

Waivers:

1. LDC Section 8.4.4.B.3. General Outdoor Storage, which requires a solid screening, eight feet in height, a minimum 15 feet from the right of way.
2. LDC Section 8.2.6. Landscaping and screening, front yard landscaping.
3. LDC Section 4.3.7.C.2. Waiver of required screening on side and rear lot lines.

Conditions:

1. Allow existing fencing that is seven feet in height to remain until replaced; and replace within a timely fashion in order to provide fencing along Darst that is solid and eight feet in height.
2. Obtain all required permits, including paving permits.

Seconded by Commissioner Durand.

The motion passed by viva voce vote 6 to 0.

Yeas: Misselhorn, Heard, Anderson, Durand, Viera, Wiesehan;

Nays: None

Abstentions: None

→ **CASE NO. PZ 14-35**

PUBLIC HEARING on the request of Jeffrey Richardson to obtain a Special Use in Class R-2 and R-3 (Single Family Residential) Districts for a Family Care Facility for the properties identified as Parcel Identification Nos. 14-31-281-015 (1910 W Newman Parkway), 14-18-129-019 (6502 N Robinwood Dr), 14-18-254-006 (6225 N Hamilton Rd), 14-31-151-007 (2912 Parkridge Dr), 14-05-276-009 (722 W North Lane) and 13-25-202-030 (4023 Saymore Ct), Peoria IL. (Council Districts 2, 4, and 5).

Chairperson Wiesehan noted that the case for 722 W. North Street has been withdrawn.

Commissioner Misselhorn removed himself from discussion of 1910 W Newman Parkway due to a conflict of interest.

Shannon Techie, Senior Urban Planner, Community Development Department, read Case No. PZ 14-35 into the record and presented an overview of the request to obtain a Special Use for Family Care Facilities.

Petitioner Jeffrey Richardson, at the request of Chairperson Wiesehan, also gave an overview of his request.

Attorney, Bob Coletta requested the area director, Lisa Potter, be granted permission to give an overview. This request was granted.

Lisa Potter, Area Director of Bethesda explained how their program was established in the community, in connection with Redeemer Lutheran Church. She also gave an overview of the program's mission. Staff completed the presentation with an explanation of specifics on each property presented.

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1910 W Newman Parkway

Staff member Techie explained the Site Plan Review Board recommends APPROVAL of the request, with the condition that employees must park in the spaces provided in the garage and driveway.

Chairperson Wiesehan asked for clarification if the homes are currently occupied.

Commissioner Miseelhorn asked how this is different from a single family home parking on their own driveway. Staff responded by explaining that as long as a lawful space is provided, it may not always be used.

Commissioner Viera asked if the issue was whether the spaces were provided were covered parking. Staff responded the issue was the setback.

In response to Commissioner Anderson's question about what is the difference between storage in a garage or an accessible ramp, Staff responded that both are considered obstructions to lawful parking spaces.

Commissioner Durand asked the petitioner if they had spoken to residents; he wanted to know if they addressed concerns.

In response to a question from Commissioner Misselhorn, Petitioner Richardson explained the process he followed when establishing the locations prior obtaining approval. The petitioner explained he was following the City's online description of rental homes. Staff clarified the properties were brought to our attention by complaint.

Commissioner Misselhorn asked how the properties will be maintained, and requested to know if they have contact with the respective homeowners associations. The petitioners explained they have a maintenance service, and landscaping service. They are particular. They also noted they have are continuing to reach out to existing associations.

Commissioner Anderson asked for further clarification on how they manage the quality of care.

Staff member Techie read a letter, received September 17 from Carole Rogers in opposition into the record.

Carla Williams, neighbor, testified that a lot of staff is present 24 hours each day. The noted concern about property taxes being assessed law, and that they should have asked the neighbors first.

Mark Hanley, neighbor requested clarification about employees and the vehicle at that location.

Ashley Hanover, neighbor, stated that she is also inconvenienced by the additional vehicles, has trouble backing out of the driveway, and has visibility concerns from a nearby street curve.

In response to a question, the Petitioner stated each house will have a main vehicle assigned to it. Staff member Smith answered that the Ordinance requires parking per employee, not per vehicle. Additionally, the vehicle is not considered storage if it moves every 24 hours on the driveway, or 72 hours from the street, if street parking is allowed. The petitioner further clarified there may be additional vehicles, such as visiting family, just as in a single family house.

Motion:

Commissioner Misselhorn moved to approve the request for 1910 W. Newman Parkway, with condition, seconded by Commissioner Durand.

Discussion:

Commission Misselhorn noted that the parking concern was specifically about employee parking, not general parking on the street. He strongly encouraged ongoing communication with neighbors about parking issues.

Commissioner Anderson suggested giving consideration to moving the ramps to the exterior, to create an additional off-street parking space. She also added the neighbors have the right to call police for unlawful activity.

The Commission went through the findings of fact.

The motion passed by viva voce vote 6 to 0.

Yeas: Wiesehan, Anderson, Heard, Durand, Misselhorn, Viera

Nays: None

6502 N Robinwood Drive

Staff member Allison presented details of the request and stated that the Site Plan Review Board recommends APPROVAL of the request, with the following waiver and condition:

Waiver: Allow one parking space within the required front yard setback.

Condition: Employees must park in the spaces provided in the garage and driveway.

Kitty Ryan, Peoria Citizen and nearby neighbor, questioned why the petitioner did not obtain permits prior to occupancy. She noted that makes it difficult to ask them to leave. She noted that all neighbors are affected. She noted several houses are no longer selling, and she feels the petitioner has taken advantage of the neighborhood.

Peggy Drain, Peoria Citizen and nearby neighbor, expressed concern about cars blocking driveways.

Cinda Garst, Peoria Citizen and nearby neighbor, spoke in favor of the homes. She stated she is also a faith based person and works with special needs children in District 150. She spoke in favor of the petitioner, stating that they house some of her students and do very well with the residents. She concurred that that parking is an issue.

There being no more testimony, Chairperson Wiesehan closed the public hearing.

Motion:

Commissioner Anderson moved to approve the request for 6502 N Robinwood Dr as presented. The motion was seconded by Commissioner Heard.

Discussion:

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Commissioner Heard stated the need to control the number of vehicles at the location.

The motion passed by viva voce vote 4 to 2.

Yeas: Wiesehan, Anderson, Heard, Durand

Nays: Misselhorn, Viera.

6225 N Hamilton Rd

Staff member Smith explained the Site Plan Review Board recommends DENIAL to reduce the parking from 2 to 1. Staff recommends approval to parking in the required front yard and stacked

Lawewnce Kamrath had issues with parking but this has resolved. Concerned about parking in the winter. May get plowed shut. Would prefer to contact someone other than the police with concerns.

There being no more testimony, Chairperson Wiesenhan closed the public hearing.

MOTION to approve by Commission Anderson, second by Commission Misselhorn. She removed condition regarding ramp.

More specifically:

Waivers:

1. Waiver to allow parking within the required front yard setback.
2. Waiver to allow parking spaces on the driveway to be stacked instead of independently maneuverable.

Condition: Employees must park in the garage and driveway.

VOTE 6 to 0 to approve.

Chairman Wiesehan passed the meeting to Vice Chair Misselhorn and left.

2912 Parkridge Dr

Staff member Smith explained the Site Plan Review Board recommends APPROVAL of the request, with the following waiver and condition:

Mike Miller on behalf of Wardcliffe NA? presented exhibits A petition, and B photos in opposition. Concerned about traffic, running stop signs, parking in front of hydrants, parking on street, noise.

Joe LaHood concerns for traffic, running stop signs, parking in front of hydrants and failure to obtain permits before occupancy.

Mark Hanley requests that property be denied. Excessive traffic problems.

Daniel Wilton stated parking issues can be fixed. This property has been improved by Bethesda and now has greater value. Other properties create activity too.

Roy Morley concerned that the property did not obtain proper permits.

Hannah Winek supports the property.

Karen Wilton supports the property.

There being no more testimony, Vice Chairman Misselhorn closed the public hearing.

Lisa Potter responded to objections.

Bob Colletta summarized the ownership/business relationship of Jeff Richardson and Bethesda.

MOTION to approve Commission Viera, second by Commission Heard . 4-1; Durand.

More specifically:

Waiver: Waiver to allow one of the provided off-street spaces to be located within the required front yard setback.

Condition: Employees must park in the garage and driveway.

Discussion – staff issues need to be addressed and neighbors should have contact information for staff. Permit fees should be paid where required and if fines are applicable they should be issued. Neighbors should communicate with each other to resolve issues. Haven't heard complaints specific to the residents in the home; issues with parking and other external issues can be resolved.

VOTE 4 to1 to approve.

Durand voted no.

4023 N Saymore Ct

Staff member Smith explained the Site Plan Review Board recommends DENIAL due to the proximity to another group occupancy; the use is within 600 feet of another group occupancy.

Attorney Colletta explained that he respectfully disagrees with staff, as that the 600 foot separation requirement violates fair housing and he believes it is not enforceable. He stated that reasonable accommodation should be made. He believes that these homes are close to meeting the 600 foot separation requirement.

Lisa Potter of Bethesda explained that they do not currently occupy this home, as they are now aware of the process and are going through the proper approval process. In this instance the straight line measurement per the Ordinance does not take into account ravines, trees, etc. There are four ladies looking forward to moving into this home. They will uphold the responsibility to alleviate parking congestion.

Jennifer Chanine of 4015 N Saymore Court explained that the home is not currently structurally sound, as a beam was removed in the basement. She said the home would consider significant structural improvements and she doesn't want to hear the noise associated with that. Residents

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on this culdesac are close knit and look out for each other. There is an empty lot on Saymore Lane for many years where a home could be built.

Richard Beil of 3527 W Saymore Lane, explained that his concern is the saturation in the neighborhood and within the Lexington Hills area. He is aware of 4 other homes and some of them are not in good condition due to lack of maintenance. The saturation leads to perception of decreased property values. Parking and security are also issues. He feels

Bob Reading of 3315 W Lisa Lane, explained he has lived there for 43 years and is a licensed counselor. He is not opposed to the residents but rather he is in disagreement with the process. He feels that vacant lots should be looked at first for new construction, as opposed to reusing homes that are already there. He agrees with Staff to reject this request.

Donna Smith of 3909 N Kathy Lane explained that Bethesda and Mr. Richardson should work within the laws that are established; the home should not be within 600 feet of another group home. She further explained that being on a culdesac also poses problems, as there is limited parking and increased congestion, creating a concern of propose access by the fire department. Sharon Woods is nearby in addition to the other homes. She questioned whether there are site visits. She also feels this is a business, as someone is making money from the operation of this home.

Brian Behm of 3213 W Brookside Drive stated that he feels this is a business, as the property owner must be making money from fixing them up. He feels credibility is questionable on this and how homes have been operated in the past.

Attorney Colletta summarized by stating that culdesac parking is one of the reasonable considerations that can be made. He stated that one difference is they have employees that come there and need to park, just as neighbors may have visitors come by. He said the determination would be that it is not reasonable to have cars parked on the street.

Motion:

Commissioner Heard moved to Deny, seconded by Commissioner Viera

Discussion – Ordinance is there for a reason and should be followed. Commissioners also believe there is a difference for culdesac properties that can create increased parking issues.

Commission Anderson doesn't feel this is an ideal location; however, any landlord can by a house in a neighborhood and rent it to anybody. She doesn't feel there is anything wrong with Mr. Richardson buying a house and renting it out. Normally you may not know the renters, in this case there is a faith based organization that wants to do the right thing. She appreciates that Mr. Richardson wants to make improvements to the property with the situations of structural issues. She also feels that reasonable accommodation is a real thing. She would prefer it be in another location but sees the benefit of making improvements to this structure.

The motion to deny was approved by viva voce vote 4 to 1, Anderson .

Break at 4:30

Commissioner Anderson left at 4:35