

Mr. Naven presented the following terms of the proposed agreement:

1. Property shall be zoned Class C-2 Large Scale Commercial District;
2. Non-agricultural development of the site will require connection to public water and public sewer and adherence to City of Peoria development regulations;
3. The annexation is not valid or effective until such time as Meijer closes on the purchase of the property, but no later than September 30, 2017.

The Development Review Board recommended APPROVAL of the request.

In response to Commissioner Anderson's request for clarification, Mr. Naven confirmed the annexation would not be valid or effective if Meijer does not close on the purchase of the property by September 30, 2017. Mr. Naven said the subject properties would remain as county property and would not be rezoned.

John Elias, representing the four owners of the subject properties, spoke in support of the Annexation Petition and the Annexation Agreement and to rezone the property. Mr. Elias said his clients agreed to staff conditions.

John Redlingshafer, representing Richwoods Township, said he was present to confirm that if the subject properties were annexed into the city, the subject parcels will remain in Richwoods Township boundaries, which was consistent with past practices.

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

**Motion:**

Commissioner Anderson made a motion to approve the annexation and rezoning request as presented; seconded by Commissioner Heard.

**Discussion:**

In response to Commissioner Anderson's requested clarification, Mr. Naven confirmed the subject parcels would remain in Richwoods Township

Commissioner Misselhorn read the Findings of Fact for Rezoning.

The motion was approved viva voce vote 5 to 0.



**CASE NO. PZ 16-43**

Public Hearing on the request of Ralph Hodges of CLS for Mark Peterson of Peterson Healthcare, to amend an existing Special Use, Ordinance Number 17,081, as amended, for Assisted Living, with the construction of a new building, in a Class R-3 (Single-Family Residential) District and a Class R-1 (Single-Family Residential) District, for the property located at 6414 N Mount Hawley Road (Parcel Identification Nos. 14-16-129-014 & 14-16-177-001), Peoria, Illinois (Council District 3).

Senior Urban Planner, Shannon Techie, Community Development Department, read Case No. PZ 16-43 into the record and presented the request. Ms. Techie provided a summary of the proposal and the requested waivers, along with background of the subject property, as outlined in the memo.

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

1. A waiver to allow the parking lot within the required 25 foot front yard, at a setback of 12 feet from the front property line.
2. A waiver to allow the neighbors existing dog kennel, which encroaches on this property, within the required TBY, to remain.
3. Parking area and access shall be constructed and maintained in a manner to provide an evenly paved surface, free from potholes, ruts, channels, growth of weeds, and other similar obstructions.
4. Any paving or resurfacing of the parking lot shall be completed by a contractor who is licensed and bonded with the City of Peoria. Parking lot permits are no longer required.
5. Verify with Public Works that no portion of the parking lot is draining across the public right of way.
6. A fee for over parking, in the amount of \$1,000 is required.

7. Accessible parking spaces must be 16' in width and 18.5' in length and be striped with an 11' parking area and a 5' aisle on the right hand side, or alternatively, with an 8' parking area and 8' aisle. Accessible spaces shall be signed with an R7-8 sign and an R7-101 \$350 fine plate.
8. Exterior lighting must adhere to Appendix A, Section 8.5 of the City Code. A photometric lighting plan is required prior to the issuance of a building permit.
9. Any existing or proposed rooftop or ground level mechanical equipment or utilities must be screened per Section 5-301 of the City Code.
10. All existing chain link fence located in the front yard (any portion in front of the building) must be removed as part of this approval.
11. Proposed signs require a separate building permit application. Any proposed signs must meet Unified Development Code requirements.
12. For the monument sign, no signage can be placed on the brick area that extends along one side of the sign face.
13. Architectural Construction Documents sealed and signed by a licensed Illinois Design Professional are required for this project.
14. For any project disturbing more than 5000 square feet and increasing impervious area by less than 0.5 acres (and even if project decreases impervious area), storm water detention is required using the City's simplified rational method.

Chairperson Wiesehan questioned the location of the existing dog kennel, in regard to condition No. 2.

Ms. Techie said a portion of the dog kennel was on the property of Parcel Identification No. 14-16-177-001.

Chairperson Wiesehan questioned the requirement of a written agreement with both property owners to allow the existing kennel to remain on the subject property.

Ms. Techie said staff did not require a signed agreement as part of the condition.

Commissioner Anderson expressed concern of imposing the \$1,000 fee for four additional parking spaces when the petitioner reduced impervious surface.

Commissioner Unes agreed with Commissioner Anderson and said the \$1,000 fee was excessive for four additional parking spaces.

Chairperson Wiesehan noted the over parking fee was in the Unified Development Code.

Commissioner Anderson recommended amending the code to allow for an over parking fee waiver if the overall impervious surface was reduced for the proposed development.

In response to Chairperson Wiesehan's inquiry of the proposed material for the parking surface, Ms. Techie said the petitioner proposed a cement parking surface.

Commissioner Misselhorn expressed concern for the maximum number of parking spaces allowed under Assisted Living, as that standard would be exceeded with special events, holidays, and employee shift changes. Misselhorn noted his support of the elimination of minimum parking requirements in the code. Misselhorn encouraged staff to review the parking criteria for Assisted Living.

Commissioner Anderson suggested providing a credit for developments that ultimately reduced impervious surface areas.

With no interest from the public to provide public testimony, Chairperson Wiesehan closed the Public Hearing at 1:30p.m.

Commissioner Misselhorn read the Findings of Fact for Special Use.

**Motion:**

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

**Discussion:**

Commissioner Anderson questioned if the motion included waiving the over parking fee for the additional four parking spaces.

Commissioner Misselhorn responded the motion did not include removing the over parking fee. Misselhorn said the proposed request was designed under the current Ordinance. Misselhorn encouraged staff to review the allowable number of parking for Assisted Living for future projects.

Chairperson Wiesehan said the petitioner was not present to object to the conditions.

The motion was approved viva voce vote 5 to 0.

**CASE NO. PZ 16-44**

Hold a Public Hearing and forward a recommendation to City Council on the request of Jeff Lox of Kelley Construction Contractors Inc., for Catholic Diocese of Peoria, to obtain a Special Use in a Class I-2 (Railroad/Warehouse Industrial) District, to allow for a Soup Kitchen, for the property located at 1825 NE Adams Street (Parcel Index Nos. 18-03-276-004 through -011 and 18-03-276-021 through -029), Peoria, Illinois (Council District 1).

Senior Urban Planner, Kimberly Smith, Community Development Department, read Case No. PZ 16-44 into the record and presented the request. Ms. Smith provided the summary of the proposal, background of the subject property, and the Development Review Board Analysis as outlined in the memo.

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

1. Improve parking lot surface and striping.
2. Replace deteriorated and non-ADA-compliant walks and curbs along property frontage.
3. Comply with UDC Section 8.2.8. Parking lot perimeter landscaping.
4. Screen mechanicals and dumpsters.

Commissioner Misselhorn questioned if the DRB recommendations included replacing the deteriorated sidewalk along Adams Street frontage.

Ms. Smith noted the comment was from Public Works; the sidewalk along the property line that was deteriorated must be repaired. Ms. Smith noted the Public Works 80/20 cost share program offered through Public Works.

Ms. Smith confirmed Commissioner Misselhorn's inquiry that providing the perimeter landscaping would require removing pavement.

Commissioner Misselhorn questioned the number of patrons that would visit the facility as a result of the approval of the Special Use.

Ms. Smith read a letter from Andrew Hagemann into the record that provided additional detail.

Commissioner Unes questioned if the portion of the parking lot of the existing loading dock would be included in the requirement to improve the parking lot surface.

Ms. Smith responded that yes, the portion of the parking lot surface would be required to be repaired. Ms. Smith noted parking lot surface maintenance was a requirement.

Commissioner Anderson expressed concern the handicap parking spaces were further away from the entrance than the other parking spaces.

Ms. Smith said the petitioner proposed a handicap accessible ramp near the proposed handicap parking spaces. Ms. Smith noted it will also be addressed when the petitioner applied for the building permit.

Andrew Hagemann, petitioner, spoke to the concerns raised by the commission regarding the parking lot. Mr. Hagemann said an ADA accessible ramp will be installed to the building entrance. Mr. Hagemann said the loading docks will not be used with the proposed use. Mr. Hagemann agreed the parking lot was in need of repair and he intended to patch and stripe the parking surface to conform to code requirements.