PLANNING & ZONING COMMISSION
THURSDAY, AUGUST 6, 2020
CITY HALL ROOM 400 – 1:00 P.M.

MEETING AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF JULY 23, 2020 MINUTES

4. NEW 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-F**
   Hold a Public Hearing and forward a recommendation to City Council on the request of Maria McCormick-Dinh to amend Appendix A, the Unified Development Code, Relating to Tattoo, Palmist, Psychic or Medium, or Massage Parlors.

   **CASE NO.**
   **PZ 20-17**
   Hold a Public Hearing and forward a recommendation to City Council on the request of Maria McCormick Dinh to obtain a Special Use in a Class C-1 (General Commercial) District for a Massage Parlor for the property located at 4241 N Boulevard Avenue (Parcel Identification Nos. 14-28-226-017 and 14-28-226-018), Peoria IL. (Council District 3)

5. OLD BUSINESS

   **CASE NO.**
   **PZ 20-8**
   Deferred from the July 2, 2020 Meeting
   Hold a Public Hearing and forward a recommendation to City Council on the request of Maria McCormick Dinh to WITHDRAW an application to rezone property from the current Class C-1 (General Commercial) District to a Class C-2 (Large Scale Commercial) District for the property located at 4241 N Boulevard Avenue (Parcel Identification Nos. 14-28-226-017 and 14-28-226-018), Peoria IL. (Council District 3)

6. CITIZENS’ OPPORTUNITY TO ADDRESS THE COMMISSION

7. ADJOURNMENT

Governor JB Pritzker’s Executive Order 2020-43, issued on June 26, 2020, continues to limit any gatherings of more than fifty people. Governor JB Pritzker’s Executive Order 2020-44, requires that public bodies take steps to provide video, audio, and/or telephonic access to meetings. The CDC recommends social distancing of at least six feet between persons. City Hall is now open to the public with capacity and social distancing restrictions Monday through Friday from 8 a.m. to 5:00 p.m. To comply with these recommendations and requirements, the City is implementing the following changes and restrictions for the Planning & Zoning Commission Meeting on August 6, 2020 while complying with the spirit of the Open Meetings Act:

- The Planning & Zoning Commission Meeting will be conducted in person with the members of the Commission and Community Development Staff present. Plexiglass has been installed between desks to prevent the spread of COVID-19.
- The public can physically attend the meeting, but in order to maintain social distancing guidelines there can only be 15 people from the public inside City Council Chambers at one time. There will be a wait to enter City Council Chambers once the public capacity of 15 people is met. Public comments can be made by those that are inside City Council Chambers.
- Anyone wishing to make a public comment can do so by sending those comments in writing to, Leah Allison, at lallison@peoriagov.org or via fax at 309-494-8674 no later than August 5, 2020. The email or fax should be labeled "Public Comment for August 6, 2020 Planning & Zoning Commission Meeting," and we ask that you include your name and address.
- Media will be allowed to physically attend the meeting; however, due to capacity restrictions only one person from a media outlet will be allowed inside City Council Chambers.
- Temperature screenings are required for access inside City Hall. Face coverings are required to be worn at all times inside City Hall.
- The agenda, minutes and a video for the meeting will be available online at http://www.peoriagov.org/boards-commissions/

Inquiries: Community Development Department, (309) 494-8600 or lallison@peoriagov.org
A special meeting of the Planning & Zoning Commission was held on Thursday, July 23, 2020, at 1:00 p.m., City Hall, 419 Fulton Street, 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 Eric Heard, Branden Martin, Richard Unes, and Mike Wiesehan – 6. Absent: Robin Grantham - 1

City Staff Present: Leah Allison, Ross Black, Megan Nguyen, and Cynthia Fulford.

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 July 2, 2020; seconded by Commissioner Ghareeb.

The motion was approved viva voce vote 6to 0.

REGULAR BUSINESS

PZ 20-E
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 Various Text Amendments.

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. PZ 20-E into the record and provided a summary of the request and offered relevant background context.

Regulation Reduction:

Discussion was held regarding the importance of traffic information. Community Development Director, Ross Black, spoke on the matter to remove blanket requirements with the “one size fits all” narrative. This will allow the Department to simplify and streamline development. Commissioners suggested replacing the traffic impact analysis section with language noting that an analysis may be required at the discretion of the Development Review Board.

Motion:
Commissioner Martin made a motion to approve with language added that a traffic impact analysis may be required by the Development Review Board; seconded by Commissioner Barry:

The motion was APPROVED by roll call vote 6 to 0.

Yeas: Barry, Ghareeb, Heard, Martin, Unes and Wiesehan – 6
Nays: None – 0

Fee Reduction:

Discussion was held around reducing education and recreation development impact fees for building permits in order to streamline and boost development.

Motion:
Commissioner Ghareeb made a motion to approve the request as presented; seconded by Commissioner Heard:
The motion was APPROVED by viva voce vote 6 to 0.
Yeas: Barry, Ghareeb, Heard, Martin, Unes and Wiesehan – 6
Nays: None – 0

Clarity:

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

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

Use Expansion:

Discussion was held around the addition of vehicle parts and accessories (retail sales and service) as a permitted use in C-1 General Commercial District. As well as, duplex (new construction) as a permitted use in the R-4 zoning district.

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

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

Use Restriction:

Discussion was held regarding the West Main Form District and the following prohibited uses: Tattoo, Palmist, Psychic or Medium, or Massage Parlors in Local Commerce.

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

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

**CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION**

There were no citizen requests to address the Commission.

**ADJOURNMENT**

Commissioner Ghareeb made a motion to adjourn; seconded by Commissioner Martin at approximately 1:57 PM.

Cynthia Fulford, Development Technician
TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (Prepared by Leah Allison)
DATE: August 6, 2020
CASE NO: PZ 20-F
REQUEST: Hold a Public Hearing and forward a recommendation to City Council on the request of the Maria McCormick-Dinh to amend Appendix A, the Unified Development Code, Relating to Tattoo, Palmist, Psychic or Medium, or Massage Parlors.

SUMMARY OF PROPOSAL
This proposed text amendment is in response to the discussion held at the July Planning & Zoning Commission meeting regarding a massage business located in a Class C-1 General Commercial zoning district. Currently Tattoo, Palmist, Psychic or Medium, or Massage Parlors are not permitted in the C-1 zoning district. The proposed text amendment would allow these uses as Special Uses in the C-1 zoning district.

Special uses are reviewed by the Planning & Zoning Commission, with a recommendation forwarded to City Council.

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

ATTACHMENTS
1. Ordinance
AN ORDINANCE AMENDING APPENDIX A THE UNIFIED DEVELOPMENT CODE
OF THE CITY OF PEORIA RELATING TO
TATTOO, PALMIST, PSYCHIC OR MEDIUM, OR MASSAGE PARLORS

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 adding the following underlined words:

5.0 PERMITTED LAND USES

5.2.2 Permitted Use Table

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE</th>
<th>RETAIL SALES AND SERVICE (SEE 5.6.4.G)</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMERCIAL</td>
<td>A1 P1 RE R1 R2 R3 R4 R5 R6 R7 R8 O1 O2 N1 CN C1 CG C2 B1 I1 I2 I3</td>
<td></td>
</tr>
</tbody>
</table>

Tattoo, Palmist, Psychic or Medium, or Massage Parlors

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
TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (prepared by Kerilyn Weick)
DATE: August 6, 2020
CASE NO: PZ 20-17
REQUEST: Hold a Public Hearing and forward a recommendation to City Council on the request of Maria McCormick-Dinh to obtain a Special Use in a Class C-1 (General Commercial) District for a Massage Parlor for the property located at 4241 N. Boulevard Avenue (Parcel Identification Nos. 14-28-226-017 and 14-28-226-018), Peoria IL (Council District 3).

SUMMARY OF PROPOSAL & REQUESTED WAIVERS
The petitioner is requesting to obtain a Special Use for a massage parlor at an existing commercial building:

<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>Two existing parking lots. Accessible parking space will be added to the front lot.</td>
<td>None</td>
<td>One accessible parking space is required. Parking lots and accessible parking space must be striped/marked.</td>
</tr>
<tr>
<td>Setbacks, Yards, Build To</td>
<td>No change to existing location of parking. Parking is in the front yard setbacks.</td>
<td>Waiver from the required 20 ft parking setback along Lake Ave and Boulevard Ave.</td>
<td>Parking setback is required unless a waiver is approved.</td>
</tr>
<tr>
<td>Access &amp; Circulation</td>
<td>No change to existing vehicle ingress/egress. One parking lot has access off Boulevard Ave, one parking lot has access from the alley off Lake Ave. No sidewalks along property lines.</td>
<td>Waiver from sidewalk requirement along property frontages. Waiver to allow existing conditions for the driveway apron on N. Boulevard Avenue.</td>
<td>Sidewalk must be constructed along both frontages which may require ROW dedication/easement unless a waiver is approved. Driveway apron must be reconstructed unless a waiver is approved.</td>
</tr>
<tr>
<td>Landscaping</td>
<td>One existing shade tree, addition of shrubs/flowers on two sides of the building. Will also add parking lot perimeter hedge.</td>
<td>Waiver from front yard landscaping requirement.</td>
<td>Front yard landscaping is required unless a waiver is approved. Proposed parking lot perimeter hedge would meet parking lot perimeter landscaping requirement.</td>
</tr>
<tr>
<td>Signs</td>
<td>Remove existing freestanding sign at the northeast corner of property. Obtain a sign permit to replace or relocate the sign.</td>
<td>None.</td>
<td>Sign needs to be removed. Said sign is in the sight triangle and the sign face is weathered.</td>
</tr>
<tr>
<td>Buffers &amp; Screening</td>
<td>Replace dumpster with refuse bin which will be stored to the side of the building.</td>
<td>None.</td>
<td>None.</td>
</tr>
<tr>
<td>Mechanical, Utility Screening</td>
<td>No changes to existing conditions.</td>
<td>None.</td>
<td>None.</td>
</tr>
<tr>
<td>Exterior Lighting</td>
<td>No change to existing exterior lighting.</td>
<td>None</td>
<td>None.</td>
</tr>
<tr>
<td>Development Item</td>
<td>Applicant Proposal</td>
<td>Applicant Waiver Request &amp; Justification</td>
<td>DRB Comment</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------</td>
<td>------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Height</td>
<td>No change to existing building height.</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Other</td>
<td>Need to apply and obtain City of Peoria Body Works Establishment License</td>
<td>N/A</td>
<td>A valid license, pursuant to Peoria City Code Chapter 18, Article VII Bodywork Establishments, is required prior to operating the business. Compliance with the Unified Development Code is one aspect of review for the license. Business License Inspector has identified several noncompliant business activities: 1. Operating without Body Works Establishment License. 2. Advertisement of sexual activity 3. Employee dress code 4. No visibility into the building 5. Hours of operation</td>
</tr>
</tbody>
</table>

**BACKGROUND**

**Property Characteristics**
The property is approximately 0.18 acres (7,840 square feet) on the corner of E. Lake Avenue and N. Boulevard Avenue. The property is developed with an approximately 1,100 square foot single story building with parking lots in the front and rear yards. Surrounding zoning is Class C-1 (General Commercial) district to the north, west, and south, and Village of Peoria Heights zoning to the east. Land uses in the surrounding area consists of tavern to the north, contractor to the west, residential to the south, and day care to the east.

**History**

<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>A – One Family</td>
</tr>
<tr>
<td>1963 - 1990</td>
<td>C2 (Neighborhood-Commercial)</td>
</tr>
<tr>
<td>1990 - Present</td>
<td>C1 (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 not be detrimental to or endanger public health, safety, morals, comfort or general welfare</td>
<td>No</td>
<td>Operation of the use includes advertisement sexual in nature which is detrimental to public health, morals, and general welfare.</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>Will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.</td>
<td>No</td>
<td>The use as operated or otherwise may be injurious to the enjoyment of the use of other property including existing residential and day care uses.</td>
</tr>
<tr>
<td>Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.</td>
<td>No</td>
<td>The use may deter investment in other properties.</td>
</tr>
<tr>
<td>Adequate facilities, access roads, drainage and/or necessary facilities have been or will be provided.</td>
<td>Yes</td>
<td>Part of existing conditions.</td>
</tr>
<tr>
<td>Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion in the public streets.</td>
<td>No</td>
<td>Waiver is required from sidewalk and driveway apron requirements.</td>
</tr>
<tr>
<td>If a public use/service, then provides a public benefit.</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>In all other respects, conforms to all district regulations.</td>
<td>Yes</td>
<td>Parking lot perimeter landscaping will improve aesthetic and screening conditions in the area. Parking lot striping and accessible parking space will be provided. Sign in sight triangle will be removed.</td>
</tr>
<tr>
<td>Comprehensive Plan Critical Success Factors</td>
<td>No - Reinvest in Neighborhoods</td>
<td>Success Factor is not met by the proposed use. Said use in this location may affect future investment in the area.</td>
</tr>
<tr>
<td>City Council Strategic Plan Goals</td>
<td>No - Safe and Livable Neighborhoods</td>
<td>Goal is not met by the proposed use. Said use may deter investment in commercial and residential property alike.</td>
</tr>
</tbody>
</table>

**DEVELOPMENT REVIEW BOARD RECOMMENDATION**
The Development Review Board recommends DENIAL of the special use request. Previous and ongoing operation of the establishment has been contrary to public health, safety, and morals which may be injurious to investment and enjoyment of other uses in the area.

**ATTACHMENTS**
1. Surrounding Zoning
2. Aerial Photo
3. Site Plan
4. Existing Building Elevations
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 = 83 feet
4/9/2020
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 = 42 feet
4/9/2020
Parking Space
Handicapped: 16 w x 18½ L
Reg: 8½ w x 18½ L

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 = 21 feet
7/8/2020