

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

A meeting of the Planning & Zoning Commission was held on Thursday, October 5, 2017, at 1:00p.m., at City Hall, 419 Fulton St., in Room 400 with Chairperson Mike Wiesehan presiding and with proper notice having been posted.

ROLL CALL

The following Planning & Zoning Commissioners were present: Michele Anderson, Ed Barry, Eric Heard, Mark Misselhorn, Richard Unes, and Mike Wiesehan– 6. Commissioners absent: George Ghareeb–1.

City Staff Present: Leah Allison, Josh Naven, Kimberly Smith, and Madeline Wolf

SWEARING IN OF SPEAKERS

Speakers were sworn in by Staff Member Madeline Wolf.

MINUTES

Commissioner Barry moved to approve the minutes of the Planning & Zoning Commission meeting held on September 13, 2017; seconded by Commissioner Heard.

The motion was approved viva voce vote 6 to 0.

REGULAR BUSINESS**CASE NO. PZ 17-27**

Hold a Public Hearing and forward a recommendation to City Council on the request of Ted Clark for approval of an Annexation Petition and Annexation Agreement, a Preliminary Subdivision Plat, to rezone property from a Class R-3 (Single-Family Residential) District to a C-1 (General Commercial) District, and to obtain a Special Use for Outdoor Recreation for the property located on the eastern side of Orange Prairie Road and addressed as W Grange Hall Rd, Peoria, Illinois. The property is also identified as Parcel Identification No. 08-35-100-033 (Council District 5).

The Development Review Board recommended APPROVAL of the request with the following conditions for the Special Use for Outdoor Recreation:

Community Development:

1. A compliant final landscaping plan (per Section 8.2.4.) must be submitted and approved prior to the issuance of building permits.
2. All rooftop and ground level mechanical equipment must be screened from street view and residentially zoned districts.
3. All proposed refuse disposal areas must be screened on all four sides by a solid fence or wall with a minimum height of six feet, not to exceed seven feet.
4. The site must adhere to all requirements of Section 8.5. Site Lighting, except for the noted light pole height contained within the Annexation Agreement.
5. Final site plans, elevations, and building materials shall be submitted to the Zoning Administrator for review and approval through an administrative review process prior to building permit issuance. The applicant may appeal the Zoning Administrator's decision to the City Council if they disagree with the determination.

Fire Department:

1. FD needs fire-flow calculations from IL-AWC to determine the number and distribution of fire hydrants. Building construction Type (s) are also needed.
2. Fire apparatus access roads shall meet requirements of International Fire Code 2012 Appendix D.

Public Works:

1. Orange Prairie is a controlled access roadway. Access must be coordinated with the City of Peoria traffic engineer in order to determine an acceptable driveway location. This coordination will also determine whether the site requires median cuts on Orange Prairie, turn lanes, shared access with adjacent properties, etc.

Senior Urban Planner, Joshua Naven, Community Development Department, referred to the memo that was read into the record at the July 6, 2017 meeting and noted the request and recommendation had not changed. Mr. Naven referred to the proposed voluntary sound restriction presented by the petitioner to the commission prior to the meeting. Mr. Naven noted the e-mail correspondence from concerned neighbors in opposition to the request that was distributed to the commission prior to the meeting.

Commissioner Unes expressed concern due to neighbor's opposition.

Commissioner Misselhorn requested additional details in regard to the proposed noise ordinance condition. Mr. Naven responded the noise condition was directly from the City Code Section 15-68 and was proposed to be applied to the property.

In response to Commissioner Misselhorn's inquiry directed to staff, Mr. Naven said staff did not have concerns regarding noise from the proposed Special Use as there were no noise requirements in the C-1 District contained in Unified Development Code.

In response to Commissioner Anderson's inquiry directed to staff, Mr. Naven said the Unified Development Code had noise regulations for Industrial Districts only and referred to the performance measures in Industrial Districts (I-1 to I-3).

Discussion ensued in regard to the enforcement process if the proposed use was in violation of the noise ordinance.

In response to Commissioner Anderson's inquiry directed to staff, Mr. Naven noted there was an approval for an outdoor entertainment use at the development directly south of the proposed location.

Chairperson Wiesehan opened the Public Hearing at 1:15p.m.

Ted Clark, petitioner, said he addressed the noise concerns with the voluntary sound restriction condition. Mr. Clark referred to a noise study conducted in California in relation to the decibels emitted from the same go-karts that will be used at the proposed facility. In response to Commissioners Anderson and Misselhorn, Mr. Clark said the motor on the go-karts are silenced; therefore, the decibels do not increase when the number operating go-karts increase.

In response to Commissioner Heard's inquiry regarding engaging with neighbors and addressing their concerns, Mr. Clark said he met with residents for forty (40) minutes to present the request and discuss concerns. Mr. Clark said he was confident the use would not violate the noise ordinance.

Commissioner Anderson questioned the proposed setback from the property line to Go-Kart Track No. 2.

Mr. Naven noted the C1 District does not have a side yard setback requirement. In response to Commissioner Anderson's follow up question, Mr. Naven said the side yard setback in R-3 District was five (5) feet.

Todd Parmenter, a concerned citizen and resident of 9631 N State Route 91, opposed the petitioner's request. Mr. Parmenter expressed concern in regard to long-term development, consistent noise pollution emitted from the go-karts, and lack of petitioner engagement with neighbors to address concerns.

Chairperson Wiesehan said he understood the neighbors' concerns.

Ted Clark, in closing, said he would be agreeable to the installation of a barrier wall on the property to reduce the noise levels; however, Mr. Clark was confident the noise levels would not be an issue. In response to Chairperson Wiesehan, Mr. Clark said he had not met with neighbors within the last thirty (30) days.

Commissioner Barry questioned the noise impact from vehicles traveling on a public road versus the concentrated and consistent noise from the operating go-karts on the private property. Mr. Clark responded the noise from the operating go-karts are equivalent to a lawn mower; a vehicle was heavier and traveling at higher speeds on public roads.

Chairperson Wiesehan noted the topography of the proposed location.

Commissioner Heard questioned if the petitioner would be agreeable to proactively installing a barrier wall. Mr. Clark responded he would prefer not to and noted the approved development directly to the south would also provide a sound barrier.

With no interest from the public to provide public testimony, Chairperson Wiesehan closed the Public Hearing at 1:46p.m.

Motion:

Commissioner Heard made a motion to APPROVE the request; seconded, by Commissioner Anderson.

Discussion:

Commissioner Anderson referred to another noise survey in relation to go-karts and expressed concern of the five (5) foot setback from the north property line that would be zoned R-3 if annexed into the City of Peoria.

Chairperson Wiesehan requested Commissioner Anderson's findings from the noise study be retracted from the discussion as the evidence presented was provided after the Public Hearing.

Commissioner Unes expressed concern the petitioner did not address the neighbors' concerns.

Commissioner Misselhorn did not support the motion; he was concerned about neighbor's opposition and preferred the petitioner had provided more information.

Commissioner Heard supported the motion; he said the petitioner addressed the noise concerns with the voluntary adoption of the noise ordinance.

Chairperson Wiesehan agreed with commissioners. Chairperson Wiesehan was concerned about the topography of the proposed location and the ability to limit the noise volume emitted from the go-karts.

Vice Chairperson Misselhorn read the Findings of Fact for Preliminary Plat, Rezoning, and Special Use.

It was determined it would be appropriate to have a motion for each request.

Motion:

Commissioner Barry made a motion to APPROVE the Annexation Petition and Annexation Agreement; seconded, by Commissioner Heard.

The motion to approve was DENIED viva voce vote 2 to 4.

Yeas: Barry, Heard -2.

Nays: Anderson, Misselhorn, Unes, Wiesehan - 4.

Motion:

Commissioner Anderson made a motion to DENY the Preliminary Subdivision Plat request; seconded, by Commissioner Unes.

The motion to deny was APPROVED viva voce vote 5 to 1.

Yeas: Anderson, Barry, Misselhorn, Unes, Wiesehan - 5.

Nays: Heard - 1.

Motion:

Commissioner Anderson made a motion to DENY the request to rezone property from a Class R-3 (Single-Family Residential) District to a C-1 (General Commercial) District; seconded, by Commissioner Misselhorn.

The motion to deny was APPROVED viva voce vote 5 to 1.

Yeas: Anderson, Barry, Misselhorn, Unes, Wiesehan - 5.

Nays: Heard - 1.

Motion:

Commissioner Misselhorn made a motion to DENY the request to obtain a Special Use for Outdoor Recreation; seconded, by Commissioner Barry.

The motion to deny was APPROVED viva voce vote 5 to 1.
Yeas: Anderson, Barry, Misselhorn, Unes, Wiesehan – 5.
Nays: Heard – 1.

CASE NO. PZ 17-36

Request to hold a Public Hearing and forward a recommendation to City Council on the request of Scott Lewis, of Scott Lewis Homes, to rezone property from a Class R-1 (Single Family Residential) District to a Class R-4 (Single Family Residential) District; and to obtain a Special Use to build townhomes, for the property located at 824 W Moss Avenue (Parcel Identification No. 18-08-226-030 and 18-08-226-024), Peoria, Illinois (Council District 2).

Senior Urban Planner, Kimberly Smith, Community Development Department, read Case No. PZ 17-36 into the record and presented the request. Ms. Smith provided the Summary of Proposal and Requested Waiver, Background, and the Development Review Board Analysis and Recommendation as outlined in the memo. Ms. Smith confirmed the Historic Preservation Commission approved a Certificate of Appropriateness for the project.

The Development Review Board recommended APPROVAL of the request to rezone the subject property from R-1 (Single Family Residential) to R-4 (Single Family Residential).

The Development Review Board recommended APPROVAL of the request to obtain a Special Use to allow for Townhomes. Ms. Smith noted this was a change from the original recommendation. Staff determined that attempting to meet the setback in this case does not add value. Granting of the front yard setback waiver does not impede orderly development.

Chairperson Wiesehan opened the Public Hearing at 2:17p.m.

Scott Lewis, petitioner, thanked the commission for their review. Mr. Lewis said the Moss Bradley Residential Association and the Historic Preservation Commission were in favor of the project and provided positive feedback. Mr. Lewis noted the purpose of the design was to complement the historic street of Moss Avenue. In response to Commissioner Anderson, Mr. Lewis said as the topography posed a challenge; the land adjacent to Dr. Martin Luther King Jr., Drive, will remain undeveloped as presented on the site plan.

Commissioner Misselhorn supported the request; he said the design was an efficient use of land and a great fit for the neighborhood.

With no interest from the public to provide public testimony, Chairperson Wiesehan closed the Public Hearing at 2:20p.m.

Motion:

Commissioner Anderson made a motion to APPROVE the request to rezone the property and obtain a Special Use to build townhomes; seconded, by Commissioner Misselhorn.

Chairperson Misselhorn read the Findings of Fact for Rezoning and Special Use.

The motion was APPROVED viva voce vote 6 to 0.
Yeas: Anderson, Barry, Heard, Misselhorn, Unes, and Wiesehan –6.
Nays: None.

CASE NO. PZ 17-37

Hold a Public Hearing and forward a recommendation to City Council on the request of Robert C. Hall, Attorney for Twenty Four Corp, LLC. to approve the Second Amendment to Annexation Agreement to provide for and permit additional signage for the property located at 8400 N Orange Prairie Road (Parcel Identification Nos. 13-02-300-006, 13-02-300-007, 13-02-300-008, 13-02-300-009, 13-02-300-010, and 13-02-300-011), and commonly known and the Louisville Slugger Sports Complex, Peoria, Illinois (Council District 5).

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. PZ 17-37 into the record and presented the request. Ms. Allison provided the Summary of Proposal, and the Development Review Board Analysis and Recommendation as outlined in the memo.