

Pekin Zoning Board of Appeals
111S. Capital Street
City Council Chambers 2nd Floor
February 9, 2022
5:00 PM

Present: Chris Deverman, Donald Hild, David Huskinson, Kim Joesting, Mary Lanane, Kelly Madden, James Ruth

The regular meeting of the Pekin Zoning Board of Appeals was called to order and a quorum was declared. Staff present: Matt Fick, Community Development Director, David Bess, CDBG Program Manager, and Dave Nutter, Councilmember

MOTION by Commissioner Deverman to approve the February 9, 2022, agenda seconded by Commissioner Madden. Motion carried 7-0.

Minutes for the January 12, 2022 meeting were approved with all members present voting aye.

City Council Action Report – No report provided.

Case RZ 2022-02 Public Hearing Opened at 5:08 p.m.

A rezoning request by Joseph Urbana Investments, LLC for property currently zoned R-4 One Family Residential District to B-3 General Business District.

The petitioner was not present for the hearing. No public comment was received. The public hearing was closed at 5:08 p.m. Matt Fick provided a brief summary of the request and commissioner members discussed the history of the parcel and also discussed potential reasons why the rezoning did not occur when the adjoining parcel was rezoned previously.

MOTION by Commissioner Madden to approve seconded by Commissioner Deverman. Motion carried 7-0.

Case SU 2022-01 Public Hearing Opened at 5:10 p.m.

A special use request submitted by Steve Reeves to allow for the construction of two storage units on property located at 141 South Veterans.

The potential new owner of the parcel in question, Jacob Force, provided a brief summary of the request. Discussion was held on the number of buildings that were to be built and Jacob Force indicated that initially, two mini-storage buildings and a shop for his business were to be established. The public hearing was closed at 5:12 p.m.

Matt Fick provided additional analysis of the site plans and noted that the request does include the separation of land as to create a buffer parcel to meet residential abutment requirements. The

commission discussed whether there would be visibility of the proposed development by residential neighbors to which Jacob Force indicated there would not be direct visibility. The Commission also discussed surrounding zoning as well as the original intent for the development of the area. Extensive discussion was held regarding the cost of concrete and asphalt and whether the requirement to create a hard surface from apron to proposed structures would be cost prohibitive.

MOTION made by Commissioner Madden seconded by Commissioner Ruth. Subsequent to the motion, it was discussed that the appropriate order of consideration should first consider the variance prior to the special use thus Commissioner Madden withdrew the motion and MOTIONED to table seconded by Commissioner Hild.

Case V 2022-01 Public Hearing Opened at 5:25 p.m.

Discussion continued regarding Case SU 2022-01/ Case V 2022-01, particularly in regards to how long until the petitioner would need to delay pouring concrete to be in full compliance with the code. Jacob Force indicated that he might be able to comply within 5 years but if concrete is required for all travel areas, the project would be unable to move forward. Public hearing was closed at 5:27p.m.

Commissioner Madden discussed the possibility of requiring a graduated compliance period within the approval to mandate compliance over a period of time. Discussion continued as to how the committee might structure and enforce such a requirement.

Commissioner Ruth voiced that he feels the area near the storage facilities should be hard surfaced but is not as concerned with the approaches. The committee discussed the weight of the vehicles being used and the depth of concrete necessary to withstand the vehicle traffic. Jacob Force opined that the vehicles travelling on the property weigh approximately 50,000 pounds and that even six inch hard surface will crack under such weights.

Commissioner Hild discussed how approval for variance should be based on a hardship and one consideration is that the area has been slow to develop. Commissioner Joesting discussed concerns regarding gravel moving onto the roadway becoming a danger to traffic and in particular, motorcycles. Jacob Force noted that he would be limiting the speeds of traffic moving in and out of the property onto the roadway and that due to grading issues to both the north and south of the property, there is no possibility for development within a quarter mile in either direction.

Commissioner Ruth suggested a potential solution would be to require hard surface for road accessing and around storage units while allowing for gravel to the petitioner's proposed shop building. Discussion continued regarding whether a precedence is set by allowing gravel as opposed to hard surface. Commissioner Lanane also noted that the hardship to potentially be considered in that the land is not being used and that any proposed development on the property will be impacted in the same manner in regards to the cost of hard surface. Jacob Force provided an approximate estimate of \$900,000 if required to have hard surface throughout the travel areas of the property.

The committee discussed the history of the City's zoning rules regarding storage units as well as the proposed project's setback of 700 to 800 feet from the roadway. Jacob Force explained that he

anticipates minimal traffic to the shop and that he has driven by other gravel entrances to storage units elsewhere and has not seen significant spillage into the roadway. The committee held further discussion regarding the possibility of imposing a time limit to install hard surfaces on the property. Commissioner Huskisson recommended requiring a 50 foot hard surface apron adjoining the roadway. Matt Fick noted that concrete or asphalt could be used to meet the Code, however, use of millings would require an additional variance.

MOTION by Commissioner Ruth to allow for gravel paths of travel on the property with the conditions that a 50 foot hard surface apron must adjoin the roadway and hard surface around the self-storage buildings must be completed prior to the commission approving any additional special use requests for additional self-storage buildings on the property. Seconded by Commissioner Huskisson. Motion carries 5-2.

Commissioner Hild untabled Case SU 2022-01 and called for discussion. No discussion was held. Commissioner Hild called for a vote based on original MOTION by Commissioner Madden and seconded by Commissioner Ruth. Motion carried 6-1.

Case V 2022-02 Public Hearing Opened at 5:59 p.m.

A variance request submitted by McMahon & Sons, Inc to reduce the required side yard setback in a B-3 General Business District from 10' to 4' on property located at 1201 Court Street.

Petitioner was not present and no public comments were received. Public hearing closed at 5:59 p.m. MOTION by Commissioner Deverman to discuss, seconded by Commissioner Lanane. Matt Fick provided a summary of the request and the committee discussed the current and proposed locations of the building, the distances from other structures on all sides, as well as the proposed use of the expansion.

MOTION by Commissioner Hild to approve the variance as requested, with the condition that the rear (South side) of the building cannot be any closer to the alley than the current building as it exists presently. Seconded by Commissioner Huskisson. Motion carried 7-0.

Other Discussion

Matt Fick discussed the handout provided which describes how communities in the region are regulating gaming establishments and the number of gaming terminals in their communities. He explained that it appears that many are doing so through the creation of a gaming establishment-specific liquor license and capping those licenses as deemed appropriate although some communities also establish additional rules such as proximity-based restrictions.

The committee discussed some of the methods described in the handout. Commissioner Hilst noted the long process of obtaining a gaming license from the State of Illinois. The Committee also discussed the concept of establishing a waiting list for gaming-specific liquor licenses as well as the amount of revenue generated by the introduction of legal video gaming. Commissioner Joesting suggested it might

be beneficial for the City to conduct a count of the number of mini-storage facilities, units within those facilities, as well as the number of outdoor parking spaces for storage of RV's and other large vehicles.

MOTION by Commissioner Deverman for adjournment, seconded by Commissioner Madden.

Next meeting will be March 9, 2022, at 5:00 p.m.

Matt Fick, Secretary
Zoning Board of Appeals