

**: OFFICIAL PROCEEDINGS :****: OF THE CITY OF PEORIA, ILLINOIS :**

A meeting of the Planning and Zoning Commission was held on Thursday, August 4, 2016, at 1:00p.m., at City Hall, 419 Fulton St., in Room 400.

**ROLL CALL**

The following Planning and Zoning Commissioners were present: Heard, Misselhorn, Viera, Unes, Chairperson Wiesehan- 5. Commissioners absent: Anderson, Durand - 2.

City Staff Present: Kimberly Smith, Shannon Techie, Madeline Wolf

**SWEARING IN OF SPEAKERS**

Speakers were sworn in by Staff Member Madeline Wolf.

**MINUTES****Motion:**

Commissioner Unes moved to approve the minutes of the Planning and Zoning Commission meeting held on July 7, 2016; seconded by Commissioner Misselhorn.

The motion was approved viva voce vote 5 to 0.

**REGULAR BUSINESS****CASE NO. PZ 16-26**

Hold a Public Hearing and forward a recommendation to the City Council on the request of K. Santo Evans, to rezone property from a Class CG (General Commercial) to a Class I-2 (Railroad/Warehouse Industrial) and for a Special Use for Meat Processing and Packing, No Slaughtering, for the property located at 3545 SW Precast Way (Parcel Identification Nos. 18-19-202-067), Peoria, Illinois (Council District 1).

Senior Urban Planner, Kimberly Smith, Community Development Department, read Case No. PZ 16-26 into the record and presented the request. Ms. Smith provided a summary of the proposal and background of the subject property as outlined in the memo. Ms. Smith referred to the addendum provided by the petitioner in the agenda packet. Ms. Smith also noted the previous Rezoning and Special Use request from a CG (General Commercial) to I-1 (Industrial/ Business Park) for the subject property in 2015.

The Site Plan Review Board recommended DENIAL of the requested rezoning and special use.

Commissioners Anderson and Durand entered the Council Chambers at 1:14p.m.

In response to Commissioner Unes' request for further discussion, Ms. Smith said the recommendation followed the current Ordinance based on the uses allowed in a Class I-2. If the proposed Special Use business ceases, the subject property would remain zoned as Class I-2 next to Residential Zoning, allowing for uses permitted in I-2.

Commissioner Unes questioned future commission review if the use for the subject property changed.

Ms. Smith said the commission would review if the future proposed use required a Special Use.

Commissioner Heard announced his abstention from Case No. PZ 16-26 due to financial interest.

Michael Kelley, owner of 3545 SW Precast Way, said he was approached by the City to relocate his business in 2006 to the current location and he spoke of his hardship of selling the subject property under the current zoning of CG (General Commercial). Mr. Kelley spoke in support of the petitioner's request. He asked the commission to consider: the length of time the subject property was vacant; industrial as the best use for the land; and approval of the rezoning request

Kevin Evans, petitioner, preferred to reserve his comment until after public testimony.

Chairperson Wiesehan opened the Public Hearing at 1:23p.m.

Terry Burnside, a concerned citizen and adjacent resident, was opposed to the Rezoning request and Special Use request for Meat Processing and Packaging; Mr. Burnside was concerned with the garbage, storage, and smell resulting from the fish processing.

Robin Grantham, an interested citizen, was not opposed to the request. Ms. Grantham supported a business in this location that would be in harmony with the surrounding neighborhood. Ms. Grantham understood the concerns of Mr. Burnside.

In response to Commissioner Durand's inquiry, Ms. Grantham said other presidents of the Home Owners Associations supported the project.

Commissioner Durand requested Mr. Burnside speak to his main concern regarding the Special Use.

Terry Burnside said his biggest concern was the smell. Mr. Burnside said in speaking with Mr. Evans, Mr. Evans said the process included, "smoking fish."

Ken Zika, an interested citizen, supported the request and encouraged creating jobs in the Southside.

Rod Antrim, an interested citizen and local business owner, was opposed to the Rezoning and Special Use request. Mr. Antrim said industrial and meat processing was not in the best interest of the community. Mr. Antrim said he was interested in developing the subject property as CG for window assembly.

Kevin Evans, petitioner, provided an overview of the Kencor business and addressed concerns. Kencor will smoke fish in hickory smoke ovens. The subject property was chosen because of its close proximity to the Illinois River. Mr. Evans said the development would provide a substantial employment opportunity. The plant was a zero waste facility and he referred to the addendum in the commission packet.

Commissioner Durand questioned if smoke stacks were involved when smoking fish.

Mr. Evans said smoke stacks are incorporated at the current operation and air cleaners are also installed as an outlet for the smoking.

Commissioner Durand questioned how Kencor eliminated the smell associated with the fish processing.

Mr. Evans said the fish were received frozen. Mr. Evans said the smell associated with fish was when the fish were rotted; therefore, it would be impossible to allow circumstances to exist and remain in business. Mr. Evans said there would be no smell of fish negatively impacting neighbors.

Commissioner Misselhorn questioned the use of the use easement directly off SW Adams.

Mr. Evans said the facility would use Precast Way for accessibility.

Commissioner Misselhorn questioned the frequency of the shipment and delivery traffic.

Mr. Evans said UPS size trucks, once a week, will receive on Monday and ship on Friday. Mr. Evans said there would be no shipping operations on the weekend. Mr. Evans said based on the growth plan, the facility will receive trucks up to 3 times a week.

Commissioner Anderson questioned the proposed use to be considered in a different use category (i.e. canning).

In response to Commissioner Anderson, Mr. Evans said Kencor was a zero waste facility; the tails, heads, etc. are made into dog treats.

Councilwoman Moore said it would be great to move the process along. Ms. Moore said the location has been publically available for 2.5 years.

With no further interest from citizens to provide public testimony, Chairperson Wiesehan closed the Public Hearing at 1:48p.m.

**Motion:**

Commissioner Unes made a motion to approve the rezoning request from CG to I-2; seconded by Commissioner Durand.

**Discussion:**

Commissioner Viera was not in support of the rezoning request; he was opposed to I-2 next to Residential. Viera supported the project but expressed concern for setting precedence with I-2 next to Residential. Viera was in support of exploring options for more appropriate zoning and allow the proposed use.

Chairperson Wiesehan agreed with Viera.

Commissioner Anderson questioned the allowance of the special use in I-1 (Industrial/Business Park).

Chairperson Wiesehan expressed concern the packing plant was not a use allowed in I-1 even though the proposed process was a less intensive use.

Commissioner Misselhorn shared Wiesehan's concern. Misselhorn was concerned the proposed process was different than traditional meat packaging. Misselhorn questioned the interpretation for Special Use under I-2.

Ms. Smith said City Staff considered all possibilities to reduce the zoning while permitting the use; Ms. Smith said the Ordinance gives the authority to the Zoning Administrator, Ross Black, who determined the category for Special Use and zoning district was the most appropriate.

Commissioner Anderson shared Misselhorn's concern for the interpretation of meat processing in relation to the proposed request. Anderson said processing cattle and fish are not the same kind of business. Anderson suggested the proposed was more like canning.

Commissioner Unes related the proposed use to a pizza delivery shop: raw meats, food preparation and delivery.

Commissioner Anderson suggested working with the Ordinance to find a suitable solution for the unique situation.

Ms. Smith noted Slaughtering was a separate category, permitted only in I-3.

Commissioner Viera expressed concern for setting precedence by allowing I-2 zoning next to R-4 (Residential); I-2 permitted more intensive uses than the use proposed.

Commissioner Unes said it was not the commission's responsibility to change the code.

Commissioner Misselhorn said he recognized the quandary during discussion. Misselhorn was not in support of I-2 next to Residential. Misselhorn was not in support of the motion.

Commissioner Anderson suggested creating a Form District for the subject property.

Commissioner Unes supported new business at the subject property. Unes suggested a deferral to further explore opportunities for acceptable categories for the proposed use. Unes withdrew his motion.

Commissioner Viera expressed concern the CG zoning was not compatible with area when rezoned in 2006.

Chairperson Wiesehan referred to the Unified Code to address Viera's concerns.

**Motion:**

Commissioner Unes made a motion to approve the rezoning request; seconded by Commissioner Durand.

The Planning and Zoning Commission took a break at 2:08p.m. The meeting resumed at 2:27p.m.

Chairperson Wiesehan provided an explanation and interpretation of the City Code as it exists pertaining to the request. Chairperson Wiesehan returned to the motion on the table.

Commissioner Anderson questioned if the motion for rezoning was to be voted down, could the commission approve the Special Use.

Commissioner Misselhorn addressed Anderson and said the Special Use would not be permitted without the approval of the rezoning request.

Vice Chairperson Misselhorn read the Findings of Fact for Rezoning.

Chairperson Wiesehan noted there were negative points when considering Findings of Fact for Rezoning pertaining to the request.

The motion failed viva voce vote:

Yeas: Anderson, Durand, Unes – 3.

Nays: Misselhorn, Viera, Wiesehan – 3.

Abstention: Heard – 1.

**CASE NO. PZ 16-27**

Hold a Public Hearing and forward a recommendation to City Council on the request of Kathleen Groark, of Insite RE, Inc., Verizon Wireless, and Parallel Infrastructure, to amend an existing Special Use, Ordinance No. 16,406, as amended, in a Class R-3 (Single-family Residential) District for a Cemetery, to add a Wireless Communication Tower Facility, for the property commonly known as Springdale Cemetery and located at 3014 N Prospect Road (Parcel Identification Nos. 14-34-200-006, 14-34-132-002, 14-27-476-001, 14-35-101 001), Peoria, Illinois (Council District 3).

Senior Urban Planner, Shannon Techie, Community Development Department, read Case No. PZ 16-27 into the record and presented the request. Ms. Techie provided the summary of the proposal and requested waivers as outlined in the memo.

The Site Plan Review Board recommended APPROVAL of the request, with the following conditions:

1. A waiver to allow the proposed equipment shelter to be comprised of material other than that required by the Zoning Ordinance.
2. A waiver to allow the proposed 8 foot tall fence to be vinyl.
3. A waiver to allow space for only one collocator.
4. A waiver from the landscape requirements, due to the existing vegetative barrier.
5. Tower must be a stealth design (flag pole) as proposed.
6. Lighting must comply with the requirements of Appendix C, Section 6.6.9.A. No tower or antenna shall be artificially illuminated unless required by the FAA. Lighting shall not exceed 1/2 foot candle as measured at the property line and shall be down lit away from residential properties and public streets.
7. Two signs not to exceed 4 sq. ft. must be placed on the site per Zoning Ordinance requirements for wireless communication facilities.
8. Any gravel placed on the site in association with the equipment area must be contained within the fenced area and not visible on the site.