

Gwen Hendrix, nearby neighbor, spoke in favor of the project. She indicated that ATM is supportive of the neighborhood and provides space for meetings and parties in their building. She said neighbors are happy and hope they can stay and expand.

Chairperson Pro Tem Wiesehan closed the public hearing.

Commissioner Unes administered the Findings of Fact.

**Motion:**

Commissioner Unes motioned to approve Case No. 13-26 to rezone the subject property from a Class R-3 (Single-Family Residential) District to a Class O-1 (Arterial Office) District. The motion was seconded by Commissioner Misselhorn.

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



**CASE NO. ZC 13-27B**

PUBLIC HEARING on the request of Exposition Gardens to amend an existing Special Exception Ordinance No. 12,043 with a Special Use in a Class R-2 (Single-Family Residential) District for a Fair Grounds to add various events and a previously constructed parking lot expansion for the property identified as Parcel Identification No. 14-17-100-001, and with an address of 1601 W. Northmoor Road, Peoria, IL. (Council District 4)

Leah Allison, Senior Urban Planner, City of Peoria, Community Development Department, read Case No. ZC 13-27B into the record. She reported the property characteristics, history, proposal summary, and Staff comments, and stated there was one requested waiver for temporary parking on an unpaved surface.

Ms. Allison stated the Site Plan Review Board Recommendation as follows:

- Does not object to the proposed list of activities in each Lot A-D, when they occur during the Heart of Illinois Fair.
- During the year when the Heart of Illinois Fair is not occurring:
  - Staff does not support the request for motorized events or activities with sound to be conducted outside of the existing buildings, due to excessive noise, dust, and fumes emitted to adjacent residential neighborhoods, but does object if conducted inside the existing buildings.
  - Staff recommends that non-motorized and non-amplified sound activities be conducted within an interior area bounded by the roadway system of the property, since locating activities toward the interior of the property provides a buffer area for the adjacent residential properties. This will further reduce the impact of noise and commercial-like activity to the residential neighbors.
- Staff does not object to the requested waiver for temporary parking on an unpaved surface during events.

Ms. Allison responded to Commissioners' questions. She indicated this request was triggered by the parking lot built on their property for Northmoor Grade School.

John Reddingshafer, Attorney, representing Exposition Gardens, Inc., spoke of the Petitioner's importance to the community and stated it is much more than the Heart of Peoria Illinois Fair. He said they are not adding events to those currently being held.

The following surrounding neighbors were present to speak in opposition to the proposal, and they are listed in the order they spoke: Gerard Brost; Janelle Martel, representing neighbors in the Richwoods Knolls (Northmoor Estates) Subdivision; Bev Matheny; and Don Naschert.

Ms. Allison read names of the following neighbors who submitted written notifications of their opposition: Emily Gill and James Temples, Lynne Sopher, Jim and Kathy Freyman, Alvin and Beverly Matheny, and Amber Pawula-Marcin.

In summary, the neighbors, who spoke or wrote in opposition, were in agreement regarding the following concerns: Motorized vehicle activity, including go-karts, diesel pulls, mud bogs, motorcycles and/or drag races, etc., continue to be held and are too disruptive to the neighborhood, causing negative environmental impact, such as amplified sound and excessive noise, dust, and fumes; decline in property values; holding events that are clearly not allowed by Ordinance for a residentially zoned property; additional traffic contributing to the deterioration of Northmoor Road; safety concerns for school children; and some activities being held were not listed on Exposition Gardens' activity list.

Roger Sparks, Advocate for AAPD (Advancement of People With Disabilities), expressed concern that handicap parking is not adequate and commented on the problem of wheel chair mobility on gravel.

Mr. Redlingshafer thanked everyone for their public comments. He maintained that the activities would be limited to what is on the current submittal going forward, and they would use the permit process before anything is changed on the list of activities.

Rob Murphy, representing Exposition Gardens, responded to questions of Commissioner Unes, Mr. Murphy indicated that mud bogs are held about four times a year; concerts end around "11:00 p.m., sometimes 10:00 p.m., probably six a year"; they were against limiting existing events; and he was not aware of a police record regarding the subject address.

Commissioner Misselhorn expressed his concern for the neighborhood with the evolution of disruptive activities since 2007, being held outside of the Heart of Illinois Fair. He questioned the enforcement regarding excessive noise.

Ms Allison explained the Zoning Ordinance has noise limitations for the Industrial District only; but the City Code does have limits on the time of day noise is allowed, which falls under Police enforcement. Ms. Allison also noted that the application from Exposition Gardens indicated that mud bog events would be held 25 times per year and concerts held 20 times per year.

Commissioner Misselhorn stated that it was an important point that noise that exceeds the legal limits should not be allowed.

Mr. Murphy stated they were totally willing to work to further define their recommendation and propose to work with City Staff to design the guidelines.

Chairperson Pro Tem closed the public hearing.

Commissioner Unes administered the Findings of Fact.

**Motion:**

Commissioner Misselhorn motioned to deny Case No. ZC 13-27B, to amend an existing Special Exception with a Special Use. The motion was seconded by Commissioner Jacobsen.

Commissioner Misselhorn clarified that he agreed with the Site Plan Review recommendation, except regarding motorized events being conducted inside the existing buildings. He stated his opinion that no motorized events that produce excessive noise should be allowed at all, even inside, for events not held during the Heart of Illinois Fair. He suggested Staff work with Exposition Gardens to better define guidelines regarding “amplified sound.”

Commissioner Unes said he would not support the motion. He expressed his concern of not allowing some of the activities that had been ongoing for a long time.

Chairperson Pro Tem Wiesehan suggested getting Council Members involved due to the uniqueness of the situation in that the property is not zoned the way it should be zoned. He said there is not enough information to make an educated, fully disclosed decision at this time. He suggested Staff and the Petitioner get together and come back in 30 days with more outlined restrictions.

After further discussion, Chairperson Pro Tem Wiesehan called for the vote.

The motion failed by viva voce vote 2 to 2.

Yeas: Jacobsen, Misselhorn – 2;

Nays: Wiesehan, Unes – 2.

#### **CASE NO. ZC 13-Q**

PUBLIC HEARING on the request of the City of Peoria to amend Appendix B, the Zoning Ordinance, and Appendix C, the Land Development Code, related to Medical Cannabis Distribution.

Josh Naven, Senior Urban Planner, City of Peoria, Community Development Department, explained that on August 1, 2013, Governor Pat Quinn signed “The Compassionate Use of Medical Cannabis Pilot Program Act,” which allows the establishment of medical marijuana dispensaries and cultivation sites in the State of Illinois. He indicated this text amendment codifies the respective State of Illinois definitions and would allow the specific uses with appropriate zoning districts within Appendix B, Zoning Ordinance, and Appendix C, Land Development Code. Mr. Naven answered a few questions from Commissioners.

#### **Motion:**

Commissioner Unes moved to approve Case No. ZC 13-Q, related to Medical Cannabis Distribution. The motion was seconded by Commissioner Jacobsen.

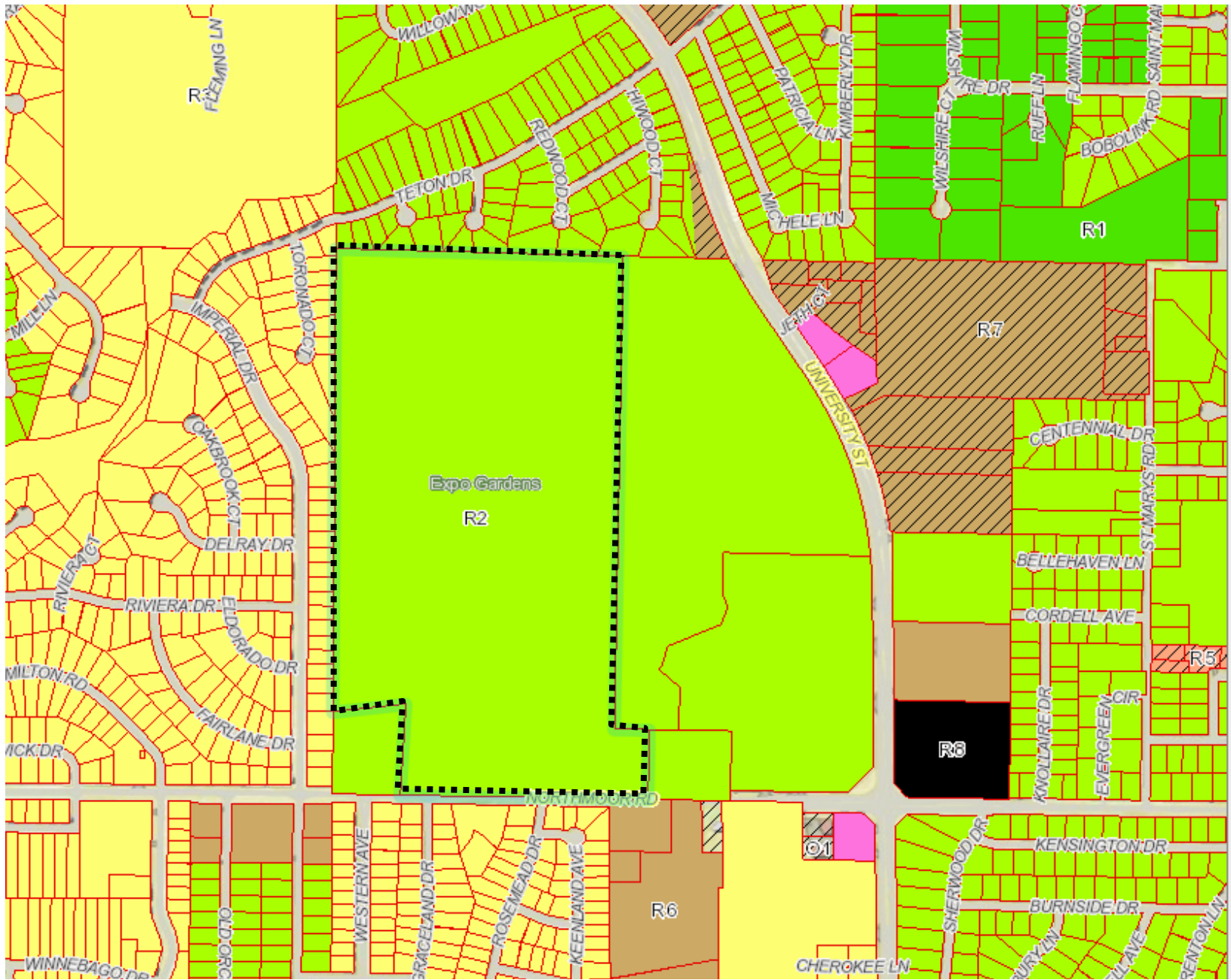
The motion was approved unanimously by viva voce vote 4 to 0.

#### **CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMISSION**

It was determined there were no citizens to address the Commission.

#### **ADJOURNMENT**

Commissioner Unes motioned to adjourn the Regular Zoning Commission Meeting; seconded by Commissioner Misselhorn.



Subject Property

**ZC 13-27B**  
 Amend Previous Use with Approval  
 with Special Use  
 1601 W Northmoor Rd  
 Exposition Gardens  
 December 5, 2013