Pekin Planning Commission Meeting
Council Chambers
111 South Capitol Street, 2nd level
August 8, 2018
5:30pm

Present:

Bill Craig, Chair	James Ruth
Daryl Dagit	Chris Deverman
Amy Wilson	Tim Bonnette
Don Hild	

The regular meeting of the Pekin Planning Commission was called to order and a quorum was declared.
Staff present: John Lebegue, Building Inspections/Development Director, and Attorney Scott Kriegsman.

MOTION by Chris Deverman to approve the August 8, 2018 Agenda, Seconded by Amy Wilson. On roll call vote, all present voted AYE. Motion approved.

MOTION by James Ruth to approve the minutes of July 11, 2018, Seconded by Daryl Dagit. On roll call vote, all present voted AYE. Motion approved.

Council Action Reports: No Council Action Report was given.

Application #1: Review and consideration of a petition for Special Use Authorization for a home occupation to conduct a dog daycare use at 1102 Chestnut Street.

Hearing #1 (#08-1918): Consideration of a petition submitted by Deanna Shanks for a Special Use Petition for a home occupation to conduct a dog daycare use for less than 3 animals at a property located at 1102 Chestnut Street with a Legal Description of SEC 35 T25N R5W Bush's Subd.7 Lot 191 (65' x 110' Exc. S 5') NE ¼ with the following P.I.N.# 04-04-35-214-003 in Tazewell County, Illinois.

Open Public Hearing: 5:33 pm

Bill Craig, Chairman, entertained a motion for discussion.

Motion made by James Ruth, seconded by Don Hild, to open discussion.

Chairman Bill Craig opened the discussion and asked if there was anyone here to speak in regard to the issue.

Valerie Moehle, Attorney, appeared before the Pekin Plan Commission on behalf of applicant Deanna Shanks, seeking Special Use authorization to conduct a dog daycare use of less than 3

animals at 1102 Chestnut Street. This petition was a second, amended petition for Special Use Authorization to conduct a dog daycare home occupation use from a residential home located at 1102 Chestnut Street, as this petition was specifically for less than three animals.

Attorney Moehle explained to the members of the Plan Commission that the petition was amended to limit the number of dogs that Ms. Shanks could care for and that by limiting the number of animals, noise generated by barking dogs would be decreased and traffic in the neighborhood would not be increased beyond the norm for that neighborhood. Ms. Moehle continued by stating that people prefer to leave their pets in a home setting instead of a kennel and that Ms. Shanks would agree to whatever conditions or restrictions that the Plan Commission recommended to be placed on the use. Ms. Moehle concluded by stating that if Deanna Shanks was denied the ability to provide dog daycare services from her home that all others providing the same service in the city should be denied as well.

Melinda Grafelman appeared before the Plan Commission and stated that Deanna Shanks was licensed to by the State of Illinois as a foster parent for dogs and that the City should allow her to foster and babysit dogs in her home.

Debby Helmick of 1012 Chestnut Street appeared before the Plan Commission and stated that prior to receiving the notice of the meeting, did not know the dog daycare use was being conducted at 1102 Chestnut Street. Ms. Helmick stated that she had heard dogs barking at times, but that it did not disturb her and that she was appearing in support of her neighbor.

Sandra Coffey of 1103 Chestnut Street appeared before the Plan Commission and stated that she didn't doubt that Deanna loves dogs, but that the dog daycare use has caused problems and strife in a predominantly elderly neighborhood. Ms. Coffey continued by stating that the number of dogs on the property at 1102 Chestnut was a problem, as Deanna has 4 dogs of her own and the barking of the dogs was a problem for the neighborhood. Ms. Coffey concluded by stating that the neighborhood is too residential for the dog daycare use and that the use would be better conducted in the country and that there is no way to control and monitor the use if it continues to be conducted at 1102 Chestnut Street.

Joyce Janssen of 1218 N. 11th Street appeared before the Plan Commission and explained that she lives directly behind the property at 1102 Chestnut Street and that dogs are constantly barking and fighting in the rear yard and that she can't even open her windows and enjoy her property due to the constant noise of the barking. Ms. Janssen ended by stating that she wants the unlawful dog daycare use ceased so that she can enjoy her home again.

Several clients of Ms. Shanks, who do not reside in the neighborhood where the unlawful dog daycare use is being conducted, appeared before the Plan Commission and spoke in favor of the Special Use being sought by Ms. Shanks. The clients of Ms. Shanks stated that Deanna's home and yard is always clean and that their dogs benefit from being in a home environment rather than a commercial kennel.

Close Public Hearing: 5:53 pm.

Commissioner Jim Ruth asked if the City of Pekin had any regulations limiting the number of pets a resident may have.

Building Inspections / Development Director John Lebegue answered by stating that the City of Pekin currently does not have any ordinance language limiting the number of pets a resident may have.

Commissioner Ruth further stated that he was concerned that Ms. Shanks continued to operate the dog daycare use even after being denied approval by the City Council.

Chairman Bill Craig stated that he too was concerned that Ms. Shanks unlawfully continued the dog daycare use after being specifically denied by the City Council.

Commissioner Daryl Dagit asked what section of the City Code pertained to this request since a home occupation use for dog daycare did not exist in the City Code.

Building Inspections / Development Director John Lebegue explained that the request before them was being made pursuant to Section 9-4A-2, (B), (4): Which states that any proposed home occupation that is neither specifically permitted by subsection B2 of this Section nor specifically prohibited by subsection B3 of this Section shall be considered a special use and be granted or denied upon consideration of those standards contained in subsection B1 hereof and under the procedures specified in Section 9-4A-3, "Special Uses", of this Article.

Commissioner Don Hild stated that even though that section existed, he had concerns that the Plan Commission even could grant the dog daycare use since it was not a listed and permitted home occupation use.

Chairman Bill Craig stated that he had concerns that there would be really no way to fully monitor the dog daycare use were it approved and that Ms. Shanks continued to unlawfully operate the dog daycare use after being denied by the City Council. Chairman Craig continued by stating that the Commission has heard testimony that additional traffic has been created by the dog daycare use and that the excessive noise generated by barking dogs has been disruptive to the neighborhood.

Commissioner Don Hild stated that monitoring of the use would be complaint driven and that he was still concerned that there was not a specific home occupation use for dog daycare.

Commissioner Chris Deverman stated that he agreed with the opinions of Commissioner Dagit and Commissioner Hild in regard to the proposed home occupation use for dog daycare.

Chairman Bill Craig called the question on the request for Special Use Authorization to conduct a dog daycare home occupation use of less than 3 animals at 1102 Chestnut Street. On a roll call vote, all present voted Nay. Motion failed.

Application #2: Review and consideration of a petition for a Map Amendment for the rezoning of property on El Camino Drive from RT, Two-Family Residential District to RM-1, Multiple Family Residential District.

Hearing #2 (#08-1919): Consideration of a Petition for a Map Amendment submitted by Hornecker Properties, LLC. for the Re-Zoning of property currently zoned RT (Two Family Residential)to RM-1(Multiple Family Residential)for the purpose of constructing multi-family housing on certain property located on El Camino Drive, with P.I.N. Numbers of a part of P.I.N.# 10-10-11-400-034 and all of P.I.N.# 10-10-11-400-009, with the following Legal Description:

> Being a part of the Southeast Quarter of Section 11, Township 24 North, Range 5 West of the Third Principal Meridian, Tazewell County, Illinois; more particularly described as follows:

Commencing at a found capped iron rod at the Southwest corner of the said Southeast Quarter of Section 11; Thence South 85°43'40" East (Baring Assumed), along the South line of the said Southeast Quarter a distance of 71.91 Feet, to the point of beginning; Thence North 01°57'55" East along the East line of a tract of land shown in Plat Book "RR", Page 169 in the Tazewell County Recorder's Office, a distance of 534.11 Feet, to the South Right-of-Way line of El Camino Drive; Thence South 86°50'16" East, along the South Right-of-Way line of El Camino Drive, a distance of 524.29 Feet, to the Northwest corner of a tract of land shown in Plat Book "TT", Page 161; Thence South 03°04'33" West, along the west line of said tract, a distance of 213.77 Feet; Thence South 85°38'35" East, along the South line of said tract, a distance of 120.03 Feet, to the Southwest corner of said tract; Thence South 03°04'33" West, a distance of 330.00 Feet; Thence North 85°43'40" West, along the South line of the said Southeast Quarter, a distance of 634.08 Feet, to the point of beginning; Containing 7.332 Acres more or less; Subject to any and all Right-of-Ways, Easements, Covenants and/or agreements of record.

Open Public Hearing: 6:03 pm

Bill Craig, Chairman, entertained a motion for discussion.

Motion made by James Ruth, seconded by Amy Wilson, to open discussion.

Chairman Bill Craig opened the discussion and asked if there was anyone here to speak in regard to the issue.

Lou Miller, Attorney, representing Hornecker Properties LLC, appeared before the Plan Commission and stated that this was a request to change the zoning from RT, Two Family Residential to RM-1, Multiple Family Residential to allow a duplex development similar to the one constructed by Hornecker Properties back in 2014. Mr. Miller continued by stating that the proposed RM-1 Multiple Family Residential zoning classification was consistent with the surrounding area and that there existed a variety of zoning uses and districts in that area. Mr.

Miller further stated that the proposed RM-1, Multiple Family Residential District would be the best use of the property and that RT, Two Family Residential District would be too limiting for the property. Mr. Miller concluded by stating that Hornecker Properties did not want to construct a high volume development which would be out of character with the duplexes across the street and the overall neighborhood.

John Hadsell of 1220 El Camino Drive appeared before the Plan Commission and stated that he owned the single family home next to the property that is subject to the rezoning. Mr. Hadsell further stated that he opposes the proposed rezoning and feels that if the property were rezoned that the value of his home would fall even more than it has since the last development constructed by Hornecker properties to the east of his property. Mr. Hadsell claimed that the value of his home has dropped as a result of the previous duplex apartment development and that the RT zoning classification should remain so that any new development is consistent with the properties across the street.

Jim Bradshaw of 1207 El Camino Drive appeared before the Plan Commission and stated that he was presenting the Commission a petition that was signed by neighboring property owners in opposition to the proposed rezoning. Mr. Bradshaw continued by stating that he did not object to a business making a profit, but felt that the proposed buildings should be more in character with other buildings in the neighborhood. Mr. Bradshaw ended by stating that he did not feel that Mr. Hornecker would limit himself to the number of buildings shown on the submitted Site Plan with a seven acre site and felt that a high density development is not in character with the neighborhood and needs zoning to protect the existing neighborhood.

Renna Hadsell of 1220 El Camino Drive appeared before the Plan Commission and stated that she too felt that given the large size of the site that there was the possibility of additional buildings being constructed on the property. Mrs. Hadsell concluded by stating that the Plan Commission recently denied an inappropriate request for the Lake Whitehurst neighborhood and that this request should also be denied, as 2 family zoning is most appropriate for the neighborhood.

Jim Mangan of 1200 Parkway appeared before the Plan Commission and asked if the proposed apartment development would be for lower income or HUD type housing. Mr. Mangan continued by asking if the proposed development would put an undue burden on the City sewer system as there is poor sewage control in that area of the City. Mr. Mangan ended his statements by asking if the streets being constructed were private streets, as the City would not be involved in maintaining private streets.

Jeff Hornecker of Hornecker Properties appeared before the Plan Commission and stated that he felt that the proposed development was a positive initiative and that he wanted to do exactly what he did on the 12 units he developed to the east. Mr. Hornecker further stated that if the requested rezoning was approved that he would construct the front three buildings this year and that the City of Pekin needs new apartment developments. Mr. Hornecker concluded by stating that his

rental properties are very well maintained and there are no snow plows or trailers stored in the open on his rental properties and that he wants to invest in the City and that it is not in the City's best interests to have vacant, undeveloped land.

Cindy Hornecker of Hornecker Properties appeared before the Plan Commission and stated that no animals are allowed in their rental properties and that their properties are always well maintained. Mrs. Hornecker continued by stating that they will not construct more units than approved and that the apartment units are not subsidized housing or HUD housing.

A resident of 2706 Overhill Road appeared before the Plan Commission and stated that he did not want to see 53 housing units built on the subject property and felt that any high density development would put too much strain on the school system.

Close Public Hearing: 6:30 pm.

Commissioner Daryl Dagit asked if the proposed rezoning were approved would Hornecker Properties be limited to the 16 apartment units shown on the Site Plan or could more units be constructed by right. Commissioner Dagit also wondered if the City sewer system had sufficient capacity for the proposed development.

Commissioner Don Hild stated that given that a large portion of the property is occupied by a pond, and for that reason he did not see the construction of numerous other buildings. Commissioner Hild continued by stating that he did not feel that a lot of kids would be brought in with the proposed development. Commissioner Hild concluded by asking when the area on El Camino Drive was zoned RT and felt that the request for rezoning was because of the demand for quality rental housing.

Commissioner Amy Wilson asked who owns the property to the north that was rezoned in 2017.

Building Inspections / Development Director John Lebegue stated that John Evans owns the property to the north that was rezoned in 2017.

Commissioner Wilson then asked whether Hornecker properties had considered developing the property in conformance with the RT-2 zoning requirements.

Commissioner Chris Deverman then asked if the single family home to the east of the subject property was zoned RT as well.

Building Inspections / Development Director John Lebegue answered by stating that, yes the single family home at 1220 El Camino Drive was located and represented a legal residential use in the RT District.

Chairman Bill Craig stated that he had concerns of approving a rezoning without the submission of a Site Plan and felt that a Site Plan of the proposed development should be submitted at the same time as the rezoning request. Chairman Craig felt that without the submission of a Site Plan that the applicant could make changes that were outside of their control.

Commissioner Don Hild stated that he had the same concern as Chairman Craig but that the RM-1 Multiple Family Residential zoning District classification being requested is the least dense of the multiple family residential districts.

Chairman Craig stated that he did not feel that the proposed duplex, apartment development would not have a negative effect on the single family residential home to the east and that the Hornecker Properties rental properties are very attractive and well maintained.

Commissioner Daryl Dagit stated that if the rezoning were approved that he would want to have Hornecker Properties come back before the Plan Commission for Site Plan Approval for the proposed development.

Chairman Bill Craig called the question on the request for a Map Amendment for the re-zoning of property currently zoned RT (Two Family Residential) to RM-1(Multiple Family Residential) for the purpose of constructing multi-family housing on certain property located on El Camino Drive. On a roll call vote, Aye: James Ruth, Bill Craig and Don Hild Nays: Chris Deverman, Amy Wilson, Daryl Dagit and Tim Bonnette. Request Denied by a Vote of 4 to 3.

Application #3: Conduct a Site Plan Review of parking lot at 313 S. 6th Street.

Hearing #3 (#08-1920): Conduct a Site Plan Review of a request by Kenneth C. Thomas for the construction of a new parking lot to provide additional parking for Post Office employees at certain property located at 313 S. 6th Street with a Legal Description of SEC 2 T24N R5W Colts Addn. North 30 Feet of South 62 Feet of Lot 5 NW 1/4 in Tazewell County, Illinois, with the following P.I.N.# 04-10-02-100-003.

Open Public Hearing: 6:45 pm

Bill Craig, Chairman, entertained a motion for discussion.

Motion made by Daryl Dagit, seconded by Chris Deverman, to open discussion.

Chairman Bill Craig opened the discussion and asked if there was anyone here to speak in regard to the issue.

Lou Miller, Attorney, representing owner, Kenneth C. Thomas, appeared before the Plan Commission and stated that the Site Plan that has been submitted for review has fully addressed the concerns of the neighboring property owner that were expressed at the June 13, 2018 Public Hearing. Mr. Miller continued by stating that the layout of the parking lot with a combination of

parallel and angled spaces would create no glare of lights onto the property at 323 S. 6th Street. Mr. Miller concluded his comments by stating that a 6 foot solid, vinyl fence would be installed between the two properties, with the fence located to the north of the existing shared driveway, giving the owners of 323 S. 6th Street sole use of the previously shared driveway.

Derek Anderson of 323 S. 6th Street appeared before the Plan Commission and stated that he was very satisfied with the Site Plan that had been prepared and submitted for review and that all of their safety and privacy concerns were addressed by the applicant.

Close Public Hearing: 6:53 pm.

Commissioner Amy Wilson asked if the parking lot would only be used for the parking of employees of the Post Office and expressed concerns as to the number of curb cuts on South 6th Street, as a new curb cut would be made to provide access to the proposed parking lot and 3 curb cuts would then be present in that area.

Chairman Bill Craig then stated that he was very impressed with the level of accommodation of both the applicant and the Andersons and both should be complimented for working so well together to design the parking lot in such a manner to address the concerns that were expressed.

Chairman Bill Craig called the question on the request for Site Plan Approval of the employee parking lot at 313 S. 6th Street. On a roll call vote, all present voted Nay. Motion passed.

No public input.

Motion made by Daryl Dagit, seconded by Amy Wilson to adjourn. On roll call vote, all present voted Aye. Motion approved. Meeting adjourned at 6:58 pm.

Respectfully submitted:
John R. Lebegue, Building Inspections / Development Director