

## Village of Peoria Heights Zoning Board of Appeals Meeting Minutes July 15, 2019

The meeting was called to order at 5:29 PM.

Motion to make Matt Wigginton interim clerk was moved by Cathy which was seconded by Jannie. The motion passed unanimously.

Matt called roll call and confirmed all members present (Chairman Rick Picl, Tessie Bucklar, Mike Woo, Jack Wiedeman, Janie Backs, Steve Cady, Cathy Stevenson, Nicko Tijerina, and Matt Wigginton). Mark Walton, Village Counsel, was also present.

Rick advised that all board members speak into microphone

The June 17, 2019's meeting minutes were moved to be approved with revisions. The motion was proposed by Cathy. Janie seconded the motion and the motion was passed unanimously.

Gary Kempf spoke on behalf of a site plan proposed by GLK Land Trust. Mr. Kempf presented a foundation plan; a site plan and the site plan was modified prior to the meeting. Gary noted that the modifications were made to address corporate concerns from Subway which included a 13-foot drive and a foot off War Memorial Drive. The plan is to begin serving sandwiches by January 2020. The square footage will be 1700 square feet for Subway. Gary mention they are attempting to get a tenant for the remaining (1) office location. Rick inquired about the elevation and Gary noted there will be some adjustment to the elevation as well. There will be three electrical services in and the building will be made for a potential three tenants despite Subway's new footprint. Cathy inquired about the trash receptacles, the size and placement for these containers. There will be a six yard and pick up three days per week. The dumpster will be just larger but everything else will remain the same. The fence that is there currently will remain. Tessie inquired about the drive through and how it will be from the building. Janie asked about the remaining space and Gary noted that there would be about 2000 square feet but his plan will be to wait until a tenant is found.

Cathy inquired the projections about numbers through the drive thru and the customers in general. Gary noted that there were 150-160 cars per day at Subway's current location but this may increase to 180-190 at this new location. Rick, Jannie and Tessie mentioned concerns about the green space that may be eliminated and if any additional was concerned. Gary noted that Subway had requested that nothing be added for fear of scratching motor vehicles.

The floor was open to public comments. Rick noted that the comments should be restricted to five minutes.

Barry Rolette of 4823 n Monroe Ave, Peoria Heights IL noted that he lives just a block away from the proposed site plan. Mr. Rolette spoke about the history of this location and the concern of some local residents about the local elementary school across the street. Mr. Rolette noted that there was a safety concern with this location given War Memorial Drive, given that the light at Monroe is timed to allow the flow of traffic on War Memorial Drive. He believed that traffic would cut through the neighborhood. Mr. Rolette noted that there were other sites for Subway that might be better.

Deloris Silvester from 3319 Biltmore Ave of Peoria spoke on behalf of Dan Callahan from Greg's Florist. Her concern was that War Memorial Drive's long-term plan may not be served by Subway. Speaking for Dan, Ms. Silvester noted concern for snow, ice and runoff. There

was a concern about snow removal now that there would be less green space. Ms. Silvester was also concerned about food deliveries by semi-truck and how this will be completed. There was a concern about noise and business hours given that Greg's Florist was burglarized earlier in the month.

Jennette Gruber - is a small business owner which is located on Monroe and Division Streets. She expressed concern about the use of the space and agrees with Mr. Rolette that there may be a better location for a drive through. Ms. Gruber noted that she did appreciate Mr. Kempf's changes on the site plan however. There was going to be a concern about the foot print and the 3360 will be inclusive of the portion of the building that the Subway will use. 125 feet of green space will be lost. Ms. Gruber did speak with some people at the school and that there was a concern about the increased traffic. Cathy inquired about the school times and there was a consensus from the public that the school is generally occupied even after school.

Public Comments were closed.

Rick had a few questions about the semi-traffic and posed questions to Mr. Kempf. Mr. Kempf noted that it would be a semi and it is once a week and it is generally fifteen minutes to unload the truck. Mr. Kempf then noted he was unsure if it would be a semi-truck and he could not visualize these trucks and they do currently transvers the streets and alleys. Rick then inquired about water retention plans and Mr. Kempf assured the board that everything existing will remain and will be in accordance with the Village Engineer. Rick inquired about snow removal. Mr. Kempf noted that there was some history about snow removal and the Village Administrator had been informed.

Cathy inquired about the deliveries and the school and it appeared based on her research that 12-1 and 11-2 were busy and that the times may not interfere with the school.

Matt asked if Mr. Kempf if he envisioned the semi-truck delivering to Subway by turning from War Memorial Drive into the alley or coming through the neighborhood. Matt also noted deliveries in the alley would need to go over the concrete barrier. Matt also asked about Mr. Kempf's experience of seeing the traffic from the school and Mr. Kempf noted that the traffic was one-way and the school traffic did not come back on Monroe.

The board then proceeded to discuss the site plan. Cathy asked if there was a lot of kids walking from the school and Mr. Kemp noted that there is not a lot of pedestrian traffic. Jannie noted that other businesses may also cause the problems that the public comments were focusing on. Mr. Rolette noted that there was a weight restriction on the road.

Rick noted that there was a concern about the delivery. Mike believed that there would be a semi-truck delivering which is typical of a fast-food business. Mr. Rolette noted that there is four-ton weight limit on Monroe. Mr. Kempf noted he would be amenable that no semi-trucks be permitted in the alley and all deliveries take place in the parking lot. Cathy inquired about the time of day of the deliveries. Rick noted that he would appreciate contingencies of landscaping should be included. Mark noted that landscaping was beyond the authority of the Zoning Appeals Board as it exists currently. This would need to be addressed by an ordinance.

After conferring with the Subway franchisee, Mr. Kempf informed the board that deliveries are on Friday and that they are done via semi-truck.

Rick then suggested that the Board go through findings of facts. A motion was called for to approve or deny. Matt Wigginton offered that the site plan be approved with the condition that no deliveries in the alley or on Monroe. Jannie asked about adding any conditions on greenery and Mark noted that there was no landscaping ordinance. Matt amended his motion to specifically prohibit 53-foot semi-truck deliveries in the alley and on Monroe. The motion was seconded by Cathy.

Findings of Fact for site plane:

1. Would not be detrimental or endanger public health 5-4
2. Would not Impair property values 6-3
3. Not impede development and improvement of surrounding properties 8-1
4. Adequate facilities and drainage will be or have been provided 7-2
5. Adequate measures to minimize congestion to public streets 3-6

Motion failed.

Rick asked if there were any amendments. Matt inquired about the weight limit and how with a four-ton weight limit allows a school bus to go on these streets. There was a feeling that buses are exempt. Mark noted that delivery concerns are implicit that a developer has to follow to the regulations of the board. Matt noted that he would change his vote on given Mark's comments. Rick noted that this motion had failed.

Cathy made a motion with the previous conditions with the addition of a restriction of right hand turns into the neighborhood of exiting traffic from the parking lot and requiring a sign to that effect. Jannie then seconded the motion. The finding of fact were read again.

1. Would not be detrimental or endanger public health: 7-2
2. Would not be injurious or impair property values 6-3
3. Would not impede normal and ordinary 8-1
4. Adequate facilities provided 7-2
5. Adequate measures to minimize congestion to public streets 7-2
6. Public use: n/a
7. Conform to the applicable regulations of district 9-0

Matt called the role: Niko voted no given the restrictions offered were beyond the scope of the Board. Tessie voted yes, Jannie voted yes, Jack voted no, Cathy voted yes, Rich voted yes, Matt voted yes, Steve vote yes, Mike voted no. The motion carried.

The next order of business was a discussion of the Samuel St. Jude Project. The thought process was to get things to the Board well in advance of the vote on the project to get an overview of the project and to digest the project. Katie Kim discussed the existing projects on the Samuel Avenue from Prospect to Constantine. Ms. Kim noted the history of the project and gave a presentation on the projects. This project will require some variances of the Zoning Appeals Board that she will be seeking at the next meeting. The building height will need to be addressed for R-3 of one and 7/8<sup>th</sup> of an inch. There may be an issue with the

surrounding properties with height as well. The lot size will need a variance for the project. A variance for a setback may also be sought to keep the houses in line. Rick noted that the porch may not require a setback variance. Cathy noted she had some concerns about the fence and that she would be reluctant given the lack of hardship. Jannie asked if the trees were considered during the project and Ms. Kim noted she did.

Rick then discussed a proposal that as early as we can to get a developer give us the project before they get on the agenda on a vote. This would be the ideal. The ordinance states that all information needs to be in 16 days before but this will need to put more set fast. There was a general agreement on this thought process.

Rick also noted that he had reviewed the handling of site plans with the City of Peoria and that we streamline our request to make them more user friendly.

Rick also noted that R1 and R2 site plans may need to be considered. While building permits were being secured, some properties were not being built in accordance with the zoning code. Mark noted that it would be a flood of issues into the zoning board if there is not a proper trigger. Mark suggested a percentage of the value and Rick mentioned that R3 is currently set up in a similar manner. Mark noted that this would be the building permit review board and Rick was in agreement. A motion was made to discuss this next month and the motion was passed unanimously.

Cathy discussed a few issues from the B1 properties in the overlay district that may come before the board in the following meeting. Rick's understanding that currently the overlay district may not have a site plan requirement. Kathy said that this was well regarded by the KDB group. Jannie noted that she wanted to look at a greenery ordinance.

The motion to adjourn was offered Jannie and the motion was unanimously agreed to.