



REQUEST FOR COUNCIL ACTION

To: Honorable Mayor and Members of the City Council
From: Patrick Urich, City Manager

AGENDA DATE REQUESTED: January 14, 2014

ACTION REQUESTED: CONCUR WITH THE RECOMMENDATION FROM STAFF, WITH NO RECOMMENDATION FROM THE ZONING COMMISSION DUE TO A TIE VOTE, TO ADOPT AN ORDINANCE AMENDING 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 LOCATED AT 1601 W. NORTHMOOR RD, PEORIA, IL. (COUNCIL DISTRICT 4) CASE NO. 13-27B

BACKGROUND:

Petitioner: Rob Murphy of Expositions Gardens Corp.
Current use: Heart of Illinois (HOI) Fair and year-round indoor/outdoor activities and events
Proposed use: 1) The HOI Fair, and 2) Non-HOI fair events and activities conducted within the following manner:
a) Motorized events or activities with amplified sound must be conducted within buildings only.
b) Non-motorized and non-amplified activities conducted outside of buildings must be located within the interior area bound by the existing roadway system of the property.

Present zoning: R-2 Single Family Residential
Proposed zoning: No change

The property is surrounded by:
North: Class R-2 Single Family Residential
South: Class R-3 Single Family Residential
East: Class R-2 Single Family Residential
West: Class R-3 Single Family Residential

Future land use designation: Residential
Public facilities: The site is served with public sewer and public water
Acreage: 78 acres
Density: N/A

KEY ISSUES:

- 1) Activities and events not associated with the HOI fair:** Over time, Expo has expanded the use of their property beyond the HOI fair. Activities and events are now held year round in and outside of existing buildings. Some events are motorized and with amplified sound systems. Staff has received complaints throughout the years from neighbors regarding excessive noise, fumes, disturbances, and erosion. Staff has attempted to work the Expo to limit nuisance activities and maintain co-existence with the residential neighborhoods. Unfortunately, some events have increased in intensity, loudness, and frequency.

In 2012, an expansion to a parking lot, located on Expo property but serving the Northmoor school, was completed to provide parking for school buses. This parking lot expansion was a change the Expo site plan without prior approval from the City.

- 2) **Current Activities:** A summary of events and activities including their location and frequency has been prepared by Expo and is attached to this memo as Exhibit A. Expo's application to the Zoning Commission requested approval of these events and activities occurring throughout the year. Staff does not agree that these activities have been legally established.
- 3) **Staff Recommendation:** Staff recommends adopting the attached ordinance which approves:
 - 1) the HOI Fair, and 2) Non-HOI fair events and activities conducted within the following manner:
 - c) Motorized events or activities with amplified sound must be conducted within buildings only.
 - d) Non-motorized and non-amplified activities conducted outside of buildings must be located within the interior area bound by the existing roadway system of the property.

REQUESTED WAIVER:

- 1) Allow for temporary parking on an unpaved surface.
- 2) Eliminate the Special Use application fee of \$7,500.

ZONING COMMISSION ACTION:

The Zoning Commission found that the Special Use as requested by Expo met the Findings of Fact requirements and **VOTED 2 TO 2 TO APPROVE. This motion failed due to a tie vote. Due to the tied vote, Staff's recommendation is being forwarded to Council.**

FINANCIAL IMPACT: N/A

NEIGHBORHOOD CONCERNS: Several written objections were received from neighbors expressing concern for excessive noise, vibrations, and fumes due to the outdoor motorized events. They also noted concerns for traffic, crime, and reduce property values and the inability to use and enjoy their homes and back yards due to the nuisance activities held year round. Most agreed that activities associated with the HOI fair were acceptable but opposed the additional events that have increased in intensity and frequency.

IMPACT IF APPROVED: The Special Exception would be amended to allow for: 1) the HOI fair, and 2) non-HOI fair events and activities conducted within the following parameters:

- a) Motorized events or activities with amplified sound must be conducted within buildings only.
- b) Non-motorized and non-amplified activities conducted outside of buildings must be located within the interior area bound by the existing roadway system of the property.

IMPACT IF DENIED: The Special Exception would remain unchanged, which allows for the Heart of Illinois Fair only.

HISTORY

The subject property has been zoned single family residential since it was annexed to the City in 1986. In 1989, a Special Exception for a fair grounds was granted by City Council. In 2000 and 2009, a Special Use was granted for a wireless communication facility. Special Uses must be established within two years of approval. Neither communication facility has been constructed therefore the special use approvals are now null and void.

In October 2012, Expo submitted an application to amend the Special Exception to add events and the parking lot expansion. A motion at the Zoning Commission meeting to approve the request with a condition limiting operation outside of the Heart of Illinois Fair to the hours of 8 am to 6 pm failed with a tie vote. This case was not brought before City Council due to on-going discussions between Expo and the City of Peoria.

In August 2013, Expo filed to amend their Special Exception but withdrew the application after hiring legal representation who requested addition time for review. Staff agreed with the stipulation that a new application was filed for the December Zoning Commission meeting.

ALTERNATIVES: N/A

EEO CERTIFICATION NUMBER: N/A

WHICH OF THE GOALS IDENTIFIED IN THE COUNCIL'S 2011 – 2026 STRATEGIC PLAN DOES THIS RECOMMENDATION ADVANCE?

- 1) Smart Population Growth

WHICH CRITICAL SUCCESS FACTOR(S) FROM THE COMPREHENSIVE PLAN DOES THIS RECOMMENDATION IMPLEMENT?

- 1) Reinvest in neighborhoods.

DEPARTMENT: Community Development

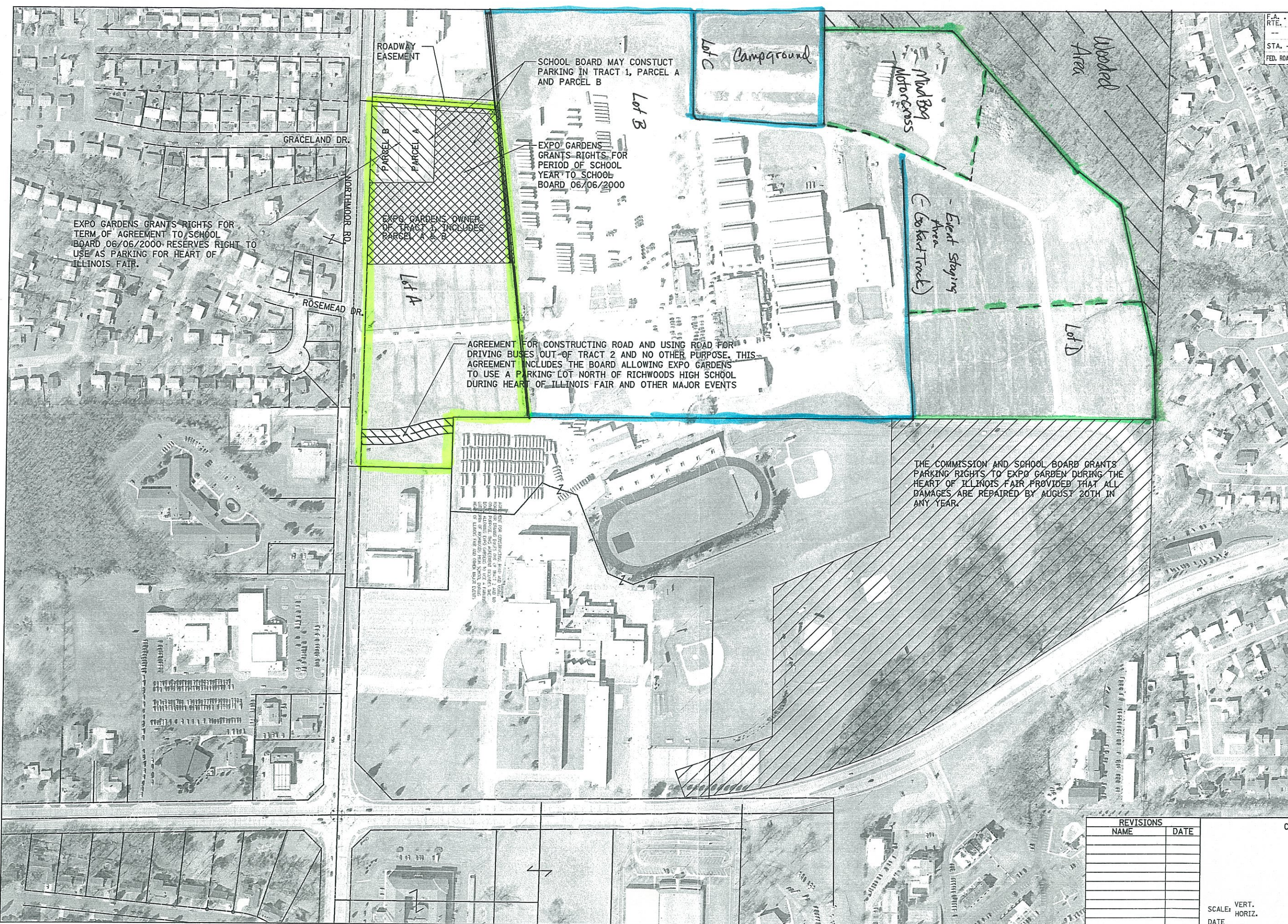
EXPOSITION GARDENS - LOT DESCRIPTIONS

Activity	Location on Property	Frequency (Est. Times Per Year)	Special Notes
Temporary parking during the Heart of Illinois Fair	Lot A - Parking	15	
Certain events that require pedestrian entrance (i.e. Superfest HAM Radio & Electronics Show)	Lot A - Parking	10	
Vendor booths for large events	Lot A - Rental Area	10	
Staging area for running events	Lot A - Rental Area	4	
Practice fields for athletics	Lot A - Rental Area	250	**
Northmoor Elementary parking	Lot A	350	**
Northmoor Elementary activity	Lot A	50	**
District 150 Bus Barn access	Lot A	261	**
District 150 bus driver parking when Lot B is occupied	Lot A	400	**
Carnival Rides, Animal Acts, Concessions, Vendors, Outdoor Exhibits, Entertainment, etc during the HOI Fair	Lot B - Open areas/ gravel lots	15	
Richwoods HS ROTC Training	Lot A - Rental Area, Open areas/gravel lots	48	**
Animal Acts, Concessions, Vendors, Indoor Exhibits, Entertainment, etc during the HOI Fair	Lot B - All buildings	15	
Livestock Shows similar to Draft Horse Hitch Competitions, Heavy Horse Pulls, Cattle Shows and Livestock Auctions, FFA & 4H Events; Motorsports Events similar to Truck & Tractor Pulls, ATV Pulls, Lawnmower Races, Motorcycle Shows, Demolition Derbies during the HOI Fair	Lot B - Arena	15	
Carnival Rides, Animal Acts, Concessions, Vendors, Displays, Auctions, Outdoor Exhibits, Entertainment, etc	Lot B - Open areas/ gravel lots	50	
Animal Acts, Concessions, Vendors, Displays, Auctions, Indoor Exhibits, Entertainment, Storage, etc	Lot B - All buildings	300	
Livestock Shows similar to Draft Horse Hitch Competitions, Heavy Horse Pulls, Cattle Shows and Livestock Auctions, FFA & 4H Events; Motorsports Events similar to Truck & Tractor Pulls, ATV Pulls, Lawnmower Races, Motorcycle Shows, Demolition Derbies	Lot B - Arena	150	
Other arena events similar to Equipment Sales, Concerts, Children's Home Auctions, Peoria Jaycee's Haunted House, Oktoberfest, Jaycee's International Beerfest, Amateur Radio Shows, SAE Quarter Scale Competitions, Ride For the Cure, Ham-n-Jam, Car Shows & Sales, RV Shows, Boat Shows, Barbeque Competitions	Lot B - Arena	150	
Peoria County emergency vaccine drive through site	Lot B	10	*

Peoria City Firefighter training	Lot B	25	*
Peoria City Police Officer training	Lot B	50	*
Peoria City/County K9 training	Lot B	50	*
Richwoods High School emergency evacuation site	Lot B	3	**
Peoria City emergency snow removal site	Lot B	30	**
Peoria City emergency tree and limb removal/storage site	Lot B	30	**
Peoria City pavement maintenance staging location	Lot B	30	**
Parking for District 150 athletic field activities similar to high school football games, high school soccer games, high school baseball games, various high school athletic practices, JFL games & practices, Youth Baseball games & practices, and additional community activities such as cricket, running, etc that occur on the North side of Richwoods High School	Lot B	350	*
RV campsites with city sewer, city water, and electrical hookups	Lot C - Campground	100	
In support of the HOI Fair and various regional events such as Steamboat Days	Lot C - Campground	100	
Temporary parking during the HOI Fair	Lot D - Parking	15	
Vendor booths for large events	Lot D - Rental Area	30	
Outdoor concert area	Lot D - Rental Area	20	
Running events	Lot D - Rental Area	20	
Practice fields for athletics	Lot D - Rental Area	350	**
Actions related to Arena events similar to livestock trailer & tie up area; pit area for demolition derbies, mud bogs, mud drags, and other motorsports events	Lot D - Staging Area	75	
Equipment storage, loading area, recycling area	Lot D - Support Area	180	
Mud bogs & mud drags	Lot D	25	
Motorcross/motorcycle events	Lot D	75	
Monster Truck shows	Lot D	5	

*Indicates this is a community service provided at no charge or minimal charge

**Indicates this is provided to Peoria School District 150 at no cost or per current contract or lease agreement



F.A. RTE.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
--	--	PEORIA	--	--
STA. --	TO STA. --			
FED. ROAD DIST. NO.		ILLINOIS FED. AID PROJECT		



EXPO GARDENS GRANTS RIGHTS FOR TERM OF AGREEMENT TO SCHOOL BOARD 06/06/2000. RESERVES RIGHT TO USE AS PARKING FOR HEART OF ILLINOIS FAIR.

SCHOOL BOARD MAY CONSTRUCT PARKING IN TRACT 1, PARCEL A AND PARCEL B

EXPO GARDENS GRANTS RIGHTS FOR PERIOD OF SCHOOL YEAR TO SCHOOL BOARD 06/06/2000

EXPO GARDENS OWNER OF TRACT 1 INCLUDES PARCEL A & B

AGREEMENT FOR CONSTRUCTING ROAD AND USING ROAD FOR DRIVING BUSES OUT OF TRACT 2 AND NO OTHER PURPOSE. THIS AGREEMENT INCLUDES THE BOARD ALLOWING EXPO GARDENS TO USE A PARKING LOT NORTH OF RICHWOODS HIGH SCHOOL DURING HEART OF ILLINOIS FAIR AND OTHER MAJOR EVENTS

THE COMMISSION AND SCHOOL BOARD GRANTS PARKING RIGHTS TO EXPO GARDEN DURING THE HEART OF ILLINOIS FAIR PROVIDED THAT ALL DAMAGES ARE REPAIRED BY AUGUST 20TH IN ANY YEAR.

REVISIONS	
NAME	DATE

CITY OF PEORIA

SCALE: VERT. / HORIZ.
 DATE

DRAWN BY / CHECKED BY

AN ORDINANCE AMENDING 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 LOCATED AT 1601 W. NORTHMOOR RD, PEORIA, ILLINOIS.

WHEREAS, the property herein described is now zoned in a Class R-2 (Single Family Residential) District; and

WHEREAS, said Zoning Commission has been petitioned to amend an existing Special Exception with a Special Use for a Fair Grounds under the provisions of Section 2.15 of Appendix B, the Permanent Zoning Ordinance, of the City of Peoria; and

WHEREAS, said Zoning Commission held a public hearing on December 5, 2013, with respect to said petition, which hearing was held pursuant to a notice of the time and place thereof in a newspaper of general circulation in the City of Peoria, not less than fifteen (15) days nor more than thirty (30) days prior to said hearing as required by law.

WHEREAS, said Zoning Commission has submitted its report of said public hearing and the City Council finds that to permit such use will not adversely affect the character of the neighborhood, and will not unduly burden the public utility facilities in the neighborhood;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS:

Section 1. That a Special Use, which amends an existing Special Exception for a Fair Grounds is hereby approved for the following described property:

The NW ¼ of Section 17, Township 9 N, Range 8 E of the fourth principal meridian (except commencing at the SW corner of Section 17, thence N 400 feet; thence NE 356.2 feet; thence S 445.34 feet; thence W 329.84 feet to the point of beginning; except commencing at the center section of Section 17; thence W 1150 feet; thence N 340 feet; thence W 170 feet, thence north 2,301.17 feet to the N line of Section 17; thence E to the NE corner of the NW ¼ of Section 17; thence S to the point of beginning) all in Peoria County, Illinois.

Parcel Identification Nos. 14-17-100-001

Said Ordinance is hereby amended per the submitted Site Plan (Attachment A) and with the following conditions and waivers:

- 1) The Heart of Illinois (HOI) fair is allowed.
- 2) Non-HOI fair events and activities conducted within the following parameters:
 - a. Motorized events or activities with amplified sound must be conducted within buildings only.
 - b. Non-motorized and non-amplified activities conducted outside of buildings must be located within the interior area bounded by the existing roadway system of the property.
- 3) Waiver to allow parking on an unpaved surface.
- 4) Eliminate the Special Use application fee of \$7,500.

Section 2. All provisions of Appendix B, the Zoning Ordinance, of the City of Peoria, with respect to Class R-2 (Single Family Residential) District shall remain applicable to the above-described premises, with exception to the amendment to the Special Exception herein permitted.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS THIS
_____ DAY OF _____, 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel



Subject Property



Interior Area bounded by existing roadway system



Parking Lot Expansion

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.

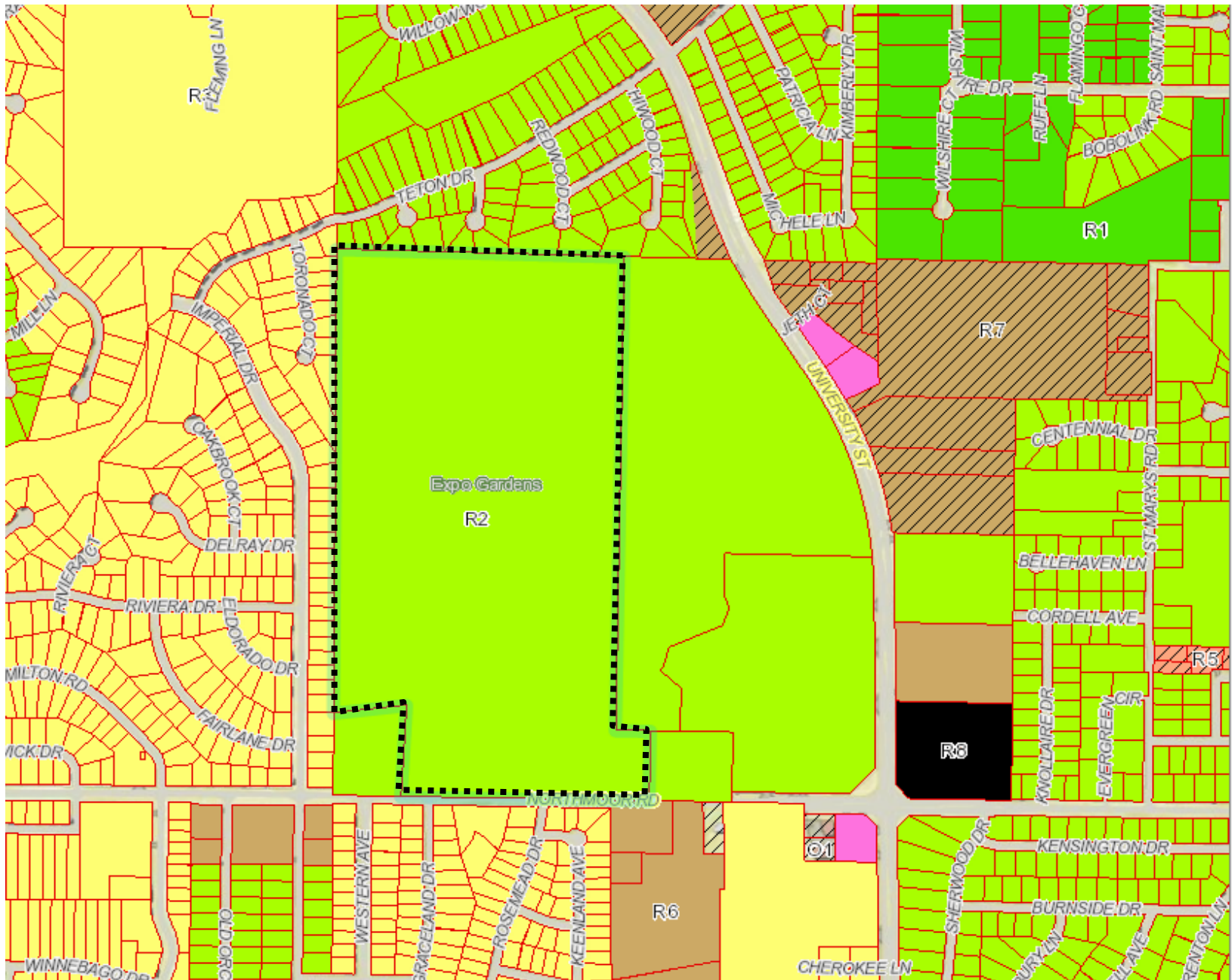
The motion was approved unanimously by viva voce vote 4 to 0.

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