MEETING AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF JANUARY 6, 2020 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. PZ 20-1
   Hold a Public Hearing and forward a recommendation to City Council on the request of Mark Davis of Woodland Baptist Church to rezone property from the present Class R-6 (Multi-Family Residential) District to a Class R-3 (Single Family Residential) District, for the property located at 6847 N Allen Road (Part of Parcel Identification No. 14-07-376-003), Peoria, IL (Council District 5).

   CASE NO. PZ 20-2
   Hold a Public Hearing and forward a recommendation to City Council on the request of Joshua L. Blue, of The Grow Trust, LLC to obtain a Special Use in a Class C-G (General Commercial) District for Cannabis, Craft Grower for the property located at 4040 SW Adams Street (Parcel Identification No. 18-19-181-015, Peoria IL (Council District 1).

   CASE NO. PZ 19-L
   (Deferred from the January meeting)
   Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code, relating to Short Term Rentals.

   CASE NO. PZ 20-B
   (Deferred from the January meeting)
   Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code, relating to Setback Regulations.

5. CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMISSION

6. ADJOURNMENT
A meeting of the Planning & Zoning Commission was held on Monday, January 6, 2020, at 1:00 p.m., at City Hall, 419 Fulton St., in Room 400, with Chairperson Michael R. Wiesehan presiding and with proper notice having been posted.

ROLL CALL
The following Planning & Zoning Commissioners were present: Ed Barry, George Ghareeb, Robin Grantham, Eric Heard, Branden Martin, and Mike Wiesehan – 6. Commissioners absent: Richard Unes – 1.

City Staff Present: Leah Allison, Sara Maillacheruvu, Megan Nguyen, Kimberly Smith, and Kerilyn Weick.

SWEARING IN OF SPEAKERS
Speakers were sworn in by Megan Nguyen.

MINUTES
Commissioner Barry moved to approve the minutes of the Planning & Zoning Commission meeting held on December 5, 2019; seconded by Commissioner Ghareeb.

The motion was approved viva voce vote 6 to 0.

REGULAR BUSINESS

PZ 20-A
Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend the City of Peoria Comprehensive Plan by incorporating the Local Foods, Local Places Plan. (All Council Districts)

Urban Planner, Sara Maillacheruvu, Community Development Department, read Case No. PZ 20-A into the record and presented the request. Ms. Maillacheruvu provided a summary of the plan and offered relevant background context.

Chairperson Wiesehan opened the public hearing at approximately 1:07pm. There being no public testimony, the public hearing was closed at approximately 1:07pm.

Motion:
Commissioner Barry made a motion to approve the request as presented; seconded by Commissioner Heard:

The motion was APPROVED viva voce vote 6 to 0.
Yeas: Barry, Ghareeb, Grantham, Heard, Martin, and Wiesehan – 6
Nays: None – 0

PZ 20-B
Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code, relating to Setback Regulations.

Urban Planner, Sara Maillacheruvu, Community Development Department, read Case No. PZ 20-B into the record. Ms. Maillacheruvu explained that staff requests a deferral of the case, given current discussion with Public Works.
Chairperson Wiesehan opened the public hearing at approximately 1:10pm. There being no public testimony, the public hearing was closed at approximately 1:10pm.

Motion:
Commissioner Heard made a motion to defer the request to the February 2020 meeting of the Planning and Zoning Commission; seconded by Commissioner Ghareeb.

The motion was APPROVED viva voce vote 6 to 0.
Yeas: Barry, Ghareeb, Grantham, Heard, Martin, and Wiesehan – 6
Nays: None – 0

PZ 20-C
Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code, relating to Parking in the Warehouse Form District.

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. PZ 20-C into the record. Ms. Allison provided a summary of the case and explained that the proposed text amendment was a cleanup of previous changes to the Unified Development Code.

Discussion was held around the potential effects of the proposed ordinance change. Ms. Allison clarified that:
1) A 30-foot setback from the right-of-way would be required for parking spaces only located on the first story of a structure.
2) The setback is not required for parking spaces located at or below grade (not within a structure).
3) The setback is not required for parking spaces within a structure that are located above the first story.

The proposed text amendment encourages retail or commercial uses to occupy the first story, in an effort to encourage a lively and active streetscape.

Chairperson Wiesehan opened the public hearing at approximately 1:23pm. There being no public testimony, the public hearing was closed at 1:23pm.

Motion:
Commissioner Barry made a motion to APPROVE the request as presented; seconded by Commissioner Grantham.

The motion was APPROVED viva voce vote 6 to 0.
Yeas: Barry, Ghareeb, Grantham, Heard, Martin, and Wiesehan – 6
Nays: None – 0

PZ 19-L (deferred from December meeting)
Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code, relating to Short Term Rentals.

Senior Urban Planner, Kerilyn Weick, Community Development Department, read Case No. PZ 19-L into the record. Ms. Weick explained that staff requests a deferral of the case, as feedback from the December 9, 2019 public meeting is being integrated into the proposed text amendment.

Discussion was held around the findings of the December 9, 2019 public meeting. Ms. Weick provided a summary of the public discussion, mentioning that attendees were in general agreement that local regulations were needed to provide legality to short term rental use.
Chairperson Wiesehan opened the public hearing at approximately 1:29pm. There being no public testimony, the public hearing was closed at 1:29pm.

**Motion:**
Commissioner Martin made a motion to defer the request to the February 2020 meeting of the Planning and Zoning Commission; seconded by Commissioner Ghareeb.

The motion was APPROVED viva voce vote 6 to 0.
Yeas: Barry, Ghareeb, Grantham, Heard, Martin, and Wiesehan – 6
Nays: None – 0

**PZ 19-N (deferred from the December meeting)**
Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code, relating to Truck Parking.

Senior Urban Planner, Kimberly Smith, Community Development Department, read Case No. PZ 19-N into the record. Ms. Smith discussed the different classes of vehicles as relates to the proposed ordinance change and as currently defined in the Unified Development Code.

Discussion was held around the difference between temporary and permanent storage of vehicles, as well as how the proposed ordinance change would affect on-street parking. Ms. Smith clarified that a vehicle can be stored on-premise for temporary loading. She further clarified that Zoning does not regulate right-of-way parking.

Further discussion was held around the storage of semi-truck cabs without trailers.

Chairperson Wiesehan opened the public hearing at approximately 1:40pm. There being no public testimony, the public hearing was closed at 1:40pm.

**Motion:**
Commissioner Heard made a motion to approve the request as presented; seconded by Commissioner Martin:

The motion was APPROVED viva voce vote 6 to 0.
Yeas: Barry, Ghareeb, Grantham, Heard, Martin, and Wiesehan – 6
Nays: None – 0

**CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMISSION**
There were no citizen requests to address the Commission.

**ADJOURNMENT**
Commissioner Heard made a motion to adjourn; seconded by Commissioner Martin at approximately 1:40pm.

Sara Maillacheruvu, Urban Planner
TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (Prepared by Leah Allison)
DATE: February 6, 2020
CASE NO: PZ 20-1
REQUEST: Hold a Public Hearing and forward a recommendation to City Council on the request of Mark Davis of Woodland Baptist Church, to rezone property from the present Class R-6 (Multi-Family Residential) District to a Class R-3 (Single Family Residential) District for the property located at 6847 N Allen Road (Part of Parcel Identification No. 14-07-376-003), Peoria, IL (Council District 5)

SUMMARY OF PROPOSAL
The petitioner is requesting to rezone 0.568 acres from Class R-6 (Multi-Family Residential) to Class R-3 (Single Family Residential).

BACKGROUND

Property Characteristics
The 0.568 acres is developed as a parking lot and part of a larger 3.5-acre parcel owned by Peoria Rescue Ministries. The property is zoned Class R-6 (Multi-Family Residential) and surrounded by R-3 (Single Family Residential) zoning to the north, west, and south, and R-7 (Multi-Family Residential) zoning to the east.

History
In 1969, the 3.5-acre parcel was approved by special permit for a Community Home, followed by a Special Use for a Shelter for Women and Children and Childcare for Residents and Clients in 2003. In 2008, special uses for both the subject property and the property to the north were amended to modify the boundaries to remove/add 0.568 acres respectively. See attached ordinance no. 16,275. The current request to rezone aligns with the boundary amendments approved as part of the 2008 Special Use/Ordinance No. 16,275. Upon approval of the rezoning, a survey plat will be recorded to transfer ownership of the 0.568 acres and amend the property line.

<table>
<thead>
<tr>
<th>Date</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>1931 - 1958</td>
<td>Not in the City Limits</td>
</tr>
<tr>
<td>1958 - 1963</td>
<td>Not in the City Limits</td>
</tr>
<tr>
<td>1963 - 1990</td>
<td>R1 (Low-Density Residential)</td>
</tr>
<tr>
<td>1990 - Present</td>
<td>R6 (Multi-Family Residential)</td>
</tr>
</tbody>
</table>
DEVELOPMENT REVIEW BOARD ANALYSIS
The DRB examines each application against the appropriate standards found in the Code of the City of Peoria and/or in case law.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Standard Met per Community Development Dept. Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>LaSalle Factor #1: Existing uses of and zoning of nearby property</td>
<td>The subject property is adjacent to single family residential zoning on the north, south, and west.</td>
</tr>
<tr>
<td>LaSalle Factor #2: Extent to which property values are diminished by the particular zoning</td>
<td>Property values will not be diminished by the R-3 (Single Family Residential) zoning.</td>
</tr>
<tr>
<td>LaSalle Factor #3: Extent to which the destruction of property values of the complaining party benefits the health, safety, or general welfare of the public.</td>
<td>None</td>
</tr>
<tr>
<td>LaSalle Factor #4: Relative gain to the public as compared to the hardship imposed on the individual property owner.</td>
<td>The proposed zoning will provide uniform zoning for the transfer of property.</td>
</tr>
<tr>
<td>LaSalle Factor #5: Suitability of the property for the zoned purpose.</td>
<td>The property is suitable for the R-3 (Single Family Residential) zoning class as the adjacent properties is the same.</td>
</tr>
<tr>
<td>LaSalle Factor #6: Length of time the property has been vacant as zoned, compared to the development in the vicinity of the property.</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>LaSalle Factor #7: Public need for the proposed use.</td>
<td>None</td>
</tr>
<tr>
<td>Comprehensive Plan Future Land Use Designation</td>
<td>The Future Land Use Designation Medium Density Residential</td>
</tr>
</tbody>
</table>

DEVELOPMENT REVIEW BOARD RECOMMENDATION
The Development Review Board recommends approval of the request.

NOTE: If a City Code Requirement is not listed as a waiver, then it is a required component of the development. The applicant is responsible for meeting all applicable code requirements through all phases of the development.

ATTACHMENTS
1. Ordinance No. 16,275
2. Surrounding Zoning
3. Aerial Photo
ORDINANCE NO. 16,275

AN ORDINANCE WHICH A: AMENDS ORDINANCE NO. 14,109 FOR PROPERTY LOCATED AT 6915 N ALLEN ROAD, PEORIA, ILLINOIS, A SPECIAL USE FOR CHURCH FACILITIES IN A CLASS R-3 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO INCLUDE ADDING LAND FOR PARKING OBTAINED FROM PART OF THE ABUTTING PROPERTY TO THE SOUTH; AND B: AMENDS ORDINANCE NO. 15,927 FOR PROPERTY LOCATED AT 6847 N ALLEN ROAD, PEORIA, ILLINOIS, A SPECIAL USE IN A CLASS R-6 (MULTI-FAMILY RESIDENTIAL) DISTRICT FOR A SHELTER FOR WOMEN, CHILDREN, AND CHILDCARE FOR RESIDENTS AND CLIENTS BY SUBTRACTING LAND BEING ADDED TO THE ABUTTING PROPERTY TO THE NORTH.

WHEREAS, the property herein described is now zoned in a Class R-3 (Single-Family Residential) District and R-6 (Multi-Family Residential) District; and

WHEREAS, said Zoning Commission has been petitioned to grant an amendment to the existing Special Use as directed by Section 2.15 of Appendix B, the Permanent Zoning Ordinance of the City of Peoria; and

WHEREAS, said Zoning Commission held a public hearing on May 1, 2008, with respect to said petition, which hearing was held pursuant to a notice of the time and place thereof in a newspaper of general circulation in the City of Peoria, not less than fifteen (15) days nor more than thirty (30) days prior to said hearing as required by law.

WHEREAS, said Zoning Commission has submitted its report of said public hearing and the City Council finds that to permit such use will not adversely affect the character of the neighborhood, and will not unduly burden the public utility facilities in the neighborhood;

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

Section 1. That amendment to an existing Special Use Ordinance #14,109, 6915 N. Allen Road, is hereby granted for church facilities to include adding land for parking obtained from the abutting property to the south for the following described property:

COMBINED LEGAL DESCRIPTION OF 8.021 ACRE TRACT & PROPOSED 0.568 ACRE TRACT

A PART OF THE SOUTHWEST QUARTER OF SECTION SEVEN (7), TOWNSHIP NINE (9) NORTH, RANGE EIGHT (8) EAST OF THE FOURTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION SEVEN (7), THENCE SOUTH 00°-13'-00" EAST, (BEARING ASSUMED FOR THE PURPOSE OF DESCRIPTION ONLY), ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION SEVEN (7), 1069.64 FEET; THENCE NORTH 89°-56'-00" WEST, 50.00 FEET TO THE WEST RIGHT OF WAY LINE OF ALLEN ROAD AND THE POINT OF BEGINNING FOR THE TRACT TO BE DESCRIBED; FROM THE POINT OF BEGINNING, THENCE
ORDINANCE NO. 16,275

SOUTH 00°-13'-00" EAST, ALONG SAID WEST RIGHT OF WAY LINE, 500.00 FEET; THENCE NORTH 89°-56'-00" WEST, 66.00 FEET; THENCE SOUTH 00°-13'-00" EAST, 80.00 FEET; THENCE NORTH 89°-56'-00" WEST, 309.52 FEET; THENCE NORTH 00°-13'-00" WEST, 80.00 FEET; THENCE NORTH 89°-56'-00" WEST, 549.08 FEET; THENCE SOUTH 52°-02'-36" WEST, 185.96 FEET; THENCE NORTH 00°-11'-50" WEST, 209.19 FEET; THENCE NORTH 00°-11'-50" WEST, 1034.33 FEET; THENCE SOUTH 89°-56'-00" EAST, 115.00 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 8.589 ACRES, MORE OR LESS, SITUATE, LYING AND BEING IN THE CITY OF PEORIA, COUNTY OF PEORIA AND STATE OF ILLINOIS.

And amending a Special Use Ordinance #15,927, 6847 N. Allen Road, for a shelter for women, children, and childcare for residents and clients by subtracting land being added to the abutting property to the north for the following described property:

LEGAL DESCRIPTION OF 2.932 ACRE TRACT

A PART OF THE SOUTHWEST QUARTER OF SECTION SEVEN (7), TOWNSHIP NINE (9) NORTH, RANGE EIGHT (8) EAST OF THE FOURTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 7, THENCE SOUTH 00°-13'-00" EAST,(BEARING ASSUMED FOR THE PURPOSE OF DESCRIPTION ONLY), ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7, 1589.64 FEET; THENCE NORTH 89°-56'-00" WEST, 50.00 FEET TO THE NORTHEAST CORNER OF A 3.500 ACRE TRACT, THE PLAT OF WHICH IS RECORDED IN TRACT SURVEY BOOK 25, PAGE 15 IN THE PEORIA COUNTY RECORDER'S OFFICE, SAID NORTHEAST CORNER BEING ALSO THE WEST RIGHT OF WAY LINE OF ALLEN ROAD AND THE POINT OF BEGINNING FOR THE TRACT TO BE DESCRIBED; FROM THE POINT OF BEGINNING, THENCE SOUTH 00°-13'-00" EAST, ALONG THE EAST LINE OF SAID 3.500 ACRE TRACT AND SAID WEST RIGHT OF WAY LINE, 406.00 FEET TO THE SOUTHEAST CORNER OF SAID 3.500 ACRE TRACT; THENCE NORTH 89°-56'-00" WEST, ALONG THE SOUTH LINE OF SAID 3.500 ACRE TRACT 375.52 FEET TO THE SOUTHWEST CORNER OF SAID 3.500 ACRE TRACT; THENCE NORTH 00°-13'-00" WEST, ALONG THE WEST LINE OF SAID 3.500 ACRE TRACT, 326.00 FEET; THENCE SOUTH 89°-56'-00" EAST, 309.52 FEET; THENCE NORTH 00°-13'-00" WEST, 80.00 FEET TO THE NORTH LINE OF SAID 3.500 ACRE TRACT; THENCE SOUTH 89°-56'-00" EAST, ALONG SAID NORTH LINE, 66.00 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 2.932 ACRE, MORE OR LESS.

Per the submitted Site Plan Attachment "A" and the following conditions:

1. Landscaping adjacent and immediately south of the proposed parking lot must screen the proposed parking lot from the property to the south.
2. Cross easement agreement between the church and the property to the south must be provided to the Planning and Growth Management Department.
3. Storm sewer easements must be approved prior to work commencing.
4. All parking for the disabled must meet the requirements of the Illinois Accessibility Code and the City of Peoria Zoning Ordinance as to parking space size, configuration and signage.

Section 2. All provisions of Appendix B, the Permanent Zoning Ordinance of the City of Peoria, with respect to the Class R-3 (Single-Family Residential) District and R-6 (Multi-Family Residential) District shall remain applicable to the above-described premises, with exception to the amended Special Use herein permitted.
ORDINANCE NO. 16,275

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS THIS
27TH _____ DAY OF _______ MAY ___________, 2008.

APPROVED:

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

EXAMINED AND APPROVED:

[Signature]
Corporation Counsel
Shaded area: 0.568 acres to be rezoned

Disclaimer: Data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division

Map Scale
1 inch = 333 feet
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Map Scale
1 inch = 83 feet
TO: City of Peoria Planning & Zoning Commission  
FROM: Development Review Board (Prepared by Kimberly Smith)  
DATE: February 6, 2020  
CASE NO: PZ20-02  
REQUEST: Hold a Public Hearing and forward a recommendation to City Council on the request of Joshua L. Blue, of The Grow Trust, LLC to obtain a Special Use in a Class C-G (General Commercial) District for a Cannabis, Craft Grower for the property located at 4040 SW Adams Street (Parcel Identification No. 18-19-181-015), Peoria IL (Council District 1)

**SUMMARY OF PROPOSAL & REQUESTED WAIVERS**
The petitioner is requesting to obtain a Special Use in a Class C-G (General Commercial) District for a Cannabis, Craft Grower as described below:

<table>
<thead>
<tr>
<th>Development Item</th>
<th>Applicant Proposal</th>
<th>Applicant Waiver Request &amp; Justification</th>
<th>DRB Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
<td>49 spaces are proposed, two of which are accessible</td>
<td>None</td>
<td>No objection</td>
</tr>
<tr>
<td>Landscaping</td>
<td>No additional landscaping.</td>
<td>Waiver for of the following sections to allow existing conditions: Section 8.2.6. Front Yard Landscaping, Section 8.2.7. Parking Lot Interior Landscaping, Section 8.2.8. Parking Lot Perimeter Landscaping</td>
<td>No objection: The existing lot is paved to the front and side property lines, an existing tree line remains along the north property line, and there is a difference in elevation from the property to the south that separates and delineates the property line on that side.</td>
</tr>
<tr>
<td>Signs</td>
<td>None proposed at this time.</td>
<td>None</td>
<td>No objection. Future signs will require a permit.</td>
</tr>
<tr>
<td>Exterior Lighting</td>
<td>Not submitted.</td>
<td>None</td>
<td>No objection per existing conditions. Any found violations will need to be corrected or subject to enforcement action.</td>
</tr>
<tr>
<td>Access &amp; Circulation</td>
<td>Main parking area will be for employees only, and fenced and gated.</td>
<td>None</td>
<td>No objection</td>
</tr>
<tr>
<td>Other – Proposed fence replacement</td>
<td>An existing barbed wire and chain link</td>
<td>None – fence will not be located in the front yard.</td>
<td>No objection – to be consistence with the</td>
</tr>
</tbody>
</table>
fence will be replaced with a black powder-coated aluminum fence, six feet in height.

Special Use criteria, Staff requested removal of the barbed wire and chain link; and supports the new fence.

BACKGROUND

Property Characteristics
The subject property contains 1.12 acres of land. The property is zoned Class C-G (General Commercial) and is surrounded by CG to the north, northeast, southwest; CG and R4 (Single Family Residential) to the northwest; and I-2 (Railroad/Warehouse Industrial) zoning to the southeast. Note the R4 zoning is across Adams Street/Route 24, and is not immediately adjacent to the subject property.

History

<table>
<thead>
<tr>
<th>Date</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>1931 - 1958</td>
<td>K (Heavy Industrial)</td>
</tr>
<tr>
<td>1958 - 1963</td>
<td>K (Industrial)</td>
</tr>
<tr>
<td>1963 - 1990</td>
<td>C-3 (General Commercial)</td>
</tr>
<tr>
<td>1990 - Present</td>
<td>CG (General Commercial)</td>
</tr>
</tbody>
</table>

DEVELOPMENT REVIEW BOARD ANALYSIS

The DRB examines each application against the appropriate standards found in the Code of the City of Peoria and/or in case law.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Standard Met per DRB Review</th>
<th>DRB Condition Request &amp; Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>The establishment, maintenance, or operation of the special use will</td>
<td>Met with conditions. The proposed use will provide physical, exterior</td>
<td>Remove existing barbed wire and chain link fence. Staff supports the</td>
</tr>
<tr>
<td>not be detrimental to, or endanger the public health, safety, morals,</td>
<td>improvements to the side, including parking lot striping, accessible</td>
<td>applicant’s proposal to replace this fence with a new, black powder</td>
</tr>
<tr>
<td>comfort, or general welfare.</td>
<td>parking space sign corrections, sidewalk replacement, and improved</td>
<td>coated aluminum fence.</td>
</tr>
<tr>
<td>The special use will not be injurious to the uses and enjoyment of</td>
<td>Met. Proposed upgrades as describe above help ensure this standard is met.</td>
<td>Upgrades to the site that directly impact the public, including sidewalk and fence replacement noted elsewhere in this table, help this standard to be met.</td>
</tr>
<tr>
<td>Standard</td>
<td>Standard Met per DRB Review</td>
<td>DRB Condition Request &amp; Justification</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.</td>
<td>Met</td>
<td>N/A</td>
</tr>
<tr>
<td>Adequate facilities, access roads, drainage and/or necessary facilities have been or will be provided.</td>
<td>Met with condition.</td>
<td>Replace sidewalks along the front property.</td>
</tr>
<tr>
<td>Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.</td>
<td>Met with existing and proposed conditions. The Illinois Department of Transportation previously acquired some of this property to create a “turn around,” which is now used as the entrance to this property. The property contains additional approaches that will need to be marked.</td>
<td>Mark all drive approaches with striping, color, directional signage, or combination thereof.</td>
</tr>
<tr>
<td>The proposed special use is not contrary to (supports and furthers) the objectives of the adopted plans.</td>
<td>Met if the request is approved – the use is allowable with an approved Ordinance for a Special Uses.</td>
<td>All other applicable permits and licenses through the City and State must be obtained. This includes building permits related to a change in occupancy, and City and State licenses related to cannabis operations.</td>
</tr>
<tr>
<td>If a public use or a use providing public utility service, that such use or service shall</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Standard</td>
<td>Standard Met per DRB Review</td>
<td>DRB Condition Request &amp; Justification</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>meet a demonstrable public need, and provide a public benefit.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The special use, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Planning and Zoning Commission.</td>
<td>Met</td>
<td>N/A</td>
</tr>
<tr>
<td>Comprehensive Plan Critical Success Factors</td>
<td>Grow employers and jobs.</td>
<td>N/A</td>
</tr>
<tr>
<td>City Council Strategic Plan Goals</td>
<td>Grow Peoria.</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**DEVELOPMENT REVIEW BOARD RECOMMENDATION**

The Development Review Board recommends APPROVAL of the request with the following waivers and conditions:

**Waivers**
1. Section 8.2.6. Front Yard Landscaping
2. Section 8.2.7. Parking Lot Interior Landscaping
3. Section 8.2.8. Parking Lot Perimeter Landscaping

**Conditions**
1. Remove existing barbed wire and chain link fence. Staff supports the applicant’s proposal to replace this fence with a new, black powder coated aluminum fence.
2. Replace sidewalks along the front property.
3. All other applicable permits and licenses through the City and State must be obtained. This includes building permits related to a change in occupancy, and City and State licenses related to cannabis operations.

**NOTE:** If a City Code Requirement is not listed as a waiver, then it is a required component of the development. The applicant is responsible for meeting all applicable code requirements through all phases of the development.
ATTACHMENTS
A. Surrounding Zoning
B. Aerial Photo
C. Site Plan
D. Landscaping Plan
E. Elevations and/or Renderings
F. Economic Impact and Traffic Generation Statements
Disclaimer: Data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. –Peoria County GIS Division
Disclaimer: Data is provided ‘as is’ without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division
EXISTING BUILDING
12,918 S.F.

EXISTING CHAIN LINK/BARB WIRE FENCE TO BE REMOVED AND REPLACED WITH NEW DECORATIVE 6 FT. "TALL-FENCE (AROUND PARKING LOT)

EXISTING ADA PARKING SPACES TO BE RESTRIPED TO MATCH DETAIL ON THIS SHEET. ADA FINE SIGNS TO BE REPLACED WITH $350 SIGN

FRONTAGE: 300'-143 POINTS REQUIRED
PARKING: 44 SPACES - 52 POINTS REQUIRED
TOTAL POINTS REQUIRED AT FULL DEVELOPMENT: 213 POINTS

PARKING LOT LANDSCAPING POINTS
EVERGREEN TREES - 3 TREES @ 10 POINTS - 30 POINTS
EVERGREEN SHRUBS - 5 SHRUBS @ 5 POINTS - 25 POINTS
TOTAL POINTS PROVIDED: 55 POINTS

LANDSCAPE IN IDOT R.O.W. POINTS
EVERGREEN TREES - 2 TREES @ 15 POINTS - 30 POINTS
EVERGREEN SHRUBS - 8 SHRUBS @ 3 POINTS - 24 POINTS
TOTAL R.O.W. POINTS PROVIDED: 54 POINTS

ADAMS STREET LANDSCAPING REQUIREMENTS
FRONTAGE - 325' - 163 POINTS REQUIRED
PARKING - 49 SPACES - 52 POINTS REQUIRED
TOTAL POINTS PROVIDED AT FULL DEVELOPMENT - 212 POINTS

LIGHTING
EXISTING LIGHTING SHALL REMAIN

ADJACENT USES
NORTHWEST PROPERTY IS ZONED R-4
NORTH, NORTHEAST, AND SOUTHWEST PROPERTY IS ZONED CG
SOUTHEAST PROPERTY IS ZONED I-2
ELEVATION VIEWS

NORTH ELEVATION
SCALE: 1/8" = 1' - 0"

EAST ELEVATION
SCALE: 1/8" = 1' - 0"

ENTRANCE ELEVATION
SCALE: 1/8" = 1' - 0"

SOUTH ELEVATION
SCALE: 1/8" = 1' - 0"

WEST ELEVATION
SCALE: 1/8" = 1' - 0"
6' High Fencing Package

Interior powder-coated aluminum fences are made...
Introduction

The proposed site of a craft cannabis cultivator at 4040 SW Adams St. is currently zoned CG and as such, requires a special use permit from the City of Peoria which will allow the applicant to cultivate up to 5,000 square feet of canopy at the premises. The facility will stimulate the local economy through job creation, local contracting, and tax revenues from operations and locally sourced materials. The facility is located in a depressed area that could directly benefit from the job opportunities created as the location is accessible to those who do not have a vehicle and must walk or take public transportation to work. Furthermore, the applicant intends to beautify the location’s curb appeal by improving upon the existing landscaping and greenery. The proposed craft cannabis facility at 4040 SW Adams St makes sense for the City of Peoria and it’s residents.

Economic Statement

The latest information suggests that the location generates approximately $5,800 in annual property tax revenue. With regards to the City of Peoria’s 3% tax imposed on the sale of cannabis, the facility is projected to generate tax revenues of $66,150 in year 1, $147,420 in year 2, and $178,800 in year 3. The facility will have a positive impact on surrounding property values as new and thriving businesses stimulate growth and rehabilitation which can be seen first-hand within Peoria’s warehouse district. The facility will bring opportunity for nearby residents through the creation of approximately 15 well-paying jobs in a depressed area that is hungry for economic stimulus.

Environmental Statement

There shall be no impact to the existing storm and sanitary sewers. The facility’s waste water will be minimal as all plants will be watered using automated irrigation that is calibrated to deliver only as much as the plants need. Water captured through dehumidifiers and air conditioners is reclaimed and used for watering the plants. It is the applicant’s vision to increase green space on the property in the future as the current paved parking lot is much larger than needed. There shall be no impact to surrounding land use as all activity will be
conducted inside the premises and have no external impact to adjacent properties which are the Union Pacific Railroad, Allied Iron and Steel, and AA Air Conditioning and Heating. The construction phase of interior improvements shall have no impact of inconvenience to the surrounding area as any construction performed will be minimal and inside the premises.

Public Services Statement

There shall be no impact to the transportation systems network as there are no relevant changes being made to the location. This location is not open to the public and as such will not generate a disruption to current traffic patterns. There shall be no impact to police/fire protection services and or any other general services. The facility will have the highest level of security as required by the state of Illinois, including but not limited to: a contracted security guard on premises, multi-step verification keycard access, and high-definition video surveillance with 90-day history. The facility will not be performing any hazardous activities that may increase the probability of impact to fire protection services.

Conclusion

The proposed craft cannabis cultivation facility at 4040 SW Adams St. would be a win for Peoria and its residents. There are no foreseeable negative impacts to the community stemming from the proposed location of business. The facility would generate new tax revenue for the city and have a positive impact on a currently depressed area.
ESTIMATED TRAFFIC GENERATION
4040 SW ADAMS ST.
Peoria, IL 61605

Site Accessibility
The proposed facility is located on the southerly side of Adams St. at its intersection with S. Ligonier St. Off-street parking is available adjacent to the building in an existing fifty-nine (59) space parking lot on the property. On-street parking is limited in the vicinity of the building. The applicant is confident the project will have no adverse impact on current parking and traffic conditions.

Trip Generation
Average Daily Vehicle Trips and Peak Hour Trips for the project are calculated using data published by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition.

Existing Condition: The previous tenant at the facility, Stanley Steemer, is best classified by ITE Land Use Code (LUC) 180 – Specialty Trade Contractor: A specialty trade contractor is a business primarily involved in providing contract repairs and services to meet industrial or residential needs. This land use includes businesses that provide the following services: plumbing, heating and cooling, machine repair, electrical and mechanical repair, industrial supply, roofing, locksmith, weed and pest control, and cleaning. Estimated Trip Generation rates for the existing facility under its prior use are summarized in Table 1, below.

<table>
<thead>
<tr>
<th>Time Period/Direction</th>
<th>LUC 180 – Specialty Trade Contractor Vehicle Trip Ends</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekday Daily</td>
<td>52</td>
</tr>
<tr>
<td>Weekday AM Peak Hour</td>
<td>10</td>
</tr>
<tr>
<td>Weekday PM Peak Hour</td>
<td>11</td>
</tr>
<tr>
<td>Saturday Daily</td>
<td>Not Published</td>
</tr>
</tbody>
</table>

The proposed use is not anticipated to cause an adverse change to existing traffic conditions in the vicinity. The facility will not be open to the public and has a proposed staff size of fifteen (15) employees. The applicant seeks to encourage the use of alternative modes of transportation among its employees.

Deliveries
The applicant anticipates approximately eight (8) deliveries to and/or from the facility per week. Deliveries to the site will consist of office/janitorial supplies, growing medium and related products every week, up to two (2) times per week. Also included on a weekly basis is the
removal of marijuana containing waste for disposal. The applicant anticipates one (1) delivery each day of product from the facility to dispensaries via a licensed transporter.

**Parking**
The proposed facility will use the existing off-street parking lot adjacent the building which can currently accommodate up to 59 vehicles to provide parking for the proposed staff of fifteen (15) employees and their vehicles.
TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (Prepared by Kerilyn Weick & Sara Maillacheruvu)
DATE: February 6, 2020
CASE NO: PZ 19-L
REQUEST: Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code related to Short Term Rentals.

SUMMARY OF PROPOSAL
Staff respectfully requests a deferral of the case to the Commission’s March meeting.

Staff has incorporated feedback from the December 9, 2019 public meeting. A summary of key points from the meeting is below, and meeting minutes are attached. Staff is currently working to ensure that all aspects of the City Code, as well as City licenses and applications, utilize the same, standard terminology and figures concerning short term rentals. Once the ordinance has been finalized and standardization has occurred, City staff will circulate the revised copy to stakeholders prior to the Commission’s meeting.

Summary of Meeting Minutes:
In response to the request by the November Planning and Zoning Commission, a public meeting was held on December 9, 2019 to discuss the proposed text amendment. The major findings of this meeting, which are reflected in the proposed text amendment, include the following:

- Regulation of the use is warranted. Special use approval is overregulation.
- Registration equivalent to the existing residential property registration code is reasonable.
- Hotel license and tax levy is an accepted practice in other communities.
- Existing City codes address many of the complaints (i.e., noise, traffic, property maintenance). Additional standards are not needed or seen as redundant.
- The online nature of the use, where comments and ratings are made public, creates a market that, to some extent, self-regulates the conditions of short term rentals and can be used to screen guests.

DEVELOPMENT REVIEW BOARD RECOMMENDATION
The Development Review Board recommends deferral to the Commission’s March meeting.

ATTACHMENTS
1. Minutes from December 9, 2019 Public Meeting
MEETING MINUTES
FOR THE
PUBLIC MEETING REGARDING A PROPOSED TEXT AMENDMENT
RELATED TO SHORT TERM RENTALS

A public meeting was held Monday, December 9, 2019 beginning at 6:00 PM in City Hall, Room 400, 419 Fulton Street, Peoria IL.

Director of Community Development Ross Black opened the public meeting at 6:00 PM.

Council members John Kelly, Zach Oyler, Sid Ruckriegel were present. Fourteen members of the public were present.

Mr. Black gave an overview of the purpose and intent of the proposed text amendment.

Council member Jim Montelongo arrived.

Mr. Black summarized the recommendation that was sent to the Planning and Zoning Commission as well as an alternative administrative approval process that could be sent to the commission. Mr. Black explained the timeline for review of a text amendment.

Mr. Black opened the meeting to public comment. The following comments or questions were made from those in attendance. Questions are followed by the response made at the hearing.

- Has the City researched the number of short term rentals in the city limits?
  - Presently, short term rental use is illegal. Initial review of short term rental host websites revealed several dozen listings in the city. Staff began research of the use after the request of council members, after receiving an increase in inquiries about starting the use, and after receiving an increase in complaints about the use.

- Is the use illegal or is it just not regulated?
  - The City of Peoria Unified Development Code is a permissible ordinance. If the use is not listed, it cannot be done. The City supports short term rental as a use. The intent of the proposed ordinance is to establish a level playing field to allow the use.

- A citizen in the Randolph Roanoke Residential Association shared her experience with hosting a short term rental from her residence. She said the association supports her use. She questioned how the proposed text amendment would affect her use.
  - If the use is a bed and breakfast, she would follow existing regulations on bed and breakfast, which requires special use approval.
  - If the use is a short term rental, there is currently no regulation. The intent of the proposed ordinance is to allow short term rentals while protecting neighborhoods and those staying at the short term rental.

- What is the difference between short term rental nuisance and long term rental nuisance?
  - The City is not proposing any changes to the nuisance code. The same rules would apply to either type of use.

- What are the types of complaints and how many?
  - Community Development Department alone has received approximately 6 complaints in the last 2-3 months. Complaints are about noise, traffic, over
occupancy. The zoning code prohibits more than 3 unrelated adults in a dwelling. If regulations are in place for the short term rental use, it will be easier for staff to respond to complaints.

- A citizen of Peoria shared his experience with hosting two short term rentals and with staying at short term rentals in other cities.
- What is the fee for hotel tax? Do short term rental host sites pay the tax to communities?
  - The City of Peoria hotel/motel tax rate is 8% per night. There is also a state hotel tax that currently applies to all short term rentals. Host sites sometimes collect and remit the tax to the local jurisdiction.
- What would all the fees be for a short term rental?
  - The proposed text amendment recommends the hotel tax be required for a property used as a short term rental. The non owner occupied registration fee would not be imposed.
- A citizen of Peoria shared her experience with hosting properties in the East Bluff. She is concerned regulating short term rentals is duplicating the regulations made by Airbnb. The hospitality and property maintenance she provides in the East Bluff is a benefit to the East Bluff and the city.
- A citizen of Peoria expressed an understanding for the need to create regulations but is concerned about the unintended consequences. He is also concerned regulations will not stop some the complaints.
- A citizen of Peoria shared her experience with hosting a property in Weaver Ridge. She is concerned any additional fee might close down short term rentals. Short term rentals are a positive use. Owner needs to maintain the property in order to attract the next guest. She has not received any complaints from her neighbors. She is confused and frustrated by an anonymous complaint.
- A citizen of Peoria expressed concern with regulating the use that is neither commercial nor residential. The use has economic benefits. Nuisance complaints should be addressed by police instead of changing regulations.
- A citizen, commenting for a second time, is concerned the cost of a special use will discourage the use. If taxed, the tax amount should not be the same as a hotel.
- Is the proposed text amendment different from that which was brought to the Planning & Zoning Commission in November?
  - The recommendation discussed at this meeting is the same as the recommendation to the Commission in November. The Commission requested this meeting be held before hearing more on the recommendation. The administrative approval option, discussed tonight, was not brought to the Commission in November.
- Will the non owner occupied registration fee and hotel/motel tax be imposed on short term rentals?
  - The intent of the proposed text amendment is for one or the other.
- Is the hotel/motel tax collected only for stays less than 30 days? Need to include changes to definitions in the tax code.
  - Yes. For example, extended stay hotels do not pay the hotel/motel tax for the longer stays.
• Would a property owner that wants to rent out the house for only one week a year still need to obtain a special use?
  o Such case requires refinement of the proposed text amendment
• Will the City hire a new staff member?
  o The need for a staff member will depend on the final ordinance. If the ordinance requires payment of hotel tax and no other change, then more staff is not needed. If the ordinance is staff intensive then the City may need a new staff member.
• A citizen of Peoria appreciated the public meeting. The proposed text amendment needs to consider the cost/benefit of imposing a tax or registration fee and impact on staff time. Need to keep the changes simple and allow neighborhoods to be showcased.
• A citizen commenting for a third time, shared his experience hosting property. Expressed concern priorities should be to address unkempt property over short term rentals that provide a benefit.
• A citizen, commenting for a second time, shared short term rental hosts can screen guests.
• What happens to existing short term rentals?
  o If the use is for stays less than 30 days, the owner/operator will need to meet the new standards. A use that was not legal to start cannot be grandfathered in.
• A citizen, commenting for a second time, suggested instead of new regulations, license the use.
• A citizen, commenting for a second time, expressed concern for absentee owners/operators.
• President of the Peoria Area Landlord Association requested the association be invited to participate in any redrafting of the proposed text amendment.
• A citizen, shared her experience with hosting property. She questioned how the hotel/motel tax is used, what staff would be inspecting. She expressed the host for short term rentals receive ratings so must keep property safe.
  o The City of Peoria hotel/motel tax is used to fund events in the city meant to attract visitors. Collecting the hotel/motel tax from short term rentals is the most common approach by municipalities.
• A citizen, commenting for a third time, stated Airbnb defines a host as a landlord.
• In the proposed text amendment, are the first three performance standards required of all houses?
  o Yes. Often regulations are needed to respond to the worst case scenarios. Not all properties are maintained the same.

Mr. Black summarized to the public that comments tonight indicate the concern is about the level and type of regulation but those in the room are not opposed to a registration and fee.

• A citizen, commenting for a third time, suggested staff consider the ordinance in Champaign. He expressed concern the reason for proposing changes is the use is now happening in affluent areas of the city. He suggested including short term rentals in the existing non owner occupied registration.
• A citizen, commenting for a third time, suggested staff consider the ordinance in Peoria Heights.
With no further comment, Mr. Black thanked those in attendance. Comments and any changes to the recommendation will be sent to the Planning & Zoning Commission hearing on January 6, 2020. The meeting was closed at 7:30 PM.
TO:    City of Peoria Planning & Zoning Commission
FROM: Development Review Board (Prepared by Sara Maillacheruvu)
DATE: February 6, 2020
CASE NO: PZ 20-B
REQUEST: Hold a Public Hearing and forward a Recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code, relating to Setback Regulations. (All Council Districts)

SUMMARY: The proposed text amendment focuses on construction along State- and County-designated highways and thoroughfares as indicated on the official thoroughfare map of the City of Peoria.

Under the current code, the City requires a setback encroachment agreement to be signed for all construction that falls within one hundred (100) feet of the centerline or twenty-five (25) feet from the right-of-way, whichever is greater, of State or County-designated highway or primary thoroughfares. An applicant may seek recourse from City Council, should she want to waive the setback encroachment agreement requirement. Often, the agreement requirement is activated for proposed freestanding signage along thoroughfares, such as University Street or Knoxville Avenue, as well as for proposed detached garages in the Heart of Peoria, which fall within 100 feet of the thoroughfare’s centerline.

Through this amendment, the City moves to reduce the setback encroachment zone to sixty (60) feet from the centerline or twenty-five (25) feet from the right-of-way, whichever is greater, of State or County-designated highway or thoroughfares. These setback encroachment zones were established in conversation with engineering staff from the City’s Public Works Department. Public Works echoed the belief that the current setback encroachment zone could be lessened, suggesting instead that 60 feet from the centerline and 25 feet from the right-of-way should provide the requisite land to implement street repairs and improvements.

In addition to reducing the setback encroachment zone, the proposed text amendment moves to make the encroachment agreement relief process administrative rather than legislative. This means that a petitioner would submit an application demonstrating hardship to the Development Review Board, which would assess and issue a decision. As Public Works and Planning & Zoning staff are members of the Development Review Board, relevant parties would be involved in the decision-making process. Should the petitioner have their request denied, she could seek recourse from the Zoning Board of Appeals.

DEVELOPMENT REVIEW BOARD RECOMMENDATION
The Development Review Board recommends approval of the proposed text amendment.

ATTACHMENTS
1. Proposed ordinance (changes to text underlined)
2. To-scale graphic demonstrating proposed change
3. Examples of thoroughfare widths
AN ORDINANCE AMENDING APPENDIX A THE UNIFIED DEVELOPMENT CODE OF THE CITY OF PEORIA RELATING TO SETBACK REGULATIONS

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:

3.0 DISTRICTS ESTABLISHED

3.5 REQUIREMENTS APPLICABLE TO ALL DISTRICTS

3.5.6 Setback Regulations

No lot area lying between the building setback line and the corresponding street property line shall be used for storage of materials or equipment nor shall any hedge, tree or ornamental shrubbery be permitted in this area that will be an obstruction to the view at street intersections and no building, structure, sign, concrete masonry wall, no fence which cannot be viewed through, or other improvement shall be erected or structurally altered so that any part thereof is nearer to the established center line of the following roads and streets than the distances as set forth below.

State and county designated highways and thoroughfares as indicated on the official thoroughfare map of the City of Peoria: all buildings sixty (60) feet from the centerline or twenty-five (25) feet from the right-of-way, whichever may be greater. The Zoning Administrator may reduce this requirement if a lesser setback has already been established in the immediate area, but in no event can he/she reduce the setback to less than the normal yard requirements specified in the pertinent zoning district. Any such reduction must be accompanied by a written agreement wherein the owner of the property and his/her heirs or assigns agree to remove the structure at his/her expense and to hold the City of Peoria harmless from any expense or liability arising out of the removal or relocation of the structure if the full setback requirement or a portion thereof is needed for public improvement. Upon proper petition by the owner of property affected by the above requirements, the Development Review Board and appropriate state or county officials may waive the signing of the above statement. Said petition shall show that a strict application of the terms of said agreement will impose a demonstrable hardship upon the petitioner, and that it is more likely than not that the full setback requirement stated above will not be required by the city, county or state at a future date. In no event shall the Development Review Board reduce the setback to less than the normal requirements specified in the pertinent zoning district.
***

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 _____________________________, 2020

APPROVED:

_____________________________
Mayor

ATTEST:

_________________________________
City Clerk

EXAMINED AND APPROVED:

_________________________________
Corporation Counsel