

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

A meeting of the Planning and Zoning Commission was held on Thursday, June 2, 2016, at 1:00p.m., at City Hall, 419 Fulton St., in Room 400.

**ROLL CALL**

The following Planning and Zoning Commissioners were present: Durand, Heard, Misselhorn, Unes, Viera, Chairperson Wiesehan– 6. Commissioners absent: Anderson —1.

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

**SWEARING IN OF SPEAKERS**

Speakers were sworn in by Staff Member Madeline Wolf.

**MINUTES****Motion:**

Commissioner Heard moved to approve the minutes of the Planning and Zoning Commission meeting held on May 5, 2016; seconded by Commissioner Unes.

The motion was approved viva voce vote 6 to 0.

**REGULAR BUSINESS****CASE NO. PZ 16-13**

Hold a Public Hearing and forward a recommendation to the City Council on a request from Kathleen Groark of Insite Inc., Verizon Wireless, and Central States Tower III, LLC, to obtain a Special Use, to add a Wireless Communication Tower Facility in a Class W-M (West Main Street Form) District, for the property commonly known as Peoria Next Innovation Center and located at 801 W Main Street, and 1013- 1017 N Douglas Street (Parcel Identification Nos. 18-05-430-011, -001, -007, & -008), Peoria, Illinois (Council District 2).

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. PZ 16-13 into the record and presented the request. Ms. Allison provided the summary of the proposal, requested waivers, background of the property and the Site Plan Review Board Analysis as outlined in the memo.

The Site Plan Review Board recommends APPROVAL of the request, with the following conditions:

1. A waiver to allow the fence proposed around the equipment shelter and existing mechanical equipment to be comprised of aluminum.
2. A waiver from the requirement to provide space for 4 collocations.
3. A waiver from Appendix C, Section 6.6.9.A. to allow floodlighting on the equipment shelter, with the condition that it be operated by a switch and only turned on when a technician is at the site at night. Tower must be a stealth design (flag pole) as proposed.
4. No tower or antenna shall be artificially illuminated unless required by the FAA. Lighting shall not exceed ½ foot candle as measured at the property line and shall be down lit away from residential properties and public streets.
5. Two signs not to exceed 4 sq. ft. must be placed on the site per Zoning Ordinance requirements for wireless communication facilities.
6. The tower equipment and existing service courtyard area must be fully screened from view with a privacy fence comprised of aluminum and be tall enough to fully screen all equipment, with no portion of the equipment extending beyond the height of the fence.
7. Any gravel placed on the site in association with the equipment area must be contained within the fenced area and not visible on the site.
8. Landscaping must comply with Appendix B, Section 3.3.d.8.; all sides of the equipment facility must be landscaped as required.
9. Per a previous approval, the service courtyard area where mechanical equipment, utilities, and a dumpster are located, was required to be screened from view from public streets, open areas, and pedestrian corridors. Site Plan Review Board requested that this area be screened per Land Development Code requirements.

Kathleen Groark, petitioner representing Insite, Inc., Verizon Wireless, and Central States Tower III, LLC, requested approval for her request. Ms. Groark discussed the importance of wireless communication. Ms. Groark referred to the handout distributed to the commission. Ms. Groark said RF engineers found the location and height suitable to satisfy the coverage gap. Ms. Groark agreed to staff's recommendations and conditions.

Commissioner Unes referred to the existing wireless communication towers near Bradley and questioned the need for the additional tower.

Ms. Groark said her company experienced issues with capacity in the desired location; the proposed tower was designed to provide 6-8 blocks of coverage. Ms. Groark said the location was a highly dense area, specifically from Bradley University students.

In response to Commissioner Misselhorn's inquiry, Ms. Groark said the proposed height was preferred; Verizon did not want to interfere with existing locations. Ms. Groark said another carrier would be able to collocate with the proposed tower and install the equipment within the proposed privacy fence.

Commissioner Viera referred to the coverage map in the memo and requested the petitioner to speak to the need for a new tower versus upgrading the power at an existing site near the proposed location. Viera questioned the RF engineer's determination to not upgrade the existing sites. Viera questioned if it was common to install multiple wireless communication towers within 6 blocks.

Ms. Groark said the density created the need to install the proposed tower and focus on the Bradley University campus. Ms. Groark said capacity shrunk in terms of coverage with density. Ms. Groark said the Peoria Central site that Commissioner Viera referred to was a less populated area, reducing the need for additional coverage. Ms. Groark said sites are upgraded with new antennas on a regular basis to uphold demands. Ms. Groark said it was not uncommon, in Chicago, to install multiple towers within 6 blocks.

With no further interest from citizens to provide public testimony, Chairperson Wiesehan closed the Public Hearing at 1:22p.m.

**Motion:**

Commissioner Misselhorn made a motion to approve the request including staff conditions; seconded, by Commissioner Heard.

**Discussion:**

Commissioner Misselhorn referred to the expense of a new tower versus upgrading an existing tower. Misselhorn supported the request including the stealth application. Misselhorn said the landscaping and screening additions would be an improvement to the existing site.

Commissioner Unes agreed with Misselhorn and supported the request. Unes said he understood the need to increase coverage.

Commissioner Viera supported the request. Viera did not support the stealth application as it limited collocation.

Ms. Allison said the proposed location was close in proximity to residential; therefore, the stealth application was appropriate.

Chairperson Wiesehan agreed with Commissioners Misselhorn and Viera. Wiesehan referred to technological advances and the importance of technology, especially near the proposed location.

Commissioner Misselhorn read the Findings of Fact.

The motion was approved viva voce vote 6 to 0.

**CASE NO. PZ 16-18**

Hold a Public Hearing and forward a recommendation to City Council on the request of Matthew Shoemaker of Wallick-Hendy Development to rezone property from a Class O-1 (Arterial Office) District to a Class R-2

(Single Family Residential) District and to obtain a Special Use for an Assisted Living Facility for the property identified as Parcel Identification No. 14-17-281-002, with an address of 6115 N Sheridan Road, Peoria, Illinois (Council District 4).

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. PZ 16-18 into the record and presented the request. Ms. Allison provided the summary of the proposal, requested waiver, the background of the property and Site Plan Review Board Analysis as outlined in the memo.

The Site Plan Review Board recommends APPROVAL of the request with the following condition and waiver:

1. Provide a fee in lieu of constructing sidewalks on Lexington Drive.
2. Waiver to increase the maximum allowed density of 4 dwelling units per acre to 14.4 dwelling units per acre.

Commissioner Unes expressed concern for generating additional traffic.

Scott Reeise, City Engineer, spoke to the traffic impact study that was conducted for the project. Traffic was 7,000-8,000 vehicles per day; an additional 14 vehicles per day would travel Northmoor Road and Sheridan Road with the development. Mr. Reese said the site would have to generate heavier traffic before it caused an issue. Mr. Reese said the development did not include a proposal for an entrance off Lexington Road.

Mr. Reeise said the road was upgraded with sidewalks and 3 lanes of traffic, in response to Commissioner Heard reference to future plans to widen the road between Sheridan and University.

Commissioner Misselhorn requested Ms. Allison to list the types of uses permitted in the O-1 District. Ms. Allison read the types of uses permitted under the O-1 District from the Zoning Ordinance.

Chairperson Wiesehan said if the rezoning request was denied, a building 10' higher may be constructed, potentially increasing traffic.

Commissioner Misselhorn requested Ms. Allison to speak to staff's support of the density waiver.

Ms. Allison said staff considered the surrounding neighborhood's compatibility with the proposed use; staff did not find the increase in density detrimental to the neighborhood.

Commissioner Misselhorn requested Ms. Allison to speak to the zoning restrictions as part of the approval as outlined in the Zoning Ordinance.

Ms. Allison said as part of the approval of the Special Use, if a violation of the Special Use occurred, the city would take appropriate action with legal counsel and cease operation at the site.

Commissioner Unes inquired if the development would be financed by HUD or Section 8.

Commissioner Viera expressed concern with the proposed age restriction and/or requirement. Viera said density may be greater in the O-1 District.

Alexis Dunfee, petitioner representing Wallick Communities in Reynoldsburg, Ohio, said she appreciated the commission and city staff for reviewing the details of her request. Ms. Dunfee provided a background of Wallick Communities; the business currently managed properties in Peoria. The proposed project was partially funded with Illinois Housing Development Authority (IHDA); which included age, income, and rent restrictions. Ms. Dunfee referred to the site elevations, aesthetics, security practices, and the energy efficiency focus of the development.

Commissioner Unes requested the petitioner speak to the intent for the request to obtain a Special Use for an Assisted Living facility; Unes expressed concern the request was misleading for this case.

Ms. Dunfee said Independent Senior Living was included in the Assisted Living definition in the Zoning Ordinance.

Commissioner Misselhorn supported the site plan presented. Misselhorn said he preferred the landscaping plan to be in compliance with the Zoning Ordinance and to include a buffer for neighbors on Lexington Road.

Commissioner Viera addressed the CSO issues associated with the proposed development.

Ms. Dunfee said the landscaping plan was not finalized. Ms. Dunfee said Wallick Communities preferred to preserve healthy and viable trees. Ms. Dunfee said the landscape plans would meet city's storm water guidelines and would comply with city requirements.

Commissioner Heard requested the petitioner provide a brief history of the properties currently managed by Wallick Communities in Peoria.

Ms. Dunfee said properties managed by Wallick Communities in Peoria are Section 8 communities; 4 designated to seniors, including Hurlburt House, Parkview Estates, Reservoir Estates, and Schlarman House. Ms. Dunfee said Wallick Communities was looking for more opportunities in Peoria.

Chairperson Wiesehan opened the Public Hearing at 2:21p.m.

Susan Hill, representing Northmoor Hills Home Owners Association, was opposed to the rezoning request due to safety concerns regarding the increase in density with the Special Use approval.

William Ryan, representing Northmoor Hills Homeowners Association, agreed with Ms. Hill's testimony and was opposed to the Special Use request. Mr. Ryan was concerned with traffic safety; he opposed to the request to increase density. Mr. Ryan was concerned with surrounding property values decreasing.

Roger Sparks, an interested citizen, supported the rezoning request. Mr. Sparks expressed concern with bus route accessibility and sidewalks on Sheridan Road.

Rick Norton, a concerned citizen, expressed concern the development would decrease surrounding property values. Mr. Norton was concerned with the enforcement of the requirements to reside in the proposed facility. Norton was concerned the newly constructed three lane road on Northmoor may be impacted by the proposed development.

Rebecca Hatley, a concerned citizen spoke in opposition of the request and echoed neighbors' concerns. Ms. Hatley was concerned with the aesthetics of the development and the potential decrease in property values.

UNKNOWN NAME (citizen did not submit a blue sheet), a concerned citizen, expressed concern for the increase in density and traffic. He asked the commission to consider the neighbor's concerns.

Jim Stokes, a concerned citizen, spoke in opposition of the request. Mr. Stokes expressed concern for the location's proximity to schools.

Phil Stickelmaier, a concerned citizen, was opposed to the increase in density. Mr. Stickelmaier expressed concern the project was incompatible with the surrounding neighborhoods.

Tom Fritz, a concerned citizen, spoke in opposition of the request, specifically concerning the potential increased crime in the area due to the development.

Elizabeth Brown, resident of the Northmoor Hills subdivision and concerned citizen, agreed with the testimony of the concerned citizens. Ms. Brown expressed concern with increase in traffic, decrease in property values, the enforcement of qualifications for residents, and the facility becoming subsidized housing.

Matthew Hatley, a concerned citizen, spoke in opposition of the request, specifically concerning an increase in traffic.

Ms. Dunfee, in closing, addressed questions of security, traffic, and resident requirements raised by neighbors and citizens. Ms. Dunfee said the acceptance for funding from IHDA ensures the development will maintain compliance with State regulations. Ms. Dunfee said the proposed project would not cause additional

detriment to traffic patterns, based on the traffic study and the approval from Public Works to pursue the project. Ms. Dunfee said the security system for the facility may enhance the level of security for the area.

Commissioner Unes inquired the coverage of a vacant apartment under IDHA.

Ms. Dunfee said a vacant apartment would not generate income.

With no further interest from citizens to provide public testimony, Chairperson Wiesehan closed the Public Hearing at 3:37p.m.

Chairperson Wiesehan thanked the citizens for taking time to attend the meeting and to speak to the case. Wiesehan said he understood the citizens' concerns.

Commissioner Misselhorn read the Findings of Fact for Rezoning.

**Motion:**

Commissioner Heard made a motion to approve the request to rezone the property from O-1 to R-2, seconded by Commissioner Misselhorn.

Chairperson Wiesehan and Commissioners Misselhorn, Durand, and Viera supported the motion.

The motion was approved viva voce vote 6 to 0.

Commissioner Misselhorn read the Findings of Fact for Special Use.

**Motion:**

Commissioner Heard made a motion to approve including the requested waiver; seconded, by Commissioner Viera.

Commissioner Unes did not support the motion due to density and the misrepresentation of the Assisted Living as a Special Use for this project.

Commissioner Viera supported the motion and waiver request; Viera said the development was an appropriate use of the property and a commendable project.

Commissioner Heard supported the site plan. Heard's expressed concern for the egress windows. Heard requested the petitioner reduce the concerns of increased traffic impacting school traffic.

Commissioner Misselhorn supported the design of the project. Misselhorn did not support the proposed location and the density waiver.

Commissioner Unes agreed with Misselhorn.

Commissioner Durand supported the motion. Durand recommended the citizens and petitioner develop a stronger relationship to reduce concerns.

Chairperson Wiesehan did not support the motion. Wiesehan expressed concern with the increase in density and traffic. Wiesehan said he appreciated the project design but said it was too big to be compatible to the area.

A recommendation was not provided by the commission due to a tie vote.

Yeas: Durand, Heard, Viera – 3.

Nays: Misselhorn, Unes, Wiesehan – 3.

Chairperson Wiesehan adjourned for recess at 3:32p.m. The meeting resumed at 3:37p.m.

**CASE NO. PZ 16-19**

Hold a Public Hearing and forward a recommendation to the City Council on the request of Joe Abraham of Joe Abraham and Sons Amusement, to rezone property from a Class R-4 (Single Family Residential) to a Class CN

(Neighborhood Commercial) District, for the property located at 1904 W Garden Street (Parcel Identification No. 18-18-282-018), Peoria, Illinois (Council District 1).

Senior Urban Planner, Kimberly Smith, Community Development Department, read Case No. PZ 16-19 into the record and presented the request. Ms. Smith provided the summary of the proposal and the background of the property as outlined in the memo.

Chairperson Wiesehan opened the Public Hearing at 3:43p.m.

Terry Edwards, petitioner, requested to rezone the parcel adjacent to his business to construct a beer garden (with restricted hours).

With no further interest from the public to provide public testimony, Chairperson Wiesehan closed the Public Hearing at 3:43p.m.

**Motion:**

Commissioner Heard moved to approve; seconded, by Commissioner Durand.

The motion was viva voce vote 6 to 0.

**CASE NO. PZ 16-20**

Hold a Public Hearing and forward a recommendation to the City Council on the request of the City of Peoria to rezone property from a Class R-4 (Single Family Residential) to a Class CN (Neighborhood Commercial) District for the property located at 904 W Third Avenue (Parcel Identification No. 18-08-276-010), 906 W Third Avenue (Parcel Identification No. 18-08-276-009), 907 W Third Avenue (Parcel Identification No. 18-08-276-014), 909 W Third Avenue (Parcel Identification No. 18-08-276-013), 910 W Third Avenue (Parcel Identification No. 18-08-276-008), W Third Avenue (Parcel Identification No. 18-08-276-017), and MacArthur Hwy (Parcel Identification No. 18-08-276-018), Peoria, Illinois (Council District 1).

Senior Urban Planner, Kimberly Smith, Community Development Department, read Case No. PZ 16-20 into the record and presented the request. Ms. Smith provided the summary of the proposal and the background of the property as outlined in the memo.

Chairperson Wiesehan opened the Public Hearing at 3:47p.m.

Eric Setter, petitioner and Development Specialist for the Economic Development Department, confirmed the owner for MacArthur Hwy (Parcel Identification No. 18-08-276-018) was Mr. Robert Hale, who signed off on the application for the rezoning request. The remaining six parcels are owned by the City of Peoria.

With no further interest from citizens to provide public testimony, Chairperson Wiesehan closed the Public Hearing at 3:48p.m.

**Motion:**

Commissioner Misselhorn moved to approve the request; seconded, by Commissioner Durand.

The motion was approved viva voce vote 6 to 0.

**CASE NO. PZ 16-D**

Hold a Public Hearing and forward a recommendation to the City Council on the request of the City of Peoria to amend Appendix B, the Zoning Ordinance relating to Signs.

Senior Urban Planner, Joshua Naven, Community Development, read Case No. PZ 16-D into the record and provided the summary of the proposal and reviewed the summary of proposed changes as outlined in the memo. Mr. Naven noted the proposal will not regulate signs in the right-of-way; the proposed Ordinance was strictly for private property. Mr. Naven summarized Section 8.3.16 to note citizens may apply for a sign variance.

The Supreme Court of the United States unanimously decided the case of Reed vs Town of Gilbert, Arizona on June 18, 2015. The decision was in favor of Clyde Reed and the Good News Presbyterian Church that the

Town of Gilbert's Sign Code, with respect to temporary signs, was content based and a clear violation of freedom of speech.

The Community Development Department took this opportunity to reorganize, spell check and renumber various sign sections and applicable definitions of the Zoning Ordinance. Staff added design requirements for awnings, canopies and signs and prohibited variations from sign dimensional requirements.

The Site Plan Review Board recommended APPROVAL of the proposed text amendment.

Chairperson Wiesehan questioned the applicability of the sign regulations related to political signs.

Mr. Naven said, in accordance with Supreme Court legislation, the proposed text amendment removed content based regulations; however, the City may regulate size, location, and material. Mr. Naven noted signs in the right-of-way are illegal.

Commissioner Misselhorn questioned if other communities are making similar changes to regulations regarding signs.

Mr. Naven referred to the attachments in the memo and said the Supreme Court removed the ability for communities to mandate local sign regulations; the Supreme Court passed a new national framework for sign regulations.

In response to Chairperson Wiesehan's inquiry, Mr. Naven said the proposed text amendment would easily merge with the Land Development Code.

Commissioner Viera noted instances when signs in the right-of-way may be beneficial and/or appropriate.

Discussion ensued regarding signs in the right-of-way.

**Motion:**

Commissioner Misselhorn made a motion to approve as requested; seconded, by Commissioner Heard.

The motion was approved viva voce vote 6 to 0.

**CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION**

It was determined there was no interest from citizens to address the Planning and Zoning Commission at 4:01p.m.

**ADJOURNMENT**

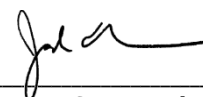
Commissioner Misselhorn moved to adjourn the regularly scheduled Planning and Zoning Commission Meeting; seconded by Commissioner Heard.

The motion was approved viva voce vote 6 to 0.

The Planning and Zoning Commission Meeting was adjourned at approximately 4:01p.m.



Leah Allison, Senior Urban Planner



Joshua Naven, Senior Urban Planner

Kimberly Smith

Kimberly Smith, Senior Urban Planner