

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

A meeting of the Planning & Zoning Commission was held on Thursday, September 7, 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, Richard Unes, and Mike Wiesehan- 5. Commissioners absent: Mark Misselhorn -1.

City Staff Present: Leah Allison, Josh Naven, 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 August 3, 2017; seconded by Commissioner Heard.

The motion was approved viva voce vote 5 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 applicant requested a thirty (30) day deferral to collect more information in order to respond to neighboring property owner concerns. Staff has no objection to this deferral and the case will be placed on the October 5, 2017 Planning & Zoning Commission Agenda.

Commissioner Unes inquired the number of deferrals permitted.

Mr. Naven said there was not a maximum number of deferrals according to the code; however, a clause in the code noted an application fee may be charged after the petitioner requested two (2) deferrals. Mr. Naven noted a fee was not required for an annexation request.

With no interest from the public to provide public testimony, Chairperson Wiesehan closed the Public Hearing at 1:06p.m.

Motion:

Commissioner Anderson made a motion to approve the thirty (30) day deferral request; seconded, by Commissioner Heard.

The motion was APPROVED viva voce vote 5 to 0.

Yeas: Anderson, Barry, Heard, Unes, and Wiesehan -5.

Nays: None.

CASE NO. PZ 17-32

Hold a Public Hearing and forward a recommendation to City Council on the request of Barry Soffietti for approval of an Annexation Petition and Annexation Agreement and to rezone property from a Class R-3 (Single-Family Residential) District to a R-2 (Single-Family Residential) District for the property located east of

Koerner Road and addressed as 6029 W Eaglecreek Drive. The property is also identified as Parcel Identification No. 13-10-452-001, Peoria, Illinois (Council District 5).

Senior Urban Planner, Josh Naven, Community Development Department, read Case No. PZ 17-32 into the record and presented the request. Mr. Naven provided the summary of the proposal and the Development Review Board analysis as outlined in the memo. Mr. Naven noted the property was subdivided and developed with the Chadwick Estates Subdivision but was inadvertently left out of the annexation process.

The Community Development Department recommended APPROVAL of the request.

Chairperson Wiesehan requested city staff send another certified letter to the property owner at 6030 W Eaglecreek Drive and to extend the deadline to allow the property owner to formally submit a request for the Annexation and Rezoning. In response, Mr. Naven noted he would forward the request to the Zoning Administrator for review and if the work schedule permitted the request.

In response to Commissioner Anderson's concern, Mr. Naven said the property owner of 6030 W Eaglecreek Drive will receive fire and police services from the Township Government and Peoria County, respectively.

With no interest from the public to provide public testimony, Chairperson Wiesehan closed the Public Hearing at 1:10pm.

Motion:

Commissioner Anderson made a motion to approve the Annexation Petition and Annexation Agreement request; seconded, by Commissioner Unes.

The motion was APPROVED viva voce vote 5 to 0.
Yeas: Anderson, Barry, Heard, Unes, and Wiesehan -5.
Nays: None.

Motion:

Commissioner Anderson made a motion to approve the Rezoning request; seconded, by Commissioner Unes.

The motion was APPROVED viva voce vote 5 to 0.
Yeas: Anderson, Barry, Heard, Unes, and Wiesehan -5.
Nays: None.

CASE NO. PZ 17-33

Hold a Public Hearing and forward a recommendation to City Council on the request of Jill Gruchot for Americash Loans LLC, to obtain a Special Use with waivers for a Convenience Cash Business in a Class C-1 (General Commercial) District for the property addressed as 5012 N Big Hollow Road and identified as Parcel Identification No 14-19-177-010, Peoria, Illinois (Council District 4).

Senior Urban Planner, Josh Naven, Community Development Department, read Case No. PZ 17-33 into the record and presented the request. Mr. Naven provided the summary of proposal and requested waiver, and the Development Review Board analysis and recommendation as outlined in the memo.

The Development Review Board recommended DENIAL of the request due to the increase in density of Convenience Cash Businesses and lack of adherence to the separation requirements.

Mr. Naven referred to Page 26 in the 9 2017 PZC Agenda Packet and verified the code required a fifteen-thousand (1,500) foot buffer from both residential and established Convenience Cash Businesses.

In response to Commissioner Barry's inquiry, Mr. Naven said this was the first request since the 2008 adoption of the Convenience Cash Business Ordinance.

Commissioner Heard referred to the recent closing of Title Max near the proposed location.

Chairperson Wiesehan noted Title Max was established prior to the 2008 adoption of the Convenience Cash Business Ordinance.

Chairperson Wiesehan opened the Public Hearing at 1:21p.m.

Jill Gruchot, petitioner and CEO of AmeriCash Loans LLC, said AmeriCash Loans LLC has been at the existing location for fifteen (15) years and requested to relocate to the proposed address. Ms. Gruchot said if the request was denied, AmeriCash Loans LLC would not relocate until the lease expired in 2022. Ms. Gruchot said the proposed location met business needs as it was .7 miles from current location and may continue to service existing customers.

William Torchia, property owner of the current AmeriCash Loans location, spoke in support of the request in order to allow for a future development at the site.

Chairperson Wiesehan said his opinion was that the Ordinance was written to limit the establishment of new Convenience Cash Businesses; he suggested to re-evaluate the Ordinance for the relocation of existing Convenience Cash Businesses.

Commissioner Unes spoke in favor of the request as it would allow for a future development at the current site.

Commissioner Barry supported staff's recommendation and expressed concern that approval of the request would set precedence for future Convenient Cash Business requests. Commissioner Barry questioned how other municipalities regulated Convenience Cash Businesses.

Mr. Naven responded to Commissioner Barry stating the Ordinance related to Convenience Cash Businesses was composed at a time when multiple Convenience Cash Businesses were coming into the city in 2008. The Ordinance was in response to an increased density of the use which was detrimental to the public's health, safety, and general welfare and diminished property values due to the proximity of residentially zoned properties. Mr. Naven referred to State regulations of Convenience Cash Businesses and that some communities do not allow Convenience Cash Businesses. Mr. Naven referred to the four (4) locations that a Convenience Cash Business was permitted by right.

Commissioner Anderson said her opinion was that the Ordinance was written to limit the density of and the establishment of new Convenience Cash Businesses. Commissioner Anderson said she considered the request a relocation of an existing Convenience Cash Businesses rather than the establishment of a new business.

Commissioner Barry agreed with Commissioner Anderson's consideration of the request as a relocation; however, Commissioner Barry suggested adding a condition to the approval to address his concerns.

Commissioner Unes agreed with Commissioner Anderson.

Mr. Naven noted the Ordinance does not take into account the transferring of the use to a new location; by definition, this was a new establishment at the proposed address.

Commissioner Heard spoke in support of the request and a new future development at the current site.

Commissioner Anderson said she understood staff's recommendation. Commissioner Anderson supported the proposed location as War Memorial Drive was a barrier to the residentially zoned properties and the proposed site was adjacent to commercial development.

Jill Gruchot, said in 2011 the State of Illinois passed a statute with strict standards regulating Convenient Cash Businesses.

Commissioner Heard suggested an amendment to the Ordinance to allow a consideration for a relocation of a Convenience Cash Business.

Chairperson Wiesehan suggested implementing a policy to limit the number of Convenience Cash Businesses in the City.

Mr. Naven noted the City Council had multiple options when creating the Ordinance for Convenience Cash Businesses and City Council determined a fifteen-hundred (1,500) foot buffer was the most appropriate.

In response to Commissioner Barry's inquiry, Mr. Naven referred to the state statute requirements for Public Hearing notices, which were met.

Chairperson Wiesehan noted there was no opposition from surrounding neighbors.

With no further interest from the public to provide public testimony, Chairperson Wiesehan closed the Public Hearing at 1:45p.m.

Chairperson Wiesehan read the Findings of Fact for Special Use.

Commissioner Anderson had no objections to the Findings of Fact for the requested Special Use.

Motion:

Commissioner Heard made a motion to approve with staff conditions; seconded, by Commissioner Unes.

Discussion:

Commissioner Barry requested a report back from Mr. Naven of how Convenient Cash Businesses are currently regulated in other municipalities.

Commissioner Anderson added to the request to include how relocating Convenient Cash Businesses were regulated in other municipalities.

Mr. Naven noted he would forward the request to the Zoning Administrator to determine the feasibility of such a report back and if the work schedule permitted completion.

The motion was APPROVED viva voce vote 5 to 0.
Yeas: Anderson, Barry, Heard, Unes, and Wiesehan -5.
Nays: None.

CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION

Michael Freilinger, representing the Downtown Development Corporation of Peoria (DDC), informed the Planning & Zoning Commission that the DDC will present text amendments to the commission at the November 2, 2017 meeting. Mr. Freilinger provided a background of the DDC and its mission to promote development, particularly mixed uses, in the Warehouse District.

Commissioner Unes requested to review the text amendments prior to the November presentation.

Commissioner Wiesehan appreciated the testimony provided by Mr. Freilinger and supported working together to promote development in the Warehouse District.

It was determined there was no further interest from citizens to address the Planning & Zoning Commission at 1:59p.m.

REPORT BACK ON SIDEWALK POLICY AND REGULATIONS

Chairperson Wiesehan recommended to defer this item as the request was from Commissioner Misselhorn who was not present.

Motion:

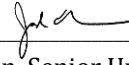
Commissioner Anderson made a motion to defer this agenda item until the September 13, 2017 Planning & Zoning Commission Special Meeting; seconded, by Commissioner Heard.

ADJOURNMENT

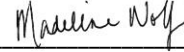
Commissioner Heard moved to adjourn the regularly scheduled Planning & Zoning Commission Meeting; seconded by Commissioner Anderson.

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

The Planning & Zoning Commission Meeting was adjourned at approximately 2:00p.m.



Josh Naven, Senior Urban Planner



Madeline Wolf, Development Technician