

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

A meeting of the Planning and Zoning Commission was held on Thursday, February 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: Anderson, Durand, Heard, Misselhorn, Viera, Wiesehan—6. Commissioners absent: Unes —1.

City Staff Present: Leah Allison, Kim Smith, Madeline Wolf

SWEARING IN OF SPEAKERS

Speakers were sworn in by Staff Member Madeline Wolf.

MINUTES**Motion:**

Commissioner Misselhorn moved to approve the minutes as amended of the Planning and Zoning Commission meeting held on January 7, 2016; seconded by Commissioner Heard.

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

REGULAR BUSINESS**CASE NO. PZ 16-01**

Public Hearing on the request of Jason Payne of Big Shots Golf, LLC for approval of an Annexation Agreement with a request to rezone property from a Class R-3 (Single Family Residential) District to a Class C-1 (General Commercial) District (upon annexation) and obtain a Special Use for an Active Park for the property generally located north of Wood Sage Road, south and west of IL Route 91, along the east side of Orange Prairie Road. The property is identified as part of Parcel Identification No. 08-35-100-034, located within Peoria County, IL. The petitioner is proposing to annex 20.5 acres. (Council District 5).

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. PZ 16-01 into the record and presented the request. Ms. Allison provided a summary of the proposal as outlined in the memo.

The petitioner requested the following waivers:

1. Section 9.6.d: Increase the maximum building height from 35 feet to 47 feet.
2. Section 3.2.f: Increase the fence height from 6 feet to 110 feet.

The Site Plan Review Board recommends APPROVAL of the request, including the waivers, and subject to the following conditions:

1. Add language to the Annexation Agreement regarding building materials for future development of the southern 10 acres to state that all buildings constructed on the southern 10 acres as part of non-agricultural development shall be constructed of at least 50 percent brick material. Modifications of this requirement may be reviewed and approved administratively and will not require an amendment to the annexation agreement.
2. Revise the preliminary/final plat to subdivide the parcel into two lots delineating the special use/development area vs non-developed area.
3. Compliance with federal, state and local regulations for wetland mitigation, if any.
4. Approval from Public Works Department of the proposed median break on Orange Prairie Road, which may require northbound and/or southbound auxiliary turn lanes.
5. All rooftop and ground level mechanical equipment must be screened from street view and residentially zoned districts.

6. All proposed refuse disposal areas must be screened on all four sides by a solid fence or wall with a minimum height of six feet, not to exceed seven feet.

In response to Commissioner Misselhorn's inquiry, Ms. Allison confirmed the project did not include a vehicular connection from IL Route 91 to Orange Prairie Road.

Commissioner Anderson referred to the Pioneer Parkway extension of the comprehensive plan.

In response to Commissioner Viera's inquiry regarding Condition #4, Ms. Allison said the median break would be a cost to the developer.

Commissioner Wiesehan expressed concern for the reconstruction on a new road under Condition #4.

In response to Commissioner Viera's inquiry regarding Condition #1, Ms. Alison said staff wanted to maintain a development standard. The annexation agreement gave staff the opportunity to place an emphasis on the quality of the future development of the southern parcel.

Commissioner Viera expressed concern with the difficulty of enforcing materials for future developments without establishing material stipulations for current developments. Viera preferred to apply the material requirement to the overall property.

Commissioner Wiesehan questioned the absence of material requirements for the proposed project.

Mary Corrigan, representing Jason Payne of Big Shots Golf, LLC., spoke on behalf of the petitioner, Jason Payne. Ms. Corrigan thanked the commission for considering the petitioner's request. Ms. Corrigan provided an overview of the Big Shots Golf concept. Ms. Corrigan said the facility was designed to be family friendly. She clarified the fencing proposed was clear and intended to alleviate safety concerns from stray golf balls.

Ms. Corrigan was in agreement with Site Plan Review Board recommendations and Conditions #2-6. She said at this time there was no intention for development on the southern parcel. The southern parcel will remain prairie grass. She respectfully disagreed with Condition #1 and said the material should be addressed once future development occurred,

In response to Commissioner Anderson's inquiry, Ms. Corrigan said Big Shots Golf, LLC., was not a franchise.

In response to Commissioner Durand's inquiry, Ms. Corrigan said there has not been discussion for development of southern parcel. Ms. Corrigan said the petitioner needed to acquire more property than needed in order to get the acquisition.

Commissioner Misselhorn supported the requested waivers. He questioned the primary building material for the development.

Ms. Corrigan was unable to confirm the building material but said it was not a Morton building.

Commissioner Misselhorn questioned the lighting plan.

Ms. Allison said the lighting plan provided met code.

In response to Commissioner Misselhorn's concern, Ms. Corrigan said the petitioner was aware of the additional noise generated from the nature of the proposed facility.

Commissioner Anderson expressed concern for allowing a 110' fence and suggested the inclusion of a condition stating 110' netting fence.

Commissioner Viera suggested to include permeable paving parking surface as a condition.

Commissioner Wiesehan said the pervious paving for parking was not a regulation and therefore cannot be set as a condition.

Commissioner Viera said he supported the project. Viera preferred to place requirements on annexation cases that would bring value to the City of Peoria.

In closing, Ms. Corrigan thanked the commission for hearing the petitioner's request. She said the petitioner had no objection except to Condition #1. In regard to permeable parking, she respected the desire to recommend. Ms. Corrigan asked the commission to approve the petitioner's request with clarification to not require 50% brick for future development on the southern parcel.

With no interest from the public to provide public testimony, Chairperson Wiesehan closed the Public Hearing at 1:39p.m.

Motion:

Commissioner Heard made a motion to approve the request including waivers and Staff Conditions #2-6, excluding Condition #1; seconded by Commissioner Durand.

Commissioner Heard said he agreed with Commissioner Viera regarding permeable paved parking. He expressed concern of the additional costs to developers by requiring permeable parking. He supported the development.

Commissioner Misselhorn supported the development. He agreed with Heard to eliminate the permeable paving parking requirement. He said he understood Staff's concept to include Condition #1 but agreed with Viera to not include Condition #1. Misselhorn preferred to see brick on the building that faced Orange Prairie Road. He encouraged the developer to include masonry components to be consistent with development in the surrounding area.

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

CASE NO. PZ 16-02

Public Hearing on the request of Larae Tucker of Vertical Construction Management to amend an existing Special Use Ordinance No. 13,450 as amended, in a Class C-2 (Large Scale Commercial) District for a Shopping Center to add a Restaurant with a Drive-Thru for the property identified as Parcel Identification Nos. 14-29-327-003, 14-29-327-021, 14-29-327-025, and 14-29-327-026, with an address of 3425 - 3525 N University Street and commonly known as University Plaza Shopping Center. (Council District 2)

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. PZ 16-02 into the record and presented the request. Ms. Allison provided a summary of the proposal as outlined in the memo.

The Site Plan Review Board recommends APPROVAL of the request, not including the requested waiver. The request to place a second free-standing sign less than 150 feet from the existing multi-tenant sign conflicts with Section 17.1 of the City's Sign Ordinance, which in part was intended to:

1. Lesson congestion of land and air space;
2. Provide against undue concentration of signs which distract and endanger traffic safety and flow; and
3. Avoid uncontrolled proliferation of signs

In addition to the recommendation for approval, Site Plan Review Board recommends the following condition:

1. The City's 2016 University Avenue Reconstruction will include installation of property line sidewalks along the property frontage. In exchange for new sidewalks, the property owner will be asked to donate any required right-of-way or temporary easements. Plans should indicate that contractor should coordinate sidewalk construction abutting ROW sidewalk with Public Works Department.

In response to Commissioner Durand's inquiry, Ms. Allison said the University Shopping Center multi-tenant sign exceeded current size regulations and was designed to accommodate multiple tenants.

Commissioner Anderson strongly objected to the proposed sign of the requested waiver.

In response to Commissioner Misselhorn's inquiry, Ms. Allison said Baseline Investments, owner of the University Shopping Center, was the owner of the parcel.

Discussion ensued.

Kenneth Sack, representing Watermark Engineering Resources and the petitioner, provided a brief overview of the request. Mr. Sack said City Staff has been helpful since the team approached them with the idea. The petitioner proposed 33 parking spaces and the trash coral will match the building. The project did not propose new access points. The project will provide new landscaping, impervious to the area as well. The University Shopping Center owner said there was no room for Hardee's on the existing multi-tenant sign. The petitioner felt the road sign was imperative to success of the business. He requested discussion to allow the waiver.

Commissioner Anderson was in support of the petitioner utilizing the side of the building for signage.

Commissioner Viera agreed with Ms. Allison and questioned Baseline Investment's denial to allow the petitioner to occupy space on the multi-tenant sign.

Larae Tucker, representing Verdad Real Estate and Hardee's, said Hardee's would be the purchaser of the lot. The owner of the University Shopping Plaza told the petitioner the multi-tenant sign had been committed to future developments of the site; eliminating the opportunity for Hardee's to be on the existing sign. The sign proposed was altered in an effort to work with staff.

Commissioner Viera provided a history relating to signs not in compliance in that area. In response to the commission's hesitation for approval of the request, Viera explained the sign ordinance was created to prevent oversized and overpopulated signs in this location.

Commissioner Wiesehan added that the new developments in the area were required to adhere to the ordinance; therefore, a precedence has been set. Wiesehan said he supported the development but he wanted to be proactive in what the City wanted in relation to signs.

Commissioner Anderson agreed with Commissioners Viera and Wiesehan.

In response to Commissioner Viera, Ms. Allison said wall signage was allowed up to 20% of the building. Ms. Allison also suggested working with the owner of the University Shopping Center to utilize the existing multi-tenant sign.

Commissioner Wiesehan suggested granting a larger sign for the University Shopping Center and the petitioner could rent space on the sign. Wiesehan suggested a 30 day deferral to provide the petitioner an opportunity to speak with the owner of the University Shopping Center.

Ms. Tucker explained the University Shopping Center owner was approached and utilizing space on the existing sign was not an option for Hardee's at this time. Ms. Tucker did not want to postpone the case and/or the development. Ms. Tucker suggested to withdraw the waiver request to allow proceeding with the construction of the new development.

Commissioner Anderson encouraged the petitioner to use the building for signage.

Commissioner Durand urged the commission to assist with the petitioner's request.

In response to Commissioner Viera's inquiry, Mr. Sack confirmed there was an easement around the existing multi-tenant shopping center sign.

Commissioner Heard said he supported the development. He questioned if the sign was a deal breaker for the petitioner. He said the impact to the business should be minimal without the proposed sign.

Ms. Tucker said a site sign for the tenant was necessary.

Commissioner Viera encouraged the petitioner to work with the owner of the existing multi-tenant sign.

Commissioner Wiesehan said he wanted the project to move forward and the petitioner to adhere to the ordinance.

In closing, Mr. Sack repeated the request and said he was willing to work with staff.

With no interest from the public to provide public testimony, Chairperson Wiesehan closed the Public Hearing at 2:31p.m.

Motion:

Commissioner Misselhorn made a motion to approve the request with staff recommendations including the exclusion of the requested waiver; seconded by Commissioner Heard.

Commissioner Misselhorn said he appreciated the developer coming to Peoria. He said the location was a well trafficked corridor. He echoed commissioner's comments to recommend denial of the requested wavier.

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

The Planning and Zoning Commission meeting had a 5 minute break at 2:35p.m. The meeting resumed at 2:40p.m.

Chairperson Wiesehan announced his abstention from Case No. PZ 16-03. Vice Chairperson Misselhorn presumed the commission meeting.

CASE NO. PZ 16-03

Public Hearing on the request of Concordia Lutheran School, to amend Ordinance 13,533, as amended, for a Special Use for a School, for the property located at 2000 W Glen Avenue (Parcel Index Number 14-19-427-007), Peoria, Illinois (Council District 4).

Senior Urban Planner, Kimberly Smith, Community Development Department, read Case No. PZ 16-03 into the record and presented the request. Ms. Smith provided a summary of the proposal as outlined in the memo.

The Site Plan Review Board recommends DENIAL of the following WAIVER:

A waiver from the parking impact fee, Zoning Ordinance Section 15.2, to allow an additional 28 parking spaces.

The SPRB recommends APPROVAL of proposed gymnasium addition, with the following CONDITIONS:

1. Provide a transitional buffer yard along the south property line, in addition to the existing yard on the west side.
2. Meet parking requirement or pay the appropriate impact fee.
3. All other applicable codes must be met.

Commissioner Misselhorn supported the request but questioned Condition #1.

Steve Kerr, representing Concordia Lutheran School, discussed his request. Due to an adjustment in plans, he requested 23 additional parking spaces requested. Mr. Kerr requested to eliminate Condition #1 and waive the parking impact fee.

In response to Commissioner Anderson's inquiry, Mr. Kerr said with the new construction, the building was 370 feet from the south property line.

Motion:

Commissioner Anderson moved to approve the request including the approval of the waiver of the parking impact fee with the exclusion Condition #1 and #2; seconded, by Commissioner Heard.

Commissioner Anderson said the new construction did not impact neighbors to the south; therefore, the transitional buffer yard did not need to be a requirement. Anderson did not find it unreasonable to allow extra parking spaces for the school.

Commissioner Heard echoed Anderson's comments. Heard said the project had low impact on neighbors and he was in support of more flexibility with schools.

Commissioner Viera agreed with Heard and Anderson's comments in regard to parking requirements for a school.

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

Commissioner Anderson left the Council Chambers at 3:09p.m.

CASE NO. PZ 16-A

Public Hearing on the request of the City of Peoria to amend Appendix C, the Land Development Code, relating to Awnings

Senior Urban Planner, Kimberly Smith, Community Development Department, read Case No. PZ 16-A into the record and presented the request. The request referred to an amendment to Section 6.6.8: Form Districts in the Land Development Code. The request was to change the minimum height from 10' to 7'.

Commissioner Misselhorn supported the request.

Motion:

Commissioner Misselhorn made a motion to approve the request; seconded, by Commissioner Viera.

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

CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION

There was no interest from citizens to address the commission at 3:13p.m.

ADJOURNMENT

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

Approved unanimously by viva voce vote 5 to 0.

The Planning & Zoning Commission Meeting was adjourned at approximately 3:13p.m.

Leah Allison

Leah Allison, Senior Urban Planner

Kimberly Smith

Kim Smith, Senior Urban Planner