

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

A meeting of the Planning and Zoning Commission was held on Thursday, March 3, 2016, at 1:00p.m., at City Hall, 419 Fulton St., in Room 400.

ROLL CALL

The following Planning and Zoning Commissioners were present: Michele Anderson, Mark Misselhorn, Nick Viera, Chairperson Mike Wiesehan-5. Commissioners absent: Winsley Durand, Eric Heard, Richard Unes - 3.

City Staff Present: Leah Allison, Kim Smith, Madeline Wolf

SWEARING IN OF SPEAKERS

Speakers were sworn in by Staff Member Madeline Wolf.

MINUTES**Motion:**

Commissioner Misselhorn moved to approve the minutes of the Planning and Zoning Commission meeting held on February 4, 2016; seconded by Commissioner Anderson.

The motion was approved unanimously viva voce vote 4 to 0.

REGULAR BUSINESS**CASE NO. PZ 16-04**

Public Hearing on the request of Kathleen Groark of Insite, Inc. and Verizon Wireless to obtain a Special Use for a Wireless Communication Facility for the property located at 2112 N Linn Street (Parcel Identification Nos. 14-33-378-019 & 14-33-378-020), Peoria, Illinois. (Council District 2)

The petitioner respectfully requested a 30 day deferral.

Motion:

Commissioner Misselhorn made a motion to defer the case for 30 days; seconded, by Commissioner Anderson.

The motion was approved viva voce vote 4 to 0.

Commissioner Durand entered the Council Chambers at 1:05p.m.

With a request from a citizen to speak to Case No. PZ 16-04, Chairperson Wiesehan opened the Public Hearing at 1:05p.m.

Kenneth Albert, a concerned citizen, disapproved of the request for Case No. PZ 16-04. Mr. Albert did not support the use of residential space for a wireless communication tower.

With no further interest from citizens to provide public testimony, Chairperson Wiesehan closed the Public Hearing.

CASE NO. PZ 16-05

Public Hearing on the request of Ferenc and Ruth Davidovics for approval of an Annexation Agreement including a subdivision plat, and with a request to rezone from a Class R-3 (Single Family Residential) District to a Class R-2 (Single Family Residential) District (upon annexation) for the property identified as Parcel

Identification No. 09-29-301-020 and with an address of 1818 W. Wilhelm Road, Peoria, Illinois. The petitioner was proposing to annex 1.84 acres. (Council District 5)

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. PZ 16-05 into the record and presented the request. Ms. Allison referred to the memo.

The petitioner requested to annex 1.84 acres with the following terms of the proposed agreement:

- 1) Property shall be zoned Class R-2 Single Family Residential District;
- 2) Approval of the Carlson Subdivision Plat with duplex designation on Lot 2.
- 3) Connection to public sanitary sewer required upon residential development of Lot 2.
- 4) 50% brick material required for new construction.

The Site Plan Review Board recommended APPROVAL of the annexation agreement, including the request of rezoning to Class R-2 Single Family Residential district.

Michael Honegger, representing the petitioner, asked the commission to approve the request. Mr. Honegger said the new construction would be a duplex while the existing single-family home remained. Mr. Honegger said the current well would remain until it was no longer useful, then the properties would connect to the City of Peoria sanitary sewer and water lines.

Chairperson Wiesehan opened the Public Hearing at 1:13p.m.

Colette Lundstrom, of 10809 N Dana Drive, questioned if the rezoning request allowed construction of an apartment building. Ms. Lundstrom requested clarification of the setback requirements for the new construction. Ms. Lundstrom questioned parking restrictions on the property. Ms. Lundstrom expressed concern of maintaining property values.

Ms. Allison addressed Ms. Lundstrom's inquiries. Ms. Allison confirmed the rezoning would not allow construction of an apartment building. Ms. Allison said the R-2 zoning classification required an 8 foot setback from the property line to the dwelling structure. Ms. Allison said property owners and occupants must adhere to city ordinances, including parking regulations.

Rodger Ellis, of 10721 N. Dana Drive, questioned the restrictions of the new construction. Mr. Ellis expressed concern for material regulations. Mr. Ellis requested information in regard to the city reviewing building plans to sure the design was consistent with the neighborhood.

Ms. Allison addressed Mr. Ellis' inquiries. Ms. Allison said the new development on Lot 2 required construction of 50% brick. Ms. Allison said the petitioner agreed with requirement. Ms. Allison said the new structure must adhere to the building code.

Chairperson Wiesehan said the commission and staff had no authority to enforce the design.

Mike Peterson, 10818 N. Bodell Drive, questioned enforcing the 50% brick requirement for the redevelopment of Lot 1.

Michael Honegger, in closing, said the proposed building would be in conformity with neighbors. Mr. Honegger said the large lot sizes as proposed include buffers on both sides. He asked the commission to approve the petition.

Ms. Allison addressed Mr. Peterson's inquiry and verified the agreement for 50% brick only applied to the construction of the duplex Lot 2.

Commissioner Misselhorn questioned if Mr. Honegger's clients would support the commission amending the annexation agreement to include the 50% brick requirement on both parcels.

Michael Honegger said the petitioner would not have an issue with the brick requirement if the existing

structure was rebuilt. Mr. Honegger said if the petitioner added an addition to the existing dwelling structure, the 50% brick requirement would not be appropriate.

Motion:

Commissioner Misselhorn moved to approve the annexation agreement and rezoning request with the modification to state new structures on either parcel must be (at least) 50% face brick; seconded by Commissioner Anderson.

Discussion:

Commissioner Anderson questioned the requirement in regard to a shed or accessory structure.

Commissioner Misselhorn confirmed the motion included the brick requirement for the primary structure.

Commissioner Viera expressed concern the brick requirement was arbitrary. He supported the use of brick material; he suggested the material requirement included stone, masonry, and/or brick.

Commissioner Misselhorn disagreed the material requirement was arbitrary. Misselhorn noted the petitioner agreed with the material requirement. Misselhorn supported Viera's suggestion for the material requirement to include stone, masonry, and/or brick. Misselhorn noted the adjacent properties may have material requirements through the Home Owner's Association that the annexation property did not have to follow. The brick requirement was a measure to maintain property values and consistency.

Amended Motion:

Commissioner Misselhorn amended his motion to approve the annexation agreement with a requirement for a minimum of 50% stone, masonry, and/or brick material for new homes on both parcels and to approve the rezoning request as presented; seconded by Commissioner Anderson.

Discussion:

Commissioner Durand requested confirmation from Misselhorn the restriction was not arbitrary but consistent with neighboring developments.

Commissioner Misselhorn addressed Durand's inquiry and said the neighbors are in favor of the petitioner's request and the requirements. Misselhorn said the petitioner was in favor of the requirements. Misselhorn said the material requirement's intention was to assure consistency in the neighborhood.

Ms. Allison said it was common to include material stipulations under annexation agreements. Ms. Allison agreed with Misselhorn, the intent of the brick requirement was to maintain property value in the area.

Commissioner Viera supported the annexation agreement. Viera said the request was a great example of a valid annexation agreement. Viera noted the annexed property must adhere to city ordinances; therefore, providing conformity.

Commissioner Anderson appreciated the commission's discussion. Anderson agreed with Misselhorn. Anderson supported the motion.

Chairperson Wiesehan said he felt the commission understood the reasons for the material requirement. He noted the commission's intent was to promote consistency throughout Peoria.

Commissioner Viera said he was unaware the surrounding neighborhood had specific covenants that impacted Case No. PZ 16-05.

The motion was approved unanimously viva voce vote 5 to 0.

CASE NO. PZ 16-B

Public Hearing on the request of the City of Peoria to amend Appendix B, the Zoning Ordinance and Appendix C, the Land Development Code, relating to Beekeeping.

Senior Urban Planner, Kimberly Smith, Community Development Department, read Case No. PZ 16-B into the record and presented the request. Ms. Smith referred to the memo and stated beekeeping was currently not permitted within the city. The proposed text amendment allowed beekeeping as a use permitted with administrative approval.

The State of Illinois required registration of beekeeping; those not registered are declared a nuisance. Ms. Smith referred to the handout presented to the commission and summarized the request. Ms. Smith informed the commission the Vice President of the Heart of Illinois Beekeepers Association (HIBA) was present to answer questions.

Sean Rennau, VP of the Heart of Illinois Beekeepers (HIBA), said he was present for support and to answer questions or concerns regarding the approval of the text amendment.

Commissioner Viera questioned if he was in support of the proposed text amendment as written.

Sean Rennau, responded to Viera's question and said he and the HIBA supported the proposed text amendment. He said the state already had regulations in place; therefore, additional codes were unnecessary.

Chairperson Wiesehan questioned the regularity of State inspections.

Sean Rennau said the number of inspections were contingent on the number of hives. He said the State regularly conducted inspections. Last year, Rennau was inspected three (3) times. He said the state will respond to issues in a timely manner to ensure all ordinances are met.

Commissioner Misselhorn said he supported the proposal.

Commissioner Durand expressed concern of the migration of harmful (killer) bees. Durand questioned if the Ordinance would protect the city from killer bees.

Sean Rennau said the risk of the migration of killer bees was more prominent in Georgia, Texas, and Florida. Mr. Rennau said breeding was a part of the beekeeping process; therefore, Peoria was unlikely to receive the killer bee gene traits. Mr. Rennau said if there was an issue, the problem would be quickly alleviated. In response to Commissioner Durand's concern regarding harmful bees, Mr. Rennau said he could provide the commission with statistics and additional information regarding his concern.

Chairperson Wiesehan was in support of the proposed text amendment. Wiesehan suggested a process to record beekeeping installations in the city. Wiesehan preferred to ensure the text amendment protected citizens. Wiesehan suggested an inspection procedure to reduce complaints and a need for enforcement.

Ms. Smith responded to Wiesehan and said the State had public record of bee hives and registered beekeepers. Ms. Smith suggested to rely on the State for inspections; the city would enforce the local Ordinance.

Commissioner Misselhorn said he understood Wiesehan's concern. Misselhorn inquired if there were additional requirements that may be necessary. He supported an administrative process.

Commissioner Viera said he was sympathetic to concerns raised by Commissioners. Viera supported the text amendment. Viera said with the State regulations in place, he did not think additional requirements were necessary.

Chairperson Wiesehan supported the text amendment. Wiesehan supported a process for beekeepers to register with the City of Peoria. In turn, the beekeeper would receive a copy of the Ordinance.

Commissioner Misselhorn said beekeeping posed a minimal risk to general health, safety, and welfare of the community. He supported the amendment. He agreed with Commissioners Viera and Wiesehan.

Commissioner Anderson supported reliance on the State for enforcement once the beekeeper registered with the city.

Commissioner Viera supported Commissioner Anderson's suggestion.

Ms. Smith said the State of Illinois had multiple avenues to track the locations of registered bee hives; including Driftwatch, a website.

In response to Chairperson Wiesehan's inquiry, Ms. Smith said Peoria County does not have restrictions on beekeeping.

After discussion, the Commission agreed: once beekeepers registered with the State, they must provide documentation to the City of Peoria.

Jack Teplitz, representing John and Diane, provided a background for the request. His clients planned to develop an urban garden that included beekeeping. Mr. Teplitz supported the proposed text amendment. He agreed with the commission to follow State procedures for beekeeping registration and in turn submit the documentation to the City of Peoria.

With no further interest from citizens to provide public testimony, Chairperson Wiesehan closed the Public Hearing at 2:12p.m.

Motion:

Commissioner Anderson made a motion to approve the proposed ordinance as written; seconded, by Commissioner Durand.

The motion was approved viva voce vote 5 to 0.

CASE NO. PZ 16-C

Public Hearing on the request of the City of Peoria to amend Appendix B, the Zoning Ordinance and Appendix C, the Land Development Code, relating to Community Gardens and Urban Farms.

Senior Urban Planner, Kimberly Smith, Community Development Department, read Case No. PZ 16-C into the record and presented the request. Ms. Smith referred to the memo. The attached text amendment made changes to the existing Community Garden Ordinance to allow greater flexibility and defined Urban Gardens to reflect the changes. Ms. Smith summarized the Ordinance presented.

In response to Commissioner Wiesehan's request for clarification, Ms. Smith confirmed the proposed text amendment did not include livestock.

Commissioner Anderson referred to beekeeping.

Ms. Smith stated upon approval of Case No. PZ 16-B, beekeeping would be included in the text amendment for Case No. PZ 16-C.

Commissioner Misselhorn questioned if the current Ordinance allowed Community Gardens.

Ms. Smith confirmed the current Ordinance allowed Community Gardens.

Commissioner Anderson inquired about the intention of the proposed setback regulation of 5 feet.

Ms. Smith said the farm stands are temporary and not a permanent use; the proposed 5' setback regulation allowed the stands to be located closer to the sidewalks than the district minimum.

Discussion of farm stands and setback requirements ensued.

Commissioner Anderson inquired about the requested fence regulations.

Ms. Smith said the Ordinance currently required a variance for a front yard fence and chain link was not a permitted material for a front yard fence.

Chairperson Wiesehan supported the urban garden concept. Wiesehan questioned a need to include a square footage limitation for temporary farm stands.

Commissioner Viera understood Wiesehan's concern for a square footage limitation. Viera questioned if the square footage limitation was necessary. Viera supported farm stands and said it encouraged local commerce.

Commissioner Durand expressed concern for the impact of herbicides.

Commissioner Viera shared Durand's concern. He questioned the current controls in place for homeowners. Viera said he was hesitant to add enforcement of herbicides to Urban Gardens when it was not in place for residential, personal gardens.

Commissioner Durand questioned when regulations should be enforced for herbicide abuse.

Commissioner Viera questioned the City's regulations for chemical abuse.

Ms. Smith referred to the Nuisance Ordinance.

Commissioner Misselhorn supported the proposed text amendment.

Jack Teplitz, representing John and Diane, thanked city staff for cooperation. Mr. Teplitz spoke in support of moving the request forward. Mr. Teplitz addressed concerns of the use of herbicides and said his clients will maintain an organic garden. Mr. Teplitz requested language clarification to state the allowance of a private entity or person to raise agriculture products for resale.

Mr. Teplitz requested additional discussion for the definition of an accessory structure. Mr. Teplitz supported permanent structures to allow growing plants all year versus only summer months. He discussed the allowance of hoop houses. Mr. Teplitz discussed the proposed fence regulations. He preferred the allowance of chain link in an effort to reduce costs.

Mr. Teplitz discussed signage. He explained the purpose of the signage request. The design of the farm stand was intended for people to purchase produce and the setback would eliminate consumers from walking through the farm. Mr. Teplitz spoke in support of the front yard setback. To conclude, Mr. Teplitz said the approval of the Ordinance would allow a positive impact on vacant lots and improve the quality of life in neighborhoods.

With no further interest from citizens to provide public testimony, Chairperson Wiesehan closed the Public Hearing at 2:41p.m.

Motion:

Commissioner Misselhorn moved to approve the proposed ordinance as written; seconded, by Commissioner Durand.

The motion was approved viva voce vote 5 to 0.

CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION

There was no interest from citizens to address the Planning & Zoning Commission.

ADJOURNMENT

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

Approved unanimously by viva voce vote 5 to 0.

The Planning & Zoning Commission Meeting was adjourned at approximately 2:44p.m.

Leah Allison

Leah Allison, Senior Urban Planner

Kimberly Smith

Kim Smith, Senior Urban Planner

/MW