition is proposed to the south end of the shopping center building.
- To reconfigure the parking lot of the main shopping center from diagonal spaces to 90-degree angle spaces.
- An alternative landscape plan for the front yards of Rockwood Road and W. Lake Street, and for the parking lot areas of the shopping center.
- The existing freestanding sign is constructed with "Westlake" placed on the vertical column, which was previously approved to be located horizontally along the bottom of the sign. The petitioner is requesting approval of the sign as constructed.

Ms. Allison reported that the following waivers are requested:

- 1) Reduce the required front yard setback from 20 feet to 6 inches along W. Lake Street.
- 2) Allow for three 66 sq. ft in size, 6' 9" tall, advertising signs installed along the north side of the interior entrance boulevard.
- 3) Approval of an alternative landscape plan for the front yards of Rockwood Avenue and W. Lake Avenue, and the parking lot areas.
- 4) Approval of banners on all light standards within the parking lot areas.
- 5) Wall signage denoted as the cross-hatched area of the façade which exceeds 20% of the wall area.

Ms. Allison reported that the Site Plan Review Board recommends approval of the request to amend the existing Special Use subject to the following conditions:

- 1) Relocate the compactor out of the required front yard and to a less visible location at the rear of the shopping center.
- 2) A separate sign application shall be required for the sign noted at the entrance from W. Lake Street. Such sign must conform to the requirements of the Zoning Ordinance.
- 3) Revise two existing handicap parking spaces to meet the minimum size requirement of 11 foot parking space with a 5-foot wide access aisle.
- 4) Approach that was removed last fall along Rockwood near Baumann Way must have the curb and gutter replaced and parkway restored before June 1, 2012.
- 5) Replace the white striping of handicap parking spaces with yellow-colored striping as required by the State of IL.

Robert Hall, Attorney, Miller, Hall & Triggs, reported that he was present on behalf of the petitioner, Westlake Limited Partnership. He reported that the general reason for the submission is for the use of a tenant. He further reported that it is a huge nationally recognized company. He explained that their typical store will not fit into what is already there.

After more comments, Mr. Hall gave an overview of Staff comments. He reported the following:

- The request is consistent with the Comprehensive Plan.
- Landscaping is already out there and is a good alternative acceptable aesthetically pleasing arrangement for a shopping center.
- The fence on US Cellular parcel has been fixed and should not be a problem.
- The fence surrounding the compactor has been relocated out of the right-of-way.
- The revision of two existing handicap parking spaces to meet minimum size requirements is not a problem.
- The replacement of the approach that was removed last fall along Rockwood near Baumann Way before June 1, 2012 is not a problem.
- In regards to the replacement of the white striping of handicap parking spaces, would like to seek a waiver from the State of Illinois. If they are unable to obtain waiver, will paint the brick pavers with yellow-colored striping before June 1, 2012.
- In regards to the compactor, it is located where it is because they have struggled to locate it anywhere else. Around the entire shopping center, there is virtually no setback anywhere because of the configuration. Would like an exception to leave the compactor where it is and to screen it with higher fencing and landscaping.
- In regards to the recommended sidewalks, they have also struggled with connectivity. There's not enough room to put a sidewalk along Rockwood and they would have to remove all of the landscaping.

In discussion with Commissioner Wiesehan regarding the waiver requested for approval of banners on all light standards, Mr. Hall reported that this is somewhat consistent to what has been done for some other shopping centers.

During more discussion, Ms. Allison pointed out that there is a trash bin noted that needed to be screened. Mr. Hall reported that it wouldn't be a problem for them to take care of that issue.

Roger Sparks, Peoria Resident, applauded the developer for what he is trying to do. He mentioned City owned property that does not have yellow striped handicap parking spaces. He then mentioned that sidewalks and bus lane pits are needed on Rockwood Road.

Clifton Gunther, Neighborhood Resident, reported that he agrees with sidewalks along the south side of the property. He stated that there is no room for sidewalks in the front portion of the shopping center.

Peg Pendell, Peoria Resident, agreed with previous comments regarding bus access and sidewalks.

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.

**Motion:**

Commissioner Davis moved **to approve** Case No. ZC 11-34B per the requested waivers; and the following revised Staff's conditions:

- 1) Compactor does not have to be relocated, but must be screened.
- 2) A separate sign application shall be required for the sign noted at the entrance from W. Lake Street. Such sign must conform to the requirements of the Zoning Ordinance.
- 3) Revise two existing handicap parking spaces to meet the minimum size requirement of 11 foot parking space with a 5-foot wide access aisle.
- 4) Approach that was removed last fall along Rockwood near Baumann Way must have the curb and gutter replaced and parkway restored before June 1, 2012.
- 5) Replace the white striping of handicap parking spaces with yellow-colored striping as required by the State of IL by June 1, 2012, unless a waiver is obtained from the State of IL.

The motion was seconded by Commissioner Klise.

Motion **approved** by viva voce vote.

Yeas: Davis, Hunziker, Klise, Misselhorn, Wiesehan - 5;

Nays: None;

Abstention: None.

After the vote, Ms. Allison reported that the case would be forwarded on to the City Council on January 10, 2012.

**(ZC 11-35B)** PUBLIC HEARING on the request of Ben Porush of 3 Diamond Development to rezone property from a Class O-2 (Exclusive Office Park) District to a Class R-3 (Single Family Residential) District and to obtain a Special Use for Elderly Housing for the property located at **2308 W. Nebraska Avenue, Peoria, IL**. (Council District 2)

Ms. Allison gave the property characteristics and surrounding zoning of the subject property. She reported the following history:

- In 1968 a Special Use was granted for a nursing home.
- In 1996 the request was amended to remove property to the west from the Special Use legal description.
- In 2007 a request to rezone the subject property from R-3 Single Family Residential to R-6 Multi-Family Residential and obtain a Special Use for Congregate Housing, Halfway House, Drug Rehabilitation, and Recovery Home was denied by City Council.
- In 2007 another request was submitted to rezone the property to O-2 Exclusive Office Park, which the City Council denied. The petitioner at that time filed a lawsuit against the City and won a judgment rezoning the property to O-2 Exclusive Office Park.



Ms. Allison reported that the petitioner is requesting to rezone the subject property to R-3 Single Family Residential, which is consistent with the Comprehensive Plan's Future Land Use Map designation. She submitted a revised Site Plan and reported that the petitioner is also requesting to obtain a Special Use for Elderly Housing to construct a 63,621 sq. ft., 3-story building.

Ms. Allison explained that the building will include 64, one and two bedroom apartments to accommodate 72 residents. She went on to say that two employees will staff the building to provide management and maintenance services. She stated that the facility will also include a community room, wellness center, beauty shop, fitness room, and other organized activities.

Ms. Allison reported that the following waivers are requested:

1. Increase the building height from 35 feet to 53 feet, 4 inches.
2. Increase the size and height of two freestanding signs from 20 sq. ft. in size and 5 feet in height to 44 sq. ft. in size and 7 feet, 5 inches in height.

Ms. Allison reported that the Site Plan Review Board recommends approval of the request to rezone the subject property and obtain a Special Use with the following conditions:

- 1) Reduce the size of the monument signs to 20 sq. ft. in size and 5 feet in height.
- 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) Garbage dumpster must be screened on all sides with solid fence or wall at least six feet in height and not to exceed seven feet.

In regards to Staff's conditions, Ms. Allison clarified that the petitioner is showing compliance on Condition Nos. 2 and 3 on their Site Plan. She then explained that at the request of Council Member Van Auken, a neighborhood meeting was held. She reported that 5 neighborhood residents attended the meeting and then stated that their feedback to her was very supportive of the proposed development.

Ben Porush, 3 Diamond Development, expressed how excited they are about the proposed project for this site. He commented that there continues to be a strong need for affordable housing in Peoria. He went on to say that this particular zip code has the highest concentration of senior residents. He also mentioned the community meeting that was held and stated the response was very positive.

In discussion with Commissioner Misselhorn regarding Staff's condition of the reduction of the sign, Mr. Porush reported that he would accept that condition.

After brief comments, Commissioner Misselhorn mentioned a previous case that was before the Commission, and thanked the petitioner for finding a solution and wanting to continue to invest in the City of Peoria.

During discussion with Commissioner Klise regarding her question if whether the project is for subsidized rental property, Mr. Porush clarified that it is affordable housing and explained that it is a tax credit program. He went on to say that it is Independent Living and stated that there will not be any nursing services.

During more discussion, Commissioner Klise expressed her concerns regarding the number of employees to handle the maintenance of the property. Mr. Porush reported that the staffing of the building will be a property manager and maintenance worker. He stated that they are required to maintain the landscaping of the site and further stated that the landscaping may be contracted out. He went on to say that the two employees will operate during business hours, but will be on-call for emergencies.

In response to Commissioner Klise's concerns, Commissioner Davis pointed out that the request is just for a modified apartment building and would not be any different than other apartment buildings around town.

Susan Schlupp, President, Sterling Oaks Neighborhood Association, reported that the Association does not oppose the proposed development. She reported that they had asked questions and discussed their concerns at the neighborhood meeting. She then reported that their concerns were addressed by the developer.

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

After the Zoning Commission reviewed the request to Rezone and to obtain a Special Use, and after considering the standards of the Zoning Ordinance for a Rezoning and a Special Use, they found that the request **met** the findings of fact requirements.

Chairperson Hunziker reported that he would be abstaining from the vote.

**Motion:**

Commissioner Misselhorn moved **to approve** Case No. ZC 11-35B per Staff's conditions; seconded by Commissioner Wiesehan.

Motion **approved** by viva voce vote.

Yeas: Davis, Klise, Misselhorn, Wiesehan - 4;

Nays: None;

Abstention: Hunziker -1.

After the vote, Ms. Allison reported that the case would be forwarded on to the City Council on December 13, 2011.

**(ZC 11-36B)** PUBLIC HEARING on the request of Mark Petersen of Petersen Companies, LLC to amend an existing Special Use Ordinance No. 15,584, in a Class C-2 (Large Scale Commercial) District for a Shopping Center to add a Sports Field for the properties located at **7618 – 7810 N. IL Route 91, Peoria, IL.** (Council District 5)

Ms. Allison gave the property characteristics and the surrounding zoning of the subject property. She reported that in 2003, a Special Use was granted for a Shopping Center which includes a financial institution, hotels, retail, and a restaurant.

Ms. Allison reported that the petitioner is requesting to amend the Special Use to add a sports field on a vacant parcel of the property. She stated that the field will be lit and include dugouts, a restroom building, a scoreboard, a 25-foot sports net along the west side of the field, and a 12-foot tall fence along the outfield adjacent to IL Route 6. She went on to say that the petitioner intends to use the field on a weekly basis for private use only.

Ms. Allison reported that the Site Plan Review Board does not object to the request subject to the following conditions:

- 1) Provide one handicap parking space to serve the sports field.
- 2) Rooftop mechanical equipment on the Tilted Kilt building must be screened.
- 3) Written approval or no objection from IDOT must be submitted to the Planning & Growth Management Department prior to City Council review.
- 4) Advertising signage is prohibited on the property.
- 5) The sports field is limited to private, non-commercial use only.

Ralph Hodges, Consolidated Land Surveying, reported that they are proposing a private ball field. He stated that Mr. Petersen is a coach and his softball team currently does not have a good place to practice right now. He briefly described the request and reported that the field will be all artificial astro turf.

In discussion with Commissioner Wiesehan regarding the rooftop mechanical equipment, Mr. Hodges reported that they had not talked to the Tilted Kilt yet.

There being no 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.

Chairperson Hunziker reported that he would be abstaining from the vote.

**Motion:**

Commissioner Klise moved **to approve** Case No. ZC 11-36B per Staff's conditions; seconded by Commissioner Davis.

Motion **approved** by viva voce vote.  
Yeas: Davis, Klise, Misselhorn, Wiesehan - 4;  
Nays: None;  
Abstention: Hunziker - 1.

After the vote, Ms. Allison reported that the case would be forwarded on to the City Council on January 10, 2012.

**(ZC 11-L)** PUBLIC HEARING on the request of the City of Peoria to amend Appendix C, the Land Development Code, to add a Special Use approval process for existing development in a Form District requesting waivers subject to Form District regulations.

Ms. Allison reported that the proposed text amendment is to allow a property seeking a building expansion, façade alteration, or other modification to existing structures or parking areas, which includes waivers of form district regulations, to utilize the Special Use process for review.

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

**Motion:**

Commissioner Misselhorn moved to approve Case No. ZC 11-L per Staff's recommendation; seconded by Commissioner Davis.

Motion approved by viva voce vote.

Yeas: Davis, Hunziker, Klise, Misselhorn, Wiesehan - 5;

Nays: None;

Abstention: None.

After the vote, Ms. Allison reported that the case would be forwarded on to the City Council on January 10, 2012.

**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.

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Leah Allison, Senior Urban Planner

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