



PLANNING & ZONING COMMISSION

TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (prepared by Kerilyn Weick)
DATE: August 6, 2020
CASE NO: PZ 20-17

REQUEST: Hold a Public Hearing and forward a recommendation to City Council on the request of Maria McCormick-Dinh to obtain a Special Use in a Class C-1 (General Commercial) District for a Massage Parlor for the property located at 4241 N. Boulevard Avenue (Parcel Identification Nos. 14-28-226-017 and 14-28-226-018), Peoria IL (Council District 3).

SUMMARY OF PROPOSAL & REQUESTED WAIVERS

The petitioner is requesting to obtain a Special Use for a massage parlor at an existing commercial building:

Development Item	Applicant Proposal	Applicant Waiver Request & Justification	DRB Comment
Parking	Two existing parking lots. Accessible parking space will be added to the front lot.	None	One accessible parking space is required. Parking lots and accessible parking space must be striped/marked.
Setbacks, Yards, Build To	No change to existing location of parking. Parking is in the front yard setbacks.	Waiver from the required 20 ft parking setback along Lake Ave and Boulevard Ave.	Parking setback is required unless a waiver is approved.
Access & Circulation	No change to existing vehicle ingress/egress. One parking lot has access off Boulevard Ave, one parking lot has access from the alley off Lake Ave. No sidewalks along property lines.	Waiver from sidewalk requirement along property frontages. Waiver to allow existing conditions for the driveway apron on N. Boulevard Avenue.	Sidewalk must be constructed along both frontages which may require ROW dedication/easement unless a waiver is approved. Driveway apron must be reconstructed unless a waiver is approved.
Landscaping	One existing shade tree, addition of shrubs/flowers on two sides of the building. Will also add parking lot perimeter hedge.	Waiver from front yard landscaping requirement.	Front yard landscaping is required unless a waiver is approved. Proposed parking lot perimeter hedge would meet parking lot perimeter landscaping requirement.
Signs	Remove existing freestanding sign at the northeast corner of property. Obtain a sign permit to replace or relocate the sign.	None.	Sign needs to be removed. Said sign is in the sight triangle and the sign face is weathered.
Buffers & Screening	Replace dumpster with refuse bin which will be stored to the side of the building.	None.	None.
Mechanical, Utility Screening	No changes to existing conditions.	None.	None.
Exterior Lighting	No change to existing exterior lighting.	None	None

Development Item	Applicant Proposal	Applicant Waiver Request & Justification	DRB Comment
Height	No change to existing building height.	None	None
Other	Need to apply and obtain City of Peoria Body Works Establishment License	N/A	<p>A valid license, pursuant to <i>Peoria City Code Chapter 18, Article VII Bodywork Establishments</i>, is required prior to operating the business. Compliance with the Unified Development Code is one aspect of review for the license.</p> <p>Business License Inspector has identified several noncompliant business activities:</p> <ol style="list-style-type: none"> 1. Operating without Body Works Establishment License. 2. Advertisement of sexual activity 3. Employee dress code 4. No visibility into the building 5. Hours of operation

BACKGROUND

Property Characteristics

The property is approximately 0.18 acres (7,840 square feet) on the corner of E. Lake Avenue and N. Boulevard Avenue. The property is developed with an approximately 1,100 square foot single story building with parking lots in the front and rear yards. Surrounding zoning is Class C-1 (General Commercial) district to the north, west, and south, and Village of Peoria Heights zoning to the east. Land uses in the surrounding area consists of tavern to the north, contractor to the west, residential to the south, and day care to the east.

History

Date	Zoning
1931 - 1958	Not in the City Limits
1958 - 1963	A – One Family
1963 - 1990	C2 (Neighborhood-Commercial)
1990 - Present	C1 (General Commercial)

DEVELOPMENT REVIEW BOARD ANALYSIS

The DRB examines each application against the appropriate standards found in the Code of the City of Peoria and/or in case law.

Standard	Standard Met per DRB Review	DRB Condition Request & Justification
The establishment, maintenance, or operation of the special use will not be detrimental to or endanger public health, safety, morals, comfort or general welfare	No	Operation of the use includes advertisement sexual in nature which is detrimental to public health, morals, and general welfare.

Standard	Standard Met per DRB Review	DRB Condition Request & Justification
Will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.	No	The use as operated or otherwise may be injurious to the enjoyment of the use of other property including existing residential and day care uses.
Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.	No	The use may deter investment in other properties.
Adequate facilities, access roads, drainage and/or necessary facilities have been or will be provided.	Yes	Part of existing conditions.
Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion in the public streets.	No	Waiver is required from sidewalk and driveway apron requirements.
If a public use/service, then provides a public benefit.	NA	NA
In all other respects, conforms to all district regulations.	Yes	Parking lot perimeter landscaping will improve aesthetic and screening conditions in the area. Parking lot striping and accessible parking space will be provided. Sign in sight triangle will be removed.
Comprehensive Plan Critical Success Factors	No -Reinvest in Neighborhoods	Success Factor is not met by the proposed use. Said use in this location may affect future investment in the area.
City Council Strategic Plan Goals	No - Safe and Livable Neighborhoods	Goal is not met by the proposed use. Said use may deter investment in commercial and residential property alike.

DEVELOPMENT REVIEW BOARD RECOMMENDATION

The Development Review Board recommends DENIAL of the special use request. Previous and ongoing operation of the establishment has been contrary to public health, safety, and morals which may be injurious to investment and enjoyment of other uses in the area.

ATTACHMENTS

1. Surrounding Zoning
2. Aerial Photo
3. Site Plan
4. Existing Building Elevations