



PLANNING & ZONING COMMISSION

TO: City of Peoria Planning & Zoning Commission

FROM: Development Review Board

DATE: November 2, 2017

CASE NO: PZ 17-B

REQUEST: Hold Public Hearing and forward a recommendation to City Council on the request of Michael Freilinger of the Downtown Development Corporation of Peoria to amend Appendix A, the Unified Development Code, relating to the Warehouse Form District. (Council District 1)

SUMMARY OF PROPOSAL & REQUESTED WAIVERS

Petitioner Michael Freilinger, representing the Downtown Development Corporation, is requesting to amend certain sections of the Warehouse Form District relating to: 1) minimum height of the ground story finished floor; 2) building setback along the side lot line; and 3) parking setback exemptions.

- 1) **Ground Story Height**
Currently the code requires a minimum first floor elevation of 3 feet and not more than 7 feet above the exterior sidewalk. The intent of this requirement is to provide privacy for residential uses. The petitioner recommends eliminating this requirement.
- 2) **Side Lot Setbacks**
Currently there is no required building setback from the side lot line. The petitioner is proposing a 20 foot setback from an adjacent existing building beginning at the upper stories above the ground story.
- 3) **Garage and Parking**
Currently vehicle parking areas must be setback 30 feet from the required building line, unless a street wall is installed. The petitioner recommends an additional exemption for the setback when a vegetative separation is installed.

The petitioner's proposed ordinance showing stricken and added language is attached.

DEVELOPMENT REVIEW BOARD RECOMMENDATION

- 1) **Ground Story Height**
The Development Review Board recommends APPROVAL of the request to eliminate the ground story floor height elevation regulation. The original intent of this requirement was to provide privacy through a view shed that is off-set to approximately the sill of a window. This elevation requirement also allowed for garden apartments. While a developer can still construct a new building with a first floor elevation above the sidewalk, this proposed amendment will allow greater re-use opportunities of existing buildings which do not have an elevated first floor.
- 2) **Side Lot Setback**
The Development Review Board recommends DENIAL of the request to require a 20-foot setback from the side lot line. The recommendation to deny is based on the intent of a warehouse district, building code regulations, and property rights.

The proposed setback contradicts the guiding principles of the warehouse district found in Section 6.1.1 of the Unified Development Ordinance:

- A. Buildings are aligned and close to the street. Buildings form the space of the street.
- B. The street is a coherent space, with consistent building forms on both sides. This agreement of buildings facing across the street-space contributes to a clear public space and street-space identity.
- C. Buildings oversee the street-space with active fronts. This overview of the street-space contributes to vital and safe public space.
- D. Property lines are physically defined by buildings, walls, or fences. Land should be clearly public or private—in public view and under surveillance or private and protected.
- E. Buildings are designed for towns and cities. Rather than being simply pushed closer together, as in many suburban developments, buildings must be designed for the urban situation within towns and cities. Views are directed to the street-space and interior gardens/court-yards, not into neighboring lots.
- F. Vehicle storage/parking, (not including on-street parking), garbage and mechanical equipment are kept away from the street-space.

Staff consulted other cities for guidance and comparative circumstances. No other municipality required a side yard setback in their warehouse/downtown districts. Additionally, Planners from Milwaukee, WI and Des Moines, IA strongly discouraged a side yard setback stating it would ruin the characteristics of a warehouse district that are so appealing – dense urban setting with a well-defined street space. Milwaukee noted that a few developers had obtained easements from the adjoining property owner, otherwise development has proceeded without side yard setbacks. Des Moines' downtown/warehouse area is experiencing redevelopment, both existing re-use and new construction, without side yard setback requirements. Development in Peoria's warehouse district is occurring as well.

Currently, building code regulations prohibit unprotected openings (i.e. windows) on a common lot line. An amendment to the building codes (in addition to the amendment to the Unified Development Code) is necessary to allow for unprotected openings. Such amendment will require review through the Construction Commission and approval by City Council.

In Staff's opinion, the proposed 20-foot side yard setback may constitute a regulatory taking limiting the use of the private property. This is especially concerning of smaller, narrower parcels. Staff contends that the proposed side yard setback is an unnecessary government regulation for the warehouse district.

It is important to note that relief from zoning regulations and the building codes is available through the variance and appeal process on a case by case basis. In Staff's opinion, there is no need for a universal change to regulations when opportunity for relief is already provided.

3) Garage and Parking

The Development Review Board recommends DENIAL of the request to allow a vegetative screen for parking lots constructed at grade. The regulations currently allow for either a wall or fence. A vegetative screen is not appropriate in the urban environment of the warehouse district and it does not fit within the guiding principles noted above.

ATTACHMENT

1. Proposed ordinance

AN ORDINANCE AMENDING APPENDIX A THE UNIFIED DEVELOPMENT CODE OF THE CITY OF PEORIA RELATING TO THE WAREHOUSE FORM DISTRICT

WHEREAS, the City of Peoria is a home rule municipality pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, as a home rule municipality, the City may exercise any power and perform any function pertaining to its government and affairs including zoning regulations and uses; and

WHEREAS, the City of Peoria desires to amend Appendix A, the Unified Development Code;

NOW, AND THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS AS FOLLOWS:

Section 1: Appendix A of the Peoria City Code, being Ordinance No. 17,403 as adopted on October 11, 2016, is hereby amended by deleting the following stricken words and adding the following underlined words:

6.0 Form Districts

6.5 Warehouse District

A. Warehouse District – General

4. Ground Story Height: Residential Units

~~a. The finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the required building line.~~

~~b.~~ a. The first story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum floor to floor story height of 22 feet.

10. Side Lot Setbacks

There are no required side lot setbacks at the ground story. A 20' side lot building separation is required from the upper stories of any adjacent building.

11. Garage and Parking

c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade. At grade parking lots are exempt from this set back when applicable street walls are installed per Section 6.6 or when a vegetative separation is used. At the time of installation, such screening shall be at least 30 inches in height. Any vegetative screen shall reach a maximum height of 36 inches within two years of planting.

C. Warehouse District – Local

4. Ground Story Height: Residential Units

~~a. The finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the required building line.~~

~~b.~~ a. The first story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum floor to floor story height of 17 feet.

11. Side Lot Setbacks

There are no required side lot setbacks at the ground story. A 20' side lot building separation is required from the upper stories of any adjacent building.

12. Garage and Parking

c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade. At grade parking lots are exempt from this set back when applicable street walls are installed per Section 6.6 or when a vegetative separation is used. At the time of installation, such screening shall be at least 30 inches in height. Any vegetative screen shall reach a maximum height of 36 inches within two years of planting.

Section 2. This Ordinance shall be in full force immediately and upon passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS
_____ DAY OF _____, 2017

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel