

**CASE NO. PZ 17-18**

Hold a Public Hearing and forward a recommendation to City Council on the request of Harold Jenkin of TRI-JEN of Central Illinois, LLC to amend an existing Special Use Ordinance No. 15,862, in a Class C-2 (Large Scale Commercial) District for a Shopping Center, to add a restaurant with a drive-through for the properties identified as Parcel Identification Nos. 13-12-352-003 (6820 N Peartree Lane), 13-12-352-004 (6828 N Peartree Lane), 13-12-352-007 (4115 W Partridge Way), 13-12-352-008 (4123 W Partridge Way), and 13-12-352-009 (W Partridge Way), Peoria, Illinois (Council District 4).

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. PZ 17-18 into the record and presented the request. Ms. Allison provided the Summary of Proposal, Requested Waiver, Background of the subject property, and the Development Review Board Analysis and Recommendation as outlined in the memo.

The Development Review Board recommended APPROVAL of the request with the following conditions and waiver:

**Conditions:**

1. The number of parking spaces exceeds the maximum of 30 allowed by-right. Therefore an impact fee of \$4,000 (\$250 per space x 16) must be paid prior to issuance of a building permit.
2. A sidewalk is required along the property frontage on Big Hollow Rd.
3. Ensure that an accessible route is present between the accessible parking spaces and the building entrance.
4. Add a 10.5 ft x 5.75 ft concrete pad for a sheltered bus stop adjacent to sidewalk cut on Big Hollow Rd. CityLink will provide and install bus shelter.

**Waiver:**

1. Waiver to reduce the required building setback along Big Hollow Road from 100 feet to 76 feet as measured from the centerline of the street and eliminate the requirement for a Setback Encroachment Agreement.

Ms. Allison noted the petitioner's response to Condition No. 1 was to provide permeable pavers for the entire parking surface. In response to Commissioner Misselhorn's inquiry, Ms. Allison said the concrete pad and shelter for the bus stop will be paid for and installed by CityLink as it was in the public right-of-way.

Commissioner Unes inquired available city assistance for the installation of the sidewalk along Big Hollow Road.

Chairperson Wiesehan questioned if eliminating the sixteen (16) parking spaces would allow the building to meet the setback requirements.

Bob Hall, representing the petitioner, spoke in support of the request and said he appreciated staff's recommendation for approval. Mr. Hall noted the petitioner would be in compliance with Condition No. 3 and should not be included as a condition as it was a requirement. Mr. Hall noted the waiver was critical in order to make property work as a Taco Bell facility operation.

Chairperson Wiesehan inquired more detail for the waiver request of the additional 20 foot setback.

Gary Zumwalt, engineer for the proposed development and representing the petitioner, referred to the prepared site plans and auto turn studies provided to the commission. Mr. Zumwalt said the waiver was requested as the 100' thoroughfare designation setback requirement did not allow for a 65' delivery semi-truck to turn without encroaching into the parking spaces.

In response to Commissioner Anderson's inquiry, Mr. Zumwalt referred to Exhibit A, Semi-Truck Auto Turns Studies.

Bud Jenkins, representing the petitioner, requested approval of the waiver. Mr. Jenkins noted deliveries occurred throughout the day and evening.

Bob Hall continued his presentation. Mr. Hall noted the lack of sidewalks throughout the existing shopping center and requested the removal of Condition No. 2. Mr. Hall said the petitioner will commit to the installation

of sidewalks if and when sidewalks are installed throughout the shopping center. Mr. Hall noted the use of permeable pavers for the parking surface in lieu of the installation of sidewalks and the over parking fee. Mr. Hall expressed traffic safety concerns for the bus stop location on Big Hollow Road.

Chairperson Wiesehan noted the commission had no jurisdiction in regard to the bus shelter; therefore, Condition No. 4 was removed. Chairperson Wiesehan encouraged staff to discuss the traffic safety concerns expressed by the petitioner in regard to the bus stop location with CityLink. Chairperson Wiesehan noted the location for the bus shelter was not determined at this time.

In response to Commissioner Anderson's inquiry, Ms. Allison noted the existing bus stop on the East and West sides of Big Hollow Road and noted the installation of the shelter would not impact the subject property.

Commissioner Anderson suggested the petitioner install a sidewalk from the bus shelter to the sidewalk along Partridge Way. Commissioner Anderson did not disagree with the traffic safety concerns raised by the petitioner; however, Anderson supported a condition to require connectivity from the bus shelter to the sidewalk along Partridge Way.

Bud Jenkins expressed concern for the lack of sidewalks in the area and did not agree to Condition No. 2.

Chairperson Wiesehan supported the installation of sidewalks to increase accessibility.

Commissioner Misselhorn said he appreciated the petitioner financing the sidewalk along the frontage of Big Hollow Road once a system of sidewalks are installed. Commissioner Misselhorn inquired how the petitioner will assure the commission of that statement.

Rodger Sparks, an interested citizen and a disabled rights activist, referred to the Federal Trans Administration which required a bus stop to be ADA accessible or the bus stop will no longer exist. Mr. Sparks referred to the Illinois Accessibility code, page 33. Mr. Sparks recommended the developer work with CityLink.

Bob Hall said he had no further comment.

Bud Jenkins noted he has continued to invest in the city without asking for financial assistance.

Chairperson Wiesehan agreed with Mr. Jenkins. Chairperson Wiesehan supported the use of pavers in lieu of the over parking fee, connectivity from the bus shelter to the sidewalk along Partridge Way, Condition No. 3, and a guarantee from the petitioner that when sidewalks are installed throughout the shopping center, the petitioner will commit to the installation of a sidewalk along the frontage of Big Hollow Road.

In summary, Ms. Allison said staff recommended approval. Staff was willing to remove Condition No. 1 as long as the parking lot was constructed with permeable pavers, a fee or payment in lieu of the construction of a sidewalk as part of Condition No. 2, include Condition No. 3, and Condition No. 4 may be removed. Staff was in support of the requested waiver and to eliminate the requirement for a Setback Encroachment Agreement.

**Motion:**

Commissioner Misselhorn made a motion to approve with the following conditions: No. 1, the \$4,000 over-parking fee must be paid or if permeable pavers are used as the parking surface, the fee may be waived; No. 2, a fee at current dollars must be collected in lieu of the installation of sidewalks until a system of sidewalks are installed within the shopping center; remove Condition Nos. 3 and 4; and to approve the requested waiver. The motion was seconded, by Commissioner Anderson.

Commissioner Unes supported the motion if the fee for the sidewalk was escrowed and collected at current dollars.

Commissioner Misselhorn noted his appreciation for the applicant's continued investment in the city.

Commissioner Triebold expressed concern that the petitioner would not use permeable pavers if required to pay a fee in lieu of the sidewalks as the petitioner had stated the pavers were offered in lieu of the sidewalk installation. Commissioner Triebold suggested including permeable pavers as part of the condition as the

\$4,000 fee was much less than the cost of permeable pavers. Commissioner Triebold was not in support of the motion.

Commissioner Misselhorn read the Findings of Fact for Special Use.

The motion was approved viva voce vote 6 to 0.

Yeas: Anderson, Barry, Misselhorn, Triebold, Unes, Wiesehan – 6.

Nays: None.

Commissioner Barry announced his abstention from Case No. PZ 17-21 due to a conflict of interest.

**CASE NO. PZ 17-21**

Hold a Public Hearing and forward a recommendation to City Council on the request of Will Kenny of Peoria Civic Center Authority, to amend an existing Special Use Ordinance No. 16,932, in a Class B-1 (Downtown Commercial) District for the Peoria Civic Center Facilities, to add activities at the corner of Fulton Street and Jefferson Avenue, and other grounds improvements, for the property located at 201 SW Jefferson Avenue, 702 and 720 Fulton Street; and 109, 125, 129 and 135 SW Monroe Street (Parcel Identification Nos. 18-09-251-009, 18-09-133-013, and 18-09-202-001 - 005), Peoria, Illinois (Council District 1).

Senior Urban Planner, Kimberly Smith, Community Development Department, read Case No. PZ 17-21 into the record and presented the request. Ms. Smith provided the Summary of Proposal and Requested Waivers, Background, and the Development Review Board Analysis and Recommendation as outlined in the memo.

The Development Review Board recommended APPROVAL of the request, with the following waivers and conditions:

**Conditions:**

1. All items from previous approvals not affected by this amendment, remain in force.
2. Any future fencing on Kumpf Boulevard shall not encroach on the required sight triangles for either the PCC entrance or Monroe Street.
3. New fencing along Kumpf must match existing screening around the nearby dumpster, as indicated in the application.
4. Replacement deteriorated and non-ADA-compliant sidewalks and curbs along property frontage.
5. A pedestrian accessible route (PAR) shall be provided between the accessible parking spaces in the Fulton Street parking lot and the PCC. This entails upgrade of the depressed curb on the part of the Civic Center, and installation by Public Works of a continental cross walk across Monroe from the Fulton Street Lot, to the Civic Center side of the street.
6. To allow signage as requested, with administrative approval, it must be noted that any such signs which are denied by Staff will require a Variance from the Zoning Board of Appeals prior to placement. If the Civic Center desires permission to place signs that exceed limitations set forth in the Unified Development Code without need for prior zoning approval, the Civic Center must submit proposed size, height, location, number and frequency limits prior to and for inclusion with City Council review of this request; and the "pre-approval" would not be final unless City Council votes to approve. In both cases, applicable building permits are required.
7. Drainage across the sidewalk on Monroe must be corrected and fixed prior to implementing any waivers approved with this Special Use amendment request.
8. The sand bed must be secured or transformed into useable, safe, public space when not used for the ice rink.
9. Time limitations for temporary structures less than 200 square feet may match the timing for the approved use. All required Fire Department permits must be obtained for all tents; also all required building permits for structures exceeding 200 square must be obtained. For the record, Ms. Smith noted she was removing the first sentence of this condition.
10. Provided screening as required by UDC Section 8.4.4.B.1. for Limited Outdoor Storage in the north of the parking lot nearest Kumpf and Main. An updated site plan delineating the specific area is required prior to final approval.
11. Kumpf Boulevard is under the jurisdiction of the State; all work within the State right-of-way requires a permit from Illinois Department of Transportation.
12. Obtain required, applicable permits and licenses, including the request to be open and produce noise until 2 am must be approved in accordance with state and local liquor law and licensing. For this reason, this waiver request is not recommended with this request.