

Commissioner Grantham asked Mr. Hopkins about his other rental properties in the City and asked City staff if they consider Mr. Hopkins a good landlord.

Mr. Hopkins stated that he has never been fined by the City and that he has remedied any issues that have come up.

Chairperson Wiesehan opened the public hearing at 2:58 pm.

With no public testimony, public hearing was closed at 2:58 pm.


Commissioner Barry read the Findings of Fact.

Motion:

Commissioner Martin made a motion to approve with staff recommendations; seconded by Commissioner Unes.

The motion was approved by viva voce vote 6 to 0.

Chairperson Wiesehan stated that the next two cases (PZ 1190-2022 and PZ 1191-2022) may have similar testimony and that he will take one session of public comment for these cases.



PZ 1190-2022

Prior to reading the case into record, Ms. Hertaus gave additional documents to the Commissioners (see Exhibits 2-5).

Hold a Public Hearing and forward a recommendation to City Council on the request of Gary Murray of Home Solutions Group, LLC on behalf of MTD Peoria, LLC to amend the existing Special Use Ordinance No. 15,194 for a Residential Cluster Development, in a Class R-3 (Single-Family Residential) District, to build a Duplex with Waivers for the properties located at 5723 and 5727 W Woodbriar Ln (Parcel Identification Nos. 13-15-276-007 and 13-15-276-006), Peoria IL (Council District 4).

Urban Planner, Julia Hertaus, Community Development Department, read the case into record and summarized the request to develop a duplex.

The Development Review Board does not object to the request per the attached site plan and with the following waivers and conditions:

1. Waiver to decrease the setback from the back of the curb to the face of the garage from 25ft to 21.6ft.
2. Waiver to decrease the rear yard setback from 25ft to 16.6ft.
3. Condition for driveway width, in the required front yard, not to exceed 25ft in width.
4. Condition to meet the 3ft setback requirement for the patio wall. There is space to meet this setback without a waiver.
5. Condition to apply for a separate building permit for the gravity retention wall prior to the permitting and condition of the duplexes. Per building code, this is a necessary condition for construction.
6. Condition to provide a tract survey reflecting the new property lines.

Discussion was held between Chairperson Wiesehan and Ms. Hertaus regarding the setbacks of the existing homes in the subdivision.

Steve Kerr, on behalf of Gary Murray and Jazmyne Pratt, was present and explained the petitioners' request to develop the duplexes. Mr. Kerr stated that the Village Grand Subdivision Homeowners Association (HOA) has a minimum square footage requirement and the existing property lines do not allow them to meet this square footage requirement and the City's setback requirements. Mr. Kerr explained that

the height of the proposed retaining wall will vary. Mr. Kerr stated that any concerns regarding the existing dam should be brought to the attention of the dam owner and the Illinois Department of Natural Resources (DNR).

Chairperson Wiesehan asked Mr. Kerr how he determined his measurements for the proposed setback.

Mr. Kerr stated that the proposed setback is based on the house directly east of the lots.

Commissioner Unes asked about the major setbacks along the street.

Mr. Kerr stated that without the proposed waivers, they can meet the setback requirements, but they will not be able to meet the HOA's square footage requirement.

Chairperson Wiesehan opened the public hearing at 3:22 pm.

Ms. Hertaus read an email in opposition to the request submitted by the Village Grande Subdivision HOA (see Exhibit 6).

Commissioner Unes mentioned that the HOA email is dated December 22, 2022 and expressed concern about not receiving this until today.

Mr. Naven stated that he will talk to the City's Legal Department because this could potentially be an Open Meetings Act (OMA) (5 ILCS 120/1) violation if all public comments are sent by email to Commissioners versus presented to the Commission at the public hearing portion of a meeting.

Ms. Hertaus read a second email in opposition to the request submitted by the Village Grande Subdivision HOA (see Exhibit 7).

Don Fleming, on behalf of the Village Grande Subdivision HOA, was present and explained the stance of the HOA. Mr. Fleming stated that the HOA has no issue with the proposed setbacks for PZ 1190-2022 and no issue with the proposed setback for PZ 1191-2022 so long as attention is given to the topography of the land. Mr. Fleming said the HOA is most concerned about the rear yard setback decrease for lots 29A and 29B due to the existing dam wall. Mr. Fleming stated that the HOA would like a study prepared by an engineer demonstrating the development of the duplex will not impede on the pond dam and outlines a storm run-off plan. Mr. Fleming stated that the HOA requests deferment of the cases until this information is provided.

Chairperson Wiesehan asked to speak with an original owner about lot size versus square footage requirements in the HOA's covenants. Chairperson Wiesehan asked who will pay for the study requested by the HOA.

Mr. Fleming stated that the original covenants pertain more to condominium buildings and that he does not know when the new construction bylaw was added. Mr. Fleming stated the developer should pay for the study if they wish to build on these properties.

Commissioner Heard asked Mr. Fleming if condition five and six from the DRB help to alleviate the HOA's concerns.

Mr. Fleming said the HOA wants to know the impact on the dam.

Mr. Wiesehan asked if condition five will help with this concern.

Ms. Hertaus stated that the construction plans will need to be stamped and sealed by a structural engineer and thus the wall cannot be constructed until it is proven to be structurally sound. Ms. Hertaus stated that the City will oversee the construction of the wall and duplex.

Mr. Fleming said this will be helpful in alleviating concerns.

Mr. Naven clarified that this condition will not provide geotechnical survey information, but it will ensure that the wall and the duplex are built to City building standards.

Discussion was held between Chairperson Wiesehan and Mr. Naven about the permitting process and how it is based on the 2018 International Building Code (IBC) adopted by the City.

Kevin Hagenaver, owner of the property directly north of the development including the majority of the pond and dam, expressed concerns about the petitioner's request based on the proximity of the duplex to the pond. Mr. Hagenaver stated that, according to section 8.6 of the Unified Development Code, the required minimum buffer width is 30 feet. (Note: the section quoted is from the Stream Buffer Section which is not applicable to this subdivision).

Chairperson Wiesehan asked for clarification on the ownership of the dam.

Mr. Hagenaver said the pond and dam are located on his property and the property to the west of his.

Commissioner Unes asked what the depth of the pond is at center point.

Mr. Hagenaver said it is more than 10 feet.

Sharon Hill objected to the petitioner's request due to concerns of safety, drainage, and detriment to the surrounding area. Ms. Hill expressed concern about the dam wall being compromised during construction. Ms. Hill encouraged City staff to visit the site.

Steve Gomer outlined the notes he provided to the Commissioners (see Exhibit 8). Mr. Gomer stated that there is a fence that borders the back of the four parcels. Mr. Gomer stated that he measured 15 feet from said fence to the left side of the dam. Mr. Gomer discussed his measurements and his experience living near the pond, dam, and ravine.

Discussion was held between Chairperson Wiesehan, Gary Murray, and Don Fleming regarding two properties in the subdivision that were allowed to be less than 1600 square feet.

Larry Schmidt, attorney for the Village Grande Subdivision HOA, stated that Ms. Hill summed up what he was going to say. Mr. Schmidt mentioned concerns of storm water runoff and the homes further down the slope. Mr. Schmidt requested an engineer survey, at the expense of the developer, to give the HOA peace of mind.

Ms. Hertaus read an email in opposition to the request submitted by Mary Funk and Nola Norton (see Exhibit 9).

Ms. Hertaus read an email in opposition to the request submitted by Stan and Gen Lauterbach (see Exhibit 10).

Ms. Hertaus read an email in opposition to the request submitted by Tim O'Hanlon (see Exhibit 11).

Ms. Hertaus read an email in opposition to the request submitted by Paul Dudiak (see Exhibit 12).

Ms. Hertaus read an email in opposition to the request submitted by Rod Carlson (see Exhibit 13).

Ms. Hertaus read an email in opposition to the request submitted by James and Mary Farrell (see Exhibit 14).

Commissioner Unes stated that the discussion seems to be between the public and City staff rather than the Commissioners.

Mr. Kerr stated that the wall will be designed by a licensed engineer, and he has no question that it will be safe. Mr. Kerr referred to the dam owner and the Illinois DNR for dam-related concerns and stated the construction of the dam would not have happened if it had a negative impact on the surrounding properties.

Commissioner Heard asked if the HOA's square footage requirement is the reason why we are here.

With no further public testimony, public hearing closed at 4:33 pm.

Chairperson Wiesehan recessed the meeting to speak with the City's Legal Department at 4:33 pm.

Chairperson Wiesehan resumed the meeting at 4:44 pm.

Commissioner Unes left the meeting at 4:44 pm.

Commissioner Barry recused himself due to a conflict of interest.

Chairperson Wiesehan stated that the City has no requirements impeding this project from moving forward and that dams are overseen by the Illinois DNR. Chairperson Wiesehan reiterated that the wall must follow all City building codes and be constructed all at once and before the construction of the duplexes.

Commissioner Heard read the Findings of Fact.

Motion:

Commissioner Martin made a motion to approve with staff recommendations; seconded by Commissioner Heard.

Motion was approved viva voce vote 4 to 0 with 1 abstention (Barry)

PZ 1191-2022

Hold a Public Hearing and forward a recommendation to City Council on the request of Gary Murray of Home Solutions Group, LLC, and Jazmyne Pratt on behalf of MTD Peoria, LLC and SWJ Décor, LLC, respectively, to amend the existing Special Use Ordinance No. 15,194 for a Residential Cluster Development, in a Class R-3 Single-Family Residential) District, to build a Duplex with Waivers for the properties located at 5731 and 5735 W Woodbriar Ln (Parcel Identification Nos. 13-15-276-005 and 13-15-276-004), Peoria IL (Council District 4).

Urban Planner, Julia Hertaus, Community Development Department, read the case into the record and summarized the request to build a duplex.

The Development Review Board does not object to the request per the attached site plan and with the following waivers and conditions:

1. Waiver to decrease the setback from the back of the curb to the face of the garage from 25ft to 21.5ft.
2. Waiver to decrease the western side yard setback from 25ft to 12.3ft.
3. Waiver to decrease the rear yard setback from 25ft to 16.1ft.

4. Waiver to decrease the eastern side yard setback from 5ft to 0ft for only the portion of the principal structure abutting the courtyard wall of 5727 W Woodbriar Ln as shown on the attached site plan.
5. Condition for driveway width, in the required front yard, not to exceed 20ft in width.
6. Condition to apply for a separate building permit for the gravity retention wall prior to the permitting and construction of the duplexes. Per building code, this is a necessary condition for construction.
7. Condition to provide a tract survey reflecting the new property lines.

Chairperson Wiesehan opened the public hearing at 4:52 pm.

With no public testimony, public hearing was closed at 4:52 pm.

Commissioner Heard read the Findings of Fact.

Motion:

Commissioner Martin made a motion to approve with staff recommendations; seconded by Commissioner Heard.

The motion was approved by viva voce vote 4 to 0 with 1 abstention (Barry)

PZ 1158-2022 – *Deferred from the December 2022 meeting*

Hold a Public Hearing and forward a recommendation to City Council on the request of Jane Genzel of Peoria Opportunities Foundation, on behalf of the City of Peoria, to obtain a special use with waivers for Apartments in the Class CN (Neighborhood Commercial) District for the property located at 901, 903, 905, 909, and 911 W. Mc Bean Street and 900, 904, 906, 908, 912, 914, 916, 918, and 920 W. Johnson Street (Parcel Identification Nos. 18-08-419-002, 18-08-419-003, 18-08-419-004, 18-08-419-005, 18-08-419-006, 18-08-419-007, 18-08-419-008, 18-08-419-009, 18-08-419-010, 18-08-419-011, 18-08-419-018, 18-08-419-019, 18-08-419-020, 18-08-419-021, 18-08-419-022), Peoria IL (Council District 1).

Senior Urban Planner, Josh Naven, Community Development Department, read the case into the record and summarized the request to obtain a special use with waivers to build apartments.

The Development Review Board recommends approval of the request for townhomes with a density waiver to 34.8 dwelling units per acre including the following conditions:

1. All remaining rezoning regulations shall be met. An amendment to the special use shall be required if additional waivers are requested at time of development.
2. Add five bicycle parking spaces.

Jane Genzel, petitioner, was present and discussed how the proposed development plan was drafted to meet the goals of two of the City's revitalization plans: the Near South Side Plan and the MacArthur Corridor Plan (see Exhibit 15). Ms. Genzel provided a timeline of development, discussed the aesthetic changes on the revised plans, and outlined the building amenities.

Commissioner Grantham left the meeting at 4:59 pm.

Discussion was held between Commissioner Barry and Charlie Johnson, of Pivotal Housing Partners, regarding the "COM" abbreviation used to identify community space on the site/floor plan.

Chairperson Wiesehan opened the public hearing at 5:08 pm.

With no public testimony, public hearing was closed at 5:08 pm.

Commissioner Barry read the Findings of Fact.

Motion:

Commissioner Heard made a motion to approve with staff recommendations; seconded by Commissioner Martin.

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

CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION

There were no citizen requests to address the Commission.

ADJOURNMENT

Commissioner Barry made a motion to adjourn the meeting; seconded by Commissioner Martin at 5:11pm.

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



Grace Burgener, Development Technician

From: [Julie Schmidt](#)
To: [Julia Hertaus](#)
Cc: [Josh Naven](#)
Subject: Re: [External]Village Grande Application for variance request hearing on January 5, 2023
Date: Wednesday, January 4, 2023 5:33:25 PM
Attachments: [Village Grande at Ancient Oaks.pdf](#)

Julia,

Let's talk in the morning. The HOA might have some legitimate concerns. The steep hill in the back of these lots could be part of the dam that holds the pond. I have a few questions/comments. I believe I've seen answers to some of these, but please humor me.

1. How much are they asking to reduce the rear 25' setback? Is the retaining wall allowed to be within the setback or does it need to meet it?
2. The subdivision plans show a retaining wall behind Lots 30A & B but not behind 29 A & B. Obviously some things have changed since then, but that's a good indication of the original intent. See page 6 on the attached plans.
3. The addendum letter mentions filling in a ravine. Is this referring to the basin on on Outlot F (5719 W Woodbriar)? I haven't found anything stating that this is a detention basin, but they shouldn't fill any of it in without someone verifying that it doesn't need to be there. If they are in fact moving the property lines 10' west, that should allow more space for them to build a house on 5723 without filling in the basin. I cannot say whether a retaining wall would be necessary between the house and the basin.
4. If the retaining wall will be greater than 4', an Illinois SE must seal the plans. This SHOULD mean that an engineer will evaluate the situation regarding the pond. It would be helpful to have the applicant (or his engineer) clarify that this is the case.
5. The parcel to the north isn't inside City limits. Just an observation - This probably doesn't make any difference for the discussion.
6. Rather than asking the City to vary from our requirements, they could ask the HOA to vary from their requirement and put smaller homes on the lots.
7. What are the implications of delaying this until the next meeting? The HOA asked P&Z to visit the site.
8. If we do allow the variance, it would be a good idea to include a condition that an engineer needs to evaluate the hill/dam to make sure that construction will be safe.
9. I will try to see if someone can look up the rating of this dam before the meeting, but I'm not sure how quickly they can locate the info. The rating gives an idea of how catastrophic a breach would be (structures damaged, potential loss of life, etc.). It's possible this dam isn't big enough to have a rating.

Thanks,
Julie Schmidt, PE
In-House Consultant
City of Peoria

Department of Public Works
Engineering
3505 N Dries Lane
Peoria, IL 61604
Phone: 309-265-6677

<http://www.peoriagov.org/public-works/> (Department of Public Works)
<http://www.peoriapicksup.com/> (Yes, Peoria Picks Up)
<https://peoriastormwater.com/> (Peoria's Stormwater Utility)

From: Julia Hertaus <jhertaus@peoriagov.org>
Sent: Wednesday, January 4, 2023 2:31 PM
To: Julie Schmidt <jschmidt@peoriagov.org>
Subject: FW: [External]Village Grande Application for variance request hearing on January 5, 2023

From: Oliver Younggren <oyounggren@gmail.com>
Sent: Wednesday, January 4, 2023 1:53 PM
To: Leah Allison <lallison@peoriagov.org>; Julia Hertaus <jhertaus@peoriagov.org>
Subject: [External]Village Grande Application for variance request hearing on January 5, 2023

Attached please find an addendum to our letter dated December 22, 2022, regarding the requests for variances on four parcels of land located in the Village Grande at Ancient Oaks. It is our understanding that both the December 22, 2022, letter and this one dated January 4, 2023, will be read into the record of the hearing pertaining to the variance requests. The attached photo is another depiction of the pond located to the north of the four parcels and is referred to in both letters.

Submitted on behalf of the Village Grande HOA Board of Directors

Oliver Younggren
President, Village Grande HOA
oyounggren@gmail.com
Home: 309-839-0909
Cell: 760-485-6251

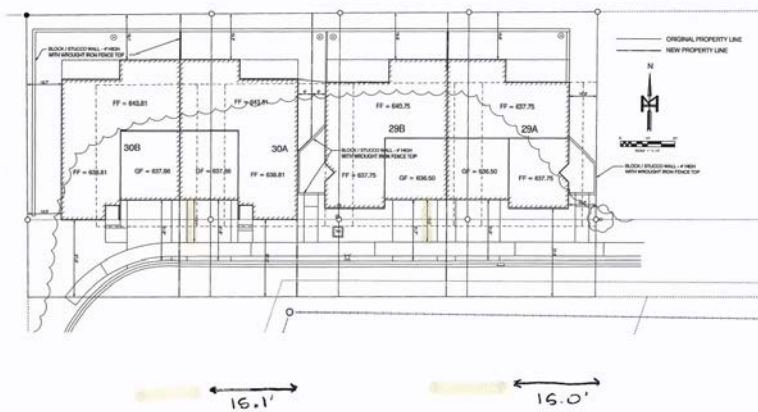



Exhibit 4, pg. 1

STATE OF ILLINOIS
CITY OF PEORIA

VILLAGE GRANDE AT ANCIENT OAKS



SITE LOCATION MAP

INDEX OF SHEETS

- C1 COVER SHEET & LOCATION MAP
- C2 PRIVATE STREET PROFILE & TYPICAL ROAD SECTION
- C3 PRIVATE STREET PLAN & CONSTRUCTION NOTES
- C4 SITE LAYOUT PLAN
- C5 SITE GRADING & UTILITY PLAN
- C6 SANITARY SEWER SYSTEMS
- C7 SANITARY SEWER SYSTEMS
- C8 EROSION/SEDIMENT CONTROL PLAN
- C9 MASS EXCAVATION & CLEARING LIMIT PLAN

COVER SHEET
VILLAGE GRANDE AT ANCIENT OAKS

PRELIMINARY
FOR BIDDING PURPOSES ONLY

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Exhibit 4, pg. 3

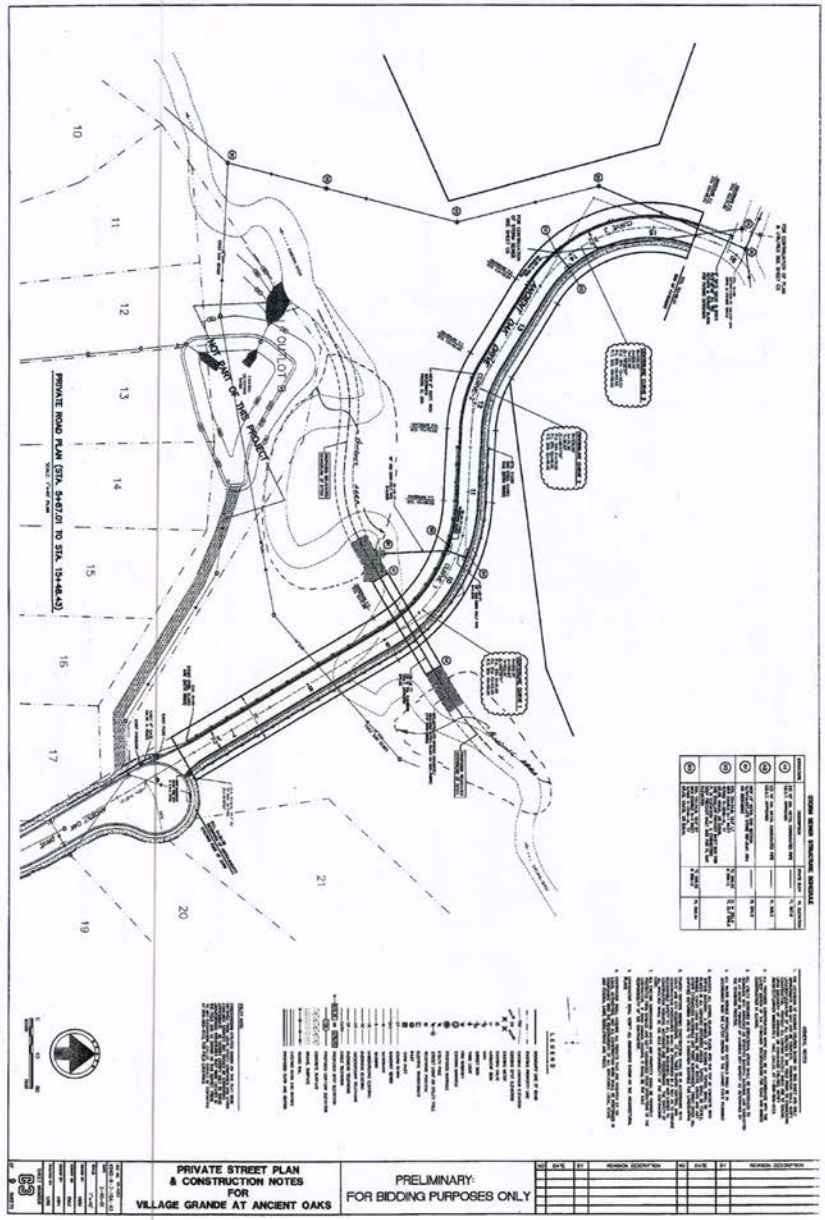


Exhibit 4, pg. 5

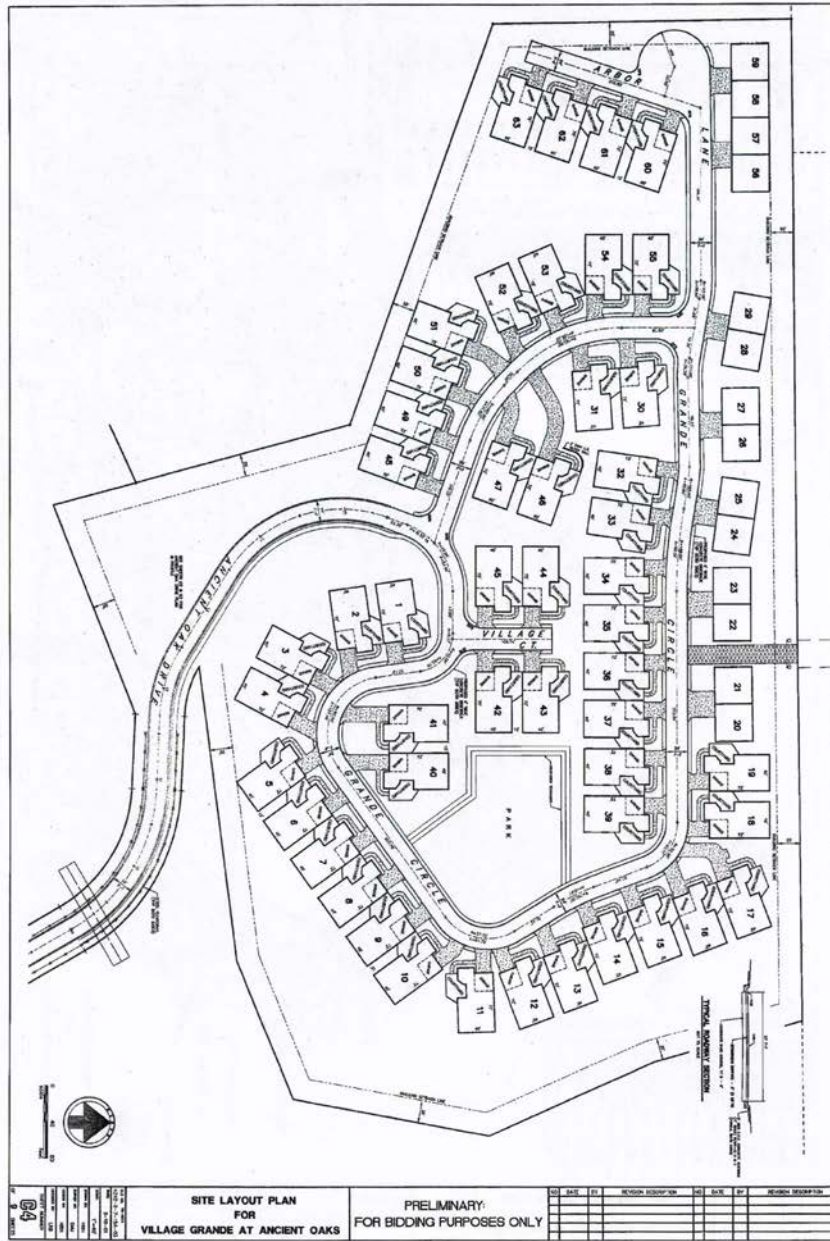


Exhibit 4, pg. 6

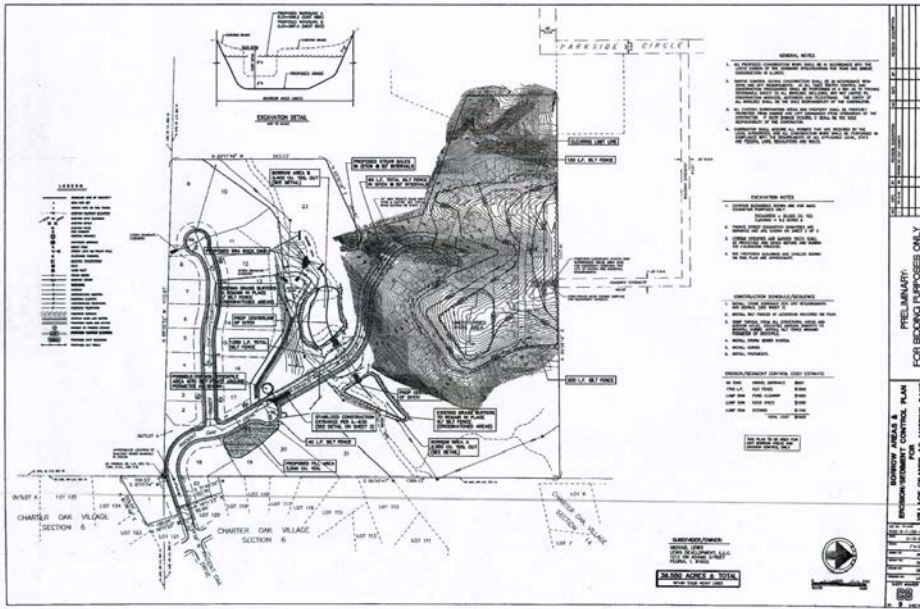


Exhibit 5, pg. 1

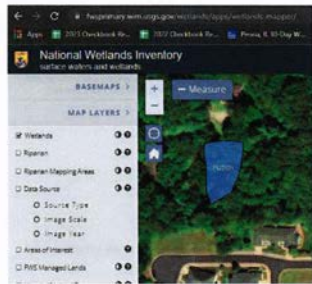
From: Kevin Hagenauer
 To: Julia Hestler, Leah Allen
 Subject: [External] Concern regarding 5723 and 5727 W Woodlark Ln (PZ-051190-2022)
 Date: Thursday, January 5, 2023 8:06:48 AM
 Attachments: [image.png]
 [image.png]

My name is Kevin Hagenauer and I have been the homeowner/resident at 5808 W. Parkside Cir for ~17 years. I am not part of the Village Grande neighborhood, but I am one of the two neighbors to the immediate north of these lots. I understand the developers are seeking a variance to change the setback in order to build closer to the edge of the property lines. There are multiple issues that make this concerning and risky for various property owners.

1) I am a partial owner of a pond that is immediately adjacent to the lots trying to get a variance on a setback. This pond is ~1/3 of an acre and holds a very large amount of water (it's significantly deeper than one might first assume). This pond catches water from about 2/3rds of my 5.7 acre property, catches water from about 2/3rd of an 2.8 acre adjoining property (5812 W Parkside Cir... whose owner also owns part of this pond)... and catches water from a handful of houses on W Forestwood Dr (the newer neighborhood immediately north of my property). When it rains hard, I literally have a river through my backyard carrying massive amounts of water to this pond just from the W Forestwood Dr neighborhood alone. I am really trying to emphasize how much water this pond handles.

I believe this pond was made in 1959 when the 5808/5812 W Parkside houses were built. To the south of this pond is a wall acting like a dam, holding in this water. If this dam wall was in any way breached, tons of water could escape. **Many houses in the Village Grande neighborhood are downstream/on lower ground of any potential breach.** With approval of closer excavations and related excavation for new houses, backyards with a courtyard wall and any needed (and properly designed) retaining wall, it's very hard to tell how much of this dam wall would be disturbed. However it seems highly fraught with risk and liability if this pond's water containment were in any way breached or weakened.

2) This pond is recognized by the U.S. Fish & Wildlife Service in their National Wetlands Inventory*. It can be seen on their mapper tool... https://asprimary.nim.usgs.gov/wetlands/apps/wetlands_mapper/ (select 'Wetlands' as a map layer). It is officially classified as 'PUBGH' (Palustrine, Unconsolidated Bottom, Intermittently Exposed, Diked/Impounded).



My understanding is the City of Peoria requires a minimum of 30 feet for a buffer to wetlands that are smaller than a sq. mi.

I'm referring to:
 Peoria, Illinois - Code of Ordinances, APPENDIX A - UNIFIED DEVELOPMENT CODE 8.6 - Stream Buffers
https://library.municode.com/il/peoria/codes/code_of_ordinances?nodeId=COPE11
 (Partial text copied at bottom of email.)

Within this section of code (8.6), various wording includes:

- "Every attempt should be made to reduce or eliminate cut and fill activities, topsoil spread and soil compaction. Maintaining existing and/or development of buffer areas in naturally occurring soils is preferred."
- "The buffer width shall be adjusted to include contiguous, sensitive areas, such as steep slopes (greater than 30% grade) or erodible soils, where development or disturbance may adversely affect soil erosion, water quality, streams, or other water bodies."
- "The buffer plan shall be submitted in conjunction with the required grading plan for any development; and the stream buffer, and access to it, shall be clearly delineated on the preliminary and final plats or plans and construction plans."

Yet fundamentally, it appears none of these applications/drawings/reports I've been made aware of consider the wetland at all.

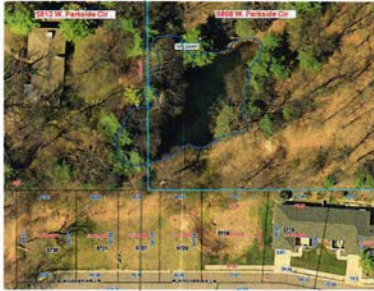
3) I also can't see how any dwelling can be safely built on 5723 as a significant portion of that land quickly turns into a steep ravine that acts as an overflow to this pond. If this land was filled in to build a house, this overflow could easily be compromised and possibly clog the single culvert allowing overflow water to exit the area.

Much of this is hard to explain without a personal visit. Satellite photos don't show the true boundaries of the pond since it's surrounded by trees, plants, shrubs, etc. (I tried to show approximate boundaries overlaid with the satellite photos below.) Without an understanding of where the pond actually ends (and where the 30 foot minimum buffer would need to start), without understanding the slopes of the land, the dam wall layout, etc... no well informed decision can be made. This decision should not be made sitting at a desk by looking at maps or satellite images alone.

With the large number of unknowns and the huge amount of risk surrounding the decision of how close to build to this pond/wetland, I ask the council to deny the requested waiver for setbacks... or, at the very least, delay a decision until proper engineering studies can be completed.

Sincerely,
 Kevin Hagenauer
 5808 W. Parkside Cir
 Peoria, IL 61615
 309-589-0868

Approximate boundary of pond and its relative location to the lots seeking setback modifications...



Peoria, Illinois - Code of Ordinances, APPENDIX A - UNIFIED DEVELOPMENT CODE 8.6 - Stream Buffers

8.6 - STREAM BUFFERS

8.6.1 Purpose

The purpose of the stream buffer requirements are to establish minimal acceptable requirements for the design of buffers to protect property adjacent to streams and floodways, to protect the water quality of watercourses, reservoirs, lakes, wetlands, and other significant water resources; to protect riparian and aquatic ecosystems; and to provide for the environmentally sound use of land resources.

8.6.2 Applicability

A. This section shall apply to:

1. All proposed development which includes subdivision of land; construction or alteration of structures;
2. All existing parcels of land, structures and activities, as determined by site inspection, which are causing or contributing the following to all of the waters:
 - a. Pollution, including point source and non-point pollution;
 - b. Erosion or sedimentation of stream channels;
 - c. Degradation of aquatic or riparian habitat.

B. This section shall not apply to:

1. All development which meets the waiver criteria as outlined in 8.6.6.
2. Agricultural operations that are existing at the time of the passage of this development code or, after implementation of this development code, are determined to have no significant negative effects upon the water quality of the watercourse.
3. The Illinois River.

8.6.3 Stream Buffer Design Standards

A. Buffers shall be vegetated either in their natural state or using appropriate, nursery stock vegetation as noted in 8.6.11. Soil disturbance in buffer areas shall be minimized. Every attempt should be made to reduce or eliminate cut and fill activities, topsoil respread and soil compaction. Maintaining existing and/or development of buffer areas in naturally occurring soils is preferred. Where necessary, invasive species removal may be allowed prior to establishment of native vegetation.

B. Buffers shall be designated along both sides of the stream. Buffer width is measured from the top of the stream bank and shall be based on the size of the watershed utilizing the following table (except as otherwise more specifically provided in this section):

Total Surface Area of Watershed (each side of channel)	Required Minimum Buffer Width (feet)
Less than 1 square mile	30 feet
More than 1 square mile	50 feet

1. Stream buffers shall be extended to encompass the entire 100-year floodway.

2. There shall be no septic systems, permanent structures or impervious cover, with the exception of paths and other structures otherwise permitted by this part.

3. The buffer width shall be adjusted to include contiguous, sensitive areas, such as steep slopes (greater than 30% grade) or erodible soils, where development or disturbance may adversely affect soil erosion, water quality, streams, or other water bodies. Adjustments shall be accomplished by evaluating the potential of a site to produce impacts that result in runoff, soil erosion, and sediment transport.

VILLAGE GRANDE

December 22, 2022

To: Ms. Julia Hertaus, Urban Planner

This letter concerns the upcoming public hearing with the Peoria Planning and Zoning Commission on January 5, 2023 regarding changes in the setbacks on Parcel ID number 1315276004, 1315276005, 1315276006 and 1315276007. These four parcels are located in the Village Grande at Ancient Oaks subdivision.

The Village Grande Homeowners Association Board (HOA) is expressing a concern over a variation of the setback which may be due to insufficient information with respect to the request.

In October of 2020, MTD Peoria LLC, who purchased these lots, hired the surveying firm of Mohr & Kerr to do a property line survey and topographical survey. The topographical survey, however, was terminated on the northerly property lines of the four parcels.

If you were to physically observe the site or view the attached document from the Peoria County GIS Division, you can see there is a large pond immediately adjacent to the northerly property lines of three of the four parcels.

In order for these properties (2 duplexes) to meet the minimum required square footage of 1600 square feet living space with full basement – in accordance with the Covenants & By-Laws these lots were purchased under – the early stages of the development of floor plans and site plans indicated the need for a retaining wall along the north side of the buildings – as the contour grades appear to rise about 12 ft. from the back of the duplexes.

What the HOA has not seen is the suggested site plan showing where these retaining walls might be and how much they encroach on the required 25 ft. setback line. As noted above, the survey was terminated at the property line, so we do not know the elevations of the top of the pond and the relationship of the edge and slope of the pond dam to where these retaining walls might be situated.

In communications with MTD Peoria LLC, we had previously brought up our concern of the constructability of the retaining wall with respect to the location of the pond. On October 28, 2021 we stated “Another issue that was discussed regarding these lots, especially 29A&29B, - (side note – these are Parcel IDs 1315276006 and 1315276007) – is how the existence of a large pond on the north side and above these lots will affect construction on them. We did not see enough of the survey extended to include the grades and elevations of the pond in relationship to where the new retaining walls for the

back of these structure are going to be built or if the surveyors even knew about the pond. We want to make sure the integrity of the slopes on the pond aren't disturbed or breached during construction."

And again, on September 1, 2022, "Regarding Lots 30A&30B and 29A&29B, - (side note, the 4 Parcels in question) – it is our understanding that the current plans require changes in the original plat setbacks of 25 ft. This variation request must come from MTD Peoria LLC through the City of Peoria for approval. In addition, with the reduced setback toward the Northern property line, there is concern for both constructability and erosion control/water management plan for Lot 29A&29B. These lots are in the proximity of a major pond above them on the northern adjacent property. The MTD Peoria LLC surveys did not go far enough to include this pond – showing location and grades. We believe an engineering study needs to be completed to ensure that the integrity of the pond will not be disturbed, breached or impacted during construction of the type of retaining walls that are being proposed to protect the new dwellings."

Since the Village Grande HOA Architectural Committee has not seen the most recent building plans, site plans showing retaining wall locations, extent of the required 25 setback line reduction, height of retaining walls, type of retaining walls, site drainage and water management plans, we feel it is premature to make any decision on approval of the variation in setback until some of the suggested studies and questions regarding the integrity of the pond have been completed.

A breach or future disturbance in the integrity of the pond could send a major flood through the small culvert underneath the roadway, or over the roadway, that provides access to the homes on Fawn Ridge Court, possibly causing major erosion and damage to the back of the homes on either side of the area. Should a disaster like this occur, who would be liable for the damages? This is what we want to prevent and that is why we feel further studies should be accomplished – extended survey, expert statement from a registered geotechnical engineer, and the items mentioned in the paragraph above – to ensure that this could never occur.

One last question/concern we have is all the LLCs listed in the notice are organized out of state. Have they registered with the Secretary of State to do business in Illinois, and if not, should they be before transactions in the state are commenced?

Thank you for the opportunity to express the concerns of our Village Grande Community.

Oliver Younggren – President of Village Grande HOA

VILLAGE GRANDE

January 4, 2023

To: Ms. Julia Hertaus, Urban Planner

This letter is an addendum to our first letter dated December 22, 2022, of concerns of the upcoming public hearing with the Peoria Planning and Zoning Commission on January 5, 2023, regarding changes in the setbacks on Parcel ID number 1315276004, 1315276005, 1315276006 and 1315276007. These four parcels are located in the Village Grande at Ancient Oaks subdivision.

We have received, from the Community Development Department, proposed floor plans and elevations, a site plan which shows offsets from the property lines, but no grading plans and stormwater management plans and no information on the type and height of a retaining wall that we believe would be necessary based on existing topography. The floor plans indicate a 4 ft. high block wall around the perimeter of the parcels in question, but according to the proposed finished first floor elevations, the depth of excavation for a full basement and the reduction of the northern property setback to 16 ft. 6 in. would seem to show an excavation slope of 1:1 or less from the property line to the basement footing excavation line. And then, to exacerbate that, the "block wall" (which should be a retaining wall) is only about 6 ft. from the property line.

The material recently provided supports our biggest concern expressed in our December 22nd letter to the City regarding how all of this is going to be constructed without disturbing the integrity of the dam wall of the pond and the impact it could possibly have on the property owners downstream.

If the LLCs can show, from a professional engineered study, that what they propose will not impede the integrity of the pond dam, the HOA would not oppose the proposed reduced setbacks. However, until that study can be provided, it appears there is too much risk and liability to allow this to proceed.

It is difficult to understand what is being proposed without visiting the site and seeing the topography. The other issue that has not been addressed is that the property lines are being shifted about 10 ft. to the west. We assume this is to prevent duplex parcel 1315276007 from hanging over a large ravine that the overflow from the pond and the upstream watershed flow into. This shift helps relocate the duplex closer to flat ground, but a retaining wall and fill material will still be required to support the home and the courtyard. We question what affect any modifications to this retaining area, by filling in a portion of the ravine, might have on any future flooding or stormwater runoff.

In order to understand the existing topography in this area, the location of the ravine, the location of the dam and pond, we ask that this Committee visit this site prior to making a decision.

Regarding the **Letter of Intent for Zoning Variance** that Ms. Jazmyne Pratt submitted, we take exception to her three statements that the variances would not be detrimental or injurious to the property or improvements. Her comments may be true specifically for her parcel as it is the furthest to the west and away from the major concerns of the pond dam and ravine. However, the variance requests are collective for all four parcels and therefore could actually be detrimental to the public welfare and be injurious to properties downstream from the pond.

We are not sure what the two variance requests of "allow a wall to be built less than 3 ft. from a principal structure (the proposed courtyard wall is for 5727 W. Woodbriar but is less than 3 ft. from the building on 5731 W. Woodbriar)" for PZ 1190 and "decrease the eastern side yard setback from 5 ft. to 0 ft. for only the portion of the principal structure abutting the courtyard wall of 5727 W. Woodbriar Ln as shown on the attached site plan" for PZ 1191 are referring to. According to the site plan that was submitted, it indicates there is a 10 ft. separation between the two duplexes, which we would agree with. Anything less than the 10 ft. separation, we would not agree with.

It should be noted that the Village Grande Architectural Committee has not received, reviewed nor approved any final documents – floor plans, elevations, site plans, topographic and drainage plans – from MTD Peoria LLC or SWJ Décor LLC. The commentary above is based on the information provided to the HOA from the Community Development Department as part of the hearing documents.

We are requesting that the City defer their approval on this issue until the risk and possible liability concern have been abated. We recommend that a thorough engineering study be accomplished to ensure that the construction activity with the reduced setback will not cause a breach or disturbance to the integrity of the pond dam nor that filling in portions of the retainage ravine will be adverse for future flooding or stormwater runoff.

Thank you for your time and consideration of our request.

Oliver Younggren – President of Village Grande HOA

Dick Greene – Vice President of Village Grande HOA

Don Fleming – Treasurer of Village Grande HOA

Russ Chaby – Secretary of Village Grande HOA

Sharon Hill – Board Member

Roy Endres – Board Member



Exhibit 8, pg. 1

Notes from Steve Gomer pertaining to hearing regarding parcel ID's 1315276004, 1315276005, 1315276006, and 1315276007 held on January 5th, 2023 at City Hall Room 400.

As information, I have been a resident of Village Grande at 5704 W. Deer Park Dr. for 9 years.

I measured from the center of the road to the fence that borders the back of the 4 parcels. In particular, I focused on parcel 1315276007 since this is closest to the pond.

1st set of photos:

From the center of the road to the fence, I confirmed that the parcel is 101.54 feet long.

2nd set of photos:

I then measured from the fence to the left side of the dam, and this measured 15 feet. I measured the left side of the dam and found it to be 11 feet. I measured the depth at the dam and found it to be approximately ½ foot deep, which extended 4 feet back from the dam (murkiness of water only allowed for this length of observation).

3rd set of photos:

The pond has a black tube that runs under the top of the right side of the dam and drains to a ravine that leads to a Village Grande Culvert that runs under our road. In the 9 years that I have lived at Village Grande, I have never observed the pond overflowing the dam nor the runoff getting very deep in our ravine. I can say this with authority as I asked our neighbor who owns the pond if I could place some pavers under his black tube to prevent erosion. So during a heavy rain I went to the ravine and observed how the pavers were performing as well as how the runoff was being handled.

Thank you.

Steven W. Gomer
309-645-5725
swgsail59@gmail.com



Exhibit 8, pg. 3



Exhibit 8, pg. 4



Exhibit 8, pg. 5



Exhibit 8, pg. 6



Exhibit 8, pg. 7



Exhibit 8, pg. 8



Exhibit 8, pg. 9



Exhibit 8, pg. 10



Exhibit 8, pg. 11

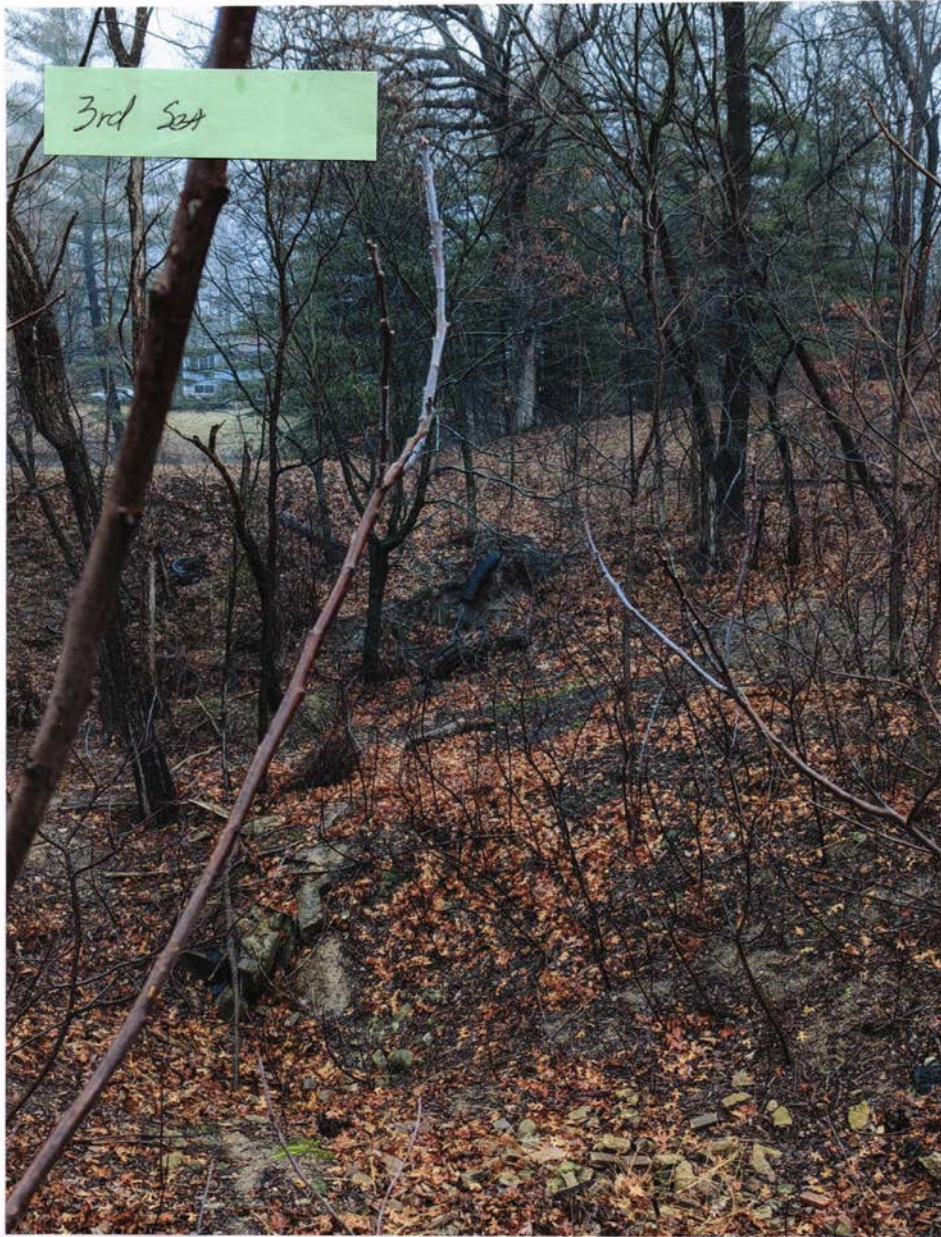


Exhibit 8, pg. 12



Exhibit 9

From: [Nola Norton](#)
To: [Julia Hertaus](#)
Cc: [Leah Allison](#)
Subject: [External]Village Grande
Date: Friday, December 30, 2022 2:15:59 PM

Dear Julia,

We are against the proposed zoning variances to the Woodbriar lots in Village Grande for the following reasons:

- A large portion of lot 29A, 5723 W. Woodbriar, includes a steep sided drainage basin that would have to be partially backfilled for construction. This would adversely affect drainage from the pond (on the two properties adjacent to the northern edge of the property), the Village Grande subdivision, roadways, and surrounding properties.
- The excavation on these lots could disrupt the integrity of the dam causing destabilization, breach of the pond and exposing unknown fissures currently draining into the basin. Therefore, this would flood adjacent Village Grande properties, causing land erosion, road damage, sink holes, and foundation damage to surrounding structures and properties.
- Decreasing the rear yard setbacks from 25 ft to 16.1/16.6 ft means that a greater amount of the present hillside would have to be excavated for construction causing loss of vegetation, destabilization of the hillside, disruption of water flow, and redirection of watershed which would adversely impact adjoining properties to the west and north (outside Village Grande subdivision).
- Decreasing the front setback from 25ft to 21.6ft should represent the face of any part of the structure (not just the face of the garage) in order to blend with the existing attached single-family homes.
- The proposed variations will disrupt an already narrow, but major, wildlife corridor for several species passing through multiple times a day; which include herds of deer, fox, coyote, mink, raccoon, opossum, ground hog, 3 varieties of squirrels, turtles and many more.

For these reasons we believe granting the submitted variances will be detrimental to public welfare, have multiple adverse effects on all of the adjoining properties and the Village Grande subdivision.

Sincerely,

Property Owners - Mary Funk and Nola Norton
5715 W Woodbriar Lane
Peoria, IL 61615

From: Stan Lauterbach
To: Leah Allison; Julia Hertaus
Cc: Oliver Younggren; Don Fleming; d.gul; Sharon Hill
Subject: [External]Proposed Variance Village Grande
Date: Tuesday, January 3, 2023 9:36:59 AM

We are writing you in regards to our concerns in granting the variances requested in our development.

We have no concern in subdividing the properties equally in width. Our concerns rest with the front and rear setback requests.

They state in their signed application that if granted it would not be detrimental to the community. If they disturb the pond levee, in any way, it could undermine its integrity and cause the levee to fail. If it is granted, it would force us to add costly flood insurance and consequently open up the city to future litigation if it does fail. I believe an engineering study, with recommendations on preventing any future problems, must be completed before any variance request is granted.

In regards to the front setback request, it would not only push the appearance of the residences to be on top of the street, but would pose a parking congestion problem on our Cul de sac.

*These
req. supersede
the City of
Recalls
requirements*

In regards to the front elevations, they do not meet our standards in regards to appearance. I understand that this may not come into your consideration, but it will pose a problem in the event that they would apply for building permits. One of the units shows no courtyard and both elevations need to be "dressed up" significantly.

In closing, we believe it is too premature to address any variance requests at this time.

We will not be able to attend the meeting only because we are out of town.

Thank you for your consideration.

Gen Lauterbach

Stan &

Fawn Ridge Ct.
 Sent from Samsung Galaxy smartphone.
 Get Outlook for Android

6312 N.

From: [TIM O'HANLON](#)
To: [Julia Hertaus](#)
Subject: [External]Village Grande - Eazement Hearing January 5.2023
Date: Tuesday, January 3, 2023 10:00:33 AM

As a member of the Village Grande Home Owners Association and a resident who lives in close proximity to the lots which are the subject of the Hearing I would like to endorse and second the thoughts included in the communication from the Homeowner's Association in the December 16, 2022 communication.

*Building Retaining Wall
Prior to any
Other Construction*

In addition, I would go further and point out that there are four lots, with four independent lot owner which are seeking changes to their requirements for building and all four must build a retaining wall to an acceptable and common standard for the wall to accomplish its purpose. Building this wall piecemeal is the equivalent of building part of a dam without agreement to build the total structure. Until such time as a plan is put forth which ensures the structural integrity of the wall and the compliance of all four lot owners with the master plan for the wall and adherence to the covenants of the Association, the changes requested of the city should not be granted.

Thank you for your consideration.

Tim O'Hanlon
6304 Fawn Ridge Court
Peoria, IL 61615

From: Paul Dudlak
To: Julia Hertaus
Subject: [External]Parcel IDs 1315276006 and 1315276007 Hearing
Date: Wednesday, January 4, 2023 10:34:56 AM

With regard to a public hearing to be held at 1:00 p.m. on January 5, 2023 at City Hall, Room 400, 419 Fulton Street, Peoria IL., I have the following concern.

In communications with MTD Peoria LLC, we had previously brought up our concern of the constructability of the retaining wall with respect to the location of the pond. On October 28, 2021 we stated “Another issue that was discussed regarding these lots, especially 29A&29B, - (side note – these are Parcel IDs 1315276006 and 1315276007) – is how the existence of a large pond on the north side and above these lots will affect construction on them. We did not see enough of the survey extended to include the grades and elevations of the pond in relationship to where the new retaining walls for the back of these structure are going to be built or if the surveyors even knew about the pond. We want to make sure the integrity of the slopes on the pond aren’t disturbed or breached during construction.”

And again, on September 1, 2022, “Regarding Lots 30A&30B and 29A&29B, - (side note, the 4 Parcels in question) – it is our understanding that the current plans require changes in the original plat setbacks of 25 ft. This variation request must come from MTD Peoria LLC through the City of Peoria for approval. In addition, with the reduced setback toward the Northern property line, there is concern for both constructability and erosion control/water management plan for Lot 29A&29B. These lots are in the proximity of a major pond above them on the northern adjacent property. The MTD Peoria LLC surveys did not go far enough to include this pond – showing location and grades. We believe an engineering study needs to be completed to ensure that the integrity of the pond will not be disturbed, breached or impacted during construction of the type of retaining walls that are being proposed to protect the new dwellings.”

Since the Village Grande HOA Architectural Committee has not seen the most recent building plans, site plans showing retaining wall locations, extent of the required 25 setback line reduction, height of retaining walls, type of retaining walls, site drainage and water management plans, we feel it is premature to make any decision on approval of the variation in setback until some of the suggested studies and questions regarding the integrity of the pond have been completed.

Show
driveway
doc.

My additional concern is parking. With the houses closer to the street, the driveways will be shorter, the sidewalk will be blocked with vehicles and any overflow parking will be in the street, potentially blocking entrance to Fawn Ridge Ct.

How can we vote on these issues with so many unanswered questions?

Paul J Dudiak

6300 N Fawn Ridge Ct
Peoria, IL 61615
Cell: 309-264-9204
Email: pauljdudiak@gmail.com

From: [Rod Carlson](#)
To: [Leah Allison](#); [Julia Hertaus](#)
Subject: [External]Peoria Planning and Zoning Commission hearing on January 5, 2023 for four parcels located in the Village Grande at Ancient Oaks
Date: Wednesday, January 4, 2023 4:06:35 PM

RE: Peoria Planning and Zoning Commission hearing on January 5, 2023 regarding changes in the setbacks for four parcels located in the Village Grande at Ancient Oaks subdivision (parcels numbered 1315276004, 1315276005, 1315276006, and 1315276007.

Julia Hertaus and Leah Allison,

My wife, Janell, and I live in the Village Grande subdivision at 5615 W Woodbriar Lane . We are going to attend the hearing tomorrow concerning the variance request above. Both Janell and I are in agreement with the letter sent to you by Oliver Younggren, President of Village Grande HOA, on December 22,2022 and the one sent to you by the board members of Village Grande today, January 4, 2023. We are in particular agreement that more studies need to be done to prevent problems with the retaining wall mentioned near the pond and that there are no drainage issues from flooding or stormwater runoff that would affect the current property owners close to the mentioned parcels.

We appreciate your consideration of these issues.

Thank you,

Rodney Carlson

From: [Duffy Armstrong](#)
To: [Leah Allison](#); [Julia Hertaus](#)
Cc: [Oliver Younggren](#)
Subject: [External]Hearing regarding PZ1190 and PZ1191
Date: Thursday, January 5, 2023 9:24:42 AM

Ms. Allison and Ms. Hertaus,

We are James W. Farrell and Mary (Duffy) Farrell and write to you as residents of Village Grande at Ancient Oaks in Peoria, Illinois, to express our concerns regarding PZ1190 and PZ1191.

In brief, we concur with the letter and addendum sent by our HOA Board members dated January 4, 2023. We request your Committee visit the site prior to making a decision on the proposals for zoning variances and defer your approval on this issue until the risk and all possible liability concerns have been abated and agreed upon by all parties.

Sincerely,
James W Farrell
Mary L. Farrell
5602 W. Grande Cir
Peoria, IL. 61615