

## Village of Peoria Heights Zoning Board of Appeals Meeting Minutes October 15<sup>th</sup>, 2018

Upon roll call the following members were present: Steve Cady, Cathy Stevenson, Rick Pick, Tessie Bucklar, Mike Woo, & Craig Masters.

Meeting Minutes from September 17<sup>th</sup>, 2018 were approved.

First order of Business; approval of Special Use Permit at 3703 Vincent Ave.  
Mr Gates, explained that the business would a Used Car Dealership and would be used the same as the property was before.

Craig voiced the concerns from the neighbors to Mr. Gates. Mr. Gates stated that he thought he could fit 40 cars in the lot but if the maximum cars is 25, then there would be plenty of area for parking for his customers. Craig asked about what times would deliveries be made and if there would be mechanic work done on the property, Mr. Gates said no mechanic work was going to be done and that all delivers have to be made before 4 PM. He also stated that the hours of operation would be Monday through Friday 8AM- 5PM, and that Saturday he isn't sure but it wouldn't be later than 5 and that he is not allowed to be open on Sundays. Craig asks, Mr. Gates about signage; He has to have signage, it's a requirement to have a license. Craig also asked if the current building has electricity or bathrooms? Mr Gates replied No. No neighbors were present to speak on this item on the agenda. Cathy, asked for clarification on the lighting issues, Mr Gates, explains that the issue is that there is a street light that is burnt out there. Tessie asked Craig the main concerns the neighbors have so we could apply them in the special concerns; Craig says, time of deliveries & hours of operations, flow of traffic, and the lighting of the building. Motion to Deny by Craig Masters; Seconded by Mike Woo. Special Findings; Discussions on if its detrimental to the public, board has conversations on not all in agreeance and making a decision based on neighbors' concerns without any neighbors present or have written a letter to the board. Craig Masters, Rick Picl, Mike Woo, Steve Cady voted in favor or the motion to deny and Tessie Bucklar and Cathy Stevenson voted against the motion.

Sarah DeVore joined the meeting at 5:53 PM

Second order of business: Ordinance 2018-1570: An Ordinance Amending Title 10 of the Village Code of the Village of Peoria Heights for the Purpose of Adding a New Chapter 11 Providing for Overlay Zoning Districts and Amending Title 11 of the Village Code in Order to Accommodate the Subdivision of Land in Accordance to Regulations Applicable within and Overlay Zoning District.

Craig explains what an overlay district is and why the board would like to have one. Chet Fuller, asked the board if a developer brought this to the board or if this was an idea of the board, Rick/Cathy explain that Cathy brought this to the board it. Chet ask if this is to help or to bring businesses to the heights? Rick, "Yes". Chet expresses concerns about the denial of Mr. Gates business. Residents asks questions on how the

overlay district will affect the properties one block off of prospect? Tessie Bucklar made a motion to approve, Sarah DeVore Seconded the motion. All members present voted in favor.

The third Item on the agenda; Ordinance 2018-1571; An Ordinance Designating the Peoria Heights Downtown Overlay District and Approving a Plan that Shall Apply within the District.

Rick explains the overlay. No discussion from the board. Motion to approve, by Cathy Stevenson, Tessie Bucklar seconded the motion. All members voted in favor.

The fourth item on the agenda, Variance Application filed by PH Samuel, LLC for Samuel Ave Residential Housing Project. Rick, explains that the application was files by Katie Kim, and what the application entails. Asking to move lot lines back to original lot lines, also to change the setbacks to each lot.

Discussion on the removal of properties that are no longer being discussed for this variance.

Katie explains that the lots that were removed were sold and PH Samuel LLC can no longer ask for the variance on their behalf. Katie explains that the properties will be held to the same standard of their “vision”. Katie states that she wanted an overlay district on those blocks but that wasn’t previously permitted so they are adjusting to include the vision. Cathy asked about the closing of these properties being delayed, when were they supposed to be closed on. Katie tells the board that they closing happened the prior week but didn’t know when it was originally scheduled. Board asks about the current setbacks, Rick and Cathy explain the current zoning and what the current requirements are. Rick asks Katie to explain what the plans are for the lots that she is requesting variances on. Katie, explains that they are requesting the setbacks be moved due to the existing set back on the street, it is a lot less than 25 feet. They do not want to have the current homes to be more forward on the properties than the new homes, also 25 feet takes up a lot of space that could be utilized. The board says that they want to some uniformity and Katie states that the setbacks will be put into the contracts. Katie states that she wishes that an overly district to happen to the area, and that would be ideal.

Katie talks about going back to the original lot lines, would be less homes than originally planned. The variance she is asking for is a minimum setback for the sides and the rear. Not all homes would use that but wanted to get a minimum put into place. Cathy states that in order to make a decision we need to see what is going on the lots, total dimensions, square footage, survey pins, etc. Cathy asked if Katie has the lot pins. Katie states no, because they home owners would be making those decisions, she is just trying to create standards to be as uniform as they can. Cathy explains to Katie that there are a lot of variable with each one of these properties, without more information we (the board) cannot give you the answers on. Cathy reminds Katie that when Rick and herself met with Katie the week prior that if she could give the board the largest home, height, square footage, etc. we could work with the variances. However, working to make the best decision for the current home

owners and the future development is just not possible without more information. Katie tells the board, that getting those answers is hard because they will be built to suit. Craig explains some issues with not having the pins and how the houses currently would be effected, each properties needs a site plan. Katie states, that she will be getting the pins and putting them in place, she tells the board she wasn't able to get the pins located in-between her meeting with Cathy and Rick and this Zoning Board meeting and that it should be completed within the next week.

Comments and questions from the audience:

Chet Fuller asked if any of the Samuel project will be commercial? He also asks for clarification on who owns the properties we are discussing. Katie states that anything over four units is considered commercial even though it will truly be original. Rick states again what Katie is asking for to Chet, Rick tells Katie, if you bring plans on what you are wanting to build on the first two then we could vote on those items and move forward, the board really needs to know what is being built on those properties. Someone from the audience asks about what will happens to all of the trees on the properties. Katie, says that they are keeping the trees, random comments come from the audience that that is not possible.

Cathy states, that before we make a decision, we need to know where the pins are, where that ten feet is, everyone is speculating and guessing. We are not able to make a judgement on that tonight.

More discussion is had between Katie, the board, and the audience about landscape and the existing trees, determining if the street scape would coordinate with the rest of the Village.

A question is asked from the audience, that will the existing properties have to conform with the new regulations, Rick responds no, it would only be for the new properties.

Discussion is had about timeline for completion of these properties, Katie states that it depends on when the houses sell, and what each homeowner chooses. Sarah, asks do you have a list of requirements of what people will have to have when building, Katie states yes, Sarah asks to see that list.

Discussions about the topography, how will that be addressed with the diagrams shown, Basically no answer is given, it will just be determined based on what happens.

Don Gorman ask questions about, density and infrastructure. How will the houses handle the infrastructure with more density. Katie explains that the TIF agreement is built to update the infrastructure, and that the density isn't going over what the infrastructure was designed for. The EAV will kick off the infrastructure revamping.

Discussions had on putting in or increasing the alleyways, how will alley work if the lot variances are granted. Lee Harper explains that he has had damage to his property based on the current alleyway and voices his opinion that keeping the alleyway as it is and adding more properties will not work. Mike Casey, asks if the board thinks the infrastructure will be able to handle it. Cathy, states that even though we are going back to the original plats that doesn't mean that the infrastructure today can handle it, because that was built to handle smaller homes. Cathy says that in the redevelopment agreement it states that she would work within our current ordinances

to make this happen, and we all need to come to a compromise. Also 75% lot coverage will cause an issue for rain water run off etc. so the Zoning Board will need to take that into considerations. Rick and Cathy, states our hands are currently tied without this information. Rick asks, if the board has any questions. Sarah asks more questions about the infrastructure, how do we make sure that the infrastructure is replaced, For example, if we put in 10 homes for example, the infrastructure will be replaced. Katie states once a certain EAV happens then it will trigger for it to be completed. Katie explains that they want it done. Sarah also asks if Katie can provide the GPSD reports stating that the infrastructure can handle it. The board tables this, until further information is provided. Motion to Table: Craig Masters, with the stipulation that the neighbors would be notified of the next meeting discussing this. Mike Woo seconded the motion. All members voted in favor.

Last on the agenda: Other/House Keeping

Sarah W. will be keeping track of who is going to be in attendance, please respond yes or no if you will be at the meeting.

Discussions about what the current fencing ordinances.

Discussion on remote attendance to meetings. Mark says he will look into and get back to us on this.

Sarah made a motion to adjourn, Tessie seconded the motion, Meeting Adjourned:  
7:46