

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

A meeting of the Planning & Zoning Commission was held on Thursday, June 7, 2018, at 1:00 p.m., at City Hall, 419 Fulton St., in Room 400 with Chairperson Mike Wiesehan presiding and with proper notice having been posted.

ROLL CALL

The following Planning & Zoning Commissioners were present: Eric Heard, George Ghareeb, Mark Misselhorn, Richard Unes, and Mike Wiesehan – 5. Commissioners absent: Michele Anderson, Ed Barry – 2.

City Staff Present: Leah Allison, Kerilyn Gallagher, Kim Smith, Shannon Techie, and Madeline Wolf

SWEARING IN OF SPEAKERS

Speakers were sworn in by Staff Member Madeline Wolf.

MINUTES

Commissioner Ghareeb moved to approve the minutes of the Planning & Zoning Commission meeting held on May 3, 2018; seconded by Commissioner Heard.

The motion was approved viva voce vote 5 to 0.

REGULAR BUSINESS**CASE NO. PZ 18-16**

Hold a Public Hearing and forward a recommendation to City Council on the request of Robert Culp of Midwest Engineering and Associates, Inc. for Peoria Public Schools District 150, to rezone property from a Class R-3 (Single-Family Residential) District to a Class C-1 (General Commercial) District, for a portion of the property (approximately 4.3 acres in the southwest corner of the property) located at 400 E War Memorial Drive (Parcel Identification Number 14-28-276-001), and commonly known as Peoria Stadium, Peoria, Illinois (Council District 3).

Senior Urban Planner, Shannon Techie, Community Development Department, read Case No. PZ 18-16 into the record and presented the request noting the proposed request was to rezone property from a Class R-3 to a Class CN. Ms. Techie provided the Summary of Proposal, Background, and the Development Review Board Analysis and Recommendation as outlined in the memo.

The Community Development Department recommended APPROVAL of the request.

Chairperson Wiesehan expressed concern of the State of Illinois requirement to add a building to the site in order to install the designed signage and that the building then required commercial zoning.

In response to Commissioner Ghareeb's questions, Ms. Techie confirmed the parcel to be rezoned was .773 acres in size and the Peoria Public School District representatives met with neighbors to address concerns. Ms. Techie said she did not received negative feedback from surrounding property owners regarding the request, with the modified request to C-N (Neighborhood Commercial).

Robert Culp, petitioner, agreed with Chairperson Wiesehan's concern regarding the State requirement. In response to Commissioner Misselhorn's inquiry regarding initial complaints from the surrounding neighborhood association, Mr. Culp said the concern was for the overall build out plan that would impact parking and reduce green space. Mr. Culp said neighbors preferred the rezoning to be located on the southeastern portion of the property.

Chairperson Wiesehan acknowledged the students present in the audience and opened the Public Hearing at 1:11p.m.

John McKee, President of the Oak Park Home Owners Association, read an official statement of support from the Oak Park Home Owners Association into the record.

Roger Sparks, an advocate for disabled rights, echoed neighbor's preference for the rezoning to be located on the southeastern portion of the property. Mr. Sparks spoke in favor of public access to public transportation on E War Memorial Drive and to add a traffic light at California Avenue and E War Memorial Drive.

With no further interest from the public to provide public testimony, Chairperson Wiesehan closed the Public Hearing at 1:15p.m.

Chairperson Wiesehan agreed with Mr. Sparks in regard to addressing the existing traffic patterns in this area.

Ms. Techie explained that the location for the rezone was selected due to the existing layout of the property and the agreement between Peoria Park District and District 150 for the use of the stadium property.

Commissioner Misselhorn noted the commission was reviewing the rezoning request and not the overall development plan.

Vice Chairperson Misselhorn read the Findings of Fact for Rezoning.

Motion:

Commissioner Ghareeb made a motion APPROVE the request; seconded, by Commissioner Heard.

The motion was APPROVED viva voce vote 5 to 0.

Yeas: Ghareeb, Heard, Misselhorn, Unes, and Wiesehan -5.

Nays: None.

CASE NO. PZ 18-22

Hold a Public Hearing and forward a recommendation to City Council on the request of Jim Youngman, of Adams Outdoor Advertising, to obtain a Special Use in a Class C-2 (Large Scale Commercial) District for an Off-Premise Sign, with Waiver(s), for the property identified as Parcel Identification No. 14-29-302-002, with an address of 3505 N Dries, Peoria, Illinois (Council District 2).

Senior Urban Planner, Kimberly Smith, Community Development Department, read Case No. PZ 18-22 into the record and presented the Special Use request with waivers. Ms. Smith provided the Summary of Proposal, Background, and the Development Review Board Analysis and Recommendation as outlined in the memo. Ms. Smith noted the waiver from the Unified Development Code UDC), Section 8.3.10.C.2.g.4, Replacement Signs, was no longer required.

The Development Review Board recommended DENIAL of the request.

Chairperson Wiesehan opened the Public Hearing.

Jim Youngman, petitioner, requested to remove the request for the waiver from the UDC, Section 4.3.4, Setbacks and Yards. Mr. Youngman did not agree with the safety concerns or negative visual impact presented by staff as outlined in the memo. Mr. Youngman said the request from UDC, Section 8.3.10.C.2.c.(4), was because the sign would be 460 feet from residential properties versus the permitted 500 feet. Mr. Youngman noted the nearest sign on I-74 was 2.9 miles away.

Commissioner Misselhorn questioned how the, "Thoroughfare designated as Freeway, Access Controlled," was measured. Ms. Smith replied it was measured as the extent of I-74 through the City of Peoria and provided a map detailing the thoroughfare.

Commissioner Unes questioned the ownership of the property. Mr. Youngman said it was city owned property and the city would financially benefit from the use.

Chairperson Wiesehan recused himself from further discussion due to his business financially benefiting from the petitioner's business (outdoor advertising). Chairperson Wiesehan left Council Chambers.

Vice Chairperson Misselhorn presumed as pro tem Chairperson.

After discussion, Pro tem Chairperson Misselhorn said he understood staff's recommendation to deny the Waiver requested from UDC 8.3.10.C.2.c.(2), as it was measured as a radius rather than linear distance for spacing of other off-premise signs. Ms. Smith referred to the additional notes as outlined in the memo.

Pro tem Chairperson Misselhorn questioned if an engineer from Public Works conducted a traffic study. Pro tem Chairperson Misselhorn requested Public Work's opinion of traffic safety and if the sign would be in conflict with the I-74 directional signage.

In response to pro tem Chairperson Misselhorn's question regarding IDOT's recommendation, Mr. Youngman said a permit from the local municipality must be issued prior to applying for IDOT approval.

In response to Commissioner Unes' inquiry regarding the type of billboard proposed, Mr. Youngman said it was federally regulated and would change advertisements every 10 seconds (same type as Linn Street).

Commissioner Ghareeb requested the information pertaining to the financial benefit for the city.

Commissioner Heard said the proposed sign would not clutter I-74.

Pro tem Chairperson Misselhorn asked the petitioner if he would be opposed to a deferral to provide more time to acquire information from IDOT and Public Works. Mr. Youngman said he appreciated the safety concern and was not opposed to a deferral.

Pro tem Chairperson Misselhorn requested a statement from Public Works in regard to traffic safety.

With no interest from the public to provide public testimony, pro tem Chairperson Misselhorn closed the Public Hearing at 2:02p.m.

Motion:

Commissioner Unes made a motion to DEFER the request until the next Planning and Zoning Commission meeting; seconded, by Commissioner Ghareeb.

The motion to DEFER the item was APPROVED viva voce vote 4 to 0.

Yeas: Ghareeb, Heard, Misselhorn, Unes -4.

Nays: None.

Abstention: Wiesehan - 1.

Mike Wiesehan presumed as Chairperson.

CASE NO. PZ 18-24

Hold a Public Hearing and forward a recommendation to City Council on the request of Lueshand Nunn for Law'n Order Academy, Inc. to obtain a Special Use for a Neighborhood Youth Center in a Class R-4 (Single-Family Residential) District, for the property located at 1825 New York Avenue (Parcel Identification Number 18-04-226-015), Peoria, Illinois (Council District 3).

Senior Urban Planner, Shannon Techie, Community Development Department, read Case No. PZ 18-24 into the record and presented the request. Ms. Techie provided the Summary of Proposal, Development Review Board Analysis, and the Development Review Board Recommendation as outlined in the memo.

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

1. One freestanding sign is permitted, not to exceed 20 square feet in area and 5 feet in height. A separate sign permit is required.

Chairperson Wiesehan opened the Public Hearing.

Tracy Jones, a concerned citizen, expressed concern of the hours of operation and that the use would decrease property values.

Regina Calhoun, an interested citizen, spoke in favor of the request.

Officer Cary Hightower, resident officer for the neighborhood, spoke in favor of the request as it would provide another avenue for kids. In response to Commissioner Misselhorn's inquiries, Officer Hightower provided a background of Law'n Order Academy and said 15-16 kids would be present at the property during business hours. In response to Commissioner Unes' inquiry regarding funding, Officer Hightower said the program was funded privately, with city contributions, and through donations. In response to Commissioner Ghareeb's inquiry, Officer Hightower confirmed an adult will be present during business hours.

Lueshand Nunn, petitioner, said hours of operation would be 8a.m.-5p.m., and will provide emergency hours as needed. Ms. Nunn said she was invested in the East Bluff and revitalizing and changing the neighborhood she lives in.

With no further interest from the public to provide public testimony, Chairperson Wiesehan closed the Public Hearing at 2:19p.m.

Vice Chairperson Misselhorn read the findings of fact for Special Use.

Motion:

Commissioner Ghareeb made a motion to approve the request with staff's condition; seconded, by Commissioner Heard.

The motion was APPROVED viva voce vote 5 to 0.

Yeas: Ghareeb, Heard, Misselhorn, Unes, and Wiesehan – 5.

Nays: None.

CASE NO. PZ 18-25

Hold a Public Hearing and forward a recommendation to City Council on the request of Carol Thierer Prill to rezone property from a Class C-N (Neighborhood Commercial) District to a Class R-4 (Single Family Residential) District for the property identified as Parcel Identification No. 18-18-152- 002, with an address of 3030 W Marquette Street, Peoria, Illinois (Council District 1).

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. PZ 18-25 into the record and presented the request. Ms. Allison provided the Summary of Proposal, Background, and the Development Review Board Analysis and Recommendation as outlined in the memo.

The Community Development Department recommended APPROVAL of the request.

In response to Chairperson Wiesehan's inquiry, Ms. Allison confirmed a single-family residence was not a permitted use in a CN District.

Chairperson Wiesehan opened the Public Hearing.

Carol Thierer Prill, petitioner, said she previously operated a business at this property and requested to rezone the property to R4 to re-establish the structure as a single-family home instead of a vacant commercial building.

With no further interest from the public to provide public testimony, Chairperson Wiesehan closed the Public Hearing at approximately 2:30p.m.

Vice Chairperson Misselhorn read the Findings of Fact for Rezoning.

Motion:

Commissioner Misselhorn made a motion to APPROVE the request; seconded, by Commissioner Ghareeb.

The motion was APPROVED viva voce vote 5 to 0.

Yeas: Ghareeb, Heard, Misselhorn, Unes, and Wiesehan –5.

Nays: None.

CASE NO. PZ 18-26

Hold a Public Hearing and forward a recommendation to City Council on the request of Thomas Brondage, of Sun Loan Company Illinois No. 2 Inc., to obtain a Special Use with waiver(s) for a Convenience Cash Business

in a Class C-1 (General Commercial) District for property located at 3204-3208 N University Street and identified as Parcel Identification Nos. 14-29-451-011 and 14-29-451-012, Peoria, Illinois (Council District 2).

Senior Urban Planner, Kimberly Smith, Community Development Department, read Case No. PZ 18-26 into the record and presented the request. Ms. Smith provided the Summary of Proposal, Background, and the Development Review Board Analysis and Recommendation as outlined in the memo.

The Development Review Board recommended DENIAL of the request to obtain a Special Use to allow for a convenience cash business at the proposed location, due to inability to meet standards.

Chairperson Wiesehan questioned if the business was a relocation and if the Ordinance separated the different types of cash stores.

Holly Munoz, regional supervisor of Sun Loan Company for Alabama and Illinois, said all cash stores are categorized as Convenience Cash Stores. Ms. Munoz said the new location will increase parking and vehicle access. In response to Commissioner Unes' inquiry, Ms. Munoz provided details regarding the interest rate structure of the business.

Amy Meyers, also representing Sun Loan Company, said the proposed location was a larger space and would increase visibility for customers and the building size.

Chairperson Wiesehan said the business was established prior to the Ordinance in 2008 and the current location was also close in proximity to residential.

Commissioner Misselhorn inquired if the petitioner looked at other locations that complied with the zoning Ordinance. Ms. Munoz and Meyers said they researched other locations but the proposed location was the most desirable to reach new and existing customers.

Tonia Walker, manager of the Sun Loan Company and resident of an adjacent neighborhood, spoke in favor of the request.

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

Vice Chairperson Misselhorn read the Findings of Fact for Special Use.

Motion:

Commissioner Heard made a motion to approve the request; seconded, by Commissioner Ghareeb.

Discussion:

Chairperson Wiesehan said the commission recently recommended approval for a relocation of a Convenient Cash Store and supported the motion.

Commissioner Unes said he did not disagree with Chairperson Wiesehan's comment that it was a relocation; however, he would be opposed if the proposed use was to establish a new Convenience Cash Store.

Commissioners Misselhorn and Wiesehan agreed with Commissioner Unes.

In response to Commissioner Misselhorn's inquiry to staff, Ms. Smith confirmed the petitioner's statement that the proposed location would increase the separation distance to the existing Convenience Cash Stores.

The motion was APPROVED viva voce vote 5 to 0.

Yeas: Ghareeb, Heard, Misselhorn, Unes, and Wiesehan -5.

Nays: None.

CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION

There were no citizens present who wished to address the Planning & Zoning Commission at 3:05p.m.

ELECTION OF OFFICERS

Motion:

Commissioner Unes made a motion to defer the Election of Officers until a full commission was present; seconded, by Commissioner Ghareeb.

The motion to DEFER this item was APPROVED viva voce vote 5 to 0.

Yeas: Ghareeb, Heard, Misselhorn, Unes, and Wiesehan -5.

Nays: None.

ADJOURNMENT

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

The motion to adjourn was approved viva voce vote 5 to 0.

The Planning & Zoning Commission Meeting was adjourned at approximately 3:06p.m.



Madeline Wolf, Development Technician