

Commissioner Heard said he did not receive calls but trusted the commission. Heard's priority was neighborhood associations and without their support, he did not support the request.

Commissioner Misselhorn agreed the issue was not traffic; the issue was visual impact to area. Misselhorn agreed the proposed request was not an appropriate use for the subject property.

Commissioner Wiesehan agreed with commissioners statements.

Vice Chairperson Misselhorn read the Findings of Fact.

The motion was approved to deny the request viva voce vote 5 to 1.

Yeas: Durand, Heard, Misselhorn, Unes, Wiesehan – 5.

Nays: Anderson – 1.



### **CASE NO. PZ 15-52**

Public Hearing on the request of Chris Ober of Jimmy John's Gourmet Sandwiches, to obtain a Special Use for waivers from the Form District requirements related to signs, for the property commonly known as Jimmy John's and located at 1113 and 1121 W Main Street (Parcel Identification Numbers 18-05-406-012 & -013), Peoria, Illinois. (Council District 2).

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. PZ 15-52 into the record and presented the request. Ms. Allison provided the property characteristics and a summary of the proposal as outlined in the staff report. Ms. Allison provided the requested waivers and conditions of approval as follows:

### **REQUESTED WAIVERS (from existing conditions)**

<b>Code Requirement</b>	<b>Requested Waiver</b>	<b>Staff Recommendation</b>
1. Appendix C, Section Article 6.6.8.E.2.e.: Lettering on awnings is limited to six inches tall on vertically hanging fabric at curb side of awning	<u>Waiver from Form District Temporary Sign Regulations Related to Awning Signs:</u> A waiver is requested to allow a larger sign on the awning than permitted.	Approve
2. Appendix C, Article 6.6.8.E.1.b & c: Letters for wall signs shall not exceed 18 inches in height or width and three inches in relief. Letters may be constructed with two inch standoff studs to allow for reverse-lit/halo-lit illumination. Letters shall be individually cut reverse channel letters and opaque. Additionally, company logos or names may be placed within this horizontal band or placed or painted within ground floor or second story office windows. Company logos or names shall not be larger than a rectangle of eight square feet.	<u>Waiver from Form District Temporary Sign Regulations Related to Wall Signs:</u> A waiver is requested to allow the individually cut reverse channel letters to be up to 30 inches in height and to allow them to be placed on a metal plate attached to the awning.	Approve
3. Appendix C, Section 6.6.8.D.1.G: Freestanding signs are prohibited in the West Main Street Form District.	<u>Waiver from Form District Temporary Sign Regulations Related to Freestanding Signs:</u> A Waiver to allow the existing freestanding sign to remain on the site, until such time that other improvements, per	Approve

	Appendix C, Section 2.17.B., take place which would require the non-conforming sign to be removed.	
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**CONDITIONS OF APPROVAL**

<b>Condition</b>		<b>Staff Recommendation</b>
7. Awning Sign	Apart of the waivers noted above, the sign placed on the awning must adhere to the Form District requirements for wall signs as outlined in Appendix C, Section 6.6.8.E.	Support
8. Freestanding Sign	The freestanding sign and associated sign structure must be maintained in good condition. At such time that improvements occur on the site which would require the removal of non-conforming signs, per Appendix C, Section 2.17.B, the freestanding sign would be required to be removed at that time.	Support
9. Parking	Parking spaces must be striped a minimum of 8.5 in width by 18.5 feet in length.	Support
10. Parking	Parking area must be maintained as an evenly paved surface.	Support
11. Lighting	Any proposed lighting must meet the requirements of Appendix C, Article 6.6.9.	Support
12. Screening	Mechanical equipment, utilities, and refuse areas shall be placed behind and away from any required building line, not be stored or located within any street-space, and shall be screened from view from the street-space.	Support

The Site Plan Review Board recommends APPROVAL of the request with all waivers and conditions.

Commissioner Wiesehan expressed concern regarding the second part of Condition #2. Wiesehan said the business had a hardship with the 88 feet setback.

Discussion ensued.

Chris Ober, petitioner, owner of Jimmy John's Gourmet Sandwiches, said he purchased the business one year ago. He agreed with the discussion and the hardship regarding the setback. Mr. Ober said the freestanding sign was important to business and requested to remove Condition #2. Mr. Ober expressed concern to use individually cut reverse channel letters due to the angle of the awning and the related cost. Mr. Ober was also concerned about not listing the business logo on the sign to conform to the Form District ordinance. Mr. Ober explained the sign proposed was the second choice for business.

Discussion ensued.

Commissioner Anderson was concerned the proposed sign did not represent the business or brand.

Mr. Ober explained the franchise did not want to add the disc halo to the sign because it did not effectively light the sign at night causing the logo to be illegible in the evening. Mr. Ober said the lack of appropriate signage and the 88 feet setback caused concern to compete with surrounding businesses.

With no interest in public testimony, Chairperson Wiesehan closed the Public Hearing at 2:13p.m.

**Motion:**

Commissioner Misselhorn moved to approve the Special Use as requested including the requested waivers and conditions with the following exceptions: In Condition #2, remove, "At such time that improvements occur on the site which would require the removal of non-conforming signs, per Appendix C, Section 2.17.B, the freestanding sign would be required to be removed at that time," and allow the sign on the awning to be constructed to meet Jimmy John's corporate standards (this was intended to allow a raceway with logo sign without reverse lit/halo lit illumination). The motion was seconded by Commissioner Unes.

Vice Chairperson Misselhorn read the Findings of Fact.

The motion was approved viva voce vote 6 to 0.

**CASE NO. PZ 15-55**

Public Hearing on the request of Laura Tobben to rezone certain property from a Class O-1 (Arterial Office) District to a Class R-3 (Single Family Residential) District for the property identified as Parcel Identification No. 13-02-100-009, located on the north side of Woodsage Road, Peoria, Illinois. (Council District 5).

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. PZ 15-55 into the record and presented the request.

With no interest in public testimony, Chairperson Wiesehan closed the Public Hearing at 2:25p.m.

**Motion:**

Commissioner Anderson moved to approve the request; seconded, by Commissioner Misselhorn.

The motion was approved viva voce vote 6 to 0.

**CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION**

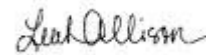
There was no interest from citizens to address the commission.

**ADJOURNMENT**

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

Approved unanimously by viva voce vote 6 to 0.

The Planning & Zoning Commission Meeting was adjourned at approximately 2:26 p.m.



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Leah Allison, Senior Urban Planner

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