

Village of Peoria Heights Zoning Board of Appeals Meeting Minutes December 17<sup>th</sup>, 2018

The meeting was called to order at 5:31 PM

Upon Roll Call the following members were present; Rick Picl, Cathy Stevenson, Elizabeth Khazzam, Tessie Bucklar, Sarah DeVore, & Craig Masters

Approval of Meeting Minutes from November 19<sup>th</sup> 2018; Motion to Approve by Elizabeth Khazzam, the motion was 2<sup>nd</sup> by Cathy Stevenson

The first item on the agenda Site Plan Review and Variance Application by PH Samuel, LLC seeking approval of Site Plan for proposed condominium building, variance for front yard and corner lot fences and variance for parking requirements for the following described parcels located in the zoning districts set forth below;

Pin No. 14-22-402-005 1310 E. Samuel Ave.

Pin No. 14-22-402-006 1314 E. Samuel Ave.

Rick explains what is being requested:

Front yard fence; no variance is required just approval for the fence

Parking; to allow on street parking to count toward number of parking spots required, as well allowing for 25 spots instead of the required 29. (B-1 requirement is 1.5 per unit)

Current code says that there is no Front Yard setback required (Providing 8 ft) , No side yard setback, unless you set it back then it need to be set back 8 feet. (Providing 8 ft on the east side and 15 ft on the west side) Rear yard should not be less than 10% but does not need to exceed 10 feet (Providing 20.4 ft from the rear yard to provide for parking spots) 54 feet in height is the code, the condo building will be 51 feet. Lot Coverage, nothing in excess of 90 %( so only 56.8% of the lot coverage).

Rick explains that people in the audience will get to ask questions, you will have to come to the podium, state your name, address and your comments and questions will be limited to five minutes.

Katie is asked if she wants to explain; Katie explains; Fence & Parking. Katie states that she feels that she has put together the best site plan, with adding more parking as well as public parking, by moving the building over 8 feet the project loose potential parking spaces on the west side of the building, she expresses that she is doing this to be considerate of the neighbor and to provide a buffer on the East side. “technically they could move the building to east and gain the space to gain 6 parking spaces making the 2 over their required parking spaces”

Cathy asks Katie if she moved the building over would she eliminate the patio that is currently listed on the rendering. Katie replies yes. Cathy asks, for a frame of reference could you go over what the drawings look like. Katie shows the audience

her renderings. Conversation is had about what is currently on the properties line in between these parcels and the property to the east, current plans and plans if they built directly on the lot line. Elizabeth asks how Katie would get around the building for maintenance and such. Katie replies that she would have to have easement from the neighbor at 1320 on the (East Side) and that she doesn't think that would be obtainable. Katie explains that usually when a fence is built directly on a property line there is easements on both sides of the fence but that she does not see that in the title work.

Katie goes on to explain, the parking variance, and what the current use of the street is. How they are willing to cut into their property line to be able to put public parking spots in the front of the building, creating spaces at a 45 degree angle. From the rendering she states that she by doing this it makes the street flow wider; from 12'.6"-16'.1" The current area typically holds 4-5 cars there and with this parking could increase the number of cars to 11. She states that she isn't asking for these spots to be held or requested for the building tenants. Katie talks about the other areas that are using this form of parking; Duryea & Kelly.

Katie talks about the alley; the alley is actually around 16' but is only paved about 9 ft. The plan is to pour concrete to widen the alley 5 feet in some areas and 2 feet in others.

Tessie states that the other areas using this method of parking, is at commercial buildings, and this is a residential and that 45 degree parking will change the street scape. Katie responds that she thought this would be in line with the street as the building across the street is commercial and this is zoned B1- Tessie states that we also have to determine how the site plan fits into the existing environment. Tessie also states that if we aren't counting those parking spaces, so are you saying that you will have some units that don't have parking spaces allocated to them? Katie confirms. So five units without any parking? Katie says some people want to make some of the 2 bedrooms and 3 bedrooms together to combine them, so at this point they don't know how many units will have cars. Elizabeth asks, " have you thought about eliminating the two units on the first floor and creating all garage parking? Katie says that she has not looked into it but is willing to take that into consideration. Rick explains that the garage units that have parking behind the garages cannot be counted as parking spots as those will be used for the same unit, so the development is actually short about 10 spaces. Katie says that the zoning code says that the Village requires 1.5 parking spaces per dwelling unit, so we are going to have some with more than others. Rick further explains that there are only 12 of the 1.5. More discussion is had between Katie and Rick on how the code reads for 1.5 parking spots per dwelling unit. Cathy joins the conversation explaining how Katie's theory on the parking does not work in the Village as well as it doesn't agree with the code. Cathy states that when we changed the code, we believed that the developers would self-regulate the parking because they would want to sell their units. Cathy asked what the average price of the units will be? Katie replies around \$300,000. Cathy states that with a unit at that price you would want a designated parking spot. Katie explains that Peoria has

changed the parking requirements and that she knows it's on her to be able to sell the units. Cathy explains that the City of Peoria has done away with parking minimums. Katie states that you get punished in Peoria if you have too much parking. Elizabeth asks her if she is charging more per parking space. Katie replies, no they would be allocated to each unit.

Craig explains his concerns on the parking and alleyways: wear and tear on the alley and other public streets, with all of the moving vans and trucks. How will the water run-off be addressed? Will moving trucks and delivery trucks be blocking the roads or alleys for other residents in the area? Katie explains the use of her personal alley. Craig further asks questions about snow removal. Craig states that with the parking spots located on the corner of the alley and the property it will make for a very tight corner and that maybe she should switch the handicapped spot. Cathy interjects and explains that will not work with the ADA regulations. Katie states that she can put up a sign that says compact cars only.

Cathy asks Katie, Over the years how many buildings have you done? Katie states that she has done quite a few apartment building, but that this is her first condo building, however there is a need for town homes, so they are partnering with other people who have done this type of development before. Cathy was asking how she has dealt with these problems in the past but it sounds like this development is different. Cathy asks for her to review how many of each type of units there are. Tessie answers with the following number of units:

1 Bedroom - 5

2 Bedrooms- 13

3 Bedroom- 1

Discussion is had that that mean that the parking requirement is 28 parking spots

Questions are asked about the windows and the look of the front of the building. Katie states that the windows will be added, the reason they weren't in the drawing is because they were just showing in this particular document where the lighting fixtures would be. Discussion was had about the external materials used for the building.

Craig asks Katie if she talked to the Village's engineer about the alley and other traffic? Katie states no, they have not had the opportunity but they she did talk Chief Sutton about the safety of it.

Cathy states during the October ZBA meeting, Katie was really concerned with the street wall and how the buildings would look down the street. Cathy states that this property would stick out further than what Katie had originally stated. Cathy asks for clarification on how many feet it would stick out more than the properties still there and the ones that will be added. Katie confirms that this property will stick out 13 feet further than the others. Cathy asks how it will fit in with the rest of her development. Katie replies that because it is a different use and because of current

zoning and in order to get as much parking as they possibly could get they bumped the building forward.

Elizabeth ask what thought have you given to the neighbors in 1312 Samuel. The height and intrusiveness worries us, can you explain what thoughts you have given to that? There are patios that go up to the lot line, I know that it is possible but is it responsible? Katie replies that they just did a fenced in grass area, it doesn't have to be concrete. Coming back the 8 feet is responsible. Elizabeth states that you aren't coming back 8 feet if you are using that as a patio area. Katie states that she might use an arborvitae tree because it is more of an urban tree and its easy to maintain and is visually appealing. Craig adds in that he sat in the property today like it was a patio and you could almost reach out and touch a car that was pulling out of the neighbor's driveway. Elizabeth asks if Katie is allowing pets, Katie states yes and that the front fenced in area will be a dog run, and part of being the heights, we have great trails and the new dog park.

Cathy shares the same concerns as Elizabeth with the size of the building, the fact that it's the same size as the Pabst Building, all the neighbors even on other blocks will be effected by this and not sure if it fits in with the residential area. Cathy states that she doesn't know when the plans changed because originally it was supposed to be residential and commercial, we have to look into how it fits in with the neighborhood and the village for the site plan. Katie states that they are with in requirements with the current zoning. Tessie joins in the conversation and states that we have site plan approval that we need to approve that it fits in the context of the neighborhood, and we need to take all of these things into consideration. Tessie is asked if Katie considered a 3 story building. Katie said she did but it's just too hard to cover the cost of the development with a 3 story building. Trying to spread the total cost on less units really drives up the cost.

Katie is explaining the cost of the development and infrastructure costs; Elizabeth asks her to elaborate on the infrastructure; Katie further explains her costs for land etc. Sarah asks her to explain the TIF and how the money is going back into the infrastructure. Katie explains that the TIF money goes in to restructuring the infrastructure for Prospect to Constantine. That the infrastructure will include street work, utilities coming down, sidewalks, alleys, water, lights etc.

Elizabeth ask her how she came to this as an infill project, and not a new empty area development. Can you please explain your vision for the rest of the project, because you don't have the whole street, how do you create synergy? Katie states that she is taking in consideration what is there, and that the town homes will have two stories, front porches, garden level basements. Some will have tighter fits so keeping the same setbacks from side to side but are requiring upgraded materials and landscape to the front of the properties. Elizabeth asks if Katie would consider continuing the brick around the side of the building on the condo property? Katie says that that is too difficult due to cost since it will be brick and not brick veneer? Sarah asks if it is possible to use mixed materials on the residential side, like she has designed on the other sides of the building so it just isn't the black siding? Katie said she chose that

for a cost stand point. Sarah states that on the other sides, you have all 3 materials can't you do that on the side that faces the neighbor? Katie states that they have the brick wrapped around, about 3 feet around. Katie talks about doing the siding on the sides is a cost saving measure that is used in most properties.

Tessie asks Katie if she got the questions from the Village Engineer; concerns with the turning radius with the last parking spot on the alley, to have a preliminary design of the alley to be done to impact the future development of the alleys, and streetscapes. Tessie asks if she has any of these things. Katie tell the board that Permission of the Building Permit would kick off all of these things happening per the Redevelopment Agreement so that PH Samuel and the Village could do these things together. Tessie asks if any of these things can be completed before hand so that we can be sure before we have a building that is built. Katie states is that in the agreement this building permit triggers these designs to happen so after the building permit is approved this would happen. More general discussion happens on the Redevelopment Agreement. Craig states how can we vote on something without the Village Engineer weighting in on this. Katie states that she hasn't seen the engineers report. Cathy tells Katie that the report is in response to what Katie had sent and that the Zoning Board had recommended that she get into touch with Dustin Sutton to hash through some of these things. Katie states that she met with Dustin and that he was leaving it up to the zoning board and our advice. Cathy asks where all the utility meters and air conditioners located. Katie states that some will be on the East Side and that the transformer will be on the concrete on the North West side of the property. Cathy asks more details on the transformer, Katie states she doesn't get a choice, so that's why you see the landscaping. Cathy asks if it can be moved and Katie states not really, because Ameren wants to bring it to the shortest place possible, if they move it further they would have to accrue the cost on that and gain Ameren's approval and in the past they haven't been successful in that. Elizabeth asks you could meet it half way, the developer could pay to move it and Katie agrees. More discussion is had on the meters and air conditioners

#### Questions/Comments from the Audience:

Don Gorman 1320 E. Samuel: Thanks the board for answering and asking questions that he was going to ask. My concerns on this since I have owned this house for over 64 years is pervious vs impervious; street floods, this will impede my property, water coming down Samuel. After discussing with Public Works, I think this will cause problems for my property. When the board goes through the Finding of Facts will this diminish or impair my property? Will it lower my property value if my house floods. Discussion on how there are not enough storm drains and the water run-off.

Rob Temple 4845 Grandview Dr.: 20 something years; going through the proposal, having a hard time coming up with the math for the parking requirements. Where is the trash and recycling on the property (Rick shows Rob where the dumpster units will be located) Says that he thought there would be detailed plans by now. Also he doesn't see where the power lines are going to be located and he doesn't understand

that. Concerns on how this is going to be developed “All Codes are subject to the authority of jurisdiction”

Dave 1311 E. Samuel; Building not enough parking, \$350,000 homes with no parking, housing that are supposed to be going in next to me, I was under the impression were going to be 3 bedroom 2 bathrooms because those are the types of homes we need in the heights, but now we are getting 1 bedroom condos. Are these condos going to be \$350,000 or are they going to be more? People want to have parking. Look into the horrible problems Bloomington has, because whenever they have to plow and there are cars there you cannot plow. These parking spaces up front will not be public parking spaces because they are going to be in front of a building that doesn't have enough parking. No green space, no beautiful trees. Very similar to the new apartment complex across the street, going to start looking like a housing project, you need to have variety and differences. Flooding so bad, leaves and beans asked to get a drain at the end of the alley; Alley will not hold the weight of trucks and will cause the alleys to break up.

Katie explains; Impervious vs. Pervious- underground tanks as well as tiles for holding the water, and permeable materials. (Cathy asks if she is looking into it or has decided on it) Katie states she is doing a cost analysis on it now, Katie states where the dumpster is. 3 bedroom and 2 bathroom houses are still going through but after talking to people and with focus groups the condo development was still needed that is why they moved forward with this project. As for the infrastructure they cant solve the problems on each street but the intent is to do this because they know there is an issue with drainage and looking to solve them with the process approved in the agreement.

More conversation takes place explaining that the infrastructure comes in the next phase with the engineer. How do we vote without knowing, this creates a little problem with us voting.

Mike Casey (Street Superintendent) states, who is going to pay for the infrastructure when something goes wrong? Is the developer going to pay for it, the village, who? Sarah states I thought the TIF agreement would pay for that, Rick clarifies that Mike is saying if something goes wrong, Sarah asks who pays for it right now if something goes wrong? Several people state that the Village does. Sarah states that, so Katie and the Board of Trustee's agreed that the TIF would pay for new infrastructure, if something goes wrong with it we are still responsible for it and that is no different than it is right now. Mark states That's why the building process requires engineering to make sure things are done right.

2 Pieces to this application; Site Plan Approval & Finding of Facts for Site Plan if the site plan is passed.

Elizabeth says that she strongly encourages her to consider making the parking on the 1<sup>st</sup> floor.

Rick states that there are lots of things to consider we need to vote on the site plan in front of us.

Craig asks if you disagree with anything we cant vote for any of it; explains that we can make adjustments and approve. More discussion is had on how to vote on this.

Sarah asks what are we requiring to build a building on this lot? For example are we never going to approve a 4 story building on these lots? Rick states that he feels that its just too much building for these lots. Everyone can have their own opinions. Sarah ask do we have requirements that we would set in place to say that we would approve. Elizabeth says we need to provide parameters; Rick states that more parking, and move it back off the alley, on the Duryea project he added 10 feet to the alley so people could get out easily. Cathy states that the mass of that project for that neighborhood is obtrusive, this site is so much more residential and is just so close to the other properties. Rick states we cannot tell her what to do, we aren't engineers but we have stated our opinions. Tessie states that if there was more space around it it would be more acceptable. **Main concerns; Parking, transformer, obtrusive to neighbors, dumpster area small and difficult to get too, green space, lot lines.**

Finding of Facts for the Site Plan:

1. Yes/No
2. No
3. No
4. NA- Conversation with Engineer
5. No- Because of alley in context of the garage and parking spot behind it.
6. NA
7. Yes

Motion to Deny made by Cathy Stevenson; Motion seconded by Tessie Bucklar; All members presented voted to deny the motion.

Elizabeth asks if we will type this up and give it to the developer; Rick states that they will have the facts of findings and our minutes; We are not giving her a list, it is not our position to do that. Elizabeth like 5 bullet points of our issues. Rick states that he would sit down with her or give her the minutes, or type up something else for her.

Katie asks to request what we are discussing because if she handles the parking situation then she is within code and if the board is still not going to approve it she need to know what to do or just say that we are not going to approve it. Rick reiterates what we have discussed as far as our issues; parking, obtrusiveness to the neighbors, building size, closeness to other properties and lack of green space. Someone from the audience speaks out and ask; if the building can be built to the property line as a commercial building and have no parking requirements. Rick replies No, because it would still have to pass Site Plan Approval, Audience member states, but it meets all the zoning requirements and what is the purpose of the zoning. Rick tell the man, that he telling him what the code says, any of the businesses B1, B2, B3

are required to site plan approval. The audience member comes back and say if a tree is not where you like it but meets all zoning requirements then you have the authority to deny the site plan, what is it that you are looking for? Rick stops the audience member and tells him he didn't follow protocol by standing up, telling us his name, and without approval and we did tell them what we were looking for PARKING, parking is the #1 problem with this development and we are done with public comments. (Audience member is later identified as Mike Gudat of Grandview Drive, Investor on the PH Sameul LLC Project).

The Site Plan approval is a recommendation to the Village Board, so we will still need to vote on the other variances asked for.

Answering for the site plan as submitted Variance Requests for the fence in the front yard. Findings of Facts.

1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes

Motion to Approve by Tessie Buckar; Motion seconded by Sarah; All members present voted in favor.

Parking Variance Findings of Fact

1. No
2. No
3. No
4. No
5. No
6. No

Motion to deny made by Cathy; Seconded by Craig Masters All members present voted to deny variance.

Other: January meeting would fall on January 21<sup>st</sup>; the Village Hall will be closed that day due to Martin Luther King Jr. Day so the meeting is being moved to January 14<sup>th</sup>. Tessie made a motion to approve, Cathy seconded the motion, all members present voted in favor.

February meeting is being cancelled. Motion to approve by Sarah, seconded by Elizabeth All members present voted in favor.

Motion to Adjourn made by Sarah; seconded by Tessie  
Meeting Adjourned 7:56 PM