



# PLANNING & ZONING COMMISSION

**TO:** City of Peoria Planning & Zoning Commission

**FROM:** Development Review Board (prepared by Josh Naven)

**DATE:** September 7, 2017

**CASE NO:** PZ 17-33

**REQUEST:** 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, IL (Council District 4)

## **SUMMARY OF PROPOSAL & REQUESTED WAIVERS**

The petitioner is requesting a Special Use with separation waivers for a Convenience Cash Business. The petitioner is proposing to occupy an existing tenant space in an existing multi-tenant building. Convenience Cash Businesses and their products are defined on Attachment A of this memo for your information. The Unified Development Code requires a 1500-Foot separation from residentially zoned property and other established Convenience Cash Businesses. The purpose of this regulation follows:

There are certain businesses commonly referred to as Convenience Cash Businesses. For the purpose of the ordinance, Convenience Cash Businesses include Payday Loan Businesses and Title Loan Businesses. Convenience Cash Businesses in general are perceived to be detrimental to the neighborhoods in which they are located. The clustering of such businesses results in negative effects including the perception of decline in the area, reduction of property values, and the creation of disincentive for other businesses to locate. The provisions of 5.3.3.H. of this code are intended to ensure that Convenience Cash Businesses are properly located within the City and minimize the detrimental effects that certain Convenience Cash practices have on neighborhood character and housing values, by regulating the density of payday lending businesses within the City and limiting these businesses to the CG (General Commercial) District, C1 (General Commercial), C2 (Large Scale Commercial) and the B1 (Downtown Commercial) District, with a special use permit required for each district when distance requirements cannot be met. *(Adopted October 2008)*

The current site is approximately 162 feet from residentially zoned property to the northeast and 172 feet from an existing Convenience Cash Business to the southeast (Distances are marked on the attached Zoning Map). The waiver request is 90% and 88.5%, respectively, from the required 1500-Foot separation.

<b>Development Item</b>	<b>Applicant Proposal</b>	<b>Applicant Waiver Request &amp; Justification</b>	<b>DRB Comment</b>
Parking	No changes to existing site	N/A	N/A
Mechanical & Utility Screening	No changes to existing site	N/A	An additional refuse container is not screened on the property
Use Standards	Waiver of separation requirement	Redevelopment of existing site	N/A
Landscaping	No changes to existing site	N/A	The existing landscaping is not compliant with the approved landscaping plan from the original multi-tenant building construction
Buffers & Screening	No changes to existing site	N/A	N/A

Development Item	Applicant Proposal	Applicant Waiver Request & Justification	DRB Comment
Signs	No changes to existing site	N/A	Separate sign permits will be required to erect new wall and/or freestanding signs
Exterior Lighting	No changes to existing site	N/A	N/A
Setbacks, Yards	No changes to existing site	N/A	N/A
Height	No changes to existing site	N/A	N/A
Access & Circulation	No changes to existing site	N/A	N/A
Awnings, Canopies, & Porches	No changes to existing site	N/A	N/A

## **BACKGROUND**

### **Property Characteristics**

The subject property contains .99 acres of land and is currently developed as a multi-tenant commercial building. The property is zoned C1 (General Commercial) District and surrounded by the following classifications:

North	C1 (General Commercial) District	South	C1 (General Commercial) District
East	R2 (Single-Family Residential) District	West	C2 (Large Scale Commercial) District

### **History**

There are no prior Commission actions on this property. The property was annexed into the City of Peoria through the Richwoods Township Annexation of 1964.

Date	Zoning
1931 - 1958	Not in City
1958 - 1963	Not in City
1963 - 1990	C2 (Neighborhood-Commercial)
1990 - Present	C1 (General Commercial)

## **DEVELOPMENT REVIEW BOARD ANALYSIS**

The Community Development Department examines each Special Use application against the appropriate standards found in the Code of the City of Peoria and/or in case law.

Special Use Standard	Standard Met per DRB Review	DRB Condition Request & Justification
No detriment to public health, safety, or general welfare	No	Additional density will be detrimental as noted in the use regulation purpose statement
No injury to other property or diminish property values	No	Proximity to residentially zoned property and existing Convenience Cash Businesses may be injurious.
No impediment to orderly development	No	Proximity to residentially zoned property and existing Convenience Cash Businesses may be an impediment.
Provides adequate facilities	Yes	
Ingress/Egress measures designed to minimize traffic congestion	Yes	

Special Use Standard	Standard Met per DRB Review	DRB Condition Request & Justification
If a public use/service, then a public benefit	N/A	N/A
Conforms to all district regulations	No	Non-Compliant with required use separation from residential and existing Convenience Cash Businesses.
Comprehensive Plan Critical Success Factors	Have an efficient government	N/A
City Council Strategic Plan Goals	Attractive Neighborhoods with Character: Safe and Livable	N/A

**DEVELOPMENT REVIEW BOARD RECOMMENDATION**

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

**NOTE:** If a City Code Requirement is not listed as a waiver, then it is a required component of the development. The applicant is responsible for meeting all applicable code requirements through all phases of the development.

**ATTACHMENTS**

1. Surrounding Zoning
2. Aerial Photo
3. Special Use Attachments
4. DRB Advisory Comments
5. Existing Convenience Cash Business Location Map

## Attachment A

"Convenience Cash" Business includes title loan businesses and payday loan businesses as defined in this ordinance.

"Payday Loan": any transaction conducted via any medium whatsoever, including but not limited to, paper, facsimile, internet, or telephone, in which:

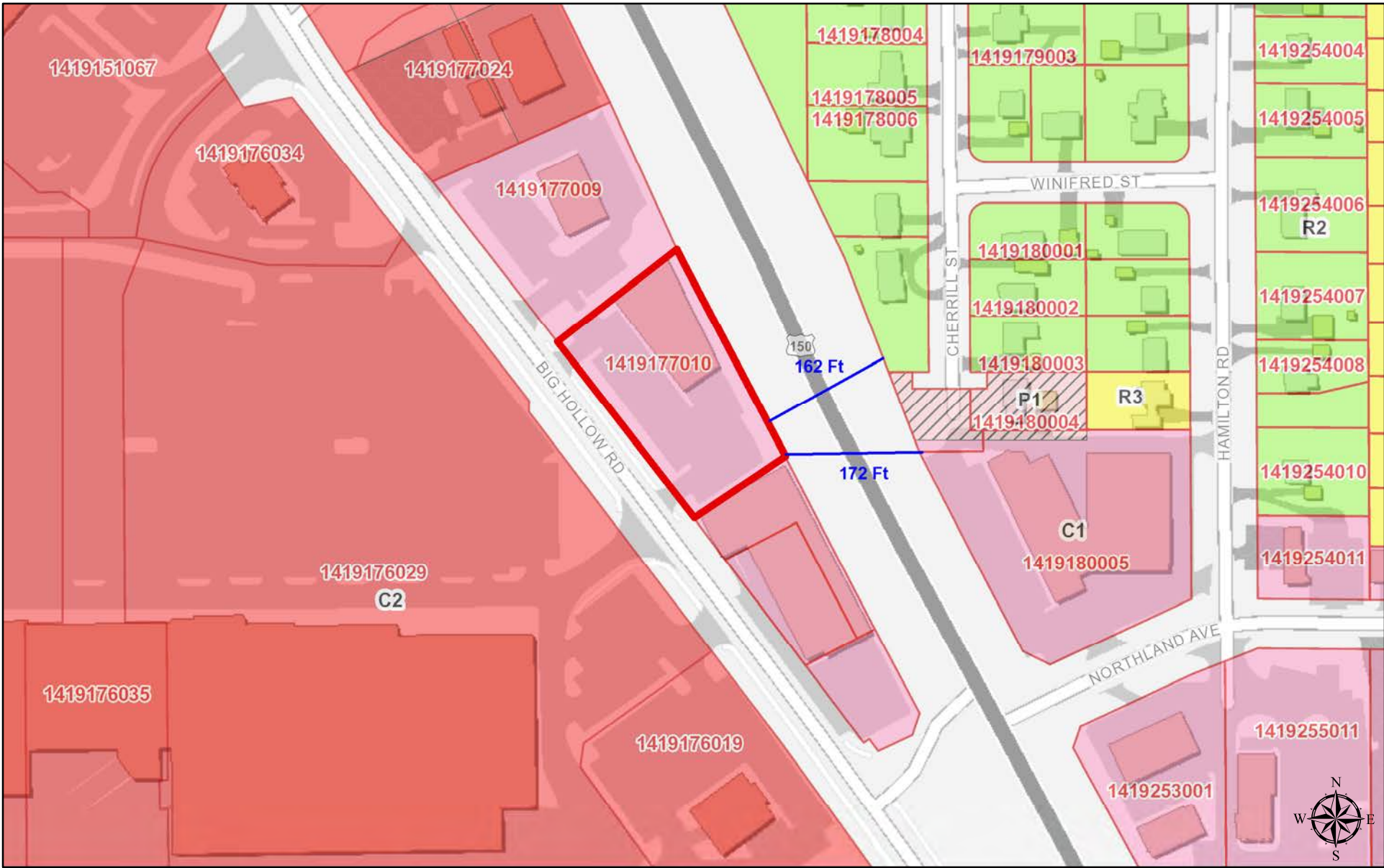
- (1) A lender accepts one or more checks dated on the date written and agrees to hold them for a period of days before deposit or presentment, or accepts one or more checks dated subsequent to the date written and agrees to hold them for deposit; or
- (2) A lender accepts one or more authorizations to debit a consumer's bank account; or
- (3) A lender accepts an interest in a consumer's wages, including, but not limited to, a wage assignment.

Payday Loan Business(es): Any person or entity, including any affiliate or subsidiary of a lender or licensee, that offers or makes a Payday Loan, buys a whole or partial interest in a Payday Loan, arrange a Payday Loan for a third party, or acts as an agent for a third party in making a Payday Loan, regardless of whether approval, acceptance, or ratification by the third party is necessary to create a legal obligation for the third party, and includes any other person or entity engaged in a transaction that is in substance a disguised Payday Loan. This definition includes, but is not limited to, all entities required to be licensed through the State of Illinois Payday Loan Act, 815 ILCS Section 122/3-3. This definition also specifically includes any person, firm, association, corporation or partnership engaged in making any installment loan(s), other than those which have substantially equal monthly payments of principal and interest, which are fully amortized and which do not contain balloon or interest-only payments. This definition does not include: State or National banks, Trust Companies, Savings & Loan Banks, the United States Postal Service, Postal Telegraph Company, or Western Union Telegraph Company, Credit Union, or any person, firm, association, corporation or partnership engaged in the business of selling tangible personal property at retail who, in the course of such business and only as an incident thereto, receives checks, drafts, money, or receives or issues a contractual agreement to receive money or evidence of money on an installment basis in exchange for tangible goods sold or rented on the premises, with or without using such tangible goods as collateral or as a possessible item upon default.

"Title Loan": A loan wherein, at commencement, a borrower provides to the lender, as security for the loan, physical possession of the obligor's title to a motor vehicle, a boat, or any other personal property but does not create a purchase money security interest pursuant to 815 ILCS Section 5/9-103.

Title Loan Business(es): Any person or entity, including any affiliate or subsidiary of a lender or licensee, that as its primary business offers or makes a Title Loan, buys a whole or partial interest in a Title Loan, arrange a Title Loan for a third party, or acts as an agent for a third party in making a Title Loan, regardless of whether approval, acceptance, or ratification by the third party is necessary to create a legal obligation for the third party and/or who holds itself out to the public as a title loan establishment. This definition does not include: State or National banks, Trust Companies, Savings & Loan Banks, the United States Postal Service, Postal Telegraph Company, or Western Union Telegraph Company, or Credit Unions

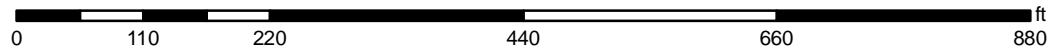
# Peoria County, IL



Peoria County, IL, HERE, USGS



1 inch = 167 feet



Disclaimer: Data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division



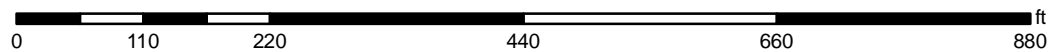


# Peoria County, IL



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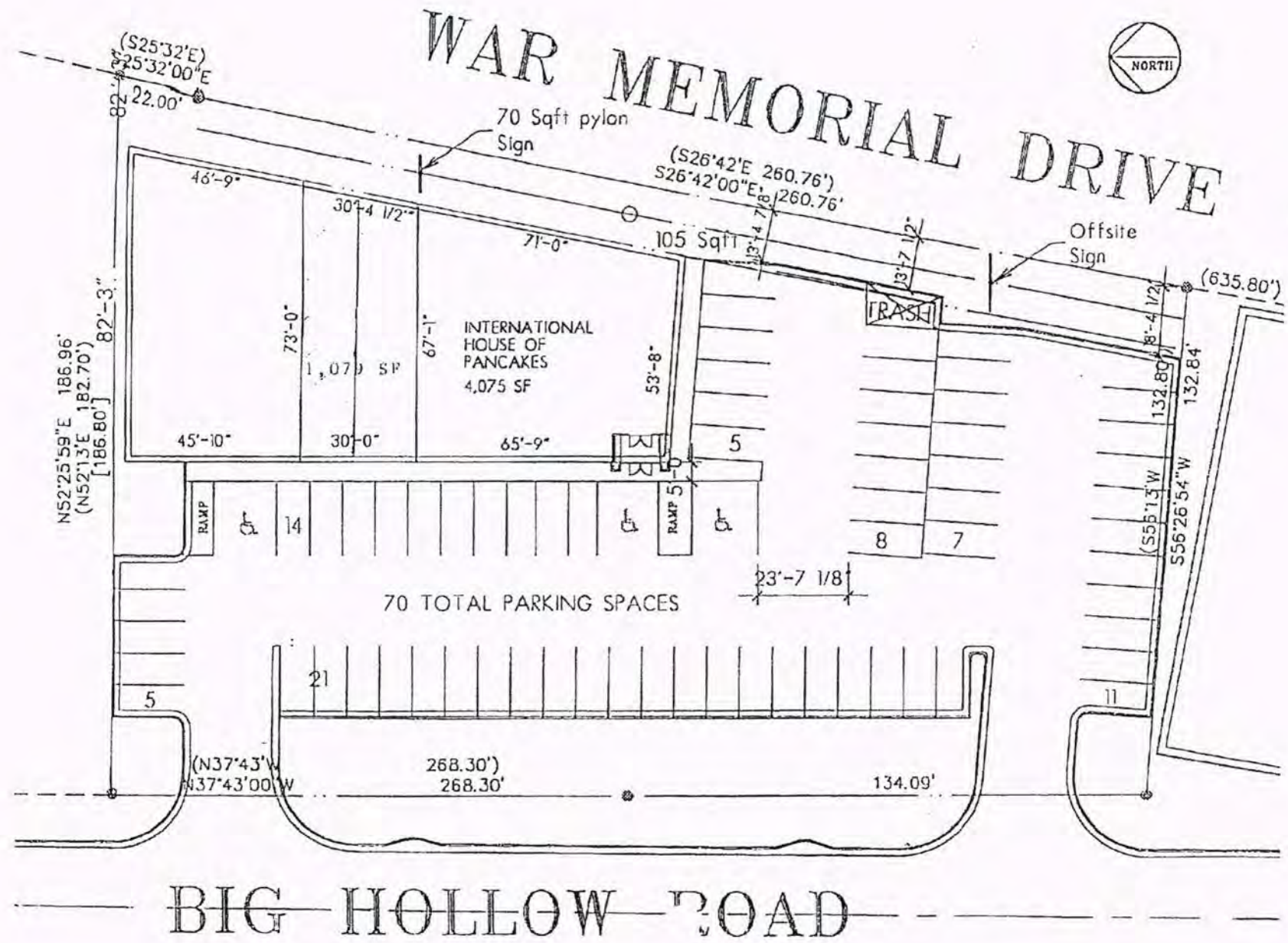
1 inch = 167 feet

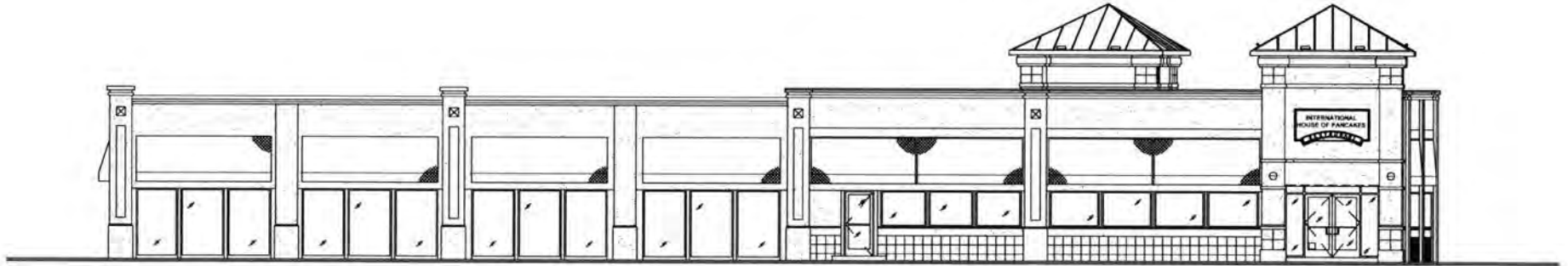


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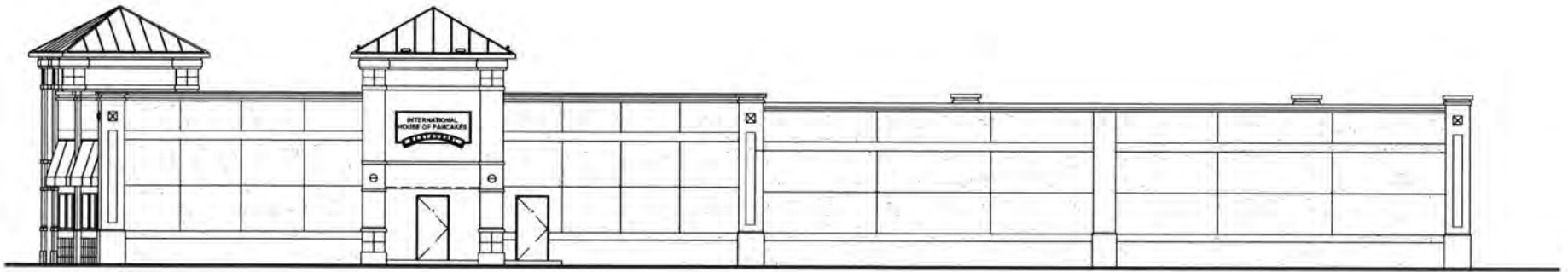






FRONT ELEVATION  
SCALE: 1/8" = 1'-0"

1



REAR ELEVATION  
SCALE: 1/8" = 1'-0"

2





August 1, 2017

City of Peoria Development Center  
419 Fulton St, Room 300  
Peoria, IL 61602

Re: Special Use Application – 5012 Big Hollow Rd, Peoria, Illinois

To Whom it May Concern:

Enclosed please find a Planning and Zoning Commission Application for a Special Use for the property located at 5012 Big Hollow Road in Peoria, Illinois.

AmeriCash Loans, LLC currently operates a “Convenience Cash” or “Payday Loan” business, as defined by the City of Peoria’s Code of Ordinances, at 4405 N Sterling. The owner of this property has recently expressed a desire to demolish the existing structures in order to redevelop the property. Though AmeriCash’s lease continues through August 31, 2019, with an option to extend for an additional term through August 31, 2022, the company is attempting to accommodate the owner by relocating the business sooner.

A long vacant space at 5012 Big Hollow Road, roughly .7 miles away from the current site, has been identified as a potential relocation option. However, due to distance requirements prescribed in Section 5.3.3(H) of the City’s Code of Ordinances, a copy of which has been enclosed for your reference, a Special Use is required. Specifically, a similarly categorized enterprise, Check-into-Cash (2529 W War Memorial Drive), is located within the Code’s 1500 foot distance requirement.

AmeriCash requests the issuance of the Special Use to permit the company to relocate its business to 5012 Big Hollow Road to allow for the anticipated redevelopment of the existing site at 4405 N Sterling.

Should you have any questions regarding the enclosed application materials or require additional information, I may be reached by phone at (847) 827-9740 ext. 123 or by email at [jgruchot@americashloans.net](mailto:jgruchot@americashloans.net). Thank you for your consideration.

Regards,

A handwritten signature in black ink, appearing to read "Jill Gruchot", is written over the typed name.

Jill Gruchot

Enclosures

**880 Lee Street, Suite 302  
Des Plaines, IL 60016  
Ph: 847.827.9740 Fx: 847.827.0286**

### Estimated Traffic Generation

Following is an analysis of traffic at the existing AmeriCash Loans location at 4405 N Sterling in Peoria over the previous 13 months. Each "in store transaction" roughly translates to one car. The company anticipates similar traffic patterns if relocated to 5012 Big Hollow Road.

<b>Year/Month</b>	<b>In Store Customer Transaction Count</b>
<b>2016</b>	<b>1,269</b>
Jun	150
Jul	173
Aug	199
Sep	169
Oct	197
Nov	176
Dec	205
<b>2017</b>	<b>995</b>
Jan	161
Feb	148
Mar	136
Apr	168
May	183
Jun	199
<b>Grand Total</b>	<b>2,264</b>

## H. Convenience Cash Businesses

### 1. Purpose

There are certain businesses commonly referred to as Convenience Cash Businesses. For the purpose of the ordinance, Convenience Cash Businesses include Payday Loan Businesses and Title Loan Businesses. Convenience Cash Businesses in general are perceived to be detrimental to the neighborhoods in which they are located. The clustering of such businesses results in negative effects including the perception of decline in the area, reduction of property values, and the creation of disincentive for other businesses to locate. The provisions of 5.3.3.H. of this code are intended to ensure that Convenience Cash Businesses are properly located within the City and minimize the detrimental effects that certain Convenience Cash practices have on neighborhood character and housing values, by regulating the density of payday lending businesses within the City and limiting these businesses to the CG (General Commercial) District and the B1 (Downtown Commercial) District, with a special use permit required for each district when distance requirements cannot be met.

### 2. Distance Requirements

No Convenience Cash Business shall be located within 1500 feet of any other Convenience Cash Business or within 1500 feet of any residentially zoned district. Distance requirements defined in this section shall be measured in a radius, without regard to intervening structures or objects, from the property line of the proposed Convenience Cash Business to the property line of the existing Convenience Cash business and from the property line of any residentially zoned district to the property line of any proposed Convenience Cash Business.

### 3. Permitted Uses

Convenience Cash Businesses shall only be permitted in districts zoned as CG, General Commercial District and B1, Central Business District.

### 4. Special Uses

Applications that do not meet the established standards set forth in 5.3.3.H.2 above may be submitted by the applicant for approval pursuant to the Special Use process as stated in 2.9. (Such uses as stated would be categorized as Special Uses and would be permitted only after it has been reviewed by a reviewing body having jurisdiction and proved by the City Council as an appropriate use).

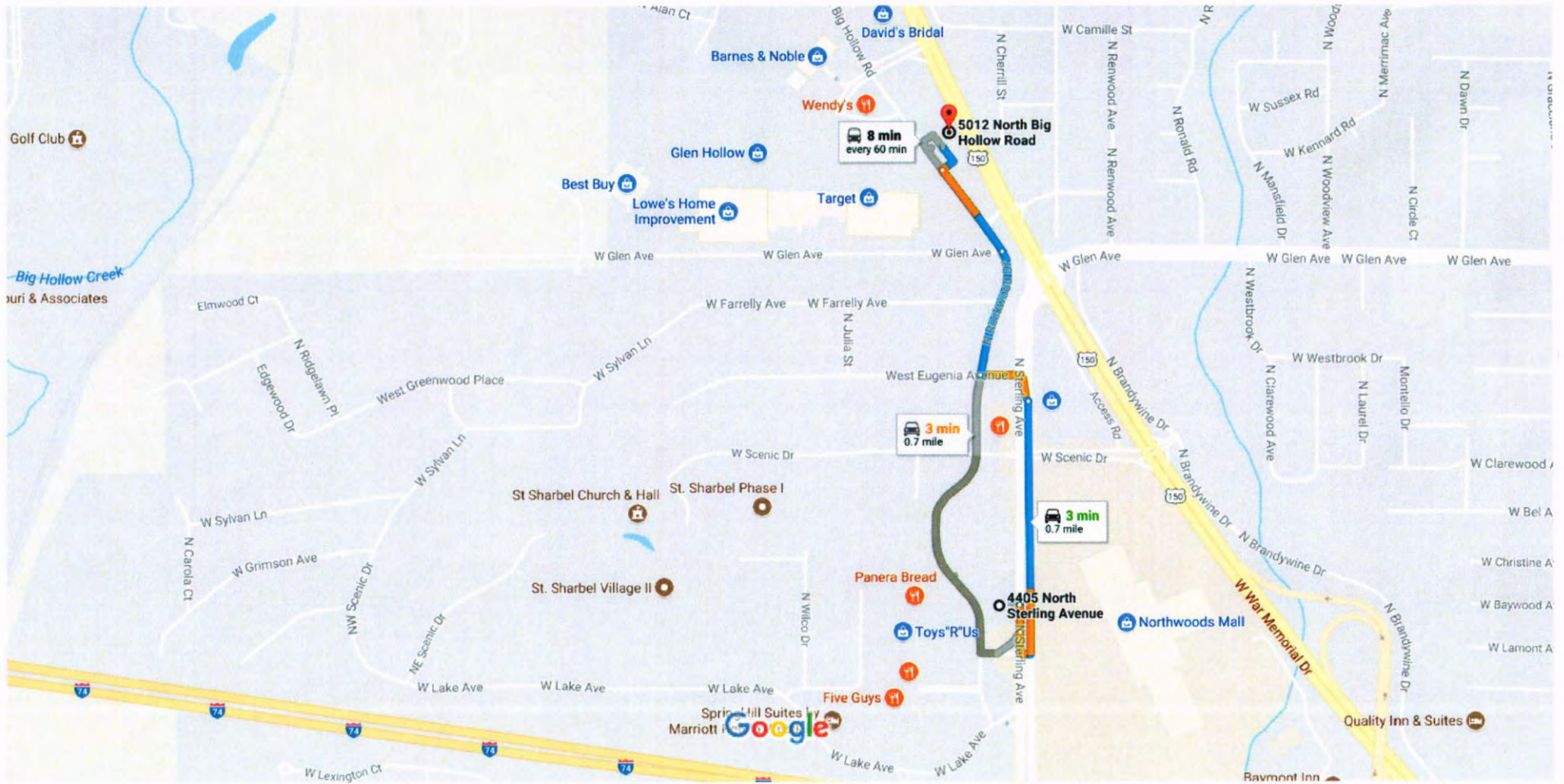
### 5. Convenience Cash Business Uses Established Prior to October 28, 2008

Convenience Cash Business uses established prior to October 28, 2008, which presently are required by this ordinance to meet 1500 foot distance requirements as per 5.3.3.H.2 may continue such use with proof that the use existed prior to said date. If the use ceases for a period greater than twelve consecutive months, requirements per 5.3.3.H. of this ordinance must be met. The nonconforming use provisions as set forth in Chapter 9.0, and following, shall not apply to said uses.



Enclosure: Map depicting distance from existing AmeriCash location to proposed new site

Google Maps 4405 N Sterling Ave, Peoria, IL 61615 to 5012 North Big Hollow Road, Peoria, IL Drive 0.7 mile, 3 min

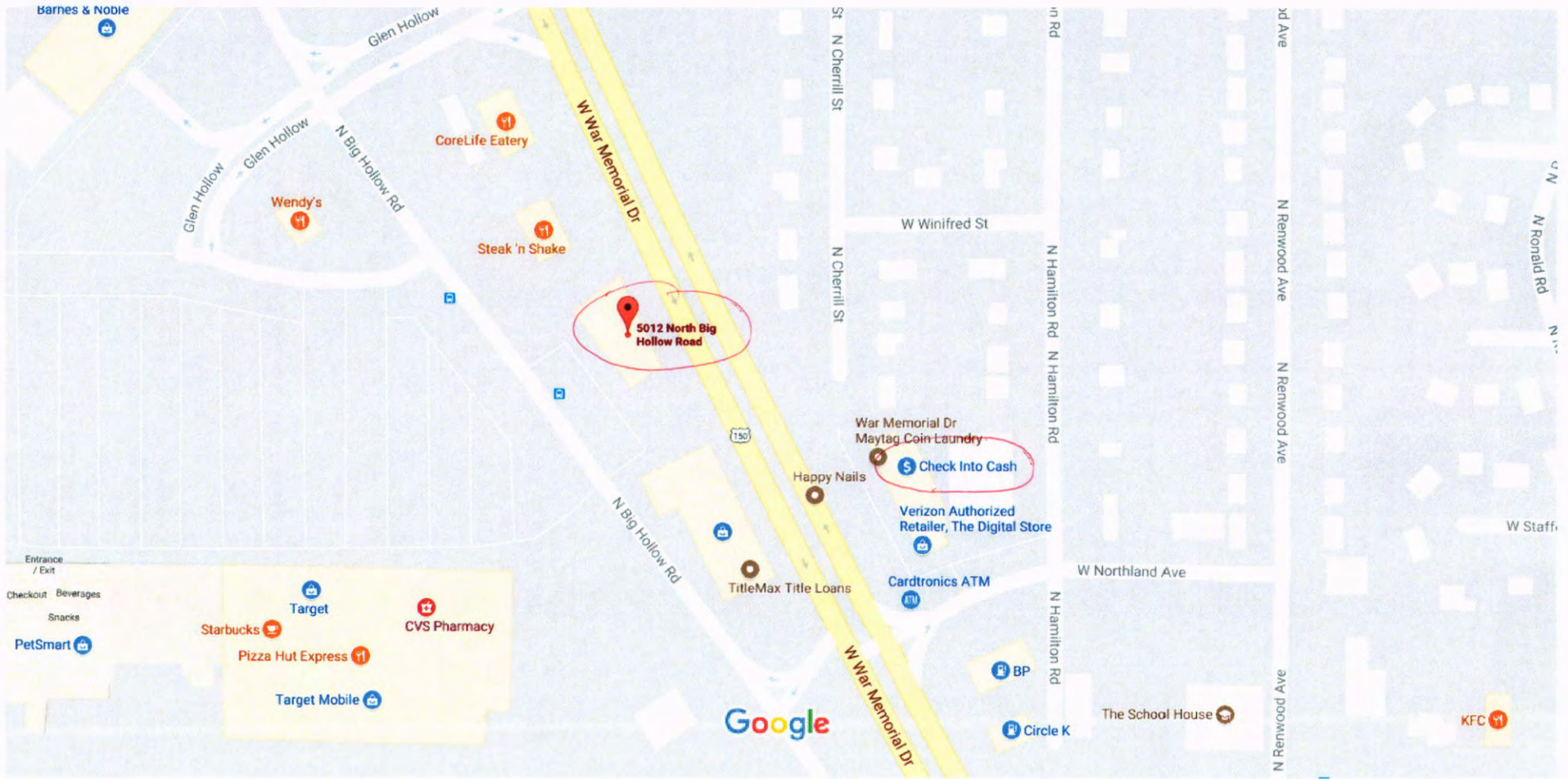


Map data ©2017 Google United States 500 ft



Enclosure: Map depicting proposed new site versus existing Check Into Cash location

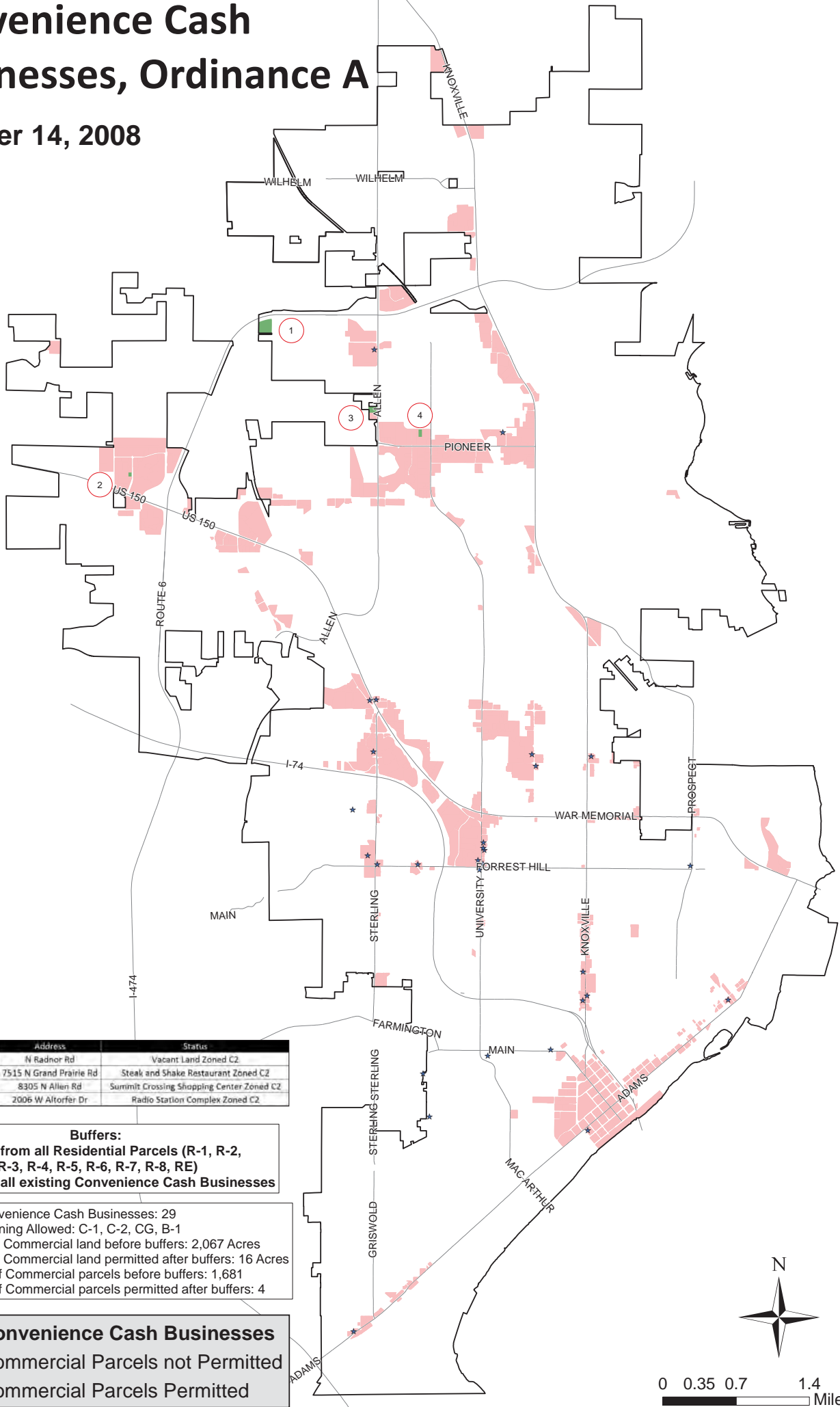
Google Maps 5012 N Big Hollow Rd



Map data ©2017 Google United States 100 ft

# Convenience Cash Businesses, Ordinance A

October 14, 2008



Item	PIN	Address	Status
1	08-36-300-015	N Radnor Rd	Vacant Land Zoned C2
2	13-11-151-013	7515 N Grand Prairie Rd	Steak and Shake Restaurant Zoned C2
3	14-06-300-010	8305 N Allen Rd	Summit Crossing Shopping Center Zoned C2
4	14-06-475-003	2006 W Altorfer Dr	Radio Station Complex Zoned C2

**Buffers:**  
 1,500 ft from all Residential Parcels (R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, RE)  
 1,500 ft from all existing Convenience Cash Businesses

Number of Convenience Cash Businesses: 29  
 Commercial Zoning Allowed: C-1, C-2, CG, B-1  
 Total Amount of Commercial land before buffers: 2,067 Acres  
 Total Amount of Commercial land permitted after buffers: 16 Acres  
 Total Number of Commercial parcels before buffers: 1,681  
 Total Number of Commercial parcels permitted after buffers: 4

- \* Convenience Cash Businesses
- Commercial Parcels not Permitted
- Commercial Parcels Permitted



0 0.35 0.7 1.4 Miles



## DEVELOPMENT REVIEW BOARD COMMENTS

**Address / PIN / General Location:** 5012 N Big Hollow Road

**Project ID:** PZ 17-33

**Project Description:** Special Use

**Project Status:** ACTIVE

**Department:** Community Development

**Comment Date:** 8/16/17

### **CONDITIONS OF APPROVAL REGARDING THE PROPOSAL:**

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A refuse container is not screened on the property

The existing landscaping is not compliant with the approved landscaping plan from the original multi-tenant building construction

Separate sign permits will be required to erect new wall and/or freestanding signs



## DEVELOPMENT REVIEW BOARD COMMENTS

**Address / PIN / General Location:** 5012 N Big Hollow

**Building Job ID:** 17-127

**Project Description:** Fit-out

**Project Status:** ACTIVE

**Department:** Fire

**Comment Date:** 8-7-17

### **CONDITIONS OF APPROVAL REGARDING THE PLANS AND APPLICATION**

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FD walk through required before opening and C of O; contact Capt. Stan Taylor 303.8275.





## DEVELOPMENT REVIEW BOARD COMMENTS

**Address / PIN / General Location:** 5012 N Big Hollow Rd

**Building Job ID:** Project # 17-127

**Project Description:** PZ Commission – Special Use, AmeriCash Loans

**Project Status:** ACTIVE

**Department:** Public Works

**Comment Date:** August 9, 2017

### **CONDITIONS OF APPROVAL REGARDING THE PLANS AND APPLICATION**

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No Comments.



## DEVELOPMENT REVIEW BOARD COMMENTS

**Address / PIN / General Location:** 5012 N Big Hollow Rd

**Building Job ID:** 17-127

**Project Description:** Planning Zoning Application

**Project Status:** ACTIVE

**Department:** Illinois American Water

**Comment Date:** 8-7-17

### **CONDITIONS OF APPROVAL REGARDING THE PLANS AND APPLICATION**

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No Comment