

Pekin Zoning Board of Appeals Meeting
111. S. Capitol Street
City Council Chambers 2nd Floor
July 13, 2022
5:00 PM

A regular Meeting of the Pekin Board of Appeals will be held at Pekin City Hall, 111 South Capitol Street, City of Pekin, Illinois, on the 13th day of July 2022, at 5:00 PM.

Pledge of Allegiance

- I. Roll Call
- II. Agenda Approval
- III. Minutes Approval from June 8, 2022
- IV. City Council Action Report
- V. Applications and Hearings
- VI. Informal
- VII. Public Input
- VIII. Adjourn

Case SU 2022-03

A special use request submitted by Mitch O'Shaughnessy to utilize property located at 801 S. 2nd Street to display and sell used automobiles. Said property is zoned I-2 General Industrial District with a legal description of SEC 3 T24N R5W PT SW 1/4 & TRACT ADJ LOT 12 NE 1/4 .36 AC, with the following PIN: 04-10-03-212-002, in Tazewell County, Illinois.

Other Items for Consideration and Recommendation

Informal Discussion

Public Input

Adjourn

David Bess, Secretary, Pekin Board of Appeals

Pekin Zoning Board of Appeals
111 S. Capital Street
City Council Chambers 2nd Floor
June 8, 2022
5:00 PM

Present: Daryl Dagit, Chris Deverman, Donald Hild, David Huskisson, Kelly Madden, James Ruth, Amy Wilson.

The regular meeting of the Pekin Board of Appeals was called to order and quorum was declared. Staff present: David Bess (Community Development Director), Jeffrey Gaster (Legal Counsel), Alina Kramer (Administrative Assistant), Justin Reeise (Public Work Director). Multiple members of the public were present.

Motion by Commissioner Dagit to approve the June 8, 2022 agenda, second by Commissioner Deverman. Motion carried 7-0.

Motion by Commissioner Dagit to approve minutes for the May 11, 2022, second by Commissioner Wilson. Motion carried 7-0.

David Bess communicated that the City Council approved VP Racing Fuel (Case SU 2021-12) as recommended and 2423 Tazewell Road (Case V 2022-05) was tabled for further evaluation.

Case PPR 2022-01

A map amendment request submitted by Austin Engineering Company, Inc. to separate the property at 141 S. Veterans Drive as indicated in the preliminary plat provided by the applicant. This request is to separate the southern portion of the property of approximately 11.7 acres. Said property is zoned B-3 General Business District with a legal description of SEC 5 T24N R4W ESTATES AT LAKEIEW FINAL PLAT LOT 15NW ¼ 10.47 AC, with the following PIN: 11-11-05-101-015, in Tazewell County, Illinois.

The case was open to public input, Jacob Force, owner of the land was present for any questions. Commissioner Hild asked Mr. Force if his original plans were to buy all of the land, Mr. Force stated he never had planned on buying all of the land. Discussion in regards to a buffer was presented and Mr. Force stated he was previously told there would be no issues as long as he puts a buffer between his property and the residential area. Wilson advised Mr. Force could potentially use a natural buffer however a buffer can't be put into place until there is approval to split the land.

Motion to approve by Commissioner Madden, second by Commissioner Huskisson. Motion carried 7-0.

Vacation of Alleyway between Arcade and Tobin Building and Vacation of 300 Block of Elizabeth to Tazewell County

Vacation of City-owned alley in the block bounded by Court Street, Capitol Street, Elizabeth Street, and 3rd Street. Alley will be vacated to the adjoining property owners **and** Vacation of city-owned right-of-way consisting of the 300 block of Elizabeth Street between Capitol Street and S. 3rd. Street.

Commissioner Wilson asked if there was any negative impact if the City proceeds with vacating the alleyway. The committee agreed there was no perceived negative impact for the City or surrounding

property owners. City staff noted that at this time, this will not be brought to council until the county signals that they intend to move forward with the plans for which these vacations are requested.

Motion to recommend approval for both associated items, motion carried 7-0.

Vacation of Alleyway between Hecker Court and Washington Street

Vacation of City-owned alleyway between Hecker Court and Washington Street. Staff suggested that the alley could be vacated to the adjoining property owners as shown on the vacation plat, however the City may change the division to suit the interests of the adjoining owners.

Justin Reeise stated the property owner of Lot 1 has requested the City to vacate the alleyway due to some drainage issues. Commissioner Hild asked if the vacating of the alleyway would cause issues with the other home owners, Reeise stated he does not anticipate issues. Commissioner Wilson asked how the alleyway would be split. There was discussion among all committee members on how the alleyway would be split and Reeise explained that counsel approval could ultimately dictate how the property was split.

Mel Johnson, owner of one of the adjoining properties, had questions in regards to what additional responsibilities he would have if the alleyway is vacated by the City. Mr. Reeise explained that the maintenance would be the responsibility of the land owners. Mr. Johnson states he does think this is a good idea but has concerns with the drainage issue and who would be responsible for resolving that. Mr. Reeise states that he believes the owner of Lot 1 has intentions of working with the neighbors to correct this issue. Ron Matthews, owner of Lot 4 states the alley in discussion is not drivable due to the tight curve. Methods of maintaining the appearance and use of the alleyway was discussed. Mr. Reeise suggested that it would also be an appropriate option to divide the property using engineering principles and that a supermajority of the City Council would be required to divide the alleyway in another manner.

Motion to approve, motion carried 7-0.

Vacation of Alleyway at 300 Block of Ann Eliza (IL-9)

Vacation of City-owned alleyway in the 300 block of Ann Eliza (IL-9) between N. 4th Street and Capitol Street. Alley will be vacated to the adjoining property owners as shown on the vacation plat.

The owner of Marigold Motors would like the City to vacate the alleyway. Commissioner Hild explained that the owner would not be able to build in the alley but he would be allowed to possibly access his drive. Staff noted that the owner of the adjoining properties is the same individual hence their interest in requesting the vacation.

Motion to approve, motion carried 7-0.

Ordinance Proposing Zoning code Changes Regarding Signage

Commissioner Wilson noted a change needed on page 19 of the proposed sign ordinance which included a sentence that was not complete. Jeff Gaster made appropriate changes.

Commissioner Dagit discussed a concern on what is to be considered “art work”, Commissioner Wilson explained you can not limit a homeowner from displaying what they feel is art. Commissioner Dagit also discussed vehicles being used as signage through being parked near businesses. Mr. Bess stated that the language of the Code requires vehicles to be licensed and insured but does not preclude their use as a form of sign on private property.

Discussion in regards to historical murals as to whom should handle making that decision. Mr. Bess stated that the Building Department currently handles mural permits. After further discussion, the committee suggested designating the Tourism Committee to be responsible for historical murals determinations.

Attorney Gaster produces a clean version of the proposed sign ordinance with the changes discussed during the current meeting. Physical copies of the clean sign ordinance was provided by Mr. Bess and distributed to the board members.

Motion to approve the clean version of the proposed sign ordinance was made by Commissioner Huskisson, second by Commissioner Madden. Motion carried 7-0.

Informal Discussion

Commissioner Ruth discussed concerns regarding flooding on Redbud Road. Commissioner Wilson indicated that there is a plan to correct the issue on Redbud Road being carried out by the Pekin Park District.

Public Input

No additional public input.

Meeting adjourned.



David Bess
111 S. Capitol Street
Community Development
Pekin, Illinois 61554
dhhbess@ci.pekin.il.us
(309) 478-5356

Zoning Board of Appeals Review Sheet July 13, 2022

Case SU 2022-03

A special use request submitted by Mitch O'Shaughnessy to utilize property located at 801 S. 2nd Street to display and sell used automobiles. Said property is zoned I-2 General Industrial District with a legal description of SEC 3 T24N R5W PT SW 1/4 & TRACT ADJ LOT 12 NE 1/4 .36 AC, with the following PIN: 04-10-03-212-002, in Tazewell County, Illinois.

SUMMARY

This property was previously utilized as a gas station and has been vacant for a significant period of time. The applicant is requesting a special use to initially establish a used car lot within the "new asphalt" area of the included site plan. The structural elements indicated on the left side of the "new asphalt" area of the plan are associated with a proposed ice machine kiosk but this location is currently estimated and is not considered final. Additionally, the applicant would also like to build a structure in the rear of the property for public mini-storage at a future date.

STAFF NOTES

The special use is being requested to utilize the I-2 property under the I-1 special use provisions at 4-3-6-6-3(4). In considering this special use request, staff recommends consideration be given to 4-3-6-6-3(6) as a use of similar character, particularly given the current use of nearby/adjacent properties of the same zoning type, despite new/used car sales not being specifically indicated for I-1/I-2 zoning districts. While the applicant has indicated additional structures/uses, both additional proposed uses are not final and placement has not been finalized per the applicant.



32646-000

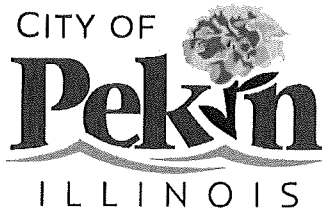
Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

Board of Appeals Application for Consideration

Type of Request (check one): ☒ A. Special Use (\$85) ☐ B. Residential Variance (\$85) ☐ C. Non-Residential Variance (\$85) ☐ D. Map Amendment/Rezoning (\$75) ☐ E. Annexation (\$75)	Request Property Address or PIN: 801 S. 2ND Current Zoning (if known): I-1 Proposed Zoning (if rezoning request): Current Use: FORMER GAS STATION Proposed Use (if different): CAR LOT
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Property Owner Name:	MICHAEL R. OSHAVINSKY
Mailing Address:	1804 VICTORIA CT - PEKIN
Phone:	361-0619
Alternative Phone:	241-8019
E-Mail Address:	DEAN@PEKIN.IL.GOV

Applicant Name (if different):	
Mailing Address:	
Phone:	
Alternative Phone:	
E-Mail Address:	



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

Please summarize your request and explain why it is necessary:

USED CAR LOT ON FRONT

RE MACHINE @ LATER DATE

STORAGE UNIT BUILDING @ LATER DATE

CERTIFICATION BY PROPERTY OWNER

I certify that I am the owner of the property, which is the subject of this request. I certify that all the information contained in this application form or any attachments, documents, or plans submitted herewith are true to the best of my knowledge and belief. If an applicant is signing below, that applicant has received my approval to proceed with this request.

Owner Signature

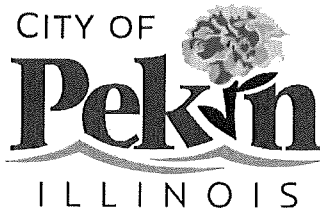
Date

CERTIFICATION BY THE APPLICANT (if different)

I certify that all the information contained in this application form or any attachments, documents, or plans submitted herewith are true to the best of my knowledge and belief.

Applicant Signature

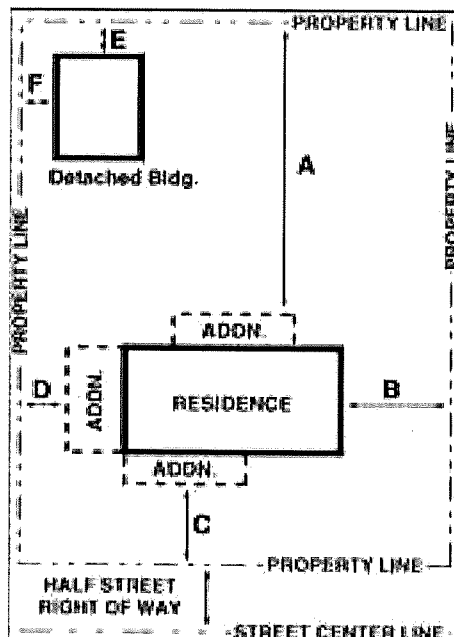
Date



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

The following attachments are required for consideration of your request:

- I. Site Plan:** An electronic copy (preferred) or two physical copies of a site plan for the proposal showing:
1. A scale of not less than one inch equals fifty feet (1" = 50') if the subject property is less than three (3) acres and one inch equals one hundred feet (1" = 100') if three (3) acres or more. Date, north point and scale.
 2. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties. The location of all existing and proposed structures on the subject property and all structures within one hundred feet (100') of the subject property. The location of all existing and proposed drives and parking areas. The location and right-of-way widths of all abutting streets and alleys.
 3. Attachments such as landscape plan, photograph or renderings of existing and proposed site, building layouts or elevations, etc. are commended in order to provide accurate and sufficient information for review by the Development Review Committee and consideration by the Plan Commission.
 4. The names, addresses, and phone numbers of the architect, planner, designer, engineer or person responsible for the preparation of the site plan (commercial projects only).





Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

II. Payment: Payment of the amount indicated on the first page to accompany your application. If making payment via check, please make payment payable to the “City of Pekin”.

III. Variance: If requesting a variance, you must complete and attach this page to your application:

1. Variances are intended to relieve situations involving a hardship in meeting Zoning Code requirements. What is the hardship that this variance request is intended to relieve? Examples of hardships can include the topography of the lot, unique shape of the lot or other physical conditions that prevent the request from meeting the requirements of the Zoning Code.

2. Is the variance needed due to special and unique circumstances not caused by the applicant’s or owner’s own actions?

3. Should the request be approved, will the variance negatively impact adjoining properties in any way?

4. Will the variance be consistent with the purpose and intent of the Zoning Code and not alter the essential character of the locality?

5. Does the benefit(s) of granting the variance outweighs any anticipated negative impacts to the surrounding properties (if any)?

FOR DREAMSCAPES COMPANIES

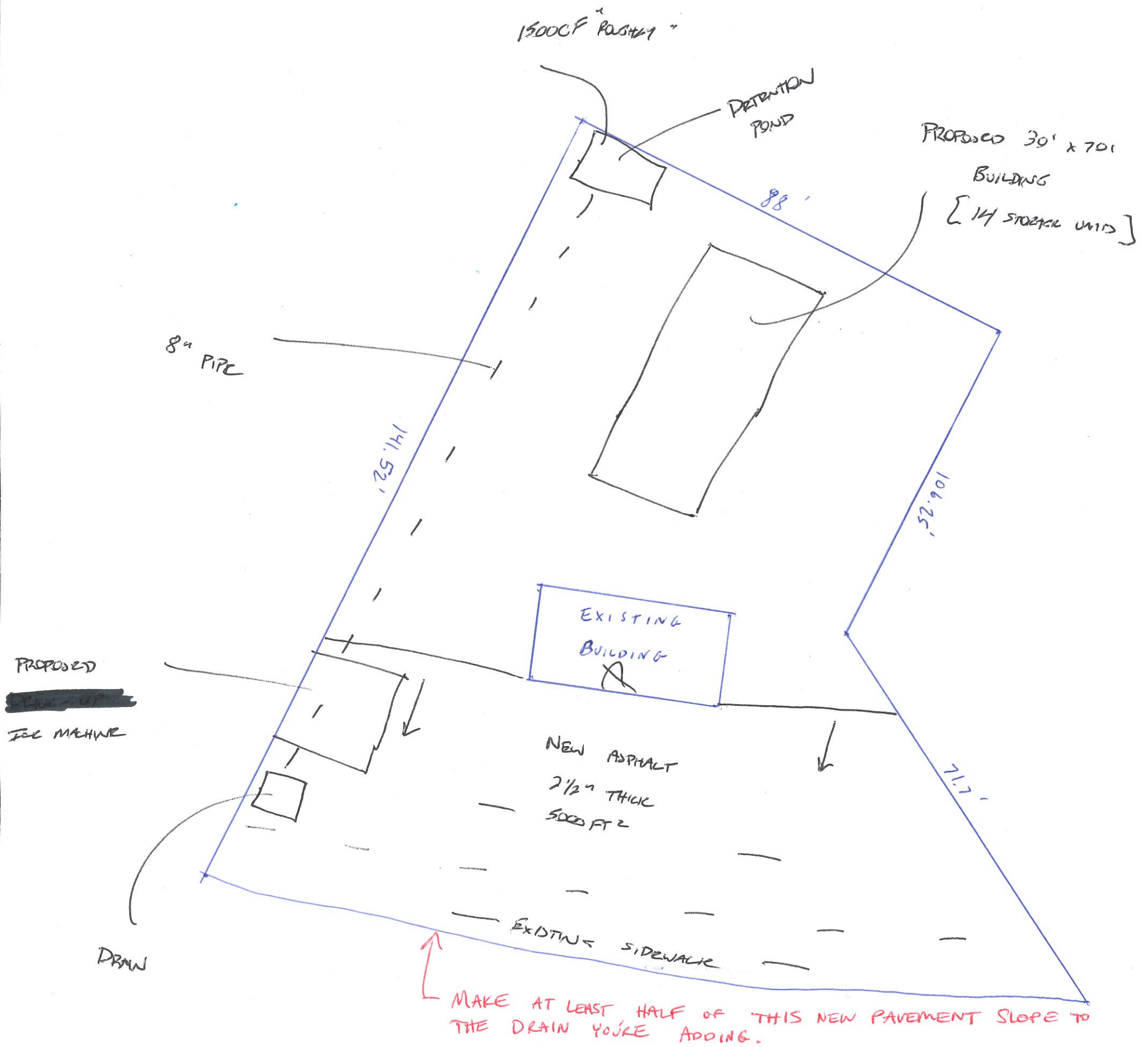
MITCH OSTROGINSKY

267-0619

801 SOUTH 2ND

PERKIN IL

61551



1L-29 RIGHT OF WAY

Sanitary Sewer Required for Ice machine
Water Required for Ice machine
Backflow Required on Water service

APPROVED AS CORRECTED
for 6/16/22

Tazewell County GIS



- | | | | | | |
|--|-------|--|--------|--|---------|
| | I-155 | | IL 29 | | US 24 |
| | I-474 | | IL 98 | | Streets |
| | I-74 | | US 150 | | |

Tazewell County GIS parcel and map records contained herein are for property tax purposes only. This information has been compiled from the most accurate source data from the public records of Tazewell County. This information must be accepted and used with the understanding that the data was collected primarily for the use and purpose of creating a Property Tax Roll per Illinois Statute. The information contained herein is for reference purposes only, and should not be relied upon as a substitute for a title search. Any reliance on the information contained herein is at the user's own risk. The Tazewell County GIS assumes no responsibility for any use of the information contained herein or any loss resulting therefrom. Users of Tazewell County GIS site assume all risk and liability when accessing any third-party site linked to this site. All data is subject to change.

