If you plan on speaking, please complete a Blue Speaker Form

For each case the following sequence will apply:

1. Chairperson proceeds with swearing in procedures
2. Chairperson announces the case
3. Staff enters case into the record
   a. Staff presents the case
   b. Staff answers questions from the Commission
4. Petitioner presents case and answers questions from the Commission
5. Chairperson opens the meeting to the public
6. Public comments – Chairperson may ask for response/input from staff and petitioner
7. Petitioner presents closing statements
8. Public testimony is closed (No further public comment)
9. Commission deliberates and may consult staff
10. Commission prepares findings, if applicable
11. Commission votes

All comments and questions must be directed to the Commission
AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF DECEMBER 10, 2015 MINUTES

4. REGULAR BUSINESS
   Deliberations will be held at the end of each case after public comment has been closed. No public comment is allowed during deliberations.

   CASE NO. ZBA 3016  Public Hearing on the request of Saundra Wilkinson of O'Reilly Auto Parts, to obtain a variance from the City of Peoria Zoning Ordinance Section 17.11.c(2), Signs, to increase the maximum sign area and height, located at 3905 N University (Parcel Index Numbers 14-29-178-017 and 14-29-178-016), Peoria, Illinois. (Council District 4)

5. CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION

6. ADJOURNMENT

Inquiries: Community Development Department, (309) 494-8600 or planning@peoriagov.org
A regularly scheduled Zoning Board of Appeals Meeting was held on Thursday, December 10, 2015, at 1:00 p.m., City Hall, 419 Fulton Street, Room 400, with Vice Chairperson Jerry Jackson presiding.

**ROLL CALL**

The following Zoning Board of Appeals Commissioners were present: Mark Anderson, Jerry Jackson, Zachary Oyler, Richard Russo, Nathan Wagner—6. Absent: Ed Barry, Henry Blackwell—2.

Staff Present: Leah Allison, Madeline Wolf

**MINUTES**

Commissioner Russo moved to approve the minutes for the meeting held on November 12, 2015; seconded by Commissioner Oyler.

The motion was approved viva voce vote 5 to 0.

**SWEARING IN OF SPEAKERS**

Speakers were sworn in by Staff Member Madeline Wolf.

**REGULAR BUSINESS**

**CASE NO. ZBA 3015**

Public Hearing on the request of Bret Skirvin of Site Enhancement Services on behalf of Advance Auto Parts to obtain a variance from City of Peoria Zoning Ordinance Articles 17.11.b. Setback and 17.11.c.(2) On-Premise Freestanding Signs, to reduce the required setback of a sign from 10 feet to 2 feet and to increase the size of a sign from 70 sq. ft. to 108 sq. ft. for the property identified as Parcel Identification No. 14-04-301-004, with an address of 8412 N Knoxville Avenue, Peoria, Illinois (Council District 5).

Commissioner Blackwell entered the Council Chambers at 1:05 p.m.

**Senior Urban Planner, Leah Allison, Community Development Department**, read Case No. ZBA 3015 into the record and presented the request. Ms. Allison provided the property characteristics. The requested variance was: Section 17.11.c.(2) Free Standing Sign: to increase the size of a sign from 70 sq. ft. to 108 sq. ft. The petitioner eliminated the following variance request: Section 17.11.b. Setbacks: to reduce the required sign setback from 10 feet to 2 feet. A revised site plan was provided to the commission. The petitioner stated the following hardships: significant setback, narrow lot, oddly shaped lot, and a road orientation that impeded visibility of storefront.

Staff recommends DENIAL of both variances due to the lack of hardship and failure to meet the three required criteria.

1) Reasonable Return: The subject property can yield a reasonable return without the requested variances. The property has an open view shed from both the north and south along Knoxville Ave. allowing a freestanding sign within the parameters of the zoning regulations along with the building to be easily seen.

2) Unique Circumstances: The subject property is not unique. The one-acre parcel is a flat, standard shaped lot, and larger than other parcels in the immediate area. Construction for the Advance Auto
Parts store began after the former Apple's Bakery building was demolished allowing for siting of the building to be unencumbered by pre-existing conditions.

3) Character: The proposed variances will alter the character of the neighborhood. Other signs located along Knoxville Avenue are constructed to meet the required 10-foot setback and 70 sq. ft in size.

Bret Skirvin, petitioner, of Site Enhancement Services on behalf of Advance Auto Parts, thanked the commission for the opportunity to present his request. Mr. Skirvin presented a packet to the commission. The packet contained up-to-date artwork and visuals, a traffic study, and a flag test. He said he was willing to meet the setback requirements because the additional square footage of the sign was more important. Mr. Skirvin responded to Commissioner Oyler's inquiry and said the additional 2’ setback variance would not provide significant change for northbound Knoxville traffic. Mr. Skirvin reiterated the intent of the request was to limit traffic concerns.

Ms. Allison responded to Commissioner Russo's inquiry, signs in the vicinity are within 70 sq. ft.

In response to Commissioner Blackwell’s inquiry, Mr. Skirvin said he would be interested in a 5’x15’ sign.

In response to Commissioner Anderson's question of the characteristics unique to the property, Mr. Skirvin said traffic from the north had no visibility of the storefront and the business needed to mark the entrance.

Bart Leary, a concerned citizen, spoke in opposition of the requested sign height variance.

With no further interest in public testimony, Vice Chairperson Jackson closed the Public Hearing at 1:37 p.m.

Vice Chairperson Jackson read the Findings of Fact.

**Motion:**
Commissioner Russo made a motion to deny the requested variance; seconded, by Commissioner Oyler.

The motion to deny the request passed by roll call vote.
Nays: None.

**CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMISSION**

There were no citizens present who wished to address the commission.

**ADJOURNMENT**

Commissioner Blackwell moved to adjourn the Zoning Board of Appeals Meeting; seconded by Commissioner Anderson.

The motion was approved viva voce vote 6 to 0.

The Zoning Board of Appeals meeting adjourned at approximately 1:41 p.m.

Leah Allison, Senior Urban Planner
TO: City of Peoria Zoning Board of Appeals
THRU: Site Plan Review Board
FROM: Kimberly Smith, Senior Urban Planner
DATE: March 10, 2016
CASE NO: ZBA 3016

SUBJECT: Public Hearing on the request of Saundra Wilkinson of O'Reilly Auto Parts, to obtain a variance from the City of Peoria Zoning Ordinance Section 17.11.c(2), Signs, to increase the maximum sign area and height, located at 3905 N. University (Parcel Index Numbers 14-29-178-017 and 14-29-178-016), Peoria, Illinois (Council District 4)

PROPERTY CHARACTERISTICS

The subject property contains two lots. The northern lot is 2.07 acres and contains parking. The southern lot is 1.17 acres, is owned and controlled by O'Reilly Auto Parts; and is the parcel upon which the proposed variance is located. The subject parcels are zoned Class C-2 (Large Scale Commercial) District. It is surrounded by Class C-2 (Large Scale Commercial) District to the north, and south; the R-3 (Single Family Residential) and O-1 (Arterial Office) District to the east; and R-6 (Multifamily) District to the west.

REQUESTED VARIANCE:

The Petitioner is requesting a variance from Section 17.11.c.(2). of the City of Peoria Zoning Ordinance, to allow the construction of a freestanding sign that exceeds the maximum allowed sign area and height, as follows:

<table>
<thead>
<tr>
<th>ORDINANCE SECTION</th>
<th>REQUIREMENT</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 17.11.c.(2).</td>
<td>Maximum of 70 square feet.</td>
<td>6X18 = 108 square feet, plus 30 square foot reader board; totaling a 138 square foot sign.</td>
</tr>
<tr>
<td>Section 17.11.c.(2).</td>
<td>Maximum height of 25 feet.</td>
<td>Height of 30 feet.</td>
</tr>
</tbody>
</table>

The Petitioner's application is attached to this memo.

SITE PLAN REVIEW BOARD COMMENTS

1. The purpose of providing for variations is to enable the City to grant relief from the strict interpretation of the Zoning Regulations, where they impose a particular hardship or difficult because of unique or peculiar circumstances for land or use. Additionally, criteria must be met, as follows:

2. A review of the required standards follows.

<table>
<thead>
<tr>
<th>CRITERION</th>
<th>ANALYSIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.</td>
<td>The Petitioner’s application indicates the larger sign will increase driver awareness allow reaction time; Staff finds the purpose of the variation is based primarily upon a desire to increase financial gain.</td>
</tr>
<tr>
<td>The plight of the owner is due to unique circumstances.</td>
<td>The Petitioner cites location from the main traffic light and the addition of landscaping causes reduced visibility; and, therefore, a hardship. Staff finds the property has great visibility from the street and</td>
</tr>
</tbody>
</table>
intersection, and landscaping can be selectively placed; therefore no hardship. Further, staff finds no unique conditions that are not applicable, generally, to other property within the same zoning classification.

Finally, Staff finds the circumstances to be self-created by persons presently having an interest in the property.

| The variation, if granted, will not alter the essential character of the locality or be injurious to the public or other property or properties. | The cite building design as a reason the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. However, staff finds the proposed variation would allow a sign, which by size would be injurious to the public by diminishing traffic maneuverability and sight. |

3. Staff finds the criteria for a variation is not met.

**SITE PLAN REVIEW BOARD RECOMMENDATION**

Staff recommends DENIAL of the proposed variance.
CITY OF PEORIA
APPLICATION FOR VARIANCE/ZONING BOARD OF APPEALS

I. PROPERTY INFORMATION:
   A. Street address: 3905 N University Peoria, IL Zip Code + 4 61614
   B. Tax ID number: 14-29-178-017 and 14-29-178-016
   C. Legal description (attached) and on CD-ROM (MS Word format)
   D. Area (square feet or acres): 2.09 Acres
   E. Current property use: Vacant Lot
   F. Current zoning district: C-1

II. APPLICANT(S):
   A. Name: Saundra Wilkinson
   B. Company name: O'Reilly Auto Parts
   C. Address (Street, City, Zip + 4): 233 South Patterson Springfield MO 65802
      *E-mail Address: asolinger@oreillyauto.com
   D. Daytime phone number: 417-829-5883
   E. Interest in subject property: x Owner ___ Representative
   F. Applicant(s) signature(s): Saundra Wilkinson Date: 2/19/16

III. OWNER(S) OF SUBJECT PROPERTY:
   A. Name: Saundra Wilkinson
   B. Company: O'Reilly Auto Parts
   C. Address (Street, City, Zip): 233 South Patterson Springfield MO 65802
      * Email Address: asolinger@oreillyauto.com
   D. Daytime phone number: 417-829-5883
   E. Owner(s) signature(s): Saundra Wilkinson Date: 2/19/16
*PLEASE NOTE: EMAIL WILL BE USED FOR ALL CORRESPONDENCE UNLESS OTHERWISE REQUESTED.

CORRESPONDENCE/COMMUNICATION TO BE SENT TO:

_____ Applicant _____ Owner  (Select only one)

IV. VARIANCE INFORMATION:

A. 1. Variance being requested _an increase to allow our standard 6 x18 O'Reilly Auto Part illuminated with 4 x 8 reader board pole sign at 30 feet overall height_

2. From what section of the zoning ordinance is a variance being requested? _17.11 c (2)_

B. What unique or exceptional characteristics of your property prevent it from meeting the requirements in your zoning district? (Check applicable)

- Too narrow  ____  Too small  ____  Soil  ____
- Subsurface  ____  Elevation  ____  Slope  ____
- Too shallow  ____  Shape  ____  Other  ____

C. What is your hardship? Please be specific. _Our property is located further North from Hwy 150, with the setback of our building and required setback our smaller sign will not be seen from the community._

D. If granted a variance in the form requested, will it be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance?

_____ Yes  _____ No

Please elaborate: _O'Reilly Auto Parts signs are professionally designed to work in harmony with multiple design elements of the entire site plan and this presents a clean modern site. Granting of the variance will not cause adverse effect upon property values as O'Reilly Auto Parts stores are designed and maintained to the highest standards._
V. FINDINGS OF FACT WORKSHEET:

Please select true or false for the following three questions:

Sections 2.12.e / 2.6.4.F. Standards for Variations
No variations from the regulations of this ordinance/development code shall be granted unless the entity or person granting such variation shall find based upon the evidence presented to them in each specific case that all three of the following criteria are true:

1) The property in question **cannot** yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district.

   x True          False

**Explanation:** The additional signage will in fact increase consumer awareness of our location, to allow adequate reaction time to navigate vehicles safely.

**Fact to consider:**
   a. The purpose of the variation is not based primarily upon a desire to increase financial gain.

2) The plight of the owner is due to unique circumstances.

   x True          False

**Explanation:** This site is located further down from the main traffic light at War Memorial. With added landscape, the community would not have clear visibility of our business.

**Facts to consider:**
   a. The particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
   b. The conditions upon which an application for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.
   c. The practical difficulty or hardship is caused by this ordinance and has not been created by any persons presently having an interest in the property.

3) The variation, if granted, **will not** alter the essential character of the locality or be injurious to the public or other property or properties.

   x True          False

**Explanation:** The building and signs are designed together so that they fit in with the esthetic of the surrounding area, while remaining visible for consumer recognition.

**Facts to consider:**
   a. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
   b. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
VI. FILING FEE (MUST ACCOMPANY APPLICATION):

Variance Application Fees for any property in the City shall be as set forth in the table below:

Zoning Ordinance Section 2.17.a (1) Variance Application Fees Table
Land Development Code Section 2.14.a Variance Application Fees Table:

<table>
<thead>
<tr>
<th>Variation Application Fees (Non-refundable)</th>
<th>Before Construction</th>
<th>After Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Variations all, (&lt;20%)</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>Principal Structure, Major</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>Accessory Structure, Major</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>Signs &amp; Multi-Family/Sub. Signs, Major</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>Fence, Major</td>
<td>$500</td>
<td>$1,000</td>
</tr>
</tbody>
</table>

A. MINOR VARIANCE – Requires Administrative Approval
Ordinance Section: 2.12.b. (1) Minor Variations. Minor variations from height, yard (with the exception of transitional buffer yard requirements), bulk, lot area, and fence height provisions of this Ordinance that are less than twenty percent (20%) of the required standard. (For example, a variation from a required 20-foot yard setback in an amount of less than 4 feet is a minor variation.) No minor variation shall be allowed in a Form District.

B. MAJOR VARIANCE – Requires Public Hearing and ZBA Approval
Ordinance Section: 2.12.b.(2) Major Variations. All variations authorized by this Ordinance, which are not minor variations, shall be considered major variations. Any variation request of transitional buffer yard requirements shall be considered a major variation. Any variation in a Form District shall be considered a major variation.

VII. REQUIRED SITE PLANS:

One copy of the site plan and one on a compact disc or appropriate digital media.
VIII. APPLICATION/MEETING PROCEDURES:

1. The Zoning Board of Appeals has regularly scheduled meetings the second Thursday of each month at the City Hall Building, Room 400, 419 Fulton Street, Peoria, Illinois.

2. The deadline for submitting applications for regularly scheduled Zoning Board of Appeals meetings is twenty-eight (28) days prior to the meeting.

3. The Zoning Administrator must certify that an application for a public hearing is complete (completely filled out, received by the filing deadline, and accompanied by a compact disc or appropriate digital media of the site plan, including digital versions of the application and other attachments as required, including the filing fee) to be processed and scheduled for the next regularly scheduled meeting. Incomplete applications will be returned.

4. The applicant or applicant's representative will receive notice of the date and time of the public hearing. At least fifteen days prior to the hearing, the Community Development Department will mail notices of the hearing to the owners of all property within 250 feet of the subject property.

5. The format for each public hearing is:

   - Chairperson proceeds with swearing-in procedures.
   - Chairperson announces the case.
   - Staff enters case into the record.
     - Staff presents the case.
     - Staff answers questions from the Commission.
   - Petitioner presents case and answers questions from the Commission.
   - Chairperson opens the meeting to the public.
   - Public comments – Chairperson may ask for response/input from Staff and Petitioner.
   - Petitioner presents closing statements.
   - Public testimony is closed. (No further public comment)
   - Commission deliberates and may consult Staff.
   - Commission prepares findings, if applicable.
   - Commission votes.

6. Application and inquiries should be submitted to:

   Zoning Administrator
   City of Peoria Development Center
   419 Fulton Street, Room 300
   Peoria, Illinois 61602-1217

   Phone: (309) 494-8600
   Fax: (309) 494-8680
Egli

O'Reilly AUTO PARTS

5" Sch. 40 Steel pipe
with Steel Bolt-up Plates
Existing Steel Pole
(size varies)

4 LINES OF 8"
8" ON 9" 0.000
READER BOARD LETTERS

Standard Pole Sign Cabinet
6'-0" x 18'-0" Display
6 18-SignCabinet-FF-DF
108.00 sq.ft.

Pole Sign
Scale: 1/4" = 1'-0"

Manufacture and supply one (1) new d/l illum. cabinet with flex faces.

1. Faces are Pantone/Digital print. Face graphics to match PMS 200c Red, PMS 342c Green, Black and White
2. 24" deep fabricated cabinet with SignComp flex face tensioning components and 2 3/8" retainer system. Internal
   5" Sch. 40 steel pipe with external steel bolt-up plate(s). Vertical CFE (OS/HS/PS) White OS LED illumination
   Paint cabinet to: Gloss Black. Internal pipe/cabinet exposure calculation: C80
3. Cabinet to be installed with 14" x 14" x 1/2" bolt-up plate(s). Paint to: Gloss Black

*NOTE: Flex Face Option
Part # 6 18-SignCabinet-FF-DF
108.00 sq.ft.